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PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Monday, May 2, 1994*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We offer this prayer of gratitude, O gracious God, for Your word to us is one of hope and comfort and peace. In a world that knows the realities of conflict and pain, Your word gives consolation and solace. We know, too, that in our own lives we can experience the disappointments and frustrations that lead to apprehension and anxiety. Into our lives and into our world, we pray, O loving God, that Your spirit will lift us from that which hinders and detracts, and give us the heavenly vision of faith and hope and love. For these and all Your good gifts, O God, we offer this prayer of thanksgiving. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California [Mr. HORN] come forward and lead the House in the Pledge of Allegiance?

Mr. HORN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, April 29, 1994 at 10:35 pm.: that the Senate agreed to the Conference Report on H.R. 2333.

With great respect, I am

Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, April 29, 1994:

H.R. 2333, to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, and for other purposes.

CONFERENCE REPORT ON S. 636, FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1994

Mr. EDWARDS of California submitted the following conference report and statement on the Senate bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes:

CONFERENCE REPORT (H. REPT. 103–488)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 636), to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Access to Clinic Entrances Act of 1994".

SEC. 2. PURPOSE.

Pursuant to the affirmative power of Congress to enact this legislation under section 8 of article I of the Constitution, as well as under section 5 of the fourteenth amendment to the Constitution, it is the purpose of this Act to protect and promote the public safety and health and activities affecting interstate commerce by establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services.

SEC. 3. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

Chapter 13 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§248. Freedom of Access to Clinic Entrances

"(a) PROHIBITED ACTIVITIES.—Whoever—

"(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services;

"(2) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

"(3) intentionally damages or destroys the property of a facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages or destroys the property of a place of religious worship,

shall be subject to the penalties provided in subsection (b) and the civil remedies provided in

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

subsection (c), except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

"(b) Penalties.—Whoever violates this section shall—

"(1) in the case of a first offense, be fined in accordance with this title, or imprisoned not more than one year, or both; and

"(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with this title, or imprisoned not more than 3 years, or both;

except that for an offense involving exclusively a nonviolent physical obstruction, the fine shall be not more than $10,000 and the length of imprisonment shall be not more than six months, or both, for the first offense; and the fine shall be not more than $25,000 and the length of imprisonment shall be not more than 18 months, or both, for a subsequent offense; and except that if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

"(c) Civil Remedies.—

"(1) Right of Action.—

"(A) In General.—Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a facility that provides reproductive health services, and such an action may be brought under subsection (a)(2) only by a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship or by the entity that owns or operates such place of religious worship.

"(B) Relief.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of $5,000 per violation.

"(2) Action by Attorney General of the United States.—

"(A) In General.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, the Attorney General may commence a civil action in any appropriate United States District Court.

"(B) Relief.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

"(i) in an amount not exceeding $10,000 for a nonviolent physical obstruction and $15,000 for other first violations; and

"(ii) in an amount not exceeding $15,000 for a nonviolent physical obstruction and $25,000 for any other subsequent violation.

"(3) Actions by State Attorneys General.—

"(A) In General.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, such Attorney General may commence a civil action in the name of such State, as parens patriae on behalf of natural persons residing in such State, in any appropriate United States District Court.

"(B) Relief.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).

"(d) Rules of Construction.—Nothing in this section shall be construed—

"(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

"(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, occurring outside a facility, regardless of the point of view expressed, or to limit any existing legal remedies for such interference;

"(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this section, or to preempt State or local laws that may provide such penalties or remedies; or

"(4) to interfere with the enforcement of State or local laws regulating the performance of abortions or other reproductive health services.

"(e) Definitions.—As used in this section:

"(1) Facility.—The term 'facility' includes a hospital, clinic, physician's office, or other facility that provides reproductive health services, and includes the building or structure in which the facility is located.

"(2) Interfere with.—The term 'interfere with' means to restrict a person's freedom of movement.

"(3) Intimidate.—The term 'intimidate' means to place a person in reasonable apprehension of bodily harm to him- or herself or to another.

"(4) Physical obstruction.—The term 'physical obstruction' means rendering impassable ingress to or egress from a facility that provides reproductive health services or to or from a place of religious worship, or rendering passage to or from such a facility or place of religious worship unreasonably difficult or hazardous.

"(5) Reproductive health services.—The term 'reproductive health services' means reproductive health services provided in a hospital, clinic, physician's office, or other facility, and includes medical, surgical, counselling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

"(6) State.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 4. CLERICAL AMENDMENT.

The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

"248. Blocking access to reproductive health services.".

SEC. 5. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any other person or circumstance shall not be affected thereby.

SEC. 6. EFFECTIVE DATE.

This Act takes effect on the date of the enactment of this Act, and shall apply only with respect to conduct occurring on or after such date.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

Jack Brooks,
Charles Schumer,
Don Edwards,
John Conyers, Jr.,
Pat Schroeder,
John D. Dingell,
Henry A. Waxman,
Mike Synar,
Managers on the Part of the House.

Ted Kennedy,
Claiborne Pell,
Howard M. Metzenbaum,
Paul Simon,
Barbara A. Mikulski,
Jim Jeffords,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 636) to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying Conference Report:

1. SHORT TITLE

The short title is modified to update the reference from 1993 to 1994.

2. FINDINGS AND PURPOSE

The Senate Bill, but not the House Amendment, contains a Congressional Statement of Findings and Purpose.

The House recedes with an amendment. The amendment deletes the Findings but incorporates a portion of them in the Purpose section. The Conferees note that Congress has found:

(1) An interstate campaign of violent, threatening, obstructive and destructive conduct aimed at providers of reproductive health services across the nation has injured providers of such services and their patients, and the extent and interstate nature of this conduct place it beyond the ability of any single state or local jurisdiction to control;

(2) Such conduct, which has included blockades and invasions of medical facilities, arson and other destruction of property, assaults, death threats, attempted murder and murder, infringes upon the exercise of rights secured by federal and state law, both statutory and constitutional;

(3) Such conduct also burdens interstate commerce by forcing patients to travel from states where their access to reproductive health services is obstructed to other states, and by interfering with the interstate commercial activities of health care providers, including the purchase and lease of facilities and equipment, sale of goods and services, employment of personnel and generation of income, and purchase of medicine, medical supplies, surgical instruments and other supplies from other states;

(4) Prior to the Supreme Court's decision in *Bray* v. *Alexandria Women's Health Clinic*, 113 S. Ct. 753 (1993), the conduct described in paragraphs (1) through (3) above was frequently enjoined by federal courts in actions brought under 42 U.S.C. 1985(3), but in that case the Court denied a remedy under such section to persons injured by the obstruction of access to abortion-related services; and

(5) Violent, threatening, obstructive and destructive conduct aimed at providers of reproductive health services can be prohibited, and the right of injured parties to seek redress in the courts can be established, with-

out abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law.

3. CODIFICATION

The Senate Bill amends the Public Health Service Act. The House Amendment amends Chapter 13 of title 18 of the United States Code.

The Senate recedes.

4. TERMINOLOGY

The Senate Bill refers to "pregnancy or abortion-related services" throughout, while the House Amendment refers to "reproductive health services."

The Senate recedes.

5. PROHIBITED ACTIVITIES

The Senate Bill applies to conduct undertaken "because [the targeted] person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing [certain] services. * * *" The House Amendment applies to conduct "because [the targeted] person or any other person or class of persons is obtaining or providing [certain] services."

The House recedes. The Conferees note that the Senate language is closely modeled on federal civil rights laws (including 18 U.S.C. 245(b), 42 U.S.C. 3631, and 18 U.S.C. 247).

The Conferees note that both the Senate Bill and the House Amendment contain a narrow exception for activities of a parent or legal guardian of a minor exclusively at that minor. This provision is included only because there is no evidence that state and local laws are inadequate to protect against and punish such conduct; the Conferees do not condone any abuse of minor children in this context or any other. The Conferees also note that because the exception applies only "insofar as [such activities] are directed exclusively" at the individual's own minor child, there will be no exemption from any of the penalties or remedies of the Act to the extent that an offender's conduct intentionally injures, intimidates or interferes with parties other than that minor. Finally, the Conferees note that this exception is intended to apply only to parents or legal guardians who are natural persons, not public or private institutions or their employees or agents.

6. RELIGIOUS WORSHIP

The Senate Bill, in Section 3 (Section 2715(a)), but not the House Amendment, creates criminal penalties and civil remedies against anyone who by force, threat of force or physical obstruction intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of worship, or who intentionally damages or destroys the property of a place of religious worship.

The House recedes with an amendment that modifies the Senate language in two respects. First, it inserts "religious" before "worship" in the first reference to "place of worship."

Second, it makes clear, by modifying one of the rules of construction ((d)(6) in the Senate bill, now rule of construction (2) in the Conference Report), that this Act does not create any new remedies for interference with a person engaging, outside a facility that provides reproductive health services, in worship or other activities that are protected by either the free speech or free exercise clause of the First Amendment to the Constitution. (Section (d)(6) in the Senate Bill referred only to the free speech clause ("expressive activities").)

The second modification described above clarifies the scope of the provision in the Act referring to the exercise of religious freedom at a place of religious worship. This provision, much like the one found at 18 U.S.C. 247, is a reflection of the profound concern of the Congress over private intrusions on religious worship, and the judgment of the Congress that the exercise of the right to religious liberty deserves federal protection. Like 18 U.S.C. 247, it covers only conduct occurring at or in the immediate vicinity of a place of religious worship, such as a church, synagogue or other structure or place used primarily for worship. Examples of conduct that would be prohibited and would give rise to a civil cause of action under this Act would be physically blocking access to a church or pouring glue in the locks of a synagogue.

Consistent with this intent, the modification to the rule of construction—providing that the Act creates no new remedies for interference with a person exercising the right to worship outside a reproductive health care facility—makes clear that no cause of action is established for a person engaged in activities outside such a facility who uses the occasion to engage in prayer.

7. CRIMINAL PENALTIES

(a) The Senate Bill, but not the House Amendment, provides that for an offense involving exclusively a non-violent physical obstruction, the maximum fine is $10,000 and the maximum imprisonment is six months, for the first offense; and the maximum fine is $25,000 and the maximum imprisonment is 18 months, for a subsequent offense. The House Amendment does not distinguish between penalties for nonviolent physical obstructions and other offenses; it provides that for all offenses the maximum penalties are $100,000 and one year for the first offense and $250,000 and three years for subsequent offenses.

The House recedes. The Conferees recognize that the maximum fines provided in this Act may need to be reconsidered at such point in the future that the passage of time has rendered these statutory amounts obsolete.

(b) The Senate Bill, but not the House Amendment, directs that fines shall be paid into the Treasury. Under the House Amendment, the fines would be deposited in the Crime Victims Fund.

The Senate recedes.

8. CIVIL REMEDIES

(a) The Senate Bill provides, in Section 3 (Section 2715(c)(1)(A)), that a private civil suit may be brought by a person aggrieved by conduct violating Section 2715(a)(1) only if such person is "involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a facility" that provides the specified services. The House Amendment contains no such limitation on the aggrieved persons who may bring a private suit.

The House recedes with an amendment. The amendment adds language clarifying that a civil suit may be brought by a person aggrieved by conduct violating Section 2715(a)(*2*) only if such person is "involved in exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship." This is intended to parallel the limitation on who may bring suit for violations of Section (a)(1).

(b) The Senate Bill provides that in a private civil suit, the court may award, among other relief, "the costs of suit and reasonable fees for attorneys and expert witnesses." The House Amendment provides that in any civil suit whether brought by a private party, the Attorney General, or a State Attorney General, "the court may award to the prevailing party, other than the United States, reasonable fees for attorneys and expert witnesses."

The House recedes. The Conferees intend that under this section, in addition to awarding injunctive relief and damages to a plaintiff, the court may require reasonable attorneys' fees, reasonable expert witness fees, and other costs of the action to be paid by the defendant. The Conferees intend this provision to be interpreted in the same way that the attorneys' fees provision in Title VII of the Civil Rights Act of 1964 has been interpreted (42 U.S.C. 2000e-5(k)), even though the language of the two provisions differs. Specifically, the Conferees intend that under this provision, as under 42 U.S.C. 2000e-5(k), attorneys' fees and costs may be awarded to a defendant "upon a finding that the plaintiff's action was frivolous, unreasonable, or without foundation, even though not brought in subjective bad faith." *Christiansburg Garment Co.* v. *E.E.O.C.*, 434 U.S. 410, 421 (1978).

The provisions requiring payment of reasonable expert witness fees has been included in direct response to *West Virginia University Hospitals, Inc.* v. *Casey*, 499 U.S. 83 (1991), in which the Supreme Court made clear that expert witness fees will be awarded only if explicitly authorized by statute.

(c) The Senate Bill has separate sections on the relief that may be obtained in private suits, suits by the Attorney General, and suits by State Attorneys General. These sections provide that a private party may obtain punitive damages, and the Attorney General and State Attorneys General may obtain civil penalties against each respondent (i) in an amount not exceeding $10,000 for a nonviolent physical obstruction and $15,000 for other first violations; and (ii) in an amount not exceeding $15,000 for a nonviolent physical obstruction and $25,000 for any other subsequent violations. The House Amendment, in its single section on relief, provides that punitive damages may be awarded, and makes no reference to civil penalties.

The House recedes.

(d) The Senate Bill provides that the Attorney General, or a State Attorney General, may bring an action if he or she has reasonable cause to believe that "any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance." The House Amendment provides that such an action may be brought upon reasonable cause to believe that "any person, or group of persons, is aggrieved by a violation."

The House recedes with an amendment deleting the reference to "an issue of general public importance." The Conferees believe that this clause is not only unnecessary, but could be used by those opposed to S. 636 to cause mischief in its enforcement. The Conferees agree with those courts that have held that what constitutes an issue of general public importance is a matter properly decided by the Attorney General. The Conferees of course expect the Attorney General to exercise proper discretion in the bringing of suits under this provision. In addition, just as in other Departments of the Government, resource constraints in the Department of Justice act as a natural check against lawsuits that are not meritorious and lacking in significance. The same holds true for State Attorneys General.

(e) The Senate Bill provides that a State Attorney General may commence a civil action "in the name of such State, as parens patriae on behalf of natural persons residing in such State, in any appropriate United States District Court." The House Amendment omits reference to suits "in parens patriae" and does not specify that suits may be brought only in federal court.

The House recedes.

9. RULES OF CONSTRUCTION

(a) The Senate Bill (rule of construction (d)(5)) and House Amendment (rule of construction (d)(1)) both contain, in slightly different terms, a rule of construction providing that the legislation shall not be construed to prohibit expressive activities protected by the First Amendment.

The Senate recedes with a minor amendment (referring to the "First Amendment" rather than "the first article of amendment" to the Constitution). This is rule of construction (1) in the Conference Report.

(b) The Senate Bill (in rule (d)(6)), but not the House Amendment, provides that it shall not be construed to create new remedies for interference with expressive activities protected by the First Amendment, occurring outside a medical facility, regardless of the point of view expressed. The Senate Bill (in Section 4), but not the House Amendment, further provides that it shall not be construed to interfere with the right guaranteed to an individual under the First Amendment or limit any existing legal remedies against forceful interference with any person's lawful participation in speech or peaceful assembly.

The House recedes with an amendment. The amendment consolidates these two Senate provisions into one rule, and modifies the Senate Bill's rule (d)(6) as described above (under "Religious Worship"), to provide that nothing in the Act shall be construed:

> to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment, occurring outside a facility, regardless of the point of view expressed, or to limit any existing legal remedies for such interference.

(The Conferees note that the term "facility" is defined in the "Definitions" section of the Act.)

This is rule of construction (2) in the Conference Report.

(c) The Senate Bill contains four separate rules of construction providing that the legislation shall not be construed to preempt or limit State and local law enforcement, or provide exclusive remedies or penalties (rules (d)(1)–(4)). The House Amendment contains one rule of construction on non-preemption (rule (e)).

The Senate recedes with an amendment that provides that nothing in the Act shall be construed:

> to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this Act, or to preempt State or local laws that may provide such penalties or remedies.

This is rule of construction (3) in the Conference Report.

(d) The Senate Bill provides, in Section 2715(a)(1), that the bill shall not be construed "as expanding or limiting the authority of States to regulate the performance of abortions or the availability of pregnancy or abortion-related services." The House Amendment provides that it shall not be construed to "interfere with the enforcement of State or local laws regulating the provision of reproductive health services" (rule (d)(2)).

The Senate recedes with an amendment. The amendment is a rule of construction that provides that nothing in the Act shall be construed:

> to interfere with the enforcement of State or local laws regulating the performance of abortions or other reproductive health services.

This is rule of construction (4) in the Conference Report.

The Conferees intend this rule of construction to affirm that State or local laws governing the licensing and regulation of abortion and reproductive health care facilities, providers and procedures are unaffected by this Act.

10. DEFINITIONS

(a) The Senate Bill defines "pregnancy or abortion-related services"; the House Amendment defines "reproductive health services."

The Senate recedes with an amendment. As set forth above ("Terminology"), the Conference Report adopts the term "reproductive health services." As amended, the term "reproductive health services" is defined to mean:

> reproductive health services provided in a hospital, clinic, physician's office, or other facility, and includes medical, surgical, counselling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

This is intended to make clear that facilities that do not offer abortions or other reproductive health care, but offer only counselling about alternatives to abortion, are included.

(b) The Senate Bill uses and defines the term "medical facility"; the House Amendment uses and defines the term "facility."

The Senate recedes with an amendment. As amended, the term "facility" is used, defined as follows:

> The term "facility" includes a hospital, clinic, physician's office, or other facility that provides reproductive health services, and includes the building or structure in which such facility is located.

(c) The Senate Bill, but not the House Amendment, contains a definition of "interfere with." The Senate bill and the House Amendment contain the same definition of "intimidate," with only a minor difference (the Senate bill says "him- or herself"; the House Amendment says "himself or herself").

The House recedes. The Conferees note that the requirement that the prohibited conduct be intended to "injure, intimidate or interfere with" another person is taken directly from the federal civil rights laws on which this Act is modeled, including 18 U.S.C. 245(b) and 42 U.S.C. 3631. The Conferees do not intend, by including these definitions, that these words be given any meaning different from their meaning under these laws.

(d) The Senate Bill's definition of "physical obstruction," but not the House Amendment's definition of this term, includes rendering ingress or egress "hazardous." The Senate bill's definition of "physical obstruction," but not the House Amendment's, also refers to ingress to or egress from a place of religious workship.

The House recedes. The Conferees note that the definition of "physical obstruction" in the Senate Bill is drawn from a Texas penal statute that has been upheld under the First Amendment. Examples of conduct making ingress or egress "hazardous" would include strewing nails on roads or parking lots outside the building or injecting toxic chemicals into it.

11. EFFECTIVE DATE; SEVERABILITY

The Senate Bill and House Amendment contain minor wording differences with respect to the effective date.

The Senate recedes with an amendment adding a severability clause, providing that if any provision of the Act is held invalid, the remaining provisions are unaffected, and if any application of the Act (or of any provision of it) is held invalid, the application of the Act (or of any provision of it) in other circumstances is unaffected.

JACK BROOKS,
CHARLES SCHUMER,
DON EDWARDS,
JOHN CONYERS, Jr.,
PAT SCHROEDER,
JOHN D. DINGELL,
HENRY A. WAXMAN,
MIKE SYNAR,
Managers on the Part of the House.

TED KENNEDY,
CLAIBORNE PELL,
HOWARD M. METZENBAUM,
PAUL SIMON,
BARBARA A. MIKULSKI,
JIM JEFFORDS,
Managers on the Part of the Senate.

BE CAUTIOUS ABOUT EMPLOYER MANDATES—IT MIGHT COST YOU YOUR JOB

(Mr. HORN asked and was given permission to address the House for 1 minute.)

Mr. HORN. Mr. Speaker, a recent poll in the Los Angeles Times asked respondents if they would support an employer mandate to fund universal health coverage for all Americans even if that might cost jobs. Not surprisingly, only one in six backed the idea. Yet President Clinton continues to press for this method of payment for his health plan.

One of the most distressing symptoms of the already unhealthy Clinton health care plan—and the one that is giving most Americans a queasy stomach—is the requirement for employers to pay 80 percent of an employee's health bill.

Hardest hit will be the small business men and women of America—the folks who employ most Americans. According to the National Federation of Independent Business—the malady known as employer mandates would be terminal to many of their members. They should know. They have a membership of 600,000 American small business owners and job generators. They are the Nation's largest small business advocacy organization.

Recently, Teena Rasmussen, owner of the Paradise Flower Farms, Inc., of Hawaii—a business which employs 17 people—testified before a congressional committee about the effects on her business of Hawaii's 17-year-old State mandated, near-universal access to health care.

Ms. Rasmussen observed, "When we first opened our doors, we provided our employees the best medical plan available." But, she went on to report,

> Every year we see double digit increases in health premiums, wages only rising 2 or 3 percent, if at all, and dwindling profits. For 5 years, we have had plans to start a retirement fund for our employees, and each year mandated benefits—by the State—have made us cancel those plans. This past year, we did the only thing that was left to us—we lowered our insurance plan to the minimum that the State allowed.

While President Clinton is busy selling the American people universal coverage, more benefits, and cheaper health care—all without taxes—Mrs. Rasmussen knows better. It is employer mandates that will finance President Clinton's "You can have something for nothing" health plan. The result might give most Americans health coverage. But the end result will be that all too many Americans will get that health care at the price of their job.

The prescription for adequate health care for all Americans should not make them sicker. The employer mandates requirement is bad medicine. Americans do not want it, and we in Congress should not force them to swallow it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore. The Chair would state that remarks should be addressed to the Chair, which I believe the gentleman meant to do, and not to the President of the United States.

THE CLINTON SHIFT

(Mr. **BALLENGER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **BALLENGER**. Mr. Speaker, the President admitted his health care plan would result in the shift of jobs.

In fact, about 100,000 new bureaucrats will be hired to run the Nation's health care system if the Clinton plan goes into effect, while hundreds of thousands of small business employees will be laid off.

Indeed, this is only one example of the Clinton shift.

Labor Secretary Robert Reich went down to a Dayton Tire Plant in Oklahoma the other day to personally shift about 1,500 workers out of a job.

Using arcane OSHA regulations as his battering ram, the Labor Secretary closed down the plant in the name of reform.

Mr. Speaker, I've heard of the Ted Williams shift, the Four Horseman shift, and the swing shift. But this is the first I've heard of the Clinton shift.

I urge the American people to beware. The Clinton shift may just shift you out of a job.

SPECIAL ORDERS

The **SPEAKER** pro tempore (Mr. COLEMAN). Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ACCEPTING RESPONSIBILITY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 5 minutes.

Mr. **ARMEY**. Mr. Speaker, I would like to begin by thanking the Speaker of the House, the majority leader, and the minority leader, for making this time available to me today.

Mr. Speaker, I would also like to point out that I have taken this time today largely because my sister is in town from Cando, ND, and she wanted to see her brother give a speech on the floor. It seemed to me that is a fair enough thing to ask. For that reason, I would like to give this speech for my sister and her husband.

Mr. Speaker, several months ago, while presenting the President's health care plan in New York City, the First Lady made a comment to the effect that the American people had to learn to accept their responsibilities.

Mr. Speaker, I have been bothered by that for some time. I, for one, thought I had been accepting my responsibilities. Most of my friends believe they are accepting their responsibilities.

Quite frankly, Mr. Speaker, we did not believe that a spokesman of the Federal Government, that we support, was really quite qualified to tell us what our responsibilities were and the extent to which we accept our responsibilities.

□ 1210

Furthermore, Mr. Speaker, we are often baffled because we do not know what responsibilities it is that we are being admonished to accept: our personal responsibilities for ourselves or our families, or our so-called social responsibilities, which are generally defined for use by somebody who does not think we are doing enough and is perfectly satisfied that they are.

So I thought I would take a moment to talk about an average American family of four who are living at the median income level and see the extent to which these average American people are, in fact, accepting either their personal or their social responsibilities.

For example, if, in fact, the parents in the family, one or both, decide to get a job, perhaps decide to get an education that prepares them for a job, is that an acceptance of their personal responsibility and, if it is, is it not also an acceptance of their social responsibility to not be part of the problem?

And if they got a job, the average median income they would earn in this country is $51,883. You would think that would be sufficient to take care of their personal responsibilities, perhaps even some of their social responsibilities. Well, what happens?

The purveyors of social responsibility laid their claim on that salary first. And this family, out of their $51,883 find themselves paying $22,045 in taxes. That is not money they have for themselves and their family. It must be money they use to fulfill their social responsibilities.

Federal income tax would be $5,442. Payroll taxes would be $7,938; $6,433 would be what they would made by the Government to put into a retirement program defined for them by the Government, which ranks as one of the most badly mismanaged retirement programs in the history of the world, called Social Security. And if any retirement program in America today managed its affairs the way Social Security manages our affairs under this mandatory program, it would be the Federal Government that would haul them into court.

In addition to that, this family would pay $1,505 in Medicare taxes where they would attend to the health needs of people they did not even know. Would that be their social responsibility or their personal responsibility?

They would pay other Federal taxes of $2,127, and they would pay State and local taxes of $6,537.

Now, from all of those taxes from which it is, I assume, them doing both their personal responsibility and their social responsibility, they would be allowed to keep $33,807 for themselves and their families. What could they do with that? Well, the average family spends $8,042 just for housing and for household. They spend $5,136 for food. They spend $5,240 for health care. They spend $3,476 for transportation; $2,387 for recreation, $2,127 for clothing and for other expenses, like perhaps maybe sending the kids to college. They have $4,566.

Mr. Speaker, what I am trying to point out here is Americans know their responsibilities, be they personal or social responsibilities. They do not need somebody who has the privilege of living in public housing and sending their children to the school of their choice telling them that they must learn to accept their responsibilities when, in fact, they are spending 36 percent of their income to support the Government and, if they have a two-family income, the second family is not working to support the family but is supporting the Government.

It seems to me it is time that the Federal Government begin to have some sense of its own responsibility to the people that make it possible for them to exist.

SALES PRACTICES OF THE METROPOLITAN LIFE INSURANCE COMPANY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and there being no designee of the minority leader, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 10 minutes as the designee of the majority leader.

Mrs. COLLINS of Illinois. Mr. Speaker, I seldom come to the floor to discuss matters being considered in the Commerce Subcommittee that I chair. The only other time that I have done so was where our hearings and our investigations and discussions surrounded the North American Free-Trade Agreement that everybody was interested in.

I do so today, however, Mr. Speaker, because I believe this body ought to be made aware, and the CONGRESSIONAL RECORD ought to record, how one of our country's major insurance companies ignored rules and regulations governing the insurance industry and continued to shaft their consumers.

On Thursday, April 28, the Subcommittee of Commerce, Consumer Protection, and Competitiveness held a hearing to investigate reports of widespread problems in sales practices of the Metropolitan Life Insurance Co., also known as MetLife, in marketing whole life insurance policies in Florida and nationwide.

In 1990, the Tampa sales office of MetLife began a nationwide mailing campaign that promoted whole life insurance policies as "retirement savings plans." The Tampa letters failed to identify the product being sold as an insurance policy and the sales persons sending the letters did not identify themselves as insurance agents or insurance representatives. It is estimated that, during the period 1990 to 1993, MetLife agents knowingly misled over 60,000 consumers, many of them nurses, into buying life insurance policies disguised as retirement savings plans.

Although the Tampa marketing scheme was very successful from MetLife's point of view, the insurance policies being sold were often not the best purchase for some consumers—many of whom did not realize that over 50 percent of the premiums that they would be paying during the first year of what they believed to be their retirement savings plan would go to the insurance agent as his/her commission.

Those same consumers probably did not realize that if they failed to maintain their so-called retirement savings plan for at least 2 years, they would lose all the money they had paid in premiums. A purchaser of this plan would have to maintain one of these policies for 5 years in order to get back at least as much money as he or she had paid in.

Despite the fact that the life insurance policies are not primarily savings policies, MetLife sales agents in the Tampa office did not simply encourage consumers to purchase these insurance policies, but they even unleashed an extremely aggressive sales campaign in order to achieve this as a means of having them buy this so-called savings for their retirement plan.

Because some policyholders did not realize they had purchased insurance, they unfortunately did allow their policy to lapse before the 5 years had passed and ended up losing all of the money they believed they had set aside for retirement.

Evidence uncovered by the investigation by the Florida insurance department suggests that senior management personnel at MetLife knew of these deceptive practices but made little or no effort at all to end them or to compensate the dissatisfied consumers until, in 1993, the State of Florida, which is to be commended, threatened to revoke MetLife's license.

According to an investigation by Thomas Tew of the Florida Insurance Commission, complaints about the practices were received from the insurance commissions of Texas, North Carolina, and Tennessee in 1990. An internal audit, on November 8, 1991, found that the Tampa office was using misleading brochures and the auditors advised the Tampa office that similar complaints had also been received from Florida and Virginia.

Meanwhile, the home office was providing the Tampa office with a $1 million budget for postage to mail out this misleading literature.

The legal department of MetLife kept raising the problem of deceptive literature but the issue did not come to a head until a July 15, 1993, meeting at which the MetLife president, Mr. Ted Athanassiades, was asked to mediate hostilities between MetLife marketing and the legal departments.

□ 1220

According to the Tew report, MetLife executives at that meeting chose to ignore the problem, like an ostrich burying its head in the sand. "MetLife focused only on [the Tampa Office's] profitability * * * Were it not for the kick delivered by [the show cause order by the Florida Insurance Commissioner], Met would have taken no action in response to the [Tampa office] situation, would not have sanctioned anyone, and would not have made policyholders whole."

At last Thursday's subcommittee hearing, Mr. Tew and Mr. Daniel Sumner, representing the Florida insurance commissioner's office, provided us with information on the operations of the Tampa office and with their insights into what went wrong at MetLife and even offered suggestions of what could be done to protect our consumers against similar schemes in the future. Mr. Tew and Mr. Sumner were helpful and informative and I certainly thank them for appearing.

MetLife was also invited by the subcommittee to provide witnesses who could shed some light on what happened in Tampa and what could be done to improve consumer protection. The subcommittee placed no limitations on who they could provide as witnesses and, indeed, welcomed MetLife to bring in one or more people who could provide their side of the story.

Instead of arranging for the appearance of corporate managers who could assist the subcommittee in its investigation, MetLife chose to send two senior vice presidents who had no connection to the Tampa office situation. One witness was a vice president for external affairs, while the other had been in charge of Canadian operations. According to their own testimony, although both were employed by MetLife during the period in question, neither of them had any direct knowledge of what had happened in the Tampa office.

Neither witness was involved in the company's internal investigations into the misrepresentation occurring nationwide. Neither witness was able to tell us first hand what the deceptive materials looked like or what was contained in the misleading sales pitch given by Tampa sales personnel. Neither of them could answer questions on what actions were taken by State insurance commissioners in response to consumer complaints or whether or how company personnel responded to State complaints.

In short, when invited to provide witnesses to explain to this Congress and the American people what had happened, the Metropolitan Life Insurance Co. elected to send representatives who could provide almost no answers to any of the questions they were asked.

Who does know the answers to these questions? I believe that a number of MetLife employees have valuable information about the Tampa incident. An audit report issued in November 1991 clearly outlines the existence of a problem with sales practices in the Tampa sales office. That report, which was reproduced in the Tew Report, was distributed to at least 12 MetLife executives, some of whom were based in the New York home office.

An appearance by any of these individuals could have increased the subcommittee's understanding of the Tampa incident and provided us with guidance on how to reduce the probability of any similar problems arising in the future.

Among those individuals were the following senior management individuals:

Ted Athanassiades, president of MetLife: According to the Tew report, Mr. Athanassiades chaired the famed July 15, 1993, meeting at which the Tampa office received absolution and no effort was made to correct the problem.

Harry Kamen, chairman of the board and chief executive officer: According to the Tew Report, Kamen received a letter from a whistleblower in February, 1993, describing the problems, but nothing was done.

Robert J. Crimmins, executive vice president and head of personal insurance: According to the Tew report, by 1990, Crimmins "was aware of the problems with the unauthorized sales literature, and personally intervened to make sure that the Tampa office's selection as Office of the Year for 1990 did not embarrass Met * * * There is no evidence that Crimmins took any direct action to curtail the improper marketing practices of the Tampa Office." Also, according to Tew, when Crimmins was informed by Randy Holtzman, a MetLife branch manager in 1992 that the Tampa office had intruded into his sales area with the objectionable nurses preapproach letter, Holtzman ended up being criticized for allowing the intrusion.

The subcommittee was told by the MetLife witnesses that, although a number of MetLife employees associated with the nurses retirement savings plan have been relieved of their duties or have retired, there are at least some current employees who are able to speak to this issue. We have reason to believe that some of those persons are among those listed above.

I intend to call another hearing of the subcommittee to explore the nurses retirement savings plan scam. MetLife will once again be invited to provide witnesses. I fully expect that, this time, the subcommittee will get the answers it seeks and that those who were in charge of this scam will at least come out from under the rug and be willing to face this Congress and tell us what happened there.

PROGRESS REPORT ON FIVE-POINT STRATEGY REGARDING INTERNATIONAL AND DOMESTIC REGULATORY ISSUES FACING AMERICA

The SPEAKER pro tempore (Mr. COLEMAN). Under the Speaker's announced policy of February 11, 1994, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today I address my colleagues once again in the nature of a progress report on the five-point strategy that I developed and announced here on the House floor several weeks ago for addressing several of the most pressing international and domestic regulatory issues facing our financial system.

There is, and in fact for some time there has been, very much at stake, with very little perception either in the public opinion formulations or, more importantly, information disseminating system of our country, insofar as our constituents are concerned. We cannot expect them to have opinions if they have simply not been informed.

This goes back many years. I have very much taken the issue and, for the first time, made it a part of the frontal priority agenda of the Committee on Banking, Finance, and Urban Affairs of the U.S. House of Representatives. Long before I became chairman, in fact, as long ago as the 32 years ago that I first came to this body, I have spoken out.

At that time it was certainly very, very difficult, because there was not anybody, either in or out of the United States, but what had the feeling that the United States was riding the highest tide of economic and financial prosperity of any country at any time in the history. Some of it I felt was illusory, and I tried to point it out with some statistics that were beginning to be formulated.

Unfortunately, there was not too much attention being given on the levels that could have, if they had so been inclined, anticipated so many of the crises we have had, including the last, which we still are not completely through with, the so-called depository institutions crisis of the S&L's and the banks. It is not over with, but the perception is that it is.

There is an old saying that I got from my father, who quoted a very famous Mexican historian and philosopher. My father would say, "When the people say at noon that it is midnight, the only thing you can do is go home and turn the lights on." This is what has happened.

Today, in my opinion, and for the last 6 years particularly, even though I first addressed my colleagues specifically on this issue, and the—what seemed to me at the time the unavoidable consequences, which unfortunately came about, I wish I had been wrong, was in 1979, in August. That was some time ago. Again, it is on the record. It is not what I'm saying now. The reason I spoke was because I felt that as a member of this committee, and charged with knowledge, I had the duty, as I do today, to bring Members up to date.

□ 1230

I have spoken with a great deal of personal concern and alarm about the biggest danger facing this country since its founding, and, that is, the loss of value of its currency.

What is our currency, the dollar note, 5 dollar note, the fractional, the metal currency? When I came aboard, we had silver and gold content in our currency.

One of the first issues that came up, in fact it was only one of two meetings that year of that committee, and I was a freshman, the then expert, outstanding national figure, Secretary of the Treasury, Douglas Dillon, came before the committee to ask that the Congress repeal the silver transactions tax. Nobody seemed much then to be worried about anything. I raised the issue as to why, though as a freshman I could not ask too much, but the Secretary said that the reason was that this was a wartime imposed tax and that given the heavy industrial demand for silver, it was necessary to repeal that transactions tax in order to continue the Treasury's store of mintable silver for the purpose of minting our coinage. For instance, the quarter, the nickel even had 90 percent silver. One could always tell if it were dropped on the sidewalk, it would ring. Today it clugs.

Mr. Speaker, I raised the issue that it did not make sense because we were still very much in the same position as we were during the war, in the immediate postwar period. I pointed out that we were on what we called a defense posture that had really gotten ratcheted up in 1950, but that as far as a speculative nature once that tax was removed of the silver market, it would do the very opposite, and, of course, I was looked upon as if I had lost my mind.

It was exactly 2 years to the month later that the Secretary came and asked that the Congress demonetize, that is, remove silver and gold from our coinage.

Mr. Speaker, these are the reasons that I have always looked with a great deal of analysis and sober consideration at the utterances and the statements of the so-called experts.

Mr. Speaker, today the big danger as I have said, and, in fact, it is far more we have suffered already from it is the consistent loss of the dollar in value, particularly since 1985.

In 1985, you will recall this was the midpoint of the Reagan administration's years, we became a debtor nation for the first time since 1914. We had fought two world wars and we were the only country that was not a debtor nation. We were the only creditor nation in those two wars. As a matter of fact, it was our credit that enabled the Allies to win in both wars.

But today and since 1985, we are the heaviest indebted nation in the world, or combination of nations. In the meantime, the dollar has lost about two-thirds of its value in this same period of time in comparison to the Japanese currency, then yen, and the German currency, the Deutsche mark.

Mr. Speaker, what does that mean? When I have discussed this as long ago as 6 years ago, I became convinced that the danger was clear and it was present, but none of the experts, including the chairman of the Federal Reserve Board, with whom I discussed it, international bankers that deal heavily in international finance, not a one even to this day will say anything different other than that it cannot happen in the immediate future. Perhaps if the United States entered a very difficult period of instability, and I would always ask this question:

Well, why can't it happen just as soon as the leading industrial nations or a combination thereof pool their currency reserves, indicate and nationalize a currency, what is to keep it from replacing the dollar in effect, in reality, totally as the international reserve unit, which it still is to a certain extent.

Mr. Speaker, that is why all during the 1960's, even as late as 1968, and certainly the administrations were not of the other party that I do not belong to, it was President Johnson, and I was very concerned, because I would read the European journals, and a crisis developed but it was pawned over with the help of the French, who have never really demonetized, or for that matter the European Community.

The European Community's or Union now, their currency is ECU, the European Currency Unit, and that has gold reserve backing and it is worth about $1.30. Most of the transactions are quoted in Europe in ECU's, not dollars. But that has not been perceptible yet. What has been perceptible is what was referred to a while ago by a previous speaker when he talked about this sort of squirrel cage race of the average American family and its economy.

Mr. Speaker, the reason is simple, and it is tied in with this even though it is difficult to explain this coherently and have it accepted as a real impressive threat and menace. To what? To the financial and economic independence of our country and people.

Mr. Speaker, we are the only country, as I have said repeatedly, that has had the privilege of paying its debts in its own currency, the only country. That is in danger.

What does that mean, and this is where I have difficulty in conveying the present delicacy of this problem.

Mr. Speaker, what that means is that all of this heavy debt structure we have piled, governmental, corporate debt and just citizens' debt, us, the people is so great that were we to have to pay those debts in somebody else's currency, that in effect is the end of so-called American financial independence. We in effect are relegated to about the position our country had when we were emerging from colonial status and obtaining our independence, the mercantile system.

However, today I wanted to enlarge on one of the phenomenon or danger aspects that has been discussed very little.

Mr. Speaker, as I said, I have introduced this 5-plan approach, and also let me add, my colleagues, in this area we, the Congress, cannot do much given the precedents and the constitutional inhibitions as far as the executive branch is concerned.

The Congress could, but it will not, it is not going to change the present method of even managing the debt which, of course, since after 1953 has been changed in such a way that we would never be able to resolve that as long as we pay compound interest.

□ 1240

Mr. GONZALEZ. In any event, that is another subject matter, but it ties in, and we reached the point now where I felt that we have got to discharge our responsibility by doing two things, what we could legislatively, and what we could by trying to spur the response entities like the Federal Reserve Board, which is our central bank, the one in charge of the monetary system that should be prevailing, and the executive branch through the Secretary of the Treasury.

So that the one persistent issue is how to handle what is now an entirely and radically new world, which again has not been perceived, and that is that through this tremendous technological explosion of knowledge and instantaneous communication of information the world now has developed a system, even as I am speaking, you have hundreds of billions, a trillion dollars moving back and forth on electronic megabytes as fast as the speed of sound, and not subject to control by any one sovereign nation.

In fact, we have developed what even economists are loath to discuss, a new financial world, very dangerous though, because it is highly speculative, in other words, gambling.

My concern has been the involvement of our banking, financial insured depository institutions, even if indirectly, but mostly directly, in this highly feverish speculative or gambling activity. But what we have developed has been a system of values, megabyte money, which now exceeds by some $10 trillion or more the total amount of money value in the world, real money, the money you and I use, that has been exceeded through this highly leveraged or actually pyramided system, and so precarious that in my opinion being that the actions that we prescribe would be time-consuming and by the time, as I have suggested in one of my measures, that our executive branch and Federal Reserve take the lead in bringing about a global consortium of governments to see how they can control the most dangerous aspect of these movements.

Now, this is what I call megabyte money, and I am telling you, my colleagues, if you total that today it would exceed all of the money, existing cash, in every country in the world by over $10 trillion. So what have you got? What is the residual value there? And what happens when you have the late losses that we have reported in the committee and have had hearings on by the corporations and the securities bankers and, in fact, commercial bankers who have gotten into this gambling?

What happens to that money? Where did it go?

Well, it went with a blip. That is where it went. And that is where it will go.

In the meanwhile, the value of the dollar, that dollar note you have in your pocket, is your share of stock in your country, and if it has lost two-thirds of its value, this is the reason that costs of living have not abated even though they say inflation is controlled; you are not paying less for groceries than you were 10 years ago. You are not paying less for rent. you are paying more. You are not paying less for utilities, lights, gas, water, which you have to have. You are paying more. But why?

At the root of it is a value of that share of stock. That is where it is. But who has said so? And that is the reason I have felt impelled to speak.

In other words, if nothing else, and knowing that the impotency of one voice, though I have always said, in the words of the poet Auden, that all I have is one voice to undo the folded line, because a lot of marlarkey has been spread out to confuse people, not to explain, not to clarify, not to render accountability, but to confuse. And that is why I am impelled to speak.

The two factors right now though that are of immediate pressing concern are the lack of information available on currency movements. This is a failing which hampers efforts to make sound economic policy and hinders even so-called anti-money-laundering efforts. Learning more about currency movements will also enhance our understanding of the reasons that the foreigners are still holding the dollars, an endeavor that has been neglected. To this end, I have directed the GAO, the General Accounting Office, a study on currency movement. We do know this, and this is a fact that startles some of my colleagues on the committee, better than 60 percent of our currency is not in our country. It is somewhere else, somewhere offshore. The Fed does not know, and it has led to quite a bit of concern on the part of such world institutions as the IMF and others and other governments including the European Parliament, because not knowing to what extent the Federal Reserve can set accurate monetary policy, and besides that it prevents the other countries from doing so themselves, so they have expressed grave concern though it has not been reported in our country.

The persistent problem which I have discussed before, because it threatens what they call in high-faulting language systemic risks, and that is a fancy word for saying a collapse or a depression, and that involves a so-called derivative. This is this megabyte money I am speaking of.

On April 12, I executed the first part of my strategy, the five-part strategy, by introducing H.R. 4170, the Derivative Safety and Soundness Act of 1994. If enacted, H.R. 4170 would require greater disclosure of bank derivatives activities and would also give the bank regulatory agencies greater power to gather information on derivatives.

Let me say, to the credit of the existing regulators, they, too, have agreed and have expressed their concern, but then it is necessary that the Congress also help. It would also help the members of the board of directors and officers of banks to understand the risks that are inherent in this derivative speculative mania.

Another important provision of H.R. 4170 recognizes the United States cannot address the safety and soundness aspects of derivatives as if we operated in a vacuum. Therefore, H.R. 4170 requires the Secretary of the Treasury to initiate a group of 10 countries to study on the adequacy of derivative regulation and international supervisory cooperation.

Last week I directed the small but highly motivated and most effective and hard-working staff to work with the minority staff to craft a bipartisan derivatives bill based on the contents of H.R. 4170 and H.R. 3748, which is the minority, the Banking Committee's minority leader's bill, the gentleman from Iowa [Mr. LEACH]. The gentleman from Iowa [Mr. LEACH] and I have similar concerns about the systemic risks of derivatives, and I anticipate that we will, by working together, provide a bipartisan effort in this direction.

We are currently involved in the Subcommittee on Housing with having to extend all of the affordable-housing legislation, so as soon as we do that, we will hope to have our bipartisan bill up.

□ 1250

In executing the second part of my strategy the committee held a hearing on April 13 on banking systems' exposure to the speculative investments, and the peculiar the myriad, I mean tens of thousands, of different forms of futures and currency, international currency, and betting on futures, and options, and the like. But it is what I have called inverted pyramid because it all has to have what is known as a nominal base value, and if it is based on a bond or a stock, by the time that thing pyramids up, what is the value?

To my mind it is no more, no less, than a dangerous electronic Ponzi type of activity.

So, in executing the second part of the strategy in this hearing, we heard testimony from the regulators, the head of the SEC and the Commodity Futures Trading Corporation, from the famous hedge fund operator, so called, George Soros. The committee learned that banking system, the system loans to hedge funds, was limited to about a billion dollars. These loans are held by a few large banks and, in total loans to hedge funds, represents a small portion of their total loans so that the word "hedge" should also be used with caution, as they use it. In other words, that does not really reflect the extent of the feverish activity.

The committee also learned that the regulators are keeping an eye on the hedge fund, but we hope more than that. But at least I want to compliment them.

There is another jargon used. That is why I said that hedges that do not really cover the ground—so-called bank proprietary trading accounts which have nearly doubled in size over the past 3 years to over—Lord only knows—the official estimates are 150 billion. But it is more than that.

Now what are the bank proprietary trading accounts? Well, they are similar to hedge funds, but they are not hedge funds as these people in this kind of activity would say. So that raises more concerns.

First, the Congress did not create deposit insurance in order for banks to speculate with insured funds. That we said, and my colleagues know what happened with the S&L, and should the exposure now of the commercial banks involved collapse—if my colleagues think the S&L was a crisis—I hope I am dead wrong—but if there is any possibility or probability that something will happen, the old saying is: "It's going to happen." But we know that all the factors are in place here in this equation, and naturally I am, and have been, and will be very concerned.

The sheer size of these proprietary trading accounts raises safety and soundness questions of our banking system, and that is why we are continuing our hearings. A large swing in interest rates or currency rates, and just the small ones recently did enough to shake up the bond markets across the seas, but what was not reported much here was the effect it had immediately on treasuries and how that then impacts in a multiple myriad of other ways, too, in ways that we cannot sit here and enumerate in 5 minutes.

The quarterly earnings of several money center banks recently plummeted because of trading account losses. In other words, the handwriting is already on the wall. Not only banks, but big corporations, Procter & Gamble, others, the ones in Spain, the credit union, central credit union, this huge corporate credit union. As it is said, "Everybody thinks credit unions are little church sponsored activities you and I belong to, or maybe work place, but you have corporate credit unions, and particularly since the law in 1982 known as the Boren-St Germain."

Well, the big central credit union lost its pants in the recent investment it did with the Spanish bank, Banesto, which went under In Spain, and it lost its pants trading in this speculative market, and that does not even account for the big collapse in Italy of the Feruzi empire, which also involved—because all of these activities are what they call syndicated; they bring in a bunch of banks. Most of them happen to be American. But as long as they are insured depository institutions, it means that taxpayers behind that guarantee on that insurance, and it was never intended by Congress any more than the S&L was, but, nevertheless, it happened. Remember?

So, on April 21 I executed the third part of my strategy by introducing H.R. 4261, the Commission on International Coordination of Financial Regulation. The introduction of the Commission bill reflects the fact that the financial markets around the globe have grown so interrelated that there is an urgent need to establish a regulatory regime. As I said earlier, this activity transcends the sovereign nations and their power, and it has always been true ever since the kings in the middle centuries wanted to make war, and had to borrow money, and they went into what is known as sovereign loans, and look what happened to them. And look what happened to the bankers of that day that loaned them the money. They went under.

But as was said then is true today, and certainly since after the war when we went into this great multinational, transnational corporate activity in which the banks were the underpinning, not hesitating 1 minute to sell out American labor—America has been sold down the river, all up and down, even as late as last year's activities, and someday we will have the reckoning. I say to my colleagues, "You can't cheat the labor forever." But American labor has been—that has been one of the segments of our society that has lost out, including every one of us.

But they used to have this saying in Latin: Ubi pecunia, ubi patria, meaning simply "Where my money is where my country is, or my allegiance is," and that is true today as it ever was then. Why not? Who is going to think that—and that does not mean that it is just American international. Everybody that has money as his main driving force, or mammon, if my colleagues want to, as God, is never going to act any differently. Where the money is, that is where the allegiance is, and particularly in this day and time in which the world has shrunk, and national boundaries have been erased through the great marvel of telecommunications or electronic instantaneous information.

Our domestic and foreign financial systems are now so integrated that the United States cannot alone—act alone to prevent catastrophe or ensure the safety and sound financial activities such as derivatives. But the United States should take the lead. It should not wait, as it has in other areas of global endeavor, and exert its still residual, if it still has moral, suasive power, for I am afraid our country has indulged in some activities that ostensibly to some in the outside world seem to have, because the Government did it, the approval, but which morally sacrificed every basic principle of American historical commitment to freedom and uninterference with the destinies of other people.

The legislation will require the Federal Reserve and the Treasury Department to appear before Congress semiannually to divulge information on the course of both domestic and international economic and monetary policy. The Treasury Department surprise announced Monday that the Federal Reserve, and the central banks of Mexico and Canada, were establishing a prominent $9 billion currency swap facility among themselves as a prime example of the need for greater congressional oversight on international financial issues.

□ 1300

I was the only one who raised a question, as I had years before. In fact, we had a hearing in 1990. Nobody paid attention to it. Nobody showed up, and there was not any reporting by the press. But we brought out how the Federal Reserve acted without any congressional approval that is required under the Constitution. The Constitution says there shall be no appropriation unless there has been an authorization therefor.

But the Treasury, about 1 month ago, announced a $6 billion line of credit to Mexico to shore up the faltering regime there. I raised a question, as I have before, when they entered into these arrangements. By what right do they do that? What is the power of the Federal Reserve to use the taxpayers' money without an appropriation process?

But that is where we are. And recently the Treasury and the Federal Reserve and Mexico and Canada got together to extend that to a $9 billion line of credit.

So we hope this legislation will call for greater accountability. However, there is one other aspect of this, and that is the physical movement. I said a while ago that better than 60 percent of our currency is somewhere, but the Federal Reserve does not know where. Nobody else seems to know, but it is there somewhere.

Recently, in order to avoid the laws that we passed in the last few years to control drug money laundering, the effort now is to ship out the money. In fact, there was an arrest down in Miami where an individual was charged with trying to get $900,000 worth of cash out of the country. So they are trying the reserve. Instead of laundering the money here, which would make them subject to penalty, they will ship it out. And, of course, we ask, is that connected with drugs? Let me say that indubitably it is.

Now, how long will this dollar as the currency of choice hold? Over the next several decades, China, Singapore, Taiwan, and South Korea will experience some of the highest economic growth rates in the world, as they have been before.

Will their continued economic transformation, coupled with Japan's already tightened role in the world trade and finance, mean the decline of the dollar? As I said, it already has. Only time will tell, though, how it is going to translate, and in what form.

The question I have always asked is: Why should we wait until the crisis develops? The S&L crisis was entirely unnecessary. It was not an act of God. Some of us foresaw that and tried to warn others.

So I am not trying to tell the Members that these events are something that is going to happen because they are God-ordained. Therefore, it has always been my belief that we should act in a way that we can recognize the contingency, that we can anticipate and, if possible, sidestep a crisis. But that is not and has not been the history of our activities since the days of Franklin Roosevelt.

So we do not even have the understanding of the physical movement of our currency. The Federal Reserve's own shot-in-the-dark estimate places the amount of currency overseas at 60 percent. But little analytical work has been done to determine through what channels currency flows across our borders. We do not know the destination of that money, and we do not know why it flows where it does. Lack of knowledge about physical currency movements is problematic in that it affects antimoney laundering efforts and the accuracy of international financial statistics. And that is what the European nations are complaining about.

The knowledge gap on currency movement also has some uncertain effect on monetary policy. Well, of course. How can any central banking or official national entity that is mainly in charge of setting monetary policy do so accurately if it does not know the facts?

Right now people around the globe have too much confidence in the dollar. But the dollar is under siege. I say to my colleagues that we should not mistake that. One important step we can take to better understand the factors that cause the dollar to be so revered is a study of the financial movement of our currency. This has been neglected by the Federal Reserve and other agencies, and it is important that we fill that information gap so we can protect the dollar's standing as far as we can, up to now, if at all possible.

We must have currency flows and accurate capital flow statistics.

In September 1992, the International Monetary Fund released a little noticed yet very important report entitled "Measurement of International Capital Flows."

I will place that report at the end of my presentation today. And, of course, we have their conclusions. In terms you and I can understand, this report is warning that decisionmakers, all of them, including we in the United States, are basing our monetary and fiscal policies on faulty data. The result is that inaccurate data undermines the conduct of international economic policy and international cooperation.

There is a background paper prepared for this IMF report entitled "Physical Currency and Capital Flows," and I will also place that in the RECORD today so my colleagues, if they are interested, will have access to these facts. That has always been the main purpose of my reporting on these activities since I became chairman of this committee, starting out no more than 2 days after I was elected chairman in January 1989.

The fact remains that until we know more—and we do not—there is very little that can be done. As has been said, if we do not know where we are coming from, how can we know where we want to go? Of course, if nobody wants to know or cares to know where we want to go, any road will take us somewhere, wherever we want to go.

On the subject of smuggling, I referred to this huge transaction that was stopped in Miami, and there was another one amounting to $300,000 in San Diego, CA; smuggling is going up exponentially. So more than ever, I see an urgency to the adoption of this legislation.

The main problem, as I see it, is the fact that there is no real dissemination of information. When I came aboard 31½ years ago to this body and to the Banking Committee, I did so with a tremendous interest in financial matters, one that I had developed when I was in the State Senate of Texas, where I had been named the chairman of the Banking Committee. Of course, there is such a vast difference in the parameters or jurisdictions that I see now. What a vast enterprise that is on the congressional level.

□ 1310

Even before that, when I started on the city council of my city, San Antonio, that is why I think one reason I am here now is that I struggled hard as a very lonely figure on that city council, but soon was recognized for saving money to the taxpayer, and also addressing what, again, like on the national level, everybody seemed to consider beyond the ken of the citizen.

In fact, I remember a fellow councilman saying, we don't know why you are wasting time on all of this. Why, the people don't know what you are talking about.

My answer to that was, well, wait a while. What were you and I before we were sworn in as councilmen? Weren't we people? Were we dumber or smarter then than we are now, or are we smarter or dumber now?

So that psychology still persists all over, not only on the local, but on the national level.

Of course, the people are way ahead of us. I find amazing grasp by citizens that no local newspaper editor even thought of these matters. So it is just a question of us doing our duty as the agents of the people.

Remember, my colleagues, every one of us will have our day of judgment, sooner or later, but ultimately we will inexorably face the day of judgment, and the only question will be were you for the people, or were you against the people.

Mr. Speaker, I submit the documents I referred to earlier for the RECORD.

REPORT ON THE MEASUREMENT OF INTERNATIONAL CAPITAL FLOWS—INTERNATIONAL MONETARY FUND, SEPTEMBER 1992

EXECUTIVE SUMMARY

INTRODUCTION

The 1980s saw an unprecedented growth in the volume and the complexity of international financial transactions (Chart 1). (Charts are not reproducible in the RECORD.) This has been accompanied by a significant deterioration in the coverage and quality of the data. As a result, it has become very difficult, and at times impossible, for policymakers to base judgments on reported balance of payments statistics, particularly statistics on international capital flows. Unless appropriate action is taken, there will almost certainly be a further deterioration, with inevitable consequences for policymaking.

The problem is particularly serious for two reasons:

(1) Net errors and omissions in the balance of payments of several of the major industrial countries have, in some years, been so large that it has been difficult to ascertain each country's true capital (and current) account position and, therefore, how much saving the country has been providing to, or absorbing from, the rest of the world (Chart 2). (Charts are not reproducible in the RECORD.)

(2) The sharp rise in these errors and omissions after 1988 indicates that statistical problems have worsened dramatically and may well continue to worsen in the absence of a major effort to improve the data.

The weakness in capital flow statistics is also reflected in the "discrepancy" in the global capital account. In the absence of errors and omissions, this discrepancy should be zero because the sum of inflows in the world should equal the sum of outflows. However, the discrepancy has fluctuated over the last decade, and it amounted to $66 billion in 1989. Imbalances in the global capital account and its principal components, for the period 1986 to 1989, are shown in Table 1. (Tables are not reproducible in the RECORD.) Although these imbalances reflect inaccuracies in the capital account statistics, they do not necessarily measure them exactly because, for example, some positive errors cancel out negative ones, and some transactions are not recorded at all. Factors causing the rapid expansion of international capital flows during the 1980s have also been a primary cause of deterioration in the statistics. For example, the removal of exchange controls by a number of countries has resulted in a loss of valuable data sources. The internationalization of markets has meant that compilers can no longer rely solely on domestic data sources; investors have increasingly used overseas intermediaries beyond the reach of the domestic compiler. The trend toward the much greater use of transactions in securities has required compilers to widen the scope of their enquiries to institutions less able or willing to provide data than banks have been. As new instruments have been introduced onto the markets, new ways of tracking and recording them have had to be found. Many countries have tried, although sometimes rather slowly, to adapt their balance of payments statistical systems or introduce new ones. However, in some countries, the changes in the international financial environment have been too large and have produced too great a burden on reporters to be met without increases in resources. Furthermore, these changes have occurred at a time when many governemnts have been attempting to curb growth in public spending. As a result, too little has been done too late.

Against this background, the Executive Board of the Fund established the Working Party on the Measurement of International Capital Flows in late 1989. This study follows the work for the Working Party on the Statistical Discrepancy in World Current Account Balances, the report of which was approved by the board in 1987.

ECONOMIC POLICY CONCERNS

Progressive deterioration of the quality of information on international capital flows can undermine the conduct of national economic policy and international policy coordination in a number of ways:

a. Inconsistencies in current and capital account recording at both the national and global level may indicate errors in national information on saving and investment. Such errors may mislead policymakers in basic choices about fiscal and monetary strategies.

b. With greater freedom for capital to react to shifts in policy, it is important to anticipate how monetary policy actions may be affected by crossborder capital flows. For example, an intended tightening of credit markets may be frustrated by capital inflows, or an intended increase in taxes may be aborted by a capital outflow. Similarly, better information about capital flows may help to guide exchange rate policy, especially when capital flows have a significant immediate impact on the exchange markets.

c. The enhanced speed and volume of international financial transactions also create greater exposure to possible crises in the clearing systems for international banking accounts, should a major participant be unable to meet scheduled obligations. The availability of accurate and timely data on capital flows can help national authorities assess such risks.

d. There are now many occasions when groups of countries seek to coordinate their responses to problems in the international economic system, or when the IMF exercises its surveillance function. At such times, timely and credible data on relevant developments in capital flows are vital.

e. It is important for the authorities and the public to have accurate information on the structure of the capital flows affecting a country, that is, on the distribution between relatively stable private flows (such as direct investment), flows of liquid private capital (such as short-term deposits in banks), or interofficial financing. Changes in this structure and in the terms of financing may have policy implications.

f. For direct investment, capital flows data giving information on the types of enterprises being financed are useful for analysis of the functioning of the host and creditor economies.

g. Countries with large foreign debts and their creditors need to have accurate statistics about such debts and the ways in which capital flows, both inward and outward, are affecting debt management.

Additional instances can be listed, but the Working Party's main concern about the connection between capital flow statistics and the policy process can be stated succinctly: there are strong indications that this body of information on which good economic management depends is undergoing a serious and progressive deterioration. The size of recorded discrepancies in the global capital account is not the only sign of deterioration. Many errors in the compilation of such data many be offsetting, or transactions may be missed entirely. Thus, problems with the figures may be worse than is immediately apparent. Concerns such as these contributed to the decision to set up the present Working Party.

It is crucial to bear in mind that research on international capital flows is far more complicated than work on current account transactions. For the latter, classifications are clearer and transaction balances for a larger number of component accounts (such as trade, travel, investment income, and transfers) should by definition by zero for the world as a whole. Thus, there is an indication of how much correction is needed for each principal category. With capital flows, however, there is much greater likelihood that the two sides of the same transaction may be recorded under different rubrics in national balance of payments accounts. For example, while the balances for direct and portfolio investment should approach zero at the global level, a capital outflow recorded as a direct investment by the creditor country may be recorded under some other category by the host country if different classification criteria are used. Similarly, an increase in a country's reserves in the form of securities will be recorded as portfolio investment in the country issuing the securities. Consequently, when the researcher finds a discrepancy in any of the capital account categories (see Table 3) (Table not reproducible in the RECORD), there is uncertainty as to whether the problem is one of classification differences or whether one or the other country simply has erroneous or missing data. The categories combined in "other" sectors are subdivided by type of transactor, so in this rubric the problems of matching inflows and outflows are even more severe.

BACKGROUND PAPERS—REPORT ON THE MEASUREMENT OF INTERNATIONAL CAPITAL FLOWS—INTERNATIONAL MONETARY FUND, DECEMBER 1992

PHYSICAL CURRENCY MOVEMENTS AND CAPITAL FLOWS

(By John F. Wilson)

In the literature on international capital flows there is almost no mention of currency movements. "Capital" is usually understood to move through the channels of institutional finance or company accounts, where book entries record the changes in international assets and liabilities. Yet some capital moves in simpler and more tangible ways. Whenever domestic currency notes are acquired by nonresidents, foreign claims increase, constituting a capital inflow. The flow of currency back into residents' hands represents a decrease in external liabilities—an outflow.[1] The balance of payments counterpart entry to the currency flow may belong in a country's current account, as with tourist expenditures, or the entry may belong in the capital account. An example of the latter case is a domestic banks's shipment of currency to a foreign correspondent, whose demand account is debited in payment. Only a few major currencies—those widely accepted in global transactions or regarded as stores of value—are likely candidates for substantial international movement. The U.S. dollar is the most obvious candidate, but there are others, too.

MEASURING CURRENCY FLOWS

A seamless statistical system would account for changes in cross-border currency ownership as part of international capital flows. However, currency movements post two serious problems for compilers: *measurement* of the flows and *appropriate* use of available data. For perhaps obvious reasons, measuring currency flows is difficult. Although movements through financial institutions are accessible to statistical systems, large amounts of currency surely flow through individuals' hands and other channels. Only a few major countries (see annex) make any attempt to record or estimate international currency movements. Compilers who do gather some statistics rely almost entirely on reports from domestic banks about cross-border shipments of bank notes, and they concede that coverage is fragmentary. Proper use of the resulting data is also problematic, as it is hard to determine what portion of net currency movements should be associated with particular current or capital account transactions.[2]

Whether or not currency flows can be properly measured, cumulative flows of any national currency in one direction can constitute a large capital flow that is presently unmeasured in either debtor or creditor countries. In that sense, currency flows may contribute to the problems of measuring capital flows. Owing to the lack of systematic data on this subject, it was not possible for the Working Party to address currency movements in its Report on the Measurement of International Capital Flows.

If the net international currency flows were small, omitting them from balance of payments calculations would make little difference. Evidence suggests, however, that net movements of several key currencies are relatively large, and the emission may play a role in both national and global statistical discrepancies.[3] In this context, key-currency countries should be understood to be those whose physical currencies are candidates for transactions, for hoarding (as a store of value), or for investment holding (such as exchange rate speculation) by nonresidents.[4]

Discussions of currency stocks are seldom found in a balance of payments context. The most frequent mention of them is usually made in research attempts to estimate the size of a country's underground economy. A number of such studies have been carried out in the past 15 years, mostly for the United States. Until recently, such work has not focused on—and sometimes has not mentioned at all—the role of cross-border movements in the growth of the currency stock.[5]

It is widely accepted that the U.S. dollar circulates in many parts of the world, especially those afflicted with political and economic instability. Translating this knowledge into specific estimates of either the stock of dollars held abroad or flow estimates of dollars moving across borders is a much more difficult task. Some estimates suggest that more than 50 percent of the U.S. current stock is in foreign hands, but they are largely unsupported by systematic statistics (see annex). Little else has been written about the nonresident holdings and cross-border flows of currencies beside the dollar.

In the past few years, questions relating to currency growth have sometimes been connected to drug trafficking and other illegal activities. The framework resembles attempts to estimate domestic underground activities, except that it is more international in nature. Yet, as noted in Chapter 11 of the Report on Capital Flows, the largest portion of cross-border currency movements probably is not connected to drug trafficking at all. There are numerous channels—institutional and individual—through which domestic currency can move abroad, and the reasons for such movements are usually more prosaic than the drug or arms trade. For instance, in a general sense, the acquisition and retention of a foreign currency may be a form of capital flight resulting from political or economic uncertainty, inflation or exchange rate considerations, a desire to hide assets or avoid taxes, or many other possible factors.

QUANTIFYING INTERNATIONAL CURRENCY FLOWS

Whatever the motivation, physical currency movements are a type of poorly measured capital flow, and the size of actual movements is an important gap in capital account statistics. Although the scope for improving the formal statistics may be limited, it may be possible to identify which currencies are most affected and roughly to quantify the amount of cross-border movements over time. The following experiment in quantification is similar to previous studies of domestic underground economies in that it uses an inferential approach to the subject of unmeasured capital flows.[6] Crude estimates of such flows can be obtained by comparing data on changes in currency stocks to some assumptions about how these stocks *should* behave over time.

Specifically, the following paragraphs examine the real per capita currency stock in eight countries over the 1970–90 period.[7] All of the currencies are candidates for significant cross-border movements because of inflation, exchange rate influences, and geography. In none of these cases can the quantity of currency circulating domestically be isolated from the amount held by nonresidents, so conclusions reached in this paper are suggestive at best.

Chart 1 (Charts are not reproducible in RECORD.) displays the 1970–90 movements of the nominal currency stocks and real per capita currency stocks for four of the eight countries: France, Germany, Japan, and the United States. "Real currency per capita" is the total currency stock divided by population and deflated by the consumer price index. These adjustments are intended to eliminate the upward push on currency stocks associated with growing populations and generally rising prices. The chart shows that real per capita currency stock declined sharply in France over the past two decades and rose noticeably in Germany, Japan, and the United States.

How *should* real currency balances behave over time? Expected behavior has cyclical as well as systemic features. Physical currency is a component of narrow money in all countries, and narrow money is substituted for broadly defined money when interest rates change. When interest rates rise, the opportunity cost to a domestic resident of holding domestic bank notes increases, causing per capita holdings of currency and narrow money to fall. The converse holds true for declines in interest rates.[8] Real balances will therefore fluctuate with interest rates.

For the most part, however, interest rate changes are a cyclical force, not a secular one. A more important long-run influence on currency balances is technology—that is, changes in domestic payments mechanisms. Technological changes have tended to work against the demand to hold currency. Widespread use of credit and debit cards, electronic payments, and similar mechanisms available to the individual consumers should have *reduced* the currency intensiveness of transactions over the past two decades. Thus, while one might expect to see cyclical ups and downs in currency balances, a distinct downward drift should occur reflecting the technological advances.

The exact rate at which real currency balances should *decrease* is a matter of extreme conjecture and will likely vary across countries. However, each country might be thought to follow an expected "baseline" evolution of real per capita currency stocks. For present purposes, it was assumed that between 1970 and 1990 advances in payments technology in each country lowered the intensiveness of domestic currency usage by 10 percent. The *difference* between actual and baseline balances is an unexplained residual, representing a cumulative change in the currency stock induced by factors other than prices, population, and technology. For key currencies, this residual could largely be cross-border movements of bank notes.

Among the countries shown in Chart 1, a persistent downward drift in real per capita currency stocks has taken place only in France. There, currently balances not only decline in a way that seems consistent with changes in payments technology and consumer behavior but they drop even faster than hypothesized over an extended period. There have been striking upward movements in per capita currency balances for Germany and Japan, and to a lesser extent the United States.[9]

Table 1 gives further details of the calculation for all eight countries. It shows "unexplained" currency growth—the residual—in real per capita terms. This residual is then translated back into nominal currency amounts: the total quantity of currency at current prices that is "unexplained" by population, prices, and technology. Finally, the result is shown in dollar terms.

Apart from the possible contribution of domestic underground economies to these residuals, the signs and magnitudes of most of the results are intuitively plausible. The

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Footnotes at end of article.

local currency figures in the second column might be interpreted as upper-bound estimates of *cumulative* capital flows associated with physical currency movements over this interval. The dollar figures, however, are equivalent to the cumulation at 1990 average exchange rates. They should not be interpreted as the dollar value of the capital flows for themselves. This distinction is especially important for the strikingly large Japanese figure, where yen appreciation during the 1980s inflated the dollar equivalent of the putative currency outflow.[10]

Another aspect of national currency balances is relevant to speculations about their role in capital flows: the size of the bills in circulation. It has been noted that an unusually high (and rising) proportion of U.S. currency outstanding is in denominations of $100 and greater. Although this is consistent with the presumed nature of some illegal domestic activities, it is also consistent with increased hoarding and transactions (including illegal ones) outside the United States.

As noted above, there is no simple "benchmark" for currency outstanding for domestic use. Some national economies tend to be more currency intensive than others, in the sense that more transactions are traditionally done in cash, implying higher average amounts of real per capita balances. As Table 2 shows, however, the amounts of currency outstanding vary greatly across the eight countries, even apart from the movements shown in the Chart 1.

Switzerland is the most prominent "outlier" in the table, with impressive real per capita currency stocks, even after allowance for exchange rate movements. There has not been much change in the real demand for Swiss currency in recent years, and the figures are consistent with the notion that a certain quantity of Swiss francs are in nonresident hands.

CONCLUSION

These final comments stress that multiple influences work on currency demand. The simple facts of "rising" or "falling" real per capital currency balances can be the result of both domestic and foreign developments, and the comparisons made with baseline assumptions in this paper are merely indicative. What several findings do suggest, however, is that foreign demand for several physical currencies has been rising over the period covered by this paper, implying unmeasured capital flows into the countries of the currency issuers. As this appears to have taken place over a fairly long interval, the *cumulative* capital inflow has perhaps been substantial. If this were the case, the outstanding stock of currency owned by nonresidents may not be a negligible factor in the international investment positions of such countries or in those where the currencies are held.

FOOTNOTES

[1] Although it is the acquisition of domestic currency notes (change in ownership) by nonresidents and the acquisition of foreign currency notes by residents, rather than cross-border flows *per se*, that defines a capital flow, for convenience this paper will refer to "currency movements." References to "currency" transactions mean physical currency: bank notes. "Currency stock" as used in this paper means currency outside deposit money banks.

[2] The countries that gather data usually record net inflows of currency through their banks. This may reflect the tendency for currency to be exported in large numbers of small transactions and eventually to be returned by foreign banks to the home country for deposit credit.

[3] If net flows of currency are entirely unmeasured by both affected countries, the omission of these capital flows might give rise to discrepancies in national balance of payments accounts, but not contribute to the global capital account discrepancy. However, the exact role played by currency movements (and the exchange of currency balances for assets that may be captured by compilers) is more complicated, so some effect on the capital account imbalance is likely.

[4] Potential compilation errors are not confined to the small number of identifiable key-currency countries alone. Other countries cannot measure changes in their residents' holdings of foreign currencies. Which "holder countries" are most affected and by what amount is more conjectural.

[5] Officials in the United States have long been aware of the large amount of currency outstanding relative to the population. All such currency is included in the M1 measure of the money supply. Federal Reserve officials have began to make public "guesstimates" as to the share of the currency stock that might be in foreign hands.

[6] The intent of the research into the "underground economy" problem usually has been to estimate biases in official national accounts statistics on income and expenditure.

[7] The countries included in this experiment were: Canada, France, Germany, Japan, Italy, Switzerland, the United Kingdom, and the United States. All the figures used in the calculations were taken from the IMF publication *International Financial Statistics*.

[8] Note that the reverse might apply for foreign holdings of domestic currency notes. A rise in domestic interest rates often is accompanied by an appreciation of the currency. Actual and expected appreciation might induce foreign holders of the currency to acquire more, especially if their access to other vehicles (such as deposits and securities) is constrained by local regulations.

[9] Among countries for which charts are not shown, smaller declines in real per capita currency balances were recorded between 1970 and 1990 in the United Kingdom. Apart from oscillations, balances did not change much in Canada, Italy, and Switzerland. An examination of exchange rate movements over the interval suggests some correlation with yen and deutsche mark currency balances.

[10] For instance, the exchange rate in the early 1980s was well above 220 yen per dollar. The 1990 rate used for the translation was about 145 yen per dollar.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, DC, May 2, 1994.
Hon. ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.

DEAR CHAIRMAN GREENSPAN: According to most estimates, the majority of our currency is held by foreigners. In this regard, the Committee would like to learn more about how large shifts in the amount of currency held by foreigners would affect the conduct of monetary policy, and more generally, the real economy.

The Committee is also concerned about the accuracy of estimates it has received of U.S. currency held overseas, and the resulting accuracy of international capital flow statistics. A September 1992 International Monetary Fund (IMF) report, entitled "The Measurement of International Capital Flows," concluded that estimates of U.S. currency stock in foreign hands are largely unsupported by systematic statistics.

One of the IMF report's background papers, entitled "Physical Currency Movements and Capital Flows," states that "currency movements are a type of poorly measured capital flow, and the size of the actual movements is an important gap in capital account statistics." The report concludes that cumulative flows of currency in one direction, such as the large annual export of dollars from the U.S., can constitute a large capital flow that is presently unmeasured.

To assist the Committee in learning more about how physical currency movements affect monetary policy and the accuracy of international capital flow statistics, please provide answers to the following questions.

MONETARY POLICY

1. How is monetary policy affected by the fact that the majority of our currency (estimated at almost 60%) is held by foreigners?

2. How would a significant change in the willingness of foreigners to hold dollars affect the conduct of monetary policy?

3. How would a significant change in the willingness of foreigners to hold dollars affect the size of bank reserves, long and short-term interest rates, aggregate demand for goods and services and exchange rates.

FEDERAL RESERVE EFFORTS TO IMPROVE ACCURACY

In your letter to me of April 1, 1993, you stated that the Board of Governors estimated the percentage of U.S. currency held overseas was arrived at indirectly and was "subject to considerable imprecisions." You also stated your belief that "research concerning currency location should continue."

1. Please describe the Federal Reserve's continuing efforts to measure currency held by foreigners, the methodologies used, the degree of accuracy of the estimates, and the results obtained.

2. Does the Federal Reserve agree with the IMF's conclusion that currency movements are a poorly measured type of capital flow and this lack of data adversely affects the accuracy of capital flow statistics?

3. Please describe the Federal Reserve's efforts to improve the accuracy of capital flow statistics, and the potential impact inaccurate statistics have on the conduct of monetary policy.

Thank you for your attention to these matters. I look forward to working with you to improve our understanding of the impact of physical currency movements. Please provide a response to this request by the close of business, June 3, 1994.

With best wishes.

Sincerely

HENRY B. GONZALEZ,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, DC, May 2, 1994.
Hon. CHARLES BOWSHER,
Comptroller General of the United States, U.S. General Accounting Office (GAO), Washington, DC.

DEAR COMPTROLLER BOWSHER: The Committee on Banking, Finance and Urban Affairs is studying the impact that physical currency movements have on the conduct of monetary policy, the accuracy of capital flow statistics and anti-money laundering efforts.

A number of sources, including the GAO, raise concerns about the accuracy of estimates of the quantity of U.S. currency held by foreigners. Concerns have also been raised about the affect unmeasured currency movements have on monetary policy, the accuracy of capital flow statistics, and anti-money laundering efforts.

To assist the Committee in learning more about the patterns of physical currency movements and the effects of these movements on the above issues, please submit a report which addresses the following questions.

QUANTITY OF CURRENCY OUTSTANDING

1. Please provide historical statistics on the amount of U.S. currency outstanding by denomination. What amount and percentage of U.S. currency is held by foreigners?

2. Please provide historical statistics on the amount of currency exported and imported into the U.S. each year.

3. Please describe the factors that create the demand for U.S. currency both domestically and internationally (i.e. for transactions, hoarding, etc.)

4. Please list the top ten foreign countries in terms of U.S. currency holdings. What amount and denomination circulates in each country? Through what channels does each nation obtain its U.S. currency?

5. Which countries use the dollar as their main medium of exchange? Why do these countries choose the dollar as its main medium of exchange?

6. Please describe the techniques used to make the above estimates and their degree of accuracy. Please make sure to analyze the adequacy of the Federal Reserve's technique for estimating currency held by foreigners.

BANKS AND CURRENCY FLOWS

The Committee is interested in learning more about the institutional channels through which U.S. currency flows into and out of the country. In particular, the Committee would like to know more about the role played by U.S. banks in international currency movements.

1. By what methods does U.S. currency exit and enter the country (e.g. banks, securities firms, mail, etc.)?

2. What percentage of cross-border U.S. currency movements are attributable to smuggling?

3. What percentage of cross-border U.S. currency movements are executed by U.S. banks?

4. Please list the U.S. banks that handle the most U.S. currency overseas.

5. Please provide a measure of the volume of currency handled overseas by U.S. banks, a measure of the annual volume of currency imported and exported by these institutions, and the most common places of entry or exit through which they import or export the currency.

CURRENCY AND THE ACCURACY CAPITAL FLOW STATISTICS

A September 1992 International Monetary Fund (IMF) report, entitled "Measurement of International Capital Flows," concludes that cumulative flows of currency in one direction can constitute a large capital flow that is presently unmeasured in either debtor or creditor nations. The study also concludes that "physical currency movements are a type of poorly measured capital flow, and that the size of the actual movements is an important gap in capital account statistics." The Committee is interested in how the Federal Reserve has addressed this problem.

1. What steps has the U.S. taken in the past few years to improve the accuracy of the currency component of capital flow statistics?

2. Please describe U.S. efforts to work with the IMF or other international bodies to improve currency movement and capital flow statistics?

MONEY LAUNDERING

Illegal activities such as narcotics trafficking generate billions of dollars annual in domestic cash sales. Over the past decade, the Congress has passed increasingly tough money laundering statutes aimed at curbing the amount of illicit currency that enters U.S. financial institutions. According to law enforcement officials and past reports by your agency, drug cartels and other criminals are responding to these laws by transporting massive amounts of U.S. currency out of the country.

1. Please describe the mechanisms by which U.S. banking agencies work with law enforcement and intelligence agencies to track the flow of illegal currency across our borders.

2. Please describe U.S. banking agencies' efforts to work with U.S. banks to ensure they are not exporting or importing illicitly obtained currency.

3. Banks are generally exempt from the Bank Secrecy Act's requirements to report cross-border currency movements. Do you believe that reports by banks would provide useful information for anti-money laundering efforts or for other purposes?

I would appreciate any additional information or comments related to the above topics. Thank you for your attention to these matters. The Committee looks forward to your reply.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

COMMUNICATION FROM THE ACTING DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following communication from the Acting Director, Non-Legislative and Financial Services:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

RANDALL B. MEDLOCK,
Acting Director.

RECESS

The SPEAKER pro tempore (Mr. COLEMAN). Pursuant to clause 12, rule I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 12 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 1533

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GLICKMAN] at 3 o'clock and 33 minutes p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BALLENGER) to revise and extend his remarks and include extraneous material:)

Mr. ARMEY for 5 minutes today.

(The following Member (at the request of Mrs. COLLINS of Illinois) to revise and extend his remarks and include extraneous material:)

Mr. OWENS for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. BALLENGER) and to include extraneous matter:)

Mr. MCCOLLUM in two instances.

The following Members (at the request of Mrs. COLLINS of Illinois) and to include extraneous matter:)

Mr. ENGEL.
Mr. LANTOS.
Mr. ACKERMAN.
Mr. LEHMAN.
Mr. HAMILTON.
Mr. SWETT.

The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. HORN.
Mr. MONTGOMERY.
Mr. WELDON.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 473. An act to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, and for other purposes; to the Committees on Armed Services, Science, Space and Technology, and Energy and Commerce.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2333. An act to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On April 15, 1994:

H.R. 4066. An act to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup Soccer Games, the 1994 World Rowing Championships, the 1995 Special Olympics World Games, the 1996 Summer Olympics, and the 1996 Paralympics.

On April 22, 1994:

H.R. 3693. An act to designate the United States courthouse under construction in Denver, Colorado, as the "Byron White United States Courthouse."

H.R. 821. An act to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces and to their dependents.

H.R. 2884. An act to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

On April 29, 1994:

H.R. 2333. An act to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

ADJOURNMENT

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 3, 1994, at 10:30 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of 1993 and the first quarter of 1994, in connection with official foreign travel pursuant to Public Law 95–384, as well as an amendment to the fourth quarter 1993 consolidated Speaker's report concerning the foreign currencies and U.S. dollars utilized for official foreign travel authorized by the Speaker, and reports of various miscellaneous groups of the U.S. House of Representatives, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, FOURTH QUARTER CONSOLIDATED SPEAKERS' REPORT, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 8 AND DEC. 10, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Richard Gephardt	12/8	12/10	Switzerland		482.01		2,299.45				2,781.46
Committee total					482.01		2,299.45				2,781.46

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD A. GEPHARDT, Feb. 15, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Joseph Muldoon	10/10	10/14	Japan		1,572.00						1,572.00
Commercial transportation							1,333.00				1,333.00
Lynn Gallagher	10/10	10/14	Japan		1,572.00						1,572.00
Commercial transportation							1,333.00				1,333.00
Hon. Steve Gunderson	12/2	12/5	Mexico		738.00						738.00
Commercial transportation							475.00				475.00
John Frank	12/2	12/5	Mexico		738.00						738.00
Commercial transportation							475.00				475.00
Hon. E de la Garza	12/12	12/16	Switzerland		723.00						723.00
Commercial transportation							3,714.00				3,714.00
Marshall Livingston	12/12	12/16	Switzerland		723.00						723.00
Commercial transportation							3,058.00				3,058.00
Anita Brown	12/10	12/16	Switzerland		964.00						964.00
Commercial transportation							2,674.00				2,674.00
Gary Mitchell	12/10	12/16	Switzerland		964.00						964.00
Commercial transportation							2,674.00				2,674.00
Committee total					7,994.00		15,736.00				23,730.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

—— ——, Apr. 14, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Tim Westmoreland	12/12	12/18	Morocco		927.00						927.00
	12/18	12/19	France		178.00						178.00
Conference fee									495.00		495.00
Air fare							1,895.45				1,895.45
Gregory Wetstone	12/6	12/9	France		801.00		3,218.35				4,019.35
William Schultz	12/6	12/9	France		801.00		3,218.35				4,019.35
David Finnegan	11/30	12/4	Switzerland		602.00		3,053.35				3,655.35
Ripley Forbes	12/15	12/17	Canada		380.00		585.39				965.39
Committee total					3,689.00		11,970.89		495.00		16,154.89

[1] Per diem constitutes lodging and means.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. David Dreier	12/9	12/11	Switzerland		482.00						482.00
Transportation by military aircraft											
Committee total					482.00						482.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE MOAKLEY, Chairman, Apr. 24, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Floyd Flake	1/3	1/4	Senegal		236.00						236.00
	1/4	1/5	Angola		295.00						295.00
	1/5	1/8	South Africa		537.00						537.00
	1/8	1/9	Zimbabwe		223.00						223.00
	1/9	1/11	Mozambique		560.00						560.00
	1/11	1/12	Botswana		177.00						177.00
	1/12	1/12	Malawi		(3)						0.00
	1/12	1/13			280.00						280.00
	1/14	1/14	Spain		237.00		42.15		56.88		336.03
Committee total					2,545.00		42.15		56.88		2,644.03

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Did not accept per diem.

HENRY GONZALEZ, Chairman, Apr. 13, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
D. Barton	2/12	2/13	France		260.00						260.00
	2/13	2/16	Switzerland		723.00						723.00
	2/16	2/18	Belgium		630.00						630.00
Military transportation, one-way											
Commercial transportation							703.90				703.90
Hon. D. Bereuter	1/12	1/16	Greece		808.00						808.00
	1/22	1/23	Morocco		219.00						219.00
	2/4	2/6	Germany		375.00						375.00
Military transportation											
P. Berkowitz	1/15	1/16	Thailand		213.00						213.00
	1/16	1/17	Laos		284.00						284.00
	1/18	1/22	Thailand		907.00						907.00
Commercial transportation							4,215.20				4,215.20
D. Bodlander	1/5	1/7	Israel		404.00						404.00
	1/7	1/11	Syria		1,024.00						1,024.00
	1/11	1/12	Israel		202.00						202.00
	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00		19.89				210.89
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Military transportation, one-way											
Commercial transportation							4,205.85				4,205.85
L. Byrne	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00		19.89				210.89
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Military transportation											
G. Cannon	1/5	1/14	China		1,745.00						1,745.00
	1/14	1/17	Hong Kong		1,316.00						1,316.00
	1/18	1/21	Thailand		852.00						852.00
Commercial transportation							3,876.23				3,876.23
F.M. Chambers	1/9	1/10	Italy		257.00						257.00
	1/10	1/13	Kuwait		954.00				89.73		1,043.73
	1/13	1/16	Cyprus		363.00				9.32		372.32
	1/16	1/20	Egypt		332.00						332.00
	1/20	1/23	Austria		648.00		10.90				658.90
	1/23	1/26	Belgium		945.00						945.00
Commercial transportation							4,116.15				4,116.15
T. Dagne	1/8	1/9	England		262.00						262.00
	1/9	1/18	Ethiopia		1,332.00						1,332.00
	1/18	1/22	Kenya		900.00						900.00
	1/22	1/23	Burundi		76.31						76.31
	1/23	1/24	Belgium		630.00						630.00
Commercial transportation							6,427.95				6,427.95
E. Daoust	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00		19.89				210.89
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Military transportation											
R. deVillafranca	1/6	1/23	Thailand		[3]1,659.00						1,659.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/8	1/10	Cambodia		[3] 814.00						814.00
	1/12	1/15	Vietnam		[3] 721.00						721.00
	1/16	1/17	Laos		284.00						284.00
Commercial transportation							3,478.00				3,478.00
M. Ennis	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Cyprus		242.00						242.00
	1/18	1/20	Italy		514.00						514.00
	1/20	1/21	Italy		199.00						199.00
	1/21	1/22	Spain		176.00						176.00
	1/22	1/23	Morocco		219.00						219.00
Military transportation											
Commercial transportation							1,007.70				1,007.70
	3/18	3/21	Greece		[3] 578.00						578.00
	2/12	2/16	France		1,040.00						1,040.00
	2/16	2/18	Belgium		630.00						630.00
Military transportation											
D. Fisk	2/13	2/15	Nicaragua		[3] 12.00						12.00
	2/15	2/17	El Salvador		276.47						276.47
Commercial transportation							553.00				553.00
A. Fleischmann	2/12	2/13	Venezuela		250.00						250.00
	2/13	2/18	Brazil		1,228.00						1,228.00
	2/18	2/22	Peru		1,510.32						1,510.32
Commercial transportation							3,175.95				3,175.95
M. Gage	1/11	1/15	Croatia		[3] 778.00		273.03				1,051.03
	1/15	1/18	Denmark		[3] 552.00						552.00
Commercial transportation							3,220.05				3,220.05
R. Garon	1/5	1/7	Israel		404.00						404.00
	1/7	1/11	Syria		[3] 824.00						824.00
	1/11	1/12	Israel		202.00						202.00
	1/12	1/16	Greece		808.00						808.00
Commercial transportation							3,561.45				3,561.45
K. Gilley	1/5	1/14	China		1,745.00						1,745.00
	1/14	1/18	Hong Kong		1,316.00						1,316.00
	1/18	1/22	Thailand		852.00						852.00
Commercial transportation							3,876.23				3,876.23
Hon. B.A. Gilman	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00		19.89				210.89
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Military transportation											
A–M. Griffin	1/3	1/4	Senegal		236.00						236.00
	1/4	1/5	Angola		295.00						295.00
	1/5	1/8	South Africa		537.00						537.00
	1/8	1/9	Zimbabwe		223.00						223.00
	1/9	1/11	Mozambique		560.00						560.00
	1/11	1/12	Botswana		177.00				22.00		199.00
	1/12	1/13	Zaire		280.00						280.00
	1/14	1/14	Spain		237.00		42.15		56.88		336.03
Military transportation											
	2/13	2/13	Belgium		163.07						163.07
	2/14	2/16	Angola		496.00						496.00
	2/16	2/17	Mozambique		230.00						230.00
	2/17	2/18	South Africa		179.00						179.00
	2/18	2/20	Zambia		412.00						412.00
Commercial transportation							6,492.95				6,492.95
D. Hauger	2/13	2/15	Nicaragua		131.25						131.25
	2/15	2/17	El Salvador		363.25						363.25
	2/18	2/21	Peru		522.00						522.00
Commercial transportation							3,105.95				3,105.95
D. Hickey	1/3	1/4	Senegal		236.00						236.00
	1/4	1/5	Angola		295.00						295.00
	1/5	1/8	South Africa		537.00						537.00
	1/8	1/9	Zimbabwe		223.00						223.00
	1/9	1/11	Mozambique		560.00						560.00
	1/11	1/12	Botswana		177.00				22.00		199.00
	1/12	1/13	Zaire		280.00						280.00
	1/14	1/14	Spain		237.00		42.15		56.88		336.00
Military transportation											
T. Hirsch	2/12	2/13	France		260.00						260.00
	2/13	2/16	Switzerland		723.00						723.00
	2/16	2/16	Netherlands		703.90						703.00
	2/16	2/18	Belgium		630.00						630.00
Commercial transportation, one-way							703.90				703.90
Military transportation, one-way											
Hon. H. Johnston	1/3	1/4	Senegal		236.00						236.00
	1/4	1/5	Angola		295.00						295.00
	1/5	1/8	South Africa		537.00						537.00
	1/8	1/9	Zimbabwe		223.00						223.00
	1/9	1/11	Mozambique		560.00						560.00
	1/11	1/12	Botswana		177.00				22.00		199.00
	1/12	1/3	Zaire		280.00						280.00
	1/14	1/14	Spain		237.00		42.15		56.88		336.03
Military transportation											
G. Kapen	1/8	1/9	United Kingdom		262.00						262.00
	1/9	1/18	Ethiopia		1,332.00						1,332.00
	1/18	1/22	Kenya		900.00						900.00
	1/22	1/23	Burundi		76.31						76.31
	1/23	1/24	Belgium		315.00						315.00
Commercial transportation							6,427.94				6,427.94
R. King	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00		19.89				210.89
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Military transportation											
C. Kupchan	1/3	1/4	Senegal		236.00						236.00
	1/4	1/5	Angola		295.00						295.00
	1/5	1/13	South Africa								
Military transportation, one-way											
Commercial transportation, one-way							1,407.000				1,407.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. T. Lantos	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00		19.89				210.89
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Military transportation											
J. McCormick	1/6	1/22	Thailand		1,759.00		40.00				1,799.00
	1/8	1/10	Cambodia		576.00						576.00
	1/12	1/15	Vietnam		771.00						771.00
	1/16	1/17	Laos		284.00						284.00
Commercial transportation							4,929.00				4,929.00
Hon. C. McKinney	1/3	1/4	Senegal		236.00						236.00
	1/4	1/5	Angola		295.00						295.00
	1/5	1/8	South Africa		537.00						537.00
	1/8	1/9	Zimbabwe		223.00						223.00
	1/9	1/11	Mozambique		560.00						560.00
	1/11	1/12	Botswana		177.00				22.00		199.00
	1/12	1/13	Zaire		280.00						280.00
	1/14	1/14	Spain		237		42.15		56.88		336.03
Military transportation											
Hon. D. Payne	1/3	1/4	Senegal		236.00						236.00
	1/4	1/5	Angola		295.00						295.00
	1/5	1/8	South Africa		537.00						537.00
	1/8	1/9	Zimbabwe		223.00						223.00
	1/9	1/11	Mozambique		560.00						560.00
	1/11	1/12	Botswana		177.00				22.00		199.00
	1/12	1/13	Zaire		280.00						280.00
	1/14	1/14	Spain		237.00		42.15		56.88		336.03
Military transportation											
B. Poisson	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00						191.00
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Military transportation											
J. Prince	1/3	1/4	Thailand		163.00						163.00
	1/4	1/13	India		941.00						941.00
	1/13	1/18	Pakistan		680.00						680.00
	1/18	1/19	United Kingdom		212.00						212.00
Commercial transportation							5,025.85				5,025.85
K. Peel	1/5	1/14	China (PRC)		1,745.00						1,745.00
	1/14	1/18	Hong Kong		1,316.00						1,316.00
	1/18	1/22	Thailand		852.00						852.00
Commercial transportation							3,876.23				3,876.23
S. Rademaker	1/9	1/10	Italy		257.00						257.00
	1/10	1/13	Kuwait		954.00						954.00
	1/13	1/16	Cyprus		363.00						363.00
	1/16	1/20	Egypt		332.00						332.00
	1/20	1/23	Austria		648.00						648.00
	1/23	1/26	Belgium		945.00						945.00
Commercial transportation							4,116.15				4,116.15
F. Record	1/9	1/10	Italy		[3]200.00						200.00
	1/11	1/13	Kuwait		[3]900.00						989.73
	1/13	1/16	Cyprus		363.00						372.32
	1/16	1/20	Egypt		[3]930.00						930.00
	1/20	1/23	Austria		[3]580.00		10.90				590.90
	1/23	1/26	Belgium		[3]850.00						850.00
Commercial transportation							4,116.15				4,116.15
D. Restrepo	2/13	2/15	Nicaragua		131.25						131.25
	2/15	2/17	El Salvador		363.25						363.25
	2/18	2/21	Peru		522.00						522.00
Commercial transportation							3,105.95				3,105.95
E. Rice	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00		19.89				210.89
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Commercial transportation											
J.W. Roberts	2/12	2/13	France		136.00						136.00
	2/13	2/16	Switzerland		723.00						723.00
	2/16	2/18	Belgium		630.00		703.90				1,333.90
Military transportation											
Hon. T. Roth	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00		19.89				210.89
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Military transportation											
M. Rudman	1/7	1/8	Israel		[3]647.00						647.00
Commercial transportation							3,443.95				3,443.95
Hon. T. Sawyer	1/12	1/16	Greece		808.00						808.00
Commercial transportation, one-way							1,355.95				1,355.95
Military transportation, one-way											
D. Shapiro	1/6	1/12	Israel		[3]1,207.00						1,207.00
Commercial transportation							2,285.85				2,285.03
M. Sletzinger	1/11	1/15	Croatia		808.00		273.03				1,153.03
	1/15	1/185	Denmark		685.25		273.03				685.25
Commercial transportation							3,220.05				3,220.05
Hon. C. Smith	1/5	1/10	China		985.00						985.00
Commercial transportation							3,839.95				3,839.95
D. Taft	1/5	1/10	China		985.00						985.00
Commercial transportation							2,665.95				2,665.95
Hon. R. Torricelli	1/10	1/16	Italy		636.00				459.14		1,095.14
Commercial transportation							5,796.65				5,796.65
	2/12	2/13	Venezuela		250.00						250.00
	2/13	2/18	Brazil		1,228.00		[4]3,444.00				4,672.00
Commercial transportation							3,840.95				3,840.95
M. Van Dusen	1/5	1/7	Israel		404.00						404.00
	1/7	1/11	Syria		1,024.00				1,577.14		2,601.14
	1/11	1/12	Israel		202.00						202.00
Commercial transportation							4,205.85				4,205.85

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
K. Willie	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00		19.89				210.89
	1/21	1/23	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Military transportation											
R. Wilson	1/6	1/20	Thailand		1,120.00		40.00				1,160.00
	1/8	1/10	Cambodia		576.00						576.00
	1/12	1/15	Vietnam		771.00						771.00
	1/16	1/17	Laos		142.00						142.00
Commercial transportation							4,905.45				
J. Weber	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00		19.89				210.89
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Military transportation											
Committee total											245,418.16

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Represents refunds made of unused per diem.

[4] Charter flight for two.

LEE H. HAMILTON, Apr. 29, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem**		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Gerald B.H. Solomon	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00						191.00
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Transportation by military aircraft											
Committee total					2,576.75						2,576.75

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE MOAKLEY, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sam Gibbons	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00						191.00
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Transportation by military aircraft											
Hon. Michael McNulty	1/10	1/11	New Zealand		208.00						208.00
	1/15	1/16	New Zealand		208.00						208.00
	1/16	1/17	Australia		209.00						209.00
Commercial round-trip transportation							9,069.95				9,069.95
Hon. William Thomas	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00						191.00
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Transportation by military aircraft											
Franklin Phifer	1/12	1/16	Greece		808.00						808.00
	1/16	1/19	Jerusalem		938.00						938.00
Commercial transportation, one-way							2,085.04				2,085.04
Military transportation, one-way											
Committee total					7,524.50		11,154.99				18,679.49

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Apr. 20, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CANADA-U.S. INTERPARLIAMENTARY CONFERENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Harry Johnston	5/13	5/17	Canada		255.18						255.18
Hon. John LaFalce	5/13	5/15	Canada		139.14		332.24				471.38
Hon. Sam Gibbons	5/13	5/17	Canada		252.89						252.89
Hon. Collin Peterson	5/13	5/17	Canada		252.89						252.89
Hon. Alcee Hastings	5/13	5/17	Canada		276.26						276.26
Hon. Jim Kolbe	5/13	5/17	Canada		253.74						253.74
George Ingram	5/13	5/17	Canada		256.22						256.22
Elizabeth Daoust	5/13	5/17	Canada		256.20						256.20
	11/1	11/4	United States		588.24		418.00				1,006.24
	3/22	3/25	United States		546.22		320.00				866.22
Dara Schlieker	5/13	5/17	Canada		254.80						254.80
Suzanne Stoll	5/13	5/17	Canada		275.89						275.89
Patricia Hennessey	5/13	5/17	Canada		255.48						255.48
Dan Fisk	5/13	5/17	Canada		252.89						252.89
Delegation expenses:											
Representational functions					117.50						
Miscellenous expenses											
Committee total											5,303.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HARRY JOHNSTON, Mar. 10, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO RUSSIA, NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 9 AND DEC. 14, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Charlie Rose	12/10	12/13	Russia		950.00		[3]1,736.80				2,686.30
Hon. Ron Coleman	12/10	12/13	Russia		950.00		[3]1,931.20				2,881.20
Hon. Don Johnson	12/10	12/13	Russia		950.00		[3]3,614.25				4,564.25
John Merritt	12/10	12/13	Russia		950.00		[3]1,501.40				2,451.40
Peter Abbruzzese	12/9	12/13	Russia		1,300.00		[3]3,357.45				4,657.45
	12/13	12/14	Norway		261.00						261.00
Delegation expenses—interpreting and transportation.									1,400.00		1,400.00
Committee totals					5,361.00		12,141.10		1,400.00		18,902.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial transportation.

CHARLIE ROSE.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO CANADA, NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 16 AND JAN. 20, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sherwood Boehlert	1/16	1/19	Canada		500.00		195.60				695.60
	1/19	1/20	United States		41.70						41.70
John Walker Roberts	1/16	1/19	Canada		500.00		[3]429.94				929.94
David Barton	1/16	1/19	Canada		500.00		[3]429.94				929.94
Committee total					1,541.70		1,055.48				2,597.18

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial transportation.

SHERWOOD BOEHLERT, Feb. 2, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO BELGIUM AND FRANCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 12 AND FEB. 18, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Charlie Rose	2/16	2/18	Belgium		630.00		1538.70				2,168.70
Hon. Mike Parker	2/12	2/16	France		1040.00						1,040.00
	2/16	2/18	Belgium		630.00						630.00
Hon. Earl Hilliard	2/12	2/16	France		1040.00						1,040.00
	2/16	2/18	Belgium		630.00						630.00
Hon. Alex J. McMillan	2/12	2/16	France		1040.00						1,040.00
	2/16	2/18	Belgium		630.00						630.00
Hon. Tom Bliley	2/12	2/16	France		1040.00						1,040.00
	2/16	2/18	Belgium		630.00						630.00
Hon. Herbert Bateman	2/12	2/16	France		1040.00						1,040.00
	2/16	2/18	Belgium		630.00						630.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO BELGIUM AND FRANCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 12 AND FEB. 18, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Peter Abbruzzese	2/12	2/16	France		1040.00						1,040.00
	2/16	2/18	Belgium		630.00						630.00
Elizabeth Bergere	2/12	2/16	France		1040.00						1,040.00
	2/16	2/18	Belgium		630.00						630.00
Ron Lasch	2/12	2/16	France		1040.00						1,040.00
	2/16	2/18	Belgium		630.00						630.00
Nancy Bloomer	2/12	2/16	France		1040.00						1,040.00
	2/16	2/18	Belgium		630.00						630.00
Andrea Scott-Turner	2/12	2/16	France		1040.00						1,040.00
	2/16	2/18	Belgium		630.00						630.00
Michael Poloyac	2/12	2/16	France		1040.00						1,040.00
	2/16	2/18	Belgium		630.00						630.00
Delegation expenses									427.33		427.33
Committee total					19,000.00		1538.70		427.33		20,966.03

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial transportation.

CHARLIE ROSE, Mar. 2, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO GREECE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MARCH 17 AND MARCH 21, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	3/17	3/21	Greece		606.00						606.00
Peter Abbruzzese	3/17	3/21	Greece		606.00		[3] 1,861.35				2467.35
Elizabeth Bergere	3/17	3/21	Greece		606.00		[3] 1,861.35				2467.35
Committee total					1,818.00		3,722.70				5,540.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commerical transportation.

DOUGLAS BEREUTER, Apr. 19, 1994.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3079. A letter from the Secretary of Defense, transmitting a copy of Presidential Determination No. 94-8, pursuant to Public Law 103-139; to the Committee on Appropriations.

3080. A letter from the Department of the Treasury, transmitting a draft of proposed legislation to provide for a U.S. contribution to the Inter-American Development Bank, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

3081. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting a report on control and elimination of chemical and biological weapons, pursuant to Public Law 102-182, section 308(a) (105 Stat. 1257); to the Committee on Foreign Affairs.

3082. A letter from the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Appellate Procedure as adopted by the Court, pursuant to 28 U.S.C. 2072 (H. Doc. No. 103-247); to the Committee on the Judiciary and ordered to be printed.

3083. A letter from the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure as adopted by the Court, pursuant to 28 U.S.C. 2075 (H. Doc. No. 103-248); to the Committee on the Judiciary and ordered to be printed.

3084. A letter from the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal rules of criminal procedure as adopted by the Court, pursuant to 28 U.S.C. 2072 (H. Doc. No. 103-249); to the Committee on the Judiciary and ordered to be printed.

3085. A letter from the Chief Justice, the Supreme Court of the United States, transmitting an amendment to the Federal rules of evidence as adopted by the Court, pursuant to 28 U.S.C. 2076 (H. Doc. No. 103-250); to the Committee on the Judiciary and ordered to be printed.

3086. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire, oral, or electronic communications during calendar year 1993, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

3087. A letter from the Chairman, U.S. Sentencing Commission and Bureau of Prisons, transmitting a report of amendments to the sentencing guidelines, policy statements, and commentary, together with the reasons for these amendments, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee of Conference. Conference report on S. 636, An act to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes (Rept. 103-488). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 4296. A bill to make unlawful the transfer or possession of assault weapons; with an amendment (Rept. 103-489). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of April 29, 1994]

H.R. 1593. The Committee on the Judiciary discharged from further consideration of H.R. 1593; H.R. 1593 referred to the Committee of the Whole House on the State of the Union.

H.R. 3567. Referral to the Committee on Natural Resources extended for a period ending not later than May 6, 1994.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATEMAN:

H.R. 4320. A bill to authorize the establishment of a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. KOPETSKI:

H.R. 4321. A bill to amend the Internal Revenue Code of 1986 to exempt cash payments of legal fees from the reporting requirements relating to cash received in a trade or business; to the Committee on Ways and Means.

By Mr. LAFALCE (for himself and Mrs. MEYERS of Kansas):

H.R. 4322. A bill to amend the Small Business Act to increase the authorization for the development company program, and for other purposes; to the Committee on Small Business.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 359: Mr. SERRANO.

H.R. 692: Mr. GONZALEZ.

H.R. 972: Mr. MINETA.

H.R. 1080. Mr. SCHIFF.

H.R. 1141: Mrs. MALONEY.

H.R. 1155: Mr. HINCHEY and Mr. WOLF.

H.R. 2680: Mr. FRANKS of New Jersey.

H.R. 2741: Mr. MENENDEZ and Mr. ENGEL.

H.R. 2873: Mr. DREIER, Mr. HASTERT, Mr. CRAPO, Mr. DARDEN, Mr. STEARNS, and Mr. HERGER.

H.R. 3064: Mr. DELAY and Mr. CLINGER.

H.R. 3392: Mr. HOBSON, Mr. GINGRICH, Mr. KOLBE, Mr. BONILLA, Mr. HORN, Mr. ROGERS, Mr. SAM JOHNSON, Mr. SUNDQUIST, Mr. BATEMAN, Mr. SMITH of Oregon, Mr. ROBERTS, Mr. GOSS, Mr. ARMEY, and Mr. WHITTEN.

H.R. 3656: Mr. COYNE, Mrs. THURMAN, Mr. MANN, and Mr. FINGERHUT.

H.R. 3787: Mrs. MEYERS of Kansas.

H.R. 3843: Mrs. JOHNSON of Connecticut.

H.R. 3854: Mr. STUMP, Mr. BEILENSON, and Mr. FRANK of Massachusetts.

H.R. 3866: Mr. RICHARDSON, Mr. WYDEN, Ms. LONG, Ms. MARGOLIES-MEZVINSKY, Ms. FURSE, Mr. THORNTON, and Mr. BARRETT of Wisconsin.

H.R. 3869: Mr. FOGLIETTA.

H.R. 3906: Mr. SWIFT, Mr. MCDADE, Mrs. UNSOELD, Mr. PICKLE, Mr. SLATTERY, Mr. VISCLOSKY, Mr. WYDEN, Mrs. MEEK of Florida, Mr. WELDON, Mr. PARKER, and Mr. CALLAHAN.

H.R. 3907: Mrs. UNSOELD.

H.R. 3943: Mr. CLINGER.

H.R. 3944: Mrs. JOHNSON of Connecticut.

H.R. 3948: Mr. TORKILDSEN.

H.R. 3951: Mr. INGLIS of South Carolina and Mr. POMBO.

H.R. 3978: Mr. ROYCE.

H.R. 4024: Mr. WYNN, Ms. FURSE, and Mr. DEFAZIO.

H.R. 4100: Mr. KLUG, Mr. ZIMMER, and Mr. WASHINGTON.

H.R. 4109: Mr. MILLER of California and Mr. FINGERHUT.

H.R. 4211: Ms. DUNN and Mr. GENE GREEN of Texas.

H.R. 4271: Mr. SERRANO, Mr. HINCHEY, and Mr. WILSON.

H.R. 4296: Mr. BARRETT of Wisconsin, Mr. ACKERMAN, MR. REED, Mr. MENENDEZ, Mr. PAYNE of New Jersey, and Mrs. ROUKEMA.

H.J. Res. 209: Mr. LEWIS of Florida, Mr. BILBRAY, Mr. TORKILDSEN, Mrs. MEEK of Florida, Ms. LOWEY, Mr. KINGSTON, Mr. PARKER, Mr. EHLERS, Mr. SAXTON, Mr. ABERCROMBIE, and Mr. MURTHA.

H.J. Res. 276: Mr. MCNULTY, Mrs. MORELLA, Mr. HANSEN, Ms. SLAUGHTER, Mr. TORRES, Mr. BUNNING, Mr. REGULA, Mr. BILBRAY, Mr. CALVERT, Mr. MINGE, Mr. EDWARDS of Texas, Mr. SAXTON, Mr. PETE GEREN of Texas, Mr. GEKAS, Mr. BLACKWELL, Mr. BOEHLERT, Mr. TANNER, Mr. CARR, Mr. THOMAS of Wyoming, Mr. FOGLIETTA, Mr. ANDREWS of New Jersey, Mr. COLEMAN, Mr. STOKES, Mr. SAWYER, Mr. TALENT, Mr. ENGEL, Mr. WHEAT, Ms. VELAZQUEZ, Mr. SYNAR, Mr. HAMILTON, Mr. KILDEE, Mr. BISHOP, Mr. BROWDER, Mr. MYERS of Indiana, Mr. SMITH of Texas, Mr. GALLO, and Mr. LIVINGSTON.

H.J. Res. 320: Mr. GUNDERSON and Mr. EVANS.

H.J. Res. 342: Mr. SCOTT, Mr. CHAPMAN, and Mr. KOPETSKI.

H. Con. Res. 15: Ms. SLAUGHTER.

H. Con. Res. 84: Mr. SAXTON, Mr. GENE GREEN of Texas, and Mr. FALEOMAVAEGA.

H. Con. Res. 179: Mr. CHAPMAN.

SENATE—Monday, May 2, 1994

The Senate met at 3 p.m., and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain Richard C. Halverson, Jr.

PRAYER

The guest chaplain, Richard C. Halverson, Jr., offered the following prayer:

As we go to pray, it would be fitting to remember that at this very moment, Nelson Mandela, the new President of the African National Congress, is addressing his people.

Let us pray:

Almighty God, we who bow to pray in this Senate Chamber stand beneath words inscribed on the wall which read, "In God We Trust." Thy divine hand of providence graciously caused these words to appear before us. And though the people of this land have different understandings of who Thou art in whom we trust, this statement has offered the possibility of a national confession of faith.

Yet we would not presume upon Thy kindness by invoking too lightly this declaration. For we recall quite a different message which appeared on the wall of another nation in the palace of Belshazzar, king of the chaldeans. We recall that all the king's wisemen—the astrologers, the chaldeans, and soothsayers—could not read the writing nor make known the interpretation thereof. And that it remained for the great Hebrew prophet, Daniel, to reveal its meaning: "Mene": God hath numbered thy kingdom and finished it. "Tekel": Thou art weighed in the balances and art found wanting. "Peres": Thy kingdom is divided and given to the Medes and Persians.

Gracious Father, let not such words of doom be cast upon this Nation. May the words "In God We Trust" remain the handwriting on the wall for this generation. Open our eyes that we may see and believe in Thee, the living God, in whose hands our breath is.

This we ask in the name of Jesus Christ, whose incarnation revealed the essence of all sacred writings, who came not to judge but to save. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 2, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair, in her capacity as a Senator from the State of California, notes the absence of a quorum.

The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRAIG. I ask that I may be permitted to speak as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized to speak for up to 5 minutes.

ASSAULT WEAPONS

Mr. CRAIG. Madam President, it is most fortuitous that you are in the chair today when I come to put into the Senate RECORD information that deals with legislation you and I were directly involved in last December. It is a piece of legislation—an amendment to the Senate crime bill—which bears your name.

The Feinstein amendment, a proposed amendment in that bill—I should say a portion of that bill, now—by your own words, selectively bans some 19 assault weapons from being manufactured, distributed, and sold in this market.

Following that debate and the give-and-take that you and I had here on the Senate floor, on December 6 I wrote to the Director, John Magaw, of BATF, and asked him to analyze your legislation to see if any other firearms might be banned by that legislation.

He analyzed it, and in a letter of December 20, returned to me a listing of some 29 additional weapons that he felt fall under your legislation and could be, and more than likely would be, banned based on their writing of rule and regulation and the interpretation of your legislation.

I ask unanimous consent that that letter and that list be made a part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS,
Washington, DC, December 20, 1993.

Hon. LARRY E. CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAIG: Thank you for your letter dated December 6, 1993, to the Bureau of Alcohol, Tobacco and Firearms (BATF). In your letter, you inquire about certain firearms contained in section 4502(b) of the Violent Crime Control and Law Enforcement Act of 1993 (H.R. 3355) that was passed by the Senate in November 1993. You specifically asked that AFT list any firearms, other than those specifically named, that would be affected by this legislation.

The following firearms appear to meet the general characteristics section of the bill:

RIFLES

AA Arms AR9 semiautomatic rifle
AMT Lightning 25 rifle
Auto Ordnance Thompson Model 1927 carbines (finned barrel versions)
Calico M100 carbine
Colt Sporter Rifle (all variations)
Federal XC900 carbine
Federal XC450 carbine
Grendel R31 carbine
Iver Johnson M1 Carbine (version with collapsible stock and bayonet lug)
Springfield M1A rifle

PISTOLS

AA Arms AP9 pistol
Australian Automatic Arms pistol
Auto Ordnance Model 1927A5 pistol
American Arms Spectre pistol
Calico Model M950 pistol
Calico Model 110 pistol
Claridge Hi-Tech pistol (all models)
D Max auto pistol
Grendel P-31 pistol
Heckler & Koch SP89 pistol
Wilkinson Linda pistol

SHOTGUNS

Benelli M1 Super 90 Defense shotgun
Benelli M3 Super 90 shotgun
Franchi LAW 12 shotgun
Franchi SPAS 12 shotgun
USAS 12 shotgun

The above list was compiled from currently advertised firearms. This list should not be considered to be all inclusive.

We trust that the foregoing has been responsive to your inquiry. If we may be of any further assistance, please do not hesitate to contact us.

Sincerely yours,

DANIEL R. BLACK,
(For John W. Magaw, Director).

Mr. CRAIG. Then on February 17, I once again wrote to him because there appeared in a gun magazine a list of additional semiautos that some gun interests felt might be banned by your amendment to the Senate crime bill. That list included 180 different weapons.

The letter that I got in return from BATF came to me April 1, in which they examined the 180-plus different weapons. They subtracted out the 29 that they had proposed in their December 20 letter, and here are his exact words:

The majority of the firearms contained on the enclosure in your letter would be assault weapons as that term is defined in the Feinstein amendment. The following firearms on your list would not be assault weapons.

And they list several, and then go on to say, "but the majority are and would be banned by the Feinstein amendment."

I ask unanimous consent that my letter, a list of those weapons that I sent to him, and the response letter from the Director of BATF be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 17, 1994.

Attn: JOHN W. MAGAW.
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS,
Washington, DC.

DEAR DIRECTOR MAGAW: Thank you for your quick response to my request for a list of the firearms that would be banned as a result of the Feinstein amendment to the Senate Crime bill, now Section 4502 of S. 1607.

Since you stated your list is not inclusive and additional firearms may be added to it, could you tell me:

1. Would any of the firearms listed in Appendix A of the Feinstein amendment (that is, Section 4510 of S. 1607) be banned under the criteria given in the amendment?

2. Did BATF personnel assist in the compilation of Appendix A?

3. Is it possible to develop a comprehensive list of potentially banned firearms? If so, can you estimate how long it would take to develop such a list?

4. Would the firearms on the attached list be banned?

5. To the extent that the criteria for banning focus on cosmetic features, do you agree that virtually any firearm on the list could be modified (such as by removing a bayonet lug or flash suppressor) to remove it from the definition of banned "assault weapon"?

6. Please provide me with whatever data your agency has concerning the number of crimes committed in the last five years with each of the firearms restricted by S. 1607.

7. Please provide me with whatever data the BATF has concerning the number of crimes committed with each of the firearms that are mentioned in your letter, or other firearms of this "type" on which you have not yet reached a decision.

Your continued assistance is greatly appreciated.

Sincerely,

LARRY E. CRAIG,
U.S. Senator.

Enclosure.

AO-9 Assualt Pistol,
American Arms AKY39 Rifle,
American Arms AKF39 Rifle,
American 180,
Anschutz Deluxe Model 520/61,
AR-10 Semi-Auto Rifle,
Argientine FALs,
Armalite AR-180 Sporter Carbine,
Armscor Model 1600,
Armscor AK-22,
Armscorp M-14 Semi-Auto Rifle,
Australian Automatic Arms SAC,
Australian Automatic Arms SAP,
Australian Automatic Arms SAR,
Australian Automatic Arms SP Hunting Rifle,
Australian Automatic Arms SP-20 Hunting Rifle,
Australian L1A1 FAL,
Auto-Ordnance Mod 1927A-3,
Auto-Ordnance 1927-A5 Pistol,
Barrett Light-Fifty,
Beretta AR-70 Sporter,
Beretta SC-70 Carbine,
Bushmaster Auto Rifle,
Bushmaster Rifle,
Bushmaster Auto Pistol,
Calico Model 100 Pistol,
Calico Model 900 Carbine,
Calico Model 951 Tactical Carbine,
CETME Rifle,
Clayco AKS Rifle,
Cobray M-11,
Cobray M-11/9,
Cobray 9mm Carbine,
Cobray Cobray M-12,
Colt AR-15,
Colt AR-15A2 Carbine,
Colt AR-15A2 H-BAR,
Colt AR-15A2-Delta H-BAR,
Colt Match Delta H-BAR,
Colt Sporter Lightweight,
Colt Sporter Target,
Commando Arms Carbine,
Daewoo Ar11OC,
Daewoo AR100,
Demro TAC-1 Carbine,
Demro XF-7 Carbine,
Eagle Arms EA-15 Action Master Auto Rifle,
Eagle Arms EA-15 Auto Rifle,
Eagle Arms EA-15 E1 Carbine,
Eagle Arms EA-15 E2 Carbine,
Eagle Arms EA-15 E2, H-BAR,
Eagle Arms EA-15 Golden Auto Rifle,
Egyptian Maadi AKM,
Egyptian Maadi "Thumbhole AKM",
EMF AP-74,
Encom Mk IV,
FAMAS Semi-Auto Rifle,
Feather AT-9 Carbine,
Feather AT-22,
Feather Mini-AT,
Feather SAR-180 Carbine,
Feather Saturn 30 Rifle,
Federal Model XC-220,
Federal XC900 Pistol,
Federal SC450 Pistol,
Fed Ord M-14 Rifle,
F.I.C/Franchi Fara Carbine,
FN-FNC,
FN "G Series" FALFN-LAR Competition Auto,
FN-LAR Heavy Barrel .308 Match,
FN-LAR Model 50-63,
FN-LAR Paratrooper Model 50-64,
Galil AR,
Galil ARM,
Galil Sniper Rifle,
Galil Sporter,
Goncz High-Tech Carbine,
Goncz High-Tech Long Pistol,
Grendel R-31 Auto Carbine,
Heckler & Koch PSG-1 Marksman Rifle,
Heckler & Koch VP 70Z Pistol,
Heckler & Koch 91,
Heckler & Koch 93,
Heckler & Koch 94,
Holmes MP-22,
Holmes MP-38,
Holmes MP-83,
Intratec Scorpion,
Intratec TEC-9,
Intratec TEC-DC9,
Intratec TEC-22,
Israeli FALS,
Iver Johnson Enforcer Model 3000 Auto,
Iver Johnson PM30HB Carbine,
Kassnar SA 85M AKM,
Kassnar SA 85M "Thumbhole AKM",
MAC-10 Semi-Auto,
MAC-11 Semi-Auto,
Micro Uzi Pistol,
Mini Uzi Pistol,
Mitchell AKM,
Mitchell AK-22,
Mitchell Galil/22,
Mitchell Heavy Barrel AKM,
Mitchell MAS-22,
Mitchell M-1622,
Mitchell M-76 Counter Sniper Rifle,
any M1 Carbine with folding stock,
Norinco MAK-90 Rifle,
Norinco MAK-91 Legend Rifle,
Norinco Officer's Nine Carbine,
Norinco RPK Rifle,
Norinco Type 81S Rifle,
Norinco Type 81MGS Rifle,
Norinco Type 84S AK,
Norinco Tuype 85S "Bullpup" AK Rifle,
Noninco Type 86S-7 Rifle,
Noninco Type 88SB Rifle,
Olympic Arms Car-9,
Olympic Arms CAR-15,
Olympic Arms CAR-40,
Olympic Arms CAR-45,
Olympic Arms CAR-310,
Olympic Arms K-4 AR-15 Rifle,
Partisan Avenger,
Poly Technologies AK-47/S,
Poly Technologies AKS-762,
Poly Technologies AKS-762 Down Folder,
Poly Technologies AKS-762 Side Folder,
Poly Technologies M-14/S,
Poly Technologies RPKS-74 Assault Rifle,
Ruger Mini-14/5,
Ruger Mini-14 with folder stock,
Scarab Skorpion Pistol,
SIG AMT,
SIG PE-57,
SIG SG 550-2 SP Rifle,
SIG SG 550-2 SP Carbine,
Smith Enterprises M-15 Semi-Auto Rifle,
Spectre Carbine,
Spectre DA Pistol,
Springfield Armory SAR-3,
Springfield Armory SAR-48 Standard,
Springfield Armory SAR-48 Bush Rifle,
Springfield Armory SAR-48 Heavy Barrel,
Springfield Armory SAR-48 Para,
Springfield Armory SAR-4800,
Springfield Armory M1A Super Match,
Springfield Armory M1A-A1 Bush Rifle,
Springfield Armory BM-59 Italian Model,
Springfield Armory BM-59 Alpine Model,
Springfield Armory BM-59 Alpine Paratrooper Model,
Springfield Armory BM-59 Nigerian MK IV Model,
Springfield Armory M-21 Sniper Rifle,
Sterling Carbine,
Steyr AUG-SA,

Seet Sweeper Shotgun,
Striker 12 SE-12 Shotgun,
SVD "Tiger" Sniper Rifle,
Universal 100 Carbine,
USAS-12 Auto,
Uzi Pistol,
Uzi Carbine,
Valmet M-62/S Rifle,
Valmet M-71/S Rifle
Valmet M-76 Standard Rifle,
Valmet M-78 Rifle,
Valmet M-82 Bullpup Rifle,
Valmet Hunter Rifle,
Weaver Arms Nighthawk,
Wilkinson "Terry" Carbine, and,
XM 231S Semi-Auto Pistol.

DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS,
Washington, DC, April 1, 1994.

Hon. LARRY E. CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAIG: This is in response to your letter of February 17, 1994, to the Bureau of Alcohol, Tobacco and Firearms (ATF). In your letter, you inquire about various firearms that would be banned as a result of the Feinstein amendment to the Senate Crime Bill (section 4502 of S. 1607).

The firearms contained in Appendix A of the Feinstein amendment to the Senate Crime Bill would not be banned under the criteria given in the amendment as presently written. ATF personnel did not assist in the compilation of the list of firearms contained in Appendix A.

With respect to your question concerning the development of a comprehensive list of potentially banned firearms, the majority of semiautomatic firearms could be modified by the addition of features such as pistol grips, folding stocks, flash suppressors, etc., such that their modified configuration would make them subject to the definitions of assault weapon as contained in the Feinstein amendment. Therefore, it would not be possible to formulate such a comprehensive list.

The majority of the firearms contained on the enclosure in your letter would be assault weapons as that term is defined in the Feinstein amendment. The following firearms on your list would not be assault weapons:

Commando Arms Carbine,
Feather Saturn 30 Rifle,
F.I.E./Franchi Para Carbine,
Heckler & Koch VP70Z Pistol, and
Valmet Hunter Rifle.

The Springfield Armory SAR4800, Egyptian MAADI Thumbhole AKM, Galil Sporter, Norinco MAK-90, and Norinco MAK-91 Legend rifles are modified versions of semiautomatic rifles listed in the Feinstein amendment. Therefore, we are uncertain of their status under the amendment.

The following firearms contained on your list cannot be positively identified; therefore, we are unable to comment on their status under the Feinstein amendment:

AO-9 Assault Pistol,
Micro Uzi Pistol,
Mini Uzi Pistol,
Universal 100 Carbine, and
XM 231S Semi-Auto Pistol.

You also asked if virtually any firearm on the list of assault weapons could be modified by eliminating the bayonet lug, flash suppressor, or other accessories to remove the firearm from the definition of a banned or assault weapon. The vast majority of the firearms meeting the definition of assault weapon as contained in paragraphs (B), (C), and (D) of the Feinstein amendment could be modified to remove them from that definition.

As requested, enclosed are the lists of the firearms and types of crimes involved that have been reported to our National Tracing Center. The lists cover weapons restricted by S. 1607 and those firearms mentioned in our previous letter. Also enclosed is an explanation of the crime codes used on the requested lists.

We trust that the foregoing has been responsive to your inquiry. If we may be of any further assistance, please do not hesitate to contact us.

Sincerely yours,
JOHN W. MAGAW,
Director.

Mr. CRAIG. Madam President, the reason I say this is just to lay facts and frustrations on the RECORD because I, in no way, question the intent or the integrity of the Acting President pro tempore and the intent of her legislation. The problem is there is a very real question as to what it does and does not do. We all know in the business of making public policy that once it gets to the agency and the agency interprets through rules and regulations, a lot of things can change.

Here we have the Director of BATF saying that, by their initial overview, at least 180 more weapons than are proposed in your amendment, by your own words, could likely fall under the proposed ban.

There is another reason for making this statement. Today, the President took issue with this and is making it a major crusade because there will be a vote in the House in the next few days. He said, and I quote from a statement this morning:

> This is a lay-down, no-brainer issue.

Well, Madam President, my guess is that it is a no-brainer issue or, at least to date, people who are working the issue have not studied it enough to determine, as I have argued on this floor, that it has to be a brainer issue or we, in fact, take away from law-abiding citizens their right.

So I ask the Members of the House to read the RECORD today and the inserts I have put in the RECORD before they debate this issue on the floor of the House in the coming days. It is a critical and necessary issue that we understand what all this is about.

SPEECH OF SENATOR MALCOLM WALLOP

Mr. CRAIG. Madam President, let me broach one very brief additional subject for an enclosure in the RECORD.

As you know, our colleague from Wyoming, MALCOLM WALLOP, will be retiring from the Senate at the end of this session of Congress. He has been a tremendous leader for all of us, a very loud, clear voice for Western issues and for conservative principles, and I applaud him for his leadership over the years.

I ask unanimous consent that a speech that he gave to Cato Institute on March 26 called "The Issue Is Freedom" be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ISSUE IS FREEDOM

Anyone listening carefully to President Clinton's State of the Union speech would have noticed something peculiar. Only once was the word "freedom" used. And, it was used in the ironic assertion that the Clinton health plan "preserves" freedom. Claiming it would preserve the freedom of Americans to choose whatever health plan they may desire, he left unspoken that he Clinton would severely restrict the number of those plans, their doctors and their hospitals. He claims to provide freedom while promoting an extensive intrusion of the federal government into private lives and choices.

Unfortunately, this is no singular invasion. The Democrats have unleashed a multi-frontal attack on freedom. Just consider the Senate actions over the past week. The Senate yesterday approved S. 4, the Democrats attempt to revive central government planning through an industrial policy. At the same time we were debating this dangerous proposal, the Senate Finance Committee was holding a hearing on the Uruguay Round of trade agreements. Were we discussing the elimination of trade barriers, the expansion of free trade? No. The hearing explored how a new world of government subsidies to industry would be incorporated into the trade agreement.

This dubious concept is described as the "green light" proposal—that is, the international trading community will give a green light to more government interference in the economy. With all our encouragement of government industrial planning, can any one seriously blame the Russian Parliament from backsliding on their economic reforms?

This attempt to expunge "freedom" from the political discourse is the defining issue of this decade. The Democratic Party, as the party of the expanding federal state, clearly has no desire to promote a free people. Freedom cannot exist absent restrictions on the powers of the state and bureaucracy. Democrats represent the interests and its values of those who live by the state. Their philosophy is one of control. A free people is an impediment to the efficient state. It is no wonder that they have banished "freedom" from their philosophy. In its place, they promote "statism".

What about the Republican Party? The Republicans, as reinvigorated by Ronald Reagan fourteen years ago, seemed rededicated to freedom. Let me quote a defining message for the Republicans. "We are a nation that has a government—not the other way around. And this makes us special among the nations of the earth. . . . It is time to check and reverse the growth of government which shows signs of having grown beyond the consent of the governed . . . It is not my intention to do away with government. It is, rather, to make it work—work with us, not over us; to stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it . . ."

These words, spoken by Ronald Reagan in his first Inaugural address, are an embarrasing reminder of what Republicans could stand for. Could, but as often as not do not, any more. Today, too many Republicans prefer to be Democrat Lite. As any beer connoisseur can tell you, Lite is a tasteless, repugnant concoction.

The task of conservatives is to challenge the Republican party to return to its true principles rather than trying to mirror Democrats. The alternative is corruption. The issue is corruption. Never has government been more corrupt. No, not more venal nor dishonest but corrupted by anonymity and uncontestable power. Government reaches every life big and small. How ironic that we, a free democracy, won the Cold War against Communism, but now seem incapable of preventing the growth of powerful centralized government—and even seem to embrace its concept—here in America.

The Democratic Party and the threat of big government is hardly a recent problem. It did not begin with Clinton or Carter, LBJ or FDR. We must go back to the turn of the century, and another Roosevelt, Teddy, as the source of the modern welfare state. The Progressive era created the desire for government intervention. It was inspired by a real problem, namely how would a rapidly industrializing society maintain a representative government that promotes the common welfare.

Rather than relying on the principle of freedom based on federalism and free markets, Progressives turned to expanding the federal government. The first step was to utilize the Commerce Clause in the Constitution to expand the powers of Congress. Such contemporary failures as the Superfund program and such modern burdens as the Americans with Disabilities Act owe their genesis to an expanded reading of the Commerce Clause. It has meant that Congress could regulate, could mandate, nearly anything—and, unchallenged, it has.

The Progressives were inspired. As Samuel Elliot Morrison states in his History of America, the Progressives "looked forward to a 'welfare state' controlled by Congress but staffed by an intelligent and dedicated bureaucracy." Even back then Republicans lost their bearings. The Republican Roosevelt created the Cabinet Departments of Commerce and Labor. His Republican successor, William Howard Taft, promoted the 16th Amendment to the Constitution—the federal income tax. That is the kind of mischief that results when political parties compete to promote statism.

The result is best summed up by a 1917 Supreme Court decision. Coming at the end of the Progressive era, the court declared "there can be nothing private or confidential in the activities and expenditures of a carrier engaged in interstate commerce."

We can see a straight line of that thinking down to today. The attitude is afoot that the federal government can interfere in the activities of any individual engaged in any private enterprise.

While some turn of the century Republicans aided and abetted the birth of this statism, we find today that many Republicans, some who even claim to be conservatives, continue to promote big government. George Will has written about the corrupting effect of big government. But he disdains what he calls "pillage and burn conservatism", something he finds "unlovely." His problem, the problem of too many Republicans, is that we assumes big, and perhaps bigger, government is here to stay and that the only question is who will rule it. They are wrong. Disdain for modern big government is wise, patriotic, and even lovely. Al Gore and George Will agree on reinventing government without realizing that Americans don't want it to be better able to deny them liberty.

Let me remind you that the roots of our problem, the Progressive reformers, argued that power and wealth in America was distorted. Yet, by the end of the Progressive era, power was even more concentrated in the federal government, and the income of the average American had not improved. While the Progressives tried to subdue the robber barons of commerce and trade, they themselves became the robber barons of personal liberty. It was not until the 1920s that incomes improved—a period in time when free market ideas flourished, and government interference was subdued. This period of growth, of course, crashed to a halt when Congress imposed new trade tariffs in 1929.

It would be wise for conservatives to revive the idea that even when we are the government, government must be the enemy. Its very nature is subsuming and must be confronted on principle. One of my favorite observations by Alexis de Tocqueville, describes this predicament:

"After having thus successfully taken each member of the community in its powerful grasp, and fashioned him at will, the supreme power then extends its arm over the whole community. It covers the surface of society with a network of small complicated rules, minute and uniform, through which the most original minds and the most energetic characters cannot penetrate, to rise above the crowd. Thus will of man is not shattered, but softened, bent, guided; men are seldom forced by it to act, but they are constantly restrained from acting: such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, extinguishes, and stupefies a people, 'til each nation is reduced to be nothing better than a flock of timid and industrious animals, of which the government is the shepherd."

True conservatives have a clear message. We must resist the promise of comforts delivered by a powerful state in exchange for bits of liberty easily ceded and virtually unrecapturable. An all powerful state will casually but cruelly exercise its power and often seems to be of service when doing so. (To use an odd example—Mississippi lesbians, Waco cults, Northwest supremacists.)

The corruption of statism goes hand in hand with the growing anonymity of power, of politics. Members of Congress continually vote to give vast amounts of power to the federal bureaucracy. Broad policy goals are written into statute. The Occupational Safety and Health Act, passed in 1970, is only a few pages long. It delegates to the bureaucracy extensive police and regulatory powers. Bureaucrats set workplace health standards based on questionable or non-existent risk assessment. Americans spend $47 million per individual to reduce suspected health exposures. Fines are imposed, costs mandated and no one can be found who voted to do this. Other laws are equally vague and burdensome.

Look at the Americans with Disabilities Act. That is a gold mine for bureaucrats writing the regulations required or desired, and lawyers looking for fees love it—Americans fail in front of it. As I found out several days ago, small communities in my state cannot or are not even allowed to resurface a road because it requires curb ramps to be installed simultaneously.

Much has been made about the 1300 pages in the Clinton Health Act. It is long simply because it seeks to totally restructure and regulate one seventh of our economy. The original Medicare Act was less than one hundred pages. Even with the 1300 pages, the regulatory authority given to the bureaucrats will be enormous. The regulations they enact will be anonymous. No Senator will have voted for them, yet all Americans must abide by them. No one will be accountable, because no one will be responsible.

The message of liberty and freedom does not need shaping—it needs amplifying and implementing. But more importantly, we must do more than talk. We have had enough—no, we have had much too much—of politicians, Republican and Democrat alike, who espouse conservative rhetoric while enacting liberal policies. George Bush's Clean Air Act and Civil Rights Act and Americans with Disabilities Act and tax increases were not the policies of conservative government. They were the policies of more government. Statist, elitist and commanding, and Bill Clinton is no new Democrat! He is a big government Democrat.

Government, in the past six years, has crossed a threshold beyond the managing of our economy and meddling in our lives to which we have unfortunately become accustomed. We are faced today with a virtually socialistic administration reaching for unprecedented government intervention into every aspect of each of our lives.

Today the new embrace of government demands we foreswear liberty in exchange for safety, education and health. Freedom is sacrificed for the promise of security.

Loo at the administration's three principle efforts:

1. National education bill—goals 2000
2. National crime bill—federalizing both the police and courts
3. National health care

While believing government has failed to adequately perform its appropriate tasks, an ever-increasing majority of Americans views government as an out-right adversary; in fact, we fear it. Rather than seeing government as a protector of our rights, we seek to hide from it lest it take notice of us and deny even more.

Bill and Hillary Clinton today unapologetically promote the-bigger-is-better ideology of government rejected by the American people. Clinton advocates programs which Americans adamantly oppose, and governs amidst swirling accusations of unethical and amoral personal conduct. Yet he remains relatively popular. Why?

While not agreeing with where he is going, Americans perceive that he is at least leading. That leadership is contrasted to an opposition party which knows little but the "me-too" Republicanism of compromise and conciliation. Whatever new proposals the Clintons' offer, Republicans want just a little less of the same. Senator Lauch Faircloth of North Carolina described this tendency with his usual insight: "if the Democrats introduced a bill to burn down the Capitol, we'd offer a compromise to phase it in over three years."

The task for us, as conservatives, is as clear as our message. Good government is self-government. Self-government is not anonymous. The people are ready even if their leaders are not. The people are stirring. And I tell you that as the Republican party was born from the ashes of the Whigs so to can a new party rise from the ashes of a party refusing to confront the defining issue of the day—American liberty.

Last month National Review kindly published an article I wrote entitled "Can the GOP take America Back?" The responses I received from NR's readers suggest that Americans hunger for conservative leadership.

In my article, I enumerated broad philosophical guidelines for conservative action:

cut taxes, stop thinking of entitlements as rights, privatize rather than further socialize medicine, de-regulate everywhere, end federal and judicial tyranny over the states, restore personal responsibility, abolish racial and other special preferences, restore control of education to parents, curb crime, restore communal moral standards.

Do we need a federal Department of Education? It has squandered over $400 billion in its 20 years of existence—yet educational achievements have plummeted. It should be abolished, and control of schools should return to the local level. That is one way to circumvent those who oppose school choice.

Welfare should be returned to the states as a block grant. And, the crime bill should, I reluctantly conclude, not be passed.

While Congress tries to address the crime issue with greater federal mandates and controls, the destruction of the family and moral values, coupled with the revolving jail-and-court house door, remain the real problem today. Borrowing from my friend Bill Bennett's concise analyis, welfare and illegitimacy are the root cause of our crime problem today: undisciplined groups of unsocialized males allowed to run amok unsupervised in our neighborhoods. Conservatives ought to be for more than just locking up the criminals. We must embrace basic values and demand good citizenship. Fix the welfare problem, and you have made a giant step toward solving the crime problem.

We must start, now, to question the premise of each government program and activity. Every government program, existing or proposed, should be judged against a simple standard:

(1) does it restrict or increase the growth of government?

(2) Does it expand or deny personal liberty?

(3) Will it create or diminish economic growth?

(4) Will it foster or deny America's traditional values?

(5) Will it ensure or diminish Americans' security?

The very premise of a government program or proposed activity is flawed, and it should either be abolished or it should not be created unless in each instance the basic interest of a free people lies first.

These may well be radical proposals inside the Beltway, but they are mainstream to main street America. If you doubt that, just look at the popularity today of Rush Limbaugh and the burgeoning circulation of conservative publications. Even in the hotbed of liberalism of Washington, D.C., G. Gordon Liddy has a successful conservative radio talk show and Armstrong Williams attracts both black and white to conservatism.

Conservatives have the right message for the American people. And today, more than at any time in recent years, we have a unique opportunity to find new ways of conveying that message, of reframing the debate. We have innovative and creative ideas—and ideas do have consequences. Leaders of courage and principle can put our ideas into practice and the state put into retreat.

Government was not meant to possess us, rule us, encompass us, judge for us, substitute for us. It was meant to serve us. We were founded as a noble self governing tribe of free peoples respecting each other as americans under God—not under Washington. Americans know this even if their government does not.

Since we are meeting in the F. A. Hayek Auditorium, let me conclude with a quote from Dr. Hayek: "By giving the government unlimited powers the most arbitrary (and I would add 'anonymous' and 'corrupting') rule can be made legal, and in this way a democracy may set up the most complete despotism imaginable."

TAIWAN RELATIONS ACT AMENDMENT

Mr. MURKOWSKI. Madam President, today the State Department authorization bill has been sent to the President for his signature. I rise to speak about a particular provision of that bill, section 531, because it is an important statement on United States policy toward Taiwan.

Back in July of last year, I added an amendment to the State Department bill that reaffirmed the primacy of the Taiwan Relations Act, as the law of the land, over the 1982 Joint United States-China Communique—the Shanghai Communique—a statement of policy. This amendment passed the Senate Foreign Relations Committee by a 20-to-0 vote.

I would remind this body that the Taiwan Relations Act was passed back in 1979 by a greater than two-thirds vote of each House. It is the cornerstone of our relationship with Taiwan. The Shanghai Communique, on the other hand, was the result of Executive communications that were never ratified by this body.

Last week, the House and Senate conferees accepted a substitute of my original amendment in the form of a statement of Congress that retained the intent of the original language to reaffirm the primacy of the Taiwan Relations Act [TRA] over statements of policy. I believe this amendment is also significant because it reasserts Congress' role, together with that of the President, in determining the extent of defensive arms sales to Taiwan.

To understand the intent of the congressional statement, I think it is important to look at the relevant language of the TRA and the Shanghai Communique:

Section 3(a) of the TRA says:

> The United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

Section 3(b) says:

> The President and the Congress shall determine the nature and quantity of such defense articles and defense services based solely upon their judgments of the needs of Taiwan * * *

In the Shanghai Communique, on the other hand, the administration pledged:

> To reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution.

The language adopted by the conferees simply reasserts the primacy of domestic law over nontreaty understandings, and gives notice to the administration that Congress has not been consulted properly over the continuing refinement of United States arms sales policy toward Taiwan.

This congressional statement reflects my concern and the concern of many of my colleagues over China's military modernization, its increased military spending, and its territorial claims. The increased threat from China is real. China is the only declared nuclear power increasing its defense budget and military capabilities—an estimated 22 percent increase over last year. China also reaffirmed its right to use force against Taiwan in its white paper on the Taiwan question last summer.

Section 531 of the State authorization bill calls on the President to assess changes in PRC capabilities and intentions on a regular basis in considering whether it is appropriate to adjust arm sales to Taiwan. The language of the amendment makes clear that the United States Congress is committed to providing Taiwan the defensive means necessary to ensure its safety.

My intent in pushing for this amendment was to point out the inconsistency between telling the Taiwanese that we will provide for their defensive needs, but then arbitrarily limiting what we would sell them. I am referring here to the so-called "defense bucket." As a result of the Shanghai Communique, the "bucket" of defensive articles and defensive services to Taiwan has been declining—from about $820 million in 1982 to approximately $580 million in 1993.

The TRA is explicit that the nature and quantity of defensive arms transferred to Taiwan would be based solely upon the judgment of the President and the Congress of the needs of Taiwan. Thus, whether we are talking about sales of United States manufacturing equipment on third-country ships in the Taiwanese Navy or ballistic missile systems, the decision must be based on Taiwan's needs, and not on arbitrary principles.

I am pleased that Secretary of State Warren Christopher sent me a private letter, as part of our discussion of this amendment, which reaffirms the administration's commitment to the provisions of the TRA, including acknowledging the TRA's legal precedence over the Shanghai Communique.

But, Madam President, more changes are needed in United States policy toward Taiwan. This country must treat Taiwanese with the respect she deserves as the world's 14th largest economy and the United States' 6th largest trading partner. Taiwan also holds the world's largest foreign reserves. Taiwan is a dependable friend to the United States and a good International citizen.

Many United States policies are simply out of date, out of line with the practice of our major European allies, and out of touch with current realities in East Asia—including the fact that Taiwan and the PRC are themselves exchanging citizens and trading, and that Taiwan has invested over $10 billion in the PRC.

I would like to share with you a few examples of policies that should be changed.

First, the administration should change the policy prohibiting high-level contacts with Taiwanese officials. The current lack of high-level exchanges is unnecessary and particularly hypocritical by the Clinton administration. For example, last week it is reported that President Clinton dropped in on a meeting in the White House between Vice President AL GORE and Tibet's exiled leader, the Dalai Lama. This week, Hong Kong's Chief Secretary, Mrs. Anson Chan, paid official visits to the State Department and the National Security Council. In addition, Yasser Arafat visited the White House earlier this year. None of these individuals have official U.S. diplomatic status, but in each case the White House made a policy decision to have contact because of an important goal that it would help advance. The same rationale should apply to Taiwan.

Such a change in policy to allow high-level visits has historical precedence. President Bush sent USTR Carla Hills to visit Taiwan. I encourage the administration to send Secretary of Commerce Ron Brown or USTR Mickey Kantor to Taiwan this summer. The administration should also allow Taiwan's economic minister to visit his counterparts in the United States.

The second change that the administration should allow is a change in the name of Taiwan's representative office here. Currently, the Taiwanese who conduct nondiplomatic activities here are forced to live with an acronym more appropriate for a basketball league: CCNAA, the Coordinating Council of North American Affairs. Who could make the connection to Taiwan if it you were not told directly. This is silly, especially for a country that has substantial economic and trading ties with the United States. Let the Taiwanese change the name to something that at least identifies its place in the world, such as the Taipei Representative Office in Washington.

A third practice that must change is the issuance of visas. Currently, when an American gets a visa for Taiwan it bears a Hong Kong stamp. This is another example of a policy that bears no relationship to any rational policy. More importantly, this is a policy that absolutely must be changed because of events. What will we do in 1997 when Hong Kong reverts to China's control?

Finally, the administration should take steps to support Taiwanese membership in multilateral institutions, such as the GATT, APEC, and the United Nations.

Senator HANK BROWN and I included a "sense of the Congress" in the State Department bill, section 508, urging the President to send Cabinet-level appointees to Taiwan and to take other steps to show clear United States support for Taiwan both in our bilateral relationship and in multilateral organizations such as the GATT and the United Nations.

Madam President, I have been told that the administration is conducting an interagency review of its Taiwan policy. I have been told that this interagency review has been going on since at least last July. I hope that the administration will listen to these recommendations as they finalize their review. I know that many of my colleagues would support these changes, and I ask my colleagues to communicate their views directly to the administration.

Before concluding, I would like to thank my colleagues on the Senate Foreign Relations Committee, in particular Senators PELL and HELMS, for their steadfast support of my amendment at conference.

I would also like to thank National Security Adviser Tony Lake, Ambassador Winston Lord, Congressman HAMILTON, and their staffs for working with me and my staff in reaching an agreement in conference on the language of the substitute amendment.

AMBASSADOR FOR BURDENSHARING

Mr. LAUTENBERG. Madam President, I am pleased that the conference agreement on the State Department authorization bill requires the State Department to have an Ambassador for Burdensharing who will be confirmed by the Senate and who will focus exclusively on burdensharing. I worked with Senator BYRD and others to ensure that this important position would not be eliminated as part of the State Department's reorganization effort.

Several years ago, the Congress mandated that the administration create an Ambassador at Large for Burdensharing. The administration sought to eliminate that position and create instead a Special Envoy for burdensharing. The House version of this bill did in fact eliminate the Ambassador at Large for Burdensharing.

When the Senate considered its version of the bill, Senator BYRD and I offered an amendment to restore the position. Our amendment was adopted by the full Senate.

I am pleased that the conferees preserved an Ambassadorial-level position at the State Department who will focus exclusively on burdensharing. I look forward to Senate confirmation of this position and to seeing some progress on this issue.

I understand the State Department's desire to simplify and control its own organizational structure. But, at the same time, I was concerned that eliminating the statutory requirement for a Burdensharing Ambassador would send exactly the wrong signal to the allies. I was concerned that at a time when the allies ought to be doing more to defend our collective security, eliminating the position would indicate that the United States is placing less of a priority on the issue of burdensharing. I was concerned that it would undermine our Government's efforts to ensure the allies will make good on commitments to provide compensation for the value of the investment America has made in the military infrastructure as we withdraw from Europe.

Madam President, the Burdensharing Ambassador preserved by this bill will be responsible for ensuring that the allies pay us for the infrastructure we leave behind as we close military bases and withdraw our troops from Europe.

With the demise of the Soviet Union and the reduced threat of an invasion of Western Europe, the Pentagon announced plans to close or reduce our presence at 867 military sites overseas. Most are in Europe, where America has already closed 434 military sites. These closures are part of an overall plan to reduce United States troop strength in Europe from 323,432 in 1987 to 100,000 by the end of 1996.

When we close bases in Europe, we bring our troops home, but we leave buildings, roads, sewers, and other physical improvements behind. This valuable infrastructure, which cost us $6.5 billion to build, represents a significant American investment in the collective security of the West. Through a series of residual value agreements, some allies have acknowledged they will inherit all the structures we built. As a result, they agreed to repay us for what we leave behind.

Despite those agreements, so far we have gotten a lot of talk and very little cash. We have recouped only $33.3 million, less than 1 percent of our initial investment. Most of that money was recovered in 1989.

Our military drawdown has been rapid since 1990, but our European allies do not appear to be in a similar hurry to pay us what they agreed to pay. In Germany, we have already withdrawn from over 60 percent of the military sites slated for closure. Yet the German Government has only budgeted $25 million this year to compensate us—when our overall capital investment in German bases is almost $4 billion. To be sure, the amount we can recover from Germany is subject to negotiations. The $4 billion capital investment may not reflect the current value of the facilities.

The Burdensharing Ambassador will be intimately involved in these negotiations to get the allies to pay.

Clearly, collecting this money from the allies will not be easy. Europe's economies have lagged behind ours. German citizens are no more eager to pay America for its military infrastructure than many Americans were to pay to maintain that infrastructure for the past 40 years. But, a deal is a deal.

The Ambassador for Burdensharing will also be tasked with the responsibility of securing increased commitments from the allies for the cost of maintaining our troops overseas. We spent $10 billion last year just to operate our forces and maintain military installations in foreign countries, mostly in Europe. That does not include the substantial cost of paying our soldiers and buying their weapons. In fact, in fiscal year 1993, according to Department of Defense figures, our NATO Allies paid less than 25 percent of the costs of maintaining troops in their countries while Japan paid more than 75 percent. If the European allies matched the Japanese contributions, the Congressional Budget Office estimates we could save the United States taxpayer $9.6 billion over 5 years.

The NATO Allies have not just failed to pay for the infrastructure we leave behind. They also refuse to pay for the infrastructure required to keep our forces at foreign bases today. And the cost of that infrastructure is rising. The administration wants Congress to provide more than $300 million to support new military infrastructure and projects in NATO countries next year.

Even worse, the money we spend to defend Europe is cutting into our own military readiness to respond to conflicts, according to Gen. David Maddox, Commander in Chief, United States Army, Europe.

With persistence, our Government should be able to recoup billions from our NATO Allies. After the Persian Gulf war, the international community pledged $54 billion to offset costs of U.S. military activities. With a nudge from the Congress, our Government pressed the Gulf allies until they provided every penny. We can and should do the same in this case.

Madam President, the Ambassador for Burdensharing has a big job. I am pleased the conferees have agreed that our Government needs to task one individual to focus exclusively on this issue. Now that the conference report has been adopted, I trust that the State Department will act aggressively to support this position and the Ambassador's efforts to collect the money we are owed.

ADOPTION OF CONFERENCE REPORT ACCOMPANYING H.R. 2333, STATE DEPARTMENT AUTHORIZATION BILL

The ACTING PRESIDENT pro tempore. The Chair will note for the RECORD that the conference report on H.R. 2333 was adopted on Friday, April 29, 1994, pursuant to the order of Tuesday, April 26, 1994.

Mr. CRAIG. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMPLICATIONS OF LIFTING ARMS EMBARGO AGAINST BOSNIA

Mr. WARNER. Madam President, I would like to address the Senate on two subjects. First, a letter which I am sending today to the Secretary of State and an identical letter to the Secretary of Defense. Both letters contain a series of questions relating to the implications of a lifting of the arms embargo against Bosnia.

The distinguished Republican leader, together with a distinguished group of cosponsors, last week put before the Senate a bill that would have the effect of lifting the arms embargo against Bosnia. The cosponsors interpreted that lifting as possibly being unilateral for the United States.

First, I commend the Republican leader and each of the cosponsors because this is a critical issue. It is one that should be thoroughly debated by the Senate and then a vote held. I am pleased that their leadership—individually and collectively—appears to be bringing this important debate to the Senate for a second time this week. I hope to participate actively as I did during the course of the last debate.

I feel very strongly, Madam President—and I speak for myself and I think some other Members of the body—that we have not given, either individually or through committee work, adequate attention to all of the many ramifications of lifting the embargo, and therefore I have set forth in this letter a series of questions. These questions were prompted, first, by a meeting in my office last week with Ambassador Kampelman, Ambassador Kirkpatrick, Secretary Wolfowitz, and Secretary Richard Perle, the last two previously serving the Department of Defense.

They take a view that this embargo, first, is not legal, and, secondly, that it should be withdrawn. I urge Members of the Senate to avail themselves of the opportunity to meet with this distinguished group. They are well informed. As yet, however, I am not in concurrence with all of their viewpoints. Perhaps the legalities are arguable that this embargo was not put on in a proper manner under international law. To me that is a secondary issue compared with the importance of the implications that would flow from a lifting of this embargo.

Second, I then took it upon myself to go out to the Central Intelligence Agency where I met with a group of about five individuals who have been designated for some extensive period of time as the task force on Bosnia. Each day they study every development and collect viewpoints from around the world and gather intelligence from our own sources. They have put together an excellent briefing. I hope Senators could avail themselves of this briefing, because I found that their depth of knowledge pointed to a number of issues which I felt required further clarification, and I have included them in this letter.

I next met with members of the Department of Defense Bosnia task force team. Each of the Departments, State, Defense, and the Central Intelligence Agency, has a team designated to follow this issue full time.

Then, last, I went over to the Department of State, concluding my briefings on this subject with the head of their Balkan conflict group. I am going to urge committee chairmen here and ranking members and, indeed, the leadership to avail themselves of the briefings from these three entities. Some take different perspectives on this, and that I think is very helpful to provoke a more complete understanding of the complications here.

By and large, the consensus among the three entities in the administration is that we should not unilaterally lift the embargo. I am inclined to be of that same view, thus far, from my own independent research. And second, not even lift the embargo in the context of working with our allies.

I reserve judgment on that for a period of time until we get further into the debate, because if there were a collective judgment with our allies, primarily Great Britain and France, then I think it is a matter that should be considered very seriously. I feel this way because history is going to record that this embargo in effect tied one arm behind the back of the Moslems and allowed the principal combatants, the Serbs, to avail themselves of whatever arms they could find throughout the world.

Now, of course, Serbia proper and, indeed, the Moslems have certain embargoes against them. The United States has a major role in the embargo at sea. However, in my visits with other Members of this body to certain areas around the Danube, that is a leaky embargo as you go inland from the sea. The sea I think has been fairly effective. It has been a NATO operation, primarily U.S. Naval Forces. But the embargo that is also in the Danube has not been as effective, in my judgment.

Nevertheless, history will record as having tied the arm behind the Bosnian's back in this tragic conflict, and therefore I think periodically we should study—and this is one of those moments—as to whether or not that embargo should be lifted. In so doing, I hope each Member would fully understand, and I am gaining a full understanding, the far-reaching ramifications of the lifting of this embargo.

May I acquaint the Chair with some of the questions that I have proposed to both the Secretary of State and the Secretary of Defense:

> If the arms embargo against the Bosnian Government were unilaterally lifted by the United States, what impact would such a move have on the compliance of other nations with the broad range of UN Security Council-imposed embargoes, such as economic sanctions against Serbia and sanctions against Iraq?
>
> Some have argued that the arms embargo against Bosnia is not legally binding, since the embargo was imposed against the former Yugoslavia, and Bosnia is not a successor state; and because the embargo violates Bosnia's right of self-defense under Article 51 of the U.N. charter. What is the administration's legal opinion on this issue?

As I said, the group that visited me, Ambassadors Kirkpatrick and Kampelman, and Secretaries Wolfowitz and Richard Perle, strongly viewed that the current embargo is illegal.

Next question:

> How would a unilateral lifting of the arms embargo affect our relations with our NATO allies and the Russian Federation?

Next question:

> If the arms embargo were lifted, what types of weapons would the Bosnian Government forces need to achieve a degree of weapon equivalence?

I constructed this phrase, "degree of weapon equivalence." In current order of battle, the Bosnian Serbs have perhaps as many as three times the tanks, maybe four times, three or four times the heavy artillery pieces as have the Moslems, so there is a very severe imbalance. But if we were to equip the Moslem forces with an equal amount of heavy artillery and tanks, is that for purposes of their beginning a more aggressive role to take back some of their lost territory, or is that what is needed to maintain the integrity of the six safe zones today together with the central part? I do not know. Those are questions that, in my judgment, need to be asked and answered.

Then, of course, such heavy equipment given to the Moslems would require, first, maintenance. Considerable infrastructure is necessitated to maintain this heavy military equipment. Training. How do they operate the weapons? Of course, they depend on the origin, but by and large this armed force has not had experience with weapons, such as tanks and major artillery pieces, of European or U.S. origin.

Then, after you learn to operate the weaponry, you have to have what we call combined arms training. For example, a tank is very effective when it is employed with infantry, together with artillery, and you do not learn those tactics overnight. It takes time. Our Armed Forces train extensive periods of time on the combined arms tactic.

Next question:

> How long would it take for heavy weapons to be transported to the Bosnian Government forces? What are the various access routes and means of delivery? How vulnerable are these routes to attack by Serb or other hostile forces? How large a military force would it take to guard and maintain these logistical routes?

Maps were spread before me during the course of these briefings.

There are two ports on the Adriatic which would lend themselves to disembarking this heavy equipment, but then it must travel a considerable distance on narrow, winding roads in order to get up to the central part where the Moslem forces are located.

The bridges and the narrow roads are highly exposed to what we call sapper attack. If the bridge goes out, the road then becomes dysfunctional for an indeterminate period of time. So you would have to put in literally a corridor, in my judgment, of forces to protect this road and then have other forces available to make immediate repairs occasioned by sapper attack.

Next question: How would the Serbs or other belligerents react in the interim period between the announcement of a lifting of the embargo and the transportation of equipment and training? And that period of time ranges anywhere, from estimates that are given to me, from 6 weeks to as far as 6 months depending on how complicated some of the equipment is.

What are the hostile forces, primarily the Serbs, going to do? Sit idly by? I am doubtful that that would take place.

I add other hostile forces because there is always a question mark about the Croatian forces. From time to time they have been in a state of belligerency with the Moslems. Currently they are operating under an agreement which enables the hostilities to be suspended. But agreements in that part of the world have a very short lifetime. So I think that is an issue.

There is also the collateral issue: If we are going to assist the Moslems with rearmament, are we going to assist the Croatians? They, likewise, have an embargo at the present time. In order to get the heavy weaponry from seaport into the Moslem territory, you have to traverse Croatian territory. What sort of agreement must be negotiated with those forces beforehand? Would part of that agreement be the lifting of the embargo against Croatia and likewise the willingness to supply their armed forces?

If there is an increase in fighting, should air power be used against the Serbs during this period between the announced lifting of the embargo and the transportation of weapons and training?

What are the military risks associated with air delivery of the new weapons? There are two airports, Sarajevo and Tuzla. I have had the opportunity to fly into Sarajevo. It is in a basin. When I was there 18 months ago, it was literally touch and go. The airport closed while I was there for several hours. And it periodically closed. It is highly vulnerable to weapons fired from the hostile forces. So I question whether or not heavy military equipment could be flown in by air either to the Sarajevo airport or the Tuzla airport.

But these, again, are questions that should be addressed because if—this is my concern—we consider raising, lifting, whatever phrase is used, this embargo, it is going to be an enormous signal of hope to those Moslem forces that have fought so bravely and that have taken so many casualties both among the military and the civilians. I question whether or not we could act to raise it and not deliver having raised those hopes.

Would UNPROFOR troops have to be withdrawn prior to lifting the arms embargo? Thus far in my briefings, it is clear to me that they would be at risk once the decision was made. And, therefore, they would have to be engaged in a retrograde movement to pull them into areas where they could be safe and out of exposed areas that many of them are serving in today. How long would such a withdrawal take of the UNPROFOR forces? What would be the consequences of their not being able to perform the mercy missions that they perform today with food and medicine? And, indeed, we read in today's paper of an actual military engagement by UNPROFOR forces.

Would the Serbs likely intercept the withdrawal of the UNPROFOR forces and once again take hostages?

These are questions that we must answer.

Then, what is the likely reaction of Russia and Serbia proper to a unilateral lifting of the arms embargo? Is it reasonable to assume that they would come to the assistance of the Bosnian Serbs if the Bosnian government begins to recapture territory in the wake of lifting the embargo? Would the lifting of the embargo now help or hinder efforts to achieve a negotiated settlement to the conflict? I think, most of us realize there is no military solution to this tragic conflict, a conflict that is embedded into literally hundreds of years, if not a thousand years, of strife for the same basic differences of culture, ethnic background, religion. Those are important questions.

The ACTING PRESIDENT pro tempore. The hour of 3:30 arrived about 3 minutes ago. Because the Members participating in the discussion scheduled were not present, I allowed the Senator to go on.

ORDER OF PROCEDURE

Mr. WARNER. Madam President, I wonder if I could inquire of the Members who were about to initiate the next phase of Senate business if I could take another 7 or 8 minutes to introduce a very important bill on behalf of the President.

Mr. BRYAN. Madam President, responding through the Chair to my distinguished colleague from Virginia, I would have no objection if that is propounded as a unanimous consent request. I would certainly agree.

Mr. WARNER. Madam President, I ask unanimous consent that I may proceed as if in morning business for another 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Madam President, I thank the Chair. I thank the Members.

(The remarks of Mr. WARNER pertaining to the introduction of S. 2056 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

U.S. NAVY CHANGE OF COMMAND CEREMONY

Mr. WARNER. Madam President, April 23 marked a momentous day in the history of the U.S. Navy. The U.S. Navy bid a respectful farewell to the distinguished Adm. Frank B. Kelso II, Chief of Naval Operations. Admiral Kelso dutifully served nearly 38 years on active duty, during which time he exemplified honor, courage, vision, and leadership ability. Admiral Kelso served the U.S. Navy through many challenging times, including drawdowns, budget reductions, and changes brought by the end of the cold war.

The occasion of the change of command provided us the opportunity to welcome his successor, Adm. Jeremy Michael Boorda. As Admiral Boorda commences his tour as the 25th Chief of Naval Operations, he brings with him vast experience. Admiral Boorda has formerly served as the Commander in Chief, Allied Forces—South, Commander in Chief of the U.S. Naval Forces—Europe, and as the principal commander for all NATO air and maritime operations in Bosnia and Herzegovina. I wish him the best of luck in continuing to prepare the U.S. Navy for the 21st century.

I would like to take this opportunity to submit remarks delivered at the change of command ceremony for entry in the RECORD. I hereby ask unanimous consent that remarks delivered by Admiral Kelso, Secretary Dalton, General Shalikashvili, and Admiral Boorda be inserted in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS DELIVERED BY ADM. FRANK B. KELSO, II, USN, CHIEF OF NAVAL OPERATIONS, U.S. NAVY CHANGE OF COMMAND, ANNAPOLIS, MD.

Good morning. Secretary Deutch, Secretary Dalton, General Shalikasvili, Senators Warner and Stevens, Congressman Hoyer, members of the Diplomatic Corps, my fellow service chiefs, Admiral Mike and Bettie Boorda, fellow flag officers, men and women of the U.S. Navy, and ladies and gentlemen.

I think I'd better get a pin and scratch myself, to make sure I'm in the right place this morning. Thank you so very much for your kind words. But when you reach this point in time, there are a few people you have to say thanks to, because I didn't get here alone—I got here with a lot of help. First of all, I'd like to thank every American sailor I ever served with, whoever followed my orders, or gave me a suggestion, because, truly, that's what makes our Navy go, and we all owe them so much. So I'll accept these medals this morning on behalf of all the young officers and sailors who worked for me. I'd like to thank my OPNAV staff who supported me so superbly, the fleet commanders and their staffs who kept our Navy running in a period of great turmoil. I'd like to thank my fellow chiefs of the Navy who've come from so many places in the world to join Admiral Mike Boorda and me today. I'd also like to thank Admiral Tom Lynch and everyone at the Naval Academy for putting this ceremony on. Tom, I have enormous respect for your capability and leadership, and want you to know that.

I'd like to thank each of you for being here this morning, and sharing this day with Mike and me. I'd like to thank my classmates, the great Class of '56. It's been my honor to carry the torch for a good while, and I'll leave it now to Captain Fred Lippert, Chief of Orthopedic Surgery at Bethesda, who, I believe, is our last classmate on active duty. I appreciate the efforts of so many friends and family to come here this morning, and I'd like my family to stand up. I'd like you to see them—I'm awfully proud of them.

And my last thanks, this morning, will go to Landess. Landess has stood with me through all these years. She's been my best counsel, my best advice—my toughest critic, and also the one who pushed me when I was down the most. And she's kept my hat size about the same—but she hasn't had much trouble during this tour of duty in doing that. Thank you, my love. It's been a great journey, and we're going to have a better one from now on, too.

I'd like to say a special word of welcome to Mike and Bettie Boorda. Mike's an officer I've known for a long time. I've had just great respect for him. I have great confidence in him, and I know he's going to be the Navy's great leader as the next CNO. Mike, it's a pleasure to be here with you and Bettie this morning. I left a couple little things on the desk for you I thought might be necessary for the job: there's a large bottle of Maalox and a cup that says "Budgets are for wimps."

But to be serious, when I stood here four years ago to relieve Carl Trost, American and Soviet sailors still watched each other almost every day from a distance, ready to wage war on a moment's notice. The U.S. Navy was recruiting more than a hundred thousand people a year, and we were well on our way to a 600 ship fleet. We had just opened one of our new home ports, in Staten Island, and were preparing to launch the ARLEIGH BURKE and the GEORGE WASHINGTON.

But already, we saw great change on the horizon. The Berlin Wall had fallen just six months earlier, and the reforms characterized in that era as glasnost and perestroika were already reverberating throughout the Soviet Union. Here at home, a stalled economy and a growing budget deficit forced us to take a hard look at our nation's priorities. On that day in 1990, I said, "We have nothing to fear in change," and everything that's happened since then has only reinforced my belief in that statement.

Even then, most of us understood the implications of the easing of Cold War tensions combined with our nation's pressing domestic concerns. But few could have easily foreseen either the extent or the sheer speed of the changes we would experience during my watch.

Perhaps the most unexpected of all was a war eight thousand miles away which ultimately involved half a million young Americans. Their performance, and the success of our weapons systems during the Persian Gulf conflict validated the wise decisions of my predecessors. I knew I had inherited the most capable Navy the world has ever seen.

My mandate was clear, and that mandate remains today—to make sure the Navy after the next Navy is no less capable. I still believe that the world's remaining superpower is going to need a Navy ready to carry out its mission anywhere our President sends us.

But I knew that we could not be the best if we tried to preserve the status quo while the world changed around us. And, as always, the men and women of the U.S. Navy rose to the challenge. Over the last four years, they have shaken up the old assumptions, and embraced change. They have traded a traditional, independent view of the world for one that promotes consensus and cooperation.

And I believe that this willingness to change, to divest ourselves of some old assumptions, is enabling us to navigate through the shoal waters of downsizing, and to realize the great opportunities before us to improve our capabilities and provide them at a more affordable price.

When I look at our Navy today, I see an organization which has made a strategic leap of faith, transitioning from Cold War priorities to the profoundly different, but very real challenges we are facing.

I see a Navy which is more and more an integral player on America's joint war fighting team, and with each passing day, I see sailors working more closely with their comrades in the Marine Corps, Army, Air Force and the Coast Guard.

I see a headquarters staff reduced in size by half, and operating more efficiently than in the past, and I am heartened by the improvements we have made in prioritizing and programming our resources.

I see continued strong pride in our warfare communities, but at the same time a greater willingness to speak as one Navy.

I see an organization moving steadily toward real equal opportunity, and in opening combat duty to women, maximizing our ability to get the best qualified person for the job.

I see a Navy which acknowledges that we must continue our efforts to diversity our officer corps. We must do it today, so the leadership of tomorrow reflects every segment of this society.

I see Navy leaders—officer, enlisted and civilian—committed to the principle that smaller need not mean less capable.

And I see adherence to the tenets of Total Quality Leadership improving the entire fabric of our organization, and empowering our people to become a part of this process of change.

Finally, I see a climate which encourages and nurtures new ideas, be they from the E Ring or the deckplates of our ships.

The men and women who sail those ships are hard at work this morning—they are part of the most ready and capable force we have ever sent to sea. We have a plan, a solid plan to maintain that readiness, and to lay the keel of the next Navy, the Navy of twenty to thirty years from now. The plan represents a concerted effort to shape our own destiny, but the desire is in the execution, and there are no guarantees.

As we strive to build on the strengths of this great nation, we cannot afford to forget that national defense is only part of the equation. There are many legitimate claims upon the American taxpayer's dollar, and many competing interests for resources, however much we all share the same goals. Getting through the challenges ahead will call for unlimited reserves of perseverance and moral courage.

What are the qualities which will sustain us during this period? First and foremost will be our love and devotion to this great nation. Equally important will be our loyalty to our service. As those of you here today well understand, we cannot afford to regard our service as only a job. It is, and always has been more than that. It must continue to be a way of life.

And while we have always counted among our ranks tough-minded, colorful individuals, the greatness of our organization has come from our sense of esprit de corps, from the efforts of men and women willing to put the institution above themselves.

That concept of teamwork is not an outmoded ideal—it is, in fact, more relevant than ever before. But it is not a quality found in the seabag of every new recruit or officer candidate. We must instill that sense into our people, and work to reinforce the message as they progress throughout their careers.

Lastly, we must look to our strength of character. We must be, and we must be perceived to be man and women with an unwavering sense of honor, integrity and professionalism. The American people—those who willingly entrust their sons and daughters to our charge—expect no less from us.

In recent years, we have often found ourselves in the spotlight, and sometimes the glare is very hard to take, but I am convinced that degree of scrutiny is far more a blessing than a curse. The keen public interest in everything we do comes from the fact that our fellow Americans, for more than two centuries, have indeed expected from us the highest standards of behavior and personal honor.

Notwithstanding our occasional failings and foibles, the American people put more confidence in their armed forces than in any other public institution. I believe we should welcome the closest scrutiny; we must want to be held to the highest standards, because our values define us—they go with the privilege of serving this country.

In the end, there are no problems we cannot resolve, so long as we are forthright and honest, committed, and ultimately, do what is right.

You who love our Navy as much as I do should feel proud of our ability, as an organization, to meet the challenges ahead. I make no claim to predicting the future, but whatever the future holds, the Navy remains forward deployed, relevant and valuable in a still changing world.

The challenges facing our wardrooms and senior enlisted personnel in the days ahead will be daunting. Instability around the globe suggests that the operating tempo of our ships and squadrons will remain high for the foreseeable future. But even as we continue to carry out our worldwide commitments, we will be executing the plan which will get us to the "next Navy." That means some new ships will come on line, older units retiring, bases we have called home for years closing. Nor can we expect technology to stand still throughout that process. There will be new skills to master, changing missions which we must train for.

I have all the confidence in the world in Navy leaders across our ranks to meet these challenges. They are the best, and they have fantastic material to work with. Today's sailors cannot be beat. They continue to take on tough assignments at sea and at shore stations all over the world.

They willingly give up comforts and conveniences enjoyed by their fellow citizens, and spend months at a time away from home and loved ones. Today, just like 4 years ago, over 40 percent of our fleet is underway and operating around the globe.

And whether they are serving in the Red Sea or Arabian Gulf, the Mediterranean or the Adriatic, or off of Somalia, our people understand the importance of their mission. They are proud to represent this nation. And though they acknowledge that they themselves cannot solve all the world's problems, being able to give others the chance for a better life is something very meaningful to them.

As I stand before you today, I can tell you that the American bluejacket still exemplifies the idealism and devotion to duty which have made this nation great. In the days ahead, we will change them as much as we ever have, but I have no doubt they have the right stuff to get the job done.

Our senior enlisted leadership, like Master Chief John Hagan, our Master Chief Petty Officer of the Navy, are dedicated, caring leaders. They are the backbone of the organization, and they have embraced and accelerated the change with their ideas.

I am sincerely grateful that we, as a nation, are blessed with leaders like Secretary Perry, Secretary Deutch, Secretary Dalton, and General John Shalikashvili, as well as the committed elected officials who understand these young people I've been talking about, along with their comrades in the sister services. They know that these young people are the true strength of America's defense capability, and if we keep faith with them, they will never let us down.

In conclusion, let me say it has been for me an extraordinary privilege to come of age in the U.S. Navy. Over the course of the nearly thirty-eight years I have spent on active duty, the men and women who wear this uniform have never ceased to impress and inspire me. Nor have they failed to sustain my belief that ours is the greatest Navy and the greatest nation on the face of the earth.

When I reflect on the sacrifices they make on a daily basis, I am reminded of the words of President Theodore Roosevelt, a leader whose vision for our Navy and nation is still very relevant today. He said:

> Far better it is to dare mighty things, to win glorious triumphs, even though checkered by failure, than to take rank with those poor spirits who neither enjoy much nor suffer much, because they live in the gray twilight that knows not victory nor defeat.

Having the opportunity to lead these people over the past four years has been the most rewarding experience of my life. When I look out at our leadership today, and particularly our young leadership, I see the leaders of tomorrow, and I know our Nation could not be in better hands.

My God bless our Navy, may God bless America.

REMARKS BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF, GEN. JOHN M. SHALIKASHVILI AT THE RETIREMENT AND AWARD CEREMONY FOR ADM. FRANK B. KELSO

Secretary Deutch, Secretary and Mrs. Dalton, members of Congress, members of the Diplomatic Corps, Admiral and Mrs. Kelso, Admiral and Mrs. Boorda, distinguished guests, ladies and gentlemen.

We are here today to two things, each of them full of symbolism and full of emotion and each significant to the history of the United States Navy and the Armed Forces of our Nation. First we are here to pay great tribute to my very good friend, Admiral Frank Kelso, and to honor his vast achievements over 38 years of truly extraordinary service, and to haul down his flag. And second, to break Admiral Boorda's flag, thus designating him the 25th Chief of Naval Operations.

And it is very fitting to celebrate Admiral Kelso's accomplishments here. Because it is here, that it all began, across the yard at Dahlgren Hall, Ensign Frank Kelso graduated with distinction, graduated with distinction among the 681 members of the class of '56 on cool and cloudy June the 1st, nearly 38 years ago, years marked by the delicate balance of the Cold War, marked by war itself, and marked by vast, sweeping changes to the Navy, our Armed Forces and to the world at large.

When Admiral Arthur Radford, then Chairman of the Joint Chiefs of Staff, addressed Frank Kelso's graduating class, he could have been predicting Frank's future when he said, "Your future will be challenging and interesting. Undoubtedly, you will witness and take part in great events. Now", he went on, "the part you play and the contributions you make will be somewhat designated by fate, but largely designated by you as an individual." And for the next 38 years, Frank Kelso lived by these words in one assignment after another.

Beginning with his first duty as the 3d Division Boat Group Officer aboard USS Oglethorpe, through three sumarine commands, his command of Sixth Fleet, through three 4-star billets, Frank Kelso proved to be a wise leader, a man of great integrity and character, a man people follow into battle, a man people trust with their lives.

This was clear to the world when the men and women of the U.S. Sixth Fleet, under the leadership of Admiral Frank Kelso, were called upon to capture the terrorists who had highjacked the *Aquille Lauro* and killed an American tourist . . . When they were called into combat in the Gulf of Sidra and again into the heart of Libya, when Libya was implicated in the bombing of a German disco, killing an American serviceman and wounding scores of other military personnel.

And it was true as well, during his four years as Chief of Naval Operations. Admiral Kelso has led our Navy through its most challenging, difficult period of its recent history. Within months of assuming his new role, Admiral Kelso organized the Naval force for Operation Desert Storm, the awesome force whch played such a key role in that great victory.

As the Armed Forces dealt with the force drawn downs and budget reductions, Frank

Kelso kept the Navy forward looking, reorienting to a new role in the rapidly changing world and reorienting a new doctrine.

And throughout his career, Frank Kelso demonstrated time and again, the deep concern for his people, and the pride and compassion to continually improve the quality of life for the men and women of the United States Navy. And standing by him with her unwavering support was the rest of his team, his wife Landess and his four children, Tommy, Donald, Mary, and Carrie. Landess, for 38 years, you have stood by Frank through the difficult assignments, the long years of one overseas duty after another, raising your family and enduring the pressures and challenges with your hallmark, calm patience. You have shown immense strength. And you have been a wonderful friend to the men and women under Frank's command and to their families. You have left your mark in our hearts and we will miss you dearly.

But today as well, we welcome Admiral Mike Boorda and his wife Betty. Admiral Boorda comes to Washington after having just served—brilliantly, I might add—as Commander in Chief of Allied Forces, South in Italy and Commander in Chief of U.S. Naval Forces, Europe. And as the principal commander for all NATO air and maritime operations near and over Bosnia-Herzegovina.

My association and friendship with Mike Boorda goes back to our days together in Europe and I am most pleased that President Clinton has appointed him to continue in the effort to prepare the Navy for the 21st Century.

So, on behalf of the Joint Chiefs, we welcome you Mike and Betty, and pledge our support while at the same time we congratulate you, Frank and Landess. Thank you for your friendship, and I wish you both continued fair winds and following seas.

Thank you very much.

ADM. JEREMY MICHAEL BOORDA, USN, CHIEF OF NAVAL OPERATIONS, CHANGE OF COMMAND REMARKS

Good morning, Secretary Deutch, Secretary Dalton, General Shalikashvili, Admiral Kelso, General Mundy—I could go on—this is about two pages of names, I think I'll just stop and say that if you're not a friend of Frank Kelso's, Mike Boorda's or the United States Navy, you're in the wrong ceremony.

It is our custom in the Navy, when an officer takes command, that he will make a few very brief remarks—certainly not talk about changes—and sit down quickly. And I'm going to do that, but there are a few things I should say. And Frank there will be one big change now that you're leaving and I'm coming in. The podiums are going to be a lot smaller for the next four years. For the people in the front row, there is an admiral back here somewhere

First, instead of saving it for the end, I want to say right up front how much I appreciate and love my wife Bettie for her hard work on behalf of the Navy, on behalf of our family, and on behalf of her husband all these many years. I wouldn't be here if it wasn't for you an I wouldn't want to be here without you. At a moment like this, I have to tell you the truth. When we went to Europe I told Bettie, "its going to be kind of a quiet tour and I'll probably retire when this is over and you'll see a lot of me for the next few years," and then there was Yugoslavia. I'm not even going to lie to you this time—I'll see you in about four years. I also want to say that my mom, who is here, and my dad, who can't be here but is with me anyway, are not just observers at this ceremony are, instead, full participants in any success I might have had. Thanks. All my kids are all here, and that's a big thing to say and they have always been there for me even when I couldn't be there for them because of long deployments or one demanding job after another. So thanks to all seven of you, and I love you a lot! I'd like to thank Secretary Dalton for nominating me, that's kind of an understatement. And I will do my best to live up to your expectations, Mr. Secretary. I know that you and I and General Mundy are going to be a good team and I look forward to getting started. To Secretary Deutch and to Secretary Perry and General Shali, thanks for supporting me as well. And thank you especially for your support in my last job. What progress we made in Yugoslavia—and it is always fleeting progress—was due in large measure to the help, advice, and guidance you gave. It is a tough time for people there. Today is a particularly tough time, and I know that Admiral Snuffy Smith is doing a great job and so are the people from all of the services.

Admiral Kelso, we had a quick but a very thorough turnover. And I want to thank you for making it possible. Thanks also for your leadership and friendship over the years. Our entire Navy wishes nothing but the best for you and Landess and the entire family. The benefits of the new policies you've put in place and the course you've set our Navy on for the future as we approach the 21st century has been superb. Thanks my friend and God bless you!

To the men and women of our Navy an to their families as well . . . thank you! For over 38 years of my career you, and those who preceded you, have been working harder than anybody could have ever expected, often sacrificing more than anyone should ever demand of others, and always making things turn out well in the end. You, the people of our Navy, are what this is all about. Without you nothing is possible and I won't forget that. You are the reason I am here and I won't forget that either.

We ask much of you. We need to be sure you have what it takes to get the job done. I will work as hard as I can to see that you get the ships, the aircraft, the systems, and all the other ingredients of a ready Navy so that, when asked to do the difficult jobs—and you will be asked—you can do so in a safe and effective way and you can win. Secretary Dalton and I are pledged to work together and we will achieve that goal.

I intend to spare no effort, and I expect and require that you spare no effort, toward the realization of real, total, equal opportunity in our Navy. We have come a long way. And let me say, because there's been a lot of talk about it, Frank Kelso brought us a long way along that road. Many would say, and I would agree, that we are ahead of much of society. But that isn't good enough. We want perfection. When we don't get it, and I'm sorry to say we won't always get it, then we will react in a fair, appropriately swift, and always just way. You can count on it.

My reason for mentioning this should be obvious to you, the men and women of our Navy. If you agree with me that people are the most important part of what we do . . . and I think almost everybody would agree with that . . . then it should be easy to see that we require, that we need to require and permit—let me say that again, require and permit—every single person on our team to achieve their personal best. Taking care of each other is the essence of being on a team and, as Frank said, this is a team. It is what we are. It is also the essence of leadership at all levels from CNO to our newest petty officer and everybody in between. I'll have lots more to say on this subject in the days ahead.

We have a great Navy. It is great because our nation has made it so by giving us the best tools to work with of any Navy in the world. But it is great for an even more important reason, because of its people. The men and women of our Navy are a reflection of our society and we come from the most wonderful nation in the world so it's no wonder they are so good. but there is even more to it than that. As great as our nation is, we * * * your Navy * * * have the best. We have smart young people who are with us because they want to be here. They volunteer to serve and they have to meet our standards when they join our ranks. They come to us with high hopes for their own futures and they quickly learn to care about—and have equally high hopes for—their Navy and their nation. When I say we have a great Navy, and we do, I am really saying we have great Navy people, and we do.

I have many goals in mind as I start my tour as Chief of Naval Operations. And I'll be working on all of them in the days, weeks, months, and years ahead. And they're all important. But I need to steal an Army recruiting phrase to tell you of my most important goal. That phrase is "be all you can be." On February 10th, 1956, a chief petty officer started helping me to be all I could be. Lots of petty officers, chiefs, officers, and civilian leaders too, kept it up * * * Day after day * * * year after year. Many of you are sitting in this audience. I guess they succeeded. I think I really did become "all I could be." Now I need to pay them back. I'm going to do just that and I'm going to do it by taking the best care I can of the wonderful men and women of your Navy.

Thank you and God bless you all.

REMARKS AS DELIVERED BY HON. JOHN H. DALTON, SECRETARY OF THE NAVY, ON THE INTRODUCTION OF DEPUTY SECRETARY OF DEFENSE JOHN DEUTCH

PASSING THE VISION

The mark of success for those in positions of authority is the vision of the future that they bequeath to those after them. It is this vision that allows us to sail a steady course amidst change and challenge * * * to sail from an era of global confrontation to a vastly different world.

Today we are saying goodby to a bold, visionary leader of the Naval Service, and we are welcoming his successor. The naval career of Admiral Kelso, like that of his successor, Admiral Boorda, has spanned the height of the Cold War—from the rise of the Soviet challenge at sea to the collapse of communism and end of the Soviet empire. Both officers have spent a lifetime of long, demanding toil in the service of America's defense. And both have provided a guiding vision through periods of naval expansion, as well as periods of right-sizing. Their eyes were on the horizon through successive commands of ships, fleets and joint forces.

To Chief of Naval Operations Admiral Frank Kelso fell the task of piloting the United States Navy beyond the Cold War's end—a feat akin to sailing beyond the edge of the known world. Many were the challenges he faced in dealing with new strategic and social issues. His legacy as Chief of Naval Operations will be lasting. The development of a new strategic vision "* * * From the Sea", the full integration of women, the emphasis on Total Quality Leadership, and the reorganization of the OPNAV staff are but four of these.

This ceremony symbolizes many things. Of course, it marks the passing of command—an act that means so much to those who "go down to the sea in ships." For like the commanding officer who plots the course and ensures the safety of the ship in both storm and battle, the Chief of Naval Operations ensures the continual development and safety of his Service. Admiral Boorda inherits from Admiral Kelso a ship on the right course, one that has weathered the storms as it sails from the open oceans to the littoral regions of the world.

But this ceremony also symbolizes a tradition of naval leadership that is the force that maintains our Navy and has built it into the finest the world has ever known. It is this tradition—the tradition of Admirals Benson and Nimitz and Sherman and Burke—that is now being passed from Admiral Kelso to Admiral Boorda . . . and with it a heritage of honor, courage and commitment that transcends this moment in time. For leadership is a timeless trait and one whose ever present concern is that of building a better future . . . a future that men and women of conviction will carry on.

It is indeed my pleasure this morning to introduce a man of vision whose efforts at building a higher quality and more efficient Department of Defense are already well apparent. Deputy Secretary of Defense John Deutch has over thirty years of experience in national security policy and defense acquisition and management. Since April 1993, he has served as the Under Secretary of Defense for Acquisition, and in the past month, was confirmed as Deputy Secretary. As Undersecretary, he spearheaded our efforts at acquisition reform and set the groundwork for policies to preserve the defense industrial base.

A member of the MIT faculty—since 1970—as a professor of Chemistry, and most recently, as university Provost, Dr. Deutch also devoted countless hours and considerable talent to service in government, both as an official in the Departments of Defense and Energy and as a member of numerous advisory panels.

I note that of the many advisory panels he has served on—which include the White House Science Council and Defense Science Board—Deputy Secretary Deutch found time to serve with distinction as a member of the Chief of Naval Operations Executive Panel. The CNO Executive Panel provides advice directly to the CNO on matters pertaining to the programs and policies of the United States Navy . . . including issues such as future technologies and industrial policies. I think the fact of John Deutch's participation indicates that the Navy can recognize talent and welcomes the assistance of top experts. And I certainly can't think of a better person to provide such advice than John Deutch.

Dr. Deutch has also served as an Acting Assistant Secretary and Undersecretary of the Department of Energy and director of Energy Research.

To paraphrase Secretary of Defense Perry—who very much wanted to be here today, John Deutch is indeed a man who has walked through the doors that time has opened in the development of new technologies and the strategies of their application . . . developments that helped to bring an end to the Cold War . . . developments that promise to fashion a more secure future.

In conjunction with Secretary Perry, Dr. Deutch has instituted a management style that empowers everyone in the Department of perform at their very best . . . a management style based on proven experience and blended with love and respect for the magnificent men and women of our Armed Forces. In the final assessment, all our leadership efforts are directed toward giving our Sailors, Marines, Soldiers and Airmen the tools and conviction that bring out the excellence present within themselves. In this, Deputy Secretary Deutch is already achieving great success. It is a genuine pleasure to work with this man.

Ladies and Gentlemen, it is my honor and privilege to introduce to you the Deputy Secretary of Defense, the Honorable John M. Deutch.

STATEMENTS MADE BY THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF, THE SECRETARY OF DEFENSE, AND THE PRESIDENT AT THE MEMORIAL SERVICE TO THE MEN AND WOMEN KILLED IN THE FRIENDLY FIRE INCIDENT OVER NORTHERN IRAQ

Mr. THURMOND. Madam President, last Monday, I had the privilege of attending the memorial service for the 15 Americans killed in the tragic friendly fire incident over northern Iraq on April 14, 1994. The service was held at the Fort Myer Memorial Chapel. It was conducted under the joint leadership of the chief of chaplains of the Air Force and the chief of chaplains of the Army.

I want to commend chaplain, Maj. Gen. Matthew Zimmerman, chief of chaplains for the Army, chaplain, Maj. Gen. Donald J. Harlin, chief of chaplains for the Air Force, and their deputies, chaplain, Brig. Gen. Donald W. Shea and Brig. Gen. Arthur S. Thomas for the solemn and moving ceremony. It brought comfort to everyone in attendance and honor to the dedicated Americans who gave their lives in the service of our Nation.

Madam President, the death of the 15 Americans and 11 Allied personnel was a national tragedy. Its impact on the Nation was reflected by the attendance at the service of President Clinton, Secretary of Defense Perry, and the Chairman of the Joint Chiefs of Staff, General Shalikashvili. Each spoke eloquently and emotionally on the dedication and sacrifices of our men and women in uniform and their commitment to our Nation. Without slighting the President or Secretary of Defense, I want to read an excerpt from General Shalikashvili's remarks that sum up the emotions that ran throughout the chapel that day:

> And so to family and friends, know that we grieve with you and that your loss is our loss. They were your sons and daughters, your parents, your friends, but they were our comrade in arms, fellow soldiers and airmen and State Department officers. I will not presume to say I know your hurt. I only know that very special hurt when any serviceman or woman you have given into our charge falls in combat or suffers accidental death.

Madam President, I ask unanimous consent that the complete text of the general's remarks and those of the President and the Secretary of Defense be included in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF PRESIDENT BILL CLINTON AT MEMORIAL SERVICE TO HONOR VICTIMS OF "FRIENDLY FIRE" INCIDENT IN IRAQ

Today in this chapel built for heroes, we come to mourn the lives and to celebrate the lives of those who died on April 14th. To all the families who are here present and the families who are not here, I think it should be clear that, in addition to the distinguished leaders of our military, the clergy and the friends, the spirit of all Americans is in this chapel today. The hearts of all Americans have gone out to these families.

When we joined three years ago with Britain and France and Turkey to protect the Kurds of northern Iraq, to shelter them from air attacks, to sustain them with shoes and coats and food and fuel and medicine, the world took note of something continually special about our great nation and what drives us. The lives of the Americans and their 11 compatriots who were lost reflected that spirit, those values, that heart, that hope that brought us to protect the Kurds in the first place. They were literally part of a mission to provide comfort. They have honored us all with their compassion and courage and ultimately with their sacrifice.

We know, as has already been said, that those who enter the military understand clearly that they assume great risks, that even though the world has changed, that the specter of the Cold War is fading, the way of life we cherish as Americans and our hopes for the rest of the world still depends upon their skills, their sacrifice, their courage, and their clear willingness to undertake those risks. And yet I have to say that, as president and as an American, when it becomes the job of those of us in positions or responsibility to explain loss to these wonderful families that came about through a terrible accident, the burden of reminding all of us that all who serve undertook those risks is still very great.

We must remember not only those who died for their service to their country but for how they were loved. We must, all the rest of us in America, pray for these families—for the husband and the father whose young child will now have to learn about him through photographs and stories, for the family of an ambitious young man who wished to go to college and become an artist, for a distinguished American veteran of more than two decades whose soldiers loved him for his steel and his heart, for the wonderful daughter and sister who lifted those around her with her vigor and promise, for the young pilot who grew up with his heart set on the skies, and for all the others. Their lives were suddenly taken from their beloved families and from our nation in our service and their important mission.

No one's words can wipe away the grief, the pain, the questions. It is our duty first, to continue the mission for which they gave their lives; second, to find the answers which they rightfully seek; and third, to pray that together they will find the strength as the days go forward to ease their grief and lean on their faiths.

The Americans we honor today represented the best in our country. In a tragic irony, all who were involved in this accident, including the pilots of the two jets, were there on a common mission to save the lives of innocent people. We know that just as we are all proud of their ability and their bravery, their readiness for any challenge, their devotion to their families, we all understand that they, like we, none of us are immune from error, from tragic circumstance.

One of the fathers, himself an Air Force Colonel, said that he though his daughter was a hero. Well, they're all heroes, and we owe it to them to honor their lives and their service, to answer the questions of their families, but more than anything else, to remember when words fail that we are taught over and over again in the scriptures things will always happen that we can never fully understand, that, as President Lincoln said, the Almighty has his own purposes, that the faith which sustains us, according to the scripture, is "the assurance of things hoped for, the convictions of things unseen."

As I look out into the faces of mothers and fathers and wives and sons and daughters, brothers and sisters, I say on behalf of a grateful nation, we honor your sacrifice and we will do our best to live every day with the memory of your sacrifice. And we pray for you, that time will give you the strength and the faith to remember the very best and finest of the lives of your loved ones, to be always grateful for what they did and never cynical, even in the face of this tragedy, for there are things which happen to us all which can never be fully understood. What is clear and beyond any doubt is that they loved their country and they swore an oath, including a willingness to give their lives for their country. They did it in a very noble cause. We share your grief, we honor their lives, we pray for you and for their souls.

REMARKS OF DEFENSE SECRETARY WILLIAM PERRY AT MEMORIAL SERVICE TO HONOR VICTIMS OF "FRIENDLY FIRE" INCIDENT IN IRAQ

I want to share my deep sense of personal loss over the deaths of the fine men and women we mourn today. I also want to extend my most heart-felt sympathy to those who lost loved ones in this terrible tragedy. And I want to share my deep sorrow with the other nations that lost their sons. Those who died were brave, generous individuals doing a tough job under hazardous conditions. They gave their lives so that others may live. This is the greatest work that God can have us do. In our hearts and memories, they will always be with.

Lieutenant Laura Piper's mother summed it up with great wisdom. She said, "People are always wondering where are our role models today; well, here they are." Their mission was critically important. While the world's attention has been captured by other conflicts and crises, Operation Provide Comfort continues. We've saved tens of thousands of lives. We've escorted a half a million Kurdish people from exile in bitter cold mountains and returned them to their homes. The no-fly-zone we continue to enforce over northern Iraq has stopped Saddam Hussein from using air and ground attacks to terrorize the Kurds.

America and our Gulf War allies decisively won Desert Storm, but we cannot and will not turn our backs on the innocent people who would suffer from Iraq vengeance. Those we remember today were on a noble mission, and America deeply appreciates it. The Kurdish people appreciate it too. Last week, a Kurdish religious leader said: "They came to us to save us and give us dignity. Their sacrifice will remain in the minds of our children for the rest of their lives. We will teach their names to our children and keep their names in our book of history as heroes who gave their lives for our freedom.

In the military, we are family. When we lose members of our family, particularly in tragic circumstances, it's hard to take. While all servicemen and women are prepared for the risks that come with military lives, we are still shocked and devastated when the lives are actually lost. It reminds us of the dangers that our soldiers, sailors, airmen and marines face every day and how vigilance and courage are part of the job.

This was a very complex operation, and no system will ever be 100 percent perfect. Flying these sorts of missions is a task of immense difficulties. Quick judgments, fast reactions and great skill are constantly required. I have flown in the back seat of an F-15 on a simulated mission, and I've some understanding of the strains and the fast paces of events, but we are deeply committed to ensuring that our men and women in uniform can meet this challenge safely by providing the best, the most challenging, and the most effective training possible. And when something does go wrong, I pledge to you that we will have a full accountability on what happened, and I also pledge to you that we will ensure that it cannot happen again.

All of us recognize that defending our nations and deterring aggression will never be risk free. General Robert E. Lee once said, "There is always hazard in military movements, but we must decide between the possible loss of inaction and the risk of action." That risk is the price we pay for freedom and security, and in the ultimate display of patriotism—pride and public service—our men and women in uniform have agreed to pay this price for us. Their friends and families also pay a price. Family members face long periods of separation and often endure agonizing uncertainly when service members are sent on hazardous missions. We owe a special debt of gratitude to the families who have waited and hoped and suffered.

Those we honor today, both military and civilian, are in our thoughts and our prayers. We remember their courage, their devotion to duty, and a commitment to their countries. They and their families deserve our deepest thanks.

There's a painting that hangs across my office at the Pentagon. It depicts a soldier in church praying with his family, perhaps before an overseas deployment. Below this picture is an inscription from Isaiah. It says, "Whom shall I send, and who will go for us?" When the individuals we remember today received that call, they answered, "Here am I, send me." Today we pay tribute to all of those who answered the call and ask God to take them in His care.

REMARKS OF GEN. JOHN SHALIKASHVILI, CHAIRMAN, JOINT CHIEFS OF STAFF AT MEMORIAL SERVICE TO HONOR VICTIMS OF "FRIENDLY FIRE" INCIDENT IN IRAQ

We have come here today to mourn and to honor the men and women, military and civilian, from five different nations, who so suddenly, on April 14th in northern Iraq, lost their lives in a most terrible tragedy.

The men and women who wear our nation's uniform or serve our Foreign Service understand full well the dangers of their profession. I have been around them for 36 years, in peace and in war, and in far away places like northern Iraq, and I know they seldom talk about it openly, but they know all too well that the dangers are ever present and that tragedy can strike at any moment.

There is a special bond, a special bond among us, and we feel a special loss each time a comrade in arms is taken from our midst, and so it is this time. But this loss cuts deeper for this tragedy touches the very fabric of our institution, an institution whose code, whose passion it is to take care of each other and to protect each other from any danger. And when that goes wrong, as it did 11 days ago, our hearts are doubly heavy and our grief especially deep.

And so to family and friends, know that we grieve with you and that your loss is our loss. They were your sons and daughters, your parents, your friends, but they were our comrades in arms, fellow soldiers and airmen and State Department officer. I will not presume to say I know your hurt. I know only that very special hurt when any serviceman or woman you have given into our charge falls in combat or suffers accidental death.

As much as each of us desire to alter the events of April 14th, very sadly, we cannot. We can only mourn, we can streghthen our resolve to learn the truth and to fix the wrong and take great solace and deep pride in the work that they were doing to help others.

The Scriptures tell us that greater love hath no person than when they lay down their life for a friend. Feeding starving children, protecting a people from a tyrant who twice before had brought death and destruction and unspeakable cruelty to his own people, they sacrificed their lives so that others might live. They, and those who went before them, gave life and gave hope to a people who without them would have had very little reason for themselves and for their children. Their efforts were selfless. Their service was valiant. And their cause was noble.

To the Kurdish people of northern Iraq, to each of us here, to their brothers and sisters throughout the services, they are extraordinary heroes and shining examples. Perhaps no one understands that better or more clearly than the very people these men and women were protecting. In the dusty streets of Zakhu in northern Iraq, just below the Turkish border, the people have hung hundreds of banners in remembrance of these heroes. "We mourn the loss of our heroes," the banner tells us. "God bless their souls, and God be with their families," it concludes.

We, the Joint Chiefs of Staff and the men and women of our Armed Forces and our families, offer our prayers and our deepest sympathies to the families of all who died that tragic day. And we honor and salute them and pray that God will now embrace them in His kingdom. Thank you.

HONORING THE LATE RICHARD M. NIXON

Mr. DURENBERGER. Madam President, attending the funeral of President Richard M. Nixon last week was an extremely moving experience for me, as I'm sure it was for many of my colleagues. It would not be an exaggeration to say that Richard Nixon shaped the politics and the attitudes of a whole generation of Americans.

Indeed, I think all Americans—regardless of party or political ideology—have lost a great resource with the passing of America's 37th President.

Richard Nixon brought to the analysis of America's global and domestic problems an intellect rarely matched in the history of statecraft. In the final judgment of history, he will be remembered primarily for his geopolitical audacity in the opening to Communist China—and bringing America's influence to bear on the future of the 1 billion people who live in that country.

By opening the window of U.S. diplomacy and trade, Nixon laid the groundwork for the integration of the world's most populous nation into full membership in the world community. That process continues today—and, as a result of Nixon's opening, sober analysts have high hopes for mainland China in the 21st century.

In his domestic policy, Nixon combined a belief in free market economics with a recognition of the need for decisive government action to mitigate the defects of the market. It is ironic that shortly before Nixon's death, a Vice President of the opposite party would joke that his Democratic administration would be very happy to enact the Nixon health reform plan—a reference to one of Nixon's major domestic initiatives that failed to carry in Congress.

That, Madam President, was Richard Nixon the statesman. Let me recount an event that gives us some understanding of Richard Nixon the human being. When my predecessor in this office—the Honorable Hubert H. Humphrey—was dying of cancer in Lake Waverly, MN, he called former President Nixon and asked him to attend his—Humphrey's—funeral. Humphrey knew that the funeral was not going to be long in coming—and he arranged that Richard Nixon be received at that ceremony with the full honor due to a former President. Young people who watched the TV coverage of President Nixon's death and funeral—coverage that I understand was generally positive in tone—might find nothing remarkable in this. But back in 1977, the scars of the Watergate scandal were far from healed. Many of Senator Humphrey's liberal colleagues—and even a substantial number of moderates and conservatives—viewed Nixon as deserving a state of permanent disgrace.

Hubert Humphrey demonstrated true nobility of character by making his historic gesture to President Nixon. He realized that whether you share Nixon's views or not, you have to recognize his value to public life. Humphrey had known Nixon for decades—and knew that ostracizing Nixon would hurt America's future more than it would help.

Today, let us continue in the tradition of my distinguished predecessor. Let us join Hubert Humphrey in recognizing that all public-spirited Americans, whatever their ideology, have a constructive role to play in building our country's future.

Few Americans have ever played a more constructive role than Richard Nixon did in his final years. People who read his books—and I'm sure this group will include the future leaders of America—will be reaping the benefits of his intelligence and wisdom for many generations to come.

At this time of mourning, I wish Julie Nixon Eisenhower and Tricia Nixon Cox, the late President's daughters, all possible consolation in what must be a very difficult time.

Madam President, I ask unanimous consent that a Washington Post op-ed by Paul Rexford Thatcher, Sr., describing the final days of the relationship between President Nixon and Senator Humphrey be included in the RECORD. I further ask that two articles from the Minneapolis Star Tribune be included, one recounting the visits of President Nixon to Minnesota and the other recounting Minnesotans' reaction to his passing.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

RECONCILIATION HEALS PEOPLE AND NATIONS

(By Paul Rexford Thatcher, Sr.)

It was the Christmas holiday of 1977, and an especially bitter December in Minnesota. Sen. Hubert H. Humphrey had returned home to his refuge, his house on the new frozen Lake Waverly, about 35 miles west of Minnespolis.

He had just made a short but triumphant last journey to the nation's capital to deliver in person his farewells to the men and women with whom he had served for almost 30 years as U.S. senator, then vice president of the United States and since 1971, again, as a member of the Senate and its president pro tempore.

Now it was almost over, this remarkable political life, and emaciated by cancer, Humphrey lay in bed dying at Lake Waverly. The grounds of his house on the lake were stewed uncustomarily with twigs and fallen branches from the leafless trees on the expansive lawn. Humphrey had been notorious for taking visitors, be they prime ministers, fellow senators or political associates, for long walks on his grounds, making them pick up scattered twigs or leaves. There had been no such recent visitors.

In the lane at the back of the house, the small road that led to the highway to Minneapolis, a cluster of reporters was already forming a death watch over Minnesota's most famous political son.

Humphrey's son-in-law had leased a WATS line for him as a surprise Christmas gift. After returning from Washington, his life and legendary energy now ebbing from him like a tide, Minnesota's Happy Warrior began to call old friends and associates around the nation and the world. He ostensibly called to give them season's greetings, but everyone knew he was taking his leave of them.

He reached his old adversary, Richard Nixon, on Christmas Eve, only to learn that the Nixons were both ill, depressed and alone for the holiday in San Clemente. Something troubled Humphrey deeply about this conversation with Nixon, and that evening, surrounded by his immediate family, he brooded often about Nixon's circumstances. He spoke of it later in the evening, too, and it was only the next morning that his concerned seems to diminish as he again called Nixon in San Clemente. He called to tell the former president—the man who in 1968 had given Humphrey his most bitter defeat—that he had a farewell gift to give him.

Humphrey told Nixon that he knew he had only days to live, and that he had made the arrangements for the events that would follow his death: his lying-in-state in the Capitol in Washington, his funeral and burial in Minnesota. Humphrey told Nixon that he was inviting him to attend the ceremony that would conclude the lying-in-state in Washington, and that he wanted him to be present and to stand in the place of honor of a former president.

Nixon, of course, had resigned from the presidency in disgrace only three years before and had not returned to Washington, where ever since he had been unwelcome. This seemed especially so now in the first year of Jimmy Carter's presidency, with Washington in the control of so many unforgiving Democrats (and probably not a few unforgiving Republicans as well).

Sensing Nixon's profound depression in exile in California, Humphrey spontaneously fashioned a credible excuse enabling his old rival to return to the capital. He told Nixon that if anyone questioned his presence, he should say that he was there at the personal request of Hubert Humphrey.

He further told Nixon that he would call me (I had been placed in charge of the Washington ceremonies by the Humphrey family) to relate their conversation and to tell me of his wish that Nixon be treated respectfully and with dignity for that occasion.

On Friday, Jan. 13, 1978, Hubert H. Humphrey died at Lake Waverly. President Carter was immediately called and notified. The president at once dispatched Air Force One to Minnesota to bring Humphrey's body to the capital for the weekend lying-in-state.

On Sunday forenoon, with President Carter, former President Ford, Vice President Mondale and many of the nation's political leaders in attendance, a concluding ceremony was held in the Capitol Rotunda. To the surprise of most and the gasps of many, I escorted former President Nixon to the place of honor with the others, near the flag-draped casket. Hubert Humphrey's gift in the winter to Richard Nixon had been delivered.

Fifteen years later, it is not the chill Minnesota winds that cause me to remember again that gift. I suspect that my memory is triggered by echoes of the voice placing that Christmas Eve telephone call to San Clemente.

I hear those echoes in the pledge of President Clinton to bring us together. To reconcile rich and poor, black and white, old and young, and to realize fully the intrinsic value of every citizen. If he fulfills that pledge, the Clinton years in Washington will bear the hallmarks of comity and compassion that were the emblems of the life of the lamentably late Hubert H. Humphrey.

[From the Minneapolis Star Tribune, Apr. 23, 1994]

A MEMORABLE WHISTLE-STOP TOUR IN 1952

(By Bob von Sternberg)

On a golden, autumn day long ago, the candidate whistle-stopped across Minnesota, lashing and slashing at his Democratic opponents from the back of his campaign train, wise-cracking with deliriously adoring Republican supporters.

In was Oct. 23, 1952, one of the first times Richard Nixon ever visited Minnesota. "America needs new leadership," he said when the train stopped in Moorhead, telling his listeners that they would cast a "vote that may determine the future of America".

In a way, they did, helping launch Nixon on his extraordinary political career, delivering the state to the Eisenhower-Nixon ticket. Minnesota, where the shadow of Hubert H. Humphrey still looms so large, may not seen like Nixon territory. But in the five national elections where Nixon was on the ballot in this state, he won a majority of Minnesota's votes three times.

And elections were the usual prism through which Minnesotans saw Nixon, about two dozen times between 1951 and 1970. Almost always he came in the fall, hustling votes, beating up on everyone from Harry Truman to Humphrey. After 1970, at the apparent height of his electoral power Minnesotans' glimpses of Nixon where confirmed to the news media he so detested.

The first time, he was still a relatively obscure presence, speaking as a U.S. senator from California on the topic of law office management. By the next year, a youthful vice-presidential candidate, he was in full rhetorical flower, assailing the Democratic gang in Washington, failed farm programs and the Communists who had enfiltrated U.S. society.

The podium-pounding aside on that whistlestop tour in 1952, Nixon's visit was accented by touches of outright weirdness, considering how a few comments eerily foreshadowed his downfall a generation later.

Some Litchfield residents presented Nixon with butter and milk products that came from nearby farms. Earlier in the day, he had been given onions, potatoes and even a bagged pheasant. "We're really getting the loot today," he told them.

Later, the man who would be consumed by coverup charges in the Watergate scandal sneered about the Democratic ticket, "They're trying to cover up their record."

The visits continued throughout the 1950s: An appearance at Turkey Days in Worthington in 1954, grand marshal of the Minneapolis Aquateunial in 1958, an address to the American Legion convention the next year.

Minnesotans had again supported the GOP ticket in 1956. In 1960, when Nixon lost to John F. Kennedy by a hairbreadth nationwide, his losing margin in Minnesota was a scant 22,000 votes out of more than 1.5 million cast. He paid two visits to the state during that campaign.

During the early '60s, when Nixon was widely seen as a spent political force, he included Minnesota on his itinerary of almost perpetual public speaking nationwide: the Svenskarnusdag celebration in 1961, Shakopee in 1965, a pair of visits in 1966. Considering the anti-crime rhetoric of 1994, a 1967 speech has a peculiar resonance: "Judges have gone too far in weakening the peace forces against the criminal forces." The crowd filling the old Minneapolis Auditorium erupted in cheers.

On April 20, 1968, Nixon mocked Lyndon Johnson's announcement three weeks earlier that he wouldn't run for re-election. "I shall not seek and I shall not accept the nomination for vice president, he cracked.

In October, barely a month before his showdown with native son Humphrey, Nixon was washed in the cheers of 10,000 Minnesota Republicans, again at the auditorium. "Just think, Dick Nixon getting this kind of reception in what is supposed to be Hubert Humphrey's Minnesota," he crowed. His speech took aim at big-spending Democrats: "It's time for the spenders in Washington to begin thinking about the savers in the country." And at anti-war protesters: "The American flag is not going to be a doormat for anybody when we get into office."

As it turned out, Humphrey thumped Nixon handily in Minnesota, 857,738 to 658,643, even as he lost the election.

The last visit came two years later, in 1970, as he campaigned one more time against Humphrey, who was running against Rep. Clark MacGregor for a Senate seat. Nixon had been on a weeklong Midwest midterm election campaign swing, and his reception in Rochester was the warmest of the trip.

On Oct. 30, the lifelong professional football fan charmed the crowd at the Mayo Civic Auditorium, telling them he was "glad to be in the land of the Vikings." He never mentioned Humphrey's name, saying he came to Minnesota "not to speak against anybody."

Protesters, though not many, dogged the appearance. One displayed a sign that mocked his first inaugural. "Bring us together," it said, at a time when the nation was bitterly divided. Another sign, one that would be seen with increasing frequency during the next four years, said simply, "Impeach Nixon."

Humphrey went on to win and return to the Senate, and MacGregor went on to run the Committee to ReElect the President (CREEP), the nest that hatched Watergate.

[From the Minneapolis Star Tribune, Apr. 23, 1994]

Minnesotans Who Knew Him Recall Man of Contradictions

(By Kevin Deckschere)

Minnesotans who knew Richard Nixon remembered him Friday night as a man of contradictions, who excelled at the game of statecraft even while he struggled—sometimes painfully—with the demands of modern American politics.

Maurice Stans, 86, who was born in Shakopoee, was Nixon's chief fundraiser in two of his three presidential campaigns. He was Nixon's secretary of commerce from 1969 to 1972.

Nixon "was a man of great ambition, and the only real handicap in his way was that he was essentially an introverted person. That was one of the hardest things he had to overcome."

Former Minnesota Gov. Elmer L. Anderson, who rode with Nixon on a campaign train from Moorhead to Minneapolis in 1960 said Nixon was very able and smart "but very cold. I don't think people warmed up to him . . . I don't think his life is one to be admired. . . . It was one that was difficult and excruciating."

But U.S. Court of Appeals Judge George MacKinnon, 88, a longtime Minnesota Republican whom Nixon appointed to the federal bench in 1969, said his old friend was very personable—and terribly bright.

He remembered siting next to Nixon on the House Labor Committee in 1947, when both were new members of Congress.

Every time Nixon quizzed a witness, MacKinnon said, "he had something different and important to inquire about. He had a tremendous intellect and foresight into problems. He impressed everybody."

MacKinnon was less taken with another freshman member of the committee, John Kennedy: "He wasn't there very often. He was down in Palm Beach."

Nixon's greatest achievement in the White House was the opening to China, most agreed. But former U.S. Sen. Eugene McCarthy, a Democrat who opposed Nixon most of his career, said Nixon's enemies list was a more serious offense than the Watergate scandal.

"It was much closer to being an impeachable act. Watergate was kind of a marginal, mixed-up thing." McCarthy said.

Asked how he would rank Nixon among recent presidents, McCarthy chuckled. "I don't know how you'd rank him. The last half-century hasn't been a very high ranking crowd, aside from Harry Truman, you know."

Stans said that Watergate was the result of Nixon's desire to defend his associates, rather than an effort to obstruct justice. But he said the former president admitted that it was a mistake "It got past him on his blind side and, as he said later he blew it. He recognized that," Stans said.

For Clark MacGregor, a former Minnesota member of Congress who headed Nixon's reelection campaign in 1972, Watergate is still an unsettling memory.

"When he asked me to succeed John Mitchell [as campaign manager], he assured me that no senior person in his administration had anything to do with Watergate. That was some 10 days after he had already begun to orchestrate the coverup," MacGregor said.

"He'll go down in history as perhaps one of the most farsighted presidents in terms of foreign policy, but tragically he had almost a paranoia about those he deemed to be his enemies in politics."

Stans called Nixon "the most farseeing president we've had in this century with the possible exception of Woodrow Wilson," The last time he saw Nixon, he said, was at the party Nixon threw Jan. 20 at his presidential library to celebrate the 25th anniversary of his first inauguration.

"He appeared to be in good spirits and good health. He looked much better than he had some months earlier when his wife, Pat, was buried at the same place," he said.

Minnesota Attorney General Hubert Humphrey III, son of Nixon's opponent in the 1968 presidential race, said that there was a closing to the stormy relationship between Hubert Humphrey and Nixon before his father died.

"My father had a WATS line and he was making calls all over the country. One of the people he called was Mr. Nixon. It was at that time that he invited him to his lying in state in Washington," Humphrey said.

Watergate symbolized the end of closed government in the United States, he said. But, he added, "I've thought through what this person has meant to me and meant to the political life of this country and here was a man who went into the fray, created some of the fray, but in his heart, he really wanted what was best for the country."

Staff writer Anne O'Connor contributed to this article.

[From the Minneapolis Star Tribune, Apr. 23, 1994]

The Mark He Made

"Today, the world mourns the loss of a great champion of democratic ideals who dedicated his life to the cause of world peace. For millions, Richard Nixon was truly one of the finest statesmen this world has ever seen."—Former President Ronald Reagan.

"There were very few people who tried as much and were as successful in as many initiatives as he was in a relatively short period of time."—Sen. Dave Durenberger, R-Minn.

"Past differences are now history. I wish him God's care and peace."—Connecticut Gov. Lowell Weicker, who as a Republican member of the Senate Watergate Committee often took sides against the GOP president.

He was "the ablest man to hold the presidency since World War II."—Former Michigan Gov. George Romney, who campaigned against Nixon for the 1965 GOP nomination.

"He will always be remembered for the disgrace that he brought to the presidency. But I will say to his credit he contributed much in his later years. His knowledge on foreign policy, primarily, was invaluable to the last three presidents. I think that in many respects he was trying to make amends and did some worthwhile work in the last years of his life."—Rep. Tim Penny, D-Minn.

"His contribution to the ending years of the Cold War and the pursuit of peace will be recognized and remarked on for generations to come."—Former Sen. Howard Baker, the Tennessee Republican who was ranking minority member of the Senate Watergate Committee.

"All in all, people are going to look back and say Watergate, the resignation, a lot of these things were bad and shouldn't have happened. I think history will, with a few exceptions, say that this man made a difference. You add all that up and he comes out ahead."—Sen. Bob Dole, R-Kan.

"I always thought that President Nixon would go down in history as one of the best presidents. . . . He was saddled with Watergate, but I think history will treat him better than his contemporaries or peers did."—Rep. Rod Grams, R-Minn.

"Some of these days when Watergate becomes a footnote in history . . . and when the Nixon-haters in the press are all gone . . . Richard Nixon will go down as one of the great presidents in history."—Earl Butz, agriculture secretary under Nixon and Gerald Ford.

THE BEATIFICATION OF BLESSED DAMIEN DE VEUSTER

Mr. INOUYE. Madam President, I would like to take this opportunity to recognize the upcoming beatification of the Blessed Damien De Veuster. All of Hawaii looks forward to May 15, 1994, the day when he will be one step closer to the papal designation of Saint.

In 1873, at 33, Father Damien came to the leper colony of Kalaupapa, on the Hawaiian island of Molokai. What he found there would have turned lesser men away in disgust. The people afflicted with Hansen's disease, or leprosy, lived in a filthy, lawless state with the strong ruthlessly taking advantage of the weak at every opportunity. They were living in the worst conditions possible, and existed without hope for any kind of future.

Overcoming the natural suspicion of the patients he had been sent to care for, Father Damien mobilized the settlement. Those who were able constructed houses with wood from the previous settlement at Kalawao. Father Damien was the first outsider to willingly touch the "unclean" and to physically minister to them every day, changing bandages, bathing open sores, consoling those unfortunates whose physical deformities repulsed even the other patients. Through his tireless compassionate efforts, the settlement of Kalaupapa was transformed into a Christian community. Most importantly, Father Damien lifted the hopes and spirits of the patients he so willingly served.

He ministered to the people of Kalaupapa for 16 years, traveling between Molokai and Oahu to beg for medical supplies and other basic necessities. They truly became his family. When he was finally stricken with leprosy, it is said that he rejoiced in telling his people, "At last, I am one of you." According to historical records, Father Damien was the first and only person who came into Kalaupapa "clean" and eventually died of leprosy.

With the development of sulfone drugs, Hansen's disease is one of the least contagious and most curable ailments in the world. The people who currently reside in Kalaupapa are no longer required to isolate themselves from society but, for the most part, have chosen to remain there. Some will be traveling to Belgium for the beatification ceremony of the man who, through his tireless Christian efforts, created the settlement they live in and love.

In today's world of incurable diseases, abandoned children, abuse of the weak and elderly, and oppressed minorities, the compassionate example of Father Damien is most important and relevant. We must learn from this humble man who lived without fear among the despised of Hawaii's society, who spread the Christian doctrine through word and example.

On May 15, 1994, we will celebrate the happy occasion of Blessed Damien De Veuster's beatification in Brussels, Belgium. He will then be known by the fitting title "Servant of God, Servant of Humanity." Hawaii joins the rest of the world in honoring our beloved Father Damien.

THE 42D ANNUAL NATIONAL PRAYER BREAKFAST

Mr. HEFLIN. Madam President, on February 3 of this year, I had the honor of presiding over the 42d annual National Prayer Breakfast, held at the Washington Hilton Hotel here in Washington. Each year hundreds of leaders and thousands of guests from all over the world gather at the National Prayer Breakfast to seek spiritual guidance and to engage in fellowship with our friends from many diverse backgrounds. This year, we had over 4,000 in attendance. Attendees literally come from all walks of life.

Each year, by tradition, the President and First Lady attend, as well as the Vice President and his wife. We pray, sing, reflect, and soulfully examine our roles as leaders and what it means to guided by a divine power. This year, we were especially graced by having in attendance at the breakfast Mother Teresa.

I have been involved with several National Prayer Breakfasts since coming to the Senate, and I must say this year's was among the most memorable and uplifting I have ever participated in. I think most of those who attended went away with a true sense of spiritual renewal.

There are many people around the country and world who did not have the opportunity to attend this event but who are keenly interested in the breakfast and in learning more about it. I therefore ask unanimous consent that the transcript of the 42d National Prayer Breakfast be printed in the RECORD at this point.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

THE 42nd ANNUAL NATIONAL PRAYER BREAKFAST

Sen. HOWELL HEFLIN. A good friend of ours, Lt. General Claude M. Kicklighter, Retired, will lead us in a pre-breakfast prayer. He is a former commanding General of the Army of the Pacific and now serves in the Department of Defense as the Director of World War II Commemorative Programs. His work involves going to various battle sites from World War II and setting up programs to commemorate the events. I was with him at Pearl Harbour recently. General Kicklighter, if you'd come forward and give the pre-breakfast prayer.

Lt. General CLAUDE M. KICKLIGHTER, Retired. Thank you, sir. This is a very special day. You can feel it. Wondrous things are going to happen here this morning. As you remain seated I would ask you to join hands in the bond of friendship around your table and bow your heads.

Almighty God, whose love and mercy is known in heaven and on earth, we praise your name as we come together from all over the world and from across this great nation with one purpose: to focus on loving you and loving one another. Lord, as we attend this 42nd National Prayer Breakfast, let us remember that just 50 years ago this world was engaged in a life and death struggle that became known as World War II. Now this morning we come together from all over that world in friendship, with our President, other heads of state, and citizens from more than 150 nations. We give you thanks for 50 years without another World War and for the end of the Cold War.

We praise you for blessing our nations with the quest for a lasting peace, along with the fruits of abundance of freedom—especially the freedom to worship according to the dictates of our own hearts. Help us, as it is written in Micah, to do justice, love mercy and walk humbly with our God. We ask for courage, strength, and wisdom to ensure a safer and better world, a world free of war where freedom continues to ring. Guide our President through the maze of conflicting interests as he leads our great nation. Just as Jesus reminded us, no sparrow falls to the ground without your notice. Surely no nation can rise from the ground without your divine assistance. This morning we pray for that assistance.

Lord, we known that you have a message for each of us here today. We pray that you will open our hearts to hear your message, a message that can fill us with the power of your love—and that love can change lives in the world. Christ loving us is the hope of the world and there's no better example of the power of love than the life of your speaker this morning.

Lord, we ask you to continue to watch over our friend and mentor, Mother Teresa, and sustain her in her mission of mercy to those who are stricken by disease and poverty. Help us to emulate her life of service and sacrifice in our own lives. We express our gratitude for the food upon our tables this morning. Help us to extend our heart and hands to those who are hungry. As we thank you for the help we posses, help us to be mindful of those who are ill. As we extol the freedoms we enjoy, help us to champion the cause for those who are denied freedom.

Oh God, author of Liberty, protector of the just and merciful, how great thou art. We feel your presence here this morning and we humbly turn to you and ask, "Heal our land and protect our children." We ask in the name of Jesus Christ, your blessings on this gathering. Amen.

Sen. HEFLIN. I am Howell Heflin, the Chairman of the Senate breakfast group.

Today's prayer breakfast is a time for people of all walks of life to collectively lift their voices and turn their eyes toward the living God and to devoutly petition him for His assistance. It is a time for reflection. It is a time for renewal of our faith. And it is a time for fellowship full of love and enjoyment.

At exactly 7:45 this morning, Alabama's Tuskegee choir will start singing several selections. After the arrival of the President and Vice President, the choir will sing "God Bless America." Tuskegee University was founded in 1881 by Booker T. Washington, it's first President. A special feature of the university today is the George Washington Carver Museum, named after the distinguished scientist who taught at Tuskegee. We're pleased to have with us this morning Tuskegee's current President, Dr. Benjamin Patton and Dr. Luther Foster, President from 1953–1981. You may begin your breakfast as it is served and at 7:45 the Tuskegee University choir will give us several selections.

[Breakfast].

[Tuskegee University choir sang.]

ANNOUNCER. Ladies and gentlemen, Vice President Al Gore and Tipper Gore. (Applause.)

Ladies and gentlemen, the President and First Lady of the United States. (Applause.)

[Tuskegee University choir sang "God Bless America."] (Applause.)

Sen. HEFLIN. Thank you. If you will remain standing, we will ask Senator Harris Wofford to come and lead us in prayer. He's an active member of the Senate Breakfast Group and was a close advisor to President John F. Kennedy and Dr. Martin Luther King, Jr.

Senator Wofford.

Sen. HARRIS WOFFORD. Our God, God of the Christian and the Jew, God of the Muslim and the Hindu, God of the Buddhists and of those with no church, God of the Republican and the Democrat, God of the rich and the poor, God bless America. May it become America the Beautiful. Help us make the words we just heard become the music and the measure of our lives. Help us listen to the words that unite, not the words that divide; to the words that create, not the words that destroy. For in the beginning is the Word, and the words we live by do become flesh. And in the end, in the last judgment when the Shepherd separates the sheep from the goats, there is no Greek nor Jew nor Arab; there is only the man who to the hungry gave food, the woman who to the thirsty gave drink, the citizen who to the stranger said, "Come in."

So God of all nations, help us, your children of this one human race, so lonely in your vast universe. Help us realize that here in this world your work must truly be our own. Help us make Thy kingdom come on earth as it is in heaven. From the streets of Calcutta to the peaks of Kashmir, from the hills of Bosnia to the plains of Somalia, from the port of Haiti to the port of Philadelphia, from the coast of California to the inland waters of Russia, from the college halls of New Jersey to the halls of Congress, from Washington, DC, to Washington, PA, may the words we hear today—especially the words from our president and vice president and Mother Teresa—enter our hearts and help us "crown Thy good with brotherhood from sea to shining sea."

Sen. HEFLIN. Thank you, Senator Wofford. Mr. President and Mrs. Clinton, Vice President and Mrs. Gore, and distinguished ladies and gentlemen, it is my pleasure to welcome each of you and to thank you for participating in the 42nd Annual National Prayer Breakfast. The name "International Prayer Breakfast" would probably be a more fitting title for our gathering this morning, since we have as guests not only representatives from 50 states, but from over 150 nations. This morning's event is being translated into six languages since there are those present that do not understand English. Also C–SPAN is carrying this program live, as approximately 500 prayer breakfasts around the country are meeting simultaneously and worshipping with us.

As this year's breakfast approached, I wondered why it and similar gatherings had come to be centered around a breakfast rather than a luncheon or a dinner. I suppose the logical reason would be that it is more convenient to meet early in the morning before the rigors of the busy day set in, but through further research I discovered a more significant meaning behind the National Prayer Breakfast tradition that we have come to observe over the years. Congressman and later Kansas Senator Frank Carlson was an active leader in the House Prayer Group during World War II. He got the idea of associating the prayer group meeting with a breakfast from a New Testament passage in the 21st chapter of the Gospel of St. John.

Several of the disciples had been out fishing in the Sea of Tiberias during the night but didn't catch anything. As they went toward the shore the next morning with the sun rising, they saw Jesus on the beach, and he instructed them to go back and cast their net on the right side of the ship, and when they did, they caught a multitude of fish. As they came ashore again, Jesus was there preparing fish and bread for the disciples, and he said to them, "Come and dine."

Whether we look back at Frank Carlson's inspiration or to the usual and customary practice as the reason, breakfasts provide an excellent setting for a prayerful gathering. We think it is appropriate that we meet here today with this magnificent crowd and with the 500 prayer breakfasts around the country meeting simultaneously to praise the Lord and to ask for his assistance in the many problems that we have.

The president and Mrs. Clinton, the vice president and Mrs. Gore left after they came in to visit with Mother Teresa and also to visit another group of about 600 that are in a different room in this building where this is being telecast to them.

Now I would like to introduce those distinguished guests here at the head table who are not speaking this morning: The first lady, Mrs. William Jefferson Clinton, known to the world as Hillary Rodham Clinton. (Applause.) Mrs. Albert A. Gore, Jr., known affectionately to the members of the Senate as Tipper Gore. (Applause.)

Now the remaining ones at the head table I'll ask you to hold your applause in order that we might conserve time, and then at the end you may applaud. Mrs. Claude M. Kicklighter, Mrs. Ted Stevens, Mrs. Don Shula, Mrs. Earl Hutto, my wife Elizabeth Ann Heflin, Mrs. Mark Hatfield, Dr. Ted Rothstein, Mrs. Harris Wofford, and Mrs. Wintley Phipps. Let's give them all a hand. (Applause.)

Mrs. Janet Hall, the wife of Congressman Tony Hall, is seated in the audience at her request. However, I would like to say that Janet Hall has actively worked on this National Prayer Breakfast. And, Janet, we appreciate you being here, and I ask you to stand at this time. (Applause.)

I want to also particularly welcome the five heads of state we're honored to have with us this morning: The distinguished prime ministers from Dominica, Western Samoa, Tonga, the president of Palau, and the governor general of the British Virgin Islands. If you will please stand. (Applause.)

Congressman Earl Hutto of Florida, who is the chairman of the House Breakfast Group, will now give remarks on their behalf.

Congressman Hutto. (Applause.)

Rep. EARL HUTTO. Thank you, Senator Heflin.

Mr. President, Mrs. Clinton, Mr. Vice President and Mrs. Gore, distinguished head table guests, and ladies and gentlemen, shortly before 8:00 a.m. on any Thursday that the House is in session, members are filing into Room H–130 on the House side of the Capitol. There's no sign on the door that says "Republicans Only" or "Democrats Only." This is the weekly House prayer breakfast. In the Bible, Romans 13:1, it says, "Left every soul be subject under the higher powers, for there is no power but of God; the powers that be are ordained of God."

We are there at that breakfast for a common purpose: to fellowship together in the Spirit of Christ; to pray for you, Mr. President and Mr. Vice President, for government officials throughout the land, for each other and for our great nation, as well as for peace in the world. Included in the program is the reading of Scripture from God's word. Congressman Sonny Montgomery, a long-time stalwart of the prayer breakfast, gives what he calls a report on the sick and wounded, and others are listed for whom we should pray.

Before we sing a hymn, our colleague Jake Pickle tells us all about the composer and his or her inspiration for writing the hymn. This really amazes us, and sometimes we get a big laugh because we suspect that Jake is making a lot of this up as he goes along. (Laughter.) Congressman Pickle is retiring after this year, and he will be greatly missed.

Approximately 50 members attend the breakfast each week. Partisanship is out the window. We are not there as members of a political party or any particular religious groups, but to bond together in gaining strength and inspiration for our service to God and our constituents.

Our speaker each week—one week a Republican and the next week a Democrat—is always a member of Congress but not necessarily someone who regularly attends the breakfast. In fact, oftentimes when we invite a member to come and share his or her faith with us, it really gets their attention in a positive way. They share with us their life and what is in their heart. Some relate the trauma, the hardships, the sadness and disappointments, as well as the joys and triumph over the years. We've had some wonderful messages and, with each one, inspiration and a better understanding and closer friendship.

You know, across the nation there is cynicism and lack of trust in government. People deplore the bickering, the partisanship that often results in gridlock. With this in mind, I'm often asked, what about the spiritual atmosphere in Washington? And I reply that it's similar to that in your hometown. We are still one nation under God. But is there any doubt that we have lost some of the standards and values that made us great in the first place? There is need to live by the Ten Commandments, the Golden Rule and acknowledge our dependence on Almighty God for solutions to the many problems confronting the world.

God indeed can make a difference in our individual lives, in the nation and the world. So today I bring you greetings from the House Prayer Breakfast Group. We welcome you all, including a warm welcome to those who are with us from many nations around the world. Let me say that we're encouraged that governmental prayer breakfasts are being started in many other countries.

God bless you all. (Applause.)

Sen. HEFLIN. Thank you, Earl Hutto, for those great words.

Chief Judge Barbara Rothstein of the United States District Court for the Western District of Washington will now read from the Old Testament. I hope she doesn't mind me mentioning that today is her birthday. (Laughter.)

Judge Rothstein. (Applause.)

Judge BARBARA ROTHSTEIN. Thank you, Senator.

Mr. President, Mrs. Clinton, Mr. Vice President and Mrs. Gore, honored guests, visiting dignitaries, I shall read from 1 Kings, Chapter 3, beginning at verse 5.

"In Gibeon, the Lord appeared to Solomon in a dream by night, and God said, 'ask what I shall give thee.'

"And Solomon said: 'Thou hast shown unto Thy servant David, my father, great kindness, according as he walked before Thee in truth and in righteousness and in uprightness of heart with Thee, and Thou hast kept for him this great kindness, that Thou hast given him a son to sit on his throne as it is this day. And now, oh, Lord, my God, Thou hast made Thy servant king instead of David, my father, and I am but a little child. I know not how to go out or come in, and Thy servant is in the midst of Thy people which Thou hast chosen, a great people that cannot be numbered nor counted for multitude. Give Thy servant, therefore an understanding heart to judge Thy people, that I may discern between good and evil. For who is able to judge this, Thy great people?'

"And the speech pleased the Lord that Solomon had asked this thing, and God said unto him: 'Because thou hast asked this thing and hast not asked for thyself long life, neither hast asked riches for thyself nor hast asked the life of thine enemies but has asked for thyself understanding to discern justice, behold I have done according to thy word. Lo, I have given thee a wise and an understanding heart, and I have also given thee that which thou hast not asked, both riches and honor.'"

I have chosen this passage because it is rich with themes relevant to modern times. As a judge myself, it is moving to me to see Solomon's deep concern with doing justice. Man's search for justice and wisdom is a constant theme throughout the Old Testament.

Another aspect of Solomon's dream impacts leaders in any century. Solomon is shown as a very human being. He is feeling doubts, fears and insecurities. He is following in the footsteps of his father, David, who is one of the greatest kings. Solomon finds himself filled with trepidation about the responsibility he is assuming. In his fear and his concern for his people, he asks the Lord to give him the wisdom and understanding to be able to distinguish good from evil, truth from falsity.

The passage illustrates how even the greatest of leaders can be intimidated by the responsibility they hold for the lives and fortunes of others, that looking into one's heart from a position of power it is acceptable to question one's own adequacy and to ask for divine help, guidance and inspiration.

Finally in the passage, we see that, because King Solomon puts the interests of his people before his own, God richly rewards him.

Thank you. (Applause.)

Sen. HEFLIN. Thank you, Judge, for those words from the Old Testament.

Senator Mark Hatfield, a stalwart of the Senate Breakfast Group is representing the Senate Group this morning. When he was governor of Oregon several years ago, he organized the first governors' prayer breakfast.

Senator Hatfield. (Applause.)

Sen. MARK HATFIELD. Mr. President, Mrs. Clinton, Mr. Vice President, Mrs. Gore, my brothers and sisters, 52 years ago, while the terror of World War II engulfed the world, a small group of senators, the vice president of the United States and a member of the Supreme Court met together in the Capitol to discuss the war and to pray.

We have continued meeting since that time. We come together as friends to share a meal and to pray for each other and to pray for the nation. We leave our labels at the door as Democrats, Republicans, liberals, moderates, conservatives. We remove our masks. We bridal our egos. And we experience spiritual renewal. In our vulnerability, we wrestle with the great issues confronting us as a nation and as a world, and very often we find that these political and economic solutions that we seek can only be found as spiritual solutions to basically spiritual problems. And, therefore, we pray for spiritual renaissance.

Today, too, we in this room have left our labels at the door. We have assembled from most of the continents of the world and from many islands of the oceans, bringing our different cultures, languages and histories, but we are here today bonded by our common humanity. The inspiration of this gathering reminds us of the power and the beauty in diversity. We are truly a mosaic of magnificent beauty.

We know that we can never realistically be isolated from each other living on this planet. We understand the wisdom of King Solomon when he noted, "He who builds a high gate invites destruction." We also understand the pragmatism of St. Paul, who said that the individual parts of the body, each with its distinctive function, all are interrelated to form the whole person, and so, too, it is with the spiritual body worldwide. Our diversity is our source and foundation of our strength. Without this interrelationship, this connection, we are isolated—a fractured humanity.

As we come together today in the spirit of the reconciling and healing savior, Jesus Christ, my prayer is that our strategies are empowered by love, that the priority of our commitments are to the poor and that our lives are lived as peacemakers in this wounded and hurting world.

Please, God, bless us all with Your understanding. Amen. (Applause.)

Sen. HOWELL HEFLIN. Now I would like to introduce a gentleman, Mr. Fred McClure, who will sing. Fred is a friend of mine as well as of many members of Congress.

Mr. Fred McClure.

[Mr. Fred McClure sang Amazing Grace.]

Sen. HELFIN. Dr. Billy Graham usually joins us each year for the National Prayer Breakfast, but unfortunately, he could not be with us this year. This is only the third time that he has missed since its beginning. He did want me to extend his greetings, and I quote:

"Even though I am in Asia this morning, I am united with you in prayer for the people of America and the world. It is clear that nothing is more important during these critical days than for the leaders of the world to learn to pray together. I salute all of you this morning who share this dream. I would especially like for President and Mrs. Clinton and Vice President and Mrs. Gore to know that my prayers are with them daily."

It is now my pleasure to introduce the vice president of the United States, the Honorable Albert A. Gore, Jr. He brings strong spiritual principles to his job each day. He comes from a long Baptist background, with plenty of old-fashioned Baptist common sense and grit-(laughter)—Al Gore was one of the most active members of our prayer breakfast in the Senate when he served there, and I understand he was likewise when he served in the House. Yesterday he participated in the Diplomatic luncheon for the world leaders, the ambassadors and our international guests from around the world.

Ladies and gentlemen, it is my distinct honor and high privilege to present to you the Vice President of the United States. (Applause.)

Vice President GORE. (Continued applause.) Thank you.

Mr. President, Mrs. Clinton, and distinguished guests, the way Judge Helfin put that extra emphasis on Baptist (laughter)—sometimes a Methodist will do that (laughter)—it reminds me of when the Baptist minister and the Unitarian minister were having an argument, and finally the Unitarian attempted to make up and said, "We all worship the same God." The Baptist minister said, "Yes, you in your way, and I in His." (Laughter.)

And it is a great honor to be here with all of you and a particular honor, may I say, to be blessed with the presence of Mother Teresa, who epitomizes selfless dedication to God's work. Because of her faith, she has helped people regardless of religion and is admired by people of every religion.

We were privileged to spend a few moments with her this morning, and I recalled my own feelings when Tipper and I were driving over here, and I was reflecting on the fact that for just a minute or two I was going to speak here about the power of faith in my life on the same program in which Mother Teresa will shortly speak. And I was reminded of a story that I read in one of the news magazines about five years ago about a basketball game, a rather extraordinary game, in which Michael Jordan scored 68 points. And after the game one of the news reports interviewed a rookie on the team who had scored one point and asked him for his reaction to this extraordinary game. And he said, "I will always remember this as the occasion when Michael Jordan and I combined for 69 points." (Laughter.)

I'm going to remember this breakfast also.

We have all been invited to this morning's breakfast in the Spirit of Christ. Men and women of many different religious traditions are here, and we are united by our belief that gathering together in prayer, often in small groups for prayer and reflection, is a source of strength and friendship. In my life, I find such groups a source of great solace and strength. And in our world, in this time of religious and ethnic hatred and conflict all over the world, in this time of wars and environmental destruction, in this time of a continuing epidemic of violence here in the United States of America, we need such solace and strength and guidance.

My one point is, at such a time, it is a source of strength just to see so many of us from so many places gathered under one roof able to sing with the ancient psalmists and consider the timeless questions: "Oh, Lord, our Lord, how excellent is Thy name in all the earth, who has set Thy glory above the heavens. When I consider Thy heavens, the work of Thy fingers, the moon and the stars which Thou hast ordained, what is man that Thou art mindful of him?" (Applause.)

Sen. HEFLIN. Thank you, Al Gore. We appreciate your great contribution over the years to the House, the Senate, and now in the Executive Branch.

You mentioned the Baptists and the Methodists. I'm reminded of a story about a fellow that was prone to drink too much on Saturday night. He would go to church on Sunday and would frequently nod when the preacher was preaching. They had brought in a visiting preacher to the Shady Grove Methodist Church and this was what we would call a deep water Methodist—he could go down the deepest, stay the longest, and come up the driest of any minister you ever heard! (Laughter.) Anyway, during the sermon, this border who had had too much to drink on the Saturday night before began to nod and before long he just went off to sleep. And the preacher noticed that several members in the congregation were nodding and he decided he'd better do something to get their attention. So in the middle of the sermon, he says, "If there's anyone in the congregating that wants to go to hell, stand up!" Well, this brother that was asleep, the only thing he heard was, "Stand up!, so up he shoots! (Laughter.) And the preacher turns to him and says, "Well, brother, do you have something you want to say?" He said, "Well, preacher, I don't know what we're voting on, but it looks like you and I are the only ones in favor of it." (Laughter.)

Well, we all admire our next participant in this program. He has had a remarkable record. He has been to Congress several times lifting his voice relative to religious matters. Coach Don Shula of the Miami Dolphins will read from the New Testament. With his 325th victory last November, Coach Shula became professional football's winningest coach. He's taken the Miami Dolphins to five Super Bowls. Coach Shula never hesitates to give credit where it is due. He once told a writer: "I believe that God is up there. I try to live in his likeness. That's my prayer every day—to do the job to the best of my ability in a way that will reflect on his image and likeness."

Coach Shula. (Applause.)

DON SHULA. Thank you, Senator.

Mr. President and Mrs. Clinton, Mr. Vice President and Mrs. Gore, honored guests at the head table, ladies and gentlemen, I want to mention that I'm Catholic. I want equal time up here. (Laughter.)

I've selected two short passages this morning from the New Testament—Matthew 5, verses 1-12, and 1st Corinthians 9, verses 24-27.

The amazing thing about this book written thousands of years ago is how perfectly it applies to the world in which we live today. A man we all admire and whom we all miss, former Speaker of the House Tip O'Neill, called a sermon I would like to read the best political speech ever given. I'd like to dedicate this reading to the memory of a man who put these words into action. Matthew 5, verses 1-12:

"When he saw the crowds, he went up the mountain, and after he sat down, his disciples came to him. He began to teach them, saying '—the Beatitudes—'" Blessed are the poor in spirit, for theirs is the kingdom of heaven; blessed are they who mourn, for they shall be comforted; blessed are the meek, for they shall inherit the land; blessed are they who hunger and thirst for righteousness, for they will be satisfied; blessed are the merciful, for they will be shown mercy; blessed are the clean of heart, for they will see God; blessed are the peacemakers, for they will be called children of God; blessed are they who are persecuted for the sake of righteousness, for their is the kingdom of heaven; blessed are you when they insult you and persecute you and utter every kind of evil against you falsely because of me. Rejoice and be glad, for your reward will be great in heaven. Thus, they persecuted the prophets who were before you."

The second reading is not for the faint of heart. It takes a lot of toughness to succeed spiritually, and I, coming from the world of physical achievement, especially appreciate St. Paul's athletic analogy to success in the effort. 1st Corinthians 9, verses 24-27:

"Do you know that the runners in the stadium all run in the race, but only one wins the prize? Run so as to win. Every athlete exercises discipline in every way. They do it to win a perishable crown, but we earn an imperishable one. Thus, I do not run aimlessly. I do not fight as if I were shadow boxing. No, I drive my body and train it for fear that, after having preached to others, I myself should be disqualified."

Thank you and have a great day. Thank you. (Applause.)

Sen. HEFLIN. Thank you, Coach.

Congressman Tony Hall of Ohio will now offer the prayer for national leaders. He is dedicated to improving human rights and combating hunger around the world. He's a founding member of the Senate Committee on Hunger, and in April of 1993, Tony Hall helped focus attention on the problem of world hunger by fasting for three weeks in response to the abolishment of that committee.

Congressman Hall. (Applause.)

Rep. TONY HALL. Thank you, Senator.

Mr. President, Mr. Vice President, distinguished guests, ladies and gentlemen, they have a saying in Africa that says that, when the elephants fight, the grass dies. Essentially what it means is that, when the big people fight, when the people in authority—the kings—when they fight, the people, they hurt and oftentimes they perish. And as you look around the world, we have a lot of problems. We have environmental problems. Half the world's water is polluted. We have conflict. We have presently 42 wars going on. We have famine and drought, and we have a lot of people that are really hurting.

It says in the Scriptures that we are to pray for everybody, but specifically to pray for those people in authority so that the people, which is us and the world, will live in peaceful and tranquil lives in all godliness and dignity. And that's what I'd like to do today. Can we bow our heads?

Father, we just thank you for being here, and we thank you for presence. We thank you for the chance to humble ourselves before you. I pray for the leadership of this country, oh, Lord—the President, the Supreme Court, the Cabinet and the Congress, the governors, the mayors, the distinguished visitors and parliamentarians from around the world that are in this room today. Lord. We just ask that you shine down upon us from the standpoint of helping us with our problems.

I pray specifically for President Clinton and his family, that you protect him and that you be with him and when he has to make such complex and important decisions, oh, Lord. Be with him when he's lonely and be with him and his wife as you've been with him for the past few months as they have lost their loved ones. We ask you to watch over him as he directs and guides and shepherds the country. We ask you to bless him, give him wisdom.

We ask that your spirit of love would shine down upon this room, Lord, on each and every leader, wherever they might be, and that we might be people of goodness and kindness and justice and mercy and understanding. We do these things so that the people can have peaceful and tranquil lives living in all godliness and dignity, and we give you all the credit.

I pray in the name of Jesus, amen. (Applause.)

Sen. HEFLIN. It is my pleasure now to present to you Mother Teresa, the recipient of the Nobel Peace Prize and often acknowledged as one who truly loves God and serves him among the poor and the oppressed. She is a woman respected, admired, and loved throughout the world. Her name has become synonymous with selfless service, unconditional love, and pure goodness. Once asked how she sees herself, Mother Teresa answered, "I pray I can be a pencil in God's hand." And so she is. We're deeply honored and touched by her presence with us today.

Mother Teresa. (Extended applause.)

Mother TERESA. (Extended applause.) Make us worthy, Lord, to serve our fellow men throughout the world who live and die in poverty and hunger. Give them through our hands this day their daily bread, and by our understanding love, give peace and joy.

Jesus came to give us the good news that God loves us and that He wants to love one another as He loves each one of us. And to make it easy for us to love one another, Jesus said: "Whatever you do to the least, you do it to me. If you give a glass of water, you give it to me. If you receive a little child in my name, you receive me. So whatever you do to the least, you do it to me."

And where does this love begin? In our own families. How does it begin? By praying together. The family that prays together stays together, and if you stay together, you will love each other as God loves each one of you. So teach your children to pray, and pray with them, and you will have the joy and the peace and the unity of Christ's own love living in you.

As we have gathered together here, I think it would be beautiful if we begin with a prayer that expresses very well what Jesus wants us to do for the least. St. Francis of Assisi understood very well these words of Jesus, and in his life very well expressed them by prayer. And this prayer, which we say every day after holy communion, always surprises me very much, because it is very fitting for each of us, and I always wonder whether 800 years ago when St. Francis lived they had the same difficulties that we have today. I think that some of you already have this prayer of peace, so we will pray it together.

"Lord, make me a channel of your peace." You have the prayer with you? Will we say it together?

(In unison.) "Lord, make me a channel of your peace. Where there is hatred, may I bring love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. Oh, Divine Master, grant that I may not so much seek to be consoled as to console; not so much to be understood as to understand; not to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born again to eternal life."

Let us thank God for the opportunity he has given us today to have come here to pray together. We have come here especially to pray for peace, for joy and for love. We are reminded that Jesus came to bring the good news to the poor. He told us what is that good news when he said, "My peace I leave with you, My peace I give unto you." He came not to give the peace of the world, which is only that we don't bother each other; he came to give the peace of heart, which comes from loving, from doing good to others.

And God loved the world so much that he gave his son. It was a giving. God gave his son to the Virgin Mary. And what did she do with him? As soon as Jesus came into Mary's life, immediately she went in haste to give that good news. And as she came into the house of her cousin Elizabeth, Scripture tells us that the unborn child, the child in the womb of Elizabeth, leaps with joy. While still in the womb of Mary, Jesus brought peace to John the Baptist, who leapt for joy in the womb of Elizabeth. The unborn was the first one to proclaim the coming of Christ.

And as if that were not enough, as if it was not enough that God's son should become one of us and bring peace and joy while still in the womb of Mary, Jesus also died on the cross to show that great love. He died for you and for me and for that leper and for that man dying of hunger and that naked person dying in the street, not only of Calcutta but of Africa and all over the world.

Our sisters serve these poor people in 105 countries throughout the world. Jesus insisted that we love one another as he loves each one of us. Jesus gave his life to love us, and he tells us that we also have to give whatever it takes to do good to one another. And in the gospel, Jesus says very clearly, "Love as I have loved you." Jesus died on the cross because that is what it took for him to do good to us, to save us from our selfishness and sin. He gave up everything to do the Father's will, to show us that we, too, must be willing to give up everything to do God's will, to love one another as He loves each one of us.

If we are not willing to give whatever it takes to do good to one another, sin is still in us. That is why we, too, must give to each other until it hurts. It is not enough for us to say, "I love God." But I also have to love my neighbor. St. John said that you are a liar if you say you love God and you don't love your neighbor. How can you love God, whom you do not see, if you do not love your neighbor, whom you see, whom you touch, with whom you live?

And so it is very important for us to realize that love, to be true, has to hurt. I must be willing to give whatever it takes not to harm other people and, in fact, to do good to them. This requires that I be willing to give until it hurts. Otherwise, there is no true love in me, and I bring injustice, not peace, to those around me.

It hurt Jesus to love us. We have been created in his image for greater things—to love and to be loved. We must put on Christ, as Scripture tells us, and so we have been created to love as he loves us. Jesus makes himself the hungry one, the naked one, the homeless one, the unwanted one, and he says, "You did it to me." On the last day he will say to those on his right, "Whatever you did to the least of these, you did to me." And he will also say to those on his left, "Whatever you neglected to do for the least of these, you neglected to do it for me."

When he was dying on the cross, Jesus said, "I thirst." Jesus is thirsting for our love, and this is the test of everyone, poor and rich alike. We all thirst for love of others, that they go out of their way to avoid harming us and to do good to us. This is the meaning of true love: to give until it hurts.

I can never forget the experience I had in the sitting room where they kept all these old parents of sons and daughters who had just put them into an institution and forgotten them, maybe. I say that in that home, these old people had everything—good food, comfortable place, television, everything—but everyone was looking toward the door. And I did not see a single one with a smile on their face. I turned to a sister and I asked, "Why do these people who have every comfort here, they are there looking toward the door? Why are they not smiling? I'm so used to seeing the smiles on our people. Even the dying ones smile." And sister said, "This is the way it is nearly every day. They are expecting, they are hoping that a son or a daughter will come to visit them. They are hurt because they are forgotten.

And see, this neglect to love brings spiritual poverty. Maybe in our own family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried. Are we there? Are we willing to give until it hurts in order to be with our family, or do we put our interests first? These are the questions we must ask ourselves, especially as we begin this year of the family. We must remember that love begins at home. And we must also remember that the future of humanity passes through the family.

I was surprised in the West to see so many young boys and girls given to drugs, and I tried to find out why, why is it like that, when those in the West have so many more things than those in the East. And the answer was, because there is no one in the family to receive them. Our children depend on us for everything—their health, their nutrition, their security, their coming to know and love God. For all of this, they look to us with trust, hope and expectation. But often, father and mother are so busy they have no time for their children, or perhaps they are not even married or have given up on their marriage. So the children go to the streets and get involved in drugs and other things. We are talking of love of the child, which is where love and peace must begin—there, in our own family.

But I feel that the greatest destroyer of peace today is abortion, because Jesus said, "If you receive a little child, you receive me." So every abortion is the denial of receiving Jesus, the neglect of receiving Jesus. (Applause.) It is really a war against the child, and I hate killing of the innocent child, murder by the mother herself. And if we accept that the mother can kill even her own child, how can we tell other people not to kill one another? How do we persuade a woman not to have an abortion? As always, we must persuade her with love. And we remind ourselves that love needs to be willing to give until it hurts.

Jesus gave even his live to love us, so the mother who is thinking of abortion should be helped to love—that is, to give until it hurts, her plans, her free time, to respect the life of a child, for the child is the greatest gift of God to the family, because it has been created to love and to be loved.

The father of that child, however, must also give until it hurts. By abortion, the mother does not learn to love, but kills even her own child to solve her problem. And by abortion, the father is taught that he does not have to take any responsibility at all for the child he has brought into that world. So that father is likely to put other women into the same trouble. So abortion just leads to more abortion.

Any country that accepts abortion is not teaching its people to love one another but to use any violence to get what they want. This is why the greatest destroyer of love and peace is abortion. (Applause.)

The beautiful gift God has given our congregation is to fight abortion by adoption. We have given—(applause)—we have given already from one house in Calcutta over 3,000 children in adoption, and I can't tell you what joy, what love, what peace those children have brought into those families. It has been a real gift of God for them and for us. I remember one of the little ones got very sick, so I sent for the father and the mother, and I asked them, "Please, give me back the sick child; I will give you a healthy one." And the father looked at me and said, "Mother Teresa, take my life first, then take the child." So beautiful to see so much love, so much joy that little one has brought into that family.

So pray for us that we continue this beautiful gift. And also I offer you—our sisters who are here. Anybody who doesn't want a child, please give it to me. I want the child (Applause.)

I will tell you something beautiful. As I have already told you, by adoption, by care of the mother and adoption for her baby, we have saved thousands of lives. we have sent word to the clinics, to the hospitals and police stations, "Please don't destroy the child; we will take the child." So we always have someone tell the mothers in trouble, "Come, we will take care of you; we will get a home for your child." And we have a tremendous demand from couples who cannot have a child, but I never give a child to a couple who have done something not to have a child. Jesus said, "Anyone who received a child in my name, receives me." By adopting a child, these couples receive Jesus. By aborting a child, a couple refuses to receive Jesus.

Please don't kill the child. I want the child. Please give me the child. I'm willing to accept any child who would be aborted and to give that child to a married couple who will love the child and be loved by the child.

I know that couples have to plan their family, and for that there is natural family planning. The way to plan the family is natural family planning, not contraception. In destroying the power of giving life or loving through contraception, a husband or wife is doing something to self. This turns the attention to self, and so it destroys the gift of love in him and her. In loving, the husband and wife must turn the attention to each other as happens in natural family planning, and not to self as happens in contraception. Once that living love is destroyed by contraception, abortion follows very easily. That's why I never give a child to a family that has used contraception, because if the mother has destroyed the power of loving, how will she love my child?

I also know that there are great problems in the world, that many spouses do not love each other enough to practice natural family planning. We cannot solve he problems in the world, but let us never be involved in the worst problem of all—to destroy love, to destroy life.

The poor are very great people. They can teach us so many things. Once one of them came to thank us for teaching her natural family planning and said, "You people who have practiced chastity—you are the best people to teach us natural family planning, because it is nothing more than self control of the love for each other." And what this poor person said is very true. These poor people maybe have nothing to eat. Maybe they have not a home to live in. but they can still be great people when they are especially rich in loving one another as God loves each one of them.

When I pick up a person from the streets hungry, I give him a plate of rice, a piece of bread. But a person who is shut out, who feels unwanted, unloved, terrified, the person who has been thrown out of society, that spiritual poverty is much harder to be overcome. And abortion, which often follows from contraception, causes the people to be spiritually poor, and that is the worst poverty and the most difficult to overcome.I21Those who are materially poor can be very wonderful people. One evening we went out and we picked up four people from the street, and one of them was in a most terrible condition. I told the sisters, "You take care of the other three; I will take care of the one who looks worse." So I did for her all that my love can do. I put her in bed. And there was such a beautiful smile on her face. She took hold of my hand, and she said one thing only: Thank you. And she died. I couldn't help but examine my conscience before her, and I asked what would I say if I were in her place? And my answer was very simple. I would have tried to draw a little attention to myself. I would have said: "I'm hungry. I'm dying. I'm cold. I'm in pain." But she gave me much more. She gave me her grateful love. She died with a big smile on her face.

Then there was the man we picked up from the drain half eaten with worms, and after we had brought him to the home, he only said, "I've lived like an animal in the street, but I'm going to die as an angel, loved and cared for." Then, after we had removed all the worms from his body, all he said with a big smile was, "Sister, I'm going home to God," and he died. It was so wonderful to see the greatness of that man who could speak like that without blaming anybody, without comparing anything, like an angel. This is the greatness of people who are spiritually rich even when they are materially poor.

We are not social workers. We may be doing social work in the eyes of some people, but we must be contemplatives in the heart of the world, for we must bring that presence of God into your family, for the family that prays together stays together. There is so much hatred, so much misery, and we with our prayer, with our sacrifice, are beginning at home. Love begins at home, and it is not how much we do, but how much love we put into what we do.

If we are contemplatives in the heart of the world with all these problems, these problems can never be discouraging. We must always remember that God tells us in Scripture even if the mother could forget the child in her womb—something impossible—but even if she could forget, I will never forget you. As so, here I'm talking with you. I want you to find the poor here, right in your own home first, and begin to love there. Be the good news to your own people first and find out about your next door neighbor. Do you know who they are?

I had a most extraordinary experience of love of neighbor with a Hindu family. A gentleman came to our house and said, "Mother Teresa, there is a family who have not eaten for so long. Do something." So I took some rice and went there immediately. And I saw the children—their eyes shining with hunger. I don't know if you have every seen hunger. But I have seen it very often. And the mother of the family took the rice I gave her and went out. When she came back, I asked her, "Where did you go? What did you do?" And she gave me a very simple answer, "They are hungry also." What struck me was that she knew—and who are they? A Muslim family—and she knew. I didn't bring any more rice that evening because I wanted them, Hindus and Muslims, to enjoy the joy of sharing. But there were those children, radiating joy, sharing the joy and peace with their mother because she had the love to give until it hurts. You see, this is where love begins—at home in the family.

So, as the example of this family shows, God will never forget us, and there is something you and I can always do. We can keep the joy of loving Jesus in our heart and share that joy with all we come in contact with. Let us make that one point, that no child will be unwanted, unloved, uncared for or killed and thrown away. And give until it hurts—with a smile.

As you know, we have a number of homes here in the United States where people need tender love and care. This is the joy of sharing. Come and share. We have the young people suffering with AIDS. They need that tender love and care. But such beautiful smiles—I've never yet seen a young man or anybody die displeased or angry or frightened. They're merely going home to God. Such a beautiful smile always. So let us pray that we'll have the gift of sharing the joy with others and loving until it hurts.

Also I talk so much about giving with a smile that once a professor from the United States asked me, "Are you married?" And I said yes. And I find it sometimes very difficult to smile at my spouse, Jesus, because he can be very demanding sometimes. (Laughter.) This is really something true, and there is where love comes, when it is demanding and yet we can give it with joy. One of the most demanding things for me is traveling everywhere and publicity. I have said to Jesus that, if I don't go to heaven for anything else, I will be going to heaven for all the traveling, with all the publicity, because it has purified me and sacrificed me and made me really ready to go home to God. (Laughter.)

If we remember that God loves us and that we can love others as he loves us, then America can become the sign of peace for the whole world, the sign of joy from where a sign of care for the weakest and the weak, the unborn child, must go out to the world. If you become a burning light of justice and peace in the world, then really you will be true to what the founders of this country stood for. This is to love one another as God loves each one of us. And where does this love begin? In our own home. How does it begin? By praying together.

Pray for us that we continue God's work with great love. The sisters, the brothers, and the fathers, lay missionaries of charity and co-workers, we are all one heart full of love, that we may bring a joy of loving everywhere we go.

And my prayer for you is to love one another, for this peace and joy in the family, that you may grow in holiness. Holiness is not the luxury of the few. It is a simple duty for you and for me. Because Jesus has very clearly said, "Be ye holy as the Father in heaven is holy." So let us pray for each other that we grow in love for each other and through this love become holy as Jesus wants us to be, for he died out of love for us.

One day I met a lady who was dying of cancer in a most terrible condition, and I told her—I said, "You know, this terrible pain is only the kiss of Jesus, a sign that have you come so close to Jesus on the cross that he can kiss you." And she joined her hands together and said, "Mother Teresa, please tell Jesus to stop kissing me." (Laughter.)

So pray for us that we continue God's work with great love, and I will pray for you, for all your families. And also I want to thank the families who have been so generous in giving their daughters to us to consecrate their life to Jesus by the vow of poverty, chastity, obedience, and by giving wholeheartedly through service to the poorest of the poor. This is our fourth vow in our congregation, and we have a novitiate in San Francisco where we have many beautiful novices who are wanting to give their whole life to Jesus in the service of the poorest of the poor.

So once more I thank you for giving your children to God. And pray for us that we continue God's work with great love.

God bless you all. (Applause.)

Sen. HEFLIN. Amen. Mother Teresa, you are truly a pencil in God's hand.

Senator Ted Stevens of Alaska, the co-chairman of the Senate Breakfast Group, will now introduce the President.

Senator Steven. (Applause.)

Sen. TED STEVENS. Mr. President, Mrs. Clinton, Mr. Vice President, Mrs. Gore, and those who have come to be united in prayer. You know, when the Senate breakfast comes to a close, we stand around tables, and they're just like yours now, and hold the hand of the Senator on either side of us, and we are truly united in prayer. You need that. Why don't you stand up? And we will do the same thing right now. Let us join together in silent prayer not only for the President and the Vice President and their families and Mother Teresa, but all who have worked so hard to make this international prayer breakfast such a success this year. Let's just have a silent prayer for a few moments.

(Pause for silent prayer.)

And now it is my great privilege and high honor to introduce to you William Jefferson Clinton, the President of the United States. (Applause.)

President CLINTON. Thank you very much.

Thank you very much, Senator Stevens. Ladies and gentlemen, you have to forgive me. My voice has not quite returned.

The Vice President said earlier that being on the same program with Mother Teresa reminded him of the basketball player who scored one point in a game where Michael Jordan scored 68, and then he said for the rest of his life, "Well, we scored 69 points together." I feel like the guy who comes in with five seconds lefts to go, where the team's gotten a 40-point lead and all I have to do is hold the ball until the buzzer sounds. (Laughter, applause.)

First of all, I thank you, Mother Teresa, for your moving words and, more importantly, for the lifetime of commitment, for you have truly lived by what you say, something we would all do well to emulate, and I thank you for that. (Applause.)

Like all of you, I was so moved by the profession of faith and the experiences of Mother Teresa that almost anything that any of us could say would be anti-climactic. However, I would like to make these points as briefly as I can, for we come here to pray for those in authority, authority given by the people of the United States under our Constitution and laws, for those with the responsibility and the opportunity of making decisions every day which affect all of us.

First I say that this prayer breakfast is an important time to reaffirm that in this nation where we have freedom of religion, we need not seek freedom from religion. The genius of the book which I have—(applause)—the genius of the book which I have promoted almost shamelessly for the last several months, "The Culture of Disbelief," by Professor Stephen Carter, is that very point, that we should all seek to know and to do God's will, even when we differ.

Second, if we really seek to do that, it requires certain personal characteristics that very frankly all of us in this room who have ever been elected to anything have abandoned from time to time, including me. It requires, first, that we be humble, that we know that even as we seek to do God's will, we remember what President Lincoln said, "The Almighty has his own purposes, and we are not capable of fully knowing them."

It requires, second, that we be honest and that we be fair. Sometimes I think the commandment we most like to overlook in this city is thou shalt not bear false witness.

Third, it requires that we give our bitterness and our resentments up. I was thinking of this when Mother Teresa told the story of the person who died in her arms, saying simply, "Thank you"—not "I'm cold, I'm hungry," a simple thank you—someone with more cause to be resentful, more cause to be bitter, more cause to be angry than anyone in this room could ever be bitter or angry or resentful because of what one of us has said or done to the other and still dying with a simple "thank you."

Somehow we all have to give up our resentments. We have to find the courage and the faith to forgive ourselves and to forgive our foes. And if we cannot, we will surely fail.

And finally, that which will permit us to do what Mother Teresa has done: to focus every day on other people. If Christ said we would all be judged by how we treated the least of these—the hungry, the thirsty, the naked, the strangers, the imprisoned—how can we meet that test in a town where we all spend so much time obsessed with ourselves and how we stand on the totem pole and how we look in the morning paper? Five years from now it will be nothing. Five hundred years from now the papers will be dust. And all that will endure is the strength and the integrity and the beauty of what we felt and what we did.

Today, this headline is in our paper: "Nineteen Children Found Amid Squalor in Chicago Apartment". Not in Calcutta, but in Chicago. Nineteen children living amid human waste and cockroaches, fighting a dog for food. I say to you, we will always have our differences, we will never know the whole truth, of course that this true. But hopefully we have learned today again that we must seek to know the will of God and live by it, that to do it we have to give up our bitterness and resentment, that we have to learn to forgive ourselves and one another and that we have to fight, as hard as it is, to be honest and fair. And if we can be focused on others and not ourselves, realizing that we did not one whit of power from the Constitution and laws from the framers to do anything for ourselves. It all comes from the purpose of helping others. Then perhaps we can do honor to the faiths and to the God who brought us all here today.

Thank you, and God bless you. (Applause.)

Sen. HEFLIN. Amen, amen, amen. This has been a great experience. It's one of the most wonderful prayer breakfasts that we've ever had. And now, Wintley Phipps will sing one of our favorite hymns: "How Great Thou Art." A Grammy award nominee and accomplished gospel singer, Wintley Phipps writes music and sings as a way of doing something beautiful for God. He once said, "I hope when people listen to my music, they sense a life that is committed. The purpose of music is to glorify God. After all, he is the one who gives us the song."

After the first verse of How Great Thou Art, the Tuskagee choir will sing the second verse, and then we will have audience participation. We ask you on the third verse to stand and join in singing the third verse. And I hope that the rafters of this hotel will be moved. You will find the words of How Great Thou Art printed in your program.

Mr. WINTLEY PHIPPS. The greatness of a nation is it's voluntary faith. God is great. Amen? God is great.

[Mr. Phipps sang "How Great Thou Art" with the choir and audience participation.] (Applause.)

Sen. HEFLIN. Hallelujah! One of the most exciting things to happen over the last four years has been the quiet, behind-the-scenes partnership between college student leaders and political, business, and community leaders to mobilize the spiritual resources of our nation's youth. My colleague, Senator Pete Domenici of New Mexico, along with former Vice President Dan Quayle, has led this movement by hosting a National Student Leadership Forum on Faith and Values and Leadership. This past year Vice President and Mrs. Gore has joined Senator Domenici and many of my colleagues to continue this fruitful time of interaction with young people.

To bring our closing prayer, I'm pleased to introduce Midshipman Anthony Bilotti of California, who is in his second year at the United States Naval Academy.

Mr. Bilotti. (Applause.)

Midshipman ANTHONY BILOTTI. President Clinton, Mother Teresa, thank you very much for your inspirational words which I'm sure have touched us all.

On behalf of thousands of students across America, I'd like to thank the Vice President, Members of Congress and other national leaders for demonstrating a way to come together to learn about the precepts of Christ and about caring for others. After accepting an invitation for a gathering such as this one here this morning and hearing the Vice President and others discuss issues that count most in life, I along with many other young people across America are making significant changes in our priorities.

At this time I ask you to please join me in prayer.

Heavenly Father, thank you for allowing us to live in a country where the leaders are willing and able to discuss spiritual as well as material values. Lord, we thank you for bringing us here today on such a great occasion. We pray that you give our national leaders the strength, courage and wisdom to make the difficult decisions that face our turbulent society on the domestic scale as well as in the world wide arena. Help us, dear God, to practice what we have heard here this morning. In Jesus' name we pray, amen.

Sen. HEFLIN. Please, continue to stand at your table while the President and Vice President leave with the heads of state.

This concludes our program this morning, but I'd like to leave you with a quote from Philip Brooks, who once said, "Do not pray for easy lives. Pray to be stronger people. Do not pray for tasks equal to your powers, pray for powers equal to your tasks." As we leave this morning, may we leave stronger, with a sense of renewed energy and spirituality to perform the tasks that await us and to face the problems that lie ahead.

God bless each and every one of you.

SAL MANCINI: A RHODE ISLAND LEGEND

Mr. PELL. Madam President, I wish to share with my colleagues the sad news of the death of Sal Mancini, 74, the mayor of North Providence, RI, and to share with my colleagues the inspiring record of his lifelong dedication.

It seems that I cannot remember a time when I did not know Sal. He was a colorful character and a consumate politician. His influence was felt far beyond the town lines of North Providence, where he served as mayor for more than two decades.

Sal was a lifelong bachelor who made the people of North Providence his extended family. He was known to everybody as Sal. He dedicated his life to the town and his hard work left a legacy of friends and colleagues who will miss him terribly.

I, for one, considered myself a friend and I know that I am only one in a company of thousands. Sal worked for people. He made the government work, he ran the town and he made things happen. We have lost both a leader and a good friend.

In a time when Rhode Island towns are hard pressed by crunching economic pressures, North Providence seems to shine as a success story. As far as I am concerned, Sal can take the credit.

Frankly, I know of nobody else who worked harder for the town and I know of nobody else who has become more identified with North Providence. Sal will be truly missed and we will not forget him.

I ask unanimous consent that an article from the Providence Journal of April 18, 1994, entitled "Sal Mancini: Alive in Legend," be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAL MANCINI: ALIVE IN LEGEND

(By James H. McDonald and Steve Winter)

NORTH PROVIDENCE.—At Andrew's Restaurant, across Smith Street from Town Hall, Salvatore Mancini's face smiled from a picture taped to a column as owner Patricia Massey echoed the shock felt by other townspeople at the news that North Providence's first and only mayor had died.

"It's just like losing your best friend," said Massey, who had known Sal Mancini since she was a child. "He wasn't just our mayor; he was our friend. He went to every wake, every function in town. He didn't miss a thing."

When Katherine Hawkins learned that Mancini had died, she responded with stunned silence, then shook her head in disbelief.

"I figured he'd live forever," Hawkins said. "He was a personality. This is really sad. It's the passing of an era, I guess. He was always visible, always willing to listen. Geez, I can't believe it."

Her husband, David Hawkins, remembers Mancini as a man "who ran the town from the hardware store until he was elected," referring to Ace Hardware, near Waterman Avenue and Smith Street, formerly owned by Mancini.

"That's where I met him," David Hawkins said, "and, as far as I'm concerned, he was a good man.

"A lot of politicians didn't like him, but the people did. That's how he stayed in office. I'll go out of my way to attend his funeral."

The 74-year-old Mancini, who had been hospitalized twice since last year, died Saturday night of cardiac arrest, at St. Joseph Hospital's Fatima Unit.

He was a legend.

Handshake by handshake, favor by favor, Mancini built a political machine that dominated local politics for nearly 30 years. He was also a figure of statewide political importance, serving as chairman of the state Democratic Party from 1985 to 1991.

Yesterday, there were signs of mourning throughout the town. At Town Hall, the U.S. flag flew at half staff; passing motorists slowed, almost reverentially, and glanced briefly toward the front door.

Inside, department heads met to make plans to keep the town's business running smoothly. When the meeting was over, three people sobbed openly as they descended the staircase from the second floor.

Town Council President A. Ralph Mollis, who was sworn in as acting mayor last night, announced that Town Hall and the Public Works Department would be closed today.

Funeral arrangements were incomplete. There was talk of having the mayor lie in state at the Salvatore Mancini Union Free Library, in anticipation of crowds that would overwhelm Town Hall.

"He helped everybody—the young, the old and the in-between," said 52-year-old resident Anthony Norato. "I guess it was his way of saying thank-you to the people. He was just an unbelievable guy."

The community has "lost someone who dedicated his life to the town of North Providence and its people," said Mollis.

A TRUE GENTLEMAN

Governor Sundlun yesterday called Mancini an "old-school" politician who left a "legacy of good government."

Mancini "provided honest and effective government," said Sundlun. "He was always courageous, loyal to the Democratic Party, frank in his opinions and courageous. When under attack, he was at his best, dignified and restrained. He was a true gentleman."

Sen. Claiborne Pell, in a statement, recalled Mancini as "a friend of mine for many years. As mayor of North Providence for two decades, he proved himself to be a strong, warm-hearted Democrat. He will be much missed by his many colleagues and friends."

In many ways, Mancini was the consummate politician.

He had no skills as an orator, but he didn't need them. He charmed people one at a time, bestowing the Mancini magic by his personal touch, his involvement in a variety of organizations, his ability to find money for the little things that he knew constituents appreciated.

Jim Pepe, 13, a member of the North Providence Babe Ruth League, paused from batting practice at the league field, on Smithfield Road, and recalled that Mancini "tossed out the first ball at all our games. And he let us use Town Hall for our D.A.R.E. program, and he came to all our baseball banquets."

Lou Zammarelli, the league coach, recalled Mancini's purchase of uniforms for the team when it won the state championship in 1992.

"He bought the uniforms so we could show off Rhode Island at the New England Tournament in Vermont," Zammarelli said, "and contributed toward our team jackets. We couldn't get lights out of him for night games, but he was always there for sports leagues in town."

ALWAYS COOPERATIVE

Flora Carbone, chairwoman of the Mayor Salvatore Mancini Union Free Public Library and Cultural Center, said the mayor "always did everything we asked, always cooperative. If he did something I didn't like, I'd swear at him in Italian and he just laughed. He though a lot about the library."

Terry Patriarca, who remains angry at being laid off from his Public Works Department job by Mancini, said he'll miss the major nonetheless.

"I used to drive him around when he couldn't find a driver," said Patriarca. "He had a big heart. He couldn't say no. If he could do you a favor, he would. He was like a best friend to North Providence."

Mike Favocci, who works at the Jolly Roger Smoke Shop on Smith Street, knew Mancini only by reputation.

"From what I hear, he did a lot to pave the way for small business owners in the area," Favocci said. "He certainly left a legacy, and I don't envy his replacement. Those are big shoes to fill. You don't change 20 years overnight. The trouble is, too often people remember the bad press he got. People talk about the history of North Providence, but Sal Mancini is the history of North Providence."

FIRST ELECTED IN 1964

Mancini was a lifelong bachelor noted for his white hair, dark suits and sartorial splendor. Everyone called him "Sal," the name on his license plate.

He was first elected to public office in 1964 when, as a wealthy electrician and hardware store owner, he defeated an incumbent Democrat on the Town Council.

He was elected mayor in 1973, when the post was established by charter.

He was the state's longest-reigning municipal chief, and few would dispute that Mancini had been the boss of North Providence for the last quarter-century.

TAINTED BY RISDIC COLLAPSE

His career was not without its ups and downs.

His resignation, in 1991, as Democratic State Committee chairman was linked to the credit union scandal of that year. He was a member of the Central Credit Union board of directors when it closed in the RISDIC collapse, and many of the other directors had been Mancini cronies. It was from that institution and from Greater Providence Deposit that he withdrew $150,000 just before RISDIC passed into history.

He denied that he acted on inside information, and when his withdrawals became public, he offered to return the money. By then, however, lawsuits had begun flying about, and his offer was refused.

In late 1982, Mancini was indicted by a federal grand jury on an extortion charge alleging that he demanded $2,000 in exchange for occupancy permits for condominiums.

Last February, a jury found him not guilty of the extortion charge.

Sundlun said yesterday the case should never have come to trail.

"The allegation at the time was that it was an attempt to keep (then U.S. Attorney) Lincoln Almond in his job," Sundlun said. "I don't know if that was true or not, but it was unfair to use Sal Mancini for that purpose." Almond is Sundlun's prospective Republican opponent this fall.

Mancini was known for his skill in manipulating patronage jobs. Occasionally a public relations blunder surfaced, such as his decision in 1985 to give a firefighter job to the son-in-law of a local Democratic leader. The new firefighter turned out to be a convicted arsonist.

Mancini lived in a condominium built by developer Richard Baccari, a campaign contributor. In 1989 he sided with Baccari in a fight over the construction of an apartment building, and refused to pay a lawyer hired by the Town Council to battle the construction.

"NICE TO HAVE FRIENDS"

Although tarred by the RISDIC scandal, Mancini had no trouble winning reelection in 1992 after a tough primary fight.

Mancini's victory celebration that primary night, in a back room at Julio's Family Restaurant, typified the mayor's style. Appearing after it was clear he had beaten two Democratic opponents, he didn't take to the podium and make a speech. He started working the crowd.

When he finally made it to the front of the room, his words were simple and to the point: "It's nice to have a lot of friends."

Then it was back to the handshakes, back to the one-on-one style that gave Mancini his clout.

His challenger in the ensuing general election, Edmund R. Calcagni, said in an interview yesterday that he decided to take on the mayor because he thought Mancini's performance had slipped badly in recent years.

"Taxes were being increased and services were poor," said Calcagni. "I didn't want to hurt Sal personally, because he was a nice fellow, but the town was going downhill."

Calcagni said he canvassed the entire town twice and ran into a lot of criticism of Mancini.

"A lot of people said: 'Get that crook out of there,'" said Calcagni.

But Mancini still had the magic. He plastered Calcagni at the polls.

ALWAYS POLITICALLY LOYAL

Former Lt. Gov. Roger Begin, now an executive at Fleet National Bank, said he cannot forget the help Mancini provided during his rise from state representative, even though he hardly knew Mancini when he first solicited his support in the mid-1980s.

"Because some of the people who supported me were friendly with Sal, that was enough," was Begin. "His loyalty was always unwavering."

Begin rejected the notion that Mancini was an autocratic leader. He had so many friends and supporters, said Begin, that nearly everyone at a meeting or political gathering was in Mancini's corner to begin with.

"People who had that gift, it's hard to describe how they did it. But it was done out of deference to his leadership," said Begin. "He built a consensus.

"He manner more often than not tended to be low key, but when he was unhappy, you knew it."

Leo Perrotta, the mayor's chief of staff, has said that Mancini developed a reputation as gruff and unpolished because he was an unskilled public speaker and uncomfortable in front of crowds.

"People thought he was a real tough, hard-nosed guy," said David Barriccelli, former executive director of the state Democratic party. "But he was really a cream puff. If you knew him, you knew him, you could get anything out of him."

Former Town Councilman John A. Celona, a longtime Mancini supporter who broke with the mayor and opposed him in that bitter three-way primary in 1992, said he was "shocked" at the news of the mayor's death.

"You always felt he would be there," said Celona. "I have nothing but sympathy for the mayor's family."

Brown University political science professor Darrell West said Mancini's passing may not have major implications for the state because "his role in state politics was highly diminished." But for North Providence, he said, "the consequences will be enormous."

COMPARED TO MAYOR DALEY

He compared Mancini's role in the town to that of Mayor Richard Daley of Chicago.

"No one could command such forces or have the same resources," said West, who predicted major turf battles in North Providence.

Change, he said, is inevitable.

"Even if it's a Democrat (who becomes the next mayor), it will be a different type of Democrat," said West. "It will almost certainly be a Democrat of a different generation."

WORKERS TAKE BLESSED BREAK FROM THEIR TOIL

Mr. HELMS. Madam President, I ran across a remarkable month-old newspaper clipping Saturday afternoon as I was trying to reduce the size of a pile of accumulated correspondence. The headline from the March 28 edition of the Raleigh, NC, News & Observer told it all—or almost all of it: "Voluntary Sessions Bring Scriptures Into the Workplace."

What it did not mention, and there was no reason it should have, was my personal relationship years ago with a Raleigh City bus driver named Rufus Moore. Let me mention it now.

Dot Helms and I had not been married long when I finished my inconspicuous and unheroic wartime stint in the Navy, and became news director at Raleigh's radio station WRAL. Rufus Moore was driving a city bus whose route began downtown near the radio station and followed a winding route to and beyond Dot's and my home on Stone Street in Raleigh's suburban area.

Today, Rufus W. Moore and his fine wife, Joan, own the thriving R.W. Moore Equipment Co. in Raleigh, which happens also to be the dealership in eastern North Carolina for the John Deere Co.

Madam President, Rufus and Joan Moore faithfully practice their spiritual values; they now own and operate a sizable business in Raleigh. When I called Rufus Saturday afternoon to praise him for the newspaper account of his Christian witness, he chuckled and said:

> Well, Jesse, I'm 70 now and I can draw full Social Security without my private income affecting it. You know what I'm doing with it? I'm sending my Social Security check each month to pay for the training of two missionaries—so I'm using Uncle Sam's money for something that maybe is taboo up there in Washington, but there's not a thing they can do about it.

Mr. President, this is the genial fellow who always waited a minute or so for me when I finished my news broadcast at 6:30 each evening and hot-footed it to the nearby bus stop for the ride home. Rufus is a successful businessman, but he still has his priorities straight—as he always has.

Madam President, I need not describe the contents of the news story that I am about to include in the RECORD. Suffice it to say that Rufus and Joan Moore are giving their employees the voluntary opportunity to participate in Bible study on the job. It's a fascinating story which I believe Senators and others will enjoy.

Therefore, Madam President, I ask unanimous consent that the article from the March 28 edition of the Raleigh News & Observer be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Raleigh News & Observer, Mar. 28, 1994]

VOLUNTARY SESSIONS BRING SCRIPTURES INTO THE WORKPLACE

(By Deidra Jackson)

GARNER.—When the clanking and whirring of motors and electric tools roar through the offices of R.W. Moore Equipment Co., it's hard to find a quiet place.

But on Mondays, some employees claim an inner sanctum in a company training room when they close the door and pray.

These workers, usually a mixture of about 15 blacks and whites, gather at noon for weekly bible study sessions, a voluntary 30-minute religious break begun two years ago by the company's co-owner, Joan Moore.

Pensive and attentive, the employees listened Monday as Allen Terry, the firm's product-support manager, stood in front of a world map and related the work ethic to scriptures.

"If we commit ourselves to hard work, we must balance it with proper priorities in life, meaning the Lord and family," Terry told the group. "If we remember that we're working for the Lord and not for man, we can improve our performance in the workplace."

His talk of Genesis, Revelation and other books of the Bible muffled the sounds of nearby mechanics servicing John Deere industrial machinery inside the 20,000-square-foot building on U.S. 70 West.

The group members take turns leading the study, which Moore started as a practice session for a women's Bible class she helps teach every Tuesday at Garner Methodist Church.

"This is a great opportunity," said L.D. Collier, a mechanic who participates regularly. "There are very few workplaces where there's freedom to look in the Bible."

Since Collier began attending the meetings, he has led sessions on creationism, the fate of mankind and the responsibility of government as mandated by God.

"It helps me through the day and week," Collier said. "Christians are in need of being around other Christians to hear the Word."

Other employees also consider the spiritual break therapeutic.

"I learn a little more about the Bible every day," said Grover Worthington, a service manager. "I come away with a good feeling."

That pleases Mrs. Moore, who along with her husband made the spiritual lunch break permanent after some employees began attending regularly.

"We would like for them to have the opportunity to come and hear about Jesus Christ," Mrs. Moore said. "I'm sure there are some that come here and don't go to church."

Thomas Allen, a custodian at the company, said he thinks more businesses should offer Bible breaks.

"This could be beneficial to all employees," Allen said. "Mr. Moore doesn't twist your arm or beg you, but asks if you'd like to come."

R.W. Moore stresses to his nearly 50 employees that the Bible sessions aren't required or even encouraged.

"They're absolutely voluntary," Moore said. "You come on your own, and if it's a benefit to you, that's fine."

Moore said he can tell that the employees who regularly fill the training room on Mondays are profiting from the sessions.

"They seem happier and stop to consider other people more," Moore said. He and his wife have owned the company for 32 years.

Jerry Campbell, a shop foreman, was among the first few employees to begin studying the Bible at work.

"It helps me get through the week, with everything going on around us," Campbell said. "Some say it's hard to believe in someone you've never seen before, but I can't get by without him."

IRRESPONSIBLE CONGRESS? TAKE A LOOK AT THIS

Mr. HELMS. Madam President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Friday, April 29, at the close of business, the Federal debt stood—down to the penny—at exactly $4,568,703,047.36. This debt, mind you, was run up by the Congress of the United States, because the big-spenders in the U.S. Government cannot spend a dime that has not first been authorized and appropriated by Congress. The U.S. Constitution is quite specific about that.

And pay no attention to the nonsense from politicians that the Federal debt was run up by Ronald Reagan or George Bush. The Congress is the villain.

Most people cannot conceive of a billion of anything, let along a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the cuban missile crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

ELECTIONS IN SOUTH AFRICA

Mr. MOYNIHAN. Madam President, last week we witnessed an exhilarating event for those of us who have long hoped for change in South Africa. The fruits of years of struggle for an end to apartheid in South Africa have ripened as the country held its first multiracial election.

The votes of those oppressed by decades of racial segregation will propel South Africa into a new era of political participation and racial equality. Those who have tried to scuttle the elections through political manipulation, threats and violence have failed. The enthusiasm of the people of South Africa, the majority of whom have waited their whole lives for this opportunity, is unparalleled.

Only a few years ago the possibility of holding these elections was remote. It is a testament to the bravery of those oppressed by apartheid and to the indomitable desire for freedom that after this long and difficult struggle those seeking fundamental liberties have prevailed. Despite rising international pressure and growing popular unrest, the government clung to the fetters of apartheid.

As early as 1975 the apartheid government felt the effects of international scrutiny, when the United Nations General Assembly adopted a resolution entitled "Solidarity With the South African Political Prisoners." I had the honor of representing the United States as the Permanent Representative to the United Nations when this matter came before the Assembly. The United States delegation presented a very strong lawyer-like case against apartheid by documenting specific political prisoners, including Nelson Mandela, held in South Africa and thereby refuting their United Nations Representative's claim that not one individual was held in South Africa because of their opposition to apartheid.

Nelson Mandela's crime for which he served 27 years in prison, was to advocate equality and democratic reforms. He was finally released 9 days after President F.W. de Klerk delivered his February 2, 1990 speech in which he announced that political prisoners would be released, the ban on political groups such as the African National Congress would be lifted and the intention of the government to actively seek a peaceful deconstruction of apartheid. Upon this release, Mr. Mandela repeated a statement he made during his 1964 trail, in which he stated:

> I have fought against white domination, and I have fought against black domination. I have cherished the idea of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an idea for which I am prepared to die.

Since then he has worked to fulfill his noble aspiration.

The United States and others continue to support democratic change in appropriate ways. A year later, when the Bush administration proposed lifting economic sanctions against South Africa, I stated for the record that while de Klerk reforms were a praiseworthy development in South Africa, more was needed:

> The reality of apartheid remains and we must not permit the South African Government to believe that it has done enough, that the international community is satisfied. The truth is very different. The South African Government has only just begun to correct the injustice of apartheid and the United States Congress will be monitoring its continued progress closely.

And we will still be monitoring events in South Africa closely to be sure the elections were fair and the transfer of power is smooth and according to schedule. As the vestiges of the legally-enforced racist policies of apartheid are stripped away, those in South Africa who have dedicated their lives to achieving this triumph will hear the applause as they join the family of nations committed to democracy, universal suffrage and the rule of law. I congratulate the people of South Africa on this momentous achievement.

SENATE QUARTERLY MAIL COSTS

Mr. FORD. Madam President, in accordance with section 318 of Public Law 101–520, I am submitting the summary tabulations of Senate mass mail costs for the first quarter of fiscal year 1994, that is the period of October 1, 1993 through December 31, 1993, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1993

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Akaka	0	0	0	0
Baucus	26,418	0.03206	$19,170.22	$0.02326
Bennett	28,450	0.01569	$4,331.97	$0.00239
Biden	0	0	0	0
Bingaman	142,700	0.0926	$22,071.07	$0.01396
Bond	32,700	0.00630	$6,433.35	$0.00124
Boren	0	0	0	0
Boxer	0	0	0	0
Bradley	0	0	0	0
Breaux	0	0	0	0
Brown	0	0	0	0
Bryan	122,600	0.09239	$21,522.15	$0.01622
Bumpers	0	0	0	0
Burns	30,450	0.03695	$4,609.16	$0.00559
Byrd	0	0	0	0
Campbell	0	0	0	0
Chafee	56,800	0.05652	$8,878.34	$0.00883
Coats	0	0	0	0
Cochran	0	0	0	0
Cohen	225,900	0.18291	$38,616.81	$0.03127
Conrad	3,610	0.00568	$2,802.58	$0.00441
Coverdell	0	0	0	0
Craig	31,550	0.02957	$5,630.11	$0.00528
D'Amato	0	0	0	0
Danforth	0	0	0	0
Daschle	5,500	0.00774	$812.31	$0.00114
DeConcini	0	0	0	0
Dodd	0	0	0	0
Dole	0	0	0	0
Domenici	0	0	0	0
Dorgan	0	0	0	0
Durenberger	18,350	0.00410	$3,376.68	$0.00075
Exon	0	0	0	0
Faircloth	0	0	0	0
Feingold	0	0	0	0
Feinstein	4,537	0.00015	$3,593.61	$0.00012
Ford	0	0	0	0
Glenn	0	0	0	0
Gorton	32,175	0.00626	$10,059.78	$0.00196
Graham	0	0	0	0
Gramm	331,050	0.01875	$61,501.77	$0.00348
Grassley	0	0	0	0
Gregg	0	0	0	0
Harkin	3,211	0.00114	$1,017.89	$0.00036
Hatch	0	0	0	0
Hatfield	78,000	0.02620	$12,882.54	$0.00433
Heflin	782,000	0.18907	$124,802.23	$0.03017
Helms	0	0	0	0
Hollings	0	0	0	0
Hutchison	0	0	0	0
Inouye	0	0	0	0
Jeffords	62,192	0.10911	$13,511.91	$0.02371
Johnston	80,000	0.01866	$11,544.54	$0.00269
Kassebaum	0	0	0	0
Kempthorne	0	0	0	0
Kennedy	0	0	0	0
Kerrey	0	0	0	0
Kerry	0	0	0	0
Kohl	0	0	0	0
Lautenberg	3,250	0.00042	$724.83	$0.00009
Leahy	6,990	0.01226	$1,672.99	$0.00294
Levin	40,521	0.00429	$7,872.67	$0.00083
Lieberman	46,725	0.01424	$7,285.87	$0.00222
Lott	0	0	0	0
Lugar	1,575	0.00028	$335.12	$0.00006
Mack	0	0	0	0
Mathews	0	0	0	0
McConnell	356,197	0.09486	$70,662.02	$0.01882
McCain	0	0	0	0
Metzenbaum	195,500	0.01775	0	0
Mikulski	0	0	0	0
Mitchell	....	0.	$29,785.37	$0.02412
Moseley-Braun	0	0	0	0
Moynihan	29,000	0.00160	$6,291.73	$0.00035
Murkowski	250,000	0.42589	$38,310.63	$0.06527
Murray	3,980	0.00077	$794.65	$0.00015
Nickles	10,425	0.00325	$2,137.16	$0.00067
Nunn	0	0	0	0
Packwood	131,800	0.04427	$22,729.05	$0.00763
Pell	0	0	0	0
Pressler	7,329	0.01031	$5,799.66	$0.00816
Pryor	3,350	0.00140	$729.56	$0.00030
Reid	0	0	0	0
Riegle	16,500	0.00175	$3,138.70	$0.00033
Robb	0	0	0	0
Rockefeller	27,900	0.01540	$3,844.79	$0.00212
Roth	62,500	0.09071	$10,746.03	$0.01560
Sarbanes	3,175	0.00065	$675.12	$0.00014
Sasser	27,600	0.00549	$4,892.10	$0.00097
Shelby	0	0	0	0
Simon	236,563	0.02034	$36,558.61	$0.00314
Simpson	36,350	0.07800	$5,098.55	$0.01094
Smith	23,900	0.02151	$3,947.02	$0.00355
Specter	0	0	0	0
Stevens	0	0	0	0
Thurmond	0	0	0	0
Wallop	9,010	0.01933	$1,917.61	$0.00412
Warner	0	0	0	0
Wellstone	35,250	0.00787	$35,250.00	$0.00787
Wofford	0	0	0	0

Other offices	Total pieces	Total cost
The Vice President	0	$0.00

Other offices	Total pieces	Total cost
The President Pro-Tempore	0	$0.00
The Majority Leader	0	$0.00
The Majority Leader	0	$0.00
The Assistant Majority Leader	0	$0.00
The Assistant Minority Leader	0	$0.00
Secretary of Majority Conference	0	$0.00
Secretary of Minority Conference	0	$0.00
Agriculture Committee	0	$0.00
Appropriations Committee	0	$0.00
Armed Services Committee	0	$0.00
Banking Committee	0	$0.00
Budget Committee	0	$0.00
Commerce Committee	0	$0.00
Energy Committee	0	$0.00
Environment Committee	0	$0.00
Finance Committee	0	$0.00
Foreign Relations Committee	0	$0.00
Governmental Affairs Committee	0	$0.00
Judiciary Committee	0	$0.00
Labor Committee	5,250	$1,138.86
Rules Committee	0	$0.00
Small Business Committee	0	$0.00
Veterans Affairs Committee	0	$0.00
Ethics Committee	0	$0.00
Indian Affairs Committee	0	$0.00
Intelligence Committee	0	$0.00
Aging Committee	0	$0.00
Joint Economic Committee	0	$0.00
Joint Committee on Printing	0	$0.00
Jcmte Congress Inaug	0	$0.00
Democratic Policy Committee	0	$0.00
Democratic Conference	0	$0.00
Republican Policy Committee	0	$0.00
Republican Conference	0	$0.00
Legislative Counsel	0	$0.00
Legal Counsel	0	$0.00
Secretary of the Senate	0	$0.00
Sergeant at Arms	0	$0.00
Narcotics Caucus	0	$0.00
Scmte POW/MIA	0	$0.00

U.S. POSTAL SERVICE,
Washington, DC, April 21, 1994.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate.

DEAR MR. CHAIRMAN: Detailed data on franked mail usage by the U.S. Senate for the first quarter, Fiscal Year 1994, is enclosed. Total postage and fees for the quarter is $1,691,073.

A summary of Senate franked mail usage, based upon the first quarter of actual data for Fiscal Year 1994, is as follows:

Volume	6,213,154
Revenue per piece	$.2722
Revenue	$1,691,073.00
Provisional Payments	$0.00
Amount due USPS	$1,691,073.00

A bill is enclosed for these charges.

If you or your staff have any questions on the above, please call Tom Galgano of my Official Mail Accounting staff on (202) 268-3255.

Sincerely,

ALFRED CARREON, Jr.,
Manager, Post Office Accounting, Corporate Accounting.

FRANKED MAIL—SENATE

[Postal Quarter I, fiscal year 1994]

Subcategories	Pieces	Rate	Amount
1. Letters: First Class	2,109,240	$0.2900	$611,680
Total	2,109,240	.2900	611,680
2. Flats: First Class	121,150	1.1064	134,040
Total	121,150	1.1064	134,040
3. Parcels:			
Priority-Up to 11 oz			
Priority-Over 11 oz	18,412	4.3469	80,035
4th Class—Regular	27,277	3.9547	107,872
Total	45,689	4.1127	187,907
4. Orange Bag Pouches:			
First Class	1,954	.3608	705
Priority-Up to 11 oz	27	2.8889	78
Priority-Over 11 oz	109	5.1009	556
Total	2,090	.6407	1,339
5. Agriculture Bulletins:			
First Class			
Priority-Up to 11 oz			
Priority-Over 11 oz			
3rd Class			
4th Class Special (Bk)			
4th Class Regular	1	10.0000	10
Total	1	10.0000	10
6. Yearbooks: 4th Class Special (Bk)	518	1.4807	767
Total	518	1.4807	767
7. Other (Odd Size Parcels):			
Priority-Up to 11 oz			
Priority-Over 11 oz	445	36.2067	16,112
4th Class Special (Bk)			
4th Class Regular	1,963	11.0652	21,721
Total	2,408	15.7114	37,833
Total Outside DC (See Attachment)	256,678	.4999	128,303
Permit Imprint Mailings:			
1st Class Single Piece Rate	55,473	.2500	13,866
3d Class Bulk Rate	4,010,055	.1254	502,847
Parcel Post—PI	313	6,7572	2,115
First Class Single Piece—PI			
Address Corrections (3547'S)	47	.3404	16
Address Corrections (3RD CL)			
Mailing List Corrections (10 Names or Less)			
Mailing List Corrections (More Than 10 Names)			
Mailgrams:.			
IPA—International Priority Airmail			
Mailing Fees (Registry, Certified, Etc.)			
Postage Due/Short Paid Mail			70
Permit Fees			
Misc Charges (Books Shipped by the Library of Congress			2,271
Express Mail Service			238,954
Subtotal	6,603,662	.2820	1,862,018
Adjustments (GFY to PFY)	(390,508)	(.4378)	(170,945)
Grand total	6,213,154	.2722	1,691,073

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

THE NOMINATION OF WILLIAM ALAN REINSCH TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 3:30 p.m. having arrived and departed, the Senate will now go into executive session to consider the nomination of William Reinsch to be Under Secretary of Commerce for Export Administration.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of William Alan Reinsch, of Maryland, to be Under Secretary of Commerce for Export Administration.

The Senate proceeded to consider the nomination.

Mr. RIEGLE. Madam President, I support the nomination of William Reinsch to be Under Secretary of Commerce for Export Administration. In that position he will have key responsibilities for administering the Export Administration Act [EAA], which permits exports to be controlled for the purposes of national security, foreign policy, and domestic short supply. The Banking Committee, in legislation it sponsored in 1985, created the position of Under Secretary for Export Administration in order to separate the functions of export promotion and export controls in the Commerce Department. Mr. Reinsch worked on that 1985 legislation and is extremely well qualified to perform his duties. His nomination was reported out of the Banking Committee on March 24, 1994 on a bipartisan basis by a vote of 16–0.

Mr. Reinsch has prepared himself well by both his education and prior professional career to take on his new duties as Under Secretary of Commerce for Export Administration. He received his BA from the Johns Hopkins University in 1968 and his MA from the John Hopkins School of Advanced International Studies in 1969. He has over 20 years of service on Capitol Hill, having worked in both the House and the Senate. During the years 1977–1991 he served on the staff of the late Senator John Heinz working on trade and international economic policy issues. During most of that period Senator Heinz was either chairman or ranking member of the Banking Committee's Subcommittee on International Finance and Monetary Policy whose jurisdiction includes the Export Administration Act. Mr. Reinsch handled Senator Heinz's work on export controls which included reauthorizations of the EAA in 1979, 1985, and 1988. He is intimately familiar with the statute and the administrative regulations governing export controls.

After Senator Heinz' death, Senator ROCKEFELLER hired Mr. Reinsch to do his trade work and, according to testimony Senator ROCKEFELLER delivered at Mr. Reinsch's confirmation hearing, he did it extremely well. Mr. Reinsch has also written on a variety of trade topics and has taught graduate courses in trade policy at the University of Maryland University College Graduate School of Management and Technology.

The Banking Committee is now in the process of rewriting the Export Administration Act, which expires on June 30 of this year. We are working with the administration to refocus our export control system from the former realities of the cold war to the new realities of preventing the proliferation of chemical, biological, and nuclear weapons and the means to deliver them. We have held several hearings on the subject, and have heard from industry representatives, proliferation experts, and administration officials on how to bring our export control regime into line with post-cold war realities.

As Under Secretary of Export Administration, Mr. Reinsch has both the substantive and legislative experience needed to help rewrite the Export Administration Act this year.

Mr. Reinsch has shown his commitment to public service during his 20-year career on Capitol Hill. His knowledge and experience clearly make him very well qualified to assume the position of Under Secretary of Commerce for Export Administration, and I urge his confirmation.

Mr. ROCKEFELLER. Madam President, I rise in the strongest possible support for the nominee before us—William Alan Reinsch, who has been nominated by President Clinton for the position of Under Secretary of Commerce for Export Administration.

Many Members of this body know Bill Reinsch and his outstanding qualifications. For 14 years, from 1977 to 1991, Bill served on the staff of the late Senator John Heinz. In those years, Bill developed a stellar reputation for his knowledge of trade and competitiveness policy issues; for his skill in problem-solving and consensus building; and for his immense personal integrity and dedication.

During those years, Senator Heinz was chairman or ranking minority member of the Banking Committee's Subcommittee on International Finance and Monetary Policy. That subcommittee has jurisdiction over the Export Administration Act along with related issues. As a result, Bill Reinsch participated in at least five rewrites of this act, becoming one of the staff members in Congress with the most in-depth knowledge and understanding of this complex law, related issues, the agencies involved in administering the law. Throughout these years, he worked closely with offices on both sides of the aisle, in both bodies of Congress, and with many varied private sector interests that have a high degree of interest in these issues.

This experience is precisely what makes us so fortunate that President Clinton is seeking Bill Reinsch to serve as the administration's top official charged with export administration and controls. Here is a nominee who embodies the qualifications that I would hope we all look for in a position of this importance—from his tremendous experience with the issues, to his personal commitment to public service and sound policy.

Although I knew Bill Reinsch before 1991, the tragic death of Senator Heinz led to the very special bond between Bill and myself. Three years, ago, Bill joined my staff as my advisor on trade, competitiveness, foreign relations, and defense issues. In this period, Bill continued to be a locus for congressional staff and private sector specialists concerned with these immensely important issues.

Bill Reinsch deserves to take a great deal of pride in his distinguished tenure in the Senate. He has left his mark on all of the major trade bills that have made their way through the legislative process since the late 1970's, and has been one of the most creative thinkers and conceptualizers in shaping a wide range of proposals to deal with the competitiveness problem as it has emerged and then took a central place on the public agenda in the past 10 years.

Throughout his dedicated service in the Senate, Bill Reinsch also kept his hand in academia. He served as an adjunct professor at the University of Maryland's Graduate School of Management and Technology. His course on international trade and trade policy has been highly popular, and I only wish I had the chance to enroll.

Madam President, I am very disappointed that this nomination has been stalled. It seems unfair to this extremely dedicated and capable individual who has been asked to perform an extremely difficult job. It most definitely puts added stress on the administration's ability to administer major responsibilities that have been handed them by Congress through laws that we write and we passed. It is appalling that the position of Under Secretary for Export Administration has not had a confirmed official in place since February 1991. After a great deal of effort, President Clinton made the wise decision to try to fill it with this superb human being and public servant, Bill Reinsch.

This is an urgent matter. In the wake of the cold war, our country must take on the job of reconfiguring our export control system to deal with new realities. We have to refocus on nonproliferation goals and on the so-called pariah nations like Iran, Iraq, Libya, and North Korea that pose very difficult challenges for us and the world community. The current Exportation Administration Act expires on June 30, less than 2 months from now.

Again, the President has proposed someone who is prepared to assume this immense responsibility. I can not imagine what rationale there is to hold this up for another minute. Congress expects near miracles from the executive branch in areas like export controls, and yet here we are, trying to get a decision made on an immensely qualified, dedicated, and proven public servant who has waited for months for the Senate to act on his nomination.

I am privileged to be here to share what I know and feel about Bill Reinsch with my colleagues. Madam President, it is my hope that this nomination will be approved without any further delay.

• Mr. WOFFORD. Madam President, few who are called to serve the public have the combination of expertise, integrity and deep dedication to public service that Bill Reinsch possesses. Having relied upon his advise, I can attest to Bill's attributes personally. I also speak on behalf of the people of Pennsylvania, many of whom he helped directly and through his service to my predecessor, Senator Heinz.

Bill is superbly qualified to serve as Under Secretary of Commerce for Export Administration. It is an extremely important position. Through his administration of the Export Administration Act, Bill will have to strike the proper balance of promoting exports with curbing the proliferation of weapons of mass destruction. I believe he brings the knowledge and perspective to do just that. And with the Export Administration Act set to expire later this year, few are in as good a position as Bill to help tackle the reauthorization process.

I know many of my colleagues share my view that the Senate is losing a great resource in Bill Reinsch. Even though he was most recently in the service of Senator ROCKEFELLER, he was indeed a resource for all of us.

Madam President, I urge my colleagues to support the confirmation of Bill Reinsch.•

Mr. DURENBERGER. Madam President, I rise in strong support for the nomination of William Reinsch, nominee for Under Secretary of Commerce for Export Administration. As a long time Senate employee, Bill is known and respected by many of us, and it is a great mystery to me why his confirmation has been held up for so long, seemingly to protest issues which are not related to Bill's soon-to-be-assumed duties to administer our export control laws.

Those of us who serve on the Finance and/or Banking Committees are well aware of the excellent staff work provided by Bill Reinsch in the Senate for the late Senator Heinz and now for Senator ROCKEFELLER. Bill has a broad and deep knowledge of all areas of international trade policy and is greatly respected by all of us.

While there have been occasions that administration nominees have appeared to lack the appropriate background for the position in question, there is absolutely no doubt here about the qualifications of Bill Reinsch. There may well be no other Senate staffer, or any other individual, who has more knowledge or involvement in the complicated area of export control laws than Bill. The reauthorization of our export control laws is always controversial, and usually involves major reforms, as we have sought to update those laws to promote the right balance between national security and foreign policy concerns and the facilitation of exports to promote improvements in our economy and increased job opportunities. Bill has always been instrumental in crafting and pursuing the very difficult compromises needed to facilitate passage of this important legislation.

I can think of no one more appropriate for this nomination than Bill Reinsch. We have delayed the nomination for no reason. There is no need to even debate his credentials for the position. Let us approve his nomination on a voice vote today.

Mr. BRYAN. Madam President, there is no more debate on this side of the aisle.

Mr. BENNETT addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, there is no more debate on this side either.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the nomination.

The nomination was confirmed.

Mr. BRYAN. Madam President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BRYAN. Madam President, I ask that the President be immediately notified of the Senate's action and that the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now return to legislative session.

Mr. BRYAN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

CONSUMER REPORTING REFORM ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of S. 783. The clerk will report.

The legislative clerk read as follows:

A bill (S. 783) to amend the Fair Credit Reporting Act, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Reporting Reform Act of 1994".

(b) TABLE OF CONTENTS.—The following is a table of contents for this Act:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

Sec. 101. Definitions.
Sec. 102. Furnishing and using reports; use of information obtained from reports.
Sec. 103. Amendments relating to prescreening of consumer reports.
Sec. 104. Amendments relating to obsolete information and information contained in consumer reports.
Sec. 105. Amendments relating to compliance procedures.
Sec. 106. Amendments relating to consumer disclosures.
Sec. 107. Amendments relating to procedures in case of the disputed accuracy of any information in a consumer's file.
Sec. 108. Amendment relating to charges for disclosure.
Sec. 109. Amendments relating to duties of users of consumer reports.
Sec. 110. Amendments relating to civil liability.
Sec. 111. Amendments relating to responsibilities of persons who furnish information to consumer reporting agencies.
Sec. 112. State action to enforce Act.
Sec. 113. Administrative enforcement.
Sec. 114. Establishment of toll-free telephone number.
Sec. 115. Action by FTC.
Sec. 116. Relation to State laws.
Sec. 117. Fair debt collection practices.
Sec. 118. Effective dates.

TITLE II—CREDIT REPAIR ORGANIZATIONS

Sec. 201. Regulation of credit repair organizations.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

SEC. 101. DEFINITIONS.

(a) ADVERSE ACTION.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(k) The term 'adverse action', when used in connection with an action based in whole or in part on information contained in a consumer report, means an action that is adverse or less favorable to the interest of the consumer who is the subject of the report. Without limiting the general applicability of the foregoing, the following constitute adverse actions:

"(1) CREDIT.—

"(A) ACTIONS INCLUDED.—A denial or revocation of credit, an increase in the charge for credit, an adverse change in the terms of an existing credit arrangement, or a refusal to grant credit in substantially the amount or on substantially the terms requested.

"(B) ACTIONS NOT INCLUDED.—For the purposes of this paragraph, the term 'adverse action' does not include—

"(i) an attempt to collect a debt owed or allegedly owed;

"(ii) an action taken with respect to a credit or insurance transaction that is not initiated by the consumer if—

"(I) no change is made with respect to the interests of the consumer; or

"(II) a change is made that is not unfavorable to the interests of the consumer; and

"(iii) an action taken with respect to the review of an account under section 604(a)(3)(A), if—

"(I) no change is made with respect to the interests of the consumer; or

"(II) a change is made that is not unfavorable to the interests of the consumer.

"(2) EMPLOYMENT.—A denial of employment or other adverse or less favorable decision relating to employment.

"(3) INSURANCE.—A denial or cancellation of, an increase in any charge for, or reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of insurance.

"(4) LICENSE OR BENEFIT.—A denial or cancellation of, or an increase in any charge for, or any other adverse or unfavorable change in the terms of, any license or benefit described in section 604(a)(3)(D).

"(5) CONSUMER INITIATED BUSINESS TRANSACTION.—A denial or cancellation of, or any other adverse or unfavorable change in the terms of, any business transaction that the consumer has initiated or sought to initiate.".

(b) DEFINITION OF CONSUMER REPORT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the second sentence—

(1) by inserting before the semicolon at the end of subparagraph (A) ", or any communication of that information or information (i) from a credit application by a consumer, provided that it is clearly and conspicuously disclosed to the consumer with the application that the information may be provided to such entities and the consumer does not prohibit such disclosure (in writing, using a signature line that is separate and distinct from that used for the consumer's consent to the extension of credit); or (ii) among the person making the report, an entity related by common ownership to that person, and an entity affiliated by corporate control with that person";

(2) in subparagraph (B), by striking "or" after the semicolon at the end; and

(3) in subparagraph (C), by striking the period at the end and inserting the following: "; or (D) any communication of information about a consumer between persons who are affiliated by common ownership or common corporate control and in connection with a credit or insurance transaction that is not initiated by the consumer, if either person has complied with section 615(d)(2)(B) with respect to a consumer report from which the information is taken and the consumer has consented to use of the report for the transaction in accordance with section 615(d)(2)(C).".

(c) FIRM OFFER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(l) The term 'firm offer' means an offer of credit or insurance to a consumer that will be honored by the offeror if—

"(1) based on information in the consumer report on the consumer or other information bearing on the creditworthiness of the consumer, the consumer is determined to meet the criteria used to select consumers for the offer; and

"(2) the information provided by the consumer in the application in response to the offer—

"(A) is not determined to be incorrect or inadequate; and

"(B) meets the criteria established by the offeror in advance of the offer for such extension of credit or insurance.".

(d) CREDIT OR INSURANCE TRANSACTION THAT IS NOT INITIATED BY THE CONSUMER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a), as amended by subsection (c), is amended by adding at the end the following new subsection:

"(m) The term 'credit or insurance transaction that is not initiated by the consumer' does not include the use of a consumer report by a person with whom the consumer has an account, for purposes of—

"(1) reviewing the account; or

"(2) collecting the account.".

SEC. 102. FURNISHING AND USING REPORTS; USE OF INFORMATION OBTAINED FROM REPORTS.

(a) USE OF REPORTS FOR EMPLOYMENT AND BUSINESS PURPOSES.—Section 604 of the Fair

Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by striking "A consumer reporting agency may furnish" and inserting the following:

"(a) In General.—A consumer reporting agency may furnish";

(2) in subsection (a)(3)(A) (as designated by paragraph (1)), by striking "and involving the" and all that follows through the semicolon and inserting "or involving the extension of credit to, or review or collection of a credit or other account of, the consumer;";

(3) in subsection (a)(3) (as designated by paragraph (1)), by striking subparagraph (E) and inserting the following:

"(E) otherwise has a legitimate business need for the information in connection with a business transaction that—

"(i) is initiated by the consumer; or

"(ii) is a direct marketing transaction for which the furnishing of a consumer report by the agency is not prohibited under subsection (e)."; and

(4) by adding at the end the following new subsection:

"(b) Conditions for Furnishing and Using Consumer Reports for Employment Purposes.—

"(1) Certification from user.—A consumer reporting agency may furnish a consumer report for employment purposes only—

"(A) if the person who obtains such report from the agency certifies to the agency that—

"(i) the disclosure required under paragraph (2) has been made and, if necessary, the disclosure required under paragraph (3), shall be made; and

"(ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation; and

"(B) if the consumer reporting agency provides with the report a summary of the consumer's rights under this title, as prescribed in accordance with section 609(c)(3).

"(2) Disclosures to prospective and current employees.—

"(A) In general.—Except as provided in subparagraph (B), a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to a prospective or current employee unless—

"(i) the prospective or current employee has received, before the report is procured, a clear and conspicuous disclosure made in writing that consumer reports may be used for employment purposes; and

"(ii) the prospective or current employee has provided a general or specific written authorization for the procurement of the report prior to such procurement.

"(B) Written material constituting notice.—A written statement that consumer reports may be used for employment purposes which is contained in employee guidelines or manuals available to employees and prospective employees or included in written materials provided to employees or prospective employees shall constitute a written disclosure for purposes of subparagraph (A).

"(3) Conditions on use for adverse actions.—Before taking an adverse action based on a consumer report used for employment purposes, a person shall provide to the consumer to whom the report relates—

"(A) a copy of the report;

"(B) a description of the consumer's rights under this title, as prescribed in accordance with section 609(c)(3); and

"(C) a reasonable opportunity (not more than 5 business days following the receipt of the report by the consumer) to respond to any information in the report that is disputed by the consumer, except that if the person has a reasonable belief that the consumer has engaged in fraudulent or criminal activity, no such opportunity to respond shall be required.".

(b) Use of Information Obtained From Reports.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(c) Certain Use or Obtaining of Information Prohibited.—A person shall not use or obtain information from a consumer report for any purpose unless—

"(1) it is obtained for a purpose for which the consumer report is authorized to be furnished under subsection (a); and

"(2) the purpose is certified in accordance with section 607 by a prospective user of the report.".

(c) Disclosure of Consumer Reports by Users.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) Disclosure of Consumer Reports by Users Allowed.—A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer if adverse action against the consumer has been taken or is contemplated by the user of the consumer report, based in whole or in part on the report.".

(d) Use of Reports To Establish and Enforce Child Support Orders.—Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsections (a) and (b), is amended by adding at the end the following new paragraph:

"(4) In response to a request from the head of the agency, department, or office (or an official authorized by the head of that agency, department, or office) that is responsible under law for obtaining child support orders, in order to establish an individual's obligation to make child support payments or to determine the appropriate level of such payments. Any consumer report obtained pursuant to this paragraph shall be kept confidential (other than for its use in connection with a public hearing related to child support) and shall not be used in connection with any other civil, administrative, or criminal proceeding.".

SEC. 103. AMENDMENTS RELATING TO PRESCREENING OF CONSUMER REPORTS.

(a) In General.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by section 102, is amended—

(1) in subsection (a), by striking "A consumer reporting agency" and inserting "Subject to subsection (d), a consumer reporting agency"; and

(2) by adding at the end the following new subsection:

"(d) Limitations on Reports Relating to Credit or Insurance Transactions Not Initiated by the Consumer.—

"(1) In general.—A consumer reporting agency may furnish a consumer report relating to a consumer pursuant to subsection (a)(3)(A) to any person referred to in such subsection in connection with any credit or insurance transaction that is not initiated by the consumer only if—

"(A) the consumer authorizes the agency to provide such report to such person; or

"(B)(i) the transaction consists of a firm offer of credit or insurance;

"(ii) the consumer reporting agency has complied with subsection (f); and

"(iii) the consumer has not elected in accordance with subsection (f)(1) to have the consumer's name and address excluded from lists provided by the agency.

"(2) Limits on information received under paragraph (1)(B).—A person may receive pursuant to paragraph (1)(B) only—

"(A) the name and address of a consumer; and

"(B) information pertaining to a consumer that is not identified or identifiable with the consumer.

"(3) Information regarding inquiries.—Except as provided in section 609(a)(4), a consumer reporting agency shall not furnish to any person a record of inquiries resulting from credit or insurance transactions that are not initiated by a consumer.".

(b) Furnishing Consumer Reports for Direct Marketing Transactions.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsection (a), is amended by adding at the end the following new subsections:

"(e) Furnishing Consumer Reports for Direct Marketing Transactions Not Initiated by Consumer.—

"(1) Furnishing reports prohibited.—Except as provided in subsection (d), a consumer reporting agency may not furnish a consumer report for use for a direct marketing transaction that is not initiated by the consumer to whom the report relates, if—

"(A) the consumer notifies the agency that the consumer does not consent to that use;

"(B) the report includes any information other than the name and address of the consumer; or

"(C) furnishing the information would disclose the credit payment history, credit limit, credit balance, or any negative information pertaining to the consumer.

"(2) Notification.—A consumer may notify a consumer reporting agency for purposes of paragraph (1)(A) either—

"(A) in writing; or

"(B) in the case of an agency that compiles and maintains files on consumers on a nationwide basis, by calling the toll-free telephone number established pursuant to subsection (f)(3).

"(f) Election of Consumer To Be Excluded From Lists.—

"(1) In general.—A consumer may elect to have such consumer's name and address excluded from any list provided by a consumer reporting agency pursuant to subsection (d)(1)(B) or (e)(2), by—

"(A) notifying the agency, in writing or through the notification system maintained by the agency under paragraph (3), that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any credit or insurance transaction that is not initiated by the consumer or in connection with a direct marketing transaction that is not initiated by the consumer; or

"(B) returning to the agency a signed written notice of the election, as provided by the agency in accordance with paragraph (2).

"(2) Provision of written notice to consumer.—A consumer reporting agency shall mail to a consumer a written notice for purposes of paragraph (1)(B), not later than 5 business days after being notified of the election of the consumer in accordance with paragraph (1)(A).

"(3) Notification system.—Each consumer reporting agency that furnishes a consumer report pursuant to subsection (d)(1)(B) in connection with any credit or insurance transaction that is not initiated by a consumer or pursuant to subsection (e) in connection with any direct marketing transaction that is not initiated by the consumer, shall establish and maintain a notification system, including a toll-free telephone number, which permits a consumer whose consumer report is maintained by the agency to notify the agency, with appropriate identifica-

tion, of the consumer's election to have the consumer's name and address excluded from any list of names and addresses provided by the agency or its affiliates pursuant to subsection (d)(1)(B) or (e)(2). Establishment and maintenance of a nationwide notification system and publication by a consumer reporting agency on a nationwide basis in accordance with this paragraph shall be considered to fulfill the requirements of this paragraph with respect to each affiliate of the agency.

"(4) AGENCIES OPERATING NATIONWIDE.—Each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system under paragraph (3) jointly with other such consumer reporting agencies.

"(5) EFFECTIVENESS OF ELECTION.—An election of a consumer under paragraph (1)—

"(A) shall be effective with respect to a consumer reporting agency beginning on the date on which the consumer notifies the agency in accordance with paragraph (1)(A);

"(B) shall be effective—

"(i) for a period of 2 years after that effective date; or

"(ii) permanently, as may be specified by the consumer in his or her notification of election under paragraph (1)(B), except that the consumer may notify the agency at any time of a change of election in accordance with paragraph (1);

"(C) shall be effective with respect to each affiliate of the consumer reporting agency; and

"(D) shall be effective with respect to any list provided by a consumer reporting agency pursuant to subsection (d)(1)(B) or (e)(2), unless otherwise specified by the consumer.".

(c) FIRST NOTIFICATIONS BY CONSUMERS.—Not later than 1 year after the date of enactment of this Act, each consumer reporting agency that furnishes a consumer report pursuant to subsection (d) or (e) of section 604 shall establish and thereafter maintain a notification system in accordance with section 604(f).

SEC. 104. AMENDMENTS RELATING TO OBSOLETE INFORMATION AND INFORMATION CONTAINED IN CONSUMER REPORTS.

(a) REPEAL OF EXEMPTION PROVISIONS.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended in subsection (a), by striking "(a) Except as authorized under subsection (b) of this section, no" and inserting "(a) OBSOLETE INFORMATION.—Except as otherwise specifically authorized, no".

(b) ADDITIONAL INFORMATION ON BANKRUPTCY FILINGS REQUIRED.—Section 605(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c(b)) is amended to read as follows:

"(b) INFORMATION REQUIRED TO BE DISCLOSED.—A consumer reporting agency that furnishes a consumer report that contains information regarding any case involving the consumer which arises under title 11, United States Code, shall include in the report an identification of the chapter of such title 11 under which such case arises if provided by the source of the information. If any case arising or filed under such title 11 is withdrawn by the consumer prior to a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon receipt of documentation certifying such withdrawal.".

(c) CLARIFICATION OF REPORTING PERIOD.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following new subsection:

"(c) RUNNING OF REPORTING PERIOD.—The 7-year period referred to in paragraphs (4) and (6) of subsection (a) shall begin, with respect to a delinquent account that is placed for collection (internally or by referral to a third party, whichever is earlier), charged to profit and loss, or subjected to any similar action, upon the expiration of the 180-day period beginning on the date of the commencement of the delinquency that immediately preceded the collection activity, charge to profit and loss, or similar action. The requirements of this subsection shall apply only to information added to a consumer report beginning 1 year after the date of enactment of the Consumer Reporting Reform Act of 1994.".

(d) DISCLOSURE OF PERSONAL INFORMATION.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (c), is amended by adding at the end the following new subsection:

"(d) DISCLOSURE OF PERSONAL INFORMATION.—A person who prepares a consumer report that includes personal credit information on a consumer shall not include in the report any adverse item of information on the consumer with respect to matters which antedate the report by more than 10 years or which could not be included in any consumer report on the consumer in accordance with this section.".

(e) INDICATION OF CLOSURE OF ACCOUNT.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (d), is amended by adding at the end the following new subsection:

"(e) INDICATION OF CLOSURE OF ACCOUNT BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 622(a)(4) that a consumer's credit account was voluntarily closed by the consumer, the agency shall indicate that fact in any consumer report that includes information related to that account.".

(f) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended to read as follows:

"SEC. 605. REQUIREMENTS RELATING TO INFORMATION CONTAINED IN CONSUMER REPORTS.".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 605 and inserting the following:

"605. Requirements relating to information contained in consumer reports.".

SEC. 105. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) NOTICE TO USERS AND PROVIDERS OF INFORMATION TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e), as amended by section 102(c), is amended by adding at the end the following new subsection:

"(d) NOTICE TO USERS AND FURNISHERS OF INFORMATION.—A consumer reporting agency shall provide notice to a person of such person's responsibilities under this title if such person—

"(1) regularly and in the ordinary course of business furnishes information to the agency with respect to a consumer; or

"(2) is provided by the agency with a consumer report.".

(2) CONTENT OF NOTICE.—Not later than 1 year after the date of enactment of this Act, the Federal Trade Commission shall prescribe the content of notices required under section 607(d) of the Fair Credit Reporting Act, as added by this subsection.

(b) RECORD OF IDENTITY OF USERS AND PURPOSES CERTIFIED BY USERS OF REPORTS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(e) PROCUREMENT OF CONSUMER REPORT FOR RESALE.—

"(1) DISCLOSURE.—A person may not procure a consumer report for purposes of reselling the report (or the information contained in the report) unless the person discloses to the consumer reporting agency that originally furnished the report—

"(A) the identity of the ultimate user of the report (or the information), and

"(B) each permissible purpose under section 604 for which the report will be furnished to the ultimate user of the report (or the information).

"(2) RESPONSIBILITIES OF PROCURERS FOR RESALE.—A person who procures a consumer report for purposes of reselling the report (or the information contained in the report) shall—

"(A) establish and comply with reasonable procedures, which shall be designed to ensure that the report (or the information) is resold by such person only for a purpose for which the report may be furnished under section 604, including—

"(i) identifying each prospective user of the resold report (or the information);

"(ii) certifying each purpose for which the report (or the information) will be used; and

"(iii) certifying that the report (or the information) will be used for no other purpose; and

"(B) before reselling the report, make reasonable efforts to verify the identifications and certifications made under subparagraph (A).".

SEC. 106. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request.".

(b) MORE INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(3)) is amended to read as follows:

"(3)(A) Identification of each person who procured a consumer report—

"(i) for employment purposes during the 2-year period preceding the request; and

"(ii) for any other purpose during the 1-year period preceding the request.

"(B) An identification of a person under subparagraph (A) shall include—

"(i) the name of the person or, if applicable, the trade name (written in full) under which such person conducts business; and

"(ii) upon request of the consumer, the address and telephone number of the person.".

(c) INFORMATION REGARDING INQUIRIES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following new paragraph:

"(4) A record of all inquiries received by the agency during the 1-year period preceding the request that identified the consumer in connection with a credit or insurance transaction that was not initiated by the consumer.".

(d) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

(1) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

"(1) SUMMARY OF RIGHTS.—A consumer reporting agency shall provide to a consumer, on or with each written disclosure by the agency to the consumer under this section—

"(A) a written summary of all rights afforded to the consumer under this title; and

"(B) in the case of a consumer reporting agency that compiles and maintains consumer reports on a nationwide basis, a toll-free telephone number that the consumer can use to communicate with the agency.

"(2) SPECIFIC ITEMS REQUIRED TO BE INCLUDED.—The summary of rights required under paragraph (1) shall include—

"(A) a brief description of this title and all rights of consumers under this title;

"(B) an explanation of how the consumer may exercise the rights of the consumer under this title;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title and the address and any appropriate telephone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency; and

"(D) a statement that a consumer reporting agency is not required to remove accurate derogatory information from a consumer's file unless the information is outdated, as determined in accordance with section 605, or unless the information cannot be verified.

"(3) FORM OF SUMMARY OF RIGHTS.—The Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe the form and content of any disclosure with respect to consumers' rights required to be made by a consumer reporting agency under this title.

"(4) STATE DISCLOSURES.—Notwithstanding paragraphs (1) through (3), a State shall retain the authority to require additional disclosures pertaining to State law in connection with a consumer report. Nothing in this subsection shall be construed to limit the authority of a State to mandate the time by which a disclosure shall be made to a consumer.".

(2) TECHNICAL AMENDMENT.—Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting before the semicolon the following: "and the written summary of the rights of the consumer prepared pursuant to section 609(c)".

(e) FORM OF DISCLOSURES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) are amended to read as follows:

"(a) WRITTEN DISCLOSURE.—The disclosures required to be made under section 609 shall be provided to a consumer in writing.

"(b) OTHER FORMS OF DISCLOSURE.—

"(1) IN GENERAL.—In addition to the written disclosures required by subsection (a), a consumer reporting agency may make the disclosures required under section 609 other than in written form if—

"(A) the consumer authorizes the disclosure;

"(B) the consumer furnishes proper identification to the consumer reporting agency;

"(C) the consumer specifies the form of disclosure; and

"(D) such form of disclosure is available from the agency.

"(2) FORM.—A consumer may specify, pursuant to paragraph (1), that disclosures under section 609 be made—

"(A) in person, upon the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice;

"(B) by telephone, if the consumer has made a written request for disclosure by telephone that includes the proper identification of the consumer, as required by paragraph (1)(B);

"(C) by electronic means, if available from the agency; or

"(D) by any other reasonable means available from the agency.".

(2) SIMPLIFIED DISCLOSURE.—Not later than 90 days after the date of enactment of this Act, each consumer reporting agency shall develop a form on which such consumer reporting agency shall make the disclosures required under section 609(a) of the Fair Credit Reporting Act, for the purpose of maximizing the comprehensibility and standardization of such disclosures.

(3) GOALS.—The Federal Trade Commission shall take appropriate action to assure that the goals of comprehensibility and standardization are achieved in accordance with paragraph (2).

(4) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—The section heading for section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended to read as follows:

"SEC. 610. CONDITIONS AND FORM OF DISCLOSURE TO CONSUMERS.".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 610 by inserting the following:

"610. Conditions and form of disclosure to consumers.".

SEC. 107. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) IN GENERAL.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended to read as follows:

"(a) REINVESTIGATION OF DISPUTED INFORMATION.—

"(1) IN GENERAL.—If the completeness or accuracy of an item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of such dispute, the agency shall reinvestigate free of charge and record the current status of the disputed information before the later of—

"(A) the expiration of the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer; or

"(B) the expiration of the 15-day period beginning on the last date on which the agency receives relevant information submitted by the consumer in accordance with paragraph (4).

"(2) PROMPT NOTICE OF DISPUTE TO FURNISHER OF INFORMATION.—Not later than 5 business days after the date on which a consumer reporting agency receives notice of a dispute from a consumer in accordance with paragraph (1), the agency shall notify any person who provided any item of information in dispute at the address and in the manner established with the person.

"(3) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency reasonably determines that the dispute raised by the consumer is frivolous or irrelevant, including by reason of a failure to provide sufficient information to investigate the dispute.

"(B) NOTICE OF DETERMINATION.—Not later than 5 business days after making a determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a consumer reporting agency shall mail to the consumer a written notification of such determination (including the reasons for the determination), and, if authorized by the consumer for that purpose, notification by any other means available to the agency.

"(4) CONSIDERATION OF CONSUMER INFORMATION.—In conducting any reinvestigation under paragraph (1) with respect to disputed information in the file of a consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer during the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer.

"(5) DELETION OF INACCURATE OR UNVERIFIABLE INFORMATION.—

"(A) IN GENERAL.—If, in the course of a reinvestigation under paragraph (1) of any information disputed by a consumer, an item of the information is found to be inaccurate or cannot be verified, the consumer reporting agency shall delete that item of information from the consumer's file.

"(B) REQUIREMENTS RELATING TO REINSERTION OF PREVIOUSLY DELETED MATERIAL.—

"(i) CERTIFICATION OF ACCURACY OF INFORMATION.—If any information is deleted from a consumer's file pursuant to subparagraph (A), the information may not be reinserted in the file after the deletion unless the person who furnishes the information certifies that the information is complete and accurate.

"(ii) NOTICE TO CONSUMER.—If any information that has been deleted from a consumer's file pursuant to subparagraph (A) is reinserted in the file in accordance with clause (i), the consumer reporting agency shall, not later than 5 business days after such reinsertion, mail to the consumer written notification of the reinsertion, and, if authorized by the consumer for that purpose, shall provide such notice by any other means available to the agency.

"(iii) CONTENTS.—The notice of reinsertion required under clause (ii) shall include—

"(I) all information prescribed in clauses (iii) and (v) of paragraph (6)(B);

"(II) a description of the procedure used to make the finding that the information should be reinserted; and

"(III) the name, business address, and telephone number of any furnisher of information contacted in connection with such information.

"(C) PROCEDURES TO PREVENT REAPPEARANCE.—A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is required to be deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(i)).

"(6) NOTICE OF RESULTS OF REINVESTIGATION.—

"(A) IN GENERAL.—A consumer reporting agency shall mail to the consumer written notification of the results of a reinvestigation under this subsection not later than 5 business days after the completion of the reinvestigation, and, if authorized by the consumer for that purpose, shall provide notification by other means available to the agency.

"(B) CONTENTS.—As part of or in addition to the notice under subparagraph (A), a consumer reporting agency shall provide to a consumer in writing during the 5-business-day period referred to in subparagraph (A)—

"(i) a statement that the reinvestigation is completed;

"(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

"(iii) a description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

"(iv) in any case in which disputed information is found to be accurate and complete (and in any other case upon request by the consumer), a description of the procedure used to make the finding and the name, business address, and telephone number of any furnisher of information contacted in connection with such information;

"(v) a notification that the consumer has the right to insert a statement in such consumer's file disputing the accuracy or completeness of the information in the file; and

"(vi) a clear and conspicuous notification of the right of the consumer to request under subsection (d) that the consumer reporting agency furnish notifications under that subsection.

"(7) DESCRIPTION OF REINVESTIGATION PROCEDURE.—Not later than 15 days after receiving a request from the consumer for a description referred to in paragraph (6)(B)(iv), the consumer reporting agency shall provide such description to the consumer.

"(8) EXCEPTION.—If the dispute is resolved by the deletion of the disputed information not later than 3 business days after the date on which the consumer reporting agency receives notice of the dispute in accordance with para-

graph (1), the consumer reporting agency shall be exempt from the requirements of paragraphs (2) and (6) if the consumer reporting agency—

"(A) provides prompt notification of the deletion to the consumer by telephone;

"(B) provides written confirmation of the deletion, upon request by the consumer; and

"(C) maintains reasonable procedures designed to prevent the reappearance in the consumer's file, and in reports on the consumer, of information deleted pursuant to paragraph (5).

"(9) CONSIDERATION OF CONSUMER DOCUMENTATION.—

"(A) IN GENERAL.—Reinvestigation under this section shall include an acceptance of the consumer's version of the disputed information and correction or deletion of the disputed information, if the consumer submits to the consumer reporting agency documentation obtained from the source of the information in dispute confirming that the disputed information in the consumer report is inaccurate or incomplete.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the consumer reporting agency need not accept the consumer's version of the disputed information if the consumer reporting agency, acting in good faith—

"(i) has reason to doubt the authenticity of the documentation submitted by the consumer;

"(ii) reinvestigates the dispute by contacting the source of the disputed item; and

"(iii) verifies that the documentation is not authentic.

"(10) INFORMATION FROM CONSUMER.—Nothing in paragraph (1)(B) or paragraph (4) shall be construed to require a consumer to provide information in connection with a reinvestigation under this section.".

(b) CONFORMING AMENDMENT.—Section 611(d) of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "The consumer reporting agency shall clearly" and all that follows through the end of the subsection.

SEC. 108. AMENDMENT RELATING TO CHARGES FOR DISCLOSURE.

(a) IN GENERAL.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended to read as follows:

"SEC. 612. CHARGES FOR DISCLOSURES AND CERTAIN NOTICES PROHIBITED.

"(a) FREE CONSUMER REPORTS.—Each consumer reporting agency that maintains a file on a consumer shall make all disclosures pursuant to section 609 without charge to the consumer—

"(1) if the consumer makes a request under section 609 not later than 60 days after receipt by such consumer of a notification pursuant to section 615 or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected;

"(2) upon written request by the consumer not later than 1 year after the consumer receives a notification under subsection (b)(2); and

"(3) in the case of a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, upon the written request of the consumer, not more often than once in any 2-year period.

"(b) CHARGE FOR CERTAIN NOTICES PROHIBITED.—A consumer reporting agency shall not impose any charge on the consumer for—

"(1) providing a notice required under section 604(f)(2), 607(d), or 611(a); or

"(2) notifying a person pursuant to section 611(d) of the deletion of information that is found to be inaccurate or that can no longer be verified, if the consumer designates that person to the agency before the end of the 30-day period beginning on the date of the notification of the consumer under section 611(a)(6).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 612 and inserting the following:

"612. Charges for disclosures and certain notices prohibited.".

SEC. 109. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS.

(a) DUTIES OF USERS TAKING ADVERSE ACTIONS.—Section 615(a) of the Fair Credit Reporting Act (15 U.S.C. 1681m(a)) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER REPORTS.—If a person takes any adverse action with respect to a consumer in connection with credit, employment purposes, insurance underwriting, any license or benefit described in section 604(a)(3)(D), or any business transaction involving the consumer that is based, in whole or in part, on any information contained in a consumer report, the person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide to the consumer—

"(A) the name, address, and telephone number (including any available toll-free telephone number) of the consumer reporting agency that furnished the report to the person; and

"(B) a statement that the consumer reporting agency did not make the decision to take the adverse action;

"(3) provide to the consumer a written notice of the consumer's right—

"(A) to obtain, under section 612, a free copy of a consumer report on the consumer, from the consumer reporting agency referred to in paragraph (2) and from any other consumer reporting agency that compiles and maintains files on consumers on a nationwide basis; and

"(B) to dispute, under section 611, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency; and

"(4) in the case of an adverse action involving credit, provide the consumer with the principal reasons for the adverse action, in accordance with section 701(d)(3) of the Equal Credit Opportunity Act.".

(b) DUTIES OF USERS WHO MAKE CERTAIN SOLICITATIONS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

"(d) DUTIES OF USERS WHO MAKE WRITTEN CREDIT OR INSURANCE SOLICITATIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER FILES.—

"(1) IN GENERAL.—A person who uses a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance shall provide on or with any written solicitation made to the consumer regarding the transaction a clear and conspicuous statement that—

"(A) information contained in the consumer's consumer report was used in connection with the transaction;

"(B) the consumer received the offer of credit or insurance because the consumer satisfied the criteria for creditworthiness under which the consumer was selected for the offer;

"(C) if applicable, the credit or insurance may not be extended if, after the consumer responds to the offer by submitting an application, the consumer—

"(i) fails to provide correct and adequate information in such application; or

"(ii) does not meet the criteria established in advance of the offer for such extension of credit or insurance;

"(D) no criteria for creditworthiness will be imposed on the consumer other than the criteria established in advance of the offer for such extension of credit or insurance;

"(E) the consumer has a right to prohibit information contained in the consumer's file with a consumer reporting agency to be used in connection with any credit or insurance transaction that is not initiated by the consumer; and

"(F) the consumer may exercise the right referred to in subparagraph (E) by using the joint notification system established under section 604(f)(4) or the toll-free telephone number established pursuant to section 604(f)(3).

"(2) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to the use of a consumer report by a person if—

"(A) the person is affiliated by common ownership or by common corporate control with the person who procured the report;

"(B) the person who procured the report clearly and conspicuously disclosed to the consumer to whom the report relates, before the report is provided to the person who will use the report, that the report might be provided to and used by other persons who are affiliated in the manner described in subparagraph (A) to the person who procured the report; and

"(C) the provision and use of the report is consented to by the consumer in writing.

"(3) FALSE AND MISLEADING STATEMENTS.—No statement accompanying a credit or insurance transaction that is not initiated by the consumer shall contain any false or misleading information concerning any condition or criteria for the extension or offer of credit or insurance to the consumer.

"(4) MAINTAINING CRITERIA ON FILE.—A person who makes an offer of credit or insurance to a consumer under a credit or insurance transaction described in paragraph (1) shall maintain on file the criteria established in advance of the offer for such extension of credit or insurance until the expiration of the 3-year period beginning on the date on which the offer is made to the consumer.".

(c) DUTIES OF USERS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMERS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by subsection (b), is amended by adding at the end the following new subsection:

"(e) DUTIES OF USERS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMERS.—A person who, in connection with a direct marketing transaction that is not initiated by a consumer, uses information concerning the consumer that is provided by a consumer reporting agency to that person under section 604(e) shall provide to the consumer with each communication regarding the transaction made to the consumer a clear and conspicuous written statement—

"(1) that information concerning the consumer that was provided by a consumer reporting agency was used in connection with the transaction;

"(2) that the consumer has the right under section 604(e) to prohibit any information concerning the consumer from being provided by the consumer reporting agency for use in connection with any direct marketing transaction that is not initiated by the consumer;

"(3) that the consumer may exercise the right referred to in paragraph (2) by notifying the consumer reporting agency in writing or, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(f)(4), by calling that number; and

"(4) disclosing the name, address, and, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(f)(4), the toll-free telephone number at which the agency may be notified.".

SEC. 110. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) WILLFUL FAILURE TO COMPLY.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended to read as follows:

"SEC. 616. CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE.

"(a) IN GENERAL.—A person who willfully fails to comply with any requirement imposed under this title with respect to a consumer is liable to that consumer in an amount prescribed under subsection (c).

"(b) EXCEPTION.—A person has no liability to a consumer under this section for a violation of section 622(a)(1).

"(c) DAMAGES.—Liability for a willful failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) an amount not less than $300 nor greater than $1,000;

"(3) such punitive damages as the court may allow; and

"(4) in the case of a successful action to enforce any liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court.

"(d) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to such pleading, motion, or other paper.".

(b) NEGLIGENT FAILURE TO COMPLY.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended to read as follows:

"SEC. 617. CIVIL LIABILITY FOR NEGLIGENT NONCOMPLIANCE.

"(a) IN GENERAL.—A person who is negligent in failing to comply with any requirement of this title with respect to a consumer shall be liable to that consumer in an amount prescribed in subsection (c).

"(b) EXCEPTION.—A person has no liability to a consumer under this section for a violation of section 622(a)(1).

"(c) DAMAGES.—Liability for a negligent failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damage sustained by a consumer as a result of the failure; and

"(2) in the case of any successful action to enforce liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court.

"(d) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to such pleading, motion, or other paper.".

SEC. 111. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) by redesignating sections 622 and 623 as sections 623 and 624; and

(2) by inserting after section 621 the following new section:

"SEC. 622. RESPONSIBILITIES OF FURNISHERS OF INFORMATION TO CONSUMER REPORTING AGENCIES.

"(a) DUTY OF FURNISHERS OF INFORMATION TO PROVIDE COMPLETE AND ACCURATE INFORMATION.—

"(1) IN GENERAL.—A person shall not furnish any information to a consumer reporting agency if the person knows or should know the information is incomplete or inaccurate.

"(2) DUTY TO CORRECT AND UPDATE INFORMATION.—A person who furnishes information to a consumer reporting agency that the person determines is not complete or accurate shall—

"(A) promptly notify the consumer reporting agency of that determination; and

"(B) provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate.

"(3) DUTY TO PROVIDE NOTICE OF CONTINUING DISPUTE.—If the completeness or accuracy of any information furnished by any person to a consumer reporting agency continues to be disputed by the consumer to such person, that person shall not furnish the information to a consumer reporting agency without notice that such information is disputed by the consumer.

"(4) DUTY TO PROVIDE NOTICE OF CLOSED ACCOUNTS.—A person who regularly furnishes information to a consumer reporting agency regarding a consumer who has a credit account with that person shall notify the agency of the closure of that account by the consumer in information regularly furnished for the period in which the account is closed.

"(5) DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, not later than 90 days after the commencement of the action, notify the agency of the commencement date of the delinquency immediately preceding the action.

"(b) NOTICE TO CONSUMERS OF INFORMATION FURNISHED TO CONSUMER REPORTING AGENCIES.—

"(1) NOTICE REQUIRED.—A person who in the ordinary course of business regularly and on a routine basis furnishes information about that person's transactions or experiences with a consumer to a consumer reporting agency, shall give notice of that fact in writing to the consumer before first providing any information about the consumer to a consumer reporting agency.

"(2) CONTENTS OF NOTICE.—Written notice provided to a consumer by a person pursuant to paragraph (1) shall contain—

"(A) a brief description of the type of information that may be furnished regularly to a consumer reporting agency; and

"(B) a brief description of the frequency with which or the circumstances under which information is furnished to a consumer reporting agency.

"(3) NOTICE BY CERTAIN PERSONS.—A person who furnishes information about checks offered as payment by consumers may give notice for purposes of paragraph (1) by posting the notice in a conspicuous manner at each location where checks are accepted by the person.

"(c) DUTIES OF FURNISHERS OF INFORMATION UPON NOTICE OF DISPUTE.—Upon receiving notice pursuant to section 611(a)(2) of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall—

"(1) complete an investigation with respect to the disputed information and report to the consumer reporting agency the results of that investigation before the end of the 25-day period beginning on the date the agency receives notice of a dispute from the consumer in accordance with section 611(a)(1); and

"(2) review relevant information submitted to the consumer reporting agency by the consumer in accordance with section 611(a)(4).

"(d) LIMITATIONS.—

"(1) ENFORCEMENT.—Subsection (a) shall be enforced exclusively under section 621 by the agencies identified in that section.

"(2) INJUNCTIVE RELIEF.—In an action alleging a violation of subsection (a)(1), the court shall have jurisdiction to enjoin the violation only where the action is brought by the Federal Trade Commission or the attorney general of a State.".

(b) CLERICAL AMENDMENT.—The table of sections for title VI of the Consumer Credit Protection Act is amended—

(1) by redesignating the items relating to sections 622 and 623 as sections 623 and 624, respectively; and

(2) inserting after the item relating to section 621 the following new item:

"622. Responsibilities of furnishers of information to consumer reporting agencies.".

SEC. 112. STATE ACTION TO ENFORCE ACT.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

"(d) STATE ACTION TO ENFORCE TITLE.—

"(1) IN GENERAL.—If a person violates any requirement imposed under this title, the chief law enforcement officer of the State in which such violation occurred (or an official or agency designated by that State) may bring an action—

"(A) to restrain such violation;

"(B) to recover amounts for which such person is liable under this title to each consumer on whose behalf the action is brought;

"(C) to seek such remedies as are allowed under the laws of such State; or

"(D) to collect a civil penalty of not more than $1,000 for each such violation.

"(2) NOTICE.—The State shall serve prior written notice of any civil action under this subsection upon the Commission and provide the Commission with a copy of the complaint. If prior notice is not feasible, the State attorney general shall provide notice immediately upon initiating the action. Upon receiving notice of a civil action under this section, the Commission shall have the right—

"(A) to intervene in the action;

"(B) upon so intervening, to be heard on all matters arising therein; and

"(C) to file petitions for appeal.".

SEC. 113. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—Section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a)) is amended in the second sentence—

(1) by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to a consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Federal Trade Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection and not subject to enforcement pursuant to section 8 of the Federal Deposit Insurance Act, irrespective"; and

(2) by inserting before the period ", including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule".

(b) FEDERAL RESERVE BOARD INTERPRETIVE AUTHORITY.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), as amended by section 112, is amended by adding at the end the following new subsection:

"(e) INTERPRETIVE AUTHORITY.—The Board of Governors of the Federal Reserve System may issue an interpretation of any provision of this title as it may apply to any person identified in paragraph (1), (2), or (3) of subsection (b), and the holding companies and affiliates of such person, in consultation with the Federal agencies identified in paragraph (1), (2), or (3) of subsection (b).''.

SEC. 114. ESTABLISHMENT OF TOLL-FREE TELEPHONE NUMBER.

Not later than 1 year after the date of enactment of this Act, each consumer reporting agency that compiles and maintains consumer reports on a nationwide basis shall establish, and thereafter maintain, a toll-free telephone number for the purpose of making agency personnel accessible to consumers pursuant to section 609(c)(1)(B) of the Fair Credit Reporting Act.

SEC. 115. ACTION BY FTC.

Not later than 270 days after the date of enactment of this Act, the Federal Trade Commission shall prescribe all matters required to be prescribed by the Federal Trade Commission under this title and the amendments made by this title.

SEC. 116. RELATION TO STATE LAWS.

Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) (as redesignated by section 111 of this Act) is amended—

(1) by striking ''This title'' and inserting the following:

''(a) IN GENERAL.—This title'';

(2) by inserting '', and except as provided in subsection (b)'' before the period at the end; and

(3) by adding at the end the following new subsection:

''(b) EXCEPTIONS.—

''(1) STATE LAW.—No requirement or prohibition may be imposed under the laws of any State—

''(A) with respect to any subject matter regulated under—

''(i) section 604(d), relating to the prescreening of consumer reports;

''(ii) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, except that this clause does not affect the applicability of any State law in effect on the date of enactment of the Consumer Reporting Reform Act of 1994;

''(iii) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report; or

''(iv) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance;

''(B) with respect to the exchange of information among persons affiliated by common ownership or common corporate control; or

''(C) with respect to the form and content of any disclosure required to be made under—

''(i) section 609(c); or

''(ii) section 622(b)(2).

''(2) DEFINITION OF 'FIRM OFFER OF CREDIT'.—Notwithstanding the definition of the term 'firm offer of credit' (or any equivalent term) under the laws of any State, the definition of that term contained in section 603(l) shall be construed to apply in the enforcement and interpretation of the laws of any State governing consumer reports.

''(3) FTC MODIFICATION PERMITTED.—If it considers such action necessary for the protection of consumers, the Federal Trade Commission may, after consultation with each Federal agency referred to in section 621(b) and with appropriate State regulatory and law enforcement agencies, promulgate regulations in accordance with section 553 of title 5, United States Code, to impose requirements—

''(A) that are more stringent than those imposed under—

''(i) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file;

''(ii) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report; or

''(iii) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance; and

''(B) with respect to the form and content of any disclosure required to be made under—

''(i) section 609(c); or

''(ii) section 622(b)(2).''.

SEC. 117. FAIR DEBT COLLECTION PRACTICES.

Section 807(11) of the Fair Debt Collection Practices Act (15 U.S.C. 1692e(11)) is amended to read as follows:

''(11) Except as otherwise provided for communications to acquire location information under section 804, the failure to disclose clearly in the initial written communication with a consumer in connection with the collection of a debt or to obtain information about a consumer, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose.''.

SEC. 118. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall become effective 1 year after the date of enactment of this Act.

(b) EXCEPTIONS.—Notwithstanding the provisions of subsection (a), the Federal Trade Commission may prescribe regulations, as required by this title and the amendments made by this title.

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

''Sec.

''401. Short title.
''402. Findings and purposes.
''403. Definitions.
''404. Prohibited practices by credit repair organizations.
''405. Disclosures.
''406. Credit repair organizations contracts.
''407. Right to cancel contract.
''408. Noncompliance with this title.
''409. Civil liability.
''410. Administrative enforcement.

"SEC. 401. SHORT TITLE.

''This title may be cited as the 'Credit Repair Organizations Act'.

"SEC. 402. FINDINGS AND PURPOSES.

''(a) FINDINGS.—The Congress finds that—

''(1) consumers have a vital interest in establishing and maintaining their creditworthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations that offer to improve the credit standing of such consumers; and

''(2) certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly consumers who have limited economic means and who are inexperienced in credit matters.

''(b) PURPOSES.—The purposes of this title are—

''(1) to ensure that prospective buyers of the services of credit repair organizations are provided with the information necessary to make an informed decision regarding the purchase of such services; and

''(2) to protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"SEC. 403. DEFINITIONS.

''For purposes of this title, the following definitions shall apply:

''(1) CONSUMER.—The term 'consumer' means an individual.

''(2) CONSUMER CREDIT TRANSACTION.—The term 'consumer credit transaction' means any transaction in which credit is offered or extended to an individual for personal, family, or household purposes.

''(3) CREDIT REPAIR ORGANIZATION.—The term 'credit repair organization'—

''(A) means a person who uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person can or will sell, provide, or perform) any service, in return for the payment of money or other valuable consideration, for the express or implied purpose of—

''(i) improving a consumer's credit record, credit history, or credit rating;

''(ii) removing adverse credit information that is accurate and not obsolete from the consumer's record, history, or rating;

''(iii) altering the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete; or

''(iv) providing advice or assistance to a consumer with regard to any activity or service described in clause (i), (ii), or (iii); and

''(B) does not include—

''(i) a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; or

''(ii) an attorney at law who is a member of the bar of the highest court of any State or otherwise licensed under the laws of any State, with respect to services rendered that are within the scope of regulations applicable to members of such bar or such licensees.

''(4) CREDIT.—The term 'credit' has the same meaning as in section 103 of the Truth in Lending Act.

"SEC. 404. PROHIBITED PRACTICES BY CREDIT REPAIR ORGANIZATIONS.

''No credit repair organization, and no officer, employee, agent, or other person participating in the conduct of the affairs of a credit repair organization, may—

''(1) charge or receive any money or other valuable consideration for the performance of any service that the credit repair organization has agreed to perform for a consumer before such service is fully performed;

''(2) make any statement, or counsel or advise a consumer to make any statement, that is untrue or misleading (or that, upon the exercise of reasonable care, should be known by the credit repair organization, officer, employee, agent, or other person to be untrue or misleading) with respect to the consumer's credit history, credit rating, or credit standing to—

''(A) any consumer reporting agency (as defined in section 603(f)); or

''(B) any person—

''(i) who has extended credit to the consumer; or

''(ii) to whom the consumer has applied or is applying for an extension of credit;

''(3) make any statement, or counsel or advise a consumer to make any statement, the intended effect of which is to alter the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete to—

"(A) any consumer reporting agency; or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(4) make or use any untrue or misleading representation of the services of the credit repair organization; or

"(5) engage, directly or indirectly, in any act, practice, or course of business that constitutes or results in the commission of, or an attempt to commit, a fraud or deception on a person in connection with the offer or sale of the services of the credit repair organization.

"SEC. 405. DISCLOSURES.

"(a) DISCLOSURE REQUIRED.—Before any contract or agreement between a consumer and a credit repair organization is executed, the credit repair organization shall provide the consumer with the following written statement:

"'Consumer Credit File Rights Under State and Federal Law

"'You have a right to dispute inaccurate information in your consumer report by contacting the credit bureau directly. However, neither you nor any "credit repair" company or credit repair organization has the right to have accurate, current, and verifiable information removed from your consumer report. The credit bureau must remove accurate, negative information from your report only if it is over 7 years old. Bankruptcy information can be reported for 10 years.

"'You have a right to obtain a copy of your consumer report from a credit bureau. You have the right to receive 1 free copy of your credit report upon written request during any 2-year period from any consumer reporting agency operating on a nationwide basis. You are also entitled to receive a free copy of your credit report if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your consumer report during the preceding 60 days. Otherwise, you may be charged a reasonable fee. The credit bureau must provide someone to help you interpret the information in your credit file.

"'You have a right to sue a credit repair company that violates the Credit Repair Organization Act. This law prohibits deceptive practices by credit repair companies.

"'You have the right to cancel your contract with any credit repair organization for any reason not later than 3 business days from the date you signed it.

"'Credit bureaus are required to follow reasonable procedures to ensure that creditors report information accurately. However, mistakes may occur.

"'You may, on your own, notify a credit bureau in writing that you dispute the accuracy of information in your credit file. The credit bureau must then reinvestigate and modify or remove inaccurate information. The credit bureau may not charge any fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the credit bureau.

"'If reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the credit bureau, to be kept in your file, explaining why you think the record is inaccurate. The credit bureau must include your statement about disputed information with any report it issues about you.

"'The Federal Trade Commission regulates credit bureaus and credit repair organizations. For more information contact:

"'Public Reference Branch
Federal Trade Commission
Washington, D.C. 20580.'.

"(b) SEPARATE STATEMENT REQUIREMENT.—The written statement required under this section shall be provided as a document that is separate from any written contract or other agreement between the credit repair organization and the consumer or any other written material provided to the consumer.

"(c) RETENTION OF COMPLIANCE RECORDS.—

"(1) IN GENERAL.—The credit repair organization shall maintain a copy of the statement signed by the consumer acknowledging receipt of the statement.

"(2) MAINTENANCE FOR 2 YEARS.—The copy of the consumer's statement shall be maintained in the organization's files for 2 years after the date on which the statement is provided to the consumer.

"SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.

"(a) WRITTEN CONTRACTS REQUIRED.—A credit repair organization may not provide services for a consumer unless a written and dated contract for the purchase of such services that meets the requirements of subsection (b) has been signed by the consumer.

"(b) TERMS AND CONDITIONS OF CONTRACT.—No contract referred to in subsection (a) meets the requirements of this subsection unless such contract includes the following information (in writing):

"(1) The terms and conditions of payment, including the total amount of all payments to be made by the consumer to the credit repair organization or to any other person.

"(2) A full and detailed description of the services to be performed by the credit repair organization for the consumer, including—

"(A) all guarantees and all promises of full or partial refunds; and

"(B) an estimate of—

"(i) the date by which the performance of the services (to be performed by the credit repair organization or any other person) will be complete; or

"(ii) the length of the period necessary to perform such services.

"(3) The credit repair organization's name and principal business address.

"(4) A conspicuous statement in boldface type, in immediate proximity to the space reserved for the consumer's signature on the contract, which reads as follows: 'You may cancel this contract without penalty or obligation at any time before midnight of the third business day after the date on which you signed the contract. See the attached notice of cancellation form for an explanation of this right.'.

"SEC. 407. RIGHT TO CANCEL CONTRACT.

"(a) IN GENERAL.—A consumer may cancel any contract with a credit repair organization without penalty or obligation by notifying the credit repair organization of the consumer's intention to do so at any time before midnight of the third business day which begins on the date on which the contract or agreement between the consumer and the credit repair organization is executed or would, but for this subsection, become enforceable against the parties.

"(b) CANCELLATION FORM AND OTHER INFORMATION.—Each contract shall be accompanied by a form, in duplicate, which has the heading 'Notice of Cancellation' and contains in boldface type the following statement:

"'You may cancel this contract, without any penalty or obligation, at any time before midnight of the third business day which begins after the date the contract is signed by you.

"'If you cancel, any payment you made under this contract will be returned before the end of the 10-day period beginning on the date the seller receives your cancellation notice.

"'To cancel this contract, mail or deliver a signed, dated copy of this cancellation notice, or any other written notice to [insert name of credit repair organization] at [insert address of credit repair organization] before midnight on [insert date].

"'I hereby cancel this transaction.

"'____________________(purchaser's signature)

"'________________(date)'.

"(c) CONSUMER COPY OF CONTRACT REQUIRED.—A consumer who enters into any contract with a credit repair organization shall be given, by the organization—

"(1) a copy of the completed contract and the disclosure statement required under section 405; and

"(2) a copy of any other document the credit repair organization requires the consumer to sign,

at the time the contract or the other document is signed.

"SEC. 408. NONCOMPLIANCE WITH THIS TITLE.

"(a) CONSUMER WAIVERS INVALID.—Any waiver by a consumer of any protection provided by or any right of the consumer under this title—

"(1) shall be treated as void; and

"(2) may not be enforced by a Federal or State court or any other person.

"(b) ATTEMPT TO OBTAIN WAIVER.—An attempt by any credit repair organization to obtain a waiver from a consumer of any protection provided by or any right of the consumer under this title shall be treated as a violation of this title.

"(c) CONTRACTS NOT IN COMPLIANCE.—A contract for services that does not comply with the applicable provisions of this title—

"(1) shall be treated as void; and

"(2) may not be enforced by a Federal or State court or by any other person.

"SEC. 409. CIVIL LIABILITY.

"(a) LIABILITY ESTABLISHED.—A credit repair organization that fails to comply with any provision of this title with respect to any person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) ACTUAL DAMAGES.—The greater of—

"(A) the amount of any actual damage sustained by such person as a result of such failure; or

"(B) any amount paid by the person to the credit repair organization.

"(2) PUNITIVE DAMAGES.—

"(A) INDIVIDUAL ACTIONS.—In the case of an action by an individual, such additional amounts as the court may allow.

"(B) CLASS ACTIONS.—In the case of a class action, the sum of—

"(i) the aggregate of the amount that the court may allow for each named plaintiff; and

"(ii) the aggregate of the amount that the court may allow for each other class member, without regard to any minimum individual recovery.

"(3) ATTORNEYS' FEES.—In the case of a successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any credit repair organization under subsection (a)(2), the court shall consider, among other relevant factors—

"(1) the frequency and persistence of noncompliance by the credit repair organization;

"(2) the nature of the noncompliance;

"(3) the extent to which such noncompliance was intentional; and

"(4) in the case of any class action, the number of consumers adversely affected.

"(c) JURISDICTION.—An action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, before the later of—

"(1) the end of the 2-year period beginning on the date of the occurrence of the violation involved; or

"(2) in any case in which a credit repair organization has materially and willfully misrepresented any information that—

"(A) the credit repair organization is required, by any provision of this title, to disclose to a consumer; and

"(B) is material to the establishment of the credit repair organization's liability to the consumer under this section,

the end of the 2-year period beginning on the date of the discovery by the consumer of the misrepresentation.

"SEC. 410. ADMINISTRATIVE ENFORCEMENT.

"(a) IN GENERAL.—Compliance with the requirements imposed under this title with respect to credit repair organizations shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(b) VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF FEDERAL TRADE COMMISSION ACT.—

"(1) IN GENERAL.—For the purpose of the exercise by the Federal Trade Commission of the Federal Trade Commission's functions and powers under the Federal Trade Commission Act, any violation of any requirement or prohibition imposed under this title with respect to credit repair organizations shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.

"(2) ENFORCEMENT AUTHORITY UNDER OTHER LAW.—All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Federal Trade Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, without regard to whether the credit repair organization—

"(A) is engaged in commerce; or

"(B) meets any other jurisdictional tests in the Federal Trade Commission Act.

"(c) STATE ENFORCEMENT OF TITLE.—

"(1) IN GENERAL.—The attorney general of any State, or an official or agency designated under the law of any State, may enforce compliance with this title in Federal or State court.

"(2) CIVIL ENFORCEMENT ACTIONS.—A State may bring a civil action in any Federal or State court to enjoin any violation of this title and to recover damages under this title for consumers who reside in such State.".

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, today the Senate is debating one of the most significant pieces of consumer legislation to come before this session of the Congress. Over the past several years, I have expended, personally, a great deal of time working with all the interested parties on the subject matter of fair credit reporting. I take great pride in the legislative product that we offer for the Senate's consideration today.

Before elaborating on the contents of the bill, I want to take a moment to thank several of my colleagues—the distinguished junior Senator from Missouri [Mr. BOND], who serves on the Banking Committee has worked tirelessly, effectively, and constructively with me and others, bringing this legislative compromise to fruition. He has been inconvenienced this afternoon by reason of some complications of his flight schedule or he would be on the floor at this moment. But I do, in his absence, want to express to him my personal appreciation, as well as to his very able staff. They have worked for hours and hours with us on this.

I also thank the distinguished chairman and ranking member of the Senate Committee on Banking, Housing, and Urban Affairs, for their contributions in moving this bill forward. Chairman RIEGLE and Senator D'AMATO have been extremely helpful at the hearings, at the markup, and now in bringing this bill to the floor.

When the original Fair Credit Reporting Act was passed in 1970, it provided a number of important consumer protections. In the intervening 24 years, the credit reporting industry has undergone fundamental changes, dramatic changes, from keeping consumer information on handwritten file cards to computer tapes that are updated today with billions—billions of entries each and every month. The time has now come to update this law to reflect the changes that have occurred in this industry.

Credit bureaus now maintain 450 million credit files on individual consumers. They process almost 2 billion pieces of data per month, and they sell to their customers 1.5 million credit reports every day.

Over the last 4 years, the number one complaint to the Federal Trade Commission has been lodged against credit bureaus—1-in-5 complaints to the FTC is against a credit bureau.

In my State of Nevada, the attorney general's office shares a similar concern and indicates that complaints about inaccuracies, misinformation contained in credit reports, runs extremely high. In hearings I have chaired in my own State of Nevada, I heard firsthand from a number of individuals who, through no fault of their own, totally blameless, have suffered because of mistakes that are included in their credit files.

Let me just cite a couple of instances. One case involved a young woman in Las Vegas named Mary Lou Mobley. She was at the time of our hearing a clerk, law clerk, for a Federal district court judge in Nevada, Judge Philip Pro.

She first discovered problems with her credit report when she was turned down for a law school student loan even though she was in fact an excellent credit risk with no history of credit problems. She was forced at that time to reapply for another loan at a higher interest rate, a substantially higher interest rate. And she had to secure a cosigner.

Had she not been able to obtain the signature of a cosigner, it is very, very doubtful she would have been able to get her student loan and perhaps would not have been able to continue in law school.

After graduating from law school and believing that the problem had been corrected at the time that the erroneous information was first called to her attention, she applied, now for a car loan—this is about 3 years later—only to be told she would have to pay 17.9 percent as the interest rate for her automobile instead of the normal 8.9 percent rate because she was "a high risk" based upon bad credit history.

She was finally able to track down the source of the misinformation and the confusion, and she was told by one of the credit bureaus that she had been married to a man with the same last name in Arizona who had a number of bad debts.

She was told that under Arizona law—Arizona being a community property State—that his bad debts were her responsibility and, therefore, by implication, his bad credit record was her bad credit record.

I think we only have to ask our colleagues, how do you handle a situation like that? How do you prove the negative, that you had not been married to someone who you never met, let alone never married? It is a burden that caused Ms. Mobley considerable frustration, aggravation and time.

Finally, after expending an enormous amount of time—and she detailed it with great particularity—she was able to get her credit record cleared.

Remember, this is a person who is totally blameless, never met this individual, she had never been married, and now she has gone through this frustration of trying to get her record clarified.

There is one other example that I might cite, Mr. President, that is different in focus but equally frustrating. One of my constituents is a fellow by the name of Bill Kinkade who lives in McDermitt, NV. That is in a very remote area in our State, virtually on the Idaho State line. Mr. Kinkade drove 5 hours to our committee hearing in Reno to share his story.

Mr. Kinkade had a mortgage that was being paid through an automatic debit system at his bank. Unbeknown to him, the mortgagee transferred the mortgage to another company. There was nothing improper about that. But Mr. Kinkade was not made aware of that situation. And in reviewing his own bank account over a couple of months period of time, he noticed that the balance was higher than it should have been. And upon more carefully examining it, he noted that, indeed, the debiting of the mortgage payment that he had authorized was not being made.

Ultimately, he made contact with the new mortgagee in the State of Maryland and made arrangements to correct the difficulty. The mortgagee was accommodating, and the situation was straightened out and the payments were transferred to the new bank.

Mr. Kinkade assumed this story had a happy ending. He certainly had tried to do the responsible thing. Unfortunately for him, this mixup started to affect his credit history, and he did not know that.

He went in to buy a satellite dish with his wife, as I recall, in Winnemucca, not too many miles away. If you live in McDermitt, Mr. President, you need a satellite dish. You do not have the diversity of activities that other parts of our great State and the Nation have. So this satellite dish was very important to Mr. Kinkade and his wife.

He entered into the transaction, and he was rejected. He was told he was a bad credit risk, and then it came to light, this episode which I just related, Mr. President, to you and my colleagues who join us on the Senate floor and who are watching this proceeding that, again, this transaction, as it related to his mortgage, now becomes indelibly part of his credit record. He is having all kinds of difficulty.

Let me just say as an aside, that is not only a problem for the consumer who seeks credit, but there was a legitimate business person in this transaction, an individual who was involved in selling satellite dishes. So this individual is also frustrated from consummating a sale and generating the kind of profit which is essential to our free enterprise system.

For too long, these kinds of problems have been ignored and have not been corrected. The point to be made here, Mr. President, is that it is not my contention that businesses are engaged in disreputable or irresponsible efforts to damage somebody's credit. That is simply not the record. But with 2 billion data entries made every month, there are bound to be mistakes. I think every fair-minded person acknowledges that those mistakes can occur when you are dealing with that kind of volume.

So the issue that confronts us and what brings us to our legislative response is how do we keep those mistakes to a minimum, and how do we correct them once they are found? That is where this legislation comes into play.

The Consumer Reporting Reform Act of 1994, S. 783, was introduced by myself and the distinguished cosponsors, Senator BOND and Senator RIEGLE, on the 7th of April 1993. The Banking Committee held hearings examining the credit reporting system in both 1991 and 1993.

In May of last year, the committee heard testimony from David Medine for the Federal Trade Commission; J. Joseph Curran, Jr., the attorney general of the State of Maryland; Barry Connelly for the Associated Credit Bureaus; Michelle Meier, the Consumers Union; Robert Hunter, testifying on behalf of the American Bankers Association; Ed Mierzwinski for the U.S. Public Interest Research Group; and Donald Prill, testifying on behalf of the National Retail Federation.

In October of last year, the Senate Committee on Banking, Housing and Urban Affairs marked up and reported out of committee this piece of legislation by a vote of 15 to 4. This legislation seeks to improve the accuracy of those 450 million credit reports kept in this country by making several fundamental changes in the credit reporting system.

First, the burden of proof is shifted so that credit bureaus, not consumers, must prove the accuracy of information in their files. Harking back to the proof of the negative: "I did not know the gentleman with whom I was supposed to have been married; I never met him. How do I prove that we were never married and never lived in Arizona?" The situation Ms. Mobley faced or the situation that so many others who testified before our committee faced.

Second, the businesses that furnish information to the credit bureaus—those are banks, retailers and other creditors—are held, for the first time, responsible for data which they provide, under some very limited and special circumstances. This legislation, for the first time, would make those who provide this information to the credit bureaus a part of the system and, under very carefully crafted language, would be held responsible for information that was inaccurate under certain circumstances, as I will explain in a bit more detail in a moment.

The bill attempts to safeguard the privacy of information contained in a consumer's credit file by requiring users of consumer reports to identify a permissible purpose under the law before acquiring a report.

Mr. President, if you have never had occasion to examine your own credit report, may I say, with all due respect, and the great respect that I have for the distinguished Presiding Officer who serves as chairman of the committee I serve under, I think you would find it a rather fascinating document.

I had occasion to review my own in the context of a refinancing of my home. It had a good bit of misinformation, innocently—let me emphasize that—innocently incorporated into that report, but I was absolutely stunned to see entries in there that had no reference to me or my wife or our business or financial dealings. I want to emphasize that that information was corrected when I called it to their attention. I am not unmindful of the fact that perhaps as a U.S. Senator, perhaps they were a little more attentive to the concerns that I articulated. Some of the information there dated back to my days as Governor, where I was sued by virtually everyone whoever served a period of time in the Nevada penitentiary system, a defendant position that I take with some honor since I, frankly, thought most of those lawsuits were totally devoid of merit and the State's position was absolutely correct.

But the point I am trying to make is that lots and lots of information is contained in that. There is a lot of information that is oftentimes inaccurate.

I think we are a little bit troubled, too, as citizens with our right of privacy, with who has access to these reports, how broadly is that. This piece of legislation corrects some of the vagaries of the existing law in terms of who has access to our reports.

Pretty clearly, it is essential for our credit system that generates, I think, about $700 billion—in that neighborhood—of credit, that a credit granting community have access so that you and I, when we buy a car or seek a loan or something which we desire, that we want to have, that good and timely information is present. That information needs to be available to those who are reviewing our credit history so we can buy those items.

Nevertheless, there should be some limits in terms of the access to that information because of its extraordinarily private nature. These two fundamental changes are the essence of the legislation that we have talked about.

Additionally, the bill provides consumers with an affirmative right to opt out—for example, those who seek prescreened lists of individuals with certain income level or part of a direct marketing campaign, all of which we acknowledge to be part of our business system in America—there is a provision in this legislation which allows a consumer to opt out, that is, that consumer does not want to be a part of that system. And that is provided with the use of a toll-free number; a consumer could call to get his or her name removed from the call list. And with the ever-increasing amount of mail solicitations, this is a welcome change.

The bill also seeks to improve the accuracy in consumer reporting. For the first time the bill will apply the Federal Credit Reporting Act to businesses which provide the information contained in credit reports. Under the current law, those businesses providing the information, essentially the data that is relied upon by the credit bureaus, are not covered by the 1970 legislation. This leaves the consumer in a very helpless situation when a creditor mistakenly places adverse information in his or her credit file. Our bill requires businesses that furnish information to do so accurately and, moreover, to investigate disputes promptly.

To keep mistakes to a minimum, the bill gives the firms that furnish information to credit bureaus—the retailers, credit card companies, and mortgage companies—the incentive to supply as accurate information as possible. The legislation does that by authorizing the Federal Trade Commission or State attorneys general to take action against businesses that have a practice or pattern—those are operative words, and they are words of art, Mr. President. We are not talking about innocent mistakes. We recognize that when you are talking about billions of pieces of information, mistakes are going to be made. We are talking about a practice that is part of a pattern, and so that is not just an isolated mistake.

Second, that where those mistakes do occur—and they will occur—to fix the mistakes after they are discovered. In this sense we set up a process that is decidedly more consumer friendly than the situation that our friends who testified out there in Nevada, Miss Mobley and Mr. Kinkade, faced as they were trying to correct their problems.

I think most of us are sympathetic to the fact that credit bureaus and those who supply this vast information are going to make some honest mistakes. With a common last name such as my own, I can relate, as I have previously, some inaccuracies that occurred in my own credit history report.

I think what really gets people fired up, Mr. President, is the inconvenience, the time, and the utter frustration—and I wish every one of my colleagues could have heard the two highly responsible citizens in my State share their stories, what they went through trying to get this information corrected after the mistake was discovered. In one instance, it took 3 years for it to be corrected. In another one, the mistake that was originally detected 4 years previous was still a problem when Mr. Kinkade was trying to buy his satellite dish. This is just an intolerable situation.

In our hearings in Nevada, we heard from many people who were put through the wringer trying to get inaccurate information removed from the files. People do get angry. They get mad when they are forced to spend countless hours calling and writing to get these mistakes removed. As lawyers, some of us know how difficult it is to prove a negative.

If our legislation accomplishes nothing else, I intend that it will turn around the burden of proof so that credit bureaus and furnishers of information will be responsible for verifying the accuracy of information when an individual points out the mistake in that credit report. This is an extraordinarily important feature of this legislation, and its significance, Mr. President, cannot be underestimated.

Another recurring problem is that mistakes keep reappearing on a person's report even after the individual has brought the inaccuracy to the credit bureau's attention. Our bill would require the agency to notify the individual before that data can be reinserted into the credit history. Individuals would also be able to request a free copy of their report for 1 year afterwards to verify that, indeed, the mistake has not crept back into the credit history.

While we are trying to put the onus on the furnishers to improve the data they provide and promptly correct mistakes, this legislation has been carefully balanced so that it will not inhibit the flow of information to credit bureaus. And I might just say, Mr. President, nobody would benefit with a system in which this information was not available to credit bureaus: Consumers would be denied the credit to which they would be entitled, and businesses would be unable to consummate sales, which is part of the business activity that is important to every community in America.

That is why a delicate balance has been crafted to provide incentives to businesses to supply accurate information while not discouraging them from furnishing it. Furnishers of information will not be liable—let me emphasize that for those of my colleagues who are listening in—will not be liable for routine mistakes that naturally occur with the processing of these millions of data entries literally every day.

So this bill does not establish nor contemplate a standard of perfection, just a good-faith effort to supply accurate information and, when notified, to properly correct those mistakes.

Accurate credit reports, as I have indicated, are in everyone's best interest—the consumer, the credit bureau, and the business which bases its credit approval on these reports.

Mr. President, it is my belief the best way to improve the accuracy of credit reports is for individuals to review their own files. Under the managers' amendment the bill provides for a free report for people who are unemployed, on welfare, or who have been victims of fraud. Additionally, all other consumers are entitled to one report per year at a small cost of $3. Individuals in our society who are less well off will get free copies of their reports, and the rest will have a rather modest charge to get that information. That is an important change because credit bureaus have in the past charged for these reports between $15 and $25 a report.

As a former attorney general and Governor, I take very seriously States' rights and believe there is a high threshold before State law should be preempted by the Congress. However, when the operation of businesses in interstate commerce can be improved without—and I emphasize "without"—disadvantaging consumers or causing undue harm to State efforts, I believe that Federal uniformity should be tried.

In this bill specific provisions that lend themselves to Federal uniformity have been preempted. By way of example, this bill sets a national standard for timetables in terms of internal deadlines for compliance of certain corrective information and also the nature of disclosure forms.

Consumers, in my judgment, are not disadvantaged by having a Federal timetable for reinvestigation, or a uniform disclosure form with respect to their rights, while businesses are greatly assisted and benefited by not having to meet 50 different timetables established by 50 different States or 50 different forms established by 50 different States.

Additionally, Mr. President, the FTC is given the authority to shorten the timetables should the technology warrant. And I would fully expect over the years the FTC will find that some of the technology that is making its way into the business—as I observed, 24 years ago a lot of these entries were done by hand, literally, as I guess they had been done since Biblical times in terms of relating to business transactions. The system now is much, much more sophisticated with the accessibility to enormous information retrieval systems.

In our managers' amendment, this limited preemption is sunsetted at the end of 5 years.

When representatives of the business community approached us about the need for uniformity in this area, they stressed the need to preempt multiple States' laws while a new Federal law demonstrated its effectiveness. This 5-year preemption period should provide adequate time to demonstrate whether these Federal standards are sufficient. And I believe with the authority provided the Federal Trade Commission in updating them, that will in fact be the case.

Finally, Mr. President, our credit reporting reform bill provides protection against an abuse that has arisen under the generic of credit repair businesses—outfits that represent to consumers who have experienced problems with credit bureaus that they can have their problems solved and their credit records cleaned up.

The record reflects that all too often the representations made by these so-called "credit doctors" prove to be misleading, deceiving consumers who pay high front-end fees. Our legislation requires that these credit repair clinics actually provide the service before seeking compensation. In effect, if they do not deliver, they do not get paid.

Almost every American is impacted by the information contained in his or her credit reports, although most of us have little or no knowledge to the extent to which these files actually impact us.

Our lifestyles, our livelihood, our reputations can be seriously affected by a bad credit report, often without our knowledge. Reforming credit reporting is one of the most significant actions we can take in Congress to benefit consumers nationwide. And if you do not think there are serious problems with credit reports, I suggest to my colleagues, ask around. I guarantee that you will find a lot of very angry, frustrated consumers who have dealt with this problem firsthand.

Bear in mind that the No. 1 complaint at the Federal Trade Commission concerns credit bureaus. There are too many lives that are being adversely affected by inaccurate credit reports for us not to make every effort to improve the system.

Student loans, car loans, and mortgages, even jobs and job promotions, often hang in the balance because of faulty information on credit reports.

While we will never eliminate human error entirely, or computer error for that matter, the credit reporting process must be greatly improved. And S. 783 is a milestone in seeking that improvement.

Mr. President, I thank the Chair.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. HEFLIN). The Senator from Utah.

RIGHT TO MAKE A POINT OF ORDER

Mr. BENNETT. Mr. President, I ask unanimous consent that my right to make a point of order under rule XXVI, paragraph 11(b), be preserved so that I might make that point of order at any time prior to final passage of S. 783.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT. Mr. President, thank you.

Mr. President, I was one of the four on the committee who voted against this bill, and I am here today on behalf of the Republicans on the committee to see that it is handled in a proper and expeditious fashion. So I will not take advantage of my assignment from the committee to press my particular individual views on the matter. I realize that once the Senate has more of a full compliment of its Members on a day when we have rollcall votes that the distinguished Senator from Missouri [Mr. BOND], who is a cosponsor of the bill, will be sitting in this chair and carrying the responsibility on behalf of the Republican side of the committee.

I do not want to, as I say, abuse my opportunity to be here in his place. His plane is late, and that is why the duty, if you will, has fallen to me.

At the same time, Mr. President, I would like to express some general concerns about this legislation and make some general comments about the efforts of the majority.

I agree completely that this is an area of great frustration and great challenge for many consumers. I have had the experience of personally reviewing my own credit report and seeing things there that I did not like. I have had the experience of having my credit turned down by a car dealer after looking at my report and deciding that I was not creditworthy. It was with some satisfaction that I resolved the issue by paying cash for the car and leaving the car dealer wondering what was valid about the credit report.

So I understand from a personal circumstance how inaccurate and how frustrating these things can be. And I pay tribute to the Senator from Nevada and the Senator from Missouri for their effort to clean up the situation. I do have some amendments, however, that I will press upon the Senator from Nevada and the Senator from Missouri. And if I cannot work it out with them, then I will offer them on the floor, because I think there are some problems in the way the final bill has been drafted.

I need to stress the structure of this system, which many people perhaps do not understand. The information that keeps the system flowing is voluntarily provided. There is no requirement under the law that a retailer or an auto dealer or a furniture store or that a bank make this information available. Those who feel that the liability provisions of this bill would affect them adversely have the right to simply stay out of the system by not putting in any information.

A larger organization might very well exercise that right. By "larger organization", I would mean one of the great national retailers with operations in all 50 States, stores and catalog operations scattered around the country, and a customer base in the tens if not hundreds of millions. Such an organization could just decide "We will keep our records to ourselves. We will know who is creditworthy and who is not among our own customers, and we will not share that information with anybody else." That would be their right under this bill.

If several retailers were to decide to do that, some interesting things would happen on the credit reports of the individuals who shopped with those retailers. A bank looking at the credit report of such an individual would notice that there was no report from retailer A and no report from retailer B. And the bank would say, "It may well be that the reason these reports are not there is because the retailer has decided that individual is not creditworthy, and to avoid liability under S. 783 it has simply deleted that name. That being the case, I, the bank, had better be careful about granting credit to this individual."

So the bank could then adopt a policy that says the credit card that we would grant to this individual will have a credit limit of $300 instead of $600, of $200 instead of $1,000, or whatever. Credit would then be restricted in a way that could not find remedy under this bill. There is nothing in this bill that says that a bank or a retailer or financial institution has to extend credit of a certain amount. The banks would say, "Yes, we have given credit to the individual based on his or her credit report. And we have made the decision which is entirely within our rights to keep the limit down. We will not raise the limit until we have had enough personal experience with this individual so that we are comfortable with our own credit record and not dependent upon the credit report."

I realize this is a theoretical scenario. It may well not happen. By the same token, it may well happen. Who gets hurt under this kind of a circumstance if that is the result of this bill? Obviously, the consumer gets hurt because the consumer does not have the opportunity to receive as much credit as would otherwise be available. The credit crunch that we hear a great deal about in the Banking Committee would be exacerbated.

But there is another group in America that would get hurt if this particular scenario were to come to pass, and that is the small retailer who does not have the bank of computers that can give him or her credit information on tens if not hundreds of millions of customers—the small retailer who has a relatively small territory, a relatively small operation, and who is completely dependent upon the credit reports from the credit bureau to make his or her decision about where credit should be extended. The opportunity is there for a customer to take advantage of a faulty report—faulty because the omissions are much greater. There the small businessman runs a much greater risk than he would than if some of the problems that I see in this bill could be corrected.

So, Mr. President, I voted against the bill in committee. I think the bill can be fixed. I will have, as I say, some amendments to address some of these concerns. But I do again commend the Senator from Nevada, and the Senator from Missouri for their leadership in trying to fix these problems.

I want to make it clear that my concern in the areas that are covered by my amendment does not send the message that I am unaware of the problems behind this legislation and of the desire of the two sponsors to get these problems corrected.

We will debate this for the balance of this day, and we will be dealing with it tomorrow. With my rights reserved to raise the point of order, I will raise what arguments and parliamentary maneuvers I have to in order to try to get the situation resolved. But I do feel we can get it resolved because of the good faith of the individuals involved.

With that, I yield the floor.

Mr. BRYAN. Mr. President, I thank my friend and colleague from the State of Utah for his generous comments about the efforts Senator BOND and I have expended on this piece of legislation. I want to assure him that neither I nor Senator BOND are unmindful of the concerns which he has raised about the ongoing stream of information that must be made available by those who are in the business of furnishing credit, so that the overall system by which the consumer accesses credit is not in any way disadvantaged.

He has shared with me privately, as he has on the floor just moments ago, his concern about this issue. I reassure my friend and welcome the opportunity to engage in conversation with him and his staff as we look at some of these things he has asked us to consider, and we are very conscious of the fact that if you go too far, you indeed restrict the flow of this information, which is not in the consumers' best interest, not in the business community's best interest, or in the economy's best interest. We recognize that, and I think we are in agreement, at least in terms of the principles he has espoused.

It is for that reason that no private cause of action is provided to an individual for information that is provided initially that is erroneous, and that indeed before a liability attaches to the provider of a credit, there must be an affirmative determination by either the Federal Trade Commission or a State's attorney's general office that there has been a pattern and practice, which indicates a very egregious series of events, which would take it out of the area that I think is the concern of my friend from Utah—and it is a legitimate concern—that, with the volume of information engendered, which is literally billions of bits of information each month—millions of reports are literally sold each day; I think it is 1.5 million each and every day—you are going to have information in there that would be inaccurate. I assure my colleague that it was not our intention to impose liability when the inaccurate information is innocently done. I welcome the opportunity to visit with him and tell him that, in terms of preparing the language used, we are conscious of that and have talked to a number of those involved in the business of providing information to make sure that we address those legitimate concerns.

Mr. President, I do not see anybody seeking recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

TRIBUTE TO PRESIDENT NIXON

Mr. HATCH. Mr. President, I have not had an opportunity since former President Nixon died to be able to say anything about our relationship and what a great man I felt that he was. So I would like to take this time right now to say a few things about our former President, a man I knew well, who certainly befriended me at times in my life when it meant a great deal.

Mr. President, I am profoundly saddened by the passing of former President Nixon, a great man and a great leader who I was proud to call my friend. Because of his life, our world was profoundly changed for the better; because of his death, the lives of those he has touched, including my own, have suffered a loss from which they will never fully recover.

I wish, first of all, to express my deep condolences to Julie and David Eisenhower and Tricia and Ed Cox, as well as his grandchildren Jenny, Alex, Melanie, and Christopher. Because they knew President Nixon not only as a statesman but also as a loving father and grandfather, their loss is immeasurably greater. They are in our prayers.

Like most Americans, I spent many hours over the last week reflecting on President Nixon's life, what he stood for, what he achieved, and what his life meant to our country and the world. It has been striking to see the way even those who fought President Nixon at every turn have now come to see his extraordinary qualities and abilities.

I had the privilege of meeting one-on-one with President Nixon for about 2 hours in 1991, shortly after the confirmation of Justice Thomas to the Supreme Court. To be in the former President's presence was to understand that you were in the presence of a major historical figure, a man cut from a difficult cloth, a leader who had painted on larger canvas and who always worked in bold strokes and bright colors, not pale pastels.

We discussed the Thomas hearings, world affairs, domestic issues, and politics, as well as the political scene in Utah. I can still see him in my mind's eye, slouching in a comfortable easy chair, feet propped up on a small ottoman, eyes intently engaged as I spoke, and mind totally focused as he explained his views. His mind was like a powerful searchlight, moving from one issue to another and illuminating the critical questions and decisions before our Nation.

As have other Members of this body, I was privileged to be able to attend briefings by President Nixon, the most recent of which was earlier this year. He spoke without notes in almost lyrical terms. He was fond of saying that politics at its best was poetry not prose. Anyone who has heard him speak knows that he not only understood that insight but also lived by it.

I have read all of President Nixon's nine books, and I was looking through some of them last night. One passage that I happened upon from the opening of his book "Leaders" captures the feelings friends and foes alike are experiencing as we mourn his death. He wrote:

> What makes the role of [great] leaders so compellingly interesting is not just its drama, but its importance—its impact. When the final curtain goes down on a play, the members of the audience file out of the theater and go home to resume their normal lives. When the curtain comes down on a leader's career, the very lives of the audience have been changed, and the course of history may have been profoundly altered.

With the passing of President Nixon, we know that a great leader has left the stage, that our national life and each of our lives has been forever changed by his leadership and policies.

Biographers will summarize his achievements better than I can in this short statement. But I wish to register a note of dissent from the prevalent theme that President Nixon was a leader interested primarily in foreign rather than domestic policy.

His administration was just as active domestically as it was internationally. He peacefully desegregated the schools of the South, created the Environmental Protection Agency, initiated the research programs to find a cure for cancer, fired the first volleys in the war against drugs, fought for welfare reform that would help keep families together, made strides toward restoring judicial restraint in the Supreme Court, and ended the military draft and established the all-volunteer Armed Forces.

He was an activist on civil rights. His program for Black Capitalism sought to foster economic growth in the cities. He opened the doors for employment of Hispanic-Americans into the Federal Government. Today, we call that economic empowerment.

I would also add that he achieved something all his successors have failed to do: the last balanced budget was achieved under President Nixon in 1970.

All of these were impressive feats, especially because both Houses of the Congress were controlled by the opposition party during all of his tenure. President Nixon faced gridlock. But he understood that gridlock was not an excuse for inaction. He fought for what he believed in despite the odds. Even if he sometimes had to accept compromises that achieved only part of his objectives, he advanced his cause, he made progress, he improved the lives of countless Americans.

President Nixon's international achievements are well known. The rapprochement with China, detente with the Soviet Union, the honorable end of American involvement in Vietnam, the support of Israel in the 1973 Mideast war, the tilting toward Pakistan in the 1971 Indo-Pak war, the return of Okinawa to Japan, and the restoration of close Franco-American cooperation are only a sampling of the achievements of his years in office.

If you look at a globe, there is hardly a country on earth that was not touched by his life, hardly a nation that did not in some way benefit from the choices he made as President.

Unlike most Western leaders, he took the long view of history. His opening to China and his diplomacy with the Soviet Union contributed to historical processes of change that resulted in the democratic revolutions from 1989 through 1991.

China's integration into the world community has unleashed powerful forces that, I believe, will peacefully transform that totalitarian dictatorship within a decade.

In his recent trips to Russia and other states of the former Soviet bloc, President Nixon was heralded as a leader who was a prime mover in creating the international conditions for internal change. The contacts between the West and the East—which President Nixon initiated—sewed the seeds of democratic ideas and values, which in turn bloomed in the revolutions all of us have celebrated in recent years.

The former President combined the idealism of a Wilson with the hardheaded calculation of a Metternich. He had a vision—preserving peace while promoting freedom—but he approached it with steely realism not with woolly headed naivete. He was pragmatic, but he did not compromise easily. In every crisis, he was determined to achieve every inch of what was achievable—to give history a firm push in the right direction. The world is immeasurably better off for his having done so.

However, his greatest achievement was the restoration of the American spirit. He became President at the most difficult moment in 20th-century American history. The Nation was bogged down in Vietnam, without a strategy for winning. The campuses were in rebellion. The inner cities were burning.

He knew his principal mission as President had to be addressing the crisis in the American spirit. In his inaugural address in January 1969, he said:

> We have endured a long night of the American spirit. But as our eyes catch the dimness of the first rays of dawn, let us not curse the remaining darkness. Let us gather the light.

President Nixon healed the American spirit not by giving in to the demands of every protester or interest group but by providing leadership at home and abroad. He defined a positive agenda in domestic policy. And by exploiting the split in the Communist world, he put the United States in a pivotal position in world politics.

Charles de Gaulle once wrote, "Nothing great is done without great men, and these are great because they willed it." President Nixon was such a man. When you met him, his resolve and determination was palpible. You could sense it, almost feel it. It is what enabled him to navigate the turbulent times in which he governed.

Unfortunately, the white heat that forges the steel in a leader's personality also creates flaws. The leader who commands extraordinary capabilities in politics or statecraft can also fall prey to extraordinary mistakes in other areas. His mistake in Watergate was not to root out those responsible but to ride out the political storm. In the heated partisan atmosphere of the early 1970's, this tragic error led to a constitutional crisis and ultimately to his resignation.

President Nixon made mistakes in Watergate. He admitted to them. He paid the price for them. Most important, however, he moved on.

In a sense, President Nixon taught us just as much about how we should live life as he did about how to change the world. Above all, he cared passionately about making a difference. In my meetings with him, I could feel that this motivation is what drove him, what gave him his life energy. Also, it gave him the strength to overcome the devastating defeat of leaving office in 1974.

In the scores of articles I have read about President Nixon in recent days, the most insightful was a column by William Safire, one of his White House speechwriters. Its theme was that President Nixon was the man who defeated defeat. As Mr. Safire concluded, "Defeat be not proud; in Richard Nixon, ruination met its master."

Mr. President, I ask unanimous consent that the text of this article appear after my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. All of us who admired Richard Nixon are rightly saddened. But We should take heart from the fact that President Nixon lived his life without compromise right up to the end. He traveled to Russia and Ukraine to press for policies to assist in the free-market and democratic transformations of those countries. He finished his 10th book, entitled "Beyond Peace," that addresses the foreign and domestic issues we face after the cold war, as well as the philosophical questions the next century will present. He could not have lived more fully in the final days of his life.

President Nixon had a philosophy about life and about how to live the twilight years. He expressed it with profound eloquence in the closing pages of his book, "In the Arena." He wrote:

> I shall always remember my first visit to the Grand Canyon sixty-five years ago. I did not believe any view could be more spectacular than the one from the heights of the South Rim until I hiked seven miles down to the river below and looked backed up. It was only then that I fully appreciated the true majesty of one of nature's seven wonders of the world. Only when you have been in the depths can you truly appreciate the heights.
>
> . . . Life is a rollercoaster, exhilarating on the way up and breathtaking on the way down. If you take no risks, you can enjoy a life that is comfortable, trouble-free, placid—and dull. Without risks you will suffer no defeats. But without risks you will win no victories. You must never be satisfied with success, and you should never be discouraged by failure. Failure can be sad. But the greatest sadness is not to try and fail, but to fail to try at all. Above all, you should remember that defeat which does not destroy you can strengthen you.
>
> In the end what matters is that you have always lived life to the hilt. I have been on the highest mountains and in the deepest valleys, but I have never lost sight of my destination—a world in which peace and freedom can live together. I have won some great victories and suffered some devastating defeats. But win or lose, I feel fortunate to have come to that time in life when I can finally enjoy what my Quaker grandmother would have called "peace at the center."

In speaking of life in the twilight years, Richard Nixon was fond of quoting the poet Sophocles, who wrote 2,000 years ago, "One must wait until the evening to see how splendid the day has been." In his case, we can look back and say that the day was indeed splendid.

Mr. President, my friend Richard Nixon is at peace now. I will miss him. Our Nation will miss him as a senior statesman. But let us not despair at his passing but rather celebrate his life. More than virtually any postwar American leader, he made a difference.

EXHIBIT 1

MR. COMEBACK

(By William Safire)

WASHINGTON.—Late one night in the White House working on a speech, Richard Nixon tried to encapsulate his more recent predecessors in a single word or phrase: "Truman—a fighter. Eisenhower—a good man. Kennedy—charisma. Johnson—work. Me—what?"

I did not have a good answer that night in 1970; I do now. Nixon—an inspiring resilience.

In the 60's, he rose up after his political obituary and employed his unique combination of grit, guile and greatness to seize the moment that had been denied him before. He expressed the secret of overcoming adversity in a private note to Ted Kennedy after Chappaquiddick: "A man's not finished when he's defeated; he's finished when he quits."

Nixon liked "the comeback theme" because it identified his return from defeat with the careers of Churchill and de Gaulle. During another break in speech collaboration, he recalled a meeting with de Gaulle at which Nixon aides took notes. "They got everything down of substance. But then de Gaulle said, in a kind of an aside, 'All the countries of Europe lost the war, but only two were defeated.' They never wrote that down. And that's the one thing I'll never forget from that meeting."

He instructed those of us in the Five O'Clock Group to "get the word out" about his 60's comeback, which made the media all the more resistant to our image-making. But as Henry Kissinger once said of a selling argument, "it had the added advantage of being true."

We had no idea how true it was, or how soon the essence of Nixon's character would be put to the test again.

From the pinnacle of success—the vote of confidence of a 49-state landslide—he plunged to the nadir of forced resignation. After Watergate, he stood naked to his enemies, who had become legion.

Stripped of power, denuded of honor, deserted by supporters rightly dismayed at the cover-up, he had no reservoir of public trust and no visible means of defense. His only assets were his mind, his pride and his hard-bought experience.

I visited him at San Clemente during one of the most depressing moments. It was April 29, 1975, the day the capital of South Vietnam fell to the Communists, and he took personal responsibility for the debacle. "Terrible day for freedom, and all my fault," he said, his phlebitis-inflamed foot elevated on a cushion. "The fall of Saigon is the direct result of the way I messed up Watergate."

Then the second and even more difficult comeback began. He thought, he traveled, he wrote. He took no fees for speeches and ended the public expense of Secret Service protection. Despite the glares of the guardians against his feared "rehabilitation," he slowly, over two decades, worked his way back first to a tentative acceptability, then to grudging respect, finally to an honored role as leader to opinion leaders and adviser to Presidents.

How did he resurrect himself? By learning a great lesson and by living an example.

The lesson was the need to rise above the us-against-them ethos of the political gunfighter. "Those who hate you don't win," he told his White House staff on his way out, "unless you hate them—and then you destroy yourself." Nixon-haters go to their graves hating him; he goes to his grave knowing better than to hate them.

The example he set in his subsequent full generation of peace was that of a man who again refused to accept personal defeat.

Richard Nixon, in becoming America's greatest *ex*-President, proved there is no political wrongdoing so scandalous that it cannot be expiated by years of useful service; no humiliation so painful that it cannot be overcome by decades of selfless sagacity; no personal doldrums so deep that they cannot be dispersed by a gutsy engagement with life.

That's why, to sum up Nixon in a phrase, this former aid would choose: an inspiring resilience. By resolving a second time to earn his way to political redemption—and then by doggedly, brilliantly triumphing in that second comeback—he justified the faith of all those millions who ever believed in him.

Defeat be not proud; in Richard Nixon, ruination met its master.

RACIAL JUSTICE ACT

Mr. HATCH. Mr. President, last week, on this floor, I explained in detail how title IX of the House crime bill—which is mislabeled by some as the Racial Justice Act—would effectively abolish the death penalty in my home State of Utah and in every other State in this country, as well as the Federal level.

Unfortunately, President Clinton, despite his rhetoric in support of the death penalty, has not yet stated his opposition to this Death Penalty Abolition Act. Indeed, his administration has publicly stated that it is neutral on this radical measure.

Even worse, according to a detailed newspaper account, the Clinton administration in fact lobbied House Democrats to keep title IX in the House crime bill. In addition, the Clinton administration is reportedly seeking to hammer out a false compromise under which the death penalty would ultimately be abolished in two steps rather than one.

Mr. President, let me be clear: The so-called Racial Justice Act has nothing to do with racial justice and everything to do with abolishing the death penalty.

In the guise of protecting against race-based discrimination, title IX would instead impose an unreliable and manipulable statistical quota on imposition of the death penalty. It would convert every death penalty case into a massive sideshow of statistical squabbles and quota quarrels. As prosecutors already recognize, they would ultimately have no choice but to adopt a death penalty quota that equals zero—in short, to abolish the death penalty. That is why this Death Penalty Abolition Act has been strongly opposed by the National Association of Attorneys General, the National District Attorneys Association, and other law enforcement and victims groups.

Mr. President, at this time I would like to enter in the RECORD three letters that illustrate the strong and bipartisan opposition of prosecutors to any provision that enables a brutal killer to escape the death penalty based on manipulated statistical showings from unrelated cases.

The first letter, from the National Association of Attorneys General, includes a recent resolution passed by that body that specifically opposes any version of title IX. Again, let me emphasize that the resolution from the National Association of Attorneys General was supported by both Democrats and Republicans.

The second letter that I would like to have made part of the RECORD is a letter from Jan Graham, the attorney general from my State of Utah. In this letter, Ms. Graham, a Democrat, states her opposition to title IX "because it would impose an unworkable statistically-based procedure on the States" and "would effectively abolish capital punishment, weaken law enforcement, and suspend closure for victims of violent crime."

Third, I have a unanimous resolution from all 58 elected district attorneys in the State of California opposing any version of the so-called Racial Justice Act.

Mr. President, I ask unanimous consent that these three letters be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. HATCH. It is bad enough that an administration that purports to support the death penalty has publicly stated its neutrality on title IX. It is even worse that the same administration is reportedly working behind the scenes to salvage what it can of this legislation.

Attorney General Reno, in response to my questions at a hearing last week, disclosed that the administration may attempt to modify title IX so that it applies only to cases in the Federal system.

Even as so modified, title IX would not be acceptable. In the first place, it would result in the abolition of the Federal death penalty at the very time that the administration is purporting to support expansion of the Federal death penalty.

It is worth noting that, according to a recent article, Attorney General Reno has approved seeking the Federal death penalty against nine defendants, all of whom are black. Now I do not believe for a second that Attorney General Reno has been acting in a racially discriminatory manner. But the false compromise that the Clinton administration is working on would compel this faulty inference as a matter of law.

Second, a statistical quota system that would apply, for the time being, only to the Federal Government should give States no more comfort than the German invasion of Belgium gave the French. Far from being a stable accommodation, such modification of title IX would simply set the stage for a later full-scale assault on the death penalty in the States.

In short, if President Clinton truly supports the death penalty—if his actions are to match his rhetoric—he must demand that title IX in its entirety be removed from the crime bill. If he remains silent or neutral on this issue, or supports phony compromises, it can only mean that he is prepared to repeal the death penalty for the most heinous crimes in this country.

A vote for any bill that contains title IX is a vote to abolish the death penalty. I look forward to working with my colleagues to make sure that this provision is removed at conference.

EXHIBIT 1

APRIL 12, 1994.

Hon. JACK BROOKS,
Chairman, House Judiciary Committee, House of Representatives, Washington, DC.
Hon. HAMILTON FISH, Jr.,
Ranking Minority, Member, House Judiciary Committee, House of Representatives, Washington, DC.

DEAR CONGRESSMEN: We are a bipartisan group of chief law enforcement officers of our respective Sates who are responsible for overseeing capital and non-capital habeas litigation and for enforcing state criminal law in death penalty and non-death penalty jurisdictions.

We wish to express our views on the need to strike habeas corpus as part of the House omnibus crime bill, and on some of the amendments which have been offered. Specifically, we write in strong support of the

Hyde Amendment (to strike the habeas provisions contained in the crime bill, H.R. 4092, Title VIII) and strong support for the McCollum Amendment (to substitute the Equal Justice Act for legislation in Title IX of H.R. 4092 which provides relief based on mere statistical showings from unrelated cases). This is consistent with the recently adopted Resolution of the National Association of Attorneys General (NAAG), a copy of which is attached.

SUPPORT THE HYDE AMENDMENT TO STRIKE TITLE VIII AND OPPOSE ANY OTHER HABEAS AMENDMENTS TO TITLE VIII (INCLUDING THE DERRICK AMENDMENT)

Several reasons compel our strong support for the Hyde Amendment to strike the habeas provisions from the omnibus crime bill:

First, the Hyde Amendment is consistent with a similar bipartisan amendment, which was offered by Senator Dianne Feinstein and Senator Orrin Hatch, and which was unanimously agreed to last year in the Senate.

Second, we believe that the habeas provisions contained in Title VIII of H.R. 4092 may once again hold up consideration and enactment of other important crime reform issues. Habeas corpus reform has proven to be a contentious issue in prior Congresses and in fact was in large part responsible for the deadlock on the omnibus crime bill in the last Congress. The need to address violent crime is too urgent to delay deliberation on other measures to combat crime. Similarly, we believe there is a danger that the other provisions of the crime bill may be viewed as so important that habeas provisions will be swept into the omnibus package without sufficient review and analysis of their long term impact and legal significance, as discussed below.

Third, there are other precedents for severing certain specific crime reform issues from omnibus crime bills. They include, for example, the Brady bill (five-day waiting period for handgun purchases).

We believe stronger reasons support the severance of the habeas provisions from the crime bill. Such a severance would allow the provisions of any habeas reform bill to be considered on their own merits. Habeas corpus, while an important part of our criminal justice system, is a specialized and arcane area of the law. Any reforms adopted by the Congress in this area will have tremendous ramifications on the operations of the criminal justice system, law enforcement, and victims of crime, and therefore warrant independent consideration.

We have previously expressed a commitment to obtaining meaningful reform of the federal habeas corpus process, along the lines of the Powell Committee Report. This Report endorses the so-called "one bite at the habeas apple" approach, enabling state prisoners one fair and complete round of habeas litigation in federal court. We need effective reforms to curb unnecessary delay and repetitious litigation which has become all too common under the current federal habeas corpus process. Such reforms should, however, be considered in separate legislation.

Fourth, the legislation reported out by the House Judiciary Committee, and now included in Title VIII of H.R. 4092, would, according to the recent NAAG Resolution, "adversely affect all capital and non-capital habeas litigation in the States and effectively stop all state capital case prosecutions and executions under valid state capital sentencing schemes." The legislation would overturn or modify numerous key U.S. Supreme Court precedents which promote finality in our criminal justice process. This includes the Teague doctrine, which is essential for capital and non-capital cases. Instead of streamlining the process, this legislation will provide convicted criminals with *more* opportunities to challenge their conviction and sentence than under current law. The legislation also fails to respect the state trial as the "main event" in our criminal justice process, and is inconsistent with established comity doctrines respecting the role of state court proceedings in the enforcement of state criminal law.

Fifth, the last-minute efforts of some to offer new habeas amendments to the crime bill on the House floor deprive members of Congress and the public from a full and fair opportunity to study and comment on the legislation. In congressional committee hearings or mark-up concerning specific bill language, law enforcement and victim rights groups normally are given a chance to apprise the Congress of their views concerning the impact of new language or standards. When amendments are patched together at the last minute, this opportunity is denied.

These concerns are especially true for habeas corpus reform. New proposals, which have not been subject to public review, may also have drastic ramifications on the operations and costs of our departments and the criminal justice system and have serious consequences on finality, the enforcement of state laws, and victims. Any habeas reforms included in the crime bill would constitute the first major change to the federal habeas statute since 1966. Because of the tremendous changes to current law which would result under any last-minute amendments, we believe Congress should proceed carefully and deliberately before considering any new habeas reform proposals.

For example, over the last several years, the U.S. Supreme Court has rendered many opinions which have clarified the role of federal court review of state court judgments; promoted the interest in finality and closure for surviving victims; and respected the interests of states and the enforcement of state laws in our federalism system. We fear that if Congress does not fully and fairly consider the import of proposed new language, these and other precedents will be cast aside and more delay and litigation will result. In addition, concerns have been noted over the impact of new amendments on the deterrent objective of the death penalty. All of these consequences should be carefully studied before Congress considers Amendments offered on the floor of the House for the first time. We believe the public would best be served by complete congressional hearings before any new Amendments are debated in the House.

We understand that a new habeas amendment is also expected to be offered by Congressman Butler Derrick of South Carolina. Preliminary review shows that this amendment is also worse than current law and would overturn numerous key U.S. Supreme Court cases governing habeas corpus. For these reasons, we therefore oppose the Derrick Amendment or any other amendments which may be offered at the last minute to Title VIII of H.R. 4092. Any habeas reform measure should be considered in a separate bill, after the public has had a full and fair opportunity to comment on the proposed legislation.

In sum, while we strongly support habeas corpus reform, we believe it should be accomplished in a deliberative, studied and independent manner. For these reasons, we wholeheartedly support the Hyde Amendment to strike the habeas provisions (Title VIII) from H.R. 4092.

SUPPORT THE MC COLLUM AMENDMENT (AND ANY OTHER EFFORTS TO STRIKE TITLE IX); OPPOSE ALL OTHER AMENDMENTS TO TITLE IX (INCLUDING THE EDWARDS OR WASHINGTON AMENDMENTS)

With regard to Title IX of H.R. 4092, concerning racially discriminatory capital sentencing, we strongly support the McCollum Amendment, and any other efforts to strike Title IX of H.R. 4092, as discussed below. The McCollum Amendment, which passed the House in the last Congress, would (1) strike Title IX (which provides relief based on mere statistical showings from unrelated cases), and (2) substitute the Equal Justice Act.

Significantly, the McCollum Amendment would apply to all penalties, not merely capital punishment, and would codify existing case law protections against racial bias. The Equal Justice Act expressly prohibits racially discriminatory policies. The legislation states that any penalty "shall be administered . . . without regard to the race or color of the defendant or the victim" and prohibits "any racial quota or statistical test" for any penalties. Finally, the Equal Justice Act provides safeguards during the trial, not after-the-fact like statistical showings legislation.

As the recent NAAG Resolution noted, NAAG opposes "any measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis for appellate or collateral relief." Such statistical showings legislation seriously undermines enforcement of the death penalty.

In McCleskey v. Kemp, the U.S. Supreme Court rejected a claim which would allow capital defendants to make a statistical showing of potential race discrimination from unrelated cases as a basis for collateral relief. The Court correctly held that a defendant who contests his capital sentence on the basis of racial discrimination is required to prove that the decision makers in his or her own case acted with a discriminatory purpose.

For these reasons, we strongly oppose title IX of H.R. 4092, or any amendment (including the Edwards and Washington Amendments) which would overturn McCleskey v. Kemp or provide appellate or collateral relief based on mere statistical showings from unrelated cases.

CONCLUSION

In sum, we strongly urge the U.S. House of Representatives to: (1) support the Hyde Amendment and oppose all other amendments which may be offered on Title VIII; and (2) support the McCollum Amendment and oppose Title IX or any other amendments which may be offered on Title IX. We oppose any amendments or legislation which would weaken current law or provide convicted individuals with greater opportunities to challenge their conviction or sentence. We remain available to work with you to accomplish meaningful federal habeas corpus reform through separate legislation.

Sincerely,

Larry Echohawk, Attorney General of Idaho; Frankie Sue Del Papa, Attorney General of Nevada; Dan Morales, Attorney General of Texas; Daniel E. Lungren, Attorney General of California; Joseph P. Mazurek, Attorney General of Montana; Robert A. Butterworth, Attorney General of Florida; Grant Woods, Attorney General of Arizona; Mark Barnett, Attorney General of South Dakota; Michael F. Easley, Attorney General of North Carolina; Bruce Botelho, Attorney General of Alaska; James S. Gilmore, Attorney

General of Virginia; Ernest D. Preate, Jr., Attorney General of Pennsylvania; Heidi Heitkamp, Attorney General of North Dakota; Jeff Amestoy, Attorney General of Vermont; Jimmy Evans, Attorney General of Alabama; Gale A. Norton, Attorney General of Colorado; Robert A. Marks, Attorney General of Hawaii; Deborah T. Portiz, Attorney General of New Jersey; Joseph B. Meyer, Attorney General of Wyoming; Jan Graham, Attorney General of Utah; Tom Udall, Attorney General of New Mexico; Don Stenberg, Attorney General of Nebraska; Jeffrey B. Pine, Attorney General of Rhode Island; T. Travis Medlock, Attorney General of South Carolina; Robert T. Stephan, Attorney General of Kansas; Pamela Carter, Attorney General of Indiana.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL—RESOLUTION ADOPTED MARCH 21, 1994

Whereas, the National Association of Attorneys General is an organization composed of the Attorneys General of the 50 states and 6 jurisdictions of the United States;

Whereas, the Attorneys General have been deeply involved in seeking to influence comprehensive federal legislation in order to achieve a meaningful and effective impact upon the national scourge of violent crime;

Whereas, the Congress has attempted several times in the past three years to pass omnibus anti-crime measures with provisions essential to combating violent crime, but has been unsuccessful for various reasons;

Whereas, the U.S. Senate passed an omnibus crime bill on November 19, 1993, but purposefully did not include any habeas corpus provisions, and it appears that including such provisions in the U.S. House bill will unnecessarily complicate the House's approval of a consensus-oriented bill, as well as delay the passage of any worthwhile anti-crime bill;

Whereas, the National Association of Attorneys General has previously resolved to oppose federal habeas reform legislation which undermines finality and which promotes unnecessary delay;

Whereas, the National Association of Attorneys General strongly supports existing protections against racial prejudice in individual cases, but opposes any legislation which provides appellate or collateral relief based on mere statistical showings from unrelated cases;

Whereas, the U.S. House Judiciary Committee recently reported out: (1) legislation inconsistent with the Association's previous resolutions addressing habeas corpus reform; and (2) a measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis for appellate or collateral relief;

Whereas, such legislation would adversely affect all capital and non-capital habeas litigation in the States and effectively stop all state capital case prosecutions and executions under valid state capital sentencing schemes.

Now, therefore, be it resolved that the National Association of Attorneys General:

(1) strongly supports all efforts to strike the following provisions from an omnibus anti-crime bill: (1) any habeas corpus reform legislation; and (2) any statistical showings legislation; and

(2) opposes H.R. 4018, or any federal habeas legislation which undermines finality and promotes unnecessary delay, and H.R. 4017, or any measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis or appellate or collateral relief; and

(3) authorizes its Executive Director and General Counsel to transmit this resolution to the Administration and Members of Congress.

OFFICE OF THE ATTORNEY GENERAL,
STATE OF UTAH,
April 11, 1994.

Re Habeas Corpus/Sentencing Legislation.

Representative JAMES HANSEN,
Rayburn Building, Washington, DC.
Representative WILLIAM H. ORTON,
South Langworth Office, Washington, DC.
Representative KAREN SHEPHERD,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES HANSEN, ORTON, AND SHEPHERD: I am writing this letter to advise you of my position relating the Titles VIII and IX and H.R. 4092, the omnibus crime bill. My comments are based not only on my office's analysis of the issue but also my understanding of the position of the Utah law enforcement community as a whole. I have had an opportunity to talk with many of the top law enforcement individuals in the State of Utah and I think we all agree on the following analysis:

H.R. 4092, Title VIII (concerning federal habeas corpus): I oppose this title because, rather than curtaining habeas litigation, it would multiply postconviction litigation, overturn significant and very helpful U.S. Supreme Court precedent, and further undermine the finality of state criminal convictions.

I support the Hyde Amendment, which would excise the controversial habeas provisions from the present crime bill and allow them to be considered separately on their own merits.

H.R. 4092, Title IX (concerning race in capital sentencing): I oppose this title (the so-called "Racial Justice Act") because it would impose an unworkable statistically-based procedure on the states and in Utah's case create a system that would be unworkable.

I support the McCollum Amendment (the "Equal Justice Act") because it would prohibit racial discrimination in all sentencing without imposing unworkable statistical models.

The Utah law enforcement community believes that Title VIII and IX of H.R. 4092 would effectively abolish capital punishment, weaken law enforcement, and suspend closure for victims of violent crime. The provisions would also impose significant new financial burdens on the State of Utah. I urge you to oppose these provisions.

Very truly yours,

JAN GRAHAM,
Attorney General.

CALIFORNIA DISTRICT
ATTORNEYS ASSOCIATION,
Sacramento, CA, April 29, 1994.

Re opposition to the Racial Justice Act.

MARK KROTOSKI,
Special Assistant Attorney General, Sacramento, CA.

DEAR MR. KROTOSKI: I am enclosing a copy of the California District Attorneys Association's unanimous resolution opposing the Racial Justice Act.

All 58 Elected District Attorneys in the State of California believe that adoption of the Racial Justice Act will effectively destroy the death penalty. We also oppose a Racial Justice Act which would be limited to federal capital cases, since it would be easy to extend the statute's application to the States, in the next crime bill.

We urge you to support an effort to strike this measure from the Federal Crime Bill.

Very truly yours,

GREGORY D. TOTTEN,
Executive Director.

CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION—RESOLUTION ADOPTED APRIL 29, 1994

Whereas, the California District Attorneys Association is an organization composed of the elected District Attorneys of California's fifty-eight counties and 3,000 deputy district attorneys and city prosecutors;

Whereas, on April 21, 1994, the U.S. House of Representatives adopted the omnibus crime bill, H.R. 4092, which included in Title IX legislation, referred to, and known as, the Racial Justice Act (or the Racially Discriminatory Capital Sentencing Act);

Whereas, on April 20, 1994, the U.S. House of Representatives narrowly defeated the McCollum Amendment to strike the Racial Justice Act from the House crime bill and substitute in its place the Equal Justice Act. [The vote was an effective 212 to 212 tie, after the votes of the five Delegate members were excluded under recent House Rules.];

Whereas, the Racial Justice Act would, first, permit a capital case defendant to make a statistical showing that death sentences are being imposed or administered in a disproportionate manner upon (1) persons of one race or (2) as punishment for capital offenses against persons of one race, and, second, require the prosecutor to rebut this statistical showing "by a preponderance of the evidence";

Whereas, in the 102d Congress, on June 20, 1991, the U.S. Senate voted to strike a similar measure entitled the Racial Justice Act, out of the omnibus crime measure by a bipartisan vote of 55 to 41 (this was the third successive Congress in which the U.S. Senate rejected the Racial Justice Act), and on October 22, 1991, the U.S. House of Representatives voted to strike a similar measure by a bipartisan vote of 223 to 191;

Whereas, the U.S. Supreme Court rejected a discrimination claim founded solely upon statistics, in *McClesky* v. *Kemp*, 481 U.S. 279 (1987).

Now, therefore, be it resolved that in light of the urgency and importance of this matter, all 58 California district attorneys, having been polled, unanimously.

(1) oppose any version of the Racial Justice Act, for the following reasons:

(a) the Racial Justice Act would result in the effective abolition of capital punishment.

This would result because of the inherent evidentiary difficulties and inevitable vast expenditures of time and money in litigation in every post-conviction capital case, to prove by at least a preponderance of the evidence a negative, to wit, that race was not the basis for any of the prosecutor's jury's, or judge's decisions. [The Racial Justice Act contains a virtually impossible rebuttal burden: "Unless [the prosecutor or State] can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which death was imposed fit the statutory criteria for imposition of the death penalty.];

(b) moreover, as to adjudicated cases, the retroactive application of the Racial Justice Act would permit convicted capital defendants to reopen their cases by presenting discrimination claims (regardless of whether such claims had previously been rejected). In California, there are currently 376 individuals on death row. The retroactive provision in the Racial Justice Act as passed by the House would potentially affect these cases as well as others around the nation;

(c) the statistical premise of any version of the Racial Justice Act is unsound, for several reasons, including:

(i) it disregards the fundamental precept of our criminal justice system that an individual is tried on the facts of his or her case, not on the facts or circumstances or statistics from unrelated cases;

(ii) it overturns the U.S. Supreme Court's rejection of such a statistical premise, where the Court noted with regard to the Baldus study: "Even Professor Baldus does not contend that his statistics prove that race enters into any capital sentencing decisions or that race was a factor in McCleskey's particular case. Statistics at most may show only a likelihood that a particular factor entered into some decisions." *McCleskey* v. *Kemp*, 481 U.S. 279, 308 (1987) (emphasis in original); and

(iii) its statistical showing fails to establish that the imposition of capital punishment in a particular case is predicated on any bias; and

(d) the Racial Justice Act would permit the "second-guessing" of capital case decisions by prosecutors, defense counsel, judges and juries based upon the information and statistics required to be maintained under the Act;

(e) the Racial Justice Act eliminates the traditional deference to state-court findings of fact, 28 U.S.C. §2254(d); *Summer* v. *Mata*, 449 U.S. 539 (1981), if the state fails to collect or maintain adequate records required under the Act, and causes the individual conviction, though lawfully and justifiably imposed, to be unduly placed in jeopardy;

(f) the potential cost of compliance on states and local entities would be exorbitant, as demonstrated by one California case (*In re Earl Jackson*) which took three years to prepare for an evidentiary hearing and cost more than $1,000,000. The evidentiary hearing was never held, after the *McCleskey v. Kemp* ruling was rendered;

(g) the Racial Justice Act encourages a quota system for capital punishment cases by in effect introducing "race consciousness" into capital case decisions.

(2) opposes any legislation which would undermine or otherwise modify the holding in *McCleskey v. Kemp*, 481 U.S. 279 (1987);

(3) calls upon the U.S. House of Representatives and U.S. Senate to reject any version of the Racial Justice Act as part of any package of federal habeas corpus reform or any crime bill;

(4) opposes *any* legislation, including the omnibus crime bill to be reported by the conference committee, which includes *any version* of the Racial Justice Act. Any meaningful provisions contained in the crime bill are completely undermined by inclusion of the Racial Justice Act, which is antithetical to fundamental notions under our criminal justice system. If the omnibus crime bill contains any version of the Racial Justice Act, we recommend it be voted down until this legislation is removed.

Be it further resolved by the California District Attorneys Association that its Executive Director shall transmit a copy of this resolution to the U.S. Senators and Representatives in the California delegation and to members of the Senate and House Committees on the Judiciary.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER REPORTING REFORM ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. BOND. Mr. President, I apologize to my cosponsor and to my colleagues. I am a victim of travel problems on Monday. My flight was canceled; thus, my delayed arrival. I apologize for delaying the work of the Senate.

But speaking of delays, Mr. President, this is a matter that has been delayed far too long. We have been trying to get legislation enacted which will provide for reforms in the Fair Credit Reporting Act. And today I think we are very close to a workable compromise.

I particularly commend my colleague, Senator BRYAN, for his strong leadership on S. 783, the Consumer Reporting Reform Act of 1994, because without it, quite frankly, we would not be here today. Through his efforts, I believe we have reached a bipartisan agreement on a bill that was anything but bipartisan from the beginning. Senator BRYAN has worked tirelessly to bring competing, opposing and disparate interests together to reach a compromise. I commend him, and I congratulate him for his efforts.

I also want to express thanks to our ranking Republican member on the Banking Committee, Senator D'AMATO, for his support and willingness to make this a bipartisan effort. Again, we could not have been here today without his hard work.

Obviously, commendations are due the chairman, Senator RIEGLE, for granting this bill its day in court. I believe it is a true testament to his leadership that we have been able to reach agreement on what has, in the past, been such a contentious piece of legislation.

Some of you may know, I have been working to pass legislation to reform the FCRA for the last 4 years. I was beginning to wonder if we would see the day when it might reach the full Senate for consideration. Senator BRYAN and I, together with the cosponsorship of the chairman, introduced this legislation on April 7 of last year. A hearing was held in May, and then S. 783 passed the committee by a vote of 15 to 4 in late October.

The Fair Credit Reporting Act is ripe for revision. I have heard too many stories and I know my colleagues have heard too many horror stories not to believe this act requires reform. The act was written long before computer technology was as sophisticated as it is today. These technological advances have meant a drastic increase in the amount of information that may be kept on each and every one of us as an individual. I think the current law simply just does not do an adequate job of protecting the consumer, the individual's rights with respect to their credit history.

For example, currently, the law only requires credit bureaus to reinvestigate within a reasonable time. It was not uncommon, and I had discussions today, which I will share with you in a minute, where it takes months, even years to get an error taken out of a credit report, to get the report cleaned up. Even if you did succeed in getting the incorrect information removed, there was nothing to prevent it from being put back on your report.

I believe that the single most important provision in this legislation is the 30-day limit on the reinvestigation procedure. If disputed information cannot be verified or is found to be inaccurate within 30 days, then it is wiped off the credit report and cannot be reinserted without a notice to the consumer. This is the cornerstone of the legislation, the most significant improvement over current law.

This should help all consumers who find out right before they close on their mortgage that there is something negative on their credit report to get the incorrect information removed promptly, and to protect themselves against significant loss of precious time and money.

One of the people I talked with today lost a home because he and his wife were unable to clear up incorrect information on their credit report that made it impossible for them to find financing for the home. It was an error, but they could not get the credit bureau to change it in time. So he lost his opportunity to purchase the house that he and his wife wanted. That is what an improper credit report can do.

I realize credit bureaus have voluntarily instituted a 30-day standard in recent years, and I congratulate them for it. But there is no provision in the law holding them to it. I do congratulate the credit bureaus for taking steps to make the system more accurate, but, again, I feel that this can best be assured for the future if legislation is passed. It was the threat of Federal legislation that has cleaned up the system, and if we do not pass legislation and the threat is removed, there is always the opportunity that the system could go back to its old ways.

Congress needs to address the concerns about accuracy in the system and the need for consumer privacy. As I said earlier, I met with some of my constituents in St. Louis this morning to listen to their horror stories of how they had struggled, and struggled, and struggled to get mistakes off their credit reports. They have met with many of the same obstacles that millions of other consumers have faced: Months of waiting for the credit reports to be fixed, credit granters who are unresponsive, no live person to talk to who will listen to their complaints. The problems are not new. We, who have been hearing about these problems in our offices, as I am sure my colleagues have in theirs, have been trying for years to find a way to address them.

I explained to the constituents I met with this morning how this bill, S. 783, will address the problems. It traditionally has taken a long time for the credit bureaus to respond and fix credit reports. I told them this bill would require the process to be completed in 30 days.

As I said before, if the information in the report cannot be verified by the creditor who submitted it within 30 days, it would be removed from the report and it cannot be reinserted unless the consumer is notified.

I already mentioned the person who had lost a house. He is an attorney. He lost the house he wanted to purchase because he could not get his credit report cleaned up in time to get the financing to meet the deadlines under the purchase contract.

Another person who came in to talk to us today spent over 1 year and 2 months trying to get his mother's credit history off his credit report. He was not living at home; he did not have any joint accounts. He had to go to the Better Business Bureau and the State attorney general. It took him over a year to get it off.

Another one of the people who talked with me today works in the consumer finance and credit department of an automobile dealership. He is in the system and he spent 10 weeks trying to get somebody else's information, someone who had a similar name to his—his last name is Smith—off his credit report. It took him 10 weeks to get that report cleaned up. He said he could not get credit during that time.

Another woman who had a very frustrating experience spent months trying to contact the credit bureau and found that she never, in all those months, talked to anybody but an answering machine. She never was able to talk to a live human being. Those complaints go on and on, and I believe they are echoed in many places around the country.

Because consumers have complained to us that they can get no one at the credit bureaus to talk to them, this bill requires the credit bureaus to establish toll free numbers and have people—humans—available for consumers to talk to about their reports.

When consumers are turned down for credit based on information in the report, under current law, they are entitled to a free copy of their report.

Our bill provides, in addition, that consumers shall receive a summary of their rights and, upon completion of the reinvestigation, another free copy of the report so they can check to make sure it has been fixed. Also, the consumer can get another free copy during the next year to make sure the mistake does not reappear.

One gentleman who showed up at the meeting today, whom we had not talked to before, spent a very frustrating several weeks getting his report cleaned up. They proudly showed him the copy of the report that had been cleaned up. They had taken off the previous misinformation about somebody with a name the same as his but with a different Social Security number, and they had added a major new credit mistake—the same person, different Social Security number, same name. They presented him the cleaned up copy of the report, but it had the new bogey with bad consumer information.

These are the kinds of problems we can address through this measure. I think we are very close to developing a compromise. Senator BRYAN and I are working on a managers' amendment.

There are some other problems that have been raised about the bill. I believe we can continue to work on this delicate balancing act. We have listened to reasonable concerns on all sides, and I think, with the compromise, we perhaps can improve it some. But this basic structure is a measure that we can and should pass so that consumers in America today will not face the problem of being unable to get credit to buy a car, to buy a home, to finance their other activities because somebody who may have a similar name, may not even have a similar name, has a bad credit history that is placed on their report.

Mr. President, I look forward to working on this measure tomorrow. I believe the Senator from Nevada has some matters in wrap-up. Is that correct?

Mr. BRYAN. The Senator from Missouri is correct.

If I might, Mr. President, I say to my colleague from Missouri, in his absence I noted his steadfast support and his diligence over many, many years in bringing this piece of legislation to the floor.

I would just like to say in his presence that we would not be where we are today had it not been for his leadership as well in the bipartisan working effort that he and I have put together with some of our other colleagues and his staff, and I salute the Senator from Missouri for his commitment. Just as he experienced in St. Louis, every Member of this body will hear from constituents who have problems similar to that which the constituent of the Senator from Missouri shared with him this morning and as I have shared previously in my opening statement.

MORNING BUSINESS

Mr. BOND. Mr. President, I do not believe there are any other colleagues who seek recognition.

At this point, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for a period not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. Will the Senator from Nevada permit the Chair to make an announcement?

Mr. BRYAN. The Senator from Nevada will yield to the Chair.

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 103-227, appoints the Senator from New Mexico [Mr. BINGAMAN] as a member of the National Education Goals panel.

The Senator from Nevada is recognized.

MEASURE INDEFINITELY POSTPONED

Mr. BRYAN. Mr. President, I ask unanimous consent that Calendar No. 288, S. 297, be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. No objection.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

NATIONAL WALKING WEEK

CLASSICAL MUSIC MONTH

Mr. BRYAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from consideration of the following joint resolutions: Senate Joint Resolution 146, designating "National Walking Week," and House Joint Resolution 239, designating "Classical Music Month"; that the Senate then proceed en bloc to their immediate consideration; that the joint resolutions be deemed read three times, passed, and the motions to reconsider laid on the table; that the preambles thereto be agreed to en bloc. Further, that the consideration of these items appear individually in the RECORD, and any statements relating thereto be inserted in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. No objection.

The PRESIDING OFFICER. The Chair hears none, and the resolutions are passed.

So the joint resolutions (S.J. Res. 146 and H.J. Res. 239) were deemed read three times and passed.

The preambles were agreed to.

The joint resolution (S.J. Res. 146) with its preamble, is as follows:

S.J. RES. 146

Whereas medical authorities have established that walking—

(1) powerfully protects against high blood pressure, cholesterol problems, and other factors that can contribute to heart disease;

(2) protects against adult onset (Type II) diabetes;

(3) builds strong bones and protects against osteoporosis, the weak-bone disease that afflicts millions of older women;

(4) probably offers protection against several forms of cancer that are believed to be preventable through regular and moderate exercise; and

(5) is a safe and dependable way for millions of overweight people to lose weight without stringent dieting;

Whereas the failure to exercise regularly, such as walking, has been identified as the single greatest risk factor for heart disease;

Whereas the designation of "National Walking Week" will help promote the issue of pedestrian access and safety;

Whereas areas of America are becoming inaccessible or unsafe for walkers, so the benefits of this activity are being blocked;

Whereas people should be able to walk anywhere in their community, within reason; and

Whereas walking encourages community spirit and safety: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1, 1994, through May 7, 1994, is designated as "National Walking Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of January 5, 1993, the Secretary of the Senate, on April 29, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following bill:

H.R. 2333. An act to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

The message also announced that the House agrees to the following concurrent resolution, without amendment:

S. Con. Res. 67. Concurrent resolution to correct technical errors in the enrollment of the bill, H.R. 2333.

The message further announced that the House agrees to the report of the committee on conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2333) to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1636. An act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes.

S. 1930. An act to amend the Consolidated Farm and Rural Development Act to improve the administration of claims and obligations and of the Farmers Home Administration, and for other purposes.

H.R. 2333. An act to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

S.J. Res. 143. Joint resolution providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 144. Joint resolution providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

REPORTS OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of January 5, 1993, the following report was submitted on April 29, 1994, during the adjournment of the Senate:

By Mr. GLENN, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 1935) to prohibit lobbyists and their clients from providing to legislative branch officials certain gifts, meals, entertainment, reimbursements, or loans and to place limits on and require disclosure by lobbyists of certain expenditures (Rpt. 103-255).

MESSAGES FROM THE PRESIDENT

REVISED DEFERRAL OF BUDGET AUTHORITY FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES—MESSAGE FROM THE PRESIDENT—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee Appropriations, the Committee on the Budget, and the Committee on Finance.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority, totaling $7.3 million.

The deferral affects the Department of Health and Human Services. The details of the revised deferral is contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 2, 1994*.

MESSAGES FROM THE HOUSE

At 3:38 p.m., a message from the House of Representatives delivered by Mrs. Goetz, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1727) to establish a program of grants to States for arson research, prevention, and control and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the bill (S. 2000) to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act, the Community Services Block Grant Act, and for other purposes; with an amendment; it insists upon its amendment to the bill, requests a conference with the Senate thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Education and Labor, for consideration of the Senate bill, and the House amendments, and modifications committed to conference: Mr. FORD of Michigan, Mr. MARTINEZ, Mr. KILDEE, Mr. OWENS, Mr. ANDREWS of New Jersey, Mr. SCOTT, Ms. WOOLSEY, Mr. ROMERO-BARCELÓ, Mr. BAESLER, Mr. GOODLING, Ms. MOLINARI, Mr. BARRETT of Nebraska, Mr. MILLER of Florida, and Mr. CASTLE.

As additional conferees from the Committee on Energy and Commerce, for consideration of title III of the Senate bill, and title III of the House amendments, and modifications committed to conference: Mr. DINGELL, Mr. SHARP, Mr. MARKEY, Mr. LEHMAN, Mr. KREIDLER, Mr. MOORHEAD, Mr. BILIRAKIS, and Mr. HASTERT.

The message further announced that the House has passed the following bills and joint resolution in which it requests the concurrence of the Senate:

H.R. 3221. An act to provide for the adjudication of certain claims against the Government of Iraq.

H.R. 4013. An act to amend title 38, United States Code, to provide the Secretary of Veterans Affairs with necessary flexibility in staffing the Veterans Health Administration.

H.R. 4204. An act to designate the federal building located at 711 Washington Street in Boston, Massachusetts, as the "Jean Mayer Human Nutrition Research Center on Aging."

H.J. Res. 360. Joint resolution to designate the week of April 25, 1994, to May 1, 1994, as "Let's Stop Kids Killing Kids Week."

The message also announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 237. Concurrent resolution authorizing the use of the Capitol grounds for the 13th annual National Peace Officers' Memorial Service.

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3221. An act to provide for the adjudication of certain claims against the Government of Iraq; to the Committee on Foreign Relations.

H.J. Res. 360. Concurrent resolution to designate the week of April 25, 1994, to May 1, 1994, as "Let's Stop Kids Killing Kids Week"; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on April 29, 1994, during the recess of the Senate, she had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1636. An act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes.

S. 1930. An act to amend the Consolidated Farm and Rural Development Act to improve the administration of claims and obligations of the Farmers Home Administration, and for other purposes.

S. 2005. An act to make certain technical corrections, and for other purposes.

S.J. Res. 143. Joint resolution providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 144. Joint resolution providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 150. Joint resolution to designate the week of May 2 through May 8, 1994, as "Public Service Recognition Week."

EXECUTIVE REPORTS OF COMMITTEE

Under the authority of the order of the Senate of April 26, 1994, the following executive reports of committees were submitted:

By Mr. BUMPERS, from the Committee on Small Business:

Jere Walton Glover, of Maryland, to be Chief Counsel for Advocacy, Small Business Administration.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI (for himself and Mr. WARNER) (by request):

S. 2056. A bill to amend the National Security Act of 1947 to improve the counterintelligence and security posture of the United States, and for other purposes; to the Select Committee on Intelligence.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI (for himself and Mr. WARNER) (by request):

S. 2056. A bill to amend the National Security Act of 1947 to improve the counterintelligence and security posture of the United States, and for other purposes; to the Select Committee on Intelligence.

COUNTERINTELLIGENCE AND SECURITY ENHANCEMENTS ACT OF 1994

Mr. DECONCINI. Madam President, Senator WARNER and I are today introducing on request a bill developed by the Clinton administration to improve the counterintelligence and security posture of the Government.

Since the bill was only provided to us this past weekend, we have not had an opportunity to analyze it thoroughly. It does, however, address a number of shortcomings apparent in the existing system and appears worthy of serious consideration by the Senate. Inasmuch as the Select Committee on Intelligence will hold a public hearing tomorrow morning on counterintelligence legislation, we are introducing the administration bill today in order that it will be formally before the committee.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2056

Be it enacted by the Senate and House of Representatives of the United States of America assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Counterintelligence and Security Enhancements Act of 1994".

SEC. 2. AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting at the end thereof the following new title:

TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

SEC. 801. The provisions of this title shall not apply to the President and Vice President, Members of the Congress, Justices of the Supreme Court, and Federal judges appointed by the President.

SEC. 802. The President shall, within 180 days of enactment of this title, direct the issuance of a regulation to govern access to classified information which shall be binding upon all departments, agencies, and offices of the Executive branch.

SEC. 803. Except as may be provided for in the regulation issued under Section 802 of this title, no person shall be given access to classified information, after the effective date of this title, by any department, agency, or office of the Executive branch unless, based upon an appropriate background investigation, such access is determined to be clearly consistent with the interests of national security.

REQUEST BY AUTHORIZED INVESTIGATIVE AGENCIES

SEC. 804. (a)(1) Any authorized investigative agency may request from any financial agency, financial institution, or holding company, as defined in section 5312 of the Currency and Foreign Transactions Reporting Act (31 U.S.C. 5312, as amended) or section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401), or from any consumer credit reporting agency, as defined in section 603 of the Consumer Credit Protection Act (15 U.S.C. 1681a), such financial records, other financial information, and consumer reports as are necessary in order to conduct any authorized law enforcement investigation, counterintelligence inquiry, or security determination. Any authorized investigative agency may also request records maintained by any commercial entity within the United State pertaining to travel by a person outside the United States.

(2) Requests may be made under this section where—

(A) the records sought pertain to a person who is or was an employee required by the President in an Executive order, as a condition of access to classified information, to provide consent, during a background investigation and for such time as access to the information is maintained, and for not more than five years thereafter, permitting access to financial records, other financial information, consumer reports, and travel records; and

(B) There is information or allegations indicating that the person is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power, or an issue of otherwise unexplained affluence or excessive indebtedness arises in the course of any background investigation or reinvestigation.

(3) Each such request—

(A) shall be accompanied by a written certification signed by the department or agency head or deputy department or agency head concerned and shall certify that—

(i) the person concerned is or was an employee within the meaning of subparagraph (2)(A) above;

(ii) the request is being made pursuant to an authorized inquiry or investigation and is authorized under this section; and

(iii) the records or information to be reviewed are records or information which the employee has previously agreed to make available to the authorized investigative agency for review;

(B) shall contain a copy of the agreement referred to in subparagraph (A)(iii);

(C) shall identify specifically or by category the records or information to be reviewed; and

(D) shall inform the recipient of the request of the prohibition described in subsection (b).

(b) Notwithstanding any other provision of law, no governmental or private entity, or officer, employee, or agent of such entity, may disclose to any person, other than those officers, employees, or agents of such entity necessary to satisfy a request made under this section, that such entity has received or satisfied a request made by an authorized investigative agency under this section.

(c)(1) Notwithstanding any other provision of law except section 6103 of title 26, United States Code, an entity receiving a request for records or information under subsection (a) shall, if the request satisfies the requirements of this section, make available such records or information within 30 days for inspection or copying, as may be appropriate, by the agency requesting such records or information.

(2) Any entity (including any officer, employee or agent thereof) that discloses records or information for inspection or copying pursuant to this section in good faith reliance upon the certifications made by any agency pursuant to this section shall not be liable for any such disclosure to any person under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

(d) Subject to the availability of appropriations therefor, any agency requesting records or information under this section may reimburse a private entity for any cost reasonably incurred by such entity in responding to such request, including the cost of identifying, reproducing, or transporting records or other data.

(e) An agency receiving records or information pursuant to a request under this section may disseminate the records or information obtained pursuant to such request outside the agency only to the agency employing the employee who is the subject of the records or information, to the Department of Justice for law enforcement or counterintelligence purposes, or, with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency.

(f) Nothing in this section shall affect the authority of an investigative agency to obtain information pursuant to the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

DEFINITIONS

SEC. 805. For purposes of this title—

(a) the phrase "classified information" means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated;

(b) the term "employee" includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government or an employee thereof, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government;

(c) the term "authorized investigative agency" means an agency authorized by law or regulation to conduct counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information;

(d) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

EFFECTIVE DATE

SEC. 806. This title shall take effect 180 days after the date of its enactment.

SEC. 3. DISCLOSURE OF CONSUMER CREDIT REPORTS FOR COUNTERINTELLIGENCE PURPOSES.

Section 608 of the Fair Credit Reporting Act (15 U.S.C. 1681f) is amended—

(1) by striking "Notwithstanding" and inserting "(a) DISCLOSURE OF CERTAIN IDENTIFYING INFORMATION.—Notwithstanding"; and

(2) by adding at the end the following new subsection: "(b) DISCLOSURES TO THE FBI FOR COUNTERINTELLIGENCE PURPOSES.—

"(1) CONSUMER REPORTS.—Notwithstanding the provisions of section 604, a consumer reporting agency shall furnish a consumer report to the Federal Bureau of Investigation when presented with a written request for a consumer report, signed by the Director or Deputy Director of the Federal Bureau of Investigation who certifies compliance with this subsection. The Director or Deputy Director may make such a certification only if he has determined in writing that—

"(A) such records are necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought is a foreign power or an agent of a foreign power, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

"(2) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when present with a written request, signed by the Director or Deputy Director, which certifies compliance with this subsection. The Director or Deputy Director may make such certification only if the Director or Deputy Director has determined in writing that—

"(A) such information is necessary to the conduct of an authorized foreign counterintelligence investigation; and.

"(B) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power, as so defined.

"(3) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent of such consumer reporting agency may disclose to any person, other than those officers, employees, or agents of such agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this subsection, that the Federal Bureau of Investigation has sought or obtained a consumer report or identifying information respecting any consumer under paragraph (1) or (2), nor shall such agency, officer, employee, or agent include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such a consumer report or identifying information.

"(4) PAYMENT OF FEES.—The Federal Bureau of Investigation may, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing credit reports or identifying information in accordance with this title, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this subsection.

"(5) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this subsection outside of the Federal Bureau of Investigation, except to the Department of Justice or as may be necessary for the conduct of a foreign counterintelligence investigation.

"(6) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this subsection shall be construed to authorize or permit the withholding of information from Congress.

"(7) REPORTS TO CONGRESS.—On an annual basis, the Attorney General of the United States shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to paragraphs (1) and (2).

"(8) DAMAGES.—Any agency or department of the United States obtaining or disclosing credit reports, records, or information contained therein in violation of this subsection is liable to the consumer to whom such records relate in an amount equal to the sum of—

"(A) $100, without regard to the volume of records involved;

"(B) any actual damages sustained by the consumer as a result of the disclosure;

"(C) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

"(D) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorneys fees, as determined by the court.

"(9) GOOD FAITH EXCEPTION.—Any credit reporting agency or agent or employee thereof making disclosure of credit reports or identifying information pursuant to this subsection in good faith reliance upon a certificate of the Federal Bureau of Investigation pursuant to this subsection shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State. As used in this subsection, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

"(10) LIMITATION OF REMEDIES.—The remedies set forth in this subsection shall be the only judicial remedies for violation of this subsection.

"(11) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this subsection, injunctive relief shall be available to require compliance with the procedures of this subsection. In the event of any successful action under this subsection, costs of the action, together with reasonable attorneys fees, as determined by the court, may be recovered.".

SEC. 4. REWARDS FOR INFORMATION CONCERNING ESPIONAGE.

(a) REWARDS.—Section 3071 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "With respect to"; and

(2) by adding at the end the following new subsection:

"(b) With respect to acts of espionage involving or directed at the United States, the Attorney General may reward any individual who furnishes information—

"(1) leading to the arrest or conviction, in any country, of any individual or individuals for commission of an act of espionage against the United States;

"(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an act of espionage against the United States; or

"(3) leading to the prevention or frustration of an act of espionage against the United States.".

(b) DEFINITIONS.—Section 3077 of such title is amended by inserting at the end thereof the following new paragraph:

"(8) 'act of espionage' means an activity that is a violation of—

"(A) section 793, 794 or 798 of title 18, United States Code;

"(B) section 783(b) of title 50, United States Code; or

"(C) section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783).".

(c) CLERICAL AMENDMENTS.—The items relating to chapter 204 in the table of chapters at the beginning of such title, and in the table of chapters at the beginning of part II of such title, are each amended by adding at the end the following: "and espionage."

SEC. 5. ESPIONAGE NOT COMMITTED IN ANY DISTRICT.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§ 3239. Espionage and related offenses not committed in any district

"The trial for any offense involving a violation of—

"(1) section 793, 794, 798, 952, or 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) subsection (b) or (c) of section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) or (c), begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, may be in the District of Columbia or in any other district authorized by law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 211 of such title is amended by inserting after the item relating to section 3238 the following:

"3239. Jurisdiction of espionage outside the United States and related offenses.".

SEC. 6. CRIMINAL FORFEITURE FOR VIOLATION OF CERTAIN ESPIONAGE LAWS.

(a) Section 798 of title 18, United States Code, is amended by adding at the end the following new subsections:

"(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

"(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853 (b), (c), and (e)–(p)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure of disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property, if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime At of 1984 (42 U.S.C. 10601) all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

"(c) As used in subsection (d) of this section, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.".

"(b) AMENDMENTS FOR CONSISTENCY IN APPLICATION OF FORFEITURE UNDER TITLE 18.—(1) Section 793(h)(3) of such title is amended in the matter above subparagraph (A) by striking out "(o)" each place it appears and inserting in lieu thereof "(p)".

"(2) Section 794(d)(3) of such title is amended in the matter above subparagraph (A) by striking out "(o)" each place it appears and inserting in lieu thereof "(p)".

"(c) SUBVERSIVE ACTIVITIES CONTROL ACT.—Section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783) is amended by adding at the end the following new subsection:

"(g)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

"(3) Except as provide in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853 (b), (c), and (e)–(p) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property, if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.".

SEC. 7. DENIAL OF ANNUITIES OR RETIRED PAY TO PERSONS CONVICTED OF ESPIONAGE IN FOREIGN COURTS INVOLVING UNITED STATES INFORMATION.

Section 8312 of title 5, United States Code, is amended by adding at the end thereof the following new section—

"(d) For purposes of subsections (b)(1) and (c)(1), an offense within the meaning of such subsections is established if the Attorney General certifies to the agency administering the annuity or retired pay concerned—

"(1) that an undividual subject to this chapter has been convicted by an impartial court of appropriate jurisdiction within a foreign country in circumstances in which the conduct violates the provisions of law enumerated in subsections (b)(1) and (c)(1), or would violate such provisions had such conduct taken place within the United States, and that such conviction is not being appealed or that final action has been taken on such appeal;

"(2) that such conviction was obtained in accordance with procedures that provided the defendant due process rights comparable to such rights provided by the United States Constitution, and such conviction was based upon evidence which would have been admissible in the courts of the United States; and

"(3) that such conviction occurred after the date of enactment of this subsection.".

Mr. WARNER. Madam President, I am pleased to join with the chairman of the Senate Intelligence Committee, Senator DECONCINI, in introducing, on the request of the President and the administration, a legislative proposal to improve the counterintelligence and security posture of the United States.

This proposal is a result of a monthlong interagency review of counterintelligence requirements in the wake of the tragic consequences of the Ames case. Since the arrest of Aldrich Ames in February, various Senators have introduced four pieces of legislation which seek to correct some of the problems revealed by the Ames case. On March 17, Chairman DECONCINI and I introduced S. 1948, the Counterintelligence and Security Enhancement Act of 1994.

Senator BOREN and Senator COHEN, likewise, have introduced legislation, they being the former chairman and vice chairman respectively, of the Senate Intelligence Committee, and Senators who through many years here have given very, very valuable attention and work on behalf of not only the committee but the Senate as a whole in matters of intelligence.

These counterintelligence bills will be the subject of an open hearing. That is all three of them: The President's bill, which I am now introducing; the DeConcini-Warner bill; and legislation Senators BOREN and COHEN have introduced. They will all be the subject of an open hearing conducted by the Select Committee on Intelligence at 10 o'clock.

At that hearing, the committee will receive testimony from Government witnesses and outside experts on the implications of the various legislative proposals currently pending before the committee.

A common theme in all of this legislation is the focus on the financial activities of employees in the intelligence community. As has become all too clear, the motivation for modern day "turncoats" is no longer ideology as it was in the 1940's and the 1950's. Today, the dirty dollar is what causes people to sell this Nation's most valuable secrets to its adversaries and imperil our own national security.

These three pieces of legislation begin to look at what we try to do in maintaining a balance between individual rights and the Nation's security interests. Each legislation looks at varying degrees to which these employees will have to, by their own consent, accept an invasion into their privacy, as well as the privacy of their families, in order for appropriate checks to be made in a timely fashion on their lifestyle to determine whether or not there is any evidence to question their activities.

The administration's proposal is focused on the financial records of employees with access to classified information. However, from an initial study of this proposal, it appears to be more limited than the DeConcini-Warner bill. For example, it is not clear from the legislation which categories of employees with access to classified information would be required to provide further written consent for Government access to their financial and travel records. In addition, it is not clear that there is any requirement for the filing of financial disclosure reports, as is called for in our legislation. Nor is there any provision which provides the FBI with access to employees' tax records.

One area of critical importance, which the administration's legislative proposal fails to address, is the relationship between the CIA and the FBI concerning the conduct of counterintelligence investigations. Chairman DECONCINI and I have spent a considerable amount of time on this issue of late. Since the Ames case broke, we have been hearing tales of long-standing disagreement and conflict between these two agencies in this area. It is my understanding that the administration will attempt to mediate the dispute between the FBI and the CIA through Executive order.

Such an administrative approach alone may not be acceptable to the senior members of the Intelligence Committee.

At the present time, it is the position of the senior members of both the Senate and the House to legislate on this matter. So whether it eventually is acceptable remains to be seen. I know Chairman DECONCINI shares my belief that legislation is necessary to solve the problems between the FBI and the CIA in the area of counterintelligence. Executive orders and memoranda of understanding have not worked, in our judgment, in the past. Without legislation, an administrative solution will be far too dependent on the personalities of the individuals in charge of the FBI and CIA at whatever time in the future such disputes may arise.

In other words, a solution which is simply an executive branch order would be subject to the cooperation between the individuals who are occupying those important positions and what their personal and professional relationship at that time may be.

Overall, the administration appears to have taken a cautious approach to the problem, an approach which stops short, in the judgment of many, of the various legislative proposals currently before the Senate. I am hopeful that testimony from the administration witnesses at the hearing tomorrow will clarify the reason for this approach, which is quite different from that which we have thus far taken in our committee structure.

I might add, as a concluding paragraph to my remarks, that I have worked many, many years with Director Woolsey at the CIA. Our relationship started as far back as when he became counsel to the Senate Armed Services Committee. Since that time, he has had many—and I underline many—distinguished and important public service posts. I have worked with him on arms control matters when he was in Geneva and I have a very, very high regard, professionally and personally, for the current Director of the Central Intelligence Agency.

We have our differences on some of the approaches here; primarily, regarding whether or not the relationship between the FBI and CIA should be subject to legislation or left to reconciliation through Executive orders. There have, however, been many constructive exchanges between the two of us on numerous items of national security interest. I, frankly, commend him for the manner in which he handled this difficult assignment and this tragic and wholly unexpected case involving the Ames matter.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 762

At the request of Mr. PRYOR, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 762, a bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes.

S. 774

At the request of Mr. WOFFORD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national Service Day to promote community service, and for other purposes.

S. 978

At the request of Mr. BAUCUS, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 978, a bill to establish programs to promote environmental technology, and for other purposes.

S. 1083

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1083, a bill to amend the Internal Revenue Code of 1986 to provide that veterans' allowances and benefits administered by the Secretary of Veterans Affairs are not included in gross income.

S. 1450

At the request of Mrs. FEINSTEIN, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1450, a bill respecting the relationship between the workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

S. 1690

At the request of Mr. PRYOR, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1729

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1729, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities or for college education costs of a beneficiary.

S. 1842

At the request of Mr. CAMPBELL, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 1842, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety and passenger vehicle safety laws, and for other purposes.

S. 1904

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1904, a bill to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals.

S. 1908

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1908, a bill to provide for a study of the processes and procedures of the Department of Veterans Affairs for the disposition of claims for veterans' benefits.

S. 1920

At the request of Mr. DOMENICI, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1920, a bill to amend title XIV of the

Public Health Service Act (commonly known as the "Safe Drinking Water Act") to ensure the safety of public water systems, and for other purposes.

S. 1924

At the request of Mr. HATCH, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1924, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 1927

At the request of Mr. ROCKEFELLER, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1927, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 1928

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1928, a bill to require the availability of adequate waste emplacement capacity for the future licensing of construction and operation of nuclear utilization facilities, and for other purposes.

S. 1948

At the request of Mr. DECONCINI, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1948, a bill to amend the National Security Act of 1947 to improve the counterintelligence and security posture of the U.S. intelligence community and to enhance the investigative authority of the Federal Bureau of Investigation in counterintelligence matters, and for other purposes.

S. 1964

At the request of Mr. METZENBAUM, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1964, a bill entitled the Reemployment and Retraining Act.

S. 1969

At the request of Mr. METZENBAUM, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1969, a bill to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes.

S. 1994

At the request of Mr. SMITH, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1994, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make comprehensive improvements in provisions relating to liability, State implementation, remedy selection, and funding, and for other purposes.

S. 2007

At the request of Mr. WOFFORD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2007, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and General George C. Marshall's service therein.

SENATE JOINT RESOLUTION 146

At the request of Mr. WOFFORD, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Maryland [Ms. MIKULSKI], the Senator from Kansas [Mr. DOLE], the Senator from Connecticut [Mr. DODD], the Senator from Maine [Mr. MITCHELL], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 146, a joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 166

At the request of Mr. SPECTER, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution to designate the week of May 29, 1994, through June 4, 1994, as "Pediatric and Adolescent AIDS Awareness Week."

SENATE JOINT RESOLUTION 168

At the request of Mr. ROBB, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Hampshire [Mr. SMITH], the Senator from Nebraska [Mr. KERREY], the Senator from New Jersey [Mr. BRADLEY], the Senator from Nevada [Mr. REID], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from California [Mrs. BOXER], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 168, a joint resolution designating May 11, 1994, as "Vietnam Human Rights Day."

SENATE JOINT RESOLUTION 176

At the request of Mr. PRYOR, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from South Carolina [Mr. THURMOND], the Senator from Arizona [Mr. DECONCINI], the Senator from Montana [Mr. BURNS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Kansas [Mr. DOLE], the Senator from Rhode Island [Mr. PELL], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate the month of May 1994 as "Older Americans Month."

SENATE JOINT RESOLUTION 178

At the request of Mr. NUNN, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

ADDITIONAL STATEMENTS

TRIBUTE TO HONOREES OF FIRST OCCUPATIONAL CENTER OF NEW JERSEY 40TH ANNIVERSARY AWARD

• Mr. LAUTENBERG. Mr. President, I rise today to call attention to four outstanding New Jerseyans, who are being honored by the First Occupational Center of New Jersey. Ace Alagna, Allen J. Kasden, James Lukaszewicz, and William J. Marino have all been exceptional citizens who have made significant contributions to their community.

The First Occupational Center of New Jersey is dedicated to helping individuals and their families who are challenged by disabilities or social economic conditions. The center assists these people by providing them with training to help them reach their full vocational potential. These people then go on to become productive members of their communities.

Ace Alagna has been chosen as a recipient of the 40th Anniversary Award for his outstanding commitment to helping his fellow humans. He has been instrumental in raising money for children in Italy who were victims of earthquakes, as well as bringing much-needed medical assistance to the Polish people. He has been recognized many times for his dedication and commitment to improving the lives of others.

James Lukaszewicz, as plant manager of Anheuser-Busch's Newark, NJ, brewery, has been responsible for overseeing the jobs of thousands of workers. As a soldier in Vietnam, he served in a leadership role for his country, and now as a business leader he is bringing jobs to his community. He is being recognized for these vital contributions to his country.

Allen J. Kasden is president of Crow Construction Co., and has over 20 years of experience in the construction business. His leadership role in the construction field has given him extensive experience and he has proven himself as exceptional, as well as dedicated to helping others in the construction business.

William J. Marino is currently serving as president and CEO of Blue Cross and Blue Shield of New Jersey, the State's largest health insurer. He has accrued 25 years of experience in the health as well as the employee benefits field. He has also shown a serious dedication in his tireless work for the United Way, the New Jersey Network Foundation, and St. Peter's College. Futhermore, he has also been instrumental as a member of the board of several health and insurance related institutions, such as the Kessler Institute for Rehabilitation, the New York Business Group on Health, and the New York State HMO Conference and hospital boards.

I am proud to represent such outstanding citizens who have contributed so much to helping their fellow humans. I commend them for their work and congratulate them on receiving this prestigious award.•

TRIBUTE TO BILL BAILEY—KENTUCKY RADIO LEGEND RETIRES AFTER 40 YEARS

• Mr. McCONNELL. Mr. President, I rise today to honor a Louisville and Kentucky legend. Bill Bailey, a radio personality for over 40 years, has decided to move on, retiring from his job at radio station WVLK in Lexington. Wednesday, April 20 was his last day on the air after entertaining generations of Kentuckians.

Bill Bailey got his start in North Carolina as a teenager. From there he worked in several States, including Alaska, before finally coming to Louisville in 1965. Long before America had heard of shock jocks, Bill Bailey was pushing the limits on his shows.

He was one of the first deejays to question what was considered to be normal. He spoofed local officials and politicians, earning him such descriptions as irreverent and brazen. In fact, in his early years his sometimes controversial sense of humor tended to scare some radio station program directors.

Bill Bailey's abrasive reputation did not preclude him from holding down the same time slot at Louisville's WAKY throughout the 1960's and 1970's. In fact, generations of Louisvillians, including myself, remember driving in to work and having difficulty seeing the traffic through the tears in our eyes caused by the laughter Bill Bailey's commentaries often provoked.

After 40 years of dedicated service to the profession he loves, Bill Bailey has decided to step down. After 30 years of working in the Louisville and Lexington area, those of us from Kentucky will never be able to forget him. We will remember him and we thank him for brightening our days.

Mr. President, I ask my colleagues to join me in wishing Bill Bailey a productive, happy, and healthy retirement. In addition, I ask that an article from the April 21, 1994, Lexington Herald-Leader be inserted in the RECORD at this time.

The article follows:

[From the Lexington Herald-Leader, Apr. 21, 1994]

LEXINGTON RADIO LEGEND SIGNS OFF AFTER FOUR DECADES OF STIRRING UP AIRWAVES

(By Nancy Crane)

After more than four decades on the air, Bill Bailey has hung up his headphones.

Bailey, the gravelly voiced afternoon disc jockey on WVLK-AM (590), spent his last day on the air yesterday playing songs and saying goodbye to his listeners—many of whom called the studio at Kincaid Towers to say they had listened to him for 20 years.

"It's nice to be remembered that way," said Bailey, 63. "A lot of people think they're insulting me when they say 'I listened to you when I was growing up.' But they're not."

Bailey is a legend among some Kentuckians. People in their 30s, 40s and 50s remember Bailey as the "Duke of Louisville," an unpredictable and opinionated morning disc jockey who played rock 'n' roll on the now-defunct WAKY in the 1960s and 1970s.

"When I was a kid I used to listen to him," said Harold Browning, 48, an account executive at WVLK, where Bailey has worked since 1989. "To end up working at the same radio station with him is a dream come true."

Bailey started in radio as a teenager in North Carolina playing old 78s. His career took him to at least a dozen radio stations across the country—including one in Alaska—before he landed in Louisville in 1965.

Bailey's brash style—he once called police uniforms "pigskins"—attracted a large audience.

"He was the first one to push around politicians and make public officials shiver in their boots," said Terry Meiners, afternoon disc jockey on WHAS-AM (840) in Louisville, who hung around the WAKY studios as a youngster to watch Bailey work.

"Program directors were scared of Bill," said Johnny Randolph, Bailey's former boss at WAKY. "He borders on the edge . . . that scares them."

Bailey is just as irreverent in his personal life. He has been married six times and claims he can't remember the name of his second wife.

"A couple of those marriages were annulled. I was young," he said.

But Bailey is devoted to his four grown children—a son and three daughters—who live in Louisville. He said he will move there to be closer to them.

He also plans to spend a lot of time painting.

"I do have a love for painting pictures. I do landscapes, and I like oils. And I'll be happy to devote some time to that," Bailey said.

In addition to his age, Bailey says his health is a reason for his retirement.

"I have emphysema, and I am a smoker. And I suffer from hypertension . . . I certainly don't want to drop dead from a stroke on the air."

Although Bailey has no regrets about his decision to leave radio, he will miss it.

"It'll feel funny not getting up and going to the microphone every day. I've done it since I was 16."

WVLK program director Robert Lindsey says it won't be easy to replace Bailey.

"You don't really replace somebody like that," Lindsey said. "You find someone that can do the job. You're never going to find anyone who's going to be a Bill Bailey. He's unique."

While Lindsey looks for a new afternoon personality, part-timer Joe Thomas will fill the 2 p.m.-to-6 p.m. slot.

Bill Bailey not only raised a couple of generations of Kentuckians on rock 'n' roll, he influenced other disc jockeys. Here's what some of them said:

Terry Meiners, afternoon disc jockey on WHAS-AM (840), Louisville: "I pretended to be him when I was a little kid. My brothers would laugh at me. Before school, I would play 45s on our little RCA record player and I would say 'I'm Bill Bailey, and I've spilled coffee all over my pants.'"

Gary Burbank, afternoon disc jockey on WLW-AM (700), Cincinnati, voice of the syndicated "Earl Pitt's America" and former Bailey colleague at WAKY: "Earl Pitts was heavily influenced by Bill Bailey. Earl is funny and witty, and you catch yourself agreeing with him, and then you smack yourself in the face and say this can't be right. Bailey is that way. Bill Bailey is the father of Earl Pitts, and I do want child support."

Jack Pattie, morning personality, WVLK-AM (590), Lexington: "I listened to him in high school. . . . He's the greatest communicator I ever heard. He has the best handle on the language I ever heard. He just knew how to talk to people."•

THE RETIREMENT OF DEPUTY CHIEF OF INTERNATIONAL FORESTRY JEFF SIRMON

• Mr. LEAHY. Mr. President, the Forest Service honors Jeff Sirmon today as he retires from his post as the first Deputy Chief for International Forestry at the U.S. Forest Service. His 35-year career has touched elements of just about every forested landscape in our country.

I believe one could think of Jeff Sirmon as the Gifford Pinchot of international forestry—a visionary founder of a conservation program that is certain to change the way our Nation, and perhaps the international forestry community, considers forestry issues.

The International Forestry Program was authorized in the 1990 farm bill to recognized the links between domestic forest productivity and global forest health. The goal of this legislation was to address transboundary threats such as global climate change, toxic contaminants in air, water pollution, and loss of biodiversity.

In 1991, Jeff was appointed as the first Deputy Chief of International Forestry to implement the provisions of the 1990 farm bill. He developed the program in an era when people are often tempted to focus resources in our backyards and overlook the ways in which international trends reflect our experience and affect our forest productivity.

Many nations are experiencing the same natural resource issues that Vermont faced over 100 years ago. Technology is facilitating the liquidation of forest resources and the conversion of marginal land into intensive agriculture. A quick tour of Honduras, Brazil, Papua New Guinea, or Ghana will demonstrate this disturbing trend.

If this heavy-handed management strategy was viable, Vermont would still be 70 percent agriculture and flourishing. Clearly, the strategy doesn't work—Vermont's land base has reverted to only about 25 percent agriculture today. Furthermore, during this unfortunate transition, Vermont suffered prolonged economic hardship and suffered widespread ecological loss. Jeff's International Forestry Program shares our domestic experience to help other countries avoid wholesale destruction of forests.

In addition, we know now that there are domestic benefits to sharing our expertise with developing countries. The implications of global deforestation contribute to global climate change and loss of biodiversity—issues that can affect the way we practice forestry in the United States.

In other ways we are still bearing the high costs—economic and environmental—of turning a blind eye to forest ecology beyond our borders. The American chestnut, for example, once comprised 25 percent of the eastern hardwood forests. A foreign blight has all but eliminated this species, and with it the economic advantages of a strong, fast growing, straight tree with unparalleled wood qualities. The wood was used for everything from fence rows to fine musical instruments.

The American chestnut blight has altered the Appalachian ecosystem more profoundly than any timber management technique used in the history of the region. The International Forestry Program under Jeff Sirmon's direction, in cooperation with other agencies, worked to prevent catastrophic disasters such as this one.

There are many examples of Jeff's initiatives. An ongoing United States/Russian cooperative effort on the Asian gypsy moth could save $3.5 billion in timber revenues over the next 40 years. Collaborative efforts on industrial pollution analysis in Eastern European forests has changed the way we analyze pollution impacts on domestic forests. Resource managers from South Africa, Brazil, Canada, and the United States have developed equipment that can predict fire movement and smoke composition. The wintering habitat of neotropical bird populations that fill our forests this time of year are protected by international forestry efforts that Jeff has managed.

I want to thank Jeff Sirmon for his 35 years of leadership and service in the Forest Service and wish him well in his retirement. I am confident that his mark on international forestry will endure for many years to come.•

RETIREMENT OF SENATOR JOSEPH H. HARPER, JR.

• Mr. DODD. Mr. President, I rise today to highlight the outstanding career of State Senator Joseph H. Harper, Jr., a very dear friend and colleague from my home State of Connecticut. After dedicating 16 years of exemplary public service to the city of New Britain, the town of Berlin, and the State of Connecticut, Joe recently announced his plans to retire from the legislature this year.

Throughout his professional legislative career, Joe has earned the overwhelming support and respect of his colleagues and constituents. A former member of the State house of representatives, his vital contributions of knowledge and experience were key to the effectiveness of a number of committees, including the financial advisory, government reorganization, and legislative management committees.

Possessing an extraordinary knowledge of the inner workings and complexities of State government, Joe has also demonstrated a consummate ability to build consensus though skilled negotiation. His strong leadership, influence, and strength of character is well illustrated by his pivotal role as senate chairman of the appropriations committee since 1987.

In recent years, as the State underwent a major fiscal crisis, Joe understood the need for substantial spending cuts, government reorganization initiatives, and an overhaul of the State revenue system. Joe proved his commitment to good government through tough choices and difficult action.

In addition to his extensive duties and legislative assignments with the Legislature, Joe maintains his close ties to the community as an active member of many civic organizations, such as the Substance Abuse Action Council of Central Connecticut, the Nutmeg Games, Inc., and the American Indian Archaeological Institute. As an active member of the Democratic Party—on both the local and State levels—Joe regularly serves as an adviser and confidant not only to freshmen legislators and legislative staff, but also to seasoned veterans and candidates.

On a personal note, I know Joe often skillfully prepares gourmet meals and shares my great love for fishing. An avid student of the German and Italian languages, he is also a key player in the Legislative Partnership Group, which aims to develop a sister State relationship between Connecticut and the German State of Baden-Wuerttemburg. He also plans to complete his doctorate in history or political science and teach at the university level.

In light of his distinguished and impressive record of accomplishment, Joseph H. Harper, Jr., clearly has made a significant and positive impact on the citizens of Connecticut. It is without question that he will be recognized—far into the future—for his prominent leadership, sound judgment, and respectful consideration. As both his colleague and friend, I am honored and proud to extend my sincere best wishes to him upon his upcoming retirement.•

TRIBUTE TO DUANE CIHLAR AND JERRY JUSSILA

• Mr. DURENBERGER. Mr. President, I rise today to pay tribute to Duane Cihlar and Jerry Jussila, employees of the U.S. Forest Service, who were honored Saturday by the 3M Corp. for their outstanding environmental leadership.

The honor comes from the very best of public and private partnerships that work so well in my State.

And this honor comes because these individuals worked with private citizens to bring back to reality the 40-mile and legendary Kekekabic Trail in the Boundary Waters Canoe Area Wilderness.

When budget matters forced the Forest Service to abandon the Kek, it didn't stop the interest of local residents to take up the responsibility. Martin Kubik, an avid hiker, and an outfitter by the name of Bill Rom, took steps to save the trail. Rom put down the money for tools. Kubik organized a volunteer group to clear 10 years worth of overgrowth from end to end. And the U.S. Forest Service, though it could not provide the money or the personnel to maintain the trail, provides the appropriate equipment to maintain the trail.

Why take such efforts with a trail in a remote region of the United States? Writer Kristin Hostetter describes the Kek:

> To hike it, you have to struggle up bluffs on your hands and knees, wind around cliffs and glacier-carved lakes, slog through swamps and dense conifer forests, and traverse slippery riverbeds. But the rewards are many, among them are a glimpse of the black bears, moose, timber wolves, lynx, beavers, and white-tailed deer that pack the surrounding northwoods.

Mr. President, the Kek is not only a challenge to negotiate, but it presents an even greater challenge to maintain. The rewards to those who use the trail are rewarding to understanding wilderness life.

Not only is the Kek maintained, but together with the U.S. Forest Service, volunteers and a private contractor built a 32-foot wilderness bridge. This bridge received second place in the national U.S. Forest Service competition for primitive projects and was completely built with hand tools provided by the Forest Service. And the Forest Service provided equipment to help remap the trail using the global positioning system—the first such effort in the Midwest.

Mr. President, it is my honor to join 3M in thanking Duane Cihlar and Jerry

Jussila. They exemplify the very best in public service.●

TRIBUTE TO LOUISVILLE GAS & ELECTRIC CO.

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to the Louisville Gas & Electric Co. [LG&E] of Louisville, KY. This company has constantly upheld the utmost environmental standards since its creation many years ago and continues to do so today.

For this reason, the company was recently chosen by the Department of Energy's Office of Technical and Financial Assistance to receive the Special Recognition Award under the 1994 National Awards Program for Energy Efficiency and Renewable Energy. This award recognizes LG&E's efforts to benefit the Nation's environment, economy, and security.

Most recognizable of all of Louisville Gas & Electric's accomplishments is the natural gas vehicle fuels program established in 1991. This was the first company in the State to open a commercial natural gas refueling station. By September 1993, the station had over 120 natural gas-powered vehicle owners as regular customers, and the number continues to grow today.

Louisville Gas & Electric decided to invest in natural gas because of the fuel's ability to reduce all major pollutants produced by other gases. It reduces carbon emissions and nitrous oxides by 70 percent, carbon monoxides by 50 percent, and carbon dioxides by 30 percent. It also eliminates the potential threat of ground water pollution and contamination at the fueling station because natural gas dissipates quickly into the atmosphere when released rather than forming as a puddle on the ground.

In addition, natural gas costs close to 40 cents less per gallon than the gasoline currently used nationwide, ultimately benefiting the customer. The savings generated by LG&E's station will equate to almost 122,000 gallons of gasoline a year.

Mr. President, I would like to congratulate Louisville Gas & Electric on its accomplishments and wish this great company future success.●

ORDERS FOR TUESDAY, MAY 3, 1994

Mr. BRYAN. If my distinguished colleague has no further matters to bring to the attention of the body, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. Tuesday, May 3; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for a period up to 5 minutes each, with the first hour of morning business under the control of Senator COVERDELL or his designee, and the next hour of morning business under the control of Mr. DASCHLE or his designee, with the following Senators recognized for the time limits specified after the first 2 hours of morning business: Senator HATCH and Senator MURKOWSKI for up to 15 minutes each, and Senator STEVENS and Senator COHEN for up to 10 minutes each; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:30 p.m. in order to accommodate the respective party conferences; and that at 2:30 p.m. the Senate resume consideration of S. 783, the consumer reporting reform bill.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. No objection.

The PRESIDING OFFICER. The Chair hears none, and it is ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BRYAN. Mr. President, if there is no further business to come before the Senate today, and no other Senator is seeking recognition, I ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:46 p.m., recessed until Tuesday, May 3, 1994, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 2, 1994:

DEPARTMENT OF COMMERCE

WILLIAM ALAN REINSCH, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.

EXTENSIONS OF REMARKS

U.S. POLICY TOWARD THE REPATRIATION OF LAO HMONG ASYLUM SEEKERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1994

Mr. HAMILTON. Mr. Speaker, there has been considerable concern recently, particularly among the Hmong community in the United States, about reports of forced repatriation to Laos of Hmong asylum seekers in Thailand. I wrote to the Secretary of State on February 22, 1994 on this topic, and on April 25, 1994, I received a reply from the Department of State which provides background on this issue and the U.S. role in the repatriation program. The exchange of letters follows:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 1994.

Hon. WARREN M. CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I write to seek your comment on questions raised about the repatriation of Hmong asylum seekers from Thailand to Laos under the Comprehensive Plan of Action for Indochinese refugees (CPA).

Many in the Hmong-American community are clearly concerned about the repatriation process and the fate of Hmong returnees upon their return to Laos. A number of serious allegations are being made about the use of force and corruption to convince some Hmong people to return to Laos against their will. The so far unaccounted for disappearance of one returnee (Mr. Vue Mai) has caused anxiety and aroused concern about the likely fate of other returnees.

Against this background, I would appreciate having your latest assessment of the Hmong repatriation program and the experience of those who have already been returned to Laos.

The Chairman of the Denver-based Lao Human Rights Council, Mr. Vang Pobzeb, has written in particularly strong terms. Apart from expressing deep concern about the repatriation process, he makes a number of allegations about the role of U.S. officials in the process. In short, Mr. Pobzeb accuses officials from the State Department and the U.S. Embassy in Bangkok of lying about this issue and engaging in a cover up of abuses in the Hmong repatriation program.

These allegations have come as a surprise to me. They do not square with the generally high regard I have for your Department's commitment to the cause of human rights and humanitarian issues. I know you would not tolerate the sorts of abuses referred to by Mr. Pobzeb. But such allegations require investigation and I therefore seek your comments. For this purpose, I attach a copy of Mr. Pobzeb's letter.

With kind regards,

Sincerely,

LEE H. HAMILTON,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 25, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of February 22 regarding your concerns, and those of Mr. Vang Pobzeb, for the treatment of Hmong asylum seekers in Laos and Thailand. We apologize for the delay in our response.

We would like first of all to address two of the issues raised by Mr. Pobzeb: the disappearance of Hmong leader Vue Mai and the matter of the 305 Hmong who went from Napho camp to Phanat Nikhom camp and back.

Since learning of Vue Mai's disappearance, the United States Government has taken specific actions to bring our concern to the attention of the Lao and Thai Governments and to urge that every effort be made to locate Vue Mai and guarantee his welfare. In addition to direct communications with our Embassies in Vientiane and Bangkok on this issue, we raised our concerns directly with the Foreign Minister of Laos during his visit to Washington last year. The Government of Laos has denied any involvement in the disappearance and has pledged to investigate. According to information we have so far received, no evidence has appeared to tie either the Lao Government or elements of the waning Lao resistance forces to Vue Mai's disappearance.

Since the case of Vue Mai is unique and since our monitoring efforts have to date produced no credible evidence of persecution of those who return to Laos, the United States continues to support the voluntary repatriation program. As part of the Tripartite Agreement (Thailand, Laos, UNHCR) signed in Luang Prabang, Laos in 1991, the Thai Government agreed that repatriations to Laos will take place without force. Direct observations of repatriation movements by U.S. Embassy Bangkok officers confirm that this commitment is being honored. The United States has, over the last two years, provided $2.7 million to assist in the repatriation and reintegration of those who return home. Of that amount, $1.5 million was mandated by Congress to support non-government organization activities in support of Hmong repatriation.

An important fact not mentioned by Mr. Pobzeb is that the majority of Hmong returning to Laos during the last two years are refugees who could have chosen to be interviewed for resettlement in the United States. They instead chose to return home. Another fact is that there are fewer than 2,000 Hmong who have been screened out, that is, determined not to be refugees. The vast majority of the approximately 20,000 Hmong who remain in camps are eligible for the U.S. program. The United States accepted 7,000 Hmong in FY 93, and will accept a similar number in FY 94.

The disappearance of Vue Mai is of importance to the United States Government both because of our concern for Vue Mai himself and for any possible impact his disappearance may have on the process of voluntary repatriation to Laos. We will continue to pursue this matter until it is resolved.

The 305 Highland Lao to whom Mr. Pobzeb refers are a group of Hmong who had been screened out, or determined not to be eligible for refugee status, and who had, according to the Thai Ministry of the Interior, attempted to bribe their way into the resettlement process by paying about $2,000 each in exchange for transportation from Ban Napho repatriation center to Phanat Nikhom camp and the promise of illegal access to the U.S. resettlement program. According to the Ministry, three camp officials and several Phanat Nikhom Hmong leaders were allegedly involved in the scheme to take advantage of the screened-out Hmong population who are ineligible for resettlement. The scheme was uncovered by officials of the United Nations High Commissioner for Refugees (UNHCR) in Phanat Nikhom. Our Embassy in Bangkok reports that in all probability the camp officials will be prosecuted.

With the completion of the investigation in Phanat Nikhom, the 305 Hmong were returned to the Napho camp. An officer from our Embassy in Bangkok visited the group after their arrival in Napho and found that they were being treated well. Subsequent to arrival in Napho, some members of the group returned voluntarily to Laos pursuant to normal return procedures.

Finally, Mr. Pobzeb's statements that officials of the Department of State are corrupt and criminals, "violators and traitors of human rights," and "have continued to lie," are untrue. Some of his other statements are also open to question. It is unlikely, for example, that Mr. Werner Blatter, Chief of the UNHCR office in Geneva dealing with the Comprehensive Plan of Action, stated, as Mr. Pobzeb says he did, that there are "mass killing and human rights violations in Laos," especially since it is Mr. Blatter's organization that encourages and supports repatriation to Laos. The Department of State is interested in the truth of any allegation, but requires that allegations be supported by credible evidence.

We hope this information provides a clearer perspective on United States policy and actions in connection with Hmong repatriation. Please do not hesitate to contact us if you have further questions.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

PERSIAN GULF VETERANS NEED ADDITIONAL HELP

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1994

Mr. MONTGOMERY. Mr. Speaker, following a 3-day workshop last week convened by the National Institutes of Health, it was concluded that additional broad-based research is needed to determine what is making some of our Persian Gulf veterans sick. This conference included medical and scientific professionals

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

from VA, Defense, and Health and Human Services.

Mr. Speaker, everyone is in agreement. These illnesses are genuine. These veterans are sick. And there is a concerted effort to diagnose what has made them sick. We have given them priority access to VA health care and are conducting a great deal of research. But we can do more.

Based on the nine hearings our committee has held and the results of the NIH workshop, I am convinced that some Persian Gulf veterans are suffering from mysterious ailments. Therefore, I am developing legislation that would authorize the Secretary of Veterans Affairs to pay special compensation to these veterans who are disabled as a result of these serious conditions.

TRIBUTE TO PHI BETA UPSILON FRATERNITY AT PLYMOUTH STATE COLLEGE

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1994

Mr. SWETT. Mr. Speaker, I rise today to salute the brothers of Phi Beta Upsilon fraternity at Plymouth State College in New Hampshire. Last week, Phi Beta Upsilon held their second annual trip to Washington to visit the Vietnam Veterans Memorial.

This year's group consisted of 19 Vietnam veterans and 18 PSC students. Phi Beta Upsilon worked tirelessly to raise money for the trip, even holding a rocking chair marathon in Plymouth. Their efforts have allowed a group of veterans to visit the Wall and view the names of their fallen comrades. More importantly, this trip has also allowed a new generation of students to better understand the sacrifice made by so many in Southeast Asia so many years ago.

The brothers of Phi Beta Upsilon are a special group of young men. Their fraternity was founded over 20 years ago by a group of veterans returning from Vietnam. Today, the fraternity carries on their mission of service to veterans of this tragic war.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Phi Beta Upsilon and their record of serving Vietnam veterans across New Hampshire.

THE INTRODUCTION OF THE NORTH AMERICAN WETLANDS CONSERVATION FUND REAUTHORIZATION: APRIL 28, 1994

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1994

Mr. WELDON. Mr. Speaker, Chairman JOHN DINGELL, Chairman GERRY STUDDS, Congressman JACK FIELDS, and I introduced H.R. 4308 to reauthorize the North American Wetlands Conservation Fund [NAWCF]. I would like to begin by thanking Chairman DINGELL for sponsoring this important legislation.

NAWCF is the result of the efforts of the late Congressman Conte and Chairman DINGELL. Congressman Conte and Chairman DINGELL served as the two Representatives of the U.S. House on the Migratory Bird Conservation Commission [MBCC]. The MBCC has the responsibility of distributing Duck Stamp moneys and other proceeds for the acquisition and enhancement of waterfowl habitat.

As the newest member of the MBCC, I had a chance earlier in the year to help celebrate Chairman DINGELL's quarter-century of service to the Commission. For 25 years Chairman DINGELL has worked tirelessly to expand and enhance the National Wildlife Refuge System to protect critical waterfowl habitat.

Our wildlife refuges alone, however, cannot provide sufficient habitat to support the millions of waterfowl which annually migrate across America. Chairman DINGELL and Congressman Conte created the NAWCF to address this problem. As a result of their foresight, great headway is being made.

The NAWCF is truly one of the most successful and cost-effective wetlands preservation initiatives in existence. The fund operates as a public-private partnership, with Federal grant moneys being matched, often times at rates as high as 4 to 1, by private, State, and local moneys. To date, non-Federal partners have matched $98 million in Federal grants with $163 million of their own resources.

NAWCF was established under the North American Wetlands Conservation Act of 1989. Since its inception, NAWCF has led to the preservation or enhancement of almost 7 million acres of prime North American wetlands habitat. That averages out to an astonishingly low $14 of Federal grant funding per acre.

As successful as the fund has been, much more still needs to be done. The 1993 estimate of North America's breeding duck population is 18 percent below the average of the last 40 years. For certain species, the numbers are far worse. Mallard populations, for example, are down 20 percent and the northern pintail population has declined by half. Other migratory species have suffered as well. Populations of Franklin's gulls, black terns, and soras all have declined significantly since the 1950's.

Habitat loss has played a major role in the decline of these birds. Only through the continuation and expansion of programs such as the North American Wetlands Conservation Fund can we head off even greater losses. This bill will do just that, reauthorizing the NAWCF through the year 2000.

Mr. Speaker, I would like to again congratulate Chairman DINGELL on 25 years of service to the MBCC and for introducing this critical legislation. I encourage all my colleagues to help preserve North America's vanishing wetlands and waterfowl by cosponsoring the reauthorization of NAWCF.

TRIBUTE TO DR. JOSEPH J. DEL ROSSO IN HONOR OF HIS 39 YEARS AS AN EDUCATOR

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1994

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Joseph J. Del Rosso, superintendent of schools for the Commack School District. Dr. Del Rosso is now completing his 39th years as an educator, including service both as a teacher and administrator. At the end of this year, Dr. Del Rosso will retire on May 5, 1994, the Commack School District of Suffolk County, NY, will pay tribute to him for his many years of dedicated service.

Dr. Joseph J. Del Rosso has educated students at all levels throughout the United States. He began his career in Plainview, Nassau County, NY, as a junior high school teacher. He then became director of academic services for the South Huntington School District in Suffolk County. Dr. Del Rosso also taught as a college professor at the State University of New York at Brockport; at Stanford University; and at the University of Southern California. He then came back east and served as superintendent of schools in East Rochester, NY.

Since April 1980, Dr. Del Rosso has been the superintendent of schools for the Commack School District. His accomplishments there have been numerous. They include the initiation of full-day kindergarten, and the establishment of an innovative reading program. He also brought to the district a strong new writing curriculum and an elementary science program. Also during his tenure, the Marion Carll Farm Educational Center was established, an operating farm and museum on a historic site dating to the early 16th century.

Like many school superintendents, Dr. Del Rosso had to compile his accomplishments during periods of budgetary constraints and enrollment changes. Dr. Del Rosso presided over the sale of surplus school buildings, and over major renovations to facilities throughout the district. He also completed a state-of-the-art computerization program, and has been commended for his establishment of innovative hiring procedures.

Dr. Del Rosso has been a leader in many educational organizations, including the New York State Council of School Superintendents, the American Association of School Administrators, and the Suffolk County School Superintendents Association, which he served as its president. Dr. Del Rosso and his wife, Eveyln, have two children, a son, Dominic, and a daughter, Antonia Del Rosso Brown.

Mr. Speaker, I ask all my colleagues to join me now in paying tribute to Dr. Joseph Del Rosso for his 39 years of dedicated service to providing quality education to the youth of our Nation.

AL ZACKY SELECTED 1994 EGG AND POULTRY INDUSTRY PERSON OF THE YEAR

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1994

Mr. LEHMAN. Mr. Speaker, the Pacific Egg and Poultry Association Thursday honored Mr. Al Zacky as the 1994 Industry Person of the Year. This prestigious honor is bestowed each year upon an individual who has displayed a devotion to overall industry advancement rather than selfish or personal deeds. Mr. Zacky's lifelong commitment to the poultry industry is clearly indicated by his remarkable leadership and achievements in this field.

After finishing school, Mr. Zacky and his brothers began working in their father's store in Los Angeles, and then joined the family business which moved from a retail to a wholesale enterprise. In 1956, Zacky Farms incorporated and has steadily risen to its current position as a leader in the California poultry industry.

During his 37 year tenure as President of Zacky Farms, Mr. Zacky effectively guided the growth and expansion of the family business in the chicken and turkey markets. Currently, Zacky Farms employs more than 2,800 people in Los Angeles, Fresno, Tulare, and Kings Counties.

As an active participant in student agriculture programs, Mr. Zacky has promoted poultry and poultry careers through the academic communities of California universities. At California State University, Fresno, Mr. Zacky has helped establish a poultry science program by donating a poultry teaching facility and the instructors for the courses. Mr. Zacky's generous assistance to these educational programs indicates an intense commitment to the development of future careers and leaders in the poultry industry of California.

I warmly congratulate Mr. Zacky on his selection as this year's Industry Person of the Year, and thank him for his many years of dedication to the improvement of the California poultry industry.

A SALUTE TO A ROLE MODEL—ONE MAN'S SERVICE TO HIS PROFESSION AND HIS COMMUNITY

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1994

Mr. HORN. Mr. Speaker, I rise today to honor a gentleman from my district, California's 38th, who has taken his strong personal belief that all things are possible to him that believeth and has turned it into a way of life that he is passing on to the young people of our southern California area.

Mr. Archie Barksdale of Long Beach, CA, was born in Depression-era North Carolina. After a childhood that saw him and his family moving from North Carolina to Chicago to New York and back to North Carolina, Mr. Barksdale served in the U.S. Air Force as an air traffic control specialist from 1955 to 1959. In 1967, he began his career at the Long Beach Naval Shipyard as a shipfitter helper. On May 7 of this year, he will retire, after 27 years at the shipyard, as the vice president of the Federal Employees Metal Trades Council AFL–CIO.

Mr. Barksdale knows the value and rewards of hard work and of always striving to improve oneself. His résumé lists formal education studies at eight major colleges and universities. These include one of great importance to me—California State University at Long Beach—as well as the University of California and Baylor University. While a student at Long Beach City College, Mr. Barksdale was named to the dean's list and became a member of the honor society. In 1982, he was recognized in "Who's Who in the West." Throughout his career at the shipyard, he received over 20 awards and certificates of appreciation.

And while he worked hard on his career, Mr. Barksdale also has been a devoted family man. Today, he and his wife, Joyce, have one daughter, two sons, three grandsons, and one granddaughter.

Coupled with Mr. Barksdale's admirable professional success is his work with the young people of our community. In this day when young people, particularly those in urban areas, are in great need of role models, high achievers like Mr. Barksdale are the answer.

In the past few years, Mr. Barksdale has given a considerable time and effort to the establishment of the Youth Development Agency [YDA] of Long Beach—an all volunteer youth gang and crime prevention program. When the idea for YDA was presented to Mr. Barksdale, he responded with the same enthusiasm that he has devoted to his professional and family life. He worked day and night for more than a year to get YDA off the ground and singlehandedly recruited the majority of the YDA steering committee members.

Currently, Mr. Barksdale is helping to complete work on a space for the YDA. Volunteers which he recruited from his and other shipyard unions have knocked out walls, rerouted electricity and plumbing, painted, replaced carpet, and done whatever else was necessary to make the space available to the high-risk youngsters served by the YDA Program.

According to a YDA coworker, "The most wonderful thing about Archie is if he sees a need, he immediately responds without having to be asked."

I am sure that all who hear the story of Archie Barksdale will agree that a man of Archie's caliber should be given special recognition for a lifetime of personal achievement and service to others.

STATEMENT OF MICHELLE CARTER, EDITOR OF THE SAN MATEO TIMES ON EFFORTS TO HELP THE CHILDREN OF CHERNOBYL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1994

Mr. LANTOS. Mr. Speaker, I would like to call my colleagues' attention to the testimony presented by Michelle Carter, editor of the San Mateo Times, before the Congressional Human Rights Caucus, cochaired by myself, and my distinguished colleague from Illinois, Congressman PORTER. On the eighth anniversary of the Chernobyl nuclear accident, the Human Rights Caucus drew attention to the continuing humanitarian needs of the youngest victims of the catastrophe. Our distinguished colleague and my California neighbor, Congresswoman ANNA ESCHOO, joined us in considering the legacy of Chernobyl.

Mr. Speaker, I wish to express my heartfelt appreciation to Ms. Carter, an extremely accomplished and dedicated professional journalist, for testifying on this very important and unpublicized issue. Ms. Carter serves as an example of a concerned citizen who has labored to help some of the most horrible injured and neglected victims in the world today. Ms. Carter is also author of "Children of Chernobyl," an authoritative book that tells the stories of survivors. "Children of Chernobyl" has been distributed to all members of the Congressional Human Rights Caucus.

Mr. Speaker, I am placing in the RECORD her message on this issue, and I urge my colleagues to consider her report as we continue to assess the lessons of Chernobyl.

TESTIMONY BEFORE THE HUMAN RIGHTS CAUCUS OF THE HOUSE OF REPRESENTATIVES BY MICHELLE CARTER

I want to thank the members of the Caucus for shining the spotlight of the United States Congress on the 1986 nuclear catastrophe at Chernobyl. The worlds worst technological accident, and its youngest victims, and for allowing me the opportunity to do some of the storytelling.

My involvement with the Children of Chernobyl began in 1990 when I met Olga Aleinikova, the director of the Children's Hematological Hospital in Minsk. The Capital of the then-Soviet republic of Byelorussia. This remarkably spirited and dedicated woman led me by the hand among the beds of the young leukemia patients in her hospital and introduced me to each child and each mother. Then she took my arm with both her hands, so forcefully that the marks from her fingers remained for days, and said, "You must tell our story; you must tell our story."

That story is one of a Third World health system with none of the chemotherapy drugs needed for aggressive and successful treatment of leukemia, with no synthetic insulin, with no disposable syringes and with a blood supply that is unprotected from Hepatitis B or HIV. The book that most of you have in your hand is that story that Michael and I together have sought to tell.

It is through Dr. Aleinikova, the Belarusian Charitable Fund for the Children of Chernobyl in Minsk and a network of friends throughout Belarus and in Moscow that I learned of the ever-expanding list of the medical problems among the 800,000 children living in the shadow of Chernobyl in the now-independent republic of Belarus.

Just after midnight on April 26, 1986, Reactor No. 4 at Chernobyl exploded. Over the next 10 days, the graphite core of the reactor burned continuously and melted down twice, spewing chunks of radioactive iodine, caesium, strontium and plutonium into the atmosphere and onto the soil of the surrounding cities, villages and countryside. Seventy percent of it—which amounted to 90 times the radioactive release of the atomic bomb dropped on Hiroshima—fell on Belarus.

While the Soviet government struggled to keep its dirty secret from the rest of the world, it sacrificed a generation of its children to that cause. Despite the fact that the reactor was still burning, releasing extraordinary amounts of radiation daily, the government chose not to tell parents to keep their children inside and seal the doors and windows. Instead, it held its annual May 1 celebration in every city and village, and children marched outside in the radioactive rain. It was the warmest Spring on record, and children reveled in the end of another cruel winter.

So, today, eight years later, we are counting the toll. Despite the contrary assurances of the International Atomic Energy Association in 1991, the doctors and parents of Belarus and Ukraine tell a bitter tale of leukemia, solid tumors, birth defects, immune deficiency syndrome, failure to thrive and colds and coughs that never get better.

Last summer, the World Health Organization acknowledged that an epidemic of thyroid cancer exists among the children of Belarus, and the Minister of Health in Belarus has stated that virtually every child in that republic has thyroid abnormalities. This is the legacy of the decision of party chiefs—with their own children safely packed off to Moscow—to put off issuing iodine-replacement tablets until two weeks after the initial explosion.

In November 1990, the Children's Hematological Hospital had 51 leukemia patients in its beds; when I was there in January, the staff of that hospital was treating more than 200 children there or in two other clinics in the contaminated region. Those doctors, one of whom who's now studying bone marrow transplantation at Packard Children's Hospital at Stanford University in California, now see children with leukemia at ages two and three, much earlier than in the West, and in siblings, a virtually unknown occurrence elsewhere.

Experience with other nuclear releases—at Bikini Atoll, Hiroshima, Nagasaki, Hanford Reservation in Washington and the Nevada test sites—tells us that what we see now is just the very front edge of a huge and broad bell curve of medical problems to come. The first to suffer are the children, the throw-away generation of the last Soviet regime. Chernobyl has taught is that us that our world is small and undeniably connected. The Children of Chernobyl are our children and we cannot look away.

TRIBUTE TO NATHAN SMITH

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1994

Mr. McCOLLUM. Mr. Speaker, I would like to congratulate one of my constituents, Nathan Smith, who has recently retired with 30 years of distinguished service as a tennis pro in my district. During Nathan's career he was named the 1992 player of the year by the Florida Tennis Association and has been ranked nationally in doubles.

The achievements of Nathan's pupils and the good sportsmanship instilled in each of them over the past 30 years will carry past Nathan's retirement. During his career, Nathan has played a vital role in the lives of many people in the Winter Park area. Winter Park and central Florida have been made richer by the work and teaching of Nathan Smith.

I look forward to the service that Nathan will provide in the next chapter of his life and join with many of his friends in Winter Park to wish him well.

HAITI: THE POLICY MUST BE CHANGED

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1994

Mr. ENGEL. Mr. Speaker, last weekend, the world learned that Haitian soldiers massacred more than 20 fishermen and merchants in a town on the west coast of Haiti. Occurring in an area loyal to deposed Haitian President Jean-Bertrand Aristide, this brutal attack represented, in the words of one Aristide supporter, another effort to "decapitate the democratic movement in Haiti."

More than 2 years have passed since the Haitian military ousted President Jean-Bertrand Aristide from power, yet the despotic government of Gen. Raoul Cedras, which took his place, remains in power, free to commit one atrocity after another. Although the United States has placed some sanctions on the Haitian military regime, violations of the economic embargo are common. Indeed, the government has built up a large supply of oil and other goods.

The thousands of Haitians who attempted to escape Haiti immediately after the coup are evidence of the repression which has overrun that country since the ouster of President Aristide. Unfortunately, under a policy established by President Bush and continued by the current administration, Haitian's escaping their country's violence are intercepted by Coast Guard cutters patrolling the waters off the Haitian coast, denied the opportunity to claim asylum in the United States, and sailed back to Haiti. This immoral policy represents a breach of our country's legal obligations under domestic and international law.

In order to reverse this policy and to press the Haitian regime to permit the return of President Aristide, I have cosponsored H.R. 4114, the Governors Island Reinforcement Act of 1994. This bill, introduced by members of the Congressional Black Caucus, represents the best hope to correct the course of America's foundering foreign policy toward Haiti. If passed, the bill would halt the interdiction and summary repatriation of Haitian refugees and would end the use of United States Naval and Coast Guard vessels to lock Haitians in General Cedras' cage of human rights abuses.

The Governors Island Reinforcement Act would also tighten economic sanctions on Haiti and supporters of the coup. It would impose a complete trade and commercial embargo on Haiti, with exceptions for food and medicine, sever air links to Haiti, deny visas to members of the Haitian military and coup supporters, freeze assets of Haitian military officers, and impose sanctions on any country that violates these sanctions. Finally, to ensure that the economic sanctions are not violated through shipments across the Dominican Republic, the bill urges the President to create a multinational border patrol to halt proscribed commerce.

I am proud to note that my constituents are leading the charge against the brutal Haitian regime. The United Tenants of Mount Vernon, NY, are participating in a hunger-strike to urge our Government to change its policies. I offer my full support to their efforts and urge President Clinton to hear their voices of protest.

Mr. Speaker, in 1939, the Roosevelt administration returned to Germany a ship filled with Jews escaping Nazi Germany. Those people subsequently were sent to Hitler's death camps. With another 20 to 30 people killed by the Haitian regime last weekend, I am afraid that we are making that tragic mistake again. We must reverse this unjust policy. I strongly urge my colleagues to support H.R. 4114, the Governors Island Reinforcement Act of 1994.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 3, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 4

9:30 a.m.

Armed Services

Military Readiness and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on environmental programs and the implementation of the Base Closure Acts.

SR–232A

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Governmental Affairs

To hold hearings to examine the number of Federal courthouses under construction.

SD–342

Indian Affairs

To hold hearings on provisions of H.R. 6 and S. 1513, bills authorizing funds for programs of the Elementary and Secondary Education Act of 1965.

SR–485

10:00 a.m.

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold hearings to examine the effect of rising interest rates on the homebuilding industry.

SD–538

Commerce, Science, and Transportation

To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on telephone companies providing cable services.

SR–253

Finance

To hold hearings on S. 1579, to contain health care costs and improve access to health care through accountable health plans and managed competition.

SD–215

Foreign Relations

Business meeting, to consider pending nominations.

SD–419

2:00 p.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings on S. 1945, to authorize funds for fiscal year 1995 for certain maritime programs of the Department of Transportation.

SR–253

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings on United States policy toward China.

SD–419

4:00 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

MAY 5

9:30 a.m.

Rules and Administration

To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Title III, Subtitle B (Staffing, Administration, and Support Agencies), and Subtitle C (Abolishing the Joint Committees).

SR–301

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on classified programs.

S–407, Capitol

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Legal Services Corporation, and the Securities and Exchange Commission.

S–146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Transportation Safety Board, and the National Highway Traffic Safety Administration, Department of Transportation.

SD–138

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold hearings to examine management issues at the Department of Housing and Urban Development.

SD–538

Finance

To resume hearings to examine health care reform issues, focusing on health care at the end of life and implementation of advanced directives.

SD–215

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Labor and Human Resources

Education, Arts and Humanities Subcommittee

To resume hearings on S. 1513, authorizing funds for programs of the Elementary and Secondary Education Act of 1965.

SD–430

2:00 p.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the U.S. Senate.

SD–116

Armed Services

Nuclear Deterrence, Arms Control, and Defense Intelligence Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on long-range bomber programs and requirements.

SR–222

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 471, to establish a new area study process for proposed additions to the National Parks System, and S. 528, to provide for the transfer of certain United States Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana.

SD–366

Veterans' Affairs

To hold hearings on proposed legislation to finance veterans health care programs.

SR–418

Commission on Security and Cooperation in Europe

To hold hearings to examine the human rights situations in Serbian-controlled Kosovo, Sandzak and Vojvodina.

Room to be announced

4:00 p.m.

Armed Services

Coalition Defense and Reinforcing Forces Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on tactical aviation modernization programs.

SR–232A

MAY 6

9:30 a.m.

Governmental Affairs

To hold hearings to examine health care information management.

SD–342

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of Alan S. Blinder, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System, Steven M. Wallman, of Virginia, to be a Member of the Securities and Exchange Commission, and Philip N. Diehl, of Texas, to be Director of the Mint, Department of the Treasury.

SD–538

Veterans' Affairs

To hold oversight hearings to examine how military research may be hazardous to veterans' health, focusing on lessons from the Cold War and the Persian Gulf War.

SD–106

2:00 p.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Technology Assessment, and the Library of Congress.

SD–116

MAY 10

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on implementation of the Administration's Climate Change Action Plan and the Energy Policy Act of 1992.

SD–366

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Commodity Futures Trading Commission, the Farm Credit Administraion, and the Food and Drug Administration, Department of Health and Human Services.

SD–138

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on the potential role of Federal reclamation projects in meeting the water supply needs of the Colonias in Texas.

SD–366

MAY 11

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Park Service, Department of the Interior.

S–128, Capitol

MAY 12

9:00 a.m.

Office of Technology Assesment

Board meeting, to consider pending business.

EF–100, Capitol

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on long-distance services.
SR-253

Energy and Natural Resources
To hold hearings on the Environmental Protection Agency's proposed renewable oxygenate standard.
SD-366

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Federal Election Commission.
SR-301

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.
SD-106

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1549, to revise the Act establishing Golden Gate National Recreation Area to provide for the management of the Presidio by the Secretary of the Interior, and S. 1639, to provide for the management of the portions of the Presidio under the jurisdiction of the Secretary of the Interior.
SD-366

MAY 13

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on the global land mines crisis.
SH-216

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education.
SD-192

MAY 17

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on the Pacific Rim, NATO, and peacekeeping programs.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs.
SD-138

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the earthquake disaster program.
SR-253

MAY 18

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1350, to revise the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.
SR-253

MAY 19

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.
SD-106

MAY 20

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veteran's Affairs and Housing and Urban Development, and independent agencies.
SD-138

MAY 24

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on export promotion.
SD-138

MAY 25

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.
S-128, Capitol

MAY 26

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine policy options for the disposition of excess weapons plutonium.
SD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.
SD-106

JUNE 8

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.
S-128, Capitol

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

JUNE 9

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To continue hearings on water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

JULY 19

10:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense.
SD-192

CANCELLATIONS

MAY 3

9:30 a.m.
Armed Services
Force Requirements and Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on Reserve component manpower, personnel, and compensation issues.
SD-106

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to review the implementation of the Central Valley Project Improvement Act (Title 34 of P.L. 102-575) and the coordination of the program with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.
SD-366

POSTPONEMENTS

MAY 3

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on defense conversion programs.
SD-192

SENATE—*Tuesday, May 3, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will be led in prayer by the Reverend Richard C. Halverson, Jr.

Mr. Halverson, please.

PRAYER

The Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

As we go to prayer, I would like to remember my father, the Chaplain of the Senate, in prayer, and wish that You would bless him.

Let us pray:

Almighty God, as it is written, Thou hast "made of one blood all nations of men * * * to dwell on the face of the earth." And Thou hast determined that we should seek Thee that we might find Thee.

Inasmuch as Thy Word declares that Thou "be not far from every one of us" and that, in Thee, "we live and move and have our being," we pray that Thou wouldst reveal Thyself to us, not so much in the spectacular realm of heavenly visions, as in the common, ordinary circumstances of life.—Acts 17:26–28.

Let those experiencing a wilderness of unfulfillment, in the midst of plenty, find manna in their hunger for more. Cause the pain of broken promises and relationships we endure to be changed into the birth pangs of new life. And make even the path that some have determined to take away from Thee to become a road to Damascus.

We ask this in the name of Jesus Christ who pointed the way to Thee, not by leaping down from the temple's pinnacle to be rescued by angels before astonished crowds, but by being lifted up in suffering and death on the cross. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. The Senate will be in order.

Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Also under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The first hour of morning business will be under the control of the Senator from Georgia [Mr. COVERDELL] or his designee.

Mr. COVERDELL. Thank you, Mr. President.

The PRESIDENT pro tempore. Mr. COVERDELL is recognized to control the first hour.

HEALTH CARE REFORM

Mr. COVERDELL. Mr. President, 1 week ago today, this past Tuesday, basically because of the events surrounding the loss of our former President, Richard Nixon—a moment, I might say, that caused pause for the Nation to reflect on the half century of dominance by the former President on the national stage, and as we might expect when something of that occurs, all else seems to pale from the scene. But a little noted event of significant import did occur this past Tuesday. That was the announcement to the Nation on the part of the U.S. Chamber of Commerce on the ongoing dialog with regard to health care and health care reform in our Nation.

There are 220,000 members, large and small businesses of the U.S. Chamber, a rather significant and prominent group in our Nation, and they have been in the business for the last several months of surveying their membership with regard to their attitudes and views on multiple proposals for health care.

It is very interesting because the survey was most elaborate. It was not the questions or the several pages that you had to spend considerable time on, Mr. President, to determine exactly how you might respond. What is so terribly interesting about it is that the response was the largest in the history of the U.S. Chamber of Commerce. Never before have so many responded. Over a quarter of the members of the 220,000 took the time to prepare this elaborate document and send it in.

At the outset, that is encouraging for me because it indicates that citizens and businesses are paying attention. There are lots of pieces of legislation that come through this august Chamber that, I might say, not every American is alert to or quite attuned to what the results will be. But if there ever was a proposal for which everyone in the country ought to be attentive, it is the President's proposal for health care reform.

So the fact that the largest number in the history of the Chamber responded ought to be encouraging to everyone. I am finding that in general, as I travel across our State of Georgia and the country, that people are with increasing intensity beginning to focus on the magnitude of this proposal. I think they are beginning to understand that it will have, if adopted, a massive impact on every citizen, every family, every business, and every community leader.

For quite some period of time, I have argued that the focus of our reform ought to be targeted, that essentially some 80 percent of our fellow citizens are reasonably well served by the current health system, and that some 20 percent or less of our citizens are having some difficulty with the medical system. Some of those difficulties are significant, some less so. But it is important to note that about 80 percent, 8 out of 10 Americans, are satisfied to very satisfied with what is happening.

The reason I mention those figures is that to me the data that came from this important survey is multiple and corroborative, I think. It asks the Chamber members' views on proposed health care concepts. They call it "plan." But essentially they are concepts, Mr. President, and the first one was: Is it acceptable or unacceptable to focus on enhancing the current system? That is the point I was just making, that if you have 8 out of 10 Americans reasonably well served and 2 out of 10 not so well served, do you cash in the whole program, or do you focus on the issues that are troubling the 2 out of 10?

On enhancement of the current system, Mr. President, 84 percent of those who responded—that was 40,000-plus—said that was the acceptable way to proceed; 12.3 percent found that to be unacceptable. It goes through expanding low-income coverage, and that is a draw—45 percent think that it is, and 43 percent think it is not.

Mandated employer coverage, total disagreement: 23 percent acceptable, 71 not.

Mandated individual coverage: 39 percent acceptable, but 52 percent not.

It starts to get in the debate area. But undebatable, Mr. President, is the concept "Government-run system."

Should we move in this country to a system managed by the Government, like the Postal Department? Acceptable: 7.7 percent. Unacceptable: 87 plus percent.

This is not just a smattering, or an isolated opinion. This is coming from big and small entrepreneurs from every State of our Union.

The salient fact and, finally, Mr. President, is that 84 percent are focused on taking what we have, recognizing that it is a good system, and making it better. They are calling on us to make this system better. And only 7 percent—hardly a handful—would opt for turning this massive, private, personal service over to an ever-expanded Government, with 87 percent totally rejecting that concept.

Mr. President, I think these findings are significant, both in number and size and diversity, and coming from all across the Nation. And the magnitude of the statement, which also corresponds, ironically, with just about a split in the Nation that are being well served or unserved. But this is a very significant finding, and it was rather unnoticed. As we move into this year of significant debate on the question of health care reform, I feel that these findings need to be at the center of our discussions.

Mr. President, having opened with that statement with regard to the U.S. Chamber poll, I yield 5 minutes of my time to the distinguished Senator from Utah [Mr. BENNETT].

The PRESIDENT pro tempore. The Senator from Utah is recognized for 5 minutes.

HEALTH CARE

Mr. BENNETT. Mr. President, I thank my colleague from Georgia for his courtesy and his leadership in helping us organize the dialog on this issue that has proved to be so vexing as the Congress addresses the challenge of health care.

I give full credit to the President of the United States for his having raised the issue and putting it high on the agenda. There is no question that it is a problem in our country. I disagree with those who say there is no crisis in health care because no one is dying because they cannot get to a hospital. That is a very limited definition of "crisis," in my view.

We have people who are locked in jobs that they do not like because they are afraid they would lose their health coverage if they leave. We have people who cannot get the kind of insurance that they need because of preexisting conditions. We have financial hardship of great degree because of the inability of our present system to meet every circumstance.

Taken together, all of these problems create, for me, a sufficient difficulty as to be considered a crisis. So I do not join with those who attack the President for even raising the issue, and I give the President the full credit for the leadership he has exercised.

At the same time, Mr. President, I want to point out the magnitude of the task the President has assumed. We are talking here about an activity that consumes one-seventh of our total economy, a number approaching a trillion dollars worth of economic activity every year. On the face of it, does it seem logical that the Congress can fix all of the problems in a trillion dollars' worth of economic activity with a single bill, in a single year? I think not.

I think the situation is so serious, the circumstances so overreaching throughout the economy, that we should move with great caution to turn the whole present system on its head. Or, just as I said earlier, though there may be a crisis, there is not an emergency. Some people may say these are semantic differences. But the fact is that the present system is indeed, for all of is problems and difficulties, taking care of the health care needs, according to the surveys, of somewhere between 70, 80, maybe even 85 percent of our citizens. Do we want to jeopardize the health care that is being delivered satisfactorily to over 80 percent of our citizens with hasty action that is ill-considered, that would lead us in the direction, we would hope, of taking care of the rest? The problem is we may end up jeopardizing health care for everyone if we do it in too slipshod and too hasty a fashion.

These are my objections to the President's proposal.

No. 1, it assumes that the whole system can be solved with a single bill in a single Congress. I have addressed that.

No. 2, it is based on assumptions that are now 2, maybe even 3 years old. In some industries, that would be fine, but in the health care circumstance, the way we deliver medicine and health care in this country is changing so rapidly, that a 3-year-old knowledge base on which to build legislation is already obsolete. Medical procedures that were ordinary 3 years ago have been rendered obsolete by new discoveries, and costs have come down that render the old cost trends and predictions illogical and improper. Yet, all of the assumptions that went into the creation of the President's plan are locked in place as of the time that task force first met.

Finally, there is no acceptance in the President's plan of the power of market forces. Many people say: Well, you cannot deal with market forces in health care because people do not make market-type decisions when they are sick.

That is true to a certain extent. But one of the factors that must be included in any such discussion is the inevitability of market forces on any economic circumstance.

We have sayings engraved around this Chamber. With the help of the President pro tempore, I finally deciphered all four of them. I give each one my full support.

What I am about to say may not be as profound as the ones that are here, but this, too, is a truth I wish we had engraved in stone somewhere, which is: "Governments cannot repeal the law of supply and demand." Yet we try. Over and over again, we try to repeal the law of supply and demand by governmental decree.

Many of the things that are in the President's bill would fall under this particular challenge, attempting to repeal market forces by Government decree and producing, as governments always do when they make this attempt, economic dislocations which fall to the disadvantage of our citizens.

So, Mr. President, while I give the President full credit for his leadership in getting this issue where it belongs, at the top of the agenda, I ask him and those who support him to step back and take a look at the size of the task that has been undertaken and to realize that it is more important, given the size of this challenge, that we do it right than that we do it all at once.

Therefore, at the appropriate time, I intend, with such allies as I might be able to recruit, to offer legislation that would attack this problem in a logical, piecemeal kind of fashion instead of attempting to swallow the whole elephant all at once.

We can do this without attacking the President's motives. We can do this while giving the President the full credit that he deserves. But the size of the problem requires that we take this kind of careful approach. If we do not, we run the risk, as I say, of jeopardizing health care not only for all of those who already have it but, ironically, for those to whom the President is trying to extend it, because, if we upset the whole system in too hasty action, everyone is damaged thereby.

Therefore, Mr. President, I ask this body to adopt this sense of judicious care in approaching this problem and hope that we can understand just how serious the implications will be if we act in too precipitous a fashion.

I thank the Chair.

Mr. COVERDELL. I thank the Senator from Utah.

The PRESIDENT pro tempore. The Senator from Georgia [Mr. COVERDELL] is recognized.

Mr. COVERDELL. Mr. President, the Senator from Utah is a distinguished business person in his own right and is one of those fresh faces that has actually been involved with Main Street America, and I appreciate very much his taking time to come and share his views on this very important subject of health care reform, which is here this morning.

As I said a moment ago, Mr. President, we have now had findings from the U.S. Chamber of Commerce which were revealed last week that are very telling. One of the points I did not make a moment ago was the fact that the data that the U.S. Chamber has now presented is not so much startling as it is corroborating. The findings that they have put forward fall right in line with everything we have been seeing over the last month with regard to public attitudes about the manner in which we should approach health care reform.

It almost always breaks as the numbers that the chamber brought forward indicate. Just the week before a CNN-USA Gallup Poll showed that the general citizens, not business people in particular, but just the general citizenry also felt overwhelmingly that we should begin to focus on targeted reform and that we should not destabilize perhaps the most innovative, creative medical system in the history of the world but improve it.

But coming back to the U.S. Chamber, I think one of the reasons you get such an overwhelming response from business people across the country is their attitudes about employees. I think anyone who has ever worked in a business or run a business realizes that the greatest asset of any business is its people.

After visiting with business people for the last year and talking about the subject, I am fearful that policymakers from Washington are getting perilously close to taking what has always been perceived as the Nation's greatest asset, its employees, and turning them into liabilities, changing the entire equation by which employers of companies look across the table at a potential employee.

Instead of seeing the energy and the creativity and the asset of energy and contribution, they are beginning to tally up with their computer what the cost and liabilities are of bringing a new person into the company. This is a bad, bad thing for our country.

I want to share, Mr. President, some information with regard to the effects of Government management of medicine on jobs. A number of organizations have estimated job effects of the President's health care proposal. For example, a February 1994 CBO report states:

> Taking together all the provisions that might increase or reduce participation in the labor force, CBO estimates that eventually between one-quarter of 1 percent of the labor force might prefer to stay home if the proposal was enacted.

What does that mean? We use so many numbers up here that we get lost in it. But what that statement means is that between 300,000 and 1.2 million people will not be working if the plan is enacted.

Back to my comment about sitting across the table. That means the employer, looking across the table at a potential employee, says to himself or herself, "If that person goes to work here, I have this much more burden to deal with, this much more overhead, this much more liability, and I choose not to do that."

I would not want to be a recent graduate filling out that application, looking for a job, if we continue to impose these kinds of obligations on the business of commerce in America.

You know these just read like numbers—300,000 people. We forget those are 300,000 individuals who live in over 300,000 families, all of whom are dependent in one way or another on the person getting a job.

Of all the things that we can do, we ought to be in the business of making it easier to get a job. A job is the core of personal dignity and worth. A job is what allows a person to seek and pursue his or her growth, to protect and preserve their family, to educate their family, and, I might add, to provide for the health of their family. Any time we do or take actions here that means someone cannot get a job, we should pause—300,000 to 1.2 million.

That is not all. CBO goes on, and it says: "Overall the proposal would probably impose greater employment-related distortions than it removed." Distortions—that means the business that goes on across the table between the potential employer and the potential employee.

> Competition among employers for the reduced labor supply would slightly raise real wage rates, but the effect of a rise in wages would not completely offset the direct effect of the President's proposal. The administration's proposal would bring about a major change in the nature of health care costs for many workers. The cost would operate like a new levy on work. The proposal would create an implicit levy on work because it would make health coverage universal without charging many nonworkers for the full cost of their insurance.

That means that those people working are having to pay for those who are not—a transfer of the result of labor from the person who conducts the labor to somebody who does not. That means levy, burden, waste.

> The premium would simply reduce take-home pay from the point of view of the individual worker buying anything.

According to the President's own Council of Economic Advisers in their 1994 report, it is estimated that about 350,000 to 600,000 additional people will be retired—that is not being able to get a job, that is retired—as a result of the provisions of the Health Security Act.

"Retired." That is an unusual word. What does that mean? That means let go, terminated, fired, unemployed, without the job, without the dignity that the job provides, without the resources to care for and nurture one's own family and self; lose a job.

The Employment Policy Institute issued a September, 1993 report concluding that up to 3.1 million jobs could be lost if the President's plans were in effect—828,000 jobs would be lost in the restaurant trade alone; 726,000 jobs would be lost in the retail trade alone; 194,000 jobs would be lost in agriculture. The construction industry, repair services, personal services, and private household services would also suffer disproportionate job loss.

But while we are creating this new Federal bureaucracy, I guess we can take some comfort—or some can, I do not—that, according to the Multinational Business Services, the administration's health care proposal will require nearly 100,000 new bureaucrats. So we are trading off hundreds of thousands of private sector jobs in exchange for 100,000 new Government jobs whose salaries will cost $3.9 billion—$3.9 billion.

Mr. President, this is not a good trade.

Mr. President, I yield to the distinguished Senator from Montana [Mr. BURNS].

How much time does the Senator require?

Mr. BURNS. Five minutes.

Mr. COVERDELL. I yield 5 minutes of my time to the Senator from Montana.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BURNS] is recognized for 5 minutes.

HEALTH CARE

Mr. BURNS. I thank my friend from Georgia and I thank the Chair, and the chairman of the committee I serve on.

Mr. President, I just got back from Montana, and, of course, health care is probably the No. 1 topic we are asked about in our town meetings. Going around in the State of Montana, record crowds turn out to visit about the issues of Government. Some are saying, "Government, get on out of my life." Others are saying, "What about health care? Where is it going? What is it going to lead to, and here is our concern."

I do not think anybody was really surprised at the last survey taken by the U.S. Chamber of Commerce. The 40,000 of their members nationwide are still further proof of what we have been saying all along, that, yes, the Clinton plan, or the one submitted by the administration, is pretty much unacceptable, but the status quo is also unacceptable. So we know that we are in for some change. We have to seek those places that we can find agreement and compromise on and get on with living.

If you live on the border of Canada, which has a single-payer, Government-run system, you will soon understand why that plan is not exactly working for all people in Canada. Yes, they have universal coverage. What they do not have is universal access. We have universal access, but we do not have universal coverage. So somewhere in the middle there, we have to find some way to make ours work just a little bit better.

If you drive into Billings, MT, which has a very active medical corridor, with two of the top hospitals there in the northwest and the northern high plains, you will find just about one out of every five license plates from Canada, receiving their elective surgery and their medical care here in this country. Which tells me that, yes, we have the highest quality of health care there is in the world today. People come here for our health care services. You do not see long lines of Americans going somewhere else.

The survey showed that anywhere from 77 percent to 90 percent of those responding believe that we should build on the system that we currently have. In my State of Montana, the figure was 88 percent. That is an overwhelming majority.

And listen to this. Ninety percent of the Montanans who answered the questionnaire of the U.S. Chamber of Commerce felt that the Government-run health care system is completely unacceptable. Now I do not know about the rest of my colleagues, but these numbers speak volumes in my book. And the numbers across the States are awfully similar.

The study indicates that members want incremental reform. It does not mean that we should not be avoiding some very serious problems that we have from the industry, but yet I think we could solve some of those problems.

Getting started is what I would call incremental reform that can actually prove to be monumental. We congratulate the President for stepping into the batter's box and stepping up to the plate. But now let us find those places where we can agree.

The insurance companies have indicated to us that they are ready to come to the table and start solving some problems called preexisting conditions. If a national pool has to be established for catastrophic ailments that befall some people, then let us do that. But if we take care of preexisting conditions, we do a lot as far as portability, taking care of that problem, runouts, and also job lock; in other words, people locked into jobs, but they are afraid to change jobs because they think they will lose their health care.

Making those incremental changes is not an easy task and it is not an easy way out. But it will take the steps that we need to do in a responsible fashion, making the change in our current system that it so desperately needs, yet it does not destroy the system.

We have to always remember, we have to build on the system that we have now. I think we need to pay serious attention to those States that border on Canada, because up in my part of the country on the high line, we can hear Canadian radio stations, when you get up in the morning, as an official part of the stations, just like a traffic report or school closing or school openings, they will say such-and-such hospital will not take new patients today or tomorrow because they have a money problem of trying to reach to the end of their current fiscal year. So, if you are to get caught in those times, we cannot get sick tomorrow or the next day because the hospital is not taking any more new clients, so to speak. So we hear that. I do not want to get locked into a situation where we are operating under the same kind of system.

So, let us do the right thing. Let us do the right thing and go incrementally, find those issues we can agree on, and do what the American people want us to do. That is to pass some kind of reform this year.

I thank the Chair and I yield the floor.

Mr. COVERDELL. Mr. President, how much time is remaining?

The PRESIDENT pro tempore. The Senator has 23 minutes and 15 seconds remaining.

Mr. COVERDELL. Mr. President, I yield 15 minutes to the distinguished Senator from Texas.

The PRESIDENT pro tempore. The Senator from Texas [Mr. GRAMM], is recognized for 15 minutes.

HEALTH CARE

Mr. GRAMM. Mr. President, I thank our dear colleague from Georgia for yielding.

There are a lot of elements that you can talk about in health care. I would like, today, to try to focus on the issue of the role of Government in the President's health care reform proposal. And I would like to focus on the issue of freedom.

It is a very interesting phenomenon to me that the debate on health care is now moving to its most important issue. I rejoice in that fact. I think it is important that everybody engaged in the debate start to move in that direction.

I think one can make many criticisms of our President, but no one can claim that the President is not smart. If you look at the President's health care plan, the Congressional Budget Office in its February 1994 study entitled "An Analysis of the Administration's Health Proposal" has concluded that within 2 years, starting from nothing, if we adopt the President's health care plan it would become, in 2 years, the largest single program in the Federal budget.

I remind those who are listening, this is not PHIL GRAMM, Senator from Texas, talking. This is the Congressional Budget Office which is run by a director who is, in essence, appointed by the Democratic chairman of the Budget Committee in the Senate, and the Democratic chairman of the Budget Committee in the House.

This director of the Congressional Budget Office, which does the budget analyses for Congress and sets the parameters under which we legislate, in looking at the President's health care proposal, has concluded that within 2 years of its creation, the President's plan would be larger than Social Security, larger than Medicare, larger than defense, and in 10 years, if everything worked exactly as the President says it would work—if the Government could really run the health care system, if wage and price controls worked, something that they have never done in 5,000 years of recorded history—still, under ideal circumstances in a world as envisioned by our President, his new health care plan according to CBO will cost $750 billion a year.

Nobody but Ross Perot knows what a billion dollars is, but let me set $750 billion in perspective. That is over half of the current Federal budget, that we will spend in 1 year in funding the President's new health care plan.

You might ask why are we not debating how we are going to fund this? When you read through this great big, thick plan of the President's, when you get down to the bottom line, he says we can fund this $513 billion a year cost now—$750 billion a year 10 years from now—with the savings from the efficiency and economy that he says will come from the Government taking over and running the health care system. Who says there is nothing humorous about this debate?

You would think we would be debating whether or not this plan would bankrupt the Government or force rationing and destroy the greatest medical care system in the history of the world, but we are not. The reason we are not is because the President understands that Congress is not going to reject his plan because it bankrupts the country. In little installments, the Congress does that almost every day.

Second, you might think the debate would be focused on jobs. The President's health care plan imposes a 7.9-percent effective payroll tax, a 1.6-percent salary tax on working people, thus raising the cost of job creation by 9.5 percent. Even the President's own numbers show 700,000 Americans losing their jobs. Most outside groups estimate that 2 million people will lose their jobs, tens of thousands of small businesses will be driven out of business, because of this increase of almost 10 percent in the cost of creating jobs. The bottom rung of the economic ladder would be sawed off, as the cost of creating new jobs would go up. You might think the debate on health care would be about jobs, but the President knows that we are not going to reject his health care plan because it puts people out of work, because many of the things the majority in Congress does every day puts people out of work.

The President knows that the silver bullet issue is not bankrupting the country, not putting people out of work—the silver bullet issue is freedom. The President knows with certainty that if the American people believe that his plan takes away from them private medicine, private insurance, the right to choose their own health plan, that his plan is dead.

In light of that, what we have seen, especially in the last few weeks, is that the President has gone to great lengths to try to convince people that his plan is not a Government plan. I will just read from his speech on Monday. He says, "When we [meaning the administration] try to fix it [meaning the health care system], what do our adversaries say?"

And then he goes on to quote his adversaries, people like me.

"'They are trying to have the Government take over the health care system.' False," he says.

In other words, the President is saying that those who oppose his plan claim that it would result in the Government taking over the health care system. He says that is not true.

He then goes on and says it is not true again, because the President knows if you repeat something long enough people are going to start believing you. "That is our plan, hardly a Government takeover of health care," he says.

If there is one thing I have learned, it is that it does not do you a lot of good to get into a shouting match with someone who has a bigger megaphone than you do. So what I want to do is let Democrats and the people they appoint to study these issues debate themselves. I have gone through this book put together by the Congressional Budget Office, which is controlled by Democrats and which is the official budgeting arm of Congress, so when the President's bill comes to the floor of the Senate, what its February 1994 analyses says—not what the President says—will dominate our debate.

Is the President's plan a private system built on private insurance and consumer choice, as the President says? That is the million dollar question. Let us look at what the Congressional Budget Office says. The Congressional Budget Office says, on page 47 of its study, "On balance, the new program"—which is the President's program—"seems to represent an activity of the federal government that relies on the exercise of sovereign power," on the power of the Government to mandate, to force, and to coerce—that is what sovereign power is.

On page 49, the Congressional Budget Office says, "Although CBO's analysis has concluded that the health alliances"—that is the foundation of the President's plan, that is where you are forced against your will to buy health insurance and health care—"health alliances would be more like federal agencies than like state or private agencies, it has also found that the Administration's proposal would be unique in its form, shape, scope, and complexity." That is on page 49. That is not me talking. That is the official budget analyses arm of the U.S. Congress.

On page 47, "Although the states and the alliances would have important roles and responsibilities, they would be acting largely as agents of the federal government." This is a plan the President says is not a Government plan. But the Congressional Budget Office says that these alliances—and notice the President has gone through several iterations of what to call these things, first it was: "Health care purchasing cooperatives." Then they did polling and the polls found people did not like that term, so then they started to use the word "alliances." But no matter what you call it, the Congressional Budget Office says they are going to be "acting largely as agents of the Federal Government."

On page 49, "The flow of premiums and spending into and out of the alliances would dwarf the income and outgo of Social Security" —this is a modest program, the President says—"which is currently the largest Federal program."

On page 49, "The complexity of the structure would be unprecedented."

Finally on page 44, "The Congressional Budget Office concludes that it"—the administration's plan—"establishes both a Federal entitlement to health benefits and a mandatory payment to finance those benefits."

I ask the Senator to yield me 4 additional minutes.

Mr. COVERDELL. Mr. President, I yield 4 minutes to the Senator from Texas.

The PRESIDENT pro tempore. The Senator from Texas [Mr. GRAMM], is recognized for 4 additional minutes.

Mr. GRAMM. Mr. President, the reason I want to point these things out is not that I want to say the President is not leveling with the American people. That is not a very productive debate. But let me tell you the problem.

When this bill comes to the floor of the Senate—and when we are dealing not in beautiful rhetoric but in reality—the first amendment I am going to offer will say that no American will have any health insurance that they want to keep canceled by this bill and that no one will be forced against their will to buy health insurance or health care through any mandatory agency.

My guess is that that amendment will be adopted. If you listen to what the President is saying, you would say, what difference would that amendment make? It would not make much difference to the President's rhetoric, but it kills his health care plan because the President's health care plan is very clear. His rhetoric may not be clear, but the plan is very clear. If you work for the Federal Government, you are exempt. So the Congress will be exempt, and everybody who works for the Federal Government, under the President's plan, will be privileged—that is until I offer my second amendment which will require that everyone has to be included in the President's plan.

But under this plan as it now stands, if you work for the Federal Government, you are exempt. Now, if you work for a company with 5,000 or more employees, it can buy you out of the Government plan by paying 1 percent of its payroll to the Government. But if you are anybody else working in the American economy, your health insurance is going to be canceled, and you are going to have to buy health care through a Government-run cooperative that, according to the Congressional Budget Office and according to the President's own bill, is run by the Federal Government, controlled by a seven-member board.

An incredible thing about the President's plan is, despite all his efforts to convince people otherwise, the fact is that this plan cancels private health insurance, limits freedom and, in one of the most incredible positions taken in the bill, imposes $10,000 in fines on anyone selling private insurance—this is something that I have raised on many occasions, generally having supporters of the President's plan deny the existence of such a provision until I finally learned to carry a copy of the page around in my pocket. To show you how alien the President's plan is to consumer freedom, look at how the plan addresses the question of whether or not, once you have been forced to buy health insurance through these Government-purchasing cooperatives, you could still go out and buy private health insurance to cover your family should you desire to do so. You can do that in Britain, even though we call their system socialized medicine. People there who make enough money normally have to pay for the Government program but if they do not want to use it for their loved ones, they may go out and buy private health insurance to escape the Government program.

But listen to what the President's plan says about that choice: "Civil monetary penalty"—this is on page 241—"an entity"—that would be a business or a person—"that knowingly and willfully violates any provision of this section with respect to offering a supplemental health insurance policy to any individual shall be subject to a civil monetary penalty not to exceed $10,000 for each such violation."

What does that mean? What that means is that if you do not work for the Government and you do not work for a company with 5,000 or more employees, your health insurance is canceled and you have to buy health care through a Government-run cooperative.

Am I out of time, Mr. President? May I have 1 more minute?

Mr. COVERDELL. Mr. President, I yield 1½ minutes to the Senator from Texas.

The PRESIDENT pro tempore. The Senator from Texas is recognized for 1½ more minutes.

Mr. GRAMM. So, Mr. President, again, what it means is that if you do not work for the Government and you do not work for a company of 5,000 or more employees, your health insurance will be canceled, you will have to buy health care through a Government-run collective and if you even had enough money left to be able to buy private health insurance for your family because you did not like the care they were getting through the Government, then anybody who tried to sell you that policy would be fined $10,000.

The President says his plan is based on choice and private insurance.

I want to conclude by posing several questions.

No. 1: Under the President's plan, if you work for a company in Mexia, TX, with 10 employees and for example you have a good Blue Cross/Blue Shield policy—which you do if you work for Flatt Printing Co. in Mexia—if you like your plan, can you keep it? The answer is no, it is canceled and you have to buy your health care through a Government-run collective, probably out of Austin.

No. 2: After you get into the Government plan, and you are unhappy with it, you do not like the care, can you get out of it and take your money? No. Unless you die, you have to pay the Government your money.

Finally, if you want to get out and you are willing to leave your money, can you buy private health insurance? The answer is no.

I thank the Chair for his indulgence.

The PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. COVERDELL. I thank the Senator from Texas for his remarks with regard to health care reform.

How much time is remaining, Mr. President?

The PRESIDENT pro tempore. The Senator has 6½ minutes.

Mr. COVERDELL. Mr. President, I want to briefly refer to the daily reports that are now being issued from the White House. I think that if we had truth in advertising that applied to Washington, sometimes I think we would come to a standstill. These documents are coming on a daily basis. I think it is incumbent upon all of us to be very attentive to these documents to certify their accuracy.

Just to allude to several comments, the President's approach will give choice back to the people, not insurance companies. This is White House health care reform today, March 3, 1994. We just heard that statement misses the mark by a rather broad distance. Give choice back to the people. What we are talking about, as has just been discussed by the Senator from Texas, is that we are taking choice from the people and giving it to the Government. We are not giving choice back to the people.

We are talking about freedom, more Government management, what benefits you can and cannot have would be decided by the Government, not the people: Who could go to the medical practitioner or not; who is too old or too young. That would not be decided by you, that would be decided by somebody in the Government. And yet this says "Give choice back to the people."

Mr. President, on March 24, 1994: Outlawing unfair insurance practices. Let us get after those bad insurance people for the unfair practice of charging older people more than younger people.

What in the world are they talking about? Has anybody in our country ever been confused by the fact that as you get older, your insurance costs are more? Life insurance or health insurance or accident insurance, it is always more. Younger people do not get sick as much as older people. Everybody in their right mind now is looking at a chart that shows the rates that advance with our age and the perils that come with age. But that is characterized here as an unfair and outrageous insurance practice.

On March 23, 1994, with a health security card, Americans will be able to follow their doctor to any plan they choose, a plan where an individual can see any doctor in their community. They call this fee-for-service plan.

It leaves out the fact that, A, the plan may eliminate fee for service if the alliance chose to do so, which would mean there is no choice of doctor. It leaves out the fact that if anybody tried to engage in fee for service, they would be charged an exorbitant additional charge for doing that—punished, punished for that choice of selecting one's own doctor.

Mr. President, this is going to be a very difficult debate, but every attempt by all of us, including the President, should be to discuss this not in the anecdotal but to do this in fairness and to describe what you are proposing correctly—correctly.

I admire the Senator from Texas pointing to the Congressional Budget Office, pointing to people who analyze these documents and give us truth about what is and is not being proposed.

Now, Mr. President, in closing, let me just say—and I believe very much this is true—I believe the decision we are about to make on health care reform in this country is as important a decision as we will make in this quarter century. It will affect every citizen, every family, every business, and every community.

As the Senator from Utah said, it is better to be right than in a hurry. Everybody admits that there are improvements which can be found in health care in America, but we ought to improve the system that has given us every major medical breakthrough in the last quarter century. It was found right here in the good old United States. What no one thought possible even 5 years ago is now readily available. We have been engaged in the practice of making the uncommon common, the incurable curable, not only for our own country but around the world. Any look at any Government system—and I have seen them all, Mr. President; as Director of the Peace Corps, I went all over the world—Government-run medicine is not a pretty picture. We should not exchange innovation, creativity, high capacity for mediocrity. We should be right. We should follow the first axiom that a doctor learns: First do no harm.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The time under the control of the Senator from Georgia has expired.

Under the previous order, the hour beginning at this moment shall be under the control of the Senator from South Dakota [Mr. DASCHLE] or his designee.

Mr. DASCHLE.

Mr. DASCHLE. Mr. President, I thank the Chair.

REREFERRAL OF NOMINATION

Mr. DASCHLE. Mr. President, as if in executive session, I ask unanimous consent that the nomination of Jere Glover to be Chief Counsel for Advocacy, Small Business Administration, Executive Calendar 831, be referred back to the Committee on Small Business, at the request of the chairman.

The PRESIDENT pro tempore. Is there objection? Hearing no objection, the request of the Senator from South Dakota is granted.

HEALTH CARE REFORM

Mr. DASCHLE. Mr. President, I did not have the opportunity to listen to all of the remarks made by those who have preceded me in the Chamber this morning. I did hear the comments made by the Senator from Georgia just now, and I certainly share his view that the decisions we make on health care this year will be the most important, will be perhaps the most critical we will make in this Congress, perhaps this decade, just possibly in the careers of those who serve here today.

I disagree strongly with some of the characterizations made by the Senators from Texas and Georgia with regard to the plan proposed by the administration. It is clearly a difficult and complex issue, and it is easy to see why the American people can be confused with the allegations and the charges made with regard to the implications of the President's plan. Once again I heard a couple of those this morning.

Reference was made to heavy fines imposed upon those who are not participating within the system, that fraudulently violate some of the tenets, some of the principles laid out in this particular bill.

We have been told on numerous occasions, Mr. President, that fraud is a very serious problem in health care today. It may be responsible for $70 billion in the costs incurred by Americans as we pay for health care. In an effort to deal as directly and as successfully with fraud as we possibly can, fines are going to be imposed upon those who fraudulently abuse the system. That is what we are talking about here—fines imposed upon those who fraudulently and in some cases criminally and very detrimentally affect the well-being, the welfare of our health system and the people it serves.

Reference was also made to choice. There are a lot of accusations about whether we improve or diminish the availability of choice for all Americans as they consider their options in health reform. But one does not have to take the word of the advocates of the Clinton health bill as we look at whether choice is enhanced or not. One only has to look at the independent analysis that has been done by the Congressional Budget Office cited by the Senator from Texas, by a number of other analysts both in and out of Government with regard to what this bill does for choice.

Ask those today who have a preexisting condition how much choice they have. Ask those who are locked into a place of employment because their employer only provides them one plan how much choice they have. Ask those who are paying thousands and thousands of extra dollars every year because it is the only plan they are entitled to how much choice they have.

Millions of Americans, Mr. President, have no choice whatsoever. And in an effort to give them more choice, to give them a vehicle with which they can pool their resources to maximize choice, just as Members of Congress have today, this plan addresses the needs that they have for amplifying choice and providing more opportunities to get that plan, to acquire that plan which makes the most sense for themselves and their families.

So let there be no doubt choice is dramatically improved as a result of the health reform proposal made by the administration and, frankly, some of the other plans that are before us right now.

It is an important decision, and perhaps it is upon that agreement that we can go forth with the expectation that at some point this year this Congress will pass a comprehensive health care reform bill.

SHARED EMPLOYER RESPONSIBILITY

The opponents of the President's Health Security Act have recently seized upon a Chamber of Commerce survey of its members to trumpet the small business community's opposition to the proposition that businesses be asked to share the cost of their workers' health insurance premiums.

I have no doubt that this survey provides some measurement of the business community's concern regarding health care reform. It is understandable because change is often frightening and this change will affect every American. But I also think it is important to point out that any public opinion survey on this issue cannot help but be affected by the volumes of misinformation that have permeated this debate. Some opponents of health reform have deliberately misled the American public on the real impact of the President's plan. Even the Wall Street Journal, not regarded as a great ally of this administration, says that "fear-mongering is rampant"—that is a quote, Mr. President. According to the Wall Street Journal, "fear mongering is rampant" in the fight against health care reform and refers to some of these efforts as "alarmist propaganda."

That is the Wall Street Journal's analysis of what we have heard so far from many of the opponents in the debate.

We cannot allow ourselves to be scared away from tackling health care reform by the propaganda of a few well-funded vested interests. The issue is far too important for that, and we know this.

We owe it to ourselves, and to our constituents, to look at the facts to best understand the real effect that competing health reform plans will have on our health care system, and the real effect they will have on business.

For example, what many of the small business owners who responded to the chamber survey may not know is that 2 months ago the Congressional Budget Office [CBO] that we have quoted this morning, released an analysis of how the President's Health Security Act would affect families, businesses, and the economy.

The results were overwhelmingly positive, especially for business, remarkably especially for business.

CBO concluded that, "businesses' costs for health care would be substantially reduced overall," and that their savings would reach $90 billion when the plan was fully implemented. Workers' wages would rise as a result, with no net effect on employment.

We have heard all of the claims about job loss. The Congressional Budget Office said not only will there not be job loss, but that we will actually save $90 billion for business each and every year when this plan is fully implemented.

In other words, CBO is arguing that health reform would be a major benefit to businesses: most would save significantly on health expenses and increase their workers' wages, even if they are required to contribute to their employees' premiums.

Given CBO's analysis, many observers of the health reform debate may find it perplexing that earlier this year a number of major business groups decided to oppose the Clinton plan—interestingly long before the chamber conducted its membership survey.

While the more cynical might respond that this is not so surprising given that major business organizations have opposed virtually every major social change in this century, I think a brief critique of the chamber survey might provide more insight into its results.

THE CHAMBER SURVEY ASKS THE WRONG QUESTIONS

While the chamber survey helps to gauge this fear, it does not measure the benefits to business of the President's reform proposal or the need for it.

A more helpful survey would ask the 60-plus percent of all small businesses that currently do offer insurance for their workers how much their premiums have risen over the last several years because the current system does not control health costs.

A more helpful survey would ask how these businesses feel about paying $10 billion to subsidize the health costs of their competitors who don't cover their workers.

A more helpful survey would ask the 40 percent of small businesses that don't offer insurance why they do not, and if they would like to offer coverage, with some assurance their premiums will be controlled.

A more helpful survey would ask for opinions from the thousands of businesses that fail each year because of high health care costs.

A more helpful survey would ask the workers at small firms what it feels like to be uninsured, and what kind of impact this has had on themselves and their families.

A more helpful survey would ask how many businesses had to drop coverage, or were denied coverage, due to a worker's preexisting condition, and how many workers lost coverage when they changed jobs, moved or were laid off.

Unfortunately, the chamber survey does not ask or answer any of these important questions. Instead, it paints with broad brush strokes a picture of steadfast opposition to any mandate of any kind.

Yet the question remains: How can we get to universal coverage, which virtually all experts in business and government agree is necessary to contain costs, without some type of a requirement?

The answer, of course, is through a broad-based tax we could accomplish the same thing. I suspect that most of the Nation's small businesses would be even less enthused about that option.

THE CASE FOR SHARED RESPONSIBILITY

So, if we conclude that some sort of mandate is necessary to gain universal coverage, we must decide whether or not we want an individual mandate—essentially placing the entire burden of health insurance on families—building upon the current tradition, building upon the practices that have been in place now for generations.

Many have concluded that the shared responsibility option makes the most sense.

It makes the most sense because it builds upon our current health care system. Today, the vast majority of the insured have coverage through the workplace. Building upon this strong base represents the least radical and most prudent means to gain universal coverage—guaranteed private health insurance for everyone.

And those who follow the poll's data will surely want to note that the public supports the employer-based approach overwhelmingly. According to a Washington Post survey, 73 percent of Americans support an employer requirement for full-time workers and 69 percent for part-time employees.

A Wall Street Journal poll found 65 percent of Americans support shared responsibility for small firms, small businesses.

Most people support shared responsibility because the employer-based system has worked well for decades and Americans know and support it. Why not build on a system that works, rather than start a completely new one that shifts cost entirely to families?

SHARED RESPONSIBILITY WILL HELP SMALL BUSINESS

While some opponents of health reform cling to the status quo and view change as a threat especially to small business, I believe that comprehensive reform will actually help small businesses thrive.

In fact, shared responsibility has the real potential to improve the economy by increasing employment and decreasing business costs.

Coupling strong cost containment with a requirement that employers share responsibility for health coverage will not result in job loss.

According to the nonpartisan Employee Benefits Research Institute, implementation of the Health Security Act could result in a net gain of up to 660,000 jobs.

Through shared responsibility, we can guarantee health insurance coverage for all Americans and we can help small businesses remain competitive.

Through shared responsibility, we can protect small businesses from double digit health inflation and give them benefits that cannot be taken away at the whim of an insurance company.

Through shared responsibility, we can create an environment in which business owners and workers no longer make employment decisions based upon who does or does not offer insurance coverage.

Through shared responsibility, we can level the playing field so that those firms that offer coverage no longer subsidize those that do not.

Through shared responsibility, we can guarantee health insurance coverage for all Americans, including business owners, workers, children, and the elderly.

CONCLUSION

As we acknowledge the misconceptions that surround the employer mandate proposal, we should take care not to be cowed by some business opposition to this linchpin of reform. Instead, let us commit ourselves to assuaging these fears by telling small business owners the truth: shared responsibility will result in a better health care system, healthier workers, and a stronger economy.

Our broken health care system is unsustainable, and businesses look to Congress and the President for some leadership in solving the many problems that perplex us today. They do not want a handout. They want some help—rules that level the playing field, encourage personal responsibility, and provide them and their workers with health security.

Let us make sure that small businesses, the backbone of our economy and the engine of its growth, can thrive without the burden of worrying about their own or their employees' coverage.

Let us utilize fair, shared responsibility between employers and employees as a means to fix our broken health care system.

And let us do it this year. Let us do it constructively.

Let us do it without delay.

Mr. President, is it my understanding that I control the time.

The PRESIDENT pro tempore. The Senator is correct.

Mr. DASCHLE. There are no speakers on my side wishing to be recognized.

OPPOSITION TO EMPLOYER MANDATES

Mr. PRESSLER. Mr. President, I am honored to join several of my Senate colleagues today in expressing opposition to the inclusion of an employer mandate in any health care reform bill adopted by Congress. In short, an employer mandate would cost jobs and reduce wages.

My opposition to an employer mandate does not mean I do not support efforts to reform our health care system. We must take steps to reduce medical costs and to make insurance affordable and available to everyone. However, an employer mandate is not the best solution.

The National Federation of Independent Business [NFIB] recently studied the impact of the employer mandate as proposed by the Clinton administration. That study reveals the following: 850,000 U.S. jobs would be lost; 1,700 jobs in my home State of South Dakota would be lost; some 23,000,000 U.S. jobs would be negatively impacted with an average annual wage loss of $1,200 each; and the cost of the subsidy to smaller firms would be $81 billion during the first year.

As ranking member of the Senate Small Business Committee, I am concerned about the impact of escalating health costs on small businesses. Between 1980 and 1990, employer health costs nearly tripled. The primary reason many employers do not provide medical benefits to their employees is excessive cost. The primary goal of health care reform should be determining how we can best reduce insurance costs, not the imposition of another mandate.

Last year, other members of the Senate Small Business Committee and I met with First Lady Hillary Rodham Clinton to discuss the issue of health care reform. She and the President should be commended for bringing this issue to the forefront of national attention. Although I agree with their goals, I do not support their proposed solution, which seems to change virtually daily.

At our meeting, I presented to the First Lady a letter signed by 40 Republican Senators. The letter expressed our opposition to an employer mandate. Mr. President, I ask unanimous consent to submit this letter for printing in the RECORD.

Our message was clear then and it remains the same today. We oppose the Government mandating health insurance cost on all employers. That is not the best solution.

Since the President introduced his health care reform plan—the Health Security Act—over 19,000 South Dakotans have contacted me to express opposition to the President's proposal. Many of them agree than an insurance mandate on employers will cost jobs and reduce wages. However, all these folks agree that we need to make some changes in our health care system.

We need to make significant changes. However, we do not need to overhaul the entire system. I like to use this analogy in explaining my views on health care reform. If a farmer has 10 tractors and 2 of them need overhauling, he will overhaul the 2 and maybe just tune up the 8 others. This how we should proceed on health care reform.

Reform should include the following:

Every American should have access to health insurance;

Insurance coverage should remain with the individual at all times—that is, it should be portable;

There should be no denial of coverage for what is called a preexisting condition;

We should encourage individuals and groups to form voluntary purchasing pools;

We must reform our malpractice laws, including limiting damages awarded in lawsuits, encouraging arbitration, and establishing standard medical practice guidelines;

We must reduce paperwork;

We must reduce Federal regulation;

We must make changes in our antitrust laws;

We must eliminate waste and fraud; and

We must provide financial assistance to help the very poor purchase insurance.

Mr. President, health care reform is long overdue. But in the process of fine tuning the current health care and insurance system, let us avoid imposing a Big Government solution that would cost many jobs and create many other problems. As others have said, let us fix what needs to be repaired and no more.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 3, 1993.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We share your concern about the rapidly escalating cost of health care and the large number of Americans without health insurance. With health costs increasing ten percent a year and millions of Americans uninsured, corrective action must be taken now.

Many of us have been working to devise a proposal for comprehensive health care reform. It is essential to preserve the best elements of our existing system, while minimizing costs, and ensuring adequate health care for our nation.

We are strongly opposed to an employer mandate to pay for health care reform. Whether it is a wage based premium, payroll tax or any other carefully crafted euphemism for taxes, job loss among small businesses will be unavoidable and significant.

Small businesses create the vast majority of new jobs in our country each year. Indeed, under-capitalized small businesses are often the first step to realizing the American dream of entrepreneurship. While we strongly support health care reform, small businesses and family farms cannot be sacrificed in the process.

Health care reform must include provisions to help employers provide health benefits. However, new health care taxes will cost jobs and slow the economic growth of our country.

We look forward to working with you and other members of Congress in an effort to adopt a health care reform package yet this year.

Sincerely,

Bob Dole, John H. Chafee, Larry Pressler, Don Nickles, Thad Cochran, Strom Thurmond, Dirk Kempthorne, Larry E. Craig, Al D'Amato, Lauch Faircloth, Frank H. Murkowski, Slade Gorton, Kit Bond,

Phil Gramm, Trent Lott, Al Simpson, Jesse Helms, Bob Smith, Orrin G. Hatch, Robert F. Bennett, Dave Durenberger, Chuck Grassley, Mitch McConnell, Hank Brown, Jack Danforth, Conrad Burns, Connie Mack,

John Warner, Dick Lugar, Mark Hatfield, John McCain, Arlen Specter, Nancy Landon Kassebaum, Kay Bailey Hutchison, Daniel Coats, Malcolm Wallop, Paul Coverdell, Judd Gregg, Bill Cohen, Pete V. Domenici, Ted Stevens.

ORDER OF PROCEDURE

Mrs. KASSEBAUM. Mr. President, I wonder if I might ask unanimous consent to speak for a few moments on a subject other than health care without the time being taken from the control of the Democratic side of the aisle.

Mr. DASCHLE. I have no objection.

The PRESIDENT pro tempore. How many minutes would the Senator require?

Mrs. KASSEBAUM. Five minutes.

The PRESIDENT pro tempore. Is there objection? Hearing no objection, the Senator from Kansas is recognized for 5 minutes which will not be charged against the time under control.

SOUTH AFRICAN ELECTIONS

Mrs. KASSEBAUM. Mr. President, I want to speak about a dramatic event which took place last week and was concluded yesterday in the tally of a vote in the first democratic election in history that was held in South Africa.

As South Africans stood in long lines, sometimes up to 7 hours or more, to cast their votes, one could not help but be deeply moved by their commitment, their desire to be participants in their country's future.

Yesterday, President de Klerk conceded defeat, and Nelson Mandela accepted victory for the African National Congress. Who would have imagined only a few years ago that such a transformation would be possible? As somebody who has closely followed the situation in South Africa for more than a decade, I marvel at what has been accomplished by the people of South Africa.

Mr. President, during this dramatic transition, South Africa has been gifted with two extraordinary leaders: Nelson Mandela and F.W. de Klerk. Their vision and courageous leadership stand as an example for statesmen around the world. Both have worked tirelessly to guide their country from the repressive system of racial separation, known as apartheid, to the hope of democracy. It is largely through their efforts that the democratic transition in South Africa has succeeded. The path ahead will not be easy, as all who have been participants have recognized. Growing unemployment, distrust, and violence stand as serious challenges to a new government. But I am confident that the people of South Africa, who have overcome so much, can meet this test.

South Africa now stands on the brink of a new future, one fraught with difficulties but filled with such promise and hope.

At his trial in 1964, Nelson Mandela eloquently and courageously articulated his vision for South Africa. It has been said many times, but I think it bears repeating.

He said:

> During my lifetime, I have dedicated myself to this struggle of the African people. I have fought against white domination. I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities.

Nelson Mandela's dream today for his country has taken a step toward that reality.

Mr. President, I think in many ways what is most remarkable is that after spending 27 years in prison, Nelson Mandela, 4 years ago, was able to walk away from prison without hatred in his heart or rancor and with that vision still intact. He has provided leadership for the vision that he has always held, which is so powerful and compelling that it draws others to it and creates hope and confidence to overcome fear and insecurity.

That should be a lesson for all who choose to lead. I know that we all in this country today join in wishing success in the future to those in South Africa.

I yield the floor, Mr. President.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, it appears to me it is about 6½ minutes to the hour, and I ask if it will be possible for me to speak until about 3 minutes after the hour?

The PRESIDENT pro tempore. The Senator from South Dakota has 15 minutes remaining under his control.

Mr. ROCKEFELLER. Oh, he did.

The PRESIDENT pro tempore. How much time would the Senator from West Virginia desire? How would that fit in the 15 minutes?

Mr. ROCKEFELLER. The Senator will use less than that amount of time. I cannot say exactly, but it certainly will be less than that amount of time. Will it be all right for the Senator to proceed?

The PRESIDENT pro tempore. The Senator from West Virginia is recognized for such time as he may consume up to 10 minutes, or more if he wishes—10 minutes.

Mr. ROCKEFELLER. I am very honored to have this pleasant exchange with my senior colleague from West Virginia on this fine day of this year.

The PRESIDENT pro tempore. The Senator from West Virginia.

HEALTH CARE

Mr. ROCKEFELLER. Mr. President, from what I hear, the latest arrow being flung at health care reform has something to do with a poll from the chamber of commerce. I rise to comment.

As Yogi Berra said, "It's deja vu all over again." Haven't we been here before? Over the past months, we have been forced to spend mind-boggling amounts of time debating the semantics and even the necessity of health care reform. Along the way, we even had to take time out once to decide whether we face a health care crises or merely a serious problem. We waited patiently for the Congressional Budget Office to put the President's plan under a piercing magnifying glass, finally to get the verdict we expected—this is a plan that will achieve universal coverage while bringing down overall costs to America's families, businesses, and the economy.

But there is hardly a day still when are not reminded that taking on big problems never gets easy.

Sometimes I am tempted to suggest that the people and the interest groups who are not ready to make the tough choices involved in health reform may as well introduce there own bill with a title that says exactly where they stand—and in the interests of truth-in-labeling, their bill should be called "The Continuation of the Status Quo in Health Care Act from 1994 Through the Next Century." I say to the arrow-slingers, instead of spending all this time arguing against the best ways to achieve the goals of universal coverage and cost containment, why not spend some time trying to sell the American people on keeping everything the way it is? The reason, of course, is that it would mean admitting to the results: more Americans losing their health insurance, fewer businesses being able to afford the cost of covering their workers, less choice in doctors and health care plans for most Americans, and higher health care costs to saddle our workers, families, and economy. What a deal—all this and no hope of long-term care or prescription drug coverage for a single additional senior citizen or disabled American.

But instead, we are here talking about a poll commissioned by a group that has suddenly gotten cold feet in the debate over health care reform.

There was a time—not too long ago—when the U.S. Chamber of Commerce played a very constructive role in health care reform. Twenty years ago, the chamber helped President Nixon assemble a health care plan that relied on employer mandates as an alternative to a Canadian style, single-payer system. More recently, the chamber studied reform ideas, assigned a health committee to weigh different facets of reform, and finally issued a set of recommendations in favor of reform that included shared employer responsibility. Clearly, the chamber of commerce was in tough with the needs and the concerns of its members and the Nation. And clearly, the chamber realized employers were paying much of the tab for our bloated, inefficient, wasteful health care system and needed to be part of the solution.

But in the past 3 months, the U.S. Chamber of Commerce has fled the choppy waters of health care reform. The problem is that there is no such thing as a safe shore or a safe harbor when it comes to health care. We have to get to the other side of those waters, and that can only be done by passing a plan that will guarantee everyone coverage at an affordable price.

Last week the chamber issued a puffed-up poll saying that 70 percent of their members opposed an employer mandate and hardly support health reform at all. That sounds pretty convincing but it ignores some fundamental truths:

First, less than one-fifth of the chamber's members participated in the poll.

Second, this poll looks like one more move by a minority faction within the business community to hijack debate. An earlier step by the same group forced the chamber of commerce to dump the committee procedure that had constructively engaged the organization in the reform process. We also have just seen the termination of top employees of the chamber who were committed to the success of health care reform.

Third, the business leader who had headed the chamber's health and employee benefits committee resigned not because the chamber backed away from supporting shared employer responsibility. He gave up when the chamber leadership even backed away from requiring firms to offer but not pay for coverage and helping poor Americans get coverage through subsidies. When said about this move, he said: "Without these two positions, the chamber will have virtually no proposals that deals with the problem of lack of insurance for Americans."

So, if the U.S. Chamber of Commerce wants to opt out on reform, that is their choice and a very disappointing one. But Congress should not lose their way as a result of this last-minute switch in signals. We put health care reform at the top of our agenda because of what our small business owners and workers have been telling us for years. We have to enact health reform because of the real-life worries of the American people we represent—like the small business people who make up the chamber—who have told us to get to work and fix our nation's health care system. I am disappointed in the chamber, but I am not discouraged about health care reform.

We have some hard choices and decisions to make, and of course we are getting an earful from the special interests and lobbyists. That is what they are paid to do. But we are being paid to sort through what they tell us and what our constituents tell us, and to come up with a solution that is best for the public's overall interest.

One of the hard choices is about mandates. If we are serious about reform and determined to provide coverage to all Americans, then employer mandates are a must.

Plain and simple, the easiest way to provide universal coverage is to build on the system that already provides 90 percent of Americans with private health coverage—through the workplace. It is not just a matter of convenience. It is a matter of smart fiscal year economic responsibility. Somewhere around 90 percent of all companies—except for the smallest that employ less than five workers—provide insurance. Yet these companies pay an extra $10 billion in premiums each year to cover care for uninsured Americans. Plus, they spend almost $30 billion covering workers' dependents who are employed by firms that do not offer insurance. So the system we have today puts an extra $40 billion in costs on the backs of American firms who are trying to do the right thing.

An employer mandate levels the playing field and stops one business from dumping its responsibilities on another. One of my West Virginia constituents, the owner of a small, family-run upholstery business, put it pretty clearly to me, saying that while he insures his workers just because it is the right thing to do, plenty of his competitors do not, saving them money and giving them an unfair advantage. Should this small business be penalized for treating its workers fairly and with dignity? Of course not. But in effect that is what is happening today without an employer mandate.

The Congressional Budget Office estimates businesses would save $20 billion in just 6 years and $90 billion in 10 years with an employer mandate. They said the effect of an employer mandate would have a negligible effect on employment and leveling of costs would benefit all small businesses. The independent Employee Benefit Research Institute predicts as many as half a million jobs could be created under the Health Security Act. And in the process all Americans would have guaranteed private health insurance. So, the chamber can trumpet its poll all day, but these are the numbers that should count. The numbers that will save money for businesses and translate into jobs, pay raises, and real peace of mind for workers.

I am not just talking about models, theories, or best-case scenarios here, either. An employer mandate has been put to the test in Hawaii for 20 years. The effects of that mandate? How about one of the lowest unemployment rates in the Nation? How about a 200-percent growth in employers through 1991 and a rate of business failure less than half the national rate? How about health premiums almost $400 less than the national average because of less cost-shifting to cover uncompensated care? Finally, how about the fact that only 2 percent of Hawaii's rainy day fund set up to assist small businesses has ever been used? That is the kind of economic impact a level playing field and reasonable costs can deliver.

So let us throw out the hysteria, and the doomsday predictions on employer mandates. I am sorry a group of chamber of commerce members got cold feet, but we in Congress should not succumb to the latest arrow. An employer mandate is simple common sense and is widely supported by the public. It asks nothing more than shared responsibility among workers and employers for providing coverage. It asks that everyone—big business and small—play by the same rules. It asks that we all give something in return for the security of guaranteed private insurance. And it holds out the hope that we all can ease the burden health care coverage weighs us down under.

Our job now is to produce a health care bill that can stand the tests of time and politics. That is quite a charge and it is time for us all to finish our work.

The PRESIDENT pro tempore. All of the time controlled by the Senator from South Dakota has expired.

Mr. ROCKEFELLER. Mr. President, we should do our business, as I am sure we will.

I thank the Presiding Officer, my distinguished senior colleague, for being so courteous and gracious and wish him a good day. I yield the floor and note the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

NATIONAL YOUTH SERVICE DAY

Mr. KENNEDY. Mr. President, on April 19, the country marked National Youth Service Day. On that day, 1 million young Americans from all 50 States were working in their communities to demonstrate their commitment to community service. A large number of participants and staff came to Washington for a conference organized by Youth Service America.

This is an auspicious time for national and community service. A year ago, Congress passed landmark legislation that laid the foundation for greater involvement in service programs. We provided new Federal support and seed money. But the real work at the grass roots level is what counts the most.

National Youth Service Day helped spread the message to communities across the country and encouraged the implementation of service programs in as many places as possible. As the idea takes root, community service is making an increasingly significant difference in dealing with local problems, meeting local needs, and creating stronger neighborhoods and a stronger nation.

I would like to mention a few examples of impressive initiatives in Massachusetts. In Boston, schoolchildren had the week of April 18 off for Patriot's Day and spring vacation. Nearly a thousand of them gave new meaning to Patriot's Day. They attended day camps run by City Year. They worked on arts and crafts projects, sports, dance, music, and neighborhood cleanups.

Getting children involved in such programs at an early age is especially important. They learn the ideal of service and they keep it all their lives. They develop important skills and pride in their own ability, and they help their community as well.

I am particularly interested in steps that integrate community service into the educational curriculum. In fact, some of our best programs in Massachusetts involve service-learning.

In Bolton, at the Emerson School, which goes from Kindergarten through eighth grade, seventh grade teacher Larry Isomaki and third grade teacher Suzanne Wintle have teamed up to create a science project. Pupils in two grades work together to study marine life and pollution in a nearby river. They send the results of their work to the University of Massachusetts, which keeps a data base to determine priorities for cleaning up the environment. In the process, the seventh graders teach the third graders to use microscopes, and all ages together learn the importance of protecting the environment.

In Boston, at the Hyde Park High School, students in a group called "Creative Action" are renovating their school, which urgently needs repair. Two of those students were here in Washington last week—Michael Hilton and Alex Gaston. With the help of Francis Kubala and Sam Collins, two community volunteers, they fix bathrooms, paint classrooms, and landscape the school grounds. In the past 3 years, they have painted 80 percent of the school and raised thousands of dollars to renovate the auditorium. They are also developing their writing skills by helping to draft community service grant applications to the State Department of Education.

Another group that sent representatives to the conference in Washington is the Lincoln-Filene Center at Tufts University. Two program directors, Pat Barnicle and Barbara Locurto, are helping teachers integrate service into the classroom. One of their best projects is the Reading Raiders program at West Roxbury High School. There, under teacher Mary Ellen Bower, students are learning about children's literature and have developed a library of children's books. They travel to local elementary schools and read aloud to younger students.

At the Eliot School in Boston's North End, teacher Lambros Alex Pappas teaches fifth graders about the American revolution and takes them to visit two historical landmarks near the school—the Old North Church and the Paul Revere House. Later, the Eliot fifth graders invite students from elementary schools in Dorchester and Mattapan to come visit these famous Revolutionary War sites. The Eliot students share the history of their neighborhood by serving as tour guides for the other children.

Under the Magic Me program in Boston, 15 middle school students from the Mission Hill After School Program are paired with senior citizens from the Resthaven Nursing Home. One of the pairs matches 14-year-old Domingo—who had not wanted to participate in the program—and 78-year-old Matteo, who had been depressed and had refused to leave his room. Domingo and Matteo met and became friends. Matteo now is an active member of the nursing home community, and Domingo meets him weekly for educational projects and conversation.

The Kennedy Library Corps in Boston sponsors an intergenerational service learning program which is planned and led by five high school students. In this program, called the JFK Kids Koop, 15 students from the McCormick Middle School in Dorchester work with senior citizens from the Barnard Day Program to prepare story books based on the senior citizens' oral histories. When the books are complete, they will visit the University of Massachusetts Day Care Center and read their stories to young children.

In Springfield, middle school students spend two afternoons a week in a service learning project at the Girls' Club Family Center. With the help of project director Carol Rawson-Reese, 12 year-olds learn about chemistry through magic tricks. Later this spring, they will teach younger children what they have learned during an after-school program at the Girls' Club.

At the Rebecca M. Johnson School in Springfield, service is part of the curriculum throughout the school year. Seventh grader Jimmie Spencer is organizing a schoolwide recycling program. Other students are writing a health newsletter for distribution to middle schools in the area. Still others have organized a post office within the school, and they develop their writing skills by corresponding with one another. Sixth grader Nathanael Pereira serves as school postmaster, delivering mail from class to class.

As a result of the Federal legislation and local efforts like these, hundreds of new service programs are being launched this year and are beginning to make a difference in their neighborhoods. Existing programs will expand to new communities.

The examples I have given only touch the surface of all the promising models that are becoming available. From the says of first settlers on our shores, service to others has always been the hallmark of America's success. It is the spirit of the old frontier, and the New Frontier too. It is what President Kennedy meant in his inaugural address, when he urged all Americans to ask not what their country can do for them, but what they can do for their country.

Now, after years of indifference, we are entering a new era in which working together and helping others is once again at the center of national attention. By helping others, service participants are not just serving their communities—they are serving their country and making America what it ought to be.

WORKERS MEMORIAL DAY

Mr. KOHL. Mr. President, I would like to take this opportunity to pay tribute to all Americans who have died as a result of workplace hazards. April 28 commemorates the anniversary of the Occupational Health and Safety Act, which remains committed to saving lives, preventing serious injuries, and preserving the health and safety of American workers.

And yet, Mr. President, since the enactment of this important legislation, nearly 2 million Americans have died as a result of workplace hazards. The Occupational Health and Safety Act has made strides toward saving lives; the number of fatalities due to injury has declined by almost one-half since 1974. Despite this, lost workday injury and illness rates remained stable over the same period of time. Also, the disbursement of workers compensation benefits has increased at often two-times the normal rate during this period. The Rand Institute of Civil Justice estimates that workplace injury and illness impose a cost of $83 billion a year on society.

These figures demonstrate that the Federal Government has fallen short of its promise to ensure every American a safe and healthy workplace. OSHA has been in place for over 20 years now, and—unlike other Federal environmental and safety laws—has not been reformed since its enactment. The workplace has changed greatly, and technology has improved. But protection for workers has not kept pace.

I firmly believe that most employers are committed to improving and guaranteeing a safe workplace. Unfortunately a small number of companies continue to engage in unsafe practices. I do not necessarily believe that merely increasing mandates on business and criminal penalties for willful violations will ensure safe workplaces. For a business to remain successful, it should be built upon a healthy and productive work force, not at the expense of the lives of their workers.

We need to encourage labor-management cooperation. I firmly believe that this is the cornerstone of workplace safety, and many businesses have already moved in this direction. We must have safety and health training programs available on the job site. We must increase the influence workers have on improving and maintaining a safe work environment. And we must assure that American workers have the ability to report a violation without fear of losing their jobs. In accomplishing these goals, however, we must be careful not to place such a burden on businesses that the workers lose the jobs we are trying to make safe.

Most importantly, we must provide the Occupational Safety and Health Administration with the resources—both financial and personnel—necessary to effectively promote workplace safety. Providing the necessary resources will allow OSHA to strengthen enforcement and investigation procedures as well as increase health and safety training opportunities.

In short, we must reform OSHA. In remembrance of those American workers who have given their lives and productive years to their employers, let us work to reaffirm the original intent of OSHA to save lives, prevent serious injuries, and preserve the health and safety of our work force.

WORKERS MEMORIAL DAY

Ms. MOSELEY-BRAUN. Mr. President, I would like to take time today to honor the memory of all the men, women, and children in this country who have died on the job. April 28 was Workers Memorial Day.

Workers Memorial Day was instituted by the AFL–CIO to honor those workers who are injured and die on the job each year. It is a day for educating people about the need for safety in the workplace. It is a day for remembering the dangers that workers face on the job. Despite the improvements in job safety that have been made since the Occupational Health and Safety Administration [OSHA] was created in 1970, far too many workers are killed, permanently disabled, or injured in the workplace daily.

In February 1993, a 44-year-old man in Willow Springs, IL, was dismantling a bridge. It was his first day on the job. The bridge he was working on collapsed, crushing the man and injuring three others. Robert Meyers is survived by his wife and five children.

In that same month in Chicago, a spotter for a freight company was standing between two parked trailers. A truck and trailer collided with the parked trailers, crushing the 52-year-old worker. William Maslejewsk died later from the injuries he sustained.

Every 5 seconds in this country, a man, woman, or child is injured, contracts a disease, or dies at work. This is a startling figure. By the time I have finished speaking here today, 48 workers will go home in worse condition then when they left the house this morning, if they can go home at all.

For the year 1992 alone, I can cite 248 separate examples of personal stories of workers in Illinois who died at work. This does not include the hundreds who are injured or diseased each year.

Today I ask you all to join me in honoring those who died working to support themselves, families, communities, and the Nation. We honor those who have died while laboring in factories, offices, construction sites, and farms. We pay tribute to all those who are injured or ill because of their jobs.

We cannot let anymore unnecessary deaths occur. That is why I am cosponsor of S. 575, the Comprehensive Occupational Safety and Health Reform Act.

States that have enacted reforms similar to those in S. 575 have seen a dramatic decrease in the rates of injury and illness. This legislation is vital if we are to prevent future deaths and injuries in Illinois and the entire United States.

My thoughts are with the families of those who have lost loved ones in workplace accidents. I will continue my efforts to make sure that workplace safety is a priority.

No one has ever put it better than veteran organizer Mother Jones, when she said, "Pray for the dead and fight like hell for the living."

CONGRATULATIONS TAFT HIGH SCHOOL, NATIONAL ACADEMIC DECATHLON CHAMPIONS

Mrs. FEINSTEIN. Mr. President, I would like to bring to the attention of the Senate and to the entire Nation the accomplishment of the William Howard Taft High School, in my home State of California. This past weekend, the nine members of the Taft academic decathlon team won the prestigious U.S. Academic Decathlon championship. This is the second national championship captured by the high school in 5 years.

As I am sure these students could tell you, this has been a long, hard road to the 13th annual U.S. Academic Decathlon championships. Their hard work and dedication to academic excellence had to overcome great challenges—and not just academic. The students at Taft High School, along with more than half a million other students, have had to suffer through relentless budget cuts to their schools in the Los Angeles Unified School District—the second largest school district in the United States. Shrinking resources, however, were not the only obstacles facing this team.

These students and their families live in the Woodland Hills area, which sustained substantial damage from the 1994 Northridge earthquake. They had to experience the traumatic shocks accompanying the 6.8 quake. Nevertheless, the students exhibited that resilient "California Spirit," saying that being out of school as a result of the January 17 earthquake only gave them more time to study for the competition. And study they did.

The Taft High School team earned a score of 49,372, defeating the next closest team in the battle of the brains by more than 2,000 points, and capturing more than half of the $30,000 in scholarships awarded to individual students.

The subject areas include math, fine arts, economics, science, and literature. Additionally, a super quiz tested the students' knowledge of 19 important documents such as the Camp David accords and the declaration of the students who revolted in China's Tiananmen Square.

The Taft High School team consisted of the nine following students: Daniel Berdichevsky, 17, who got the highest score of the competition and five of nine individual awards; Stephen Shaw, 16, who won three subject medals; Rebecca Rissman, 17, who won three medals; Michael Michrowski, 17, who won two medals; Andrew Salter, 17, who won four subject medals; Chris Huie, 17, who won two individual medals; Sage Vaughn, 17, who won one medal; Sheldon Peregrino, 18, who won medal; and Kimberly Shapiro, 16.

The students were under the guidance of Coach Arthur Berchin.

I am proud of the accomplishments of the Taft High School Academic Decathlon Team, and offer them a hearty congratulations for this truly outstanding achievement. Their success in the national championship sends a message to all—that the "can do" spirit of California is a vital force.

DOD ACCOUNTING CENTER IN ROME, NY

Mr. MOYNIHAN. Madam President, last year the citizens of New York were jolted—I think that is fair to say—when the Base Closure Realignment Commission, closed three of the very small number of military installations in the State of New York: The Staten Island Naval Base; the Plattsburg Air Force Base, an installation that had been there on the shores of Lake Champlain since 1818 and which was not recommended for closure; and the flying mission at Griffiss Air Force Base, in Rome. This seemed to us, for a State that has had very large outlays in Federal taxes over the years for maintaining bases elsewhere in the country, an unusual and disappointing decision.

On the other hand, I can report today there has been a remedial measure of genuine consequence to the Rome region and to Griffiss Air Force Base. The Department of Defense has decided to locate one of 20 new Defense Finance and Accounting Service [DFAS] Centers there. This move is part of the consolidation of the Department's payroll operation; 750 permanent jobs will be located on the base. And in consequence, the position of Rome Laboratory is considerably enhanced in that the infrastructure that the laboratory requires will also be required by this new defense facility, and the combination is a more efficient one.

The Rome lab is one of four super laboratories in the Air Force, and it is the center of our present research in the fields of both electronics and photonics. The whole area of photonics is rapidly expanding, and that work is centered in upstate New York. The DFAS center and Rome Laboratory will be able to share some operating costs.

So I can report that, to some measure at least, the Defense Department has responded to our concerns. I thank Secretary Perry for his attention to this matter. The whole of the New York delegation wrote to him. I know my colleague, Senator D'AMATO, would join me in this regard. There has been some alleviation of what was a very real blow, one we did not think was warranted.

THE IMMIGRATION DEBATE

Mr. SIMON. Mr. President, as the year progresses, the debate over immigration policy grows more and more heated. Calls for restrictions on immigration—both legal and illegal—are accompanied by claims that immigrants represent a drain on our economy and a threat to American values. These sentiments manifest themselves in immigration-related amendments that are being offered to virtually every bill that reaches the Senate floor.

More often than not, however, the debate over immigration policy seems driven not by reason, but by emotion. Facts take a backseat to impressions, and these impressions are often misguided. If we are to undertake to reform our immigration laws—and I do not deny that these laws are in need of some reform—we must understand the facts of our current immigration regime, and withstand the desire to rely on empty rhetoric.

I am not alone in my views. Recently the Washington Times—in an article entitled "Immigration Facts and Fiction," written by my friend Ben Wattenberg—counseled Americans to find and understand the facts underlying our current immigration system before undertaking a comprehensive reform of that system. The Times article, citing a recently published study by the Urban Institute on the costs of immigration, noted several important facts that should bear on any attempted immigration reform:

The majority of illegal entrants into the United States are individuals who overstay their visas, not individuals who illegally cross our borders.

Legal immigrants use less welfare per capita than native-born Americans.

Annual taxes paid by immigrants to all levels of Government more than offset the cost of services received by these immigrants, generating a net annual surplus of $25 to $30 billion.

Legal immigrants do not adversely affect the employment rate. Rather, the jobs created by immigrant employers for native-born Americans offset the jobs taken by legal immigrants from native-born Americans.

While the total number of foreign-born people in the United States is greater than at any time in our history, the percentage of foreign-born in the United States is only 8 percent, compared to 15 percent a century ago.

These facts—not our fears and impressions—should inform the immigration debate. Only then can we determine what is necessary, and avoid what is harmful both to immigrants and to our national identity and traditions.

I ask unanimous consent that the Washington Times article entitled "Immigration Facts and Fiction" by Ben Wattenberg be inserted into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Apr. 21, 1994]

IMMIGRATION FACTS AND FICTION

(By Ben Wattenberg)

Immigration is again going to be a big issue. The public is upset. It is said that immigration causes unemployment. And that it's responsible for crime. And that it's ruining the environment. And that illegal immigrants are ripping off the welfare system. Mostly unspoken is the fear of what is called "the browning of America."

When America is upset, politicians are upset. Members in both parties, at every level, are proposing anti-immigrant legislation. Nearly everyone (including me) wants to crack down in illegal immigration, and make it much harder for illegals to get government benefits.

Others say we should cut back legal immigration as well (moderately, states Sen. Alan Simpson; massively, says Sen. Harry Reid). Once again, Mr. Simpson is pushing for "identification verification," making it harder for illegals to get fraudulent work documents "with a few bucks and access to a color copier."

Sen. Edward Kennedy opposes draconian changes. As chairman of the Subcommittee on Immigration and Refugee Affairs, he can sidetrack harsh new laws. But there are even ways around Mr. Kennedy. Already there are immigration-related amendments in the crime bill. There will be provisions in the forthcoming welfare bill. More can be expected elsewhere. In addition, there is a White House commission, chaired by Barbara Jordan, with a first report due out in September, designed for action next year.

Into this political tinderbox something strange has happened. The Urban Institute thought it might be a good idea to lay out some facts on the table before the debate gets too hot. That they have done in a document now circulating in draft, titled "Immigration and Immigrants: Setting the Record Straight," coauthored by Michael Fix and Jeffrey Passel.

The UI report tells us certain things we ought to know: A few elementary highlights:

In our mind's eye, we see illegal Mexicans crossing the Rio Grande on moonless nights, by the millions. Yet most illegals—about 60 percent—enter the country as tourists and simply overstay their visas. The Immigration and Naturalization Service counts "apprehensions," but doesn't calculate the number of immigrants who regularly go back to Mexico. The best estimate, net, is that America takes in 200,000 to 300,000 new illegal immigrants annually. The number of legals admitted is about 675,000. Combined, call it about a million per year.

What about the effect of immigration on employment? The UI report says: "Aggregate data show no overall effect." Not much of a headline there, but it makes sense. Immigrants not only "take jobs" but they "consume goods," which "creates jobs."

We have never had more foreign-born people in the United States than we do today—about 22 million. That's about 8 percent of the total population. But a century ago 15 percent of the population was foreign born. If you're worried about the swamping of American culture by non-Anglos, it's the rate, not the number, that's important.

The UI report states: "Overall, annual taxes paid by immigrants to all levels of government more than offset the cost of services received, generating a net annual surplus of $25 billion to $30 billion per year." (There is a catch: The federal government gains from immigrants, the state governments end up neutral, varying by state, and the local level pays up big-time, just as they do for natives, mostly for education.)

Immigrants, even when illegals are included, use less welfare per capita than native-born Americans.

Because such a large proportion of the immigrant population in America is of new vintage, it seems as if they are not learning English quickly. But the evidence shows otherwise once the length of time in the United States is taken into account.

The complexion of immigrants is different today. In earlier times (the 1950s) about two-thirds of the legal immigrants came from Europe. Today, only about 15 percent come from Europe, with the rest hailing mostly from Latin America and Asia. In 1900, fully 85 percent of America was "Anglo." Today it's 75 percent. By the year 2040 it will be 59 percent, but intermarriage may make those numbers moot.

It's going to be a big debate, stretching over several years. This time it would be nice if we agreed on some facts before we begin thrashing around.

FERMILAB COMPLETES THE BUILDING BLOCKS OF MATTER

Mr. SIMON. Mr. President, I rise today to recognize a special milestone in science and our understanding of nature. Scientists at Illinois' own Fermilab have found the first direct evidence of the top quark, the sixth and last component of a standard model of matter that explains the relationships between subatomic particles.

Since the fifth quark was seen at Fermilab in 1977, scientists around the world have searched for the elusive other half of the pair. I am proud to say that the 2,000 men and women of Fermilab have the honor of once again claiming the prize. Those in Congress who have supported U.S. leadership in science have a right to be proud as well.

Programs such as that at Fermilab have not only contributed greatly to our knowledge, but have provided the tools and skills of our best science to their communities and the hundreds of students and researchers that carry the scientific vision from Illinois to communities across the Nation.

We congratulate them on their accomplishment and wish them every success in their continuing research. I ask unanimous consent that the full text of the attached article from the New York Times be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 26, 1994]

TOP QUARK, LAST PIECE IN PUZZLE OF MATTER, APPEARS TO BE IN PLACE

(By William J. Broad)

The quest begun by philosophers in ancient Greece to understand the nature of matter may have ended in Batavia, Ill., with the discovery of evidence for the top quark, the last of 12 subatomic building blocks now believed to constitute all of the material world.

An international team of 439 scientists working at the Fermi National Accelerator Laboratory will announce the finding today, bringing nearly two decades of searching to a dramatic conclusion.

The Fermilab discovery, if confirmed, would be a major milestone for modern physics because it would complete the experimental proof of the grand theoretical edifice known as the Standard Model, which defines the modern understanding of the atom and its structure. The finding is likely to produce waves of intellectual satisfaction for physicists around the world and to give American physics a significant boost.

The discovery in all likelihood will never make a difference to everyday life, but it is a high intellectual achievement because the Standard Model, which it appears to validate, is central to understanding the nature of time, matter and the universe.

"The exciting thing is that this is the final piece of matter as we know it, as predicted by cosmology and the Standard Model of particle physics," Dr. David N. Schramm, a theoretical physicist at the University of Chicago, said in an interview, "It's the final piece of that puzzle."

Dr. Hans A. Bethe, a Nobel Laureate in physics at Cornell University, said the finding was "a very big deal" that "makes the whole picture of subnuclear particles much more believable and better established."

"We've needed the top quark," he said. "it figures in all our calculations for further processes, and none of them would be right if it weren't there."

If the top quark could not be found, the Standard Model of theoretical physicists would collapse, touching off an intellectual crisis that would force scientists to rethink three decades of work in which governments around the globe had invested many billions of dollars.

All matter is made of atoms, but nearly a century ago physicists discovered that atoms, long considered to be the smallest units of matter, were themselves composed of smaller, subatomic particles like protons and neutrons. But these particles later showed signs of being made of yet smaller building blocks.

The field was plunged into confusion for many years until a grand unifying theory pioneered by Dr. Murray Gell-Mann, a physicist at the California Institute of Technology, sought to explain the structure of particles like protons and neutrons in terms of new units that he whimsically named quarks.

His theory called for the existence of six different kinds of quarks, named up and down, charm and strange, top and bottom. The quark family parallels a six-member family of lighter particles, known as leptons, that includes the electron.

Various combinations of these 12 particles are thought to make up everything in the material world. In addition to matter, the universe contains potent forces like electromagnetism and gravity, and perhaps many other exotic particles as yet to be discovered.

Five of the six quarks were eventually found but the sixth remained painfully absent. For nearly two decades rival teams of scientists around the world have sought the top quark by performing ever-more-costly experiments on increasingly large machines that accelerate tiny particles almost to the speed of light and then smash them together in a burst of energy. The resulting fireball can yield clues to nature's most elementary building blocks.

The team at Fermilab, which includes scientists from the United States, Italy, Japan, Canada and Taiwan, cautioned that the evidence they had gathered over the past year and a half for the top quark would be convincing to many scientists but not definitive. They said further work would be needed to firmly establish the top quark and its attributes.

"Some people will say, 'Hey, nice piece of physics but you need more data to make sure,'" said Dr. Melvyn J. Shochet, a physicist at the University of Chicago who worked on the Fermilab experiment and is a spokesman for the discovery team. "To that I can only agree."

"We don't have a discovery," said a senior Fermilab official, who spoke on the condition of anonymity. "We have evidence. It's good evidence. It's tightening up to where the top quark lives. The next step is to get more events."

The experiment was run on Fermilab's Tevatron, a four-mile, circular accelerator in an underground tunnel that hurls counterrotating beams of protons and antiprotons at each other with a combined energy of 1.8 trillion electron-volts. It is currently the highest-energy accelerator in the world. The detector that gathered the evidence is the size of a large house and weighs 5,000 tons. A 150-page manuscript describing the work was mailed on Friday to Physical Review, the world's pre-eminent journal of physics.

Dr. Schochet, the team spokesman, said the mass of the top quark, its most important attribute, was calculated to be 174 billion electron-volts, with an uncertainty range of plus or minus 17 billion electron-volts.

"That's quite heavy," he said. "It's almost as heavy as an entire gold atom. It's by far heavier than any other elementary particle that's been observed, which is why it's taken so long to find."

As Fermilab, which is run by the Federal Department of Energy, reports the finding today, simultaneous announcements are to be made in Rome, Tokyo, Ottawa and Taipei.

Dr. Gell-Mann took the word quark from a line in "Finnegans Wake" by James Joyce: "Three quarks for Muster Mark." So too, Dr. Gell-Mann predicted that quarks in normal matter came in groups of three. Protons would be made of two up quarks and one down quark; neutrons of two down quarks and one up quark. Dr. Gell-Mann's ideas were radical and strongly resisted, partly because the fractional charges of his quarks seemed implausible. But his theories explained much, and were soon partly confirmed by particle discoveries. In 1969 he won the Nobel Prize in Physics.

Low-mass quarks, the up and down, are the only ones thought to ordinarily exist in this world. Physicists believe that the higher-mass ones, charm and strange, top and bottom, were present naturally only for a tiny fraction of a second at the beginning of time during the Big Bang—the primordial explosion thought to have given rise to the universe. Top quarks, having the highest mass of all, are believed to have vanished from the universe after existing for less than a billionth of a second.

Thus, a time machine is needed to see most quarks. Particle acclerators slam together tiny bits of matter to create intense fireballs almost as hot as those that existed at the beginning of time, creating streams of nature's most rudimentary particles.

In 1977, when the bottom quark was discovered at Fermilab in a particle accelerators, physicists calculated that its top-quark companion would have a mass of 13.5 billion electron-volts, making it an easy target for any number of accelerators then planned around the world.

In July 1984, a European team of 151 scientists headed by Dr. Carlo Rubbia announced that it had confirmed the existence of the top quark, calling it a major breakthrough. That fall, Dr. Rubbia won the Nobel Prize in Physics for other discoveries. But it turned out that his top-quark claim was premature. The particle was far heavier, and more difficult to detect, than had generally been anticipated.

A KIND OF ALCHEMY

Physicists at Fermilab have been hunting the top quark for nearly two decades, looking at increasingly high energies. The process, they say, is like slamming together two tennis balls and trying to find a bowling ball in the rubble—a hint of the top quark's huge mass. The tennis balls can create things heavier than themselves because of their high energies, a kind of alchemy first suggested by Einstein in his famous law of equivalence between matter and energy.

The rub is the rarity of collisions that make top quarks. Dr. Shochet, the experiment team's spokesman, said many billions of proton-antiproton collisions were needed to produce just one top quark and that even then, subtle clues to its existence might be lost amid a clutter of spurious signals. The quarks themselves exist for only a fraction of a second, and cannot be detected directly. Their presence is inferred from ghostly showers of particles produced as they perish.

Dr. Shochet said the team's evidence gathered over a year and a half amounted to 15 clues from 12 collisions. Those results, he added, were about twice as high as expected from false positives in the background noise. He said really nailing down the top quark would require a mass of evidence three or four times above background levels.

Dr. Claudio Campagnair, a team physicist, said in a Fermilab brochure: "Rather than one 'Eureka!' event, top discovery will come by accumulating a lot of different evidence, bit by bit. You could compare discovering top with what happens in a courtroom in a case where there's no smoking gun and you must convince the jury by the accumulated weight of circumstantial evidence."

A separate team of 420 scientists at Fermilab is now using a different detector in an effort to confirm the first team's findings during the Tevatron's current 18-month run. Its work, and that of the original team, should be eased somewhat by recent accelerator improvements that will increase the number of collisions.

Fermilab is also completing a $230 million upgrade of the Tevatron that should sharply increase the collision rate, perhaps producing hundreds or thousands of top-quark candidates. It should be completed by 1998 or 1999.

After that, the only other accelerator powerful enough to join the hunt would be one under consideration at CERN, Europe's premier accelerator laboratory, on the border of France and Switzerland. Known as the Large Hadron Collider, it might be completed by the year 2005.

If the top quark has indeed been discovered at Fermilab, particle physicists will turn their attention to other enigmas, such as why all matter has mass. In the United States, such questions were to be addressed by the superconducting supercollider, which was to have measured 54 miles around and cost up to $11 billion. In October, Congress canceled the half-built machine in Waxahachie, Tex., calling it an inordinate drain on the Federal budget.

American inventors are now trying to create small, innovative accelerators in lieu of the big machine.

"Any new particle that's found" in the years ahead, said Dr. Schramm of the University of Chicago, "is going to be exotic in a much greater way than any quark."

WETLANDS AND PROPERTY RIGHTS

Mr. FAIRCLOTH. Mr. President, as a life-long farmer and landowner I want to bring to the Senate's attention a letter recently written to Representative NORMAN MINETA by a number of groups interested in preserving the right to private ownership of land.

Mr. President, this letter was written in response to a "Dear Colleague" sent out by Mr. MINETA sharing his views on the property rights debate. I join these groups in challenging his view that property rights advocates are somehow exaggerating the issue.

Like I said, I have farmed and tended land all of my life. Never in that time has the Federal Government been more intrusive and bureaucratic in their approach to private property and landowners. The rules and regulations imposed on the modern farmer are enough to make him feel as though he were a sharecropper for Uncle Sam.

As the letter to Mr. MINETA details, the Federal wetland program is absolute disaster. A new study concluded that the average permit application takes 373 days to complete. That's 1 year, 1 week, and 1 day—all to find out it you are approved to use your own land as you see fit.

No one in the Congress will deny that certain wetlands need protection. But I would like Mr. MINETA feel what a small farmer must feel when he must hire a trained scientist to come on his land to tell him exactly what is and what isn't a wetland. Or, more precisely, how much of his land is or is not subject to Federal control. It is simply unjustifiable to deny a landowner use of his property—without compensation—simply because it falls under some broad scientific, bureaucratic definition of a "wetland."

Let us fact it, Mr. President. The wetland program is nothing but a self perpetuating land grab by the Federal Government on behalf of environmental zealots—and their yes men in Congress—who are out to deny working Americans of their constitutionally protected right to private property. Indeed, it is a sad irony that the very groups who push the antiproperty agenda survive off wealth created from the same rights they now seek to destroy.

Mr. President, I have taken a particular interest in the penalties assessed farmers if they violate any one of the numerous rules and regulations associated with the Federal wetland program. I have found that, as it now stands, a farmer faces fines of $25,000 per day/per violation if he steps out of line. That is way out of line with common sense. It is unfair in the extreme to subject small farmers to the same penalties as those faced by big industry polluters. But is not surprising given the excesses which have characterized the wetland law.

Mr. President, the Clean Water Act is up for reauthorization this year. Like several other environmental laws, it is having trouble getting to the floor for the very reason Mr. MINETA wrote his Dear Colleague. The fact is, there are a lot of Senators and Representatives on both sides of the aisle who have had their fill of Federal land grabs and environmental regulations of dubious benefit. But sooner or later, Mr. President, we'll have our say, and if the American people are properly represented we will roll back much of this garbage.

Mr. President, I ask unanimous consent that the following letter from "The Farm Project" be entered into the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE FARM PROJECT,
Arlington, VA, April 27, 1994.

Hon. NORMAN MINETA,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On March 10, 1994 you circulated a "Dear Colleague" letter to the members of the House of Representatives regarding the concept of takings, and what you deem as the "great deal of confusion" over the takings and property rights issue. Unfortunately, your letter does not "set the record straight" on takings, but rather adds to the confusion.

What you refer to as a "new" emphasis on property rights among property owners, certain Members, agricultural, environmental, and recreational groups, is neither "dangerous" nor "radical" nor does it "distort" the Constitution. Rather it is a just and reasoned response to radical bureaucratic overreach.

Your letter admonishes Members to resist arguments and proposals regarding protection of property rights "likely to be presented to us during our consideration of the Clean Water Act reauthorization." You further write, "We as legislators can and must sort out when the public interest requires an activity on private property to be restricted or prohibited for the protection of the public . . . It is our responsibility to make that distinction, and we should do so in our deliberations on the Clean Water (sic)."

Good intentions to the contrary, the history of the Clean Water Act and wetlands regulation, which has aroused the ire of property owners, is checkered with bureaucratic excess and Congressional inaction. Indeed, the reauthorization you mentioned was scheduled for consideration in 1992.

The Federal Water Pollution Control Act was passed by Congress in 1972—22 years ago. In that legislation, under section 404—the current section under which wetlands permits are granted—was a prohibition on *discharging* dredged fill material into *navigable* waters without a waiver. The land-grabbing bureaucratic interpretation of that Act of Congress began in earnest just three years later.

In 1975, the Army Corp. of Engineers redefined "navigable" waters to mean all waterways. In 1977, the Corp again extended the definition of waterways to include wetlands. A decade later, in 1987, the definition of a wetland was expanded to include land that did not necessarily have to have visible water on it for up to 50 weeks per year. We are sure you would agree that water that puddles up for no more than 14 days is difficult to navigate.

The changes do not stop there however. Last year, the definition of "discharging into" was revised to include activities such as clearing and excavating. Furthermore, administration of the 404 permit program is very much indeed denying property owner's their rights to use their land. In one specific case, a property owner waited more than a year for a wetland permit that involved a piece of land small the one-half of the size of a ping-pong table; the permit application was withdrawn after this bureaucratic holdup. While federal regulators can claim, because of the withdrawal, that the permit was not denied, no one can claim that this property owner was given fair consideration.

The Army Corp of Engineers' regulations specify a 60-day standard for evaluation of 404 permits. Yet the average wait for an individual 404 permit, according to a study conducted by the National Wilderness Institute (NWI) that will be released next month, is 373 days! Or one year, one week, and one day. Indeed, NWI's study will also show that 93 percent of all individual permit applications exceed the 60 days standard.

Like the case described above, 63 percent of the individual applications that reached some sort of conclusion in 1992 were due to their withdrawal. Moreover, like the above 25 percent involved less than one-quarter of an acre, and more than half involve less than half-an-acre.

It is cases such as these that demand that property rights considerations must be given in the formulation of federal statutes and regulations. With all due respect, contrary to the assertions in your letter, protecting property rights will not force any local community to compromise its standards against lewd behavior, it will not foster treason, nor will it lead to the exploitation of laborers. Furthermore, protecting property rights will not force the federal government to "pay property owners not to break the law" as your letter says.

You write that "this new theory of what constitutes a taking" would result in a cost "beyond measuring." It is, however, the status quo which is costly. Indeed, the City of Anchorage, Alaska, commissioned a study to measure these costs.

The City of Anchorage commissioned a study of the Environmental Protection Agency's latest regulation regarding wetlands. The study encompassed the President's home state of Arkansas, and concluded that Arkansas could lose up to $138 million in lost property tax revenue in the first year. Nationwide, local governments could lose up to $6.9 billion. As a former mayor, you no doubt recognize that such a burden, coupled with other federal unfunded mandates, is devastating to local communities; particularly rural communities.

In the case of wetland takings, the cost of compensation for private landowners would not be a budget buster. For example, H.R. 1330—legislation to compensate landowners for wetland takings—includes a definition of high value (for Class A) wetlands that would apply to less than 9 million acres of privately owned wetlands or 11 percent of all wetlands which could potentially be developed, according to the Congressional Budget Office (CBO). With the current average annual wetland conversion rate of 108,000 acres per year, a compensation provision such as that in H.R. 1330 would require compensation for slightly more than 12,000 acres per year. According to the CBO, the acquisition of wetlands costs between $1,000 and $1,700 per acre. Therefore, the budgetary costs for these compensations would range from $13.5 to $20.3 million a year.

Finally, Mr. Chairman, protecting property rights does not—and has never—limited the government's ability to abate a nuisance by property owners such as burning mountains of used tires on their property, fouling their neighbor's air and flooding creeks with molten oil from the burning heap as you so descriptively write in your letter. Moreover, under a market system of property rights, one's authority over his or her property cannot be exercised to change the physical nature of another's property.

The government should seek to protect and encourage private property and the stewardship of our natural resources, rather than further encroach upon these Constitutionally granted rights. A loss of private property to the growing appetite of bureaucratic control, as in the case of wetlands, will lead first to the exploitation of property owners, and then without doubt, to the exploitation of our precious resources.

Sincerely,

Dave Juday, Director, FARM Project of the Alexis de Tocqueville Institution;

Robert E. Gordon, Jr., Executive Director, National Wilderness Institute;

Robert L. Vice, President, California Farm Bureau Federation;

John L. Braly, Executive Vice President, California Cattlemen's Association;

Jay B. Wilson, Executive Vice President, California Wool Growers Association;

Fred L. Smith, Jr., President, Competitive Enterprise Institute;

Nancie G. Marzulla, President and Chief Legal Counsel, Defenders of Property Rights;

Myron Ebell, Washington Representative, American Lands Rights Association;

Margaret Ann Reigle, Chairman, Fairness to Land Owners Committee;

David Rothbard, President, Committee for a Constructive Tomorrow;

Roger Pilon, Senior Fellow and Director, Center for Constitutional Studies, The Cato Institute;

John C. Shanahan, Environmental Policy Analyst, The Heritage Foundation;

John Baden, President, Foundation for Research on Economics and the Environment;

John C. Goodman, Ph.D., President, National Center for Policy Analysis.

TRIBUTE TO JAMES M. POLLOCK

Mr. JEFFORDS. Mr. President, I rise today to honor James M. Pollock, the fourth president of Green Mountain College in Poultney, VT, who is retiring at the end of June following a long and distinguished career in higher education spanning 34 years.

President Pollock is retiring after serving Green Mountain College for 17 years. During his tenure, the college has seen tremendous change and expansion. It has made a successful transition from a 2-year women's college to a 4-year coeducational college and the enrollment has almost doubled. Dr. Pollock is credited with restructuring the college's curriculum, reorganizing the co-curricular program, developing the Summer Conference Program, developing a comprehensive strategic plan, enhancing community relations and strengthening the administrative base of the college.

Dr. Pollock received his Bachelor of Science degree from Springfield College in Springfield, MA, in 1957 and received a Doctor of Education from Boston University in 1982. President Pollock was an instructor of biology at Springfield College from 1960 to 1963. He was the director of biological science at Vermont College from 1963 to 1971. He was the assistant dean of faculty at Vermont College until 1972. In 1972 he became the dean of academic affairs at Lasell Junior College and served that institution until 1977 when he became president of Green Mountain College.

President Pollock has served on several boards related to higher education. He is past president of the Vermont Higher Education Council and the past president of the Association of Vermont Independent Colleges. He is a charter member and director of AVIC Pooling Inc., past president of the Vermont Foundation of Independent Colleges, and a former board member of the Vermont Student Assistant Corp.

President Pollock is a member of the board of Green Mountain Bank and was recently named to the board of the Rutland Regional Medical Center. He served as a selectman in Poultney, and a member of PRIDE—Poultney Revitalizes Itself, Dreams Envisioned—and a member of the Poutlney Development Corp.

Dr. Pollock is noted for his open door policy for students, faculty, and staff.

He is admired by all members of the college community for his many contributions. His work will be greatly missed by Green Mountain College, Poultney, and the entire State of Vermont.

REMEMBERING PRESIDENT RICHARD M. NIXON

Mr. MACK. Mr. President, as America mourns the passing of President Richard M. Nixon, it is appropriate that we should reflect on the life and achievements of this remarkable man. So great and many were his accomplishments, that in the days since his death his political friends and foes alike have stepped forward to affirm his place in history.

Richard Nixon left America, and the world, a legacy which made the crumbling of the Berlin Wall possible, perhaps even inevitable. The world now reaps the benefit of his courage and foresight.

For me personally, his legacy is memorable for his efforts to elevate the fight against cancer. His dedication produced the landmark National Cancer Act of 1971 which has led to so many breakthroughs in cancer research and treatment.

Nixon represented those who, in his words were America's silent majority. He was the voice of America's forgotten middle class. Curt Smith put it succinctly in a recent Washington Post article. Describing his hometown, Smith said:

> Its people had a belief in work, God and family, a fondness for the familiar and a reverence for everything American. We were for Richard Nixon.

In the years after he left Washington, President Nixon's counsel was sought by each subsequent Chief Executive, as well as countless Members of Congress, Senators, and Cabinet officials. President Nixon graciously gave of his time, and his wisdom, in the service of his country. He will be missed.

RECOGNITION OF GEORGE J. RIGGS AND THOMAS R. WELLS, KENTUCKY SMALL BUSINESS PERSONS OF THE YEAR

Mr. FORD. Mr. President, I rise today to pay tribute to Mr. George J. Riggs and Mr. Thomas R. Wells of Erlanger, KY, who have been named Kentucky Small Business Persons of the Year by the U.S. Small Business Administration. They will be honored in Washington along with those other individuals who have been recognized from across the Nation during Small Business Week, May 1 through May 7, 1994.

George Riggs is currently president and Tom Wells is vice president of Embroidery Services, Inc. an embroidered apparel company located in Erlanger, KY. Incorporated a mere 12 years ago, the company has become a leader in the field of ornamental designed clothing. Embroidery Services, Inc. furnishes an entire line of apparel for Disney World and Disneyland, in addition to supplying resorts around the world with clothing bearing the resort logo.

Prompted by an article heralding the growing market for monogrammed goods, George Riggs invested $18,000 for his first 12-head sewing machine and rented 100 square feet of floor space to begin his venture. Within 2 weeks he had hired his first employee and set about the task of embroidering uniform shirts, napkins, and hats for the restaurant and bar industry. That one employee has now grown to 90, and the single 12-head sewing machine he used to get started has been replaced by over a dozen machines and other state-of-the-art equipment.

In 1989, Tom Wells came aboard as vice president and the small company was incorporated. By 1991, Tom's marketing savvy prompted sales to double. Since joining the firm, sales have increased by $6 million, and flagging attendance has been virtually wiped out by an innovative bonus program. By paying workers with a perfect attendance record more than $200,000 in bonuses, Monday morning no-shows have become a thing of the past.

A strong sense of community underlies all of George and Tom's endeavors; from their current project of providing an onsite child care center for employees, to future projects like providing a hot meal on each work shift for their employees. Tom is also a regular speaker for the Chamber of Commerce, and enjoys ecology work, youth sports, and church activities. George is actively involved in the Special Olympics. Both support the Johnny Bench scholarship fund.

Mr. President, George Riggs and Tom Wells set an example of dedication, integrity, and innovation which make them role models for small business persons across my State. In being named Kentucky Small Business Persons of the Year, I believe they can now be recognized by aspiring entrepreneurs nationwide as effective role models of both smart business practices and community spirit.

As we continue Small Business Week, I rise to recognize and congratulate George Riggs and Tom Wells and the other State Small Business Persons of the Year for their distinguished achievements and wish them continued success in the future.

DALAI LAMA SAYS PROTECTION OF HUMAN RIGHTS IS UNIVERSAL RESPONSIBILITY; CALLS FOR DIALOG WITH CHINESE ON TIBETAN FREEDOMS

Mr. PELL. Mr. President, His Holiness the 14th Dalai Lama was in New York City on April 27 to receive the World Security Annual Peace Award and to speak on the challenges of the 21st century and the future of Tibet. It was my good fortune to attend this event, hosted by the New York Lawyers Alliance for World Security and the Council on Foreign Relations.

The Dalai Lama framed his remarks within the concept of universal responsibility, that is, the obligation of each of us, on the basis of our human commonality, to work for the benefit of all. His discussion on the difficult issues of economic development and human rights, overpopulation, and arms control represented a spiritual and practical wisdom too rarely offered to an audience of such significant foreign affairs acumen.

As the leader of the Tibetan people and greatest incarnate hope for a peaceful and just resolution to the situation in Tibet, the Dalai Lama's most important remarks were addressed, perhaps, not only to those gathered in New York, but also to the Chinese Government:

> I take this opportunity to again state my willingness to meet with any of the present members of the Standing Committee of the Politburo in a third country of mutual convenience with the sincere desire to make a breakthrough in our relationship.

Mr. President, I ask unanimous consent that the full text of the Dalai Lama's April 27 remarks, "Reflections on the Challenges of the 21st Century," be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REFLECTIONS ON THE CHALLENGES OF THE 21ST CENTURY

(By His Holiness the 14th Dalai Lama)

As the twentieth century draws to a close, we find that the world has grown smaller. The world's people have become almost one community. Political and military alliances have created large multinational groups; industry and international trade have produced a global economy. Worldwide communications are eliminating ancient barriers of distance, language and race. We are also being drawn together by the grave problems we face: overpopulation, dwindling natural resources, degradation of the environment, military build-up and aggression and terrible human rights situations.

I believe that to meet the challenge of the next century, human beings will have to develop a greater sense of universal responsibility. Each of us must learn to work not just for his or her own self, family or nation, but for the benefit of all mankind. It is very old fashioned to think in terms of my nation, or my country. Universal responsibility is the real key to human survival.

Whether we like it or not, we have all been born on this earth as part of one great family. Rich or poor, educated or uneducated, black, white or yellow, belonging to one nation, religion, ideology or another, ultimately each of us is just a human being like everyone else. We have the common human needs and concerns. We all seek happiness and try to avoid suffering regardless of our race, religion, sex or political status. Human beings, indeed all sentient beings, have the right to pursue happiness and live in peace and in freedom.

As free human beings we can use our unique intelligence and try to understand ourselves and our world. But if we are prevented from using our creative potential, we are deprived of one of the basic characteristics of a human being. It is often the most gifted, dedicated and creative members of our society who become victims of human rights abuses. Thus the political, social, cultural and economic developments of a society are obstructed by the violations of human rights. Therefore, the protection of these rights and freedoms are of immense importance both for individuals affected and for the development of society as a whole.

If we accept that others have an equal right to peace and happiness as ourselves do we not have a responsibility to help those in need? Respect for fundamental human rights is as important to the people of Africa and Asia as it is to those in Europe or the Americas. All human beings, whatever their cultural or historical background suffer when they are intimidated, imprisoned or tortured. The question of human rights is so fundamentally important that there should be no difference of views on this. We must therefore insist on a global consensus not only on the need to respect human rights worldwide, but also on the definition of these rights.

Some governments have contended that the standards of human rights laid down in the Universal Declaration of Human Rights are those advocated by the West and cannot be applied to Asia and other parts of the Third World because of differences in culture and differences in social and economic development. I do not share this view and I am convinced that the majority of Asian people do not support this view either, for it is the inherent nature of all human beings to yearn for freedom, equality and dignity and they have an equal right to achieve that.

I do not see any contradiction between the need for economic development and the need for respect of human rights. The rich diversity of cultures and religions should help to strengthen the fundamental human rights in all communities. Underlying this diversity are fundamental human principles that bind us all as members of the same human family. Diversity and traditions can never justify the violations of human rights. Thus discrimination of persons from a different race, of women, and of weaker sections of the society may be traditional in some regions, but if they are inconsistent with universally recognized human rights, these forms of behavior should change. The universal principles of equality of all human beings must take precedence.

Artificial barriers that have divided nations and peoples have fallen in recent times. With the dismantling of the Berlin Wall, the East-West division which has polarized the whole world for decades has now come to an end. We are experiencing a time filled with hope and expectations. Yet there still remains a major gulf at the heart of the human family. By this I am referring to the North South divide. If we are serious in our commitment to the fundamental principles of equality, principles which I believe lie at the heart of the concept of human rights, today's economic disparity can no longer be ignored. It is not enough to merely state that all human beings must enjoy equal dignity. This must be translated into action. We have a responsibility to find ways to reduce this gap.

In this context, another important issue is over-population. From a Buddhist point of view, life of every sentient being is precious, and birth control is not favored. But today, we are facing a situation where the growing number of people poses a threat to the survival of humanity. Therefore, I personally feel we need to be pragmatic and adopt birth control measures in order to ensure the quality of life today in southern countries, and protect the quality of life for future generations. Of course, as a Buddhist monk, I favor non-violent forms of birth control.

Another issue which is very dear to my vision of the future is global demilitarization. This may sound idealistic to many people. I am aware that it needs a process of rethinking, education and a step by step approach. Most important I believe, is to re-evaluate our concept of military establishment. National forces should be gradually dissolved and collective forces on a regional basis should be formed. An important further step toward the goal of global demilitarization is an international ban on arms trade and the expansion of demilitarized zones in all parts of the world. Recent progress on dismantling nuclear arsenals and nuclear test bans are encouraging and significant developments.

Many dictators in the developing world have survived by weapons and armaments supplied by northern countries. So much money has gone toward buying guns instead of feeding people and meeting basic human and environmental needs. Costa Rica, a country which has followed the demilitarized path, has done quite well in areas such as education and health compared to neighboring countries. On the other hand, take Somalia for example, it is such a tragedy that there is no shortage of guns and bullets, but a severe lack of food. In such situations, thousands of innocent people can die, including many innocent children.

Even in your own country, guns and violence are too prevalent. And it seems that a contributing factor is the availability of inexpensive automatic weapons sold to American consumers by companies owned by the Peoples Liberation Army. Those cheap weapons are not only harming Americans, but also financially contributing to the army repressing my people in Tibet.

I have always envisioned the future of my own country, Tibet, as a neutral, demilitarized sanctuary where weapons are forbidden and the people live in harmony with nature. I have called this a Zone of Ahimsa or non-violence. This is not merely a dream—it is precisely the way Tibetans tried to live for over a thousand years before our country was tragically invaded. Also, for at least the last three hundred years, we had virtually no army. Tibet gave up the waging of war as an instrument of national policy several centuries ago.

I would also like to express my deep sense of satisfaction that elections are taking place in South Africa that allow all South Africans to participate. I hope and pray that peoples of all backgrounds and leaders of all communities will continue to work together toward an open, democratic society. I also had the opportunity to visit Israel recently, and there too, I was very heartened to see a process of negotiations toward a peaceful solution. Both these conflicts are being resolved through personal, face-to-face dialogue which I have always believed is essential.

Unfortunately, my efforts to resolve the situation in Tibet have not been a successful. So far, we have not been able to make a breakthrough and establish direct talks.

It has been thirty five years since the Chinese took complete control of Tibet. At that time, I, along with over 100,000 fellow Tibetans, left my homeland to live in exile in India, Nepal and other parts of the globe. As a result of the invasion and the ensuing occupation over 1.2 million of our people died of unnatural causes. Most of our monasteries, the learning centers and repositories of our culture—over 6000 of them—have been destroyed.

Since that time I have pursued a cause of non-violence and have tried in every way I know to find some reasonable accommodation with the Chinese government so that the Tibetan people can resume a life in peace and with dignity.

In 1979, Deng Xiaoping stated that all issues regarding Tibet were open for negotiations—except that of independence. I responded positively in agreement with the principles advanced by Mr. Deng Xiaoping with the hope that the Chinese government would be genuinely committed to negotiate on all other matters concerning the future of the six million Tibetans.

After informing the Chinese of my position on this point, through my emissaries who traveled to Beijing and met with Chinese diplomats abroad as well as through some of our foreign friends, I was hopeful that a forthright response would come from the Chinese so that we could enter into serious negotiations. My decision to make a short trip to Tibet in 1991 would have also given the Chinese government an opportunity to arrange direct meetings between me and some of their senior leaders who could have come to Tibet to meet me.

Unfortunately the Chinese government has yet to accept any of my proposals over the last fourteen years and yet to enter into substantive negotiations with my representatives, who remain prepared to meet with Chinese representatives anytime.

Therefore, I take this opportunity to again state my willingness to meet with any of the present members of the Standing Committee of the Politburo in a third country of mutual convenience with the sincere desire to make a breakthrough in our relationship.

On my part I am continuing with my sincere efforts to resolve the situation through negotiations. If this approach does not bring about a positive result, then I must consult my people over our future course of our freedom struggle. However, my commitment to non-violence is fundamental and there will be no deviation from this path under my leadership.

I think we can say that, because of the lessons we have begun to learn, the next century will be friendlier, more harmonious and peaceful. I am very hopeful. At the same time, I believe that every individual has a responsibility to help guide our global family in the right direction. good wishes are not enough; we have to assume responsibility. Large human movements spring from individual initiatives. I therefore believe strongly that it is the individual who makes the difference.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Utah [Mr. HATCH] is recognized to speak for up to 15 minutes.

THE RELIGIOUS FREEDOM RESTORATION ACT

Mr. HATCH. Mr. President, I rise today to address an issue of great concern to the citizens of Utah and every other State. This past year, Congress passed the Religious Freedom Restoration Act. This is a landmark bill designed to restore strong protections to citizens exercising their religion against unreasonable Government interference. Unfortunately, the Clinton administration, with breathtaking speed, has interpreted the act in a manner that effectively guts it.

The Religious Freedom Restoration Act was described by many religious leaders—accurately so—as one of the most significant pieces of legislation in support of religious freedom to ever come out of Congress. It was intended to restore to all Americans a fundamental right guaranteed by the first amendment to our Constitution: the free exercise of religion. The act had widespread support from a broad and diverse coalition of religious and civil rights organizations, from the ACLU to the Free Congress Foundation. I was the leading sponsor of this act along with Senator KENNEDY.

Recently, I became aware that the Department of Justice intervened in what I believe is the first appellate case involving the interpretation of the Religious Freedom Restoration Act. To my deep chagrin, I learned that the Department had committed itself to a position in its amicus curiae brief that is contrary to the plain meaning of the act, to the detriment of religious freedom. Despite the act's widespread support and its clearly defined and agreed upon objective, its purpose is being undermined by this administration.

I might add that the core meaning of the bill was never a subject of controversy in Congress.

The underlying case, Christians versus Crystal Evangelical Church, involves a bankruptcy court decision which ordered a Protestant Christian congregation to return money to a Government bankruptcy trustee that was tithed by two members of the church who later filed a bankruptcy petition. The tithes were offered over a period of years in good faith, in the exercise of their religious beliefs and without any fraudulent intent.

Under the bankruptcy code, any transfer of assets made within 1 year of a bankruptcy may be recovered by the trustee to pay creditors. This provision is intended to prevent debtors from fraudulently disposing of or shielding their assets. The tithes that issued in this case were made out of sincere religious belief within 1 year of filing a bankruptcy petition.

No one challenges the importance of the Government's interest in preventing fraud. Preventing fraud would probably satisfy a compelling State interest, which would be all right under the Religious Freedom Restoration Act. However, as in this case, the Government's interest is simply in enlarging the pool of assets for creditors, not preventing fraud. This interest does not satisfy the compelling Government interest standard that must be met under the Religious Freedom Restoration Act. In my view, the interest in collecting for creditors, while very important, would almost never be compelling when weighed against the interests embodied in the first amendment.

In its brief, the Department argues that the Government's interest in protecting the financial interests of creditors conclusively establishes a compelling interest that overrides any religious free exercise right. If the Department's position prevails, it will have a disastrous impact on the Religious Freedom Restoration Act, rendering it virtually meaningless. The department's very broad definition of the compelling State interest test, if adopted by the courts, will once again eliminate any real protection of religious liberty under the first amendment.

Mr. President, just 6 short months ago, President Clinton signed into law the Religious Freedom Restoration Act in a glorious ceremony on the south lawn of the White House before a large group of religious leaders. In his remarks he noted correctly that the act requires that the Government should be held to a very high level of proof before it can interfere with anyone's free exercise of religion. In fact, the Religious Freedom Restoration Act sets forth a specific standard that requires the Government interest to be a compelling State interest, an interest of the highest order.

It is difficult for me to imagine that providing an economic advantage to a pool of creditors satisfies the compelling governmental interests necessary to override our first amendment protection of religious free exercise, but the Department argues this position. And especially is the Department wrong since there was no fraud in this case, or no attempt to defraud.

I intend to ask Attorney General Janet Reno to reconsider the Department's position in this case. Perhaps this is the kind of limited protection President Clinton envisioned when he committed himself to the protection of one of the most precious of all-American liberties—religious freedom—but I can say quite confidently that this is not the type of protection Congress fought so hard and so long to restore. The Department's position is a slap in the face to our religious community, and it should not stand.

I personally believe that President Clinton must not know what they are doing, or he would put a stop to it. So, in a sense, it is a slap in his face, as well, since he was one of the strongest supporters of what we were trying to do. I hope that he will get involved and direct the Department to back off—especially since there is no fraud here—and allow the Religious Freedom Restoration Act to have the widespread, broad coverage that we intended here in Congress in the first place.

I urge my colleagues to join with me in defending the religious liberties guaranteed by the first amendment and reestablished under the Religious Freedom Restoration Act.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator is permitted to speak for up to 5 minutes.

AIRLINE SAFETY

Mr. EXON. Mr. President, a very important matter has come up that I hope the Senate and the House of Representatives will address itself to. Under the leadership of our great Secretary of Transportation, Secretary Peña, we should be alerted to the fact that we have a ticking time bomb going on with regard to airline safety.

The Secretary of Transportation has taken the recommendation of a previously structured national commission to ensure competitiveness in the airline industry that this Senator was a part of, to change and challenge the competition, increase safety, and modernize our traffic control system in the United States.

Mr. President, I ask unanimous consent that at the conclusion of my remarks there be printed in the RECORD for the information of all, a report to the President and Congress of August 1993 entitled "Change, Challenge, and Competition," by the National Commission to Ensure a Strong and Competitive Airline Industry; and two articles of the last 2 days, yesterday and this morning, Tuesday, from the Washington Post, by two excellent writers, with regard to the Federal administration's case, supported by the Secretary of Transportation with regard to the need to do something and to plan to do something now before the present situation becomes chaotic.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Mr. President, I salute the great safety record of the Federal Aviation Administration. Certainly, if you look at the record, you will see that with the diligence, the tenacity, and the determination of the dedicated air traffic controllers of the United States of America, we fly an unbelievable amount of aircraft and flying hours to the benefit of the traveling public. Their record has been exemplary.

The fact of the matter is that something needs to be done with regard to planning for the future. If you will take the time to look firsthand today at the equipment that is available to the air traffic controller, which all of us as the traveling public and all of the employees of the airlines rely on to keep track of and keep the proper distance between the mass of air traffic today, particularly at certain of our more heavily controlled airports, you will begin to realize the enormity of the situation.

In addition, Mr. President, this has a national security implication because, in addition to the private aircraft and the commercial aircraft, all of the aircraft flown by the military of the United States of America in at least our airways and our skies in the United States of America are, once again, controlled and kept separated by the Air Traffic Controllers Association and their dedicated people.

If you take the time to look at the equipment that they use, you will find, Mr. President, that in all too many cases the computers, the viewing screens, the communications facilities that make and bring all this together are older than any of the aircraft and in many instances older than any of the air traffic controllers that are now using them. In the days of yesteryear we relied basically on the vacuum tube from the standpoint of being the heart and soul of radio, including, in the early days, television. The vacuum tube is a thing of the past. The vacuum tubes that we are using in our air traffic control system today are not, by and large, manufactured in the United States but abroad, because the computer chips and other technologies have made the vacuum tube obsolete. When you realize that certain parts of our air traffic control system are relying on a vacuum tube, you realize how far behind we are.

Mr. President, the Secretary of Transportation has suggested that a new type of corporation, which would be owned and controlled by the Federal Government not unlike the Tennessee Valley Authority, should be enacted as recommended by the Airline Commission in order to streamline, to speed up, to enhance, if you will, the Federal Aviation Administration, and to move the Federal Aviation Administration from its present status to the new corporation. This would contribute a great deal to the advance that has been made to speed up and modernize our air traffic control system.

Why is this necessary? I simply submit for the RECORD that there are currently 19,000 scheduled airline flights a day in the United States. Air traffic control systems are being stretched to their absolute limit and, as I referenced earlier, have done an excellent job. In 1980, there were 300 million passengers flying. Last year, there were more than 500 million passengers flying. By the year 2005, there will be 800 million passengers flying in the United States. The number of flights per year is expected to increase from 60 million in 1993 to 74 million by the year 2005.

I simply say that, of the budget of the United States, 80 percent of the current Federal Aviation Administration budget goes to the air traffic control situation. Restructuring the Federal Aviation Administration could save, according to the recommendations and belief of the Secretary, about $7 billion over 10 years. Rapid response to new technology and a relief from present procurement rules are an absolute necessity if we are to be able to keep pace with the obligation that we have to better serve the public.

I simply say, Mr. President, that there may be some changes that should be made. Possibly those of us responsible for this in the Government could come up with something better, but I simply salute the Secretary of Transportation for his forthrightness, for his looking into the future, for his citing the safety problems that are likely to accrue, not now, not today, but tomorrow, unless we take some action.

Therefore, I recommend the reading of these articles that I have submitted for the RECORD to the Members of the House and the Senate. While there seems to be some opposition in some parts of the Congress today to any change whatsoever, this Senator is taking a totally open mind on this proposition, and I hope that my other colleagues will not only take an open mind but work collectively together to try to address this problem that is with us today and is going to be more serious unless we attack it now and begin to change what I think is a very dangerous precedent that we have been setting by having the air traffic control system not keep pace with the traveling public and its needs.

EXHIBIT 1

[A report to the President and Congress, August 1993]

CHANGE, CHALLENGE AND COMPETITION—THE NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY

RESTRUCTURING FAA

To ensure the timely and efficient implementation of state-of-the-art technology for the operation and funding of the air traffic control system, the FAA must be established as an independent government corporation and removed from the federal budget process. That process provides neither a stable, predictable source of revenue nor the ability to leverage that revenue, both of which are required to fund the high-technology capital improvement program needed for a state-of-the-art air traffic control system. Put simply, the federal budget process cannot be relied on to provide adequate, continuing funds for FAA's operations or capital programs. The improvements we believe are necessary in our air traffic control system cannot be accomplished without a stable, predictable source of revenues and the ability to use those revenues to secure long-term financing.

The Airport and Airway Trust Fund was designed to provide a dedicated source of user funding to pay for airport and airspace improvements. It should not serve as a general fund asset for the federal government. User demand and the stability and growth of user revenues must drive air traffic control operations and modernization. A recent Office of Management and Budget (OMB) memorandum contemplates hundreds of millions of dollars in operating and maintenance budget reductions for FAA in fiscal year 1995. These cuts would have a devastating impact and illustrate how the vagaries of the federal budget undermine the funding stability necessary to provide efficient air traffic control services.

Few high-technology, capital-intensive businesses attempt a pay-as-you-go approach to major capital investment projects. The existing user-fee revenue stream must be used rationally to fund the massive capital projects needed to keep our air transportation system the most efficient and technologically advanced in the world.

Unfortunately, federal agencies like the FAA operate under severe limitations. These include total dependence on a political and unpredictable budgetary process; a cumbersome procurement system designed to prevent fraud but even better at thwarting the timely and efficient acquisition of sophisticated and rapidly evolving high-technology goods and services, and, a federal personnel system that makes it unnecessarily difficult to attract and retain a talented and technically sophisticated work force.

The FAA must be restructured fundamentally if we are to take full advantage of new developments in air traffic control technology. If it is, the U.S. can ensure that its air traffic control system remains efficient and the world's best, and provides an important export opportunity in a high-technology, high-wage sector.

Adoption of the following recommendations would create a self-funding and leading-edge system capable of meeting the needs of travelers, shippers and airlines in a high-technology environment. The Commission also emphasizes that it believes the federal government should maintain policy control of the air traffic control system and its oversight of system safety.

Specifically, we recommend: Creation of an independent federal corporate entity within the DOT to manage and fund air traffic control and related functions, including system development, procurement and maintenance. Policy control of the air traffic control system and safety oversight should stay with the federal government;

Establishment of a panel of FAA and industry experts, with the participation of the Department of Defense, which will report in 90 days on the specific structure and method of implementation, and which will draft legislative proposals for creation of the corporate entity; and,

The following principles should be embodied in the federal corporate entity's implementing act:

Ability of the corporate entity to create and use a predictable, stable source of revenue for operations, maintenance and capital investment;

Ability of the corporate entity to issue long-term bonds for capital purchases;

Removal of current expenditures and revenues from the federal budget in equal amounts for a fiscally neutral effect;

Sufficient management flexibility and compensation to attract and retain high-caliber leadership and staff;

Flexibility to create systems for procurement, staff and budget consistent with best practices in the private sector:

Flexibility in an orderly transfer of operating functions to the reorganized entity; and,

Continued air traffic control service to the Defense Department, meeting national security requirements.

OTHER SYSTEM CAPACITY ISSUES

The Commission gave high priority to examining ways to make our air transportation system more efficient and technologically advanced. Our recommendations to restructure the FAA and accelerate the use of GPS for air traffic control are critical to achievement of the goal.

The Commission also examined other options for improving system capacity issues and developed these recommendations. We recommend

FAA review the rule that limits operations at "high density" airports with the aim of either removing these artificial limits or raising them to the highest practicable level consistent with safety requirements. (Washington National Airport's legislated limits would not be affected.)

Congress fully fund system capacity elements—facilities and equipment; airports; research, engineering and development, and FAA operations—as long as these remain within the federal budget process.

Finally, the Commission urges the FAA and the Department of Defense to cooperate actively to make maximum possible joint use of airspace and military airfields. In addition, we believe costs related to system capacity improvements could be lowered significantly if airport bonds were classified as public-purpose bonds, as recommended by the Anthony Commission.

[From the Washington Post, May 2, 1994]

UNITED STATES TO SHAKE UP AIR TRAFFIC BUREAUCRACY

(By Richard M. Weintraub and John Burgess)

The Clinton administration has decided that the vast network of computers and people who guide 19,000 scheduled airline flights a day across the country is so bureaucratically encrusted that both safety and efficiency will be threatened unless a new way is found to run it.

An administration proposal to remove the air traffic service from the Federal Aviation Administration and turn it over to a government corporation, long sought by the airline industry, will be officially announced this week, according to government sources.

Thousands of aircraft fly at hundreds of miles an hour through crowded skies without bumping into each other in large measure because of 38,000 air traffic controllers, technicians and managers who operate the system's radars and computers.

But, despite huge expenditures and a major improvement program dating from 1981, some of those computers run in part on technologically extinct vacuum tubes that until recently could be acquired only from factories in Poland and Czechoslovakia. Others come from China.

At sprawling Los Angeles International Airport, the radars that monitor planes on the ground on often fog-enshrouded runways depend on tubes made only in a British factory. The FAA has no way to test them other than by plugging them in.

The FAA's premier project, a multibillion-dollar program to replace its entire aircraft-tracking computer system, is so burdened by mismanagement that officials have concluded that it probably never can be completed as presently designed.

According to both the statistics and safety specialists, the air traffic control system is safe today. But the argument for reinventing it insists that, if it is to stay safe and efficient as air travel grows, it must escape the snail-like decision-making and procurement that many feel have characterized FAA management.

"The plan to establish an air traffic control corporation is a model of our reinventing government effort," said Vice President Gore, who brushed aside the most recent internal opponents to the concept at a White House meeting last month.

"The plan will cut red tape and make it easier to procure the most up-to-date equipment. By improving working conditions through the use of updated equipment, the plan allows air traffic employees to focus on the business of ensuring safer air travel for everyone."

Not everyone agrees, and when Gore and Transportation Secretary Federico Peña announce their plan to split the agency, it will set off a battle on Capitol Hill, where key congressmen are questioning whether the administration's solution is the safest path to follow.

DIFFERENCE OF OPINION

The aviation community has many more players than the airlines, and they do not all agree on what, if anything, should be done.

"We need a system that will keep up with the industry it serves," Peña told a group of air traffic controllers at a recent meeting in Leesburg. "We've been talking about this for 10 years. Let's do it!"

But Rep. James L. Oberstar (D-Minn.), chairman of the House aviation subcommittee, said: "This is just the wrong course and it would take years to recover from it. . . . Shake up the agency; don't dismember it."

Oberstar said the sheer disruption of massive change to the FAA that a new corporation would create threatens the excellent safety record.

Other key congressional figures are split, although most are withholding comment until the administration delivers its proposal.

Sen. Ernest F. Hollings (D-S.C.), chairman of the Commerce, Science, and Transportation Committee, and Sen. Wendell H. Ford (D-Ky.), chairman of the Senate aviation subcommittee, have serious doubts about the idea, according to aides.

But the transportation appropriations committee chairman, Sen. Frank R. Lautenberg (D-N.J.) and Rep. Bob Carr (D-Mich.), are leaning in favor.

Interestingly, Peña and Oberstar and most everyone in between agree that something is broken at the FAA. It's how to fix it that creates the differences.

Just as the Federal Communications Commission allocates what frequencies can be used by radio and television stations, the FAA tells airplanes where they can fly.

There's one big difference. After the FCC makes its decisions, its functional role is over. Radio and television stations maintain and operate their own transmission equipment. The FAA maintains and runs a multibillion-dollar system that interacts tens of thousands of times daily with commercial flights, corporate jets, recreational pilots and the military.

Air traffic controllers, aided by an elaborate web of radar antennas and computers, direct those 19,000 commercial flights every day, but the closest a passenger gets to this network is an announcement from the cockpit that "we're number one for takeoff" or, in times of bad weather, "air traffic control has told us to hold here."

Such delays translate directly into dollars. American Airlines Executive Vice President Robert W. Baker said that a 15-minute delay for the airline's smallest plane, the Fokker-100, costs $1,800, while the same delay for its biggest, the McDonnell-Douglas MD-11, costs $8,024. These are the kinds of numbers that have led a financially beleaguered industry to argue for change.

Peña said that tinkering around the edges will not fix the FAA. To bring about the transformation, the administration would send the air traffic control functions to a government-owned corporation, something like the Tennessee Valley Authority.

Of the agency's 52,000 employees, 38,000 would go into ATC Corp. These are the controllers who work in the towers and regional radar centers, and the computer specialists, the electricians, mechanics and others who maintain the system.

What's left of the FAA would continue to be responsible for regulating aviation safety by setting standards for aircraft and aircraft parts and writing the rules for everything from pilot and flight attendant training to airport security to grants for airport improvement.

A suggestion to take the entire FAA into the corporation was rejected by the White House, as was a proposal to create a fully privatized corporation instead of a government-controlled one.

While the administration's corporation would be a "business" in the technical sense, the government would be the only shareholder. The secretaries of transportation and defense would sit on its board, along with representatives of unions, the general public, the business community, the airline industry, recreational pilots and other users of the system.

The board would hire a chief executive and set policy guidelines, as any corporate board would, although the FAA would continue to monitor ATC Corp. for safety compliance, just as it monitors aircraft manufacturers. The safety guidelines by which controllers operate still would be written by the FAA.

Initial funding would come from the 10 percent ticket tax all airline passengers pay. Since about 80 percent of the FAA's current $9.1 billion budget goes to air traffic control, 80 percent of the ticket tax would go to ATC Corp., except that it would be called a fee rather than a tax. Administration officials estimate savings for taxpayers over a 10-year period would be several billion dollars.

EASIER ACCESS TO FUNDS

An important difference—and one that would theoretically make it possible for ATC Corp. to move more quickly on a major procurement than the FAA can today—is that the corporation could borrow money or float bonds rather than await the annual congressional appropriation from the aviation trust fund, which is regularly held hostage to deficit control.

The remaining ticket tax funds would flow into the trust fund to support airport projects, which would remain under the control of the FAA. The FAA's safety functions would be covered by general fund appropriations as they are now.

Congressional critics question the administration's funding assumptions. Other critics of the proposal ask whether a corporation is necessary at all.

"Air traffic control is a natural monopoly, and the only way to protect the public interest is to maintain it as a government function with broad, informed oversight," the Aircraft Owners and Pilots Association (AOPA) told the task force that drew up the proposal. The AOPA, long powerful on Capital Hill in part because many members of Congress also are private pilots, represents 324,000 general aviation pilots.

The association expressed fears of an increase in taxes and fees accompanying a deterioration in safety and efficiency, especially during a transition period.

John Olcott, head of the National Business Aircraft Association (NBAA), which represents companies that use aircraft for business purposes, argued that the "checks and balances provided by Congressional oversight should be maintained so that political agendas of the executive branch . . . and the vested interests of any single user group do not compromise system safety or service to all users."

Oberstar, like the AOPA and the NBAA, favors change within the existing government structure.

"There has been no effort to fix what is there while proposing radical surgery. Will they just fire people? That is terribly disruptive," Oberstar said, recalling the turmoil tht followed the firing of 11,400 illegally striking controllers by President Reagain in 1981.

The corporation, Oberstar argues, is being designed to serve the interests of airlines. In hard times, they may push to cut fees, to cut the number of controllers. That could lead to . . . precariousness for safety."

"Oberstar's argument . . . assumes that the industry will 'own' this corporation. It won't," Pena counters. "All the stock will be owned by the government and we think we will actually increase safety because we can bring on technology sooner."

Adds FAA Administrator David Hinson: "Even today, we oversee safety for thousands of operations at [aircraft manufacturers like] McDonnel-Douglas and Boeing. It wouldn't be any different with air traffic control."

COMMITTED TO SAFETY

Some controllers bristle at the suggestion safety would suffer. "Why do these people in Congress think I am going to be any less safe under a corporation? That burns me!" said Mark Meuwissen, a controller at Detroit.

And the controllers want that new equipment. "I've been here for years and I've never seen anything done in less than three years with regular procurement," said Paul Jester, who is in charge of computer and radar maintenance at the regional air traffic control center at Leesburg. "Everything is maxed out in this facility. We are at capacity."

His lament is heard often in air traffic control facilities, whether older ones such as in St. Louis and Chicago or one like Detroit, where a new control tower is filled with equipment dating from the 1960s and 1970s.

For now, even proponents are waiting on the sidelines for the administration to fill in the blanks on the details.

When Peña told top executives of the airlines recently that it was time to stand up and be counted, the answer was: We are for it in principle but first show us how this corporation will be funded.

"Whatever fixes the system, I'm in favor of," said Randy Babbitt, head of the Air Line Pilots Association. "But we have concerns over how certain components now within the FAA that work well together because they are part of the same unit" will interface. "Today they work very closely."

In meetings with controllers in the past, Peña was peppered with questions about pensions, job protection and the like. Time and again, the answer was: it's under study. At one point a controller exploded: "I'm hearing only vague references. . . . Sounds to me like it hasn't been thought through."

The drafters of the plan said they will fill in the details in days and weeks to come.

Peña said, "What I ask is, hear us out. The burden of proof is on us. . . . If we can't answer questions, we ought not pass it."

[From the Washington Post, May 3, 1994]

FAA'S CASE STUDY IN COMPUTER CHAOS—SNARLED AIR TRAFFIC CONTROL PROJECT POINTS UP RISKS OF BIG PROJECTS

(By John Burgess and Richard M. Weintraub)

The team would call at Federal Aviation Administration offices with lengthy requests for reports and interviews related to a single question: How far behind and over cost was the agency's multibillion-dollar program to modernize the nation's air traffic control computers?

Team members often worked nights and weekends, meeting in an 8th-floor room at the FAA's Independence Avenue headquarters. In the end, they decided that the agency's pledge to finish the job for $6 billion was fanciful.

"We came to the view that you just can't get there from here," said Mark Gerchick, a member of the inhouse FAA group that sorted through the project's debris.

The "Advanced Automation System" contract offers lessons for big government computer jobs everywhere. It shows how they tend to bloat, how agencies and contractors can grow too close, how officials dither on decision-making in a quest for the system that is perfect rather than the one that is possible now.

It shows that however good the intentions, creating the complex codes that drive the computer age—software—always exacts greater time and expense than their creators predict. Programmers at times must scale back ambitious plans and settle for the equivalent of paving a cow path—making an established system a little better than creating a revolutionary new one.

The tale also offers a window into the often-mysterious work of the many software companies that ring the Capital Beltway and win work from the federal government. Close to 1,000 people in this area, most of them working in Rockville, earn their livings from the air traffic control contract alone.

Their assignment was bold from the start. They were to create, essentially from scratch, one of the largest and most complex computer networks in history. It would link thousands of computers at hundreds of facilities, processing and transmitting radar images from all over the country where each day 165,000 aircraft take off and land.

To ensure that none of those airplanes collided, it would have extremely high reliability: It would fail for not more than three seconds per year.

Now the contract's future is in question. FAA Administrator David R. Hinson has suspended work on parts of it and thrown into question the entire plan, one of the biggest civilian contracts in federal history. Promising to set things right once and for all, Hinson transferred the project's manager and opened the door to canceling other parts or giving them to other companies.

While specialists agree that the air traffic system is basically safe, no one denies that the computers must be replaced to keep things that way and allow air traffic to grow. Further, the FAA's handling, or mishandling, of the contract is providing ammunition for the Clinton administration's push to turn the air traffic service into a government corporation, divorced from the FAA. The administration is schedule to issue a formal proposal for the split today.

Everyone in the industry has a tale of how old the equipment is. Randy Babbitt, head of the Air Line Pilots Association, recalls his shock at visiting a control tower recently and finding that the radar screens were essentially the same ones he had encountered as a new pilot at Eastern Airlines in 1966.

The FAA was thinking of a grand modernization as long ago as the late 1970s. But it was the 1981 strike by most of the nation's air traffic controllers that moved the agency to act.

As conceived, the Advanced Automation System would operate with a small work force. It would have intelligence that would safely place aircraft closer together in the skies to reduce costly delays and chart out routes that would produce big fuel savings to the airlines.

The price tag estimate in 1981: $2 billion.

By the time the contract was let in 1988 to International Business Machines Corp., the FAA had already spent close to $700 million in research and development and the contract had become quite a bit bigger as new features were added. The estimated cost was $4.3 billion, but that was just a guess because officials had left unanswered questions about whether to add many features.

The first big-ticket phase was the replacement of aging consoles that controllers use in the FAA's 22 regional centers—such as one at Leesburg—that guide planes between airports. Plans called for controllers to get modern "workstation" computers and displays that would be more reliable, color-code traffic and let them select radio frequencies by touching screen buttons instead of dialing dials or switching switches.

Most of the hardware being used was standard commercial equipment. The cost was in sofware—computer instructions that would tie the hundreds of sites together. It entailed writing and testing more than 1.2 million lines of computer instructions, each of which had to fit perfectly with the rest or risk bringing the entire system to a halt.

To write those instructions, IBM had chosen a relatively rare computer language called Ada. Early on, work was slowed because the market lacked a good selection of Ada "development tools"—essentially software that engineers use to write more software. IBM had to create many of the tools.

Moreover, the FAA continued to dither about what it really wanted. A key question that caused endless delays: How would the system accommodate "flights strips," pieces of paper that controllers use to keep track of information about individual flights? The FAA at first wanted to replicate the strips electronically on the display screen. Later, after controllers had been shown prototypes, it opted to store the information out of sight so that controllers could "call it up" as needed.

"They never wanted to close the door, because they were always afraid that better technology would pass them by," said Clark Onstad, a Washington aviation attorney and former FAA chief counsel. His clients include Loral Corp., which recently bought the IBM division handling the air traffic job.

Changing FAA positions over the number of air traffic control facilities also complicated the job. When the agency backed way from an ambitious plan to consolidate many facilities into regional ones, software code had to be rewritten.

With the schedule slipping, IBM began cutting corners, putting software into use before it had passed the company's usual battery of tests, IBM said. In an interview last year, Gerald Ebker, then chairman of the Bethesda-based IBM unit handling the job, put it this way: "The problem is key individuals in key slots who didn't do their jobs." The company replaced its team leaders and brought in more talent from outside the area.

In the fall of 1992, things came to a head. IBM officially informed the FAA that another 14-month delay was likely. With the airline industry pushing for a faster, more flexible system and Congress looking over its shoulder, the FAA responded by sending IBM a "cure letter," which demanded a fix and functioned as the first step for a potential revocation of the contract.

IBM and FAA people met constantly in the spring of 1993 and reached a plan. IBM would demonstrate the basic soundness of the software for the regional centers by September 1994. It would be allowed to add certain key layers of software after that, rather than before as previously planned. The software would be tested simultaneously.

The agreement laid out a series of "milestones" that IBM would pass to ensure that the job stayed on schedule for an October 1996 opening at the Seattle regional center.

John Burt, at the time the FAA's top systems acquisition officer, argues that this was a feasible approach: Unless firm deadlines were created, he said, people would never get the job done. Testing the software sequentially, as was originally planned, would take longer and would ensure that when the ultimate system was finally turned on, it would be much closer to obsolescence.

By now the total estimated cost was $4.7 billion. Members of Congress wrung their hands but took no action. Things seemed settled—until a new secretary of transportation, Federico Peña, and a new FAA administrator, Hinson took office. Their people began nosing around the program and found out late last year that the official estimate had grown again, this time to $5.9 billion.

So Hinson created a team of FAA people who had taken no direct role in the project. Their job: to do a "reality check," sort through the mountain of paper and charts that had been generated and give their own best estimate.

In ensuing weeks, the team conducted roughly 100 interviews at the FAA and at contracting companies. They pored over a stack of paper 25 feet high.

They did not always feel welcome. "There was some mistrust that we couldn't really understand, that we hadn't walked a mile" with the contract team, said John Cassady, FAA deputy chief counsel and staff director of the task force.

In the end, the task force concluded that IBM and FAA officials had made unrealistic assumptions about progress. It was "as if wishing would make it so," said one member of the inquiry team.

Particularly troubling was that under the revised schedule, IBM would be officially credited with having demonstrated basic feasibility in September 1994 even though key pieces of software would not be finished. They would be developed later as what had been finished was tested. That was asking for trouble, the group thought.

Another warning sign: There was no letup in the project's generation of "problem reports"—official notice of something that needed fixing. IBM was eliminating about 300 a month, but generating roughly the same number. Unless something gave, about 3,000 problem reports would still be pending this September, when IBM would supposedly demonstrate the system's fitness.

Another problem: Engineers were still having to go back into line after line of software code to fix past mistakes or incorporate new FAA design changes. Virtually all lines were being reworked; IBM's target had been 40 percent, the task force said. As of February of this year, the contract team had pending requests for changes in close to 650,000 lines of instructions.

Buried in the report was a finding that the FAA had given IBM almost $19 million in "award fees," special incentive payments granted when a contractor has shown "exceptional performance in such areas as schedule, performance, program and contract management."

In March, the team reported these and other findings to Hinson. Its best judgment was that under a "moderate risk scenario," the ultimate cost would come to $7 billion; delivery would likely be 20 months later than the schedule the FAA had negotiated with IBM. In response, Hinson replaced the project manager and commissioned an outside study to decide how to proceed.

In a hearing last month, members of Congress needled Hinson about imposing some kind of punishment for the delays, either on FAA officials or on IBM. Hinson fended them off. "I am less interested in affixing blame for the past poor showings than I am with shaping and managing a program that will accomplish what we need," he said.

Now a new player has entered the scene. In March, defense conglomerate Loral bought the IBM division handling the job. To date, however, the FAA has not formally transferred the job to Loral

While Loral lobbies to preserve as much of the work as it can, companies such as Hughes Aircraft Co., BDM International Inc., Raytheon Co. and Unisys Corp., which all make air traffic control equipment, are telling Congress that their products could be substituted for parts of what Loral is supposed to develop.

At a recent hearing, Loral Chairman Bernard Schwartz proposed pushing the testing schedule back to give more time to ensure soundness of the software.

Hinson has promised decisions by the end of May. But in the hearing, he gave a hint of his direction: "To the extent feasible," he said, "high-risk activities will be minimized and the use of available, off-the-shelf technology will be a preferred option."

Doing so may entail junking some of the advanced features of the system but getting something sooner and at lower costs. After years of promises and failed commitments, many top officials think that's not a bad trade-off.

Mr. EXON. I thank the Chair and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. EXON] suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Maine [Mr. COHEN] is recognized for not to exceed 10 minutes.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN and Mr. FORD pertaining to the submission of Senate Resolution 208 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Madam President, I ask unanimous consent I be allowed to speak for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina [Mr. THURMOND] is recognized for not to exceed 7 minutes.

SO-CALLED RACIAL JUSTICE ACT PROVISION IN HOUSE-PASSED CRIME BILL

Mr. THURMOND. Madam President, I rise today to speak against a provision in the House-passed crime bill which would effectively abolish the death penalty across the Nation, at the Federal and State levels.

The antideath penalty provision is title IX in the House-passed crime bill and often mislabeled by its proponents as the Racial Justice Act. This language would allow death-sentenced murderers the opportunity to avoid the death penalty by using a statistical quota system to challenge their sentence. We have defeated this legislation time and time again in the Senate when offered by those who are opposed to the death penalty.

To those who claim that this provision is necessary to prohibit a death sentence based on considerations of race, I would point them to the 14th amendment to the Constitution. The 14th amendment, along with other protections, contains a fundamental proposition which prohibits any person from being sentenced to death on the basis of race.

Title IX in the House-passed crime bill would permit a defendant in a capital case to make a showing that race was a statistically significant factor in decisions to seek or impose the death sentence in the jurisdiction in question. Once this minimal standard of a statistical imbalance is shown, a heavy burden of rebuttal is then imposed on State or Federal prosecutors.

I have been a judge and a practicing attorney. It has always been my understanding that individuals are tried on the facts of his or her case, not on the facts, circumstances or statistics from unrelated cases. This has been a fundamental precept in our criminal justice system. Passage of the so-called Racial Justice Act would relegate the outcome of capital cases to statistical assertions from other unrelated capital cases. Needless to say, the focus of the trial should be whether the defendant committed the offense for which he was charged and it should not be overshadowed by statistical jousting.

Clearly capital cases should be race neutral. The proposal in the House bill brings race consciousness into the trial in order to attain a racial balance. This actually heightens the role of an individual's race in capital cases and establishes a quota system in death penalty cases. The guilt or innocence and imposition of the death penalty should turn on the facts of an individual's case having nothing to do with the defendant's race or the race of individuals in unrelated cases.

Let there be no mistake, title IX in the House-passed crime bill would effectively abolish the death penalty at the Federal and State levels. Also, it completely overturns the Supreme Court decision in McClesky versus Kemp. In that decision, the Supreme Court held that a defendant who contests his capital sentence on the basis of racial discrimination is required to prove that the decisionmakers in his own case acted with discriminatory purposes.

The Supreme Court has rejected the statistical theory of racial discrimination in death penatly cases and the Racial Justice Act is a thinly veiled attempt to overturn the Supreme Court on this matter. It is important to note that Justice Powell, writing for the Court in McClesky, observed that the statistical premise of discrimination advocated by the defendant—and now as title IX in the House bill—throws into serious question the principles that underlie our entire criminal justice system.

We will soon go to conference with the House to resolve our differences in the crime bills passed by our respective bodies. We have a good opportunity to pass a comprehensive anticrime measure which the American people deserve. If the conference report is to be adopted, it must be void of title IX from the House bill. This provision is opposed by the National Association of District Attorneys and the National Association of Attorneys General. These are the men and women who have the responsibility for prosecuting death penalty cases all across the Nation on behalf of the American people. I am hopeful that the House conferees will not let the American people down by insisting that this antideath penalty provision remain in the conference report. If necessary, the Senate should vote in the near future on a sense-of-the-Senate resolution on this matter to alert House Members that we cannot support the inclusion of the so-called Racial Justice Act in the final anti-crime bill.

I look forward to working with my Senate colleagues to ensure the passage of a responsible comprehensive anticrime bill and the removal of language from the House bill which will abolish the death penalty across the United States.

I yield the floor.

Mr. GRAHAM. Madam President, I ask unanimous consent to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAITI

Mr. GRAHAM. Madam President today I once again rise to condemn the intransigence of the coup leaders in Haiti and the continued failure of the United States and the world community to restore democracy to that beleaguered country.

Six months ago, I visited Haiti to meet with government officials and members of the military about the country's prospects for democracy. The mood in Port Au Prince in early October was one of growing despair.

The U.S.S. *Harlan County*, a U.S. ship with military trainers, Seabees, and the Corps of Engineers was supposed to dock that day and facilitate Haiti's transition to democracy.

But due to the failure of the Haitian military to meet its commitment to provide adequate security for our troops and dockage for the *Harlan County*, that single symbol of hope, sat helplessly off shore, while prospects for a peaceful restoration of President Jean Bertrand Aristide faded away.

I met with several members of the civilian government during my 2-day visit, including Justice Minister Guy Malary and Prime Minister Robert Malval. Both were discouraged and rightfully so. Every hour brought new reports of terrorism.

At dinner, my conversation with Malval was cut short by a call from his wife, who reported gun shots in the neighborhood and begged him to come home.

Today, 6 months later, conditions in Haiti could not be worse. Malary is dead, killed 3 days after our dinner by armed thugs as he drove to work. Malval has submitted his resignation, unable to sustain the farce of a legitimate government while trapped in his home.

And the military is in complete control, even more entrenched and recalcitrant than they were in October.

Our country's policies continue to be impotent in restoring democracy to Haiti. The U.N. embargo is in reality a sieve, enriching the military at the expense of Haiti's already impoverished masses. Even the U.S. Embassy is relying on contraband gasoline, thereby unintentionally helping to sustain the military government.

Finally, a week ago today, on Tuesday, April 26, President Clinton fired the United States special envoy to Haiti, Lawrence Pezzulo, in an effort to demonstrate United States resolve on the Haiti issue.

Now the United States must choose. We can accept the status quo and leave Haiti at the mercy of its ruthless military, we can accept the nightly parade of corpses to which we have been assaulted through television in recent weeks, or we can fulfill our professed goal of the last 31 months and two administrations—restoring Haiti's democratically elected President, Jean Bertrand Aristide.

Late last week, the administration announced that it would seek U.N. approval for a comprehensive embargo of Haiti, but stronger sanctions will not end up meaning a restoration of President Aristide. These sanctions will more likely mean more money, ill-gained from their failure to abide by their commitments, to the Haitian military. It will mean more suffering for the poor of Haiti, the entire population of that destitute nation, except for a small class of military and economic elites.

I am convinced that we cannot achieve our goal without military force, without the threat and willingness to use credible military power. The Haitian military will never negotiate itself out of power without such a threat of force. And if we continue to delay intervention, our hand, the United States hand will be forced—forced by an overwhelming waive of refugees, by increased violence and chaos, or by domestic revulsion at our passivity in the light of flagrant human rights abuses and drug flow through Haiti.

The only option remaining is a military option, preferably multilateral but unilateral if necessary. Military intervention is always the solution of last resort. But as the failed policies of the last 2½ years attest, unfortunately, it has become Haiti's only chance and our only means to accomplish an important national foreign policy objective.

Military intervention should involve the following three steps:

First, conveying to the Haitian military that they will be held strictly accountable for further violence in Haiti.

Second, consulting with out hemispheric allies on assembling a multilateral military force. This force should have the following missions: separate the combatants, restore President Aristide to office, assist in the deployment of U.N. peacekeepers and then withdraw.

Third, coordinating with the United Nations for the United Nations to provide peacekeepers who would remain in Haiti after the withdrawal of the United States-led multilateral force and until stability has been restored.

This operation would be similar to the one successfully carried out in El Salvador, where the bulk of peacekeepers had completed their work and were out of the country within 2 years.

The United States cannot be the world's police force. We must balance our interests and responsibilities to determine which world crises justify the risk of deploying American military forces.

When diplomatic channels prove time and time again to be exercises in futility, however, the United States must examine the credible use of force to end totalitarian injustice, to protect our national interests particularly in our own hemisphere.

Madam President, time is not on our side. The longer we acquiesce to brutal dictators the further we slide down the slope of world credibility. We are in a weaker position now than we were in September of 1991 immediately following the overthrow of President Aristide.

We have witnessed two administrations, and their policies have achieved the same failed results. Once again I here an administration stressing a new tougher policy. The old adage rings as true today as it has throughout the history of diplomacy—diplomacy without the backing of credible force is almost without exception failed diplomacy.

The other rule is that embargoes are very blunt instruments and are extremely difficult to enforce, a rule we are learning every day again in Haiti.

And yet, the proposed changes in U.S. policy, announced last week, strongly resemble the failed policy of the past 2½ years. In September 1991, the overthrow of President Aristide resulted in the suspension of all aid to the Haitian Government from the United States, France, Canada, Venezuela, and the European Community.

In addition the OAS imposed a trade embargo in early October 1991. On October 4, 1991, President Bush stated:

> I'd like to think that this mission by the Organization of American States will do it. So, let's hope that that (restoration of democracy) can be done without any kind of force.

This was followed on May 28, 1992, when President Bush issued a statement saying—

> In accordance with the recent OAS resolution, we are examining other steps to tighten sanctions against the illegal regime in Port au Prince.

On November 24, 1992, the U.N. General Assembly adopted a resolution urging member states to institute the trade embargo on Haiti as called for by the OAS' existing embargo. Once again we assumed a little economic screw-tightening would restore President Aristide. Once again, we have been proven wrong.

The Governor's Island Accord provided the framework and timetable for the restoration of President Aristide by October 30, 1993. It is important to note the successful implementation of the agreement would have marked the first time in Latin American history that a president ousted by violent means was restored through a negotiated process.

Lawrence Pezzullo confidently states on July 26, 1993:

> With strong international support and the good faith efforts of all Haitians, I am sure that the Governor's Island Accord will succeed in restoring constitutional government and returning President Aristide to office through a peaceful transition.

That was July 26, 1993.

It should be as painfully obvious to the United States as it is to President Aristide that no policy can succeed that relies on the good faith efforts of the military leaders in Haiti.

This brings us to the present U.S. incremental policy of tightening existing sanctions. This week President Clinton stated, "We ought to change our policy. It hasn't worked."

Madam President, as history attests, any proposed policy that does not include the credible threat of force does not have much hope of achieving the United State goal of the restoration of democracy in Haiti.

Many Americans are loath to commit United States forces to yet another troubled country after our experience in Somalia. But Haiti is not an isolated country halfway around the world. Haiti is our virtual next door neighbor, less than 800 miles off the coast of Florida. We cannot afford to walk away.

First, the United States is responsible for democratic leadership, particularly in the Western Hemisphere. Bowing to the military leaders in Haiti will destroy American credibility both with the Haitians and with other would-be dictators. If we cannot stand up to military thugs in our own hemisphere how can we maintain international credibility?

It sets a poor precedent in dealing with potentially trouble spots in Bosnia or North Korean or South America and the Caribbean.

Since the coup in Haiti, there have been efforts to dislodge democracy in Venezuela, Peru, and Guatemala. Abandoning Haiti would send a dangerous message resonating throughout the Caribbean and Latin America—that our commitment to democracy is shallow, short-lived and ineffective, and should be tested.

Second, the United States cannot stand by and watch the obliteration of human rights so close to its shores. An average of 40 political killings have been reported each month since 1993. Reports say the wave of savagery and terrorism under the military regime is even worse than under the Duvaliers. We cannot turn our backs on torture and suffering.

Third, an economically and politically unstable Haiti means more refugees flowing into the United States. Having served as Governor of Florida during the Mariel boatlift, I remember all too well what a mass exodus to the United States can do to our local economies and law enforcement capabilities.

Many communities continue to be challenged by the problems associated with illegal immigration, and the administration has faced strong pressure to tighten immigration laws, a fact well known to our Presiding Officer.

The administration has faced strong pressure to tighten immigration laws. The most effective way to reduce illegal immigration from Haiti is to promote democracy and help the development of a stable economy. This is true in that country as it is throughout the Caribbean, Latin America, and around the world.

Without decent lives and hope for the future, it is no wonder that Haitians will risk everything to escape their homeland.

The United States also has a major interest in Haiti because of Haiti's role in the drug trade. Corrupt members of the military have allowed drugs to travel through Haiti, a transshipment point for illegal substances, which end up killing on the streets of America, from Florida to California.

Finally, the United States would benefit economically from a democratic, prosperous Haiti, which would help solidify the momentum for democracy throughout the Caribbean and Latin America.

A few days ago, in late April a boatload of 411 desperate Haitians left their homes, crammed themselves into a 65-foot boat and risked their lives for a chance at freedom. Those who made it arrived recently in Miami with only the belongings they could stuff into overnight bags.

Many reported physical abuse by those in control of the boat. Fourteen passengers required medical attention; six others apparently died in route and were unceremoniously thrown overboard.

As the lull between winter winds and the hurricane season takes hold in the Caribbean Sea, Haitians will continue to risk everything to escape from their oppressive lives. How many more Haitians will we turn back before we hear their tragic pleas?

President Clinton, who campaigned for office criticizing the interdiction of Haitian refugees, has since justified turning these refugees back because of Haiti's substantive moves to restore democracy. That argument no longer stands, and the basis for interdiction has been shattered.

How can we justify sending refugees back to a nation plagued by violence and bloodshed, when there is clearly little hope of a democratic future?

Two-and-a-half years of sanctions have failed to achieve our objective. A new set of strengthened sanctions will cause more needless suffering, increase the incentive for Haitians to flee and further enrich and embolden the military.

The time has come to solve Haiti's problems and provide a promising future for Haitians in their own homeland rather than in the United States. We must use every means available to restore President Aristide to office—

and to restore America's credibility in foreign affairs.

Thank you, Madam President.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, thank you.

DOD FINANCIAL CRISIS

Mr. GRASSLEY. Madam President, there is a continuing and a dangerous crisis in financial management at the Department of Defense [DOD] and someone needs to be held accountable for what's going on.

The financial mess at the Pentagon was the subject of an excellent hearing before Senator GLENN's Governmental Affairs Committee on April 12, 1994.

The testimony and discussion were devastating.

I would like to briefly review what was said at the hearing and then followup on the need for accountability.

The worst problem addressed at the hearing were unmatched disbursements.

The easiest way to understand unmatched disbursements is to compare them to something the average American does every day like handling a credit card account.

If we just go ahead and pay the amount shown in the box "total due" on our monthly statements without ever checking the items listed against our customer slips, we have something like DOD unmatched disbursements.

If the matches are not made each month—and this becomes common knowledge like at DOD, then our credit card account could become vulnerable to fraudulent or erroneous charges by a crooked merchant.

The same thing is going on at DOD but on a massive scale.

The GAO says that DOD has at least $41 billion of unmatched disbursements; $41 billion in unmatched disbursements means millions and millions of DOD checks have not or cannot be linked to supporting documentation and contracts.

Comptroller General Bowsher and Deputy DOD IG Vander Schaaf confirm one simple fact: If a check is not matched with an obligation, we do not know what happened to the money.

Unmatched disbursements leave accounts vulnerable to theft and abuse.

We know some of DOD's unmatched payments are legitimate. But some were fraudulent.

We had the case of Mr. James Lugas at Reese Air Force Base, TX, last year, and the case of Mr. James McGill at the Navy's Military Sealift Command this year.

Lugas and McGill were able to rip into the taxpayer's pockets undetected to the tune of $5,119,989.49. These payments could not be matched with anything.

In both cases, the money was stolen from DBOF—the Defense Business Operations Fund.

Both Lugas and McGill were caught by chance and not because of effective internal financial controls.

We do not know how many others, like Lugas and McGill, have tapped into the DOD money pipe undetected.

We also know that unmatched disbursements produce duplicate and erroneous payments.

Mr. Bowsher testified that DOD made about $1.5 billion in overpayments to contractors in fiscal year 1993 and that the overpayments are continuing.

Again, these erroneous payments were not detected because of effective internal controls. There were detected when the contractors voluntarily returned the money.

How many overpayments were not returned? DOD does not know.

To make matters worse, DFAS—the Defense Finance and Accounting Service—the organization in charge of the DOD check writing operation, appears to condone and coverup overpayments.

DFAS wants to avoid the administrative headache and embarrassment of processing returned checks.

Instead of recovering overpayments, DFAS is telling the contractors: just hold on to the money and work off the overpayment down the road against unspecified future work.

So, DFAS is making unauthorized interest-free loans to the defense industry.

Senator GLENN said and I quote:

> This would, in effect, give the company a loan, no interest, no nothing; just keep the money and use it for your own investment for a while if you want to."

DOD could be sitting on billions of dollars of fraudulent and erroneous payments. We will not know how bad it is until all payments are properly matched.

This is a very dangerous mess, Madam President. I think it stinks.

Mr. Bowsher, keeps saying:

> * * * the breakdown of financial control and discipline in accounting for taxpayers' dollars at DOD is inexcusable and must not be tolerated.

Responsible officials must be held accountable and disciplined for what has happened. Gross, continuing financial mismanagement must have consequences.

As I told the committee on April 12, accountability is not on the way. Rather, rewards for business as usual are being dished out.

I have here a DOD memo dated March 9, 1994, signed by D.O. Cooke, Director of Administration and Management. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Office of the Secretary of Defense, Washington, DC, Mar. 9, 1994]

MEMORANDUM ON 1993 SENIOR EXECUTIVE SERVICE PRESIDENTIAL RANK AWARDS

An original and integral part of the Senior Executive Service (SES) established by the Civil Services Reform Act of 1978, the Presidential rank awards are the most significant means of recognizing contributions by Federal career senior executives. Each year the President can confer the rank of Distinguished Executive on not more than one percent of the SES and the rank of Meritorious Executive on not more than five percent of the SES.

The Distinguished Executive rank and $20,000 were presented to the following career executives in the Office of the Secretary of Defense (OSD) and the Defense Agencies for 1993:

Kenneth Bruce Boheim, Defense Information Systems Agency; James D. Carlson, Ballistic Missile Defense Organization; Gary L. Denman, Advanced Research Projects Agency; L. Paul Dube, Office of the Comptroller; Frank Kendall, Office of the Under Secretary of Defense for Acquisition; and Homer Diehl McKalip, office of the Under Secretary of Defense (Policy).

Following is a list of career executives in OSD, the Defense Agencies, and the Office of the Inspector General who were awarded the Meritorious Executive rank award and $10,000 for 1993:

Alan J. Andereoni, Defense Medical Programs Activity; Glenwood E. Bradley, Defense Information Systems Agency; Carolyn A. Carmack, Office of the Comptroller; Nathaniel M. Cavallini, Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence); Jeremy C. Clark, Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence); Carol Frick Covey, Office of the Under Secretary of Defense for Acquisition; Sheila G. Dryden, Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence); Arthur H. Ehlers, Jr., Office of the Director, Administration and Management; Thomas E. Ewald, Defense Investigative Service; Douglas B. Hansen, Office of the Under Secretary of Defense for Acquisition; Richard G. Howe, Office of the Assistant Secretary of Defense (Command, Control, Communications and Intelligence); Clyde E. Jeffcoat, Defense Information Systems Agency; Edward R. Jones, Office of the Inspector General; Lorraine F. Lechner, Defense Finance and Accounting Services; Belkis Leong-Hong, Defense Information Systems Agency; David L. McNicol, Office of the Director, Program Analysis and Evaluation; Patrick J. Meehan, Jr., Office of the Under Secretary of Defense for Acquisition; John S. Nabil, Defense Finance and Accounting Service; Earl W. Phillips, Defense Mapping Agency; John P. Springett, Defense Finance and Accounting Service; Frank A. Tapparo, Office of the Director, Program Analysis and Evaluation; and Charles C. Wilson, Jr., Office of the Under Secretary of Defense (Policy).

D.O. COOKE,
Director.

Mr. GRASSLEY. The memo announces the recipients of the 1993 Presidential Rank Awards.

Four recipients of the award and $10,000 cash bonuses are senior officials of the Defense Finance and Accounting Service or DFAS as follows: John P. Springett, DFAS Director; Lorraine F. Lechner, DFAS Deputy Director; John

S. Nabil, Director, Denver Center; and Clyde E. Jeffcoat, Director, Denver Center, 1991–92.

The Defense Finance and Accounting Service is directly responsible for many of the problems that were the focus of the April 12 hearing.

All four officials have held top management positions at DFAS since day one—November 26, 1990—the day DFAS was created.

Mr. Springett—first as Principal Deputy Director then as Director; Ms. Lechner as Deputy Director for Resource Management and Chief Financial Officer; and Mr. Nabil and Jeffcoat as Directors of major financial centers at Kansas City and Denver.

Three of the four continue to occupy top positions today. They run the show. They are in charge. They are accountable.

Mr. Jeffcoat has retired, but he ran the Denver Center when $649.1 million in M account money was used to plug a gaping hole in Air Force accounting records to make the books balance.

These rewards send the wrong signal to the rest of the financial management community.

We say that fixing the problem is a top priority. Yet we reward the big wheels at the top who are responsible for the mess—who conduct business as usual—who do nothing more than write "cover-your-fanny" memos while the accounting system lies in shambles at their feet.

At the April 12 hearing, I recommended that: "responsible officials should be identified and removed from office; and that the Presidential awards be reviewed and reconsidered."

Mr. Hamre was very disappointed in my remarks. The next day he wrote me a letter, defending the three DFAS officials.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, April 13, 1994.

Hon. CHARLES E. GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: I am writing as a follow up to yesterday's hearing before Senator Glenn on the issue of financial management reform in the Department of Defense. I am sorry I was not able to be at the hearing at the time you testified. Conflicts in schedule precluded me from arriving until about 10:30.

Then I arrived I learned something that bothered me. I learned that in your statement you criticized four individuals, three of whom worked at the Defense Finance and Accounting Service, for receiving awards when we have been having so many problems in the financial management area. From the tone of the comments I received, it appears people concluded that we have rewarded these individuals for poor behavior when we should have disciplined them or fired them.

I take responsibility for this serious misunderstanding. These three individuals continue to work in DFAS and received the awards just last year. I was not here at the time they were nominated for their awards, but had I been here I would have nominated them myself. These individuals were rewarded for their efforts during the past year, not because of the problems but because they have been leading the fight to overcome the 40-year old problems they inherited.

The case of the fellow who fraudulently billed $3 million to the Military Sealift Command is a good case in point. That case predated the creation of the Defense Finance and Accounting Service. Even before he learned of the case, John Springett initiated a tightening of the internal controls in the various centers. After the case was revealed, he added new procedures to try to avoid similar occurances in other centers. I have enclosed some memoranda he authored as evidence of his efforts.

These individuals were rewarded for leading the fight to correct our problems, not for their work in causing the problems. Like me, they recently moved into these positions of responsibility, and their heroic efforts in these jobs led us to recommend them for bonuses. That is precisely what we should be doint—rewarding the courageous civil servants who are working overtime to correct the systemic problems we all inherited.

May I ask of you a favor? I would like to get on your calendar and bring over these three individuals and have them brief you on the actions that they have taken during the past two years to correct some of our most serious problems. I invite you to judge them at that point, but I am convinced you will conclude as I have that these three people do indeed deserve commendation for their efforts. I will call Charlie Murphy soon to arrange for that meeting.

Sincerely,

JOHN J. HAMRE.

Enclosures.

[From the Defense Finance and Accounting Service, Arlington, VA, Oct. 28, 1993]

Memorandum for Center Directors, Defense Finance and Accounting Service.

Subject: Finance and Accounting Operational Review Program.

Finance and accounting activities have always been associated with high levels of risk. Turmoil in the workplace resulting from the defense drawdown and base realignment and closure activities has increased the challenge of managing this risk. Our traditional role as custodians of the public trust demands that we be certain we are managing our risk as effectively as possible.

The Defense Finance and Accounting Service assumed a higher level of risk as a result of the capitalization and consolidation of finance and accounting functions. Confidence in the effectiveness of programs assimilated by capitalization must be improved as soon as possible. Acceptable confidence levels can best be assured by the consistent application throughout DFAS of a clearly defined operational review program.

Recent instances of reported fraud serve to remind us that we must be constantly vigilant to any compromise and quick to apply well formulated corrective action. It is imperative we begin this important work immediately. We must be able to thoroughly demonstrate continuous verification of the integrity of our operations at all levels—including the lowest operating levels. The work we recently undertook together through the Corporate Management Advisory Board to develop a comprehensive and consistent finance and accounting quality assurance program for DFAS was the first step in achieving appropriate confidence levels in this vital area.

The next step is to implement the embedded program portion of the operational review program beginning December 1, 1993. The following implementing instructions are provided to ensure program consistency throughout DFAS:

Defense Accounting Offices. Reviews of all finance and/or accounting functions within the Defense Accounting Office (DAO) will be performed once every 12 months at a minimum. Each Defense Accounting Officer will prepare an annual review plan, with a copy provided to their Center management support activity. Reviews will be conducted by personnel who are not directly associated with the function itself. The reviews will include all operations to support the function, to include validation and testing of internal controls. Each review will be completed with a written report to the Defense Accounting Officer, to include recommendations for improvements for identified deficiencies. DAOs will provide a quarterly status report on their review plan progress to their Center management support activity; this report may be incorporated into current quarterly reporting requirements.

Centers. Reviews of all finance and/or accounting functional operations, to include the office which provides liaison support between DAOs and DFAS–CO, will be performed once every 12 months at a minimum. Each operating director will submit to the Center Director an annual review plan which schedules the review of each process or group of processes, to include validation and testing of internal controls. Reviews will be conducted by personnel who are not directly associated with the daily management of the process or group of processes. A written report of each review will be provided to the operational Director. The report will include recommendations for corrective actions or improvements. The operating directors will provide to the Center Director a quarterly status report on their review plan progress. Coordination of Center operation reviews with the Center Internal Review program manager is essential to ensure no duplication.

I am confident you will take the necessary proactive steps to ensure the timely completion of the milestones established in your implementation plans. Attached for your information is a summary by Center of the not to exceed approved additive resources.

I have tasked the Deputy Director for Customer Service and Performance Assessment to monitor our progress in this essential program area.

JOHN P. SPRINGETT,
Director.

Attachment.

Summary of Additive Resource Requirements Operational Review Program (Embedded)

	Not to exceed
Kansas City	29
Denver	2
Columbus	10
Indianapolis	[1] 0
Cleveland	0
Total	41

[1] Note for DFAS–IN: Increment for DFAS–IN is included in FY 1993 capitalization agreement with Army.

[From the Defense Finance and Accounting Service, Arlington, VA, Mar. 14, 1994]

Memorandum for Center Directors, Defense Finance and Accounting Service.

Subject: Finance and Accounting Independent Operational Review Program.

On October 28, 1993, the Defense Finance and Accounting Service initiated the embedded Operational Review Program, the initial step to address the high level of risk inherent in the finance and accounting business area. Each of you took immediate action to make this a viable and effective program.

To further amplify our responsibilities in the reduction of fraud, waste, and abuse in daily operations, DFAS will now implement the independent phase of the Operational Review Program. The independent Operational Review Program will be functionally independent of operations (an honest broker) and will have the authority, responsibility, and technical expertise to conduct reviews both externally (Defense Accounting Office network) and internally (Center finance and/or accounting operations) under the direct staff control of the Center Director.

The effective date for the independent review program is March 1, 1994. The following implementing instructions are provided to ensure program consistency throughout DFAS:

DFAS Headquarters. Program management for the Operational Review Program is the responsibility of the Deputy Director for Customer Service and Performance Assessment (DFAS-HQ/P). Policies and procedures for independent reviews of functional operations, review criteria and techniques, and program progress oversight will be developed and published by HQ/P. The Operational Review and Management Directorate (HQ/PF) will provide direct oversight for your progress in program implementation.

DFAS Centers. Independent review of all DAOs will be performed at least once every 18 months. Each Center finance and/or accounting functional operations will be independently reviewed at least once every 24 months. Each Center Director will ensure an annual review plan is developed, approved, and provided to DFAS-HQ/P not later than June of the prior fiscal year. Reviews will be conducted by personnel who are not associated with the daily management of the DAO or function scheduled for review. The reviews will include either all of the operations within the DAO or Center functional operations, or any selected group of operations as determined by the Center's independent review program manager or team leader. The reviews will include validation and testing of internal controls. In most cases, reviews will be completed in one week, depending on size and complexity of the activity scheduled for review. The team leader will conduct an exit briefing with the appropriate line manager(s) highlighting positive recognition for commendable actions as well as deficiencies which require corrective action. A written report to the line manager will be completed within seven calendar days after completion of the review. Reports which identify deficiencies will require a response from the line manager with a plan of corrective action; responses must be completed within 30 days after receipt of the review report. Center independent review program managers are responsible for reporting to the Center Director at least quarterly on the program results; some situations may require immediate reporting.

I am confident you will take the necessary proactive steps to ensure timely planning and development of milestones for this portion of the operational review program. The Operational Review and Measurement Directorate will contact you within a few days to initiate the planning process. As before, the Deputy Director for Customer Service and Performance Assessment will monitor our progress in this essential program area.

JOHN P. SPRINGETT,
Director.

Attachment.

Summary of Additive Resource Requirements Operational Review Program

INDEPENDENT PROGRAM

	Not to exceed
Kansas City	4
Denver	0
Columbus	0
Indianapolis	0
Cleveland	4
Total	8

EMBEDDED PROGRAM

(Previously approved by Director on Oct. 28, 1993)

	Not to exceed
Kansas City	29
Denver	2
Columbus	10
Indianapolis	[1]0
Cleveland	0
Total	41

[1] Note for DFAS-IN: Increment for DFAS-IN is included in FY 1993 agreement with Army.

Attachment.

INDEPENDENT OPERATIONAL REVIEW PROGRAM CONCEPT

Independent review DAO/Center Operations: Center Directors responsible for implementation, program managers at each center orchestrate program under the direct staff control of the Center Director.

Establish an annual plan.

Team leaders/members from DAOs for DAO reviews—ad hoc.

Team Leaders/members from each center for center reviews—also ad hoc.

Frequency of reviews: At least once every 18 months, reviews generally completed in 1 week.

Reporting:

Verbal report provided at exit briefing.

Formal written report issued within 7 calendar days to DAO/line manager of center functions (activity reviewed).

Formal reply by DAO/line manager required on all findings.

Reply submitted to the center independent program manager from DAOs through network management channels, or directly from line managers for center functions, within 30 calendar days after receiving written report.

Program manager provides monthly update to center director; sooner if situations dictate.

DFAS—headquarters monitors program progress.

Mr. GRASSLEY. In a nutshell, this is what Mr. Hamre said: "They have been leading the fight to overcome the 40-year-old problems they inherited * * * Like me, they recently moved into these positions of responsibility, and their heroic efforts in these jobs led us to recommend them for bonuses."

Madam President, I do not agree with Mr. Hamre's assessment.

Mr. Hamre's position is based on the assumption that Mr. Springett and company are helping him fix the problem. I would like to try to put Mr. Hamre's belief in better perspective.

DFAS was created in November 1990. It was one of the famous DMR or Defense Management Report initiatives.

To that extent, it was the brainchild of the late Mr. Donald J. Atwood, who was Deputy Secretary of Defense at the time.

I have a document signed by Mr. Atwood. It is dated April 14, 1992. In this document, Mr. Atwood outlines DFAS's million.

One of DFAS's most important jobs, according to Mr. Atwood, was to eliminate unmatched disbursements.

I would like to quote from pages 6 and 12 of the April 1992 document signed by Mr. Atwood:

> On October 24, 1991, guidance was issued requiring the DOD Components, under the leadership of the Defense Finance and Accounting Service, to develop a plan for eliminating unmatched disbursements. The Components were requested to identify future actions that will preclude unmatched disbursements in the future. The Defense Finance and Accounting Service is tasked with implementing those plans and actions.

That order went out in October 1991.

Mr. Springett and company held senior management posts at DFAS in October 1991.

The DMR, Mr. Atwood, and the Comptroller all told Springett and company to get on the stick; clean up the mess; and eliminate unmatched disbursements.

They have had plenty of time—several years—but did nothing.

Today's $41 billion in unmatched disbursements is monument to Mr. Springett's do-nothingness. Under the leadership of Mr. Springett and company, the unmatched disbursements have continued to pile up.

I cannot help but wonder what Mr. Springett and company said to the last Comptroller when he ordered them to get rid of unmatched disbursements. I can just imagine. It may have gone something like this: "Yea boss, don't worry, we'll help you fix it. Consider it done."

However, a series of recent IG and GAO audit reports suggest things are still getting worse—not better.

I am told, for example, that disbursements are not being forced into the wrong accounts just to get the numbers down.

I think Mr. Springett and company are accountable. Heads must roll.

All the participants at the April 12 hearing thought someone should be held accountable.

Senator GLENN said: "Somebody must be held accountable on this."

Senator DORGAN asked: "Who is really responsible for allowing things to happen that first-year accounting students would understand are fundamentally wrong?"

Mr. Bowsher and Mr. Vander Schaaf were helpful in pinpointing responsibility.

Mr. Bowsher said: "I think accountability should start at the top and that this committee ought to hold senior financial people at DOD responsible * * * It is the people in charge of these accounting and finance centers."

Mr. Vander Schaaf was more specific. He said: "It is not the GS-5 accounting clerk. It is further up the line," and I "certainly don't walk away from" Senator GRASSLEY's recommendations. "I think that people in the finance and accounting business should be held accountable." That is Mr. Vander Schaaf talking.

I think Mr. Bowsher and Vander Schaaf are trying to tell us something. I think they are telling us that Mr. Springett and company are responsible. There may be others, too.

If they are not responsible, who is?

Madam President, Mr. Bowsher offered to help us determine more precisely where accountability lies. This is what he said: "This committee could easily ask the leadership of the Defense Department who are the responsible people at the key points, and we could go out and review that for you."

Madam President, I would like to call on Senator GLENN and the committee to take Mr. Bowsher up on his offer.

Responsible officials need to be identified and removed from office.

Without accountability, nothing else Congress does will count for much.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI] is recognized for 15 minutes.

SECTION 531 OF THE STATE DEPARTMENT AUTHORIZATION BILL

Mr. MURKOWSKI. Madam President, on Saturday, President Clinton signed the State Department authorization bill. I rise this morning to speak about a particular provision of that bill, section 531.

Section 531 is an important statement of United States policy toward our friends in Taiwan.

Madam President, back in July of last year, I added an amendment to the State Department bill that reaffirmed the primacy of the Taiwan Relations Act, as the law of the land, over the 1982 joint United States-China communique known as the Shanghai Communique, a statement of policy.

The Foreign Relations Committee voted 20 to 0 to reaffirm the primacy of the Taiwan Relations Act as the law of the land by accepting my amendment.

I would remind this body that the Taiwan Relations Act was passed back in 1979 by a greater than two-thirds vote of each House. The TRA, as it is known, is really the cornerstone of our relationship with Taiwan. The Shanghai Communique, on the other hand, was the result of Executive communications that were never ratified by this body. I think the difference speaks for itself.

Last week, the House and Senate conferees accepted a substitute of my original amendment that retained the intent of the original language to specifically reaffirm the primacy of the Taiwan Relations Act over the statements of policy, that is, the Shanghai Communique.

The language adopted in the conference is significant because it reasserts Congress' role, together with that of the President, in determining the extent of defensive arm sales to Taiwan

Madam President, to understand this amendment, I think it is important to look at the relevant language—because, as we have heard around here for a long time, the devil is in the details—of the Taiwan Relations Act as compared to the Shanghai Communique.

I have two charts that highlight the important distinctions between the TRA and the Shanghai Communique. The first chart refers to section 3 of the Taiwan Relations Act which was adopted by the U.S. Congress on April 10. 1979. Section 3(a) says:

> The United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

I want to underline "sufficient self-defense capability." That does not read "offense." It means that the United States will help Taiwan maintain its defensive, not offensive, capabilities.

Further, section 3(b) says: "The President and the Congress"—you notice the Congress is identified with the President—"shall determine the nature and quantity of such defense articles and defense services based solely upon their judgments of the needs of Taiwan." "Their judgment" means the President in consultation with the Congress.

Now, the other chart shows the specific differences between the TRA and the Shanghai Communique. What we have here is the joint communique dated August 17, 1982, and it is quite specific. It says that the administration pledged "to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution."

That is paragraph 6 of the communique.

The language which was accepted by the conference, my amendment, simply reasserts the primacy of domestic law over nontreaty understandings. The United States-China Joint Communique is a nontreaty understanding. The Taiwan Relations Act is still the binding law of the land.

Section 531 not only reasserts the primacy of the domestic law over the nontreaty understandings, but it gives notice—and I think this is important, Madam President—to the administration that the Congress has not been properly consulted over the continuing refinement of United States arms sales policy toward Taiwan.

This congressional statement, which was adopted by the conference, reflects the concern on the part of myself and many of our colleagues over China's military modernization, its increased military spending, and its territorial claims. If one questions whether there is an increased threat from China, I would suggest that you examine the undisputed facts. China is the only declared nuclear power increasing its defense budget and military capabilities; an estimated increase of about 22 percent over last year. That is very significant in a world where other major powers are decreasing their defense budgets.

In addition, China has reaffirmed its right to use force against Taiwan in a white paper on the Taiwan question.

Section 531 also calls on the President to assess changes in the PRC's—People's Republic of China—capabilities and intentions on a regular basis in considering whether it is appropriate to adjust arms sales to Taiwan.

So the President is required to monitor the changes and make adjustments either upward or downward.

The language of the amendment makes clear that the U.S. Congress, this body along with the House, is committed to providing Taiwan the defensive means necessary to ensure its safety.

My intent in pushing for this amendment was simply to point out the inconsistency between telling the Taiwanese that we would provide for their defense needs but then arbitrarily limiting what we would sell to them.

I am referring here to the so-called defense bucket amendment. As a result of the Shanghai Communique, the bucket of defensive articles and defensive services that we will sell to Taiwan has been declining over a period of time from about $820 million in 1982 to approximately $580 million in 1993. Now, these numbers suggest that there will be less in the bucket, but if we want to make sales that are in our interest, perhaps our political interest—for example, F-16 sales—it can be considered outside the bucket. So nobody knows what is in the bucket or outside the bucket except the State Department, and the negotiating process is, to me at least, hard to understand. The loss of exports to Taiwan that has resulted from the inconsistencies in our policy is staggering.

But the Taiwan Relations Act is explicit that the nature and quantity of defensive arms transferred to Taiwan would be based solely upon the judgment of the President and Congress of the needs of Taiwan, not on political decisions.

Thus, whether we are talking about sales of United States manufacturing equipment on third-country frigates in to the Taiwanese navy or ballistic missile systems, the decision must be based on Taiwan's needs and not on arbitrary principles. And that is an important requirement.

I am pleased, Madam President, that our Secretary of State, Warren Christopher, has sent me a letter as part of our discussion of this amendment, which reaffirms the administration's commitment to the provisions of the Taiwan Relations Act, including acknowledging the Taiwan Relations Act's legal precedence over the Shanghai Communique.

But more changes are needed in United States policy toward Taiwan to treat Taiwan with the respect that they deserve.

Taiwan has the world's 14th largest economy and is the United States' sixth largest trading partner. Taiwan holds the world's largest foreign reserves. Moreover, Taiwan is a dependable friend and a good international citizen.

Many United States policies are simply out of date, out of line with the practice of our major Europian allies, and out of touch with current realities in East Asia, including the fact that Taiwan and the PRC are themselves exchanging citizens and trading and that Taiwan has invested over $10 billion in the Peoples' Republic of China.

Let me give you a few examples before I close:

The administration should change its policy prohibiting high-level contacts. Our President attended a meeting between Vice President GORE and the Dalai Lama, Tibet's exiled ruler. Just last week Hong Kong's Chief Secretary, Mrs. Anson Chan, paid official visits to the State Department and the National Security Council. We have Yasser Arafat going to the White House. None of these individuals have official U.S. diplomatic status. But the White House has made policy decisions to have contacts. But President Lee Teng-hui cannot land in my State of Alaska nor can he land in Hawaii to visit.

Carla Hills, the USTR under President Bush, was the last Cabinet-level officer to visit Taiwan and, I might add, the only one. The administration should send Secretary of Commerce Brown or USTR Kantor to Taiwan. The administration should allow Taiwan's Economic Minister to visit his counterpart in the United States.

The administration should allow the Taiwanese to change the name of their representative office here. Currently, the Taiwanese conducting nondiplomatic activities in the United States are forced to live with an acronym more appropriate for perhaps a basketball league.

CCNAA—the Coordinating Council of North American Affairs. Who could make that connection with Taiwan? This is simply silly. Let us get on it with it and let the Taiwanese change the name to something that at least identifies the office and the country.

Then there is the matter of the visa stamp. When a visa is obtained in Taiwan, it bears a Hong Kong stamp. What are we going to do in 1997 when Hong Kong reverts to China? The policy must be changed. Let us do it now out of respect for friends in Taiwan.

Finally, and perhaps most important, let us support Taiwanese membership in multilateral institutions like the GATT, APEC and the United Nations.

Madam President, I have been told that the administration is conducting an interagency review of its Taiwan policy, and that is good. But the fact is, Madam President, that review started last July and it is still going on and we are still waiting for an announcement of what the policy is so everyone will understand the game rules.

I hope the administration will listen to some of these recommendations. I know that many of my colleagues will support many of these changes, and I ask them to communicate their views directly to the administration.

I would like to conclude by thanking my colleagues in the Senate—particularly on the Foreign Relations Committee, Senator PELL, and Senator HELMS—for their support in the conference of my amendment.

And I want to thank National Security Advisor Tony Lake, Ambassador Winston Lord, Congressman Hamilton and their staffs for working with me, and Deanna Okun of my staff, as well, and those who helped in reaching an agreement in conference on the language of the substitute amendment. I think it is long overdue and most appropriate as we deal with our friends in Taiwan.

Madam President, I yield the floor, and wish you a good day.

RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. If there is no Senator seeking recognition, this body will stand in recess until 2:30 p.m.

Thereupon, at 12:42 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KOHL].

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let us have a little pop quiz: How many million would you say are in a trillion? And when you figure that out, just consider that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business on Monday, May 2, the Federal debt stood—down to the penny—at $4,577,740,134,850.29. This means that every man, woman, and child in America owes $17,558.68, computed on a per capita basis.

Mr. President, to answer the question how many million in a trillion, there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, I am informed we need to report the bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONSUMER REPORTING REFORM ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 783, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 783) to amend the Fair Credit Reporting Act, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BRYAN. Mr. President, I ask unanimous consent that the report accompanying S. 783 be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. No objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Hold it.

The PRESIDING OFFICER. There is objection.

Mr. BOND. Mr. President, my apologies. I thought we had this cleared. I believe we may have it cleared within one moment. The staff wanted to check again. So I would ask that we withhold.

Mr. President, I am now advised that there is no objection to this unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, I thank the Chair.

AMENDMENT NO. 1667

(Purpose: To make a series of amendments)

Mr. BRYAN. Mr. President, I send to the desk a managers' amendment and ask unanimous consent that the amendment be agreed to and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mr. BOND, and Mr. RIEGLE, proposes an amendment numbered 1667.

Mr. BRYAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 80, line 2, strike "and".

On page 80, between lines 2 and 3, insert the following:

"(B) an identifier that is not unique to the consumer and that is used by the person solely for the purpose of verifying the identity of the consumer; and

On page 80, line 3, strike "(B)" and insert "(C)".

On page 80, line 20, strike "subsection (d)" and insert "subsections (a)(2) and (d)".

On page 105, strike lines 17 through 21 and insert the following:

"(3) if the consumer certifies in writing that the consumer—

"(A) is unemployed and intends to apply for employment during the 60-day period beginning on the date on which such certification is made;

"(B) is a recipient of public welfare assistance; or

"(C) has been the victim of fraud.

On page 106, line 7, strike the quotation marks and the final period.

On page 106, between lines 7 and 8, insert the following new subsection:

"(c) CONSUMER REPORTS AT SPECIFIED CHARGE.—

"(1) IN GENERAL.—Upon the written request of a consumer, a consumer reporting agency that maintains a file on the consumer shall make all disclosures pursuant to section 609 once during any 12-month period at the applicable charge described in paragraph (2).

"(2) APPLICABLE CHARGE.—For purposes of paragraph (1), the applicable charge shall not exceed the lesser of—

"(A) the total costs incurred by the consumer reporting agency in making the disclosures; and

"(B) $3.".

On page 107, strike lines 16 through 18 and insert "paragraph (2); and".

On page 112, between lines 14 and 15, insert the following new subsection:

(d) AFFILIATE SHARING NOTICE REQUIREMENT.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by subsections (b) and (c), is amended by adding at the end the following new subsection:

"(f) AFFILIATE SHARING NOTICE REQUIREMENT.—Whenever credit or insurance for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased, either wholly or partly because of information that is furnished to the user of the information by a person related to the user by common ownership or affiliated by corporate control, and that bears upon the consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall—

"(1) notify the consumer of the action, and upon a written request from the consumer for the reasons for such action that is received by the user not later than 60 days after transmitting such notice, not later than 30 days after receiving such request, disclose the nature of the information to the consumer; and

"(2) provide to the consumer a toll-free telephone number that is established and maintained by the user and that enables the consumer to contact the user regarding the action.".

On page 112, line 20, strike "A person" and insert "Except as provided in section 622(c), a person".

On page 112, line 23, strike "subsection (c)" and insert "subsection (b)".

On page 113, strike lines 1 through 3.

On page 113, line 4, strike "(c)" and insert "(b)".

On page 113, line 18, strike "(d)" and insert "(c)".

On page 114, line 6, strike "A person" and insert "Except as provided in section 622(c), a person".

On page 114, line 9, strike "subsection (c)" and insert "subsection (b)".

On page 114, strike lines 10 through 12.

On page 114, line 13, strike "(c)" and insert "(b)".

On page 114, line 23, strike "(d)" and insert "(c)".

On page 115, strike line 23 and all that follows through page 116, line 2, and insert the following:

"(2) DUTY TO CORRECT AND UPDATE INFORMATION AFTER REINVESTIGATION.—A person who furnishes to a consumer reporting agency information that is disputed by a consumer in accordance with section 611 and that, as a result of an investigation conducted in accordance with subsection (b), is determined by the person to be inaccurate or incomplete shall—".

On page 116, between lines 9 and 10, insert the following new paragraph:

"(3) DUTY TO CORRECT INFORMATION OTHERWISE DETERMINED TO BE INACCURATE OR INCOMPLETE.—A person who regularly and in the ordinary course of business furnishes to a consumer reporting agency information that, other than as a result of an investigation conducted in accordance with subsection (b), is determined by the person to be inaccurate or incomplete shall—

"(A) promptly notify the consumer reporting agency of that determination; and

"(B) provide to the agency any corrections to that information, or any additional information, necessary to make the information provided by the person to the agency complete and accurate.

On page 116, line 10, strike "(3)" and insert "(4)".

On page 116, line 18, strike "(4)" and insert "(5)".

On page 117, line 1, strike "(5)" and insert "(6)".

On page 117, strike line 9 and all that follows through page 118, line 10.

On page 118, line 11, strike "(c)" and insert "(b)".

On page 118, line 19, strike "25-day" and all that follows through "611(a)(1)" and insert the following: "applicable period under section 611(a), during which the consumer reporting agency is required to complete actions required by that section regarding that information".

On page 118, line 25, strike "(d)" and insert "(c)".

On page 119, strike lines 1 through 3 and insert the following:

"(1) LIMITATION ON LIABILITY.—Sections 616 and 617 do not apply to any failure to comply with paragraph (1), (3), (4), (5), or (6) of subsection (a).

"(2) ENFORCEMENT.—Paragraphs (1), (3), (4), (5), and (6) of subsection (a) shall be enforced exclusively under section 621 by the agencies identified in that section.

On page 119, line 4, strike "(2)" and insert "(3)".

On page 120, line 9, insert "except in the case of a violation of section 622(a)(1)," after "(D)".

On page 121, line 23, insert ", except that no civil penalty may be imposed for a violation of section 622(a)(1)" before the quotation marks.

On page 123, between lines 18 and 19, insert the following:

"(ii) section 605, relating to obsolete information, except that this clause does not affect the applicability of any State law in effect on the date of enactment of the Consumer Reporting Reform Act of 1994;

On page 123, line 19, strike "(ii)" and insert "(iii)".

On page 124, line 3, strike "(iii)" and insert "(iv)".

On page 124, line 8, strike "(iv)" and insert "(v)".

On page 124, line 18, strike "under—" and all that follows through "622(b)(2)" and insert "under section 609(c)".

On page 126, line 6, strike "under—" and all that follows through line 8 and insert the following: "under section 609(c).

"(4) APPLICABILITY.—Notwithstanding any other provision of this subsection, beginning 6 years after the date of enactment of the Consumer Reporting Reform Act of 1994, a State may adopt a law, or certify that the voters of the State have voted in favor of a constitutional or other provision, which states explicitly and by its terms that the law or provision is intended to supplement this Act, if the law or provision gives greater protection to the consumer than is provided under this Act.".

On page 133, line 7, strike "You have" and all that follows through the period on line 10.

On page 133, line 10, strike "also".

On page 133, line 14, insert the following after the period: "You are also entitled to receive a free copy of your credit report if you are unemployed and intend to apply for employment during the next 60 days, if you are a recipient of public welfare assistance, or if you have been the victim of fraud.".

Mr. BRYAN. Mr. President, I ask unanimous consent that a summary of the managers' amendment be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF MANAGERS' AMENDMENT TO S. 783

SUNSET

Sunset Section 624 concerning Preemption. Sunset effective 6 years after date of enactment. Following the sunset, states must enact new laws. Old laws will not go back into effect automatically.

CIVIL LIABILITY

Clarify Section 622(a), the Duties of Furnishers, so that there is no private cause of action against furnishers for failure to furnish accurate information. In such instances, only FTC and State Attorneys General may enforce the Act, but they may not seek civil money penalties. The legislation creates a private cause of action only for failure to properly reinvestigate information and correct mistakes once the furnisher has been formally notified of a problem under the Act.

OBSOLETE INFORMATION

Preempt Section 605, regarding the time periods for which information may be maintained on a consumer report. This provision grandfathers all existing state laws.

AFFILIATE SHARING

Clarify Section 603(d) so that when credit is denied based on information obtained from an affiliate, the credit grantor must notify the consumer of such adverse action and provide a toll-free number.

ONE-TIME NOTICE

Delete Section 622(b), the furnishers' one-time notice requirement to the consumer that information on that consumer is furnished to consumer reporting agencies.

IDENTIFIER

Expand Section 604(d)(2) to allow a person to receive with the prescreen list an identifier that is not unique to the consumer.

REINVESTIGATION TIME PERIOD FOR FURNISHER

Amend Section 622(c) to allow the furnisher time to consider information submitted by the consumer in accordance with Section 611(a).

FREE REPORT

Replace the provision in S. 783 requiring credit bureaus to provide the consumers a free report every other year with requirement that a free report be provided for people who are unemployed, people who are on welfare, and people who have been the victim of fraud. All consumers are entitled to one report per year, upon written request at the lesser of cost or $3.

The PRESIDING OFFICER. Without objection, the amendment is agreed to and the motion to reconsider is laid on the table.

So the amendment (No. 1667) was agreed to.

Mr. COVERDELL. I rise today to express my appreciation to Senator BRYAN and Senator BOND for their willingness to address my concerns regarding S. 783 and the free credit report requirements of the bill. S. 783, as originally reported out of the Banking Committee, provided for four instances in which a consumer could obtain a copy of his or her credit report free of charge. First, a consumer was entitled to receive a free credit report upon being turned down for credit or otherwise adversely affected and again after the disputed information has been reinvestigated. Additionally, a consumer was further entitled to a free report 1 year after the reinvestigation report is provided, as well as a free credit report every other year upon written request.

Mr. President, I was particularly troubled by the provision of S. 783, as it was reported out of the Banking Committee, which required credit bureaus to give away free credit reports upon written request by a consumer. I believe that it is simply wrong for the Congress of the United States to require a private business to give its product away for free. School registrars, hospitals, motor vehicle agencies and other State and Federal Government agencies charge fees for providing information to individuals, yet S. 783 as originally reported would have prohibited credit reporting agencies from recovering the costs associated with preparing and reproducing this report. Though the provision as drafted tried to limit its scope to nationwide credit reporting companies, the cost of the free report would have ultimately been passed onto the 700 independently owned credit bureaus which may or may not be affiliated with a nationwide credit reporting system. This would have amounted to a mandate on small business.

That is why I am very glad that I was able to work with Senators BOND and BRYAN to reach an agreement, which is included in the managers' amendment to this bill, which allows the credit reporting agencies to charge $3 for credit reports issued to consumers upon their request. As part of the agreement, consumers who are either unemployed and intending to seek employment, receiving public welfare assistance or who have been the victim of fraud will be entitled to receive their credit report free of charge. While I have agreed to including these exceptions in the managers' amendment, I wanted to make it clear that these exceptions should be narrowly construed, so as not to be the exceptions that swallowed the rule. It is my friend from Missouri's opinion that this legislation would not prohibit credit reporting agencies from establishing reasonable procedures to ensure that persons receiving free reports meet the criteria set forth in the legislation?

Mr. BOND. I want to assure the Senator from Georgia that it is the managers' intent that these exceptions should be construed narrowly, and that credit reporting agencies would be permitted to institute safeguards to ensure the reasonable use of these exceptions. The exceptions were included as a way to ensure the disadvantaged persons would be able to obtain copies of their credit report without incurring prohibitive costs. The exceptions are not intended to require credit reporting agencies to provide free credit reports upon request on a widespread basis.

Mr. COVERDELL. Would the Senator from Missouri think it reasonable that a person who is "unemployed" within the meaning of the managers' amendment would have to show some written proof from an unemployment office or other entity proving that he or she is unemployed and looking for a job? Or that a person who has been the "victim of fraud" would be required to show some written proof of the fraud? Like credit card records showing that someone used his or her credit cards?

Mr. BOND. I would think that those sorts of requirements would be reasonable and appropriate.

Mr. COVERDELL. I thank the Senator from Missouri for his thoughts on the meaning of the language in the managers' amendment, and again, I thank him and the Senator from Nevada for their work in reaching this compromise.

Mr. D'AMATO. Mr. President, today the Senate continues consideration of S. 783, the Consumer Credit Reform Act. S. 783 was introduced by Senator BRYAN and cosponsored by Senator BOND and Chairman RIEGLE. This bill was reported by the Banking Committee on a bipartisan 15–4 vote. This committee support for S. 783 is a tribute to the hard work that Chairman RIEGLE and Senators BRYAN and BOND have invested in this issue. They have demonstrated great dedication in tackling the many tough issues surrounding the Fair Credit Reporting Act, the law that S. 783 substantially amends.

The Banking Committee markup produced a bill that goes a far way toward striking a proper balance between the legitimate consumer protection concerns raised by the current law's operation, and the very real operational concerns of the industries that must comply with the FCRA. The committee markup produced a bill that provides certain statutory uniformity that will allow businesses to develop consistent compliance guidelines on key operational issues.

During the committee markup, I expressed my concern with respect to two issues. First, I was concerned about the civil liability that S. 783 would impose on industries that provide credit history information to credit bureaus. Second, I was concerned about the provision that required credit bureaus to provide consumers a free copy of their consumer report upon request every 2 years. I was uncomfortable requiring any business to provide its work-product without proper remuneration.

Nevertheless, I felt that the total package, as revised through the efforts of Chairman RIEGLE and Senators BRYAN and BOND, struck a practical balance between privacy, accuracy, and bottom-line business sense, and I was able to support the hard work of my colleagues, as reported by the Banking Committee.

Today we will consider the committee-reported bill, as well as a floor manager's amendment to be offered by Chairman RIEGLE and Senators BRYAN and BOND. Again, our colleagues should be congratulated for their hard work. I am pleased that the floor manager's amendment addresses the civil liability and free report problems that I had previously expressed concern about.

Again, I congratulate Chairman RIEGLE and Senators BOND and BRYAN for their diligence and hard work. I will leave it to them to describe the details of their floor amendment. I would also like to congratulate Chairman RIEGLE on his continued leadership. S. 783 is the third bill reported by the Banking Committee to be considered on the floor this session. The chairman is to be commended for completing this legislative agenda.

Mr. BRYAN. I thank the Chair.

I advise my colleagues that we are now available to consider any amendments they may have. I would want to acknowledge my able colleague, who has worked so dutifully over the last 4 years, in trying to fashion a piece of legislation that addresses the problems of consumers and responsibly deals with the concerns of the business community, together with Senator BENNETT, who had some concerns earlier about one of the provisions. We have addressed that. I thank the Senator from Utah for his cooperation. And the distinguished Senator from Missouri, who is a cosponsor of this legislation with me, his efforts I wish to note as well. I express my appreciation.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. BOND].

Mr. BOND. Mr. President, again, I said yesterday how important the leadership of my colleague from Nevada, Mr. BRYAN, has been on this bill. He has labored long and hard.

This is a very technical bill. There are some very controversial issues in it. We have spent a great deal of time trying to work out what we believe is a reasonable compromise so that consumers' interests are protected and so that credit supplying and utilizing industries can move forward.

As I discussed with my colleagues at the regular policy meeting today, it required a great deal of compromise, but I am, indeed, grateful for the excellent leadership that Senator BRYAN has displayed on this bill. That is the reason we are at this point.

I, too, wish to express thanks to Senator BENNETT, from Utah, who raised with us some very legitimate concerns. Through his guidance, I think we have been able to make some further improvements. We may have even more improvements before we are finished voting on the amendment, but I urge all my colleagues to look carefully at the bill, to recognize that a great deal of compromise has gone into this effort. We are always willing to find ways to improve it. But at the end of the day or shortly thereafter, we hope to be able to pass this bill and send it to the House because there are some very real needs for the protection of consumers, for the effective functioning of the credit information system in our country today that are addressed in this bill. Without these provisions, I do not think consumers' interests are well served nor is the credit industry.

So with that, Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAITI

Mr. PRESSLER. Mr. President, I thank the managers of the bill for this opportunity to say a few words about the situation in Haiti.

I believe strongly that we should not send any troops to Haiti. We should have a policy of keeping our troops out of there. We should have a policy of keeping illegal immigrants out of the United States; and proceed only with lawful, traditional immigration rules.

We should keep a light embargo on Haiti to signal that we are for democracy. But the United States cannot solve the problems in Haiti. The people of Haiti have to solve them themselves.

If we send troops, it will just enmesh us and put a great burden on the U.S. taxpayer. In the end, we will be blamed for everything.

Haiti has been an economic disaster for the past 100 years, and nothing is likely to change that fact. Certainly the presence of U.S. troops will not. We saw what happened in Somalia.

We cannot have a domestically-driven foreign policy. Just because certain groups in the United States advocate the invasion of Haiti does not mean that we should do so. We should base foreign policy on foreign policy objectives. We must not engage in foreign policy adventures. We must think of the American taxpayer and the long-run implications of our actions.

Mr. President, in summary, the policy this Senator recommends, based on listening to my constituents in South Dakota and people elsewhere, is the following:

First, we should keep our troops out of Haiti; no use of United States troops;

Second, keep any illegal immigrants from coming to our shores; only legal immigrants;

Third, continue with a light embargo because a very heavy embargo hurts the poorest people and lines the generals' pockets.

I do not necessarily approve of the government in Haiti. But I do not want a single drop of American blood shed in this dispute. Can you imagine what would happen if a prisoner of war or prisoners of war were taken in Haiti? Getting out would be the problem.

It is easy to advocate sending troops but that is an adventure. Let us look 1, 2, 3 years down the road. We saw what happened in Somalia.

Mr. President, on a somewhat related note, I would like to congratulate the people of Panama on their upcoming national elections. Senator PELL and I have been asked to join President Jimmy Carter on a delegation to observe the elections in Panama on May 8, 1994. The delegation, led by President Carter, is sponsored by the Council of Freely Elected Heads of Government, an organization composed of 24 heads of government. I was privileged to accompany President Carter, previously, to observe the historic elections in Nicaragua in 1990.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER REPORTING REFORM ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. RIEGLE. Mr. President, if it is agreeable to my colleagues, the managers of the bill, I will make my own statement about the legislation at this point.

Mr. BRYAN. We would be delighted to have the distinguished chairman, and I would like to acknowledge him and thank him again, as did Senator BOND, for his leadership and support for bringing this measure forward.

Mr. RIEGLE. I thank the Senator from Nevada. I want to commend and compliment the Senators from Nevada and Missouri for their bipartisan effort on this legislation.

I am pleased that the Senate is considering S. 783, the Consumer Reporting Reform Act of 1994. This is one of the most important pieces of consumer legislation that this Senate will consider this Congress, and I urge its swift passage.

The bill contains a comprehensive package of amendments designed to modernize the Fair Credit Reporting Act. I am proud to have been an original cosponsor of this legislation with Senators BRYAN and BOND. And I want to again commend them for their important leadership in this area.

Together with Senators D'AMATO and others on the Banking Committee, we worked on a bipartisan basis to craft this important legislation. The committee reported the bill out favorably by a vote of 15 to 4, a strong bipartisan basis of support.

The Fair Credit Reporting Act was enacted in 1970 to regulate the credit reporting industry. The act has been amended only once since its passage, and is now I must say badly outdated. Since 1970, credit reporting has grown into a multibillion-dollar industry affecting each and every consumer in the country. Credit bureaus now maintain 450 million credit files on individual consumers, and they process almost 2 billion pieces of data each month.

As the industry has grown, the number of problems associated with consumer reports has also escalated. From 1990 to 1993, the Federal Trade Commission received more complaints regarding credit reporting than any other industry. Evidence presented before the Banking Committee indicates that all too many consumers have been denied credit, housing, and even employment due to errors in their credit reports.

In short, the Fair Credit Reporting Act is sorely in need of modernization. This legislation takes vital steps to ensure that credit reports are accurate, that mistakes are identified and corrected, and that the privacy of the information contained in those reports is protected, as it should be.

There are several aspects of S. 783 that represent clear improvements over the current law. The bill seeks to safeguard the privacy of information contained in a consumer's credit file. It requires users of consumer report information to identify a permissible purpose under the law to acquire a report and to in turn certify that purpose. Likewise, the bill provides consumers with an affirmative right to opt out and ensure that the information in their credit files is not used for direct marketing.

The bill also seeks to ensure accuracy in consumer reporting. It increases the ability of consumers to identify problems by providing them with an actual copy of their report rather than the summary allowed under current law. When mistakes are identified, the bill requires credit bureaus to develop and update disputed information within 30 days. For the first time, the bill will apply the Fair Credit Reporting Act to creditors who provide the information contained in credit reports.

Under current law, those furnishing information to credit bureaus are not covered by the act leaving a consumer helpless when a creditor mistakenly places adverse information in his or her credit file. S. 783 requires creditors furnishing information to do so accurately, and moreover to investigate disputes promptly.

Finally, S. 783 provides protections against abuses by credit repair organizations. As consumers have experienced problems with credit bureaus, a new industry has emerged offering to assist consumers in cleaning up their credit files. Too often, however, the representations of these so-called credit doctors prove misleading, deceiving consumers into paying higher fees or causing credit bureaus to waste time and money on spurious disputes. The bill provides several protections, including prohibiting credit repair organizations from collecting fees until their services have been fully performed.

We worked on a bipartisan basis in the Banking Committee in drafting and reporting this legislation. The product of this effort is a bill that has broad support from both industry and consumer advocates.

In particular, I want to place in the RECORD a copy of a letter that I received from the Associated Credit Bureaus, a trade association representing over 700 credit bureaus nationwide. The letter expresses the association's unqualified support for S. 783, and the managers' amendment. I want to thank them for the letter. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIEGLE. I also want to express my full support for the bipartisan managers' amendment developed with Senators BOND and BRYAN. This amendment improves the bill in several areas. In the area of liability, it ensures that providers of information are not held to a perfection standard, shielding them from private causes of action for initially furnishing inaccurate information to credit bureaus.

At the same time, the amendment clarifies that private remedies are available if the provider of the information fails to properly address a mistake once the issue has been raised. At the same time, it provides a 5-year sunset on the provisions of the bill and preempts State law. I believe this sunset reflects a reasonable compromise between the need for uniformity and the maintenance of effective consumer protection and credit reporting. At the same time, I urge my colleagues to join in opposing any efforts to further preempt State credit reporting statutes. Credit reporting is an area of swift technological change. I think we have to be careful not to infringe upon the rights of States to respond and properly protect their citizens. The managers' amendment substantially improves the legislation. I support it and support its adoption.

Let me conclude by saying that Senator BRYAN of Nevada and Senator BOND of Missouri have given great effort and leadership on a bipartisan basis to this important area of legislative focus that brings us here today. I thank them for that work. This is an area that touches virtually every person in the country. These are important advances and reforms and safeguards. I have appreciated their work as chairman, and I think this is a bill we can enact today with confidence and with some degree of pride.

EXHIBIT 1

ASSOCIATED CREDIT BUREAUS, INC.,
Washington, DC, May 2, 1994.

Hon. DONALD W. RIEGLE, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR RIEGLE: We are pleased to advise you that the Executive Committee of Associated Credit Bureaus, Inc. (ACB), voted unanimously today to enthusiastically endorse Senate passage of S. 783, the Consumer Reporting Reform Act, as reported by the Senate Banking Committee and as further amended by the Manager's amendment. Participating in this endorsement were the three nationwide consumer reporting systems referred to in S. 783 (Equifax, Trans Union and TRW) and representatives for the 700 additionally independently owned Credit Reporting Division members of ACB.

ACB's support of S. 789 as amended is unqualified and we urge its passage. Consistent with this position, today ACB has advised all its credit reporting members to urge their Senators to support you and your colleagues in passage of this landmark legislation.

The bill that you and Senators Bond, Bryan and D'Amato have crafted represents a delicate balance of interests for which you should be commended by all affected groups. While you have been careful to consider the legitimate concerns of our members and customers, there is no question but that American consumers are the real winners today. We support S. 783 because it provides consumers with meaningful protection while recognizing legitimate business costs.

Congratulations and our thanks to you and your staff for the effort you have put into amending this 23-year-old law. We look forward to continued cooperation with you and your staff toward final enactment.

Best personal regards.

Sincerely,

D. BARRY CONNELLY,
Executive Vice President.

PRIVILEGE OF THE FLOOR

Mr. RIEGLE. Madam President, I ask unanimous consent that during today's consideration of this legislation S. 783, Edwin O'Connor be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BRYAN. Mr. President, I ask unanimous consent that there be a time limitation of 1 hour for debate on the pending Lieberman amendment to be equally divided between Senators LIEBERMAN and LEVIN, or their designees; that, at the conclusion or yielding back of time on the Lieberman amendment, Senator LEVIN be recognized to offer a relevant second-degree amendment thereto; that there be a time limitation of 30 minutes on the Levin second-degree amendment equally divided between Senators LIEBERMAN and LEVIN or their designees; that, at the conclusion or yielding back of time on the Levin amendment, the Senate, without any intervening action or debate, vote on or in relation to the Levin amendment; that, upon the disposition of the Levin amendment, the Senate, without any intervening action or debate, vote on or in relation to the Lieberman amendment, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1668

(Purpose: To express the sense of the Senate that the Financial Accounting Standards Board should maintain the current accounting treatment of employee stock options and employee stock purchase plans)

Mr. GRAMM. Mr. President, I know that we are waiting for amendments to come to the floor. I would like to do something a little bit out of the ordinary; that is, I would like to speak on behalf of an amendment that has yet to be introduced. I am cosponsoring that amendment with several of our colleagues, in fact with our colleague who is now the Presiding Officer. In order to speed up the process, I would like to go ahead and speak on behalf of that amendment now.

The PRESIDING OFFICER. As a proponent of the amendment on behalf of which the Senator from Texas wishes to speak, the Chair has no objection.

Mr. GRAMM. Mr. President, the Financial Accounting Standards Board is generally an excellent board. It has proposed standards that have guided the American system of accounting for many years.

Normally, the decisions they come up with make a lot of sense. But today we are trying to send a very clear signal that the proposal that they have made concerning employee stock options makes no sense. It does not reflect reality. And what are books and records for other than to give people a picture of what is in reality happening, particularly financially? If the way we keep our books, the way we engage in accounting does not reflect reality, it is not valuable.

Here is the problem in a nutshell. I think you could make it complicated, but I think if you step back and look at it, the issue is very simple.

Currently, one way that growing companies, especially many high-tech companies, attract good management and employees is by giving them a stake in the success of the company by offering them stock options. So, for example, a growth company with a new idea but without a lot of money would say to a person who was a proven manager that if he came in and ran this company they would pay him a modest salary, but they would also give him the right in the future to purchase the stock of the company at a fixed price. If as a manager this officer was successful, and therefore the company was successful, then that officer would be able to buy the stock at the agreed to price, which, given the successful management, would be below the market price of the stock at the time that the option was exercised.

This is an established principle of financial compensation. It has been used a great deal in our country and has been very successful in helping growth companies become growth companies. It has helped them grow, create jobs, new technologies and opportunity for our country.

The way that this has been accounted for and has been accepted is that the company notifies the stockholders that these stock options have been given as compensation by putting the information in their financial reports. It has not been the practice to apply the value of stock options against the earnings of the company. The very logical reason is that the granting of the employee stock options does not affect either the flow of cash into the company in terms of the sale of goods and services the company produces or the cost of producing those goods and services.

What our amendment says is basically this: the current accounting procedure reflects reality far better than does the FASB proposal. If you guarantee an executive the right to buy the stock of a company at a fixed price and that price is below the market price, you are not affecting the earnings of the company one way or another by giving him the right to exercise that option. It is true that may be diluting the ownership of the company, but you are notifying the existing stockholders that such action has been taken. The stockholders are generally happy with the decision, because the employee would not exercise the option unless the stock price had gone up, increasing the value for all shareholders. This is an established principle that allows companies to attract good management and employees if they do not have a lot of cash.

What the FASB proposal would do, remarkably, is to require companies to charge off stock options against their earnings. This in no way reflects reality, because giving employees the right to have an option to buy the stock does not affect the earnings of the company at all.

What we are trying to do with this sense-of-the-Senate resolution is simply say to FASB to keep an accounting procedure that is related to reality. Let us keep our books in a way so they make sense.

I would have to say, Mr. President, that I cannot understand why the Financial Accounting Standards Board came up with this proposal. I cannot understand how under any circumstances anybody would believe that a stock option ought to be charged against the earnings of a company. It makes no sense. For tax purposes we would never allow that to be done. It does not reflect the reality of what is happening in the company.

The procedure that is now used requires the stockholders to be informed. Since they elect the officers of the company, they have a right to change the officers if they do not support the procedure. What we are trying to do is to keep in place a process that makes sense, that reflects reality, and that allows small companies to become big companies, allows them to generate jobs, growth, and opportunity.

While normally it would be my position that this is something we ought not to get involved in, I think that this FASB proposal is so extreme and so potentially harmful, so in conflict with reality, that we should at least take a position on it.

Let me also say that most of the stock owner groups in the country have taken a similar position. As ranking member of the Securities Subcommittee, I participated in a hearing on the subject last fall. There was great opposition to this proposed rule then, and that opposition has intensified. What we are doing in this sense-of-the-Senate resolution, and I want to be sure that we vote on it so we have a recorded vote, is we are simply sending a signal about how deeply we feel about this proposal. Hopefully, along with all the other people who have taken a position in opposition to these new rules, we will successfully encourage the Financial Accounting Standards Board to change this whole ruling.

I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey [Mr. BRADLEY].

Mr. BRADLEY. Mr. President, I rise in support of the sense-of-the-Senate resolution that the distinguished occupant of the chair will be offering in a short while and that the distinguished Senator from Texas has just addressed.

This resolution mirrors a concurrent resolution that I offered, along with Representative ANNA ESHOO of California. Make no mistake about it, the reason this proposal is on the floor of the Senate today is because of the leadership of Representative ESHOO. She has been tenacious in this regard and she does so out of the best interests not only of her constituency in the high-technology community, but the whole economy of the United States, She deserves a lot of strong support for her leadership on this issue in the House of Representatives. She has also been very active in lobbying a number of the Senators who will vote on this issue today.

Let me also say at the outset that I have the highest respect for the Financial Accounting Standards Board. As I will state in my prepared remarks, I do not think that it is wise to write accounting standards on the floor of the Senate. At the same time, I think there are times when it is important to speak out, and I look at this resolution as one of those moments.

The resolution asks the Congress to go on record against a proposed change in the accounting treatment of the employee stock options recommended by the Financial Accounting Standards Board, FASB. The basic question is whether, as FASB has proposed, a company should be required to recognize compensation cost for fixed stock options granted to employees.

That is the basic issue before us. It is an accounting principal issue. It is not a tax issue. It is an accounting principal issue.

The debate over the FASB proposal on employee stock options is one that has far-reaching consequences outside of ivory-tower discussions about whether stock options are compensation. The FASB proposal will seriously jeopardize one of the best tools that American companies have to attract, retain, and motivate their workers, all of their workers. It will impose a heavy burden on the ability of our crucial high-technology and entrepreneurial sectors to raise funds in the capital markets. And it will do so at a cost to our system of financial reporting.

Mr. President, I am reluctant to have Congress weigh in on issues of accounting standards. The Financial Accounting Standards Board plays a critical role in assuring the integrity of our financial statements. At the same time Congress cannot remain silent when, in the pursuit of questionable accounting purity, FASB threatens entrepreneurship and growth. That is why this resolution is so important today. I am not seeking to legislate changes to our accounting standards. I simply think that Congress should go on record in the form of a resolution before FASB final action on this issue and unwarrantedly harms our economic future. The timing of this resolution is particularly appropriate given that FASB has recently completed its formal review process.

I would hope that they would not turn away from an expression of the Senate on this issue. And I hope that they would pay attention to some of the issues that are raised in the course of this debate. And one would hope that no legislation would ever be necessary because FASB perceived the need to move in the correct direction and not issue this particular provision. That is why, as I said, the resolution is important today.

Mr. President, I do not expect Members of Congress to take my word on this issue about how important this is. The truth is that the FASB proposal has been nearly unanimously opposed by those who draft financial statements and those who rely upon them to make investments. Each of the big six accounting firms has spoken out against the proposal. The Council of Institutional Investors and the United Shareholders Association oppose the proposal. The National Venture Capital Association, the Biotech Industry Organization, the National Association of Manufacturers, the NASDAQ Stock Market, the Financial Executives Institute, the U.S. Chamber of Commerce, and the American Electronics Association oppose the proposal. Secretaries Bentsen and Brown have expressed serious concerns about the proposal. And perhaps most telling, a majority of the accounting standards executive committee of the American Institute of Certified Public Accountants, oppose this proposal. Mr. President, when management, their accountants, and their shareholders can all agree on something, then it is time for Congress to take notice.

Let me state at the outset that I do not believe that the debate we are having today is about whether CEO's in America are getting paid too much. I expect to hear, in great detail today, about the large salaries being paid to our top executives. The irony is that FASB itself would be the first to admit that their proposed rule change has nothing to do with executive compensation. Critics of executive pay have simply focused on the wrong solution to the right problem. If we want to control executive compensation, then we should focus on strengthening the shareholder's hand against entrenched management. We should tighten disclosure and improve our proxy and independent director approval processes. I commend the recent SEC requirements to this end. I remain open to even tougher efforts to give shareholders a larger voice in executive compensation decisions. I simply do not believe that requiring an earnings charge for broad-based stock options plans will constrain CEO pay at all.

Mr. President, it is ironic that those who would take aim at executive pay by opposing this resolution will, in fact, achieve the opposite result. CEO's will continue to get their pay packages if FASB continues and issues this regulation. It is rank-and-file employees that will be harmed. The companies that will be penalized the most through this proposal are the ones that offer stock option plans to all employees; not just senior management, but to all levels of employees. This proposal puts the company in the position of abandoning its broad-based stock option plan or taking a large hit on earnings.

(Mrs. BOXER assumed the chair.)

Mr. BRADLEY. And if given the choice, Madam President, what do you think a company is going to do? It is not going to have an employee stock option program for the secretaries or for the janitors or for the midlevel management or for other levels of the company. It is simply going to abandon them. The CEO's will be able to take care of themselves, as they always do.

We passed a provision last year that was supposed to limit executive compensation. I cannot tell you how easy that provision is to get around and how many lawyers have been employed to do just that. That will clearly happen. When you have CEO's who are paid a lot of money, they will find a way to get the money, even with this proposal. Those who will not find a way to do it are the so-called little people in firms that simply seek to have their investment grow with the company as it succeeds.

Mr. President, the real debate we are having today is whether the benefits of the FASB proposal outweigh its costs. In its mission statement, FASB states that it should "promulgate standards only when the expected benefits exceed the perceived costs." I feel that the proposal we are looking at today fails this standard—and by a wide margin.

The burden of the FASB proposal will fall disproportionately on our Nation's high technology sector. Not only do they rely much more heavily on stock options than other companies, but they also show more stock price volatility. Under the FASB proposal, this volatility will require them to take even larger earnings charges. One survey by the Wyatt Co. indicated that high technology companies will suffer an almost 50 percent decline in earnings, while other companies will lose about 6 percent of their earnings. Given that this sector will play an increasingly important role in the American economy, I question the wisdom of putting them at a disadvantage in the capital markets.

Worse, the biggest hit will be taken by entrepreneurial companies. Startups must often rely on granting options to attract employees. They make up for the riskiness of their ventures by sharing the upside potential with their employees. Unlike other forms of compensation, stock options also result in a net inflow of capital into the corporation. And while their costs fall largely on corporate shareholders, they are already subject to shareholder approval and their dilutionary impact is disclosed by the earnings per share calculation. FASB's proposal will make these stock options much more expensive to provide, needlessly putting in jeopardy our successful model of entrepreneurship in this Nation.

You might be able to justify these costs to our Nation's economy if there were offsetting benefits in the form of more credible financial statements. But the expense that FASB will be requiring will be uncertain and speculative. FASB's proposal requires an immediate charge against earnings regardless of whether the stock price rises or whether the options are actually exercised.

More important, FASB is also relying on models designed for publicly traded options to assign values to these options.

This is a faulty analogy. Employee stock options are nontransferable and subject to stringent vesting requirements. Further, FASB's proposal eliminates stock price volatility as a variable for privately held companies. If the end goal for FASB is comparability and credibility, then one has to question whether that end is served by different models applying to different companies.

The crux of this debate is over this one issue—can these stock options be credibly valued. By far the vast majority of analysts who have looked at this issue suggest that they cannot. I would like to quote extensively from the comment letter to FASB from the Accounting Standards Executive Committee of the American Institute of Certified Public Accountants—a group that clearly has no interest in this debate other than the creation of credible and sound financial statements.

> A majority of the Accounting Standards Executive Committee disagrees with this proposal as to fixed stock options granted to employees because (1) the models used to calculate the fair value of such options were designed for use with traded options—in other words, options where you can actually set a price because there is a market—and (2) the expense amount for such options based on those models cannot be validated by reference to transactions with third parties and therefore lacks sufficient reliability for recognition in financial statements. This majority concludes that the usefulness of statements for investment and credit decisions would not be improved by including in financial statements the expense amounts determined under those models. They believe that current or improved disclosure requirements would adequately inform financial statement users about fixed stock options granted to employees.

So there it is. In any cost-benefit analysis, it is critical to consider possible alternatives. In this instance, a reasonable compromise for FASB to take would be expanded footnote disclosures as proposed by the AICPA. If the goal is to provide shareholders with information about the costs of stock options and a basis on which to make company-to-company comparisons, then an appropriate response would be to require an unambiguous, uniform disclosure. Not surprisingly, this is the approach that also has been favored by the major business associations, the Big Six accounting firms, and the major shareholders associations. The only group that has not signed onto this approach is FASB.

In closing, I think it is important for Congress to listen to the true users of financial statements—shareholders and investors. They have been lobbying against this proposal. Quoting from the United Shareholders Association, "We do not believe FASB's proposal would clarify the reports we receive. In fact, we believe that including speculative estimates of future stock options values in corporate earnings statements diminishes rather then enhances their usefulness."

It is not too late for Congress to send a clear signal to FASB that questionable accounting purity cannot be allowed to jeopardize entrepreneurship and economic growth. It is not too late to prevent FASB from harming the credibility of financial statements.

I strongly encourage everyone to support the resolution today that will be offered by the distinguished Senator from Connecticut. I am proud to join as a primary cosponsor.

I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. MACK, Mrs. BOXER, Mr. GRAMM, Mr. BRADLEY, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. DECONCINI, Mr. WELLSTONE, Mr. GORTON, Mr. SHELBY, Mr. BENNETT, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. LAUTENBERG, and Mr. ROBB proposes an amendment numbered 1668.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place insert:
>
> **SECTION 1. FINDINGS.**
>
> (a) The Financial Accounting Standards Board (FASB) is currently considering changing the Generally Accepted Accounting Principle relating to employee stock option plans and stock purchase plans;
>
> (b) FASB's proposal that would require the use of complex mathematical formulas to estimate a value for employee stock options at the date of grant and requires those estimated values be deducted from earnings on companies' income statements;
>
> (c) FASB has just completed an extended review of its proposal which included a public comment period, numerous field hearings and a field test;
>
> (d) FASB's proposal has generated opposition which is unprecedented in both its intensity and universality;
>
> (e) The accounting profession, as represented by the American Institute of Certified Public Accountants and each of the 6 largest national accounting firms, oppose FASB's proposal;
>
> (f) Individual investors, as represented by the United Shareholders Association, oppose FASB's proposal;
>
> (g) Institutional investors and pension funds, as represented by the Council of Institutional Investors, oppose FASB's proposal;
>
> (h) Both the Secretary of the Treasury and the Secretary of Commerce have raised serious concerns about FASB's proposal: "Most troubling is the possibility that implementation of the proposal might result in more volatile and less accurate and consistent financial statements because of the extreme difficulty of valuing long-term, non-marketable, forfeitable stock options;"
>
> (i) There is a broad consensus among those who have studied the FASB proposal it will diminish and not improve either the integrity or comparability of information available to investors;
>
> (j) The National economic policy implications of FASB's proposal are substantial because small, growth-oriented companies often lack capital and therefore regularly rely on broad-based employee stock options to attract employees and large business provide employee stock options and broad-based employee stock purchase plans to help motivate their employees and improve productivity; and
>
> (k) The FASB proposal will diminish the ability of small companies to raise capital and attract employees and it will curtail, not enhance broad-based employee ownership.
>
> **SEC. 2. SENSE OF THE SENATE.**
>
> It is the Sense of the Senate that—
>
> (a) the new accounting treatment of employee stock options and employee stock purchase plans, proposed by the Financial Accounting Standards Board, will have grave economic consequences particularly for businesses in new-growth sectors which rely heavily on employee entrepreneurship;
>
> (b) the new accounting treatment of employee stock options and employee stock purchase plans, proposed by the Financial Accounting Standards Board, will diminish rather than expand broad-based employee stock option plans; and
>
> (c) the Financial Accounting Standards Board should not at this time change the current generally accepted accounting treatment of stock options and stock purchase plans contained in Accounting Principles Board Decision 25.

Mr. LIEBERMAN. Mr. President, I thank my colleagues, the Senator from Texas and the Senator from New Jersey—both of whom are cosponsors—for the statements they have made in anticipation of the introduction of this amendment.

Mr. President, as both of my colleagues have indicated, this amendment expresses the sense of the Senate about the Financial Accounting Standards Board, a little known but powerful entity—and the occupant of the chair may not know this—which actually exists in Norwalk, CT. Our expression here is a sense of the Senate that FASB, as it is known, should drop its highly controversial stock option proposal and maintain the current generally accepted accounting treatment for employee stock options.

To the listener this may seem like a lot of technical, arcane accounting jargon. Stock options seem themselves far away. But this is real stuff and it relates directly to the ability of new companies to raise capital; the ability of new companies to create jobs; the ability of new companies and older companies to attract the best employees. And part of the attraction is to offer them a stake in the company, a piece of the ownership.

Stock options are a remarkable and uniquely American device for literally spreading the wealth, for creating a broad class of owners in companies that are starting up and those that are well along in their history.

So, though it may be arcane, though it may deal with technical accounting rules, in my opinion what is on the line here really is the future of jobs in this country, and the ability of high-tech, cutting-edge companies to start up and create the new jobs that we need to put people back to work, particularly those who have lost their jobs in the recession.

Let me try to set out and explain some of the vocabulary. What is a stock option? A stock option is the future right of an employee to purchase a certain number of company shares, shares in the company, at a fixed price. Presuming the company does well and the stock price increases, the employee obviously shares some of the benefit. But if the stock price remains constant or decreases because the company has not done well, the employee gets nothing.

The Financial Accounting Standards Board has proposed a highly controversial and almost universally opposed accounting standard which would require companies to use a complex mathematical formula to estimate the value of an employee's option on the day on which the company grants it to the employee and to record that estimate as a reduction to their earnings regardless of whether the employee ever receives a benefit—in other words, whether the company does well and the stock option is actually worth anything.

This is an attempt by FASB, in my opinion, to carry out its responsibility for disclosure but to ultimately try to do something it is impossible to do, which is to value something that has no value at the moment at which FASB wants to value it.

I think we can all agree that the goal of financial reporting should be to maximize the integrity and comparability of financial statements. No one is arguing—I am not arguing and saying that stock options create jobs, that job creation justifies bad accounting. But we are saying that an accounting standard ought not to move forward if the economic consequences of that proposed standard so clearly outweigh the alleged accounting benefits, and that is exactly what we have in FASB's proposed rule.

This rule has been subjected to a long string of hearings. The argument that I am making now has been made consistently at those hearings held by FASB. Both the public comment period and the public hearings made clear that FASB's proposal will be uniformly unaccepted by nearly all parties that are affected by it including investors, preparers and accountants. Indeed, the public comment period and the field hearings that are now concluded should lead to a summary and a conclusion that the stock option project ought to be dropped in favor of an alternative that discloses what stock options have been granted. In other words, not to require a charge against earnings but just to have the statement of the company say very clearly what options have been granted. That would be full disclosure and would have none of the negative consequences that the proposed rule would have.

Mr. President, the extensive hearing process that FASB has been through taught us some important lessons about this proposal, and I would say probably the most important is that the current accounting treatment for employee stock options is not the result of some conspiracy to enrich corporate executives. It is the result of a genuine accounting quandary and dilemma.

Second, accurately estimating the present value of an employee stock option at the date on which it is granted is, as I have said, simply not possible. The option is granted on a given day. It is only later that it is determined by market forces whether the option is worth anything and what it is worth. How can we possibly have a system which values that option on the day on which it is granted before there is any clear understanding of its value?

During the FASB hearing process, there has been a genuine flood of testimony and letters and studies from all sides of the financial community making this point. Let me just quote from a letter sent by Secretary of the Treasury Lloyd Bentsen and Secretary of Commerce Ron Brown. They say:

> Most troubling is the possibility that implementation of this proposal might result in more volatile and less accurate and consistent financial statements because of the extreme difficulty of valuing long-term, nonmarketable, forfeitable stock options.

Even the American Institute of Certified Public Accountants, representing more than 310,000 CPA's in America, has withdrawn its support of this proposed rule, saying that it is too complex and unreliable. So the accountants who were a part of raising the question have now rejected the proposed answer that FASB has given. Since the FASB comment and testing process has now been concluded, it seems to those of us who are sponsoring this amendment it is now appropriate for Congress, we in the Senate in this case, to express our opinion on the matter. Indeed, the FASB stock option proposal is so potentially damaging to job creation and to economic growth that we would be abdicating our responsibilities if we did not weigh in and do all we could to prevent this damage from occurring.

(Mrs. BOXER assumed the chair.)

Mr. LIEBERMAN. Madam President, let me just take a few moments to outline the three reasons why I believe my colleagues should vote in favor of this resolution. First, stock option plans are broad based and are growing. We all know, as the Senator from New Jersey said, some of the dramatic stories about a relatively small number of very well-compensated executives. The fact is that last week's Business Week had their annual survey on executive compensation and pointed out that Michael Eisner, the CEO of Disney, had a salary last year that was just short of the gross national product of Grenada.

Now, it may be, Madam President, that my children feel Mr. Eisner deserves that extraordinary salary. However, those stories do not paint an accurate picture—and the public reaction to them of anger understandably—of the role stock options play in the U.S. economy, nor, most importantly, who gets stock options. In fact, this debate has nothing to do with executive compensation. That, incidentally, is one point where FASB and those of us who are putting forth this amendment are in agreement. FASB has pointed out over and over again that their proposal is about accounting, not compensation. To assert that FASB's proposal is about executive compensation is like arguing that the Boston Tea Party was about tea. Obviously, it was about something larger, as is the FASB proposal.

Now, I understand it is difficult to separate the two issues, but let me make a few points. The fact is that there are thousands and thousands of companies throughout America that offer stock option packages, and hundreds of thousands, probably millions, of employees who receive them.

Let me just mention a few of the companies that have broad based stock option plans. They include Microsoft, Genentech, Wal-Mart, Intel, Motorola, Wendy's, Pepsico, DuPont, NationsBank and Pfizer.

Even long-established companies like Greyhound Lines give options to 60 percent of their hourly employees, and the practice is even more widespread and probably even more critical among smaller newer companies. The fact is that America's most dynamic job-creating companies consistently rely on employee stock options to attract and motivate their employees—not just their top executives, all their employees, the employees that make the companies go.

To make this point, let me mention two recent surveys. The NASDAQ stock market reported that 95 percent of NASDAQ firms offer stock options to employees—95 percent of NASDAQ firms. And of those firms, 33 percent have plans to expand the scope of their option offerings to more employees in the near future.

Another survey which is highlighted on this chart, Madam President, makes the point even more strongly.

This bar is a dramatization of companies in America which have fewer than 100 employees that offer stock options. Of companies in America with fewer than 100 employees that offer stock options, 89 percent of them offer them to every one of their employees, the boss right down to the person sweeping the floors. So in companies of less than 100 employees, 9 out of 10 of those companies offer options to every employee. You can go down the list.

Incidentally, as we see it, it is only the very largest that have over 5,000 employees, where 4 percent offer to every one of the employees.

This is a slightly different dramatization which makes another point. This is of all companies offering stock options. In a way, you have to see this as a total of what we have just seen on the other chart. Of all companies offering stock options, 35 percent offer them to every employee; 48 percent offer them to all in the managerial groups. But what I really want to point out is that of all companies offering stock options, 7 percent only offer them to senior managers. So these stock options really are a great, broad-based middle-class benefit.

Madam President, the second point why I think it is an important amendment is that stock options really represent enormous opportunities. That is why it is described as a great middle-class benefit. They make it possible to start new companies and create new jobs. They enable growing companies to attract and keep people. They stretch scarce venture capital dollars and allow companies to hire more people than they otherwise would.

Part of the damage of the FASB proposal is that in forcing companies to take a charge against earnings, there is a danger that in reducing the apparent earnings of a company, a new company particularly, they will make that company less attractive for investment, and therefore make it harder for that company to attract the capital it needs to grow and create new jobs.

Nearly every study of what works in successful companies advocates, encourages, employees to buy and own meaningful purchases of their company's stock. There is just no substitute for an employee feeling that he or she is not just getting a salary but they own a piece of the company, and when the company makes money, they make money and the value of that stock goes up.

One of the most recent studies that has been done on this question deals with the charge against earnings which had a dramatic result, is that smaller companies would be hit with as much as a 40 percent annual charge to earnings. If this proposed FASB rule would go into effect, that would have a devastating effect on the companies' ability to attract investment, and therefore would put tremendous pressure on the company not to offer stock options to as many employees as they do.

I must say to my colleagues who may be concerned about executive compensation, that again this is not about executive compensation. But you know, the net effect, if the FASB rule went into effect, would be that the folks at the top would hardly see a difference because the folks at the very top of the companies would continue to receive the stock options. That is just the nature of the relationship; the reality of it. It is the people in the middle and below that would be deprived of owning a piece of the company that they work for. Stock options represent significant economic opportunity for those mid-level and middle-class employees who receive them.

For these people—and I have talked to a lot of them as I have gotten into this issue—these stock options represent the difference between working for a company, and participating in a company, owning part of the company. But they represent something much more than that in personal terms. For these hundreds of thousands of employees, stock options are an extra bonus. They are a dividend, if you will. They are the means by which an employee can make the downpayment on a new house, can pay for a child's college education, can create a nest egg for retirement, or perhaps even can put together enough money to have the capital to open a business of his or her own and create more jobs that way.

Third, and finally, the FASB proposal is, as my colleagues have stated, being universally opposed by the overwhelming majority of the financial community. Last summer, the United Shareholders Association, the national group representing 65,000 individual investors, said:

> As investors and regular users of corporate financial reports, USA members are the very people the accounting rules are designed to protect. Our members oppose charging earnings for stock options. We do not believe FASB's proposal would clarify the reports we receive. In fact, we believe that including speculative estimates of future stock option values in corporate earnings statements diminishes rather than enhances their usefulness.

These are individual stockholders, investors.

Perhaps the strongest statement, however, that I have seen comes from the Council of Institutional Investors representing the largest institutional investors in pension funds. Before I read it, I want to note with some disappointment that my colleagues and I have received a letter from the AFL-CIO Legislative Alert urging opposition to this amendment. I do want to say two things: One is that the letter is mistaken about the content of the amendment. The letter refers to a bill that the occupant of the chair and I have cosponsored overturning the FASB ruling if it goes into effect.

This amendment does not do that. This amendment, as its proponents have stated, expresses the sense-of-the-Senate that FASB withdraw this proposed rule. It is in that sense not mandatory. But if my legal days are not too far behind me and I remember the word correctly, it is "preparatory." I will check that as the day goes on.

The AFL-CIO letter says that the group is concerned because of their position as shareholders in pension plans. But here is the group, the Council of Institutional Investors, representing the pension plans, representing the institutional investors saying:

> There is no group that has a greater interest in the principled "right' answers to accounting questions than we do. We are the people who invest real money—huge amounts of money—based upon what we read in financial statements.

Here is an important line: "We are America's employees * * *" and I would daresay, parenthetically, a lot of them are unionized employees.

> * * * and America's retirees, and we will not get our pensions if we do not invest wisely based on accurate financial information. So no one will be hurt more than we if any other agenda—however virtuous—is pursued at the expense of the accuracy and usefulness of financial statements. This is real people's grocery money.

She goes on to say:

> The exposure draft requires companies to put something in their financial statements that simply isn't true.

That is the end of the quote, and a very powerful statement from people who have a real interest in accurate accounting standards.

Madam President, this is an important statement for the Senate to make. A lot of us—the occupant of the chair, myself—represent States that do not feel that they really have come out of this recession. Although the national economic indicators say that the Nation has, we know that our people have not. We know that a lot of people are still unemployed as a result of the recession. We know a lot of these people are highly capable. We know we can retrain them. But then the question is, train them for what? And we have to create the jobs that will put our people back to work. To make a long story short, stock options are one of the great tools that we have today to create new companies and give the workers who are hired by those companies a piece of ownership in those companies, to enrich themselves and their families.

This accounting rule, motivated by good intentions—accounting intentions—has a disastrous effect on this wonderful and uniquely American idea of stock options.

So I urge my colleagues to support the statement of the opinion of the Senate, hoping that it has an impact on the people at FASB and that they withdraw this rule.

I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mrs. BOXER. Will the Chair inform me as to how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut controls 20 minutes.

Mrs. BOXER. I ask if it would be all right if I took about 12 minutes of that time.

The PRESIDING OFFICER. The Chair, acting in his capacity as a Senator from Connecticut, yields 12 minutes to the Senator from California.

Mrs. BOXER. I thank the Chair.

I am very proud to be a cosponsor of the amendment, along with Senators LIEBERMAN, MACK, GRAMM, BRADLEY, FEINSTEIN, BINGAMAN, DECONCINI, WELLSTONE, GORTON, and SHELBY.

I would venture to say that there are not many times in the Senate when I can read to you a list of Senators of such diverse philosophies that have come together to say that the FASB stock option proposal would be damaging to many companies in our Nation. I can certainly say, as one of the Senators from California, it would be very damaging to California's nascent economic recovery.

I would say that the investors do not want the new FASB rule, as the Senator from Connecticut stated. The accountants do not like it. I think I can only conclude that FASB just does not get it, Mr. President. I know they do come from the Senator's beautiful State of Connecticut, and they seem to have their green eyeshades on all right, but they just do not seem to get the ramifications of this seemingly simple proposal.

I feel it is very important that we speak out today in a clear voice, and what we say by supporting your amendment is that stock options are an important tool for high-tech and start-up companies. I have met with the Chairman of the SEC and discussed this with him on a one-to-one basis. I questioned him about it on the Banking Committee. I met with the head of FASB, along with Congresswoman ESHOO who has been a tremendous leader on this. Yet, we cannot seem to get through.

This proposal ought to be dropped and it ought to be dropped now. It has taken them years and years to get to this point, and now they are saying they are not going to have a decision for another year. Maybe the reason it has taken so long is that in their hearts they know it is wrong. What we are saying today as the Senate—I hope what we are going to say today—is that they have to take their green eyeshades off over at FASB and pay attention to the ramifications of this proposed rule.

As the Chair pointed out, companies in our country use stock options to hire the talented scientists, engineers, and executives needed to make a high-risk enterprise a success.

Mr. President, in March of this year, more than 3,000 employees of the Silicon Valley companies showed how important stock options are by rallying in San Jose against the FASB proposal, and there were employees there from very large companies and from very small companies. It was not the highly paid executives that marched. There were middle managers, researchers, scientists, engineers, and receptionists. They understand that if FASB goes forward with their rule, the stock options of the lower paid employees will be the first to go. They understand that FASB's rule will cut short the trend of companies to grant stock options to employees up and down the corporate chain of command.

In October 1993, ShareData—a company that provides software for stock options—conducted a survey of companies that grant stock options. They found—and the Chair pointed this out, and I am being repetitive, but sometimes that helps—that roughly 35 percent of these companies, large and small, give stock options to all employees. So much for the argument that this is for the highest paid. You have pointed out very clearly with your charts that only 7 percent of the companies that give stock options give it to the highest paid managers.

So let us get this straight: When we talk about stock options, we are talking about middle-class America. We are talking about people in many cases who are just entering the job pool. These options are critical to high-tech and biotech companies who must attract the best talent. They cannot afford to pay them in hard cash at the beginning.

Again, as you have pointed out, Mr. President, it gives these young people a chance to be part of the company, to work so hard, because they know that, in the end, they have an ownership of this company.

Let us not put the brake on our economy in California. We make up 14 percent of the Nation's gross domestic product. If we see this FASB rule go into effect, and suddenly companies have to treat these stock options as a charge against their earnings, we are going to see this economy brake so fast it is going to make our heads spin. And that is wrong. That is wrong for ordinary people who need these kinds of jobs.

When companies cannot attract capital because their bottomline looks bad, even though it is not bad, that would be the result of the FASB rule. They cannot get the capital. And if they cannot get the capital—and for those watching us, capital is dollars, money, investment dollars that we need to put people to work. If these people cannot get capital, they cannot grow. We already worry about interest rates rising, and it is true that the Federal Reserve Board controls that. Some of us are worried. We want to check inflation, but we are worried that the cost of capital—money—is too high. But here is something—the FASB rule—which will make a problem out of no problem.

The Fed has reasons. It says we want to check inflation. OK, we can understand that. We may not agree, but we understand it. But the FASB rule has no rhyme or reason as far as I can tell.

I want to talk to you, Mr. President, about a company in my State called Shaman Pharmaceuticals, because I am so proud of this company. It is a 4-year-old company in South San Francisco, and this is what it is doing: Discovering and developing new classes of pharmaceuticals from rain forest plants that have a history of medicinal use. They send their people into the rain forest, and they are finding products. They are in the clinical trial stage with at least two drugs I know of. One will treat a common respiratory illness that strikes all children at least twice before the age of 5 and is one of the major killers of children in developing countries. There is another one, a skin treatment that helps ease the pain of those suffering from AIDS.

The reason I am particularly proud of this company is that it was founded by a young woman whose name is Lisa Conte, who made her dream come true through cash advances on her own personal credit cards. At a time when many California companies were giving their workers pink slips, Shaman Pharmaceuticals grew and hired employees for research and development and management jobs. They grew from one employee, Lisa, to 90 employees in just 4 years.

Shaman Pharmaceuticals, Mr. President, provides each and every one of its employees with stock options. These are people who have a stake in the company.

Here is what Lisa Conte, head of Shaman Pharmaceuticals, has to say about the FASB proposal that we are working to derail. She says that it represents "a critical threat to the Nation's entrepreneurial companies." This is a young woman who started a company from nothing, that grew to 90 employees in 4 years. Every single person in her company has stock options. This is what she says:

> Were FASB to require that we treat stock options as expenses, the bottom line "hit" we will take will reduce dramatically our attractiveness as an investment. Without an ability to raise capital in the public markets, we simply cannot survive as an entrepreneurial entity. Furthermore, we will lose an important means of attracting talent to our industry.

That is from someone who is out there creating jobs.

We all come to this floor. We talk about how important it is, and with all due respect to my colleagues, we do hire people and they go on the Federal payroll. But many of us used to work in the private sector. We no longer do, but we do look to the private sector now to build jobs for people. And here is someone, a young woman who started a company with a couple of thousand of her own dollars. She is now up to 90 people. She is begging us to intervene in this situation.

All in the name of an accounting theory, we could truly dampen this economy just as the President said we are coming out of a recession. We cannot afford this FASB stock option proposal.

We know the accountants do not like it as was brought out. The accounting profession, as represented by the American Institute of CPA's and each of the Big Six accounting firms, opposes this FASB proposal. It is not good for companies, it is not good for our economy; investors do not want it, and accountants do not like it.

I do not know who likes this proposal. I am sure we may hear a few come out on the floor today. But if you take the green eyeshades off, Mr. President, and open your eyes to what would happen, unless you want to put the brakes on this economy, you really should stand up and be heard today, this evening, and support Senator LIEBERMAN's proposal.

Again, I have met with the FASB people. I have to admit, here on this floor I am told I am a persuasive person, I am not terribly sure I moved them. And I am very concerned. I do not like to interfere with an independent accounting board. I do not want us to legislate accounting rules.

Let me be clear on the RECORD, since others have said other things. If it means we need to do this, I am going to stand with the occupant of the chair. If we need to legislate accounting rules, I am not going to walk away from that fight, because precedents are fine, but once in a while, you have to say what is the pragmatic result of what a little-known board is doing somewhere up in beautiful Connecticut.

Now there is talk of delay. They are talking about 1995 when they will give us their decision. That has a chilling impact on what is happening out there.

So, in conclusion, I urge my colleagues to send a strong message to those green eyeshade folks who make up FASB. I urge my colleagues to support the Lieberman-Mack-Boxer-Bradley resolution, and the other fine names that are attached to it.

It is time to tell FASB to take the blinders off and lift the cloud that is hanging over the heads of our growing job-creating industries, vote for our resolution, and send FASB the message that this body will not allow an accounting rule to get in the way of job creation and business growth.

Mr. President, once more I thank you for your leadership in this. I am very, very proud to be working on this issue with you, and I yield the floor at this time.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. FEINSTEIN].

Mrs. FEINSTEIN. Mr. President, I commend my colleague, Senator BOXER, for those excellent comments on the subject. I would like to add my own remarks to this in support of my colleague's, and Senator LIEBERMAN's sense-of-the-Senate resolution essentially to ask FASB to cease and desist in this proposed accounting rule.

At a time when California continues to just begin to break out of the recession, when our economy is struggling to convert thousands of defense jobs into private sector jobs, I think it is critical to ensure that the growth of the high technology industry, over one-third of which is located in the State of California, is not curtailed by FASB's decision to impose huge new accounting charges on the use of employee stock options.

I am concerned that if FASB's rule is adopted tens of thousands of desperately needed jobs in California and the Nation will never, in fact, be created.

Now, a lot of my colleagues may not be familiar with the widespread use of employee stock options. Certainly, we have heard them attached to CEO salaries. We have heard them attached to golden parachutes. But this is not what we are talking about. Broad-based employee stock option plans play a crucial role in creating and sustaining the entrepreneurial culture that is essential to competitiveness in high technology.

They are especially important to startup companies that depend on options to attract and retain key technical talent that would be beyond their ability to attract with cash compensation alone.

A stock option is a right granted to an employee to purchase stock in his or her own company at today's price for a specified time in the future. Options help the company by giving employees a strong incentive to work to increase the value of their company's stock. Stock options help create jobs by stretching the cash of venture capitalists and other risk capital investors. By sharing stock with employees in addition to their cash compensation, more companies and more jobs can be created from the limited investment capital pool that is available today.

Let me just quote some of the views of those who use stock options.

James Diller, chairman and CEO of Sierra Semiconductor in San Jose has stated:

> If the FASB proposal were to be enacted, Sierra would be forced to scale back or drop altogether our broad-based employee equity programs. If, after the proposed accounting rules took effect, we were to keep these programs in their current form our earnings would be severely impacted, which in turn would depress our stock price, make it harder to borrow money and as a result make it much harder to grow and create additional jobs.

This is not what we should be doing.

Mr. Paul Commons, vice president of finance at Connect in Cupertino wrote:

> Because most information technology companies lack the financial resources to attract highly skilled and experienced employees, stock options make it possible to compete, attract investors and capital and to reward employees who perform well. The FASB proposal will threaten the livelihood of my company and the high technology industry as a whole by making this reliable recruitment tool prohibitively expensive.

The Secretary of the Treasury, the Secretary of Commerce, and each of the Big Six accounting firms oppose FASB's proposed rule on the treatment of stock options.

Here you have the Secretary of the Treasury, the Secretary of Commerce, and every Big Six accounting firm in opposition to what FASB is proposing to do. Although this might seem like a technical matter, it is extremely important to the workers of California.

I would like to show you, Mr. President, petitions signed by 8,000 employees in California who were saying, "FASB do not do this." You may think FASB—what do employees know of FASB? I can assure you that every employee of every high-tech firm in the United States knows exactly what this proposed FASB rule is. It is key and critical to their well-being, to the well-being of their company and, frankly, to the well-being of their jobs.

(Mrs. BOXER assumed the chair.)

Mrs. FEINSTEIN. I hope the Members of this Senate will register their concern by voting for the Lieberman amendment that is before us, and I join you, Madam President, in my support for that amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut controls 1 minute and 30 seconds.

Mr. LIEBERMAN. Madam President, I suggest the absence of a quorum, and ask unanimous consent the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I oppose the amendment which is before the Senate, which is aimed at blocking the proposed stock option accounting reforms that have been proposed by the independent accounting board which is in charge of accounting rules.

Over the last few years, I have spent a lot of time learning about stock options. They are complicated to understand and complicated to explain. I am convinced, however, despite the well-meaning intention of my colleagues and despite some of the rhetoric relative to the involvement of small business in this whole effort, that this resolution, if adopted, would put the Senate on the record against honest accounting. And that is what the issue comes down to—simply honest accounting rules; and, who is going to make the decision on those rules, political bodies or independent accountants?

The way I got into this issue was through the controversy over the high levels of executive compensation that were being paid to CEO's of American corporations, as compared to what their workers were making, as compared to what the cost of living was doing, as compared to CEO's elsewhere in the world.

The Senate subcommittee which I chair, the Subcommittee on Oversight of Government Management, held a hearing in 1991, after business publications ran cover stories about the explosion of executive pay in this country and the disconnect between executive pay and corporate performance. That hearing showed that CEO pay of American companies skyrocketed during the 1980's, outpaced CEO pay in the rest of the world, outpaced the pay of average workers and, indeed, outpaced corporate profits.

The first chart, which we used at that hearing, shows what happened to CEO pay over the period 1960 through 1990. During the 1960's, during the 1970's until 1980, there was a relationship between corporate pay and the pay of, say, an engineer, which is the black line here; the pay of a schoolteacher here, which is the blue line; and the pay of a factory worker, which is the red line.

Until about 1980, those pay levels were relatively the same. Our boats kind of rose and fell together in this country. The average factory worker went up, the schoolteacher would tend to go up, and the engineer would tend to go up. The executive, of course, was always above them, but nonetheless went up at about the same level generally.

Then something happened in 1980, when, all of the sudden, corporate executive pay in this country skyrocketed literally off the charts, while the rest of us continued more or less to be moving at about the same direction and at about the same pace.

This next chart shows a little more detail about that widening gap. This now picks it up in 1986. It takes a look at CEO pay in the 25 largest industrial companies in America with revenues over $2 billion. It looks at workers' pay, which is the red line; and it looks at the cost-of-living, which is the blue line, which means, by the way, that worker pay actually fell behind the cost-of-living during those years. In the second half of the 1980's, the average worker in this country could not even keep up with the cost of living. But look what happened to CEO pay. It skyrocketed dramatically.

How does this compare to other countries? This chart that we looked at in our subcommittee compared executive pay in 10 countries in 1991. It showed that same-size companies—we are comparing apples and apples—we are looking at chief executive officers of organizations with $250 million in annual sales—that executive pay for American companies of that size generally was twice or more as much as executives in other countries.

The pay gap between the CEO and the worker in this country is now 150 times, according to "Business Week". When you look at that CEO, and look at that average worker in America, the CEO is making 150 times the average worker.

Fifteen years ago it was 35 times. In Germany the pay gap is 23 times between the CEO and the average worker. In Japan it is 17 times. J.P. Morgan said it should not exceed 20 times, that the chief executive of a company should not be making more than 20 times more than the average worker of that company. But now that pay gap in America has skyrocketed from 35 times, where it was 15 years ago, to 150 times where it is now.

We had another hearing in 1992. We discovered that one of the most important factors that was driving the increase in CEO pay is stock options. Over 90 percent of large American corporations pay their CEO's with stock options—not exclusively, but they use stock options as part of the CEO's pay. Stock options at those companies provide not 5 percent or 10 percent of the CEO pay, but 30 percent of the CEO pay on the average. And when the press reports on the highest paid CEO's in this country, the majority of their pay is typically from stock options.

In 1992, of the 10 highest paid CEO's in America, all 10 received more than 90 percent of their pay from stock options. The amounts that they received from stock options alone for the top CEO's in 1992 ranged from $22 million to $126 million that year.

In 1993, the highest paid CEO received $203 million. That was the highest paid CEO in the whole country in 1993. Of the $203 million that CEO got, $202 million came from stock options.

What is incredible about this compensation is that it is stealth compensation. It does not show up on the books as a deduction against corporate profits. It does not show up as an expense. Unlike all other forms of compensation, no exception, stock options are not treated as an expense on the company's books. And that is what FASB is proposing to change.

Other forms of compensation, be they performance-based compensation or not, be they speculative or not—all other forms of compensation show up as an expense on the company's books but not stock options.

Stock options are stealth compensation. Stock options are taken by a company as an expense on their income taxes but do not show up as an expense on their annual reports. And the independent accountants of this country say they think something is wrong with that. They think stock options have value. They think stock options have a cost to the company. And they think stock options, like every other form of compensation with no exception, should be treated as an expense on the company's books. That is what that independent accountants' board believes. That is what is in their proposed rule.

We are going to hear a lot—we already have—about the fact that some companies—some companies—use stock options for the average employee. And it is true, there are some companies that do it. Very few, by the way, but some companies do. But with few exceptions, stock options primarily compensate top corporate executives. Data on the 1,100 largest companies in this country show that less than 2 percent of them issue stock options to any employees below management and only 15 percent issue them as far down the ladder as middle management. So that means that 85 percent of the top U.S. corporations, the 1,100 largest companies in America, grant stock options only to their top executives. That is the big picture.

The tail which is wagging this dog is those small companies which people refer to, and indeed there are some. But the resolution which is before us is not limited to those small companies. The minority of small companies issue stock options in this country. The big stock option picture is these big 1,100 corporations which issue stock options to their top executives and to no one else.

My good friend from Connecticut has read the names of a number of companies which have broadly based stock option plans. Indeed, there are some; not many, but there are some. But of the top 1,100, 2 percent are the ones which issue stock options to any employees below management at all. That is what we have to focus on. Because the resolution is not limited to small companies or to new high-tech companies or to new starts. That is the argument which is being put forward here to argue for a resolution whose scope is way beyond that. It goes to all the companies, and most stock options in this country—most—are by the large companies to their top executives. And that is where the main part of the issue lies. If we ignore that and instead just focus on high-tech companies or small companies we are going to be missing the big picture instead of looking at the big picture.

Madam President, I said a moment ago that the stock option is the only kind of compensation which is not charged to earnings as an expense. Let us take a look at the kinds of compensation that are charged to earnings as an expense: Signing bonus, salary, annual bonus, performance bonus, grant of stock, a performance stock grant.

For instance, if we say you are, in a company, going to get a certain number of shares of stock based on performance—hey, that counts. That company has to take a charge to earnings. That is compensation. Restricted stock grants, phantom stock grants, stock appreciation rights, life insurance, club dues—everything. Every form of compensation is charged as an expense to earnings, but not stock options. And that is what FASB is saying they want to change.

That is what this resolution is saying from a perspective of Washington, of the U.S. Congress: "FASB, don't change that. FASB, we know more than you do about what represents honest accounting." The problem is, Madam President, we do not.

We may all have opinions on it, and I have an opinion on it, as to whether or not stock options should be charged to earnings and as to whether honest accounting rules should require that stock options be treated as all other forms of compensation. But the independent accounting board is in a far better position to reach an objective, nonpolitical judgment on that issue. If we want our annual statements of corporations to represent honest accounting instead of political judgments, we better let that independent accounting board be in terms of their judgments and not start legislating accounting rules.

This stock option exception was created by a 20-year-old accounting loophole, called Opinion No. 25. It is that loophole which FASB has said after 10 years of study and saying they are going to do something about it, is finally doing something about it. That loophole was created by an organization which was the predecessor to the Financial Accounting Standards Board or FASB.

I think maybe we ought to spend one moment as to what FASB is. They are not a Government agency. The most important thing they have going for them is that they are not a Government agency. They can be free of the kind of political considerations which otherwise is going to go into a judgment which should be free of political considerations.

It was not established by Government. FASB is independent of Government and if we are wise, we are going to try to keep it that way. They were created by the accounting profession and by the business community because those groups saw clearly that honest accounting rules are one of the bedrocks of a healthy economy. They knew that while individual businesses want to minimize reported costs and maximize reported earnings, that rosy scenarios are not what markets need to function effectively. What they need is honest financial reporting, and that is what FASB was designed to provide and that is what it has been providing.

What the businesses want us to do—and we have heard a lot from the businesses—they have come clamoring to this town trying to protect this status quo which favors their executives so much. What they want Congress to do is to reverse FASB's effort to reform stock option accounting.

Opponents have said that most of the business community opposes this change that FASB is proposing, and that is not surprising. It is not surprising because of the intense personal involvement of the CEO's in this issue. FASB has received more than 400 letters from CEO's opposing stock option accounting reform. FASB will also tell you that they have never seen that level of involvement by CEO's on any issue until it came to their stock options. They never saw that level of involvement by the CEO's even when FASB proposed a new earnings charge, a charge against corporate earnings for retiree health benefits, a charge that dwarfs any of the stock option charges that FASB is contemplating today.

What FASB has been saying, in essence, is that stock options have a value; that they have a cost; and that the accounting fiction which hides the cost to the company has to end.

Most of FASB's opponents readily admit that stock options have value and that is why executives want stock options. That is why there has been such an intense lobbying effort by executives to save their stock options.

Then we are told the six big accounting firms oppose FASB. And relative to that issue as to why all of a sudden the accounting firms, the big six oppose FASB, I want to quote from some remarks by the chief accountant of the Securities and Exchange Commission, a man named Walter Schuetze who made a speech to the American Institute of CPA's in January of this year.

Here is what he says:

> It also appears to me, and to other outside observers, that CPA's may have become cheerleaders for their clients on the issue of accounting for stock options issued to employees.

He went on to say:

> In 1984 and 1985, in response to the Invitation to Comment that began the FASB's reconsideration of the existing accounting rules for stock options granted to employees, all of the then big eight accounting firms, except one, wrote to the FASB supporting, (a), reconsideration of the accounting rules and, (b), a charge to compensation cost/expense for all options granted to employees.
>
> But, in February of 1993, even before the FASB issued its exposure draft on the subject * * * all of the big six accounting firms joined forces with certain members of industry and a group of users to recommend to the FASB that there be no formal recognition for the cost of stock options * * * The big six accounting firms did not, in February 1993, offer an explanation for their change of mind.

He went on to say, and this is the chief accountant for the SEC:

> I would be the first to say that anyone can change his or her mind. I changed my mind on several accounting issues over the years. But I think the public deserves an acknowledgment of that change of mind by the firms and the reason why.
>
> Such a change of position, without a corresponding change in the underlying concepts and issues that led the firms * * * initially to support FASB's project, has left some members of the public with the impression that the switch was in response to the fear of losing clients or other forms of retaliation. I do not know if this is true. However, if public companies are pressuring their outside auditors, and the Accounting Standards Executive Committee * * * to take particular positions on financial accounting and reporting issues, and outside auditors are subordinating their views to their clients' views, can the outside auditor community continue to claim to be independent?

He concluded:

> I make these comments with a heavy heart. As many of you know, these comments do not come from an ivory tower. I lived and worked in the accounting profession for more than 30 years. I know the realities of saying no to a client. I know the disappointment some clients express when an auditor makes a decision to support an accounting proposal that may reduce those clients' reported earnings. I know the long and often heated telephone calls and client visits, the emotional strain, and the financial cost that follow such decisions. But I also know the rewards—a clean conscience, not having to worry about losing lawsuits based on the merits, and pride in the profession, the credibility of financial accounting and reporting.
>
> I hope that the profession and registrants will, through self-restraint, take a fresh look at these independence issues and * * * let nothing stand in the auditor's way of telling the truth as he or she sees it.

Madam President, it is hard to argue against the proposition, I think, that stock options impose costs on the companies at issue. That is the second point. The first point is they have a value. That is what FASB is saying, stock options have a value. Again, that should not shock anybody. If they did not have value, we would not have all the CEO's descending on us to try to keep this the way it is in terms of accounting rules. That is why they are fighting FASB so hard.

There is a second proposition FASB is working on, and that is that the stock options have a cost to the companies that issue them. That is the only reason that companies are permitted to deduct stock option compensation from their Federal taxes as a business expense.

This is the only item that I know of which a company can deduct and does deduct from its taxes as a business expense that it does not list as a business expense on its books.

We give them a tax deduction for this because it is a business expense, and when it comes to tax time companies argue, oh, it is a business expense. We want to deduct the difference between what the value of that stock is when exercised and what that so-called strike price or option price was. We want to be able to deduct that as a business expense. We say go ahead; it is a business expense. And you and I pay for it. It is a tax deduction.

But when it comes to their own books and records at the end of the year, they want to maintain the fiction that there is no cost to the company. There is no expense, they argue, when it comes to their annual report. It is only an expense, they say, when it comes to their income tax.

They cannot have it both ways. It is one or the other. It is either an expense for income tax purposes and in terms of their own books, or it is neither. It cannot be both.

What is really interesting here in this regard is a letter that was written in 1993 to the Senate Finance Committee by someone who opposes stock option reform now, the Biotechnology Industry Organization. The Biotechnology Industry Organization opposes what FASB is doing. They do not want this to be treated as a charge to earnings. But when they were talking about a slightly different issue, when they were trying to keep stock options as an expense for income tax purposes, when it came to the research and development tax credit evaluation, they took exactly the opposite position.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator's time has just about expired; he has 1 second remaining. And then under the previous order, once he offers his amendment, he will control 15 minutes of time, and the Senator from Connecticut 15 minutes of time.

So the Senator's time has expired on the first-degree amendment.

Mr. LEVIN. I thank the Chair.

AMENDMENT NO. 1669

(Purpose: To express the sense of the Senate regarding the protection of accounting principles)

Mr. LEVIN. Madam President, I send the second-degree amendment to the desk at this time.

The PRESIDING OFFICER. The clerk will report the second-degree amendment of the Senator from Michigan.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1669 to amendment numbered 1668:

The amendment is as follows:

At the appropriate place in the amendment, insert the following new section:

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the status of the Financial Accounting Standards Board as a private body of independent accounting experts should be respected and safe-guarded; and

(2) the Congress should not impair the objectivity or integrity of the Financial Accounting Standards Board's decisionmaking process by legislating accounting rules.

Mr. LEVIN. Madam President, the issue before us is not whether or not stock options are good or bad. As far as I am concerned, they are good. I like performance-based pay. I put a whole list of performance-based pay up here. I think we ought to encourage it, but not at the expense of honestly accounting for stock options.

That is what Warren Buffett, who I think is known to all of us as really one of the great entrepreneurs of our age, wrote to the Banking Committee. He wrote them that we should not—we should not—be reversing FASB. FASB is seeking honest accounting. I wish to read parts of his letter. He said that he summarized his views on that subject in an annual report of his company, Berkshire Hathaway, and he quotes them here.

The most egregious case of let's-not-face-up-to-reality behavior by executives and accountants has occurred in the world of stock options. The lack of logic is not accidental: For decades, much of the business world has waged war against accounting rulemakers, trying to keep the cost of stock options from being reflected in the profits of the corporations that issue them.

Typically, executives have argued that options are hard to value and that therefore their costs should be ignored. At other times managers have said that assigning a cost to options would injure small start-up businesses. Sometimes they have even solemnly declared that "out-of-the-money" options have no value when they are issued.

He says:

I see this line of reasoning as offering exciting possibilities to American corporations for instantly improving their reported profits. For example, they could eliminate the cost of insurance by paying for it with options. So if you're a CEO and subscribe to this "no cash-no cost" theory of accounting, I'll make you an offer you can't refuse: Give us a call at Berkshire and we will happily sell you insurance in exchange for a bundle of long-term options on your company's stock.

Shareholders should understand that companies incur costs when they deliver something of value to another party and not just when cash changes hands. Moreover, it is both silly and cynical to say that an important item of cost should not be recognized simply because it can't be quantified with pinpoint precision. Right now, accounting abounds with imprecision. After all, no manager or auditor knows how long a 747 is going to last, which means he also does not know what the yearly depreciation charge for the plane should be. No one knows with any certainty what a bank's annual loan loss charge ought to be. And the estimates of losses that property-casualty companies make are notoriously inaccurate.

Does this mean that these important items of cost should be ignored simply because they can't be quantified with absolute accuracy? Of course not. Rather, these costs should be estimated by honest and experienced people and then recorded. When you get right down to it, what other item of major, but hard-to-precisely-calculate cost—other, that is, than stock options—does the accounting profession say should be ignored in the calculation of earnings?

He said:

Instead, as the debate about stock option accounting has gone forward, "sweep-the-costs-under-the-rug" proponents have argued fervently for disclosure—for the presentation of all relevant information about options in the footnotes to the financial statements, rather than in the statements themselves

* * *

This approach, so the argument proceeds, is especially needed for young companies: They will find new capital too expensive if they must charge against earnings the full compensation costs implicit in the value of the options they issue. In effect, the people making this argument want managers at those companies to tell their employees that the options given them are immensely valuable while they simultaneously tell the owners of the corporation that the items are cost-free. This financial schizophrenia, so it is argued, fosters the national interest, in that it aids entrepreneurs and the start-up companies we need to reinvigorate the economy.

He goes on to say:

Let me point out the absurdities to which that line of thought leads. For example, it is also in the national interest that American industry spend significant sums on research and development. To encourage business to increase such spending we might allow these costs, too, to be recorded only in the footnotes so that they do not reduce reported earnings. In other words, once you adopt the idea of pursuing social goals by mandating bizarre accounting, the possibilities are endless.

Indeed, I would argue that the national interest theory is not only misguided, but wrong. True international competitiveness is achieved by reducing costs, not ignoring them. Over time, capital markets will also function more rationally when logical and even-handed accounting standards, rather than the "feel-good" variety, are followed.

Madam President, I ask unanimous consent that I may put the entire letter of Warren Buffett to the Banking Committee, dated October 18, 1993, into the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BERKSHIRE HATHAWAY INC.,
Omaha, NE, October 18, 1993.

Hon. CHRISTOPHER DODD,
Chairman, Securities Subcommittee of Committee on Banking, Housing, and Urban Affairs, Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I regret that I will not be able to attend your subcommittee meeting on October 21.

Could I have appeared there, I would have wished to make certain points, which I will distill here. First among these is the fact that I do not object to the intelligent use of stock options. I have often voted for their issuance, both as a director and as a substantial owner of the issuing corporations making use of them.

I do, however, object to the improper stock-option accounting now practiced. I summarized my views on that subject in the 1992 Annual Report of Berkshire Hathaway and I would like to repeat those comments here:

Managers thinking about accounting issues should never forget one of Abraham Lincoln's favorite riddles: "How many legs does a dog have if you call his tail a leg?" The answer: "Four, because calling a tail a leg does not make it a leg." It behooves managers to remember that Abe's right even if an auditor is willing to certify that the tail is a leg.

The most egregious case of let's-not-face-up-to-reality behavior by executives and accountants has occurred in the world of stock options. The lack of logic is not accidental: For decades, much of the business world has waged war against accounting rulemakers, trying to keep the cost of stock options from being reflected in the profits of the corporations that issue them.

Typically, executives have argued that options are hard to value and that therefore their costs should be ignored. At other times managers have said that assigning a cost to options would injure small start-up businesses. Sometimes they have even solemnly declared that "out-of-the-money" options (those with an exercise price equal to or above the current market price) have no value when they are issued.

Oddly, the Council of Institutional Investors has chimed in with a variation on that theme, opining that options should not be viewed as a cost because they "aren't dollars out of a company's coffers."; I see this line of reasoning as offering exciting possibilities to American corporations for instantly improving their reported profits. For example, they could eliminate the cost of insurance by paying for it with options. So if you're a CEO and subscribe to this "no cash-no cost" theory of accounting, I'll make you an offer you can't refuse: Give us a call, at Berkshire and we will happily sell you insurance in exchange for a bundle of long-term options on your company's stock.

Shareholders should understand that companies incur costs when they deliver something of value to another party and not just when cash changes hands. Moreover, it is both silly and cynical to say that an important item of cost should not be recognized simply because it can't be quantified with pinpoint precision. Right now, accounting abounds with imprecision. After all, no manager or auditor knows how long a 747 is going to last, which means he also does not know what the yearly depreciation charge for the plan should be. No one knows with any certainly what a bank's annual loan loss charge ought to be. And the estimates of losses that property-casualty companies make are notoriously inaccurate.

Does this mean that these important items of cost should be ignored simply because they can't be quantified with absolute accuracy? Of course not. Rather, these costs should be estimated by honest and experienced people and then recorded. When you get right down to it, what other item of major but hard-to-precisely-calculate cost—other, that is, than stock options—does the accounting profession say should be ignored in the calculation of earnings?

Moreover, options are just not that difficult to value. Admittedly, the difficulty is increased by the fact that the options given to executives are restricted in various ways. These restrictions affect value. They do not, however, eliminate it. In fact, since I'm in the mood for offers, I'll make one to any executive who is granted a restricted option, even though it may be out of the money: On the day of issue, Berkshire will pay him or her a substantial sum for the right to any future gain he or she realizes on the option. So if you find a CEO who says his newly-issued options have little or no value, tell him to try us out. In truth, we have far more confidence in our ability to determine an appropriate price to pay for an option than we have in our ability to determine the proper depreciation rate for our corporate jet.

It seems to me that the realities of stock options can be summarized quite simply: If options aren't a form of compensation, what are they? If compensation isn't an expense, what is it? And, if expenses shouldn't go into the calculation of earnings, where in the world should they go?

With over six months having passed since those questions were posed, I have had no one heap answers upon me.

Instead, as the debate about option accounting has gone forward, "sweep-the-costs-under-the-rug" proponents have argued fervently for disclosure—for the presentation of all relevant information about options in the footnotes to the financial statements, rather than in the statements themselves. In that manner, they say, investors can be informed about the costs of options without these costs actually hurting net income and earnings per share.

This approach, so the argument proceeds, is especially needed for young companies: They will find new capital too expensive if they must charge against earnings the full compensation costs implicit in the value of the options they issue. In effect, the people making this argument want managers at those companies to tell their employees that the options given them are immensely valuable while they simultaneously tell the owners of the corporation that the options are cost-free. This financial schizophrenia, so it is argued, fosters the national interest, in that it aids entrepreneurs and the start-up companies we need to reinvigorate the economy.

Let me point out the absurdities to which that line of thought leads. For example, it is also in the national interest that American industry spend significant sums on research and development. To encourage business to increase such spending, we might allow these costs, too, to be recorded only in the footnotes so that they do not reduce reported earnings. In other words, once you adopt the idea of pursuing social goals by mandating bizarre accounting, the possibilities are endless.

Indeed, I would argue that the "national-interest" theory is not only misguided, but wrong. True international competitiveness is achieved by reducing costs, not ignoring them. Over time, capital markets will also function more rationally when logical and even-handed accounting standards, rather than the "feel-good" variety, are followed.

Back in 1937, Benjamin Graham, the father of Security Analysis and, in my opinion, the best thinker the investment profession has ever had, wrote a satire on accounting. In it, he described the gimmicks that companies could employ to inflate reported earnings, even though economic reality changed not at all. Among Graham's most hilarious suggestions—because the thought seemed so far fetched—was a proposition that all employees of a company be paid in options. He pointed out that this arrangement would eliminate all labor costs (or, more precisely, eliminate the need to record them) and do wonders for the bottom line.

Today, in the world of stock options, we have life imitating satire. So far, of course, companies have largely substituted option compensation for cash compensation only when paying managers. But there is no reason that this substitution can't spread, as corporate executives catch on to the possibility of inflating earnings without actually improving the economics of their businesses.

One close-to-home example, involving Berkshire Hathaway and its 20,000 employees: I would have no problem inducing each of them to accept an annual grant of out-of-the-money options worth $3,000 at issuance in exchange for a $2,000 reduction in annual cash compensation. Were we to effect such an exchange, our pre-tax earnings would improve by $40 million—but our shareholders would be $20 million poorer. Would someone care to argue that would be in the national interest?

Many years ago, I heard a story—undoubtedly apocryphal—about a state legislator who introduced a bill to change the value of pi from 3.14159 to an even 3.0 so that mathematics could be made less difficult for the children of his constituents. If a well-intentioned Congress tries to pursue social goals by mandating unsound accounting principles, it will be following in the footsteps of that well-intentioned legislator.

Sincerely,

WARREN E. BUFFETT.

Mr. LEVIN. Also, Madam President, I ask unanimous consent that a list of 70 members of the academic community that are supporting the following statement be inserted in the RECORD at this time. The statement is as follows:

Stock options have value; they impose a cost on companies that issue them; and the cost of stock option compensation ought to be charged to corporate earnings.

Madam President, I also would ask unanimous consent that a letter from the AFL–CIO in opposition to the Leiberman amendment and in support of my second-degree amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STOCK OPTION ACCOUNTING REFORM

The following members of the academic community endorse this statement:

"Stock options have value; they impose a cost on companies that issue them; and the cost of stock option compensation ought to be charged to corporate earnings.".

Professor Shannon W. Anderson, University of Michigan
Professor Rick Antle, Yale University
Professor Paul Bahnson, University of Montana
Professor Ran Barniv, Kent State University
Professor Mary E. Barth, Harvard University
Professor Vic Bernard, University of Michigan
Former President Derek Bok, Harvard University
Professor Wayne Boutell, University of California at Berkeley
Professor Bill Bruns, Harvard University
Professor John C. Burton, Columbia University
Professor Richard Buxbaum, University of California at Berkeley
Professor Alan Cerf, University of California at Berkeley
Professor Bill Collins, University of North Carolina

Professor Julie Collins, University of North Carolina
Professor Daniel W. Collins, University of Iowa
Professor Graef Crystal, University of California at Berkeley
Professor Bala Dharan, Rice University
Professor Mel Eisenburg, University of California at Berkeley
Professor John A. Elliott, Cornell University
Professor Marc Epstein, Harvard University
Professor David Fetyko, Kent State University
Professor Tom J. Frecka, University of Notre Dame
Professor John R. Hand, University of North Carolina
Professor Bill Holder, University of Southern California
Professor Charles Horngren, Stanford University
Professor Robert Hoskin, University of Connecticut
Professor Gene A. Imhoff, University of Michigan
Professor Sanjay Kallapur, University of Arizona
Professor Bob Kaplan, Harvard University
Professor David Kirch, Kent State University
Professor Don Kirk, Columbia University
Professor Richard Lambert, Stanford University
Professor Wayne R. Landsman, University of North Carolina
Professor Harold Langenderfer, University of North Carolina
Professor John Larsen, University of Southern California
Professor Wayne Lee, Kent State University
Professor Kenneth Lehn, University of Pittsburg
Professor Baruch Lev, University of California at Berkeley
Professor Louis Lowenstein, Columbia University
Professor Terry Marsh, University of California at Berkeley
Professor Maureen F. McNichols, Stanford University
Professor Ken Merchant, University of Southern California
Professor George Milkovich, Cornell University
Professor Merton Miller, Nobel Laureate in Economics, University of Chicago
Professor Paul B.W. Miller, University of Colorado
Professor Paul Munter, University of Miami in Florida
Professor R.D. Nair, University of Wisconsin
Professor Charles O'Reilly, Stanford University
Professor Paul Pacter, University of Connecticut
Professor Krishna Palepu, Harvard University
Professor Michael Pearson, Kent State University
Professor Steven Penman, University of California at Berkeley
Professor Robert W. Rouse, College of Charleston in South Carolina
Professor Doug A. Shackelford, Stanford University
Professor John K. Simmons, University of Florida
Professor Abbie Smith, University of Chicago
Professor David Solomons, Wharton School, University of Pennsylvania
Professor Ray G. Stephens, Kent State University
Professor Amy Sweeney, Harvard University
Professor Brett Trueman, University of California at Berkeley
Professor Jim Wahlen, University of North Carolina
Professor Wanda Wallace, College of William & Mary
Professor Ross Watts, University of Rochester
Professor Jerry Weygandt, University of Wisconsin
Professor Guy Weyns, Harvard University
Dean Doyle Williams, University of Arkansas
Professor Mark Wolfson, Stanford University
Professor David Wright, University of Michigan
Professor Stephen A. Zeff, Rice University
Professor Linda Zucca, Kent State University

AFL-CIO,
DEPARTMENT OF LEGISLATION,
Washington, DC, May 3, 1994.

DEAR SENATOR: During consideration of S. 783, the Fair Credit Reporting Act, the Senate will consider an amendment by Senator Lieberman to prohibit the Financial Accounting Standards Board (FASB) from developing accounting rules that would charge employee stock options as a charge against earnings. FASB was created in 1973 as a private-sector group to develop accounting standards for the securities industry.

The AFL-CIO opposes the Lieberman amendment because it is an attempt to preempt the ability of FASB to develop objective accounting rules.

While this issue is almost exclusively a matter of concern for highly compensated executives who receive stock options, it does affect rank and file workers. As shareholders of corporations through our pension plans, the unions of the AFL-CIO are unable to obtain an adequate financial picture of corporations that use stock options extensively. We approach this issue from the perspective of union fund trustees whose investments and proxy voting responsibilities are impacted by the quality and appropriateness of the financial statement disclosure as well as from the perspective of union members who need to be aware of the financial, health and liabilities of the firms for which they work. The AFL-CIO has contacted FASB offering its suggestions in this complex area. However, we believe that FASB should be able to complete its own recommendation without being swayed by Congress.

Therefore, the AFL-CIO opposes the Liberman amendment which would undermine the integrity of the FASB process.

Sincerely,

ROBERT M. MCGLOTTEN,
Director.

Mr. LEVIN. Madam President, I reserve the remainder of my time.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank the Chair.

Madam President, it is unusual for me to be in the position of arguing against the Senator from Michigan who I normally consider to be such a rational and objective person. I find myself not feeling this way about his arguments in this particular case.

Madam President, the Senator from Michigan has talked at great length about the compensation of chief executives of companies and the way in which that compensation in so many cases has been rising dramatically and whereas the compensation of the average worker has not been rising. Of course, I share his anger at that.

Obviously, we understand that the public is angry about that disparity as well. And some of the levels of compensation being reported are enormous. It is hard to imagine $100 million or $200 million a year. But it is very important to say that this debate is not about the compensation of chief executive officers. I mean the Financial Accounting Standards Board itself, which the Senator from Michigan is here to protect in that sense, or at least protect the proposed rule in this case, has stated over and over again that their rule on stock options is not about chief executive officer pay. They are concerned, as we all should be, about the integrity and comparability of financial statements so that investors can make informed decisions.

If we are concerned about chief executive officer pay, then this is not the debate to work out that concern. Obviously, any Member is free to speak regardless of the particular subject. But to do anything about it probably would require a look at the Tax Code, not at the generally accepted accounting principles issued by the FASB.

Accounting principles need to reflect neutrality in reporting financial information, not policy judgments such as have been the subject of the statement of the Senator from Michigan. The way any of us feel about executive pay is a policy judgment, a value judgment, and should not find its way into an accounting principle issued by the Financial Accounting Standards Board.

Madam President, I want to make clear again. The Senator from Michigan has talked about the top 1,100 companies, the largest companies, and only 2 percent of them giving stock options. But this denies the chart that I referred to earlier which agrees with part of what he said. But that is only part of the picture. In companies of over 5,000, 4 percent of them actually issued stock options to all of their employees. But look at these companies. The Senator from Michigan referred to 1,100 companies. Over 3 million companies in this country have stock. And look at this bar here. Companies with less than 100 employees that issue stock options give them to 90 percent of the workers; 9 out of 10 workers in those startup companies. That involves an enormous number of employees; hundreds of thousands, I would say.

Take all the companies offering stock options. Let us go beyond the top largest 1,100. Of all the companies offering stock options, 35 percent of those give them to all employees. Only 7 percent of the companies issuing stock options only give them to senior managers. So let us get the full picture here.

In terms of our concern about the compensation, the pay of the chief executive officers, and our complementary concern about the fact that so many middle-class workers in this country have not seen real wages going up, the irony of the position being taken by FASB, and my friend from Michigan, is that stock options are one of the few great opportunities that middle-class workers have to break out of the cycle of stagnating real wages, to own a piece of the company, basically to make more money, to put a little bit away, to buy the home, to send the kids to college, to have a retirement nest egg, and to go out and start a new business of their own. Look at Wendy's. The great Wendy's gives it to employees all the way down to the people working at the counter.

There was a remarkable event out in California in Silicon Valley 3 or 4 weeks ago where more than 4,000 middle-management, middle-class and lower employees came out, would you believe it, Madam President, to a rally for stock options. There ought to be a paragraph in some economic or political history of America for that event. And why? Because they know how important they are.

I went through one of the companies a while ago. I stopped the workers and asked if stock options matter. "Sure do."

"What did you do with them?"

"Bought a new house, bought a new car."

So the irony is here, while we may rail about CEO compensation, stock options really primarily benefit middle-class workers and lower in companies.

Third, on the whole question of accounting, the Senator from Michigan has listed the series of charges that are taken against earnings. But the difference between those and stock options is that they can be valued on the occasion on which they are granted. Stock options cannot. If stock options could be valued on the date on which they are granted, they would have been on that list. There would have been no argument here.

Stock options are like a lawsuit filed against a company. The lawsuit is disclosed in the report of the company but is not valued. Because how can we value a lawsuit until a judgment is reached or an agreement is negotiated? And the same is true of stock options. They cannot be valued on the date on which they are granted because nobody knows whether they are worth anything, let alone what they are worth.

Let me go back to something the Senator from Michigan said about politics. Again, I want to quote from the American Institute of Certified Public Accountants, a nonpolitical group. These are the pros. Let us listen to what they say.

> Since stock options are nontransferable and cannot be traded on any market, there is no objective market value that can be readily determined for them. Models that attempt to assign a value to a stock option are based on numerous assumptions and projections, and are of such a nature that they are too complex and unreliable.

That is not any Member of the Senate. That is not any corporate executive. That is the American Institute of Certified Public Accountants.

Madam President, I am not going to object or oppose the second-degree amendment offered by the Senator from Michigan because this Senator respects and prefers the independence of FASB, the Financial Accounting Standards Board.

And my hope is that they will act in a way here with regard to this wrongheaded proposed rule that they will withdraw it, to amend it.

In saying that, though, I do want to remind the Senator from Michigan of something that happened. And I share the sentiments that he expressed on an earlier occasion, January 28, 1993, not so long ago, in introducing S. 259 in this 103d session of Congress. The Senator from Michigan said:

> It is not the ideal course for Federal legislation to require the promulgation of specific accounting rules. My preference is, as I have stated many times, is for FASB or the SEC to take the action needed on their own. But FASB, while conceding that the issue must be addressed, has left it unaddressed for a decade. That is why I am introducing this bill today.

Then the Senator indicates that FASB may be taking action. Then he comes back and concludes:

> But if FASB again fails to act, and the SEC again fails to step in, I—

The Senator from Michigan——

> will be back asking my colleagues to support this bill as the only option left to us.

So it is in that spirit that I will support the second-degree amendment, knowing that clearly the best of all situations is for the Financial Accounting Standards Board to have its independence protected. But if it goes ahead in promulgating an accounting rule that has a disastrous affect on the ability of the American economy to raise capital, to create jobs, and particularly the ability of some of those startups the Senator from California [Mrs. BOXER], referred to, then I am going to look back at the statement made by the Senator from Michigan on January 28, 1993, and probably act accordingly.

Mrs. BOXER. Will the Senator yield 2 minutes to me?

Mr. LIEBERMAN. I am happy to do so.

Mrs. BOXER. Madam President, I agree with the Senator's decision to accept the second-degree amendment of the Senator from Michigan. There is nothing inconsistent with the second-degree amendment and the first-degree amendment, as far as I can tell.

We all agree that we want FASB to listen—not to us, but to the hundreds of thousands of people that they are hearing from. I feel so differently from my friend from Michigan, and maybe it is because I come from a State where I have seen the entrepreneurial spirit arising from men and women who are investing their own funds, who are attracting the talent to their companies, because they are able to offer, if you will, a piece of the future action of the company to these people. So they are involved in the company.

The Senator from Michigan himself stated, "I like stock options; they are good." He said, "It is not a matter of whether stock options are good. I like them. They are good."

When you say that, I think you have to take the next step and say if you like them and think they are good, then why would you be on the opposing side from the Senator from Connecticut and the Senator from California? Because we are saying we like stock options, and we think they are good. We think they act to attract good people to the startup companies and retain them there, where they give their all and feel a part of the company, and we may have a rule here that will hurt those very same companies.

I say to my friend from Michigan that I think the large companies can always survive. Their bottom line can take a hit of a large stock option. But it is the smaller companies that we hurt—companies like Shaman Pharmaceuticals and Lisa Conte, who founded that company with a couple thousand of her own dollars.

In my closing second, I ask unanimous consent that I may have printed in the RECORD at this time an op ed piece from the Wall Street Journal of February 8, 1994, entitled "A Rule That Stunts Growth."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 8, 1994]

A RULE THAT STUNTS GROWTH

(By J. Carter Beese Jr.)

All eyes are on the stock market. But while investors look to the Fed, Wall Street analysts and the stars for guidance, perhaps they should pay some attention to a slightly lower-profile group: The Financial Accounting Standards Board, or FASB. That's right, the FASB. While the FASB's work doesn't seem as loftly as setting the nation's monetary policy, the practical effect of an accounting rule currently under consideration is just as serious as Friday's rise in the federal funds rate. The hit to investors would be just as predictable.

At issue are FASB proposals to force companies to expense the value of employee stock options when the options are issued. Criticism of this idea, subject to public hearings next month, has come from all sides. Nevertheless, shareholders and investors may eventually end up joining the FASB as casualties in this conflict.

MASKING TRUE COST

Why? Because the FASB is committed to rendering its final decision without regard to any of the social, economic or public policy considerations involved. For shareholders and investors, the FASB's failure to consider these nonaccounting factors masks the true cost of its proposals. Unless all the relevant issue are addressed, we may find ourselves paying the price for blindly using the high-cost alternative when a low-cost selection would have performed equally well.

Since its inception, the Securities and Exchange Commission has maintained ultimate authority over the content of corporate financial statements. In 1973, the SEC began looking to the FASB to establish accounting principles "with the expectation that the body's conclusions will promote the interests of investors."

In the context of the stock-option accounting debate, promoting investors' interests boils down to answering one question: Should the estimated value of employee stock options be charged as an expense against earnings, as proposed by the FASB, or should it be reflected in the notes to the company's financial statements, a compromise suggested by the Big Six accounting firms, the Council of Institutional Investors and the Business Roundtable?

Our financial markets, of course, value substance over form. Whether deducted from earnings or disclosed in a footnote, the estimated value accorded to the options will be quickly and efficiently analyzed, checked, re-estimated and assigned its appropriate weight, as only our markets can do so well.

On the other hand, shareholders and the companies in which they invest care a great deal about form, and for good reason. The collateral consequences of the FASB's proposals go far beyond the potential effect on stock prices.

The charge to income will be based on highly debatable estimates produced by complex option-pricing models. By turning a soft estimate into a hard expense, we will immediately raise the up-front cost of using stock options, even though the real cost to the company—the potential dilutive effect to shareholder equity—remains unchanged. Moreover, in today's hostile legal environment—where class-action suits are instantly filed if earnings fall too fast, rise too slowly or remain too steady—the fear of inviting yet more litigation by including "soft" information directly on income statements is a very real concern.

Additionally, employee stock options are a uniquely American phenomenon that allows thousands of U.S. workers to share in their companies' success. As such, employee stock options provide a distinct competitive advantage to U.S companies competing globally for talented employees. The companies and industries most heavily dependent on stock options are also creating the real job growth in our economy. If, to avoid adverse side-effects, U.S. companies limit their use of stock options, we all lose.

Faced with these arguments, the FASB's rebuttal is simple: When it comes to accounting principles, economic consequences be damned; the truth will set investors free. But the truth be told, finding the true value of stock options is an impossible task; and by using estimates, the FASB is not empowering investors with more credible financial statements, only theoretically improved ones.

The merit of these so-called improvements is not clear. Option-pricing models use complicated formulas based on various assumptions, including predictions on interest rates and stock volatility 10 years into the future and produce widely divergent results. The FASB hopes its proposals will enhance the comparability of earnings among companies; but achieving this limited goal is doubtful when the estimates underlying earnings lack comparability.

For example, compensation consultants reportedly estimated the current value of the options package provided to Kodak's new CEO last December at between $13 million and $17 million, a range of 30%. If this range exists for options on Kodak, a mature company with an established trading history and actively traded options for its stock, imagine the range for a new high-tech company in a new industry with no existing market history or options markets. The estimated value of the latter company's options would be all over the board—and, if recorded as an expense, would render its earnings meaningless to investors for comparative purposes.

Moreover, its unlikely that the FASB's actions are needed to curb excessive executive salaries, as others argue. No pay package goes unnoticed under the SEC's copious new executive compensation disclosures, and by linking pay to performance, stock options reward executives only if shareholders win too.

FOOTNOTES WOULD WORK

The bottom line is that by using footnote disclosures, investors will receive the same information that the FASB seeks to present. More important, the income statement will not reflect guesstimates of option values, and the damaging side-effects of the FASB's proposals will be eliminated. All with no discernible harm to shareholders and investors.

Yet the FASB is unable to fully evaluate this alternative approach. As it recently admitted at oversight hearings before the SEC, the FASB lacks the competence to judge nonaccounting issues, and therefore does not consider them when reaching its conclusions.

Promoting investors' interests demands that we not blindly derail the engine of growth that employee stock options so clearly represent. For everyone's sake, the FASB should amend its proposals, or the SEC should act now to avert a disastrous train wreck.

Mrs. BOXER. Reading four simple sentences, it says.

> * * * the FASB is committed to rendering its final decision without regard to any of the social, economic, or public policy considerations involved.

I agree with that. It is up to us to listen to the people back home, not to be isolated here in Washington. I found out about this issue from the working people back home.

It goes on to say:

> * * * employee stock options are a uniquely American phenomenon that allows thousands of U.S. workers to share in their company's success.

Let us not blindly allow FASB to derail the engine of growth that employee stock options so clearly represent.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 5 minutes to the Senator from Oklahoma [Mr. BOREN].

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. BOREN], is recognized.

Mr. BOREN. I thank my colleague from Michigan. I rise in support of the amendment of the Senator from Michigan. First of all, I commend him for the leadership he has shown on the issue of executive compensation year after year after year.

He has made sure that those stockholders who own the companies know exactly the compensation that is being paid to those that are operating those companies. After all, these companies belong to the shareholders, and they should have that information in a clear form and in a form that is understandable to them.

In some cases in the past, the levels of compensation to some CEO's in this country have been far out of line with the ratios of compensation, compared to the compensation of employees in other countries. That has a potential impact on the productivity and performance of American companies. But executive compensation is not the issue here.

The issue is whether or not we shall have an independent decisionmaking process by FASB or not. That is the issue. Should Congress begin now by applying pressure through a sense-of-the-Congress resolution on FASB while it is undertaking an independent decisionmaking process? I think it is very important that we have an independent process.

Both the past Chair of the SEC, Richard Breeden, and the current Chair, Arthur Levitt, strongly state that they support an independent FASB.

Breeden said:

> The purpose of accounting standards is to assure that financial reporting is presented in a way that enables decisionmakers to make informed judgments. To the extent that accounting standards are subverted to achieve objectives unrelated to a fair and accurate presentation, they fail in their purpose.

On January 10, Arthur Levitt, the current Chairman wrote a letter to me and four of my colleagues urging that Congress respect the independence of FASB.

In that letter he wrote:

> It certainly is appropriate for Congress to have an interest in accounting issues, particularly one that may have far-reaching implications such as the accounting for employee stock options. * * * However, I believe that it is inappropriate for Congress to prescribe accounting standards through legislation. * * * I am concerned that if the FASB's agenda is limited to those projects that meet congressionally-favored goals, then the process may no longer be perceived as standards setting by an independent body within the accounting profession.

That is what we are involved in here. Should Congress be inserting itself into that independent process, or should we maintain and protect the integrity and independence of this process?

The FASB is not moving at this point in some precipitous fashion. They have circulated an exposure draft; they are conducting field tests, and they are in the process of conducting public hearings. The draft contemplates a 3-year period of disclosing the value of stock option compensation before any expense is recognized in the financial statements. They are just talking about disclosure to the stockholders, who own the companies.

I happen to think that in many cases the use of stock options as a compensation to executives is a good thing. It aligns the management interest more closely and directly with the fortune of the firm and with the interest of the shareholders who own that firm, especially in companies where we have managers who are not, in general, the real owners of these companies.

But such compensation is not free to a firm, and it should be accounted for accurately. Warren Buffett, one of the outstanding business leaders in this country, supports that idea because he said:

> Companies incur costs when they deliver something of value to another party and not just when cash changes hands.

Business Week, the Washington Post, and others, have endorsed changing accounting rules to reflect the cost of stock option compensation. Whether we favor this change ultimately or not is really, here again, not the issue. The issue is whether or not we are going to inject ourselves and interfere right now in what has been an independent, professional, very thoughtful process that does not even contend that we will reach a resolution of the issue for 3 more years.

Madam President, I think it is improper for us to inject ourselves into this matter at this point. I think the Senator from Michigan is absolutely right. To all of those who have an interest in how we provide executive branch compensation, how it fits into the economy interests of this country, how it impacts the interest of those who own the companies, the shareholders, I think we should all step back and look at what is being proposed here, and that is interference with a process that should be independent. Let us wait for FASB to finish and wait until we see what methodology they come up with for evaluating and placing a value on stock options. Let us let the 3 years run for reviewing the information for the public, and then we can be in a position to evaluate the results. Let us not intrude into the independence of this process. Now let us support the Levin amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Chair wishes to advise the Senator from Michigan that he has 2 minutes and 53 seconds remaining, and to the Senator from Connecticut that he has 1 minute and 34 seconds remaining.

Who seeks time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, our good friend from California asked the question: If stock options are good why not reverse FASB? The answer is a lot of things are good. Our research and development spending is good, but surely that should be shown as an expense on the company's books.

If the test of what is an expense shown on the books is what is good and if it is good it should not be shown, then most of the expenses that a company undertakes are not going to be reflected on the books and we are not going to have honest accounting rules.

This vote today on the Lieberman amendment is about whether or not we are going to interject ourselves into FASB's effort to have honest accounting rules.

I hope my amendment passes. I think now it will with the support of the Senators from Connecticut and California. It should because it says we should not legislate.

But, in addition, after my amendment is adopted, and hopefully it will be, we should then defeat the underlying amendment because the underlying amendment would say that we, the Congress, know better than FASB as to what represents an honest accounting rule when it comes to stock options. It is a bad precedent to set. It is a slippery slope to begin walking down.

We should listen to Warren Buffett and, by the way, we should ignore, if I may say so, in all friendliness with my good friend from Connecticut that chart that has been put up, because that chart is not a scientific chart, not a cross-section. The first chart, if the Senator will put it up 1 minute, I will explain to him why that left-hand column as we understand from the people who put the numbers together represents all of 36 companies; whereas the right-hand column represents 100 companies.

So on his own chart the left-hand column represents companies with under 100 employees, and there are only 36 responses, but of the companies that represent over 5,000 employees there are 100 such companies that are represented. That is the information we got by calling the company that put that together and, of course, they are very much opposed to FASB.

But if the Senator from Connecticut has different information, of course, we would be happy to have him provide it.

In any event, Madam President, I hope my amendment cosponsored by Senator BOREN is, in fact, adopted and that we then defeat the underlying amendment as an improper intrusion in an effort to get honest accounting rules because FASB knows better than the U.S. Congress as to what represents straightforward accounting.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, it is only out of frustration with the direction in which FASB has been going on this accounting rule and the fear of the sponsors of the amendment that it will result in devastating consequences for American companies and workers.

Look. This chart reasonably reflects the world out there. Can anybody argue with the fact that there are many more middle-management workers and lower-management workers that are receiving stock options than the few people at the top that receive these outrageous amounts of money? It is just the fact. Four thousand people in one area of one State come out to rally for their stock options. This is one of the great uniquely American middle-class benefits, a way for people to create financial security for themselves. This proposed FASB rule will devastate that benefit, make it hard for small companies to raise capital, make it hard for a lot of our people who are out there not working now to get the jobs that we all say we want them to get.

Madam President, the underlying amendment, the amendment that I have offered, will make it clear to FASB that there are consequences of their accounting rule that so directly affect areas of our economy that we, in Congress, must be worried about, that we have to speak out and say please withdraw this rule, stay with what you have and let us and those like the Senator from Michigan find a more appropriate forum to go at their concerns about executive compensation.

The PRESIDING OFFICER. All time has expired.

Mr. LIEBERMAN. I thank the Chair.

Mr. LEVIN. Madam President, I ask for the yeas and nays on my second-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 1669.

Mr. LIEBERMAN. Madam President, I ask at this time for the yeas and nays on my underlying amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1669

The PRESIDING OFFICER. The clerk will now call the roll on the Levin amendment No. 1669.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—94

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cohen
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—2

Conrad
Dorgan

NOT VOTING—4

Cochran
Kennedy
Metzenbaum
Shelby

So the amendment (No. 1669) was agreed to.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the following be the only remaining first-degree amendments in order to S. 783——

The PRESIDING OFFICER. Will the majority leader withhold? I cannot hear the Senator's unanimous-consent request.

The majority leader may proceed.

Mr. MITCHELL. That second-degree amendments be in order, provided they are relevant to the subject matter of the first degree, that no motions to recommit be in order, and that upon the disposition of these amendments the committee substitute be agreed to, the bill be read a third time, and the Senate without any intervening action or debate vote on passage of S. 783.

The amendment are: An amendment by Senator GORTON regarding the Seattle SEC office; an amendment by Senator DANFORTH, a sense of the Senate regarding trade subsidies; an amendment by Senator HELMS regarding regulatory relief; an amendment by Senator HELMS regarding regulatory relief; an amendment by Senator HELMS regarding regulatory relief; an amendment by Senator LEVIN regarding credit card redlining; an amendment by Senator SIMON regarding privacy protection commission; an amendment by Senator LIEBERMAN regarding advance fee loan scam.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? Without objection, it is so ordered.

Mr. MITCHELL. Madam President, the vote now about to occur will be the last vote today.

Mr. KERRY. Madam President, as this vote should suggest to the Financial Accounting Standards Board which promulgates accounting standards for the private sector, the Senate has deep concerns about its proposal to require companies to amortize the value of stock options and deduct them off their earnings statements, with the values derived not from current market prices, but from estimates of future prices derived by computer models.

Many of us have been reluctant to wade into this controversy, because of our fear of politicizing a process that must aspire to absolute clarity and fairness. After all, the day Congress begins devising the generally accepted accounting principles is the day they become generally unaccepted accounting principles.

But I have come to oppose FASB's proposal for two overriding reasons, the rule's purported benefit to the investing public, and its apparent impact on companies. Strictly speaking, FASB's mission is to worry only about the first—the benefit of the rule to investors. Those of us in elected office must be worried about both. I am not an accountant, but I can do figures. I simply cannot see how the FASB rule, as proposed, will benefit the investing public.

Consider, first, that FASB already requires companies to report their earnings per share based on a total number of shares that includes all the stock options they have granted. Consider also that the SEC now requires substantial disclosure to shareholders of the total compensation and incentives awarded to the top five executives of each firm, including their stock options. Companies must also demonstrate how compensation and incentives awarded over time compare to the company's financial performance and that of comparable firms. Finally, I might add, this Congress capped the deductibility of executive compensation at $1 million as part of last year's Budget Act. I have to believe that the greater part of the stealth has now been removed from what had been an excess of stealth compensation.

Contrast all this with the mechanics of the proposed FASB rule. Companies will have to choose from among six computer models to make estimates of the future value of their stock. It seems to me that requiring companies to choose between models is, by its nature, a requirement that introduces uncertainty into the financial reporting process. Then again, even FASB now concedes that the models can produce significant variations in expected values from company to company—yet another element of uncertainty.

Thus, it is not clear to me what the investing public gains from the PASB rule. Clearly, in granting stock options companies grant something that must have value, although they do not represent a cash expense, they are not tradeable, and ultimately they have value only if the company's stock price goes up—in which case ordinary shareholders benefit along with option holders. Stock options must have value, but is the FASB rule the way to establish that value?

In the absence of a clear answer to that question from FASB, we in the Congress have more than enough right to ask how the rule will affect companies and their workers. Here I fear that, while the rule is aimed at larger companies that abused options in years past, it is about to hit smaller companies that are creating new jobs in States like my own.

Madam President, in my State, just as in Silicon Valley, stock options serve as a fundamental means of financing the start-up of new companies. Employees forego salary and benefits in return for stock options. In doing so they bind themselves to the firm for a period of several years, and commit themselves to the goal of all investors: the company's success. Stock options allow the company to reserve critically needed cash for other vital needs of a new or emerging company: for research and development, for marketing, and for getting a new product out the door.

There is no more compelling testimony to the damage the FASB rule will do to these companies than the testimony of the venture capital community. After all, apart from company founders it is the venture capitalists who provide all or most of the ownership capital for emerging companies, so it is the venture capitalists who are giving away part of the store when they grant stock options. The venture capitalists tell me that the FASB rule will simply make stock options more expensive, which means they will be granted less often, which will make recruitment of talent more difficult, and which will make the cost of starting a company rise.

Now, this might be acceptable if some greater public purpose were served by the FASB rule, such as the provision of a clear benefit to the investing public. But as I noted previously, it is difficult to find such a benefit in the current FASB proposal.

To the contrary, the evidence seems compelling that the FASB rule will disproportionately affect startups, smaller growth companies, and companies in new or breakthrough markets—that is, precisely the companies we are relying on in Massachusetts to make up for the thousands of jobs lost over the last 5 years. Companies in larger, more established, and mature markets will be much less affected, because they have financial and stock market track records that will be more easily digested by these new stock option pricing models run by computer.

Madam President, I am proud of the steps this Congress has taken to support new companies and new jobs during the last 2 years, and I am proud that I played a role in taking those steps. We have cut capital gains taxes for investments in new companies, we have reformed the Small Business Investment Corporation Act, we have strengthened and expanded the Small Business Innovation Research Program, we have created the Advanced Technology Program, we have increased expensing provisions for small business taxpayers, and more.

The FASB proposal as it currently stands poses a real threat to these accomplishments, and all in the name of a standard of accounting purity that FASB has great difficulty explaining in simple English. As I have stated before, Congress should be in no hurry to dictate to FASB, but unless FASB can come up with a better and more defensible proposal on stock options, the Securities and Exchange Commission should exercise the authority it manifestly possesses and override FASB on its proposed stock option rule. In the meantime, in this sense of the Senate, we are putting ourselves firmly on record in expressing our concern about FASB's approach.

It is my hope that FASB will take the opportunity provided by this vote to consult with industry representatives and develop a more viable approach in the days to come, one which unlike the current proposal, draws strong consensus and support from those most affected by it.

Mr. MACK. Madam President, I rise today to support this sense-of-the-Senate amendment concerning the Federal Accounting Standards Board's proposal to change the Generally Accepted Accounting Principle relating to employee stock options.

While most people have a tendency to talk about these things strictly in terms of dollars and cents or from an accounting perspective, I believe that this issue goes further than that. I had a younger brother who died of cancer in 1979. You might be thinking, "what has this got to do with employee stock options?" I would say that it does relate. When Michael was diagnosed with melanoma everyone said that there was no cure. At that time if you were diagnosed with melanoma, you were going to die; it was just a question of when.

Dr. Stephen Rosenberg at the National Cancer Institute has done some remarkable work in the area of research on melanoma. In fact, in certain cases he is experiencing a 40 percent cure on melanoma. While this is wonderful progress, I cannot help but think that if there were fewer hurdles for high tech companies and if there were fewer roadblocks in the way of new companies starting up, would my brother have had an opportunity to live?

There are probably hundreds of thousands of people around our country who are looking to the breakthroughs in biotechnology and bioresearch for a cure to their fatal illnesses. I believe that research is being impeded because of roadblocks, like the one the Federal Accounting Standards Board is about to put in place, to the flow of human capital into these new businesses. I have been visited by some of the high tech companies in Florida who explained that they depend on stock options to attract the experts in their field to a newly formed company. These companies do not have the ability to pay the talent up front for their services and need this tool to compensate for the risk typically associated with new businesses.

This is an important issue for our Nation's startup companies. The Federal Accounting Standards Board's proposal has almost universal opposition. I urge my colleagues to support this amendment.

VOTE ON AMENDMENT NO. 1668, AS AMENDED

The PRESIDING OFFICER. The question now occurs on amendment 1668, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM], is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], is necessarily absent.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 88, nays 9, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—88

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cohen
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dodd
Dole
Domenici
Durenberger
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—9

Boren
Conrad
Daschle
Dorgan
Exon
Graham
Levin
Mitchell
Simon

NOT VOTING—3

Cochran
Metzenbaum
Shelby

So, the amendment (No. 1668), as amended, was agreed to.

Mr. BRYAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRESCREENING BY THIRD PARTY DATA PROCESSORS

Mr. PRYOR. I rise in support of S. 783 and would like to commend the managers of this bill for bringing it to the floor. I would also like to take a moment to engage the senior Senator from Michigan, the chairman of the committee, in a brief colloquy.

As the chairman knows, section 103 of S. 783 clarifies and expands upon current Federal Trade Commission [FTC] interpretations of the Fair Credit Reporting Act regarding permissible prescreening activities. One of those activities involves demographic or other analysis performed by third party data processors on behalf of credit grantors on information contained in consumer reporting agency files.

It is my understanding that the prescreening activities performed by these data processing entities have been sanctioned by the FTC. It is further my understanding that section 103 of S. 783 is not intended to change the status of the prescreening services provided by these entities, and in fact, the committee's report helps clarify the status of third party data processors under the act by incorporating the interpretive language adopted by the FTC, is this correct?

Mr. RIEGLE. The Senator is correct. We are aware that these entities exist and what services they provide credit grantors, and as the Senator mentioned, we specifically included language in the committee report dealing with this issue. In particular we are aware that consumer reporting agencies may provide these entities a list with the name and address of each consumer identified by the prescreening process; addition information regarding any individual consumer on the list may be furnished to the entity provided it is not identified or identifiable with the consumer. We are also aware that the prescreening process may also include demographic or other analysis of the consumers on the list by the consumer reporting agency or by a third party employed for that purpose before the list is furnished to the credit or insurance provider.

Mr. PRYOR. I thank the chairman for his clarification.

Mr. BRYAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nevada suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1670

(Purpose: To express the will of the Senate on the closing of the Securities and Exchange Office in Seattle, WA)

Mr. BRYAN. Mr. President, I send an amendment to the desk offered by Senator BOND and I on behalf of Senator GORTON, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for Mr. GORTON, proposes an amendment numbered 1670.

Mr. BRYAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section: "Securities and Exchange Commission, Seattle district office:

It is the sense of the Senate that the Securities and Exchange Commission district office located in Seattle, Washington shall not be closed, nor its services, operations, or staff be reduced from the levels in effect on January 1, 1994. None of the operations of the Seattle office shall be transferred to another office of the Securities and Exchange Commission."

SEC SEATTLE DISTRICT OFFICE AMENDMENT TO S. 783, FAIR CREDIT REPORTING ACT

Mr. GORTON. Mr. President, I am offering a sense of the Senate amendment to the fair credit reporting bill regarding the Securities and Exchange Commission's decision to close the Seattle office. Earlier this year, the SEC announced that the Commission's Seattle district office would close in July. The plan is to close the Seattle office and incorporate its functions into the San Francisco and Los Angeles offices. As soon as I heard about this, and knowing how hard the Seattle SEC office has worked to forge a solid working relationship with Northwest firms, I immediately contacted the Commerce Appropriations Subcommittee. Since then, I have received numerous letters of concern. These letters have ranged from the attorney general, county executives, bankers, lawyers, small businesses, and other citizens who are concerned about the impact this move would have on the Pacific Northwest. I agree. This decision is very unwise and extremely shortsighted.

Yesterday, Mr. Levitt, the Chairman of the SEC, visited Seattle and met with several people, including members of my local office staff. I understood his visit was to be centered around listening to people's and businesses' concerns and opposition to this closure. Unfortunately, this was not the case. He came not to listen. Instead, he insisted tht this closure was a done deal and would not hinder the Pacific Northwest.

I do not believe this should be a closed issue. In a recent letter to Mr. Levitt, I expressed some of my concerns on this issue.

Mr. Levitt contends that this modification of the SEC offices is necessary because of Seattle's relatively small securities industry constituency. This is not true. The business of the SEC in Seattle is growing, not diminishing. In fact, the population and the business in the Pacific Northwest is growing proportionally greater than that of the rest of the country. With the rise of many software, bio-technology and other growth companies in this region, the ability to raise investment capital has become more and more critical. Furthermore, with thoughts of putting a permanent APEC office in Seattle, the Northwest is developing as a financial center.

Second, by allowing the closure of the Seattle office, it is saying that the services provided now in the Northwest can be provided just as efficiently in California. That also is simply not true. As Seattle is growing, Federal regulators need to be onsite in order to provide both service and protection. Moreover, the needs of the Northwest will not remain as a high priority as it is in the Seattle office. Enforcement roles and investors' problems cannot be solved with a 1–800 number as Mr. Levitt is suggesting. Without a doubt, the ability of our companies to deal directly with its major regulatory authority on a regional level is much more effective and has proven to have a real significance.

What is true is that Congress and the SEC have always recognized the importance of encouraging and easing the ability of small business to raise investment capital. The follow through of this decision will do the exact opposite. It will inhibit the investment of capital in the Pacific Northwest.

Furthermore, what is true is that this decision to close the Seattle SEC office was not handled appropriately and through the proper channels. Instead of listening and responding to the residents of the Pacific Northwest before anything was decided, it was handled almost secretly and then forced upon us. With a decision as important as this is to the businesses and the citizens of the Pacific Northwest, it is imperative to keep everyone involved in the decisionmaking process. Moreover, after the announcement, opposition to the decision has been met with closed ears and closed doors.

What is true is that the Seattle SEC office is the only office in the Northwest. By closing it we are stating that having this agency is not vital to this area. By closing the operation of the Seattle office, the needs of the Pacific Northwest will not be adequately met.

Finally, what is true is that for almost 60 years the Seattle SEC office has provided the area's investing public and small business invaluable assistance. To continue with the economic development of the Northwest, it is critical to leave the Seattle office open.

Mr. BRYAN. Mr. President, I represent to my colleagues that the amendment has been cleared on this side of the aisle.

Mr. BOND. Mr. President, I thank the manager of the bill for his kind efforts. There is no objection on the Republican side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 1670) was agreed to.

Mr. BRYAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. BRYAN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BRYAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 826, and Calendar No. 830. I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that upon confirmation the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Rudy deLeon, of California, to be Under Secretary of the Air Force.

DEPARTMENT OF THE TREASURY

Joan Logue-Kinder, of New York, to be an Assistant Secretary of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second time, by unanimous consent, and placed on the calendar:

H.R. 4013. An act to amend title 38, United States Code, to provide the Secretary of Veterans Affairs with necessary flexibility in staffing the Veterans Health Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2562. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports for March 1994; to the Committee on Governmental Affairs.

EC-2563. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, a report relative to the implementation of the Government in the Sunshine Act during calendar year 1993; to the Committee on Governmental Affairs.

EC-2564. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report of the Office's functions and responsibilities for calendar years 1992 and 1993; to the Committee on Governmental Affairs.

EC-2564. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report of the Office's functions and responsibilities for calendar years 1992 and 1993; to the Committee on Governmental Affairs.

EC-2565. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, a report relative to audit and investigative activities for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2566. A communication from the Director of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the audited financial statements of the Corporation for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2567. A communication from the Executive Secretary of the National Labor Relations Board, transmitting, pursuant to law, the annual report of the Board relative to the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2568. A communication from the Chairman and President of the National Railroad Passenger Corporation, transmitting, pursuant to law, the calendar year 1993 management report of government corporations; to the Committee on Governmental Affairs.

EC-2569. A communication from the Acting Chairman of the Nuclear Regulatory Committee, transmitting, pursuant to law, a report relative to the administration of the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2570. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, a report relative to the audit of the Thomas Jefferson Commemoration Commission; to the Committeee on Governmental Affairs.

EC-2571. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to regulatory development and review procedures; to the Committee on Governmental Affairs.

EC-2572. A communication from the Federal Housing Finance Board, transmitting, pursuant to law, a report relative to the implementation of the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2573. A communication from the Federal Housing Finance Board, transmitting, pursuant to law, a report relative to the Board's internal control and financial management systems for calendar year 1993; to the Committee on Governmental Affairs.

EC-2574. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, a report relative to audit and investigatory services of the General Services Administration in compliance with the Federal Managers' Financial Integrity Act for 1993; to the Committee on Governmental Affairs.

EC-2575. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, a report relative to the establishment of or action taken to comply with the Inspector General Act for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2576. A communication from the Board members of the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's compliance with the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2577. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Entering Professional Positions in the Federal Government"; to the Committee on Governmental Affairs.

EC-2578. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the Panama Canal Commission's financial statements for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2579. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the operations of the private counsel debt collection project for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2580. A communication from the Vice President, Human Resources and Planning, Farm Credit Bank of Spokane, transmitting, pursuant to law, annual reports for calendar years 1991 and 1992 for the Twelfth District Farm Credit Retirement Plan and Thrift Plan; to the Committee on Governmental Affairs.

EC-2581. A communication from the Employee Benefits Manager, Farm Credit Bank of Columbia, transmitting, pursuant to law, a report relative to retirement and thrift plans for the one year period ending August 31, 1993; to the Committee on Governmental Affairs.

EC-2582. A communication from the Governor of the Rural Telephone Bank, transmitting, pursuant to law, a report relative to the Bank's financial management systems and financial condition as relates to the Chief Financial Officers Act; to the Committee on Governmental Affairs.

EC-2583. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the management report in accordance with the Chief Financial Officers Act; to the Committee on Governmental Affairs.

EC-2584. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's Federal Managers' Financial Integrity Act report for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2585. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporation's fiscal year 1993 management report in compliance with the Chief Financial Officer's Act; to the Committee on Governmental Affairs.

EC-2586. A communication from the Director of the National Science Foundation (Legislative and Public Affairs), transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2587. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Justice Department's annual report for fiscal year 1993; to the Committee on the Judiciary.

EC-2588. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report under the Equal Access to Justice Act for fiscal year 1993; to the Committee on the Judiciary.

EC-2589. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report on Federal Prison Industries, Inc. for fiscal year 1993; to the Committee on the Judiciary.

EC-2590. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2591. A communication from the Chairman of U.S. Sentencing Commission, transmitting, pursuant to law, the report of amendments to the sentencing guidelines; to the Committee on the Judiciary.

EC-2592. A communication from the President of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on the Judiciary.

EC-2593. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2594. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2595. A communication from the Deputy Director for Administration for Central Intelligence Agency, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2596. A communication from the Chairman of U.S. Sentencing Commission, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on the Judiciary.

EC-2597. A communication from the National Endowment for Democracy, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2598. A communication from the Assistant Attorney General of the United States, transmitting, a draft of proposed legislation entitled "Digital Telephone and Communications Privacy Improvements Act of 1994"; to the Committee on the Judiciary.

EC-2599. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2600. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2601. A communication from the Deputy Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2602. A communication from the Director of Operations and Finance for the American Battle Monuments Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2603. A communication from the Acting Chairperson of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2604. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2605. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report on the operation of the premerger notification program for fiscal year 1992; to the Committee on the Judiciary.

EC-2606. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the National Park Foundation for fiscal year 1993; to the Committee on the Judiciary.

EC-2607. A communication from the Acting Register of Copyrights, transmitting, pursuant to law, the report under the Computer Software Rental Amendments Act of 1990; to the Committee on the Judiciary.

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EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. BUMPERS, from the Committee on Small Business:

Jere Watson Glover, of Maryland, to be Chief Counsel for Advocacy, Small Business Administration, vice Thomas P. Kerester, resigned.

(The above nomination was approved subject to the nominee's commitment to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself, Mr. GRASSLEY, and Mr. EXON):

S. 2057. A bill to replace the Aid to Families With Dependent Children Program under title IV of the Social Security Act and a portion of the food stamp program under the Food Stamp Act of 1977 with a block grant to give the States the flexibility to create innovative welfare to work programs, and for other purposes; to the Committee on Finance.

By Mr. NUNN (for himself and Mr. THURMOND) (by request):

S. 2058. A bill to authorize certain construction at military installations for fiscal year 1995, and for other purposes; to the Committee on Armed Services.

S. 2059. A bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes; to the Committee on Armed Services.

By Mr. BUMPERS (by request):

S. 2060. A bill to amend the Small Business Act; to the Committee on Small Business.

By Mr. BUMPERS (for himself and Mr. HATFIELD) (by request):

S. 2061. A bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies; to the Committee on Small Business.

By Mr. INOUYE:

S. 2062. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GORTON:

S. 2063. A bill to amend the National Security Act of 1947 to provide for improved coordination of national counterintelligence policy, and for other purposes; to the Select Committee on Intelligence.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2064. A bill to expand the boundary of the Weir Farm National Historic Site in the State of Connecticut; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 2065. A bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing regulations under the Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself and Mr. PRESSLER):

S. 2066. A bill to expand the Mni Wiconi Rural Water Supply Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. STEVENS, Mr. COCHRAN, and Mr. CAMPBELL):

S. 2067. A bill to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes; to the Committee on Indian Affairs.

By Mr. PRESSLER (for himself, Mr. DASCHLE, Mr. GRASSLEY, Mr. HARKIN, and Mr. DURENBERGER):

S. 2068. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COHEN (for himself, Ms. MIKULSKI, Mrs. HUTCHISON, Mr. GRASSLEY, Mr. STEVENS, Mr. BRADLEY, Mr. BROWN, Mr. JEFFORDS, Mr. FORD, Mr. BURNS, Mrs. MURRAY, Mr. SPECTER, Mr. REID, Mr. MACK, Mrs. BOXER, Mrs. KASSEBAUM, Mrs. FEINSTEIN, Mr. LEVIN, and Ms. MOSELEY-BRAUN):

S. Res. 208. A resolution expressing the sense of the Senate with respect to mammography screening to detect breast cancer in women ages 40 to 49; to the Committee on Labor and Human Resources.

By Mr. RIEGLE:

S. Res. 209. A resolution to express the sense of the Senate honoring Mikis

Theodorakis; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. KOHL (for himself, Mr. GRASSLEY, and Mr. EXON):

S. 2057. A bill to replace the aid to families with dependent children program under title IV of the Social Security Act and a portion of the food stamp program under the Food Stamp Act of 1977 with a block grant to give the States the flexibility to create innovative welfare to work programs, and for other purposes; to the Committee on Finance.

WELFARE TO WORK ACT OF 1994

Mr. KOHL. Mr. President, today I am introducing a bipartisan welfare reform proposal that I have developed with my colleague, CHUCK GRASSLEY. Our legislation is based on one fundamental conviction: that the current welfare system is so bad—so removed from the American values of work, family, and responsibility—that it must be completely abolished. Our legislation will take the Federal Government out of the business of welfare and put the States into the business of empowering their residents to find and keep jobs.

Before I describe our bill, let me talk a moment about the current system. It discourages work, discourages marriage, and discourages responsible choices about parenthood. We have set up a cash grant program that tells young women—don't work, don't marry, have children, and you will get support. Work, marry, plan your family for when you can afford to support it, and we will leave you out in the cold—in fact, we will take your tax money to support those who have decided not to work. The current welfare system pays people to reject the values of work and family that have made this country strong, and the time has come to reject that approach.

Right now, State and local governments that want to reject this system and implement something that helps those down on their luck get jobs don't have the freedom to do so—they have to beg Washington for waivers from myriad Federal rules, and often as not, they get turned down or have to wait years and years for an answer. Meanwhile, another generation grows up in our broken welfare system.

We think there is a better way: A simple, common sense approach, that is consistent with American values. Our legislation truly ends welfare as we know it by abolishing AFDC and most of food stamps. The money now used for welfare payments and Federal administrative costs is turned over to the States in the form of a block grant. They will use the grant to establish welfare-to-work systems designed to meet the needs of their local communities.

Our legislation ensures that the elderly and disabled continue to get food stamp assistance and that needy children get food through an expansion of WIC. Beyond that, States are allowed to use the money we now spend on welfare to connect people to work in any way they determine will be successful—through job placement assistance, job training, child care, transportation assistance, earnings supplements, public service jobs, et cetera.

To have its block grant renewed each year, all a State would have to do is show that it is moving people into work. If it meets this test, then it is doing better than we have ever done at the Federal level, and its block grant will be continued.

Our welfare-to-work legislation will spend not one penny more on welfare than we currently spend. There are many who would argue that we have to add more money to the current system to get it to work. But, as most people operating in the private sector know, it doesn't matter how much you spend to dress up a product nobody wants; in the end, all you have is an expensive product nobody wants. It is time to stop pouring money into a welfare system that doesn't help anyone, because in the end all we will get is an expensive welfare system that still doesn't help anyone. We can use the money currently spent on welfare—including $3 billion in administrative expenses—to let the States design systems that work for them and their citizens. By turning over to the States most of the money we currently spend on Federal administrative costs, and getting States to reorient their systems away from checkwriting and toward helping people find jobs, we can make big strides in getting people to work.

Another reason we keep the block grant at current welfare spending levels is the fact that placing people in jobs will generate savings for State welfare-to-work programs, since such individuals won't need as much assistance as they were getting before, allowing those savings to be used to help harder-to-place people get the job training, child care, and other assistance they need to get and keep jobs. Another part of the answer lies in encouraging States to better utilize other Federal resources they already get. Right now, we give States over $7 billion to help people attain, and maintain self-sufficiency through child care, social services, and job training grants. These grants could be better targeted, and if connected to State welfare-to-work systems, could provide additional support to help welfare-to-work programs be even more successful.

Economic circumstances and people in Kenosha, WI are different from those in Ottumwa, IA. Portland, ME, is not San Diego, CA. A one-size-fits-all welfare plan designed in Washington cannot work for all these communities. By introducing this bill, we are saying that it is time to face the fact that the answer to something as hard as helping people get work is not going to be developed in Washington—the many answers we need are going to come from communities throughout this country. State and local governments have been pleading for flexibility to design programs that work—it is time to get out of their way.

Some may think that we're bashing the Federal Government when we say that we don't think it can solve this problem. We're not. We're simply saying that there are some things Washington is good at, such as the relatively straight-forward tasks of collecting payments for Social Security and sending out the checks our elderly so depend on. And there are some things our Federal Government is not good at, such as trying to help individuals get back on their feet. This is because so much of the answer to getting welfare beneficiaries into jobs depends on an individual's circumstances and the local situation—both of which are impossible to take completely into account when developing a comprehensive, national solution.

The crucial difference between our bill and others you may hear about is this: instead of adding yet another layer to the overly complex welfare system we have today, we admit that it needs to be abolished and completely replaced, and propose to do so with a simple program, run by States, that moves people to work.

Many of us are concerned that welfare reform plans need to show compassion for children. We think this proposal meets that test: it ensures needy children will get nutrition assistance through WIC and that their parents will receive assistance getting connected to a job. Frankly, we think the most compassionate thing we can do for these children is to help their parents get a job, which is more than the current system can say. Our bill says that Government has the responsibility to provide a helping hand to assist individuals, but also that individuals have the responsibility to use the assistance to help themselves.

As a final note, let me point out that this plan would remove the requirement that families break up before they can get assistance. With this block grant, States can help families who need help before they break up. This is one more reason why we think this bill is more consistent with American values—the values of compassion, work, family, and responsibility—than our current welfare system.

Mr. President, I ask unanimous consent to enter the text of the attached bill summary into the RECORD, as well as the entire text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2057

Be it enacted by by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Welfare to Work Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Definition of State.
Sec. 5. Applications by States.
Sec. 6. State welfare to work program described.
Sec. 7. State grants.
Sec. 8. State maintenance of effort.
Sec. 9. Termination of certain Federal welfare programs.
Sec. 10. Eligibility for WIC program.
Sec. 11. Secretarial submission of legislative proposal for amendments to medicaid eligibility provisions and technical and conforming amendments.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The current welfare system is broken and requires replacement.

(2) Work is what works best for American families.

(3) Since State and local governments know the best methods of connecting welfare recipients to work and since each community faces different circumstances, Federal assistance to the States should be flexible.

(4) Government has the responsibility to provide a helping hand to assist individuals but individuals have the responsibility to use the assistance to help themselves.

SEC. 3. PURPOSE.

The purpose of this Act is to create a block grant program to replace the aid to families with dependent children program under title IV of the Social Security Act and a portion of the food stamp program under the Food Stamp Act of 1977 and give the States the flexibility to create innovative welfare to work programs.

SEC. 4. DEFINITION OF STATE.

For purposes of this Act, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

SEC. 5. APPLICATIONS BY STATES.

(a) IN GENERAL.—Each State desiring to receive a grant to operate a State welfare to work program described in section 6 shall annually submit an application to the Secretary of Health and Human Services (hereafter in this Act referred to as the "Secretary") containing the matter described in subsection (b) in such manner as the Secretary may require.

(b) CONTENTS.—

(1) FISCAL YEAR 1995.—An application for a grant to operate a State welfare to work program during fiscal year 1995 shall contain a description of the program in accordance with section 6.

(2) SUBSEQUENT FISCAL YEARS.—

(A) IN GENERAL.—

(i) CONTENTS.—Except as provided in clause (ii), an application for a grant to operate a State welfare to work program during fiscal year 1996 and each subsequent fiscal year shall contain—

(I) a description of the program in accordance with section 6;

(II) the State work percentage (as determined under subparagraph (B)) for each of the 2 preceding fiscal years;

(III) a statement of the number of participants who became ineligible for participation in the program due to increased income for each of the 2 preceding fiscal years; and

(IV) a statement of the amount of non-Federal resources that the State invested in the program in the preceding fiscal year.

(ii) SPECIAL RULE FOR APPLICATIONS SUBMITTED FOR FISCAL YEAR 1996.—An application for a grant to operate a State welfare to work program during fiscal year 1996 shall contain the information described in subclauses (II) and (III) of clause (i) only for the preceding fiscal year in lieu of such information for each of the 2 preceding fiscal years.

(B) STATE WORK PERCENTAGE.—For purposes of subparagraph (A)(ii), the State work percentage (prior to any adjustment under subparagraph (C)) for a fiscal year is equal to—

(i) the number of participants in the State welfare to work program in the fiscal year who were employed in private sector or public sector jobs for at least 20 hours per week for 26 weeks out of the year, divided by

(ii) the total number of participants in the State welfare to work program in the fiscal year.

(C) ADJUSTMENT.—

(i) IN GENERAL.—The State work percentage determined under subparagraph (B) for a fiscal year shall be adjusted by subtracting 1 percentage point from such State work percentage for each 5 percentage points by which the percentage of individuals described in subparagraph (B)(i) who are also described in clause (ii) participating in the program in such fiscal year falls below 75 percent of the number of individuals described in subparagraph (B)(i) in such fiscal year.

(ii) INDIVIDUAL DESCRIBED.—An individual described in this clause is a custodial parent or other individual who is primarily responsible for the care of a child under the age of 18.

(D) MONITORING OF DATA.—The Secretary shall ensure the validity of the data provided by a State under this paragraph.

(c) APPROVAL.—

(1) FISCAL YEARS 1995 AND 1996.—The Secretary shall approve each application for a grant to operate a State welfare to work program—

(A) during fiscal year 1995, if the application contains the information described in subsection (b)(1); and

(B) during fiscal year 1996, if the application contains the information described in subsection (b)(2).

(2) AUTOMATIC APPROVAL IN SUBSEQUENT FISCAL YEARS.—The Secretary shall approve any application for a grant to operate a State welfare to work program during fiscal year 1997 and each succeeding fiscal year if the State's application reports that—

(A) the State work percentage for the preceding fiscal year is greater than the State work percentage for the second preceding fiscal year; or

(B) more participants became ineligible for participation in the State welfare to work program during the preceding fiscal year due to increased income than became ineligible for participation in the program in the second preceding fiscal year as a result of increased income.

(3) SECRETARIAL REVIEW.—

(A) IN GENERAL.—If a State application for a grant under this Act is not automatically approved under paragraph (2), the Secretary shall approve the application upon a finding that the application—

(i) provides an adequate explanation of why the State work percentage or the number of participants who became ineligible for participation in the State welfare to work program due to increased income during the preceding fiscal year did not exceed such State work percentage or the number of participants who became ineligible for participation in the program in the second preceding fiscal year; and

(ii) provides a plan of remedial action which is satisfactory to the Secretary.

(B) ADEQUATE EXPLANATIONS.—An adequate explanation under subparagraph (A) may include an explanation of economic conditions in the State, failed program innovations, or other relevant circumstances.

(4) RESUBMISSION.—A State may resubmit an application for a grant under this Act until the Secretary finds that the application meets the requirements of paragraph (3)(A).

SEC. 6. STATE WELFARE TO WORK PROGRAM DESCRIBED.

(a) IN GENERAL.—A State welfare to work program described in this section shall provide that—

(1) during fiscal year 1995, the State shall designate individuals who are eligible for participation in the program and such individuals shall include at least those individuals who received benefits under the State plan approved under part A of title IV of the Social Security Act during fiscal year 1994;

(2) during fiscal year 1996 and each subsequent fiscal year, the State shall designate individuals who are eligible for participation in the program (as determined by the State), with priority given to those individuals most in need of such services; and

(3) the program shall be designed to move individuals from welfare to self-sufficiency and may include—

(A) job placement and training;

(B) supplementation of earned income;

(C) nutrition assistance and education;

(D) education;

(E) vouchers to be used for rental of privately owned housing;

(F) child care;

(G) State tax credits;

(H) health care;

(I) supportive services;

(J) community service employment; or

(K) any other assistance designed to move such individuals from welfare to self-sufficiency.

(b) NO ENTITLEMENT.—Notwithstanding any criteria a State may establish for participation in a State welfare to work program, no individual shall be considered to be entitled to participate in the program.

SEC. 7. STATE GRANTS.

(a) IN GENERAL.—The Secretary shall annually award to each State with an application approved under section 5(c) an amount equal to—

(1) in fiscal year 1995, 100 percent of the State's base amount;

(2) in fiscal year 1996, the sum of 80 percent of the State's base amount, 20 percent of the State's share of the national grant amount, and any applicable bonus payment;

(3) in fiscal year 1997, the sum of 60 percent of the State's base amount, 40 percent of the State's share of the national grant amount, and any applicable bonus payment;

(4) in fiscal year 1998, the sum of 40 percent of the State's base amount, 60 percent of the State's share of the national grant amount, and any applicable bonus payment;

(5) in fiscal year 1999, the sum of 20 percent of the State's base amount, 80 percent of the State's share of the national grant amount, and any applicable bonus payment; and

(6) in fiscal year 2000 and each subsequent fiscal year, the sum of 100 percent of the

State's share of the national grant amount and any applicable bonus payment.

(b) STATE BASE AMOUNT.—

(1) IN GENERAL.—For purposes of subsection (a), a State's base amount is equal to—

(A) for fiscal year 1995, 100 percent of the amount determined under paragraph (2); and

(B) for fiscal year 1996 and succeeding fiscal years, 99.6 percent of the amount determined under paragraph (2).

(2) AMOUNT DETERMINED.—The amount determined under this paragraph for a State is an amount equal to the sum of—

(A) the amount of Federal financial participation received by the State under section 403 of the Social Security Act during fiscal year 1994; and

(B) an amount equal to the sum of—

(i) the benefits under the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including benefits provided under section 19 of such Act (7 U.S.C. 2028), during fiscal year 1994 other than benefits provided to elderly or disabled individuals in the State (as determined under section 3(r)) of such Act (7 U.S.C. 2012); and

(ii) the amount paid to the State under section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) during fiscal year 1994 for administrative expenses for providing benefits to non elderly and non disabled individuals.

(c) STATE SHARE OF THE NATIONAL GRANT AMOUNT.—

(1) IN GENERAL.—For purposes of subsection (a), the State's share of the national grant amount for a fiscal year is equal to the sum of the amounts determined under paragraph (2) (relating to economic need) and paragraph (3) (relating to State effort) for the State.

(2) ECONOMIC NEED.—The amount determined under this paragraph is equal to the sum of the amounts determined under subparagraphs (A) and (B) for the State.

(A) STATE PER CAPITA INCOME MEASURE.—The amount determined under this subparagraph is an amount which bears the same ratio to one-quarter of the national grant amount as the product of—

(i) the population of the State; and

(ii) the allotment percentage of the State (as determined under paragraph (4)),

bears to the sum of the corresponding products for all States.

(B) STATE UNEMPLOYMENT MEASURE.—The amount determined under this subparagraph is an amount which bears the same ratio to one-quarter of the national grant amount as the number of individuals in the State who are estimated as being unemployed according to the Department of Labor's annual estimates bears to the number of individuals who are estimated as being unemployed according to the Department of Labor's annual estimates in all States.

(3) STATE EFFORT.—The amount determined under this paragraph is the amount which bears the same ratio to one-half of the national grant amount as the product of—

(A) the dollar amount the State invested in the State welfare to work program in the previous fiscal year, as reported in section 5(b)(2)(A)(iv); and

(B) the allotment percentage of the State (as determined under paragraph (4)),

bears to the sum of the corresponding products for all States.

(4) ALLOTMENT PERCENTAGE.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the allotment percentage for any State shall be 100 percent, less the State percentage.

(B) STATE PERCENTAGE.—The State percentage shall be the percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of all States.

(C) EXCEPTION.—The allotment percentage shall be 70 percent in the case of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(5) DETERMINATION OF GRANT AMOUNTS.—Each State's share of the national grant amount shall be determined under this subsection on the basis of the average per capita income of each State and all States for the most recent fiscal year for which satisfactory data are available from the Department of Commerce and the Department of Labor.

(6) NATIONAL GRANT AMOUNT.—The term "national grant amount" means an amount equal to 99.6 percent of sum of the amounts determined under subsection (b)(2) for all States.

(d) BONUS PAYMENT.—Beginning with fiscal year 1996, the Secretary may use 0.4 percent of the sum of the amounts determined under subsection (b)(2) for all States to award additional bonus payments under this section to those States which have the highest or most improved State work percentage as determined under section 5(b)(2)(B). The Secretary shall designate one State as the leading job placement State and such State shall receive the highest bonus payment under the preceding sentence and the President is authorized and requested to acknowledge such State with a special Presidential award.

(e) USE OF FUNDS FOR ADMINISTRATIVE PURPOSES.—A State shall not use more than 10 percent of the amount it receives under this section for the administration of the State welfare to work program.

(f) CAPPED ENTITLEMENT.—This section constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal Government to provide the payments described in subsection (a) (in an amount not to exceed the sum of the amounts determined under subsection (b)(2) for all States).

SEC. 8. STATE MAINTENANCE OF EFFORT.

Any funds available for the activities covered by a State welfare to work program conducted under this Act shall supplement, and shall not supplant, funds that are expended for similar purposes under any State, regional, or local program.

SEC. 9. TERMINATION OF CERTAIN FEDERAL WELFARE PROGRAMS.

(a) TERMINATION OF AFDC AND JOBS PROGRAMS.—

(1) AFDC.—Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"TERMINATION OF AUTHORITY

"SEC. 418. The authority provided by this part shall terminate on October 1, 1994.".

(2) JOBS.—Part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.) is amended by adding at the end the following new section:

"TERMINATION OF AUTHORITY

"SEC. 488. The authority provided by this part shall terminate on October 1, 1994.".

(b) FOOD STAMP PROGRAM TO SERVE ONLY ELDERLY AND DISABLED INDIVIDUALS.—

(1) DEFINITIONS.—Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended—

(A) in subsection (g)—

(i) in paragraph (4), by striking "(and their spouses)";

(ii) in paragraph (5)—

(I) by striking "in the case of" and inserting "in the case of elderly or disabled"; and

(II) by inserting "disabled" before "children"; and

(iii) in paragraph (8), by inserting "elderly or disabled" before "women and children temporarily";

(B) in subsection (i)—

(i) in the first sentence—

(I) in paragraph (1), by inserting "elderly or disabled" before "individual"; and

(II) in paragraph (2), by inserting ", each of whom is elderly or disabled," after "individuals";

(ii) in the second sentence, by inserting before the period at the end the following: ", if each of the individuals is elderly or disabled";

(iii) in the third sentence—

(I) by striking ", together" and all that follows through "of such individual,"; and

(II) by striking ", excluding the spouse,"; and

(iv) in the fifth sentence—

(I) by striking "coupons, and" and inserting "coupons, and elderly or disabled"; and

(II) by inserting "disabled" after "together with their"; and

(C) in subsection (r), by striking "Elderly" and all that follows through "who" and inserting the following: "Elderly or disabled', with respect to a member of a household or other individual, means a member or other individual who".

(2) CONFORMING AMENDMENTS.—

(A) ELIGIBILITY.—Section 5 of such Act (7 U.S.C. 2014) is amended—

(i) in the first sentence of subsection (c)—

(I) by striking "program if—" and all that follows through "household's income" and inserting "program if the income of the household";

(II) by striking "respectively; and" and inserting "respectively."; and

(III) by striking paragraph (2); and

(ii) in subsection (e)—

(I) in the first sentence, by striking "containing an elderly or disabled member and determining benefit levels only for all other households";

(II) in the fifteenth sentence—

(aa) by striking "containing an elderly or disabled member"; and

(bb) in subparagraph (A), by striking "elderly or disabled members" and inserting "the members";

(III) in the seventeenth sentence, by striking "elderly and disabled"; and

(IV) by striking the fourth through fourteenth sentences.

(B) PERIODIC REPORTING.—Section 6(c)(1)(A)(iv) of such Act (7 U.S.C. 2015(c)(1)(A)(iv)) is amended by striking "and in which all adult members are elderly or disabled".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply on and after October 1, 1994.

(c) REFERENCES IN OTHER LAWS.—

(1) IN GENERAL.—Any reference in any law, regulation, document, paper, or other record of the United States to any provision that has been terminated by reason of the amendments made in subsection (a) shall, unless the context otherwise requires, be considered to be a reference to such provision, as in effect immediately before the date of the enactment of this Act.

(2) STATE PLANS.—Any reference in any law, regulation, document, paper, or other record of the United States to a State plan that has been terminated by reason of the amendments made in subsection (a), shall, unless the context otherwise requires, be considered to be a reference to such plan as in effect immediately before the date of the enactment of this Act.

SEC. 10. ELIGIBILITY FOR WIC PROGRAM.

(a) IN GENERAL.—Section 17(d)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(1)) is amended by adding at the end the following new sentence: "For purposes of participation in the program under this section, a child shall be considered to be at nutritional risk if such child is in the care of a custodial parent or other individual primarily responsible for the care of such child who is a participant in a State welfare to work program which receives Federal funds under the Welfare to Work Act of 1994.".

(b) CONFORMING AMENDMENTS.—Section 17(d)(2)(A)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(A)(ii)) is amended—

(1) by striking "(ii)(I)" and inserting "(ii)"; and

(2) by striking subclause (II).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply on and after October 1, 1994.

SEC. 11. SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL FOR AMENDMENTS TO MEDICAID ELIGIBILITY CRITERIA AND TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary shall, within 90 days after the date of enactment of this Act, submit to the appropriate committees of Congress, a legislative proposal providing eligibility criteria for medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in lieu of the eligibility criteria under section 1902(a)(10)(A)(i) of such Act (42 U.S.C. 1396a(a)(10)(A)(i)) relating to the receipt of aid to families with dependent children under a State plan under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and such technical and conforming amendments in the law as are required by the provisions of this Act.

SUMMARY—WELFARE-TO-WORK ACT

OVERVIEW

The "Welfare-To-Work Act" will take Federal welfare money and replace it with a flexible, community-based program that connects people to work and makes work pay. Aid to Families with Dependent Children (AFDC) and part of Food Stamps will be replaced with a new Federal Block Grant, which would allow states and local communities to design work-based systems to help low-income Americans get jobs that enable them to support their families. Food Stamps would remain in place for the disabled and elderly and the USDA feeding programs for children and for the elderly would also be maintained. The Supplemental Feeding Program for Women, Infants, and Children (WIC) program would be expanded so that needy children can get food.

MAJOR PROVISIONS

Bill replaces welfare (AFDC and most of Food Stamps) with state block grant for implementing "welfare to work" programs.

Block grant gives states almost complete flexibility in designing program—as long as it WORKS to move people from welfare to work. Each year a state gets more participants working, it continues to get the block grant with no other federal constraints.

Bill modifies WIC eligibility to ensure children of participants in this program are eligible for WIC food assistance.

COSTS

Bill caps amount spent on block grant at current welfare spending levels, ensuring money will always be there for states by creating a capped entitlement. The block grant amount is approximately $37 billion.

Block grant is allocated to states based on: (1) *economic need* (defined by unemployment rates and per capita income) and; (2) *state effort* (measured by how much the state invests in this program).

HOW PROGRAM WORKS

States would use the block grant money to design their own work-connection systems that fit local economic circumstances rather than being forced to just hand out federally-regulated welfare checks.

Bill uses a simple outcome measure—whether states get participants to work—as the only major Federal requirement for getting their block grant cash.

Bill ensures accountability by requiring states which do NOT get more people working to explain why their system did not succeed and to submit new plans to the Department of Health and Human Services.

Bill ensures former beneficiaries have access to new system by requiring states to serve such people in the first year.

Bill recognizes successful state innovations through awarding bonus payments & Presidential awards to states with particularly good work-connection systems.

Bill requires states to ensure they spend at least as much on their welfare-to-work system as they currently do on welfare.

States could work with their counties and cities to use whatever mix of job training and placement, earnings supplementation, nutrition assistance and education, housing vouchers, community service employment, child care, tax credits, support payment, and health care that will get, and keep people in, jobs.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator KOHL, in his effort to dramatically and unalterably change the welfare system as we know it. This proposal is reinventing Government at its best. It moves the decisionmaking process closer to the people. The most relevant place to start when discussing standards for reinventing Government is with President Clinton's own words. On March 3, 1993, in the White House Rose Garden, the President said:

> Our goal is to make the entire Federal Government both less expensive and more efficient. * * *. We intend to redesign, to reinvent, to reinvigorate the entire national Government.

The President went on to say:

> We'll challenge the basic assumptions of every program, asking does it work; does it provide quality service; does it encourage innovation and reward hard work? If the answer is no, or if there's a better way to do it or if there's something that the Federal Government is doing it should simply stop doing, we'll try to make the changes needed.

When we ask the President's question concerning the current welfare system, it comes up pretty short.

First, does it work? While Democrats and Republicans may not agree on many things, there is one issue about which there is complete agreement: The current welfare program is a dismal failure.

President Clinton acknowledges that the war on poverty has failed. He ran his Presidential campaign on the promise to "end welfare as we know it." That promise rang true with the American people, who believe the current system is in need of dramatic reform.

President Clinton is not alone in his appraisal. In a recent interview, Finance Committee Chairman MOYNIHAN joined in the call for welfare reform when he said that there was not a health care crisis but a welfare crisis. He called for the President to move welfare reform this year or risk the administration's health care proposal.

David Ellwood, Assistant Secretary for Planning and Evaluation at the Department of Health and Human Services and Co-chairman of the President's Task Force on Welfare Reform acknowledged that there "is near universal agreement that the welfare system is broken."

The second question is also important. Does it provide quality service? Senator BREAUX, chairman of the Subcommittee on Social Security and Family Policy stated in a recent subcommittee hearing that "our welfare system does not serve well the people who are on it, nor does it serve well the people who are paying for it."

The current system encourages the breakdown of the family, destroys independence and self reliance, and discourages work. I have to agree with Senator BREAUX that these things do not serve the needs of recipients or those taxpayers who are funding the program.

The third question which must be considered is: Does it encourage innovation and reward hard work? Under the current system, States which desire to try innovative approaches to the problem of helping low-income people move toward independence must pass a State law with the new ideas, apply to the Federal Government for a waiver, gain approval of their ideas and receive the waiver, and finally, implement their plan. The process is time-consuming and expensive.

The current system also discourages hard work. The welfare mother receives her check on two conditions: She must not marry an employed male and she must not work. If she works, she risks losing much of her welfare and health care benefits.

During that March 3, Rose Garden ceremony, the President said in response to these three questions that "if the answer is no, or if there's a better way to do it if there's something that the Federal Government is doing it should simply stop doing, we'll try to make the changes needed."

Mr. President, that is what the Kohl-Grassley proposal is all about. This proposal starts with a basic assumption: The welfare program is a dismal failure and all efforts to reform it at a national level have failed. That is because the incentives are not properly structured so that success is required, not just desired.

Under the proposal we are introducing today, the entire Federal Aid to Families With Dependent Children Program, the JOBS Program, and the Food

Stamp Program as it applies to AFDC recipients are simply repealed. They are ended. The role of the Federal Government is unalterably changed.

This is important because this is a reform effort first, not a budget exercise. The resulting budget and deficit reductions are important but secondary. They must be viewed as an enforcement mechanism for the reforms—the teeth, if you will.

The focus must be on reform. Because, if we're not careful and view this as a budget cutting exercise only, these programs may be trimmed now, but the structural deficiencies that brought them about will grow right back again as soon as we look away. We need to perform corrective surgery so that what we have now will not come back again.

This proposal is that corrective surgery but there are also clear budget implications in this bill. It establishes a cap for Federal spending on assistance programs for low-income Americans at 1994 levels and block grants the money to the States to serve the same population.

States are then free to experiment with new ideas for dramatic change. They are also responsible to make the changes work because their funding is capped at 1994 levels and the incentive is there to get people off of welfare and into work. This is the way it should be. The program should have performance standards that reward work and change the culture of welfare.

The only affirmative requirement in the law is that States must have more people working in each year than the previous year. Apart from that requirement, States are completely free to create a plan that will work in their own State and meet the needs of their own citizens.

This is the essence of reinventing Government. If the Federal Government has failed at a given operation, under the President's own analysis, it is time for us to find new ways to achieve our goals.

This is what the Kohl/Grassley proposal would do.

By Mr. NUNN (for himself and Mr. THURMOND) (by request):

S. 2058. A bill to authorize certain construction at military installations for fiscal year 1995, and for other purposes; to the Committee on Armed Services.

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995

• Mr. NUNN. Mr. President, by request, for myself and the senior Senator from South Carolina [Mr. THURMOND] I introduce, for appropriate reference, a bill to authorize certain construction at military installations for fiscal year 1995, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, DC, April 20, 1994.

Hon. ALBERT J. GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize certain construction at military installations for Fiscal Year 1995, and for other purposes." This legislative proposal is needed to carry out the President's Fiscal Year 1995 budget plan. The Office of Management and Budget advises that the enactment of this proposal is in accord with the program of the President.

The proposal would authorize appropriations in Fiscal Year 1995 for new construction and family housing support for the Active Forces, Defense Agencies, NATO Infrastructure Program, and Guard and Reserve Forces. The proposal establishes the effective dates for the program. The Fiscal Year 1995 Military Construction Authorization Bill includes construction projects resulting from base realignment and closure actions. Additionally, the Fiscal Year 1995 draft legislation does not include General Provisions.

Sincerely,

STEPHEN W. PRESTON,
Acting General Counsel.•

By Mr. NUNN (for himself and Mr. THURMOND) (by request):

S. 2059. A bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes; to the Committee on Armed Services.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

• Mr. NUNN. Mr. President, by request, for myself and the senior Senator from South Carolina [Mr. THURMOND] I introduce, for appropriate reference, a bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strength for fiscal year 1995, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, DC, April 22, 1994.

Hon. ALBERT J. GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes."

This proposal is part of the Department of Defense legislative program for the 103d Congress. The Office of Management and Budget advises that the proposed authorizations are in accord with the program of the President and that there is no objection from the standpoint of the President's program to the general provisions of the bill.

Title I of the bill provides procurement authorization for the Military Departments and for the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1995. Title II provides for the authorization of each of the research, development, test, and evaluation appropriations for the Military Departments and the Defense Agencies in amounts equal to the President's budget for fiscal year 1995. Title III provides for authorization of the operation and maintenance accounts of the Military Departments and Defense Agencies and Title IV prescribes the personnel strengths for the active forces and the Selected Reserve of each reserve component of the Armed Forces in the amounts and numbers, respectively, provided for by the budget authority and appropriations requested for the Department of Defense in the President's budget for fiscal year 1995.

The general provisions of the bill are an omnibus proposal that will aid in the management and operation of the Department of Defense.

Enactment of this proposal is of great importance to the Department of Defense and the Department urges its favorable consideration.

Sincerely,

STEPHEN W. PRESTON,
Acting General Counsel.

DEPARTMENT OF DEFENSE LEGISLATIVE PROGRAM FOR THE SECOND SESSION OF THE 103D CONGRESS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army

Section 101 authorizes the appropriation of funds for procurement for the Army.

Sec. 102. Navy and Marine Corps

Section 102 authorizes the appropriation of funds for procurement for the Navy and Marine Corps.

Sec. 103. Air Force

Section 103 authorizes the appropriation of funds for procurement for the Air Force.

Sec. 104. Defense-wide procurement

Section 104 authorizes the appropriation of funds for Defense-wide procurement.

Sec. 105. Defense Inspector General

Section 105 authorizes the appropriation of funds for procurement for the Defense Inspector General.

Sec. 106. Defense health program

Section 106 authorizes the appropriation of funds for procurement for the Defense health program.

Sec. 107. Chemical demilitarization program

Section 107 authorizes the appropriation of funds for the demilitarization and destruction of lethal chemical weapons in the chemical stockpile as specified in section 1412 of the Department of Defense Authorization Act, 1986, and for the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

Subtitle B—Other Matters

Sec. 111. Repeal of requirement for separate budget request for procurement of Reserve equipment

Section 111 repeals the requirement contained in section 114(e) of title 10, United States Code, that amounts requested for procurement for the Reserve forces be set forth separately from other amounts requested for procurement for the Armed Forces.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of Appropriations

Section 201 authorizes the appropriation of funds for the Armed Forces for research, development, test, and evaluation.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding

Section 301 authorizes the appropriation of funds for the Armed Forces for operation and maintenance.

Sec. 302. Working capital funds

Section 302 authorizes the appropriation of funds for working capital.

Sec. 303. Repeal of limitations on operation of activities included in Defense Business Operations Fund

Section 303 repeals the limitations on the implementation of the Defense Business Operations Fund which are contained in section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993. Section 316 was enacted at the time that the Defense Business Operations Fund was first established. At the time it was established some temporary evaluation period for the Fund and the activities operating under it may have been appropriate. Now that the Fund has been operating for some time, however, a "probationary period" for the Fund and temporary extensions and limitations on the operation of the Fund should not be needed.

Sec. 304. Repeal of provisions relating to charges for goods and services provided through the Defense Business Operations Fund

Section 304 repeals limitations on the operation and management of the Defense Business Management Fund which were contained in section 316(a) and (b) of the National Defense Authorization Act for Fiscal Year 1994. These changes reflect the plans for operation of the Fund which were contained in the Defense Business Operations Fund that was submitted to the Congress in September 1993.

Sec. 305. Disposition of proceeds from operation of Naval Academy laundry

Section 305 amends the provisions of section 6971 of title 10, United States Code, relating to disposition of proceeds from certain activities at the United States Naval Academy. Currently, section 6971 consists of two subsections. Current subsection (a) provides that funds collected from the operation of the midshipmen's store, including the barber shop, the cobbler shop, and the tailor shop, and the dairy at the Academy are deposited to the Treasury and are available for operating expenses of these activities and such other expenditures as the Superintendent of the Naval Academy considers to be necessary for the health, comfort, and education of the midshipmen. Current subsection (b) provides that funds collected from the operation of the Naval Academy laundry shall be accounted for as public funds and that they are available for necessary laundry service for Academy activities and personnel. Section 305 combines the two separate, but essentially similar, provisions contained in subsections (a) and (b) into a single provision.

Subtitle B—Other Matters

Sec. 311. Revision of date for submission of future years mission budget

Section 311 changes the required date for the submission of the Department's future years mission budget from the same time that the President's budget is submitted to a time not later than 60 days after the date of the submission of the President's budget. Under the current law, the President's budget, the Future Years Defense Program (FYDP), and the Future Years Mission Budget (FYMB) must all be submitted at or about the same time. As a practical matter each is independent, with the FYDP based on the President's Budget and the FYMB based on the FYDP. Under section 221 of title 10, the FYDP is required to be submitted "at or about the same time that the President's budget is submitted to Congress." Under section 222 of title 10, the FYMB is required to be submitted "at the same time that the President's budget is submitted to the Congress." About 30 days are required between the time each report is prepared in order to ensure consistency and to prepare the reports in an orderly manner. To reflect this fact, this section would change the submission date for the FYMB to not later than 60 days after date that the President's budget is submitted to the Congress.

Sec. 312. Live-fire survivability testing of F-22 Aircraft.

Section 312 requires the Secretary of Defense to submit a report explaining how the Secretary plans to evaluate the survivability of the F-22 system and assessing various alternatives to realistic survivability testing. The provision also requires the Secretary to ensure that major components and subsystems that could significantly affect the survivability of the F-22 be made available for live-fire testing.

Section 2366 of title 10, United States Code, requires realistic survivability and lethality testing of covered systems and munitions programs prior to full-rate production. The requirement is that the covered system must be tested for vulnerability in combat by firing munitions, likely to be encountered in combat, at the system configured for combat.

Section 2366 of title 10 allows the Secretary of Defense to waive the requirement if, before the system enters full-scale engineering development, the Secretary certifies to Congress that live fire testing of the system would be unreasonably expensive and impractical. Because of the cost of an F-22 aircraft, such testing is both unreasonably expensive and impractical. Since the F-22 has already entered full-scale engineering development, legislation is needed to allow the Secretary of Defense to grant a waiver.

In order for the Secretary of Defense to evaluate the survivability of the F-22 aircraft, the Air Force developed the revised live fire test program that is summarized in an enclosure to this letter. This plan includes detailed analyses, review of historical test data, and incremental build-up testing that includes material characterization tests and live fire testing of selected components and subassemblies. Information from the results of these tests will be taken into account in the F-22's design. In this way, we plant to achieve fully the objective of section 2366 in as realistic a manner as is consistent with cost effectiveness and practicality.

The proposal will authorize the Secretary of Defense to grant a waiver to the survivability testing requirements in section 2366 as they apply to the F-22 system. The enactment of this legislative proposal shall not cause any increase in appropriated funding for the Department of Defense or have any budgetary impact.

Sec. 313. Ballistic Missile Defense mission

The purpose of the section 313 is to amend the statutory requirement for an Annual Report on Strategic Defense Initiative (SDI) programs to reflect the current Ballistic Missile Defense mission.

The Annual Report to congress provides congressional committees with an assessment of the progress of BMDO in fielding a ballistic missile defense and a road map that BMDO intends to follow for the future. The statutory provision which prescribes an Annual Report, requires BMDO to report on actions that are no longer pertinent to the direction of the BMDO program and the current world situation. This proposed legislation would amend those requirements to reflect the current mission of BMDO.

Sections 224(b)(3) and 224(b)(4) require that the Annual Report to congress detail objectives for the planned deployment phases and the relationships of the programs and projects to the deployment phases. The deployment phases were germane when the SDI was developing a system to be fielded in phases, with each phase (after phase 1), designed to offset expected Soviet countermeasures and add to U.S. ballistic missile defensive capabilities. The current focus of the BMD program is to field improved theater missile defense systems and maintain a technology readiness program for contingency fielding of a national missile defense. The concept of phased additions to offset Soviet countermeasures and provide large incremental improvements to U.S. ballistic missile defense capabilities no longer exists.

Section 224(b)(7) requires an assessment of the possible Soviet countermeasures to the SDI programs. With the demise of the Soviet-Union and the shift in focus of the BMD program to fielding theater missile defense systems, this requirement is no longer applicable and should be amended to reflect the current threat.

Sections 224(b)(9) and 224(b)(10) require details on the applicability of SDI technologies to other military missions. The missions adressed have largely become the primary focus of BMDO and reporting how SDI technologies could be applied to other military missions is no longer relevant. These two subparagraphs should be repealed, as they are redundant with reporting the status of today's BMD.

Enactment of the proposed legislation will not result in any increase in budgetary requirements. Our analysis of the costs incurred and the benefits derived is that this legislation is budget neutral.

Sec. 314. Repeal of requirement for the Secretary of Defense to provide advance review and approval of proposed developmental tests of limited defense system program projects and to provide independent monitoring of the tests

The purpose of section 314 is to remove the current requirement for the Secretary of Defense to provide advance review and approval of proposed developmental tests of Limited Defense System (LDS) program projects and to provide independent monitoring of the tests.

The requirement for Secretary of Defense review and approval of proposed LDS program projects developmental tests prior to conducting the test and for the Secretary to provide an independent monitoring of the implementation of tests is an unnecessary requirement. Any additional review, approval, or monitoring requirements above those already established for LDS testing would be redundant and bring little value to the current test and evaluation process that is aggressively enforced.

Currently the LDS developmental testing program is monitored by a senior level steering group composed of the Under Secretary of Defense (Acquisition) Director of Test and Evaluation, the Deputy Under Secretary of the Army (Operations and Research), the Director of Operational Test and Evaluation and senior Test and Evaluation officials from each of the Services. To impose a requirement for additional monitoring of LDS development testing above the current level of expertise and responsibility would not be prudent and only serve to generate a redundant and costly layer of reviews.

Enactment of the proposed legislation will not result in any increase in budgetary requirements. Our analysis of the costs incurred and the benefits derived is that this legislation is budget neutral.

Sec. 315. Expansion of the methods of test and evaluation used to demonstrate theater missile defense interceptor performance prior to the interceptor program proceeding into low-rate initial production acquisition phase

The purpose of section 315 is to expand the methodology used to demonstrate TMD interceptor performance before the interceptor program proceeds into the Low-Rate Initial Production (Milestone IIIA) acquisition phase. The legislation would allow using validated modeling and simulation to augment live-fire testing to demonstrate that interceptors have achieved weapons system performance goals established in the system baseline document pursuant to section 235(a)(1)(A) of title 10, United States Code, before the program entered engineering and manufacturing systems development.

The requirement for demonstrating interceptor performance to achieve multiple shot engagements involving multiple interceptors and multiple targets is traditionally conducted during Initial Operational Testing and Evaluation (IOT&E). The IOT&E is conducted at the end of engineering manufacturing and development (EMD) acquisition phase prior to entering the production and deployment phase at Milestone III. The rationale for conducting multiple shot engagements during the IOT&E is that it provides time for system maturing during the EMD acquisition phase to obtain a level of performance capability necessary to conduct multiple shot engagements. The level of performance needed to achieve multiple shot engagements can only be obtained from interceptors that are production representative and available only during the latter part of EMD.

Requiring interceptor performance to be demonstrated solely through the use of live-fire testing will be expensive and likely increase the acquisition time needed to get interceptor programs into production and fielded. Augmenting live-fire testing with modeling and simulation can provide a less expensive and more timely method for predicting interceptor performance. Validated models and simulations can augment flight tests to provide accurate projections of interceptor performance, under varying operational environments and threats, reducing the number of costly flight tests that must be conducted several times to establish confidence in the data.

The Ballistic Missile Defense Organization (BMDO) has developed an intense and comprehensive test and evaluation policy to ensure TMD interceptors meet performance requirements prior to expending funding for their production. This policy uses a Continuous Comprehensive Evaluation process that maximizes the use of technical testing data and supplements flight test with models and simulations. The policy includes the procedure for verifying and validating all models and simulations used to predict interceptor performance. The models and simulations are based on actual data collected and analyzed from live-fire interceptor testing to ensure realistic and accurate predictions.

TMD interceptor performance will be reported to Congress prior to entering production (Milestone III) under section 2399 of title 10, United States Code. The Director of Operational Test and Evaluation, Office of the Secretary of Defense, prepares and submits a Beyond Low-Rate Initial Production Report to the Secretary of Defense, Under Secretary of Defense (Acquisition), and congressional defense committees. This report will confirm that adequate testing has been conducted in an operational environment consistent with what the interceptor will be expected to operate in when fielded to evaluate system performance prior to committing to a production decision.

Enactment of the proposed legislation could result in a cost avoidance of approximately $249 million for FY95–99 and beyond by delaying or reducing the required quantity of multiple simultaneous engagements for TMD interceptor programs. More accurate cost estimates will be available as the TMD programs mature and actual testing costs are available.

[In millions of dollars]

Fiscal year					
1995	1996	1997	1998	1999	Beyond
143	3	50	2	2	50

A more detailed cost analysis follows:

This proposal will result in a reduction of the costs necessary for compliance with the current statutory language in Section 237a., Testing of Theater Missile Defense Interceptors.

These cost are estimates based on evolving Service testing programs. They reflect the cost savings that can be reasonable expected to result from the proposed language change. However, many of the programs that make up Theater Missile Defense have not reached a level of maturity that enable them to predict actual testing costs. In some cases, the selection process for test sites and instrumentation systems has not been completed. Test article and target costs, and testing quantities for validation and demonstration have not been determined. Therefore, for those cases, costs are estimated to represent probable courses of action.

The matrix below represent estimated cost savings that could result from adopting the proposed language, by delaying or reducing the required quantity of multiple simultaneous engagements.

SAVINGS BY YEAR

[In millions of dollars]

Program	Fiscal year—					Out
	1995	1996	1997	1998	1999	
PAC–3	*72 (9I+9T)	(⁻)				
THAAD			72 (9I+9T)		(⁻)	
Corps SAM						72 (9I+9T)
Navy L Tier	72 (9I+9T)		(⁻)			
Instrument	45					
O&M	10	10	10	10	10	10
Total	199	10	82	10	10	82

I—=Interceptors required.
T—=Targets required.
*—=First opportunity for funding; may be insufficeint lead time to avoid program slip and additional costs. ·
⁻—=LRIP IPR.

Assumptions used in the Savings by Year matrix.

1. One test (multiple simultaneous engagement) requires 3 interceptors and three targets.

2. Programs listed above have generally budgeted for a single interceptor/target flight test rather than multiple simultaneous engagements. Therefore, the above costs reflect the cost of the other two interceptors and targets.

3. Estimated cost for an interceptor is $5M.

4. Estimated cost for a target is $3M.

5. No ranges are currently equipped to safely conduct MS? Required instrumentation and safety equipment will cost an estimated $54M.

6. LRIP IPRs are tentatively scheduled as follow:

Program	LRIP IPR	Source of date
PAC–3	MM 2Q96	Patriot TEMP, Oct 93.
	ER 3Q96	Patriot TEMP, Oct 93.
THAAD	2Q99	THAAD TEMP, Aug 93.
CORPS SAM	FY 02	CORPS SAM TEMP, 17 Mar 93.
Navy Lower Tier	Late FY 97	TMD Briefing Chart, back up for TMDI Review, "Sea Based TBMD Proposed Schedule".

Sec. 316. Disaster relief

Section 316 provides authority for the President to provide disaster relief assistance in response to civil or foreign man-made or natural disasters.

The fiscal year 1993 Appropriations Act provided authority for $50 million in Operation and Maintenance, Defense-wide funding, to be used for the global disaster relief activities of the Department of Defense. Under this authority, the Department provided initial support for disaster relief activities in response to the famine in Somalia, relief for the Chinese migrants under Operation Provide Refuge; Meals Ready to Eat and Humanitarian Daily Rations for use in the Former Yugoslavia; and support of the transportation costs of the Bosnia Airlift and Airdrop.

In fiscal year 1994, the Appropriations Conference Committee deleted funding requested specifically for global Disaster Relief, but directed that the Department use existing cash balances in the Defense Emergency Response Fund for natural and other disasters. The Defense Emergency Response Fund, enacted by Public Law 101–165, the Department of Defense Appropriations Act of 1990, was initially established to serve as a revolving contingency fund in anticipation of reimbursements from State, Federal and local government agencies for Department of Defense costs incurred in responding to civil disasters. In amending this language, Congress expanded authority to use the Defense Emergency Response Fund to fund any natural or manmade disasters, civil or foreign, without requiring reimbursement.

The proposed fiscal year 1995 legislation provides clear authorization within the Defense Authorization Act for funding these activities. Delegation of this authority by the President to the Secretary of Defense would be provided by Executive order. With this language, the Disaster Relief program would continue to provide the flexibility necessary to respond to urgent, unanticipated requirements due to civil or foreign manmade or natural disaster.

Enactment of this proposal will support the Administration's fiscal year 1995 Budget Request to appropriate $46 million to support the Disaster Relief Activities of the Department of Defense. The Department of Defense considers this proposal to be an important component of its fiscal year 1995 national security program.

Sec. 317. Amendment to the emergency and extraordinary expense authority for the Inspector General of the Department of Defense

Section 317 would remove the statutory ceiling on the Inspector General, Department of Defense, for emergency and extraordinary expenses authority provided in section 361 of the National Defense Authorization Act of Fiscal year 1994 (Public Law 103–160). The removal of this ceiling is consistent with the emergency and extraordinary expense authority of the Secretary of Defense and the Secretaries of the military departments. The ceiling could jeopardize ongoing Inspector General investigatory operations. In that funds made available are contained within the overall Operation and Maintenance Appropriations available to the Inspector General, there would remain in effect a ceiling but at a higher subdivision, thereby providing the Inspector General with greater flexibility. Since the overall ceiling would remain in effect, there is no impact on the budget.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces

Section 401 authorizes the end strengths (the end of the fiscal year—September 30, 1995) for active duty personnel of the Armed Forces.

Subtitle B—Reserve forces

Sec. 411. End strengths for Selected Reserve

Section 411 authorizes the end strengths (the end of the fiscal year—September 30, 1995) for Selected Reserve personnel of the reserve components.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves

Section 412 authorizes the end strengths (the end of the fiscal year—September 30, 1995) for the Reserves serving on full-time active duty in support of the Reserves as contemplated in section 678 of title 10, United States Code.

Sec. 413. Increase in number of members in certain grades authorized to be on active duty in support of the Reserves

Section 413 increases the number of members in the grades of E–9, E–8, Major or Lieutenant Commander, Lieutenant Colonel or Commander, and Colonel or Navy Captain authorized to be on active duty in support of the Reserves. The provision amends the table in section 517 of title 10, United States Code.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads

Section 421 authorizes the average training student loads for the components of the active and Reserve Armed Forces.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Authority of Secretary of Military Department to approve officers serving on certain successive selection boards

Section 501 amends section 612(b) of title 10, United States Code, to authorize the Secretary of the military department concerned to approve officers to serve as members on successive selection boards convened under section 611(a) of this title for the consideration of officers of the same competitive category and grade if the second board does not consider the same officer or officers as the first board.

Section 612(b) of title 10, United States Code, provides that board members may not be a member of two successive promotion selection boards convened under section 611(a) of title 10, United States Code, for the consideration of officers of the same competitive category and grade. Section 628 of title 10, United States Code, provides that the membership for special selection boards will be composed in accordance with section 612.

This legislation proposal provides, under approval of the Secretary of the military department concerned, that officers may serve as board members on successive selection boards convened under section 611(a) of title 10, United States Code, for the consideration of officers of the same competitive category and grade if the second board does not consider the same officer or officers from the first board. There would be no budget impact if this proposal is enacted.

Sec. 502. Technical changes to sections codified by the Warrant Officer Management Act

The purpose of section 502 is to amend chapter 33A of title 10, concerning the personnel management of warrant officers, to make certain sections in the chapter consistent with parallel provisions applicable to commissioned officers other than warrant officers. The proposal would also remove inconsistent language in certain sections and would make the provisions in chapter 33A applicable to retired warrant officers who are recalled to active duty.

Currently, regular warrant officers must execute a new oath of office under section 3331 of title 5 upon appointment to a higher grade. This oath serves as evidence of the acceptance of the appointment. Section 626 of title 10, concerning commissioned officers above the grade of chief warrant officer, W–5, provides that an officer appointed to a higher grade is considered to have accepted such appointment on the date on which the appointment is made unless the officer expressly declines the appointment. Section 626 also provides that an officer who has served continuously since the officer subscribed to the oath required by section 3331 is not required to take a new oath upon appointment to a higher grade. This proposal would add virtually identical provisions to section 578 of title 10 concerning promotions of warrant officers on the warrant officer active-duty list.

Section 573(a)(2) requires that a warrant officer, W–1, serve not less than 18 months on active duty in that grade before promotion to chief warrant officer, W–2. Similarly, section 574(e) provides that a chief warrant officer may not be considered for promotion to the next higher grade under chapter 33A of title 10 until the officer has completed three years on active duty in the grade in which the officer is serving. Section 619 of title 10, concerning the promotion of commissioned officers above the grade of chief warrant officer, W–5, does not provide that the minimum periods of service required prior to promotion to a higher grade be service on active duty. This proposal would amend sections 573(a)(2) and 574(e) to make their service requirements consistent with those imposed on commissioned officers above the grade of chief warrant officer, W–5.

Section 575(d) of title 10 provides that each time a selection board is convened to consider warrant officers on the active duty list for promotion, each warrant officer in the promotion zone and each warrant officer above the zone shall be considered for promotion. Section 577, however, provides that the Secretary concerned may, by regulation, preclude from consideration by a selection board a warrant officer who has an established separation date that is within 90 days after the date on which the board is convened. This proposal would amend section 575(d) to recognize explicitly that warrant officers who have an established separation date within 90 days after the board convened would not have to be considered for promotion.

Section 576(e) of title 10 provides that a report of a selection board must be submitted to the Secretary concerned for approval or disapproval. Section 576(f)(1) indicates that after the Secretary's review, unless the Secretary returns the report for corrective action, the Secretary must submit the report as required by section 576(e), i.e., to the Secretary of the military department concerned. Read literally, the last sentence in section 576(f)(1) requires the Secretary to submit a report to himself. This proposal would strike that sentence.

Under section 580 of title 10, a warrant officer who has twice failed of selection for promotion to the next higher regular warrant officer grade shall be retired if retirement eligible or separated from active duty. Currently under section 580(a)(3), a warrant officer who has at least 18 but not more than 20 years of creditable active service on "(A) the date on which the Secretary approves the report of the board under section 576(e) of [title 10], or (B) the date on which his name was removed from the recommended list under section 579 of [title 10], whichever applies" may remain on active duty until the officer is retirement eligible. The date of retirement of such an officer is not later than the first day of the seventh calendar month beginning after the date upon which the officer completes 20 years of active service. These provisions parallel those applicable to commissioned officers above the grade of chief warrant officer, W-5, with one exception. To remain on active duty after having twice failed of selection, a warrant officer must have at least 18 years but not more than 20 years active service at the time the Secretary approves the selection board report. A commissioned officer above the grade of chief warrant officer, W-5, may remain on active duty if on the date on which the officer is to be separated the officer is within two years of qualifying for retirement, i.e., not later than the first day of the seventh calendar month beginning after the month the report is approved. This proposal would amend section 580 to permit a warrant officer to remain on active duty if the officer is within two years of qualifying for retirement at the time the officer would otherwise be separated, rather than at the time the Secretary approves the selection board report.

Section 582(2) indicates that retired warrant officers on active duty are not subject to chapter 33A of title 10. This has resulted in an inequity due to a warrant officer personnel policy of the past. Section 1305 of title 10 provides that a regular warrant officer below the grade of chief warrant officer, W-5, who completes 24 years of active service as a warrant officer shall be retired and that a chief warrant officer, W-5, who completes 30 years of active service as a warrant officer shall be retired. Subsection (c) of section 1305 authorizes the Secretary concerned to defer retirement for length of service, but not later than 60 days after the warrant officer becomes 62 years of age. Currently, members whose retirement dates are deferred remain on active duty and are subject to chapter 33A of title 10 and can compete for promotion. In the past, however, rather than defer retirement, warrant officers were retired and then recalled to active duty. Because of section 582(2), these warrant officers are not subject to chapter 33A. This proposal would make retired warrant officers who were recalled to active duty without a break in service prior to the effective date of the Warrant Officer Management Act (February 1, 1992) subject to chapter 33A. If enacted, this legislative proposal would not increase the budgetary requirements of the Department of Defense.

Sec. 503. Authority for facilitated promotions when all officers on a confirmation list are not confirmed at one time

Section 503(a) of the bill amends section 624 of title 10, United States Code, to authorize the Secretary concerned, in a case where the Senate has given its advice and consent to the promotion of some, but not all officers on a promotion list, to appoint those confirmed officers junior to the nonconfirmed officers on the list in the order and at the time they would otherwise have been appointed. Should the Senate later confirm an additional officer on the same promotion list, the Secretary concerned may, upon his appointment, give him the same date of rank, effective date for pay and allowances in the higher grade, and the same position on the active-duty list he would have had if the delay had not occurred or make such other adjustments as the Secretary concerned considers appropriate. Section 503(b) of the bill makes a conforming amendment.

The Department of Defense is required by section 624(c) of title 10, United States Code, to submit promotion lists for most officers on the active duty list to the Senate for its advice and consent. From time to time, the Senate withholds its advice and consent to some officers on a promotion list for further inquiry into matters affecting their fitness for promotions. Under section 624(a)(2) promotions must be made in the order in which they appear on the promotion list and only after officers previously selected for promotion in that competitive category have been promoted. No confirmed officer on a list who is junior to a nonconfirmed officer is promoted until the Senate either confirms the senior officer or finally rejects the officer under section 629(b). Pending that Senate resolution, proposed section 624(e)(1) would remove any statutory impediment to the promotion of such junior officers and thereby "facilitate their orderly promotion in accordance with the needs of the service."

Proposed section 624(e)(2) would grant the Service secretaries the same power to make an officer whole in the cases of delayed Senate confirmation, as they currently possess in cases of formal promotion delay. Under proposed section 624(e)(2), the Secretary concerned, upon the officer's confirmation, could adjust the date of rank, effective date for pay and allowances in the higher grade, and position on the active duty list as though the officer had been confirmed with the other officers on the same list, or grant intermediate relief if the Secretary deems it appropriate. This authority would be used in cases where the allegations which gave rise to the original delay in confirmation were found to be unsubstantiated, and the officer would suffer an injustice if such an adjustment was not made. Proposed section 624(e)(2) would empower the Secretary concerned to afford the officer meaningful relief by an expeditious administrative process without the need to petition a board for the correction of military records for such redress under section 1552 of title 10, United States Code.

This proposal would result in no increase in cost to the Department of Defense.

Sec. 504. Retirement or enlistment of certain limited duty officers of the Navy and Marine Corps

Section 504 applies to limited duty officers in the Naval service who have twice failed selection for promotion to the next higher grade. The purpose of the legislation is twofold: first, it would establish a similar right to achieve retirement eligibility for limited duty officers of the Navy and Marine Corps as now exists for those officers who are not designated for limited duty and for warrant officers; second, it would provide clear authority for enlistment in a grade determined by the Secretary if a limited duty officer, having twice failed selection, was not within two years of achieving retirement eligibility and it would terminate the current option of reversion to warrant officer grade now provided in section 6383 of title 10, United States Code.

Section 632 of title 10, United State Code, provides that officers of the Navy serving in grades of lieutenant commander and lieutenant and officers of the Marine Corps serving in grades of major and captain, who are not designated for limited duty, shall be retained on active duty until qualified for retirement in their present grades if they will qualify for such retirement within two years of the date on which they would be involuntarily separated following the second failure of selection. Section 580 of title 10 establishes similar authority for warrant officers. However, under section 6383 of title 10, the limited duty officer in the same grade as an officer not designated for limited duty is not retained automatically in his current grade until eligible for retirement under the same circumstances. Rather, the options provided are discharged, possible continuation on active duty in his current grade if selected by a board by the Secretary of the Navy under authority of section 611(b) of title 10, or reversion to a warrant officer grade.

There is no compelling reason to discharge the limited duty officer who is within two years of retirement eligibility when non-limited duty officers are retained until retirement under the same circumstances. While authority to continue the officers in question by board action does exist under section 6383(i) of title 10, it is considered inefficient and unnecessary to hold a board for limited duty officers when officers when officers not designated for limited duty in the same grades are automatically retained until eligible for retirement. This proposal would thus promote efficiency in the management of limited duty officers of the Navy and Marine Corps.

Some limited duty officers may twice fail of selection for lieutenant or lieutenant commander, captain or major, before reaching the point of being within two years of qualifying for retirement. Others may be considered not qualified for promotion to lieutenant (junior grade) or first lieutenant. Officers in this category will not have been commissioned from the warrant ranks, but from the middle enlisted grades. Some recognition should be given the effort and time that those officers will have invested in a military career and it is considered unduly harsh to terminate their military careers at that point. The enlistment option is considered to be the best way of permitting such an individual to continue his or her career when retirement as an officer is not available and is preferred to the current practice of appointment in a warrant officer grade. Reversion to the warrant officer grades creates significant manpower planning and integration difficulties in those ranks and therefore is not a desired option. The possibility of continuation in the grade then serving would be preserved through Board action for officers with the rank of Lieutenant Commander (Major) or Lieutenant (Captain) if, in the opinion of the Secretary, the needs of the Navy so require.

This proposal would result in no increase in cost to the Department of Defense.

Sec. 505. Authority for temporary promotions of certain Navy lieutenants

This section would make permanent section 5721 of title 10, United States Code, by repealing its sunset provision thereby authorizing on a permanent basis the temporary promotions of certain Navy lieutenants.

Subtitle B—Reserve component matters

Sec. 511. Reserve Forces Policy Board amendments

Section 511 amends section 175 of title 10, United States Code, establishing the membership of the Board to include a regular flag/general officer assigned to the joint staff and a general officer of the Regular Marine Corps.

The rationale for this proposal is that the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 increased the role of the Chairman of the Joint Chiefs of Staff and established a new channel of communication between the Chairman of the Joint Chiefs of Staff and the commanders of the combatant commands. As a result of the fundamental changes occurring in budgets, roles and missions, and national strategy, more and more Reserve component issues are emerging which require the attention of the Board. The addition of a member of the Joint Staff would provide an essential communication link on Reserve component matters between the Board, the Joint Staff, and the combatant commanders, providing a channel for the war fighting CINC's to bring Reserve component issues to the Board.

Similarly, Board membership should be expanded to include an Active component representative of both the Navy and the Marine Corps, providing representation from the active military side of both elements of the Department of the Navy. In addition, this would also be an opportune time to amend the law to affirm the long-standing practice of filling Board positions with flag and general officers.

Sec. 512. Authorization of Limited Selected Reserve call up authority and expansion of 90-day call up period

Section 512 would amend section 673b of title 10, United States Code. It would permit the activation of Selected Reserve units and members of the Selected Reserve not assigned to units organized to serve as units for an initial period of service of 180 days, with extension of an additional 180 days. Such an amendment would assure the availability of Selected Reserve units and individuals and would increase the flexibility of the Total Force in responding to a crisis. It would authorize the President to designate the Secretary of Defense and the Secretary of Transportation to order up to 25,000 members of the Selected Reserve to active duty to support the early phases (up to 90 days) of an operational mission; e.g., to put in place the infrastructure for movement; to open the seaports; to provide air crews and maintenance; to establish enroute support; to set up and operate crisis action teams; to deploy civil affairs teams; to deploy special operations forces; to establish mobilization stations; and to surge logistics and medical support.

Sec. 513. Repeal of obsolete provisions pertaining to transfer to the retired Reserve

Section 513 would repeal the requirement that Regular enlisted members who retire after completion of at least 20 but less than 30 years of active service becomes a member of the Army Reserve or the Air Force Reserve and be subject to such active duty as may be prescribed until his total service, including such Reserve service reaches 30 years. The provisions of section 3914 and 8914 which would be repealed date to 1946. Since 1983, section 688 of title 10, United States Code, has provided that a retired member of the Regular Army or the Regular Air Force who has completed at least 20 years of active service may be ordered to active duty by the Secretary concerned at any time, thus rendering the subject provisions of sections 3914 and 8914 obsolete. Repeal of these obsolete provisions would also reduce the requirement for administrative actions which unnecessarily complicate the Reserve structures of the Army and the Air Force.

Sec. 514. Guard and Reserve transition initiatives

Section 514 would modify the program of Guard and Reserve Transition Initiatives to ensure the effective operation of these initiatives through the life of the program. Section 561(f) of the National Defense Authorization Act for Fiscal Year 1994 extended these initiatives for an additional four years and they are now effective through October 1, 1999.

Section 514 would modify the special transition program of annual payments for Reservists authorized by section 4416 of the National Defense Authorization Act for Fiscal Year 1993 as amended. Since the period of this authority has been extended by four years, additional flexibility in the program is needed to ensure its most cost-effective utilization to meet the needs of the armed forces consistent with congressional intent.

Section 514(1) would revise the current provision for five annual payments to authorize from one to five such payments. Section 514(2) would correct what appears to be an unintended anomaly of existing law. Under the current law, a member entitled to an annual payment which is due just prior to the member's 60th birthday would receive the full amount of the annual payment, even though the member would be entitled to retired pay beginning at age 60. The recommended change would provide for a prorated payment in such cases. Section 514(3) would conform the annual payment with other separation pays by requiring that the full amount of any annual payment received be repaid by reduction from the member's retired pay, travel, transportation, and relocation expenses of employees transferred from the Department of Defense to the Postal Service.

Subtitle C—Other Matters

Sec. 521. Use of exchanges and Morale, Welfare and Recreation facilities by certain retirees

Section 521 amends section 1065 of title 10, United States Code, to align the entitlement of retired members of the Selected Reserve to use Department of Defense exchanges and other revenue-generating morale, welfare, and recreation facilities with those of other Armed Force retirees.

The purpose of the proposal is to modify the current entitlement of members of the Selected Reserve in good standing (as determined by the Secretary concerned) who would be eligible for retired pay under chapter 67 of title 10, United States Code, but for the fact that the members are under 60 years of age ("gray area" retirees), and the dependents of such members, to use Department of Defense exchanges and other morale, welfare, and recreation revenue generating facilities.

Section 321(c) of Public Law 101-510 extended members of the Selected Reserve in good standing (as determined by the Secretary concerned), and their dependents, and these "gray area" retirees, and their dependents, eligibility to use Defense exchanges and revenue generating facilities. The section further provided that their use "shall be permitted on the same basis as members on active duty".

Consistent with long-standing guidance from the Armed Services Committees of the Senate and the House of Representatives, Department of Defense policy has provided that its exchanges and other morale, welfare, and recreation facilities are operated primarily for active duty personnel and their dependents. This policy has also provided that individuals who retired from military careers with pay (and their dependents) are eligible to use these exchanges and other facilities, but their use entitlement has been subordinate to that of active duty military members and their dependents. The effect of Section 321(c) as it applies to "gray area" retirees and their dependents is that it provides them a use entitlement equal to that of Armed Forces personnel on active duty and their dependents, and a higher use-entitlement than that available to individuals who retired from active duty military careers and retired with pay and their dependents.

The proposal will not affect the entitlement of members of the Selected Reserve in good standing (as determined by the Secretary concerned) and their dependents to use these exchange and other facilities on the same basis as members on active duty. It will, however, specifically realign the entitlement of the "gray area" retirees and their dependents to use these facilities with those of individuals who retired from active duty military careers and retired with pay and their dependents.

If enacted, this section would not result in an increase in the budgetary requirements of the Department of Defense.

Sec. 522. Overseas military end strengths

Section 522 repeals Section 1302 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) mandating a 40 percent reduction in U.S. overseas troop strength by the end of fiscal year 1996.

Section 1302 of the FY 1993 Authorization Act directed a ceiling on military permanently stationed ashore outside the United States after September 30, 1996 to no more than 60% of those so stationed on September 30, 1992. Our initial estimates show that this ceiling will not allow the Department of Defense to execute the forward positioning determined in the Bottom Up Review and directed in the Defense Program Guidance. Specifically, if the troop strength ceiling of 100,000 is maintained in Europe, the projected Pacific troop strength will require a significant troop reduction to meet the Congressional overseas troop strength ceiling. Exacerbating the problem in Korea is that the planned Nunn-Warner phase II drawdown has been postponed due to the North Korean threat. The option of reducing troops in Japan is also counterproductive since that country is a major burden sharing contributor.

The overseas troop ceiling imposed by Public Law 102-484 does not allow effective implementation of the East Asia Strategic Initiative and inhibits the ability to further national interests through the strategy of cooperative engagement in the Asia-Pacific region. The legislation also runs counter to President Clinton's commitment during his visit in July 1993 that there would be no reduction in force structure in the region.

No cost and budget data is available at this time.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and allowances

Sec. 601. Military pay raise for fiscal year 1995

Section 601(a) waives any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1995.

Section 601(b) increases the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services by 1.6 percent, effective January 1, 1995.

Sec. 602. Calculation of retired pay of a commissioned officer of the Armed Forces when the Secretary concerned determines the officer did not serve satisfactorily in the grade held at retirement

The purpose of section 602 is to correct the unintended effect of section 1401a(f) of title 10, United States Code, which permits certain commissioned officers of the armed forces to receive retired pay in a grade higher than the grade in which they were retired.

Section 1401a authorizes an increase in military retired or retainer pay to reflect increases in the Consumer Price Index. Subsection (f) of the statute provides that the monthly retired pay of a member who initially became entitled to that pay on or after January 1, 1971, may not be less than the monthly amount to which the member would be entitled if the member had retired at an earlier date. The purpose of this subsection was to correct the "retired pay inversion problem." For several years prior to the enactment of the provision, upward adjustments of retired pay under section 1401a occurred in greater amounts and at greater frequency than did increases in active duty basic pay. This caused many members who remained on active duty after becoming eligible for retirement to lose substantial retired pay relative to those who retired earlier with fewer years of service and, in some instances, at a lower grade.

Although the section was successful in remedying the inversion problem, it also had an unexpected result. It protected the retired pay of members who were reduced in grade after becoming retirement eligible. Congress partially corrected this problem in 1988 by exempting soldiers reduced in grade by court-martial from the protection of section 1401a(f). Section 622, National Defense Authorization Act, Fiscal Year 1989 (Pub. L. 100–456). However, a commissioned officer who is retired in a grade lower than that which the officer held at the time of retirement, due to a Secretarial determination that the officer did not serve satisfactorily in the highest grade, is still covered by section 1401a(f) and receives retired pay at the higher grade.

Section 1370 of title 10, provides that a commissioned officer is retired in the highest grade in which the officer served on active duty satisfactorily, as determined by the Secretary concerned, for not less than six months. Section 1371 and 1374 authorize the Secretary concerned to make a similar determination for warrant officers and reserve commissioned officers. There is no similar provision for enlisted members. The authority to retire an officer at a grade lower than that which the officer holds at the time of retirement is exercised judiciously in cases involving officers who have clearly not performed satisfactorily in the higher grade. Most grade determinations involve misconduct which precipitates the officer's retirement. Although section 1370 requires the Secretary concerned to make a determination of satisfactory service in these cases, that determination is rendered ineffective, for retired pay purposes, by section 1401a(f). This permits an officer who commits misconduct, or fails to perform up to standard once the officer becomes retirement eligible, to avoid the requirement to perform satisfactorily in order to retire in the highest grade held.

This proposal amends section 1401a(f) to exempt grade determinations under 1370, 1371, and 1374 from the protection afforded by section 1401a(f). If enacted, this proposal will not increase the budgetary requirements of the Department of Defense.

Sec. 603. Expiring authorities

Sections 603(a) through 603(e) amend sections 308b(f), 308c(e), 308h(g) and 308i(i) of title 37, United States Code, to extend the authority to pay bonuses for (1) enlistment, reenlistment or affiliation with the Selected Reserve, (2) enlistment, reenlistment or extension of an enlistment in the Ready Reserve other than the Selected Reserve, and (3) enlistment in the Selected Reserve of individuals with prior service. These authorities currently expire on September 30, 1995. Termination of these Reserve bonus programs would adversely impact the readiness of Reserve component units by limiting the ability to recruit individuals possessing critical skills or qualified to train for critical skills and to ensure necessary manning levels in specific critical units.

Section 603(f) amends section 301b(a) of title 37, United States Code, to extend the authority to pay a retirement bonus to aviation career officers extending their period of active duty for at least one year. This authority currently expires on September 30, 1994. This extended authority is necessary to counter a decade-long problem in aviator retention that has not been solved, and will not be solved by the time the current authority expires in September 1994. This bonus represents a vital component of aviation readiness since it keeps seasoned aviators in the military, assuring a higher level of performance and safety. Moreover, the cost of this bonus represents a fraction of the costs associated with training new aviators to overcome retention deficits that would worsen, if this authority were allowed to lapse. Annual cost is $12.8 million for the Navy, $1.8 million for the Marine Corps, and $46.4 million for the Air Force. This money has been budgeted by the Services for FY 1995.

Section 603(g) amends section 308(g) of title 37, United States Code, to extend the authority to pay reenlistment bonus to active duty service members who reenlist or who extend their enlistment in a regular component of the service concerned for at least three years. This authority currently expires on September 30, 1995.

Section 603(h) amends section 308a(c) of title 37, United States Code, to extend the authority to pay enlistment bonus to a person who enlists in an armed force for at least four years in a skill designated as critical, or who extends his initial period of active duty in that armed force to a total of at least four years in a skill designated as critical. This authority currently expires on September 30, 1995.

Section 603(i) amends section 308d(c) of title 37, United States Code, to extend the authority which permits the payment of additional compensation to enlisted members of the Selected Reserve assigned to high priority units, so designated by the Secretary concerned because that unit has experienced or reasonably might be expected to experience, critical personnel shortages. This authority currently expires on September 30, 1995.

Section 603(j) amends section 2172(d) of title 10, United States Code, to extend the authority which permits the repayment by the Secretary concerned of educational loans of health professionals who serve in the Selected Reserve and who possess professional qualifications in a health profession that the Secretary of Defense has determined to be needed critically in order to meet identified wartime combat medical skill shortages. This authority currently expires on October 1, 1995. Termination of Reserve health professional incentive programs would limit the ability of the Reserve components to fill shortages in the designated health professions.

Section 603(k) amends section 613(d) of the National Defense Authorization Act for Fiscal Year 1989 (37 U.S.C. 302 note) to extend the authority which permits payment of special pay to a health care professional who is qualified in a specialty designated by regulation as a critically short wartime specialty and who agrees to serve in the Selected Reserve for at least one year. This authority currently expires on September 30, 1995. Extension of this authority will allow the Department of Defense to conclude a test program of a reserve medical bonus.

Sections 603(l) through 603(n) amend sections 312(e), 312b(c), and 312c(d) of title 37, United States Code, to extend the authority to pay certain bonuses to attract and retain top quality nuclear career officers. These authorities currently expire on September 30, 1995 or October 1, 1995. Extension of these authorities is essential in mitigating historical shortages and to ensure continued safe reactor operations. Current nuclear officer retention is at a ten-year low. Failure to renew the authority for these pays will further exacerbate the situation.

Subtitle B—Retired Pay and Survivor Benefits

Sec. 611. Authority for survivors of uniformed service members to receive, upon death of member, payment for all leave accrued, regardless of sixty-day limitation

Section 611 amends Section 501(d) of title 37, United States Code, to authorize survivors of members of the uniformed services to receive a payment upon death of a member for all leave accrued.

The purpose of this legislation is to allow the beneficiary of a member who dies on active duty with accrued leave to receive payment for all accrued leave, regardless of the sixty day career limitation. The amendment would prevent the deceased member from losing credit for accrued leave for which the beneficiary does not receive payment due to the sixty day limitation and which the member obviously can no longer use.

The current law sets a career limit of sixty days on the number of accrued leave days for which a member may receive payment. The survivor of a member who dies on active duty with an accrued leave balance may only receive payment for a total of sixty days, less any amount previously sold back by the member. This denies survivors the benefit of payment for all leave which the member actually earned, but cannot use only because death intervened. The Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 waived the sixty day limit for leave accrued during fiscal years 90 and 91 for survivors of members who die on active duty as a result of injury or illness incurred during the Gulf Conflict. The National Defense Authorization Act for Fiscal Year 1992 waived the sixty day limit for future members who die in the course of real-world contingency operations, but limits the waiver of the sixty day sellback cap to those leave days accrued during the contingency or conflict. We need a permanent waiver of the sixty day leave sellback cap for all members who die on active duty, whether associated with contingency operations or not. In addition, we should pay for all accrued leave, not just that which is earned during a contingency operation.

The estimated costs are unknown but expected to be minimal in comparison to the economic suffering which may otherwise exist.

Sec. 612. Disability coverage for officer candidates granted excess leave

Section 612 amends section 1201 of title 10, United States Code, by including certain members not entitled to basic pay among those who receive physical disability coverage. Section 312 entitles Service Members on active duty for 30 days or more to disability benefits under those sections of law only if disabled while entitled to basic pay. Except as provided in section 502(a) of Title 37, an individual who is granted excess leave by the Secretary of the military department concerned under section 502(b) of that title is not entitled to basic pay as long as the member is in that status. If such an individual were to incur any disability while on excess leave, he or she would not be entitled to any of the benefits provided under the provisions of sections 1201, 1202, and 1203 of title 10.

Sec. 613. Forfeiture of annuity or retired pay of members convicted of espionage

Section 613 corrects an apparent oversight in the original legislation creating Article 106(a), U.C.M.J. Article 106(a) U.C.M.J., added 8 November 1985, is based on Section 794 of Title 18, United States Code, which already included in the list of offenses contained in section 8312 of title 5, United States Code. When article 106(a), U.C.M.J., was created, it should have been added to the list of offenses contained in section 8312, title 5, United States Code.

Specifically, section 613 prohibits an individual, or his or her survivor or beneficiary, from being paid an annuity to retired pay on the basis of the service of the individual creditable toward the annuity or retired pay if the individual was convicted of violating article 106(a) (Espionage) of the Uniform Code of Military Justice.

Sec. 614. Crediting of reserve service for computation of retired pay

Section 614 would provide equitable treatment, in comparison to officers, for enlisted members retiring after 20 or more years (or during the force drawdown transition period, 15 or more years) by providing for the crediting of inactive duty performed while a member of a reserve component. The current inequity appears to be the result of legislative oversight.

TITLE VIII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Management

Sec. 701. Improving coordination of benefits information by sharing health insurance information from the Medicare and Medicaid coverage data bank

Section 701 will improve the ability of the Department to identify and collect from third party payers for health care services provided in facilities of the Uniformed Services and under the Civilian Health And Medical Program of the Uniformed Services (CHAMPUS).

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) was amended by the First Session of the 103rd Congress establishing a Medicare and Medicaid Coverage Data Bank to be operated by Health and Human Services. Annually, employers are required to submit to the Data Bank health care insurance coverage data on individuals electing coverage under the employers' group health plans.

Both the Medicare and Medicaid programs are, by law, second payers to commercial insurers in situations where Medicare or Medicaid beneficiaries also have group health coverage through their own or their spouse's employment. The Data Bank will substantially improve the ability of Medicare and Medicaid in identification of, and collection from, third parties responsible for payment for health care items and services furnished to their beneficiaries.

The Department of Defense likewise has a legislative mandate to identify and collect from responsible third parties the cost of medical care items and services furnished its beneficiaries within Uniformed Services medical facilities and under CHAMPUS. However, the current language in Part A of title XI (42 U.S.C. 1301 et seq.) restricts access to the insurance coverage information in the Medicare and Medicaid Coverage Data Bank to those two entities.

The proposed provision would amend the language in Part A of title XI extending access to information in the Data Bank to the Department of Defense. This information will enhance the effectiveness of the Department of Defense third party collection program. Section 701 would also extend access regarding this information to the Secretary of the department in which the Coast Guard is operating when the Coast Guard is not operating as a service of the Navy.

An accurate estimate of cost savings that would accrue to the Department as a result of having access to the Medicare and Medicaid Data Bank cannot be calculated. At present, the Department has no way to determine what percentage of beneficiaries have other coverage through employment. However, an estimate of $34 million in annual savings can be made based on (a) the current experience of uniformed services medical facilities and CHAMPUS in identifying and collecting from third party payers, and (b) private sector estimates of the percentage of medical claims submitted which have other coverage.

Sec. 702. Expanded use of partnership and resource sharing programs for improved cost-effectiveness

Section 102 would notify the Military-Civilian Health Services Partnership Program under section 1096 of title 10, United States Code. This program allows the sharing of health care resources between military medical treatment facilities and CHAMPUS-funded civilian facilities when cost-effective. Section 702 provides authority to the Department to pay for state licenses for Department of Defense providers when it is in the government's best interests to do so, in order to fulfill requirements for such providers to obtain a state license specifically so that they will be allowed to practice in civilian facilities under the Department of Defense External Partnership Program. The amount of any reimbursement may not exceed $500.

Sec. 703. Improvement of uniformed services treatment facilities program

The purpose of section 703 is to provide a sound basis for integrating Uniformed Services Treatment Facilities into the Department's management health care program, rather than continuing to treat them in isolation from the rest of the military health services system.

The special status of the former Public Health Service Hospitals as deemed military medical treatment facilities was granted in the early 1980s. Since 1982, the projected termination date for this special status has been extended repeatedly. Most recently, the National Defense Authorization Act for Fiscal year 1994, section 717, moved the first date at which termination could be authorized from December 31, 1993 to December 31, 1996. That means that what was intended as a short-term program to assist former Federal facilities in their transition to operation in the private sector will have extended for more than 15 years.

At the same time that Uniformed Services Treatment Facilities have been receiving ongoing, special noncompetitive agreements with the Department of Defense (as current law requires), dramatic changes have been taking place in the remainder of the military health services system. Large-scale tests of managed care approaches, integration of military and civilian health care delivery, and important provider reimbursement reforms have changed the landscape of military health care, while the Uniformed Services Treatment Facilities remain in isolation—a nearly $300 million program "island" within the several-billion-dollar military health services system. Now, as dramatic reforms of the nation's health care system are being considered by Congress, is the appropriate time to integrate Uniformed Services Treatment Facilities into the larger managed care approach which has been developed for military health care and, under legislative mandate, is being robustly implemented.

This proposed revision will provide for the potential incorporation of Uniformed Services Treatment Facilities into Department of Defense's health programs, eliminating redundancy while accommodating the Uniformed Services Treatment Facilities special status with Department of Defense beneficiaries. It enactment will provide needed integration of a small, isolated component of the military health services system, eliminate existing redundancy, provide needed economies, and maximize our ability to focus on the vital task of bringing the military health services system into harmony with national health care reform.

Precise cost avoidance figures are difficult to estimate, but the rate of funding growth in the Uniformed Services Treatment Facilities program over the past five years has been approximately 15 percent per year, while the military health services system as a whole has grown at about 5 percent per year. Integration of the Uniformed Services Treatment Facilities can be expected to reduce their growth rate to that of the system as a whole, which would save about $15.4 million in fiscal year 1995.

Sec. 704. Authority to conduct health care surveys of families of retired members

Section 704 would allow the Department to consider all persons receiving health care under chapter 55 of title 10, United States Code, as employees of the United States to determine the availability of health care services to such persons, their familiarity with facilities and services provided, their health and their level of satisfaction. Currently, the Department has authority to survey active duty members, their families and retired members regarding their health care. This provision would remove the present impediment to including the family members of retirees within the research sample. It would allow the Department to more readily and accurately determine the availability of health care services, health status and level of satisfaction, thereby enhancing the resource allocation process and the Department's health care reform initiatives. In addition, section 724 of the National Defense Authorization Act for Fiscal Year 1993 Act requires that Department of Defense conduct an annual beneficiary survey.

The provision will not increase the budgetary requirements of the Department of Defense.

Sec. 705. Effective date

Section 705 establishes an effective date for this subtitle.

Subtitle B—Personnel Matters

Sec. 711. Increase in incentive special pay for certified registered nurse anesthetists

The purpose of section 711 is to provide the Department with authority to increase annual Incentive Special Pay for military Certified Registered Nurse Anesthetists to a maximum of $15,000. The original legislation, which authorizes a maximum Incentive Special Pay of $6,000, was effective November 29, 1989 as part of the National Defense Authorization Act for Fiscal Year 1990. This valuable program has been successful in helping maintain the number of Certified Registered Nurse Anesthetists on active duty in the Military services, however, the current Incentive Special Pay amount has not proven adequate to enable the Department to increase the number of active duty Certified Registered Nurse Anesthetists to meet staffing requirements. Shortages of Certified Registered Nurse Anesthetists nationwide continue to make it difficult for Department of Defense to attract and retain sufficient numbers of these nurses. Competition with the private sector for this highly-skilled specialty is intense, and recruitment and retention of Certified Registered Nurse Anesthetists continues to be an area of major concern for the Military Departments. The proposed change to the Incentive Special Pay maximum amount is needed so that the Department can effectively compete for this critical professional resource. At present, civilian earning potential far exceeds military compensation for Certified Registered Nurse Anesthetists, and the compensation gap continues to increase.

This provision would increase the Department's budget requirements for Incentive Special Pay for Certified Registered Nurse Anesthetists as follows:

[In millions of dollars]

DOD totals:	
Fiscal year:	
1995	+2.4
1996	+2.9
1997	+3.4
1998	+3.9
1999	+4.4

Sec. 712. Authority for nurse accession bonuses, incentive special pay for nurse anesthetists, and nurse officer candidate accession bonus

The purpose of section 712 is to provide the Department with continued authority to pay (a) a nurse accession bonus, (b) Incentive Special Pay to military Certified Registered Nurse Anesthetists, and (c) a nurse officer candidate accession bonus. The original legislation was effective November 29, 1989 as part of the National Defense Authorization Act for Fiscal Year 1990. Under current legislation, the authority for these programs will expire on September 30, 1995. Each of these valuable programs has been successful in helping the Military Departments obtain needed numbers of professional nurses on active duty. Shortages of nurses nationwide continue to make recruiting of nurses difficult in light of intense competition with the private sector. The Department believes that the effectiveness of these programs would be enhanced by their continuation. Section 712 would extend these authorities to September 30, 1998.

Resource Requirements

[In millions of dollars]

DOD totals for fiscal year:	
Nurse accession bonus:	
1994	8.0
1995	8.0
1996	8.0
1997	8.0
1998	8.0
Incentive special pay for certified registered nurse anesthetists:	
1994	4.0
1995	4.0
1996	4.0
1997	4.0
1998	4.0
Nurse candidate accession bonus:	
1994	1.0
1995	4.0
1996	4.0
1997	4.0
1998	4.0

Sec. 713. Reduction in the maximum number of years for a military member to be maintained on the temporary disability retired list

The purpose of section 713 is to reduce from five to three the maximum number of years a military member may remain on the temporary disability retired list before a final determination is made. The Department's disability evaluation system maintains a fit and vital force by separating or retiring eligible military members determined to be unfit to perform their duties because of disease or injury incurred while entitled to basic pay. When a disabling condition is unstable and the permanence of the degree of disability cannot yet be determined, the member is placed on the temporary disability retired list.

This proposed revision would reduce the number of individuals retained on the temporary disability retired list by more than 2,400, resulting in a smaller, more easily-managed list. Required temporary disability retired list re-evaluations would also be reduced by this same number, resulting in a net cost savings to the government and releasing essential medical resources to provide patient care.

The proposed revision should have no negative effect on the benefit provided to the disabled member, rather, it would shorten the period of uncertainty by providing a final determination at an earlier point in time. Very few disability ratings, even a determination for cancer, are changed after the three-year re-evaluation. This fact leads to the conclusion that three years is sufficient time to determine the permanence of a disabling condition. The proposed revision was mutually agreed upon by the Assistant Secretary of Defense (Health Affairs) and the Department of Defense Inspector General, as a result of a recent audit of the disability evaluation system.

The proposed revision should result in a net cost avoidance to the government estimated at $2.1 million yearly.

Subtitle C—Other Matter

Sec. 721. Revision of definition of dependents for purposes of health benefits

Section 721 modifies the newly enacted revision of the definition of dependents for purposes of Department of Defense health benefits found in section 702 of the National Defense Authorization Act for Fiscal Year 1994. It would authorize for the purposes of coverage in the military health care system individuals placed in the home of a member or former member by a placement agency for the purposes of adoption and make the new category of "dependents" eligible for CHAMPUS as well as military treatment facility care. The projected health care cost submitted to the Congress with the revised definition of dependent was $9.7 million. This was based on an estimate of 7,940 potential beneficiaries, with an annual cost of $1,227 per person. This proposed legislative change would be a negligible part of the original cost projection.

Sec. 722. Repeal of the statutory restriction on use of funds for abortions

Section 722 repeals section 1093 of title 10, United States Code, which prohibits using funds available to the Department of Defense to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. The provision being repealed is sometimes referred to as the "Hyde Amendment".

Sec. 723. Authorization for medical and dental care of abused dependents of certain members of the uniformed services

The purpose of section 723 is to include authorization for medical and dental care of abused dependents of members of the uniformed services who are administratively discharged from a uniformed service due to a conviction under military or civil law relating to the abuse of the dependent. Members of the uniformed services who are convicted in a civilian court of an offense related to the abuse of a dependent are administratively discharged from a uniformed service. Under present law, only those abused dependents of service members who have been discharged as a result of a court-martial for the related abuse are provided access to medical and dental care for treatment of injuries or illness resulting from the abuse. Our objective is to provide equal access to care for abused dependents of members who are administratively discharged from a uniformed service as a result of a civilian conviction for abuse or who are not convicted but are discharged due to the underlying abuse. In order to eliminate this disparity, it is recommended that this proposal be enacted by the Congress.

In the Navy, over 3,000 substantiated cases of child abuse and 6,000 substantiated cases of spouse abuse have been reported for each of the past two years; similar results are expected at the end of 1992. Access to medical care for abused dependents should be based on their need for treatment as a result of the abusive behavior and should not be contingent upon the method by which the member is discharged.

The estimated cost incurred by the Department of Defense for enactment of this proposal would be negligible. Approximately $35,000 a year, based on five cases a year at $7,000 a case. This estimate is based on the costs of an actual Secretary of the Navy case.

TITLE VIII—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense

Sec. 801. Order of succession in military departments

The purpose of this section 801 is to include the General Counsels of the military departments in order of succession of officers to act as the Secretary of their departments. The current orders of succession in sections 3017, 5017, and 8017 of title 10, United States Code, were established in 1986, when the General Counsels were ranked at level V of the Executive Schedule, one grade below the Assistant Secretaries for their departments. In 1991, title 10 was amended to raise the General Counsels to level IV of the Executive Schedule, equal in rank to the Assistant Secretaries. Like the Assistant Secretaries, the General Counsel's appointment is subject to confirmation by the Senate.

On December 31, 1991, an Executive Order was issued concerning the order of succession of officers to act as Secretary of Defense. The Executive Order included the General Counsels in the same rank of succession as the Assistant Secretaries. Consequently, the General Counsels of the military departments are currently included within the order of succession of officers to act as the Secretary of Defense, while they are not included within the order of succession to act as the Secretary of their departments.

Section 801 would also establish by statute the order of succession among the Assistant Secretaries and the General Counsel of a military department. Succession would be in the order fixed by their length of service as permanent appointees in such positions. Currently, the order of succession must be prescribed by the Secretary of the military department concerned and approved by the Secretary of Defense.

Sec. 802. Authority to prepare the official table of distances

The purpose of section 802 is to transfer responsibility for maintaining the Official Table of Distances from the Secretary of the Army to the Secretary of Defense. Current law (37 U.S.C. 404(d)(1)(A)) requires the Official Table of Distances to be prepared under the direction of the Secretary of the Army. Because this table is used to reimburse members of all the services for travel and all service finance centers have been consolidated under the Defense Finance and Accounting Service (DFAS), it is clear that the Secretary of Defense is the appropriate officer to maintain the official Table of Distances. This legislation will allow the Secretary of Defense to delegate this authority to the Director of the Per Diem, Travel, and Transportation Allowance Committee. Enactment of this legislation will not increase the budgetary requirements of the Department of Defense.

Sec. 803. Authority to conduct a program to commemorate World War II

Section 378 of the National Defense Authorization Act for Fiscal Year 1993 permits the Secretary of Defense to conduct a program to commemorate the 50th anniversary of World War II during fiscal years 1993 through 1995. Section 803 extends that authorization through fiscal year 1996.

The anniversary committee planning the 50th anniversary program proposes to end the three year celebration with a week of nation-wide events, such as displays, educational programs, ceremonies, displays, shows, and parades, culminating on Veterans Day, November 11, 1995. Because this day commemorates the 50th anniversary of the first Armistice Day after the end of World War II, it is a particularly appropriate day to mark the end of the celebration and to focus the attention of the Nation not only on our achievements during World War II but during other conflicts as well.

The extension of the program into fiscal year 1996 will also permit the final weeks of celebration to coincide with the 50th anniversary of the United Nations, tentatively set for October 24, 1995. The anniversary committee hopes to schedule a joint session of Congress immediately before or after the United Nations anniversary. This would allow many of our allies and former adversaries attending the United Nations anniversary to be present for the joint session of Congress.

This legislative proposal will not increase the budgetary requirements of the Department of Defense. Instead, the increased activities of the last week of celebration should greatly expand the opportunity for the anniversary committee to receive revenues from licensing agreements involving the use of its logo. The anniversary committee anticipates that revenue will continue to be generated throughout fiscal year 1996.

Sec. 804. Authority for the Department of Defense to share equitably the costs of claims under international armaments cooperation programs

Liability claims under cooperative agreements are very rare; however, the issue of claims sharing is often a sticking point in negotiating cooperative project agreements with nations that insist on such claims sharing. The current authority to share claims equitably has greatly facilitated the negotiation of cooperative project agreements with other nations, and has not proven to pose a financial burden on the United States.

Sec. 805. Change of title of Deputy Under Secretary of Defense for Acquisition and Technology to Principal Deputy Under Secretary of Defense for Acquisition and Technology

Section 805 is necessary to distinguish the individual responsible for exercising the powers of the Under Secretary of Defense for Acquisition and Technology from the four other Deputy Under Secretaries of Defense for Acquisition and Technology when the Under Secretary is absent or disabled. Adoption of this amendment will result in no direct expenditures by the Federal Government.

Sec. 806. Change of title of Deputy Under Secretary of Defense for Policy to Principal Deputy Under Secretary of Defense for Policy

Section 806 distinguishes the individual responsible for exercising the powers of the Under Secretary of Defense for Policy, when the Under Secretary is absent or disabled, from other Deputy Under Secretaries that are currently in the Office of the Under Secretary of Defense for Policy, or may be established in the future. Enactment of this proposal will not result in an increase in budgetary requirements for the Department of Defense.

Sec. 807. Chief Financial Officer of the Department of Defense

Section 807 amends the provisions of section 135 of title 10, United States Code, relating to the duties of the Comptroller of the Department of Defense by deleting the provisions providing that he performs the additional duty of the Chief Financial Officer of the Department of Defense. Its purpose is to revise the structure of the Office of the Comptroller to permit the assignment of the duties and responsibilities of the Department of Defense Chief Financial Officer to a position other than the Comptroller. In addition to improving the structure for compliance with the Chief Financial Officers Act, this proposal would permit the Department to more effectively focus its resources on the required actions to improve financial management in the Department. It would also provide for a more consistent alignment of the Chief Financial Officer organization within the Department to that of other Federal Agencies. Consistent with this amendment, the section amends section 5315 of title 5, United States Code to place the Chief Financial Officer at level IV of the Executive Schedule. This is the level of all other Chief Financial Officers.

Sec. 808. Change of title of Comptroller of the Department of Defense to Under Secretary of Defense (Comptroller)

Title IX of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160:107 Stat. 1547) made the Comptroller of the Department of Defense the equivalent of an Under Secretary of Defense by elevating that official to Level III of the Executive Salary Schedule and placing the Comptroller between the Under Secretary of Defense for Policy and the Under Secretary of Defense for Personnel and Readiness in the order of precedence. However, that legislation did not formally designate the Comptroller as an Under Secretary of Defense. By redesignating the Comptroller of the Department of Defense as the Under Secretary of Defense (Comptroller), this provision establishes consistency in titles among senior Department of Defense officials and removes all doubt concerning the Comptroller's stature within the Department of Defense. Enactment of this provision will not result in an increase in budgetary requirements for the Department of Defense.

Subtitle B—Professional Military Education

Sec. 811. Authority to hire civilian faculty members for the Information Resources Management College, National Defense University

The purpose of section 811 is to add the Information Resources Management College to the list of National Defense University components eligible to employ civilian professors, instructors, and lecturers under the authority of section 1595(a) of title 10, United States Code. Because of the unique structure of the National Defense University, the wording of the current law failed to include all component parts. This proposal would remedy current law by adding the only missing component, the Information Resources Management College.

The Information Resources Management College is an integral component of the National Defense University. Public Law 101–189, enacted in 1989 and codified at 10 U.S.C. 1595, gave the National Defense University the authority to hire faculty in order to permit the colleges to recruit highly qualified faculty that might not otherwise be recruited under the General Schedule in title 5. The law defined the National Defense University as the National War College, the Industrial College of the Armed Forces, and the Armed Forces Staff College. The Information Resources Management College became the fourth college of the National Defense University in March 1990. The Institute for National Strategic Studies was added to the definition of the National Defense University in 1991 by Public Law 102–190. Thus, the Information Resources Management College is the only component now missing from the statutory definition of the National Defense University.

Nationally recognized faculty are fundamental to the intellectual development and mission of the Information Resources Management College, as well as to maintain the National Defense University's preeminence in educational excellence. Thus, the flexibility and incentives associated with title 10 are needed to attract nationally recognized faculty.

Enactment of this proposal will not result in an increase in the budgetary requirements of the Department of Defense.

Subtitle C—Education Matters

Sec. 821. Defense Department Overseas Teachers Pay and Personnel Practices Act Amendments

Section 821 would amend the Overseas Teachers Pay and Personnel Practices Act (Public Law 86-91, 20 U.S.C. 901–907) to authorize the Secretary of Defense to bring the pay of certain educator personnel employed by the Department of Defense Dependents Schools into parity with their counterparts in U.S. public schools and eliminate a pay inequity between these employees and their classroom teacher colleagues, and would make certain technical and conforming amendments.

Section 521(1) and (2) would modify 20 U.S.C. §901 and §903 to afford discretion to the Secretary of Defense to redesignate certain General Schedule (GS) educational program management positions as "teaching positions" (TPs) administered under the TP pay provisions of the Overseas Teachers Pay and Personnel Practices Act. Currently the TP pay system applies only to positions "performed on a school year basis principally in a school" (i.e., teaching positions with a 10-month work year). Under the Overseas Teachers Pay and Personnel Practices Act, the Secretary determines base pay of TP employees by reference to an annual wage survey of urban public school jurisdictions serving populations of 100,000 or more. Consequently, base pay for TPs under the TP pay system have risen faster than pay for educational program manager personnel employed in the GS (including educational coordinators and other educational specialist holding positions generally classified at the GS–11 or GS–12 level). The GS educational program management employees work a 12-month work year and perform work that is critical to the school level teacher, but their work is not conducted "principally in school." Section 521, if enacted will eliminate the pay inequity that currently has certain GS educational program management employees earning a lower daily rate of pay (because of their longer work year) than the classroom teacher they are required to coordinate. This section of the bill would permit the Secretary to prescribe which educational program manager personnel should be classified as "teaching positions" and paid on the basis of comparability with the salaries and personnel practices of surveyed urban school jurisdictions. This section will bring the pay of any redesignated educational program management position overseas into parity with their counterparts in surveyed urban school jurisdictions in the United States of 100,000 or more population. The redesignation if selected overseas educator positions will facilitate the movement of school level teachers into critical educational program management positions.

Section 521(3)(A) would permit the Secretary of Defense to prescribe regulations by which to increase leave from 10 days for teachers who work the standard 190-day teacher work year to 13 days of leave for educational program manager personnel who would be converted by this bill to "teaching positions" under the Overseas Teachers Pay and Personnel Practices Act and who would be employed for a longer work year. Personnel who move from the GS to the TP pay system would be moving from a system that authorizes up to 30 days of annual leave, to a system that currently authorizes only 10 days, predicated upon a standard 190-day teacher work year. The positions that are converted to the TP system will typically require more than 190 work days. This provision creates leave equity between personnel on the TP pay system who would work longer work years.

Sections 521(2) and (3)(B) conform the provisions of the Overseas Teachers Pay and Personnel Practices Act to the language of the subsequently enacted Public Law 95–561 (20 U.S.C. §921–932). These sections place pay and personnel practices under the control of the Secretary of Defense, consistent with the requirements of Public Law 95–561 (specifically 20 U.S.C. §222) which removes those duties from the Military Department secretaries.

Sec. 822. Adjustment of pay of certain overseas educators

Section 822 amends Section 5334 of title 5, United States Code, to permit a flexible, rather than a fixed, adjustment of pay when an overseas educator employed on a school-year basis under the provisions of the Defense Department Overseas Teachers Pay and Personnel Practices Act moves to an educator position established on a calendar-year basis under the General Schedule (GS). Current law recognizes an increase of approximately one-fifth in the work year of an educator required to move from a 190 duty day Overseas Teachers Pay and Personnel Practices Act position (about 180 actual work days after adjustments for leave and holidays) to a 260-day calendar year position (about 217 actual work days after adjustments for accrued leave and paid holidays) by authorizing the fixing of GS pay at a rate equal to the Overseas Teachers Pay and Personnel Practices Act rate plus a fixed 20 percent. The inflexibility of the current law requires the same 20 percent increase when an educator, such as a principal, with a 222 day work-year is appointed to a 260-day GS position. This section would bring flexibility to the current law by permitting the Secretary to issue regulations by which to equitably adjust pay for personnel moving from the Overseas Teachers Pay and Personnel Practices Act to the GS pay schedule by an amount not to exceed 20 percent.

Sec. 823. Reauthorization of United States Department of Defense elementary and secondary schools for dependents

Section 823 would provide title 10 authority for the Secretary of Defense in a similar manner as such authority currently is resident in Section 6 of Public Law 81–874, as amended (20 U.S.C. 241), and Section 505(c) of Public Law 97–35 (20 U.S.C. 241 note). Public Law 81–874 and Public Law 97–35 authorize establishment of Section 6 arrangements for the purpose of providing public education for eligible federally-connected children. The Department of Education has proposed legislation, the "Impact Aid Amendments of 1993" that would reauthorize the Impact Aid program while at the same time repealing section 6 of Public Law 81–874 and 505(c) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35). The proposed section would continue the authority that otherwise would be terminated by the enactment of the Impact Aid Amendments of 1993.

The proposed section 823 substantially is the same as that currently resident in the law. It contains one additional authority—the authority to the Secretary of Defense to fix the compensation of employees. Subsection (e)(3) of the proposed section 2163 of title 10 would authorize the Secretary of Defense to fix such compensation but only after considering compensation for comparable employees at educational institutions in the capitol of the state where the school is located, the school district for the governmental agency that provides public education to students who live next door to the military installation involved, and the average compensation for similar positions in up to three other school districts in the State where the installation is located.

Subtitle D—Other Matters

Sec. 831. Clarification and expansion of authority of the Department of Defense to receive voluntary services

Section 831 amends section 1588 of title 10, United States Code, to expand the areas in which volunteers can provide services in military communities. Under the amendment, volunteers are considered government employees for the purposes of compensation for work related injuries, tort liability, access to records, and conflict of interest restrictions.

The section expands the current authority of the military departments to receive voluntary services and permits volunteers in medical treatment facilities, child development centers, recreational facilities, schools, and other programs and facilities where volunteers routinely provide services in the civilian communities. The section provides the military departments valuable services, while ensuring that the volunteers are properly trained and supervised and are protected from suit under the provisions of the Federal Tort Claims Act and other applicable claims statutes.

Sec. 832. Repeal of prohibition of contracting for firefighting and security guard functions at military facilities

The purpose of section 832 is to repeal section 2465 of title 10, United States Code, to authorize the Department of Defense to enter into contracts for firefighting and security guard functions at military installations and facilities.

The Department of Defense has been prohibited from contracting for security guards and firefighters since 1983. This broad prohibition has three limited exceptions:

a. when the contract is to be performed overseas;

b. when the contract is to be performed on Government-owned but privately operated installations; and

c. when the contract (or a renewal of the contract) is for the performance of a function under contract on September 24, 1983.

Prior to 1983, firefighting and security guard functions were successfully contracted out. The reason for the current statutory restriction is unclear.

The prohibition against contracting for firefighting and security guard functions prevents the Department of Defense from realizing savings in circumstances where private firms or state or local governments might provide the services at a lower cost. It also prohibits commanders from obtaining contract services for temporary requirements at remote locations or at leased facilities outside military installations.

The importance of repealing section 2465 is underscored by the imminent closure or realignment of many installations. The Department of Defense must maintain firefighting and security guard functions at many installations which are substantially closed. A study of the costs associated with providing firefighters and security guards at Fort Wingate Depot Activity (FWDA), New Mexico, provides an example of the problem that section 2465 presents.

In 1993, FWDA will move into a "caretaker" status. Prior to the disposition of the property, there will be a requirement for firefighters and security guards. Surveys indicate a number of firms are available to provide firefighting and security guard protection for an estimated $110,000 annually. The United States Army Materiel Command estimates that contracting for these functions would save $474,000 annually.

The repeal of section 2465 will not automatically result in the elimination of civilian firefighters or security guards from the Government work force. Reductions in force may occur as a result of commercial activities cost competitions performed under chapter 146 of title 10 and OMB Circular A–76. In accordance with existing procedures, the Department of the Army provides Congressional notification of the intent to study specific functions, and will continue to provide the results of cost comparisons. Separations from Federal Service may result from the development of the most efficient in-house organization, an agreement to receive services from another government instrumentality, or a contract with the private sector when the costs are lower than that estimated for in-house performance. The policy of requiring contractors to offer displaced Government employees the right of first refusal for comparable employment with the contractor will continue to be enforced.

OMB Circular A-76 specifically recognizes that firefighting and security functions are Government functions that can be the subject of a cost comparison study and contracted out if a contractor can provide services effectively and at a lower cost than an in-house organization. Firefighting and security functions with the Department of Defense are no different than other similar functions in the Department and other federal agencies. The Department of Defense is unaware of any rationale for excluding firefighting and security functions from the Government-wide process of determining the least expensive method for performing Government work.

While exact savings across services are difficult to assess, contracting for the estimated 6,500 civilian firefighters and security guards within the Department of the Army alone could potentially save an estimated $50 million annually.

Sec. 833. Statute of limitations for claims under the Fair Labor Standards Act

Section 833 specifies the statute of limitations period as 2-years in order to comply with the Fair Labor Standards Act 2-year limitation. This will end the conflict over the general statute of limitations (6 years) versus the Fair Labor Standards Act statute of limitation (2 years) and assist us in limiting retroactive back pay claims to the 2-year period.

TITLE IX—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 901. Exemption of certain routine adjustments of pay frcm due process provisions

The Debt Collection Act of 1982 (Public Law Number 97-365; 96 Stat. 1749) provides for due process safeguards prior to salary offset under section 5514 of title 5 of the United States Code. These rights include (1) a minimum of 30 days' written notice, (2) the opportunity to inspect and copy Government records relating to the debt, (3) the opportunity to enter into a written repayment agreement, and (4) the right to a hearing. The proposed language amending section 5514 exempts from these procedures those routine intra-agency adjustments of pay that are attributable to administrative or clerical errors or delays in the processing of pay documents that have accrued within the four pay periods preceding the adjustment and to any adjustment that amounts to 50 dollars or less. Substituted therefor is the requirement that, at the time of the adjustment or as soon thereafter as practical, the individual be provided written notice of the nature and the amount of the adjustment and a point of contact for questioning or contesting such adjustment.

The Department's employees are paid a wide number of complex payroll benefits. The nature of these benefits and entitlements is such that complex interpretations are sometimes involved with the accurate and timely pay of the work force. Examples of these types of transactions include overtime pay conditions, environmental entitlements, leave accruals and base pay changes under various changing circumstances. Because of the rather complex rules, the large numbers of employees involved, and a work force that is located worldwide, the need for clerical or administrative adjustments each time a payroll is prepared is inevitable. As a result even a very small percentage of these types of adjustments could generate a significant workload subject to the Debt Collection Act.

The Department is working towards the implementation of modern business systems that will further minimize these type of adjustments. However, since human nature is involved with determining entitlements and calculating benefits, adjustments of this type will probably always exist to some extent. Although the amounts are every minimal, the application of full due-process protection could impose a substantial workload at a time when the Department is attempting to scale back on its work force. The intent of the Debt Collection Act is to provide safeguards for employees where significant amounts are owed. Applying the provisions of the Act to minimal amounts due as described above could work to subvert the Administration's efforts in streamlining government operations. This is not to say that the Department of Defense advocates the elimination of all due process safeguards when making such routine adjustments. It should be noted that in its proposed amendment to 5 U.S.C., section 5514, the Department of Defense has provided for written notice of the nature and amount of the adjustment and a point of contact for questioning or contesting such adjustments.

In summary, although the legislative history of the Debt Collection Act of 1982 indicates that its primary purpose was to enhance the capability of federal agencies to collect money or property owed to them, it also provides a number of new procedures and safeguards designed to assure that alleged debtors will be provided appropriate due process protections. Applying the full panoply of such safeguards to routine adjustments in pay, however, will actually frustrate the Act's primary purpose because other costs of collecting such overpayments will exceed recovery.

The enactment of this proposal will cause no apparent increase and should, in fact, decrease the budgetary requirements of the Department of Defense.

Sec. 902. Contract Disputes Act amendment relating to payment of interest on contractor claims

Section 902 amends section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611) by striking out the first sentence, which provides that interest found due on a contractor's claim shall be paid from the date the contracting officer receives the claim, and inserting in lieu thereof a new sentence providing that such time shall run from the date the contracting officer receives the claim or the date payment otherwise would be due, if that date is later, until the date of payment.

Section 902 would overrule the case of *Servidone Construction Corp.* v. *United States,* 931 F.2d 860 (Fed. Cir. 1991) and avoid the windfall created when interest on a claim is charged for costs not yet incurred and thus not the subject of a payment request to the Government. It would also make the interest provision of the Contract Disputes Act of 1978 (P.L. 95-563) consistent with Federal Acquisition Regulation (FAR) 33.208 and the general concept of prejudgment interest, as articulated by the Supreme Court.

Section 12 of the Contract Disputes Act provides that interest found due on a contractor's claim shall be paid from the date the contracting officer receives the claim. In the case mentioned above the Court of Appeals for the Federal Circuit recently interpreted this provision to require the Government to pay interest on claimed costs from the date the contracting officer received the claim, even though the contractor had not yet incurred the costs at the time he submitted the claim.

The current provision allows contractors to receive a windfall payment of interest on claimed costs not yet incurred. Apparently, this windfall was based on the desire to have a "single date" for calculating interest on all amounts due by a court decision without regard to when the contractor actually incurred the costs.

If enacted, this proposal would not increase the budgetary requirements of the Department of Defense.

Subtitle B—Civilian Employee Pay Matters

Sec. 911. Expiring authorities

Section 911 extends certain civilian personnel drawdown authorities (special RIF notification rules, separation pay, and continued health benefits) for two years in the outyears. This would parallel the extension to certain military drawdown authorities that was enacted in the FY 1994 Authorization Act. In addition, under current law, employees at bases which close between October 1, 1992 and December 31, 1997 may carry over unlimited annual leave from one year to the next. Some installations designated for closure by the 1993 Base Realignment and Closure Commission (BRAC) will not close until 1998. This section extends the annual leave carry-over provisions to employees at any installation closed through the BRAC process.

The extension of RIF notification and leave restoration will result in no cost. Congress appropriated $70 million in FY 1993 and $100 million in FY 1994 for civilian separation pay. We should be able to absorb the cost of extending separation pay by avoiding the cost of severance pay, health insurance, and unemployment compensation. Our estimate of the cost of continued health benefits is $12 million per year.

Sec. 912. Travel, transportation, and relocation expenses of employees transferred from the Department of Defense to the Postal Service

Under title 5, Federal agencies may pay the cost of travel, transportation and location for employees scheduled for separation when the employee is selected for a position with another Federal agency. The Postal Service is not considered a Federal agency for this purpose. We have had several instances where employees who were facing involuntary separation because of reduction in force or base closure were selected for positions with the Postal Service in a different geographic location. Because we have no authority to pay travel related expenses, and because the employees could not afford the move, they were separated. As a result, the Department incurred the cost of severance pay, unemployment compensation, and continued health insurance. Allowing these payments will offset the costs.

Sec. 913. Limitation of Severance Pay for Certain Civilian Employees who are employed by Nonappropriated Funds

Section 913 is needed to prevent appropriated fund employees from immediately receiving severance pay upon movement to nonappropriated fund positions under the pay and benefits protections of the Portability of Benefits for Nonappropriated Fund Employees Act of 1990. These employees continue to be employed with little or no loss in benefits. Employees who are vested in a civil service retirement plan are given the option to remain in that plan with a goal of receiving a civil service retirement annuity. Under these circumstances, immediate entitlement to severance pay is not warranted and represents an unjust enrichment.

Under the proposed legislation, entitlement to appropriated fund severance pay would be suspended until the employee is involuntarily separated from nonappropriated fund employment. If the employee involuntarily is separated from nonappropriated fund employment, the original appropriated fund severance pay entitlement would resume. Under the proposed new section, eligibility for appropriated fund severance pay would not resume if the employee is eligible for an immediate annuity from a nonappropriated fund civil service or military retirement system at the time of the separation from nonappropriated fund employment. The legislation also prevents an employee from receiving appropriated fund and nonappropriated fund severance pay for the same period of appropriated fund service, in the same amounts. Regulations will be written by the Department of Defense in consultation with the Department of Transportation to implement the legislation upon enactment.

Subtitle C—Other Matters

Sec. 921. National Guard youth programs

The purpose of section 921 is to authorize the National Guard to provide limited assistance to certain youth and other organizations in conjunction with training. This initiative would enhance the involvement of the National Guard with youth in the local communities while contributing to social needs for constructive activities for America's young people.

This section would authorize members or units of the National Guard to provide certain assistance to specified youth and other organizations in conjunction with training if the provision of such services does not degrade the quality of the training or otherwise interfere with the ability of any unit to perform its military functions; the services provided are not commercially available or commercial entities affected have agreed in writing not to object; and the assistance does not materially increase the cost of the training activities services which could be provided would include ground transportation; limited air transportation in support of the Special Olympics; administrative support; technical training; emergency medical assistance; communications; and security support.

This section will not result in an increase in the budgetary outlays of the Department of Defense. The activities authorized would be carried out within funding appropriated for the public affairs and youth program activities of the National Guard.

Sec. 922. Protection from unauthorized use of the name "Defense Mapping Agency"

As part of its mandated charter, the Defense Mapping Agency provides accurate and inexpensive aids for navigators (10 U.S.C. 2791). Further, it prepares maps, charts and nautical books (10 U.S.C. 2792). The authenticity of this material must be protected.

Certain DMA mapping, charting and geodesy (MC&G) nautical and aeronautical products are needed and used by the general public. DMA accommodates this need through an extensive public sale program. It is crucial that end users rely on the most current and accurate products available to assure safety of navigation. This currency and accuracy of various publicly available products is increasingly difficult in the digital data era since DMA's paper, or "hard copy" products can be obtained and easily transformed into digital products or copied onto video or laser disks for distribution, modification or alteration.

The section is modeled after section 202 of title 10, United States Code, which provides similar protection for the Defense Intelligence Agency, the initials "DIA" and the official seal and emblem. No judicial, executive or Administrative provisions would be overturned or affected by this change.

Sec. 923. Limitation of liability for any navigational aid prepared or disseminated by the Defense Mapping Agency

Section 923 amends chapter 147 of title 10, United States Code, by adding a new section to grant the Defense Mapping Agency an express exemption from liability associated with the preparation or dissemination of its products, in whatever form. This language would make clear that the activities of the Defense Mapping Agency in the preparation and production of maps, charts, aids to navigation, publications, products and information are expressly exempt from any claim or action.

DMA is a combat support agency of the Department of Defense. Its mission is to produce topographic, aeronautical and nautical maps, charts and other publications in hardcopy and softcopy versions to support United States warfighters. However, many of its products are used by mariners navigating vessels around the world.

DMA relies heavily upon nautical and aeronautical products and information of other countries. A tremendous quantity of information is processed in preparing and distributing thousands of maps and charts and related information. DMA exercises great care to ensure the accuracy of all its products. Since DMA cannot independently verify all the information supplied by foreign sources it is unreasonable to subject the United States to unlimited liability in the production and distribution of these many products.

For example, in the case of *Hyundai Merchant Marine Co., Ltd. at. al. v. United States*, the HYUNDAI NEW WORLD, a 200,000 deadweight ton bulk cargo carrier, stranded in the Bay of Sao Marcos, Brazil, on 31 March 1987, resulting in a total loss of ship and cargo. The ship owner, cargo owners and underwriters of same, sued the United States for negligence alleging that the navigators of HYUNDAI NEW WORLD were using DMA chart 2471 (A DMA facsimile of a Brazilian chart) containing errors and omissions which were the cause of the stranding. The potential damages to date are estimated at $60 million.

This proposed statutory language would make it clear that the activities of the Defense Mapping Agency in the preparation and production of maps, charts, aids to navigation, publications, products and information, in whatever form, primarily for use of U.S. warfighters, are expressly exempt from any claim or cause of action.

Sec. 924. Reorganization of the Air Force liaison with the Civil Air Patrol

Section 924 amends section 9441 of title 10, United States Code, to reorganize the Air Force liaison with the Civil Air Patrol. The section adds a new paragraph (b)(12), which authorizes the Secretary of the Air Force to reimburse the Civil Air Patrol the cost of maintaining the staff at the Civil Air Patrol National Headquarters. The section also adds a new subsection (d), which authorizes the Secretary of the Air Force to detail retired members as liaison or administrators to the Civil Air Patrol and provides that these retired members will receive as compensation not more than the difference between their retired pay and the active duty pay and allowances they would receive if ordered to active duty in the grade and rank in which they retired. It further provides that duty with the Civil Air Patrol by such retired members is not to be considered active duty or inactive duty training for any purpose.

Sec. 925. Informed consent of persons participating in human medical research

Section 925 amends section 980 of title 10, United States Code, concerning the use of humans in experimental research. Currently, the subject must provide informed consent. In the case of an incompetent person, a legal representative may provide consent if the research is intended to be beneficial to the subject. Section 925 permits an incompetent person's representative to consent to research that is not specifically intended to be beneficial to the subject, but which would be of minimal or no risk and could be beneficial to the subject or to others.

Sec. 926. Military-to-military contacts and comparable activities

This section amends Chapter 6 of title 10, United States Code, by adding a new section providing permanent statutory authority for the Secretary of Defense to conduct Military-to-Military Contacts and Comparable Activities. The section extends language in the Department of Defense FY 1994 Authorization Act which applies only to FY 1994. Currently, Defense and Military Contacts also are authorized under the Cooperative Threat Reduction (Nunn-Lugar) legislation solely for States of the Former Soviet Union.

Funds appropriated under this new section may be provided to a CINC on request, an officer designated by the Chairman of the Joint Chiefs of Staff, or to a Department of Defense component implementing Military-to-Military Contact activities. The new section identifies activities to be supported in order to promote the democratic orientation of the civilian defense establishments and military forces of other countries. These activities are fully coordinated with other US agencies and undertaken with the full support of State Department representatives in host countries. The legislation provides that activities may not be conducted with any foreign country unless the Secretary of State approves such activities. The legislation also provides for funds appropriated for these activities to reimburse pay and allowance accounts to fund National Guard and Reserve personnel participating in regional and bilateral exchange familiarization programs, such as the National Guard's "Partnership State" program. The program links the National Guards of selected U.S. States to appropriate military organizations within selected emerging democracies in Central and Eastern Europe.

In FY 1994, Congress authorized and appropriated $10 million for Military-to-Military Contacts and Comparable Activities. The Conferees, however, recognized that these funds would only serve as a "bridge until Congress can take up the broader issue of the permanent level and scope of such contacts".

The proposed legislation for FY 1995 is required to continue this program annually.

This program recognizes that the Department of Defense has unique skills to assist foreign defense establishments in consolidating civilian control of their militaries, and developing respect for and adherence to democratic principles and practice. U.S. defense personnel dispatched to a host nation can encourage these goals through working closely with their counterparts in areas such as defense planning, programming and budgeting, defense personnel and resource management, civil-military relations, military justice and legal systems, military medicine, and other related defense issues. These activities generally will be undertaken through Military Liaison Teams (MLT) stationed in the host countries, supplemented by Traveling Contract Teams whose visits are coordinated by the MLT. This approach was initiated in Central and Eastern Europe in FY 1991–92 and is expected to continue in this area through FY 1996. Thereafter, the functions of these teams are expected to be absorbed into the regular, ongoing activities of the Defense Attache Officers and Security Assistance Officers.

A critical component of the Military-to-Military Contact program in Central and Eastern Europe is the U.S. National Guard and Reserve. These personnel bring essential skills from both the military and civilian sectors to the tasks of democratizing foreign defense establishments and their militaries. Through Reserve contact programs, such as the "Partnership State" program, and other regional and bilateral exchange and familiarization programs, these citizen-soldiers link the military and civilian personnel of the defense establishments of democratizing nations to grass roots America at the State level in institutional and people-to-people relationships. For FY 1994, no funds were authorized to provide pay and allowances for Guard and Reserve personnel in this program. In FY 1995, this proposal will allow reimbursement from Military-to-Military Contact program funds to military appropriations accounts for pay and allowances for U.S. National Guard and Reserve participants.

Enactment of this proposal will support the Administration's FY 1995 request for $46.3 million to support Military-to-Military Contacts and Comparable Activities. These funds will be managed by the Joint Staff with policy direction and oversight by the Secretary of Defense through the Under Secretary of Defense for Policy.

Sec. 927. Purchase of vessels for the Ready Reserve Force

The Ready Reserve Force (RRF) provided a vital strategic sealift capability in the Persian Gulf War. Failure to fully fund the RRF in FY 1995 could lead to loss of critical strategic mobility capability required for future overseas military interventions. It is essential to assure a high degree of strategic mobility readiness, for the critical force deployment requirements identified in the Bottom-Up Review and the Mobility Requirements Study, by acquiring additional shipping. The forthcoming update to the Mobility Requirements Study will further substantiate the requirements for these essential strategic mobility forces. The proposed legislation is required to ensure that funding allocated for RRF enhancement in FY 1995 can be obligated for purposes in which it was intended.

Sec. 928. Technical Amendment to Authorize Implementation of Junior Reserve Officers' Training Corps Program Expansion

This amendment is a technical amendment to permit the Department of Defense to meet the Congressional intent of section 533 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484, October 23, 1992; 106 Stat. 2315 at 2411). That section instituted a Junior Reserve Officers' Training Corps which with funding authorizations in Fiscal Years 1993 and 1994 necessitated increases substantially in excess of the statutorily mandated provisions of section 2031(a)(1) of title 10, United States Code. Section 928 required an increase in the number of JROTC units from 1,600 to 3,500. The 200 annual limitation on additional units in section 2031 precludes the Department of Defense from meeting the Congressional guidelines recently imposed. This technical correction will enable the Department of Defense to meet the congressional mandates in this area.

TITLE X—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Sec. 1001. Extension of authority to acquire logistic support for forces deployed outside the United States to authority to acquire from the United Nations or regional organizations of which the United States is a member

This section extends the authority to acquire logistical support from the United Nations or any regional organization of which the United States is a member in support of humanitarian or peacekeeping operations such as the United Nations sanctioned operation in Somalia. Experience during the U.S. led operation in Somalia, the blockade of Haiti and the sea blockade of the former Yugoslavia has shown that the U.S. needs more flexibility in obtaining support from the United Nations and regional organizations. This authority is not as critical in United Nations assessed operations where all support is provided through the United Nations but is critical to participation in voluntary operations in which logistic support is a national responsibility. An example of this requirement would have been the capability to obtain support for various common support items such as water from the United Nations during the initial stages of the U.S. led operation in Somalia (UNITAF).

Sec. 1002. Extension of authority to enter into cross servicing agreements to authority to enter into agreements with the United Nations organization or any regional organizations of which the United States is a member

This section is similar to Section 1001 except that it allows the United States to provide support on a reciprocal basis to the United Nations and other regional organizations. This authority allows for the United Nations to designate lead logistics support nations for various support commodities, thereby reducing the requirement for each nation to maintain duplicative force structure and reducing overall costs through economies of scale.

Sec. 1003. Method of payment for acquisitions and transfers

This section requires modification to incorporate the United Nations or regional international organizations of which the United States as organizations to which the present legal basis for the method of payment for acquisitions and transfers applies. Technical change to incorporate extension of acquisition and cross-servicing authority to those organizations.

Sec. 1004. Limitation on amounts that may be obligated or accrued

This section has a dual purpose. The first reason is to include the United Nations and other regional organizations under the legal ceilings for obligations and accruals. The second, and most important, purpose of this section is to change the manner in which dollar ceilings are applied during contingency operations. The current language states that dollar limitations remain in place until the determination of active hostilities. Application of these limitations to extended military activities short of a state of declared hostilities could prevent use of these authorities when they are most needed. Therefore, it is proposed that the dollar limitations be waived during contingency operations (as defined in section 101(a)(13), chapter 1 of title 10, United States Code). United States Armed Forces participating in multinational operations, like Operation Desert Shield/Storm and Operation Restore Hope, could benefit from this proposal by taking advantage of available coalition resources during activities conducted leading up to or that fall short of active hostilities.

Sec. 1005. Definitions

This section permits deployed United States armed forces to loan or borrow general purpose vehicles and other items of military equipment which would not affect readiness. The authority to temporarily exchange logistic support of this nature with designated countries and international organizations would facilitate greater cooperation during an exercise or military operation. An example would be loaning general purpose vehicles to a designated nation during a joint exercise conducted at a U.S. military base. The section also clarifies several points concerning the basic legislation to include the provision of airlift services in those cases where a Cooperative Airlift Agreement does not exist and defines calibration services as an allowed logistic support service.

Sec. 1006. Effective date

This section specifies the effective date for which any acquisitions or transfers of logistic support, supplies and services undertaken under the authority of this subchapter shall be effective.

TITLE XI—PEACEKEEPING AND RELATED MATTERS

Sec. 1101. Assistance to international peacekeeping and peace enforcement activities

Section 1101 authorizes the President to provide assistance including, but not limited to, personnel, supplies, services, and equipment, in support of international peacekeeping and peace enforcement activities. The section further authorizes the President to pay assessments on behalf of the United States to the United Nations.

This authority is parallel to the peacekeeping authority in the Foreign assistance Act and is the foundation for the Department of Defense's responsibilities under "shared responsibility." under the "shared responsibility" model as it is expected to be implemented by executive order, State would have lead responsibility for managing and funding traditional non-combat Chapter VI peacekeeping activities that do not involve U.S. combat units. The Department of Defense would have lead responsibility for managing and funding all Chapter VII peace enforcement operations and those traditional non-combat Chapter VI peacekeeping operations with U.S. combat units. (In order for the Department of Defense to have lead responsibility for managing and funding these operations, the legislation proposes a DOD CIPA account, as described below.)

Section 1101 provides that the President shall require reimbursement to the United

States for the agreed costs of any peacekeeping assistance provided pursuant to this authority. The legislation would, however, allow the exception that the President may waive, in whole or in part, reimbursement in exceptional circumstances and when it is in the national interest. The legislation would provide further, that reimbursements from the United Nations may be credited against the United States Government's share of any assessment due and owing after the Department of Defense has been reimbursed for its incremental costs (subject to section (c)(1)).

Section (c)(1) of the legislation outlines the order in which agencies of the United States Government are to be reimbursed for assistance provided to international peacekeeping and peace enforcement activities. Any reimbursement received shall first be used to reimburse the appropriate department of the Department of Defense for any incremental costs. At the option of the appropriate department of the Department of Defense, the reimbursement shall be credited either to the appropriation, fund, or account from which the obligation was incurred or to a currently available like account.

The legislation would create in the Treasury of the United States an account, Contributions for International Peacekeeping and Peace Enforcement Activities Fund, parallel to the State CIPA account, which can be used only for purpose of paying assessments on behalf of the United States for United Nations operations made under this section. Reimbursements in excess of the incremental costs may be credited to this account. The legislation makes clear that funds appropriated or deposited into this account shall remain available until expended.

The legislation would require the President to submit to Congress an annual report on international peacekeeping and peace enforcement activities supported under the authority of this section during the previous fiscal year. The report would be due no later than 1 February of each year and would include descriptions of each international peacekeeping and peace enforcement activity supported under the authority of this section, the type of assistance provided under the authority of this section, and the dollar value, by activity supported, of all assistance provided, reimbursements received, reimbursements waived, credits taken, and obligations incurred in the Contributions for International Peacekeeping and Peace Enforcement Activities Fund under the authority of this section.

Finally, this legislation authorizes the appropriation of funds to the Department of Defense to pay assessments as authorized under this section with the limitation that such payments may be provided from the Contributions for International Peacekeeping and Peace Enforcement Activities Fund only for those activities for which the Secretary of Defense has primary responsibility.

TITLE XIII—COUNTERPROLIFERATION

Sec. 1201. Extension and amendment of counterproliferation authorities

Section 1201(a) would permanently extend the International Nonproliferation Initiative contained in Section 1505 of the "Weapons of Mass Destruction of 1992 as amended." In addition, it would broaden the Department's authority to work with international organizations to ensure more effective safeguards against proliferation and more aggressive verification of compliance with international agreements on nonproliferation. It would also authorize the Department to participate in technical projects and information sharing programs related to biological, chemical, and missile proliferation. Current law permits participation in such programs in the area of nuclear proliferation.

This section would also authorize the Department to provide assistance and support in the destruction and elimination of weapons of mass destruction. Activities of this nature demonstrate United States willingness to assist other nations to dismantle weapons of mass destruction. As new arms control or assistance agreements come into effect, such efforts could increase, especially in the chemical, biological, and ballistic missile weapons arena.

Section 1201(b) would permanently extend authority contained in title XVI of the fiscal year 1994 National Defense Authorization Act for the Department to initiate Counterproliferation Policy research and proliferation analysis programs to support the Department's Counterproliferation activities.

Section 1201(c) would authorize in addition to funds otherwise available, funding of $30,159,000 for fiscal year 1995 for the purposes of conducting Counterproliferation activities.

TITLE XIII—ACQUISITION REFORM

Sec. 1301. Amendment to research authorities

This proposed language amends Section 2358 of title 10, as amended by Section 827 of the National Defense Authorization Act for Fiscal Year 1994, essentially to delete "other transactions" as a type of instrument that may be unqualifiedly used for all research and development. The Department believes that the unique authority to enter into "other transactions," granted by Congress under 10 U.S.C. §2371, was intended to provide a specialized authority primarily for advanced research purposes. This authority should not, at this time, be broadened to apply to Department-wide development projects.

Other, clarifying language changes are also proposed. For example, the authority of section 2371 would be extended to apply to the Secretaries of the military departments and such other elements of the Department of Defense as the Secretary of Defense may designate. However, the authority of subsection (d) to establish separate accounts on the Treasury books has been deleted because, under the broadened statute, it could lead to a proliferation of such accounts. Instead, proposed subsection (b)(2) would provide authority to credit such reimbursements to applicable appropriations.

This proposed language also makes a corresponding amendment to section 2371 of title 10, United States Code, to reinstate "other transactions" and "cooperative agreements" as the sole types of instruments that may be used to implement the authority of section 2371, including its unique authority to merge funds.

Sec. 1302. Amendment of acquisition laws relating to industrial mobilization

Section 1302 amends a newly-created statue, section 2373 of title 10, United States Code, relating to procurement for experimental purposes. The newly-created statute had consolidated and modernized previously existing Army and Air Force unique authorities at sections 4504 and 9504 of title 10. Under those prior statutory sections, these services had authority to procure limited items on a experimental basis, with or without competitive bidding when not purchased in quantity. When enacted in the National Defense Authorization Act for Fiscal Year 1994, however, this competition exception was deleted. To ensure that the new, consolidated statute remains coextensive with these prior, service-specific authorities that were the basis for the new statute, the proposed amendment reinstates the competition exception.

Section 2538 of title 19, United States Code, authorizes the President, through the Secretary of Defense, to order the production of necessary products or materials and to take possession of plants required for the production of arms, ammunition, or necessary supplies for the armed forces during time of war or when war is imminent. Section 1302(b) would amend a newly enacted authority to sell to add "rent" as a method of disposition and to provide that the government shall negotiate for the appropriate disposition of resultant data when it makes available the use of test facilities to private entities. Section 1302(d) would amend sections 2538 (a) and (c) to expand the President's authority to act through the head of any department, including civilian agencies.

Sec. 1303. Disposition of naval vessels

Current statutory provisions at 10 U.S.C. 7304, 7305, 7307, 7308, and 7309 provide authority for the disposition of naval vessels. Specifically, under current law:

Section 7304 provides that the Secretary of the Navy shall designate boards of naval officers to examine naval vessels at least every three years, and recommend which, if any, shall be found unfit for service and stricken from the Naval Vessel Register.

Section 7305 provides that the Secretary of the Navy shall appraise stricken vessels. When in the national interest, the Secretary is directed to offer the vessel for sale. A detailed advertisement and bid procedure is to be utilized when offering such vessels for sale. That procedure requires a three month advertisement period, a 10% of bid deposit, other manner or for less than the appraised value unless the President directs in writing. These provisions do not apply to vessels whose disposition is authority by the federal Property and Administrative Services Act.

Section 7306 provides that the Secretary of the Navy, with presidential approval, may use any stricken vessel for experimental purposes when in the best interests of the U.S. The Secretary must carry out such stripping of the vessel as is practicable before use for experimental purposes, with stripping proceeds credited to applicable appropriations.

Section 7307 provides that notwithstanding any other provision of law, no battleship, aircraft carrier, cruiser, destroyer or submarine may be sold, transferred, or otherwise disposed of unless the chief of Naval Operations certifies that it is not essential to the national defense. It further provides that, after August 5, 1974, no vessel in excess of 3,000 tons or less than 20 years of age may be sold or otherwise disposed of to another nation unless such disposition has been approved by law. It also provides that, after August 5, 1974, any other type of naval vessel may be sold or otherwise disposed of to a foreign nation only after notification to the Senate and House Armed Services Committees and after expiration of 30 days continuous session of the Congress.

Section 7308 provides that, subject to certain provision in the Federal Property and Administrative Services Act of 1949, the Secretary of the Navy may transfer by gift or under such terms as the Secretary prescribes, any obsolete, condemned or captured naval vessel to any State, Territory, Commonwealth or U.S. possession, any municipal corporation or political subdivision thereof, the District of Columbia or any non-profit or not for profit entity. Each transfer agreement must provide that the transfer shall be without cost to the government and that the vessel will be maintained in a condition satisfactory to the Navy. The section also contains a 60 day congressional notice requirement.

Section 1303 consolidates these previously existing authorities relating to disposition of naval vessels. With the exception of a redundant congressional notification period in 10 U.S.C. 7307 (the same notification is obtained by numerous other statutes), the proposal retains the substance of the prior authorities in their entirety. It also adds an indemnification requirement.

Sec. 1304. Contract for fuel storage and management

This section makes a technical language change to an authority to contract for the storage or management of liquid fuels or natural gas. By making the authority disjunctive, the agency may contract for either item separately.•

By Mr. BUMPERS (by request):

S. 2060. A bill to amend the Small Business Act; to the Committee on Small Business.

By Mr. BUMPERS (for himself and Mr. HATFIELD) (by request):

S. 2061. A bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies; to the Committee on Small Business.

SMALL BUSINESS LEGISLATION

• Mr. BUMPERS. Mr. President, today I am introducing two administration bills concerning Small Business Administration programs. The first reauthorizes and significantly increases several SBA lending programs and makes other changes to the Small Business Act to implement the President's fiscal year 1995 budget request.

The second bill would permit borrowers who have been funded with the proceeds of debentures guaranteed under section 503 of the Small Business Investment Act to prepay principal and interest with a reduced prepayment penalty. The section 503 program provides long term capital for plant and equipment investments. The President's fiscal year 1995 budget contains $30 million for the purpose of relieving the prepayment penalties of 503 borrowers.

I applaud the administration's efforts to strengthen SBA's programs, and to relieve the onerous prepayment penalties on 503 borrowers. However, the bills contain some provisions which warrant close examination by the Committee on Small Business. One such example is the proposal to return the funding of the 504 program to the Federal Financing Bank. This proposal contradicts a policy which has been in place legislatively since 1986 and which was enacted as a significant cost-savings measure.

These bills provide an important step in the reauthorization process of SBA's major programs, which provide financial, procurement and business development assistance to the Nation's small businesses. The committee has already held several hearings on some of SBA's key programs. Later this month, the committee plans to hold a hearing on the 504 program and the issue of 503 prepayment penalties.

Mr. President, I ask unanimous consent that the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Administration Amendments of 1994."

TITLE I

SECTION 101. Section 7(m)(1)(B) of the Small Business Act is amended by adding the words ", a lender or alliance of lenders" after the word "Administration", and by adding after the word "intermediaries" in clause (i) thereof the following phrase "provided however, that the Administration may make in its sole discretion up to 100 percent deferred participation loans to ten intermediaries which will be located in urban areas and ten intermediaries which will be located in rural areas,".

SEC. 102. Section 7(m)(7) of the Small Business Act is amended by deleting the number "50" from subparagraph (B) thereof, and replacing it with the number "140", and by deleting the period at the end thereof and adding the phrase: "provided that no more than 200 total microloan programs may be funded", and by deleting subparagraph (C) thereof and inserting in lieu thereof: "(C) In no case shall a State receive more than $5 million to fund all microloan programs conducted in the State."

SEC. 103. Section 7(m)(3)(C) of the Small Business Act is amended by replacing the number "$1,250,000" with the number "$1,750,000".

SEC. 104. Section 7(m)(3)(F) of the Small Business Act is amended by adding after the phrase "10 years" in clause (i) the following: "with the first five years of any deferred participation loan being a revolving line of credit on which only monthly payments of interest will be required and the balance amortized over the second five year period, with equal monthly payments of principal and interest"; and by revising clause (ii) to read as follows: "(ii) APPLICABLE INTEREST RATES—Exception as provided in clause (iii), loans made by the Administration under this subsection to an intermediary shall bear an interest rate equal to the rate of interest on comparable five year obligations of the United States Treasury.

TITLE II

SEC. 201. Section 7(a)(2)(B)(iv) of the Small Business Act is amended to read as follows: ". . . (iv) not more than 90 percent of the financing outstanding at the time of disbursement if such financing is an extension or a revolving line of credit made under paragraph (14) and not less than 90 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (16)."

SEC. 202. Section 7(a)(14) of the Small Business Act is amended to read as follows:

"(14) (A) The Administration under this subsection may provide extensions, specifically including guarantees of standby letters of credit and revolving lines of credit for export purposes, and financings to enable small business concerns, including small business export trading companies and small business export management companies, to develop foreign markets. A bank or participating lending institution may establish such rate of interest on extensions, revolving lines of credit and financings made under this paragraph as may be legal and reasonable."

SEC. 203. Section 7(a)(3)(B) of the Small Business Act is amended to read as follows: ". . . if the total amount outstanding and committed (on a deferred basis) solely for the purposes provided in paragraph (16) to the borrower from the Business Guaranteed Loan Financing Account established by this Act would exceed $1,000,000 such amount to be in addition to any financing solely for working capital, supplies, or revolving lines of credit for export purposes up to a maximum of $750,000; Provided, however that in no event my be aggregate amount outstanding and committed by the Administration under this subsection exceed $1,250,000 . . ."

TITLE III

SEC. 301. Section 8(b) (2), (3) and (4) of the Small Business Act are amended by inserting the words "and other" after the word "small" wherever it appears.

TITLE IV

SEC. 401. Section 28[2](g) of the Small Business Act is deleted and in its place the following is substituted:

"(g) There is established within the Administration an Office of Women's Business Ownership which shall be responsible for the administration under the supervision by the Administration of all authority conferred by this section. Such Office shall be headed by a director who shall be appointed by the Administrator."

TITLE V

SEC. 501. Section 8(b)(1)(A) of the Small Business Act is amended by adding at the end thereof the following sentence: "Notwithstanding any other provision of law, the authority provided by this subparagraph shall remain available until expressly repealed."

SEC. 502. Section 411(a)(3) of the Small Business Investment Act of 1958 is amended by adding the following sentence at the end thereof: "Notwithstanding any other provision of law, the authority granted by this paragraph shall remain available until expressly repealed."

SEC. 503. Section 5(b)(8) of the Small Business Act is amended by deleting the words "not in excess of six months".

SEC. 504. The second sentence of Section 732 of Public Law 100—656 is repealed.

SEC. 505. Section 4(c) of the Small Business Act is amended to read as follows:

"(c)(1) There is hereby established in the Treasury one Loan Liquidation Fund. All repayment of loans and debentures, payments of interest, and other receipts arising out of transactions entered into by the Administration pursuant to Sections 5(e), 5(g), 7(a), 7(b), 7(c)(2), 7(e), 7(h), 7(l), 7(m), and 8(a) of this Act, and Titles III, IV, and V of the Small Business Investment Act of 1958, prior to October 1, 1991, shall be paid into such Loan Fund Liquidating Account. Balances existing in those revolving funds, as in effect immediately prior to the effective date of this paragraph, shall be transferred into such Loan Liquidation Fund. This Loan Liquidation Fund shall have available, without fiscal year limitation, such funds as are necessary to finance its operational needs.

(2) The Administration shall submit to the Committees on Small Business and Appropriations of the Senate and the House of Representatives, as soon as possible after the beginning of each fiscal year, a full and complete report on the status of the Loan Liquidation Fund established pursuant to paragraph (1)."

SEC. 506. Section 4(c)(5)(B)(ii) of the Small Business Act is amended to read as follows:

"(ii) The Administration shall pay into the miscellaneous receipts of the Treasury following the close of each fiscal year, the actual interest it collects during that fiscal year on all financings made under the authority of this Act."

SEC. 507. Section 3(a)(2) of the Small Business Act is amended to read as follows:

". . . (2) In addition to the criteria specified in paragraph (1), the Administrator may specify detailed definitions or standards for example, by number of employees or dollar volume of business, by which a business concern is to be recognized as a small business concern for the purposes of this Act or any other Act. Unless specifically authorized by statute, the Secretary of a department or the head of a Federal agency, other than the Administrator of the Small Business Administration, may not prescribe for the use of such department or agency a size standard for categorizing a business concern as a small business concern, unless such proposed size standard—

(A) is being proposed after an opportunity for public notice and comment;

(B) provides for determining, over a period of not less than 3 years—

(i) the size of a manufacturing concern as measured by its average employment based upon employment during each of the concern's pay periods for the preceding completed twelve calendar months; or

(ii) the size of a concern providing services on basis of the annual average gross receipts of the concern over a period of not less than three years; and

(C) is approved by the Administrator.

(3) When establishing or approving any size standard pursuant to paragraph (2), the Administrator shall consider variations in economic activity from industry to industry unless the Administrator determines that size standards should not vary in order to meet program needs."

SEC. 508. Section 5(b) of the Small Business Act is amended by deleting the word "and" at the end of paragraph (10) thereof, by removing the "." at the end of paragraph (11) thereof and replacing it with ", and" and (b) adding a new paragraph (12) which reads as follows: ". . . (12) to impose reasonable fees to be charged in connection with applications for assistance, and the provision of assistance under this Act and the Small Business Investment Act of 1958 and to retain such fees to offset the costs of administration of such assistance."

SEC. 509. Section 8(b) of the Small Business Act is amended by deleting the word "and" at the end of paragraph (15), by striking the period at the end of paragraph 8(b)(16) and replacing it with "; and", and by adding a new paragraph 8(b)(17) which reads as follows:

". . . (17) to charge and collect such fees as may be necessary to cover all costs associated with the production and dissemination of information of compilations of information produced by the Administration under the authority of the Small Business Act and the Small Business Investment Act of 1958, and to retain such fees and utilize such fees to offset the costs of production and dissemination of such compilations of information."

TITLE VI

SEC. 601. Sections 20(k) through 20(p) of the Small Business Act are repealed and the following is substituted in their place:

"(k) The following program levels are authorized for fiscal year 1995:

(1) For the programs authorized by this Act, the Administration is authorized to make $13,910,000,000 in deferred participation loans and other financings; and of such sum, the Administration is authorized to make $11,500,000,000 in general business loans as provided in section 7(a), $110,000,000 in loans as provided in section 7(m), and $2,300,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958.

(2) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $23,000,000 in purchases of preferred stock, $275,000,000 in guarantees of debentures of which $65,000,000 is authorized for guarantees of debentures of companies operating pursuant to section 301(d) of such Act, and $550,000,000 in guarantees of participating securities.

(3) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000.

(l) There are authorized to be appropriated to the Administration for fiscal year 1995 such sums as may be necessary to carry out subsection (k), including salaries and expenses of the Administration.

(m) The following program levels are authorized for fiscal year 1996:

(1) For the programs authorized by this Act, the Administration is authorized to make $17,475,000,000 in deferred participation loans and other financings; and of such sum, the Administration is authorized to make $13,500,000,000 in general business loans as provided in section 7(a), $175,000,000 in loans as provided in section 7(m), and $3,800,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958.

(2) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $24,000,000 in purchases of preferred stock, $320,000,000 in guarantees of debentures of which $70,000,000 is authorized for guarantees of debentures of companies operating pursuant to section 301(d) of such Act, and $1,100,000,000 in guarantees of participating securities.

(3) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000.

(n) There are authorized to be appropriated to the Administration for fiscal year 1996, such sums as may be necessary to carry out subsection (m), including salaries and expenses of the Administration.

(o) The following program levels are authorized for fiscal year 1997:

(1) For the programs authorized by this Act, the Administration is authorized to make $21,450,000,000 in deferred participation loans and other financings; and of such sum, the Administration is authorized to make $15,500,000,000 in general business loans as provided in section 7(a), $250,000,000 in loans as provided in section 7(m), and $5,700,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958.

(2) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $25,000,000 in purchases of deferred stock, $385,000,000 in guarantees of debentures of which $75,500,000 is authorized for guarantees of debentures of companies operating pursuant to section 301(d) of such Act, and $1,700,000,000 in guarantees of participating securities.

(3) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000.

(p) There are authorized to be appropriated to the Administration for fiscal year 1997, such sums as may be necessary to carry out subsection (o), including salaries and expenses of the Administration."

S. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Prepayment of Development Company Debentures.

(a) IN GENERAL.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695, et seq.), is amended by adding at the end the following new section:

"SEC. 507. Prepayment of Development Company Debentures.

"(a) IN GENERAL.—(1) If the requirements of subsection (b) are met and subject to the availability of appropriations, the issuer of a debenture purchased by the Federal Financing Bank and guaranteed by the Administration under section 503 may, at the election of the borrower whose loan secures such debenture and with the approval of the Administration, prepay such debenture by paying to the Federal Financing Bank, the amount that is equal to the sum of the unpaid principal balance due on the debenture on the date of the prepayment (plus accrued interest at the coupon rate on the debenture) and the amount of the repurchase premium described in paragraph (2)(A). The Administration shall pay to the Federal Financing Bank the difference between the repurchase premium paid by the issuer of the debenture under this subsection and the repurchase premium that the Federal Financing Bank would otherwise have received.

"(2)(A) The amount of the repurchase premium described in this paragraph is the product of—

(i) the unpaid principal balance due on the debenture on the date of prepayment;

(ii) the interest rate of the debenture; and

(iii) the factor 'P', as determined under subparagraph (B).

(B) For purposes of subparagraph (A) (iii), the factor 'P' means the applicable percent determined in accordance with the following table:

Year in which prepayment of debenture is made (from date of original issuance)	Applicable percent			
	10-year term loan	15-year term loan	20-year term loan	25-year term loan
1	1.00	1.00	1.00	1.00
2	.80	.85	.90	.92
3	,60	.70	.80	.84
4	.40	.55	.70	.76
5	.20	.40	.60	.68
6	0	.25	.50	.60
7	0	.10	.40	.52
8	0	0	.30	.44
9	0	0	.20	.36
10	0	0	.10	.28
11	0	0	0	.20
12	0	0	0	.12
13	0	0	0	.04
14 through 25	0	0	0	0

"(b) REQUIREMENTS.—The requirements of this subsection are met if—

(1) the debenture is outstanding and neither the loan that secures the debenture nor the debenture is in default on the date the prepayment is made;

(2) state or personal funds, which may include refinancing under the programs authorized by sections 504 and 505 of this Act are used to prepay the debenture; and

(3) the issuer certifies that the benefits, net of fees and expenses authorized herein, associated with prepayment of the debenture are entirely passed through to the borrower.

(c) No fees or penalties other than those specified in this section may be imposed as a condition of such prepayment against the issuer or the borrower, or the Administration or any fund or account administered by the Administration, except as provided in this Act.

(d) The refinancing of debentures authorized by paragraph (b)(2) of this section under section 504 of this Act shall be limited to only such amounts as are needed to prepay existing debentures and shall be subject to all of the other provisions of sections 504 and 505 of this Act and the rules and regulations of the Administration promulgated thereunder, including, but not limited to, rules and regulations government payment of authorized expenses and commissions, fees and discounts to brokers and dealers in trust certificates issued pursuant to section 505; provided, however, that no applicant for refinancing under section 504 of this Act need demonstrate that a requisite number of jobs will be created with the proceeds of such refinancing."

SEC. 2. (a) The provisions of this Act are exercisable at the option of the borrower.

(b) Any new credit or spending authority provided for in this act is subject to amounts provided in advance in appropriations Acts.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(d) Within 30 days of the effective date of this Act, the Administration shall promulgate such regulations as are necessary, including establishing an order of priority to accomplish the provisions of this Act.

(e) Subsection 504(b) of this Act is hereby repealed, and subsection 504(a) is renumbered as section 504, and paragraphs (1) through (3) of subsection 504(a) are renumbered as subsections 504(a) through (c).•

Mr. HATFIELD. Mr. President, I am pleased to join with the chairman of the Small Business Committee, Senator BUMPERS, in cosponsoring important legislation that he is introducing today at the request of the administration. Last year at this time, I introduced very similar legislation, S. 737, to assist several thousand small businesses that are unable to refinance high interest loans under the Small Business Administration [SBA] Section 503 Loan Program because of the enormously high prepayment penalties attached to these loans. I would like to commend this administration for focusing on this issue and for offering to work with those of us who have been pushing for a solution for the past several years.

Because I have concerns about certain provisions of the bill we are introducing today, my cosponsorship should not be construed as a total endorsement of this proposal. However, I have confidence that these issues will be closely examined both during a hearing that Chairman BUMPERS will hold in the Small Business Committee, and separately during debate in the Appropriations Committee when we consider the President's budget request for $30 million to begin fixing this problem.

The vast majority of new job creation in the United States occurs in our small businesses. The prepayment penalties of the 503 Program have had the effect of blocking the ability of many companies to add to much needed economic expansion in our country. These are businesses that are already operating and ready to grow. We should take advantage of this opportunity to allow them to grow by continuing to work in a bipartisan manner to see this problem finally put to rest.

By Mr. INOUYE:

S. 2062. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat, meat food products, and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MEAT AND POULTRY PRODUCTS INSPECTION AMENDMENTS OF 1994

• Mr. INOUYE. Mr. President, today I am introducing a bill to resolve an issue of fairness which has existed since 1967 and made more egregious by passage of the North American Free-Trade Agreement.

In 1967, the Meat Inspection Act of 1906 was amended by the Wholesale Meat Act and renamed the Federal Meat Inspection Act. In addition to other changes, the State—Federal Cooperative Inspection Program was established, which required State inspection programs to be at least equal to the Federal Inspection Program, and that products receiving State inspection are solely for distribution within such State. The 1968 Wholesome Poultry Product Act which amended the Poultry Products Inspection Act, extended the same provisions to poultry inspection.

The acts, while stressing the need for cooperation between Federal and State authorities, give the United States Department of Agriculture [USDA] clear responsibility for setting a national standard for meat and poultry inspection. USDA is required to monitor State programs and to assume direct responsibility at State plants when a State fails to develop or effectively enforce inspection requirements at least equal to those under the acts.

USDA's Food Safety and Inspection Service [FSIS] certifies that each State inspection program is equal to Federal inspection requirements. This is accomplished by FSIS review of State performance plans, feedback from inspection operations field supervisors, and documents submitted with annual reports. The annual State performance plan is evaluated for equal to status and is very comprehensive. The plan includes a review of State laws, State regulations, funding, and financial accountability, resource management—staffing, training, program operations—facilities and equipment, labels and standards, in-plant reviews/enforcement, specialty programs, and laboratories.

FSIS has been conducting the equal to review since passage of the acts in 1967 and 1968. Since that time, the agency has never found that a State inspection program should be discontinued due to inadequacies in its inspection program. In those instances where States have chosen to discontinue their State inspection programs, they have cited budgetary reasons rather than public health and safety reasons.

The mission of State meat and poultry programs is to provide the consumer with a wholesome, unadulterated product that is properly labeled and safe. The programs exist to protect the public's health. That is why State inspection programs currently inspect nonamenable products which are not regulated by the Federal inspection program. Nonamenable products—such as deer, buffalo, squad, and pheasant—that are inspected by a State-inspected facility are allowed to be transported across State lines. These shipments have been allowed for quite some time with little or no evidence of any risk to the consuming public.

Food safety is clearly the major issue to be considered in any discussion of an inspection system. Experience with interstate shipment of State-inspected nonamenable products provides support for my view that permitting interstate shipment of State-inspected meat and poultry can be consistent with a high level of public health and food safety.

While the acts require all State meat and poultry inspection programs to be at least equal to Federal standards, they prohibit the sale of the product in interstate commerce. This prohibition is a matter of fairness with domestic and foreign dimensions. First, most of the State-inspected plants are small businesses who suffer the economic consequences of prohibitions which provide an unfair marketing advantage to larger firms with federally inspected plants. Consumers often lose in these instances since the products inspected in State-inspected facilities often are low-volume specialty products not economically viable for larger operations.

Second, when Congress passed the North American Free-Trade Agreement [NAFTA], Mexican-inspected meat and poultry products were permitted to be shipped into the United States and move interstate as long as the Mexican inspection program is equal to United States Federal standards. It is only fair that the Congress now provide small businessowners in the United States the same opportunity the Congress afforded to firms from Mexico.

The prohibition of interstate shipment of State-inspected meat and poultry is the only such prohibition of any State-inspected food product. This prohibition disrupts that free flow of trade and precludes the ability of American small businesses to compete with larger domestic firms and Mexican exporters.

Mr. President, this legislation is supported by a number of organizations including the American Farm Bureau Federation, the American Association of Meat Processors, the Food Marketing Institute, the National Association of State Departments of Agriculture, the National Association of State Meat and Food Inspection Directors, and the National Grange.

I urge my colleagues to join me in correcting a gross inequity in the interstate commerce of meat and poultry products.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Meat and Poultry Products Inspection Amendments of 1994".

SEC. 2. FEDERAL AND STATE COOPERATION UNDER THE FEDERAL MEAT INSPECTION ACT.

(a) REMOVAL OF INTRASTATE DISTRIBUTION LIMITATION.—Section 301(a)(1) of the Federal Meat Inspection Act (21 U.S.C. 661(a)(1)) is amended by striking "solely for distribution within such State".

(b) USE OF STATE INSPECTORS.—Section 301(a) of such Act (21 U.S.C. 661(a)) is amended by adding at the end the following new paragraph:

"(5) In addition to appointing inspectors under section 21, the Secretary may enter into an agreement with a State or the District of Columbia to utilize an officer or employee of the State or the District of Columbia to conduct any examination, investigation, or inspection authorized under this Act, if the Secretary determines that it is practicable for the examination, investigation, or inspection to be so conducted.".

(c) TERMINATION OF DESIGNATION OF STATE AS SUBJECT TO FEDERAL INSPECTION FOR INTRASTATE DISTRIBUTION.—Section 301(c)(3) of such Act (21 U.S.C. 661(c)(3)) is amended by striking ", with respect to the operations and transactions within such State which are regulated under subparagraph (1), he" and inserting "with respect to each establishment within the jurisdiction of the State that does not operate under Federal inspection under title I and at which any cattle, sheep, swine, goat, or equine is slaughtered, or the carcass of the animal, or a part or product of the carcass of the animal, is prepared, for use as human food, and with respect to the distribution of each carcass, part of a carcass, meat, or meat food product of the animal within the State, the Secretary".

(d) EXPANSION OF STATE INSPECTION AUTHORITY.—Section 301 of such Act (21 U.S.C. 661) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) Except as provided in paragraph (2), a carcass, part of a carcass, meat, or meat food product of a cattle, sheep, swine, goat, or equine prepared under State inspection in a State (other than a State designated under subsection (c)) in compliance with the meat inspection law of the State shall be eligible for sale or transportation in interstate commerce, and for entry into and use in the preparation of a product in an establishment at which Federal inspection is maintained under title I, in the same manner and to the same extent as a product prepared at the establishment.

"(2) A State-inspected article described in paragraph (1), and a federally inspected article prepared (in whole or in part) from the State-inspected article—

"(A) shall not be eligible for sale or transportation in foreign commerce; and

"(B) shall be separated at all times from all other federally inspected articles in a federally inspected establishment that engages in the preparation, sale, or transportation of carcasses, parts of carcasses, meat, or meat food products, for foreign commerce.

"(3) Each carcass, part of a carcass, meat, or meat food product that is inspected in a program of inspection in a State (other than a State designated under subsection (c)) pursuant to State law shall be identified as so inspected only by an official mark that identifies the State and is of such design as the State shall prescribe. A federally inspected article prepared (in whole or in part) from the State-inspected article shall be identified as so inspected only by the same official mark as is prescribed by the Secretary for an article slaughtered or prepared under title I.

"(4) Except as provided in paragraph (5), the operator of an establishment operated under Federal or State inspection who wishes to transfer to State or Federal inspection, as the case may be, may do so only as of October 1 of any year. The transfer shall occur only if—

"(A) the operator provides written notice of the intention to transfer to both inspection agencies at least 180 days in advance of the date referred to in the preceding sentence; and

"(B) the Secretary determines that the transfer will effectuate the purposes set forth in section 2 and will not adversely affect the stability of the total State and Federal inspection systems.

"(5) The Secretary may permit the operator of an establishment to transfer from State to Federal inspection at any time if the operator presents clear and convincing evidence to the Secretary that the establishment intends to, and will be able to, engage in foreign commerce to a substantial extent in a manner that would require Federal inspection.

"(6) As used in this subsection, the term 'interstate commerce' means commerce between States or between a State and the District of Columbia.".

(e) PROHIBITION ON ADDITIONAL OR DIFFERENT STATE REQUIREMENTS.—Section 408 of such Act (21 U.S.C. 678) is amended to read as follows:

"SEC. 408. PROHIBITION ON ADDITIONAL OR DIFFERENT STATE REQUIREMENTS.

"(a) REQUIREMENTS RELATING TO ESTABLISHMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State or Territory or the District of Columbia may not impose a requirement within the scope of this Act with respect to the premises, facility, or operation of an establishment at which inspection is provided under title I that is in addition to, or different than, a requirement under this Act.

"(2) RECORDKEEPING REQUIREMENTS.—A State or Territory or the District of Columbia may impose a recordkeeping or other requirement within the scope of section 202, if the requirement is consistent with such section, with respect to an establishment.

"(b) REQUIREMENTS RELATING TO MARKING, LABELING, PACKAGING, AND INGREDIENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State or Territory or the District of Columbia may not impose a marking, labeling, packaging, or ingredient requirement that is in addition to, or different than, a requirement under this Act with respect to an article prepared at an establishment under Federal inspection in accordance with title I or with respect to an article prepared for commerce at a State-inspected establishment in accordance with section 301(d).

"(2) CONCURRENT JURISDICTION.—A State or territory or the District of Columbia may, consistent with this Act, exercise concurrent jurisdiction with the Secretary over an article distributed in commerce or otherwise subject to this Act, for the purpose of preventing the distribution for use as human food of an article that is not in compliance with this Act and is outside of a federally or State-inspected establishment, or in the case of an imported article, that is not at such an establishment, after the entry of the article into the United States.

"(c) EFFECT ON OTHER LAWS.—This Act shall not preclude a State or Territory or the District of Columbia from imposing a requirement or taking any other action, consistent with this Act, with respect to an area regulated under this Act that is not referred to in this section.".

SEC. 3. FEDERAL AND STATE COOPERATION UNDER THE POULTRY PRODUCTS INSPECTION ACT.

(a) REMOVAL OF INTRASTATE DISTRIBUTION LIMITATION.—Section 5(a)(1) of the Poultry Products Inspection Act (21 U.S.C. 454(a)(1)) is amended by striking "solely for distribution within such State".

(b) USE OF STATE INSPECTORS.—Section 5(a) of such Act (21 U.S.C. 454(a)) is amended by adding at the end the following new paragraph:

"(5) The Secretary may enter into an agreement with a State or the District of Columbia to utilize an officer or employee of the State or the District of Columbia to conduct any examination, investigation, or inspection authorized under this Act, if the Secretary determines that it is practicable for the examination, investigation, or inspection to be so conducted.".

(c) TERMINATION OF DESIGNATION OF STATE AS SUBJECT TO FEDERAL INSPECTION FOR INTRASTATE DISTRIBUTION.—Section 5(c)(3) of such Act (21 U.S.C. 454(c)(3)) is amended by striking ", with respect to the operations and transactions within such State which are regulated under subparagraph (1) of this paragraph (c), he" and inserting "with respect to each establishment within the jurisdiction of the State that does not operate under Federal inspection under this Act and at which any poultry is slaughtered, or any poultry product is processed, for use as human food, and with respect to the distribution of each poultry product within the State, the Secretary".

(d) EXPANSION OF STATE INSPECTION AUTHORITY.—Section 5 of such Act (21 U.S.C. 454) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) Except as provided in paragraph (2), a poultry product processed under State inspection in a State (other than a State designated under subsection (c)) in compliance with the poultry products inspection law of the State shall be eligible for sale or transportation in interstate commerce, and for entry into and use in the preparation of a product in an establishment at which Federal inspection is maintained under this Act, in the same manner and to the same extent as a poultry product processed at the establishment. A poultry product that complies with the poultry product inspection laws of the State (other than a State designated under subsection (c)) in which the product was processed shall be considered to comply with this Act.

"(2) A State-inspected poultry product described in paragraph (1), and a federally inspected poultry product processed (in whole or in part) from the State-inspected poultry product—

"(A) shall not be eligible for sale or transportation in foreign commerce; and

"(B) shall be separated at all times from all other federally inspected poultry products in a federally inspected establishment that engages in the processing, sale, or transportation of poultry products for foreign commerce.

"(3) A poultry product that is inspected in a program of inspection in a State (other than a State designated under subsection (c)) pursuant to State law shall be identified as so inspected only by an official mark that identifies the State and is of such design as the State shall prescribe. A federally inspected poultry product processed (in whole or in part) from a State-inspected poultry product shall be identified as so inspected only by the same official mark as is prescribed by the Secretary for a poultry product processed under this Act (other than this section or section 11).

"(4) Except as provided in paragraph (5), the operator of an establishment operated under Federal or State inspection who wishes to transfer to State or Federal inspection, as the case may be, may do so only as of October 1 of any year. The transfer shall occur only if—

"(A) the operator provides written notice of the intention to transfer to both inspection agencies at least 180 days in advance of the date referred to in the preceding sentence; and

"(B) the Secretary determines that the transfer will effectuate the legislative policy set forth in section 3 and will not adversely affect the stability of the total Federal and State inspection systems.

"(5) The Secretary may permit the operator of an establishment to transfer from State to Federal inspection at any time if the operator presents clear and convincing evidence to the Secretary that the establishment intends to, and will be able to, engage in foreign commerce to a substantial extent in a manner that would require Federal inspection.

"(6) As used in this subsection, the term 'interstate commerce' means commerce between States or between a State and the District of Columbia.".

(e) PROHIBITION ON ADDITIONAL OR DIFFERENT STATE REQUIREMENTS.—Section 23 of such Act (21 U.S.C. 467e) is amended to read as follows:

"SEC. 23. PROHIBITION ON ADDITIONAL OR DIFFERENT STATE REQUIREMENTS.

"(a) REQUIREMENTS RELATING TO ESTABLISHMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State or territory or the District of Columbia may not impose a requirement within the scope of this Act with respect to the premises, facility, or operation of an official establishment, that is in addition to, or different than, a requirement under this Act.

"(2) RECORDKEEPING REQUIREMENTS.—A State or territory or the District of Columbia may impose a recordkeeping or other requirement within the scope of section 11(b), if the requirement is consistent with such section, with respect to an establishment.

"(b) REQUIREMENTS RELATING TO MARKING, LABELING, PACKAGING, AND INGREDIENTS.—

"(1) IN GENERAL.—A State or territory or the District of Columbia may not impose—

"(A) except as provided in paragraph (2), a marking, labeling, packaging, or ingredient requirement that is in addition to, or different than, a requirement under this Act with respect to an article prepared at an establishment under Federal inspection in accordance with this Act or with respect to an article prepared for commerce at a State-inspected establishment in accordance with section 5(d); or

"(B) any other storage or handling requirement found by the Secretary to unduly interfere with the free flow of any poultry product in commerce.

"(2) CONCURRENT JURISDICTION.—A State or territory or the District of Columbia may, consistent with this Act, exercise concurrent jurisdiction with the Secretary over an article distributed in commerce or otherwise subject to this Act, for the purpose of preventing the distribution for use as human food of any article that is not in compliance with this Act and is outside of a federally or State-inspected establishment, or in the case of an imported article, that is not at such an establishment, after the entry of the article into the United States.

"(c) EFFECT ON OTHER LAWS.—This Act shall not preclude a State or territory or the District of Columbia from imposing a requirement or taking any other action, consistent with this Act, with respect to an area regulated under this Act that is not referred to in this section.".

SUMMARY OF S. 2062

SECTION 1

Establishes the short title of the Act as the "Meat and Poultry Products Inspection Amendments of 1994."

SECTION 2

Allows State inspected meat products to be sold or transported in interstate commerce.

Allows State inspected meat products to be used in the preparation of products processed in Federally inspected facilities.

Continues the export prohibition of State inspected meat.

Provides that transferring from Federal or State inspection to the other regulating body can only occur on October 1.

Prohibits different labeling requirements on State inspected meat products which flow in interstate commerce from Federal labeling requirements.

SECTION 3

Allows State inspected poultry products to be sold or transported in interstate commerce.

Allows State inspected poultry products to be used in the preparation of products proceed in Federally inspected facilities.

Continues the export prohibition of State inspected poultry.

Provides that transferring from Federal or State inspection to the other regulating body can only occur on October 1.

Prohibits different labeling requirements on State inspected poultry products which flow in interstate commerce from Federal labeling requirements.●

By Mr. GORTON:

S. 2063. A bill to amend the National Security Act of 1947 to provide for improved coordination of national counterintelligence policy, and for other purposes; to the Select Committee on Intelligence.

NATIONAL COUNTERINTELLIGENCE REFORM ACT

Mr. GORTON. Mr. President, I am introducing legislation today designed to improve significantly the framework for the coordination, integration, and review of the United States effort to counteract a continuing serious problem of espionage by Americans and others. I believe that this legislation complements legislation already introduced by the chairman and vice chairman of the Select Committee on Intelligence, S. 1948, the Counterintelligence and Security Enhancements Act of 1994.

In spite of a reordering of the world's balance of power, espionage against the national security and industrial security interests of the United States continues unabated. This espionage is being committed by current and former hostile nations, by some nations, friendly to the United States and by nongovernment entities operating in concert with their respective governments.

In the past 3 months, the country has been focused on the arrest of CIA employee Aldrich Ames and his wife as an indication that espionage is alive and, unfortunately, well. While I do not intend to dwell on that case, I will note that the damage done by Mr. Ames is serious. In addition, efforts by the CIA and FBI to detect Mr. Ames have been uneven, not as well coordinated as I believe were necessary and have taken too long to bring this case to conclusion. Nine years is unacceptable and reflects serious flaws in our counterintelligence and security policies and capabilities. The Ames case is only one indication of the lack of full and early cooperation and sharing among the agencies most responsible for guarding the country against foreign espionage.

During the 10-year period from 1974 to 1983, there were 23 arrests for espionage against the United States. During the past 10 years, however that number has more than doubled with 51 arrests, 45 of whom were American citizens who volunteered to sell classified information or who provided access to U.S. classified facilities for agents of foreign governments. Nor was the Ames case the first time a current or former CIA employee was arrested for espionage. In fact, Mr. Ames is the fifth current or former CIA employee arrested in the 10 years.

The cooperation between the CIA and FBI on many of these was excellent. On others, the failure of one agency to provide full and early access to information or on establishing priorities delayed arrest.

The overall increase in espionage arrests may be explained by more aggressive counterespionage actions by the CIA and FBI. but the increase may also identify the ineffectiveness of awareness efforts, earlier detection and deterrence. What is not known is the number of cases in which there was no arrest because of

During counterintelligence hearings before the Select Committee on Intelligence, it became apparent that cooperation among the agencies—especially the FBI and CIA—responsible for countering espionage, was totally inadequate. In their "Dear Colleague" letter requesting cosponsors for S. 1948, Senators DeConcini and Warner emphasized that "there has been a problem between the CIA and the FBI in terms of their cooperation on counterintelligence investigations." I would add to that by noting that this inadequate cooperation on counterintelligence matters extends to the Department of Defense as well.

These problems stem in part from the fact that the counterintelligence objectives and responsibilities of these respective agencies differ. The Central Intelligence Agency has responsibility for the development and protection of sources and methods to collect foreign intelligence. The Federal Bureau of Investigation has responsibility for law enforcement and for the investigation of espionage cases for possible prosecution. The Department of Defense Counterintelligence Program has responsibility for protecting DOD installations, material, operations, information and personnel from foreign intelligence and terrorist activities.

The lack of integration of these agencies and their variant objectives and responsibilities into coherent and coordinated national counterintelligence policies and programs is indicative of systemic shortcomings.

On a national policymaking level, the Director of the FBI and the Secretary of Defense report to the Director of Central Intelligence for all counterintelligence matters. This has been traditionally the case because counterintelligence and counterespionage has long been considered an element of intelligence. In my view, we should carefully reassess that notion: counterintelligence is also an important element of law enforcement.

A vivid statistic illustrating the tail waging the dog is in the area of counterintelligence budget. FBI's CI budget is 10 times that of the CIA and DoD's is 3½ times that of the CIA. Yet, CIA has been driving, or attempting to drive; national counterintelligence policy.

On the program level, the CIA runs a counterintelligence center [CIC] to analyze and counteract foreign intelligence efforts against the United States. The FBI has had only one officer located in the center and he recently was removed by the FBI because he was underutilized. This is hardly the reassurance of cooperation and coordination which we expect of these agencies.

NEED FOR REFORM

The counterintelligence and counterespionage apparatus of this country can and must be altered if it is to be effective. This is not only my view, but also apparently the view of the administration. Mr. President, I wish to submit for the Record a copy of a front page article in the April 26, 1994 edition of the Washington Post. This article cities a White House official and CIA's Director James Woosley as sources for information that the administration is considering wide-ranging reform of its counterintelligence policy and program structure.

The public and the Congress have not seen the shape of that structure. What we do know is that in the words of one White House official, it bears an amazing resemblance to the legislation I have been working on for several weeks and am now introducing. On major difference is that the administration wants to implement its reform through an Executive order. I am in favor of the force of law.

FEATURES OF REFORM

Mr. President, I shall summarize the principal features of this legislation. It would:

First, create a national policy and program framework to ensure an integrated and coordinated effort to counter espionage against the United States.

Second, establish a senior policy decision board, the National Counterintelligence Review Board [NCIRB] to review and approve United States counterintelligence policies and programs. In addition, the Board would serve as the final review authority for the proper and timely disposition of counterintelligence cases.

Third, the Board would consist of the Attorney General of the United States, who would serve as Chairman, the Secretary of Defense, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation. The NCIRB would report to the President through the National Security Council.

Fourth, establish a National Counterintelligence Program [NCIP] which will be administered by the National Counterintelligence Center [NCC]. The NCC would be responsible for providing a focused and coordinated national program to analyze and counter foreign intelligence efforts against the United States. The NCC would also prepare an integrated list of national counterintelligence threats for approval by the NCIRB.

Fifth, the NCC would consist of personnel from the Central Intelligence Agency, the Federal Bureau of Investigation and the Department of Defense. The Directorship and the Assistant Directorship of the NCC would rotate on a periodic basis between the Central Intelligence Agency and the Federal Bureau of Investigation. The NCC would be located within the Department of Justice. It would also provide staffing support to the NCIRB.

Sixth, the jurisdiction of the NCC would include foreign intelligence threats against the United States both domestically and against U.S. installations, personnel and information abroad.

Seventh, the Director of the NCC would be responsible for developing Government-wide foreign counterintelligence policy and for approving the allocation of resources to deal with the foreign intelligence threat.

Eighth, it would require individual agencies to continue with their counterintelligence responsibilities to protect agency information, equipment, operations and personnel.

Mr. President, I ask unanimous consent that an article from the Washington Post be included in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 26, 1994]

Plan Shifts CIA Tasks To FBI Staff, Changes Intended To Speed Detection of Foreign Spies

(By R. Jeffrey Smith and Pierre Thomas)

The White House, mediating a bitter dispute between the FBI and CIA over control of counterintelligence, is considering a plan that would transfer key spy-catching and policy-setting responsibilities from the CIA to senior FBI officials, according to administration officials.

A draft proposal worked out by the National Security Council staff—and described by officials as "broadly agreed" upon by representatives of the CIA, FBI and Justice Department in meetings last week—would institute a series of reforms meant to speed the early and efficient detection of foreign spies who have penetrated the U.S. government.

The proposal also is intended to soothe FBI and congressional anger over what senior U.S. officials have described as the CIA's failure for several years to share vital information with the FBI about the case of alleged spy Aldrich H. Ames and other potential spy cases.

The plan "would significantly alter the way [counterintelligence] policy will be developed, the way priorities would be decided, and establish a new structure for integrating" FBI and CIA operations to ensure that information flows smoothly between them, a White House official said.

The U.S. agencies involved in counterintelligence have been asked to submit their final comments on the plan this week, after which it will be presented to national security adviser Anthony Lake and President Clinton for their review. Several officials said an agreement in principle has been reached on the proposal but certain details are still being worked out.

The proposal would establish a national "center" headed by an FBI official to set overall policies on counterintelligence operations, including the use of polygraphs, the collection of information overseas and the training of spy-catching experts, the officials said.

No such center now exists, resulting in widely varying counterintelligence procedures at different federal agencies. An advisory group recently concluded in a report to the CIA and the Defense Department that the absence of uniform policies was wasteful and inhibited successful spy-catching operations.

The proposal also would require that the new policy-setting center report through an advisory group of senior government officials to the NSC staff at the White House, rather than to the CIA director.

In addition, the plan would put a senior FBI official in charge of investigating individual spy cases within the CIA's existing counterintelligence center, ensuring early FBI access to raw data—a primary FBI concern.

CIA Director R. James Woolsey said in an interview yesterday that he supports the plan to appoint "one or more" FBI agents to senior supervisory positions at the CIA's center.

"I think it will be the best way to ensure the teamwork that's essential" to finding spies among U.S. government employees, he said. "It will help with the handoff" to law enforcement authorities by CIA personnel charged with conducting an internal investigation of security leaks.

Officials said Woolsey's willingness to support the proposal marked a shift for the CIA, which has generally considered its counterintelligence center—and its case files—off-limits to outsiders. FBI officials have told lawmakers that an FBI agent appointed in 1991 to head the center's Soviet and East European counterintelligence group left in late 1993, before he had planned to, because he was denied access to documents and had little to do.

A senior CIA official and a counterintelligence source denied the allegation. But Woolsey confirmed that only three FBI agents have worked at the center since it was created in 1988 to manage counterintelligence operations throughout the government. Two of these agents worked solely on the Ames case, he said.

By supporting the appointment of FBI officials to high-ranking positions within the CIA center, Woolsey is trying to head off Senate legislation that he saw as ceding virtually all responsibility for counterintelligence enforcement matters to the FBI, officials said.

Under the new plan, the CIA center would remain under Woolsey's overall control. The CIA also would retain responsibility for conducting routine investigations of its own personnel, looking into internal security leaks and developing key counterintelligence leads through its network of officers and foreign agents stationed around the globe. But the center's office in charge of investigating individual spy cases would be run by an FBI agent.

During its month-long policy review, the NSC staff had to sort through sharply conflicting tales by the FBI and the CIA over the handling of past spy cases. One White House official said of the two agencies that "they are acting like two teenagers and raising incidents that go way back into past history."

For example, in the case of Ames, who worked on counterintelligence matters for the CIA, the FBI charged that the CIA improperly withheld information about Ames' difficulties with a 1991 polygraph exam, despite an agreement that year that the agencies would work together in tracking down any suspected mole inside the CIA.

Sen. Dennis DeConcini (D-Ariz.), chairman of the Senate intelligence committee, told reporters last week that "the FBI had the right, the absolute right" to see the polygraph tracings that indicated deception in 1991, but instead did not get access to them until 1993. He said the CIA's culture of "protectiveness and deniability" had interfered with its obligations to pursue the lead.

CIA officials blame the FBI for not asking earlier to see the tracings. They also have defended their cautious approach to counterintelligence cases by citing the need to maintain confidentiality about their sources of information and to avoid unfairly tarring employees with false accusations. FBI officials say that this secrecy can be excessive and runs counter to developing cases for criminal prosecution.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2064. A bill to expand the boundary of the Weir Farm National Historic Site in the State of Connecticut; to the Committee on Energy and Natural Resources.

WEIR FARM EXPANSION

Mr. LIEBERMAN. Mr. President, today I offer a bill to expand the boundary of the Weir Farm National Historic Site in the State of Connecticut. This language will authorize the National Park Service to acquire the last two remaining undeveloped parcels of the historic Weir Farm that remain in private ownership. It will not require additional funding authority or appropriations to do so.

While these parcels were a part of the historic Weir Farm and were identified as such when the State of Connecticut and the Trust for Public Land began acquiring the land that eventually became the Weir Farm National Historic Site, the Federal legislation that designated the site moved more quickly than the negotiations between the owners of the parcels in question, the State and the Trust for Public Land. Not wanting to include land from an owner who was unwilling to be so included within the boundaries of a National Park Site, the sponsors of the enabling legislation removed these parcels from the boundary maps.

The legislation I introduce today was prompted by a recent agreement between the owner of the land, the recent acquisition of the land by the Trust for Public Land, and the expressed interest by the National Park Service of acquiring the land. The funds to do so have already been appropriated, so no new funding authority or appropriations would be required.

Moving forward with this acquisition would preclude development of these last remaining privately owned undeveloped parcels. Because these parcels are directly in view of the most visited part of Weir Farm their undeveloped state is necessary to preserve the aesthetic integrity of the site. This will, in turn, ensure the continued evocation of the landscape as it was in the late 19th and early 20th century when it was painted by those—led by Weir—who became known internationally as the American Impressionists.

The J. Alden Weir National Historic Site is the only site in the National Park System to commemorate an American painter and it is Connecticut's only national park.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weir Farm National Historic Site Expansion Act of 1994".

SEC. 2. PURPOSE.

The purpose of this Act is to preserve the last remaining undeveloped parcels of the historic Weir Farm that remain in private ownership by including the parcels within the boundary of the Weir Farm National Historic Site.

SEC. 3. BOUNDARY ADJUSTMENT.

(a) ADJUSTMENT.—Section 4(b) of the Weir Farm National Historic Site Establishment Act of 1990 (104 Stat. 1171) is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the flush material below paragraph (2); and

(3) by adding at the end the following:

"(3) the approximately 2-acre parcel of land situated in the town of Wilton, Connecticut, designated as lot 18 on a map entitled 'Revised Map of Section I, Thunder Lake at Wilton, Connecticut, Scale 1"=100', October 27, 1978, Ryan and Faulds Land Surveyors, Wilton, Connecticut', that is on file in the office of the town clerk of the town of Wilton, and therein numbered 3673; and

"(4) the approximately 0.6-acre western portion of a parcel of land situated in the town of Wilton, Connecticut, designated as Tall Oaks Road on the map referred to in paragraph (3).".

(b) GENERAL DEPICTION.—Section 4 of such Act, as amended by subsection (a), is further amended by adding at the end the following:

"(c) GENERAL DEPICTION.—The parcels referred to in paragraphs (1) through (4) of subsection (b) are all as generally depicted on a map entitled 'Boundary Map, Weir Farm National Historic Site', dated March 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.".

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 2065. A bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing regulations under the act, and for other purposes; to the Committee on Environment and Public Works.

ANIMAL FAT AND VEGETABLE OILS DIFFERENTIATION

Mr. HARKIN. Mr. President, today I am introducing legislation, along with Senator LUGAR, that will clarify congressional intent regarding the regulation of animal fats and vegetable oils under provisions of the Oil Pollution Act of 1990, which amended the Federal Water Pollution Control Act.

The interpretation of these provisions is of critical importance to agriculture and to the entire food processing, transportation, and distribution system. This legislation is necessary to ensure against burdensome and unnecessary regulatory actions by Federal agencies based on interpreting the Oil Pollution Act to impose on nontoxic and relatively harmless animal fats and vegetable oils rules similar to the stringent requirements applicable to toxic and hazardous petroleum oils and products.

Congress enacted the Oil Pollution Act of 1990 in direct response to several catastrophic petroleum oilspills in order to reduce the risk of oilspills, improve oilspill response capabilities, and minimize the impact of oilspills on the environment. That act requires owners and operators of vessels and facilities handling oil posing a substantial risk of harm to the environment in the event of a spill to prepare and submit response plans to Federal agencies and establishes additional requirements relating to the handling and transportation of oil.

Common sense tells us that the risk posed to the environment by animal fats and vegetable oils—which are essential components of food products we eat every day—is far less than that posed by petroleum oil and products. The available scientific evidence shows that animal fats and vegetable oils are not toxic to the environment, are essential components of human and wildlife diets, are readily biodegradable, and are not persistent in the environment.

Spills of animal fats and vegetable oils are also relatively infrequent and small in quantity. Such spills accounted for less than 1 percent of oilspills in and around U.S. waters between 1986 and 1992, and were generally very small in quantity, with only 13 spills of more than 1,000 gallons in that period.

Moreover, the types of response actions appropriate to a petroleum oilspill might well increase, rather than lessen, the impact of an animal fat or vegetable oilspill on the environment. For example, attempting to remove a typically small quantity of spilled animal fat or vegetable oil from a wetland would likely cause more environmental damage than the presence of the spilled substance in the environment alone.

Nevertheless, last year the Department of Transportation's Research and Special Projects Agency sought to classify animal fats and vegetable oils as hazardous materials in the same manner as petroleum oils. That approach was abandoned only after the affected industries mounted a strong effort and after Members of Congress, including Senator LUGAR and me, wrote to the agency emphasizing that it was never the intent of Congress to subject animal fats and vegetable oils to the same regulations as apply to hazardous materials.

Despite this action in the Department of Transportation, there are still pending before several Federal agencies regulations under the Oil Pollution Act that would treat nontoxic, biodegradable oils, such as corn and soybean oils, beef tallow, and fish oil similarly to highly toxic petroleum oils. If these agencies proceed with regulations imposing requirements on animal fats and vegetable oils similar to those covering petroleum oils, processors, transporters, and users of animal fats and vegetable oils will be forced to comply with costly, burdensome, unnecessary—and indeed often counterproductive—requirements that are appropriate only for toxic oils. Ultimately, farmers, livestock producers, and consumers will bear the cost of such overregulation.

Even if all of the agencies are eventually persuaded not to finalize these pending regulations, a large amount of effort and resources are likely to be expended in successive and duplicative appeals to reason and common sense before each of the several agencies involved.

The legislation we are introducing today would reduce the potential for burdensome and unnecessary regulatory actions by directing Federal agencies to differentiate between animal fats, oils and greases, fish and marine mammal oils, or oils of vegetable origin, and other oils and greases, including petroleum. In differentiating between these classes, agencies would be required to consider differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

The legislation would not exempt animal fats, vegetable oils, or fish oils from appropriate oilspill prevention and response regulations. It would merely require that agencies develop any such regulations on the basis of the particular physical, chemical, biological, and other properties of these substances and their effects on the environment. Again, the problem here is the threat of sweeping, undiscriminating agency actions that would carelessly impose unnecessary regulatory burdens by treating all of these substances in a manner similar to petroleum. This legislation would simply require agencies to undertake a reasonable, commonsense analysis before regulating. That is certainly no more than we should expect of any agency.

I urge my colleagues to support this important legislation. I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIFFERENTIATION AMONG FATS, OILS, AND GREASES.

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended by adding at the end the following new subsection:

"(t) FATS, OILS, AND GREASES.—

"(1) IN GENERAL.—In issuing or enforcing any regulation, or any interpretation or guideline, relating to a fat, oil, or grease under this Act or any other Federal law, each of the President, the Administrator, and the head of any Federal agency shall differentiate between—

"(A)(i) animal fats and oils and greases, and fish and marine mammal oils, within the meaning of paragraph (2) of section 61(a) of title 13, United States Code; or

"(ii) oils of vegetable origin, including oils from the seeds, nuts, and kernels referred to in paragraph (1)(A) of such section; and

"(B) other oils and greases, including petroleum.

"(2) CONSIDERATIONS.—In differentiating between the class of fats, oils, and greases described in paragraph (1)(A) and the class of oils and greases described in paragraph (1)(B), each of the President, the Administrator, and the head of the Federal agency shall consider differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes.".

Mr. LUGAR. Mr. President, I am pleased to join Senator HARKIN in introducing legislation aimed at encouraging regulatory common sense. I would like to give my colleagues a bit of background so they will understand why it is needed.

In the spring of 1993, the Transportation Department proposed regulations to guard against oilspills, and require response plans if spills did occur. To the amazement of some of us, DOT proposed to treat vegetable oils—that is, salad oils—in the same way as petroleum. Among other things, salad oils would have been officially declared hazardous materials, with all the regulatory requirements and extra costs which that designation entails.

This was so classic an example of regulatory overreaching that it was almost comic. Some of us pointed out that vegetable oil is not the same thing as petroleum: You do not put vegetable oil in your car. We also pointed out that vegetable oil processors thought it entirely appropriate that they undertake response plans to guard against major spills—the industry was not arguing that they should be exempt from regulation.

The industry was, however, saying that regulators should take into account the obvious differences—in toxicity, biodegradability, environmental persistence, and other factors—between vegetable oils and animal fats on the one hand, and petroleum oils on the other. It made no sense for vegetable oils to be subject to a set of regulations as stringent as those for petroleum oils.

Fortunately, Secretary Peña eventually agreed with us and DOT modified its position. More recently, however, the industry has been working with other agencies which also have a role in regulating oils to prevent spills.

No one is any longer proposing to call salad oil hazardous material. Some agencies are, however, requiring that spill response plans for vegetable oils be quite similar in many respects to those for petroleum.

In one case—that of the U.S. Coast Guard—the industry has been debating an agency that reports to Secretary Peña. Mindful of his role last year, 13 of my colleagues and I wrote the Secretary last month asking him to resolve the situation.

The Secretary does not, however, have jurisdiction over all the several agencies that have some role in regulating oilspills. Therefore, the bill we introduce today will give all executive agencies a common direction from Congress.

This bill does not tell the Coast Guard or any other agency what it must put into regulations. That is not our business or our expertise. The legislation simply says that in rulemaking under the Federal Water Pollution Control Act or the Oil Pollution Act of 1990, these agencies must differentiate between vegetable oils and animal fats on the one hand, and other oils including petroleum on the other.

The bill specifies that the agencies should consider differences in the physical, chemical, biological or other properties, and the environmental effects of these oils. Again, it does not say exactly how the agencies must differentiate among oils, merely that they should do so.

Mr. President, let me say clearly that this bill does not exempt vegetable oils from the Oil Pollution Act of 1990 or any other statute. It is simply a modest effort to encourage common sense in an area of regulation that has not always been marked by that characteristic. I hope my colleagues will join Senator HARKIN and me as cosponsors.

By Mr. DASCHLE (for himself and Mr. PRESSLER):

S. 2066. A bill to expand the Mni Wiconi Rural Water Supply Project, and for other purposes; to the Committee on Energy and Natural Resources.

MNI WICONI RURAL WATER PROJECT LEGISLATION

Mr. DASCHLE. Mr. President, today I am proud to introduce legislation to expand the Mni Wiconi rural water project to include the Rosebud and Lower Brule Sioux Reservations. Water is a basic requirement of life. For too long both Indian and non-Indian people in this region of the State have suffered the public health risks that come from inadequate and contaminated water supplies. It is my hope that, with the construction of the Mni Wiconi rural water project, including those areas that would be added with this legislation, many of the water quality problems of the past can be solved, and the people relying on this project can have their hopes for a better life fulfilled.

The Mni Wiconi project represents an important partnership between Indian and non-Indian communities who share common needs. In authorizing the project in 1988, Congress recognized that "serious problems in water quantity and water quality exist in the rural counties of Haakon, Jackson, Jones, Lyman, Mallette, Pennington, and Stanley Counties." Given those water quality problems, Congress further noted in the act that the residents of these counties deserve "the best available, reliable, and safe rural and municipal water supply."

For those counties, the Mni Wiconi project will accomplish that purpose. It will provide a source of safe and clean water that is long overdue in this region of the State.

It has become apparent, however, that all the drinking water needs of this economically challenged region of South Dakota will not be met under the existing project. Many residents of south-central South Dakota will continue to lack safe and clean supplies of drinking water.

The lack of safe drinking water supplies in that part of South Dakota continues to contribute to the transmission of hepatitis A, shigella, impetigo, and other diseases. While the high incidence of these diseases on the Pine Ridge Reservation have been well documented, that reservation is not unique. The 1990 American Journal of Public Health article, "Hepatitis Transmission Among the Sioux Indians of South Dakota," notes similar problems on the Rosebud Reservation and concludes by stating that:

> On Indian reservations, as well as in other parts of the United States, hepatitis A has significant human and economic impact, both in terms of morbidity and occasional mortality and in diverting of public resources from other priorities when outbreaks occur. For the immediate future, outbreaks will probably continue to occur on the South Dakota and other Indian reservations.

To help alleviate these health risks, it is crucial to ensure the access to safe drinking water supplies to those living in this region of South Dakota. The State and all those involved in the project support the inclusion of the Rosebud and Lower Brule Tribes. I hope my colleagues will join me supporting this well-deserved expansion of the Mni Wiconi project.

Mr. PRESSLER. Mr. President, today I am joining my colleague from South Dakota, Senator DASCHLE, in introducing new authorization language for the Mni Wiconi rural water system. The purpose of this legislation is to include the Lower Brule and Rosebud Reservations in the water system and to authorize the funds needed to complete the project.

Last year was a milestone for the Mni Wiconi rural water system. In Wall, SD, there was a groundbreaking ceremony for the Mni Wiconi water system. That event represented yet another step toward achieving safe, clean, drinking water in South Dakota. I commend the South Dakotans working on this project for their hard work and dedication.

The Mni Wiconi water project will greatly improve the lives of more than 40,000 South Dakotans. The Mni Wiconi rural water system is vital to ensure the health and economic viability of those who will be served by the project when it is completed.

I have supported this project since its inception. I will continue working to ensure that Federal funding is made available to complete the Mni Wiconi water project.

For my colleagues who are unaware of the conditions on these reservations, I want to inform them that need is critical. In areas that will be served, much of the drinking water is substandard. In many of these areas there is simply no drinking water. It may be hard to imagine, but thousands of South Dakotans must drive many miles for bottled water and they must have their water transported by truck.

More importantly, several counties that are covered by the Mni Wiconi rural water system are among the poorest counties in the Nation. Shannon County on the Pine Ridge Reservation is the poorest county in the country. Nearly two-thirds of all persons living on the Pine Ridge Reservation have incomes below the poverty level.

Mr. President, the legislation being introduced today will provide the authority needed to see that this system will become a reality. As I stated earlier, it brings into the system another two reservations in South Dakota. I urge my colleagues to support passage of this bill.

By Mr. MCCAIN (for himself, Mr. STEVENS, Mr. COCHRAN, and Mr. CAMPBELL):

S. 2067. A bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services.

ASSISTANT SECRETARY FOR INDIAN HEALTH LEGISLATION

Mr. McCAIN. Mr. President, today I am introducing legislation to designate the Director of the Indian Health Service to be an Assistant Secretary for Indian Health at the Department of Health and Human Services. I am pleased that Senators STEVENS, COCHRAN, and CAMPBELL have joined with me as cosponsors of this legislation.

I am also pleased to note that this legislation has the support of the Navajo Nation, the Port Gamble S'Klallam Tribe, the Ely Shoshone Tribe, the Makah Tribal Council, the Ramah Navajo School Board, the Grand Traverse Band of Ottawa and Chippewa Indians, the All Indian Pueblo Council, the Leech Lake Tribal Council, the Colorado River Indian Tribe, the Seattle Indian Health Board, and the National Indian Health Board.

Mr. President, when Louis Merriam issued his report in 1928 publicizing the deplorable living conditions on Indian reservations, he stated that the "promotion of health and the relief of the sick are functions of such extreme importance that they always merit first consideration * * *. But taken as a whole practically every activity undertaken by the national government for the promotion of the health of the Indians is below a reasonable standard of efficiency."

Sadly, those words still haunt Indian people today. Unfortunately, it doesn't seem to matter whether the administration is Democrat or Republican, the attention given to Indian health care needs has been nothing less than a national disgrace.

Like Indian leaders throughout the country, I am appalled at the President's budget request for fiscal year 1995 for the Indian Health Service [IHS]. The President's budget request calls for reducing the IHS budget by $247 million. After the budge gimmicks are eliminated, such as the ridiculous assumption that the IHS will be able to increase third party collections by 463 percent, the budget cuts surpass $300 million. In addition, even though the IHS is already severely understaffed, the president's budget calls for eliminating nearly 2,000 IHS staff positions over the next 2 years. I find it quite ironic that this administration, which has emphasized the need for health care reform and has repeatedly warned the American people that this country is facing a health care crisis, has recommended a budget that would literally devastate the ability of the IHS to address the health care needs of native Americans.

Given the fact that American Indians and Alaska Natives continue to bear an increased burden of illness and premature mortality compared to other U.S. populations, how is it possible that the Public Health Service [PHS], the Department of Health and Human Services [HHS], and the Office of Management and Budget [OMB] could be so insensitive and uncaring? I believe one of the reasons is that the department does not have a senior policymaker who is knowledgeable about Indian health care needs and concerns. As a result, more concern is placed on budget numbers than on equipping IHS to meet the health care needs of Native Americans.

The IHS is currently an agency under PHS within the Department. Under the present organizational structure, the authority of the IHS director is equivalent to that of a midlevel manager. The bureaucratic chain of command requires the IHS director to report directly to the Assistant Secretary for Health. Consequently, much of the director's time and energy is spent fighting through layers of bureaucracy to simply maintain existing levels of health care. Evidence of this is clearly seen in the following budget chart which tracks the history of the fiscal year 1995 budget request:

HISTORY OF FISCAL YEAR 1995 REQUEST—INDIAN HEALTH SERVICE

	Request to PHS	Request to DHHS	Request to OMB	Request to Congress
SERVICES				
Fiscal year 1993 appropriation	1,524,990	1,524,990	1,524,990	1,524,990
Fiscal year 1994 President's budget	1,600,851	1,600,851	0	0
Fiscal year 1994 House allowance	0	0	1,652,394	0
Fiscal year 1994 appropriation	0	0	0	1,646,088
Fiscal year 1994 built-in increases	83,002	68,499	70,851	82,742
Fiscal year 1994 annualization:				
Belcourt, ND, Hospital	1,089	1,089	1,089	1,089
Crow, MT, Hospital	4,326	4,326	4,326	4,326
Tahatchi, NM Hlth Ctr	3,354	3,354	3,354	3,354
Stilwell, OK, Hlth Ctr	2,742	2,742	2,742	2,742
Subtotal—annualization	11,511	11,511	11,511	11,511
Subtotal built-in increases	94,513	80,010	82,362	94,253
FY 1995 program increases staffing new facilities:				
Shiprock, NM Hospital	7,812	7,812	5,956	0
Kotzebue, AK Hospital	4,265	4,265	3,965	0
Subtotal—new facilities	12,077	12,077	10,921	0
Population growth	23,831	14,874	0	0
Women health	10,000	10,000	0	0
Contract support cost shortfall	8,000	8,000	0	0
Contract health care	9,000	9,000	0	0
Loan repayment	5,000	10,000	0	0
Alcohol aftercare	3,000	11,000	0	0
Hard-core substance abuse	0	0	0	10,400
Child abuse	2,500	0	0	0
Emergency medical services	1,500	0	0	0
Additional appeal items				
Population growth	12,335	0	0	0
Contract health care	30,483	0	0	0
Mental health	10,000	0	0	0
Hlth prevention disease prevention	5,000	0	0	0
Public health nursing	10,000	0	0	0
Dental	10,000	0	0	0
Elder health	5,000	0	0	0
Tribal management	4,000	0	0	0
Unmet needs (H&HC)	48,700	0	0	0
Self governance	8,000	0	0	0
Nutrition	6,960	0	0	0
Health education	5,265	0	0	0
Direct operations	6,217	0	0	0
Contract health support costs	26,000	0	0	0
Community health representatives	3,700	0	0	0
Urban	1,300	0	0	0
Diabetes	0	5,000	0	0
National medical expenditure survey	0	4,000	4,000	0
Absorption of built-in increases	0	0	0	(90,094)
Administrative reduction	0	0	(9,319)	(9,319)
Comparative transfer of facilities space (from facilities to H&HC)	0	0	0	5,977
Program transfer to be funded by private insurance	0	0	0	(86,000)

HISTORY OF FISCAL YEAR 1995 REQUEST—INDIAN HEALTH SERVICE—Continued

	Request to PHS	Request to DHHS	Request to OMB	Request to Congress
Total—services request	1,963,232	1,764,812	1,740,358	1,571,305
FACILITIES				
Fiscal year 1994 appropriation	333,640	333,640	333,640	333,640
Fiscal year 1994 President's budget	279,269	279,269	0	0
Fiscal year 1994 House allowance	0	0	296,997	0
Fiscal year 1994 appropriation	0	0	0	296,982
Fiscal year 1994 built-in increases	2,862	3,548	3,807	4,247
Fiscal year 1994 annualization:				
Belcourt, ND, Hospital	131	131	131	131
Subtotal built-in increases	2,993	3,679	3,938	4,378
Fiscal year 1995 program increases:				
Kotzebue quarters	16,400	16,400		
Ft. Belknap/Hays, MT, Clinic	9,000	9,000		
Spokane YRTC	2,780	2,780		
Environmental assessment	5,000	5,000		
Alaska Native Medical Center			17,000	
Maintenance and improvement				0
Population growth	1,169	745		
Injury prevention	1,117	10,000		
Additional appeal items:				
Environmental assessments	3,000			
Ft. Belknap hlth. care fac's.	7,699			
Alcohol rehab. facilities	3,000			
Injury prevention	3,883			
Absorption of built-in increases				(4,378)
Administrative reductions			(1,081)	(1,081)
Deduct hlth. care fac's. constr.	(75,000)	(75,000)	(78,676)	(80,184)
Deduct sanitation facilities				(85,051)
Facilities space transfer to H&C				(5,977)
Total—Facilities request	260,310	251,873	238,178	124,689
Total—Indian Health Service	2,223,542	2,016,685	1,978,536	1,695,994

At a time when Indian leaders are asking that the deplorable health conditions existing on Indian reservations today be recognized and made the basis of policy and action, PHS, HHS, and OMB collectively responded by reducing the budget level proposed by the IHS by over a half billion dollars.

Mr. President, it's time PHS, HHS, and OMB get the message. Indian people should not be treated as second-class citizens. In order to ensure that Indian health care needs and concerns are given the attention they deserve, I believe it has become necessary to designate the IHS director as an Assistant Secretary of Indian Health at HHS. I see four advantages to establishing the position of Assistant Secretary for Indian Health.

First, an Assistant Secretary for Indian Health would provide better representation during the budget process. Currently, the IHS director reports directly to the Assistant Secretary for Health. As seen in the chart above, the concern for Indian health care needs dramatically decreased as the IHS budget was reviewed by the PHS, HHS, and OMB.

Second, an Assistant Secretary for Indian Health would eliminate unnecessary bureaucracy and permit quicker decisionmaking on Indian health care issues. In addition, the Assistant Secretary would have the stature to communicate directly with the other operating divisions within the department in requesting their expertise and assistance on Indian health issues such as alcohol and substance abuse, HIV/AIDS, and child abuse. Currently, the IHS director must forward such requests through the Assistant Secretary for Health.

Third, an Assistant Secretary for Indian Health would have the ability to call on private sector organizations that have not traditionally focused on Indian health care needs and concerns, but who have the expertise and resources that can enhance IHS' ability to deliver the highest quality of health care, or to provide technical assistance to Indian tribes who choose to operate their own health care programs.

Fourth, an Assistant Secretary for Indian Health would reaffirm the special relationship between Indian tribes and the United States. At a time when the Nation is focused on health care reform, it is imperative that we not lose focus on the health care needs and concerns of the Indian people.

I also want to call attention to section 2 of the bill which provides for the organizational independence of the IHS within HHS. This section is necessary because the IHS is currently an agency of PHS which is headed by the Assistant Secretary for Health. Creating an Assistant Secretary for Indian Health will require relocating the IHS to the same organizational level as the PHS.

Section 2 also makes it clear that this bill is not intended to diminish the ability of the IHS to utilize the services of the U.S. Public Health Service Commissioned Corps. While I do not believe HHS would actually prohibit the IHS from continuing to utilize Commissioned Corps personnel in the delivery of health care to the Indian people, however in light of the serious budget and staff reductions recommended by the administration I feel compelled to insert bill language clearly stating the intent of Congress on this particular matter.

Mr. President, I ask unanimous consent that a copy of a letter from Navajo Nation President Peterson Zah and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2067

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health.

(b) ASSISTANT SECRETARY OF INDIAN HEALTH.—In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services may designate.

(c) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer the Assistant Secretary for Indian Health.

(d) RATE OF PAY.—(1) Section 5315 of title 5, United States Code, is amended by striking the following:

"Assistant Secretaries of Health and Human Services (5).";

and inserting the following:

"Assistant Secretaries of Health and Human Services (6).".

(2) Section 5316 of such title is amended by striking the following:

"Director, Indian Health Service, Department of Health and Human Services.".

(e) CONFORMING AMENDMENTS.—(1) Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661) is amended—

(A) in the second sentence of subsection (a), by striking "a Director," and inserting "the Assistant Secretary for Indian Health,";

(B) in the fourth sentence of subsection (a), by striking "the Director" and inserting the Assistant Secretary for Indian Health";

(C) by striking out the fifth sentence of subsection (a); and

(D) by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health".

(2) The following provisions are amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health":

(A) Section 816(c)(1) of the Indian Health Care Improvement Act (25 U.S.C. 1680f(c)(1)).

(B) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761b(a)(1)).

(C) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377(b), (e)).

(D) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-2(d)(1)).

SEC. 2. ORGANIZATION OF INDIAN HEALTH SERVICE WITHIN DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) ORGANIZATION.—Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661), as amended by section 1(e)(1), is further amended—

(1) by striking out "within the Public Health Service of the Department of Health and Human Services" each place it appears and inserting "within the Department of Health and Human Services"; and

(2) in the second sentence of subsection (a), by striking out "report to the Secretary through the Assistant Secretary for Health of the Department of Health and Human Services" and inserting "report to the Secretary".

(b) CONFORMING AMENDMENT.—The section heading of such section is amended by striking the following:

"ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE";

and inserting the following:

"ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF DEPARTMENT OF HEALTH AND HUMAN SERVICES".

(c) UTILIZATION OF PUBLIC HEALTH SERVICE PERSONNEL.—Nothing in this section shall be interpreted as terminating or otherwise modifying any authority providing for the utilization by the Indian Health Service of officers or employees of the Public Health Service for the purposes of carrying out the responsibilities of the Indian Health Service. Any officers or employees so utilized shall be treated as officers or employees detailed to an executive department under section 214(a) of the Public Health Service (42 U.S.C. 215(a)).

THE NAVAJO NATION,
Window Rock, AZ, April 29, 1994.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: In response to your letter dated March 8, 1994, the Navajo Nation endorses your proposal that would elevate the Indian health Services Director to the level of an Assistant Secretary of Health. By doing so, we believe this measure would alleviate the Administration's many misunderstandings of the Indian Health Service (IHS) and its delivery of health care services to American Indians and Alaska Natives. It would also extend the opportunity for the IHS director to actively participate in developing the IHS budget, thus, it would enlace dialogue between the Administration and Indian tribes that would be more responsive to tribal needs and concerns.

As you are aware, the Navajo Nation opposes the Administration's proposed FY 1995 IHS budget. Current examples of the lack of visibility and participation of IHS abound in the concurrent budget.

The Navajo Nation recognizes the mounting pressures of budget limits and government downsizing that would potentially devastate the IHS and health care services to Indian people. The Executive directives explicitly reduced the Full-Time Equivalent (FTE) of IHS, which is less than two percent of the entire Department of Health and Human Services budget, yet IHS is absorbing almost 40 percent of the FTE reductions. The FTE reductions come at an unfortunate time because the IHS is scheduled to open two new health facilities in Shiprock and Tohatchi, New Mexico. These health facilities will be partially staffed and the Navajo people will again be further underserved. Moreover, the FY 1994 and 1995 FTE reductions harshly impact Navajo employment, since the IHS is one of the Major employers on the Navajo Reservation. If the IHS director were at the policy making level of the department to reaffirm tribal interests, we believe these incidences could have been clarified and analyzed from a realistic perspective.

I assure you that other American Indian leaders appreciate and support your proposal. It can only contribute to the health care of American Indians and Alaska Natives.

Sincerely,

PETERSON ZAH,
President.

By Mr. PRESSLER (for himself, Mr. DASCHLE, Mr. GRASSLEY, Mr. HARKIN, and Mr. DURENBERGER):

S. 2068. A bill to authorize the construction of the Lewis and Clark rural water system and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

LEWIS AND CLARK RURAL WATER SYTEM

Mr. PRESSLER. Mr. President, today I am introducing legislation that authorizes construction of the Lewis and Clark rural water system. This system, when complete, will provide adequate quantities of safe drinking water for hundreds of communities in southeastern South Dakota, northwestern Iowa, and southwestern Minnesota.

Joining me in introducing this legislation are Senators DASCHLE, DURENBERGER, GRASSLEY, and HARKIN.

Mr. President, water development is a health issue. Water development is an economic development issue. Finally, it is a rural development issue.

The ability of rural America to survive and grow is related directly to its ability to provide safe and adequate supplies of drinking water. Without a reliable supply of water, these areas cannot attract new businesses and create jobs. The creation of jobs is a paramount issue to a rural State like South Dakota. The Lewis and Clark rural water system will help assure future job growth in the areas served.

Since first coming to Congress, I have fought continually for the development of South Dakota water projects, particularly those providing water for municipal and industrial uses. In return for the sacrifices South Dakotans made for the construction of the dams and reservoirs along the Missouri River, the Federal Government made a commitment to South Dakota. That commitment was to support water development in the State. Approval of this water project will help meet this commitment.

I am proud of the citizens of South Dakota who have worked extremely hard on this project. In fact, several South Dakotans were in Washington last Wednesday to show their support for and commitment to seeing this project become a reality. Although these South Dakotans are not here today for the bill's introduction, the bill represents their hard work. I commend them for these efforts.

Nothing is more important to the health of South Dakota's ranchers, farmers, small businesses, and people living in towns and cities than the availability of safe drinking water. This is important equally to the millions of visitors and tourists who come to South Dakota each year. The bill I am introducing today will see that future water needs are met.

Mr. President, in this day and age of fiscal cutbacks, projects promoting Public health and safety deserve special consideration. The Lewis and Clark rural water system is the only feasible means of ensuring that future supplies of good quality water will be available. The system will serve over 180,500 people.

My goal is to see South Dakotans from border to border enjoy clean safe drinking water. It becomes difficult for rural communities and residents to maintain a healthy standards of living if they do not have access to good quality drinking water. This bill is a major step toward achievements of this goal.

Mr. President, the area that will be served by this project represents the best of America. It is part of America's breadbasket. Sioux Falls was rated recently as the No. 1 city in America. This water project will help assure the future growth and prosperity of Sioux Falls and the many other communities it will serve.

America and the world rely on U.S. farmers and ranchers to provide the food we eat. Rural America must be able to grow and prosper. Rural America must be able to maintain a standard of living comparable to that enjoyed by urban America.

Working together we can ensure that every South Dakotan has access to dependable, high-quality drinking water.

For growth and prosperity, we must be able to utilize our most precious natural resource—water.

Mr. President, I urge my colleagues to support this bill.

Mr. DASCHLE. Mr. President, I join my colleague, Senator PRESSLER, in introducing legislation to authorize the Lewis and Clark rural water system. The Lewis and Clark rural water system is seeking authorization for the construction of a rural water system to provide clean water to southeastern South Dakota, northwestern Iowa, and southwestern Minnesota.

The need for this project is clear. In Sioux Falls, and in the rural counties that rely on Sioux Falls as a center of economic growth, we are now face to face with water shortages. Population growth is outstripping existing supplies of clean water.

Despite heroic efforts by the city of Sioux Falls to conserve water, supplies are not keeping up with demand. Sioux Falls has imposed water restrictions every year since 1987. Water rights for the Big Sioux aquifer, which supplies water to Sioux Falls, have been committed. Therefore, Sioux Falls has been forced to explore other long-term options. Similar problems exist in the nearby rural counties in southeastern South Dakota, Iowa, and Minnesota, areas where water use restrictions are not uncommon. Unless the water supply problem is resolved, it could affect the long-term growth and development of the city.

Not only are there shortages of water, but much of the water that currently supplies the area is contaminated with high levels of iron, manganese, sulfate, and total dissolved solids. In many cases, drinking water is at or above EPA limits, leading to concern over public health in those areas.

There is a solution: The people of this region can tap the enormous resources of the Missouri River to provide long-term public health and economic development benefits. But they cannot do this alone. It will require a partnership between local, State, and Federal Governments.

With the Missouri River carrying billions of gallons of water by this area each year, I am reminded of the ironic line "water, water everywhere, but not a drop to drink." With the construction of the Lewis and Clark system to convey Missouri River water to the people of this region, that irony will cease. Impacts of this project on the flow of the Missouri River will be negligible. Nearly all the water would be returned to the Missouri River via the James, Vermillion, Big Sioux, Little Sioux, Rock, and Floyd Rivers.

In conclusion, there is a strong need for this project throughout the three-State area. The water supply shortages, the poor water quality, and the need to allow this region to grow economically, all demand that a solution be found that allows the people of this region access to clean, safe drinking water. The Lewis and Clark project is a sensible and timely answer to those needs. I encourage my colleagues to lend their support to this project in hopes that Congress will authorize its construction in the near future.

ADDITIONAL COSPONSORS

S. 79

At the request of Mr. DECONCINI, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 79, a bill to restore public confidence in the performance and merits of elected officials and Federal employees.

S. 978

At the request of Mr. BAUCUS, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 978, a bill to establish programs to promote environmental technology, and for other purposes.

S. 1266

At the request of Mr. MACK, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1266, a bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid Program, and for other purposes.

S. 1460

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Illinois [Mr. SIMON] and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 1460, a bill to amend the Elementary and Secondary Education Act of 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention.

S. 1472

At the request of Mr. SIMON, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 1472, a bill to provide financial assistance to rural eligible local educational agencies to improve rural education, and for other purposes.

S. 1669

At the request of Mrs. HUTCHISON, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 1693

At the request of Mr. REID, the names of the Senator from Utah [Mr. HATCH] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1693, a bill to amend the Internal Revenue Code of 1986 to delay the effective date for the change in the point of imposition of the tax on diesel fuel, to provide that vendors of diesel fuel used for any nontaxable use may claim refunds on behalf of the ultimate users, and to provide a similar rule for vendors of gasoline used by State and local governments.

S. 1805

At the request of Mr. WARNER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1924

At the request of Mr. HATCH, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1924, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 1943

At the request of Mrs. KASSEBAUM, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1943, a bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

S. 1975

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1975, a bill to establish a grant program to restore and preserve historic buildings at historically black colleges and universities, and for other purposes.

S. 1976

At the request of Mr. DODD, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 1979

At the request of Mrs. MURRAY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1979, a bill to require employers to post, and to provide to employees individually, information relating to sexual harassment that violates title VII of the Civil Rights Act of 1964, and for other purposes.

S. 1986

At the request of Mr. BREAUX, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1986, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing.

S. 2029

At the request of Mr. BREAUX, the names of the Senator from Maine [Mr. MITCHELL] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 2029, a bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters.

SENATE JOINT RESOLUTION 168

At the request of Mr. ROBB, the names of the Senator from Michigan [Mr. LEVIN], the Senator from North Carolina [Mr. HELMS], the Senator from Colorado [Mr. BROWN], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 168, a joint resolution designating May 11, 1994, as "Vietnam Human Rights Day."

SENATE JOINT RESOLUTION 172

At the request of Mr. DOLE, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 172, a joint resolution designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the names of the Senator from Nevada [Mr. REID] and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. SIMON, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], the Senator from Ohio [Mr. GLENN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Florida [Mr. GRAHAM], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Joint Resolution 181, a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

SENATE RESOLUTION 148

At the request of Mr. SIMON, the names of the Senator from Kentucky [Mr. FORD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Resolution 148, a resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

SENATE RESOLUTION 208—RELATING TO MAMMOGRAPHY SCREENING

Mr. COHEN (for himself and Ms. MIKULSKI, Mrs. HUTCHISON, Mr. GRASSLEY, Mr. STEVENS, Mr. BRADLEY, Mr. BROWN, Mr. JEFFORDS, Mr. FORD, Mr. BURNS, Mrs. MURRAY, Mr. SPECTER, Mr. REID, Mr. MACK, Mrs. BOXER, Mrs. KASSEBAUM, Mrs. FEINSTEIN, and Ms. MOSELEY-BRAUN) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 208

Whereas breast cancer is a substantial health problem in the United States, and the leading cause of death in women between the ages 15 to 54;

Whereas breast cancer is the most common form of cancer for women in the United States, and the second leading cause of cancer death among all women;

Whereas it is estimated that in 1994 alone, over 182,000 new cases of breast cancer will be diagnosed and over 46,000 women will die as a result of breast cancer;

Whereas in 1992, 40,000 cases of breast cancer were diagnosed in women under the age of 50, of which 28,900 cases were diagnosed in women between the ages of 40 and 49;

Whereas the risk of breast cancer increases significantly after the age of 40;

Whereas mammography is recognized as a valuable diagnostic technique for screening women for breast cancer and has been proven to reduce mortality for women over the age of 50 with breast cancer;

Whereas the National Cancer Institute is the lead Federal agency for research on the causes, prevention, diagnosis and treatment of cancer, and whose statements are relied upon by health professionals and patients for critical health care decisions;

Whereas the National Cancer Institute in 1987 developed guidelines recommending that breast cancer screening begin by age 40 and consist of annual clinical examination with mammography screening performed at 1- or 2-year intervals to age 49;

Whereas on December 3, 1993, the National Cancer Institute released a statement on breast cancer screening for women over the age of 50 that states that "there is a general consensus among experts that routine screening every 1 to 2 years with mammography and clinical breast examination can reduce breast cancer mortality by about one-third for women ages 50 and over";

Whereas such statement departed from the earlier recommendations of the National Cancer Institute on mammography screening for women ages 40 to 49 by stating that "experts do not agree on the role of routine screening mammography for women ages 40 to 49" and that "to date randomized clinical trials have not shown a statistically significant reduction in mortality for women under the age of 50"; and

Whereas significant disagreement among experts in the field of oncology over the interpretation and accuracy of recent clinical studies on the value of mammography for women under age 50 and the recent statement by the National Cancer Institute on mammography for women ages 40 to 49 has sent both confusing and conflicting messages to women at risk of breast cancer: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is good public health care policy that appropriate mammography screening be available and accessible for women between the ages of 40 and 49;

(2) in light of the scientific disagreement regarding the value of mammography screening for women between the ages of 40 and 49, it is critically important that women and their doctors decide what is the best course of care for the early detection of breast cancer, including mammography screening;

(3) health plans be established in such a manner to ensure that all women, including women ages 40 to 49, receive coverage for mammography screening that is appropriate for the early detection of breast cancer;

(4) comprehensive health care reform include adequate protection of all women, including women ages 40 to 49, to ensure that all women have access to coverage for mammography screening where it is appropriate for the early detection of breast cancer;

(5) the National Cancer Institute supports additional research, which may include randomized clinical trials, for mammography screening for women ages 40 to 49 to determine the effectiveness and benefits of mammography screening for reducing breast cancer mortality in women under the age of 50;

(6) the National Cancer Institute increase research to improve imaging techniques such as mammography, and to develop new types of early detection such as digital mammography, and other technologies that will improve early detection of breast cancer in all women, especially for women ages 40 to 49; and

(7) the Public Health Service, in conjunction with national and international centers, consumer groups, and appropriate medical and professional organizations, should immediately reach a consensus on the studies that should be undertaken to provide information to determine the effectiveness and benefits of mammography screening and other emerging technologies for women ages 40 to 49.

Mr. COHEN. Mr. President, today together with Senators MIKULSKI, HUTCHISON, GRASSLEY, STEVENS, BRADLEY, BROWN, FORD, JEFFORDS, BURNS, MURRAY, SPECTER, REID, MACK, KASSEBAUM, BOXER, FEINSTEIN, and LEVIN, I am submitting a sense-of-the-Senate resolution addressing the controversy surrounding the National Cancer Institute's recent policy statement questioning the effectiveness of mammography screening for women between the ages of 40 to 49. This resolution underscores that it is crucial to ensure that women between the ages of 40 to 49 have adequate access to mammography screening for the early detection of breast cancer. It also encourages the Public Health Service to work with national and international groups in determining what additional scientific studies should be conducted to test the effectiveness of emerging cancer screening technologies.

Despite promising scientific advances in the diagnosis and treatment of breast cancer, this very serious disease remains a major health threat to millions of American women. This year alone, over 182,000 new cases of breast cancer will be diagnosed and more than 46,000 women in the United States will die as a result of this devastating disease. Breast cancer is the most common cause of death for women aged 40 to 44. Indeed, since the current probability is that one in every eight women will be diagnosed with breast cancer, few families across this Nation will be untouched by this life-threatening disease.

With statistics this somber, I am very concerned by the recent announcement of the National Cancer Institute that it will no longer recommend that breast cancer screening begin at age 40 and consist of annual exams and mammograms every year or 2 years up until age 49. This announcement has, in effect, reversed the NCI's guidelines on mammography that have been in place since 1987.

The NCI's new position comes in the midst of great debate over the scientific basis for routine mammograms for women under 50, and before any adequately designed study has definitively established that mammography screening is not advisable for women in this age group. The NCI's action has been strongly opposed by over 20 national organizations dedicated to women's health, cancer prevention, and cancer research, such as the American Cancer Society and the American Medical Women's Association.

The NCI's new position is highly controversial even within the National Institutes of Health itself. While the NCI determined, based on eight clinical trials, that there was insufficient evidence to show that mammography reduces mortality rates for women in their forties, only one of these studies was adequately designed to specifically evaluate screening for women in this age category. Moreover, this new policy was announced despite the advice of the NCI's own National Cancer Advisory Board—an extremely rare occurrence. By a 14 to 1 vote, the Advisory Board concluded that the Institute's earlier guidelines should remain in place because the science is inconclusive to support any changes at the present time.

Mr. President, there has been widespread speculation on why the NCI has altered its position on mammography for women under 50, against the advice of its own board and a host of providers and advocates for women's health. Some women's groups, health care organizations, and doctors allege that it is economics, rather than scientific information that is leading this change in policy. They are concerned that the NCI's decision may have been influenced by the costs of reimbursing mammograms for women aged 40 to 49 if mammography is included in a standard benefit package under health care reform.

I am not convinced that this was the motive behind NCI's action. I do, however, seriously question the wisdom of scaling back mammography standards for women during a time when the incidence of breast cancer has reached epidemic proportions and no clear consensus on this issue has been reached.

I am very concerned that the NCI's action will send a confusing message about the importance of mammography, thus discouraging younger women to obtain screening. This mixed message is particularly disturbing at the same time that breast cancer treatment studies have come under fire for allegedly covering up possible falsification of data.

I am also very concerned that the NCI's action has already had an adverse effect on insurance coverage for this important cancer screening tool, and that some insurance plans are now refusing to cover mammograms for women in this age group.

There are exciting new developments emerging through cancer research, including blood tests and digital mammography to more accurately detect breast cancer. Until these alternative screening techniques are widely available, however, mammography remains one of the only weapons we have to help detect breast cancer during its first stages. Since early cancer detection offers the best opportunity for treatment to be successful, it is critical that we send the appropriate public health message to women: namely, that women of all ages at risk of breast cancer and women over the age of 40 should have access to, and should consult with their physician about routine mammography screening.

This year, over 900 women in Maine will be diagnosed with breast cancer, and over 225 women will die as a result of this disease. Alarmingly, as many as 80 percent of these women have no known risk factor for cancer, but will still develop the disease.

Recently, I met with a group of courageous breast cancer survivors from Maine who were visiting Washington to draw attention to the magnitude of the breast cancer epidemic in this country.

Bonnie Tucker, a third generation breast cancer survivor, from Hampden, ME, was one of these survivors. Her grandmother was diagnosed with breast cancer at age 66 and her mother was diagnosed at age 48—and died at age 50. Bonnie's own cancer was diagnosed at age 39, and she has no doubt that the mammogram that detected her cancer has added years to her life. She is furious with the NCI's recent policy statement and fears that many women without a family history of breast cancer may defer mammography until their cancer is too advanced, as in the case of her mother and grandmother. Bonnie is still fighting her own disease, and is fighting the battle for a cure for her daughter and millions of other young women in this country.

Mr. President, as we tackle health care reform, we must do all we can to encourage preventive health care, as one of the most effective means of controlling costs in the long run. A key factor in preventive health care is educating patients on early disease detection and encouraging them to discuss screening techniques with their doctors. Clarifying the importance of mammography for women in their 40's is an important step in this direction.

This resolution is endorsed by the American Cancer Society, American Medical Women's Association, National Breast Cancer Coalition, National Alliance of Breast Cancer Organizations, National Medical Association, American College of Radiology, American Society of Internal Medicine, Cancer Research Foundation of America, American Association of Women Radiologists, the Society for the Study of Breast Disease, Cancer Awareness Programs, and the Susan G. Komen Foundation.

Mr. President, some have argued that we should not politicize science by intruding upon the actions of the National Cancer Institute, and that we should, instead, allow the science to speak for itself. I share this concern that we should not allow politics to dictate our scientific findings. This resolution, however, does not alter the scientific conclusions of the NCI, but rather clarifies that, in the absence of definitive scientific evidence to the contrary, we cannot afford to discourage women from seeking out early breast cancer screening.

I applaud Senator MIKULSKI for her leadership in promoting quality mammography screening. Both she and I look forward to working with our colleagues, the NCI, and a host of major national cancer, health, and women's organizations in encouraging early detection of breast cancer. I urge my colleagues to cosponsor this sense-of-the-Senate resolution to send a strong, clear message that mammography is an important cancer screening tool which should be encouraged and available. To do any less could jeopardize the lives of millions of American women.

I ask unanimous consent that a list of the groups that support the resolution be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS WHO ENDORSE THE RESOLUTION

American Cancer Society.

American Medical Women's Association.

National Breast Cancer Coalition.
National Alliance of Breast Cancer Organizations.
National Medical Association.
American College of Radiology.
American Society of Internal Medicine.
Cancer Research Foundation of America.
American Association of Women Radiologists.
The Society for the Study of Breast Disease.
Cancer Awareness Programs.
Susan G. Komen Foundation.

Mr. FORD. Mr. President, I rise today in support of this resolution, Senate Resolution 208, that is so vitally important to the women of this Nation. Breast cancer is a most horrible disease, it strikes all generations and is unrelenting in the attack on its victims. If there is anything that can be done to stop it, we must pursue that effort with all the resources that we possess.

Mr. President, there is something that we can do. A properly performed mammography can help catch this dreaded disease in its early stages, when changes are highest for a full recovery. It is not perfect, it is not 100 percent effective, but it is a start. However, relaxed new guidelines on when women should begin routine mammography screening could put this valuable preventive medicine out of reach. Passage of this resolution will demonstrate how wrong the Senate feels these new guidelines are.

This is not the solution to the greater problem, but it is a positive first step in the fight against breast cancer, and I say again, the least that can be done. It is with that sentiment that I ask my colleagues to join me in my support for this most meaningful legislation.

Ms. MIKULSKI. Mr. President, I rise to join Senator COHEN in introducing Senate Resolution 208. We are introducing this resolution to express the sense of the Senate with respect to mammography screening to detect breast cancer in women. And we encourage our colleagues to join us in our efforts.

Why a resolution on mammography? Because women and men across the country are angry about the mixed and confusing messages about the benefits of mammography for women between the ages of 40 and 49.

Because they are concerned that without clear scientific agreement about the value of mammography screening for women aged 40 to 49 that insurance companies will take that as a sign to stop covering this procedure.

Because they are concerned that there isn't sufficient research being done on the benefits of mammography in younger women or enough research being supported to improve early detection techniques that could better detect breast cancer in younger women.

And because they are concerned that coverage for mammography screening in health care reform may not be adequate to the task of screening women to save lives.

On April 9, I held a hearing of the Subcommittee on Aging to discuss women's health and health care reform. This was a historic hearing: six of the seven women Senators attended that hearing and all of them raised serious concerns about the confusing message coming from the National Cancer Institute regarding the value of screening women between the ages of 40 and 49.

Last fall the National Cancer Institute after a serious review of the studies on mammography concluded that while there was a general consensus among experts that routine screening and clinical breast examination can reduce mortality for women over 50, there is no agreement among experts about the role of routine screening from mammography for women ages 40 to 49. They found that studies to date do not show significant reduction in mortality for this age group.

The National Canter Institute also said that it was no longer issuing guidelines regarding mammography. Instead they issued a statement of their findings and encouraged women to discuss with their physicians appropriate health care regarding the early detection of breast cancer.

The problem was that scientists of the highest caliber disagreed about the NCI findings. Respected physician groups also divided over the issue of whether women under the age of 50 should be screened regularly as had been the NCI recommendations from 1987 through 1993.

And consumer health groups are divided as well about what to recommend to their constituents.

That is why we need this resolution: we need more research, more cooperation, and a better way to communicate change in scientific guidelines to women in this country. We need a clear, scientific, and agreed upon course of action to reach a clear message. And we need to be sure that that process has input from consumer groups, appropriate medical and professional organizations, and national and international researchers.

We also need an NCI that can lead, that can be trusted, and that can understand the fears and anger of women and men in this country over the rising rate of breast cancer and the lack of clear scientific agreement on how to best detect this disease.

We know breast cancer continues to be the second leading cause of cancer death in women in the United States behind lung cancer. We know that 182,000 new cases of breast cancer are estimated to be diagnosed this year, 40,000 of which will be diagnosed in women under the age of 50. And we know sadly that 46,000 women will lose their lives to this disease alone this year.

That makes this resolution all the more urgent. We cannot retreat from the need to understand and find a cure for this disease. Nor can we retreat assuring that women get the type of care that is appropriate for the early detection of this disease in the face of scientific uncertainty.

This resolution makes sure that we go forward—not backward.

It makes clear that women between age 40 and 49 will get appropriate screening for the early detection of breast cancer.

It makes clear that any health care reform bill must provide adequate and appropriate coverage for the early detection of breast cancer.

And it makes clear that it is time that NCI take the leadership and bring all players to the table to reach a consensus on the studies to be taken to determine the effectiveness and benefits of mammography screening and other emerging technologies for women ages 40 to 49.

The women who are dying from breast cancer every year are more than statistics. They are women of all ages, mothers, sisters, daughters, and granddaughters. We owe it to them to redouble our efforts on all fronts to eliminate this disease.

SENATE RESOLUTION 209 HONORING MIKIS THEODORAKIS

Mr. RIEGLE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 209

Whereas Mikis Theodorakis is an internationally renowned musical genius and is considered to be Greece's greatest living composer;

Whereas Mikis Theodorakis was born in 1925 on the Greek island of Khios to a family which instilled in him a love of music and a passion for life;

Whereas, as a youth, Mikis Theodorakis pursued his love of music by teaching himself to write music from memory and without access to musical instruments;

Whereas, in 1953, Mikis Theodorakis entered the Paris Conservatory, launching his brilliant musical career;

Whereas Mikis Theodorakis has composed more than 200 popular songs, 10 symphonies, 3 ballets, 2 oratorios, a folk opera, and the Olympic anthem (which was first performed at the 1992 Summer Olympic Games in Barcelona, Spain);

Whereas Mikis Theodorakis is famous throughout the world for his film scores to "Z" and "Zorba the Greek";

Whereas Mikis Theodorakis combines his exceptional artistic talent with a deep love of his country and is dedicated to heightening international awareness of human rights and environmental issues, and ending child hunger in the world;

Whereas Mikis Theodorakis is on a month-long goodwill tour of Europe, Canada, and the United States;

Whereas Mikis Theodorakis returns to North America after an absence of nearly 2 decades, leading the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television in concert performances of his own works;

Whereas the proceeds from Mikis Theodorakis' concert tour will benefit a number of philanthropic organizations, including the Greek reforestation effort sponsored by the Plant Your Roots in Greece Foundation;

Whereas his beautiful homeland of Greece is fortunate to claim Mikis Theodorakis as a national figure; and

Whereas the United States is fortunate to welcome Mikis Theodorakis for the series of concerts he will present here during May 1994: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Mikis Theodorakis' musical contributions, and his efforts to promote human rights, raise awareness of environmental issues, and end child hunger deserve our appreciation and support; and

(2) the Senate welcomes Mikis Theodorakis to the United States and applauds his talent and enthusiasm for his work.

AMENDMENTS SUBMITTED

FAIR CREDIT REPORTING ACT

BRYAN AND OTHERS) AMENDMENT NO. 1667

Mr. BRYAN (for himself, Mr. BOND, and Mr. RIEGLE) proposed an amendment to the bill (S. 783) to amend the Fair Credit Reporting Act, and for other purposes; as follows:

On page 80, line 2, strike "and".

On page 80, between lines 2 and 3, insert the following:

"(B) an identifier that is not unique to the consumer and that is used by the person solely for the purpose of verifying the identity of the consumer; and

On page 80, line 3, strike "(B)" and insert "(C)".

On page 80, line 20, strike "subsection (d)" and insert "subsections (a)(2) and (d)".

On page 105, strike lines 17 through 21 and insert the following:

"(3) if the consumer certifies in writing that the consumer—

"(A) is unemployed and intends to apply for employment during the 60-day period beginning on the date on which such certification is made;

"(B) is a recipient of public welfare assistance; or

"(C) has been the victim of fraud.

On page 106, line 7, strike the quotation marks and the final period.

On page 106, between lines 7 and 8, insert the following new subsection:

"(c) CONSUMER REPORTS AT SPECIFIED CHARGE.—

"(1) IN GENERAL.—Upon the written request of a consumer, a consumer reporting agency that maintains a file on the consumer shall make all disclosures pursuant to section 609 once during any 12-month period at the applicable charge described in paragraph (2).

"(2) APPLICABLE CHARGE.—For purposes of paragraph (1), the applicable charge shall not exceed the lesser of—

"(A) the total costs incurred by the consumer reporting agency in making the disclosures; and

"(B) $3.".

On page 107, strike lines 16 through 18 and insert "paragraph (2); and".

On page 112, between lines 14 and 15, insert the following new subsection:

"(d) AFFILIATE SHARING NOTICE REQUIREMENT.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by subsections (b) and (c), is amended by adding at the end the following new subsection:

"(f) AFFILIATE SHARING NOTICE REQUIREMENT.—Whenever credit or insurance for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased, either wholly or partly because of information that is furnished to the user of the information by a person related to the user by common ownership or affiliated by corporate control, and that bears upon the consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall—

"(1) notify the consumer of the action, and upon a written request from the consumer for the reasons for such action that is received by the user not later than 60 days after transmitting such notice, not later than 30 days after receiving such request, disclose the nature of the information to the consumer; and

"(2) provide to the consumer a toll-free telephone number that is established and maintained by the user and that enables the consumer to contact the user regarding the action.".

On page 112, line 20, strike "A person" and insert "Except as provided in section 622(c), a person".

On page 112, line 23, strike "subsection (c)" and insert "subsection (b)".

On page 113, strike lines 1 through 3.

On page 113, line 4, strike "(c)" and insert "(b)".

On page 113, line 18, strike "(d)" and insert "(c)".

On page 114, line 6, strike "A person" and insert "Except as provided in section 622(c), a person".

On page 114, line 9, strike "subsection (c)" and insert "subsection (b)".

On page 114, strike lines 10 through 12.

On page 114, line 13, strike "(c)" and insert "(b)".

On page 114, line 23, strike "(d)" and insert "(c)".

On page 115, strike line 23 and all that follows through page 116, line 2, and insert the following:

"(2) DUTY TO CORRECT AND UPDATE INFORMATION AFTER REINVESTIGATION.—A person who furnishes to a consumer reporting agency information that is disputed by a consumer in accordance with section 611 and that, as a result of an investigation conducted in accordance with subsection (b), is determined by the person to be inaccurate or incomplete shall—".

On page 116, between lines 9 and 10, insert the following new paragraph:

"(3) DUTY TO CORRECT INFORMATION OTHERWISE DETERMINED TO BE INACCURATE OR INCOMPLETE.—A person who regularly and in the ordinary course of business furnishes to a consumer reporting agency information that, other than as a result of an investigation conducted in accordance with subsection (b), is determined by the person to be inaccurate or incomplete shall—

"(A) promptly notify the consumer reporting agency of that determination; and

"(B) provide to the agency any corrections to that information, or any additional information, necessary to make the information provided by the person to the agency complete and accurate.

On page 116, line 10, strike "(3)" and insert "(4)".

On page 116, line 18, strike "(4)" and insert "(5)".

On page 117, line 1, strike "(5)" and insert "(6)".

On page 117, strike line 9 and all that follows through page 118, line 10.

On page 118, line 11, strike "(c)" and insert "(b)".

On page 118, line 19, strike "25-day" and all that follows through "611(a)(1)" and insert the following: "applicable period under section 611(a), during which the consumer reporting agency is required to complete actions required by that section regarding that information".

On page 118, line 25, strike "(d)" and insert "(c)".

On page 119, strike lines 1 through 3 and insert the following:

"(1) LIMITATION ON LIABILITY.—Sections 616 and 617 do not apply to any failure to comply with paragraph (1), (3), (4), (5), or (6) of subsection (a).

"(2) ENFORCEMENT.—Paragraphs (1), (3), (4), (5), and (6) of subsection (a) shall be enforced exclusively under section 621 by the agencies identified in that section.

On page 119, line 4, strike "(2)" and insert "(3)".

On page 120, line 9, insert "except in the case of a violation of section 622(a)(1)," after "(D)".

On page 121, line 23, insert ", except that no civil penalty may be imposed for a violation of section 622(a)(1)" before the quotation marks.

On page 123, between lines 18 and 19, insert the following:

"(ii) section 605, relating to obsolete information, except that this clause does not affect the applicability of any State law in effect on the date of enactment of the Consumer Reporting Reform Act of 1994;

On page 123, line 19, strike "(ii)" and insert "(iii)".

On page 124, line 3, strike "(iii)" and insert "(iv)".

On page 124, line 8, strike "(iv)" and insert "(v)".

On page 124, line 18, strike "under—" and all that follows through "622(b)(2)" and insert "under section 609(c)".

On page 126, line 6, strike "under—" and all that follows through line 8 and insert the following: "under section 609(c).

"(4) APPLICABILITY.—Notwithstanding any other provision of this subsection, beginning 6 years after the date of enactment of the Consumer Reporting Reform Act of 1994, a State may adopt a law, or certify that the voters of the State have voted in favor of a constitutional or other provision, which states explicitly and by its terms that the law or provision is intended to supplement this Act, if the law or provision gives greater protection to the consumer than is provided under this Act.".

On page 133, line 7, strike "You have" and all that follows through the period on line 10.

On page 133, line 10, strike "also".

On page 133, line 14, insert the following after the period: "You are also entitled to receive a free copy of your credit report if you are unemployed and intend to apply for employment during the next 60 days, if you are a recipient of public welfare assistance, or if you have been the victim of fraud.".

LIEBERMAN (AND OTHERS) AMENDMENT NO. 1668

Mr. LIEBERMAN (for himself and Mr. MACK, Mrs. BOXER, Mr. GRAMM, Mr. BRADLEY, Mrs. FEINSTEIN, Mr. BINGA-

MAN, Mr. DECONCINI, Mr. WELLSTONE, Mr. GORTON, Mr. SHELBY, Mr. BENNETT, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. LAUTENBERG, and Mr. ROBB) proposed an amendment to the bill S. 783, supra; as follows:

At the appropriate place insert:

SECTION 1. FINDINGS.

(a) The Financial Accounting Standards Board (FASB) is currently considering changing the Generally Accepted Accounting Principle relating to employee stock options plans and stock purchase plans;

(b) FASB's proposal that would require the use of complex mathematical formulas to estimate a value for employee stock options at the date of grant and requires those estimated values be deducted from earnings on companies' income statements;

(c) FASB has just completed an extended review of its proposal which included a public comment period, numerous field hearings and a field test;

(d) FASB's proposal has generated opposition which is unprecedented in both its intensity and universality;

(e) The accounting profession, as represented by the American Institute of Certified Public Accountants and each of the 6 largest national accounting firms, oppose FASB's proposal;

(f) Individual investors, as represented by the United Shareholders Association, oppose FASB's proposal;

(g) Institutional investors and pension funds, as represented by the Council of Institutional Investors, oppose FASB's proposal;

(h) Both the Secretary of the Treasury and the Secretary of Commerce have raised serious concerns about FASB's proposal: "Most troubling is the possibility that implementation of the proposal might result in more volatile and less accurate and consistent financial statements because of the extreme difficulty of valuing long-term, non-marketable, forfeitable stock options;"

(i) There is a broad consensus among those who have studied the FASB proposal it will diminish and not improve either the integrity or comparability of information available to investors;

(j) The National economic policy implications of FASB's proposal are substantial because small, growth-oriented companies often lack capital and therefore regularly rely on broad-based employee stock options to attract employees and large business provide employee stock options and broad-based employee stock purchase plans to help motivate their employees and improve productivity; and

(k) The FASB proposal will diminish the ability of small companies to raise capital and attract employees and it will curtail, not enhance broad-based employee ownership.

SEC. 2. SENSE OF THE SENATE.

It is the Sense of the Senate that

(a) the new accounting treatment of employee stock options and employee stock purchase plans, proposed by the Financial Accounting Standards Board, will have grave economic consequences particularly for businesses in new-growth sectors which rely heavily on employee entrepreneurship;

(b) the new accounting treatment of employee stock options and employee stock purchase plans, proposed by the Financial Accounting Standards Board, will diminish rather than expand broad-based employee stock option plans; and

(c) the Financial Accounting Standards Board should not at this time change the current generally accepted accounting treatment of stock options and stock purchase plans contained in Accounting Principles Board Decision 25.

LEVIN (AND BOREN) AMENDMENT NO. 1669

Mr. LEVIN (for himself and Mr. BOREN) proposed an amendment to the amendment No. 1668 proposed by Mr. LIEBERMAN to the bill S. 783, supra; as follows:

At the appropriate place in the amendment, insert the following new section:

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the status of the Financial Accounting Standards Board as a private body of independent accounting experts should be respected and safe-guarded; and

(2) the Congress should not impair the objectivity or integrity of the Financial Accounting Standards Board's decisionmaking process by legislating accounting rules.

GORTON AMENDMENT NO. 1670

Mr. BRYAN (for Mr. GORTON) proposed an amendment to the bill S. 783, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . SECURITIES AND EXCHANGE COMMISSION, SEATTLE DISTRICT OFFICE.

It is the sense of the Senate that the Securities and Exchange Commission district office located in Seattle, Washington shall not be closed, nor its services, operations, or staff be reduced from the levels in effect on January 1, 1994. None of the operations of the Seattle office shall be transferred to another office of the Securities and Exchange Commission.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a Hearing on Wednesday, May 4, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on H.R. 6 and S. 1513, reauthorization of the Elementary and Secondary Education Act of 1965.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Saturday, May 14, 1994, beginning at 8:30 a.m. and concluding at approximately 12 noon. The hearing will be held in the Special Events Building of the Indian Pueblo Culture Center, 2401 12th Street NW., Albuquerque, NM.

The purpose of the hearing is to receive testimony on the Department of the Interior's proposed rule to amend the Department's regulations concerning livestocks grazing.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Witnesses testifying at the hearing are requested to bring 15 copies of their written testimony with them on the day of the hearing.

Anyone wishing to submit a statement for the record should bring one copy to the hearing, or send a copy to Senator BINGAMAN or Senator DOMENICI's office in Albuquerque, or to the Committee on Energy and Natural Resources, Room 304 of the Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information regarding the hearing, please contact Pat Montoya of Senator BINGAMAN's Albuquerque office at (505) 766–3636, Maxine Gallegos of Senator DOMENICI's Albuquerque office at (505) 766–3481, or Tom Williams of the committee staff in Washington at (202) 224–7145.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will hold a hearing on the disposition of excess weapons plutonium.

The purpose of the hearing is to receive testimony on options available to manage excess weapons plutonium and on the administration's efforts to formulate a plutonium disposition policy.

The hearing will take place on Thursday, May 26, 1994, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Sam Fowler of the committee staff at (202) 224–7569.

NOTICE OF RESCHEDULING OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES—SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public the rescheduling of an April 26, 1994, oversight hearing before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on water quality and quantity problems and opportunities facing the lower Colorado River area.

The hearing will begin on Wednesday, June 8, 1994, from 2:30 p.m. to 5 p.m. and continue on Thursday, June 9, 1994, from 9:30 a.m. to 12 p.m. in room 366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC, 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebren Cooper, counsel for the subcommittee at (202) 224–4531, or Leslie Palmer at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that the hearing before the Subcommittee on Public Lands, National Parks and Forests previously scheduled for Thursday, April 28, 1994, has been rescheduled for Thursday, May 12, 1994. The hearing will begin at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on two bills pending before the Subcommittee pertaining to the management of the Presidio in San Francisco. The bills are:

S. 1549, to amend the act establishing Golden Gate National Recreation Area to provide for the management of the Presidio by the Secretary of the Interior, and for other purposes; and

S. 1639, to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BRYAN. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 3, 1994, at 10 a.m. on the nomination of Robert E. Karmek to be commandant and Arthur E. Henn to be vice commandant and immediately following a hearing on the Coast Guard reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BRYAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 10 a.m., May 3, 1994, to receive testimony on boron-neutron cancer therapy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BRYAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 3 at 10 a.m., to hold a hearing on the administration's proposal to seek modification of the 1972 Anti-Ballistic Missile Treaty (Ex. L. 92–2).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BRYAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 3, 1994, at 10:30 a.m. to hold nomination hearings on the following nominees: Mr. Melvyn Levitsky, of Maryland, to be Ambassador to the Federative Republic of Brazil; Mr. Myles Robert Rene Frechette, of Maryland, to be Ambassador to the Republic of Colombia; and Ms. Donna Jean Hrinak, of Virginia, to be Ambassador to the Dominican Republic.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BRYAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 3, 1994, at 4 p.m. to receive a closed briefing on United States policy toward Haiti.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BRYAN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, May 3, at 9:30 a.m. for a hearing on: Federal telecommunications policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BRYAN. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, May 3, 1994, at 12:15 p.m. The Committee will be voting on the nomination of Jere Glover to be the chief counsel for Advocacy at the Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BRYAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 3, 1994, at 10 a.m. to hold an open hearing on counterintelligence improvements legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

Mr. BRYAN. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services be authorized to meet on Tuesday, May 3, 1994, at 2:30 p.m., in open session, to receive testimony on the Army investment strategy in review of the defense authorization request for fiscal year 1995 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HEALTH FOR FAMILIES AND THE UNINSURED

Mr. BRYAN. Mr. President, I ask unanimous consent that the Subcommittee on Health for Families and the Uninsured of the Committee on Finance be permitted to meet today, May 3, 1994, at 10 a.m., to hear testimony on the subject of classification of workers as employees or independent contractors under health care reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. BRYAN. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 3, beginning at 10 a.m. to conduct a hearing on the Housing Choice and Community Investment Act of 1944.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. BRYAN. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, May 3, 1994, in open/closed session, to receive testimony on the Department of Energy's weapons and material support and other defense programs in review of the Defense authorization request for fiscal year 1995 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON REGIONAL DEFENSE AND CONTINGENCY FORCES

Mr. BRYAN. Mr. President, I ask unanimous consent that the Subcommittee on Regional Defense and Contingency Forces of the Committee on Armed Services be authorized to meet on Tuesday, May 3, 1994, at 10 a.m., in open session, to receive testimony on the Navy investment strategy in review of the Defense authorization request for fiscal year 1995 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY AND THE LAW

Mr. BRYAN. Mr. President, I ask unanimous consent that the Subcommittee on Technology and the Law, of the committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, May 3, 1994, at 9:30 a.m. to hold a hearing on the administration's Clipper Chip Key Escrow Encryption Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 100TH ANNIVERSARY OF THE TRAVELERS AID SOCIETY OF RHODE ISLAND

• Mr. CHAFEE. Mr. President, 100 years ago the Young Women's Christian Association founded a committee—Travelers Aid—to assist and protect young women moving to Providence, RI. Today, I am pleased to announce the centennial anniversary of the Travelers Aid Society of Rhode Island, and I wish to thank its members for their tremendous contributions to our State.

While the staff and scope of Travelers Aid has greatly expanded since 1894, its dedication to service remains unchanged. Today, a skilled and largely volunteer staff provide a wide range of educational and medical services to Rhode Islanders in need. In addition, the Travelers Aid Society maintains an aggressive outreach program designed to help at-risk individuals, including the homeless.

Three of the Travelers Aid programs are especially noteworthy:

First is the Travelers Aid Adult Education Program. It offers language, general education diploma [GED], and English as a second language [ESL] courses, in addition to other classes where students are taught basic skills to locate and maintain employment. Some of these classes are taught by Ms. Sally Gabb, the recipient of the 1993 Rhode Island Adult Educator of the Year award and director of the Travelers Aid Adult Education Program.

Second is the mobile Medical Van Program. Since 1987, the Travelers Aid Society of Rhode Island has made basic medical services available through its mobile Medical Van. For the past 7 years, the volunteer staff has aided more than 10,000 Rhode Islanders. Those seeking assistance are the homeless, the unemployed, and those who are working but have neither medical insurance nor the means to see a doctor. Patients range from children to senior citizens, and can be seen by appointment or on a walk in basis.

The third program is called the Travelers Aid Project Street [TAPS], where many graduates of Travelers Aid return to show and share their success stories—they do for others what Travelers Aid has done for them. For example, Mr. LeMoyne Waite, who was once in and out of several Travelers Aid clinics, now walks the streets of Providence informing men and women about the many services available to them at Travelers Aid.

In conclusion, I ask my colleagues to join me in wishing Travelers Aid of Rhode Island a happy 100th anniversary, and praising this wonderful organization for a century of public service.•

A MOM AND POP MANIFESTO

• Mr. SMITH. Mr. President, it was my privilege to serve for 6 years in the House of Representatives with the distinguished Representative from Illinois, HENRY HYDE. Throughout his nearly 20-year career in the House, Congressman HYDE has been one of the Nation's most eloquent and respected voices in defense of traditional family values.

But Congressman HYDE has not just spoken out for family values. He has also put his beliefs into action. Perhaps his greatest achievement was the passage of the famous Hyde Amendment, which banned Federal funding of abortions under Medicaid, in 1977. The Hyde amendment has been passed again and again every year since then. Countless numbers of our fellow citizens owe their lives, in a very real sense, to HENRY HYDE.

Congressman HYDE's latest contribution to the cause of restoring those traditional family values that are essential to our Nation's moral renewal is an unusually insightful and lucid article in the spring 1994 edition of Policy Review. His article is entitled "A Mom and Pop Manifesto: What the Pro-Family Movement Wants From Congress." I strongly recommend it to all of my colleagues.

Mr. President, I ask for Congressman HYDE'S article to be printed in the RECORD.

The article follows:

[From Policy Review, Spring 1994]

A MOM AND POP MANIFESTO—WHAT THE PRO-FAMILY MOVEMENT WANTS FROM CONGRESS

(By Representative Henry Hyde)

When Lenin, that architect of tyranny, asked his famous question—"what is to be done?"—his response was to overturn the foundations of civil society. Right question, wrong answer. America, now the free world's most violent nation, faces a historic moment of similar magnitude. What is to be done, by us, to restore the family as the surest basis of civil order, the strongest foundation for free enterprise, the safest home of freedom?

It is a question that official Washington seems incapable of answering. Instead of acknowledging the role of the traditional family in sustaining a democratic order, Congress continues at best to ignore, and at worst to undermine, that role in everything from education and health to aging and crime. In addition, Congress has placed new financial pressures on the family. Last year it repealed the Young Child Tax Credit, a Bush-era innovation to provide low-income households a refundable tax credit (about $500 per child) to help them care for newborns and toddlers. Meanwhile, President Clinton's tax hike—$255 billion over five years—will fall squarely on the American family, both in direct levies and higher prices.

ABDICATION, NOT ANALYSIS

It is now an oft-repeated truism that the problems of the family transcend public policy and that their solutions must therefore come primarily from outside government. That valid observation is easily distorted, however, into the specious assertion that there isn't much government can do to reverse the downward spiral of family life in this nation.

That is abdication, not analysis. The more we discover what government has done to undermine family life over the last three decades, the clearer it becomes that public policy must have a central role in restoring to America a family order of things.

Theologians tell us that prudence is one of the four cardinal virtues, the crucial good habits upon which all others depend. Much will depend upon the prudence of the pro-family movement in the months ahead. It would be short-sighted for the movement to allow its current mode of opposition, necessary as it is, to define its long-range future. Instead, a pro-family agenda must aim to reconstruct a now devastated mosaic of interrelationships, values, and assumptions. Rather than losing ourselves amid the many fragments, we can begin by setting in place the key pieces that give coherence to the whole picture.

RESTORE FAMILY PROSPERITY

The first piece is pro-family economic policy. That's not because money is the most important element in family life, but because government's appetite for the family's cash has been a crucial factor in creating its current plight. Most of us have heard the numbers. If today's personal exemption accounted for the same proportion of family income as it did in 1948, it would be about $8,000, not $2,350.

That means government has moved from sheltering families to crushing them. Despite all the talk about women having choices in our newly egalitarian work place, the ugly reality is that millions of American women have been "put to work." In Uncle Sam's new tax order, it's become the only way to maintain a decent lifestyle for their families.

Consider the cultural ripple effects of a dramatic increase in the personal exemption. For example, how many moderate-income families might, for the first time, be able to choose their children's schools? How many households would reconsider the necessity of having two earners? How many would pursue home schooling? How many parents, whether moms or dads, would find more time to spend with the kids and less to spend on the job?

To open up these opportunities, two House freshmen, Rod Grams and Tim Hutchinson, have introduced legislations to provide an across-the-board tax credit of $500 per child, to compensate in part for the erosion of the personal exemption. Their bill also would establish a commission, along the lines of Representative Dick Armey's successful Base-

Closure Commission, to present Congress with a take-it-or-leave-it package of off-setting spending reductions.

In tandem with dramatic tax relief for families, several other steps should be taken. One, of course, is cutting the capital gains tax and indexing it to inflation. That would be a tremendous boost to business investment and job creation, and millions of good new jobs are essential to the restoration of family prosperity in this country. As part of our capital gains package, conservatives should propose a zero-rate for households with modest incomes and for small, family-owned businesses. Let liberals oppose that one! As Patrick Henry might say today, if this be wedge-politics, make the most of it.

Another small but important economic corrective will be to repeal the regulations of the Department of Labor (DOL) that have the effect of forbidding employers from paying what used to be called a "family wage." In other words, paying more to a family breadwinner, in recognition of the fact that he or she has responsibilities a single worker is less likely to have. This used to be a commonplace practice, in the days when children were looked upon as assets to the community rather than as liabilities.

Congress never legislated on the matter. But bureaucrats at the Department of Labor came up with this remarkable bit of ideological reasoning: 1) Congress banned pay discrimination on the basis of gender. 2) Workers receiving a family wage are most likely to be male. 3) Therefore, the family wage is inherently discriminatory and is made illegal under DOL regulations. But the discrimination issue is a red herring. If an employer chooses to pay a salary differential to breadwinners, both male and female, that should be the business of nobody in the federal government.

Another way to restore the family wage is to reduce a worker's FICA tax if he or she has minor dependents. The rationale is simple: The long-range future of Social Security is in serious doubt. Part of the problem is that there will be too few workers. Part of the solution is to assist today's workers who are supporting children—and to give them financial encouragement to have those children in the first place. With most workers paying more in FICA taxes than in income taxes, a family-based FICA would be another subtle, political means of promoting more stable families.

PRO-FAMILY BUDGET

The second broad priority for the pro-family movement is the flip side of the first. Diversion of resources away from government and back to the family inevitably entails dramatic constriction of the public sector. That is an end in itself. For the public sector feeds the premises of the Left, supplies its financial resources, its breeding ground. And only when the Left is structurally curbed can the American family be secure.

Let me state the obvious: The only reason there is a pro-family movement in this country is that there has long been an anti-family movement. It's never called that, but there it is. Its essential strategy, it seems, is to transfer resources from what works—the two-parent family—to what doesn't. Success must subsidize failure, not until failure succeeds, but until success fails. This is why we have poured tens of billions into programs under the Elementary and Secondary Education Act without putting any of the money into the hands of parents. It explains why welfare policy has underwritten illegitimacy, and why all sorts of income-transfer entitlements kept pace with inflation while the personal exemption for taxpayers with kids was frozen.

Thus, the American Left, like the blossoming beastie in "The Little Shop of Horrors," has grown artificially, unnaturally over the last three decades—fed from the family dollars channelled by government to the millions of persons whose income no longer has any connection with market forces. But restore a pro-family tax code, enact pro-family budgets, and the money slows down. Maximize daily decision-making by households, minimize governmental favoritism, and you restore the discipline of the free market—which is to say, the public will—into all aspects of American life, especially culture. This is the only way to undercut the public policy prejudice against the traditional family and its values.

EMPOWER PARENTS

Third, Congress must address two critical areas that demand a reversal of government influence—education and welfare. For the former, our task is already clear. We must aggressively assert family rights wherever they are threatened—not just in sex-education programs, but also in biased curricula, propagandizing reading lists, and ideological student counselling. Most of these battles will be fought at the local level, not in Congress. But the objective of the pro-family movement should be to array federal authority—in law, regulation, and the courts—on the side of parents.

Vouchers will be a crucial lever to move education in the right direction; while the most important progress in that regard must come at the state level, the pro-family movement can convince Congress to support parental vouchers, instead of grants to school districts, to distribute federal education funds.

A Congress friendly to the family will dismantle the apparatus of centralized government control currently building in the Clinton Administration. That includes mechanisms for setting, and eventually enforcing, national "opportunity-to-learn standards," a virtual invitation for the federal courts to take control of the way states finance education. Instead, Congress should work with the states to launch pilot projects for altogether removing federal authority from schooling. Let's see what several states can do with their schools without any federal intervention apart from enforcement of civil rights laws.

In higher education, Congress can act most effectively by acting indirectly. I want no federal hand, conservative or liberal, on the nation's colleges and universities. But we can guard against official favoritism in the awarding of government grants and contracts. And we can, as much as possible, restore market forces to academia. Only consumer rights in education can correct the problems exposed by Martin Anderson, Thomas Sowell, and other thoughtful critics of today's leftist professoriate.

The fourth pillar of the pro-family resurgence should be a radical restructuring of welfare. Stop-gap measures have their place, and I do not mean to disparage any of the welfare reform proposals now in the policy limelight. But at their best, they may make marginal improvements in a fundamentally defective system because they do not focus on the single most important factor in today's poverty equation: illegitimacy.

Will this or that welfare reform plan "put people to work"? Perhaps, but those people will still be the single mothers of children headed for limited horizons. Whatever progress is made in helping some individuals grow out of dependency is likely to be more than offset by the growing number of children without fathers.

We still face the unanswered question: What must be done, now or in the future, to deal with a welfare system that has become the most destructive anti-family enterprise of the federal government?

My answers are tentative and open to correction. First, Congress should remove decision-making responsibility regarding welfare—beginning with Aid to Families with Dependent Children—from Washington. However it is to be financed, by federal block grants or some other mechanism, control of public assistance must go back where it belongs, to the state and local level. Only there can prudent judgments be made, on a household-by-household basis, about what might help families reach the mainstream of American life. If some states botch the job, their taxpayers can take corrective action. That will be a great improvement over the status quo, in which voters can't even ascertain who is responsible for the welfare mess—perhaps the major reason why 1960s social planners wanted to centralize the system in Washington.

Once welfare is back in the hands of the public, it will be easier to require under-age moms to live with their parents as a condition of eligibility. That's already a popular idea. I would go farther and maximize the role of religious institutions in distributing assistance. Especially in the inner city, churches should be made the primary channels for federal nutrition programs, community health services, and other programs. Many of them are already involved, of course, but I am thinking of something on a grander scale.

Congress should be aiming for the virtual replacement of public-sector welfare agencies by those of the private sector, especially religiously motivated groups that are rooted in low-income communities. That does not mean requiring church attendance; so long as no doctrinal preferences are made as to which institutions can participate, there should be no constitutional objections. It does mean increasing exposure to constructive influences on the part of those who most need it. Even more important, it means interweaving into a larger caring community those individuals—young mothers and their fatherless children—who most need support systems, counsel, and role models, as well as material aid. It means more protective influences for the vulnerable, and a better chance in life.

Some will consider those changes inadequate and will want to abolish AFDC altogether, not out of frugality but from compassion, in the belief that the availability of welfare only worsens the incidence of illegitimacy. They may be right, but there are steps we should take in the short run as we grapple with the challenge that Charles Murray and other prophets have set before us.

PARADIGM SHIFT

Reformation is critical not only in regards to welfare, however. A deep cultural transformation is needed in the way our society views the family. Admittedly, such a "paradigm shift" must be prompted mainly by non-political factors—from William Bennett's Book of Virtues to a teencounseling center at a local church. But even here, Congress has a responsibility to help undo some of the damage inflicted on the family through a long series of governmental decisions.

One step would be to reaffirm our public allegiance to the profound importance of the marriage commitment. Since California's legislature launched the divorce revolution in 1970, we have looked the other way as women and children were reduced to the ranks of the "new poor" by easy or unilateral dissolution of the marriage contract. Now it is time to reassert the community's interest, both economic and social, in fostering two-parent households.

I am not proposing federal legislation, but rather the drafting of a model law that state legislatures could use as a starting point for their own initiatives. It might provide for a cooling-off period (an increasingly popular concept among family counsellors). It certainly should make divorce more cumbersome in two cases: whenever children are involved, and when either spouse opposes the action. And it should reflect the British legal bias that bestows possession of property upon whichever parent wins custody of the children.

Another contentious issue for a pro-family Congress will be the legal status of non-marital living arrangements, whether heterosexual or homosexual, in federal programs ranging from health and retirement benefits to the IRS code. Last year's battle over homosexuals in the military is only a prelude to the controversies that await us. I can understand why many of my congressional colleagues would want to sidestep this difficult matter, but the policy aggressiveness of homosexual activists will eventually force the issue. However these questions may be handled at the state and local level, Congress must, for federal purposes, affirm the traditional family created by ties of blood, marriage, or adoption. In a more negative sense, Congress must ensure that no activities of the federal government give legitimacy to lifestyles inimical to the family.

HUMAN LIFE AGENDA

While seeking consensus, pro-family forces in Congress will nonetheless have to grasp nettles of controversy. The most obvious example is the abortion issue. The current lineup on Capitol Hill is grossly out of sync with public opinion, which splits on the continued legality of abortion but overwhelmingly supports certain restrictions on it. A Congress truly reflective of the public will on this matter could, even without constitutional amendment or a Human Life Bill, dramatically reduce the incidence of abortion.

First, it can cut off the anti-life propaganda and lobbying that flourishes on federal contracts and grants to organizations that are part of the abortion industry. A case in point is the federally controlled family planning program, Title X, which should be removed from Washington's grasp and converted to a state-controlled maternal and child health initiative. This would put a host of controversial issues, like school-based clinics, closer to local control and accountability.

Imagine, too, the impact if Congress were to mandate inclusion of at least late-term abortions in the nation's infant mortality statistics, or if the Department of Transportation included pre-born children in its traffic mortality numbers. Even while *Roe* vs. *Wade* stands, we can enact a national feticide law, in the absence of which courts have dismissed charges against persons who brutally attacked pregnant women, causing the death of their unborn babies.

Someone has observed that, in post-modern America, there are two standards for determining the morality of something: whether it's tax deductible, and whether it can be covered by insurance. So be it. Let Congress deal with abortion under both headings, barring it from any health insurance plan touched by federal policy—just as we would not tolerate racial discrimination in those plans.

More positively, Congress can promote adoption by providing a tax credit for its costs, which sometimes are quite heavy. We can also require adoption counselling in federally funded programs that assist pregnant women. We can work with state and private-sector foster care agencies to reform procedures, and rethink attitudes, that have left hundreds of thousands of adoptable kids in temporary homes.

ONE-STOP SHOPPING

A less obvious way to deepen our public commitment to the unborn and the family in general is a proposal by Congressman Tom Bliley—ignored by the current House majority—to consolidate overlapping programs into one block grant to promote maternal and child health. This would divert money from bureaucracies to actual services, let states target the special needs of their low-income households, and provide "one-stop shopping" in health care for mothers and infants. Mr. Bliley's plan could become the basis for a grassroots crusade against infant mortality and child abuse—the kind of initiative that will bring home to the public what the pro-family movement is truly about.

Over time, the states will do the rest. They will enact parental notification laws, require waiting periods, and ban late-term abortions. As the stigma of abortion grows, as the procedure becomes more difficult to obtain, as medical schools limit training for it, as fewer physicians are willing to perform it, and as consent laws and pregnancy aid programs help women avoid it, the clout of the abortion industry will diminish—to the point at which the nation will definitively choose life.

That choice, defining the core of our civilization, cannot be left to the discretion of an unelected judiciary. The judicial branch has, over the last half-century, done more than its share to erode the rights of the family and to create a secular culture hostile to it. It may be time, therefore, to consider a constitutional amendment asserting that the rights of the family, which are anterior and superior to government, may not be abridged.

Such a concept, of course, cries out for greater precision. Moreover, changes to the federal constitution should not be undertaken lightly. Fortunately, there is underway a related effort with regard to state constitutions. It progress can show us the merits, and possible pitfalls, of a constitutional approach to protecting the family. If successful, it may either obviate the need for action on the federal level—or make it irresistible.

SHELTERING FAMILIES

On a wide range of issues, then, the pro-family movement has much to say to the vast majority of Americans. Certainly, one of the clearest lessons of the 20th century is that the strength of government and the strength of the family often have been countervailing forces, as if the two are perched on opposite ends of a seesaw. Where the power of the state has expanded, the power of the family has correspondingly receded.

In the century ahead, the best safeguard of personal autonomy—and personal responsibility—will not be the isolated individual, but the self-directed family. Washington, with all its financial resources, programs, agencies, and countless bureaucrats, cannot advance the cause of liberty unless it allows generations of Americans to be shaped and sheltered by families. The alternative is *de facto* wardship to the state. That was the Leninist choice. It cannot, it must not be ours.•

NATHANIEL BENNETT, NATIONAL WINNER OF THE VFW VOICE OF DEMOCRACY PROGRAM

• Mr. DURENBERGER. Mr. President, I rise today to pay tribute to a young man from Minneapolis, Nathaniel Bennett, who was the first place national winner of the 1994 VFW Voice of Democracy Program and recipient of the $20,000 T.C. Selman Memorial Scholarship Award provided by the Veterans of Foreign Wars and its ladies auxiliary.

A junior at Minneapolis South High School, Nat was sponsored by VFW Post 1149 and its ladies auxiliary in Minneapolis. Over 138,000 students participated in this year's program.

Now in its 47th year, the Voice of Democracy Program requires entrants, all high school students, to write and record an essay on a patriotic theme. This year's theme was "My Commitment to America."

In reading Nat's essay, I was struck that rather than speaking about the legal obligations of citizenship, Nat spoke about the unique contribution each individual can make to our society, and specifically about the way he can express his own personal commitment to America through his talents and abilities in photography and music.

Mr. President, I ask that Nat's winning essay be included in the RECORD immediately following my remarks.

I urge all of my colleagues to read and carefully consider this young man's thoughts. We could all learn something from what he has to say.

The essay follows:

MY COMMITMENT TO AMERICA

(By Nathaniel Bennett)

All of us can think of a commitment that we've made to someone else, in marriages, in families and with friends. Commitment means people pledging themselves, often to each other. My commitment to America is no different. It involves America and I pledging ourselves to each other. For America's part, I have been welcomed by my family, my community, a government that is of, by and for the people, and by a society that has made this country great. To make the relationship between my nation and myself work, I must make my own commitment.

I have always felt a commitment to America, but only recently thought about what that commitment really is. I have pledged allegiance to the flag and to the republic for which it stands, but never fully understood the meaning of allegiance. I studied the Constitution, and discovered that it explains what the government can and cannot do, and gives the people certain rights, but nowhere in the Constitution does it mention a legal commitment. To understand my commitment to this country, I had to look deeper than the letter of the law. I had to look at the moral principles that America is based on, such as freedom of expression, toleration of differences, and belief in peaceful compromise. I had to realize that I, and every other American, must make a moral commitment to America.

As part of that commitment, it is important that I exercise my right to vote, my right to free speech, and my right to petition the government. Still, this is not enough. I must also contribute to society in my own, individual way. America is not only a political state, it is a society that was shaped by many people, in many ways.

Many of the greatest Americans were not involved in politics. If Mark Twain had been a career politician, we would not have his novel, Tom Sawyer, and we would not know how fun and profitable it can be to whitewash a fence. If Alexander Graham Bell had spent his life studying Constitutional law, we might still be communication by Pony Express. If the father of the sky-scraper, Louis Sullivan, had been a Washington lobbyist, the world of architecture would be less interesting and a lot shorter. If Harriet Tubman had been a member of Lincoln's cabinet, there would have been many slaves that never made it to freedom. The point is not that these people weren't making political statements. Of course their lives reflected their political opinions. The point is that they contributed to society in their own way.

Right now, I am experimenting with a few ways to express my commitment to America. I'm no Ansel Adams, whose pictures inspire awe of our nation's natural beauty, but I do take photographs of my surroundings that express my commitment to America. One of my pictures is of a building with a billboard displaying the message, "Support our troops in Operation Desert Storm." Below the billboard, on the building are the words, "Troops Out" in black spray-paint. When I took the photograph, I thought of it as merely an ironic urban scene, super-imposing two messages into one image, but now it seems to me it is an example of the American forum. The maker of the billboard, the maker of the graffiti, and I, the maker of the photograph, all considering America's direction.

I'm not on a par with Bob Dylan, the American troubador, but I play the bass guitar and occasionally I write songs. One of them called "Indecision" describes an inner struggle. Two lines read, "I try to communicate. I do so with perseverance. But hypocristy retaliates with its interference." The tunes and lyrics are simple, but the song reflects my occasional frustrations about life.

And what about this speech? I do not think the great American orator, Fredrick Douglas, will lose his place in history because of me, but I am using this speech to explore and explain my commitment to America. It made me think about how my photograph and music reflect that commitment. Even now, as I recite, I gain more insight into who I am and what my commitment to America means.

I've discovered that I treasure the freedom of expression that allows me to contribute my music, my photography, and my opinions to American society. My whole generation and I experience this freedom because of many Americans before us; Americans who have given their ideas in political speeches, in songs, in stories and in actions; Americans who have worked in factories and universities and grocery stores; Americans who have given their loyal services and even their lives, in the armed forces. In response to and in honor of those Americans, I contribute my ideas, my talents, and my life to America in order to make it better now and for generations to come. This is my commitment to America. It is the greatest commitment that I can make.●

KANTOREI: THE SINGING BOYS OF ROCKFORD

● Mr. SIMON. Mr. President, I rise today in recognition of Kantorei, the Singing Boys of Rockford, IL, which is celebrating its 30th anniversary this year.

Kantorei has been both internationally acclaimed and domestically lauded, performing in such diverse places as Austria, Japan, France, the White House, the U.S. Capitol, and Walt Disney World. During the school year they perform in Rockford and the northern Illinois area.

As singing ambassadors of goodwill, Kantorei has promoted international camaraderie through music, and has been warmly received throughout the globe.

Mr. President, please join me in celebrating the 30-year anniversary of this extraordinary group of talented young men.●

THE RETENTION OF THE STATE DEPARTMENT'S COORDINATOR FOR COUNTERTERRORISM

● Mr. D'AMATO. Mr. President, I rise today, to express my satiafaction that the conference committee on the Foreign Relations Authorization Act was able to work out a manner in which the State Department's post of Coordinator for Counterterrorism and the accompanying office could be saved. Most importantly, the office will remain independent, answering directly to the Secretary of State, at least for another year.

I am, however, concerned that the proper consideration will not be paid to the selection of the nominee for this post. I do not want this position to languish for the 1-year range of the legislation. This office cannot be allowed to wallow in obscurity for the term. It cannot be ignored. The attention that the office has received from Congress over the past months is indicative of our interest and it is not a subject we will set aside and forget.

I am pleased that the House will hold hearings later this summer on the office, its role in the fight against terrorism, and the severity of the threat posed to the United States today. I hope that through the course of these hearings, support will build even further for the continued independence of this office and its Coordinator.

In the near term, I hope that the President will choose the strongest possible nominee, to replace the Acting-Coordinator. We must have a strong Coordinator for Counterterrorism. If we do not, we will send the message that we do not care about terrorism and that our commitment is lacking. For those that wish to do Americans harm, that will be a green light to attack.●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise today, as I have done each week during this session, to announce to the Senate that 13 people were killed by gunshot in New York City this past week, bringing the total for 1994 to 348.●

MINOR BOUNDARY ADJUSTMENT AND MISCELLANEOUS PARK AMENDMENTS ACT OF 1994

Mr. BRYAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 400, H.R. 1305, relating to Park Service boundary adjustments; that the committee amendment be agreed to; that the bill be read a third time, and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1994".

TITLE I—MINOR BOUNDARY ADJUSTMENTS

SEC. 101. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of Yucca House National Monument are revised to include the approximately 24.27 acres of land generally depicted on the map entitled "Boundary—Yucca House National Monument, Colorado", numbered 318/80,001–B, and dated February 1990.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(c) ACQUISITION BY DONATION.—(1) Within the lands described in subsection (a), the Secretary of the Interior may acquire lands and interests in lands by donation.

(2) The Secretary of the Interior may pay administrative costs arising out of any donation described in paragraph (1) with appropriated funds.

SEC. 102. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) ACQUISITION AND BOUNDARY CHANGE.—The Secretary of the Interior is authorized to acquire by exchange approximately 5.48 acres located in the SW¼ of Section 28, Township 41 South, Range 10 West, Salt Lake Base and Meridian. In exchange therefor the Secretary is au-

thorized to convey all right, title, and interest of the United States in and to approximately 5.51 acres in Lot 2 of Section 5, Township 41 South, Range 11 West, both parcels of land being in Washington County, Utah. Upon completion of such exchange, the Secretary is authorized to revise the boundary of Zion National Park to add the 5.48 acres in Section 28 to the park and to exclude the 5.51 acres in Section 5 from the park. Land added to the park shall be administered as part of the park in accordance with the laws and regulations applicable thereto.

(b) EXPIRATION.—The authority granted by this section shall expire two years after the date of the enactment of this Act.

SEC. 103. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY ADJUSTMENT.

The boundary of Pictured Rocks National Lakeshore is hereby modified as depicted on a map entitled "Area Proposed for Addition to Pictured Rocks National Lakeshore", numbered 625–80, 043A and dated July 1992.

SEC. 104. INDEPENDENCE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The administrative boundary between Independence National Historical Park and the United States Customs House along the Moravian Street Walkway in Philadelphia, Pennsylvania, is hereby modified as generally depicted on the drawing entitled "Exhibit 1, Independence National Historical Park, Boundary Adjustment", and dated May 1987, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to accept and transfer jurisdiction over property in accord with such administrative boundary, as modified by this section.

SEC. 105. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) BOUNDARY REVISION.—The boundary of Craters of the Moon National Monument, Idaho, is revised to add approximately 210 acres and to delete approximately 315 acres as generally depicted on the map entitled "Craters of the Moon National Monument, Idaho, Proposed 1987 Boundary Adjustment", numbered 131–80,008, and dated October 1987, which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(b) ADMINISTRATION AND ACQUISITION.—Federal lands, and interests therein deleted from the boundary of the national monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Federal lands, and interests therein added to the national monument by this section shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto. The Secretary is authorized to acquire private lands, and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and when acquired they shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto.

SEC. 106. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

Section 302 of the Arizona-Idaho Conservation Act of 1988 (102 Stat. 4576) is amended by adding the following new subsection:

"(d) To further the purposes of the monument, the Secretary is also authorized to acquire from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange not to exceed 65 acres outside the boundary depicted on the map referred to in section 301 and develop and operate thereon research, information, interpretive, and administrative facilities. Lands acquired and facilities developed pursuant to this subsection shall be administered by the Secretary as part of the monument. The boundary of the monument shall be modified to include the lands added under this subsection as a noncontiguous parcel.".

SEC. 107. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

The boundary of the Wupatki National Monument, Arizona, is hereby revised to include the lands and interests in lands within the area generally depicted as "Proposed Addition 168.89 Acres" on the map entitled "Boundary—Wupatki and Sunset Crater National Monuments, Arizona", numbered 322–80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands, and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service, to be administered as part of the monument in accordance with the laws and regulations applicable thereto.

TITLE II—MISCELLANEOUS SPECIFIC PARK AMENDMENTS

SEC. 201. ADVISORY COMMISSIONS.

(a) KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK, HI.—

(1) This subsection may be cited as the "Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1994".

(2) Notwithstanding section 505(f)(7) of Public Law 95–625 (16 U.S.C. 396d(7)), the Na Hoa Pili O Kaloko-Honokohau, the Advisory Commission for Kaloko-Honokohau National Historical Park, is hereby re-established in accordance with section 505(f), as amended by subsection (b) of this section.

(3) Section 505(f)(7) of Public Law 95–625 (16 U.S.C. 396d(7)), is amended by striking "this Act" and inserting in lieu thereof, "the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1994.".

(b) WOMEN'S RIGHTS NATIONAL HISTORICAL PARK, NY.—Section 1601(h)(5) of the Act of December 28, 1980 (16 U.S.C. 410ll(h)(5)), is amended by striking "ten years" and inserting in lieu thereof "twenty-five years".

SEC. 202. AMENDMENT OF BOSTON NATIONAL HISTORIC PARK ACT.

Section 3(b) of the Boston National Historical Park Act of 1974 (16 U.S.C. 410z–1(b)) is amended by inserting "(1)" before the first sentence thereof and by adding the following at the end thereof:

"(2) The Secretary of the Interior is authorized to enter into a cooperative agreement with the Boston Public Library to provide for the distribution of informational and interpretive materials relating to the park and to the Freedom Trail.".

TITLE III—GENERAL AUTHORIZATIONS AND REPEALERS

SEC. 301. LIMITATION ON PARK BUILDINGS.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading "MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR", which appears under the heading "UNDER THE DEPARTMENT OF THE INTERIOR", as contained in the first section of the Act of August 24, 1912 (37 Stat. 460), as amended (16 U.S.C. 451), is hereby repealed.

SEC. 302. APPROPRIATIONS FOR TRANSPORTATION OF CHILDREN.

The first section of the Act of August 7, 1946 (16 U.S.C. 17j–2), is amended by adding at the end the following:

"(j) Provide transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.".

SEC. 303. FERAL BURROS AND HORSES.

Section 9 of the Act of December 15, 1971 (16 U.S.C. 1338a), is amended by adding at the end thereof the following: "Nothing in this Act shall be deemed to limit the authority of the Secretary in the management of units of the National Park System, and the Secretary may, without regard either to the provisions of this Act, or section 47(a) of title 18, United States Code, use motor vehicles, fixed-wing aircraft and helicopters, or contract for such use, in furtherance of the management of the National Park System, and the provisions of section 47(a) of title 18, United States Code, shall not be applicable to such use.".

SEC. 304. AUTHORITIES OF THE SECRETARY OF THE INTERIOR RELATING TO MUSEUMS.

(a) FUNCTIONS.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes" approved July 1, 1955 (16 U.S.C. 18f), is amended—

(1) in paragraph (b) of the first section, by striking out "from such donations and bequests of money"; and

(2) by adding at the end thereof the following:

"SEC. 2. ADDITIONAL FUNCTIONS.

"(a) In addition to the functions specified in the first section of this Act, the Secretary of the Interior may perform the following functions in such manner as he shall consider to be in the public interest:

"(1) Transfer museum objects and museum collections that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects and museum collections for the purposes of this Act from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects and museum collections directly to the administrative jurisdiction of the Secretary of the Interior for the purposes of this Act.

"(2) Convey museum objects and museum collections that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary deems necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection.

"(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

"(b) The Secretary shall ensure that museum objects and museum collections are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum pro-

fession for all actions taken under this section.".

(b) APPLICATION AND DEFINITIONS.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes" approved July 1, 1955 (16 U.S.C. 18f), as amended by subsection (a), is further amended by adding the following:

"SEC. 3. APPLICATION AND DEFINITIONS.

"(a) APPLICATION.—Authorities in this Act shall be available to the Secretary of the Interior with regard to museum objects and museum collections that were under the administrative jurisdiction of the Secretary for purposes of the National Park System before the date of enactment of this section as well as those museum objects and museum collections that may be acquired on or after such date.

"(b) DEFINITIONS.—For the purposes of this Act, the terms 'museum objects' and 'museum collections' mean objects that are eligible to be or are made part of a museum, library, or archive collection through a formal procedure, such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.".

SEC. 305. VOLUNTEERS IN THE PARKS INCREASE.

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,750,000".

SEC. 306. COOPERATIVE AGREEMENTS FOR RESEARCH PURPOSES.

Section 3 of the Act entitled "An Act to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" approved August 18, 1970 (16 U.S.C. 1a–2), is amended—

(1) in paragraph (i), by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following:

"(j) enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions, or private conservation organizations for the purpose of developing adequate, coordinated, cooperative research and training programs concerning the resources of the National Park System, and, pursuant to such agreements, to accept from and make available to the cooperator such technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units as the Secretary deems appropriate; except that this paragraph shall not waive any requirements for research projects that are subject to the Federal procurement regulations.".

SEC. 307. CARL GARNER FEDERAL LANDS CLEANUP DAY.

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 169i–169i–1 is amended by striking "Federal Lands Cleanup Day" each place it occurs and inserting in lieu thereof, "Carl Garner Federal Lands Cleanup Day".

SEC. 308. CORINTH INTERPRETIVE CENTER.

(a) SHORT TITLE.—This section may be cited as the "Corinth, Mississippi, Battlefield Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the 14 sites located in the vicinity of Corinth, Mississippi, that were designated as a National Historic Landmark by the Secretary of the Interior in 1991 represent nationally significant events in the Siege and Battle of Corinth during the Civil War; and

(2) the National Historic Landmark sites should be preserved and interpreted for the benefit, inspiration, and education of the people of the United States.

(c) PURPOSE.—It is the purpose of this section to provide for a center for the interpretation of the Siege and Battle of Corinth and other Civil War actions in the region and to ensure public understanding of the significance of the Corinth Campaign in the Civil War relative to the Western theater of operations, in cooperation with State or local governmental entities and private organizations and individuals.

(d) ACQUISITION OF PROPERTY.—(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, such lands or interests therein in the vicinity of the Corinth battlefield in the State of Mississippi, as the Secretary determines necessary for the construction of an interpretive center to commemorate and interpret the 1862 Civil War Siege and Battle of Corinth: Provided, That such lands or interests therein shall only be acquired with the consent of the owner thereof.

(2) Lands and interests therein owned by the State of Mississippi or a political subdivision thereof may be acquired only by donation.

(e) CONSTRUCTION OF CENTER.—The Secretary is authorized to construct, operate, and maintain on the property acquired under subsection (d) a center for the interpretation of the Siege and Battle of Corinth and associated historical events. The center shall include interpretive exhibits and such other features as may be necessary for public appreciation and understanding of the Siege and Battle of Corinth.

(f) MARKING.—The Secretary may mark sites associated with the Siege and Battle of Corinth National Historic Landmark, as designated on May 6, 1991, if such sites are determined by the Secretary to be protected by State or local governmental agencies.

(g) ADMINISTRATION.—The lands and interests in lands acquired, and the facilities constructed and maintained pursuant to this section shall be administered by the Secretary as a part of Shiloh National Military Park, subject to the appropriate laws and regulations applicable to the park, the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(h) IN GENERAL.—(1) Subject to paragraph (2), there are authorized to be appropriated such sums as are necessary to carry out this section.

(2) CONSTRUCTION.—Of the amounts made available to carry out this section, not more than $6,000,000 may be used to carry out section 4(a).

The bill (H.R. 1305) was deemed read a third time, and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1305) entitled "An Act to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1994".

TITLE I—MINOR BOUNDARY ADJUSTMENTS

SEC. 101. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of Yucca House National Monument are revised to include the approximately 24.27 acres of land generally depicted on the map entitled "Boundary—Yucca House National Monument, Colorado", numbered 318/80,001–B, and dated February 1990.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(c) ACQUISITION BY DONATION.—(1) Within the lands described in subsection (a), the Secretary of the Interior may acquire lands and interests in lands by donation.

(2) The Secretary of the Interior may pay administrative costs arising out of any donation described in paragraph (1) with appropriated funds.

SEC. 102. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) ACQUISITION AND BOUNDARY CHANGE.—The Secretary of the Interior is authorized to acquire by exchange approximately 5.48 acres located in the SW¼ of Section 28, Township 41 South, Range 10 West, Salt Lake Base and Meridian. In exchange therefor the Secretary is authorized to convey all right, title, and interest of the United States in and to approximately 5.51 acres in Lot 2 of Section 5, Township 41 South, Range 11 West, both parcels of land being in Washington County, Utah. Upon completion of such exchange, the Secretary is authorized to revise the boundary of Zion National Park to add the 5.48 acres in Section 28 to the park and to exclude the 5.51 acres in Section 5 from the park. Land added to the park shall be administered as part of the park in accordance with the laws and regulations applicable thereto.

(b) EXPIRATION.—The authority granted by this section shall expire two years after the date of the enactment of this Act.

SEC. 103. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY ADJUSTMENT.

The boundary of Pictured Rocks National Lakeshore is hereby modified as depicted on a map entitled "Area Proposed for Addition to Pictured Rocks National Lakeshore", numbered 625–80, 043A and dated July 1992.

SEC. 104. INDEPENDENCE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The administrative boundary between Independence National Historical Park and the United States Customs House along the Moravian Street Walkway in Philadelphia, Pennsylvania, is hereby modified as generally depicted on the drawing entitled "Exhibit 1, Independence National Historical Park, Boundary Adjustment", and dated May 1987, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to accept and transfer jurisdiction over property in accord with such administrative boundary, as modified by this section.

SEC. 105. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) BOUNDARY REVISION.—The boundary of Craters of the Moon National Monument, Idaho, is revised to add approximately 210 acres and to delete approximately 315 acres as generally depicted on the map entitled "Craters of the Moon National Monument, Idaho, Proposed 1987 Boundary Adjustment", numbered 131–80,008, and dated October 1987, which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(b) ADMINISTRATION AND ACQUISITION.—Federal lands, and interests therein deleted from the boundary of the national monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Federal lands, and interests therein added to the national monument by this section shall be administered by the Secretary as part of the national monument, subject to the

laws and regulations applicable thereto. The Secretary is authorized to acquire private lands, and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and when acquired they shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto.

SEC. 106. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

Section 302 of the Arizona-Idaho Conservation Act of 1988 (102 Stat. 4576) is amended by adding the following new subsection:

"(d) To further the purposes of the monument, the Secretary is also authorized to acquire from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange not to exceed 65 acres outside the boundary depicted on the map referred to in section 301 and develop and operate thereon research, information, interpretive, and administrative facilities. Lands acquired and facilities developed pursuant to this subsection shall be administered by the Secretary as part of the monument. The boundary of the monument shall be modified to include the lands added under this subsection as a noncontiguous parcel.".

SEC. 107. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

The boundary of the Wupatki National Monument, Arizona, is hereby revised to include the lands and interests in lands within the area generally depicted as "Proposed Addition 168.89 Acres" on the map entitled "Boundary—Wupatki and Sunset Crater National Monuments, Arizona", numbered 322–80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands, and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service, to be administered as part of the monument in accordance with the laws and regulations applicable thereto.

TITLE II—MISCELLANEOUS SPECIFIC PARK AMENDMENTS

SEC. 201. ADVISORY COMMISSIONS.

(a) Kaloko-Honokohau National Historical Park, HI.—

(1) This subsection may be cited as the "Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1994".

(2) Notwithstanding section 505(f)(7) of Public Law 95–625 (16 U.S.C. 396d(7)), the Na Hoa Pili O Kaloko-Honokohau, the Advisory Commission for Kaloko-Honokohau National Historical Park, is hereby re-established in accordance with section 505(f), as amended by subsection (b) of this section.

(3) Section 505(f)(7) of Public Law 95–625 (16 U.S.C. 396d(7)), is amended by striking "this Act" and inserting in lieu thereof, "the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1994.".

(b) Women's Rights National Historical Park, NY.—Section 1601(h)(5) of the Act of December 28, 1980 (16 U.S.C. 410ll(h)(5)), is amended by striking "ten years" and inserting in lieu thereof "twenty-five years".

SEC. 202. AMENDMENT OF BOSTON NATIONAL HISTORIC PARK ACT.

Section 3(b) of the Boston National Historical Park Act of 1974 (16 U.S.C. 410z–1(b)) is amended by inserting "(1)" before the first sentence thereof and by adding the following at the end thereof:

"(2) The Secretary of the Interior is authorized to enter into a cooperative agreement with the Boston Public Library to provide for the distribution of informational and interpretive materials relating to the park and to the Freedom Trail.".

TITLE III—GENERAL AUTHORIZATIONS AND REPEALERS

SEC. 301. LIMITATION ON PARK BUILDINGS.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading "MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR", which appears under the heading "UNDER THE DEPARTMENT OF THE INTERIOR", as contained in the first section of the Act of August 24, 1912 (37 Stat. 460), as amended (16 U.S.C. 451), is hereby repealed.

SEC. 302. APPROPRIATIONS FOR TRANSPORTATION OF CHILDREN.

The first section of the Act of August 7, 1946 (16 U.S.C. 17j–2), is amended by adding at the end the following:

"(j) Provide transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.".

SEC. 303. FERAL BURROS AND HORSES.

Section 9 of the Act of December 15, 1971 (16 U.S.C. 1338a), is amended by adding at the end thereof the following: "Nothing in this Act shall be deemed to limit the authority of the Secretary in the management of units of the National Park System, and the Secretary may, without regard either to the provisions of this Act, or section 47(a) of title 18, United States Code, use motor vehicles, fixed-wing aircraft and helicopters, or contract for such use, in furtherance of the management of the National Park System, and the provisions of section 47(a) of title 18, United States Code, shall not be applicable to such use.".

SEC. 304. AUTHORITIES OF THE SECRETARY OF THE INTERIOR RELATING TO MUSEUMS.

(a) Functions.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes" approved July 1, 1955 (16 U.S.C. 18f), is amended—

(1) in paragraph (b) of the first section, by striking out "from such donations and bequests of money"; and

(2) by adding at the end thereof the following:

"SEC. 2. ADDITIONAL FUNCTIONS.

"(a) In addition to the functions specified in the first section of this Act, the Secretary of the Interior may perform the following functions in such manner as he shall consider to be in the public interest:

"(1) Transfer museum objects and museum collections that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects and museum collections for the purposes of this Act from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects and museum collections directly to the administrative jurisdiction of the Secretary of the Interior for the purposes of this Act.

"(2) Convey museum objects and museum collections that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary deems necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection.

"(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

"(b) The Secretary shall ensure that museum objects and museum collections are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under this section.".

(b) Application and Definitions.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes" approved July 1, 1955 (16 U.S.C. 18f), as amended by subsection (a), is further amended by adding the following:

"SEC. 3. APPLICATION AND DEFINITIONS.

"(a) Application.—Authorities in this Act shall be available to the Secretary of the Interior with regard to museum objects and museum collections that were under the administrative jurisdiction of the Secretary for purposes of the National Park System before the date of enactment of this section as well as those museum objects and museum collections that may be acquired on or after such date.

"(b) Definitions.—For the purposes of this Act, the terms 'museum objects' and 'museum collections' mean objects that are eligible to be or are made part of a museum, library, or archive collection through a formal procedure, such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.".

SEC. 305. VOLUNTEERS IN THE PARKS INCREASE.

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,750,000".

SEC. 306. COOPERATIVE AGREEMENTS FOR RESEARCH PURPOSES.

Section 3 of the Act entitled "An Act to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" approved August 18, 1970 (16 U.S.C. 1a–2), is amended—

(1) in paragraph (i), by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following:

"(j) enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions, or private conservation organizations for the purpose of developing adequate, coordinated, cooperative research and training programs concerning the resources of the National Park System, and, pursuant to such agreements, to accept from and make available to the cooperator such technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units as the Secretary deems appropriate; except that this paragraph shall not waive any requirements for research projects that are subject to the Federal procurement regulations.".

SEC. 307. CARL GARNER FEDERAL LANDS CLEANUP DAY.

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 169i–169i–1 is amended by striking "Fed-

eral Lands Cleanup Day" each place it occurs and inserting in lieu thereof, "Carl Garner Federal Lands Cleanup Day".

SEC. 308. CORINTH INTERPRETIVE CENTER.

(a) SHORT TITLE.—This section may be cited as the "Corinth, Mississippi, Battlefield Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the 14 sites located in the vicinity of Corinth, Mississippi, that were designated as a National Historic Landmark by the Secretary of the Interior in 1991 represent nationally significant events in the Siege and Battle of Corinth during the Civil War; and

(2) the National Historic Landmark sites should be preserved and interpreted for the benefit, inspiration, and education of the people of the United States.

(c) PURPOSE.—It is the purpose of this section to provide for a center for the interpretation of the Siege and Battle of Corinth and other Civil War actions in the region and to ensure public understanding of the significance of the Corinth Campaign in the Civil War relative to the Western theater of operations, in cooperation with State or local governmental entities and private organizations and individuals.

(d) ACQUISITION OF PROPERTY.—(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, such lands or interests therein in the vicinity of the Corinth battlefield in the State of Mississippi, as the Secretary determines necessary for the construction of an interpretive center to commemorate and interpret the 1862 Civil War Siege and Battle of Corinth: Provided, That such lands or interests therein shall only be acquired with the consent of the owner thereof.

(2) Lands and interests therein owned by the State of Mississippi or a political subdivision thereof may be acquired only by donation.

(e) CONSTRUCTION OF CENTER.—The Secretary is authorized to construct, operate, and maintain on the property acquired under subsection (d) a center for the interpretation of the Siege and Battle of Corinth and associated historical events. The center shall include interpretive exhibits and such other features as may be necessary for public appreciation and understanding of the Siege and Battle of Corinth.

(f) MARKING.—The Secretary may mark sites associated with the Siege and Battle of Corinth National Historic Landmark, as designated on May 6, 1991, if such sites are determined by the Secretary to be protected by State or local governmental agencies.

(g) ADMINISTRATION.—The lands and interests in lands acquired, and the facilities constructed and maintained pursuant to this section shall be administered by the Secretary as a part of Shiloh National Military Park, subject to the appropriate laws and regulations applicable to the park, the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(h) IN GENERAL.—(1) Subject to paragraph (2), there are authorized to be appropriated such sums as are necessary to carry out this section.

(2) CONSTRUCTION.—Of the amounts made available to carry out this section, not more than $6,000,000 may be used to carry out section 4(a).

MEASURE PLACED ON THE CALENDAR—H.R. 4013

Mr. BRYAN. Mr. President, I ask unanimous consent that H.R. 4013, just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING USE OF CAPITOL GROUNDS—HOUSE CONCURRENT RESOLUTION 237

Mr. BRYAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 237, permitting the use of the Capitol grounds for the 13th annual National Peace Officers' Memorial Service, just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 237) authorizing the use of the Capitol grounds for the 13th annual National Peace Officers' Memorial Service.

Mr. BRYAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 237) was agreed to.

HUMAN SERVICES AMENDMENTS OF 1994

Mr. BRYAN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2000) to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2000) entitled "An Act to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Human Services Amendments of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEAD START PROGRAMS

Sec. 101. Short title; references in title.
Sec. 102. Definitions.
Sec. 103. Services.
Sec. 104. Authorization of appropriations.
Sec. 105. Allocation of funds.
Sec. 106. Report.
Sec. 107. Designation.
Sec. 108. Monitoring and quality assurance.
Sec. 109. Enhanced parent involvement and transition coordination with schools.
Sec. 110. Facilities and administrative requirements.
Sec. 111. Participation.
Sec. 112. Initiative on families with infants and toddlers.
Sec. 113. Appeals, notice, and hearing.
Sec. 114. Goals and priorities for training and technical assistance.
Sec. 115. Staff qualifications and development.
Sec. 116. Research, demonstrations, evaluation.
Sec. 117. Announcements and evaluations.
Sec. 118. Reports.
Sec. 119. Repeals.
Sec. 120. Consultation with the Corporation for National and Community Service.
Sec. 121. Study of benefits for Head Start employees.
Sec. 122. Study of full-day and full-year Head Start programs.
Sec. 123. State dependent care development programs.
Sec. 124. Reauthorization of Child Development Associate Scholarship Assistance Act of 1985.
Sec. 125. Technical and conforming amendments.
Sec. 126. Effective date; application of amendments.

TITLE II—COMMUNITY SERVICES BLOCK GRANT AMENDMENTS

Sec. 201. Short title and references.
Sec. 202. Authorizations of appropriations.
Sec. 203. Discretionary authority of Secretary.
Sec. 204. Community food and nutrition.
Sec. 205. Instructional activities for low-income youth.
Sec. 206. Amendment to Stewart B. McKinney Homeless Assistance Act.
Sec. 207. Amendments to the Human Services Reauthorization Act of 1986.
Sec. 208. Effective date.

TITLE III—LOW-INCOME HOME ENERGY ASSISTANCE AMENDMENTS

Sec. 301. Short title and references.
Sec. 302. Statement of purpose.
Sec. 303. Authorization of appropriations.
Sec. 304. Emergency funds.
Sec. 305. Authorized uses of funds.
Sec. 306. Targeting of assistance to households with high home energy burdens.
Sec. 307. Clarification of audit requirement.
Sec. 308. Use of Department of Energy weatherization rules to achieve program consistency.
Sec. 309. Matters to be described in annual application.
Sec. 310. Report of funds available for obligation.
Sec. 311. Miscellaneous and technical amendments.
Sec. 312. Residential energy assistance challenge option (R.E.A.Ch.).
Sec. 313. Sense of the Congress regarding appropriations for LIHEAP.
Sec. 314. Effective date.

TITLE IV—COMMUNITY-BASED FAMILY RESOURCE PROGRAMS

Sec. 401. Short title.
Sec. 402. Community-based family support and family resource programs.
Sec. 403. Federal Council on Children, Youth, and Families.
Sec. 404. Family Resource Act.

TITLE I—HEAD START PROGRAMS

SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Head Start Act Amendments of 1994".

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Head Start Act (42 U.S.C. 9831 et seq.)

SEC. 102. DEFINITIONS.

Section 637 (42 U.S.C. 9832) is amended—

(1) by striking paragraphs (4) and (5);

(2) by adding after paragraph (11) the following:

"(12) The term 'family literacy services' means services and activities that include interactive literacy activities between parents and their children, training for parents on techniques for being the primary teacher of their children and full partners in the education of their children, parent literacy training (including training in English as a second language), and early childhood education.

"(13) The term 'Indian tribe' means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Native village described in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)) or established pursuant to such Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.";

(3) by redesignating paragraphs (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (13), (5), (6), (4), and (10), respectively; and

(4)(A) by transferring paragraph (4), as so redesignated, and inserting the paragraph after paragraph (3);

(B) by transferring paragraphs (5) and (6), as so redesignated, and inserting the paragraphs after paragraph (4), as so redesignated;

(C) by transferring paragraph (10), as so redesignated, and inserting the paragraph after paragraph (9), as so redesignated;

(D) by inserting after paragraph (10), as so redesignated, the following:

"(11) The term 'local educational agency' has the meaning given such term in the Elementary and Secondary Education Act of 1965.

"(12) The term 'migrant Head Start program' means a Head Start program that serves families who are engaged in agricultural work and who have changed their residence from one geographical location to another in the preceding 2-year period."; and

(E) by adding at the end the following:

"(14) The term 'State educational agency' has the meaning given such term in the Elementary and Secondary Education Act of 1965.".

SEC. 103. SERVICES.

Section 638(a)(1) (42 U.S.C. 9833(a)(1)) is amended by striking "health, nutritional, educational, social, and other services" and inserting "health, education, parental involvement, nutritional, social, and other services".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

Section 639 (42 U.S.C. 9834) is amended—

(1) in subsection (a), by striking all that follows "subchapter" and inserting "such sums as may be necessary for fiscal years 1995, 1996, 1997, and 1998."; and

(2) by striking subsections (b) and (c) and inserting the following:

"(b) From the amount appropriated under subsection (a), the Secretary shall make available—

"(1) $35,000,000 for each of the fiscal years 1995 through 1998—

"(A) to carry out the Head Start Transition Project Act; and

"(B) to carry out activities authorized under section 642(d); and

"(2) not more than $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1998, to carry out longitudinal research under section 649(e).".

SEC. 105. ALLOCATION OF FUNDS.

(a) Allocation and Use of Funds for Quality Improvement.—Section 640(a)(3) (42 U.S.C. 9835(a)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (C) and (D), respectively;

(2) by striking "(3)(C)" and all that follows through "quality improvement activities:" and inserting the following:

"(3)(A)(i) In order to provide assistance for activities specified in subparagraph (C) directed at the goals specified in subparagraph (B), the Secretary shall reserve, from the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation, a share equal to the sum of—

"(I) 25 percent of such excess amount; and

"(II) any additional amount the Secretary may find necessary to address a demonstrated need for such activities.

"(ii) As used in clause (i), the term 'adjusted prior year appropriation' means, with respect to a fiscal year, the amount appropriated pursuant to section 639(a) for the preceding fiscal year, adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) during such preceding fiscal year.

"(B) Funds reserved under this paragraph (referred to in this paragraph as 'quality improvement funds') shall be used to accomplish any or all of the following goals:

"(i) Ensuring that Head Start programs meet or exceed performance standards pursuant to section 641A(a)(1)(A).

"(ii) Ensuring that such programs have adequate qualified staff, and that such staff are furnished adequate training, including developing skills in working with children with non-English language background, when appropriate.

"(iii) Ensuring that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

"(iv) Using salary increases to improve staff qualifications, and to assist with the implementation of career development programs, for the staff of Head Start programs.

"(v) Improving community-wide strategic planning and needs assessments for such programs.

"(vi) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, including, where appropriate, services to families with very young children.

"(vii) Making such other improvements in the quality of such programs as the Secretary may designate.

"(C) Quality improvement funds shall be used to carry out any or all of the following activities:";

(3) in subparagraph (C), as redesignated in paragraph (1), by adding at the end the following:

"(vii) Such other activities as the Secretary may designate."; and

(4) in subparagraph (D), as redesignated in paragraph (1)—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking "for the first, second, and third fiscal years for which funds are so reserved"; and

(ii) in subclause (II), by inserting "geographical areas specified in subsection (a)(2)(B) and Indian and migrant Head Start programs," after "States,";

(B) by striking clauses (ii) and (iii);

(C) in clause (iv)—

(i) by striking "To be expended" and all that follows through "reserved, funds" and inserting "Funds";

(ii) by striking "clause (ii)" the first place it appears and inserting "clause (i)";

(iii) by inserting before the period at the end of the first sentence, ", for expenditure for activities specified in subparagraph (C)"; and

(iv) by striking the second sentence;

(D) in clause (vi), by striking "paragraphs (2), (4), and (5)" and inserting "paragraph (2) or (4)"; and

(E) by striking clause (v) and redesignating clauses (iv) and (vi) as clauses (ii) and (iii), respectively.

(b) Funds Set-Aside.—Section 640(a) (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (1), by striking "through (5)." and inserting "through (4), and subject to paragraphs (5) and (6).";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "1990" and inserting "1994"; and

(B) in subparagraph (D), by inserting "(including payments for all costs (other than compensation of Federal employees) of reviews of Head Start agencies and programs under section 641A(c), and of activities related to the development and implementation of quality improvement plans under section 641A(d)(2))" after "Secretary";

(3) in paragraph (3), by striking "paragraph (5)" each place it appears and inserting "paragraph (4)";

(4) by striking paragraph (4), and redesignating paragraphs (5) and (6) as paragraphs (4) and (7), respectively;

(5) in paragraph (4), as redesignated in paragraph (4), by striking "The" and inserting "Subject to section 639(b), the"; and

(6) by adding after paragraph (4), as redesignated in paragraph (4), the following:

"(5)(A) From amounts reserved and allotted pursuant to paragraph (4), the Secretary shall reserve such sums as may be necessary to award the collaboration grants described in subparagraph (B).

"(B) From the reserved sums, the Secretary may award a collaboration grant to each State to facilitate collaboration between State governments and Head Start programs regarding activities carried out in the State under this subchapter, and other activities carried out in, and by, the State that are designed to benefit low-income children and families.

"(C) A State that receives a grant under subparagraph (B) shall—

"(i) appoint an individual to serve as a State liaison between—

"(I) agencies and individuals carrying out Head Start programs in the State;

"(II) the State educational agency and local educational agencies; and

"(III) other agencies and entities carrying out programs serving low-income children and families;

"(ii) involve the State Head Start Association in the selection of the individual, and involve the association in determinations relating to the ongoing direction of the collaboration;

"(iii) ensure that the individual holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies; and

"(iv) ensure that the collaboration described in subparagraph (B) involves coordination of Head Start services with health care, welfare, child care, education, libraries, and national service activities, and activities relating to children with disabilities.

"(D) As used in this paragraph, the term 'low-income', used with respect to children or families, shall not be considered to refer only to children or families that meet the low-income criteria prescribed pursuant to section 645(a)(1)(A).

"(6) From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a), a portion of the combined total of such amounts equal to 3 percent for fiscal year 1995, 4 percent for each of fiscal years 1996

and 1997, and 5 percent for fiscal year 1998, of the amount appropriated pursuant to section 639(a).".

(c) CONSIDERATIONS FOR ALLOCATION OF FUNDS FOR PROGRAM EXPANSION.—Section 640(g) (42 U.S.C. 9835(g)) is amended—

(1) by striking "(g)" and inserting "(g)(1)"; and

(2) by adding at the end the following:

"(2) For the purpose of expanding Head Start programs, in allocating funds to an applicant within a State, from amounts allotted to a State pursuant to subsection (a)(4), the Secretary shall take into consideration—

"(A) the quality of the applicant's programs (including Head Start and other child care or child development programs) in existence on the date of the allocation, including, in the case of Head Start programs in existence on the date of the allocation, the extent to which such programs meet or exceed performance standards and other requirements under this subchapter;

"(B) the applicant's capacity to expand services (including, in the case of Head Start programs in existence on the date of the allocation, whether the applicant accomplished any prior expansions in an effective and timely manner);

"(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations serving children and families (including organizations serving families in whose homes English is not the language customarily spoken) and involving consultation with the State agency that administers early childhood development and education programs;

"(D) the extent to which the applicant has identified a need to provide full-working-day or full calendar year services based on a family and community needs assessment consistent with the preceding paragraph;

"(E) the numbers of eligible children in each community who are not participating in a Head Start program; and

"(F) the concentration of low-income families in each community.

"(3) In determining the amount of funds reserved pursuant to subparagraph (A) or (B) of subsection (a)(2) to be used for expanding Head Start programs under this subchapter, the Secretary shall take into consideration, to the extent appropriate, the factors specified in paragraph (2).".

(d) TECHNICAL AMENDMENT.—Section 640(h) (42 U.S.C. 9835(h)) is amended by striking "Each Head Start program may" and inserting "Financial assistance provided under this subchapter may be used by each Head Start program to".

(e) COMPENSATION; REGULATIONS; PRIORITY.—Section 640 (42 U.S.C. 9835) is amended by adding at the end the following:

"(j) Any agency that receives financial assistance under this subchapter to improve the compensation of staff who provide services under this subchapter shall use the financial assistance to improve the compensation of such staff, regardless of whether the agency has the ability to improve the compensation of staff employed by the agency who do not provide Head Start services.

"(k) Regulations issued by the Secretary that require a certain number of hours of service to be provided to children in Head Start programs shall include such flexibility as will permit Head Start agencies to satisfy such requirement through one or more of a variety of techniques, including adjustments to the length of a daily session or to the number of days of service.

"(l) With funds made available under section 640(a)(2) to migrant Head Start programs, the Secretary shall give priority to migrant Head Start programs that serve eligible children of migrant families whose work requires them to relocate most frequently.".

SEC. 106. REPORT.

Section 640A (42 U.S.C. 9835a) is repealed.

SEC. 107. DESIGNATION.

(a) INDIAN RESERVATIONS.—Section 641(b) (42 U.S.C. 9836(b)) is amended by inserting after "Indian reservation" the following: "(including Indians in any area designated by the Bureau of Indian Affairs as near-reservation)".

(b) DESIGNATION OF AGENCIES.—Section 641(c) (42 U.S.C. 9836(c)) is amended—

(1) by striking paragraphs (2) through (4);

(2) in the first sentence—

(A) by inserting "(subject to paragraph (2))" before ", the Secretary shall give priority"; and

(B) by striking "unless" and all that follows through the end of subparagraph (A) and inserting the following: "unless the Secretary makes a finding that the agency involved fails to meet program, financial management, and other requirements established by the Secretary.";

(3) by redesignating subparagraph (B) as paragraph (2);

(4) in paragraph (2), as so redesignated—

(A) by striking "except that, if" and inserting "If"; and

(B) by striking "subparagraph (A)" and inserting "paragraph (1)";

(5) by striking "Notwithstanding any other provision of this paragraph" and inserting the following:

"(3) Notwithstanding any other provision of this subsection"; and

(6) by aligning the margins of paragraph (2), as so redesignated, with the margins of paragraph (3).

(c) CONSIDERATIONS IN DESIGNATING NEW HEAD START AGENCIES.—Section 641(d) (42 U.S.C. 9836(d)) is amended—

(1) in the first sentence, by striking all that precedes "then the Secretary" and inserting "If no entity in a community is entitled to the priority specified in subsection (c),";

(2) by striking the second sentence;

(3) in the third sentence—

(A) in the matter preceding paragraph (1), by striking "and subject to the preceding sentence";

(B) in paragraph (3), by inserting ", including Even Start programs," after "preschool programs"; and

(C) in paragraph (4), to read as follows:

"(4) the plan of such applicant—

"(A) to seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children;

"(B) to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

"(C) to offer (directly or through referral to local entities, such as public and school libraries and entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)) to such parents—

"(i) family literacy services; and

"(ii) parenting skills training;

"(D) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

"(i) parental social self-sufficiency training;

"(ii) substance abuse counseling;

"(iii) training in nonpunitive discipline techniques that are age appropriate, consistent, and positive for the child;

"(iv) training in basic child development;

"(v) assistance in developing communication skills;

"(vi) opportunities for parents to share experiences with other parents, or

"(vii) any other activity designed to help such parents understand the importance of their involvement in the education of their children and to help such parents become full partners in the education of their children; and

"(E) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in subparagraphs (C) and (D) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities);";

(4) in paragraph (7)—

(A) by striking "non-English language children" and inserting "non-English language background children and their families"; and

(B) by inserting "and" after the semicolon;

(5) by striking paragraph (8); and

(6) by redesignating paragraph (9) as paragraph (8).

(d) CONFORMING AMENDMENT.—Section 641 (42 U.S.C. 9836) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

SEC. 108. MONITORING AND QUALITY ASSURANCE.

The Act is amended by inserting after section 641 (42 U.S.C. 9836) the following:

"SEC. 641A. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

"(a) QUALITY STANDARDS.—

"(1) ESTABLISHMENT OF STANDARDS.—The Secretary shall establish by regulation standards applicable to Head Start agencies, programs, and projects under this subchapter, including—

"(A) performance standards with respect to services required to be provided, including health, education, parental involvement, nutritional, social, transition-to-elementary-school, and other services;

"(B) administrative and financial management standards, including standards that address recordkeeping and file maintenance practices;

"(C) standards relating to the condition and location of facilities for such agencies, programs, and projects;

"(D) standards for the provision of services to families with very young children; and

"(E) such other standards as the Secretary finds to be appropriate.

"(2) MINIMUM REQUIREMENTS.—The regulations promulgated under this subsection shall establish the minimum levels of overall accomplishment that a Head Start agency shall achieve in order to meet the standards specified in paragraph (1).

"(3) CONSIDERATIONS IN DEVELOPING STANDARDS.—In developing the regulations required under paragraph (1), the Secretary shall—

"(A) consult with experts in the fields of child development, early childhood education, child health care, family services (including linguistically, culturally, and developmentally appropriate services to non-English language background children and their families), administration, and financial management, and with persons with experience in the operation of Head Start programs;

"(B) take into consideration—

"(i) past experience with use of the standards in effect under this subchapter on the date of enactment of this section;

"(ii) changes over the period since the date of enactment of this subchapter in the circumstances and problems typically facing children and families served by Head Start agencies;

"(iii) developments concerning best practices with respect to child development, children with disabilities, family services, program administration, and financial management;

"(iv) guidelines and standards currently in effect or under consideration that promote child

health services, and projected needs of expanding Head Start programs;

"(v) changes in the population of children who are eligible to participate in Head Start programs, including the language background and family structure of such children; and

"(vi) the need for, and state-of-the-art developments relating to, local policies and activities designed to ensure that children participating in Head Start programs make a successful transition to public schools; and

"(C)(i) not later than 1 year after the date of enactment of this section, review and revise as necessary the performance standards in effect under section 651(b) on the day before the date of enactment of this section; and

"(ii) ensure that any such revisions in the performance standards will not result in the elimination of or any reduction in the scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on November 2, 1978.

"(4) STANDARDS RELATING TO OBLIGATIONS TO DELEGATE AGENCIES.—In developing standards under this subsection, the Secretary shall describe the obligations of a Head Start agency to an agency (referred to in this subchapter as the 'delegate agency') to which the Head Start agency has delegated responsibility for providing services under this subchapter and determine whether the Head Start agency complies with the standards. The Secretary shall consider such compliance during the review described in subsection (c)(1)(A) and in determining whether to renew financial assistance to the Head Start agency under this subchapter.

"(b) PERFORMANCE MEASURES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with representatives of Head Start agencies and with experts in the fields of child development, family services, and program management, shall develop methods and procedures for measuring, annually and over longer periods, the quality and effectiveness of programs operated by Head Start agencies (referred to in this subchapter as 'performance measures').

"(2) DESIGN OF MEASURES.—The performance measures developed under this subsection shall be designed—

"(A) to assess the various services provided by Head Start programs and, to the extent the Secretary finds appropriate, administrative and financial management practices of such programs;

"(B) to be adaptable for use in self-assessment and peer review of individual Head Start agencies and programs; and

"(C) for other program purposes as determined by the Secretary.

"(3) USE OF MEASURES.—The Secretary shall use the performance measures developed pursuant to this subsection—

"(A) to identify strengths and weaknesses in the operation of Head Start programs nationally and by region; and

"(B) to identify problem areas that may require additional training and technical assistance resources.

"(c) MONITORING OF LOCAL AGENCIES AND PROGRAMS.—

"(1) IN GENERAL.—In order to determine whether Head Start agencies meet standards established under this subchapter with respect to program, administrative, financial management, and other requirements, the Secretary shall conduct the following reviews of designated Head Start agencies, and of the Head Start programs operated by such agencies:

"(A) A full review of each such agency at least once during each 3-year period.

"(B) A review of each newly designated agency immediately after the completion of the first year such agency carries out a Head Start program.

"(C) Follow-up reviews including prompt return visits to agencies and programs that fail to meet the standards.

"(D) Other reviews as appropriate.

"(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

"(A) are performed, to the maximum extent practicable, by employees of the Department of Health and Human Services who are knowledgeable about Head Start programs and the diverse (including linguistic and cultural) needs of eligible children and their families; and

"(B) are supervised by such an employee at the site of such Head Start agency.

"(d) CORRECTIVE ACTION; TERMINATION.—

"(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (b), the Secretary shall—

"(A) inform the agency of the deficiencies that shall be corrected;

"(B) with respect to each identified deficiency, require the agency—

"(i) to correct the deficiency immediately; or

"(ii) at the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan; and

"(C) initiate proceedings to terminate the designation of the agency unless the agency corrects the deficiency.

"(2) QUALITY IMPROVEMENT PLAN.—

"(A) AGENCY RESPONSIBILITIES.—In order to retain a designation as a Head Start agency under this subchapter, a Head Start agency that is the subject of a determination described in paragraph (1) (other than an agency able to correct a deficiency immediately) shall—

"(i) develop in a timely manner, obtain the approval of the Secretary regarding, and implement a quality improvement plan that specifies—

"(I) the deficiencies to be corrected;

"(II) the actions to be taken to correct such deficiencies; and

"(III) the timetable for accomplishment of the corrective actions specified; and

"(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency received notice of the determination and of the specific deficiency to be corrected).

"(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

"(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary shall provide training and technical assistance to Head Start agencies with respect to the development or implementation of such quality improvement plans to the extent the Secretary finds such provision to be feasible and appropriate given available funding and other statutory responsibilities.

"(e) SUMMARIES OF MONITORING OUTCOMES.—Not later than 90 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (d), during such fiscal year.".

SEC. 109. ENHANCED PARENT INVOLVEMENT AND TRANSITION COORDINATION WITH SCHOOLS.

Section 642 (42 U.S.C. 9837) is amended—

(1) by amending subsection (b) to read as follows:

"(b) In order to be so designated, a Head Start agency shall also—

"(1) establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests;

"(2) provide for their regular participation in the implementation of such programs;

"(3) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources;

"(4) seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

"(5) offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training;

"(6) at the option of such agency, offer (directly or through referral to local entities), to such parents, parental social self-sufficiency training, substance abuse counseling, training in nonpunitive discipline techniques that are age appropriate, consistent, and positive for the child, training in basic child development, assistance in developing communication skills, opportunities for parents to share experiences with other parents, regular in-home visitation for families at risk of child abuse and neglect, or any other activity designed to help such parents become full partners in the education of their children;

"(7) provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in paragraphs (4) through (6) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities);

"(8) establish procedures to seek reimbursement, to the extent feasible, from other agencies for services for which any such other agency is responsible, which are provided to a Head Start participant by the Head Start agency;

"(9) consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources; and

"(10) perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers.";

(2) in subsection (c)—

(A) by striking "schools that will subsequently serve children in Head Start programs,"; and

(B) by inserting ", including Even Start programs," after "other programs"; and

(3) by adding after subsection (c) the following:

"(d)(1) Each Head Start agency shall carry out the actions specified in this subsection, to the extent feasible and appropriate in the circumstances (including the extent to which such agency is able to secure the cooperation of parents and schools) to enable children to maintain the developmental gains achieved in Head Start programs and to build upon such gains in further schooling.

"(2) The Head Start agency shall take steps to coordinate with the local educational agency (as defined in the Elementary and Secondary

Education Act of 1965) serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

"(A) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

"(B) establishing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, and health staff) to facilitate coordination of programs;

"(C) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the developmental and other needs of individual children;

"(D) organizing and participating in joint transition-related training of school staff, Head Start staff, and parents;

"(E) providing transportation and using facilities; and

"(F) on the request of the local educational agency, providing noneducational services to such children.

"(3) In order to promote the continued involvement of parents of children who participate in Head Start programs in the education of their children upon transition to school, the Head Start agency shall—

"(A) provide training to such parents—

"(i) to inform such parents about their rights and responsibilities concerning the education of their children; and

"(ii) to enable such parents to understand and work with schools in order to communicate with teachers and other school personnel, to support the school work of their children, and to participate as appropriate in decisions relating to the education of their children; and

"(B) take other actions, as appropriate and feasible, to support the active involvement of such parents with schools, school personnel, and school-related organizations.

"(4) The Secretary, in cooperation with the Secretary of Education, shall—

"(A) evaluate the effectiveness of the projects and activities funded under the Head Start Transition Project Act (42 U.S.C. 9855 et seq.);

"(B) disseminate to Head Start agencies information (including information from the evaluation required by subparagraph (A)) on effective policies and activities relating to the transition of children from Head Start programs to public schools; and

"(C) provide technical assistance to such agencies to promote and assist such agencies to adopt and implement such effective policies and activities.".

SEC. 110. FACILITIES AND ADMINISTRATIVE REQUIREMENTS.

Section 644 (42 U.S.C. 9839) is amended—

(1) in subsection (d), by striking "guidelines, instructions,";

(2) in subsection (f)—

(A) in paragraph (2), by striking "640(a)(3)(A)(v)" and inserting "640(a)(3)(C)(v)"; and

(B) by adding at the end the following:

"(3) Upon a determination by the Secretary that suitable facilities are not otherwise available to Indian tribes to carry out Head Start programs, and that the lack of suitable facilities will inhibit the operation of such programs, the Secretary, in the discretion of the Secretary, may authorize the use of financial assistance, from the amount reserved under section 640(a)(2)(A), to make payments for the purchase of facilities owned by such tribes. The amount of such a payment for such a facility shall not exceed the fair market value of the facility."; and

(3) by adding at the end the following:

"(g) In all personnel actions of the American Indian Programs Branch of the Head Start Bureau of the Administration for Children and Families, the Secretary shall give the same preference to individuals who are members of an Indian tribe as the Secretary gives to a preference eligible, as described in section 2108(3)(C) of title 5 of the United States Code. The Secretary shall take such additional actions as may be necessary to promote recruitment of such individuals for employment in the Administration.".

SEC. 111. PARTICIPATION.

Section 645 (42 U.S.C. 9840) is amended by adding at the end the following:

"(d)(1) An Indian tribe that—

"(A) operates a Head Start program;

"(B) enrolls as participants in the program all children in the community served by the tribe (including a community with a near-reservation designation, as defined by the Bureau of Indian Affairs) from families that meet the low-income criteria prescribed under subsection (a)(1)(A); and

"(C) has the resources to enroll additional children in the community who do not meet the low-income criteria; may enroll such additional children in a Head Start program, in accordance with this subsection, if the program predominantly serves children who meet the low-income criteria.

"(2) The Indian tribe shall enroll the children in the Head Start program in accordance with such requirements as the Secretary may specify by regulation promulgated after consultation with Indian tribes.

"(3) In providing services through a Head Start program to such children, the Indian tribe may not use funds that the Secretary has determined, in accordance with section 640(g)(3), are to be used for expanding Head Start programs under this subchapter.".

SEC. 112. INITIATIVE ON FAMILIES WITH INFANTS AND TODDLERS.

(a) ESTABLISHMENT.—The Act is amended by adding after section 645 (42 U.S.C. 9840) the following:

"SEC. 645A. PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS.

"(a) IN GENERAL.—The Secretary shall make grants, in accordance with this section for—

"(1) programs providing family-centered services for low-income families with very young children designed to promote the development of the children, and to enable their parents to fulfill their roles as parents and to move toward self-sufficiency; and

"(2) provision of training and technical assistance to entities carrying out programs, and evaluation of programs, that were supported under the Comprehensive Child Development Act (42 U.S.C. 9881 et seq.), as in effect on the day before the date of enactment of this section.

"(b) SCOPE AND DESIGN OF PROGRAMS.—In carrying out a program described in subsection (a), an entity receiving assistance under this section shall—

"(1) provide, either directly or through referral, early, continuous, intensive, and comprehensive child development and family support services that will enhance the physical, social, emotional, and intellectual development of participating children;

"(2) ensure that the level of services provided to families responds to their needs and circumstances;

"(3) promote positive parent-child interactions;

"(4) provide services to parents to support their role as parents and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

"(5) coordinate services with services provided by programs in the State and programs in the community (including transition-to-school programs and linkages with programs of other agencies, including local educational agencies serving families with infants and toddlers) to ensure a comprehensive array of services (such as health and mental health services);

"(6) ensure formal linkages with local Head Start programs in order to provide for continuity of services for children and families;

"(7) in the case of a Head Start agency that operates a program and that also provides Head Start services through the age of mandatory school attendance, ensure that children and families participating in the program receive such services through such age; and

"(8) meet such other requirements concerning design and operation of the program described in subsection (a) as the Secretary may establish.

"(c) PERSONS ELIGIBLE TO PARTICIPATE.—Persons who may participate in programs described in subsection (a)(1) include—

"(1) pregnant women; and

"(2) families with children under age 3 (or under age 5, in the case of children served by an entity specified in subsection (e)(3));

who meet the income criteria specified for families in section 645(a)(1).

"(d) ELIGIBLE SERVICE PROVIDERS.—To be eligible to receive assistance under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Entities that may apply to carry out activities under this section include—

"(1) entities operating Head Start programs under this subchapter;

"(2) entities that, on the day before the date of enactment of this section, were operating—

"(A) Parent-Child Centers receiving financial assistance under section 640(a)(4), as in effect on such date; or

"(B) programs receiving financial assistance under the Comprehensive Child Development Act, as in effect on such date; and

"(3) other public entities, and nonprofit private entities, capable of providing child and family services that meet the standards for participation in programs under this subchapter and meet such other appropriate requirements relating to the activities under this section as the Secretary may establish.

"(e) TIME-LIMITED PRIORITY FOR CERTAIN ENTITIES.—

"(1) IN GENERAL.—From amounts allotted pursuant to paragraphs (2) and (4) of section 640(a), the Secretary shall provide financial assistance in accordance with paragraphs (2) through (4).

"(2) PARENT-CHILD CENTERS.—The Secretary shall make financial assistance available under this section for each of fiscal years 1995, 1996, and 1997 to any entity that—

"(A) complies with subsection (b); and

"(B) received funding as a Parent-Child Center pursuant to section 640(a)(4), as in effect on the day before the date of enactment of this section, for fiscal year 1994.

"(3) COMPREHENSIVE CHILD DEVELOPMENT CENTERS.—

"(A) In the case of an entity that received a grant for fiscal year 1994 to operate a project under the Comprehensive Child Development Act, the Secretary—

"(i) shall make financial assistance available under this section, in a comparable amount and scope to the assistance provided for fiscal year 1994, for the duration of the project period specified in the grant award to such entity under such Act; and

"(ii) shall permit such entity, in carrying out activities assisted under this section, to serve children from birth through age 5.

"(B) In the case of an entity that received a grant for fiscal year 1989 to operate a project under the Comprehensive Child Development Act, the Secretary shall make assistance available under this section for each of fiscal years 1995, 1996, and 1997 to any entity that complies with subsection (b).

"(4) EVALUATIONS, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall make financial assistance available under this section as necessary to provide for the evaluation of, and furnishing of training and technical assistance to, programs specified in paragraph (3)(A).

"(f) SELECTION OF OTHER GRANT RECIPIENTS.—From the balance remaining of the portion specified in section 640(a)(6), after making grants to the eligible entities specified in subsection (e), the Secretary shall award grants under this subsection on a competitive basis to applicants meeting the criteria specified in subsection (d) (giving priority to entities with a record of providing early, continuous, and comprehensive childhood development and family services).

"(g) DISTRIBUTION.—In awarding grants to eligible applicants under this section, the Secretary shall—

"(1) ensure an equitable national geographic distribution of the grants; and

"(2) award grants to applicants proposing to serve communities in rural areas and to applicants proposing to serve communities in urban areas.

"(h) SECRETARIAL RESPONSIBILITIES.—

"(1) GUIDELINES.—Not later than September 30, 1994, the Secretary shall develop program guidelines concerning the content and operation of programs assisted under this section—

"(A) in consultation with experts in early childhood development, experts in health, and experts in family services; and

"(B) taking into consideration the knowledge and experience gained from other early childhood programs, including programs under the Comprehensive Child Development Act, and from migrant Head Start programs that serve a large number of infants and toddlers.

"(2) STANDARDS.—Not later than December 30, 1994, the Secretary shall develop and publish performance standards for programs assisted under this section, and a grant announcement based on the guidelines developed under paragraph (1).

"(3) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—In order to ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the balance described in subsection (f) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.".

(b) CONSOLIDATION.—(1) In recognition that the Comprehensive Child Development Centers Act has demonstrated positive results, and that its purposes and functions have been consolidated into section 645A of the Head Start Act, the Comprehensive Child Development Centers Act of 1988 (42 U.S.C. 9801 note) and the Comprehensive Child Development Act (42 U.S.C. 9881–9887) are repealed by paragraph (2).

(2)(A) Part E of title II of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Amendments of 1988 (Public Law 100–297; 102 Stat. 325) is repealed.

(B) Subchapter F of chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35; 42 U.S.C. 9801 note, et seq.) is repealed.

(c) CONFORMING AMENDMENT.—Section 638 of the Head Start Act (42 U.S.C. 9833) is amended—

(1) in subsection (a) by striking "(a)"; and

(2) by striking subsection (b).

SEC. 113. APPEALS, NOTICE, AND HEARING.

(a) MEDIATION AND HEARING FOR DISPUTES WITH DELEGATE AGENCIES.—Section 646(a) (42 U.S.C. 9841(a)) is amended—

(1) at the end of paragraph (2), by striking "and";

(2) at the end of paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) the Secretary shall develop and publish procedures (including mediation procedures) to be used in order to—

"(A) resolve in a timely manner conflicts potentially leading to adverse action between—

"(i) recipients of financial assistance under this subchapter; and

"(ii) delegate agencies or Head Start Parent Policy Councils; and

"(B) avoid the need for an administrative hearing.".

(b) TERMINATION OF DESIGNATION NOT STAYED PENDING APPEAL.—Section 646 (42 U.S.C. 9841) is amended by striking subsection (b) and inserting the following:

"(b) In prescribing procedures for the mediation described in subsection (a)(4), the Secretary shall specify—

"(1) the date by which a Head Start agency engaged in a conflict described in subsection (a)(4) will notify the appropriate regional office of the Department of the conflict;

"(2) a reasonable period for the mediation;

"(3) a timeline for an administrative hearing, if necessary, to resolve the conflict; and

"(4) a timeline by which the person conducting the administrative hearing shall issue a decision based on the hearing.

"(c) In any case in which a termination, reduction, or suspension of financial assistance under this subchapter is upheld in an administrative hearing under this section, such termination, reduction, or suspension shall not be stayed pending any judicial appeal of such administrative decision.

"(d)(1) The Secretary shall by regulation specify a process by which an Indian tribe may identify and establish an alternative agency, and request that the alternative agency be designated under section 641 as the Head Start agency providing services to the tribe, if—

"(A) the Secretary terminates financial assistance under section 646 to the only agency that was receiving financial assistance to provide Head Start services to the Indian tribe; and

"(B) the tribe would otherwise be precluded from providing such services to the members of the tribe.

"(2) The regulation required by this subsection shall prohibit such designation of an alternative agency that includes an employee who—

"(A) served on the administrative staff or program staff of the agency described in paragraph (1)(A); and

"(B) was responsible for a deficiency that—

"(i) relates to the performance standards or financial management standards described in section 641A(a)(1); and

"(ii) was the basis for the termination of financial assistance described in paragraph (1)(A);

as determined by the Secretary after providing the notice and opportunity described in subsection (a)(3).".

SEC. 114. GOALS AND PRIORITIES FOR TRAINING AND TECHNICAL ASSISTANCE.

Section 648 (42 U.S.C. 9843) is amended—

(1) in the section heading to read as follows: "TECHNICAL ASSISTANCE AND TRAINING";

(2) in subsection (a)(2), by striking "Head Start programs, including" and inserting "Head Start programs, in accordance with the process, and the provisions for allocating resources, set forth in subsections (b) and (c). The Secretary shall provide, either directly or through grants or other arrangements,";

(3)(A) by redesignating the final sentence of subsection (a), as amended by paragraph (2), as subsection (e);

(B) by transferring such subsection to the end of the section; and

(C) by indenting such subsection and aligning the margins of such subsection with the margins of subsection (d);

(4) by striking subsections (b) and (c);

(5) by inserting after subsection (a) the following:

"(b) The process for determining the technical assistance and training activities to be carried out under this section shall—

"(1) ensure that the needs of local Head Start agencies and programs relating to improving program quality and to program expansion are addressed to the maximum extent feasible; and

"(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the individuals and agencies carrying out Head Start programs.

"(c) In allocating resources for technical assistance and training under this section, the Secretary shall—

"(1) give priority consideration to activities to correct program and management deficiencies identified through reviews pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2));

"(2) address the training and career development needs of classroom staff (including instruction for providing services to children with disabilities) and nonclassroom staff, including home visitors and other staff working directly with families, including training relating to increasing parent involvement and services designed to increase family literacy and improve parenting skills;

"(3) assist Head Start agencies and programs in conducting and participating in community-wide strategic planning and needs assessment;

"(4) assist Head Start agencies and programs in developing full-working-day and full-calendar-year programs and making the transition to such programs, with particular attention to involving parents and programming for children throughout a longer day;

"(5) assist Head Start agencies in better serving the needs of families with very young children;

"(6) assist Head Start agencies and programs in the development of sound management practices, including financial management procedures; and

"(7) assist in efforts to secure and maintain adequate facilities for Head Start programs."; and

(6) in subsection (d), by adding at the end the following:

"Special consideration shall be given to entities that have demonstrated effectiveness in educational programming for preschool children that includes components for parental involvement, care provider training, and developmentally appropriate related activities.".

SEC. 115. STAFF QUALIFICATIONS AND DEVELOPMENT.

The Head Start Act is amended by inserting after section 648 (42 U.S.C. 9843) the following:

"SEC. 648A. STAFF QUALIFICATIONS AND DEVELOPMENT.

"(a) CLASSROOM TEACHERS.—

"(1) DEGREE REQUIREMENTS.—The Secretary shall ensure that not later than September 30, 1996, each Head Start classroom in a center-based program is assigned one teacher who has—

"(A) a child development associate (CDA) credential that is appropriate to the age of the children being served in center-based programs;

"(B) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential;

"(C) an associate, a baccalaureate, or an advanced degree in early childhood education; or

"(D) a degree in a field related to early childhood education with experience in teaching preschool children and a State-awarded certificate to teach in a preschool program.

"(2) WAIVER.—On request, the Secretary shall grant a 180-day waiver of the requirements of paragraph (1) with respect to an individual who—

"(A) is first employed after September 30, 1996, by a Head Start agency as a teacher for a Head Start classroom;

"(B) is enrolled in a program that grants any credential, certificate, or degree specified in subparagraph (A), (B), (C), or (D) of paragraph (1); and

"(C) will receive such credential under the terms of such program not later than 180 days after beginning employment as a teacher with such agency.

"(3) LIMITATION.—The Secretary may not grant more than one such waiver with respect to such individual.

"(b) MENTOR TEACHERS.—

"(1) DEFINITION; FUNCTION.—For purposes of this subsection, the term 'mentor teacher' means an individual responsible for observing and assessing the classroom activities of a Head Start program and providing on-the-job guidance and training to the Head Start program staff and volunteers, in order to improve the qualifications and training of classroom staff, to maintain high quality education services, and to promote career development, in Head Start programs.

"(2) REQUIREMENT.—In order to assist Head Start agencies in establishing positions for mentor teachers, the Secretary shall—

"(A) provide technical assistance and training to enable Head Start agencies to establish such positions;

"(B) give priority consideration, in providing assistance pursuant to subparagraph (A), to Head Start programs that have substantial numbers of new classroom staff, that are experiencing difficulty in meeting applicable education standards, or that lack staff able to communicate in the languages of participating children and their families;

"(C) encourage Head Start programs to give priority consideration for such positions to Head Start teachers at the appropriate level of career advancement in such programs; and

"(D) promote the development of model curricula, designed to ensure the attainment of appropriate competencies by individuals working, or planning to work, in the field of early childhood development and family services.

"(c) FAMILY SERVICE WORKERS.—In order to improve the quality and effectiveness of staff providing in-home and other services (including needs assessment, development of service plans, family advocacy, and coordination of service delivery) to families of children participating in Head Start programs, the Secretary, in coordination with concerned public and private agencies and organizations examining the issues of standards and training for family service workers, shall—

"(1) review and, as necessary, revise or develop new qualification standards for Head Start staff providing such services;

"(2) promote the development of model curricula (on subjects including parenting training and family literacy) designed to ensure the attainment of appropriate competencies by individuals working or planning to work in the field of early childhood and family services; and

"(3) promote the establishment of a credential that indicates attainment of the competencies and that is accepted nationwide.

"(d) HEAD START FELLOWSHIPS.—

"(1) AUTHORITY.—The Secretary may establish a program of fellowships, to be known as 'Head Start Fellowships', in accordance with this subsection. The Secretary may award the fellowships to individuals, to be known as 'Head Start Fellows', who are staff in local Head Start programs or other individuals working in the field of child development and family services.

"(2) PURPOSE.—The fellowship program established under this subsection shall be designed to enhance the ability of Head Start Fellows to make significant contributions to programs authorized under this subchapter, by providing opportunities to expand their knowledge and experience through exposure to activities, issues, resources, and new approaches, in the field of child development and family services.

"(3) ASSIGNMENTS OF FELLOWS.—

"(A) PLACEMENT SITES.—Fellowship positions under the fellowship program may be located (subject to subparagraphs (B) and (C))—

"(i) in agencies of the Department of Health and Human Services administering programs authorized under this subchapter (in national or regional offices of such agencies);

"(ii) in local Head Start agencies and programs;

"(iii) in institutions of higher education;

"(iv) in public or private entities and organizations concerned with services to children and families; and

"(v) in other appropriate settings.

"(B) LIMITATION FOR FELLOWS OTHER THAN HEAD START EMPLOYEES.—A Head Start Fellow who is not an employee of a local Head Start agency or program may be placed only in a fellowship position located in an agency or program specified in clause (i) or (ii) of subparagraph (A).

"(C) NO PLACEMENT IN LOBBYING ORGANIZATIONS.—Head Start Fellowship positions may not be located in any agency whose primary purpose, or one of whose major purposes, is to influence Federal, State, or local legislation.

"(4) SELECTION OF FELLOWS.—Head Start Fellowships shall be awarded on a competitive basis to individuals (other than Federal employees) selected from among applicants who are working, on the date of application, in local Head Start programs or otherwise working in the field of child development and children and family services.

"(5) DURATION.—Head Start Fellowships shall be for terms of 1 year, and may be renewed for a term of 1 additional year.

"(6) AUTHORIZED EXPENDITURES.—From amounts appropriated under this subchapter and allotted under section 640(a)(2)(D), the Secretary is authorized to make expenditures of not to exceed $1,000,000 for any fiscal year, for stipends and other reasonable expenses of the fellowship program.

"(7) STATUS OF FELLOWS.—Except as otherwise provided in this paragraph, Head Start Fellows shall not be considered to be employees or otherwise in the service or employment of the Federal Government. Head Start Fellows shall be considered to be employees for purposes of compensation for injuries under chapter 81 of title 5, United States Code. Head Start Fellows assigned to positions located in agencies specified in paragraph (3)(A)(i) shall be considered employees in the executive branch of the Federal Government for the purposes of chapter 11 of title 18, United States Code, and for purposes of any administrative standards of conduct applicable to the employees of the agency to which they are assigned.

"(8) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

"(e) MODEL STAFFING PLANS.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in consultation with appropriate public agencies, private agencies, and organizations and with individuals with expertise in the field of children and family services (including services to non-English language background children and their families), shall develop model staffing plans to provide guidance to local Head Start agencies and programs on the numbers, types, responsibilities, and qualifications of staff required to operate a Head Start program.".

SEC. 116. RESEARCH, DEMONSTRATIONS, EVALUATION.

Section 649 (42 U.S.C. 9844) is amended to read as follows:

"SEC. 649. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

"(a) IN GENERAL.—

"(1) REQUIREMENT; GENERAL PURPOSES.—The Secretary shall carry out a continuing program of research, demonstration, and evaluation activities, in order to—

"(A) foster continuous improvement in the quality of the Head Start programs under this subchapter and in their effectiveness in enabling participating children and their families to succeed in school and otherwise; and

"(B) use the Head Start programs to develop, test, and disseminate new ideas and approaches for addressing the needs of low-income preschool children (including children with disabilities) and their families and communities, and otherwise to further the purposes of this subchapter.

"(2) PLAN.—The Secretary shall develop, and periodically update, a plan governing the research, demonstration, and evaluation activities under this section.

"(b) CONDUCT OF RESEARCH, DEMONSTRATION, AND EVALUATION ACTIVITIES.—The Secretary, in order to conduct research, demonstration, and evaluation activities under this section—

"(1) may carry out such activities directly, or through grants to, or contracts or cooperative agreements with, public or private entities;

"(2) shall, to the extent appropriate, undertake such activities in collaboration with other Federal agencies, and with non-Federal agencies, conducting similar activities;

"(3) shall ensure that evaluation of activities in a specific program or project is conducted by persons not directly involved in the operation of such program or project;

"(4) may require Head Start agencies to provide for independent evaluations;

"(5) may approve, in appropriate cases, community-based cooperative research and evaluation efforts to enable Head Start programs to collaborate with qualified researchers not directly involved in program administration or operation; and

"(6) may collaborate with organizations with expertise in inclusive educational strategies for preschoolers with disabilities.

"(c) CONSULTATION AND COLLABORATION.—In carrying out activities under this section, the Secretary shall—

"(1) consult with—

"(A) individuals from relevant academic disciplines;

"(B) individuals who are involved in the operation of Head Start programs and individuals who are involved in the operation of other child and family service programs; and

"(C) individuals from other Federal agencies, and individuals from organizations, involved with children and families, ensuring that the individuals described in this subparagraph reflect the multicultural nature of the children and families served by the Head Start programs and the multidisciplinary nature of the Head Start programs;

"(2) whenever feasible and appropriate, obtain the views of persons participating in and served by programs and projects assisted under *this subchapter with respect to activities under this section; and*

"(3) establish, to the extent appropriate, working relationships with the faculties of institutions of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), located in the area in which any evaluation under this section is being conducted, unless there is no such institution of higher education willing and able to participate in such evaluation.

"(d) SPECIFIC OBJECTIVES.—The research, demonstration, and evaluation activities under this subchapter shall include components designed to—

"(1) permit ongoing assessment of the quality and effectiveness of the programs under this subchapter;

"(2) contribute to developing knowledge concerning factors associated with the quality and effectiveness of Head Start programs and in identifying ways in which services provided under this subchapter may be improved;

"(3) assist in developing knowledge concerning the factors that promote or inhibit healthy development and effective functioning of children and their families both during and following participation in a Head Start program;

"(4) permit comparisons of children and families participating in Head Start programs with children and families receiving other child care, early childhood education, or child development services and with other appropriate control groups;

"(5) contribute to understanding the characteristics and needs of population groups eligible for services provided under this subchapter and the impact of such services on the individuals served and the communities in which such services are provided;

"(6) provide for disseminating and promoting the use of the findings from such research, demonstration, and evaluation activities; and

"(7) promote exploration of areas in which knowledge is insufficient, and that will otherwise contribute to fulfilling the purposes of this subchapter.

"(e) LONGITUDINAL STUDIES.—In developing priorities for research, demonstration, and evaluation activities under this section, the Secretary shall give special consideration to longitudinal studies that—

"(1) examine the developmental progress of children and their families both during and following participation in a Head Start program, including the examination of factors that contribute to or detract from such progress;

"(2) examine factors related to improving the quality of the Head Start programs and the preparation the programs provide for children and their families to function effectively in schools and other settings in the years following participation in such a program; and

"(3) as appropriate, permit comparison of children and families participating in Head Start programs with children and families receiving other child care, early childhood education, or child development services, and with other appropriate control groups.

"(f) OWNERSHIP OF RESULTS.—The Secretary shall take necessary steps to ensure that all studies, reports, proposals, and data produced or developed with Federal funds under this subchapter shall become the property of the United States.".

SEC. 117. ANNOUNCEMENTS AND EVALUATIONS.

Section 650 (42 U.S.C. 9845) is repealed.

SEC. 118. REPORTS.

(a) IN GENERAL.—Section 651 (42 U.S.C. 9846) is amended—

(1) by striking the section heading and all that follows through subsection (f) and inserting:

"SEC. 651. REPORTS.";

(2) by striking "(g)";

(3) in paragraph (10), by striking "evaluations conducted under section 641(c)(2)" and inserting "monitoring conducted under section 641A(c)"; and

(4)(A) by striking "and" at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting a semicolon; and

(C) by adding after paragraph (12) the following:

"(13) a summary of information concerning the research, demonstration, and evaluation activities conducted under section 649, including—

"(A) a status report on ongoing activities; and

"(B) results, conclusions, and recommendations, not included in any previous report, based on completed activities; and

"(14) a study of the availability and delivery of Head Start programs to Indian children living on and near Indian reservations and to children of migrant and seasonal farmworkers, including estimates of the percentages of such children being served by Head Start programs.".

(b) REDESIGNATION.—Section 651 is redesignated as section 650.

SEC. 119. REPEALS.

Sections 651A and 652 (42 U.S.C. 9846a and 9847) are repealed.

SEC. 120. CONSULTATION WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

The Act is amended by adding at the end the following:

"SEC. 657A. CONSULTATION WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

"The Secretary shall consult with the Chief Executive Officer of the Corporation for National and Community Service regarding the dissemination of information about the Corporation's programs, to programs that receive funds under this subchapter.".

SEC. 121. STUDY OF BENEFITS FOR HEAD START EMPLOYEES.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study regarding the benefits available to individuals employed by Head Start agencies under the Head Start Act (42 U.S.C. 9831 et seq.).

(b) REPORT.—

(1) PREPARATION.—The Secretary shall prepare a report, containing the results of the study, that—

(A) describes the benefits, including health care benefits, family and medical leave, and retirement pension benefits, available to such individuals; and

(B) includes recommendations for increasing the access of the individuals to benefits, including access to a retirement pension program.

(2) SUBMISSION.—The Secretary shall submit the report to the appropriate committees of Congress.

SEC. 122. STUDY OF FULL-DAY AND FULL-YEAR HEAD START PROGRAMS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study of the extent to which Head Start programs are addressing the need for child care services during a full working day or full calendar year among eligible low-income families with preschool children.

(b) REPORT.—The Secretary shall prepare and submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than January 1996, containing the results of the study that—

(1) describes the number of full-day, full-year Head Start programs and the number of children served in such program or provided full-day or full-year services through arrangements with other service providers;

(2) compares the number of children in full-day or full-year Head Start programs with the need for full-day or full-year care among such families;

(3) identifies the barriers to meeting the need for full-day, full-year care among such families;

(4) describes promising models currently employed by Head Start programs for meeting such needs both directly and through arrangements with other service providers; and

(5) makes recommendations on how the child care needs of families with children enrolled in Head Start programs may be addressed.

SEC. 123. STATE DEPENDENT CARE DEVELOPMENT PROGRAMS.

Section 670A of the State Dependent Care Development Grants Act (42 U.S.C. 9871) is amended by striking "are authorized to be appropriated" and all that follows and inserting "is authorized to be appropriated $13,000,000 for fiscal year 1995.".

SEC. 124. REAUTHORIZATION OF CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE ACT OF 1985.

Section 606 of the Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10905) is amended by striking "$1,500,000" and all that follows and inserting "to carry out this title such sums as may be necessary for fiscal year 1995.".

SEC. 125. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HEAD START TRANSITION PROJECT ACT.—Section 133(a) of the Head Start Transition Project Act is amended by striking "639(c)" and inserting "639(b)".

(b) SOCIAL SECURITY ACT.—Section 1924(d)(3)(A)(i) of the Social Security Act (42 U.S.C. 1396r–5(d)(3)(A)(i)) is amended by striking "sections 652 and 673(2)" and inserting "section 673(2)".

SEC. 126. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—This title, and the amendments made by this title, shall take effect on the date of enactment of this title.

(b) APPLICATION.—The requirements of this title and the amendments made by this title shall not apply to Head Start agencies and other recipients of financial assistance under the Head Start Act with respect to fiscal years ending before October 1, 1994.

TITLE II—COMMUNITY SERVICES BLOCK GRANT AMENDMENTS

SEC. 201. SHORT TITLE AND REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Community Services Block Grant Amendments of 1994".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

SEC. 202. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATION.—Subsection (b) of section 672 (42 U.S.C. 9901(b)) is amended to read as follows:

"(b) There are authorized to be appropriated $525,000,000 for fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1998, to carry out this subtitle.".

(b) STATE ALLOCATIONS.—Section 674 (42 U.S.C. 9903) is amended—

(1) by redesignating subsections (a), (b) and (c) as subsections (b), (c) and (d), respectively; and

(2) by inserting before subsection (b) (as so redesignated), the following:

"(a)(1) Of the amounts appropriated for a fiscal year pursuant to section 672(b), the Secretary may reserve not less than one-half of 1 percent and not more than 1 percent for train-

ing, technical assistance, planning, and evaluation activities related to programs or projects carried out under this subtitle. Such activities may be carried out by the Secretary directly or through grants, contracts, or cooperative agreements.

"(2) The process for determining the technical assistance and training activities to be carried out under this section shall—

"(A) ensure the needs of eligible entities relating to the improving program quality are addressed to the maximum extent feasible; and

"(B) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the community action State and national network as well as community development corporation national and State organizations.

"(3) In allocating resources for technical assistance and training under this section, the Secretary shall—

"(A) assist eligible entities in the development of sound management practices, including financial management practices; and

"(B) consistent with the availability of funds, respond to the training requests and concerns of community development corporations, community action agencies and programs.".

(c) APPLICATIONS AND REQUIREMENTS.—

(1) FORM AND ASSURANCES.—Section 675(a) (42 U.S.C. 9904(a)) is amended by inserting "or significant amendments thereof" before "shall contain assurances".

(2) USE OF FUNDS.—Section 675(c)(1) (42 U.S.C. 9904(c)(1)) is amended by striking "use the funds available under this subtitle" and inserting "ensure that, at its discretion and consistent with agreements with the State, each recipient of funds available under this subtitle will use such funds".

(3) ASSURED ACTIVITIES.—Section 675(c)(1)(B) (42 U.S.C. 9904(c)(1)(B)) is amended by inserting "homeless individuals and families, migrants, and" before "the elderly poor".

(4) STATE RESPONSIBILITIES.—Section 675(c)(2)(B) (42 U.S.C. 9904(c)(2)(B)) is amended to read as follows:

"(B) if less than 100 percent of the allotment is expended under subparagraph (A), provide assurances that with respect to the remainder of the allotment a reasonable amount shall be used for—

"(i) providing training and technical assistance to those entities in need of such assistance and such activities will not be considered administrative expenses;

"(ii) coordinating State-operated programs and services targeted to low-income children and families with services provided by eligible entities funded under this subtitle, including outposting where appropriate State or local public employees into entities funded under this subtitle to ensure increased access to services provided by such State or local agencies;

"(iii) supporting statewide coordination and communication among eligible entities;

"(iv) administrative expenses at the State level, including monitoring activities, but not more than the greater of $55,000 or 5 percent of its allotment under section 674; and

"(v) considering the distribution of funds under this subtitle within the State to determine if such funds have been targeted to the areas of greatest need.".

(5) TRIPARTITE BOARD.—Section 675(c)(3) (42 U.S.C. 9904(c)(3)) is amended—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(B) by striking the comma after "provide assurances that" and inserting "(A)"; and

(C) by adding at the end the following:

"and

"(B) in the case of a public organization receiving funds under this subtitle, such organization either establish—

"(i) a board of which at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served; or

"(ii) another mechanism specified by the State to assure low-income citizen participation in the planning, administration, and evaluation of projects for which such organization has been funded;".

(d) COMMUNITY ACTION AGENCY PLAN.—Section 675(c) (42 U.S.C. 9904(c)) is amended—

(1) in paragraph (11)—

(A) by redesignating clauses (i) through (iii) of subparagraph (A) as items (i) through (iii), respectively;

(B) by realigning the margin of the sentence beginning with "For purposes of" so as to align with subparagraph (A) of paragraph (1);

(C) by striking "For purposes of" and inserting "(A) For purposes of";

(D) by striking "(A) a statewide" and inserting "(i) a statewide";

(E) by striking "(B) the failure" and inserting "(ii) the failure";

(F) by inserting immediately before paragraph (12) the following:

"(B) for purposes of making a determination with respect to a termination, the term 'cause' includes the material failure of an eligible entity to comply with the terms of its agreement and community action plan to provide services under this subtitle;".

(2) in paragraph (12) by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (12) the following:

"(13) secure from each eligible entity as a condition to its receipt of funding under this subtitle a community action plan (which shall be available to the Secretary for inspection) that includes—

"(A) a community needs assessment (including food needs);

"(B) a description of the service delivery system targeted to low-income individuals and families in the service area;

"(C) a description of how linkages will be developed to fill identified gaps in services through information, referral, case management, and followup consultations;

"(D) a description of how funding under this Act will be coordinated with other public and private resources; and

"(E) a description of outcome measures to be used to monitor success in promoting self-sufficiency, family stability, and community revitalization; and

"(14) provide assurances that cost and accounting standards of the Office of Management and Budget shall apply to a recipient of funds under this subtitle.".

(e) PUBLIC INSPECTIONS OF PLANS.—Section 675(d)(2) (42 U.S.C. 9904(d)(2)) is amended by inserting "or revision" after "Each plan".

(f) AUDITS.—The last sentence of section 675(f) (42 U.S.C. 9904(f)) is amended by inserting before "to the legislature" the following: "to the eligible entity at no charge,".

(g) EVALUATION INVOLVING WAIVERS.—Section 675(h) (42 U.S.C. 9904(h)) is amended by inserting "(including any State that received a waiver under Public Law 98–139)" after "States" the last place it appears.

SEC. 203. DISCRETIONARY AUTHORITY OF SECRETARY.

(a) TRAINING AND ACTIVITIES.—Section 681(a) (42 U.S.C. 9910(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "to provide for—" and all that follows through "(2)" and inserting "to provide for"; and

(2) by striking "special emphasis programs for—" and all that follows through paragraph (3), and inserting the following:

"a Community Initiative Program, awarded on a competitive basis, to fund private, nonprofit community development corporations for purposes of planning and carrying out community and economic development activities in economically distressed areas and in rural areas, as described in subsection (c).".

(b) COMMUNITY INITIATIVE PROGRAM.—Subsection (b) of section 681 (42 U.S.C. 9910) is amended to read as follows:

"(b) COMMUNITY INITIATIVE PROGRAM.—

"(1) IN GENERAL.—

"(A) ECONOMIC DEVELOPMENT ACTIVITIES.—Economic development activities under this section shall be designed to address the economic needs of low-income individuals and families by creating employment and business development opportunities.

"(B) CONSULTATION.—The Secretary shall exercise the authority provided under subparagraph (A) in consultation with other relevant Federal officials.

"(C) GOVERNING BOARDS.—Each community development corporation receiving funds under this section shall be governed by a board that shall consist of residents of the community and business and civic leaders and shall have as a principal purpose planning, developing or managing community development projects.

"(D) GEOGRAPHIC DISTRIBUTION.—In providing assistance or entering into other arrangements under this section, the Secretary shall take into consideration the geographic distribution of funds among States and the relative proportion of funding among rural and urban areas.

"(2) RURAL COMMUNITY DEVELOPMENT ACTIVITIES.—Rural community development activities under this section shall include—

"(A) grants to private, nonprofit corporations that provide assistance to rural low-income families in home repair and in planning and developing low-income rural rental housing units;

"(B) grants to multistate, regional private, nonprofit organizations that provide training and technical assistance to small, rural communities in meeting their community facility needs; and

"(C) grants to nonprofit private organizations that provide assistance for migrants and seasonal farmworkers.".

SEC. 204. COMMUNITY FOOD AND NUTRITION.

Subsection (d) of section 681A (42 U.S.C. 9910a(d)) is amended to read as follows:

"(d) There are authorized to be appropriated $25,000,000 for fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1998, to carry out this section.".

SEC. 205. INSTRUCTIONAL ACTIVITIES FOR LOW-INCOME YOUTH.

The Act (42 U.S.C. 9901 et seq.) is amended—

(1) by redesignating sections 682 and 683 as sections 683 and 684, respectively; and

(2) by inserting after section 681 the following:

"SEC. 682. NATIONAL OR REGIONAL PROGRAMS DESIGNED TO PROVIDE INSTRUCTIONAL ACTIVITIES FOR LOW-INCOME YOUTH.

"(a) GENERAL AUTHORITY.—The Secretary of Health and Human Services is authorized to make a grant to an eligible service provider to administer national or regional programs to provide instructional activities for low-income youth. In making such a grant, the Secretary shall give a priority to eligible service providers that have a demonstrated ability to operate such a program.

"(b) PROGRAM REQUIREMENTS.—

"(1) Any instructional activity carried out by an eligible service provider receiving a grant under this subsection shall be carried out on the campus of an institution of higher education (as defined in section 1201(a) of the Higher Education Act) and shall include—

"(A) access to the facilities and resources of such an institution;

"(B) an initial medical examination and follow-up referral or treatment, without charge, for youth during their participation in such activity;

"(C) at least one nutritious meal daily, without charge, for participating youth during each day of participation;

"(D) high quality instruction in a variety of sports (that shall include swimming and that may include dance and any other high quality recreational activity) provided by coaches and teachers from institutions of higher education and from elementary and secondary schools (as defined in sections 1471(8) and 1471(21) of the Elementary and Secondary Education Act of 1965); and

"(E) enrichment instruction and information on matters relating to the well-being of youth, to include educational opportunities and study practices, education for the prevention of drugs and alcohol abuse, health and nutrition, career opportunities and family and job responsibilities.

"(c) ELIGIBLE PROVIDERS.—A national private nonprofit organization, a coalition of such organizations, or a private nonprofit organization applying jointly with a business concern shall be eligible for a grant under this subsection if—

"(1) the applicant has demonstrated experience in operating a program providing instruction to low-income youth;

"(2) the applicant shall contribute amounts in cash or fairly evaluated in kind of no less than 25 percent of the amount requested;

"(3) the applicant shall use no funds from a grant authorized under this section for administrative expenses; and

"(4) the applicant agrees to comply with the regulations or program guidelines promulgated by the Secretary of Health and Human Services for use of funds made available by this grant.

"(d) APPLICATIONS PROCESS.—Eligible service providers may submit to the Secretary of Health and Human Services, for approval, an application in such form at such time as the Secretary deems appropriate.

"(e) PROMULGATION OF REGULATIONS OR PROGRAM GUIDELINES.—The Secretary of Health and Human Services shall promulgate regulations or program guidelines to ensure funds made available under a grant made under this section are used in accordance with the intentions of this Act.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for each fiscal year 1995, 1996, 1997, and 1998 for grants to carry out this section.".

SEC. 206. AMENDMENT TO STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.

The last section of subtitle D of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11646) is amended—

(1) by striking "SEC. 751." and by inserting "SEC. 754.", and

(2) by striking "1991" and all that follows through "1993", and inserting "1995, 1996, 1997, and 1998".

SEC. 207. AMENDMENTS TO THE HUMAN SERVICES REAUTHORIZATION ACT OF 1986.

Section 408 of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9901b) is amended—

(1) in subsection (a) by adding at the end the following:

"(3) Initial and subsequent grant awards may fully fund projects for periods of up to 3 years.";

(2) in subsection (b)(1)(B) by striking "After the first fiscal year" and inserting "After the first funding period";

(3) by amending subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) In addition to the grant programs described in subsection (a), the Secretary may make grants to community action agencies for the purpose of enabling such agencies to demonstrate new approaches to dealing with the problems associated with urban gangs or similar antisocial activities of urban youth. Demonstrations shall include such activities as peer counseling, mentoring, development of job skills, assistance with social skills, antigang education, family literacy, parenting skills, and other services designed to assist at-risk youth to continue their education, to secure meaningful employment, or to pursue other productive alternatives to joining gangs or engaging in any other form of anti-social activity."; and

(B) by amending paragraph (4) to read as follows:

"(4) Such grants made under this subsection on a competitive basis shall be based on an annual competition determined by the Secretary. Grants made under this subsection shall not exceed $500,000."; and

(4) by amending subsection (h) to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $30,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal years 1996, 1997, and 1998, to carry out this section.

"(2) Of the amounts appropriated for this section not less than 30 percent shall be used to carry out the programs authorized under subsection (c).

"(3) In addition to sums which are required to carry out the evaluation, reporting, and dissemination of results under subsections (a), (c), (d), and (f), the Secretary is authorized to reserve up to 2 percent of the amounts appropriated pursuant to subparagraphs (1) and (2) for administration of the program as well as for planning and technical assistance.".

SEC. 208. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on October 1, 1994.

TITLE III—LOW-INCOME HOME ENERGY ASSISTANCE AMENDMENTS

SECTION 301. SHORT TITLE AND REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Low-Income Home Energy Assistance Amendments of 1994".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

SEC. 302. STATEMENT OF PURPOSE.

Section 2602(a) (42 U.S.C. 8621(a)) is amended to read as follows:

"(a) In order to assist low-income households, particularly those with the lowest incomes that pay a high proportion of their income for home energy, both in meeting their immediate home energy needs, and in attaining the capacity to meet such needs independently in the future, the Secretary of Health and Human Services may make grants to States for programs and activities consistent with this title.".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNTS AUTHORIZED.—Section 2602 (42 U.S.C. 8621) is amended—

(1) in subsection (b), by striking "this title" and all that follows through the end of the first sentence and inserting "this title, $2,000,000,000 for fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1999."; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1)";

(ii) by striking "July 1" and inserting "October 1"; and

(iii) by striking "for which" and inserting "following the year in which"; and

(B) by striking paragraphs (2) and (3);

(b) INCENTIVE PROGRAM FOR LEVERAGING NON-FEDERAL SOURCES.—Subsection (d) of section 2602 (42 U.S.C. 8621(d)) is amended to read as follows:

"(d) There are authorized to be appropriated to carry out section 2607A, $50,000,000 for each of the fiscal years 1995 and 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999.".

SEC. 304. EMERGENCY FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2602 (42 U.S.C. 8621), as amended by section 303, is amended by adding at the end thereof the following:

"(e) There is authorized to be appropriated in each fiscal year for payments under this title, in addition to amounts appropriated for distribution to all the States in accordance with section 2604 (other than subsection (g)), $600,000,000 to meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency. Funds appropriated pursuant to this subsection are hereby designated to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such funds shall be made available only after the submission to Congress of a formal budget request by the President (for all or a part of the appropriation pursuant to this subsection) that includes a designation of the amount requested as an emergency requirement as defined in such Act.".

(b) HOME ENERGY.—Section 2603 (42 U.S.C. 8622(3)) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (4), (5), (6), (7), (8), and (9), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following:

"(1) The term 'energy burden' means the expenditures of the household for home energy divided by the income of the household."; and

(3) by inserting before paragraph (4), as so redesignated, the following:

"(3) The term 'highest home energy needs' means the home energy requirements of a household determined by taking into account both the energy burden of such household and the unique situation of such household that results from having members of vulnerable populations, including very young children, individuals with disabilities, and frail older individuals.".

(c) ALLOTMENT OF EMERGENCY FUNDS.—Section 2604 (42 U.S.C. 8623) is amended by adding at the end thereof the following:

"(g) Notwithstanding subsections (a) through (f), the Secretary may allot amounts appropriated pursuant to section 2602(e) to one or more than one State. In determining to which State or States additional funds may be allotted, the Secretary shall take into account the extent to which a State was affected by the emergency or disaster, the availability to an affected State of other resources under this or any other program, and such other factors as the Secretary determines relevant. The Secretary shall notify Congress of the proposed allotment pursuant to this subsection before releasing the allotted funds.".

SEC. 305. AUTHORIZED USES OF FUNDS.

(a) IN GENERAL.—Paragraph (1) of section 2605(b) (42 U.S.C. 8624(b)(1)) is amended to read as follows:

"(1) use the funds available under this title to—

"(A) conduct outreach activities and provide assistance to low income households in meeting

their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

"(B) intervene in energy crisis situations;

"(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

"(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;".

(b) Encouraged Reduced Home Energy Needs.—Section 2605(b) (42 U.S.C. 8624(b)) is amended—

(1) in paragraph (14) by striking "and" at the end;

(2) in paragraph (15), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (15) the following:

"(16) use such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors.".

SEC. 306. TARGETING OF ASSISTANCE TO HOUSEHOLDS WITH HIGH HOME ENERGY BURDENS.

(a) Household Income.—Section 2605(b)(2)(B) (42 U.S.C. 8624(b)(2)(B)) is amended by striking the matter following clause (ii) and inserting the following:

"except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income;".

(b) Outreach Activities.—Section 2605(b)(3) (42 U.S.C. 8624(b)(3)) is amended by striking "are made aware" and inserting "and households with high home energy burdens, are made aware".

(c) Assistance Levels.—Section 2605(b)(5) (42 U.S.C. 8624(b)(5)) is amended by inserting "or needs" after "highest energy costs".

(d) State Plan.—Section 2605(c)(1) (42 U.S.C. 8624(c)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

"(E) describes any steps that will be taken (in addition to those necessary to carry out the assurance contained in paragraph (5) of subsection (b)) to target assistance to households with high home energy burdens;".

SEC. 307. CLARIFICATION OF AUDIT REQUIREMENT.

Section 2605 (42 U.S.C. 8624) is amended—

(1) in subsection (b)(10), by striking "and provide that" and all that follows and inserting "and provide that the State will comply with chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act');"; and

(2) in subsection (e), by striking "at least every two years" and all that follows and inserting "in accordance with chapter 75 of title 31, United States Code.".

SEC. 308. USE OF DEPARTMENT OF ENERGY WEATHERIZATION RULES TO ACHIEVE PROGRAM CONSISTENCY.

Section 2605(c)(1)(D) (42 U.S.C. 8624(c)(1)(D)) is amended by inserting before the semicolon at the end thereof the following: ", including any steps the State will take to address the weatherization and energy-related home repair needs of households that have high home energy burdens, and describes any rules promulgated by the Department of Energy for administration of its Low Income Weatherization Assistance Program which the State, to the extent permitted by the Secretary to increase consistency between federally assisted programs, will follow regarding the use of funds provided under this title by the State for such weatherization and energy-related home repairs and improvements".

SEC. 309. MATTERS TO BE DESCRIBED IN ANNUAL APPLICATION.

Section 2605(c)(1) (42 U.S.C. 8624(c)(1)) is amended—

(1) in subparagraph (F) (as so redesignated by section 306(d) of this Act)—

(A) by striking "and (13)" and inserting "(13), and (15)"; and

(B) by striking "and" at the end thereof; and

(2) by inserting after subparagraph (F) (as so redesignated by section 306(d) of this Act), the following:

"(G) states, with respect to the 12-month period specified by the Secretary, the number and income levels of households which apply and the number which are assisted with funds provided under this title, and the number of households so assisted with—

"(i) one or more members who has attained 60 years of age;

"(ii) one or more members who were disabled; and

"(iii) one or more young children; and".

SEC. 310. REPORT OF FUNDS AVAILABLE FOR OBLIGATION.

Section 2607(a) (42 U.S.C. 8628(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following:

"(2) Each State shall notify the Secretary, not later than 2 months prior to the close of a fiscal year, of the amount (if any) of its allotment for such year that will not be obligated in such year, and, if such State elects to submit a request described in subsection (b)(2), such State shall submit such request at the same time. The Secretary shall make no payment under paragraph (1) to a State for a fiscal year unless the State has complied with this paragraph with respect to the prior fiscal year.".

SEC. 311. MISCELLANEOUS AND TECHNICAL AMENDMENTS.

(a) In General.—

(1) Treatment of households.—Section 2605(b)(7)(D) (42 U.S.C. 8624(b)(7)(D)) is amended to read as follows:

"(D) ensure that the provision of vendored payments remains at the option of the State in consultation with local grantees and may be contingent on vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for compacts between suppliers and individuals eligible for benefits under this title that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;".

(2) Incentive program.—Section 2607A(e) (42 U.S.C. 8626a(e)) is amended by striking "July 31, of each year" and inserting "2 months after the close of the fiscal year during which the State provided leveraged resources to eligible households, as described in subsection (b)".

(3) Training and technical assistance.—Section 2609A(a) is amended by striking "$500,000" and inserting "$250,000".

(b) Technical Amendments.—

(1) Section 2602 (42 U.S.C. 8621) is amended—

(A) in subsection (b), as amended by section 303 of this Act—

(i) by inserting "(other than section 2607A)" after "to carry out the provisions of this title"; and

(ii) by striking the second period at the end thereof; and

(B) in subsection (c)(1) by striking "Act" and inserting "title".

(2) Section 2603(2) (42 U.S.C. 8622(2)), as amended by section 304 of this Act, is amended—

(A) by striking "(4) the" and inserting "(4) The"; and

(B) by striking the semicolon at the end thereof and inserting a period.

(3) Section 2604 (42 U.S.C. 8223) is amended—

(A) in subsection (b)(1) by inserting "of the United States" after "Virgin Islands"; and

(B) in subsection (c)(B)(3)(ii) by striking "application" and inserting "applications".

(4) The sentence that immediately precedes paragraph (15) of section 2605(b) (42 U.S.C. 8624(b)) is transferred so as to appear as a flush sentence immediately after paragraph (16).

(5) Section 2605(b)(3) (42 U.S.C. 8624(b)(3)) is amended by striking "handicapped" and inserting "disabled".

(6) Section 2607A(c)(2) (42 U.S.C. 8626a(c)(2)) is amended by striking ".0008 percent" and inserting "0.08 percent".

(7) Section 2610(a) (42 U.S.C. 8629(a)) is amended—

(A) in paragraph (2), by striking the semicolon after "used" and inserting a semicolon after "title"; and

(B) in paragraph (5)—

(i) by striking "handicapped" and inserting "disabled"; and

(ii) by inserting before the semicolon at the end thereof "or include young children".

(c) Criteria and Report.—Section 2605(b) (42 U.S.C. 8624(b)), as amended by subsection (b) of this section, is amended by adding at the end the following:

"The Secretary shall develop performance goals and measurements in consultation with State, tribal, and local grantees, that the States may use to assess their success in achieving the purposes of this title and shall, beginning in 1996, make such goals and measurements available together with the model plan required by paragraph (3). Not later than 18 months after the date of the enactment of this sentence, the Secretary shall report to the committees of the House of Representatives and of the Senate that have jurisdiction of this title, on the manner in which, and the degree to which State and local energy assistance programs carried out under this title are meeting the purposes of this title and on any improvements or changes necessary to accelerate the achievement of these goals. The Secretary may not require additional program or client data to be collected by grantees for such report.".

SEC. 312. RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION (R.E.A.CH.).

The Act is amended by inserting after section 2607A the following:

"SEC. 2607B. RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION (R.E.A.CH.).

"(a) For fiscal year 1996, and each subsequent fiscal year, the Secretary shall allocate not less than 5 percent of the amount appropriated under section 2607A for such fiscal year to a Residential Energy Assistance Challenge Fund for the purpose of making challenge grants to States that submit qualifying plans that are approved by the Secretary for a Residential Energy Assistance Challenge (in this section referred to as 'R.E.A.Ch.') initiative in such State. States may use such grants—

"(1) for the costs of planning, implementing, and evaluating the initiative; and

"(2) for the costs of achieving performance goals including the long-term reduction of the energy burden program dependency of households eligible for, or receiving, energy assistance under this title, and those goals set out in subsection (b) of the initiative established by the States and approved by the Secretary.

"(b) The Secretary shall establish criteria for approving State plans required by subsection (a). Such criteria shall require such plans to include the following goals:

"(1) To minimize health and safety risks that result from high energy burdens on low-income Americans.

"(2) To prevent homelessness as a result of inability to pay energy bills.

"(3) To increase the efficiency of energy usage by low-income families.

"(4) To target energy assistance to those most in need.

"(5) To encourage eventual energy self-sufficiency for low-income persons.

"(c)(1) Notwithstanding subsection (a), the Secretary may not approve a State plan submitted under such subsection unless such plan includes provisions acceptable to the Secretary with respect to each of the required program elements specified in subsection (d).

"(2) The Secretary may require a State to provide appropriate documentation that its R.E.A.Ch. activities conform to the State plan as approved by the Secretary.

"(3) Subject to approval by the Secretary, a State plan may include benefits and services in addition to those required program elements specified in subsection (d) that are consistent with the purpose of this title and the R.E.A.Ch. Challenge Option.

"(4) A State may designate all or part of the State, or all or part of the client population, as the focus of its R.E.A.Ch. initiative.

"(d) Each State plan submitted under subsection (a) shall include the following:

"(1)(A) An assurance that such State will provide R.E.A.Ch. services will be delivered through community-based nonprofit entities in such State by—

"(i) making grants to or contracts with such entities for the purpose of providing such services and benefits directly to individuals eligible for such services and benefits; or

"(ii) if a State makes payments directly to eligible individuals or energy suppliers, making contracts with such local entities to administer such programs, including determining eligibility, providing outreach services, and providing noncash benefits.

"(B) An assurance that in making grants or contracts to carry out such R.E.A.Ch. initiative, States shall give priority in selecting organizations described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902(1)); organizations which the Secretary has determined have a record of successfully providing energy services under this title; and organizations that receive weatherization assistance program funds under this title, except that a State may not require any such entity to operate a R.E.A.Ch. initiative program.

"(2) An assurance that all entities that receive grants or contracts under paragraph (1)(A) will provide a program of services and benefits that includes, at a minimum—

"(A) payments to or on behalf of individuals eligible for residential energy assistance services and benefits pursuant to section 2605(b) for home energy costs;

"(B) home-energy-demand-management services, such as residential weatherization energy education and other energy-related home repair which services to be provided jointly with existing Department of Energy weatherization assistance programs;

"(C) counseling and needs assessment on energy budget management, payment plans, and related services; and

"(D) advocacy on behalf of households eligible for R.E.A.Ch. services and benefits before home energy suppliers and State or local energy regulatory officials.

"(3) A description of the methodology the State will use to determine—

"(A) which households will receive 1 or more forms of benefits under the State R.E.A.Ch. initiative; and

"(B) the cases in which nonmonetary benefits are likely to provide more cost-effective long-term outcomes than monetary benefits alone.

"(4) A method for targeting nonmonetary benefits that is not inconsistent with the requirements of section 2605.

"(5) A description of the crisis and emergency assistance activities the State will carry out to demonstrate that such assistance provided under this section is designed to discourage crises, to encourage responsible vendor and consumer behavior, and to provide no financial incentive that discourages household payment.

"(6) A description of the activities the State will carry out to provide incentives for recipients of such assistance to pay home energy costs and for responsible vendor behavior. If such plan contains provisions for direct payments to vendors, such plan shall describe efforts such State will carry out—

"(A) to encourage regular payments by individuals or households receiving financial assistance for home energy costs;

"(B) to provide for compacts or covenants between suppliers of home energy and individuals eligible for services and benefits under this title that reduce home energy costs and minimize the risk of home energy crisis;

"(C) to ensure that local entities providing services and benefits under this title have staff who are charged with ensuring responsible vendor behavior; and

"(D) to ensure that direct payments to vendors is at the option of the State and local providers and may be contingent on vendors taking appropriate measures to alleviate the energy burdens of eligible households.

"(7) Information and assurances demonstrating that R.E.A.Ch. services and benefits will be targeted to—

"(A) households with high energy burdens; and

"(B) individuals with acute health or safety vulnerability including small children, frail older individuals, and individuals with temporary energy-related emergencies.

"(8)(A) A detailed description of the financial standards that will be applied for determining eligibility for R.E.A.Ch. services and benefits. Such standards shall require that the highest level of assistance under this section will be furnished to households that have highest energy burdens.

"(B) An assurance that such State will require entities providing R.E.A.Ch. services or benefits to establish priorities for providing services to individuals residing in its service area consistent with the purposes of the State R.E.A.Ch. initiative.

"(9)(A) An assurance that such State has conducted public hearings, after giving notice in public media and by mail to all subgrantees, (DOE/WAP) subgrantees, and community action agencies, with respect to the provisions of such plan and before submitting such plan to the Secretary for approval.

"(B) A summary of comments received at such public hearing.

"(C) An assurance that such plan and any revision thereof submitted to the Secretary will be made available for public inspection in such a manner as will facilitate timely and meaningful review of, and comment.

"(10) An assurance that the State will require entities that receive funds under this section to take appropriate measures to solicit the views of individuals who are financially eligible for benefits and services under this section in establishing its local service priorities.

"(11) A description of specific performance goals for the State R.E.A.Ch. initiative and a description of the indicators that will be used to measure whether such performance goals have been achieved. Such performance goals shall include 1 or more of the following and such other goals as the Secretary may require:

"(A) To increase in the affordability of energy over 1 or more fiscal years.

"(B) To increase the regularity of home energy bill payments by eligible households.

"(C) To increase energy vendor contributions toward the costs of home energy on behalf of eligible individuals and households.

"(D) To decrease the incidence of homelessness and health and safety risks resulting from high household energy burdens.

"(e)(1) The Secretary may waive on request administrative cost ceilings and carryover requirements otherwise applicable to the first 3 years of the operation of a R.E.A.Ch. program's operations.

"(2) None of the costs of providing services or benefits required under this subsection shall be considered to be an administrative cost or function for purposes of any limitation on such administrative cost or functions contained in this title.

"(3) In verifying income eligibility for purposes of subsection this section, the State may apply procedures and policies consistent with procedures and policies used by the State agency administering programs under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the Community Services Block Grant program, under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this section, or under other income assistance or service programs (as determined by the State).

"(4) Neither a State nor a local provider of services or benefits shall be required to provide services or benefits to an individual or household if such provision is inconsistent with State or local priorities.

"(5) If a State chooses to pay home energy suppliers directly, the State plan shall include procedures identified in section 2605 of this title.".

SEC. 313. SENSE OF THE CONGRESS REGARDING APPROPRIATIONS FOR LIHEAP.

(a) FINDINGS.—(1) Seventy-seven percent of the over 25 million households that were eligible for the Low-Income Home Energy Assistance Program (hereinafter referred to as "LIHEAP") in fiscal year 1992 did not receive assistance due to a lack of funds.

(2) Recent economic distress has caused significant unemployment, which has resulted in a greater need for energy assistance than ever before.

(3) More than 66 percent of LIHEAP household recipients have an annual income that is below the poverty level.

(4) Forty-three percent of all LIHEAP eligible households include children.

(5) LIHEAP eligible households with children spend approximately 16 percent of their annual incomes on home energy costs, which is more than 4 times greater than that paid by the average household in the United States, and far beyond their means.

(6) Approximately 40 percent of LIHEAP household recipients are comprised of elderly or disabled persons.

(7) LIHEAP is an essential, long-term Federal program that is crucial to the well-being of impoverished American families and their children.

(8) Congress appropriated $1,475,000,000 for LIHEAP for fiscal year 1995.

(9) The Department of Energy predicts that the costs of residential fuels will increase at a pace greater than inflation.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the maintenance of LIHEAP should be a high priority in order to enable the working poor, the disabled, and the low-income elderly, who all depend on LIHEAP, to meet their energy costs and needs;

(2) all appropriations made for LIHEAP for fiscal year 1995 should be expended; and

(3) expenditures for LIHEAP for fiscal year 1996 should ensure the provision of services at or above the level provided in fiscal year 1995.

SEC. 314. EFFECTIVE DATE.

The amendments and repeals made by this title shall become effective on October 1, 1994.

TITLE IV—COMMUNITY-BASED FAMILY RESOURCE PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the "Family Resource and Support Act of 1994".

SEC. 402. COMMUNITY-BASED FAMILY SUPPORT AND FAMILY RESOURCE PROGRAMS.

(a) PURPOSE.—The purpose of this section is to support systems change activities designed to assist each State to develop and implement, or expand and enhance, a family-centered and family-directed, comprehensive, statewide system of family support and family resource services in collaboration with existing education, vocational rehabilitation, health, mental health, employment and training, child welfare, and other social services agencies within the State.

(b) AUTHORITY.—The Commissioner shall make grants to States for the purpose of—

(1) establishing and expanding statewide a system of community-based family support and family resource programs, including funds for the initial costs of providing specific family resource services, that ensure family involvement in the design and operation of family support and family resource programs which are responsive to the unique and diverse strengths of children and families;

(2) ensuring the active involvement of families of children with disabilities in the planning, development, implementation and evaluation of such a statewide system;

(3) promoting child abuse and neglect prevention activities;

(4) promoting the establishment and operation of State trust funds or other mechanisms for integrating child and family services funding streams in order to provide flexible funding for the development of community-based family support and family resource programs;

(5) establishing or expanding community-based collaboration to foster the development of a continuum of preventive services for children and families, which are family-centered and culturally competent;

(6) increasing and promoting interagency coordination among State agencies, and encouraging public and private partnerships in the establishment and expansion of family support and family resource programs; and

(7) facilitating the changing of laws, regulations, policies, practices, procedures, and organizational structures, which impede the availability or provision of family support and family resource services.

(c) ELIGIBILITY FOR GRANTS.—A State is eligible for a grant under this section for any fiscal year if—

(1) such State has established or maintained in the previous fiscal year—

(A) a trust fund, including appropriations for such fund; or

(B) any other mechanism for integrating family resource services funded by Federal, State, or private sources; and

(2) such trust fund or other funding mechanism includes (in whole or in part) provisions making funding available specifically for a broad range of child abuse and neglect prevention activities and family support and family resource programs.

(d) AMOUNT OF GRANT.—

(1) IN GENERAL.—Amounts appropriated for a fiscal year to provide grants under this section shall be allotted, among eligible States in each fiscal year so that—

(A) 50 percent of the total amount appropriated for such fiscal year is allotted among each State based on the number of children under the age of 18 residing in each State, except that each State shall receive not less than $1,000,000, and each territory shall receive not more than $100,000; and

(B) the remaining 50 percent of the total amount appropriated for such fiscal year is allotted in an amount equal to 25 percent of the total amount allocated by each such State to the State's trust fund or other mechanism for integrating family resource services in the fiscal year prior to the fiscal year for which the allotment is being determined.

(2) MINIMUM GRANT AMOUNT.—If the amount appropriated for any fiscal year is less than $50,400,000, grants shall be awarded on a competitive basis with no grantee receiving less than $1,000,000.

(3) AWARD PERIOD.—Grants made on a competitive basis shall be awarded for a period of 3 years and shall be calculated in the manner described in paragraph (1).

(4) GRANTS TO TERRITORIES.—From amounts appropriated to carry out this section for any fiscal year, the Commissioner shall pay to each territory that has an application approved under this section not more than $100,000.

(e) EXISTING GRANTS.—A State that has a grant in effect on the date of enactment of this section under the Family Resource and Support Program shall continue to receive funds under such Program, subject to the original terms under which such funds were granted, through the end of the applicable grant cycle.

(f) APPLICATION.—No grant may be made to any eligible State under this section unless an application is prepared and submitted to the Commissioner at such time, in such manner, and containing or accompanied by such information as the Commissioner determines to be essential to carry out the purposes and provisions of this section, including—

(1) a description of the agency designated by the Chief Executive Officer of the State to administer the funds provided under this section and assume responsibility for implementation and oversight of the family support and family resource programs and other child abuse and neglect prevention activities, and an assurance that the agency so designated—

(A) is the trust fund advisory board or an existing quasi-public organization with interdisciplinary governance that pools State, Federal, and private funds for family support and family resource programs or integrating child and family service resources; or

(B) with respect to a State without a trust fund mechanism or quasi-public organization that meets the requirements of subparagraph (A), is an existing State agency, or other public, quasi-public, or nonprofit private agency responsible for the development and implementation of a statewide network of community-based family support and family resource programs;

(2) assurances that the agency designated under paragraph (1) can demonstrate the capacity to fulfill the purposes described in subsection (a), and shall have—

(A) a demonstrated ability to work with other State and community-based agencies, to provide training and technical assistance;

(B) a commitment to parental participation in the design and implementation of family support and family resource programs;

(C) the capacity to promote a statewide system of family support and family resource programs throughout the State; and

(D) the capacity to exercise leadership in implementing effective strategies for capacity building, family and professional training, and access to and funding for family support and family resource services across agencies;

(3) an assurance that the lead entity will coordinate the activities funded through a grant made under this section with the activities carried out by councils within the State, including the following councils:

(A) the State Interagency Coordinating Council, established under part H of the Individuals with Disabilities Education Act;

(B) the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12));

(C) the State Rehabilitation Advisory Council, established under the Rehabilitation Act of 1973;

(D) the State Development Disabilities Planning Council, established under the Developmental Disabilities Assistance and Bill of Rights Act; and

(E) other local or regional family support councils within the State, to the extent that such councils exist;

(4) an assurance that the lead agency will actively coordinate with the councils referred to in Paragraph (3) in carrying out the development and implementation, or expansion and enhancement of, a family-centered and family-directed, comprehensive, statewide system of family support and family resource services;

(5) an assurance that the State has an interagency process coordinated by the agency designated in paragraph (1) for effective program development that—

(A) does not duplicate existing processes for developing collaborative efforts to better serve children and families;

(B) provides a written plan for the establishment of a network of family support and family resource programs publicly available; and

(C) involves appropriate personnel in the process, including—

(i) parents and prospective participants in family support and family resource programs, including respite care programs;

(ii) staff of existing programs providing family support and family resource services, including staff of Head Start programs and community action agencies that provide such services;

(iii) representatives of State and local government such as social service, health, mental health, education, vocational rehabilitation, employment, economic development agencies, and organizations providing community services activities;

(iv) representatives of the business community;

(v) representatives of general purpose local governments;

(vi) representatives of groups with expertise in child abuse prevention, including respite and crisis care;

(vii) representatives of local communities in which family support and family resource programs are likely to be located;

(viii) representatives of groups with expertise in providing services to children with disabilities; and

(ix) other individuals with expertise in the services that the family resource and support programs of the State intend to offer;

(6) a description of the current family support and family resource programs operating in the State, the current unmet need for the services provided under such programs, including the need for building increased capacity to provide specific family resource and family support services, including respite care, and the intended scope of the State family support and family resource program, the population to be served, the manner in which the program will be operated, and the manner in which such program will re-

late to other community services and public agencies;

(7) evidence that Federal assistance received under this section—

(A) has been supplemented with non-Federal public and private assistance, including a description of the projected level of financial commitment by the State to develop a family support and family resource program; and

(B) will be used to supplement and not supplant other State and local public funds expended for family support and family resource programs;

(8) a description of the core services, as required by this section, and other support services to be provided by the program and the manner in which such services will be provided, including the extent to which either family resources, centers, home visiting, or community collaboratives will be used;

(9) an assurance that the lead agency will ensure that the amount of Federal funds spent on respite care services within the State during the previous fiscal year shall be maintained;

(10) a description of any public information activities the agency designated in paragraph (1) will undertake for the purpose of promoting family stability and preventing child abuse and neglect, including child sexual abuse;

(11) an assurance that the State will provide funds for the initial startup costs associated with the development of 1 respite program annually in the State, as well as other specific family resource services, and a description of the services to be funded;

(12) an assurance that the State program will maintain cultural diversity and be culturally competent;

(13) a description of the outreach and other activities the program will undertake to maximize the participation of racial and ethnic minorities, persons with limited-English proficiency, individuals with disabilities, and members of other underserved or underrepresented groups in all phases of the program;

(14) a description of the guidelines for requiring parental involvement in State and local program development, policy design, and governance and the process for assessing and demonstrating that parental involvement in program development, operation, and governance occurs;

(15) a description of the State and community-based interagency planning processes to be utilized to develop and implement family support and family resource programs;

(16) a description of the criteria that the State will utilize for awarding grants for local programs so that they meet the requirements of subsection (g);

(17) a plan for providing training, technical assistance, and other assistance to local communities in program development;

(18) a description of the methods to be utilized to evaluate the implementation and effectiveness of the family support and family resource programs within the State;

(19) a description of proposed actions by the State that will reduce practical and regulatory barriers to the provision of comprehensive services to families, including family support and family resource programs; and

(20) an assurance that the State will provide the Commissioner with reports, at such time and containing such information as the Commissioner may require.

(g) LOCAL PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—A State that receives a grant under this section shall use amounts received under such grant to establish local family support and family resource programs that—

(A) undertake a community-based needs assessment and program planning process which involves parents, and local public and nonprofit agencies (including those responsible for providing health, education, vocational rehabilitation, employment training, Head Start and other early childhood, child welfare, and social services);

(B) develop a strategy to provide comprehensive services to families to meet identified needs through collaboration, including public-private partnerships;

(C) identify appropriate community-based organizations to administer such programs locally;

(D) provide core services, and other services directly or through contracts or agreements with other local agencies; and

(E) involve parents in the development, operation, and governance of the program.

(2) PRIORITY.—In awarding local grants under this section, a State shall give priority to programs serving low-income communities and programs serving young parents or parents with young children and shall ensure that such grants are equitably distributed among urban and rural areas.

(h) DEFINITIONS.—As used in this section:

(1) CHILDREN WITH DISABILITIES.—The term "children with disabilities" has the meaning given such term in section 602(a)(1) of the Individuals with Disabilities Education Act.

(2) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Administration on Children, Youth, and Families.

(3) COMMUNITY REFERRAL SERVICES.—The term "community referral services" means services to assist families in obtaining community resources, including respite care services, health and mental health services, employability development and job training and other social services.

(4) CULTURALLY COMPETENT.—The term "culturally competent" means services, supports, or another assistance that is conducted or provided in a manner that—

(A) is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of those individuals receiving services; and

(B) has the greatest likelihood of ensuring maximum participation of such individuals.

(5) FAMILY-CENTERED AND FAMILY-DIRECTED.—The term "family-centered and family-directed" means, with respect to a service or program, that the service or program—

(A) facilitates the full participation, choice, and control by families in—

(i) decisions relating to the supports that will meet the priorities of the family; and

(ii) the planning, development, implementation, and evaluation of the statewide system of family support and family resource services for families;

(B) responds to the needs of the entire family in a timely and appropriate manner; and

(C) is easily accessible to and usable by families.

(6) FAMILY SUPPORT.—The term "family support"—

(A) means supports, resources, services, and other assistance provided to families of children with disabilities that are designed to—

(i) support families in the efforts of such families to raise their children with disabilities in the family home;

(ii) strengthen the role of the family as primary caregiver;

(iii) prevent inappropriate out-of-the-home placement and maintain family unity; and

(iv) reunite families with children with disabilities who have been placed out of the home, whenever appropriate; and

(B) may include—

(i) service coordination that includes individualized planning and brokering for services with families in control of decision making;

(ii) goods and services, which may include specialized diagnosis and evaluation, adaptive equipment, respite care (in and out of the home), personal assistance services, homemaker or chore services, behavioral supports, assistive technology services and devices, permanent or future planning, home and vehicle modifications and repairs, equipment and consumable supplies, transportation, recreation and leisure activities, specialized nutrition clothing, counseling services and mental health services for family members, family education or training services, communication services, crisis intervention, day care, child care and camps, supports and services for integrated and inclusive community activities, parent or family member support groups, peer support, sitter service or companion service, and education aids and toys; and

(iii) financial-assistance, which may include discretionary cash subsidies, allowances, voucher or reimbursement systems, low-interest loans, or lines of credit.

(7) FAMILY SUPPORT AND FAMILY RESOURCE PROGRAM.—The term "family support and family resource program" means a program that offers community-based services that provide sustained assistance to families at various stages in their development. Such services shall promote parental competencies and behaviors that will lead to the healthy and positive development of parents and children through—

(A) the provision of assistance to build family skills and assist parents in improving their capacities to be supportive and nurturing parents;

(B) the provision of assistance to families to enable such families to use other formal and informal resources and opportunities for assistance that are available within the communities of such families; and

(C) the creation of supportive networks to enhance the child-rearing capacity of parents and assist in compensating for the increased social isolation and vulnerability of families.

(8) FAMILY RESOURCE SERVICES.—The term "family resource services" means—

(A) core services that must be provided directly, or by referral or contract, by the family support and family resource program under this section, including—

(i) education and support services provided to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children;

(ii) early developmental screening of children to assess the needs of such children and to identify the types of support to be provided;

(iii) respite care services which are available 24 hours per day and every calendar day of the year;

(iv) outreach services;

(v) community referral services; and

(vi) follow-up services; and

(B) other services, which may be provided either directly or through referral, including—

(i) early care and education (such as child care and Head Start);

(ii) respite care;

(iii) job readiness and counseling services (including skill training);

(iv) education and literacy services, including English as a second language and family literacy services;

(v) nutritional education;

(vi) life management skills training;

(vii) peer counseling and crisis intervention, and family violence counseling services;

(viii) referral for health (including prenatal care) and mental health services; and

(ix) substance abuse treatment.

(9) FAMILY-CENTERED AND FAMILY-DIRECTED.—The term "family-centered and family-directed" means, with respect to a service or program, that the service or program—

(A) facilitates the full participation, choice, and control by families in—

(i) decisions relating to the supports that will meet the priorities of the family; and

(ii) the planning, development, implementation, and evaluation of the statewide system of family support for families;

(B) responds to the needs of the entire family in a timely and appropriate manner; and

(C) is easily accessible to and usable by families.

(10) INTERDISCIPLINARY GOVERNANCE.—The term "interdisciplinary governance" includes governance by representatives from communities and representatives from existing health, mental health, education, vocational rehabilitation, employment and training, child welfare, and other agencies within the State.

(11) RESPITE CARE SERVICES.—The term "respite care services" means short-term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, guardian) to children who meet one or more of the following categories:

(A) The children are in danger of abuse or neglect.

(B) The children have experienced abuse or neglect.

(C) The children have disabilities, or chronic or terminal illnesses.

Services provided within or outside the child's home shall be short-term care, ranging from a few hours to a few weeks of time, per year, and be intended to enable the family to stay together and to keep the child living in the child's home and community.

(i) STRATEGIC PLAN.—

(1) IN GENERAL—Not later than 1 year after the date on which assistance is received by a State under this section, the lead agency of the State, shall prepare and submit to the Commissioner, a strategic plan designed to achieve the purposes and policy of this section.

(2) CONTENTS.—The strategic plan shall include—

(1) a statement of the mission, philosophy, values, and principles of the statewide system of family support and family resources in the State;

(2) a statement of family-centered outcomes to be achieved by the statewide system of family support and family resources;

(3) specific goals and objectives for developing and implementing, or expanding and improving, the system for providing family support and family resource services, and for achieving the family-centered outcomes;

(4) systemic approaches for accomplishing the objectives and achieving the family-centered outcomes, including interagency coordination and cooperation that builds upon state-of-the-art practices and research findings;

(5) a description of the specific programs, projects, and activities funded under this section and the manner in which the programs, projects, and activities accomplish the objectives and achieve the family-centered outcomes;

(6) a description of an ongoing quality improvement or quality enhancement system, which utilizes information from ongoing measurements of the extent to which family-centered outcomes are achieved, to improve the system;

(7) a description of the eligibility criteria to be used to carry out programs, projects, and activities under this section that includes all eligible families;

(8) an analysis of the extent to which family support and family resource services for an individual family is defined as a benefit and not as income; and

(9) a description of the plan to conduct an annual evaluation of the statewide system of family support and family resources.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $30,000,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 and 1997.

(k) REPEAL OF EXISTING PROGRAM.—Section 933 of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12339) is repealed.

SEC. 403. FEDERAL COUNCIL ON CHILDREN, YOUTH, AND FAMILIES.

Section 918 of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12314) is amended—

(1) in subsection (k)—

(A) in paragraph (3), by striking out "and" at the end thereof;

(B) in paragraph (4), by striking out the period and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following:

"(5) identify program regulations, practices, and eligibility requirements that impede coordination and collaboration and make recommendations for their modifications or elimination; and

"(6) develop recommendations for creating jointly funded programs, unified assessments, eligibility, and application procedures, and confidentiality protections that facilitate information sharing.";

(2) in subsection (o), by striking "1991 through 1994" and inserting "1995 through 1998"; and

(3) in subsection (p), by striking "1995" and inserting "1998".

SEC. 404. FAMILY RESOURCE ACT.

(a) NATIONAL CENTER.—Section 958(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12353(b)) is amended—

(1) in paragraph (3)—

(A) by striking "model"; and

(B) by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) develop and maintain a system for disseminating information about all types of respite care options;

"(6) develop and provide an array of training and technical assistance activities to establish and maintain quality respite care options;

"(7) engage in a variety of evaluation and research activities to identify effective models of respite care services, examine the effects of respite care services on family functioning, and to develop simple evaluation models for use by local respite care service programs.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 960 of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12355) is amended—

(1) in subsection (a), by striking "$2,300,000" and all that follows through the end thereof and inserting "$2,000,000 for each of the fiscal years 1995 through 1998."; and

(2) in subsection (b), by striking "$700,000" and all that follows through the end thereof and inserting "$1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1998.".

Mr. BRYAN. Mr. President, I ask unanimous consent that the Senate disagree to the House amendments, agree to the request for a conference, and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. AKAKA) appointed the following conferees: Mr. KENNEDY, Mr. DODD, Mr. METZENBAUM, Mr. PELL, Mrs. KASSEBAUM, Mr. JEFFORDS, and Mr. COATS conferees on the part of the Senate.

JEAN MAYER HUMAN NUTRITION RESEARCH CENTER ON AGING

Mr. BRYAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4204, a bill to designate the Federal building on Washington Street in Boston as the "Jean Mayer Human Nutrition Research Center on Aging," just received from the House; that the bill be deemed read the third time, passed, and the motion to reconsider laid upon the table; that a statement by Senator KENNEDY relating to this measure be included in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4204) was deemed read the third time, and passed.

Mr. KENNEDY. Mr. President, the pending bill will confer a well-deserved honor on a world renowned nutritionist for his outstanding contributions toward ending world hunger. I am proud to give my support to this measure to designate the Federal building at 711 Washington Street in Boston as the Jean Mayer Human Nutrition Research Center on Aging.

The center, which was established by Congress in 1977 and is operated by Tufts University, houses 250 research and support staff studying the role of nutrition in the aging process of senior citizens. The center serves as a national model for an effective partnership between government, universities, and the private sector in developing innovative methods for improving nutrition. Naming the facility for Jean Mayer is a fitting tribute to a man who devoted his life to this cause for peoples throughout the world.

Jean Mayer, who died in January 1993, was a remarkably talented and dedicated man who distinguished himself as a war hero, university president, and international leader in the battle against hunger. He served as an adviser to three Presidents, and helped develop national and international policies to combat hunger and improve nutrition, especially among the poor and elderly.

He was born and raised in France, and joined the French Army in World War II. He was captured by German forces, but escaped from a prison camp and rejoined the French forces to work underground. After the war, he came to the United States where he was destined to become one of this country's greatest immigrants.

He joined the faculty at Harvard University in 1950, where he taught classes on nutrition and public health. For many years, he served as an advisor on public policy issues to Congress, the U.N. Food and Agriculture Organization, the World Health Organization and the U.N. Children's Fund. In 1966, he became one of the first American scientists to speak out against the use of herbicides in the Vietnam War.

In 1969, under President Nixon, he organized the highly regarded White House Conference on Food, Nutrition and Health, which produced a much greater national understanding of the problem of hunger in our land of plenty, and led directly to a large expansion of the food stamp and school lunch programs. Jean Mayer was one of the first to recognize the important connection between nutrition and achievement, and he worked hard to make this finding a key part of the Nation's policy. As a result of his extraordinary efforts, Federal spending on food programs for poor and elderly citizens increased more than fivefold in a period of 3 years—from $800 million in 1969 to $4.2 billion in 1972.

Jean Mayer made hunger unacceptable not only in America, but in many other lands as well. In 1969, he led a mission to the war-torn province of Biafra in Africa. As a result of his findings, the United States increased shipments of food and medical relief. He organized many other relief missions to impoverished countries and inspired an international conference on famine where, for the first time, an intentional policy of starvation was condemned as a violation of human rights.

Jean Mayer served as the president of Tufts University in Massachusetts for 16 years, and built the small liberal arts college into an internationally renowned research institution. During his tenure, he founded the Nation's first graduate school of nutrition, created New England's only veterinary school, and established the Sackler School of Graduate Biomedical Sciences and the Center for Environmental Management.

The outstanding contributions that Jean Mayer made to Massachusetts, the Nation, and the world are now legendary. He was a remarkable person who devoted his remarkable life to helping others. This legislation is a fitting tribute to his many extraordinary accomplishments.

Mr. BRYAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. BRYAN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, May 4; that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders reserved for their later use in the day; that there then be a period for morning business not to extend beyond the hour of 11:30 am, with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified:

Senator ROTH for up to 20 minutes; Senators LIEBERMAN and GRASSLEY for a total of 20 minutes; Senators BOREN and LEAHY for up to 15 minutes each; Senator KOHL for up to 5 minutes; that at 11:30 a.m. the Senate resume consideration of S. 783, the fair credit reporting bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL WEDNESDAY, MAY 4, 1994, AT 10 A.M.

Mr. BRYAN. Mr. President, if there is no further business to come before the Senate today and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:22 p.m., recessed until Wednesday, May 4, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 3, 1994:

DEPARTMENT OF STATE

BRADY ANDERSON, OF ARKANSAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

DOROTHY MYERS SAMPAS, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

SALLY A. SHELTON, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE RICHARD E. BISSELL, RESIGNED.

DEPARTMENT OF JUSTICE

NANCY E. GIST, OF MASSACHUSETTS, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE. (NEW POSITION).

FEDERAL ELECTION COMMISSION

LEE ANN ELLIOTT, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 1999. (REAPPOINTMENT.)

DANNY LEE MCDONALD, OF OKLAHOMA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 1999. (REAPPOINTMENT.)

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ARLEN D. JAMESON, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. JEFFREY G. CLIVER [redacted] REGULAR AIR FORCE

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN G. COBURN, [redacted] U.S. ARMY

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5053:

To be vice chief of naval operations

To be admiral

VICE ADM. RICHARD C. MACKE, [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. WILLIAM J. FLANAGAN, JR. [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. RONALD J. ZLATOPER [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5141:

To be chief of naval personnel

To be vice admiral

REAR ADM. (SELECTEE) FRANK L. BOWMAN [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. JOSEPH P. REASON [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. CONRAD C. LAUTENBACHER, [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. PHILIP M. QUAST [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JOHN S. REED [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) ARCHIE R. CLEMINS [redacted] U.S. NAVY

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

VALERIE J. RICE, [redacted]

To be major

JAY J. BREYER, [redacted]

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

WILLIAM G. BUTTS, [redacted]
RONALD K. DANEHOWER, [redacted]
DONALD H. GLOVER, [redacted]
KEITH C. GOODHOPE, [redacted]
JOHN B. GRIMBALL, [redacted]
SAMUEL W. LEDBETTER, JR [redacted]
JOHN A. MCMURDIE, [redacted]
ARTHUR K. O'CONNOR, [redacted]
JULIUS A. WHITE [redacted]

MEDICAL CORPS

To be colonel

JOHN S. MCNULTY, [redacted]

ARMY NURSE CORPS

To be colonel

BETHANY A. DUSENBERRY, [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

TIMOTHY J. COWAN, [redacted]
MICHAEL J. DACY, [redacted]
JAMES P. DALEY, [redacted]
THOMAS T. GALKOWSKI, [redacted]
BRIAN W. GOODWIN, [redacted]
DAVID D. GRAY, [redacted]
DENNIS L. GUM, [redacted]
ROBERT H. INGRAM, [redacted]
ROBERT E. JACKSON, [redacted]
JAMES JOSEPH, [redacted]
WILLIAM J. KAUTT III, [redacted]
GARY N. KINDER, [redacted]
TERRY G. KRSNAK, [redacted]
DANIEL M. LINDSLEY, [redacted]
WILLIAM B. MALONEY, JR., [redacted]
JOEL MICHAUD, [redacted]
PETER W. OGDEN, [redacted]
SUSAN E. RODRIGUEZ, [redacted]
GEORGE M. ROSS, [redacted]
HERBERT D. SMILEY, [redacted]
FRANK T. SPEED, JR., [redacted]
MARCUS C. STILES, [redacted]
MARK E. STORER, [redacted]
WYNIACO D. THOMAS, [redacted]
GEORGE M. TOMKO, [redacted]
JEFFRY D. VAUGHN, [redacted]
THOMAS E. VIA, [redacted]
EDWIN C. WAHLGREN, [redacted]
GEORGE D. WARN, [redacted]
WILLIAM J. WASHO, [redacted]
RONALD L. WEAVER, [redacted]
RICHARD L. WILLIAMS, [redacted]
CHARLES S. WOODS, [redacted]
KATHY J. WRIGHT, [redacted]
JOHNNIE L. YOUNG, [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

GARY R. BROWN [redacted]
MICHAEL T. MCCABE, [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. RONALD D. BROOKS, [redacted] 11/30/93
MAJ. MICHAEL W. CORBETT, [redacted] 1/7/94
MAJ. GREGORY A. DYKES, [redacted], 12/4/93
MAJ. MARK E. FREELAND, [redacted], 12/20/93
MAJ. JESSE D. KINGHORN, JR., [redacted], 12/23/93
MAJ. CHARLES MORRISON, [redacted], 12/12/93
MAJ. LINDA K. MCTAGUE, [redacted] 11/8/93
MAJ. RICHARD L. POUNDER, [redacted] 11/4/93
MAJ. BARTLETT C. SMETANA, [redacted], 12/11/93
MAJ. JOSEPH B. VEILLON, [redacted], 12/6/93
MAJ. KENT R. WAGGONER, [redacted], 11/18/93
MAJ. GARY R. WOOD, [redacted] 12/5/93

BIOMEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. ANDREW R. BUZZELLI, [redacted], 11/15/93
MAJ. JOHN R. STEPUSIN, [redacted], 11/13/93

MEDICAL CORPS

To be lieutenant colonel

MAJ. GREGORY V. WHITE, [redacted] 12/4/93
MAJ. WYMAN K. YEE, [redacted], 12/4/93

NURSE CORPS

To be lieutenant colonel

MAJ. JOHN J. DERTZO, [redacted], 12/4/93
MAJ. PATRICIA P. BRONNER, [redacted], 12/4/93
MAJ. KAREN L. WOLF, [redacted], 11/20/93

DENTAL CORPS

To be lieutenant colonel

MAJ. JEFFREY D. BREYMAIER, [redacted], 12/9/93

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

DENTAL CORPS

To be colonel

ERIC D. ADRIAN, [redacted]
ROBERT A. ANSON, [redacted]
STEPHEN M. CAMERON, [redacted]
CARL G. GLASER, [redacted]
PUSHPINDER GROVER, [redacted]
RONALD J. HAYES, [redacted]
ALBERT H. HOLLMANN, [redacted]
WILLIAM C. JOHNSON, [redacted]
RODNEY KATAGIHARA, [redacted]
EDWARD A. KODITEK, [redacted]
STEPHEN R. LEE, [redacted]
JOHN C. MITCHELL, [redacted]
NICHOLAS C. QUIGLEY, [redacted]
WILLIAM F. ROSE, [redacted]
JERRY M. SCHWARTZ, [redacted]
HENRY C. SEYMOUR, [redacted]
JOHN M. WHITLEY, [redacted]
ROBERT A. YARD, [redacted]

MEDICAL CORPS

To be colonel

MICHAEL A. BERRY, [redacted]
JAMES L. BESON*, [redacted]
PHILIP W. BLAIR*, [redacted]
BENROE W. BLOUNT*, [redacted]
SHELBY R. BRAMMER*, [redacted]
DORIS BROWNE*, [redacted]
CANDICE L. CASTRO, [redacted]
HOWARD M. CUSHNER, [redacted]
PHILLIP L. DAY, [redacted]
HOLLY L. DOYNE*, [redacted]
SALLIE DRANEBOSCH*, [redacted]
PAUL EVANS, [redacted]
FRANK T. FLANNERY, [redacted]
JAMES K. GILMAN, [redacted]
CLEMENT J. HANSON, [redacted]
JAMES A. HASBARGEN*, [redacted]
LOMA H. HASSELL, [redacted]
CHARLES G. HECKEL*, [redacted]
EDWARD C. HUYCKE*, [redacted]
BRUCE H. JONES*, [redacted]
SHAILESCH C. KADAKIA*, [redacted]
ROBERT J. KAMINSKI, [redacted]
JEROME J. KARWACKI, [redacted]
SOK M. KIM, [redacted]
DANIEL L. KOPP, [redacted]
WILLIAM C. LLOYD, [redacted]
CHARLES F. LONGER, [redacted]
KATHLEEN A. MCHALE*, [redacted]
KELLY T. MCKEE*, [redacted]
GLENN W. MITCHELL, [redacted]
JOE M. MOODY, [redacted]
WALTER J. MOORE, [redacted]
ALBERT J. MORENO*, [redacted]
BENJAMIN W. PAGE, [redacted]
DOUGLAS F. PHILLIP, [redacted]
HARRELL L. REED, [redacted]
JOHN H. ROSEMOND, JR.*, [redacted]
JANET L. ROWE*, [redacted]
LAWRENCE C. RUNKE*, [redacted]
STEPHEN A. SIHELNIK, [redacted]
WARREN S. SILBERMAN, [redacted]
ROBERT H. SLOVER, [redacted]
THOMAS W. SMITH*, [redacted]
RICHARD A. STEINER, [redacted]
WILLIAM T. TUCKER, [redacted]
GORDON S. VINCENT, [redacted]
ROBERT H. WEBB, [redacted]
GEORGE W. WEIGHTMAN*, [redacted]
EDWARD J. YANG, [redacted]
RULY YOEDIONO, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be captain

MARTIN E. BACON
BRYAN O. BARNETT
JOHN L. BOONE
BARBARA MILLER BRADLEY
HARRY MURRAY BRAMMER I
JEFFREY H. BRODIE
JAMES JOSEPH BURNS
CARL GAGE BUSH
MITCHELL CARL
JONATHAN BAILEY CLARK
CHARLES J. CONLON
BARBARA R. CRAIG
MICHAEL GEORGE DAUM
SUSAN R. DAVIS
LINDA JO FULLER
LARRY STEVEN GARSHA
THEORDORE GEOR GOLDFARB
MICHAEL S. GONZALEZ
DAVID ALLEN HILAND
THERESA TARLTO HOLLAND
WILLIAM EDWARD HUGHES
RICHARD R. JEFFRIES
CARL HOWARD JUNE
JULIAN FAISON KEITH II
ROBERT LOUIS KERN
MARIE ELIZABET KNAFELC
CHARLES WENDELL LANDON
JOHN T. LEAVELL
PATRICK M. LYONS
EDWARD R. MCDEVITT
THOMAS A. MILLER
DANIEL MITCHELL
WILLIAM P. NASH
CARROLL JOHN NICKLE
JOHN LESTER PERSON
ROGER DAVID REVILLE
WILLIAM L. ROBERTS
WILLIAM M. ROBERTS
VINCENT S. SHEN
LYNN PROCTOR SHIPMAN
RONALD EARL SMITH
RICHARD JOSEPH THOMAS
NORMAN J. WAECKER, JR.
JAMES H. WALKER
DEBORAH JANE WEAR
RICHARD C. WELTON
JOHN H. WILCKENS
EDWARD RAYMOND ZECH

SUPPLY CORPS OFFICERS

To be captain

BRIAN WILLIAM BLANCHFIELD
STEPHEN BERTRAM BROOKS
MARK THOMAS BROWN
EDWARD J. CASE
RICHARD DENNIS COSTELLO
THEODORE ALAN COYLE
MICHAEL JOHN DILLENBURG
JAMES MICHAEL DYKES
GREGORY BRUCE EASTON
PETER SAMUEL ELTRINGHAM
BRUCE EDWARD FEERER
EDWARD JOHN FISHBURNE
PATRICK JAMES FLANAGAN
JAMES WAITES FREEMAN, JR.
CHARLES WALTER FREY
JAMES RALPH GARBAN
ROLAND WILFRED GORRIE
JEFFREY DAVID GREENE
DON RICHARD HAVEN
ELWOOD THOMAS HODNETT, JR.
ROBERT HERMAN JACKSON III
RICHARD MARK LEVY
DAVID MICHAEL MADDON
JAMES MANNESS MARTIN
STEVEN MICHAEL MCCANN
HARRY EDWARD PALM, JR.
GREGORY HOWARD PEARSALL
JOSEPH MURRAY RUPPERT, JR.
ROBERT MARSHALL RUSSELL
MICHAEL PAYNE SCHOEDLER
JOHN EDWARD SCHWEICHLER
RHYS CLAY SUEUR
CLIFFORD EDWARD SZAFRAN
RICHARD MORRIS VIZZIER

CHAPLAIN CORPS OFFICERS

To be captain

JAMES W. ANDERSON
CHARLES T. BROWN
GEORGE DENNIS COOPER
THOMAS EDWARD DANSAK
CHARLES RICHARD EIS
RUSSELL OLIVER GUNTER
JOSEPH RICHARD LAMONDE
STEPHEN J. LINEHAN
JIMMY HAROLD MARTIN
TIMOTHY TADAYOSHI MORITA
JAMES VERNON PRINCE

CIVIL ENGINEER CORPS OFFICERS

To be captain

ANDREW DAVID BRUNHART
PETER LOEWNER CHECK
GLENN ALAN CUTLER
WALTER LEONARD DILLINGER, JR.
JOHN RODERICK DUNBAR
DOUGLAS FRANK ELZNIC
GEORGE NEIL EUSTACE
KEVIN TALMADGE GROSS
CHARLES ANTHONY HEINRICHS
ERNEST RAY HUNTER
RAYMOND MELLO
JOHN FAHEY MORAN
CHARLES JOSEPH NAVIN
BENJAMIN DANIEL NEAL
ROBERT CHARLES PARSONS
CHESTER ALLEN RICE
WILLIAM LAWRENCE RUDICH
HERBERT LEE SCHWIND, JR.
JOSEPH WAYNE TAYLOR

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be captain

KENNETH R. BRYANT
RONALD IVOR CLOVE
BRUCE BENTON DAVIDSON
DEAN M. HINKLEY
STEVEN WILLIAM HORTON
RAYMOND JOHN KREICHELT
RONALD BRUCE LEO
JOHN TAYLOR OLIVER
RICHARD R. OZMUN
FRANK J. PROCHAZKA
ROBERT H. TROIDL
KEVIN RICHARD VIENNA

DENTAL CORPS OFFICERS

To be captain

PETER M. BERTRAND
ANDREW FRANKLIN BOBROFF
JIMMY WAYNE CHISUM
STEPHEN JOSEPH CONNELLY
NELSON CHARLES DAVIS
KENNETH ELROD
ARMSTEAD LEAYL GALIBER
DAVID ALAN GLASS
KENNETH MICHA HARRISON
THOMAS N. HAWKINS
WILLIAM CLAY HIGHTOWER
JOHN WILLIAM KIRBY
BARRY A. LACOMBE
CHRISTOPHER C. LECLAIRE
AUSTIN W. MAXWELL
WILLIAM JALMER P. MELBY
CURTIS THORN MIDDLETON
THOMAS J. RAMSEY
WILLIAM L. RICHARDSON
JOSEPH A. VOGT
THOMAS L. WALKER
MARC NORRIS WATERMAN
DONALD HOBSON WOEHLING

MEDICAL SERVICE CORPS OFFICERS

To be captain

WILLIAM WALLA CAMPBELL
THOMAS CANDELARIA
HARRY CHARLES COFFEY
MARY JOAN DOOLING
DAVID THOMAS DUNDON
LAWRENCE HENRY FRANK
CHRIS HENRY GARDINER
STANLEY NIXON GARN
STERLING ELLIS GARNTO
CARL JAMES HOOTON
DAVID HILARY LARDY
WILLIAM FREDE LORENZEN
MICHAEL EDWARD PLANTE
WILLIAM RAYMON SATTLEY
TIMOTHY J. SINGER
DONALD RAY THOMPSON
JOSEPH P. VANLANDINGHAM
LAWRENCE JAMES WALTERS
DAVID RAY WOKER

NURSE CORPS OFFICERS

To be captain

PATRICIA KATHER BANNOW
JIMMIE GLENN COTHERN
LINDA MARY CUMMINGS
CECELIA M. DAWEGILLIS
VICKI KRISTINE GOFF
DEBORAH YOUNG KAMIN
PATRICIA ANNE KENNEY
MAUREEN DOOHAN KOWBA
ANN MARIE KUNKEL
DIANE MARIE LEDONNE
NANCY LESCAVAGE
MARGARET JANE MARKLEY
MARGARET ANNE MCNULTY
REBECCA BROWN NULTY
NANCY JO OWEN
FE ESPERANZA RODRIGUEZ
MARY STRAIN SAVITSKY
BARBARA KLOS VERNOSKI
JULIA CAMPBELL WASHINGTON

CONFIRMATIONS

Executive nominations confirmed by the Senate May 3, 1994:

DEPARTMENT OF THE TREASURY

JOAN LOGUE-KINDER, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF DEFENSE

RUDY DELEON, OF CALIFORNIA, TO BE UNDER SECRETARY OF THE AIR FORCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, May 3, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. HASTINGS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 3, 1994.

I hereby designate the Honorable ALCEE L. HASTINGS to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, February 11, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for "Morning Hour Debates." The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT] for 2 minutes.

DEMOCRACY ARRIVES IN SOUTH AFRICA

Mr. GEPHARDT. Mr. Speaker, few of us will ever forget the day, more than 4 years ago, that Nelson Mandela walked into this very room, and spoke before a joint session of the U.S. Congress.

He spoke of the promise of a free and equal South Africa—the promise of a prosperity and peace that had been deferred, but could not be denied.

Today, that powerful promise has been redeemed. Nelson Mandela—a man who emerged from 27 years of political imprisonment, a living embodiment of South Africa's struggle for justice—has now been elected President of his people.

For those of us who heeded Nelson Mandela's words, and shared his dream of democracy, there is no doubt that his personal struggle—his thirst for freedom and justice—planted the seeds of equality and legitimacy which now flower on South Africa's political landscape.

And there is no doubt that President-elect Mandela will be a leader for all of South Africa.

This is truly a day of celebration and reconciliation for people all over the world.

And it is further proof that human rights is the most powerful idea in human history.

I am proud that the United States supported South Africa's struggle.

We understood that the promise of justice can never be measured in dollars and cents—that our economic interests can never be separated from our fundamental human interests. That is the principle which fuels America's democracy—and I see that same basic dignity and humanity in South Africa's fledgling democracy.

Now we all have a lot of hard work to do to make real the promise of South Africa's democracy, to lift the promise of justice and equality from the pages of a newly inked constitution to the people of a newly freed nation.

It will not be easy. But on behalf of the American people, I look forward to building on today's triumph—for the people of South Africa, and for all who cherish this victory that the world has won.

ADMINISTRATION'S POLICY ON HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, Haiti is back on the front pages again. Sadly, each day brings reports of another protest in Washington, another random act of violence in cite soleil or elsewhere in Haiti, another zig—or is it a zag—in the administration's policy. Often contradictory, generally ineffective, the President's policy in Haiti lacks simply this: A clearly defined objective and a realistic assessment of the means with which to achieve it.

Perhaps most disturbing is the word this week that some officials, including the White House, are partial to the idea of using United States military force to control the situation in Haiti. Frankly, this is one of the worst ideas I have heard in a long time among a lot of other bad ideas I have heard about Haiti.

Let us be clear on this point: We do have a tremendous interest in helping democracy succeed in Haiti. We are friends who should help a friend in need. But, you cannot accomplish that objective at the barrel of a gun. Haiti is in the grips of a brutal civil war. It is Haitians killing, raping, and maiming each other. It is a conflict generally impervious to externally imposed solutions. It has been going on for generations. It is a Haitian problem—that ultimately requires a Haitian solution. American soldiers do not belong there on any missions until the Haitians have achieved some level of accord and stability among themselves. In this morning's paper, we read that the White House is considering sending in lightly armed military trainers—correct me if I'm wrong, but didn't we already make that embarrassing and potentially dangerous mistake when we sent the *Harlan County* a short while ago? The best hope for a democratic Haiti is to encourage and assist the immediate return of their duly elected President, Jean-Bertrande Aristide, to Haitian soil. I have a plan to facilitate this process and have repeatedly offered it to the administration over the last 15 months.

By utilizing the Ile de la Gonave, or any other properly suitable site, as a safe haven, Aristide could return and administer his government in relative safety and begin the process of rebuilding stability in Haiti—peacefully. Operating under the auspices of the OAS, perhaps supported by one or two of the United States Coast Guard cutters now doing picket duty there, a safe haven offers a relatively nonthreatening way for Aristide to govern without triggering an armed conflict between the Haitian Army and foreign troops, or without intensifying civil warfare now ongoing in Haiti.

In addition, Aristide's return would provide a rallying point for his followers. I was there when Aristide was elected and saw the loyalty that the Haitian people have for him. His return could provide the morale and leadership the Haitian people need to restore stability and democracy.

In addition, the safe haven proposal offers some hope to those concerned about our current repatriation policy. Rather than return refugees to Port-au-Prince, where they are theoretically endangered—although the State Department insists there is little evidence that those returned are persecuted—they could be returned to the safe haven where they could apply for asylum free from harm.

Let me emphasize that the scale of the refugee problem should not be underestimated. Since President Aristide was ousted in 1991, 43,000 Haitians have been repatriated. In fiscal year 1993 alone, 11,377 Haitians sought political

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

asylum in this country. Last week, the President once again sent out the wrong signal to Haitians with his decision to allow a humanitarian exception for a boatload of more than 400 refugees. I remain concerned that this kind of inconsistency will raise false economic expectations among the Haitian people and encourage them to once again board leaky boats and head for the United States in search of a better life. This is a dangerous roll of the dice—not just for Haitians in shark-infested waters but also for Americans—who cannot afford an unlimited out-of-control immigration policy.

Two centuries of political and economic strife have left Haiti divided and impoverished. Americans are not without sympathy for their plight but Americans cannot solve Haiti's problems. In the end, only the Haitians can make a democracy a reality in their country. They have a democratically elected President. We should assist him to return and get on with the job of governing his country from his country.

CONGRESSIONAL REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Michigan [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I suspect a lot of Members of Congress wish that political campaigns were not quite so expensive and that the demands to accept special interest's political action committee money were not so great.

Mr. Speaker, I think it is time for Members of this House to declare where they stand on Congressional reform. Do they stand with the American people, who are demanding reform, or with the special interests that are investing millions of dollars in reelection campaigns to make sure that their special Congressman gets hired?

We live in a time when most Americans believe that many Members of Congress are bought and paid for by the special interests. The best way to restore confidence is to remove the perception of privilege, perks, and PAC influence from the political process.

Mr. Speaker, it is no secret that lobbyists come to Congress to influence our votes.

□ 1040

If they convince us to vote their way, advantages and possibly millions and millions of taxpayer dollars flow into the pockets of those special interests. They want to make sure that their favorite congressman or congresswoman gets elected, and they do that by putting money into their political campaigns.

In 1992, this last election, political action committees contributed more than $109 million to congressional candidates. As a body, we will hopefully soon again debate a congressional reform package. However, if it is like the previous House bill that we debated, it will not serve the American people well. In fact, it will be a hoodwinking of the American people, because it really won't be reform.

Mr. Speaker, I have some questions. First, will continuing to allow special interests lobbyists to decide what goes into appropriation bills and other legislation be good for our children and grandchildren? Second, will continuing to ignore the clamor to ban PAC campaign contributions restore America's faith that the political process belongs to them and not the special interests? Third, will continuing to exempt Congress from the laws which we impose on the taxpayers restore credibility to this House? Will continuing to accept congressional cost-of-living pay increases automatically restore trust as we vote to eliminate or scale back those adjustments on the elderly and many other Americans?

Will continuing to raise most campaign contributions from outside our congressional districts convince our constituents that we are truly responsible and responsive to their concerns?

Mr. Speaker, as one of what I think is 22 now Members of Congress who does not accept PAC contributions, I enjoy the independence. I enjoy not having to look back over my shoulder to see who I owe a favor to. I believe the answers to those questions are obvious, at least obvious to the American people who sent us here.

True campaign finance reform must contain a ban on all PAC contributions, an end to the use of soft money in Federal elections, a ban on the bundling of contributions, a requirement that candidates raise at least half their contributions from the district representatives where they serve, and a requirement that corporations, unions, and nonprofit organizations disclose their lobbying activities and applying these reforms to the 1994 election.

Mr. Speaker, it is time for the U.S. Congress to tell special interests lobbyists to put their wallets away so that Members of Congress can regain credibility and respond to the American people that elected them.

Our status as Member of Congress, I believe, right now might rank us among the least respected professions in this country. If Congress is going to lead, we need the respect of the people of this country. To get that respect, we need dramatic reforms in the U.S. Congress.

CONFERENCE REPORT ON FISCAL YEAR 1995 BUDGET RESOLUTION

The SPEAKER pro tempore (Mr. HASTINGS). Under the Speaker's announced policy of February 11, 1994, the gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, the House is scheduled to consider the conference report on the budget resolution for fiscal year 1995 shortly. I want to take this opportunity to talk in general terms about the direction this document sets for this country over the next few years.

It seems to me that that is what budgets are for, for setting a general course and a general direction for what we will do with this government. We can get caught up in specifics, the fine print of the document. Of course, that is entirely appropriate and necessary at some point. But we should not lose sight of the bigger picture. We should not lose sight of the fact that budgets set the direction for this Congress, for this Government, and for this country.

When you look at the bigger picture, it becomes apparent that we have an honest disagreement in this country about the role of the Federal Government and the direction we should go. That principle should be a part of the great debates for the election in 1994. We ought to be deciding in general terms where you go, what do we want, do we want more Government or less? If you want more, it costs more. You cannot keep putting it on a credit card.

Do you want higher taxes or less? Do you want the Government to take for them the 40 percent it already takes, or do you want families to be able to decide how they spend their money and businesses to create jobs by capital accumulation? Do you want more spending from the Federal Government or less?

No one can tell me that in a budget of $1.5 trillion there are not some places to find cuts. We hear that. Where do you cut? Cannot cut. Of course, you can cut. Of course, you can solve problems in different ways.

The supporters of the Clinton budget believe in big Government solutions to every problem. They want higher taxes and bigger Government and more Federal spending.

The alternative is the one that is supported by the vast majority of Wyoming people that I talk to every week. They tell me they are taxed enough. And they are. They tell me the Federal Government is too big, and it is. They tell me we finally have got to do some cutting in the Federal spending, and we must.

The American people know the challenges that face us and they expect, above all else, an honest discussion of the issues.

Unfortunately, we do not get that with the President's budget. We do not find welfare reform addressed in the budget, even though it is a stated priority.

You do not find health care reform costs in this budget, even though the

President's plan calls for large tax increases and huge growth in Federal spending and bureaucracy.

Finally, you do not find spending cuts in the budget. They are not called spending cuts. They are funding transfers.

In the old west, they defined a politician as someone who can borrow $20, pay you back $10 and declare you are even because you both lost $10.

This budget does nothing but reinforce that idea and the suspicion folks have about the Federal Government. That is why I believe it is important to make some fundamental changes in process.

We need to pass reforms like a line-item veto, a line-item veto. Nobody would vote for a museum for Lawrence Welk except it is in the highway bill and you cannot get to it. Only the President can do that in a line-item veto.

A balanced budget amendment. You talk about how you are going to do it. You do not do it until you say, this is the limit for spending and you massage it to fit.

A to Z spending is going to be up in the next week. We can do that. The bill of the gentleman from Idaho [Mr. CRAPO] that requires votes to cut Federal spending and reduces the cap so that the money is not simply transferred and spent somewhere else. These are the kinds of changes that will restore confidence as we move toward the passage of the fiscal year 1995 budget.

It is important to remember that this document represents an agenda that in the past 15 months has included the largest tax increase in history, opposition to strong spending cut measures, such as the Penny-Kasich, and the A to Z spending cuts and opposition from the administration on every one of those cut packages.

Something tells me that this is not the change folks had in mind, Mr. Speaker. Thankfully, there is an alternative.

A CAMPAIGN FINANCE REFORM NONPROGRESS REPORT

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from California [Mr. HORN] is recognized during morning business for 5 minutes.

Mr. HORN. Mr. Speaker, I want to talk briefly about the progress of campaign finance reform through the House of Representatives. I was encouraged when the President, during his 1992 campaign, expressed his support for limiting the influence of special interests and reducing from $5,000 to $1,000 the amount political action committees are allowed to contribute to a candidate in both the primary and the general election.

Later, President Clinton again expressed support for such reform in his first State of the Union address and, indeed, many of us on our side rose to give him a standing ovation. He said to Congress, "let us reduce the power of special interests and increase the participation of the people." Who could disagree with that?

Then something happened. House Democrats, who have controlled this Chamber for almost 40 years, refused to limit PAC's, and the President caved in to their wishes. The President's $1,000 limit on contributions by political action committees vanished, and with it the hope for a true reform proposal from the House Democratic leadership.

On June 17, 1993, the Senate passed its version of campaign reform. That bill contains many disturbing provisions, but it passed with the votes of both Republicans and Democrats. It was a bipartisan proposal. And while it was flawed in a few places, it took one key step toward reform. It banned political action committees.

□ 1050

From June until September, the House of Representatives stalled. Finally, on September 9, House Democratic leaders promised that "We are going to do campaign reform, and we are going to do it in October."

On September 9, 1993, the New York Times, rarely an ally of Republicans, noted that the Democrats "Stalled through the spring and summer, hoping that public demand for clean politics would subside along with President Clinton's memory for his inaugural pledge to clean up Washington." The Times called the bill the Democrats were considering "lame" and "a sham."

But October came and went, and there was no reform.

Many Republicans and Democrats agreed that the Democratic leadership proposal was not reform. Under the leadership of Democrat MIKE SYNAR and BOB LIVINGSTON, the chairman of the Republican Task Force on Campaign Finance Reform, a group of us worked together to arrive at a compromise. Our proposal was not perfect, but it contained significant reforms. Like the President, our bipartisan group supported a $1,000 maximum donation from political action committees even though a number of us favor banning PAC's completely, as does the Republican conference. Unlike the President, we did not cave in to the House Democratic leadership.

On October 13, 1993, we were promised that the final week of October would be "Reform Week." But that week came and went, and there was no reform. In fact, Roll Call, the Hill's distinguished newspaper, reported that on October 26, "Speaker TOM FOLEY abandoned any individual deadlines for reform legislation."

There were legitimate reform proposals ready for a vote. But again and again and again the House Democrats refused to allow any cut in the $5,000 maximum donation by a political action committee.

On November 10, 1993, by a strict party-line vote, the House Committee on Administration rejected every Republican amendment and reported the bill Democratic leaders call reform.

Truly reform-minded Members of Congress still held out. We knew the Republican proposal was unlikely to pass—the reality is that there are too many Democrats in the House and not enough Republicans to truly reform campaign finance through a Republican-sponsored bill.

But the bipartisan compromise proposal was gathering steam. Many prominent members of both parties signed on in support of it.

On November 21, 1993, the House Democratic leaders, however, moved to crush reform. They forced passage of a rule that did not allow even a vote on our bipartisan proposal—despite the leadership of Mr. SYNAR, a respected subcommittee chairman, and Mr. BEILENSON, a respected member of the Committee on Rules.

Mr. Speaker, the President has told the House "Let us reduce the power of special interests and increase the participation of the people." Mr. Speaker, the refusal to allow a vote on significant reform proposals proves that the power of special interests is still strong among the Democratic leadership.

We continue to wait—both Democrats and Republicans who want reform. House and Senate conferees must meet before the House and Senate bills can be reconciled and sent to the President, who says he will sign what is sent to him, but again, the Democrats have stalled. We were promised that conferees would be named soon after the Presidents' Day recess in February, but Presidents' Day came and went, and no conferees were named.

We were promised that conferees would be named by the end of March.

But March came and went, and still no conferees were named.

In April, we heard that conferees might be named before the end of the month.

But the end of the month came and went, and again no conferees were named.

What is going on? Reform is supposed to open up the political process, not to allow the House Democratic leaders to meet in darkened rooms where the light of reform rarely shines. All we hear are broken promises. All we see are closed doors with Democratic leaders attempting to rig the results of a conference committee before the committee is even named.

Refusing to allow votes on legitimate bipartisan proposals. Forcing a bill through the House. Refusing to negotiate with Republicans. Mr. Speaker, those are not the actions of reformers.

David Broder, a Pulitzer-winner columnist for the Washington Post, said of the House Democratic leadership's bill that, "Some funny things happened on the way to the House of Representatives' passing its 1993 version of campaign finance legislation. They made the bill a joke." As Mr. Broder wrote, "This is reform? Give me a break."

The American people are asking for just that, Mr. Speaker. Give us a break. Give up the series of promises and broken promises. Give up the false hope provided by H.R. 3 and its new version, S. 3. Admit the need for a bipartisan approach to reform. We almost did it last year, and Republicans continue to pledge our support for real reform—reform without unnecessary taxpayer financing of politicians' campaigns, reform which eliminates PAC's, reform which substantially reduces the amount these political action committees can give in each election, reform which requires candidates to raise a majority of their money from voters in the district—not from Washington special interests.

Is it too much to ask for a level playing field where the voters can choose who will represent them rather than the Washington-based special interests?

Of course not.

Let us open the doors and give the House leadership bill a burial and have the reformers in both parties free to write a real reform bill. Is it to much to ask the Committee on Rules to let this House work its will as a free institution should? Let the majority work its will on substance. Let us not continue the charade where the Democrats fearful of the end of 40 years of power prevents the reform-minded majority from working its will.

Mr. Speaker, this is a shameless record of those that are trying to bury every proposal for reform in deep, darkened rooms. It is time for a change.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. HASTINGS). Under the Speaker's announced policy of February 11, 1994, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized during morning business for 5 minutes.

Mr. TORKILDSEN. Mr. Speaker, campaign finance reform is a sensitive topic. While other reform issues deal with what we do as Members of Congress, campaign finance reform will affect how, and in some cases whether, we get here in the first place. That is no excuse not to tackle it. We know the American public is critical about how decisions are made in Washington.

Where should the money not come from in campaigns? I think the answer to that question is direct. We should not look for money in political action committees. Is it realistic to expect Members to take huge sums of money from political action committees, only to claim those donations have no effect whatsoever?

As one Member who does not accept PAC money, I can vouch for the fact that one can win an election without taking PAC contributions. As the very least, PAC contributions should be capped at $1,000, the same limit that applies to individuals.

Where should the money come from? How about contributions from individual donors from a candidate's district? We should require that people who live in the district to be represented fund most of any congressional campaign.

Mr. Speaker, we need genuine campaign finance reform that eliminates PAC contributions and requires candidates to raise the majority of funds from their home districts. Only with these changes can we start on the road to genuine campaign finance reform.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly, at 10:55 a.m., the House stood in recess until 12 noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. KLECZKA] at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, from whom comes every good and perfect gift, may Your grace be with all people who turn to You for blessing and assurance. May Your words of hope lift every heart; may Your healing presence restore us in mind, body, and spirit; may Your vision allow us to see opportunities of service to others; may Your gift of this day allow us to celebrate both life and love, and may Your eternal promises enable us to gain a heart of wisdom. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Utah [Ms. SHEPHERD] please come forward and lead the House in the Pledge of Allegiance.

Ms. SHEPHERD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed the following resolution:

S. RES. 206

Whereas all American Presidents affect history in their own way, but few have made more history or shaped the history of their times more than Richard Nixon;

Whereas millions of men and women across America and around the world mourn the death of the 37th President of the United States;

Whereas he will be remembered for his foreign policy accomplishments, and for his dedication to peace;

Whereas in his first inaugural address, President Nixon said "The greatest honor that history can bestow is the title peacemaker.";

Whereas because of his efforts as President to improve relations with the then-Soviet Union, to bring China out of isolation, and to forge peace in the Middle East, Richard Nixon more than earned the title of peacemaker;

Whereas he traveled the world, speaking on behalf of democracy, freedom, and peace;

Whereas he proposed a landmark family assistance program, created the Environmental Protection Agency, expanded the Food Stamp Program, backed the innovative program called "revenue sharing", signed the Consumer Product Safety Act, and emphasized strengthening law enforcement;

Whereas more and more Americans have come to appreciate President Nixon and his accomplishments;

Whereas they admire him not because he was perfect, but because of his courage and perseverance, his intelligence and his vision, the fact that he loved his family and because he loved his country; and

Whereas whether it was facing an anti-American mob in Venezuela, or going toe-to-toe with Khrushchev in the famed "kitchen debate", Richard Nixon always stood up for America: Now, therefore, be it

Resolved, That the Senate directs that the eulogies offered concerning the life of the Honorable Richard M. Nixon, former President of the United States, former Vice President of the United States, former Representative and former Senator from the State of California be bound and printed as a Senate Document.

SEC. 2. The Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 239. Joint resolution to authorize the President to proclaim September 1994 as "Classical Music Month".

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week".

The message also announced that pursuant to Public Law 103-227, the Chair, on behalf of the majority leader, appoints Mr. BINGAMAN as a member of the National Education Goals Panel.

SOCIAL SECURITY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Social Security taxes keep going up. Social Security keeps crying they need more money. So guess what? The Social Security Administration last week awarded $32 million worth of bonuses. For example, one Deputy Commissioner, Lawrence Thompson, who was only working there for 2½ months, 75 days, got a $10,000 bonus: $4,000 a month, $1,000 a week.

What did Thompson do to deserve that? Close your eyes and what do you see? Nothing.

This is unbelievable. I say we need a massive investigation of the Social Security trust fund. I do not believe what we are being forced fed, Congress. I say the money coming in one door to Social Security is going out the other door, and there is a wastebasket all filled up with IOU's.

These are not bonuses. This is highway robbery. Some of these creeps should go to jail for it.

AN EFFECTIVE WORLD LEADER?

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, 55 percent of the American people think President Bill Clinton is not an effective world leader. According to a new poll 99 percent of the world leaders agree with the American people's assessment.

It is time for Bill Clinton to turn his attention away from his constant campaign for President and to the task of being the President. And a large part of that task is dealing with foreign policy.

Liberal columnist Richard Cohen had this to say about the President's performance:

> Clinton's foreign policy performance has been so dismal that no columnist could lose credibility by predicting the imminent ouster of this or that aide * * * What ails American foreign policy is not the court but the king.

We cannot blame Warren Christopher for the problems that bedevil Bill Clinton.

We can only hope that the President becomes interested in doing his job before we get ourselves into a real foreign policy crisis.

HEALTH CARE REFORM

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute.)

Ms. SHEPHERD. Mr. Speaker, it is time to put fairness back in the health care system. Is it fair to penalize a business for providing health care insurance to a sick worker? That is what we do now.

Is it fair to raise rates on businesses who provide health care insurance to all their employees to pay for the cost of those who do not cover their employees? That is what we do now.

Is it fair to put businesses who do the right thing at a competitive disadvantage to businesses who choose not to provide healthy care insurance for their employees? Of course, it is not fair, but that is what we do now.

It is time to bring fairness into the system. Health care reform must ensure that all businesses are rewarded when they provide health care insurance.

A TO Z: A CHANCE TO FACE FISCAL REALITY

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, I rise to express my support for the A to Z spending cuts plan I urge my colleague to sign the discharge petition on Accountability Day. May 4.

The American people, and certainly the voters who sent many of us to Congress, do not expect us to maintain business as usual where fiscal matters are concerned. We continue to spend money that we do not have. We are paying well over $200 billion a year on interest on the national debt. That is more than the Federal Government spends each year on education, transportation infrastructure, fighting crime, and other pressing issues. The interest alone is twice what Lyndon Johnson spent in 1965 to launch the Great Society and to wage the Vietnam war.

If more Americans realized how Congress spent money each year, their outrage would motivate this institution to cut spending and finally balance the budget. It is time for change. No more business as usual.

The A to Z plan is simple. I have long advocated it. Hold a special session in the House devoted exclusively to cutting the budget, Give everyone the opportunity to put forward a budget cutting proposal. Debate the merits of each proposal, and vote it up or down.

A majority of the Members in the House support this approach. The question is, do we have the will to carry it out? Let us show our constituents that we are serious about deficit reduction. Support the discharge petition to bring A to Z to the floor.

THE A TO Z SPENDING CUT PLAN

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Madam Speaker, ever since we passed the President's budget last year, the American people have been clamoring for more budget cuts. Time after time the Congress has rejected budget cuts. They are always too specific or not specific enough.

Well, the time has come to separate the sheep from the goats, Madam Speaker, and see who has the guts to make the hard choices to cut our budget. The A to Z spending cut plan is a radical new idea put forth by a bipartisan majority of 230 Members of this House.

Very simply, this plan calls for a special session of the Congress to offer and vote on specific budget cuts to take place right now.

Already the Democrat House leadership has been strong-arming Members from their side of the aisle to not support the discharge petition. The good old boys of Congress are out to protect the system once again.

□ 1210

It is not going to happen, Madam Speaker. The people of this country demand real cuts and an end to the good old boy network that is trying to kill A to Z. I call on my colleagues to support responsibility and accountability and sign the A to Z discharge petition.

SMALL BUSINESS WEEK 1994

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Madam Speaker, this week, for 31 consecutive years, the President has designated a national "Small Business Week." This recognition honors the more than 20 million small enterprises in the Nation who will lead America in job creation and innovation into the twenty-first century. The theme for the week is "Small Business: Building America's Future."

During this week, it is my sincere hope that all government officials and members of the media will seriously reflect on the vital role small business plays in weaving the very social and economic fabric of our democratic society. Too often the small business community receives warm platitudes from elected officials for its efforts, but scant concern when the ramifications of major new public policy initiatives are considered.

Small Business Week is sponsored by the Small Business Administration [SBA], an agency created with great foresight by President Eisenhower in 1953, to assist the Nation's small business community. The rewards our economy has enjoyed from the SBA's accomplishments have proven President Eisenhower's investment to be very wise.

Madam Speaker, I ask my colleagues and all fellow citizens join me this week in taking a moment to salute America's true heroes and champions, our Nation's small business men and women.

AMERICA NEEDS THE A TO Z SPENDING CUTS PLAN

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, in the 1 minute it will take me to address the House today, $780,000 will be added to the national debt. And when the next 1-minute speech is delivered—another $780,000.

And so it goes minute after minute, hour after hour, day after day, month after month, and year after year.

While Members of the House come to the floor and pound their chests about the need to do something about the Federal budget deficit—nothing gets done.

The time for talk is over. The A to Z spending cuts plan, sponsored by Congressmen ROB ANDREWS and BILL ZELIFF, offers a unique opportunity to cut wasteful spending, one program at a time, one rollcall at a time.

The American people know that the current budget process is not working. Individual Members have been banned from offering amendments to cut wasteful spending, and more often than not forced one up-or-down vote on an entire pork-filled package.

Mr. Speaker, all or nothing is no way to pass a budget. As the old saying goes, "When you find yourself in a hole—stop digging." America needs the A to Z plan to cut spending.

NATIONAL TOURISM WEEK

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, North Carolina is blessed with an abundance of natural beauty, beauty which can be seen whether you are traveling through the mountains and foot hills of western North Carolina or enjoying a moonlit stroll along North Carolina's golden beaches.

This beauty manifests itself throughout eastern North Carolina, much of which I represent. In addition to the numerous national parks and national wildlife refuges, eastern North Carolina is home to the Wright Brothers National Memorial and home to the oldest outdoor symphonic drama, the Lost Colony, which portrays the lives and hardships faced by the first English colonists. The list of attractions goes on and on.

It is little wonder that the travel and tourism industry is now the second largest industry in North Carolina employing almost 150,000 North Carolinians with a payroll of $2.2 billion. The statistics for the nation are equally staggering with travel and tourism generating a total of $360 billion during 1991.

Because of the tremendous economic impact of the travel and tourism industry, it is appropriate that this week has been designated as National Tourism Week.

MEMBERS URGED TO SIGN THE A TO Z DISCHARGE PETITION

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, the A to Z debate is a tale of two ways to set budget policy. The leadership's way is the best of ways, and the worst of ways.

The leadership claims that their way, is the best of ways for Members to be fully informed before voting. Sure, remember how fully informed we were, when we passed the FDIC–RTC $55 billion bailout, with no copies of the legislation available?

The leadership's way of setting budget policy is also the worst of ways, because it has given us a $4.5 trillion debt. Under the leadership's way, no one is accountable for that $4.5 trillion debt. Unlike the leadership's way, our A to Z way, lets Members vote on specific spending cuts, specific entitlement cuts, and specific authorization cuts, not pork laden packages.

The leadership claims our A to Z plan is flawed. We cannot guarantee who the Speaker will recognize. It bypasses the committees that add the pork, and Members will have to stand up and be counted, on each specific spending cut.

No more business as usual. It is time for change. End the budget gag rule. Sign the A to Z discharge petition tomorrow. It is the best of ways.

THE A TO Z SPENDING CUTS PLAN

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, later this week, the House will unveil a discharge petition on the A to Z spending cuts plan.

The leadership will try to tell you that this proposal is little more than a three ring circus. But it is the plan's simplicity and openness that they fear most.

Here is how simple it is: Any Member, regardless of party or committee assignment, could propose a spending cut. The House would debate the cut, and then vote on it. It is that straightforward and that easy.

Most importantly, the A to Z legislation limits itself to only those spending cuts—proposals to raise taxes are explicitly forbidden.

My colleagues should think very carefully before being swayed by the majority's threats of chaos on the floor of the House.

The A to Z plan has the potential to end the partisan bickering over comprehensive spending packages. With this proposal, we can help restore the American public's faith in Congress as an institution where individual integrity and fiscal accountability still reside.

U.N. MEMBERSHIP FOR TAIWAN

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, almost exactly 15 years ago, in April 1979, President Carter signed the Taiwan Relations Act, which has governed the relationship between the United States and the Republic of China to this day.

Since that date, the United States has not formally recognized Taiwan, nor have dozens of other nations. Nonetheless, the Republic of China has emerged as one of the economic powers of the world. Taiwan has achieved economic growth rates averaging 8 percent in the past decade, and its gross national product is the 20th largest in the world. The Republic of China's foreign exchange reserves of $90 billion are exceeded only by those of Germany, and Taiwan has grown to be the United States' sixth largest trading partner, with bilateral trade approaching $39 billion per year.

Taiwan has matched its economic achievements with impressive political liberalization. The first democratic elections in the Chinese people's history were held in December 1992, and a multiparty system is flourishing.

Considering Taiwan's economic status and the fact that three-quarters of the nations that dominate the General Assembly of the United Nations have populations smaller than that of the Republic of China, it does not make sense that Taiwan is excluded from membership. Furthermore, Taiwan does not wish to replace China's seat, but rather simply have its own voice, and ample precedent already exists for such a move.

I urge my colleagues and the President to support membership for Taiwan in the United Nations, and to encourage other countries to support this effort, as well.

AUTO PARTS IS SUGGESTED SUBJECT OF UNITED STATES–JAPAN TRADE TALKS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, my hat is off to the Clinton administration's successful effort to open up the Japanese cellular telephone and network equipment market. This represents a substantial market for cellular phones but it only helps one company—Motorola. What the administration must do now is to negotiate the same for the U.S. auto industry. What we are talking about are 5,000 U.S.-owned companies, directly employing over 700,000 people—5,000 U.S. companies, over 700,000 U.S. workers.

Yet the administration allows the trade deficit in U.S. auto parts to continue to climb. For this year alone the projected trade deficit with Japan in the automotive arena will go over $30 billion. The trade deficit in United States auto parts alone will be over 20 percent of the total trade deficit with Japan.

The administration must continue to press the Japanese for definite goals and schedules for increased Japanese purchases of United States-made auto parts, and to fulfill previous commitments by increasing substantially their purchases from nonaffiliated suppliers.

Mr. Speaker, an agreement over cellular phones is a good first step. The administration must now be prepared to fly into the eye of the hurricane. Job growth here at home depends on it.

DEFENSE DEPARTMENT ABUSES OF HELICOPTER TRAVEL

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, it has now been reported that top military officials took 238 helicopter rides between the Pentagon and Andrews Air Force Base in the past year.

Each trip cost from $1,000 up to $3,000, costing several hundred thousands altogether.

What a ridiculous waste of taxpayer money.

It is 14 miles from the Pentagon to Andrews. A cab ride would have cost $24—a military car, even less.

Is someone embarrassed over this? No—not at all. On the ABC National News last night, there was even an attempt to justify it in the name of efficiency and training.

Is someone going to lose his job? No, because people in unelected Federal positions can today get away with things that would cost them their jobs in the private sector.

Unfortunately, we will continue to see similar abuses of power and wasteful expenditures throughout the Federal Government, for two reasons:

First, our Government is simply too big, and there is almost no political control over it.

Second, the Civil Service System protects and insulates bureaucrats so much that they cannot really be held accountable—even for terrible decisions.

But, if these officials care at all about our taxpayers, they will cut out these overpriced joyrides immediately.

□ 1220

WE NEED PRISONS, NOT PRESS RELEASES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, we need prisons, not press releases, as an answer to crime. There is a great deal of press release material coming up this week on the House floor, but I urge Members to look at the facts about what is going on. I want to lock up every violent criminal, I want them to serve a full sentence, I am prepared to pay to build the prisons that are necessary. I believe there are things we can do to make America safe. But if we read what the President said in the morning paper, he is just factually wrong. He cited a gun which killed a policeman in Menomonee Falls, he cited the wrong gun. The gun that killed the policeman is not on the list that is supposed to be banned.

Mr. Speaker, the fact is the bans do not work and the 650 types of guns that are not banned are equally lethal to the guns that are to be banned.

I urge my colleagues, do not vote for press releases, do not vote for propaganda. Vote for real sentences for violent criminals. Vote to build real prisons.

Mr. Speaker, what we need are prisons, not press releases.

STOP THE BLAME GAME

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I was disappointed by the partisan words of the majority whip when he said: "House Republicans are willing to say and do anything to bring down everything we want to do to help working people." Fact is, the Democrats' health reform plans are collapsing under their own weight and burdening many work people mightily by costing them their jobs. Republicans have a comprehensive reform plan of our own—and bipartisan, market-based reforms supported by the American people. Republicans want to ensure quality, access and choice in health care. Republicans want to minimize Government interference in individual decisions. And Republicans know heavyhanded Government cost control will kill jobs and lead to health care rationing. It is time to stop playing the blame game and work together on health care reform. I invite all colleagues to look at the GOP solution. It will work.

SUPPORT THE A TO Z CUT SPENDING PLAN

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I want to encourage all Members to sign the discharge petition to bring H.R. 3266 to the floor. This bill known as the A to Z spending cut bill will give every Member the opportunity to bring specific spending cut amendments to the floor for a vote. It provides for free and open debate and an up-or-down vote on each and every proposal.

This is a commonsense plan that would help cut out waste and fat from our Government's budget.

The bill has over 227 cosponsors and in spite of the opposition who fear reduced spending, the will of this body and the cry of taxpayers across this country will be heard.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. KLECZKA) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 3, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, May 3, 1994 at 3:58 p.m. and said to contain a special message from the President whereby he transmits one revised deferral of budget authority for HHS, totaling $7.3 million.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

DEPARTMENT OF HEALTH AND HUMAN SERVICES REVISED DEFERRAL OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority, totaling $7.3 million.

The deferral affects the Department of Health and Human Services. The details of the revised deferral is contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 2, 1994.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of Rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today, but not before 5 p.m.

AIRPORT IMPROVEMENT PROGRAM TEMPORARY EXTENSION ACT OF 1994

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2024) to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes, as amended.

The Clerk read as follows:

S. 2024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Improvement Program Temporary Extension Act of 1994".

TITLE I—AIRPORT IMPROVEMENT PROGRAM

SEC. 101. AIRPORT IMPROVEMENT PROGRAM AUTHORIZATION.

(a) AUTHORIZATION.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(a)) is amended—

(1) by striking "and" following "1992,"; and

(2) by inserting ", and $15,763,890,000 for fiscal years ending before October 1, 1994" before the period at the end.

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of such Act (49 U.S.C. App. 2204(b)(1)) is amended by striking "September 30, 1993" and inserting "June 30, 1994".

SEC. 102. APPORTIONMENT OF FUNDS.

Section 507(b)(3)(A) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(b)(3)(A)) is amended—

(1) by striking "or reducing the amount authorized or" and inserting "the amount";

(2) by inserting "to less than $1,900,000,000" after "to be obligated"; and

(3) by striking "limited or reduced".

SEC. 103. MINIMUM AMOUNT FOR PRIMARY AIRPORTS.

Section 507(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(b)(1)) is amended by striking "$400,000" and inserting "$500,000".

SEC. 104. INTEGRATED AIRPORT SYSTEM PLANNING SET-ASIDE.

Section 508(d)(4) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(4)) is amended by striking "½" and inserting "¾".

SEC. 105. REIMBURSEMENT FOR PAST EXPENDITURES.

Section 513(a)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(a)(2)) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" after the semicolon at the end of subparagraph (B); and

(3) by inserting after subparagraph (B) the following:

"(C)(i) it was incurred—

"(I) during fiscal year 1994;

"(II) before execution of a grant agreement with respect to the project but in accordance with an airport layout plan approved by the Secretary and in accordance with all applicable statutory and administrative requirements that would have been applicable to the project if the grant agreement had been executed; and

"(III) for work related to a project for which a grant agreement was executed during fiscal year 1994; and

"(ii) its Federal share is only paid with sums apportioned under subsections 507(a)(1) and 507(a)(2) of this title;".

SEC. 106. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended by striking "(as such Acts were in effect on the date of the enactment of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992)" and inserting "or the Airport Improvement Program Temporary Extension Act of 1994 (as such Acts were in effect on the date of the enactment of the Airport Improvement Program Temporary Extension Act of 1994)".

SEC. 107. UPWARD ADJUSTMENTS.

(a) IN GENERAL.—The second sentence of section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(b)(1)) is further amended by—

(1) inserting "(A)" before "apportioned"; and

(2) inserting before the period at the end "; and (B) funds which have been recovered by the United States from grants made under this title if such funds are obligated only for increases under sections 512(b)(2) and 512(b)(3) of this title in the maximum obligation of the United States for any other grant made under this title".

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1993.

TITLE II—AIRPORT-AIR CARRIER DISPUTES REGARDING AIRPORT FEES

SEC. 201. EMERGENCY AUTHORITY TO FREEZE CERTAIN AIRPORT FEES.

(a) COMPLAINT BY AIR CARRIER.—

(1) FILING.—An air carrier may file prior to June 30, 1994, with the Secretary a written complaint alleging that any increased fee imposed upon such air carrier by the owner or operator of an airport is not reasonable. The air carrier shall simultaneously file with the Secretary proof that a copy of the complaint has been served on the owner or operator of the airport.

(2) OPPORTUNITY TO RESPOND.—Before issuing an order under subsection (b), the Secretary shall provide the owner or operator of the airport an opportunity to respond to the filed complaint.

(3) FRIVOLOUS COMPLAINT.—If the Secretary determines that a complaint is frivolous, the Secretary may refuse to accept the complaint for filing.

(b) ORDER BY THE SECRETARY.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary shall issue, within 7 days after the filing of a complaint in accordance with subsection (a), an order prohibiting the owner or operator of the airport from collecting the increased portion of the fee that is the subject of the complaint, unless the Secretary makes a preliminary determination that the increased fee is reasonable. Subject to subsection (d), the order shall cease to be effective on June 30, 1994.

(2) LIMITATION.—The Secretary shall not issue an order under this subsection prohibiting the collection of any portion of a fee for which the Secretary's informal mediation assistance was requested on March 21, 1994.

(c) OPPORTUNITY TO COMMENT AND FURNISH RELATED MATERIAL.—Within a period prescribed by the Secretary, the owner or operator of the airport and any affected air carrier may submit comments to the Secretary on a complaint filed under subsection (a) and furnish to the Secretary any related documents or other material.

(d) ACTION ON COMPLAINT.—Based on comments and material provided under subsection (c), the Secretary may take appropriate action on the complaint, including termination or other modification of any order issued under subsection (b).

(e) APPLICABILITY.—This section does not apply to a fee imposed pursuant to a written agreement binding on air carriers using the facilities of an airport.

(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect any existing written agreement between an air carrier and the owner or operator of an airport.

SEC. 202. DEFINITIONS.

For purposes of this title—

(1) the term "fee" means any rate, rental charge, landing fee, or other service charge for the use of airport facilities; and

(2) the term "Secretary" means the Secretary of Transportation.

TITLE III—REFORM OF AIR TRAFFIC CONTROL SYSTEM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM.

(a) STUDY.—The Secretary of Transportation shall undertake a study of management, regulatory, and legislative reforms which would enable the air traffic control system of the Federal Aviation Administration to provide better services to users and reduce the costs of providing services, without reducing the safety of the system or the availability of the system to all categories of users and without changing the basic organizational structure under which the system is part of the Federal Aviation Administration.

(b) COMPONENTS.—The study to be conducted under subsection (a) shall include the following:

(1) Evaluation of reforms which would streamline procurement, enhance the ability to attract and retain adequate staff at hard-to-staff facilities, simplify the personnel process, provide funding stability, ensure

continuity of leadership, and reduce the incidence of unnecessarily detailed management oversight.

(2) Identification of any existing laws or regulations governing procurement or personnel which are having an adverse effect on the operation or modernization of the air traffic control system.

(3) Evaluation of a range of possible reforms and the advantages and disadvantages of each possible reform.

(4) Comparison of the advantages and disadvantages of each possible reform with the comparable advantages and disadvantages to be achieved under any proposal of the Secretary of Transportation to create a separate Federal corporate entity to operate the air traffic control system.

(c) DEADLINE.—The results of the study to be conducted under subsection (a) shall be contained in a report which shall be completed by the Secretary of Transportation on or before the date which is 180 days after the date of the enactment of this Act, or the date on which the Secretary submits to Congress proposed legislation to create a separate corporate entity to operate the air traffic control system, whichever date occurs first.

(d) TRANSMITTAL.—On the date of completion of the report under subsection (c), the Secretary of Transportation shall transmit copies of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. GRANDFATHER PROVISION FOR FAA DEMONSTRATION PROJECT.

(a) IN GENERAL.—Notwithstanding the termination of the personnel demonstration project for certain Federal Aviation Administration employees on June 17, 1994, pursuant to section 4703 of title 5, United States Code, the Federal Aviation Administration shall continue to pay quarterly retention allowance payments in accordance with subsection (b) to those employees who are entitled to quarterly retention allowance payments under the demonstration project as of June 16, 1994.

(b) COMPUTATION RULES.—

(1) IN GENERAL.—The amount of each quarterly retention allowance payment to which an employee is entitled under subsection (a) shall be the amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994, reduced by that portion of the amount of any increase in the employee's annual rate of basic pay subsequent to June 17, 1994, from any source, which is allocable to the quarter for which the allowance is to be paid (or, if applicable, to that portion of the quarter for which the allowance is to be paid). For purposes of the preceding sentence, the increase in an employee's annual rate of basic pay includes—

(A) any increase under section 5303 of title 5, United States Code;

(B) any increase in locality-based comparability payments under section 5304 of such title 5 (except if, or to the extent that, such increase is offset by a reduction of an interim geographic adjustment under section 302 of the Federal Employees Pay Comparability Act of 1990);

(C) any establishment or increase in a special rate of pay under section 5305 of such title 5;

(D) any increase in basic pay pursuant to a promotion under section 5334 of such title 5;

(E) any periodic step-increase under section 5335 of such title 5;

(F) any additional step-increase under section 5336 of such title 5; and

(G) any other increase in annual rate of basic pay under any other provision of law.

(2) SPECIAL RULE.—In the case of an employee on leave without pay or other similar status for any part of the quarter prior to June 17, 1994, based on which the amount of the allowance payments for such employee under subsection (a) are computed, the "amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994" shall, for purposes of paragraph (1), be deemed to be the amount of the allowance which would have been payable to such employee for such quarter under such project had such employee been in pay status throughout such quarter.

(c) TERMINATION.—An employee's entitlement to quarterly retention allowance payments under this section shall cease when—

(1) the amount of such allowance is reduced to zero under subsection (b), or

(2) the employee separates or moves to a position in which the employee would not, prior to June 17, 1994, have been entitled to receive an allowance under the demonstration project, whichever is earlier.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, the bill we bring to the floor today is a short-term reauthorization of the Airport Improvement Program to allow the FAA to make grants of up to $800 million by June 30 for airport improvement projects across the Nation that have been held back because the authorization bill has not been enacted.

Mr. Speaker, we are following this approach, I should say, very reluctantly. Our preference has been for a multiyear program. We feel it is good public policy to have a multiyear program so that airports can count on a steady stream of revenue for these long-term projects of improving airport runways, taxiways, and building new facilities.

Toward that end, in fact, the Committee on Public Works and Transportation reported last September 14, 1993, a 3-year AIP reauthorization for fiscal years 1994 through 1996, H.R. 2739. That bill passed the House on October 13, 1993, by a vote of 384 to 42. Unfortunately over in the other body, disputes unrelated to the essence of AIP held up progress on that legislation; product liability, airport fees, intrastate trucking. The Senate, tangled up with individual Member concerns over those issues despite the best intentions and best efforts of the chairman of the Aviation Subcommittee in the other body, was unable to move a multiyear authorization bill to the Senate floor and chose instead to pass a 60-day bill.

Mr. Speaker, unless we accept this approach and pass this short-term authorization, the FAA will not be able to make grants for work to begin before the current construction season expires, and that is not long from now. We really have a very short window of time under which bids can be developed and contracts let and construction underway before the freeze sets in to the northern tier of States. Therefore, reluctantly we are moving ahead with this bill.

Mr. Speaker, very briefly the essence of it is that we follow the basic approach of the other body for an $800 million program with authority to make grants through June 30 of this year. Our bill differs from the Senate in how the funds will be allocated. The Senate bill makes substantial changes in existing law, the effect of which is to substantially increase discretionary funding that primarily benefits larger airports. The added discretionary funds would be taken, we feel, disproportionately from programs designed to benefit smaller airports. Our bill struck a reasonable balance between large airports and small airports.

Therefore, in the bill we bring to the House today, we follow the same funding approach that the House approved in the bill last October. Our bill preserves existing formulas that balance the interests of large and small airports.

☐ 1230

We assure our colleagues on both sides of the aisle that on a bipartisan basis we will work in conference to ensure that any changes in discretionary funding will be changes that affect airports of all sizes on a proportional basis, not just the smaller airports.

This bill also includes important provisions to require a study of alternatives to splitting up the FAA, to wrenching out of FAA, as the administration proposes to do, the air traffic control system and put it into a separate Government corporation. The administration is making a corporation proposal without having adequately studied indepth alternatives, reforms that could be accomplished without destroying the existing structure of FAA. Reforms that do not dismember the FAA, we believe, are likely to be more effective, less costly to taxpayers, and to the traveling public and bring greater assurance of continued safety as the FAA operates the most efficient, the most effective, and the safest air traffic control system in the world.

Our bill also assures that the 2,200 controllers participating in the pay differential program that has brought controllers from less demanding facilities to the most demanding facilities in the system, to facilities in Chicago, New York, and California, will not this coming June have their pay reduced, because the demonstration program expires in June. Those controllers will suffer 15- to 20-percent pay losses with all the attendant effect on controller morale that that will entail unless we keep that pay differential program in place. I do not think we want to compromise efficiency, effectiveness, worker output, and safety by allowing the pay differential program to expire, and we feel very strongly that the Senate should join with us in that initiative, and I am confident they will.

We have also adopted a Senate provision which, in effect, freezes airport rates and fees for 60 days because of airline dissatisfaction with the current laws and procedures governing these fees. There has been a recent court case that was decided by the Supreme Court that has resulted in some controversy between airlines and airports over setting of fees.

In adopting this Senate provision though, I want to make it very clear that we do not favor this type of freeze as a long-term solution to the problem, nor should it be considered a precedent. We are going along with the freeze out of respect for the considerable and commendable effort the chairman of the Senate Subcommittee on Aviation has invested in resolving this issue. We also have been assured by the Department of Transportation it is unlikely to have any practical effect in the 60-day period and that no fees are proposed to be increased by airports, at least none that we know of, none to be frozen in the 60-day period.

Mr. Speaker, I reserve the balance of my time.

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to commend my chairman, the gentleman from Minnesota [Mr. OBERSTAR], for crafting this legislation and bringing it to the floor today to hopefully resolve a dispute that has been ongoing, but which has seriously threatened the ability for us to move forward with airport development in this country during this construction season.

I think the fact that we have brought this expeditiously to the floor today, he needs to be commended for that, and as he indicated, S. 2024 provides a short-term, 60-day extension for the airport improvement program.

Two weeks ago, on April 19, S. 2024 passed the Senate by a voice vote.

The AIP program lapsed at the end of fiscal year 1993 because, as has been indicated, of disputes and delays that the Senate, the other body, encountered as it attempted to report a regular, hopefully a multiyear AIP reauthorization bill. I might add that the House passed its bill, H.R. 2739, in a timely manner by an overwhelmingly strong vote of 384 to 12, so we bring what is a modified version of S. 2024 before the House in an effort to salvage at least a portion of this year's construction season for vitally important airport projects.

The bill seeks to preserve a huge number of construction-related jobs that would otherwise be lost without enactment. The bill authorizes up to $800 million in spending on AIP for eligible projects, for grants made no later than June 30 of this year.

As Members, I am sure, are aware, the AIP program is financed entirely from the aviation trust fund. No general revenues are at issue or are utilized in this program, and the enacted fiscal year 1994 transportation appropriation bill already provides about $1.69 billion in obligation limitations for the AIP program. But none of that money has been spent, nor will it be spent without passage of this legislation, and hopefully later on passage of a multiyear bill.

As I mentioned a moment ago, last fall the House did report our bill with a substantial vote in favor of it. The AIP's fate in the Senate, the other body, unfortunately continues to be hampered, as the chairman, the gentleman from Minnesota [Mr. OBERSTAR], said, by several disputes that has led to a severe case of legislative gridlock, the latest being a conflict between airports and air carriers over the reasonableness of fees paid by air carriers to airports.

There is a provision in S. 2024 that attempts to put this debate to rest during the 60-day life of the bill, and I will come back to that in a moment.

The AIP program has several funding elements, the most important being an entitlement grant program for commercial airports, and eligible grant activities include projects enhancing capacity, safety, security, such as construction of runways, taxiways, terminal buildings. It is these sorts of activities that are most threatened by failure to enact this bill heretofore.

In addition to establishing a 60-day, $800 million extension, the bill, as passed by the other body, unfortunately made several changes to the entitlement allocation formula which, in the opinion of the Public Works and Transportation Committee leadership, are unacceptable. We have, therefore, modified the bill to reflect the entitlement formulas originally as part of the bill that we passed here some weeks ago.

This legislation also contains three new provisions not previously found in H.R. 2739 that Members should be aware of. First, as the chairman, the gentleman from Minnesota [Mr. OBERSTAR], has indicated, there is a section directing the Department of Transportation to study ways to reform the air traffic control system without changing its basic organizational structure. The study must be completed within 180 days following enactment or before the Department submits legislation on a corporation, whichever event might occur first. This provision is in response to a recommendation to privatize our national air traffic control system that was included in it as a part of the National Performance Review of the Vice President, and on this point, I think it is fair to say there is a very strong and bipartisan disagreement, or at least questions about this, and also within the industry about the benefits and implications of this proposal which we think deserve extended consideration before we move rashly to change a system which may well not require the radical proposal that is going to be before us later today.

Second, the bill before us includes a provision making permanent a pay differential program for air traffic controllers that is due to expire and would cause or wreak great hardship on those presently receiving that incentive pay bonus in New York, San Francisco, Los Angeles, and Chicago. This would make that program permanent, because it has proven to work. It does have the desired effect of attracting people to go to those high-stress areas.

Finally, in response to the airport-air carrier dispute on the reasonableness of fees, our version, the House version, of the bill includes a provision freezing fees at airports until June 30, 1994, except if the Department finds complaints to be frivolous or, in the alternative, if the Department finds fee increases to be reasonable, so we do not make a total block on this, but we do circumscribe the ability to do that.

We respect that between now and June 30, and we hope that between now and June 30, the Department of Transportation will issue a proposed rulemaking that will contain a credible dispute-resolution procedure settling future conflicts arising between airports and air carriers as well as including guidance on the meaning of reasonable fees.

□ 1240

Mr. Speaker, I would strongly urge and encourage the Department to publish this proposal as soon as possible since it has expertise in this area and is better able to craft an appropriate rule.

We understand that that rule is in the process and is being readied for publication. We hope that that happens promptly.

Mr. Speaker, this legislation is vitually important to our construction industry as we move into the summer construction season. Thousands of well-paying, skilled labor jobs, and jobs at construction supply firms are at stake and will be lost if we do not act promptly.

Mr. Speaker, the bill holds back $900 million for the airports and air carriers to reach an agreement. In the face of the current tension between airports and air carriers, I was heartened to note that the chairman of the Senate Aviation Subcommittee, Senator FORD, stated his commitment to bring a multiyear reauthorization bill to the Senate floor before June 30, when this bill will expire, with or without an agreement.

I think that is an important assurance to give the industry that we are going to be looking to a multiyear authorization. But this stopgap measure, Mr. Speaker, is absolutely vital.

I urge all Members to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the chairman of the full Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA], former chairman of the Subcommittee on Aviation.

Mr. MINETA. Mr. Speaker, I wish to first thank Mr. OBERSTAR, the chair of our Aviation Subcommittee, and Mr. CLINGER, the ranking Republican, for their hard work and their work in bringing for House consideration our version of S. 2024.

Mr. Speaker, I rise in strong support of this legislation. However, I must say that I wish we were here today passing a conference report on a long-term aviation authorization, instead of this short-term extension of the Airport Improvement Program.

Because the other body continues to have trouble passing a long-term bill, we have before us an authorization of the Airport Improvement Program through June 30 which will enable $800 million in new funds to be used for critical airport development needs. Without this short-term extension, a number of airports might well lose a good part of a construction season.

The distinguished chair of the Subcommittee on Aviation, Mr. OBERSTAR, has detailed the other provisions of the bill, so I will just focus on the section that directs the Federal Aviation Administration to continue a pay differential or allowance now being paid to controllers, technicians, and inspectors in certain facilities where it was difficult to retain and attract staff prior to this differential. Air traffic controllers were simply choosing to work in lower workload facilities for equivalent pay. This pay differential made it more attractive to stay in places like the New York TRACON or Chicago Center facilities, and according to an Office of Personnel Management report, the program has been effective.

The current differential expires this coming June, and if it does, the pay of personnel in these critical facilities will be cut 12 to 15 percent, thereby creating obvious morale and staffing problems that could have a significant effect on the air traffic control systems they operate.

How is it that such a disturbing development is looming? In 1989, the FAA put in a pay differential in order to attract air traffic controllers and others to hard-to-staff facilities in New York, Chicago, and California. At the same time, the FAA embarked on an effort to completely overhaul and reform controller pay. This reform was supposed to follow on the heels of the 5-year differential program when it expires. Unfortunately, this reform effort was abandoned by the previous administration and now the 5-year program is coming to an end with nothing but a substantial pay cut to replace it.

This would be completely unfair to the air traffic controllers and other FAA personnel now covered by the differential. It would also be felt by the traveling public and the airline industry as staffing and morale problems in these critical air traffic control facilities would translate into less capability to move air traffic efficiently.

The differential in this bill is patterned after a very similar situation involving the Federal Bureau of Investigation's New York field office. The Intelligence authorization enacted last December extended a pay differential for that office that had expired last September. I want to thank Chairman CLAY and the staff of the Committee on Post Office and Civil Service for their support and assistance in this matter. Again, I wish to thank the chairman, Mr. OBERSTAR and Mr. CLINGER, the ranking Republican of the Subcommittee on Aviation, for their fine work on this bill.

Again, I urge an "aye" vote on this important bill.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take a few minutes first to express my great appreciation to the gentleman from Pennsylvania [Mr. CLINGER], the ranking member, for his splendid participation and cooperation in shaping the legislation we bring to the floor today.

These have been very difficult questions for us to resolve, short-term extension and the many other substantive issues that we have included in the bill.

The gentleman, as always, has been thoughtful, perceptive, and understanding in his participation, and I greatly appreciate his contribution, as always.

I also want to address a matter that we do cover in this legislation, and that is a directive to the Department of Transportation to study the alternatives to an air traffic control corporation. A report on that will be released later today by the Secretary of Transportation and the Vice President.

This study makes a recommendation that the administration remove from the FAA the air traffic control functions and establish those functions in a quasi-Government corporation to manage the air traffic control system.

The ostensibly driving purpose for creating this Government corporation is the desire to proceed more rapidly with modernization of the air traffic control system and a perception on the part of those conducting the study that the existing structures have not moved sufficiently fast to modernize air traffic control.

I would like to point out that in my judgment this is a solution in search of a problem.

Mr. Speaker, we have the world's most efficient, safest, dependable air traffic control system. In the last 2 years major airlines have operated without a fatality. There have been some problems in the commuter airline and regional airline industry. We have held hearings on those. They are not the result of problems in air traffic control.

Second, modernization has been underway for a decade. Congress has appropriated every year as much funding as the administration has requested, and sometimes more than administrations over the past decade have requested. Some 87 percent of the national airspace system modernization program has been funded, contracted, and delivered, and 48,700 of 55,800 systems have been delivered and are in place, providing updated equipment, modernized facilities, to make the job of air traffic controllers easier, more effective, and to make the movement of aircraft through our vast system more efficient and safer.

En route projects, terminal projects, oceanic projects, surface projects that have been put in place are all detailed in a documented report prepared by the FAA and which the Department of Transportation for some reason seems to want to keep a secret. They ought to be telling the public what a wonderful job FAA has done in getting complex technological systems in place efficiently.

□ 1250

Mr. Speaker, there is a problem with the centerpiece of the modernization program, the advanced automation system. This subcommittee has held hearings repeatedly. We have identified problems that need to be fixed. We have identified approaches to resolving those problems. We have passed legislation to deal with those problems last year. The bill I referred to earlier provides a 5-year term for the Administrator of FAA, one of the most important steps to stabilizing the FAA and ensuring its modernization procedures on a dependable basis. We have changed FAA Administrators on the average of every 18 months with as much as a 6-month hiatus between one Administrator and the next. This administration was no different. It was more than 6 months before an Administrator of FAA came on board, and now they want to take this system, wrench it out of FAA, put air traffic control over here someplace where we do not know how it is going to function, and what is going to happen with it, with a big new bureaucracy to operate it.

Put an Administrator in place, keep him there for 5 years, fix the personnel pay system, as we propose to do with this current bill, get a handle on contract management, management of large, complex, multibillion-dollar technology modernization programs that need to be administered in an efficient manner.

That is what needs to be done, and when the administration gets its hands around that issue we will have some confidence in their ability and their wisdom of overall change in FAA.

Get on with the problems immediately at hand, that is what we direct the administration to do in the legislation that we are about to pass.

Section-by-Section Summary of the Airport Improvement Program Temporary Extension Act of 1994

TITLE I—AIRPORT IMPROVEMENT PROGRAM

Section 101 is the AIP authorization:

Subsection (a) provides $800 million in new contract authority for AIP grants for FY 1994. (The FY 1994 Appropriations Act has established an obligation ceiling of $1.69 billion for AIP for FY 94. To date FAA has made grants of $89 million in FY 94 from entitlement funds which were unused in prior years. These grants will not be deducted from the $800 million in new grant authority.)

Subsection (b) permits FAA to make FY 1994 AIP grants until June 30, 1994.

Section 102 clarifies that the cap on entitlements in existing law (44% of the AIP program) applies to the part year program established by this bill.

Section 103 increases the minimum entitlement for primary airports (those with more than 10,000 passengers per year) from $400 thousand to $500 thousand per year.

Section 104 increases the set-aside for airport system planning from ½% to ¾% of total AIP spending.

Section 105 permits FAA to reimburse airports for expenses incurred during Fiscal Year 94 to complete a project for which the airport gets an AIP grant this year but the grant is not enough to cover the full cost of the project. The reimbursement can come only from the airport's entitlement funds. (This section responds to the fact that this bill authorizes less than half of the $1.69 billion available under the Appropriations Act. The plan is to authorize the remainder later this year after the controversy over airport fees has been resolved. Under this provision an airport could obtain a grant for less than the full cost of a project, and later get another grant reimbursing it for the remaining costs.)

Section 106 is a technical provision permitting expenditures out of the Trust Fund for AIP grants authorized by this bill.

Section 107 provides that during periods in which the AIP authorization has expired, FAA can use funds recovered from cost underruns in AIP grants to increase other AIP grants in which there have been cost overruns. The increase for overruns cannot exceed the percentage increase allowed by existing law.

Title II freezes the fees airports charge to airlines until June 30, 1994, if an airline files a complaint against a fee increase. The freeze does not apply if DOT finds complaint is frivolous, or makes a preliminary determination that fee is reasonable, or if the increase is imposed under terms of a prior agreement. There is also an exemption for fee increases in Hawaii. The provision is the same as the Senate bill. The purpose is to maintain the status quo on this controversial issue.

Title III is a study of air traffic control system reform.

Section 1—Air Traffic Control System:

Subsection (a) directs DOT to study ways to reform the air traffic control system without changing its basic organizational structure (i.e. study of alternatives to the Federal corporation).

Subsection (b) sets forth the components of the study.

Subsection (c) requires the study to be completed within 180 days of enactment or when DOT transmits its proposed legislation to create a Federal corporation, whichever occurs first. (DOT is expected to transmit its corporation proposal on May 3, but it is not expected to be in the form of proposed legislation.)

Subsection (d) requires the study to be transmitted to the Senate Commerce and House Public Works Committees.

Title IV prevents reduction of pay levels established by the pay demonstration program under which controllers, maintenance technicians, safety inspectors, computer operators, and engineers in 22 hard-to-staff facilities in New York, Chicago, Los Angeles, and San Francisco have received a 20% increase in pay. The demonstration program is scheduled to end in June of this year. The provision only protects against reductions in pay, it does not preserve the differential indefinitely. The differential will be reduced by an offset of future locality increases or other pay increases.

Mr. HASTERT. Mr. Speaker, I would like to take this opportunity to commend the chairman of the Aviation Subcommittee, Mr. OBERSTAR, and the chairman of the full Committee on Transportation and Public Works, Mr. MINETA, for their inclusion of a provision in this bill to create a pay differential for those air traffic controllers, airways systems specialists, and flight standards aviation safety inspectors currently receiving an incentive to stay at our Nation's busiest air traffic facilities.

This retention allowance is needed to recruit and retain qualified and experienced employees at hard-to-staff facilities such as those in my own area of Illinois. The precursor to this pay differential program is the pay demonstration project [PDP] scheduled to end this June. When a demonstration project comes to an end, it is time to assess its success. The evidence shows that this program is both successful and needed.

Further, studies by the FAA conclude that there is nothing to prohibit the conditions present prior to the PDP from recurring should the program be stopped. Let's face it, if I have a choice to work in a facility boasting the highest volume of air traffic in the Nation or one with the lowest for the same pay, I'm a fool not to take the smaller workload.

While the President's budget contends that the PDP is no longer needed because locality pay has been put in place, it is clear this is not the case. Locality pay is designed to address the cost-of-living in an area. That means paying the rent or paying for the higher cost of groceries in the region. It doesn't address the need to keep experienced controllers at the facilities that most need their expertise due to the complex and heavy workload.

Even if other controllers would be willing to come to the facility, how experienced are they? Nearly all of the controllers that have recently sought positions at the Chicago Air Route Traffic Control Center in Aurora, IL, are level 1 controllers. It is not surprising that there are a number that would like to come to Aurora since the President's budget seeks to contract out all level 1 control towers. It is further not surprising they want to come to Aurora when the fact that crucial employees receive a pay differential is prominently displayed on the application to bid for the position. Yet, it will take between 3 to 5 years to train a level 1 controller to become a full performance level [FPL] controller, Currently about 90 percent of the controllers retained at the Aurora Center, since PDP went into effect, are FPL controllers.

Thus, the question is, does the FAA spend all of its time and money training these new recruits on the complex traffic patterns at our busy facilities, or is it a better use of funds to keep those who are experienced in their current positions through a pay differential? The answer to this question is clear, chairmen have recognized.

The key to this issue is the safety of the flying public and the most efficient use of Federal funds. We can go back to the pre-differential days of serious safety errors and increased flying time and delays for the aviation industry. We can go back to square one with new controllers that are inexperienced at these facilities. Or, we can move ahead with a pay differential that recognizes the expertise and value of trained professionals.

Mr. Speaker, I am pleased to support this authorization of a differential program for the essential safety employees at sites crucial to our national airspace system.

Ms. SNOWE. Mr. Speaker, I rise today in support of S. 2024, to temporarily authorize expenditure under the Airport Improvement Program so that grants may be made for airport construction and improvement projects.

This legislation comes at a critical time to airports in my district. As you know, the Aviation Infrastructure Investment Act of 1993 passed the House on October 13, 1993, with my support. It authorizes $28 billion in fiscal year 1994–96 for improving and operating our nation's airports and airways, and reauthorizes the Airport Improvement Program. The Senate's companion bill, S. 1491, was placed on the Senate Legislative Calendar, but has not come to the Senate floor for consideration.

Instead of considering S. 1491, the Senate passed S. 2024, which provides temporary, 60-day obligational authority for the Airport Improvement Program, on April 19, 1994. If enacted into law, the bill would enable the Federal Aviation Agency to release $800 million over the next 60 days.

Maine has a very short construction season of just 162 days. Consequently, it is essential that AIP funds be released by May 27, 1994. For example, the Hancock County-Bar Harbor Airport has two projects that depend on AIP funding: a three year runway reconstruction project and a land purchase project. If AIP funding is not reauthorized soon, the construction project will be delayed by 1 year and the land purchase project will be jeopardized. The long-term viability of Hancock County-Bar Harbor Airport depends on these improvements.

The Airport Improvement Program provides vital financial assistance to airports seeking to make capital investments and modernize their facilities. Airports in rural districts tend to rely heavily on the Airport Improvement Program due to the fact that fewer passengers enplane and deplane. This means that rural airport restaurants, parking facilities, and landing fees generate far less revenue than those at larger airports. Yet small airports have the same needs as large airports for properly paved taxiways, for runway lights to increase visibility, and for adequate and safe terminal buildings.

The Airport Improvement Program is entirely funded out of the Aviation Trust Fund, which gets its receipts through taxes levied on airline tickets and aviation fuel. The program does not rely on general tax revenues. It is in every sense a user-supported program.

A sound infrastructure is critical to a region's economic development and recovery. I urge my colleagues to support passage of S. 2024, the Temporary Airport Improvement Program authorization.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

Mr. CLINGER. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore (Mr. KLECZKA). The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the Senate bill, S. 2024, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

NATIONAL FLOOD INSURANCE REFORM ACT OF 1994

Mr. KENNEDY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3191) to revise the national flood insurance program to promote compliance with requirements for mandatory purchase of flood insurance, to provide assistance for mitigation activities designed to reduce damages to structures subject to flooding and shoreline erosion, and to increase the maximum coverage amounts under the program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Flood Insurance Reform Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Declaration of purpose under National Flood Insurance Act of 1968.

TITLE I—DEFINITIONS

Sec. 101. Flood Disaster Protection Act of 1973.
Sec. 102. National Flood Insurance Act of 1968.

TITLE II—COMPLIANCE AND INCREASED PARTICIPATION

Sec. 201. Existing flood insurance purchase requirements.
Sec. 202. Expanded flood insurance purchase requirements.
Sec. 203. Escrow of flood insurance payments.
Sec. 204. Placement of flood insurance by lenders.
Sec. 205. Penalties for failure to require flood insurance or notify.
Sec. 206. Ongoing compliance with flood insurance purchase requirements.
Sec. 207. Fees for determining applicability of flood insurance purchase requirements.
Sec. 208. Notice requirements.
Sec. 209. Standard hazard determination forms.
Sec. 210. Examinations regarding compliance.
Sec. 211. Financial Institutions Examination Council.
Sec. 212. Clerical amendments.

TITLE III—RATINGS AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT PROGRAMS

Sec. 301. Community rating system and incentives for community floodplain management.
Sec. 302. Funding.

TITLE IV—MITIGATION OF FLOOD RISKS

Sec. 401. Repeal of flooded property purchase and loan program.
Sec. 402. Termination of erosion-threatened structures program.
Sec. 403. Mitigation assistance program.
Sec. 404. Establishment of National Flood Mitigation Fund.
Sec. 405. Insurance premium mitigation surcharge.
Sec. 406. Study of mitigation insurance.

TITLE V—FLOOD INSURANCE TASK FORCE

Sec. 501. Flood Insurance Interagency Task Force.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Extension of flood insurance program.
Sec. 602. Limitation on premium increases.
Sec. 603. Maximum flood insurance coverage amounts.
Sec. 604. Flood insurance program arrangements with private insurance entities.
Sec. 605. Updating of flood maps.
Sec. 606. Technical Mapping Advisory Council.
Sec. 607. Evaluation of erosion hazards.
Sec. 608. Study of economic effects of charging actuarially-based premium rates for pre-firm structures.
Sec. 609. Effective dates of policies.
Sec. 610. Regulations.
Sec. 611. Relation to State and local laws.

SEC. 2. DECLARATION OF PURPOSE UNDER NATIONAL FLOOD INSURANCE ACT OF 1968.

Section 1302(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4001(e)) is amended—

(1) by redesignating clauses (3), (4), and (5), as clauses (4), (5), and (6), respectively; and

(2) by inserting after the comma at the end of clause (2) the following: "(3) encourage State and local governments to protect natural and beneficial floodplain functions that reduce flood-related losses,".

TITLE I—DEFINITIONS

SEC. 101. FLOOD DISASTER PROTECTION ACT OF 1973.

(a) IN GENERAL.—Section 3(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a)) is amended—

(1) by striking paragraph (5) and inserting the following new paragraph:

"(5) 'Federal entity for lending regulation' means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration, and with respect to a particular regulated lending institution means the entity primarily responsible for the supervision, approval, or regulation of the institution;";

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (6) the following new paragraphs:

"(7) 'Federal agency lender' means a Federal agency that makes direct loans secured by improved real estate or a mobile home, to the extent such agency acts in such capacity;

"(8) 'lender' includes any regulated lending institution, other lending institution, and Federal agency lender, but does not include any agency engaged primarily in the purchase of mortgage loans;

"(9) 'other lending institution' means any lending institution that is not subject to the supervision, approval, regulation, or insuring of any Federal entity for lending regulation and that is not a Federal agency lender, but does not include institutions engaged primarily in the purchase of mortgage loans;

"(10) 'regulated lending institution' means any bank, savings and loan association, credit union, or similar institution subject to the supervision, approval, regulation, or insuring of a Federal entity for lending regulation; and

"(11) 'servicer' means the person responsible for receiving any scheduled periodic payments from a borrower pursuant to the terms of a loan, including amounts for taxes, insurance premiums, and other charges with respect to the property, and making the payments of principal and interest and such escrow flood insurance premiums where they are already escrowing for other purposes. That way, a homeowner will not be able to discontinue paying for flood insurance after a year or two, as so often happens today. It also requires lenders to force-place flood insurance if a borrower in a flood-hazard area refuses to buy it as required by law. And it will require mortgage bankers—who make half of all mortgages today—to meet the same standards as federally insured banks and thrifts when it comes to enforcing flood insurance purchase requirements. These changes will go a long way toward improving the financial health of the fund, and at the same time give more homeowners the protection of flood insurance.

The second reform contained in H.R. 3191 is the creation of a mitigation fund to help homeowners and communities reduce the risk of flood damage. This fund will provide up to $65 million per year to relocate and elevate homes, to nourish beaches, and to build sea walls and levees. Individuals who suffer from major flooding will get particular attention from this provision; FEMA will have to pass on their application within 30 days, so they can get the help they need to rebuild to safe standards. This fund is based on the adage that an ounce of prevention is worth a pound of cure. It will save money for the program, and save heartache for the homeowner.

The third major reform in this legislation is a study of the problem of erosion. According to the Army Corps of Engineers, 25 percent of our Nation's coastline is currently eroding at varying rates of speed. Many State and local governments have taken steps to deal with this reality. North Carolina has banned construction in erosion-prone areas since 1974. South Carolina has had such a ban since 1988. In Maryland, the town of Ocean City has built jetties, and regularly replenishes its beaches.

The Federal Government has yet to come to grips with the problem of erosion. We continue to insure properties built on land that could be literally washed away in a few years. Many have asked whether that is a risk worth taking. H.R. 3191 will help us get answers to that question. It requires FEMA to assess where erosion is happening, how communities are dealing with it, and what its impact is on the flood program. I am confident that the information we get from this study will allow us to make wise policy choices in the future that both protect the taxpayer and support coastal and river economies.

In sum, this legislation will bring about urgently needed reforms in the Federal Flood Insurance Program. It will help avoid a taxpayer bailout, and increase the number of homes and businesses protected by flood insurance. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. McCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we are considering this morning is a compromise bill to reform the National Flood Insurance Program [NFIP]. The NFIP is administered by the Federal Emergency Management Agency [FEMA] and enables property owners in participating communities to purchase insurance coverage against flood-related damage. Many of the changes that the bill makes to the flood insurance program are supported by FEMA and other organizations—both public and private—who work with FEMA to administer the flood insurance program.

The original version of this bill was passed by the Banking Committee last year with bipartisan support—40–10. I think the changes that are included in this compromise bill will enjoy even greater support.

The bill is intended to accomplish three objectives. First to increase the participation rate in the National Flood Insurance Program. Second, to encourage States, communities, and individuals to mitigate the effects of future flooding. Finally, to assess the economic impact of mapping—or not mapping—erosion hazard areas.

Although the bill is straight forward, I want to discuss the areas mentioned.

INCREASED PARTICIPATION

According to FEMA, only abut 17 percent of those who live in special flood hazard areas and who should have flood insurance policyholders. The bill requires lenders who make mortgages in such areas to make sure that flood insurance is in place whenever they make increase, extend, or renew a mortgage. In addition, this bill requires lenders to escrow for flood insurance payments if they escrow for other items and authorizes them to purchase flood insurance for borrowers who fail to do so.

The provisions of the bill concerning increased participation are supported by the American Bankers Association and the Mortgage Bankers Association.

MITIGATION ACTIVITIES

This bill institutes a self-sustaining grant program to fund activities to mitigate or minimize the effects of future flooding. While the original bill only made States and communities eligible for such grants, this compromise bill makes individuals eligible as well.

The bill is not intended to promote large-scale construction projects such as dams or levies. Rather, it is intended to encourage States, communities, and individuals to elevate, relocate or demolish structures that are repeatedly flooded.

While this bill lists a number of activities that are eligible for grants, it permits FEMA to approve only those that it determines are cost-effective to the Flood Insurance Program.

STUDY OF MAPPING EROSION HAZARD AREAS

The provisions of this compromise bill are quite different than those of the original bill with regard to the issue of erosion. Instead of requiring FEMA to map coastal areas subject to high rates of erosion, this compromise bill requires a comprehensive study of the issue. The study, which will be performed by an independent organization and which is due in 2 years, should give Congress the information it needs to decide whether the availability of flood insurance should be restricted in some areas.

The provisions of this bill concerning the study of erosion are supported by the National Association of Realtors and the National Association of Homebuilders.

I want to reiterate to my colleagues that it is important we pass this bill. While it may not solve all of the flood insurance problems, it contains many provisions that will go a long way toward addressing them.

The House and Senate Banking Committees will soon meet to reconcile differences between two bills concerning community development banks. The Senate included in its bill language to reform the National Flood Insurance Program. It is important that we pass this bill to ensure that the interests of our Members are represented at that conference.

Mr. Speaker, I encourage my colleagues to support this bill.

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Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER], who has spent so much time on this bill.

Mr. BEREUTER. Mr. Speaker, I rise in support of this legislation. However, I regret to say that the measure represents a very modest reform indeed and does not really provide real reform to the National Flood Insurance Program in many areas. Nevertheless, we are making some steps forward, and I realize that the chairman of the subcommittee, the gentleman from Massachusetts [Mr. KENNEDY], had to make some compromises to move the legislation to this stage so we are able to engage in a conference on this subject with our colleagues in the other body.

I very much appreciate the gentleman's kind words, as well as those of the gentleman from California [Mr. McCANDLESS], with respect to my involvement in this issue. I would have to share credit, I must say, with two of our former colleagues, Ben Erdreich of Alabama and Tom Carper of Delaware. Those two gentlemen with this Member advanced legislation in the previous Congress which was very strong legislation indeed and which passed this body, and indeed the portions relating to lender compliance and also community rating systems are based, I think it is fair to say, on work accomplished in that previous legislation.

by adding at the end the following new subsection:

"(d) ESCROW OF FLOOD INSURANCE PAYMENTS.—

"(1) PRIVATE LENDERS.—For loans secured by residential real estate, each Federal entity for lending regulation (with respect to any loans of regulated lending institutions) and the Secretary of Housing and Urban Development (with respect to any loans of other lending institutions), after consultation and coordination with the Financial Institutions Examination Council, shall by regulation require that, if a lender or other servicer of the loan requires the escrowing of taxes, insurance premiums, fees, or any other charges for a loan secured by residential real estate or a mobile home, then all premiums and fees for flood insurance under the National Flood Insurance Act of 1968 for the residential real estate or mobile home shall be paid to the lender or servicer of the loan. Premiums and fees paid to the lender or servicer shall be paid in a manner sufficient to make payments as due for the duration of the loan. Upon receipt of the premiums, the lender or servicer of the loan shall deposit the premiums in an escrow account on behalf of the borrower. Upon receipt of a notice from the Director or the provider of the insurance that insurance premiums are due, the lender or servicer shall pay from the escrow account to the provider of the insurance the amount of insurance premiums owed.

"(2) FEDERAL AGENCY LENDERS.—The appropriate head of each Federal agency lender shall by regulation require and provide for escrow and payment of any flood insurance premiums and fees relating to residential property securing loans made by the Federal agency lender under the circumstances and in the manner provided under paragraph (1). Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1).

"(3) APPLICABILITY OF RESPA.—Escrow accounts established pursuant to this subsection shall be subject to the provisions of section 10 of the Real Estate Settlement Procedures Act of 1974.

"(4) APPLICABILITY.—This subsection shall apply only with respect to any loan made, increased, extended, or renewed after the expiration of the 1-year period beginning on the date of the enactment of the National Flood Insurance Reform Act of 1994.".

SEC. 204. PLACEMENT OF FLOOD INSURANCE BY LENDERS.

(a) ACTIONS REQUIRED BY LENDER.—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(e) PLACEMENT OF FLOOD INSURANCE BY LENDER.—

"(1) NOTIFICATION TO BORROWER OF LACK OF COVERAGE.—If, at any time during the term of a loan secured by improved real estate or by a mobile home located in an area that has been identified by the Director as an area having special flood hazards and in which flood insurance is available under the National Flood Insurance Act of 1968, the lender or servicer for the loan determines that the building or mobile home and any personal property securing the loan is covered by flood insurance in an amount less than the amount required for the property pursuant to subsection (b), the lender or servicer shall notify the borrower under the loan that the borrower should obtain, at the borrower's expense, an amount of flood insurance for the property that is not less than the amount under subsection (b)(1), for the term of the loan.

"(2) PURCHASE OF COVERAGE ON BEHALF OF BORROWER.—If the borrower fails to purchase such flood insurance within 60 days after such notification, the lender or servicer for the loan shall purchase the insurance on behalf of the borrower and may charge the borrower for the cost of premiums and fees incurred by the lender or servicer for the loan in purchasing the insurance.

"(3) REVIEW OF DETERMINATION REGARDING REQUIRED PURCHASE.—

"(A) IN GENERAL.—A borrower may request that the Director review a determination that the improved real estate or mobile home securing the loan is located in an area of special flood hazards. Not later than 45 days after the Director receives the request, the Director shall review the determination and provide the borrower with a letter stating whether or not the property is in a special flood hazards area. The determination of the Director shall be final.

"(B) EFFECT OF DETERMINATION.—Any person to whom a borrower provides a letter issued by the Director pursuant to subparagraph (A), stating that the property of the borrower is not in an area of special flood hazards, shall have no obligation under this title to require the purchase of flood insurance on the property during the 1-year period beginning upon the date that such letter is provided.

"(4) APPLICABILITY.—This subsection shall apply to all loans outstanding on or after the date of enactment of the National Flood Insurance Reform Act of 1994.".

SEC. 205. PENALTIES FOR FAILURE TO REQUIRE FLOOD INSURANCE OR NOTIFY.

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsections:

"(f) CIVIL MONETARY PENALTIES FOR FAILURE TO REQUIRE FLOOD INSURANCE OR NOTIFY.—

"(1) CIVIL MONETARY PENALTIES AGAINST LENDERS.—Any regulated or other lending institution that is found to have a pattern or practice of committing violations under paragraph (2) shall be assessed a civil penalty by the appropriate Federal entity for lending regulation (with respect to regulated lending institutions) or the Secretary of Housing and Urban Development (with respect to other lending institutions) in the amount provided under paragraph (5).

"(2) LENDER VIOLATIONS.—The violations referred to in paragraph (1) shall be—

"(A) making, increasing, extending, or renewing loans in violation of—

"(i) the regulations issued pursuant to subsection (b) of this section;

"(ii) the escrow requirements under subsection (d) of this section; or

"(iii) the notice requirements under section 1364 of the National Flood Insurance Act of 1968; or

"(B) failure to provide notice or purchase flood insurance coverage in violation of subsection (e) of this section.

"(3) CIVIL MONETARY PENALTIES AGAINST GSE'S.—If the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation is found by the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development to have a pattern or practice of purchasing loans in violation of the procedures established pursuant to subsection (b)(4) of this section, the Director of such Office shall assess a civil penalty against such enterprise in the amount provided under paragraph (5) of this subsection. For purposes of this subsection, the term 'enterprise' means the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

"(4) NOTICE AND HEARING.—A penalty under this subsection may be issued only after notice and an opportunity for a hearing on the record.

"(5) AMOUNT.—A civil monetary penalty under this subsection may not exceed $350 for each violation under paragraph (2) or paragraph (3). The total amount of penalties assessed under this subsection against any single regulated lending institution, other lending institution, or enterprise for any calendar year may not exceed $100,000.

"(6) LENDER COMPLIANCE.—Notwithstanding any State or local law, for purposes of this subsection, any lender that purchases flood insurance or renews a contract for flood insurance on behalf of or as an agent of a borrower of a loan for which flood insurance is required shall be considered to have complied with the regulations issued under subsection (b).

"(7) EFFECT OF TRANSFER ON LIABILITY.—Any sale or other transfer of a loan by a lender who has committed a violation under paragraph (1), that occurs subsequent to the violation, shall not affect the liability of the transferring lender with respect to any penalty under this subsection. A lender shall not be liable for any violations relating to a loan committed by another lender who previously held the loan.

"(8) DEPOSIT OF PENALTIES.—Any penalties collected under this subsection shall be paid into the National Flood Mitigation Fund under section 1367 of the National Flood Insurance Act of 1968.

"(9) ADDITIONAL PENALTIES.—Any penalty under this subsection shall be in addition to any civil remedy or criminal penalty otherwise available.

"(10) STATUTE OF LIMITATIONS.—No penalty may be imposed under this subsection after the expiration of the 5-year period beginning on the date of the occurrence of the violation for which the penalty is authorized under this subsection.

"(g) OTHER ACTIONS TO REMEDY PATTERN OF NONCOMPLIANCE.—

"(1) AUTHORITY OF FEDERAL ENTITIES FOR LENDING REGULATION.—The head of the applicable Federal entity for lending regulation may require a regulated lending institution to take such remedial actions as are necessary to ensure that the regulated lending institution complies with the requirements of the national flood insurance program if the Federal agency for lending regulation makes a determination under paragraph (3) regarding the regulated lending institution.

"(2) AUTHORITY OF SECRETARY OF HUD.—The Secretary of Housing and Urban Development may require an other lending institution to take such remedial actions as are necessary to ensure that the other lending institution complies with the requirements of the national flood insurance program if such Secretary makes a determination under paragraph (3) regarding the other lending institution.

"(3) DETERMINATION OF VIOLATIONS.—A determination under this paragraph shall be a finding that—

"(A) the regulated lending institution or other lending institution, as the case may be, has engaged in a pattern and practice of noncompliance in violation of the regulations issued pursuant to subsection (b), (d), or (e) of this section or the notice requirements under section 1364 of the National Flood Insurance Act of 1968; and

"(B) the regulated lending institution or other lending institution, as the case may be, has not demonstrated measurable improvement in compliance despite the assessment of civil monetary penalties under subsection (f).".

SEC. 206. ONGOING COMPLIANCE WITH FLOOD INSURANCE PURCHASE REQUIREMENTS.

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(h) NOTIFICATION OF FLOOD HAZARDS TO LOAN TRANSFEREE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) through (5), before the sale or transfer of any loan secured by improved real estate or a mobile home, the seller or transferor of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards. The seller or transferor shall, before sale or transfer, notify the purchaser or transferee and any servicer of the loan in writing regarding the results of the determination. A determination under this paragraph shall be evidenced using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968.

"(2) EXCEPTIONS.—For any loan secured by improved real estate or a mobile home, a determination and notice under paragraph (1) shall not be required if, during the 5-year period ending on the date of the sale or transfer of the loan—

"(A) a determination and notice under paragraph (1) has been made for the property secured by the loan; or

"(B)(i) the loan has been made, increased, extended, or renewed; and

"(ii) the lender making, increasing, extending, or renewing the loan was subject, at the time of such transaction, to regulations issued pursuant to paragraph (1), (2), or (3) of subsection (b).

"(3) LOANS TRANSFERRED BY FDIC.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for any loan secured by improved real estate or a mobile home that is sold or transferred by the Federal Deposit Insurance Corporation acting in its corporate capacity or in its capacity as conservator or receiver, the purchaser or transferee of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards.

"(B) EXCEPTIONS.—Such determination and notice shall not be required for any loan—

"(i) sold or transferred to an entity under the control of the Federal Deposit Insurance Corporation; or

"(ii) for which the purchaser or transferee exercises any available option to transfer or put the loan back to the Federal Deposit Insurance Corporation.

"(C) NOTICE TO DIRECTOR.—A purchaser or transferee of a loan required to make a determination and notification under subparagraph (A) shall notify the Director and any servicer of the loan of the results of the determination (using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968) before the expiration of the 90-day period beginning on the later of (i) the purchase or transfer of the loan, or (ii) the expiration of any option that the purchaser or transferee may have to transfer or put the loan back to the Federal Deposit Insurance Corporation.

"(4) LOANS TRANSFERRED BY RTC.—

"(A) IN GENERAL.—For any loan secured by improved real estate or a mobile home that is sold or transferred by the Resolution Trust Corporation acting in its corporate capacity or in its capacity as a conservator or receiver, the purchaser or transferee of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards if—

"(i) the Resolution Trust Corporation acquires the loan after the date of the effectiveness of this subsection and sells or transfers the loan before the expiration of the 12-month period beginning on such effective date; or

"(ii) the Corporation holds the loan on the date of the effectiveness of this subsection and sells or transfers the loan before the expiration of the 6-month period beginning on such effective date.

"(B) NOTICE TO DIRECTOR.—A purchaser or transferee of a loan required to make a determination and notification under subparagraph (A) shall notify the Director and any servicer of the loan of the results of the determination (using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968) before the expiration of the 90-day period beginning upon the purchase or transfer of the loan.

"(5) LOANS TRANSFERRED BY NCUA.—

"(A) IN GENERAL.—Except as provided in subparagraph (C), for any loan secured by improved real estate or a mobile home that is sold or transferred by the National Credit Union Administration acting in its corporate capacity or in its capacity as a conservator or liquidating agent, the purchaser or transferee of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards.

"(B) NOTICE TO DIRECTOR.—A purchaser or transferee of a loan required to make a determination and notification under subparagraph (A) shall notify the Director and any servicer of the loan of the results of the determination (using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968) before the expiration of the 90-day period beginning upon the purchase or transfer of the loan.

"(C) EXCEPTION.—Such determination and notice shall not be required for any loan sold or transferred to an entity under the control of the National Credit Union Administration.

"(6) APPLICABILITY.—This subsection shall apply only with respect to any loan outstanding or entered into after the expiration of the 1-year period beginning on the date of the enactment of the National Flood Insurance Reform Act of 1994.".

SEC. 207. FEES FOR DETERMINING APPLICABILITY OF FLOOD INSURANCE PURCHASE REQUIREMENTS.

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(i) FEE FOR DETERMINING LOCATION.—Notwithstanding any other Federal or State law, any lender for a loan described in paragraph (1), (2), or (3) of subsection (b) may charge a reasonable fee (as determined by the Director) for the costs of determining whether the property securing the loan is located in an area of special flood hazards, but only in accordance with the following requirements:

"(1) BORROWER FEE.—The borrower under such a loan may be charged the fee, but only if the determination is made pursuant to—

"(A) the making, increasing, extending, or renewing of the loan that is initiated by the borrower; or

"(B) a revision or updating under section 1360(f) of the floodplain areas and flood-risk zones or publication of a notice or compendia under subsection (h) or (i) of section 1360 that affects the area in which the property securing the loan is located or that, in the determination of the Director, may reasonably be considered to require a determination under this subsection.

"(2) PURCHASER OR TRANSFEREE FEE.—The purchaser or transferee of such a loan may be charged the fee in the case of sale or transfer of the loan.".

SEC. 208. NOTICE REQUIREMENTS.

Section 1364 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a) is amended to read as follows:

"NOTICE REQUIREMENTS

"SEC. 1364. (a) NOTIFICATION OF SPECIAL FLOOD HAZARDS.—

"(1) REGULATED LENDING INSTITUTIONS.—Each Federal entity for lending regulation, after consultation and coordination with the Financial Institutions Examination Council, shall by regulation require regulated lending institutions, as a condition of making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director under this title or the Flood Disaster Protection Act of 1973 as an area having special flood hazards, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) and the servicer of the loan of such special flood hazards, in writing, a reasonable period in advance of the signing of the purchase agreement, lease, or other documents involved in the transaction. The regulations shall also require that the lenders retain a record of the receipt of the notices by the purchaser or lessee and the servicer.

"(2) OTHER LENDING INSTITUTIONS.—The Secretary of Housing and Urban Development shall by regulation require notification in the manner provided under paragraph (1) with respect to any loan made by another lending institution and secured by improved real estate consisting of a 1- to 4-family residence or a mobile home located or to be located in an area that has been identified by the Director under this title or the Flood Disaster Protection Act of 1973 as an area having special flood hazards. Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1) (except to the extent necessary to provide for differences between the types of loans for which notice is required under this paragraph and the types for which notice is required under paragraph (1)).

"(3) FEDERAL AGENCY LENDERS.—The appropriate head of each Federal agency lender shall by regulation require notification in the manner provided under paragraph (1) with respect to any loan that is made by the Federal agency lender and secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director under this title or the Flood Disaster Protection Act of 1973 as an area having special flood hazards. Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1).

"(4) CONTENTS OF NOTICE.—Written notification required under this subsection shall include—

"(A) a warning, in a form to be established in consultation with and subject to the approval of the Director, stating that the real estate or mobile home securing the loan is located or is to be located in an area having special flood hazards;

"(B) a description of the flood insurance purchase requirements under section 102(b) of the Flood Disaster Protection Act of 1973;

"(C) a statement that flood insurance coverage may be purchased under the national flood insurance program and is also available from private insurers; and

"(D) any other information that the Director considers necessary to carry out the purposes of the national flood insurance program.

"(b) NOTIFICATION OF CHANGE OF SERVICER.—

"(1) LENDING INSTITUTIONS.—Each Federal entity for lending regulation (with respect to regulated lending institutions) and the Secretary of Housing and Urban Development (with respect to other lending institutions), after consultation and coordination with the Financial Institutions Examination Council, shall by regulation require such institutions, as a condition of making, increasing, extending, renewing, selling, or transferring any loan described in subsection (a)(1), to notify the Director (or the designee of the Director) in writing during the term of the loan of the servicer of the loan. Such institutions shall also notify the Director (or such designee) of any change in the servicer of the loan, not later than 60 days after the effective date of such change. The regulations under this subsection shall provide that upon any change in the servicing of a loan, the duty to provide notification under this subsection shall transfer to the transferee servicer of the loan.

"(2) FEDERAL AGENCY LENDERS.—The appropriate head of each Federal agency lender shall by regulation provide for notification in the manner provided under paragraph (1) with respect to any loan described in subsection (a)(1) that is made by the Federal agency lender. Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1) of this subsection.

"(c) NOTIFICATION OF EXPIRATION OF INSURANCE.—The Director (or the designee of the Director) shall, not less than 45 days before the expiration of any contract for flood insurance under this title, issue notice of such expiration by first class mail to the owner of the property, the servicer of any loan secured by the property covered by the contract, and the owner of the loan.".

SEC. 209. STANDARD HAZARD DETERMINATION FORMS.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) is amended by adding at the end the following new section:

"STANDARD HAZARD DETERMINATION FORMS

"SEC. 1365. (a) DEVELOPMENT.—The Director, in consultation with representatives of the mortgage and lending industry, the Federal entities for lending regulation, the Federal agency lenders, and any other appropriate individuals, shall develop standard written and electronic forms for determining the flood hazard exposure of a property for use in connection with loans secured by improved real estate or a mobile home. The written and electronic forms shall be established by regulations issued not later than 270 days after the date of the enactment of the National Flood Insurance Reform Act of 1994.

"(b) DESIGN AND CONTENTS.—

"(1) PURPOSE.—The form under subsection (a) shall be designed to facilitate a determination of the exposure to flood hazards of structures located on the property to which the loan application relates. The form shall be designed to facilitate compliance with the provisions of this title.

"(2) CONTENTS.—The form shall require identification of the type of flood-risk zone in which the property is located, the complete map and panel numbers for the property, and the date of the map used for the determination, with respect to flood hazard information on file with the Director. If the property is not located in an area of special flood hazards the form shall require a statement to such effect and shall indicate the complete map and panel numbers of the property. If the complete map and panel numbers for the property are not available because the property is not located in a community that is participating in the national flood insurance program or because no map exists for the relevant area, the form shall require a statement to such effect. The form shall provide for inclusion or attachment of any relevant documents indicating revisions or amendments to maps.

"(c) REQUIRED USE.—The Federal entities for lending regulation shall by regulation require the use of the form under this section by regulated lending institutions. The appropriate head of each Federal agency lender shall by regulation provide for the use of the form with respect to any loan made by such Federal agency lender. The Secretary of Housing and Urban Development shall by regulation require use of the form in connection with loans purchased by Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation and the Government National Mortgage Association. The Secretary of Housing and Urban Development shall encourage the use of the form by other lending institutions.

"(d) GUARANTEES REGARDING INFORMATION.—In providing information regarding special flood hazards on the form developed under this section (or otherwise required of a lender not required to use the form under this section) any lender making, increasing, extending, or renewing a loan secured by improved real estate or a mobile home may provide for the acquisition or determination of such information to be made by a person other than such institution, only to the extent such person guarantees the accuracy of the information. The Director shall by regulations establish requirements relating to the nature and manner of such guarantees.

"(e) ELECTRONIC FORM.—The Federal entities for lending regulation, the Secretary of Housing and Urban Development, and the appropriate head of each Federal agency lender shall by regulation require any lender using the electronic form developed under this section with respect to any loan to make available upon the request of such Federal entity, Secretary, or agency head, a written form under this section for such loan within 48 hours after such request.

"(f) EFFECTIVE DATE.—The regulations under this section requiring use of the written and electronic forms established pursuant to this section shall be issued together with the regulations required under subsection (a) and shall take effect upon the expiration of the 90-day period beginning on such issuance.".

SEC. 210. EXAMINATIONS REGARDING COMPLIANCE.

(a) AMENDMENT TO FEDERAL DEPOSIT INSURANCE ACT.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) is amended by adding at the end the following new subsection:

"(h) FLOOD INSURANCE COMPLIANCE BY INSURED DEPOSITORY INSTITUTIONS.—

"(1) EXAMINATIONS.—The appropriate Federal banking agency shall, during each scheduled on-site examination required by this section, determine whether the insured depository institution is complying with the requirements of the national flood insurance program.

"(2) REPORT.—

"(A) REQUIREMENT.—Not later than 1 year after the date of enactment of the National Flood Insurance Reform Act of 1994 and biennially thereafter for the next 4 years, each appropriate Federal banking agency shall submit a report to the Congress on compliance by insured depository institutions with the requirements of the national flood insurance program.

"(B) CONTENTS.—The report shall include a description of the methods used to determine compliance, the number of institutions examined during the reporting year, a listing and total number of institutions found not to be in compliance, actions taken to correct incidents of noncompliance, and an analysis of compliance, including a discussion of any trends, patterns, and problems, and recommendations regarding reasonable actions to improve the efficiency of the examinations processes.".

(b) AMENDMENT TO FEDERAL CREDIT UNION ACT.—Section 204 of the Federal Credit Union Act (12 U.S.C. 1784) is amended by adding at the end the following new subsection:

"(e) FLOOD INSURANCE COMPLIANCE BY INSURED CREDIT UNIONS.—

"(1) EXAMINATION.—The Board shall, during each examination conducted under this section, determine whether the insured credit union is complying with the requirements of the national flood insurance program.

"(2) REPORT.—

"(A) REQUIREMENT.—Not later than 1 year after the date of enactment of the National Flood Insurance Reform Act of 1994 and biennially thereafter for the next 4 years, the Board shall submit a report to Congress on compliance by insured credit unions with the requirements of the national flood insurance program.

"(B) CONTENTS.—The report shall include a description of the methods used to determine compliance, the number of insured credit unions examined during the reporting year, a listing and total number of insured credit unions found not to be in compliance, actions taken to correct incidents of noncompliance, and an analysis of compliance, including a discussion of any trends, patterns, and problems, and recommendations regarding reasonable actions to improve the efficiency of the examinations processes.".

(c) AMENDMENT TO FEDERAL HOUSING ENTERPRISES FINANCIAL SAFETY AND SOUNDNESS ACT OF 1992.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following new subsection:

"(g) FLOOD INSURANCE COMPLIANCE BY ENTERPRISES.—

"(1) EXAMINATION.—After the submission of the report under section 210(d) of the National Flood Insurance Reform Act of 1994, the Director shall, during each annual examination of an enterprise conducted under this section, determine whether the enterprise has established adequate procedures required under section 102(b)(4) of the Flood Disaster Protection Act of 1973 and is complying with such procedures.

"(2) Exception.—The provisions of paragraph (1) shall not apply with respect to an enterprise if the Director—

"(A) determines, pursuant to the report under section 210(d) of the National Flood Insurance Reform Act of 1994, that the enterprise has established adequate procedures pursuant to section 102(b)(4) of the Flood Disaster Protection Act of 1973 and has a pattern of compliance with such procedures; and

"(B) certifies such finding in writing to the Congress.

"(3) Report.—

"(A) Requirement.—Not later than 1 year after the date of enactment of the National Flood Insurance Reform Act of 1994 and biennially thereafter for the next 4 years, the Director shall submit a report to Congress on compliance by the enterprises with the procedures established pursuant to section 102(b)(4) of the Flood Disaster Protection Act of 1973.

"(B) Contents.—The report shall include a description of the methods used to determine compliance, identification of any enterprise found not to be in compliance, actions taken to correct incidents of noncompliance, and an analysis of compliance, including a discussion of any trends, patterns, and problems, and recommendations regarding reasonable actions to improve the efficiency of the examinations processes.".

(d) GAO Report on GSE Compliance.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress and the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development regarding the procedures established by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation pursuant to section 102(b)(4) of the Flood Disaster Protection Act of 1973. The report shall include a description of such procedures, an analysis of whether such procedures are sufficient to comply with the requirements of such section, a determination of whether each enterprise has complied with such procedures, a description of any actions taken by each enterprise to correct any incidents of noncompliance, and any recommendations regarding reasonable actions to improve the procedures established by the enterprises and compliance with such procedures.

SEC. 211. FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1006 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305) is amended by adding at the end the following new subsection:

"(g) The council shall consult and assist the Federal entities for lending regulation and the Secretary of Housing and Urban Development in developing and coordinating uniform standards and requirements for use by lenders as provided under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973.".

SEC. 212. CLERICAL AMENDMENTS.

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended—

(1) by striking the section heading and inserting the following new section heading:

"FLOOD INSURANCE PURCHASE AND COMPLIANCE REQUIREMENTS AND ESCROW ACCOUNTS"; and

(2) in subsection (c), by inserting "Exception to Purchase Requirements for State-Owned Property.—" before "Notwithstanding".

TITLE III—RATINGS AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT PROGRAMS

SEC. 301. COMMUNITY RATING SYSTEM AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT.

Section 1315 of the National Flood Insurance Act of 1968 (42 U.S.C. 4022) is amended—

(1) by inserting after "Sec. 1315." the following: "(a) Requirement for Participation in Flood Insurance Program.—"; and

(2) by adding at the end the following new subsection:

"(b) Community Rating System and Incentives for Community Floodplain Management.—

"(1) Authority and goals.—The Director shall carry out a community rating system program to evaluate the measures adopted by areas (and subdivisions thereof) in which the Director has made flood insurance coverage available to provide for adequate land use and control provisions consistent with the comprehensive criteria for such land management and use under section 1361, to facilitate accurate risk-rating, to promote flood insurance awareness, and to complement adoption of more effective measures for floodplain and erosion management.

"(2) Incentives.—The program under this subsection shall provide incentives in the form of adjustments in the premium rates for flood insurance coverage in areas that the Director determines have adopted and enforced the goals of the community rating system under this subsection. In providing incentives under this paragraph, the Director may provide for additional adjustments in premium rates for flood insurance coverage (A) in areas that the Director determines have implemented measures relating to the protection of natural and beneficial floodplain functions, and (B) in areas within which such premium rates have increased as a result of induced flooding risk from flood control or mitigation projects, as determined by the Director, except that the adjustment shall not reduce premium rates below the rate which would have been charged absent the risk of induced flooding from the flood control or mitigation projects.

"(3) Funds.—The Director shall carry out the program under this subsection with amounts, as the Director determines necessary, from the National Flood Insurance Fund under section 1310 and any other amounts that may be appropriated for such purpose.

"(4) Reports.—The Director shall submit a report to the Congress regarding the program under this subsection not later than the expiration of the 2-year period beginning on the date of the enactment of the National Flood Insurance Reform Act of 1994. The Director shall submit a report under this paragraph not less than every 2 years thereafter. Each report under this paragraph shall include an analysis of the cost-effectiveness and other accomplishments and shortcomings of the program and any recommendations of the Director for legislation regarding the program.".

SEC. 302. FUNDING.

Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) for carrying out the program under section 1315(b);".

TITLE IV—MITIGATION OF FLOOD RISKS

SEC. 401. REPEAL OF FLOODED PROPERTY PURCHASE AND LOAN PROGRAM.

(a) Repeal.—Section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) is hereby repealed.

(b) Transition Phase.—Notwithstanding subsection (a), during the 1-year period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency may enter into loan and purchase commitments as provided under section 1362 of such Act (as in effect immediately before the enactment of this Act).

(c) Savings Provision.—Notwithstanding subsection (a), the Director shall take any action necessary to comply with any purchase or loan commitment entered into before the expiration of the period referred to in subsection (b) pursuant to authority under section 1362 of the National Flood Insurance Act of 1968 or subsection (b).

SEC. 402. TERMINATION OF EROSION-THREATENED STRUCTURES PROGRAM.

(a) In General.—Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013) is amended by striking subsection (c).

(b) Transition Phase.—Notwithstanding subsection (a), during the 1-year period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency may pay amounts under flood insurance contracts for demolition or relocation of structures as provided in section 1306(c) of the National Flood Insurance Act of 1968 (as in effect immediately before the enactment of this Act).

(c) Savings Provision.—Notwithstanding subsection (a), the Director shall take any action necessary to make payments under flood insurance contracts pursuant to any commitments made before the expiration of the period referred to in subsection (b) pursuant to the authority under section 1306(c) of the National Flood Insurance Act of 1968 or subsection (b).

(d) Repeal of Findings Provision.—Section 1302 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001) is amended by striking subsection (g).

SEC. 403. MITIGATION ASSISTANCE PROGRAM.

(a) In General.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"MITIGATION ASSISTANCE

"Sec. 1366. (a) Authority.—The Director shall carry out a program to provide financial assistance to States, communities, and individuals, using amounts made available from the National Flood Mitigation Fund under section 1367, for planning and carrying out activities designed to reduce the risk of flood damage to structures covered under contracts for flood insurance under this title. Such financial assistance shall be made available to States and communities in the form of grants under subsection (b) for planning assistance and to States, communities, and individuals in the form of grants under this section for carrying out mitigation activities.

"(b) Planning Assistance Grants.—

"(1) In general.—The Director may make grants under this subsection to States and communities to assist in developing mitigation plans under subsection (c)(1).

"(2) Funding.—Of any amounts made available from the National Flood Mitigation Fund for use under this section in any fiscal year, the Director may use not more than

$1,500,000 to provide planning assistance grants under this subsection.

"(3) LIMITATIONS.—

"(A) TIMING.—A grant under this subsection may be awarded to a State or community not more than once every 5 years and each grant may cover a period of 1 to 3 years.

"(B) SINGLE GRANTEE AMOUNT.—A grant for planning assistance may not exceed—

"(i) $150,000, to any State; or

"(ii) $50,000, to any community.

"(C) CUMULATIVE STATE GRANT AMOUNT.—The sum of the amounts of grants made under this subsection in any fiscal year to any one State and all communities located in such State may not exceed $300,000.

"(c) ELIGIBILITY FOR MITIGATION ASSISTANCE.—

"(1) STATES AND COMMUNITIES.—To be eligible to receive financial assistance under this section for mitigation activities, a State or community shall develop, and have approved by the Director, a flood risk mitigation plan (in this section referred to as a 'mitigation plan'), that describes the mitigation activities to be carried out with assistance provided under this section, is consistent with the criteria established by the Director under section 1361, and provides protection against flood losses to structures covered by contracts for flood insurance under this title. The mitigation plan shall be consistent with a comprehensive strategy for mitigation activities for the area affected by the mitigation plan, that has been adopted by the State or community following a public hearing.

"(2) INDIVIDUALS.—An individual shall be eligible to receive financial assistance under this section only if—

"(A) the individual submits to the Director, and the Director approves, an application for mitigation assistance that describes the mitigation activities to be carried out with assistance provided under this section;

"(B) the assistance provided under this section is to be used for mitigation activities for a structure that has been damaged as a result of a flood event that occurred not more than 60 days before the submission of the application for the assistance;

"(C) because of damage caused by the flood event, expenditures are necessary to bring the structure into compliance with the measures adopted by the applicable State or community pursuant to section 1315 and the mitigation activities described in the application will result in such compliance; and

"(D) the structure was covered by a contract for flood insurance at the time of the flood event.

"(d) NOTIFICATION OF APPROVAL AND GRANT AWARD.—

"(1) GENERAL STATE AND COMMUNITY PLANS.—Except as provided under paragraph (2), the Director shall notify a State or community submitting a mitigation plan of the approval or disapproval of the plan not later than 120 days after submission of the plan.

"(2) STATE AND COMMUNITY PLANS FOR MITIGATION ACTIVITIES TO RESPOND TO FLOOD EVENTS.—If a State or community submits a mitigation plan not later than 15 days after the occurrence of a flood event that proposes mitigation activities for structures damaged as a result of the flood event that are necessary to bring such structures into compliance with the measures adopted by the applicable State or community pursuant to section 1315, then the Director shall notify the State or community of the approval or disapproval of the plan not later than 30 days after submission of the plan.

"(3) INDIVIDUAL APPLICATIONS FOR MITIGATION ASSISTANCE TO RESPOND TO FLOOD EVENTS.—The Director shall notify an individual who submits an application for mitigation assistance under subsection (c)(2) of the approval or disapproval of the application not later than—

"(A) 30 days after the submission of the application, except in cases described in subparagraph (B); or

"(B) in any case in which the structure subject to the application submitted by the individual is subject to a mitigation plan subsequently submitted under paragraph (2) by the State or community in which the structure is located, the expiration of the 30-day period referred to in paragraph (2).

"(4) NOTIFICATION OF DISAPPROVAL.—If the Director does not approve a mitigation plan or application submitted under this subsection, the Director shall notify, in writing, the State, community, or individual submitting the plan or application of the reasons for such disapproval.

"(5) AVAILABILITY OF GRANT AMOUNTS.—Any financial assistance to be provided under this section to an individual pursuant to an application for mitigation assistance submitted and approved under subsection (c)(2) shall be made available to the individual not later than 15 days after the individual is notified under paragraph (2) of this subsection of the approval of the application, unless otherwise agreed to by the Director and the individual.

"(e) ELIGIBLE MITIGATION ACTIVITIES.—

"(1) DETERMINATION.—Amounts provided under this section (other than under subsection (b)) may be used only for mitigation activities specified in an application for mitigation assistance or mitigation plan approved by the Director under subsection (d). The Director may approve only applications and mitigation plans that specify mitigation activities that the Director determines are technically feasible and cost-effective and only such applications and plans that propose activities that are cost-beneficial to the National Flood Mitigation Fund. The Director shall provide assistance under this section to the extent amounts are available in the National Flood Mitigation Fund pursuant to appropriation Acts, subject only to the absence of approvable applications and mitigation plans.

"(2) PRIORITY.—The Director shall make every effort to provide mitigation assistance under this section for applications and mitigation plans proposing activities for repetitive loss structures and structures that have incurred substantial damage.

"(3) ELIGIBLE ACTIVITIES.—The Director shall determine whether mitigation activities described in an application for mitigation assistance or a mitigation plan submitted under subsection (d) comply with the requirements under paragraph (1). Such activities may include—

"(A) demolition or relocation of any structure located on land that is along the shore of a lake or other body of water and is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or flooding;

"(B) elevation, relocation, demolition, or floodproofing of structures (including public structures) located in special flood hazard areas or other areas of flood risk;

"(C) acquisition by States and communities of properties (including public properties) located in special flood hazard areas or other areas of flood risk and properties substantially damaged by flood, for public use, as the Director determines is consistent with sound land management and use in such area;

"(D) minor physical mitigation efforts that do not duplicate the flood prevention activities of other Federal agencies and that lessen the frequency or severity of flooding and decrease predicted flood damages, which shall not include major flood control projects such as dikes, levees, seawalls, groins, and jetties unless the Director specifically determines in approving a mitigation plan that such activities are the most cost-effective mitigation activities for the National Flood Mitigation Fund;

"(E) beach nourishment activities;

"(F) the provision of technical assistance by States to communities and individuals to conduct eligible mitigation activities;

"(G) other activities that the Director considers appropriate and specifies in regulation; and

"(H) other mitigation activities not described in subparagraphs (A) through (F) or the regulations issued under subparagraph (G), that are described in the mitigation plan of a State or community or the application of an individual for mitigation assistance.

"(f) LIMITATIONS ON AMOUNT OF ASSISTANCE.—

"(1) AMOUNT.—The sum of the amounts of mitigation assistance provided under this section during any 5-year period may not exceed—

"(A) $10,000,000, to any State;

"(B) $3,300,000, to any community; or

"(C) $20,000, to any individual.

"(2) GEOGRAPHIC.—The sum of the amounts of mitigation assistance provided under this section during any 5-year period to any one State and all communities located in such State may not exceed $20,000,000.

"(3) WAIVER.—The Director may waive the dollar amount limitations under subparagraphs (A) and (B) of paragraph (1) and paragraph (2) for any State or community for any 5-year period during which a major disaster or emergency declared by the President (pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act) as a result of flood conditions is in effect with respect to areas in the State or community.

"(g) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The Director may not provide mitigation assistance under this section to a State, community, or individual in an amount exceeding 3 times the amount that the State, community, or individual certifies, as the Director shall require, that the State, community, or individual will contribute from non-Federal funds to develop a mitigation plan or application under subsection (c) and to carry out mitigation activities under the approved mitigation plan or application. In no case shall any in-kind contribution by any State, community, or individual exceed one-half of the amount of non-Federal funds contributed by the State, community, or individual.

"(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term 'non-Federal funds' includes State or local agency funds, in-kind contributions, any salary paid to staff to carry out the mitigation activities of the recipient, the value of the time and services contributed by volunteers to carry out such activities (at a rate determined by the Director), and the value of any donated material or building and the value of any lease on a building.

"(h) OVERSIGHT OF MITIGATION PLANS.—The Director shall conduct oversight of recipients of mitigation assistance under this section to ensure that the assistance is used in compliance with the approved mitigation plans or applications of the recipients and that matching funds certified under subsection (g) are used in accordance with such certification.

"(i) RECAPTURE.—

"(1) NONCOMPLIANCE WITH PLAN.—If the Director determines that a State, community, or individual that has received mitigation assistance under this section has not carried out the mitigation activities as set forth in the mitigation plan or application, the Director shall recapture any unexpended amounts and deposit the amounts in the National Flood Mitigation Fund under section 1367.

"(2) FAILURE TO PROVIDE MATCHING FUNDS.—If the Director determines that a State, community, or individual that has received mitigation assistance under this section has not provided matching funds in the amount certified under subsection (g), the Director shall recapture any unexpended amounts of mitigation assistance exceeding 3 times the amount of such matching funds actually provided and deposit the amounts in the National Flood Mitigation Fund under section 1367.

"(j) REPORTS.—Not later than 1 year after the date of enactment of the National Flood Insurance Reform Act of 1994 and biennially thereafter, the Director shall submit a report to the Congress describing the status of mitigation activities carried out with assistance provided under this section.

"(k) DEFINITION OF COMMUNITY.—For purposes of this section, the term 'community' means—

"(1) a political subdivision that (A) has zoning and building code jurisdiction over a particular area of special flood hazards, and (B) is participating in the national flood insurance program; or

"(2) a political subdivision of a State, or other authority, that is designated to develop and administer a mitigation plan by political subdivisions, all of which meet the requirements of paragraph (1).".

(b) REGULATIONS.—Not later than 6 months after date of enactment of this Act, the Director of the Federal Emergency Management Agency shall issue regulations to carry out section 1366 of the National Flood Insurance Act of 1968, as added by subsection (a).

SEC. 404. ESTABLISHMENT OF NATIONAL FLOOD MITIGATION FUND.

(a) IN GENERAL.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"NATIONAL FLOOD MITIGATION FUND

"SEC. 1367. (a) ESTABLISHMENT AND AVAILABILITY.—The Director shall establish in the Treasury of the United States a fund to be known as the National Flood Mitigation Fund, which shall be credited with amounts described in subsection (b) and shall be available, to the extent provided in appropriation Acts, for providing assistance under section 1366.

"(b) CREDITS.—The National Flood Mitigation Fund shall be credited with—

"(1) any premium surcharges assessed under section 1308(f);

"(2) any penalties collected under section 102(f) of the Flood Disaster Protection Act of 1973; and

"(3) any amounts recaptured under section 1366(i).

"(c) INVESTMENT.—If the Director determines that the amounts in the National Flood Mitigation Fund are in excess of amounts needed under subsection (a), the Director may invest any excess amounts the Director determines advisable in interest-bearing obligations issued or guaranteed by the United States.

"(d) REPORT.—The Director shall submit a report to the Congress not later than the expiration of the 1-year period beginning on the date of the enactment of this Act and not less than once during each successive 2-year period thereafter. The report shall describe the status of the Fund and any activities carried out with amounts from the Fund.".

(b) NATIONAL FLOOD INSURANCE FUND AS SEPARATE ACCOUNT.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended in the matter preceding paragraph (1)—

(1) by striking "is authorized to" and inserting "shall"; and

(2) by inserting after "which shall be" the following: "an account separate from any other accounts or funds available to the Director and shall be".

SEC. 405. INSURANCE PREMIUM MITIGATION SURCHARGE.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following new subsection:

"(f) INSURANCE PREMIUM MITIGATION SURCHARGE.—

"(1) ASSESSMENT.—Notwithstanding any other provision of this title, the Director shall assess, with respect to each contract for flood insurance coverage under this title issued or renewed after the date of the enactment of the National Flood Insurance Reform Act of 1994, a mitigation surcharge of—

"(A) $10 per policy term, for policies having a total coverage amount of $150,000 or less that cover structures that are principal residences;

"(B) $20 per policy term, for policies having a total coverage amount of more than $150,000 that cover structures that are principal residences; and

"(C) the amount established by the Director not to exceed $40 per policy term, for policies covering other structures.

"(2) DEPOSIT IN MITIGATION FUND.—Any mitigation surcharges collected shall be paid into the National Flood Mitigation Fund under section 1367.

"(3) EXEMPTION.—The mitigation surcharges shall not be subject to any agents' commissions, company expenses allowances, or State or local premium taxes.".

SEC. 406. STUDY OF MITIGATION INSURANCE.

(a) STUDY.—The Director of the Federal Emergency Management Agency shall conduct a study to determine the feasibility of providing, as part of the flood insurance policy, insurance coverage to provide for increases in the costs of repair and reconstruction of repetitively and substantially flood-damaged insured buildings, in order to repair, reconstruct, or otherwise mitigate future hazards to those buildings to comply with local building codes and floodplain management ordinances to the greatest extent possible. In conducting the study, the Director shall seek involvement from other Federal, State, and local agencies, and representation from the insurance, construction, and floodplain management interests. Under the study the Director shall—

(1) identify potential activities related to repair, reconstruction, or otherwise achieving mitigation required to comply with standards under the national flood insurance program and local building codes, and evaluate the costs of such activities;

(2) evaluate how such insurance coverage could be utilized to achieve economically justified acquisition, relocation, or elevation of certain structures under certain circumstances;

(3) evaluate the cost of providing the additional coverage and investigate a full range of measures for funding such costs, including changes in coverage, rates, and deductibles;

(4) evaluate the effects changes identified in paragraph (3) would have on the entire policy base, the cost of flood insurance, retention of policies, marketing of policies, the number and magnitude of claims paid, and the economic soundness and value of flood-prone property, and provide detail on such effects by State and, for communities participating in the national flood insurance program, by community; and

(5) identify mechanisms required to identify qualifying structures, determine appropriate mitigation measures, coordinate with State and local officials, provide consistency with State and local plans and programs, deliver the increased insurance payments, and verify appropriate actions by policyholders.

(b) REPORT.—The Director shall submit to the Congress a report describing the study not later than the expiration of the 18-month period beginning on the date of the enactment of this Act. The report shall include conclusions and recommendations of the Director in conducting the study.

TITLE V—FLOOD INSURANCE TASK FORCE

SEC. 501. FLOOD INSURANCE INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is hereby established an interagency task force to be known as the Flood Insurance Task Force (in this section referred to as the "Task Force").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be composed of 12 members, who shall be the designees of—

(A) the Federal Insurance Administrator;

(B) the Federal Housing Commissioner;

(C) the Secretary of Veterans Affairs;

(D) the Administrator of the Farmers Home Administration;

(E) the Administrator of the Small Business Administration;

(F) a designee of the Financial Institutions Examination Council;

(G) the chairman of the Board of Directors of the Federal Home Loan Mortgage Corporation;

(H) the chairman of the Board of Directors of the Federal National Mortgage Association;

(I) the Under Secretary of Commerce for Oceans and Atmosphere;

(J) the Director of the United States Fish and Wildlife Service;

(K) the Administrator of the Environmental Protection Agency; and

(L) the Secretary of the Army, acting through the Chief of Engineers.

(2) QUALIFICATIONS.—Members of the Task Force shall be designated for membership on the Task Force by reason of demonstrated knowledge and competence regarding the national flood insurance program.

(c) DUTIES.—The Task Force shall carry out the following duties:

(1) Make recommendations to the head of each Federal agency and enterprise referred to under subsection (b)(1) regarding establishment or adoption of standardized enforcement procedures among such agencies and corporations responsible for enforcing compliance with the requirements under the national flood insurance program to ensure fullest possible compliance with such requirements.

(2) Conduct a study of the extent to which Federal agencies and the secondary mortgage market can provide assistance in ensuring compliance with the requirements under the national flood insurance program and submit to the Congress a report describing the study and any conclusions.

(3) Conduct a study of the extent to which existing programs of Federal agencies and corporations for compliance with the requirements under the national flood insurance program can serve as a model for other Federal agencies responsible for enforcing compliance, and submit to the Congress a report describing the study and any conclusions.

(4) Develop guidelines regarding enforcement and compliance procedures, based on the studies and findings of the Task Force, and publish the guidelines in a usable format.

(d) Noncompensation.—Members of the Task Force shall receive no additional pay by reason of their service on the Task Force.

(e) Chairperson.—The members of the Task Force shall elect one member as chairperson of the Task Force.

(f) Meetings and Action.—The Task Force shall meet at the call of the chairman or a majority of the members of the Task Force and may take action by a vote of the majority of the members. The Federal Insurance Administrator shall coordinate and call the initial meeting of the Task Force.

(g) Officers.—The chairperson of the Task Force may appoint any officers to carry out the duties of the Task Force under subsection (c).

(h) Staff of Federal Agencies.—Upon request of the chairperson of the Task Force, the head of any of the Federal agencies and corporations referred to under subsection (b)(1) may detail, on a nonreimbursable basis, any of the personnel of such agency to the Task Force to assist the Task Force in carrying out its duties under this Act.

(i) Powers.—In carrying out this section, the Task Force may hold hearings, sit and act at times and places, take testimony, receive evidence and assistance, provide information, and conduct research as the Task Force considers appropriate.

(j) Subcommittee on Natural and Beneficial Functions of the Floodplain.—The members of the Task Force appointed under subparagraphs (I), (J), (K), and (L) of subsection (b)(1) shall constitute a select subcommittee which, in addition to carrying out the duties under subsection (c), shall make recommendations regarding the implementation of the provisions of the National Flood Insurance Act of 1968 that deal with protection of the natural and beneficial functions of the floodplain.

(k) Termination.—The Task Force shall terminate upon the expiration of the 24-month period beginning upon the designation of the last member to be designated under subsection (b)(1).

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. EXTENSION OF FLOOD INSURANCE PROGRAM.

(a) In General.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 1995" and inserting "September 30, 1996".

(b) Emergency Implementation.—Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking "September 30, 1995" and inserting "September 30, 1996".

SEC. 602. LIMITATION ON PREMIUM INCREASES.

(a) Property-Specific Limitation.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in subsection (c), by striking "Notwithstanding any other provision of this title" and inserting "Subject only to the limitation under subsection (e)"; and

(2) by inserting after subsection (d) the following new subsection:

"(e) Annual Limitation on Premium Increases.—Notwithstanding any other provision of this title, the risk premium rate for flood insurance that is charged under this title for any property may not be increased in an amount that would result in such rate increases for the property during any 12-month period exceeding 10 percent of the amount of the risk premium rate applicable to the property upon the commencement of such 12-month period.".

(b) Repeal of Program-Wide Limitation.—Subsection (d) of section 541 of the Housing and Community Development Act of 1987 (42 U.S.C. 4015 note) is hereby repealed.

SEC. 603. MAXIMUM FLOOD INSURANCE COVERAGE AMOUNTS.

(a) In General.—Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended as follows:

(1) Residential property.—In paragraph (2), by striking "an amount of $150,000 under the provisions of this clause" and inserting the following: "a total amount (including such limits specified in paragraph (1)(A)(i)) equal to the dollar amount limitation pursuant to section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act in effect for a single-family residence".

(2) Residential property contents.—In paragraph (3), by striking "an amount of $50,000 under the provisions of this clause" and inserting the following: "a total amount (including such limits specified in paragraph (1)(A)(ii)) of $100,000".

(3) Nonresidential property and contents.—By striking paragraph (4) and inserting the following new paragraph:

"(4) in the case of any nonresidential property, including churches, for which the risk premium rate is determined in accordance with the provisions of section 1307(a)(1), additional flood insurance in excess of the limits specified in subparagraphs (B) and (C) of paragraph (1) shall be made available to every insured upon renewal and every applicant for insurance, in respect to any single structure, up to a total amount (including such limits specified in subparagraph (B) or (C) or paragraph (1), as applicable) of $500,000 for each structure and $500,000 for any contents related to each structure; and".

(b) Removal of Ceiling on Coverage Required.—Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (5), by striking "; and" at the end and inserting a period; and

(2) by striking paragraph (6).

SEC. 604. FLOOD INSURANCE PROGRAM ARRANGEMENTS WITH PRIVATE INSURANCE ENTITIES.

Section 1345(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4081(b)) is amended by striking the period at the end and inserting the following: "and without regard to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 605. UPDATING OF FLOOD MAPS.

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsections:

"(e) Review of Flood Maps.—Once during each 5-year period (the 1st such period beginning on the date of the enactment of the National Flood Insurance Reform Act of 1994) or more often as the Director determines necessary, the Director shall assess the need to revise and update all floodplain areas and flood risk zones identified, delineated, or established under this section.

"(f) Updating Flood Maps.—The Director shall revise and update any floodplain areas and flood-risk zones—

"(1) upon the determination of the Director, according to the assessment under subsection (e), that revision and updating are necessary for the areas and zones; or

"(2) upon the request from any State or local government stating that specific floodplain areas or flood-risk zones in the State or locality need revision or updating, if sufficient technical data justifying the request is submitted and the unit of government making the request agrees to provide funds in an amount equal to the amount of funds provided by the Director (or the equivalent value of data, technical analysis, or other in-kind services) for the requested revision or update.

"(g) Availability of Flood Maps.—To promote compliance with the requirements of this title, the Director shall make flood insurance rate maps and related information available free of charge to State agencies directly responsible for coordinating the national flood insurance program and to appropriate representatives of communities participating in the national flood insurance program, and at a reasonable cost to all other persons. Any receipts resulting from this subsection shall be deposited in the National Flood Insurance Fund, pursuant to section 1310(b)(6).

"(h) Notification of Flood Map Changes.—The Director shall cause notice to be published in the Federal Register (or shall provide notice by another comparable method) of any change to flood insurance map panels and any change to flood insurance map panels issued in the form of a letter of map amendment or a letter of map revision. Such notice shall be published or otherwise provided not later than 30 days after the map change or revision becomes effective. Notice by any method other than publication in the Federal Register shall include all pertinent information, provide for regular and frequent distribution, and be at least as accessible to map users as notice in the Federal Register. All notices under this subsection shall include information on how to obtain copies of the changes or revisions.

"(i) Compendia of Flood Map Changes.—Every 6 months, the Director shall publish separately in their entirety within a compendium, all changes and revisions to flood insurance map panels and all letters of map amendment and letters of map revision for which notice was published in the Federal Register or otherwise provided during the preceding 6 months. The Director shall make such compendia available, free of charge, to States and communities participating in the national flood insurance program pursuant to section 1310 and at cost to all other parties. Any receipts resulting from this subsection shall be deposited in the National Flood Insurance Fund, pursuant to section 1310(b)(6).".

SEC. 606. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) Establishment.—There is established a council to be known as the Technical Mapping Advisory Council (in this section referred to as the "Council").

(b) Membership.—

(1) In general.—The Council shall consist of the Director of the Federal Emergency Management Agency, or the Director's designee, and 11 additional members to be appointed by the Director or the designee of the Director, and shall include—

(A) the Under Secretary of Commerce for Oceans and Atmosphere (or his or her designee);

(B) a member of recognized surveying and mapping professional associations and organizations;

(C) a member of recognized professional engineering associations and organizations;

(D) a member of recognized professional associations or organizations representing flood hazard determination firms;

(E) a representative of the United States Geologic Survey;

(F) a representative of State geologic survey programs;

(G) a representative of State national flood insurance coordination offices; and

(H) a representative of a regulated lending institution.

(2) QUALIFICATIONS.—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps.

(c) DUTIES.—The Council shall—

(1) make recommendations to the Director on how to improve in a cost-effective manner the accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps;

(2) recommend to the Director mapping standards and guidelines for flood insurance rate maps; and

(3) submit an annual report to the Director that contains—

(A) a description of the activities of the Council;

(B) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update flood insurance rate maps, as established pursuant to the amendment made by section 605; and

(C) a summary of recommendations made by the Council to the Director.

(d) CHAIRPERSON.—The members of the Council shall elect 1 member to serve as the chairperson of the Council (in this section referred to as the "Chairperson").

(e) COORDINATION.—To ensure that the Council's recommendations are consistent to the maximum extent practicable with national digital spatial data collection and management standards, the Chairperson shall consult with the Chairperson of the Federal Geographic Data Committee (established pursuant to OMB Circular A-16).

(f) COMPENSATION.—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(g) MEETINGS AND ACTIONS.—

(1) IN GENERAL.—The Council shall meet not less than twice each year at the request of the Chairperson or a majority of its members and may take action by a vote of the majority of the members.

(2) INITIAL MEETING.—The Director, or a person designated by the Director, shall request and coordinate the initial meeting of the Council.

(h) OFFICERS.—The Chairperson may appoint officers to assist in carrying out the duties of the Council under subsection (c).

(i) STAFF OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.—Upon the request of the Chairperson, the Director may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management Agency to assist the Council in carrying out its duties.

(j) POWERS.—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information, and conduct research as it considers appropriate.

(k) TERMINATION.—The Council shall terminate 5 years after the date on which all members of the Council have been appointed under subsection (b)(1).

SEC. 607. EVALUATION OF EROSION HAZARDS.

(a) REPORT REQUIREMENT.—The Director of the Federal Emergency Management Agency (in this section referred to as the "Director") shall submit a report under this section to the Congress evaluating erosion hazards, determining the economic impact of erosion hazards, and assessing the costs and benefits of mapping erosion hazard areas.

(b) EROSION HAZARD AREAS AND NFIP COSTS.—The report required under this section shall—

(1) identify all communities that are likely to be identified as having erosion hazard areas;

(2) estimate the amount of flood insurance claims under the national flood insurance program that are attributable to erosion;

(3) state the amount of flood insurance claims under such program that are attributable to claims under section 1306(c) of the National Flood Insurance Act of 1968;

(4) assess the full economic impact of erosion on the National Flood Insurance Fund; and

(5) determine the costs and benefits of expenditures necessary from the National Flood Insurance Fund to complete mapping of erosion hazard areas.

To identify communities under paragraph (1), the Director may map a statistically valid and representative number of communities with erosion hazard areas throughout the United States, including coastal, Great Lakes, and, if technologically feasible, riverine areas. The information provided under this subsection shall take into consideration the efforts of State and local governments to assess, measure, and reduce erosion hazards.

(c) ECONOMIC IMPACT.—The report under this section shall—

(1) assess the economic impact of—

(A) the mapping of erosion hazard areas;

(B) the denial of flood insurance for structures that are newly constructed in whole in communities likely to be identified as having erosion hazard areas and the establishment of actuarial rates for existing structures in such communities;

(C) the denial of flood insurance pursuant to existing requirements for coverage under the national flood insurance program; and

(D) erosion hazard management activities undertaken by State and local governments, including building restrictions, beach nourishment, construction of sea walls and levees, and other activities that reduce the risk of damage due to erosion; and

(2) address the economic impact of designating erosion hazard areas on—

(A) the value of residential and commercial properties in communities with erosion hazards;

(B) community tax revenues due to potential changes in property values or commercial activity;

(C) employment, including the potential loss or gain of existing and new jobs in the community;

(D) existing businesses and future economic development; and

(E) the estimated cost of Federal and State disaster assistance to flood victims.

(d) COSTS AND BENEFITS OF MAPPING.—The report under this section shall—

(1) determine the costs and benefits of mapping erosion hazard areas, based upon the Director's estimate of the actual and prospective amount of flood insurance claims attributable to erosion, and if the Director determines that the savings to the National Flood Insurance Fund will exceed the cost of mapping erosion hazard areas, the report shall assess whether using flood insurance premiums for costs of mapping erosion hazard areas is cost-beneficial compared to alternative uses of such amounts, including—

(A) funding the mitigation assistance program under section 1366 of the National Flood Insurance Act of 1968 (as added by section 403 of this Act); and

(B) funding a program that would provide additional coverage under the national flood insurance program for compliance with land use and control measures; and

(C) reviewing, revising, and updating flood insurance rate maps under subsections (e) and (f) of section 1360 of the National Flood Insurance Act of 1968 (as added by the amendment made by section 605 of this Act);

(2) if the Director determines under subsection (b) that mapping of riverine areas for erosion hazard areas is technologically feasible, determine the costs and benefits of mapping erosion in riverine areas; and

(3) determine the costs and benefits of mapping erosion, other than those directly related to the financial condition of the National Flood Insurance Program, and the costs of not mapping erosion.

(e) DEFINITION.—For purposes of this section, the term "erosion hazard area" means, based on erosion rate information and other historical data available, an area where erosion or avulsion is likely to result in damage to or loss of buildings and infrastructure within a 60-year period.

(f) PROCEDURE.—

(1) PREPARATION AND SUBMISSION.—The report required under this section shall be prepared by a private independent entity selected by the Director. The Director shall submit the report to the Congress as soon as practicable, but not later than 2 years after the date of the enactment of this Act.

(2) CONSULTATION.—In preparing the report, the private entity shall consult with—

(A) a statistically valid and representative number of communities likely to be identified as having erosion hazard areas;

(B) representatives from State coastal zone management programs approved under section 306 of the Coastal Zone Management Act of 1972;

(C) the Administrator of the National Oceanic and Atmospheric Administration;

(D) the Director of the Federal Emergency Management Agency; and

(E) any other persons, officials, or entities that the Director considers appropriate.

(g) AVAILABILITY OF NATIONAL FLOOD INSURANCE FUND.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting "(except as otherwise provided in this section)" after "without fiscal year limitation"; and

(2) by inserting after paragraph (5) (as added by the preceding provisions of this Act) the following new paragraph:

"(6) for costs of preparing the report under section 607 of the National Flood Insurance Reform Act of 1994, except that the fund shall be available for the purpose under this paragraph in an amount not to exceed an aggregate of $5,000,000 over the 2-year period beginning on the date of the enactment of the National Flood Insurance Reform Act of 1994; and".

SEC. 608. STUDY OF ECONOMIC EFFECTS OF CHARGING ACTUARIALLY-BASED PREMIUM RATES FOR PRE-FIRM STRUCTURES.

(a) STUDY.—The Director of the Federal Emergency Management Agency (in this section referred to as the "Director") shall conduct a study of the economic effects that would result from increasing premium rates for flood insurance coverage made available under the national flood insurance program for pre-FIRM structures to the full actuarial risk based premium rate determined under section 1307(a)(1) of the National Flood Insurance Act of 1968 for the area in which the property is located. In conducting the study, the Director shall—

(1) determine each area that would be subject to such increased premium rates; and

(2) for each such area, determine—

(A) the amount by which premium rates would be increased;

(B) the number and types of properties affected and the number and types of properties covered by flood insurance under this title likely to cancel such insurance if the rate increases were made;

(C) the effects that the increased premium rates would have on land values and property taxes; and

(D) any other effects that the increased premium rates would have on the economy and homeowners.

(b) DEFINITION OF "PRE-FIRM STRUCTURE".—For purposes of subsection (a), the term "pre-FIRM structure" means a structure that was not constructed or substantially improved after the later of—

(1) December 31, 1974; or

(2) the effective date of the initial rate map published by the Director under section 1360(a)(2) of the National Flood Insurance Act of 1968 for the area in which such structure is located.

(c) REPORT.—The Director shall submit a report to the Congress describing and explaining the findings of the study conducted under this section. The report shall be submitted not later than 12 months after the date of the enactment of this Act.

SEC. 609. EFFECTIVE DATES OF POLICIES.

(a) 30-DAY DELAY.—Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(c) EFFECTIVE DATE OF POLICIES.—

"(1) WAITING PERIOD.—Except as provided in paragraph (2), coverage under a new contract for flood insurance coverage under this title entered into after the date of the enactment of the National Flood Insurance Reform Act of 1994, and any modification to coverage under an existing flood insurance contract made after such date, shall become effective upon the expiration of the 30-day period beginning on the date that all obligations for such coverage (including completion of the application and payment of any initial premiums owed) are satisfactorily completed.

"(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to coverage under a flood insurance contract for newly constructed property and coverage for newly acquired property, that is obtained before or upon the completion of the construction or transfer of title to the property, as applicable.".

(b) STUDY.—The Director of the Federal Emergency Management Agency shall conduct a study to determine the appropriateness of existing requirements regarding the effective date and time of coverage under flood insurance contracts obtained through the national flood insurance program. In conducting the study, the Director shall determine whether any delay between the time of purchase of flood insurance coverage and the time of initial effectiveness of the coverage should differ for various classes of properties (based upon the type of property, location of the property, or any other factors related to the property) or for various circumstances under which such insurance was purchased. Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Director shall submit to the Congress a report on the results of the study.

SEC. 610. REGULATIONS.

The Director of the Federal Emergency Management Agency, the Secretary of Housing and Urban Development, and any appropriate head of any Federal agency may each issue any regulations necessary to carry out the applicable provisions of this Act and the applicable amendments made by this Act.

SEC. 611. RELATION TO STATE AND LOCAL LAWS.

This Act and the amendments made by this Act may not be construed to preempt, annul, alter, amend, or exempt any person from compliance with any law, ordinance, or regulation of any State or local government with respect to land use, management, or control.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. KENNEDY] will be recognized for 20 minutes, and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GONZALEZ], the chairman of the full Committee on Banking, Finance and Urban Affairs.

Mr. GONZALEZ. Mr. Speaker, I rise in support of H.R. 3191, a bill to reauthorize the National Flood Insurance Program.

Let me first commend the work of the members of the Banking Committee's Subcommittee on Consumer Credit and Insurance, chaired by Congressman JOE KENNEDY. Chairman KENNEDY and his ranking member on the minority side, Congressman AL MCCANDLESS, worked hard to bring strong bipartisan support for this bill. H.R. 3193 was reported from the Banking Committee on a 40-to-10 vote. I am pleased to report that further modifications have been made to satisfy the objections of those Members who had concerns about erosion zone mapping provisions in the version of the bill passed by the committee.

We must reauthorize the national flood insurance as soon as possible. We cannot afford to do otherwise. Without a viable Federal flood insurance program, every time property damage is caused by rising flood waters, we would be hard pressed to deny our constituents' appeals for financial assistance.

To provide flood insurance when the private insurance companies could not do so, the Congress first established the National Flood Insurance Program in 1968. But, the present program is flawed and in debt because it is too easy for those living in flood prone areas to roll the dice, drop out of the flood insurance program, and take their chances with Mother Nature. H.R. 3191 remedies these problems by strengthening mandatory insurance purchase requirements and takes other appropriate steps to ensure that there will be adequate funds to honor future insurance claims. These actions at the same time control the premium price increases. Let me assure my colleagues that cost to taxpayers for participation on the Federal flood insurance program will remain affordable.

The legislation before the House today makes sweeping and necessary changes to the Flood Insurance Program. They deserve your support. Vote "aye" on H.R. 3191.

Mr. KENNEDY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman of this committee, Mr. GONZALEZ, as well as the ranking member, Mr. LEACH, for their efforts to bring this legislation to the floor today. Let me also acknowledge the ranking member of the Consumer Subcommittee, Mr. MCCANDLESS, for all of his hard work in moving this bill through the committee successfully. I want to particularly commend Mr. BACCHUS of Florida for his constructive suggestions which have helped to improve the bill. Most importantly, I want to recognize Mr. BEREUTER. No one has done more than he to awaken the Congress to the need to reform this program, and his handiwork can be seen in many of the provisions of the bill we consider today.

Mr. Speaker, H.R. 3191, The National Flood Insurance Reform Act of 1994, contains several much-needed reforms to the National Flood Insurance Program. This program was established in 1968 by Congress to provide federally backed flood insurance to homes and businesses located in flood-prone areas.

As of today, this program is technically insolvent. Premiums paid into the flood insurance fund are not keeping up with claims paid out of it. Consequently, FEMA was forced earlier this year to borrow $100 million from the Treasury. If long-range weather forecasts of increased flooding hold true, and if the income to the program remains inadequate, we face the prospect of a taxpayer bailout of the flood program. Such a bailout was required in the mid-1980's, when $1.2 billion of taxpayer funds were needed to keep the fund solvent.

The bill that we have brought to the floor today contains three primary reforms that are intended to prevent another bailout:

First, it will increase the number of people covered by flood insurance. The program suffers from an extremely low participation rate. Nationwide, only 17 percent of all homes located in flood hazard areas are covered by flood insurance. In the Midwest States most hard-hit by last year's floods, the compliance rate is even lower—about 10 percent. If everyone affected by these floods had had flood insurance, the Federal Government's cost of cleaning up the disaster would've been cut by close to $2 billion, and homeowners would have received more in insurance payments than they received in disaster aid. So flood insurance is a win-win proposition: The more people who have it, the better for them and the Federal taxpayer.

To improve participation in the flood program, H.R. 3191 requires lenders to escrow flood insurance premiums where they are already escrowing for other purposes. That way, a homeowner will not be able to discontinue paying for flood insurance after a year or two, as so often happens today. It also requires lenders to force-place flood insurance if a borrower in a flood-hazard area refuses to buy it as required by law. And it will require mortgage bankers—who make half of all mortgages today—to meet the same standards as federally insured banks and thrifts when it comes to enforcing flood insurance purchase requirements. These changes will go a long way toward improving the financial health of the fund, and at the same time give more homeowners the protection of flood insurance.

The second reform contained in H.R. 3191 is the creation of a mitigation fund to help homeowners and communities reduce the risk of flood damage. This fund will provide up to $65 million per year to relocate and elevate homes, to nourish beaches, and to build sea walls and levees. Individuals who suffer from major flooding will get particular attention from this provision; FEMA will have to pass on their application within 30 days, so they can get the help they need to rebuild to safe standards. This fund is based on the adage that an ounce of prevention is worth a pound of cure. It will save money for the program, and save heartache for the homeowner.

The third major reform in this legislation is a study of the problem of erosion. According to the Army Corps of Engineers, 25 percent of our Nation's coastline is currently eroding at varying rates of speed. Many State and local governments have taken steps to deal with this reality. North Carolina has banned construction in erosion-prone areas since 1974. South Carolina has had such a ban since 1988. In Maryland, the town of Ocean City has built jetties, and regularly replenishes its beaches.

The Federal Government has yet to come to grips with the problem of erosion. We continue to insure properties built on land that could be literally washed away in a few years. Many have asked whether that is a risk worth taking. H.R. 3191 will help us get answers to that question. It requires FEMA to assess where erosion is happening, how communities are dealing with it, and what its impact is on the flood program. I am confident that the information we get from this study will allow us to make wise policy choices in the future that both protect the taxpayer and support coastal and river economies.

In sum, this legislation will bring about urgently needed reforms in the Federal Flood Insurance Program. It will help avoid a taxpayer bailout, and increase the number of homes and businesses protected by flood insurance. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. McCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we are considering this morning is a compromise bill to reform the National Flood Insurance Program [NFIP]. The NFIP is administered by the Federal Emergency Management Agency [FEMA] and enables property owners in participating communities to purchase insurance coverage against flood-related damage. Many of the changes that the bill makes to the flood insurance program are supported by FEMA and other organizations—both public and private—who work with FEMA to administer the flood insurance program.

The original version of this bill was passed by the Banking Committee last year with bipartisan support—40–10. I think the changes that are included in this compromise bill will enjoy even greater support.

The bill is intended to accomplish three objectives. First to increase the participation rate in the National Flood Insurance Program. Second, to encourage States, communities, and individuals to mitigate the effects of future flooding. Finally, to assess the economic impact of mapping—or not mapping—erosion hazard areas.

Although the bill is straight forward, I want to discuss the areas mentioned.

INCREASED PARTICIPATION

According to FEMA, only abut 17 percent of those who live in special flood hazard areas and who should have flood insurance policyholders. The bill requires lenders who make mortgages in such areas to make sure that flood insurance is in place whenever they make increase, extend, or renew a mortgage. In addition, this bill requires lenders to escrow for flood insurance payments if they escrow for other items and authorizes them to purchase flood insurance for borrowers who fail to do so.

The provisions of the bill concerning increased participation are supported by the American Bankers Association and the Mortgage Bankers Association.

MITIGATION ACTIVITIES

This bill institutes a self-sustaining grant program to fund activities to mitigate or minimize the effects of future flooding. While the original bill only made States and communities eligible for such grants, this compromise bill makes individuals eligible as well.

The bill is not intended to promote large-scale construction projects such as dams or levies. Rather, it is intended to encourage States, communities, and individuals to elevate, relocate or demolish structures that are repeatedly flooded.

While this bill lists a number of activities that are eligible for grants, it permits FEMA to approve only those that it determines are cost-effective to the Flood Insurance Program.

STUDY OF MAPPING EROSION HAZARD AREAS

The provisions of this compromise bill are quite different than those of the original bill with regard to the issue of erosion. Instead of requiring FEMA to map coastal areas subject to high rates of erosion, this compromise bill requires a comprehensive study of the issue. The study, which will be performed by an independent organization and which is due in 2 years, should give Congress the information it needs to decide whether the availability of flood insurance should be restricted in some areas.

The provisions of this bill concerning the study of erosion are supported by the National Association of Realtors and the National Association of Homebuilders.

I want to reiterate to my colleagues that it is important we pass this bill. While it may not solve all of the flood insurance problems, it contains many provisions that will go a long way toward addressing them.

The House and Senate Banking Committees will soon meet to reconcile differences between two bills concerning community development banks. The Senate included in its bill language to reform the National Flood Insurance Program. It is important that we pass this bill to ensure that the interests of our Members are represented at that conference.

Mr. Speaker, I encourage my colleagues to support this bill.

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Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER], who has spent so much time on this bill.

Mr. BEREUTER. Mr. Speaker, I rise in support of this legislation. However, I regret to say that the measure represents a very modest reform indeed and does not really provide real reform to the National Flood Insurance Program in many areas. Nevertheless, we are making some steps forward, and I realize that the chairman of the subcommittee, the gentleman from Massachusetts [Mr. KENNEDY], had to make some compromises to move the legislation to this stage so we are able to engage in a conference on this subject with our colleagues in the other body.

I very much appreciate the gentleman's kind words, as well as those of the gentleman from California [Mr. McCANDLESS], with respect to my involvement in this issue. I would have to share credit, I must say, with two of our former colleagues, Ben Erdreich of Alabama and Tom Carper of Delaware. Those two gentlemen with this Member advanced legislation in the previous Congress which was very strong legislation indeed and which passed this body, and indeed the portions relating to lender compliance and also community rating systems are based, I think it is fair to say, on work accomplished in that previous legislation.

The NFIP was created in 1968 to provide otherwise unobtainable flood insurance to flood-prone properties throughout the United States. But the NFIP is failing in its mission. It is now:

Riddled with opportunities for ridiculous abuse by property owners,

Faced with an insolvent insurance fund, due in large part, to abysmal lender compliance; and

Operating as a huge interstate and intrastate cross-subsidy program for owners of repetitive-loss structures and for property owners located on some hazardous beaches, lakeshores, and river flood plains.

Now let me list a few of the very specific weaknesses of the NFIP. It is vital for this Congress to enact a NFIP reform bill, as the problems facing the program are readily apparent. Below, I would like to highlight at least three major areas of deficiencies with the existing NFIP.

First, the program currently allows policyholders in areas of the country that are repeatedly hit by heavy rains and storms to use their flood insurance policy to regularly rebuild and refurnish their repetitive-loss buildings. Some homeowners along the lower reaches of the Mississippi River system refer to it as the "carpet renewal" policy, since they are hit with river flooding every 6 or 7 years and use the Government payments to replace their water-damaged carpet.

According to data provided by the Federal Insurance Administration [FIA], these types of repetitive loss structures are not uniformly distributed across the Nation. Two States, Louisiana and Texas, account for 44.5 percent of all repetitive losses. Ten States account for 83.1 percent of these losses.

Second, the Federal Government, through the NFIP, is literally giving away major insurance benefits to beachfront property owners.

According to data provided by the National Academy of Sciences, continued insurance of structures located on the eroding coastlines will pose a significant financial threat to the NFIP. The scientific community has concluded that the Nation's Atlantic and gulf shorelines are severely eroding in many areas and will continue to move in future years. This, in turn, will have an impact on the solvency of the NFIP, since the program is not including these long-term erosion hazards in its insurance rate calculations.

As a result, we have a situation in which NFIP will be bailing out more beach-front property owners at the expense of the policyholders in other parts of the country. It is reported that as many as 43 percent of all policyholders may pay less than 34 percent of the proper risk-based premium costs to insure their home or business.

Third, we must recognize a massive failure on the part of lenders to comply with existing law that requires flood insurance as a condition for obtaining a mortgage if the structure is located in a flood-prone area. FIA estimates that NFIP is covering only the 18 percent of the total number of homes and other types of structures that should be covered by a flood insurance policy.

But to its credit, H.R. 3191 does improve lender compliance with the National Flood Insurance Program by prohibiting federally regulated lenders, and mortgage bankers, from making, extending, or renewing any loan secured by property in a special flood area unless flood insurance is in effect for the term of the loan.

Increasing lender compliance is a step in the right direction, but as a representative of the National Taxpayers Union has said, it's really just "adding a bucket without turning off the faucet."

Another provision in H.R. 3191 provides that to be eligible for flood insurance benefits, an individual must have purchased flood insurance 30 days prior to a flood event. This provision, which this Member originated and advocated, does greatly improve the NFIP by eliminating the current situation where an individual can see the flood waters rising before actually purchasing flood insurance. Under current FEMA regulations, flood insurance can be purchased in as little as 5 days before flooding occurs.

Also, the bill does provide for individual mitigation grants of up to $20,000—subject to a 25-percent match requirement—to move some flood insurance beneficiaries out of high risk flood zones or to bring structures in flood zones up to appropriate levels of safety from flooding.

Where the bill really fails, however, is in the fact that it does nothing to deter new construction in erosion zones. The study called for in the bill is simply a delaying tactic to put off real reform and continues to expose the NFIP to the risk of insolvency as flood insurance is made available to structures located in high risk erosion zones.

Real reform has been opposed nationally by the National Association of Realtors and the National Association of Homebuilders who are putting the interests of a small number of their members ahead of the solvency of the National Flood Insurance Program and the interest of the American taxpayers who will be forced to bail out the fund when the inevitable bankruptcy of the fund occurs.

Mr. Speaker, real reform of the NFIP would, at the very least, discourage new construction and new flood insurance coverage in high risk erosion zones. This legislation does not. While it does not expose the flood insurance fund to additional risk, it does little to ensure the long-term solvency of the fund.

Mr. Speaker, I regret that we will be forced to revisit this issue again because we are unwilling to make the choices necessary to ensure its solvency now.

☐ 1310

Mr. McCANDLESS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. LAZIO], a member of the subcommittee and the Committee on Banking, Finance and Urban Affairs.

Mr. LAZIO. Mr. Speaker, I rise today in support of the committee amendment to H.R. 3191, the National Flood Insurance Reform Act.

I represent thousands of middle-class coastal residents who would have been adversely affected by this bill as reported by the House Banking Committee. The economic recovery has yet to show signs of life on Long Island and the committee provisions of sections 407 and 604 would have further depressed the real estate industry in my district.

Thanks to the work of the subcommittee chairman, the ranking member of the subcommittee, Mr. McCANDLESS and his staff, and the distinguished Member from Florida, Mr. BACCHUS, a sound compromise is before the House and it deserves our support.

The compromise ensures compliance with the National Flood Insurance Program through lender compliance provisions which enjoy widespread support from the lending industry. Therefore, more people will be paying into the National Flood Insurance Fund, more structures will meet minimum building codes, and lenders will have expanded powers to protect their collateral.

The compromise mandates a study of the controversial erosion hazard zones. FEMA will have the authority to map erosion hazard zones in a sample survey of communities around the country. FEMA will also conduct a cost-benefit analysis of erosion hazard maps to determine if nationwide mapping will save the National Flood Insurance Fund money. FEMA will also study the economic effects of such mapping on the affected communities. Many coastal communities rely on property taxes from coastal residents to pay for their local firemen, policemen, and teachers. The compromise recognizes the importance of giving Congress the facts first so an informed decision can be made.

While I will vote for H.R. 3191, I still have some reservations concerning the bill's purposes clause, the community rating system, and mitigation provisions. However, these items should be addressed in conference and not be used to block an otherwise good bill. I urge Members to support the bill.

Mr. KENNEDY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS of Florida. Mr. Speaker, I thank the chairman for yielding. I thank you especially for your kind words earlier today. Let me assure the gentleman, as far as I am concerned, you are one of the brightest and best Members of the Congress.

I want to say also I feel just as much about the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from California [Mr. McCANDLESS]. They are two of the finest Members of the Congress as well, and I am proud to be working with them here in this spirit of compromise today.

Mr. Speaker, this is a piece of compromise legislation. As the gentlemen here know, I have had some concerns about earlier incarnations of this legislation. I voted against it in the committee. The gentleman from Louisiana [Mr. BAKER] and I introduced counterlegislation and generated a great many cosponsors because of our concern about some of the erosion zone mapping provisions of the previous bill.

Thanks to the spirit of compromise and to the willingness of the gentleman from Massachusetts [Mr. KENNEDY] to compromise, those problems have been eliminated. We have eliminated the erosion zone mapping provisions that concern so many of us from so many coastal States.

We have accepted the Senate compromise that I think is the right answer to being able to protect the flood insurance fund, and also protect millions of homeowners across America.

So I am supporting H.R. 3191. I encourage the cosponsors of the bill that the gentleman from Louisiana [Mr. BAKER] and I introduced, H.R. 4052, on a bipartisan basis, to support this piece of compromise legislation.

I realize that some have concerns. To a certain extent I share some of those concerns. I believe those concerns can and will be addressed in conference. I believe they should not stand in the way of what overall is a very fine piece of legislation.

So let me urge my colleagues to support H.R. 3191, support the efforts of the gentleman from Massachusetts [Mr. KENNEDY], the gentleman from California [Mr. McCANDLESS], the gentleman from Nebraska [Mr. BEREUTER], and others, to protect the flood insurance fund, protect the taxpayers, and also protect the homeowners of Florida, the coastal States, and all of America.

Mr. McCANDLESS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I rise today because this is still a controversial matter, despite great progress at compromise. I would rather work this out on the floor of the House better before we sent it over to a conference negotiation. It is for that reason I do not think we should be considering this under the suspension procedure. I would like to send this up to the Committee on Rules and get a modified amendment, because as good a job as the gentleman from Massachusetts [Mr. KENNEDY], the gentleman from California [Mr. McCANDLESS], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Florida [Mr. BACCHUS], and the gentleman from Louisiana [Mr. BAKER] have done, there are still some very serious problems with this legislation. They affect private property rights, they affect litigation, they certainly are unfunded mandates on communities, and the erosion concept has not been taken out of here.

I am reminded of the last time the House addressed this issue. We had overwhelming support for this reform of this program reauthorization, a giant vote. I think it was more than 300 in favor of it. Then we ran into a firestorm of protest across America because we had not done our work well, and they shot it down in the Senate and saved our bacon. Let us not do that again.

I rise today as a former mayor and county commissioner who has had real life experience with the National Flood Insurance Program.

The flood insurance program is just that. It is an insurance program. It is our first line of defense against massive expenditures of emergency supplemental funds which we have been handing out at a great rate lately. We need to do this and get on with this legislation.

But this legislation does not quite do it. If we could get it up in the Committee on Rules and allow a few amendments, I think we could improve it dramatically, where it would get the support virtually of everybody and erase the firestorm we have seen in this country.

□ 1320

There are real problems with the current financial condition of the flood insurance program, especially the repetitive riverine losses. We know about that. Year after year on the banks of the same river the flood comes and people get flooded out, and we pay for them to build back. That is crazy. That has to be fixed. This bill does not entirely fix that problem.

The lack of compliance with the program in some areas of the country is notorious. My State, Florida, is a major donor State. We are giving away many, many dollars to the flood program, and we are not getting those dollars returned to Florida. The problem with that is not that we do not want to help people in the rest of the country, it is that they are not paying premiums in the flood program. Why is that fair? Everybody who is in a flood area should be paying in these premiums.

The facts do not justify that. This program does not fully resolve that. I support reforming the program to make it more financially sound, but as I said, I do not think this bill quite gets us there.

Despite the very good work done, and I want to emphasize that, the gentleman from Florida [Mr. BACCHUS] has done a good job on this, but we did not quite get it over the goal line. It will affect Florida and other coastal States dramatically.

I am concerned about amending the statement of purpose for this program to include environmental language. The NFIP is an insurance program. It is not an environmental program, and it has never been. I went back to the original language. It is not in the original language in the 1968 bill. Suddenly, we are creating something called "an environmental threshold," environmental standards and criteria that we are not quite sure where it leaves our local communities or FEMA with regard to opening up to litigation.

I believe it is broad and so broad it invites all kinds of people to come in and file lawsuits on behalf of either an environmental point of view or a private property point of view. The adoption of the community rating system to reward localities to make an extra effort to reduce risk is a great idea. Unfortunately, in this bill, in the bill the language says, with some new and very ambiguous wording, that we will now deal with areas and subdivisions, I do not know what those are, new criteria for risk rating based on land use and erosion management.

These are very important concerns to people who have private property or people who buy this insurance. Obviously, they are very important concerns to any State that has an area or a subdivision in it.

I do not know what that language means. And apparently, neither does anybody else.

I am worried about language that could be used to bring back the concept of the erosion hazard zones. It is right in here. It is stated in the bill that we are now going to deal with the erosion hazard zones. That is going to put many people at risk.

I feel that the mitigation section, section 4 of H.R. 3191, is not going to be effective. It is burdensome to individuals who are going to be forced to go through a grant application program that is going to take 90 days, it says.

The money raised by universal surcharges, $20 million to $30 million, is not going to cover the anticipated $100 million cost a year. We have a better proposal for that. We have a mitigation insurance program that is based on risk. It is on a sliding scale, and it words in a more timely manner so individuals can benefit from this and pay in according to the risk.

I think that is the way insurance is supposed to work. I am not opposed to the bill. I am opposed to the bill in its present form. I want to get it off suspension and get it to a place where we can get it into the Committee on Rules to have some amendments made in order with the cooperation of the gentleman from Massachusetts [Mr. KENNEDY] and the others who have brought it this far.

Mr. McCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

I think the gentleman from Florida [Mr. GOSS] makes a number of interesting points. But the problem here, I think, is best summed up by one of the comments of the gentleman from Nebraska [Mr. BEREUTER]. This bill does not go far enough. But at least it is a start in the right direction. Many of us on the subcommittee and on the full committee would have liked to have had certain parts of the bill that are not in it, but there is a real demonstrated need for a revision in the flood insurance program as demonstrated by recent catastrophes all over the United States.

In this body, with 435 Members, it is not possible to write the perfect bill that is going to satisfy everyone. I realize that and have realized if for a number of years.

I signed off on this because I think it is the first best step in taking hold of a major program that is federally oriented and addressing some of these major issues.

We talked in my remarks about the fact that we are going to study these hazard areas. There is a mandate of 2 years on this study. They have to come back to Congress and say, okay, erosion or no erosion hazards.

And if they say erosion hazards, then we should get involved in risk-based management, just as other insurance companies in other exposures do.

Mr. Speaker, again, it is not a perfect program. But I think it is a beginning point, and I would certainly ask my colleagues to support this first step in what we need in the way of a major change updating of our national association of activities dealing with the insurance program and the flood insurance area.

Mr. Speaker, I yield back the balance of my time.

Mr. KENNEDY. Mr. Speaker, I yield myself such time as I may consume.

I think, in response to the issues that have been raised, the fact is that this is a program that is crying out for reform. It is a program that has, as a result of its inadequacies, cost the taxpayers of this country billions of dollars.

We just, this past year, have had to provide over 5 billion dollars worth of assistance to families and farmers in the Midwest that in fact billions could have been saved if premiums had been paid up. Premiums are not paid up because there is no enforcement by banks that are supposed to make certain that when someone gets a bank loan for a particular home mortgage that they are supposed to have flood insurance at the same time they get the bank loan.

The banks do not do it. What happens is, only 10 percent of the people across the country that live in places where their homes are flooded actually get this insurance. It means when the flood occurs, they only get probably $12,000 worth of government benefits, where they could have their houses replaced. And the flood insurance program could make a profit, if in fact it were run properly. It is not run properly. It vitally needs reform.

The questions that have been raised by the gentleman from Florida [Mr. GOSS] can easily be answered. If we look at the notion that somehow we are going to be ridiculously encouraging environmentalists, the only language that is added says that we should encourage State and local governments to protect natural and beneficial flood plain functions that reduce flood-related losses. That is what the purpose of the flood insurance program is. It adds nothing to the mission or purposes beyond that which were already articulated in the purposes in the enabling legislation.

Second, the notion that somehow the community rating system is going to be a stick rather than a carrot, the only thing, if Members read the bill, that we do is say, once FEMA has set the floor, which is going to be true regardless, there are going to be communities that do better. If they do better, their rates will be lowered. It is only a carrot. There is no stick involved.

I think we should have a stick, but this legislation only provides for a carrot.

Third, the notion that we should be making a flood mitigation insurance program. I would be delighted to have an insurance program if, in fact, we had some idea of how much it was going to cost. What we are trying to do here is avoid the kind of savings and loan debacle, avoid the kind of unfunded liability to end up on the backs of the American taxpayer.

Think about this. What the U.S. Senate has said on this issue is that we are going to provide people with a mitigation insurance program which will cost no more than 50 bucks.

Now, there are thousands upon thousands of homes in Massachusetts, and I dare say in the State of the gentleman from Florida [Mr. GOSS] that for 50 bucks will enable them to get $25,000 worth of benefits from the Federal Government.

They can put their houses up on stilts. They can set it back. In fact, they might even buy it out for them.

Now, I do not know how it is going to be in the State of Florida, but I guarantee my colleagues, if we provide that as a guaranteed minimum benefit to the people of Massachusetts, there are going to be thousands of them that come forward and take advantage of the program. There is no limitation whatsoever on what kinds of benefits we are going to be bestowing, but what we do is say, nobody is going to pay more than 50 bucks.

□ 1330

I will tell the Members, if we want to establish a brand new problem by passing this legislation with the amendment the gentleman from Florida [Mr. GOSS] has talked about, that is exactly what we are going to accomplish. We tried to be reasonable in terms of our approach.

As the gentleman from California [Mr. McCANDLESS] pointed out, we cannot please everyone with this legislation, but if Members want to see a program that gets up to speed, if they want to see a program that begins to pay for itself, if they want to see thousands upon thousands of Americans covered for flood insurance, legitimate flood insurance purposes, if they want to see a program that targets the 3 percent of the households in this country that are, year in and year out, offenders of this program, that provide for 40 percent of how much we have to pay out each year in benefits, then let us have a mitigation program that has a cap benefit, that allows FEMA to target those individuals that we are going to bail out, makes certain that they are the ones that need the benefit, and they are the culprits that are causing this insurance program to be broke each and every year.

I think this is a reasonable compromise. This is not a Democratic bill, it is not a Republican bill. The gentleman from California [Mr. McCANDLESS] the ranking member, and I have agreed on it. The gentleman from Nebraska [Mr. BEREUTER] who has worked for it for years, has agreed to it. The gentleman from Florida [Mr. BACCHUS] and Mr. BAKER, who comes from an area that is very flood-sensitive, have all agreed to this legislation.

I think this is a good compromise, and I strongly urge the Members of this body to support this, Mr. Speaker, as we are about to vote.

Mr. GOSS. Mr. Speaker, may I ask how much time remains?

The SPEAKER pro tempore (Mr. DARDEN). The gentleman from Massachusetts [Mr. KENNEDY] has 5 minutes remaining.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would say to the distinguished gentleman from the Commonwealth of Massachusetts [Mr. KENNEDY] I have a copy which I think is the operative copy we are dealing with here, and it says, "The Director shall carry out a community rating system program to evaluate the measures adopted by areas and subdivisions thereof," et cetera, et cetera, and it includes, under this mandatory language, "to complement adoption of more effective measures for flood plain and erosion management." That is pretty broad. That is my concern, Mr. Speaker. The gentleman has articulated and eloquently stated the goals that he wants to accomplish, and so do I. We all do. I favor those goals. What I am worried about is that kind of ambivalence.

Mr. KENNEDY. Mr. Speaker, I think, if the gentleman keeps reading, he will read where it says they do it voluntarily.

Mr. GOSS. The problem I am concerned about, Mr. Speaker, if the gentleman will continue to yield, is remember, we started this program with voluntary participation by the lending institutions. Congress then came back and put the teeth of this legislation in the lending institutions.

Mr. KENNEDY. Reclaiming my time, Mr. Speaker, they do not do it. I understand, but the fact of the matter is that the gentleman raises a good point, which is that the lending institutions do not do it the way they should. What we are trying to do is reform that issue in this legislation.

Second, the gentleman raised a question of whether or not they were carrots or sticks, with regard to communities that come under this program. What we are trying to suggest to the gentleman is that there are voluntary standards that, if the community needs, they will get a reduced premium charged to the households that live in that community. I do not think that can be deemed as a stick. That is simply a carrot to try to get the localities to improve the rules and regulations on building standards within their jurisdiction. That is all we are trying to accomplish here.

Mr. GOSS. If the gentleman will yield further, my concern is that that is a reasonable interpretation, but I fear an attorney might have a different and equally reasonable interpretation that would have to be resolved in the court.

Language like "encouraging State and local governments to protect natural and beneficial flood plain functions that reduce flood-related losses" invites litigation. Does that mean I am a farmer in Missouri and I can no longer plant where the flood was last year, because it is a natural flood plain, and there are environmental consequences? That is very broad language, I submit.

Mr. KENNEDY. Reclaiming the balance of my time, Mr. Speaker, I think the reality is that we are not talking about some broad mandate. What we are talking about is some language that, in any piece of legislation that we act on here in the Congress of the United States, there is going to be enabling legislation.

I remember the legislation that created the Office of Economic Opportunity. It talks about the elimination of poverty in America, and I suppose the gentleman could make the case that somehow a lawyer could bring suit against someone because we have not eliminated poverty.

This is enabling legislation. It talks about the purposes for which the bill is established. To try to twist this into some kind of legalese, or that somehow it is going to hand all the marbles over to the environmentalists, is just a twist of wording to try to nail down or try to knock down the passage of this legislation.

Mr. Speaker, I believe very strongly that we have a good compromise, that we have a bipartisan compromise, that we have worked with Members whose districts incorporate a great many flood zones. I happen to come from a State that has a tremendous amount of coastline. I am very sensitive to the needs of homeowners and the rights of cities and towns that are on the coast.

Mr. Speaker, we do nothing to hurt those cities and towns. What we do do is protect and encourage the provision of a new flood insurance program that will look out for the taxpayer, that will at the same time enable those individuals that are truly damaged to get the kind of compensation that they need, and at the same time, over a period of time, reform the overall coastal zone management of our country. That is what we are trying to accomplish. That is what this bill does. I urge its adoption.

Mr. GEPHARDT. Mr. Speaker, I rise today in support of the National Flood Insurance Reform Act, H.R. 3191. I would like to commend Representative KENNEDY and his subcommittee for their efforts to bring this much-needed legislation to the floor.

What we saw in the Midwest last summer was a total catastrophe. It is estimated that the flood caused over $2 billion in damages in Missouri alone. Areas of my district were underwater from July through September. The Mississippi River and its tributaries devasted our Nation's heartland.

Fortunately, in many cases, flood insurance saved families and businesses from financial ruin. Paying regular premiums over the years allowed them to rebuild after the flood waters receded. If they had been flooded repeatedly, the insurance program would help them move out of the floodplain and away from danger.

Although areas of the Midwest had a higher than average rate of flood insurance purchases, in too many cases this past summer, people did not have insurance. Some people were not aware of the program. Others may have thought homeowners' insurance would cover their losses. Or perhaps their community chose not to participate in the program. In any case, those without flood insurance had to rely on their own savings or Federal assistance to rebuild.

The National Flood Insurance Program provides flood insurance for properties located in flood-prone areas where the community has instituted floodplain management measures. The program is intended to provide a more cost-effective alternative to costly Federal disaster assistance by encouraging communities to take preventive measures that reduce flood losses and by providing insurance to people who live in the floodplain. For program participants this past summer, recovery was eased by the insurance payment.

Arnold, MO, a town in my district, is an example of how the flood insurance program should work. Arnold has made aggressive use of the program. The community joined the program, worked to reduce risk by turning flood-prone land into open space, and encouraged residents to purchase flood insurance. If residents have been flooded repeatedly, the city has made use of Federal programs to buy their property and move them out of the floodplain.

Currently, federally regulated financial institutions must require flood insurance before lending money for property in a floodplain. However, non-federal financial institutions do not have that requirement. This bill would require all lending institutions to obtain flood insurance for property in a floodplain and would assess penalties if loans are made for property in a floodplain without insurance. This measure will increase compliance and reduce the Federal burden of the recovery after a flood occurs. It will help victims of a flood and reduce the Federal financial burden after a disaster.

In addition, if communities, like Arnold, take actions which reduce the likelihood of flooding, premiums in that area will be reduced. After the Midwest flooding, many communities chose to turn particularly hard hit areas into fields or playgrounds. If another flood occurs, there will be little if any property damage. In the meantime, children and adults have an open park to relax and play.

I would urge anyone living in a floodplain to purchase flood insurance. Then, if disaster strikes, they have some recourse for recovery. Also, I would encourage communities to take advantage of floodplain management programs that reduce the risk of flooding and lower premiums. This bill will encourage both to occur. Once again, I commend the subcommittee on its efforts and express my strong support for this legislation.

Mr. HUGHES, Mr. Speaker, I rise in support of H.R. 3191 legislation to reform the National Flood Insurance Program.

The National Flood Insurance Program was established by an act of Congress in 1968 and substantially amended in 1973. The intent of the program is to provide financial protection for property owners against flood loss while, at the same time, working with communities to develop floodplain management programs that will reduce or prevent future losses. Premiums collected from policies issued under the program help reduce the need for taxpayer funded disaster assistance payments.

I believe that, for the most part, the National Flood Insurance Program has served its purpose well. However, as many in this body, in New Jersey, and across the country have pointed out, there is substantial room for improvement. We need to strengthen this program and increase the stability of the National Flood Insurance Fund.

A while ago, Congressman JIM SAXTON and I introduced legislation to improve the National Flood Insurance Program, H.R. 4125, the Flood Insurance Risk Management Act. We did this to expand the debate on flood insurance reform and to offer our colleagues our view on where we should be going with respect to this issue. We also did this to highlight some of the concerns we had with H.R. 3191 as originally drafted.

When I introduced my bill, I stated that I wanted to work with the chairman and the gentleman from Florida to try to iron out the differences in our bills and come to the floor with a consensus bill. I want to compliment Mr. KENNEDY and his staff for taking that offer seriously and working with Mr. BACCHUS, Mr. SAXTON and me. The legislation that is before us today is a much different and improved version of H.R. 3191, and a great deal of the credit for those improvements must go the distinguished chairman of the Consumer Subcommittee, Mr. KENNEDY and the distinguished gentleman from Florida, Mr. BACCHUS. This is a national flood insurance reform proposal that will benefit both the Flood Insurance Program and the Policyholders.

H.R. 3191 will assure that those who purchase properties in special flood hazard areas carry flood insurance in order to obtain a loan from a federally backed lender. While the law does require this now, the current enforcement provisions are not strong enough to ensure that once a mortgage holder purchases insurance, that person maintains the insurance as long as he or she owns the property. The result is that only some 15–20 percent of those who should carry flood insurance actually have it in force.

H.R. 3191 will provide lending institutions the authority to purchase and maintain flood insurance for those whose properties are in special flood hazard areas and are required to carry insurance under the law. Furthermore, the bill requires that lenders who are providing loans for properties in special flood hazard areas inform borrowers of their requirement to carry flood insurance in advance of a closing.

Clearly, H.R. 3191 will do more than strengthen enforcement of existing law. The act will help strengthen the stability of the National Flood Insurance Program by giving communities incentives and funding to reduce risks. For example, the bill establishes a community rating system that will provide premium credits for communities that pursue recommendations to eliminate flood-prone conditions.

H.R. 3191 will also help communities and individuals to reduce flood risks by establishing a grant program to aid in mitigation planning and to help cover the costs of mitigation. Some of the activities eligible for grants under this program include floodproofing of individual structures, beach nourishment, construction of sea walls and levees, and the public purchase of properties to create buffer zones.

The bills that both Congressman BACCHUS and I introduced contained provisions for mitigation insurance to help defray the costs of bringing older, flood prone structures into compliance with FEMA guidelines—a procedure that would, in the long run, save money for the flood insurance fund. However, chairman KENNEDY had legitimate cost concerns about such a program and opted not to include it in the compromise legislation. To his credit, he worked with Mr. BACCHUS and me to tailor the grant program toward individuals as well as communities. I certainly appreciate the chairman's efforts, but I would still ask that the gentleman from Massachusetts and others who will be conferees on this legislation, strongly consider the merits of the mitigation insurance program that is included in the Senate version of this legislation. I believe that, in the end, Mitigation Insurance will be the best way to ensure that the structures that cost the fund the most money are floodproofed.

And let me just take a second to talk about these structures, which are known as repetitive loss structures. These are properties that have suffered at least two loses of 25 percent or more over a 10 year period. These structures represent the largest drain on the flood insurance fund, accounting for some 40 percent of claims. Almost all of these repetitive loss structures are subsidized buildings not designed to FEMA's post-1974 construction standards which require elevation to the 100 year flood level and other floodproofing measures.

I know that Chairman KENNEDY is interested in removing subsidies for these and other structures over a period of time—and I share that view. One of the most frequently heard criticisms about the flood insurance program is that it provides subsidies to landowners in risky areas.

As many of my colleagues know, under the law, the Director is given the authority to charge less than actuarial rates on certain structures in order to make flood insurance available and affordable. I agree in part with this philosophy because it is important that we have broad participation in the program. However, it is time we begin to move toward actuarial rates. I do not believe it was Congress' intent to provide that subsidy in perpetuity.

I believe that we must make a serious effort to move the Flood Insurance Program away from subsidies and do it is such a way so as not to strain policyholders. In my bill was a provision which would require that in order to offer policies at less than actuarial rates, the Director must certify to the President and Congress, on a biannual basis, that such rates are necessary in order to make insurance available where necessary at reasonable rates so as to encourage participation in the National Flood Insurance Program. This would have forced FEMA, Congress and the administration to reassess the need for subsidies every 2 years and changed the basic emphasis of the program.

I know that the chairman has been interested in pursuing such a measured move away from subsidies, and commend him for his forward thinking. I am also appreciative of his interest in my ideas on this matter, and although we were not able to include such a provision in this particular bill, I hope that we can work together to begin to take balanced and realistic steps toward a more risk-based flood insurance system.

Again, I would like to thank and compliment Chairman KENNEDY and Mr. BACCHUS for their work, as well as Mr. MCCANDLESS and Mr. BEREUTER who—as I have said before—has worked hard over several years on this issue. This bill is a good first step toward a more sound flood insurance program. I urge my colleagues to support the measure.

Mr. SHAW. Mr. Speaker, I believe the House is making a serious mistake today in considering a matter as important as reform of the Federal Flood Insurance Program on the Suspension Calendar. I object to the use of this expedited process, and I urge Members to defeat this flawed legislation.

I recognize and appreciate that the present legislation is a vast improvement over earlier versions, especially with regard to the elimination of erosion zone mapping. In fact, FEMA estimated that had erosion zone mapping become a reality, property owners in erosion zones could have seen their premiums rise anywhere from $1,100 per year for a condo to as much as $18,000 per year for a $250,000 single family home. That would have absolutely devastated communities in my district. I am gratified that voices from Florida and coastal areas around the country were heard and erosion zone mapping was removed from this legislation.

Still, consideration under suspension of the roles prohibits Members from offering amendments to other controversial provisions that remain in this bill. I believe a number merit separate consideration and amendment. Just one example is how this bill would modify the Flood Insurance Program by adding the purpose of encouraging State and local governments to protect natural and beneficial floodplain functions that reduce flood-related losses. This may sound harmless. However, listing this additional purpose is an open invitation for lawsuits blocking needed projects as simple as a seawall. Similarly innocuous purposes in HUD legislation have encouraged groups to sue, which supports the fact that H.R. 3191 will open the door to further mass litigation.

I frankly doubt that more than a handful of Members have reviewed or even seen the legislation that is before us for a vote, which was rushed to the floor after an agreement was reached only last week. Many Members will recall that the House approved similar flood insurance reform legislation in the previous Congress. After cries of outrage were heard from real Americans who understood what was at stake, the Senate succeeded in effectively blocking passage of that legislation. I fear the same fate may befall this bill unless changes are made.

Real reform of the Flood Insurance Program is needed, and I commend the Members who have already made improvements to this bill. The remaining problems, however, make it too controversial for consideration on the Suspension Calendar. I encourage Members to vote against this bill, so that the Rules Committee can send it back to the floor with the opportunity for amendments that will make it a true reform bill that all Members can support.

Mr. ROTH. Mr. Speaker, I urge my colleagues to vote for this compromise version of H.R. 3191, the National Flood Insurance Reform Act of 1994.

This bill is important to all States, especially the Great Lakes States, with significant coastal and riverline development.

I am glad to see common sense has prevailed after all in providing this alternative.

Before us today is a compromise version. I objected to provisions originally that without appropriate study, preempted State and local land use and planning laws.

Real estate markets, property tax rolls, and local economies would have been destabilized for years while the mapping proceeded.

The compromise before us today, instead, would require an economic impact study within 2 years to assess the costs and benefits of mapping coastal and river erosion zones.

The State of Wisconsin supports enactment of this bill and is particularly supportive of the provisions for the erosion areas study.

The reason is that flood insurance losses are driven up by major eastern beachfront losses from erosion—not from flooding.

I agree with those who say we should examine carefully the present practice of covering losses caused by beachfront erosion as well as losses caused by flooding.

One key policy question is whether those in erosion-prone areas should be required to buy erosion-loss insurance as well as flood-loss insurance.

The study called for by this bill could provide information on which this and other issues could be addressed by an informed Congress.

The bill before us today is basically designed to encourage lenders and about 8.5 million eligible residential and commercial property owners to buy and maintain flood insurance on buildings located in flood-hazard areas.

Civil money penalties would provide the encouragement. Only about 20 percent of eligibles currently pay for flood insurance.

One major goal is to eliminate borrowing tax dollars from the Treasury to cover flood-related losses. Such borrowing is estimated at $100 million in fiscal year 1994 alone.

This bill would cut taxpayer costs of the National Flood Insurance Program while improving and expanding its operations.

I urge my colleagues to vote for this bill.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 3191, the National Flood Insurance Reform Act. In particular, I want to express my appreciation to Chairman KENNEDY for addressing the concerns of many Members regarding the erosion zone provisions in the original version of the bill.

I thank Chairman KENNEDY and Mr. MCCANDLESS for working with Mr. BACCHUS, Mr. BAKER, and other Members from coastal areas like myself who had serious concerns over section 407 of the bill. This section would have essentially prohibited flood insurance for homes in the 30- or 60-year erosion zones.

This provision would have negatively impacted coastal communities, like those in Delaware, without a proven benefit to the Flood Insurance Program. I am pleased that the bill before us today has been modified to require an independent economic impact study to assess the costs and benefits of mapping erosion zones.

H.R. 3191 will improve the National Flood Insurance Program and strengthen its financial soundness. Enforcing the purchase of flood insurance through banks and other mortgage lenders will cover more homes and bring more homeowners into the program. This will help keep the fund in the black, maintain premium rates at a fair level, and ensure its ability to cover claims.

Residents in areas prone to flooding should be required to purchase and maintain flood insurance. This legislation will enhance this goal.

While not perfect legislation, H.R. 3191 will improve the financial stability of the Flood Insurance Program and provide fair treatment to homeowners in coastal areas. I support passage of the bill.

Mr. KENNEDY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. KENNEDY] that the House suspend the rules and pass the bill, H.R. 3191, as amended.

The question was taken.

Mr. GOSS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. All those in favor of the yeas and nays will stand and remain standing.

A sufficient number having arisen, pursuant to clause 5 of rule I, and the Chair's prior announcement——

Mr. KENNEDY. Mr. Speaker, I would inquire of the Chair what the rule is about a sufficient number of Members rising.

The SPEAKER pro tempore. The Chair advises that one-fifth of those present constitutes a sufficient number.

Mr. KENNEDY. I would ask if the Chair would just count them up, please, Mr. Speaker.

The SPEAKER pro tempore. The Chair already counted two Members standing. There are less than 10 Members on the floor.

Mr. KENNEDY. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1994

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 414 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 414

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3254) to authorize appropriations for the National Science Foundation, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minutes rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science, Space, and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 414 is an open rule providing for the consideration of H.R. 3254, the National Science Foundation Act of 1994. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. The rule also makes in order the Science, Space, and Technology Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment. The substitute will be considered by title with each title considered as read.

Under the rule, all points of order for failure to comply with clause 5(a) of rule XXI are waived against the committee substitute. This waiver, Mr. Speaker, pertains to the prohibition of appropriations in a legislative bill, and is necessary because of a technical violation having to do with debt-for-science exchange grants. I understand all concerned parties are in agreement with this waiver. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 3254, is an important bill which is the result of hearings and careful consultations. It authorizes $3.2 billion for fiscal year 1995 which reflects the administration's requested level, and $3.39 billion for fiscal year 1996 for the National Science Foundation [NSF]. The NSF provides basic research to our colleges and universities, and nonprofit organizations. Its grant awards promote valuable research, including biological, computer, engineering, earth, and physical sciences. The committee has done an excellent job of designing an authorization bill which will promote the research necessary to ultimately make our country competitive.

Mr. Speaker, H.R. 3254 was favorably reported out of the Science Committee by voice vote. I am pleased this open rule received unanimous support in the Rules Committee, and I urge my colleagues to adopt it.

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Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I need.

Mr. Speaker, the gentleman from Ohio [Mr. HALL], has described this open rule, and I strongly support it. I'd like to point out that this is the first completely open rule reported from the Rules Committee since November 9 of last year—almost 7 months ago. I urge my colleagues to take note that during the 103d Congress, only 21 percent of all the rules reported by the Rules Committee have been open rules. That's only 13 out of 61 rules. Mr. Speaker, we owe it to the American people to have an open legislative process that allows all Members to fully participate, and I hope we'll see many more open rules during this second session.

This bill authorizes funding for all the major activities of the National Science Foundation, which is the primary agency providing Federal support of university research into physical and mathematical sciences. This is a commendable and important function—one which I support. However, there's always been some controversy surrounding certain research grants made through the Foundation, and I hope that the House will make sure that this authorization bill tightens up the process so that only research projects with true scientific value receive Federal funds, not asinine projects.

This open rule will allow all Members to have the opportunity to perfect this legislation, and I urge its adoption.

Mr. Speaker, I include for the RECORD the material on open versus restrictive rules, as follows:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	61	13	21	48	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Apr. 29, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the Chairman emeritus, my friend the gentleman from Tennessee [Mr. QUILLEN] for yielding me this time.

Mr. Speaker, I simply want to congratulate my friends in the majority for their courage in bringing forward a truly open rule, and I mean that sincerely—the first of its kind actually since last November 9, if our records are correct. No restrictions on amendments, except under the standing rules of the House, which is the way it is to be, those are the rules we all understand; no preprinting requirements, no convoluted king of the hill. This rule today is completely pure. Because I am often in the position of criticizing our Democrat friends on the Committee on Rules and in the leadership for arbitrarily shutting down debate on important issues, it seems only fair to me to take this brief opportunity to commend them today for their openness in handling this legislation this way. If this new commitment to deliberative democracy could only become the norm instead of the exception, then I think we can truly have made real progress and report to the American people we have made real progress in restoring the credibility of this House with the American people.

Mr. Speaker, I must note to date, as my colleague from Tennessee has said, that we have seen only 21 percent open rules, that compares with 85 percent during the 95th Congress, and that was only about 15 years ago.

Mr. Speaker, I implore the Democrat leadership to continue in the vein of today's rule, open up this House and allow free debate, let Members discuss what the people back in their districts feel; let them talk about things that matter, not just on the controversial subjects but on things that matter.

Mr. Speaker, I think there is no issue out there that most Americans would not appreciate hearing honest, bona fide debate on.

About the only way we can ensure the best possible product for the American people in this deliberative body is by this open rule process, and I think the more we have it, the more we will use it wisely.

Mr. Speaker, there are two very important benefits coming from the use of open rules: First, there will be less inclination to use the discharge petition process that so many are concerned about, and the second is I think it will help restore some of the credibility that we seem to have lost. When 84 percent of the people in this country say they do not trust the U.S. Congress to handle their business with approval, it seems to me it is time for us to raise that credibility by going forward and showing the people of America we indeed do good work with open rules.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DARDEN). Pursuant to House Resolution 414 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3254.

□ 1346

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3254) to authorize appropriations for the National Science Foundation, and for other purposes, with Mr. OBERSTAR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia [Mr. BOUCHER] will be recognized for 30 minutes and the gentleman from New York [Mr. BOEHLERT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3254 the National Science Foundation Authorization Act which authorizes programs in basic science, engineering research, and in science education that are the basis for the future strength of our economy and which will enhance the well-being of our society.

I want to thank the gentleman from New York [Mr. BOEHLERT], the ranking Republican member of the Science Subcommittee, and the other members of the Science Subcommittee for their thoughtful contributions to the legislation. I particularly acknowledge the assistance of the chairman of the Committee on Science, Space, and Technology, the gentleman from California [Mr. BROWN].

The National Science Foundation is a small agency with a disproportionate importance to the Nation's scientific and technical enterprise. It is the only Federal agency with the sole mission to support basic science, engineering research, and education in the Nation's secondary schools, colleges, and universities. Although NSF represents only 4 percent of the Federal R&D budget, the agency provides one-quarter of all Federal support for basic research at the Nation's colleges and universities.

In addition, NSF is an important participant in multiagency research efforts in strategic areas. For the High Performance Computing and Communications Program, which provides the technological underpinnings for the administration's initiative on the national information infrastructure, NSF provides approximately 30 percent of the total funding. It is a major participant in other high priority national research projects including those on global climate change, critical materials, advanced manufacturing, and biotechnology.

The NSF provides for the operation of major research facilities, including the optical and radio astronomy observatories, high-energy nuclear particle accelerators, research ships, and the high magnetic field laboratory. It plays a large role in precollege and undergraduate science and mathematics education through programs of model curriculum development, teacher preparation and enhancement, and informal science education.

The importance of the NSF to the Nation's future is well reflected in the bipartisan nature of the efforts in recent years to enlarge the agency's budget. In 1987, former President Reagan proposed doubling the NSF budget over 5 years. Annual budget proposals of Presidents Reagan, Bush, and Clinton from fiscal year 1988 through fiscal year 1994 have supported achieving that goal. And the Clinton administration's budget request for fiscal year 1995 will reach the doubling level first proposed by President Reagan.

H.R. 3254, as reported by the Science, Space, and Technology Committee, provides funding authority for NSF for fiscal years 1995 and 1996. The total authorization level of $3.2 billion for fiscal year 1995 conforms exactly to the President's request. The bill provides an authorization of $3.39 billion for fiscal year 1996, an increase of 6 percent, which supports the President's designation of NSF as an important part of his science and technology investment plan.

The Science Committee has received testimony over several years on the serious deterioration of university research facilities, and on the adverse effects this deterioration is having on the ability of universities to perform leading-edge research. The 1992 edition of NSF's biennial survey of academic facilities needs indicates that only 27 percent of existing research space is suitable for conducting the most sophisticated research and 39 percent is classified as totally inadequate.

In addition, 34 percent of all institutions, and 40 percent of the major research universities, reported inadequate amounts of research space.

By authorizing $150 million for the NSF facilities program for fiscal year 1995 and $200 million for fiscal year

1996, H.R. 3254 will reassert the importance of this merit-based program and will fund it at a level that will genuinely begin to address our needs.

The bill also recognizes that the scale of the facilities shortfall—estimated to be at least $10 billion—is too great to be met solely with the resources available to NSF. Therefore, the legislation requires the Office of Science and Technology Policy to develop a plan for a multiagency facilities program to include estimates of funding by agency and the timeframe necessary to relieve substantially the backlog of substandard facilities. The bill seeks to encourage universities to rely more fully on this expanded facilities program by prohibiting NSF from awarding a facility grant to any university which receives a facility earmark in the future through the appropriations process.

The authorization levels for research activities will allow NSF to increase support for individual investigators and also ensure that new research opportunities may be pursued which require interdisciplinary research teams. Sufficient growth is provided to allow NSF to increase its participation in existing and planned interagency initiatives of national importance.

To provide Congress with a clear statement of the agency's goals as they evolved over time, the bill requires NSF to submit an annual report containing a 3-year plan highlighting expected areas of program emphasis, including research initiatives under development, and containing criteria and procedures for assessing progress toward the defined goals. A separate, related requirement calls for the development and annual updating of a 5-year plan for new construction of NSF national research facilities, such as telescopes, and upgrades to existing national facilities.

Mr. Chairman, H.R. 3254 provides the resources and defines the priorities which will allow the National Science Foundation to meet its responsibilities to support basic research and education in science and engineering and to strengthen the Nation's research potential. It is my pleasure to commend the measure to the House for its favorable consideration.

□ 1350

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to congratulate Chairman BROWN and Chairman BOUCHER on bringing forward a fine National Science Foundation authorization bill, as usual. We will have debate later on the precise funding levels in this bill—I think they are unrealistic now—but there is no difference on fundamental principles.

NSF continues to be a model agency, well run, well organized, carrying out a proper and focused mission. I think it is safe to say that our committee remains unanimous in its admiration for the Foundation's work.

I think our committee is also unanimous in its support for the NSF facilities program. This is not a partisan issue. Republican and Democratic administrations have opposed full funding for this program; Republican and Democratic legislatives have supported it.

I am not sure why administrations oppose this program—perhaps it is a bit of "not invented here" syndrome. After all, the data demonstrating the need for facilities improvements has come out of reports requested by the White House—reports by people appointed by the White House. And the need for improved facilities comes up any time any of us are on university campuses. So, I think we will stick with our efforts to build up the facilities program, and I expect the Senate will follow suit.

The most important provision in this bill, as far as I am concerned, is title V—undergraduate education. It addresses a problem that has been ignored for too long.

Of all the problems facing American education, the decline of undergraduate education ought to be one of the easier ones for us to solve. That is because the problem is largely an artifact of our own policies. We have richly rewarded research without requiring any concomitant devotion to education. Not surprisingly, academic interest has followed the money, and we are left with the present state of affairs.

Yes, universities have begun to address this issue, but some of their responses have merely highlighted how severe the problem is. Various universities have trumpeted the fact that they now ensure that their foreign-born teaching assistants can be understood or that they have managed to get some senior faculty to teach. The fact that these meager changes can be viewed as real accomplishments shows how far our universities have drifted from their teaching mission.

We need fundamental change at our universities—change so that professors who are interested in teaching do not feel like kooks or pariahs. That requires more than tinkering. The reaction of some university groups to the mild language in this bill is another sign of how badly a change in mindset is needed.

Now, I do not want to be misunderstood. My point is not that research and teaching are unrelated, or that there should be no research faculty. My point is that we must get away from a mindset that systematically undervalues undergraduate education.

NSF also has to do some rethinking—and is required to do so by this bill. We ought to figure out how to distribute research dollars in a way that does not provide disincentives for education.

Perhaps some kind of institutional commitment to education ought to be a condition for receiving research awards. Perhaps undergraduate assistants should be included in all federally funded research projects. Perhaps NSF should fund the program Chairman BROWN and I created in 1990 and fund some Centers of Excellence in Undergraduate Education. I will wait to see what NSF recommends.

Title V is a recognition that things have to change, that we need to do more than complain about undergraduate education. The provision in this bill has been significantly redrawn since its introduction in October to reflect the legitimate concerns of universities and some helpful suggestions from the American Chemical Society. We have replaced annual reporting with a trimmed-down one-time study that seeks information that should not be a burden to anyone.

Title V must be retained in conference.

I look forward to continuing to work with my colleagues to improve this bill.

□ 1400

Mr. Chairman, I reserve the balance of my time.

Mr. BOUCHER. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from California [Mr. BROWN], chairman of the full Committee on Science, Space, and Technology.

Mr. BROWN of California. I thank the distinguished gentleman from Virginia [Mr. BOUCHER] for yielding this time to me.

Mr. Chairman, I want to congratulate the gentleman from Virginia [Mr. BOUCHER], the subcommittee chairman, for his leadership in bringing this bill to the floor. I would like to acknowledge the efforts of our colleagues on the other side of the aisle, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from New York [Mr. BOEHLERT], the ranking members of the committee and subcommittee, respectively, for their constructive efforts in the preparation of this bill.

Let me state that with regard to the gentleman from New York, Mr. BOEHLERT's contribution, it has been exemplary. His dedication to the cause of improving the National Science Foundation and the basic science support and science education mechanism is far larger that I would be able to indicate here.

I want to acknowledge that. I also want to acknowledge the fact that he has been extremely interested in joining with me in the pursuit of some curtailment of this program of earmarking which, unfortunately, has become widely prevalent in the Congress. This bill contains some provisions which are aimed at discouraging the use of earmarking. What has been, of course, an argument for those who support earmarking in the past has been that there are no authorized programs to provide for this need, so we have to do it directly on the appropriations bills.

Now, the gentleman from Virginia [Mr. BOUCHER] has already discussed the fact that we have gone beyond the recommendations of the administration in authorizing a facilities program in this bill. And the gentleman from New York [Mr. BOEHLERT] has indicated that he thinks that we will be able to support this in conference and to authorize the program.

It is particularly frustrating and discouraging to have people come to the floor in defense of earmarking and to say there is no authorized program and then, when we have an authorized program, not to fund that authorized program. This is a rather hypocritical way to justify a practice which we have long felt was not in the best interests of the Congress; that is, the direct appropriation without authorization of funds for facilities that are thought to be valuable and of high priority but which no one has reviewed other than the sponsor of that particular provision.

Now, I do not wish to belabor that. That will be a subject in future discussions on the floor here. But I wanted to pay tribute to the gentleman from New York [Mr. BOEHLERT] for the work that he has done. I will have to confess that he has wanted to go even further in putting provisions in this bill to prohibit earmarking, further than I thought were justified. But I want to commend him for this effort and to assure him that if we continue to be frustrated in what we are seeking to do in bringing this practice under control, I am likely to support almost any effort, including the one which he has proposed, which is rather draconian, in future pieces of legislation.

I would also note, without elaborating, that this bill goes further in enabling the National Science Foundation to participate in international scientific efforts and support for those activities, including assisting in the development of international science foundations, both binational and multinational foundations. I think this is in accord with the needs at the present time.

Let me say just one final thing, and it is more or less anecdotal. I had the opportunity—I was invited to participate this morning in a press conference involving the National Science Foundation. The press conference at the National Press Club was to announce the formation of a partnership between the National Science Foundation, Disney Corp., and the Public Broadcasting System for the preparation of materials and the airing of program materials on science for young people. It was ostensibly aimed at fourth-graders, but having seen one of the tapes of these programs yesterday, I can assure you that it will attract far more than fourth-graders.

I want to say that here again the National Science Foundation is demonstrating its leadership in creating these partnerships which allow them to leverage, in this case, about 3 or 4 to 1 the investments the Foundation is making in science education for elementary school kids, in this case, but it also will contribute to adult scientific literacy as these programs are aired around the country and even to some extent around the world.

The NSF role is to fund the preparation of the science materials which accompany the program and allow the young people who watch the program to get far more educational impact out of this program.

So this is a marvelous thing which, having just participated in publicizing it this morning, I want to again note here on the floor the importance of the NSF role, and I hope that they will continue with this kind of support for science education wherever they get the opportunity.

Mr. Chairman, H.R. 3254, the National Science Foundation Authorization Act of 1994, represents an important investment in the Nation's future. The importance of NSF was recognized in President Clinton's comprehensive economic plan, "A Vision of Change for America," presented to Congress early last year, in which NSF was targeted for substantial growth.

The budget constraints we face have forced a reduction in the proposed increase for NSF in this bill, but the bill still provides the real growth necessary to allow NSF to meet its many responsibilities for support of research and education in the sciences, mathematics, and engineering.

I congratulate Mr. BOUCHER, the Science Subcommittee chairman, for his leadership in crafting H.R. 3254. Also, I would like to acknowledge the efforts of our colleagues on the other side of the aisle, Mr. WALKER and Mr. BOEHLERT, the ranking Republican members of the committee and of the subcommittee, respectively, for their constructive efforts in the preparation of this bill.

The programs supported by the National Science Foundation in science and engineering research and in education provide the underpinnings for the long-term economic health and well-being of our country. These programs generate the new knowledge and produce the human capital needed to fuel a technologically based economy. Ultimately, the success of NSF programs are reflected in such concrete ways as the productivity of the Nation's work force.

H.R. 3254 provides a total authorization of $3.2 billion for NSF in fiscal year 1995, which is the administration's requested level, and $3.39 billion for fiscal year 1996, which is a 6-percent increase above the previous year. The bill signals the intention of the Science Committee to maintain the core research and education programs of the Foundation, while providing sufficient growth to allow NSF's participation in major interagency research initiatives and to address the serious shortfall in support for refurbishment of university research facilities.

The National Science Foundation's programs help to produce the scientists and engineers needed to meet the needs of industry and the national defense establishment, as well as to renew the ranks of research scientists in academia, industry, and government. Not only is direct support provided for graduate students but also for precollege and undergraduate science and Mathematics education programs to help sustain the pipeline for future scientists and engineers. Moreover, NSF supports initiatives to attract more women and other underrepresented groups to careers in science and engineering.

The constraints placed by the bill on budget growth for the NSF education directorate for fiscal years 1995 and 1996 do not signal a lessening of importance of the education programs, but rather signal a period for consolidation of the rapid growth which has been provided to the education directorate in recent years. The education directorate budget has nearly tripled between fiscal years 1990 and 1994, and now contains sufficient resources to sustain NSF's initiatives to effect systemic change in science education.

Among other provisions, the bill strengthens NSF's role in international scientific cooperation. New authority is provided to NSF to allow support for debt-for-science exchanges and to facilitate the establishment, and to participate in the operation, of binational and multinational endowed science foundations. Such activities will help to improve international understanding and contribute to enlarging the international base of support for the creation of fundamental knowledge.

Mr. Chairman, the research and education programs supported by NSF are truly an investment in our Nation's future. H.R. 3254 endorses the role of NSF in the President's technology investment plan. The authorizations provided by this legislation will support programs that generate new knowledge and develop the human resource base that underpins our entire R&D enterprise.

Mr. Chairman, I urge my colleagues to support passage of H.R. 3254.

Mr. BOEHLERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER], the ranking member of the full committee.

Mr. WALKER. I thank the gentleman for yielding.

Today, Mr. Chairman, we are voting on legislation that emphasizes the proper role of Government. The National Science Foundation is one of the best examples of Government using taxpayers' money to provide the greatest rate of return on investment. This investment will support more than 19,500 projects in research and education, directly involving almost 150,000 students, teachers, scientists, mathematicians, and engineers. These activities contribute directly to the strengthening of the scientific and technical work force of the country and raising the scientific literacy of all Americans.

Much of the work done by the National Science Foundation is in basic research that would not be accomplished, certainly at the rate it is accomplished, without Government support.

By supporting basic research based on competition, merit, and peer review, the National Science Foundation is able to maintain the health and vitality of the U.S. academic science and engineering enterprise.

But as we consider this bill, I think we need to understand that this is a bill that can be improved in some ways. The gentleman from New York [Mr. BOEHLERT] offered an amendment in committee to increase the current funding of the National Science Foundation but not at the rate that was chosen by the President. Instead Mr. BOEHLERT chose to keep us within the budget figures that the House of Representatives has already acted upon and then in the 1996 fiscal year to go with the figures that the Office of Management and budget has outlined.

As we will discuss later in the amendment process, Mr. BOEHLERT's budget numbers are very responsible and should be supported by the House. The amendment was narrowly defeated in the markup in the committee, and it seems to me is an amendment that deserves the attention and the support of the House of Representatives because it is a responsible action to take.

I think that is the only main difference that we have with the bill. I know there will be some other amendments offered. But out of the committee, that is one of the issues that we think needs to be addressed.

Despite that one difference of opinion, I do want to express my thanks to the gentleman from California, Chairman BROWN, and his staff, and the chairman of the Subcommittee on Science, the gentleman from Virginia [Mr. BOUCHER], for their efforts in addressing our concerns as we went through this bill.

Additionally, I wanted to add special thanks to the subcommittee's Republican ranking member, the gentleman from New York [Mr. BOEHLERT], for his leadership in support of efforts in this cause. Mr. BOEHLERT is one who truly believes in this mission of the National Science Foundation, and that is reflected in this bill, and he deserves a lot of credit from not only our committee but from the House of Representatives for the leadership he provides in this arena.

With that, I yield back.

□ 1410

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BOUCHER. Mr. Chairman, I, too, have no further requests for time. I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BOUCHER] having assumed the chair, Mr. OBERSTAR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration and the bill (H.R. 3254) to authorize appropriations for the National Science Foundation, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE HONORABLE CYNTHIA A. McKINNEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CYNTHIA A. MCKINNEY:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the Rules of the House of Representatives that my office has been served with a subpoena for documents issued by the United States District Court for the Southern district of Georgia in connection with a civil case.

After consultation with the General Counsel, I will determine if compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
CYNTHIA MCKINNEY.

OUTGUNNED BY THE BAD GUYS

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KLECZKA. Madam Speaker, I am holding in my hand a copy of a story from the Milwaukee Journal, which describes in vivid detail the death and destructiveness of military-style assault weapons.

The headline reads, "Outgunned by the Bad Guys," and is a quote from Pewaukee Police Chief Ed Baumann. He was describing last Thursday's violent and tragic death of Captain James Lutz, of the Waukesha police department. Captain Lutz, a 29-year decorated veteran of the police force, was in pursuit of two bank robbers who turned their M1-A assault weapons on him, killing him instantly in a hail of 20 rounds. "It was not even close," says chief Baumann, "He didn't have a chance."

This week, the House will have the opportunity to ban the deadly weapons like the ones that cut down Captain Lutz and countless other Americans each year. This is not some knee-jerk reaction to a tragedy, this is an opportunity to take a stand on the safety of the men, women, and children of America.

This bill does not ban legitimate hunting and sporting weapons. Instead, it halts the manufacture, transfer and sale of the most deadly, the most indiscriminate, the most violent types of weapons available on the market today.

Over 670 hunting and sporting rifles are specifically exempted by this legislation, and weapons currently owned are protected by a grandfather clause. This bill does away with the most deadly instruments of terror, the weapons designed for no other purpose than to kill people quickly. How can anyone oppose that?

I urge my colleagues to think about the fear in the hearts of their constituents who see that even the police cannot defend themselves from these weapons.

I encourage my colleagues to vote for the assault weapons ban.

Madam Speaker, I include for the RECORD the article to which I referred.

OUTGUNNED BY THE BAD GUYS

The chaos began with a popping sound amid the security of a quiet rural bank.

The clock on the wall of the Bank One branch office at state Highways 18 and 83 in Wales showed about 9:30 a.m. A customer, her child and five bank employees were there when the gunman walked inside.

Inside the bank, the gunman shouted. Then he fired a shot into the wall that knocked down the clock and set into motion a series of violent events that resulted in the death of Waukesha Police Capt. James A. Lutz, 57; injuries to three other officers; a terrified and wounded hostage; and two men, believed to be 18 and 50 years of age and possibly responsible for a string of robberies in the area, in custody.

"It [the shot] sounded like a toy cap gun," One of the tellers told investigators. "Everything happened so fast."

The young gunman ordered the tellers to lie down on the floor. He waved a handgun and put on a mask. According to reports, he shouted. "Get down or I'll shoot."

"When he told us to get down we got down and didn't look up again." A teller told authorities.

The gunman and his partner, who was in a getaway car, were on a mission: Both wore body armor, and they carried a 9mm handgun and two M-14 semiautomatic assault rifles.

As the employees lowered their heads, the gunman rifled through cash boxes in the bank. He fled with an undetermined amount of cash.

Outside, the husband of the bank customer saw what was happening through the front door windows. As he left the bank parking lot to call police, he spotted another man, in what appeared to be the getaway car.

The gunmen, driving a silver Ford Taurus with no license plates, drove east on Highway 18, north on County Highway G and east on Silvernail Road toward Waukesha. Officers were already responding, thanks to a silent alarm at the bank, but they were aided by the man's description of the car.

THE FIRST CHASE

Officers in two Waukesha squad cars were the first to spot the robbers. Lutz, a nearly 30-year veteran of the force, was driving an unmarked squad car. He was tailed by Officer Thomas Fletcher. They followed the gunmen into the Rolling Ridge subdivision on the far northwest side of Waukesha.

One block into the subdivision, at Rolling Ridge Drive and Meadowbrook Road, one of the men exited the car and sprayed Lutz's vehicle with gunfire from an assault rifle. At 9:53 a.m., Lutz, who never made it out of his car, was struck several times, perhaps by as many as 20 rounds, witnesses said. He died instantly.

The shooting happened across the street from Meadowbrook Elementary School, where students were inside. The school doors were locked after the shots were fired.

Fletcher crouched behind the open door of his squad car and returned fire at the fleeing suspects. Bullets broke the windshield of Fletcher's squad car, but many of them ricocheted off his dashboard. Fletcher suffered a scrape and bruise under his right arm, which could have been caused by a bullet or flying debris.

CAR ABANDONED

After the shootout, the two gunmen abandoned their car. They ran for a half-mile through an open field and down a wooded embankment to a frontage road along Interstate 94.

One of the gunmen ran into the Interstate Printing plant, N14-W27545 Silvernail Road, in the Town of Pewaukee, and threatened two customers and an employee. Niki Herber, a graphic designer at Interstate Printing, was working in a back room when the gunman burst into the business.

"I heard him shout, 'Get on the floor or I'll kill you. Give me your car keys,'" Herber said.

The customers and the print shop employee quickly complied. The gunman snatched a set of keys to a 1990 Mitsubishi Montero parked out front and owned by Stella Knill, an advertising representative for Journal/Sentinel Inc.

"I was opening the door to leave," Knill said Friday. "Somebody grabbed me by the arm, spun me around and told me to get back inside. I thought he was joking.

"He showed me a gun and I said, 'OK.'"

Knill said the gunman told all three in the shop to get on the floor.

"He started screaming, 'Who has cars here?' and 'who has keys?'

"Then he decided he wanted my Montero. He asked, 'Who's got the Montero? Who's got the Mitsubishi?'"

When Knill turned over the keys the gunman made his final threat.

"He said. 'Don't get up! Don't move! I can see you through the windows. I'll kill you all!'"

The pair headed north on County Highway G and onto a dead-end road, Fieldhack Drive, where police thought they had them cornered. But the men abandoned the stolen Mitsubishi and fled north on foot through a wooded area.

WOMAN TAKEN HOSTAGE

There were reports that gunmen first ran to a house where no one was home. They ended up at a ranch home occupied by Judy Opat, on Oak St. near West Park.

At the time, about 10:30 a.m., Opat was just one of many residents who came to their doors to see why the area was swarming with police.

At first she thought the two men at her door were officers. But when they pulled out military-style rifles, she locked her door. It wasn't good enough. They shot out the door in an explosion of glass.

The men entered her home, took her hostage and ordered her to get behind the wheel of her full-size conversion van. Their intention was clear; to get Opat to run the police barricade out front. To make the message clear, they threatened to kill her.

One of the gunmen rode beside her and the other sat behind her as they approached the barricade of squad cars. Witnesses said there was an exchange of gunfire as the shiny, gray van got closer to the police.

"As they came out of the driveway, they started firing at us," Sheriff's Inspector Gary Palusczyk said.

Bullets or shrapnel struck Sheriff's Capt. Thomas Lentz, 43, and Hartland's acting police chief, Thomas Duemling, 58. Lentz was struck in the knee, Duemling in the upper thigh.

Duemling was in good condition Friday at Waukesha Memorial Hospital; Lentz was treated and released.

Once the van approached the police roadblock, Opat decided to jump out. She landed on the pavement.

At some point, Opat was shot in the left shoulder. Her husband, Dale, said she told him that she was shot before she jumped, but it was unclear who shot her. She was in good condition Friday at Waukesha Memorial.

Opat scrambled for her life, ducking behind cars in the roadblock. After she tumbled from the vehicle, an intense gunbattle ensured.

"I bet there were 100 gunshots over 30 and 40 seconds," witness Duane Wasley said. At one home, residents counted more than a dozen bullet holes in the side of the house.

"At first it sounded like a row of firecrackers going off," said Sylvia Gilmore, the owner of a nearby beauty salon, Classic Styles.

END OF THE ROAD

The van hit an unmarked squad car, then sped off again for several hundred feet. With one of the gunmen pointing his weapon out the window, the van swerved to avoid another squad car, then plowed into a stand of trees near Highway SS and Oak St.

The gunmen, injured in the crash, were surrounded by police, who settled in for a long standoff.

"There were cops swarming all over the place," said Kim Paulons, who was just entering a nearby beauty salon to get her hair cut.

Authorities prepared to assault the van by hiding behind a snowplow owned by the Waukesha County Department of Transportation. A Sheriff's Department detective driving the plow used the huge blades to provide protection for the officers, dressed all in black.

Scores of neighbors watched the tense standoff for almost two hours. Negotiators for the county's tactical unit attempted to coax the gunmen into exiting the vehicle. The gunmen were injured and said they were unable to drop their weapons as commanded.

About 12:30 p.m., officers approached the men only after determining they would not be fired upon. Officers pointed handguns and rifles through the windows of the van. One of the suspects was pinned in the van and had to be extricated.

On Friday, the two remained in Waukesha Memorial Hospital in fair condition.

"I'll never forget it," said Donna Davis, who was sitting in the beauty parlor watching the events unfold. "I have lived here all of my life and don't lock my doors, I'll lock them now."

"We ended up being out-gunned by the bad guys," Pewaukee Police Chief Ed Baumann said at the end of the day's events. "It was not even close. [Lutz] did not have a chance."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESS MUST MAKE SURE SMALL BUSINESSES PROSPER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, I appreciate having the opportunity to take a few minutes of the time of the House to discuss a matter which is of utmost importance, I think, to small business in America, and it is also something that has become very important to me as I have worked on this issue. During my election campaigns over the last 2 years, Mr. Speaker, I have realized, when visiting with my constituents and, in particular, small businesses, and that includes many independent business people, people who operate as individuals, not as corporations or partnerships, including many involved in agricultural business, that their major concern is that of Government regulations. They find that extensive Federal regulations are very intrusive into their lives and their businesses, that they are very expensive and that they tend to prevent the small independent businesses from creating jobs. We all know, and the statistics prove, that most new jobs in America come from small businesses. So, Mr. Speaker, I think it is imperative that this body, the Congress, and the Government of the United States do whatever they can to be sure that small businesses can prosper and can create those jobs.

In 1980, Mr. Speaker, this Congress addressed the problems of excessive regulations by passing the Regulatory Flexibility Act. But most businesses do not know and have not felt the benefits of that legislation, and that is because we pretty well took all the effectiveness out of the Regulatory Flexibility Act when we passed it because we said that no one could call on the courts to enforce this act if the bureaucrats and the regulators chose not to do so.

Now the provisions of this act say that the regulators are supposed to identify, when they do regulations, what is the cheapest, least intrusive way to promulgate regulations so that we do not interfere with the ability of business to make a profit and create jobs. Unfortunately we said though that, if the regulators feel that that would not be applicable, then they do not have to do anything, and oftentimes in most regulations we find a little bit of boilerplate that says this Regulatory Flexibility Act really does not apply, and so they do not do the analysis necessary to see if these regulations are going to be burdensome.

Mr. Speaker, after I had talked with a number of constituents I decided to find out what was on the books, and of course we found the Regulatory Flexibility Act of 1980, and we found what the problems were with it. Since that time we have introduced in this body H.R. 830. This piece of legislation has 251 cosponsors, many from both sides of the aisle. It is supported by a coalition of over 40 small business groups who are very anxious to see this bill approved.

Now what is the problem? One might say, "Well, if you have over 250 cosponsors and you have all these business groups supporting it, why can't this bill get approval? The Senate has passed a similar measure on the competitiveness bill."

Well, that is a good question, Mr. Speaker, and I think many of my constituents would say, "Why doesn't this Congress act? Why don't they take up this bill in the Judiciary Committee? Why don't they pass this bill out and let the full House vote on it?"

Because we, many of us, believe that it is disservice to our constituents.

□ 1420

Mr. Speaker, I think it concerns me that a bill can have 250 cosponsors and not get called in committee. No wonder we have had major changes in our discharge petition regulations in this House. No wonder we are going to get more and more discharge petitions if legislation with that many cosponsors cannot get approved and sent to the floor for our consideration.

I am here today to talk to this body, the House of Representatives, about the need to move this piece of legislation and to say that any other bill that has that many cosponsors should have an opportunity to be debated in this House, to have a vote in this House, and to give the people we represent a chance to see representative government working for them, for our economy, for America.

Mr. Speaker, I hope that others, including the leadership, will take this to heart.

VOTES ON H.R. 3600, THE HEALTH SECURITY ACT OF 1994

The SPEAKER pro tempore (Mr. COPPERSMITH). Under the previous order the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL Mr. Speaker, the following recorded votes were taken on May 3, 1994 in the Subcommittee on Labor-Management Relations of the Committee on Education and Labor during consideration of Chairman WILLIAMS' substitute proposal for H.R. 3600, the Health Security Act of 1994:

First, a Substitute amendment by Mrs. ROUKEMA to the chairman's mark includes provisions of H.R. 3080 (Michel) within the jurisdiction of the Committee on Education and Labor and additional provisions providing for universal access to health coverage including Pooled Employer Health Programs and State-based Voluntary Accessible Health Programs. Amendment was defeated 10–16.

Democrats:
Mr. Williams, Nay.
Mr. Ford (ex officio).
Mr. Clay, Nay.
Mr. Kildee, Nay.
Mr. Miller (CA), Nay by proxy.
Mr. Owens, Nay by proxy.
Mr. Martinez, Nay by proxy.
Mr. Payne, Nay by proxy.
Mrs. Unsoeld, Nay by proxy.
Mrs. Mink, Nay.
Mr. Klink, Nay.
Mr. Murphy, Nay by proxy.
Mr. Engel, Nay.
Mr. Becerra, Nay.
Mr. Green, Nay by proxy.
Mrs. Woolsey, Nay by proxy.
Mr. Romero-Barceló, Nay.
Republicans:
Mrs. Roukema, Yea.
Mr. Goodling (ex officio), Yea.
Mr. Gunderson, Yea.
Mr. Armey, Yea.
Mr. Barrett, Yea.
Mr. Boehner, Yea.
Mr. Fawell, Yea.
Mr. Ballenger, Yea.
Mr. Hoekstra, Yea.
Mr. McKeon, Yea.

Second, an amendment by Mr. ENGEL and Mr. MARTINEZ allowing State and local government health plans having 5,000 or more full-time employees to elect to be treated as a corporate alliance, experience rated plan, or to be treated as other nonexperience-rated-plan employers whose employees are covered under a State-based community rating area, voluntary or mandatory purchasing cooperative, or single-payer system. The amendment was adopted 17–9.

Democrats:
Mr. Williams, Yea.
Mr. Ford (ex officio).
Mr. Clay, Yea.
Mr. Kildee, Yea.
Mr Miller (CA), Yea by proxy.
Mr. Owens, Yea by proxy.
Mr. Martinez, Yea by proxy.
Mr. Payne, Yea by proxy.
Mrs. Unsoeld, Yea by proxy.
Mrs. Mink, Yea.
Mr. Klink, Yea.
Mr. Murphy, Yea by proxy.
Mr. Engel, Yea.
Mr. Becerra, Yea.
Mr. Green, Yea by proxy.
Mrs. Woolsey, Yea by proxy.
Mr. Romero-Barceló, Yea.
Republicans:
Mrs. Roukema, Nay.
Mr. Goodling (ex officio) Nay by proxy.
Mr. Gunderson, Nay.
Mr. Armey, Nay.
Mr. Barrett, Nay.
Mr. Boehner, Nay.
Mr. Fawell, Yea.
Mr. Ballenger, Nay.
Mr. Hoekstra, Nay by proxy.
Mr. McKeon, Nay.

Third, an amendment by Mr. OWENS to reduce cost-sharing to $1 to $2 per service for households with incomes up to 150 percent of poverty and to help defray the costs of the amendment by increasing the individual annual catastrophic cost limit from $1,500 to $2,500 and by a 1.5 percent premium increase for non-subsidized households and non-subsidized employers. Amendment was defeated 12–15.

Democrats:
Mr. Williams, Nay.
Mr. Ford (ex officio), Nay by proxy.
Mr. Clay, Yea by proxy.
Mr. Kildee, Yea by proxy.
Mr. Miller (CA), Yea by proxy.
Mr. Owens, Yea.
Mr. Martinez, Yea by proxy.
Mr. Payne, Yea by proxy.
Mrs. Unsoeld, Nay.
Mrs. Mink, Yea by proxy.
Mr. Klink, Nay by proxy.
Mr. Murphy, Nay by proxy.
Mr. Engel, Yea by proxy.
Mr. Becerra, Yea.
Mr. Green, Yea.
Mrs. Woolsey, Yea by proxy.
Mr. Romero-Barceló, Yea by proxy.

THE RELEVANCE OF ANTICRIME LEGISLATION AND BUDGET RESTRAINTS TO MEMBERS' CONSTITUENTS

The SPEAKER pro tempore (Mr. BOUCHER). Under the Speaker's announced policy of February 11, 1994, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the majority leader.

Mr. OWENS. Mr. Speaker, I welcome the opportunity to use these special orders in order to tie together a number of very important things that are happening here with some of the kinds of catastrophes we see and the serious problems being experienced in my district.

It is very difficult to relate to the constituents of one's district exactly what relevance the activities in Washington have to the day-to-day problems they face. But they are quite relevant. Whatever we do down here is quite relevant.

We have just passed a crime bill out of the House of Representatives. It has gone to conference with the Senate, and that crime bill is quite relevant to what is happening with crime in my district and all other districts. The crime bill was passed, and it calls for billions of dollars to be expended to build more prisons. It also calls for a three-strikes-and-you're-out provision for people to be placed in prison of life. Some very expensive measures are included in the crime bill.

However, very little money is included for programs that were introduced by the Congressional Black Caucus which call for preventive efforts to be financed by the Federal Government, more after-school centers for young people, midnight basketball programs, and more treatment programs for drug addicts. A number of the things that were accepted in the bill are accepted with such small amounts of money that they will be quite ineffective once they are implemented.

The crime bill had some good features. I do not want to criticize the total crime bill, and we do need some new policemen. Additional policemen would be allocated to communities based on the implementation of the authorization of the crime bill. A hundred thousand new policemen were requested by the President. The Senate and the House have different responses to that, but more policemen in the localities and more payment for police activities at the local level are very much needed across the country. Now, there are some other good features in the bill also, but there is a glaring omission from the bill, one that is hard to explain to my constituents. There is a glaring omission from the House bill of any concern with gun control. There are no provisions for dealing with gun control in any reasonable or meaningful manner.

Guns are at the heart of the problem with crime. The deadliness of crime in our times is definitely related to the proliferation of large numbers of guns. We have more than 200 million guns already. These are handguns. We are not talking about rifles for hunting. We are talking about guns already out there to the tune of 200 million, and it is climbing every day, so that soon we will have a handgun for every American man, woman, and child. It is ridiculous, and yet our bill does nothing to deal with the handgun provisions. We are to be considering that in a separate bill this week.

So my constituents ask me, "Are you serious about crime? If you refuse to do anything about gun control, are you serious?"

They ask me if we are serious about a number of things that are happening down here.

We have a large number of people now who are offering themselves as experts on welfare reform. That is going to be at the top of the discussion for the next 2 or 3 months. Welfare reform is on everybody's mind because they want to make certain we do not continue to waste the funds of our Government by assisting individuals who are unworthy of it or individuals who could be working and taking care of poor children who ought to have their fathers taking care of them. There are a number of reasons why the American people get excited and sometimes hysterical about welfare.

But my constituents ask me—and I agree 100 percent with them—if they are excited about Government waste, then why are we just excited about welfare reform? Why do we not reform some other things while we are at it? They ask, "Why don't you have what you would call subsidy reform?"

We have subsidies coming from the Federal Government where the taxpayers are paying people to do various things, and the taxpayers are assisting people who we say need assistance in the form of subsidies.

We have subsidies for farmers. We pay farmers not to grow certain crops. We assist farmers with loans of various kinds. We have had this for years, for decades. Nobody has proposed that we take a look at the waste in these programs and cut back on the waste there.

Farmers are only 2 percent of the population. They are less than 2 percent of the total population of the United States, yet they absorb a large portion of the budget with these farm subsidy programs. Not only do we subsidize farmers with crop subsidies, but recently the Washington Post indicated that there is a great source of waste, a great deal of waste in the Farmers' Home Loan Mortgage Program. The Farmers' Home Loan Mortgage Program costs the taxpayers $11.5 billion in loans that were forgiven, loans that were delinquent and just written off and forgiven. Let me repeat that figure to every American citizen who is concerned about Government waste. The taxpayers of the United States gave the farmers of the United States $11.5 billion—that is not million. This amount of money, $11.5 billion, was given to the farmers. That is what happens when we forgive a loan. They had $11.5 billion worth of loans. They were not paying on them, and for various reasons our Department of Agriculture forgave the loans, gave the taxpayers' money to the farmers.

This is just a small segment of the population. The farmers only constitute 2 percent of the population.

We all appreciate our farmers. We need the farmers. American farmers are the greatest farmers in the world. Our agricultural system produces food cheaper than any other system. But do the American people want to give away $11.5 billion when there are so many other needs that should be met?

The Washington Post ran a story on the Farmers' Home Loan Mortgage giveaway on the front page of the paper. They also cited in a very long article four millionaires who are farmers on the side, millionaires who have not paid on their loans for 8 to 10 years. The loans they had were just sitting there. They were not paying on them. Nothing had been done to them. One of the so-called farmers who was a millionaire had $26 million in assets. In other words, he had property and stocks and bonds and various things totaling $26 million, and yet he was not made to pay on his loan. He was delinquent on his loan.

So if we are interested in saving money, why do we focus only on the recipients of welfare? Welfare is called Aid to Dependent Children, Aid to Families with Dependent Children.

□ 1430

So the families with children who for some reason cannot be taken care of, for some reason they have to have Government subsidy, we are singling them out and zeroing in on them and saying we have to have welfare reform, we have to save this money.

Yes, wherever there are people who are abusing this program, we certainly should take some steps to deal with it. But what about the Farmers Home Loan Mortgage? Are we going to take some steps to deal with the $11.5 billion? Are we going to put some of those people in jail who did not pay their loans? Are we going to make some effort to collect it? What do we have to do? Do the taxpayers just have to give away $11.5 billion and nothing happens?

I expected that on the floor of the Congress, once the article appeared on the front page of the Washington Post, that we would have numerous calls for an investigation. I expected we would have calls for special hearings. I expected that all of the freshmen who came last year, 110 freshmen, whose No. 1 item was lowering cost of Government, at least half of them would call for some special effort to deal with the waste of $11.5 billion. But it has not happened.

There are some very strange things that happen in this Capitol, very strange things go on in Washington, and I find it very difficult to explain them to my constituents.

I cannot explain why nobody is concerned with a giveaway of $11.5 billion. But I am not surprised. I am not shocked. Because for many months, I stood on the floor of this House and asked the same questions about the savings and loan swindle.

The savings and loans have swindled the American people out of billions of dollars. Billions of dollars were guaranteed by the taxpayers. The Federal deposit insurance guaranteed the deposits in the savings and loan banks, so that when they went bankrupt, when they collapsed, then taxpayer money had to be used to pay off the depositors.

Stanford University predicts that before we are finally finished with the savings and loan swindle, the American taxpayers will be out $500 billion. I did not say million, I said B, billion. The savings and loan swindle, which went on for the last 4 or 5 years, will cost the American taxpayers at least $500 billion before all of the operations are completed and all of the various agencies that were set up to recover the money, to take care of the depositors. Before it is all finished the taxpayers will be paying out, and getting nothing in return, $500 billion.

We get nothing in return for this money. If you waste money in building an aircraft carrier that you do not need, or waste money in building a submarine you do not need, at least you have a piece of metal. You have something to show for it. In the case of the savings and loans, the money is gone.

They say they were managed badly, the real estate market collapsed. But we have evidence it was not bad management in 90 percent of the cases. There were business swindles. Business swindles, where somebody would buy a piece of real estate and inflate the cost of it, then sell it to somebody and inflate the cost of that. Finally, everybody would get a loan and, finally, you have a piece of real estate costing a few thousand dollars that would be up to $1 million.

The bank gives a loan on that $1 million to build the building. So you have a loan for the land which cost too much in the first place. Then you build a building, and they did not complete the building. So they never could occupy the building or get any income from the building. The whole thing collapsed to the tune of $20 or $30 million.

They said that was mismanagement. You can't call us crooks.

Everybody knew in every stage of the transaction they were ripping off the taxpayers; they were getting something they were not going to be able to pay back.

But in the final analysis, the bank is left holding the bag. The bank cannot meet its obligation, the bank goes under, and the American taxpayers come in in the form of the Federal Deposit Insurance Corporation and they bail out the bank, which means that the American taxpayers are left holding the bag. They have paid the bill. And that will cost us $500 billion.

So while we are considering all of these ways to save money, why are we not considering what is our next step in recovering some of the money lost through the savings and loans swindle? Why not have investigations? Why not have hearings? Why not take a look at where we are, 5 or 6 years now into the discovery and the exposure of the massive swindles of the savings and loans associations?

Nobody wants to talk about that here in this Capitol. People get hysterical about wasting money on children who cannot help themselves, welfare dependent children, but nobody wants to talk about the massive amounts that we wasted through the savings and loans swindle.

My constituents cannot understand it, and I don't think anybody else in America really can understand it. Why aren't our newspapers screaming loudly about this awful waste? Why aren't our major leaders talking about the impact on the economy of that kind of waste? You get nothing for it. The farmers are given $11.5 billion. You are getting nothing for it. What is it doing for the total economy? If the S&L swindle costs us $500 billion, we get nothing for it.

There is another way to spend our money. Why not invest in activities which produce jobs? Why not go back to where we were a year ago when the President offered the stimulus package that was going to create programs which would build bridges, programs which would build highways, programs which would provide services in terms of more Head Start youngsters, increased assistance to build libraries and schools? Sixteen billion dollars, just a mere $16 billion, was dedicated to using the taxpayers' money to invest in activities which would generate income.

Not only would income be generated from the jobs that were created, but the kinds of activities that the people who have the jobs were engaged in would be improving the economy, increasing the possibility of other economic activity. If you build better bridges and better roads and highways, then the movement of goods is made more efficient. If you give better training to students and job training to employees, they are able to take more skilled jobs. They earn more income. The income taxes come back to the Federal Government. So it is an investment.

The stimulus program of the President made more sense than any program we have had on the table in the last 2 years. And yet that stimulus package was voted down by the Senate. We passed it in the House, but it was later voted down.

My constituents want to know why don't we come forward with another stimulus package? Every week when I go home. I am from New York, so I am fortunate enough to be able to go home every week. In fact, I am so close to my constituents, they want me to come home every night.

At least every week I am in the district, and I get greeted at the door of my office by men who are asking, when are the jobs coming? Congressman, when are the jobs coming? Nothing that happens is more important than the creation of jobs.

To put it all together, I have talked about the crime bill. I talked about welfare reform. I am talking about waste in the farmers home loan mortgage program, I am talking about waste in the savings and loan swindle.

I would like to see us deal with all of that waste and use the taxpayers' money instead in another direction, of creating jobs, of investing in activities which create jobs.

We don't talk enough about jobs in this House. We don't talk enough about jobs in this Capitol. There is an assumption because we are in a capitalistic society, the free market prevails, that Government plays a minor role in the creation of jobs. While we recognize that jobs drive the economy and you can't have a working economy without jobs, you can't have a working economy unless you have income generating activity, because the income generating activity produces revenue, and revenue is what Government needs to survive on.

We don't recognize that. We don't admit that the primary stimulus for the capitalistic economy of America has been for the last 50 years the Government, after we ended World War II, which was an activity where there was a great stimulus. But in our peacetime economy, the greatest stimulus for the economy has always been the Government.

☐ 1440

The fact that we decided to go into an arms race with the Soviet Union meant that we poured billions of dollars into the defense industry, and the defense industry was the motor of our economy. What that defense industry motor showed us is that if you do not have defense as a motor to drive the economy, if you do not create jobs via defense, if the Government does not stimulate jobs that way, then it has to stimulate them some other way.

Government must create jobs. We must go forward understanding that one of our primary responsibilities as legislators, one of the primary responsibilities of the decisionmakers here in this Capitol is to create jobs. People in my district do not understand why we do not spend more time talking about creating jobs. Why do we have lengthy discussions about crime and a crime bill and we do not recognize that people who have jobs, who have hope of some day getting a job, behave in ways which reduce crime.

The No. 1 reason for crime is that people are seeking some income. They are trying to get it without having to go through the regular channels. And there are always crooks; there are always criminals in every society. But when you get a dramatic increase in the number of criminals, when you have large percentages of the population participating in criminal activity, there is something wrong with the society and the opportunities that the society is making available for the people of the society.

A society is a social construct which is created in order to improve over the state of nature. If we were all out here in the jungle, it would be survival of the fittest, those who have bread, those who have bananas, those who have food would have it taken from them by those who are stronger. And the strongest would survive. We do not want that. All societies exist because they are trying to improve over the jungle, over the state of nature.

So if a society exists as an improvement over a state of nature, it means that it makes certain kinds of contracts, a compact with the individual that we are going to provide the opportunity in this construct of ours for everybody to survive. Everybody should have an opportunity to survive. And survival in our times means everybody should have the opportunity to earn income legitimately. Everybody should have the opportunity to be able to work and get paid decent wages for their work, which brings me back to the question of welfare reform.

We are talking about welfare reform. Suddenly people who have never, ever talked to a welfare recipient are declaring that they are experts on welfare. Plans are being offered by people who have never indicated any interest in poor people. All of a sudden there are all kinds of experts.

Welfare reform should begin with the assumption that if you had jobs, people would prefer those jobs and they would take those jobs and you would not have to subsidize them in some other way. We will always have a need to subsidize people who are disabled, people with disabilities, some of those who cannot get jobs would have to be subsidized. The elderly would have to be subsidized. Children with no parents would have to be subsidized. But there are large numbers of people who are receiving aid from the Government of some form, food stamps, public housing, various kinds of subsidies, because they cannot get a job which pays an income high enough to cover those necessities.

So if you want to deal with those necessities, then create jobs and let people just get a job, earn income. That is the simplest solution. A lot of the social problems that result from people not having jobs, a lot of tension created that breaks families apart, broken families which create situations where children are more likely to get into trouble, stress creates situations where people are more vulnerable and likely to become alcoholics or they are likely to become drug addicts, a lot of things that happen in our society would not happen if you had a way for people to earn a living. If they had income, they would solve their own problems.

If there was a hope that jobs would be there, if youngsters understood that at the end of the schooling process, there is a job waiting and people have education, there is a difference of people who have education and those that do not have education. Those who do have education do get jobs. They are able to make a living. If you had that kind of hope held up, a large part of the schooling problems and problems that we encounter with our young people would be resolved.

So the job becomes the key factor. If that is the key factor, why do we not concentrate on producing more jobs.

There is a lot of hypocrisy that comes out of the mouths of those who have insisted that we want to end welfare as we know it. They want to end welfare and make people go to work, as if all those welfare recipients out there do not want to go to work. Where are the jobs? And in numerous situations we have seen a few jobs open up in the big cities. There was one dramatic illustration in Chicago where one of the big hotel chains opened a new hotel in Chicago and they took photographs, so they were available for everybody to see, of people going around the block. It was the middle of winter. They are lined up, 10,000 people came out for a few hundred jobs; 10,000 people came out. Everywhere else that you announce jobs, if you announce jobs in New York City, you will have thousands of people applying for 40, 50 jobs. The problem is jobs. So why do we not concentrate on creating jobs?

Why do I say the people who are pushing welfare reform are hypocritical? Because they do not want to talk about the fact that welfare was created because it is cheaper to put a person on welfare and pay them some pittance amount of money and say that you are trying to help them survive and you are trying to help their children than it is to give them a job.

A minimum wage job with health benefits will cost far more than any 1 of the 50 States now pay to welfare recipients.

A family of four gets far less than they would get with a combination of a minimum wage job and a health benefit. There are minimum wage jobs that are not worth it because if you do not have the health benefit, then the person who gets off welfare gets a minimum wage job, no health benefit, they are in worse trouble than they were before if they have a family. The minute one of the kids get sick, they have no way to take care of them. This keeps a lot of people on welfare because they want the health benefit.

Health reform, health care reform becomes very important in this whole matter of being able to reform welfare, being able to provide jobs, because if the employer cannot provide the health benefits, then of course with a national health care reform package, we will provide the benefits and enable the person to make a decision without taking a job, without having to consider the loss of their Medicaid benefits. Again, the problem goes back to the creation of jobs. What are we going to do in this society to create jobs? And in the process of creating jobs we solve and resolve a lot of problems. There is always a great deal of work to be done.

In our society right now there are jobs waiting in terms of work to be done. We just need a way to pay people to do it.

Our infrastructure is still crumbling, highways, bridges which always come to mind, but across the country, a large percentage of our schools, our public schools are so dilapidated and so decaying that they are dangerous. In New York City, the opening of school last fall was delayed for 2 weeks because we had large numbers of schools with asbestos at a level which was dangerous for young people. We still have large numbers of schools which have lead pipes and a lead problem. Lead and asbestos problems in public schools generate a health problem which is immediate and very dangerous, because science has shown that ingestion of lead or asbestos by young children, the damage created is far greater than it is with adults.

So we have unsafe schools in many places in the country and certainly in our big cities. Just to repair and replace some of those schools would create thousands of jobs. The work is there to be done. We need some way to pay people to do it. The schools in New York, we would like to put in more computers and even the better schools that want to put in computers and more audiovisual devices, we find that the lines which go into the schools, the telephone lines are inadequate. We cannot have modern wiring. We cannot have modern computerization of the schools because of the fact that we need to have new lines go in via the telephone company.

☐ 1450

There is work to be done there. Somebody needs to be paid to do it.

We are going into the age of telecommunications wrapped around the whole world. The telecommunications people are talking about supplying 500 channels, 500 cable channels that can be supplied. The question is, what is going to go over those channels. How are we going to train people to deal with the wiring of the whole world?

South Africa has just become free. The great demand for education in South Africa, the great demand for new housing in South Africa, the great demand for the building of a new infrastructure, they will look to some other nation to help with that.

There are jobs that are possible, but people have to be trained for those jobs. They have to be educated for those jobs. In some cases, only the Government can provide the payroll.

This is nothing new. We provide the payroll for General Motors when they build tanks. All of the tanks used by the military in this country are built in this country. They are built by workers in this country. We provide the payroll for that.

When we build aircraft carriers, an aircraft carrier cost $3.35 billion, they are built not far from here. The only place in the world that builds aircraft carriers is Newport News, VA.

When in Newport News the Government gives a contract to build an aircraft carrier for $3.5 billion, that puts a whole lot of people to work, not only in Newport News, but making all the parts, supplying all the various parts, means a whole lot of other people in other States across the country are also involved in building that aircraft carrier, so those people are on the public payroll. They are on our taxpayers' payroll.

In Groton, CT, we built a *Sea Wolf* submarine. When President Clinton became President he decided to build one more *Sea Wolf* submarine. We did not need a *Sea Wolf* submarine because the conflict with the Soviet Union was over. There was nowhere to use a *Sea Wolf* submarine.

The decision was made in order to keep people working. I think it was an expensive way to provide jobs, to build a *Sea Wolf* submarine, but my point here is that the people who built the *Sea Wolf* submarine are on the public payroll. The contract would not be there if the Government did not order the *Sea Wolf* submarine.

We have had for years a $200, $300, $400 billion defense budget. Right now, with the Soviet Union gone and no other superpower existing in the world, we still have a $260 billion defense budget. We are still building planes, tanks, various kinds of equipment, because we say it may be needed.

I will not quarrel right now with whether it is going to be needed at all, but everybody who is involved in that activity, $260 billion, they are on the public payroll. We are providing those jobs. I have no quarrel with using Government money to provide jobs, but let us admit that it is a legitimate function of Government to provide jobs.

Once we have no more excuses to build planes and tanks and bombs, let us use Government money to provide jobs in other areas. Let us use Government money to build the highways and the schools. Let us use Government money to take care of the needs of human beings, to provide new kinds of methods and equipment, supplies, for education.

My constituents do not understand why we do not use our Government money in more reasonable ways. My constituents do not understand why, as a member of the Committee on Education and Labor, I had to spend 3 days in a House-Senate session debating something called Opportunity to Learn standards. When I tell them I spent the equivalent of 3 days debating back and forth whether we should have Opportunity to Learn standards written into the Goal 2000 legislation on education, they are baffled.

Opportunity to Learn standards are merely a statement of common sense. In the Goals 2000 legislation, the President of the United States is agreeing with the previous President that the Federal Government ought to get involved more in education reform.

What they are saying in Goals 2000 is that we should begin with a world-class curriculum, a standard curriculum, or curriculum standards, not a curriculum that is standardized, but curriculum standards; so we set those standards and invite all of the States, nobody is mandated, all of the States are invited to participate and come up with standards that are similar to the standards we set, as they establish a curriculum which will be not exactly the same across the country, but very similar.

In addition to the curriculum standards, we are going to establish world-class tests so all the youngsters in the country will be taking the same test. With those tests we will measure how much of this world-class curriculum they are absorbing.

Those two items put the burden of educational improvement on the backs of the students, and that is altogether fitting. Students must shoulder that burden.

When I proposed a third set of standards, standards related to the delivery system, how are you going to help these youngsters pass these tests, what are you going to do which will facilitate their being able to learn so that they will be able to pass the tests, absorb the world-class curriculum, that is when the debate began. How are you going to do that? We have to talk in concrete terms.

We started talking then about, are you going to make sure that every youngster in America is in a building which, first of all, is safe, does not have asbestos, does not have lead, is safe? After the building is safe, are you going to make sure it is conducive to learning? Will there be proper lighting? Will there be space? Will the student enjoy going to school every day? Are you going to build science laboratories in every school, make sure that the schools that are teaching science have the laboratories and the equipment in the laboratories to teach science?

In New York City, not only do we have no science labs and science equipment in the junior high schools, a survey 2 years ago showed that in two-thirds of the schools, the two-thirds of the schools where African-American and Latino youngsters were predominantly in the student body, those two-thirds of the schools had teachers teaching math and science who had never majored in math and science in college, so the basic item, the teacher, was not qualified to really help those young people to pass any test on science or math.

In Goals 2000, we have six subjects that are going to have these world-class curriculums established. One of them is math. One is science. Another is geography.

As I pushed the idea of Opportunity to Learn standards, I asked the question, "Can we have standards which say that every school should have books that are current?" We have facts that show that in the books of the school libraries across America, the average copyright date is 1965. If the copyright date is 1965, that means the book was published in 1965. The information in the book is 1965 information.

How can you learn geography from books that are almost 30 years old, 25 years old? How can you learn history, current history? There are at least 30 countries that exist now that did not exist in 1965, so how can you learn history and geography if you do not have appropriate books? Opportunity to Learn standards means that you are going to address this problem: What are the States doing to facilitate learning? Common sense.

We got tremendous opposition, because it means you have to talk about spending money. In order to deal with the Opportunity to Learn standards, you are going to have to spend money to build buildings, you are going to have to spend money to build laboratories. You are going to have to spend far more money than we are willing to spend on education to make sure every lab is equipped with the right equipment. You are going to have to buy books. You are going to have to do what any sophomore in high school would tell you is necessary for learning.

But the Governors rose in rebellion against the idea of the Opportunity to Learn standards. The administration rose in rebellion. The Wall Street Journal condemned me as a person who was going to create an opportunity for parents to sue, because they saw parents awakening.

If parents see a situation where their kids are being pushed in this world-class curriculum, and the kids have to take the tests and their whole lives depend on these tests, then parents are going to say, "What about this other standard? Are you really providing the opportunity to learn to my child?" And the pressure in the courts and the pressure politically is what they anticipate, and would not respond to.

Why not? Why not use the billions of dollars that are going to waste to build decent schools and to equip those schools with the best possible equipment? Why not use the billions of dollars to train teachers who really know how to teach science and math, so no schoolroom where science and math is being taught has to have a teacher who does not know the subject?

□ 1500

Why not? We have the money. We are not a desperately poor country as many speakers on the floor of this House would make us out to be, we have to watch every penny. Yes, we ought to watch every penny, but we ought to watch how we take the pennies away from the great bottomless pits of waste and dedicate them to the activities that are constructive and will help people to learn the skills they need in order to gain the jobs that they need, to earn the incomes that they need, in order for them to take care of themselves.

I am all in favor of people getting off welfare, 2 years and get off, OK. I have no problem with that. But guarantee a job. Let the Government guarantee a job for every person who gets off welfare.

I would go even further. I introduced legislation when I first arrived here in 1983. In January 1983 I introduced a bill which said we ought to amend the Constitution to guarantee the right to a job opportunity to every American who wants to work. That is pie in the sky, my colleagues told me, and they still tell me that. But for the future our society is going to exist in peace and harmony with opportunity for all only if it creates job opportunities for all, only if we have jobs and get rid of the kinds of tensions and the kind of oppression that exists at this point in parts of my district.

Parts of my district, like most inner city communities, are under siege. They feel they are under siege because they waited all of those years for Ronald Reagan to go, 8 years, and then 4 more years for George Bush to go, and finally we had a President who said he cared about the people. Finally we had Democratic control of the House, the Senate and the White House. And all we hear now is obscene, irrational rattling on and on about how important it is to build more prisons, how important it is to have more death penalties, how absolutely important it is to get people off welfare in 2 years. But no talk about creating jobs.

One strike and the administration was out. The administration made an attempt, a valid attempt to get a stimulus package passed, $16 billion in expenditures, $3 billion in tax cuts and tax credits, et cetera, $19 billion total. We barely got it passed on the floor of the House, but it passed. And then it was filibustered to death on the floor of the Senate.

Now we have no desire to go back and try again, it appears. Nothing else makes sense that we do down here unless we do go back and address the serious vacuum that has been created by the absence of a stimulus package sponsored by the Federal Government. A huge package, greater than $16 billion is necessary now.

What we have done over the last 3 years is accepted stimulus through the back door. In other words, another way to put it was God has forced us to offer stimulus packages to certain parts of the country. We passed a few months ago an earthquake relief bill for California, $8 billion in earthquake relief. Now God created the earthquake, nature created the earthquake. It was something we had no control over. The people who were involved as victims deserve assistance. Our Government should come to the aid of people who are victims of earthquakes.

That $8 billion is a stimulus, however, regardless of what purpose, it is a stimulus to the economy of California. The economy of California has bounded back. It is moving now. They paid big bonuses, billions of dollars to rebuild the freeway. Everybody worked on the freeway. Many of the contractors got an extra bonus, and they did other things, and on and on it goes. The economy is jumping as a result of $8 billion in stimulus.

Last year we appropriated $6 billion to the Midwest flood victims, so the States in the Midwest who were so unfortunate as to have floods destroying homes and crops, et cetera, God at work again, nature at work, we came to their aid. We had a $6 billion flood relief package. That $6 billion helps victims, and I am all in favor of helping the victims of floods.

But that is a stimulus for the economy of those areas. It is Federal money going to those areas to provide funding for rebuilding homes, rebuilding roads, activity which stimulates income, which generates income. And the economy of those areas are benefiting from our Federal Government's help.

Before that, during the last year of the Bush administration, we appropriated $6 billion for hurricane victim relief in Florida, hurricane victims. Again, God at work, nature at work. But it is a stimulus for the State of Florida, Federal money not coming out of the State coffers poured into Florida to do what is necessary to help the victims which becomes an economic stimulus. It creates jobs, generates income.

Would it not be logical and fair to look at the economy of the big cities like New York, and Chicago, and Los Angeles, the inner cities of those areas where unemployment has been at the level for the last 12 or 13 years, a level which is twice as high as the average unemployment across the whole Nation? In the neighborhoods where unemployment has been twice as high as the average national unemployment, why not declare them disaster areas? They are disasters created by man, not God, not nature. But we have managed the economy in ways which has drained the job producing activities out of those areas.

One of the ways we manage the economy is the deposits paid by city people were taken to the Midwest and the Far West to build shopping malls with all of the savings and loan money that got pumped down the drain, and the deposits were put in in the big cities, and in many cases in the East and in the Midwest they would not invest in neighborhoods in the inner cities because they said the investments would not be safe. So they built shopping malls in Texas or apartment houses in Texas, or Colorado, the areas where we have the greatest amount of savings and loan swindles. The economy was grossly mismanaged.

People say New York has always got its hand out asking the Federal Government to do something for New York. New York State in the past 20 years has always paid more tax money into the Federal Government's coffers than it has gotten back. New York State has always paid more into the Federal coffers. Two years ago it was $16 billion more that went into the Federal Government than came back to New York. The year before that it was $23 billion more came from New York and went into the Federal coffers than we got back in terms of Federal expenditures.

So the mismanagement of the economy means we are draining away resources from areas, creating situations where the jobs are not there, and we walk away and do nothing. When we call for a stimulus package that might help New York and the big cities, suddenly people think it is going to bankrupt the country. An earthquake, no questions asked. A flood, no questions asked. A hurricane, no questions asked.

Let us grow up and join the 20th century. Let us stop being superstitious, folks running around responding to nature and to God and recognize that there are other kinds of disasters, and disasters exist in our big cities and our inner cities. A disaster exists in most of my district, and my folks do not understand, my constituents do not understand why we do not come to their aid, why we do not give them some relief, some disaster relief.

On the floor of this House this kind of sensible, logical dialog is almost impossible to find. Nobody wants to talk about why we do not use the tremendous riches and resources of this Nation to come to the aid of victims of 12 years of unemployment, 12 years of no opportunities, 12 years of people being forced to pick up the crumbs, 12 years of suffering, 12 years of pressure, 12 years which have generated more addicts, more alcoholics.

It is only jobs we ask. We do not need a complicated welfare reform program. Just give us the jobs.

□ 1510

Give us the jobs. There is work to be done. All we need is somebody to pay for the work. If there is nobody else to pay for the work, if private enterprise will not do it, then let the Government do it.

If you want to play the games we play down here in terms of every new program must have a way, must identify the sources of funding, then every day I can give you a new source of funding for a jobs program on the streets of our cities.

We can start with the CIA. You know, we tried to cut the CIA 10 percent the last time they were up for appropriation, and nobody wanted to listen, an overwhelming defeat for a cut of the CIA.

This past week we had an agent of the CIA, a very high-placed person, who turned out to be a double agent. We will not go into the story. But in his farewell address before he went off to prison, he stated that the CIA was a big joke; the CIA is an agency of old boys spending the taxpayers' money, playing games and doing nothing. He felt he should rip it off. Because what else? You know, everybody else was ripping it off, too.

That is oversimplifying, but what Eldridge Ames said ought to be investigated. A multibillion-dollar operation, we have an intelligence operation which the New York Times and other reliable sources estimate to be $28 billion to $30 billion, $28 billion to $30 billion in intelligence activity in 1994, the same as we had 3 or 4 years ago just before the Evil Empire dissolved and the major superpower competition went off the radar screen. We still have an expenditure of $28 billion to $30 billion.

If you want to find the money to pay for a jobs program in the big cities, give us a billion a year from the CIA until it gets down, from our intelligence operations, the CIA included, until it gets down to some reasonable size. You might consider just abolishing the CIA and let the FBI and the local police and State Department perform the functions they are supposed to perform, because as Eldridge Ames pointed out, many of the agents who were supposed to be experts in certain countries do not know the language of the country, so they are sitting at a desk in Washington making decisions and analyses about that country.

We could save a whole lot of money in the payment to agents and double agents. If Eldridge Ames was receiving $2 million from the broke, bankrupt Soviet Union, and they were paying him $2 million to spy on us, then has anybody considered what we must be paying Russian agents to spy on the Russians? If the going rate for the Russians is $2 million, then we must be paying the Russian spies much more than that. To do what? Useless spying. Who needs it?

We are paying for expense accounts. We are paying for femmes fatales and agents provocateurs and information sources. There is a cloak-and-dagger game going on out there which has no relevance to anything.

As Eldridge Ames pointed out, most of the information our CIA gathers can be gotten from some other source with far less cost.

So let us begin by cutting back on the CIA and pumping that money into jobs in the inner cities, or let us be serious about the Farmers Home Loan Mortgage.

If we have given away already $11.5 billion in debts forgiven, let us resolve that we are going to go out and collect the rest of the loans or do something to get the taxpayers' money back. Let us take that money and put it into the inner cities.

Let us take another look at the savings-and-loan swindles, and let us decide that we are really going to be serious this time and make people pay back a lot of the money they walked off with or go to prison. That is a source of funding for jobs programs in the inner cities.

Let us stop building more aircraft carriers and *Seawolf* submarines just to provide jobs. You can provide three or four times more jobs with the same amount of money than it takes to build weapons systems that are never going to be utilized.

Let us get serious. I want the people who are in my district to know that when they are faced with budget cuts by the city, and the city has cut 70 percent of the youth programs out of the budget because they say, "We cannot afford it"; the city is cutting back on all kinds of programs that existed before. All that relates to what happens down here in Washington, because New York State is sending still money to the Federal Government that it does not get back in the form of services and programs. So it relates to the Federal Government. It relates to the Federal Government, because all taxes begin at the local level.

There are no taxes generated in Washington, DC. The taxes are generated from people all over the country.

Last April 15 the taxes flowed out of the local areas into Washington. It is our money. Taxpayers should demand that the money be utilized in ways that are more productive, that the waste stop, that the hysteria about crime, the hysteria about welfare reform, the hysteria be replaced with some honest discussion of what shall the Government do to assist the economy. What shall the Government do to provide income-generating activities? What shall our Government do to provide jobs?

I want to close by saying that there was a program on television a couple weeks ago called "Survival Against the Odds" or "Surviving the Odds," "Surviving the Odds." It was directed at what shall we do in our communities to help African-American males. African-American males, in large numbers, are already in the criminal justice system. One-fourth of African-American males between the ages of 18 and 25 are somwhere in the criminal justice system. They are either on probation, on parole, or they are in prison. That is a lot of people, one-fourth of the African-American males in this country, at this point, before we start three strikes and you are out, before we start a massive campaign to stop crime, already one-fourth.

What do we do about them? The television program addressed this in many ways. I was shocked, after listening to it for a whole hour, to not hear any discussion of jobs and what jobs have to do with young people. The existence of jobs, the existence of opportunity, the existence of an economy which is expanding, all of that is necessary to create hope.

Why should young people have hope if they cannot at least look forward to having a job so they can bring home a paycheck? Why can they have hope if they do not have an opportunity to utilize the education they might get if they stay in school?

We have a stagnation that is setting in in our whole economy, and not only our young people are at risk, not only are our young people in the inner cities or in districts like my district in Brooklyn at risk, but large numbers of people who have jobs now are at risk.

If we continue to fail to recognize the supreme duty of our Government is to make certain that the economy is working, to creat jobs, we are at risk.

There is competition of all kinds, people who have Ph.D.'s who are nuclear scientists, they are at risk, too, because we have nuclear scientists in other parts of the world who are working for less than minimum wage. The Soviet Union has nuclear scientists right now who are working for less than minimum wage. They may be utilized instead of our own nuclear scientists. We have computer programmers who are at risk, because large numbers of computer programmers are being brought in from countries like India, and they work for at least half as much as a computer programmer that comes out of our colleges and universities work for.

If we do not creat more jobs, if the Government is not directing its attention, its focus, on income-producing activities and jobs including watching our trade agreements and our agreements which allow people to bring in low-paid workers to work in our own economy, if we do not do all of that, then we are headed for a situation where there will be increasing amounts of hostility, of tension, outrage, and explosion.

People in my district want to know why Government does not have more common sense. I think we ought to try to answer that question more on the floor of this House, and the way to do that is to spend more attention on programs that create jobs.

Let us go back to the stimulus package. If the President will not offer another stimulus package in order to create jobs, it is the duty of every Member of Congress to develop ways in which we can develop a package that is based on utilization of the taxpayers' money for investment, not for waste, but for investment to create jobs, to create opportunity.

□ 1520

RECESS

The SPEAKER pro tempore (Mr. HILLIARD). Pursuant to the provisions of clause 12, rule I, the Chair declares the House in recess until 5 p.m.

Accordingly (at 3 o'clock and 20 minutes p.m.) the House stood in recess until 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HILLIARD) at 5 o'clock and 2 minutes p.m.

NATIONAL FLOOD INSURANCE REFORM ACT OF 1994

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3191, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. KENNEDY] that the House suspend the rules and pass the bill, H.R. 3191, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 335, nays 60, not voting 37, as follows:

[Roll No. 149]

YEAS—335

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Callahan
Calvert
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
Derrick
Deutsch
Diaz-Balart
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lowey
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Morella
Murphy
Murtha
Nadler
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Volkmer
Walsh
Waters
Watt
Waxman
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zimmer

NAYS—60

Allard
Archer
Armey
Baker (CA)
Ballenger
Barton
Bilirakis
Bliley
Bunning
Burton
Camp
Canady
Cox
Crane
DeLay
Dickey
Dornan
Dreier
Duncan
Dunn
Ehlers
Fields (TX)
Fowler
Gekas
Gibbons
Gillmor
Goss
Hancock
Hansen
Hefley
Hoekstra
Hutchinson
Inglis
Johnson, Sam
Kim
Lewis (FL)
McCollum
McInnis
Mica
Miller (FL)
Moorhead
Packard
Paxon
Roberts
Rohrabacher
Royce
Schroeder
Sensenbrenner
Shaw
Smith (MI)
Smith (TX)
Solomon
Spence
Stearns
Stump
Thurman
Upton
Vucanovich
Walker
Zeliff

NOT VOTING—37

Andrews (ME)
Bateman
Blackwell
Boehner
Collins (GA)
DeLauro
Dellums
Dicks
Doolittle
Fingerhut
Fish
Gallegly
Grandy
Hefner
Hoke
Lewis (GA)
Long
Mann
Moran
Myers
Neal (MA)
Pryce (OH)
Ridge
Sangmeister
Santorum
Schaefer
Smith (OR)
Stokes
Taylor (NC)
Thornton
Visclosky
Washington
Weldon
Wheat
Whitten
Williams
Young (FL)

□ 1728

Messrs. HEFLEY, BALLENGER, SOLOMON, KIM, and INGLIS of South Carolina changed their vote from "yea" to "nay."

Messrs. LEWIS of California, HINCHEY, and INHOFE changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FINGERHUT. Mr. Speaker, I was not present during the House session on Tuesday, May 3. Had I been present, I would have voted "yes" on H.R. 3191, the national flood insurance reauthorization. I commend my colleagues on the Banking Committee for their excellent work in crafting this comprehensive piece of legislation.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, I was absent on Tuesday, May 3, and missed rollcall vote 149. But had I been here, I would have voted in support of H.R. 3191, the National Flood Insurance Reform Act.

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 218, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1995

Mr. SABO. Mr. Speaker, I ask unanimous consent that the conferees may have until midnight tonight to file a conference report on the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999.

The SPEAKER pro tempore (Mr. COPPERSMITH). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3266

Mr. SARPALIUS. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3266.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

GENERAL LEAVE

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3191, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

☐ 1730

NATIONAL RANDOM ACTS OF KINDNESS WEEK

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 357) designating the week beginning February 12, 1995, as "National Random Acts of Kindness Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. COPPERSMITH). Is there objection to the request of the gentlewoman from Virginia?

Mr. GILMAN. Mr. Speaker, reserving the right to object, under my reservation I yield to the gentleman from California [Mr. TUCKER] who is the chief sponsor of House Joint Resolution 357.

Mr. TUCKER. Mr. Speaker, I thank the gentleman for yielding and I thank the gentlewoman from Virginia [Mrs. BYRNE] for bringing this joint resolution to the floor.

Mr. Speaker, I rise today to support this resolution designating the week of February 12, 1995, as "National Random Acts of Kindness Week." Over the past several weeks, I have received dozens of cards, letters, and phone calls from all over the country, expressing support for this resolution. Members from both sides of the aisle have joined in this effort, to express the sense of Congress, that all persons should be encouraged to practice random acts of kindness, and at this time I want to thank each and every one of them. We are all aware of the increasing perception of unchecked violence engulfing our streets. But how many of us, on our own motion Mr. Speaker, will pay the toll for the guy behind us, carry the grocery bags for an elderly shopper, say a kind word to a stranger, or give a quarter to a homeless person. These, Mr. Speaker, are examples of the random acts of kindness Members of this body should practice and encourage among people. Will this resolution do anything to stop the violence? In all honesty Mr. Speaker, I do not know. But I am comforted by knowing that random acts of kindness are contagious.

God bless America.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I am pleased to rise in support of House Joint Resolution 357, legislation designating the week beginning February 12, 1995, as "National Random Acts of Kindness Week." I praise the gentleman from California [Mr. TUCKER] for introducing this resolution.

As Americans, we have become accustomed to horrifying crime statistics—every day 14 Americans age 19 and under are killed in gun-related suicides and homicides, about 1.2 million elementary-age children have access to guns, and as many as 135,000 children bring guns to school daily.

The rising incidence of violent crime in our cities and towns is a statistic that we, as Americans, can no longer ignore.

While our criminal justice system must ensure that those who break the law are appropriately punished, we, as fellow Americans, need to get back to the basics and remember the inherent beauty that lies in all of us. I believe that this may be done by practicing random acts of kindness.

It is for this reason that I am proud to support this resolution. By designating February 12, 1995, as a day in which we practice acts of consideration and generosity, I believe that we can gain additional strength and compassion, which, I am hopeful, will lead to peaceful harmony and coexistence.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 357

Whereas the incidence of random acts of violence in the United States has reached epidemic levels;

Whereas the Surgeon General of the United States estimates that, every day in the United States, 135,000 children carry guns to school;

Whereas every day in the United States, 3 children are killed by child abuse, 9 children are murdered, 13 children are killed by guns, 30 children are wounded by guns, 307 children are arrested for crimes of violence, 7,945 children are reported abused or neglected, and 5,703 teenagers are victims of violent crime;

Whereas every 4 hours a child in the United States commits suicide;

Whereas in the United States, a rape is committed every 6 minutes, and every year between 3,000,000 and 4,000,000 women are battered by their partners and more than 200,000 women are stalked;

Whereas every year in the United States, there are 4.7 random acts of violence committed against every 1,000 persons 65 years of age or older;

Whereas every year in the United States, there are 758.1 random acts of violence for every 100,000 persons in the United States, and 235 firearm-related acts of violence for every 100,000 persons in the United States;

Whereas there are 238,000,000 handguns in the United States;

Whereas in 1992 in the United States, there were 1,730 anti-Semitic incidents, the total number of white-supremacist groups rose 27 percent above the number from the previous year, and a record number of bias-related incidents, including 31 murders, were reported;

Whereas hate crimes against Asians comprised 8.9 percent of all hate crimes documented in Los Angeles County in 1990; every 4 hours an African-American child is murdered;

Whereas the United States strongly opposes random acts of violence, and all forms of intolerance and mean-spiritedness based on ethnicity, religion, race, gender, or sexual orientation;

Whereas the people of the United States should be encouraged to practice random acts of kindness, in the spirit of compassion, kindness, and goodwill toward all persons; and

Whereas February 14 is annually celebrated as Valentine's Day: Now, therefore, be it

Resolved by the Senate of the House of Representatives of the United States of America in Congress assembled, That the week beginning February 12, 1995, is designated as "National Random Acts of Kindness Week," and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL WALKING WEEK

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 146) designating May 1, 1994, through May 7, 1994, as "National Walking Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, further reserving the right to object, I rise today to offer my support for Senate Joint Resolution 146, a joint resolution designating May 1, 1994, through May 7, 1994 as National Walking Week. I would like to commend the gentleman from Pennsylvania Mr. PAUL MCHALE, for all of his hard work in bringing this joint resolution to the floor.

Mr. Speaker, the medical profession has established that walking protects against high blood pressure as well as cholesterol problems, and other factors leading to heart disease. In addition, walking has been found to protect against adult onset of diabetes; protect against osteoporosis by strengthening bones; offers protection against several forms of cancer; and has been declared as a safe and dependable way for overweight individuals to lose weight.

Therefore, Mr. Speaker, this joint resolution encourages walking and community spirit, while promoting pedestrian safety and accessibility for walkers throughout our communities.

Accordingly, I urge my colleagues to support this joint resolution and to support all appropriate activities and ceremonies observing National Walking Week.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 146

Whereas medical authorities have established that walking—

(1) powerfully protects against high blood pressure, cholesterol problems, and other factors that can contribute to heart disease;

(2) protects against adult onset (Type II) diabetes;

(3) builds strong bones and protects against osteoporosis, the weak-bone disease that afflicts millions of older women:

(4) probably offers protection against several forms of cancer that are believed to be preventable through regular and moderate exercise; and

(5) is a safe and dependable way for millions of overweight people to lose weight without stringent dieting;

Whereas the failure to exercise regularly, such as walking, has been identified as the single greatest risk factor for heart disease;

Whereas the designation of "National Walking Week" will help promote the issue of pedestrian access and safety;

Whereas areas of America are becoming inaccessible or unsafe for walkers, so the benefits of this activity are being blocked;

Whereas people should be able to walk anywhere in their community, within reason; and

Whereas walking encourages community spirit and safety: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1, 1994, through May 7, 1994, is designated as "National Walking Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1740

D-DAY NATIONAL REMEMBRANCE DAY

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 303) to designate June 6, 1994, as "D-day National Remembrance Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. COPPERSMITH). Is there objection to the request of the gentlewoman from Virginia?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield under my reservation to the gentleman from California [Mr. LANTOS], who is the chief sponsor of House Joint Resolution 303.

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, June 6, 1994, will be the 50th anniversary of the largest amphibious operation in the history of this world.

It was the D-day assault known as Operation Overlord in which 5,000 Allied ships, 11,000 Allied aircraft, and 153,000 American, British, and Canadian troops participated. We suffered significant losses. There were 6,500 American casualties.

But D-day was among the most critical events of World War II, and with the success of this Allied landing in Normandy, our troops provided a foothold for the liberation of France, the eventual Allied breakthrough into Germany, leading ultimately to Allied victory in Europe.

This summer there will be hundreds of thousands of Americans visiting our military cemeteries in Europe. The endless rows of snow-white marble crosses and Stars of David should remind us of the sacrifice a previous generation paid so that this generation may live in freedom and in peace.

I want to thank all of my colleagues who joined with me in this resolution, and I want to thank the President and Members of Congress who will be in Normandy on June 6 to pay our tribute to the gallant men and women who fought so valiantly against the forces of evil during the Second World War and who brought us victory in Europe.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I rise in support of this resolution which affords proper recognition to one of the most pivotal events in world history.

In just a few weeks, we will be commemorating the 50th anniversary of the Allied invasion of the Normandy beaches in France. That day operations overseas immediately became known as "D-day," even though in military parlance, there have been many other D-day's before and since. In the public mind, however, June 6, 1944 is and always will be the only D-day.

It is easy, from a vantage point of 50 years in the future, to underestimate the success of our forces on that June day. In retrospect, the success of the Normandy invasion, as well as the final defeat of Nazi Germany within the following 11 months, seems preordained and inevitable. However, we must never forget that, at the time, the Normandy invasion was far from a guaranteed success, and were it not for a combination of skilled planning, valor, and just plain luck, the success of D-day could readily have gone the other way.

Throughout World War II, the carnage and waste of World War I were never far out of the minds of the governmental and military leadership—and of our fighting forces. World War I, we must remember, was fought less than 30 years prior to D-day. Virtually every soldier in the foxhole, every sailor at sea, had heard stories from their own fathers, from other World War I veterans, from motion pictures and books, and from their own commanding officers about how it was common during that earlier conflict to expend a loss of thousands upon thousands of casualties to gain a few square yards of land. They were all familiar with the static trench warfare of 1914 to 1918, during which a generation of European youth was killed off or maimed without any significant change in the location of the fighting front. They were well aware that World War I was a bloody stalemate, with an unprecedented loss of life, and which resulted only in the rise of Naziism and a renewed conflict within a generation.

They did not want this to happen again.

At the time of D-day, the Allies were under tremendous pressure from the Kremlin to initiate an invasion of Western Europe to relieve the brunt of military combat which the Russian Army was absorbing on the eastern front. Many well-meaning American citizens, British subjects, and French freedom fighters joined in this call for a Western front. Both the government and the military resisted this pressure. Roosevelt and Churchill, as well as Generals Marshall and Eisenhower, well remembered the carnage of 1914–1918. They did not want the wholesale slaughter to be repeated, nor would they countenance a return to the bloody and fruitless trench warfare of World War I.

They determined that France would not be invaded from the west until the Allies were guaranteed overwhelming military superiority—despite the entreaties of the Soviet Union.

The mastermind of D-day was one of the military giants of all time: Dwight D. Eisenhower. It was "Ike" who supervised the accumulation of materiel in Britain; who made the decision which beaches would be the most productive to invade; and made the final decision on the date. Gen. "Ike" Eisenhower had the personality, the charisma, and the leadership capabilities to take the often diverse and divergent military leadership of the various Allied nations and mold them into a united, efficient, fighting machine.

We all know that "Ike" deserves the credit for the incredible success which resulted from the gamble on D-day. Few Americans realize, however, that "Ike" was prepared to take the sole blame if the invasion proved a failure. He had, in fact, prepared a press release in which he contended that the failure of D-day was the result of his own miscalculations and that no one should be blamed other than he. As we all know, that press release was never issued, and, in fact, its existence was unknown until after General Eisenhower's death.

Originally, D-day was supposed to take place on June 5. Weather conditions prohibited this, and the forecasts predicted June 6 would not be much better. However, if the invasion did not take place at this time it would be many weeks before the tidal conditions were right for an invasion of this nature, and Eisenhower was convinced that his security could not remain tight and that the secret of the invasion would be leaked if postponed again. So, "Ike" took a gamble that the weather would hold on June 6 long enough for sufficient forces to secure the shore.

We all know what happened next: the names of Normandy beaches will be emblazoned in all of our histories as long as valor and dedication are honored.

But, so much could have gone wrong on that June morning, 50 year ago. If the weather did not hold out; if the Germans had taken the invasion seriously and counterattacked immediately; if Roosevelt and Churchill had caved in to Stalin and authorized the invasion before our forces were ready; if Hitler had authorized the development of V–1 and V–2 missile rockets and other military hardware earlier—if any of these thing had gone differently, we may well not be here today saluting the bravery and valor of D-day.

But, thanks to our superior military leadership and the incredible gallantry of American and Allied soldiers, sailors, and pilots. D-day is a glorious day: a day when the ideals of liberty and justice were guaranteed to Western Europe, and, in fact, because the wave of the future for the rest of the world.

It is fitting that we adopt this resolution, so that future generations can be reminded of what D-day should mean to us all.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 303

Whereas June 6, 1994, marks the fiftieth anniversary of D-Day, the day of the beginning of the Allied assault at Normandy, France, during World War II;

Whereas the D-Day assault, known as Operation Overlord, was the most extensive amphibious operation ever to occur, involving on the first day of the operation five thousand ships, over eleven thousand sorties of Allied aircraft, and one hundred and fifty-three thousand American, British, and Canadian troops;

Whereas five separate beaches were assaulted, with American forces commanded by Lieutenant General Omar Bradley attacking Omaha and Utah beaches and British and Canadian forces commanded by General Miles Dempsey attacking Gold, Juno, and Sword beaches;

Whereas American troops suffered significant losses during the assault, including over six thousand five hundred casualties;

Whereas the D-Day assault was among the most critical events of World War II, with the success of the Allied landings in Normandy providing the foothold for the liberation of France and the eventual Allied breakthrough into Germany and leading ultimately to the Allied victory in Europe; and

Whereas June 6, 1944, is one of the most significant dates in the history of the United States; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 6, 1994, is designated as "D-Day National Remembrance Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time, and passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolutions just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

□ 1750

AMERICANS SHOULD BEWARE OF DRIVING IN MEXICO

The SPEAKER pro tempore (Mr. COPPERSMITH). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY], is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, American citizens beware. Driving in Mexico has potentially serious problems for Americans, particularly if you are involved in an automobile accident.

A lawyer from Maryland, Lawrence P. Pinno, Jr., learned the hard way that by being a good citizen and staying at the scene of an accident does not pay in Mexico. For his efforts, he was jailed and his human rights were seriously violated.

Mr. Pinno relates that he was in Cancun, Mexico on his way for an afternoon of scuba diving when a young man on a moped ran into the side of his rented Budget Rent-A-Car Volkswagen. The car was stopped when the moped, driven by a Mexican national, slammed into the side of the Volkswagen. The moped rider came off a walkway into the road hitting the car.

The Mexican citizen was injured, so Mr. Pinno remained at the scene giving aid to him. Mr. Pinno says he cooperated fully with the police officials who arrived on the scene—which began what he calls "a nightmare."

The description of what happened next set the stage for buying his way out of jail. Mr. Pinno said,

> A uniformed person arrived at the scene, and drew a diagram. He did not talk to any witnesses, although there were many. Then he directed me to drive my rented motor vehicle to a place which I believe was the Transit Police Headquarters. I did so. Upon my arrival there, I was placed into a small room.
>
> Nobody said anything to me, other than I was to be detained. No traffic tickets had been written, no charges were filed and there was no judicial officer present or promised for the future. I was merely to be detained.

From the time of his detention, officials requested money from him for each step of the system before he was finally released. He had to pay 20 pesos to a person who was to administer a breathalyzer test. There was a subtle threat to Mr. Pinno that if he did not submit to the test his detention would continue. Of course, the test was negative because there was no alcohol in his blood.

The breathalyzer operator next investigated the moped passenger's injuries. At that time, Mr. Pinno was told that with a payment of an additional 20 pesos nuevos, he could leave. He paid the money, but was still detained.

At 5 o'clock he was transported in a locked police vehicle to another small building where supposedly Mr. Pinno could see a judge. A sign indicated this was the Policia Judicial Del Estado Comandancia 94. There was no judge. Mr. Pinno was not allowed to leave but he was subjected to further processing.

At 11 o'clock he was required to sign a document, written in Spanish, and was told he could leave after paying $1,000 in cash. Having only $600 Mr. Pinno offered his jailers a credit card with his passport as security. Only cash was acceptable.

By now he had been in custody over 10 hours without food, water or bathroom facilities. Desperate, Mr. Pinno asked to use a telephone to call American Express for funds so he could leave, but there were no phones.

Mr. Pinno later was told by someone in charge that if he would sign an American Express sales draft in blank then he could leave. Hopeful, he signed the draft, but was not permitted to leave.

When Mr. Pinno's captors realized that he would not produce the cash, he was then put in a jail cell along with 19 other prisoners. The cell was 12 feet by 16 feet wide and was so small and crowded that not everyone could sit at the same time. There was no food and bathroom facilities. Prisoners relieved themselves on the floor, which was the only place to sit.

By 1:30 the next day a friend furnished the $1,000 in cash, but it took another 4 hours before he was finally released. Mr. Pinno is so upset over this experience that he is considering running ads in newspapers to find out how many other Americans have had similar experiences. For my part I intend to write the Secretary of State requesting that warnings be provided

American citizens about driving in Mexico. At least our Government should warn Americans that they are at risk driving in Mexico. Thank you.

A TO Z BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from New Hampshire [Mr. ZELIFF] is recognized for 1 hour as the designee of the minority leader.

Mr. ZELIFF. Mr. Speaker, I rise this day to express my enthusiastic support for one of the most bold and exciting initiatives which Congress will consider this year. H.R. 3266 and its companion resolution, House Resolution 407, cosponsored by a bipartisan group of 230 House Members, can form the basis for a fundamental reform of the budgetary process in this House, reform which we know in our hearts is desperately needed and long overdue.

Here is the problem: Congress promises to cut Government spending year after year. But when the tax bill comes in, it is always higher. Here is the solution: Seize control of big Government spending by tackling the budget piece by piece from top to bottom, from A to Z. That is the program which I urge you to support, the A to Z plan, Mr. Speaker. This bill proposes what was once unthinkable, that we act specifically and responsibly on individual spending programs. This bill promises and proposes that we lift the veil of secrecy and give each Member of Congress an honest, open, equal vote on individual programs which make up the monster we now know as the Federal deficit and the budget.

The budgetary process we have does not fool anybody anymore. The way you get that pork-barrel project for your district is to tie it to a flood relief bill or aid to fight child abuse. Who is going to vote against child abuse? That is the way the budget is put together, too; billions of dollars of spending which would never survive on their own somehow slither through the U.S. Congress hidden in the pages of the Federal budget. All we have is 1 vote on the whole package, take it or leave it, up or down. The principle of the A to Z plan is simple: Break the budget down, allow 56 hours of honest debate on Federal spending and cuts. During that debate, any Member may introduce a specific idea to cut Federal spending. Each spending cut proposal will be debated openly and individually on this floor. After the debate, each proposal would be voted up or down by the full House.

The A to Z plan gives us the opportunity to set aside power politics, set aside partisan rhetoric, set aside the self-serving "spend anything as long as I get mine" attitude, for which this Congress is justly criticized by the American people.

A to Z is our way to shed light on the budget process; to start to clean up the mess by cleaning up the process.

The A to Z plan gets us behind this shell game, gets us beyond that shell game of spending now and promising savings later. With the power of A to Z we have a chance to give a body blow to big Government spending instead of the customary slap on the wrist and to do it right now.

Just as this proposal seeks to free each Member of Congress to express their views and vote their conscience on how we spend tax money taken from hardworking Americans, so does each Member have the responsibility to stand up and be counted on the A to Z plan.

Those who would reject real accountability for the billions of tax dollars we spend must expect revenge from the voters who pay those taxes and then shake their heads as they watch the subterfuge and waste.

☐ 1800

Let us be clear on just what the A to Z plan is and what it is not. A to Z is the way to break down the budget into manageable pieces so we may control spending. A to Z is the way to let the voice and the vote of every Member of Congress count and be heard. A to Z is a clean break from the abuses of power and the process of the past, an embrace of the kind of democracy which the American people once believed that we stood for in the U.S. Congress. A to Z is not a circus. It is not a distraction, as our opponents suggest. That is a smoke screen. A to Z is not a way to circumvent House leadership. It is a means to enable us each, to enable all of us, to take a stand for real leadership. To the American people the A to Z plan is just plain common sense.

Mr. Speaker, those of us who have been homeowners and wage earners know that this is how real people work their own budgets, in their kitchens, in their rooms. I say to my colleagues, "When you need to cut spending and make ends meet, you look at each of your expenses one by one, and you find ways that you can cut them and live within your means." This is the way we should cut spending and save money in Congress, too.

This is not rocket science. It is just good government. That is why the A to Z plan is endorsed by so many outside organizations, and I will just name them: American Conservative Union, American Legislative Exchange Council, Americans for a Balanced Budget, American Small Business Association, Americans for Tax Relief, Association of Concerned Taxpayers, Christian Coalition, Citizens Against Government Waste, Citizens for a Sound Economy, Free the Eagle, National American Wholesale Grocers Association, National Federation of Independent Businesses, National Taxpayers Union, Pennsylvania Leadership Council, Small Business Survival Committee, United Seniors Association, United States Chamber of Commerce.

Mr. Speaker, this is the way we should cut spending and save money in Congress, too. It makes so much sense.

Some may ask, "Who would oppose such a plan?"

We know who. Behind closed doors some members of the speaker's team scrambling to find ways to derail this freight train are whispering, "How can we accomplish this?"

The real question, which voters all across America have for us now, is:

How can we not do this?

The underlying principle of this debate is nothing less than what is the legitimate function of Congress. Those who believe that Congress exists to serve a select few who control and subvert the intent of representative democracy should have the guts to admit it. Those of us who believe that every Member must have the right to act in the best interests of their voters that they represent who sent them here have an obligation to oppose such a power grab. The A to Z plan can be the foundation of the reform that we need.

Mr. Speaker, I ask every Member here to join supporters of this important movement, to stand up for what is right, and I urge every voter in America who hears these words to let their Congressman know how important it is to support the A to Z cutting spending plan.

Tomorrow we will start the discharge process, and we hope that we will be successful in getting 218 folks to this 230 that cosponsored this bill, and tonight I am very pleased and honored to recognize my colleague and friend, the gentleman from Oklahoma [Mr. INHOFE], who basically started this process rolling, tore down the walls of secrecy. This is the type of reform that would not have been possible 1 year ago had JIM not put his hard work and efforts in all of our behalf to get the process fully started.

I yield to the gentleman from Oklahoma.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from New Hampshire [Mr. ZELIFF].

Mr. Speaker, it is just a shock to me and to people at our town hall meetings that we have to resort to something like this. Most of America really believes that we have an opportunity to vote things down, to get on record, and they do not understand what type of institutional corruption there is here in this body that keeps people from being heard, and, as my colleague knows, all I can say is, "They just don't get it. The leadership of this body just doesn't understand. They are holding on with white knuckles to that old way of doing business that they have done for 60 or 70 years, and they don't understand that times have changed and people are going to be making some demands for a change."

Mr. Speaker, the gentleman's issue is important, of course, and that is to be able to cut spending in a way that, I think, effectively we can do it. But the issue is not the main thing at stake here. The issue really is accountability.

There are a lot of people that are elected to this body that their constituency maybe does not want them to come up here and cut out a lot of these programs. I suspect they are few and far between, but this is an opportunity to cut government spending, and to think that we have to tomorrow—I guess at 2 o'clock—resort to a discharge petition to bring this out. Let me just real briefly explain why this is necessary.

Mr. Speaker, it is necessary because we went through a period of history in this body for 60 years, up until last September, where the elite leadership was able to have absolute, not partial, but absolute, control of the entire agenda of the House of Representatives. As my colleagues know, the gentleman from New Hampshire [Mr. ZELIFF] would introduce a bill that 90 percent of the people in America want, and they design it, they would look at it and say, "Well, this is something that, yeah, these dumb people out in America might want, 90 percent, but not to us, the elite leadership of this body. So, we'll stick it in the Rules Committee with a deal that it will never have a hearing, never see the light of day, never have a vote." So, that has been going on for some 60 years.

And the issue, yes, it is important. We tried the balanced budget amendment to the Constitution. It should not have been necessary to have a discharge petition to bring that out for a vote, but it was necessary, and so it came out, and we lost it by 12 votes, and I would suggest to the gentleman from New Hampshire that there will be a lot of heads that will roll at election time because they are among those 12 that stopped us from having a balanced budget amendment to the Constitution of this country, a recognition that this body has demonstrated for 40 years it is incapable of fiscal frugality or of changing the deficit situation that we have. Well, that lost by 12 votes.

Now, Mr. Speaker, tomorrow we have a chance to do it where we are putting people on record as to whether or not they want to vote on specific spending cuts, and this is an opportunity that we will have tomorrow to do that. I think it is significant that people understand the process that we have in this country and that it should not be necessary, but it is necessary, to do that.

So, tomorrow at, I guess, 2 o'clock there will be several of us that will be going around on the floor and be going to individuals who have cosponsored the A to Z bill. It has gotten a lot of national publicity because it is inconceivable that anyone could be opposed to the A to Z bill.

Mr. Speaker, the gentleman has explained it quite accurately, but in a nutshell all it is is an opportunity to go on record to vote against these programs that no longer—that the vast majority of them in America do not want, and that is all we want to do, is to give people that opportunity.

It is kind of interesting, and I cannot remember who did the study, but I do have it documented. But a child that is born now—I happen to have two grandchildren that just celebrated their first birthday. Those children coming into the world today, unless we do something to change this system of deficits piling up over and over again, a child born today will have to spend 75 percent of his lifetime income just to service the debt.

Now, Mr. Speaker, it was not long ago. It was the 5th of August 1993 that we passed the Omnibus Budget Reconciliation Act of 1993. In this bill that a lot of people mistakenly called a deficit reduction bill because it increased the deficit, it did not decrease the deficit—it was the largest tax and spend increase in the history of this country, and those are not the words of conservative Republican JIM INHOFE. Those are the words of PATRICK MOYNIHAN, chairman of the Senate Finance Committee. It increased taxes by $255 billion, and I ask, Did you know that there wasn't one program eliminated in that bill? We talked about the mohair program, we talked about the honey bee program. Nothing was eliminated. Just keep the programs going because they are in someone's district, someone who has seniority in this operation here that wants to keep these programs going in spite of the fact that 90 percent of the people in New Hampshire, 90 percent of the people in Oklahoma and across America want us to bite the bullet and do away with some of these useless programs.

Mr. ZELIFF. Let me just ask a quick question.

Going back to the vote in August, am I correct in saying that that deficit reduction bill added a trillion dollars to our debt, making the total—we are right at $4.5 trillion, and we are going to be close to $6 trillion.

Mr. INHOFE. Mr. Speaker, I thank the gentleman for that question because it needs clarification. I say to the gentleman, You're being generous when you say that because there are assumptions, and I can't be partisan when I say this because quite frankly back in 1990, when you had the Budget Reconciliation Act, and President Bush was President, the same thing happened then. We had assumptions that were revenue assumptions.

For example, we have revenue that comes from gasoline tax.

□ 1810

So they had to project how much revenue will come in. Then they have a growth assumption. For each 1 percent growth in our economy, that translates into $24 billion of new money. So the President is putting on growth assumptions here that are not realistic.

I think probably we will find it is going to be even much greater than that.

Mr. ZELIFF. If the gentleman will yield back, an example you used in 1990 when we added $164 billion to our debt then, or new taxes, the actual number ended up at $197 billion. So our ability to project is somewhat limited.

Mr. INHOFE. Our ability to project in this body has always been to be in error in our favor. I think that there are some of us in this body that are more concerned about future generations than we are the current generation. You have to keep in mind that all this stuff we are doing today, all the fun we are having, all the programs we are funding, are all being funded with borrowed money, being borrowed from my two grandchildren and future generations. You have to somehow drive that into the minds of the people making the decisions.

Your bill is going to do a better job of that than anything else I have seen. A balanced budget amendment is a good thing. We did our best. We lost it by 12 votes, and a lot of heads will roll at election time as a result of it. You are not saying we wanted you to defend the mohair program. You are not saying we wanted you to defund the honey bee program.

You are saying we wanted you to be accountable. We wanted your people at home to know how you stand on these various programs. Because the current system we have, just like the Reconciliation Act of 1993, it had all of these things in one bill, where you could not amend it, so you could not pick and choose.

Now we are going to have that opportunity. If we are successful, if the people at home put enough pressure on this body, we are going to be able to hold each and every Member of this body accountable for each of these spending decreases that will be proposed as a result of your bill. As you have already mentioned, unfortunately, it is going to be necessary to have a discharge petition to bring that out.

So I guess what I really wanted to get across and say to the gentleman from New Hampshire is this should not be a bill that is Democrat versus Republican. It should not be conservative versus liberal. This is just accountability.

Mr. ZELIFF. There are 59 Democrats on this bill. We have 230 cosponsors. There are 171 Republicans. It is bipartisan. Frankly, I think that is the best part that we can say. This is a joint effort, from both sides of the aisle.

Back in August, prior to the vote for the President's economic plan, we had 234 Members sign a letter to the Speaker asking for a special session of Congress to do nothing but cut spending, a 10 day session, if you will. We never heard back on that. That is why we went and moved forward and dropped the bill itself, and now we are doing the discharge.

Mr. INHOFE. I would have to try to speculate as to why there is so much resistance. I do not think it is all just because of these programs that they do not want cut. They do not want to change around here. They do not want to change the way of doing business.

They were very upset when the change came with the discharge petition reform. That took away the ability to hide from people at home what we are doing in this body. This is probably the second real test of that. I stood at this very podium when we passed that reform and said that it will not be necessary to have very many discharge petitions, because now the leadership of these committees know that they have to be responsible, they have to hold hearings, and they have to give us an opportunity to have a public vote.

This happens to be a case that they should have done it without this, but they are not doing it. I applaud you for your efforts and for thinking this up. This is a ingenuous way to try to do something.

Mr. ZELIFF. It is pretty simple. You could probably think of something similar in Oklahoma, but it is like either a small business or a small town meeting where, in New Hampshire what we do is take care of all the items on the warrant one by one in about 2 or 2½ hours. We decide how to handle all the town's business in one day.

Obviously, it is a little bit more difficult and complicated here, but the process is the same. Why not address these, take a look at your spending, get rid of waste and inefficiency, everything on the table, A to Z.

I would like to now recognize my colleague from Michigan, PETER HOEKSTRA.

Mr. HOEKSTRA. Thank you. It is good to be here tonight and talk about what we are actually going to try to accomplish tomorrow. I think tomorrow is going to provide many of us in the House a fantastic opportunity by signing the discharge petition, which will bring your bill to the floor, A to Z.

I think it is important to reiterate again what we are trying to do. We are trying to get 56 hours of debate. We are trying to get and provide for every Member of this Chamber the opportunity to bring an amendment to the floor to cut spending, so that we can go back to our constituents later this year and show that we as a Congress really have taken more seriously the need to fix the deficit.

I have got some documents in front of me that show that it can be done. Specifically the Concord Coalition. But I think it is important to recognize what the Concord Coalition and our own GAO says and all that, that in the year 2000, we will still be in debt. And between now and the year 2000, we are going to continue deficit spending, we are going to continue to accumulate dollars of debt. And, as our colleague from Oklahoma stated, we are stealing from the next generation. We are taking a phenomenal amount of money from the next generation and spending it on ourselves.

The Concord Coalition goes through and talks about a way that by the year 2000 we can fix the deficit, we can get it down to zero. We as a Congress have had an opportunity recently in the different budget proposals to vote on a plan that would balance the budget, which was the Solomon plan.

They talk about a number of things that we can do, and I expect that as we get the discharge petition, we will have an opportunity to vote on many of the things that the Concord Coalition has talked about, things that were included in the Solomon budget, things that are included in the Solomon budget, things that are included in other proposals, because there are many people that have taken a close look at reducing the deficit.

Where does the Concord Coalition suggest that we can perhaps cut spending? There may be opportunities in the defense area. There may be opportunities in domestic spending. There may be some opportunities in entitlements. As we go through and attack each of these issues, we will also accumulate a benefit of not spending as much on interest payments.

My staff has taken a look specifically at what would happen if we cut franking. Just in the House of Representatives, if we said we were going to spend approximately about the same dollars per household that the Senate spent, we would save $35 million per year.

Some would say in Washington that that is not a lot of money. But only in Washington would we say that $35 million is not a lot of money. The company I worked for in the private sector, if we had an increase of sales of $35 million from one year to the next, that would have been a very, very successful year.

It is just one of what I hope will be 435 creative, bipartisan efforts to cut spending, so that we can say we have honestly, like you talked about what happens in the town meetings in New Hampshire, that we have had the opportunity to go through the budget, line item by line item, and find those areas that we at least believe should be brought to a vote of the House, and that we can then go back and say, you know, we found another $50 billion, we found another $100 billion. We have more work to do, but there are a lot of opportunities here.

I think we would have a great week or 10 days of debate going through each and every one of these, and I think the American people would be excited by watching the process.

Mr. ZELIFF. I think in the gentleman's earlier remarks he talked about the fact that in the year 2000 we weren't anywhere close to balancing our budget. I think our problem here is that it doesn't have to be this way. We can take advantage of a narrow window of opportunity to put the train back on track. We can start living within our means. We may have to start living on 95 percent of what we previously spent, but we can accomplish a goal of providing a balanced budget, living within our means, being competitive in as early as the year 2000.

This is not heavy lifting. This is responsible government. This is leadership. This is something we need to address.

Mr. HOEKSTRA. If the gentleman will yield further, it wasn't that long ago that we had the Penny-Kasich proposal, a bipartisan effort to cut spending.

Mr. ZELIFF. That was a penny on the dollar.

Mr. HOEKSTRA. Over what, the next 5 years. And we could not pass that as a package. So what this bill will allow us to do is come back and take bits and pieces of that bill, find those elements where we have enough votes to pass the spending cuts. We will then implement those. Plus, it will provide for a wide range of opportunities for additional cuts.

Just think, our constituents will be able to go through and see 435 programs. They will be able to see how much we proposed in cutting, and then they will be able to see how we voted on each one of those items.

□ 1820

The other thing that we will be able to see is, I think they might get a better appreciation, because getting down to a balanced budget will not be easy. But they will have seen the decisions that we have made to reduce the deficit. Then perhaps we can go back to them and say, we have gotten half the way there now. You saw some of the programs that we decided to keep. Perhaps you can give us some recommendations on it. We voted to keep this program because we thought it provided a benefit. Is it really providing a benefit to you? Maybe that is a program that you think we—do you think we should cut that program?

So it is going to be a process that will open up this Chamber, and I think can open up the process for the country as a whole for us all to focus on reducing the deficit and getting to our objective of a balanced budget. We also had the opportunity to vote for a balanced budget amendment. I thought that would have been the opportunity where we really could have displayed to the American people.

Mr. ZELIFF. Is it not interesting how that balanced budget amendment elusively, we thought we had the votes, and all of a sudden we just missed by a few votes? I voted on it twice now and the same thing has happened both times.

Mr. HOEKSTRA. Only having been here 16 months, all the critical votes, we always lose by about 10 to 13 votes, the votes that would change the way that we do business. The only thing that I think really changed was the work that my colleague from Oklahoma did, was getting the discharge petition.

That is opening up the process and without that, I am sure you would have been saying, I have 231 cosponsors. We are moving toward the discharge petition, but that discharge petition would have never passed, would have never gotten the 218 signatures because we would have never been able to tell the American people who signed and who did not sign. We will now be able to keep a record of who thought this legislation was good enough to cosponsor so that they could go back to their districts and say, see, we are for deficit reduction. I am sponsoring the A to Z plan.

It is going to be real interesting to see those 12 or 13 who cosponsored the legislation or if there even will be 12 or 13. I hope there are 231 people lined up there tomorrow.

Mr. ZELIFF. There should be.

Mr. HOEKSTRA. Two hundred thirty-one people lined up to sign this and get it passed.

Mr. INHOFE. You know, you mentioned the discharge petition. You mentioned this, they have something in common, that is both of them deal with accountability. That is why I hope that people do not frame this as a conservative or a liberal movement.

I can remember when we were on a talk radio show in Massachusetts and a guy called in and he said: INHOFE, I do not really like anything that you stand for except for this. I happen to be a very liberal Democrat. I am an elected official in the Democratic Party in the State of Massachusetts. This, I agree with you, this is only one thing. That is accountability.

I think that message should ring through to this, because that is all this is, is accountability.

I would dare to say that the four of us will not agree on very many of these cuts, when they come up. We are going to be voting. We might feel differently about the space station and some of the other programs. But at least we will then have to be accountable for each and every one.

Since both the gentlemen are freshmen, I hope you address in your remarks that would you have ever believed when you came to Congress that you would have to be going through all of this just to be heard and to be able to vote on a reduction in spending? Did this ever occur to you? And if the answer is what I think it is, how do you explain this to the people at townhall meetings? That is the frustration that I have.

Mr. HOEKSTRA. I studied political science. I graduated back in 1974. I studied the Rules Committee. I think if textbooks were written today, the definition in and the power of the Rules Committee would be described much differently today than it was back in the 1970's, because back in the 1970's, the closed rule was an exception. And now I think in this Congress, what, 85, 90 percent of the rules have been closed rules and just to explain what a closed rule is. It means, when the bill comes to the floor it clearly outlines exactly what amendments will be in order, what amendments may be voted on, what so many people forget is all of the amendments that were proposed to the Rules Committee that never see the light of day, that never make it to the floor of the House for a vote.

So I think having studied political science, having watched the House and now being here and working in it, that has probably been the biggest disappointment, the lack of a deliberative, open process here on the floor of the House to tackle many of the issues.

Mr. ZELIFF. Representative democracy is what it is all about, and accountability.

I would like to introduce another colleague of ours from Michigan, JOE KNOLLENBERG.

Mr. KNOLLENBERG. I thank the gentleman for yielding. I just wanted to make sure that you get the applause, BILL, that you deserve for making this effort, an extraordinary effort as it is to get people to deal with reality. I think it is just plain openness.

I know that the Congressman from Oklahoma, JIM INHOFE, has been the spark plug to this whole process. That has already been covered, I am sure, in your conversations.

I would just like to point out that, and I kind of want to respond to Congressman INHOFE's question which was directed to my colleague from Michigan, what was my interpretation, what was my opinion, what was my view about how things are done here. Frankly, until you get here you do not really know that. I have to tell you, it is very difficult for me to go back to a townhall meeting in my district and tell people, this is what happens. When you mention the process, it is almost like a blank stare appears on their face. It is a blur. It is not an open process.

I know that in many ways we have a system here that has worked for so many years and it has worked well enough that it seems things get done. But frankly, the thing that struck me is the fact that it is not open. It is closed. Not just the rules process, and that was an area that I knew very, very little about. It is an area, too, it is a committee that has frankly, it brings blank stares also when you start to tell people how things have to be processed through the Rules Committee, whether it is an open rule or a closed rule.

One of the phrases that I hear a great deal from colleagues of mine is that they say that I am for cutting spending, but I am opposed to cutting this particular program. Many times we get a bill that we like parts of it, we may like two-thirds or three-fourths, there are a couple of areas that just kill it. And so we wind up, even though the bill might have been perfected by amendment, we wind up voting against it.

Is it not interesting, here is a process that Congressman ZELIFF has introduced and certainly the spark came from over here, from Congressman INHOFE, here is something very simple. Now we can take these things apart, one by one. We can strip away this figleaf and talk about one issue at a time and we can vote for it up or we can vote for it down. We have the right to make a decision on the basis of something very simple, very clean. I think that is what I like about the process, is its simplicity, its openness, and it is simple.

Mr. ZELIFF. Frankly, the reason it is so simple has made an impact across America. I did an hour this morning from 8 to 9 with C-SPAN, a call-in show. And we had calls in every minute of that hour. It is incredible.

Mr. INHOFE. If you had calls in over a period of an hour, can you tell me one logical reason to oppose this? What kind of questions came in that seemed to make sense to you?

Mr. ZELIFF. Basically, I was on with a fellow from the Brookings Institution that basically was going the other way. He represented that opposition to the A to Z, that it was not within the committee process and he went through his whole process. I went according to why I thought it was a good idea.

I would say that all of the calls, bar none, were in support of the A to Z process, simple straightforward representative democracy.

Mr. INHOFE. It sounds like the opposition you experienced was the same opposition that I did when they say this violates this great committee process. My response was, if it is a process that is corrupt and it is broken, then it has to be fixed.

Mr. ZELIFF. The committee process could easily have taken place. We introduced a letter to the Speaker with 234 names on it in August. That was 9 months ago. Then we dropped a bill with 230 names on it. Something could have happened over that 9-month period. Nothing happened. All we asked for is an hour or a designated time of debate on cutting spending and waste and inefficiency.

Mr. INHOFE. There were 30 legislative days they could have acted. That means not 30 days, that is closer to 70 days. And so that is a pretty good indication that they were not going to have a hearing. They were not going to allow a vote. And this is the only way it could happen. I always argue, this system of a discharge petition does not circumvent the committee system. I am sure that you have said that to the gentleman you were debating with this morning.

□ 1830

Mr. INHOFE. I think it is awfully difficult to come up with a credible objection to merely forcing every Member of Congress to be on record on these spending cuts.

Mr. ZELIFF. I think that is what people want back home. I think that is what they are demanding. I think our process—and I have done an awful lot of town meetings, when we talk about responsibility to our constituents, coming back home, being available, talking to them, doing town meetings, being available in our offices for office hours, seeing our constituents, having an open door policy—I think where people are in trouble is when they do not provide this opportunity.

That is why we will get better respect for Members of Congress and this institution, I think, as we lift the veil of secrecy and we open up, come out of the closet, and let us debate the item or the proposal based on the merits. I think that is what this thing is all about. Let us talk about it on the merits. Let us give everybody a shot at it. Let us then vote it up or down and move on to the next item. I think that is what it is all about.

Mr. KNOLLENBERG. Will the gentleman yield, just to comment on that, and also on the views of the gentleman from Oklahoma [Mr. INHOFE] a moment ago, because the committee structure seems to have broken down and seems to be in need of repair, and it does.

Frankly, I think this is maybe one way of cleansing this process. I think maybe the openness provided by the avenue that the gentleman has brought to the floor, the A to Z process, is one that might overall help the entire structure.

I am not against the committee structure. I am not against the process that goes on there. I am sure nobody here is. However, sometimes I think we might need just a little kick, maybe a little oil in the system, and this is one of those things I think that brings on another light and helps the process. Maybe in the end it will help the committee process be more efficient, be more attendant to the things that really concern America, concern this country, and not sit in a corner ready to be forgotten about and in fact collect dust.

I would just suggest that this is a way, this process is a way, to maybe make the whole system work better.

Mr. ZELIFF. Let me toss out an idea or two, and let us just give folks an opportunity to see what kinds of things we are thinking about in terms of entitlements. Entitlements are something I think we need to address, and are certainly driving our deficit.

Certainly one thing I have talked about back home in New Hampshire in terms of our Health Care Task Force, we believe—Medicare was introduced in 1965 and then it was projected to cost $9 billion in 1990. It actually cost $106 billion. You say what is $100 billion. That is the kind of accountability we are talking about.

One of the things I would like to introduce is, why not means testing on Medicare? Why not people who are making $75,000 or more a year pay a little higher on their part B premium than maybe those that can hardly put food on their table? Would that be a reasonable proposal? Most of my seniors in my town meetings support that idea.

Copayments are another idea that would make sense, and certainly getting rid of the helium reserve is something that for 40 or 45 years we have been talking about doing. The Medicare process would save $1.5 billion, the one I described. The helium reserve would be almost $1 billion.

Maybe you gentlemen would like to add any thoughts of other areas that you think might be worth while.

Mr. INHOFE. Let me just make one comment in response to that. If we really wanted to do a responsible thing, it would be to look at one of these studies such as the Heritage Foundation and others have given to us, that you could actually eliminate the deficit by the year 2000 without any tax increases or without any spending cuts just by applying a cap.

There is one study that says if you put a 2 percent cap on, by the year 2003, without any changes otherwise, you will have the budget back into balance, the deficit eliminated. If you were to make that 1.5 percent and are able to stimulate the economy so we have a 3-percent growth, which would add about $75 billion a year in new revenue, then we would be able to do it in about 3 more years.

There are a lot of good ideas out there. I mentioned in our news conference this morning, there are other ways of doing it. Certainly, the way that you are projecting is an offering that we will be looking at tomorrow and trying to bring out so we can get people on record.

This is a very responsible way because, again, we may not all agree on even the things that you just now mentioned, but at least we can get on record and everybody back home can look at us at election time and say "They were for cutting spending," or "They were not for cutting spending."

Mr. ZELIFF. Absolutely; just 1 quick second. I have been involved here where we have voted and lost the vote on the balanced budget amendment. I think as Republicans we would certainly give a Democratic administration the line-item veto, but that is not going to go anywhere. Penny-Kasich I thought was a tremendous opportunity, again, a penny on the dollar, $95 billion, that did not go anywhere. It just missed by a handful of votes. There was a package group of cuts of various programs.

There are people who say that the only way we are going to really get significant control of spending is to do something similar to a Base Closure Commission, and it seems to me we should be able to not have a third party do what we are elected to do.

Leon Panetta, the morning of the balanced budget amendment vote, came out on TV and said, "Look, we do not need a constitutional amendment to force us to do what we are sent here to do." The problem is that what we have been sent down here to do does not seem to be working, so the A to Z is a new attempt, a new process, a new idea which is a potentially revolutionary idea but very simple, and hopefully this will be a process that will work.

Mr. HOEKSTERA. Will the gentleman yield?

Mr. ZELIFF. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I would like to just build on the statement that my colleague, the gentleman from Oklahoma, said. If we cap Federal spending at a rate of 1.5 or 2 percent, we could achieve a balanced budget.

I think that is an important thing for the American people to recognize. When they here about us cutting spending, again, when we cut spending in the private sector, you know, we would spend $1 million, and when we said we were going to cut spending, it meant the next year we would spend less than $1 million. Only in Washington can we come and find out that we are spending $1.4 trillion and we are cutting spending, which means next year we are going to spend $1.45 trillion.

Mr. INHOFE. If the gentleman will yield right on that point, there is an article that every Member of Congress and others around the country should read, and it is called "Budget Baloney." It was in Readers Digest 2 or 3 months ago.

In there they kind of put it in terms that even I understand. They say if a guy has $5,000 and he wants a $10,000 car, all he does is say, "I really want a $15,000 car, but I will take a $10,000 car, so I have reduced the deficit by $5,000." People laugh at that, but that is exactly what we do in this body. They ought to read that article.

Mr. ZELIFF. It really puts it in perspective.

Mr. HOEKSTRA. What we do is cut off projected spending, so I anticipate one of these years we are going to blow projected spending up, really make it look high, and then we are going to come back and say we just had the biggest budget cut in history, and we cut $1 trillion over 5 years, and that is only because we projected the numbers much higher than where they actually ought to be. There is another thing——

Mr. ZELIFF. Are you saying, then, back in August under this deficit reduction plan, that that was based on projected spending, not actual cuts?

Mr. HOEKSTRA. It was cuts off of projected spending, not cuts off of—what historically I have always said is, you are spending this much this year, and a cut means next year you will be spending a little bit less.

Mr. ZELIFF. Absolutely, that is all build in, the cost of inflation and all the rest.

Mr. HOEKSTRA. A built-in escalator.

Mr. INHOFE. If the gentleman will yield, to answer your question, we had a built-in increase in the deficit every year for the budget we passed in 1993.

Mr. HOEKSTRA. If the gentleman will yield, I would like to talk just a little bit about something else, again reinforcing why it is so important that we start working on cutting spending today. This is just a quote out of this booklet here.

If there is a single line item in the Federal budget that is 100 percent waste, fraud, and abuse, it is interest on the national debt. Our Government's interest payments on its debt, like personal interest payments on credit card debt, do not buy a single useful item.

Just think of all the dollars that are coming into Washington that are just paying off the debt, or not paying off the debt but paying interest on the debt. I wish we were paying off the debt.

In 1995 we will spend about $218 billion on interest payments. In the future—and this is assuming there is no change in interest rates, and we all know that interest rates are now going up slightly. Just think what happens to these numbers if interest rates go up at all. But in the year 2000, interest on the debt is projected to total $278 billion per year, and by the year 2003, we will start seeing the graph accelerate. $328 billion, think about that, $328 billion in interest payments that do not buy us anything. They do not buy us another mile of highway, they do not buy any small child a breakfast program or a hot lunch program, they do not help send anybody to college. It does not put one more police officer on the street. It does not do any of those things.

□ 1840

Mr. ZELIFF. If the gentleman will yield, I do not think we have any bankers here. None of us are bankers or have been in the past. If any of us were bankers, under the scenario you just described, when you came in for a loan do you think you would get it?

Mr. HOEKSTRA. I hope I am never in that position to find out. But I know I would never get the loan.

Mr. ZELIFF. I happen to be a small businessman from New Hampshire. We have three small businesses which my son now runs. If I went to the bank with that proposition, they would be telling me that I am heading down the trough of bankruptcy, and if I do not change and reverse that, that I am going to be insolvent.

I think our narrow window of opportunity is we can do something about it, and I think that is what the gentleman is trying to say.

Mr. HOEKSTRA. I think we have a fantastic opportunity.

Here is another book that was prepared by the Congressional Budget Office, something that we should read every night, "Reducing the Deficit." It talks about spending and revenue options. I think this Congress has done enough for revenue options. I do not think we need any more revenue options. We have done too much on that already.

Mr. ZELIFF. The problem is spending, is it now?

Mr. HOEKSTRA. The problem is the first part. The first part of the book talks about spending cuts, and that is exactly what we are going to have an opportunity to do after we get 218 signatures on the A to Z plan.

Mr. KNOLLENBERG. If the gentleman will yield, as I was listening to all of my colleagues make their statements, it occurred to me that if Congress has been doing its job for 25 years we would not be here tonight. If we were really interested in balancing the budget, I am reminded, and I campaigned I know on the idea of reducing spending, reducing government spending, reducing taxes and reducing regulations, when I look back for 25 years we have failed to balance the budget since 1969. That was the last time we balanced a budget. And that is the reason we are here. We are here because something is not working.

Mr. ZELIFF. Did you say 1969 was the last year?

Mr. KNOLLENBERG. The last year we balanced a budget in this Congress was 1969.

Mr. ZELIFF. How many years ago was that?

Mr. KNOLLENBERG. By my count it was 25 years. That is the story I think we have to look at, because that is the failure.

Mr. INHOFE. If the gentleman will yield, one of my big problems that we have is the electorate, if they knew what you just said, they would not be turning Members back into office. And I always remind people do not listen to a Member of Congress and what he says at home on the stump or what he says in town hall meetings. Look and see how he is rated. If you want to know how the two gentlemen from Michigan are voting, you look at the National Taxpayers Union rating or the Citizens Against Government Waste rating. They all have ratings, and I wish more people would do that. And I am seeing that more people are doing that.

But I have more people tell me at my town hall meetings, and I have a lot of them, they say we know you are not the problem. They did not think that several years ago. But now people are much more aware, and that is why I think the leadership, the very liberal leadership that has been mismanaging this institution for the last 50 years is trying to hold on with white knuckles to an old failed system that has put us into debt, trying to blame somebody else, trying to blame the President and other people. But it is this Congress that has done it. And I think people are aware of it. Certainly the exercise we are going to go through on the A to Z bill is going to reinforce in people's minds who the good guys and the bad guys are. And I would suggest all of these people who are arrogantly going to oppose this, they better stop and think about it because they are going to feel that at election time.

Mr. KNOLLENBERG. I concur with the statement just made, and I concur with what has taken place here this evening.

I want to conclude my comments by again applauding Congressman ZELIFF and Congressman INHOFE for their spark, for their enthusiasm and for really architecting the possibilities that we have in front of us. And tomorrow is a big day. We do not know yet what the outcome of that day will be. We are looking forward to seeing those names go on that petition, and we will find out exactly who if any, and I hope everybody, as has already been mentioned, does sign up. And we do have the beginning. If it is not 56 hours, that is fine. But we have the beginning of some openness, to let a little air in, so to speak. And I think that this institution could use some of that, and I wanted to commend and applaud the efforts made.

Mr. ZELIFF. I am hearing that there are four committed Members that will get up and sign that discharge, and you are going to be No. 1, I hope right after me.

Mr. INHOFE. I hope so.

Let me ask the gentleman, can you imagine how anyone could be a cosponsor of the Andrews-Zeliff A to Z bill and not sign a discharge petition? What message, what possible message could that convey to their voters at home other than I want you to think that I am for this, but I do not really want to have to vote for it.

How many cosponsors do you have now on your bill?

Mr. ZELIFF. I have 230.

Mr. INHOFE. And how many to sign a discharge petition successfully?

Mr. ZELIFF. We need 218.

Mr. INHOFE. Can you imagine there will be as many as 13 Members that would not sign the discharge petition?

Mr. ZELIFF. If the gentleman will yield, I think that the 12 Members who are the difference between 218 and 230 do not want to get left behind, so they should be up front, and there should be a mad scramble tomorrow at 2 o'clock with a big line out here signing this discharge paper. And I am hoping to give the benefit of the doubt. I think that is what is going to take place.

If not, however, because all of the outside organizations, there are a lot of people following this, and I think that grass roots America is watching this very closely. They are going to be holding us accountable. And hopefully that will help the process move along a little bit.

Mr. INHOFE. I would make the gentleman a bet that if there are individuals who cosponsor and do not sign the discharge petition that talk radio shows all around America will be picking that up, and a number of national journals, and that will be the talk for the next 2 weeks.

Mr. ZELIFF I believe it will be.

Mr. HOEKSTRA. Just to close, again quoting from this booklet, it talks about the need for grass roots involvement, and it talks about the army of people at the grass roots level and what we need. It talks about this army is arming itself with information about the causes, but more importantly the effects of the growing national debt and what that debt is doing to our future.

Again, going back to what my colleagues talked about, robbing from the next generation if we do not start going off spending and balancing the budget. The choice is nevertheless clear. Either eliminate the deficit and return to the kind of United States that leaves each generation better off than the one before, or do nothing, spend every cent we can get our hands on, and borrow the rest, mortgage our future and betray the American dream. That is the opportunity that is laid on front of us tomorrow.

If we can get the 218 signatures, and then go through the process in a constructive, in a bipartisan, responsible way, getting input from the American people, we can attack this problem, we can make a difference, and most importantly, we can do what the people sent us to Washington to do, which is to straighten out our fiscal house, get us on a solid foundation so that we not only can have a bright future in the short term, but that for those next generations we have not stolen the American dream from them.

So I thank the gentleman very much for the opportunity, and thank him for all of the work he has put in on this program. I think we are going to have a great day, and we are going to have a great week in getting those signatures.

Mr. ZELIFF. I think it is going to be a lot of fun. It is going to be a day of accountability. That is what we call tomorrow, it is a day for accountability, a day to stand up and sign up for what you believe in.

Again, as we close the debate on this special order on A to Z, we are talking about deficits in excess of $200 billion per year. We are talking about a debt of $4.5 trillion. We are talking about having tried things like a balanced budget amendment. We have tried the concept of a line item veto. We have tried Penny-Kasich. We have tried other ideas. A to Z is a revolutionary new idea. It is a mission to cut spending. It is a simple process, everything on the table line by line, item for item, accountability. We talk about it, we discuss it and we vote on it. It is representative democracy at its best.

I thank my colleagues for joining me here tonight.

A to Z day is tomorrow. It is accountability day, and I thank my colleagues for joining me at the well, and tomorrow we will be the first to sign that discharge paper.

A NEW WAY OF DOING BUSINESS IN WASHINGTON

The SPEAKER pro tempore (Mr. COPPERSMITH). Under the Speaker's announced policy of February 11, 1994, the gentleman from New Hampshire [Mr. SWETT] is recognized for 60 minutes as the majority leader's designee.

Mr. SWETT. Mr. Speaker, for the last 2 months I have given a number of speeches here on the House floor to bring about a dialog on the need for a new way of doing business here in Washington. My remarks tonight will be a continuation of that dialog.

□ 1850

All too often debates here in Washington do not focus on real problems and real solutions. Debates become battles between extremes with each side employing hyperbole to score political points. Neither side bothers to really listen to the opposing point of view. Each side blasts at the other with sound bites designed for partisan advantage and a spot on the evening news.

I might just add that the debate that we just heard concerning the A to Z program that is being championed by my Republican colleague, the gentleman from New Hampshire [Mr. ZELIFF], is the outcome where we have not been able to debate these things, and I think there has to be some dialog that allows us to get at the issues that are bothering the American people with regard to spending, and for that effort I think my colleague, the gentleman from New Hampshire [Mr. ZELIFF], needs to be commended.

But this extremism, when it is not allowed to take place in a deliberative and thoughtful process, creates false impressions, false questions, false choices, and ultimately, I think, faulty public policy, because real problems and real solutions are not typically part of the debate that takes place.

The time has come to devise a new way of doing business in Washington which focuses on reality and not on the rhetoric that we so often hear. That is what this series of speeches is all about. It is designed to provide a forum for an emerging coalition in the House known as the New Democrats, a small group dedicated to getting results and dedicating themselves to accountability in Government programs.

We also believe that for real programs to be enacted that are going to have an impact, an impact of longevity and constructive impact, they have to be of bipartisan nature, and that is an important part of the work that these New Democrats are engaged in. This new coalition is building in strength. New Democrats played a prominent role in the development of the Penny-Kasich amendment of last October, which sought to cut Government spending by $90 billion over and above the budget cuts proposed by President Clinton, again, a bipartisan effort. New Democrats are also helping to drive through Congress a piece of legislation coauthored by a Republican, the gentleman from Connecticut [Mr. SHAYS], and myself, the Congressional Accountability Act.

The idea behind this legislation is simply Congress should abide by the same laws that it passes for the rest of the country. The Congressional Accountability Act will change all of what we have now where Congress does not have to abide by the same laws it passes for the rest of the land, and it will require Congress to come into line and, more importantly, to live firsthand the same kind of life under regulations that the rest of the country must live. I think that that brings a much cleaner, keener awareness to the Congress of what is happening out in the neighborhoods across this great land.

New Democrats have also joined together to demonstrate their support for increased accountability in Government-funded research, an area I have become familiar with through my work on the Committee on Science, Space, and Technology.

Tonight I come before you to talk about welfare reform. It is an issue that in one way or another affects us all, and one that particularly calls for the New Democrat strategy of bringing people together to work toward a common and comprehensive solution.

Like many Americans, I believe there are fundamental problems with the Nation's welfare system. Currently our system of welfare discourages work, isolates the poor in a separate welfare economy, fosters dependency, empowers bureaucracies and social service providers rather than poor citizens, and rewards failure, not success.

Most absurd perhaps is that our current welfare system unintentionally promotes the breakup of families by penalizing marriage and underwriting out-of-wedlock births and single parenthood. This perverse system tears at the very fabric of our society.

To deal with these chronic problems, some of my colleagues and I formed the Mainstream Forum Welfare Working Group. Our working group is dedicated to helping President Clinton in his pledge to "end welfare as we know it." In calling for an end to this flawed system, the President has created a rare opportunity to fundamentally change a public system that is failing those it is intended to help and those who pay for it.

As the President said many times in his 1992 Presidential campaign, "People are not looking for a handout, they are looking for a hand up." Poor Americans are looking for opportunity, and it is time we gave it to them.

Welfare reform should not be about taking away from people. It should be about giving back to poor Americans hope, pride, opportunity, and the chance to become connected to their communities once again.

The notion that welfare should offer poor Americans transitional support en route to a job rather than to subsidize a way of life widely seen as divorced from work and responsibility has clearly struck a responsive chord with the public.

The New Democrats in the House have seized the idea that public assistance must be conditioned on responsible behavior by recipients, and we are going to run with it to pass a comprehensive reform, if not this year, hopefully in the next Congress.

Recent surveys show that more than 90 percent of the public want to see dramatic changes in the welfare system. Yet Americans are less concerned about cost than about welfare's failure to reward basic American values, values like work and saving, marriage and family, individual initiative, and a sense of community.

Our group has tried to embody all of these values into a comprehensive reform plan. The legislation expected soon in its final form will culminate an 8-month effort by our group to produce a plan based on all of these principles, and one that does not just talk about them but really puts them to good use and gives the American public an opportunity to see good legislation making a real impact on our community.

Our group believes that imposing a time limit on welfare eligibility is the only way to fundamentally change the system from one that writes checks to one that puts people back to work. Welfare should be a way station, not a destination.

A 2-year limit on assistance will transform a system based on the right to income maintenance into a system based on the obligation to work. However, since time limits without other reform measures would serve only to worsen the situation for over 14 million welfare recipients, 9 million of which are children, the Mainstream Forum works hard to include expanded opportunities for jobs, for child care, and child support enforcement. Employment clearly is the centerpiece of this reform effort. It has been said many times that the best social program is a job, but we must ensure that a welfare recipient is better off economically by taking a job than by remaining on welfare.

To do this, we must eliminate the current disincentives within the system that make welfare more attractive than work.

Toward this end, we must support health care reform, which I am proud to be doing. We must support the expansion of the earned income tax credit which, when people finish their tax forms for this year and start getting the checks back from the Government, we are going to see what an impressive difference that has made to many people across the country.

We need to provide safe and affordable child care and allow recipients to accumulate a reasonable amount of assets before cutting off their benefits.

The current system isolates poor Americans from the mainstream economy and inadvertently sets up barriers to work and to social mobility. The overriding goal of welfare reform must be to reconnect people to the world of work. Only through productive work can welfare recipients acquire the skills, the habits, experience, connections, and self-esteem necessary to become self-sufficient members of the community.

□ 1900

Although State flexibility is stressed throughout our plan, we have developed a Federal model for putting people back to work from which all States can draw. Improving child support enforcement is another critical part of our reform effort. We plan to enhance noncustodial parent location and identification, improve the process by which child support orders are established, establish hospital-based paternity, and enforce child support through punitive measures for deadbeat parents. These improvements in the child support system will insure that children can count on support from both parents and that the cost of public benefits is reduced while a working mother's real income is raised.

Children must have the support of both parents, but not just the monetary support. We must do all we can to keep families together and remove all barriers to healthy, stable families. The Mainstream Forum is incorporating family-friendly stabilization strategies into its welfare reform proposal to provide incentives for families to remain strong and under one roof. For example, unwed mothers will be allowed to marry without losing their benefits. That is right, unwed mothers will be allowed to marry without losing their benefits.

It is widely documented that long-term welfare dependency is increasingly driven by illegitimate births. Too many teens are becoming parents and too few are able to responsibly care for and nurture their newborn children. To address this problem, the Mainstream Forum will call for a national educational campaign, among other things, to teach young people that children who have children face tremendous obstacles to self-sufficiency. This is a reality that many young people just do not understand right now, and they need to hear about this and who better to tell them than those who are currently struggling under those obstacles themselves? That is how we can bring these people into the cause and give them a real reason, a real role to play which I think is going to help them in their self-esteem struggle as well.

Lastly, the Mainstream Forum Working Group sees program simplification as a crucial part of its reform effort. The group intends to simplify the Federal waiver process for States, simplify the application process for AFDC and food stamps, encourage and increase Federal commitment to automation, and establish a uniform time frame for implementing an electronic benefits transfer system framework for State systems. Program simplification should make it easier for those in need to receive short-term assistance which, hopefully, is going to give them short-term benefits that will put them back into productivity much more quickly and keep these trying to defraud the system from doing so.

No State is free from the problems of poverty, joblessness, and homelessness. In my own State of New Hampshire, the caseload rate for AFDC has shown significant increases in recent years. AFDC grant payments for 1992 totaled over $54 million, a 29.7-percent increase over State fiscal year 1991.

Our present system has no hope of reversing this trend. This drain on State economies must be stopped.

While we may have differences in our ideas and approaches to welfare reform, there is a bipartisan consensus that our welfare system is badly in need of improvement. To achieve this goal, a political bargain must be struck, liberals must accept work requirements while conservatives must accept more public spending to support people's struggle to work.

Solely reducing spending would force families further into poverty and, in the long run, drain our country in terms of social and economic costs. The cost of this radical redesign of social welfare is likely to cost more in the short run, but, as noted before, the long-term savings will be extraordinary. And that is what we need to see into the first decade of the 21st century, much reduced numbers on welfare, much increased numbers working, providing for families, holding those families together, educating those children to behave as responsible citizens. It has an impact not only on families and on welfare, it has an impact on crime, education, and ultimately this Nation's competitiveness.

One such savings will come through the delaying of teen births. The Center for Population Options estimated that if all births to teens had been delayed until the mother was in her twenties, taxpayers could have saved $13 billion. If all teens had delayed births until the mothers had been in their twenties, $13 billion could be saved over 30 years. This group also found that each family begun in 1992 by a first birth to a teen of 15 to 17 years of age will cost the public on average over $25,000, $25,575 over the next 20 years. This is a cost that this country can ill afford.

What is really ludicrous about this cost is that it is incurred when we could keep that from happening, when we could actually take better care of our neighbors and our children and reduce this expenditure significantly and, in the meantime, create a better sense of community throughout the country as well.

In his inaugural speech, President Clinton said, and I quote:

> It is time to break the habit of expecting something for nothing from our Government or from each other. Let us all take more responsibility, not only for our families, but for our communities and our country.

This sentiment is not new, and echoes frustration felt around the country. However, these feelings of frustration should not frame the welfare reform debate. Underlying problems to welfare dependency must be addressed. We cannot ask people to take more responsibility for themselves and then not give them the means to do so. We must dedicate ourselves to helping people become self-reliant. Public welfare systems must demand mutual responsibility by both Government and recipient. In this process we will be able to move this Nation from a system centered on maintenance and consumption to a system oriented around work and the development of self-esteem and personal assets.

Remember, the best social welfare program is a job. And as we work through this very difficult program of welfare reform, we are going to have to continue doing what we can to expand the economy, because as people gain in education, as they put their children into the childcare facilities that will enable them to become more productive citizens, we are going to have to expand the economy to accommodate their productivity as workers in America.

It is my hope that we can address all of these issues, that we can identify the funding to invest in welfare reform in the short term so that we can reap the benefits of the long-term gains. It is my hope also that my colleagues will join me in a bipartisan manner in accomplishing this most important work.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COLLINS of Georgia (at the request of Mr. MICHEL) for today and Wednesday, May 4, on account of a death in the family.

Ms. LONG (at the request of Mr. GEPHARDT) for today and tomorrow on account of a death in the family.

Mr. MANN (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. DELAURO (at the request of Mr. GEPHARDT) for today after 5 p.m. on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EWING) to revise and extend their remarks and include extraneous material:)

Mr. EWING for 5 minutes today and on May 5.

Mr. SOLOMON for 5 minutes today.

(The following Member (at the request of Mr. OBERSTAR) to revise and extend his remarks and include extraneous material:)

Mr. HOAGLAND for 5 minutes today.

(The following Members (at the request of Mr. ZELIFF) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 5 minutes each day on May 3, 4, and 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EWING) and to include extraneous matter:)

Ms. MOLINARI.
Mr. MCCOLLUM.
Mr. MCDADE.
Mr. GALLEGLY.

(The following Members (at the request of Mr. OBERSTAR) and to include extraneous matter:)

Mr. ROSE.
Mr. CARR.
Mr. LEVIN.
Mrs. KENNELLY.
Mr. SCHUMER.
Mr. COYNE.
Mr. TORRES.
Mr. LANTOS.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. HOCHBRUECKNER.
Mr. DERRICK in two instances.
Mr. EWING.
Mr. HYDE.
Mr. VENTO.
Mr. FRANK of Massachusetts.
Mr. FINGERHUT.
Mr. BROOKS.
Mr. HORN.
Ms. FURSE.
Mr. FOGLIETTA.
Mr. LIPINSKI.
Mr. LIGHTFOOT.
Mr. FLAKE.
Mr. BURTON of Indiana in two instances.
Mr. SKAGGS.
Mr. JOHNSON of South Dakota.
Mr. PETERSON of Florida.
Mr. BREWSTER.
Mr. SHAW.

(The following Members (at the request of Mr. ZELIFF) and to include extraneous matter:)

Mr. STENHOLM.
Mr. DE LA GARZA.
Mr. ENGEL in four instances.

SENATE BILLS REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week." Referred to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. SWETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 4, 1994, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3088. A letter from the Secretary of Agriculture, transmitting the annual report on foreign investment in U.S. agricultural land through December 31, 1993, pursuant to 7 U.S.C. 3504; to the Committee on Agriculture.

3089. A letter from the Executive Director, Thrift Depositor Protection Oversight Board and the Acting CEO, Resolution Trust Corporation, transmitting the semiannual report on the activities and efforts of the RTC, the FDIC, and the Thrift Depositor Protection Oversight Board, pursuant to section 21A(k)(5)(A) of the Federal Home Loan Bank Act; to the Committee on Banking, Finance and Urban Affairs.

3090. A letter from the Deputy and Acting CEO, Resolution Trust Corporation, transmitting the Corporation's 1993 semiannual progress report—covering the period June 30 to December 31, 1993—on professional conduct investigations pursuant to the provisions of section 2540 of the Crime Control Act of 1990, pursuant to Public Law 101-647, section 2540 (104 Stat. 4885); to the Committee on Banking, Finance and Urban Affairs.

3091. A letter from the Executive Director, District of Columbia Retirement Board, transmitting financial disclosure statements of board members, pursuant to D.C. Code, section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

3092. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the financial disclosure statement of a board member, pursuant to D.C Code, section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

3093. A letter from the Chairman, District of Columbia Retirement Board, transmitting the board's fiscal year 1993 annual report, pursuant to D.C. Code, section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

3094. A letter from the Secretary of Education, transmitting a copy of final regulations—Institutional Eligibility Under the Higher Education Act of 1965, as amended; eligibility of foreign medical schools under the Guaranteed Student Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3095. A letter from the Secretary of Education, transmitting final regulations student assistance general provisions, subpart E—verification of student aid application information, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3096. A letter from the Secretary of Education, transmitting announcement of criteria for loan origination for the 1995-1996 academic year, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3097. A letter from the Secretary of Education, transmitting Secretary's procedures and criteria for recognition of accrediting agencies, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3098. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 13th report on the activities of the Multinational Force and Observers [MFO] and certain financial information concerning U.S. Government participation in that organization, pursuant to 22 U.S.C. 3422(a)(2)(A); to the Committee on Foreign Affairs.

3099. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation policy in South Asia, pursuant to 22 U.S.C. 2376(c); to the Committee on Foreign Affairs.

3100. A letter from the Director, Office of Personnel Management, transmitting the annual report of the Civil Service Retirement and Disability Fund for fiscal year 1993, pursuant to 5 U.S.C. 1308(a); to the Committee on Government Operations.

3101. A letter from the Chairman, Federal Election Commission, transmitting 62 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

3102. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3103. A letter from the Director, Office of Management and Budget, transmitting a letter to express, in the strongest possible terms, the administration's opposition to H.R. 4013, which would bar the Department of Veterans Affairs [VA] from reducing FTE's in the Veterans Health Administration [VHA] during the next 5 years; to the Committee on Veterans' Affairs.

3104. A letter from the Comptroller General of the United States, General Accounting Office, transmitting GAO's review of the actions taken with respect to the White House Travel Office; jointly, to the Committees on Government Operations and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKWELL:

H.R. 4323. A bill to require ammunition to bear serial numbers; to the Committee on the Judiciary.

By Mr. BOEHNER:

H.R. 4324. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the signing of the Treaty of Greene Ville at Fort Greene Ville, OH; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BORSKI:

H.R. 4325. A bill to exclude certain retirement accounts for purposes of determining eligibility to receive food stamp benefits, aid to families with dependent children, supplemental security income benefits, and Medicaid benefits; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. BREWSTER (for himself, Mr. HOUGHTON, Mr. GEPHARDT, Mr. SHAW, and Mr. KOPETSKI):

H.R. 4326. A bill to amend the Internal Revenue Code of 1986 to limit the applicability of the generation-skipping transfer tax; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4327. A bill to eliminate franked mail for the House of Representatives, and for other purposes; jointly, to the Committees on House Administration, Post Office and Civil Service, and Rules.

By Mr. CONYERS (for himself and Mr. CLINGER):

H.R. 4328. A bill to amend the Office of Federal Procurement Policy Act to reform the Federal acquisition process, and for other purposes; to the Committee on Government Operations.

By Mr. DE LA GARZA (for himself (by request) and Mr. STENHOLM):

H.R. 4329. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; to the Committee on Agriculture.

By Mr. DERRICK (for himself, Mr. CLYBURN, Mr. RAVENEL, Mr. SPENCE, and Mr. SPRATT):

H.R. 4330. A bill to establish the South Carolina National Heritage Corridor, and for other purposes; to the Committee on Natural Resources.

By Ms. FURSE:

H.R. 4331. A bill to terminate the C-17 aircraft program after fiscal year 1995 and provide for a program to meet the remaining strategic airlift requirements of the Department of Defense with nondevelopmental aircraft; to the Committee on Armed Services.

By Mr. McCLOSKEY (for himself and Mr. STARK):

H.R. 4332. A bill to set forth the policy of the United States for nuclear nonproliferation; to the Committee on Foreign Affairs.

By Mr. SKAGGS (for himself and Mrs. SCHROEDER):

H.R. 4333. A bill to designate certain lands in Rocky Mountain National Park as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. UNDERWOOD:

H.R. 4334. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to provide assistance to promote public participation in defense environmental restoration activities; to the Committee on Armed Services.

By Mr. YOUNG of Alaska (for himself, Mrs. UNSOELD, and Mr. DICKS):

H.R. 4335. A bill to authorize certain U.S.-flag fishing and fish processing vessels to be chartered or sold to foreign citizens and transferred to foreign registry without approval by the Secretary of Transportation, and to establish limitations on the authority of those vessels to thereafter operate in the fisheries and coastwise trade of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. EWING:

H. Res. 415. Resolution providing for the consideration of the bill (H.R. 830) to amend title 5, United States Code, to clarify procedures for judicial review of Federal agency compliance with regulatory flexibility analysis requirements, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

358. By the SPEAKER: Memorial of the House of Representatives of the State of Idaho, relative to Federal Cropland Set-aside Program; to the Committee on Agriculture.

359. Also, memorial of the House of Representatives of the State of Idaho, relative to continued Federal commitment to Railroad Retirement System; to the Committee on Energy and Commerce.

360. Also, memorial of the House of Representatives of the State of Idaho, relative to Laotian POW/MIA cases; to the Committee on Foreign Affairs.

361. Also, memorial of the House of Representatives of the State of Idaho, relative to allowing States to tax mail-order sales; to the Committee on the Judiciary.

362. Also, memorial of the House of Representatives of the State of Idaho, relative to critical habitat designation; to the Committee on Merchant Marine and Fisheries.

363. Also, memorial of the Senate of the Commonwealth of Virginia, relative to memorializing Congress to designate the annual memorial service in Roanoke, as the Official

National EMS Memorial Service; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. ROSE introduced a bill (H.R. 4336) for the relief of Mary J. Woodard; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 70: Mr. Wyden.

H.R. 326: Mr. Weldon, Mr. Levy, Mr. Barton of Texas, Mr. Mineta, Mr. Whitten, Mrs. Lloyd, Mr. Smith of New Jersey, and Mr. Clyburn.

H.R. 518: Ms. English of Arizona, Mr. Machtley, Mr. Brown of Ohio, Mr. Lewis of Georgia, and Mrs. Meek of Florida.

H.R. 794: Mr. Fingerhut, Mr. Sarpalius, Mr. Inslee, and Mr. Hayes.

H.R. 1155: Mr. Gibbons.

H.R. 1719: Mr. King.

H.R. 1792: Mr. Pickett.

H.R. 1863: Mr. Calvert.

H.R. 1906: Mr. Dellums and Mr. Hinchey.

H.R. 2036: Mr. Wyden.

H.R. 2037: Mr. Wyden.

H.R. 2079: Mr. Payne of Virginia.

H.R. 2393: Mr. Bonilla, Mr. Wolf, and Ms. Pryce of Ohio.

H.R. 2484: Mr. Pomeroy and Mr. Sangmeister.

H.R. 2512: Mr. Nussle, Mr. Bartlett of Maryland, and Mr. Smith of New Jersey.

H.R. 2758: Mr. King, Mr. Bacchus of Florida, Mr. Dornan, Mr. Livingston, Mr. Walsh, Mr. Hoke, Mr. Kyl, Mrs. Byrne, and Mr. Wilson.

H.R. 2896: Mrs. Meyers of Kansas.

H.R. 2898: Mr. Engel and Mr. Watt.

H.R. 3023: Mr. McKeon, Mr. Peterson of Minnesota, Mr. Ackerman, Mr. Brewster, Mr. DeFazio, Mr. Inglis of South Carolina, Mr. Clinger, Ms. Dunn, Mr. Darden, Mr. Fields of Louisiana, and Mr. Thomas of Wyoming.

H.R. 3105: Mr. Lipinski.

H.R. 3238: Mr. Canady.

H.R. 3293: Mr. Taylor of Mississippi, Mr. Montgomery, and Mrs. Kennelly,

H.R. 3367: Mr. Talent.

H.R. 3407: Mr. Brewster, Mr. Andrews of New Jersey, and Mr. Inslee.

H.R. 3483: Mr. Bachus of Alabama.

H.R. 3698: Mr. Shays and Mr. Lewis of Florida.

H.R. 3771: Mr. Jefferson.

H.R. 3790: Mr. Stump and Mr. Barlow.

H.R. 3900: Mr. Engel and Ms. Furse.

H.R. 3913: Mr. Paxon and Mr. McCrery.

H.R. 3951: Mr. Peterson of Florida, Mr. McCloskey, and Mr. Parker.

H.R. 3973: Mr. Neal of Massachusetts, Mr. McCloskey, Mr. Beilenson, and Mr. Filner.

H.R. 4000: Mr. Goss and Mr. Ewing.

H.R. 4043: Mr. Jefferson, Mr. Ford of Tennessee, Mr. McCrery, Mr. Dickey, Mr. Baker of Louisiana, Mr. Thornton, Mr. Towns, Mr. Owens, Mr. Hayes, Ms. Waters, Ms. Lambert, Mrs. Meek of Florida, Mr. Clyburn, Mr. Scott, Mr. Baesler, Mr. Reynolds, Mr. Watt, and Mr. Parker.

H.R. 4050: Mr. Beilenson, Mr. Ackerman, and Mr. LaFalce.

H.R. 4051: Mr. Tucker.

H.R. 4052: Mr. Santorum, Mr. Taylor of North Carolina, Mr. Wilson, Mr. Coble, Mr. Frost, Mr. Burton of Indiana, and Mr. Blute.

H.R. 4056: Mr. McMillan, Mr. Moran, Mr. Miller of Florida, Mr. Fingerhut, and Mr. Zimmer.

H.R. 4062: Mrs. Roukema, Ms. Eddie Bernice Johnson of Texas, Mr. Owens, Mr. Washington, and Mr. Dellums.

H.R. 4091: Mr. Sabo and Mr. Stark.

H.R. 4100: Mr. Kildee.

H.R. 4129: Mr. Valentine, Mr. Clement, Mr. Wilson, Mr. Walsh, Mr. Skeen, Mr. Clinger, Mr. Boehlert, Mr. Darden, and Mrs. Mink of Hawaii.

H.R. 4148: Mr. Olver and Mr. Abercrombie.

H.R. 4189: Mr. McMillan, Mr. Klug, Mr. Inslee, Mr. Gillmor, and Mr. Parker.

H.R. 4215: Mr. Armey.

H.R. 4260: Mr. Wyden, Mr. Hochbrueckner, Mr. Clement, Mr. Foglietta, Mr. Wise, Mr. Filner, Mrs. Meek of Florida, and Mr. Pastor.

H.R. 4288: Mr. Gene Green of Texas and Mr. Frank of Massachusetts.

H.J. Res. 44: Mr. Quillen.

H.J. Res. 129: Mr. Paxon.

H.J. Res. 209: Mr. Stenholm, Mr. Bishop, Mr. Browder, Mr. Meehan, Mr. Flake, Mr. Gingrich, Mr. Sangmeister, Mr. Peterson of Minnesota, Mr. Volkmer, and Mr. Hamilton.

H.J. Res. 276: Ms. Brown of Florida, Mr. Brown of California, Mr. Torricelli, Mr. Fish, Mr. Mazzoli, Mr. Gunderson, Mr. Cooper, Ms. Schenk, Mr. Oberstar, Mr. Gingrich, Mr. Shays, Ms. McKinney, Mr. Washington, Mr. Mineta, Mr. Hamburg, Mr. Owens, Mr. Sundquist, Mrs. Collins of Illinois, Mr. Fields of Louisiana, Mr. Duncan, Mr. Inhofe, Mr. Gutierrez, Mr. Deutsch, Ms. Kaptur, Mr. Coble, Mr. Coppersmith, Mrs. Maloney, Mr. Clyburn, Mr. Packard, Ms. Eshoo, Mr. Lewis of California, Mr. Watt, Mr. Gilman, Mr. Barrett of Wisconsin, Mr. McInnis, Mr. Fazio, Mr. Franks of New Jersey, Mrs. Fowler, Mr. Chapman, Mr. Mfume, Mr. Greenwood, Mr. Kennedy, Mr. Crane, and Mr. McCloskey.

H.J. Res. 303: Mr. Berman, Mr. Andrews of New Jersey, Mr. Calvert, Mr. Stupak, Mr. Weldon, Mr. Clement, Mr. Fawell, Mrs. Kennelly, Mr. Clinger, Mr. Diaz-Balart, Mr. Hastings, Mr. Fingerhut, and Mr. Horn.

H.J. Res. 315: Mr. Blackwell, Mr. Costello, Mr. Crane, Mr. DeLay, Mr. Dreier, Ms. Dunn, Mr. Ford of Michigan, Mr. Gallegly, Mr. Gekas, Mr. Gunderson, Mr. Hefner, Mr. Hansen, Mr. Hobson, Mr. Hutchinson, Mr. Jefferson, Mr. Kasich, Mr. Lantos, Mr. Lewis of California, Mr. Lightfoot, Mr. McCrery, Ms. McKinney, Mrs. Maloney, Mr. Moran, Mr. Petri, Mr. Quinn, Mr. Reynolds, Mr. Ridge, Mr. Roemer, Mr. Rush, Mr. Saxton, Mr. Scott, Mr. Stupak, Mr. Tucker, Mr. Visclosky, Mr. Wheat, and Mr. Young of Florida.

H.J. Res 327: Mr. Borski, Mr. McCloskey, Mr. Blute, Mr. Kolbe, Mr. Greenwood, Mr. Glickman, Mr. Hoyer, Mr. Gejdenson, Mr. Smith of Texas, and Mr. Flake.

H.J. Res. 354: Mr. Klein, Mr. Machtley, Mr. Frank of Massachusetts, Mr. Fish, Mr. Neal of Massachusetts, Mr. Vento, Mr. Smith of Texas, Mr. Myers of Indiana, Mr. Hughes, Mr. Gekas, Mr. Glickman, Mr. Frost, Mr. Barrett of Wisconsin, Mr. Lancaster, Mr. Engel, Mrs. Byrne, Mr. Emerson, and Mr. Lantos.

H.J. Res. 359: Mr. Wolf, Mr. Bevill, Mr. Spratt, Mrs. Roukema, Mr. King, Mr. Kasich, Mr. Tanner, Mr. de la Garza, Mr. Lipinski, Mr. Synar, and Mr. Dixon.

H. Con. Res. 199: Mr. Rahall, Ms. Long, and Ms. McKinney.

H. Con. Res. 231: Mr. Porter and Mr. Lewis of Georgia.

H. Res. 144: Mr. Traficant.

H. Res. 381: Mr. Armey.

H. Res. 390: Mr. DeFazio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3266: Mr. Sarpalius.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3254 By Mr. SOLOMON:

—At the end of Title II, add the following new section:

SEC. 213. DENIAL OF AWARDS OF GRANTS OR CONTRACTS TO EDUCATIONAL INSTITUTIONS WHICH PREVENT MILITARY RECRUITING.

(a) Denial of Funds.—The Director may not make a grant or award a contract to any educational institution that has a policy of denying, or which effectively prevents, any of the military services of the United States from obtaining for military recruiting purposes—

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students.

(b) Procedures for Determination.—In determining compliance with subsection (a), the Director shall—(1) include on any grant or contract application questions as to whether the educational institution has, by policy or practice, effectively denied such entry or access for recruiting purposes; and (2) inquire of the Department of Defense whether such entry or access has been denied by an institution before awarding such grant or contract to it.

(c) Definitions.—For purposes of this section—(1) the term "student" means an individual enrolled in an educational institution who is 17 years of age or older, and (2) the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent educational institution enrolled in by the student.

EXTENSIONS OF REMARKS

SHAPING THE FUTURES OF OUR CHILDREN—ONE COMMUNITY'S ANSWER: THE LONG BEACH UNIFIED SCHOOL DISTRICT'S PERSONAL PALS FOR PROGRESS PROGRAM

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. HORN. Mr. Speaker, I rise today to bring to the Nation's attention an effort in my district, California's 38th, in which individual citizens are making an impact on the future of the community's children. It is an effort which is simple in its design and operation, yet far reaching in its impact.

The Long Beach Unified School District is actively involving a wide spectrum of citizens in the future of our young people. While the commitment asked of these citizens is minimal, the results of their efforts will be maximal for untold years to come. It is an effort worth applauding and an enterprise worth emulating.

In January 1990, then-principal of Long Beach's inner-city Whittier Elementary School, Dr. Randy Ward and teacher Christine Lungren-Maddalone took a realistic look at the school's 1,000 young students. These children were presenting their teachers with some of the most difficult challenges known to educators today. The students came from some of the lowest income families in Long Beach—95 percent were at or below poverty level. They lived in the middle of an active gang neighborhood. The majority—81 percent—were classified as limited-English proficient.

But the children of Whittier Elementary School were eager to learn and enthusiastic about their work. And this gave Dr. Ward and Ms. Lungres-Maddalone hope. They knew that their overtaxed teachers could not meet all of the many special demands of these children, so they reached out beyond the school's walls to the citizens of Long Beach.

The Whittier faculty asked key decisionmakers in the Long Beach community to offer their support by becoming personal pen pals with individual students in the school's fifth grade. The hope was for each child to develop a connection between school and work and to be exposed to positive role models.

Over 100 citizens responded—including then-Congressman Glenn Anderson, California State Attorney General Daniel Lungren, Long Beach Mayor Ernie Kell, as well as leaders from the city's industrial, academic, and nonprofit communities—and each fifth grade child at Whittier Elementary School was matched with a pen pal.

Each adult pen pal exchanged a minimum of two informal letters with his or her student, encouraging the child to share his or her experiences, goals, and dreams. Many of the adult pen pals sent books and other small gifts, stopped by the school to visit, took their student to lunch, and developed close, supportive friendships with their students.

The first Personal Pen Pals for Progress Program in 1990 was so successful that it was expanded to include fourth grade students in its second year and, later, third graders. I am a pen pal with student John Nguyen, a third grader at Whittier, and last year I corresponded with another Whittier student, Randy Phao.

Today, almost 300 of Whittier Elementary School's 1,000 children are involved in personal pals for progress, and the results have been dramatic. The school now has the next to lowest absentee rate of all of Long Beach's elementary schools, and discipline problems are next to nil. But it is the academic outcomes that are the most dramatic. For instance, the Whittier fourth graders' MAT–6 test scores in reading, math, and language placed them 13th, 14th, and 5th, respectively, out of all of the city's 58 elementary schools.

These learning and behavior achievements are impressive. But the best endorsement of the program comes from the students themselves. They now openly dream and plan for their futures, knowing that there are people in the Long Beach community who care about them—and that all things are possible with effort.

Whittier Elementary fifth grader Gregory Razo, has written to his pen pal, Long Beach Unified School District's Director of Public Information Dick Van Der Laan,

> I've been thinking of what I want to do when I grow up. I want to go through college and get a good job. I would like to be a policeman because I could get robbers. Another thing I want to do is to travel around the world because I want to see all different things.

I salute the Personal Pen Pals for Progress Program of the Long Beach Unified School District, especially its student and adult participants who are proving that one-on-one sharing and caring can make a big difference in the life of a child. I strongly urge other communities across America to take notice. This program, which is making a difference to youngsters in Long Beach, CA, is a model for our Nation's future.

A TRIBUTE TO CLINCH HEYWARD BELSER

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. DERRICK. Mr. Speaker, I rise today to pay special tribute to the recently deceased Mr. Clinch Heyward Belser. Mr. Belser was a man of immense integrity who served the people of South Carolina with unwavering dedication.

In 1939, Mr. Belser enlisted in the South Carolina National Guard and was called to active military duty in 1940. During World War II he primarily served in the Army Air Corps and he earned the Distinguished Flying Cross and several air medals for his service. With unflagging devotion he continued to serve his country until his retirement from the U.S. Air Force Reserve in 1960.

Mr. Belser graduated Phi Beta Kappa from the University of South Carolina's masters degree program and then did postgraduate work at the University of Chicago. He received his law degree from Yale University Law School. From 1948 to 1953 Mr. Belser practiced law in Washington, DC, New York City, and in Columbia, SC, thereafter. From 1958 to 1970, Mr. Belser served in the South Carolina General Assembly as a representative from Richland County. He was chairman of the house judiciary committee from 1965 to 1970. From 1985 to 1990, Mr. Belser was general counsel for Blue Cross and Blue Shield of South Carolina.

Mr. Belser was always willing to address the challenging and complex issues of the day. In the mid-1960's Mr. Belser led the movement for education reform in the State of South Carolina. His recommendations for the reform of education laid the important foundation necessary for the Educational Improvement Act two decades later. Mr. Belser was an example of a strong and courageous leader in the State legislature.

Mr. Belser led a rich and full life. He not only served the citizens of the State in the legislature but he also enjoyed a successful law practice. Personal friends knew Mr. Belser as a man of immense integrity deserving of recognition. I ask my colleagues to join me today in posthumously commending Mr. Belser for his excellent service to the State of South Carolina and to the Nation.

SALUTE TO REAR ADM. DAVID J. NASH, USN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. GALLEGLY. Mr. Speaker, I rise today in recognition of a selfless public servant who for nearly 30 years has distinguished his country and himself through exemplary military service.

Rear Adm. David J. Nash, Commanding Officer of the Naval Construction Battalion Center in Port Hueneme, CA since 1991, has proven himself a valuable asset to the Navy and the local community.

In addition to his time in Port Hueneme, Rear Admiral Nash has served in leadership

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

positions at naval installations in Argentia, Newfoundland; Point Mugu, CA; Madrid, Spain; and in Vietnam during the Vietnam War. Other assignments have included stints in Germany, Virginia, Mississippi, Virginia, Pearl Harbor, and Washington, DC.

Since his arrival in Port Hueneme, Rear Admiral Nash has made a significant effort to not only provide leadership on the base, but to expand the base's leadership role in the local community.

Among his achievements:

He took an occasional Seabee Day event that usually attracted only a couple thousand people and turned it into an annual event that routinely draws 35,000 people.

He provided temporary shelter to the Ventura County Rescue Mission after the mission's homeless residence was destroyed by fire.

He assisted in disaster relief efforts following the devastating fires in Southern California by temporarily replacing a burned wooden bridge in Malibu—restoring essential transportation to the area.

He established a Partnership in Education program with the Hueneme School District, through which Navy personnel have devoted thousands of volunteer hours in the schools tutoring topics such as math, reading, science, computer technology, and English as a second language.

But Rear Admiral Nash has not only improved the local area through his actions on the base, he had also extended his outreach by participating in off-base community organizations. He is a member of the board of directors of the United Way of Ventura County, Port Hueneme Boys & Girls Club, and the Dorill B. Wright Cultural Center of Port Hueneme.

In short, Rear Admiral Nash has distinguished himself in both his service to the military and the Ventura County community and I ask my colleagues to join me in saluting him for his long record of service to Port Hueneme, Ventura County and the Nation.

JAMES E. ADDISON, MAN OF THE YEAR

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. COYNE. Mr. Speaker, I am pleased today to note that James E. Addison has been named "Man of the Year" by the Sewickley Herald.

James Addison, of Aleppo Township, PA, is being honored by the Sewickley Herald in recognition of his outstanding community service. I want to take this opportunity to salute James Addison for his contribution to the people of the Quaker Valley area of Allegheny County, located to the north of the city of Pittsburgh. It is individuals like James Addison who make the communities of our Nation attractive places in which to live and work.

It is fitting that the House should have this opportunity to reflect on the contributions of an individual like James Addison. The quality of life in the United States depends on the efforts of countless men and women who work steadfastly to strengthen the social fabric of their local communities. These individuals all too often go unrecognized for the part they play in improving their local neighborhoods and the Nation as a whole. James Addison is one such individual whose service to his community and the Nation deserves our commendation and thanks.

James Addison has been a civic leader in the Quaker Valley area for many years. He is currently a member of the Aleppo Township Commission where he provides outstanding leadership on the many issues of importance to the residents of his community. He is also president of the St. Matthew's Historical Society which has worked to preserve the legacy of the local area and promote an understanding of our past. In addition, James Addison is a trustee and past president of the Usher Board of Triumph Baptist Church. He has also served as a board member of the Quaker Valley ambulance service which plays a vital role in the delivery of health care services to individuals in need.

James Addison has also promoted the work of the American system of democracy through his service to the Democratic Party. James Addison understands better than many that problems can be solved in a free nation when men and women work together to find solutions and take action on the issues of the day. He knows that the local activity of committed citizens does help to shape the course of our country's political future.

James Addison is currently vice chairman of the Quaker Valley Democrats. He is also a former Democratic Chairman of Aleppo. He has continued to use his position within the local Democratic Party to provide opportunities for others to become involved fully in the affairs of their community and their Nation. James Addison knows that democracy is not a spectator sport. He has always been an active participant in the political life of his region.

James Addison is a prominent photographer in the Sewickley area and is well known for the quality of his work. He is also active in many other activities. In addition, he is a past president of both the Kiwanis Club and the Quaker Valley Democrats.

Mr. Speaker, I am proud to pay tribute to an individual like James Addison and I am very pleased to have the opportunity to serve as his Representative in the U.S. House of Representatives. I want to commend James Addison once again for his service and his leadership. Congratulations are well deserved for James Addison, Man of the Year.

SECURITIES FRAUD LITIGATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mrs. KENNELLY. Mr. Speaker, I would like to take a moment to highlight an alarming trend in securities fraud litigation. U.S. companies are increasingly becoming victims of lawsuits that are triggered by a fluctuation in stock prices intended to coerce companies into settling baseless claims rather than face enormous trial costs. Companies which report a drop in stock price or reduced earnings are identified by law firms that file class-action suits. These law firms then make the claim that the company made misleading projections of higher earnings and sue on behalf of shareholders. Such action is harmful to industry and shareholders in the long run. In addition, these suits will deter voluntary disclosure, an integral part of securities law. This type of fraud litigation is a growing problem and one that must be corrected without weakening a defrauded investors right to redress. Legislation has been introduced in both the House and the other body and I urge my colleagues to support H.R. 417 introduced by Congressman TAUZIN.

Mr. Speaker, I would like to submit for the RECORD and editorial that appeared in the Hartford Courant, Monday, April 11, 1994, regarding the need for securities litigation reform. I believe Members will find this piece a cogent argument for reforming our securities laws.

FRIVOLOUS LAWSUITS HURT SHAREHOLDERS

Suppose a small or medium-sized high-tech firm reports poor earnings and its stock price drops by, say, 15 percent. The bells begin ringing in a small number of law firms that specialize in class-action lawsuits. They scan computers for such unusual events in the market.

The attorneys, ostensibly suing on behalf of shareowners, do not have to specify charges—they may merely claim that the company had made misleading projections of higher earnings. The company is supposed to prove that it didn't do anything illegal to cause earnings to tumble.

Most companies settle out of court even if they didn't do anything wrong. That's cheaper than a trial. In one study, settlements averaged $8.6 million for each company sued between July 1991 and June 1993.

These frivolous lawsuits discredit the legal profession, distract companies from their main tasks, discourage or retard the development of new, cutting-edge businesses and ultimately harm the interests of all shareholders.

For example, CMX Systems Inc. of Wallingford, a young and highly sophisticated precision-tool operation, has enjoyed considerable growth since it went into business. It would like to expand by raising more capital through a public offering of shares. But it is reluctant to do so. A single down period, or a sharp drop in the stock price for a day or two, could result in a frivolous lawsuit.

Something has gone awry. "This run-to-the-courthouse phenomenon needs to be examined," says Arthur Levitt, chairman of the Securities and Exchange Commission. The SEC is considering intervention on behalf of companies faced with cases deemed to be frivolous.

On Capitol Hill, a subcommittee on securities, chaired by Sen. Christopher J. Dodd of Connecticut, held two hearings on the issue last year. Mr. Dodd decided to become principal sponsor of a bill that would discourage frivolous lawsuits.

The bill has caused particular alarm among plaintiffs in the bankrupt Colonial Realty case. They fear that their lawsuits would be jeopardized.

But the bill would not affect shareowner lawsuits against Colonial or its accounting firm. It would not be retroactive and would not prevent defrauded investors from suing companies or their outside accountants.

Indeed, the bill would not prevent any share owner from going to court. It would require clearer evidence of wrongdoing than is now expected before rushing to court. It would promote alternative dispute-resolution procedures and would give share owners greater say over the course of a lawsuit. At present, the lawyers in some classaction suits are in almost total control. There would also be a mechanism for neutral evaluation of new cases to screen out frivolous suits.

These are reasonable provisions aimed primarily at a small number of law firms that specialize in frivolous lawsuits on behalf of so-called professional plaintiffs who often have nominal holdings in a company.

HEALTH CARE

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. ROSE. Mr. Speaker, while we continue to strive toward improvement of America's health care system, to serve all of our citizens better than today's coverage, I wish to call attention to a report in the Washington Post dated May 2, 1994.

The Post tells of the dedication of Beverly Spivey, MD, to the uninsured poor people who are sick and disabled in Cumberland County. It relates how Dr. Spivey's heroic efforts serve those unfortunate citizens who have fallen between the cracks of our present health care system.

This report demonstrates the urgency of covering all of our citizens not only with emergency care, but also preventive medicine.

Dr. Spivey cannot meet those overwhelming needs alone. She deserves our appreciation and our assistance.

The Washington Post accurately depicts the situation in my district and, I am sure, the problem throughout our Nation. I ask that the report be inserted at this point in the RECORD.

[From the Washington Post, May 2, 1994]

POOR PATIENTS LEFT WITH LITTLE CHOICE—INFORMAL RATIONING IS FACT OF LIFE AT PUBLIC CLINIC IN NORTH CAROLINA

(By Kenneth J. Cooper)

FAYETTEVILLE, NC.—The poor, disabled, uninsured and sick of Cumberland County have little choice but to see Beverly Spivey, the only full-time doctor at the county's public health clinic.

"If they don't like me, tough. If I don't like them, tough. They don't have any place else to go," Spivey said.

So come they do, 30 to 40 a day. Private doctors have turned away some of Spivey's patients because they cannot cover the fees. Others have never tried to visit a private physician, not wanting to subject themselves to the humiliation of a possible rejection. Still another group lacks insurance and has avoided going to any doctor until the pain overwhelmed their fear of the cost.

While Washington lawmakers working on health care reform worry about preserving the choice of doctors that most Americans enjoy, Spivey's patients have almost none today because of gaps in insurance coverage and inadequate numbers of family practitioners.

While legislators talk about preventive health measures, Spivey's patients demonstrate what happens when they are not available.

And although members of Congress rail at the threat of rationed care, Spivey's patients face informal rationing based on the price of medical services and prescription drugs.

This Fayetteville clinic, understaffed and inundated with chronically sick patients, illustrates the difficulties of overhauling the health system in areas with few doctors and a great deal of poverty, illiteracy and illness.

Spivey asked her patients to bring along to their appointments any prescription drugs they take, and some arrive with empty vials or lists of unfilled prescriptions, hoping for free medication. For those suppliants, Spivey said, the clinic has no pharmaceutical supplies other than drug company samples.

"People think that government equals free, and that is a big, big problem," she said. "I can't give everybody who walks in the door their medicine."

An afternoon in the Fayetteville clinic, one of about 1,500 public health centers across the nation, puts a human face on the outside-the-Beltway problems of implementing health reform.

This clinic, an island of service for the poor, would itself probably have to change and grow under many proposals. Even if every American had guaranteed access to health care, doctors would have to be recruited to provide it, and clinics are thought to need at least four doctors—not one—to provide coverage on weekends and throughout the night.

Spivey has followed the health reform debate and joined it recently during a forum hosted by first-term Rep. Eva Clayton (D-N.C.), who represents part of Fayetteville. Spivey, one of five local health executives on a panel, said she felt relieved to speak out about the clinic's limits and argue that any health care overhaul must provide for family physicians and prescription drugs for poor patients like hers.

"I am the medical clinic. The clinic is a one-woman show, and I am the woman," Spivey declared. "Obviously, I can't provide care to all poor people. We need more providers for the poor when there's universal access" as various health care plans propose.

Clayton and Jesse F. Williams, Cumberland County's public health director, agreed that simply extending health insurance coverage to all Americans would not solve the problems of the clinic's patients.

"Just opening the doors to more patients—Can you imagine her having more patients?" Clayton said.

"You can give some people all the [health insurance] cards in the world, and they're not going to get into some of these doctors' offices," said Williams, a physician who trained at Howard University. "They don't look right. They don't smell right. They come from the wrong side of the tracks."

Spivey came to the clinic in 1986 after a stint in a local hospital's emergency room. She was trained at Duke University, a research-oriented medical center where she said that, for some, "family practice was a bad word."

The clinic once had two nurse practitioners and a physician's assistant, but they were not replaced after one retired and the other two left for higher-paying jobs. Williams said the aides' salaries were used to hire another doctor who spends a day and a half at the shorthanded clinic each week.

The clinic receives half its $500,000 budget from the county and most of the rest from state and federal payments under Medicaid for the poor and Medicare for the elderly and disabled. It is located on the third floor of a modern building, erected largely with federal funds secured by Rep. Charlie Rose (D-N.C.), that also houses county health offices and a clinic for children and pregnant women. For other uninsured adults, the remaining health care option available in Cumberland County is a clinic operated by volunteers two days a week.

About 75 percent of Spivey's patients receive Medicare, and most need at least three prescription drugs. "Hypertension, diabetes and arthritis. That's my average patient," the doctor said. "We also cover the [county] jail."

Williams said that the county health department had reached a working agreement with area doctors: The clinic provides ongoing treatment to poor patients the doctors don't want, and in exchange private physicians take care of clinic patients when they are hospitalized.

Despite their great medical needs, Spivey's patients are generally uninformed about the health care debate. A survey conducted a few years ago, she said, found about 60 percent cannot read. Five interviewed recently expressed only a vague understanding of the debate. Paying their basic living expenses preoccupies them, their doctor explained.

But asked what they thought should be changed about the health care system, the five patients had a unanimous request: They want coverage of prescription drugs.

"About the only thing that would help me would be to get some help to pay for my medication," said Lourise McLaurin, a disabled widow on Medicare. "I have to make a choice: Do I buy food, or do I buy medication . . . just about every month."

McLaurin, 61, showed up for her appointment clutching a sandwich bag with four brown vials sealed inside. One had been empty for a week, and would not be refilled for another week when her $360 disability check was due to arrive. Prescriptions for arthritis, high blood pressure, a bladder problem and water retention in her ankles run about $80 a month. She also takes pain relief pills regularly for her back, which she permanently injured pushing her late husband in his wheelchair during the years he was disabled from strokes.

Arceola Davis is supposed to take more prescription drugs than she can afford or remember. Chronic headaches have affixed a pained frown on her face. Then there is her arthritis, high blood pressure, backache, high cholesterol, sinus problem and heart condition, all of which require medication.

"Sometimes a member of my family helps me with my medicine," said Davis, 63. "Mostly I go without it."

James Simmons of Autryville, who has suffered three heart attacks and a brain tumor in his 58 years, has come up with another way to manage his "six or seven" prescriptions. "Sometimes I split them up," he said, meaning he buys a week's worth at a time.

Loomis Smith, 52, making his first visit to the clinic, complained that a stiff shoulder shot pain through his right arm. A month before, a hospital emergency room referred him to a neurosurgeon who wanted $200 that Smith did not have for a diagnostic visit. Unemployed and uninsured, Smith said his last job as a construction laborer offered health insurance—but only for foremen. "That's lousy," he said.

Last year, Smith did consult a private doctor who prescribed medicine for his high blood pressure.

"It cost me $45 to see a doctor, then I got to get my medicine, and I made $48 a day," he said. "So to get around it, you get around it. But now it's catching up with me."

Williams, the public health director, cited the need to stress preventive medicine. "There's a belief that as long as you're not hurting, it's okay," Williams said. "That holds true for people who are educated. If you think they spend a lot of time going to the doctor, it's not true."

Nearly every lawmaker engaged in the health care debate has emphasized the need for preventive care. President Clinton's plan would encourage the training of more family physicians and other primary-care providers. His plan would also cover prescription drugs.

"As I look at the existing plans, somebody has addressed most of my concerns. But I understand politics, and I know something has to be compromised," Spivey said. "I hope it's not something detrimental to my patients."

TRIBUTE TO VIOLA M. BABIN

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Ms. MOLINARI. Mr. Speaker, I rise today to pay tribute to Viola M. Babin who is a constituent of mine from Staten Island, NY. At present, she is serving as the president of the American Legion Auxiliary, Department of New York. Mrs. Babin is also a member of the Beauvais-Hudson Unit, A.L.A. She has chosen as her project this year, the Make a Wish Foundation which is an organization to make all wishes come true for terminally ill children. Through her efforts, thousands of dollars have been donated to this most heart-warming project.

Mr. Speaker, in an age where we look for heroes and people willing to take up the cause and help others, I am most proud to ask my colleagues to join me in honoring Viola M. Babin.

WHERE'S THE ECONOMIC BOOM?

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, many of us have become concerned about the Federal Reserve Board's determination to fight hard against inflation, long before it even threatens to appear, in a manner that could jeopardize our ability to complete our recovery from the serious economic problems of recent years. One very thoughtful expression of these concerns appeared in the Wareham Courier, on April 21. In her column Our Town, which appear in the Wareham Courier and several other papers in southeastern Massachusetts which are part of the same chain, Linda Ahlborg deftly underlines the concerns many of us have about the danger that a high interest rate policy aimed at the distant problem of inflation will do some damage to many vulnerable people economically in the near term. I ask that the column be printed here.

[From the Wareham Courier, Apr. 21, 1994]

WHERE'S THE ECONOMIC BOOM?

(By Linda Ahlborg)

Here in Southeastern Massachusetts, it's hard to find evidence of the boom which has Federal Reserve Board members so worried.

People in the Wareham area are unemployed and underemployed. Many businesses are struggling. And the legal advertisements are filled with tales of woe as countless homes go up for mortgagee sale.

There's bad economic news statewide as well as major companies like Digital plan further layoffs.

Perhaps, in deciding to force a hike in interest rates to prevent a nowhere to be seen inflationary spiral, the Fed was looking toward North Carolina or some other Sun Belt state.

But no one has ever suggested that, as North Carolina goes, so goes the nation and the areas that have been traditional bell weathers—California and the Northeast—are hardly booming.

Nor, despite the fact credit card debt remains fairly constant, is there much sign of extravagance on the part of consumers. These are the conservative '90s, not the expansionist '80s, and people are demanding their money's worth and more. Bargains are definitely "in."

But the Fed doesn't see it that way. Its traditional economic indicators are pointing upward. Inflation surely must be just around the corner.

That attitude makes it tough on areas like this one that are still struggling and isn't much fun for individual investors with money in stocks and mutual funds.

It's enough to make states righters of us all.

TRIBUTE TO LINDELL V. RIDDLE

HON. ERIC FINGERHUT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. FINGERHUT. Mr. Speaker, I rise today and invite the Members of the House of Representatives to join with me and the people of the 19th District of Ohio in honoring an extraordinary person, Mr. Lindell V. Riddle of Mayfield Heights, OH.

Lindell Riddle exceeded all expectations of an ordinary citizen through his actions to help apprehend two violent murderers. Mr. Riddle's selfless acts were prompted by the violent murder of Randall Walker, a private police officer, who was murdered while attempting to stop a car-jacking. Mr. Riddle learned of this travesty from the local news and decided it was time for him to do something in recognition of the extreme sacrifice Randall Walker and others like him have made.

Lindell Riddle posted $2,000 of his own money as a reward, printed 1,500 Wanted posters and distributed them all over the Cleveland area. Within 24 hours the suspects were apprehended and behind bars. Mr. Riddle also appeared on the television and radio to build public awareness, respect and support for law enforcement officers. He has subsequently established the Randall Walker Foundation to help victims of violent crimes particularly for private and public law enforcement officials.

Mr. Speaker, I believe we all could learn from Lindell Riddle's example. He sees all of northern Ohio as one big neighborhood where if one person loses to violence then we all lose so we should all work together to make our neighborhood safer. It is for this reason I rise today in honor of Lindell V. Riddle.

TRIBUTE TO RICHARD M. NIXON

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. EWING. Mr. Speaker, Richard M. Nixon, was a part of this country's political fabric for nearly 50 years. As a member of the U.S. House of Representatives, as a member of the U.S. Senate, as a vice president, and finally as our Nation's 37th President, he established a record of achievement. President Nixon's imprint of accomplishment—on our country and on this world—will outlast us all.

Born into modest means, he rose to become a peacemaker, statesman, and world leader. He reopened the doors to China; he engineered the strategic arms limitation agreement with the former Soviet Union; he helped bring Israel and Egypt closer together; and he brought an end to the war in Vietnam. At home, President Nixon initiated what he called a New American Revolution—a program that included government reorganization, health insurance for all, more revenue sharing, an expanded student loan program energy independence, a balanced budget, environmental repair, and welfare reform—sound familiar?

President Nixon was not without his frailties. Like most of us, many of his wounds were self-inflicted. But unlike many of us who would have walked away from the turmoil and bitterness, President Nixon chose to continue the struggle. He traveled abroad and was well-received by foreign leaders. He counseled presidents that followed him, including President Clinton. He wrote 10 books. And was forever dedicated to his wife, children, and grandchildren.

With the passing of President Nixon, we have lost a link to history. But because of his vision and sense of purpose, all of us are living today in a more peaceful world. For this, we should be forever grateful.

RETIREMENT OF MAYOR EVELYN M. LORD

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. BROOKS. Mr. Speaker, it is my very great honor to take this opportunity to recognize the record of outstanding success that the mayor of my hometown of Beaumont, TX, has established as both a member of the Beaumont City Council and, since 1990, as a mayor of uncommon ability and vision.

At the end of her term this year, Mayor Evelyn M. Lord will retire and the city of Beaumont will recognize her years of service on Wednesday, May 4, 1994, at a reception in her honor.

The people of Beaumont have been fortunate to have a person with such dedication, integrity, and candor lead them at city hall. Evelyn Lord has demonstrated time and again that she can handle the hard issues and is a leader who can make the difficult decisions.

Time and time again, Evelyn Lord's tireless and constructive work on behalf of the people of Beaumont has underscored the depths and seriousness of her commitment to manage the affairs of Beaumont effectively and efficiently. She has enormous ability and all of Beaumont will miss her stewardship.

I have had a close and effective working relationship with the mayor and I have always been able to count on her when I needed help for a project important to the people of Beaumont. We have worked well together because we share some of the same beliefs about the proper role of government in a democratic political system. She believes, as I do, that government should address the real needs and real problems that people face in their daily lives.

I think the people of Beaumont will miss Evelyn Lord's leadership, but she will always know that she has good friends who respect her work. So I want to wish her the very best that life has to offer as she enjoys the fruits of a productive retirement. At this time, I would like to submit the attached biography which details the fascinating record of public service built over a lifetime of good works:

EVELYN M. LORD, MAYOR, CITY OF BEAUMONT, TX

Evelyn Lord came to Beaumont, Texas, via Massachusetts where she was born; Delaware, where she served as an urban renewal executive and as a State Senator; Kentucky, where she practiced law and was Administrative Assistant to the County Judge; and Northern Ireland where she served in several civic capacities as well as writing a weekly column on life in Northern Ireland for an American newspaper. The multi-moves were brought about as the du Pont company transferred her husband, Sam.

In 1980 she was elected to Beaumont's City Council and in 1982 she was elected as Mayor Protem. Plans to run for mayor in 1984 were put on the back burner as she returned with her husband for a second five-year stint in Londonderry, Northern Ireland. Sixteen months after her return in December of 1988, she was elected Mayor in 1990.

Mayor Lord has her Bachelor's degree from Boston University, her Masters from the University of Delaware and her Juris Doctor from the University of Louisville's School of Law. She is the recipient of many honors, the latest being named The Neches River Festival 1993 Man of the Year, being elected to the Executive Board of the U.S. Conference of Mayors, and being chosen as Leadership Beaumont's Outstanding Graduate.

She emphasizes the value and necessity for the volunteer in community activities and sets the example by actively serving on several executive bodies including the United Way Trustees, the Boards of Directors of the Art Museum, Symphony Society, Energy Museum, Boy Scout Council, the Council for the Beaumont State Center and the Beaumont Community Foundation. She was the Vice Chairman of the United Way's 1992 Campaign and chaired the 1993 United Way effort.

She and Dr. Lord have four sons and a daughter.

ROBERT E. LEE HIGH SCHOOL CHOIRS CONTINUE A TRADITION OF EXCELLENCE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. HYDE. Mr. Speaker, Robert E. Lee High School in Springfield, VA, is home to the Singing Lancers, an extraordinary group of young men and women whose vocal accomplishments over the years have been impressive. I am pleased to share with my colleagues the choral department's most recent mark of success.

The Lee choirs joined schools from five States in New York City to participate in the April 15 Manhattan Choral Festival. Lee High School was the only school representing Virginia.

Giving one of their finest performances, the Lee Madrigal Singers were one of two choirs to receive the distinguished rating of superior from the panel of four judges. The Lee Chamber Choir, Women's Ensemble, and the Mean's Ensemble gave impressive performances which were viewed by the judges as excellent and very good.

Preparing for their second musical event in the Big Apple, the vocalists from Lee rehearsed for the first time with their fellow musicians and guest conductor, Dr. Eph Ehly. Dr. Ehly is among the top seven most sought-after choral clinicians in the United States. The 500 voices of the massed choir gave a magnificent performance at St. Paul the Apostle Church at Lincoln Center before a standing room only audience.

The accomplishments of these students is a tribute to their fine director, Mr. Lindsey Florence, who has worked hard teaching them the disciplines of music. I commend his dedication to working with our young men and women and applaud them for seeking the constructive, positive avenue of music through which to channel their energies.

I ask my colleagues to join me in congratulating the following students, and it is my hope that they will continue to pursue their appreciation of music.

Brent Aberant, Pam Albanese, Aimes Andre, Alex Amdt, Gretchen Amdt, Andy Barret, Cherilyn Carruth, Stephaine Daniels, Rebecca Dosch, Randa Ed, Alisa Erosz, Stephanie Evans, Katie Farrell, Matt Fisch, Megan Fitzpatrick, Craig Goheen, Grier Hansen, James Hare, Kelly Harvilla, Stephanie Hawk, Emily Hennch, Hedi Hisler, Allison Cherryholmes, Jessica Horner, Matt Horner, Dave Hochbert, Michael Hochberg, Jan Holder, Nadiyah Howard, Amy Huntington, Jennifer Ivey, Cathy Javier-Wong, Robbie Johanson, Leikny Johnson, Rachel Kahn, Tami Keller, Paul Duka Kim, Miguel Lacsamana, Megan Laver, Brandon Maca, Emily Maca, Carlos Meza, Jen Montgomery, Tanya Moore, Christy Morgan, Scott Neihoff, Nicole Orton, Amy Oxley, Ty Oxley, Stacy Parsons, Corey Perrine, John Perrine, Jennifer Platt, Amy Ridpath, April Schimmel, Christy Sylvester, Jenny Smith, J.R. Stratton, Manka Tsanganelias, Becky Whittier, and Craig Witt.

IN SUPPORT OF A BALANCED BUDGET AMENDMENT

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. CARR. Mr. Speaker, it is easy to talk about cutting the deficit, about controlling spending, about growing our economy, and crating jobs. Easy to talk about it, but tough to do it. That is why we need a balanced budget amendment. We are not going to grow our economy, create opportunities, and provide jobs unless, and until, we control spending and reduce the deficit. A balanced budget amendment can provide the discipline that is sorely needed. More than that, the right balanced budget amendment can also make sure that we make smart investments in our future.

Let's be real: The balanced budget amendment offered by Congressman STENHOLM is not the magic pill to cure our fiscal headache. It does deliver a powerful message to the American people that we understand that the Federal Government ought to play by the same rules they do: invest wisely, and don's spend what you don't have. I support the Stenholm amendment, but I believe that the best balanced budget amendment is one that requires Congress to balance its operating budget, not a unified budget which incorporates long-term capital investments.

If we are going to expand opportunity and create jobs, then our goal must be smart, strong investments. The same way a family recognizes the difference between its grocery bills and its mortgage payments, we must recognize the difference between our every day operating expenses and the long-term capital investments that will secure our future. The best balanced budget amendment would establish a separate capital budget to make sure we respect those long-term investments. Otherwise we shortchange our future, and our children's future.

Almost all State Governments, businesses, private citizens—in short, everyone who makes long-term capital investments—can budget those long-term investments over time. Everyone except the Federal Government, that is. Imagine a young couple looking to buy a house and being told that they cannot get a mortgage, but rather have to pay the entire cost up front. That is what the Federal Government does every time it builds a bridge or a long-range bomber or a wastewater treatment facility—pay up front for an investment that in reality pays back over many years.

A capital budgeting strategy like the one proposed in Congressman WISE's amendment would recognize this reality, and it would force Congress to make a distinction between the expenditures it makes today that are gone tomorrow, and the long-term investments that offer their rewards over time. A constitutional amendment requiring Congress to balance its operating budget would prevent overblown spending. Setting aside a capital budget would ensure that the 9 percent of outlays which go to long-term investments in our Nation's economy would not get swallowed up in the process.

Congressman WISE's amendment also provides for the continued economic security of our Nation's senior citizens, by setting the Social Security Trust Fund outside of Federal budget calculations. This provision of the Wise amendment, like the capital budgeting strategy, is one I strongly endorse.

The merit of properly budgeting capital expenditures is only one of the many lessons the Federal Government can learn from the private sector. Another lesson is the value of setting strict standards for long-term investments. We need to change our decisionmaking process and adopt the kind of objective economic criteria I established at the Transportation Appropriations Subcommittee to make sure our investments are driven by economic value and return, not by politics.

Economic growth and job creation demand the fiscal discipline and responsibility that a balanced budget and a capital budgeting strategy can provide. That is why I am supporting the Stenholm and Wise amendments, and why I am determined to gain passage of a balanced budget amendment that will truly deliver on its promise to the American people who every day work hard and play by the rules. They deserve a Government that works just as hard and plays by the same rules.

THE SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR ACT OF 1994

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. DERRICK. Mr. Speaker, I have introduced a bill to provide for the establishment of the South Carolina National Heritage Corridor. The purpose of this legislation is to focus on the national importance of the historic, ethnic, religious, artistic, agricultural, and industrial traditions of this region.

The South Carolina National Heritage Corridor, which encompasses 14 counties along 700 miles of South Carolina's western border, is dotted with unique areas which reflect South Carolina's important historical southern culture, much of which is tucked away in quiet rural communities. By preserving and enhancing the rich flavor of our American heritage and the southern culture that flourishes throughout this corridor, we can attract visitors, new residents, and expand businesses.

The corridor begins in Charleston, one of the most cosmpolitan cities before 1860, and follows the old South Carolina railroad, the longest railroad in the world when it was completed in 1831, to Aiken County. Located in Aiken County's Horsecreek Valley, where the State's textile industry was born during the 1830's, is the 150-year-old Graniteville Mill and the original homes surrounding it. Graniteville became a model for the textile industry which spread throughout the corridor.

The corridor includes the town of Edgefield's turn-of-the-century newspaper office and livery. In the 1820's, Edgfield County was the origin of the famous alkaline-glazed stoneware which eventually spread throughout the South. Produced as utilitarian storage ware, today Edgfield pottery is a highly-prized collectible.

Other towns included in this corridor have been a part of history for the past three centuries. Towns such as Abbeville which has turn-of-the-century Victorian architecture, the famous Opera House and the Belmont Hotel built in the early 20th century, will represent windows to the past. The town of Pendleton which is on the National Register of Historic Places, with its 200-year-old village green will also be included in the corridor.

These small towns lead to Anderson County, now a major center of the State's textile industry. The proposed legislation will include the many traditional and historical textile sites and end at the foothills of the Appalachian Mountains.

Support for this legislation has been exhibited by the efforts of the South Carolina Department of Parks, Recreation and Tourism, the South Carolina Department of Archives and History, the Strom Thurmond Institute, the South Carolina Development Board, and the Governor's Office. Other State and Federal agencies such as the National Endowment for Humanities, and the National Folklife Center at the Library of Congress are also supporters.

There are so many historic areas in this corridor. The local towns and communities in the counties of Charleston, Colleton, Dorchester, Bamberg, Orangeburg, Barnwell, Aiken, Edgfield, McCormick, Greenwood, Abbeville, Anderson, Pickens, and Oconee have all worked very hard to preserve their individual landmarks. This corridor will tie together these individual kernels of the past and provide an understanding of the State's history and development of its natural, cultural, and historic assets. It will provide visitors and residents the choices of walking, biking, and driving through this historic area as well as protect the significance of this area for generations to come.

PROGRESS IN SOUTH AFRICA

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mrs. KENNELLY. Mr. Speaker, only a short time ago, the political situation in South Africa was seen as intractable. The problems had no solutions, the factions were too far apart.

But this changed with the power of the ballot box. Over the past few days, millions of people have gone to the polls, many for the very first time—some risking their lives to do so. They are drawn by the promise of a new South Africa, where justice will replace apartheid. They are drawn to vote by the promise of democracy—still one of the most powerful forces the world has seen.

This progress in South Africa has not come without a price. There was violence preceding the elections, and there will likely be difficult days ahead, as well. But a country and its people who have come this far will continue building democracy. They will work for a system where all are equal and the government is the symbol of hope, not injustice.

I salute Mr. Mandela and wish him the best as he takes his country on the journey ahead.

TRIBUTE TO ANNE J. PITARO

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to publicly acknowledge outstanding citizens of our Nation.

I rise today to recognize one such individual, Anne Pitaro, and to add my words to those of friends and colleagues who will be giving a testimonial in her honor on May 11, 1994. In her 8 years as a teacher and 17 years as principal, she has dedicated herself to the goals of Catholic education while touching the lives of hundreds of students and families. It is clear she understands the value of investing in this country's most precious resource, our children.

I'm sure I speak on behalf of many members of the community who have either worked with Anne or have experienced the benefits of her hard work when I thank this remarkable individual on this special occasion.

CONGRATULATIONS TO WARD MELVILLE PROBLEM SOLVERS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, I am delighted to honor two outstanding young constituents from the First Congressional District of New York, Aurelio Teleman and Eric Gandt from Ward Melville High School. Aurelio Teleman and Eric Gandt were recently named as finalists in the NYNEX Science and Technology Awards Program.

This is the first year for the NYNEX Foundation scholarship program for high school seniors. The program requires students to team up in groups of two to four to design practical solutions to community problems using science and technology. Nearly 1,221 students, forming 398 teams from throughout the New York metropolitan area, participated in the competition. Twelve teams were selected as finalists, whose projects will be judged by science teachers and Nobel Laureates in Washington on the weekend of April 30 to May 2.

Aurelio Teleman and Eric Gandt reached the finals by proposing to combine a refrigerator and a hot water heater to increase the refrigerator's efficiency by 20 percent. This is accomplished by capturing the heat generated by the refrigerator and piping it into the hot water heater. The result is lowered heating costs and improved energy efficiency.

Mr. Speaker, I commend these two outstanding students for their fine work. I am proud to represent both Aurelio Teleman and Eric Gandt and their fellow students and teachers at Ward Melville High School. I wish them the best of luck in the finals and continued success in their future endeavors.

EXERCISE 26TH AMENDMENT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. BURTON of Indiana. Mr. Speaker, I rise today to make a plea to the youth of America, and that is quite simply, exercise your 26th amendment right to vote. I feel it is more than a right, it is a responsibility. As tomorrow's leaders, the youth of today hold the future of our country within their grasp.

Yesterday I met with two of our future leaders. They were Nate Adoba and Todd Wood, the president and vice president of the student body at Ball State University in Muncie, IN. These two outstanding young men were in Washington to attend a "Lead or Leave" conference, whose goal was to encourage America's youth to become involved and head to the polls.

These young men lamented to me their desire to see their peers join them in taking an active role in our Government by voting for its members. I told them when I was in the Indiana State Legislature I sponsored the bill to lower the voting age to 18. I assured them I would continue to do what I could to encourage our youth to become more involved. This country belongs to all of the people, old and young.

Mr. Speaker, it encourages me to see civically active and responsible young people like Nate and Todd. It is my hope that others will see their example and follow it, for our future depends on young leaders.

HONORING RIVERDALE SENIOR SERVICES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I recognize today the 20th anniversary of Riverdale Senior Services, a vital and vigorous multiservice community agency located in my district.

For two decades, Riverdale Senior Services has provided local elderly residents with a range of assistance programs. Currently, more than 3,500 senior citizens take advantage of the center's services, where they can receive daily hot meals, attend classes and lectures, get assistance obtaining benefits and entitlements, and assist in operating the center. But even more than that, Riverdale Senior Services provides a place where senior citizens can maintain the dignity of independent living in the community.

Many people deserve credit for guiding Riverdale Senior Services to its present position. From the days of founding president Julia Blumenthal to the stewardship of the current president, Dr. Johanna Oldrich, a series of dedicated professionals and volunteers have given their time and energy to assisting their elderly neighbors. They all deserve our thanks and appreciation.

I also wish to commend the senior citizens who use Riverdale Senior Services, because it is their gratitude and vitality that are the source of energy driving the center's success. The lesson of these past 20 years is that a community working together can accomplish great things. On behalf of my constituents, I thank everyone at Riverdale Senior Services for teaching us this lesson, and I extend my best wishes and support for your continued success.

JWOD EMPLOYEE OF THE YEAR: JACK LOWMILLER

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. MCDADE. Mr. Speaker, I want to offer my congratulations to Jack Lowmiller on being named as the 1994 Javits-Wagner-O'Day [JWOD] Employee of the Year. Jack earned this great honor for his exceptional work as a custodian at the U.S. Courthouse and the Herman Scheebeli Federal Building in Williamsport, PA. One only needs to stop by my district office in the Scheebeli Building to see Jack's top notch work. The sparkling windows and shiny floors are a credit to Jack's dedication to his custodial job.

The JWOD Program—Public Law 92–28—provides jobs to Americans with severe disabilities. Hope Enterprises of Williamsport is one of many nonprofit community rehabilitation agencies across our Nation which provide vocational training and employment through Federal Contracts under the JWOD Program. Jack Lowmiller is employed by Hope Enterprises, which won the Federal contract to perform the custodial work in the Federal building at a fair market price.

Agencies like Hope are given technical assistance by the NISH, the central nonprofit agency designated by the Government to aid in creating employment opportunities for the people with severe disabilities. NISH sponsors the Employee of the Year Award, and Jack will receive a $1,000 prize as well as a trip to the annual NISH training conference in Tampa, FL later this month.

For individuals like Jack, JWOD employment and training opportunities are invaluable. Jack was born prematurely and, in addition to mental retardation, has a vision problem and speech impediment. Despite those obstacles, Jack graduated from the local public special education program and has been working at the Federal building since 1984. His outstanding performance led to his nomination as Hope's Employee of the Month in his very first month of eligibility.

His supervisor, Charles Homes, says, "Jack is the best worker I have. He is helpful to his coworkers and they really look up to him. all the building occupants think he's the greatest and speak very highly of him." Indeed, the GSA inspector for the building, Frank Donahue, adds, "He is one of the most efficient workers I've seen in this business. I wish I had 10 of him to go around."

With people like Jack under the guidance of enterprising human service providers like Hope, everyone wins—Jack gets a quality job, the Federal contracting agency gets outstanding service, and the American taxpayer gets a smart savings as Jack works his way off public assistance.

Mr. Speaker, I am very proud of Jack Lowmiller's accomplishment, and I am delighted that Jack was helped by the congressionally created JWOD Program, whose beauty lies in using Government leverage to expand market opportunities for disadvantaged Americans and permitting individual initiative and ability, like Jack's, to bloom.

PROJECT LEARNING TREE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. VENTO. Mr. Speaker, today students and teachers from all 50 States, Canada, and Mexico will participate in ceremonies to support the need for environmental education programs in our schools and the need for more cooperation between and among nations to guarantee a safe and healthy environment for future generations.

This is a universal event bringing together policymakers, business and industry, and our teachers and students to support environmental education. I will be joined by our ambassadors from Mexico and Canada on the Capital Mall to plant a white oak as symbolic of this International Environmental Education Day.

Two other events will be held simultaneously on our Mexican/United States and Canadian/United States borders. Sponsored by the American Forest Foundation and its award-winning environmental education curriculum, Project Learning Tree, these ceremonies will feature environmental exchange boxes—prepared by classrooms in all 50 States and sent to our borders—which hold representative items from our Nation's communities. These exchange boxes will constitute a permanent exhibit located at appropriate border sites in North Dakota and Texas to signify the importance of youth action working to better our environment.

The Project Learning Tree curriculum, recently revised to incorporate state-of-the art environmental activities for pre-kindergarten through senior high students, uses the forest as a window to the environment, and includes diverse lessons on air, water, energy, and solid waste packaging. The curriculum, used by over 400,000 teachers and some 20 million students since 1973, focuses on teaching students the critical thinking skills necessary to make intelligent decisions about their environment, not what to think about their environment.

Mr. Speaker, environmental education programs are needed in every classroom in our country—indeed, the world. I hope that the events today in Washington, North Dakota, Canada, Texas, and Mexico will provide inspiration to our school system to adopt environmental education as integral to a student's education. I also hope that joining with our North American neighbors to promote better international cooperation in our quest for a better environment will enhance the progress we have made to ensure a safe global environment for all.

HONORING JEANETTE QUINONES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. ENGEL. Mr. Speaker, this weekend, the Williamsbridge NAACP Day Care Center is honoring Jeanette Quinones upon her retirement after 23 years of service to her neighbors. I want to take this opportunity to thank her on behalf of the community for her numerous contributions.

Since the opening of the day care center in 1971, Jeanette Quinones has been a fixture at the facility. She progressed from being a teacher's aide to become the director of a facility serving more than 160 families. She has helped nurture young children, provided health and social services, developed nutrition programs, and maintained fiscal accountability. All this while raising her own two children and advancing her education at night.

It is people like Jeanette Quinones who keep our communities strong and allow families to improve their quality of life. As she begins a new phase of her life, I wish Jeanette Quinones personal happiness and success in the same measure she has supplied them to the Williamsbridge NAACP Day Care Center.

EARTH DAY AT THE WHITE HOUSE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. BURTON of Indiana. Mr. Speaker, Earth Day at the White House probably sent shivers down our environmentally conscious Vice President's spine. Earth Day was the day chosen to deliver President Clinton his new toy—another gas-guzzling, 8-miles-per-gallon black limo.

During the campaign Mr. Clinton advocated mandating higher miles-per-gallon standards on the auto manufacturers. I don't think the American people have a problem with that, but what they don't like to see is the continuing and growing arrogance of power coming from the White House.

The 45-miles-per-gallon standard is what the President is advocating for we the people. However, he and his family travel around in the lap of luxury in a fleet of gas-guzzling limos, three of which have been added since the Clinton administration took office. All this after campaigning to strangle American automakers with burdensome new miles-per-gallon restrictions.

Mr. Speaker, the arrogance of power continues. It started with the Ron Brown scandal; it moved into the ongoing Whitewater debacle; then on to Lillehammer, where Mrs. Clinton spent 500,000 taxpayer dollars for a vacation at the Olympics, and now a fleet of new limos fit for a king.

Mr. Speaker, we are a democracy, not a monarchy, but the Clintons are acting like they are in Camelot. Mr. Speaker this is nothing more than an arrogance of power, and it stinks to high—I mean hog—heaven.

SALUTE TO PHILADELPHIA MAGAZINE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to salute "Philadelphia" magazine, winner of the 1994 National Magazine Award in the public interest category. The National Magazine Awards are the most prestigious awards in the magazine business, and to succeed in such a competitive field is true testimony to their tremendous accomplishments. "Philadelphia" has now won one 2 years in a row.

The public interest award is given for articles that are outstanding examples of analytical or expository journalism that bring exceptional clarity, interpretation, and insight to their subject. The winning article, entitled "Less Than One Percent," was written by Stephen Fried and chronicled the long-term neurological damage suffered by his wife after taking a single dosage of the antibiotic Floxin. To quote the judges of the competition, "Friend eloquently described their personal struggle, but he didn't stop there. In this model of public interest report, he uncovered the flawed system by which drugs are approved, marketed, and dispensed. This well-documented piece is a clarion call for greater responsibility by drug manufacturers, government regulators, and physicians. Readers of this article will never again take prescription drugs with the same nonchalance as before."

Mr. Speaker, I join with the Philadelphia community in congratulating Stephen Friend and the rest of "Philadelphia" magazine on this, their most recent of many national magazine awards.

TRIBUTE TO FATHER GEORGE McKENNA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Father George McKenna on the 50th anniversary of his ordination to the priesthood.

Father McKenna, who will be retiring on June 10 after 45 years as a parish priest, deserves to be recognized for his outstanding service while ministering to the Chicagoland community. Father McKenna was instrumental in initiating efforts that led to the opening of Midway Airport chapel. He was able to encourage the cooperation and support of Midway Airlines and the city of Chicago's Department of Aviation to make this chapel a reality. Father McKenna's kindness and leadership has served the Southwest Side well.

Father McKenna's retirement will allow him to devote his full attention to his position as chaplain of the Midway Airport chapel. I hope my colleagues will join me in my congratulations to Father George McKenna as he dedicates himself fulltime to the ministry of our Midway community and the travelers passing through its gates.

Mr. Speaker, I am pleased to recognize my friend, Father George McKenna, for dedicating himself to the welfare of his parishioners and the betterment of our community. As he celebrates his golden jubilee, I urge my colleagues to join me in wishing him the best in the years to come.

TRIBUTE TO YORK COLLEGE-BLACK AMERICAN HERITAGE FOUNDATION MUSIC HISTORY ARCHIVE

HON. FLOYD H. FLAKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. FLAKE. Mr. Speaker, I am pleased to announce the opening of a very special exhibit in my district. For the first time, the York College-Black American Heritage Foundation Music History Archive will be on display for public viewing Monday May 2, 1994, through May 14 in the York College Art Gallery, located on the lower level of the Academic Core Building, 94–20 Guy R. Brewer Boulevard, Jamaica, NY. This comprehensive exhibit opened with a ribbon-cutting ceremony and reception, which included piano playing featuring Bross Townsend. Exhibit viewing hours are Monday through Friday 12 noon to 2 p.m. and 5 to 7 p.m., Saturdays 9 A.M. to 5 p.m. The exhibit is free and open to the public.

The Music History Archive is a repository for a variety of fascinating materials reflecting the artistry of the musicians and composers of Southeast Queens. Contained in the archive are original scores, musical compositions and instruments, Count Basie, Duke Ellington, and Brook Benton memorabilia, photographs, videos, and records all pertaining to the careers of notable black American composers, musicians and vocalists, some of whom still live in Queens, and others who have lived in the Jamaica and other Queens communities. Other items of interest, which will be on display, are five compositions donated by the late Wilbur "Buck" Clayton, a founding member of the Archive advisory committee; a saxophone played by the late Al Sears; a flute belonging to Lewis Latimer, an inventor and electrical pioneer; the "Story of Jazz" narrated by Langston Hughes; a West Indian song book; and early recordings by Ella Fitzgerald and Louis Jordan.

Established in March 1989 between York College and the Black American Heritage Foundation, the Music History Archive was the beginning of a very successful and unique partnership between the college and the Jamaica community. This exhibit is part of the Jamaica Jubilee Festival Spring 1994, which is being produced under the direction of Cultural Collaborative Jamaica. The Cultural Collaborative is a partnership consisting of arts, education and economic development organizations in the Jamaica community. York College and the Black American Heritage Foundation are members of the collaborative.

In recognition of this archive, the New York City host committee for the 1992 Grammy Awards selected York College as an official site on the New York Music Trail. York is the only college among 28 landmarks on the New York City trail.

Dr. Robert D. Parmet, professor of history, and Mr. Clarence L. Irving, Sr. serve as co-chairs of the York College-Black American Heritage Foundation Music History Archive Advisory Committee. Janet Barkan of Jamaica has been serving as volunteer archivist. Along with "Buck" Clayton, other former founding members included Rev. John G. Gensel, who is known as the Jazz Minister to the World, and Estella Williams, the daughter of the late band leader Fess Williams. In addition to the two cochairs, Dr. Parmet and Mr. Irving, the archive advisory committee includes: Dr. Celestine E. Anderson, J. Kevin Barry, Hoover Burroughs, Charles Coleman, Dr. Leo A. Corbie, Janet Fisher, Dr. Joseph McLaren, Dr. Dennis L. Moorman, Dr. Jacqueline W. Ray, Phyllis White Thorne, and Estella Williams.

HAITI: THE POLICY MUST BE CHANGED

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. ENGEL. Mr. Speaker, last month, the world learned that Haitian soldiers massacred more than 20 fishermen and merchants in a town on the west coast of Haiti. Occurring in an area loyal to deposed Haitian President Jean-Bertrand Aristide, this brutal attack represented, in the words of one Aristide supporter, another effort to "decapitate the democratic movement in Haiti."

More than 2 years have passed since the Haitian military ousted President Jean-Bertrand Aristide from power, yet the despotic government of Gen. Raoul Cedras, which took his place, remains in power, free to commit one atrocity after another. Although the United States has placed some sanctions on the Haitian military regime, violations of the economic embargo are common. Indeed, the government has built up a large supply of oil and other goods.

The thousands of Haitians who attempted to escape Haiti immediately after the coup are evidence of the repression which has overrun that country since the ouster of President Aristide. Unfortunately, under a policy established by President Bush and continued by the current administration, Haitian's escaping their country's violence are intercepted by Coast Guard cutters patrolling the waters off the Haitian coast, denied the opportunity to claim asylum in the United States, and sailed back to Haiti. This immoral policy represents a breach of our country's legal obligations under domestic and international law.

In order to reverse this policy and to press the Haitian regime to permit the return of President Aristide, I have cosponsored H.R. 4114, the Governors Island Reinforcement Act of 1994. This bill, introduced by members of the Congressional Black Caucus, represents the best hope to correct the course of America's foundering foreign policy toward Haiti. If passed, the bill would halt the interdiction and summary repatriation of Haitian refugees and would end the use of United States naval and Coast Guard vessels to lock Haitians in General Cedras' cage of human rights abuses.

The Governors Island Reinforcement Act would also tighten economic sanctions on Haiti and supporters of the coup. It would impose a complete trade and commercial embargo on Haiti, with exceptions for food and medicine, sever air links to Haiti, deny visas to members of the Haitian military and coup supporters, freeze assets of Haitian military officers, and impose sanctions on any country that violates these sanctions. Finally, to ensure that the economic sanctions are not violated through shipments across the Dominican Republic, the bill urges the President to create a multinational border patrol to halt proscribed commerce.

Last week, President Clinton announced that the United States will lead the United Nations Security Council in tightening sanctions on Haiti. I praise the President for this wise policy change. But the President did not decide to end the policy of sending back Haitian refugees. I call upon President Clinton to recall his 1992 pledge and to give Haitians the opportunity to claim asylum in this country.

I am proud to note that my constituents are leading the charge against the brutal Haitian regime. Three members of Mount Vernon United Tenants, Dennis Hanratty, the group's executive director, Gerhome Eugene, and Linda Castro have recently completed a hunger strike to urge our Government to change its policies. I offer my full support to their efforts and urge President Clinton to hear their voices of protest.

Mr. Speaker, in 1939, the Roosevelt administration returned to Germany a ship filled with Jews escaping Nazi Germany. Those people subsequently were sent to Hitler's death camps. With another 20 to 30 people killed by the Haitian regime last month, I am afraid that we are making that tragic mistake again. We must reverse this unjust policy. I strongly urge my colleagues to support H.R. 4114, the Governors Island Reinforcement Act of 1994.

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. SKAGGS. Mr. Speaker, today I am introducing the Rocky Mountain National Park Wilderness Act of 1994. I am pleased that Representative PATRICIA SCHROEDER is joining me as an original cosponsor. This legislation will provide important protection and management direction for some truly remarkable country, adding some 240,650 acres in the park to the National Wilderness Preservation System.

Covering 91 percent of the park, the new wilderness will include Longs Peaks and other major mountains, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams. Indeed, the proposed wilderness will include examples of all the natural ecosystems present in the park.

The features of these lands and waters that make Rocky Mountain a true gem in our National Park System also make it an outstanding wilderness candidate.

The wilderness boundaries for these areas are carefully located to assure continued access for use of existing roadways, buildings and developed areas, privately owned land, and water supply facilities and conveyances—including the Grand River Ditch, Long Draw Reservoir, and the portals of the Adams Tunnel. All of these are left out of wilderness.

It is doubly appropriate that we pursue this legislation in 1994. This year is the 30th anniversary of original passage of the Wilderness Act. Also, it has now been 20 years since the National Park Service completed its review and recommendations for wilderness designations in Rocky Mountain National Park.

This bill is based on National Park Service recommendations. Since these recommendations were originally made in 1974, the north and south boundaries of Rocky Mountain National Park have been adjusted, bringing into the park additional land that qualifies as wilderness. My bill will include those areas as well. Also, some changes in ownership and management of several areas, including the removal of three high mountain reservoirs make possible designation of some areas that the Park Service had found inherently suitable for wilderness.

This is a good time to work on national park wilderness for another reason. Last year, we in Colorado finally completed over 10 years of work on designating additional wilderness in our national forests. In the near future, the potentially more complex question of wilderness designations on Federal Bureau of Land Management lands will capture our attention.

Because of the unique nature of its resources, its current restrictive management policies, and its water rights, Rocky Mountain National Park should be considered separately from those other Federal lands.

We all know that water rights was the primary point of contention in the congressional debate over designating national forest wilderness areas. The question of water rights for Rocky Mountain National Park wilderness is entirely different, and is far simpler.

To begin with, it has long been recognized under the law of the United States and Colorado, including in a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive Federal reserved water rights arising from the creation of the national park itself.

Division one of the Colorado Water Court, which has jurisdiction over the portion of the park that is east of the continental divide, has already decided how extensive the water rights are in its portion of the park: last December, the court ruled that the park has reserved rights to all water within the park that was unappropriated at the time the park was created. As a result of this decision, in the eastern half of the park there literally is no more water for either the park or anybody else to get a right to.

This is not, so far as I have been able to find out, a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And, since the park sits astride the continental divide, there's no higher land around from which streams flow into the park, so that is no possibility of any upstream diversions.

On the western side of the park, the water court has not yet ruled on the extent of the park's existing water rights there. However, as a practical matter, the Colorado-Big Thompson Project has extensive, senior water rights that give it a perpetual call on all the water flowing out of the park to the west into the Colorado River and its tributaries. As a practical matter under Colorado water law, therefore, nobody can get new consumptive water rights to take water out of the stream within the western side of the park.

And it's important to emphasize that any wilderness water rights amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park. But it doesn't affect downstream water use. Once water leaves the park, it will continue to be available for diversion and use under Colorado law.

Against this backdrop, my bill deals with wilderness water rights in the following way:

First, it explicitly creates a Federal reserved water right to the amount of water necessary to fulfill the purposes of the wilderness designation. This is the basic statement of the reserved water rights doctrine, and is the language that Congress has used in designating the Olympic National Park Wilderness, in Washington, in 1988.

Second, the bill provides that in any area of the park where the United States, under existing reserved water rights, already has the right to all unappropriated water, then those rights shall be deemed sufficient to serve as the wilderness water rights, too. This means that there will be no need for any costly litigation to legally establish new water rights that have no real meaning. Right now, this provision would apply in the eastern half of the park. If the water court with jurisdiction over the western half of the court makes the same ruling about the park's original water rights that the eastern water court did, then this provision would apply to the entire park.

The bill also specifically affirms the authority of Colorado water law and its courts under the McCarran amendment. And the bill makes it clear that it will not interfere with the Adams Tunnel of the Colorado-Big Thompson Project, which is an underground tunnel that goes under Rocky Mountain National Park.

Why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good?

The wilderness designation will give an important additional level of protection to most of the national park. Our national park system was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 79 years has kept most of the park in a natural condition. And all the lands that are covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As surrounding land development and alteration has accelerated in recent years, the pristine nature of the park's back country becomes an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one-tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year.

This bill will protect some of our Nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live.

TRIBUTE TO BUCKLEY PETERSON

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. LIGHTFOOT. Mr. Speaker, I rise today to pay tribute to Buckley Peterson, who works at the Veterans Administration in Des Moines, IA, and provides stellar service to our Nation's veterans. Mr. Peterson's record of service has been brought to my attention by Stephen Nicol of McCallsburg, IA.

Mr. Peterson had helped Mr. Nicol to enroll in Iowa State University's electrical engineering program through the VA Vocational Rehabilitation Program. Mr. Nicol, in numerous dealings with Mr. Peterson, has had every question, problem, or need addressed by Mr. Peterson in a timely and satisfactory manner.

Mr. Nicol refers to Mr. Peterson as "a professional with a solid interest in both the success of the program as well as the people involved." Mr. Nicol also states, "My medical problems have been addressed with understanding and a knowledge of their impact on my ability to study, emphasizing Buckley's desire to be more than just a paper-pushing bureaucrat, but rather a professional with a solid interest in both the success of the program as well as the people involved."

Mr. Peterson's assistance to Mr. Nicol went beyond his professional duties. While the Nicol family was away on vacation, massive flooding threatened their home and their property. Mr. Peterson, knowing the Nicol family was away from home and unable to take the necessary steps to protect their home and belongings, drove to the Nicol home on his own time and organized their neighbors for cleanup operations. In addition, he offered to store the Nicol possessions in his garage until the waters receded.

That is, in my view, service above and beyond the call of duty. Buckley Peterson is to be commended for his dedication.

THE ADMINISTRATION'S PESTICIDE REFORM PROPOSAL

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. STENHOLM. Mr. Speaker, today I join Chairman DE LA GARZA in introducing, by request, the administration's pesticide reform proposal. In my continuing effort to move this process forward, I am extremely interested in laying this proposal next to others currently on the table so that it might receive full review and consideration. I am introducing this legislation, not because I necessarily support the substance of the proposal, but because I support the process of moving this important issue forward.

Although I recognize the complexity of these issues and appreciate the efforts of the respective agencies to produce a comprehensive package, I am discouraged that we are only now receiving this legislation—7 months after my subcommittee held hearings to review the administration's intentions. We should have been moving forward many months ago, not in the later stages of the 103d Congress.

Today's agriculture community is extremely sensitive to the environmental and consumer impact of bringing food and fiber to the rest of the Nation. The farmer knows that he or she is successful only to the extent that the consumer is satisfied. Our task, however, is to ensure that these decisions are based on sound, practical science; not temporary emotional appeal.

Although we are blessed with, and often taken advantage of a tremendous and wholesome food supply, today's society demands and deserves an updated legal framework by which to regulate that food supply. From improving efficiencies in the regulatory process to assuring consumers that there is no significant risk associated with our Nation's food and fiber, improvements can and should be made.

I am anxious to move swiftly—to begin reviewing the details of this proposal and to work cooperatively with other committees of jurisdiction, the full Agriculture Committee, and this administration in bringing a measure of this nature to the floor of the House as soon as possible.

HONORING PALMER TORVEND

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Ms. FURSE. Mr. Speaker, in an era when we hear many critical comments about public employees, it gives me great pleasure today to recognize a man whose dedication and determination have made him a model public servant, Mr. Palmer Torvend.

Mr. Torvend has dedicated over 35 years to improving the quality of life for the people in Washington County, OR. During those 35 years, he served in various capacities for the Washington County Extension Service. His greatest success was the development and construction of the Scoggin Dam and Hagg Lake. For more than 20 years, Mr. Torvend worked at developing the dam project. In fact, he was ultimately highly instrumental in persuading this body to approve the project.

All of us in Oregon are grateful for Mr. Torvend's hard work. The dam has brought 17,000 acre-feet of irrigation water to the county's farmland. It has also provided water for municipal and industrial use, and it has produced a wonderful recreation area at Hagg Lake which now serves over half a million people a year.

Mr. Speaker, last year, I worked in Congress to fund sorely needed safety and infrastructure improvements at Hagg Lake. In addition, Ms. Bonnie Hays, chair of the Washington County Board of Commissioners, came to Washington and testified with me about the tremendous need for improvements at the lake.

Therefore, I was very pleased last week to participate in a groundbreaking for the improvements at Hagg Lake. When I was out at the lake, I was reminded of its tremendous beauty and tranquility.

Today, with these improvements, even more people will be able to enjoy Hagg Lake. The lake is going to be made more accessible to people with disabilities and a new community facility will be able to accommodate over 200 people. These additions, along with other sorely needed safety and infrastructure improvements will help protect this wonderful resource.

I am very excited about all the changes and improvements that are occurring at Scoggin Dam and Hagg Lake, but in this excitement, I want to be sure that we remember the dedicated public servant who made this all possible, Mr. Palmer Torvend. For 20 years, he kept the vision of Scoggin Dam and Hagg Lake alive, and now I hope that we can honor Mr. Torvend's tireless efforts.

By making a dedication to Mr. Torvend, we will not only recognize his outstanding efforts, but the efforts of all the millions of public servants whose visions have improved our country. They have brought us our parks and our ports, our highways and our high schools. Our country could never have attained its current property without their efforts. Therefore, today, I ask my colleagues to join me in honoring one such servant, Mr. Palmer Torvend.

AMENDMENTS TO THE GENERATION-SKIPPING TRANSFER TAX

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. BREWSTER. Mr. Speaker, I am joined today by several of my colleagues, including Congressmen HOUGHTON, GEPHARDT, KOPETSKI, and SHAW, in introducing legislation to add two minor amendments to the generation-skipping transfer tax [GSTT] law which we believe were unintentionally omitted by Congress at the time the original provisions were enacted.

As it currently stands the predeceased parent exclusion of the GSTT law applies to direct gifts or bequests from a grandparent to a grandchild where the grandchild's parent—the transferor's child—is deceased at the time of the transfer. In this situation, since the grandparent's child is dead, there is no generation-skipping; therefore, it would be wrong to collect GST tax on top of ordinary estate or gift taxes, and the predeceased parent exclusion properly excludes such transfers from GST tax.

Our bill expands the predeceased parent exclusion to apply to gifts by persons without lineal descendants and to trust gifts.

First, gifts or bequests by a childless individual to collateral descendants will be treated the same as transfers by persons with lineal descendants. Thus, the exclusion would be extended to apply to transfers made by a childless individual to his or her grandnieces and grandnephews in the situation where that individual's siblings and nieces and nephews are all deceased at the time of the transfer.

Second, the bill applies the predeceased parent exclusion to transfers made through a trust. Under current law, the predeceased parent exclusion is limited, unintentionally, we believe, to direct gifts and bequests, and does not apply to trust gifts even if the parent of the receiving beneficiary was deceased at all relevant times. While many trusts are affected, this provision particularly impacts certain charitable trusts where the charity would have an interest for a period of years before distributing property to the individual beneficiaries. Where the beneficiary's parent is dead, and was dead when the trust was created, there is obviously no generation-skipping going on which would warrant the levy of an additional tax. These trusts are important sources of financial support for many charities, and should not be discouraged, unintentionally, where not necessary for the policy of the underlying tax provisions. Our bill takes away this needless discouragement.

The terminations, distributions, and transfers to which this bill would apply are those occurring after the date of enactment which would be generation-skipping transfers as defined in section 2611 of the Internal Revenue Code and subject to the GST tax, except for the application of the predeceased parent exclusion as amended by this legislation.

The administration has reviewed the proposal and given testimony before the Subcommittee on Select Revenue Measures of the Ways and Means Committee that it does not oppose this measure in that the policies underlying the special rules for transfers to grandchildren would support these proposed expansions of the predeceased parent exclusion. The legislation is also supported by members of the real property, probate and trust Law section of the American Bar Association, and has substantial support from charities, both large and small, and of all types—for example, social service providers, museums, libraries, hospitals, and universities—from all across the country.

A companion bill is being introduced in the Senate by Senators BOREN, DANFORTH, PRYOR, WALLOP, BAUCUS, and GRASSLEY and several other members of the Senate Finance Committee. We would welcome other Congressmen as cosponsors of this legislation.

TRIBUTE TO TYNDALL AIR FORCE BASE

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. PETERSON of Florida. Mr. Speaker, I would like to congratulate Tyndall Air Force Base for its accomplishments in preserving our country's environment. On April 22, 1994, Tyndall received the Gen. Thomas D. White Environmental Quality Award for the best environmental program in the U.S. Air Force. Through the demanding efforts of Brigadier General Horne, Col. William H. Grigsby, Lt. Col. Jeffry Thomas, Traci Schell, Capt. John Davis, Robert Elliot, M. Sgt. Chuck Dewar, and the rest of the Tyndall team, this base represents a model which all military bases should emulate.

Tyndall has shown its capability of tackling any assignment with great proficiency, whether it be combat readiness or securing a safe, clean environment. I commend Tyndall's professionalism both environmentally as well as in its main task at hand—to ensure the national security of America and its citizens. As we move into the 21st century, I am confident that Tyndall Air Force Base will continue to demonstrate its expertise in the field of environmental excellence.

INTRODUCTION OF THE ADMINISTRATION BILL TO REFORM FIFRA

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. DE LA GARZA. Mr. Speaker, today I am joining Congressman STENHOLM of Texas to introduce the Administration bill to reform the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], the principal law regulating the manufacture and use of pesticides.

I am introducing this bill because I believe the Administration's proposals deserve a place at the legislative table. While I do not endorse every provision embodied in this legislation, I do wholeheartedly support the Administration's effort to move the legislative process forward.

I am especially pleased that the Administration package includes language to establish incentives for registering pesticides for so-called minor uses. This is an issue of vital concern to our Nation's fruit and vegetable growers, including those in the south Texas district I represent. Last year I introduced a bill to help ensure the availability of minor use chemicals, and many of its concepts are embodied in the Administration bill.

I want to take this opportunity to commend the Departments of Agriculture and Health and Human Services, including the Food and Drug Administration, as well as the Environmental Protection Agency. They have worked together long and hard to develop a comprehensive package on very complex and contentious issues. I want to particularly thank EPA Administrator Carol Browner for her leadership in developing the Administration proposals to reform FIFRA and the related statute—the Federal Food, Drug, and Cosmetic Act. She has made the passage of pesticide and food safety reform a priority for this Administration and I congratulate her for her efforts.

The Administration proposals put before this Congress are one approach to coordinated pesticide and food safety reform. The introduction of this legislation likely marks the beginning of what will be a long and difficult process. However, I believe we can—and we must—work together to enact legislation that restores credibility to Government food safety regulation and, at that same time, allow American agriculture access to tested and approved chemical tools for modern food production.

GERMAN AND RUSSIAN PARTICIPATION IN THE D-DAY COMMEMORATION AND IN POST-COLD WAR EUROPE: DR. ZBIGNIEW BRZEZINSKI ON NORMANDY INVASION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. LANTOS. Mr. Speaker, last evening, the House of Representatives unanimously approved House Joint Resolution 303—a joint resolution designating June 6, 1994, as D-day National Remembrance Day. It is highly appropriate that we mark the 50th anniversary of this critical military turning point in World War II by appropriate ceremonies and events to commemorate the allied landings at Normandy.

In this connection, Mr. Speaker, I would like to call to the attention of my colleagues in the House to a particularly perceptive opinion article which appeared in today's issue of the Washington Post by Dr. Zbigniew Brzezinski, the National Security Advisor to President Carter and currently Counselor at the Center for Strategic and International Studies [CSIS] here in Washington. Dr. Brzezinski is one of the brightest and most original and insightful minds focusing on the security issues that face the United States, and this particular article is one of his best.

Dr. Brzezinski focuses on the practical political symbolism of the exclusion of Germany and Russia from the D-day commemorative activities planned for Normandy next month. He rightfully emphasizes the vital importance of strengthening the political, economic, intellectual, and security links of Germany and Russia with the United States and Western Europe. It is vital that we take the long-term perspective that Dr. Brzezinski has articulated.

Mr. Speaker, I ask that Dr. Brzezinski's article be placed in the CONGRESSIONAL RECORD. I urge my colleagues to read that thoughtful article and seriously consider its message. We live in a new world that has emerged following the end of the cold war, and it is vital that we reconsider the nature of that new world.

[From the Washington Post, May 3, 1994]

NORMANDY EVASION

(By Zbigniew Brzezinski)

The exclusion of both Germany and Russia from the approaching D-day commemorations is highly inappropriate. Not only did millions of Russians die defeating Hitler but millions of Germans have been born and have grown up in a democratic Germany that is now a solid part of the West. It is especially inappropriate because the quality of Europe's security will be determined largely by the degree to which Germany remains permanently anchored in an integrating Europe and the extent to which Russia is linked constructively to a bigger and more secure Europe.

Both these countries are destined to continue playing major roles in European affairs. But neither is likely to play constructively if the geopolitical context creates tempting options for national self-assertion, especially if nationalistic temptations are exacerbated by a sense of exclusion.

Germany has been a good citizen of Europe for decades now. It has loyally and generously supported Europe's security and is the only NATO member with all its forces fully integrated into the joint command. It has been willing to propriate French pride in order to foster a far-reaching French-German reconciliation, which in turn became foundation and catalyst for unification in Europe.

At the same time, Germany has managed to serve as the linchpin for a continued U.S. military presence on the continent. The Washington-Bonn connection has not been diluted by Franco-German political leadership in promoting Europe's integration. Last but by no means least, Germany has demonstrated a genuine commitment to democracy; for example, no country has more humane, liberal immigration laws.

But Germany's circumstances—and psychological mood—are changing. The leadership will soon be renewed. The approaching 50th anniversary of the end of World War II will mark a milestone in generational change. This year will see departure of the last Russian soldier from German soil.

Might not some Germans soon begin to resent the presence of American troops, claiming that Germany is the only European country still "occupied"? Will growing numbers of Germans then begin to take exception to the remaining limitations on their national sovereignty? And what will be the German—and Russian—reaction to a central Europe that remains a geopolitical vacuum? Is that what Russia's minister of Foreign affairs had in mind when last December he enticed his German counterpart with the vision of a special "axis between Germany and Russia [in] the construction of a new Europe"?

If Europe enlarges, deepens its unity and widens its security perimeter, there are good prospects for Germany to remain a good citizen as well as the leader of a Europe that becomes more truly European. The best design would be an enlarged European Union embracing the European Free Trade Area countries and eventually also reaching into central Europe to include at least the three Visegrad nations: Czechia, Hungary and Poland. NATO should also enroll these three countries.

A Europe along those lines would envelop Germany while enhancing the German role within it. Attaining that goal will require continued exercise of political leadership by France and Germany. It will call for genuine German-Polish reconciliation matching the existing German-French reconciliation.

A French-German-Polish coalition would provide a mighty inner core for a larger Europe. It would affirm a positive role for a powerful, constructive and European Germany. Such a trilateral strategic coalition—incorporating 175 million citizens—would be economically driven by Germany and politically balanced by France and Poland.

German leaders are aware of this opportunity. That is why some have taken the lead in urging the eastward expansion of the European Union and NATO. France and Germany are actively exploring Polish membership in the Western European Union, military arm of the European Union. The gutsy German minister of defense, Volker Ruehe, said early this year that it is in Europe's interest to admit Poland to NATO and the West should firmly state that it is no provocation against Russia. That is very much the case now that NATO no longer views Russia as an adversary and has opened its Partnership for Peace to Russian participation.

However, Russia—unlike Germany—has yet to demonstrate that it truly means to be a good citizen of Europe. True, its leading politicians often speak of Russia as belonging to Europe and even possibly joining NATO. But at the same time they make outlandish statements about Russia's "unique Eurasian mission" and assert a special right to use military force anywhere within the entire space of the defunct Soviet Union. Simultaneously they clamor for status as a global power and America's co-equal "strategic partner" (even while pleading for more financial assistance).

Clearly, Russia cannot be all these things at the same time. Being a part of Europe and NATO is not compatible with pursuing a unique Eurasian destiny and seeking to operate as a global counterpart of the United States.

Unfortunately, this is not something that can be settled by a choice. The politically decisive fact is that Russia bulks too large, is too backward currently and too powerful potentially to be assimilated as simply yet another member of the European Union or NATO. It would dilute the Western character of the European community and the American preponderance within the alliance.

A Eurasian Union would be an oxymoron. NATO with Russia would become simply another version of the Conference on Security and Cooperation in Europe, whose credibility has been undermined by a pretense of being able to operate effectively from Vancouver to Vladivostok among 53 nations in diverse stages of democratization and development. Instead of perpetuating the illusion that Russia—someday, somehow—will join West's core political institutions, it is more important to define what it means for Russia to become a good neighbor for Europe and eventually a partner for the United States.

Russia should:

Withdraw its troops from the Baltic republics on schedule, without claiming special privileges for its colonists.

Accept the reality of Ukraine as a secure, friendly neighbor, sovereign politically but a close partner economically.

Similarly, respect the political sovereignty of the new republics of the ex-Soviet Union while pursuing deeper economic cooperation with them.

Tolerate rather than obstruct the desire of central Europeans to belong to both the European Union and NATO.

A Russia that embraces such a non-imperial approach will automatically be a good neighbor to Europe, a solid regional and global trading partner and the beneficiary of growing Eurasia-wide economic activity, transportation networks and cultural ties.

Even if not part of the more integrated European Union, a good-neighbor Russia can and should be associated with Europe-wide cooperative undertakings. That would reinforce the aspects of Russia's history and culture that make it an extension of European civilization. In addition, this Russia can be America's colleague in the wider quest for international security. A Russia willing to become a good neighbor should be given other incentives:

An offer by NATO of a special treaty of friendship and alliance with Russia, even as the alliance expands its membership eastward into central Europe. The treaty between NATO and Russia (even if Russia falls short of U.S. hopes for its democratic evolution) would embrace Russia within a wider framework of military and political cooperation, consolidating security within Europe and even extending it into Eurasia.

An invitation to join the G-7 forum of leading industrial nations.

These initiatives would provide the Russians a gratifying recognition of their country's status as a major power. They amount to a significant Western option for Russia, making it more worthwhile for Moscow to eschew imperial ambitions. However, Russia will be more likely to pursue the good-neighbor option if a larger, more secure Europe promptly fills the potentially destabilizing geopolitical no-man's land between Russia and the European Union. With German and French leadership, Europe should set a realistically early timetable for incorporating the countries of central Europe into the European Union, including its WEU security arm.

A European initiative of this sort might reawaken American policy toward Europe from the generally dormant condition that has existed since the Soviet Collapse. George Bush found his crowning achievement in overcoming Soviet objections to inclusion of a united Germany in NATO. So President Bill Clinton could make his principal legacy in foreign affairs the inclusion of central Europe in a larger NATO, with Russia linked to the alliance by a special treaty.

Early this year the Senate, by a vote of 94 to 3, adopted a resolution favoring NATO's eastward expansion. The upcoming congressional elections are already starting to generate further demands along these lines.

Absent though they may be from the Normandy festivities, the Germans and the Russians are likely to loom large in the thoughts of President Clinton and other leaders gathered there. They will provide a timely reminder about the need for greater geopolitical imagination in shaping Europe's security.

INTRODUCTION OF THE LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 1994

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. JOHNSON of South Dakota. Mr. Speaker, today, I am introducing legislation, along with my colleagues Representative DAVID MINGE of Minnesota and Representative FRED GRANDY of Iowa, to authorize the Lewis and Clark rural water system. The Lewis and Clark rural water system is made up of 22 rural water systems and communities in southeastern South Dakota, northwestern Iowa and southwestern Minnesota who have joined together in an effort to cooperatively address the dual problems facing the delivery of drinking water in this region—inadequate quantities of water and poor quality water.

This region has seen substantial growth and development in recent years, and studies have shown that future water needs will be significantly greater than the current available supply. Most of the people who are served by 10 of the water utilities in the proposed Lewis and Clark project area currently enforce water restrictions on a seasonal basis. Almost half of the membership has water of such poor quality it does not meet present or proposed standards for drinking water. More than two-thirds rely on shallow aquifers as their primary source of drinking water, aquifers which are very vulnerable to contamination by surface activities.

The Lewis and Clark system will be a supplemental supply of drinking water for its 22 members, acting as a treated, bulk delivery system. The distribution to deliver water to individual users will continue through the existing systems used by each member utility. This regionalization approach to solving these water supply and quality problems enables the Missouri River to provide a source of clean, safe drinking water to more than 180,000 individuals. A source of water which none of the members of Lewis and Clark could afford on their own.

The proposed system would help to stabilize the regional rural economy by providing water to Sioux Falls, the hub city in the region, as well as numerous small communities and individual farms in South Dakota and portions of Iowa and Minnesota.

The States of South Dakota, Iowa and Minnesota have all authorized the project and local sponsors have demonstrated a financial commitment to this project through State grants, local water development district grants and membership dues. The State of South Dakota has already contributed more than $400,000.

Mr. Speaker, I certainly appreciate that Congress has been supportive of water development efforts in South Dakota over the past several years, and I especially want to thank Chairman MILLER of the Committee on Natural Resources and Chairman BEVILL of the Appropriations Subcommittee on Energy and Water Development for the continued support they have demonstrated over the years.

I do not believe our needs get any more basic than good quality, reliable drinking water, and I appreciate the fact that Congress has shown support for efforts to improve drinking water supplies in South Dakota. I look forward to continue working with my colleagues to have that support extended to the Lewis and Clark rural water system.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lewis and Clark Rural Water System Act of 1994".

SEC. 2. DEFINITIONS.

As used in this Act (unless the context clearly required otherwise):

(1) ENVIRONMENTAL ENHANCEMENT.—The term "environmental enhancement" means the wetland and wildlife enhancement activities that are carried out substantially in accordance with the environmental enhancement component of the feasibility study.

(2) ENVIRONMENTAL ENHANCEMENT COMPONENT.—The term "environmental enhancement component" means the component described in the report entitled "Wetlands and Wildlife Enhancement for the Lewis and Clark Rural Water System", dated April 1991, that is included in the feasibility study.

(3) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota", dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(4) MEMBER ENTITY.—The term "member entity" means a rural water system or municipality that signed a Letter of Commitment to participate in the Lewis and Clark Rural Water System.

(5) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds that are needed for the construction of the water supply system, as contained in the feasibility study.

(6) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the Lewis and Clark Rural Water System to each member entity that distributes water at retail to individual users.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) WATER SUPPLY SYSTEM.—The term "water supply system" means the Lewis and Clark Rural Water System that is established and operated substantially in accordance with the feasibility study.

SEC. 3. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary is authorized to make grants to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate municipal, rural, and industrial water supplies, environmental enhancement, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County, and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, Osceola County, O'Brien County, Dickinson County, and Clay County, in northwestern Iowa.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the Lewis and Clark Rural Water System, Inc. shall not exceed the amount of funds authorized under section 10.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(2) a final engineering report has been prepared and submitted to Congress not less than 90 days before the commencement of construction of the system; and

(3) a water conservation program has been developed and implemented.

SEC. 4. FEDERAL ASSISTANCE FOR WETLAND AND WILDLIFE ENHANCEMENT.

(a) Initial Development.—The Secretary shall make grants and other funds available to Lewis and Clark Rural Water System, Inc., and other private, State, and Federal entities, for the initial development of the environmental enhancement component.

(b) Nonreimbursement.—Funds provided under subsection (a) shall be nonreimbursable and nonreturnable.

SEC. 5. WATER CONSERVATION PROGRAMS.

(a) Purpose.—The water conservation program required under this section shall be designed to ensure that users of water from the water supply system will use the best practicable technology and management techniques to conserve water use.

(b) Description.—The water conservation programs shall include—

(1) low consumption performance standards for all newly installed plumbing fixtures;

(2) leak detection and repair programs;

(3) rate schedules that do not include declining block rate schedules for municipal households and special water users (as defined in the feasibility study);

(4) public education programs and technical assistance to member entities; and

(5) coordinated operation among each rural water system, and each water supply facility in existence on the date of enactment of this Act, in the service area of the system.

(c) Review and Revision.—The programs described in subsection (b) shall contain provisions for periodic review and revision, in cooperation with the Secretary.

SEC. 6. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 7. USE OF PICK-SLOAN POWER.

(A) In General.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1, and ending October 31, of each year.

(b) Conditions.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase the entire electric service requirements of the system, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) Lewis and Clark Rural Water System, Inc.;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 8. NO LIMITATION ON WATER PROJECTS IN STATES.

This Act shall not limit the authorization for water projects in South Dakota, Iowa, and Minnesota under law in effect on or after the date of enactment of this Act.

SEC. 9. WATER RIGHTS.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 10. FEDERAL COST SHARE.

The Secretary is authorized to provide funds equal to 80 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 3; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

SEC. 11. NON-FEDERAL COST SHARE.

The non-Federal share of the costs allocated to the water supply system shall be 20 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 3; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

SEC. 12. BUREAU OF RECLAMATION.

(a) Authorization.—The Secretary is authorized to allow the Bureau of Reclamation to provide project construction oversight to the water system and environmental enhancement component for those areas of the water supply system that are described in section 3(b).

(b) Project Oversight Administration.—The amount of funds used by the Bureau of Reclamation for planning and construction of the water supply system may not exceed an amount equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $226,320,000 to carry out this Act, of which not less than $8,487,000 shall be used for the initial development of the environmental enhancement component under section 4, to remain available until expended.

HONORING CARTER PERRY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1994

Mr. ENGEL. Mr. Speaker, I would like to take this opportunity to join the friends and family of my constituent, Carter Perry, in praising his dedication of more than 30 years of his life to community and political services.

Through his work at the Morrisania Health Center, Carter Perry has helped many alcoholic patients, and he has also worked with foster children and other disenfranchised persons. His concern for the community extends beyond work hours, where he is active in local political and neighborhood functions. His wife of 39 years, Helen, and their 3 children and 7 grandchildren can also testify to his dedication to family.

Therefore, on behalf of the many people in the Bronx whose lives have been touched by Carter Perry in a positive way, I extend our appreciation and wish him continued health, happiness and success.

SENATE—*Wednesday, May 4, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will be led in prayer by the Reverend Richard C. Halverson, Jr.

Mr. Halverson, please.

PRAYER

The Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

Almighty God, as the Nation prepares to enter into a solemn day of prayer tomorrow, we ask for the outpouring of the spirit of prayer upon the land, that our petitions may be acceptable in Thy sight.

We know that our prayers are sometimes not heard or answered, for in times past, even when Your priests offered many sacrifices, supplications and services, You "* * * sought for a man among them, that should make up the hedge, and stand in the gap before * * * the land * * * but * * * found none."—Ezekiel 22:30.

The psalmist declares, "If I regard iniquity in my heart, the Lord will not hear me."—Psalm 66:18.

The apostles explain that, "Ye ask, and receive not, because ye ask amiss, that ye may consume it upon your lusts."—James 4:3. Even one of our poets confesses, "My words fly up, my thoughts remain below, Words without thoughts never to heaven go."—Shakespeare, Hamlet, III, 3.

Therefore, we humbly ask Thee even for the ability to speak to Thee in faith and repentance, in unity and in the spirit, with perseverance and according to Thy will.

In the name of Christ Jesus who "ever liveth to make intercession for us."—Hebrews 7:25. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Also under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

QUORUM CALL

The PRESIDENT pro tempore. The Chair, in his capacity as a Senator from the State of West Virginia, suggests the absence of a quorum, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the order of yesterday, the Senator from Vermont is to be recognized for up to 15 minutes. Would he wish to take that time at this point?

Mr. LEAHY. I thank the distinguished Presiding Officer.

Mr. President, I ask before I take that time that I be recognized for 2 minutes in addition on an entirely different matter.

The PRESIDENT pro tempore. Under the order, any Senator may be recognized for not to exceed 5 minutes. The Chair will, therefore, recognize the Senator from Vermont for not to exceed 5 minutes at this point.

Mr. LEAHY. Thank you, Mr. President.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 2069 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Vermont is recognized for not to exceed 15 minutes.

Mr. LEAHY. I thank the Chair.

TRIBUTE TO WILLIAM BARTON GRAY

Mr. LEAHY. Mr. President, I have had many instances on the floor of the Senate when I had an opportunity to talk about things of great joy, great pleasure, and accomplishment. Today is not one of them.

I rise today to speak on the memory of a person that I have known most of my adult life, a man who died in March, a very, very good friend, Bill Gray.

Much was written in the Vermont newspapers about William Barton Gray, and so much of it was true about him. In many ways, it did not begin to touch the real person.

I think of the cold spring Vermont day. The night before we had a light dusting of snow, and that day dawned clear and crisp with the Sun shining, as so many of us, his friends and his family, walked up Church Street in Burlington to the Unitarian Church to say final farewells to him.

I think it was his good friend, Jerry O'Neill, with whom he had practiced law, who talked about his background as a lawyer and as a prosecutor and as a friend. So many of us addressed him personally from the pulpit of the church, which brought so many memories back.

His very good friend, Nick Littlefield, who I have the honor of having with me today on the Senate floor, spoke also of his reminiscences and his friendship. He brought together a picture of Bill Gray that those of us who knew him recognized, and those who had not had the opportunity to know him had to understand the regret that they would have in not having known such a great person.

The pastor spoke of his love of animals, his raising of sheep. He spoke of a renaissance man who spoke different languages, traveled the world, well educated, a brilliant lawyer, a former prosecutor; that he would go back to his home in Vermont and raise apples and sheep and tend the land and be the kind of steward of the land that the Lord has commended all of us to be.

And I thought after Reverend Anderson spoke that way, I thought of what Oliver Wendell Holmes said, in speaking of his own life. He said, "These little fragments of my fleece that I have left upon the hedges of life." As we spoke to Sarah, Bill's wonderful wife, a person who was a tower of strength in his last illness and really a model for all of us, a wonderful human being; his son, Josh; his daughter, Sasha; his father, his sister, and everybody who was in the church, I thought we were all going to speak of the little fragments of his fleece that he had left upon the hedges of life.

But I know that you could not speak just in that one clear spring day of his life, you would have to spend months and you would begin to just touch it.

So I want to talk about it, because we celebrated a life. We did mourn a death, but we celebrated a life—a life of a friend of a quarter of a century.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I remember when we served as young prosecutors together, he in the U.S. attorney's office and I as State's attorney in Chittenden County. Later he went on to the Department of Justice, carving a legacy in the Department as a prosecutor's prosecutor, one of the best. And then, when President Carter was elected, I remember talking to Bill and saying, "Please come home to Vermont"—he was a native Vermonter—"come home to Vermont and be our U.S. attorney." And he did and served with distinction as the best U.S. attorney anybody could remember.

In 1986, Mr. President, when I was up for reelection in what was going to be the most difficult election of my life, Bill Gray left his practice and spent a year as a volunteer to run my campaign. But it was more than just running my campaign. He was my counselor, he was my mentor, he was my friend on sunny and dark days.

I think of the number of times, Mr. President, that we sat on the steps of my farmhouse in Middlesex, VT. We talked of the campaign, but we talked about so many other things. We talked about our children, of our families, of life.

He was my friend on the sunny days, but also the dark days. The darkest, of course, was the day he came and told Marcelle and me of this illness that was striking him at far too young an age, far too young an age for anyone. And even then, I remember, as we heard the news, he was there trying to cheer us up.

In some ways, during those last years of his illness, we became closer, if that is possible. We talked of life and family and friends and values. And we had so many different stories, the two of us.

I told at his memorial service about going to Rutland, VT, in my 1992 election. He had called and had just received particularly bad news from the doctors. His cancer had gone out of remission and he wanted to talk with me. He said, "I know Marcelle has been driving you during this campaign. Why don't I just come and drive with you and we will spend the day together?" And we did. We drove down to Rutland, which is in the southern part of our State, and we talked of life and death and what a cruel fate he had been dealt.

And coming back, it was interesting. He was such a wonderful friend. This man could hike, and he could sail and swim and do virtually everything better than anybody else, except one thing. As I told his family and friends assembled, he was a terrible driver.

As we were driving up this twisty, narrow road, up through the mountains of Vermont, I said, "Bill, you are talking about death in the abstract and I am afraid that death may be a lot more concrete the way you are driving." I said, "Let's pull off." And we did. On the side of the road, the two of us were hanging on to each other and laughing about the irreverence of our conversation.

I also suggested what somebody might have said had they recognized a former U.S. attorney and the incumbent Senator and candidate for reelection hanging on to each other by the side of the road laughing our heads off.

I, also, Mr. President, incidentally, drove the rest of the way back.

After that, Mr. President, he actually got better. His cancer went into remission and we had great hope. And then President Clinton was elected. And Bill, who had been this wonderful prosecutor and lawyer, had one thing I think he always wanted to be, and that would be a Federal judge. And we had a vacancy in the second circuit of the U.S. Court of Appeals, the so-called Vermont seat; the one seat Vermont has always filled with distinction, with two chief justices in the second circuit, Sterry Waterman and James L. Oakes.

I talked with Bill about that. He had the unanimous recommendation of everybody in the bar for that seat. I went to the President and asked if he would appoint Bill Gray to the U.S. Court of Appeals for the Second Circuit, and the President said yes. And we began the process of the background that the Presiding Officer knows so well, all going very well, and the cancer struck again.

And President Clinton, to his credit, said, "Well, let's just hold up and see what happens." There was no pressure from the White House to bring another name.

We went through this time with Bill. There was no question he was going to go on the second court of appeals. He would have been a renaissance man on that court. It would have done so much for the court and for our State and, I believe, for our country.

But, as the fall leaves fell and the snows came, it became more apparent this might not happen. When Bill went through his final illness, again we talked as only dear friends could. His friends gathered around him, the greatest friend, of course, being his wonderful wife Sarah. Everybody should be blessed by having somebody who would care so deeply as she did—and many of us are so blessed. His friends, Jerry O'Neill and family, Nick Littlefield and family.

Then, as we knew would happen, the end came and I had the sad duty of notifying the President that Bill was no longer there. Mr. President, I ask unanimous consent to have printed in the RECORD the letter I sent to the President on that occasion.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 23, 1994.

Hon. WILLIAM J. CLINTON,
President, The White House, Washington, DC.

DEAR MR. PRESIDENT: It is with deep personal regret that I must inform you of the passing of William Barton Gray. As you know I recommended Bill Gray to you for a seat on the United States Court of Appeals for the Second Circuit. He would have made a splendid Judge. His background prepared him professionally for the responsibilities. More important, his character, integrity and judgment would have served to make him an outstanding Judge, Just as he was an outstanding lawyer and public servant. Those of us who are fortunate to have known and worked with Bill Gray will miss him. The Second Circuit, those whose cases would have been heard by him, and the development of the law will miss him, as well.

Sincerely,

PATRICK J. LEAHY,
U.S. Senator.

Mr. LEAHY. Mr. President, the day of the memorial service I read from an Italian writer. I quoted,

> In one sense there is no death. The life of a soul on Earth lasts beyond his departure. You always feel that life touching yours, that voice speaking to you, that spirit looking out of other eyes, talking to you, and the familiar things he touched, worked with, loved as familiar friends. He lives on in your life and the lives of all others that knew him.

That was my friend, Bill Gray.

Mr. President, as I told Bill and his family, I knew the day would come I would stand here on the floor in my capacity as a Senator, a capacity he helped me obtain, and that I would carry out this sad duty.

Mr. President, I asked unanimous consent the wonderful words of Nick Littlefield in his personal remembrance of Bill Gray also be printed in the RECORD at this appropriate place as well as some of the wonderful remembrances of him from the newspapers in Vermont.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A PERSONAL REMEMBRANCE OF BILL GRAY

(By Nick Littlefield)

When I first saw Bill in 1960 at Harvard freshman baseball tryouts he stood out among the rest of our classmates—more winning, handsome and athletic, an heroic figure even at 18. He had bounded into our lives with the exuberance of a brass band entering the big top, fresh from his family and the Putney hills, with no edge, knowing himself and what he liked to do, serious and ambitious, but especially receptive to all of life's experiences. He lit up every group he was part of at college, wowing even the starchiest of Boston and New York society, and in his solos with the Krokodilos winning admirers at women's colleges across New England. Even then, as always, his center was Sarah.

After a year of law school, Sarah and Bill were married in Riverdale, at the Kerlin's, who would always be there for him, and later for the children. They moved into their first apartment on the third floor of an old row house in West Philadelphia with the same

Danish couch, dining room table and Picasso drawing that they had wherever they lived for nearly thirty years.

With marriage to Sarah, Bill had new responsibilities, and a new goal to succeed in New York City in the most competitive law world of all. He worked harder than before, and as Josh was born, Bill finished law school near the top of his class his last two years.

He made his reputation in New York fast—in the Federal courthouse at Foley Square, where the great racketeering and espionage trials of New York legend had been held. What an unbeatable impression his Vermont integrity made on jurors who lived in Manhattan and the Bronx. What a good teacher he was to beginning Assistant U.S. Attorneys like me, who followed him to the office after several years.

Music—ah, his passion was growing. An extra in La Boheme at the Met and at the Academy of Music in Philadelphia. We sang together in the New York Choral Society. Sasha was born during the last week of rehearsals for the Bach B Minor Mass. Bill, the father again, held Sasha, the new born in his arms in a weekend in Pine Plains while together we studied the bass part by listening to the record over and over again. Days later we stood on the stage at Avery Fisher Hall, bellowing proudly the musical lines we had learned.

Soon Bill, having proven himself in New York, made the choice to come home with Sarah and the children to Vermont, leaving behind the fortune that certainly awaited him in New York. I remember the beautiful house in Pomfret, bill teaching Josh to ski there, the years in Washington, and then the return to Jericho where Bill had everything he had always known he wanted at the end of Old Pump Road.

How he nurtured his land, and how he lived and celebrated life. A year on bees, on gardens, more and more vegetables, planting apple orchards and Christmas trees, sheep, a year on the Gray geneology, the trip with Josh and his father to the roots in Ireland, the year on red wine, studying voice, reviewing operas in Montreal, Boston Marathons where his friends were placed strategically along the way with water bottles, a year on bicycles built for two.

And family vacations—remember doing them with Bill and Sarah. You felt you had to rent outfits and special equipment, tights for biking and shoes for running and hiking; train for weeks in advance; brace yourself—and then feel like you needed a week off to rest after it was over. Casting for blue fish and a run before breakfast, then tennis with Bill and Gil, then bicycling, lunch, more tennis, pick up Whiffle ball, a late afternoon jog and swim, dinner, and maybe even an opera before bed.

During this time, there was his growing interest in politics. Once I wondered if Bill would be a Democrat—thank God he was. His friendship with Senator Leahy and that tough campaign which was so well conducted that it turned out not to be close at all, and his own quest for the Senate, an impossible dream like our mutual love for the Red Sox.

Then the darker, introspective times. I'm struck by the metaphor of the long Vermont winters he had lived with since he was born. In the garden and late for dinner. Not always easy to live with. But as a friend somehow more accessible, more touching and compelling than ever.

Even the final years while he battled his illness provided some unexpected joys: watching Josh start law school at Columbia, Patrick's faith in him for the judgeship, Sasha and Misha together visiting in Vermont in January, nights at home by the wood stove, being able to care for Mabel, Connie, contributing so selflessly in his struggle with cancer. Through it all, Sarah, still at the center. She, as always, made Bill possible. And in these years he became more unforgettable, more heroic.

Jenny and I were blessed with the chance to see Bill at the hospital just last Sunday. There, sitting in bed, surrounded by nurses who had become his fans, by his opera tapes, a CD of love songs by Jose Carreras, cards and posters from Vermont, and tubes, and struggling to breathe and harder still to talk, Bill whispered to us before we left. "I'm going to try very hard to make it."

In the poet, Stephen Spender's words,

"What is precious is never to forget. . . .
The names of those who in their lives fought for life.
Who wore at their hearts the fire's centre.
Born of the sun, they travelled a short while towards the sun,
And left the vivid air signed with their honour."

Judge Gray, your honor, you brought us love, and wit, and music, sometime exasperating tenacity, kindness, idealism, intellect and in the end indomitable courage. You take with you our dearest love.

[From the St. Albans (VT) Messenger, Mar. 24, 1994]

BILL GRAY

(By Emerson Lynn)

It would forever remain spring if every Vermonter touched by the warmth and wit of Bill Gray would lay a blossom on his grave.

He died Tuesday evening after a second-round battle against leukemia. With his death, Vermont lost a gentleman, a statesman and a friend of large talent and good will.

As a public figure he was well known, most recently as the nominee of Sen. Patrick Leahy to become judge for the 2nd U.S. Court of Appeals, and before that, as the Democratic challenger to Sen. James Jeffords. He was U.S. Attorney from 1977–81 and headed various statewide efforts such as Vermont's Bicentennial. His legal talents were matched only by his sense of fairness, which made him a trusted person to both Republican and Democratic administrations.

What distinguished him was that he was in public as he was in private: honest, committed, sincere and thoughtful. He prized integrity above all else and would have given up public service before he would have sacrificed it to personal gain. He embodied the qualities Vermonters desire in their public servants.

It is important to mark such lives. In an age dominated by the short flash of entertainment and sports stars, it's necessary to talk of those who understand happiness, family, justice, reason and humanity, those who by their dedication add to the sum of a state's well-being. It's important because we desperately need more people like him.

It is impossible to offer a proper tribute to Bill Gray without breaking from formal prose and trying to get at the essence of what made him someone whom others wanted to be around, or to be like.

Part of it was his innate understanding of the word good as a noun. This framed his political and personal will. It's why others offered their trust in return. It was the underpinning of his motivation; he wanted to be good, to do good, and for others to understand why it was important.

This understanding allowed him the personal freedom to be happy with himself, his family, his friends, and to explore without fear of failure. That's what allows a person to love and to be loved.

It was this confidence that others found so engaging, and even though no other man could look down upon him, he was secure enough to be humble and to understand the importance of others.

He was as physical as he was intellectual. He was a superb athlete who enjoyed the harshness of Vermont's winters, a man proud of the calluses that came from running the farm.

With his strength came his rages. He despised injustice and fought it with vigor. He could not tolerate political sophistry, and said so. He was truth's best champion.

The sum of his qualities gave him the necessary strength in his fight against leukemia. Even with a black and blue body, hairless head and no reason to entertain others, his sense of humor was ever present, as was his determination, his courage, and his gentleness.

For his family, speech cannot define their love. From his friends and fellow Vermonters, we offer our hopes that others will follow in his path.

[From the Burlington Free Press, Mar. 24, 1994]

VERMONT COULD USE MORE TIME WITH GRAY

(By Sam Hemingway)

You can bet William B. Gray's name is already on the letterhead of heaven's law firm, but we sure could have used his skills a little longer down here on Earth.

We could have used his keen mind and compassion as a judge for the 2nd U.S. Circuit Court of Appeals.

That was the job U.S. Sen. Patrick Leahy, D-Vt., had nominated him for the one President Clinton and Congress would surely have bestowed upon Gray, 52, of Jericho, if he had not lost round 2 of his battle with leukemia Tuesday night in Boston. Gray served as U.S. Attorney from 1977–81 and ran for U.S. Senate in 1988.

"I've lost a good friend. Vermont has lost a good friend," Leahy said during a Washington, D.C., telephone interview Wednesday, his voice wavering until it could no longer hold back his tears.

We could have enjoyed his big heart.

Whether it was his love of the law, Vermont, music, running, gardening or even Red Sox Nation in its darkest hour, Gray gave the cause at hand all his passion, all his energy.

"He epitomized the warmth and outgoing quality of Vermonters," said William Mares of Burlington. "Bill was a living lie to the very wrong cliche that Vermonters are turned inward and silent. Bill did not know how to be mean."

We could have learned a thing or two from him about family.

One of his many proteges, Jerome O'Neil, recalled the time Gray cheered up O'Neill's young daughter by placing a ripe pumpkin in her non-productive pumpkin patch one night.

And who can forget Gray's tearful comment during the 1986 Equal Rights Amendment campaign? "It has to pass," he told a rally of ERA supporters two weeks before the measure was defeated. "Or I'm not going to be able to face my daughter on Nov. 5."

But most of all, we could have appreciated his love of country, his dedication to public service in its purest form.

"It was always important to Bill that anyone who went through the criminal justice system feel like they had been treated fairly, even if they did not like the result," said O'Neill, who worked under Gray in the U.S. attorney's office. "Lots of times at sentencing, the person going to jail would come over afterward, just to shake his hand."

There was nothing phony about Gray's concern for the rights of the people he prosecuted, O'Neill said. One time, O'Neill said, Gray picked up a female hitchhiker and came to realize as they talked that she was wanted on a federal drug charge.

"He told her who he was and convinced her it was time she came in and dealt with us," O'Neill recalled. "The next morning, he stopped by her home, picked her up and brought her in so she could make peace with the government and get on with her life."

Not that Gray's tenure as U.S. Attorney wasn't tortuous at times. He endured a bitter personal attack on his integrity from famed defense lawyer William Kunstler in the case of alleged West German terrorist Christian Berster.

He also oversaw the government's lengthy investigation into an international arms smuggling scheme by Space Research Corp. of North Troy, a case that led to brief jail sentences for Canadian rocket scientist Gerald Bull and a colleague in 1981. Gray called the case his toughest as a prosecutor.

Although Gray was a Democrat, his admirers crossed all political lines. Republican New York Mayor Rudolph Giuliani got him interested in becoming a prosecutor. Republican Attorney General John Eaton picked him as his special prosecutor after the 1984 state police raid of an Island Pond religious sect.

"I needed someone I could rely on and have confidence in," Easton said later of his choice. "I just have such respect for his integrity and his ability to keep his eyes on the legal issues."

Democrats counted on him even more. When Gov. Madelein Kunin needed someone in 1985 to review the state parole system, she chose Gray. When the Bicentennial Commission needed a chairman five years later, she tapped Gray again.

"He was always very interested in bridging public issues and private lives," Kunin reflected. "He had very clear ethics, values and ideas and he communicated them in such a pristine way, with a certain gentleness."

Politics, the chance to serve the state, eventually pulled him in.

In 1986, he worked for no pay as Leahy's full-time campaign manager, partly because of his friendship for Leahy when the two were prosecutors and partly to see the world of politics up close.

And in 1988, Gray himself plunged into the electoral fray, embarking on an uphill and ultimately losing battle for the U.S. Senate against Republican James Jeffords, then a seven-term member of the U.S. House.

"It was a grueling campaign and he took the defeat very hard," said his campaign manager, Gary Robinson, now an assistant to the mayor of San Jose, Calif. "I've done a lot of campaigns before and since. Rarely do you move from a working relationship with the candidate to a close friendship, but when I finished that year, I was personally close with Bill and Sarah Gray."

He approached his deadly struggle with his disease the same way he did his longshot U.S. Senate battle—with determination and no trace of self-pity. During his hospitalization in Boston, he deepened his friendship with another cancer warrior, former presidential candidate Paul Tsongas, and the two spoke often of what they's been through.

"Facing serious disease has its rewards," he told the Free Press last year. "It's not all bad. There's something enriching in the process of facing your own mortality."

For a while a bone marrow transplant from his sister, Connie, seemed to work. In December, he talked enthusiastically about being appointed to the appellate judge post his friends always felt he was destined to hold.

"I think it's something that I would like very much to do," he said. "I will be just so honored if the opportunity comes my way."

But then came a relapse and, on March 3, a second bone marrow transplant at the Brigham & Women's Hospital in Boston.

By last weekend, when a case of pneumonia had settled into his body stripped of its immune defenses, his family and friends began preparing for the inevitable. Gray died shortly before 8 p.m. Tuesday with his wife, family members and O'Neill by his side. Thankfully, he was not in any pain, O'Neill said.

"We are just heartbroken down here," Judge James Oakes, the man Gray would have replaced, said sadly Wednesday afternoon. "When he first told me he had the leukemia and was going to do the bone marrow transplant, he was so brave so dignified, so. . . ."

Oakes paused, and took a deep breath. "I'm sorry, I can't talk," he wept. "He was just a great guy."

CAREER HIGHLIGHTS

Highlights from the life of William B. Gray, 52, a former U.S. attorney who died Tuesday night in Boston. At the time of his death, Gray was waiting for final confirmation to the 2nd U.S. Circuit Court of Appeals based in New York City. He would have replaced retired Chief Judge James Oakes of Brattleboro:

October 1972: Gray is named the first assistant U.S. Attorney for Vermont. He teamed up with his boss U.S. Attorney George W.F. Cook to convict two Central Vermont men for violating the civil rights of a 15 year-old Barre boy when they killed him so he could not testify against them for a burglary.

December 1975: Gray is appointed U.S. Associate Deputy Attorney General and director of the executive office for all 94 U.S. Attorneys.

September 1977: Gray is sworn in as U.S. Attorney for Vermont following his appointment by President Jimmy Carter. Gray and his chief assistant, Jerome O'Neill, later convicted Kristina Berster for illegal entry into Vermont in a highly publicized case. The arrest drew international attention because she was an alleged member of the West German Baader-Melnhof terrorist group.

May 1981: Gray joins the Burlington law firm of Sheehy Brue and Gray.

May 1985: Gray is asked by Gov. Madeleine Kunin to study the Vermont Parole system after Kent Hanson kills a woman three weeks after being released on parole. Gray said the board acted properly, but that it has too little latitude to deny paroles.

September 1986: Gray named to run the reelection campaign for U.S. Sen. Patrick J. Leahy, who defeats Gov. Richard Snelling.

February 1988: Gray formally announces he will run for the seat being vacated by retiring U.S. Sen. Robert Stafford. He eventually loses to Republican James M. Jeffords, who spent 14 years in the U.S. House.

[From the Burlington Free Press, Mar. 24, 1994]

A VERMONT LOSS

Bill Gray's untimely death Tuesday at 52 has left Vermont much the poorer.

For those who knew him as a friend—and there were many—it was as if some bright light had just gone out with the bad news—a class act unaccountably gone.

For those who did not know him, some of his long and varied record of public service will have to suffice:

Scrupulously fair as U.S. attorney for Vermont.

Methodical prosecutor in Space Research's illegal arms shipment case.

Enthusiastic chairman of Vermont's Bicentennial Commission.

Active Democrat, but also Republican Gov. Richard Snelling's non-partisan choice to investigate his administration's handling of the Island Pond case.

Long-time friend and campaign manager to Vermont Democrat U.S. Sen. Patrick Leahy.

Imminent choice of President Clinton to succeed Vermont Judge James Oakes on the U.S. Second Circuit Court of Appeals.

First and always a gentleman, Gray was next a highly respected lawyer and public servant; then, briefly and less comfortably but no less hopefully, a politician. His natural soft-spoken manner fit him so well it came as a shock to hear him try to talk tough on the stump in his unsuccessful 1988 run for the U.S. Senate. That higher-profile political role always came to him awkwardly—a plus in other ways.

Vermont's greatest loss, though, can be found in what it now can no longer do: count on and call on Bill Gray's fair-mindedness in a pinch. Every community needs a complement of such rare people, and Vermont is the poorer for having just lost one so exceptional.

[From the Rutland Daily Herald, Mar. 24, 1994]

GRAY IS REMEMBERED AS A MAN OF INTEGRITY

(By Christopher Graff)

MONTPELIER.—Bill Gray was Vermont's Mister Fix-It, the diplomat governors turned to in their times of trouble.

He was also one of the state's great success stories, a Putney native who once held a top post in the U.S. Justice Department and had just been tapped for one of the most prestigious judicial posts in the country.

His interests were amazingly diverse; he was as much at each analyzing opera as he was discussing in detail his sheep farm in Jericho, his foreign travels or his absolute passion, politics.

Gray, 52, died Tuesday after a two-year battle with leukemia.

At his core Gray was a man of effervescent optimism, describing himself as "a product of the American dream."

His father was a maintenance man at the private Putney School; his mother a staff worker there with household and nutritional duties.

"My parents worked hard, very hard," Gray once said. "Although they never earned much money, we never felt poor because they provided everything we needed to prosper. We children will always treasure them for making the stars seem so bright and possibilities so real."

With his parents working there, Gray was able to go to the Putney School; he was then able to attend Harvard University on a scholarship. After attending law school, Gray clerked for Judge Sterry Waterman on the U.S. 2nd Circuit Court of Appeals, the judgeship Gray was to take if his health had held.

His law career was outstanding, serving as associate deputy attorney general at the

U.S. Justice Department, supervising all the U.S. attorneys, and then serving for four years as Vermont's U.S. attorney.

In that job in 1978 he prosecuted West German Kristina Berster in a highly publicized trial in which the federal government termed Berster a terrorist. The courtroom drama pitted the quiet Gray against the theatrical William Kunstler. Gray won.

Gray handled several high-profile cases in his private law practice in Burlington, but most Vermonters probably learned about Gray during his ill-fated, unsuccessful race for the U.S. Senate in 1988.

Having just chaired the highly successful 1986 re-election bid of U.S. Sen. Patrick Leahy, Gray felt he could beat James Jeffords in the contest for the seat being given up by Sen. Robert Stafford.

On paper, his campaign strategy appeared strong, and Gray worked long and hard, but Jeffords' 14 years in the U.S. House gave him too big an edge.

Gray's greatest contribution to Vermont was serving state leaders in their time of trouble. And it wasn't just governors. The state Supreme Court's administrator turned to Gray to handle a complex case concerning mandatory retirement of judges.

Richard Snelling's darkest days as governor were following the state's unsuccessful 1984 raid on the Northeast Kingdom Community Church, a raid sparked by allegations of child abuse by church members.

Following the raid, Snelling, a Republican, and then-Attorney General John Easton, also a Republican, turned to Gray, a Democrat, to serve, in effect, as a special prosecutor evaluating the state's case.

[From the Rutland Daily Herald, Mar. 25, 1994]

WILLIAM GRAY

William Gray was a prosecutor, political adviser, lawyer, political candidate and would have been a federal judge. But after his death at age 52 on Wednesday, he is remembered above all as a decent man.

Gray, who had been battling leukemia, was in line to become a judge for the 2nd U.S. Circuit Court of Appeals. He would have replaced Judge James Oakes. But he died from pneumonia that set in because of his weakened condition at a hospital in Boston.

Those who knew him recall his love of opera and of politics, of the law and of baseball. But the lasting impression is of an honest man, enthusiastic and committed, someone to whom people of all political persuasions could confidently turn for help.

When he ran for the U.S. Senate in 1988 against Sen. James Jeffords, he lost handily. It was a race against a popular incumbent, and Gray had no previous experience as a candidate. So at best, the race was a long shot. But he had something else working against him, too: He seemed like such a nice person, straight-forward and honest about his ideas, heartfelt in his feeling. Some voters probably asked themselves: Is he really a politician?

He was more than a politician. He was a good and trustworthy man. As a judge, he would have served the nation well. His life of service in Vermont was proof of that.

[From the Burlington Free Press, Mar. 27, 1994]

GRAY'S WIT, COMPASSION REMEMBERED

(By Tom Hacker)

Celebration of a passionate life mixed with the sadness of unfulfilled promise Saturday as William Gray's friends said goodbye.

More than 500 people packed the First Unitarian Universalist Church in Burlington to honor Gray.

The former U.S. attorney and judicial nominee to the 2nd U.S. Circuit Court of Appeals died Tuesday, ending his fight with leukemia.

"He lives on in your lives, and in the lives of all others who knew him," said Sen. Patrick Leahy, D-Vt.

"He was a friend on the sunny days, but also on the dark days," said Leahy, who had nominated Gray to the appellate judgeship. "I remember the darkest. It was when he told me and Marcelle about his illness. And here he was, trying to cheer us up."

Interspersed with the personal reminiscences, musicians and singers—many of whom Gray had performed with as a member of the Musica Propia and Friends choral group—fought back tears as they rendered selection by Bach, Faure and Mozart.

Jerome O'Neill, who worked under Gray in the U.S. Attorney's office, traced his longtime friendship with Gray to his first acquaintance, when the two were united in the prosecution of a man caught selling a machine gun to an undercover federal agent.

"Here in Vermont, not everyone was sure that was a crime," O'Neill remembered.

O'Neill painted a vivid image of a man of endless optimism. "You taught us to look at a difficult situation and turn lemons into lemonade, and do it like no other person could," he said. "You will be Vermont's forever. Bill, you really made a difference. Not many people can say that."

Nick Littlefield, a lifelong friend who followed Gray into the job of Assistant U.S. Attorney in New York City, said Gray, a Putney native, had abandoned the promise of earning a fortune in New York for a simpler life in Jericho.

"Judge Gray, your honor," Littlefield said, "you brought us love, and wit, and music, sometimes exasperating tenacity, kindness, idealism, intellect—and, in the end, indominable courage. You take with you our dearest love."

At a reception after the memorial service, Leahy was quiet—and often alone. "It's so sad," he said. "It's so sad because it's not fair."

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. BOREN] under the order is recognized for not to exceed 15 minutes.

BILL GRAY

Mr. BOREN. Mr. President, I wish to offer my sincere sympathy to my colleague from Vermont on the loss of his dear friend and very talented and great citizen of our country. I am glad I was on the floor to hear his remarks because I think often, as we debate about abstract issues of policy, as we seek to serve here and make life better for large groups of our citizens, that sometimes in the rush of business we forget how much those individual relationships, personal friendships, family relationships mean to us. We forget that our lives, to be whole and complete, must be involved not only in the service of mankind and womankind collectively, but also in the service and relationship to individuals, one at a time, and especially to those who are closest to us.

CHANGES

Mr. BOREN. Mr. President, last week was a very meaningful week for me. It was a week of reflection about my life and what I wanted to do with it as the regents of the University of Oklahoma announced that they had requested that I leave the Senate to become president of the university at the end of this congressional session, an invitation which I have accepted—an opportunity for a new form of service.

On the day, last Wednesday, when that announcement was made and I was on the campus of the university for that announcement I also thought, as I was driving to Norman, OK, about events that were happening on the other side of the world.

I thought about the election in South Africa of a new President, Nelson Mandela. It brought back a flood of memories of my own experience in South Africa in the late fall of 1988, after the congressional elections had taken place.

Senator NUNN and I, and a delegation from the Congress, went to South Africa. It was one of the most life-changing experiences that I have ever had. We witnessed there firsthand a society in which people were being judged by the color of their skins, their ethnic background; being divided and separated from each other. We saw people of enormous talent whose talents were being wasted, again because of a classification by race. And while we saw much that distressed us, we also saw much that inspired us because we met some of the most remarkable people that I have ever met in my life.

We met Cyril Ramaphosa, a labor leader who was determined, in spite of the system of apartheid, to organize his own people for effective political action. He wanted to organize them in a way that would not bring violence to the society and in a way that would bring about effective peaceful change.

I met a young South African of Indian descent, classified as "colored" under the laws of South Africa at that time, named Azhar Cachalia, a brilliant young lawyer. He reminded me in many ways what Gandhi must have been like, devoting his life and taking great personal risks to try to change the system.

I will never forget the day when we traveled to Soweto, to the small three room house of Albertina Sisulu, wife of Walter Sisulu, deputy chairman of the ANC, who was still in prison along with Nelson Mandela. Albertina Sisulu had been under house arrest for over 20 years. Her only crime was that she had fought for equal educational opportunity for all of the children of South Africa. I will never forget, after she recounted the lack of opportunity for the children and what it was doing to the future of her country, she turned to us and said:

> But we must never forget that we here in South Africa must love each other and un-

derstand each other. We must never become bitter. Because someday we are going to create a country of our own in which all of us are no longer classified in one way or another but we are all South Africans, brothers and sisters together.

I thought to myself, how remarkable for a woman, an immensely talented woman, who has been held under house arrest for 20 years; who has been separated from her husband because he has been in prison; who had seen her own son, a Harvard University trained scholar, not allowed to practice his career in journalism because of his race and his political views—to speak to us of love and reconciliation.

I will never forget that moment as long as I live. And when I think about the remarkable people I have met, that list will include names like Anwar Sadat, Nelson Mandela, F.W. de Klerk, and Albertina Sisulu.

We said to Mrs. Sisulu as we were sitting in the living room in her house: "Someday we want you to come to see us and sit in our living room in our house in the United States."

And she laughed and she said: "That will never happen. President Carter wanted to give me an award last year but our government would not let me leave. They have kept me under house arrest."

I said: "Oh yes, that is going to happen someday."

I came back from that trip and sat down with then President-elect Bush who said: "I want to send a signal to South Africa that we want to become more engaged in bringing about progressive change in that country. What shall I do?"

On the advice of our Ambassador, Ed Perkins, I said: "Mr. President, if you could write a handwritten letter to Albertina Sisulu and ask her to come see you in the White House as soon as you are inaugurated, as a personal guest, and send a message to the South African Government if they do not allow her to come there will be repercussions in our policy, I think it would make a tremendous difference."

President Bush did exactly that. In July of 1989, just a few months later, Albertina Sisulu, after a visit to the White House, was sitting in our living room in Washington, DC.

Now to have seen all of the other things that have happened—the release of Nelson Mandela from prison, the election of President de Klerk and his beginning a dialog with Nelson Mandela to bring about a new South Africa—we are reminded again that people who take a stand with real moral courage can make a difference in terms of the course of history.

It was a privilege for my wife and I and then Senator Terry Sanford and his wife to host Mr. Mandela at a dinner in the Senate when he came to the United States. And just a few months later, in September, I had the privilege of hosting then President de Klerk for coffee in my office with several other Senators.

Think about the contribution of these two individuals: One leaving prison after so many years with no bitterness saying again, as Mrs. Sisulu did, we must love each other, we must reconcile, we must all be South Africans together; the other voluntarily relinquishing power that had been held by the white minority and, just this last week, entering into an election campaign that he knew he could not win in order to give legitimacy to the political process that was creating a new nation.

How remarkable. What courage, what integrity, what character has been demonstrated by both these two great individuals. Today I salute them, as do people all around this world. I will always count it one of the great privileges of my life that I have had the opportunity to get to know them and to be inspired by them.

Mr. President, as I mentioned last week, I also made a decision that I should take up a new challenge. I honor public service. I have served in elective office now for 28 years. Nothing could have given me greater pride and satisfaction than to have been able to represent the people of Oklahoma and to work for them.

I believe that people of courage, as I have said, can make a difference in the political arena. I continue to encourage our best and brightest young people to enter into public service through elective office.

But there are also other ways of serving. I have come to believe over time that, if we are going to revitalize this country, it is going to come mainly from the grassroots. It will come from the people themselves, from the people who involve themselves in volunteer activities in their communities and who work to rebuild our great institutions, our schools, our universities and others, even more than it will come from Washington.

I have also come to believe that, if we get everything else right but we fail to meet the needs for education and nurturing of the next generation, we will lose everything, our greatness as a nation and our strength as a society.

So I believe at this point in my life I can serve best by directly committing my life to the education of the next generation.

I also believe that some change is healthy. President Kennedy once said we in the Senate live in an iron lung of politics and it is hard to get outside this rarefied environment and breathe the fresh air that our constituents breathe. I think it is time for me to do that. I think it is healthy for new people come into our system constantly with different life experiences and backgrounds and skills to share with the people of this country, to invigorate the political process.

While I look forward with great anticipation to a new opportunity for service, I also view with some alarm polls in this country which show two things: First, the encouraging development that more and more of our people are getting involved at the local level as community volunteers and local officials, but a second development caught in the polls that more and more people are disillusioned with the normal political process because they are not sure they can make a difference here.

Mr. President, there is an urgent need to address that problem, to restore the vitality of this institution. The current Presiding Officer, the distinguished President pro tempore of this institution, a great historian of this body, has himself been a great leader year in and year out for reform of this institution, to change the way we finance campaigns, to end the money chase in American politics where special interests are perceived to have too much influence. It is a situation in which more and more of the time of our Members is having to be spent raising money instead of dealing with the problems of the period.

It has to change. We have to change the fact that there is too much partisanship in this institution, too much attention to scoring points for Democrats and Republicans and not enough attention paid to serving the national interest.

When I first came here, it was a tradition that no Senator campaigned against any other Senator. No Senator went to another Senator's State and campaigned against them just because they were in the other party. I have still never done that during my service. I hope we will get back to that rule because it is very difficult for people to work together here in the national interest when they have been out campaigning against each other in their home States.

I hope we will reform this institution in a way that our time will not be so fragmented. Again, the distinguished President pro tempore has pointed out to us that our lives are too fractured. We have too many committees. We are running from one place to another. We need to be able to focus our attention, and we will be able to vote on a chance to do that when the report of the Joint Committee on the Reform of Congress comes before the full Senate.

So, Mr. President, when I leave here at the end of the year, I hope I will leave having seen great progress made in the area of campaign finance reform and reform of the procedures of this institution itself. I appeal to my colleagues, do not wait, do not wait for reform. We are the trustees of this institution. If we do not change it, we run the risk that the frustration and anger and disappointment of the American people, expressed through proposals for term limits and other kinds of proposals, will end up unintentionally damaging the political process of this country.

That is why we ourselves must stand up and take constructive action to restore the vitality of this institution, to restore what the Presiding Officer has referred to as the soul of this institution. With the time I have left as a Senator I will be working as hard as I possibly can with my colleagues on both sides of the aisle to try to help in that effort.

So, Mr. President, last week was a meaningful week for me. It was a week filled with examples of political and moral and personal courage on the other side of the globe and a week in which I pondered how best to invest my own life in public service.

A reporter came up to me as I was walking to the announcement of my possible presidency of the university, and he said, "How could you possibly decide to trade a position of some power and influence as a Senator to become a university president?"

My answer to that was, "Public service is not about power; it's about where you can do the most good."

I made that decision in my own life.

Mr. President, I ask unanimous consent, in closing, to print the text of my address to the people of Oklahoma on that occasion in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A TELEVISION ADDRESS BY SENATOR DAVID L. BOREN TO THE PEOPLE OF OKLAHOMA, APRIL 27, 1994

My Fellow Oklahomans: For the past 28 years you have given me the honor of serving you in elected office—first as a State Legislator, then as Governor, and for the past 16 years as your United States Senator.

Nothing has given me greater pride and satisfaction. I truly believe that I have had the privilege of representing and working for the most special people on earth—the people of Oklahoma. Your support, encouragement, and confidence in me mean more to me than I can possibly put into words. Thank you from the bottom of my heart.

Oklahoma is a special place because there is still a real sense of community in our state which is so badly needed in other parts of our country. We care about each other. We look out for each other. We encourage each other and take pride in seeing our young people succeed. We are truly like a family. During our time in public life, Molly and I have never thought of you simply as voters or as constituents and we have never felt that you have regarded us purely as public officials or political figures. We have indeed felt with you a close bond of friendship and family.

Tonight, as members of our family, I would like to share with you a decision which I have made and ask once again for your help and support. The regents of the University of Oklahoma, acting on behalf of the University community, have asked me to become the President of the University and I have accepted their invitation.

After 16 years in Washington, Molly and I are happy and excited to be coming home. While I have come back to Oklahoma an average of 40 times each year, I have missed living in Oklahoma year round.

It is healthy for all of us as individuals to take on new challenges. It's also good for the political system to have a wide range of people with different life experiences coming into the system. They bring with them their perspectives to help solve the problems which we face. John Kennedy once observed "all of us in the Senate live in an iron lung—an iron lung of politics. It is no easy task to emerge from that rarified atmosphere in order to breathe the same fresh air as our constituents breathe."

I agree with President Kennedy's assessment. Service to our nation and to our communities should be a life-long commitment for all of us. However, that does not mean that we should serve exactly in the same way throughout our lives.

Because there are so many important issues now before the Senate, the Regents have agreed that I should not leave the Senate until it has adjourned for the year and its business has been completed. Under Oklahoma law, the Governor does not fill this vacancy by appointment. A special election must be called. By staying in the Senate until the session is over, I will make sure that Oklahoma is fully represented this year. In addition, by returning to Oklahoma in November, my departure will give the state time to elect a new Senator before the major work of Congress begins next year.

I believe strongly that public service is an honorable calling. Early in life, I learned from watching my father, who was a Congressman, that public officials who truly care about people and have the courage of their convictions can make a difference. That is why I do not regret a single day that I have spent in public office. This is why I continue to encourage our best young people, including over 400 interns and staff members who have worked in my own office, to enter the political arena.

I look back with pride on the things that we have done together. I say "together" because your encouragement and help, and sometimes public pressure, made it possible for us to bring about meaningful changes.

Some of you carried brooms in the 1974 campaign. Others have written letters to the editor and spoken out in public meetings. You have made a difference in the public life of our state because you cared enough to get involved. Don't ever quit. Don't ever stop caring. I don't intend to stop working for what is best for our state and nation. Citizenship is a life-long responsibility for each and every one of us, to serve where we can do the most good.

Looking back, I recall that together we changed both the state and federal tax laws to end the unfair inheritance taxes between husband and wife. We began landmark educational programs in Oklahoma like The Oklahoma Foundation for Excellence, over 120 local private foundations to help public schools, the Scholar-Leadership Enrichment Program, The Oklahoma Arts Institute, state funding for special classes for gifted and talented students, a system of area vocational-technical schools and programs to provide scholarships for medical personnel in rural areas. We passed The National Security Education Act which will allow our college students to study overseas and gain the skills they need to compete internationally.

Together we have worked for Oklahoma's legitimate economic interests, to repeal the windfall profits tax, to stop the unfair BTU tax and to establish a new export enhancement program for agriculture to help our farmers compete against the unfair trade practices of other governments.

I look back with satisfaction on reforms we have helped to bring to state government, including stronger open meetings laws, conflict of interest laws and more disclosure of campaign contributions.

I also thank you for understanding that as a Senator, I should also work for the broader national interest. As Chairman of the Senate Intelligence Committee, I worked to make sure that our intelligence operations would be more effective and more accountable to the American people. I have worked hard for bipartisanship in foreign policy with Presidents of both parties.

Some people have expressed surprise that I would want to leave what they view as a position of power as a Senator to become a university president. But I believe that a decision about public service is not about power or notoriety. It is solely about where one can do the most good.

While I believe political involvement is of great value, after 28 years in public office, I believe that at this point in my life, I can render the greatest public service by committing myself to the education of the next generation.

While the national government has an important role to play, I believe that the revitalization of our country will come not from Washington, but from the grassroots. It will come from all of you who are active in your own communities. It will come from those who volunteer their time to help others. It will come from those who work to rebuild our great institutions like our schools and universities.

A recent survey by the Kettering Foundation reached two very interesting conclusions. First, it found a growing disillusionment with traditional political involvement as a way to make a difference. Second, it found a real determination on the part of our people to get involved where they thought they could make a difference—as community volunteers. A new book called "The Quickening of America" reaches the same conclusion. The authors discovered thousands of average Americans who have dramatically improved their workplaces, schools and communities through volunteer activity.

While all of us should be heartened by this new commitment to voluntary activity, we must continue to work to change the reasons for disillusionment with politics.

These studies and public opinion polls showing growing disillusionment with our political institutions, should serve as a wake up call to all those now in public office.

This year there will be a vote in Congress on my bill to limit campaign spending and to reduce the influence of special interests in elections. There will be an opportunity for Congress to accept the recommendation of a special reform committee which I helped to chair, to reduce unnecessary committees and bureaucracy in Congress to make Congress live under the laws which it passes as do all other Americans. It is high time these reforms are adopted. Sitting members of Congress are the trustees of our great constitutional institutions. These institutions are far more important than the political careers of any of us.

At the same time, at all levels of government, we must put aside partisan bickering and pull together as Americans. To be frank about it, there are too many people in Congress today who seem more concerned about scoring points for the Republican or Democratic parties than they are about what is good for America. Political parties have a legitimate role but the national interest must come first. I hope that those who will serve us in Congress in the future will put America first.

While we continue the effort to reform our political system, all of us must begin the renewal of America where we live, with our families and our neighbors.

One thing is certain: if we get everything else right but fail to provide for the education and nurturing of the next generation we will lose everything. We will lose our place as a great nation and our strength as a society.

Last year in the ten largest cities in our country, over 80% of children born were to single parents, 15% were born to no parent families—into situations in which both parents had deserted the child before it was 2 weeks old.

We know all too well what happens to children with little family support and no role models. They drop out of school and often become criminal statistics. In our nation, the drop out rate exceeds 25%. In Japan it is only 1%. We can't waste the talent of one fourth of our people and lead the world. Wasted talent often leads to frustration and to crime. Last year the United States was number one in the world in the percentage of our population in prison.

We desperately need the largest volunteer effort in our history to mobilize our citizens to act as role models and mentors for young people who have no real family encouragement.

We must also vow that every level of education in this country must meet the highest possible standards from kindergarten to graduate school.

Molly and I look forward to the opportunity to continue to serve our state at the University of Oklahoma. I hope that I will have many years to give to it.

The University of Oklahoma and the other fine colleges and universities in our state, are critical to our future. I look forward to working with my colleagues who lead these other institutions to help strengthen our entire system of higher education in Oklahoma.

Sometimes, what is going on at the university campus, like the campus at Norman, seems far removed from us. In fact, every single Oklahoman has a stake in what is happening in higher education in our state. While a great university is not all that it takes to build a great state, it is certainly one of those building blocks that we cannot do without. Martin Luther was right when he said, "The prosperity of a country depends not on the abundance of its revenues or the strengths of its fortifications but in the number of its educated citizens." The University helps train our future leaders—political leaders, business leaders, education, religious and community leaders. Their vision and wisdom are greatly impacted by the quality of their university education.

Institutions like the University of Oklahoma create economic growth by carrying out research and by training our workforce. Above all, the University enriches our lives through stimulating lectures that keep us growing, through athletic events which excite us and through artistic experiences that feed us spiritually.

Sometimes I believe that our greatest failing as Oklahomans is that we don't have enough confidence in ourselves. Time and time again, outside observers remind us about the talent and energy of our people but we shrink from believing in ourselves.

The University of Oklahoma is a good example. We do not tell others often enough about its excellence. The University has one of the brightest student bodies in the country and ranks in the top ten of all universities in the United States in Merit Scholars enrolled. It has a committed faculty which includes many scholars of national and international stature. It has a dedicated alumni who have increased their contributions to the University by one third in the last 5 years. It has a growing presence in research with a 40% increase in research grants in the last 4 years. It has a nationally renowned health sciences center ranked in the top twenty by the U.S. News and World Report Survey. I could list scores of other achievements. In short, The University of Oklahoma is ready to become a pace-setter and a national model. It is time for us to believe in ourselves and go to work to accomplish this task.

Many outstanding men and women have come before us and built a strong foundation in our state. We owe much to them. Above all, we owe it to them to use that foundation to launch this state to real greatness—not only for ourselves but to help lead the rest of our country to achieve a true sense of community based upon real standards of excellence.

Let us determine that the "Quickening of America," the rebuilding of our national strength and spirit, will begin with us in Oklahoma.

That you and goodnight.

Mr. BOREN. I thank the Chair and I relinquish the floor.

TRIBUTE TO SENATOR DAVID BOREN

Mr. NICKLES. Mr. President, I rise to compliment my colleague from Oklahoma for the statement he has just made. I also compliment him for 16 outstanding years of service in the U.S. Senate. I congratulate him for his announcement that he will be retiring from the Senate at the conclusion of this year and assuming the presidency of the University of Oklahoma, and I do that with mixed emotions. I am delighted for the University of Oklahoma and for my State, because he will be a tremendous asset in that capacity. But I do it with mixed emotions, because I hate to see him leave the Senate. He has been a friend to this Senator, and we have worked together in a way that has been good for our State and certainly good for me. I have enjoyed our friendship and our relationship, and I have enjoyed working with him on behalf of our State and our country.

Senator BOREN has done an outstanding job as a servant to our country. He has worked on many issues in a bipartisan fashion, whether you are talking about foreign policy, energy, budget policy, or congressional reform. He has been a leader in many capacities. He not only served in the Senate for 16 years, he served in the State House of Representatives for 8 years. He served as our Governor for 4 years. He has established a bond and a trust with the people of Oklahoma.

Senator BOREN has shown that his true love is really education. This is a big step. It is a big step and a big move to leave the U.S. Senate and assume the presidency of the University of Oklahoma. DAVID BOREN has let it be known for a long time that he has had a real love for education. He has proven that in his Foundation For Excellence in Education, which has helped hundreds of people in the State of Oklahoma through scholarships and rewarding teachers for excellence. He did it when he was Governor of Oklahoma, and he is continuing it now with his next challenge of responsibility—that is, assuming the presidency of the University of Oklahoma.

So it is with real regret that I see him making the announcement today that he will be leaving the Senate later this year. But I wish to compliment him on his decision. I wish him well. He is a true friend of not only this Senator but of all Senators, and he will certainly be missed in the Halls of the U.S. Senate.

I yield the floor.

The PRESIDENT pro tempore. Under the order previously entered, the two Senators, Mr. LIEBERMAN and Mr. GRASSLEY, are recognized to speak for a total of 20 minutes. Do the Senators wish to be recognized jointly for those 20 minutes, or do they prefer to be recognized sequentially?

Mr. GRASSLEY. Mr. President, I would like to have you notify me so I do not take more than 10 minutes.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY] will be recognized for not to exceed 10 minutes.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY, Mr. LIEBERMAN, and Mr. NICKLES pertaining to the introduction of S. 2071 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HEALTH CARE REFORM

Mrs. BOXER. Mr. President, I rise today to share with my colleagues an experience that I had this morning that I wish each and every one of them could have shared.

Today, I joined with several Senators and the First Lady at a hearing to listen to the concerns of parents who care for chronically ill children. The children were there too, and they participated attentively.

Mr. President, there was not one person in that room who has a heart who was not moved beyond words at what they heard from these loving families.

Seeing these moms and dads in that room with children who have terrible disabilities, disabilities which require almost constant care, seeing the affection that these families have and then listening to them talk about the horror stories they are facing because of the current health care system left everyone in the room with the sense that we must summon up every ounce of courage we have to pass health care reform now.

There was a little boy there from my State of California named Christopher Monkman, 7 years old. You know, it is hard to describe a 7-year-old as a fighter. But Christopher Monkman is a fighter. He has been through intensive care many times—a kidney transplant, diabetes, deafness, and chronic lung disease. Yet, when anyone came up to him, he would smile and put out his hand, Mr. President. He has suffered more than most of us could imagine going through in a lifetime—and he is 7 years old. He is fighting for survival and to be with those who love him. But let me tell you about his health insurance, because his health insurance is what is wrong with this country. It is a disgrace. When Christopher and his mother should be spending all their time trying to get Christopher better, they have learned that his maximum benefits will run out very soon, and at 7 years old, he will be uninsurable and uninsured.

Mr. President, the one message I want to leave here today on this subject is this: The only way that loving family can be certain to get health care for Christopher is if that child leaves his family and becomes a foster child. That is the only way they are certain he will be covered by insurance. It is either that, or the family becomes completely destitute.

Mr. President, we have heard many eloquent speeches on this floor, and we will hear more—and I hope we hear more. I just want to say to my friends and my colleagues today that if that story is not enough to get us to act now, to make sure that we reform health care so that insurance can never be taken away, so that there will be no limits, what is the point of insurance, Mr. President, if it is there when we are well, and it is gone when we are sick? It makes no sense.

So I wanted to share that story with my colleagues today.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from New York is recognized.

FCC PROCEDURE

Mr. D'AMATO. Madam President, on March 16, I came to this floor to express my objections to the troubling manner in which the Federal Communications Commission has treated one of my constituents, Infinity Broadcasting Corp. In my remarks, I took issue with the Commission for holding up an attempt by Infinity to purchase a Los Angeles radio station—at an enormous cost to Infinity—because the Commission did not like the content of one of Infinity's programs—The Howard Stern Show.

My point was not to debate the merits of the Howard Stern show, or any other. As I said on the floor, If you like him, you like him. If you do not, you do not. And if someone thinks that anything Howard Stern or anyone else says on the air is indecent, they can file a complaint. There are procedures for adjudicating those complaints. And—as I stated on March 16—if Howard Stern, or Infinity, or anybody else, breaks the law they should be punished.

What brought me to the floor on March 16 was my outrage at the manner in which the FCC overstepped its bounds by delaying Infinity's acquisition of a Los Angeles radio station by improperly linking the sale to what is required by law to be a separate procedure for adjudicating indecency complaints.

While I did not expect my remarks to go unanswered by the FCC, nothing could have prepared me for Commissioner Quello's inaccurate and offensive reply of April 29, 1994.

And nothing in that reply could have been more offensive to me personally than his attempt to suggest that my ethnic and religious heritage ought to disqualify me from taking a stand for the first amendment when I see it being violated in the actions of the Federal Communications Commission.

Let me read from page 1 of Commissioner Quello's letter.

He says:

> It would embarrass any responsible adult, let alone we Catholic Italian-Americans, to condone the egregious Stern broadcasts * * *

On page 2, he states:

> Please Senator, take time to read the more detailed excerpts of the indecency violations attached to this letter but please don't share them with your priest even in the confessional, and risk excommunication.

Madam President, the first amendment is the same for all Americans no matter what their religion or ethnic background. I am no less entitled to stand up for the protection that the first amendment represents as a Catholic Italian-American than is any other American of any other ethnic or religious heritage.

Unfortunately, Commissioner Quello seems to be trying to impose his own personal views on what is appropriate first amendment expression on all Americans.

Now he is using ethnicity and religion as the basis for his official actions. This is just plain wrong. Federal regulators wield tremendous power, especially in the case of licensing proceedings. Someone who comes before the FCC with a license application should be judged fairly and on their own merits. They should not have to fear that the ethnic background and religion of the decisionmaker will determine the outcome. This is not what our country is about.

Madam President, I point out in my reply and in my remarks seven specific examples of what I believe to be errors that Commissioner Quello's letter of April 29 contains, because it is filled with inaccuracies and distortions. The point is, Infinity is entitled to be treated fairly and without bias on the part of the bureaucrats. Commissioner Quello's letter of April 29 is filled with inaccuracies and distortions of the facts of this matter. Let me briefly discuss them:

First, Commissioner Quello states, once again, that Infinity has been repeatedly found to have violated the indecency standard. To date, Infinity has been the subject of a final decision by the FCC as to an indecency standard violation only once—resulting in a $6,000 fine for a single broadcast by Howard Stern in 1988.

Commissioner Quello's references to fines in excess of $1,506,000 for "repeated, egregious indecency violations" are false, statements picked up by the press over and over. He knows that the FCC itself has not finally acted on its notices to Infinity other than the one $6,000 proposed fine.

Second, when Commissioner Quello repeatedly uses the word "violations", referring to Infinity and several Howard Stern broadcasts, he also shows his willingness to serve as judge and jury and his ignorance of elemental principles of due process. Not only has he not been able as yet to get the rest of the Commission to agree with him, other than the one instance from the single 1988 broadcast, but he fails to mention that Infinity has never gotten its day in court. The one final citation issued by the FCC—the 1988 broadcast, resulting in the $6000 fine—is merely an administrative citation, like a traffic citation. Infinity, or any other broadcaster, has a right to have its day in court when it can defend itself like any other citizen. Yet under current law, a broadcaster cited by the FCC for indecency doesn't ever get its day in court until the U.S. Department of Justice decides to enforce the fine by filling a collection action in court. That is right, Infinity has never had its day in court, even regarding the one instance in which the FCC has issued a final decision.

Third, Commissioner Quello makes a highly misleading reference to the Act III decisions as supporting his views of the indecency standard. In fact, three unanimous decisions by the U.S. Court of Appeals for the District of Columbia struck down the indecency standard enforcement policy utilized against Infinity and supported by Commissioner Quello as unconstitutional and inconsistent with the first amendment. Let us be clear: The very enforcement policy Commissioner Quello embraces has been determined by the D.C. Court of Appeals to be unconstitutional by virtue of the first amendment. The full court of appeals en banc is now reviewing the last decision of the court of appeals in the Act III case.

Fourth, the most remarkable aspect of Commissioner Quello's diatribe is that he thinks the indecency standard is not what the Commission has clearly stated but what personally offends him. In other words, on the one hand Commissioner Quello wants broadcasters to comply with the law and not violate the indecency standard, but on the other hand, Commissioner Quello thinks he is free to ignore the indecency standard and enforce one which is based on his own personal tastes. Fortunately, we live in a country which is governed by the rule of law, not by the personal whims and tastes of a particular regulator.

Fifth, Commissioner Quello's reference to the delays concerning Infinity's acquisition of KRTH is also misleading. It was Commissioner Quello himself who called the New York Times just before New Year's 1993 to brag that his opposition to granting Infinity's application to purchase KRTH as a result of alleged indecency violations was the reason for the delay. This blatant admission of regulatory abuse by one Commissioner was subsequently criticized, in public to the press, by the two other Commissioners he was presuming to speak for—who made it clear that Commissioner Quello was off on his own and should not have presumed to speak for the Commission.

Sixth, speaking of the rule of law: Commissioner Quello should read the words of section 504(c) of the Communications Act, which forbids using nonfinal citations on alleged indecency violations to prejudice any other proceeding, such as an application to approve an acquisition. He knows that his words and actions constitute open defiance of this provision. But once again, Commissioner Quello seems unwilling to abide by, or not to care at all about his own disregard of, the law.

Seventh, the result is that Infinity is not receiving its right to due process by the FCC. There is no final court order in the indecency cases. Yet the FCC is using these cases as a basis for delaying Infinity's purchases of other stations. That is unfair. It is bad public policy. The FCC should comply with the law and proceed to process the applications for assignment, including the pending one concerning the acquisition of WPGC here in Washington.

I simply point out, if I might, that this is outrageous. I do not think that my religious or ethnic background—or what a priest may or may not say should have any bearing on my responsibility to uphold the first amendment as it relates to Howard Stern, Infinity Broadcasting Corp., or anyone else.

I do not think in this day and age a Commissioner should be exercising his judgment based on ethnicity or religion. I think the letter speaks for itself as to the outrageous conduct of the FCC.

I thank the Chair for being as gracious as she has been, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I thank the Chair for recognizing me.

BONUSES

Mr. PRYOR. Madam President, this morning I would like to take a moment to discuss some recent press reports about a figure of $32 million worth of bonuses paid to employees of the Social Security Administration. This has certainly drawn a lot of attention in our country. I know that my colleagues have, and I can state for myself, received many, many phone calls and now many, many letters about this issue.

On Saturday, the Washington Post reported that some 45,000 employees of the agency's 65,000 employees, roughly two-thirds of its work force, received some type of bonus in fiscal year 1993. One employee had only worked for SSA for 2½ months and received a bonus of $9,256.

Madam President, that makes people angry. It makes this Senator angry. It is not right.

The Social Security Administration may be just the tip of the iceberg, however, because I have looked into the use of bonuses in prior years, and in recent months at other agencies. And, as this chart that I am about to demonstrate shows, some agencies give even more bonuses than the Social Security Administration.

In fact, the most recent fiscal year figures that we have is fiscal year 1991. In 1991 fiscal year, the Department of Agriculture—here they are right down here, Madam President, USDA, the Department of Agriculture—only gave 18 percent of its employees a bonus. That is interesting, the Department of Agriculture giving only 18 percent of its employees a bonus, when you contrast and compare that with the Agency for International Development. The Agency for International Development in 1991 fiscal year gave 72 percent of their employees a bonus—72 percent for AID, 18 percent for USDA. The Veterans Administration gave 22 percent of its employees a bonus. The Army gave 28 percent of its employees a bonus. The Department of the Treasury—right here, Madam President—gave 32 percent, the Navy 34 percent, Commerce 50 percent. Half of all the employees in the Department of Commerce received a bonus in fiscal year 1991. The Air Force 54 percent, HHS 63 percent, and listen, Madam President, the Office of the Secretary of Defense, a whopping 63 percent of all of the people in DOD headquarters received a bonus.

Madam President, this was not a bonus given to the folks out there in the foxholes, or flying the F–16's, or on the battleships or aircraft carriers. These were the people in the Pentagon. These were the people in the highest echelon of the Department of Defense, 63 percent getting a bonus. And, of course, the all-time champion of bonus givers, the Agency for International Development.

Madam President, while I have no doubts there are good employees throughout this system, I think it is time for us to evaluate the problem that we are faced with. I think there is another good question to ask. Why is it that the Army only felt it could give out, or only had individuals there who—28 percent could get a bonus? The Navy gave 34 percent, but the Air Force—are their people so much better or the Navy so much worse and the Army so much worse that the Air Force would give actually 54 percent of its personnel a bonus?

I might say, I do not think these are military uniformed individuals. These are people who work behind the desks.

This issue, Madam President, I think is worth our attention, because our Government is spending today about $500 million on 695,559 bonuses for Federal employees. While the average award is about $700, the individual awards can be much higher.

Bonuses, and how they are used have often been criticized and questioned. I have been one who has questioned those bonuses. For example, the Washington Post article states that SSA, the Social Security Administration, was required by law to pay bonuses to mid-level managers.

Madam President, that is not the law today. That may have been true in the past, but that is not the law today. The program mandating the payment of bonuses, the Performance Management Recognition System, known as PMRS had for years been criticized by agencies and employees alike. I am very pleased that this so-called PMRS system was finally allowed to die. It expired at the end of 1993 fiscal year, Madam President, and no longer are any agencies of the Federal Government required under law to pay a bonus.

Just over a year ago, the Subcommittee on Federal Services that I chair discovered that political appointees were lavished with bonuses in the final days of the past administration. S. 1070 was a bill introduced by Senators LEVIN and STEVENS. It was bipartisan. It was approved by this body last year to permanently eliminate all bonuses to political appointees in the senior executive service and schedule C political appointees from June 1 of a Presidential year to January 20 following the election.

Madam President, this bill is directed at the apparent abuses of the bonus system uncovered during the last Presidential election. As a result of information uncovered by our subcommittee and others on the Hill, OPM, the Office of Personnel Management, conducted a review of cash bonuses given to political appointees during the transition and found that the number of awards had risen from 49 in 1991 to 133 in 1992. OPM stated:

> Current safeguards clearly were not adequate to prevent misuse of flexibilities in the awards program. The political leadership at several agencies used these flexibilities to grant awards to political appointees that create the appearance they were given as 'political favors' rather than for their intended purpose.

I hope the House takes up and passes S. 1070 this year.

Madam President, now that some of the problems with bonuses have been addressed, we have to work on the cause of this problem. I believe the problem starts with the managers of our agencies—managers who cannot or will not make tough decisions. Managers in some agencies seem to be giving out bonuses like candy, as a matter of routine, rather than as a reward for truly outstanding work. These managers need to be trained to use bonuses only as an incentive, not as a matter of routine.

I believe that all too often Federal employees do believe that bonuses are a matter of routine, rather than a reward for truly outstanding work. Two-thirds of the SSA's employees received bounses. Under current law, bonuses can only be paid to employees who are rated fully successful or above. Now, while I have no doubt that most SSA employees are hard working, I do not think that all managers are really evaluating and rating their employees.

Also, Madam President, one thing that has always concerned me about this so-called bonus system in the Federal Government is it must not—it must not—be dependent upon the buddy system. If it does, we will see that the attitude and the actual feeling by the Federal employees toward their bosses is going to take a dramatic change for the worse.

I have written the Vice President, calling on him to address these problems as he drafts civil service reform legislation to implement the National Performance Review recommendations.

Madam President, I hope to work with the administration as this administration drafts its civil service reform legislation to address this particular problem which is angering so many American taxpayers, as it justifiably should.

Madam President, I ask unanimous consent that the letter that I am sending to the Vice President on this subject be printed in the RECORD.

There being no objection, the text of the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 4, 1994.

The VICE PRESIDENT,
U.S. Senate, Washington, DC.

DEAR MR. VICE PRESIDENT: I am writing in regard to recent reports of bonuses being paid to two-thirds of the employees of the Social Security Administration (SSA). In Fiscal Year 1993, SSA paid $32 million to 45,644 of its 65,000 employees. While I recognize that Social Security's workforce has dropped from 84,000 to 64,000 since 1983 and its workload has grown substantially, I am concerned that the number of bonuses is excessive.

The National Performance Review (NPR) recommended that "agencies should be allowed to design their own performance management and reward systems, with the objective of improving the performance of individuals and organizations." I understand that you are working to craft civil service reform legislation to implement this and many other NPR recommendations. I would urge you to consider, as you draft this legislation, the need to improve the manner in which bonuses, or incentive awards, are used.

All too often, federal employees have been given reason to believe that bonuses are a matter of routine, rather than in return for truly exemplary performance. Section 4505a of Title 5, United States Code, states that employees who are rated fully successful or above may be paid a cash award. This is not an entitlement and should not be treated as one by either the manager or the employee. Managers must receive better training in how to review and evaluate their employees. Frequent criticisms of the bonus system have been that it works as a buddy system or that managers will pass the bonuses around to employees in turn. If the bonus system does not work well, it can actually serve as a disincentive for productivity improvements, as employees quickly learn that their job performance is not directly linked to bonus awards.

The NPR envisions a smaller workforce that is rewarded for individual or group performance. A respected performance evaluation and assessment system is essential to making that vision a reality. I look forward to working with you on this issue.

Sincerely,

DAVID PRYOR.

Mr. PRYOR. Madam President, I thank the Chair and I thank my good friend from Wisconsin for his understanding. I hope I did not consume too much of the time that I know he wants to use.

I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Madam President, I thank you for recognizing me and I thank my colleague from Arkansas, who is not only a fine Senator, but one of the finest people that I have ever met.

(The remarks of Mr. KOHL pertaining to the introduction of S. 2070 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KOHL. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATELY DEBATE

Mr. SIMON. Madam President, I ask unanimous consent to insert at the end of my comments, the article that appeared in the St. Louis Post-Dispatch, written by Jo Mannies, under the title "Stately Debate: Danforth and Eagleton Don't Act Like Politicians—Or Do They?"

The article tells about dialog between our colleague Senator JOHN DANFORTH and our former Senator Tom Eagleton.

And it is a good illustration of why Tom Eagleton is missed and why JACK DANFORTH will be missed.

I believe that JACK DANFORTH sums up our problems well when he is quoted as saying: "The real problem [is] the political penchant to tell the public what they want to hear, instead of what they need to know."

The article contains a great deal of wisdom and common sense.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch]

STATELY DEBATE: DANFORTH AND EAGLETON DON'T ACT LIKE POLITICIANS—OR DO THEY?

(By Jo Mannies)

For about 90 minutes last week, it seemed like old times:

Missouri's "Dynamic Duo" in the U.S. Senate for much of the 1980s—Republican John C. Danforth and Democrat Thomas F. Eagleton—entertained a crowd by spiritedly sparring over an issue and poking holes in each other's arguments.

And just like the old days, the animated atmosphere spoke of friendship, not feuds. The jabs were jovial, not jugular.

Although neither gave any quarter, neither exacted a piece of the other's hide.

The display was, said many of those in attendance, an example of what political discourse should be—a debate without digs.

"In Missouri, we ought to be thankful to have had two of the giants," said Lawrence K. Roos, a Republican and former St. Louis County executive who sponsored the Wednesday night forum at Webster University that featured the two men.

Danforth, 57, is leaving the Senate this year after serving 18 years. Ten of those years were alongside Eagleton, 64, who retired in 1986 after 18 years. Although the two have had joint appearances in recent years, Wednesday's forum marked the first substantive public discussion between the two since Eagleton's retirement.

The topic was, fittingly enough, ethics in public service. Although they singled out different problems and disagreed on solutions, Eagleton and Danforth shared the view that political discourse and political campaigns have hit a new low.

Both blasted the popularity of the 30-second sound bite and gutter tactics. Both called for the public to demand—and for television to provide—more substantive discussion of the major issues.

Eagleton, who favors public financing of campaigns, lobbied for more limits on campaign spending. Danforth, who says more limits are unnecessary, argued that the real problem was the political penchant to tell the public what they want to hear, instead of what they need to know.

"Anybody in my line of work can talk about any subject for 2 or 3 minutes—and you'll hear nothing," said Danforth. "But keep them on the subject for one hour, and they'll begin to feel the heat."

Eagleton told of watching colleagues using the 10 phone booths in the Senate cloakroom to make fundraising calls between votes. "About two-thirds of a senator's time is spent fundraising during the last 2 years of a 6-year term," he said. "Doing it, planning it, thinking about it, going to it . . . Flying to it . . . Where am I going to find it? How are we going to get it?"

But, to many in Wednesday's crowd, what the two men said was almost overshadowed by how they said it.

Except when one was at the podium, they sat side by side on the stage, inches apart. Each listened intently as the other spoke. There were no interruptions, no rude remarks.

Their display of mutual respect, said several in the audience, demonstrated by example how politicians should behave, on and off the stump.

It came after years of practice.

During their 10 years together in the U.S. Senate, Eagleton and Danforth—despite their sharp philosophical and political differences—developed an unusual friendship that continues to this day.

While both were in office, their staffs worked closely on Missouri projects. Press releases frequently were issued jointly. the duo often held court together with groups of constituents who came to Washington to visit.

Since Eagleton's departure, the two continue to keep in touch. Besides occasional phone calls, they sometimes have lunch together when both are in St. Louis. Their wives remain close.

Says Danforth of Eagleton: "It's always fun to be with him."

Says Eagleton of Danforth: "The vibes are good."

It's common in Washington for politicians of different parties to be friends, particularly in the clubby 100-member Senate. Such odd couples include Democrat Ted Kennedy of Massachusetts and Republican Orrin Hatch of Utah.

But it's rare for close ties to form between a Democrat and a Republican hailing from the same state.

Why? Because each one has allies back home intent on knocking off the other. And as a U.S. senator, each one often is campaigning for opposing candidates running for other state offices.

So, often as not, partisan politics back home take a toll on relationships at the office.

"It's a little more ticklish," Eagleton conceded.

This year, for example, Danforth already is campaigning hard to get former Gov. John Ashcroft elected as his successor. Eagleton, meanwhile, is siding with U.S. Rep. Alan Wheat of Kansas City, one of several Democratic hopefuls who regularly bash Ashcroft.

And there's the given that Danforth and Eagleton hold different political views, particularly on national issues. (The two do, however, hold the same view on abortion; both are against it.) By GOP standards, Danforth may be a moderate, but he's much more conservative than Eagleton.

The two men also have very different styles. Danforth tends to be reserved and deliberate. Eagleton is usually gregarious and spontaneous. Danforth harbors a dry wit; Eagleton leans toward side-splitters.

But somehow, with humor and humanity, Danforth and Eagleton appear to have succeeded in keeping politics from becoming personal. And that, said Roos, is something that more politicians need to emulate.

During their time in the Senate, some observers theorized that Danforth and Eagleton got along because they knew they'd never be running against each other. They were often known for ganging up on House members of the Missouri delegation to get them to go along with whatever deal the two senators had worked out.

Eagleton says now that the two became allies, in part, out of necessity. For most of the time they were in the Senate together, said Eagleton, Democrats controlled the Senate, and Republicans controlled the White House. (There were a few years when the GOP had the Senate as well, giving Danforth all the cards.)

For Missouri to get its fair share, he said, the two had to work together. That partnership included trust, he said, when "both of us realized that one wouldn't take advantage of the other."

Danforth theorizes that the two men also shared a similar view of public life.

"Tom and I have both discovered the same secret of public service," Danforth said, in a parting shot during Wednesday's speech.

"Retire before you're indicted."

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Madam President, I hereby submit to the Senate the Budget Scorekeeping Report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through April 28, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.8 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated April 26, 1994, there has been no action that affects the current level of budget authority, outlays, or revenues.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 2, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through April 28, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 25, 1994, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,
JAMES L. BLUM,
(For Robert D. Reischauer, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS APRIL 28, 1994

[In billions of dollars]

	Budget resolution (H. Con. Res. 64) [1]	Current level [2]	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,223.2	1,218.5	−4.8
Outlays	1,218.1	1,217.1	−1.1
Revenues:			
1994	905.3	905.4	0.1
1994–98	5,153.1	5,122.8	−30.3
Maximum Deficit Amount	312.8	311.7	−1.1
Debt Subject to Limit	4,731.9	4,471.3	−260.6
OFF-BUDGET			
Social Security Outlays:			
1994	274.8	274.8	([3])
1994–98	1,486.5	1,486.5	([3])
Social Security Revenues:			
1994	336.3	335.2	−1.1
1994–98	1,872.0	1,871.4	−0.6

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS APRIL 28, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	—	—	905,429
Permanents and other spending legislation[1]	721,182	694,713	—
Appropriation legislation	742,749	758,885	—
Offsetting receipts	(237,226)	(237,226)	—
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	—
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	—
Offsetting receipts	(38)	(38)	—
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	—

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS APRIL 28, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total enacted this session	(2,686)	(648)	—
PENDING SIGNATURE			
Extending Loan Ineligibility Exemption for Certain Colleges (S. 2004)	5	3	—
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[2]	(5,562)	1,326	—
Total Current Level [3 4]	1,218,462	1,217,054	905,429
Total Budget Resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under Budget Resolution	4,787	1,095	—
Over Budget Resolution	—	—	80

[1] Includes budget committee estimate of $2.4 billion in outlay savings for ECC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66.

[3] In accordance with the Budget Enforcement Act, the total does not include $14,145 million in budget authority and $9,057 million in outlays in emergency funding.

[4] At the request of Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

Notes: Numbers in parentheses are negative. Detail may not add due to rounding.

NOTICE

Financial disclosure reports required by the Ethics in Government Act of 1978, as amended, and Senate rule 34 must be filed no later than the close of business on Monday, May 16, 1994. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings, and will provide automatic written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Tuesday, June 14. Advance requests for copies of full sets of 100 Senators' reports are now being accepted by the Public Records Office. Any questions regarding the availability of reports or their purchase should be directed to that Office—224–0322. Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics—224–2981.

SMALL BUSINESS WEEK 1994

Mr. PRESSLER. Madam President, today I ask my colleagues to join me in saluting those whose contributions too often are taken for granted—our Nation's small business men and women. The local market, gas station, pharmacy, and cafe are everyday fixtures, but they form the cornerstones of a community. These small businesses make the difference. They create jobs, provide necessary services and knit people together. Without this entrepreneurial spirit, many of our towns and small cities would cease to exist. This week has been designated National Small Business Week. It is fitting that we recognize the quiet perseverance of our Nation's small businesses.

Small businesses form the base of our economy. Their job creation brought us through the recent recession. Between 1980 and 1990, small firms in our country created two out of every three jobs. Our 21.3 million small businesses collectively are the world's third largest economic power, ranking only behind the U.S. economy as a whole and Japan. Quite simply, these entrepreneurs are the key to our economic strength. In my home State of South Dakota for example, 99 percent of businesses are small businesses and they employ over 90 percent of the work force. These small businesses are run by men and women of every race and social class. In fact, by the year 2000, women will own half of all small firms. The number of minority-owned firms is growing rapidly as well.

Statistics such as these tell an incredible story of vitality and success. However, I am troubled by the tendency here in Washington to try and steal this success. The Federal Government repeatedly treats small businesses as if they are some kind of a money tree, an unlimited source of funding for an endless list of Federal programs. We saddle these job creators with tax increases and ream upon ream of regulations, which further increase their costs. While under this constant pressure, it is amazing our small businesses are able to remain competitive at home and abroad. If this trend continues, that may not remain the case. As ranking member of the Senate Small Business Committee, I fight daily to break this senseless cycle.

A prime example of taking advantage of small business is the Clinton health care plan. The plan's employer mandate would force businesses to pay for 80 percent of their employees' health care. We need to improve access to health care in this country. We need to control costs. But President Clinton's plan would put 60 percent of the cost on the small business community. The job loss estimates from this employer mandate run from 600,000 to 3.1 million. We all want to create jobs. However, I warn my colleagues that it cannot be done by beating down our Nation's premier job creators.

Despite all the barriers Washington erects, small businesses continue to persevere. I would like to share some special success stories from South Dakota. Gordon Thomsen of Trail King Industries, Inc., in Mitchell, SD, has been named National Small Business Exporter of the Year. I congratulate Gordon and Trail King for this very special and well-deserved honor.

Trail King is a true success story. The company began 18 years ago in the back of Gordon's home with only four employees. With dogged persistence and a willingness to embrace change in the global economy, the once tiny company has become the largest specialized trailer manufacturer in the Nation. Trail King now employs 400 people and trailers bearing their name can be found all around the world. A nearly completed joint venture with an equipment manufacturer in Mexico is a sign of their future success in new markets. Indeed, many Trail King employees in Mitchell are learning Spanish. Through his work on numerous trade missions, the District Export Council and the South Dakota Export Council, Gordon lives his motto, "The world is your marketplace."

I also would like to commend and congratulate another exporting company, AaLadin Industries of Elk Point, SD. Founders Patrick Wingen, president, and William Busker, senior vice president, have been named the South Dakota Small Business Persons of the Year. Overcoming great obstacles to find credit, they built the company from scratch in 1981. AaLadin now is the fourth largest manufacturer of high pressure cleaning systems in the country. They employ 80 people and have annual sales of more than $11.5 million.

Other South Dakota entrepreneurs deserving recognition are: Aelred Kurtenbach of Daktronics, Inc., South Dakota Entrepreneurial Success of the Year; Elsie Meeks of the Lakota Fund, South Dakota Minority Small Business Advocate of the Year; Audrey Elfering of Alternative Resources, South Dakota Women in Business Advocate of the Year; Lois Besmer of Norwest Bank, South Dakota Financial Services Advocate of the Year; Matthew Swalley of Business Page South Dakota, South Dakota Media Advocate of the Year; and Valerie Simpson of Ketel, Thorstenson & Co., South Dakota and Regional Veteran Small Business Advocate of the Year. I congratulate each and every one of them. These individuals and entrepreneurs provide shining examples of innovation and leadership.

Madam President, we have set aside this week to honor these individuals and entrepreneurs just like them across the country. However, if we truly wish to honor them, let us follow this week of celebration with serious and meaningful actions. By scaling back taxes and Government regulation, we can ensure a successful and vibrant small business community. This, in turn, means the creation of jobs, continuity in our towns and cities, large and small, and prosperity throughout our economy.

I again would like to congratulate the many small businesses who make such an important difference in our communities and daily lives. I salute them.

SOUTH AFRICAN ELECTIONS

Mr. DECONCINI. Madam President, I want to congratulate the people of South Africa for the strength and vision which allowed them to successfully carry out their first all-race elections. The acceptance of victory by Nelson Mandela, imprisoned for more than 20 years for attempts to achieve basic rights for black South Africans, was an historical culmination of decades of struggle against the reprehensible system of apartheid. The image of elderly black South Africans holding election ballots for the first time was a reminder of the immeasurable suffering which they have endured and the basic human rights and dignity which this election has restored to them.

Nelson Mandela has shown incredible leadership and grace in the negotiations that led to Black majority rule. Former President F.W. de Klerk is also to be congratulated for the risks he took to end a shameful system of political and economic exploitation. While I was in South Africa in 1991, I had the opportunity to thank and praise Mr. de Klerk for the initial steps he took to remove the underpinnings of apartheid. Zulu Chief Mangosuthu Buthelezi deserves praise for ending the Inkatha Freedom Party's boycott of the election. I also met with him in 1991. While Inkatha's longstanding rivalry with the ANC has a long trail of violence, Mr. Buthelezi's last minute decision to participate fully in the political process was one which was truly for the good of his country.

While the elections have changed the course of South African history, the challenges that face the new government as they prepare a new constitution are enormous. Mr. Mandela will have to share power not only with the party which invented and enforced apartheid but also the Inkatha party with which the ANC has had a historic rivalry.

Mr. Mandela has promised to fashion a true coalition government in order to escape the violence that has befallen many of South Africa's neighbors and claimed the lives of more than 13,000 South Africans since 1990. Honoring this pledge is crucial to successful governing in the new South Africa. The rights of all minorities must be respected—including those who failed to receive sufficient votes to be represented in the interim government. Furthermore, the new government must address the country's economic problems which are the result of apartheid laws which left the economy in ruins. Mr. de Klerk has promised his cooperation during the transition period and he must honor that pledge. I believe he will. And Mr. Buthelezi must continue to be part of the process rather than part of the problem. All three leaders must work together constructively if there is to be a peaceful transition to representative democracy, and the other smaller parties must be a part of this new government.

Congress struggled deeply over how best to aid the victims of apartheid and to dismantle this reprehensible system. In the end, we took what I believe was the right course by enacting sanctions against the South African Government in 1986 over former President Reagan's veto. I supported the strongest sanctions put forth during that debate. The sanctions proved effective in convincing the leaders of South Africa that the government could not continue to operate in the way it was operating.

The sanctions proved effective beyond a doubt, in my judgment, in convincing the leaders of South Africa at that time that a government which imprisoned peacemakers, banned journalists and cameras, and denied basic human rights to a majority of its citizens, would not benefit from the economic might of the United States.

The sanctions, together with disinvestment by companies from South Africa, contributed to an economic decline in that country which pressured the government to negotiate with leaders of the antiapartheid opposition. According to a South African bankers' report, the country lost between $32 billion and $40 billion because of the sanctions. Mr. Mandela said that the sanctions, "* * *brought us to the point where the transition to democracy has now been enshrined in the law of our country." I have no doubt that the economic effects of the sanctions, including the loss of capital and technology, along with their psychological effect, accelerated the demise of apartheid.

President Reagan's veto and the concern of many in that administration and some in Congress that sanctions would undermine an ally were far out of line with the opinion of most Americans. A quote of Mark Twain which I stated in 1986 in reference to South Africa is equally true today: "Loyalty to a petrified opinion never yet broke a chain or freed a human soul." The people of South Africa deserve our strongest respect for enabling this truly momentous day to arrive in which they are finally proclaiming, "free at last."

FREDERICK L. RIEDEL RETIREMENT

Ms. MIKULSKI. Madam President, I rise today to recognize Frederick L. Riedel of Towson, MD for his 43 years of service to the Baltimore City Fire Department. Mr. Riedel retired on March 12 as the second most senior member of his department.

Mr. Riedel's dedication to fighting fires is unsurpassed. During his 43 years of service, he was never called for disciplinary action, nor did he ever once report to work late. This impeccable record reflects Mr. Riedel's rare level of commitment to his work and his community. Mr. Riedel's dedication to a job which can be difficult and dangerous is truly admirable. His accomplishments and career are worthy of the highest praise and serve as an example for us all.

Madam President, I salute Frederick Riedel's contributions to my home city of Baltimore and the State of Maryland. Through his consistent hard work, he has made a real difference in the lives of many residents in the Baltimore area. His dedicated service represents what is best in Maryland and our country.

REBECCA SHEPPARD GIRL SCOUT GOLD AWARD

Ms. MIKULSKI. Madam President, I rise today to congratulate Rebecca Sheppard of Walkersville, MD who has been selected for the Girl Scouts of the United States of America Gold Award. This is the highest achievement award in Girl Scouting and symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development.

Serving over 2.6 million girls, the Girl Scouts of the United States has awarded more than 20,000 Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration pin, design and implement a Girl Scout Gold Award project, earn the Senior Girl Scout Leadership Award and earn the Senior Girl Scout Challenge. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and adult Girl Scout volunteer.

For her Girl Scout Gold Award project, Rebecca refurbished the doll house at Rose Hill Manor's Children Museum in Frederick, MD.

Madam President, I salute Rebecca Sheppard's hard work and dedication. The character, perseverance, and leadership that enabled Rebecca to reach this goal will serve her well in the future and are an inspiration for others striving for success in their own lives.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,569,523,962,905.25 as of the close of business yesterday, Tuesday, May 3. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,527.16.

THE FEDERAL COURT ORDER TO BLOCK IMPLEMENTATION OF THE CENTRAL VALLEY PROJECT IMPROVEMENT ACT OF 1992

Mr. BRADLEY. Madam President, on Thursday, April 28, 1994, a Federal district court judge in California enjoined implementation of the Central Valley Project Improvement Act pending completion of an environmental impact statement. I am quite concerned that this ruling is going to hurt virtually every water user in California.

Congress passed the CVPIA to do two basic things: To restore some certainty to California's water supply, and to deliver some very basic protection to endangered fish and waterfowl. Under the act, for the first time, CVP farmers enjoy assured contract renewals, urban interests gain access to CVP water through voluntary water transfers, and fish and wildlife resources garner a minority share in available CVP supplies.

Congress gave the Secretary of the Interior very specific directions on what to do, how to fund those actions, and precisely what kind of environmental impact reviews would be required. The whole point of the bill was to get things moving right away, not sometime down the road once a study was finished.

Congress struck a careful and reasoned balance in the CVPIA among the competing needs of agricultural water contractors, urban residents, and fish and wildlife resources in California. With Thursday's decision, this carefully crafted balance has been replaced by chaos. Some 65 pending contract renewals are now at risk. Urban users are barred from negotiating voluntary water transfer agreements. Environmental resources are denied their hard-won water supplies. Restoration funding will all but disappear.

I deeply regret that big Central Valley agribusiness, led by the Westlands Water District, chose to bring this litigation and that the court sided with their claims. Westlands, in particular, has consistently fought even the most modest efforts to help California's environment and to bring some sense of fairness to the State's water system.

Contaminated irrigation wastewater from Westlands caused severe environmental and wildlife damage at Kesterson National Wildlife Refuge. The resulting deaths of a multitude of waterfowl are takings under the Migratory Bird Treaty Act. And yet Westlands continues to resist taking financial responsibility for the cleanup of Kesterson—estimated at $49.2 million—or contributing to the studies mandated by the Department of the Interior to document drainage contamination problems in the San Joaquin Valley and throughout the West.

Although one of the last to become CVP water contractors, Westland's water use has resulted in increasing diversions from the Delta that have contributed to the listing of two stocks of fish under the Endangered Species Act.

Westlands farmers continue to illegally irrigate more than 47,000 acres of land outside the State permitted place of use with more than 120,000 acre-feet of CVP water.

Westlands farmers pump 60,000 to 70,000 acre-feet of groundwater each year next to—out of—the Mendota Pool, dump it back into the pool, and get delivery credits from the Bureau of Reclamation. The credits allow Westlands to draw from the pool a second time, a double dip.

GAO found that Westlands Water District farmers had exploited a loophole in the Reclamation Reform Act of 1982 by reorganizing its large farms operations—not otherwise entitled to federally subsidized water—into smaller, eligible components. Even though the smaller components continued to operate collectively as one large farm, the entire acreage was then eligible for cheap CVP water.

Much of the water Westlands gets at low cost goes to grow crops that are subsidized or are in chronic oversupply, such as cotton.

Madam President, I ask unanimous consent to submit for the RECORD an editorial from the May 2, 1994, edition of the San Francisco Chronicle which portrays this ruling as "the triumph of selfish cynicism over reform."

I sincerely, hope that, on review, this decision will be overturned. However, should an appellate court support the district court's decision to reward a few self-serving water barons, I will do whatever it takes to meet the needs of all Californians.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Francisco Chronicle, May 2, 1994]

WATER LAW RULING SETS BACK REFORMS

What took Republicans and Democrats and most of the diverse interests of California years of hard negotiation and compromise to create has been threatened by the single stroke of a pen in the hands of U.S. District Judge Oliver Wanger of Fresno. His injunction last week against implementation of the 1992 Central Valley Improvement Act represents a triumph of selfish cynicism over democratic reform.

As a direct result of the overbroad court ruling on behalf of Central Valley agricultural interests, led by the powerful Westlands Water District, nearly all of the critically important reforms achieved by the landmarks water reform law will be delayed indefinitely.

Not only will fish and wildlife restoration efforts be imperiled, but the ability of urban water districts to acquire needed water transfers from willing sellers in the valley may be stymied at a time when severe drought conditions have returned to California. In effect, the water future of California has been thrown into dangerous turmoil just when the need for direction and predictability is greatest.

Who does all this disruption serve? It is not at all clear that it will benefit even the heavily subsidized agricultural irrigators of Westlands, who cynically used provisions of environmental law to undermine environmental goals. If the extremely broad injunction ordered by Judge Wanger—which reaches well beyond what was sought by Westlands—is strictly observed by resource officials, it could create havoc in the valley itself, where 65 short-term, interim water contracts are due to be awarded this year. If those contracts are delayed, water districts could find themselves without water next year—which is why many valley farmers have broken ranks with the intransigent spoilers of the Westland Water District.

Westlands' opposition to the 1992 reforms is easy to understand. As Representative George Miller, D-Martinez, the principal author of the reforms, observed: "That's business as usual for them; they have tried to frustrate every effort at ending their excessive use of water and their multimillion-dollar taxpayer subsidies."

What is harder to understand is the judge's failure to observe the clear congressional intent behind the water reform law, which aimed at immediate implementation of fish and wildlife restoration and mitigation measures, while delaying other aspects of the reforms until an environmental impact report is completed in 1995.

In all likelihood, last week's ruling will be overturned on appeal. In the meantime, though, environmental interests will suffer, urban districts may bear unfair hardships, and negotiations toward permanent water quality standards for the San Francisco Bay and delta may be disrupted. Under no circumstances should the anti-environmental cynics who have cloaked themselves in environmental law be allowed to benefit.

CONGRESSIONAL ACCOUNTABILITY ACT

Mr. KOHL. Madam President, I rise today as an original cosponsor of the Congressional Accountability Act. Since at least the passage of the 1964 Civil Rights Act, there has been an insidious and growing perception among the American people that Congress considers itself above the law, that we enact legislation which applies to everyone but ourselves. Some have joked that if it could, Congress would exempt itself from the law of gravity. This trend—unless it is arrested and ultimately reversed—is destructive of the bedrock notion that ours is a system of government of the people, by the people, and for the people.

I recognize that there are legitimate Constitutional and policy concerns which must be considered in addressing the overall issue of placing Congress under laws which apply to the private sector and/or the executive branch. I am satisfied that the Congressional Accountability Act maintains our system of separation of powers and checks and balances while bringing Congress under the provisions of the civil rights laws, labor legislation, and laws providing rights of access to certain information that are specified in the Act.

This is clearly an act whose time has come. Its enactment will go a long way toward rebuilding the bonds of trust between the people and their government. I urge my colleagues to support the Congressional Accountability Act.

PSYCHO-FACTS ABOUT ENVIRONMENTAL RISK

Mr. JOHNSTON. Madam President, I ask unanimous consent that the attached article from the opinion page of this morning's Washington Post be included in the RECORD following these remarks. It is entitled "The Triumph of the Psycho-Fact," by Robert J. Samuelson.

I strongly recommend that my colleagues take the time to read this piece because it directly relates to the risk assessment and cost-benefit amendment that I plan to offer when the Safe Drinking Water bill reaches the floor. Mr. Samuelson tells of how we are hounded about psycho-facts that create fears about rising crime, increasing health hazards, falling living standards, and a worsening environment, that are not supported by hard evidence.

As many of you know, one of the purposes of my amendment is to get the facts out about the environmental risks that we face, and to put those risks in perspective. And that means comparing the risks that EPA regulates to other risks that we face in our daily lives. Mr. Samuelson speaks eloquently to that same point, and includes a table showing the likelihood of dying from a variety of risks. I am confident that my colleagues will find his piece informative.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

We live in a world of real dangers and imagined fears. The dangers are often low and falling, while the fears are high and rising. We are hounded by what I call "psycho-facts": beliefs that, though not supported by hard evidence, are taken as real because their constant repetition changes the way we experience life. We feel assaulted by rising crime, increasing health hazards, falling living standards and a worsening environment. These are all psycho-facts. The underlying conditions aren't true, but we feel they are and, therefore, they become so.

Journalists—trafficking in the sensational and the simplistic—are heavily implicated in the explosion of psycho-facts. But so are politicians, policy advocates and promoters of various causes and lifestyles. Rarely does any of us deliberately lie. However, we do peddle incomplete or selective information that inspires misleading exaggerations or unwarranted inferences. People begin to feel that something's wrong, and this new sensation becomes an irrefutable fact or (worse) the basis for a misguided policy.

Crime? Yes, there's long been too much of it. But the best surveys do not show that it's dramatically worsened. Indeed, some victimization rates have dropped. The household-burglary rate declined by 42 percent between 1973 and 1991. The number of annual murders has fluctuated between 20,000 and 26,000 since 1980; the major increase occurred in the 1960s, when the number doubled. A Gallup poll reports that 86 percent of the respondents haven't been victims of violent crime. By contrast, our consciousness of crime—fanned by local TV news—has risen.

"Are We Scaring Ourselves to Death?" asks ABC correspondent John Stossel on a recent network special exploring these issues. The answer is yes. But psycho-facts are seductive precisely because they are often plausible. We've been told for years, for example, that our living standards are dropping, and this became a big Clinton theme in 1992. It isn't really so. Over any extended period, our living standards have risen. In the past 25 years, median family income is up by about one-fifth. But the rise is much slower than we expected and so slow that it's often imperceptible or nonexistent in any one year. We don't feel it.

Health, safety and environmental hazards inspire similar misconceptions. Suppose an experiment shows that substance X causes cancer—at some dosage in some animal. We're soon worried that everything we eat or breathe is giving us cancer or heart disease. We feel that identifiable risks should be avoidable risks. We act as if there's a constitutional right to immortality and that anything that raises risk should be outlawed. Our goal is a risk-free society, and this fosters many outsize fears.

Lots of theoretical dangers (like asbestos or plane crashes) aren't large practical dangers. The easiest way to grasp this is to glance at the adjoining table. It compares relative risks of dying. What's worth remembering is that roughly 2.2 million Americans die every year. With about 260 million Americans, this means that in a crude arithmetic sense the average risk of dying is about 1 in 118 (2.2 million goes into 260 million 118 times). Now obviously, the old die in much greater numbers than the young. Still, the general risk of dying from natural causes or unavoidable accidents is much greater than the specific dangers of many hazardous substances or jobs. (The table shows both.)

Alarmists will point out that all the specific risks of dying create the overall risk of dying. True. But no matter how much we reduce any specific risk, we'll still die from something, and many specific risks aren't very threatening. In the ABC program, Stossel tweaks Ralph Nader for seeing danger almost everywhere: hot dogs have too much fat; airplanes aren't adequately maintained; coffee has caffeine; rugs collect dust and cause indoor pollution. "Life is preparedness—the old Boy Scout motto, be prepared," Nader says. The trouble is that if you spend all your life preparing, you may miss out on living.

Of course, we should take sensible personal precautions and enact prudent safety and environmental regulations. But they should be sensible and prudent. We should not overreact to every ghoulish incident or conceivable danger. The abduction and murder of Polly Klaas late last year was horrifying, but so was the kidnapping of the Lindbergh child in 1932. Cloistering children in generally safe neighborhoods is not a sensible reaction. The old, too, often senselessly barricade themselves indoors against imagined crime. We "give up some freedom," as Stossel says.

Likewise, misguided regulations based on exaggerated risk can waste lots of money. The asbestos panic was a costly mistake, as federal Judge Stephen Breyer shows in a new book, "Breaking the Vicious Circle: Toward Effective Risk Regulation." Leaving asbestos in buildings poses almost no hazard; removing it increases the danger by putting asbestos particles into the air. Breyer cites a toxic-waste case in which the company objected to the final cleanup. The site was already so clean that children could eat some dirt 70 days a year without significant harm. Why do more? "There were no dirt-eating children playing in the area," he writes, "for it was a swamp."

The standard retort is: A rich country like ours can afford absolute safety. No we can't. Regulatory costs raise prices or taxes. Our incomes are lower than they might be. That's okay if we receive lots of benefits—much cleaner air or healthier food. But it's not okay if the benefits are trivial or nonexistent.

Good judgment requires good information. Every imagined danger or adverse social trend is not as ghastly as it seems. Consciousness-raising be truth-lowering. We fall prey to our fears and fantasies. We create synthetic truths from a blend of genuine evidence, popular prejudice and mass anxiety. Psycho-facts are not real facts. We should try to tell the difference.

THE ODDS OF DYING

Every year, nearly 1 in 100 of us dies. The dangers from high-profile risks such as asbestos and plane crashes are relatively small.

For everyone—1 in 118.
For those 35 to 44 years old—1 in 437.
For police on the job—1 in 4,500.
For women giving birth—1 in 9,100.
From airplane crashes—1 in 167,000.
From lightning—1 in 2 million.
From asbestos in schools—1 in 11 million.

A CRITIQUE OF U.S. FOREIGN POLICY UNDER PRESIDENT CLINTON

Mr. D'AMATO. Madam President, I rise today to discuss a topic of growing frustration to myself and many other Americans: the President's handling of this Nation's foreign affairs. Increasingly, the President's lack of attention, lack of interest, and lack of fortitude in foreign affairs and national security concerns is hurting this Nation's prestige overseas and this will, in turn, come back to hurt us in the future.

There has been a spate of articles detailing the President's inactivity in the foreign policy field. The outgoing American Ambassador to the United Kingdom, Raymond Seitz, was quoted in the May 9, 1994 edition of U.S. News & World Report, as saying that:

> There's no confidence in Europe that the administration, or the United States, has adapted to the big changes in the world, identified what is important and what is not important and what the priorities are * * *.

Joe Klein, in Newsweek's May 9, 1994 edition, also commented on the President's handling of foreign affairs. Klein, wrote:

> A president's every word, the nuances of each position he takes, must be carefully considered. There is no room for carelessness—or promiscuity; positions can't be casually struck as negotiating ploys and then indiscriminately abandoned.

These statements are instructive, for they are symbolic of the President's problem with foreign affairs: he seems to think that foreign policy by trial balloon will work—as he does with domestic policy by trial balloon. This idea is simply wrong. When an administration official makes a statement or doesn't make one, misses a meeting, or comes late, someone gets offended and we have a problem. When a President breaks his promise, the problem becomes infinitely bigger. Foreign policy is not a practice in which promises can be made and then broken. Foreign policy is also a practice which requires attention, not wholesale abandonment. While there certainly are domestic concerns, there are also foreign ones that require the President's constant, not casual attention.

Thus far, the President, has, in Ambassador Seitz's word, lost the confidence of the world. This situation reflects badly upon us not only because of its existence, but through lack of attention, we can miss some event that can start off small, but snowball into a crisis.

Beyond lack of attention to foreign affairs, the President seems all too willing to appease rogue nations only feeding their appetite. He offered economic aid to North Korea in order to convince it to allow nuclear inspections. This is ludicrous. He also offered to cancel military exercises to influence it. This too is wrong. The only thing this brutal communist dictatorship understands is a firm stance, backed up with the willingness to enforce its word. Bosnia is another clear example of waffling and appeasing to avoid the problem.

Moreover, the President thinks that multilateralism is the wave of the future. In reality, he is foregoing American leadership in favor of the United Nations, which has never really proven itself in collective action. Somalia is a proven example of this case. In Bosnia, the President claimed to have not even have been informed that American jets were being used to bomb Serb positions. Where is Presidential leadership? He has allowed American forces to be commanded by foreign entities and commanders, without any input by our own commanders. This is embarrassing and exceedingly dangerous.

Clearly the situation cannot proceed as it has. If it does, the world will continue to mistrust us and we will be left to face a crisis, perhaps without friends. Worse yet, a crisis can evolve that will overwhelm us simply because we did not pay the proper attention to the problem in its infancy.

Madam President, I ask unanimous consent that the following chronology of significant foreign policy events of the Clinton administration, be included in the RECORD following the conclusion of my remarks.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

CLINTON FOREIGN POLICY: CHRONOLOGY OF SIGNIFICANT EVENTS FROM JANUARY 1993 TO MARCH 1994

1993

January 14, 1993

Haitian Policy.—President-elect Clinton reverses his present campaign position, announcing he will continue the Bush Administration policy of interdicting and returning Haitians found on the high sea. Clinton is consulted before the Jan. 15 placement of Coast Guard ships around Haiti to prevent a massive migration from there. March: Clinton names Lawrence Pezzullo special adviser on Haiti, meets with President Aristide. June: Clinton increases sanctions against Haiti. July: Aristide and Cedras sign Governors Island accord to restore Aristide to office. October: Haitians block landing of U.S. ship with U.N. military training mission aboard, Clinton reimposes sanctions, stations ships around Haiti to enforce U.N. embargo. March 1994: Clinton Administration proposes new plan to restore Aristide to office, which critics charge does not put enough pressure on the military regime to relinquish power.

To this date, the Administration has made no progress on returning Aristide to power. The Administration has even conceded that Aristide might not be able to return to power. Yet, under pressure, the Administration has taken to issuing threats of military action to return Aristide to power. It has also suggested that U.S. "trainers" would be sent to Haiti. Who will they train?

February 26, 1993

World Trade Center Bombing.—A huge bomb was detonated in a garage of the World Trade Center in New York City, killing 6 people and injuring more than a thousand others. A group of Muslim extremists living in the New York City area were arrested several days later and charged with the crime, raising questions about possible complicity in the plot by terrorist countries in the Middle East. Sudan was named as a prime suspect. President Clinton in his weekly radio address on 2-28, said that he had called New York Governor, Mario Cuomo and New York City Mayor, David Dinkins, and promised "full support of federal law enforcement resources to investigate the blast." Subsequent Congressional hearings criticized the State Department's procedures for screening visa applicants in overseas missions.

On April 14, 1994, INS announces that it will no longer require fingerprint checks on immigrants. Under public and Congressional pressure, on April 19, 1994, INS rescinds this policy.

March 12, 1993

North Korea "Suspends" Withdrawal From NPT.—North Korea announced that it would withdraw from the Nuclear Non-Proliferation Treaty (NPT) after the International Atomic Energy Commission (IAEA) demanded a "special inspection" of hidden nuclear facilities. North Korea "suspended" its withdrawal after the Clinton Administration decided to negotiate bilaterally with North Korea—the first negotiation occurring in June 1993. However, North Korea refused to allow any IAEA inspection until March 1994. That inspection was aborted when North Korean officials barred inspectors from carrying out key functions that North Korea had agreed to in a note to the IAEA on February 15, 1994. The U.N. Security Council has taken up the issue. The Council has passed an initial resolution and will consider sanctions against North Korea, probably in May 1994, if Pyongyang does not allow the IAEA to complete the March inspection. China's position on sanctions may be the key of future Security Council decisions.

U.S. negotiations offered cancellation of joint U.S.-South Korean military exercises, and offered economic aid in an effort to persuade the North Koreans to allow inspections. The Administration was even willing to accept limited inspections, appearing to be appeasing Kim II-Sung.

March 27, 1993

Export Administration Act Extension.—The President signed a bill extending the act unchanged until June 1994. The authorities in the act had been kept in force by executive order since the fall of 1990 following a pocket veto of the bill extension in November 1990, and the failure of Congress to agree upon an acceptable replacement in 1991 and 1992. The 15 month extension was intended to allow some sort of consensus to be reached on the terms of export controls in an era characterized by the end of the Cold War and increased concern over proliferation.

The core of the U.S. proposal for a successor regime to CoCom is that supplier nations agree on a list of military critical products and technologies that would be denied to a handful of rogue regimes. Many of our allies opposed this principle and instead proposed that such controls be left to "national discretion", effectively replacing multilateral export controls with a loose collection of unilateral export control policies. This approach would obviously be adverse for the United States security and economic interests. CoCom went out of existence on April 1, 1994. To this date, there is a no successor regime. With CoCom gone and no comprehensive multilateral controls in place, Iran, Iraq, North Korea, Libya and other rogue regimes will be able to accumulate the technology to build weapons of mass destruction with increased speed and greater quality.

April 27, 1993

Plot to Assassinate Former President Bush.—Kuwaiti authorities arrested a group of Iraqis who had intended to assassinate former President Bush during an official visit to Kuwaiti April 14-16. The President was accompanied by his wife and former members of his cabinet. After a lengthy investigation and conviction of the conspirators by the government of Kuwait, President Clinton, on June 27, ordered a missile attack on Iraqi intelligence headquarters in Baghdad in retaliation for the plot. Ambassador Albright presented evidence of the plot at the United Nations.

This nighttime attack resulted in the destruction of the Iraqi intelligence agency's building, but by no means could be seen as retaliatory for it only put the agency's assets out of service. This was a hollow gesture.

April 1993–May 1993

Bosnia-Hercegovina.—The Clinton Administration came out in favor of lifting the arms embargo against the Bosnian government and threatening air strikes against the Bosnian Serbs. Secretary Christopher travelled to Europe to consult with European allies and Russian leaders on the U.S. proposals, but met with resistance from European countries. On May 22, the United States, Russia, France, the United Kingdom, and Spain agreed on a "joint action program from Bosnia." The United States also pledged to contribute some U.S. forces to the U.N. peacekeeping operations in Macedonia.

While claiming that it favored lifting the arms embargo, the Administration's lack of foreign policy credibility and its waffling on the issue, has created a situation whereby the Europeans will not go along with our diplomacy.

May 28, 1993

China's MFN Eligibility.—President Clinton issued an executive order which made China's eligibility for MFN beginning July 3, 1994, contingent upon its making significant progress on a number of human rights conditions.

Despite campaign pledges to condition MFN on human rights improvements and denunciations of President Bush for "turning its back on those struggling for democracy in China," the President Clinton renewed MFN for China, by executive order, not through legislation.

June 24, 1993

Plot to blow-up critical sites in NYC.—The FBI arrested 9 men, all described as Muslim Fundamentalists on charges of plotting a series of terrorist bombings of prominent sites in and around New York City. Targets included UN Headquarters, the Lincoln and Holland tunnels and busy thoroughfares linking New York City and New Jersey. The case was complicated by the implication of a prominent Muslim cleric, Sheik Abdel Rahman.

Attorney General Reno's decision not to arrest the sheik met with wide criticism. Public pressure ultimately led to his arrest and initiation of deportation action which is still unresolved.

August 18, 1993

Sudan placed on terrorism list.—The U.S. State Department placed Sudan on the list of states that sponsor terrorists. The action restricted U.S. trade with Sudan and prohibited U.S. aid other than humanitarian aid. The action was taken in response to reports that the Sudanese government was allowing its territory to be used as sanctuary for terrorists and to train extremists who commit terrorist acts in other countries. Furthermore, eight individuals linked with the Sudanese government were arrested and charged with planning to bomb the United Nations and other headquarters in New York City.

August 24, 1993

Missile sanctions against China.—The United States determined that China in 1992 had transferred M-II missile-related technology to Pakistan in violation of MTCR guidelines, which China has promised to honor. As a result, the Clinton Administration announced it was imposing sanctions against China. The effect of the August 24 sanctions is to deny for 2 years U.S. Government contracts with the sanctioned entity, and licenses for transfer to the sanctioned entity, for missile equipment or technology listed in the MTCR Annex.

September 10, 1993

Israel-PLO mutual recognition.—Following 9 months of secret negotiations in Norway, Israel and the Palestine Liberation Organization exchanged letters of recognition. The next day, President Clinton announced that the United States would resume the dialogue with the PLO that it had broken off after a June 1990 terrorist incident.

The secret negotiations took place in Norway, and according to the Administration, took them by "surprise." The U.S., to the surprise of many, had no role in this agreement, other than hosting the ceremony.

September 27, 1993

Non-proliferation policy.—The President declared a "higher priority" for non-proliferation, while seeking to expand trade and to build a new consensus to promote effective non-proliferation efforts. He also set a restrictive policy on fissile material, emphasized the importance of extending the Nuclear Non-Proliferation Treaty in 1995, reaffirmed support for the Missile Technology Control Regime, pledged to promote measures to prevent the proliferation of biological and chemical weapons, placed a new emphasis on proliferation issues in regional affairs and in intelligence collection and analysis, and indicated the Administration would review conventional arms transfer policy.

Despite this, the Administration failed to persuade its allies in Cocom to renew that organization. Having gone out of existence on April 1, 1994, export policies of former Cocom member countries, while nominally adhering to the Old Cocom export restriction lists, will revert to individual national discretion. This policy will in turn amount to increased proliferation and the U.S. will have little or no leverage with its allies to stem the flow of dangerous technology to rogue regimes such as Libya, Iran, Iraq, North Korea, and Cuba. In essence, while talking non-proliferation, the Administration is actually proliferating with its ineffective export control policies.

September 27, 1993

Peacekeeping.—President Clinton, addressing the U.N. General Assembly, noted that "U.N. peacekeeping holds the promise to resolve many of this era's conflicts." At the same time, he stated that the "United Nations simply cannot become engaged in every one of the world's conflicts." This seeming disparity in his remarks expresses only a small portion of the debate within the Administration over the past year as it sought to develop a coordinated U.S. policy guidance on the use and support of peacekeeping. That policy guidance, in the form of Presidential Decision Directive 13, is expected to be signed shortly.

After the disastrous U.S. debacle in Somalia, on October 3, 1993, coupled with the string of U.S. casualties leading up to the failed raid, Congress forced the Administration to agree to withdraw from Somalia by March 31, 1994. Not learning from its mistakes, the Administration tried to land peacekeeping troops in Haiti, but they were not allowed to land, having been scared off by crowds of Haitian thugs. Nevertheless, the Administration is still contemplating sending up to 25,000 U.S. troops to Bosnia, and is again talking about sending "U.S. military trainers" to Haiti.

September 30, 1993

National Export Strategy Report.—The Clinton Administration released a report to Congress from the Trade Promotion Coordinating Committee on the measures needed to increase exports. Under the heading "Regulatory Obstacles to Exports" the report focused on export controls and product standards. The report asserted that the telecommunications and computer sectors were most affected by exports controls, and several recommendations were made to liberalize export controls over these commodities.

It is painfully obvious that the Administration is catering to the technology center in Southern California, and this type of export strategy, with an emphasis on erasing export restrictions in these areas will provide more support for a State very important in 1996. The lack of intention to U.S. national security is quite evident.

October 6, 1993

Computer Export Decontrols.—The Commerce Department took the first of several steps to greatly reduce controls on the export of computers and telecommunications equipment. In the first step, exports of computers with an operational speed of 195 MTOPS (Millions Theoretical Operations Per Second) were to be allowed to most free-world destinations with little restriction. The previous speed for control had been 20 MTOPS. At the same time, the Administration announced it would attempt to change the definition of supercomputer from 195 MTOPS to 2000 MTOPS, and to raise the allowed speed to most COCOM proscribed destinations to 500 MTOPS. Machines defined as supercomputers required much more stringent operational and end-use monitoring. Further liberalizations concerning allowable speeds and destinations took place at the end of December 1993, and in February and March 1994.

Even Japan objected to liberalizing the controls to these levels. If the Administration had non-proliferation as a goal, than this decontrol will again run counter to its states policy. Faster and more available computers will allow rogue states to acquire weapons of mass destruction only faster. This is proliferation, not counter-proliferation.

October 11, 1993

Greek National Election.—In a sweeping victory, Socialist Andreas Papandreou, known for his anti-American rhetoric during his 1981–89 term, was returned to power. President Clinton congratulated Papandreou and invited him to the United States. Papandreou had never before been invited and, in his maiden address to parliament, expressed his hope for warm U.S.-Greek relations.

In March 1994, the United States provided diplomatic recognition to the Former Yugoslav Republic of Macedonia, clearly offending Greece, and millions of Greek-Americans, whom the President promised while campaigning in October 1992, that he would not recognize Macedonia until it satisfied numerous Greek concerns.

October 28, 1993

Kashmir Initiatives.—In a background briefing for South Asian journalists in Washington, U.S. Assistant Secretary of State for South Asia Robin Raphel stated the long-standing U.S. view that Kashmir is disputed territory and also questioned the finality of Kashmir's accession to India in 1947. In response, the Indian government lodged a protest and the Indian press exploded with anti-American rhetoric. Raphel's comments and subsequent statements by President Clinton and other Administration officials were part of Administration efforts to promote progress on the decades-old, increasingly dangerous Indo-Pakistani standoff over Kashmir. Such efforts, however, continued to fuel vitriolic reactions in India, where any comments on sensitive subjects such as Kashmir, Punjab, or human rights are viewed as a tilt toward Pakistan in the zero-sum game of South Asian politics. In late March 1994, Raphel held three days of talks in New Delhi in a partially successful effort to ease tensions.

Nevertheless, the Administration offended Indian-Americans, and broke a long-standing American policy by making these statements. Additionally, Administration has offered to sell F-16 fighters to Pakistan, only complicating the situation.

November 22, 1993

South Asia Nuclear Proliferation Initiatives.—In search of avenues to progress on the South Asia nuclear proliferation issue, the Clinton Administration sent to Congress a "discussion draft" of a proposal to eliminate various "country specific" provisions of the Foreign Assistance Act (FAA) of 1961, including Sec. 620E(e), the so-called "Pressler Amendment," under which aid and most arms sales to Pakistan remain cut off since October 1990. The Administration later dropped the proposal as a result of strenuous objections from some Members of Congress. Early in 1994, the Administration began floating a proposal to release F-16 fighter aircraft paid for by Pakistan but blocked because of the Pressler Amendment. In return Pakistan reportedly would be required to agree to cap their nuclear program and open their facilities to inspection by the International Atomic Energy Agency.

This policy only adds more acrimony to U.S.-Indian relations and could in fact, fuel the dispute, perhaps stimulating an arms race in the region, forcing India to seek plans to counter this sale.

1994

February 3, 1994

U.S. Trade Embargo Against Vietnam Lifted.—President Clinton lifted the U.S. trade embargo against Vietnam that had been in effect since 1975. Administration officials cited as justification continued progress with Vietnam in accounting for American missing in action (MIAs) from the Vietnam War. U.S. companies, eager for business opportunities in Vietnam, supported the Administration's decision. Groups representing the families of MIAs were critical, asserting that Vietnam needed to do much more to account for the MIAs. The Vietnamese Government praised the decision and called on the Clinton Administration to grant Vietnam Most Favored Nation (MFN) trade status; but Vietnamese officials warned that they would reject any future U.S. pressure related to human rights conditions inside Vietnam.

Again, the Administration was more concerned with potential business ties, than the lack of total cooperation from Vietnam on the issue of the MIA's.

February 7, 1994

Release of National Drug Control Strategy.—The Administration released its National Drug Control Strategy. The strategy represents a shift in emphasis from international programs to domestic ones. The international strategy constitutes a diminution in the importance of drug trade destruction in relation to other foreign policy issues such as democracy, market-based economic growth, and human rights. It continues to define cocaine as the primary threat and envisions a shift of resources from interdiction beyond U.S. borders and territorial seas towards host nation enforcement programs. The new Federal Drug Control Budget requests $13.18 billion in budget authority for FY1995, an 8.6% increase ($104 billion) over the amount enacted in FY1994. Also, it reflects the Administration's decision to increase funding for demand reduction (prevention and treatment). The FY1995 split for supply reduction and demand reduction is 59% and 41%, respectively, as compared to a 63% and 37% split in FY1994. The FY1995 budget request seeks to restore FY1994 congressional cuts for funding of international narcotics control programs. The new budget request seeks $231.8 million for international programs, a 21.7% increase over FY1994 appropriations levels.

The report that National Drug Control Policy Director Lee Brown released is, just as its title suggests, "interim". This report is full of what "should" be done, and what "can" be done, with few suggestions of what "will" be done. It is more a promotion for the Administration's Health Care proposal and its recently passed National Service bill, than any real plan to carry on the Drug fight. While stating that it is the Administration's goal to fight drugs through crime control, the strategy offers the ill-conceived strategy of gun control, not real crime control.

February 9, 1994

NATO Ultimatum.—After the February 5 mortar attack on the Sarajevo market, the Clinton Administration decided to take further action. Weeks of diplomatic negotiations, had seen the United States and France find common ground on the issue of air strikes. They jointly proposed the February 9 NATO ultimatum, which threatened air attacks against Serbian guns position if the siege continued. President Clinton outlined U.S. strategic and humanitarian interests in taking this action, including preventing the conflict from becoming a wider war, maintaining the credibility of the NATO alliance, curbing destabilizing refugee flows, and responding to the dire humanitarian situation. He also emphasized that only a political solution would end the conflict.

This threat was one of many issued by the Administration. In this case threats worked and forced Serb gunners to pull back from Sarajevo, but only after nearly two years of inaction by the Administration in Bosnia. Further threats by the Administration were ignored and not backed up with force giving the further impression of a U.S. foreign policy weakness.

February 24, 1994

Export Administration Act Proposal.—The Clinton Administration submitted a 99 page draft proposal for extension of the Export Administration Act. According to administration officials, the bill integrated foreign policy, national security and export promotion interests. Its major objectives were supposedly to increase discipline on the imposition of unilateral export controls; establish a preference for multilateral export controls; improve the ability to pursue non-proliferation goals; streamline export license processing; limit controls that would have an "unfair impact" on U.S. exports; and strengthen enforcement mechanisms.

This proposal abandons the idea of protecting U.S. national security, in favor of business. There is no balance between the two in the proposal.

February 26, 1994

Hebron Mosque Massacre.—An Israeli settler killed 30 Palestinian worshippers in a mosque in the West Bank town of Hebron. In protest, Syria, Lebanon, Jordan, and the PLO suspended their participation. President Clinton issued a statement deploring the violence and, to prevent the peace process from derailing, invited Israel and the PLO to send delegations to expedited peace talks in Washington. The United States abstained on votes for 2 paragraphs of U.N. Security Council Resolution 904 condemning the massacre that referred to Jerusalem as "occupied territory." Israel and the PLO subsequently resumed to talks in Egypt.

Amazingly, the Administration did not veto this odious paragraph. They could have done so without endangering the entire resolution, but the Administration was afraid of offending Arafat and the PLO.

March 25, 1994

U.S. Withdrawal From Somalia.—Remaining U.S. military forces withdrew from Somalia. Approximately 50 Marines stayed in Mogadishu to protect the U.S. Embassy there, and about 12 U.S. personnel were still serving in the U.N. headquarters. President Clinton had announced on October 7, 1993 that U.S. forces would be withdrawn by March 31, 1994. The announcement followed the combat deaths of 18 American soldiers in clashes with forces loyal to faction leader Mohammed Farah Aideed on October 3–4.

TRIBUTE TO TEAM FROM PRAIRIE GROVE HIGH SCHOOL COMPETING IN THE "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" PROGRAM

Mr. PRYOR. Madam President, last Saturday, over 1,000 students from 47 States and the District of Columbia were in Washington to compete in the finals of the "We the People . . . The Citizen and the Constitution" program. It is my pleasure today to recognize the students of Prairie Grove High School, who represented the State of Arkansas in this competition.

The team members from Prairie Grove are: Becky Bowerman, Amy Bullock, Nye Carnahan, Tina Carte, Keith Cohea, Todd Copeland, Deanna Dillingham, Jodie Divin, Sommer Faulkenberry, Heather Hall, Kara Ireland, Jolene Key, Adam Morano, Jenny Pearson, Anne Stark, Brian Stark, and Marla Webb.

I would also like to recognize their teacher, Frank Dalmut, who has given so much of his time to these students, as well as the district coordinator, Lacy Randall, and the State coordinator, Barbara Stafford, whose direction on behalf of the program is unparalleled.

Madam President, the "We the People . . . The Citizen and the Constitution" program is supported and funded by Congress. This competition is designed specifically to educate young people about the Constitution and the Bill of Rights. This year's 3-day national competition simulated a congressional hearing in which students' oral presentations were judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

This worthy program is now in its 7th year, and has reached thousands of elementary, middle, and high schools nationwide. We in the Congress do our part by discussing current constitutional issues with both students and teachers. This year, the Thomas Jefferson Commemoration Commission made special presentations to the students in honor of Jefferson's legacy.

Madam President, this past weekend was a very exciting time for all the students and teachers who participated in this competition and their exemplary performance is a great source of pride to all Arkansans.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONSUMER REPORTING REFORM ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will now resume consideration of S. 783, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 783) to amend the Fair Credit Reporting Act, and for other purposes.

The Senate resumed consideration of the bill.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1671

(Purpose: To establish a Privacy Protection Commission)

Mr. SIMON. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 1671.

Mr. SIMON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new title:

TITLE III—PRIVACY PROTECTION COMMISSION

SEC. 301. SHORT TITLE.

This title may be cited as the "Privacy Protection Act of 1994".

SEC. 302. FINDINGS AND PURPOSE.

The Congress finds that—

(1) we live in an age of ever-increasing dependence on electronic data storage, communications, and usage;

(2) vast quantities of data are stored electronically and may be instantly transferred electronically from 1 party to another for business or for other purposes;

(3) the nature of such data allows for the increasing possibility that an individual's privacy rights may be violated;

(4) the technology is growing so rapidly that broader societal consequences may not have been reviewed or studied nor is it clear how the use of such technology will affect existing data systems and their use; and

(5) a United States Privacy Protection Commission should be established to—

(A) ensure that privacy rights of United States citizens in regard to electronic data and fair information practices and principles are not abused or violated;

(B) provide advisory guidance to the public and private sector on matters related to electronic data storage, communication, and usage;

(C) provide the public with a central agency for information and guidance on privacy protections and fair information practices and principles;

(D) advise the Congress on the Federal agencies' implementation of section 552a of title 5, United States Code; and

(E) promote and encourage the adoption of fair information practices and principles in the public and private sector, which should include—

(i) the principle of openness, which provides that the existence of recordkeeping systems and databanks containing information about individuals be publicly known, along with a description of main purpose and uses of the data;

(ii) the principle of individual participation, which provides that each individual should have the right to see any data about him or herself and to correct any data that is not timely, accurate, or complete;

(iii) the principle of data quality, which provides that personal data should be relevant to the purposes for which they are to be used, and data should be timely, accurate, and complete;

(iv) the principle of collection limitation, which provides that there should be limits to the collection of personal data, that data should be collected by lawful and fair means, and that data should be collected, where appropriate, with the knowledge and consent of the subject;

(v) the principle of use limitation, which provides that there are limits to the use of personal data and that data should be used only for purposes specified at the time of collection;

(vi) the principle of disclosure limitation, which provides that personal data should not be communicated externally without the consent of the data subject or other legal authority;

(vii) the principle of security, which provides that personal data should be protected by reasonable security safeguards against such risks as loss, unauthorized access, destruction, use, modification, or disclosure; and

(viii) the principle of accountability, which provides that recordkeepers should be accountable for complying with fair information practices and principles.

SEC. 303. ESTABLISHMENT OF PRIVACY PROTECTION COMMISSION.

There is established the Privacy Protection Commission (referred to in this title as the "Commission").

SEC. 304. PRIVACY PROTECTION COMMISSION.

(a) MEMBERSHIP.—(1) The Commission shall be composed of 3 members who shall be appointed by the President, by and with the advice and consent of the Senate, from among members of the public at large who are qualified for service on the Commission by their knowledge and expertise in—

(A) civil rights and liberties;

(B) law;

(C) social sciences;

(D) computer technology;

(E) business; or

(F) State and local government.

(2) Not more than 2 members of the Commission shall be members of the same political party.

(3) The President shall designate 1 of the members as Chairperson of the Commission.

(b) MEETINGS.—The Chairperson shall preside at all meetings of the Commission, but the Chairperson may designate another member as an acting Chairperson who may preside in the absence of the Chairperson. A quorum for the transaction of business shall consist of at least 2 members present, except that 1 member may conduct hearings and take testimony if authorized by the Commission. Each member of the Commission, including the Chairperson, shall have equal responsibility and authority in all decisions and actions of the Commission, and shall have full access to all information relating to performance of the duties or responsibilities of the Commission, and shall have 1 vote. Action of the Commission shall be determined by a majority vote of the members. The Chairperson or acting Chairperson shall see to the faithful execution of the policies and decisions of the Commission and shall report thereon to the Commission from time to time or as the Commission may direct.

(c) TERMS.—(1) A member of the Commission shall serve for a term of 7 years, except that of members first appointed to the Commission—

(A) the member designated as Chairperson by the President shall be appointed for a term of 7 years;

(B) 1 member shall be appointed for a term of 5 years;

(C) 1 member shall be appointed for a term of 3 years; and

(D) all such terms shall begin on—

(i) January 1, next following the date of the enactment of this title; or

(ii) such date as designated by the President.

(2) A member may continue to serve until a successor is confirmed.

(3) Members shall be eligible for reappointment for a single additional term.

(d) VACANCIES.—(1) Vacancies in the membership of the Commission shall be filled in the same manner in which the original appointment was made.

(2) If there are one or more Commission members in office, vacancies in the membership of the Commission shall not impair the power of the Commission to execute functions and powers of the Commission.

(e) COMPENSATION AND RESTRICTION ON OTHER EMPLOYMENT.—(1) The members of the Commission may not engage in any other employment during their tenure as members of the Commission.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Members of Privacy Protection Commission (5).".

(f) REQUESTS AND RECOMMENDATIONS.—(1) Whenever the Commission submits a budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that request to the Congress.

(2) Whenever the Commission submits a legislative recommendation, testimony, or comment on legislation to the President or Office of Management and Budget, it shall concurrently transmit a copy of such recommendation, testimony, or comment to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendation, testimony, or comment on legislation, to any officer or agency of the

United States for approval, comment, or review, prior to the submission of such recommendation, testimony, or comment to the Congress.

(g) SEAL.—The Commission shall have an official seal which shall be judicially noted.

SEC. 305. PERSONNEL OF THE COMMISSION.

(a) EXECUTIVE DIRECTOR AND GENERAL COUNSEL.—The Commission shall appoint an Executive Director and a General Counsel who shall perform such duties as the Commission determines necessary and appropriate. Such appointment may be made without regard to the provisions of title 5, United States Code. The Executive Director and the General Counsel shall be compensated at a rate not in excess of the rate payable for a position under level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) LIMITATION ON EMPLOYEES.—The Commission is authorized to appoint and fix the compensation of not more than 25 officers and employees (or the full-time equivalent), and to prescribe their functions and duties.

(c) CONSULTANTS.—The Commission may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 306. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) provide leadership and coordination to the efforts of all Federal departments and agencies to enforce all Federal statutes, Executive orders, regulations, and policies that involve privacy or data protection;

(2) maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistency among the operations, functions, and jurisdictions of Federal departments and agencies responsible for privacy or data protection, data protection rights and standards, and fair information practices and principles;

(3) develop model standards, guidelines, regulations, policies, and routine uses for and by Federal, State, and local agencies in implementing the provisions of section 552a of title 5, United States Code;

(4) publish on a regular basis a guide to sections 552 and 552a of title 5, United States Code, and other laws relating to data protection, for use by record subjects;

(5) publish a compilation of agency system of records notices, including an index and other finding aids;

(6) not later than December 1, 1996, make recommendations to the Congress regarding any possible amendments to section 552a of title 5, United States Code, and for improving the coordination between such section and section 552 of such title;

(7) provide active leadership, guidance, education, and appropriate assistance to private sector businesses, organizations, groups, institutions, and individuals regarding privacy, data protection rights and standards, and fair information practices and principles;

(8) develop model privacy, data protection, and fair information practices, principles, standards, guidelines, policies, and routine uses for use by State and local governments and by the private sector; and

(9) upon written request, provide appropriate assistance in implementing privacy, data protection, and fair information practices, principles, standards, guidelines, policies, or routine uses of privacy and data protection, and fair information.

(b) DISCRETIONARY FUNCTIONS.—The Commission may—

(1) issue advisory opinions relating to section 552a of title 5, United States Code, or privacy and data protection practices, principles, standards, guidelines, policies, or routine uses of data at the request of a Federal agency, a data integrity Commission of an agency or business, a court, the Congress, a business, or an individual;

(2) investigate compliance with section 552a of title 5, United States Code, and report on violations of such section to the appropriate agency, the President, the Attorney General, and the Congress;

(3) file comments with the Office of Management and Budget and with the appropriate agency on each proposal to—

(A) amend section 552a of title 5, United States Code, or a regulation promulgated under such section;

(B) create or modify a system of records; or

(C) establish or alter routine uses of such a system;

(4) request an agency to stay—

(A) the establishment or revision of a system of records;

(B) a routine use;

(C) an exemption; or

(D) any other regulation promulgated under section 552a of title 5, United States Code;

(5) review Federal, State, and local laws, Executive orders, regulations, directives, and judicial decisions and report on the extent to which they are consistent with privacy and data protection rights, and fair information practices and principles;

(6) at the request of a Federal, State, or local government agency, a private business, or an individual, provide assistance on matters relating to privacy or data protection;

(7) comment on the implications for privacy or data protection of proposed Federal, State, or local statutes, regulations, or procedures;

(8) propose legislation on privacy or data protection;

(9) accept and investigate complaints about violation of privacy or data protection rights, and fair information practices and principles;

(10) participate in each formal or informal Federal administrative proceeding or process when, in the judgment of the Commission, the action being considered would have a material effect on privacy or data protection, either as a result of direct Government action or as the result of direct Government regulation of others;

(11) petition a Federal agency to take action on a matter affecting privacy or data protection;

(12) conduct, assist, or support research, studies, and investigations on the collection, maintenance, use, or dissemination of personal information, the implications for privacy or data protection of computer, communications, and other technologies, and any other matter relating to privacy or data protection;

(13) assist in the development or implementation of policies designed to provide for the protection of personal information maintained by private sector recordkeepers;

(14) assist United States companies doing business abroad to respond to foreign privacy or data protection laws and agencies;

(15) assist in the coordination of the United States privacy and data protection policies with the privacy and data protection policies of foreign countries; and

(16) cooperate and consult with privacy or data protection commissions, boards, or agencies of foreign governments.

SEC. 307. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—Each department, agency, and instrumentality of the executive branch of the Government, including each independent agency, shall furnish to the Commission upon request made by the Chairperson, such data, reports, and other information as the Commission determines necessary to carry out its functions under this title.

(b) CONFIDENTIALITY.—In carrying out its functions and exercising its powers under this title, the Commission may accept from any Federal agency or other person, any identifiable personal data if such data is necessary to carry out such powers and functions. In any case in which the Commission accepts any such information, it shall provide all appropriate safeguards to ensure that the confidentiality of such information is maintained and that under completion of the specific purpose for which such information is required, the information is destroyed or returned to the agency or person from which it was obtained.

SEC. 308. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may, in carrying out its functions under this title—

(1) conduct inspections;

(2) sit and act at such times and places as it determines necessary;

(3) hold hearings;

(4) take testimony;

(5) require by subpoena the attendance of witnesses and the production of books, records, papers, correspondence, documents, film, and electronic information;

(6) administer oaths; and

(7) make appropriate and necessary expenditures.

(b) SUBPOENAS.—(1) Subpoenas shall be issued only upon an affirmative vote of a majority of all members of the Commission. Subpoenas shall be issued under the signature of the Chairperson or any member of the Commission designated by the Chairperson. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) In the case of a disobedience to a subpoena issued under this title, the Commission may invoke the aid of any district court of the United States in requiring compliance with such subpoena. Any district court of the United States within the jurisdiction where such person is found or transacts business may, in the case of contumacy or refusal to obey a subpoena issued by the Commission, issue an order requiring such person to appear and testify, to produce such books, records, papers, correspondence, documents, films, and electronic information. Any failure to obey the order of the court shall be punished by the court as a contempt of such court.

(c) APPEARANCES.—Appearances by the Commission in judicial and administrative proceedings shall be in its own name.

(d) DELEGATION.—The Commission may delegate any of its functions to such officers and employees of the Commission as the Commission may designate and may authorize such successive redelegations of such functions as it may determine desirable.

(e) ADMINISTRATIVE POWERS.—To carry out this title, the Commission may—

(1) enter into contracts or other arrangements with any State or local government, any agency or department of the United States, or with any individual, firm, association, or corporation; and

(2) establish advisory committees in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 309. REPORTS AND INFORMATION.

In an annual report to the President and the Congress, the Commission shall report on its activities in carrying out the provisions of this title. The Commission shall undertake whatever efforts it may determine to be necessary or appropriate to inform and educate the public of data protection, privacy, and fair information rights and responsibilities.

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $1,500,000 in fiscal year 1995;

(2) $2,000,000 in fiscal year 1996;

(3) $2,500,000 in fiscal year 1997; and

(4) such sums as may be necessary in each succeeding fiscal year thereafter.

Amend the table of contents accordingly.

Mr. SIMON. Madam President, I have discussed this with Senator BRYAN. This is a fairly simple measure in concept. I think we can dispose of it rather quickly. I regret it is being resisted for reasons that I understand have nothing to do with the amendment itself.

I ask unanimous consent that we have a time limit of 20 minutes, 10 minutes on each side.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, we would like to have the short time limit. We have a problem of availability of some of our leadership with respect to the vote. I might need to ask that the unanimous consent request be amended to put the vote back until about 1 o'clock. We would have no objection to a 20-minute time limit. I will discuss with my colleagues the appropriate time for the vote.

Mr. SIMON. I think we can work that out. Frankly, the White House has a bill-signing ceremony on a bill of which I happen to be the chief sponsor. That will take place around 1 o'clock.

So, if we cannot vote, say, by 12:30, then I would prefer, subject to approval of my colleagues, that we put off the vote until 2 or 2:30.

The PRESIDING OFFICER. Is there objection to the revised request?

Mr. BOND. May I inquire, is the unanimous consent request that we have 10 minutes equally divided? I would have no objection to that.

The PRESIDING OFFICER. The Chair understands 20 minutes equally divided with the vote to be held at 2:30.

Mr. SIMON. I ask that no second-degree amendments be in order.

Mr. BRYAN. Madam President, I think what we could do—and I am certainly willing to try to accommodate the distinguished Senator from Illinois because I recognize his time request. I have been asked by the leadership not to agree to a vote at a time certain. I have absolutely no problem with 10 minutes either side.

Let me assure my colleague that we will work to accommodate his schedule on the vote. We recognize that he is not available at 1 o'clock. I think we can work that out. So if we can just have the unanimous consent agreement of 10 minutes either side and that there be no second degree—I am advised by the floor staff that apparently someone has called in and has raised some concerns about the proposed unanimous consent request. I apologize to my colleague. He has been trying to be helpful, as have I. Perhaps if he can proceed with the amendment, then maybe we can work out a time agreement shortly after that.

The PRESIDING OFFICER. Objection is heard. The amendment is before the Senate. The Senator from Illinois is recognized.

Mr. SIMON. Madam President, what this amendment proposes is very simple: That we appoint a three-member privacy commission with no more than 25 employees, $1.5 million authorization the first year that would take a look at the whole question of privacy in our country.

It is very interesting, as you look at the countries that have privacy commissions, 35 countries have privacy commissions right now: Australia, Austria, Belgium, Canada, Czech Republic. You go down the list. Thirty-five countries. We are the biggest user of this kind of information, and we have no privacy commission.

This simply sets up a commission to advise us on where we are going in this field. It is very interesting that the European Community apparently is going to make an advisory to corporations in Europe that they should be careful in providing computer information to the United States because we have no privacy commission and there is no certainty that information can be protected.

The group of people who have endorsed this include the American Association of Retired Persons, the Consumer Federation of America, National Consumers League, Public Citizen, Consumer Research Institute, the American Civil Liberties Union, and the American Library Association.

Very shortly, Madam President, you and I hope we are going to be moving to health care reform. That is going to add a great many more privacy questions in this country.

I think it is essential that we have some protection.

I would add, this is not just PAUL SIMON'S idea. I have a statement of November 18 of last year from Sally Katzen, the Administrator of the Office of Information and Regulatory Affairs at OMB. Let me just read a couple of statements.

As she says:

> Senator Simon's bill responds to an issue of critical importance, protecting the privacy of individuals in an electronic age. The need to protect individual privacy has become increasingly important as we move forward on two major initiatives: Health care reform and national information infrastructure. The success of these initiatives will depend in large part on the extent to which Americans trust the underlying information systems. Recognizing this concern, the National Performance Review has called for a commission to perform a function similar to that envisioned in Senator Simon's proposal.

Mr. BRYAN. Will the distinguished Senator from Illinois yield for a moment?

Mr. SIMON. I would be pleased to yield to the Senator from Nevada.

Mr. BRYAN. I appreciate the Senator's indulgence.

The Senator's effort which he undertook in good faith I believe we are ready to consummate on both sides of the aisle, to agree to a 20-minute debate, 10 minutes equally divided, with no second-degree amendment to follow, and that after the 20 minutes a vote on or with respect to the amendment could occur immediately.

Mr. SIMON. That would put the vote at about 12:10.

Mr. BRYAN. It would do that.

Mr. SIMON. I certainly have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BOND. No objection.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered. The Senator from Illinois.

Mr. BRYAN. I thank the Chair and I thank the Senator from Illinois.

Mr. SIMON. Basically, that is it, Madam President. It is not a complicated issue. We simply have to provide some privacy protection for people. We are not doing that adequately. We are behind other nations, even though we are ahead in the field, in the use of electronics and computers and that sort of thing. I think this makes sense. I hope my colleagues will agree. I recognize the jurisdictional problem we face in this, but I would ask for the yeas and nays, Madam President, at 12:10.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered at 12:10.

Mr. SIMON. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

It is always very difficult for me to resist an amendment offered by my able friend and colleague for whom I had such great respect before I came to the Chamber and even an enhanced respect for him having had the privilege of serving with him and even traveling a bit with him and having a chance to get to know him.

I am forced to oppose this amendment for several reasons. First, this is a measure which the distinguished Senator has introduced and is currently in Governmental Affairs. It has not had a hearing, and so we are really not familiar with the merits. And I do not want to address the merits because I do not feel I am in a position to do so because we have not had that hearing.

It is not, as my colleagues know, germane to the legislation with which we are dealing.

And finally, I would appeal to my colleagues who may be listening that for the past 3 years and then some the able Senator from Missouri, who has been my principal cosponsor, has labored mightily on behalf of this legislation; that this is such a delicately crafted piece of legislation, if the amendment of our friend, the distinguished senior Senator from Illinois, is added to this legislation, it complicates the referral process in the House. As the distinguished Presiding Officer knows, based upon her experience, the referral would then go outside to the Banking Committee and would greatly complicate the prospect of passage which we believe, if we can dispose of the other amendments, looks reasonably good and reasonably soon.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, the floor manager on this side has yielded me a couple of minutes. I rise just to expand upon what Senator BRYAN has already said.

This is, as we know, a very delicately crafted piece of legislation. It has been a long time coming. We have worked hard to get to the point where we have an opportunity to pass it. I am gravely concerned not with the substance of the amendment of my good friend from Illinois but what adding it to this bill would do.

I happen to be the cosponsor, along with the distinguished Senator from Michigan [Mr. RIEGLE], of privacy provisions in the health information modernization and security system. We believe this is an important part of health care. Privacy provisions exist throughout Government agencies as has already been stated.

There is a measure the Senator from Illinois has which I understand has been referred to the Committee on Governmental Affairs. This committee should hold hearings on this matter to determine whether a statutory commission is necessary. I believe that the administration would have the power to appoint by Executive order a commission which could provide the study and review. At a time when we are trying to cut back on the number of commissions and studies, I think they would want to be very careful in the extent to which they get into new commissions and new bodies.

In summary, while I appreciate the interest that the Senator has, this is a very important question. Privacy affects all of us. I would urge my colleagues not to support this amendment because there will be another time and a place for the discussion of the broader privacy concerns. We need to protect consumers who have had misinformation put into their credit information files. To attempt to deal with privacy might endanger that broader goal. Thus, I urge that we not accept the amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Let me say, with all due respect to my two colleagues, I think things can get worked out over on the House side.

We always find a reason not to move ahead. One of the reasons for coming directly to the floor is, frankly, there are people who do not want any restrictions, who do not want this kind of thing to happen. This is not a new idea. The first time this was proposed statutorily was 20 years ago this year by Senator Sam Ervin. He wanted a 5-person advisory board on privacy.

That is all this is, an advisory board. It has no jurisdiction over any—it cannot move into territory where it does not belong, but it can advise agencies how we can secure privacy. It can advise agencies and it can advise the private sector.

I think it is needed. We can work out the House problems on this bill. I support the legislation. I wish to see protection. But when my friend, and he is my friend, from Nevada said this is not germane, this comes much closer to being germane than most amendments we consider on the floor of the Senate. We are talking about protecting people in their electronic records. That is what this bill is about. That is what this amendment is about.

I hope we can approve the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BRYAN. Madam President, may I inquire how much time is remaining under my control?

The PRESIDING OFFICER. Yes. The Senator from Illinois has 7 minutes and 41 seconds remaining, and the Senator from Nevada has 5 minutes and 37 seconds remaining.

Mr. BRYAN. I yield myself 2 minutes.

I say to my friend from Illinois that his concerns about privacy and the potential encroachment by an increasingly sophisticated technological world in which we live are not misplaced, and I share those concerns. Again, I share with him my only concern is the vehicle to which he has chosen to add this amendment. He is certainly within his rights. I understand there may be others who share a different philosophy and perspective and are not interested in moving forward. As the Senator knows, the administration has indicated to us that they are going to, in the very near future, advance their own view in terms of conceptually what should be done with respect to the concept which the Senator from Illinois is seeking to incorporate into this legislation. I think a further reason for us to act with a measure of restraint is to await the administration's proposal so we will know precisely what they have to say about this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Madam President, I will just point out one other thing. We have had several Government studies that have recommended precisely what this amendment does. The 1972 Advisory Committee on Automated Personnel Data, the data systems, Department of Health, Education and Welfare, recommended that we set up a privacy commission—1972, 22 years ago. We are still talking about it now.

In 1975, the Commission on Federal Paperwork, 19 years ago, recommended it. We are still talking about it.

In 1977, the Privacy Protection Study Commission recommended it. We are still talking about it.

I think the time is here to act. I hope we act favorably.

If no one seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FEINGOLD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, I yield the remainder of the time under my control.

Mr. SIMON. Mr. President, I yield the remainder of my time, and I assume that we can then proceed directly to a vote.

Mr. BRYAN. Mr. President, I move to table the pending Simon agreement.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Florida [Mr. GRAHAM] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—77

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Pressler
Reid
Riegle
Rockefeller
Roth
Sarbanes
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—21

Bradley
Daschle
Dodd
Durenberger
Harkin
Hatfield
Jeffords
Johnston
Lautenberg
Leahy
Mathews
Metzenbaum
Moseley-Braun
Packwood
Pell
Pryor
Robb
Sasser
Simon
Wellstone
Wofford

NOT VOTING—2

Graham
Shelby

So the motion to lay on the table was agreed to.

Mr. BRYAN. Mr. President, I move to reconsider the vote.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, I again want to congratulate Senators BRYAN and BOND for their outstanding work on the Consumer Reporting Reform Act of 1994. This is one of the most important pieces of consumer legislation that the Congress will consider this year and it has been my top consumer priority for 1994.

During my tenure as chairman of the Banking Committee, the Banking Committee has taken numerous significant steps to safeguard the public interest and consumers. Among them we have strengthened our fair lending and community investment laws. We have expanded the Home Mortgage Disclosure Act to make data concerning loan applications available to the public, strengthened the Community Reinvestment Act to disclose both ratings and the data behind those ratings and required examiners to refer patterns of mortgage discrimination to the Justice Department for further action.

The Consumer Reporting Reform Act of 1994 continues this line of achievement of the Senate Banking, Housing, and Urban Affairs Committee. The drafting of the Consumer Reporting Reform Act has been a long and difficult process which has taken over 3 years. Numerous interests have had to be extremely carefully balanced.

In addition to the leadership of Senators BRYAN and BOND, I want to acknowledge the excellent staff work that has been done on this bill. While numerous people have had a significant impact on this legislation. I want to particularly acknowledge and thank Andy Vermilye of Senator BRYAN's staff, Maggie Fisher of Senator BOND's staff, Doug Nappi of the Banking Committee staff and, of course, Mark Kaufman of my own and the committee's staff. They have been simply outstanding.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1672

Mr. BRYAN. Mr. President, I send an amendment to the desk on behalf of Senator LEVIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for Mr. LEVIN, proposes an amendment numbered 1672.

Mr. BRYAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

It is the sense of the Senate that: (a) individuals should generally be judged for credit worthiness based on their own credit worthiness and not on the zip code or neighborhood in which they live; and (b) the Federal Trade Commission after consultation with the appropriate Federal banking agencies shall report to the Banking Committee within 6 months as to whether and how the location of the residence of an applicant for unsecured credit is considered by many companies and financial institutions in deciding whether an applicant should be granted credit.

Mr. BRYAN. I would represent to my colleagues this is a sense-of-the-Senate amendment that has been approved on both sides of the aisle.

I yield to my distinguished minority floor manager.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Missouri.

Mr. BOND. This amendment is cleared on our side, and we are ready to accept it.

Mr. LEVIN. Mr. President, the amendment I am offering expresses the sense of the Senate that an individual's creditworthiness should be judged on his or her own credit history and not on where that individual happens to live. The amendment also requests that a report be made to the Banking Committee within 6 months on whether and how location of the residence of an applicant seeking unsecured credit is routinely considered by companies and financial institutions in granting credit.

Mr. President, the stereotyping of consumers based on where they live is a social evil with very negative social consequences. The Congress has been instrumental in formulating legislation that seeks equal credit opportunity for all. If creditworthy persons can be rejected on account of his or her place of residence, our work is incomplete.

When people in a neighborhood or other geographical area are told that the place where they live is the reason or a reason for their being denied credit, that neighborhood or that other geographical area is hurt as well as the people living in it.

Mr. President, credit applicants should be considered on the basis of their individualized creditworthiness and not on the basis of spurious statistical correlations which some companies have decided to utilize as part of a point system in establishing whether or not someone gets credit. The resulting stereotyping and generalizing about certain regions of the country and particular neighborhoods contribute to a vicious cycle which adds to further decay of our cities and communities.

Mr. President, I understand the Banking Committee has no objection to this amendment. I ask unanimous consent that the text of my amendment be printed following my remarks. The amendment is as follows:

It is the sense of the Senate that: (a) individuals should generally be judged for credit worthiness based on their own credit worthiness and not on the zip code or neighborhood in which they live; and (b) the Federal Trade Commission, after consultation with the appropriate Federal banking agencies, shall report to the Banking Committee within 6 months as to whether and how the location of the residence of an applicant for unsecured credit is considered by many companies and financial institutions in deciding whether an applicant should be granted credit.

The PRESIDING OFFICER. Is there further debate? Is there objection to adoption of the amendment? Without objection, the amendment is agreed to.

So the amendment (No. 1672) was agreed to.

Mr. BRYAN. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1673

(Purpose: To make a series of amendments)

Mr. BRYAN. Mr. President, I send to the desk a series of technical amendments on behalf of Senator RIEGLE, Senator BOND, and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for Mr. RIEGLE, for himself, Mr. BRYAN, and Mr. BOND, proposes an amendment numbered 1673.

Mr. BRYAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, strike lines 1 through 13 and insert the following:

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)"; and

(B) by inserting before the semicolon at the end the following: "; (ii) any communication of that information among persons related by common ownership or affiliated by corporate control; or (iii) any communication of information from a credit application by a consumer among persons related by common ownership or affiliated by common corporate control, if (I) it is clearly and conspicuously disclosed to the consumer with the credit application that the information may be communicated among such persons; and (II) the consumer is provided with the option to prohibit such communication (in writing, using a signature line that is separate and distinct from that used for the consumer's consent to the extension of credit) and does not exercise such option";

On page 73, between lines 8 and 9, insert the following new subsection:

(e) EXCLUSION OF CERTAIN COMMUNICATIONS BY EMPLOYMENT AGENCIES FROM DEFINITION OF CONSUMER REPORT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681(a)), as amended by subsections (a) through (d), is amended—

(1) in subsection (d), by adding at the end the following new sentence: "The term also does not include a communication described in subsection (n)."; and

(2) by adding at the end the following:

"(n) COMMUNICATIONS BY EMPLOYMENT AGENCIES EXCLUDED FROM DEFINITION OF CONSUMER REPORT.—For purposes of subsection (d), a communication is described in this subsection if it is a communication—

"(1) that, but for the third sentence of subsection (d), would be an investigative consumer report;

"(2),that is made to a prospective employer for the purpose of—

"(A) procuring an employee for the employer; or

"(B) procuring an opportunity for a natural person to work for the employer;

"(3) that is made by a person that regularly performs such procurement;

"(4) that is not used by any person for any purpose other than a purpose described in subparagraph (A) or (B) of paragraph (2);

"(5) with respect to which—

"(A) the consumer who is the subject of the communication—

"(i) consents orally or in writing to the nature and scope of the communication, before the collection of any information for the purpose of making the communication;

"(ii) consents orally or in writing to the making of the communication to a prospective employer, before the making of the communication; and

"(iii) in the case of consent under clause (i) or (ii) given orally, is provided written confirmation of that consent by the person making the communication, not later than 3 business days after the receipt of the consent by that person;

"(B) the person making the communication does not, for the purpose of making the communication, make any inquiry that if made by a prospective employer of the consumer who is the subject of the communication would violate any applicable Federal or State equal employment opportunity law or regulation; and

"(C) the person making the communication—

"(i) discloses in writing to the consumer who is the subject of the communication, not later than 5 business days after receiving any request from the consumer for such disclosure, the nature and substance of all information in the consumer's file at the time of the request, except that the sources of information that is acquired solely for use in making the communication and actually used for no other purpose need not be disclosed other than under appropriate discovery procedures in the court in which an action is brought; and

"(ii) notifies the consumer who is the subject of the communication, in writing, of the consumer's right to request the information described in clause (i).".

On page 107, line 10, insert "and" after the semicolon.

On page 107, line 22, strike "; and" and insert a period.

Beginning on page 107, strike line 23 and all that follows through the first period on page 108, line 2.

On page 130, line 20, strike "charge or".

At page 117, line 1, delete "Duty" and all that follows through the end of line 8 and insert the following in lieu thereof:

"DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, by not later than 90 days after furnishing the information, notify the agency of the month and year of the commencement of the delinquency which immediately preceded the action.".

Mr. BRYAN. Mr. President, this is a series of technical amendments which we have worked out with my distinguished colleague from Missouri and the chairman of the committee. I do not believe there is any objection.

Mr. BOND. Mr. President, I wish to express once again my thanks to the Senator from Nevada for the efficient and effective way that he and his staff have helped guide this bill. The technical amendments now I believe take care of a number of questions that have been raised. I believe these are all good amendments. We have no objection on this side, and we are ready to accept them.

The PRESIDING OFFICER. Is there further debate? Is there objection to the adoption of the amendment? Without objection, the amendment is agreed to.

So the amendment (No. 1673) was agreed to.

Mr. BRYAN. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BRYAN. Mr. President, there are no further amendments pending, to the best of my knowledge. Let me again say, as I said earlier in the week, that my friend, with whom I have had a relationship dating back to the days when the distinguished occupant of the chair and the two of the floor managers served in a different capacity in our respective States, Senator BOND has been extraordinarily helpful, and I think that everyone needs to know that we would not be in the position we are now awaiting third reading and final passage but for his leadership. I wish to acknowledge personally and publicly that I am profoundly grateful to him and his staff and the consumers of America and the business community that are very much a part of this transaction should be deeply indebted to him for his leadership.

Mr. BOND. Mr. President, I could say the same and even more about Senator BRYAN for his leadership on this issue. As we have seen in previous efforts to pass this measure, it is very complicated. It requires a great deal of balancing of interests. Consumers' rights must be protected, and we must have the access to full, fair, and timely information on credit so that much of the consumer credit operations, whether they be cars, homes or other kinds of lending activities, can go forward in this country.

I believe the bill as it now stands reflects a workable compromise that will move us forward significantly. I believe consumers stand the most to benefit and they will gain from having a much greater assurance that their credit will not be destroyed because of inaccurate or improper information put in their files. And for that they have the Senator from Nevada to thank for his great leadership on this bill.

I do not believe, as the Senator said, that there are more amendments to be offered on this bill. I take this opportunity to urge all of my colleagues to vote for the bill, and we will set the time for the vote. I hope the House would be able to accept this bill. We think the time has come to pass reforms to the Fair Credit Reporting Act.

I express my appreciation first to Senator BRYAN but also to a number of colleagues who have worked with us who have brought to us a number of concerns with the bill. Chairman RIEGLE and Senator D'AMATO deserve our great thanks. Senators HELMS, FAIRCLOTH, COVERDELL, and BENNETT on our side have offered constructive suggestions which we have incorporated. I believe they make this a very good bill. I hope we will see it passed by a significant margin.

Mr. BRYAN. Mr. President, I thank the distinguished Senator from Missouri.

CIVIL PENALTIES

Mr. RIEGLE. Mr. President, our amendment to sections 621(a) and 621(d)(1)(D) of S. 783 would preclude the Federal Trade Commission and the States from obtaining civil penalties for initial violations of section 622(a)(1) relating to the reporting of information by creditors to consumer report agencies. My question is if a creditor is found liable for violation of section 622(a)(1) by either the Commission or the States, and has been put under order, is it the intent of your amendment to preclude the Commission and States from seeking civil penalties for violations of Commission or State orders prohibit such conduct in the future?

Mr. BRYAN. No. While a creditor would be immune from civil penalties for initial violations of section 622(a)(1), it would continue to be subject to civil penalties for violation of Federal Trade Commission or State orders, even if the same conduct would also constitute a violation of section 622(a)(1). The limitation in the amendment only addresses statutory violations, not order violations which are a separate matter. It is critical that the Commission and States be able to vindicate their authority by sanctioning violations of their orders. Therefore, the prohibition on seeking civil penalties is clearly limited to violators of section 622(a)(1) who are not also under Commission or State order.

PRESCREENING

Mr. BRYAN. Mr. President, one of the most important issues in S. 783 deals with the process of prescreening. I am conscious of the needs to balance privacy concerns created by prescreening with the benefit of a firm offer of credit to consumers. In our effort to protect privacy, I recognize that the safety and soundness of financial institutions rests on their ability to efficiently obtain sufficient information to make intelligent credit decisions.

The statutory language of section 103 makes it clear that information not identified or identifiable to an individual consumer may be provided by a credit reporting agency. Such information should not include the credit payment history, credit limit or credit balance of any consumer with any identified creditor or other information that identifies the consumer's relationship and experience with an identified creditor. It is important, however, to unsecured and secured creditors alike, that numerical or other predictors of creditworthiness or other information bearing on the creditworthiness that do not identify the consumer's relationship and experience with any particular creditor be available to the creditor.

All of us here know the bill is a compromise between many parties. We have carefully crafted a sunset of Federal preemption in order to balance industry needs for uniformity with the States' interest in protecting their citizens. In the prescreening area, I note that prescreening operates pursuant to long-standing Federal law and Federal agency interpretation. When State contemplate FCRA legislative actions in future years, they should recognize the inherent federal basis of prescreening and that Congress intends for prescreening to be allowed as provided for in this bill.

The PRESIDING OFFICER. If there is no further debate, under the previous order, the committee substitute is incorporated in the bill, and the bill will be read as such for the third time.

So the committee substitute, as amended, was agreed to and the bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I now ask unanimous consent that the vote on final passage occur at the hour of 2:30 p.m. today, without intervening action, notwithstanding rule 12, paragraph 4.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BRYAN. I now ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

MORNING BUSINESS

Mr. BRYAN. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond the hour of 2:30 p.m. with Senators permitted to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER REPORTING REFORM ACT OF 1994

Mr. BRYAN. Mr. President, I do not see another of our colleagues on the floor who seeks to be recognized.

Let me make an additional comment. Senator BOND, I think has stated the case so well.

This is a piece of legislation which is a victory for the American consumers. It fundamentally changes in the most fair way the burden of correcting misinformation that innocently becomes a part of an individual's credit history. As we began this discussion on Monday, an observation was made that there are 450 million credit reports, histories, in America, and more than 2 billion entries made each month. With that kind of a volume, there are going to be mistakes made. Many of us have common last names. We are in a society which is increasingly mobile and transitory as people move from one part of the country to the other. And as the record has demonstrated in the hearings, and in town hall meetings that Senator BOND and myself and other colleagues have, it has become a consumer nightmare to remove that inaccurate information.

This piece of legislation places the burden to correct that inaccurate information upon the individual that furnishes that information. I believe that this is a fundamental, significant change in the way in which the Consumer Reporting Act has been dealt with; the enactment back in 1970.

So this is really a milestone for consumers. We carefully crafted this so as not to impede the flow of information from those furnished credit because that is essential for consumers to be able to go to get credit, to buy a home, to finance an automobile, to buy an appliance, even in terms of applying for a job or a job promotion. These credit histories are a very integral part of our society. So I think that this is a milestone piece of legislation.

Again, I acknowledge the support of the distinguished senior Senator from Missouri, the ranking member on his side of the aisle, Senator RIEGLE, our chairman.

COMMENDATION OF STAFF

Mr. BRYAN. I would like to say that my staff, Andy Vermilye, in particular, has done just an extraordinary job in working with the very able staff of the Senator from my Missouri. We will not be here without the fine staff work we have had.

Mr. BOND. Mr. President, I was going to save the final accolades to see whether this passes or not. But I believe it will pass.

I want to echo what Senator BRYAN said, and add my sincere thanks and congratulations to him for his leadership.

Andy Vermilye has been outstanding to work with. We spent a great deal of time together working on this problem. It required a lot of good humor and patience to come this point.

I want to single out two people on my staff, Maggie Fisher and John Kamarck, who have worked long and hard. Maggie in particular has been involved in many, many negotiations to assure that we get the best possible bill.

This was a very long and very tedious task. There were times when I thought we would never see the day when we would even be coming to the situation where we would have a vote on final passage.

But I believe the staff should be mentioned, and the others deserve a great deal of thanks because it has been a long and arduous process, but I think a very profitable one.

I will save further congratulations until we see what the final votes are.

I thank the Chair.

Mr. BRYAN. Mr. President, if there are no other Senators seeking recognition at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Florida, I ask that the quorum call be rescinded.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Florida, I move that the Senate be in recess subject to the call of the Chair.

The motion was agreed to, and the Senate, at 1:19 p.m., recessed subject to the call of the Chair.

Whereupon, the Senate reassembled, at 2:30 p.m., when called to order by the Presiding Officer (Mr. REID).

CONSUMER REPORTING REFORM ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislation clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 87, nays 10, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—87

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone

NAYS—10

Bennett
Cochran
Coverdell
Faircloth
Gramm
Hatch
Hutchison
Kassebaum
Mack
McCain

NOT VOTING—3

Dodd
Shelby
Wofford

So, the bill (S. 783), as amended, was passed, as follows:

S. 783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Reporting Reform Act of 1994".

(b) TABLE OF CONTENTS.—The following is a table of contents for this Act:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

Sec. 101. Definitions.
Sec. 102. Furnishing and using reports; use of information obtained from reports.
Sec. 103. Amendments relating to prescreening of consumer reports.
Sec. 104. Amendments relating to obsolete information and information contained in consumer reports.
Sec. 105. Amendments relating to compliance procedures.
Sec. 106. Amendments relating to consumer disclosures.
Sec. 107. Amendments relating to procedures in case of the disputed accuracy of any information in a consumer's file.
Sec. 108. Amendment relating to charges for disclosure.
Sec. 109. Amendments relating to duties of users of consumer reports.
Sec. 110. Amendments relating to civil liability.
Sec. 111. Amendments relating to responsibilities of persons who furnish information to consumer reporting agencies.
Sec. 112. State action to enforce Act.
Sec. 113. Administrative enforcement.
Sec. 114. Establishment of toll-free telephone number.
Sec. 115. Action by FTC.
Sec. 116. Relation to State laws.
Sec. 117. Fair debt collection practices.
Sec. 118. Effective dates.

TITLE II—CREDIT REPAIR ORGANIZATIONS

Sec. 201. Regulation of credit repair organizations.
Sec. 202. Credit worthiness.

TITLE III—FINANCIAL ACCOUNTING STANDARDS BOARD

Sec. 301. Findings.
Sec. 302. New accounting treatment of employee stock options and purchase plans.
Sec. 303. Status.

TITLE IV—MISCELLANEOUS PROVISION

Sec. 401. Securities and Exchange Commission, Seattle district office.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

SEC. 101. DEFINITIONS.

(a) ADVERSE ACTION.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(k) The term 'adverse action', when used in connection with an action based in whole or in part on information contained in a consumer report, means an action that is adverse or less favorable to the interest of the consumer who is the subject of the report. Without limiting the general applicability of the foregoing, the following constitute adverse actions:

"(1) CREDIT.—

"(A) ACTIONS INCLUDED.—A denial or revocation of credit, an increase in the charge for credit, an adverse change in the terms of an existing credit arrangement, or a refusal to grant credit in substantially the amount or on substantially the terms requested.

"(B) ACTIONS NOT INCLUDED.—For the purposes of this paragraph, the term 'adverse action' does not include—

"(i) an attempt to collect a debt owed or allegedly owed;

"(ii) an action taken with respect to a credit or insurance transaction that is not initiated by the consumer if—

"(I) no change is made with respect to the interests of the consumer; or

"(II) a change is made that is not unfavorable to the interests of the consumer; and

"(iii) an action taken with respect to the review of an account under section 604(a)(3)(A), if—

"(I) no change is made with respect to the interests of the consumer; or

"(II) a change is made that is not unfavorable to the interests of the consumer.

"(2) EMPLOYMENT.—A denial of employment or other adverse or less favorable decision relating to employment.

"(3) INSURANCE.—A denial or cancellation of, an increase in any charge for, or reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of insurance.

"(4) LICENSE OR BENEFIT.—A denial or cancellation of, or an increase in any charge for, or any other adverse or unfavorable change in the terms of, any license or benefit described in section 604(a)(3)(D).

"(5) CONSUMER INITIATED BUSINESS TRANSACTION.—A denial or cancellation of, or any other adverse or unfavorable change in the terms of, any business transaction that the consumer has initiated or sought to initiate.".

(b) DEFINITION OF CONSUMER REPORT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the second sentence—

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)"; and

(B) by inserting before the semicolon at the end the following: "; (ii) any communication of that information among persons related by common ownership or affiliated by corporate control; or (iii) any communication of information from a credit application by a consumer among persons related by common ownership or affiliated by common corporate control, if (I) it is clearly and conspicuously disclosed to the consumer with the credit application that the information may be communicated among such persons; and (II) the consumer is provided with the option to prohibit such communication (in writing, using a signature line that is separate and distinct from that used for the consumer's consent to the extension of credit) and does not exercise such option";

(2) in subparagraph (B), by striking "or" after the semicolon at the end; and

(3) in subparagraph (C), by striking the period at the end and inserting the following:

"; or (D) any communication of information about a consumer between persons who are affiliated by common ownership or common corporate control and in connection with a credit or insurance transaction that is not initiated by the consumer, if either person has complied with section 615(d)(2)(B) with respect to a consumer report from which the information is taken and the consumer has consented to use of the report for the transaction in accordance with section 615(d)(2)(C).".

(c) FIRM OFFER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(l) The term 'firm offer' means an offer of credit or insurance to a consumer that will be honored by the offeror if—

"(1) based on information in the consumer report on the consumer or other information bearing on the creditworthiness of the consumer, the consumer is determined to meet the criteria used to select consumers for the offer; and

"(2) the information provided by the consumer in the application in response to the offer—

"(A) is not determined to be incorrect or inadequate; and

"(B) meets the criteria established by the offeror in advance of the offer for such extension of credit or insurance.".

(d) CREDIT OR INSURANCE TRANSACTION THAT IS NOT INITIATED BY THE CONSUMER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a), as amended by subsection (c), is amended by adding at the end the following new subsection:

"(m) The term 'credit or insurance transaction that is not initiated by the consumer' does not include the use of a consumer report by a person with whom the consumer has an account, for purposes of—

"(1) reviewing the account; or

"(2) collecting the account.".

(e) EXCLUSION OF CERTAIN COMMUNICATIONS BY EMPLOYMENT AGENCIES FROM DEFINITION OF CONSUMER REPORT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681(a)), as amended by subsections (a) through (d), is amended—

(1) in subsection (d), by adding at the end the following new sentence: "The term also does not include a communication described in subsection (n)."; and

(2) by adding at the end the following:

"(n) COMMUNICATIONS BY EMPLOYMENT AGENCIES EXCLUDED FROM DEFINITION OF CONSUMER REPORT.—For purposes of subsection (d), a communication is described in this subsection if it is a communication—

"(1) that, but for the third sentence of subsection (d), would be an investigative consumer report;

"(2) that is made to a prospective employer for the purpose of—

"(A) procuring an employee for the employer; or

"(B) procuring an opportunity for a natural person to work for the employer;

"(3) that is made by a person that regularly performs such procurement;

"(4) that is not used by any person for any purpose other than a purpose described in subparagraph (A) or (B) of paragraph (2);

"(5) with respect to which—

"(A) the consumer who is the subject of the communication—

"(i) consents orally or in writing to the nature and scope of the communication, before the collection of any information for the purpose of making the communication;

"(ii) consents orally or in writing to the making of the communication to a prospective employer, before the making of the communication; and

"(iii) in the case of consent under clause (i) or (ii) given orally, is provided written confirmation of that consent by the person making the communication, not later than 3 business days after the receipt of the consent by that person;

"(B) the person making the communication does not, for the purpose of making the communication, make any inquiry that if made by a prospective employer of the consumer who is the subject of the communication would violate any applicable Federal or State equal employment opportunity law or regulation; and

"(C) the person making the communication—

"(i) discloses in writing to the consumer who is the subject of the communication, not later than 5 business days after receiving any request from the consumer for such disclosure, the nature and substance of all information in the consumer's file at the time of the request, except that the sources of information that is acquired solely for use in making the communication and actually used for no other purpose need not be disclosed other than under appropriate discovery procedures in the court in which an action is brought; and

"(ii) notifies the consumer who is the subject of the communication, in writing, of the consumer's right to request the information described in clause (i).".

SEC. 102. FURNISHING AND USING REPORTS; USE OF INFORMATION OBTAINED FROM REPORTS.

(a) USE OF REPORTS FOR EMPLOYMENT AND BUSINESS PURPOSES.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by striking "A consumer reporting agency may furnish" and inserting the following:

"(a) IN GENERAL.—A consumer reporting agency may furnish";

(2) in subsection (a)(3)(A) (as designated by paragraph (1)), by striking "and involving the" and all that follows through the semicolon and inserting "or involving the extension of credit to, or review or collection of a credit or other account of, the consumer;";

(3) in subsection (a)(3) (as designated by paragraph (1)), by striking subparagraph (E) and inserting the following:

"(E) otherwise has a legitimate business need for the information in connection with a business transaction that—

"(i) is initiated by the consumer; or

"(ii) is a direct marketing transaction for which the furnishing of a consumer report by the agency is not prohibited under subsection (e)."; and

(4) by adding at the end the following new subsection:

"(b) CONDITIONS FOR FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—

"(1) CERTIFICATION FROM USER.—A consumer reporting agency may furnish a consumer report for employment purposes only—

"(A) if the person who obtains such report from the agency certifies to the agency that—

"(i) the disclosure required under paragraph (2) has been made and, if necessary, the disclosure required under paragraph (3), shall be made; and

"(ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation; and

"(B) if the consumer reporting agency provides with the report a summary of the consumer's rights under this title, as prescribed in accordance with section 609(c)(3).

"(2) DISCLOSURES TO PROSPECTIVE AND CURRENT EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to a prospective or current employee unless—

"(i) the prospective or current employee has received, before the report is procured, a clear and conspicuous disclosure made in writing that consumer reports may be used for employment purposes; and

"(ii) the prospective or current employee has provided a general or specific written authorization for the procurement of the report prior to such procurement.

"(B) WRITTEN MATERIAL CONSTITUTING NOTICE.—A written statement that consumer reports may be used for employment purposes which is contained in employee guidelines or manuals available to employees and prospective employees or included in written materials provided to employees or prospective employees shall constitute a written disclosure for purposes of subparagraph (A).

"(3) CONDITIONS ON USE FOR ADVERSE ACTIONS.—Before taking an adverse action based on a consumer report used for employment purposes, a person shall provide to the consumer to whom the report relates—

"(A) a copy of the report;

"(B) a description of the consumer's rights under this title, as prescribed in accordance with section 609(c)(3); and

"(C) a reasonable opportunity (not more than 5 business days following the receipt of the report by the consumer) to respond to any information in the report that is disputed by the consumer, except that if the person has a reasonable belief that the consumer has engaged in fraudulent or criminal activity, no such opportunity to respond shall be required.".

(b) USE OF INFORMATION OBTAINED FROM REPORTS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(c) CERTAIN USE OR OBTAINING OF INFORMATION PROHIBITED.—A person shall not use or obtain information from a consumer report for any purpose unless—

"(1) it is obtained for a purpose for which the consumer report is authorized to be furnished under subsection (a); and

"(2) the purpose is certified in accordance with section 607 by a prospective user of the report.".

(c) DISCLOSURE OF CONSUMER REPORTS BY USERS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED.—A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer if adverse action against the consumer has been taken or is contemplated by the user of the consumer report, based in whole or in part on the report.".

(d) USE OF REPORTS TO ESTABLISH AND ENFORCE CHILD SUPPORT ORDERS.—Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsections (a) and (b), is amended by adding at the end the following new paragraph:

"(4) In response to a request from the head of the agency, department, or office (or an official authorized by the head of that agency, department, or office) that is responsible under law for obtaining child support orders, in order to establish an individual's obligation to make child support payments or to determine the appropriate level of such payments. Any consumer report obtained pursuant to this paragraph shall be kept confidential (other than for its use in connection with a public hearing related to child support) and shall not be used in connection with any other civil, administrative, or criminal proceeding.".

SEC. 103. AMENDMENTS RELATING TO PRESCREENING OF CONSUMER REPORTS.

(a) In General.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by section 102, is amended—

(1) in subsection (a), by striking "A consumer reporting agency" and inserting "Subject to subsection (d), a consumer reporting agency"; and

(2) by adding at the end the following new subsection:

"(d) Limitations on Reports Relating to Credit or Insurance Transactions Not Initiated by the Consumer.—

"(1) In general.—A consumer reporting agency may furnish a consumer report relating to a consumer pursuant to subsection (a)(3)(A) to any person referred to in such subsection in connection with any credit or insurance transaction that is not initiated by the consumer only if—

"(A) the consumer authorizes the agency to provide such report to such person; or

"(B)(i) the transaction consists of a firm offer of credit or insurance;

"(ii) the consumer reporting agency has complied with subsection (f); and

"(iii) the consumer has not elected in accordance with subsection (f)(1) to have the consumer's name and address excluded from lists provided by the agency.

"(2) Limits on information received under paragraph (1)(B).—A person may receive pursuant to paragraph (1)(B) only—

"(A) the name and address of a consumer;

"(B) an identifier that is not unique to the consumer and that is used by the person solely for the purpose of verifying the identity of the consumer; and

"(C) information pertaining to a consumer that is not identified or identifiable with the consumer.

"(3) Information regarding inquiries.—Except as provided in section 609(a)(4), a consumer reporting agency shall not furnish to any person a record of inquiries resulting from credit or insurance transactions that are not initiated by a consumer.".

(b) Furnishing Consumer Reports for Direct Marketing Transactions.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsection (a), is amended by adding at the end the following new subsections:

"(e) Furnishing Consumer Reports for Direct Marketing Transactions Not Initiated by Consumer.—

"(1) Furnishing reports prohibited.—Except as provided in subsections (a)(2) and (d), a consumer reporting agency may not furnish a consumer report for use for a direct marketing transaction that is not initiated by the consumer to whom the report relates, if—

"(A) the consumer notifies the agency that the consumer does not consent to that use;

"(B) the report includes any information other than the name and address of the consumer; or

"(C) furnishing the information would disclose the credit payment history, credit limit, credit balance, or any negative information pertaining to the consumer.

"(2) Notification.—A consumer may notify a consumer reporting agency for purposes of paragraph (1)(A) either—

"(A) in writing; or

"(B) in the case of an agency that compiles and maintains files on consumers on a nationwide basis, by calling the toll-free telephone number established pursuant to subsection (f)(3).

"(f) Election of Consumer To Be Excluded From Lists.—

"(1) In general.—A consumer may elect to have such consumer's name and address excluded from any list provided by a consumer reporting agency pursuant to subsection (d)(1)(B) or (e)(2), by—

"(A) notifying the agency, in writing or through the notification system maintained by the agency under paragraph (3), that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any credit or insurance transaction that is not initiated by the consumer or in connection with a direct marketing transaction that is not initiated by the consumer; or

"(B) returning to the agency a signed written notice of the election, as provided by the agency in accordance with paragraph (2).

"(2) Provision of written notice to consumer.—A consumer reporting agency shall mail to a consumer a written notice for purposes of paragraph (1)(B), not later than 5 business days after being notified of the election of the consumer in accordance with paragraph (1)(A).

"(3) Notification system.—Each consumer reporting agency that furnishes a consumer report pursuant to subsection (d)(1)(B) in connection with any credit or insurance transaction that is not initiated by a consumer or pursuant to subsection (e) in connection with any direct marketing transaction that is not initiated by the consumer, shall establish and maintain a notification system, including a toll-free telephone number, which permits a consumer whose consumer report is maintained by the agency to notify the agency, with appropriate identification, of the consumer's election to have the consumer's name and address excluded from any list of names and addresses provided by the agency or its affiliates pursuant to subsection (d)(1)(B) or (e)(2). Establishment and maintenance of a nationwide notification system and publication by a consumer reporting agency on a nationwide basis in accordance with this paragraph shall be considered to fulfill the requirements of this paragraph with respect to each affiliate of the agency.

"(4) Agencies operating nationwide.—Each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system under paragraph (3) jointly with other such consumer reporting agencies.

"(5) Effectiveness of election.—An election of a consumer under paragraph (1)—

"(A) shall be effective with respect to a consumer reporting agency beginning on the date on which the consumer notifies the agency in accordance with paragraph (1)(A);

"(B) shall be effective—

"(i) for a period of 2 years after that effective date; or

"(ii) permanently, as may be specified by the consumer in his or her notification of election under paragraph (1)(B), except that the consumer may notify the agency at any time of a change of election in accordance with paragraph (1);

"(C) shall be effective with respect to each affiliate of the consumer reporting agency; and

"(D) shall be effective with respect to any list provided by a consumer reporting agency pursuant to subsection (d)(1)(B) or (e)(2), unless otherwise specified by the consumer.".

(c) First Notifications by Consumers.—Not later than 1 year after the date of enactment of this Act, each consumer reporting agency that furnishes a consumer report pursuant to subsection (d) or (e) of section 604 shall establish and thereafter maintain a notification system in accordance with section 604(f).

SEC. 104. AMENDMENTS RELATING TO OBSOLETE INFORMATION AND INFORMATION CONTAINED IN CONSUMER REPORTS.

(a) Repeal of Exemption Provisions.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended in subsection (a), by striking "(a) Except as authorized under subsection (b) of this section, no" and inserting "(a) Obsolete Information.—Except as otherwise specifically authorized, no".

(b) Additional Information on Bankruptcy Filings Required.—Section 605(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c(b)) is amended to read as follows:

"(b) Information Required To Be Disclosed.—A consumer reporting agency that furnishes a consumer report that contains information regarding any case involving the consumer which arises under title 11, United States Code, shall include in the report an identification of the chapter of such title 11 under which such case arises if provided by the source of the information. If any case arising or filed under such title 11 is withdrawn by the consumer prior to a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon receipt of documentation certifying such withdrawal.".

(c) Clarification of Reporting Period.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following new subsection:

"(c) Running of Reporting Period.—The 7-year period referred to in paragraphs (4) and (6) of subsection (a) shall begin, with respect to a delinquent account that is placed for collection (internally or by referral to a third party, whichever is earlier), charged to profit and loss, or subjected to any similar action, upon the expiration of the 180-day period beginning on the date of the commencement of the delinquency that immediately preceded the collection activity, charge to profit and loss, or similar action. The requirements of this subsection shall apply only to information added to a consumer report beginning 1 year after the date of enactment of the Consumer Reporting Reform Act of 1994.".

(d) Disclosure of Personal Information.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (c), is amended by adding at the end the following new subsection:

"(d) Disclosure of Personal Information.—A person who prepares a consumer report that includes personal credit information on a consumer shall not include in the report any adverse item of information on the consumer with respect to matters which antedate the report by more than 10 years or which could not be included in any consumer report on the consumer in accordance with this section.".

(e) INDICATION OF CLOSURE OF ACCOUNT.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (d), is amended by adding at the end the following new subsection:

"(e) INDICATION OF CLOSURE OF ACCOUNT BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 622(a)(4) that a consumer's credit account was voluntarily closed by the consumer, the agency shall indicate that fact in any consumer report that includes information related to that account.".

(f) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended to read as follows:

"SEC. 605. REQUIREMENTS RELATING TO INFORMATION CONTAINED IN CONSUMER REPORTS.".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 605 and inserting the following:

"605. Requirements relating to information contained in consumer reports.".

SEC. 105. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) NOTICE TO USERS AND PROVIDERS OF INFORMATION TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e), as amended by section 102(c), is amended by adding at the end the following new subsection:

"(d) NOTICE TO USERS AND FURNISHERS OF INFORMATION.—A consumer reporting agency shall provide notice to a person of such person's responsibilities under this title if such person—

"(1) regularly and in the ordinary course of business furnishes information to the agency with respect to a consumer; or

"(2) is provided by the agency with a consumer report.".

(2) CONTENT OF NOTICE.—Not later than 1 year after the date of enactment of this Act, the Federal Trade Commission shall prescribe the content of notices required under section 607(d) of the Fair Credit Reporting Act, as added by this subsection.

(b) RECORD OF IDENTITY OF USERS AND PURPOSES CERTIFIED BY USERS OF REPORTS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(e) PROCUREMENT OF CONSUMER REPORT FOR RESALE.—

"(1) DISCLOSURE.—A person may not procure a consumer report for purposes of reselling the report (or the information contained in the report) unless the person discloses to the consumer reporting agency that originally furnished the report—

"(A) the identity of the ultimate user of the report (or the information), and

"(B) each permissible purpose under section 604 for which the report will be furnished to the ultimate user of the report (or the information).

"(2) RESPONSIBILITIES OF PROCURERS FOR RESALE.—A person who procures a consumer report for purposes of reselling the report (or the information contained in the report) shall—

"(A) establish and comply with reasonable procedures, which shall be designed to ensure that the report (or the information) is resold by such person only for a purpose for which the report may be furnished under section 604, including—

"(i) identifying each prospective user of the resold report (or the information);

"(ii) certifying each purpose for which the report (or the information) will be used; and

"(iii) certifying that the report (or the information) will be used for no other purpose; and

"(B) before reselling the report, make reasonable efforts to verify the identifications and certifications made under subparagraph (A).".

SEC. 106. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request.".

(b) MORE INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(3)) is amended to read as follows:

"(3)(A) Identification of each person who procured a consumer report—

"(i) for employment purposes during the 2-year period preceding the request; and

"(ii) for any other purpose during the 1-year period preceding the request.

"(B) An identification of a person under subparagraph (A) shall include—

"(i) the name of the person or, if applicable, the trade name (written in full) under which such person conducts business; and

"(ii) upon request of the consumer, the address and telephone number of the person.".

(c) INFORMATION REGARDING INQUIRIES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following new paragraph:

"(4) A record of all inquiries received by the agency during the 1-year period preceding the request that identified the consumer in connection with a credit or insurance transaction that was not initiated by the consumer.".

(d) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

(1) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

"(1) SUMMARY OF RIGHTS.—A consumer reporting agency shall provide to a consumer, on or with each written disclosure by the agency to the consumer under this section—

"(A) a written summary of all rights afforded to the consumer under this title; and

"(B) in the case of a consumer reporting agency that compiles and maintains consumer reports on a nationwide basis, a toll-free telephone number that the consumer can use to communicate with the agency.

"(2) SPECIFIC ITEMS REQUIRED TO BE INCLUDED.—The summary of rights required under paragraph (1) shall include—

"(A) a brief description of this title and all rights of consumers under this title;

"(B) an explanation of how the consumer may exercise the rights of the consumer under this title;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title and the address and any appropriate telephone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency; and

"(D) a statement that a consumer reporting agency is not required to remove accurate derogatory information from a consumer's file unless the information is outdated, as determined in accordance with section 605, or unless the information cannot be verified.

"(3) FORM OF SUMMARY OF RIGHTS.—The Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe the form and content of any disclosure with respect to consumers' rights required to be made by a consumer reporting agency under this title.

"(4) STATE DISCLOSURES.—Notwithstanding paragraphs (1) through (3), a State shall retain the authority to require additional disclosures pertaining to State law in connection with a consumer report. Nothing in this subsection shall be construed to limit the authority of a State to mandate the time by which a disclosure shall be made to a consumer.".

(2) TECHNICAL AMENDMENT.—Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting before the semicolon the following: "and the written summary of the rights of the consumer prepared pursuant to section 609(c)".

(e) FORM OF DISCLOSURES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) are amended to read as follows:

"(a) WRITTEN DISCLOSURE.—The disclosures required to be made under section 609 shall be provided to a consumer in writing.

"(b) OTHER FORMS OF DISCLOSURE.—

"(1) IN GENERAL.—In addition to the written disclosures required by subsection (a), a consumer reporting agency may make the disclosures required under section 609 other than in written form if—

"(A) the consumer authorizes the disclosure;

"(B) the consumer furnishes proper identification to the consumer reporting agency;

"(C) the consumer specifies the form of disclosure; and

"(D) such form of disclosure is available from the agency.

"(2) FORM.—A consumer may specify, pursuant to paragraph (1), that disclosures under section 609 be made—

"(A) in person, upon the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice;

"(B) by telephone, if the consumer has made a written request for disclosure by telephone that includes the proper identification of the consumer, as required by paragraph (1)(B);

"(C) by electronic means, if available from the agency; or

"(D) by any other reasonable means available from the agency.".

(2) SIMPLIFIED DISCLOSURE.—Not later than 90 days after the date of enactment of this Act, each consumer reporting agency shall develop a form on which such consumer reporting agency shall make the disclosures required under section 609(a) of the Fair Credit Reporting Act, for the purpose of maximizing the comprehensibility and standardization of such disclosures.

(3) GOALS.—The Federal Trade Commission shall take appropriate action to assure that the goals of comprehensibility and standardization are achieved in accordance with paragraph (2).

(4) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—The section heading for section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended to read as follows:

"SEC. 610. CONDITIONS AND FORM OF DISCLOSURE TO CONSUMERS.".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 610 by inserting the following:

"610. Conditions and form of disclosure to consumers.".

SEC. 107. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) IN GENERAL.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended to read as follows:

"(a) REINVESTIGATION OF DISPUTED INFORMATION.—

"(1) IN GENERAL.—If the completeness or accuracy of an item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of such dispute, the agency shall reinvestigate free of charge and record the current status of the disputed information before the later of—

"(A) the expiration of the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer; or

"(B) the expiration of the 15-day period beginning on the last date on which the agency receives relevant information submitted by the consumer in accordance with paragraph (4).

"(2) PROMPT NOTICE OF DISPUTE TO FURNISHER OF INFORMATION.—Not later than 5 business days after the date on which a consumer reporting agency receives notice of a dispute from a consumer in accordance with paragraph (1), the agency shall notify any person who provided any item of information in dispute at the address and in the manner established with the person.

"(3) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency reasonably determines that the dispute raised by the consumer is frivolous or irrelevant, including by reason of a failure to provide sufficient information to investigate the dispute.

"(B) NOTICE OF DETERMINATION.—Not later than 5 business days after making a determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a consumer reporting agency shall mail to the consumer a written notification of such determination (including the reasons for the determination), and, if authorized by the consumer for that purpose, notification by any other means available to the agency.

"(4) CONSIDERATION OF CONSUMER INFORMATION.—In conducting any reinvestigation under paragraph (1) with respect to disputed information in the file of a consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer during the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer.

"(5) DELETION OF INACCURATE OR UNVERIFIABLE INFORMATION.—

"(A) IN GENERAL.—If, in the course of a reinvestigation under paragraph (1) of any information disputed by a consumer, an item of the information is found to be inaccurate or cannot be verified, the consumer reporting agency shall delete that item of information from the consumer's file.

"(B) REQUIREMENTS RELATING TO REINSERTION OF PREVIOUSLY DELETED MATERIAL.—

"(i) CERTIFICATION OF ACCURACY OF INFORMATION.—If any information is deleted from a consumer's file pursuant to subparagraph (A), the information may not be reinserted in the file after the deletion unless the person who furnishes the information certifies that the information is complete and accurate.

"(ii) NOTICE TO CONSUMER.—If any information that has been deleted from a consumer's file pursuant to subparagraph (A) is reinserted in the file in accordance with clause (i), the consumer reporting agency shall, not later than 5 business days after such reinsertion, mail to the consumer written notification of the reinsertion, and, if authorized by the consumer for that purpose, shall provide such notice by any other means available to the agency.

"(iii) CONTENTS.—The notice of reinsertion required under clause (ii) shall include—

"(I) all information prescribed in clauses (iii) and (v) of paragraph (6)(B);

"(II) a description of the procedure used to make the finding that the information should be reinserted; and

"(III) the name, business address, and telephone number of any furnisher of information contacted in connection with such information.

"(C) PROCEDURES TO PREVENT REAPPEARANCE.—A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is required to be deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(i)).

"(6) NOTICE OF RESULTS OF REINVESTIGATION.—

"(A) IN GENERAL.—A consumer reporting agency shall mail to the consumer written notification of the results of a reinvestigation under this subsection not later than 5 business days after the completion of the reinvestigation, and, if authorized by the consumer for that purpose, shall provide notification by other means available to the agency.

"(B) CONTENTS.—As part of or in addition to the notice under subparagraph (A), a consumer reporting agency shall provide to a consumer in writing during the 5-business-day period referred to in subparagraph (A)—

"(i) a statement that the reinvestigation is completed;

"(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

"(iii) a description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

"(iv) in any case in which disputed information is found to be accurate and complete (and in any other case upon request by the consumer), a description of the procedure used to make the finding and the name, business address, and telephone number of any furnisher of information contacted in connection with such information;

"(v) a notification that the consumer has the right to insert a statement in such consumer's file disputing the accuracy or completeness of the information in the file; and

"(vi) a clear and conspicuous notification of the right of the consumer to request under subsection (d) that the consumer reporting agency furnish notifications under that subsection.

"(7) DESCRIPTION OF REINVESTIGATION PROCEDURE.—Not later than 15 days after receiving a request from the consumer for a description referred to in paragraph (6)(B)(iv), the consumer reporting agency shall provide such description to the consumer.

"(8) EXCEPTION.—If the dispute is resolved by the deletion of the disputed information not later than 3 business days after the date on which the consumer reporting agency receives notice of the dispute in accordance with paragraph (1), the consumer reporting agency shall be exempt from the requirements of paragraphs (2) and (6) if the consumer reporting agency—

"(A) provides prompt notification of the deletion to the consumer by telephone;

"(B) provides written confirmation of the deletion, upon request by the consumer; and

"(C) maintains reasonable procedures designed to prevent the reappearance in the consumer's file, and in reports on the consumer, of information deleted pursuant to paragraph (5).

"(9) CONSIDERATION OF CONSUMER DOCUMENTATION.—

"(A) IN GENERAL.—Reinvestigation under this section shall include an acceptance of the consumer's version of the disputed information and correction or deletion of the disputed information, if the consumer submits to the consumer reporting agency documentation obtained from the source of the information in dispute confirming that the disputed information in the consumer report is inaccurate or incomplete.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the consumer reporting agency need not accept the consumer's version of the disputed information if the consumer reporting agency, acting in good faith—

"(i) has reason to doubt the authenticity of the documentation submitted by the consumer;

"(ii) reinvestigates the dispute by contacting the source of the disputed item; and

"(iii) verifies that the documentation is not authentic.

"(10) INFORMATION FROM CONSUMER.—Nothing in paragraph (1)(B) or paragraph (4) shall be construed to require a consumer to provide information in connection with a reinvestigation under this section.".

(b) CONFORMING AMENDMENT.—Section 611(d) of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "The consumer reporting agency shall clearly" and all that follows through the end of the subsection.

SEC. 108. AMENDMENT RELATING TO CHARGES FOR DISCLOSURE.

(a) IN GENERAL.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended to read as follows:

"SEC. 612. CHARGES FOR DISCLOSURES AND CERTAIN NOTICES PROHIBITED.

"(a) FREE CONSUMER REPORTS.—Each consumer reporting agency that maintains a file on a consumer shall make all disclosures pursuant to section 609 without charge to the consumer—

"(1) if the consumer makes a request under section 609 not later than 60 days after receipt by such consumer of a notification pursuant to section 615 or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected;

"(2) upon written request by the consumer not later than 1 year after the consumer receives a notification under subsection (b)(2); and

"(3) if the consumer certifies in writing that the consumer—

"(A) is unemployed and intends to apply for employment during the 60-day period beginning on the date on which such certification is made;

"(B) is a recipient of public welfare assistance; or

"(C) has been the victim of fraud.

"(b) Charge for Certain Notices Prohibited.—A consumer reporting agency shall not impose any charge on the consumer for—

"(1) providing a notice required under section 604(f)(2), 607(d), or 611(a); or

"(2) notifying a person pursuant to section 611(d) of the deletion of information that is found to be inaccurate or that can no longer be verified, if the consumer designates that person to the agency before the end of the 30-day period beginning on the date of the notification of the consumer under section 611(a)(6).

"(c) Consumer Reports at Specified Charge.—

"(1) In general.—Upon the written request of a consumer, a consumer reporting agency that maintains a file on the consumer shall make all disclosures pursuant to section 609 once during any 12-month period at the applicable charge described in paragraph (2).

"(2) Applicable charge.—For purposes of paragraph (1), the applicable charge shall not exceed the lesser of—

"(A) the total costs incurred by the consumer reporting agency in making the disclosures; and

"(B) $3.".

(b) Clerical Amendment.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 612 and inserting the following:

"612. Charges for disclosures and certain notices prohibited.".

SEC. 109. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS.

(a) Duties of Users Taking Adverse Actions.—Section 615(a) of the Fair Credit Reporting Act (15 U.S.C. 1681m(a)) is amended to read as follows:

"(a) Duties of Users Taking Adverse Actions on the Basis of Information Contained in Consumer Reports.—If a person takes any adverse action with respect to a consumer in connection with credit, employment purposes, insurance underwriting, any license or benefit described in section 604(a)(3)(D), or any business transaction involving the consumer that is based, in whole or in part, on any information contained in a consumer report, the person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide to the consumer—

"(A) the name, address, and telephone number (including any available toll-free telephone number) of the consumer reporting agency that furnished the report to the person; and

"(B) a statement that the consumer reporting agency did not make the decision to take the adverse action; and

"(3) provide to the consumer a written notice of the consumer's right—

"(A) to obtain, under section 612, a free copy of a consumer report on the consumer, from the consumer reporting agency referred to in paragraph (2); and

"(B) to dispute, under section 611, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency.".

(b) Duties of Users Who Make Certain Solicitations.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

"(d) Duties of Users Who Make Written Credit or Insurance Solicitations on the Basis of Information Contained in Consumer Files.—

"(1) In general.—A person who uses a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance shall provide on or with any written solicitation made to the consumer regarding the transaction a clear and conspicuous statement that—

"(A) information contained in the consumer's consumer report was used in connection with the transaction;

"(B) the consumer received the offer of credit or insurance because the consumer satisfied the criteria for creditworthiness under which the consumer was selected for the offer;

"(C) if applicable, the credit or insurance may not be extended if, after the consumer responds to the offer by submitting an application, the consumer—

"(i) fails to provide correct and adequate information in such application; or

"(ii) does not meet the criteria established in advance of the offer for such extension of credit or insurance;

"(D) no criteria for creditworthiness will be imposed on the consumer other than the criteria established in advance of the offer for such extension of credit or insurance;

"(E) the consumer has a right to prohibit information contained in the consumer's file with a consumer reporting agency to be used in connection with any credit or insurance transaction that is not initiated by the consumer; and

"(F) the consumer may exercise the right referred to in subparagraph (E) by using the joint notification system established under section 604(f)(4) or the toll-free telephone number established pursuant to section 604(f)(3).

"(2) Limitation on application.—Paragraph (1) does not apply to the use of a consumer report by a person if—

"(A) the person is affiliated by common ownership or by common corporate control with the person who procured the report;

"(B) the person who procured the report clearly and conspicuously disclosed to the consumer to whom the report relates, before the report is provided to the person who will use the report, that the report might be provided to and used by other persons who are affiliated in the manner described in subparagraph (A) to the person who procured the report; and

"(C) the provision and use of the report is consented to by the consumer in writing.

"(3) False and misleading statements.—No statement accompanying a credit or insurance transaction that is not initiated by the consumer shall contain any false or misleading information concerning any condition or criteria for the extension or offer of credit or insurance to the consumer.

"(4) Maintaining criteria on file.—A person who makes an offer of credit or insurance to a consumer under a credit or insurance transaction described in paragraph (1) shall maintain on file the criteria established in advance of the offer for such extension of credit or insurance until the expiration of the 3-year period beginning on the date on which the offer is made to the consumer.".

(c) Duties of Users for Direct Marketing Transactions Not Initiated by Consumers.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by subsection (b), is amended by adding at the end the following new subsection:

"(e) Duties of Users for Direct Marketing Transactions Not Initiated by Consumers.—A person who, in connection with a direct marketing transaction that is not initiated by a consumer, uses information concerning the consumer that is provided by a consumer reporting agency to that person under section 604(e) shall provide to the consumer with each communication regarding the transaction made to the consumer a clear and conspicuous written statement—

"(1) that information concerning the consumer that was provided by a consumer reporting agency was used in connection with the transaction;

"(2) that the consumer has the right under section 604(e) to prohibit any information concerning the consumer from being provided by the consumer reporting agency for use in connection with any direct marketing transaction that is not initiated by the consumer;

"(3) that the consumer may exercise the right referred to in paragraph (2) by notifying the consumer reporting agency in writing or, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(f)(4), by calling that number; and

"(4) disclosing the name, address, and, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(f)(4), the toll-free telephone number at which the agency may be notified.".

(d) Affiliate Sharing Notice Requirement.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by subsections (b) and (c), is amended by adding at the end the following new subsection:

"(f) Affiliate Sharing Notice Requirement.—Whenever credit or insurance for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased, either wholly or partly because of information that is furnished to the user of the information by a person related to the user by common ownership or affiliated by corporate control, and that bears upon the consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall—

"(1) notify the consumer of the action, and upon a written request from the consumer for the reasons for such action that is received by the user not later than 60 days after transmitting such notice, not later than 30 days after receiving such request, disclose the nature of the information to the consumer; and

"(2) provide to the consumer a toll-free telephone number that is established and maintained by the user and that enables the consumer to contact the user regarding the action.".

SEC. 110. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) Willful Failure To Comply.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended to read as follows:

"SEC. 616. CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE.

"(a) In General.—Except as provided in section 622(c), a person who willfully fails to comply with any requirement imposed under this title with respect to a consumer is liable to that consumer in an amount prescribed under subsection (b).

"(b) Damages.—Liability for a willful failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) an amount not less than $300 nor greater than $1,000;

"(3) such punitive damages as the court may allow; and

"(4) in the case of a successful action to enforce any liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court.

"(c) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to such pleading, motion, or other paper.".

(b) NEGLIGENT FAILURE TO COMPLY.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended to read as follows:

"SEC. 617. CIVIL LIABILITY FOR NEGLIGENT NONCOMPLIANCE.

"(a) IN GENERAL.—Except as provided in section 622(c), a person who is negligent in failing to comply with any requirement of this title with respect to a consumer shall be liable to that consumer in an amount prescribed in subsection (b).

"(b) DAMAGES.—Liability for a negligent failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damage sustained by a consumer as a result of the failure; and

"(2) in the case of any successful action to enforce liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court.

"(c) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to such pleading, motion, or other paper.".

SEC. 111. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) by redesignating sections 622 and 623 as sections 623 and 624; and

(2) by inserting after section 621 the following new section:

"SEC. 622. RESPONSIBILITIES OF FURNISHERS OF INFORMATION TO CONSUMER REPORTING AGENCIES.

"(a) DUTY OF FURNISHERS OF INFORMATION TO PROVIDE COMPLETE AND ACCURATE INFORMATION.—

"(1) IN GENERAL.—A person shall not furnish any information to a consumer reporting agency if the person knows or should know the information is incomplete or inaccurate.

"(2) DUTY TO CORRECT AND UPDATE INFORMATION AFTER REINVESTIGATION.—A person who furnishes to a consumer reporting agency information that is disputed by a consumer in accordance with section 611 and that, as a result of an investigation conducted in accordance with subsection (b), is determined by the person to be inaccurate or incomplete shall—

"(A) promptly notify the consumer reporting agency of that determination; and

"(B) provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate.

"(3) DUTY TO CORRECT INFORMATION OTHERWISE DETERMINED TO BE INACCURATE OR INCOMPLETE.—A person who regularly and in the ordinary course of business furnishes to a consumer reporting agency information that, other than as a result of an investigation conducted in accordance with subsection (b), is determined by the person to be inaccurate or incomplete shall—

"(A) promptly notify the consumer reporting agency of that determination; and

"(B) provide to the agency any corrections to that information, or any additional information, necessary to make the information provided by the person to the agency complete and accurate.

"(4) DUTY TO PROVIDE NOTICE OF CONTINUING DISPUTE.—If the completeness or accuracy of any information furnished by any person to a consumer reporting agency continues to be disputed by the consumer to such person, that person shall not furnish the information to a consumer reporting agency without notice that such information is disputed by the consumer.

"(5) DUTY TO PROVIDE NOTICE OF CLOSED ACCOUNTS.—A person who regularly furnishes information to a consumer reporting agency regarding a consumer who has a credit account with that person shall notify the agency of the closure of that account by the consumer in information regularly furnished for the period in which the account is closed.

"(6) DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, by not later than 90 days after furnishing the information, notify the agency of the month and year of the commencement of the delinquency which immediately preceded the action.

"(b) DUTIES OF FURNISHERS OF INFORMATION UPON NOTICE OF DISPUTE.—Upon receiving notice pursuant to section 611(a)(2) of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall—

"(1) complete an investigation with respect to the disputed information and report to the consumer reporting agency the results of that investigation before the end of the applicable period under section 611(a), during which the consumer reporting agency is required to complete actions required by that section regarding that information; and

"(2) review relevant information submitted to the consumer reporting agency by the consumer in accordance with section 611(a)(4).

"(c) LIMITATIONS.—

"(1) LIMITATION ON LIABILITY.—Sections 616 and 617 do not apply to any failure to comply with paragraph (1), (3), (4), (5), or (6) of subsection (a).

"(2) ENFORCEMENT.—Paragraphs (1), (3), (4), (5), and (6) of subsection (a) shall be enforced exclusively under section 621 by the agencies identified in that section.

"(3) INJUNCTIVE RELIEF.—In an action alleging a violation of subsection (a)(1), the court shall have jurisdiction to enjoin the violation only where the action is brought by the Federal Trade Commission or the attorney general of a State.".

(b) CLERICAL AMENDMENT.—The table of sections for title VI of the Consumer Credit Protection Act is amended—

(1) by redesignating the items relating to sections 622 and 623 as sections 623 and 624, respectively; and

(2) inserting after the item relating to section 621 the following new item:

"622. Responsibilities of furnishers of information to consumer reporting agencies.".

SEC. 112. STATE ACTION TO ENFORCE ACT.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

"(d) STATE ACTION TO ENFORCE TITLE.—

"(1) IN GENERAL.—If a person violates any requirement imposed under this title, the chief law enforcement officer of the State in which such violation occurred (or an official or agency designated by that State) may bring an action—

"(A) to restrain such violation;

"(B) to recover amounts for which such person is liable under this title to each consumer on whose behalf the action is brought;

"(C) to seek such remedies as are allowed under the laws of such State; or

"(D) except in the case of a violation of section 622(a)(1), to collect a civil penalty of not more than $1,000 for each such violation.

"(2) NOTICE.—The State shall serve prior written notice of any civil action under this subsection upon the Commission and provide the Commission with a copy of the complaint. If prior notice is not feasible, the State attorney general shall provide notice immediately upon initiating the action. Upon receiving notice of a civil action under this section, the Commission shall have the right—

"(A) to intervene in the action;

"(B) upon so intervening, to be heard on all matters arising therein; and

"(C) to file petitions for appeal.".

SEC. 113. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—Section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a)) is amended in the second sentence—

(1) by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to a consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Federal Trade Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection and not subject to enforcement pursuant to section 8 of the Federal Deposit Insurance Act, irrespective"; and

(2) by inserting before the period ", including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, except that no civil penalty may be imposed for a violation of section 622(a)(1)".

(b) FEDERAL RESERVE BOARD INTERPRETIVE AUTHORITY.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), as amended by section 112, is amended by adding at the end the following new subsection:

"(e) INTERPRETIVE AUTHORITY.—The Board of Governors of the Federal Reserve System may issue an interpretation of any provision of this title as it may apply to any person identified in paragraph (1), (2), or (3) of subsection (b), and the holding companies and affiliates of such person, in consultation with the Federal agencies identified in paragraph (1), (2), or (3) of subsection (b).".

SEC. 114. ESTABLISHMENT OF TOLL-FREE TELEPHONE NUMBER.

Not later than 1 year after the date of enactment of this Act, each consumer reporting agency that compiles and maintains consumer reports on a nationwide basis shall establish, and thereafter maintain, a toll-free telephone number for the purpose of making agency personnel accessible to consumers pursuant to section 609(c)(1)(B) of the Fair Credit Reporting Act.

SEC. 115. ACTION BY FTC.

Not later than 270 days after the date of enactment of this Act, the Federal Trade Commission shall prescribe all matters required to be prescribed by the Federal Trade Commission under this title and the amendments made by this title.

SEC. 116. RELATION TO STATE LAWS.

Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) (as redesignated by section 111 of this Act) is amended—

(1) by striking "This title" and inserting the following:

"(a) IN GENERAL.—This title";

(2) by inserting ", and except as provided in subsection (b)" before the period at the end; and

(3) by adding at the end the following new subsection:

"(b) EXCEPTIONS.—

"(1) STATE LAW.—No requirement or prohibition may be imposed under the laws of any State—

"(A) with respect to any subject matter regulated under—

"(i) section 604(d), relating to the prescreening of consumer reports;

"(ii) section 605, relating to obsolete information, except that this clause does not affect the applicability of any State law in effect on the date of enactment of the Consumer Reporting Reform Act of 1994;

"(iii) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, except that this clause does not affect the applicability of any State law in effect on the date of enactment of the Consumer Reporting Reform Act of 1994;

"(iv) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report; or

"(v) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance;

"(B) with respect to the exchange of information among persons affiliated by common ownership or common corporate control; or

"(C) with respect to the form and content of any disclosure required to be made under section 609(c).

"(2) DEFINITION OF 'FIRM OFFER OF CREDIT'.—Notwithstanding the definition of the term 'firm offer of credit' (or any equivalent term) under the laws of any State, the definition of that term contained in section 603(l) shall be construed to apply in the enforcement and interpretation of the laws of any State governing consumer reports.

"(3) FTC MODIFICATION PERMITTED.—If it considers such action necessary for the protection of consumers, the Federal Trade Commission may, after consultation with each Federal agency referred to in section 621(b) and with appropriate State regulatory and law enforcement agencies, promulgate regulations in accordance with section 553 of title 5, United States Code, to impose requirements—

"(A) that are more stringent than those imposed under—

"(i) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file;

"(ii) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report; or

"(iii) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance; and

"(B) with respect to the form and content of any disclosure required to be made under section 609(c).

"(4) APPLICABILITY.—Notwithstanding any other provision of this subsection, beginning 6 years after the date of enactment of the Consumer Reporting Reform Act of 1994, a State may adopt a law, or certify that the voters of the State have voted in favor of a constitutional or other provision, which states explicitly and by its terms that the law or provision is intended to supplement this Act, if the law or provision gives greater protection to the consumer than is provided under this Act.".

SEC. 117. FAIR DEBT COLLECTION PRACTICES.

Section 807(11) of the Fair Debt Collection Practices Act (15 U.S.C. 1692e(11)) is amended to read as follows:

"(11) Except as otherwise provided for communications to acquire location information under section 804, the failure to disclose clearly in the initial written communication with a consumer in connection with the collection of a debt or to obtain information about a consumer, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose.".

SEC. 118. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall become effective 1 year after the date of enactment of this Act.

(b) EXCEPTIONS.—Notwithstanding the provisions of subsection (a), the Federal Trade Commission may prescribe regulations, as required by this title and the amendments made by this title.

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"Sec.
"401. Short title.
"402. Findings and purposes.
"403. Definitions.
"404. Prohibited practices by credit repair organizations.
"405. Disclosures.
"406. Credit repair organizations contracts.
"407. Right to cancel contract.
"408. Noncompliance with this title.
"409. Civil liability.
"410. Administrative enforcement.

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Credit Repair Organizations Act'.

"SEC. 402. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) consumers have a vital interest in establishing and maintaining their creditworthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations that offer to improve the credit standing of such consumers; and

"(2) certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly consumers who have limited economic means and who are inexperienced in credit matters.

"(b) PURPOSES.—The purposes of this title are—

"(1) to ensure that prospective buyers of the services of credit repair organizations are provided with the information necessary to make an informed decision regarding the purchase of such services; and

"(2) to protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"SEC. 403. DEFINITIONS.

"For purposes of this title, the following definitions shall apply:

"(1) CONSUMER.—The term 'consumer' means an individual.

"(2) CONSUMER CREDIT TRANSACTION.—The term 'consumer credit transaction' means any transaction in which credit is offered or extended to an individual for personal, family, or household purposes.

"(3) CREDIT REPAIR ORGANIZATION.—The term 'credit repair organization'—

"(A) means a person who uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person can or will sell, provide, or perform) any service, in return for the payment of money or other valuable consideration, for the express or implied purpose of—

"(i) improving a consumer's credit record, credit history, or credit rating;

"(ii) removing adverse credit information that is accurate and not obsolete from the consumer's record, history, or rating;

"(iii) altering the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete; or

"(iv) providing advice or assistance to a consumer with regard to any activity or service described in clause (i), (ii), or (iii); and

"(B) does not include—

"(i) a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; or

"(ii) an attorney at law who is a member of the bar of the highest court of any State or otherwise licensed under the laws of any State, with respect to services rendered that are within the scope of regulations applicable to members of such bar or such licensees.

"(4) CREDIT.—The term 'credit' has the same meaning as in section 103 of the Truth in Lending Act.

"SEC. 404. PROHIBITED PRACTICES BY CREDIT REPAIR ORGANIZATIONS.

"No credit repair organization, and no officer, employee, agent, or other person participating in the conduct of the affairs of a credit repair organization, may—

"(1) receive any money or other valuable consideration for the performance of any service that the credit repair organization has agreed to perform for a consumer before such service is fully performed;

"(2) make any statement, or counsel or advise a consumer to make any statement, that is untrue or misleading (or that, upon the exercise of reasonable care, should be known by the credit repair organization, officer, employee, agent, or other person to be untrue or misleading) with respect to the consumer's credit history, credit rating, or credit standing to—

"(A) any consumer reporting agency (as defined in section 603(f)); or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(3) make any statement, or counsel or advise a consumer to make any statement, the intended effect of which is to alter the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete to—

"(A) any consumer reporting agency; or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(4) make or use any untrue or misleading representation of the services of the credit repair organization; or

"(5) engage, directly or indirectly, in any act, practice, or course of business that constitutes or results in the commission of, or an attempt to commit, a fraud or deception on a person in connection with the offer or sale of the services of the credit repair organization.

"SEC. 405. DISCLOSURES.

"(a) DISCLOSURE REQUIRED.—Before any contract or agreement between a consumer and a credit repair organization is executed, the credit repair organization shall provide the consumer with the following written statement:

"'Consumer Credit File Rights Under State and Federal Law

"'You have a right to dispute inaccurate information in your consumer report by contacting the credit bureau directly. However, neither you nor any "credit repair" company or credit repair organization has the right to have accurate, current, and verifiable information removed from your consumer report. The credit bureau must remove accurate, negative information from your report only if it is over 7 years old. Bankruptcy information can be reported for 10 years.

"'You have a right to obtain a copy of your consumer report from a credit bureau. You are entitled to receive a free copy of your credit report if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your consumer report during the preceding 60 days. You are also entitled to receive a free copy of your credit report if you are unemployed and intend to apply for employment during the next 60 days, if you are a recipient of public welfare assistance, or if you have been the victim of fraud. Otherwise, you may be charged a reasonable fee. The credit bureau must provide someone to help you interpret the information in your credit file.

"'You have a right to sue a credit repair company that violates the Credit Repair Organization Act. This law prohibits deceptive practices by credit repair companies.

"'You have the right to cancel your contract with any credit repair organization for any reason not later than 3 business days from the date you signed it.

"'Credit bureaus are required to follow reasonable procedures to ensure that creditors report information accurately. However, mistakes may occur.

"'You may, on your own, notify a credit bureau in writing that you dispute the accuracy of information in your credit file. The credit bureau must then reinvestigate and modify or remove inaccurate information. The credit bureau may not charge any fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the credit bureau.

"'If reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the credit bureau, to be kept in your file, explaining why you think the record is inaccurate. The credit bureau must include your statement about disputed information with any report it issues about you.

"'The Federal Trade Commission regulates credit bureaus and credit repair organizations. For more information contact:

"'Public Reference Branch
Federal Trade Commission
Washington, D.C. 20580.'.

"(b) SEPARATE STATEMENT REQUIREMENT.—The written statement required under this section shall be provided as a document that is separate from any written contract or other agreement between the credit repair organization and the consumer or any other written material provided to the consumer.

"(c) RETENTION OF COMPLIANCE RECORDS.—

"(1) IN GENERAL.—The credit repair organization shall maintain a copy of the statement signed by the consumer acknowledging receipt of the statement.

"(2) MAINTENANCE FOR 2 YEARS.—The copy of the consumer's statement shall be maintained in the organization's files for 2 years after the date on which the statement is provided to the consumer.

"SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.

"(a) WRITTEN CONTRACTS REQUIRED.—A credit repair organization may not provide services for a consumer unless a written and dated contract for the purchase of such services that meets the requirements of subsection (b) has been signed by the consumer.

"(b) TERMS AND CONDITIONS OF CONTRACT.—No contract referred to in subsection (a) meets the requirements of this subsection unless such contract includes the following information (in writing):

"(1) The terms and conditions of payment, including the total amount of all payments to be made by the consumer to the credit repair organization or to any other person.

"(2) A full and detailed description of the services to be performed by the credit repair organization for the consumer, including—

"(A) all guarantees and all promises of full or partial refunds; and

"(B) an estimate of—

"(i) the date by which the performance of the services (to be performed by the credit repair organization or any other person) will be complete; or

"(ii) the length of the period necessary to perform such services.

"(3) The credit repair organization's name and principal business address.

"(4) A conspicuous statement in boldface type, in immediate proximity to the space reserved for the consumer's signature on the contract, which reads as follows: 'You may cancel this contract without penalty or obligation at any time before midnight of the third business day after the date on which you signed the contract. See the attached notice of cancellation form for an explanation of this right.'.

"SEC. 407. RIGHT TO CANCEL CONTRACT.

"(a) IN GENERAL.—A consumer may cancel any contract with a credit repair organization without penalty or obligation by notifying the credit repair organization of the consumer's intention to do so at any time before midnight of the third business day which begins on the date on which the contract or agreement between the consumer and the credit repair organization is executed or would, but for this subsection, become enforceable against the parties.

"(b) CANCELLATION FORM AND OTHER INFORMATION.—Each contract shall be accompanied by a form, in duplicate, which has the heading 'Notice of Cancellation' and contains in boldface type the following statement:

"'You may cancel this contract, without any penalty or obligation, at any time before midnight of the third business day which begins after the date the contract is signed by you.

"'If you cancel, any payment you made under this contract will be returned before the end of the 10-day period beginning on the date the seller receives your cancellation notice.

"'To cancel this contract, mail or deliver a signed, dated copy of this cancellation notice, or any other written notice to [insert name of credit repair organization] at [insert address of credit repair organization] before midnight on [insert date].

"'I hereby cancel this transaction.

"'__________(purchaser's signature)

"'__________(date)'.

"(c) CONSUMER COPY OF CONTRACT REQUIRED.—A consumer who enters into any contract with a credit repair organization shall be given, by the organization—

"(1) a copy of the completed contract and the disclosure statement required under section 405; and

"(2) a copy of any other document the credit repair organization requires the consumer to sign,

at the time the contract or the other document is signed.

"SEC. 408. NONCOMPLIANCE WITH THIS TITLE.

"(a) CONSUMER WAIVERS INVALID.—Any waiver by a consumer of any protection provided by or any right of the consumer under this title—

"(1) shall be treated as void; and

"(2) may not be enforced by a Federal or State court or any other person.

"(b) ATTEMPT TO OBTAIN WAIVER.—An attempt by any credit repair organization to obtain a waiver from a consumer of any protection provided by or any right of the consumer under this title shall be treated as a violation of this title.

"(c) CONTRACTS NOT IN COMPLIANCE.—A contract for services that does not comply with the applicable provisions of this title—

"(1) shall be treated as void; and

"(2) may not be enforced by a Federal or State court or by any other person.

"SEC. 409. CIVIL LIABILITY.

"(a) LIABILITY ESTABLISHED.—A credit repair organization that fails to comply with any provision of this title with respect to any person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) ACTUAL DAMAGES.—The greater of—

"(A) the amount of any actual damage sustained by such person as a result of such failure; or

"(B) any amount paid by the person to the credit repair organization.

"(2) PUNITIVE DAMAGES.—

"(A) INDIVIDUAL ACTIONS.—In the case of an action by an individual, such additional amounts as the court may allow.

"(B) CLASS ACTIONS.—In the case of a class action, the sum of—

"(i) the aggregate of the amount that the court may allow for each named plaintiff; and

"(ii) the aggregate of the amount that the court may allow for each other class member, without regard to any minimum individual recovery.

"(3) ATTORNEYS' FEES.—In the case of a successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any credit repair organization under subsection (a)(2), the court shall consider, among other relevant factors—

"(1) the frequency and persistence of noncompliance by the credit repair organization;

"(2) the nature of the noncompliance;

"(3) the extent to which such noncompliance was intentional; and

"(4) in the case of any class action, the number of consumers adversely affected.

"(c) JURISDICTION.—An action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, before the later of—

"(1) the end of the 2-year period beginning on the date of the occurrence of the violation involved; or

"(2) in any case in which a credit repair organization has materially and willfully misrepresented any information that—

"(A) the credit repair organization is required, by any provision of this title, to disclose to a consumer; and

"(B) is material to the establishment of the credit repair organization's liability to the consumer under this section,

the end of the 2-year period beginning on the date of the discovery by the consumer of the misrepresentation.

"SEC. 410. ADMINISTRATIVE ENFORCEMENT.

"(a) IN GENERAL.—Compliance with the requirements imposed under this title with respect to credit repair organizations shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(b) VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF FEDERAL TRADE COMMISSION ACT.—

"(1) IN GENERAL.—For the purpose of the exercise by the Federal Trade Commission of the Federal Trade Commission's functions and powers under the Federal Trade Commission Act, any violation of any requirement or prohibition imposed under this title with respect to credit repair organizations shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.

"(2) ENFORCEMENT AUTHORITY UNDER OTHER LAW.—All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Federal Trade Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, without regard to whether the credit repair organization—

"(A) is engaged in commerce; or

"(B) meets any other jurisdictional tests in the Federal Trade Commission Act.

"(c) STATE ENFORCEMENT OF TITLE.—

"(1) IN GENERAL.—The attorney general of any State, or an official or agency designated under the law of any State, may enforce compliance with this title in Federal or State court.

"(2) CIVIL ENFORCEMENT ACTIONS.—A State may bring a civil action in any Federal or State court to enjoin any violation of this title and to recover damages under this title for consumers who reside in such State.".

SEC. 202. CREDIT WORTHINESS.

It is the sense of the Senate that—

(a) individuals should generally be judged for credit worthiness based on their own credit worthiness and not on the zip code or neighborhood in which they live; and

(b) the Federal Trade Commission after consultation with the appropriate Federal banking agency, shall report to the Banking Committee within 6 months as to whether and how the location of the residence of an applicant for unsecured credit is considered by many companies and financial institutions in deciding whether an applicant should be granted credit.

TITLE III—FINANCIAL ACCOUNTING STANDARDS BOARD

SEC. 301. FINDINGS.

(a) The Financial Accounting Standards Board (FASB) is currently considering changing the Generally Accepted Accounting Principle relating to employee stock option plans and stock purchase plans;

(b) FASB's proposal that would require the use of complex mathematical formulas to estimate a value for employee stock options at the date of grant and requires those estimated values be deducted from earnings on companies' income statements;

(c) FASB has just completed an extended review of its proposal which included a public comment period, numerous field hearings and a field test;

(d) FASB's proposal has generated opposition which is unprecedented in both its intensity and universality;

(e) The accounting profession, as represented by the American Institute of Certified Public Accountants and each of the 6 largest national accounting firms, oppose FASB's proposal;

(f) Individual investors, as represented by the United Shareholders Association, oppose FASB's proposal;

(g) Institutional investors and pension funds, as represented by the Council of Institutional Investors, oppose FASB's proposal;

(h) Both the Secretary of the Treasury and the Secretary of Commerce have raised serious concerns about FASB's proposal: "Most troubling is the possibility that implementation of the proposal might result in more volatile and less accurate and consistent financial statements because of the extreme difficulty of valuing long-term, non-marketable, forfeitable stock options";

(i) There is a broad consensus among those who have studied the FASB proposal it will diminish and not improve either the integrity or comparability of information available to investors;

(j) The National economic policy implications of FASB's proposal are substantial because small, growth-oriented companies often lack capital and therefore regularly rely on broad-based employee stock options to attract employees and large business provide employee stock options and broad-based employee stock purchase plans to help motivate their employees and improve productivity; and

(k) the FASB proposal will diminish the ability of small companies to raise capital and attract employees and it will curtail, not enhance broad-based employee ownership.

SEC. 302. NEW ACCOUNTING TREATMENT OF EMPLOYEE STOCK OPTIONS AND PURCHASE PLANS.

It is the sense of the Senate that—

(1) the new accounting treatment of employee stock options and employee stock purchase plans, proposed by the Financial Accounting Standards Board, will have grave economic consequences particularly for businesses in new-growth sectors which rely heavily on employee entrepreneurship;

(2) the new accounting treatment of employee stock options and employee stock purchase plans, proposed by the Financial Accounting Standards Board, will diminish rather than expand broad-based employee stock option plans; and

(3) the Financial Accounting Standards Board should not at this time change the current generally accepted accounting treatment of stock options and stock purchase plans contained in Accounting Principles Board Decision 25.

SEC. 303. STATUS.

It is the sense of the Senate that—

(1) the status of the Financial Accounting Standards Board as a private body of independent accounting experts should be respected and safeguarded; and

(2) the Congress should not impair the objectivity or integrity of the Financial Accounting Standards Board's decisionmaking process by legislating accounting rules.

TITLE IV—MISCELLANEOUS PROVISION

SEC. 401. SECURITIES AND EXCHANGE COMMISSION, SEATTLE DISTRICT OFFICE.

It is the sense of the Senate that the Securities and Exchange Commission district office located in Seattle, Washington shall not be closed, nor its services, operations, or staff be reduced from the levels in effect on January 1, 1994. None of the operations of the Seattle office shall be transferred to another office of the Securities and Exchange Commission.

Mr. BRYAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

POSITION ON VOTE

Mr. WOFFORD. Mr. President, I was necessarily absent for the vote on final passage of the Fair Credit Reporting Act, S. 783. Had I been present I would have voted "aye."

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I want to extend my warm appreciation and thanks to my colleagues for the vote in favor of S. 783.

I particularly want to commend the lead manager, Senator BRYAN, who has put in a tremendous amount of time with his staff on this bill. This is, I think, a very significant measure which will serve the consumers of this country and which will help facilitate the provision of credit.

Without the strong leadership of Senator BRYAN, we would not have accomplished what we have today. We were able to reach a bipartisan agreement on a bill that was anything but bipartisan, and was extremely contentious from the beginning. It was a major effort and I am very, very grateful for his leadership.

I want to extend my thanks also to the chairman and the ranking member of our committee, Senator RIEGLE and Senator D'AMATO, for their support. Without them, it could not have been a bipartisan effort.

We have already mentioned some of the staff who have worked on this. Andy Vermilye, with Senator BRYAN; Howard Menell and Doug Nappi, with Senator D'AMATO; and Steve Harris and Mark Kaufman, with Senator RIEGLE. And from my staff, Maggie Fisher and Jon Kamarck. They all deserve our sincere thanks.

I think S. 783 is a well balanced bill. Everybody will benefit from it. The free flow of accurate information will help all sides by promoting good economic decisions in our free market society. Consumers get increased disclosure and a 30-day reinvestigation time period and the credit industry gets a limited Federal preemption, the ability to share information among affiliates, and broader prescreening and direct marketing abilities.

I think this is a good measure. Consumers need this legislation. I thank my colleagues for their support of this much needed reform in the credit reporting system. I hope the House will accept our effort.

I yield the floor

Mr. BRYAN. Mr. President, I am pleased to respond.

As I said several times today and earlier in the week, Senator BOND's leadership on this piece of legislation made it all possible, and I acknowledge that. His able staff was a delight to work with. They, together with my staff and the staff of chairman RIEGLE and the ranking member, Senator D'AMATO, all worked very carefully to make sure that this piece of legislation is balanced. It represents a significant achievement in terms of consumer protection, and may very well be the most significant consumer bill enacted in this session of the Congress.

It also recognizes the business community, in terms of being able to have access to credit information. That is important for the business community, as well as for consumers.

I want to acknowledge again the appreciation that I have for my colleagues on both sides of the aisle for their support of this piece of legislation. As Senator BOND has said, hopefully, we will be able to move this through the other body and be able to participate in a signing in the not too distant future.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

CONGRESSIONAL GIFTS REFORM ACT

Mr. MITCHELL. Mr. President, on March 17, by unanimous consent, the Senate agreed to a procedure for the disposition of S. 1935, the gift ban bill. That agreement, identified as Calendar Order No. 419, is printed on page 2 of the Senate's Calendar of Business today. It provides that after consultation with the Republican leader, the majority leader is authorized to turn to the consideration of that bill no later than the close of business on Wednesday, May 4, 1994.

I have consulted with the Republican leader, and with several of the Senators with a direct interest in this legislation, and pursuant to that authority, I now ask unanimous consent that the Senate proceed to the consideration of S. 1935.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 1935) to prohibit lobbyists and their clients from providing to legislative branch officials certain gifts, meals, entertainment, reimbursements, or loans and to place limits on and require disclosure by lobbyists of certain expenditures, which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Gifts Reform Act".

SEC. 2. AMENDMENT TO THE SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"RULE XXXV

"GIFTS

"1. (a) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept—

"(1) any gift provided directly or indirectly by a person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute;

"(2) any gift having a value of $20 or more from any other person; or

"(3) gifts having a value of less than $20 from the same or different sources on a basis so frequent that a reasonable person would be led to believe the Member, officer, or employee is using his public office for private gain.

"(b) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(c)(1) The following items are gifts subject to the restrictions in subparagraph (a)—

"(A) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(B) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(2) The following items are subject to the restrictions in subparagraph (a)(1)—

"(A) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(B) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(C) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee; and

"(D) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) The following items are not gifts subject to the restrictions in subparagraph (a):

"(1) Any item for which the Member, officer, or employee pays the market value.

"(2) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(3) Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(a), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(4) Items which are not used and which are promptly returned to the donor.

"(5) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(6) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(7) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(8) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(e) The restrictions in clauses (2) and (3) of subparagraph (a) shall not apply to the following:

"(1) Meals, lodging, and other benefits—

"(A) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee; or

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(2) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(3) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(4) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(5) Meals and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(6) Food and attendance provided at an event sponsored by a political organization de-

scribed in section 527(e) of the Internal Revenue Code of 1986.

"(7) Training provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(8) Bequests, inheritances, and other transfers at death.

"(9) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(10) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(11) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(12) Free attendance at an event permitted pursuant to paragraph 2(b).

"(13) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"2. (a)(1) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(B) Whether the item was purchased by the individual who gave the item.

"(C) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(2) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

"(A) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return; or

"(B) reimbursement from—

"(i) a lobbyist or foreign agent required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; or

"(ii) a client of a lobbyist or foreign agent described in division (i).

"(b)(1) Except as prohibited by paragraph 1(a)(1) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to his or her official position; or

"(B) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) of this subparagraph may accept—

"(A) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the Senate; and

"(B) transportation and lodging in connection with the event if authorized in accordance with paragraph 3.

"(3) Except as prohibited by paragraph 1(a)(1), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event in which the Member, officer, or employee is a participant. Reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee or the provision of food, refreshment, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event or meals taken other than in a group setting with all or substantially all other attendees.

"(c) For the purpose of this rule—

"(1) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(2) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"3. (a)(1) Except as prohibited by paragraph 1(a)(1), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by paragraph 1, if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Secretary of the Senate as soon as practicable after the travel is completed.

"(2) Events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the appropriate Member or committee chairman and shall include—

"(1) the name of the Member, officer, or employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(c) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member or committee chairman and shall include—

"(1) total transportation expenses reimbursed or to be reimbursed;

"(2) total lodging expenses reimbursed or to be reimbursed;

"(3) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (1) and (2)); and

"(4) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period that may not exceed 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Ethics Committee;

"(2) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(e) The Secretary of the Senate shall—

"(1) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are filed; and

"(2) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"4. (a) Notwithstanding any other provision of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the Senate and the United States.

"(b) Any Member who accepts an invitation to participate in any such program shall notify the Secretary of the Senate in writing of his acceptance. A Member shall also notify the Secretary in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. The Secretary shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

"5. The Committee on Rules and Administration is authorized to adjust the $20 gift limit established in paragraph 1 on a periodic basis, to the extent necessary to adjust for inflation.".

SEC. 3. AMENDMENT TO THE HOUSE RULES.

Clause 4 of Rule XLIII of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives, or the spouse or dependent thereof, shall knowingly accept—

"(A) any gift provided directly or indirectly by a person registered as a lobbyist or a foreign

agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute;

"(B) any gift having a value of $20 or more from any other person; or

"(C) gifts having a value of less than $20 from the same or different sources on a basis so frequent that a reasonable person would be led to believe the Member, officer, or employee is using his public office for private gain.

"(2) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(3)(A) The following items are gifts subject to the restrictions in subparagraph (1)—

"(i) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(ii) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(B) The following items are subject to the restrictions in subparagraph (1)(A)—

"(i) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(ii) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(iii) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee; and

"(iv) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(4) The following items are not gifts subject to the restrictions in subparagraph (1):

"(A) Any item for which the Member, officer, or employee pays the market value.

"(B) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(C) Anything provided under circumstances that clearly indicate, in accordance with paragraph (b)(1), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(D) Items which are not used and which are promptly returned to the donor.

"(E) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(F) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(G) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(H) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(5) The restrictions in clauses (B) and (C) of subparagraph (1) shall not apply to the following:

"(A) Meals, lodging, and other benefits—

"(i) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee; or

"(ii) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(B) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(C) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(D) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(E) Meals and entertainment provided to a Member or an employee of a Member in the Member's home State having, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(F) Food and attendance provided at an event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(G) Training provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

"(H) Bequests, inheritances, and other transfers at death.

"(I) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(J) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(K) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(L) Free attendance at an event permitted pursuant to paragraph (b)(1).

"(M) Opportunities and benefits which are—

"(i) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(ii) offered to members of a group or class in which membership is unrelated to congressional employment;

"(iii) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(iv) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(v) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(vi) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(b)(1)(A) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(i) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(ii) Whether the item was purchased by the individual who gave the item.

"(iii) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(B) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

"(i) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return; or

"(ii) reimbursement from—

"(I) a lobbyist or foreign agent required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; or

"(II) a client of a lobbyist or foreign agent described in division (i).

"(2)(A) Except as prohibited by paragraph (a)(1)(A) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar event, if—

"(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to his or her official position; or

"(ii) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(B) A Member, officer, or employee who attends an event described in clause (A) of this subparagraph may accept—

"(i) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the House of Representatives; and

"(ii) transportation and lodging in connection with the event if authorized in accordance with paragraph (c).

"(C) Except as prohibited by paragraph (a)(1)(A), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event in which the Member, officer, or employee is a participant. Reimbursement for transportation and lodging may not be accepted in connection with the event.

"(d) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee or the provision of food, refreshment, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event or meals taken other than in a group setting with all or substantially all other attendees.

"(3) For the purpose of this clause—

"(A) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(B) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"(c)(1)(A) Except as prohibited by paragraph (a)(1)(A), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be

deemed to be a reimbursement to the House of Representatives and not a gift prohibited by paragraph (a), if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Clerk of the House of Representatives as soon as practicable after the travel is completed.

"(B) Events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(2) Each advance authorization to accept reimbursement shall be signed by the appropriate Member or committee chairman and shall include—

"(A) the name of the Member, officer, or employee;

"(B) the name of the person who will make the reimbursement;

"(C) the time, place, and purpose of the travel; and

"(D) a determination that the travel is in connection with the duties of the Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(3) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member or committee chairman and shall include—

"(A) total transportation expenses reimbursed or to be reimbursed;

"(B) total lodging expenses reimbursed or to be reimbursed;

"(C) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (A) and (B)); and

"(D) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel for a period that may not exceed 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Ethics Committee;

"(B) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(C) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(5) The Clerk of the House of Representatives shall—

"(A) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are filed; and

"(B) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"(d)(1) Notwithstanding any other provision of this clause, a Member, officer, or employee of the House of Representatives may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the House of Representatives and the United States.

"(2) Any Member who accepts an invitation to participate in any such program shall notify the Clerk of the House of Representatives in writing of his acceptance. A Member shall also notify the a Clerk in writing whenever he has permitted any officer or employee whom he supervises to participate in any such program. The Clerk shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program.

"(3) No Member, officer, or employee may accept funds in connection with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

"(e) The Committee on House Administration is authorized to adjust the $20 gift limit established in paragraph (a) on a periodic basis, to the extent necessary to adjust for inflation.".

SEC. 4. AMENDMENT TO THE ETHICS IN GOVERNMENT ACT.

Section 102(a)(2)(A) of the Ethics in Government Act (5 U.S.C. App. 6, section 102), is amended by—

(1) inserting a dash after "and the value of";

(2) striking "all gifts aggregating" and inserting the following:

"(i) all gifts aggregating";

(3) striking the period at the end of the subparagraph and inserting "; and"; and

(4) adding at the end the following:

"(ii) all gifts, other than food, lodging, or entertainment received as personal hospitality of an individual, having a value of $20 or more that are—

"(I) provided by a person required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor Act; and

"(II) would be prohibited by section 7353 of title 5, United States Code, but for a personal friendship exception contained in implementing rules and regulations issued pursuant to in subsection (b)(1) of such section.".

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on January 1, 1995.

Mr. MITCHELL. Mr. President, Senator LEVIN, who is the principal author of the legislation and the subcommittee chairman on the Governmental Affairs Committee, will be managing the bill for the majority. Senator COHEN, who is the ranking member of the subcommittee and has also been very active in this legislative area, will be managing for the Republicans.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. Mr. President, 2 years ago, I introduced a bill to close loopholes in the lobbying registration laws and to ensure that the public has complete and accurate information about who is being paid how much to lobby Congress and the executive branch and on what issues.

That bill, the Lobbying Disclosure Act, has been endorsed by the President and has been approved by overwhelming margins in both the Senate and the House of Representatives. It would finally make sense out of a set of confusing, overlapping, and unenforceable laws that have been in need of reform for more than 40 years. Unfortunately, we find ourselves unable to proceed to conference on that bill and to report the measure back to the Senate for final passage because it has become hung up on the issue of congressional gift rules.

The bill that we are considering today is one of a series of proposed congressional gift bills that have tied up consideration of the Lobbying Disclosure Act for a full year now. This bill was introduced by Senators LAUTENBERG, WELLSTONE, and FEINGOLD in March of this year and referred to the Governmental Affairs Committee with unanimous consent that the Senate turn to the measure by no later than May 4. The bill was referred to the Governmental Affairs Committee rather than to the Rules Committee because of the way it was drafted. That was not our call to make. That was the Parliamentarian's call to make.

In my view, the Senate gift rules should be strong and they should be clear. We owe it to ourselves, and we owe it to the public to have rules which are simple and straightforward and which prohibit gifts that would be inappropriate in appearance or in reality.

The current gift rules do not meet this test. For example, while the gift rules applicable to executive branch employees prohibit the acceptance of even a single gift with a value in excess of $20, our rules permit the acceptance of any number of gifts under $100 from the same source. In theory, that means that we could accept a $95 gift from the same source every day—and, by the way, not even disclose it under the gift rules. Even gifts of more than $100 are allowed, up to a total of $250 a year from a single source.

The current, overly permissive rules can create the appearance of favoritism. At a time when the public's confidence in Congress is low, such an appearance is poison for public confidence in Government. That is not good for the Congress and it is not good for the country.

Senators LAUTENBERG, WELLSTONE, and FEINGOLD tried to address this problem when they introduced S. 1935. In my view, the Lautenberg-Wellstone-Feingold bill, as introduced, was too complex, was unworkable, and would have produced anomalous results unrelated to any public policy. It failed to distinguish between gifts from a lobbyist and a gift from a constituent back home who happens to be an officer of a company or association that has used a lobbyist on even a single occasion in a 6-month period. It failed to distinguish, for instance, between a dinner at the house of a neighbor back home who happens to be a board member of the Cancer Society and dinner at a fancy

Washington restaurant paid for by a lobbyist.

Let me just give you one example of how the original bill would have worked. Let us say your next door neighbor back home invited you to a backyard barbecue. Under S. 1935, as introduced, you might not be permitted to go at all if your neighbor were an officer of a company or association that had used a lobbyist in the previous 6 months, assuming that you can find out that information at all. The bill contained an exception for gifts that are determined to be based on personal friendship, but placed the responsibility for making this determination in the hands of an executive branch agency.

In fact, if you were permitted to go your neighbor's barbecue, your attendance would trigger an extraordinarily complex set of notification and disclosure requirements. First, under that original bill, your friend would have to be notified by the lobbyist for any company or association of which he was an officer or director that the gift restrictions apply. Then, the friend would have to notify those entities that he had invited you to the barbecue, and they would have to notify their lobbyist of this fact. Next, the lobbyist would have to notify you that unless you paid for your attendance at the barbecue, it would be disclosed in a lobbying report. Once all those notifications had been made, the lobbyist would report the gift. If your friend were a director of several corporations, each of which had more than one lobbyist, the notification process would have to be repeated over and over again, and the barbecue would be reported in multiple lobbying reports. If any of the lobbyists failed to disclose the barbecue in their lobbying reports, the gift would be improper, and the public would likely hold you accountable for accepting it.

Mr. President, if these new gift rules are going to help reestablish public confidence in the Congress, as we all want them to do, they will have to be strong, of course, but they will also have to be simple and clear. I feel that S. 1935, as introduced, fails to meet this test.

For this reason and other reasons that each of us had at the time, the Senate Governmental Affairs Committee reported a substitute amendment to S. 1935. This substitute amendment is the amendment which is before us. So, I make it real clear that what is pending now before the Senate is not the original bill as introduced by Senators LAUTENBERG, FEINGOLD, and WELLSTONE. It is the substitute bill which was approved by the Governmental Affairs Committee, and the substitute amendment contains gift rules which are tough, but they are also straightforward and, hopefully, easy to understand.

Under the committee substitute, Members and staff would be prohibited from accepting any gifts from registered lobbyists, with a narrow exemption for gifts from relatives and close personal friends.

Members and staff would be permitted to accept gifts of up to $20 from any source other than a registered lobbyist, and gifts in excess of $20 could be accepted in a number of situations, which are listed, such as gifts from relatives and close personal friends; personal hospitality, such as dinner at a person's home; meals and entertainment in a Member's home State, and that is a very important exemption that we wrote in so you could have meals and entertainment back home subject to reasonable limits adopted by the Rules Committee but not subject to the $20 limit. And also not subject to the $20 limit is, for example, participation in widely attended events which the Member believes to be part of his or her duties.

Members and staff will be permitted to accept reimbursement for travel expenses from anybody other than a registered lobbyist if the travel is related to official business and is not substantially recreational in nature.

These rules are not perfect because these rules cannot be perfect. There is no such thing as perfect rules. They are as good as we could make them. We believe that they are strong and that they are clear and that they will go a long way toward ensuring public confidence in our conduct.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MATHEWS). The Chair recognizes the Senator from Maine.

Mr. COHEN. Mr. President, apparently there is a perception among some in the American public that Congress is for sale—that for the price of a steak dinner or a fruit basket at Christmas, Members would change votes or give greater access than would otherwise be provided. I would say that all Members of Congress reject the notion that any access is granted in exchange for gifts. Everyone here would agree it is not only unethical and improper, but it also happens to be a crime. It is a criminal violation if someone were to exchange his or her office for a gift, in whatever form they might come. However, the perception remains that through gift giving, lobbyists can influence and divert the course of national policy.

There is a growing belief that lobbyists and other so-called power brokers are to blame for record deficits and a tax code that is filled with loopholes and other special interest legislation. The public believes, rightly or wrongly, that they are not being well served by their elected officials; that somehow, in the corridors of power, their best interests are subverted by the giving of gifts to Members of Congress. The feeling is that the inability of Congress to address the most critical problems that the Nation faces is a direct result of who Members go to lunch with. It might come as a surprise that most days, Senators join only other Senators for lunch.

Regardless of what actions the Senate takes today, the public's anger and cynicism will show little sign of abating. Although I understand the need to address this anger, the Senate should not think that passage of this legislation will quell the public's cynicism toward Congress. We should do it for the good of the institution and not under the misappropriation that the public will hold a higher view of Congress. The key to restoring Congress' standing with the public is meaningful action on critical issues such as the deficit, crime, health care, and the economy.

I supported the Levin substitute in committee because I believe that it is a vast improvement over S. 1935 as originally introduced. The original bill was cumbersome, unworkable, and over bureaucratic. Specifically, enforcement of the gift ban under S. 1935 as introduced would have given the executive branch a remarkable degree of investigative and enforcement power as it relates to Members of Congress and lobbyists. For example, under the personal friendship exemption, Members could only accept gifts if there was a clear history of friendship between Member and gift-giver to make it clear that the gift is motivated personal friendship. In this case, the executive branch agency responsible for lobbying disclosure and public reporting would define the term "friendship" and determine the specific individuals who would meet that friendship test.

Most disturbing are the reporting requirements that would have been imposed by S. 1935 as originally introduced. The requirements in the original bill would have created a Rube Goldberg-type labyrinth of responsibility and reporting. Under its complex provisions, if a Member wanted to accept a $15 Christmas gift from a constituent, the Member would have to determine whether the constituent was an officer of any organization that had used a registered lobbyist at any time during the last 6 months. Other examples also illustrate the reporting complexities required by the version offered by the Senator from New Jersey and the Senator from Minnesota. For example, if a Member attends a dinner at the house of a personal friend who was on the board of directors of a number of different organizations, some of which used lobbyists, the following would need to occur:

First, lobbyists would have to notify the organizations and their top officers—including this personal friend—that the gift rules apply;

Second, the host would have to notify the organizations that used lobbyists about the dinner;

Third, the organizations would have to, in turn, notify their lobbyists; and

Fourth, the lobbyists would have to disclose the dinner to the executive branch agency.

Finally, lobbyists would also have to notify the Member that they were disclosing the dinner.

This scenario would become more complicated if each one of the organizations used more than one lobbyists, as many do.

Mr. President, as you can see, S. 1935 as originally introduced would have created an unworkable hodgepodge of requirements and rules. The Levin substitute provides a workable gift ban alternative which, as long as the Senate insists on banning gifts, establishes a reasonable framework for accomplishing many of the objectives of the original version of S. 1935.

Specifically, the Levin proposal works within the framework of the House and Senate rules and avoids a number of definitional problems that contribute to the complexity and implementation problems that were associated with earlier gift ban legislation. I commend for his willingness to provide leadership to find a responsible solution to this difficult issue.

If there are other proposals that would improve upon Senator LEVIN's efforts, then I certainly am open to listening to them.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, let me begin our side of this debate by saying that this is a good faith effort on behalf of all Senators; deeply felt, but a good faith effort on behalf of all Senators.

I want to begin by commending Senator LEVIN for excellent work in trying to make this thing workable. The distinguished ranking minority member has also invested great time and effort. This is an endeavor among friends. It is, in fact, deeply felt, so I felt the necessity of saying that in advance; that all Senators respect one another greatly.

Having said that, Mr. President, I can hardly believe what I just heard. The Senator from Maine has said there is a public perception that the Senate is for sale for a basket of fruit at Christmas.

Has this body dropped to that level of perception among the American public; that is, a basket of fruit buys the U.S. Senate? If it is, God help the United States of America, Mr. President.

I do not believe that is true. And I think to say it on the floor of the Senate degrades this institution, hurts the United States of America, and our system of free government, for which so many sacrifices have been made. I do not believe we ought to tear down this institution from the inside or the outside.

Now, Mr. President, the best thing that can be said for the Levin amendment is it is better than the Wellstone amendment. Let me tell you some of the things it does.

My wife is a cochairman of the National Garden Ball, or whatever they call it. Next week, they are going to have a big dinner. She has worked her heart out for the National Garden. They are trying to raise, I think it is, $7 million or $8 million to build a beautiful garden to be owned by the United States, administered by the Architect of the Capitol.

She, and B.A. Bentsen, and Senator Heinz's widow, are all cochairmen. The ball is in honor of the First Lady. Indeed, Hillary Clinton is having a coffee at the White House for those who have contributed $100,000 or more. When it is finished, Mr. President, it is going to be one of the most marvelous gifts of time and effort of these women and men who have worked to create something for the people of the United States.

There is not one whit of selfishness. There is no lobbying advantage in this endeavor. But you would not be able, I would not be able to go to that ball, and indeed she would not be able to go to the ball, either. They would not be able to do this activity under this bill.

Now, Mr. President, what are we coming to in the Senate when you cannot do something for the National Garden?

Let me just give you some of the things I have been to lately that, as I understand it, we would not be able to do:

The Opera Ball. I ask the Senator from Michigan, would we be able to go to the Opera Ball?

Mr. LEVIN. I have to have more facts about it.

As to lobbyists giving the tickets to the Opera Ball, the answer is no.

Mr. JOHNSTON. No; they are provided usually free from the Opera Ball. I do not know who the Opera Ball is. I mean, it is not a Senate duty, it is not personal hospitality, it is not at someone's home, it is not at a Member's home State, it is not paid for by the Government, it is not a political organization.

I assume we cannot go to the Opera Ball, is that correct?

Mr. LEVIN. Is this part of your ceremonial or official duties to go to the Opera Ball?

Mr. JOHNSTON. No.

Mr. LEVIN. Who is giving you the tickets?

Mr. JOHNSTON. I guess the Opera Ball.

Mr. LEVIN. I would like to know more facts.

Again, if they are coming from a lobbyist, the answer is no.

Mr. JOHNSTON. They are coming from the Opera Ball, the Opera Ball organization.

Mr. LEVIN. Are they a registered lobbyist?

Mr. JOHNSTON. The Opera people are not.

Mr. LEVIN. In that case, I think you should be able to go to that ball.

Mr. JOHNSTON. I think you should be, too.

Mr. LEVIN. If the Senator from Louisiana would let me complete my thought on this, it is our intention that you be able to go to a broadly attended activity, a widely attended event, at the invitation of the responsible organization. And there is a managers' amendment which would clarify it.

Mr. JOHNSTON. Well, it is not if it is over $20 under your amendment.

Mr. LEVIN. I am saying there is a managers' amendment that will clarify that issue. If there is a broadly attended event, at the invitation of the sponsor, which you are not being invited to by a registered lobbyist—which is what you are saying—the managers' amendment will make it clear you will be permitted to do that.

Mr. JOHNSTON. Suppose at the Opera Ball that most of the money comes from lobbyists and the Opera Ball Committee, which would be—widely invites people, but most of the money comes from lobbyists. It either comes from lobbyists or companies that are represented by lobbyists—indirectly, by lobbyists.

Would you not agree that is indirectly money coming by lobbyists?

Mr. LEVIN. Maybe indirectly, but you have not been invited by lobbyists and given the tickets by lobbyists. And under the circumstances I think it is not clear.

It should be clear and will be clear, under the managers' amendment, that you will be allowed to go to a widely attended event not at the invitation of a lobbyist that you consider to be part of your duties.

Mr. JOHNSTON. Does the Senator have a copy of his amendment?

Mr. LEVIN. I do.

Mr. JOHNSTON. May I take a look at it while I am speaking?

I am glad the Senator is going to attempt to change this because that is no small part of what I do, because my wife is very active. She has been chairman of the Ambassadors Ball, for example, as have other wives in the Senate. The Ambassadors Ball is for the diplomatic community in Washington, and also they send out invitations to the lobbyists. And let us be fair, it is paid for indirectly by lobbyists. This bill prohibits gifts provided directly or indirectly by a person registered as a lobbyist.

I wonder, for example, about someone's fundraiser. If I go to a fundraiser by the Senator from Michigan and you have a bunch of lobbyists there who bring in contributions and I get a free ticket, I will tell you, that is indirectly paid for by a lobbyist. If you think that is clear that it is not, I invite you to read this language.

Mr. President, this—it is about 1½ pages of prohibitions and 10½ pages of exceptions, which are very, very difficult to read and to understand. We are going to be plugging leaks in this thing like we are with the managers' amendment here. Some people are probably going to get in some very serious trouble very innocently if this passes. They are going to have to have a full-time lawyer in the office.

I ask the Senator from Michigan, there are provisions in here that prevent a person from inheriting from a lobbyist. Did you know that? From inheriting.

Here the poor lobbyist is dead and his son or daughter works for the U.S. Senate. And he goes to court to try to get the bequest from dad and he cannot do it. This bill prohibits that. If you think I am trivializing this amendment—that is what this amendment provides. I will bet you anything the managers did not know that result inhered in this language.

There are so many little difficulties in this bill—it is incredible. Let me tell you some of the things I have done during the past.

Mr. LEVIN. I wonder if the Senator will yield on that?

Mr. JOHNSTON. Yes.

Mr. LEVIN. On page 37, on line (3), it says, "Anything provided under circumstances that clearly indicate * * * that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer or employee." So you could accept that bequest from your dad, who is a lobbyist.

Mr. JOHNSTON. That is on page what?

Mr. LEVIN. Page 37.

Mr. JOHNSTON. Well, that is, "Anything provided." The phrase "anything provided" does not sound like a bequest to me. The Senator may be right. He may be right. And I must tell you that bequests from a lobbyist are not my principal concern with this bill. I can tell you it is the stuff of a lawsuit, it is the stuff of embarrassment to Senators—not the bequest business, but you can get a bequest from a nonlobbyist but not from a lobbyist under the bill. Suppose some lobbyist did want to make a bequest to somebody. Why are we dealing with that? Does the American public have the perception that lobbyists are dying and leaving bequests to United States Senators or employees thereof? Why are we dealing with such trivia in this bill?

Let me tell you some of the things I have been to this past year and that are the regular stuff of politics in Louisiana. We had a Black Caucus lunch, you know. I guess they wanted to lobby me and I wanted to lobby them. I say Black Caucus Lunch, actually they were going to give me an award for what I have done for historically black colleges and universities.

We had a Louisiana sheriff's dinner. They come up every now and then. I can tell you we discussed everything, we told jokes, we had some fun.

The CPA's had a lunch up here. I have a friend who was a national president of a CPA organization. I do not remember what they said, but they had it.

The board of directors of the Shreveport Chamber come up every year. That is my hometown. They have a dinner. They discuss their legislative agenda—you bet. So did the New Orleans Chamber. They had a lunch. So did the Monroe Chamber. They have an empowerment zone they want to put in and we had a luncheon.

The Louisiana Jewish Federation came up. They were going to look at the Holocaust Museum and had members of our delegation there for a dinner.

The National Guard from Louisiana comes up. They have a crawfish and alligator reception. Crawfish and alligator is pretty good.

The realtors have a lunch, from Louisiana.

The yam—yams are sweet potatoes to everybody else—but the Louisiana Yam Association comes up and has a lunch.

Very Special Arts, which is something my wife and daughter have been involved in for the handicapped people, they have a dinner.

Tulane and Xavier, two universities, had a reception this year.

The Louisiana Hospital Association had a reception.

The superconducting super collider people came up and we had a lunch—not a very successful lunch.

The Times Picayune came up and had a dinner. There is a very evil thing. I was trying to lobby them—and also not with success.

I just went to the State of Arkansas. They had a catfish dinner the other day. We are going to have a big seafood lunch. Maybe a seafood lunch is under the managers' amendment.

It is like the dike that springs all these leaks and you keep going around saying yes, we will fix that because that seafood lunch, that is a good thing. Fix the seafood lunch. You say APAC has a good conference. That is widely attended. Let us fix that. Let us fix the rest of it.

But, Mr. President, you have started with the perception here—or a theme that the Senate can be bought for a basket of fruit. And if the Senate can be bought for a basket of fruit at Christmastime you are not going to fix that by a very complicated amendment that is going to take an in-house Philadelphia lawyer, going to take triple the number of employees over at the Ethics Committee.

Mr. President, this is not the problem. This is going to make it much more difficult to do our job as U.S. Senators because we ought to meet with these people. Lunches and dinners are the right time to meet with people.

I have not even gotten into the charity events because I do not do many of those. I have in years past. I have not done them in some while. But some of my colleagues are going to be able to testify to the number of dollars that are raised and the worthiness of the charity events. There is a perception there, maybe. I know "20/20" goes out every now and then and catches Senators doing something they should not to embarrass Senators. Maybe so. I think disclosure is the problem there, and those things ought to be disclosed. Believe me, you are going to discourage most Senators from going to most of those kinds of things.

But whereas, for example, one Senator is going to testify that one event which he puts on raises in the hundreds of thousands for a charity in his State and has a thousand volunteers—Senators do a lot of that kind of thing. That is not a problem, Mr. President. When you try to come in and fix those kinds of rules with an endlessly complicated bill, you are doing more harm than good.

Mr. WELLSTONE. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. WELLSTONE. I thank the Senator from Louisiana. I think, as I was listening to the Senator list a variety of different trips or places, I think that the problem sometimes—sometimes; we do not want to overstate the case—is that sometimes in the Congress, Representatives and Senators take other kinds of trips that are paid by lobbyists or clients that really have something to do with interests that are directly involved in the work that we do. I think we then get back to Senator COHEN's point about whether or not that does create the kind of perception that people have.

I must say to the Senator, I understand the sense in which he is talking about this, but I also think that if you were to ask 99.999 percent of the people in the country whether or not they think it is appropriate that Members of the House or Senate take these trips and have those trips paid for, as opposed to just simply not accepting those kinds of gifts, people would say no, it is not appropriate, we do not want you to do that.

I do not think it is so much that people are saying this is the sort of corruption as in the wrongdoing of an individual officeholder. I think what people are simply saying is that it is inappropriate, it is not necessary, and they do not think it is right. I think they are right. Thus, I think this is what the Senator from Michigan and the committee is really trying to address. I think it is a very important formulation.

Mr. JOHNSTON. Let me ask the Senator, if what you say is true that 99.999 percent of the people in the country think "these trips," you have in mind some trips other than what I have in mind——

Mr. WELLSTONE. Sure, but those trips do take place. I am sure the Senator will agree with me.

Mr. JOHNSTON. Let us take one trip featured on "20/20." I think the Senator from New Jersey spoke out on that. Let us take that trip.

Mr. WELLSTONE. Take another one.

Mr. JOHNSTON. Take whatever you want to. Let us say the tobacco industry goes to wherever you want to go to and they have fun and they do not do any serious work, we will say that is a bad trip.

If you had to disclose that, do you think any Senator is going to go to that sort of thing now, and is that not sufficient protection, rather than trying to get in and, by the sledgehammer when you get that gnat then you have hit the symphony ball and the National Guard dance and all of these other really good charities?

Mr. WELLSTONE. I do not want to monopolize and I know other people want to speak, but I will say to the Senator two or three things. Number one, let me kind of apply the Minnesota cafe test. I know my State best. Most people would say, "In all due respect, Senators, we don't really understand why you're talking about disclosing because we don't think it is appropriate you take those kinds of gifts in the first place. Why are you talking about disclosure? We do not think it is appropriate that you would have the tobacco industry, which is directly lobbying, paying for you to go wherever—Bermuda, wherever—for 3 or 4 days. We think it is inappropriate."

Mr. JOHNSTON. How about——

Mr. WELLSTONE. If I can finish, that would be the first point.

The second point is I think there is skepticism whether or not the disclosure ends up working. I think there have been past problems with that. I think people see it as too bureaucratic. And I think people might not be convinced that it will be all that easy for them, the citizens, to get a hold of the information. But the first point the people would make is that one that intuitively is the most important because I think we do have to understand that, which is why are you talking about disclosing such a trip when you should not take it in the first place? That is the argument, and it is a good argument.

Mr. JOHNSTON. Do you say you should not go to the symphony ball, ambassador ball, National Guard, the opera ball, what have you?

Mr. WELLSTONE. I will yield to the Senator from Michigan. I was reminding you——

Mr. JOHNSTON. What do you say——

Mr. WELLSTONE. It all depends upon who is paying for it. I have to have more information, OK? I would just simply say, I am now just speaking for myself—I found it interesting that as the Senator listed trips, it seemed to me that he also left out some of the kinds of trips to places that Members of the Congress sometimes go, not because they are corrupt, not because they are awful. I am not interested in any of that but which I really do think make people believe it is just simply not appropriate, and they are right. That is simply what I am pointing out to the Senator.

As to the particular examples you give, it all sort of depends upon who is paying. I think I will yield to the Senator from Michigan.

Mr. JOHNSTON. But——

Mr. WELLSTONE. I will tell you what my own view is—if I can finish the sentence—I will tell you what my own view is. If you were to ask me about the opera, I would say you can go to any opera you want to; you pay for it. Just like regular people pay for it when they go to the opera. It is that simple.

Mr. JOHNSTON. Mr. President, I believe I have made the point I wanted to make, which was disclosure is the key. I do not doubt that there are some things I would not touch with a 10-foot pole and go to. I have not been on a ski trip, not because I think it is evil or wrong. I do not happen to ski, so I never was tempted in the first place. But if I went and disclosed it, then the voters would be the judge of that. And if they think that I can be bribed with a basket of fruit at Christmas, believe me, they would think I could be bribed with a ski trip, and they would vote against me. I would not go for that purpose.

But there are a whole slew of other perfectly appropriate things. The United Negro College Fund, one of our colleagues is involved in that. Another one puts on and sponsors an event for a hospital in his hometown. What is wrong with that?

The problem is, when you try to make these very complicated rules where you do not know where one ends and one begins, Mr. President, it is much worse than leaving it up to the voters. If we are so unpopular and so badly viewed, believe me, none of us are coming back anyway. The whole raft of us is going to be gone, if that is the public perception.

I do not happen to believe it is the public perception. I think a man's political life or a woman's political life in this body is well-known. I think our reputations for integrity or not for integrity are well-known back home, and we are going to be judged by that. We ought to disclose what we do and let the voters decide and not come in with 10½ pages of exceptions and exemptions and maybes. Words like "indirectly." What in the world does indirectly mean? You cannot accept a gift that is paid for or go to an event that is indirectly sponsored by lobbyists. That includes most things in this town. Those that are best, those that are worst.

Mr. President, I think it would be a grave mistake to enact this bill, as well-intended as it is.

Mr. LEVIN. Will the Senator yield?

Mr. JOHNSTON. Yes, I will.

Mr. LEVIN. I would like to answer some of the questions. I think most of the events he talked about are widely attended events and would be events that a person can go to and not have to worry about paying for them, if I followed your list. I do not know I got each of them, but I think they all would qualify.

Mr. JOHNSTON. The New Orleans Chamber dinner just had me, Monroe Chamber had me, CPA's——

Mr. LEVIN. Were they here or back home?

Mr. JOHNSTON. Here.

Mr. LEVIN. In that case, they would be covered.

Mr. JOHNSTON. Black caucus lunch, just our delegation. National Guard was just Louisiana delegation.

Mr. LEVIN. If the Senator would say—the widely attended does not mean by Members of Congress, it means widely attended otherwise. Broadly attended event——

Mr. JOHNSTON. What is the number? Why do you not put a number on it so we would know?

Mr. LEVIN. Do you want to put a number on it?

Mr. JOHNSTON. I do not want the amendment.

Mr. LEVIN. In that case, I can assure you there is already an amendment on it.

Mr. JOHNSTON. What is the number?

Mr. LEVIN. Fifty. Since you wanted a number on it, there is——

Mr. JOHNSTON. Is that in the bill?

Mr. LEVIN. It is in the report language. Second, in other words, we have indicated what our estimate is of a widely attended event.

Since the Senator wants a number in there, if that is what the Senator means and has said, we would be very happy to have the Senator——

Mr. JOHNSTON. Fifty lobbyists and one Senator would do it.

Mr. LEVIN. Widely attended event. It is other than lobbyists. Widely attended. But the Senator said that he wanted a number in there and now seems to be——

Mr. JOHNSTON. I did not. I said this is vague; we do not know what the number is. And I do not want a number. I do not want the amendment. I am just illustrating how difficult this amendment is to comply with. It is a nightmare.

Mr. LEVIN. It seems to me the Senator wants it neither vague nor specific.

Mr. JOHNSTON. The Senator does not want this amendment, you can be sure of that.

Mr. LEVIN. Second, the Senator has also raised a question about disclosure. I think that is going to get to the heart of the matter on these trips, which have been such a subject matter of concern. These are the trips that have been shown on these TV shows where Members of Congress go, where the lobbyists are present, where it looks like it is principally recreational, where people are hiding from cameras so that they are not seen on television.

Mr. JOHNSTON. By the way——

Mr. LEVIN. If I could just finish this one thought. The Senator's point is, well, why not just disclose that kind of a trip? There are really two answers to that. First of all, those trips already are disclosed. Disclosure has not prevented this institution from being held up to public scorn. As a matter of fact, it contributed to this institution's being held up to public scorn when it was not only disclosed in our records but played up very widely on national network television.

Second, though, I think the main point is this. In the one that was on, I believe, "60 Minutes," for instance, this is the one where the announcer said:

> Two weeks ago the action was at the exclusive Boca Raton Resort and Club on Florida's Gold Coast where rooms go for more than $300 a night. We went there first a year ago and found 17 present and former lawmakers having a good time, courtesy of companies like U.S. Tobacco.

Now, the people who were there may or may not be able to survive politically that kind of a show. I do not know. Let us assume they all can. The problem is that that kind of a trip, where it is paid for by special interests, where lobbyists are present and where it is principally a recreational trip, although there may be some work going on in the morning, but where it is principally a recreational trip, where your spouses are present and it is principally recreational, holds the institution up to disrepute and makes public confidence in Government that much less likely. It undermines public confidence in this institution when that kind of a trip has a broad display in the media. And even though the individuals who go there are required now to disclose them, disclosure cannot solve the problem. It has not solved it yet, even though those 17——

Mr. JOHNSTON. Did they have that trip last year? I think disclosure has solved your problem. I think that is correct. I am not sure.

Mr. LEVIN. No, no, it does not because they had disclosure of these trips when they were made. These trips were disclosed.

Mr. JOHNSTON. I know, but having been disclosed——

Mr. LEVIN. The people still may or may not survive politically. My point is even though all the individuals who go there may politically back home survive that kind of a hit in the media, this institution has been weakened by that kind of attendance at that kind of event paid for by corporate interests. Even though half the money may go to a charity, the other half is paying for what appears to be the recreation of Members of this body. And the problem is that that then undermines public confidence in this body even if the Members who go there and who disclose the trip can be reelected in their particular States.

Mr. JOHNSTON. I would say to the Senator that there are one or two trips like that where the press corps is there, people are on the beach and everything.

By the way, speaking of network television, I understand on one of these trips the networks sent in some pretty girls where the guys were out—I do not know, they were sitting by the swimming pool or something—pretty girls as props so that they could embarrass the Senators or whatever. I was not there and I do not—I just say that as a little aside to tell you that it is not always responsible journalism. Nevertheless, there are two or three of those trips.

But how about the good trips? One of my Senator friends will be here to testify about this event he sponsors, which is the main event for his hometown—I think it is hometown—hospital, 1,000 volunteers. Do you want to prevent his doing that in order to stop this trip, this tennis trip down to Boca Raton, which I believe has been stopped anyway because I think everybody has quit going? You have this sledgehammer where you react to one or two high-profile trips and it stops all the rest.

By the way, when you talk about trips that are "substantially recreational"—I think that is the phrase used in the law. You can go on a trip that is substantially recreational. Where is that phrase? Yes, events that are substantially recreational in nature. Now, I wish to ask the Senator, one of my friends puts on a post-election event every year, every 4 years, after the election and has in money managers. They are not lobbyists, but they manage billions of dollars of public funds. They want to find out what is going on. And a number of colleagues have spoken to that. We have had ex-Presidents speak. We have had economists, authors. I mean, it is a very distinguished group, and I am always pleased to be there. I do not think there is a lobbyist there. But I think they start, if I recall correctly, at 7:30 a.m. and go until 12 noon. In the afternoon they have a tennis tournament, or some of them play golf, and that evening they come in and have a dinner.

Now, would that be prohibited as being substantially recreational in nature?

Mr. LEVIN. The way the bill is worded, if the Member participates in an event as a speaker or panel participant by presenting information related to Congress or matters before the Congress, that is OK; attendance at the event is appropriate in the performance of the official duties of the Member, officer or employer.

Mr. JOHNSTON. Another provision says if it is substantially recreational——

Mr. LEVIN. If the event is substantially. The way the Senator describes it, that event is not substantially recreational.

Mr. JOHNSTON. Most of the hours of the——

Mr. LEVIN. The event itself.

Mr. JOHNSTON. There are as many hours of the day spent in recreation as there are in conferences. The conference is—what is that? That is 5½ hours.

On page 45:

> Events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

Now, is that not substantially, I mean, most of the day?

Mr. LEVIN. It sounds to me like that event was not substantially recreational. That person did not come down to go to the golf tournament. That would be a substantially recreational event. That person did not come down to go to the tennis tournament. That person came down to participate in the other events that the Senator talked about, which were panel discussions or whatever they were. The event that the person came down to was not——

Mr. JOHNSTON. "Events, the activities of which are substantially recreational in nature," I mean, does that have to do with time or importance or what?

Mr. LEVIN. If the person is coming down to participate in a golf tournament, that is a substantially recreational event the person is coming down to.

It did not sound to me like that person was coming down to an event the purpose of which was recreational. The purpose of coming down to your event was not for recreational purposes. The purpose in coming down to your event was all of those other purposes. That was the reason he came down.

Mr. JOHNSTON. I can tell you at that particular event that they had at

Palm Springs, or something like that—Palm Desert, in November. And make no mistake about it, they had it at a nice watering hole because you could not get people to come. If you were having it in Minneapolis in January, they would not come. Or, if they had it in the South in the middle of summer, they would not come. They went to a nice place. The people can afford to do it, and the activities of that are substantially recreational in nature.

Maybe you could write to the Ethics Committee and submit your schedule, and say, "Look. Even though we are going to have 5½ hours of conferences, even though I am going to speak, here are the speakers." They would say, "Well, the event is really a substantive event. It is so. Therefore, we are going to let you go. But you had better stay in your room and study your lessons in the afternoon. And whatever you do, don't get out on that tennis court or don't get out on the golf lanes because you might be corrupted out there or something."

Give me a break, Mr. President. This thing is so full of unnecessary rules and ambiguous, vague, traps for Senators.

Does the Senator agree with me—let me ask him this final question, and I will yield the floor. I have talked too long.

Does the Senator agree with me that we are going to have to at least triple the number of employees at the Ethics Committee, and that each individual Senator better have a full-time ethics guidance counselor in the office, and in your other places?

Mr. LEVIN. Not all. As a matter of fact, I look at the current issues considered by the Ethics Committee. It seems to me we are going to have fewer issues than the Ethics Committee now has perhaps. "What types of awards may be accepted by Members of Congress?" We have had three interpretative rulings under the current rules. Whether Members may accept items like season passes to entertainment and sports events? We have two interpretative rulings of the Ethics Committee. Entertainment from local events. We have had three interpretative rulings. Home State products, two; loan of furniture and office equipment, three. What types of expenses constitute necessary expenses that may be reimbursed in connection with travel? Three. What types of personal hospitality? We have all kinds of interpretative rulings by the Ethics Committee.

It seems to me this particular approach we are using is simple and direct and not more complex than current rules. Wherever you draw the line, you are going to draw it at a different place than we had. If we have $20, you will say $75. You will have different places to draw the line.

There are going to require interpretation as the current rules require interpretation.

Mr. JOHNSTON. Under the Senator's amendment, would he not agree with me that rather than to have three interpretative rulings on—I forget what it was the Senator said; three rulings for events? Would you really have to have an interpretative ruling on each and every event you go to, if you are going to be safe?

Mr. LEVIN. No. No more, say, than currently.

Mr. JOHNSTON. You would go off on this trip where they have golf and tennis in the afternoon, dinner at night 7:30 to 8 o'clock. Just assume that is not substantially recreational in nature.

Mr. LEVIN. Yes. The event is not. The event you went to is the event. The reason you went down, per your description, was not for recreational purposes. The reason you went down there was for the purpose to go and participate as a Senator.

Mr. JOHNSTON. I took my tennis racket.

Mr. LEVIN. Are you going to pay your own tennis fees?

Mr. JOHNSTON. No. They had a little tournament in connection with this thing.

Mr. LEVIN. What was the reason you went down?

Mr. JOHNSTON. It was partially my friendship with the guy who puts it on. He is a longtime, good friend. Partially it was, I thought, a high honor to be with this crowd. We have had former Presidents. We have had, I forget who all was there. Rowland Evans I think was the moderator. We have had distinguished economists. I learned a lot, and partially or substantially because it was in a nice place at a nice time of the year, and I could play some tennis—all of those reasons.

Mr. LEVIN. Under this approach, "substantially recreational," you could not accept that trip because the event then, as you have just described it, was substantially a recreational event.

Mr. JOHNSTON. I realize he has changed his own opinion on the same facts.

Mr. LEVIN. No. You just gave me the facts. You told us the first time the reason you went to that event was those morning events, and that then those other events, were not the principal reasons for your going. Now you are saying there was not a principal reason for your trip. There are three principal reasons, and the words you used were that a substantial reason for that trip was recreational. Under this approach, you then have made the judgment because you said it was substantially recreation. You do not need a lawyer. You now have made the judgment under this approach that you could not have that paid for by somebody else. You have answered your own question.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana continues to have the floor.

Mr. JOHNSTON. Mr. President, I am about to wind this up. But my friend, I think what he illustrates is that each and every event is going to require a special ruling from the Ethics Committee. Because, if what is in my head when I think about this event, whether it is principally a substantive event—I mean, the National Cancer Institute, for example. They always have their meetings in Jamaica, or Aspen, or one of these places. If there is ever a substantive group, that is it.

But any one of these groups is going to have their conference in a nice place. Otherwise, people will not come. Even though I want to be there to make the speech, the fact that it is in a nice place is part of the reason. How can you separate that out. Say I am doing this strictly for the business, and after I finish speaking, I am going to go back to my room, lock the door, pull down the shades and not look outside at the sunshine, and certainly I am not going to go into that swimming pool. If it is OK if I make the judgment, you know, if I fooled myself, and say I am going only for the business part of this, how about somebody else? 20/20 comes in there, takes the picture of it, and it has the appearance of being bought or something?

I mean, how can it be worse if they already think you can be bought for a basket of fruit?

Mr. FEINGOLD. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. Yes. I yield for a question.

Mr. FEINGOLD. Thank you.

I am as concerned, as the Senator is, that this bill, however it ends up, does not prevent us from being able to meet with our constituents either here or back in our home States.

I noticed when the Senator listed various groups that he met with this past year for lunches, or other gatherings, I had similar meetings with Wisconsin groups: the Black Caucus, CPA's, sheriffs, chamber of commerce in Wisconsin. The only one I did not recognize was the cabinet one we did not have. But there are at least three ways that it is possible for me, even with a rule like this, to have met with them.

One is not to have them in connection with a meal. The second is not to eat, not to have lunch. And, the third is to pay your own way.

Mr. JOHNSTON. For this, bring a brown bag.

Mr. FEINGOLD. That is right. There are all options. Are any of these options foreclosed by the Levin substitute?

Mr. JOHNSTON. They might be. I mean, my event where I go where they have the conference 7:30 to noon, you might pass up a meal or you pay for your own meal. But what do you do about the other recreational activities of the day?

Mr. FEINGOLD. I am just speaking here of a typical gathering you have here in Washington, or home for a lunch. All of those options are still available under the Levin substitute, are not they?

Mr. JOHNSTON. Yes. When you go to, say, the Opera Ball, I do not know what one of these dinners down here will cost. You go down at the hotel. I do not feel like I am really being entertained. I feel like I am doing when I go to those things at the Meridian House, the Opera Ball, the March of Dimes, what have you, I kind of feel like that is a contribution of time and effort to these things, and not something they are giving me.

But if I had to pay $150 for something every time I went to those, most Senators except the wealthy ones will not go.

Mr. FEINGOLD. What I am trying to get at, the normal business meeting with constituents, not the balls or those events.

The Senator specifically referred to a whole series of normal meetings that he has over the years. It appears to me from your answer that if you exercise any of these options, it will allow you to continue to have those business meetings and discuss the issues with all of these groups. I am trying to clarify that.

I think certainly with regard to that list that the Senator gave, there is nothing in the Levin proposal that makes his life more difficult?

Mr. JOHNSTON. It would sure make it a lot more expensive to do things that are ordinary parts of being a Senator as far as I am concerned.

Mr. FEINGOLD. Thank you.

Mr. JOHNSTON. Mr. President, I have spoken too long.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first, let me commend the manager of the bill, and say that the substitute which he offered for his version of the gift bill was somewhat different, and was an excellent attempt to bridge a gap, to get past the differences that we see emerging, and as usual, his skill and his knowledge help to clarify the situation, even in the current debate. Perhaps there was a question or two that was not resolved, but it is a complicated thing that we do, Mr. President. It is different. Life is changing. That is what we are about to discuss, and that is what we are about to stand up and be counted on.

Either we accept the fact that there is change or we salute the status quo. Much of the discussion of the issues associated with reform of the current gift rule has been with some passion. That is understandable. The reforms we have proposed will change relationships radically in Washington, and also impact on Senators in their home States. They raise complicated questions about our representational roles, the definition of "official business," and how to separate our private lives from our public duties. It is natural for Senators to have concerns, questions, and reservations. I would like to deal with some of those issues today.

The first point I want to make, because it troubled me the most, relates to some of the discussion that took place and a perception that the gift ban legislation is in some way designed to reduce this organization's stature, or to malign it in any way, or to denigrate the individuals.

Mr. President, it simply is not true. The Senate, despite its frequent gridlock, erratic practices, and arcane ways, is an institution that deserves respect and even affection. I give it both of those. I respect this institution. I love being here, and I love representing my constituents. This place plays a critical role in our lives and in the way we are going to live, not only now but in the 21st century. I believe that each Senator here—not in the room, but in the membership—takes his or her responsibilities to constituents and our country very, very seriously.

Mr. President, I am a first-generation American. My parents came to this country as infants, brought by their parents who were seeking escape from oppression, persecution, looking for liberty, looking for opportunity. They struggled to make a living. They performed the most menial tasks. Nothing was too small for my father or my widowed mother, when she achieved that status at 36 years old; nothing was too small. She did what she did to help her kids and herself. They believed that America, through all the troubles, was the greatest place on Earth.

They passed on that deep faith in our country to me. With their support, some very good luck, and a lot of hard work, like many others in our country, I was able to succeed. I was able to attend college on the GI bill after serving in Europe in World War II. I built a successful business and then sought public office as a way to demonstrate my love and affection for my country and to give something back to a State and a country which was so good to me.

I review that personal history to make it clear that I have more reason—or as much reason as anyone—to place my faith and trust in this country and be grateful for the opportunities that America has given me. I also have more reason than many in this institution to appreciate and respect those with whom I serve. I came here without a background in politics or legislation. I had a great deal to learn. The fact that I was 30 years in the business world, a corporate chief, did not mean anything. When I got here, I had to learn from basics about what to do. Members of this body, individuals, collectively, helped me a lot. I have come to appreciate my colleagues, both professionally and personally.

This very desk, Mr. President, at which I sit, once belonged to Senator Harry Truman. He carved his name in the drawer. His name is also carved in the history of our country. I made sure this desk followed me every place I moved in this Chamber, from the far corner where the new Senators start out, to this place, because I am so attached to it. I remember my mother's—who was then alive—reaction when I told her I sit at the desk at which Harry Truman sat. She was impressed, and I think she felt I deserved it. But that is something else, Mr. President. Being here at this desk gives me a sense of history and underscores for me the special nature of the Senate. I hope my work here will add something to that history. But I certainly do not want to do anything that diminishes this institution.

My motivation for sponsoring reform legislation is to increase, not decrease, public trust and esteem for the Senate. It is no secret to anybody here that Congress, as an institution, is viewed often as a captive of special interests. Washington is seen as being separated from the concerns and the needs of everyday, working Americans. And I can see how they get that impression. It has little to do with a basket of fruit. It has to do with whether you work full-time for your boss—the constituents back home. It has to do with your mission here.

They are not concerned back home with whether or not you have a good time when you go to work, or when you go to conventions or to conferences. Yes, I like fun as much as the next person. But my primary mission is to serve my constituents, at the same time reminding myself, if I forget, that I have a responsibility to them that deals with ordinary, everyday problems of how you make a living and educate your kids, and how you keep a roof over your head. That is what we are talking about.

The point, Mr. President, is that public confidence—and you see it in poll after poll after poll—in Government is at an all-time low. There are reasons for it. We all have our own explanations for the public's cynicism and distrust. But all of those explanations do not alter the fact that the public questions our motives, doubts our commitment to the public good, and does not accept our claims of independence and integrity.

All of our reform efforts are a response to that reality: campaign finance reform, lobby disclosure reform, congressional procedure reform, and gift reform, also. Last year, when the Senate considered legislation to provide the public with more information about the way lobbyists operate, I advanced a proposal that we do more than disclose certain behavior. When it came to the giving of gifts, including travel and meals, I said that we ought to severely limit it or ban it outright. Yes, I enjoy going out for dinner just like anybody else. It is a question of who pays and what takes place at that dinner. I was thinking of lobbyists paying for trips and meals, providing free tickets to entertainment and sporting events, and generally extending special treatment to Members of Congress and staff.

The bill I introduced, Mr. President, a year ago this month—1 year ago—prohibited Members of Congress from accepting such gifts. The distinguished manager of this legislation, Senator LEVIN, was a cosponsor of that legislation.

Five months ago I also sponsored, and the Senate adopted, an amendment calling for action on a gift ban by the end of 1993. Despite prompt hearings before Senator LEVIN's subcommittee, the Senate never acted on my proposal.

This year, joined by Senators WELLSTONE and FEINGOLD, I introduced legislation which would regulate the kind of gifts lobbyists could give. That approach was consistent with the lobbying reform bill, which regulates lobbyists and not Members of Congress.

After a good deal of effort, we got a unanimous consent agreement for the Senate to consider the Lautenberg-Wellstone-Feingold bill by May 4, this very day. That agreement set off a series of events which culminated in the legislation introduced by Senator LEVIN several weeks ago. His approach is similar to the ban on Member acceptance of gifts in my original 1993 bill. It is also, in many ways, an improvement on that bill and on the Lautenberg-Wellstone-Feingold legislation of 1994.

Once again I applaud Senator LEVIN for his usual excellent draftsmanship, courage, and commitment to the highest standards of official conduct. I also appreciate the courtesy and cooperation that he and his staff extended to all of us during what were often difficult discussions. He has produced a bill which, like all legislation, I regard as imperfect; but he has also produced a bill that makes real and significant reforms in the way Washington does business.

Here is what the bill does:

First, it eliminates virtually all gifts from lobbyists to Members of Congress and staff. Second, it limits gifts from everyone else, with reasonable exceptions for family and friends and awards of mementos and the like under $20.

Someone once said to me: "Frank, what do you think you can get for 20 bucks? What kind of meal do you think you can get?" I said: "Not much."

That is the objective to try to eliminate it.

Third it prohibits all trips that are substantially recreational. We all discussed that. It means an end to the kind of charity golf and ski trips I went on which had been the object of such criticism and controversy. And finally it ensures even if a Member is on a privately financed trip, he or she could not accept reimbursement for recreational activities.

That, and more, was in the original Levin bill, as it was in the original Lautenberg bill, and the Lautenberg-Wellstone-Feingold bill. We did have some concerns about the Levin bill. We worked on those, and most have been resolved. A few remain problems, and I hope that they can be resolved.

The bottom line is that this is real and significant reform. It fundamentally changes the relationship between lobbyists and Members. It fundamentally alters the way we do business in the culture in which we live.

Mr. President, all of us have and will abide by whatever rules exist. Under current laws, I participated in some events that I now feel should be eliminated and I wish I had not gone. Times were different. Some of the trips I took—and I took some trips that this legislation would proscribe—were designed to help a specific and wonderful charity. Other gifts did not. They were outright gifts, it is true, of free meals and entertainment. While I feel I have not routinely permitted lobbyists or others to buy me dinner, I have gone to some dinners which this legislation would outlaw. I have attended entertainment extended gratis to Members of Congress merely because, or solely because, they were Members of Congress.

The problem is not necessarily the individual trip or the particular dinner. The problem is the cumulative impact of those trips and the dinners and the way that the public sees them.

The cumulative impact of all those meals, trips and other freebies is, Mr. President, to bias the system. Most so-called average citizens do not get to spend an hour, or 2, or 3, a weekend, or 2 days, with a Senator. Average citizens often do not get to build a personal relationship this way with a Senator or a Representative. Average citizens do not have the access—the opportunity to present their case and explain their concerns is just not available—as lobbyists do get it from the time they spend with a Senator or Representative and the relationship that develops with them as a result of gift giving or gift exchanging.

Mr. President, the logic underlying our reform proposal is very similar to the logic at the core of campaign finance reform initiatives. Campaign finance reform is designed in part to reduce Member reliance on PAC's and big givers because those contributors receive special access as a result of their giving. Reformers do not argue that the contributions buy a vote, but they argue that such contributions bias the system toward the wealthy. Large contributors get special access to Members.

In many cases, by their very nature, gifts give lobbyists an even greater access for hours of time with a Member at a meal, or a trip, or theater, or ballpark.

Beyond the actual bias built into the system by gifts, there is also the issue of public trust. The practice of accepting gifts from lobbyists—dinners, trips, free tickets—is corrosive to public confidence in the Congress.

Now I want to make this point very clearly. Many, if not most of my colleagues, believe that there is nothing wrong with the present process. I respect that view. But the public disagrees with it. When constituents learn that a Member has taken a trip or accepted a dinner, that raises doubts about that Member's independence.

I want everyone to understand what that means, Mr. President. Every Member of this body who does something perfectly legal, perfectly allowable under the rules of the Senate, inadvertently often contributes to the public's suspicion of Congress. The independence of Congress is cast into question by our failure to deal with this problem. And what for? For something we ought to be willing to give up for the good of the institution. We do not need the trips or the dinners or the free tickets. They are fun, yes. I like to go to a ballgame; I like to go to the opera; I like to go the theater. I like to do all those things. The question is, on whose bill? They are not essential to our work. They are not critical to our lives. They are not important enough to justify the loss of public confidence in the Congress that results from these practices.

(Mr. CONRAD assumed the chair.)

Mr. LAUTENBERG. Mr. President, this is not the first time we have changed the way Congress does business. Daniel Webster, whose love of the Union and service to the Senate has made him one of the towering figures of our history, routinely accepted payments from companies whose interests he would then champion. That was then. But in a different time, with different attitudes, that has become unacceptable. We changed the rules, and it is no longer allowed.

I did not do so, but many current Members of the Senate used to accept honoraria, payment for speeches. But over time, with different attitudes, that has become unacceptable. We changed the rules, and that is no longer allowed.

We made those changes because an evolving view of public service convinced us that we ought to do so. The changes were not an admission of prior improper behavior. They were not confirmation of ethical misconduct. They were simply a recognition that there had been a change in common perceptions of what is proper behavior.

The bill before us now responds to a similar change. It says that along with honoraria, gifts will be banned. Mr. President, this may be new to the Congress, but it is not new to other segments of the world. When I was the CEO of a fairly large company, I prohibited purchasing agents from receiving gifts from potential vendors. I thought there might be a conflict of interest associated with that practice. I thought it best to avoid those kind of interactions, that kind of bias, even though I had full confidence in my managers. The rule was laid down.

This gift ban is similar. It avoids even the appearance of an impropriety. There has been a sea change in public expectations about Members of the Congress and their conduct. I say that we should acknowledge those expectations and do everything that we can to meet them. Mr. President, few are drafted to serve in the U.S. Senate. I have never heard about a draft. Maybe some have served with such distinction. Only 100 people out of this entire country of 260 million get to serve here. It is quite a gift.

Mr. President, I believe that giving up gifts is a small price to pay to help restore confidence in Government. The Senator from Michigan said that in his opening remarks. It has been a long and often difficult trip from our first floor vote on this issue to the proposal before us today.

Mr. President, I think it is apparent life has changed and continues to change when you serve in Government. There were many things that used to be different. Honoraria was SOP, standard operating practice. There was nothing wrong with it. Those were the conditions at the time.

We even used to have a free gymnasium to use. That is now paid for. We have to pay for the doctor's service. It was free before. Why did we change it? Because the public wanted us to feel some of the discomfort about some of the difficulty they have with their everyday living.

People outside do not get to go to the doctor free any time they want to. They did not have a gymnasium free to use any time they want to. We made the changes willingly, forthrightly, because we wanted to respect the fact that the public was asking us to get some sense about what we are going to do.

A lot of things have been said in this debate. One thing that was commented upon was not wanting to have to hide from the camera.

Mr. President, if you have to have to hide from the camera, you know you done wrong. Let the public be the judge of that. If you have to conceal yourself from a camera, Mr. President, it does not take a constitutional lawyer to say this is not right. Because if you are hiding, you are portraying a secret mission.

Life has changed, and we have to make a decision. Is life in the Senate worth serving when it is simply for the honor and for the opportunity and for the privilege of serving here in this great country, or does it have to be accompanied by the extras, by the trips? Yes, they were fun, of course. But that is not why the public sent us here and that is why they resent it, because they want a full-time effort here, focused on their issues. And, as I said earlier, we do focus on issues, but it is the public perception that has withdrawn us, at least as they perceive it, from the routines of life that they go through.

Mr. President, we have changed lots of things. This is going to be a difficult debate, apparently. There is a lot of anger, a lot of hostility. But, I plead with my colleagues: Let us try to work this thing through rationally. We are not doing it because it is fun. I do not enjoy this, I can tell you that.

We have made it this far because of the work of Senator LEVIN, Senator WELLSTONE, Senator FEINGOLD, and, of course, our leader, Senator MITCHELL. Senator BOREN is a cosponsor of our bill. But we still have a long way to go before we get the kind of law we need.

Mr. President, I look forward to this legislation going to conference and coming back in a form which will allow all of us, Members of Congress and citizens of this country, to be proud of what has been accomplished.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I want to say to my colleagues, I will be quite brief, because I know there are a good number of people that want to speak. We will probably have a long and intense debate, but I think it will be an important debate. I think we will agree and sometimes disagree with one another in good faith.

Mr. President, I have been working on this for a year and I feel very strongly about this reform effort. I thank Senator LEVIN for his fine work, Senator COHEN, and others as well.

I would like to talk about this in a somewhat different way, because I think each of us has our framework and we are saying what we are saying because we believe in what we are doing.

I think there is a politics of anger in our country, and I really worry about it. I guess if I thought this politics of anger or cynicism, or whatever you want to call it, was going to translate into a citizenry that was more engaged and more empowered and held all of us, Democrats and Republicans, accountable, and where people were now active citizens and people said we can run for office ourselves, that would be fine. I think that would lead to an expansion of democracy.

But if that politics of anger—and I think anger is a central dynamic of American politics. I think some people are very polemical—I am not talking about on this floor at all—and sort of tap into that anger. If that politics of anger translates into a situation that is an indiscriminate bashing of all public service and all people in public services, it is going to lead to a decline of democracy, I say to my colleagues, Senator LAUTENBERG and Senator FEINGOLD. I think all of us on the floor feel very strongly that we do not want that to happen.

Mr. President, I think that is what this debate is all about.

Senator LEVIN said earlier in his opening remarks, or it may have been in response to a question that Senator JOHNSTON had put to him, that, you know, the problem with the disclosure as opposed to abiding by the same rules the executive branch abides by—I believe the Senate went on record something like 97 to 3 in favor of that; that was the original Lautenberg sense-of-the-Senate resolution—is that it just does no good for this institution for people to see or to hear about trips that we take not connected to work, paid for by any number of different kinds of special interests. It does not seem appropriate to people in Minnesota, or North Dakota, or I think across the country.

So, Mr. President, I think what we have here is a citizenry which increasingly feels left out of the loop. They do not really feel like they are listened to the extent they want to be listened to, and they feel like some people, whether they are lobbyists or not lobbyists—one of the changes that Senator LEVIN made that I think is really important is he really expands the universe when it comes to gift banning. I believe some Senators—I know Senator INOUYE has some questions, he has tried to work hard to make sure there are some ways in which we are reasonable about this. But I think what Senator LEVIN has done is extremely important, because the perception in our country is some people have the economic wherewithal, they have the political clout, they are the heavy hitters, they have too much influence and too much say and too many people are left out. That is really what is going on, is that people just feel that way.

And so when they hear about our taking some of these gifts and these trips from a variety of different lobbyists, interests, and so forth, it just simply sharpens the problem of the distrust of the institution.

This reform effort on this floor—and I really think it is a unified effort on the part of many of us; let us get our cause and effect clear—is not a cause of increasing skepticism or cynicism or anger about our institution. Quite to the contrary. I think it goes a ways toward giving people more faith. It is a symbol.

Mr. President, if people do not believe in our process, they are not going to believe in any of the outcomes of the process. If they are going to think that there is a lot of wheeling and dealing and gifts and trips and all the rest—which is not for them; they do not get these free gifts and trips and all the rest of it, but they think that is a part of the culture here —they are not going to believe our policies. They have to feel like this process is more accountable. They have to feel like it is more open. They have to feel like we are focused on the common good or the public good. It is really important to people.

I spoke the other day, and I will not use the name of the organization—it was poignant—to a group of doctors. I was scheduled to speak at 8:30 and I came in at 8:25. I was early. There was a guy who I think was maybe the political director. He was talking to the doctors, a couple hundred of them. He said to them—and he was quite uncomfortable, I thought—he said, "With your PAC checks, if you go in, if you are in the offices with Senators and Representatives, you can't give it to them in their offices, so they might want to step out in the hall. They can take it in hall, or they might tell you where to send it. But they will take it."

And there was this sort of cynical, but also awkward, laughter—because, if people are worried about the taking, they are also worried about the giving.

So when I spoke, we started talking about all this. As I heard people speak, it was clear to me that they felt—and I feel the same way—we are trapped in this same kind of awful system where they actually thought they needed to come here with checkbooks to make contributions to have influence. I did not say that was the case, colleagues. I am just telling you that is the perception, that mix of money and politics, that idea that some people are here, they have access, they have the resources, they are heard, but too many of us are not. That is really what this is about.

I say to my colleagues—and I conclude because I promised to be brief—that I do think the political ground has shifted under our feet. Some of us—I looked at Senator FEINGOLD—some of us who are new here have a lot to learn. And we learn from all of our colleagues, Democrats and Republicans alike. But I also think there are some things that we know pretty well. One of them, I would argue, is that good-government reform, which once upon a time people in politics were cynical about and said that is just a bunch of goo-goos, it will go away, it really does not matter, people really care about those bread and butter economic issues—not any longer, Mr. President. Not any longer.

These issues of good government, these issues of good public service, these issues of ethics, these issues of accountability, these issues of people feeling like we truly represent them, these have become the central issues in American politics.

So I hope when we debate the Levin proposal—some of us have some amendments which we think strengthen it, but we agree with so much that is in there—that our colleagues will not come to the floor with amendments that obviously weaken it. You are making a big mistake. You are making a big mistake. Because if we do that, people once again will reach the conclusion that we are not really serious about making our own process open and accountable and working. If that is the conclusion they reach, then I think it adds to the very problem all of us are worried about, which is this denigration of public service which we all believe in. I hope my colleagues will support this very important reform effort.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I commend and thank the distinguished chairman of the Subcommittee on Oversight of Government Management, Senator LEVIN, for drafting this underlying substitute amendment. It does strengthen in many ways the bill that we had originally introduced.

The substitute amendment allows us to address a subject that we have all said today is very important, both to Congress and the American public. It finally reforms the way in which Congress deals with free travel, entertainment, meals, and various gifts that are offered to Members and their staffs each year from individuals and organizations that seek access and influence in the U.S. Congress.

I just remind everyone, of course, the current gift rules allow Members of Congress and their staffs to accept gifts worth up to $250 from one source during a year, and that does not include in that limit any gifts under $100. I think this creates the potential for conflicts of interest and the appearance of impropriety.

My sense, as was certainly eloquently stated by Senator WELLSTONE, is that this is part of the reason that the public's confidence in Congress has fallen to dangerously low levels. The recent media accounts concerning various trips and recreational outings paid for by lobbyists and their organizations, I really do believe have fanned the public's discontent and have helped spawn an even greater sense of cynicism towards this institution.

I know this firsthand. I hold town meetings and listening sessions almost every week in Wisconsin. Every weekend, people come up to me as they go home and say, "How in the world can you guys get away with going on these trips? How can that be the rule even if hardly anyone does it?" As a result of the media coverage, the sense is this is a common practice. To put it mildly, I think this new level of skepticism does not serve the public interest and can only damage the political processes of our great democracy.

Thanks to the efforts of my good friends from Michigan, New Jersey and Minnesota, we can take a major step toward addressing this problem today, and I thank them all for their perseverance on the issue.

I say this because it has been almost a year since the Senate passed the much-needed Lobbyist Disclosure Act of 1993 and Senator LAUTENBERG's resolution which expressed the sense of the Senate that the full Senate would consider, during this session, changes in the way Members and staff are allowed to accept gifts, meals, and travel similar to the restrictions currently applicable to executive branch officials. Then my friend from New Jersey followed up on that resolution by introducing S. 885, the Congressional Ethics Reform Act of 1993, which would have, among other things, reduced the gift limits along the lines applicable to the executive branch, setting the new single gift limit at $20 with a $50 limit from any one source. I was pleased to be a cosponsor of that and to be able to submit some testimony at the bill's hearing.

It is almost a year now since this body has passed that resolution, and it is too bad it has taken this long. But if we act today, we can make good on that promise. I think it is important that we do act today so the American people do not conclude that this body only pays lip service to institutional reform.

I did come here recently, as the Senator from Minnesota indicated. Maybe I came here a little too optimistic that reform can be achieved. I remember when I first arrived here last year—after an unexpected victory, but a victory nonetheless—I came here thinking that we would have a real reform effort, that people here would actually listen to the message that is being sent to us across the country. And that message is real simple. People do want us to change the way we do business here in Washington. People perceive that Congress has to do more to cut its ties to special interests and pay more attention to the everyday concerns of the people that sent us here in the first place.

At first I was encouraged. We did pass a campaign finance reform bill early in the session. The measure was not as tough as I would have liked, but it still created some meaningful change in an area that is desperate for overhaul in the campaign finance area. We also passed the Lobbyist Disclosure Act, which included a comprehensive gift disclosure provision, thanks to the efforts of my friend from Minnesota. And the overwhelming margin by which that resolution passed made me believe we would be able to very quickly enact this gift ban.

However, we are here today on May 4, 1994, not May 4, 1993, with a campaign finance reform bill, which passed both the House and the Senate, mired in a quagmire of disagreement in an upcoming conference and embroiled in a potential debate here today between those who seek meaningful reform and those who actually want to weaken the underlying measure we have put forward. It is too bad we cannot just pass this on a unanimous vote. I think we should be able to do that.

How many editorials and articles will we have to read and how many television exposes will we have to watch and have recounted to us by our constituents before we implement these reforms? Do we always have to legislate by a last-ditch approach, waiting for a serious scandal of some sort before we take action and implement some change? The American people are fed up with some of the ways of Washington, and it is time to act rather than react.

When I watched, as a State legislator, some of the discussion about the perks in Washington—the House bank issue, the issue concerning haircuts, and others—I obviously sensed that the public was concerned. I believe this one, the gift practice, dwarfed all the others. I have even had the opportunity to refer to this as "The mother of all perks," because the potential under the current gift rule is enormous if a person is willing to abuse it. And the public perceives that.

Some will argue, as we have certainly heard on the floor today, that the restrictions and disclosure requirements contained in the Levin substitute amendment and other amendments are too tough and they are just going to be impossible to implement. They will argue that these rules would hinder their work and the work of their staffs and are unnecessary, since the gifts, meals and travel that are allowed under the current system do not provide special interests with any unique access and do not influence their legislative decisionmaking in any way. We heard claims almost exactly like that on the floor today in response to the questions stemming from concerns over the difficulty we would have complying with the rules pertaining to this.

I suggest we look to my own State, the State of Wisconsin, which has had for many, many years an even stricter set of rules for guidance for its members of the legislature. I served for 10 years as a Wisconsin State Senator. I served in a legislative body that simply prohibited the acceptance of anything of value from a lobbyist or an organization which employs a lobbyist. In Wisconsin you cannot even accept a cup of coffee from a lobbyist. It does not take a Philadelphia attorney, as the Senator from Louisiana suggested, to figure that one out. You just cannot do it. You want it? You just have to pay your own way.

My experience and the experience of every member of the Wisconsin legislature has been that this total ban works. It led me, when I came here, to adopt on my own an office ethics policy which combined the most restrictive elements of the Wisconsin law and the current Senate rules.

I did not put out a news release on it. I just did it quietly because I was comfortable with that.

I also sensed, given all the discussion of the previous year in the public, that this change was inevitable, not just for Wisconsin, not just for Minnesota, which recently enacted these rules, but this change is inevitable for our Federal Government. The executive branch actually has led the way, as opposed to the Congress, on this.

The State of Wisconsin has a well-deserved national reputation for clean government, in part because of its State ethics laws which include a total gift ban. Sometimes the State is described as "squeaky clean." That is something of which we are proud. I am sorry that is not a term that has been applied to the Congress very often in recent years. That might not even be fair or accurate with regard to the actual conduct of Members, but it is clearly unfortunate for the institution, if that is the perception.

The policy that we implemented for our office essentially bans all acceptance of things of value. Specifically, as under Wisconsin law, individuals employed in my office, including myself, paid staff, fellows and interns, simply cannot accept food, drink, transportation, lodging or a thing of pecuniary value from a lobbyist or an organization that employs a lobbyist, or food, drink, transportation, lodging, employment, or any item or service of more than nominal value from any individual if it is offered because of that person's public position.

As I said before, critics of this amendment and the rules complain that it will result in some overwhelming amount of paperwork and administrative work which can ultimately take away from the time that Members of the Senate spend on their legislative duties.

My own experience in Wisconsin, and since I have been in the Senate, is that that is not the case. As of today, my office has logged over 585 gifts that have been sent up to us and declined or donated to charities. I can assure you that our policy has neither interfered with my legislative responsibilities or the responsibilities of any member of my staff, nor created any undue administrative burdens. In fact, since there is no food laying around the office, there is less time spent eating food and, I am told, more time working. I do not know if I totally believe that.

So I would again like to thank Senator LEVIN for his leadership and hope we can strengthen his amendment. I will do all I can to make sure the strongest measure is enacted in this Congress. Restrictions included in this amendment are, however, a significant step toward reducing the opportunity for potential conflicts of interest and the negative perception of Congress.

So I hope my colleagues will heed the voices and message coming from across the country outside of the beltway demanding that we end this aspect of business as usual. I ask the body to support any efforts to strengthen the Levin substitute as well.

I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I have great affection, great admiration for my colleagues. They are all good men and good women. I am certain that the procedure we are now following is being carried out with the best of intentions. I should confess to all of you that—and I am rather embarrassed to do so—I do not golf; I have never golfed in my life. I do not play tennis. I hoped I could. The last time I was in a stadium to watch a baseball game was in 1960 when we had a team called the Senators. I have seen the Redskins play twice.

So from a personal standpoint, it means very little to me about these golfing games or tennis matches or basketball games and football games. But I am concerned about my work and my relationship with the people I serve.

For example, I am privileged to be the chairman of the Committee on Indian Affairs, and I have been chairman of that committee now for 7 years. I take pride in the fact that I am the first chairman to visit all parts of the United States. I have been above the Arctic Circle on two occasions. No chairman has ever gone there. I have visited tribes all over the United States—in the Plains, in the Northwest, in the Southwest, the East and the South. I must tell you that these Indian brothers and sisters of ours are most grateful for any visit that a Member of Congress might make.

As part of their culture and tradition, they provide gifts. Mr. President, these are not gifts that are purchased from Lord & Taylor or Bergdorf Goodman. These are gifts made by them: a basket, a small rug, a piece of pottery.

I cannot honestly say that they are my friends in the real sense of the word because this is our first meeting, but they go through great ceremony. Am I supposed to stop the chief and say, "Chief, how much is this pottery worth?" I have no idea what they are worth. If I had to guess, I would think that the Navajo rug that was presented to me is maybe worth hundreds of dollars, but I know it was made by an old lady there who said it took her 6 months to make it for me.

Then I have the privilege of serving the finest people in the United States, the people of Hawaii. As part of our tradition long established—long before the coming of Captain Cook—there are greetings. Whenever you greet a stranger or friend, you present him with flowers, flower leis. If you should visit us in Hawaii, someone might greet you with a flower lei. Hardly a day goes by when we do not have visitors from Hawaii visiting the Nation's Capital and they bring with them flowers, leis.

Mr. President, you know and everyone knows that these things are not free. They have carried them all across the country. Am I supposed to ask them, "How much is that worth? If it is worth $20, I can't take it from you." I would be insulting them, and I would be insulting myself.

I know that this law is going to pass. Some form of reform bill will pass. But I want to know what I should do because I do not want to break the law.

I think what we are doing to ourselves is a strange type of masochism. Pretty soon, we will be telling the people of the world by resolution that all Members of Congress are crooks. Essentially we are saying that—we cannot be trusted.

But I want to know from those who are authors of these measures how far I can go. Can I receive a gift from grateful Indians? Can I receive a flower lei from my constituents? If I am in a hospital, should I return the flowers that come to my room? What about Christmas? Mr. President, many of the gifts we receive are from strangers from all parts of the United States. They just want to express their gratitude for something you have done. Are we supposed to return them, or are we supposed to send them a card and say, "Will you fill out the slot here: How much is this worth?"

There are many questions—maybe they are not serious—but it is part of my work. I do not wish to insult my fellow Americans, and I do not wish to insult my colleagues and myself.

So I hope we know what we are doing, Mr. President.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1674

(Purpose: To modify the gift provisions and provide enhanced penalties for violations of the gift rule and for violations of Senate rules subject to reprimand, and for other purposes)

Mr. McCONNELL. Mr. President, on behalf of myself, Senator JOHNSTON, Senator DOLE, and Senator INOUYE, I send an amendment to the desk in the nature of a substitute.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. JOHNSTON, Mr. DOLE and Mr. INOUYE, proposes an amendment numbered 1674.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. PENALTIES.

(1) Any Senator, officer, or employee who receives a third reprimand pursuant to the provisions of subsection (a)(2) shall—

(A) if the individual is a Senator, be—

(i) expelled from the Senate if an expulsion resolution is agreed to pursuant to paragraph (2); and

(ii) barred for 10 years from lobbying in the Senate; and

(B) if the individual is an officer or employee, be—

(i) dismissed; and

(ii) barred for 10 years from lobbying in the Senate.

(2) Not later than 5 session days after a Senator is reprimanded a third time, the Senate shall consider and dispose of a resolution of expulsion with respect to such Senator.

(b) GIFT VIOLATIONS.—Rule XXXV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"5.(a) Any Member, officer, or employee who violates this rule shall be subject to a fine of up to 3 times the value of the improper gift. The fine shall be levied by the Select Committee on Ethics and shall be payable to the general fund of the Treasury.

"(b) The name of an individual fined pursuant to subparagraph (a) and the amount of any fine shall be published in the Congressional Record.".

SEC. 2. GIFT LIMITS.

(a) IN GENERAL.—Rule XXXV of the Standing Rules of the Senate is amended—

(1) in paragraph 1(a) by striking "more than the minimal value as established by section 7342(a)(5) of title 5 United States Code, or $250, whichever is greater," and inserting "more than a minimal value of $150"; and

(2) in paragraph 1(b)(2) by striking "$100" and inserting "$75".

(b) RULES COMMITTEE.—Notwithstanding any other provision of law, the Committee on Rules and Administration, on behalf of the Senate, may accept a gift if the gift does not involve any duty, burden, or condition, or is not made dependent upon some future performance by the United States. The committee is authorized to promulgate such rules and regulations as are necessary to carry out this subsection.

SEC. 3. TRAVEL RESTRICTIONS.

Rule XXXV of the Standing Rules of the Senate is amended by adding after paragraph 2 the following:

"2A. (a) Necessary travel-related expenses as defined by paragraph 2(c), to the extend limited by subparagraph (c), are not prohibited by this rule in connection with meetings, speaking engagements, fact finding trips, and similar events related to the official duties of the Member, officer, or employee if—

"(1) the expenditure covers the cost of the trip for a period of not more than—

"(A) 3 consecutive days (excluding travel days) in the case of domestic travel and 7 consecutive days (excluding travel days) in the case of international travel: and

"(B) 24 hours before or after such person's actual participation in the event in the case of domestic travel or 48 hours before or after such person's actual participation in the event in the case of international travel; and

"(2) the Member, officer, or employee has caused the following information to be published in the Congressional Record in advance of the travel (unless advance publication is not possible because the travel arrangements cannot be made in time for the information to be published while the Senate is in session or for other good reason (in which case the information shall be provided in advance of the travel to the Secretary of the Senate who shall make the information available to the public immediately and shall cause the information to be published in the next Congressional Record)):

"(A) The name of the Member, officer, or employee.

"(B) The dates and itinerary of such travel.

"(C) A statement of the purposes of such travel.

"(D) The identity of the party making the expenditure.

"(b) The requirements of subparagraph (a)(1) may be waived in exceptional circumstances if the Member, officer, or employee obtains a written statement from the Select Committee on Ethics of the Senate that approves the waiver and explains the justification for the waiver. That committee shall cause the statement to be published in the Congressional Record in advance of the travel (unless advance publication is not possible because the waiver is granted at a time when the Senate is not in session or for other good reason (in which case the committee shall, in advance of the travel, provide a copy of the statement to the Secretary of the Senate who shall make the information available to the public immediately and shall cause the statement to be published in the next Congressional Record)).

"(c) Necessary travel-related expenditures are limited to expenditures for a Member, officer, or employee's transportation, lodging, conference fees and materials, and meals, including reimbursement for necessary transportation whether or not such transportation occurs within the periods described in subparagraph (a)(1), but do not include expenditures for—

"(1) recreational activities, such as greens fees, ski lift tickets, tennis court time, theater tickets, tickets to sporting events, and similar items (except as provided in subparagraph (e)); or

"(2) entertainment, other than that provided in connection with meals offered as an integral part of the event.

"(d) Except as provided in subparagraph (e), an event the activities of which are substantially recreational shall not be considered to be directly related to the official duties of a Member, officer, or employee.

"(e) A Member, officer, or employee may receive payment or reimbursement for expenses, including travel, in connection with a charitable event if the expenses are approved as provided in subparagraph (a)(2).".

Mr. McCONNELL. Mr. President, I rise today in my capacity as vice chairman of the Senate Ethics Committee to discuss the issue before us.

I think every member of the Ethics Committee is proud to be there and honored to serve this institution in a role that we have been chosen for by our respective leaders.

Although little of what we do is seen by the public, or even by our fellow Senators, I can tell you that each committee member has devoted countless hours of their time to fulfilling the responsibilities that have been entrusted to us.

These were hours, Mr. President, that we might have spent legislating or visiting with constituents or studying issues or being with our families and loved ones. Instead, this effort has gone into the work of the Ethics Committee.

Now, Members who have never served on the Ethics Committee—and I note that none of the principal sponsors of the gift ban bill have ever served on the committee—cannot fully appreciate what our work entails and how much time it consumes. Most of our time, Mr. President, is not spent on matters involving grave ethical misconduct, breaches of Senate rules, or any kind of improper behavior for that matter. You would never know it by watching the tabloid TV shows or reading most newspaper editorials, but the truth is—the truth is—that nearly every Member of this body is profoundly ethical and bends over backwards to avoid even the appearance of impropriety. And for that reason, the committee's time is spent not on enforcing the rules but explaining them—explaining them—to Members and helping them comply with every nuance. That is under today's rules.

In fact, I am sure there is not an editorial board in the country that works as hard at policing its conduct and avoiding conflicts of interest as we do in the Senate.

Now, to tell you the truth, Mr. President, most of what this involves is not exactly high-level, mentally stimulating work. The vast majority of our time at the committee, especially for the chairman and me, is spent deciding whether a Senator should be able to accept a native American buffalo vest, or a silverplate coffee pot from Hungary, or an ugly glass award from the National Association of Ugly Glass Award Makers. Instead of deciding whether our health care system should be single payer or managed competition, members of the Ethics Committee get to decide whether a plaque should be considered an award or a suitable memento. Instead of spending time on welfare reform, committee members spend time determining whether tickets to the upcoming Barbra Streisand concert should be valued at the box office price or the scalper price.

That is not because, Mr. President, we look for arcane nit-picking issues like these on which to waste our time. We deal with these questions because our colleagues ask us to. These are the kinds of questions that are coming in routinely to the committee under today's restrictions which some would argue are quite severe; others would argue they are not, I suppose. As I have said, nearly every Member of this body takes great pains to follow both the letter and the spirit of the Senate rules, and it is our job to give them guidance on what the rules mean and how they are to be applied.

That is what the Ethics Committee does with most of its time. It is a worthy endeavor, and we are all proud to be a part of it. I know that every member of the committee, despite our occasional protests to the contrary, believes that this is a necessary function and someone must carry it out.

For these reasons, Mr. President, it is deeply troubling to this Senator to see this body engaging in ritual acts of self-flagellation as if in penance for sins not committed—penance for sins not committed.

It troubles me, as it should every other Member who venerates the institution of the U.S. Senate, to see it trivialized and trashed by outside people who live from press conference to press conference, people whose principal contribution to public discourse is fundraising and hate mail. It should trouble every Senator who strives to conduct himself or herself in a professional and ethical manner to be slapped across the face with the insinuation that he or she has somehow been bought by a cheap bottle of wine at Christmas, or a crabcake sandwich, or a pitcher of beer, or an honorary plaque.

Mr. President, let those with something to declare, something to confess, come forward. As vice chairman of the Ethics Committee, I would like to know which Senators have, in fact, been compromised by the gifts and the meals they have received.

I would remind my colleagues that if you do have information about unethical conduct, you are duty bound by Senate rules to bring it to the Ethics Committee's attention. I can assure you that we will keep any information that is provided to us in strictest confidence; that we will investigate it fully; and that we will prosecute any act of wrongdoing by any Member or staffer to the fullest extent allowed under the Senate rules and precedents of the committee. If there is any evidence of criminal wrongdoing, whether it is an apparent violation of the Hobbs Act, a bribe, or an illegal gratuity, we will forward it immediately to the Public Integrity Section of the Justice Department and cooperate with every aspect of its investigation.

So, Mr. President, let anyone who has evidence of a Member or a staffer of this body being corrupted by a gift, meal or travel they have received come forward now. Fess up. Let us hear about it. Let us have names, dates, amounts, and actions. It is cheap and easy to slander the institution as a whole. In fact, it has become a profitable little business for lobbying groups and even politicians. Just hold a press conference, give a speech, send out another hysterical fundraising letter, "Congress is for sale to the highest bidder."

What I wish to know as vice chairman of the Ethics Committee, is who exactly is for sale. Who is for sale? We are here to deal with that, and we would be glad to hear any confessions that might be forthcoming from any Members who have been bought by a meal or a gift.

While I am waiting, let me mention another concern I have, as a member of the Ethics Committee, with the so-called gift ban bill.

I have already discussed how much time the committee spends on completely trivial questions over gifts under the existing rules. If either the original version or the substitute of S. 1935 were to pass this body, the Ethics Committee would do nothing but interpret, explain and administer the gift rules of the Senate. It is no exaggeration to say that we would probably have to have one Ethics Committee to handle gifts, meals, and entertainment, and another separate Ethics Committee to handle everything else.

Earlier in the discussion, I noted on the other side there were some comments about how big the Ethics staff would have to be. I can tell you as somebody who is familiar with the Ethics Committee process and the size of the current staff, that if this is passed, every single Senate office will, indeed, as Senator JOHNSTON has suggested, have to have a full-time ethics lawyer on staff. And the Ethics Committee will have to triple the size of its own staff to deal with all of this.

In addition, based on the muddled and contradictory answers provided in the discussion—I am not putting down the provider's answers—but you just cannot answer that which cannot be answered. I would also predict there will be several Members under investigation by the committee within weeks of the bill's enactment, for a totally accidental breach of the bill's provisions.

Mr. President, I look, for example, at the original version of S. 1935, and find exactly 10 pages of definitions, 4 pages of exceptions to those definitions, 1½ pages of actual gift ban, and 15½ pages of exceptions to the ban. Let me add that up for everyone. There are just 1½ pages of ban, and a total of almost 30 pages of exceptions, definitions, and qualifications.

Perhaps I should find comfort in the fact that the original version of S. 1935 would ultimately be enforced by the Justice Department and not by the Ethics Committee. But actually that is no comfort at all. With the prospect of criminal prosecution hanging over their heads, I imagine that Senators will be more concerned than ever about each little trinket that gets handed to them. They will be lining up in front of our door every morning asking whether it is OK to accept a sweater that their next door neighbor sewed for their child.

The chairman and I may as well step down from our committee assignments. We will not have time to deal with anything else. Unfortunately, Mr. President, the substitute version of S. 1935 dumps the whole job directly in the Ethics Committee's lap.

I am going to analyze in detail some of the specific exceptions contained in these gift ban proposals, especially from the point of view of how these proposals will complicate the lives of every single Senator and staffer.

Mr. President, I cannot stress enough how these proposals will also complicate the mission and compromise the effectiveness of the Senate Ethics Committee. And from this Senator's point of view, that is a deeply disturbing result, not only for the committee but for this body as a whole.

Six months ago, almost to the day, we had a very difficult, but necessary, vote on this floor about whether to enforce an investigative decision that had been made unanimously by the Ethics Committee. By an overwhelming vote, the Senate affirmed the independent investigative powers of the committee and gave the committee what it needed to fulfill its responsibilities.

But if we pass a gift rule that is absurdly complicated and impossible to enforce, we will end up trivializing the committee and compromising its most vital mission. And that most vital mission, Mr. President, is this: To investigate and prosecute real misconduct. That is what we ought to be addressing: real misconduct. The committee will simply be too busy deciding whether a particular gift meets a particular exception, to be able to handle cases involving actual corruption.

Is that how we want to allocate the investigative resources of the Ethics Committee?

More importantly, do we want to devote the best efforts, resources, and talents of every Member of this body to passing a crime bill, reforming health care and changing welfare as we know it—or are we instead going to force each of us to waste endless time determining whether a particular meal or trinket fits under the 1½ pages of ban, or under the 30 pages of definitions, exceptions, and qualifications?

Let me give you some specific examples of what I am talking about. Senator JOHNSTON has already raised a number of these very effectively. These examples are taken principally from the substitute version of S. 1935, although most of them appear in the original Wellstone version as well.

First, let us deal with the issue of what is a friend? The first thing you will have to ask yourself, should this bill pass in its present form, is this: Exactly what is a friend? That is a question which has engaged philosophers for centuries, has kept Hallmark greeting card writers gainfully employed, and will soon occupy much of the attention of the Senate Ethics Committee.

This is not a frivolous question, Mr. President. It is not a frivolous question. "Personal friendship" is one of some three dozen exceptions in the bill which the Ethics Committee will have to interpret and apply to countless waiver requests that will be submitted.

Mr. President, the substitute version of S. 1935 is 30 pages long, and it applies to both the House and the Senate. The underlying bill is even longer, and it covers executive branch officials as well. Both versions contain very brief and bold language banning almost everything from everybody, especially from nasty, corrupting, un-American lobbyists. However, the bulk of both these proposals consist of endless—and I repeat "endless"—exceptions and qualifications to the ban.

I already mentioned that the original version of S. 1935 contains 1½ pages of ban, and almost 30 pages of exceptions from definitions and exceptions from everything else. The substitute is 30 pages long; 14 pages apply to the Senate. And of those, 2 pages are the ban, and the remaining 12 pages are reams of exceptions—reams of exceptions.

So what we really have here is 15 percent of tough talking, take-no-prisoners ban, and 85 percent of hemming and hawing, mumbling-under-its-breath exceptions. Is that any way to write an ethics rule for the Senate?

Moreover, Mr. President, it will be that 85 percent of mumbled exceptions that occupy the Ethics Committee's time and create havoc for every single Senator and staff who has to live under this bill—everybody.

It is not that these exceptions are without merit. But they highlight the problem with the entire bill. This bill will make a lot of honest, highly ethical individuals into crooks—in a strict legal sense. I repeat: This bill will make a lot of honest, highly ethical, individuals into crooks—in a strict legal sense.

Both versions of S. 1935 are riddled with traps lined with legalistic punji sticks poised to impale the careers of anyone who has the misfortune of falling into one by accident.

Mr. JOHNSTON. Will the Senator yield?

Mr. MCCONNELL. Yes. I yield.

Mr. JOHNSTON. The Senator is vice chairman of the Ethics Committee, and I would like to ask his opinion on the following facts.

Under section a(1), it provides that no Member or spouse may knowingly accept a gift provided directly or indirectly by lobbyists. And it goes on to say in subsection (c), that the following items are subject to the restrictions as contained in section a(1). It says, (c), a charitable contribution made on the basis of a designation, recommendation, or other specification made through a lobbyist by a Member.

I think the Senator would agree with me that if a Senator signed a letter asking a lobbyist or asking people who happen to include lobbyists to contribute to the United Way, or to the United Negro College Fund or to the Sierra club, or whatever, that would be in violation.

Mr. MCCONNELL. A clear violation.

Mr. JOHNSTON. Suppose he was asked to be on the letterhead as one of the recommending people. Would that not also be in a gray area, or would that not be in violation?

Mr. MCCONNELL. The committee would have to make some kind of ruling. My assumption is, that would be a violation.

Mr. JOHNSTON. So in effect, any involvement with charities by Senators, whether it is sponsoring a charity, whether it is being the honoree of the charity, whether it is using your name on the stationery, or being on a sponsoring committee, All of that would indirectly be a sponsorship or a recommendation, and if lobbyists were invited, you could be hauled up before the Ethics Committee, I would think, on the basis of that; do you not agree?

Mr. MCCONNELL. Once again, that is a question the committee would have to decide. My first reaction is that, as a practical matter, any effort to help those less fortunate would be problematic and could well be ruled impermissible.

Mr. JOHNSTON. So if you wanted to do any charitable activity, on each and every thing, even to lending your name to the dinner committee, you would get a ruling?

Mr. MCCONNELL. Right. There would be a long line. Anybody that wanted to do good, wanted to do anything for any charitable cause, there would be a long line outside the Ethics Committee door. Take a number, get in line, and we would grapple with it.

It is my understanding of S. 1935 that it will be practically impossible for Members to make an effort, either directly or indirectly, to assist worthwhile causes—that is, tax-exempt, charitable entities.

Mr. JOHNSTON. On this definition of "friend," the Senator was going into that, and I enjoyed that.

Mr. MCCONNELL. I am about to go into it further. Go ahead.

Mr. JOHNSTON. Put this into your answer, if you will, because I really want to hear about that. Do you not think Senators would want to qualify their friend and therefore get a ruling and say, "I have known 'old Joe' for 26 years, and we went to college together," and sort of give a little resume of your relationship with Joe. Do you not expect you will be inundated with "old Joe" requests?

Mr. McCONNELL. Absolutely. It is interesting. The Senator brings up the "friend" issue. We looked up the word "friend" in the dictionary, and the dictionary defines "friend" as follows:

> 1. A person attached to another by feelings of affection or personal regard. 2. A patron or supporter. 3. A person who is on good terms with another, not hostile. 4. A member of the same nation, or a member of the same party, et cetera.

When the dictionary uses a word like "et cetera," you know you are in trouble. That is the definition of trouble, when in the dictionary you are trying to find the definition and they use the word "et cetera."

Is that not interesting? A friend could be almost anybody, according to the dictionary. But is that the way the Ethics Committee or the Justice Department will define who is a friend? We are probably not going to call it just anybody. You had better be sure you have the right definition, I say to my colleagues, because if you are wrong, if you have guessed wrong about "what is a friend," you will be under ethical or criminal—depending upon whether the Wellstone provision were to prevail—investigation under this bill. If somebody you thought was a friend picks up the tab for a Coke and a cheeseburger.

Well, let us not forget what Harry Truman said: "If you want a friend in Washington, buy a dog."

Really, can a lobbyist ever be a friend? Good question. We will be wrestling with that one. Perhaps the Hallmark Greeting Card Co. could provide suitable guidelines for the Ethics Committee to use when it deliberates the universal question: Who is a friend?

Should we be guided by the theme of the movie "When Harry Met Sally," that men and women cannot ever really be just friends? The original version of S. 1935 even has a stipulation that gifts given in the context of a "dating relationship," are exempt from the ban. Well, Mr. President, what is a date? What is a date? Will the Ethics Committee be put in charge of deciding whether people are romantically involved or not? What evidence should the committee look at? Should we ask the parties whether they exchanged a passionate kiss? Or was it merely a professional peck? Inquiring minds will want to know.

I could even imagine a situation where one person thinks he or she is in a dating relationship, and the other views it as strictly business. What should the Ethics Committee do then? Step in and play guidance counselor, and help the parties come to a shared understanding of their relationship for the purposes of the Senate gift rule?

But it is not just relationships that will need to be defined under versions of S. 1935. Gifts themselves will have to be defined correctly. And the penalty for the wrong answer could be quite severe.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. McCONNELL. For example, I am sure no one here has given much thought to the following question: What is a donut? We all know one when we see one—maybe. But under the substitute bill, there is a specific exemption for "food or refreshment item of minimal value, such as a soft drink, coffee, or a donut, offered other than as part of a meal." So we have the universal question that has been on the minds of men and women for centuries: What is a donut?

Note that the gift ban exemption includes "item of minimal value, such as * * * a donut." Not trusting my own opinion of what a donut is, I, once again, consulted the dictionary. The dictionary says with regard to the donut:

> 1. A small, usually ring-shaped cake of sweetened dough fried in deep fat. 2. Anything shaped like a thick ring.

So there is Webster on the donut. So far, so good. But what other items would meet the "such as a donut test"? Would a bagel qualify, Madam President, under the "such as a donut" definition? How about a buttered bagel, or a bagel with cream cheese? What if you stick a slice of lox on it? A slice of turkey? When is a bagel a sandwich and not a donut? These are the universal questions we will be contemplating at the committee if this substitute passes.

What about croissants? Do we ban croissants because they sound pretentious, but exempt donuts because they have a nice kind of blue-collar connotation to them?

Perhaps this sounds funny. You can laugh all you want now. But if this bill passes in its present form, you will soon stop laughing when the Ethics Committee decides to investigate you for choosing the wrong definition.

What, Madam President, is a soft drink? It is not in the dictionary, I reluctantly report. Does the gift exemption apply only to nonalcoholic beverages? Should it include snob appeal drinks like Evian and Perrier? What is coffee? Is it just the 70-cent, no-refill cup of motor oil from the Senate cafeteria? Are espresso and cappuccino coffee under this bill? Or such exotic drinks like cafe latte or Irish coffee? These are the universal questions that will occupy our time on the committee and will have you frozen with fear, every day, that inadvertently you have done something improper under this bill.

I also urge my colleagues to review section 1(a)(3) of the substitute which bans the following:

> Gifts having a value of less than $20 from the same or different sources on a basis so frequent that a reasonable person would be led to believe the Member, officer or employee is using his public office for private gain.

Now, Madam President, think of all the terms and phrases the Ethics Committee will be left to interpret. First, "so frequent"; second, "reasonable"; third, "led to believe"; fourth, "using his public office for private gain."

More importantly, Madam President, I say to Members of the Senate, if your interpretation is different from the committee's interpretation, you could have your whole career ruined over a handful of items worth less than $20. I repeat—you could have your whole career ruined over a handful of items worth less than $20. This is reality here. This is reality check time on the underlying bill.

What if you receive three mugs a year with a company's logo? Is that too frequent? Or three mugs in an entire 6-year term? How about a box of Kentucky bourbon balls every Christmas? Are you sure you will be within the rule?

Now, perhaps someone could define a "reasonable person" here. What kind of "reasonable person" would be led to believe that a Member or a staffer was "using his public office for private gain" by accepting a few coffee mugs? What kind of a "reasonable person"? Ralph Nader. Is he a reasonable person?

I consulted my dictionary. A "reasonable person," Madam President, "1, capable of reasoning, rational; 2, in accordance with reason, logical; 3, moderate." You can see Webster is having a little trouble with this. And if Webster is having trouble with it, imagine the difficulty we are going to have on the committee.

You could pull any man or woman off the street these days—Mr. and Mrs. John Q. Public—we will call them, and based on the distorted view they have been given by the media, they might very reasonably conclude we were all using public office for private gain—all of us. Polls probably show that a majority of reasonable people think every Senator, except maybe their own, usually is "using public office for private gain."

How in the world, Madam President, is the Ethics Committee supposed to make sense of this? How is any Member or any staffer of the Senate supposed to make sense of it—and more importantly, comply with it?

Now, Madam President, I want to talk about another aspect of this. It is extremely important to any of us who have working spouses. The two-career family is increasingly common in America and in the Senate.

There is an exemption in the substitute for things we might have gotten through our spouses. I had to read this one very carefully, and I still cannot tell you exactly what it covers and what it does not. Here is the language:

> Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

If you are shaking your head out there, I join you. Are we to offend our spouses by asking their employers and business associates just exactly why they deal with our spouses and why they are inviting us, by the way, to a reception? Are they inviting us because of us or because of our spouse? We would need to know that.

Is it not the height of arrogance for us to presume that everything in this town revolves around us? A lot of our spouses have another life, too. For many of them it does not have a darn thing to do with what we do. And the assumption here is that people are inclined to treat our spouses differently because of their association with us.

Should we presume that when a professional associate of our spouse orders a good wine at dinner that the person would have opted for the cheap house wine if we had not been there? Now that is an important question here as we contemplate this thing. If we had not been there, would they just have had a cheap house wine? That is the kind of thing we will be dealing with on the Ethics Committee. You can be confident that we will grapple with that.

Another provision of the substitute specifically exempts, and this has been discussed here earlier, but it is so amusing it is worth repeating. I thank my friend from Louisiana for bringing it up. Another provision of the substitute exempts "bequests, inheritances and other transfers at death." However, Madam President, the exemption does not apply to inheritances from dead lobbyists and registered foreign agents, you will be relieved to know. It does not apply to dead lobbyists and registered foreign agents. Breathe easy. Perhaps the assumption is their influence continues even after they have gone off to that great reception room in the skies.

In any case, we may want to add a proviso that Members and staffers may not accept inheritances from dead lobbyists and foreign agents unless we can be reasonably sure that they have gone to Heaven.

It is hard to understand this obsession with influence buying from beyond the grave. I must of missed some Common Cause expose. Is "Night of the Living Dead Lobbyists" a coming theatrical release? I cannot wait to see this one—scores of dead lobbyists, marching zombie-like toward the Capitol, to get one last line item or transition rule. Imagine.

For all the reasons outlined above, I believe that both versions of S. 1935 represent completely and totally unworkable, even absurd, attempts to deal with the gift issue.

And it is no laughing matter. They will generate more loopholes, not less. They will create more confusion, not less. They will turn honest, highly ethical Members into inadvertent crooks. And they will turn the Ethics Committee into a full-time gift and meal clearinghouse.

I say to my colleagues, this is a serious matter. I have made a little fun with it here, but this is a serious matter.

Because of these legitimate concerns, a bipartisan group of Senators, including myself, Senator JOHNSTON, Senator INOUYE, and the Republican leader, have put together what we believe is a workable, reasonable alternative.

Whereas both versions, Madam President, of the gift ban bill amount to a blanket indictment of everyone who works here, the substitute offered by myself and my friend from Louisiana holds accountable those who actually —I repeat, actually—abuse the public trust. It puts on notice every staffer, Member, and officer that egregious behavior—egregious behavior—will have dire consequences.

Further, it severely lowers the current gift limits to address any perception that the present rules are too lenient. And it does indeed provide more disclosure to the public.

Also important, Madam President, and worth noting is what our proposal does not do. It does not, Members of the Senate, it does not trivialize this body. It does not plant legal landmines that will destroy—I repeat, will destroy—the reputation of honest people. We ought not to be about trivializing the Senate and destroying the reputations of honest people.

It does not turn the Ethics Committee into Big Brother, micromanaging private lives, determining what qualifies for a litany of exemptions and deliberating over thousands of waiver requests.

Perhaps the most important distinction between our gift limit alternative and the other bills before us is that it does not assume that everyone is guilty just because they work here. I repeat, the McConnell-Johnston substitute does not presume that everyone is guilty because they work here. Instead, this is what our bill does:

It contains harsh penalties for violations of the Senate's rules, including fines for three times the value of a prohibited gift and virtually automatic expulsion from the Senate for any Member or staffer who has been issued three reprimands or other punishments of greater severity from the Ethics Committee.

If a Member is subject to three such disciplinary actions, a vote for the Member's expulsion would be put immediately before the Senate, in accordance with the requirements of the Constitution. Anyone so expelled from this body would be barred from lobbying the legislative branch for 10 years.

For each knowing and willful violation of the gift limits and disclosure requirements, a Member or a staffer would be punished as follows: First, a treble damages fine, three times the value of the improper gift, would be assessed. Two, each violation and fine would be fully disclosed in the CONGRESSIONAL RECORD.

Madam President, I suspect that any staffer who is punished under this proposal would probably be terminated immediately. Members would have to explain their transgressions at the next election.

Our alternative also severely ratchets down the gift limits for Members and staff without making them so extreme as to be completely unworkable.

The annual aggregate limit on gifts would be reduced from $250 to $150 from any one source. As is the case now, Ethics Committee waivers could be granted for good cause for gifts over $150, but they would have to be disclosed. So we go from $250 down to $150 in that category.

The present rule is that gifts under $100 in value are not aggregated against the limit. That amount would be reduced to $75. The limits, Madam President, would apply to all Members, officers, and staff, without exception for clerical or secretarial workers. The only—I repeat, the only—available exception would be for gifts from spouses and immediate family. That is all.

As in both the original and the substitute versions of S. 1935, there is a limited exception for certain necessary travel-related expenditures, all of which would have to be disclosed in advance in the CONGRESSIONAL RECORD. Foreign sponsors of trips would have to be preapproved by the Ethics Committee, as would any travel event recognized for a bona fide charitable purpose.

Now, there it is, Madam President. That is basically the proposal. A tough proposal, harsh on the corrupt—this is important to remember—harsh on the corrupt, but fair to the honest. Harsh on the corrupt, fair to the honest. It is not complicated. It does not contain 12 pages of convoluted exemptions, as do the other proposals.

You do not need to be a lawyer to understand it, unlike the other two proposals. In fact, Madam President, I think anyone could read this proposal and understand that those who violate the public trust and the rules of the Senate will be certain to face the most severe consequences, including expulsion. Almost anybody is going to be able to read this and figure it out.

Madam President, there is not any question in my mind that Common Cause will not like it, Public Citizen will not like it, and the New York Times probably will not like it. They will not like it because it is not theirs. And they will not like it because it does not confirm their thesis that every Member of the Senate is on the take. That is their thesis—that every Member of the Senate is on the take.

There is one thing you need to know about the different proposals before you. Both versions of S. 1935 put the Senate on record as saying that, yes, we can all be bought for a little over 20 bucks. That is basically what these underlying proposals say. Maybe even less, if it is a lobbyist who's buying.

Moreover, if we pass Wellstone-Lautenberg, or Levin, within a few years—and you can write this down, it is a certainty—within a few years a lot of honest people will be made to look like crooks. It is a certainty. The Ethics Committee will be probing into personal relationships, interpreting endless loopholes and exemptions, and be compelled to find violations of Senate rules by people who had no intention whatsoever—no intention whatsoever—of doing anything improper.

Finally, let me say to those who say we need to march down this grim road for the sake of appearances, this is exactly the wrong approach to take. Wellstone-Lautenberg or Levin bills will not restore any measure of confidence in this institution. Rather, if adopted, they would slowly erode whatever prestige remains for the Senate.

So, Madam President, let me wrap up by saying this about the rules we write for this body. If you do not have a moral compass, no ethical map—no matter how detailed—will be of any help. All it will do is show you the obvious pitfalls to avoid. In fact, it is almost universal that when a Member has lost his or her moral compass and is caught committing an act of misconduct—and fortunately those situations are very, very rare—such a Member will always cite the rules. They will invariably seek to justify their improper behavior by demonstrating, one way or another, how they managed to stay within the rules.

I believe most, if not all, Members of this body have a strong moral compass, but the more onerous and complicated we make the ethical map, the harder it will be for anyone—anyone, no matter how honest and ethical—to find their way through it.

So, in summary, let me say the McConnell-Johnston-Inouye-Dole substitute is designed to strengthen penalties for truly egregious behavior but not to trivialize and demean the Senate and not to make crooks out of honest people who deserve better. That is the crux of the substitute offered by my friend from Louisiana and myself. I hope the Senate will adopt it at the appropriate time. Frankly, I hope it will adopt it overwhelmingly because the self-flagellation needs to come to an end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. MATHEWS. Madam President, let me begin by complimenting my colleagues who have made presentations tonight: Senator LEVIN, Senator COHEN, Senator WELLSTONE, Senator FEINGOLD, Senator JOHNSTON, and Senator MCCONNELL. I think there is no question but that each of them has stood and spoken to this group from those things in his heart, the things that he believes he can best do to serve his constituency during his time here in the Senate. I compliment them on the hard work they have done.

As I think most Members of this body know, come November of this year, I, unfortunately, will no longer have the privilege of standing here discussing a matter or voting on the issues. Perhaps my interest might best be served by just sitting down and voting on this issue when it comes up. But my conscience will not let me do it. I listened to us as we talked. We said things which suggest to me that we have either lost faith in the ability of the people who sent us here to judge our actions and make an informed judgment about whether we should come back, or that we feel we need to pass a law to force ourselves to do what is right. You know, if we have reached that point, I do not think passing a law is going to help at all.

Madam President, by midmonth of this year each of us owes the Senate Ethics Committee—the body that Senator MCCONNELL is talking about—a detailed financial disclosure statement. In that document that we will file, we will completely bare our financial holdings, our investment income, any gifts that we have received that come within the purview of the rules that are in existence, any gratuities, honoraria, any charitable donations made in our name—everything. We must report the gains and losses of every financial transaction we have made during the last year—and I have some I am not very proud of—the ones we made and the ones that have been made by our immediate family.

As a consequence of serving here in the Senate, one of the requirements is we are forbidden from drawing any additional earned income from any other source. In addition to that, we are compelled to reveal personal and sometimes uncomfortable facets of our lives to the people of our Nation and to the States, to the press, in fact to any bystander who wants to know what we have done during the past year. This I accept and this I say is something that each of us ought to be willing to do as a consequence of service here.

But we are being asked by some of this legislation to do more than that. We are being asked to renounce ordinary human privacy in some of these matters, and I do not know whether we believe, in doing so, we will act more honestly or at least assure everyone we are not profiteering in office.

We are here today debating whether the whiff of scandal extends to accepting meals and football tickets and theater passes and whether in some way we become more noble and trustworthy by renouncing these incidentals. You know, at one time or another everyone has been, I think, somewhat disturbed by the largess that sometimes flows toward holders of high office. This is true whether in business or in academics or in government. I realize that the measure intends to minimize the misgivings that gifts make us subject to.

However, I have a couple of misgivings of my own about these measures.

The first has to do with the language and the effect of the measure itself, and the second pertains to what I believe are the real concerns of the American people about our conduct.

Overall, these issues are well-intended but a cosmetic attempt to erase a perception by banning the objects that foster it. We in the Senate know what that perception is, and we know it is ill-considered and narrow.

I believe these measures do more to validate that unworthy cynicism than to vanquish it, and that is enough basis for me to resist it. But beyond that, I am concerned about the logic-chopping and ambiguities that these measures involve.

If I am reading the language correctly, gifts generally, but more precisely meals and such items, arising from personal friendships fall outside the embargo of this bill under certain circumstances. Apparently, some people think a gift is a true gift if it comes from a friend, and it is an incentive to perform favors when it comes from someone else. The speakers before me have gone into this much more thoroughly than I can.

Yet, in a job as encompassing as public service, the line between personal and professional is not so easily drawn. In office, we meet and work with people who share our concerns and commitments, and friendships grow from what started as professional contacts.

Longstanding relationships with our States' business leaders, heads of organizations and prominent citizens, frequently exist on personal and professional levels. In some cases we have known these people all our lives. Many of our lifelong friends have advanced to prominent positions in business and society. Now we are in contact through the respective positions we hold. They do not cease being friends and become suborners because our friendship and our work coincide.

In any case, the true question is the intent of the giver, and that is not something illuminated by legislation. I understand these measures permit clients of lobbyists, but not lobbyists, to host Members and staff at broadly attended events. I understand also that smaller events, so-called bona fide meetings of organizations, are OK, provided they do not dish up more than $20 worth of eats.

It is pretty difficult for me to know how many angels can dance on the head of a pin, or whether I have one hair on my forehead, I am baldheaded, or just heading in that direction. But I am pretty sure that what would be called a broadly attended event in New York or in the District of Columbia, we in Tennessee would never qualify for that. I am also pretty sure that if we started to try to find something to eat in this town for $20, I do not know where we could find it. I have checked. I notice the town is a little bit expensive.

In part, these measures succumb to a mistaken notion of what and who lobbyists are. I know it is popular to portray these representatives as uptown smoothies and $1,000 alligator shoes. I have seen some of those around here, too. There are a few of those around. But these lobbyists are vastly outnumbered—in my office, at any rate—by the plain folks who come to us on behalf of children's hospitals, and women's shelters, and schoolteachers, and small businesses, you name it, Madam President. These are the people with whom I come into contact day by day.

To give you an idea, before putting together these remarks, I looked at my appointment calendar to see who had been in and with whom I had been associating recently. As I indicated on another occasion, the largest employer of our State is located right on the Virginia-North Carolina border. Those people have a business there that is important to me, very important to me, because they employ thousands and thousands of Tennesseans. When they come to town, I want to be here to greet them. If they have a problem, I want to help them. But I do not feel that I am being compromised if I have dinner, or if I have lunch, or if I spend an hour in my office with the company that employs 10,000 Tennesseans. Whether or not I do it in the office, or whether or not I do it somewhere else, I do not think it makes a lot of difference.

I also see on my calendar people from the Tennessee Association of Realtors; the Tennessee Libraries Association. They are here because they want this Congress to continue that library appropriation that was left out of the budget that was submitted by the White House.

The Tennessee National Guard is here from time to time. And this past week I had the Chamber of Commerce of my largest city of Memphis, and the city of Chattanooga.

Madam President, let us not fool ourselves. These people are lobbyists, too. They have been chosen by their companies and their charities and cities to come and talk to Congress. They bring us information and perspective on what is happening in our States.

I think the real question here and the real question we are dealing with on this matter, is what standards do the people of our States, do the people of this country, expect us to meet? Speaking for Tennessee, I believe that the people of Tennessee are not outraged by my having meals with people who discuss the businesses, the communities, and the workers, and the interest of Tennessee. I believe they expect me and my staff to meet with these people, a good majority of whom are Tennesseans.

I believe they expect me to set standards of decorum about gifts and gratuities, not erect a wall of inaccess and impenetrability out of a preoccupation with propriety. Most of all, I believe the biggest part of their concern is knowing exactly with whom I am dealing, who gives me what, and whether my votes and my advocacy have been influenced.

In short, I believe the focus of our efforts lies in disclosing gifts and gratuities, not disallowing them altogether.

I understand a portion of this measure specifies additional rules of disclosure, and perhaps that avenue bears more attention. I make my daily schedule available to the press, and it is published by a number of them. Perhaps I should also make available an evening and weekend schedule of nonfamily events. But the point is, I trust the people of Tennessee to make a fair judgment about my votes if I tell them with whom my duties bring me into contact.

I repeat, I believe disclosure is the basis on which the people judge our conduct, not whether we are denying ourselves normal social contact.

We also should remember that Senators function under an eyeball trained more finely upon us than other members of the society. We have a nimble and inquisitive media eager to draw our bounds of propriety; public interest groups and other witnesses infer our loyalties and motives; many people are counting decimal points in the degrees of contact we have with others.

My capable colleagues, Senators DANFORTH, and the Chair, spoke eloquently on this point a couple of weeks ago, and I commend their remarks in the CONGRESSIONAL RECORD as a definitive reading.

I would add this to what they said: We earn and deserve the confidence of the American people when we make independent decisions on the merits of issues. We earn no one's respect when we cast votes with heads turned over our shoulders to gauge other people's interpretation of our motives. And in the final tally, Madam President, I ask if this is the kind of thing by which the American people really judge us.

I believe it does not address the pressing concerns of the American people. Millions of our fellow Americans are homeless or jobless; our cities are troubled; our bridges and streets crumbling; our deficit remains a multigenerational peril. We face tough problems and tough decisions that will affect all Americans. In the scheme of things, an issue that pertains to Congress alone stands very small.

The way to avoid impropriety is to exercise individual judgment about what is proper and to face the consequences if others believe it is not. The way to earn the regard of the American people is for us to act with regard to their needs and their future. And the way to reaffirm the purpose we bring to public office is to resist the public cynicism to which this measure reacts.

Madam President, I thank the Chair. I relinquish the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the amendment of Senators MCCONNELL and JOHNSTON which is before us really represents business as usual. The trips, the so-called recreational trips, which partly benefit charities but also significantly benefit Members who go with their spouses for recreation—golf, tennis, what have you—and are then filmed with lobbyists or avoiding being filmed with lobbyists, those recreational trips would continue. Unlimited meals paid for by lobbyists, they would continue. Tickets, you could still get the tickets, lobbyists could still give you tickets to the Redwings—that is my hometown —to the Redskins games. That would continue. It is basically a business-as-usual amendment which we are being offered by the Senator from Kentucky and the Senator from Louisiana.

Now, in order to try to persuade us to continue to do business as usual, they look at some elements of the substitute amendment. And, by the way, although they frequently confuse the substitute amendment with the original Lautenberg and others bill, it is very, very different. In fact, it is dramatically different, and I outlined those differences in my opening remarks.

But the language that they point to frequently is language that comes from the executive branch rules. The executive branch has a $20 rule, a $20 gift rule. Can we live with a $20 gift rule with the exceptions indicated? I think we can.

Some may think there should be fewer exceptions, or more exceptions. Fine, you can try to argue about exceptions. But basically, we can live with a tighter gift rule which eliminates the lobbyist-paid meals.

Restaurants around this town say they need these meals in order to survive. My gosh, what a terrible indictment that would be if the restaurants in this town need lobbyists to pay for our meals in order to survive. Think about that one. The Kennedy Center is going to fold unless lobbyists can continue to give tickets to Members for events at the Kennedy Center? Is that what the Kennedy Center survival depends on? What a terrible indictment that is.

So the argument for the business-as-usual amendment which is being offered as the alternative to our substitute is mainly to look at the language of our substitute and to say that language is too tough or that language is ambiguous. But in case after case after case that language comes from the executive branch rules which they live with. The executive branch has a $20 rule with which they live. It has not created all these horrendous problems which were held before us by the Senator from Kentucky.

Let me just give you a couple examples of this under the executive branch rules:

> An employee may accept a gift under circumstances which make it clear that the gift is motivated by family relationship or personal friendship rather than the position of the employee.

That is the same rule we are proposing for Congress. The executive branch lives with the personal friendship exemption for gifts over $20, but we cannot? They can. We cannot?

The executive branch says that there is an exception to the $20 rule "if the gift results from the business or employment activities of an employee's spouse when it is clear that such benefits have not been offered or enhanced because of the employee's official position."

The executive branch exception, they live with it—an exception that is almost verbatim the same as ours. Their rules says "results from the business or employment activities of an employee's spouse when it is clear that such benefits have not been offered or enhanced because of the employee's official position."

That is OK for the executive branch but we cannot live with it? It is going to create all kinds of problems for us to have that kind of exception to the $20 gift rule?

Why are we so different? Why are our employees so different from the executive branch employees? Why is our staff so different from the executive branch staff that they have to be taken out by lobbyists to lunch but the executive branch staff cannot? Why that kind of a double standard? How do we justify that? Our staff has to be wined and dined by lobbyists but the executive branch staff cannot be? We do not think that creates a credibility problem back home? Do we really believe that when we take recreational trips for 2 or 3 days with our spouses, where lobbyists have access to us, when we are there primarily for recreational purposes and some of the money also ends up going to a charity, that that does not create problems for us as an institution?

Now, if I went to such an event, I might be able to survive it politically and get elected back home. The argument is we will disclose it.

It is already disclosed. Those trips are already disclosed. But over and over again we have the media presenting those trips to the public, substantially recreational events where we are going with our spouses for 2 or 3 days, where we are being wined and dined by lobbyists at those events and, yes, half the proceeds go to a charity, and that is displayed in front of the public. We are saying we want to continue that because they will be disclosed and then people will judge us individually at election time?

We may be able to survive that individually. Maybe our people will accept that. But does that not do damage to this institution? I think it does, and I think we have to do better. I think we can do better.

But if the amendment before us passes, it is business as usual on those kinds of trips. It is business as usual on the lobbyists paying for the meals. Sure, it tightens up the penalties in some extraordinary ways, but it does not really address the problem, which is that our gift rules are too loose.

Now, it draws the line at $75, not $20. The rhetoric is that the people who offer the $20 executive branch-type approach, that we are suggesting somehow or other that people here are for sale for $20. By that logic, which I do not buy, then, the proponents of the amendment before us are suggesting we are for sale for $75. I do not believe that either. We draw a line, the $20 line, where the executive branch has drawn the line, and we can live with it. They live with it. We can live with it. We should not have a double standard in this regard.

Over and over again the language which is being pointed to in our substitute is the language in the executive branch rules.

Now, the Rules Committee has a rule currently, rule 35, which relates to gifts, which says that a waiver can be granted by the Rules Committee in an unusual case.

Now, how is that for vagueness? We try to specify what the exceptions will be to the $20 rule. We talk about personal friendship. And we, by the way, say exactly what personal friendship is. We talk about family relationship. We talk about broadly attended events. We specify the exception.

That then becomes the target for the supporters of the pending Johnston-McConnell amendment, who want basically to keep business as usual and attack the substitute because we specify exceptions. And their alternative has the broadest, vaguest, exception of all, "an unusual case." Look up the words unusual case in the dictionary. Yet, that is held up as the model for how we should proceed on gifts, that the Ethics Committee ought to be given a general standard, "unusual case", and interpret that. And the Ethics Committee spends a good deal of its time right now interpreting what is an "unusual case" in order to give a waiver. We try to give some guidance as to what is an exception to the $20 rule, and I think the guidance basically is good. It is based on executive branch guidance, which has worked.

Madam President, I also was intrigued by this idea that, if you get a third reprimand from the Ethics Committee, you can be expelled or barred from lobbying after you leave. As I understand it—I would be happy to be corrected by my friend from Kentucky—the Ethics Committee does not have the authority to reprimand anybody even for the first time, much less for the third time.

I do not know. Perhaps I could have the attention of my friend from Kentucky just for one question because he is vice chairman of the Ethics Committee and in a good position to clarify this issue.

As I read the recommendation for revisions to the procedures of the Senate Select Committee on Ethics, the report of the Ethics Committee of March 1994 says: "Under Senate resolution 338, the Ethics Committee has the power to impose a sanction such as reprimand only with the agreement of the individual Senator, officer, or employee." In other words, you cannot be reprimanded without your agreement under the current rules. And, if that in fact is accurate—and my friend from Kentucky is in a better position to indicate whether or not that is accurate—the way I read the report, their amendment would state that after three reprimands you are booted out of here. It makes no sense, because even the first reprimand apparently is not permitted under the current set of rules.

Mr. McCONNELL. If the Senator will yield, that provision refers only to what the Ethics Committee can do on its own.

Mr. LEVIN. The reprimands, I assume, would be Ethics Committee reprimands under your amendment. The Senator means the Senate itself would have to reprimand somebody three times before they are automatically booted out.

Mr. McCONNELL. Of course, a constitutional provision cannot be waived by what we do here anyway. But the Ethics Committee would automatically recommend expulsion. The full Senate would have to make that determination under the Constitution.

Mr. LEVIN. My question is can the Ethics Committee reprimand a Member without that Member's consent?

Mr. McCONNELL. The Ethics Committee, I am told by staff, can on its own recommend a reprimand. The Senate has to ratify it. It simply has to be ratified by the full Senate.

Mr. LEVIN. But then the Ethics Committee cannot do the reprimanding, and, therefore, under the amendment of the Senator from Kentucky, if someone is reprimanded three times by the Senate, they would be automatically expelled. They would have to be reprimanded three times by the Senate, not by the Ethics Committee.

Mr. McCONNELL. Yes. But that would be subject to the Constitution.

Mr. LEVIN. That is not what I would call tough enforcement, which is apparently the theme of the amendment, since you would have to be reprimanded three times by the Senate. I doubt that the Senate has reprimanded anybody——

Mr. McCONNELL. You could, of course, be expelled by the Senate on one, if there were a criminal offense or something that the Senate felt very seriously about. I would not want to rule out the possibility that an individual could be expelled from the Senate for one violation, depending on the severity of it.

Mr. LEVIN. I wonder if the Senator could tell me how many reprimands there have been in the history of the Senate?

Mr. McCONNELL. I can find that out for the Senator. I do not know at the moment.

Mr. LEVIN. So long as we are focusing on the amendment of the Senator——

Mr. McCONNELL. Is the Senator suggesting we should not toughen the penalties for serious offenses?

Mr. LEVIN. That is no alternative to toughening the rule.

Mr. McCONNELL. If the Senator would like to toughen the penalty for offenses or egregious behavior, feel free. That is entirely consistent with what Senator JOHNSTON and I are trying to achieve here.

Mr. LEVIN. I am suggesting that the Senator is proposing that there be a toughening of the penalty, instead of toughening the rule in a significant way, and I think that really is a diversion from the issue before us, which is whether or not we toughen the rules. And I am saying, even if you look at the toughening of the penalty—to say we are really toughening these penalties because, if you are reprimanded three times, then you will be automatically expelled—as a matter of fact, you cannot be reprimanded even once without your consent.

Mr. McCONNELL. Would the Senator yield?

Mr. LEVIN. Yes.

Mr. McCONNELL. The issue is whether you want to trivialize the Senate or not, in my view. The goal of the Johnston-McConnell. substitute is to toughen the penalties for egregious offenses. If the Senator would like to toughen the penalties for egregious offenses, that is something we can talk about.

Mr. LEVIN. I thank my friend. But the goal of this substitute of the Governmental Affairs Committee is to toughen the gift rules for the Senate. That is the real issue here—so that we can try to gain some credibility for the Senate and for the Congress as a whole, some of which has been lost by the loose gift rules that we have now. Those rules allow unlimited meals to be paid for by lobbyists, allow trips to be paid for by lobbyists who are there on the scene, whose corporations have funded the trips. Sometimes half of the money of those trips does not go to a charity. It goes for the so-called expenses of the recreational event, be it a golfing event or a tennis event.

That is the purpose of this; to try to change the way in which we do business in terms of lobbyists and their gifts. That is the purpose of the substitute. I am afraid that purpose is not achieved by the amendment before us.

Madam President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, I think we can all see from the tone and tenor of the debate that this is a serious subject. Earlier today, I suggested that some people in this country might feel that influence can be gained through the purchase of a fruit basket or steak dinner. Yet it is a false perception.

But there is a perception out there that we must address. One of the problems facing the Senate is how do you legislate away a false perception? It is not an easy thing to do but we are here trying to do just that. On the other hand, I do not believe that any Member of the Senate would say, or indeed demonstrate by his or her conduct, that a lunch or some other small gift in any way is going to affect their judgment.

Nonetheless, I think that those who advocate the change—Senators WELLSTONE, LAUTENBERG, and others—believe that the public sees that our National policy has somehow been bent or directed in a way that is contrary to the Nation's best interests. That is a perception. And the public believes that lobbyists are the ones who are responsible for it. Yet, we understand that we were elected not to grant favor, but to do the Nation's business as best we think it can be carried out.

The difficulty with these proposals including the one proposed by Senator McCONNELL, is that we are all trying to do what we think is the right thing. While I am likely to oppose the amendment offered by Senator McCONNELL, it is clear that this particular proposal offered by Senator LEVIN and supported by the Governmental Affairs Committee is not perfect. As Senator JOHNSTON and Senator McCONNELL appropriately noted, it has a number of imperfections in it and we ought to be up front about it. That is the purpose of debating—to listen to our colleagues and attempt to improve the legislation before us.

Even though we ban gifts from lobbyists, they could still give to our parties. For example, we have a host of lobbyists who support the Republican Party. There are a host that support the Democratic Party. So the Republican Party will then say we are having an event at the "XYZ" center and here is your ticket to attend the event. To those who receive the tickets it is our understanding that our party is sponsoring the event, even though the people who contributed to it were the same lobbyists who were banned from giving it to us directly. This places us in the position of saying we do not know who contributed to the party, until you show up at the event and see the representative from XYZ corporation, or XYZ PAC, or whatever.

Despite our good intentions in trying to appropriately address this issue, we must still recognize that when we try and legislate restrictions, we are not going to create a perfect package. There are going to be distortions of our intent, and there will be ways to circumvent whatever we do. Regardless of the possible ways to circumvent this legislation, it is a good-faith effort on the part of Senator LEVIN and the Governmental Affairs Committee to deal with an issue that has been raised to a high level of public concern.

Please do not operate under the assumption that anything we do with this particular legislation is going to remove the level of cynicism. It is not. The cynicism was not reduced when Congress restricted its gym privileges. Yet we voted for the restrictions to please the public even though I could make a strong case by saying it is in the public interest to encourage Members to stay in shape, to be in better health, to diet more, to engage in exercise activities. That is in the public interest, and we ought to promote better health both inside and outside of government.

Does it raise the respect for Congress because we passed a measure to restrict the use of the gym? I do not think so. We shut down the gift shop in the Dirksen Building a year or two ago, and I remember the day it was about to close. The rumor spread that they were about to shut down the gift shop and it looked like the last days of Saigon. I saw people lined up at that shop, and it looked like the last helicopter was leaving. Did the public's perception of Congress change as a result of that? I do not think so.

I am suggesting that we are not proposing these changes—and we should not do it—with the expectation that the level of cynicism is going to be reduced or that Members or the Senate are now going to be raised in the eyes of our constituents. We should do it because it is the right thing to do, and with the understanding that the public's perception is only going to change when we deal with the fundamental issues facing our Nation such as health care, crime, and deficit reduction. These are the major issues which are affecting and afflicting our citizenry and until we deal effectively with them the public perception of Congress is not going to change.

I point out that, historically, Congress has not enjoyed high levels of support. I think you could point back to 1974, in my experience at least, when the level of public support for Congress as an institution went up during the Watergate hearings. The public saw a Senate committee, the Watergate Committee, in action, asking questions, trying to act responsibly, and I believe they felt that the House and Senate rose to the occasion. They saw a committee in action, dealing with a tough issue. I think the polls reflected an immediate surge of appreciation for the level of debate that took place, even though there was great disagreement about whether we had acted appropriately or not.

That increase in support occurred also during the debates that took place on the Persian Gulf war. When the public sees Congress doing its business and doing it in a way which they feel they can be proud of, even if they may disagree with the ultimate result, that is when public confidence in our institution goes up.

This matter is important because there is a negative perception—although it may be false, particularly on the fruit basket or steak dinner I mentioned. But when the public sees trips that are primarily recreational in nature and which have very little to do with the substantive issues coming before Congress, the perception is that there are lobbyists trying to gain our favor. Under those circumstances, the cynicism calcifies, and it afflicts the body public.

From my own personal point of view, I do not play tennis or golf, and I have never been on a recreational trip. Any trip I have been on has been pure work, often from 7 in the morning until midnight. I do not have a personal stake in saying that I want to preserve something. But the public sees these instances in which they feel the nature of the travel, or the nature of the conference, is more leisure than work, in which case they ask, "Who is paying, how much, and why?" These are the issues we have to deal with.

I looked at the substitute offered by my friend from Kentucky, and I find a couple of problems with it. I do not like the "three-strikes-and-you-are-out provision". Here we are defending ourselves on the one hand, saying no one here is a criminal. Mark Twain might have said, "There is no distinct class of criminals, except Congress," but we know better. Everyone here is hardworking, idealistic, and working on behalf of their constituents back home.

So the notion that somehow we are going to adopt a three-strikes-and-you-are-out provision for Congress only solidifies the public's mind that somehow we think we are in the same league as criminals. I think one strike in these cases, one grievous violation and, in all probability, you will be out, or you should be out. You do not need to have three recommendations from the Ethics Committee going to the Senate floor for a reprimand to say, "Now we think you are ready for expulsion." I think that is a particular flaw in this amendment.

From a security point of view, I also disagree with the disclosure of travel plans prior to the actual travel taking place, requiring a detailed itinerary of where you are going. When international relations are not stressful, this provision probably does not present a problem. But when there are international tensions and Members of the Senate are taking a trip out of the country, I do not think it is advisable to publish in advance in the CONGRESSIONAL RECORD travel plans for that particular period of time. I think that is dangerous. I think, obviously, there must be a full disclosure once the trip is over. But out of concerns about Members' safety, I would never advise a prior disclosure and a detailed itinerary of exactly where you are going to be on each occasion.

Again, perhaps I am overly concerned about security measures. But I have traveled to some fairly dangerous places during the course of my career in the House and Senate, and I must say that I would not have wanted it publicized exactly where I was going to be on a given day.

Let me come back to the amendment that has been offered by my friend from Kentucky. I think he and Senator JOHNSTON are also acting out of the best of intentions, and they are doing a considerable service to point out the difficulties that will be encountered if we pass the legislation which I am supporting.

They are pointing out that there are traps that we must be aware of. There are some grave dangers that we may step into unknowingly, unwittingly, with serious consequences. So it is important that we take the time to debate this issue, not simply pass it in the name of good Government, but we debate it seriously and substantively and look and see exactly where we are going. But ultimately what we have to do is to adopt changes. I do not think it will alter the public's perception in terms of enhancing their confidence in us, but it may prevent it from going lower than it currently is. We will never really regain the public respect this institution deserves until we deal with the major substantive issues that this Nation faces.

This is important because right now I think it is a view—maybe it is not quite as pervasive as I think it is out there—that somehow the Nation's business is being diverted or in some way twisted in a way that does not serve the public interest but only narrow special interests.

Do we believe that is the case? Do we not all feel we are acting in the best interest of our constituents on crime welfare, the economy, and other important issues? The answer is, of course we do. However we are required to respond to the public perception. How we respond to it is really the issue here. Can we do it in a way that will set a standard that will measure up without falling into legal snares that will entrap well-intentioned, noble-minded individuals, and force them to go before the Ethics Committee on some minor provision? That is a serious question.

I think it has been an important debate today. As the debate continues tomorrow, it should not be carried on with the view that we have the total solution here. We do not. There may be improvements that can be made upon this legislation. That is the way I hope we could carry on the debate, pointing out what I think are deficiencies in the McConnell amendment, and they rightly pointing out some of the problems we have in our own legislation.

We do not have a clear-cut answer. It is not as simple as we would like to make it, because there are complications and ways to circumvent this bill if we pass it. There is no piece of legislation you can pass that will achieve perfection.

I think this legislation is better than the initial version offered last year. It is a vast improvement in terms of simplicity and clarity.

Some have asked, "What is a reasonable person?" That is what the law is all about. The law in our country is based upon the reasonably prudent person. That is the standard we go to a jury with. We appeal to a jury, the reasonable prudent person. Under the circumstances, what would a reasonably prudent person conclude? Was it negligence? Was it willful? Was it simply a minor slip? Was it intentional? What does a reasonable prudent person conclude? That is the standard we use in virtually our entire judicial system. It is a standard that is pretty well established. How do you define it? I think we have to fall upon reason and logic and experience.

Madam President, I will not take further time tonight other than to reemphasize the points I have made. We are searching for a solution to deal with a perception that is negative, even if it is false in many respects, in an effort to deal with it in the most effective way we can.

The McConnell amendment is an attempt to address this perception on the enforcement side. The Levin approach is that of tightening up the rules. It may be the ultimate result will end up somewhere in the middle.

I want to commend all of the Members who contributed to the debate. It is important that we think about this now and not pass a bill and then later regret that we did not think about what Senator INOUYE said about the floral leis he is often presented. What about the flowers that come to a Member or staffer in the hospital? These may seem like trivial matters, but it is important we try to resolve them through the debate.

I know Senator LEVIN will bring forward a clarifying amendment tomorrow that will try to respond to the specific concerns that have been raised.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I will be brief, I say to my colleague from Wyoming.

First of all, let me thank the Senator from Maine for his statement. I thought his words were eloquent. The one question, I would say to my colleague, that I am puzzled about is I quite agree with him that people really look to the Congress to address the really critical concerns and circumstances of their lives, whether it be health care or jobs or reduction of violence, of crime, or for that matter, given the international perspective, to understand the world we live in and be a country that plays a major and positive role. I agree.

Now, I want to just build on the remarks of my colleague from Michigan. I do not understand why we just do not let loose of some of this and get on with it. I am quite serious. I have heard so many people say it is not that important; why do we not just get beyond this and let loose of some of this.

I think the Senator is right when he talks about perception, and I think the problems with the amendment are the ones that were, in the main, outlined by the Senator from Michigan. I mean, we still have all of the travel, and it just looks terrible. The Senator uses the word "perception" because it really will continue to be in the name of charity or not paid for by a lobbyist in a variety of different, large financial interests. It looks terrible. We do not need it. And if you have unlimited meals, it just does not pass the credibility test. Just let go of it. Why do not we just let go off this?

Mr. COHEN. Madam President, will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

Mr. COHEN. The Senator makes a valid point on the travel, and I think Senator JOHNSTON essentially raised the issue about the Aspen Institute. I have been actively involved in the Aspen Institute over the years, as I believe Senator LEVIN has. We have traveled to exotic places to hold conferences. They meet throughout the day and it is primarily business. The institute invited Soviet scholars and politicians to help us better understand what was going on in the Soviet Union. They sponsored a trip that Senator LEVIN and I took with Senator SIMPSON to Moscow for several days to meet with Andrei Sakharov and others, in an effort to make us better informed.

Those are the kinds of trips that we ought to encourage.

Mr. WELLSTONE. Yes.

Mr. COHEN. Yet, I think there will be some apprehension if this legislation gets passed as to whether those types of trips are the right thing to do. At the same time those trips are very different from travelling to golf tournaments or tennis tournaments, even though many of the tournament trips are also for valid functions. There are tournaments to raise money for charity and they will be impacted by this.

But there are distinctions that have to be drawn between the kinds of travel that is permitted, which is without question principally business in nature. We should encourage trips that promote our understanding internationally, and that will help us develop informed policies.

So the perception, I think, ultimately is different even on trips which are largely informational in nature where you must work extensively. Although some of these trips may be held in Bermuda, or Round Hill where, as I recall, many of them have been held, that, too, creates a perception we are travelling for leisure. On the other hand some Members would probably not go to the seminars if they did not have the chance to spend some time taking a break from hurly-burly Washington. Clearly the issue is not always black and white. I think that these distinctions must be drawn, and I am hopeful that we can clarify these issues during the course of the debate.

Mr. WELLSTONE. Let me say to my colleague from Maine that I agree with him. I have always felt, in trying to work this out, that that distinction is a very important one to make.

What I do not understand—and I would just mention one other problem with the substitute amendment. I mean, again, we can talk about the work that we do, travel somewhere as a part of a conference that is policy oriented, extremely important, in terms of giving us a broader perspective, extremely important bringing a variety of thinkers together and comparing notes. That is one thing.

Again, to continue free tickets, anything under $75, not even counting toward any aggregate, it just does not make any sense. I will go back to the issue of perception. I do not even want to argue that point. How much is perception? How much is reality? I think that is mainly perception when we have an amendment here. It really is. I mean I just want our colleagues to understand this really is business as usual.

Does it represent any major change? If we are going to continue to allow a lot of paid travel, a lot of paid trips, going to continue to have unlimited meals from any source, any source, and if we are going to continue to have tickets under $75, unlimited, no aggregate amount, I just think it does not pass the credibility test. I hope my colleagues will understand this.

Again, I will just repeat what I said earlier. People do care. Whether or not we think they should care, I happen to believe they should care about ethics, about good government, about accountability, about our having as honest and open a process as possible.

People will understand full well that this substitute amendment does not represent any kind of significant reform. It is business as usual. I certainly hope that Senators will vote this down.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I have been listening to the debate and hearing the cries of anguish from our colleagues—in private, of course—with regard to this legislation, like: How long are we going to do this to ourselves, and what should be done?

I support the McConnell-Johnston substitute. I think these two fine colleagues have done an excellent job of trying to bring reality to what is a difficult situation.

There has never been a time in the history of the U.S. Congress that this institution was as popular as those who have served would like it to be. It is not exactly highly revered, nor is the Presidency, nor are local governments.

Congress has been the butt of jokes for now a bit over 200 years. We should be used to it by now.

But, nevertheless, we are going through another exercise at self-criticism, and we are going to change the rules under which we operate in the hopes of gaining greater respect from the American people. Unfortunately, I just do not think that the mind of man could draft a piece of legislation that would ever obtain that result.

In my legislative career of 30 years, in Wyoming in the legislature and here, I have always thought the best way to handle these things was through total disclosure. The issue is "sunshine laws" and full disclosure. Put it in the record. What did you receive? How much was it worth? I have no problems with full disclosure of such things.

There have been some serious issues raised by Senator COHEN about activities like those sponsored by the Aspen Institute and the Carnegie Foundation. I have been the beneficiary of those. They are marvelous learning experiences. And I have been to some of those events, and also to events in support of charities. I have done those things, and they are all clearly disclosed.

But one thing I think has not sufficiently been discussed here is honoraria which go entirely to charity. In the year 1991, there was $762,316 in honoraria given by Members in the U.S. Senate to various institutions and charities. Last year, Senators directed over $500,000 from honoraria speeches to charities.

I see the majority leader on the floor. I remember very well at a function about 2 years ago when he shared with us at a dinner of Members and spouses a quote as to how people in America perceive their Congress. Essentially, it was an eloquent quote about how the American people have never held Congress in high esteem. And that is true! But, we do not have bodyguards. We do not go home with trumpets blaring or limos waiting. That is just not the way it is.

I greatly respect Senator LEVIN. He and I came here together. Senator COHEN, Senator LEVIN and I all were in the same class. And Senator WELLSTONE is speaking from deep feelings on this issue.

As I always say to my constituents, there are 535 of us and there are about the same number of lightweights, screwballs, and boobs in Congress as there are in your hometown. After all, it is a representative Government. You would not want those people to be unrepresented. And we do have people here that represent that segment of society.

So, with that, we must remember that the rest of us are trying to do it right. There are not many "corner cutters" in Congress. There are not many Members trying to gimmick the system.

We really ought to examine very carefully the issue of honoraria which are directed to charity. Under the Levin bill, that will cease. And that is unfortunate.

We ought to carefully examine provisions relating to factfinding missions. I went to the Soviet Union for 10 days with Senator Cranston, Senator LEVIN, Senator COHEN, and Senator NUNN; it was the greatest learning experience of my time in the U.S. Senate. A lot of positive things happened after we left. And I think a lot of it was due to our presence.

I think the majority leader would like to pose his unanimous-consent request, and I will continue when he concludes.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate resume consideration of S. 1935, the gift ban legislation, at 10 a.m. tomorrow; that there then be a time limitation on the McConnell-Johnston substitute amendment, numbered 1674, of 3½ hours, equally divided in the usual form; and that at 1:30 p.m. tomorrow, the Senate vote on or in relation to that amendment, with no amendments in order to the McConnell-Johnston substitute amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Madam President, in view of this agreement, there will be no further rollcall votes today.

As the agreement states, there will be 3½ hours of debate tomorrow on the McConnell-Johnston substitute amendment and a vote on or in relation to that amendment at 1:30 p.m. tomorrow.

Madam President, I thank my colleagues for their cooperation.

I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I am pleased we were able to arrive at this unanimous-consent agreement. I think that will certainly generate a swifter solution here.

The McConnell-Johnston substitute provides some tough penalties for those who violate the rules. It substantially reduces gift limits without discarding the type of activities which benefit charities. It is a reasonable approach and I wholeheartedly support it.

I am proud to say that I do give speeches for honoraria. Senator TED KENNEDY and I still do a program called "Face Off." The entire receipts of "Face Off" go to various charities in his State and mine and throughout the country. We receive and keep nothing from "Face Off." I receive and keep nothing from the honoraria speeches.

I think it is very important that those should be allowed to continue. From every report I receive, charities are presently facing a serious decline in contributions. What is wrong with directing money to charity? Mine are all listed. Anyone can find out who sponsored the speech and how much was contributed to charity. There is not a thing I do which I do not expect to be seen by a lot of sets of eyeballs. That might be a real novel idea to ponder!

There are no locks on any drawers in my office. I gave back $93,000 in my salary over the past 5 years, from 1987 on. I take on outfits like the AARP, and some of the veterans groups and others. It would be something if all of us would take a lick there at a few "sacred cows" out there. That would begin to shape up this institution. That is what we ought to be doing, but we do not.

Somebody ought to write a "Portrait In Courage" about how we cower under the power of organizations like the AARP that just whip us into a frenzy. Is anyone willing to take on the AARP with me? I have not had anybody beating my door down. But I sure do get in and wade around in it and talk about what they have in the way of money, and what they do, and how they come in here and give us a bunch of smoke about if we pass a balanced budget amendment everybody in America will lose $1,142.50 of their Social Security payments.

What kinds of people are they?

So, step up. If we are going to do real work, we should not just do the stuff that gets people excited briefly on the television news. Let us do some "heavy lifting." Let us do something with the entitlements programs: Medicare, Medicaid, the benefits programs.

We should begin to lay the facts regarding U.S. Senate pensions out on the table. I may do that with legislation because the people of America need to know that we receive the most extraordinarily generous pensions. We pay 8 percent of our salary. Other Federal employees pay 7 percent. We receive pensions far in excess of what we have put in, depending on your length of service.

If we are going to do self-flagellation, I think we must pass around an additional parcel of whips. The Senate pension program would be an interesting topic for discussion. This will not make much headway out in the country, but it will certainly create a great stir of interest with my colleagues. That is something real. But there are many misperceptions about Congress, too. Let us discuss what we really do. The people of America do not really feel it is the lobbyists that dictate how we operate. But, they really believe that we fly back and forth to our districts in military aircraft, or that we have autos at our disposal, or that we pay no Social Security, and no income tax. I've seen them at town meetings. They say, "We do not like what you people do. We do not like the perks you have."

I say, "What perks do I have?"

They say, "Well, you voted in the middle of the night for a pay raise."

I listen to that.

Then, "You did this, and you did that, and you get this." I say, "Wait a minute, we voted at 9:20 at night one evening for a pay raise and everybody voted yes or no. What is tricky about that?" "Well, I did not know that."

I say, "I know."

And I say, "I pay my own Social Security at the maximum rate. I pay my own house payments, my own mortgages, pay my own pension money, I pay my own medical insurance."

They say, "Well we want a health insurance policy like you have."

I say, "Great, just be a Federal employee because I get the same one the rest of the Federal employees get."

"No, you don't."

I say, "Yes, I do."

So you can hardly convince your constituents what is real because their minds have been so clouded about what they think we do and the perks we receive. Then you tell them you pay for the gymnasium and that is $500 a year, and I go in there once a month; or that you pay for a cold remedy at the infirmary here. We pay for everything we do. The American people don't know that.

How strange and curious it is that we are working on this bill. If we really want to do something, maybe we should look again at the frank. That needs careful attention. These are the real things. These are the things that will save us some real bucks. Then of course there is the legislation to apply to us every form of law that we inflict upon the rest of society. That is a real one which often disappears somewhere along the way here.

So we should not spend the time of Congress focusing on the few people who get notoriety for cutting corners, making shortcuts. This bill requires a greater examination than I believe we have given it to this point.

I thank, indeed, Senator McCONNELL and Senator BENNETT JOHNSTON for bringing this legislation some semblance of order. It is ludicrous that we are considering this legislation when we continually leave unaddressed the great, huge issues facing our country. And the huge issues of how so-called reputable organizations like the AARP have the capacity to freeze Congress in place. That is what we ought to look at. Instead of banning honoraria directed to charity. I personally do not really enjoy going out with lobbyists at night. I prefer to go home, put a couple of candles in the middle of the table, and visit with the woman I have been living with for 40 years. I enjoy that.

I feel we can reach a point of eventual absurdity with this legislation. If we are going to do stuff, let us go for the heavy stuff. Maybe we can join together and be realistic rather than making efforts to bring our own institution down. I do not see the purpose in that. I know it is not the purpose of the sponsors but that is occurring, at the expense of worthwhile efforts like contributing to charities.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I do not know of anybody else who wishes to speak tonight so I think we can, perhaps, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Madam President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Jere Walton Glover, to be chief counsel for the Small Business Administration.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that upon confirmation, the motion to reconsider be laid on the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

SMALL BUSINESS ADMINISTRATION

Jere Walton Glover, of Maryland, to be chief counsel for advocacy, Small Business Administration.

STATEMENTS ON THE NOMINATION OF JERE WALTON GLOVER

Mr. BUMPERS. Madam President, I rise in support of the nomination of Jere W. Glover of Maryland to be chief counsel for the Office of Advocacy in the Small Business Administration. This nomination was favorably reported by the Committee on Small Business on May 3, 1994, by a vote of 17 to 5.

The President submitted this nomination on March 2, 1994, and I regret that it has taken somewhat longer than usual for our committee to get this nominee before the Senate. A hearing was held on April 12, and suffice it to say that a series of questions was submitted to the nominee, both at the hearing and for several days following, by Members on the other side of the aisle which delayed somewhat the Senate's consideration of this nomination. The nominee responded to all of these questions in a timely fashion, and I ask unanimous consent that the questions and Mr. Glover's answers be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUMPERS. In any event, it is appropriate that the Senate should consider this nomination today because this week is U.S. Small Business Week, as proclaimed by President Clinton. Hundreds of small business owners are in Washington even as we speak. They are being honored by festivities around the city which celebrate their individual accomplishments and contributions to the Nation's economy.

Without a doubt, small business owners have long felt that the chief counsel for advocacy's office was the best bargain in Government, the one office which they most favored, and the one office in Government they believe is most helpful to them.

Created during the Carter administration, the Office of Advocacy is intended to serve as small business owners' pit bull against the Federal bureaucracy and in the Halls of Congress. No person better fit that description than the legendary Milt Stewart who served under President Carter as the first chief counsel for advocacy. It speaks well of Jere Glover that he was selected by Milt Stewart to serve as his deputy in that administration, and he carried out those duties with distinction.

Since that time, Jere has had a fine career in the legal profession which I will discuss presently. First, since this nomination was filed without a written report in order to get it to the floor quickly, I want to say a few words for the record about this nominee's background. His qualifications, I believe, could not be more appropriate for this job.

Jere Glover is a native of Ridgely in northwest Tennessee, not far from the northeast corner of my home State of Arkansas. His father owned a small photographic studio where Jere's mother also worked and where he worked while in high school. I was pleased to meet Mr. and Mrs. Glover at their son's confirmation hearing. Jere and his wife Doris have lived for some years in Annapolis, MD. He also has a brother in the area who is a medical doctor and a urologist. Mr. and Mrs. Glover, Sr., have much to be proud of in these two sons who have been successful in their chosen professions and, jointly, in several businesses in which they have invested and worked.

A few words about Jere Glover's professional background which has brought him before the Senate for confirmation: Jere received his B.A. degree from Memphis State University in 1966 and his J.D. in 1969. After coming to Washington, Jere did graduate work in law at George Washington University where he received the LL.M. degree in 1974. He did this while serving on the staff of the Federal Trade Commission—an important agency for small business. Later he served on the staff of the House Small Business Committee where he was counsel to the Subcommittee on Antitrust, Consumers and Employment for a short period before being asked to join Milt Stewart's staff in the newly created SBA Office of Advocacy.

Jere Glover held the No. 2 post in Advocacy during what are now seen by many as the halcyon days of the Office. Milt Stewart was aggressive and fearless in seeking to protect the interests of small business owners, and he ruffled a lot of feathers in this town. More importantly, he and his staff prepared the way for the 1980 White House Conference on Small Business—the first such conference in living memory—which proved hugely successful. That conference recommended, among other things, the Paperwork Reduction Act, the Regulatory Flexibility Act, the Taxpayer Bill of Rights, the Equal Access to Justice Act and the Small Business Innovation Research Act. All except the SBIR bill were enacted during the Carter administration.

As Senators know, work is now underway for the 1995 White House Conference on Small Business, beginning with State conferences which will start this summer. We can only hope that it will be as successful as the 1980 conference.

I can think of no person better qualified than Jere Glover for the post of Chief Counsel for Advocacy. Following his Government service in the 1970's, he established a successful law practice in Washington in which he has represented almost exclusively the interests of small businesses. His clients have included a number of well known trade associations for small businesses, and several individual small companies with a variety of legal problems and public policy issues. Jere Glover is knowledgeable about small business policy generally, and especially so in the areas of antitrust enforcement, fair trade practices, taxation, finance, and innovation. In addition, Jere has invested in and worked in several successful small companies, particularly in the area of medical devices and services.

In short, Jere Glover has gained a wealth of experience which will put him in good stead as SBA's new chief counsel for advocacy. His nomination has been praised by all small business organizations including National Small Business United, National Association for the Self Employed, Small Business Council of America, National Association of Small Business Investment Companies, Small Business Legislative Council, National Association of Women Business Owners, and the National Federation of Independent Business.

President Clinton is to be commended for selecting such a fine and universally respected person for this important post. I urge all Senators to support the President's nomination.

EXHIBIT 1

SENATOR PRESSLER'S QUESTIONS

Mr. Glover, I would appreciate receiving your written response to the following questions prior to the committee vote on your nomination:

Activities in private sector

Q. Have you ever lobbied an employee of the Office of Advocacy? If so, whom did you lobby and on what issue?

A. To the best of my knowledge, in the past 13 years I have not lobbied any employee of the Office of Advocacy and certainly have not in the past 3 or 4 years.

Q. Have you ever represented a client before any other division of the SBA?

A. Yes. Size determination for Baron Transportation, Inc. Preparation of initial 8(a) application of T&S Bus Service, Inc. Small Disadvantaged Business protest involving Lightcom International, Inc. (Prior to the announcement of the intention to nominate me, I withdrew and turned the matter over to another attorney, who is not associated with me, who handled the matter thereafter.)

Q. How would you avoid any appearances of a conflict of interest with any of your former employers or clients?

A. I will fully comply with SBA regulations concerning conflicts of interest including the circumstances which might give rise to any conflict. I will discuss the situation with the agency's Ethics Officer and will comply with his or her suggestions. If necessary, I will dispose of the asset in question and/or recuse myself from matters involving former clients.

Q. Since you left the SBA in 1981, you have had business relationships with numerous small business trade associations. However, it appears some of these associations may not be contained in the documents you provided to the committee. Therefore, in order to clear up any confusion, could you briefly discuss the associations that you have had business relationships with since leaving SBA in 1981?

A. To the best of my knowledge, both orally or in writing, I have disclosed all of my business relationships. To clarify any confusion, the following is a list of the associations with which I have had a business relationship since 1981:

In 1982 or 1983, I was retained for a brief period by the National Federation of Independent Business as a consultant and appeared as a witness on behalf of NFIB. I believe it was at the National Governors' Conference.

I served as counsel to and a director of National Small Business United for a period of time in the early 1980s. Most of my service to NSBU was on a pro-bono basis.

I served as counsel and legislative representative to the National Association for the Self-Employed during the mid to late 1980s.

In the early 1980s, I was on the board of the Small Business Legislative Council and received an award for my activities.

I served as a director of and represented the Coalition of Membership Associations (a coalition of several small business associations) during the last few years.

I served as President of the Alliance for Affordable Health Care (an association of primarily small business associations) during the last few years.

I served as Executive Director of the National Council for Industrial Innovation, a group of small business men and women interested in innovation, from 1981 to present. This organization has been inactive for several years.

I served as Executive Director of the Fair Franchising Coalition, from 1989 to present. This organization has been inactive for several years.

Activities as nominee

Q. During your recent courtesy call at my office, you mentioned you have had only brief contact with the Office of Advocacy since the President expressed his intent to nominate you several months ago. However, I still have concerns over the extent of your contact with the SBA prior to this hearing and confirmation by the full Senate. Therefore, I have a series of fairly specific questions about your recent activities. How many meetings, visits, conversations, briefings, telephone calls, or meals have you had with Advocacy staff?

A. In order to prepare for this hearing, and at the suggestion of the Office of Congressional Relations, I have had several briefing sessions with the Advocacy personnel. The first of these was with Doris Freedman, the Acting Chief Counsel. Ms. Freedman has also called me on two or three occasions supplementing that meeting.

Subsequent meetings were held with Office Directors Susan Walthall and Bruce Phillips. Each of these meetings were about two hours in length and were conducted at my office and in an inexpensive Greek restaurant near my office.

After receiving a copy of the issue papers for the White House Conference on Small Business, I had a conversation with Susan Walthall when Doris Freedman was out of the country. I suggested that she try to make the issue papers more user friendly. They were too long. I suggested an introductory paragraph or a summary was needed. I did not suggest any substantive changes but did suggest some editorial changes. I was one of several members of the public who were asked to review the issue papers.

We had a rehearsal for the hearing at which Doris Freedman appeared, together with Marty Teckler of the Office of General Counsel, Bob Gardner of the Inspector General's Office and Kris Swedin of the Congressional Relations Office.

At the suggestion of staff of the Senate Small Business Committee that Marty Teckler's letter to the Office of Government Ethics be clarified, I went to Kris Swedin to her office to get the changes made. Doris Freedman stopped by Kris' office to say "hi."

I also attended a hearing of the House Judiciary Subcommittee on the Regulatory Flexibility Act. Doris Freedman testified and at least one other Advocacy employee, Barry Pinellas, was present. Other than pleasantries, no substantive conversation occurred at this meeting.

Q. Did you attend any public or private third-party events with Advocacy officials? If so, please tell this committee with whom you attended and describe the event.

A. I attended the recent public Regulatory Forum presented by the Office of Management and Budget and the SBA at which the Acting Chief Counsel and other Advocacy personnel were present. I did not have any discussions other than exchanging pleasantries.

I did not participate in the meeting except to listen, as a member of the public audience, which included about 75 people.

I attended the National Association for the Self-Employed's Open House and met Steve Dixon, an Advocacy employee, who was at the meeting. Other than exchanging pleasantries, no other discussion was held.

Since leaving the Office of Advocacy in 1981, I have made no policy or personnel decisions or recommendations concerning the Office of Advocacy. I will make no policy or personnel decisions or recommendations until and if I am confirmed.

I did receive a letter from a small business owner about a problem with a proposed FDA regulation. I forwarded it to the Office of Advocacy without comment or recommendation.

Q. In preparation for today's hearing, have you had any contact with SBA's Inspector General's Office? If so, please tell this committee with whom you met and describe the encounters.

A. Bob Gardner of the Inspector General's Office participated in a dress rehearsal for the hearing with Doris Freedman, Kris Swedin and Marty Teckler.

Q. Did any of your activities involve the upcoming White House Conference on Small Business? If so, what was the extent of your activities?

A. I met with Mark Schultz, the Executive Director of the White House Conference, for approximately one hour to receive a briefing on the organization and planning of the Conference as a part of my briefing process. I later met with Kathy St. Denis, Nick Friendly and Mark Schultz for a further 2-hour briefing. As mentioned above I did review the issues papers.

Advocacy management

Q. How independent do you envision the position of Chief Counsel for Advocacy? In other words, how do you see your role vis-a-vis the Administrator and the White House?

A. I believe it is important for the Chief Counsel to represent the views of the small business community even when they conflict with the views of the Administrator and the White House. It is my intention to work within the Administration as much as possible but on issues that will impact the small business community. It may be necessary and appropriate to express my views and my opinions, even if they are inconsistent with those of the Administrator and the White House.

The Administrator and I have discussed the role of Chief Counsel and he and the President both understand that from time to time I will express views which conflict with his views or those of the President.

A. Will you publicly oppose the President and Administrator Bowles when they take positions that would have a negative effect on the small business community?

A. Yes, see question 1 above.

Q. Currently, half the Regional Advocate positions remain vacant. If confirmed, would you fill these very important positions?

A. If confirmed, I will be reviewing the functions of the Regional Advocates as well as the entire office. Once that review is completed, I will fill vacancies as soon as possible.

Q. The Acting Director of Advocacy's Office of Information currently is engaged in a major fundraising campaign for Small Business Week 1994. Do you think it is proper to raise large sums of money from associations and corporations that do business with the SBA, and with the Office of Advocacy in particular?

Congress recognized a need to develop partnerships with the private sector to further the Small Business Administration's mission. I have been advised that the Office of the General Counsel at the SBA has issued an opinion that the small business fundraising activities are legal and appropriate and that this has been the practice for some years. I have been told that none of the sponsoring organizations have contracts with SBA.

SENATOR COVERDELL'S QUESTIONS

Q. What role do you think small businesses should play in the reform of our health care system?

A. Although I have not had an opportunity to fully review the issues in Senator Coverdell's questions, I am providing my comments based on the information I have at this time.

Small business should play a constructive role in restructuring the health care system. The current system discriminates against small business. Many small businesses are completely excluded from providing health insurance because one of their key employees or family members has a pre-existing condition. Likewise, many small businesses cannot afford to provide health care under the circumstances. Because of the significant effect on small business by any health care legislation, small business has a significant role to play in any health care legislation.

Q. As a proponent of employer mandates and one who has advocated this position, how can you now represent the interest of small businesses who strongly oppose this concept?

A. I have never publicly been a proponent of employer mandates, nor have I advocated this position. I believe that it is important that the Chief Counsel totally represent the view of small business, including the issue of health care. Even in situations when I disagree with small businesses' views, I believe it is important for me to reflect the views of small businesses and their organizations.

On the issue of employer mandates, it is clear that most small business organizations and the majority of small businesses are opposed to it. I will advise the White House about small businesses' deep concerns and reservations about employer mandates. I believe that I, as well as the rest of Administration, am looking for an alternate solution that involves universal coverage without employer mandates. To date, I do not know of any other solution.

Q. What is your position on labor issues such as Striker Replacement and Davis-Bacon?

A. While most small businesses don't have labor unions, those that do are severely impacted by labor problems.

In the case of striker replacement, I believe that the proposed legislation interferes with the normal employee-employer relationship and that legislation in that regard is not needed. Most small business organizations oppose striker replacement.

Concerning the Davis-Bacon Act, it is necessary to reevaluate the prevailing wage to include not only union but non-union wages in particular locations. I believe it is not necessary to require a government contractor to pay the higher wages. Most small business organizations support reform or repeal of Davis-Bacon.

Q. What is your position on Product Liability Reform?

A. Product liability laws clearly need to be reformed. This is a especially true for small businesses, which cannot afford product liability insurance. Often small businesses cannot sell their products because they cannot get product liability insurance.

Q. From your resume I note you have started a number of small businesses. Did you receive SBA assistance with any of these venture? If so, what assistance and what is your current relationship with the assisted businesses?

A. None of the businesses in which I have been involved have requested or received any assistance from the Small Business Administration. None was asked for and none was received.

I am an officer of two firms which have received SBIR awards. Stacogen received an SBIR from NIH 6 to 8 years ago. Advanced Resources International, Inc. received an SBIR award from the Department of Energy last year. Since the announcement of the intention to nominate me in December, I have sold my interest in both firms.

SENATOR BURNS' QUESTIONS

Q. Probably the most important issue facing the small business community is health care reform. Will you publicly oppose the President and Administrator Bowles when they take positions that would have a negative effect on the small business community?

A. As I said in response to Senator Coverdell's question number 1:

"Although I have not had an opportunity to fully review the issues in Senator Coverdell's questions, I am providing my comments based on the information I have at this time.

Small business should play a constructive role in restructuring the health care system. The current system discriminates against small business. Many small businesses are completely excluded from providing health insurance because one of their key employees or family members has a pre-existing condition. Likewise, many small businesses cannot afford to provide health care under the circumstances. Because of the significant effect on small business by any health care legislation, small business has a significant role to play in any health care legislation."

As I stated in my testimony, "As the small business community and Congress expect, and the law requires, if confirmed, I intend to be a strong independent voice for small business."

As I stated in my response to Senator Pressler's question:

"I believe it is important for the Chief Counsel to represent the views of the small business community even when they conflict with the views of the Administrator and the White House. It is my intention to work within the Administration as much as possible but on issues that will impact the small business community, it may be necessary and appropriate to express my views and my opinions, even if they are inconsistent with those of the Administrator and the White House.

The Administrator and I have discussed the role of Chief Counsel and he and the President both understand that from time to time I will express views which conflict with his views or those of the President."

Q. What is your position regarding employer mandates?

A. As I said in my response to Senator Coverdell's question number 2:

"I have never publicly been a proponent of employer mandates, nor have I advocated this position. I believe that it is important that the Chief Counsel totally represent the view of small business, including the issue of health care. Even in situations when I disagree with small businesses' views, I believe it is important for me to reflect the views of small businesses and their organizations.

On the issue of employer mandates, it is clear that most small business organizations and the majority of small businesses are opposed to it. I will advise the White House about small businesses' deep concerns and reservations about employer mandates. I believe that I, as well as the rest of Administration, am looking for an alternate solution that involves universal coverage without employer mandates. To date, I do not know of any other solution."

If conformed, I will continue to look for alternatives to employer mandates.

Q. What is your position regarding alliances?

A. A number of small business organizations, including the council of Smaller Enterprises in Cleveland and the Smaller Manufacturers Council in Pittsburgh, have, in effect, created health care alliances in the past. These have been successful in reducing health care costs. One of the problems facing small businesses now, as in the past, is having to pay 30 to 50 percent more in premiums for health care insurance than large firms are paying. I believe alliances can afford small businesses a more equal playing field and can enable small businesses to purchase health care at lower rates similar to those of large firms.

Q. Do you think that Congress should go slow and start with insurance reform, like portability, medical malpractice, coverage of pre-existing conditions, and paperwork reduction?

A. See response to question 1 above.

Because of the severity of the problem, the hardship the current situation has imposed on small business for many years, and the millions of small business people and their employees who do not have health insurance, I think Congress should move quickly to resolve the health care crisis that exists in America today.

Issues like insurance reform, portability, medical malpractice and coverage of pre-existing conditions, are all serious problems. The states have historically had jurisdiction to regulate these practices. It is unfortunate that the states, by and large, have not addressed these problems in the past.

Q. Regarding tort reform: Can we expect your support and cooperation when the Product Liability Fairness Act, S. 687, comes to the Senate floor this spring, even if the Administration does not support the bill?

A. As I said in response to Senator Coverdell's question number 4:

"Product liability laws clearly need to be reformed. This is especially true for small businesses, which cannot afford product liability insurance. Often small businesses cannot sell their products because they cannot get product liability insurance."

I have not reviewed S. 687 specifically. I do generally support product liability reform and, if I am confirmed, will review S. 687 as well as other product liability reform legislation.

Q. I also strongly support the Paperwork Reduction Act, Senate Bill 560. As a cosponsor of this bill, I am interested in your opinion on paperwork reduction. Can we count on your support of S. 560?

A. I have not reviewed S. 560 specifically, but I strongly support paperwork reduction. If confirmed, I will review all paperwork reduction legislation and support strong paperwork reduction legislation.

Q. Do you support a capital gains tax cut?

A. Yes, so long as the capital gains tax is targeted specifically to small businesses engaged in trade or commerce. This has been my position since 1978. I believe that targeted capital gains reduction for small businesses which was included in the Budget Reconciliation Act last year was a step in the right direction, but I believe more can and should be done to encourage investment in small businesses engaged in trade or commerce.

SENATOR PRESSLER'S QUESTIONS

Q. What is your position regarding employer mandates?

A. As I stated in my response to Senator Coverdell's question number one and to Senator Burns' second question:

"I have never publicly been a proponent of employer mandates, nor have I advocated this position. I believe that it is important that the Chief Counsel totally represent the view of small business, including the issue of health care. Even in situations when I disagree with small businesses' views, I believe it is important for me to reflect the views of small businesses and their organizations.

On the issue of employer mandates, it is clear that most small business organizations and the majority of small businesses are opposed to it. I will advise the White House about small businesses' deep concerns and reservations about employer mandates. I believe that I, as well as the rest of Administration, am looking for an alternate solution that involves universal coverage without employer mandates. To date, I do not know of any other solution."

If confirmed, I will continue to look for alternatives to employer mandates.

Q. What is your position regarding alliances?

A. As I stated in my response to Senator Burns' third question:

"A number of small business organizations, including the Council of Small Enterprises in Cleveland and the Smaller Manufacturers Council in Pittsburgh, have, in effect, created health care alliances in the past. These have been successful in reducing health care costs. One of the problems facing small businesses now, as in the past, is having to pay 30 to 50 percent more in premiums for health care insurance than large firms are paying. I believe alliances can afford small businesses a more equal playing field and can enable small businesses to purchase health care at lower rates similar to those of large firms."

Q. Do you support universal coverage or universal access?

A. I support both. I think universal access should occur immediately, and universal coverage should occur as soon as practicable.

Q. Do you think Congress should go slow and start with insurance reform, like portability, medical malpractice coverage of preexisting conditions, and paperwork reduction?

A. As I said in response to Senator Coverdell's question number 1:

"Small business should play a constructive role in restructuring the health care system. The current system discriminates against small business. Many small businesses are completely excluded from providing health insurance because one of their key employees or family members has a pre-existing condition. Likewise, many small businesses cannot afford to provide health care under the circumstances. Because of the significant effect on small business by any health care legislation, small business has a significant role to play in any health care legislation."

As I stated in my response to Senator Burns' question number four:

"Because of the severity of the problem, the hardship the current situation has imposed on small business for many years, and the millions of small business people and their employees who do not have health insurance, I think Congress should move quickly to resolve the health care crisis that exists in America today.

Issues like insurance reform, portability, medical malpractice and coverage of pre-existing conditions, are all serious problems. The states have historically had jurisdiction to regulate these practices. It is unfortunate that the states, by and large, have not addressed these problems in the past."

Q. Do you support the Administration's plan or any of the competing health care reform proposals? If so, does this mean you will take a public position in opposition to the SBA Administrator and the Administration?

A. While I generally support the Administration's plan, as I mentioned in the answer to question number one above, regardless of my personal views, I will honestly report that most small business organizations do not support the President's plan. I will also work to see that whatever plan is ultimately enacted is the most beneficial for small business and has the least possible burdens for small business.

I have already taken positions in opposition to the Administration. See my responses to Senator Coverdell's questions 3 and 4 on striker replacement, Davis-Bacon and product liability.

QUESTIONS FROM SENATOR WALLOP

Health Care Legislation—Employer Mandates

In the area of health care, I recognize that most small business organizations do not support employer mandates. If confirmed, I will acquaint myself with other proposals and those that will be made in the future.

I will work to see that whatever plan is ultimately enacted is as beneficial as possible for small business and has the least possible burdens on small business.

I would like to discuss these and other issues of the Office of Advocacy with you at your convenience at some time in the future. I would also like to thank you personally for your work to obtain judicial review for the Regulatory Flexibility Act.

Regulatory Flexibility Act

Q. Would you support deleting section 611 of the Act to allow judicial review under the Regulatory Flexibility Act as recommended in the Vice-President's National Performance Review?

A. Yes.

Q. Do you support applying coverage of the Act to the IRS?

A. Yes.

Q. Do you support analyzing the indirect as well as the direct impacts to be required under the Act?

A. Yes.

Q. Can we expect you to remain consistent in your support of the Regulatory Flexibility Act in the interests of representing small business no matter what the Administration's agenda may be?

A. Yes. From 1978 to 1980, I worked very hard on developing the concept of regulatory flexibility and assuring the ultimate passage of the bill. The implementation of the noble goals of the Regulatory Flexibility Act have been impeded by government officials who recognized that the Act is not judicially enforceable and therefore had no teeth.

Unfortunately, after 25 years' experience of administrative law, I have come to the conclusion that we cannot trust the bureaucracy to eliminate excessive and unnecessary regulatory burdens on small business without judicial review.

Your work in getting judicial review is a giant step forward. I hope that the legislation is promptly passed. You will have my enthusiastic and consistent support for judicial review in the Regulatory Flexibility Act.

Mr. SASSER. Madam President, I am pleased that the Senate has today confirmed the nomination of Mr. Jere Glover to be the chief counsel for advocacy at the Small Business Administration.

Jere Glover hails originally from Ridgely, TN. He received his undergraduate and law degrees from Memphis State University, where he won numerous academic awards.

Mr. Glover has extensive experience in government, law, and business which suits him well for the important post of chief counsel for advocacy. During the Carter administration, he culminated 12 years of service in the Federal Government by spending 3 years as deputy chief counsel for advocacy for the SBA. Mr. Glover served ably in that post and gained experience that will be invaluable to him as chief counsel for advocacy.

After leaving the deputy chief counsel job in 1981, Mr. Glover entered private law practice. He has specialized in representing small business clients and trade associations before various State and Federal agencies and regulatory bodies. He has also started a number of businesses, and he remains chairman and CEO of a medical equipment company and a biotechnology company.

During his prior service in the chief counsel's office, Mr. Glover worked closely with Congress on the passage of the Equal Access to Justice Act, the University Patent Act, the Small Business Innovation and Research Act and the Regulatory Flexibility Act. His work on and dedication to the principles of this last bill actually earned him the nickname of "Mr. Reg Flex" in many small business circles.

Small business is the backbone of our Nation's economy. The Federal Government must pursue policies that foster its growth. The men and women who help develop those policies at the Small Business Administration must understand how small business works, and they must understand how important small business is to our Nation's future.

Jere Glover is a small businessman. Jere Glover has worked for years on behalf of other small business people. Jere Glover has the experience and expertise to represent the special needs of our small business community in the position of chief counsel for advocacy. I commend my colleagues for confirming his nomination today, and I look forward to working with him on behalf of our Nation's small business men and women.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REPORT ON THE DISTRICT OF COLUMBIA GOVERNMENT'S 1995 BUDGET REQUEST AND 1994 REVISED BUDGET REQUEST—MESSAGE FROM THE PRESIDENT—PM 106

The PRESIDING OFFICER laid before the Senate the following message frpm the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of The United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1995 budget request and 1994 revised budget request.

The District of Columbia Government has submitted a 1995 budget request for $3,409 million in 1995 that includes a Federal payment of $674 million, the amount authorized and requested by the Mayor and the City Council. The 1995 Federal payment level proposed in my fiscal year 1995 budget of $670 million is also included in the District's 1995 budget as an alternative level. My transmittal of the District's budget, as required by law, does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the 1995 appropriation process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 4, 1994.*

MESSAGE FROM THE HOUSE

At 3:04 p.m., a message from the House of Representative, delivered by Mr. Hays, one of its reading clerks announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2024. An act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

The message also announced that the House has passed the following joint resolution, without an amendment:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week".

The message further announced that the House has passed the following joint resolutions in which it requests the concurrence of the Senate:

H.J. Res. 303. Joint resolution to designate June 6, 1994, as "D-Day National Remembrance Day".

H.J. Res. 357. Joint resolution designating the week beginning February 12, 1995, as "National Random Acts of Kindness Week".

At 5:34 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3191. An act to revise the national flood insurance program to promote compliance with requirements for mandatory purchase of flood insurance, to provide assistance for mitigation activities designed to reduce damages to structures subject to flooding and shoreline erosion, and to increase the maximum coverage amounts under the program, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

At 5:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week".

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bill and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3191. An act to revise the national flood insurance program to promote compliance with requirements for mandatory purchase of flood insurance, to provide assistance for mitigation activities designed to reduce damages to structures subject to flooding and shoreline erosion, and to increase the maximum coverage amounts under the program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.J. Res. 303. Joint resolution to designate June 6, 1994, as "D-Day National Remembrance Day"; to the Committee on the Judiciary.

H.J. Res. 357. Joint resolution designating the week beginning February 12, 1995, as "National Random Acts of Kindness Week"; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2608. A communication from the President of the U.S. Institute of Peace, transmitting, pursuant to law, the report of the audit of accounts for fiscal year 1993; to the Committee on Labor and Human Resources.

EC–2609. A communication from the Secretary of Labor, transmitting, pursuant to law, the report on the administration of the Employee Retirement Income Security Act for calendar year 1992; to the Committee on Labor and Human Resources.

EC–2610. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of summaries of Research and Demonstration Grants funded by the Head Start Bureau; to the Committee on Labor and Human Resources.

EC–2611. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the announcement of criteria for Loan Origination for the 1995-1996 academic year; to the Committee on Labor and Human Resources.

EC–2612. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations for Institutional Eligibility; to the Committee on Labor and Human Resources.

EC–2613. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the notice relative to the Student Assistance General Provisions; to the Committee on Labor and Human Resources.

EC–2614. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations for the Federal Family Education Loan Program; to the Committee on Labor and Human Resources.

EC–2615. A communication from the Secretary of Education, transmitting, pursuant to law, the report on improving and streamlining rulemaking procedures at the Department of Education; to the Committee on Labor and Human Resources.

EC–2616. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations for the Federal Family Education Loan Program and Federal Pell Grant Program; to the Committee on Labor and Human Resources.

EC–2617. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations for the State Postsecondary Review Program; to the Committee on Labor and Human Resources.

EC–2618. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Secretary's Procedures and Criteria for Recognition of Accrediting Agencies; to the Committee on Labor and Human Resources.

EC–2619. A communication from the Secretary of Education, transmitting, pursuant to law, the report of Institutional Eligibility Under the Higher Education Act of 1965, as Amended; to the Committee on Labor and Human Resources.

EC–2620. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations of the Student Assistant General Provisions (Campus Security Act); to the Committee on Labor and Human Resources.

EC–2621. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations of the Student Assistant General Provisions; to the Committee on Labor and Human Resources.

EC–2622. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations of the Federal Family Education Loan Program; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Simon Ferro, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1994. (Reappointment)

Simon Ferro, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997. (Reappointment)

Arvonne S. Fraser, of Minnesota, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

Charles H. Dolan, Jr., of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1997. (Reappointment)

Henry Howard, Jr., of Virginia, to be an Associate Director of the United States Information Agency.

John P. Loiello, of the District of Columbia, to be an Associate Director of the United States Information Agency.

Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Mark L. Schneider, of California, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1998.

Charles H. Dolan, Jr., of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1994.

Marion M. Dawson, of Connecticut, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 1999, vice John Train, term expired.

Willie Grace Campbell, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 1999.

Ralph R. Johnson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the Rank of Ambassador during his tenure of service as Coordinator of the Support for East European Democracy (SEED) Program.

Edmund T. DeJarnette, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Edmund De Jarnette.

Post: Ambassador to Angola.

Nominated: 1993.

Contributions, amount, date, and donee:

1. Self, Edmund De Jarnette, Jr., none.

2. Spouse, Katia De Jarnette, none.

3. Children and spouses names, Edmund III and Alexandra (unmarried), none.

4. Parents names, Edmund (died 1966), Emily Carter (died 1956), none.

5. Grandparents names, Eliott De Jarnette (died 1948), Jamie Tompkins (died 1945), Sam Carter (died 1946), Elizabeth Lee (died 1962), none.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Jane De Jarnette (unmarried), none.

Melvyn Levitsky, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Melvyn Levitsky.

Post: U.S. Ambassador to Brazil.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, Adam and Sara Levitsky, Ross Levitsky, Josh Levitsky, none.

4. Parents names, David Levitsky (deceased), Mollie Levitsky, none.

5. Grandparents names, Max Levitsky, Rose Levitsky, deceased.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Sharon Levitsky, none.

Derek Shearer, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Finland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self, $1,000, 1991, Clinton for President.

2. Spouse, Ruth Goldway, $1,000, 1991, Clinton for President. $250, 1992, Boxer for Senate.

3. Children and spouses names, Casey Shearer, none; Anthony Yannatta, none; Julie Yannatta, none.

4. Parents names, Marva and Lloyd Shearer.

1989.—Marva: Democratic Campaign Committee, $25; National Organization for Women, $40; Women's Campaign Fund, $35; National Women's Political Caucus, $35.

1990: Marva: Women's Campaign Fund, $25; Feminist Majority Foundation, $35; National Organization for Women, $25; Women's Campaign Fund, $50; National Organization for Women, $40; Clinton for Governor, $150; Beilenson Campaign Committee, $25; Harvey Gantt for U.S. Senate, $25; Anita for Congress, $25.

1991.—Lloyd: Clinton for President, $1,000. Marva: Fund for Feminist Majority, $20; Women's Campaign Fund, $25; Clinton for President, $250; National Organization for Women, $40; National Democratic Committee, $100; Clinton for President, $1,000; Emily's List, $100.

1992.—Marva: Women's Campaign Fund, $25; Beilenson for Congress, $25; Beilenson Campaign Committee, $25; Clinton for President, $1,000; Saul & Belly Chaplin for Clinton, $60; Barbara Boxer for Senate, $50; National Women's Political Caucus, $40; Fund for Feminist Majority, $35; Boxer for U.S. Senate, $50; Presidential Inaugural Committee, $460.

1993.—Marva: Emily's List, $100; Women's Campaign Fund, $25; Democratic Congressional Campaign, $25.

5. Grandparents names, Ivy and Vern Peterson, deceased; John and Hanna Shearer, deceased.

6. Brothers and spouses names, Cody Shearer, none.

7. Sisters and spouses names, Brooke Shearer, $1,000, 1992 Clinton for President; Strobe Talbott, none.

Ryan Clark Crocker, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Ryan Clark Crocker.

Post: Ambassador to the State of Kuwait.

Contributions, amount, date, donee:

1. Self, none.
2. Spouse, Christine Barnes Crocker, none.
3. Children and spouses names, no children, none.
4. Parents names, Carol Crocker, Howard Crocker, (deceased).
5. Grandparents names, all deceased.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Cambodia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Charles H. Twining.

Post: Ambassador to Cambodia.

Contributions, amount, date, donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, Daniel Twining, none; Steven Twining, none.
4. Parents names, Charles Twining, deceased; Martha C. Twining, none.
5. Grandparents names, Isaac and Sarah Twining, deceased; Harry Caples, deceased; Margaret Caples, none.
6. Brothers and spouses names, David and Judy Twining, none.
7. Sisters and spouses names, N.A.

William J. Crowe, Jr., of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: William J. Crowe, Jr.

Post: U.S. Ambassador to United Kingdom.

Contributions, amount, date, donee:

1. Self, none.
2. Spouse, Shirley G. Crowe, none.
3. Children and spouses names, William Blake Crowe, James Brent Crowe, Bambi Crowe, Lynn Crowe, none.
4. Parents names, deceased.
5. Grandparents names, deceased.
6. Brothers and spouses names, not applicable.
7. Sisters and spouses names, not applicable.

Peter R. Chaveas, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Peter R. Chaveas.

Post: Ambassador to Malawi.

Contributions, amount, date, and donee:

1. Self, $100, 1990, Democratic National Committee, $250, 1992, Democratic National Committee, $100, 1993, Democratic National Committee.
2. Spouse Lucille Chaveas, none.
3. Children and spouses names: Pamela Chaveas, none; Michael Chaveas, none.
4. Parents names: William and Evelyn Chaveas, none.
5. Grandparents names: All deceased since 1982 or earlier.
6. Brothers and spouses names: Richard and Debbie Chaveas, none; Paul Chaveas, none.
7. Sisters and spouses names: Not applicable.

Myles Robert René Frechette, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Myles Robert René Frechette.

Post: Colombia.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse Barbara Ann Frechette, none.
3. Children and spouses names: See continuation sheet.
4. Parents names: See continuation sheet.
5. Grandparents names: See continuation sheet.
6. Brother and spouses names: See continuation sheet.
7. Sisters and spouses names, none.

CONTINUATION SHEET

3. Children and spouses: Alicia Ann Frechette, none; her spouse Steven Ericson, none; Stephen Myles Frechette, none.
4. Parents: Myles Robert Frechette, deceased; Estela A. Frechette, none.
5. Grandparents: Louis Frechette, deceased; Anna Marie Berry Frechette, deceased; Abel Isaias Reyes Celis, deceased; Dorila del Carmen Rojas de Reyes, deceased.
6. Brother and spouses: Louis Andrew Frechette, none; his spouse Joy D. Frechette, $20, January 27, 1994, Citizens for Wofford; $100, July 31, 1993, Emily's List; $50, February 20, 1993, Democratic Senate Campaign Committee; $55, January 31, 1993, Democratic National Committee (Federal Account); $25, September 1992, Democratic National Committee; $25, August 1992, Pennsylvania Democratic Party; $100, February 1992, Democratic National Committee; $25, August 1991, Citizens for Wofford; $50, 1991, Democratic State Committee of North Carolina; $25, February 1990, Democratic National Committee.

Donna Jean Hrinak, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Donna Jean Hrinak.

Post: Dominican Republic

Contributions, amount, date, and donee:

1. Self, $500, 1990, Patricia Schroeder.
2. Spouse: Gabino M. Flores, none.
3. Children and spouses names: Wyatt A. Flores, none.
4. Parents names: John and Mary Hrinak, none.
5. Grandparents names: John and Anna Hrinak, Joseph and Julia Pukach, none; all grandparents deceased.
6. Brothers and spouses names: David and Elaine Strouss Hrinak, none.
7. Sisters and spouses names, none.

Johnny Young, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Johnny Young.

Post: Togo.

Contributions, amount, date, and donee:

1. Self: Johnny Young, none.
2. Spouse: Angelena Young, none.
3. Children and spouses names: David J. Young, none; Michelle J. Young, none.
4. Parents names: Lucille Pressey, none; Eva Young, deceased; John Young, deceased.
5. Grandparents names: Alice Young, deceased.
6. Brothers and spouses names: None.
7. Sisters and spouses names: Loretta Young, none; Lottie Mae Young, none.

Irvin Hicks, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Irvin Hicks.

Post: Ethiopia.

Contributions, amount, date, and donee:

1. Self: $100, September 1991, DNC; $100, December 1991, DNC; $100, August 1992, DNC.
2. Spouse.
3. Children and spouses names: Irvin Jr., $40, August 1992, RNC; Karim, C. Generieve, none.
4. Parents names: Deceased.
5. Grandparents names: Deceased.
6. Brothers and spouses names: No contract with half brothers and sisters.
7. Sisters and spouses names: No contract with half brothers and sister.

Robert Krueger, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Robert C. Krueger.

Post: Ambassador to Burundi.

Contribution, amount, date, and donee:

1. Self, Robert C. Krueger, $100,000, June 2, 1993, loan to my U.S. Senate race, $95,000 has been repaid.
2. Spouse, Kathleen Tobin Krueger, $1,000, April 1993, Bob Krueger for U.S. Senate; $55, August 2, 1992, Democratic National Committee; $25, August 23, 1993, Carol Mosley-Braun for U.S. Senate; $25, September 15, 1993, Bill Clinton for President.
3. Children: Mariana Faye Krueger, none; Sarah Eileen Krueger, none.
4. Parents: Arlon Krueger; deceased; Faye Krueger; deceased.
5. Grandparents: Carl A. Krueger, deceased; Idah Kruger, deceased; Christian Leifeste, deceased; Sophie Leifeste, deceased.
6. Brother and spouse, none.
7. Sister, Arlene Seales, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Edward S. Walker, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Edward Stanley Walker, Jr.

Post: U.S. Ambassador to Arab Republic of Egypt.

Contributions, amount, date, and donee:

1. Self, Edward S. Walker, Jr., none.
2. Spouse, Wendy J. Walker, none.
3. Children and spouses names, Kathryn E. Walker, none; Christopher J. Walker, none.
4. Parents names, Edward S. Walker, deceased; Rosabelle D. Walker, deceased; Patricia B. Walker, none.
5. Grandparents names, Rosa Bella Gould, deceased; William Dunbar Gould, deceased; Lillian Winter Walker, deceased; Issac Stanley Walker, deceased.
6. Brothers and spouses names, none.
7. Sisters and spouses names, Josephine Faithful Walker, divorced, none.

(The above nomination was reported with the recommendation that he be confirmed.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably two nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of March 16 and 25, 1994, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of March 16 and 25, 1994, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself, Mr. MITCHELL, Mr. KENNEDY, Mr. COHEN, Mr. JEFFORDS, Mr. DODD, Mr. SMITH, Mr. PELL, Mr. GREGG, Mr. CHAFEE, Mr. KERRY, and Mr. LIEBERMAN):

S. 2069. A bill to grant consent of Congress to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

By Mr. KOHL:

S. 2070. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal hours of limitation; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. GRASSLEY, Mr. CAMPBELL, Mrs. BOXER, Mr. COHEN, Mr. DECONCINI, Mrs. FEINSTEIN, Mr. KOHL, Mr. METZENBAUM, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. RIEGLE, Mr. ROBB, Mr. NICKLES, Mr. WOFFORD, Mr. KERREY, and Mr. GLENN):

S. 2071. A bill to provide for the application of certain employment protection and information laws to the Congress and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2072. A bill to amend the Immigration and Nationality Act to facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. GREGG):

S. 2073. A bill to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the "Warren B. Rudman United States Courthouse", and for other purposes; to the Committee on Environment and Public Works.

By Mr. McCAIN:

S. 2074. A bill to increase the special assessment for felonies and improve the enforcement of sentences imposing criminal fines, and for other purposes; to the Committee on the Judiciary.

By Mr. McCAIN (for himself and Mr. INOUYE):

S. 2075. A bill to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the Act; to the Committee on Indian Affairs.

By Mr. DORGAN:

S. 2076. A bill to prohibit the departments and agencies of the Federal Government from requiring that any State, or political subdivision thereof, utilize a metric system of measurement; to the Committee on Governmental Affairs.

By Mr. HATFIELD:

S. 2077. A bill to provide for waivers of the requirements of the Davis-Bacon Act with respect to certain Federal programs as such requirements relate to volunteers, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WOFFORD (for himself, Mr. SIMON, Mr. JEFFORDS, Mr. MOYNIHAN, Mrs. KASSEBAUM, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. PELL, and Mr. DECONCINI):

S. Res. 210. A resolution congratulating the people and leaders of South Africa on the results of their first democratic election; considered and agreed to.

By Mr. RIEGLE:

S. Res. 211. A resolution to express the sense of the Senate welcoming the May 1994 concert tour of the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television under the direction of Mikis Theodorakis; considered and agreed to.

By Mr. REID:

S. Con. Res. 68. A concurrent resolution to authorize printing of Senator Robert C. Byrd's Addresses to the United States Senate on the History of Roman Constitutionalism; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. MITCHELL, Mr. KENNEDY, Mr. COHEN, Mr. KERRY, and Mr. LIEBERMAN):

S. 2069. A bill to grant consent of Congress to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

NORTHEAST INTERSTATE DAIRY COMPACT CONSENT ACT OF 1994

Mr. LEAHY. Mr. President, I rise today with all 11 of my colleagues from New England to introduce the Northeast Interstate Dairy Compact.

This interstate compact has already been approved by the six New England State legislatures and signed into law by the Governors of New England. As with all interstate compacts, it must be approved by Congress before it takes effect. I commend the New England Governors for sending this compact to Congress for approval. I would like to make special note of the leadership of Governor Howard Dean, State senator Francis Howrigan and State representative Bobby Starr, chairmen of the agriculture committees in the Vermont legislature, and the efforts of Dan Smith of the Northeast Interstate Compact Committee.

This compact is a model of cooperation—it is a partnership between the States and the Federal Government, between dairy processors and cooperatives, and most importantly, between dairy farmers and consumers. It can help preserve our family dairy farms. I hope it will be approved at the appropriate time by the Senate and by the House.

The compact will form a commission made up of representatives from each State in New England. The commission will be made up of both farmers and consumers and explore ways to improve the marketing of milk within the region. This commission will also have authority to set prices—above the minimum prices set by the New England Federal milk marketing order—for beverage, or fluid milk, in the New England region.

Currently, fluid milk prices in New England are set through the complicated Federal milk marketing order system, and are subject to wide swings throughout the year. These swings occur despite the stable demand for fluid milk. The compact would allow the commission to stabilize fluid milk prices—giving dairy farmers a more equitable return for their work. The State legislatures of New England want to use this compact to improve the way these prices are set.

A recent USDA study demonstrates how price stability can help consumers. The USDA study shows that when farm prices rise, retail prices rise by an equal amount. But that when farm prices fall—as they always do—the retail prices do not fall by an equal amount. The commission could act to stabilize the wide swings in fluid milk prices.

The beauty of this compact is that the commission will be allowed to set the fluid milk price while leaving in place the regulatory functions of the Federal milk marketing order. The Commission will not replace the Federal milk marketing order, and the movement of milk into and out of the region will occur just as it does now.

This compact is supported by not only the New England Governor's Conference, but by the National Association of State Departments of Agriculture, the National Grange, and the National Farmers Organization as well.

Each State legislature in New England has passed this compact and all 12 Senators from the region are original cosponsors of the bill. The New England States want more say in how fluid milk products are priced. The Northeast Interstate Dairy Compact addresses these concerns. In addition, it could serve as a model for solving other problems on a regional basis. I ask my colleagues to support New Englanders in this effort.

By Mr. KOHL:

S. 2070. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal hours of limitation; to the Committee on Finance.

BUSINESS MEAL FAIRNESS ACT

Mr. KOHL. Madam President, I rise today to introduce legislation to repeal an unintended tax on hardworking, middle-income Americans—truckers, long-haul bus drivers, train conductors, and other people regulated by the Department of Transportation.

As my colleagues know, last year's budget lowered the deductible portion of business meals and entertainment expenses from 80 percent to 50 percent. This was intended to raise money primarily from those people who spend their lunchtimes in luxury restaurants and their nighttimes on luxury yachts. But, contrary to popular belief, the business meal deduction is not only used by lobbyists and fat cats for three-martini lunches. Due to the length of trips, and regulations limiting travel hours, many middle-income transportation workers must act out.

Madam President, the bill I am introducing today repeals the unintended tax created last year, by restoring the business meal deduction to 80 percent for truckers, long-haul bus drivers, train conductors, and others regulated by the Department of Transportation. This legislation is simple, straightforward, and most importantly, fair.

Madam President, I would like to remind my colleagues of a smaller bill we worked on to correct another mistake which hurt tens of thousands of hardworking, middle-income Americans. As my colleagues remember, the 1990 Deficit Reduction Bill imposed a surtax on specific luxury items. At the time, it was argued that the surtax would only affect the wealthiest segment of society. However, after it went into effect, if became clear that, instead of paying the tax, many wealthy people decided not to buy the new boat, the diamond ring, or the fur coat. And as a result, the middle- and lower-income Americans producing and selling those luxury items ended up bearing the burden of the tax through the loss of their jobs.

Once it was apparent that the luxury tax was not achieving its intended goal, we repealed it. Unfortunately, far too many people were hurt by this mistake because we did not correct it quickly enough. We cannot let that happen again. Therefore, I am requesting the support and assistance of my colleagues to ensure that the bill I am introducing today becomes law.

Thank you, Madam President. I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.

(a) IN GENERAL.—Section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting '80 percent' for '50 percent'."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

By Mr. LIEBERMAN (for himself, Mr. GRASSLEY, Mr. CAMPBELL, Mrs. BOXER, Mr. COHEN, Mr. DECONCINI, Mrs. FEINSTEIN, Mr. KOHL, Mr. METZENBAUM, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. RIEGLE, Mr, ROBB, Mr. NICKLES, Mr. WOFFORD, Mr. KERREY, and Mr. GLENN):

S. 2071. A bill to provide for the application of certain employment protection and information laws to the Congress and for other purposes; to the Committee on Governmental Affairs.

CONGRESSIONAL ACCOUNTABILITY ACT

Mr. LIEBERMAN. Mr. President, I am very pleased to join my colleague from Iowa, Senator GRASSLEY, in introducing the Congressional Accountability Act of 1994. This builds on the Congressional Accountability Act of 1993, which I introduced, along with a companion measure in the other body, cosponsored by a broad bipartisan group led by Congressman CHRIS SHAYS, from Connecticut, and Congressman DICK SWETT, a Democrat from New Hampshire.

I should add, noticing the presence in the Chamber of the Senator from Oklahoma [Mr. NICKLES], we are joined in this introduction by a broad bipartisan group including Senator NICKLES, who had introduced legislation of his own on this subject, and has graciously joined with us and the other cosponsors in introducing this bill.

Mr. President, the other Senator from Oklahoma [Mr. BOREN] spoke earlier in a very moving address, which touched me personally. I have known the Senator from Oklahoma since we were at college together. When I was elected to the Senate, I was thrilled to be able to join my old friend as a colleague here. He served admirably and very constructively and productively. He has now made a very sincere and important decision about moving on to the world of education. I wish him well. I will miss him, but I know he has made the right decision for himself and for his State of Oklahoma and its education system.

But I was drawn by what he said about the importance of moving on this process of reform of Congress and to do so because it is right, but also to do so to repair and reconstruct the bonds of trust between those of us who have the honor and privilege of serving in Congress and those whom we serve, the people of America, whose attitude towards us, unfortunately, is at an all time low.

There are many reasons why that is so. A lot of them have to do with the state of change in the world, the drop in values in our country, and yet a lot of it has to do, unfortunately, with parts of our own behavior. I must say in that regard, one fact that I continue to hear about from people in Connecticut is, how can you, Members of Congress, not apply to yourselves the same laws that you pass and apply to us. That is, in my opinion, a question without an adequate answer. That is why I have joined with Senator GRASSLEY and the others in introducing this legislation.

But I must say that there is more at stake here, although it is significant, than the public's respect for Congress or the fairness of having Congress abide by the laws that it passes. We are talking here also about the lives of real people who work for us, who work with the Congress of the United States, and their rights.

Let me give an example. The Occupational Safety and Health Act of 1970 was passed to prevent people from being injured or even killed on the job. Congress' failure to meet OSHA's workplace safety standards means that it is putting the health, perhaps even the lives, of our employees at risk. And the proof here, unfortunately, is in the statistics.

Over the years, from July 1992 to June 1993, the last for which most statistics are available, the workers coming under the Architect of the Capitol in their compensation claim rate had the second highest such rate in the entire Federal Government, second only to the Peace Corps, which obviously sends its workers abroad to live in parts of the world where they are exposed to hazards and diseases that our workers fortunately are not. This is a real problem. Let me cite another example.

Just last week, the GAO issued a report on employment policies of the Architect of the Capitol. The study found grievances, complaints, and concerns there. But notably I want to point out that in a survey of the employees, only 34 percent said that they would definitely seek relief at the Architect's Fair Employment Practices Office set up by the Architect of the Capitol. Thirty-nine percent said that they were hesitant about seeking such relief, and only 13 percent said that they were more likely to do so than not. But the point here is that far too many employees of the Capitol do not feel comfortable seeking relief for workplace discrimination through the in-house means provided for them. That is why we need an independent Office of Compliance where employees of the U.S. Capitol can know that they can seek relief in confidence and without any fear of retaliation.

Mr. President, the GAO report does, unfortunately, raise questions about whether our employees may have some real grievances that they have reason to want to take to an independent compliance office. For instance, among the top level of administrative positions in the Architect's Office, only 23 percent of those jobs are held by women, while in the rest of the Federal Government, women hold 36 percent of the jobs. In the private sector in similar jobs, women hold an average of 52 percent. Certain categories of workers—high-voltage electricians, woodcrafters—100 percent are white males. In the rest of the Federal Government, those figures in similar categories are about 65 percent.

That raises questions. It may raise complaints by individual employees, and we ought to give them a place fairly and independently to take those complaints.

Our employment discrimination laws—the Americans with Disabilities Act, the Family and Medical Leave Act, and the Fair Labor Standards Act—all similarly contain important safeguards for public and private employees. Collective bargaining has been the cornerstone of our labor-management laws since the Great Depression. Our employees don't deserve to be treated as second class citizens simply because they work for us. They deserve equal treatment and protection under the law.

The bill Senator GRASSLEY and I are here to introduce is an updated version of the Congressional Accountability Act of 1993, which I sponsored in the Senate and which was first introduced in the House by Congressmen CHRIS SHAYS and DICK SWETT. I wouldn't be here today if not for Senator GRASSLEY, who has been out front on this problem for years, and I would also like to mention the efforts of Senator NICKLES, who has been a leader on this issue and has graciously offered to cosponsor this bill.

Our bill establishes an Office of Compliance for the entire legislative branch. The role of the Office is to function as a legislative-branch equivalent of the executive enforcement agencies, ensuring congressional compliance with all the major Federal employment laws.

The bill will also build on the dispute resolution procedures created in the Government Employees Rights Act of 1991. Individual complaints of discrimination or harassment, denial of minimum wage, overtime pay, family or medical leave, or unfair labor practices will be handled by a three step administrative process: counseling, mediation, and the choice of either an administrative hearing convened by the Office of Compliance or a civil action in Federal District Court with a jury trial.

Mr. President, the bill that Senator GRASSLEY and I are here to introduce is one that establishes an Office of Compliance for the entire legislative branch. It builds on the dispute resolution procedures created in the Government Employees Rights Act of 1991.

The Office of Compliance will be allowed to seek the assistance of executive branch enforcement authorities to conduct inspections or audits in the offices required to use the services of the Department of Labor on a periodic basis to conduct OSHA investigations and inspections.

This is the surest way to protect our employees from any unsafe work conditions that may result. For clarity, this bill takes the approach of specifying the laws which are meant to be applied to Congress.

For clarity, our bill takes the approach of specifying the laws which will apply to Congress. There are, of course, many more laws that we have passed. If we identify other laws that should apply, we can expand this list. But it is possible that, try as we might, we will miss some laws that should apply. The Office of Compliance is required, therefore, to survey all other laws and to report back within 2 years with recommendations of any additional laws that should also be applied to Congress.

Mr. President, I would like to note that this bill will implement many of the recommendations or consider the exhortations of the Senate Members of the Joint Committee on Reorganization of Congress.

Specifically, the Senate Members of the joint committee recommended that the Senate should "adopt procedures for applying to itself, to the maximum extent possible, laws regarding employment discrimination, working conditions, and health and safety matters." And this bill does just that.

Senate Members wrote, "The enforcement office and its procedures should be as independent as practicable and (Senate) employees should have a right of judicial review comparable to the private sector." This bill does just that.

Senate Members recommended, "There should be a single enforcement office, it should be as independent as practicable, and the employees of such instrumentalities should have a right of judicial review equal to or greater than that currently enjoyed." And this bill would do just that.

Mr. President, this bill also respects our constitutional system of checks and balances and separation of powers. But the concepts of separation of powers and checks and balances can no longer be used as an excuse for a double standard which deprives our employees of the same rights enjoyed by employees throughout America, rights of equal protection, and due process.

This bill does have in it and respects the separation of powers by creating an

Office of Compliance as an agency of the legislative branch but assuring its independence and giving it the power to enforce employment and information laws in Congress.

And, significantly, the judicial branch of our Government is enabled to review those decisions only to the extent it reviews claims against the executive branch that have been administered or adjudicated by an executive branch enforcement authority.

The bottom line is this: It is time to move forward and eliminate what the American people perceive as special treatment by us for ourselves—of this anomaly that is just hard to explain. For me it is impossible to explain why we can pass laws and apply them to the rest of America but not apply them to ourselves.

Mr. President, Senator Grassley and I urge the Senate to incorporate the Congressional Accountability Act into any internal reform measurers we act on this year.

At this time, Mr. President, I send the bill to the desk, and I ask unanimous consent that the text of the bill and the summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Accountability Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Application of Federal laws.
Sec. 3. Office of Compliance.
Sec. 4. Board functions.
Sec. 5. Procedure for consideration of alleged violations of civil rights and personnel requirements.
Sec. 6. Step I: Counseling.
Sec. 7. Step II: Mediation.
Sec. 8. Step IIIA: Formal complaint and hearing.
Sec. 9. Step IV: Judicial review.
Sec. 10. Step IIIB: Civil Action.
Sec. 11. Procedures for consideration of alleged violations relating to information requirements.
Sec. 12. Procedures for consideration of alleged violation relating to labor management and occupational health and safety requirements.
Sec. 13. Information requirements.
Sec. 14. Resolution of complaint.
Sec. 15. Prohibition of intimidation.
Sec. 16. Confidentiality.
Sec. 17. Inspections.
Sec. 18. Collection of information.
Sec. 19. Political affiliation and place of residence.
Sec. 20. Other review.
Sec. 21. Severability.
Sec. 22. Authorization of appropriations.
Sec. 23. Definitions.

SEC. 2. APPLICATION OF FEDERAL LAWS.

(a) EMPLOYMENT.—The following provisions shall apply, except as otherwise specifically provided in this Act, to each employing office and each congressional employee, in accordance with section 4:

(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(2) Chapter 71 of title 5, United States Code (relating to labor-management relations).

(3) Section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

(4) Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16).

(5) Section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a).

(6) Sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–12114).

(7) Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(8) Sections 101 through 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(9) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).

(10) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(b) INFORMATION.—Section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), and section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974"), shall apply, except as otherwise specifically provided in this Act, to each office of the legislative branch of the Federal Government and the information in the possession of such office, in accordance with section 4.

(c) ACCOMMODATIONS.—

(1) IN GENERAL.—Sections 201 through 203 (except as such section refers to procedures) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12133), shall apply, except as otherwise specifically provided in this Act, to each entity of the legislative branch of the Federal Government that owns, leases, or operates a place of public accommodation (as defined in section 301(7) of such Act (42 U.S.C. 12181(7))), and to each client or customer of the covered public accommodation who is a qualified individual with a disability (as defined in section 201(2) of such Act), in accordance with section 4.

(2) APPLICATION.—For purposes of the application of such sections under this Act—

(A) references in this Act to an employing office shall be deemed to include such an entity; and

(B) references in this Act—

(i) to an employee of the House of Representatives shall be deemed to include references to such a client or customer of such an entity of the House of Representatives;

(ii) to an employee of the Senate shall be deemed to include references to such a client or customer of such an entity of the Senate; and

(iii) to an employee of an instrumentality shall be deemed to include references to such a client or customer of such an entity of the instrumentality.

(d) EMPLOYMENT UNDER FEDERAL CONTRACTS.—

(1) IN GENERAL.—Section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793) shall apply, except as otherwise specifically provided in this Act, to each party contracting with an entity of the legislative branch of the Federal Government and to each applicant for employment, employee, or former employee, of such party, in accordance with section 4.

(2) APPLICATION.—For purposes of the application of such sections under this Act—

(A) references in this Act to an employing office shall be deemed to include such a party; and

(B) references in this Act—

(i) to an employee of the House of Representatives shall be deemed to include references to such an applicant, employee, or former employee of a party contracting with an entity of the House of Representatives;

(ii) to an employee of the Senate shall be deemed to include references to such an applicant, employee, or former employee of a party contracting with an entity of the Senate; and

(iii) to an employee of an instrumentality shall be deemed to include references to such an applicant, employee, or former employee of a party contracting with the instrumentality.

SEC. 3. OFFICE OF COMPLIANCE.

(a) ESTABLISHMENT.—There is established in the legislative branch for the Congress an Office of Compliance (referred to in this Act as the "Office").

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—

(A) APPOINTMENT.—There shall be a Board of Directors in the Office (referred to in this Act as the "Board of Directors"). The Board of Directors shall consist of 8 individuals, of which 2 shall be appointed by the Speaker of the House of Representatives, 2 shall be appointed by the Majority Leader of the Senate, 2 shall be appointed by the Minority Leader of the House of Representatives, and 2 shall be appointed by the Minority Leader of the Senate. The members first appointed to the Board of Directors shall be appointed not later than 120 days after the date of the enactment of this Act.

(B) REMOVAL.—Any member of the Board of Directors may be removed by a majority decision of the appointing authorities described in subparagraph (A), only for—

(i) disability that substantially prevents the member from carrying out the duties of such a member;

(ii) incompetence;

(iii) neglect of duty;

(iv) malfeasance; or

(v) a felony or conduct involving moral turpitude.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The Board of Directors shall be composed of individuals with training or expertise related to the provisions referred to in section 2, and the application of the provisions referred to in section 2.

(B) SPECIFIC QUALIFICATIONS.—

(i) LOBBYING.—No individual who engages in, or is otherwise employed in, lobbying of the Congress shall be considered eligible for appointment to, or service on, the Board of Directors.

(ii) OFFICE.—No current, or former, Member of the House of Representatives or Senate may be appointed as a member of the Board of Directors. No congressional employee may be so appointed within 6 years of any employment by any office of the legislative branch of the Federal Government.

(3) VACANCIES.—Any vacancy occurring in the membership of the Board of Directors shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Board of Directors.

(c) AUTHORITY.—The members of the Board of Directors shall have the authority to carry out the functions described in subsections (a), (b), (d), and (e) of section 4, and the functions described in sections 8(f), 11, and 12.

(d) TERM OF OFFICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Board of

Directors shall be appointed for 1 term of 5 years.

(2) FIRST APPOINTMENTS.—Of the members first appointed to the Board of Directors—

(A) 1 member appointed by the Speaker of the House of Representatives and 1 member appointed by the Minority Leader of the Senate shall be appointed to a term of 1 year;

(B) 1 member appointed by the Minority Leader of the House of Representatives and 1 member appointed by the Majority Leader of the Senate shall be appointed to a term of 2 years;

(C) 1 member appointed by the Minority Leader of the House of Representatives and 1 member appointed by the Majority Leader of the Senate shall be appointed to a term of 3 years;

(D) 1 member appointed by the Minority Leader of the Senate shall be appointed to a term of 4 years; and

(E) 1 member appointed by the Speaker of the House of Representatives shall be appointed to a term of 5 years.

(e) CHAIRPERSON.—The Board of Directors shall elect a Chairperson from among the members of the Board.

(f) COMPENSATION OF MEMBERS.—Each member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(g) TRAVEL EXPENSES.—Each member of the Board of Directors shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) EXECUTIVE DIRECTOR.—

(1) IN GENERAL.—The Chairperson of the Board of Directors shall appoint and may terminate, subject to the approval of the Board of Directors, an executive director (referred to in this Act as the "executive director").

(2) COMPENSATION.—The Chairperson of the Board of Directors may fix the compensation of the executive director. The rate of pay for the executive director may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DUTIES.—Except as otherwise specified in this Act, the executive director shall carry out the responsibilities of the Office under sections 6, 7, 8, 9, 11, 12, 14, 16, 17, and 18.

(i) STAFF.—

(1) IN GENERAL.— The executive director shall appoint and may terminate such other additional staff as may be necessary to enable the Board to perform its duties.

(2) COMPENSATION.—The executive director may fix the compensation of the staff. The rate of pay for the staff may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(j) DETAILEES.—The executive director may, with the prior consent of the Government department or agency concerned, use on a nonreimbursable basis the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(k) CONSULTANTS.—In carrying out the functions of the Office, the executive director may procure the temporary (not to exceed 1 year) or intermittent services of individual consultants, or organizations thereof.

SEC. 4. BOARD FUNCTIONS.

(a) INITIAL ACTION.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 180 days after the appointment of the executive director, the Board of Directors shall, in accordance with section 553 of title 5, United States Code, issue such regulations as are necessary to implement the provisions referred to in section 2.

In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record, prior to issuing such regulations.

(B) REQUIREMENTS.—Such regulations—

(i) shall be consistent with the regulations issued by an agency of the executive branch of the Federal Government with respect to such provisions, including portions relating to remedies, except as otherwise specifically provided;

(ii) may specify specific dates for the application of specific provisions and may specify specific means for the application of such provisions; and

(iii) in specifying the manner in which the provision described in section 2(a)(3) shall apply to the offices or employees described in section 2(a), shall take into account the costs associated with the application of such provision to the offices or employees.

(C) INFORMATION REGULATIONS.—In proposing regulations for the application of any provision referred to in section 2(b) to offices of the legislative branch and information in the possession of such offices, the Board of Directors shall be guided by judicial decisions under such provision.

(2) AMENDMENTS AND REPEALS.—When proposing regulations under paragraph (1) to apply a provision described in section 2 to employees and offices described in section 2, the Board of Directors shall recommend to the Congress any necessary changes in or repeals of existing law to accommodate the application of such provision to the employees and offices.

(b) CONTINUING ACTION.—Two years after the date on which the first executive director is appointed under section 3(h), and every 2 years thereafter, the Board of Directors shall—

(1) study provisions of Federal law relating to employment, personnel actions, or availability of information to the public, that are similar to the provisions described in section 2 and that do not apply to some or all congressional employees, employing offices, or offices of the legislative branch of the Federal Government; and

(2) recommend to the Congress whether any of the provisions should be applied to employees or offices described in paragraph (1).

(c) CONGRESSIONAL DISAPPROVAL.—

(1) IN GENERAL.—

(A) HOUSE OF REPRESENTATIVES.—

(i) IN GENERAL.—Regulations issued by the Board of Directors under subsection (a) that relate to the House of Representatives shall take effect, and shall apply to each employee of the House of Representatives, and each office of the House of Representatives described in section 2, on the date of issuance of such regulations unless disapproved by the Congress by concurrent resolution.

(ii) INTRODUCTION AND CONTENT REQUIREMENTS.—Such resolution shall be introduced after the date on which the Board of Directors publishes the general notice of proposed rulemaking relating to the regulations. The matter after the resolving clause of the resolution shall be as follows: "That Congress disapproves the issuance of regulations of the Office of Compliance as proposed on ______ (the blank space being appropriately filled in).".

(B) SENATE.—Regulations issued by the Board of Directors under subsection (a) that relate to the Senate shall take effect, and shall apply to each employee of the Senate, and each office of the Senate described in section 2, on the date of issuance of such regulations unless disapproved by the Congress by concurrent resolution. Such resolution shall comply with the requirements of subparagraph (A)(ii).

(C) INSTRUMENTALITIES.—Regulations issued by the Board of Directors under subsection (a) that relate to the instrumentalities shall take effect, and shall apply to each employee of an instrumentality, and each office of such an instrumentality described in section 2, on the date of issuance of such regulations unless disapproved by the Congress by joint resolution. Such resolution shall comply with the requirements of subparagraph (A)(ii).

(2) RULEMAKING.—The provisions of this subsection are enacted by the Congress, and regulations issued by the Board of Directors are so issued—

(A) with respect to the application of this subsection, and regulations issued by the Board of Directors, to regulations affecting employees or offices of the House of Representatives, as an exercise of the rulemaking power of the House, with full recognition of the constitutional right of the House to change its rules (so far as the rules relate to the procedure of the House), in the same manner, and to the same extent, as in the case of any other rule of the House; and

(B) with respect to the application of this subsection, and the regulations issued by the Board of Directors, to regulations affecting employees or offices of the Senate, as an exercise of the rulemaking power of the Senate, with full recognition of the constitutional right of the Senate to change its rules (so far as the rules relate to the procedure of the Senate), in the same manner, and to the same extent, as in the case of any other rule of the Senate.

(d) RULES OF THE OFFICE.—

(1) IN GENERAL.—The Board of Directors shall, in accordance with section 553 of title 5, United States Code, issue rules governing the procedures of the Office, including the procedures of hearing boards. The Board of Directors may issue amendments to the rules in the same manner. In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record, prior to issuing such regulations.

(2) MEETINGS AND VOTING.—Such rules shall require that the Board of Directors meet not less often than 4 times annually in the District of Columbia, and shall ban voting by proxy by members of the Board.

(3) CONSULTATION.—The Board of Directors may consult with the Chairman of the Administrative Conference of the United States on the proposal of such rules.

(e) INFORMATION PROGRAM.—The Board of Directors shall carry out such an information program as may be appropriate to inform Members of the House of Representatives, Senators, congressional employees, and heads of employing offices as to the provisions, including provision relating to remedies, made applicable to the legislative branch of the Federal Government under this section.

SEC. 5. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS OF CIVIL RIGHTS AND PERSONNEL REQUIREMENTS.

(a) In General.—The procedure for consideration of alleged violations (except as provided in sections 11 and 12 and including violations of section 11(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(c)) consists of the following:

(1) Step I, counseling, as set forth in section 6.

(2) Step II, mediation, as set forth in section 7.

(3) At the election of the employee alleging the violation—

(A)(i) step IIIA, formal complaint and hearing by a hearing board, as set forth in section 8; and

(ii) step IV, judicial review of a hearing board decision by the United States Court of Appeals for the Federal Circuit, as set forth in section 9; or

(B) step IIIB, a civil action in a district court of the United States, as set forth in section 10.

(b) Construction.—Nothing in this section shall be construed to prohibit inspections under section 17.

SEC. 6. STEP I: COUNSELING.

(a) In General.—A congressional employee alleging a violation described in section 5(a) may request counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of the request for counseling occurred.

(b) Period of Counseling.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

SEC. 7. STEP II: MEDIATION.

(a) In General.—Not later than 15 days after the end of the counseling period under section 6, the employee who alleged a violation described in section 5(a) may file a request for mediation with the Office, which mediation—

(1) may include the Office, the employee, the employing office, and individuals who are recommended to the executive director by the Federal Mediation and Conciliation Service or by the Administrative Conference of the United States; and

(2) shall be a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing office.

(b) Mediation Period.—The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30 days at the discretion of the Office. The Office shall notify the employee and the head of the employing office when the mediation period has ended.

SEC. 8. STEP IIIA: FORMAL COMPLAINT AND HEARING.

(a) In General.—

(1) Formal complaint.—A congressional employee may, within 30 days after receipt of notice from the Office of the end of the mediation period under section 7, file a formal administrative complaint with the Office as provided in this section.

(2) Exhaustion requirement.—No administrative complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 6 and 7.

(b) Hearing Board.—A board of 3 independent hearing officers (referred to in this Act as a "hearing board"), who are not Members of the House of Representatives, Senators, heads of employing offices, or congressional employees, chosen by the Office (one of whom shall be designated by the Office as the presiding hearing officer) shall be assigned to consider each complaint filed under subsection (a). The Office shall appoint hearing officers after considering any candidates who are recommended to the executive director by the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters. A hearing board shall act by majority vote.

(c) Dismissal of Frivolous Claims.—Prior to a hearing under subsection (d), or at any time prior to the issuance of a decision under subsection (g), a hearing board may dismiss any claim that it finds to be frivolous.

(d) Hearing.—A hearing shall be conducted—

(1) in closed session on the record by a hearing board;

(2) no later than 30 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 60 days the time for conducting a hearing; and

(3) except as specifically provided in this Act and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) Discovery.—Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f) Subpoena Power.—

(1) In general.—At the request of a hearing board, the Chairperson of the Board of Directors, acting at the direction of a majority of the Board of Directors, may issue subpoenas on behalf of the hearing board, for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of evidence may be required from any place within the United States.

(2) Failure to obey a subpoena.—If a person refuses to obey a subpoena issued under paragraph (1), the Chairperson of the Board of Directors, acting at the direction of a majority of the Board of Directors, may apply to a United States district court for an order requiring that person to appear before the hearing board to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) Service of subpoenas.—The subpoenas of the hearing board shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) Service of process.—All process of any court to which application may be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(5) Immunity.—The hearing board is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

(g) Decision.—The hearing board shall issue a written decision as expeditiously as possible, but in no case more than 45 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the employee and the employing office. The decision shall state the issues raised by the complaint, describe the evidence in the record, and contain a determination as to whether a violation described in section 5(a) has occurred.

(h) Remedy Order.—If the hearing board determines that a violation described in section 5(a) has occurred, it shall order such remedies as are authorized under the regulations promulgated under section 4. The hearing board shall have no authority to award punitive damages. The entry of an order under this subsection shall constitute a final decision for purposes of judicial review under section 9.

(i) Precedents and Interpretations.—A hearing board that conducts such a hearing relating to the protections of an Act referred to in section 2 shall be guided by judicial decisions under such Act.

SEC. 9. STEP IV: JUDICIAL REVIEW.

(a) Court of Appeals.—

(1) In general.—Following any administrative hearing convened under section 8(d), any congressional employee or any head of an employing office aggrieved by a dismissal under section 8(c), a final decision under section 8(g), or an order under section 8(h), may petition for a review by the United States Court of Appeals for the Federal Circuit.

(2) Law applicable.—Chapter 158 of title 28, United States Code, shall apply to a review under paragraph (1) except that—

(A) with respect to section 2344 of title 28, United States Code, service of the petition shall be on the House or Senate Legal Counsel, or the appropriate entity of an instrumentality, as the case may be, rather than on the Attorney General;

(B) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(C) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 8(g) or an order under section 8(h);

(D) the Office shall be an "agency" as that term is used in chapter 158 of title 28, United States Code; and

(E) the Office shall be the respondent in any proceeding under paragraph (1).

(3) Standard of review.—To the extent necessary to decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision under section 8(g) or an order under section 8(h) if it is determined that the decision or order was—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(B) not made consistent with required procedures; or

(C) unsupported by substantial evidence.

(4) Record.—In making determinations under paragraph (3), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the hearing board, the decision of the hearing board, and the order of the hearing board.

(b) Attorney's Fees.—If a congressional employee is the prevailing party in a proceeding under this section relating to a provision referred to in section 2, attorney's fees may be allowed by the court in accordance with any standards prescribed under Federal law for the award of such fees in the event of a violation of such provision.

SEC. 10. STEP IIIB: CIVIL ACTION.

(a) IN GENERAL.—

(1) CIVIL ACTION.—An employee may within 30 days after receipt of notice from the Office of the end of the mediation period under section 7 for violations described in section 5(a) bring a civil action in a district court of the United States seeking relief from the alleged violation of law. In any such civil action, any party may demand a jury trial.

(2) EXHAUSTION REQUIREMENT.—No civil action may be filed under paragraph (1) unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 6 and 7.

(3) COURT ORDER.—If a court determines that a violation of law occurred, the court may only enter an order described in section 8(h).

(b) ATTORNEY'S FEES.—If a congressional employee is the prevailing party in a proceeding under this section relating to a provision referred to in section 2, attorney's fees may be allowed by the court in accordance with any standards prescribed under Federal law for the award of such fees in the event of a violation of such provision.

SEC. 11. PROCEDURES FOR CONSIDERATION OF ALLEGED VIOLATIONS RELATING TO INFORMATION REQUIREMENTS.

(a) PROCEDURES FOR VIOLATIONS RELATING TO INFORMATION REQUIREMENTS.—In proposing regulations under section 4 for the application of provisions described in section 2(b), the Board of Directors shall propose regulations that specify the procedure for consideration by the Office of alleged violations of the provisions. Such regulations shall provide, at a minimum, for procedures similar to the procedures described in section 552 of title 5, United States Code.

(b) COURT REVIEW.—Any petitioner seeking information from an office of the legislative branch of the Federal Government, or any such office, that is aggrieved by a final decision of the Office under the procedures described in subsection (a), may petition for review of the decision by the District Court of the United States for the District of Columbia. Such review shall be conducted in accordance with subparagraphs (B), (C), (E), (F), and (G) of section 552(a)(4) of title 5, United States Code.

(c) ATTORNEY'S FEES.—If a congressional employee is the prevailing party in a proceeding under this section relating to a provision referred to in section 2(b), attorney's fees may be allowed by the court in accordance with any standards prescribed under Federal law for the award of such fees in the event of a violation of such provision.

SEC. 12. PROCEDURES FOR CONSIDERATION OF ALLEGED VIOLATION RELATING TO LABOR MANAGEMENT AND OCCUPATIONAL HEALTH AND SAFETY REQUIREMENTS.

(a) PROCEDURES FOR VIOLATIONS RELATING TO LABOR MANAGEMENT REQUIREMENTS AND OCCUPATIONAL SAFETY AND HEALTH REQUIREMENTS.—

(1) PROCEDURES FOR VIOLATIONS RELATING TO LABOR-MANAGEMENT RELATIONS.—In proposing regulations under section 4 for the application of provisions described in section 2(a)(2), the Board of Directors shall propose regulations that specify the procedure for consideration by the Office of alleged violations of the provisions. Such regulations shall prescribe, at a minimum, for procedures similar to the procedures described in sections 7118, 7119, 7121, and 7122 of title 5, United States Code.

(2) PROCEDURES FOR VIOLATIONS RELATING TO OCCUPATIONAL SAFETY AND HEALTH REQUIREMENTS.—In proposing regulations under section 4 for the application of provisions described in section 2(a)(3), the Board of Directors shall propose regulations that specify the procedure for consideration by the Office of alleged violations of the provisions. Such regulations shall provide, at a minimum, for procedures similar to the procedures described in sections 8, 9, 10, and 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 658, 659, and 666).

(b) COURT REVIEW.—

(1) IN GENERAL.—Any congressional employee or head of an employing office aggrieved by any dismissal, order, or decision issued after procedures described in subsection (a) relating to a provision described in paragraph (2) or (3) of section 2(a), may petition for review by the United States Court of Appeals for the Federal Circuit.

(2) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply to a review under paragraph (1) except that—

(A) with respect to section 2344 of title 28, United States Code, service of the petition shall be on the House or Senate Legal Counsel, or the appropriate entity of an instrumentality, as the case may be, rather than on the Attorney General;

(B) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(C) the petition for review shall be filed not later than 90 days after the entry in the Office of any decision or order issued after procedures described in subsection (a);

(D) the Office shall be an "agency" as that term is used in chapter 158 of title 28, United States Code; and

(E) the Office shall be the respondent in any proceeding under paragraph (1).

(3) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside any decision or order issued after procedures described in subsection (a), if it is determined that the decision or order was—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(B) not made consistent with required procedures; or

(C) unsupported by substantial evidence.

(4) RECORD.—In making determinations under paragraph (3), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before any decisionmaker under the procedures described in subsection (a), the decision of the decisionmaker, and the order of the decisionmaker.

(c) ATTORNEY'S FEES.—If a congressional employee is the prevailing party in a proceeding under this section relating to a provision referred to in paragraph (2) or (3) of section 2(a), attorney's fees may be allowed by the court in accordance with any standards prescribed under Federal law for the award of such fees in the event of a violation of such provision.

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit inspections under section 17.

SEC. 13. INFORMATION REQUIREMENTS.

(a) EXEMPTION.—The provisions referred to in section 2(b) shall not apply to the offices described in subsection (b), or any information in the possession of the offices described in subsection (b).

(b) OFFICES.—The offices referred to in subsection (a) shall consist of the following:

(1) The personal offices of Members of the House of Representatives or of Members of the Senate.

(2) The offices of standing, select, special, joint, and other committees of Congress.

(3) The offices of the President pro tempore of the Senate, the President of the Senate, or the Majority Leader of the House of Representatives.

(4) The offices and support organizations of the other leaders of the House of Representatives or of the Senate.

(5) The offices of any caucus or partisan organization related to the Congress.

(6) The offices of the Legislative Counsel of the House of Representatives or of the Senate.

(7) The Office of Legislative Operations of the House of Representatives.

(8) The office of the Parliamentarian of the House of Representatives or of the Senate.

(9) The offices of the Doorkeepers of the House of Representatives or of the Senate.

(10) The offices of the Clerks of the House of Representatives or of the Senate.

(11) The office of the General Counsel of the House of Representatives.

(12) The Office of Legislative Information of the House of Representatives.

(13) The offices of the Legal Counsel of the House of Representatives or of the Senate.

(14) The offices of the Attending Physicians of the House of Representatives or of the Senate.

(15) The escort assistance division of the Capitol Police.

(16) Any staff organization.

(17) Any other office to which the Board of Directors determines, by regulation issued in accordance with section 4, that the provisions described in section 2(b) shall not apply.

SEC. 14. RESOLUTION OF COMPLAINT.

(a) EMPLOYMENT.—If, after a formal complaint is filed under section 8 or in accordance with the procedures described in section 12(a), the employee and the head of the employing office resolve the issues involved, the employee may withdraw the complaint or the parties may enter into a written agreement, subject to the approval of the executive director.

(b) INFORMATION.—If, after a formal complaint is filed in accordance with the procedures described in section 11(a), the office of the legislative branch and the petitioner seeking information from the office resolve the issues involved, the petitioner may withdraw the complaint or the parties may enter into a written agreement, subject to the approval of the executive director.

SEC. 15. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, a congressional employee by any Member or officer of the House of Representatives or of the Senate, any head of an employing office, or any congressional employee, as the case may be, because of the exercise of a right under this Act relating to a provision described in section 2, constitutes an unlawful employment practice, which may be remedied, except as provided in section 5(a), in the same manner under this Act as is a violation relating to such provision.

SEC. 16. CONFIDENTIALITY.

(a) COUNSELING.—All counseling conducted under this Act shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing office of the allegations.

(b) MEDIATION.—All mediation conducted under this Act shall be strictly confidential.

(c) HEARINGS.—Except as provided in subsections (d) and (e), the hearings and deliberations of hearing boards (including any decisionmaker under procedures described in section 11(a) or 12(a)) shall be confidential.

(d) RELEASE OF RECORDS FOR JUDICIAL REVIEW.—The records of such hearing boards may be made public if required for the purpose of judicial review under section 9, 10, 11, or 12.

(e) ACCESS BY COMMITTEES OF CONGRESS.—At the discretion of the executive director, the executive director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings and decisions of the hearing boards, including all written and oral testimony in the possession of the hearing boards, concerning a decision under section 8(g) or any decision or order issued after procedures described in section 11(a) or 12(a). The executive director shall not provide such access until the executive director has consulted with the individual filing the complaint at issue in the hearing, and until the hearing board has issued the decision.

SEC. 17. INSPECTIONS.

(a) IN GENERAL.—On a regular basis, and at least once during each Congress, the Office shall request that the Secretary of Labor and the Architectural and Transportation Barriers Compliance Board detail to the Office such personnel as may be necessary to inspect the facilities of the legislative branch of the Federal Government in order to ensure compliance with the Occupational Safety and Health Act of 1970, the Fair Labor Standards Act of 1938, and title II of the Americans with Disabilities Act of 1990.

(b) DATE AND SCOPE OF INSPECTIONS.—The Office shall determine the dates and scope of such inspections, in accordance with regulations issued in accordance with section 4.

(c) REPORT.—After conducting such an inspection, the Office shall prepare and submit for publication in the Congressional Record a report containing information on the results of the inspection.

SEC. 18. COLLECTION OF INFORMATION.

(a) COLLECTION.—The executive director shall collect information with respect to complaints filed under section 8 or under procedures described in section 11(a) or 12(a), including—

(1) the total number of such complaints;

(2) the number of such complaints that allege—

(A) discrimination on the basis of race or color;

(B) discrimination on the basis of sex;

(C) discrimination on the basis of religion;

(D) discrimination on the basis of national origin;

(E) discrimination on the basis of disability;

(F) discrimination on the basis of age;

(G) a violation of the Fair Labor Standards Act of 1938;

(H) a violation of chapter 71 of title 5, United States Code;

(I) a violation of the Occupational Safety and Health Act of 1970;

(J) a violation of the Family and Medical Leave Act of 1993;

(K) a violation of the Employee Polygraph Protection Act of 1988;

(L) a violation of the Worker Adjustment and Retraining Notification Act; or

(M) a violation of section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), or section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974");

(3) the number of such complaints that were resolved by—

(A) settlement;

(B) a decision following a hearing under section 8 or under procedures described in section 11(a) or 12(a); or

(C) withdrawal of the complaint, or other means; and

(4) for each category of allegations described in subparagraphs (A) through (M) of paragraph (2)—

(A) the aggregate amount of monetary compensation (including damages, equitable monetary relief, and interest) awarded as a result of settlement;

(B) the aggregate amount of such monetary compensation awarded as a result of a decision described in paragraph (3)(B); and

(C) the aggregate amount of such monetary compensation awarded as a result of withdrawal of the complaint or other means.

(b) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, and every year thereafter, the executive director shall prepare and submit for publication in the Congressional Record a report containing the information described in subsection (a).

(2) PRESENTATION OF INFORMATION IN THE AGGREGATE.—In preparing the reports described in paragraph (1), the executive director shall not identify by name parties participating in actions resulting from complaints described in subsection (a). The reports shall present information collected under subsection (a) in the aggregate.

SEC. 19. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) IN GENERAL.—It shall not be a violation to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office,

of an employee with respect to employment decisions issued under this Act.

(b) DEFINITION.—For purposes of subsection (a), the term "employee" means—

(1) a congressional employee on the staff of the leadership of the House of Representatives or the leadership of the Senate;

(2) a congressional employee on the staff of a committee or subcommittee of—

(A) the House of Representatives; or

(B) the Senate;

(3) a congressional employee on the staff of a Member of the House of Representatives or on the staff of a Senator;

(4) an officer of the House of Representatives or Senate, or a congressional employee, who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator, other than an employee described in paragraph (1), (2), or (3); or

(5) an applicant for a position that is to be occupied by an individual described in any of paragraphs (1) through (4).

SEC. 20. OTHER REVIEW.

No congressional employee may commence a judicial proceeding to redress practices prohibited under section 2 or 4, except as provided in this Act.

SEC. 21. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 22. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal year 1995 and each subsequent fiscal year.

SEC. 23. DEFINITIONS.

As used in this Act:

(1) CONGRESSIONAL EMPLOYEE.—The term "congressional employee" means—

(A) an employee of the House of Representatives;

(B) an employee of the Senate; and

(C) an employee of an instrumentality.

(2) EMPLOYEE OF AN INSTRUMENTALITY.—The term "employee of an instrumentality" means—

(A) an employee of the Architect of the Capitol (except an employee described in paragraph (3) or (4)), the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, or the United States Botanic Garden;

(B) with respect to the application of a provision described in paragraph (4), (5), (6), or (7) of section 2(a), section 2(c), or section 2(d), any applicant for a position that will last 90 days or more and that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the employment of the individual by an instrumentality described in subparagraph (A).

(3) EMPLOYEE OF THE HOUSE OF REPRESENTATIVES.—The term "employee of the House of Representatives" means an individual who was eligible to file a formal complaint with the Office of Fair Employment Practice of the House of Representatives under clause 6 of rule LI of the Rules of the House of Representatives, as in effect on the day before the date of enactment of this Act. Such term shall only include an applicant for employment with an entity of the House of Representatives with respect to the application of a provision described in paragraph (4), (5), (6), or (7) of section 2(a), section 2(c), or section 2(d).

(4) EMPLOYEE OF THE SENATE.—The term "employee of the Senate" means—

(A) any employee whose pay is disbursed by the Secretary of the Senate;

(B) any employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings;

(C) with respect to the application of a provision described in paragraph (4), (5), (6), or (7) of section 2(a), section 2(c), or section 2(d), any applicant for a position that will last 90 days or more and that is to be occupied by an individual described in subparagraph (A) or (B); or

(D) any individual who was formerly an employee described in subparagraph (A) or (B) and whose claim of a violation arises out of the individual's Senate employment.

(5) EMPLOYING OFFICE.—The term "employing office" means the office headed by a head of an employing office.

(6) HEAD OF AN EMPLOYING OFFICE.—The term "head of an employing office" means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the congressional employment of a congressional employee.

(7) INSTRUMENTALITY.—The term "instrumentality" means an entity described in paragraph (2)(A).

(8) VIOLATION.—The term "violation" means a violation of a provision listed in section 2 or a regulation that takes effect under section 4(c).

SUMMARY OF THE LIEBERMAN-GRASSLEY CONGRESSIONAL ACCOUNTABILITY ACT

Makes Congress subject to the following laws:

The Fair Labor Standards Act of 1938;

The Federal Labor-Management Relations Statute of 1978;

The Occupational Safety and Health Act of 1970;

The Civil Rights Act of 1964 and 1991 Amendments;

The Age Discrimination in Employment Act of 1967;

The Americans With Disabilities Act of 1990;

The Rehabilitation Act of 1973;

The Family and Medical Leave Act of 1993;

The Employee Polygraph Protection Act of 1988;

The Worker Adjustment and Retraining Notification Act of 1988;

Applies the Freedom of Information Act and the Privacy Act to administrative offices of the House and Senate such as the disbursing offices, and non-political support agencies such as the Architect of the Capitol, the Congressional Budget Office, and the Library of Congress; and

Establishes an independent Office of Compliance to enforce laws throughout the legislative branch and adjudicate complaints and violations.

An 8 person Board of Directors, composed of individuals with expertise in employment laws, will oversee the administration of The Office of Compliance. Members of the Board will be appointed by the House and Senate leadership.

Board members may not be lobbyists, current or former members of Congress, or employees of Congress within the last six years. Narrow grounds for removal and limit of one term of service ensure independence of Board members.

The Board will issue final procedural regulations implementing these laws within 180 days after the appointment of the Executive Director. The Board will be guided by the same regulations issued by federal agencies under these laws.

Before the Board issues final regulations, there will be a public comment period of 30 days. Once issued, the final regulations are binding unless Congress passes a concurrent resolution of disapproval.

Board members will be paid per diem rate prescribed for level V of the Executive Schedule (approx. $105,000 per annum).

The Board will appoint an Executive Director and necessary staff. Executive Directors may not earn more than pay for level V of Executive Schedule.

Detailees from executive branch agencies, as well as the Government Accounting Office Personnel Appeals Board, may be employed in order to assist the Office in its duties.

On a regular basis, at least once every Congress, the Office will request the services of the Occupational Safety and Health Administration and the Americans With Disabilities Access Board in order to inspect the offices of Congress to ensure compliance with OSHA and ADA. The Board will determine the dates and the scope of the inspections. The Office may also order additional OSHA inspections when it deems necessary, or in response to a complaint.

Aggrieved employees will have a right to file a complaint with the Office of Compliance. Where the law authorizes an action in Federal court, the Congressional employee will also have a right to sue in Federal Court.

Individual complaints of discrimination, harassment, denial of minimum wage or overtime pay, denial of family or medical leave, violation of equal pay standards, or unfair labor practices will be handled by a 3-step administrative process:

1. Counseling;
2. Mediation;
3. At the election of complainant, formal administrative complaint and hearing or civil action in Federal District Court where the underlying law permits such action.

Administrative hearing board members are chosen by the Executive Director of the Office from candidates recommended by the Federal Mediation and Conciliation Service and the Administrative Conference of the United States.

When a violation is found, remedies appropriate under existing laws will be issued, except punitive damages. Administrative hearing boards will be guided by judicial decisions under these laws. This decision is final unless appellate review is sought.

Congressional employees may also state a claim for intimidation or retaliation for exercising their rights under these laws.

Office of Compliance may provide House and Senate Ethics Committees records of hearing boards for additional review after a decision is issued by a hearing board, but no Ethics Committee proceeding may substitute for the functions of the office or a hearing board.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator LIEBERMAN in introducing the Congressional Accountability Act. The time is long overdue for Congress to follow the laws it prescribes for everyone else. Our bill will correct the longstanding practice of Congress exempting itself from labor and employment laws, as well as good Government laws, such as the Freedom of Information and Privacy Acts.

The American people are frustrated with Congress. They don't respect the institution. The citizenry finds Congress to be out of touch with the real world. Well, one part of the real world is the host of laws Congress has enacted to protect workers. Those laws include—wage and hour laws, collective bargaining laws, anti-discrimination and anti-harassment laws, as well as laws protecting a safe workplace.

But for too long, Congress has said—"OK for you America, but not for Capitol Hill." This bill says, "no more."

It's time for Congress to get serious, to hear the American people and to act.

Our bill applies 10 laws to all of Congress and the instrumentalities, such as the Library of Congress and the General Accounting Office. It establishes an Office of Congressional Compliance to administer and enforce these laws.

Any employee who has a complaint under one of these laws—from Title VII of the Civil Rights Act to the Fair Labor Standards Act—may bring it to the Office. The first efforts to resolve the complaint will be less formal—counseling and mediation. Then, if the employee is not satisfied, he or she can take the complaint to a hearing.

Under those laws which allow an employee in the private sector to sue in Federal court, a congressional employee will, likewise, be able to pursue the claim in a Federal trial court. But if the employee wants a more efficient and expeditious resolution of the complaint, he or she may opt for an independent hearing conducted before three hearing officers selected from outside the Congress. Then, the employee who chooses an administrative hearing will be entitled to appellate review in our Federal court system.

And, for those laws which do not provide a private sector employee with a right to a Federal trial—and that includes collective bargaining and occupational safety and health claims—the employee will be entitled to pursue an independent administrative hearing, with appellate review in a Federal court.

So, let me illustrate with an example. An employee believes she should receive overtime compensation for work over 40 hours each week. She will, under this bill, take her complaint to the Office of Congressional Compliance where the staff will, in the first instance, attempt to counsel the parties involved. If that is not successful, the employee will be entitled to mediation. If the employee is still not satisfied, she has a choice. Since, the Fair Labor Standards Act entitles private sector employees to pursue their claims directly in Federal court, she—the congressional employee—will have the same opportunity—will have the same opportunity—to sue the Congress in Federal court for overtime violations.

But, if she does not want to wait a couple of years in Federal court, she can seek an administrative hearing with appellate review if she's not satisfied with the hearing officers' decision.

If this bill becomes law, Congress will finally understand how these laws actually work. There can be no better substitute for Congress' living under the laws. A congressional committee can hold hearings to examine how a law will work; we can hear from witnesses about this impact or that effect. But until we are prepared to live under the laws, Congress has no business imposing them on anyone else.

Now, this bill is not everything I want in congressional coverage. It does not provide for the executive branch agencies to enforce these laws. Instead we are creating a separate congressional agency to enforce the laws. But I know a majority of my colleagues will say that the Constitution does not permit Labor Secretary Robert Reich to enforce OSHA or the Fair Labor Standards Act against Congress. I disagree, but I am not, as the saying goes, going to let the perfect be the enemy of the good.

And, the bill does not cover Congress under the National Labor Relations Act—the private sector collective bargaining law. Since there is no experience of the NLRA covering a governmental entity, we chose to extend the Federal Management-Labor Relations Act—the collective bargaining law which applies to the executive branch agencies—to Congress and the instrumentalities. But congressional employees, under this bill, will have the right to join unions and engage in collective bargaining. That is an important breakthrough for Congress.

This is a solid bill. It will make Congress subject to all the laws from which it is now exempt. It builds on the 1991 Mitchell-Grassley amendment to the civil rights bill by expanding the coverage and strengthening the enforcement mechanism. It meets, in my view, James Madison's directive in Federalist No. 57, "that [Congress] can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society."

I look forward to working with Senator LIEBERMAN on the bill, to hearings in the Governmental Affairs Committee, and to moving this bill into law this year.

Mrs. BOXER. Mr. President. thank you very much.

I want to say that I am a cosponsor of Senator LIEBERMAN's bill that he is sending to the desk and am happy to be such.

Mr. NICKLES addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, first I wish to compliment my colleagues, Senator GRASSLEY and Senator LIEBERMAN, for introducing the legislation which I am happy to cosponsor, to provide for congressional coverage of several laws, and which coverage Congress, going back to 1935, has exempted itself from.

I might mention that I was with some of my colleagues yesterday, and some of my constituents, in addition, and we happened to be in the basement of the Capitol, and I showed them several areas that just would not comply with the OSHA inspection. I hope we will be able to pass this legislation.

• Ms. MIKULSKI. Mr. President, I am proud to cosponsor legislation being introduced today, the Congressional Accountability Act.

Traditionally, Congress has exempted itself from the very laws which were to apply to the other two branches of Government as well as the private sector. This bill will force Congress to comply with those laws.

This legislation is long overdue. The U.S. Senate should practice what we preach. We should go by the same rules that we establish for everyone else.

Public opinion of Congress is very low. Americans are wondering about the integrity of an institution which exempts itself from the rules it places on the rest of the country. In Maryland, we call this a double standard.

I think when we make ourselves subject to the same legal framework that we do every other American, we will be taking an important step forward toward restoring confidence in this institution. We need to let Americans know that we are not above the law.

But Mr. President, it's more than just a question of perception. It's a question of right and wrong. It's a question of basic fairness and decency. This legislation will put Congress squarely under the law. It will also put congressional support offices and legislative branch offices under the law.

The critical need for this legislation has recently been demonstrated by the management practices at the Architect of the Capitol. For years, I and my staff have heard shocking complaints from dozens of constituents employed in the offices of the Architect. In 1991, I asked the General Accounting Office to investigate.

The findings of the GAO report are outrageous. The Architect of the Capitol has no fair and independent complaint process of employee grievances. There is no affirmative action plan, no agency-wide merit-based hiring or promotion plan. Minorities and women are underrepresented, and promotions and other decisions are not shown to be based on performance. I could go on.

Mr. President, this is a serious situation. There is no question that we need to act on this legislation today to apply labor and workplace safety statutes to Congress and its support offices across the board. I am cosponsoring this legislation, and I strongly encourage my colleagues to join in support.

But in the meantime, I will also be introducing separate legislation which will specifically target the operations of the Architect of the Capitol. There is a demonstrated, urgent need to address the workplace environment at the Architect of the Capitol. Because of the findings of the GAO report, it is likely that we will be able to move more quickly with legislation isolating the situation there.

This only adds to my strong support for legislation being introduced today to bring Congress and the legislation branch as a whole under the same laws that already apply to the general public and the executive branch of Government.•

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2072. A bill to amend the Immigration and Nationality Act to facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens; to the Committee on the Judiciary.

THE AMERASIAN IMMIGRATION ACT AMENDMENTS OF 1994

• Mr. INOUYE. Mr. President, today I introduce legislation which amends Public Law 97-359, the Amerasian Immigration Act, to include Amerasian children from the Philippines and Japan as eligible applicants. This legislation also expands the eligibility period for the Philippines until the completion of the last United States military base closure and until the date of enactment of the proposed legislation for Japan.

Under the current Amerasian immigration law, only children born in Korea, Laos, Kampuchea, Thailand, and Vietnam after December 31, 1950, and before October 22, 1982, who were fathered by United States citizens, are allowed to immigrate to the United States. When this legislation was first introduced in the 97th Congress, it included Amerasian children born in the Philippines and Japan with no time limits concerning their births. The final version of this bill, however, included only areas where the United States had engaged in active military combat from the Korean war onward, and hence, excluded both the Philippines and Japan.

Although the Philippines and Japan were not considered a war zone from 1950 to 1982, the extent and nature of United States military involvement in both countries were quite similar to the involvement of the United States military in other Asian countries during the Korean and Vietnam wars. As a result, interracial marriages in both countries were common, thereby leading to a significant number of Amerasian children fathered by U.S. citizens. There are now over 50,000 Amerasian children in the Philippines and 6,000 Amerasian children in Japan born between 1987 and 1992.

These children face similar problems to the Amerasian children provided for under Public Law 97-359. Due to the illegitimate or mixed ethnic make-up, they are often ostracized within their home countries. This stigmatization, in turn, leaves many without viable opportunities of employment, education, or family life. As a result, Amerasian children are subjected to conditions of severe poverty and prejudice, with very little hope of escaping their plight.

Public Law 97-359 was passed in hopes of redressing the situation of Amerasian children in Korea, Laos, Kampuchea, Thailand, and Vietnam. Now is the time for the Senate to recognize our responsibilities to Amerasian children in the Philippines and Japan, and pass legislation that would lessen the severity of their impoverished lives.

Mr. President, I ask for unanimous consent that the text of my bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2072

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That section 204(f)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(f)(2)(A)) is amended—

(1) by inserting "(I)" after "born"; and

(2) by inserting after "subsection," the following: "(II) in the Philippines after 1950 and before November 24, 1992, or (III) in Japan after 1950 and before the date of enactment of this subclause,".●

By Mr. SMITH (for himself and Mr. GREGG):

S. 2073. A bill to designate the U.S. courthouse that is scheduled to be constructed in Concord, NH, as the "Warren B. Rudman United States Courthouse", and for other purposes; to the Committee on Environment and Public Works.

WARREN B. RUDMAN COURTHOUSE

● Mr. SMITH. Mr. President, on behalf of Senator GREGG and myself, I rise today to introduce a bill to name the new U.S. courthouse that is scheduled to be constructed in Concord, NH, in honor of our distinguished former colleague, Senator Warren B. Rudman.

It is fitting that the new Federal courthouse in concord should be named for former Senator Rudman because he is a distinguished lawyer. After leaving the Senate at the end of his second term in 1992, Senator Rudman joined the prestigious international law firm of Paul, Weiss, Rifkind, Wharton and Garrison. He maintains offices with the law firm in both Washington and New York. Senator Rudman also has a law office of his own in New Hampshire.

After earning his undergraduate degree at Syracuse University and serving as a combat platoon leader and company commander with the U.S. Army during the Korean war, Warren Rudman graduated from the Boston College School of Law in 1960. He then began his career practicing law in his hometown of Nashua, NH.

Warren Rudman left the private practice of law to enter public service in 1970, when he was appointed as the attorney general of New Hampshire. In 1975, he brought distinction to our State when he was elected as the president of the National Association of Attorneys General. Upon completing his service as attorney general of our state in 1976, Warren Rudman returned to private law practice.

Four years later, in 1980, Warren Rudman answered the call of public service again when he ran for the U.S. Senate. He was elected that year as part of the large class of 1980 that swept the Republican Party to control of the Senate for the first time in nearly 30 years.

Perhaps Senator Rudman's most noteworthy accomplishment during his 12 years of service in the Senate was his co-authorship of the Gramm-Rudman-Hollings deficit reduction law. He also distinguished himself by his service as the vice chairman of the Senate select committee that investigated the so-called Iran-Contra affair.

In addition, Senator Rudman served as the chairman, and later the vice chairman, of the Senate Select Committee on Ethics. For many years, he also was the ranking Republican member on the Senate Appropriations Committee's Subcommittee on Commerce, State, and the Judiciary.

Even though he decided in 1992 to leave the Senate and to return to the private practice of law, Senator Rudman continues to serve the public interest through his leadership of the Concord coalition. Along with former Senator Paul Tsongas and former Commerce Secretary Peter Peterson, Senator Rudman was a cofounder of that organization. The Concord coalition is a grassroots, nonprofit group that was established to alert the American people to the gravity of our Nation's budget deficit crisis and to propose bold and innovative ways in which to resolve it.

Beyond his work with the Concord coalition, Senator Rudman also serves as a member of President Clinton's Foreign Intelligence Advisory Board and as the Deputy Chairman of the Federal Reserve Bank of Boston.

It was a privilege to serve with Warren Rudman as a member of the New Hampshire delegation in the U.S. Congress for 8 years and as his junior colleague in the Senate for 2 years. I am pleased to have this opportunity to play a role in giving Senator Rudman's distinguished career the lasting recognition that it merits.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WARREN B. RUDMAN UNITED STATES COURTHOUSE.

The United States courthouse that (as of the date of enactment of this Act) is scheduled to be constructed in Concord, New Hampshire, shall be known and designated as the "Warren B. Rudman United States Courthouse".

SEC. 2. LEGAL REFERENCES.

Any reference in a law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Warren B. Rudman United States Courthouse".●

By Mr. MCCAIN:

S. 2074. A bill to increase the special assessment for felonies and improve the enforcement of sentences imposing criminal fines, and for other purposes; to the Committee on the Judiciary.

CRIME VICTIM ASSISTANCE IMPROVEMENT ACT

● Mr. MCCAIN. Mr. President, today I'm introducing a bill to aid victims of crime by making needed improvements in the Federal crime victims fund. This fund, financed by mandatory criminal fines, provides vital assistance to victims through special programs, such as recovery services for battered women and children, and direct financial aid to cover medical bills and other crime related expenses such as medical bills.

Crime, particularly violent crime, continues to plague our nation. The unmet need for victim compensation and assistance services is enormous and has grown significantly in the past 5 years.

In my home State of Arizona, at a time when serious crime is increasing, we are receiving less crime victim assistance. We must enhance collections and improve administration of the fund to keep pace with the needs of crime victims and to let criminals know that fine payment is not an option, it is an obligation that they must and will meet.

The Crime Victim Assistance Improvement Act would help us meet our responsibility to care for those who have been victimized by crime as follows:

One, the bill would double the crime victim fund by increasing fines imposed on federal felons, and establish the new amount as a minimum rather than a fixed assessment.

Two, the bill would increase the statute of limitations for fine collections from 5 to 20 years so that criminal debtors can't evade their responsibilities by outwaiting the current five year term.

Three, it would require the courts to impose enforceable fine payment schedules for criminals fines and restitution. Under current law, payment schedules are discretionary. Making the mandatory will improve the fine collection rate.

Four, delinquent criminal debtors would be prohibited from receiving crime victim fund compensation, and other Federal benefits including grants, contracts, loans, and other assistance programs.

Five, the bill would authorize the courts to require delinquent criminal debtors to conduct community service in lieu of interest on outstanding debt. This provision will enable indigent criminal debtors to meet their obligations pending payment of their fine.

Six, the bill would create a crime victim reserve fund and authorize the director of the crime victim fund to carry over unspent crime victim revenue from 1 year to the next to assure consistent funding from year to year. Crime victim appropriations can fluctuate annually with collection rates. A more consistent level of funding would better serve the needs of all victims.

Seven, all Federal felons would be required to forfeit to the crime victim fund all media and commercial revenues earned as a result of their crime.

Eight, the bill would ensure that compensation to a victim will not be considered as income for purposes of eligibility for Federal assistance programs. Some individuals have actually been denied Medicaid assistance because temporary crime victim compensation for living expenses was considered as income. This is not right and it must be changed.

Mr. President, in addition, the Crime Victim Assistance Improvement Act contains provisions to ensure that all victims of crime, including those who reside in the most remote and underserved areas of this Nation, receive the services to which they are entitled. It accomplishes this by providing Indian tribal governments with 5 percent of the fund to establish victim assistance programs at the local level—programs which are literally nonexistent today.

Currently, all victims of crime, whether they reside in or outside of Indian communities, must apply to a State administered program for victim's compensation. These victims must also drive many hours and many miles to receive victim assistance services. Many victims forgo these services because they are either inaccessible or the victims are unaware that the programs exist. While many States make a conscientious effort to properly serve people on the reservation, I believe allowing tribal governments to manage their own programs can only improve access to services for all crime victims.

As sovereign nations, tribal governments currently administer most Federal programs and have the ability to manage local victim's assistance program. This legislation is fully consistent with the government-to-government relationship that exists between the Federal Government and the individual tribes, and it is an important bench mark in the ongoing effort to promote the policy of tribal self-governance and self-determination.

I'm sure that some may be concerned that the Indian set-aside could take funding away from State programs. I would like to make an important point to address that issue. This bill, taken as a whole, would double the size of the current crime victim's fund. This will ensure significantly more resources for all victims' programs, both State and tribal. Everyone will benefit.

Mr. President, on the reservation and off, crime is taking an alarming toll on our Nation. According to the FBI uniform crime reports, every day, 65 Americans are murdered, nearly 3,000 Americans are raped, 2,000 people are robbed and 3,000 people are assaulted. In 1992, 6.6 million Americans were affected by violent crimes. These are alarming numbers, but they are much more. They are human beings.

In many areas, particularly in large cities, Americans are afraid to walk the streets. Simply put, crime is a national disgrace, and the single greatest threat to the welfare of our society.

Congress continues to work on the long-awaited crime bill. We need a strong bill. Much can and must be done to prevent and control crime and criminals. But, let's not forget about the victims—the innocent Americans to whom crime is not a discomfiting statistic or a disturbing segment on the nightly news, it's reality. As we seek more effective means to control the criminal, a just society has an obligation to aid and comfort the victim.

Violent crime annually costs victims $1.5 billion in medical bills and lost property. In many cases, these are uninsured losses. According to the Bureau of Justice statistics low-income families who are less likely to be insured are more likely to be affected by violent crime. The number of claims for compensation from the crime victim fund has increased by nearly 15 percent over the past 5 years.

Today, State compensation boards are struggling to keep pace with the need. In my home State of Arizona, last year, 16 agencies were denied crime victim assistance grants due to the lack of funds. The applicants included programs for domestic violence, child abuse, and sexual assault among others.

The Compensation Program is overburdened. Families with limited financial resources who are victimized, must face the trauma of crime, but they must also deal with the added concern over medical expenses, funeral bills or other crime related losses. In Arizona, where caps are in place, victims can only receive $130 per week for lost wages, regardless of whether they have dependents or how many.

In other States, including New Mexico and California, victims must wait for up to a full year just to have their applications reviewed. Many of these victims do not have the financial resources to pay medical bills and other expenses in the meantime.

Victims of violent crimes, particularly those in financial distress, need and deserve full compensation on a timely basis. We need more resources to do the job, and the Crime Victim Assistance Improvement Act will see that we get them.

As I stated, criminal fines finance the crime victim fund. Under current law, Federal felons are liable for a fixed special crime victim assessment of $50 while a fine of $200 is imposed on criminal organizations. The new amounts prescribed by this bill, $100 for individuals and $400 for organizations, would be established as a minimum. Judges will be given the discretion to impose higher amounts.

I think it might be instructive at this point to explain the sentencing process in which special assessments play only a part. After a Federal conviction, the judge is required to impose the special crime victim assessment. Next, in priority is any order for restitution the judge may impose to directly compensate the victim of the crime for which the conviction was made. Third, the judge may impose an additional fine depending on the circumstances of the case.

Doubling the primary assessment as called for in this bill is in no way intended to take away from the mandatory restitution provision in the Senate crime bill.

First, the primary fine is not large enough to substantially impede a criminal's ability to pay restitution. Second, it's important to understand that, in many violent crime cases no conviction is reached. The victim has no chance of obtaining restitution, and must rely on the aid of the crime victim fund. This makes it imperative that we maintain a strong and viable fund to assist these individuals.

I would also like to comment on the increase in the statute of limitations. The current limitation is 5 years. This is simply too short. Criminal debtors should not be permitted to wait out the limitation period and skate free. Expanding the statute of limitations and requiring judges to impose an enforcement due date will show criminals that criminal debt is not an option. It is an obligation tht will be met.

A criminal fine is a serious matter. That's why the bill contains provisions to ensure the delinquent criminal debtors will be ineligible for Federal benefits, including crime victim payments, until the debtor works out an achievable payment schedule or agrees to perform community service in lieu of interest on their debt.

This provision will not take effect until the National Fine Center, which was conceived to track criminal debt and integrate with other programs, is fully operational. On the crime bill, the Senate adopted a similar benefit suspension provision for delinquent restitution payments. This bill will extend the suspension to all delinquent criminal debt and a wider array of Federal benefit programs. The National Fine Center will be critical in making this provision effective. I will have more to say about the center at the conclusion of my remarks.

Mr. President, I would like to comment on one other vital provision in this bill. Federal law currently prohibits criminals from profiting from their crimes. However, the current forfeiture statute extends only to violent criminals and spies, and applies only to revenues derived from media rights to criminal stories. White collar criminals should be included in the forfeiture statute. The bill I have introduced will expand the law to all Federal felons and require forfeiture into the crime victim fund any commercial revenues derived from a Federal felony.

Finally, Mr. President, I'm very pleased that this bill includes a provision to provide more resources for crime victim assistance on the reservation. There is a great need for victim programs to serve native Americans and, we have a trust responsibility to see that they receive that assistance through programs operated by tribal governments and organizations.

As I said, Mr. President, I applaud efforts to pass a strong crime bill, and I am afraid that Congress will disappoint. I don't believe that either the House or the Senate passed measure does enough to help victims. This week is National Crime Victims Week. The best way Congress can honor and assist victims is to enact this bill. I urge conferees to consider these provisions for inclusion in the conference report on the crime legislation.

Mr. President, to conclude, I want to say a few words about the National Fine Center.

In 1987, Congress acknowledged the need for a centralized database in order to track criminal debt. This was the genesis of the National Fine Center concept. Such an integrated data-base to track and manage criminal debt seemed like a promising idea then and it still does, particularly when Justice Department officials can only estimate that outstanding criminal debt is somewhere between $1 and $6 billion.

Since 1990, $19 million have been appropriated and expended from the crime victims fund to develop the center. I've been greatly disturbed to learn that today we have almost nothing to show for those expenditures. I greatly fear that we have taken $19 million that could have been used to aid crime victims and wasted it for no good public purpose.

A new director was appointed this year to manage the project and he is still trying to determine the requirements such a system must meet. I've written Mr. Richard Hankinson, the Department of Justice inspector general, to investigate and report on what happened to the National Fine Center money. Moreover, I've asked the inspector general to report on what steps will be taken to ensure that the $6.2 million authorized to be spent on this vital database in the coming fiscal year, will be used to efficiently and effectively meet the goals and purposes of the project, and the needs of crime victims.

I ask unanimous consent that letters from various crime victims groups and tribes, as well as a resolution from the Nez Perce Tribal Executive Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARIZONA DEPARTMENT OF
PUBLIC SAFETY,
Phoenix, AZ, April 29, 1994.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for providing us the opportunity to respond to the proposed Victims of Crime Bill.

The Arizona Department of Public Safety administers the Federal Victims of Crime Act (VOCA) grant which supports private non-profit and government agencies who serve victims of crime. Because of decreasing collections, Arizona will receive a $38,000 decrease of VOCA during Federal fiscal year 94. This decrease will create a reduction of victim services during a time when victim services should be significantly increased.

The Arizona Department of Public Safety supports the Victims of Crime bill to:

Increase financial penalties and strictly enforce the collection of fines and restitution.

Clarify the "Son of Sam" laws to deny offenders financial benefit derived from the notoriety gained as the result of their criminal acts.

Allow the Department of Justice-Office for Victims of Crime to directly administer VOCA funded programs available for Indian tribes and tribal organizations.

Modify VOCA law to provide funding to improve victim services on Indian reservations. It is recommended that the method being used to determine the proposed 2.5 percent allocation for tribal victim assistance should be carefully evaluated. it is inconsistent to determine tribal organization allocations based upon percentage of land mass, while State and Territory allocations of VOCA assistance funds are based upon population.

These changes, if approved will have a lasting effect on improving services for our nation's victims of crime. Thank you for your efforts on behalf of crime victims.

Sincerely,

Lt. Col. R. AGUILERA,
Deputy Director.

HOPI INDIAN TRIBE,
Kykotsmovi, AZ, April 25, 1994.

Senator JOHN MCCAIN,
Longworth Office Building, Washington, DC.

DEAR SENATOR MCCAIN: This letter is in support of the bill that you will be proposing to Congress to provide direct funding to Indian Tribes in the establishment of Victim Assistance Programs in Indian Country.

As you are aware, there is a critical need for Indian Tribal Judicial Systems to meet the increased needs of crime victims and child abuse victims in Indian country. It should be apparent to Congress that crime has been on the increase in Indian country. It should be apparent to Congress that crime has been on the increase in Indian country but no direct help has been given to the Indian Tribes without special funding requests. We believe that as crime bills and funding are being made for the cities and rural areas of the country, Indian Tribes should be supported in developing an effective judicial system that will protect victims rather than the criminals.

Therefore, we support your efforts to establish direct funding for tribes in meeting the rights of the victims. We, on the Hopi Reservation, need protection just as much as other Americans in this great country and we will work with your office to see that your efforts will have positive results.

If further information is needed, please feel free to contact Mr. Le Roy Shingoitewa, Executive Assistant of my office at (602) 734-2441.

Sincerely,

FERRELL SECAKUKU,
Chairman.

COCOPAH INDIAN TRIBE,
Somerton, AZ, April 26, 1994.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR: We are very pleased to hear that you will be presenting a bill to the Congress to provide for direct funding to Tribes under the Victim Assistance program.

The only funds available to Tribes in this area are under special competitive funding that has a ten day or less submission date attached. Clearly, Tribes have the same, or worse, problems than other rural areas and our ability to compete with them for funds is very limited.

We are working very hard to improve our total justice system and the bulk of the funding necessary to do so is coming directly from Tribal funds. Victims are everywhere, including the reservation, and we would greatly appreciate any assistance that would come from the passage of your proposed legislation. Without such efforts, we will continue to be served last behind the other local governments.

Thank you for your continued support of Indian people.

Sincerely,

DALE PHILLIPS,
Chairman.

RESOLUTION

Whereas, the Nez Perce Tribal Executive Committee has been empowered to act for and in behalf of the Nez Perce Tribe, pursuant to the Revised Constitution and By-Laws, adopted by the General Council of the Nez Perce Tribe, on May 6, 1961 and approved by the Acting Commissioner of Indian Affairs on June 27, 1961; and

Whereas, the Nez Perce Tribe has a growing concern for the protection of its elders, children and families; and

Whereas, the Nez Perce Tribe is seeking relief from the victimization process that many face on the Nez Perce Reservation which falls under the concurrent state, federal and tribal jurisdiction; and

Whereas, the Nez Perce Tribe is concerned for the timely process involved in obtaining relief for its victims through the federal and state judicial systems: Now, therefore, be it

Resolved, That the Nez Perce Tribe joins in the support of all federally recognized Native American Indian Tribes throughout the United States in establishing a more effective and immediate response to victims of crime, and proposes the following remedies to eliminate the continued victimization of a race of people. from major crimes including, Child Abuse, Elderly Abuse, and Domestic Violence:

(1) that consideration be given to native American Indian Tribal Police, nationwide, to assess and validate felony cases of abuse and crimes committed against tribal members on their reservations and refer to the U.S. Attorney's office of their respective states for resolution

(2) that a "Native American Indian Law Division ' be created within each U.S. Attorney's office to specifically administer the judicial processing of crimes committed on Native American Indian Reservations to reduce the prolonged traumatization and in so doing, building empathy, cultural awareness and assessability of resources for victim relief of federal crimes committed against Native American Indian People

(3) that more funds are made available directly to native American Indian Tribes through the Department of Justice/Office for Victims of Crime for Native American Indian Victim Assistance Programs throughout the Nation

(4) that improved communication between State, Tribal and Federal judicial systems/ law enforcement/and victim services groups be made on an annual basis to evaluate the progress of a systems reform in Indian Country.

Be it further resolved, That the Nez Perce Tribe joins in the efforts with other Native American Indian Nations to sound out a voice for the need of State, Tribal and Federal systems reform, direct funding support for Native American Indian Victims of Crime Services, and improved communication to eliminate the victimization of Native American Indian people nationwide.

NAVAJO NATION,
Window Rock, AZ, April 28, 1994.
Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I understand you may be introducing language in a bill to provide a total of five percent set-aside funding for Indian tribes in the allocation of grant funds in the crime victim compensation and crime victim assistance of the Crime Victims Fund. I urge you to introduce the language to provide a set-aside funding in the Crime Victims Fund for Indian tribes.

The Navajo Office of Victim/Witness Program under the Navajo Department of Law Enforcement currently receives funding from the Office of Victims of Crime in Arizona and New Mexico, but we need more adequate federal funding to provide more services to Navajo crime victims. Currently, the Navajo Office of Victim/Witness Program provides minimal support, counseling, information and assistance to victims of domestic violence, elder abuse and sexual abuse because of inadequate funding.

It is a burden for the Navajo Office of Victim/Witness Program to apply for great monies through our states because of administrative problems. The Navajo Nation is not part of any state governmental system and should not be subject to state authority in the administration of the Crime Victims Fund. The Navajo Nation would like to administer and operate its own crime victim program. Therefore, our grant applications should not be submitted through our states. I believe it would be much easier for the Navajo Nation and other Indian tribes to apply directly to the U.S. Department of Justice.

The Navajo Office of Victim/Witness Program would like to provide more comprehensive services to Navajo crime victims in an efficient manner, and as such, needs additional resources than what is provided to the Navajo Nation under our current contracts with Arizona and New Mexico. Program services to Indian crime victims can be improved if a five percent set-aside for Indian tribes is included in the Crime Victims Fund.

If you have any questions, please call Geri Singer, Deputy Director at the Navajo Nation Washington Office, at (202) 775-0393.

Sincerely,

PETERSON ZAH,
President.

CRIME STRIKE,
Fairfax, VA, May 2, 1994.
Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I am writing to commend you for introducing the Crime Victims Assistance Improvement Act, and to express strong support for the important goals of this legislation.

Your advocacy on behalf of victims in this country is once again demonstrated by your willingness to fight, not only for increases in criminal fines used to fund victims' programs, but just as importantly for tougher enforcement provisions to make sure these fines are collected.

While I understand you are still reviewing the exact funding distribution, your proposal to ensure that Native American crime victims receive fair treatment is equally sound. Twenty years ago, along with my friend and colleague Frank Carrington, I drafted legislation which established the Navajo Victims' Rights Commission. I know first hand that Native American crime victims need the support and assistance your legislation seeks to provide.

Once again, I commend you for your fight for the rights of all crime victims and I urge your colleagues to support the important goals of your new legislation.

Very truly yours,

STEVEN J. TWIST,
Director.•

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 2075. A bill to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the Act; to the Committee on Indian Affairs.

INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT

• Mr. MCCAIN. Mr. President, today I am introducing legislation to amend Public Law 101-630, the Indian Child Protection and Family Violence Prevention Act. I am pleased that Senator DANIEL K. INOUYE has joined me as a cosponsor of this legislation.

Mr. President, throughout 1988 and 1989 I cochaired the Special Committee on Investigations of the Senate Committee on Indian Affairs. For over 2 years the Special Committee on Investigations held hearings which exposed widespread corruption and mismanagement on the part of the Bureau of Indian Affairs in the handling of the Federal Government's trust responsibility to tribes. Perhaps the most heartwrenching findings were the reports of Federal employees who abused Indian children. To this day, I carry those vivid reports with me.

I recall listening to the parents of Indian children who had been sexually abused by Bureau of Indian Affairs employees. I listened as the BIA acknowledged hiring practices that allowed child abuse perpetrators to have access to Indian children. I listened as social workers told of child abuse victims being repeatedly traumatized by multiple interviews conducted by the very Federal agencies which were charged with enforcing child protection laws. And finally, I listened as child therapists and social workers told of their inability to provide psychological treatment and therapy to families and children due to long waiting lists and inadequate Federal resources.

This national tragedy lead me to introduce the Indian Child Protection and Family Violence Prevention Act. The Act was intended to give the Federal Government every opportunity to meet its responsibility to Indian child victims and their families by providing treatment and to enact policies which would prevent the tragedies of the past. The Indian Child Protection and Family Violence Prevention Act created the first mandatory Federal child abuse reporting law, encouraged information sharing between tribal, State and Federal law enforcement agencies, and directed the BIA to cooperate with the Indian Health Service to provide comprehensive local treatment programs for Indian child abuse and family violence victims.

The response to this legislation throughout Indian country was overwhelming. Indian communities, for the first time, believed that they would begin to recover from the psychological trauma, stigma, and the private shame of victimization. For the first time, tribes felt empowered to implement culturally sensitive Indian child abuse and family violence programs close to home. And it was my belief that the BIA would wholeheartedly embrace the opportunity to correct the mistakes of the past and meet the mandates of the Act. Unfortunately, the implementation of this law has proven to be another broken promise.

On October 28, 1993, the Committee on Indian Affairs held an oversight hearing on the Federal implementation of P.L. 101-630. The results were appalling. The law which was enacted in 1990 had yet to be implemented. Neither the Bureau of Indian Affairs nor the Indian Health Service had actively sought funding under the Act. In fact, the BIA reported that they were just starting to draft regulations to implement a key provision in the Act, to provide tribes with base support funding for onreservation programs. The IHS stated that child abuse is a high priority, but then opposed an amendment offered in the Senate to provide appropriations for grants for child abuse treatment programs.

At the same time, the committee heard from tribes who advised us that due to their efforts to provide child abuse education at the local level, reports of child abuse are on the increase. Unfortunately, Indian parents, social workers, and tribal communities which were once hopeful about combating this problem, are now critical and full of doubt.

The testimony of Wilma Mankiller, principle chief of the Cherokee Nation, perhaps best summarizes the feelings of tribes:

> When Congress adopted P.L. 101-630, the Indian Child Welfare and Family Violence Prevention Act, it made a promise to provide resources to prevent child abuse and treat its victims in Indian country. Sadly, that promise remains largely unfulfilled. The welfare of Indian children is at risk because the very agencies responsible for implementing the law are failing to coordinate interagency efforts and develop necessary federal regulations.
>
> Public Law 101-630 authorized funding for various strategies to combat child abuse and child sexual abuse and to treat its victims. Since the law was enacted in 1990, no funds have been provided by Congress to implement its provisions. Due to their lethargy the BIA and IHS have sacrificed federal fund-

> ing for important Indian Child abuse prevention activities for the coming year. For failure to develop regulations in a timely manner, the Congress refused to fund grants to tribes for child abuse prevention programs. . . .
>
> Now our urgently needed funding for child abuse prevention programs is canceled—essentially forfeited because BIA/IHS regulations were not timely developed. Congress also has noted a need for improved interagency coordination. This situation is a disgrace. Indian children are in jeopardy and Congress wants to help them.

Mr. President, the legislation I am introducing today proposes to do just that—once again try to help Indian children and victims of family violence.

The legislation reinforces the intent of the original Act—to establish onreservation child abuse prevention and treatment programs and to hold the Federal Government accountable to Indian children and families. This will be accomplished by transferring functions and authority from the BIA and imposing greater accountability on one agency, the Indian Health Service, and by streamlining the appropriations process accordingly. The IHS was chosen, not because of its superior record in implementing the law, but because of their expertise in mental health treatment issues.

The components of the original law essentially remain the same. However, the proposed amendment no longer requires the BIA and IHS to enter into a memorandum of agreement to implement provisions of the Act. It leaves this to the discretion of the IHS Director. In my view, this approach will eliminate the excuse of the BIA waiting for the IHS to act first, and viceversa. The BIA will continue to carry out its trust obligations by reporting and investigating allegations of child abuse and by conducting employee background checks in cooperation with tribal, State and other Federal agencies. The BIA may also complete the central registry feasibility study, participate in the multidisciplinary teams, and continue their child abuse and family violence public awareness campaigns.

All other ongoing activity within the BIA, such as the development of Indian Child Protection and Family Violence Prevention Program guidelines and the drafting of regulations for base support funding will be transferred to the IHS. The IHS would be fully responsible for providing tribes with child abuse treatment grants, establishing the Indian Child Resource and Family Service Centers, and establishing the Indian Child Protection and Family Violence Prevention Program within the IHS.

It is my sincere hope, that this change to the Indian Child Protection and Family Violence Prevention Act, along with President Clinton's commitment to American families, will be a step toward a cure to what has been a dreadful chapter in this Nation's history of its treatment of Native American children and families.

Mr. President, there is also another issue for which I have great concern and which many experts state is a prevalent factor in child abuse and family violence—the problem of alcohol and substance abuse. The Congress has passed legislation to address this problem, including the Indian Alcohol and Substance Prevention and Treatment Act of 1986 and the Indian Health Amendments of 1992. Each of these statutes outline specific responsibilities of both the Indian Health Service and the Bureau of Indian Affairs.

In an effort to provide Indian communities with comprehensive alcohol and substance abuse prevention and treatment, these laws call for cooperation and coordination between the IHS and the BIA. However, I fear that as is the case in the area of child abuse prevention, both the Indian Health Service and the Bureau of Indian Affairs are spending too much time in drafting memorandums of agreement and agreeing to cooperate and not enough time combating the problem of alcohol and substance abuse or delivering services. For example, just look to the BIA budget. The BIA proposed to reduce the fiscal year 1995 alcohol and substance abuse budget by 57 percent while tribes continue to make the prevention and treatment of alcohol and substance abuse a high priority. Consequently, I will be introducing legislation soon in an attempt to propose a solution to this problem and I call upon all interested parties, especially those most affected by this legislation, to provide me with their input.•

By Mr. HATFIELD:

S. 2077. A bill to provide for waivers of the requirements of the Davis-Bacon Act with respect to certain Federal programs as such requirements relate to volunteers, and for other purposes; to the Committee on Labor and Human Resources.

THE COMMUNITY IMPROVEMENT VOLUNTEER ACT OF 1994

• **Mr. HATFIELD.** Mr. President, in the few years before the Revolutionary War, volunteers were organized into military companies and trained to bear arms. These volunteers were called minutemen because they were ready to fight at a minute's notice. Although minutemen regiments were eventually dissolved when regular armies were formed, the defense of the United States still depends on an All-Volunteer Army.

I mention the minutemen of the Revolutionary War because the idea of voluntarism has been ingrained in our psyche before our country's inception. The ethic of civic responsibility, the spirit of community and the belief in voluntarism have all been fundamental principles that have helped guide our country's evolution. Today, one only needs to visit the local soup kitchen, homeless shelter, hospital, or literacy center to find people who give of themselves daily, so that others may enjoy better and more fulfilling lives.

Americans persist in their desire to affirm their sense of humanity and shared values and I believe that most would agree that voluntarism plays a vital role in helping us meet these mores. That is why I am introducing the Community Improvement Volunteer Act of 1994.

As my colleagues know, the Davis-Bacon Act requires that those who work on federally assisted construction projects must receive the local prevailing wage. I support the Davis-Bacon Act and its protection of the working men and women of our country, however, over the years, I have been worried that it's application in certain instances has been overly zealous.

For example, in 1990 a local Kiwanis Club in Portland contributed 190 hours of free, voluntary labor to build an antipoverty center. Unfortunately, the Departments of Housing and Urban Development as well as Labor determined that, because of the Davis-Bacon Act, those volunteers should have been paid a total of approximately $3,000. Essentially, what the two departments were saying at that time was that members of the Kiwanis Club could not volunteer their labor or make a contribution for the needs of the poor. Because of this situation, I offered an amendment to the Cranston-Gonzalez National Affordable Housing Act that permitted volunteers to work on projects authorized under the Community Development Block Grant Program and the Public Housing and Section 8 Assistance Programs. I was pleased that the managers on both sides of the aisle sympathized with my concern and the amendment became public law.

However, more recently, another example emerged regarding the same issue. The small Oregon timber dependent town of Philomath which has been devastated by the timber crisis, came up with a very innovative project. For years, this town of 3,000 people, had a city library that was dreadfully small and inadequate to meet the needs of the public.

When the community decided to build a new library, they estimated that if they put out bids for the facility and used store-bought materials, the cost of the building would have been in the neighborhood of $870,000. Asking the citizens of the ailing timber dependent town to raise taxes to finance the construction of the library was simply not a serious option. But the city fathers knew they had to breathe new life into their town and show the community that they were willing to invest in themselves and their children's future.

Eventually, they came up with a magnificent idea. They decided to offset the prohibitive costs of the library by doing an old fashioned barn raising. And the way to accomplish this was to use volunteers. Regrettably, the Department of Labor informed the town that because the Federal Government provided $112,000 under a library construction grant, the Davis-Bacon Act applied to the project and all volunteers had to be paid prevailing wages.

To make a long story short, after several inquiries from city leaders and myself, the Department of Labor eventually determined that; because the volunteers were being supervised by the city rather than a paid contractor or subcontractor, the volunteers could continue to work on the library. Mr. President, I do not think anybody ever intended that the prevailing wage requirements of the Davis-Bacon Act were to be applied to volunteers who, by their own volition, and without the expectation of payment, contribute their services for community or humanitarian needs. Without volunteer help, many worthwhile community projects simply will not happen.

As a result, in 1992, I asked the Comptroller General of the United States to review the effect of the Davis-Bacon Act and its implementing regulations on the use of volunteers on federally financed or assisted construction projects. The study identified approximately 43 Davis-Bacon-related acts, of which five currently permit either the Secretary of Labor or the Secretary of Housing and urban Development to waive the prevailing wage requirements for volunteers. However, the study also identified a number of other related acts for which there was no specific authority for the use of volunteers.

Mr. President, having reviewed both the Comptroller General's report and the types of construction permitted under the identified related acts, I believe there are additional construction programs that should ahve specific authority for the use of volunteers as a consequence of the confusion created in Philomath.

The programs I have chosen to include in this bill lend themselves to wide participation by local citizens and have a very precise and significant social or humanitarian effect on a community. The bill I am introducing today will give this authority to an additional four related acts that permit the construction of libraries, health clinics, schools, and housing. Furthermore, I introduce this legislation without the intention of undermining the needed protections of the prevailing wage requirements.

The legislation makes it clear that projects that would not be otherwise possible without the use of volunteers, can utilize volunteers for the construction of that project. Specifically, the purpose is to promote and provide more opportunities for people who wish to volunteer their services for humanitarian, civic or community purposes.

For the last several months, I have devoted a great deal of time to provide what I believe are the necessary protections in this bill. Few would dispute my support for the Davis-Bacon Act and I have no interest in undermining its basic intent. However, I do believe that some of the Davis-Bacon-related acts need to recognize or have some flexibility in order to permit nonprofit or similar entities to overcome some of the fiscal constraints that many of our urban and rural areas face.

The bill defines a volunteer in very narrow terms. A volunteer would be one who performs a service for a public or private entity for civic, charitable, or humanitarian reason, without the promise or expectation of compensation. Furthermore, a volunteer must not be pressured or coerced by any employer, and the volunteer's service cannot be done for the benefit of any contractor.

Although the bill would permit reasonable expenses like protective gear, out-of-pocket expenses and meals, it would prohibit these expenses from being tied to productivity. Furthermore, the bill would only allow volunteers to work on certain types of projects—those that would not otherwise be possible without the use of volunteers.

The bill would only provide this exemption for four specific types of federally authorized construction programs: The Library Services and Construction Act, the Indian Self-Determination and Education Assistance Act, as well as community health centers and migrant health centers under the Public Health Service Act. Finally, the bill would require that the Secretary of Labor report to Congress on the impact of this legislation, if enacted, at the end of 1997 and make further recommendations with respect to other Davis-Bacon-related acts that meet the spirit of the bill.

Although the days of British colonialism and the need for minutemen are long over, there still are incalculable numbers of pressing issues that face our country. Daily, we hear of the nearly 37 million people who are uninsured or have little or no access to health care. By simply walking the street of any town or city in America, one can see people who have lost their way and have become homeless. We may be the freest, we may be the luckiest, and we may be the most prosperous country on the face of the Earth, but throughout the United States, there are continuing and pressing unmet public needs.

Few would dispute the fact that if we, as a government, can make it easier for the public or local communities to address some of these unmet needs, the American people will be able to better serve members of their own community. By making it easier for an organization or local community to build a community or migrant health center, a library, a school or housing for those who may not be as fortunate as we, we can continue to validate our shared values. Through this legislation, we can help to resuscitate in communities the breath of fresh air that comes with hard work and community spirit forged together to realize an otherwise impossible dream.●

ADDITIONAL COSPONSORS

S. 774

At the request of Mr. WOFFORD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national Service Day to promote community service, and for other purposes.

S. 1288

At the request of Mr. AKAKA, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1350

At the request of Mr. INOUYE, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1439

At the request of Mr. LIEBERMAN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1439, a bill to provide for the application of certain employment protection laws to the Congress, and for other purposes.

S. 1614

At the request of Mr. LEAHY, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1614, a bill to amend the Child Nutrition Act of 1966 and the National Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.

S. 1690

At the request of Mr. PRYOR, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1727

At the request of Mr. COHEN, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Mississippi [Mr. LOTT], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1727, a bill to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

S. 1728

At the request of Mr. DOMENICI, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1728, a bill to provide regulatory capital guidelines for treatment of real estate assets sold with limited recourse by depository institutions.

S. 1805

At the request of Mr. WARNER, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1830

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1830, a bill to authorize funding for the small business defense conversion program of the Small Business Administration, and for other purposes.

S. 1851

At the request of Mr. WOFFORD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1851, a bill to exclude shipboard supervisory personnel from selection as employer representatives, and for other purposes.

S. 1855

At the request of Mr. WOFFORD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1855, a bill to extend the coverage of certain Federal labor laws to foreign documented vessels, and for other purposes.

S. 1948

At the request of Mr. DECONCINI, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1948, a bill to amend the National Security Act of 1947 to improve the counterintelligence and security posture of the United States intelligence community and to enhance the investigative authority of the Federal Bureau of Investigation in counterintelligence matters, and for other purposes.

S. 2031

At the request of Mr. D'AMATO, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2031, a bill to amend the Merchant Marine Act, 1936, to prohibit the imposition of additional charges or fees for attendance at the United States Merchant Marine Academy, and to express the sense of the Senate that no additional charges or fees shall be imposed for attendance at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy, and for other purposes.

S. 2042

At the request of Mr. DOLE, the names of the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Oregon [Mr. PACKWOOD], the Senator from Nevada [Mr. REID], the Senator from Vermont [Mr. JEFFORDS], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 2042, a bill to remove the United States arms embargo of the Government of Bosnia and Herzegovina.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month".

SENATE JOINT RESOLUTION 168

At the request of Mr. WOFFORD, his name was added as a cosponsor of Senate Joint Resolution 168, a joint resolution designating May 11, 1994, as "Vietnam Human Rights Day".

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. LEAHY, the names of the Senator from Tennessee [Mr. SASSER], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution to express the sense of Congress that any health care reform legislation passed by Congress include guaranteed full funding for the special supplemental food program for women, infants, and children (WIC) so that all eligible women, infants, and children who apply could be served by the end of fiscal year 1996 and full funding could be maintained through fiscal year 2000, and for other purposes.

SENATE RESOLUTION 148

At the request of Mr. SIMON, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Resolution 148, a resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

SENATE CONCURRENT RESOLUTION 68—TO AUTHORIZE PRINTING OF SENATOR ROBERT C. BYRD'S ADDRESS TO THE U.S. SENATE ON THE HISTORY OF ROMAN CONSTITUTIONALISM

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 68

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document "U.S. Senator Robert C. Byrd's Addresses to the United States Senate on the History of Roman Constitutionalism", delivered between May 5, 1993 and October 18, 1993.

SEC. 2. The document referred to in the first section shall be—

(1) published under the supervision of the Secretary of the Senate; and

(2) in such style, form, manner, and binding as directed by the Joint Committee on Printing, after consultation with the Secretary of the Senate. The document shall include illustrations.

SEC. 3. In addition to the usual number of copies of the document, there shall be printed the lesser of—

(1) 5,000 copies for the use of the Secretary of Senate; or

(2) such number of copies as does not exceed a total production and printing cost of $47,864.

SENATE RESOLUTION 210—CONGRATULATING THE PEOPLE AND LEADERS OF SOUTH AFRICA

Mr. WOFFORD (for himself, Mr. SIMON, Mr. JEFFORDS, Mr. MOYNIHAN, Mrs. KASSEBAUM, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. PELL, and Mr. DECONCINI) submitted the following resolution; which was considered and agreed to:

S. RES. 210

Whereas the people of South Africa have demonstrated by their recent election a desire to move toward full democratic government;

Whereas, despite the efforts of extremists, those elections have moved South Africa towards a new era of multiracial cooperation and government;

Whereas President-elect Nelson Mandela, former President F.W. DeKlerk, Chief Mangosuthu Buthelezi, and many others have by their cooperation helped to achieve these good results; and

Whereas the people of South Africa now enter a new and important period in their history: Now, therefore, be it

Resolved, That the Senate, on behalf of the people of the United States, hereby extends its congratulations to the people of South Africa and their leaders on the results of their first democratic election, and expresses the strong hope of all Americans that South Africa and its citizens continue on the road to freedom and national unity.

SENATE RESOLUTION 211—RELATIVE TO 150 ENSEMBLE SYMPHONY ORCHESTRA AND CHORUS OF HELLENIC RADIO AND TELEVISION

Mr. RIEGLE submitted the following resolution; which was considered and agreed to:

S. RES. 211

Whereas the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television, under the direction of Mikis Theodorakis, shall conduct a month-long goodwill tour of Canada and the United States during May 1994;

Whereas the proceeds from the concert tour of the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television will benefit a number of philanthropic organizations, including the Greek reforestation effort sponsored by the Plant Your Roots in Greece Foundation;

Whereas the leader of the concert tour, Mikis Theodorakis, returns to North America after an absence of nearly 2 decades, and shall lead the Ensemble and Chorus in performances of his own works;

Whereas the leader of the concert tour, Mikis Theodorakis, is an internationally renowned musical genius and is considered to be Greece's greatest living composer, and has composed more than 200 popular songs, 10 symphonies, 3 ballets, 2 oratorios, a folk opera, and the Olympic anthem (which was first performed at the 1992 Summer Olympic Games in Barcelona, Spain), and the film scores to "Z" and "Zorba the Greek";

Whereas the leader of the concert tour, Mikis Theodorakis was born in 1925 on the Greek island of Khios, taught himself to write music from memory and without access to musical instruments, and studied at the Paris Conservatory;

Whereas the leader of the concert tour, Mikis Theodorakis, combines his exceptional artistic talent with a deep love of his country, and is dedicated to heightening international awareness of human rights and environmental issues, and ending child hunger in the world; and

Whereas the United States is fortunate to welcome the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television, under the direction of Mikis Theodorakis, for the series of concerts they will present during May 1994: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate welcomes the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television, under the direction of Mikis Theodorakis, to the United States and applauds their talent and enthusiasm for their work; and

(2) the Senate acknowledges the musical contributions of the leader of the concert tour, Mikis Theodorakis, and supports and appreciates his efforts to promote human rights, raise awareness of environmental issues, and end child hunger.

AMENDMENTS SUBMITTED

CONSUMER REPORTING REFORM ACT OF 1994

SIMON AMENDMENT NO. 1671

Mr. SIMON proposed an amendment to the bill (S. 783) to amend the Fair Credit Reporting Act, and for other purposes; as follows:

At the appropriate place in the bill, add the following new title:

TITLE III—PRIVACY PROTECTION COMMISSION

SEC. 301. SHORT TITLE.

This title may be cited as the "Privacy Protection Act of 1994".

SEC. 302. FINDINGS AND PURPOSE.

The Congress finds that—

(1) we live in an age of ever-increasing dependence on electronic data storage, communications, and usage;

(2) vast quantities of data are stored electronically and may be instantly transferred electronically from 1 party to another for business or for other purposes;

(3) the nature of such data allows for the increasing possibility that an individual's privacy rights may be violated;

(4) the technology is growing so rapidly that broader societal consequences may not have been reviewed or studied nor is it clear how the use of such technology will affect existing data systems and their use; and

(5) a United States Privacy Protection Commission should be established to—

(A) ensure that privacy rights of United States citizens in regard to electronic data and fair information practices and principles are not abused or violated;

(B) provide advisory guidance to the public and private sector on matters related to electronic data storage, communication, and usage;

(C) provide the public with a central agency for information and guidance on privacy protections and fair information practices and principles;

(D) advise the Congress on the Federal agencies' implementation of section 552a of title 5, United States Code; and

(E) promote and encourage the adoption of fair information practices and principles in the public and private sector, which should include—

(i) the principle of openness, which provides that the existence of recordkeeping systems and databanks containing information about individuals be publicly known, along with a description of main purpose and uses of the data;

(ii) the principle of individual participation, which provides that each individual should have the right to see any data about him or herself and to correct any data that is not timely, accurate, or complete;

(iii) the principle of data quality, which provides that personal data should be relevant to the purposes for which they are to be used, and data should be timely, accurate, and complete;

(iv) the principle of collection limitation, which provides that there should be limits to the collection of personal data, that data should be collected by lawful and fair means, and that data should be collected, where appropriate, with the knowledge and consent of the subject;

(v) the principle of use limitation, which provides that there are limits to the use of personal data and that data should be used only for purposes specified at the time of collection;

(vi) the principle of disclosure limitation, which provides that personal data should not be communicated externally without the consent of the data subject or other legal authority;

(vii) the principle of security, which provides that personal data should be protected by reasonable security safeguards against such risks as loss, unauthorized access, destruction, use, modification, or disclosure; and

(viii) the principle of accountability, which provides that recordkeepers should be accountable for complying with fair information practices and principles.

SEC. 303. ESTABLISHMENT OF PRIVACY PROTECTION COMMISSION.

There is established the Privacy Protection Commission (referred to in this title as the "Commission").

SEC. 304. PRIVACY PROTECTION COMMISSION.

(a) MEMBERSHIP.—(1) The Commission shall be composed of 3 members who shall be appointed by the President, by and with the advice and consent of the Senate, from among members of the public at large who are qualified for service on the Commission by their knowledge and expertise in—

(A) civil rights and liberties;

(B) law;

(C) social sciences;

(D) computer technology;

(E) business; or

(F) State and local government.

(2) Not more than 2 members of the Commission shall be members of the same political party.

(3) The President shall designate 1 of the members as Chairperson of the Commission.

(b) MEETINGS.—The Chairperson shall preside at all meetings of the Commission, but the Chairperson may designate another member as an acting Chairperson who may preside in the absence of the Chairperson. A quorum for the transaction of business shall consist of at least 2 members present, except that 1 member may conduct hearings and take testimony if authorized by the Commission. Each member of the Commission, including the Chairperson, shall have equal responsibility and authority in all decisions and actions of the Commission, and shall have full access to all information relating to performance of the duties or responsibilities of the Commission, and shall have 1 vote. Action of the Commission shall be determined by a majority vote of the members. The Chairperson or acting Chairperson shall see to the faithful execution of the policies and decisions of the Commission and shall report thereon to the Commission from time to time or as the Commission may direct.

(c) TERMS.—(1) A member of the Commission shall serve for a term of 7 years, except that of members first appointed to the Commission—

(A) the member designated as Chairperson by the President shall be appointed for a term of 7 years;

(B) 1 member shall be appointed for a term of 5 years;

(C) 1 member shall be appointed for a term of 3 years; and

(D) all such terms shall begin on—

(i) January 1, next following the date of the enactment of this title; or

(ii) such date as designated by the President.

(2) A member may continue to serve until a successor is confirmed.

(3) Members shall be eligible for reappointment for a single additional term.

(d) VACANCIES.—(1) Vacancies in the membership of the Commission shall be filled in the same manner in which the original appointment was made.

(2) If there are one or more Commission members in office, vacancies in the membership of the Commission shall not impair the power of the Commission to execute functions and powers of the Commission.

(e) COMPENSATION AND RESTRICTION ON OTHER EMPLOYMENT.—(1) The members of the Commission may not engage in any other employment during their tenure as members of the Commission.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Members of Privacy Protection Commission (5).".

(f) REQUESTS AND RECOMMENDATIONS.—(1) Whenever the Commission submits a budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that request to the Congress.

(2) Whenever the Commission submits a legislative recommendation, testimony, or comment on legislation to the President or Office of Management and Budget, it shall concurrently transmit a copy of such recommendation, testimony, or comment to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendation, testimony, or comment on legislation, to any officer or agency of the United States for approval, comment, or review, prior to the submission of such recommendation, testimony, or comment to the Congress.

(g) SEAL.—The Commission shall have an official seal which shall be judicially noted.

SEC. 305. PERSONNEL OF THE COMMISSION.

(a) EXECUTIVE DIRECTOR AND GENERAL COUNSEL.—The Commission shall appoint an Executive Director and a General Counsel who shall perform such duties as the Commission determines necessary and appropriate. Such appointment may be made without regard to the provisions of title 5, United States Code. The Executive Director and the General Counsel shall be compensated at a rate not in excess of the rate payable for a position under level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) LIMITATION ON EMPLOYEES.—The Commission is authorized to appoint and fix the compensation of not more than 25 officers and employees (or the full-time equivalent), and to prescribe their functions and duties.

(c) CONSULTANTS.—The Commission may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 306. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) provide leadership and coordination to the efforts of all Federal departments and agencies to enforce all Federal statutes, Executive orders, regulations, and policies that involve privacy or data protection;

(2) maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistency among the operations, functions, and jurisdictions of Federal departments and agencies responsible for privacy or data protection, data protection rights and standards, and fair information practices and principles;

(3) develop model standards, guidelines, regulations, policies, and routine uses for and by Federal, State, and local agencies in implementing the provisions of section 552a of title 5, United States Code;

(4) publish on a regular basis a guide to sections 552 and 552a of title 5, United States Code, and other laws relating to data protection, for use by record subjects;

(5) publish a compilation of agency system of records notices, including an index and other finding aids;

(6) not later than December 1, 1996, make recommendations to the Congress regarding any possible amendments to section 552a of title 5, United States Code, and for improving the coordination between such section and section 552 of such title;

(7) provide active leadership, guidance, education, and appropriate assistance to private sector businesses, organizations, groups, institutions, and individuals regarding privacy, data protection rights and standards, and fair information practices and principles;

(8) develop model privacy, data protection, and fair information practices, principles, standards, guidelines, policies, and routine uses for use by State and local governments and by the private sector; and

(9) upon written request, provide appropriate assistance in implementing privacy, data protection, and fair information practices, principles, standards, guidelines, policies, or routine uses of privacy and data protection, and fair information.

(b) DISCRETIONARY FUNCTIONS.—The Commission may—

(1) issue advisory opinions relating to section 552a of title 5, United States Code, or privacy and data protection practices, principles, standards, guidelines, policies, or routine uses of data at the request of a Federal agency, a data integrity Commission of an agency or business, a court, the Congress, a business, or an individual;

(2) investigate compliance with section 552a of title 5, United States Code, and report on violations of such section to the appropriate agency, the President, the Attorney General, and the Congress;

(3) file comments with the Office of Management and Budget and with the appropriate agency on each proposal to—

(A) amend section 552a of title 5, United States Code, or a regulation promulgated under such section;

(B) create or modify a system of records; or

(C) establish or alter routine uses of such a system;

(4) request an agency to stay—

(A) the establishment or revision of a system of records;

(B) a routine use;

(C) an exemption; or

(D) any other regulation promulgated under section 552a of title 5, United States Code;

(5) review Federal, State, and local laws, Executive orders, regulations, directives, and judicial decisions and report on the extent to which they are consistent with privacy and data protection rights, and fair information practices and principles;

(6) at the request of a Federal, State, or local government agency, a private business, or an individual, provide assistance on matters relating to privacy or data protection;

(7) comment on the implications for privacy or data protection of proposed Federal, State, or local statutes, regulations, or procedures;

(8) propose legislation on privacy or data protection;

(9) accept and investigate complaints about violation of privacy or data protection rights, and fair information practices and principles;

(10) participate in each formal or informal Federal administrative proceeding or process when, in the judgment of the Commission, the action being considered would have a material effect on privacy or data protection, either as a result of direct Government action or as the result of direct Government regulation of others;

(11) petition a Federal agency to take action on a matter affecting privacy or data protection;

(12) conduct, assist, or support research, studies, and investigations on the collection, maintenance, use, or dissemination of personal information, the implications for privacy or data protection of computer, communications, and other technologies, and any other matter relating to privacy or data protection;

(13) assist in the development or implementation of policies designed to provide for the protection of personal information maintained by private sector recordkeepers;

(14) assist United States companies doing business abroad to respond to foreign privacy or data protection laws and agencies;

(15) assist in the coordination of the United States privacy and data protection policies with the privacy and data protection policies of foreign countries; and

(16) cooperate and consult with privacy or data protection commissions, boards, or agencies of foreign governments.

SEC. 307. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—Each department, agency, and instrumentality of the executive branch of the Government, including each independent agency, shall furnish to the Commission upon request made by the Chairperson, such data, reports, and other information as the Commission determines necessary to carry out its functions under this title.

(b) CONFIDENTIALITY.—In carrying out its functions and exercising its powers under this title, the Commission may accept from any Federal agency or other person, any identifiable personal data if such data is necessary to carry out such powers and functions. In any case in which the Commission accepts any such information, it shall provide all appropriate safeguards to ensure that the confidentiality of such information is maintained and that under completion of the specific purpose for which such information is required, the information is destroyed or returned to the agency or person from which it was obtained.

SEC. 308. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may, in carrying out its functions under this title—

(1) conduct inspections;

(2) sit and act at such times and places as it determines necessary;

(3) hold hearings;

(4) take testimony;

(5) require by subpoena the attendance of witnesses and the production of books, records, papers, correspondence, documents, film, and electronic information;

(6) administer oaths; and

(7) make appropriate and necessary expenditures.

(b) SUBPOENAS.—(1) Subpoenas shall be issued only upon an affirmative vote of a majority of all members of the Commission. Subpoenas shall be issued under the signature of the Chairperson or any member of the Commission designated by the Chairperson. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) In the case of a disobedience to a subpoena issued under this title, the Commission may invoke the aid of any district court of the United States in requiring compliance with such subpoena. Any district court of the United States within the jurisdiction where such person is found or transacts business may, in the case of contumacy or refusal to obey a subpoena issued by the Commission, issue an order requiring such person to appear and testify, to produce such books, records, papers, correspondence, documents, films, and electronic information. Any failure to obey the order of the court shall be

punished by the court as a contempt of such court.

(c) APPEARANCES.—Appearances by the Commission in judicial and administrative proceedings shall be in its own name.

(d) DELEGATION.—The Commission may delegate any of its functions to such officers and employees of the Commission as the Commission may designate and may authorize such successive redelegations of such functions as it may determine desirable.

(e) ADMINISTRATIVE POWERS.—To carry out this title, the Commission may—

(1) enter into contracts or other arrangements with any State or local government, any agency or department of the United States, or with any individual, firm, association, or corporation; and

(2) establish advisory committees in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 309. REPORTS AND INFORMATION.

In an annual report to the President and the Congress, the Commission shall report on its activities in carrying out the provisions of this title. The Commission shall undertake whatever efforts it may determine to be necessary or appropriate to inform and educate the public of data protection, privacy, and fair information rights and responsibilities.

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $1,500,000 in fiscal year 1995;

(2) $2,000,000 in fiscal year 1996;

(3) $2,500,000 in fiscal year 1997; and

(4) such sums as may be necessary in each succeeding fiscal year thereafter.

Amend the table of contents accordingly.

LEVIN AMENDMENT NO. 1672

Mr. BRYAN (for Mr. LEVIN) proposed an amendment to the bill S. 783, supra; as follows:

At the appropriate place, insert the following:

It is the sense of the Senate that: (a) individuals should generally be judged for credit worthiness based on their own credit worthiness and not on the zip code or neighborhood in which they live; and (b) the Federal Trade Commission after consultation with the appropriate Federal banking agency shall report to the Banking Committee within 6 months as to whether and how the location of the residence of an applicant for unsecured credit is considered by many companies and financial institutions in deciding whether an applicant should be granted credit.

RIEGLE (AND OTHERS) AMENDMENT NO. 1673

Mr. BRYAN (for Mr. RIEGLE for himself, Mr. BRYAN, and Mr. BOND) proposed an amendment to the bill S. 783, supra; as follows:

On page 71, strike lines 1 through 13 and insert the following:

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)"; and

(B) by inserting before the semicolon at the end the following: "; (ii) any communication of that information among persons related by common ownership or affiliated by corporate control; or (iii) any communication of information from a credit application by a consumer among persons related by common ownership or affiliated by common corporate control, if (I) it is clearly and conspicuously disclosed to the consumer with the credit application that the information may be communicated among such persons; and (II) the consumer is provided with the option to prohibit such communication (in writing, using a signature line that is separate and distinct from that used for the consumer's consent to the extension of credit) and does not exercise such option";

On page 73, between lines 8 and 9, insert the following new subsection:

(e) EXCLUSION OF CERTAIN COMMUNICATIONS BY EMPLOYMENT AGENCIES FROM DEFINITION OF CONSUMER REPORT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681(a)), as amended by subsections (a) through (d), is amended—

(1) in subsection (d), by adding at the end the following new sentence: "The term also does not include a communication described in subsection (n)."; and

(2) by adding at the end the following:

"(n) COMMUNICATIONS BY EMPLOYMENT AGENCIES EXCLUDED FROM DEFINITION OF CONSUMER REPORT.—For purposes of subsection (d), a communication is described in this subsection if it is a communication—

"(1) that, but for the third sentence of subsection (d), would be an investigative consumer report;

"(2) that is made to a prospective employer for the purpose of—

"(A) procuring an employee for the employer; or

"(B) procuring an opportunity for a natural person to work for the employer;

"(3) that is made by a person that regularly performs such procurement;

"(4) that is not used by any person for any purpose other than a purpose described in subparagraph (A) or (B) of paragraph (2);

"(5) with respect to which—

"(A) the consumer who is the subject of the communication—

"(i) consents orally or in writing to the nature and scope of the communication, before the collection of any information for the purpose of making the communication;

"(ii) consents orally or in writing to the making of the communication to a prospective employer, before the making of the communication; and

"(iii) in the case of consent under clause (i) or (ii) given orally, is provided written confirmation of that consent by the person making the communication, not later than 3 business days after the receipt of the consent by that person;

"(B) the person making the communication does not, for the purpose of making the communication, make any inquiry that if made by a prospective employer of the consumer who is the subject of the communication would violate any applicable Federal or State equal employment opportunity law or regulation; and

"(C) the person making the communication—

"(i) discloses in writing to the consumer who is the subject of the communication, not later than 5 business days after receiving any request from the consumer for such disclosure, the nature and substance of all information in the consumer's file at the time of the request, except that the sources of information that is acquired solely for use in making the communication and actually used for no other purpose need not be disclosed other than under appropriate discovery procedures in the court in which an action is brought; and

"(ii) notifies the consumer who is the subject of the communication, in writing, of the consumer's right to request the information described in clause (i).".

On page 107, line 10, insert "and" after the semi-colon.

On page 107, line 22, strike "; and" and insert a period.

Beginning on page 107, strike line 23 and all that follows through the first period on page 108, line 2.

On page 130, line 20, strike "charge or".

At page 117, line 1 delete "Duty" and all that follows through the end of line 8. And insert the following in lieu thereof:

"DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, by not later than 90 days after furnishing the information, notify the agency of the month and year of the commencement of the delinquency which immediately preceded the action.".

CONGRESSIONAL GIFTS REFORM ACT

McCONNELL (AND OTHERS) AMENDMENT NO. 1674

Mr. McCONNELL (for himself, Mr. JOHNSTON, Mr. DOLE, and Mr. INOUYE) proposed an amendment to the bill (S. 1935) to prohibit lobbyists and their clients from providing to Legislative Branch officials certain gifts, meals, entertainment, reimbursements, or loans and to place limits on and require disclosure by lobbyists of certain expenditures; as follows:

In lieu of the language proposed to be inserted insert the following:

SECTION 1. PENALTIES.

"(1) Any Senator, officer, or employee who receives a third reprimand pursuant to the provisions of subsection (a)(2) shall—

"(A) if the individual is a Senator, be—

"(i) expelled from the Senate if an expulsion resolution is agreed to pursuant to paragraph (2); and

"(ii) barred for 10 years from lobbying in the Senate; and

"(B) if the individual is an officer or employee, be—

"(i) dismissed; and

"(ii) barred for 10 years from lobbying in the Senate.

"(2) Not later than 5 session days after a Senator is reprimanded a third time, the Senate shall consider and dispose of a resolution of expulsion with respect to such Senator.".

(b) GIFT VIOLATIONS.—Rule XXXV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"5. (a) Any Member, officer, or employee who violates this rule shall be subject to a fine of up to 3 times the value of the improper gift. The fine shall be levied by the Select Committee on Ethics and shall be payable to the general fund of the Treasury.

"(b) The name of an individual fined pursuant to subparagraph (a) and the amount of any fine shall be published in the Congressional Record.".

SEC. 2. GIFT LIMITS.

(a) IN GENERAL.—Rule XXXV of the Standing Rules of the Senate is amended—

(1) in paragraph 1(a) by striking "more than the minimal value as established by

section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater," and inserting "more than a minimal value of $150"; and

(2) in paragraph 1(b)(2) by striking "$100" and inserting "$75".

(b) RULES COMMITTEE.—Notwithstanding any other provision of law, the Committee on Rules and Administration, on behalf of the Senate, may accept a gift if the gift does not involve any duty, burden, or condition, or is not made dependent upon some future performance by the United States. The committee is authorized to promulgate such rules and regulations as are necessary to carry out this subsection.

SEC. 3. TRAVEL RESTRICTIONS.

Rule XXXV of the Standing Rules of the Senate is amended by adding after paragraph 2 the following:

"2A. (a) Necessary travel-related expenses as defined by paragraph 2(c), to the extent limited by subparagraph (c), are not prohibited by this rule in connection with meetings, speaking engagements, fact finding trips, and similar events related to the official duties of the Member, officer, or employee if—

"(1) the expenditure covers the cost of the trip for a period of not more than—

"(A) 3 consecutive days (excluding travel days) in the case of domestic travel and 7 consecutive days (excluding travel days) in the case of international travel; and

"(B) 24 hours before or after such person's actual participation in the event in the case of domestic travel or 48 hours before or after such person's actual participation in the event in the case of international travel; and

"(2) the Member, officer, or employee has caused the following information to be published in the Congressional Record in advance of the travel (unless advance publication is not possible because the travel arrangements cannot be made in time for the information to be published while the Senate is in session or for other good reason (in which case the information shall be provided in advance of the travel to the Secretary of the Senate who shall make the information available to the public immediately and shall cause the information to be published in the next Congressional Record)):

"(A) The name of the Member, officer, or employee.

"(B) The dates and itinerary of such travel.

"(C) A statement of the purposes of such travel.

"(D) The identity of the party making the expenditure.

"(b) The requirements of subparagraph (a)(1) may be waived in exceptional circumstances if the Member, officer, or employee obtains a written statement from the Select Committee on Ethics of the Senate that approves the waiver and explains the justification for the waiver. That committee shall cause the statement to be published in the Congressional Record in advance of the travel (unless advance publication is not possible because the waiver is granted at a time when the Senate is not in session or for other good reason (in which case the committee shall, in advance of the travel, provide a copy of the statement to the Secretary of the Senate who shall make the information available to the public immediately and shall cause the statement to be published in the next Congressional Record)).

"(c) Necessary travel-related expenditures are limited to expenditures for a Member, officer, or employee's transportation, lodging, conference fees and materials, and meals, including reimbursement for necessary transportation whether or not such transportation occurs within the periods described in subparagraph (a)(1), but do not include expenditures for—

"(1) recreational activities, such as greens fees, ski lift tickets, tennis court time, theater tickets, tickets to sporting events, and similar items (except as provided in subparagraph (e)); or

"(2) entertainment, other than that provided in connection with meals offered as an integral part of the event.

"(d) Except as provided in subparagraph (e), an event the activities of which are substantially recreational shall not be considered to be directly related to the official duties of a Member, officer, or employee.

"(e) A Member, officer, or employee may receive payment or reimbursement for expenses, including travel, in connection with a charitable event if the expenses are approved as provided in subparagraph (a)(2).".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on S. 1614, "Better Nutrition and Health for Children." The hearing will be held on Wednesday, May 18, 1994, at 10 a.m. in SR–332.

For further information, please contact Dough O'Brien or Amy Brown at 224–2035.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Thursday, May 19, 1994, beginning at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills pending before the subcommittee:

H.R. 3252, to provide for the conservation, management, or study of certain rivers, parks, trail and historic sites, and for other purposes; and

H.R. 4034, to amend the Urban Park and Recreation Recovery Act of 1978 to authorize grants for the expansion of recreation opportunities for at risk youth in urban areas with a high prevalence of crime, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–9863.

NOTICE OF MEETING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., in SR–301, Russell Senate Office Building, on Thursday, May 26, 1994, to hold a markup.

The committee will consider the following legislative items: S. 1824, the Legislative Reorganization Act of 1994; H.R. 877, to authorize the establishment of the National African American Museum within the Smithsonian Institution; an original bill to authorize appropriations for the Federal Election Commission for fiscal year 1995; Senate Resolution 196, to authorize the printing of additional copies of a Senate report entitled, "Developments in Aging: 1993"; an original resolution to authorize the purchase of 104,000 1995 U.S. Capitol Historical Society wall calendars for the use of the Senate; and House Concurrent Resolution 222, authorizing the placement of a bust of Raoul Wallenberg in the Capitol.

The agenda will also include other legislative and administrative items which are ready for committee consideration on the date of the markup.

For further information regarding this markup, please contact Carole Blessington of the Rules Committee staff on x40278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 4, 1994, at 10 a.m. on S. 1822 and the telephone companies entry into cable television.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, May 4, 1994 at 10 a.m., to hear testimony from CBO Director Robert Reischauer on the subject of the CBO's analysis of the Managed Competition Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 4, 1994, at 10 a.m. to hold a business meeting to vote on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent on behalf of the

Governmental Affairs Committee for authority to meet on Wednesday, May 4, 1994, at 9:30 a.m. on a hearing on the subject: Federal Courthouses: Are We Over Building?

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 4, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on H.R. 6 and S. 1513, Reauthorization of the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on financing of VA health care reform. The hearing will be held on May 5, 1994, at 2 p.m. in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 4, 1994 at 4 p.m to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 4, 1994 at 2 p.m. to hold a hearing on United States policy toward China.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 4, beginning at 10 a.m. to conduct a hearing on the effect of rising interest rates on the homebuilding industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MERCHANT MARINE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Merchant Marine Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet at 2 p.m. on May 4, 1994, on S. 1945—the Maritime Administration Authorization Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MILITARY READINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Military Readiness and Defense Infrastructure of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, May 4, 1994, in open session, to receive testimony on the Department of Defense environmental programs and on the implementation of the Base Closure Acts in review of the Defense authorization request for fiscal year 1995 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE MAY SWEEPS 1993 AND 1994: GROUNDS FOR GUARDED OPTIMISM

• Mr. SIMON. Mr. President, it has been almost a year since I convened a series of hearings on television violence. At that time, I was very concerned about the number of shows that glamorized violence being aired during the May ratings period, the May sweeps. From the Los Angeles Times to the Washington Post to the trade press, television critics referred to the television lineup for last May as murder May. Senior industry executives testified that, yes there were problems, and they would make an effort to do better.

This week marks the start of another May ratings period and there is both good news and bad news. The good news is that since May 1993, the industry has made a number of important changes. Last June, the networks agreed to put advisories on violent programming. In July, the cable industry followed suit. In August, the entire entertainment industry participated in the first-ever industrywide conference on television violence. Throughout the fall and winter, many programs have had antiviolence storylines, and both the networks and cable have aired specials on violence. Just last week, CBS and Fox presented an excellent 1-hour special called "Kids Killing Kids." Art Nielsen of the Nielsen ratings tells me there is less violence on programming today than he has seen in a decade. Finally, both cable and the networks have agreed to my suggestion to appoint independent monitors to review programming and provide annual public reports about the level of violence. The monitors should provide the incentive needed for the industry to continue on a positive track.

Turning to the 1994 May sweeps, while I have made it a practice not to comment on specific programming, my general observation is that the sweeps programming includes less glamorized violence, but it still is a mixed bag. The bad news is that there are still some violent shows, particularly the made-for-television movies and the theatrical releases. The networks obviously continue to believe that in order to earn ratings, they must put on their share of guns and blood. There is still the feeling that if violence sells, they will air it.

The good news is that in comparison to last year, there are far fewer of these programs—perhaps even half as many violent movies. Beyond that, this year, in contrast to last year, the great majority of the violent movies will carry advisory messages. All will be aired at 9 p.m., eastern time. I have been told that the promotions will be run during times when children are less likely to be watching.

Change of the kind I have been seeking for the past 10 years does not happen overnight, or even in a year. While I wish I could say that the May sweeps are a testament to the industry's commitment to ending the practice of using violence to attract ratings, I cannot. Nonetheless, I remain hopeful that we will continue to see even more progress. They have shown that they can do better. When the independent monitors issue their first reports, we will have the opportunity to study just how much progress has been made. But broadcasters, cable operators, programmers, and producers must know that we will all keep watching. I urge them not to think that the job is done. Finally, I would like to include in the RECORD the May 2 Washington Post article on the May sweeps written by Tom Shales. Mr. Shales has followed this issue closely, and his comparison of this year's May sweeps to last year's is instructive.•

AMERICAN LAWN MOWER-GREAT STATES CORP.'S 100TH ANNIVERSARY

• Mr. LUGAR. Mr. President, I rise today to recognize American Lawn Mower-Great States Corp.'s 100th anniversary as a distinguished manufacturer of reel, push-type lawn mowers.

This Shelbyville, IN, company was founded in 1895 in Richmond, IN. American Lawn Mower Co. started as a partnership that included Robert B. Kersey, W.F. Spencer, George M. Spencer, and W.F. Spencer III. The founding spirit is kept alive by the company's current president, Bob Kersey, whose grandfather was one of the original founders.

In 1936, American Lawn Mower Co. acquired the Great States Corp., another reel mower producer, making them the largest manufacturer in the industry. These mowers continue to be manufactured and assembled in the Hoosier city of Shelbyville, IN.

During the 1940's, the reel mower industry included nearly 60 manufacturers. By 1953, power mower sales surpassed reel-mower sales, and most reel mower manufacturers eventually went out of business. The company was able to survive largely because the family that owned the business also owned an iron foundry, where it could get cast iron mower components inexpensively.

Today's commitment to the environment has produced a new need for reel, push-type mowers. The mower represents one of the purest forms of lawn maintenance in that it emits no air pollution and uses no gas, electricity, or batteries.

In the 1990's, retail sales of the reel mowers reached the same levels they did in the 1940's. Unit sales for reel mowers remain steady at more than 200,000 per year.

The story of this Indiana company holds many similarities to those of other successful American companies. It is a story of commitment and survival in difficult times.

I congratulate American Lawn Mower-Great States for their continued success as they begin their second century.•

TRIBUTE TO STAN CURTIS AND USA HARVEST

• Mr. McCONNELL. Mr. President, since America's earliest days, individuals have invested their talents, time, and energy in community service in order to directly address local needs and concerns. In this light, I would like to bring to the attention of my colleagues a Kentuckian whose past accomplishments and continuing dedication exemplify the essential role community service plays in our society.

Hunger is a growing dilemma in communities across America. Based on his deep personal concern and commitment, Mr. Stan Curtis, a Louisville, KY businessman, found a way to successfully link those with plenty to those in need. In 1987, Mr. Curtis established USA Harvest, a program committed to the relief of hunger through volunteerism and the efficient use of community resources. USA Harvest obtains food from grocery stores and restaurants that would otherwise be wasted, and distributes this food to soup kitchens, shelters, and missions. Stan Curtis' project for Louisville's needy citizens has now grown to include over 49,000 volunteers nationwide, and has distributed more than 250 million pounds of food.

I am proud to announce that Mr. Curtis was named as a recipient of the President's Volunteer Action Award for his work with USA Harvest during National Volunteer Week in April. This award is cosponsored by the Points of Light Foundation and the Corporation for National and Community Service.

Mr. President, I feel that the achievements of Mr. Stan Curtis and the volunteers of USA Harvest demonstrate how devoted community service can improve the lives of underprivileged Americans, and they deserve our sincere appreciation and respect. It is my hope that all of us will rise to meet our country's social and economic challenges with the same degree of fervor and effectiveness that the members of USA Harvest, and its founder Stan Curtis, have shown through their committed service and dedication.•

IN HONOR OF STEVEN SHERMAN AND PRINCESA VANBUREN

• Mr. DURENBERGER. Mr. President, I rise today to pay tribute to two young Minnesota scientists, Steven Daniel Sherman and Princesa Victoria VanBuren. They have received special recognition as Westinghouse science scholars, and are being honored tonight by the Young Scientist Roundtable of Wayzata Public School.

Steven Sherman, a student at Winona High School, placed fifth in the Nation for his research related to the effect of winglets on drag of aircraft wings. His research showed that drag could be reduced by about 6 percent if the winglets are to face downward. This invention has enormous economic value as it could translate into the potential savings of about $500 million per year for the U.S. commercial air fleet.

In the last 2 years, Steven has won several honors, including U.S. Naval National Science Competition, National Junior Science Engineering and Humanities Symposium, 3M's Drew Creativity Award, and Minnesota Science and Engineering Fair Award.

Steven was elected president of the Winona Senior High School Student Senate, 1992–93. He has been a member on the football and swim teams, and is a member of the National Honor Society.

Princesa VanBuren, of St. Cloud Technical High School, has studied the effects of fertilizer on plant metabolism. She discovered that the increased use of fertilizer leads to a reduced uptake of the heavy metals such as cadmium and arsenic. This research could potentially influence how the land reclaimed from surface mining could be put to economic use.

Princesa has received recognition from the Future Farmers of America with the Achievement Award in Soil and Water; Monsanto's Agriscience Contest Award, Minnesota State Science Fair Award, a Certificate of Achievement from the U.S. Navy, and the Gold Medal from the Minnesota Academy of Science.

In addition to her achievements in the field of science, Princesa is active in music as a member of the band, orchestra, and choir. And she has received awards or recognition from St. Catherine's Poetry Contest and at the writing/essay contests held by the Fleet Reserve Association, Optimist Club, and Future Farmers of America.

Mr. President, Princesa VanBuren and Steven Sherman are two outstanding young people who deserve our congratulations. But more than that, let us all join in offering our encouragement that their perseverance and dedication may carry them to greater heights in the field of scientific achievement.•

THE DEFICIT

• Mr. SIMON. Mr. President, James Glassman, who writes on economic affairs for the Washington Post, had a column on Friday of last week titled "How to Make the Deficit Vanish as an Issue—and a Reality."

What underscores his article is simply that the deficits that he estimates in his article are, in fact, going to be higher because interest rates have already risen.

I also agree with his statement that the language of budgeting, where we in fact "index" our expenditure, then talk about reductions, is totally unrealistic.

I am pleased that the Senate Budget Committee adopted language to change that, and he refers to the House Budget Committee doing the same.

I ask to insert the James Glassman article in the RECORD at this point.

The article follows:

HOW TO MAKE THE DEFICIT VANISH AS AN ISSUE—AND A REALITY

(By James K. Glassman)

What a difference a year makes! Last spring and summer, the federal deficit was just about the hottest topic in Washington; now the pressure is off.

The Harris Poll found in June 1993 that Americans ranked the deficit as the second more important issue "for government to address," narrowly behind health care. By this month, the deficit had dropped to a tie for sixth place. Only 8 percent of the 1,255 adults polled rated it one of their top two concerns, down from 24 percent.

"It's as though we were encircled by an army in a siege, and then all of sudden the army disappeared," said one Senate aide.

That's a shame, because—if we really want to fix the deficit—now is the time to do it. The economy is strong enough to absorb the short-term adverse effects of spending cuts and maybe even higher taxes.

In fact, slowing the economy would be an added benefit of deficit reduction. It would ease the need for the Federal Reserve to tighten monetary policy, and might calm recent jitters in the bond market. Rather than relying solely on the Fed to apply the monetary brakes, how about some fiscal brakes, too?

President Clinton and most members of Congress have been bragging about the $500 billion in deficit cuts they enacted last year. But these are "cuts" only in the fairy-tale language of government, which holds that you've reduced the deficit if your deficit projections are lower than the projections you made earlier in an imaginary number called the "baseline."

The baseline is a moving target. Back in 1990, the budget deal between then-President Bush and Congress called for deficits totaling $528 billion for the five years starting in 1992. Those deficits comprised the baseline three years ago.

But shortly thereafter, the baseline was moved, and deficit projections for the five years soared to well over $1 trillion. It was those new baseline figures that became the starting point for the half-trillion dollars in "cuts" produced in 1993.

Even so, the budget that a House-Senate conference will report next week will give the nation deficits from 1995 to 1999 that will total more than $900 billion. And for the five years after that, the Congressional Budget Office (CBO) sees deficits totaling $1.5 trillion. Some cut!

Americans probably wouldn't be so complacent if they understood this nasty state of affairs. As it is, they're giving the White House and Congress a free ride.

The truth is that, if the President decided to get serious, the deficit could be eliminated—and without much difficulty. Bill Clinton could go down in history for something actually worthwhile.

How to cut the deficit? The best place to start is a fat book the CBO publishes every year, listing sensible—if politically difficult—budget cuts. The new volume, issued last month, lists 197 possible spending and revenue measures that would turn the trick, if politicians could summon the will.

For example, we could save $2 billion over five years (everything in budget-talk is over five years) by killing operating subsidies for Amtrak, $1 billion by abolishing the Bureau of Mines and $7 billion by eliminating federal grants for local wastewater treatment plants.

We could save another $7 billion by reducing federal aid to mass transit, $3 billion by halving federal aid to the arts and humanities and $8 billion by axing the Low Income Home Energy Assistance Program, a vestige of high oil prices 13 years ago.

Making tiny adjustments in the $85 billion annual federal payroll could save $10 billion by 1999, and lowering target prices for farmers in agricultural commodity programs could cut the deficit by $11 billion.

Then there are items that the CBO doesn't cite—for example, the astounding $193 million that has been budgeted next year for Howard University here in Washington, ostensibly a private institution. Howard has received $1 billion over the last five years, covering more than half of its operating costs.

Big savings could come from small changes in entitlements. For example, the CBO estimates that the deficit can be cut by $109 billion over five years if the government limits increases in benefits for programs such as Social Security to the rise in the consumer price index minus 2 percentage points.

Here are a few reasonable revenue-raisers:

Increase the gasoline tax by 10 cents a year for five years. CBO estimates we could raise $127 billion this way, and our prices at the pump will still be less than half what Europeans pay.

Limit all itemized deductions to 15 percent, instead of as much as 39.6 percent for rich taxpayers. That would raise $274 billion over five years, estimates the CBO.

Limit mortgage interest deductions to $20,000 a year for a joint return and $12,000 for an individual. That would cut the deficit $32 billion.

Suspend the indexing of tax brackets for just one year. Deficit cut: $46 billion.

The problem with raising more revenue, of course, is that the government just spends the new money. That's what happened, for example, from 1987 to 1993. Revenues rose $300 billion, but spending rose $400 billion.

Still, it's clear from the numbers that, with strict controls, the federal deficit can be wiped out by the year 2000. There will be some pain but, surprisingly, not a great deal.

But we have to change the fraudulent language of budgeting. In a good first step, Reps. Christopher Cox (R-Calif.) and Charles W. Stenholm (D-Tex.) added a nonbinding measure to the budget resolution that replaces baseline budget comparisons with real, year-to-year actual vs. budget comparisons—just like every business uses. Let's make that measure binding, and get on with the cutting.●

TRIBUTE TO THOMAS D. CLARK KENTUCKY HISTORIAN LAUREATE

● **Mr. McCONNELL.** Mr. President, I rise today to honor a fellow Kentuckian for his outstanding contribution to the Commonwealth. Too often, we wait until someone has passed before we allow ourselves to remember all they have done. Well, my friend Thomas Clark is alive and well, and going strong at age 91. He continues to devote his time and effort to his lifelong passion, the study and teaching of history, specifically the history of the Commonwealth of Kentucky.

Clark first published his "History of Kentucky" in 1937. Although he has updated and revised this volume on several occasions, it is still considered one of the preeminent histories ever written of any State.

Mr. President, Thomas Clark spent the majority of his life as a teacher at the University of Kentucky. There, as chairman of the history department from 1943 to 1965, he developed a reputation as a professor that made learning enjoyable for all students. Combining facts with interesting and often humorous anecdotes, Clark helped his students gain a new knowledge and respect for the history of our wonderful Commonwealth.

Mr. President, Thomas Clark retired in 1968 from the University of Kentucky after a long and notable teaching career. He didn't begin to slow down upon his retirement, however. A frequent guest speaker at local historical societies, he travels throughout Kentucky, continuing to teach about the subject he loves so very much. In addition to speaking, Mr. Clark has written over 30 books and has plans to write two more dealing with the history of Clark county and the history of the old Louisville Courier-Journal. Mr. President, I have no doubt in my mind that Thomas Clark will complete these works and probably several other noteworthy volumes as well.

Thomas Clark is also a noted archivist and conservationist. He is the founder of the State's university press and is currently lobbying the Kentucky General Assembly for money to fund a new State history museum. If any of my colleagues have ever met Thomas Clark, they know well what an effective and influential lobbyist he can be. Most recently he has been in Washington working to get a monument erected for the great American revolutionary, Thomas Paine.

Thomas Clark is a walking encyclopedia who has made it his life's goal to share his knowledge and love for the subject of history with others. Mr. President, I ask my colleagues to join me in honoring this Kentucky treasure. In addition, I ask that an article from the May 2, 1994 Courier-Journal be included in the RECORD at this point.

The article follows:

KENTUCKY TREASURE—STATE HISTORIAN LAUREATE IS STILL LOOKING TO THE FUTURE

(By Richard Wilson)

SHELBYVILLE, KY.—Thomas D. Clark walked behind the lectern and soon held his audience spellbound. For nearly an hour, and using no notes, he outlined more than a century of Kentucky's development—its progress, setbacks and missed opportunities.

Effortlessly, he sprinkled his remarks with names, dates, events and observations.

The rapt attention of members of the Shelby County Historical Society and a few others Thursday night was broken only by periodic laughter in response to Clark's anecdotes.

Afterward, the white-haired state historian laureate mingled with the audience, making new acquaintances and reminiscing with former students who took his Kentucky history class at the University of Kentucky years ago.

"I wasn't the best attender, but I recall he'd always end his lectures with an anecdote," said Bill Evans, a retired educator who said he took Clark's class in 1954. "Frequently, time would run out and he wouldn't finish the anecdote, so you'd have to attend the next class to find out how it ended."

Winford Thomas, who took Clark's class in 1949, recalled one tidbit Clark shared; Twice as many Kentuckians fought for the Union as for the Confederacy during the Civil War, but the state has 72 Confederate monuments and only two Union ones.

Clark left UK in 1968 after a distinguished 37-year career, during which he won international acclaim as a teacher and scholar and built a widely regarded history department while serving as its chairman from 1943 to 1965.

But he and retirement have been strangers, and as he nears his 91st birthday, he shows no evidence of slowing down.

He seldom rejects invitations to speak to local historical or civic groups. Already the author, coauthor or editor of more than 30 books, he has at least two more planned. He is also a noted conservationist and a founder of the state's university press. A foundation bearing his name is raising money for the publication of Kentucky-related books.

He's also a forceful and persuasive lobbyist whose current cause is getting the General Assembly to provide money for a new state history museum.

The museum, as well as additional space for archival materials, Clark says, is crucial to preserving and maintaining the state's public and private historical documents and artifacts.

Clark is considered the father of Kentucky's current archives system and has lobbied for other history-related items for years.

"He's very low-key, very persistent and very knowledgeable about what he is visiting with you about," says Sen. Mike Moloney, D-Lexington, the Senate's budget chief.

Moloney says Clark is better prepared than most professional lobbyists "because he speaks from the heart."

Tributes to Clark, a Mississippi native who came to UK as a graduate student in 1928, are not hard to draw from acquaintances, admirers or ex-students, like Lexington lawyer and former Gov. Edward T. "Ned" Breathitt.

"Tom Clark is a Kentucky treasure. He probably has more credibility than any other Kentuckian in the field of history, public affairs and political reform," Breathitt says, "Plus, he constantly reminds us of our history, the history of the South, and I know of no one else in our state that fills that role."

State historian James Klotter agrees. Unlike many academic historians, Klotter says, Clark has not remained in the ivory tower. "He knows this state, its creeks and valleys, its people, probably better than anybody in the state."

Clark is also a realist, Klotter says. "He's not tied to any philosophy about how things should operate. He's very understanding about how things do operate."

Clark's "History of Kentucky," published in 1937, is still in print. Frequently revised and updated, it is considered one of the nation's best state histories.

During a recent interview Clark gave no indication that he plans to embrace inactivity any time soon.

"I'm well started (on a history of Clark County), I have four chapters written. There will be about 12 chapters," he said. Then he plans to revive his research on the old Louisville Journal, forerunner of today's Courier-Journal. He shelved that project some 25 years ago when he left UK to become a visiting professor at Indiana University, where he wrote a four-volume history of IU before returning to Lexington, in 1973.

Clark says if he "could call back 20 years" he would also like to explore the Civil War and 15 post-war years in Kentucky, and possibly tackle even a multivolume history of the state. But both projects, he suggests, must now be left to others.

Though Clark acknowledges that he had no plans for such an active post-retirement career, he also says he does not regret it.

"I think if you're honest with yourself, you get something out of that. In the first place, you get to see people and know something about what they are up to. You've got to keep yourself organized. And I think as a person gets older, that gets to be a pretty important fact.

"If you didn't remain disciplined, organized, you'd just simply drift off as a piece of chaff."

CLARK'S OBSERVATIONS ON KENTUCKY

Religion and education: "There's a kind of religious bigotry in this state, or a state of animosity that has been so disruptive. It disrupted Transylvania (College), came close to killing the University of Kentucky (in its still-formative years). It has many times interfered with public education, and it has the potential of killing Kentucky educational reform."

Education reform: "We can make one great mistake in assuming that the Kentucky Education Reform Act will achieve immediate revolution. This thing will spread over 10, 15 years. And we'll make a lot of blunders. . . . There's no such thing as a perfect educational process or institution."

State government: "If I could wave a wand and change this state, I would say 'let's sit down for one calm moment and design a modern state government that gets rid of all of this patchwork that we've put on our constitutional government. Let's design a modern government that will openly and earnestly confront the problems of this state, and let's get rid of this hypocrisy of swearing by constitutional government on the one hand and prostituting it on the other.'"

A penchant for place: "I don't think there are many places in this republic where people have such a dedicated sense of place as do Kentuckians. And they come home. This thing we call tourist business in Kentucky, a lot of its simply is some kind of Kentucky connection coming home."

The University of Kentucky: "In all my years of association (with UK) many times I've felt that the people of this state had a better university than they deserved, I've always felt that the university . . . was out a bit ahead of the people themselves, as it should be."•

ASSOCIATE JUSTICE JOHN E. SIMONETT

• Mr. DURENBERGER. Mr. President, I rise today to honor a longtime friend and associate justice of the Minnesota Supreme Court, John E. Simonett, who is retiring this year.

I have a very special reason for giving this honor. John is my cousin, related through my father, George Durenberger. Until recently, I had two cousins on the supreme court. The other, Lawrence Yetka, is related to me through my mother, Isabelle Cebulla. I have been honored to be their cousin.

The story of John Simonett is a classic Minnesota tale. Born in a small Minnesota town, educated at Saint John's University in Collegeville, law school at the University of Minnesota, graduate, practiced law in a small town.

John is the son of a schoolteacher and a farmer who also substituted as a rural mail carrier and sold monuments on the side. While his cousins spent afternoons playing cops and robbers, ball games or cowboys, John would excuse himself after about 10 minutes to read a book. He liked to express himself in such a dramatic way that his mother often said, "John—you'd make a wonderful lawyer some day."

John graduated from McKinley High School in Le Center with high honors, and enrolled at St. John's where he played football on my Dad's team in 1942. And he was a letter-winner his freshman year as well as earning the highest average in his class for the year.

John took halt of his education to serve his country from 1943 to 1946. But he was back at Saint John's in 1947, and went on to be elected president of the student council, membership in the International Relations Club, debate team. And he became valedictorian of his college graduating class.

After the University of Minnesota Law School, John joined the private law practice of Gordon Rosenmeier of Little Falls. Gordon, a classic lawyer's lawyer, served in the Minnesota Senate as perhaps the most visionary policymaker in Minnesota history.

John Simonett and his wife Doris loved living in a small town where everyone served their community. He was a member of the Lions Club for 30 years, served on the board of education for St. Mary's School, and held several local and State offices in the Knights of Columbus locally and in the State council.

Highly respected, sought-after, gifted, talented.

He accepted the invitation to join the International Society of Barristers. He is a Fellow of American College of Trial Lawyers, the American Board of Trial Advocates, and the American Law Institute. And he has served for a number of years as chair of the Minnesota News Council.

John and Doris are devoted to their wonderful children, Anne, John, Mary, Martha, Paul, and Luke.

For all of John's eloquence, Doris is spontaneity.

Highly respected, a sought-after speaker, gifted with the word, talented with the pen.

John and his wife Doris will give much to their family and community in his retirement from the Supreme Court. Splendid lives already—more rewarding than ever in life yet to come.•

NATIONAL NURSING WEEK, MAY 6 TO 12

• Mr. KOHL. Mr. President, I rise today in recognition of National Nursing Week. The more than two million nurses in America, who all make significant contributions to their communities, deserve our thanks and appreciation. Nurses have long supported our Nation's efforts to create a health care system that assures access, quality and affordable care. As caregivers in a diversity of settings, responsible for providing care and coordinating health services 24 hours a day, nurses clearly understand the implications of our health system's failings.

A restructured health care system that focuses on consumers and their health, with services to be delivered in familiar, convenient sites, such as schools, workplaces and homes, will call on nurses to play an even greater role. Nurses will help allow the medical profession to shift from the predominant focus on illness and cure to an orientation toward wellness and care. Health reform will bring many uninsured Americans into our regular health care system, raising the question of how we will be able to provide primary care for these folks. I think that we all know who will be a big part of the answer—America's nurses. They are prepared and willing to serve—and we salute them for it.

Mr. President, I ask my colleagues to join me in thanking the nurses of this country for their continuous hard work in providing health care to people from all walks of life in circumstances that range from preventative to life threatening. We should always remember that nurses have long been placed at the front lines—in hospitals, nursing homes, schools, home health agencies, workplaces, community clinics and managed care programs.

Let us all join them in congratulating them for their hard work and our best wishes as we all celebrate National Nursing Week.●

HUMAN RIGHTS IN AZERBAIJAN

● Mr. DECONCINI. Mr. President, since 1988, the Nagorno-Karabakh conflict has resulted in thousands of casualties and hundreds of thousands of refugees on both sides. This war represents the worst-case confrontation between two Helsinki principles: the equal right of peoples to self-determination, on the one hand, and respect for territorial integrity and peaceful change of borders by agreement, on the other. Alas, in the postcommunist era, this collision of ideas has led to very bloody consequences on the ground.

But I want to address more traditional human rights, such as the right to assemble, the right to express one's opinion, and the right to be free of arbitrary and brutal treatment by the authorities. In these respects, the record of Azerbaijan's Government has been poor indeed.

Since returning to power after a June 1993 coup d'etat, Haidar Aliev has demonstrated the attitude toward human rights that might be expected from a former Communist Party and KGB boss. As President of Azerbaijan, despite his professed support for the rule of law, he has repressed the Azerbaijan Popular Front [APF] and other opposition groups. His policies led Freedom House last December to add Azerbaijan to its list of not free countries.

The ensuing months have brought no improvement. According to APF sources, there are currently over 40 political prisoners in Azerbaijan. The police ransacked APF headquarters in Baku last July, and seized video and computer equipment; in February 1994, the authorities sealed the building, charging the APF with planning an armed uprising. APF publications, especially Azadlyk, have been confiscated. Police routinely break up rallies and demonstrations by APF supporters, and often beat would-be participants. APF members are detained without just cause or due process. In late February and early March, some 100 members of the APF and the Mussavat Party were arrested. On March 29, in the lobby of parliament, an advisor to President Aliev beat into unconsciousness a Mussavat Party member of parliament.

Meanwhile, censorship—which the State Department's human rights report called "methodical and intensive"—has stifled the media. Last August, Azerbaijani journalists protested restrictions on freedom of expression; in February 1994, the main opposition parties again denounced limitations on freedom of the press. In March, the International Federation of Journalists condemned Azerbaijan Government attempts to close down the Turan News Agency.

The former Speaker of Azerbaijan's Parliament, Isa Gambar, was arrested last June. He was released in August after an initiative by Members of the U.S. Congress. But Azerbaijan's Government now wants to put him on trial, charging him with responsibility for the events that led to last year's coup d'etat.

Mr. President, Azerbaijan is at war, and must deal with an economic crisis and a huge refugee population. But that is no excuse for the crackdown on the political opposition and the flagrant assault on free speech President Aliev has sponsored or tolerated. His return to power has resolved none of Azerbaijan's many problems; his apparent determination to crush the opposition will only aggravate an already desperate situation.●

VOICES OF CABRINI

● Mr. SIMON. Mr. President, I rise today to bring your attention to the one year anniversary of "Voices of Cabrini," a newspaper written and operated by residents of the Cabrini Green public housing project in Chicago. Since April of last year, this newspaper has been granting voices to people who have been previously distinguished only by the weight of their problems.

As a former journalist, I understand the power of printed expression to give strength and confidence to traditionally powerless people. "Voices of Cabrini" has been doing this for a year now, against extremely difficult obstacles. "Voices" has been giving Cabrini residents the chance to empower themselves, to focus on what they see as most important and to themselves form solutions. They have taken hold of their own resources to give themselves representation for recounting and validating their own stories.

Along with this, the past year has also brought another inspiring project to Cabrini Green, the Sister Neighborhoods USA program, which has been bringing residents of Cabrini together with citizens of wealthier neighborhoods. This program has brought residents of Cabrini Green and the resource-rich city of Winnetka together to discuss their common and particular problems and to unite in improving their neighborhoods. This program has created a dialogue between these two drastically polarized communities. It has helped them learn about each other's situations, to explore the issues of what sets them apart and what can bring them together, and to ultimately remove the stigmas of irretrievable differences that have separated these two neighborhoods for years.

All these accomplishments have resulted greatly from the efforts of Involvement Advocacy and its founder and executive director, Peter Benkendorf. Peter has devoted himself to helping disadvantaged communities like Cabrini Green take responsibility for and improve their way of life through communication and self-empowerment. This group has worked tirelessly according to this mission, and I want to recognize and commend Mr. Benkendorf and Involvement Advocacy for all he's accomplished in the last year.

I would also like to praise Mark Pratt, editor of "Voices of Cabrini," along with the newspaper's staff, who have sustained the paper in extremely trying conditions. It will require such diligence and commitment to revive these communities. I strongly support this mission and encourage the continuation of these ground-breaking efforts in other communities in Illinois and across the Nation.●

VIETNAM HUMAN RIGHTS DAY

Mr. LEVIN. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 168, designating "Vietnam Human Rights Day," and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read three times, passed, and the motion to reconsider laid upon the table; that the preamble be agreed to; and that any statements relating thereto appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (S.J. Res. 168) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 168

Whereas May 11, 1994, is the fourth anniversary of the issuance of the Manifesto of the Non-Violent Movement for Human Rights in Vietnam;

Whereas the Manifesto, which calls upon Hanoi to respect basic human rights, accept a multiparty system, and restore the right of the Vietnamese people to choose their own form of government through free and fair elections, reflects the will and aspirations of the people of Vietnam;

Whereas the author of the Manifesto, Dr. Nguyen Dan Que, and thousands of innocent Vietnamese, including religious leaders, are imprisoned by the Socialist Republic of Vietnam because of their nonviolent struggle for freedom and human rights;

Whereas the leaders of the Socialist Republic of Vietnam are seeking to expand diplomatic and trade relations with the rest of the world;

Whereas the United States, as the leader of the free world, has a special responsibility to safeguard freedom and promote the protection of human rights throughout the world; and

Whereas the Congress urges Hanoi to release immediately and unconditionally all political prisoners, including Dr. Nguyen Dan Que, with full restoration of their civil and human rights; guarantee equal protection under the law to all Vietnamese, regardless of religious belief, political philosophy, or previous associations; restore all basic human rights, such as freedom of speech, religion, movement, and association; abolish the single party system and permit the functioning of all political organizations without intimidation or harassment and announce a framework and timetable for free and fair election under the sponsorship of the United Nations that will allow the Vietnamese people to choose their own form of government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 11, 1994, is designated as "Vietnam Human Rights Day" in support of efforts by the Non-Violent Movement for Human Rights in Vietnam to achieve freedom and human right for the people of Vietnam, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate ceremonies and activities.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1994

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 418, S. 1927, a bill relating to veterans' compensation; that the committee amendment be agreed to; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1927) was deemed read the third time and passed, as amended as follows:

S. 1927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1994".

SEC. 2. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1994, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations provided for in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code. The increase shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (2 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1994, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

Mr. ROCKEFELLER. Madam President, as the chairman of the Committee on Veterans' Affairs, I am delighted that the Senate is considering S. 1927, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 1994.

Effective December 1, 1994, this bill would increase the rates of compensation paid to veterans with service-connected disabilities, and the rates of dependency and indemnity compensation [DIC] paid to the survivors of certain service-disabled veterans, by the same percentage as the increase in Social Security and VA pension benefits effective the same date. Currently, the Congressional Budget Office estimates that the fiscal year 1995 cost-of-living adjustment [COLA] will be 3 percent. A 3-percent COLA increases the basic monthly compensation for a totally disabled veteran from $1,774 to $1,827 per month—a $53 increase. S. 1927 also would increase the payments for all qualified recipients of DIC by $23 per month.

There are 2.2 million service-disabled veterans and 345,000 survivors who depend on these compensation programs. These individuals have made enormous sacrifices on behalf of this Nation. As chairman of the Committee on Veterans' Affairs, I am committed to ensuring that these veterans and veterans' survivors receive the benefits they deserve. I believe strongly that we have a fundamental obligation to meet the needs of those who became disabled as the result of military service, as well as the needs of their families. This measure fulfills one of the most important aspects of that obligation.

Ever since I began my career in public service, I have worked closely with the veterans of my home State of West Virginia, and now, as chairman of the Committee on Veterans' Affairs, I have had the opportunity to work with veterans all across the country. Consequently, I am keenly aware of the fact that the compensation payments that would be increased by this bill have a profound effect on the everyday lives of the veterans and veterans' survivors who receive them. It is our responsibility to continue to provide cost-of-living adjustments—equally to all qualified recipients—in compensation and DIC benefits, in order to guarantee that the value of these essential, service-connected VA benefits is not eroded by inflation.

I am very proud that Congress consistently has fulfilled its obligation to make sure that the real value of these benefits is preserved by providing an annual COLA for compensation and DIC benefits every fiscal year since 1976. Most recently, on November 11, 1993, Veterans' Day, President Clinton signed Public Law 103–140 into law, providing a 2.6-percent increase in these benefits, effective December 1, 1993.

We cannot ever repay the debt we owe to the individuals who have sacrificed so much for our country. Service-disabled veterans and the survivors of those who died as the result of service-connected conditions are reminded daily of the price they have paid for the freedom we all enjoy. The very least we can do is protect the value of the benefits they have earned through their sacrifice.

I strongly urge all of my colleagues to support this vitally important measure.

CONGRATULATING THE PEOPLE AND LEADERS OF SOUTH AFRICA

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 210, a resolution submitted earlier today by Senators WOFFORD, SIMON, JEFFORDS, and others, congratulating the people and leaders of South Africa on their first democratic election; that the resolution and preamble be agreed to; that the motion to reconsider be laid on the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 210) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 210

Whereas the people of South Africa have demonstrated by their recent election a desire to move toward full democratic government;

Whereas, despite the efforts of extremists, those elections have moved South Africa toward a new era of multiracial cooperation and government;

Whereas President-elect Nelson Mandela, former President F.W. DeKlerk, Chief Mangosuthu Buthelezi, and many others have by their cooperation helped to achieve these good results; and

Whereas the people of South Africa now enter a new and important period in their history: Now, therefore, be it

Resolved, That the Senate, on behalf of the people of the United States, hereby extends its congratulations to the people of South Africa and their leaders on the results of their first democratic election, and expresses the strong hope of all Americans that South Africa and its citizens continue on the road to freedom and national unity.

Mr. WOFFORD. Madam President, a few years ago, in the moving South African theater piece "Sarafina," the schoolchildren of Soweto sang a joyous hymn to what seemed like a distant future called Freedom Is Coming Tomorrow. But now, that tomorrow has come. Freedom is here today.

Millions in South Africa and, indeed, around the world, have good reason to celebrate. The recently concluded election in South Africa was a resounding victory for human rights. It is a call for a renewed dedication in all of Africa to the cause of human freedom, racial tolerance, and nonviolent change.

I have spent a good deal of my life dealing with issues affecting the people of Africa. I and many others here in the United States and elsewhere have waited a long time to see this great day. Many people have dedicated themselves to making it happen.

But true credit must go to those South Africans who sacrificed so much—even their lives—to gain this new, great measure of democracy. Their common struggle can best be remembered by their uncompromising devotion to freedom and unremitting opposition to the brutality of apartheid. It is to them that the people of South Africa will always owe a debt of gratitude.

For millions more the work has not yet ended. For Nelson Mandela, whose faith in the future of South Africa was unshaken by 27 years of imprisonment, the real work has only just begun. As President, it will be his task to unify the country, to reconcile old animosities and to focus the attention of South Africans on building their future. For F.W. De Klerk, Chief Buthelezi, and other leaders, it will be their task to join with President Mandela in building the common ground on which the future of a new South Africa will rest.

When Nelson Mandela and F.W. De Klerk came to Philadelphia last year to receive the Liberty Medal on the steps of Independence Hall, few of us could miss the symbolism. There, in the very place where Americans crafted our founding documents of freedom and democratic self-government, these two historic adversaries were coming together to dedicate themselves to their own new birth of freedom. Since then, against all the forces of violence and opposition arrayed against them, they stuck to the path and arrived at their great destination: the ballot box. And this past week, millions of South Africans waited peacefully on lines to reach that same destination for themselves and their country.

I believe that there is a common bond between Americans and South Africans, a bond which was established by implacable opposition to apartheid in recognition of our own struggle for racial equality. I am sure that the American people share the hope of all South Africans that this election be only the first step on the road to national reconciliation. It is for these reasons that I have submitted this resolution to congratulate the South African people on their new day of freedom.

WELCOMING THE 150 ENSEMBLE SYMPHONY ORCHESTRA AND CHORUS

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 211 welcoming the 150 ensemble symphony orchestra and chorus submitted earlier today by Senator RIEGLE; that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid on the table; and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 211) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 211

Whereas the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television, under the direction of Mikis Theodorakis, shall conduct a month-long goodwill tour of Canada and the United States during May 1994;

Whereas the proceeds from the concert tour of the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television will benefit a number of philanthropic organizations, including the Greek reforestation effort sponsored by the Plant Your Roots in Greece Foundation;

Whereas the leader of the concert tour, Mikis Theodorakis, returns to North America after an absence of nearly 2 decades, and shall lead the Ensemble and Chorus in performances of his own works;

Whereas the leader of the concert tour, Mikis Theodorakis, is an internationally renowned musical genius and is considered to be Greece's greatest living composer, and has composed more than 200 popular songs, 10 symphonies, 3 ballets, 2 oratorios, a folk opera, and the Olympic anthem (which was first performed at the 1992 Summer Olympic Games in Barcelona, Spain), and the film scores to "Z" and "Zorba the Greek";

Whereas the leader of the concert tour, Mikis Theodorakis, was born in 1925 on the Greek island of Khios, taught himself to write music from memory and without access to musical instruments, and studied at the Paris Conservatory;

Whereas the leader of the concert tour, Mikis Theodorakis, combines his exceptional artistic talent with a deep love of his country, and is dedicated to heightening international awareness of human rights and environmental issues, and ending child hunger in the world; and

Whereas the United States is fortunate to welcome the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television, under the direction of Mikis Theodorakis, for the series of concerts they will present during May 1994: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate welcomes the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television, under the direction of Mikis Theodorakis, to the United States and applauds their talent and enthusiasm for their work; and

(2) the Senate acknowledges the musical contributions of leader of the concert tour, Mikis Theodorakis, and supports and appreciates his efforts to promote human rights, raise awareness of environmental issues, and end child hunger.

Mr. RIEGLE. Madam President, I would like to thank my colleagues for their unanimous support of the resolution honoring the tour of the 150 ensemble symphony orchestra and chorus of Hellenic radio and television. It is my distinct pleasure to honor this group, which will be conducting a goodwill tour of Canada and the United States during the month of May. I welcome them to the United States and I applaud their outstanding musical achievements and commitment to philanthropic pursuits.

I would also like to take this opportunity to pay special tribute to the leader of the concert tour, the renowned Greek composer, Mikis Theodorakis. Mr. Theodorakis is widely considered to be Greece's greatest living composer, and is best known for his film scores for "Z" and "Zorba the Greek." He is returning to the United States after a 20-year absence, and I would like to extend a warm welcome on behalf of my colleagues in the Senate, and the Greek-Americans we represent nationwide.

Mr. Theodorakis' accomplishments are especially noteworthy due to his modest upbringing. As a child he developed an early love for music, but his family was unable to purchase many musical instruments. He overcame this difficulty by teaching himself to compose music by memory and without the benefit of musical equipment. Mr. Theodorakis developed this talent throughout his childhood, and in 1953 he entered the Paris Conservatory, which served as a starting point for his brilliant musical career.

In addition to his artistic talent, Mr. Theodorakis is known for his nationalism and pride in his country, and his dedication to international humanitarian issues. Despite his early Communist associations, his political ideology stems more from his intense patriotism rather than his affiliation to a particular political ideology. In fact, he abandoned his post with the Communist Party to accept a position with the conservative government, believing that Greece needed to modernize and that its many political parties needed to work together. Today he extends his commitment to issues of international concern including human rights, environmental issues, and ending child hunger.

The people of Greece are fortunate to claim Mikis Theodorakis as a national figure. His exceptional musical talent, combined with a deep love of his country, is an inspiration to millions of Greeks worldwide. The United States is truly privileged to welcome Mr. Theodorakis along with the 150 ensemble symphony orchestra and chorus of Hellenic radio and television, and I am proud to pay this tribute to their upcoming tour.

AUTHORIZING THE PRINTING OF SENATOR ROBERT C. BYRD'S ADDRESSES TO THE SENATE ON THE HISTORY OF ROMAN CONSTITUTIONALISM

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 68, a concurrent resolution submitted earlier today by Senator REID, authorizing the printing of Senator ROBERT BYRD'S addresses to the Senate on the history of Roman constitutionalism; that the concurrent resolution be agreed to; that the motion to reconsider be laid on the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 68) was agreed to, as follows:

S. CON RES. 68

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document "U.S. Senator Robert C. Byrd's Addresses to the United States Senate on the History of Roman Constitutionalism", delivered between May 5, 1993 and October 18, 1993.

SEC. 2. The document referred to in the first section shall be—

(1) published under the supervision of the Secretary of the Senate; and

(2) in such style, form, manner, and binding as directed by the Joint Committee on Printing, after consultation with the Secretary of the Senate.

The document shall include illustrations.

SEC. 3. In addition to the usual number of copies of the document, there shall be printed the lesser of—

(1) 5,000 copies for the use of the Secretary of Senate; or

(2) such number of copies as does not exceed a total production and printing cost of $47,864.

Mr. REID. Madam President, 1 year ago, on May 5, 1993, our esteemed colleague ROBERT C. BYRD initiated a series of 14 addresses on the subject of the line-item-veto. During the following 5½ months, he delivered each of these speeches—packed with names, dates, and complex narratives—entirely from memory and without recourse to notes or consultation with staff aides.

In effect, Senator BYRD had created a 14-week university seminar on the constitutional history of separated and shared powers as shaped in the republic and empire of ancient Rome. To prepare himself for this task, he read extensively in the history of England and ancient Rome. He began with the writings of Montesquieu, the 18th-century French philosopher who had also studied and thought deeply about the history of Rome and the operation of contemporary English governmental institutions. Montesquieu's political philosophy had profoundly influenced the thinking of those who framed the U.S. Constitution. To better understand what the framers had in mind when they created a governmental system of divided and shared powers, Senator BYRD carefully examined Montesquieu's 1734 essay, "Considerations on the Causes of the Greatness of the Romans and their Decline."

Senator BYRD reasoned that if,

> The history of the Roman people helped to influence Montesquieu's political theory concerning checks and balances and the separation of powers, and if Montesquieu's political theory influenced our American forbears in their writing of the United States Constitution, then why can it not be said that the history of Rome and the Romans, as well as the history of England and Englishmen, influenced [the Constitution's framers].

To test this premise, he examined the works of more than 20 celebrated historians of ancient Rome who wrote from the time of Polybius, in the second century before Christ, down through Julius Caesar, Plutarch, Tacitus, Suetonius, and concluding with Edward Gibbon, in the 18th century.

In these addresses, ROBERT C. BYRD describes the development of ancient Rome from its founding in 753 B.C. through its evolution to a republic with a strong and independent senate and then into its decline as the Roman Senate willingly yielded hard-won powers to a succession of emperors.

Senator BYRD sees ample parallels between the willingness of Roman Senators to hand over powers of the purse to usurping executives and the compliant attitude of United States Senators in responding to presidential urging for a similar grant of powers in a line-item veto constitutional amendment.

Taken together, this remarkable 14-part series displays vast learning, prodigious memory, and single-minded determination to preserve constitutional prerogatives forged over more than two millennia of human experience. In my judgment, this work merits the widest possible distribution among the students, scholars, and general citizenry of this Nation. Accordingly I have submitted a concurrent resolution authorizing printing, as a Senate Document, of Senator ROBERT C. BYRD'S "Addresses to the United States Senate on the History of Roman Constitutionalism."

ORDERS FOR THURSDAY, MAY 5, 1994

Mr. LEVIN. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, May 5; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senator CAMPBELL for up to 20 minutes; Senators REID, DASCHLE and GRASSLEY for up to 10 minutes each; and that at 10 a.m., the Senate resume consideration of S. 1935, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL THURSDAY, MAY 5, 1994, AT 9 A.M.

Mr. LEVIN. Madam President, if there is no further business to come before the Senate today, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:56 p.m., recessed until Thursday, May 5, 1994, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 4, 1994:

SMALL BUSINESS ADMINISTRATION

JERE WALTON GLOVER, OF MARYLAND, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, May 4, 1994*

The House met at 2 p.m.

Rabbi Moshe Feller, director, Upper Midwest Merkos-Lubavitch, Twin Cities, MN, offered the following prayer:

Almighty God, the Members of this august body, the U.S. House of Representatives, convene here to fulfill one of the seven Biblical commandments which You issued to all mankind: that all societies must govern by just laws.

At the dawn of civilization, as related in Genesis and its sacred commentaries, You issued seven commandments which came to be known as the Seven Noahide Laws:

To worship You alone and not to serve idols,

Never to blaspheme Your Holy Name,

Not to murder,

Not to commit adultery,

Not to steal,

Not to be cruel to any living creature, and

That every society govern by just laws which are based in the recognition of You, O God, as the Sovereign Ruler of all men and nations.

Grant us, Almighty God, that those assembled here to enact the laws which govern this blessed country be cognizant of Your presence, and conduct their deliberations accordingly. Bless them with good health, wisdom, compassion, good cheer, and good fellowship. May they constantly realize that in laboring for the enactment of just laws they are doing Your will. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Mr. BALLENGER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BALLENGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 257, nays 154, not voting 21, as follows:

[Roll No. 150]

YEAS—257

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—154

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Clay
Coble
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Gunderson
Hancock
Hansen
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Machtley
Manzullo
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—21

Brooks
Brown (CA)
Collins (GA)
Dellums
Doolittle
Fields (TX)
Grandy
Johnson (GA)
Kaptur
LaFalce
Long
McMillan
Moran
Myers
Rangel
Ridge
Stokes
Washington
Wheat
Whitten
Young (FL)

□ 1429

Mr. TAYLOR of Mississippi and Mr. BAKER of California changed their vote from "yea" to "nay."

Mr. CARR of Michigan and Mr. BARLOW changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. VOLKMER). Will the gentleman from California [Mr. ROHRABACHER] please come forward and lead the House in the Pledge of Allegiance?

Mr. ROHRABACHER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 4204. An act to designate the Federal building located at 711 Washington Street in Boston, Massachusetts, as the "Jean Mayer Human Nutrition Research Center on Aging."

H. Con. Res. 237. Concurrent resolution authorizing the use of the Capitol grounds for the 13th annual National Peace Officers' Memorial Service.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1305. An act to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2000) an act to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes, agrees to the conference asked by the House on the disagreeing votes of the two houses thereon, and appoints Mr. KENNEDY, Mr. DODD, Mr. METZENBAUM, Mr. PELL, Mrs. KASSEBAUM, Mr. JEFFORDS, and Mr. COATS, to be the conferees on the part of the Senate.

RABBI MOSHE FELLER

(Mr. VENTO asked and was given permission to address the House for 1 minute.)

Mr. VENTO. Mr. Speaker, I rise today to welcome Rabbi Moshe Feller and to thank him for his thoughtful opening prayer for today's session. Rabbi Feller has been a leader in the Twin Cities Jewish Community for over 30 years. Accompanying the Rabbi today are 20 students from the Chabad [Habad] Academy located in St. Paul, MN.

Over the past 30 years, Rabbi Feller has been a strong voice for the Jewish community. He is the founder of the Chabad Academy. This school is located in St. Paul and educates students from preschool through junior high.

In addition, Rabbi Feller is the founder of the Bais Chana Women's Institute, the Shma Yisroel radio program and the Lubavitch Cheder Day School. The rabbi is one of the founders of the Adath Israel Synagogue.

Rabbi Feller has informed me that Rebbe Menachem Mendel Schneerson, the Lubavitcher Rebbe, remains critically ill. Many Members of Congress have cosponsored resolutions proclaiming the Rebbe's birthday as "Education Day—U.S.A." I know that my colleagues will want to join with me in prayer for the Rebbe's health and speedy recovery.

Mr. SABO. Mr. Speaker, if the gentleman will yield, I also would like to welcome Rabbi Feller to the House.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 218, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995

Mr. SABO submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the U.S. Government for fiscal years 1995, 1996, 1997, 1998, and 1999:

CONFERENCE REPORT (H. REPT. 103-490)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 218), setting forth the congressional budget for the United States Government for fiscal years 1995, 1996, 1997, 1998, and 1999, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1995, including the appropriate budgetary levels for fiscal years 1996, 1997, 1998, and 1999, as required by section 301 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1995.

TITLE I—LEVELS AND AMOUNTS

Sec. 2. Aggregates.
Sec. 3. Social security.
Sec. 4. Major functional categories.

TITLE II—BUDGETARY PROCEDURES

Sec. 21. Sale of government assets.
Sec. 22. Social security fire wall point of order in the Senate.
Sec. 23. Enforcing pay-as-you-go.
Sec. 24. Enforcing discretionary spending limits.
Sec. 25. Internal Revenue Service compliance initiative.
Sec. 26. Adjustments for health care reform in the House of Representatives.
Sec. 27. Deficit-neutral reserve fund in the Senate.
Sec. 28. Exercise of rulemaking powers.

TITLE III—SENSE OF CONGRESS PROVISIONS

Sec. 31. Controlling growth of entitlement or mandatory spending.
Sec. 32. Sense of the House regarding enactment of certain budget process legislation.
Sec. 33. Sense of the Senate on controlling nonsocial security mandatory spending.
Sec. 34. Sense of the Congress regarding the budgetary accounting of health care reform.
Sec. 35. Sense of the Congress on the costs of illegal immigration.
Sec. 36. Sense of the Congress regarding baselines.
Sec. 37. Sense of the Congress regarding unfunded Federal mandates.
Sec. 38. Closing of loopholes in foreign tax provisions.
Sec. 39. Sense of the Senate regarding tax expenditures.
Sec. 40. Sense of the Congress regarding health service delivery and water infrastructure in the Indian Health Service.
Sec. 41. Sense of the Senate regarding the National Aeronautics and Space Administration.
Sec. 42. Minimum allocation program.
Sec. 43. Policy in Eastern and Central Europe.
Sec. 44. Star Wars (Ballistic Missile Defense).

TITLE I—LEVELS AND AMOUNTS

SEC. 2. AGGREGATES.

The following budgetary levels are appropriate for fiscal years 1995, 1996, 1997, 1998, and 1999:

(1) FEDERAL REVENUES.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1995: $977,700,000,000.
Fiscal year 1996: $1,031,200,000,000.
Fiscal year 1997: $1,079,700,000,000.
Fiscal year 1998: $1,136,400,000,000.
Fiscal year 1999: $1,190,200,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.
Fiscal year 1998: $0.
Fiscal year 1999: $0.

(iii) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1995: $100,300,000,000.
Fiscal year 1996: $106,300,000,000.
Fiscal year 1997: $111,900,000,000.
Fiscal year 1998: $117,800,000,000.
Fiscal year 1999: $123,700,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund)—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1995: $877,400,000,000.

Fiscal year 1996: $924,900,000,000.

Fiscal year 1997: $967,800,000,000.

Fiscal year 1998: $1,018,600,000,000.

Fiscal year 1999: $1,066,500,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1995: $0.

Fiscal year 1996: $0.

Fiscal year 1997: $0.

Fiscal year 1998: $0.

Fiscal year 1999: $0.

(2) NEW BUDGET AUTHORITY.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1995: $1,238,300,000,000.

Fiscal year 1996: $1,308,800,000,000.

Fiscal year 1997: $1,374,400,000,000.

Fiscal year 1998: $1,443,900,000,000.

Fiscal year 1999: $1,526,900,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1995: $1,144,900,000,000.

Fiscal year 1996: $1,207,500,000,000.

Fiscal year 1997: $1,262,700,000,000.

Fiscal year 1998: $1,321,000,000,000.

Fiscal year 1999: $1,389,700,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,217,200,000,000.

Fiscal year 1996: $1,284,400,000,000.

Fiscal year 1997: $1,356,600,000,000.

Fiscal year 1998: $1,418,300,000,000.

Fiscal year 1999: $1,490,900,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,124,900,000,000.

Fiscal year 1996: $1,184,400,000,000.

Fiscal year 1997: $1,246,200,000,000.

Fiscal year 1998: $1,297,000,000,000.

Fiscal year 1999: $1,355,600,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1995: $239,500,000,000.

Fiscal year 1996: $253,200,000,000.

Fiscal year 1997: $276,900,000,000.

Fiscal year 1998: $281,900,000,000.

Fiscal year 1999: $300,700,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1995: $247,500,000,000.

Fiscal year 1996: $259,500,000,000.

Fiscal year 1997: $278,400,000,000.

Fiscal year 1998: $278,400,000,000.

Fiscal year 1999: $289,100,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1995: $4,965,100,000,000.

Fiscal year 1996: $5,281,400,000,000.

Fiscal year 1997: $5,618,200,000,000.

Fiscal year 1998: $5,958,600,000,000.

Fiscal year 1999: $6,308,800,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1995: $26,700,000,000.

Fiscal year 1996: $32,100,000,000.

Fiscal year 1997: $33,800,000,000.

Fiscal year 1998: $35,700,000,000.

Fiscal year 1999: $37,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1995: $199,700,000,000.

Fiscal year 1996: $174,400,000,000.

Fiscal year 1997: $164,600,000,000.

Fiscal year 1998: $164,100,000,000.

Fiscal year 1999: $163,500,000,000.

SEC. 3. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $360,500,000,000.

Fiscal year 1996: $379,600,000,000.

Fiscal year 1997: $399,000,000,000.

Fiscal year 1998: $419,500,000,000.

Fiscal year 1999: $439,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $287,600,000,000.

Fiscal year 1996: $301,300,000,000.

Fiscal year 1997: $312,300,000,000.

Fiscal year 1998: $324,400,000,000.

Fiscal year 1999: $337,000,000,000.

SEC. 4. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1995 through 1999 for each major functional category are:

(1) National Defense (050):

Fiscal year 1995:

(A) New budget authority, $263,800,000,000.

(B) Outlays, $270,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $255,300,000,000.

(B) Outlays, $261,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $252,000,000,000.

(B) Outlays, $256,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $258,700,000,000.

(B) Outlays, $256,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $265,100,000,000.

(B) Outlays, $257,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1995:

(A) New budget authority, $19,300,000,000.

(B) Outlays, $18,100,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $18,000,000,000.

Fiscal year 1996:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1997:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1998:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $17,600,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1999:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1995:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,400,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $17,600,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1995:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,200,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $4,400,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1995:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $21,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $21,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1995:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $12,200,000,000.

(C) New direct loan obligations, $10,100,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1996:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1997:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $12,700,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1998:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $9,800,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1999:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $9,900,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, −$8,200,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $117,900,000,000.

Fiscal year 1996:

(A) New budget authority, $5,300,000,000.

(B) Outlays, −$10,800,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $103,200,000,000.

Fiscal year 1997:

(A) New budget authority, $5,100,000,000.

(B) Outlays, −$3,400,000,000.

(C) New direct loan obligations, $3,100,000,000.

(D) New primary loan guarantee commitments, $95,900,000,000.

Fiscal year 1998:

(A) New budget authority, $5,200,000,000.

(B) Outlays, −$2,900,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $96,600,000,000.

Fiscal year 1999:

(A) New budget authority, $6,200,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $3,400,000,000.

(D) New primary loan guarantee commitments, $99,500,000,000.

(8) Transportation (400):

Fiscal year 1995:

(A) New budget authority, $41,900,000,000.

(B) Outlays, $38,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $41,800,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $43,200,000,000.

(B) Outlays, $40,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $44,000,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $44,600,000,000.

(B) Outlays, $40,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1995:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $9,300,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1996:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1997:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1999:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1995:

(A) New budget authority, $57,700,000,000.

(B) Outlays, $53,700,000,000.

(C) New direct loan obligations, $5,500,000,000.

(D) New primary loan guarantee commitments, $19,000,000,000.

Fiscal year 1996:

(A) New budget authority, $58,200,000,000.

(B) Outlays, $55,600,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $14,000,000,000.

Fiscal year 1997:

(A) New budget authority, $59,900,000,000.

(B) Outlays, $58,100,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $13,200,000,000.

Fiscal year 1998:

(A) New budget authority, $61,700,000,000.

(B) Outlays, $60,600,000,000.

(C) New direct loan obligations, $15,100,000,000.

(D) New primary loan guarantee commitments, $12,300,000,000.

Fiscal year 1999:

(A) New budget authority, $63,200,000,000.

(B) Outlays, $62,200,000,000.

(C) New direct loan obligations, $16,800,000,000.

(D) New primary loan guarantee commitments, $11,200,000,000.

(11) Health (550):

Fiscal year 1995:

(A) New budget authority, $124,300,000,000.

(B) Outlays, $122,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $136,700,000,000.

(B) Outlays, $135,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1997:

(A) New budget authority, $151,000,000,000.

(B) Outlays, $149,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1998:

(A) New budget authority, $166,700,000,000.

(B) Outlays, $165,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $184,200,000,000.

(B) Outlays, $182,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1995:

(A) New budget authority, $162,400,000,000.

(B) Outlays, $160,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,500,000,000.

(B) Outlays, $178,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $198,500,000,000.

(B) Outlays, $196,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $217,700,000,000.

(B) Outlays, $215,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $242,300,000,000.

(B) Outlays, $239,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1995:

(A) New budget authority, $56,000,000,000.

(B) Outlays, $55,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $65,200,000,000.

(B) Outlays, $64,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $73,300,000,000.

(B) Outlays, $72,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $81,300,000,000.

(B) Outlays, $80,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $92,200,000,000.

(B) Outlays, $90,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1995:

(A) New budget authority, $220,800,000,000.

(B) Outlays, $221,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $235,000,000,000.

(B) Outlays, $229,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $249,300,000,000.

(B) Outlays, $242,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $261,200,000,000.

(B) Outlays, $253,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $273,600,000,000.

(B) Outlays, $264,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650):

Fiscal year 1995:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $12,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1995:

(A) New budget authority, $37,200,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $32,900,000,000.

Fiscal year 1996:

(A) New budget authority, $37,600,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $27,400,000,000.

Fiscal year 1997:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $38,300,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,800,000,000.

Fiscal year 1998:

(A) New budget authority, $38,600,000,000.

(B) Outlays, $38,500,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,600,000,000.

Fiscal year 1999:

(A) New budget authority, $39,700,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $25,300,000,000.

(17) Administration of Justice (750):

Fiscal year 1995:

(A) New budget authority, $18,800,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $21,300,000,000.

(B) Outlays, $19,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $23,200,000,000.

(B) Outlays, $22,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $24,500,000,000.

(B) Outlays, $23,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1995:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $13,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $12,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $247,100,000,000.

(B) Outlays, $247,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $267,200,000,000.

(B) Outlays, $267,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $282,700,000,000.

(B) Outlays, $282,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $298,500,000,000.

(B) Outlays, $298,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $315,600,000,000.

(B) Outlays, $315,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $257,600,000,000.

(B) Outlays, $257,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $278,000,000,000.

(B) Outlays, $278,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $293,500,000,000.

(B) Outlays, $293,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $309,100,000,000.

(B) Outlays, $309,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $325,500,000,000.

(B) Outlays, $325,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1995: $311,800,000,000.

Fiscal year 1996: $331,200,000,000.

Fiscal year 1997: $347,600,000,000.

Fiscal year 1998: $365,100,000,000.

Fiscal year 1999: $384,100,000,000.

(22) Allowances (920):

Fiscal year 1995:

(A) New budget authority, −$6,600,000,000.

(B) Outlays, −$4,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$4,400,000,000.

(B) Outlays, −$3,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$4,500,000,000.

(B) Outlays, −$3,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$7,900,000,000.

(B) Outlays, −$7,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$8,700,000,000.

(B) Outlays, −$11,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$44,700,000,000.

(B) Outlays, −$44,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$30,500,000,000.

(B) Outlays, −$30,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$30,500,000,000.

(B) Outlays, −$30,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$31,300,000,000.

(B) Outlays, −$31,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$31,600,000,000.

(B) Outlays, −$31,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$42,200,000,000.

(B) Outlays, −$42,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$27,300,000,000.

(B) Outlays, −$27,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$27,800,000,000.

(B) Outlays, −$27,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$28,400,000,000.

(B) Outlays, −$28,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$28,600,000,000.

(B) Outlays, −$28,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—BUDGETARY PROCEDURES

SEC. 21. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) BUDGETARY TREATMENT.—For purposes of points of order under this concurrent resolution and the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from sales of assets (other than loan assets) shall not be scored with respect to the level of budget authority, outlays, or revenues.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the term shall not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales at levels consistent with agency operations in fiscal year 1986.

(d) SUNSET.—Subsections (a) through (c) of this section shall expire September 30, 1998.

(e) CONFORMING AMENDMENT.—Section 8 of House Concurrent Resolution 64 (103d Congress), section 8 of House Concurrent Resolution 287 (102d Congress), section 7 of House Concurrent Resolution 121 (102d Congress), section 5 of House Concurrent Resolution 310 (101st Congress), section 6 of House Concurrent Resolution 106 (101st Congress), section 4 of House Concurrent Resolution 268 (100th Congress), and sections 7 and 8 of House Concurrent Resolution 93 (100th Congress) are repealed.

SEC. 22. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

(b) CONFORMING AMENDMENT.—Section 10(b) of House Concurrent Resolution 64 (103d Congress) and section 12(b) of House Concurrent Resolution 287 (102d Congress) are repealed.

SEC. 23. ENFORCING PAY-AS-YOU-GO.

(a) PURPOSE.—The Senate declares that it is essential to—

(1) ensure continued compliance with the deficit reduction embodied in the Omnibus Budget Reconciliation Act of 1993; and

(2) continue the pay-as-you-go enforcement system.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct-spending or receipts legislation (as defined in paragraph (3)) that would increase the deficit for any one of the three applicable time periods (as defined in paragraph (2)) as measured pursuant to paragraphs (4) and (5).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any one of the three following periods—

(A) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

(B) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

(C) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING OR RECEIPTS LEGISLATION.—For purposes of this subsection, the term "direct-spending or receipts legislation" shall—

(A) include any bill, joint resolution, amendment, motion, or conference report to which this subsection otherwise applies;

(B) exclude concurrent resolutions on the budget;

(C) exclude full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990;

(D) exclude emergency provisions so designated under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985;

(E) include the estimated amount of savings in direct-spending programs applicable to that fiscal year resulting from the prior year's sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year); and

(F) except as otherwise provided in this subsection, include all direct-spending legislation as that term is interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) BASELINE.—Estimates prepared pursuant to this section shall use the baseline used for the most recent concurrent resolution on the budget, and for years beyond those covered by that concurrent resolution, shall abide by the requirements of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, except that references to "outyears" in that section shall be deemed to apply to any year (other than the budget year) covered by any one of the time periods defined in paragraph (2) of this subsection.

(5) PRIOR SURPLUS AVAILABLE.—If direct-spending or receipts legislation increases the deficit when taken individually (as a bill, joint resolution, amendment, motion, or conference report, as the case may be), then it must also increase the deficit when taken together with all direct-spending and receipts legislation enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1993, in order to violate the prohibition of this subsection.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be

equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) CONFORMING AMENDMENT.—Section 12 of House Concurrent Resolution 64 (103d Congress) is repealed.

(g) TECHNICAL CORRECTION.—Notwithstanding section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by sections 13112(b) and 13208(b)(3) of the Budget Enforcement Act of 1990), the second sentence of section 904(c) of the Congressional Budget Act of 1974 (except insofar as it relates to section 313 of that Act) and the final sentence of section 904(d) of that Act (except insofar as it relates to section 313 of that Act) shall continue to have effect as rules of the Senate through (but no later than) September 30, 1998.

(h) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 1998.

SEC. 24. ENFORCING DISCRETIONARY SPENDING LIMITS.

(a) DISCRETIONARY SPENDING LIMITS.—

(1) DEFINITION.—For the purposes of enforcing this section in the Senate, the discretionary spending limits in section 601(a)(2)(F) of the Congressional Budget Act of 1974 (as adjusted) are reduced by the following amounts—

(A) with respect to fiscal year 1996, $4,000,000,000 in budget authority and $5,400,000,000 in outlays;

(B) with respect to fiscal year 1997, $10,700,000,000 in budget authority and $2,400,000,000 in outlays; and

(C) with respect to fiscal year 1998, $4,100,000,000 in budget authority and $500,000,000 in outlays.

(2) POINT OF ORDER IN THE SENATE.—(A) Except as provided in subparagraph (B), it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1996, 1997, or 1998 (or amendment or motion on such a resolution) that recommends discretionary spending levels for the first fiscal year covered by that resolution that would exceed the discretionary spending limits as reduced in this section.

(B) This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 25. INTERNAL REVENUE SERVICE COMPLIANCE INITIATIVE.

(a)(1) ADJUSTMENTS.—For purposes of points of order under the Congressional Budget and Impoundment Control Act of 1974 and concurrent resolutions on the budget—

(A) the discretionary spending limits under section 601(a)(2) of that Act (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(B) the allocations to the Committees on Appropriations under sections 302(a) and 602(a) of that Act;

(C) the appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget; and

(D) the maximum deficit amount under section 601(a)(1) of that Act (and that amount as cumulatively adjusted) for the current fiscal year,

shall be adjusted to reflect the amounts of additional new budget authority or additional outlays (as defined in paragraph (2)) reported by the Committee on Appropriations in appropriations Acts (or by the committee of conference on such legislation) for the Internal Revenue Service compliance initiative activities in any fiscal year, but not to exceed in any fiscal year $405,000,000 in new budget authority and $405,000,000 in outlays.

(2) ADDITIONAL AMOUNTS.—As used in this section, the terms "additional new budget authority" or "additional outlays" shall mean, for any fiscal year, budget authority or outlays (as the case may be) in excess of the amounts requested for that fiscal year for the Internal Revenue Service in the President's Budget for fiscal year 1995.

(b) REVISED LIMITS, ALLOCATIONS, AND AGGREGATES.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate or the House of Representatives (as the case may be) shall submit to that Chairman's respective House appropriately revised—

(1) discretionary spending limits under section 601(a)(2) of the Congressional Budget Act of 1974 (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(2) allocations to the Committees on Appropriations under sections 302(a) and 602(a) of that Act;

(3) appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget; and

(4) maximum deficit amount under section 601(a)(1) of that Act (and that amount as cumulatively adjusted) for the current fiscal year,

to carry out this subsection. These revised discretionary spending limits, allocations, and aggregates shall be considered for purposes of congressional enforcement under that Act as the discretionary spending limits, allocations, and aggregates.

(c) REPORTING REVISED SUBALLOCATIONS.—The Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 to carry out this section.

(d) CONTINGENCIES.—

(1) The Internal Revenue Service and the Treasury Department have certified that they are firmly committed to the principles of privacy, confidentiality, courtesy, and protection of taxpayer rights. To this end, the Internal Revenue Service and the Treasury Department have explicitly committed to initiate and implement educational programs for any new employees hired as a result of the compliance initiative made possible by this section.

(2) This section shall not apply to any additional new budget authority or additional outlays unless—

(A) in the Senate, the Chairman of the Budget Committee certifies, based upon information from the Congressional Budget Office, the General Accounting Office, and the Internal Revenue Service (as well as from any other sources he deems relevant), that such budget authority or outlays will not increase the total of the Federal budget deficits over the next five years; and

(B) any funds made available pursuant to such budget authority or outlays are available only for the purpose of carrying out Internal Revenue Service compliance initiative activities.

SEC. 26. ADJUSTMENTS FOR HEALTH CARE REFORM IN THE HOUSE OF REPRESENTATIVES.

(a) In the House of Representatives, if health care reform legislation is reported (including by a committee of conference), budget authority, outlays, and new entitlement authority shall be allocated to committees, and the total levels of budget authority, outlays, and revenues shall be adjusted, to reflect such legislation if the legislation in the form in which it will be considered would not increase the total deficit for the period of fiscal years 1995 through 1999.

(b) Upon reporting of legislation described in subsection (a) and again upon submission of a conference report on such legislation, the chairman of the Committee on the Budget of the House of Representatives shall publish in the Congressional Record revised allocations under section 602(a) of the Congressional Budget Act of 1974 and revised levels of total budget authority, outlays, and revenues to carry out this section. In the House of Representatives, such allocations and totals shall be considered as the allocations and aggregates under this resolution.

SEC. 27. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE.

(a)(1) BUDGET AUTHORITY AND OUTLAY ALLOCATIONS.—In the Senate, budget authority and outlays may be allocated (as provided under subsection (c)) to a committee (or committees) for direct-spending legislation that increases funding for any of the purposes described in subsection (b)(1) within that committee's jurisdiction, if, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) BUDGET AUTHORITY AND OUTLAY ALLOCATIONS AND REVENUE AGGREGATES.—In the Senate, budget authority and outlays may be allocated to a committee (or committees) and the revenue aggregates may be reduced (as provided under subsection (c)) for direct-spending or receipts legislation in furtherance of any of the purposes described in subsection (b)(2) within that committee's jurisdiction, if, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(3) OUTLAY-NEUTRAL BUDGET AUTHORITY ALLOCATIONS.—In the Senate, budget authority may be allocated (as provided under subsection (c)) to a committee (or committees) for any direct-spending legislation within that committee's jurisdiction, if, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed outlay reductions) the deficit or aggregate outlays in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(b)(1) PURPOSES UNDER SUBSECTION (a)(1).—Budget authority and outlay allocations may be revised under subsection (a)(1) for legislation—

(A) to provide comprehensive training or job search assistance (including reemployment or job training programs or dislocated worker programs), or to reform unemployment compensation, or to provide for other related programs;

(B) to preserve or rebuild the United States maritime industry;

(C) to reform the financing of Federal elections; or

(D) to reform the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(2) PURPOSES UNDER SUBSECTION (a)(2).—Budget authority and outlay allocations may be revised or the revenue floor reduced under subsection (a)(2) for—

(A) legislation to improve the well-being of families through welfare or other reforms (including promoting self-sufficiency through improvements in job training or employment programs), to provide for services to support or protect children (including assuring increased parental support for children through improvements in the child support enforcement program), or to improve the health, nutrition, or care of children;

(B) to make continuing improvements in ongoing health care programs, to provide for comprehensive health care reform, to control health care costs, or to accomplish other health care reforms;

(C) trade-related legislation (including legislation to implement the Uruguay Round of the General Agreement on Tariffs and Trade or to extend the Generalized System of Preferences);

(D) reforms relating to the Pension Benefit Guaranty Corporation (including legislation to improve the funding of government-insured pension plans, to protect plan participants, or to limit growth in exposure of the Pension Benefit Guaranty Corporation) or other employee benefit-related legislation;

(E) reforms relating to providing for simplified collection of employment taxes on domestic services;

(F) reforms to consolidate the supervision of depository institutions insured under the Federal Deposit Insurance Act; or

(G) initiatives to preserve United States energy security.

(c) REVISED ALLOCATIONS AND AGGREGATES.—

(1) UPON REPORTING.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on that legislation (if a conference report is submitted), the chairman of the Committee on the Budget of the Senate may submit to the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised aggregates to carry out this section.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the chairman of the Committee on the Budget submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (b)(2)(B), upon the offering of an amendment to that legislation that would necessitate such a submission, the chairman shall submit to the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised aggregates, if the enactment of that legislation (as proposed to be amended) will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(d) EFFECT OF REVISED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates submitted under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this concurrent resolution on the budget.

(e) REPORTING REVISED SUBDIVISIONS.—The appropriate committee may report appropriately revised subdivisions of allocations pursuant to sections 302(b)(2) and 602(b)(2) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 28. EXERCISE OF RULEMAKING POWERS.

The Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF CONGRESS PROVISIONS

SEC. 31. CONTROLLING GROWTH OF ENTITLEMENT OR MANDATORY SPENDING.

It is the sense of the Congress that legislation should be enacted providing enforceable limits to control the growth of entitlement or mandatory spending.

SEC. 32. SENSE OF THE HOUSE REGARDING ENACTMENT OF CERTAIN BUDGET PROCESS LEGISLATION.

It is the sense of the House of Representatives that the following legislation should be enacted:

(1) Legislation providing enforceable limits to control the growth of entitlement or mandatory spending.

(2) Amendments to the Budget Enforcement Act of 1990 to establish a regular procedure to provide assistance for disasters and other emergencies without adding to the deficit.

(3) Legislation granting the President expedited rescission authority over appropriations measures, as provided by H.R. 1578, as passed the House.

SEC. 33. SENSE OF THE SENATE ON CONTROLLING NON-SOCIAL SECURITY MANDATORY SPENDING.

It is the sense of the Senate that the Congress should—

(1) after enacting health care reform legislation, enact annual caps to control the growth of entitlement or mandatory spending;

(2) include within these caps all mandatory spending programs except Social Security, deposit insurance, and net interest;

(3) provide that these caps shall be set so that programs providing benefits to individuals may grow for inflation, changes in the numbers of beneficiaries, and an additional growth allowance;

(4) provide that these caps shall be adjusted annually in the President's budget for changes in inflation and the number of beneficiaries since Congress enacted the caps (excluding any changes due to legislation);

(5) provide an enforcement mechanism in the event that total mandatory spending exceeds the caps; and

(6) enact caps on tax expenditures similar to those for mandatory spending so as to ensure that reductions in Federal spending for mandatory programs are not achieved by shifting spending to tax expenditures.

SEC. 34. SENSE OF THE CONGRESS REGARDING THE BUDGETARY ACCOUNTING OF HEALTH CARE REFORM.

It is the sense of the Congress that—

(1) the Congress should measure the costs and benefits of all health care reform legislation against a uniform set of economic and technical assumptions;

(2) before enacting major changes in the health care system, the Congress should have available to it reliable estimates of the costs of competing plans prepared in a comparable manner; and

(3) the Congress should account for all financial transactions associated with Federal health care reform legislation.

SEC. 35. SENSE OF THE CONGRESS ON THE COSTS OF ILLEGAL IMMIGRATION.

(a) FINDINGS.—The Congress finds that—

(1) the Federal Government is solely responsible for setting and enforcing national immigration policy;

(2) the Federal Government has not adequately enforced immigration laws;

(3) this weak enforcement has imposed financial costs on State and local governments;

(4) the Federal Government has failed to investigate and prosecute Federal wage and hour violations, thus creating incentives to hire persons illegally in the United States and exacerbating the problem of illegal immigration;

(5) States must incur costs for incarcerating undocumented persons convicted of State and local crimes, educating undocumented children, providing emergency medical services to undocumented persons, and providing services incidental to admission of refugees under the Refugee Admissions and Resettlement Program; and

(6) the Federal Government has an obligation to reimburse State and local governments for costs resulting from the costs described in this subsection.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that, in setting forth the budget authority and outlay amounts in this resolution, the Congress intends that funding should be provided to reimburse State and local governments for the costs associated with—

(1) elementary and secondary education for undocumented children;

(2) emergency medical assistance to undocumented persons;

(3) incarceration and parole of criminal aliens; and

(4) services incidental to admission of refugees under the Refugee Admissions and Resettlement Program.

SEC. 36. SENSE OF THE CONGRESS REGARDING BASELINES.

(a) FINDINGS.—The Congress finds that—

(1) the baseline budget shows the likely course of Federal revenues and spending if policies remain unchanged;

(2) baseline budgeting has given rise to the practice of calculating policy changes from an inflated spending level; and

(3) the baseline concept has been misused to portray policies that would simply slow down the increase in spending as spending reductions.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the President should submit a budget that compares proposed spending levels for the budget year with the current year; and

(2) the starting point for deliberations on a budget resolution should be the current year.

SEC. 37. SENSE OF THE CONGRESS REGARDING UNFUNDED FEDERAL MANDATES.

It is the sense of the Congress that—

(1) the Federal Government should not shift the costs of administering Federal programs to State and local governments;

(2) the Federal Government's share of entitlement programs should not be capped or otherwise decreased without providing States authority to amend their financial or programmatic responsibilities to continue meeting the mandated service; and

(3) Congress should develop a mechanism to ensure that costs of mandates are considered during agencies' development of regulations and congressional deliberations on legislation.

SEC. 38. CLOSING OF LOOPHOLES IN FOREIGN TAX PROVISIONS.

(a) FINDINGS.—The Senate finds that—

(1) there is evidence suggesting that foreign-controlled corporations doing business in the United States do not pay their fair share of taxes;

(2) over 70 percent of foreign-controlled corporations doing business in the United States pay no Federal income tax;

(3) the United States Department of the Treasury has limited its ability to protect the revenue base in the case of cross-border transactions, to the detriment of taxpayers engaged solely in domestic transactions;

(4) the Department of the Treasury has been using antiquated accounting concepts to deal with sophisticated multinational corporations;

(5) substantial Federal revenues are lost annually due to the inability of the Internal Revenue Service to enforce the "arm's length" transaction rule, along with substantial amounts spent on administration and litigation; and

(6) the Federal income tax laws provide a financial incentive for domestic taxpayers to operate abroad by granting them deferral of United States taxes on income earned abroad.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that deficit reduction should be achieved, in part, by ending loopholes and enforcement breakdowns that now foster the underpayment of taxes on income from cross-border transactions and that subsidize the flight of domestic businesses and jobs out of the United States, by means including—

(1) the adoption of a more streamlined and efficient method of enforcing Federal tax laws involving multinational corporations, especially those based abroad, and in particular, the use by the Treasury Department of a formulaic approach in cases in which the current "arm's length" transaction rules do not work; and

(2) a repeal of tax subsidies for domestic businesses that operate abroad in tax havens and then ship their products back into the United States.

SEC. 39. SENSE OF THE SENATE REGARDING TAX EXPENDITURES.

(a) FINDINGS.—The Senate finds that tax expenditures—

(1) are growing significantly;

(2) may have the same effect as direct Federal spending; and

(3) should be subject to the same level of budgetary review as direct spending.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Congress should consider targets for the growth in tax expenditures similar to the targets for the growth of mandatory spending;

(2) any reconciliation instructions included in a budget resolution should specify these targets; and

(3) such targets should be enforceable separately from any revenue targets included in the reconciliation instructions.

SEC. 40. SENSE OF THE CONGRESS REGARDING HEALTH SERVICE DELIVERY AND WATER INFRASTRUCTURE IN THE INDIAN HEALTH SERVICE.

It is the sense of the Congress that—

(1) sufficient funding should be provided to the Indian Health Service to ensure that Indian Health Service hospitals and outpatient facilities in existence on the date of enactment of this resolution, and Indian Health Service hospitals and outpatient facilities scheduled to open during fiscal years 1994, 1995, and 1996, are fully staffed with the appropriate number of health care professionals needed to meet the health and medical needs of the American Indians and Alaska Natives who depend on the Indian Health Service for health care; and

(2) sufficient funding should be provided to the Indian Health Service to ensure that the Indian Health Service is capable of meeting basic public health and safety and sanitation requirements on Indian lands through timely and proper water infrastructure construction and upgrades.

SEC. 41. SENSE OF THE SENATE REGARDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

It is the sense of the Senate that the budget authority and outlay figures for function 250 in this resolution do not assume any amounts for the National Aeronautics and Space Administration for any fiscal year from 1995 through 1999 in excess of the amounts proposed by the President for such fiscal year.

SEC. 42. MINIMUM ALLOCATION PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) the minimum allocation program was established in 1982 to address inequities in the funding formula for Federal-aid highways;

(2) the minimum allocation program was designed to provide the greatest degree of flexibility practicable to States that receive funding under the formula referred to in paragraph (1) and includes an exemption of the apportionments from the obligation ceiling;

(3) the minimum allocation program provides additional flexibility by allowing a State a 4-year period during which amounts apportioned to the State may be obligated;

(4) the budget of the United States Government for fiscal year 1995 submitted by the President to Congress proposes to include minimum allocation apportionments under the obligation ceiling and also proposes to limit the authority of States to obligate apportionments under the minimum allocation program to 67 percent of the amount of the apportionments; and

(5) States have planned transportation programs on the basis of the provisions of the Intermodal Surface Transportation Efficiency Act of 1991, and the amendments made by the Act, relating to minimum allocation that confirmed core commitments to exemption and flexibility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the minimum allocation program should remain exempt from the obligation ceiling; and

(2) the flexibility of the minimum allocation program should be an enduring and critical component of the provision of Federal assistance to States for Federal-aid highways.

(c) DEFINITIONS.—As used in this section:

(1) FEDERAL-AID HIGHWAYS.—The term "Federal-aid highways" has the meaning provided the term in section 101 of title 23, United States Code.

(2) MINIMUM ALLOCATION PROGRAM.—The term "minimum allocation program" means the program of allocation of funding to States under section 157 of title 23, United States Code.

(3) OBLIGATION CEILING.—The term "obligation ceiling" means the obligation ceiling under section 1002 of the Intermodal Surface Transportation Efficiency Act of 1991.

SEC. 43. POLICY IN EASTERN AND CENTRAL EUROPE.

It is the sense of the Congress that levels of spending set forth in this resolution regarding the International Affairs (150) budget category include an assumption that the United States will oppose, consistent with provisions contained in the Freedom Support Act and the Foreign Assistance Appropriations Act of 1994, attempts by the Russian Federation to intimidate, use military force or engage in economic coercion to establish a sphere of influence over the former republics of the Soviet Union, the Baltics, or Central and Eastern European nations.

SEC. 44. STAR WARS (BALLISTIC MISSILE DEFENSE).

It is the sense of the Senate that given the Federal budget deficit, the real reductions in discretionary spending in this resolution, and the existence of many more worthy programs competing for this funding, spending for the Star Wars (Ballistic Missile Defense) must not exceed the fiscal year 1994 appropriated level.

And the Senate agree to the same.

MARTIN OLAV SABO,
DICK GEPHARDT,
DALE E. KILDEE,
ANTHONY BEILENSON,
HOWARD L. BERMAN,
BOB WISE,
JOHN BRYANT,
CHARLIE STENHOLM,
BARNEY FRANK,
LOUISE M. SLAUGHTER,
Managers on the Part of the House.

JIM SASSER,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (House Concurrent Resolution 218) setting forth the congressional budget for the United States Government for the fiscal years 1995, 1996, 1997, 1998, and 1999, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House resolution after the resolving clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House resolution and the Senate amendment.

EXPLANATION OF CONFERENCE AGREEMENT

The following tables show the functional allocations and budget aggregates included in the conference agreement and the House-passed and Senate-passed versions of the resolution. In addition to on-budget figures, these tables include off-budget and total budget figures, which are shown for informational purposes only. Another table displays credit amounts by function. The conference agreement credit amounts are identical to those in both the House resolution and the Senate amendment.

CONFERENCE AGREEMENT

[In billions of dollars]

	Fiscal years—				
	1995	1996	1997	1998	1999
050 National defense:					
Budget Authority	263.8	255.3	252.0	258.7	265.1
Outlays	270.7	261.0	256.4	256.6	257.5
150 International affairs:					
Budget Authority	19.3	17.2	17.0	16.8	17.0
Outlays	18.1	17.3	17.3	17.6	17.5
250 Science, Space and Technology:					
Budget Authority	17.3	17.2	17.3	17.4	17.6
Outlays	17.2	17.2	17.3	17.3	17.5
270 Energy:					
Budget Authority	6.3	5.9	5.9	6.1	5.7
Outlays	5.0	5.2	5.0	4.7	4.4
300 Natural Resources:					
Budget Authority	21.7	22.2	22.1	22.0	21.6
Outlays	21.3	21.5	21.6	21.5	21.4
350 Agriculture:					
Budget Authority	13.0	13.5	14.0	14.2	14.7
Outlays	12.2	12.4	12.7	13.0	13.5
370 Commerce and housing credit:					
Budget Authority	9.7	6.5	6.2	7.2	7.7
Outlays	−7.7	−11.7	−3.4	−2.4	−1.2
On-budget:					
Budget Authority	7.7	5.3	5.1	5.2	6.2
Outlays	−8.2	−10.8	−3.4	−2.9	−0.9
Off-budget:					
Budget Authority	2.0	1.2	1.1	2.0	1.5
Outlays	0.5	−0.9	0.0	0.5	−0.3
400 Transportation:					
Budget Authority	41.9	41.8	43.2	44.0	44.6
Outlays	38.8	39.6	40.1	40.3	40.4
450 Community development:					
Budget Authority	9.5	9.0	9.0	9.0	9.0
Outlays	9.3	8.9	9.0	9.1	9.0
500 Education, training, employment, and social services:					
Budget Authority	57.7	58.2	59.9	61.7	63.2
Outlays	53.7	55.6	58.1	60.6	62.2
500 Health:					
Budget Authority	124.3	136.7	151.0	166.7	184.2
Outlays	122.8	135.8	149.9	165.4	182.6
570 Medicare:					
Budget Authority	162.4	180.5	198.5	217.7	242.3
Outlays	160.5	178.2	196.1	215.1	239.1
600 Income security:					
Budget Authority	220.8	235.0	249.3	261.2	273.6
Outlays	221.2	229.6	242.9	253.2	264.6
650 Social Security:					
Budget Authority	339.2	355.5	374.6	393.3	413.1
Outlays	337.3	355.2	373.1	391.7	411.4
On-budget:					
Budget Authority	6.8	6.3	8.3	9.0	9.8
Outlays	9.4	9.4	11.5	12.3	13.2
Off-budget:					
Budget Authority	332.4	349.2	366.3	384.3	403.3
Outlays	327.9	345.8	361.6	379.4	398.2
700 Veterans benefits and services:					
Budget Authority	37.2	37.6	38.5	38.6	39.7
Outlays	36.6	36.6	38.3	38.5	39.6
750 Administration of justice:					
Budget Authority	18.8	21.3	22.2	23.2	24.5
Outlays	17.2	19.4	21.0	22.5	23.5
800 General government:					
Budget Authority	14.0	13.5	13.4	13.1	12.8
Outlays	13.7	14.7	13.9	13.4	12.8
900 Net interest:					
Budget Authority	213.6	229.8	240.9	251.7	263.3
Outlays	213.6	229.8	240.9	251.7	263.3
On-budget:					
Budget Authority	247.1	267.2	282.7	298.5	315.6
Outlays	247.1	267.2	282.7	298.5	315.6
Off-budget:					
Budget Authority	−33.5	−37.4	−41.8	−46.8	−52.3
Outlays	−33.5	−37.4	−41.8	−46.8	−52.3
920 Allowances:					
Budget Authority	−6.6	−4.4	−4.5	−7.9	−8.7
Outlays	−4.7	−3.9	−3.3	−7.1	−11.0
On-budget:					
Budget Authority	−6.6	−4.4	−4.5	−7.9	−8.7
Outlays	−4.7	−3.9	−3.3	−7.1	−11.0
Off-budget:					
Budget Authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
950 Undistributed offsetting receipts:					
Budget Authority	−43.2	−37.7	−38.1	−39.6	−40.5
Outlays	−43.2	−37.7	−38.1	−39.6	−40.5
On-budget:					
Budget Authority	−44.7	−30.5	−30.5	−31.3	−31.6
Outlays	−44.7	−30.5	−30.5	−31.3	−31.6
Off-budget:					
Budget Authority	1.5	−7.2	−7.6	−8.3	−8.9
Outlays	1.5	−7.2	−7.6	−8.3	−8.9
Total spending:					
Budget Authority	1,540.7	1,614.6	1,692.4	1,755.1	1,870.5
Outlays	1,513.6	1,584.7	1,668.8	1,743.1	1,827.9
On-budget:					
Budget Authority	1,238.3	1,308.8	1,374.4	1,443.9	1,526.9
Outlays	1,217.2	1,284.4	1,356.6	1,418.3	1,490.9
Off-budget:					
Budget Authority	302.4	305.8	318.0	331.2	343.6
Outlays	296.4	300.3	312.2	324.8	336.7
Revenues	1,338.2	1,410.8	1,478.7	1,555.9	1,630.0
On-budget	977.7	1,031.2	1,079.7	1,136.4	1,190.2
Off-budget	360.5	379.6	399.0	419.5	439.8
Deficit	175.4	173.9	190.1	187.2	197.6

CONFERENCE AGREEMENT—Continued

[In billions of dollars]

	Fiscal years—				
	1995	1996	1997	1998	1999
On-budget deficit	239.5	253.2	276.9	281.9	300.7
Off-budget surplus	64.1	79.3	86.8	94.7	103.1
Public debt	4,965.1	5,281.4	5,618.2	5,958.6	6,308.8

HOUSE-PASSED BUDGET RESOLUTION—MARCH 11, 1994

[In billions of dollars]

	Fiscal years—				
	1995	1996	1997	1998	1999
050 National defense:					
Budget authority	263.3	255.3	252.0	258.7	258.7
Outlays	270.5	261.2	256.6	256.7	256.7
150 International affairs:					
Budget authority	19.2	17.2	17.0	16.8	17.0
Outlays	18.1	17.3	17.3	17.7	17.7
250 Science, Space and Technology:					
Budget authority	17.2	17.2	17.3	17.4	17.4
Outlays	17.1	17.2	17.3	17.4	17.4
270 Energy:					
Budget authority	6.0	5.9	5.9	6.1	5.4
Outlays	5.0	5.1	4.9	4.7	4.2
300 Natural Resources:					
Budget authority	21.4	22.2	22.1	22.0	21.6
Outlays	21.2	21.7	21.7	21.6	21.2
350 Agriculture:					
Budget authority	12.6	13.2	13.7	13.9	14.2
Outlays	11.9	12.1	12.4	12.7	13.1
370 Commerce and housing credit:					
Budget authority	9.3	6.5	6.2	7.2	6.7
Outlays	−8.0	−11.8	−3.5	−2.4	−2.2
On-budget:					
Budget authority	7.3	5.3	5.1	5.2	5.2
Outlays	−8.5	−10.9	−3.5	−2.9	−1.9
Off-budget:					
Budget authority	2.0	1.2	1.1	2.0	1.5
Outlays	0.5	−0.9	0.0	0.5	−0.3
400 Transportation:					
Budget authority	41.8	41.8	43.1	43.9	44.7
Outlays	38.8	39.6	40.1	40.3	40.3
450 Community development:					
Budget authority	9.5	9.0	9.0	9.0	9.0
Outlays	9.3	8.9	9.0	9.1	9.1
500 Education, training, employment, and social services:					
Budget authority	57.0	58.2	59.9	61.7	61.8
Outlays	53.4	55.2	58.0	60.6	60.8
550 Health:					
Budget authority	123.4	136.6	150.9	166.6	182.9
Outlays	122.3	135.4	149.8	165.4	181.7
570 Medicare:					
Budget authority	162.4	180.5	198.5	217.7	242.2
Outlays	160.5	178.2	196.1	215.1	239.0
600 Income security:					
Budget authority	219.8	234.5	249.1	261.0	272.2
Outlays	220.4	229.1	242.6	253.1	264.1
650 Social Security:					
Budget authority	339.2	355.5	374.6	393.3	413.1
Outlays	337.3	355.2	373.1	391.7	411.3
On-budget:					
Budget authority	6.8	6.3	8.3	9.0	9.8
Outlays	9.4	9.4	11.5	12.3	13.1
Off-budget:					
Budget authority	332.4	349.2	366.3	384.3	403.3
Outlays	327.9	345.8	361.6	379.4	398.2
700 Veterans benefits and services:					
Budget authority	37.2	37.6	38.5	38.6	39.7
Outlays	36.6	36.6	38.3	38.5	39.7
750 Administration of justice:					
Budget authority	18.0	20.8	21.7	22.7	22.8
Outlays	16.8	19.1	20.6	22.1	22.1
800 General Government:					
Budget authority	13.7	13.5	13.4	13.1	13.2
Outlays	13.5	14.7	13.9	13.4	13.4
900 Net interest:					
Budget authority	213.6	229.8	241.0	251.7	263.5
Outlays	213.6	229.8	241.0	251.7	263.5
On-budget:					
Budget authority	247.1	267.2	282.8	298.5	315.8
Outlays	247.1	267.2	282.8	298.5	315.8
Off-budget:					
Budget authority	−33.5	−37.4	−41.8	−46.8	−52.3
Outlays	−33.5	−37.4	−41.8	−46.8	−52.3
920 Allowances:					
Budget authority	−0.8	−3.6	−3.6	−2.9	9.4
Outlays	−1.8	−2.1	−2.6	−6.1	−0.9
On-budget:					
Budget authority	−0.8	−3.6	−3.6	−2.9	9.4
Outlays	−1.8	−2.1	−2.6	−6.1	−0.9
Off-budget:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
950 Undistributed offsetting receipts:					
Budget authority	−42.9	−37.5	−37.9	−39.5	−40.5
Outlays	−42.9	−37.5	−37.9	−39.5	−40.5
On-budget:					
Budget authority	−36.1	−30.3	−30.3	−31.2	−31.6
Outlays	−36.1	−30.3	−30.3	−31.2	−31.6
Off-budget:					
Budget authority	−6.8	−7.2	−7.6	−8.3	−8.9
Outlays	−6.8	−7.2	−7.6	−8.3	−8.9

HOUSE-PASSED BUDGET RESOLUTION—MARCH 11, 1994—Continued

[In billions of dollars]

	Fiscal years—				
	1995	1996	1997	1998	1999
Total spending:					
Budget authority	1,540.9	1,614.2	1,692.4	1,779.0	1,875.0
Outlays	1,513.6	1,585.0	1,668.7	1,743.8	1,831.7
On-budget:					
Budget authority	1,246.8	1,308.4	1,374.4	1,447.8	1,531.4
Outlays	1,225.5	1,284.7	1,356.6	1,419.0	1,495.0
Off-budget:					
Budget authority	294.1	305.8	318.0	331.2	343.6
Outlays	288.1	300.3	312.2	324.8	336.7
Revenues	1,338.3	1,410.8	1,478.7	1.555.9	1,630.0
On-budget	977.8	1,031.2	1,079.7	1,136.4	1,190.2
Off-budget	360.5	379.6	399.0	419.5	439.8
Deficit	175.3	174.2	190.0	187.9	201.7
On-budget deficit	247.7	253.5	276.8	282.6	304.8
Off-budget surplus	72.4	79.3	86.8	94.7	103.1
Public Debt	4,968.3	5,293.8	5,640.1	5,996.2	6,367.3

SENATE-PASSED BUDGET RESOLUTION—MARCH 25, 1994

[In billions of dollars]

	Fiscal Years—				
	1995	1996	1997	1998	1999
050 National Defense:					
Budget Authority	262.8	225.3	252.0	258.7	265.1
Outlays	270.7	261.0	256.4	256.6	257.6
150 International Affairs:					
Budget Authority	19.3	17.2	17.0	16.8	17.0
Outlays	18.1	17.3	17.3	17.6	17.5
250 Science, Space & Technology:					
Budget Authority	17.3	17.2	17.3	17.4	17.6
Outlays	17.2	17.2	17.3	17.3	17.5
270 Energy:					
Budget Authority	6.3	5.9	5.9	6.1	5.7
Outlays	5.0	5.2	5.0	4.7	4.4
300 Natural Resources:					
Budget Authority	21.7	22.2	22.1	22.0	21.6
Outlays	21.3	21.5	21.6	21.5	21.4
350 Agriculture:					
Budget Authority	12.5	12.5	13.0	13.2	13.7
Outlays	11.8	11.4	11.7	12.0	12.5
370 Commerce and housing credit:					
Budget Authority	9.7	6.5	6.2	7.2	7.7
Outlays	−7.8	−11.7	−3.4	−2.4	−1.2
On-budget:					
Budget Authority	7.7	5.3	5.1	5.2	6.2
Outlays	−8.3	−10.3	−3.4	−2.9	−0.9
Off-budget:					
Budget Authority	2.0	1.2	1.1	2.0	1.5
Outlays	0.5	0.9	0.0	0.5	0.3
400 Transportation:					
Budget Authority	42.9	41.8	43.2	44.0	44.6
Outlays	38.8	39.6	40.1	40.3	40.5
450 Community development:					
Budget Authority	9.5	9.0	9.0	9.0	9.0
Outlays	9.3	8.9	9.0	9.1	9.0
500 Education, training, employment and social services:					
Budget Authority	57.9	58.2	59.9	61.7	63.2
Outlays	53.6	55.7	58.2	60.6	62.2
550 Health:					
Budget Authority	124.3	136.7	151.0	166.7	184.2
Outlays	122.7	135.7	149.9	165.5	182.6
570 Medicare:					
Budget Authority	162.4	180.5	198.5	217.7	242.3
Outlays	160.5	178.2	196.1	215.1	239.1
600 Income security:					
Budget Authority	220.2	234.7	249.3	261.2	272.9
Outlays	220.7	229.3	242.8	253.2	264.4
650 Social Security:					
Budget Authority	339.2	355.5	374.6	393.3	413.1
Outlays	337.3	355.2	373.1	391.7	411.4
On-Budget:					
Budget Authority	6.8	6.3	8.3	9.0	9.8
Outlays	9.4	9.4	11.5	12.3	13.2
Off-budget:					
Budget Authority	332.4	349.2	366.3	384.3	403.3
Outlays	327.9	345.8	361.6	379.4	398.2
700 Veterans benefits and services:					
Budget Authority	37.2	37.6	38.5	38.6	39.7
Outlays	36.6	36.6	38.3	38.5	39.6
750 Administration of justice:					
Budget Authority	18.8	21.3	22.1	23.2	24.5
Outlays	17.3	19.4	21.1	22.5	23.5
800 General government:					
Budget Authority	14.0	13.5	13.4	13.1	13.5
Outlays	13.7	14.7	13.9	13.4	13.5
900 Net interest:					
Budget Authority	213.6	229.7	240.7	251.1	262.4
Outlays	213.6	229.7	240.7	251.1	262.4
On-Budget:					
Budget Authority	247.1	267.1	282.5	297.9	314.7
Outlays	247.1	267.1	282.5	297.9	314.7
Off-budget:					
Budget Authority	−33.5	−37.4	−41.8	−46.8	−52.3
Outlays	−33.5	−37.4	−41.8	−46.8	−52.3
920 Allowances:					
Budget Authority	−11.3	−8.6	−9.3	−12.5	−24.1
Outlays	−5.8	−3.9	−6.5	−12.0	−15.6
On-Budget:					
Budget Authority	−11.3	−8.6	−9.3	−12.5	−24.1
Outlays	−13.1	−3.9	−6.5	−12.0	−15.6

SENATE-PASSED BUDGET RESOLUTION—MARCH 25, 1994—Continued

[In billions of dollars]

	Fiscal Years—				
	1995	1996	1997	1998	1999
Off-budget:					
Budget Authority	0.0	0.0	0.0	0.0	0.0
Outlays	7.3	0.0	0.0	0.0	0.0
950 Undistributed offsetting receipts:					
Budget Authority	−42.9	−37.5	−37.9	−39.5	−40.5
Outlays	−42.9	−37.5	−37.9	−39.5	−40.5
On-Budget:					
Budget Authority	−36.1	−30.3	−30.3	−31.2	−31.6
Outlays	−36.1	−30.3	−30.3	−31.2	−31.6
Off-budget:					
Budget Authority	−6.8	−7.2	−7.6	−8.3	−8.9
Outlays	−6.8	−7.2	−7.6	−8.3	−8.9
Total spending:					
Budget Authority	1,536.5	1,609.3	1,686.6	1,769.1	1,853.2
Outlays	1,511.7	1,583.5	1,664.7	1,736.8	1,821.8
On-Budget:					
Budget Authority	1,242.4	1,303.5	1,368.6	1,437.9	1,509.6
Outlays	1,216.3	1,283.2	1,352.5	1,412.0	1,485.1
Off-budget:					
Budget Authority	294.1	305.8	318.0	331.2	343.6
Outlays	295.4	300.3	312.2	324.8	336.7
Revenues	1,338.2	1,410.8	1,478.7	1,555.9	1,630.0
Budget Authority	977.7	1,031.2	1,079.7	1,136.4	1,190.2
Outlays	360.5	379.6	399.0	419.5	439.8
Deficit	173.5	172.7	186.0	180.9	191.8
Budget Authority	238.6	252.0	272.8	275.6	294.9
Outlays	65.1	79.3	86.8	94.7	103.1
Public debt	4,963.6	5,278.8	5,611.2	5,945.4	6,289.7

CONFERENCE AGREEMENT CREDIT LEVELS

[In billions of dollars]

	Fiscal years—				
	1995	1996	1997	1998	1999
Direct loans	26.7	32.1	33.8	35.7	37.8
Loan guarantees	199.7	174.4	164.6	164.1	163.5
050 National defense:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
150 International affairs:					
Direct loans	3.2	2.8	2.6	2.4	2.4
Loan guarantees	18.0	18.5	18.5	18.5	16.5
250 General science, space and technology:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
270 Energy:					
Direct loans	1.4	1.5	1.5	1.5	1.5
Loan guarantees	0.0	0.0	0.0	0.0	0.0
300 Natural resources and environment:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
350 Agriculture:					
Direct loans	10.1	9.7	9.7	9.8	9.9
Loan guarantees	7.4	7.4	7.4	7.4	7.4
370 Commerce and housing credit:					
Direct loans	2.8	3.0	3.1	3.2	3.4
Loan guarantees	117.9	103.2	95.9	96.6	99.5
400 Transportation:					
Direct loans	0.1	0.1	0.1	0.1	0.1
Loan guarantees	0.5	0.0	0.0	0.0	0.0
450 Community and regional development:					
Direct loans	2.2	2.2	2.2	2.2	2.2
Loan guarantees	3.6	3.6	3.6	3.6	3.6
500 Education, training, employment and social services:					
Direct loans	5.5	11.5	13.2	15.1	16.8
Loan guarantees	19.0	14.0	13.2	12.3	11.2
550 Health:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.4	0.3	0.2	0.1	0.0
570 Medicare:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
600 Income security:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
650 Social Security:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
700 Veterans benefits and services:					
Direct loans	1.4	1.3	1.4	1.4	1.5
Loan guarantees	32.9	27.4	25.8	25.6	25.3
750 Administration of justice:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
800 General government:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0

ALLOCATIONS AMONG COMMITTEES

Sections 302(a) and 602(a) of the Congressional Budget Act of 1974 require the joint explanatory statement accompanying the conference report on a concurrent resolution on the budget to include an allocation, based upon that concurrent resolution as recommended in the conference report, of the appropriate levels of total outlays, new budget authority, entitlement authority (for the House only), and Social Security outlays (for the Senate only) among each committee of the Senate and the House of Representatives that has jurisdiction over legislation providing those amounts. Section 602 further requires these allocations to include an allocation for the fiscal year covered by the resolution, as well as for the total for all 5 years covered by the resolution. These allocations provide the basis for congressional enforcement of the resolution through points of order under the Congressional Budget Act. These allocations follow:

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1995

[In millions of dollars]

Appropriations Committee	Budget authority	Outlays	Entitlement authority
Current level (Enacted law):			
050 National defense	198	198	0
150 International affairs	174	174	0
300 Natural resources and environment	2,088	1,932	0
350 Agriculture	8,902	546	0
370 Commerce and housing credit	938	1,238	0
400 Transportation	571	574	0
500 Education, training, employment, and social services	12,280	12,059	0
550 Health	100,823	100,790	0
570 Medicare	42,896	42,896	0
600 Income security	77,792	78,012	0
650 Social Security	25	25	0
700 Veterans benefits and services	18,599	18,119	0
750 Administration of justice	398	394	0
800 General government	7,743	7,735	0
900 Net interest	57	57	0
Subtotal	273,484	264,750	0
Discretionary appropriations action (assumed legislation):			
050 National defense	264,321	271,102	0
150 International affairs	20,936	20,954	0
250 General science, space, and technology	17,300	17,153	0
270 Energy	6,475	6,488	0
300 Natural resources and environment	21,358	21,238	0
350 Agriculture	4,421	4,500	0
370 Commerce and housing credit	3,714	3,488	0
400 Transportation	15,211	38,348	0
450 Community and regional development	9,165	9,129	0
500 Education, training, employment, and social services	44,321	40,425	0
550 Health	23,119	22,237	0
570 Medicare	2,975	2,974	0
600 Income security	34,850	37,533	0
650 Social Security	0	2,590	0
700 Veterans benefits and services	17,926	17,742	0
750 Administration of justice	18,465	16,849	0
800 General government	12,801	12,546	0
920 Allowances	−6,604	−4,722	0
Subtotal	510,754	540,574	0
Discretionary action by other committees (assumed entitlement legislation):			
600 Income security	361	309	0
700 Veterans benefits and services	340	340	0
Subtotal	701	649	0
Committee total	784,938	805,972	0
AGRICULTURE COMMITTEE			
Current level (Enacted law):			
150 International affairs	−534	−534	0
270 Energy	13	−459	0
300 Natural resources and environment	514	519	0
350 Agriculture	8,416	7,308	7,924
400 Transportation	61	61	0
450 Community and regional development	324	280	0
600 Income security	0	0	1,142
800 General government	270	273	0
900 Net interest	0	0	57
Committee total	9,063	7,448	9,123
ARMED SERVICES COMMITTEE			
Current level (Enacted law):			
050 National defense	12,788	12,925	0
500 Education, training, employment, and social services	4	3	0
600 Income security	27,583	27,461	27,461
700 Veterans benefits and services	191	179	179
Committee total	40,566	40,568	27,640
BANKING, FINANCE AND URBAN AFFAIRS COMMITTEE			
Current level (Enacted law):			
150 International affairs	−479	−1,355	0
370 Commerce and housing credit	2,935	−12,934	0
450 Community and regional development	2	−17	0
500 Education, training, employment, and social services	0	1	0
600 Income security	50	166	0
800 General government	−28	−22	0
900 Net interest	3,108	3,108	0
Committee total	5,587	−11,054	0
DISTRICT OF COLUMBIA COMMITTEE			
Current level (Enacted law):			
750 Administrator of justice	44	44	44
Committee total	44	44	44
EDUCATION AND LABOR COMMITTEE			
Current level (Enacted law):			
500 Education, training, employment, and social services	905	1,010	4,095
600 Income security	122	1,130	9,437
Subtotal	1,026	1,130	13,532

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1995—Continued

[In millions of dollars]

Appropriations Committee	Budget authority	Outlays	Entitlement authority
Discretionary action (assumed legislation):			
600 Income security	0	0	309
Subtotal	0	0	309
Committee totals	1,026	1,130	13,841
ENERGY AND COMMERCE COMMITTEE			
Current level (Enacted law):			
300 Natural resources and environment	0	−7	0
400 Transportation	11	9	0
550 Health	433	435	96,484
600 Income security	14,778	14,407	11,196
800 General government	8	8	0
Committee total	15,231	14,851	107,680
FOREIGN AFFAIRS COMMITTEE			
Current level (Enacted law):			
150 International affairs	14,464	14,082	0
400 Transportation	7	18	0
600 Income security	479	479	468
800 General government	4	4	0
Committee total	14,954	14,582	468
GOVERNMENT OPERATIONS COMMITTEE			
Current level (Enacted law):			
800 General government	20	20	0
900 Net interest	87	87	0
Committee total	107	107	0
HOUSE ADMINISTRATION COMMITTEE			
Current level (Enacted law):			
500 Education, training, employment, and social services	19	17	0
700 Veterans benefits and services	2	2	0
800 General government	83	26	116
Committee total	104	45	116
JUDICIARY COMMITTEE			
Current level (Enacted law):			
370 Commerce and housing credit	152	152	0
500 Education, training, employment, and social services	243	244	0
600 Income security	60	19	19
750 Administration of justice	1,328	1,360	173
800 General government	488	488	0
Committee total	2,270	2,262	191
MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (Enacted law):			
300 Natural resources and environment	571	506	0
370 Commerce and housing credit	66	66	0
400 Transportation	14	−16	546
600 Income security	16	6	0
800 General government	7	7	0
Committee total	674	569	546
NATURAL RESOURCES COMMITTEE			
Current level (Enacted law):			
270 Energy	167	−62	0
300 Natural resources and environment	158	99	0
450 Community and regional development	444	441	339
550 Health	5	5	0
800 General government	812	822	171
Committee total	1,585	1,304	510
POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current level (Enacted law):			
550 Health	0	−653	3,658
600 Income security	37,999	36,802	36,802
800 General government	13,308	13,308	0
Committee total	51,307	49,457	40,461
PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level (Enacted law):			
270 Energy	1,356	760	0
300 Natural resources and environment	225	188	0
400 Transportation	24,093	0	0
450 Community and regional development	5	168	0
800 General government	16	16	0
Subtotal	25,695	1,131	0
Discretionary action (assumed legislation):			
400 Transportation	2,161	0	0
Subtotal	2,161	0	0
Committee total	27,856	1,131	0
SCIENCE, SPACE AND TECHNOLOGY COMMITTEE			
Current level (Enacted law):			
250 General science, space, and technology	30	30	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1995—Continued

[In millions of dollars]

Appropriations Committee	Budget authority	Outlays	Entitlement authority
500 Education, training, employment, and social services	1	1	0
Committee total	31	31	0
SMALL BUSINESS COMMITTEE			
Current level (Enacted law):			
370 Commerce and housing credit	6	−104	0
450 Community and regional development	0	−279	0
Committee total	6	−383	0
VETERANS' AFFAIRS COMMITTEE			
Current level (Enacted law):			
700 Veterans benefits and services	1,531	1,596	19,498
Subtotal	1,531	1,596	19,498
Discretionary action (assumed legislation):			
700 Veterans benefits and services	0	0	340
Subtotal	0	0	340
Committee total	1,531	1,596	19,837
WAYS AND MEANS COMMITTEE			
Current level (Enacted law):			
500 Education, training, employment, and social services	0	0	7,535
570 Medicare	183,258	181,302	177,368
600 Income security	39,966	39,095	80,609
650 Social Security	6,815	6,815	0
750 Administration of justice	450	450	0
800 General government	354	354	0
900 Net interest	314,285	314,285	314,285
Committee total	545,129	542,301	579,797
UNASSIGNED TO COMMITTEES			
Current level (Enacted law):			
050 National defense	−13,508	−13,524	0
150 International affairs	−15,261	−15,221	0
250 General science, space, and technology	−30	17	0
270 Energy	−1,711	−1,726	0
300 Natural resources and environment	−3,214	−3,175	0
350 Agriculture	−8,738	−154	0
370 Commerce and housing credit	−111	−105	0
400 Transportation	−229	−193	0
450 Community and regional development	−440	−422	0
500 Education, training, employment, and social services	−73	−60	0
550 Health	−79	−14	0
570 Medicare	−66,729	−66,672	0
600 Income security	−13,256	−13,210	0
650 Social Security	−40	−30	0
700 Veterans benefits and services	−1,389	−1,377	0
750 Administration of justice	−1,884	−1,896	0
800 General government	−21,885	−21,885	0
900 Net interest	−70,438	−70,438	−55,752
920 Allowances	4	22	0
950 Undistributed offsetting receipts	−44,700	−44,700	0
Committee total	−263,710	−254,762	−55,752
Total—current level	724,684	675,978	743,854
Total—discretionary action	513,616	541,222	649
Grand total	1,238,300	1,217,200	744,502

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 602(a) OF THE CONGRESSIONAL BUDGET ACT

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	1995–99
APPROPRIATIONS COMMITTEE						
Current level:						
Budget authority	273,484	270,468	302,357	328,114	359,693	1,534,116
Outlays	264,750	261,786	293,031	319,587	350,593	1,489,747
Discretionary action:						
Budget authority	510,754	514,616	516,891	525,992	537,775	2,606,028
Outlays	540,574	542,642	544,855	546,689	548,226	2,722,986
Discretionary action by other committees:						
Budget authority	701	27,668	29,239	33,503	35,395	126,506
Outlays	649	27,019	29,177	32,850	35,213	124,908
Committee total:						
Budget authority	784,938	812,752	848,487	887,609	932,864	4,266,650
Outlays	805,972	831,447	867,063	899,126	934,032	4,337,640
AGRICULTURE COMMITTEE						
Current level (Enacted law):						
Budget authority	9,063	9,733	10,052	10,205	10,517	49,570
Outlays	7,448	7,569	7,660	7,791	8,067	38,535
New entitlement authority	0	1,150	1,204	1,237	1,270	4,861
ARMED SERVICES COMMITTEE						
Current level (Enacted law):						
Budget authority	40,566	42,771	45,038	47,484	50,760	226,619
Outlays	40,568	42,627	44,893	47,337	50,596	226,021

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 602(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	1995–99
BANKING, FINANCE AND URBAN AFFAIRS COMMITTEE						
Current level (Enacted law):						
Budget authority	5,587	3,981	3,609	3,447	3,310	19,934
Outlays	−11,054	−13,068	−5,800	−5,677	−4,789	−40,388
DISTRICT OF COLUMBIA COMMITTEE						
Current level (Enacted law):						
Budget authority	44	47	50	53	56	250
Outlays	44	47	50	53	56	250
EDUCATION AND LABOR COMMITTEE						
Current level (Enacted law):						
Budget authority	1,026	532	351	176	97	2,182
Outlays	1,130	−733	−44	172	77	602
New entitlement authority	309	389	420	2,162	2,663	5,943
ENERGY AND COMMERCE COMMITTEE						
Current level (Enacted law):						
Budget authority	15,231	15,552	15,873	16,141	16,349	79,146
Outlays	14,851	15,152	15,284	15,540	15,547	76,374
FOREIGN AFFAIRS COMMITTEE						
Current level (Enacted law):						
Budget authority	14,954	12,507	11,584	10,489	9,683	59,217
Outlays	14,582	13,798	12,980	12,122	11,276	64,758
GOVERNMENT OPERATIONS COMMITTEE						
Current level (Enacted law):						
Budget authority	107	113	113	113	113	559
Outlays	107	113	113	113	113	559
HOUSE ADMINISTRATION COMMITTEE						
Current level (Enacted law):						
Budget authority	104	103	102	103	104	516
Outlays	45	203	23	20	49	340
JUDICIARY COMMITTEE						
Current level (Enacted law):						
Budget authority	2,270	2,180	2,284	2,404	2,528	11,666
Outlays	2,262	2,140	2,224	2,343	2,467	11,436
MERCHANT MARINE AND FISHERIES COMMITTEE						
Current level (Enacted law):						
Budget authority	674	695	706	733	753	3,561
Outlays	569	632	642	673	705	3,221
NATIONAL RESOURCES COMMITTEE						
Current level (Enacted law):						
Budget authority	1,585	1,624	1,532	1,442	1,442	7,625
Outlays	1,304	1,510	1,527	1,444	1,371	7,156
POST OFFICE AND CIVIL SERVICE COMMITTEE						
Current level (Enacted law):						
Budget authority	51,307	52,509	54,292	56,183	58,233	272,524
Outlays	49,457	50,532	52,263	54,080	56,058	262,390
PUBLIC WORKS AND TRANSPORTATION COMMITTEE						
Current level (Enacted law):						
Budget authority	25,695	25,198	27,278	1,488	767	80,426
Outlays	1,131	930	926	911	572	4,470
Discretionary action:						
Budget authority	2,161	2,161	2,161	28,750	29,508	64,741
Outlays	0	0	0	0	0	0
Committee total:						
Budget authority	27,856	27,359	29,439	30,237	30,275	145,166
Outlays	1,131	930	926	911	572	4,470
SCIENCE, SPACE AND TECHNOLOGY COMMITTEE						
Current level (Enacted law):						
Budget authority	31	31	31	31	31	155
Outlays	31	31	31	31	31	155
SMALL BUSINESS COMMITTEE						
Current level (Enacted law):						
Budget authority	6	3	4	3	3	19
Outlays	−383	−313	−249	−185	−154	−1,284
VETERANS' AFFAIRS COMMITTEE						
Current level (Enacted law):						
Budget authority	1,531	1,470	1,445	1,344	1,272	7,062
Outlays	1,596	1,446	1,449	1,464	1,464	7,419
New entitlement authority	340	674	1,133	1,573	2,023	5,743
WAYS AND MEANS COMMITTEE						
Current level (Enacted law):						
Budget authority	545,129	588,303	628,675	671,199	719,529	3,152,835
Outlays	542,301	585,182	625,435	667,765	715,576	2,136,259
New entitlement authority	0	0	0	0	214	214
UNASSIGNED TO COMMITTEE						
Current level (Enacted law):						
Budget authority	−263,710	−263,466	−279,269	−295,496	−311,017	−1,412,958
Outlays	−254,762	−254,848	−269,872	−286,822	−302,214	−1,368,518
Total current level:						
Budget authority	724,684	764,355	826,109	855,655	924,221	4,095,024
Outlays	675,978	714,738	782,568	838,761	907,461	3,919,506
Total discretionary action:						
Budget authority	513,616	544,445	548,291	588,245	602,679	2,797,276
Outlays	541,222	569,661	574,032	579,539	583,439	2,847,893

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 602(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	1995–99
Grand total:						
Budget authority	1,238,300	1,308,800	1,374,400	1,443,900	1,526,900	6,892,300
Outlays	1,217,200	1,284,400	1,356,600	1,418,300	1,490,900	6,767,400
Total new entitlement authority	649	2,214	2,757	4,972	6,170	16,762

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL: 1995

[Dollars in millions]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	784,939	805,972	---	---
Agriculture, Nutrition, and Forestry	8,888	7,257	15,967	7,544
Armed Services	40,588	40,574	---	---
Banking, Housing, and Urban Affairs	7,256	(10,994)	---	---
Commerce, Science, and Transportation	2,620	126	548	546
Energy and Natural Resources	1,751	1,489	43	36
Environment and Public Works	24,191	1,597	---	---
Finance	556,629	553,601	145,846	145,829
Foreign Relations	15,003	14,619	---	---
Governmental Affairs	51,458	49,609	---	---
Judiciary	2,270	2,262	173	173
Labor and Human Resources	4,330	4,265	4,337	4,162
Rules and Administration	102	43	---	---
Veterans Affairs	1,531	1,482	18,875	18,394
Select Indian Affairs	448	445	---	---
Small Business	6	(383)	---	---
Not allocated to committees	(263,710)	(254,764)	---	---
Total	1,238,300	1,217,200	185,789	176,684

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT FIVE YEAR TOTAL: 1995–99

[Dollars in millions]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	48,608	37,562	86,282	42,653
Armed Services	226,692	226,055		
Banking, Housing, and Urban Affairs	32,143	(40,441)		
Commerce, Science, and Transportation	13,152	569	3,066	3,051
Energy and Natural Resources	8,552	8,136	204	199
Environment and Public Works	123,341	7,165		
Finance	3,213,173	3,194,730	888,895	889,099
Foreign Relations	59,238	64,761		
Governmental Affairs	273,334	263,202		
Judiciary	11,666	11,436	948	946
Labor and Human Resources	18,851	16,413	19,965	19,187
Rules and Administration	509	332		
Veterans Affairs	7,062	7,417	96,908	93,944
Select Indian Affairs	2,268	2,227		
Small Business	19	(1,284)		

SENATE COMMITTEE REVENUE AND OUTLAY ALLOCATIONS FOR SOCIAL SECURITY PURSUANT TO SECTION 301(a) OF THE CONGRESSIONAL BUDGET ACT

[Dollars in millions]

	1995	Five-year 1995–99
Outlays:		
Finance Committee	334,761	1,853,217
Unassigned to Committee	(47,112)	(290,624)
Subtotal, outlays	287,649	1,562,593
Revenues	360,456	1,998,386

REPORT LANGUAGE

The conferees intend that, to the extent that this conference report does not modify it, language in the reports of the House and Senate Committees on the Budget on the concurrent resolution on the budget (H.R. Rep. No. 428, 103d Cong., 2d Sess. (1994); S. Rep. No. 238, 103d Cong., 2d Sess. (1994)) remains as a source of legislative history on the drafters' intent on the concurrent resolution.

FUNCTION 750: ADMINISTRATION OF JUSTICE

The conferees recognize the judiciary's essential role in providing justice to all citizens and the ever-increasing workload and additional responsibilities thrust upon the judiciary. The conferees understand that the judiciary has no control over the number of cases that are filed in the courts, that it must handle each case filed, and that it has no flexibility in how quickly it must handle many of these cases.

The conferees recommend that the Appropriations Committee consider full funding for the judiciary even though the allocation for function 750 may not accommodate all of the requests in this area.

Finally, the conferees support adding three activities of the Federal judiciary to the list of Budget Enforcement Act mandatory accounts if any budget process changes are made this year: (1) Salaries of Court of Federal Claims and magistrate judges; (2) Fees paid to jurors; and (3) Compensation paid to court-appointed counsel for defendants financially unable to retain their own counsel. Under current legislative requirements, the judiciary has no discretion whether to perform these activities if the constitutional rights of individuals are to be assured.

FUNCTION 920: ALLOWANCES

The conferees are concerned that proposed reductions in the fiscal year 1995 pay adjustments may further undermine the goal of achieving pay comparability within the timeframe established by the Federal Employees Pay Comparability Act of 1990. The conferees will work with the appropriate authorizing and appropriating committees to find acceptable alternative methods to fully fund the pay adjustments, such as a reduction in agency spending on service contracts.

The conferees believe that indirect cost reimbursements are an important, legitimate and necessary cost of conducting research, and the conference agreement does not include the proposed "pause." The conferees recommend that prior to taking any action on indirect costs, the Congress should await the joint report of the Office of Science and Technology Policy, the Office of Management and Budget, and the Council of Economic Advisors.

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires the joint explanatory statement accompanying a conference report on a budget resolution to set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is based on the economic forecast and projections prepared by the Congressional Budget Office shown in the table below:

ECONOMIC ASSUMPTIONS

[Calendar years]

	Actual 1993	Projected					
		1994	1995	1996	1997	1998	1999
Annual averages:							
Gross domestic product (billion dollars)	6,378	6,730	7,099	7,483	7,880	8,287	8,700
Percent change	5.6	5.5	5.5	5.4	5.3	5.2	5.0
Real GDP (percent change)	3.0	2.7	2.7	2.7	2.7	2.6	2.5
Inflation:							
GDP deflator (percent change)	2.6	2.8	2.7	2.6	2.5	2.5	2.5
Consumer price index (percent change)	3.0	2.7	3.0	3.1	3.1	3.1	3.1
Unemployment rate (percent)[1]	6.8	6.4	6.1	5.9	5.8	5.7	5.7
Interest rates:							
Three-month Treasury bill (percent)	3.0	3.5	4.3	4.6	4.6	4.7	4.7
Ten-year Treasury note (percent)	5.9	5.8	6.0	6.1	6.2	6.2	6.2

[1] Pre-1994 basis. Due to a change in methodology, published rates are likely to be higher. The year-to-year change should not be affected.

DISPLAY OF LEVELS AND AMOUNTS

Following the form of the resolution for fiscal years 1993 and 1994, the Senate amendment sets forth a number of alternative displays. Section 5 of the Senate amendment displays, for enforcement purposes in the Senate, the levels of Social Security revenues and outlays. Section 6(21) of the Senate amendment shows the levels of gross interest consistent with the levels of net interest shown in major functional category 900, which appear in section 6(19) and 6(20) of the Senate amendment. As well, the Senate amendment follows the pattern of the budget resolution for fiscal years 1993 and 1994 in terms of demonstrating its compliance with the maximum deficit amount and its display of the Medicare Hospital Insurance Trust Fund. The House resolution contains none of these additional displays. In these regards, the conference agreement follows the form of the resolution for fiscal years 1993 and 1994 for the reasons set forth in the conference report accompanying the 1993 budget resolution. See H.R. Conf. Rep. No. 529, 102d Cong., 2d Sess. 58-60 (1992); see also S. Rep. No. 238, 103d Cong., 2d Sess. 46-48 (1994). With respect to other alternative displays in sections 3 and 4 of the Senate amendment, the Senate recedes to the House.

Following the form of resolutions for years prior to fiscal year 1994, the House resolution contains levels and amounts for secondary loan guarantee commitments. Following the form of the resolution for fiscal year 1994, the Senate amendment failed to set forth these levels and amounts. On this matter, the House recedes to the Senate.

BUDGETARY PROCEDURES

Title II of the resolution sets forth budgetary procedures under the general authority of section 301(b)(4) of the Congressional Budget Act of 1974.

At the end of title II, section 26 of the Senate amendment explicitly states that the Congress adopts the provisions of title II as an exercise of the Constitutional rule-making power. The language of section 26 follows closely that of similar provisions in other rule-making budget process legislation, such as section 904(a) of the Congressional Budget Act, section 271(d) of Gramm-Rudman-Hollings, section 13305 of the Budget Enforcement Act of 1990, and section 14004 of the Omnibus Budget Reconciliation Act of 1993.

Section 26(1) spells out that the provisions of title II have equal weight with those of the other rule-making budget process legislation. They are all rules of the Congress, or of the House of Congress to which they specifically apply.

Section 26(2) makes clear that either the Senate or the House of Representatives may change the provisions of title II that relate to that House, just as either may change the provisions of the other rule-making budget process legislation cited above that relate to that House, through a simple resolution passed by only that one House. Alternatively, Congress could choose to change these provisions using another concurrent resolution or a statute.

The House resolution contains no such provision.

Section 28 of the conference agreement contains the Senate language.

SALE OF GOVERNMENT ASSETS

Section 21 of the Senate amendment sets out a provision on asset sales that is very similar to those in every budget resolution since that for fiscal year 1988.

This section is intended to prevent spending the proceeds from asset sales by prohibiting the counting of asset sales for all purposes of the Congressional Budget Act and this resolution. This provision is consistent with section 257(e) of Gramm-Rudman-Hollings, which prohibits the counting of asset sales for the purposes of determining whether that Act calls for across-the-board cuts. This section does not preclude asset sales; it merely prevents counting such transactions. The provision does not determine whether an action constitutes an asset sale; rather it adopts the definition of that term that exists in current law. (See Gramm-Rudman-Hollings §§250(c)(21) & 257(e).)

The House resolution has no such provision.

The conference agreement adopts the Senate language, except that the conference agreement drops as surplusage subsection (b) of the Senate amendment, which sets forth a finding regarding the history of similar provisions.

The operative provision, subsection (c) of the Senate amendment and subsection (b) of the conference agreement, follows the language from last year's budget resolution in that it extends the prohibition of counting asset sales to all sections of the Congressional Budget Act, as well as to the points of order created by this resolution. The conferees thus intend the rule on asset sales to be uniform for the consideration of all legislation.

This section supersedes any previously adopted scorekeeping rules of the Senate or the House (for example, the Congressional Budget Act definition of "outlays") to the extent that they were inconsistent.

Section 21(e) of the Senate amendment, now section 21(d) of the conference agreement, sunsets all prior subsections of section 21 on September 30, 1998, the date on which most operative sections of Gramm-Rudman-Hollings will expire under current law. The conferees thus intend that the asset-sales rule established in the resolution have the same longevity as the parallel rule in section 257(e) of Gramm-Rudman-Hollings.

Section 21(f) of the Senate amendment, now section 21(e) of the conference agreement, repeals sections of prior budget resolutions dealing with the same subject matter. Some of these provisions differ from those of section 21 in small ways, and thus repealing the older provisions will eliminate any ambiguity in interpreting section 21.

SOCIAL SECURITY "FIRE WALL" POINT OF ORDER

Section 22 of the Senate amendment repeats a provision from the last two budget resolutions that reinforces the Social Security "fire wall" point of order in the Senate to ensure that 60-vote hurdles impede legislation that would worsen the Social Security Trust Fund balances.

The House resolution contains no such provision.

The conference agreement includes the provision for the reasons stated in the Senate report. See S. Rep. No. 238, 103d Cong., 2d Sess. 51-53 (1994). The conference agreement drops as surplusage subsection (a) of the Senate amendment, which sets forth a finding regarding the history of similar provisions.

ENFORCING PAY-AS-YOU-GO

Section 12(c) of last year's budget resolution contained a new 60-vote point of order in the Senate prohibiting legislation that would increase the deficit through fiscal year 2003. The Senate amendment proposes that Congress again this year adopt a point of order in the Senate enforcing deficit neutrality for the next 10 years. Section 23 of the Senate amendment establishes that point of order.

The Senate amendment thus proposes to extend the point of order longer than under existing law. The point of order in last year's resolution went through fiscal year 2003. Section 23 of the Senate amendment covers 10 years out, and will cover 10 years out next year, the year after that, and the year after that.

The Congressional Budget Office and the Joint Committee on Taxation have both informed the Committees on the Budget that they are incapable of making year-by-year estimates for the 6th through 10th years out. The solution to this dilemma proposed by the Senate amendment is to require deficit neutrality over the 5-year period of the 6th through 10th years out.

Section 23(c)(1) of the Senate amendment provides the operative enforcement language. As the report of the Senate Budget Committee makes clear (see S. Rep. No. 238, 103d Cong., 2d Sess. 54-55 (1994)), section 23(c)(1) of the Senate amendment makes it out of order in the Senate to consider any direct-spending or receipts legislation that would increase the deficit in any of three specified periods both when taken individually and when taken together with all direct-spending and receipts legislation enacted after enactment of the Omnibus Budget Reconciliation Act of 1993 (Enacted August 10, 1993). If the individual piece of legislation would not increase the deficit in one of the relevant time periods, then it would not violate section 23(c)(1) of the Senate amendment. This practice of holding harmless a piece of legislation that does not harm the deficit parallels the treatment extended to legislation of that character under current law under sections 302(f)(2) and 311(a) of the Congressional Budget Act.

As well, if the piece of legislation would not increase the deficit in any of the three relevant periods when taken together with all direct-spending and receipts legislation enacted after enactment of the Omnibus Budget Reconciliation Act of 1993, then it would not violate section 23(c)(1) of the Senate amendment. This practice of allowing one piece of legislation to use the surplus created by other legislation of the same type also parallels the treatment under sections 302(f)(2) and 311(a) of the Congressional Budget Act, as well as accounting under the pay-as-you-go procedures of section 252 of Gramm-Rudman-Hollings.

The three time periods covered by section 23 of the Senate amendment are the first fiscal year covered by the most-recently-adopted concurrent resolution on the budget, the period of the 5 fiscal years covered by the most-recently-adopted concurrent resolution on the budget, and the period of the 5 fiscal years following the first 5 years covered by the most-recently-adopted concurrent resolution on the budget. Increasing the deficit in any of these three time periods is sufficient to trigger the point of order.

Section 23(c)(2) of the Senate amendment defines direct-spending and receipts legislation consistently with the treatment of that legislation under section 252(b) of Gramm-Rudman-Hollings. Section 23(c)(3)(D) of the Senate amendment explicitly links direct spending to the definition of that term in section 250(c)(8) of Gramm-Rudman-Hollings. Consequently, because section 13301 of the Budget Enforcement Act of 1990 explicitly excludes Social Security from Gramm-Rudman-Hollings, Social Security is also excluded from the point of order under section 23.

Section 23(f) of the Senate amendment restates the normal budget law scorekeeping convention that Congress turns to its Budget Committees to assess the costs of legislation. *See* Congressional Budget Act §§201(g), 302(g), 310(d)(4), 311(c), 313(e), 601(b)(3) & Gramm-Rudman-Hollings §258B(h)(4).

The House resolution contains no such provision.

The conference agreement proposes as section 23 language similar to that of section 23 of the Senate amendment.

The conference agreement drops as surplusage subsection (b) of the Senate amendment, which sets forth a finding regarding the history of similar provisions.

The conference agreement revises the operative language of subsection (c) of the Senate amendment as subsection (b) of the conference agreement. Some observers believed that the language of the Senate amendment could be clearer regarding the availability of any surplus that had been created by prior legislation since the enactment of the 1993 reconciliation law. *Cf.* 140 CONGRESSIONAL RECORD S3843 (daily ed. Mar. 25, 1994) (statements of Sens. Moynihan & Sasser clarifying that the surplus is available). The conference agreement rewrites this subsection to make plain that such surplus funds are available. This merely restates the explicit intent of the Senate amendment. *See* S. Rep. No. 238, 103d Cong., 2d Sess. 54-55 (1994).

The conference agreement also rewrites subsection (c)(2)(D) of the Senate amendment as subsection (b)(3)(F) of the conference agreement to make clear that (except as otherwise provided in subsection (b)) the term "direct spending" means the same thing as that term means as applied for purposes of the Gramm-Rudman-Hollings law. The conferees thus wish to refer not only to section 250(c)(8) of that law as such (as the Senate amendment did), but also to the gloss put on that section by scorekeeping guideline 3 (H.R. Conf. Rep. No. 964, 101st Cong., 2d Sess. 1173 (1990), reprinted in 1990 U.S.C.C.A.N. 2374, 2878) and other, related scorekeeping practices.

Section 23(b)(4) of the conference agreement also spells out that in preparing estimates under this section, the estimators shall use the same baseline as Congress used for the most recent budget resolution. Recognizing that this resolution probably will cover only 5 years, subsection (b)(4) then extends this baseline out for years beyond those covered by the budget resolution, using the requirements of section 257 of Gramm-Rudman-Hollings, which defines the baseline for that law. Subsection (b)(4) makes clear that references to "outyears" in section 257 of Gramm-Rudman-Hollings should be read for purposes of subsection (b)(4) to include the second through tenth years out, not just the second through fifth years out.

ENFORCING DISCRETIONARY SPENDING LIMITS

Section 25 of the Senate amendment effectively reduces the amount of money that the budget resolutions for fiscal year 1996, 1997, and 1998 may allocate to the Appropriations Committees. It does this by reducing the discretionary spending limits under section 601(a)(2)(F) of the Congressional Budget Act as amended by section 14002(a)(2) of the Omnibus Budget Reconciliation Act of 1993, as those limits are adjusted, for purposes of a new point of order that applies only in the Senate. Section 25(a)(2) of the Senate amendment creates this point of order. Section 25(b) establishes a requirement for the affirmative vote of 60 Senators to waive this new point of order.

Section 25 of the Senate amendment parallels section 12(b), (d), (e), and (f) of last year's budget resolution, which extended the appropriations caps through fiscal years 1996, 1997, and 1998. The drafters of section 12 of last year's budget resolution in turn patterned that section on several sections of the Congressional Budget Act. Consequently, section 25(a)(2)(A) of the Senate amendment is in turn patterned on section 601(b)(1) of the Congressional Budget Act as amended by section 14002(b) of the Omnibus Budget Reconciliation Act of 1993. Section 25(a)(2)(B) of the Senate amendment is in turn patterned on section 601(b)(4) of the Congressional Budget Act. Sections 25(b) and 25(c) of the Senate amendment are in turn patterned on sections 904(c) and 904(d) of the Congressional Budget Act, respectively. Section 25(d) of the Senate amendment restates the normal budget law scorekeeping convention that Congress turns to its Budget Committees to assess the costs of legislation, and is thus patterned on Congressional Budget Act sections 201(g), 302(g), 310(d)(4), 311(c), 313(e), and 601(b)(3), and Gramm-Rudman-Hollings section 258B(h)(4).

The House resolution contains no such provision.

The conference agreement includes as section 24 a revision of the language in section 25 of the Senate amendment.

The conference agreement revises the reductions in the discretionary spending limits as follows:

REDUCTIONS IN DISCRETIONARY SPENDING LIMITS

[In billions of dollars]

	Fiscal year—		
	1996	1997	1998
Conference agreement:			
Budget authority	4.0	10.7	4.1
Outlays	5.4	2.4	0.5

Among other changes, the conference agreement revises references in subsections (a) and (d) that might have been read to apply the section to the House of Representatives.

INTERNAL REVENUE SERVICE COMPLIANCE INITIATIVE

Section 54 of the Senate amendment allows for additional appropriations for an Internal Revenue Service compliance initiative. If the Congress appropriates the base amounts requested for the Internal Revenue Service in the President's Budget for fiscal year 1995 and a variety of other conditions are met, then Congress can also appropriate additional amounts for a compliance initiative without triggering points of order that might otherwise lie against such legislation.

Under sections 54(a) and 54(b) of the Senate amendment, upon the reporting of an appropriation bill funding the compliance initiative and the satisfaction of the conditions listed, the Chairman of the appropriate Budget Committee must file revised appropriations caps, allocations to the Appropriations Committee, functional levels, and aggregates to clear the way for the incremental spending for the initiative. This procedure parallels that used in reserve funds (discussed below), which allow deficit-neutral legislation to proceed without points of order even if that legislation pays for direct spending with revenues. Similarly, section 54 of the Senate amendment allows appropriations legislation to proceed without points of order if it is demonstrated that the revenues raised by those appropriations would offset the costs of the appropriations.

The first parenthetical language in the matter after subsection (a)(3) establishes the first condition precedent, that the Congress appropriate the base amounts requested for the Internal Revenue Service in the President's Budget for fiscal year 1995. Subsection (d) lists the other conditions: enactment of a Taxpayer Bill of Rights 2, initiation of an Internal Revenue Service educational program as mandated by the Taxpayer Bill of Rights 1 and 2, a finding by the Congressional Budget Office that by virtue of revenues raised, the appropriations will not increase the deficit, and a restriction of funds made available pursuant to this authority to carrying out Internal Revenue Service compliance initiative activities.

The House resolution contains no such provision.

The conference agreement contains as section 25 a provision similar to that in section 54 of the Senate amendment. In particular, section 25(a)(2) of the conference agreement more explicitly spells out the condition precedent that Congress first appropriate the base amounts requested for the Internal Revenue Service in the President's Budget for fiscal year 1995 before the provisions of this section apply. Similarly, the conference agreement revises subsection (d), which sets forth the other conditions precedent.

DEFICIT-NEUTRAL RESERVE FUNDS

Section 4 of the House resolution provides for adjustment of the aggregates and committee allocations to accommodate health care reform legislation, when reported, if the legislation would be deficit neutral over 5 years. Section 24 of the Senate amendment provides similar language, called a "reserve fund," allowing consideration of legislation in the Senate addressed to several specified priority areas, if the legislation would be deficit neutral over 1 and 5 years. In the Senate, reserve funds may pave the way for tax-cutting legislation paid for with spending cuts, new spending legislation paid for with taxes, or spending legislation paid for with cuts in another committee's jurisdiction. See S. Rep. No. 238, 103d Cong., 2d Sess. 34-36 (1994)).

Section 26 of the conference agreement contains reserve fund language for the House similar to that in the House resolution and section 27 of the conference agreement contains reserve fund language for the Senate similar to that in the Senate amendment.

The Senate reserve fund language in the conference agreement collapses without substantive change several subsections into a smaller number of paragraphs, eliminating the repetition of language. With three minor exceptions, the conferees intend that the conference agreement language shall have identical effect to the Senate-passed language.

In addition to the provisions covered by the Senate amendment, the conference agreement adds a general provision to allow adjustments of budget authority in the Senate where legislation would result in absolutely no increase in outlays over the applicable periods. Such provisions necessarily do not worsen the deficit. An example of such legislation in the past is the Intermodal Surface Transportation Efficiency Act of 1991, for which the Chairman of the Budget Committee filed two budget authority adjustments. See 137 Cong. Rec. S18,663 (daily ed. Nov. 27, 1991); id. at S7511-12 (daily ed. June 11, 1991).

Like the Senate amendment, the Senate reserve fund language in the conference agreement requires the Chairman of the Budget Committee to submit revised allocations and aggregates to accommodate amendments relating to health care reform, if the Chairman has already submitted revised allocations and aggregates to accommodate a committee-reported bill. The conference agreement makes clear that the Chairman is required to make such submissions only when the amendment necessitates such a submission. In other words, if the amendment would not violate the revised allocations and aggregates already submitted, the Chairman need not submit new ones. If, however, an amendment deals with the appropriate subject matter and is deficit neutral over the appropriate time periods, but would nonetheless cause a breach of a revised allocation or aggregate, the Chairman must submit further revised allocations and aggregates to accommodate that amendment.

Finally, the conference agreement changes the treatment of the reserve fund for health care (described in subsection (b)(2)(B) of the conference agreement) to make clear that the language allows tax-cutting legislation paid for with spending cuts (as well as spending legislation paid for with new taxes, or spending legislation paid for with cuts in another committee's jurisdiction, or any combination). The conference agreement thus lists that purpose in subsection (b)(2), among purposes for which spending cuts may pay for tax cuts, rather than in subsection (b)(1), which lists purposes for which spending cuts may not pay for tax cuts.

Because the provisions of these Senate reserve funds are part of the congressional budget, they apply only to budget authority, outlays, and receipts to which a budget resolution may permissibly apply. Consequently, these reserve funds do not apply to Social Security outlays or Social Security revenues, which section 13301(a)(2) of the Budget Enforcement Act of 1990 explicitly excludes from the congressional budget.

SENSE OF THE CONGRESS AND SIMILAR PROVISIONS

The House resolution contains four sense of the Congress provisions, on budget process legislation (section 5), a reserve for emergencies (section 8), unfunded mandates (section 9), and baselines (section 10). The House resolution also contains two sense of the Budget Committee provisions, on scoring health reform (section 6) and immigration (section 7).

The Senate amendment contains 11 sense of the Congress provisions, on the budgetary accounting of health care reform (section 31), the costs of illegal immigration (section 32), baselines (section 33), economic assumptions (section 34), unfunded Federal mandates (section 35), the Indian Health Service (section 38), the minimum allocation program (section 41), Federal law enforcement personnel (section 45), minerals management (section 48), Star Wars (section 51), and shifting the allocation of anti-drug funds from international anti-drug programs to drug treatment and prevention programs (section 53). The Senate amendment also contains 13 sense of the Senate provisions, on foreign tax provisions (section 36), tax expenditures (section 37), the National Aeronautics and Space Administration (section 39), the Spending Reduction Commission (section 40), payments to United Nations of United States arrearages in contributions for peacekeeping activities (section 42), Eastern and Central Europe (section 43), Federal courthouse construction (section 44), that taxes not be increased because taxpayers are married (section 46), Department of Energy reductions-in-force (section 47), diesel fuel dyeing regulations (section 49), equitable distribution of reductions in defense and non-defense discretionary spending (section 50), growth of entitlement or mandatory spending (section 52), and controlling non-Social Security mandatory spending (section 55).

The conference agreement contains seven sense of the Congress provisions on: controlling entitlement spending (section 31), budgetary accounting of health care reform (section 34), the costs of illegal immigration (section 35), baselines (section 36), unfunded federal mandates (section 37), health service delivery and water infrastructure in the Indian Health Service (section 40), and policy in Eastern and Central Europe (section 43).

The conference agreement also contains six sense of the Senate provisions on: controlling non-Social Security mandatory spending (section 33), closing loopholes in foreign tax provisions (section 38), tax expenditures (section 39), the National Aeronautics and Space Administration (section 41), the minimum allocation program (section 42), and Star Wars (section 44).

The conference agreement contains one sense of the House of Representatives provisions on the enactment of budget process legislation (section 32).

PUBLIC DEBT LIMIT IN THE HOUSE

Rule XLIX of the Rules of the House of Representatives establishes a procedure for changing the statutory limit on the level of the public debt.

This budget resolution sets forth the appropriate level of the statutory limit for the coming fiscal year, 1995, as well as the outyears. Under House Rule XLIX, upon adoption by both Houses of Congress of a conference report on a budget resolution containing a debt level for the next fiscal year, the public debt limit for that year is incorporated into the text of a joint resolution. Pursuant to the rule, that joint resolution would amend section 3101(b) of title 31, United States Code, by striking out the dollar limitation contained in such subsection and replacing it with the figure of $4,965,100,000,000.

Under the rule, that joint resolution is then deemed passed by the House and sent to the Senate for its consideration. If the Senate approves the joint resolution without amendment, the joint resolution is sent to the President for his signature. (If the Senate were to amend the joint resolution, the measure would be returned to the House for further action.)

Legislative jurisdiction over the public debt remains in the Committee on Ways and Means. The rule does not preclude that committee from originating public debt legislation.

MARTIN OLAV SABO,
DICK GEPHARDT,
DALE E. KILDEE,
ANTHONY BEILENSON,
HOWARD L. BERMAN,
BOB WISE,
JOHN BRYANT,
CHARLIE STENHOLM,
BARNEY FRANK,
LOUISE M. SLAUGHTER,
Managers on the Part of the House.

JIM SASSER,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
Managers on the Part of the Senate.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3222

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3222.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

SMALL BUSINESS AND HEALTH CARE

(Mr. DERRICK asked and was given permission to address the House for 1 minute.)

Mr. DERRICK. Mr. Speaker, why do we need health care reform?

Besides the 35 to 40 million Americans with no health care plan at all, there is health care's stratospheric cost on the Government and economy.

Health care costs already anchor our national debt. If we do not take action, they will hobble the small businesses that drive our economy.

On average, small businesses pay 35 percent more for health plans that large employers. Health care costs have risen 20 to 50 percent for small businesses, and the burden of worker's compensation is increasing at 1½ times the rate of health care costs.

Health care reform will ease this pressure. Small, low wage businesses will receive discounts of between 25–85 percent on health care costs, allowing the smallest employers to provide affordable, effective health care insurance.

Nine out of ten Americans get their private health insurance at work. America's small businesses are the place to begin real health care reform.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 140

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 140.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE A TO Z CIRCUS: WILL YOU BE BUYING A TICKET?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise in support of the A to Z spending cuts plan and urge all of my colleagues who take deficit reduction seriously to sign the discharge petition which allows this legislation to reach the floor for a vote.

A to Z is untraditional, but we have all seen where the traditional budget process has taken us—right into debt. By allowing Members to propose, debate, and then vote on specific program cuts in nonpackage form, A to Z forces every Member to go on record as to what programs he or she is willing to cut for the sake of America's economic future. Simply put, the folks throughout America will see exactly who is serious about reducing wasteful Government spending by looking at the names on the A to Z discharge petition.

I have heard the A to Z plan compared to a three-ring circus. I just might agree. In ring 1, if the legislation reaches the floor, we will be stressing Government spending in terms of responsibility. In ring 2, we have accountability. And, in ring 3, we will introduce an aspect of Government spending rarely seen—affordability. A circus of fiscal responsibility. Pitch the big-top tent, because Americans have been waiting for years to see this.

I urge all of my colleagues to sign the discharge petition for A to Z. Talking about reducing Government spending does nothing but allow Members to hide under a blanket of false deficit reduction commitment. Strong, innovative legislative action like A to Z is the only way to honestly address our Government's financial problems. Three-ring circus? I'll be buying a ticket and I urge my colleagues to do the same.

A TO Z IS PHONY REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the A to Z bill is being touted as reform legislation, but it is nothing of the kind. A to Z is phony reform. It is a bill that would limit congressional debate and thwart the public will.

The 56-hour debate limit of A to Z would mean that amendments could be voted on without serious debate or considered review. The result would be disastrous for this institution and this country.

By circumventing the committee system, A to Z would mean Congress would be forced to vote on legislation without the benefit of any public hearings. The committee process is designed to give citizens a voice in public policy debate. A government of, by and for the people cannot function if it ignores the people—that is what A to Z does.

Last year, this Congress passed the largest deficit reduction package in history—500 billion dollars' worth. This year, the most important action this Congress can take to put our fiscal house in order is to reform our health care system. If A to Z backers want to work for real reform then they should roll up their sleeves and do the tough work on health care reform, not take the easy way out. Real reform, not phony reform.

SIGN THE A TO Z DISCHARGE PETITION

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, the failed budget provisions of the past have given us a $4.5 trillion debt. It is time for change.

The A to Z spending cut plan places every program on the table for review. It allows us to cut entitlements, it allows us to make decisions to cut authorizations, it reduces spending caps, so that the spending cuts are real.

We must remove the budget gag rules that prohibit us from attacking the national debt.

Today is Congressional Accountability Day.

Many Members who ran for Congress pledged to cutting wasteful Government spending.

Others pledged to balance the budget.

A lot of us pledged to cut the $4.5 trillion debt.

Many of us pledged to reform Congress.

We promised to fight for change.

Most of us have talked the talk. Today is the day to walk the walk.

Today is the day to sign the A to Z spending cut discharge petition as almost 100 of our colleagues have done. Today we are accountable. Will it be business as usual? Or will we take a new road. Do we have the courage to stand up for real change? Today, by our actions, each of us will be accountable to the people of America.

□ 1440

CHILDREN AND POVERTY

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I received some truly frightening news this week, news that threatens the very core of America's future.

In my home State of North Carolina, it was revealed that the lives of our children have grown more and more treacherous over the last 5 years.

Today in North Carolina, it is dangerous to be a child. Listen, as I sound out the disgraceful statistics.

Each day in North Carolina, 3 babies die, 88 children are abused or neglected, 43 teenagers become pregnant, and 40 young people drop out of school.

In the four measures of social welfare—health, education, safety, and security—we have failed our children miserably.

In the last year alone, poverty among children increased 16 percent, the dropout rate rose 10 percent; crime rates are up and so are arrests among juvenile offenders.

Mr. Speaker, this disgraceful situation is not limited to my State of North Carolina, it is a national tragedy. We cannot afford to lose this, our most valuable resource.

Let us commit ourselves today, to public policies that will rescue our children from these mean circumstances.

SUPPORT A TO Z SPENDING CUTS PLAN

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today in support of the A to Z spending cuts plan sponsored by my colleagues ROB ANDREWS and BILL ZELIFF. The taxpayers of America have asked us to cut wasteful Federal spending, and the A to Z plan offers us a unique opportunity to get the job done.

The idea is simple. Give Members a chance to offer up spending cuts and be guaranteed an up-or-down roll call vote. No part of the budget is off-limits. Every program is fair game. Pork projects can not be hidden deep is essential spending bills but will be measured on their merit before the entire country. It is kind of a congressional line item veto.

It is easy to understand why there have been a few vocal opponents of the A to Z plan. The issue here is power: Who gets to decide how the people's money is spent and how much is spent. The defenders of the status quo want to keep that power centralized. The A to Z plan will return spending decisions to the people and their duly elected Representatives.

To me this is not a hard choice. I side with the people of our country who are paying the bills and who are tired of wasteful spending. I urge my colleagues to sign the discharge petition to the A to Z spending cuts plan.

WHICH CONSTITUTION WILL WE UPHOLD TODAY?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, which Constitution will be uphold today in the U.S. Congress: the Constitution that said Jeffrey Dahmer, Richard Speck, Charles Manson are innocent until proven guilty; or today do we uphold the IRS constitution that says the PTA president, the teacher, the engineer, the truck driver, the housewife, mom and dad are guilty, considered guilty for tax fraud and tax evasion and they have to prove themselves innocent?

Shame, Congress, shame; there is only one Constitution. If it is good enough for the Son of Sam, it should be good enough for mom and dad. H.R. 3261, the Constitution says you are innocent until proven guilty. Congress, do your job.

PHONY SPENDING CUTS? A TO Z PLAN MAKES HONEST-TO-GOODNESS CUTS

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, it was fascinating to hear the lady from Connecticut stand up and talk about the A to Z spending plan being phony spending cuts. When you really get serious in Congress and make honest-to-goodness cuts from last year's spending, it is called phony? It has a kind of "Alice-in-Wonderland" quality about the words.

As Humpty Dumpty said, "When I use words, it means exactly what I want them to mean."

Over the last decade or so, we have had four different budgets in which serious reductions in spending were promised: 1982, immediate tax increases with spending cuts down the road; Gramm-Rudman, immediate tax increases with spending cuts in the out years; 1990, immediate tax increases with spending cuts in the out years; and the last out year occurred last year when we had the largest tax increase in history with no net spending cuts until the out year.

The A to Z plan currently before us, for which we are signing the discharge petition, gives the United States people and this Congress the opportunity to see that we are willing to make enough choices, to make real spending cuts.

No wonder it scares the devil out of the left.

ASSAULT WEAPONS MAKE NO SENSE

(Ms. SCHENK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHENK. Mr. Speaker, I recently heard a spokesman for guns argue that assault weapons ban makes no sense because guns that will be banned are no different than many others that will not be. I am not a weapons expert, and I do not know that fine difference between an Uzi and a street sweeper, but what I do know is that the 19 weapons banned by this legislation now make up 85 percent of all assault weapons traced to crime.

I also know that in San Diego, my community, a few weeks ago this type of weapon was used to injure a police officer during an 11-hour standoff with the SWAT team at an apartment complex.

Last October, at another apartment complex not far away, a similar assault weapon was used to kill a woman and a 9-year-old child. Both of these would be banned if this bill passes.

For those who say that "guns don't kill people, people kill people," let me paraphrase from the last campaign: "It is the guns, stupid."

ASSAULT WEAPONS BAN

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, well, it is the people that kill and not the guns. I think it is time in America we start holding the people responsible. Banning guns, any kind of guns, will not do anything to curb crime. What it will do is promote a bigger black market for weapons. Most crimes committed with guns are committed with illegal guns, anyway. So, in effect, this law that we are talking about will not do anything; it is just another Band-Aid from Washington, DC, to try to fake out the Nation and take the spotlight right off the criminal. I tell you, guns are not doing the shooting. Let us an the real cause, and that is the criminals.

Government ought to concentrate on locking up the criminal, not imposing criminal penalties on law-abiding citizens. Gun bans have a long history of failure. They do not reduce crime; crime deterrence lies not in gun control but in the enforcement of laws that are already on the books. I know there is a crime problem in America, everyone of us does. We will not, any of us, say there is not a real problem. Until we hold the criminal, not society or guns, responsible, the crime rate is going to continue to go up. Until we pass a real anticrime bill, we have not gotten to the crux of the problem.

ANTIHYPOCRISY DEFICIT REDUCTION ACT OF 1994

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I will be introducing tomorrow an alternative to the so-called A to Z bill, which I call the Anti-Hypocrisy Deficit Reduction Act of 1994. Under my proposal, my bill will provide for the same 56 hours of consideration for proposals to cut spending as is provided by the A to Z bill, with two critical differences: No. 1, we will require at least 1 working week's notice of the amendment so there will be some opportunity to analyze proposals which will be offered. And, second, I would require the Speaker to recognize Members who will offer amendments reducing or eliminating projects within their own district. That is why I call it the Anti-Hypocrisy Deficit Reduction Act of 1994.

Instead of Members piously posing for political holy pictures by roundly denouncing spending in somebody else's district, I think they ought to be required to start in their own neighborhoods.

ASSAULT WEAPONS BAN

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, tomorrow the House will consider H.R. 4296 which seeks to further restrict the right to own a firearm.

The effect this bill will be on is the law abiding citizen who is being told that while the criminal is the problem, the Federal government's solution is to restrict the rights of American citizens.

A few years ago the Federal Government told the American people that it only wanted to restrict the importation of assault weapons. Now, the Government wants to restrict the weapons made in the United States. Let me read to you a portion of a letter from Treasury Secretary Bentsen referencing the list of firearms which appear to meet the definition of semiautomatic assault weapons. He writes, "The list was compiled from currently advertised firearms and should not be considered to be all inclusive."

I submit this body could do more good for the country if it focused its attention on those whose behavior breaks the law, rather then restricting the legitimate rights of those who abide by them.

□ 1450

CRIME PREVENTION MONTH

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today to support the efforts of over 27 million people across the country who are working to prevent crime in their neighborhoods and communities. Today, I am introducing legislation to commemorate their work by designating October 1994 as National Crime Prevention Month; more than 150 of my colleagues have already joined me in this endeavor.

Americans refuse to accept complacency. From education to neighborhood watch groups, they are committed to fighting back. To help these people in their efforts, we need to inform residents and make them aware of the difference individuals can make.

I am working with the National Crime Prevention Council to bring crime prevention to every household.

This effort to support the millions of Americans who have joined the battle against crime is a cost-free way to make a difference. These Americans have demonstrated that by working together, we can reduce crime, drug abuse and fear of crime.

This is a fight we can and must win for the sake of our families and our children.

SUPPORT THE A-Z SPENDING CUT BILL

Mrs. FOWLER. Mr. Speaker, I rise today in support of the A to Z spending cuts plan, and House Resolution 300, the rule which would allow open debate on spending cut amendments in H.R. 3266.

As an advocate of congressional reform, I have worked with my colleagues on both sides of the aisle to achieve significant change, and I have found a bipartisan approach to be very effective. I believe that sensible spending cuts must also be enacted in a bipartisan fashion.

The A to Z bill would open up the budget process to the entire Congress by allowing Members to propose specific spending cuts, debate those cuts and vote on them, up or down; this legislation could be a real vehicle for spending reform.

I have signed the discharge petition, and I urge my colleagues to do the same.

SMALL BUSINESS SPEAKS WITH A VOICE Of REASON ON HEALTH CARE REFORM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, yesterday, more than 340,000 small businesses came together to tell the truth about health care reform.

They formed a new small business coalition for health care reform—on behalf of more than 3 million hard-working Americans—builders and farmers, store-owners and salesmen, designers, and druggists. Because they believe it is time to move past all the rhetoric, all the posturing and press releases that have twisted this issue beyond recognition.

The simple fact is that health care reform is good business for small business. It will save money. It will make a real difference in people's lives. They know it, and we know it.

It is good for the small businesses that offer health coverage, but have to pick up the tab for their competitors who do not.

It is good for the small businesses that can't afford to cover their employees, but will finally be able to do so—thanks to the big discounts they will get when reform becomes reality.

And health care reform is good for the small businesses that believe decent, affordable health care is not just a line on a spreadsheet—it is our obligation as a society.

The fact is, today's soaring health care costs—today's discriminatory insurance practices—are strangling millions of small businesses. They need a voice in this process. And frankly, the small business lobbyists do not speak for most of them.

That is why they came out in support of health care reform. They know that if they do not stand up and speak for themselves, their voice will be lost in the chorus of hype and hyperbole that is trying to defeat real reform.

But do not take it from me, listen to the small business people who are crying out for guaranteed health care. Listen to the farmer from Kansas who said: "I cannot afford to pay increasingly higher premiums to cover the ones who have no insurance and no ability to pay for their health care."

Listen to the head of a small manufacturing company in Massachusetts, who said that under today's system, if one of her workers was struck by serious illness, "our group rates would soar, and I would have to make the decision of closing my business of letting employees play Russian roulette with their families and savings."

There are not voices of political friction—they are voices of reason.

So let us stand up for small business. Let us do what they need and not what the special interests want.

And let us pass the guaranteed, affordable health care that our economy deserves, and our small businesses demand.

A-Z, A CHANCE TO SHOW AMERICA WE MEAN BUSINESS ABOUT CUTTING

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, if we legislators have learned one thing since the 1992 elections, it is that deficit reduction is the top priority for the American people. Hundreds of letters and telephone calls from constituents tell us one thing:

Americans know that our Nation's survival rests upon cutting excess Federal spending. But for too long the American people have not seen much paring down of these Federal costs. They have heard a lot of talk about it, and it has been discussed at length in these Chambers. But the American people are still waiting for something to be done.

Now, Mr. Speaker, with the A-Z spending cuts plan Congress has a chance to show America that we finally mean business about cutting. There are many of us in this House who really mean it when we say we want to cut the deficit. The A-Z plan gives us a chance to put our names on the line, and for those who have hidden so long behind the secrecy of House committees, they will be forced to come out in the open and be held accountable for their deeds.

The American people deserve no less than forthright guarantees from us that, when it comes to decisions about cutting the deficit, we will act with the deficit and sound common sense in mind. All Americans deserve to know who is loyal to them and who is loyal to the powerful committee chairmen.

So, Mr. Speaker, I urge passage of H.R. 3266, the A-Z spending cuts plan, and I urge my colleagues to sign the discharge petition that will bring it before us.

WAL-MART—A DISCOUNT STORE MARKING UP OUR HEALTH INSURANCE

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, when you and I go into Wal-Mart, we are looking for markdowns. But I ask, "How would you feel knowing, when you walk in, you're getting a markup of 30 percent on our health insurance because of the way that a company like Wal-Mart does business?"

Mr. Speaker, this is one of our largest private employers, but yet, out of its half-million employees, leaves almost 250,000 without health insurance. What that means, according to one group, is that $480 million of Wal-Mart's health care costs get shifted to the rest of us who are able to have health insurance.

And how does that affect us? It is because 30 percent of every insurance premium in this country which my colleagues and I pay goes to pay for those who do not have health care. The 85 percent who are uninsured in this country are working at institutions like Wal-Mart. For those who are insured at Wal-Mart there is a high out-of-pocket cost which is hard for those making $6 and $7 an hour, and yet Wal-Mart disavows the Clinton health plan that would lower Wal-Mart's health care costs and its employees' health care costs while providing comprehensive guaranteed private insurance for all.

So, Mr. Speaker, I challenge Wal-Mart to help Wal-Mart workers and Wal-Mart consumers for a health plan, to support a health plan, that has lower costs, that does not shift the costs to us consumers, and that is the best way to truly have a discount store offer discounts without marking up our health insurance.

WHAT WE SHOULD DO ABOUT HAITI

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, it is with the utmost gravity that I must sound a warning to my colleagues: The Clinton administration is actively considering the unilateral invasion of Haiti.

Certainly it is true that the administration's Haitian policy has been a total failure and has, predictably, brought great additional suffering to the Haitian people. We were told last December when the United Nations imposed an oil embargo on Haiti, sought by the United States, that the de facto regime in Haiti would be bought to their knees by the middle of January. Four months later the regime and the Haitian military are not worse off than they were last January. In fact, they are profiteering from the sale of gasoline at $10 per gallon. The new proposals for a stepped—up embargo will not work any better than the current ones because the border between Haiti and the Dominican Republic is a sieve; oil and goods continue to flow unimpeded from the Dominican Republic to Haiti. The suffering of the Haitian people and the level of violence that is inflicted upon them have only been increased by the embargo and by failures in United States foreign policy.

These failures and, speaking frankly, domestic pressure and the concern about advancing a congressional agenda, now are strengthening the hand of invasion advocates within the administration. They argue for a unilateral invasion and the restoration of President Aristide to power, to take place after the inevitable failure of the increased sanctions now being proposed.

Mr. Speaker, invading Haiti would be a terrible mistake. The administration reportedly is considering a plan that will commit American troops, but does not have a clearly defined military mission for them or a plan for extricating them. The protection duties and civil strife cause by returning Aristide, and resentment against American policy, would keep American troops there for years—and cost us tens of billions of dollars. We should all remember that the last time American troops invaded Haiti, the marines stayed there for 19 years. Yes, 19 years, and the end result was the Duvalier regime. President Clinton and the Congress must weigh the cost of American lives and resources if the United States, by unilateral invasion, assumes the responsibility for restoring peace, governance, and economic stability to Haiti.

What should the administration do? It should seek out the pragmatic individuals who do exist in Haiti in a serious effort to find a consensus for solutions to the current political crisis in Haiti. This search for solutions must not be hampered by a stubborn insistence that President Aristide be returned to office. That stance is a recipe for disaster.

Again, Mr. Speaker, I wish to emphasize that before the United States seriously considers an invasion of Haiti, by whatever means or whatever name, we must examine all the options and insure that we have legitimate geopolitical and strategic interests at stake that justify the use of unilateral force and possible loss of American lives. Those interests and an extrication plan have not been clearly defined by the administration; nor has it exhausted all nonviolent options at its disposal. Mr. Speaker, an invasion would be a serious mistake which risks American lives, resources, and leadership prestige, at a time when the reputation of American foreign policy leadership could scarcely be lower.

VOTE FOR THE ASSAULT WEAPONS BAN ACT WITH A CLEAR CONSCIENCE

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, for all the talk about the second amendment, you would think people would talk about the whole amendment. There are people who say it is wrong to take assault weapons out of the hands of the gangs and the druglords because "the right of the people to keep and bear arms shall not be infringed." But they forget that the amendment protects the right because "A well regulated Militia" is "necessary to the security of a free State. * * *"

Show me the well regulated militia carrying street sweepers. Show me the well regulated militia carrying AK-47'S and TEC 9's. There are none.

When we speak of assault weapons, let us not forget who these guns are assaulting. When we talk about street sweepers, we are not talking about people who clean up the litter on our streets, but rater about a gun designed to litter the streets with bodies.

Where are these guns? They are on the streets of our cities, murdering our children. Street thugs are not my idea of a well regulated militia, Mr. Speaker, and it is not yours either, you can vote for this bill with a clear conscience.

IT'S TAX FREEDOM DAY, BUT OUR CITIZENS ARE STILL PAYING FOR GOVERNMENT

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, today is Tax Freedom Day, and all the days since January 1 until now Americans have been working just to pay Federal, State and local taxes. But if our citizens think that they can start working for themselves tomorrow, they can forget it because between now and July 13, which is Government Freedom Day, our citizens will be working to pay for the cost of Government regulations and unfunded Federal mandates.

In 1913 Tax Freedom Day was January 30.

☐ 1500

Mr. Speaker, our citizens all across the country are demanding that we begin a march back to those halcyon days, and we will start that process today with the A-to-Z proposal. I encourage my colleagues on both sides of the aisle to sign the discharge petition so we can debate this issue. I am sure that all Americans will applaud us for it.

NATIONAL TOURISM WEEK

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, from the Lowcountry to the Upstate, from the Midlands to the Pee Dee, South Carolina is a State abundant in natural beauty and historical significance.

It is no wonder, then, that thousands of tourists each year consider South Carolina the ideal destination for vacation, for recreation and for historical education.

Tourists visiting the State of South Carolina spend billions of dollars each year, which in turn generate millions of dollars in tax revenue and create thousands of jobs.

In fact, according to the most recent data available, travel and tourism was the second largest industry in South Carolina in 1991.

In that same year, tourists spent over $13 million a day in the State, and South Carolina was ranked 23d in the United States in terms of total tax revenue generated by travel and tourism.

Mr. Speaker, as we commemorate National Tourism Week, and as we go about our legislative affairs, let us keep in mind the impact our decisions could have on the travel and tourism industry nationwide, and in States like South Carolina, that have come to increasingly rely on the tourism industry in the face of changing State economies.

TAX FREEDOM DAY

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, with April 15 safely behind us, most Americans have no interest in discussing taxes. But this week, we will all get one more reminder of how stiff the tax burden is.

This Thursday, May 5, is Tax Freedom Day. Tax Freedom Day is the day to which the average American must now work to pay the combined Federal, State, and local tax bill.

Tax Freedom Day is now later in the year than it has ever been. Last year it was May 3, but due in large measure to the Clinton tax hike, it has moved to May 5.

This means the average American works the first 125 days of the year for Uncle Sam. Only on May 6, do America's families begin working for themselves.

All of this is one more reason to cut back the size of Government. We should start with the A-to-Z spending cut plan.

MEMBERS ENCOURAGED TO SUPPORT ASSAULT WEAPONS BAN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the average American does not own an assault weapon, and yet every American can be a victim of assault weapons. Think about the innocent diners in the cafeteria not long ago where the gentleman walked in and rubbed out so many of them. And when you look at what they hide behind as their right to own an assault weapon, it is an amendment saying they have a right to bear arms, and they would then say that means grenades, rocket launchers, or anything they want. We all know that is really going very far to the extreme.

Very soon this body is going to take up a bill that starts to get some control over this. No other democratic nation allows these types of things. These are military weapons with only one purpose—to wipe out as many people as possible and as fast as possible, and they have no sporting purpose. You cannot possibly think of any animal you could hit with these weapons and have anything of the animal left. So I think it is time for all of us as Americans to join hands and speak up as we get ready to vote on this and make sure we have the votes to finally ban assault weapons.

Mr. Speaker, this hunt for votes is getting very serious. The vote is very tight, and we need every single Member joining us.

EXCESSIVE BONUS PAYMENTS TO SOCIAL SECURITY PERSONNEL UNFAIR TO TAXPAYERS, SENIOR CITIZENS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, as chairman of the Social Security Task Force, which was set up to watch over Social Security and protect our senior citizens, I want to tell the Members how outraged I am that the Social Security Administration paid $32 million in bonuses last year, with one bonus of $9,256 to a person who was on the job only 2½ months. He got more in bonuses than most Social Security recipients receive in a year.

Last year Social Security asked for and received from this Congress an additional $200 million to pay for benefits to Social Security recipients. We now know that millions of these dollars went right into bonuses. This is not fair to our senior citizens. This is not fair to the taxpayers. The Social Security agency is the same entity that seniors tell me does not even answer their tollfree hot line.

Mr. Speaker, when it comes to Social Security, I say that Social Security money must be used for Social Security purposes only. And no more bonuses, especially as long as we have these lingering problems in the Social Security agency.

SUPPORT FOR CLINTON HEALTH PLAN FOUND WANTING

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, the majority leader just spoke and said that small business wants health care and that it does not have to be expensive. He is exactly right on that issue.

But, Mr. Speaker, the Clinton health plan in the Committee on Ways and Means received zero votes from any Republican or Democrat. And why? First of all, Republicans and Democrats realize that we do not need giant health care alliances that give the Democratic Party power over our lives and increases the size of the Federal Government.

Second, we know that 80 percent of the American public likes their health care plans, but they also realize that the key words are that there needs to be some changes, but not doing away with the system itself. We do not need alliances that control our lives, we do not need employer mandates, and those small business people who came to see me after seeing the President still have a lot of concerns about jobs being lost, with higher taxes, alliances and mandates.

And, by the way, Mr. Speaker, let me point out that there are no assault weapons in this assault weapons ban. They are not assault weapons. They have never been used by any military except for the M-1 gran. You can take a stock for my shotgun and put a corner on it, and it will become an assault weapon.

THE A-TO-Z PLAN PROMISES CONGRESSIONAL ACCOUNTABILITY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the time has come for accountability in Congress.

The A-to-Z spending cut program will hold Members of Congress accountable for specific cuts in the budget, cuts that are needed to bring our deficit down and eliminate all the bureaucratic redtape that is clogging our Government.

My colleagues, the gentleman from New Hampshire [Mr. ZELIFF] and the gentleman from New Jersey [Mr. ANDREWS], are right on track. The A-to-Z program will allow Members to have a plain-and-simple vote, up or down, on real cuts.

There will be no more excuses like "We'll make those cuts the next time," or "We have to wait to do health care."

As my colleague, the gentleman from Ohio [Mr. KASICH], pointed out during the budget resolution debate, first the administration wants more specific cuts, then it complains that the cuts are not specific enough.

Mr. Speaker, we cannot be any more specific than with the A-to-Z plan. I call on all my colleagues to bring responsibility back to this House and sign the discharge petition for A-to-Z.

MILITARY ACTION IN HAITI SEEN AS UNWISE

(Mr. COX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX. Mr. Speaker, President Clinton is moving the United States perilously close to military intervention in Haiti. Yesterday the Washington Post reported that President Clinton is considering a plan to send armed military trainers to Haiti. Yet the end result of military intervention in Haiti is unclear.

Will we invade and supplant the current control group with military force? Whom will we install? Aristide? He has proven totally unable to facilitate his own return. He has been unwilling to compromise, and his recent attacks on the United States have vilified the very people who are trying their best to help Haiti.

If President Clinton plans to invade Haiti, he will make an enormous mistake in the United States military force posture, and if he does not do so in the end, his current promises will hold out false hopes for the long-suffering people of that island nation.

□ 1510

DISTRICT OF COLUMBIA GOVERNMENT'S 1995 BUDGET REQUEST—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. WISE) laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1995 budget request and 1994 revised budget request.

The District of Columbia Government has submitted a 1995 budget request for $3,409 million in 1995 that includes a Federal payment of $674 million, the amount authorized and requested by the Mayor and the City Council. The 1995 Federal payment level proposed in my fiscal year 1995 budget of $670 million is also included in the District's 1995 budget as an alternative level. My transmittal of the District's budget, as required by law, does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the 1995 appropriations process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 4, 1994.*

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1994

The SPEAKER pro tempore (Mrs. MEEK). Pursuant to House Resolution 414 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3254.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3254) to authorize appropriations for the National Science Foundation, and for other purposes, with Mr. WISE, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, May 3, 1994, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

The clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Science Foundation Authorization Act of 1994".

The CHAIRMAN pro tempore. The clerk will designate section 2.

Mr. BOUCHER. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "debt-for-science exchange" means an agreement whereby a portion of a nation's commercial external debt burden is exchanged by the holder for a contribution of local currencies or other assets to support scientific and technological research;

(2) the term "Director" means the Director of the Foundation;

(3) the term "Foundation" means the National Science Foundation;

(4) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(5) the term "national research facility" means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States;

(6) the term "science-technology center" has the meaning given such term in section 231(f) of the Excellence in Mathematics, Science, and Engineering Education Act of 1990, and shall include both newly organized and established science-technology centers; and

(7) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

TITLE I—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FINDING.—Congress finds that the programs of the Foundation are important for the Nation to strengthen basic research and develop human resources in science and engineering, and that those programs should be funded at an adequate level.

(b) FISCAL YEAR 1995.—(1) There are authorized to be appropriated to the Foundation $3,200,000,000 for fiscal year 1995, which shall be available for the following categories:

(A) Research and Related Activities, $2,275,500,000, which shall be available for the following subcategories:

(i) Biological Sciences, $301,800,000.

(ii) Computer and Information Science and Engineering, $262,200,000.

(iii) Engineering, $313,400,000, of which $2,000,000 shall be expended for primary materials processing research.

(iv) Geosciences, $425,000,000.

(v) Mathematical and Physical Sciences, $641,200,000.

(vi) Social, Behavioral, and Economic Sciences, $106,500,000.

(vii) United States Polar Research Programs, $160,800,000.

(viii) United States Antarctic Logistical Activities, $62,600,000.

(ix) Critical Technologies Institute, $2,000,000.

(B) Education and Human Resources, $569,600,000.

(C) Academic Research Facilities Modernization Program, $150,000,000.

(D) Major Research Equipment, $70,000,000.

(E) Salaries and Expenses, $125,500,000.

(F) Office of Inspector General, $4,200,000.

(G) Headquarters Relocation, $5,200,000.

(2) Of the amounts authorized under paragraph (1)(A) and (B)—

(A) $35,000,000 are authorized for activities authorized by the Scientific and Advanced-Technology Act of 1992;

(B) $30,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $45,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $16,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(c) FISCAL YEAR 1996.—(1) There are authorized to be appropriated to the Foundation $3,392,000,000 for fiscal year 1996, which shall be available for the following categories:

(A) Research and Related Activities, $2,397,500,000, which shall be available for the following subcategories:

(i) Biological Sciences, $316,800,000.

(ii) Computer and Information Science and Engineering, $285,000,000.

(iii) Engineering, $338,000,000, of which $2,500,000 shall be expended for primary materials processing research.

(iv) Geosciences, $444,000,000.

(v) Mathematical and Physical Sciences, $668,800,000.

(vi) Social, Behavioral, and Economic Sciences, $116,100,000.

(vii) United States Polar Research Programs, $164,800,000.

(viii) United States Antarctic Logistical Activities, $64,000,000.

(B) Education and Human Resources, $586,000,000.

(C) Academic Research Facilities Modernization Program, $200,000,000.

(D) Major Research Equipment, $67,000,000.

(E) Salaries and Expenses, $132,000,000.

(F) Office of Inspector General, $4,300,000.

(G) Headquarters Relocation, $5,200,000.

(2) Of the amounts authorized under paragraph (1)(A) and (B)—

(A) $35,000,000 are authorized for activities authorized by the Scientific Advanced-Technology Act of 1992;

(B) $50,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $60,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $22,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(3) No funds shall be expended for fiscal year 1996 for the Critical Technologies Institute.

(d) MEETING FUNDING GOALS.—In allocating funds authorized under subsections (b)(1)(A) and (c)(1)(A), the Foundation shall give priority to meeting the funding goals established for the Foundation for Presidential research initiatives by the Federal Coordinating Council for Science, Engineering, and Technology, or any successor entity which assumes its responsibilities.

(e) EDUCATION SUPPORT FOR UNDERREPRESENTED GROUPS.—In allocating funds authorized under subsections (b)(1)(B) and (c)(1)(B), the Foundation shall support education activities to encourage the participation of women, minorities who are underrepresented in science, engineering, and mathematics, and persons with disabilities, and shall coordinate such activities with related efforts of other Federal agencies.

SEC. 102. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 101(b)(1)(A) or (c)(1)(A) is less than the amount authorized under that subparagraph, the amount authorized for each subcategory under that subparagraph shall be reduced by the same proportion.

SEC. 103. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this Act, not more than $10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses at the discretion of the Director. The *determination of the Director shall be final and conclusive upon the accounting officers of the Government.*

SEC. 104. TRANSFER OF FUNDS.

For any given fiscal year, the Director may propose transfers to or from any category described in section 101 up to a maximum of 10 percent of the amount authorized for that category. An explanation of any such proposed transfer must be transmitted in writing to the Committee on Science, Space, and Technology of the House of Representatives, and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate. The proposed transfer may be made only after 30 calendar days have passed after transmission of such written explanation.

TITLE II—GENERAL PROVISIONS

SEC. 201. ANNUAL REPORT.

Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by striking subsection (f) and inserting in lieu thereof the following new subsection:

"(f) The Foundation shall provide an annual report to the President which shall be submitted by the Director to the Congress at the time of the President's annual budget submission. The report shall—

"(1) contain a strategic plan which—

"(A) defines for a three-year period the overall goals for the Foundation and specific goals for each major activity of the Foundation, including each scientific directorate, the education directorate, and the polar programs office; and

"(B) describes how the identified goals relate to national needs and will exploit new opportunities in science and technology;

"(2) identify the criteria and describe the procedures which the Foundation will use to assess progress toward achieving the goals identified in accordance with paragraph (1);

"(3) review the activities of the Foundation during the preceding year which have contributed toward achievement of goals identified in accordance with paragraph (1) and summarize planned activities for the coming three years in the context of the identified goals, with particular emphasis on the Foundation's planned contributions to major multi-agency research and education initiatives;

"(4) contain such recommendations as the Foundation considers appropriate; and

"(5) include information on the acquisition and disposition by the Foundation of any patents and patent rights.".

SEC. 202. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—The Director shall provide to Congress annually, at the time of the President's budget submission, a plan for construction of, and repair and upgrades to, national research facilities. The plan shall include estimates of the cost for such construction, repairs, and upgrades, and estimates of the cost for the operation and maintenance of existing and proposed new facilities. For proposed new construction and for major upgrades to existing facilities, the plan shall include funding profiles by fiscal year and milestones for major phases of the construction. The plan shall include cost estimates in the categories of construction, repair, and upgrades for the year in which the plan is submitted to Congress and for not fewer than the succeeding 4 years.

(b) LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.—No funds appropriated for any project which involves construction of new national research facilities or construction necessary for upgrading the capabilities of existing national research facilities shall be obligated unless the funds are specifically authorized for such purpose by this Act or any other Act which is not an appropriations Act, or unless the total estimated cost to the Foundation of the construction project is less than $50,000,000. This subsection shall not apply to construction projects approved by the National Science Board prior to June 30, 1993.

SEC. 203. ELIGIBILITY FOR RESEARCH FACILITY AWARDS.

Section 203(b) of the Academic Research Facilities Modernization Act of 1988 is amended by striking the final sentence of paragraph (3) and inserting in lieu thereof the following: "The Director shall give priority to institutions or consortia that have not received such funds in the preceding 5 years, except that this sentence shall not apply to previous funding received for the same multiyear project. The Director shall exclude from consideration for awards to be made under the Program after fiscal year 1995 any institutions or consortia which received funds, appropriated for a fiscal year after fiscal year 1994, for the repair, renovation, construction, or replacement of academic facilities, from any Federal funding source for projects that were not subjected to a competitive, merit-based award process.".

SEC. 204. ELIGIBILITY FOR PARTICIPATION IN INFORMAL SCIENCE EDUCATION ACTIVITIES.

No science-technology center shall be disqualified from competing for funding support under the informal science education programs included within the Education and Human Resources activities of the Foundation on the basis of the geographic location of the center, the size of the population served by the center, or the date on which the center commences operation.

SEC. 205. SCIENCE AND ENGINEERING EQUAL OPPORTUNITIES ACT AMENDMENTS.

The Science and Engineering Equal Opportunities Act (42 U.S.C. 1885 et seq.) is amended—

(1) by amending section 32 to read as follows:

"FINDINGS AND POLICY

"SEC. 32. The national security and economic competitiveness of the United States demand the full development and use of the engineering, mathematical, and scientific talents and skills of all its citizens. Past discrimination, cultural barriers, unequal educational opportunities, and other factors discourage women, minorities, and persons with disabilities from studying and working in engineering, mathematics, and science. The Congress declares it is the policy of the United States to encourage the participation in engineering, mathematics, and science of members of the groups that are underrepresented.";

(2) in section 33—

(A) by amending the section head to read as follows:

"EQUAL OPPORTUNITIES IN SCIENCE AND ENGINEERING";

(B) in paragraph (1)(A), by striking "women" and inserting in lieu thereof "women, minorities who are underrepresented in science, engineering, and mathematics, and persons with disabilities (collectively referred to in this section as 'members of underrepresented groups')";

(C) in paragraph (2), by striking "female students and to increase female student awareness" and inserting in lieu thereof "students who are members of underrepresented groups and to make those students aware";

(D) in paragraph (4), by striking "research";

(E) by amending paragraph (5) to read as follows:

"(5) support programs under which scientists and engineers who are members of underrepresented groups interact with elementary, secondary, and undergraduate students;";

(F) in paragraph (8), by striking ", to be known as the National Research Opportunity Grants, to women scientists and engineers" and inserting in lieu thereof "to scientists and engineers who are members of underrepresented groups";

(G) in paragraph (9), by striking "such women" and inserting in lieu thereof "such persons";

(H) by striking "and" at the end of paragraph (10);

(I) by striking the period at the end of paragraph (11) and inserting in lieu thereof "; and";

(J) by adding at the end the following:

"(12) support efforts to initiate and expand research opportunities at institutions serving members of underrepresented groups.

"(b) In carrying out activities under this section, the Foundation may conduct or support activities in which participation is limited to members of one or more underrepresented groups.";

(K) by inserting "(a)" after "SEC. 33."; and

(L) except as otherwise provided in this paragraph, by striking "women" each place it appears and inserting in lieu thereof "members of underrepresented groups";

(3) by striking section 34;

(4) in section 36(a), by inserting ", persons with disabilities" after "minorities";

(5) in section 36(b), by striking the second sentence and inserting in lieu the following: "The Chairpersons of relevant committees or subcommittees of the National Science Board, as designated by the Chairperson of the Board, shall be ex officio members of the Committee.";

(6) in section 36 by striking subsections (c) and (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(7) in section 36 by inserting after subsection (b) the following new subsection:

"(c) The Committee shall be responsible for reviewing and evaluating all Foundation matters relating to participation in, opportunities for, and advancement in education, training, and research in science and engineering of members of underrepresented groups."; and

(8) in section 36(d), as redesignated by paragraph (6) of this section, by striking "additional".

SEC. 206. ROLE OF THE FOUNDATION IN ECONOMIC COMPETITIVENESS.

The Foundation's efforts to improve the economic competitiveness of the United States shall be in accord with the functions of the Foundation as specified by section 3 of the National Science Foundation Act of 1950. The primary mission of the Foundation continues to be the support of basic scientific research and science education and the support of research fundamental to the engineering process and engineering education.

SEC. 207. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—The National Science Foundation Act of 1950 is amended—

(1) in section 4(e) (42 U.S.C. 1863(e)) by striking the second and third sentences and inserting in lieu thereof the following: "The Board shall adopt procedures governing the conduct of its meetings, including definition of a quorum and delivery of notice of meetings to members of the Board.";

(2) in section 5(e) (42 U.S.C. 1864(e)) by amending paragraph (2) to read as follows:

"(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.";

(3) in section 14 (42 U.S.C. 1873) by striking subsection (j); and

(4) in section 15(a) (42 U.S.C. 1874(a)) by striking "Atomic Energy Commission" and inserting in lieu thereof "Secretary of Energy".

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—Section

117(a)(1)(B)(v) of the National Science Foundation Authorization Act of 1988 is amended to read as follows:

"(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of its employees.".

(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1977 AMENDMENT.—Section 8 of the National Science Foundation Authorization Act, 1977, is repealed.

SEC. 208. RESEARCH INSTRUMENTATION AND FACILITIES.

The Foundation shall incorporate the guidelines set forth in Important Notice No. 91, dated March 11, 1983 (48 Fed. Reg. 15754, April 12, 1983) relating to the use and operation of Foundation-supported research instrumentation and facilities, in its notice of Grant General Conditions, and shall examine more closely the adherence of grantee organizations to such guidelines.

SEC. 209. ENVIRONMENTALLY ADVANCED EDUCATION.

(a) FINDINGS.—The Congress finds the following:

(1) Improving the general understanding of the relationships between economic and technical activities and the environment, and the opportunities for improvements in such relations, is essential for the effective realization of sustainable economic development.

(2) In post-secondary education, with the exception of environmental specialists, environmental considerations are typically not integrated into the required coursework for technical, engineering, science, and related professions.

(3) The integration of environmental considerations into all technical, engineering, science, and related professions in a timely fashion is essential to better achieving sustainable economic development.

(b) IN GENERAL.—The Director shall establish a program to promote the development and distribution of curriculum and materials—

(1) at the primary and secondary levels that will improve the understanding of the relationships between economic and technical activities and the environment and the opportunities for improving those relationships; and

(2) at the post-secondary level that will incorporate the principles and practices of environmental soundness and total cost accounting into all technical, engineering, design, scientific, and related disciplines.

(c) TECHNICAL PROGRAMS.—(1) The Director shall ensure that the special needs of technical programs of institutions described in paragraph (2) are addressed in executing this section, including disseminating information about practices that exemplify environmentally sound practices.

(2)(A) Except as provided in subparagraph (B), institutions referred to in paragraph (1) are institutions of higher education (as determined under section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) that offer a 2-year associate-degree program, 2-year certificate program, or other shorter program described in such section 1201(a).

(B) Notwithstanding section 1201(a)(4) of the Higher Education Act of 1965, institutions referred to in paragraph (1) may include proprietary institutions.

(d) COORDINATION.—The Director shall consult with the heads of other agencies of the Federal Government, State and local governments, educational institutions, and appropriate private sector organizations, including accreditation boards for engineering, technology, and design educational institutions in executing this section.

SEC. 210. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for any fiscal year after fiscal year 1996 for carrying out the programs and activities for which funds are authorized by this Act, or the amendments made by this Act.

SEC. 211. INDIRECT COST REIMBURSEMENT.

(a) LIMITATION.—None of the funds authorized under section 101(b) may be awarded to any grantee who reported Federal research grant outlays in excess of $10,000,000 in fiscal year 1994, unless such grantee—

(1) agrees to notify the Foundation of the amount of any increased indirect expense; and

(2) agrees to the permanent cancellation, in an amount that equals the increased indirect expense, of its claims for the portion of unliquidated obligations from prior year research grants that comprise the indirect expense allocated to the Foundation.

(b) DEFINITION.—For purposes of this section, the term "increased indirect expense" means the amount by which the grantee's claim for indirect expense allocated to the Foundation for research grants for fiscal year 1995 exceeds the amount of such claim for fiscal year 1994.

SEC. 212. AWARD OF GRANTS AND CONTRACTS: REQUIREMENT OF COMPETITION.

(a) The Director may not make a grant or award a contract to any institutions or consortia for the performance of research and development, or for the construction of any research or other facility, unless such grant or award is made using a competitive, merit-based evaluation process.

(b)(1) A provision of law may not be construed as modifying or superseding the provisions of subsection (a), or as requiring funds to be made available by the Director to a particular institution or consortium by grant or contract, unless that provision of law—

(A) specifically refers to this section;

(B) specifically states that such provision of law modifies or supersedes the provisions of this section; and

(C) specifically identifies the particular institution or consortium involved and states that the grant to be made or the contract to be awarded, as the case may be, pursuant to such provision of law, is being made or awarded in contravention to subsection (a).

(2) A grant may not be made, or a contract awarded, pursuant to a provision of law that authorizes or requires the making of the grant, or the awarding of the contract, in a manner that is inconsistent with subsection (a) until—

(A) the Director submits to Congress a notice in writing of the intent to make the grant or award the contract; and

(B) a period of 180 days has elapsed after the date on which the notice is received by Congress.

TITLE III—ACADEMIC RESEARCH FACILITIES MODERNIZATION

SEC. 301. FINDINGS.

The Congress finds that—

(1) the deficiencies in the condition of buildings and equipment used for the conduct of fundamental research and related education programs at many universities and colleges which are cited in section 202 of the Academic Research Facilities Modernization Act of 1988 are substantially unchanged;

(2) a national effort, involving the participation of Federal and State governments and the private sector, is required to make progress in improving the state of academic research facilities; and

(3) because of the scale of the problem, the Federal effort to upgrade academic research facilities must involve a coordinated program among all Federal agencies which sponsor research at academic institutions.

SEC. 302. FACILITIES MODERNIZATION PLAN.

The Director of the Office of Science and Technology Policy, through the Federal Coordinating Council for Science, Engineering, and Technology, or any successor entity which assumes its responsibilities, shall develop a plan for a multiagency Federal program to provide financial support to institutions of higher education for the repair, renovation, or replacement of obsolete science and engineering facilities primarily devoted to research. The plan shall—

(1) include participation by all Federal departments and agencies which provide substantial Federal support for research and development activities at institutions of higher education;

(2) provide estimates of the level of funding required, by department and agency, and period for which funding should be provided to relieve substantially the backlog of research facilities needs and to ensure that, at the conclusion of the period proposed, the facilities available will be satisfactory to support national research needs;

(3) take into consideration, for determining the requirements of paragraph (2), ongoing efforts by Federal departments and agencies, State governments, and the private sector to upgrade research facilities;

(4) be designed to address the needs of the categories of institutions eligible for awards under the Academic Research Facilities Modernization Act of 1988;

(5) detail administrative procedures and guidelines for the implementation of the modernization program; and

(6) state procedures and data collection steps which have been implemented to assess the state of academic research facilities and to measure the rate of progress in improving the condition of the facilities.

Within 18 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Congress the plan developed under this section.

SEC. 303. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

No funds appropriated to the Foundation for construction of new facilities or construction necessary for upgrading the capabilities of existing facilities at institutions eligible for awards under the Academic Research Facilities Modernization Act of 1988 shall be obligated unless the funds are awarded in accordance with the requirements of the Academic Research Facilities Modernization Act of 1988 or are specifically authorized for such purpose by this Act or any other Act which is not an appropriations Act.

TITLE IV—INTERNATIONAL SCIENTIFIC COOPERATION

SEC. 401. FINDINGS.

The Congress finds the following:

(1) Debt-for-science exchanges can provide an innovative means to enhance scientific cooperation with countries whose external debt burden prevents them from allocating sufficient resources to their scientific and technological infrastructures.

(2) Debt-for-science exchanges have been demonstrated to improve the state of scientific research and education in several countries, including Bolivia, Costa Rica, Ecuador, Chile, and Mexico.

SEC. 402. DEBT-FOR-SCIENCE EXCHANGES.

(a) DEBT-FOR-SCIENCE EXCHANGE GRANTS.—The Director is authorized to make grants to organizations within the United States, including colleges and universities, for the purpose of debt-for-science exchanges. Before making any grant under this section, the Director shall ascertain that—

(1) funds resulting from the debt-for-science exchange will be expended only for purposes of international cooperative scientific research and development projects;

(2) the debt-for-science exchange will make funds available for such projects which otherwise would not be available;

(3) the amount of local currency provided as a result of the debt-for-science exchange will be substantially greater than the United States dollar purchase price of the debt;

(4) the grantee certifies that the debtor government has accepted the terms of the exchange and that an agreement has been reached to cancel the commercial debt; and

(5) Federal grants made under this section will be equally matched by non-Federal contributions to purchase debt.

(b) INVESTMENT OF GOVERNMENT ASSISTANCE.—Grantees or subgrantees of funds provided under this section may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-science exchange pending disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes.

(c) COORDINATION.—In carrying out subsection (a) the Director shall coordinate with Federal agencies, such as the Agency for International Development, that have expertise in debt exchanges.

SEC. 403. NATIONAL SCIENCE FOUNDATION PARTICIPATION IN BINATIONAL AND MULTINATIONAL ENDOWED SCIENCE FOUNDATIONS.

The Director, in consultation with appropriate officials of the United States and foreign countries, may encourage and facilitate the establishment of binational and multinational endowed science foundations, and may participate in the operation and governance of such foundations, including serving as a member of or designating members to the Boards of Governors, if such foundations—

(1) have Boards of Governors whose members are chosen to represent participating countries and possess expertise in international scientific cooperation;

(2) have a structure and operational characteristics determined exclusively by their Boards of Governors, consistent with paragraph (3); and

(3) are established and governed in accordance with charters which include provisions—

(A) to ensure that the funding of the endowment is shared equitably among the participating nations, appropriate to their economic resources;

(B) to protect the endowment's principal from loss of value due to inflation;

(C) to define the range of scientific and educational activities to be funded;

(D) to define criteria for application, merit review, and awarding of funds which encompass, at a minimum, consideration of scientific merit, strength of collaborative arrangements, and potential benefit to participants;

(E) to limit administrative costs to those that are prudent and necessary; and

(F) to engage an independent auditor to perform an annual organization-wide audit of such foundations, in accordance with generally accepted auditing standards, and to make the results of the audit immediately available to the Director and the Board of Governors.

SEC. 404. REPORT.

Within one year after the date of enactment of this Act, the Director shall submit to the Congress a strategic plan for international scientific cooperation activities undertaken by the Foundation which—

(1) describes and evaluates all activities involving international scientific cooperation currently carried out by the Foundation;

(2) describes how these activities relate to ongoing and prospective Foundation research and educational activities;

(3) details research activities and geographic areas where international scientific cooperation has been most effective and where it has been least effective;

(4) describes plans for future cooperative international scientific projects; and

(5) assesses the research activities and geographic areas where future international scientific cooperation would be most effective.

TITLE V—UNDERGRADUATE EDUCATION

SEC. 501. REQUIREMENT FOR FUNDING.

Each educational institution that receives a research grant from the Foundation in fiscal year 1995 shall, as a condition of receiving such grant, provide to the Foundation the following information on its undergraduate mathematics, science, and engineering activities:

(1) A description of teacher training programs mandated by the institution for teaching assistants, including the number of training hours required.

(2) The institution's policy regarding the relative importance of teaching and research duties in decisions on promotion, tenure, and salary for faculty, including any written policy with specific criteria.

(3) Any policy allowing faculty to replace university salary with funds from outside sources, along with any policy allowing faculty to replace all or part of the teaching load with increased research.

(4) The number of faculty released from some or all of their teaching responsibilities pursuant to a policy described in paragraph (3), with the number replacing all or some of their salary with Federal funds reported separately.

(5) The number and percentage of faculty, not including those on regular sabbatical leave, teaching no undergraduate courses.

(6) The number and percentage of faculty supported by active Federal research grants teaching freshman or sophomore lecture courses.

(7) The number and percentage of lecture sources taught by individuals other than faculty.

(8) The number of students per course in each introductory course.

Information shall be provided for the most recent academic year for which it is available. For purposes of this section, the term "educational institution" means an institution of higher education that is ranked among the top 100 of the institutions receiving Federal research and development funding, as documented in the latest annual report of the Foundation entitled "Federal Support to Universities, Colleges, and Selected Non-Profit Institutions". The term "faculty" means tenured or tenure-track employees not serving in full-time administrative positions. The Foundation shall compile this information and submit it to the Congress no later than December 31, 1995.

SEC. 502. RECOMMENDATIONS.

The Director shall transmit to the Congress, at the time of the President's budget request for fiscal year 1997, recommendations as to how Foundation research funds could be used to increase the focus on undergraduate education at institutions of higher education.

The CHAIRMAN pro tempore. Are there any amendments to the committee amendment in the nature of a substitute?

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

Page 3, line 15 through page 7, line 8, amend subsections (b) and (c) to read as follows:

(b) FISCAL YEAR 1995.—(1) There are authorized to be appropriated to the Foundation $3,150,000,000 for fiscal year 1995, which shall be available for the following categories:

(A) Research and Related Activities, $2,254,800,000, which shall be available for the following categories.

(i) Biological Sciences, $298,800,000.

(ii) Computer and Information Science and Engineering, $260,600,000.

(iii) Engineering, $311,500,000, of which $2,000,000 shall be expended for primary materials processing research.

(iv) Geosciences, $421,300,000.

(v) Mathematical and Physical Sciences, $636,300,000.

(vi) Social, Behavioral, and Economic Science, $104,800,000.

(vii) United States Polar Research Programs, $158,800,000.

(viii) United States Antarctic Logistical Activities $62,600,000.

(B) Education and Human Resources, $586,000,000.

(C) Academic Research Facilities Modernization Program $110,000,000.

(D) Major Research Equipment, $70,000,000.

(E) Salaries and Expenses, $120,000,000.

(F) Office of Inspector General, $4,000,000.

(G) Headquarters Relocation, $5,200,000.

(2) Of the amount authorized under paragraph (1)(A) and (B)—

(A) $35,000,000 are authorized for activities authorized by the Scientific and Advanced-Technology Act of 1992.

(B) $30,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $45,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $16,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(3) No funds shall be expended for fiscal year 1995 for the Critical Technologies Institute.

(c) FISCAL YEAR 1996.—(1) There are authorized to be appropriated to the Foundation $3,234,000,000 for fiscal year 1996, which shall be available for the following categories:

(A) Research and Related Activities, $2,299,800,000, which shall be available for the following subcategories:

(i) Biological Sciences, $304,100,000.

(ii) Computer and Information Science and Engineering, $273,600,000.

(iii) Engineering, $324,500,000, of which $2,500,000 shall be expended for primary materials processing research.

(iv) Geosciences, $426,200,000.

(v) Mathematical and Physical Sciences, $640,100,000.

(vi) Social, Behavorial, and Economic Sciences, $110,500,000.

(vii) United States Polar Research Programs, $158,200,000.

(viii) United States Antarctic Logistical Activities, $62,600,000.

(B) Education and Human Resources, $586,000,000.

(C) Academic Research Facilities Modernization Program, $150,000,000.

(D) Major Research Equipment, $67,000,000.

(E) Salaries and Expenses, $122,000,000.

(F) Office of Inspector General, $4,000,000.

(G) Headquarters Relocation, $5,200,000.

(2) Of the amounts authorized under paragraph (1)(A) and (B)—

(A) $35,000,000 are authorized for activities authorized by the Scientific Advanced-Technology Act of 1992;

(B) $50,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $60,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $22,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(3) No funds shall be expended for fiscal year 1996 for the Critical Technologies Institute.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, as I stated in yesterday's debate, I have no quarrel with the basic thrust of this bill; indeed, I heartily endorse its fundamental principles. But I do have a problem with the authorization levels in this bill, which are utterly unrealistic—indeed, they represent a denial of reality.

These authorization debates we have, have come to remind me of nothing so much as the children's program "Mr. Rogers' Neighborhood." It is as if, at the beginning of authorization discussions, we take off our coats and shoes, put on our cardigans and slippers, affect our mildest expressions and most benign tones, and pretend that we can be nice to everybody in our neighborhood—which is to say everyone in the entire Nation. We sing soothing songs of plenty for our hour of fantasy, and then we let the appropriators bring the disharmony of reality into the world.

This is, to speak frankly, a screwy way to set priorities. The authorization ought to reflect the same budget realities under which the rest of Congress has to labor. And this bill does not.

We are dealing with an agency that has seen its budget more than double—that's right, double—since 1986, and the bill is proposing 6 percent growth in each of the next 2 years at the time of a discretionary budget freeze. Does this sound realistic, even for an agency as valued and esteemed as the NSF? I do not think so.

But you do not have to take my word for it. The figures in my amendment were not derived from some personal whim or random thought. The fiscal year 1995 authorization in this amendment is the one assumed in the House-passed budget resolution—the one that was written by the majority party. The fiscal year 1996 authorization in this amendment is the administration's own projection. These are numbers, in other words, that were developed by the majority.

I haven't heard very good arguments against these numbers. All we heard at markup was that we do not have to follow the budget resolution and that OMB sometimes changes its mind about budget projections. But this is irrelevant. I'm not arguing that we're bound to follow these numbers, I'm arguing that they are realistic budget numbers proposed by the majority itself. They are numbers the majority proposed when it could not operate in a vacuum, but had to factor in budget restraints.

Now I want to be clear. My amendment still allows for significant growth in NSF—around 4 percent growth next year and about 3 percent in fiscal 1996. We're not talking about hardship here. Indeed, I fear the appropriators may not even be able to provide the funds sought in my amendment.

And let me also point out that my amendment reflects exactly the same relative program priorities within NSF as does the bill.

All that's at issue here is whether authorization bills are real efforts to set priorities in the real world, or whether they are opportunities to retreat into comforting fantasies.

Members who think Mr. Rogers is a children's program host and not a Member of Congress ought to vote with us.

Mr. Chairman, let me stress once again, 12 years I have had the privilege of serving on the Committee on Science, Space, and Technology. And for 12 consecutive years, I have been a champion of the National Science Foundation. For 12 years, I have been on that committee and for 12 consecutive years I have voted for more funding for the National Science Foundation.

But I am a realist. I have to deal, as all America does, in the real world.

The fact of the matter is, my colleagues, we now have a debt approximating $4 trillion, which means that we are spending each and every day $900 million just on interest on the national debt. That argues very strongly for some reason as we go about our business here.

What we are talking about is not $3.2 billion, but $3.15 billion, a $50 million differential. That $50 million would put our authorization in line with the majority package approved by the Committee on the Budget under the distinguished chairman, the gentleman from Minnesota [Mr. SABO].

The CHAIRMAN. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

Mr. BOUCHER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I have great respect for the gentleman from New York, and I very much enjoy the partnership that he and I have in the Subcommittee on Science of the Committee on Science, Space, and Technology, in which we have achieved quite a number of favorable goals in terms of enhancing and molding the Nation's research agenda. In fact, it is a rare occasion when he and I disagree on matters of fundamental policy.

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We do, however, come to the floor today in disagreement with regard to the appropriate level of funding for the National Science Foundation for the next 2 years, so it is with a degree of reluctance in view of the excellent partnership that we have, but with heartfelt commitment nonetheless, that I rise in opposition to the amendment offered by the gentleman.

His amendment would reduce the National Science Foundation's authorization by $50 million in fiscal year 1995, and by $158 million in fiscal year 1996. For fiscal year 1995, the amendment would follow report language that is contained in the report of the Committee on the Budget that accompanies the fiscal year 1995 budget resolution.

However, the Committee on the Budget has made a suggestion, and a suggestion only, with regard to funding for the National Science Foundation, and that suggestion binds neither the Committee on Appropriations nor does it bind the authorizing committees. Only the larger budget function category for science, and that is function number 250 that is contained in the joint budget resolution, is binding on the Committee on Appropriations, and that number leaves room for the National Science Foundation to be funded at the levels that are contained in our legislation.

In point of fact, the conference committee, which very shortly will be filed for the joint budget resolution, actually increases by $100 million the amount that is available for that general science function, for the National Science Foundation and for other agencies that receive their funding pursuant to that budget function, so that amount is increased over the House number by $100 million, both for outlays and for budget authority.

It is our committee's judgment, I would suggest, that should prevail with regard to this very important subject. The Committee on Science, Space, and Technology is the most knowledgeable committee, I would suggest, regarding the success of the National Science Foundation's programs, and it is best positioned for that reason to judge the value of the National Science Foundation to the U.S. science and technology enterprise. We should not defer to the Committee on the Budget for that fundamental judgment.

For fiscal year 1996, the gentleman relies on the Office of Management and Budget's projection for the NSF budget in that year, but over time, I would point out that the OMB projections have varied widely from the actual administration budget requests and from the actual appropriations levels. They have been both above and below those requests and the actual outlays.

Far more reliable as a measure of the value of the National Science Foundation is the judgment of the Committee on Science, Space, and Technology with respect to the NSF's contributions to society. Those contributions have been quantified to some extent in studies conducted at the University of Pennsylvania, and suggest that the Nation receives a social rate of return of 128 percent for NSF-sponsored projects in terms of wealth creation and also in terms of improvements in our quality of life. So for every dollar that the NSF invests in a research project, we receive a return of at least $1.28 in terms of societal improvement.

Studies consistently show that basic investments in research are the strongest and most consistent positive influences on productivity growth. That is certainly true with regard to NSF-sponsored programs.

With this level of funding, the NSF is still not at its limit in terms of its ability to fund excellent research projects. In 1992, the National Science Foundation left unfunded fully $1 billion in proposals that had been rated through the peer review process as being excellent in quality. The NSF itself enlists the help of scientists throughout the country to evaluate the various proposals that are made for funding, and in 1992, that group of scientists found that fully $1 billion in projects recommended to the NSF were excellent but could not be funded due to funding shortages.

The underfunding of the National Science Foundation has in fact been recognized on a bipartisan basis by administrations during the course of the last decade. Starting in 1988, the commitment was made by the Reagan administration to increase funding for the National Science Foundation over a period of 5 years by a factor of 100 percent.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. BOUCHER was allowed to proceed for 3 additional minutes.)

Mr. BOUCHER. Beginning in 1988, the administration made a commitment to double funding for the National Science Foundation over a period of 5 years, and the budgets that were recommended by Presidents of both political parties during the intervening years clearly reflect that commitment.

In 1988, the Reagan administration's recommended increase in funding was 16.5 percent; 19 percent in 1989; 14 percent in 1990; and in each of the years of the Bush administration, recommendations for funding increases for the NSF were 14 percent, 17 percent, 17 percent, and 16 percent.

The Clinton administration for fiscal year 1995 has recommended only a 6-percent increase, so I would suggest to the gentleman from New York [Mr. BOEHLERT] that his concern about budget deficits has already been well reflected in the recommendations that have been made by the administration for NSF funding for the upcoming fiscal year, and that rate of increase is substantially less than what had been recommended by prior administrations. That level recommended by the Clinton administration is the level contained in the committee bill.

The gentleman from New York [Mr. BOEHLERT] has himself recognized, as recently as last fall, the need for the National Science Foundation funding even more generous than the levels that are contained in the committee bill. Last year the gentleman offered a substitute during our subcommittee consideration that would fund the National Science Foundation at the level of $3.28 billion. The complete bill, which is before the committee at the moment, sets that level at $3.2 billion, and now the gentleman would have that level go below the $3.2 billion, to $3.15 billion.

Of the conflicting positions that the gentleman has taken, I would suggest that he got it right the first time. All that has changed in the meantime is a general suggestion contained in the Committee on the Budget report language, and based upon which, I think, the gentleman should not be swayed from his very sound earlier position.

Mr. Chairman, I urge the committee to reject this amendment, and in doing so, to confirm the excellent value and the continuing benefit that our society receives from the research that is sponsored by the National Science Foundation.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. BOUCHER. I am glad to yield to the gentleman from New York.

Mr. BOEHLERT. I would just like to point out to my colleague that he is correct in reporting what activities occurred in the committee last year as a result of this gentleman's amendment. This year reflects the new realities, today. We are dealing with here and now.

Part of the problem with this Congress is, we tend to do things the same old way, year, after year, after year. I think the American people are demanding that we change, we reflect the existing realities of the day, rather than saying, we did it this way last year; therefore, we should do it this way again this year. That is how we got into the bind we are in right now.

I mean, a $4 trillion national debt, spending $900 million every single day just in interest on the national debt? The message I am receiving is, they want us to do things differently.

I thank the gentleman for yielding time.

Mr. WALKER. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from New York [Mr. BOEHLERT]. I think that we need to realize the point that was made earlier by the gentleman from New York.

The funding numbers he is offering are not numbers developed by Republicans and not numbers that have been pulled out of the hat somewhere. These are numbers that were chosen by the majority. No Republicans were in support of the budget resolution that passed this House earlier this year. However, the Democrats have committed themselves to certain levels of budgetary discipline.

Mr. Chairman, this number for fiscal year 1995 is precisely the number that was included in that budget presentation. What are we told in the letter that came out from the chairman of the Committee on Science, Space, and Technology, and the chairman of the Subcommittee on Science? What we are told is that the Committee on the Budget report recommendations regarding individual agencies are not binding.

That is how we always treat these matters here. We pass budget resolutions, and then we say that they do not mean anything. We pass budget resolutions, and then we suggest that there are individual portions of them that, regardless of what the budget resolution said, can be changed around at whim.

The problem for us as authorizing committees is, I think, we lack credibility when we do that. If we get to wondering why the appropriators and others in this body treat us with some disdain on our budget numbers, this is a good example. When we pass budgets, the authorizing committees say, "That does not apply to us." When we pass authorizing legislation, we say, "Let us make it high enough that we can include everything we want to do, and we do not have to have the discipline. The discipline will show up in the appropriations process."

No wonder the appropriators then think it is within their realm to do what they want with the priorities that they determine. What the gentleman from New York [Mr. BOEHLERT] is saying here is let us at least live within the budget standards that were set by the Committee on the Budget. That is all he does in fiscal 1995. He says, "Let's stick with those numbers that were included in the budget that passed this House."

□ 1530

Mr. Chairman, let us look at the fiscal year 1996 numbers that are in the Boehlert amendment. In this case, that comes from the 5-year forecast of the NSF budget prepared by the Office of Management and Budget. That is not a Reagan number, that is not a Bush number, that is not a Republican number, it is not my number, it is not Mr. BOEHLERT's number. It is the number that is provided by the Office of Management and Budget, and in particular, by the director of the Office of Management and Budget under President Clinton. I feel that it is important to note that in this time of budget cuts, both of the numbers in the Boehlert amendment allow for growth in the NSF budget. We are not talking about cutting anything here. We are talking about growth, real growth. We are talking about budget numbers that go up.

Mr. Chairman, now we have a discrepancy with the letter that was sent out by the gentleman from California [Mr. BROWN] and the gentleman from Virginia [Mr. BOUCHER]. They note in their letter that the bill that we have before us provides for 6-percent growth for the budget for fiscal year 1996, and then they say, consistent with President Clinton's designation of NSF in a vision of change for America as one of the important parts of his investment strategy.

The problem is that President Clinton did not call for a 6-percent growth number. That is a misleading statement from this standpoint. President Clinton has called for a 3-percent growth to implement his vision of change for America.

Mr. Chairman, that is what is reflected in the amendment of the gentleman from New York [Mr. BOEHLERT], and so the Boehlert amendment is consistent with what the administration has done when they have put real numbers down on real paper. Today, what we are being told on the House floor is, we ought not deal with reality. We ought to deal with wishes.

Mr. Chairman, the American people are tired of a Congress that deals with wish lists. The American people are troubled by massive deficits that are compiled by Congress every time it does one of these wish list bills. Let us get real. Let us have reality take over here a little bit. Let us at least stick with the numbers within the budget and the numbers that OMB has generated. Those will allow for real growth in the NSF budget. NSF is important enough to grow a little, but it is not important from the standpoint that we need to do a wish list out here, because that wish list will be destroyed in the appropriations process and it will take us out of the area of credibility in terms of setting priorities.

Mr. Chairman, I think the fundamental thing that the authorizing committee need to do is set priorities in these bills. When we use wish list numbers, we take away from our ability to set priorities and hand it over to the appropriators who will deal with real numbers.

Mr. Chairman, I congratulate the gentleman from New York [Mr. BOEHLERT] for the amendment and I urge its passage.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I want to praise all of the speakers who have spoken so far. They are indeed exceptionally able and capable members of the committee. They are also extremely eloquent and I am reluctant sometimes to appear to be competing with them in the eloquence department because they have done such an excellent job. I commend all of them, particularly the distinguished chairman of the subcommittee, the gentleman from Virginia [Mr. BOUCHER], for making the most extensive and detailed defense of the numbers which we have in our bill that I can possibly imagine and there is little that I can do to extend that argument further.

Mr. Chairman, I do want to try and place this somewhat in perspective. We are talking basically about numbers for the 1996 fiscal year, not the fiscal year 1995, and we are talking about a bill in which all of the members of the committee are in about 99-percent agreement. We are not engaged in some bitter debate over major aspects of this legislation, which we all recognize is necessary and valuable. The question has to do with the interpretation of how closely we should follow the recommendations of the Committee on the Budget.

Mr. Chairman, normally I would be guided by the Committee on the Budget, normally, but not always. I would point out that in the conference on the budget resolution, which I have been advised by staff has just come back, they have put an additional $100 million into the 250 science account above what was in the House bill. And I commend the conferees for agreeing on this kind of an increase.

Mr. Chairman, I use this figure merely to illustrate that we cannot really be precise about arguing over the fiscal year 1996 authorization numbers when we are subject to the kind of fluctuations that occur between the House and Senate Budget Committee, the annual changes that OMB makes in their own projections, and, believe me, they change their projections every year as to what the various agencies should have on a 5-year outlook.

Mr. Chairman, I happen to have just been looking at the ones for NASA, which is close to my heart, and every year the OMB, representing the President's position, has taken a drastically different position as to what the 5-year outlook for the NASA budget should be.

Mr. Chairman, I am not saying it is wrong because its changes ever year, I am just saying that there is uncertainty there and that we really are better off to look in our own wisdom at the value of the program, the NSF program, and decide what rational Members of Congress ought to do in deciding on what the second year out should be. We will probably change it within a year, but I have personally the conviction that for a program like NSF, which since 1988 no President has recommended less than a 14-percent increase per year, and this Congress is only recommending 6 percent, I do not understand why this indicates any abdication of responsibility. If Reagan and Bush could make these recommendations, recognizing the value of the program, which this Congress then cut, we did not agree with the President in any of those years, why cannot we now suggest that 6 percent is a reasonable level for 1996 and proceed as if we could accomplish that goal?

Mr. Chairman, that would be the limit on what the increase would be, that would be the authorization level. It probably will end up being less than that. I hope it would not be less than that, but I think this is reasonable, and I urge all the Members of the House to support that kind of a level. It does represent the best thinking of the committee. It does not seek to be determined by the Committee on the Budget or OMB or anybody else. This is our best recommendation to the House, and I think it deserves credibility.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Boehlert amendment to lower the bill's multiyear authorization by $208 million and bring the bill's authorization levels in line with the House-passed budget resolution for fiscal year 1995 and OMB's projected funding level for fiscal year 1996.

The National Science Foundation plays an important role in our Nation's basic research. It is the only agency whose primary mission is the support of fundamental, long-term, scientific research. As a result of the fine work of NSF, our Nation's base of scientific and engineering knowledge has increased and our Nation is better prepared to meet the challenges of the future.

Perhaps no one knows the importance of NSF's mission better than the gentleman from New York, who is offering this amendment. I have had the pleasure of serving with him on the Science, Space, and Technology Committee and I have seen him champion the programs of NSF as the ranking member of NSF's authorization subcommittee. He has been, as I have been, a strong supporter of NSF and we both consider it a model agency.

However, Mr. Chairman, in these days of budget austerity, we must be mindful of our spending. Despite its good work, NSF cannot be exempted from the budget constraints all discretionary programs are facing. NSF should be subject to authorizations which conform with the assumptions in the House budget resolution.

If the gentleman's amendment passes, NSF will still continue to grow, but at a more fiscally responsible rate. Indeed, if we are to achieve effective deficit reduction, our spending bills need to reflect our determination and commitment to limit spending.

Sound policy can, and must, coexist with fiscal responsibility. A vote in support of the Boehlert amendment is a vote for both the continued growth of NSF and for a responsible budget. I urge all my colleagues to support the Boehlert amendment.

□ 1540

Mr. BOUCHER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I am happy to yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I thank the gentlewoman for yielding.

I am sensitive to the points that she has made in her statement.

I would only like to correct, however, one statement that was made, and that is with respect to the administration's request for the National Science Foundation for fiscal year 1995, and that request, in fact, was for a budget of $3.2 billion. That is a 6-percent increase over the budget for the current fiscal year. That is the number that is contained in the committee bill which comes before us.

I simply did not want the impression to be left that we were asking for a level of increase in the committee bill in excess of that recommended by the administration. Our number targets exactly that recommended by the administration and is consistent with it in every way.

Mrs. MORELLA. How about OMB's recommendation? Is it also in conformity with what OMB has said with regard to its fitting the House bill?

Mr. BOUCHER. If the gentlewoman will yield further, I would respond by saying that the numbers reflected in the National Science Foundation budget request for fiscal year 1995 are also those concurred in by the Office of Management and Budget as, in fact, all of the budget numbers sent by the administration to the Congress are.

Mrs. MORELLA. I appreciate the comment the gentleman made.

I would like to say that I think that tightening the belt ever so slightly, which is what this amendment would do, would be appropriate.

Mr. WALKER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. That was an interesting point that was just raised by the chairman of the subcommittee with regard to the numbers. He makes the point that their numbers are consistent with the President's original presentation.

However, when the Democratic budget was brought to the House floor, one of the points that they made was that they had massaged the President's numbers to do some other things in other areas. This was one of the areas that got massaged downward.

When we come back now with the authorization, what we are suggesting is, having had all that massaging take place, we are now going to boost it back up, and it seems to me it is entirely consistent for us to say once the House has acted in budget numbers, we ought to be consistent with that.

The gentlewoman is absolutely right with regard to the OMB number for 1996. That is a very firm number generated by the Director of Management and Budget that is reflected in the amendment offered by the gentleman from New York [Mr. BOEHLERT]. I thank her for making the point.

Mr. BOUCHER. If the gentlewoman will yield further, I think, in view of those comments offered by the gentlewoman from Pennsylvania, it is worthy to note that the more definitive action of the budget formation process is yet to come, that is, the adoption in both Houses of a conference report adopting a joint budget resolution for fiscal year 1995.

The CHAIRMAN. The time of the gentlewoman from Maryland [Mrs. MORELLA] has expired.

(At the request of Mr. WALKER and by unanimous consent, Mrs. MORELLA was allowed to proceed for 2 additional minutes.)

Mr. BOUCHER. Mr. Chairman, if the gentlewoman will yield further, that action is about to come as the House and the other body adopt a conference report on the budget resolution for fiscal year 1994.

The report of the conferees is now available. We know that the conferees, contrary to the action of the House, have added a $100 million function; that is budget function No. 250 through which the National Science Foundation derives its budget authority, and so the Appropriations Committee in both bodies will be free to raise the level of funding for the National Science Foundation to a level that is consistent with that number.

They have the flexibility certainly to meet the number set forth in the committee bill being debated at the moment, and I would simply point out for that reason that it is particularly inappropriate for the committee at this time to be relying on a measure that was passed in the House and contained nothing but report language suggesting that there be a lower number for the National Science Foundation when that action is about to be superseded by the conference report on the joint budget resolution itself.

Mr. WALKER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I think that raises an interesting point, because what the gentleman is now suggesting is exactly what I said before, that we are engaging in wish-list politics out here, because he cites the $100 million and then suggests that in this one bill for this one agency that $50 million of that money ought to be usurped.

The fact is that bill covers NASA. It covers the energy projects at the Department of Energy. It covers a very vast budget well beyond the National Science Foundation, and in one fell swoop it is suggested we should come out here and simply usurp $50 million for a budget bill that has yet to pass either House.

We know the budget bill on which the gentleman from New York is relying has passed this House. The budget conference report has yet to pass either House. Even if it passes, the fact is there is only $100 million there to work with, of which the gentleman wants to take 50.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when I first came to Congress 5 years ago, the National Science Foundation was funded at half of what will be authorized by this bill. To put it another way, even accounting for inflation, the National Science Foundation's budget has doubled since 1988. Not many agencies can boast of having their budget doubled in that time period.

The NSF's mission is significant, however. We know it is an important mission. Science obviously helps build the engine for future economic activity.

But in addition to the investments we as a Nation must make in science, that will not bear fruit immediately. We must look to our future and act prudently in managing the people's money, and that is what this debate is all about.

Are we being responsible? Are we being prudent at a time when we have limited resources? We are talking about a situation where we just cannot spend money on everything, and the public understands that and should understand that, and we should understand that and act accordingly.

At a time when we are spending hundreds of billions of dollars every year more than we are talking in, which threatens the national security of our country as nothing else, we must act responsibly, and that we have a system that the Democrats and Republicans have worked out together and decided that we are going to make that system work.

Today what we are seeing is an attempt to sidetrack, to go around, the system that has been established. It will not matter if, when we make tremendous scientific discoveries, because of something that is done by the National Science Foundation, will not make a difference at all if our country is absolutely broke and our economy is in a situation that we cannot capitalize on it.

Everyone knows we have got to be responsible. Everyone has spending projects they would like to spend money on. That is what this debate is all about, not that the National Science Foundation is not a worthy goal. But today we must abide by our own rules. This is not about cutting the budget of the National Science Foundation, for when the public is listening to this debate, I want them to fully understand no one on this side is suggesting cutting the budget whatsoever.

What we are talking about and has happened so often in this body is what we are talking about on this side is limiting the increase in spending in this Government agency. Our friends on the other side of the aisle like to suggest what that means is we are cutting the budget. That is not the way it works in the real world. In the real world the people on this side are saying yes, we can increase the budget, but we have to do it responsibly and prudently.

What we are hearing from the other side of the aisle is the rules be damned, this is really good, this is really a good thing, and we need to just forget the rules for right now.

All the amendment offered by the gentleman from New York [Mr. BOEHLERT] will do is simply hold the authorization of this agency's budget numbers to what Congress has already established. We have already approved an overall budget, and it does not matter where those numbers have come from, Republican or Democrat. They are what we have agreed to. So let us stick with it and stick with our own budget. That is what responsibility is all about.

My chairman, the gentleman from California [Mr. BROWN], has rightfully protested when the Committee on Appropriations ignores the process and ignores our responsibilities and our rights and our powers as the Committee on Science, Space, and Technology.

□ 1550

When we authorize something, when it is ignored by the Appropriations Committee, my chairman rightfully protests. Well, we too have to be part of the system. When the budget agreement is made as to what is best for the overall United States of America, to be authorized and appropriated in this area, we as an authorizing committee have to abide by those rules if we expect the appropriators to do so.

Thus I would ask my colleagues to support the amendment offered by the gentleman from New York [Mr. BOEHLERT]. I applaud this act of responsibility on his part, and I hope that the American people can understand who is trying to get control of this terrible budget deficit that threatens all of our future.

Mr. BOUCHER. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman for yielding.

Mr. Chairman, once again, just for the sake of clarifying the record in this debate and making sure that no one leaves under the mistaken assumption with respect to what the Budget Committees in both houses are preparing to do, it should be pointed out that the Congress, through its budget formation process, has not adopted the number of $3.15 billion recommended in the amendment offered by the gentleman from New York; but in point of fact, the conference report on the concurrent budget resolution will be taken up very shortly here in the House and will add fully $100 million above the House number to the general science function, to function 250.

Then the Committee on Appropriations, in its wisdom, can choose among the various science agencies which will receive that increase in funding.

The CHAIRMAN. The time of the gentleman from California [Mr. ROHRABACHER] has expired.

(By unanimous consent, Mr. ROHRABACHER was allowed to proceed for 1 additional minute.)

Mr. ROHRABACHER. I yield to the gentleman from New York.

Mr. BOEHLERT. I thank the gentlemen for yielding.

Mr. Chairman, I point out to my distinguished chairman, I repeat what the ranking member, the ranking Republican on the full committee, Mr. WALKER, has to say: we are dealing with budget function 250. So when you talk about the $100 million, that $100 million is not earmarked for NSF; that $100 million is in a broad budget function that has to deal with NASA, it has to deal with Department of Energy research projects, a whole wide range of activities that it has to deal with.

So the gentleman from Pennsylvania [Mr. WALKER] was right on point in responding to that comment, and I appreciate it.

Mr. BOUCHER. Mr. Chariman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman for yielding.

In response to those remarks, I would simply point out that we in this action are not requiring that the Committee on Appropriations take any step to fund the NSF at any given level. We are simply providing the authorization authority that is necessary if the Appropriations Committee should choose, for whatever reasons are sufficient to it, to provide the level of funding that we are setting forth for the National Science Foundation.

There will be budget authority for it as a consequence of the conference report on the budget resolution. We are simply making sure there is authorization through this process for the same.

The CHAIRMAN. The time of the gentleman from California [Mr. ROHRABACHER] has again expired.

(By unanimous consent and on request of Mr. BOEHLERT, Mr. ROHRABACHER was allowed to proceed for 1 additional minute.)

Mr. ROHRABACHER. I yield to the gentleman from New York.

Mr. BOEHLERT. Well, then, I say to my distinguished subcommittee chairman, he is running contrary to the wishes of the full committee chairman and all of us who serve on this authorizing committee. We are not willing to cede all decisionmaking to the appropriators. I am embarrassed to even suggest that we might consider that.

Mr. ROHRABACHER. Reclaiming my time, I would just note for the public this is a fascinating debate because it is dealing with a highly technical issue and it is also dealing with a process that is very difficult to understand.

I believe that what we are seeing today is responsibility on this side of the aisle and good intentions on that side of the aisle. Today we are $200 billion in debt, we are spending more than we are taking in every year. I think instead of good intentions, it is time to act responsibly.

I support the amendment offered by the gentleman from New York [Mr. BOEHLERT].

Mr. STOKES. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York. This amendment would reduce the National Science Foundation's budget authorization for the next fiscal year by $50 million and $158 million in fiscal year 1996. We should not be reducing the 1995 authorization below the level requested by the administration at this time.

Mr. Chairman, I urge my colleagues to vote against this amendment.

Also, Mr. Chairman, I have a number of concerns about section 203 of the H.R. 3254 which attempts to define the eligibility for research facility awards. The second part of the proviso states that the Director of NSF shall exclude from consideration—for a modernization grant—any institution that receives funds for repair, renovation, replacement to and construction of one of its facilities through a noncompetitive, nonmerit based award process.

The language, as written, is somewhat vague. Nowhere in the bill does it outline the definition of an earmark and how institutions would be included or excluded. Additionally, this is a huge administrative burden on NSF to not only define an earmark, but then enforce this language when considering which institutions should receive modernization funds and which should not. Also, it does not address those projects that have been specifically authorized.

There is also a concern that this provision affects universities funded by agencies other than NSF and is beyond the jurisdiction of the Science, Space, and Technology Committee. As an example, according to the Department of Veterans Affairs, this amendment to the Academic Research Facilities Modernization Act of 1988 has the potential for excluding universities affiliated with the Department of Veterans Affairs from participating in NSF's infrastructure program.

Finally, the funding levels in the authorization bill stand in clear contrast to the Appropriation subcommittee's long standing priorities for math and science education—particularly at the precollege level, as well as for research support for individual science and engineering researchers at this Nation's colleges and universities. In math and science education, the authorization bill cuts $16.4 million out of the President's request and funds it with last year's level. The Appropriations Committee has led the way to rebuild and strengthen the NSF's math and science education programs, bringing them back to life after the Reagan administration sought to zero them out.

Mr. Chairman, I hope that the conferees will address this issue in conference.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOUCHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 197, not voting 13, as follows:

[Roll No. 151]

AYES—227

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clement
Clinger
Coble
Combest
Condit
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
Danner
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
Margolies-Mezvinsky
Martinez
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Schumer
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Visclosky
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—197

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Becerra
Beilenson
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Ehlers
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Hoyer
Huffington
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Leach
Levin
Lewis (GA)
Lloyd
Lowey
Maloney
Mann
Manton
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Scott
Serrano
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Blackwell
Collins (GA)
Doolittle
Engel
Ford (MI)
Grandy
Long
Neal (NC)
Ridge
Romero-Barcelo (PR)
Sangmeister
Sharp
Washington

□ 1616

Messrs. ZELIFF, LEWIS of California, BILBRAY, and HOLDEN, Ms. ENGLISH of Arizona, and Messrs. ORTIZ, KLEIN, HALL of Texas, and MEEHAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the appropriate place, add the following:

TITLE II SEC. . SENSE-OF-CONGRESS REQUIREMENT REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Director shall provide to each recipient of assistance a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1620

Mr. TRAFICANT. Mr. Chairman, in the case of any equipment or products that may be authorized to be purchased with assistance under this act, the Congress expresses the essence of the Congress that those purchases be made in America. In addition, that any recipient of assistance under this bill would get a notice that would basically outline that sense of Congress resolution listed in the amendment.

Let me say to Members of the Congress, in the last 10 years, we had 2.5 trillion dollars' worth of new debt and 1.6 trillion dollars' worth of trade deficits. I ask the committee to accept the amendment.

Mr. BOUCHER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we have examined on this side this amendment. We find it to be appropriate, and would urge its adoption by the committee.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BOUCHER. I will be pleased to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I wanted to congratulate the author for his continuing efforts to see to it that we purchase more of the goods that are made by our own workers in this country. I think it is an excellent amendment, and will support it very strongly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON:

At the end of Title II, add the following new section:

SEC. 213. DENIAL OF AWARDS OF GRANTS OR CONTRACTS TO EDUCATIONAL INSTITUTIONS WHICH PREVENT MILITARY RECRUITING.

(a) DENIAL OF FUNDS.—The Director may not make a grant or award a contract to any educational institution that has a policy of denying, or which effectively prevents, any of the military services of the United States from obtaining for military recruiting purposes—

(1) entry to campuses or access to students on campuses; or

(2) access to directory information pertaining to students; consistent with applicable law.

(b) PROCEDURES FOR DETERMINATION.—In determining compliance with subsection (a), the Director shall—(1) include on any grant or contract application questions as to whether the educational institution has, by policy or practice, effectively denied such entry or access for recruiting purposes; and (2) inquire of the Department of Defense whether such entry or access has been denied by an institution before awarding such grant or contract to it.

(c) DEFINITIONS.—For purposes of this section—(1) the term "student" means an individual enrolled in an educational institution who is 17 years of age or older; and (2) the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent educational institution enrolled in by the student.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOUCHER. Mr. Chairman, I reserve a point of order with respect to the amendment offered by the gentleman from New York [Mr. SOLOMON].

The CHAIRMAN. The gentleman from Virginia [Mr. BOUCHER] reserves a point of order against the amendment. The gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes in support of his amendment.

Mr. SOLOMON. Mr. Chairman, during recent congressional hearings, Congress has been made aware that military recruiters in various educational facilities across the country were being denied access to educational facilities. Preventing military recruiters from explaining the benefits of an honorable career in our armed services of the United States.

Mr. Chairman and Members, that is outrageous. My amendment today would simply prevent any funds authorized in this act from going to institutions which prevent military recruiting on their campuses.

The amendment is short and very direct. Allow me just to read the main body of it. The Director of the National Science Foundation may not make a grant or an award of a contract to any educational facility that has a policy of denying or which effectively prevents any of the military services of the United States from obtaining military recruiting purposes, meaning entry to campuses or access to students on campuses or access to directory information pertaining to those students.

Mr. Chairman, we all know what kind of a strain our military institutions and personnel have been under recently. Deep budget cuts have cut into training, forced crews to work longer hours with less maintained equipment, and shortened promising careers.

Mr. Chairman, the mission of our Armed Forces has become muddled in this post-cold-war world. Now, Mr. Chairman, as we know, a number of educational institutions across the country are receiving massive amounts of Federal dollars included in this bill before us today, yet they are denying the Department of Defense the opportunity to recruit on their campuses. I think that is appallingly hypocritical, Mr. Chairman.

Institutions that are receiving grants and awards from one or more Federal departments are in turn attempting to deny another Federal department, the Department of Defense, access to their campuses. We as guardians of the Federal purse should not allow this to stand, Mr. Chairman.

No one in an institution which is receiving any Federal moneys should be allowed to block our recruiters from explaining the educational and career opportunities in our all-voluntary military.

I think all Members should listen to this, because if you go back home and talk to your recruiters you will know: Testimony by the Pentagon and recent surveys by the press across the Nation show that military recruiting is down over the past 2 years. Recruiters are already having trouble meeting their quotas as it is. This is a dangerous development with potential hot spots all around the world, with President Clinton threatening to put American troops in Bosnia, and, over my standing objections, putting American troops into Haiti.

Mr. Chairman, I think this is a very serious issue. Even in a period of downsizing, we are unable to find enough recruits to fill the current numbers of slots. It may be debatable as to why this is so, Mr. Chairman, but the fact is, more importantly, recruiting is where readiness begins, and all Members know that. Recruiting is the key to the all-voluntary military, which has been such a spectacular success.

Mr. Chairman, we only have to recall the utter demolition of Saddam Hussein's army to know what a success the All-Volunteer Force has been. But there was a time back in the 1970's when the All-Volunteer Force was in a deplorable condition, when we tried to rescue hostages in Iran. We had to cannibalize about 15 helicopter gunships just to get 5 that would work, and only 3 of those did. You all remember the results of that rescue mission.

Because of under funding, many of our top military officers and enlisted men had left the military to find better paying jobs, and we were unable to attract the best possible young people.

We began to change this in the early 1980's on a bipartisan basis by dramatically improving pay and benefits for volunteers. The result is a force that is better educated today, better trained, and the most highly motivated in the entire history of our military. Today over 95 percent of our personnel are high school graduates, and this success is in large part due to recruiting on school grounds.

☐ 1630

Mr. Chairman, the reason our military has been so successful is that recruiters have been able to enlist such promising volunteers for our armed forces by going into high schools and colleges and universities informing young people of the increased opportunities that an honorable military service can provide, plus the bill of rights of the gentleman from Mississippi [Mr. MONTGOMERY] giving them $25,000 in earned educational benefits.

The readiness of our Armed Forces is on the wane today, and we must reverse this slide. We can begin by telling recipients of Federal money, that means colleges and universities, that if they do not like the armed services or its policies, that is all right.

That is freedom of speech. They are welcome to say that. But do not expect Federal dollars to support their interference with our military recruiters.

I would just like to make one last point, Mr. Chairman, for those of my colleagues who may worry that this kind of legislation tramples on States' rights. Again, let me repeat, I have no problem with schools or any private institution taking a stand on public issues and implementing policies accordingly. But when an institution is receiving Federal dollars, that gives the Federal Government some rights, too. And this amendment only deals with those institutions receiving Federal dollars.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 3 additional minutes.)

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri, one of the most respected Members of this House who is the chairman of the Subcommittee on Military Forces and Personnel.

Mr. SKELTON. Mr. Chairman, I will just take a moment of the gentleman's time.

I want to point out that we had a hearing earlier this year in the subcommittee, which I am privileged to chair, dealing with the recruiting for the young men and young women in all of the services. Quite honestly, there is a problem.

There is less propensity for the young people in our country to look toward the military for either a career or for enlistment. It bothers me that there is any impediment for them to take the opportunity to join.

The same institutions that are receiving the benefits from the GI bill might be, on other occasions, impeding people from taking advantage of joining the service.

I think the gentleman is right on track. I intend to vote with him.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for his cogent remarks.

Mr. Chairman, the courts have upheld similar legislation of mine in the past, such as the 1982 amendment that denied Federal education funds to students who failed to register for the draft and also prohibiting draft evaders from participating in job training programs, federally funded.

The concept behind this amendment today is exactly the same, and I would certainly urge the Members to support my amendment.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

A couple of years ago, when we had the Desert Shield-Desert Storm debate, I think we elevated ourselves in the House of Representatives by reconciling in many ways with our military. Even those who did not believe we should move forward in Desert Storm came out of the debate assuring the Nation and our colleagues that we would all support our troops.

We saw those bumper stickers, "Support Our Troops," on hundreds of thousands of vehicles throughout the Nation. And when our troops came home, we let them know that we really appreciated them.

Our military is a very, very important part of our society. It is an honorable profession, as the gentleman has said. It is respected. It is dignified. It deserves our support.

By allowing our institutions that receive Federal dollars to reject recruiters, we are allowing that wedge to be driven once again between the military and another important part of our society, those are the institutions that train and educate our young people.

This is a very, very important amendment. By passing the Solomon amendment, we are going to send another message of support to the people that wear the uniform of the United States and follow our flag. I support the gentleman's amendment. I think it is very, very good.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for his support. He has been a longstanding Member that has supported our military.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has again expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 1 additional minute.)

Mr. BOUCHER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise to propound a question with respect to how the gentleman interprets the recent addition that was made to the base text amendment. The addition that is written in on this amendment on line 7, following the phrase that is denumerated paragraph number 2, says, "consistent with applicable law."

My question to the gentleman is whether he intends that that new language will modify the language on line 7, designated paragraph 2 only, or whether it also will modify the language on the preceding line, line 6, designated paragraph 1?

I would assume that it is designed to modify both paragraphs, but I want the gentleman's interpretation.

Mr. SOLOMON. Mr. Chairman, let me explain it this way. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has again expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Mr. Chairman, I say to the gentleman from Virginia that he knows that we had a problem in drafting the amendment to make it germane. Even though I believe that it is a limitation amendment, which should be allowed, I have every reason to believe the Parliamentarians would rule against me and in favor of the gentleman raising a point of order against it.

Therefore, we had to modify it by adding the terms "consistent with applicable law."

It does apply to line 6 as well. In effect, it makes this a sense-of-Congress resolution rather than binding. We would hope to pass it over here in this forum and then have the Senate adopt it in its original form where it will become law.

Mr. BOUCHER. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman for his explanation.

I would only ask this additional question.

The gentleman has explained that his new phrase "consistent with applicable law" is designed to modify the language on both lines 6 and 7. That is what I would have assumed as well.

I ask the gentleman this additional question: Does the gentleman believe that he is adding any requirements that do not already exist in present law through the general text of his amendment? Will this amendment, if adopted, change the required conduct of universities in terms of the access and information they provide?

Mr. SOLOMON. Mr. Chairman, let me say to the gentleman, it is not my intention, by rendering this new modification, to create new law. It is applicable law. That is my intent.

Mr. BOUCHER. Mr. Chairman, does the gentleman agree that with the addition of the language "consistent with applicable law" that there would be no new conduct required of universities as a result of the passage of this resolution?

□ 1640

Mr. SOLOMON. Mr. Chairman, unfortunately, the gentleman is correct. We hope to remedy that when the bill is brought up in the Senate.

Mr. BOUCHER. I thank the gentleman for yielding.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my good friend, the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, we understand, based on this colloquy, that the gentleman from Virginia [Mr. BOUCHER] will not be pressing his point of order, and it is based on the gentleman's explanation that with the added language, this does not create any additional legal requirement, and is simply an expression of the Congress, and I assume that that is the basis on which there would be no further pressing of the point of order.

Mr. SOLOMON. The gentleman is absolutely correct in his observation.

Mr. FRANK of Massachusetts. It is a rare pleasure to be in such agreement with the gentleman from New York.

The CHAIRMAN. The gentleman from Virginia [Mr. BOUCHER] has reserved a point of order. Does the gentleman wish to press the point of order?

Mr. BOUCHER. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. Is there further debate on the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. Chairman, some institutions of higher education in this country need to be put on notice that their policies of ambivalence or hostility towards our Nation's armed services do not go unnoticed—either by this House or by the American people.

A growing, and misguided, sense of moral superiority is creeping into the policies or colleges and universities in this country when it comes to such things as military recruiting or ROTC activities on campus. On April 22, for example, California State University at Sacramento announced that it would phase out its ROTC programs because some at the university disagreed with military personnel standards—standards based on Federal law passed in this Congress.

Examples like this should be seen for what they are—outrageous. It is nothing less than a backhanded slap at the honor and dignity of service in our Nation's armed forces; at those who have worn our Nation's uniform before; and at this Congress which has set in law military personnel standards.

These colleges and universities need to know that their starry-eyed idealism comes with a price. If they are too good, or too righteous to treat our Nation's military with the respect it deserves; allow ROTC units to operate; or afford our Nation's armed services the same recruiting opportunities offered to private corporations—then they may also be too good to receive the generous level of taxpayer dollars presently enjoyed by many institutions of higher education in America.

For our young men training to defend the freedoms of all Americans, and for all those who have proudly worn the uniform of this country, I urge my colleagues to support the Solomon amendment, and send a message over the wall of the ivory tower

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

Mr. RUSH. Mr. Chairman, I move to strike the last word, in order to enter into a colloquy with the distinguished chairman of the Subcommittee on Science of the Committee on Science, Space, and Technology.

Mr. Chairman, under section 101(e) of H.R. 3254, the National Science Foundation is authorized to support education activities to encourage the participation of minorities who are underrepresented in science, engineering, and mathematics.

Mr. Chairman, I would ask, is it the intent of this section to direct the National Science Foundation to work with already-established minority engineering programs in the Nation's specific institutions in order to advance and increase participation of minority engineers at all levels of education?

Mr. BOUCHER. Mr. Chairman, will the gentleman yield?

Mr. RUSH. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding, and I would indicate that the gentleman is correct. It is the committee's intent that the National Science Foundation works with all science and engineering programs that have been successful in increasing the participation of underrepresented groups in science and engineering research and education.

Mr. RUSH. Mr. Chairman, I am pleased that the full committee agreed to include language in the final committee report that calls for the improvement of minority participation in science and engineering education. It is of fundamental importance that minority students have an opportunity to participate fully in science and engineering endeavors, especially at the undergraduate level.

It is my hope that the Committee on Science, Space, and Technology will look further into this matter to provide adequate Federal resources for minority students of science and engineering at all levels of education. I thank the distinguished chairman for his support in this matter.

The CHAIRMAN. Are there further amendments to the bill?

Mr. KLEIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of H.R. 3254, the National Science Foundation Act. NSF is the only Federal agency with the sole mission to support basic science and engineering research and education in our Nation's schools, colleges and universities. NSF is an important participant in research efforts in areas such as high performance computing, and communications, advanced materials, biotechnology and advanced manufacturing. Innovation in these areas is key to creating the economy of the future.

If we are to realize the fullest potential for our Nation's economic future, we must ensure that opportunities exist for all Americans. To that end, I am pleased that the Science, Space, and Technology Committee adopted my amendment to support education efforts for underrepresented groups in science and engineering. There is a vast untapped resource in the children of our Nation. We must not let value of our young people's imagination be diminished by a failure to acknowledge that everyone—regardless of race, ethnicity, gender, disability, or financial situation—may have something valuable to offer for the future of our great Nation.

I want to thank Science Subcommittee Chairman BOUCHER and ranking member BOEHLERT for their leadership and vision on this matter. By investing in our future now through funding the National Science Foundation, we can provide hope for all Americans that they will have a high-paying, high-quality job that will give the men and women of this country the financial security they need to raise a family.

Ms. ESHOO. Mr. Chairman, I rise to urge my colleagues to support H.R. 3254, the National Science Foundation Authorization Act of 1994.

This bill represents an important step forward in establishing strong basic research in the fields of science and engineering. It clarifies NSF missions, expands NSF participation in international scientific cooperation, and supports new education for underrepresented groups in science and engineering.

NSF is the premier Federal agency for supporting research in physical and mathematical sciences at universities. The Foundation has played a pivotal role in the post-war era by nurturing excellence in U.S.-university research and producing high-caliber scientists and engineers.

The NSF bill authorizes a 6-percent increase in funding levels in fiscal year 1995. This increase is on par with the President's fiscal year 1995 Budget request which emphasizes new technology development in the area of high-performance computing and the establishment of an information superhighway.

My congressional district, which is the home of Silicon Valley and Stanford University, have together made tremendous progress in high-performance computing technology. The NSF is now well poised to complement their efforts by providing new research grants.

H.R. 3254 also authorizes programs to encourage women, minorities, and other groups who are underrepresented in science to seek careers in this field. I believe these groups have not been adequately integrated into our Nation's most prestigious scientific bodies.

This is especially the case for women who represent an increasing percentage of those students in science and engineering degree programs but who are still employed in low numbers in industry, academic institutions, and government research agencies.

I urge my colleagues to support the NSF authorization bill as a way to begin dismantling the barriers which discourage women and minorities from participating in science. Bringing down these barriers will provide a more diverse and knowledgeable science base and enhance this Nation's economic competitiveness.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

☐ 1645

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

SERRANO) having assumed the chair, Mr. OBERSTAR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3254) to authorize appropriations for the National Science Foundation, and for other purposes, pursuant to House Resolution 414, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. SOLOMON. Mr. Speaker, I demand a separate vote on the just-passed so-called Solomon amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of Title II, add the following new section:

SEC. 213. DENIAL OF AWARDS OF GRANTS OR CONTRACTS TO EDUCATIONAL INSTITUTIONS WHICH PREVENT MILITARY RECRUITING.

(a) DENIAL OF FUNDS.—The Director may not make a grant or award a contract to any educational institution that has a policy of denying, or which effectively prevents, any of the military services of the United States from obtaining for military recruiting purposes—

(1) entry to campuses or access to students on campuses; or

(2) access to directory information pertaining to students; consistent with applicable law.

(b) PROCEDURES FOR DETERMINATION.—In determining compliance with subsection (a), the Director shall—(1) include on any grant or contract application questions as to whether the educational institution has, by policy or practice, effectively denied such entry or access for recruiting purposes; and (2) inquire of the Department of Defense whether such entry or access has been denied by an institution before awarding such grant or contract to it.

(c) DEFINITIONS.—For purposes of this section—(1) the term "student" means an individual enrolled in an educational institution who is 17 years of age or older; and (2) the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent educational institution enrolled in by the student.

Mr. SOLOMON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 331, noes 90, not voting 11, as follows:

[Roll No. 152]

AYES—331

Ackerman
Allard
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Fingerhut
Fish
Flake
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (NC)
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Sabo
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schumer
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torricelli
Towns
Traficant
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—90

Abercrombie
Andrews (NJ)
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Brown (CA)
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Edwards (CA)
Ehlers
Engel
Eshoo
Evans
Farr
Filner
Foglietta
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Gutierrez
Hamburg
Harman
Hastings
Hinchey
Hoagland
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kopetski
Lewis (GA)
Lowey
Maloney
Markey
Matsui
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Nadler
Neal (MA)
Oberstar
Olver
Owens
Payne (NJ)
Pelosi
Rangel
Reynolds
Rostenkowski
Roybal-Allard
Rush
Sanders
Schenk
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Swift
Thompson
Thornton
Torres
Tucker
Unsoeld
Velazquez
Waters
Watt
Waxman
Woolsey
Wyden
Yates

NOT VOTING—11

Andrews (ME)
Blackwell
Bonilla
Collins (GA)
Doolittle
Grandy
Long
Ridge
Sangmeister
Sharp
Washington

□ 1709

Ms. FURSE, Mrs. MALONEY, Mr. GUTIERREZ, Mr. HINCHEY, Mrs. MINK of Hawaii, and Mr. RUSH changed their vote from "aye" to "no."

Messrs. SENSENBRENNER, VENTO, and HEFNER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute as amended was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes apeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 22, not voting 14, as follows:

[Roll No. 153]

AYES—396

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOES—22

Armey
Ballenger
Burton
Coble
Crane
Duncan
Goodling
Hancock
Herger
Hoekstra
Hunter
Inglis
Paxon
Ramstad
Roberts
Roth
Royce
Sensenbrenner
Solomon
Stump
Taylor (NC)
Zeliff

NOT VOTING—14

Blackwell
Collins (GA)
Darden
Doolittle
Fish
Grandy
Hinchey
Long
McCrery
Ridge
Sangmeister
Tauzin
Washington
Wheat

☐ 1726

Mr. ROYCE changed his vote from "aye" to "no."

Mr. DICKEY changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore (Mr. SERRANO). Is there objection to the request of the gentleman from Virginia?

There was no objection.

☐ 1730

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3254, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1994

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 3254) to authorize appropriations for the National Science Foundation, and for other purposes, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 3254.

The SPEAKER pro tempore (Mr. SERRANO). Is there objection to the request of the gentleman from Virginia?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, April 6, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my Committee staff has been served with a subpoena issued by the Superior Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

E (KIKA) DE LA GARZA,
Chairman.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BARLOW). Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each:

SIGN THE A TO Z DISCHARGE PETITION

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, today I rise to express my strong support for the A to Z spending cut plan.

During the debate over the President's budget bill last year many Members found it difficult for a bill that relied too heavily on taxes and too little on spending cuts. They relied on the promises of the leadership that they would have a special spending cut session to address their concerns. However, according to the Congressional Daily of April 21, not only will this not materialize, but we will have instead open opposition from the leadership to any such spending cut proposals. It is a fact that since the budget passed, there have been three strikes and you're out for those of us who believe that it is time to bring our deficit under control.

Strike one. The Penny-Kasich $91 billion spending cut bill was killed by the House leadership.

Strike two. The balanced budget amendment was killed by the House leadership.

Strike three. The Kasich motion to instruct conferees to cut $26 billion was killed by the House leadership.

But we do not have to live with three strikes and you're out. Let us give ourselves another swing at the deficit. It is too important a problem to let go by. Everyone should sign on to the A to Z spending cut discharge petition.

Mr. Speaker, I would like to quote in part from a Review and Outlook published in The Wall Street Journal of May 4, 1994, and I quote in part:

> A fundamental disconnect has developed between the public and Congress on budget reform. To Congressional leaders reform means larding on a new health care entitlement. To voters, especially those in the suburbs, cutting spending is more popular than expanding programs that they don't think deliver value for their tax dollars.
>
> Yet House leaders whine about this troublesome pressure for cuts. "There is an intense feeling in the caucus that this is getting out of hand,' one Democrat told the Congressional Monitor. 'Between The Wall Street Journal, Gingrich and our boll weevils, we're being asked to vote on a budget cut every three months." How awful.
>
> A House majority is on record as supporting A to Z, so voters may want to know who was responsible for presenting such a common-sense idea from reaching the floor for a vote. They may well conclude that Members who praise A to Z in their franked mailings home but then cave in to House leaders on the discharge petition are either hypocrites or political wimps. By now, the public has caught on to the rigged game known as House Rules. If the House doesn't implement some procedures to open up the system for both Democrats and Republican Members, the electorate may decide this November is the time to radically change the makeup of the place.

Mr. Speaker, the deficit is our number one challenge. Our long-term future strength of this country and its health depends on a businesslike solution to the deficit. Time is valuable. We are wasting time. The problem only gets worse by every passing month in which we continue our deficit spending. It is time we acted now to cut spending and eliminate the unconscionable and unreasonable dissipation of our future financial strength. It is our responsibility and it should not be foisted off on our children to solve our financial problems.

Sign on today to the A to Z proposal so that we can consider in a businesslike fashion the cuts that this House should make in the budget.

□ 1740

HEALTH COVERAGE NEED FOR ALL AMERICANS

The SPEAKER pro tempore (Mr. BARLOW). Under a previous order of the House, the gentleman from Ohio [Mr. STRICKLAND] is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I receive letters from my constituents every week, sometimes hundreds of letters. I would like to share this evening a letter which I received from a young teacher in my district, a letter about his family and their difficulty in attaining adequate health care.

He begins by saying,

> DEAR CONGRESSMAN STRICKLAND: I am a teacher, and I am writing because I wanted to relate to you something that has happened to my family. My family has run into a health care concern that I hope underscores the need for the Congress to improve the availability of health care for all Americans.

Then he tells me about his father-in-law. He says,

> My father-in-law runs a small business in your district in Ohio. He has raised seven children, including my wife, and he has never been able to afford medical insurance. He is 55 years old, and high blood pressure makes the premiums way beyond his means. His local doctor recently was alarmed at the results of a stress test and told him he was at risk of a heart attack at any time. He was sent to a specialist in Columbus, and he expected to be admitted to the hospital.

Then my constituent in his letter continues. He said,

> The first words out of the specialist's mouth were to the effect, to my father and mother-in-law, that they should have insurance. And he quotes, "No insurance, huh? Well, how do you people expect to pay for this treatment? How do you pay for your medication? How do you pay your bills?"
>
> All this was before he even examined my father-in-law's records. Needless to say, both my in-laws were upset by this. The doctor was then going to send him home simply with medication.
>
> My wife returned her father to his local doctor the next morning, and, after explaining what had happened, the local doctor sent him straight to the hospital here in Chillicothe, where he is now in intensive care, awaiting a heart catheterization on Monday morning.

Then the letter continues:

> Congressman, I hope you agree with me that the specialist's words and attitude were unconscionable. He continued to tell my father-in-law that he really didn't need the money, but he was concerned about everyone else that was going to have to pay for this surgery if it was performed.
>
> My father-in-law looked me in the eye and said to me these words: "That doctor made me see how poor I am." For a man in danger of a heart attack to be put through this is frustrating, insulting, and beneath contempt. My father-in-law is not on welfare. He pays his taxes.

My constituent ended his letter in this way: He said,

> Congressman Strickland, I hope this letter does more than just act as a release for my frustration and anger. I hope it may help in some small way to open the eyes of those in Washington who see no health care crisis. I know there are many questions concerning President Clinton's plan, but I want to ask that you and all others quickly work together to find a way to bring costs down and make insurance more available.

As a Member of Congress, I cannot receive such letters without feeling a very heavy sense of responsibility. Some 125,000 of the men, women, and children who live in my congressional district have no health insurance tonight. We cannot ignore this situation any longer. To do so will be irresponsible.

Mr. Speaker, I urge my colleagues in this Chamber to take this matter seriously, to stop the rhetoric, and to do the hard work that it is going to take to pass a comprehensive health care plan that will provide comprehensive, guaranteed health care coverage for every man, woman and child in this country.

SEXUAL HARASSMENT CHARGES PENDING AGAINST PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I had intended to come to the floor today and discuss Rwanda and the genocidal slaughter taking place in that tortured country. Genocide is a word that is overused, but in the case of Rwanda it fits. In fact, both sides in this horrible tribal war are attempting it. It is a tragedy.

Last night, speaking live to an audience in Pennsylvania, it occurred to me that of the six Nazi extermination camps, not labor camps, not concentration camps, like Dachau, Borgen-Belsen, Ravensbruck, Buchenwald, but camps built to exterminate human beings, to eliminate the entire Jewish population of every country in Western and Middle Europe, that of those six extermination camps, only Treblinka, killing 750,000 people, and the horror of Auschwitz and its huge satellite camp of Birkenau, which killed a million and a half or more people, only those two camps out of six, killed more than 500,000 people. It all took 2 or 3 years in gas chambers and a perversion of science and technology to do it. But in Rwanda, even more people have been killed in 3 weeks, most of them with machetes, than at Chelmo, Belzec, Mydanyck, or Sobibor.

This is an unbelievable slaughter, and I will talk about it next week for an hour. I could also have spoken tonight about Haiti and the inconsistency in our policy which is on the front page of all the papers. Mr. Clinton contradicts himself almost every month now on that policy. Then there is Bosnia, Bosnia, Bosnia. It will not go away. There three peoples are engaged in ethnic slaughter with the Bosnian Serbs the main perpetrators.

But, Mr. Speaker, all of that will have to wait, because in my remaining 3 or 4 minutes tonight, I must discuss this button that I have been wearing all day, I will take it off now, because parliamentary rules say it is a minidemonstration on the floor, which is not allowed.

The button says, "I believe Paula." That does not mean Paula Coughlin, lieutenant senior grade of the terrible Navy Tailhook Scandal in Las Vegas, even though I also believed everything that she said. What has hurt her was day one when she had her upper thigh shaved and wrote on a sign, "You made me see God." That is not average conduct for a Catholic lady in or out of the service. I believed everything she said about the gauntlet and the degrading treatment of lady officers at Tailhook.

The Paula referred to on this button is Paula Corbin Jones. I have known about her story since September of last year, before it went into print in the American Spectator.

Mr. Speaker, this is the front page of the Washington Post, which by printing the story has redeemed its integrity. It says, "Clinton Hires Lawyers as Sex Harassment Suit Is Threatened."

This former Arkansas State employee, Paula Corbin, now married so she is Paula Corbin Jones, alleges improper advance by then Governor Clinton in 1991, after the presidential campaign was underway. If you recall former Senator Tsongas, a colleague here of us once, had already declared. Others were also declaring. This was 5 months before Mr. Clinton himself declared. It was May 8, 1991.

And Mr. Speaker, this Paula Corbin Jones case makes the charges against a Member of the other body involving 12, up to 30 instances of sexual harassment pale in comparison. It makes the Anita Hill story pale in comparison. It makes Paul Coughlin's story at Las Vegas pale.

After you leave the front page with these two stories written principally by Michael Isikoff, who was suspended in a fight over this story, you go inside to discover it fills the entire 14th page. This is one of the three biggest papers in the country, along with the New York Times and the Los Angeles Times.

□ 1750

There is not an advertisement on it. I am going to ask to put these two stories in the RECORD.

This is what they call, in the mass media, "a fire storm."

Tomorrow the L.A. Times and all of the other big papers will pick up the wire service stories on Paula Corbin Jones' charges of the grossest sort of sexual harassment against the now sitting President who was then the sitting Governor of Arkansas.

Then she will file the case tomorrow, which will be in all the papers on Friday, coast-to-coast. I understand it is the major topic of conversation on every talk show, whether the host is liberal or conservative or a raging moderate, all across the country. And the President has hired Bob Bennett, who is the lawyer of one of our colleagues, Mr. ROSTENKOWSKI.

I just want to end by reminding my colleagues what I said back in the fall of 1992. I said if the country elected Bill Clinton all sorts of stories abut sex and other unsavory aspects of Mr. Clinton's past would come pouring out. I was ridiculed at the time. Well, I hate to be an "I told you so," but, well, I told you so. I take little satisfaction in being right, however, because this President is ripping the moral fiber of our country to shreds. What must the children of America be thinking.

Mr. Speaker, I include for the RECORD the articles to which I referred.

[From the Washington Post, May 4, 1994]

CLINTON HIRES LAWYER AS SEX HARASSMENT SUIT IS THREATENED

FORMER STATE EMPLOYEE IN ARKANSAS ALLEGES IMPROPER ADVANCE IN 1991

(By Michael Isikoff; Charles E. Shepard, and Sharon LaFraniere)

On Feb. 11, former Arkansas state clerical worker Paula Jones appeared at a Washington news conference and accused Bill Clinton of making an unwanted and improper sexual advance during a brief encounter in a Little Rock hotel room in 1991.

As Jones told it, a state trooper serving on then-Gov. Clinton's security detail summoned her to meet Clinton while she was working at a state-sponsored conference where he was speaking. Alone with her, Jones said, Clinton tried to kiss her, reached under her clothing and asked her to perform a sexual act. She said she felt humiliated and walked out within minutes.

Asked by reporters to respond, White House aides said the story was untrue and described it as a cheap political trick engineered by avowed Clinton enemy Cliff Jackson, who had helped arrange Jones's news conference at a gathering of political conservatives. They said Clinton had no memory of meeting the woman.

Clinton's new attorney, Robert S. Bennett, said yesterday, "This event, plain and simple, didn't happen." Clinton has retained Bennett as his personal attorney to defend against a threatened lawsuit by Jones.

Over the past three months, The Washington Post has interviewed Jones extensively about what she said happened in Little Rock's Excelsior Hotel. She said she was alone with Clinton in the room—making it impossible to independently resolve what, if anything, happened between them.

Jones, who now lives in California, provided the names of two longtime friends and two family members who said in interviews that Jones had told them about the May 8, 1991, episode the day it occurred. One of the friends, a co-worker at the conference, said she witnessed the trooper's approach. Jones's then-boyfriend, Steve Jones, now her husband, said she told him at the time that Clinton had made a pass at her.

Three Arkansas state troopers have said in published accounts and in recent interviews with the Post that Clinton used them and other members of his state security detail to solicit women to whom he was attracted, although none was on duty on the day Jones alleges she met with Clinton.

Key aspects of Jones' account are a departure from past allegations about Clinton's personal conduct. Jones worked for an Arkansas state agency, and she contends that Clinton's conduct toward her constituted sexual harassment of an employee. No woman has ever publicly accused Clinton of workplace harassment or the extreme behavior that Jones recounts.

"What she alleges is simply inconceivable as Clinton behavior," said Betsey Wright, Clinton's former chief of staff in Arkansas who helped his 1992 presidential campaign combat allegations of extramarital affairs.

Aides to Clinton have suggested that, aside from political motivation, Jones could be seeking financial gain, and her attorney has acknowledged that before her news conference he made an effort to negotiate an out-of-court monetary settlement in exchange for her silence. Yesterday Bennett accused Jones's attorney of seeking a job for Jones in return for her silence.

The first account of a story involving Paula Jones appeared in the January issue of the conservative American Spectator magazine. The article quoted an unnamed trooper who said he approached a woman named "Paula" on Clinton's behalf, then stood guard outside a hotel room while Clinton met with her. The trooper said in the account that she told him, as she left the room after less than an hour, that she was willing to be Clinton's girlfriend.

The trooper, later identified as Danny Ferguson, has refused since Jones's news conference to discuss the American Spectator article. He declined again last week to be interviewed.

Jones has said it was indignation over that article and what she said was the untrue depiction of her encounter with Clinton that caused her to speak out. Her attorney, Daniel Traylor of Little Rock, said Jones had to go public because Clinton indirectly had declined private appeals Traylor made for a public clarification of the American Spectator story. Traylor later confirmed that he did not know whether such an appeal had actually reached the White House.

Jones's allegations revolve around the 1991 Governor's Quality Conference, a one-day session on management for manufacturing executives and government officials held at the 19-story Excelsior Hotel at the edge of downtown Little Rock.

Then 44, Clinton was in his fifth term as governor. Already considered a possible Democratic candidate for the presidency, he had just returned from a well-received appearance before the national Democratic Leadership Council. He was five months from announcing his candidacy.

At the registration desk outside the hotel ballroom, Jones (then Paula Corbin) and a coworker she had known since childhood, Pam Blackard, were handing out name tags and literature. Jones, then 24, had been hired two months earlier as a $10,270-a-year clerk for the Arkansas Industrial Development Commission, a job that required regular visits to the governor's office in the capitol. The job was the highlight of her resume: After secretarial classes at a junior college, she had held a string of office and sales positions, none for more than nine months.

Jones described herself in interviews as sometimes too trusting and a talkative and outgoing person. "A lot of people take that as being a flirt," she said. "That's just me though. I like people, and I like to talk to people. . . . It doesn't matter if it's a man or woman."

At some point during the day of the conference, Jones said, she noticed Clinton standing nearby, answering questions from reporters. Jones, who had never met Clinton, said she thought he was staring at her. A few minutes later, she said trooper Ferguson, a member of Clinton's security detail with whom she had chatted earlier, approached the table and told her, "The governor said you make his knees knock."

She said Ferguson returned a short time later, at about 2:30, and handed her a piece of paper with a room number written on it. "The governor would like to meet you up in his room and talk to you . . . in a few minutes," Ferguson said.

Jones said she had recognized the suggestive flavor of Ferguson's "knees knock" comment, but reacted to his words as a compliment, not a come-on. She said she had no reason to expect what she said happened later. "I was brought up to trust people and especially of that stature—you know, a governor." Jones said she hoped the meeting might yield a better-paying job in Clinton's office.

Clinton's schedule for that day, provided by the White House last week after repeated requests, shows the governor scheduled for "phone time" between 2:15 and 2:30 that afternoon after a luncheon and videotaping at the governor's mansion.

The schedule indicates Clinton had the option of returning to the quality conference between 2:30 and 4 p.m. Conference organizers had asked Clinton to attend as much of the day as possible.

After Jones's news conference, a White House aide said her account could not be true and referred The Post to Phil Price, Gov. Clinton's senior assistant for economic development in 1991 and now Arkansas' assistant bank commissioner. Price said he is convinced Clinton did not return to the Excelsior that afternoon because he does not remember returning himself and he was Clinton's designated staff member for such conferences. But management consultant James Harrington, the featured conference speaker after lunch, said he talked to and saw Clinton that afternoon. "He was milling about, meeting people, saying hello," he said.

Jones said she followed Ferguson upstairs, and the trooper stayed in the hallway. Clinton met her at the door, she said. She said the room was furnished as a parlor and had no bed.

After asking her about her job, she said, Clinton took her hand. She said, she pulled it away, and tried to distract him by chatting about Clinton's wife. But, she said, he persisted, kissing her neck and putting his hand on her thigh underneath her culotte.

Jones said she objected, asking Clinton: "What's going on?" She said he told her he had noticed her downstairs and liked the curves of her body and the way her black hair flowed down her back. "I will never forget the look on his face," she said. "His face was just red, beet red."

Asked why she didn't leave the room, she said: "I guess I didn't know what to do. This is the governor, this is not just anyone. I feel intimidated . . . by anybody that's higher than me. I feel I've got to do everything possible not to make them upset at me. I've always been like that."

Jones said she walked to the far end of a sofa and sat down, averting her eyes. The next thing she knew, she said, Clinton had dropped his trousers and underwear and was sitting next to her on the couch. Then, she said, he asked her to perform oral sex.

"I jumped up and I said, 'No, I don't do that. I'm not that type of person. I need to be going back downstairs,'" Jones recalled saying. Clinton, she said, tried to reassure her that she would not be in trouble with her boss if she stayed, but she left the room. As she was leaving, she said, Clinton asked her not to mention the episode to anyone.

She said she passed Ferguson in the hallway without speaking, and returned to the table where Blackard still sat downstairs. She estimated she had been gone for no more than 15 minutes.

In an interview, Blackard said she had seen Clinton staring at Jones, watched the trooper ask Jones to meet Clinton, and talked with her about whether to go. "I did say to her . . . 'Find out what he wants and come right back. . . . If you're that curious, go ahead,'" Blackard recalled saying.

When she returned, Blackard said, Jones was "walking fast" and "shaking." She said Jones told her that Clinton had made unwanted advances and Jones implored her to tell no one. "We were both kind of scared," Blackard recalled. "We weren't thinking straight. I thought I could lose my job. She thought she could lose her job."

In an interview, Jones said that at the time she feared she would be fired for leaving the registration desk or because her refusal might have angered Clinton, who as governor appointed her boss.

Another friend, Debra Ballentine, said Jones showed up unexpectedly at her office late that afternoon and told her the story. Jones trembled and "was breathing really hard," said Ballentine, who has known Jones about six years and is a marketing coordinator for a large Little Rock company. Ballentine said Jones "couldn't believe she was so stupid" for going upstairs.

Before Jones's news conference, both Balletine and Blackard signed affidavits supporting Jones's account after conferences in the office of Jones's attorney, Traylor. The Post interviewed both women subsequently.

Jones's two sisters said they talked to Jones that evening at their homes outside Little Rock. Charlotte Brown said her younger sister told her in a "matter of fact" way that Clinton had propositioned her. Lydia Cathey, now 29 and closer in age to Jones, said she ushered her sister into her bedroom, shut the door and comforted her sister as she cried on the bed.

One voice silent in the Paula Jones controversy is that of trooper Ferguson, who now guards Clinton's successor in the Arkansas governor's mansion, Jim Guy Tucker (D).

"I am not going to say anything about it," Ferguson told The Post after Jones's February news conference. "I have to think about my family."

Other troopers said Ferguson told them about soliciting a woman at the Excelsior soon afterward and again last summer, when he and three other members of the Arkansas governor's security detail began talking among themselves about experiences with Clinton, including times they say they had sought out women on the governor's behalf.

One story Ferguson told involved a woman named "Paula," according to the troopers. Trooper Roger Perry told The Post he heard Ferguson tell how Clinton had noticed "Paula" at the Excelsior and had described her as having "that come-hither look," Perry said in an interview that Ferguson, at Clinton's request, arranged to get a room, telling the hotel Clinton expected a call from the White House.

Last summer several of the troopers, looking for a book deal, enlisted the help of Little Rock attorney Cliff Jackson, who has worked for years to discredit Clinton politically. Eager to get maximum impact, he arranged for the troopers to talk to reporters for the American Spectator magazine and the Los Angeles Times.

The Spectator article, released in late December, quoted an unidentified trooper as saying that he had recruited "Paula" at Clinton's request and stood guard outside the hotel room for "no more than an hour." The magazine also reported that the trooper recalled "Paula" saying as she exited that "she was available to be Clinton's regular girlfriend if he so desired"—a remark at odds with Jones's story. Fellow troopers told The Post that Ferguson had told them "Paula" was willing to be Clinton's girlfriend.

Jones said she learned about the Spectator article from her friend Ballentine during a visit to Arkansas last January. Jones said she felt humiliated by the magazine's description of her encounter with Clinton and believed that some of her friends and family would conclude that she was the "Paula" described in the article. She said she wanted to "clear my name."

Jones said she did not accuse Clinton during the 1992 campaign, when his conduct with women was at issue, because she still worked for the state and was convinced no one would believe her.

The day after Jones said she learned about the American Spectator article, Jones and Ballentine recalled they ran into Ferguson at a restaurant in the Little Rock area. Jones said she asked Ferguson if he had been the magazine's source. Ferguson became apologetic according to both Jones and Ballentine.

According to the two women, Ferguson said he had been dragged into the interview with the Spectator by the other troopers. They said he added that no one would know who Jones was because he hadn't disclosed her last name and, "besides, Clinton told me you wouldn't do anything anyway."

Jones said she had several more contacts with Ferguson and Clinton before she left her state job in February 1993. Once, she said, she ran into Ferguson, who told her Clinton had been asking about her, wanted her home phone number and was interested in seeing her. Jones, who was living with the man she would marry in December 1991, said she refused.

Jones saw Clinton two more times before she left the Arkansas Industrial Development Commission, she said. Once she got a brief hello. The other time, in fall 1991, she said, Clinton called out to her under the rotunda of the Arkansas capitol. He was accompanied by another bodyguard, Larry Patterson, one of the three troopers who has publicly accused Clinton of womanizing. Patterson said in an interview he recalls the encounter as Jones does.

After Clinton spotted her, Jones said, Clinton called out her name and walked over. Then, she said, "he squeezed me up close to him," her side to his. He turned with a smile to Patterson, his arm still around her shoulder and said to Patterson: "Don't we make a beautiful couple? Beauty and the Beast."

She said she replied, "Well, you don't look like the Beast." And with that, she said, Clinton bid goodbye, saying, "It was nice to see you, "Paula."

[From the Washington Post, May 4, 1994]

BENNETT SETS AN AGGRESSIVE CAMPAIGN ON PUBLIC RELATIONS AND LEGAL FRONTS

(By Michael Isikoff)

President Clinton has retained prominent Washington defense lawyer Robert S. Bennett as part of an aggressive public relations and legal strategy aimed at fighting allegations from a former Arkansas state employee that Clinton sexually harassed her three years ago.

An attorney for Paula Corbin Jones said yesterday she intends to file a civil suit in federal court on Thursday accusing Clinton of violating her civil rights and causing her "severe emotional distress" by making "unwelcome physical contact" and asking her to perform a sexual act. The three-year statute of limitations on these claims is to expire at the end of this week.

White House officials have denied Jones's allegations. This week, believing Jones will make good on her intentions to file suit, Clinton and White House counsel Lloyd Cutler turned over the defense to Bennett, well known for his spirited representation of prominent Washington clients, and gave him new authority to mount a public relations counteroffensive, knowledgeable sources said.

"Bennett is . . . savvy about both the law as well as the ways of Washington and the press," said one White House official "He brings a lot of assets to this type of case."

Bennett said in an interview yesterday that the lawsuit was "really just an attempt to rewrite the results of the election" and released an affidavit from a Little Rock businessman saying that Jones's lawyer, Daniel Traylor, threatened to publicly "embarrass" Clinton last January unless his client got money. Traylor also said that "it would help if President Clinton would get Paula a job out in California," according to the businessman's sworn statement.

Bennett becomes the second Washington lawyer hired by the president to deal with controversies about Clinton's private life and investments. David Kendall has been dealing with the investigation of special counsel Robert B. Fiske Jr. about Bill and Hillary Rodham Clinton's investment in the Whitewater Development Corp. and its ties to a failed Arkansas savings and loan, Madison Guaranty. Kendall has also been monitoring negotiations on Capitol Hill over the shape and timing of congressional hearings on the matter.

"Bennett obviously has had considerable experience with congressional hearings and I would expect he would be involved in giving advice on those kinds of things," said one senior administration official.

Bennett was counsel to the Senate ethics committee in its investigation of the "Keating Five" senators. He represented Clark Clifford in the BCCI investigation, and is Rep. Dan Rostenkowski's lawyer in the Justice Department's investigation of the Illinois Democrat.

The White House said both Kendall and Bennett are being paid with the Clinton's private funds.

Bennett is known as a lawyer who not only fights behind the scenes for his clients but also is an outspoken public advocate. "there's a sense that a lot of this was political and needed to be fought on a more public level," one source said.

Jones's charges have been a cause celebre in right-wing circles since she first appeared last Feb. 11 at a news conference organized by Cliff Jackson, a Little Rock lawyer who is a longtime political opponent of Clinton's and sponsored by the Conservative Political Action Committee. Jackson had called reporters to attend the launch of a fund-raising effort for Arkansas state troopers who had accused Clinton of abusing his office as governor to solicit women for him.

Charges that Clinton had engaged in extramarital liaisons arose during the presidential campaign, when he was publicly accused by an Arkansas woman, Gennifer Flowers, of having conducted a years-long affair with her and then obtaining for her a state job. Clinton said her story was untrue, but confessed to having caused "pain in my marriage." The matter was largely dropped as other issues came to dominate the campaign.

It arose again in December, when a conservative magazine, the American Spectator, published the allegations by the state troopers.

The mainstream media largely gave limited coverage to Jones's allegations, leading several publications and interest groups to publicly accuse them of covering up for Clinton, and to insist that her charges be afforded the same attention as the sexual harassment allegations Anita F. Hill made during the Senate confirmation hearings of Clarence Thomas for the Supreme Court.

Last month, the conservative watchdog group Accuracy in Media ran advertisements in The Washington Post and the New York Times criticizing them for ignoring the story.

Republicans have concentrated their anti-Clinton fire on the Whitewater investigation of land deals by Clinton and his wife in Arkansas, rather than allegations by Jones or the troopers.

Jones has said that while working at a state government conference on May 8, 1991, she was approached by Arkansas state trooper Daniel Ferguson and was asked to meet Clinton in an upstairs room. Once inside, she said, Clinton made unwelcome sexual advances.

Traylor said that the suit will charge that Clinton had a regular "practice" of using state troopers to approach women for sex with him and that he also will seek testimony from the troopers.

"Paula Jones is a victim of that practice," Traylor said.

Bennett said the lawsuit Traylor is contemplating is "unprecedented" and he questioned whether a president may be sued for alleged events that took place before he entered office.

Jones has said she did not file her claims after they happened because she was frightened she would lose her state job if she accused the governor of misconduct. Because federal law requires that sexual harassment claims be filed within 180 days of the alleged offense, Jones long since missed her chance to do so.

But Traylor said he intends to make a variety of other legal claims against the president, including intentional affliction of emotional distress, and civil rights violations, based on the allegations that state troopers targeted women. Both of those claims have a three-year statute of limitations.

Traylor, a sole practitioner with little trial experience, said he reached out to prominent trial lawyers around the country as well as feminist groups and others for help in handling Jones's case, only to be turned down.

Traylor said he was set to file the complaint last Friday on his own when he received a last minute fax from the conservative Landmark Legal Foundation, asking him to hold off because it had just recruited an experienced litigation firm that could help him.

But Traylor said that that offer never materialized and he has since found another experienced trial lawyer, whom he declined to identify, to assist him in the case.

Yesterday, Bennett focused his attacks on Traylor's conduct. Traylor said in interviews earlier this year that he had tried before Jones's news conference to relay a message to the White House through a Little Rock businessman, George L. Cook, that his client was willing to say nothing publicly in return for an apology from Clinton and money to compensate for the harm she claims Clinton did.

In the affidavit released yesterday by Bennett, Cook said Traylor had told him that if Jones didn't get money for her claim, "she would embarrass him publicly."

Cook states in the affidavit that he asked Traylor during their January meeting why he had taken the Jones case. "He said he knew his case was weak, but he needed the client and he needed the money. . . . Traylor said it would help if President Clinton would get Paula a job out in California [where she now lives]. I told Traylor that would be illegal." Cook said he decided on his own not to relay Traylor's message to the White House.

Traylor acknowledged yesterday that he suggested a variety of possible ways to settle the case out of court, including arranging jobs for Jones and her husband, an airline ticket agent and aspiring actor, as well as a public apology from Clinton. Traylor said he told Cook: "Bill's got lots of Hollywood contacts."

But Traylor insisted there was nothing improper about the discussions and that Jones had never suggested that he seek a job for her or money from the president. "She ain't in it for the money," Traylor said. Traylor said he regrets "contaminating" Jones's allegations by the involvement with Jackson, Clinton's longtime political enemy. Traylor said he contacted Jackson thinking mistakenly that Jackson was representing trooper Ferguson, the source for the Spectator article that named "Paula."

That connection prompted Clinton senior adviser George Stephanopoulos to call Jones's allegation "a cheap political fundraising trick."

PROOF OF THE CALIFORNIA ASSAULT WEAPONS BAN'S EFFECTIVENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I would like to include the following letter to Chairman SCHUMER in the RECORD.

As it explains, the Bureau of Alcohol, Tobacco and Firearms has recently provided preliminary statistics documenting the success of California's Roberti-Roos Assault Weapons Control Act of 1989.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1994.
Hon. CHARLES SCHUMER,
Chairman, Subcommittee on Crime, House of Representatives.

DEAR MR. CHAIRMAN: As the Subcommittee on Crime begins its consideration of H.R. 3527, the Public Safety and Recreational Firearms Use Protection Act, I urge you to look at the effects of the nation's oldest assault weapons ban, California's Roberti-Roos Assault Weapons Control Act of 1989.

This legislation went into effect on July 1, 1989. It was passed in the aftermath of Patrick Purdy's shooting spree at a schoolyard in Stockton, California. Armed with an AK-47 and several semiautomatic pistols, Purdy fired over 100 rounds killing five school children and wounding thirty others before killing himself.

Now, five years after the passage of this law, I think we can begin to evaluate the law's effectiveness. At my request, the Bureau of Alcohol, Tobacco, and Firearms (ATF) has provided some preliminary data from the National Tracing Center. These numbers reflect requests to the ARF by local law enforcement agencies for background traces conducted on guns which are suspected to have been used in crimes. Although this data does have limitations and is not a direct measurement of criminal use, the Congressional Research Service has pointed out this data is, "the only significant national data on the makes and models of firearms that may have been used in crimes."

The data shows that although the California law has not ended criminal use of assault weapons in California, it has significantly helped California's law enforcement officials contain assault weapons' growing popularity among criminals.

ASSAULT WEAPONS IN CALIFORNIA VS. THE NATION

Over the past three years, both California and the nation have experienced growing criminal use of assault weapons, as evidenced by increasing requests for ATF traces. However, while national requests have skyrocketed, California's requests have grown at a much slower rate and stabilized for some of the most criminally popular weapons.

Following the 1986 Machine Gun Ban and President Bush's 1989 Assault Weapons Import Ban, trace requests for assault weapons (as determined by ATF) decreased nationally, both in number and proportion. Starting in 1991, however, they have risen and, based on the first three months of 1994, will easily surpass the 1989 level (see tables 1 and 2).

During the same period, however, California's local law enforcement requested far fewer traces of the forty-plus weapons banned by the Roberti Roos law. In fact, while trace requests for assault weapons rose nationally by 52% between 1991 and 1993, California requests for banned guns increased less than half that rate—22% (see table 3). Additionally, California's trace requests for the banned guns decreased as a proportion of the national total—from 7.1% in 1991 to 5.7% in 1993. Clearly, the California ban has spared California from the drastic national growth.

As for the legislation you are considering, the guns explicitly banned by H.R. 3527 make up 85% of all assault weapons traced by ATF for criminal activity during the past three years. From 1991 through 1993, trace requests for these guns have risen 62%.

Trace requests for certain weapons whose criminal use has skyrocketed nation-wide also show California's stability. For example, while trace requests for AK-47s have almost tripled nationally, they have remained the same in California (table 4).

However, California trace requests for another popular assault weapon not banned by the California law, the TEC 22, have essentially mirrored the national growth rate: 100% in CA from 1991 to 1993 compared to 116% nationally.

ASSAULT WEAPONS IN CA: BANNED VS. LEGAL

Looking at trace requests within California reveals other important trends. Although California has stabilized the growth of the guns which it has banned, there has been significant growth in California's trace requests for guns which were left out of the ban or which did not exist in 1989.

California's assault weapons ban has experienced problems with new weapons because it bans weapon names rather than weapon features. Both the San Jose Mercury News and The Los Angeles Times have reported that, "designing similar but not identical guns to those on the prohibited list has become common for gun manufacturers looking to get around the California law" (San Jose Mercury News, 7/3/93). Even though the law gave the state Attorney General the power to add guns to the list, none have been added since 1989. As a result, there has been a boom in new, legal, assault weapons with features identical to banned guns, but with new names.

The TEC 9 family of guns manufactured by Intratec, shows both the increased criminal preference for legal assault weapons as well as growing popularity in copy-cat designed to get around the ban. The Roberti-Roos Assault Weapons Ban specifically banned the TEC 9 but did not mention the substantially similar TEC 22. As a result, California's trace requests for the TEC 9 have slightly declined, while those for the TEC 22 have doubled (see table 5).

This family of guns also shows the ominous dangers of the copy-cat loophole. On July 1, 1993 Gian Ferri walked into the San Francisco law offices of Pettit & Martin carrying two TEC DC9 semi-automatic assault pistols. With them he shot and killed eight people before taking his own life. The TEC DC 9, functionally identical and look-alike to the TEC 9, was created shortly after the passage of the California law to be sold as a legal version of the TEC 9. Not surprisingly, California trace requests for TEC DC9s have shot up while requests for TEC9s have fallen (see table 5).

The Public Safety and Recreational Firearms Use Protection Act (H.R. 3527), which you are presently considering, would close this gaping loophole by including language to ban assault weapon by feature rather than name. Since this features-based assault weapons ban focuses on military features, it protects the rights of legitimate hunters and sportsmen. The appendix listing over 600 legitimate hunting and sporting guns (including over 60 semiautomatic rifles) would also be an important fail-safe guarantee of hunters' rights.

WOULD A NATIONAL BAN WORK?

Some skeptics have asked whether a national assault weapons ban could work. We already have one that does.

ATF tracing statistics show that President Bush's 1989 Assault Weapons Import Ban has significantly reduced the use of the models it banned over the past three years (see table 6). Trace requests for illegally-used guns banned by President Bush's 1989 Import Ban declined nationally by 16% between 1991-1993. Both California and the nation have benefited from the reduced misuse of these guns.

I hope you will find this information helpful as you consider the Public Safety and Recreational Firearms Use Protection Act. I enthusiastically support it, and hope you will report the bill as it passed the Senate. If you have any questions, please don't hesitate to contact me at (202) 225-5065.

Sincerely,

PETE STARK,
Member of Congress.

TABLE 1.—U.S. ASSAULT WEAPONS TRACE REQUESTS ARE RISING

	All ATF traces	Traces of assault weapons
1986	39,800	2,755
1987	35,100	2,296
1988	37,050	3,977
1989	41,807	4,163
1990	47,770	2,808
1991	53,924	2,991
1992	50,533	3,254
1993	55,665	4,532
1994—projected	60,672	6,332

Table 2.—Assault weapons are also rising as percent of traces

	Percent
1986	6.9
1987	6.5
1988	10.7
1989	10.0
1990	5.9
1991	5.5
1992	6.4
1993	8.1
1994—projected	10.4

Table 3.—California trace requests for weapons banned in 1989 by Roberti-Roos law

1986	246
1987	170
1988	279
1989	290
1990	318
1991	213
1992	235
1993	260

TABLE 4.—GROWTH IN AK-47 TRACES

	AK-47 traces—	
	California	United States
1991	25	336
1992	21	424
1993	28	934

TABLE 5.—TEC 9 FAMILY OF GUNS IN CALIFORNIA

	TEC 9 banned		TEC-DC9 copy cat—legal		TEC 22 legal	
	California	United States	California	United States	California	United States
1991	20	771	....	....	4	98
1992	25	640	1	111	5	134

TABLE 5.—TEC 9 FAMILY OF GUNS IN CALIFORNIA—Continued

	TEC 9 banned		TEC–DC9 copy cat—legal		TEC 22 legal	
	California	United States	California	United States	California	United States
1993	16	617	24	454	8	212
Percent of growth 1991–1993	−20	−20			100	116

Table 6.—Decline in trace requests for assault weapons banned by 1989 import ban

	Traces
1991	1028
1992	893
1993[1]	862

[1] From 1991 to 1993 traces declined 16 percent.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 7 p.m.

Accordingly (at 5 o'clock and 50 minutes p.m.) the House stood in recess until 7 p.m.

☐ 1904

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. KENNELLY) at 7 o'clock and 4 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4296, PUBLIC SAFETY AND RECREATIONAL FIREARMS USE PROTECTION ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–492) on the resolution (H. Res. 416) providing for consideration of the bill (H.R. 4296) to make unlawful the transfer or possession of assault weapons, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY S. 636, FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–493) on the resolution (H. Res. 417) waiving points of order against the conference report to accompany the bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY HOUSE CONCURRENT RESOLUTION 218, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–494) on the resolution (H. Res. 418) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999, and providing that rule XLIX shall not apply with respect to the adoption of that conference report, which was referred to the House Calendar and ordered to be printed.

OXFORD STYLE DEBATES

The SPEAKER pro tempore. The House will again, as it did on March 16, 1994, conduct a structured debate on a mutually agreed upon subject. A member recognized by the Chair and holding the floor as moderator will yield time to eight Members, four from the majority party and four from the minority party.

The primary purpose of this debate is to enhance the quality of the deliberative process of the House of Representatives, so as to enable all Members to be better informed and to participate in subsequent debates and decisions on major issues.

Under the previous orders of February 11 and March 11, 1994, the gentleman from Pennsylvania [Mr. WALKER] will be recognized to moderate a structured debate in the format and sequence that he will describe, which has been mutually established by the majority and minority leaders.

The rules of the House with respect to decorum and proper forms of address to the Chair will apply during this debate. The moderator will yield time to the participants, and will insist that members not interrupt on other Members' time. As part of the experiment—and not as a precedent for other proceedings of the House—the moderator and the participants will have the aid of a visual timing device.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER] for up to 2 hours.

WELFARE REFORM

Mr. WALKER. Thank you.

Madam Speaker, as you have indicated, this is the second in a series of Oxford-style debates instituted in the House of Representatives. The first debate was on health care. Tonight we will be debating the issue of welfare. The specific resolve clause for tonight is "Resolved, welfare has done more harm than good." The Republican team will speak in favor of that resolve clause. The Democratic team will speak against that resolve clause.

The format we will use differs slightly from the traditional Oxford debate. After this introduction of the debate topic, one member from each team will make a 3-minute opening statement to present their position. Then we will hear alternately from the teams, with time and recognition controlled by the moderator. It is during this time that the remaining six debaters will have 1½ minutes to make statements, as well as 4 minutes in which to question and later to be questioned by a member of the opposing team or by the entire team.

During the questioning periods of the debate, we would hope that debaters will keep their questions to approximately 30 seconds, and that respondents will keep their answers to approximately 1½ minutes, so we might fit two questions and answers into each 4-minute segment. After the back and forth debate, one member of each team will be recognized for a final summary statement.

For the assistance of the debaters this evening, we have cards that will give members notice when there is certain time remaining in their segment. We hope to have as much give and take as possible during this debate without speaking over one another. If we do not speak over one another, it will keep the moderator from getting confused, and the moderator will much appreciate that. So please be courteous. We would hope to have a vigorous debate on the resolve clause, which again is, "Welfare has done more harm than good."

The debaters for this evening, from the Republican team, are the captain of the team, TOM DELAY of the 22d District of Texas; GARY FRANKS of the Fifth District of Connecticut; CLAY SHAW of the 22d District of Florida; and SUSAN MOLINARI of the 13th District of New York;

Democratic Members participating in tonight's debate are the captain, MIKE SYNAR of the Second District of Oklahoma; LYNN WOOLSEY of the Six District of California; ELEANOR HOLMES NORTON, the Delegate from Washington

DC; and Dave McCurdy of the Fourth District of Oklahoma.

To open the debate tonight, we will ask the captain of the Republican team [Mr. DeLay of Texas] to speak for the resolution for 3 minutes.

□ 1910

Mr. DELAY. Thank you, Mr. Moderator.

The major problem with welfare is that Congress has long been dominated by soft-thinking liberals who believe they help people by giving them things other citizens must earn. Welfare started innocently enough in 1935 with cash assistance for single mothers with children.

President Roosevelt understood that by giving welfare, the policymakers were playing with fire. During debate on the Social Security Act of 1935, he said,

> The lessons of history show conclusively that continued dependence on welfare induces a spiritual and moral disintegration, fundamentally destructive to the national fiber. To dole out welfare in this way is to administer a narcotic, a subtle destroyer of the human spirit.

Congress ignored Roosevelt's wise advice, and now we have created a 1,000-tentacled monster that must be attacked. We give away cash, food, health care, housing, and social services on the simple conditions that recipients promise not to work and not to marry.

We demand virtually nothing in return. The harms caused by this system are immense. Welfare creates incentives not to work, thereby causing and spreading the dread disease of dependency that Roosevelt warned us about.

Welfare creates incentives not to marry so our divorce rates now reach 50 percent. Welfare creates incentives to have children born out or wedlock so 7 of 10 black children and 2 of 10 white children are now born illegitimately.

Welfare is a key factor in creating some of the world's most devastated and dangerous neighborhoods. Welfare spending grows like a cancer, imperiling the budgets of both the Federal and State Governments. We now spend over $340 billion in welfare programs.

Let us be clear on this issue. We, as Republicans, do not condemn all welfare programs. Our position is not that welfare has done no good. Rather, our position is that welfare has done more harm than good.

If a car breaks, do you banish it to the junk yard? No. You repair it. And if the problem is a flaw in the car's basic design, you make major alternations in its basic features.

That is what Republicans want to do with welfare. During this debate, we will outline the major changes we want to make in welfare.

Our guiding metaphor is that welfare is like chemotherapy: A little bit can get you back on your feet; too much can damage you.

In this case, as Roosevelt warned, it will damage your soul and that of your children.

Mr. WALKER. The moderator will now recognize the gentleman from Oklahoma [Mr. Synar] to speak against the resolution for 3 minutes.

Mr. SYNAR. Good evening.

Tonight the Democrats will not defend the status quo. Democrats believe that welfare must and is being changed to encourage marriage, reward work, strengthen families. Welfare ought to be a bridge to new opportunities, not a parking lot. Our reforms stress work, demand responsibility from fathers, and place tough expectations on young unwed mothers.

But you know, too often in these debates we let the myths and our prejudices about welfare cloud the facts. Some of them are true, but many of them are not. Tonight, once and for all, let us set the record straight.

Fact No. 1, over two-thirds of all welfare recipients are children, with an average age of 7 years old. Nearly 14 million children, our Nation's future, live in poverty without hope this very night.

Fact No. 2, the faces of a family on welfare look a lot like yours and mine. The vast majority of people on welfare have one to two children, live in private homes, leave the welfare system within 2 years, and are as likely to be white as black.

Fact No. 3, no one gets rich on welfare. The average welfare benefit in this country is $367 for a family of three. And Federal spending for welfare is less than 1 percent of our general spending each year.

The Democrats recognize that the current welfare system must be reshaped in order to move people from poverty to work. However, we reject the proposition that welfare has done more harm than good.

Tonight we will present an outstanding example of its success, a mother who used welfare to stabilize her family and move herself forward, all the way to the U.S. Congress.

Democrats believe reform began last year when we enacted legislation that granted tax relief to working poor families and passed legislation so that a mother would not lose her job in order to take care of a sick child. We also believe more needs to be done, providing affordable health care, developing quality child care, and creating stable, good-paying jobs.

These are commitments Democrats have to working people. It has been said that the real measure of a great people is how they treat the least among them. Tonight we find out what that measure is.

Mr. WALKER. The moderator will now recognize the gentleman from Connecticut [Mr. Franks] to speak for the opening statement.

Mr. FRANKS of Connecticut. Thank you, Mr. Moderator.

In many ways, welfare is the 20th century's version of slavery. It is reserved for those who are in the worst possible socioeconomic position.

Its victims are dependent on the very system that enslaves them. Its victims receive shelter, food, health care, and clothing from the system. The plantation, as a residence, and the often-used public housing units of today, both leave its victims feeling trapped. Welfare enslavery restricts its victims from sharing the American dream of ownership, prosperity, and hope. Its slave owners or overseers flourish at the expense of its victims. It thrives largely due to a divided family unit.

During slavery, the family was divided via the slave trade business. Today welfare fails to hold the male accountable and inadvertently does its best to push the male out of the house.

Lack of education and hope are two other common denominators between welfare and slavery. Without either, one cannot progress.

We have babies in poverty having babies, thus our current system has produced generations of welfare-dependent children. Our welfare system continues to play the role of the fish delivery man for able-bodied people. Instead, we should help and insist that able-bodied people should catch their own fish.

Eliminating dependency ultimately makes one stronger.

Mr. WALKER. The Chair will now recognize the gentlewoman from California [Ms. Woolsey] speaking against the opening statement for 1½ minutes.

Ms. WOOLSEY. My knowledge of welfare is based on experience, my experience as a single working mother with three small children needing welfare in order for my family to survive. That was 25 years ago.

But even today, my face is the face of a typical welfare mother. I am white. I had three children. I was on welfare for 3 years, when my marriage broke up and left my family without child support and without health care.

There are many faces on welfare families, but the thing we have in common is that we need a safety net for our children. We are a people who have worked, paid taxes, and cannot find a job that we can afford to live on.

We are people who need training, who need health care, who need good child care in order to go to work.

We are a people who are poor, because we are divorced or deserted or left without child support.

The welfare system is broken. There is no question about it. But we will not fix it until we have jobs that pay a family wage, until we have health care, until we have a child support system and until we have a child care system for our working families.

Most of all, we have to hold both parents responsible for supporting their children. It comes down to this: We either punish innocent children for being poor, or we invest in them so that they can get off of welfare once and for all like my family did.

□ 1920

Mr. WALKER. The moderator will now recognize Mr. FRANKS for 4 minutes to question Ms. WOOLSEY.

Mr. FRANKS of Connecticut. Mr. Moderator, the intent of welfare was to serve as a temporary safety net to help people get back on their feet, yes. However, it has gone off course considerably. In my opening statement I compared welfare to slavery. We can all agree that slavery was a horrible period in our history, and it was right for us to end slavery.

Welfare versus slavery, slaves were brought here against their will, the intents were different, slaves were black, for the most part, and slaves worked. Could you point out other differences between slavery and welfare?

Ms. WOOLSEY. What I will point out is the safety net of welfare, and what we need to change, so we will not keep welfare recipients, particularly single mothers, on welfare for the long term. That is by investing in the short term for long-term results, and by not treating our welfare recipients as slaves, not trapping them in a system, providing them with the skills and the knowledge they need for the jobs of the future, jobs that pay a family wage.

Do you know that 18 percent of working families in this Nation today with a family of four live below the poverty level?

Mr. FRANKS of Connecticut. You did not answer my question. My question would be, could you point out some of the differences.

Ms. WOOLSEY. I don't agree that welfare and slavery are the same thing, Mr. FRANKS.

Mr. FRANKS of Connecticut. Could you point out the difference between welfare and slavery?

Ms. WOOLSEY. I do not see welfare and slavery the same. That is your thesis, and not mine.

Mr. WALKER. The time is controlled by Mr. FRANKS.

Mr. FRANKS of Connecticut. In my remarks, I talked about how there was a lack of education, a lack of hope, the plantation being very similar to a project. I talked about the fact that today you have people entrapped.

Can you tell me any differences? If not—we ended slavery. If you cannot tell me any differences, I would presume you would also agree that we should end something that is very comparable to slavery.

Ms. WOOLSEY. I do not agree with your thesis that welfare and slavery go hand in hand. What I would like to address, however, is child support.

Mr. FRANKS of Connecticut. Could you tell me why you do not agree with that? Do you agree it was a lack of education?

Another question for you, both slavery and welfare will reward or praise the mother for having another child. For the slave, obviously more children would increase the slave master's work force. Our welfare system gives mothers more money for having more babies. Do you agree with this approach, and if so, my wife and I are expecting a baby this month. Should I start to send letters to my constituents asking them for a raise?

Ms. WOOLSEY. Mr. FRANKS, I hope you can raise that child on an average of $63 a month. That is not enough of an incentive to have another child.

Let me tell you, welfare receipents have smaller families than the average family in this Nation, a family not on welfare.

Mr. FRANKS of Connecticut. She is not answering my question.

Do you agree that we should pay mothers more money for having more babies? That is the question.

Ms. WOOLSEY. I agree that we should not punish the children of those mothers, and that $63 a month is not enough——

Mr. FRANKS of Connecticut. Does that mean yes or no?

Ms. WOOLSEY. Is not enough to be an incentive to add a person to your family.

Mr. FRANKS of Connecticut. We should pay them more? So I should receive a raise when my baby is born?

Ms. WOOLSEY. If you can afford to raise a child on $63 a month, that is fine.

Mr. FRANKS of Connecticut. There are a number of individuals today who are earning $25,000, $30,000, and $40,000 a year, and upon their having another baby they cannot walk in to their supervisors and demand an increase in pay.

Ms. WOOLSEY. They get a nice tax deduction for that child.

Mr. FRANKS of Connecticut. They cannot go in and ask for an increase in pay.

My last question, and I will try to be brief with this, lastly, do you believe that noncitizens should receive welfare, with the exception of refugees and individuals over the age of 75?

Ms. WOOLSEY. Noncitizens are not covered by welfare. They have not been, and there are no proposals——

Mr. FRANKS of Connecticut. Currently they are.

Ms. WOOLSEY. Noncitizens, or illegal aliens are not, noncitizens are. Yes, I believe that is part of our society. If we want to debate a change in the Constitution, let us do that later.

Mr. FRANKS of Connecticut. You would want to see taxpayers' dollars go to noncitizens?

Mr. WALKER. The time of the gentleman has expired.

Now I recognize Ms. WOOLSEY for 4 minutes to question Mr. FRANKS.

Ms. WOOLSEY. Mr. FRANKS, I can tell you as a former welfare mother that the main reason families are on welfare in the first place is because there aren't enough jobs that pay a family wage, and there aren't the support systems like child care and health care so that they can get off welfare and go into the work force.

I am sure you are aware that we have just been through a recession. Families were struggling to get by, and they are still struggling, just like I did when I was on welfare. In fact, as I said, 18 percent of working families with four members are earning below the poverty level today. Families like this need welfare to survive.

Aren't you aware that the welfare rolls grew primarily because of economic hard times?

Mr. FRANKS of Connecticut. Statistics would show that the growth in poverty that we have seen has been due largely to the growth of the teenagers giving birth out of wedlock, and we have statistics to support that.

Yes, we should try to create more jobs. That is why I have always been a strong advocate of trying to put forth tax policies that would help employers to employ employees. The capital gains tax cut would do that, and a number of other measures.

Yes, we must try to increase the number of jobs. In the last 30 years we have produced 52 million jobs in this country, an average of 1.7 million jobs a year. We have seen programs in your State of California, and in Riverside, CA, a welfare-to-work type of program that was able to increase the number of jobs for individuals on welfare.

Yes, we must try to create jobs. We have to remember that today, unfortunately, we have a number of single parents out there who are teenagers. In the Republican bill we will not allow a teenager to be able to receive, or a minor, to be able to receive welfare benefits. That is, that individual——

Ms. WOOLSEY. Mr. FRANKS, you have gone past your time, I believe.

How do you explain the Congressional Budget Office report which clearly shows the recession was a major factor in this increased welfare case load since 1989?

I don't need a report to tell me that, because I know from personal experience. I look around my district and I see some of the same things. How do you explain that report, and not put that down to the economy as why welfare is growing?

Mr. FRANKS of Connecticut. I have not seen that report, but as I stated to you before, we have seen a growth, a rapid growth, of teenaged birth in our society. In the 1980's we had a tremendous amount of economic prosperity during the 1980's, as you well know. We did have a recession. The recession hurt all individuals. It did not hurt just the poor. It hurt those individuals who are in the middle class, it hurt those individuals in the upper class.

Whenever you have a recession, it has a way of hurting all individuals. We are not going to deny that, Ms. WOOLSEY.

Ms. WOOLSEY. I think I have to clear something up. One percent of the Nation got a lot richer while the rest of the country got a lot poorer over the last 12 years.

Mr. FRANKS of Connecticut. May I respond to that? More blacks were able, just looking at the black population alone, more blacks were able to move into the middle class during the 1980's than any other time in our history. More blacks were able to buy a home during the 1980's than at any other time in our history, and more blacks were able to purchase a car during that time than any other time in our history. We had the greatest expansion of jobs during the 1980's than any other time in our history during peacetime, so you are wrong.

Ms. WOOLSEY. People got poorer. There is no question about that.

Mr. FRANKS of Connecticut. We had lower class that expanded because we allowed babies to have babies.

Ms. WOOLSEY. What I would like to talk to you about right now is why I had to go on welfare in the first place, because I did not have child support, I did not have health care, and right now out of the $47 billion that is owed in court-ordered child support every year, only $13 billion is collected.

How do you propose that we collect that $34 billion that is the gap between what the States collect and what they are not collecting?

Mr. FRANKS of Connecticut. Ms. WOOLSEY, I say, God bless you. You are an example of a success story, and I am pleased to be able to see that, and to be able to hear you talk about it.

Mr. WALKER. The time of the gentleman has expired.

Mr. FRANKS of Connecticut. The problem I have with all these individuals is the fathers we have not identified, who are not taking care of their children.

Mr. WALKER. The moderator will now recognize Mr. SHAW of Florida to speak for the opening statement for 1½ minutes.

Mr. SHAW. I thank the moderator. I think we can all agree on what is a fact: If you subsidize something, you will get more of it. The United States Government subsidizes illegitimacy. Amazingly enough, our Government has struck a deal with young women having illegitimate babies: We will give you cash, food, medical care. It is all guaranteed. More than likely, we will also give you housing. That is a package, my friends, that is worth $16,000 a year. It is guaranteed.

For this, though, you must agree to two conditions: Do not work, and do not get married, and in return we will guarantee that you will live in a permanent state of dependency.

Today 3 of 10 births in America are to unmarried women. The rate of black babies is a shocking 7 out of 10 babies. President Clinton has admitted that welfare plays a strong role in promoting illegitimate birth and single-parent families. Social scientists agree that children raised in single-parent families get less education, they are more likely to be on welfare as adults, and are more likely to commit illegal acts. It is clear that the presence of a male and a female role model in the house is essential to a well-rounded upbringing.

□ 1930

Yes; there are heroic women who do a wonderful job raising their children. We have just heard from one. But virtually no one disputes the fact that on the average kids from single-parent families have more problems than kids from two-parent families.

Mr. WALKER. The time has expired.

The Democratic team is now recognized to interrogate Mr. SHAW for 4 minutes.

Ms. WOOLSEY. Mr. SHAW, how much does aid to dependent children pay a family of three in your district?

Mr. SHAW. In Florida? Well, this is one of the problems that I have been noticing on your questioning.

Ms. WOOLSEY. I know the answer.

Mr. SHAW. What you are asking, you are adding up, just taking aid to families with dependent children.

Ms. WOOLSEY. That is what I asked.

Mr. SHAW. When you talk about welfare, you have to talk about food stamps, you have to talk about child nutrition programs, you have to talk about housing, you have to talk about all of the things that come into this.

Ms. WOOLSEY. That is not what we are talking about.

Mr. SHAW. Even without housing, it amounts to $12,000 a year in the State of Florida, and I think it is even higher in your State of California.

Ms. WOOLSEY. Well, as a matter of fact, aid for dependent children, which is welfare, and that is what we are talking about tonight, welfare reform, we are not talking about food stamp reform.

Mr. SHAW. I disagree emphatically. We are not just talking about——

Mr. WALKER. The time is controlled by the Democratic team.

Ms. WOOLSEY. Aid for dependent children in your State pays an average of $367 a month. Let me ask you: Do you think that is living high on the hog?

Mr. SHAW. When you add to it the other benefits, it is certainly above minimum wage. Minimum wage in this country is only about $8,800 a year. Now we are competing and having the people on welfare getting a total package without housing of $12,000 a year. Where is the incentive to go to work when you can go to work and get a reduction? That is the problem with the system. That is why welfare is not working in this country today, as you, much to our surprise, in your opening statement said, that the welfare system is sick and must be corrected.

Our position is that it is a disincentive to work, it is a disincentive to independent self-empowerment, to maintaining control over their lives today.

Ms. NORTON. Mr. SHAW, I cannot understand, given the zeal with which you want to clear the welfare rolls, why your side of the aisle seems to be against all training for people on welfare.

Mr. SHAW. That is absolutely——

Ms. NORTON. I have the time. Sixty-eight percent of the American people are saying that they are willing to pay more to clear the rolls. I want to ask you about a person like a hypothetical Mary who worked all of her life, lived in a steel town, got laid off, used up her unemployment insurance, had to go on welfare, now has no job. There are no jobs of the kind she was trained for. Want to be trained for a permanent job. Why, Mr. SHAW, should not Mary be trained for a permanent job so that she can leave welfare? She has a work history all her life.

Mr. SHAW. Oh, Ms. NORTON, I am sure you will be quite surprised to know I agree with you. She should be trained. And this is exactly what the Republican bill has said.

The Republican bill says that this woman who is on welfare deserves a second chance. We will give her education, we will give her training, we will even search for a job for her, and we are going to limit that to 2 years.

Ms. NORTON. Your bill calls for job search. What Mary needs is training because in the steel town——

Mr. SHAW. It has training.

Ms. NORTON. She cannot qualify for the other jobs.

Mr. SHAW. Ms. NORTON, I know you hear me, but you are not listening. Training is in the Republican bill.

Ms. NORTON. So you concede that training——

Mr. SHAW. Perhaps you would like to join us in the discharge petition we have filed today.

Ms. NORTON. Mr. Shaw, you concede that training has to be a part of any successful strategy to remove people off the welfare rolls?

Mr. SHAW. You are so right.

Ms. NORTON. Even if it costs money to do so?

Mr. SHAW. You are so right. And do you know how we get that money, because it does cost money? We say that this is only available to citizens of the United States, and people who are here as political refugees or people over 70 years old. And we create a $20 billion surplus.

What we are doing is taking care of our own people. We are training them, we are giving them self-esteem, and we are going to get them back into the job market. We are going to give them independence.

Ms. NORTON. Of course, if Mary does not have a job after she has been trained, you will kick her off welfare at that point.

Mr. WALKER. The time has expired.

Mr. SHAW. If I may respond to the last question, Mr. Moderator?

Mr. WALKER. Briefly.

Mr. SHAW. If she cannot find a job, we will get one for her. We need more child care, we need cleaning up at the housing projects, we need these things. All we require is that after that 2 years she is going to work for these benefits.

Mr. WALKER. We now will have Ms. NORTON speaking against the opening statement for 1½ minutes.

Ms. NORTON. Mr. Chairman, the present welfare system is a monument to passive government. It helps you get on. It will not do anything to help you work your way off.

There is only one solution that will work, and that solution is work, steady work and steady income sufficient to support a family.

Work is the solution of choice of the American people as well, and is the solution of choice of welfare recipients. Work is not just what welfare recipients want. Work is what welfare recipients do. More than two-thirds of them leave the rolls by themselves.

The Congress has to focus on what the problem, the real problem is here. It is not getting off, it is keeping off. They come back for lack of a steady job that pays enough to support their family or the sine qua non for keeping a job, and that is a place to leave your child.

You are not serious about welfare reform unless you are serious about jobs that pay a family wage and assist people in finding a place to leave their children. The obligation to support one's own child is undebatable. There is no easy or cheap way out however for the Congress because two-thirds of the people we are talking about are children.

There should be no free lunch for mothers on welfare. But we will find out that neither is there a free lunch for Congress as it strives to reduce the welfare rolls.

Mr. WALKER. The Republican team will now be recognized for 4 minutes to interrogate Ms. NORTON.

Mr. DELAY. I must say, Ms. NORTON, it looks like we have agreement that welfare has done harm, more harm than good, listening to the opponents to the proposition. Maybe we ought to get down into the details.

I do not know where you all get your figures, but they are really fun to listen to, but inaccurate. I have got several charts here that I would like to explain to you. These charts are given to us by the Congressional Budget Office and the Congressional Research Service run by the Democrat majority that controls this House. It shows that welfare spending from 1950 to 1992 has increased significantly, gone out of sight; yet at the same time, AFDC enrollment has gone out of sight, the illegitimacy rate has gone out of sight, the poverty rate has gone out of sight.

Mr. WALKER. Question, please.

Mr. DELAY. How do you explain that you want to continue more of the same but expand more spending on welfare, and it will not change these numbers?

Ms. NORTON. I remind you it is a Democratic President who has come forward with the notion that we should fundamentally change welfare as we know it. We are not foolish, however. As I said in my statement a moment ago, there is no free lunch or cheap way to cut the welfare rolls.

In order to cut the welfare rolls we are going to have to do what business does when it wants a return on its investment. We are going to have to invest in those people if we want them to stay off of welfare.

Mr. DELAY. An investment means more spending. So what you want——

Ms. NORTON. Investment.

Mr. DELAY. But what the President says is a notion, not a bill. He has yet to come with a bill. But what I have heard three speakers now talk about is more spending. So you want to end welfare as we know it, but you want to create more welfare as we know it, and you want to preserve welfare as we know it, and you want to go in all directions at once, right?

Ms. NORTON. Sixty-eight percent of the American people said they would be willing to spend more if you could get people off welfare and keep them off welfare.

What we want to do is to take this matter in gulps that are digestible by our economy and move people off of welfare and keep them off of welfare. Recidivism we see on welfare comes precisely from the fact that the welfare system as now structured gives them no help, gives them no training.

If in fact a mother has a place to leave her child that is reliable, if in fact a mother has a job that is reliable and pays enough, she will not come back on welfare.

What you want to do is throw her off when in fact she cannot find another job. You want to say too bad, you and your children too, we have no more responsibility for you.

Ms. MOLINARI. Ms. NORTON, if in fact we came up with a proposal that says we will provide education and training and day care and help you find a job, would you agree to a bill that eliminates AFDC payments after 2 years to the recipients?

Ms. NORTON. I would agree to the elimination of AFDC payments if in fact a person has lived by the rules and has found a job. If in fact that person has done all you say but lives in the steel town that Mary lives in that I just described, and she cannot find a job, if she lives in Washington, DC. And the inner city where 12 percent of the people are unemployed, then of course I am not going to throw her and her children out in the street.

□ 1940

Mr. WALKER. Republicans control the time.

Ms. MOLINARI. Under the Republican proposal, we would then provide her with a job. Presumably, though, from your response, the answer is no.

Ms. NORTON. If you provide her with a job, of course, you provide her with a job at less than the living wage. Suppose that job, however, suppose even after that she cannot find a job, you then throw her off welfare anyway.

Mr. WALKER. Time is expired.

Ms. MOLINARI. It would be the same benefit as if she had found a job in the private sector.

Mr. WALKER. Time is expired. The moderator will now recognize Ms. MOLINARI to speak for the resolution for 1½ minutes.

Ms. MOLINARI. Thank you.

The probability of a child growing up to be dependent on welfare is four time greater if that child comes from a welfare-dependent family. Welfare is not working.

While one-half of mothers on welfare are off in 1 year, 75 percent will end up back on the welfare rolls for at least part of the next 8 years.

Welfare is not working. America has gambled with $5 trillion, more than our national debt, but has never stopped to see that welfare just is not working.

Since the War on Poverty began in 1965, we have increased spending more than 14 times, with basic spending on poor individuals going up fivefold, yet during this very same period we have made no progress against poverty. People more than ever use welfare.

The illegitimacy rate has quadrupled, and our violent-crime rate has quintupled.

If we are going to continue to help people, and we should, we must demand change for the recipients' sake and the very survival of our society.

We must have the courage to break that cycle of poverty, because only then can we make sure that welfare will work.

Mr. WALKER. Thank you. And now the Democratic team will have 4 minutes to interrogate Ms. MOLINARI.

Ms. WOOLSEY. Congresswoman, I was on welfare for 3 years. I do not know what my children would have done without that safety net.

Since Republicans propose completely denying all benefits to these families after a short period of time, what do you propose to do with the children? Are you supporting your Republican colleagues who want to put these children in Government-run orphanages or putting them up for adoption?

Ms. MOLINARI. Under the Republican proposal, the short period of time to which you just referred is a full 2 years, and during those 2 years we are going to provide women with education, with day care, with, in fact, job training. And we will provide, if they still cannot find a job, with the Government's assistance, a Government-sponsored job to help create and fill in the voids that exist for our society.

And the other thing that we are going to be doing to help the children that you talk about is to enable that mother to feel good about herself, something I know you more than any of us can truly identify with, thereby forcing that woman to, yes, provide a truly integrous role model for the children to which you have just referred.

Ms. WOOLSEY. Let me remind you, I was educated, I was healthy, my children were healthy, and you know I was aggressive and assertive. I was on welfare for 3 years.

Ms. MOLINARI. I have no doubt about that, Ms. WOOLSEY.

Ms. WOOLSEY. I was on welfare for 3 years.

Your district in New York City has an unemployment rate of 11.7 percent; almost 30 percent of the households are headed by women. How many people on welfare in your district could get off in 2 years?

Ms. MOLINARI. Ms. WOOLSEY, unfortunately, my district that you just described is very accurate. But unfortunately we have tremendous societal needs that could truly be addressed under the Republican alternative if we created those Government-sponsored jobs that allowed women to, in fact, while their children were receiving day care, come into the communities and run day-care sessions of their own, help to engage in a graffiti program so we could clean up and feel good about our inner-city communities. Oh, Ms. WOOLSEY, I would need more than 4 minutes to respond to that question to tell you all the needs we could find that that working mother, if she wanted to work, could truly add to society and herself and the well-being of her family.

Mr. McCURDY. Ms. MOLINARI, sometimes it seems like we are talking past each other here, and I am not so sure that in many cases we are not closer to having agreement than we are actually arguing.

Ms. MOLINARI. And I am grateful. I think this debate has at least illuminated that, yes.

Mr. McCURDY. We have heard a lot about teen pregnancy, and the Republicans have argued that welfare has caused illegitimacy and an outbreak of out-of-wedlock births in this country.

But, in fact, we have an alarming rate in nonwelfare society as well. And within the bill, there is nothing there to really address teenage pregnancy other than cutting off benefits. Would you not rather join a Democratic proposal to have a national campaign to fight teen pregnancies, to prevent teen pregnancies, so that we can actually address the real problem in America?

Ms. MOLINARI. Clearly, you know, Mr. McCURDY, I do support prevention, and I do think that maybe someday if we all do our job that a discussion such as we have will not be necessary, because we will have finally gotten to help educate young women as to what is going to happen.

But first we have got to create, and now you said that we say that welfare causes pregnancies. I do not think that is true. But it certainly encourages pregnancies.

Whether or not we want to say that woman is on welfare at the time that she gets pregnant, it is, in fact, a fact that 80 percent of teen mothers will be on welfare within 5 years, so they do take advantage of the system. They know it is the system that is there, and it is, in fact, the system that perhaps has led them astray, has told them they do not need to seek out their male counterparts for responsibility, and this fact has placed them in a cycle to which most of them will find a very difficult time of breaking out.

Mr. WALKER. Time has expired.

The moderator will now recognize Mr. McCURDY to speak against the resolution for 1½ minutes.

Mr. McCURDY. Thank you, Mr. Moderator.

Tonight I want to talk about what I consider the most critical aspect of welfare reform and that is individual responsibility. Welfare reform must reconnect recipients to the world of work and reestablish the traditional American values of work, family, individual responsibility, and opportunity.

In exchange for transitional support in search of a job, en route to a job, recipients must assume personal responsibility on their part and their end of the contract, finding a job, getting job training, and in other ways working themselves off the welfare rolls.

As part of that contract, we must change the culture of welfare, and to those who administer it today, as just a way to qualify for income maintenance, to job placement; a reform system must reward work and encourage two-parent families. It should also provide incentives to young people to make better choices with regard to parenting and getting an education.

It also needs to have stiff enforcement for fathers who neglect child support payments.

Welfare must be a hand up, not a handout, and, therefore, it must be an invitation to join the American work force, to break out of the cycle of poverty and despair and offer hope for the future.

It can work. I have personally seen successful projects in California, Wisconsin, Indiana, and my own State of Oklahoma. I only hope my colleagues on both sides of the aisle, Democrats and Republicans, will support smart and responsible welfare reform.

Mr. WALKER. The time is expired.

The moderator will now recognize the Republican team to interrogate Mr. McCURDY for 4 minutes.

Mr. DELAY. Mr. McCURDY, do you support what the President's task force on welfare reform has presented to the President?

Mr. McCURDY. I think we are here tonight in large part because the President has said we must meet, we have to change welfare as we know it, in this country, and I believe the task force has done yeoman work in presenting an outline and a model.

As a matter of fact, many of the Republican proposals that I am aware of have come directly from the suggestions of the task force.

Mr. DELAY. They are going to change welfare as we know it, that is for sure. They are going to make it bigger.

The Task Force on Welfare Reform has suggested that we make work pay by guaranteeing health care, by advance payments of EITC, a brand-new entitlement program, expanding child care, spending an additional $8 billion to $12 billion more, and they do not know how to pay for it.

Should we not make work necessary rather than pay, than create new entitlement programs, and expanding the existing entitlements?

Mr. McCURDY. Mr. DELAY, quite frankly, some of the concern I have is the Republican proposal actually spends more money than what the White House Task Force is proposing.

Mr. DELAY. Have you read our proposal?

Mr. McCURDY. I have, indeed. I have spoken with the sponsors of it.

Mr. DELAY. It saves $20 billion over 5 years.

Mr. McCURDY. It is actually now talking about spending more money than what the Democratic task force has suggested.

Mr. DELAY. No; not at all. You have not read our proposal.

Mr. McCURDY. I actually have a proposal that works to address many of those obstacles to work.

What we are arguing and what the President has said is work must pay, and that is why we supported an earned income tax credit which takes the minimum wage job, by tax credit, and supplement to and through the employer, to make it a paying job.

There are real obstacles to paying.

Mr. SHAW. Mr. McCURDY, you mentioned just about a short minute ago, maybe a long minute ago, that we took from the President's bill.

I would like to ask you: Have you had an opportunity to read the Shaw-Weber bill that was filed about 4 years ago? I would, if you have not, enlighten you to tell you that there is nothing that the President has said right here in these Chambers, in the State of the Union, or publicly said with regard to welfare, that was not in that bill.

Mr. McCURDY. Are you not pleased that finally we have some bipartisan support in this country to solve real problems? And the debate tonight has really been a recommendation on how do we solve problems.

□ 1950

Mr. SHAW. Could I ask you a question, then, as one of the leading Republican—excuse me—one of the leading Democrat advocates of what I consider real welfare reform, as you certainly are, I am sure you would be one of the first to see the President's bill. Have you yet to see the President's bill, or do you know if it is even written? Because we have not received it on this side.

Mr. McCURDY. We have met a number of times with the White House task force on welfare reform.

Mr. SHAW. Has the bill been written yet?

Mr. McCURDY. I do not believe it has.

Mr. SHAW. The President promised to have a bill by this time.

Mr. McCURDY. If I may respond, the President has made a commitment to present a welfare reform bill this year. I am presenting a bill next week with a large group of Democrats. But we also represent some diversity on this side of the aisle.

Mr. SHAW. We concede that.

Mr. McCURDY. We believe that maybe we are fighting——

Mr. SHAW. The answer to the question is "no," you have not seen the President's bill. Is that correct?

Mr. McCURDY. No, and quite frankly I have not read your bill as well, the Shaw-Weber bill, but I have read the one by Mr. SANTORUM.

Mr. SHAW. The one by Mr. SANTORUM and those of us on the task force on this side have written comes from—much of it is taken from the Weber bill. It is a kinder, gentler Shaw-Weber bill, I might say.

Mr. McCURDY. In many respects, there are some elements within the bill that the President of the United States has also embraced; a 2-year time limit, trying to reduce obstacles to work, having job training.

Mr. WALKER. The time has expired.

The moderator will now recognize the Democratic team to interrogate Mr. DELAY for 4 minutes.

Ms. NORTON. Mr. DELAY, you have completely fudged, you and your team, the final outcome.

Mr. DeLAY. Wait a minute, do I have fudge all over me?

Ms. NORTON. Please do not take away from my time. Let me put before you the scenario that would be created by the Republican approach. Here is Sally Jones, she wants to play by your rules. She lives at home, that is, when she was a teen parent, just as you would want her to do instead of going on welfare. She could not find—she went back to high school, has not been able to find a job. She has worked off her grant, and she has gone past your 3 years, but she lives in a high unemployment area and she has not been able to find a job, does not have any car.

Mr. WALKER. Question, please.

Ms. NORTON. The question is: After she has played by all of your rules and she still cannot find a job, would you kick her off of welfare, which is to say her child?

Mr. DeLAY. No, no. We are going to say to her, if you continue to receive benefits, you have got to work at least 35 hours a week.

Ms. NORTON. You will let her work 35 hours a week?

Mr. DeLAY. Not "let her."

Ms. NORTON. As long as necessary to support her child, she will never be kicked off welfare?

Mr. DeLAY. No. She will receive benefits, but she has to work for those benefits. What is wrong with working and earning the benefits you are receiving?

Ms. NORTON. Nothing is wrong with earning the benefits you are receiving. That is indeed what we would want. Of course, she would be working at less than the minimum wage for 35 hours a week under the Republican approach. I doubt that that is——

Mr. DeLAY. What you would have, Ms. NORTON, have her do is to be isolated in a room somewhere with her kids and not let her out.

Ms. NORTON. I would want——

Mr. DeLAY. What we would want her to do——

Ms. NORTON. Mr. Moderator, is the time not mine?

Mr. WALKER. Yes.

Mr. DeLAY. Well, may I answer the question?

Ms. NORTON. The question is——

Mr. DeLAY. Do you have a question?

Ms. NORTON. The President's approach is a public service job, a public service job, not a 35-hour-per-week job where you work for $2 an hour and ultimately lose your welfare benefits anyway.

Mr. DeLAY. Do I have a question here, or do I get to listen to a lecture?

Mr. McCURDY. I have a question, too, if you like.

Mr. DeLAY. Could I answer the lecture? First off, let me say we have not seen what the President has, we have just seen the leaks that he put out and the balloons that he sent up out of the White House to see what would go with the polls. But what we have seen is more welfare, more programs, more entitlements.

What we want is we want to give that young mother an opportunity to get out, out of that isolation that you want to put her in and keep her in, because the best way to get a job is from another job. So, if she is out there working at least, for her benefits as a teachers aide or daycare aide or just working around her public housing unit, cleaning it up, cleaning graffiti off, she is going to meet other people and know that there is a real world out there and those people will help her get a job. It is called the real world, earning your way.

Mr. McCURDY. May I ask a question? I was in Indianapolis, IN, in a project called America Works, where they emphasize job placement. There has been a great deal of success. A young man in that room told me that he had a job in the private sector that had insurance, but because his son had a preexisting condition, it made more economic sense for him to go back on welfare and get Medicaid. You cite the increased cost in entitlement spending, but half of that cost today is in Medicaid.

Would you not rather join and have a responsible approach that reduces those obstacles to work and actually have real health care reform and try to—which is a primary ingredient in any kind of welfare reform?

Mr. WALKER. Question?

Mr. DeLAY. Well, I did not know we were debating health care reform. Our bill eliminates preexisting conditions. For example, in your example, he would be able to get health care, and if he could not, he could go onto the Medicaid system. So we are not any way different in that regard.

Mr. WALKER. Time has expired.

Now the Republican team will interrogate Mr. SYNAR for 4 minutes.

Mr. FRANKS of Connecticut. Mr. SYNAR, let us stay with the real-world example here. It is my belief that some welfare dollars are ending up in the hands of drug dealers. We all have heard about the Chicago welfare story where 20 people were living in a 2-bedrom apartment, 4 adults were receiving $4,500 per month in cash payments. It was alleged that some of these welfare dollars were going to support their drug habit. What would you recommend to stop cash from being used in this manner?

Mr. SYNAR. Well, I am glad you brought that up, because I think it is a problem that all of us Republicans and Democrats should be sensitive to. Let us first of all complement your President, our President, George Bush, who during his administration really squeezed out a lot of the fraud and abuse that was in the welfare system. In fact, the overpayment rate, for example, has gone to just about 4.96 percent, which is down 17 percent from just 1991.

All of us believe in better enforcement. You would argue for a debit, where people would do that. What we are working for as Democrats is to give them a credit, a credit card, and a future.

Mr. FRANKS of Connecticut. Getting back to the point that you brought up—I did not bring up—that is the debit card which would allow for us as taxpayers to have an accounting of all dollars spent by welfare recipients—and we do the same for defense contractors today. We get an accounting of every single dollar the defense contractor would spend to construct a helicopter or an airplane. One again, it is not hurting, it is not hurting the recipients of welfare, but it is hurting, potentially, drug dealers. Would you be in support of a proposal of that nature?

Mr. SYNAR. As I said, I think that the Democratic Party would be more interested in a credit card approach rather than a debit card.

Mr. FRANKS of Connecticut. The bottom line is: Would you be interested in eliminating cash? Like some example, obviously we want to have direct payments to landlords, utility companies, some incidental cash being given to the individual. But the principle of not allowing what we saw in Chicago to happen anywhere else in America, would you be in favor of that type of structure, where we would have an accounting of the dollars that are being spent on welfare?

Mr. SYNAR. Recognizing that the gentleman and I agree that we have better enforcement, I think the gentleman would also agree that if you have simply a debit, you move yourself right back into the category of your opening statement, which is slavery, which are no options at all. With cash, used responsibly, you give options and get away from that slavery.

Mr. FRANKS of Connecticut. This is simply an accounting type of measure. It eliminates fraud.

Mr. SHAW. Mr. SYNAR, I was taken by your opening statement in which I think you might have even caught us a little off balance by moving closer to our side of the debate than we anticipated from your opening remarks. But I compliment you for your candor because what we are trying to do is to craft a welfare bill that will empower the poor and get them out of the cycle of poverty. Would you support a bill that requires work after 2 years, 2 years and you have got to accept a job that is given to you or your benefits are cut off?

Mr. SYNAR. I think that is an excellent question, Mr. SHAW. I think both parties agree the best way to eliminate the welfare cycle is to provide good jobs to help you raise your family.

Mr. SHAW. Would you support one that would require that?

Mr. SYNAR. We can require jobs that may not be available. That is the problem.

Mr. SHAW. If it is not, you supply them. But you take the basic proposition that you will support the enforcement that in 2 years you have got to work at something, if you cannot find a job we will find one for you, and if we can find one for you, then you know at that point you have got to take it or we will find it for you. The question I have as a follow-up because I am seeing a little hesitation on your side, what does this have to pay? And if we supply such a job, a public service job, the one Mr. FRANKS talked about and the one Ms. MOLINARI talked about, like taking graffiti off the wall in the housing project, helping there, helping with daycare?

Mr. WALKER. Question, please?

Mr. SHAW. The question is: Would you include as part of that payment for that job the other benefits that are received, or would you say that you have got to pay at least minimum wage?

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Mr. WALKER. The time is expired. I will give the gentleman from Oklahoma [Mr. SYNAR] a brief period to respond.

Mr. SYNAR. I think the basic difference between the Republican approach and the Democratic approach that we are talking about tonight is that you would cut people off. We want to build for the future through work, 2 years is inflexible. We believe that there would be cases like Ms. WOOLSEY's, that 3 years is more appropriate and, in a lot of cases, where 2 years is too much. We believe in the flexibility to adjust to the individual circumstances.

Mr. WALKER. The time is expired.

The moderator will now recognize the gentleman from Florida [Mr. SHAW] to question the gentlewoman from the District of Columbia [Ms. NORTON] for 4 minutes.

Mr. SHAW. Ms. NORTON, I would like to explore what I see is a possible division in the ranks on your side to see if I can put a spotlight on it to try to set up the stage as to where we are going to be when this debate finally comes to the floor of the House of Representatives.

Do you agree, and I would ask you to answer this yes or no, do you agree that there is a welfare crisis in this country today?

Ms. NORTON. Of course. The Democrats have taken the initiative to deal with that crisis.

Mr. SHAW. If you would send us your bill, I would be happy to see it because I have not seen the Democratic bill, and——

Ms. NORTON. Sorry?

Mr. SHAW. Seen the Democratic bill, and I don't think——

Ms. NORTON. Well, let me——

Mr. SHAW. And what have you, the Democrats, done to take the lead in the House on welfare reform? I very much want to know that because I am on the committee that has jurisdiction.

Ms. NORTON. Even before the President submitted his health care reform bill, it was clear he had taken the lead on that issue. He has made the crisis of the welfare system an issue for the first time in this country, and, when it comes to overall change——

Mr. SHAW. But the President——

Ms. NORTON. But the President's bill has not been submitted yet and is a testament to his desire to make sure we do not have to raise our taxes in order to reform the welfare system and that we indeed have an effective system when he presents his bill.

So, not to worry. Only a little longer.

Mr. SHAW. Well, he says that there is a health crisis in this country, and we cannot even get a health care bill out of the Committee on Ways and Means.

Ms. NORTON. But he submitted one; did he not?

Mr. SHAW. And I might also point out to you and ask you to perhaps give us some inside information. We have been asking the chairman of the Human Resources Subcommittee, on which I serve on the Committee on Ways and Means, to have hearings and do things, and we cannot even get a bill to start with. I ask, do you have a bill that you think that he might be able to use, that we can——

Ms. NORTON. The outline of the President's bill has not come from leaks, but from briefings of the press, and if your concern is you do not have a bill yet, then I can only say that you will have a bill soon, and the bill you have will be better because the President has insisted upon perfecting it before sending it here.

Mr. SHAW. Ms. NORTON, one-seventh of this economy he turned over to Mrs. Clinton to write a health care bill. She did that in less than a year. You have admitted, or you have stated very forcefully, that there is a welfare crisis in this country. I ask, don't you think he could have produced one?

Ms. NORTON. I think he could have produced one if he wanted to spend a great deal more money and raise the taxes of American citizens. What has taken the time——

Mr. SHAW. Reclaiming the time——

Ms. NORTON. Could I answer the question?

Mr. SHAW. Reclaiming my time—I am reclaiming my time.

Mr. WALKER. Mr. SHAW is in control of the time.

Mr. SHAW. I think the question is: "Do you see any way that we can create a health care bill maybe by looking at who receives—excuse me, welfare bill—by seeing who receives the benefits, and then all join together and decide that we need to take care of Americans first, and that the job training, the job search, and what we are doing for genuine reform should really be made available to the American citizens and to people who are here as political refugees and not offer to the citizens of the world who come into our country—do you support such a proposition?"

Ms. NORTON. The citizens of the world, of course, cannot get welfare.

The people who can get welfare are indeed citizens of the United States.

Mr. SHAW. Let me share this with the gentlewoman then: We sent our welfare bill, which has the training that you want, has the job search that you want, supplies a job at the end of the time, which you want even though we may disagree on how much that person is to be paid, and simply, by making it not available to the people you said it was not available to anyway, but which it is available to——

Mr. WALKER. Question, please.

Mr. SHAW. We create $20 million surplus. Could you support such a proposition?

Ms. NORTON. The gentleman would deny benefits even to legal aliens and, as a result, create problems for us that we do not have now because, as the Supreme Court said in the case involving some public schools, students——

Mr. WALKER. Time expired.

Ms. NORTON. We lose more than we gain if we deny legal aliens the right to go to school.

Mr. WALKER. Ms. NORTON is now recognized for 4 minutes to question Mr. SHAW.

Ms. NORTON. Mr. SHAW, I am interested in the position your party took when President Clinton sought to expand the tax credit for working families. As we know, there are many more working poor people than there are welfare poor. Only a third of single mothers even get welfare. These are the most vulnerable people for going on welfare however.

Why is it, therefore, that the Republicans did not support the expansion of the family tax credit when that would be an important way to prevent people from having to go on welfare in the first place?

Mr. SHAW. The earned income tax credit, which the gentlewoman well knows was a product of two Republican administrations, was expanded three times during the Republicans' administrations——

Ms. NORTON. So why do you support the expansion this time, Mr. SHAW? Most of you did not.

Mr. SHAW. Because it was not paid for. It was a budget buster, and this is something that I feel is very irresponsible. We are not helping—we are not helping even the kids on welfare——

Ms. NORTON. Reclaiming my time, Mr. SHAW, the President——

Mr. WALKER. The gentlewoman controls the time.

Ms. NORTON. Had a deficit reduction package there. Not only was this paid for, but in fact we will end up—we would end up paying much more if we had not expanded that tax credit. If anything is going to save us money——

Mr. SHAW. You are talking——

Ms. NORTON. It is encouraging the working poor to work instead of going on welfare.

Why did not the Republicans who, the gentleman is right, supported this year after year, simply embraced this welfare prevention bill?

Mr. SHAW. Ms. NORTON, am I correct in saying that what you are talking about is the biggest tax increase in the history of this country?

Ms. NORTON. No, the gentleman is not correct in saying that is what I am talking about.

What I am talking about is the gentleman's non-support of help for working families which makes them more vulnerable to going on welfare. That is what I am talking about——

Mr. SHAW. Ms. NORTON, you are talking about—is the Clinton tax bill——

Ms. NORTON. Changing the subject; let me move on.

Mr. SHAW. It also was——

Ms. NORTON. I say, "You have changed the subject, Mr. SHAW."

The fact is the gentleman did not support it; right? Yes or no?

You did not support——

Mr. SHAW. You bet your life——

Ms. NORTON. Attempt to expand, help the working families that would have kept people on welfare——

Mr. SHAW. I did not——

Ms. NORTON. All right. He cannot answer my question, so, reclaiming my time——

Mr. SHAW. Right, I did not support——

Ms. NORTON. Now, the income for families maintained by women over the past 10 years has gone down in real dollars. I ask, "How do you propose that these women will have sufficient income to maintain their families without a safety net?

Mr. SHAW. Well, I think there has to be a safety net, and there must be—and I think that is what we are supporting on our side.

One of the problems, and the problem that we really have not—not approached here as a Congress is the question of male responsibility. There are more teenaged kids having babies, more single mothers having babies, and the father gets a free ride. I have heard of instances—two and three in the hospital at the same time.

Ms. NORTON. Bipartisanship on something, Mr. Chairman.

Mr. SHAW. Well, let us mark that down because we are going to work together to see that there is male responsibility. It is time that the men of this country learned that they have a responsibility for raising these kids, and we, as a Federal Government, are going to do everything we can to assist the States in forcing the child support payments that are due the mothers, and, by the way, in the Republican bill we require the mothers to identify the fathers so we can go after them.

Ms. NORTON. As would we.

Let the record show, Mr. Chairman, that there is agreement on a very important item in the welfare debate, and that is male responsibility.

Mr. SHAW. I look forward to working with the gentlewoman on it.

Mr. WALKER. The moderator will now recognize the Democratic team to interrogate the gentleman from Connecticut [Mr. FRANKS] for 4 minutes.

Ms. NORTON. Mr. FRANKS, a favorite scholar of the Republican persuasion, Mr. Charles Murray, has drawn a distinction of late between how he would treat divorced mothers and never-married mothers. He would, he said, deny benefits to the children of never-married mothers altogether while allowing some welfare benefits for divorced mothers.

I ask, "Do you endorse this notion of the——"

Mr. FRANKS of Connecticut. No.

Ms. NORTON. The sins, you will forgive me, visited upon innocent children?

Mr. FRANKS of Connecticut. No.

Ms. NORTON. Would you indicate what your position would be then; no distinction based on prior marital——

Mr. FRANKS of Connecticut. No, there should be no difference.

□ 2010

Mr. FRANKS of Connecticut. There should be no difference. It is very simple. Next question, please.

Ms. NORTON. Glad to see this repudiation.

Mr. FRANKS of Connecticut. I will bring it over to you if you want to see it. It is right in here. Same thing.

Ms. NORTON. It is important we have it on the record.

Mr. FRANKS of Connecticut. We will send you a copy. Same thing. Next question, please.

Mr. MCCURDY. Mr. FRANKS, we had agreement with Mr. SHAW earlier on the responsibility of males in society to provide child support. As the father of teenagers, both male and female, I strongly support that notion, but within the Republican bill, obviously there is a requirement of no additional payments to the mother, a requirement that she may have to live at home, but there is no provision for providing training to the young father. In fact, the record should reflect that it is generally poor women giving birth because of poor men, and we want to be able to address that kind of problem as well in order that they be responsible.

Mr. FRANKS of Connecticut. Our teenage fathers are eligible, just like anybody else.

I agree with you. I know a male today who has had two women pregnant at the same time in the hospital and has not been accountable for taking care of either one of them. You are absolutely right. We have to take the parental identification very seriously and in our bill we do. If that mother does not identify the father, she would not be eligible for benefits. That is a very important component. We also penalize States for not improving on our parental identification aspect. In our bill, we have $12 billion over 5 years dedicated toward training and mandatory work, $12 billion, that is on top of the $5.5 billion that we are spending today on jobs and training.

In our bill, we will say to that father——

Mr. WALKER. The Democrats control the time.

Mr. McCURDY. If the primary source of welfare is AFDC, males are not qualified for that, and if they cannot get into a program, are you expanding your program to include males and females?

Mr. FRANKS of Connecticut. We say in our bill to that young male, first we have to identify him, obviously.

Mr. McCURDY. I agree.

Mr. FRANKS of Connecticut. Then we give that person three options: Find a job and support your children, go to jail, or you have a State-supported type job as we talked about before, community service type job. We also within our bill talk about training and we talk about obviously trying to—Ms. NORTON wants to ask another question.

Ms. NORTON. I want to ask you one other question, a very important concession you made on Charles Murray.

Do you also reject his notion that we should end welfare immediately and, rather, embrace the bill that the Republicans now have?

Mr. FRANKS of Connecticut. No, I do not know why we are here defending Charles Murray. We are giving him a lot of attention. Hopefully, he has a book he is trying to push. You are doing wonders to make his book become a best seller. I am not here to support Charles Murray. We have a bill as Republicans. I have offered other bills as a Republican. I could care less about defending Mr. Murray.

Ms. NORTON. That brings us closer together, Mr. FRANKS.

Mr. WALKER. The time has expired. We will now have the Republican team interrogate Ms. WOOLSEY.

Mr. DELAY. Ms. WOOLSEY, I have to commend you for getting off welfare and working your way out of that obviously horrible situation, but I am curious. If our bill had been law at the time you went on welfare, do you realize that after 2 years, you would still receive benefits, in fact more benefits than you probably got back then, and you would receive the education and job training and all that? But after 2 years, you would be required to work either in the private sector or work for your benefits.

Do you have any objection that in the third year that you are on welfare that you would work for your benefits?

Ms. WOOLSEY. Oh, I do not think you heard me. I worked before I was on welfare. I worked the entire time I was on welfare.

Mr. DELAY. That is not my question. My question is, would you have objected——

Ms. WOOLSEY. You are asking me what I would have done.

Mr. DELAY. What I am asking is, would you have objected to working—did you have a private sector job? Obviously you did not.

Your third year of welfare, would you have objected to working?

Ms. WOOLSEY. Obviously I did not what, Mr. DELAY?

Mr. DELAY. I am sorry.

Ms. WOOLSEY. Obviously I did not what, Mr. DELAY? You said obviously I did not. Did not what?

Mr. DELAY. Obviously you did not work.

Ms. WOOLSEY. I did work.

Mr. DELAY. Not your third year.

Ms. WOOLSEY. I worked the entire time I was on welfare. That was 25 years ago. When I was on welfare, I received enough welfare help to pay for child care, to have health care. That is what I needed. If I had had that through child support, I would not have needed it.

Mr. DELAY. But you do not have to work today. My question is, in your third year, and you could not find a private sector job, would you have minded working for your benefits?

Ms. WOOLSEY. See, I believe going to school, being trained——

Mr. DELAY. You have done that for 2 years. You get 2 years to do that. I am talking about the third year.

Ms. WOOLSEY. No, I do not believe we can be that inflexible. It is a laudable goal to get people off welfare.

Mr. DELAY. It is inflexible to ask you to work for your benefits?

Ms. WOOLSEY. It is inflexible to expect every recipient to be ready to go to work after 2 years. Some of them are not literate.

Mr. DELAY. Just 35 hours a week?

Ms. WOOLSEY. Some of them have tiny babies.

Mr. DELAY. We will give you day care.

So you do object?

Ms. WOOLSEY. I do object. Two years and you are off is too limiting. But I think that we should be working so that we get people off, into jobs that pay a family wage and keep them off forever.

Mr. DELAY. Do you agree with Ms. NORTON that we ought to be raising taxes to pay for more welfare and more expanded programs, taxes from people that are not on it?

Ms. WOOLSEY. I believe that we should be collecting the child support that is owed though court orders which is not paid every year, which is $34 billion. If we even collected half of that, then we would not have a problem today.

Mr. DELAY. But we spend $240 billion on welfare. How is $34 billion going to help?

Ms. WOOLSEY. $34 billion would offset the expansion that it needs right now.

Ms. MOLINARI. You said you require more flexibility than the 2 years and you are off.

Would you agree with a 3-year, or does flexibility go up to 10 years? At what point do we in society say: Flexibility, time is up, it is now up to society to expect you to contribute? Could you just answer that question?

Ms. WOOLSEY. Every person stays on welfare less than 2 years.

Ms. MOLINARI. If you were to write a bill——

Ms. WOOLSEY. I have introduced a bill.

Ms. MOLINARI. You have no time limit.

Ms. WOOLSEY. No time limit?

Ms. MOLINARI. Someone could, based on flexibility, stay on welfare 10 years?

Ms. WOOLSEY. My bill invests in getting people ready to go to work, getting them off the welfare system.

Mr. DELAY. No matter how much it costs?

Ms. MOLINARI. No time limit? Ten, fifteen, twenty years? If they need the flexibility you are talking about, your bill gives them that flexibility.

Ms. WOOLSEY. There are some people on welfare who will be on welfare forever.

Mr. DELAY. How much does your bill cost?

Mr. FRANKS of Connecticut. It sounds like slavery to me.

Ms. WOOLSEY. There are people that are ill, people that are disabled.

Mr. WALKER. Time has expired.

Mr. DELAY is now recognized for 4 minutes to question Mr. SYNAR.

Mr. DELAY. Mr. SYNAR, this has been a pretty good debate, and I think we are getting to the bottom of it. It seems that your side sort of agrees that welfare does a little more harm than good, but maybe not as much and we just need to do more of it and be flexible.

I want to ask you a question that comes straight out of your opening remarks. You said welfare is only 1 percent of the Federal budget. What do you consider welfare?

Mr. SYNAR. I think this is an important distinction that the two parties have. You would claim that it is $200 to $300 billion a year because you would include into it the entitlements of housing, and yet only one-third of welfare recipients use housing. You would also include job training and community service of which no direct money goes to individuals. You would also include Pell grants and hot lunch programs which serve nonpoor individuals.

Mr. DELAY. How about food stamps? Is that welfare?

Mr. SYNAR. The major issue is that your figure is at $300 billion.

Mr. DELAY. No, no, my question is, what is welfare?

Mr. SYNAR. Let me finish what you have included in your number.

Mr. DELAY. No, I did not ask you about my number, Mr. SYNAR. I asked you about your number.

□ 2020

Mr. SYNAR. Well, my number says the Medicaid number, which you include in there, is probably the most useless number in the facts.

Mr. DELAY. I am sorry, Mr. SYNAR, maybe I am hard of hearing or hard of talking. But I am asking, you said welfare is only 1 percent of the Federal budget. Now I am asking you, is food stamps welfare?

Mr. SYNAR. No.

Mr. DELAY. Food stamps is not welfare. Is Medicaid welfare?

Mr. SYNAR. No, not all of it. Yet you have included all of those numbers, those total numbers, as a total welfare picture.

Mr. DELAY. It is an entitlement, is it not?

Mr. SYNAR. If the gentleman would allow me, if only a third of the welfare recipients get housing, if 70 percent of Medicaid goes to disabled and elderly, to claim them as welfare is not correct.

Mr. DELAY. But all that money goes to welfare recipients.

Mr. SYNAR. No, it does not go to welfare recipients. Seventy percent of the Medicaid budget goes to the elderly and disabled. Do you consider them welfare?

Mr. DELAY. If they are on Medicaid, they are on welfare, yes.

Mr. SYNAR. So all elderly who get Medicaid by the Republican definition are on welfare.

Mr. DELAY. It is means tested. Those that are poor, elderly, that receive Medicaid, not Medicare, are on welfare. So you don't consider—let me get this straight—you don't consider Medicaid welfare. You don't consider food stamps welfare. Do you consider any nutrition, like school lunch, any of that? Housing you say is not welfare. If we pay $13,000 for an apartment in New York City for a welfare mother, that is not welfare, because that is housing?

Mr. SYNAR. Let me correct you again, if I could. Only one-third of the welfare recipient get housing.

Mr. DELAY. Let's take the one-third. Are those one-third on welfare by getting housing?

Mr. SYNAR. They are on welfare only under the definition of aid for dependent children.

Mr. DELAY. OK. You said in your opening remarks that you require work. How do you require work in your proposals, or any of the proposals that have been made. How do you require work?

Mr. SYNAR. There are many proposals on the table, the Republicans have offered some, the President will offer others.

Mr. DELAY. The one you referred to.

Mr. SYNAR. Basically what I think the Democratic position is, is that we think it should be flexible, that each individual welfare recipient will have unique needs.

Mr. DELAY. So you don't require work?

Mr. SYNAR. Yes, we do require work.

Mr. DELAY. How?

Mr. SYNAR. We say, after 2 years in many of the proposals, where work is available and people are qualified, that we should encourage that.

Mr. DELAY. So you don't require work.

Mr. SYNAR. Yes, we do require work, in many of the proposals that the Democrats propose.

Mr. DELAY. If you encourage it and they don't work and there are jobs available, what kind of sanctions do you bring against the welfare recipient?

Mr. WALKER. The time has expired. I will give the gentleman a brief period to respond.

Mr. SYNAR. What is important for the gentleman from Texas to remember is that providing a person a job without adequate support through child care, health care, and a job that can pay a decent living guarantees that the person will be back in welfare. The Democratic Party believes we have to provide those kinds of support so we don't have the population sliding backward and forward.

Mr. WALKER. I will now recognize Mr. SYNAR to question Mr. DELAY for 4 minutes.

Mr. SYNAR. Mr. DELAY, there have been many in the Republican Party who have called for getting rid of all welfare benefits together and basically sending that money we are using for welfare recipients directly to the States to build orphanages and group houses.

Mr. DELAY. No one in this House, no Republican in this House, has ever said that, or has introduced a bill to that effect.

Mr. SYNAR. Let me suggest to you that you need to visit with your colleague from Kansas [Mrs. MEYERS], and the bill you cosponsored that would do exactly that.

Mr. DELAY. No, it wouldn't.

Mr. SYNAR. We are concerned as Democrats that that kind of proposal doesn't strengthen families.

Mr. DELAY. You are mischaracterizing Mrs. MEYERS' bill. Mrs. MEYERS' bill blockgrants what we now spend on welfare and sends it back to the States. It doesn't end welfare and cut it off and destroy it.

Mr. SYNAR. What we are concerned about is that the building of orphanages and group housing and tearing families apart is counterproductive to the family values we think both parties stand for.

How do you justify the building of orphanages and group houses with the context of trying to build a strong social family unit?

Mr. DELAY. Well, first I believe when you give somebody something, they will take it, and sell you their soul in the taking. And our present welfare system, that has been passed by Democrats, supported by Democrats, and expanded by Democrats, has created a whole culture of people that has created generation after generation of people that are really unfortunate to be in their present situation.

You have destroyed their self-esteem by such a system. You have destroyed their dignity. And what we want to do is return it by requiring responsibility. And we say you have got to sign the social contract. If you are going to receive the largesse of the American taxpayers, then you have got to establish some way of showing that you are going to show responsibility in pulling yourself out of your present situation.

Mr. SYNAR. You talk about creating a system where people are not dependent. In fact, your colleagues tonight have really been arguing that these Government programs promote that dependency. You are familiar that the American taxpayers in the decade of the eighties, to the tune of billions of dollars, subsidized the cattle industry, the timber industry, the mining industry.

Why is it that Republicans by and large ignore corporate welfare and seem to want to pick on women who are working and trying to provide for their families?

Mr. DELAY. Well, what Republicans are for is to protect those that earn a living from the largesse of the Government and more taxes, as outlined by your side, to give to those that may not work for that which they receive.

We are saying we can do both. We are saying that we can give 2 years to those that are down and out to get themselves together and look for a job and work themselves out of their present situation. But in 2 years, they will either have to have a job in the private sector, or they will have to work for their benefits.

I don't think that is much to ask. It is a typical Democrat ploy to pit those that earn a living against those that have no living.

Mr. SYNAR. I described the philosophy of the Republicans earlier as really the party that wants to cut people off. I think the Democratic Party represents the party of prevention and trying to prevent welfare in the beginning. That is why our party overwhelmingly supported the earned income tax credit for working families and family and medical leave, as well as the raising of the minimum wage.

The Republicans have traditionally overwhelmingly not supported those proposals.

Mr. DELAY. Au contraire. Au contraire. The Republicans introduced the ITC, investment income tax credits, under Reagan, under Bush, helped the Democrats pass it, and have always supported the ITC.

Mr. SYNAR. They had the opportunity about 18 months ago on this floor, and not one Republican voted for it.

Mr. DELAY. No, no, no, no, no.

Mr. SYNAR. And not one Republican voted for the earned income tax credit.

Mr. DELAY. Please. If we are going to do something like that, you put EITC expansion in a huge, huge tax bill that you know the Republicans, who are always against raising taxes, would not support.

Mr. WALKER. Time has expired. The moderator now recognizes Ms. MOLINARI to question Mr. McCURDY for 4 minutes.

Ms. MOLINARI. Thank you, Mr. Moderator.

Mr. McCURDY, do you believe in establishing time limits for individuals to get off welfare?

Mr. McCURDY. I do. I support the President's proposal. There ought to be a 2-year time limit.

Ms. MOLINARI. Do you agree that we should establish paternity before we provide benefits?

Mr. McCURDY. I do. My State, Oklahoma, has a requirement of such. When President Clinton was Governor of Arkansas, he recommended, and they established, such a requirement as well, and it is in every bill that I am proposing and the recommendation that the White House is for as well.

Ms. MOLINARI. Mr. McCURDY, Do you believe that access to welfare should be cut off to noncitizens at a certain point?

Mr. McCURDY. In the bill that I am going to introduce, we propose that as one of the options of funding. But I think there is a real problem here. And that is since you come from a State with a large immigrant population as well, that you have to avoid cost shifting.

We talk about unfunded mandates. We don't want to just cost-shift a huge cost on the States and cities. And the courts, as you recall, in Plyler versus Doe, has a requirement that we provide education, even to illegal immigrants. So I think there has to be some balance in this approach, and I think we have to have a standard for citizenship as well.

Ms. MOLINARI. So you do believe we should have a standard for citizenship. You do believe we should establish and insist on paternity. You do believe we should establish time limits. Mr. McCURDY, on the basis of what we have heard tonight, you appear to be on the wrong side of the aisle.

Mr. McCURDY. Actually, I have a number of your colleagues and Republicans, and quite frankly, Ms. MOLINARI, I was hoping I could also get you before this is over on our bill as well. I believe there should be a bipartisan solution to the welfare problem.

Ms. MOLINARI. I am delighted to hear you say that.

Mr. McCURDY. And as the President called for an many of us embrace.

Ms. MOLINARI. I am delighted to hear you say that. May I suggest, however, as a result of what we have heard tonight and in the debate that has taken place before, that you spend a lot more time concentrating on the Members on your side of the aisle than on our side of the aisle, because the majority of the Republicans are in support and on the bill.

But I would like to talk a little bit about, and I commend you for your bill and the fact you have actually got something down on paper that we can talk about. And I am really sorry that the President of the United States did not have time to do that before tonight.

But with some of the things that have been coming out through the grapevine, we do understand that the President, and correct me if I am wrong, agrees for a 2 year and off, but that it would only apply to those people in the United States who were born after 1972.

□ 2030

Mr. McCURDY. 1971, actually, which makes them 25 years of age. And when you are looking at financing welfare reform, I think the American public, and I think Republicans have agreed as well, that there is some cost in order to do that, if you are going to provide training, if you are going to provide ways to overcome these obstacles to work. So there is an issue of how much of the population you can actually phase in or address at any one time.

Ms. MOLINARI. There is also another question about how disingenuous the Clinton plan is, because it does, in fact, exempt over 75 percent of the participants in the program today. And it does cost $58 billion. How, in fact, does President Clinton plan to pay for $58 billion in new costs toward allegedly reforming welfare?

Mr. McCURDY. I look forward to getting my chance to ask you the very question about your bill. In fact, the administration's proposal recognizes the difficulty of moving this burden on to the States. If we do it too quickly, if we are not careful, then we will overwhelm them and create even more of a problem.

Ms. MOLINARI. You are saying new taxes to me, Mr. McCURDY.

Mr. McCURDY. The President has made a commitment not to have any new taxes in the bill. We made that decision as well in the bill that I am introducing.

Let me just add, in the bill that the mainstream forum is proposing and many Democrats——

Ms. MOLINARI. I understand that President Clinton understands to fund some of his so-called promises——

Mr. WALKER. The time has expired. The moderator now recognizes the gentleman from Oklahoma [Mr. McCURDY] to question the gentlewoman from New York [Ms. MOLINARI] for 4 minutes.

Mr. McCURDY. Do not go away, Ms. MOLINARI.

Ms. MOLINARI. I am not going anywhere.

Mr. McCURDY. You seem to indicate that the Republican bill is, I assume, the Santorum bill, which has a large number of cosponsors. Are you a cosponsor of that bill?

Ms. MOLINARI. No, I am not at this point.

Mr. McCURDY. Maybe you would like to explain the problems with it.

Ms. MOLINARI. I sure would. I appreciate your asking that question.

It is true that we have talked an awful lot about some drastic changes to our national system. And when I first heard some of the proposals that the Republicans put forth, I did, in fact, step back and said I wanted to analyze, I wanted to make sure that the impact on everyone who receives this funding or would have that funding terminated would be done in the best interests of all Americans, including those people who receive benefits today.

I have to tell you though, Mr. McCURDY, that since I studied this issue in preparing for this debate and started really studying the Republican proposal and, certainly, as a result of everything that I have heard between the Democrats and Republicans today, that I intend to sign onto the Republican bill as a sponsor first thing tomorrow morning.

Mr. McCURDY. Can you tell us how much the bill cost?

Ms. MOLINARI. The bill cost $6 billion.

Mr. McCURDY. $6 billion, and you raise $21.3 billion in cutting off benefits to noncitizens.

Ms. MOLINARI. That is correct.

Mr. McCURDY. You say you have a $21 billion surplus. Where do you get the rest of the funding?

Ms. MOLINARI. We are working with the Congressional Budget Office figures that state that it would, in fact, cost $6 billion to implement the plan and that over a very short period of time, which is 5 years, we would see over a $20 billion surplus by restricting access to noncitizens of the United States.

Mr. McCURDY. When I visited the GAIN Program in Riverside, CA, which you have——

Ms. MOLINARI. Let me just also add that we do, in fact, I think we agree on this, know we are going to realize immediate savings as soon as we embark on establishing paternity and making some young men in America finally pay for the responsibilities that they carelessly created.

Mr. McCURDY. That point we have already agreed upon.

When I visited the GAIN Program, which most analysts today cite as a success story, they still indicate that 50 percent of the population that would be eligible to participate in the program is now in deferral because of problems with drugs, legal problems, teenage mothers, pregnancy or whatever. Fifty percent is not even being able to participate. What do we do for a population like that? Are we prepared then to just say they are cast aside? That is a problem for both, if we are trying to achieve some solution.

Ms. MOLINARI. First of all, No. 1, we do exempt the disabled. Second of all, the situation that I think is very serious, which the Republicans do stress, and that is drug addicts or alcoholics who receive benefits must enroll in a treatment program in order to receive their benefits. That is certainly and inarguably in the best interest of the U.S. taxpayer and the person who may need to be forced into treatment at a certain point.

Mr. MCCURDY. What percentage of the population that you now consider to be on welfare, by whatever definition you want to use, if you want to throw in housing and all of the other entitlements——

Ms. MOLINARI. I think we use other definitions——

Mr. WALKER. Mr. MCCURDY controls the time.

Mr. MCCURDY. In order to speed this up, because we want to get as much information out as we possibly can, what percentage of the total population do you believe that your bill would be able to move off of welfare based on this result?

Ms. MOLINARI. We certainly believe that the majority of individuals will be able to move off welfare in the near future. One of the things that I think Republicans rely on very clearly is the good faith of the American people that given an opportunity for a job——

Mr. MCCURDY. If I may, New York, Oklahoma, we are still trying to figure out the accents.

Mr. WALKER. Time has expired, without the accents being resolved.

The moderator will now proceed for final arguments, recognizing first the gentleman from Oklahoma [Mr. SYNAR] to speak against the resolution for 2½ minutes.

Mr. SYNAR. Thank you.

Webster defines welfare as the state of being or doing well, a condition of health, happiness, and comfort, well-being.

How could such a nice word take on such a negative meaning. These days welfare is usually used as a cuss word. We have all heard the conversations. They are lazy. They have kids in order to get a check. They are totally irresponsible.

The simple fact is that as long as Government welfare programs are seen as subsidies for idleness, they will continue to be unpopular with most Americans.

Democrats believe there is a better way. Welfare reform universal health care, and a package of education and training programs that clearly emphasize the dignity of work and the need to reward workers.

Let us never forget that, first and foremost, we need to demand personal and parental responsibility and to ensure that people do not slide back into welfare. Let us also not forget three principles: Health care for all workers, safe, quality child care, and a stable job that pays enough to keep a family afloat.

Together we must change what is not working, and we must keep what is working. There are no sacred cows. There are only sacred truths.

We invite the Republicans and all Americans to join with us. Our simple goal for welfare reform, make work pay. Then and only then can we return the word welfare to its original and noble meaning.

Mr. WALKER. The moderator now recognizes the gentleman from Texas [Mr. DELAY] in a final argument to speak for the resolution for 2½ minutes.

Mr. DELAY. Thank you, Mr. Moderator.

I congratulate all the participants of this three-way debate, our side and the two sides on the Democrats' side.

Make work pay. Hang on to your wallets, because all I heard was more programs, more spending, they call investments, more of the same but more expanded of the same. And then we are going to encourage people to get a job, and the whole definition has been tried, frankly, time and time immemorial, a program that at its inception, carried by the Democrats since the 1930's and supposed to be a compassionate safeguard against impoverishment of widowed mothers, has clearly become a program that is doing more harm than good.

Those in the system today are demoralized. Even the Democrats have acknowledged that tonight.

What they have failed to concede is that it is our Government that is making them that way. The Government has created a monster, and President Clinton wants more of it and bigger. He does not know how to end welfare as we know it. He and his Democrat colleagues want to create more welfare as we know it, and they to preserve more welfare as we know it.

They want to go in every direction at once. Today's welfare system has clearly done more harm than good, when we have created 12-year-olds having babies, 15-year-olds shooting each other, 17-year-olds dying of AIDS, and 18-year-olds who cannot read graduating with diplomas.

Instead, Republicans ask welfare recipients to engage in a social contract—one of those that—if they are to receive the generosity of the American people, then they have to earn their benefits. We want to change the mind set and create a cycle of responsibility rather than dependency.

□ 2040

It is this cycle of dependency that breeds mediocrity and destroy the very inner selves of those trapped in its clutches. As Jack Kemp has said, rather than the safety net it was once intended to be, welfare has become a hammock.

Instead, we want welfare to be a trampoline. We want people to bounce out of welfare into productive lifestyles and be proud of themselves. We don't want them to have to sacrifice their souls and their human dignity. we want welfare to be good, rather than harmful.

Mr. WALKER. I would like to thank both the Republican and the Democratic team for a spirited and informative debate. The moderator appreciated the courtesies shown to each other. I ended up not being confused at all. I thank you for that.

I want to thank the leadership, both Democrat and Republican, for their cooperation in preparing for this debate. I hope that this debate has contributed to more Americans understanding the complexities of the welfare system, and the proposals for welfare reform.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EWING) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

(The following Members (at the request of Mr. STRICKLAND) to revise and extend their remarks and include extraneous material:)

Mr. HOAGLAND, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. LAUGHLIN, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Member (at the request of Mr. WALKER) to revise and extend his remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EWING) and to include extraneous matter:)

Mr. HUNTER.

Mr. DORNAN.

Mr. SHUSTER in two instances.
Mr. KING.
Mr. DUNCAN.
Mr. HYDE.
Mr. DREIER.

(The following Members (at the request of Mr. STRICKLAND) and to include extraneous matter:)

Mrs. MEEK of Florida.
Mr. TUCKER in three instances.
Mr. HAMILTON.
Ms. ESHOO in three instances.
Mr. SANGMEISTER.
Mr. LIPINSKI.
Mr. BRYANT.
Ms. MALONEY in two instances.
Mr. SAWYER.
Mr. COPPERSMITH.
Mr. WILSON.
Mr. FINGERHUT.
Mr. COYNE.
Miss COLLINS of Michigan.
Mr. RICHARDSON.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. PAYNE of New Jersey.
Mr. WELDON.
Mr. THOMPSON.
Mr. TORRES.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

ADJOURNMENT

Mr. WALKER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Thursday, May 5, 1994, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3105. A letter from the Secretary of Housing and Urban Development, transmitting a report on the evaluation of the FHIP private enforcement initiative testing demonstration; to the Committee on Banking, Finance and Urban Affairs.

3106. A letter from the Secretary of Education, transmitting final regulations—student assistance general provisions, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Education and Labor.

3107. A letter from the Secretary of Education, transmitting final regulations student assistance general provisions—Campus Security Act, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3108. A letter from the Secretary of Education, transmitting a copy of final regulations—State Postsecondary Review Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3109. A letter from the Secretary of Education, transmitting a copy of final regulations—Federal family Education Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3110. A letter from the Secretary of Education, transmitting a copy of final regulations—Institutional Eligibility Under the Higher Education Act of 1965, as amended, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3111. A letter from the Chairman, First South Production Credit Association, transmitting the annual report of the Production Credit Association—Fifth Farm Credit District retirement plan for 1993, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3112. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration for fiscal year 1993, pursuant to 46 U.S.C. app. 1118; to the Committee on Merchant Marine and Fisheries.

3113. A letter from the Secretary of Transportation, transmitting the 11th annual report of accomplishments under the Airport Improvement Program for the fiscal year 1993, pursuant to 49 U.S.C. app. 2203(b)(2); to the Committee on Public Works and Transportation.

3114. A letter from the U.S. Trade Representative, transmitting a report on action taken as a result of the six investigations initiated in 1989 on priority practices identified under the statute commonly known as Super 301; to the Committee on Ways and Means.

3115. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize certain military activities of the Department of Defense; jointly, to the Committees on Armed Services and Post Office and Civil Service.

3116. A letter from the Assistant Secretary for Environmental Management, Department of Energy, transmitting a report on the environmental assessment of urgent-relief acceptance of foreign research reactor spent nuclear fuel; jointly, to the Committees on Energy and Commerce and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SABO: Committee of Conference. Conference report on House Concurrent Resolution 218. Resolution setting forth the congressional budget for the U.S. Government for fiscal years 1995, 1996, 1997, 1998, and 1999 (Rept. 103-490). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 4278. A bill to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act (Rept. 103-491). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 416. Resolution providing for consideration of the bill (H.R. 4296) to make unlawful the transfer or possession of assault weapons (Rept. 103-492). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 417. Resolution waiving points of order against the conference report to accompany the bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes (Rept. 103-493). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 418. Resolution waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999, and providing that rule XLIX shall not apply with respect to the adopting of that conference report (Rept. 103-494). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BALLENGER (for himself, Mr. BLILEY, Mr. ROHRABACHER, and Mr. SAXTON):

H.R. 4337. A bill to repeal the Displaced Workers Protection Act of 1994 (District of Columbia Act 10-193); to the Committee on the District of Columbia.

By Mr. DE LUGO:

H.R. 4338. A bill to designate the "Christiansted Bandstand" at the Christiansted National Historic Site, St. Croix, VI, as the "Peter G. Thurland, Sr., Bandstand"; to the Committee on Natural Resources.

By Mr. DUNCAN:

H.R. 4339. A bill authorizing the Davy Crockett Memorial Foundation to establish a memorial to honor Davy Crockett in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. EHLERS:

H.R. 4340. A bill to amend the Internal Revenue Code of 1986 to provide that the percentage of completion method of accounting shall not be required to be used with respect to contracts for the manufacture of property if no payments are required to be made before the completion of the manufacture of such property; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 4341. A bill to amend the Higher Education Act of 1965 to qualify additional institutions for programs under part B of title III of that act; to the Committee on Education and Labor.

H.R. 4342. A bill to qualify Martin University of Indianapolis, IN, for participation in the program under part B of title III of the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. DORNAN (for himself, Mr. GILMAN, Mr. PORTER, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. WYNN, Mr. LEVY, Mr. KING, Mr. WILSON, Mr. SOLOMON, Mr. COX, and Mrs. BENTLEY):

H.R. 4343. A bill to encourage liberty inside the Socialist Republic of Vietnam; to the Committee on Foreign Affairs.

By Mr. LEVY (for himself, Mr. KING, and Mr. BRYANT):

H.R. 4344. A bill to prohibit ticket resale profiteering in or affecting interstate commerce; to the Committee on the Judiciary.

By Mr. QUINN (for himself, Mr. HOCHBRUECKNER, Mr. BLUTE, Mr. STUPAK, Mr. CASTLE, Ms. FURSE, Mr. KING, Mr. HINCHEY, Mr. MCCOLLUM, Ms. LOWEY, Mr. WALSH, Mr. LAFALCE, Mr. HOUGHTON, Mr. PAXON, Mr. HOLDEN, Mr. SAXTON, Mr. LEVY, Ms. PRYCE of Ohio, Mr. GILMAN, Mr. SOLOMON, Mr. MOLLOHAN, Mr. LAZIO, Mr. BORSKI, Mr. SMITH of New Jersey, and Mr. MCHALE):

H.R. 4345. A bill to prohibit the distribution or receipt of restricted explosives without a Federal permit, and to require applications for such permits to include a photograph and the fingerprints of the applicant; to the Committee on the Judiciary.

By Ms. SHEPHERD:

H.R. 4346. A bill to prohibit the Secretary of Defense from transporting across State lines chemical munitions in the chemical weapons stockpile, and for other purposes; to the Committee on Armed Services.

By Mr. SMITH of Michigan (for himself, Mr. PENNY, Mr. HANCOCK, Mr. FIELDS of Texas, Mr. EWING, Mr. ALLARD, Mr. POMBO, Mr. HOEKSTRA, Mr. ROBERTS, Mr. SMITH of Oregon, Mr. DELAY, Mr. BAKER of Louisiana, Mr. HERGER, and Mr. EVERETT):

H.R. 4347. A bill to amend title XII of the Food Security Act of 1985 to permit the conversion of wetlands that are 1 acre or less in size; to the Committee on Agriculture.

By Mr. WALKER:

H.R. 4348. A bill to amend the Rules of the House of Representatives to prohibit proxy voting and to amend title 18, United States Code, to criminalize the practice commonly called ghost voting in the House of Representatives; jointly, to the Committees on Rules and the Judiciary.

By Ms. SHEPHERD (for herself, Mrs. SCHROEDER, Mr. KOPETSKI, Mr. HINCHEY, Mr. OBERSTAR, Mr. COPPERSMITH, Ms. FURSE, and Ms. ENGLISH of Arizona):

H.R. 4349. A bill to prohibit the Department of Defense from conducting flight tests of certain missiles that would result in the release of debris outside a designated Department of Defense test range; to the Committee on Armed Services.

By Mr. BARRETT of Wisconsin (for himself, Mr. ACKERMAN, Mr. ANDREWS of New Jersey, Mr. BACCHUS of Florida, Mr. BAESLER, Mr. BAKER of Louisiana, Mr. BARCA of Wisconsin, Mr. BATEMAN, Mrs. BENTLEY, Mr. BERMAN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLACKWELL, Mr. BONIOR, Mr. BROOKS, Mr. BROWN of California, Mr. BUYER, Mrs. BYRNE, Mr. CALLAHAN, Mr. CALVERT, Mr. CARR, Mr. CASTLE, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLINGER, Ms. COLLINS of Michigan, Mr. COPPERSMITH, Mr. COYNE, Mr. CRAMER, Mr. DARDEN, Ms. DELAURO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DE LUGO, Mr. DICKEY, Mr. DICKS, Mr. DOOLITTLE, Mr. EDWARDS of Texas, Mr. ENGEL, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FIELDS of Louisiana, Mr. FISH, Mr. FLAKE, Mrs. FOWLER, Mr. FROST, Ms. FURSE, Mr. GEKAS, Mr. GUNDERSON, Mr. GUTIERREZ, Mr. HANSEN, Mr. HEFNER, Mr. HILLIARD, Mr. HOAGLAND, Mr. HOBSON, Mr. HOCHBRUECKNER, Mr. HOLDEN, Mr. HUGHES, Mr. HUTCHINSON, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. JACOBS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of South Dakota, Mr. KASICH, Mr. KENNEDY, Mr. KILDEE, Mr. KLECZKA, Mr. KLEIN, Mr. KOPETSKI, Mr. KREIDLER, Mr. LAFALCE, Mr. LANCASTER, Mr. LANTOS, Mr. LAZIO, Mr. LEACH, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MACHTLEY, Mr. MANTON, Mr. MARKEY, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCINNIS, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mrs. MEYERS of Kansas, Mr. MINGE, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MORAN, Mr. MURPHY, Mr. MURTHA, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OWENS, Mr. PALLONE, Mr. PARKER, Mr. PETERSON of Florida, Mr. PORTER, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RAMSTAD, Mr. RANGEL, Mr. RAVENEL, Mr. REED, Mr. REYNOLDS, Mr. ROMERO-BARCELO, Mr. SABO, Mr. SAWYER, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHIFF, Mr. SERRANO, Mr. SHARP, Mr. SKEEN, Mr. SLATTERY, Ms. SLAUGHTER, Mr. SMITH of Texas, Mr. SPENCE, Mr. SPRATT, Mr. STUPAK, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mrs. THURMAN, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. VALENTINE, Ms. VELAZQUEZ, Mr. VENTO, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, Mr. WHITTEN, Mr. WILSON, Mr. WISE, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, and Mr. YOUNG of Alaska):

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month"; to the Committee on Post Office and Civil Service.

By Mr. KYL:

H. Con. Res. 244. Concurrent resolution to condemn the March 1, 1994, attack on American Lubavitcher students; jointly, to the Committees on Foreign Affairs and the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. CALLAHAN, Mr. ZELIFF, Mr. BAKER of Louisiana, Mr. ISTOOK, Mr. LIGHTFOOT, Mr. COLLINS of Georgia, Mr. ALLARD, Mr. HANSEN, and Mr. SMITH of Oregon.

H.R. 546: Mr. ABERCROMBIE and Mr. HOAGLAND.

H.R. 702: Mr. KING.

H.R. 790: Mr. PORTER.

H.R. 963: Mr. ROGERS.

H.R. 1145: Mr. MCCANDLESS and Mr. WILSON.

H.R. 1277: Mr. SMITH of Texas.

H.R. 1322: Mr. GEJDENSON and Mr. SKELTON.

H.R. 1349: Ms. PRYCE of Ohio.

H.R. 1785: Mr. BACHUS of Alabama.

H.R. 2444: Mr. BARTLETT of Maryland, Mr. BALLENGER, Mr. KIM, and Mr. GUNDERSON.

H.R. 2467: Mr. BATEMAN, Mr. FRANKS of New Jersey, Mr. GONZALEZ, Mrs. JOHNSON of Connecticut, and Mr. TEJEDA.

H.R. 2670: Mr. DIAZ-BALART, Mr. PRICE of North Carolina, Mr. ENGEL, Mr. WILSON, Mr. HOCHBRUECKNER, Mr. PALLONE, Mr. COBLE, and Mr. STUPAK.

H.R. 2866: Mr. GUTIERREZ, Mr. STUPAK, Mr. CONYERS, and Mr. CLAY.

H.R. 2930: Ms. DELAURO.

H.R. 2957: Mr. GUNDERSON and Mr. BLILEY.

H.R. 3075: Mr. LEHMAN.

H.R. 3179: Mr. GEKAS.

H.R. 3214: Mr. CALVERT.

H.R. 3261: Mr. MURTHA, Mr. TORRICELLI, Mr. BROWN of Ohio, Mr. PARKER, Mr. LEVY, Mr. CLAY, Mr. GORDON, Ms. MOLINARI, Mr. HUFFINGTON, Mr. SOLOMON, Mr. LIVINGSTON, Mr. LEWIS of Florida, Mr. ROWLAND, Mr. MILLER of Florida, Mr. COBLE, Mr. HUTCHINSON, Mr. CANADY, and Mr. WILSON.

H.R. 3290: Mr. PASTOR and Mr. EDWARDS of California.

H.R. 3305: Mr. RAHALL, Mr. LEWIS of California Mr. DIAZ-BALART, Mr. FILNER, and Mr. ORTON.

H.R. 3310: Ms. VELAZQUEZ and Mr. OWENS.

H.R. 3320: Mr. TAYLOR of Mississippi, Mr. TAUZIN, Mr. CALLAHAN, Mr. BEILENSON, and Mr. THOMAS of California.

H.R. 3486: Mr. EHLERS, Mr. BLILEY, Mr. OXLEY, Mr. MACHTLEY, Mr. SOLOMON, Mr. ARMEY, Mr. GOODLATTE, Mr. PACKARD, and Mr. ZIMMER.

H.R. 3513: Ms. SHEPHERD.

H.R. 3627: Mr. BALLENGER and Mr. SWIFT.

H.R. 3784: Mr. PACKARD and Mr. COMBEST.

H.R. 3811: Mr. FARR, Mr. FILNER, Mr. EDWARDS of California, Ms. ESHOO, Ms. HARMAN, Mr. LEHMAN, and Ms. WOOLSEY.

H.R. 3820: Mr. HOBSON, Mr. SPRATT, Mr. LIVINGSTON, Mr. SOLOMON, Mr. EMERSON, Mr. SCHIFF, Mr. GEKAS, Mr. JACOBS, Mr. MARKEY, Mr. SCHAEFER, Mr. BLUTE, Mr. GOODLING, Mr. STUMP, Mr. MOORHEAD, Mr. REGULA, Mr. DORNAN, Mr. CUNNINGHAM, Mr. SAM JOHNSON, and Mr. ROGERS.

H.R. 3860: Mr. EMERSON and Mr. PAXON.

H.R. 3870: Mr. HINCHEY.

H.R. 3942: Mr. ANDREWS of New Jersey.

H.R. 3978: Mr. LEVY.

H.R. 3992: Mr. COLLINS of Georgia.

H.R. 4050: Mr. MANTON and Mr. STARK.

H.R. 4074: Mr. MCDERMOTT, Mr. QUINN, Mr. LANCASTER, Mr. KLINK, Ms. SCHENK, Mr. BLUTE, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. FLAKE, Mr. RAHALL, and Mr. KING.

H.R. 4114: Mr. BECERRA, Ms. DELAURO, Ms. ESHOO, Mr. GEJDENSON, Mr. YATES, Mr. ANDREWS of Maine, and Mr. GLICKMAN.

H.R. 4162: Mr. FILNER.

H.R. 4198: Mr. ROBERTS.

H.R. 4213: Mr. EVANS.

H.R. 4237: Mr. FOGLIETTA, Mrs. BYRNE, and Mr. PORTER.

H.R. 4247: Mr. PENNY.

H.R. 4249: Mr. KREIDLER, Mr. DELLUMS, Mr. SANDERS, Mr. FOGLIETTA, Mrs. CLAYTON, Mr. EDWARDS of California, Mr. SERRANO, and Ms. MCKINNEY.

H.R. 4257: Mr. WASHINGTON.

H.R. 4311: Ms. MOLINARI, Mr. CLINGER, and Mr. COMBEST.

H.J. Res. 209: Mrs. KENNELLY, Mr. SHARP, Mr. ROWLAND, Mr. THOMAS of Wyoming, Mr. BALLENGER, Mr. WALSH, Mr. BUNNING, and Mr. PAYNE of Virginia.

H.J. Res. 231: Mr. MONTGOMERY, Mr. QUILLEN, Mrs. MINK of Hawaii, Mr. LIPINSKI, Mr. FALEOMAVAEGA, Mr. BAESLER, Mr. NEAL of North Carolina, Mr. MARTINEZ, Mr. CALVERT, Mr. BAKER of Louisiana, and Mr. HILLIARD.

H.J. Res. 276: Mr. PAYNE of Virginia, Ms. MARGOLIES-MEZVINSKY, and Ms. SNOWE.

H.J. Res. 297: Mr. BROWDER, Mr. BAESLER, Mr. DIXON, and Mr. BARRETT of Wisconsin.

H.J. Res. 314: Mr. REED and Mr. MCHALE.

H.J. Res. 328: Mr. CASTLE, Mr. DORNAN, Mr. MEEHAN, Mr. CALLAHAN, Mr. FAZIO, Mr. JEFFERSON, Mr. TUCKER, Mr. LANTOS, Mr. VENTO, Mr. ENGEL, Mr. KILDEE, Mr. CALVERT, Mr. GRAMS, and Mr. MANTON.

H.J. Res. 333: Mr. PASTOR, Mr. VENTO, Mr. DURBIN, Mr. SWETT, Ms. DUNN, Mr. COPPERSMITH, Mr. STOKES, Mr. ENGEL, Mr. GENE GREEN of Texas, Ms. BROWN of Florida, Mr. SKEEN, Ms. ESHOO, Mr. KANJORSKI, Ms. SHEPHERD, Mr. BOEHLERT, Mr. REED, Mr. FALEOMAVAEGA, Mr. RAVENEL, and Mr. SANDERS.

H. Con. Res. 20: Mr. WYDEN.

H. Con. Res. 84: Mrs. BYRNE and Mr. GORDON.

H. Con. Res. 168: Mr. ARMEY, Mr. SHAYS, and Mr. BURTON of Indiana.

H. Con. Res. 212: Ms. MCKINNEY, Mr. OBERSTAR, Mr. SCHIFF, Mr. SERRANO, Mr. STUDDS, Mr. TRAFICANT, and Mr. TUCKER.

H. Con. Res. 217: Ms. MARGOLIES-MEZVINSKY, Mr. PARKER, Ms. FURSE, Mr. MAZZOLI, Mrs. MALONEY, Mr. HINCHEY, Mr. TOWNS, Ms. NORTON, Ms. VELAZQUEZ, Mrs. BYRNE, Mr. ENGEL, Mr. REYNOLDS, Mr. LEWIS of Georgia, Mr. WYNN, Mr. BILBRAY, and Mr. GEJDENSON.

H. Con. Res. 234: Mr. EDWARDS of California, Mr. FROST, Mr. KOPETSKI, Mr. WILSON, and Ms. WOOLSEY.

H. Res. 234: Mr. STEARNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOCHBRUECKNER, Mr. KLECZKA, Mr. MENENDEZ, and Mr. HUFFINGTON.

H. Res. 362: Mr. BARCA of Wisconsin.

H. Res. 383: Mr. FAWELL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 140: Mr. EHLERS.

H.R. 3222: Mr. KOLBE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

90. The SPEAKER presented a petition of Palau National Congress, P.O. Box 8, Koror, Republic of Palau, relative to the sincere gratitude and appreciation of the people of the Republic of Palau to the Honorable RON DE LUGO, the U.S. Virgin Islands' Delegate; which was referred to the Committee on Natural Resources.

EXTENSIONS OF REMARKS

INTEREST RATES AND THE ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 4, 1994 into the CONGRESSIONAL RECORD:

INTEREST RATES AND THE ECONOMY

Most Hoosiers recognize that the economy is doing better now than it has in many years. Yet the recent actions by the Federal Reserve to raise interest rates have increased concerns about the outlook for the economy. I am frequently asked why the Fed raised interest rates when unemployment is still too high and there are no signs of inflation, and how the Fed's actions will affect the job outlook and family finances for Hoosiers.

THE ECONOMY

Many people wonder why the Fed wants to slow the economy just when it finally appears to be strengthening. The U.S. economy got progressively stronger throughout 1993 and grew at a 7.0% rate during the final quarter, the fastest growth in a decade. The economy grew at a 2.6% rate during the first quarter of 1994, and analysts expect continued growth of about 3.0% this year. There has also been a welcomed pick-up in job growth. Since January 1993, the economy has created 2.5 million new jobs, double the rate in 1992. These jobs have almost all been in the private sector, including more manufacturing jobs after years of losses. In Indiana, more than 20,000 jobs were added during the past year, including 7,000 jobs in manufacturing. The Indiana unemployment rate in February was 5.0%, down from 5.7% a year ago, and a full point and a half less than the national rate of 6.5%. Growth in income per person is also doing better, and that has helped push consumer confidence to a five-year high.

Much of the strengthening of the economy is linked to the reduction in the federal budget deficit, and the resulting lower interest rates. Last year, Congress enacted a major deficit reduction package that will reduce the projected federal deficit by some $430 billion during the next five years. Spending was cut for more than 500 programs. In relation to the nation's output, the deficit in 1995 will be the lowest since 1979.

Fed decisions to hike interest rates are closely linked to a fear of impending inflation. For the past three years, the inflation rate has been declining and most analysts expect little or no increase in inflation in the foreseeable future. The 2.7% rise in prices in 1993 was one of the lowest in 30 years. Analysts cite a number of reasons why they think inflation will remain under control, including the impressive recent rise in productivity, the large pool of available workers, worldwide excess capacity in many industries, and competition from foreign products.

FED ACTIONS

Interest rates, particularly long-term rates, can strengthen or weaken economic growth since they affect business investment decisions and major household purchases. The Fed can directly influence the direction of short-term interest rates, such as the rates on savings accounts or automobile loans. But long-term rates, such as the rates on home mortgages or corporate borrowing, are determined largely by private sector and government demand for long-term loans and by the outlook for inflation.

During 1993, the Fed kept short-term interest rates at a 30-year low. At the same time, long-term interest rates declined to their lowest levels since the late 1960s, and that helped boost the economy, particularly by the fourth quarter. This year, with the economy growing and the unemployment rate falling, the Fed has responded by raising interest rates three times since early February. Its purpose is to brake lightly the economy's recent acceleration and ensure that there will be no significant rise in inflation. The question is whether the Fed is over-reacting to a decline in unemployment. It appears to be convinced that the inflation danger is imminent. Many disagree.

Certainly at some point unemployment will fall so low that there will not be enough people for all the jobs employers want to fill. At that point enterprises will compete for workers by bidding up wages, and that will accelerate inflation. Some economists argue that unemployment can fall to 7 million people before a shortage of workers begins. The Fed thinks the key point is 8 million, and as unemployment has fallen toward that level it has acted.

While I do not criticize the Fed at this point, my instinct is that we should favor jobs at least as much as fighting inflation. The risk is that when the Fed decides to use tight money to fight inflation it may succeed at holding inflation down but it can also generate a real slump and put people out of work.

Before he started raising short-term rates to control inflation, Fed Chairman Greenspan testified that a rise in short-term rates would have only a small effect on long-term interest rates and could eventually bring them down. I supported the Fed's initial increase on that basis. But long-term rates have risen much more than anyone anticipated. The rates on home mortgages and corporate bonds have gone to their highest level in two years. Since moderate long-term rates are essential for sustained economic growth, the recent rise is a matter of concern. Many households will have to pay more interest on their home equity loans and credit cards, and interest costs for businesses will also rise. This may slow the economy.

I support the independence of the Fed and respect its judgment. The Fed believes the increase in rates will be good for the economy, but it will be some time before we know whether it was the right thing to do. At the moment, I am concerned that the Fed has not done a very good job of explaining why it raised interest rates and what it hopes to accomplish, particularly since long-term interest rates have behaved so differently from what it expected. At a time when unemployment is still higher than most of us would like and there are no signs of rising inflation, Congress and the American people need to understand what the Fed is doing. Before they proceed with additional interest rate hikes, Fed officials should testify before Congress to give a full accounting of their recent actions.

CONCLUSION

Without doubt we have to recognize the critical need to remain vigilant against inflation, and I do understand that the Fed is trying to change the psychological atmosphere in the financial markets. What bothers me is that the specter of inflation—not the fact of inflation—is governing the speed at which the economy can grow.

The building blocks for sustained expansion—including smaller deficits, improved productivity, and strong investment—are increasingly in place. The U.S. economy is well positioned to experience a long phase of steady growth and only modest inflation. The delicate task of economic policy at the moment is to throttle inflation but not the expansion.

COMMEMORATING THE 79TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. WALTER R. TUCKER III

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. TUCKER. Mr. Speaker, I rise today in remembrance of the victims of the 1915 massacre of Armenians. I join with many of my colleagues as well as the President in renewing our commitment to the memory of the estimated 1.5 million Armenian lives lost between 1915 and 1923. At a time in history when there are so many regional conflicts throughout the world, we must take time out to recognize such acts of inhumanity in the hopes that we can avoid them in the future. History is there to provide us with important lessons and experiences. Let us learn from the genocide of the Armenian people in 1915 as we honor those who fell, their families, friends, and relatives. Let us take this lesson and apply it to the many situations around the world such as Rwanda, the former Yugoslavia, the Middle East and of course the conflicts going on among states from the former Soviet Union. By learning how to stand up against acts of genocide, we will be paying tribute to those victims of the terrible Armenian massacre in 1915.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF SISTER VERONICA SKILLIN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Ms. ESHOO. Mr. Speaker, I rise today to honor a dedicated public servant and outstanding educator, Sister Veronica Skillin, on the occasion of her retirement as president of the College of Notre Dame.

Through her remarkable leadership, Sister Veronica has brought many changes to the College of Notre Dame. As president, she has helped that institution grow in size, strength, and reputation, as exemplified by the rich diversity of its student body, the construction of its Gleason Center gymnasium, and the development of its governance board. Sister Veronica has also successfully cultivated a community spirit among the students, faculty, and staff at the College of Notre Dame, so each individual knows that his or her work is appreciated.

Sister Veronica's dedication to education extends far beyond her role as college president. As a long time member of the education community, she has worked with young people as an elementary school teacher, principal of Notre Dame Elementary School, principal of Notre Dame High School, coordinator of inservice programs for the University of San Francisco School of Education, and dean of students at the College of Notre Dame.

Mr. Speaker, Sister Veronica is an outstanding educator and human being who has made a difference in many people's lives. She has gained the utmost respect and regard of those who have worked with her and whom she has served. I ask my colleagues to join me in saluting Sister Veronica Skillin for her countless contributions to our community and our children.

FATHER MICHAEL ZEMBRZUSKI HONORED FOR 60 YEARS OF SERVICE TO CHURCH AND COMMUNITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place on May 14 in Brooklyn, NY. On that day, there will be a festive celebration of the 60th anniversary of the ordination of Father Michael M. Zembrzuski, a Roman-Catholic priest well known in the Polish and American communities as a wonderful human being and a great humanitarian.

Since arriving in the United States in 1951, Father Zembrzuski has spent his life working among the American Polonia. Soon after his arrival, he took on the task of the creation of a sanctuary known as the American Czestochowa in Doylestown, PA. After much time and effort, Father Zembrzuski succeeded in acquiring the funds needed for such a center. Father Zembrzuski then ably supervised the building of the American Czestochowa, the largest Polonian religious center in the world. This sanctuary was officially consecrated by the Archbishop of Philadelphia, John Cardinal Krol, on October 16, 1966 with President Lyndon B. Johnson and his family in attendance. Throughout the years, the sanctuary has been visited by other important political figures, such as Presidents Ronald Reagan and George Bush, as well as Vice President Hubert H. Humphrey.

Between 1980 and 1993, Father Zembrzuski devoted his considerable efforts to the betterment of the Polish and Slavic Center. With about 35,000 members, this center is one of the largest Polonian organizations. One of his major accomplishments during that period was the creation of a highly successful home attendant program, of which he was the director for 13 years.

As a member of the Polish-American Congress, and as the former chaplain of the Downstate New York Division, Father Zembrzuski remains extremely active in many prestigious organizations. During his lifetime of service, Father Zembrzuski has certainly been one of the driving forces behind the consolidation of the Polish community as a strong and proud ethnic group. He offered countless immigrants from Poland and Hungary guidance and assistance in their struggles to fully integrate themselves into broader American life.

Mr. Speaker, because of his tremendous accomplishments on behalf of the Polish-American community, I would like my colleagues to join me in honoring the distinguished Father Zembrzuski on the occasion of the 60th anniversary of this ordination.

TRIBUTE TO TOM HUGHES

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. BRYANT. Mr. Speaker, I rise today to pay tribute to an exceptional American, Mr. Tom Hughes. Tom Hughes, the producer and managing director of the Dallas Summer Musicals, brought big-time musicals and their stars to Dallas for the past 33 summers. He died Sunday, April 10, 1994.

He brought Katharine Hepburn, Richard Burton, Yul Brynner, Ginger Rogers, Gene Kelly, and Carol Burnett to Dallas, and gave Texans Tommy Tune and Sandy Duncan their first jobs. He launched the national tours last year of the Tony-winning "Crazy for You" and "The Who's Tommy."

Many of Dallas theater's best-known boosters remembered the man with the ever-present cane, three-piece suits, and fresh flower in the lapel for his gentlemanliness as much as for his considerable artistic contributions.

Tom Hughes began his theater career in Dallas in 1955, when he was named house manager of the State Fair Musicals. The name was changed to Dallas Summer Musicals in 1962. He worked as assistant to the producer, assistant managing director and executive production associate until 1961, when he was appointed managing director, a job he held and performed with distinction until his death.

This theater master was also executive director of the Tom Hughes Foundation, which was founded in 1983. The foundation brings national touring companies of dramas and musicals to the beautifully restored Majestic Theatre and the Music Hall during the months when the Summer Musicals are inactive.

Mr. Hughes will be sorely missed not only by those in the theater world, whose work he nurtured so unselfishly, but also by the countless citizens throughout the area and the world who benefited from exposure to his theatrical productions.

ARIZONA SMALL BUSINESS PERSON OF THE YEAR

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. COPPERSMITH. Mr. Speaker, I rise today to recognize Joseph Wojcich, the Small Business Administration's Arizona Small Business Person of the Year. Since his start in 1975, using personal savings of $1,500, Mr. Wojcich has grown his company, Tempe Camera, to a thriving business with 31 employees and projected 1994 sales of $3.4 million, occupying a 10,000 square-foot building.

Mr. Wojcich came to the United States in 1951, when his Ukrainian father and Polish mother escaped from East Germany. At 17, he joined the U.S. Air Force, and served as a machinist at Luke Air Force Base. After leaving the Air Force, Mr. Wojcich worked as a machinist—until he nearly severed two fingers in an accident. He then taught himself camera repair. The rest is, as they say, history.

The success of Tempe Camera is no surprise to those who know the skill and loyalty of its employees. Mr. Wojcich purposefully pays generally higher wages than his competitors, has a significant employee profitsharing plan, and provides employees with full medical and dental benefits.

Joseph Wojcich's commitment to his employees, his customers, and his craft serve as an example to all business owners, large and small. I take special pride that for the second consecutive year, an entrepreneur from the first congressional district has received the Arizona Small Business Person of the Year Award. I am proud to represent countless such entrepreneurs in my district, the men and women who drive our economy. Joseph Wojcich is a most worthy representative of their spirit, determination, and will to succeed.

DEVELOPING A POSITIVE TRADING RELATIONSHIP

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. SAWYER. Mr. Speaker, I am pleased to take this opportunity to recognize a business venture that represents the development of a constructive and enduring relationship between companies in the United States and Japan. The successful business alliance between Morse Controls, located in my district in Hudson, OH, and Tokyo Electric Power Company of Tokyo, Japan, demonstrates that the global marketplace can work to the advantage of all nations and their people.

Tokyo Electric Power Company and Morse Controls, a division of Imo Industries, have successfully maintained a mutually beneficial business relationship for more than 8 years.

Tokyo Electric Power Company is a large enterprise that has played a major role in the supply of critical energy services to Japan. It has displayed genuine economic cosmopolitanism by reaching out to an American company for the provision of needed goods and services.

Morse Controls, engineer and manufacturer of a unique remote control system, has supplied thousands of its products for the Japanese electricity distribution systems. In doing so, it has met the highest service and quality standards of Tokyo Electric Power Company and enhanced the safe and reliable operation of electrical distribution systems in Japan.

The extensive flow of international commerce that this business association represents has benefited the Japanese people and provided valuable employment opportunities for workers in northeast Ohio.

At a time when appropriate trade standards between Japan and the United States have come under increased scrutiny, I think it is important to recognize successful instances of transnational business partnerships. The association between Tokyo Electric Power Company and Morse Controls is a commendable example of how our two Nations can develop a positive trading relationship.

TRIBUTE TO THOMAS J. STACK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Thomas J. Stack, a personal friend of mine, who lost a long battle with cancer on April 16, 1994. This tribute is to memorialize his life of sacrifice, patriotism, and dedication to our country.

No one has spoken or written more accurately or articulately about Tom, than Mr. Steve Neal, political editor and columnist of the Chicago Sun-Times. From this point on I quote the Neal column of April 18, 1994.

> He was among the more decorated soldiers of the Vietnam War. But Thomas J. Stack seldom talked about his combat record.
>
> On his return from Vietnam, Stack had a reunion in his basement with some of his pals from the Southwest Side. He wanted to know how they were doing. Stack never talked about himself much. But he helped a generation recover its lost pride.
>
> Stack, 50, who died on Saturday after a 17-year bout with cancer, was a sergeant in the 9th Infantry Division in Vietnam who earned two Silver Stars, three Bronze Stars for valor and the Air Medal for taking part in more than 25 aerial missions over hostile territory.
>
> "He was a hell of a man," said retired Gen. William C. Westmoreland, who commanded U.S. forces in Vietnam from 1964 to 1968. "Tom showed great bravery and valor on the battlefield. He put his life on the line to protect his men," Westmoreland said Tuesday. He recalled that Stack was among the more selfless men that he had known.
>
> In Stack's final hours, his spirits brightened when he received a phone call from Westmoreland at St. Francis Hospital in Blue Island. Stack smiled when he got the call from his wartime commander. "I just told him how much he meant to all of us and that we were pulling for him," said Westmoreland, 80, who frequently corresponded with Stack. "He's going to be missed."
>
> When he was under fire in Vietnam, Stack responded with toughness and courage. In the face of enemy fire, he dove into a stream, saved an American soldier from drowning and also captured a Viet Cong officer. While serving as a platoon leader, Sgt. Stack was under fire with his men behind a rice-paddy dike. Stack led a charge that wiped out five bunkers, rescued wounded American soldiers, and took heavy Vietnamese casualties. On another occasion when his platoon was under heavy fire, Stack led an assault that knocked out enemy snipers. Stack was a soldier's soldier.
>
> On coming home from the Vietnam War, Stack and other veterans were greeted by protesters who called them names. It bothered him that Vietnam veterans weren't treated fairly. Stack was in Washington, D.C. in 1982 for the dedication of the Vietnam Veterans Memorial. He was deeply moved by the Wall and visited it often.
>
> As part of the healing process from the Vietnam era, Stack organized the 1986 Vietnam Veterans Welcome Home Parade that brought more than 250,000 Vietnam veterans to Chicago. It was an extraordinary event. Westmoreland said Tuesday that Stack played an important role in the process of national reconciliation. "That cracked the ice. Vietnam was an unpopular war, and that rubbed off on veterans," said Westmoreland. "But the Chicago parade cracked the ice on the country's attitude toward the Vietnam veteran and the veteran's attitude about himself. Other cities began honoring their veterans. Tom Stack started it all."
>
> Stack received thousands of letters from parents and children of soldiers who had died in Vietnam, from veterans and families of surviving veterans that thanked him for honoring the courage and sacrifice of American soldiers.
>
> He was among the more heroic figures of his generation.

Tom was a life-long contributor to the Chicagoland community. He grew up on the Chicago's south side and served as a Chicago police officer for 9 years after he returned from Vietnam. Tom was a professor of criminal justice at Daley College and was active in a number of veterans organizations. Tom was also my personal advisor on all veterans issues. He is survived by his two daughters, Kristine and Kathryn, and his son, William.

Mr. Speaker, I am proud to recognize this honarable man who made these tremendous contributions to our community and our country. I hope my colleagues will join me in memorializing his many years of dedication to his fellow veterans and our country. I will personally miss him a great deal.

TRIBUTE TO A HERO: SYLVESTER WELCH

HON. WALTER R. TUCKER III

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. TUCKER. Mr. Speaker, Webster's New Dictionary on American Language defines the word hero as, and I quote: "A man of exceptional quality who wins admiration by nobel deeds, especially deeds of courage".

Mr. Speaker, after reading that definition, it gives me great pleasure to rise and pay tribute to a man of exceptional quality who has won the admiration of many by his nobel and courageous deeds, Mr. Sylvester Welch.

Sylvester Welch was named "Western Region Hero of the year" by the National Association of Letter Carriers, for saving a woman from assault by two gang members trying to steal her purse at a city bus stop.

In the predawn darkness of downtown Los Angeles, Sylvester Welch watched in horror as a gang attack unfolded at a bus stop across the street from where he stood. Ms. Linda Shine was waiting, as she did every morning, for the bus to take her to work. Suddenly, two gang members, one carrying a knife, came out of the darkness and accosted Ms. Shine. They tried to snatch her purse and her gym bag, and when Ms. Shine held on to her possessions one of the thugs knocked her down and began dragging her along the sidewalk while others stood by and watched in horror and dismay. Sylvester Welch, a letter carrier, refused to stand by and do nothing while the assault took place. He immediately rushed across the street to help the struggling victim, Faced with Sylvesters' strong challenge, the two juveniles let go of the purse and fled into the shadows with the gym bag. Stopping only long enough to make sure that the woman was unharmed, Mr. Welch then hopped into his truck, pursued the assailants, but lost sight of them in the dark streets.

At a time when senseless acts of violence plague our society and citizens are afraid to walk the streets of their own neighborhoods, Mr. Sylvester Welch took bold and fearless action to protect the life and property of one of his fellow citizens.

Mr. Speaker, be it therefore acknowledged that Mr. Sylvester Welch is recognized as one of this Nations great American heroes and that his act of bravery be recognized as a "random act of kindness."

IN HONOR OF MEL SOLOMON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Ms. ESHOO. Mr. Speaker, I rise today to honor a dedicated public servant and outstanding business person, Mr. Mel Solomon, on the occasion of his retirement as executive director of the Sunnyvale Chamber of Commerce.

Mel has provided the chamber with exceptional leadership over the past 6 years.

Through his remarkable expertise and passion for business development, he has brought together both large and small businesses to work in partnership throughout the community. The Sunnyvale Chamber of Commerce has substantially expanded its role under his guidance and increased the services it offers to local businesses. Mel has also been instrumental in bringing to the region a wide array of community resources to help companies succeed, such as the Silicon Valley/San Mateo County Small Business Development Center and the De Anza College Small Business Institute. In addition, Mel has been a driving force in bringing businesses and dislocated workers together to utilize the NOVA/Private Industry Council's invaluable support services and retraining programs.

Mel is credited with not only putting together resources to support businesses and the Sunnyvale community, but also serving as a major source of business expertise himself. Mel worked for 23 years as a national marketing director and program business manager for GTE/Sylvania. Starting from scratch in 1970, he and his wife, Maxine, built the Sportique fashion-retail business into a successful six-store chain and sold the business in 1985. During the past 20 years, he has taught entrepreneurship startup and expansion classes at colleges throughout the bay area and published a book on this subject. He also hosted a nationally televised series entitled "The Small Business Counselor" for 2 years.

Mr. Speaker, Mel Solomon has united the Sunnyvale business community in a way that has never happened before. He has been the catalyst for many innovations, and the partnerships he has created will flourish long after he has retired. I ask my colleagues to join me today in honoring this remarkable man who has truly made Sunnyvale a great place to live and do business.

MICHAEL PAJAK HONORED AS PULASKIAN OF THE YEAR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place in my district in New York on May 6. On that day, the Pulaski Association of the New York City Police Department will honor Mr. Michael Pajak as their Pulaskian of the Year.

Mr. Speaker, no individual could deserve this rare honor more than Michael Pajak. Ever since Mr. Pajak came to this country as a small boy in 1960, he been an integral part of the Polish-American community.

After serving in the Armed Forces, Mr. Pajak opened his own highly successful printing business in 1975 called "Polstar." By the early eighties, he had become a member of the supervisory committee of the Polish and Slavic Federal Credit Union. Only 1 year later, Mr. Pajak had assumed an important role as a member of that organization's executive committee, a position he continues to hold to this day.

In addition, Mr. Pajak has also served the Polish-American community through his work with the New York Division of the Polish American Congress. In fact, he has been president of this preeminent Polonian organization since 1991. In this capacity, Mr. Pajak had the vision to be the driving force behind the creation of the Father Popieluszko statue upon the square named after that martyred young Polish priest.

Mr. Pajak is also a devoted family man. He and Regina, his lovely bride of 25 years, are the proud parents of two: Darian, a second year premed student at the prestigious Cornell University, and Adriana, who will graduate this year from St. Ignatius Loyola High School.

Truly, Mr. Speaker, Michael Pajak has exemplified the essence of achieving the American dream. Since his arrival in America, he has grown into a successful businessman and has started his own family here. But what makes him such a great American is the fact that he has never forgotten his roots. During the past two decades, Mr. Pajak has given so much back to the Polish-American community.

That is why it is so fitting that he be honored as Pulaskian of the Year, and why I would like my colleagues to join with me in honoring Michael Pajak for his visionary leadership and years of service on behalf of the Polish-American community.

REPRESENTATIVE MEEK HONORS THE INSURANCE WOMEN OF MIAMI DURING NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mrs. MEEK of Florida. Mr. Speaker, the week of May 15–21, 1994, has been designated as National Association of Insurance Women Week to draw public attention to the important role of women in the insurance industry.

Professional insurance women make a significant contribution to the risk and insurance industry. They are increasingly effective in promoting public awareness of such important issues as tort reform, automobile safety, and the problem of drinking and driving. With a membership of more than 15,000, the NAIW, including the Insurance Women of Miami, endeavors to provide consumers with quality insurance products and services consistent with the industry's highest professional standards and ethics.

I am sure that my colleagues will join me in honoring the women who are performing important and diverse roles throughout the risk management and insurance industry.

TRIBUTE TO JOYCE LYNN WILSON

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. DORNAN. Mr. Speaker, I want to take this opportunity to pay tribute to Joyce Lynn Wilson. To the shock and disbelief of her family, friends, and loved ones, on January 17, 1994, Joyce fell victim to the tragic earthquake that rocked through southern California and ripped apart the lives of so many innocent people.

My wife Sallie, and I, had known Joyce for years. She stood by our side and the side of her fellow Republicans and helped us fight the evils that threatened our families, our livelihood, and our country. She was not only a wonderful woman, she was a loving wife and mother, a devout Catholic, and a true patriot. Those of us who were fortunate enough to know Joyce continue to be profoundly saddened by her loss.

In memory of Joyce, I would like to insert the text of the eulogy that was given on the day of her funeral. May she rest in eternal peace in the arms of our Almighty Father.

ODE TO JOY, A EULOGY FOR JOYCE LYNN WILSON, JUNE 15, 1941–JANUARY 17, 1994

On the morning of January 17, the earth trembled, and Joyce Lynn Wilson died. I'd like to say that another way. On the morning of January 17, Joyce Lynn Wilson died, and the earth trembled. Her heart trembled, and gave its last beat as she summoned her children to safety. Hers was a big heart—warm, generous, and full of Joy. Her life, like all of ours, was filled with many sorrows, trials and tragedies, but her attitude was like her name—joy.

She always called Gayle her baby sister, and me her baby brother-in-law. So now I would like to talk about my big sister-in-law.

Joy was a writer, a devout and staunch Catholic, a pro-lifer and a patriot, not to mention a wife, mother, aunt, grandmother, beautician, teacher, taxi service, political activist, confidant, and friend.

As a wife and mother, she brought seven lovely children into this world: Shelley, Kathleen, Monica, Eddie, Mike, Elizabeth, and Eileen. She sewed, shopped, cooked, mended, and even found time to make those lovely holiday crafts which so many of us have in our homes. She worked tirelessly for her kids schooling. How many hours did she spend on her knees scrubbing the bathroom floors at Padre Pio Academy? She was devoted to the end.

With seven children, could anyone doubt that Joy was a Catholic all the way? She was always devout, but in the last few years, her devotion became intense; daily Mass and Communion, many acts of charity and generosity, and always an attitude of humility and self accusation.

Not only was she devout. She was staunch, in the best sense of the word. In the most active sense of the word. She was a pillar of pro-life activities here in Orange County. You could see her picketing abortion clinics with her kids in a stroller. There was the time her picketing friends came by her house with signs of their own and shouting slogans: "We are, pro-Joyce! We are, pro-Joyce."

She campaigned for the good guys. In the words of her friend, "She was the glue that held everything together, even when things got sticky."

And if a modernist theologian dared to set foot in Orange County to peddle his heterodox theology, she was there. How many of you remember the visit of Father Raymond Brown? Joyce was there. It was his last visit to Orange County.

She had this idea for a prayer letter—a forty hours devotion where people from all over could storm Heaven with their prayers and petitions for each other. How many of us have received favors from this wonderful devotion?

She wrote articles for the Diocesan Bulletin. She wrote about Satanism and its effect on our kids; about gangs, and about chastity. How many Catholics could say this much?

She was not only a Catholic, she was a patriot. Most of us would say a super-patriot. In 1976, she got involved with the schools to make people understand what the Bicentennial of 1776 was really about, and to put God back into our country and our schools.

She fought liberals and Communism with her mightiest weapons: her pen and her phone. Using the pen-name of Margo Bellencourt, she took on the Liberals in the L.A. Times. When no one else even realized he was a threat, she took on Lyndon LaRouche. She saw through him, she fought him, and now he is in jail.

With her ready pen, she took on Jimmy Carter. Who can forget her "Fireside Chat" parodies where, in response to his foreign aid debacles, she, Joyce Wilson, announced that she was going to cordon off her property, declare it a sovereign nation, and apply for foreign aid; and if she didn't get it, secede from the Union and declare war on the United States.

Who could forget her "Campaign for Creative Bureaucracy." And when Bill and Hillary Clinton came into power, who could forget her Limmericks. Like this one on Inauguration Day:

The Inaugural bash told the tale
'Twas a day that made satirists pale
And the Do-Dah Parade
All the wierdos had made
Shows our leader, indeed, does inhale.

Or, when Clinton declared war on the Military by allowing in Gays, her stories of Private Percy Periwinkle. She kept all of us in stitches. She knew more about the U.S. and the Russian military than I do, and I work in Defense.

As a final tribute to her patriotism, Congressman Bob Dornan has informed us that he is arranging for a United States flag to be flown over the U.S. Capitol in her honor.

You're a real patriot, Joy. I think this little poem composed by your baby sister says it all:

Loyal and true
Loved the Red, White and Blue
God and Country through and through
Joyce, there will never be another you.

On January 17, the earth shook, our hearts trembled, our lives were shaken. The loss was profound. But more than buildings or dishes, more than freeways or bridges, on that day, we lost our Joy.

But our loss is Heaven's gain. Up there, she can do what she did so well down here even better—fighting for the good.

And so to her husband, Ed, to her children—our Godchildren—I say to you, "Weep, but have Joy in your hearts. She goeth to prepare a place for you."

Given January 19, 1994, St. Mary's by the Sea Catholic Church.

TRIBUTE TO AUXILIARY BISHOP RAYMOND KAFFER OF THE JOLIET DIOCESE ON HIS 40TH ANNIVERSARY AS A PRIEST

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. SANGMEISTER. Mr. Speaker, I rise today to pay tribute to a spiritual leader, respected educator and community leader—Auxiliary Bishop Raymond Kaffer of the Joliet, IL, Catholic Diocese, who is celebrating his 40 anniversary in the priesthood this month.

Bishop Kaffer has had a long and distinguished career serving the diocese, and the community as a whole, in numerous capacities. After his ordination May 1, 1954, Bishop Kaffer, a Joliet native, committed himself to education and the young people of the communities in the diocese. He served as assistant chancellor of schools from 1954 to 1965, and then become rector of the St. Charles Borromeo Seminary in Lockport, IL. In 1970, he was named principal of Providence Catholic High School in New Lenox, IL, where he guided the school through tremendous growth, mirroring the expansion of the communities Providence serves.

In 1985, he briefly served as rector of the Cathedral of St. Raymond in Joliet, and in that same year was appointed auxiliary bishop of the Joliet Diocese, the second largest diocese in Illinois.

Bishop Kaffer continued his own education while guiding the intellectual and spiritual growth of young people in the diocese. He earned advanced degrees at DePaul University and St. Mary's of the Lake Seminary.

He was named Man of the Year by his fellow Joliet Catholic High School alumni in 1978 and has been active in both the National Conference of Catholic Bishops and the Catholic Conference of Illinois.

Mr. Speaker, I congratulate Bishop Kaffer on 40 distinguished years of service to the Catholic Church, and wish him many more years of success as a spiritual leader of this community.

NICARAGUA'S ECONOMIC SITUATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. HUNTER. Mr. Speaker, I wanted to take this opportunity to share with Members an update I received from the head of Meso-American Studies, Mr. Bruce Jones, regarding the current economic situation in Nicaragua. As Mr. Jones points out in his letter unemployment in Nicaragua stands at 60 percent and it is difficult for entrepreneurs to get loans. I encourage all my colleagues to read Mr. Jones' account of his recent visit to Nicaragua and the economic problems they are experiencing.

MESO-AMERICAN STUDIES,
Reston, VA, March 23, 1994.

Hon. DUNCAN HUNTER,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HUNTER: Since mid-November, I have spent approximately six weeks working on a pre-feasibility study in Nicaragua for a mid-west investment group. Due to their interest in agricultural enterprises, including cattle, this was my primary area of investigation. While Nicaragua has made substantial progress from the state orientated policies of the former government, much is yet to be done.

As the failure of the Sandinista revolution became more apparent internationally, their access to credits and financing declined, as did their standard of living. By 1990, Nicaragua had one of the lowest standards of living in the Western Hemisphere. Due to both their failure to satisfy the needs of the Nicaraguan people and international pressure, in the elections of 1990, the Sandinistas were voted out of power. Now the re-establishment of a free-market economy and democratic pluralism is being slowly implemented by the Chamorro Government.

One of the sadder legacies of the Sandinista regime has been the bankrupting of the Nicaraguan economy. Since the taking of power in 1990, the government of Nicaragua has struggled to restructure its debt and, at the same time, reactivate the economy. While the IMF and the World Bank are satisfied with the austerity program that has been implemented, this program has hindered the economy. Nicaragua has traditionally been an agricultural and beef producing country, with between 24 to 31 percent of its GNP generated through agricultural, cattle, timber and fishing production.[1]

While often the new government's policies are not highly visible, one example clearly shows the new orientation of Nicaragua. In 1990, inflation was 13,490 percent, in 1992 the inflation rate fell dramatically. This fiscal responsibility has its social cost however, and now in 1994, unemployment is estimated to surpass 60 percent.[2] This can be a potential social time-bomb if measures are not taken to alleviate this problem. Perhaps the most important measure to defuse this social problem—that is obviously also an economic problem—is to create a climate of confidence for foreign investment. To its credit, the Chamorro Government has taken positive steps to both attract foreign investment and provide guarantees that these investments will offer the investor a reasonable chance of success.

Perhaps the two most important initiatives taken by the Chamorro Government have been the Foreign Investment Law (FIL), Law #127; and the Exports Promotion Law (EPL), Decree Law #37-91. The FIL has been designed to attract foreign capital for investment within Nicaragua and the EPL provides further initiatives to promote the exportation of Nicaraguan products, with emphasis on non-traditional goods.

Never-the-less, the austerity programs have seriously affected local Nicaraguan producers. In regard to bank loans to the cattle industry, long-term loans for building of ranch infrastructure are virtually unavailable and short-term loans carry an onerous interest rate.[3] Short-term cattle loans, given in córdobas, the Nicaraguan currency, have been tied to the relation of the córdoba to the U.S. dollar. This is to say that if, during the course of a loan period, the córdoba is de-

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Footnotes at end of article.

valued in relation to the dollar, the Nicaraguan borrower, who borrowed in local currency, has his loan readjusted to reflect this change. This is called "maintenance of value". In January of 1993, the córdoba was devalued 20 percent in relation to the dollar. Any loan active at that time had an extra 20 percent, in local currency, added to the loan value.

Meso-American Studies examined, and possesses, copies of two loan contracts active in that period. Above the 22 percent interest rate that BANIC, one of the two government banks, charged to the borrower, 20 percent was added above the original interest rate. Coupled to this is a 3-percent bank charge for processing the loan, which gives an effective interest rate of 45 percent a year. While the different banks in Nicaragua charge different interest rates, they all share the "maintenance of value". Prior to the examination of the clauses in the BANIC loans, Meso-American Studies has assumed that only the mafia charged this type of interest. Copies of these loan contracts are attached to this letter. Clause #8 clearly states the relation between the córdoba and the dollar.

"In agreement to the credit, changes, and monetary standards in force, it is established that the amount of this loan at the official rate of exchange today, corresponds to the quantity of —— dollars. It remains expressively agreed that the debtor clearly assumes the risk for the variations in the rate of change. Therefore, the debtor is obliged to pay the Bank the quantity of córdobas that may be necessary to cover the value, in the indicated dollars, at the rate (of exchange) applicable in the moment of its cancellation. The payments, or partial payments will be applied at the rate (of exchange) applicable in the date of each payment." Banco Nicaraguense, Contrato de Crédito con Garantía Prendaría, Clause Eight.

Even though the Nicaraguan borrower receives córdobas from the bank, is paid for his product in córdobas and repays his loan in córdobas, governmental monetary policies beyond his control may raise his interest rate, due to fluctuations with the dollar, to an unacceptable level.

Equally disturbing was the fact that few loans were available for long-term ranch infrastructure. While Nicaragua has the pasture capacity for maintaining 4,000,000 head, the current cattle population is estimated at 1,500,000 head.[4] The lack of access to long-term credits and exorbitant interest rates was the motivation of meetings between representatives of cattlemen and members of the Economic Commission of the Nicaraguan National Assembly on Nov. 3, 1993. These meetings ended without any solution to the problem of access to credit.

Because Nicaragua is literally living "hand to mouth", long-term ranch infrastructure loans simply are not available. Short-term loans are available, but at excessive interest rates. These loans typically are one year loans used to purchase cattle for fattening. Since a major portion of the Nicaraguan cattle industry is dedicated to exportation, this brings into the Nicaraguan economy hard currency. Yet the cost of this policy has been the stagnation of the cattle industry.

This problem has no short-term solution from the private sector, a change in foreign governmental and international banking policies in regard to loans in Nicaragua is the obvious solution. Yet changes could provoke an unwanted inflationary spiral. However, loans targeting a particular sector of the Nicaraguan economy could avoid this possibility. If just one export oriented meat packing house can generate over $34,000,000 in hard currency in a two year period,[5] given the present pasture under-utilization and national herd size, what would the future bring with a robust cattle industry?

I bring this matter to your attention in the hopes that either A.I.D. funds or Foreign Assistance Funds for FY95 be targeted, in part, to provide reasonable interest rate loans to the productive sectors of the Nicaraguan economy, which obviously would include the cattle and agricultural sector. Much of Nicaragua's resources go to service their international debts, debts occurred during the last decade in which the Nicaraguan people has no real opportunity to express their political will. That they continue to suffer the consequences of failed policies of the past is unacceptable.

I have no solution to this matter, it is my hope that you, and other members of Congress will address this problem at an appropriate time, and provide the necessary assistance to a people who never lost their faith in the United States. This is an issue that cuts across all political boundaries in Nicaragua. The people are not asking for a "hand out", rather a hand up.

Sincerely,

BRUCE B. JONES.

FOOTNOTES

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[1] Doing Business in Nicaragua. American Chamber of Commerce of Nicaragua. Dec. 1993. Page 17, 1993 Foreign Economic Trends; Nicaragua. April, 1993, Economic/Commercial Section, U.S. Embassy, Managua. Page 5.

[2] 1993 Trade Act Report; Nicaragua. November 1992. Economic/Commercial Section, U.S. Embassy, Managua. Page 1. According to this report the Nicaraguan Ministry of Labor reported that unemployment in 1992 was only 18 percent, this figure simply is not credible. Nicaraguan Government estimates for 1993 do indicate 50 percent plus unemployment. See also Doing Business in Nicaragua. American Chamber of Commerce of Nicaragua. Dec. 1993. Page 61.

[3] Interview with Maximo Huertado Aviles, Banco Nacional de Desarrolo—El Muelle; Credit Director

[4] Interview with Edgard Lacayo V., CORNAP, Executive Director, Sector Pecuario

[5] La Ternera; FAGANIC. 3rd Edition. 1993. Page 21.

MENTORING SAVES MINORITY CHILDREN, NAS FINDS

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Miss COLLINS of Michigan. Mr. Speaker, saying that "The underrepresentation of minorities in the health and other professions has long cast a shadow over our Nation's efforts to develop a more representative and productive society," the National Academy of Sciences in a new report calls on many segments of society to take steps to increase the numbers of minorities in the health professions.

This important study calls our failures to encourage minorities to enter health professions leaks in the pipeline, in a chapter entitled, "Where the Leak Begins," the report notes that children begin their schooling with much curiosity about how the natural world works, but that by the fourth grade, minorities start to fall behind in science and math. Sometimes this starts as early as the second grade. To quote from the report:

> African American students start school with test scores that fall within the same range as those of whites their age, but by the sixth grade, African Americans in many school districts are two full grade levels behind whites in achievement.

A central recommendation is to encourage mentoring, offered in a systematic way to students of all ages. The report notes:

> Minorities who have stayed the educational course often credit someone—a parent, teacher, or mentor—for helping them succeed * * *. Mentoring releases talent and energy that would otherwise lie dormant.

I am very disturbed that we are losing children so early, but I am encouraged by the recognition of the value of mentoring. I have introduced H.R. 4186, a bill providing assistance for mentoring programs for minority youth. As the media drowns us with images of young minority men and women in trouble, we must take every step we can to provide supports and positive images for building self-confidence and self-esteem.

I hope the Members of the House will join me is passing a bill that with a few funds can bring great returns. The NAS study shows how we all have a responsibility and how these small steps can reap great rewards if we start early enough with our children.

A SALUTE TO ROBERT P. ARGENTINE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. COYNE. Mr. Speaker, I am pleased today to pay tribute to Robert P. Argentine, secretary-treasurer emeritus of the Carpenters' District Council of Western Pennsylvania, for his 50 years of continuous leadership in the United Brotherhood of Carpenters.

Robert Argentine is being honored in Pittsburgh on May 7, 1994, by the Carpenters' District Council of Western Pennsylvania for his many years of service to the cause of working men and women. He has been a tireless advocate for the rights of workers. A labor leader in Pennsylvania, Bob Argentine has played a major role in promoting the economic well-being of working men and women in our region.

As the United States prepares to compete in the global economy of the 21st-century, it is fitting for the House to recognize the contributions of individuals like Robert Argentine who have helped to make our country an economic superpower. He and his colleagues in the labor movement have fought steadfastly for the improvement of working conditions and opportunities for workers to share in the wealth generated by their labor. Individuals like Bob Argentine have provided the leadership needed in their communities to help raise living standards for both members of the labor movement and for all working Americans. He offers an inspiring example for working men and women who seek to build on the legacy of the American labor movement.

A native Pittsburgher, Robert Argentine has been a member of Carpenters' Local Union 142 since 1942. After attending the University of Pittsburgh School of Engineering and receiving two years of academic credit, Bob Argentine worked as a carpenter foreman and superintendent for various firms in Pittsburgh. He was selected to serve as business representative of the Carpenters' District Council of Western Pennsylvania and has held this position since 1954. He also served as executive business manager of the Carpenters' District Council of Western Pennsylvania from 1971 to 1993.

Bob Argentine has worked within the Carpenters' District Council of Western Pennsylvania to provide opportunities for working men and women. He has used his position as a business representative to open the door for countless workers who have sought good paying jobs. During periods of growth and recession, Bob Argentine has done his best to link together employers with skilled, qualified and dedicated working men and women.

Bob Argentine has also been a union leader at the State and national levels. He served as chairman of the Carpenters' Pension Fund; the Carpenters' Medical Plan; and the Carpenters' Annuity & Savings Fund from 1971 to 1993. Bob Argentine retired in 1993 from the position of vice president of the Pennsylvania AFL–CIO.

Bob Argentine has also been active in a variety of civic leadership positions in the Pittsburgh area and the Commonwealth of Pennsylvania. He has been a member of the Pennsylvania State Planning Commission and has also been a dynamic member of board of directors of the Port Authority of Allegheny County where he has served as chairman of the Construction Committee responsible for overseeing efforts to expand access to first-rate mass transit service. He has also served as second vice chairman of the Greater Pittsburgh Guild for the Blind and is a former member of the Bishop's Committee on Unemployment. In addition, Bob has been a member of the board of directors of Allegheny County Works, Inc., and a member of the Allegheny County Community College Advisory Committee. He is also a past member of the Blue Cross Board of Directors and a former member of the board of directors of QED Communications. Finally, Bob is a member of the Duquesne Council Knights of Columbus.

I know that Phyl Argentine has a right to be proud of her husband and the four outstanding children they have raised together: Robert Jr., who is a pediatrician; Dorthea Ann, who is married to an attorney in Washington, DC.; Peter, who is a producer of documentaries for PBS; and, Joseph, who recently received a doctorate in entomology and toxicology. I want to express here my strong regards for Bob Argentine and his family.

Mr. Speaker, I am pleased to offer this salute to Robert Argentine. All too often our Nation forgets the contributions of individuals like Bob Argentine who have helped to build our modern economy. It is highly appropriate that the House should provide an opportunity for this tribute to Bob Argentine and the working men and women of the United States of America.

DEFENSELESSNESS LIMITS OUR ABILITY TO ACT AGAINST NORTH KOREA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. HYDE. Mr. Speaker, North Korea stands firm in its resolve to develop nuclear weapons despite the Clinton administration's diplomacy and exhortation. The administration's current strategy of looking to the U.N. Security Council promises to be equally ineffective. Meanwhile, it has limited our ability to act by not funding the most effective defense against North Korea's nuclear threat—missile defense technology. The following article by Richard Perle in the May 3, 1994, edition of the Wall Street Journal reveals the dangerous course the administration has put us on by letting our defenses down while North Korea's threat has been building. I commend to my colleagues' attention the following:

[From the Wall Street Journal May 3, 1994]

THE BEST DEFENSE AGAINST NORTH KOREA

(By Richard Perle)

There are few things one can be certain about in international affairs these days, but I can think of two: (1) With or without international inspections, the North Koreans will not give up their nuclear weapons program; and (2) when they eventually get many nuclear weapons—and they will—we will wish we had a reliable ballistic missile defense, and we won't.

These expectations are not shared by the Clinton administration, which is facing important decisions regarding North Korea, as well as the future of the ballistic missile defense program started by Ronald Reagan more than a decade ago.

On the evidence to date, the Clinton administration is working harder, and much more effectively, to halt the development of our own missile defense system than it is to halt Kim Il Sung's nuclear weapons program. There is no other way to comprehend the administration's dithering on North Korea while devoting its meager ration of decisiveness to killing what remains of the Strategic Defense Initiative and cutting back sharply on other defensive systems.

RUTHLESS AND MONOMANIACAL

Despite its worsening poverty and post-Cold War isolation, North Korea still considers the development of nuclear weapons its highest priority. The North Korean "Manhattan Project" is run by Kim Il Sung's son and heir apparent, Kim Jong Il, who, if it can be imagined, is even more ruthless and monomaniacal than his father. Together they have relentlessly borne a huge financial burden, brushed aside American admonitions and scorned near-global opprobrium as they work to accumulate nuclear weapons.

There is not the slightest reason to suppose, or even hope, that North Korea will quit before it achieves success, which is now within reach. It is particularly foolish to believe that North Korea will be talked out of the nuclear weapons it is sacrificing so much to acquire. Kim Il Sung believes nuclear weapons are essential for his security and his ambitions to reunify Korea on his terms. He may also believe that there are billions of dollars to be earned by selling nuclear weapons in a market that until now has had no willing suppliers to satisfy a queue of eager potential buyers.

That diplomacy and exhortation alone will not suffice is hard to accept for an administration that tries to get by with words rather than deeds, redefinition rather than resolve. President Clinton's firm autumn stand, "North Korea cannot be allowed to develop a nuclear bomb," has gone the way of last winter's snow. In is place is a new objective—International Atomic Energy Agency inspections of those nuclear facilities that North Korea volunteers to identify. Such an inspection regime cannot reliably reveal, much less halt, the North Korean nuclear weapons program. And to accomplish even this modest purpose, the White House is looking again to its preferred diplomatic instrument—the United Nations Security Council, that engine of will and determination (ask any Serb).

But far worse than words without deeds is a dangerous pattern of words contradicted by deeds, as when U.S.-South Korean military exercises are called off or postponed as a concession to Kim Il Sung or when defensive Patriot missiles dispatched prudently—and vociferously—to protect American troops in South Korea are deliberately sent by slow ship.

After months of North Korean maneuvering and American backing and filling, we have failed to gain Kim Il Sung's consent to inspections that would not, in any case, prevent the covert continuation of the North Korean program or its quick resumption if it were temporarily halted.

Contemplating North Korea's potential bang with an American whimper, Under- secretary of State Lynn Davis last month summarized the administration's thinking: "Through diplomacy, we have made a serious effort to find out whether North Korea is willing to accept a nuclear-free Korean peninsula. . . . Our strategy if diplomacy fails takes us back to the U.N. Security council."

Whatever else the Security Council can do, it is not very good at stopping bombs or missiles (ask any Bosnian). That is a task for our armed forces. But this task is, unhappily, one they cannot now carry out.

It is not unreasonable to suppose that the specter of a nuclear-armed North Korea—to say nothing of its likely customers, Iran, Iraq and Libya—would cause the administration to think again about how we might defend against the missiles that Kim Il Sung or someone like him might someday aim at us, our allies or our troops abroad.

The wise decision to send Patriot missiles to South Korea proves again an important lesson of the Gulf War: In crisis as in war, missile defenses are much to be preferred to the abject vulnerability favored by the administration. That this lesson is so dimly perceived by the very team that ordered the Patriots to the rescue is striking commentary on the administration's failure to see the interconnections that distinguish a deliberate policy from a collection of unrelated reactions.

While decrying its lack of options for dealing with a nuclear-armed North Korea, the administration is out to throttle some of the most promising technologies for missile defense. Yet it is precisely this defenselessness that limits our freedom of action.

With help from its friends in Congress, the administration has decimated the missile defense budget while straitjacketing the development of promising defensive technologies on the grounds that they are not allowed under a narrow and controversial interpretation of the antiballistic missile treaty of 1972. It has reduced by 80% the amount of money projected by the Bush administration for work on a nationwide defense system. More recently, it has proposed extending the ABM treaty, by now an artifact of the Cold War, to all of the former Soviet republics, thus diminishing greatly the possibility that it might one day be revised to allow us (and the Russians) to build nationwide defenses against emerging nuclear powers.

When it comes to killing missile defenses, an administration given to drift and vacillation has found an uncharacteristic sense of purpose.

The extraordinary thing about the opposition to an American strategic defense is its resilience. The now obsolete (and perhaps always misplaced) concern that the development of an American missile defense would deepen a U.S.-Soviet arms race has managed to survive the end of the Cold War and the dissolution of the Soviet Union with no loss of fervor.

UNCONVINCING THREATS

Administration success in ruling out the use of space-based components capable of intercepting missiles early in their flight will guarantee that we face future Kim Il Sungs without effective means of defense. It will also sacrifice some of the most promising options for theater defense. This will force us to rely on threats to use nuclear weapons in retaliation, as President Clinton has hinted we would do. But in nearly all contingencies such threats are unlikely to be convincing.

In the end, nuclear coercion, especially as part of a politico-military strategy, is bound to triumph over deterrence. For in the end, coercive threats coming from a Kim Il Sung who defied the world and managed to get a bomb are more likely to be believed than deterrent threats coming from an American president who decided we should not develop the means to intercept it.

SECOND ANNUAL STUDENT ART COMPETITION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. KING. Mr. Speaker, I rise to pay special tribute to the talented and hard-working young men and women who participated in my second annual Student Art Competition on April 30, 1994. The exceptional work submitted by 34 students from high schools across Nassau County, NY impressed me and a very distinguished panel of judges.

The third district competition was held in conjunction with "An Artistic Discovery," the nationwide arts program sponsored by the Congressional Arts caucus. I am very proud to support the mission of the Arts caucus to promote the arts and encourage the creative talents of young Americans.

Mr. Speaker, I am proud to report to my colleagues in the House of Representatives the results of the third district's art competition:

Winner: David Felice, Farmingdale High School.

Honorable Mention: Jeff Lohrius, Locust Valley High School; Stephen Herradora, Oceanside High School; William Blaschuk, Farmingdale High School.

Entrants: Christopher Barrett, Hicksville High School; Lisa Cohen, Plainview/Old Bethpage John F. Kennedy High School; Robert D'Amelio, Oceanside High School; Alexandria DiPietra, Plainview/Old Bethpage John F. Kennedy High School; Danny Escobar, Plainview/Old Bethpage John F. Kennedy High School; Neelofar Ghaznawi, Plainview/Old Bethpage John F. Kennedy High School; Kelly Hass, Seaford High School; Cara Karp, Oceanside High School; Illana Kasten, Oceanside High School; Elizabeth Kerr, Farmingdale High School; Brett Kitt, Oceanside High School; Lauren LaMonica, Oceanside High School; Gabriela Leganna, Farmingdale High School; Meredith LeRoux, Oyster Bay High School; Melanie Macioli, Oceanside High School; Josh Marlowe, Oceanside High School; Danielle Monsees, Hicksville High School; Jessica Milberg, Oceanside High School; Asa Mittman, Syosset High School; Jami Nuzzi, Farmingdale High School; Stephanie Occhipinti, Syosset High School; John Rasmussen, Hicksville High School; Leslie Pelikow, Plainview/Old Bethpage John F. Kennedy High School; Robert Ruggiero, Oceanside High School; Sadiya Sarij, Plainview/Old Bethpage John F. Kennedy High School; James Seaman, Long Beach High School; Kristopher Seluga, Seaford High School; Vanessa Taub, Lynbrook High School; Elizabeth Vineis, Syosset High School; Nicole Wong, Hicksville High School; Scott Yule, Seaford High School.

In addition to the participants, I want to pay tribute, recognize, and extend my sincere thanks to those whose hard work made the competition a success. Mrs. Linda Mondello of Hofstra University was a tremendous help to me and my staff as the cosponsor of this event. Her hard work and sense of commitment was truly inspiring. I also want to recognize the very distinguished panel of judges, Christos Hamawi, Maria Castellano, Aaron Michlin, and Krista Pfeiffer all of the Hofstra University Arts Alliance. They were faced with the difficult task of evaluating the entries and, I am very pleased to say, did a truly magnificent job. Each of these accomplished individuals has earned the thanks of the people of the third district.

Finally, Mr. Speaker, I would be remiss if I did not acknowledge the dozens of high school art instructors who dedicate themselves to encourage and nurture the creative talents of their students.

TRIBUTE TO HILDRETH "HAL" WALKER

HON. WALTER R. TUCKER III

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. TUCKER. Mr. Speaker, I rise today to pay tribute to a very special man. A man who has been at the forefront of some of the most cutting edge technology of our time. A man, Mr. Speaker, who is a true role model for the youth of this Nation, Mr. Hildreth "Hal" Walker.

Hal Walker began his career in the field of laser technology in 1964 at Korad Laser Systems, a division of the Union Carbide Corp. As a laser systems specialist Hal traveled throughout the United States and the world introducing advanced new laser technologies to the scientific community.

Hal is a 33-year veteran of the aerospace industry and has recently retired from Hughes Aircraft Co. where he was a part of the management team. While at Hughes Hal was also a part of the electro-optical and data systems group and participated in the development and placement of the first tactical laser target designator system into the inventory of the U.S. Army. This technology is currently on display at the Smithsonian Institution.

Since retiring from Hughes Aircraft Co., Hal has become the president of Tech Plus, a laser technology consulting group. Tech Plus has ties to international laser technology in Russia, Japan, and Canada. Tech Plus also has ties with major laser technology centers in the United States such as Lawrence Livermore.

Walker is also the chairman of the board and cofounder of the African-American Male Achievers Network, Inc. [A-MAN], a non-profit corporation, 501(C)(3). A-MAN is dedicated to the nurturing of young African-American male children, providing guidance, thus giving them the foundation that they will need to build pride and self-esteem, thus adding credence to the old African proverb "it takes a whole village to raise one child."

Mr. Speaker I rise to pay tribute to Hildreth "Hal" Walker, a true American success story and role model for the youth of today.

FEDERAL AGENCY ACCESS ACT INTRODUCED

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. DUNCAN. Mr. Speaker, I am introducing legislation today that would help all Americans by making our Federal agencies more accessible and thus more responsive to the people.

This legislation would require all Federal agencies to list a telephone number on their stationary.

It is my intent to have each Federal agency place a local or regional telephone number on their stationery.

It is my intent to have each Federal agency place a local or regional telephone number on their stationery. For example, any local or regional office with over 50 employees could place a telephone number on their stationery so that people living in these respective areas of the Country could contact the Federal agency with any concerns or questions they might have.

I know that there are many well intentioned Federal employees within our Government. However, I also believe that our Federal Government has gotten so big and so cumbersome that it has lost touch with the very people it is supposed to serve.

I had hoped that Federal agencies would take this upon themselves and become more available to the hardworking taxpayers who pay their salaries. Unfortunately, this is not the case.

The bureaucracy and the Congress are adding over 60,000 pages of fine print to the Federal Register each year. This is on top of the millions of laws, rules, and regulations we have already at the Federal, State, and local levels. Many small businessmen and businesswomen cannot keep up with all of these requirements and they are having a difficult time getting timely and responsive assistance from our enormous bureaucracy.

Social Security recipients, students, veterans, and many others cannot even contact the Federal bureaucrats who are supposed to be helping solve the problems that many Americans are having with their Federal Government.

Federal employees should be doing all they can to be more accessible and responsive to the people. I urge my colleagues to cosponsor this legislation so that we can help provide all Americans with greater accessibility to their Federal Government.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Agency Access Act of 1994".

SEC. 2. FEDERAL AGENCIES REQUIRED TO USE STATIONERY WITH TELEPHONE NUMBER.

The head of each Federal agency shall require, in the most cost effective manner practicable for the agency, that all written correspondence of the agency appear on stationery on which is printed the telephone number of the agency.

SEC. 3. REPORT.

Not later than 90 days after the date of the enactment of this Act, the head of each Federal agency shall report to the Congress a plan for complying with this Act.

THE TESTIMONY OF THE HONORABLE JAMES FLORIO BEFORE THE TEXAS NATURAL RESOURCES CONSERVATION COMMISSION

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. WILSON. Mr. Speaker, on Friday, April 15, 1994, a public hearing on a critical environmental issue facing my constituents, the citizens of Texas and all Americans was held before the Texas Natural Resources Conservation Commission. The subject of the hearing was a proposed strategy to more stringently regulate the burning of hazardous wastes in cement kilns. I am pleased that Texas under the able leadership of Gov. Ann Richards has recognized the need to lead the way in this area.

I commend to the attention of my colleagues in particular the comments of former New Jersey Governor Florio who appeared before the TNRCC on behalf of the Association for Responsible Thermal Treatment. Governor Florio's comments are especially pertinent because of his work on the Resource Conservation and Recovery Act and Superfund when he served as a member of this body.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION PUBLIC HEARING ON CEMENT KILN CONCEPT PAPERS, APRIL 15, 1994

Good morning Chairman Hall and Commissioners Reed and Garner, my name is Jim Florio. I am a former Governor of the State of New Jersey and a former member of the U.S. House of Representatives. As a Congressman, I was directly involved in drafting RCRA and the Hazardous and Solid Waste Amendments of 1984 and continue to have a strong interest in solid waste issues. I am appearing here this morning on behalf of the Association for Responsible Thermal Treatment, an organization of seven companies engaged in hazardous waste incineration.

At the outset, I would like to express my appreciation to the Commission for allowing me and other members of the public to offer our comments regarding the Commission's very important initiative regarding the burning of hazardous waste in cement kilns. I commend the Commission's commitment and leadership in addressing this issue which is not only very important to the citizens of this State but also important to citizens of other states where hazardous waste is being burned in cement kilns. I am hopeful that the Commission's commitment will translate into effective and practical measures for regulating the burning of hazardous wastes in cement kilns, which will set the standard to be followed by other states and the Environmental Protection Agency.

Congress enacted RCRA to establish a comprehensive, detailed and stringent program to properly monitor and regulate the generation, transportation and disposal of both solid and hazardous wastes. Congress specifically declared that: "It is the national policy of the United States that, wherever feasible, the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible. Waste that is nevertheless generated should be treated, stored or disposed of so as to minimize the present and future threat to human health and the environment."

Consistent with this policy, commercial incinerators are carefully monitored, the burning processes are tightly regulated, and the ash residue is disposed of in a specially designed hazardous waste landfill. Unfortunately, over 60 percent of our Nation's liquid and solid hazardous wastes are being burned in cement kilns that are not subject to the same stringent requirements. These facilities instead are regulated as "interim status" facilities under the federal Boiler and Industrial Furnace rules, without strict standards to control the emissions resulting from the burning process and without a requirement that the resulting cement kiln dust be properly disposed in an environmentally safe landfill.

Under RCRA, we also intended to provide incentives for the reclamation of solvent wastes. Cement kilns are suppled by a system of fuel blenders. Many of these blenders use the solvent as a "carrier fluid" for low fuel value solid waste streams, like heavy metal contaminated sludges and soils. Contrary to our intent under RCRA, this "blending up" for burning discourages true recycling of high quality solvents. This loophole must be addressed not only at the state level but at the federal level. Fuel blenders operate with very little regulatory control under RCRA and are cause for public concern.

I believe it is imperative to move forward, without delay, to establish appropriate standards and regulations to ensure that the management of hazardous waste at fuel blending facilities and the burning of hazardous waste in cement kilns is properly managed under RCRA. This was certainly my intention when, as a Congressman, I helped draft this nation's hazardous waste law.

This Commission, in its March 15 Concept Papers, set forth a well devised and comprehensive approach to properly regulate the burning of hazardous wastes in cement kilns. Among other things, this approach included: (1) particulate and opacity limitations on air emissions from cement kilns burning hazardous waste; (2) clean hazardous waste fuel criteria; and (3) restrictions on cement kiln dust disposal. The Commission rightly recognized that it is important to regulate not only the types of hazardous wastes that are burned in cement kilns through the clean fuels concept but also the process itself and the cement kiln dust residues. As the Commission recognizes, cement kilns burning hazardous waste should be subject to the same regulatory requirements as are incinerators, for example, as regards the production of acid gases. Similarly, incinerators should be subject to the same requirements as are kilns. This approach is fully consistent with RCRA and would further enhance the objectives and intentions of Congress.

Of course, I recognize that others will not be fully supportive of the March Concept Papers. As a former Governor and Congressman. I realize that it is important for the Commission to fully review all competing interests and weigh the advantages and disadvantages of the policies in those papers. I am confident that ultimately the Commission will be led to the conclusion that it should adopt those policies.

I want to emphasize that there is a role in hazardous waste management for fuel blenders and other hazardous waste collectors, cement kilns, and incinerators. Fuel blenders must continue to handle and process high quality, high BTU liquid wastes for cement kilns. They and other collectors must continue their role of gathering waste and directing it to the appropriate treatment and disposal facility. We understand that small businesses may be concerned about outlets for their waste needs, but we see no need for this concern. Their waste needs will be handled as they are at present, with their waste being sent to the facility most appropriate for its disposal by, in all likelihood, the same company they are currently dealing with. The cement industry will also play an important role by providing additional treatment capacity for high quality, high BTU liquid waste. And waste that should go to fully permitted RCRA incinerators for treatment will end up where it belongs.

From my experience as Congressman, the March Concept Papers are on the right track. You should continue forward as expeditiously as possible to promulgate the regulatory standards outlined in them. I respect your courage and leadership, and I am hopeful that the initiative of this Commission will prompt other states and the federal government to follow the same course.

In closing, I would like to again thank the Commission for providing me with the opportunity to speak here today. Also, I would be happy to answer any questions that you may have.

TRIBUTE TO MYRLIE EVERS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand today to recognize Mrs. Myrlie Evers for her many contributions to her community and the Nation. Mrs. Evers, the widow of slain civil rights leader, Medgar Evers, is a native of Vicksburg, MS. She attended Alcorn State University in Lorman, MS, and received her Bachelor of Arts degree from Pomona College in Claremont, CA.

Mrs. Evers in an author, public speaker, and former public official. She authored a book entitled "For Us the Living," which described her life with Medgar Evers and their experiences as active participants in the civil rights movement. In the State of California, she has served as a commissioner of public works for Los Angeles County. Mrs. Evers has also served as a member of the National Board of the NAACP. She is currently a member of the Board of Trustees of Medgar Evers College in Brooklyn, NY and a member of the Board of Trustees of Tougaloo College in Tougaloo, MS.

Since her husband's untimely death in 1963, Mrs. Evers along with her three children have worked diligently to bring her husband's assassin to justice. In 1964, the State of Mississippi prosecuted Medgar Evers' alleged assassin in two different trials. Each trial resulted in a mistrial because jurors failed to reach a verdict. However, Mrs. Evers never gave up her dream of securing justice in this case.

In 1989, a local Jackson, MS, newspaper published excerpts from the files of a defunct state agency that was created in the 1950's to maintain segregation. The paper reported that this agency had helped screen potential jurors in the 1964 cases against Medgar Evers' alleged assassin. This information led to a review of the murder case by local prosecutors and new witnesses came forward with new evidence regarding events surrounding the assassination. She was a major influence in encouraging the prosecutors to reopen this case.

During this period, prosecutors also discovered that there was no transcript of the original trial available. However, Mrs. Evers had a copy of the original trial transcript and presented the transcript to the district attorney's office of Hinds County, MS. A grand jury was convened and Byron de la Beckwith, the alleged assassin, was indicted and sent to jail without bond.

Beckwith subsequently appealed the State's refusal to allow him to go free on bond and alleged that a third trial would constitute double jeopardy as well as a denial of his right to a speedy trial. The Mississippi Supreme Court denied his appeal and a third trial commenced which resulted in his conviction in 1994 for the murder of Medgar Evers. He was sentenced to life in prison.

Over the last 30 years, Mrs. Evers has demonstrated a strong commitment to civil and human rights for all Americans. She recently donated the Evers family home in Jackson, MS, to Tougaloo College and the home will be converted into a museum to preserve the history of civil rights movement in Mississippi. In her role as a public speaker, Mrs. Evers continues to serve as a positive role model to young people. Mrs. Evers is to be commended for her outstanding contributions to our Nation.

CONGRATULATIONS TO LAMDA CHI ALPHA FRATERNITY

HON. CURT WELDON

OF PENNSYLVANIA

HON. JACK KINGSTON

OF GEORGIA

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. WELDON. Mr. Speaker, Mr. COLEMAN, Mr. KINGSTON, and I are honored to recognize the achievements of the Lambda Chi Alpha Fraternity in their recent North American Food Drive. The 140 chapters and colonies of Lambda Chi Alpha throughout the United States and Canada awoke early on November 6, 1993 and began "Brothers Feeding Others," a special project to collect nonperishable foods for local charities during a single weekend.

More than 250,000 pounds of canned and nonperishable food had been donated, collected by members of Lambda Chi Alpha, and distributed to hundreds of food banks and community centers. It was estimated that more than 7,000 members of the Lambda Chi Alpha Fraternity contributed 20,000 man-hours in completion of what has been called the largest single-day fraternity philanthropic project.

The food drive was not a new idea. During the holiday season each year, the Lambda Chi Alpha chapters collect canned food from area neighborhoods. The concept for the North American Food Drive was derived from this holiday tradition, but a new spin was added; ask all the chapters and colonies to complete their food drive projects during a single day. The result was a truly international event with great success. Not only did the brotherhood participate in a historic event, but they donated their time and energy to helping their own communities.

Throughout the day of November 6, 1993, Lambda Chis piled into cars to collect bags of nonperishable food left on door steps around their community. Earlier in the week, members placed notices on brown bags and distributed them in the community. Once the food was collected and weighed, the chapter delivered their supply to the charity of their choice. Most of the donations were given to community food banks, churches, and senior citizen centers.

Meanwhile, the Fraternity's International Headquarters in Indianapolis was buzzing with activity. Chapters telephoned throughout the day to report the total food collected and man-hours contributed. A telethon like atmosphere was created with a large thermometer tracking the international total of pounds of food collected. Chapters had the opportunity to compete for scholarships to benefit members who wish to participate in Fraternity leadership conferences.

So, we ask our colleagues in the House to join me in recognizing the Lambda Chi Alpha Fraternity, whose members demonstrate the promise that the future holds for our country.

THANKS, CELEBRITY READERS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I am honored to ask my colleagues to join me in congratulating an important program in the 10th Congressional District of New Jersey, the Celebrity Read Program. The program asks adults, both famous and not so famous, to come into the school system and read a passage to students about an important historical event involving people of color. The program then asks the participant to share a few of their life experiences with the class.

The program this year had 320 adult readers participate and they read to 12,000 students in 36 elementary schools. There are readers involved in this program who are corporate executives from New Jersey based corporations such as, Blue Cross and Blue Shield of New Jersey, Public Service Electric & Gas, Prudential, IBM, and many local politicians. Members of the Garden State Bar Association and judges from the superior courts were also readers. I believe the most important component of the celebrity read program is the fact that their definition of celebrity is local business people, entrepreneurs and everyday citizens from the community. They explain that "people from all walks of life and at various levels of accomplishment can serve as a source of inspiration to our inner city youth."

Some of the celebrity readers are not satisfied with only reading one day to the classes, they have decided to have a Celebrity Read Day at their place of business to expose the students to the real life world of work. The organizations that are taking it to this next level are: IBM, Prudential, Deloitte & Touche, and the Superior Courts of Essex County.

It warms my heart that in the 10th Congressional District of New Jersey there are organizations that are acting on the phrase "I believe the children are our future" and doing something to help them become prepared to take their rightful place. Thank you to the Celebrity Read Program and to the 200 Celebrity Readers for taking time to interact with the leaders of the next generation—our most valuable possession—our youth.

Thank you Mr. Speaker for allowing me this opportunity to share with my colleagues some of the exciting things we are doing in New Jersey to ensure our future.

REMEMBERING SPEAKER O'NEILL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. RICHARDSON. Mr. Speaker, since the passing of former Speaker Tip O'Neill earlier this year, I have come across countless numbers of tributes about our former colleague.

While many citizens across our great Nation have spoken in glowing terms about Speaker O'Neill and his glorious career, I want to share with my colleagues one eloquent speech by Charlie Ferris which beautifully captures Speaker O'Neill, both as a person and as a public servant.

Mr. Ferris delivered the following speech to a large gathering at Boston College, the Speaker's alma mater, earlier this year.

A TRIBUTE TO THOMAS P. O'NEILL, JR.—ROBSHAM THEATER, BOSTON COLLEGE—FEBRUARY 3, 1994

After accepting the honor of participating in this afternoon of memory about Tip O'Neill, I wondered what I could add to the wonderful outpouring of emotion that has taken place since his passing—and especially those eulogies at St. John the Evangelist in North Cambridge three weeks ago. That funeral service lasted more than two hours and it wasn't a minute too long. It was a different experience for me—different than any other funeral I had attended, and I think it was so as well for most in that church who had known Tip. There was a deep sense of loss but no grief for what might have been. It was in the main a joyful celebration of an extraordinarily successful and meaningful life—and I don't think that can be explained simply as another case of the traditional Irish send-off for one of our own. It was the celebration of a giant who had lived long at the summit of life.

I had the great good fortune to work for three magnificent public figures after finishing law school here at BC in 1961. First, at Robert Kennedy's Justice Department, then with Mike Mansfield during his tenure as Senate Majority Leader, and then with Tip O'Neill when he was first Speaker of the House. All three happened to be Irish and Catholic; each so very different, so very strong; each who made lasting contributions to the fullness of America.

But each will be remembered in their own way. And with Tip, all of us who have been touched by him can tell stories that echo down familiar halls of history and memory and warm friendship. In all the stories, there is the glint of shining yet very human spirit. And that in essence is the mark of his life—it was a truly joyful experience.

But how does a freshman or sophomore at Boston College connect with Tip, a man who perhaps except in death never appeared on your cognitive screen? The class of '95 or '96 was in primary school when Tip O'Neill retired from public life. I still don't know who was Speaker of the House when I was in sixth grade, and never until this day have I even thought about finding out.

But for those at BC, there is a special meaning and connection. All the years of his life, wherever he was, Tip O'Neill never really left BC and, with the magnificent library that bears his name, he never will. And hopefully one of the memories recalled today might return to you on some future occasion as you enter that library, to remind you of a remarkable man who succeeded so fully in life by helping others up instead of climbing over them. He was a great, hearty, good man who did well. He was lucky, but he also had a gift of understanding that was close to genius. He lived in the arena of compromise—and better than anyone else, he understood when to take half a legislative loaf, knowing full well that the bakery would open again tomorrow. But his compromises were of timing, not of principle. What a tremendous and envious accounting of a life—to be so true to your values that reflections and reminiscences at your passing are not tinged with sadness by the regrets for at least some roads wrongly taken. Were the stars so perfectly fixed for Tip that his life in this respect was unique? I don't think so, but there was a nearly perfect alignment between his conduct and his belief.

Tip also had a keen appreciation of what was important. He has a sense of who he was and what he stood for very early in life. He had the great good fortune of knowing before he graduated from BC what he was going to do. As a senior in 1936, he didn't rely on the BC placement office for career counseling. His job that summer was to win a seat in the Massachusetts Legislature that Fall. He did, and he was in elected public life for the next 50 years. The people of North Cambridge and eventually their surrounding suburbs, including Boston, continued to employ him for half a century. Tip O'Neill never forgot who hired him and he never outgrew that constituency. He never became other than one of them, and he continued to listen to them decade after decade. And that is another attribute of Tip O'Neill. He has mastered the art of listening and he did it no differently in 1986 than in 1936.

The techniques of listening in politics are now high tech. The science of polling supposedly provides exquisitely accurate determinations of what the people think. But I never saw a poll as insightful as Tip O'Neill. And relying on polls displaces not only the need to listen as Tip did in his Saturday morning treks across his district, but the discomfort of feeling the pain. Tip never yielded to the temptation to insulate himself from the pain.

Even in his later years, when his daily schedule was dictated by the duties of Speaker, he still maintained the remarkable quality of conveying to the person he was with that there was no better use of his time at that moment. He could move through the Capitol building toward a meeting with even a President, be hailed by an ordinary and obviously untitled stranger, and he would stop and chat and not give any indication that there was anything more pressing or any other place he had to be. I never saw him look over the shoulder of the person he was talking to to see if he was missing an opportunity to talk with someone more important. He knew what was important and each person he met felt that impact as strongly as the grip of his handshake.

But it wasn't just in listening that Tip gave of himself. He had no sense of conservation in the use of his energy and personal capital. When he undertook your effort, he never held back because there might be a more worthy endeavor or more worthy supplicant next week or next month or because he might wear out his welcome. Every undertaking on behalf of another received the same intensity of effort. Tip never new what it was to be faint hearted. I suspect he must have flunked Latin when at BC because he never understood the meaning of "pro forma." When he championed your cause, it was his only cause and that was clearly and unambiguously conveyed upstream and downstream. Duplicity was a stranger to Tip his entire life.

Is there a better definition of genuineness? Is there a better predicate for developing the sense of loyalty?

A big part of your experience at BC will be to assemble your personal building blocks for a successful life? The desire to succeed is strong in all of us. It was in Tip! Those of you in school today have a journey ahead of you and if you are realistic, it is filed with uncertainty. Very few will know with the certainty of Tip O'Neill what you want to do when you graduate, what it is that will ultimately match your energies and your talents. And the desire to succeed and achieve will stay with you all the way. But your real challenge will be how you channel that energy in defining a fulfilling life. Tip O'Neill's course and his success and achievement were always rooted in service to others. He served the nation so well because he was so committed to serving his neighborhood—three generations of constituents in Cambridge and its surrounding area. And in his 50 year span of service, he never looked beyond his present job to greater opportunity. Greater opportunity came to him. His life was a legendary example of the best preparation for your next job is doing your present job well.

Tip had the good fortune of being positively influenced by his father, the Alderman, the Sewer Commissioner and the local leader of the Irish Community. From him he learned a concept of public responsibility that lighted his spirit throughout life. He was fortunate to be able to see clearly that he would follow in those footsteps and to rejoice that it was an honorable calling. The values he learned at home in North Cambridge and nurtured here at Chestnut Hill still reach across the years and could be summed up in scriptural command: feed the hungry, house the homeless and care for those in need—those the system passes by.

His good fortune never blurred his understanding of a simple but profound truth—a truth that is often overlooked in today's self-congratulatory pride—that none of us picks his or her own parents—nor the color of our eyes or our skin—and that those of us who, through no merit of our own, receive gifts of health, energy, family or just plain good luck, have a special obligation to others less fortunate. To spend time with Tip O'Neill was to be vaccinated against the disease of indifference.

But this quality of knowing who you are is a search that takes some more than a whole lifetime. Tip discovered very early who he was and was comfortable with himself, all the way from the wooden three-deckers to the pinnacle of the Speaker's rostrum. What a rare and wondrous boon; no wonder he left such a pathway of hope and decency and joy through his entire life. His comfort with himself and his work gave him the luxury not to waste personal energy on shoring up his image. Your image needs polishing only when a scrutinizing light needs to be reflected away.

Tip could mash syntax better than anyone I know. He appeared to relish this imperfection, especially since it almost seemed to enhance his ability to clearly and more credibly communicate where he stood and what counted in life. No one in North Cambridge could ever feel inhibited talking to Tip. He sat with Presidents and Kings but he made it a point to talk with them as he would his constituents.

There was no mistake where he stood on any issue. It was hard to get a mixed signal from Tip. And he was tough as nails in pursuit of his agenda. But why the absence of rancor in assessing Tip's life? It is not politeness.

As I read over the past three weeks the remarks of those in high office and the friends from childhood, there is a universal thread—it was a personal joy to know him, a celebration of life itself. All who met and knew Tip considered him a friend. Not because he was weak or worked to please, but because he was strong enough to be open and always ready to laugh at pretense or foibles—even his own.

Bob Dole, the Senate Minority Leader, who came to Congress in 1960 and who has established a national reputation as a brutally honest assessor of political figures, commented that Tip O'Neill will go into history as one of the great political leaders. "I consider him one of my best friends in all the time I've been in Congress."

No different an assessment than John Gimigliano, his shoe repairman, and Frank Minelli, his barber, from North Cambridge, both of whom referred to him as their greatest friend.

In an era when the stereotypical politician is considered lean and slick, he was ruddy and shaggy. His hair was often in his eyes, but his vision was always clear. His heart was in the right place; his conscience was on call; his spirit was as tireless as it was vast. And when it left him, and his loss left such a void, all I could think was that so many others strive to be acclaimed as great, he never did—and he was—and his life will live on, for his example will outlast all our years.

So as the towers on these Heights now reach with his name to the heavens own Blue, we can all so more justly sing a proud refrain because he was a man whose heart was true.

LABORATORIES FOR ECONOMIC GROWTH

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. DREIER. Mr. Speaker, with the Federal Government's fiscal policy now paralyzed by the presumed economic trade-off between stimulating job creation and adding to the deficit, I thought my colleagues might like to see the following article. It outlines how the States are becoming the laboratories for tax initiatives that spur economic growth. The evidence accumulated by State pro-growth tax policies will ultimately affirm the long-held conviction that a reduction in the capital gains tax can expand economic growth without a loss of government revenue.

CAPITAL GAINS TAX CUTS LEAD TO PROSPERITY

(By John E. Berthoud)

While Washington, D.C., has shifted its policy initiatives away from economic growth and has instead focused on tax increases and federalizing health care, some states are picking up where Ronald Reagan left off and are fighting for a pro-growth fiscal agenda. A centerpiece of this movement for economic growth is the effort to cut and even eliminate state capital gains taxes.

The historical leader in the field of cutting state capital gains taxes is Wisconsin. For many years Wisconsin has excluded 60% of the value of any capital gain from taxation. Gov. Tommy Thompson (R.) sees this as a key reason for Wisconsin's economic health. Thompson repeatedly touts his capital gain break: "What a tremendous arrow in my quiver when I go out and talk to a business about Wisconsin." Thompson has long argued that "A Wisconsin that is competitive makes Wisconsin a good state to be in business."

Thompson's pro-growth tax policies have spawned followers. In 1989 Gov. Carroll Campbell (R.) pushed through a cut in South Carolina's capital gains tax almost in half, from 7% to 4% in four years, to offset the 1986 federal capital gains tax increase. "That substantial increase hurt those who want to sell a farm and retire on the proceeds, those who want to buy a smaller house after children are grown and those who need to sell stock for retirement income," according to Gov. Campbell. As a result of Campbell's tax-cutting policies, South Carolina has experienced impressive rates of economic growth and job creation.

Gov. Kirk Fordice (R.), recently rated by the Cato Institute as the governor with the second-best fiscal record (see HUMAN EVENTS, March 4, page 19), has made Mississippi the first state in the nation to completely eliminate capital gains taxation on in-state investments.

KIRK FORDICE'S 'MISSISSIPPI MIRACLE'

By signing his proposal into law March 23, Fordice has added yet one more achievement to a remarkable record of fiscal accomplishment. Fordice's conservative fiscal reforms have in turn created economic growth so robust as to earn the label the "Mississippi Miracle." Ranked first by *U.S. News & World Report* in economic performance, the state's unemployment rate is below 5% and their new business growth rate is fourth in the country. The elimination of the capital gains tax will only further the progress. Fordice notes that every $1 million in increased investment in Mississippi generates $2.2 million in economic growth and 120 new jobs.

While the United States as a whole stands to gain from lower taxes on capital gains, given interstate competition for business, states have an added incentive to lower capital gains taxes. And the greater economic activity spurred by lower capital gains taxes will generate enough state tax revenues to pay for the loss caused by the tax cut. Fordice notes, "The economic history of the United States demonstrates—repeatedly—that every time we cut taxes, government revenues actually increase substantially—abolishing the capital gains tax would encourage entrepreneurial activity, leading to the creation of private sector jobs, a noticeable improvement in our standard of living and a significant improvement in our economic climate."

Jude Wanniski sees elimination of the capital gains tax in the states as the key to economic growth in the 1990s. In Wanniski's mind, there are both political and policy reasons for putting capital gains tax elimination at the top of the state agendas. In the context of New Jersey's proposed 30% tax cuts, Wanniski states, "The problem she [Gov. Christine Todd Whitman] and her treasurer will have is that computers will tell her that she will lose all this revenue. She will have to find revenue offsets and savings and that will be very painful. The correct way to do it would be to eliminate the capital gains tax in year one. Then the revenue projections would be exceeded as people cash in more capital gains. First, do the easiest thing. The confidence would be built up in the legislature and the people. It's like a log jam in a river. You want to get the logs running."

BIPARTISAN COALITION'S PRO-GROWTH AGENDA

While the forward momentum on capital gains tax reduction may have shifted to the states, Washington has not completely forgotten the lessons of the "Seven Fat Years" and some are still working for a pro-growth agenda. A bipartisan coalition—headed by Senators Richard Shelby (D.-Ala.) and Connie Mack (R.-Fla.) and Representatives Dave Dreier (R.-Calif.) and Billy Tauzin (D.-La.)—has staked out new political ground by establishing the Zero Capital Gains Tax Caucus. Federal Reserve Chairman Alan Greenspan was one of the first to argue for a zero federal capital gains tax: "It is easier to make the case to eliminate it entirely than it is to merely reduce the rat . . . It is a direct tax on the nation's standard of living."

The caucus recently released a study by Gary and Aldona Robbins that examined the economic and revenue effects of different capital gains proposals. Elimination or reduction in the capital gains tax would have substantial economic benefits as well as positive dynamic revenue changes for the federal government. But it would also have tremendous dynamic revenue benefits for the states. The economic growth resulting from elimination of the federal capital gains tax would add $175 billion to state coffers over 1994–2000.

Thompson and Fordice have recognized the potential economic growth contained in the reduction or elimination of capital gains taxes. And for all the effort that has gone into cutting the federal capital gains tax, the nation may have to wait until the results from these "laboratories of democracy" make clear the relationship between lowering the capital gains tax burden and robust economic growth.

THE RISK ASSESSMENT IMPROVEMENT ACT

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. KLEIN. Mr. Speaker, I rise today to discuss an issue that is of great concern to the American people: environmental risk assessment.

I have introduced the Risk Assessment Improvement Act of 1994 in order to reform and revamp the current duplication and inconsistency in the area of risk assessment at the Environmental Protection Agency [EPA] and to ensure public health and safety. This legislation strengthens and coordinates the scientific methods used to calculate threats to human health and the environment and provides a basis for protecting the environment while preserving American jobs.

Environmental regulations are not doing the job they should. Threats to our health and safety—the health and safety of our children—are not being addressed because Government bureaucrats are not clear on real dangers or because valuable resources are being frittered away on nonproductive activity. At the same time unnecessary regulations are throwing roadblocks in the path of businesses and causing loss of jobs. We must establish a sound and scientific basis for a clear, consistent, and comprehensive environmental policy.

Confusion and lack of guidelines have resulted in varying uses of risk assessment. We must simply and clearly spell out what needs to be accomplished—namely, upholding health and safety considerations. As a step in the right direction, my legislation provides consistency to the way in which we address our environmental hazards.

Risk assessment is central to virtually all of our environmental laws. Unfortunately, many different standards exist because of the piecemeal fashion in which various environmental statues were passed in the 1970's and are reauthorized today. This leaves the EPA to deal with the cracks and voids that have formed as a result.

My legislation has three major provisions. First, it establishes a Director of Risk Assessment, who will bring together the variety of existing risk assessment initiatives spread throughout EPA. The Director will regularly develop and update risk assessment guidelines, establish principles for implementing these guidelines, regularly update guidance for risk characterization, and address risk assessment research and training needs.

Second, this bill establishes a pilot program using comparative risk analysis to rank the priority of various hazards. There is consensus that this pilot program is needed to rigorously test the use of comparative risk analysis for prioritizing EPA programs.

Finally, my bill calls on the Director of the Office of Science and Technology Policy to coordinate the way risks are looked at by different Government agencies. It is in the interests of good government that there is coordination of the mechanisms of risk assessment to ensure that agencies address similar risks in compatible ways and that all agencies are making use of state-of-the-art science. Also, the Director of OSTP will communicate these guidelines to State-level government in order to achieve consistency between different levels of government.

There already is a great deal of support for this legislation. Original cosponsors of Klein's legislation include: Congressional leaders on risk assessment DICK ZIMMER and KAREN THURMAN, as well as Science Committee Chairman GEORGE E. BROWN, JR., Merchant Marine and Fisheries Committee Chairman, GERRY STUDDS, and coordinator of the Conservative Democratic Forum CHARLIE STENHOLM. Also, I would like to acknowledge the support, leadership, and advice that I have received in drafting this legislation from Technology, Environment and Aviation Subcommittee Chairman TIM VALENTINE, a coauthor of the bill.

There is also a broad spectrum of support for the Risk Assessment Improvement Act from those outside of Government. At a March 9 hearing of the Technology, Environment and Aviation Subcommittee, Adam Finkel of the Center for Risk Management, Resources for the Future said, "I think with the help of this proposal, risk assessment at EPA can better serve both scientific integrity and more important social goals * * *".

At the same hearing, Ellen Silbergeld, senior scientist for the Environmental Defense Fund stated that, "The real problems with risk assessment have not been addressed * * * in legislation that has been proposed to date." In her written comments on the bill, Dr. Silbergeld states, "I strongly support [this] approach."

This legislation is not designed to settle all of the issues surrounding risk management, but it does begin to effectively address the problem. The establishment of sound scientific basis for conducting risk assessments is a first step that we must take before launching further initiatives. Consistency and guidelines will better enable agencies to assess the possible dangers to health and safety.

COMMEMORATING THE 100TH ANNIVERSARY OF THE DEATH OF THE LAST MEXICAN GOVERNOR OF CALIFORNIA, DON PIO DE JESUS PICO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. TORRES. Mr. Speaker, I rise today to commemorate the 100th anniversary of the death of one of California's most remarkable historical figures, Don Pio de Jesus Pico, the last Mexican Governor of California.

Born on May 5, 1801, at the San Gabriel Mission, east of Los Angeles, Don Pio Pico witnessed and helped to shape nearly a century of California history. He died in Los Angeles on September 11, 1894. The fourth of ten children born to Jose Maria Pico and Maria Estaquilla Lopez, two of the 240 early colonists who came to El Pueblo de Los Angeles from Sinaloa, Mexico, on the famous Anza expedition of 1775, Don Pio Pico became an astute businessman, caring community leader and brilliant statesman.

Don Pio Pico was a self-made man who rose from extreme poverty to immense wealth. At 19 years of age, he began a small business to support his large family which was left penniless following the death of his father. Well known as a shrewd businessman, many ranchers and early settlers frequently asked for his assistance and advice in their own business dealings.

Shortly after embarking on his career as a shopkeeper, Don Pio Pico became frustrated with the military's tryanny and oppression of citizens. He led a series of revolts against the existing Mexican Government to ensure the freedom and livelihood of the Californios.

Don Pio Pico demonstrated his continued dedication to civic affairs as a member of the Government of Mexican California from 1828 until 1846. In 1845, Don Pio Pico was appointed Governor of Mexican California. His term ended on August 10, 1846, when the encroaching immigration of eastern settlers terminated Mexican rule and California became part of the United States.

He used his wealth and influence for the benefit of his community, contributing to California's early success in the fields of education, banking, and community development and served as member of the first Los Angeles City Council. Don Pio Pico built the widely-renowned Pico House in Los Angeles, and was a pioneer in California's first oil venture, which is now known as the Standard Oil Company of California.

Unfortunately, despite his tireless efforts in amassing a financial empire, Don Pio Pico died destitute at the age of 91. Business ventures gone awry, unpredictable weather and the unethical actions of other businessmen conspired to rapidly erode his fortune.

Not knowing the English language and relying on the kindness of human nature, Don Pio Pico signed what he believed to be a loan document, but which, in reality, was a paper swindling him out of all his properties. Don Pio Pico contested the validity of the deed. Although the State supreme court found that he had been defrauded, he had no legal recourse to recover his property valued at $200,000.00, and he died penniless. He is buried today at the Workman Temple family cemetary in the city of industry.

Mr. Speaker, I ask my colleagues to join me in acknowledging the many contributions that Don Pio de Jesus Pico, a man who epitomized America's pioneering spirit of hard work, innate intelligence and admirable perseverance.S0634

TRIBUTE TO ARDIE J. DILLEN OF ALTOONA, PA, THREE DECADES OF SERVICE IN BLAIR COUNTY

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. SHUSTER. Mr. Speaker, on February 28, 1994, Mr. Ardie J. Dillen of Altoona, PA concluded 27 years of service as president of Altoona Enterprises, Inc. During his tenure, hundreds of millions of dollars have been invested and countless jobs have been created and retained in the Altoona/Blair County community. Ardie has been a driving force behind the growth and expansion of businesses and industries that have transformed Altoona from an aging railroad town into a burgeoning hub of commerce. Under his leadership, the following are just a sample of his many achievements.

Development of the Peterson Industrial Park with the location of five companies within the complex.

Establishment and operation of the Altoona Area Incubator as a facility to promote entrepreneurial development for new and emerging businesses.

Development of the William W. Ward Industrial Park and the Tyrone Industrial Park.

Location of over 55 new manufacturing companies to the Blair County community.

Sponsorship by Altoona Enterprises, Inc. of over 100 projects under the Pennsylvania Industrial Development Authority [PIDA] program.

It has been my distinct privilege to work with Ardie Dillen and Altoona's business and civic leaders to mount this campaign for economic vitality. Together we have watched as old businesses have recreated themselves to compete in the 21st century, as small business grew into large businesses, as new industries discovered that the Altoona/Blair County was an attractive place to locate their plants and raise their families.

On Thursday, May 26, 1994, Ardie will be honored for his three decades of outstanding service. I am honored to join a very grateful Altoona/Blair County community in saluting Ardie Dillen's vision and his legendary dedication to the realization of his many goals and dreams for our region. Blair Countians will reap the extraordinary benefits of his works for generations to come.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 5, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 6

9:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Technology Assessment, and the Library of Congress.

SD-116

Governmental Affairs

To hold hearings to examine health care information management.

SD-342

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of Alan S. Blinder, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System, Steven M. Wallman, of Virginia, to be a Member of the Securities and Exchange Commission, and Philip N. Diehl, of Texas, to be Director of the Mint, Department of the Treasury.

SD-538

Veterans' Affairs

To hold oversight hearings to examine how military research may be hazardous to veterans' health, focusing on lessons from the Cold War and the Persian Gulf War.

SD-106

MAY 10

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on implementation of the Administration's Climate Change Action Plan and the Energy Policy Act of 1992.

SD-366

Labor and Human Resources

Disability Policy Subcommittee

To hold hearings to examine certain issues relating to family support for families of children with disabilities.

SD-430

10:00 a.m.

Labor and Human Resources

Children, Family, Drugs and Alcoholism Subcommittee

To hold hearings to examine child safety issues.

SH-216

2:30 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Commodity Futures Trading Commission, the Farm Credit Administration, and the Food and Drug Administration, Department of Health and Human Services.

SD-116

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Corps of Engineers.

SD-192

Commerce, Science, and Transportation

To hold hearings on the nominations of Susan Ness, of Maryland, and Rachelle B. Chong, of California, each to be a Member of the Federal Communications Commission.

SR-253

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on the potential role of Federal reclamation projects in meeting the water supply needs of the Colonias in Texas.

SD-366

3:00 p.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Alan Sagner, of New Jersey, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

SR-253

MAY 11

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Clean Air and Nuclear Regulation Subcommittee

To hold hearings to examine the possible health effects to non-smokers of environmental tobacco smoke.

SD-406

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Park Service, Department of the Interior.

S-128, Capitol

Labor and Human Resources

Business meeting, to mark up S. 1981, the Orphan Drug Act Amendments, and S. 784, Dietary Supplement Health and Education Act, and to consider pending nominations.

SD-430

MAY 12

9:00 a.m.

Office of Technology Assessment

Board meeting, to consider pending business.

EF-100, Capitol

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on long-distance services.

SR-253

Energy and Natural Resources

To hold hearings on the Environmental Protection Agency's proposed renewable oxygenate standard.

SD-366

Rules and Administration

To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Federal Election Commission.

SR-301

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.

SD-106

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1549, to revise the Act establishing Golden Gate National Recreation Area to provide for the management of the Presidio by the Secretary of the Interior, and S. 1639, to provide for the management of the portions of the Presidio under the jurisdiction of the Secretary of the Interior.

SD-366

MAY 13

9:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on the global land mines crisis.

SH-216

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education.

SD-192

MAY 16

4:00 p.m.

Foreign Relations

To hold hearings on the nomination of Joseph R. Paolino, Jr., of Rhode Island, to be Ambassdor to the Republic of Malta.

S-116, Capitol

MAY 17

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on the Pacific Rim, NATO, and peacekeeping programs.

SD-192

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs.

SD-138

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the earthquake disaster program.
SR-253

MAY 18

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1350, to revise the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.
SR-253

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on S. 1614, authorizing funds through fiscal year 1998 for programs of the Child Nutrition Act and the National School Lunch Act.
SR-332

MAY 19

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.
SD-106

MAY 20

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veteran's Affairs and Housing and Urban Development, and independent agencies.
SD-138

MAY 24

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on export promotion.
SD-138

MAY 25

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.
S-128, Capitol

MAY 26

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine policy options for the disposition of excess weapons plutonium.
SD-366

Rules and Administration
Business meeting, to mark up S. 1824, Legislative Reorganization Act, H.R. 877, Smithsonian National African American Museum, an original bill authorizing appropriations for fiscal year 1995 for the Federal Election Commission, S. Res. 196, printing resolution for Aging Committee, an original resolution authorizing the purchase of 1995 wall calendars, H. Con. Res. 222, authorizing acceptance and placement of a bust in the Capitol, and other legislative business.
SR-301

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.
SD-106

JUNE 8

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.
S-128, Capitol

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

JUNE 9

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To continue hearings on water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

JULY 19

10:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense.
SD-192

HOUSE OF REPRESENTATIVES—*Thursday, May 5, 1994*

The House met at 11 a.m.

The Rev. Doctor Ronald F. Christian, office of the bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, on this National Day of Prayer, we pause at this moment and give thanks that:

You have created this world for all of us to enjoy and to maintain in good order and beauty;

You have given this land, our country, with its vast storehouse of treasures, and around it you have cast, like a mantle, the sea;

You provide mercies new every morning, and offer, in abundance, supplies enough for everyone's daily need;

Give us Your Spirit, O God, that we may heartily acknowledge Your goodness.

But also, teach us to bear one another's burdens so that all may come to Your table of bounty.

Open our eyes to the woes and needs of others so that all shameful wrongs may be put right.

Make us all to be Your servants, whatever our station or title in life.

And never let us be so proud or so busy that a prayer to You, O God, is not a necessary ingredient for life. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BARRETT of Wisconsin. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BARRETT of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 248, nays 160, not voting 24, as follows:

[Roll No. 154]

YEAS—248

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—160

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Clinger
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCrery
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—24

Andrews (TX)
Blackwell
Brown (CA)
Chapman
Dellums
Dickey
Dornan
Ford (MI)
Frank (MA)
Huffington
Jefferson
Lloyd
Long
Maloney
McMillan
Olver
Rangel
Ridge
Rogers
Sangmeister
Strickland
Swett
Washington
Whitten

☐ 1126

Mr. GILCHREST and Mr. MCCANDLESS changed their vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MCNULTY). Will the gentleman from

Kentucky [Mr. MAZZOLI] kindly come forward and lead the House in the Pledge of Allegiance to our flag.

Mr. MAZZOLI led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 783. An act to amend the Fair Credit Reporting Act, and for other purposes.

S. 1927. An act to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S.J. Res. 168. Joint resolution designating May 11, 1994, as "Vietnam Human Rights Day."

S. Con. Res. 68. Concurrent resolution to authorize printing of Senator Robert C. Byrd's addresses to the United States Senate on the History of Roman Constitutionalism.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain up to 15 1-minute statements on each side of the aisle.

THE PRESIDENT'S HEALTH CARE PLAN IS A BIG WINNER FOR SMALL BUSINESS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, small business is a vital and truly American part of our economy. Small business creates good jobs and provides the opportunity to realize the American Dream.

Unfortunately, the skyrocketing cost of health care is threatening small business.

Four out of five small businesses already provide health coverage for their employees. Because small businesses don't have the buying power of large firms, they face an uphill climb against larger corporations. Small business owners—who can least afford it—are paying 35 percent more than big business for health care.

President Clinton understands this problem and that's why his plan will level the health care playing field. Under President Clinton's plan small business will have the purchasing clout to contain health costs. And small, low-wage business will receive large discounts of 25 to 85 percent for health care coverage.

Mr. Speaker, it is clear President Clinton's health care plan is a big winner for American small business and the American people.

REPUBLICANS SHARE ADMINISTRATION'S CONCERNS ABOUT HEALTH CARE REFORM.

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, yesterday, Mrs. Clinton spoke emotionally about the need for health care reform. After hearing heartwrenching stories from families who had spoken about high costs and cancelled insurance, she asked, "How could it be that everyone doesn't share your concerns?" Well, Mrs. Clinton, everyone does share their concerns. And if the President would support the Michel plan or a bipartisan health care reform plan like Rowland-Bilirakis, we might be able to help these people.

Instead, the White House continues to demand that health care reform include employer mandates that would cost America hundreds of thousands of jobs. Where is the First Lady's concern for those people who will be thrown out of work if the President's plan passes? Job loss has been estimated at over 1 million jobs under the Clinton plan. In my State of Georgia, job loss has been estimated at over 28,000 working Americans.

Mrs. Clinton, we care about the people you heard from yesterday and we care about the American worker. Most importantly, we care about crafting a health care reform bill that will provide quality medical care to our citizens without costing so many American jobs.

Mrs. Clinton, you can do better and you must.

□ 1130

A PRAYER TO BAN ASSAULT WEAPONS

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise today in strong support of the ban on assault weapons.

Mr. Speaker, today is an annual day of national prayer, and yet, Mr. Speaker, the media have said and has pretended that we do not have a prayer to pass this bill. Well, Mr. Speaker, if we ever needed a prayer, we need one today, because assault weapons have got to be taken off our streets.

We are not talking about quashing the right for upstanding citizens to own weapons or their constitutional right to own firearms. We are talking about 19 specific types of firearms that are high-powered, that are combat-type firearms, that must be taken off our streets.

It is a national day of prayer, Mr. Speaker, and I hope that we get a prayer through and ban assault weapons like we should in this country.

AN EMPLOYER MANDATE WILL DO NOTHING BUT GROW

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, if an employer mandate were enacted, my State would lose 14,300 jobs.

As we debate yet another mandate on America's employers, let us not forget the real world implications of such mandates. I challenge each of my colleagues to find one government mandate that has not been expanded over time. Further, while many in this Congress have labored to describe the employer tax to pay 80 percent of premiums as anything other than a tax, I challenge each of my colleagues to find a tax on employers that hasn't grown with time. One need only look as far as the HI tax or the OASDI or FICA tax. Does anyone remember the temporary 2-percent surcharge for unemployment compensation which was recently extended for the umpteenth time?

My colleagues, years of experience at the State level provides us with plenty of real world examples of how a limited government mandate does nothing but expand over time. For example, many of the reform proposals before us today have provisions which would override State health benefit mandates. Yet what has the experience been with benefit mandates? The answer is simple, these mandates have priced millions of Americans out of the health insurance market.

By pursuing an employer mandate at the Federal level we are courting disaster. Such a mandate would have nowhere to go but up, and each time Congress in its infinite wisdom decides to expand this mandate we will encounter another round of layoffs as employers on the margin are forced out of business. Early last year this Congress enacted the family and medical leave mandate, already this year there are calls for expanding the mandate to require employers to provide paid leave. The startling precedent is there, one only has to look to find countless examples of expanding mandates.

The ironic part of this whole debate is that employer mandates are not necessary for real, effective, successful health care reform. We should be focusing on the specific solutions to the specific problems of our unemployment compensation system for which there is broad bipartisan support and move forward to enact real bipartisan reform.

VOTING AGAINST ASSAULT WEAPONS BAN WILL HURT AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, today's debate is not about guns. It is about politics.

Congress is getting phone calls. People are saying, "Vote 'no'" vote "no"; from good Americans who believe Congress will ultimately take away their guns.

As a former sheriff, let me remind Members today that Congress is getting no phone calls from the graves of victims in cemeteries all over America.

It is time to stand up. The President is right. Ladies and gentlemen, there is a limit to this madness.

Mario Andretti cannot drive his Indianapolis 500 race car on the Pennsylvania Turnpike, and you do not need a machine gun with a grenade launcher and a bayonet to kill a rabbit.

Congress, stand up. This vote will hurt me today politically, but a "no" vote by JIM TRAFICANT and by this Congress will hurt America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Members in the gallery are reminded that we are delighted to have them with us, but they are to refrain from responding either positively or negatively to statements made on the floor.

AN EMPLOYER MANDATE HURTS SMALL BUSINESSES

(Mr. MCCRERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCRERY. Mr. Speaker, before I talk about employer mandates, some of us do need a grenade to hit a rabbit, so I take issue with that.

An employer mandate would cost my State 15,300 jobs according to the American Legislative Exchange Council, the Nation's largest bipartisan organization of State and local legislators.

A health benefits mandate on employers will not only force layoffs in the short run, but also make it significantly more difficult for employers to grow and hire people. Louisiana's economy faces continuing layoffs because of mounting defense cuts, the instability of oil prices, and the downsizing of major employers. At this time, we need to encourage job growth for small businesses—not place additional burdens on entrepreneurs who are quiet heroes trying to create more jobs for all Americans.

The mandate proposed by President Clinton would require small employers to pay for 80 percent of the cost of a Fortune 100-style health benefits package that does not permit self-insuring, and does not permit low-cost, high deductible coverage. This would lower worker's wages, increase employer costs, and reduce incentives for employers to cut health costs

Further, the premium subsidies in the President's bill would not flow to many above average wage companies in my State. For example, to be eligible for the full tax credit, a company would need to have fewer than 25 employees with average annual wages of $12,000 or less. Even with subsidies, the paperwork and cost burden of an employer mandate will destroy jobs.

Such negative economic effects are not necessary to solve our problems in health care. The serious problems of our health care system can be addressed without employer mandates.

THE NRA MUST TAKE A NEW DIRECTION

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, when the assault weapon ban bill is considered I shall vote no. I am persuaded that the bill may be more expansive than the 19 weapons mentioned. This was not an easy decision for me. I support the constitutional right to have and bear arms, but we must do something about the onslaught of millions of dangerous guns that are easily obtainable by those who senselessly kill innocent people in our country.

I call on the NRA to take a new direction. The NRA is intransigent. Its leaders constantly whip their membership into a frenzy in believing all their guns are going to be taken away.

Hiding behind the second amendment and calling only for stricter law enforcement is not enough. The NRA should take the lead in coming up with a national plan to reduce the availability of guns and level of violence in America while maintaining the constitutional right of Americans to hunt and to protect their homes.

EMPLOYERS WILL PAY FOR HEALTH CARE MANDATES

(Mr. CASTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASTLE. Mr. Speaker, many of us are concerned about the proposed mandate on our businesses to provide a comprehensive benefits package. Employers are being mandated to float money into the system only to create a bigger system, a system we cannot afford.

Many of us are concerned about job loss, and projections range from 600,000 to 3 million. Jobs should not be sacrificed to furnish a health care reform proposal that will far exceed its estimated costs.

We can easily look into the future of employer mandates by looking at another Government-run health care program: Medicaid. In 1966, combined Federal and State Medicaid payments were $1.7 billion. In 1992, they were $119 billion. No one came close in predicting the costs of this program.

No jobs were directly eliminated to cover the program's costs, but the extensive benefits packages put an expensive burden on our States and Federal budgets.

Under the President's plan, our employers are the payers, and they will pay in more ways than laying off jobs. They will pay every time Congress decides to ratchet up the comprehensive benefits package and the employer contribution.

President Clinton pledged to end welfare as we know it, not end health care as we know it.

We need to reform our health care system, but when enacting mandates, we must remember that employers, not just government, will be picking up the tab.

STOP DEMONIZING AFRICAN-AMERICAN COLLEGES AND UNIVERSITIES

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today to talk about another kind of assault, that is, the assault against Howard University, and by implication, many other historically black colleges and universities.

Even the Anti-Defamation League has stated that of the 122 anti-Semitic incidents that have been recorded, only 3 of them were on the campuses of black universities. In 81 colleges last year there were reports made including Yale and Harvard and Columbia and Brigham Young universities. None of them was from African-American colleges.

I think it is time for us to stop applying a double standard, a standard against Howard University and against African-American universities which is not appropriate.

Mr. Speaker, it is my hope that we will be fair to Howard and understand that students on all campuses voice their opinions and have their meetings.

Even at Howard, when the meeting was held, only 100 students from Howard were present among 2,000 people.

Let us stop demonizing Howard. Let us stop demonizing African-American colleges.

□ 1140

EMPLOYER MANDATES RESULT IN SIGNIFICANT JOB LOSSES

(Mr. PORTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, I rise today to join my colleagues to express my opposition to an employer mandate in any health care reform plan, particularly because of its impact on small businesses. This is the very sector of the economy that is the engine of economic growth and job creation in my district and across America. Studies have concluded that an employer mandate would not just stunt this growth, but result in significant job losses. For example, NFIB's recently released study projected that 850,000 jobs will be lost as a result of the Clinton plan, 410,000 of which will occur in firms with fewer than 100 employees. The American Legislative Exchange Council estimate that more than 45,000 jobs would be lost in Ohio alone.

This is not the time to burden small businesses with national policies that discourage job creation. In the Cincinnati area I represent, many of the larger companies have laid off workers in the last few years. It's the smaller firms that have been adding jobs and keeping our local economy growing. Following a national trend, our local small businesses added about 12,000 jobs from June 1992 to June 1993. We should be doing all we can to further this job creation, not destroy it.

I support the goal of providing universal access to affordable health care. But there are better ways to get at health care security than risking people's job security.

ASSAULT WEAPONS HAVE NO PLACE ON OUR STREETS OR WITHIN REACH OF OUR CHILDREN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last month, the House passed sweeping crime legislation that is both tough and smart. Final passage of the crime bill is critical to ending the wave of violence that plagues our streets and so is the legislation we consider today: the assault weapons ban.

This legislation would ban 19 semiautomatic weapons—weapons with names like street-sweepers, Uzis, and AK-47's. If the names sound familiar, it is because these weapons have achieved notoriety as the weapons of choice of gang leaders, drug dealers, cop killers and terrorists.

When these rapid-fire weapons fall into the hands of disturbed individuals, the results can be horrific. Just last month here in the Nation's Capital, gang members opened fire on a marketplace, injuring several shoppers and killing one teenaged boy.

In my home State of Connecticut and across the country assault weapons are being confiscated with increasing regularity. In Bridgeport, the number of assault weapons confiscated by police doubled last year. In one case in Wallingford, CT, police responded to a call where a 10-year-old boy was critically wounded when a .22 caliber pistol he was playing with accidently went off. When police searched the scene they also found 37 assault rifles.

Assault weapons are weapons of war and they have no place on hunting trips; they have no place on our streets; and they have no place in our homes within the reach of our children.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

SMALL BUSINESS WEEK 1994

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, 1994 Small Business Week celebration is almost over and the outstanding representatives from the small business community from every State are in Washington to receive their awards. The number one issue on their minds was health care reform. Many of these entrepreneurs—recognize as exemplary small business owners from their respective States—said they have seriously looked at the President's health care reform proposal, looked at their bottom line, and they simply could not survive the mandate.

As the winner from my State of Kansas said to me at lunch on Tuesday,

> Congresswoman Meyers, I've run the numbers and we just can't do it. Eight percent of payroll completely wipes out our profit margin—and our profits don't just go into our pockets, after taking out a wage for my wife and myself, our profits are in our inventory—put back into our business.

Mr. Speaker, it is time the administration and those pushing employer mandates stop trying to sell their employer mandate, and actually listen to our Nation's employer—small business. Numerous, reputable studies show that mandated, employer-provided health insurance will cause substantial job loss. Small business owners want reforms in our Nation's health care system that will help them to provide health insurance coverage for their employees. However, cramming a mandate down their throats is not the solution. Let us listen to our small businesses, our Nation's economic engine, and work with them to find some solutions to our health care crises.

Mr. Speaker, the best tribute this body could pay to small businesses is to really listen to their concerns. Health care coverage, at the expense of one's job, is not the answer. Let us work together for a solution that moves us toward universal health care coverage, without crippling the American economy.

ASSAULT WEAPON BAN PART OF A MULTIFACETED ANTICRIME EFFORT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I speak today about the assault weapon ban measure which will come up shortly. I voted for it in subcommittee, again at the full committee level, and I intend to support it today.

Many of the arguments are valid on both sides of the issue, but one that I have heard so much is that these kinds of guns fire the same, they have the same action and use the same bullets. Then the argument goes on that they are used for the same purpose.

Well, the first three of those assertions I can agree with; the last one, "used for the same purpose," I disagree with. The guns, the weapons that we would ban today if this bill passes, are not used normally by hunters or normally by target shooters, but they are used normally by people on the streets to wreak havoc and to create acts of mayhem.

Another argument I have heard is the shrouds and the flash suppressors and the pistol grips and folding stocks, that they are really only cosmetic additions to the weapons. At the full committee I asked that very question of the chairman of the committee, "Are these in fact cosmetic changes, or do they have some substantive facility for the people who would use them for wrong purposes?" In fact, they do have a use for wrong purposes: You can fire more quickly, you can do more damage with these features than without.

So at the end of the day, Mr. Speaker, I think that this bill, which only prohibits specifically 19 weapons and releases 650, is a good piece of legislation and is one facet of a multifaceted anticrime bill that this Nation very much needs.

CURE WORSE THAN THE DISEASE

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, let us be sure that when we reform our health care system we don't prescribe a cure that is worse than the problem.

All studies show that an employer mandate is just that—maybe more Americans would have health insurance, but at the same time, more Americans would be without jobs. And those who would be hit the hardest are those who are currently falling through the cracks. Job losses would be experienced by those working for small businesses and part-time and low-wage workers. And ironically, the self-employed.

Jobs should not be pitted against health care reform. Adding another tax on business is not the prescription for health care reform. It is time that we reject the employer mandate and instead, enact a commonsense bill that treats the real problems.

Reforming our health care system is supposed to cure the patient, not send the patient back to the emergency room with another illness.

ASSAULT WEAPONS—THE MACHO SYMBOL OF LAWLESSNESS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, last Thursday in Easley, SC, staff at a local bank reported a man for suspicious behavior. As police officers approached the man, he reached into a bag for a 9mm pistol, whereupon an officer shot him.

In the man's nearby car police found a loaded AK-47 assault rifle with extra magazines of ammunition. One officer said, "I doubt he was going deer hunting."

Whether the man intended to rob the bank, or was merely dangerously insane, one thing is clear: He knew what kind of tools he needed.

Think of AK-47's or TEC-9's and you think of criminals. You think of violence, drive-by shootings, random murder, destruction.

These weapons are the macho symbol of lawlessness. More and more the lawless employ them. It is clear what place these weapons have in our society: It is a place of self-destruction.

Vote to ban these tools of anarchy. If we do not, we enshrine this violence in our culture.

A TO Z SPENDING CUTS WOULD PRESAGE WELCOME CHANGE

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, we were tremendously encouraged by the long lines yesterday, to sign the A to Z spending cuts discharge petition.

We are convinced that, as we move closer to the election cycle, Members will hear loud and clear from their constituents back home, and pay less attention to the leadership enticements that would prevent them from doing the right thing.

We must remember that business as usual, has resulted in a $4.5 trillion debt. Our annual interest payments are now over $200 billion, and slated to hit $278 billion by the year 2002. The amount of money that we pay for nonproductive interest payments, exceeds our annual expenditure for vital areas, such as research into cancer, AIDS, and other diseases; interest payments exceed our Federal aid to education; these interest payments also exceed our budgets for other vitally needed areas such as environmental protection, veterans health care, and our widely heralded anticrime efforts.

It is time for change. We can no longer afford business as usual. Sign the A to Z discharge petition today. It is time to start cutting that $4.5 trillion debt.

□ 1150

SUPPORT H.R. 3527, PUBLIC SAFETY AND RECREATIONAL FIREARMS PROTECTION ACT

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, I rise today to express my strong support for H.R. 3527 which would ban 19 assault weapons.

Now I am a gunowner myself, but I am not here to express my personal opinion. I am here to report why the real experts in my district support this assault weapon ban.

I would like to quote Police Chief David Bishop:

> I support banning assault weapons. These types of weapons create problems on the streets for police officers, and unfortunately the criminals are often better armed than the police.

Police Chief Charles Moose of Portland:

> These military type weapons have no place in our urban communities and should be removed from our streets. It won't impact our hunters or recreational shooters. These guns are used to kill people.

Police Chief Ron Louie:

> Plain and simple, these guns were designed to kill humans, not animals. They were designed for war, not hunting.

Mr. Speaker, this ban will help families, children. It will give our communities the security they deserve. I urge my colleagues to vote yes and to support our law enforcement community.

CAMPAIGN REFORM—THE REST OF THE STORY

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, unlike Paul Harvey, the Democrats aren't telling—the rest of the story—when it comes to campaign finance reform.

They keep hiding the fact that the congressional reform bills will never take effect, unless we increase taxes to pay for campaigns.

The bills depend on taxpayer-financed subsidies for candidates, otherwise known as welfare for politicians. In this morning's Roll Call newspaper, the FEC's initial estimate could cost taxpayers $117 million.

Mr. Speaker, good old Uncle Sam is going to help voters make up their minds about who to support in elections—no longer trusting the voters to make up their own minds.

Instead, Congress should encourage candidates to seek campaign financing from the people who elect them to office. This idea was recently supported by 70 percent of the American public in a recent poll published in the Washington Post.

Mr. Speaker, it is time we go back to the table and hammer out real bipartisan reform, that Americans can afford and deserve.

UZIS ARE NOT FOR SPORTSMEN

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, today we are each asked a simple question: Do you think we should allow the sale of assault weapons to continue unchecked? Make no mistake, a "no" vote today means that you think it's just fine to go ahead and keep flooding the streets with these guns by the thousands. A "no" vote means, "Yes, I saw the news last night, I saw that child's life was snuffed out by a stray bullet from an Uzi. But you know, they are entitled to those Uzis." Well, Mr. Speaker, I think most of America says they are not.

Our country has become a battlefield and semiautomatic assault weapons have become the armaments of choice. Far too many people have been killed or crippled for us to pretend that these weapons are merely for sportsmen and hunters.

Today we are asked to decide whether the blood in the streets is simply an acceptable loss in the defense of liberty, or an intolerable slaughter of our neighbors and families. Who do you expect will thank you for defending—this slaughter?—your version of liberty? Say no to the killing. Say no to weapons designed for murder. Say yes to life—vote yes on the assault weapons ban.

SOCIAL SECURITY

(Mr. BLUTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUTE. Mr. Speaker, a plan unveiled recently by the Ways and Means Chairman would cut COLA's and raise taxes, yet again, on Social Security beneficiaries.

Wringing more money from the Social Security system and stealing from the pocketbooks of senior citizens is not the way to attack our Federal deficit, and Members should reject such proposals out of hand.

Instead, we should redouble our efforts to protect the Social Security system, and make sure that everyone who pays in will benefit from it when their time comes.

Yesterday's approval by the Ways and Means Committee of a bill to make Social Security an independent agency is a step in the right direction. Separating Social Security will protect it from politics and budget cuts; it will make it more difficult for politicians to put their hands into funds which belong to seniors who have paid into the system their entire life.

Let us have an administrator of Social Security who would have the ability to make tough, independent decisions—reducing fraud and inefficiency. This would make Social Security more secure in future years.

I urge all of my colleagues to stand up for our seniors by voting to make Social Security an independent agency. Let us protect the sanctity of the Social Security system, and restore the trust of the American people.

IMPORTANT VOTE TODAY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, today we will have the opportunity to vote for an additional $13 billion in spending cuts. This is an important vote. With this vote we will go over $500 billion in deficit reduction when we take last year's $496 billion package cut and this additional cut:

More than $500 billion, one-half trillion dollars, that the American people will not have to pay;

More than $500 billion, one-half trillion dollars, that we will not be passing along to the next generation;

More than $500 billion, one-half trillion dollars, that will cut the fat, but not the muscle, out of Federal programs.

Mr. Speaker, let us just hope that the Federal Reserve is paying attention.

NATIONAL DAY OF PRAYER

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, today has been designated as the National Day of Prayer. Church and religious leaders all over the Nation have asked people to pray for their families, their friends, their Nation.

I believe that prayer really does work. This Nation would be a much better place today if we had more people kneeling in prayer. Government simply cannot solve all of our problems, yet today we seem to have turned the Federal Government into some type of god. We are placing too much faith in men and laws and not enough faith in God, and in many social, personal and moral ways we are seeing almost a disintegration of our society.

Mr. Speaker, we need to come together as a nation again, and we need to remember what the Bible tells us in Second Chronicles:

> If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways, I will hear their cries from heaven, and will forgive their sin, and heal their land.

How desperately, Mr. Speaker, our Nation needs to be healed today.

A CHOICE BETWEEN POLITICAL LIVES OF GUN LOBBYISTS OR THE LIVES OF POLICEMEN

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, Congress has a choice today on the assault weapons ban. Members of Congress can stand with the gun lobby, or they can stand with the police. The well-funded National Rifle Association lobbyists got up this morning determined to save their jobs by threatening Members of Congress that a vote for the weapons ban would endanger their political lives. But thousands of men and women also got up this morning, put their badges on, their police uniforms on and their lives on the line to protect our families and our communities. These policemen are begging Congress to help take these combat weapons off the street and out of the hands of the mentally unstable, the criminally violent, and the drug gangs.

So, Mr. Speaker, I say to my colleagues, "Take your pick, Members of Congress. Protect the political lives of gun lobbyists or the lives of policemen across America."

History will undoubtedly view today's debate with incredulity if we fail. A nation awash in violent crime watches as its national legislature cannot bring itself to prohibit 19 of the most dangerous weapons available. Let us hope that Congress has the courage today to take this small step toward making American families a little safer.

REAL CRIME CONTROL

(Mr. MANZULLO asked and was given permission to address the House for 1 minute.)

Mr. MANZULLO. Mr. Speaker, this proposed ban on so-called assault weapons will not deter crime in the United States. Automatic weapons, or one pull, many shots, including machine guns, have been banned for 50 years. This bill bans one pull, one shot, also called semiautomatic firearms purely on how they look as opposed to what they do.

The semiautomatic shotgun used by the President on a hunting trip last winter is more powerful than many so called assault weapons banned under the bill. The lever action Winchester rifle used by Chuck Conners is the old "Rifleman" television show is more powerful than the firearms banned under the bill. And, so-called assault weapons are used in less than one-half of one percent of all violent crimes.

The week the Rockford, IL City Council voted overwhelmingly against a similar ban. Those aldermen recognized, as I do, that such a ban will not deter crime.

What is really offensive is President Clinton's proposal to virtually eliminate mandatory minimum sentences for drug traffickers, setting free 16,000 imprisoned felons. You cannot talk about fighting crime while releasing drug traffickers. Mr. Speaker, we need to focus on the criminals and punish them severely.

□ 1200

THE WILL OF THE AMERICAN PEOPLE—BAN ASSAULT WEAPONS

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, today the American people are waiting with bated breath to see if this Congress stands with the American people in an assault weapons ban or stands with the special interests that are desperately trying to prevent this body from doing the will of the American people.

Polls have shown that 77 percent of Americans want as assault weapons ban. Violence is in our streets, violence is in our cities and our towns, and yet we sit and wring our hands and do not react to it at all.

In the killings on the Long Island Railroad, if that person did not have an assault weapon, many people would still be alive today.

One percent of all privately owned firearms are assault weapons, yet they accounted for 8 percent of all firearms deaths last year, in 1993.

These weapons are not for hunting or for legitimate sports purposes. They are only for one thing—to kill people, to be put in the hands of the unstable to kill people. The logic that somehow the fact that we are not banning all assault weapons means that we should not ban some escapes me.

Mr. Speaker, the American people are watching. If we do not do what the American people want us to do in this instance, shame on us all.

WAR AGAINST DIABETES ESPECIALLY CRITICAL TO HISPANIC COMMUNITIES

(Mr. BONILLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONILLA. Mr. Speaker, diabetes is a tremendous public health problem in this country. More than 14 million Americans have the disease and nearly 650,000 new cases will be diagnosed this year. Of particular concern to me is the disproportionate impact diabetes has on racial and ethnic minority populations, particularly Hispanics.

As a child growing up in heavily Hispanic South San Antonio, I witnessed first hand the devastation diabetes can render in a community. Many of my family members and friends were inflicted with diabetes. In fact, in our community it was not just who you knew with diabetes but how many people you knew with the disease.

As an adult, I have witnessed the negative impact of diabetes in my own congressional district in Texas. The district spans 600 miles of border with Mexico from El Paso to Laredo and the majority of my constituents are Hispanic. Diabetes has personally touched many of their lives.

Mr. Speaker, I strongly support those programs that identify people with diabetes and provide them with the information they need to prevent the disease's deadly complications. The Division of Diabetes Translation at the Centers for Disease Control is an excellent program of this type. By helping States conduct prevention and control activities, it has proven to be extremely successful in limiting the impact of diabetes. Another very successful program which specifically seeks to address the impact of diabetes among Hispanics is the American Diabetes Association's diabetes assistance and resources program.

Mr. Speaker, I look forward to working with my colleagues in the House to ensure that those programs dealing with the treatment, prevention, and control of diabetes get the attention they deserve.

Diabetes is the fourth leading cause of death by disease in the United States, taking the lives of more than 160,000 Americans annually. More than 1 million Hispanics, nearly 1 in 10 adults, have diabetes. These individuals are at substantial risk for developing one or more of the disease's debilitating complications: kidney disease; leg, foot, and toe amputations; blindness; heart disease; and stroke. More than $92 billion is spent each year in the fight against diabetes.

Fortunately, modern medicine has shown that the complications of diabetes can be avoided with routine preventive medical care. By maintaining a good diet, exercising regularly, and stabilizing one's blood glucose levels as close to normal as possible, one can dramatically reduce the odds of developing the disease's complications. However, there are many millions of Americans who are not even aware that they have diabetes, let alone know how to properly manage it. It is critical that these people are properly diagnosed and treated.

BANNING ASSAULT WEAPONS: PETTY SYMBOLISM AT ITS WORST

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, today, the House will take up the much-publicized ban on so-called assault weapons.

It is important to understand that, despite the way it looks, this debate has almost nothing to do with assault weapons themselves.

Military-style semiautomatics are no more powerful, no more accurate, and no more deadly than dozens of other firearms that would remain legal under this bill.

Furthermore, according to the FBI they are no more likely to be used in the commission of crime than other guns.

So why are these weapons being singled out by the gun control advocates? Simply because they look scary and they make great props for soundbite politicians. That's it.

To me, it is totally absurd that while hundreds of law-abiding citizens are being murdered, raped, and assaulted every day by criminals who should be in jail, we are debating whether or not to ban guns simply because they have bayonet mounts.

Folks this isn't crime control, its petty symbolism at its worst, and I for one, refuse to be a part of it.

HEALTH CARE REFORM AND ITS IMPACT ON JOBS

(Mr. GALLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLO. Mr. Speaker, I appreciate this time to address the economic implications of health care reform. Whether we mandate employers to pay for coverage, control prices of prescription drugs, slash Medicare, or increase taxes to reform health care, each of these measures will impact jobs.

I am concerned about the future of a health care industry that employs nearly 9 million Americans.

Before we vote on a health care reform plan, we should have in hand an official congressional job impact statement. Congress should have a clear indication of how any measure will impact people's jobs.

With my colleague from Kansas, JAN MEYERS, I have introduced a bill that would require that be done—H.R. 3882, the Health Care Reform Jobs Preservation Act. I urge you to cosponsor this bill. The American people deserve to know whose jobs might be lost as a result reforming the health care system.

Thank you, Mr. Speaker.

THURSDAY, MAY 5—TAX FREEDOM DAY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I rise today to remind my colleagues that today, May 5, is a very special day. It is Tax Freedom Day.

What that means is that for the first 125 days of this year you have been earning enough money to pay it all to government to pay your taxes.

How big do we want government to be? Think about it. One answer is to say "Why don't we just borrow more money?"

Well, let me ask the Members a question. Out of all the money lent in this country, out of all the money borrowed in this country, guess how much money government borrows? The answer is: 52 percent. So guess who is driving up the interest rates of this country. The answer is: government. Government is taking 52 percent of all the available money, taking it away from people who want to use it for a college education, for a car, a home, or, more importantly, maybe for business expansion.

We have got to reduce spending. If you are an average American, local, State and national taxes take 41 cents out of every $1 you earn. We have got to cut spending.

Coincidentally, we have a petition that would allow this Chamber to vote from A to Z to cut spending. Let us be fair to the American people. Let us be fair to our grandkids. Let us cut spending. Let us sign the A to Z petition and cut spending.

PUBLIC SAFETY AND RECREATIONAL FIREARMS USE PROTECTION ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 416 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 416

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4296) to make unlawful the transfer or possession of assault weapons. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute and no other amendment to the bill shall be in order. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

□ 1210

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 416 is a rule providing for the consideration of H.R. 4296, the Public Safety and Recreational Firearms Use Protection Act. The rule provides for 2 hours of general debate equally divided and controlled by the chairman and ranking minority member of the Judiciary Committee. The rule provides that the Judiciary Committee amendment in the nature of a substitute now printed in the bill shall be considered as read. All points of order are waived against the committee substitute. The rule provides that no amendment to the committee substitute nor the bill shall be in order. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the Assault Weapons Ban Act would ban the manufacture, possession or sale of assault weapons. The bill exempts from the ban, weapons that are already legally owned at the time of enactment. In addition, the bill is very specific in defining which semiautomatic rifles, pistols, and shotguns would be prohibited. The bill exempts 650 specified sporting guns including Browning and Remington rifles and all bolt, pump, slide, and level action guns from the ban. The legislation does not affect the use of these weapons by governmental agencies, such as law enforcement officials and the military. Finally, the bill's provisions contain penalties for those who violate the ban.

Mr. Speaker, our Nation is under siege. Our emergency rooms are overflowing with victims of gun violence from assault weapons. In Los Angeles military trauma physicians have been recruited in hospitals to relieve the workload resulting from gun violence. Physicians in these hospitals receive practice in treating wounds from high-velocity assault weapons—wounds similar to the type seen in the Vietnam War.

Mr. Speaker, every year the problem of gun violence only seems to get worse as more assault weapons find their way into the hands of criminals. It is estimated that there are roughly one million assault weapons in the United States. According to the Bureau of Alcohol, Tobacco, and Firearms between 1990 and 1993, reports of assault weapons increased by 35 percent. From 1990 to 1993, the percent of firearms traced that were assault weapons rose from 5.9 percent to 8.1 percent. Since studies show that assault weapons make up only 1 percent of the firearms in circulation, assault weapons are in proportion used more often to commit crimes. In fact, these weapons are 18 times more likely than other guns to be cop-killers, and 16 times more likely to be traced to crime than other firearms.

Mr. Speaker, enough is enough. Assault weapons are used by criminals, not hunters or sport shooters. The sole purpose of these weapons is to kill a lot of people quickly. What was originally intended for military combat, has now become the weapon of choice for drug dealers and gangs.

These large-capacity ammunition weapons have resulted in death and injury throughout our Nation. Last year alone assault weapons resulted in: The killing of 6 and the wounding of 19 on a Long Island commuter train; the killing of 2 CIA workers and the wounding of 3 others in McLean, VA; the killing of 8 and the wounding of 6 in a San Francisco high-rise office building, and the list goes on.

Foreign nations are now issuing travel advisories to warn their citizens about traveling to our Nation due solely to the epidemic of gun violence. And foreign visitors are not the only ones fearful, most U.S. citizens experience this same fear daily. My own constituents who live in small rural towns now rate crime as the No. 1 issue.

Mr. Speaker, according to a recent Washington Post editorial:

> One of the lamest excuses a House member can parrot from the [assault weapons ban opponents] is that there's no difference between assault-style weapons and the firearms of sporting. If this is so, why are law enforcement groups from coast to coast pleading for passage of a bill to ban the sale of 19 specific models? Who's more believable—the cops who are out there dealing with armed criminals everywhere, or representatives of the weapons manufacturers worldwide who promote anything with a trigger?

The Assault Weapons Ban Act has the support of every major law enforcement group including the National Association of Police Organization, the National Sheriffs' Association, Police Executive Research Forum, Police Foundation, Police Management Association, the International Brotherhood of Police Officers, the International Association of Chiefs of Police, and the Federal Law Enforcement Officers.

In addition, organizations representing education, children, the medical community, social services providers, civic groups, lawyers, clergy, and government have voiced their support for a ban on assault weapons. Groups such as the American Bar Association, American Nurses Association, American Public Health Association, American Academy of Pediatrics, International Ladies Garment Workers Union, U.S. Conference of Mayors, National League of Cities, National Association of Counties, League of Women Voters, AFL–CIO, National Urban League, NAACP, Handgun Control, and the National Education Association all support the bill.

The bill has also been endorsed by three former Presidents including Ronald Reagan, Jimmy Carter, and Gerald Ford.

Mr. Speaker, the American people are demanding an end to the growing epidemic of gun violence. H.R. 4296 cannot end all the violence brought on by guns, but it is a step in the right direction. In California where assault weapons are now banned, preliminary statistics indicate that it has slowed down the growth in the use of these weapons as compared to the rest of the Nation.

Mr. Speaker, it is time to take back our streets from the criminals and to end the carnage that has made us all prisoners of our own fear. We cannot wait any longer. House Resolution 416 is a fair rule that will enable us to consider this very important legislation. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this rule and the bill it makes in order.

This bill is misguided because it penalizes good law-abiding American citizens, not the criminals who are the cause of the problem. The criminals will ignore this law. The law abiding will have their rights taken away.

In the Rules Committee yesterday I moved to make in order a substitute for this bill offered by the gentleman from Florida [Mr. MCCOLLUM].

The McCollum substitute is a rational solution to the problem of gun violence. It provides mandatory prison terms for use of a firearm during a State crime of violence or State drug trafficking crime.

This approach penalizes the criminal who is guilty of abusing a gun, not law-abiding American citizens.

My motion was turned down in the Rules Committee and the main objection was that the substitute would have required a waiver of points of order. But, Mr. Speaker, this rule before us today waives all points of order against consideration of the bill and also waives all points of order against the committee substitute.

Why should our substitute not have been given the same waiver? The rule also prohibits all other amendments.

Mr. Speaker, this bill is the second shoe to drop on the way to taking away the right of Americans to bear arms. The first shoe to drop was the Brady bill which was signed into law last November. Mark my words, this will turn out to be a centipede with a lot of shoes.

If this bill is passed, there will soon be another one cutting away a little more of the right to bear arms provided under the second amendment to the Constitution.

The ironic part of this is that many of the same people who are cutting away our rights under the second amendment, are the ones who would be most insistent about protecting rights under the first amendment, like free speech. All of our rights under the U.S. Constitution should be protected, not just ones that the current President happens to favor.

Mr. Speaker, supporters of this bill have given the impression that weapons banned by this bill produce a spray of bullets. This is just not the case. The firearms banned in this bill are not machine guns. Machine guns are already restricted by law. The guns being banned in this bill are semiautomatic and fire only one shot with each pull of the trigger.

They are useful for target shooting, self-defense, and hunting, just as other firearms are.

Moreover, the supporters of this bill repeatedly make reference to the 19 weapons which are specifically banned under this bill. But the actual number which would be banned is much greater than that.

In the CONGRESSIONAL RECORD of May 2 Senator LARRY CRAIG inserted correspondence with the Director of the Bureau of Alcohol, Tobacco, and Firearms, concluding that the actual number of weapons banned under Senate language similar to this bill is approximately 180, not just the 19 often cited by supporters of this bill.

Some supporters of this bill give the impression that so-called assault weapons are used in a large percentage of crimes. But I would like to cite an unimpeachable source, namely the chairman of the House Judiciary Committee, my good friend JACK BROOKS, who in dissenting views accompanying this bill notes a number of relevant facts.

For example, Chairman BROOKS points out that most of the firearms labeled as assault weapons in this bill are rifles—yet rifles are the category of firearms used least often in the commission of violent crimes.

The next fact which should be kept in mind is this. The FBI Uniform Crime Reports, 1992, the most recent comprehensive data available, shows that rifles of any description are used in only 3.1 percent of homicides, while knives are used in 14.5 percent of homicides. This means that knives are used in more than four times as many homicides as all rifles, not just rifles banned in this bill.

But there is more. It turns out that fists and feet are used in 5 percent of all homicides. When are we going to ban those? Also blunt objects are used in another 5 percent of homicides. Are we going to ban rocks, for example?

Professor Gary Kleck, of Florida State University, the 1993 recipient of the American Society of Criminology's Hindelang Award, estimates that only one half of one percent of violent crimes are committed with assault weapons. This bill is clearly missing the target, Mr. Speaker.

But there is more. Right here in Washington, DC, which has the highest per capita rate of homicides of any major city in the United States, between 1980 and 1993 there occurred only four rifle related homicides out of a total of more than 4,200 homicides in the period according to the metropolitan police.

Mr. Speaker, there is a problem with crime out there, but this bill is not the solution. It is not even a meaningful part of the solution.

Mr. Speaker, the actual purpose of this bill is to direct attention away from the real cause of crime, namely, the criminal. This bill is part of an agenda which advances the notion that things other than the criminal—such as guns, root causes, or sociological conditions—are the cause of crime.

If Congress adopts the theory that limiting access to firearms reduces crime, there will be increasing pressure to ban more and more of them. Eventually the right to bear arms will be nullified.

At the same time murder and mayhem will continue, because we are failing to do the things that need to be done to deter crime, take criminals off the street and keep them off the street.

The House had an opportunity to get tough on crime when the Republican anticrime agenda was offered a few weeks ago.

It included such things as prison construction combined with truth in sentencing, a workable death penalty, and reform of the exclusionary rule. That bill was the way to reduce crime. This bill is not.

In the Rules Committee yesterday there was another opportunity to do something real about crime, when the McCollum substitute was offered. But that opportunity was voted down.

This bill is a step in the wrong direction, that is, taking away the constitutional rights of American citizens. And the sad part is that crime will still be just as much of a problem if this bill is passed as it is now. This bill should be defeated.

Mr. Speaker, I include for the RECORD the following information:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	62	13	21	49	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 4, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

☐ 1220

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, There is an old joke about a lawyer who is representing the owner of a dog that bit somebody. First, he says the dog did not bite the man. When that does not work, he says that the client did not own a dog. And when that does not work, he says that the dog was not a dog.

That is exactly what the National Rifle Association is doing. First, they said that assault weapons do not kill people, people kill people. When that did not work, they said that these assault weapons are not assault weapons. When that did not work, they said that there is no such thing as a semi-automatic assault weapon.

Well, to go back to that old expression: These dogs won't hunt.

It is so rare that we deal with issues that are so clear cut, that make such basic common sense. These are weapons of war and now the artillery of the drug trade. Let me tell you about one story from my city I heard from my district attorney. It happened last year. Four men, three of them brothers, were standing on a corner in west Philadelphia. They were not involved in crime; they were just on the wrong corner at the wrong time. Because, it was a drug corner, and they were getting in the way of business.

Four of the men who controlled the corner arrived, all armed, one with an M-11. They opened fire. Nineteen shells were recovered from the M-11. Two men died. One brother is confined to a wheelchair. One man was shot eight times and, remarkably, survived.

I have said enough. Let us vote for the rule, and then vote to rid our streets of these killing machines.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to a very distinguished member of the Committee on Rules, the gentleman from Florida [Mr. GOSS], who has to go back up to the Committee on Rules, which is meeting right now.

Mr. GOSS. Mr. Speaker, today's discussion presents a unique legislative situation. While technically H.R. 4296 is a free-standing bill, there are many strings attached. The fact is, H.R. 4296 is a vehicle for this House to clearly state its will on a selective assault weapon ban, not to tinker with the fine print of such a proposal. I understand the benefits of focusing on the broad philosophical issue: Will this ban on selected assault weapons help to reduce violent crime in our communities? Statistics and evidentiary experience show the answer is no. But this rule precludes discussion of the other half of this crucial question: Wouldn't the guarantee of tougher penalties do more to reduce violent crime in our communities? I am convinced the answer to that question is a resounding yes. Many of us who feel this selective gun ban will prove ineffective in combating crime believe very strongly that tough and consistent penalties for abuse of firearms will work. Yet, under this rule, the House is denied the chance to debate Mr. MCCOLLUM's proposal to ensure tough, mandatory, minimum sentences for possession and use of guns in the commission of a crime.

Most law enforcement officials tell us that assault weapons are not the key to crime in this country—in fact, even proponents of this bill know that assault weapons are responsible for only a small fraction of all violent crimes. We have failed to hold people accountable for their actions—we have failed to guarantee that heinous crimes and violence will lead to sure, swift, and stringent penalties. We have failed to make sure that crime in this country will not pay. In the Rules Committee, we were told that Mr. MCCOLLUM's proposal for mandating tough minimum sentences in cases of unlawful activity with guns is nongermane or, not relevant to this discussion. In my view, this ban on certain, selected assault weapons is nongermane and not relevant to solving our very serious crime problem in this country.

Mr. Speaker, a 1990 Florida commission studied the merits of a ban on assault weapons, and concluded that such a ban would have no impact on crime-related deaths in our State. In fact, an informal survey of law-enforcement officials in southwest Florida confirms that only three deaths can be traced to assault weapons—although they are not necessarily those on the select ban list—and one of those deaths was a suicide. Americans have a constitutional right to own guns for self-protection, for deterence, for hunting, for target sport shooting, for collection, and for other lawful activity. I make a very clear distinction between ownership and use of those weapons. Sadly, a selective ban on assault weapons will not stop criminals from getting their hands on deadly weapons and committing deadly crimes. What it will do is further restrict law-abiding folks from going about their business.

Mr. Speaker, the understandable passions and thoughtful, sincere concern on both sides of this debate demonstrate the true problem: Americans are fed up with being afraid—we have had enough of our misguided and ineffective criminal justice system, which is sending the signal that crime in America still does pay.

So as we struggle to make our neighborhoods safe once again for law-abiding citizens—let us not be fooled by high-profile, but unfulfillable promises.

I wish I could believe that this ban will reduce violent crime. But after listening to the arguments on both sides and looking at the facts of crime in this country, I am convinced the criminals will go right on committing violent crimes and they will still be able to get their hands on guns—selective ban or no selective ban. Who knows, some may actually become emboldened by knowing that their law-abiding victims will not be able to match their firepower. In the end, this bill asks Americans to give up part of their freedom. But what do Americans get in return? I am afraid it will be little and we will have once again missed the chance to do something significant to stop crime. I oppose this rule and will vote "no" on H.R. 4296.

☐ 1230

Mr. DERRICK. Mr. Speaker, for purposes of debate only I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Politics of guns. Politics of guns. Tough issue. Congress has traditionally put this sensitive and tough political issue on automatic pilot.

Mr. Speaker, the truth is today Air Force One has taken leadership and they are bringing it down to Earth by calling for a vote. I want to give President Clinton credit today. He is going out politically on a limb and, Congress, if you are not prepared at some time in your life to go out on a limb, you will never collect the fruit and if there is a time to go out on the limb politically, today, is that day.

Mr. Speaker, I am a former sheriff and let me say this: The second amendment to the Constitution makes sure that Americans can bear arms and have the right to protect themselves, but the Constitution never intended for individuals to strap a stinger missile on their back and then cite the second amendment privilege.

Mr. Speaker, there is a reality here, a real reality. I have a gun, and if I catch somebody in my house at 3 o'clock in the morning, I hope I have the drop on them and I am not going to ask them if they are there from the local welcome wagon. But there is a limit here, folks. You do not have to give up your assault weapon, America. If you have one, you can keep it. And if you decide to sell it to another sportsman, there are provisions that you can do that. But I am going to submit a bill and ask our Congress to authorize that the President, the NRA, the police, and the Congress all get together and develop a plan about guns that America can live with, live with.

Mr. Speaker, we are getting phone calls from people who say "no" and they mean well, and they are good Americans, but we are not getting calls from the grave sites and cemeteries all over America today.

Mr. Speaker, today we have got to stand up, we have a President who has come out and shown some courage. Let us stand with the President today.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. QUILLEN], the distinguished ranking member emeritus of our Committee on Rules.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the bill itself. I think it will be another foot in the door if it passes to do away with all guns, any brand, any kind whatsoever.

Mr. Speaker, I think the American people are entitled by the second amendment of the Constitution to bear arms. I oppose the measure on its final vote and urge my colleagues to do likewise.

Mr. Speaker, I said on the floor when the Brady bill was up that I believed we would have other measures before us to ban any kind of guns and weapons. These assault weapons are used by many people for target practice, sports competitions, collections, and for other good purposes. It is a shame and a disgrace to kill anybody, and I do not condone that, nobody does.

Mr. Speaker, again I urge my colleagues to vote "no" on the final passage of this measure.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Speaker, this Chamber is very, very close to doing the right thing and passing the assault weapons ban. This vote could very well be decided this afternoon by those in this body who want to do the right thing and vote for this bill but who are feeling enormous political pressure from some very powerful interests. My colleagues have probably heard from these interests, have probably heard the passage of this bill is a slippery slope that could end up in the banning of hunting rifles from law-abiding citizens.

Mr. Speaker, I am here to say that nothing could be farther from the truth. Hunting is a strong tradition and heritage in my State of Maine. There are many thousands of hunting sportsmen and women who own and use firearms, they are responsible citizens and should not have to worry if politicians or bureaucrats from Washington are going to deny them or their children the right to own their firearm and carry on this proud tradition and heritage. But let us be clear. This vote is not about the firearms used by hunters in Maine and America. It is a vote to ban from our streets military assault weapons that were designed to kill onrushing enemy troops in close combat, killing machines designed to kill large numbers of people in very short periods of time.

Mr. Speaker, the National Rifle Association provides some very important services. Growing up I learned to shoot safely and responsibly through an NRA gun safety instruction program, but on this issue they are dead wrong. There is a great deal of difference between responsible sportsmen and women of Maine and America and the gangs, drug dealers, and drug-crazed criminals that roam the main streets of America, turning them into killing fields with these powerful assault weapons.

Mr. Speaker, the line must be drawn; protecting the rights and heritage of sportsmen and women in States like Maine while addressing the terror of military assault weapons on our streets. That is exactly what this bill is designed to do. I urge its passage.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Miami, FL, Mr. LINCOLN DIAZ-BALART, a very distinguished new Member of this House.

Mr. DIAZ-BALART. Mr. Speaker, this bill reminds me of the anecdote, the man gets home, finds his wife being unfaithful on the sofa, mobilizes to sell the sofa and prohibit all sofas.

The issue, Mr. Speaker, is not to sell or prohibit the sofa where 3 percent of the matter occurs or to prohibit the beds where 97 percent of the matter may occur. The issue is the need to take strong and nonhypocritical measures to prevent the action from occurring, not this fatally flawed legislation which is in effect hypocritical.

Mr. Speaker, let me show two photographs here. One of these weapons is prohibited by this bill; the other one is not. The crucial issue here is that the weapon that is prohibited by this bill is made in the United States of America. The other one is a Chinese Communist produced, with slave labor, weapon. This very lethal weapon produced in Communist China, the SKS, will continue to be available, and few measures would help the Communist Chinese weapons manufacturing business that, as I said, utilizes slave labor and takes advantage of most-favored-nation status with the United States more than this hypocritical legislation.

Mr. Speaker, we need to call this legislation what it really is: The Communist Chinese Slave Labor Gun Manufacturing Relief Act.

Mr. Speaker, this is not serious crime fighting legislation. There are serious business undercurrents in this legislation; serious business undercurrents. People that apparently do not have the power here, the business power to have gotten out of the legislation are in the legislation. I know the Communist Chinese whom we are being very nice to in our commercial dealings in the United States, they are not prohibited, and I have here the photograph of the Communist Chinese weapon, and there are others. There are others that I have not been able to get a straight answer about that also will be able to be imported and sold in this Nation.

Mr. Speaker, this is not a serious measure. I have supported all serious gun control legislation like the Brady bill to keep guns out of the hands of felons and to prevent crimes of passion, but this is hypocritical. This is window dressing and it should be defeated.

□ 1240

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, this bill is a good first step toward what I hope will one day be a more comprehensive Federal system of gun control legislation—a system that does not prohibit sportsmen from hunting but does protect our citizens from mayhem in the streets. This bill prohibits military style assault weapons that spray a large number of rounds in a relatively short period of time. These weapons and large-capacity clips have no legitimate civilian use, period. They are useless to hunters—five rounds fired into a duck will only make duck soup. They are military weapons designed for use against people—they are perfect for wiping out an opposing gang, arming a paramilitary organization, or shooting yeshiva students on a bridge.

These weapons of war are the guns of choice of terrorists and criminals. They have names like "Striker 12" and "Street Sweeper." I can assure my colleagues that these military style weapons are not being used to sweep the streets of New York City of deer. "Street Sweepers," Uzis, AK-47's, and similar assault weapons are sweeping our children off street corners.

Mr. Speaker, the people I represent are tired of attending the funerals of children murdered with these legally available weapons of war. We have been subjected to a lot of rhetoric about the rights of gunowners. On behalf of my neighbors, I am here today to speak on behalf of the right of law-abiding, taxpaying citizens to go to work, to school, and to the corner store without being slaughtered by weapons of war.

In Brooklyn, just last week, a gun battle erupted in which police officers were outgunned by narcotics dealers, one carrying a TEC-9. In Buffalo, there have been four assault weapons incidents and two deaths from assault weapons in the first 4 months of 1994. Firearm deaths now surpass motor vehicle fatalities in my home State of New York.

Polls have consistently shown that between 77 and 80 percent of Americans support this bill, as do more than 90 percent of New York City residents. Former Presidents Carter, Ford, and Reagan support this bill. In my State, all those charged with law enforcement, from the attorney general to the Association of New York State District Attorneys, to the New York State Association of Chiefs of Police, to the New York County District Attorney, support this bill. Let us stop the killing. Let us take the first step. Let us pass this bill.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Speaker, I rise in strong opposition to this rule.

Too often, the House has a closed rule, allowing for no amendments, even in situations when legislation has not been considered before the House.

With an issue of this significance it is particularly egregious. It is clear that there are significant concerns in this bill that must be addressed and with this rule those concerns cannot be considered.

In fact, the Chairman has circulated a letter to Members of the House from the conference committee supporting a reporting change that needs to be made in this legislation. While I support this reporting change by the conference committee, this should have been done by amendment on the House floor. Additionally, other concerns should be equally considered by the Members on the floor. Therefore, it is important that we vote down this rule.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], a very distinguished former prosecutor, a Member of this House and a member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Speaker, I rise to correct five misstatements about this bill and the weapons it contains that have already been made on the House floor this morning.

First, these are not assault weapons. True assault weapons are true military weapons. That means pull the trigger once, or they have the capacity to set and pull the trigger once, and it continuously fires. Such weapons are already banned.

These are semiautomatic weapons. That means pull the trigger once, it fires once.

Second, these are not battlefield or combat weapons. None of these weapons are issued by any standing army on Earth.

Third, the claim is that this bill bans 19 and only 19 weapons. That is not correct. This bill bans a specific list of 19 weapons plus any other firearm that meets certain other criteria. Such criteria can be that it has the capacity for holding a bayonet.

When was the last time criminals launched a bayonet charge at anybody?

Fourth, these weapons are not more effective at killing than any other kind of weapon. Obviously whether a weapon has a bayonet mount or not has nothing to do with how it fires. The proof could have been arranged by the proponents of this bill, and it was not. They could have staged a range test. They could have publicly demonstrated in a comparison between what they call assault weapons and other weapons how the assault weapon is able to fire better, faster, more accurately. They have not done it, because they cannot do it.

Finally, the claim has been made there is no valid use for these weapons other than committing crimes. This may become the most important part of the bill, because if the proponents believe their rhetoric, why do they exempt all of what they call assault weapons from confiscation today? What this bill is, is the future manufacture of these weapons is banned.

If these weapons were only used by criminals, if these weapons had no law-abiding purpose, which we have just heard over and over again, would it not be logical to say they should be banned right now? They do not say it, because a million law-abiding Americans do own them right now.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to begin by saying that more New Yorkers die on a yearly basis from gunshot wounds than die from vehicular accidents, and that the cost to the American health care system from gunshot wounds is $1.4 billion a year and rising.

Mr. Speaker, whatever the gun advocates say, the facts prove a different story: when a firearm is used for crime, it is 19 times more likely to be an assault weapon than some other type of gun. When a police officer is shot to death, it is 18 times more likely that an assault weapon was used. These deadly machines are the armament of choice for the gangsters and the drug dealers infesting our neighborhoods.

It is clear why criminals prefer assault weapons. Their rapid rate of fire and their random spray make them the most dangerous and fearsome guns around. In just five horrible seconds, an Uzi can fire 30 bullets. In the underworld of gang warfare, this destructive power is the key to success.

Mr. Speaker, the American people are fed up with teenaged tyrants packing AK-47's. They are fed up with the crazed loners who randomly fire assault weapons to terrorize schoolyards and offices and commuter trains. Parents are fed up with sending their children out into streets that have become war zones.

Assault weapons are not used primarily for target shooting or for hunting.

Mr. Speaker, hunters in my district say they would certainly not go hunting with one unless they were hunting for hamburger.

They are used to intimidate and to murder. They were designed for combat. They have no place in our society.

Banning them means saving lives, and do not let anyone tell you otherwise.

Mr. GINGRICH. Mr. Speaker, let me say I think this is a very sad day for this House on two standards. It is a sad day procedurally, and it is a sad day in substance.

Let me talk first about procedure. After 40 years of the Democrats controlling the House, as they get further and further away from normal Americans and from the average citizens, they more and more rig the game by restricting rules.

Back in 1977 and 1978, only 15 percent of the rules were restrictive; 85 percent were open. Today in this Congress so far, 79 percent of the rules, virtually 4 out of every 5, are restricted by the Democrats because they are afraid.

Let us take this bill. The gentleman from Florida [Mr. MCCOLLUM], a member of the Committee on the Judiciary, of great standing, a man who knows the subject, had a very powerful amendment which would have focused on violent criminals, which would have, in fact, added a new felony for possessing one of these firearms in the commission of a crime, would have counted it as the second strike towards a three strikes and you go to life imprisonment, would have made this bill not just harass the middle class, irritate people who honestly own a gun, but actually go after violent criminals: lock them up, do something real about the dangerous people who haunt our streets. Because the truth is if you were to take every weapon mentioned today off the street, you would have pistols, you would have guns that work precisely like these, that are in fact specifically exempted by this bill, 650 kinds of guns specifically exempted, and the dangerous criminal, the one who shoots everybody in the liquor store, and I just want to continue to make the point that after 40 years of Democratic Party control of this House, the Committee on Rules and the Democratic leadership were so afraid that an amendment aimed at locking up violent criminals would pass, that the people in this country would insist that we focus on the people who are violent, that we take them off the street, that we lock them up permanently, that they refused to make it in order.

□ 1250

Not only do they refuse to make it in order under the normal amending process, but they restricted the Republicans from their right to offer a motion to recommit with instructions.

Now, why is the Democratic leadership so afraid that we will focus on locking up real criminals? Because they know that what they brought to the floor today is a press release; it is not involving real crimes, involving real people, because real murderers, such as the man who killed Polly Klaas can use a variety of weapons. For Polly Klaas the knife that that man held was an assault weapon.

The fact is that real criminals, real murders, real rapists do a variety of evil things because we refuse to build prisons, we refuse to pass the sentences, we refuse to insist on locking them up. I think that it is sad commentary on the Democratic leadership, after 40 years, that they were afraid to allow their Members to face a vote on locking up violent criminals, and I think it is a fatal flaw of this bill that it does not focus on the criminal, it does not focus on the act of violence, it does not focus on the people who are doing things wrong; it just tries to give those people who have refused to do that a nice press release to send back home saying, "Oh, I am really tough." The truth is no people are going to be saved by this because the really violent are going to get other weapons and are going to do what they do as long as we allow them to stay on the street.

I think there are two crimes involved: The violent crime on the street, and the crime against decent participatory legislation by this Committee on Rules once again passing a closed rule out that blocks the Members from having an honest chance to amend.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule and in support of the bill and hope that it will meet final passage. We have here a lot of rhetoric today from the other side about the fact that we want to be concerned about the criminals and if in fact we are serious about crime, that we should be concerned about the criminals. Just a couple of weeks ago, when we had a crime bill here on the floor of the House, Mr. Speaker, the same people who are giving us that rhetoric today were very hesitant about providing prevention money. They think that the answer to the concerns for the criminal is just to build more prisons. Mind you, if we have more crime and more criminals, we have to have more prisons.

But if we are really concerned about the crime in this country, certainly we should be trying to treat crime futuristically and prospectively and providing more prevention money so that we can get to the root cause of crime instead of just housing more criminals in prisons, which are a festering hole for crime, so that when they get back out on the streets they are just more hardened than they were when they got in.

What this bill is really about is not the criminals, whether criminals are going to have access to AK-47's in a black market. What it is really about is those people who want the right to bear arms. This bill does not prevent those who are already existing gun owners of street sweepers and AK-47's from relinquishing those guns; they can still continue to own them, it is grandfathered in.

What it is talking about is a cessation and a rescission of the manufacturing, so that we will stop the continuation of all these guns proliferating out on our streets.

If one or two lives can be saved, Mr. Speaker, then it is certainly worth it. The Constitution is not in jeopardy, their rights are not in jeopardy, but certainly crime and violence can be abated by the passage of this bill.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to one of our newer Members, the distinguished gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. I thank the gentleman for yielding this time to me.

We have before us this gun control amendment. In the backdrop, let us imagine that there is a special interest lobbyist group that we will call the Right to Crime. This group is made up of criminals everywhere, past and present, and new members are being recruited every day even as we speak. Now, what does this Right to Crime organization have to sell? Well, they really have some momentum going for them. They have not had to work too hard to accomplish the following in 5 or 6 short years:

First, assert and reinforce the impression that they are victims; second, completely submerge the absence of rights they gave to the victims at the time of the crime; third, lessen the consequences of their acts by making it hard to get conviction, give the criminal, the members of this lobbyist group an easy time in prison, gymnasiums, weight rooms, college scholarships, color TV's, Walkmans, access to the courts at will, and medical care, the very finest, on demand, and an early release from their sentence after their minor inconveniences, and also the freedom to do it again.

What diversion does this group, the Right to Crime, use? First, they direct attention to emotionalism rather than justice, they give high visibility to Jim Brady and others rather than talking about justice. Second, they direct attention to less than 1 percent of the crime as being caused by these semiautomatic weapons rather than enforcing the laws when people violate them with guns. Third, they direct attention to the NRA when they cannot explain the failure of the gun control laws in Washington, DC, New York City, or when they are faced with the statement of the proposition that the second amendment is being abolished.

Fourth, try to get us to believe that guns kill people, not people killing people. Fifth, try to describe the guns as ugly while hiding the fact that it is the criminal who is ugly.

Sixth, try to say that this is not a progression toward full gun registration and control, when in fact we have not forgotten the same words when they were said about the Brady bill.

For the people who feel estranged from this Government, for the respect of our Constitution, and for our rights and control of our lives, vote against this bill and the amendment.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman who has the privilege of representing, among other parts of Kentucky, Southgate, his home town in Kentucky, the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to the rule and the bill, H.R. 4296.

Mr. Speaker, I rise in opposition to H.R. 4296, the misguided attempt to ban so-called assault weapons.

A couple weeks ago, when we were considering the crime bill, we had an opportunity to do something about crime—to get tough on crime—but the majority of the Members of this body weaseled out.

We had the chance to enact truth in sentencing guidelines, reform of the exclusionary rule, real habeous corpus reform and a workable death penalty—changes that would have made a difference. This body refused to do that. This body refused to get tough on criminals and now it wants to change the subject and get tough on guns.

H.R. 4296, is a circus sideshow. It will do nothing to reduce crime. It is simply one more bite into personal freedom, one more expansion of the Federal Government's role in our personal lives and one more nibble into the right to bear arms.

The notion that assault weapons are disproportionately used in crime is unsubstantiated. Criminals rarely use semiautomatic rifles. The ATF recently estimated that there was roughly one assault weapon trace for every 4,000 violent crimes reported to the police. Clearly these are not the weapons of choice for criminals.

Gun bans do not work. They disarm the law-abiding citizens—not the criminals.

And make no mistake about it, this is not the last we will hear from the gun-control crowd. If we pass this measure, they are not going to fold their tents and go home satisfied. They are going to be back wanting more and more and ever more restrictions on guns. Their eventual goal is registration and confiscation.

If we pass this bill today, we will be setting a dangerous precedent that could lead us down a very slippery slope. Once Congress adopts the theory that limiting access to firearms reduces crime, there will be tremendous pressure to ban more and more of them until the right to bear arms is effectively nullified.

I urge my colleagues to vote against this bill. Let's not try to blame crime on weapons. Let's put the blame where it belongs—on a criminal justice system that worries more about protecting the rights of criminals than the rights of victims and on a U.S. Congress that wastes its time on gun bans instead of getting tough on crime.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, "this bill is vague, broad and an indiscriminate ban on firearms in this country that leaves our Second Amendment rights in the hands of Federal bureaucrats."

Those were my words in 1991 when this chamber debated a proposal to ban certain semiautomatic weapons. H.R. 4296 is not the bill we considered in 1991, and I urge my colleagues to vote in favor of the legislation before us today.

This bill is tightly focussed. It prohibits by name the manufacture and sale of 19 specific semiautomatic weapons. Instead of the sweeping authority contained in the 1991 bill, the legislation before us today limits the ban to those guns with characteristics useful only for military combat and violent crime.

It is unthinkable that in our society, we continue to allow citizens to walk the streets with guns that have grenade launchers, flash suppressors, and bayonet mounts. What legitimate recreational purpose could these characteristics possibly serve? As a hunter, I tell you assuredly: "none."

Opponents of this bill cite statistics which indicate that assault weapons account for only 1 percent of the guns in circulation. What they neglect to point out is that this 1 percent is used for over 8 percent of criminal activity. From 1986 to 1991, 20,526 semiautomatic weapons were traced to criminal activity, and of those, 1,349 were specifically traced to murders and 4,031 were linked to drug trafficking activities.

The simple fact is that we will not completely stop the violence on our streets with this ban. What we are doing with this bill is finally taking a definitive stand against violence in our streets and in our schools. We are letting the American people know that we have listened to their concerns about escalating and indiscriminate violence by prohibiting companies to manufacture and sell these assault.

Mr. DERRICK. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I thank my friend for yielding this time to me.

□ 1300

Mr. Speaker, I rise today to support the rule for H.R. 4296, the ban on military style assault weapons, and to urge my colleagues to do the same.

Mr. Speaker, there is no legitimate reason for any individual to own an Uzi, an AK–47 or a TEC–9. These are the vicious instruments of war, the implements of death. They are inviting and inflicting a reign of terror on the people of this land, on the people of New York, Los Angeles, Chicago, and Atlanta.

There are those who would have us believe that this is an issue of sport and freedom, but it is not, this issue, this vote today, is an issue of war and the loss of security in the cities and in the streets of America. Let us take this step, this small step, to restore a sense of peace and tranquillity to our communities by removing these instruments of violence.

Mr. Speaker, I am tired, tired of attending the funerals of young men and young women killed by the hail of bullets spewed from these instruments of mass destruction. I am tired of consoling the weeping mothers and bereaved fathers of innocents caught up in the slaughter, in this madness. We must stop this insanity.

I appeal to my colleagues, on both sides of the aisle, to summon up the courage, to stand up and be strong, to do what in your hearts, you know to be right. Support this bill, support the ban on assault weapons.

Mr. DERRICK. Mr. Speaker, I yield 2½ minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I rise today in support of the rule crafted by the Rules Committee for consideration of H.R. 4296.

Some of you might legitimately wonder why I am here today instead of negotiating with the Senate in a conference meeting on the crime bill—the No. 1 issue concerning all Americans across this country. I am here because of the delay sought by proponents of H.R. 4296 from having a simple up or down vote on the assault weapon issue immediately following the April 21 passage of the crime bill. That certainly was my preference. At the very least, I had hoped that we could have a separate vote the following week—the week of April 25. That also was not to be.

The proponents sought additional time to try to convince all who might listen that this ill-conceived initiative would, in a single stroke, stop all violent crime in America. Whether it would infringe on the second amendment rights of honest American gun owners who use arms for lawful purposes such as target shooting, hunting, and self-defense, never entered their minds, and now 2 weeks after the crime bill passed, the House finally has before it a bill, H.R. 4296, that closely tracks the Feinstein amendment appearing in the Senate crime bill. Given this history, I think it is appropriate that the Rules Committee, after careful deliberation, chose to adopt a closed rule not allowing any perfecting amendments that favor one side or the other.

The opponents of H.R. 4296—of which I am proud to include myself—have bent over backwards to be fair in every way. At both the Judiciary Crime Subcommittee and then again at full committee, the proponents of this bill were given full opportunity to offer any amendments they wished. And they did so. Some other Members came to the Rules Committee seeking further amendments. But the pro's and con's of this issue have been laid out exhaustively in a number of Congresses.

For this and other reasons, I believe the rule before us making no additional amendments in order is the proper rule. The rule provides for a generous amount of time for general debate and then the House can get on with the vote. And after the vote, the House will then have a position on the issue, and the crime bill conferees—finally—can begin to do the real work of the American people.

I urge my colleagues to adopt the rule.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS], a very distinguished Member of this House, and a former marine. The gentleman is from Casper, and he is the single Representative of the entire State of Wyoming.

Mr. THOMAS of Wyoming. Mr. Speaker, my wife always reacts to that single Member business, but, at any rate, I appreciate the opportunity, and I rise in opposition to the rule and to the bill.

Despite Secretary Bentsen's comments otherwise, the battle to protect the second amendment is indeed a grassroots campaign. I have heard from hundreds of law-abiding citizens and gun owners in Wyoming that are opposed to this legislation: Sportsmen, law enforcement officers, and citizens who want to protect their rights.

For example, let me read a little bit from a grassroots group, and I quote:

> We've got to get serious about crime. But a weapons ban is like shooting in the dark. History assures us the only people affected by the ban are honest folks—the potential victims—not the criminals. In reality, we're disarming the law-abiding, making them easy targets for violent criminals who roam our streets at will.

Mr. Speaker, I have been listening closely as this debate has gone on, and I just want to make a couple of points, kind of deviating from my previous thought. First of all, this is not a specific bill. I quote here and show my colleagues the correspondence from Senator LARRY CRAIG and the Department of Alcohol, Tobacco and Firearms, and they list—they list the following firearms up here that meet the general characteristics of this bill. It is not specific. Indeed there is a long list of weapons that could very well be.

The other one is that, if anyone in this place thinks that the bad guys are not going to get a weapon to do what they want to do, that is the greatest fallacy I have ever heard. If we thought for a minute that banning some arms was going to keep people who wanted to commit crimes with weapons from doing that, everyone would be for that. We know that is not the case. We know that is not going to happen.

Mr. Speaker, I urge my colleagues to vote against the rule and the bill.

STATEMENT OPPOSING BAN ON ASSAULT WEAPONS

(By Joel Carlston, Wyoming President of Americans Against Gun Control [AAGC])

Right now this body is considering a ban on certain semi-automatic weapons. This begs the question, "Why a ban?"

The answer, obviously a political one, is "We need to address crime in this Nation and protect the people of the United States. Banning semi-automatic weapons is a step in the right direction."

The facts differ with this political answer. Ninety-eight percent of serious crimes do not involve firearms. Thus, a complete weapons ban could at best address only 2 percent of the problem. In fact, more kids get killed playing little league baseball than from assault weapons. Should we ban little league baseball?

What about assault weapons and crime? Florida State University criminology professor Gary Kleck estimates that less than .5 percent of all violent crimes involve so-called assault weapons.

Chicago is a case in point. In 1993, there were over 940 homicides. More than 30 percent were police shootings, another 30 percent were suicides, and not one homicide involved the use of a semiautomatic rifle. Further, over one hundred homicides were committed with the use of duct tape and hose, i.e. strangulation. Perhaps, we would be more effective in addressing crime if we were to ban hose or at least specify a five-day waiting period for the purchase thereof.

Consider this. Of all weapons confiscated by law enforcement in this Nation, only 4 percent were assault weapons. Of that 4 percent, 87 percent were confiscated in searches, not used in the commission of any crime.

We've got to get serious about crime. But a weapons ban is like shooting in the dark. History assures us the only people affected by the ban are honest folks—the potential victims—not the criminals. In reality, we're disarming the law-abiding, making them easy targets for violent criminals who roam our streets at will.

Why do criminals roam the streets? Because we waste our valuable time on useless Brady bills, weapons bans and other gun confiscation measures instead of addressing crime as constituents demand.

Patrick Purdy is an example of the ineffectiveness of gun control laws and the need to address crime itself. Purdy, you will recall, was the crazed madman who gunned down students in a California school playground.

Mr. Purdy's record speaks for itself. He spent several months in a California psychiatric hospital. He had seven prior felony arrests, four of which were firearms related. On Purdy's last arrest, a police psychiatrist stated that Purdy was a menace to himself and to society. Yet, each of these felonies were plea-bargained down to misdemeanors and Purdy was released. Consequently, as a result of our revolving door justice system, Mr. Purdy was legally allowed to purchase weapons—having complied with California's 15-day waiting period—even though his record clearly showed his instability and criminal intent. The rest is history—a tragic but real example of the ineffectiveness of gun control laws.

To further illustrate, let's look at States which have implemented some form of gun control:

New Jersey: 1967–1989—violent crime has increased 223 percent. The Attorney General's office reports "There is not a really high percentage of crimes committed with assault weapons." Only 1 percent of any kind of rifle was used in homicides from 1987–1992, compared to knives (28 percent), and feet (11 percent). This tells us that it is not the configuration of the weapon which makes it an assault weapon, but the intent of the assailant wielding it.

Massachusetts: 1967–89—violent crime has increased 429%. 1986–91—only 0.5% of homicides involved are "assault rifles."

Connecticut: 1967–89—violent crime has increased 434 percent. Connecticut law enforcement reports no assault weapons homicides through 1991. And of the 11,000 weapons seized by police between 1988 and 1992, only 1.8 percent were assault weapons.

"Has crime decreased anywhere in the United States?" you ask.

Yes.

In April 1982, Kennesaw, Georgia, enacted a law requiring every household to own a firearm, with the exception of criminals and those with religious objections. In only 10 months, residential burglary dropped an astounding 89 percent. In 1991, not one murder occurred in this suburb of Atlanta.

In contrast, our city here in the District of Columbia has one of the most restrictive gun laws making it virtually impossible for law-abiding citizens to own guns. From 1975 to 1991, Washington, DC's murder rate rose 134 percent while the rest of the Nation experienced a 2-percent decline.

Why, then, if gun control laws are so ineffective at stopping crime, are we spending so much time on such bills? I don't know.

Perhaps it's the politically correct thing to do. Pass laws banning weapons, attempting to convince our constituents we're tough on crime. I'm afraid they won't buy that argument, especially when they find out we took their most effective means of self-defense away.

Perhaps there are other agencies. In a previous attempt to pass legislation similar to what we're considering here, Sarah Brady told Howard Metzenbaum, "Our task of creating a socialist America can only succeed when those who would resist us have been totally disarmed."

Those are strong words. Frightening words. But Brady's right. The protection of the American citizen's rights, including yours and my rights, is directly linked to our Right to Keep and Bear Arms!

Mind you, Brady is not the first to realize the importance of gun ownership. Thomas Jefferson said, "No free man shall ever be debarred the use of arms. The strongest reason for the people to retain their right to keep and bear arms is as a last resort to protect themselves against tyranny in government." James Madison said, "Americans need never fear their government because of the advantage of being armed, which the Americans posses over the people of almost every other nation."

Former President Reagan said, "There are only two things that make people do right—love of God and fear of punishment." Criminals don't regard God, so we must instill the fear of punishment in them.

The reason crime is so rampant is because it pays and pays big. It's our job to remove the profit, not the victim's most effective means of defense.

Our problem is we don't punish the criminal. According to a study by the National Center of Policy Analysis, a person who committed a serious crime in 1990 could expect to spend only eight days in prison on the average.

Here's the breakdown: A person committing murder could expect to spend 1.8 years in prison; for rape—60 days; robbery—23 days; arson—6.7 days; aggravated assault—6.4 days and for auto theft—a measly day and a half!

It's a known fact that repeat offenders commit the majority of violent crimes. It's been reported that murder is mainly one criminal killing another. 85% of the murders have past arrest records and 61% of the victims have past arrest records, too.

Why is this happening? Because our criminal justice system is turning 90% of the felons loose without them having to spend a single day in jail. Each year, 60,000 felons, like Patrick Purdy, are plea-bargained, placed on probation and never incarcerated.

Additionally, Reader's Digest reports that only 2.8 cents of every dollar we allocate for building prisons actually goes toward prison construction. I suggest we find ways to put more actual dollars into prison buildings and get predators like Patrick Purdy off the streets permanently.

No "assault" or any other type of firearms has ever, of it's own volition, committed a crime. Therefore to ban a tool will only result in the criminal finding another tool and using it. And it's doubtful any ban would stop criminals from getting the weapons they want. As the saying goes. "When guns are outlawed, only outlaws will have guns."

If we foolishly persist in banning these weapons from law-abiding citizens (which is exactly what this bill will do), we are playing right into the hands of criminals by disarming millions of law-abiding Americans, making them extremely vulnerable to criminal attack.

Further, we are depriving these same law-abiding Americans a constitutional right—a right each of us here swore to protect when members took office.

So if you vote for this gun prohibition bill, when you know this ban/prohibition will do nothing to stop crime, then be honest enough to tell your constituents you voted for gun prohibition for no good reason other than you wanted * * * you wanted * * * to take firearms away from the American public.

Thank you.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Speaker, today we have an opportunity to save American lives. The 19 specific weapons we seek to ban are all copies of military-style submachineguns; they were designed to kill people at close quarters with rapid fire lethal bursts and they have succeeded.

These guns have been connected with more than 1,100 murders; they are the weapons of choice for drug dealers, and they have been linked to approximately 2,000 narcotics arrests.

Ninety percent of these weapons are in the hands of criminals. Although they are only 1 percent of all guns, they account for nearly 10 percent of violent crimes.

Let us take a look at some typical examples of how these weapons have been used by violent criminals, drug dealers, and murderers:

A suspect was arrested in St. Louis for dealing in cocaine. He had 30 assault weapons in his possession, including an FN/FNC, banned under this bill.

A self-styled survivalist was arrested in Dallas for possession of a large quantity of cocaine—they also found two Steyr AUG's and Two AR–15's with a grenade launcher attachment plus equipment to convert them to fully automatic guns.

In New Orleans, a known gang member and multiple conviction felon with a conviction for a drive-by shootings was found in possession of a street sweeper and a TEC–22.

In Minneapolis, authorities confiscated a tax protester's street sweeper shotgun decorated with swastikas and "White Power" insignias.

A vanload of Hasidic Jews on the Brooklyn Bridge were fired upon with absolutely no provocation. Five innocent pedestrians were brutally murdered on the Long Island Railroad. The list of assault gun atrocities goes on and on and on.

Today we do not seek gun control—simply gun sanity.

We can save many American lives merely by passing this bill. And if we fail to act, the criminal world will be laughing and the rest of the free world will think we don't have the backbone to be tough on crime.

Let us show both that they're wrong. Let's get rid of these weapons of destruction and pass this bill.

I have traveled all across my own State and I know that New Jerseyans are tough on crime and tough on guns. My constituents are tired of seeing the streets controlled by heavily armed criminals. In Essex County, a typical New Jersey county, more people died in gun-related deaths in 1 year than in Great Britain, Australia, and Sweden combined. And that's just one country.

Americans are horrified at the skyrocketing, gun-related death tolls and it's time for Congress to do something about it. New Jersey has the toughest assault weapon ban in the country, but it does no good if criminals can buy assault weapons in neighboring States and sell them on the streets of Newark and Paterson.

I say to my friends, it is high time for America to follow our lead and pass a national assault weapons ban. It is the least we can do for our Nation's next generation. Support H.R. 4296.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Ocala, FL [Mr. STEARNS].

□ 1310

Mr. STEARNS. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, today we consider a further erosion of every citizen's right to keep and bear arms. This bill is about honest Americans exercising a precious right but being forced into the same category of punishment as the criminal.

The argument for this bill is that the banning of semiautomatic weapons will have a significant impact on the reduction of crime and won't effect sportsmen. I disagree. Let's get some facts straight about what the bill really does.

It bans over 180 different types of firearms and leaves the door open for the banning of hundreds of others.

It does affect sporting guns such as the Springfield M1A rifle. The rifle is used by the highpower rifle target shooter in national matches, which incidentally were established by an act of Congress in 1903.

The bill supposedly exempts 670 hunting and recreational rifles and shotguns, but 586 of these firearms are not even semiautomatics.

The Bureau of Justice statistics reported in 1993 that violent criminals only carry or use a military-type gun in about 1 percent of the crimes nationwide.

However, according to the FBI, people have a much greater chance of being killed by a knife, 14.5 percent, or fists, 5 percent, or clubs, 5 percent, than by any kind of rifle, including an assault rifle.

A recent FBI report from 1989–92 showed that police are almost two times more likely to be injured today by stabbing and beatings, than they are by an assault weapon.

Banning firearms and concentrating on gun control should not be the business of this House. There are already over 20,000 gun control laws on the books:

It is a crime punishable with 10-years imprisonment for anyone to trade or sell such a converted semiautomatic firearm.

It is a crime punishable with 10-years imprisonment for a convicted felon to possess any firearm.

It is a crime punishable with a mandatory 15-year imprisonment for a criminal with three prior violent or drug-related felonies to possess any firearm.

It is a crime punishable with 10-years imprisonment to transfer a firearm knowing that it will be used to commit a violent or drug-trafficking crime.

It is a crime punishable with 10-years imprisonment to travel from one State to another and acquire, or attempt to acquire, a firearm with the intent to use it in a violent felony.

Obviously, the lack of determined enforcement of our country's laws are what are, in part, at the bottom of our Nation's crime problem. Concentrating on enforcement, strict incarceration, absence of parole, and the death penalty where appropriate would do more to protect our citizens and clean up our streets than this feel-good yet ineffective measure that ignores the real problems.

For example, the people of Union County, FL, have been trying for over a year to build a prison in their county. They have donated the land and offered to pay for the prison's construction. They will build it to Federal specifications and are willing to turn it over to Federal control, if only the Federal Government will say they will use the prison. Yet, incredibly the Justice Department has repeatedly turned down the offer. What a waste of innovation and community ingenuity to fight crime.

The FBI Uniform Crime Reports show that from 1980–91, the 10 States with the greatest increases in criminal incarceration rates experienced the greatest decreases in the rates of crime. If we want to reduce crime, then the common sense approach is to put them behind bars and not back out on the street.

The Congress must abandon the flawed and emotional reasoning behind H.R. 4296 and look at the facts and start making real choices on how to stop crime.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the rule on the assault weapons ban because it is smart, sensible legislation that will make our streets safer. Our common sense tells us that.

They say, "Guns don't kill people, people kill people." Tell that to the parents of my 24-year-old constituent who was gunned down Sunday night by a spray of bullets as he was coming out of a theater in a very popular park. Lest you think it cannot happen to someone you know or it cannot happen to you, I was in that exact spot 1½ hours before he was killed. But for the fact of the time element of 1½ hours, it could have been me.

With innocent people being gunned down weekly by these weapons, this country cannot afford complacency. Let me again paraphrase last year's campaign phrase: "It is the guns, stupid."

Mr. Speaker, I ask my colleagues, will their vote belong to the NRA or to the American people? I think the answer is clear.

Mr. SOLOMON. Mr. Speaker, we seem to be overwhelmed by Californians. Let me yield 1 minute to the gentleman from San Diego, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentlewoman from California who comes from the district next to mine well knows that that weapon used in San Diego was not 1 of these 19 weapons.

Second, I empathize with folks who are not aware of the problems we have or what the real issues are. They are talking about weapons of war. Not a single 1 of these 19 weapons was used by any military in any war. They were not designed as weapons for criminals, yet consistently people say that over and over again.

I have flown an F–14 over this Capitol with a 20-millimeter gun that could shoot 6,000 rounds a minute. I could disintegrate this Hall in a half-a-second burst. Yet the gentleman from New York [Mr. SCHUMER] would tell me that I cannot carry a 10-shot .22. So it does go beyond this.

Let us take a look at the problem. There are too many guns on the streets. We need to get rid of them. We need instant check systems; we need to limit the number of people who can sell these weapons, and we should find ways to put stiffer penalties on criminals. A drive-by shooter should be charged with first-degree, not second-degree murder, and anyone in a car involved should automatically go to boot camp.

Mr. Speaker, let us look at meaningful legislation, not just rhetoric.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman for yielding time to me.

This is a very important day in this House. I believe that every Member is diligently considering this issue and talking to their constituents and their supporters and their friends. This is not a debate where we are likely to persuade each other, but I urge the Members to talk to their law enforcement officers in their communities, talk to the prosecutors, and talk to the police. They are calling me. They are beginning the House to pass this bill. They are asking us to take the weapons off the streets so they will stop being outgunned day after day by the criminals.

Yes, criminals are the problem, but right now they have greater fire-power than our law enforcement officers. Let us support our law enforcement officers. Vote for the rule and for the bill.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I rise in opposition to H.R. 4296, and urge my colleagues to defeat the rule which allows for consideration of this bill.

Once again, this House, through this semiautomatic weapons ban, is advocating symbolism instead of substances. This bill is an insult not only to the millions of law-abiding gun owners throughout our Nation, but also to the hundreds of millions of Americans who are demanding substantive action be taken to end our rampant crime problems. This measure, along with other efforts which make it impossible for this body to pass truth-in-sentencing and address nearly 80 percent of all violent crimes, Congress is skirting the true assault weapon—the criminal.

Data from several States which already have banned these types of weapons show that this measures will do nothing to stop the proliferation of crime. Criminals will always find a way to arm themselves. The supporters of this measure are holding up these deadly-looking weapons and proclaiming they will stop a significant amount of our violent crimes.

The semi-automatic firearms which would be banned by this measure are used in less than 1 percent of all violent crimes. Knives account for 14.5 percent of all homicides in the United States, and fists and feet account for another 5 percent. Unfortunately, Congress' debate on the crime issue is continuing to focus the majority of its efforts on the outer edges of this problem.

Last weekend, I held two crime forums in my district where I discussed the issues involved with Federal, State, and local law enforcement officials. The overwhelming consensus from them was that Congress does not need to address gun control, but needs to get tough on criminals.

We already have Federal laws which prohibit convicted criminals from possessing firearms, and, since 1934, have highly regulated and restricted the possession and manufacture of assault weapons, which are those that are fully automatic, have the ability to spray bullets, fire faster and fire more powerfully as well as destructive ammunition. These weapons do not have these capabilities. These weapons are no more destructive than many semi-automatic firearms which are widely accepted as having legitimate uses—for hunting, sporting, and self-defense.

The criminal is the true assault weapon, with the deadliest being those repeat offenders which commit three-quarters of all rapes and robberies and almost all murders. It has been difficult for Congress to focus its efforts instead on correcting the reality that these criminals serve only about one-third of their sentences. It has also been difficult for this Congress to stop coddling the criminals and advocating ineffective measures.

Supporters of this measure constantly argue that law-abiding citizens don't need these weapons and that these weapons are primarily used by criminals. Well, we've already proven criminals rarely use these weapons. And, we should realize Congress' purpose is to uphold the Constitution and protect the rights and privileges of the American citizens, not to determine what they need and don't need.

As this debate has surely argued, we are all well award that the second amendment to the Constitution, which is part of the Bill of Rights, reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Congress' support for this amendment should be as unyielding as our efforts to end our Nation's crime problems.

I urge my colleagues to stop the symbolism, and to devote our time to those efforts which will substantively deter crime. I urge my colleagues to fulfill their duty of upholding and preserving the Constitution of the United States by defeating this most definite infringement on law-abiding Americans.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to another Californian, the gentleman from Huntington Beach, CA [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to the rule and to the bill. Mr. Speaker, preventing honest hard-working citizens from owning certain semi-automatic weapons will not bring down crime any more than the last liberal-left fantasy that passed this House: Namely, a so-called anti-crime bill that guts the death penalty.

Three police chiefs came to lobby me for this bill. I asked each: Has anyone in your city ever been murdered by an assault weapon? The answer was "no, no, no."

One did point out that his department had confiscated 253 such semiautomatic weapons from drug dealers and other criminals.

That is the point. It is already illegal for criminals to possess these weapons. Today, liberals want us to mandate that the police spend their limited time and resources to ensure that innocent citizens who have never committed a crime can not possess these weapons.

It is a fraud, against victims who are crying out for safety against criminals who murder, rape and rob. And after the liberals make our criminal justice system a joke, with procedural and evidentiary rules that prevent the conviction of the guilty, they now move to limit the right of honest citizens to own weapons to protect themselves.

Let us not perpetuate this travesty. Vote no on this abominable closed rule, and vote against this misdirected weapons ban.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 30 seconds to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, let me say to the Members that I want to respond to the previous speaker, who is one of those Members on the floor who is fortunate not to have had a police officer murdered in his district by an assault weapon. I take the floor to say that I am sorry to say I am not that fortunate.

Last Thursday Captain Lutz of the Waukeshau police department was in pursuit of two robbers in Waukeshau, WI.

☐ 1320

One of the robbers stole the van they were in, got out, sprayed the officer with his assault weapon, hitting him 20 times. The officer did not have a chance to get out of his squad car, to unharness his seatbelt or get out his service revolver.

Yes, it is happening across this country. I am proud it has not happened in your district. It is sad to say, gentlemen, it happened in mine this last Thursday.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise in support of the rule and the bill.

Mr. Speaker, we have a rare opportunity today. We have a rare opportunity to pass legislation that will save lives in this country. The 19 weapons we are discussing today were designed with one purpose and one purpose only—to kill people. Unfortunately, they are far too efficient in reaching that goal. They are extremely effective in killing people.

We should pass this legislation today, for if we do so, we will save lives in Milwaukee, WI, in Waukesha, WI, throughout the Midwest and throughout this entire country. We should not let this opportunity pass. For the people of this country and for the police officers who are outgunned by drug dealers, we should pass this legislation.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, the Constitution does not permit Americans to own bazookas. It does not permit Americans to own antitank weapons. And it does not permit Americans to own assault weapons.

Terrorized Americans in their neighborhoods across this country are right. The National Rifle Association is wrong. We should ban these weapons, to disarm the criminals and the teenagers in this country that are terrorizing citizens of this country right now on every neighborhood corner in this country.

Mr. SOLOMON. Mr. Speaker I yield one minute to the gentleman from Ramsey, MN [Mr. GRAMS].

Mr. GRAMS. Mr. Speaker, as we debate this rule I must voice my strong opposition to H.R. 4296.

With the recent passage of the Brady bill the camel's nose finally made it inside the tent. And the camel's long neck, not too unlike the long arm of Government, will be in the tent too if we continue to assault the constitution by banning semiautomatic firearms.

The people of this country have sent a strong message to Congress: Do something about crime. Now.

And our response? A wimpy crime bill that lets drug criminals out early and a proposal that could lead to the banning of 200 semiautomatic firearms that will do nothing, let me repeat, nothing, to address the serious issue of crime in this country.

The proponents of this bill have two objectives: Long term they want to ban guns altogether by taking chunks out of the second amendment; and short term they want to fool Americans into thinking Congress is addressing their concerns about crime.

Mr. Speaker, the American people want and deserve real protection from crime, not political cover for politicians. Instead of focussing on the cosmetics of firearms, let's concentrate on meaningful crime legislation that punishes criminals and not law-abiding citizens.

We must kick that camel completely out of the tent before we make a mockery of the second amendment to the Constitution and the citizens of this country.

Mr. SOLOMON. Mr. Speaker, I yield our remaining time to a very distinguished Member, formerly from La Verne, CA, but now from Claremont, the gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my very good friend from Glens Falls for his very generous introduction.

Mr. Speaker, over the past hour, I have been listening to some extraordinarily emotional stories about crimes that have been perpetrated which concern every single one of us. I believe we have shared goals with this. But the question is, what route are we going to take?

I believe very strongly, Mr. Speaker, that the American people want us to address the issue of violent crime.

Now, clearly, if we defeat this rule, what will we do? We will bring out an amendment which gets at the root of this. It is called the McCollum amendment. The McCollum amendment does what we want. It addresses the person who is using the gun, not the person who legally owns the gun.

What we need to do is we need to tackle those criminals. We do not need to tackle law abiding citizens. Unfortunately, this measure opens the door for further movement against law abiding citizens.

Vote against this rule. And, if the rule by chance passes, vote against this measure.

Mr. DERRICK. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, we have a peculiar situation in the world today. The United States of America does not wish to send its Armed Forces to Bosnia, because they are scared they are going to get killed. The rest of the world does not want to send their citizens to the United States, because they are afraid they will get killed over here.

Mr. Speaker, all of us know what the problem is. There are large parts of our country today that government can no longer protect its citizens in. You know, if we want to see the route that we are headed for out in the future, what we need to look at is the places of crisis in the world today, to look at Bosnia, to look at Somalia, to look at Haiti, to look at other places around the world where guns have gotten out of control and government can no longer protect its citizens.

The longer we fail to deal with this problem, the more certain it is that one of these days, our country is going to be another Bosnia, another Somalia, another Haiti, where we cannot protect our citizens, government cannot protect our citizens. And we all know what it is.

I talk to Members. I talked to a Member this morning who has been up here on the floor and other places against this resolution. I said, "Surely you do not believe that." He said, "Well, you know, I really do not. I am having a hard time with it. But I am getting these telephone calls in my office."

Well, 80 percent of the people in this country want to ban assault weapons. You have got another 10 or 15 percent that do not, and of that you have got another 5 or 6 percent that are very active.

My colleagues, what they are doing is working that 5 or 6 percent by calling your offices. They are intimidating this legislative body. They are intimidating you into believing that the average citizen out there does not want to do away with assault weapons.

The average citizen out there has a lot more sense than this body has. The average citizen out there is not going to be intimidated, as many Members of this body are, by these calls.

You know, there comes a time I would suspect in everyone's political career—man, woman—that you have to pull up your britches, buckle your britches and say this is right. And I do not care what the special interest groups want, I am going to vote for what is right.

Mr. Speaker, now is the time for this country, now is the time for this House, now is the time to vote for this rule and to vote for this ban on assault weapons.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 209, not voting 3, as follows:

[Roll No. 155]

YEAS—220

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lantos
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Price (NC)
Quillen
Rahall
Reed
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—209

Allard
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lancaster
LaRocco
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams

Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—3

Long
Rangel
Rogers

□ 1349

The Clerk announced the following pair:

On this vote:

Mr. Rangel for, with Mr. Rogers against.

Mr. HOLDEN, Mr. PETE GEREN of Texas, Mrs. JOHNSON of Connecticut, Mr. LEACH, and Mr. LAZIO changed their vote from "yea" to "nay."

Mr. BARCIA of Michigan and Mr. LAUGHLIN changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above.

A motion to reconsider was laid on the table.

□ 1350

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 416, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4296.

In this instance, the Chair appoints the gentleman from Missouri [Mr. VOLKMER] to preside over the Committee of the Whole for the first hour of debate and the gentleman from Maryland [Mr. MFUME] to preside over the Committee of the Whole for the second hour of debate.

□ 1351

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Union for the consideration of the bill (H.R. 4296) to make unlawful the transfer or possession of assault weapons, with Mr. VOLKMER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 1 hour and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. SCHUMER] and I ask unanimous consent that he may control that period of time and yield such blocks of time within that as he desires.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that I may yield 30 minutes to the gentleman from Illinois [Mr. HYDE] and that he be allowed to yield such time as he desires to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. HYDE. Mr. Chairman, I ask unanimous consent that I may yield the 30 minutes that has just been assigned to me to the gentleman from Connecticut, Mr. CHRIS SHAYS, and that he may be authorized to yield such time as he may control under the rule.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in opposition to H.R. 4296, the so-called Public Safety and Recreational Firearms Use Protection Act. It is time we set the record straight and after doing so, vote down this misguided effort. If ever the name of a bill was misleading, this one is classic.

Mr. Chairman, H.R. 4296 does nothing to ensure public safety or recreational use of firearms. Rather, it places unnecessary, unjustified restrictions on the legitimate use of certain weapons. The sole purpose of this legislation is to ban certain semiautomatic weapons.

Mr. Chairman, why is it we are doing this thing? Well, during last week's subcommittee hearing, supporters of H.R. 4296, such as Mr. Magaw, the new director of the Bureau of Alcohol, Tobacco, and Firearms, said that specified guns should be banned because—and listen carefully—because they are intimidating.

Mr. Chairman, under that line of reasoning, I am surprised that they are not just proposing to do away with the second amendment of the U.S. Constitution, for as a hunter and sportsman myself, I can assure each Member that any gun, even a dart gun or BB gun or 22 rifle is very intimidating when the barrel of that gun is pointed directly at you. Accessories found on some semiautomatic weapons, such as folding stocks, flash suppressors, pistol grabs, bayonet mounts, detachable magazines, may look menacing to persons unfamiliar with firearms, but there is no evidence that any one of them provides any advantage to the criminal. Semiautomatic weapons function in the same manner as any other firearm. They fire once when the trigger is pulled. They use the same ammunition. They are useful for target shooting, for self-defense, for hunting, for other legitimate purposes.

Mr. Chairman, let us remember that H.R. 4296 bans not only certain types of weapons, it also bans any automatic feeding device that holds more than 10 rounds of ammunition. If one has a Smith and Wesson 9-millimeter pistol that holds more than 10 rounds in it because they stagger the rounds, then that is illegal, as well as a combination of parts that can make up such a device, such as a spring or a roll pin or a piece of sheet metal. All of these are defined as firearms under this bill. The penalty for having such device, or any combination of these parts, is to up 5 years in prison as well as a fine.

Mr. Chairman, the drafters of the legislation find the pieces of sheet metal just as intimidating as they do the actual guns themselves, which carry the same penalty.

Mr. Chairman, H.R. 4296 misidentifies the causes of violent crime. It diverts national priorities away from meaningful solutions to the problem of violent crime and punishes honest American gunowners who buy and use firearms for legitimate, lawful purposes.

Mr. Chairman, the criminals do not mind. This will not bother them, not one lick. They can steal them or buy them on the black market, and everybody knows that is the fact. Go outside and put up about $200 or $300, and you can get a weapon without a problem. If my colleagues do not believe it, go do it.

Mr. Chairman, there is no need to belabor the flaws in this proposal. The entire premise is fatally flawed. Most fundamentally, 4296 unduly infringes on the constitutionally protected rights of honest, law-abiding Americans on the basis of myth and misinformation.

Mr. Chairman, let us put an end to this mockery of our Bill of Rights. Let us stand up for the millions of law-abiding citizens who are not criminals.

Mr. Chairman, I will say this: The criminals will not worry a bit about this bill. It is only honest, hard-working American people that will be bothered and harassed by this legislation. Let us vote no today once and for all.

Mr. Chairman, I reserve the balance of my time.

□ 1400

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Before the gentleman begins, the Chair would like to remind all persons in the gallery that they are here as guests of the House, that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House. The Chair would rather that the people in the gallery respect the House and the decorum of the House.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to this bill. It is before us today as pretend crime control.

The other side has shown us scary guns, used the emotion of fear and the tragedy of others for political purposes.

On our side, all we have are the facts and common sense. The fact is that this will not fight crime.

Assault weapons are not the weapon of choice by killers. These guns are used in less than 1 percent of all murders, according to the FBI. The public knows that the real causes of crime are the breakdown of the family, drugs, and lenient sentencing.

Two of my colleagues from Wisconsin earlier today have attempted to use the tragic killing of a police officer to whip up support for this bill. I extend my condolences to the officer's family, but the fact is that the weapon that was used in this tragedy would not have been banned if this bill were law a month ago. It was grandfathered in under the grandfather clause.

Chief Donald Steingraber of Menomonee Falls, WI, my hometown, who stood beside the President on Monday seeking passage of this bill, has admitted to me that if this bill were law a month ago it would have no effect on the tragic killing of Captain Lutz of Waukesha last Thursday.

Two-thirds of all violent crime is committed by 3 percent of the people. That same 3 percent commit three-quarters of all rapes and robberies and virtually every murder.

Let us arrest those people, not law-abiding gun owners who may own one of these weapons for self-defense or any other legitimate reason.

Mr. Chairman, this bill does not distinguish between criminals and honest citizens. You may recall that I supported the Brady bill because I thought it would help keep handguns away from criminals. The NRA attacked me for that.

But this is a different debate. I support laws that keep guns away from criminals, but, on the other hand, this bill will take away everyone's right.

Ironically, while the bill does not distinguish between law-abiding gunowners and criminals, it does distinguish between good guns and bad guns, and unfortunately it fails even at that. Look at the text of the bill. Many of the bad guns, although they look different, perform exactly the same as the good guns. They shoot the same, they use the same bullets, and the only difference is how they look.

A man in his home or a woman on her farm should be able to defend themselves and their family even with scary-looking guns.

Let us look at the facts; let us use common sense. If a criminal has a gun, arrest him. If law-abiding citizens want to use guns to defend their families and homes, let them decide what kind of gun they want to use.

The millions of honest gunowners know they are not criminals, and they should not be treated as such by the Congress of the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHUMER. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois [Mr. ROSTENKOWSKI], the distinguished chairman of the Committee on Ways and Means.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in strong support of this legislation.

Automatic weapons are nothing more than an efficient way of killing people, a task that is already being done too efficiently by too many people in too many American cities.

Automatic weapons greatly increase the odds that what begins as an uncomfortable incident will result in a fatality.

Mr. Chairman, I have seen the carnage they cause in my neighborhood. Just a few weeks ago, on Easter, within a stone's throw of my own home in Chicago, a young man was murdered on the steps of a church while a thousand parishioners were inside praying. In the parking lot, two more young men were shot, and in the other parking lot, two children were shot and injured.

These automatic weapons must be abandoned. We must come to our senses. We must stop adding to the weapons already on our streets. Crime is out of control. The killing has got to end. It must stop.

It is time to take a step to reverse the tide of violence that threatens to destroy our cities. It is time to get these guns off our streets. We must stop them before they kill again.

My colleagues, I urge you to vote in favor of this important measure.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the final version of this bill, when it goes to conference, will ban the manufacture and sale of specific assault weapons that are only used to kill people. These are weapons with no hunting, sporting, or other legitimate purposes and for which there is no reason for anyone to own except to aid in the commission of crime.

Is a constitutional right being impinged by this legislation? No. The Supreme Court throughout our entire history has held repeatedly that the right to keep and bear arms is subject to reasonable police power to regulate the type of weapon that is being owned.

Seventy-five to eighty percent of the American people favor a ban on assault weapons, while 20 to 25 percent, perhaps, oppose it and say that they have a right to own and use any weapon they choose. And they stress over and over their right.

Mr. Chairman, we are balkanizing America in so many ways, with so many special interests insisting that their rights, their needs, and their desires must be addressed. We heard so often in the debate on the deficit, we want to bring down the deficit, yes, but we do not want to give anything of ourselves to accomplish that end. We want to address the crime problem, yes, but do not ask us to give anything of ourselves to actually do so.

Mr. Chairman, I am chairman of the Congressional Human Rights Caucus, but believe me, it is time that we talked in America not just about rights but also about responsibilities, what we individually owe to make this country work.

Our police say to us, please, please, put controls on these kinds of weapons. We are the people that have to face them. Please, do something and rein them in.

And are we to say, no, no, we insist upon our rights even though you face the firepower?

Yes, we need tough and effective law enforcement and, yes, we need a criminal justice system that works to deter criminals. That certainly is a part of it.

But we also need reasonable controls on the ready access to weapons, especially weapons of this type that have no other purpose except to kill people. We need both.

Mr. Chairman, yes, we need the courage to pass a tough crime bill, and we have shown that courage, but we also need the courage to tell the 20 percent who want any gun at any price to society that they have responsibilities, too, and it is time they lived up to them. Vote aye.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I must regretfully rise in opposition to H.R. 4296. The supporters of this legislation argue that this bill will ban 19 specific types of assault weapons, however, they fail to mention that aside from these 19 specifically named weapons this bill also contains a far reaching ban of other guns and allows the Treasury Department to determine which of these guns would be banned. I agree that we should restrict access to guns such as the Uzi, the Tec 9 and the AK–47 assault rifle. These guns have become the gun of choice for gangs and drug dealers and they have no other legitimate use other than to kill people.

There are two sides to this debate and both sides have legitimate fears. One side sees its right to keep and bear arms slipping away and the other sees its right to a safe and secure neighborhood slipping away. There has to be a middle ground that addresses the concerns of both sides and for that reason I offered an amendment to this bill that would have only banned the 19 assault weapons listed in the bill. However, due to the restrictive rule that was issued on this bill I am not allowed to offer this compromise amendment. Had this amendment passed I could have voted for this bill.

The issue of gun control is not an easy issue since it involves weighing the concern for public safety against the rights of individuals. These individual rights are guaranteed in the Constitution and we should be extremely careful when the legislation we consider might affect these rights. A broad based gun ban infringes on these rights and while the need for public safety justifies the restriction of specific weapons it does not justify this broad based ban.

Both sides of this issue have shown an unwillingness to compromise and it is apparent that they both are taking an "all or nothing" approach. This is an unfortunate commentary on what our political system has become and it represents a significant loss for the American people no matter which side of this issue they are on.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, H.R. 4296 is a public relations approach to crime prevention, election year valium to calm constituents' fear of crime. But nothing in this bill will take a single gun out of the hands of criminals.

I have heard people smugly declare that true hunters don't need these weapons, so therefore they should be banned.

This is not about hunting, or target practice. This is about protection. This is about giving people the chance to protect their families from criminals with a proven disregard for human life or property. Just like police, who are exempt from this bill, private citizens protecting their families deserve a fighting chance.

The proponents of this bill claim support from law enforcement. The sheriffs I know do not support this legislation. People are crying out to us to do something about crime and punish those who misuse firearms.

In Florida, in 1975, we impose a 3-year minimum mandatory sentence on anyone committing a crime with a handgun.

Large billboards with an orange background and a black silhouette of a handgun were placed along our highways and posters were placed in convenience store windows and retail establishment in high-crime areas.

The message was simple: Do the Crime—Do the Time. Florida imposes a mandatory 3-year prison term for using a gun in a crime.

The results were dramatic. During the first year following passage of the 3-year mandatory, gun crimes were down and the armed robbery rate alone was down 40 percent.

We were clearly on the right track to reducing crime. The word was out: Stay out of Florida if you use a gun because Florida will throw you in prison for 3 years. The impact was dramatic—until word got out that Florida was only joking. Criminals quickly learned they could plea bargain out and it was back to business as usual.

The Florida House Criminal Justice Committee recently researched the incidence of plea bargaining on the 3-year mandatory sentence for using a gun in a crime and reported that in 80 to 90 percent of the cases, the 3-year mandatory is plea-bargained away.

In 1989, the Florida Legislature passed an 8-year minimum mandatory penalty for possession of any semiautomatic firearm with a high capacity magazine during the commission or attempted commission of a crime.

However, if you check with the State Court Administrators Statistical section, you will find that practically no one has been sentenced under that provision. That says one of two things—either semiautomatics are not the problem that some would have you believe, or they're simply refusing to send the really bad guys to prison for a minimum of 8 years.

In 1989, faced with the emotional fire storm of assault weapon rhetoric, the Florida Legislature formed the Florida Assault Weapons Commission to study the issue. The commission surveyed 415 Florida law enforcement departments on the use of assault weapons in crime in their jurisdiction over the past 4 years. Responding jurisdictions experienced a total of less than 50 assault weapons used in crimes, while other weapons—guns, knives, hands, etc.—were used in 108,600 crimes, .0004 percent. Even the Metro Dade Police survey shows no assault weapons experience in 1986–87–88 and only 5 assault weapons in over 36,000 weapons crimes, .0001 percent, during 1989.

The 8-year minimum mandatory sentence for using a so-called assault weapon in the commission of a crime was the obvious answer in 1989 and it is the obvious answer today. Banning guns never works. Look at Washington, DC, New York City, California, and New Jersey. Criminals will always get guns regardless of the law.

What will work is less plea bargaining, stiffer penalties, more judges, prosecutors, police officers, and prisons. Get criminals off the street—then and only then will our streets be safe.

It's time to bite the bullet and spend the money to build the prison beds necessary to incarcerate violent criminals.

Everyone in this Chamber loves the Constitution. So do the people who are opposed to this bill. They feel just as strongly about the right to bear arms as others do about free speech. Let's not foolishly compromise a constitutionally protected right of free people when aiming at criminals.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I think that a police officer in Michigan stated the problem to me very well a couple of months ago when he said the real issue in crime this year is not repeating rifles, it is repeating offenders. The truth of the matter is that there are less than 1 percent of violent crime committed in this country by assault weapons described in this bill. The truth of the matter is that if we ban all these weapons that are listed in this bill, still hundreds more than function exactly the same way with the same killing power that these guns have will still be on the streets, still available to the criminals and nothing will have been solved by passing this except to absolve some people in the political world we live in today from this next year's election.

The fact of the matter is 6 percent of the criminals in this country commit 70 percent of the violent crimes and are serving less than a third of their sentences. The answer to the violent crime problem in this country is not banning the few assault weapons in this bill, it is taking the repeat violent offenders off the streets, locking then up, and throwing away the keys. It is forming the Federal-State partnership with the States to build sufficient prison space and then doing what this House did not do in its crime bill, and we need to have come out of the conference, requiring for the States to get these monies that they guarantee that they abolish parole for the violent repeat offenders and serve 85 percent of their sentences, at least. And it is doing things we were not allowed to do in offering the amendment I wanted to offer here on the floor today that would say to those who commit crimes with guns of any sort that if you do so, then you are going to have a separate Federal crime in addition to the underlying crime that carries with it minimum mandatory sentences for the first offense, 10 years, for the second offense 20 years, and for the third offense 30 years. That would put certainty and swiftness of punishment back in our criminal justice system and to put some kind of effort in the deterrence again to send the message out there to the violent criminal. That is what the real answer is to the violent crime crisis in our country. The bill before us should be voted down, it does not do the job, and it affects only law-abiding people who would like to continue to be able to possess guns for legitimate purposes. We have no business today passing this sham, and that is exactly what it is. Let us get tough with the criminals, lock them up, throw away the key, and let us make sure that we do something significant to stop the wave of violent crime; not this bill.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I support law-abiding citizens' rights to keep and to bear arms for personal protection and for recreation. But I also believe we need to keep Uzis and AK–47s off our streets and out of the hands of cop-killers and driveby shooters. These weapons are not designed for hunting or to protect people's homes. They are military weapons that can carry dozens of bullets, guns designed to do one thing and one thing only—kill a lot of people fast.

Yesterday, my office in Arizona was targeted by citizens opposed to taking assault weapons off the street and out of the hands of gangs and violent criminals. They wanted to pressure me. But I have already been affected by the pressure of grieving families and police officers mourning their fallen colleagues. I have been persuaded by too many killings and too many children cut down by these weapons of war.

It's time for mainstream Americans to draw the line and say enough. This vote is not about rights, it's about responsibilities. Talk is cheap when it comes to fighting crime. We need to support our local police. We must stand up to the NRA and others who oppose this overdue and reasonable step to prevent crime. We need to fight crime, a step at a time. Vote "yes".

Mr. SCHUMER. Mr. Chairman, I yield 1¼ minutes to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. I thank the gentleman for yielding this time to me.

Mr. Chairman, after months of serious deliberation and discussion with Members on both sides of the aisle, conservatives and liberals, I have decided that this ban on a limited and specific group of violent assault weapons adequately protects Second Amendment rights while recognizing that there is absolutely no justification or need for anyone to have ready access to Uzi's and street sweepers nor any other semiautomatic weapons designed exclusively for mass murder.

Times are changing in our country. I fear not all for the best. The growing violence, murders of our law enforcement officers and innocent children cannot be ignored. That is why I voted against the rule, because I felt we needed to have stricter punishments for those who use guns in crimes. But the fact is that true sportsmen and sportswomen do not use sophisticated war machines to mow down animals. Average citizens, protecting their property and family, do not use Uzis and street sweepers to defend their homes. These weapons are used by criminals to overcome the innocent and to overcome our police officers in the line of their duty. I am committed to defending the second amendment rights, and that is why I struggled with this ban. 3 years ago I voted against the semiautomatic weapons ban because it did not address the important second amendment rights. However, after discussion with staunch defenders of the second amendment, such as President Reagan and President Ford, Members of Congress, such as HENRY HYDE, I have been convinced that these rights are adequately protected.

I ask the Members to support this ban on semiautomatic weapons.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York, Mr. LAZIO.

Mr. LAZIO. Mr. Chairman, if I appear nervous, it might be because I am a first-term Congressman, it might be because this may be a close vote, but probably because people are relying on me to make the right choice.

I rise today in support of H.R. 4296. Several factors affected my recent decision to support this legislation which would ban the continued manufacturing of semiautomatic assault weapons. The most significant of these factors was the overwhelming support of this ban by both national and local law enforcement organizations and officials. In New York, this includes the Suffolk County Policeman's Benevolent Association, the Deputy Sheriff's Benevolent Association, the Superior Officers Association of Suffolk, the Police Conference of New York, as well as New York City's police commissioner and the president of New York City's Patrolman's Benevolent Association. National groups include the Fraternal Order of Police, with over 230,000 members, the National Association of Police Organizations, the International Association of Chiefs of Police, and the Federal Law Enforcement Officer's Association. All are experts on crime, and as a former criminal prosecutor, I respect their collective judgment that H.R. 4296 is necessary for the public safety.

According to the Bureau of Alcohol, Tobacco, and Firearms, while semiautomatic weapons comprise only 1 percent of privately owned guns in America, they account for more than 9 percent of guns used during a crime and traced. Between 1986 through 1992, ATF statistics show that these particular weapons were used in 1,578 homicides, 940 assaults, 224 robberies, and over 4,500 narcotics offenses. Since only about 10 percent of all firearms used in crimes are traced, the number of crimes involving these weapons could be more than 10 times as high. These statistics are unacceptable and demonstrate the number of these weapons that are making it onto our streets and into the hands of criminals. Our police cannot, and should not, have to face these weapons in the line of duty.

Also supporting the ban on assault-style weapons are former Presidents Ronald Reagan, Gerald Ford, and Jimmy Carter. In 1989, President Bush was instrumental in banning the import of 43 types of foreign-made assault weapons. Closer to home, New York City Mayor Rudolph Giuliani has also stated his support of this legislation.

H.R. 4296, unlike some proposals in the past, designates 19 specific weapons to be banned by name, while explicitly exempting over 670 hunting and recreational weapons. At the same time, this bill includes provisions to control the spread of so-called copycat weapons as well as a grandfather clause, permitting owners of banned weapons, or large capacity magazines, acquired before enactment of this legislation to keep their firearm(s).

Although opponents of this bill claim these weapons have a sporting purpose, I disagree with that argument. I have seen firsthand the carnage and mayhem these weapons can cause. A chilling example is illustrated by last December's massacre aboard the Long Island Railroad commuter train. I was recently contacted by the widow of one of those victims. Her husband was killed and her son seriously wounded. I also spoke with one of the actual victims. Their message was how anyone could vote against this ban if they'd seen what took place when the killer went down the aisle methodically executing person after person. Had this legislation been in effect at that time, the ammunition feeding device used by Colin Ferguson would have been banned, and fewer lives may have been lost.

Opponents also claim that this bill will ban all hunting and recreational semiautomatic weapons. This is untrue. While all assault weapons are semiautomatics, all semiautomatics are not all assault weapons, an example being the popular Winchester Model 1400 semiautomatic shotgun.

I have been, and I remain, a staunch supporter of the second amendment. But as a lawyer, I simply do not believe that these weapons—whose functions are so adaptable to the destruction of human life—are protected under second amendment rights. If they were, I would oppose this bill.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. STRICKLAND].

□ 1420

Mr. STRICKLAND. Mr. Chairman, I rise in opposition to the bill.

Last week a very offensive event took place in my hometown; the Ku Klux Klan held a rally. While I was offended by their presence and despise their brand of hate mongering, I will defend their right to exercise their first amendment freedoms.

I oppose this bill because, however inconvenient it may be, we must adhere to the principles contained within our Constitution and our Bill of Rights.

The first amendment leads the list of our constitutional freedoms by guaranteeing rights that we all embrace: The freedom of religion; freedom of speech; freedom of the press; and the freedom to peaceably assemble.

We revere and value these rights and at times die for the preservation of them. They embody the right of the minority to be protected against the tyranny of the majority.

Following the first amendment in the Bill of Rights is the often-forgotten and much-maligned second amendment, that guarantees the right to keep and bear arms. In fact, the phrase used by the drafters is, "shall not be infringed."

So, regardless of where you stand on the political spectrum—conservative or liberal, Republican or Democrat—if you are one who values the Constitution and the Bill of Rights you should not pick and choose from among these constitutional rights under the temptation to vote for this hollow promise of false security.

Do not vote for this misdirected effort aimed at law-abiding gunowners, rather than dealing with the real causes of violence in our society.

I urge my colleagues to defeat the bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, my fellow colleagues, I rise in opposition to this legislation.

With freedom comes responsibility; with responsibility comes freedom. What we are doing today in asking us to vote for this legislation is to take the responsibility from those who would like to take the freedom away from us, the law-abiding citizens.

We heard much about the NRA, and yes, I am an NRA member. But I am also a proud gunowner in order to defend myself and the lives of my children. I ask my colleagues, "If you really want to think about changing things—and I heard other speakers saying this is a chance to do something that is correct—I ask you was it correct about Waco when the Government overstepped its bounds and killed innocent people?"

And I cannot understand someone like the gentleman from New York that could support this legislation. Maybe he has not gone to the Holocaust museum in Israel. I have done that three times, and I asked the question, "How could 6 million people have been herded and walked to their deaths?" I asked, "Why didn't they protest?"

Mr. Chairman, my guide said, "With what? They had nothing to protest with. The citizenry was disarmed. The government was the one that did the great carnage."

I heard the gentleman from South Carolina [Mr. DERRICK] today say, "The Government must protect its people. It is not a criminal I fear; it is, in fact, the Government." The Government should not have the right to protect me; I should have the right to protect myself, and yes, to own, and operate, and have those firearms as long as I am a law-abiding citizen.

And many speakers before me talked about the criminal, and that is what we are not addressing. The person that commits the crime, the 7 percent that commits 90 percent of the violent crimes, we are not addressing, nor are we given the opportunity to do so.

But I will tell my colleagues and everybody that will listen to me: It is my right, my constitutional right, to pick that weapon which I think I can defend my family with, and I should do so. It will be a hot day in Fort Yukon in January before this Government takes my firearms.

Mr. SCHUMER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Chairman, I have always believed in the old Texas saying that gun control means steady aim. As such, I have always opposed gun control. Today, however, the House of Representatives is expected to vote on legislation that would make it illegal to manufacture or sell specified military-style semiautomatic assault weapons in the United States, and I intend to vote for the assault weapons ban.

I did not reach this decision easily. In the last Congress I opposed a similar assault weapons ban bill because it was too vague and undefined. That bill could have included my shotgun and the weapons of other legitimate sportsmen. It simply left too much to the discretion of the Federal Government. This bill, however, protects hunters' rights.

The bill has drawn tremendous attention because it specifically targets high-velocity, rapid-fire weapons—like Uzi's, AK-47's, TEC-9's, MAC-10's, and AR-15's—that have become the weapons of choice for drug dealers, street gangs, and hate groups. The telephone lines and fax machines in my office are working overtime to respond to concerned citizens on both sides of this emotional and important issue.

I am a lifelong hunter; gun ownership is a way of life for my family, as it is for most Texans. During my tenure in Congress, I have resisted attempts to restrict the rights of law-abiding Texans to own firearms for sport or to defend their families and homes. I believe that gun control laws hamper legitimate sportsmen far more than criminals, and my votes have consistently supported this position.

At the same time, as a former Harris County prosecutor and a father of two teenage daughters, I cannot help but be appalled at the rising number of random violent crimes that are occurring on our streets. In our own city of Houston, a teenage boy was slain by a rival gang member with an AK-47 at a Halloween party. The problems we have experienced in Houston mirror those in other cities and towns across this country.

Federal statistics show that, although semiautomatic assault weapons account for only 0.5 percent of privately owned firearms in this country, they are involved in 8.4 percent of crimes involving firearms. In other words, assault weapons are 17 times more likely to be traced to crimes than conventional firearms. Between 1986 to 1990, 1,088 assault weapons were traced to murders in the United States. Another 3,505 were linked to drug traffickers. For every assault weapon confiscated by law enforcement officers, many more are manufactured and sold on our streets.

Police say that just one of the weapons that would be banned, the TEC-9, has been involved in 319 murder cases, 234 instances of assault, and over 600 narcotics investigations. The TEC-9 can fire 32 rounds in 30 seconds. At a time when there is a very real and palpable fear of violent crime in this country, when law enforcement officials are outgunned by the offenders they hope to apprehend, and when driveby shootings and murder of innocent bystanders have become a weekly occurrence, we must do something significant to protect our families and children.

The assault weapons ban we are debating today is different from previous proposals. Legitimate sportsmen can be assured that 650 hunting rifles and shotguns are specifically exempted from the ban. In addition, the bill specifically defines hunting and sporting weapons as those operated by bolt, pump, lever, or slide action; or a semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition. That assures that my shotgun, your deer rifle, or your son's or daughter's .22-caliber rifle are not considered under the ban.

The bill is equally specific on what weapons are to be prohibited. For example, semiautomatic rifles with detachable magazines would be included under the ban if they possess at least two of the following features: A folding telescoping stock, a pistol grip that sticks out conspicuously beneath the rifle's action, a bayonet mount, a flash suppressor, or a grenade launcher. Who can in good conscience defend such weapons as appropriate for hunters or sportsmen? Anyone that needs a 20-round clip of high-velocity ammunition to fell a duck or kill a deer needs to take up golf.

The bill's "grandfather" provision will allow existing weapons owners to keep their weapons without any recordkeeping requirements, unless the weapon is sold or transferred after the bill is enacted. The bill also contains a "sunset" provision: The ban will automatically expire 10 years after its enactment.

Supporters of the ban make a convincing argument on its ability to reduce violent crimes. Previous experience in cutting off access of these deadly weapons to criminals—as in California, New Jersey, and Connecticut, for example—has shown that it does reduce their use in violent crimes. Likewise, the use of assault rifles in crimes dropped by 40 percent the first year after President Bush banned their importation in 1989. States and municipalities that have banned assault weapons have experienced similar results.

That is why support for an assault weapons ban in this country is strong, particularly among law enforcement organizations, such as the International Association of Police Chiefs, the National Sheriff's Association, the National Association of Police Organizations, and the Fraternal Order of Police. And despite the denial of its organizational leadership, a significant number of NRA members recognize that the weapons targeted under the bill are dangerous and unnecessary. This bill will not stop all crime on Houston's streets, but it will help our local police fight crime and it will save lives.

Gun ownership has a long and proud tradition in Texas—but so does public safety and respect for law and order. Our individual right to keep and bear firearms is based on responsibility and common sense. We have laws that seek to guarantee the safety of our citizens: People cannot fish with dynamite, scream fire in a crowded theater, or purchase many kinds of military weapons. I am convinced that if we limit the availability of military-style assault weapons, we will be taking a meaningful and prudent step toward improving the safety of our streets without trampling on our constitutional rights.

Mr. Chairman, I strongly urge my colleagues to support the Assault Weapons Ban Act of 1994.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Delaware [Mr. CASTLE], a former Governor.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Connecticut [Mr. SHAYS] for yielding this time to me. I would just like to share my thoughts on this legislation.

Mr. Chairman, I rise in support of the legislation, the ban on assault weapons in the United States of America, and I know this is a very difficult issue for a lot of Members here today and who are watching back in their offices, and it probably should be, but it is one I wrestled with quite a while ago as Governor of a State and with the Governors of New Jersey and Virginia among others. I have called for a ban on assault weapons. I have introduced legislation in Delaware. We have not achieved where I would like to go with that, but it was a relatively simple issue, working with our police officers, and others, who believe so strongly in this, and I have looked at this legislation, and a lot of people will look at this legislation, and they will say: "Well, we can go beyond this because it's going to give the ability to Federal officials to ban other kinds of weapons."

And all variety of arguments come up with respect to that, but I think this whole thing is relatively simple, and there are just a few points, perhaps, we should look at as we try to reach our decisions as to whether we are going to vote for this or not.

First of all, and I do not necessarily agree with this, but this is a future bill. This does not include weapons which people presently own and under which they have control. That is a significant point, I think, in determining whether we should vote for it or not.

The question then becomes: is this an appropriate piece of legislation? What are these assault weapons or semiautomatic weapons? How are they used?

Well, we hear they are used in target practice. I do not know of a lot of target practice, frankly, in which these are used, and, quite frankly, I do not know of a lot of hunting in which these kinds of weapons are used. It just is not something which is very prevalent in the United States of America, and I suggest we look very carefully at what these weapons are and exactly what their uses are in the United States of America.

Some people have gotten up today and said they have not had any incidents in their districts. I hope we do not have to have an incident in a majority of our districts involving an assault weapon before we can pass this legislation. The bottom line is that there have been incidents across the United States of America. More than incidents of the use of assault weapons there have been a lot of crimes committed with assault weapons in which they have not actually been used. Let us keep that in mind as well. These are expanding in the United States of America.

Mr. Chairman, our law enforcement officers are strongly for this piece of legislation, and I think that is also very, very significant. They are the ones who are on the firing line, and they are the ones who are saying, "Do something to help protect us."

And then there is the whole issue of, I say to my colleagues, Well, if you are for this ban on assault weapons, you are not tough on crime. I would like to think I am as tough on crime as anyone else here. As a matter of fact, when I was Governor, we in Delaware did a lot of things that include mandatory minimums for using weapons in crimes. We have truth in sentencing in the State of Delaware. We have looked at all these issues, and my belief is that we can still have those very strong measures.

□ 1430

I wish we perhaps could have amended this bill to put in some stronger measures with respect to what the penalties would be if one had assault weapons, but the bottom line is that we can be very tough on crime but we can also be against assault weapons because they expand the crime that we see in the United States of America.

There was a young man who was caned today by our time in Singapore. That individual was caned in a city or a state which basically does not allow any weapons at all. I tried to find out, but I do not know what the penalties there may be. But the bottom line is that they have stronger penalties but they also ban the use of these weapons.

Mr. Chairman, I think we should start by supporting this legislation.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PETE GEREN].

Mr. PETE GEREN of Texas. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to this bill to ban ugly guns.

This debate is perhaps a perfect metaphor for politics today. It is all about form and appearance, little about substance. This bill is the proverbial blow-dried, golden-maned, straight-teeth, red tie, blue shirt, game show host, good-looking politician. How could anyone be against it? Who could be against a bill that bans ugly guns?

To confirm that this bill is all and only about appearance, let us look at the criteria that the bill's authors use as a basis for banning these guns. But first let us note what they do not use. They do not consider how fast a gun can shoot, the size or speed of its projectile, how hard it hits the target, or how accurate a weapon is. They do not use that type of criteria because there is no difference in the fire power of the guns they ban and those they do not.

Let us look at the criteria they do use. The bill bans a gun if it has two of the following five criteria: A folding stock, a pistol grip that protrudes conspicuously—yes, conspicuously, a bayonet mount, a flash suppressor attachment, or a grenade launcher attachment.

Not one deals with fire power. We talk of stopping the shooting, and we ban bayonet mounts. A gun with all five criteria may be mud-fence ugly, but it is not more deadly.

And these criteria have nothing at all to do with crime. Eighty-eight percent of our police chiefs agree.

When was the last time we heard of a crime that involved a fixed bayonet or a launched grenade? If the criminals of America for some reason agreed to abide by this bill and removed their flash suppressors and bayonet mounts, would we save a single life?

If our Government is going to take anything away, anything even ugly things, from anyone, it has the burden to prove that it is more than ugly. It has the heavy burden of proving the furtherance of a public purpose.

For many and probably most Americans, this debate is bewildering. Why would anyone oppose a ban on these ugly weapons? Because ugly is not enough.

In a democracy that cherishes liberty, yes, even eccentric expressions of liberty, the burden is on the bill's proponents to prove, not that this bill will not hurt, but that it will advance a legitimate and overriding social purpose, a purpose that overrides the liberty that it takes away, however trivial some may consider that liberty to be.

The proponents have not done this, and they cannot, because ugly is not enough.

Mr. Chairman, this proposal is a golden-maned, talk show host, good-looking measure, and in spite of those boasting of their courage in supporting it, it is popular, very popular. The politically unpopular vote is no. It is the right vote. Ugly is not enough.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, this proposed ban aids the criminal and hits the law-abiding citizen squarely in the face, and the criminal sprints away laughing at the whole scene, because it is the law-abiding citizen whose rights have been hurt.

To what avail is this ban to that criminal who has just escaped the thrust of this bill? That criminal can look at the 650 other weapons that are exempted by this very same piece of legislation and commit any crime that criminally intended mind sets out to commit.

On the other hand, let us ask ourselves this question. Can the law-abiding citizen utilize one of the 19 banned weapons for lawful purposes? The answer is, yes, for self-defense, collection, hunting, and sports activities. But conversely, is it not true that the criminal mind, the criminal who is intent on committing a crime, can use any of the 650 items that are exempted here to commit a crime?

The priorities are completely reversed, and the effort to ban guns makes the criminal laugh at us.

The criminal will find ways and means, if he intends to do so, to rob a convenience store. We should aim at that criminal, aim at the one who intends to commit a crime and does. Our aim is way off here. In the meantime the criminal is cackling, chortling, laughing all the way to the next spot where he can pick up a semiautomatic, if he wants to, and use it for unlawful purposes.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN. Mr. Chairman, the other night a constituent called my office and asked me to vote against this bill. I could tell that he was knowledgeable about guns. So he read me the list of weapons that would be banned. He said, "Those are not legitimate weapons."

Mr. Chairman, 5 years ago, on a school playground in my district, 5 children were murdered and dozens injured because they could not get out of the way fast enough. The weapon that was involved was purchased legally.

Mr. Chairman, people do have the right to keep and bear arms. We should resist any attempt to deny law-abiding citizens weapons for personal protection, sport, and pleasure. Banning the continued manufacture of these tools of mass destruction does not ban that right. Let us sum up the courage today to end the policy that give street gangs, criminals, and deranged killers access to more firepower than our police, and let us give our children on our school playgrounds a fighting chance to get out of the way.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of this initiative to ban certain types of semiautomatic assault weapons that fire rapidly with ease.

These weapons have no sporting use. They are suitable for combat.

Recently we received support for the banning of assault weapons by former Presidents Ford, Carter, and Reagan, and this support reflects their experience in leading the American people. It is also indicative of the bipartisan support which exists for getting these murderous weapons off the streets.

We just recently passed the crime bill. The assault weapons ban, together with the crime bill, represents the kind of comprehensive approach needed to address the problems of crime and violence in our society.

I would also like to stress again the fact that our colleagues should bear in mind that this is not a partisan issue. We remember that with the support of former President Reagan, President Bush imposed a ban on the importing of assault weapons. Well, following that ban, imported assault weapons traced to crime declined by 45 percent, whereas the domestic assault weapons traced to crime remained the same.

Barry Goldwater has affirmed that assault weapons "have no place in anybody's arsenal." Jack Kemp endorsed the ban last year, and Gov. William Weld has endorsed legislation to ban assault weapons and high-capacity magazines.

In my State of Maryland, the State Police have endorsed this ban. I am pleased that the Governor of Maryland has supported the ban, and the State legislature just recently passed very similar legislation.

Yes, each side of this debate has its statistics bolstering its point of view, but how could anyone honestly think that the banning of assault weapons will not save lives and reduce violence? After all, although semiautomatic assault weapons are less than 1 percent of this Nation's privately owned guns, they accounted for 8.4 percent of all violence traced to crime from 1988 to 1991. And also I do believe that this legislation makes fair, reasonable accommodations to the interests of hunters and sportsmen. It specifically exempts 670 hunting and recreational rifles and shotguns. It bans only 19 assault weapons which are the weapons of choice for gangs, drug dealers, and organized crime.

It is time to act to get these rifles off the streets and protect our families, our children, and our communities. Ask the parents of a child killed in a drive-by shooting, the children of a police officer gunned down with an AK-47, or a young man permanently paralyzed because he went to the grocery store when gang members swept through his neighborhood, how they would vote on assault weapons. We know the answer. They would vote, yes.

Mr. Chairman, I urge my colleagues to do the same.

□ 1440

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, the violence that is ripping apart our families, classrooms, and communities is nothing short of a crisis. No one can feel good about society's collective impotence in lessening the impact violence has on our everyday lives—and the siren call for stricter gun control measures may on the surface sound "oh so appealing." But we must ask ourselves if a ban on so-called "assault weapons" will actually be effective or fair. The proponents of this ban would eliminate in one fell swoop an entire class of legitimate firearms based solely on its looks: from military look-alikes to sporting guns like the Springfield M1A, the firearm used by the majority of this country's most successful competitive shooters. Banning this gun or that gun based solely on cosmetic appearance and subtle mechanics is a tragic misplacement of legislative priorities sure to lead to greater disillusionment for those who yearn for a greater sense of security.

The proponents also claim that passage of this bill will go a long way toward ending violent crime yet autoloading arms are involved in less than 1 percent of all serious crimes in this country. Responsible use of firearms by responsible owners would be prohibited because of the false premise that gun bans are the cure-alls of the crime problem—all the while this body looks away from the roots of the antisocial behavior that truly cause crime. Guns are not at the root of criminal behavior. Rather, their use in criminal acts is a derivative of criminal behavior—and banning them doesn't solve the problem. Stemming the rise in crime takes a Congress dedicated to preventing crime at its roots—not taking rights away from law-abiding citizens.

There is nothing more important to our Nation than how we rear our children. We must break this cycle of unloved, neglected, and abandoned children who mindlessly lash out in their own form of self-hatred and destruction.

Last month I held forums in my district on early childhood education and violence prevention. The overwhelming testimony expressed by expert panelists and attendees alike was that crime begins from failed human relations at a very early age—when conscience and compassion have not been taught. We must help families with young children and more must be done to help children and families avoid the problems that lead our youth to gangs, drugs, and senseless violence. In April I introduced a bill to help do just that. If we assist struggling families with young children, we help all families and all children. Parents will be given the opportunity to interact with other parents and to learn more about basic child development, positive discipline techniques, and parent-child communication skills. The foundation of antisocial behavior is laid in those very early years of childhood so it is not only wise to invest in children and families, it is incumbent on elected officials to do so.

That does not mean we should ignore gun controls that are already law, we should throw the book at anyone who uses a firearm in the commission of a crime. We should demand maximum punishment under the law for anyone who traffics in stolen weapons and demand unequivocally at least 30 years for any supplier of firearms to juveniles. These are heinous crimes that deserve every ounce of determined enforcement.

I want to end with this thought: the emotions we have expressed today over this issue are as strong as any I have witnessed in this great body. Fear; Anger; Frustration; and Despair. And at the pit of it all, in the gut, the need to do something about it. I understand—I feel that, too. So I reach out to all of you, I urge you not to settle on ineffective and unconstitutional firearm restrictions, but rather to fight with me to get the real roots of violence, the anti-social behavior that leads to tragedies in our families and on our streets.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong opposition to this bill, which will do nothing to fight crime and infringe on our second amendment rights.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, this is an attempt to legislate through label. By mistakenly placing the title "assault weapons" arbitrarily on this group of firearms, and having the term "assault weapons" repeated over and over and over again in much of the media, it has served to totally confuse the issue about what weapons we are talking about here.

It has even confused matters on the House floor. I heard a senior Member of the House just a moment ago say we need to ban automatic weapons. There is not a single automatic weapon in this bill. That is because automatic weapons—these are the true military combat weapons which can be set for constant fire with one pull of the trigger—are banned today.

The weapons we are actually talking about do not fire any differently than the weapons that are not banned. If there were a difference between them, the proponents of this bill would have demonstrated that on the range by placing one against the other in a test that the media and the public could see.

But I think that the real crux of this bill, the real way to know if this is legitimate law enforcement, in which I consider certain gun control proposals apart, or just grandstanding is the fact that this bill, if it becomes law today, will not ban a single weapon today. The law exempts all of the weapons that are called assault weapons today. Every one who owns one legally can keep one legally.

If the proponents believed all the rhetoric they have been stating, if they believed these weapons have no useful purpose in society, then they would ban them today. The reason they do not do that is that they know that over one million Americans, law-abiding Americans, have chosen to own these weapons, and the Government does not relish the thought of confiscating these weapons from so many law-abiding Americans and all the bad publicity that would bring to the proponents' argument that these weapons are supposedly owned by criminals and drug dealers.

Mr. SCHUMER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, the NRA apparently has never seen a gun it didn't like.

The "R" in NRA clearly no longer stands for rifle; I say it stands for reprehensible.

It managed to hold Congress hostage for years over the Brady bill. Now the NRA is really insulting our intelligence. It's suggesting that it would be a blow to democracy for Congress to regulate guns whose sole purpose is to kill as many people as possible as quickly as possible.

Violent crime in our country has reached atrocity proportions when in a few seconds of gunfire, a violent and deranged person can slaughter dozens of innocent people.

Doctors from all over the world come to America's major cities for intensive training in emergency medicine. It is a sad commentary on our American way of life—and death—that in our emergency rooms, they will receive more experience in treating penetration wounds in one night than they would in a whole year back home.

It boggles the mind to imagine how we can fail to limit the availability of weapons and ammunition which have no legitimate sporting purpose.

The American people and the people of New York City that I represent want safe streets and neighborhoods for themselves and their children. They don't buy the NRA argument that the second amendment should allow some screwball with a street sweeper to blow away whole playgrounds full of their children.

This Congress had the courage to break the stranglehold of the NRA over the Brady bill, and its more than high time for us to do the obvious today.

Mr. Chairman, the assault weapons included in this bill are not instruments of sport or self-defense; they're instruments of murder—and I don't want to be an accomplice. Vote for the assault weapons ban.

Mr. SCHUMER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, this is an issue of common sense. My colleagues, what kind of country do we want?

The first time I went to a foreign country and saw uniformed police in the airports and street corners with military assault weapons, I shuddered. And yet today, we are now manufacturing and selling these very weapons not for our military, but for public use.

In 1991, Mr. Chairman, I voted against a ban that I considered was worded too broadly. But this bill is narrower and specifically protects sporting guns. I own two shotguns that are even on the list of the 670. This ban does not affect a single weapon legally owned.

Mr. Chairman, every one in this Chamber also knows that this ban is not going to solve crime and is not going to eliminate all the violence. But I voted for the toughest prevention, punishment, and police provisions in the recent crime bill. I successfully offered the police corps amendment that will add 100,000 police officers to our cities and towns.

But we should not let them be outgunned. The police chief in my hometown said, "It is just too easy to purchase these high capacity assault weapons. They have become an officer's worst nightmare."

There is much talk about individual rights. But we as citizens also have a responsibility to our community and our Nation. We do not need these military-style assault weapons on our streets. I urge passage of the bill.

Mr. SHAYS. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I grew up on a ranch near San Juan Bautista, CA. I was taught to shoot at a very young age. If the guns we are banning in this particular piece of legislation had been in existence, any hunter that used them to shoot a deer or to shoot at rabbits, would have been laughed out of San Benito County.

I now live in urban America. My policy consistently has been if you want a gun in your home, have one in your home. If you want a gun at your business, have one at your business. However, if you have a gun in a car and you are driving around urban America, as far as I am concerned, you better have a permit or off to jail you go. You should live in urban America, where we have people shot by the thousands, by teenagers, by young hoods, from all walks of life and all ethnic groups.

I happen to have taken a stand against assault weapons several years ago. It was in the Republican primary. My seven opponents got up and parroted the NRA. I won.

I remember an issues survey we did of Republicans during the 1992 primary. That survey cost $10,000. One of the questions was on banning guns, on banning assault weapons.

□ 1450

Sixty-five percent of the Republicans in my district favored that ban. I suggest that a few of my colleagues ought to get in touch with what the grassroots in urban and suburban America really thinks.

On February 22, a Los Angeles police officer and mother of two, Christy Lynne Hamilton, was gunned down in the line of duty. The weapon used was an AR–15, the civilian version of the M–16 assault rifle. The shooter was not a hardened criminal. The implication by some in this debate has been "If only those hardened criminals were put away, then we would solve the problem." Sure, those criminals ought to be put away. I support the proposals of the gentleman from Florida [Mr. MCCOLLUM]; I voted against the rule which precluded him from having a vote on his amendment. The Committee on Rules should have permitted his amendment. It did not. That decision was shameful.

But the hardened criminal, the drug dealer, or the gang member was not the individual shooting at Christy Lynn Hamilton. It was a 17-year-old former honor student. The assault rifle used in this crime was not stolen. It was not transferred illegally. It was a gift from his father, who also was killed in the incident.

Now, if this legislation has no effect, as many of those in opposition have said, why do they not humor us? Why do they not pass it? Maybe we can save a few lives.

Just yesterday I was visited in my office by Stephen Sposato, whose beloved wife, mother of his 10-month-old daughter, Meghan Marie was tragically killed by a spray of automatic fire in an office in San Francisco. She was not killed in the cross fire of two gang members. That happened in Long Beach.

One of our staff at California State University Long Beach, lost his daughter who was innocently sitting in the back of a pickup truck going down the street. One gang member was driving east. The member of a rival gang was driving west. When one of them shot at the other, they killed the daughter of the university employee.

Now, the tragedy occurred while Mrs. Sposato mother of Meghan Marie, was at work in a San Francisco law firm.

What we are talking about here are banning weapons that have absolutely no valid purpose, but to kill others very rapidly.

I can recall Tom Likus' call-in radio show in Los Angeles. The issue was the second amendment. Two very articulate individuals phoned in and claimed that they had a constitutional right under the second amendment to have nuclear weapons in their home.

Now, think about it, folks. How silly can some of this get?

What we are prohibiting in terms of new purchases are weapons that no legitimate hunter and no citizen who wants to defend his or her home needs or would use. Since May 1st, 369 constituents have telephoned supporting this measure, 286 constituents have telephoned their opposition. It is clear that those in the 38th Congressional District in 1992 and 1994, by a majority, want reasonable, limited restrictions on these weapons designed to kill many people very rapidly. Those weapons need to be taken off of our streets. So for those who think this bill will be ineffective in reducing crimes where guns are used, humor us. Pass this much-needed, long overdue legislation. Maybe, as I have said, just maybe we can save a few lives.

Mr. SCHUMER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I have many fond memories of hunting ducks and geese with my sons in eastern North Carolina.

My father taught me the joys of hunting. He also gave me a healthy respect for the sanctity of life. I hope that I have done the same for my children, and that they will be able to do the same for their children.

No one on this floor today, and no one who has ever served in this august body, has ever believed more strongly in preserving a citizen's constitutional rights than do I.

But, no one in this body is more aware than I am of the daily escalation of weaponry facing our law enforcement officials and other citizens. No one is more concerned about the children of this country who, instead of playing dodge ball, are having to learn to dodge bullets fired from semi-automatic weapons.

We, in Congress, have the sworn responsibility to preserve and defend the Constitution and the rights it bestows on our citizens. We also have a responsibility to promote the safety and well-being of our citizens.

Mr. Chairman, there is no place in this country where it is legal to carry a sawed-off shotgun. The right to bear arm does not give an American the right to park a Howitzer in the garage.

It is time to put a stop to the proliferation of dangerous weapons such as the AK–47, the Street Sweeper, and the Striker 12. These weapons serve no reasonable, lawful purpose except to kill people.

God help us all if we do not seek to bring sanity back to our cities and towns, to get these weapons of war off of our streets.

Recently, I received a letter from a Federal judge in North Carolina. In his letter, Judge Earl Britt writes,

> I was raised in the country * * *. I have been a lifelong hunter. I am an active quail and deer hunter. I value and cherish the hunting heritage and have passed it on to my two sons, and hope to pass it on to my present and future grandsons.
>
> However, something must be done about the proliferation of assault weapons and handguns. The carnage in our society from these type weapons has reached crisis proportions. For the sake of our children and grandchildren, please cast your vote for this sensible legislation.

I urge my colleagues, especially those concerned about the rights of gunowners and innocent citizens, to listen to the wisdom of Judge Britt and join me in support of this legislation.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for his courageous stand.

Mr. Chairman, I yield a minute and a half to the gentleman from Georgia [Mr. JOHNSON], whose district constitutes southern rural Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I support the assault weapon ban because very simply, I believe that it will save lives. Let me be clear, I do not think it will reduce crime in America. Hopefully the measures in the crime bill will do that.

What this bill does is to reduce the number of victims of violent crime. This measure simply saves lives.

The most important thing this bill does is to ban large capacity clips like those used in the recent California schoolyard and New York commuter train killings in which dozens of people died. In fact, the madman in New York was subdued only when he stopped to reload.

We cannot stop sick individuals from getting guns, but what we can do is make it harder for them to get weapons equipped to fire dozens of shots without reloading. This is the real effect of this legislation.

I support the second amendment. I grew up in a culture that values and respects guns. I enjoy hunting and have guns in my own home for protection. Hunting and home protection are not the issue in this case. Killing people is the issue.

I firmly believe that if these guns are banned, the effect will be to reduce the potential for mass killings in America.

I will leave Members with this question: If a madman walks into a fast food restaurant where your wife and children are eating, would you rather he have a six-shooter or a weapon that can wipe out every person in the building? That is what this bill is about. I urge its adoption.

Mr. Chairman, I support an assault weapons ban because, very simply, I believe that it will save lives. Let me be clear—it will not reduce crime in America. Hopefully, the tough measures in the Crime bill will do that. But what this bill will do is reduce the number of victims of violent crime. This measure simply saves lives.

The most important thing it does is to ban large-capacity clips like those used in the recent California schoolyard and New York commuter train killings in which dozens of people died. In fact, the madman in New York was subdued only when he stopped to reload. We can't stop these sick individuals from getting guns, but what we can do is make it harder for them to get weapons equipped to fire dozens of shots without reloading. This is the real effect of this legislation.

I have heard from a lot of my constituents on this issue. Some of them supported the ban; others didn't. I talked to police officers who said they wanted to maintain their ability to get these kinds of weapons for protecting the public. This bill allows them to do that. I heard from hunters and sportsmen who told me of the guns they use for those pastimes. This bill protects 650 specific weapons that they use. I have also heard from people who cannot understand what legitimate purpose guns that fire 150 rounds without reloading can possibly serve.

I do not vote for much gun control legislation. I support background checks because I think they are effective, and I do not support waiting periods because I do not think they are effective.

I support the second amendment. I grew up in a culture that values and respects guns. I enjoy hunting and have guns in my home for protection. Hunting and home protection are not the issue in this case. Killing people is the issue. I firmly believe that if these guns are banned, the effect will be to reduce the potential for mass killings in America.

I leave with this question: If a madman walks into a fast food restaurant where your wife and children are eating, would you rather he have a six-shooter or a weapon that can wipe out every person in the building? That's what this bill is about, and I urge its adoption.

Mr. BROOKS. Mr. Chairman, I yield 3½ minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Chairman, I rise in opposition to H.R. 4296.

This bill bans a class of commonly owned firearms based on technology that has been in use for more than a century. We know about the 19 weapons banned by the bill. We also know about the 670 hunting and recreational rifles and shotguns specifically exempted by the bill. But let us look at all the facts:

First, 585 of the 670 firearms "protected" by the bill are not semiautomatics. They are bolt and slide action weapons that have nothing to do with the substance of this bill. For what purposes are those 585 guns listed, and why are only currently manufactured makes and models listed?

Second, the vast majority of semiautomatic handguns certainly do not have the assault features listed in the bill—but not one handgun is protected under the bill.

Third, the gentleman from New York says his bill would not affect sporting guns. That is contradicted by ATF Director John Magaw who told our colleagues in the other body that the Springfield M1A would be affected. That rifle is the most popular rifle used by high power target shooters in matches, including the National Matches, which were established by Congress in 1903.

Fourth, ammunition magazines holding over 10 bullets would be treated as banned and treated as "firearm" in the bill, but we are told magazines manufactured prior to enactment of this bill would be grandfathered. How does someone in possession of one of these magazines prove it was manufactured prior to the date of enactment so as to avoid criminal prosecution?

□ 1500

Fifth, the bill says that anyone owning a weapon banned by this bill prior its enactment is not affected if a form 4473 is filled out and kept and that the form is transferred with the weapon. Yet, under the bill, the Secretary has the authority to require additional forms and additional information to be filled out and maintained. There is no guidance whether this form, or forms, are to be filed with anyone, or how these forms are to be maintained.

Completing a Federal form 4473 to prove compliance is not required under H.R. 4296 until the firearm is transferred. Under the legislation, if a father gives his son a gun that is classified as an assault weapon under this legislation, in order to comply with regulations to be written by the Bureau of Alcohol, Tobacco, and Firearms [ATF], the son must complete a form 4473 and both parties must keep a copy. The legislation leaves the details of the availability of these forms as well as any filing requirements with Federal or local authorities to the discretion of the ATF. This is the first incursion of the Federal Government into private firearms transfers, because all swaps, sales, gifts, and inheritances would require the completion of a form 4473, thereby leading to the registration of all firearms.

However, the provisions dealing with previously owned, lawful firearms covered by this legislation are even more alarming. According to the legislation, previously owned guns are grandfathered and not subject to registration. But proving a firearm was owned prior to enactment without a form 4473 is virtually impossible without registration. Additionally, although high capacity magazines are grandfathered under the bill, it will be equally difficult to prove that the magazine was owned prior to enactment. This would lead to de facto gun registration of both firearms and magazines.

Without a completed form 4473, an owner of a banned gun or restricted magazine could not prove that he or she owned the firearm prior to enactment. And without proving compliance—by forcing law-abiding citizens to fill out and maintain Federal Government forms—a gun owner could face a 6 month prison sentence and a $1,000 fine.

Sixth, it is said by proponents that the legislation provides no additional authority to ATF to ban more guns. Yet, the Bureau of Alcohol, Tobacco, and Firearms has said that virtually any semiautomatic could be included on the list of banned guns by making cosmetic changes, or removed from the list for the same reason.

And additional firearms may be added by the Secretary of the Treasury if the semiautomatic firearm in question meets the criteria in the bill—an act which can instantly convert hundreds of thousands of innocent law abiding Americans into criminals.

How this bill would affect crime in this country. No reputable research done to date, including statistics gathered by the FBI, the Department of Justice, in the States, or by ATF, suggests that even the broadest definition of that class of firearms loosely defined as assault weapons occupy other than a statistically insignificant portion of the crimes committed with all firearms.

I have in hand a study conducted by ATF and other law enforcement offices in the Detroit area completed in 1992 which focused on narcotic related firearms seizures and shows that:

Thirteen of the 19 firearms listed in H.R. 4296 were not even represented among the 2359 firearms examined.

Of the firearms in the "top 24" by volume, only one of the firearms named on this bill is present.

The "firearm of choice" of narcotics violators is not an assault weapon at all, nor is the second or the third.

In fact, there were more Winchester model 1894 30-30's recovered, a 100 year old gun everyone would immediately recognize as the gun cowboys used to fight off rustlers in the movies, than the two more popular frequently mentioned firearm in this debate the Colt AR-15 or the TEC-9.

This same conclusion is reflected around the country and I urge you to contact your local law enforcement office to ask them to show you the data related to the use of any of the firearms in this bill in crime. In at least several instances such as with the Steyr Aug, the Beretta AR–70, or any Galil, your local law enforcement will never even see these firearms.

The majority of the other guns on this list will figure only marginally at worst. The lipservice paid to those who currently own these firearms by the sponsor of this bill that will be grandfathered is little more that a fig leaf hiding a much broader agenda. It has been suggested that because this bill does not immediately seize these firearms, or criminalize possession by current owners that those who now own them will be protected. I think that proves that there is a wider agenda here. That is the registration and licensing of all firearms owners, the primary purpose of which has historically been to locate and identify firearms for confiscation.

It is not difficult to surmise what the next step will be.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today to speak in ardent opposition to the adoption of the so-called assault weapons ban legislation. I rise today not to speak eloquently like so many of my colleagues have on whether this bill will reduce crime, because it will not. I do not seek the House's attention on whether this bill will keep guns out of the hands of criminals, because it will not. I need not comment on whether there are any meaningful distinctions between these semiautomatic firearms and all the other semiautomatic firearms, because there are none. I am not obligated to explain if these rifles are truly weapons of war, because we all know they are not.

There are many good reasons why this legislation should be soundly defeated. But perhaps the most important one of all has been kept from plain view. Yesterday, Charlton Heston, one of the most beloved performing artists in the Nation, and a long time civil rights leader and spokesperson, summed up quite well what this ban is all about. He pointed out that movie studios often use back lots, such as in Westerns, that certainly look real on camera, but are simply facades. That, Mr. Chairman, is what this is all about. It's simply a facade with no substance behind it. But I will tell you what is behind it, and I hope that every Member listening at this moment reflects with care upon what their vote means.

When the Brady bill, now the Brady law, was passed, what you heard most frequently on the part of those who had long campaigned for it was the comment, "Yes we know it will not really reduce crime at all, but it's a good first step." I can assure you that what you will hear from the supporters of this legislation, many of whom have testified before Representative SCHUMER, like Jim and Sarah Brady, is the statement: "Yes, we know that it may not be a terribly effective crime reduction measure, but it is another good step." Mr. Chairman, how many steps will it take? As every Member in this body is aware, the Brady's Handgun Control Inc., and some Members are now supporting in part or in whole legislative efforts to:

First, reduce the number of guns in this country as much as is feasible; second, require the licensing and registration of firearms owners and firearms; third, impose stiff and confiscatory taxation rates on law abiding purchasers of firearms and ammunitions; fourth, eliminate certain types of firearms from civilian possession, such as that proposed in this bill, as well as severely limiting how many cartridges a firearm can hold and use; and fifth, imposing an ever expanding zone of tort and product liability on the part of firearm owners, manufacturers, dealers, and others for engaging in lawful ownership and sales activities.

So, Mr. Chairman, what is behind the facade of this legislation? What is the real point of this bill? I submit to you and every Member of this Chamber that since there is no substance behind this bill, there must be a very good political reason. Oh yes, to be sure, the President, the Attorney General, and some Members of the Congress would like to be seen as tough on crime. There will be Americans, and I'm sure there are some watching now, that genuinely and sincerely believe that this political reason is both a valid and sufficient one for the legislation.

But there is also another reason that the President and others want this bill, and it too is a political one. It is a part of a political agenda which the President does not want to share fully with the American people. The truth in this case is that we have a President, an administration, and some Members of this Congress who believe that this country would be much better off if the law-abiding citizens of this Nation were essentially disarmed.

An unreleased section of the report to the President and the Domestic Policy Council from the interdepartmental working group on violence ought to disturb most law abiding citizens in this country. The report recommends, among other items that:

The Federal Government should study the effectiveness of strict licensing on reducing firearm deaths.

We should consider further limiting production of certain new firearms and ammunition.

In addition to bans on assault weapons, consideration should be given to placing much higher taxes on handguns.

Excise taxes on handguns and particularly dangerous ammunition could help offset the cost of providing medical care to gunshot victims.

Impose requirements on firearm purchasers to be licensed and/or mandated to register their firearms.

Increase firearms dealer liability for negligent sales.

Require firearm purchasers to pass a gun safety test and background check to receive a permit to purchase any firearms or ammunition.

Create a class of restricted firearms. This list would include all handguns and semi-automatic long guns that are not otherwise outlawed and could be purchased or carried only by persons holding valid registration certificates. These restricted weapons certificates could be issued by the local police or local licensing authorities only after applicants have passed a background check for felonies, violent misdemeanors, or mental illness; demonstrated the satisfactory knowledge of the safe and responsible use of firearms; accepted liability for injury for negligent use or storage of these weapons; and show that the firearms would only be used for specified legitimate purposes.

If you had a restricted firearm, you could only have it in your home, your place of business, or a target range, and the unlawful public carrying of a restricted firearm would be punishable as a Federal offense.

Set up three classes of firearms: banned, restricted and unrestricted.

The Federal Government would regulate secondary transfers of all firearms to prevent their delivery to those prohibited by law to have weapons. To transfer or sell a firearm to another resident, an unlicensed person, meaning a typical gun owner, would have to go through a licensed gun dealer and document the transfer in the dealers' records or mail a transfer application to the local police.

Impose new requirements on gun owners before they could acquire firearms regarding safe carriage, storage and use.

Regulate firearms under design and safety standards as dangerous consumer products.

Perhaps the most insidious part of the firearms section concerns recommendation No. 5, which recommends reframing the public debate of firearms. That, Mr. Chairman, is precisely what this assault weapons ban is all about. And perhaps the damning statement in the section of this report reads as follows; "We have learned a lot of lessons about how to change behaviors as well as focusing on the firearms themselves. You can't take guns away from men who are frightened, from women who are scared or from communities which are scared without giving them reassurance and a sense of security."

Every American should mark those words well, because there are really only two elements to that statement. The first is that there are many men and women across this country that are frightened. Frightened by what they confront on a daily basis. They lead good lives. They attempt to raise their children in a healthy and loving manner, they pay taxes, and yet they must suffer the indignity and the pain of being crime victims. But this administration wants them to suffer a further indignity. And that is to take away a civil liberty. They will be a victim twice—once from crime and the second time from their own government.

Ask yourself one simple question: Do you really think that the real purpose of this legislation is to reduce crime and to help our citizens? On Tuesday, the Wall Street Journal ran an editorial that deserves a response from this President. Why is the President concentrating his efforts on assault weapons, firearms that are involved in less than one-half of 1 percent of all violent crime, when the largest cause of our truly violent era of crime is drugs? He has cut his drug control staff by 80 percent; he has endorsed a strategy of cutting 600 or more Federal drug enforcement positions; he has proposed cutting more than 100 Federal drug prosecution positions. His attorney general wants to moderate mandatory minimum sentences for drug trafficking, and his Surgeon General wants to study drug legalization. That's no antidrug or anticrime strategy.

So for those of you who are receiving phone calls from the President, and are having your arms twisted by the White House staff, or by other Members of Congress, why don't you ask them some simple questions: First, does it end here, Mr. President, or will you ask for confiscatory gun and ammunition taxes? Will you propose and support licensing and registration for all firearms owners? Will you ask for more banned guns? Will you have more restricted firearms? And in the end, also ask the President this question: If the police cannot provide a full measure of protection to myself and my family, will you?

I say to my colleagues—mark this question well—because these are the words that all citizens will ask us when we return home. It will be a simple question for them. Did you help us or did you hurt us? If you want to know why the public is fed up with legislation that masquerades as crime control, you need to really understand that the rest of the story behind the tragedy President Clinton cited this week to support adopting this bill.

Capt. James Lutz, a veteran Wisconsin police officer was killed last week. Among the suspects is James Oswald. What is remarkable about this terrible death is not that Captain Lutz was killed by a semiautomatic firearm, but that Mr. Oswald was never prosecuted by Federal authorities months before last week's shooting for Federal firearms violations. And while reasonable men and women can disagree over much of what passes through these Chambers, I think the case here is very clear; this bill will not protect anyone, and the true agenda it supports will hurt the American people and all our freedoms.

Mr. SCHUMER. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Illinois [Mr. REYNOLDS], one of the lead cosponsors of this bill.

Mr. REYNOLDS. Mr. Chairman, today I come before this body and say we must pass 4296. First, we must pass this bill because of what is happening in our streets, neighborhoods, and towns in this country.

Second, we must pass this bill because the way in which our society has changed demands that all of us reexamine our consciences on these tough issues.

For myself, when I came here as a freshman this term, I never thought that I would be voting for the death penalty, but I voted for a crime bill that added over 60 crimes to the list of those that are death-eligible. I did so because the nature of violence in our society demands that our response to this be assertive, tough, and absolute.

Third, we must pass this bill if we are to be at all consistent in our approach on crime. I strongly contend that one cannot be tough on crime, yet exempt assault weapons from that approach. Such an approach tells the American public that we are not truly serious about being tough on crime. We punish the crime, but we hold the weapons of destruction sacred.

Recently, we were so tough on crime in this body that we took away the weights that prisoners use to exercise with. We were so tough on crime that we wanted to ban Pell grants for prisoners to get education. I voted for that.

We voted to make drive-by shooters eligible for the death penalty, because we wanted to be tough on crime. Yet, many of the people who went back home and told their constituents how tough they were on crime would allow that same gun that was used in the drive-by shooting to continue to exist in our society.

In other words, we will take a 17-year-old, we will try them as an adult if they drive by and shoot and kill someone. We will possibly send them to their death, but we will not do anything about the MAC–10 or the Uzi or the TEC–9 that they use. That is hypocrisy, and we ought to be ashamed of it. Let us have some courage and stand up and pass this bill.

Mr. SHAYS. Mr. Chairman, I will take this opportunity to yield 1 minute to the gentlewoman from the State of Connecticut, Mrs. BARBARA KENNELLY, the sister of the chief State's attorney.

Mrs. KENNELLY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is a difficult debate, for so many a tough vote. And as so often happens, with difficult situations, things get exaggerated or diminished.

There are those who say "pass this bill and we will have dealt with our serious crime problem in America." Of course that is not true. There are those who say these weapons are being given an unduly bad reputation, and taking them away from sportsmen is like taking away my new golf high-tech driver. Of course that is not true.

What is happening here today is what happened with the Brady bill. We are beginning to face the truth—that guns in the wrong hands are devastating the cities of our country.

I vote for this bill because we have to begin to end the insanity of innocent bystanders being caught in the crossfire of criminals.

I vote for this bill in memory of Marcellina Delgado, shot dead on the way to visit her grandmother in Hartford, CT.

I vote for this bill in memory of Samuel Arroyo, shot dead while picking up his pregnant wife at her mother's.

I vote for this bill in memory of Jacqueline Booth, shot dead pushing her 1-year-old daughter's stroller in Hartford.

These deaths all occurred in the last few months. These people were not drug dealers, they did not belong to gangs. They were just in the wrong place at the wrong time, and a gun was there too.

This country cannot sustain itself with this type of insanity going on in the streets.

(At this point Mr. MFUME assumed the chair as Chairman of the Committee of the Whole.)

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] has 13 minutes remaining, the gentleman from Wisconsin [Mr. SENSENBRENNER] has 17 minutes remaining, the gentleman from New York [Mr. SCHUMER] has 18½ minutes remaining, and the gentleman from Connecticut [Mr. SHAYS] has 13¼ minutes remaining.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, this debate has sure aroused the attention of this country, and it needs to. Recently we debated and voted on a tough crime bill, but I rise today to encourage my colleagues to oppose this bill. I am one of those that were in the undecided category.

During the long debate over the Brady bill, which I supported, along with other colleagues, I received assurances that our States would be exempted from the Brady bill. Tennessee already had an even stricter 15-day waiting period which had successfully been in place for over 10 years.

To our surprise, on March 1 of this year, the long arm of the law, in the case the ATF, enforced the Brady law in Tennessee and other States, regardless of the fact that our current laws were even stricter. Now Tennesseans have to fill out both a Federal form and a State form that only causes bureaucratic delay and confusion.

I wonder why we did not get a cooling-off period? The ATF now has asked us to trust that this is only a ban on 19 weapons, only a ban on military-style weapons, only a ban on guns that are not used for sporting purposes, only a ban on magazines with a capacity greater than 10 rounds. Why, they even go as far as specifically protecting 650 guns by name, but only as long as they do not look like assault weapons.

Mr. Chairman, I am here today to say that I am of the opinion that this will only be the beginning of a long list of semiautomatic weapons that will be banned. As a matter of fact, the bill clearly allows the ATF to stop copycat models, but allows open-ended definitions of copycatting.

□ 1510

What assurances do we have that the 19 weapons banned in this bill will not eventually be 119 or 1,900 after the ATF has had a chance to interpret, define and even change the classification.

Mr. Chairman, I am continuously sickened by the number of violent and heinous crimes that are committed in this country. I know everyone else is as well. We live in a country with rights guaranteed by our Constitution, and let us work to preserve those rights. People need peace of mind, not a fear of losing their rights.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, it is a tragedy that we are not debating a real bill to ban real assault weapons today.

Let me show you an assault weapon. This is Russell Obremski. He is an assault weapon who was allowed out on our streets. After having served 1 year of a 20-year term for statutory rape, he was allowed to go back on our streets, back in our neighborhoods; after the brutal slaying of two women, he was sentenced to two life terms but he was paroled, and Mr. Obremski completed his criminal career sodomizing a 4-year-old girl.

Mr. Chairman, the point is our streets are not safe today because real assault weapons are on the streets and these real assault weapons are criminals and the one thing that this House of Representatives cannot do, and pardon me if I disagree with my colleague who said we are tough on crime because we have deprived criminals of their weight-lifting apparatus in prisons, the one thing we cannot do is warehouse criminals, and this is a contest between those who want to confiscate weapons because they want to defer the warehousing of criminals and people who want to confiscate criminals.

Mr. Chairman, I have to say to my friend, the gentleman from New York [Mr. SCHUMER] and his compadres in this debate, they are not going to get a phone call from Russell Obremski and his colleagues, serious felons, saying, "You know, we saw that legislation pass and we are ready to turn our guns in." What you are going to do is initiate a string of citations and arrests of plumbers, of service station owners, of businesswomen, of people who unknowingly now have violated this list which we are told now can be extended to some 160 weapons. That is what we are doing.

Mr. Chairman, there is no common sense in this bill. In San Diego County, the M–1 rifle, the match rifle that our guys brought back some 50 years ago from World War II will be included on this list according to the authorities.

Mr. Chairman, we have had tens of thousands of these guns, but San Diego is not unsafe because those guns are there, it is unsafe because people like this, murderers and criminals, are turned right back on the street, and the average time a convicted murderer spends in jail in this country is 5 years.

Mr. Chairman, the man pictured on this chart is an assault weapon.

Mr. SCHUMER. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the whole idea of our bill, if the gentleman would leave that chart there, is very simple: To prevent people like Mr. Obremski from getting assault weapons. He should be locked up, but if he is not and people like him are not, they should not have assault weapons.

Mr. Chairman, we need both. We need tough punishment and we do not want the criminals to have assault weapons.

Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], the distinguished senior member of our committee.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. CONYERS], chairman of the Committee on Government Operations.

Mr. CONYERS. Mr. Chairman, I support this assault weapons ban because the time has come to halt the arms race in the United States and a ban be placed on these weapons of war. Semiautomatic assault weapons are lethal killing machines, designed to tear the life out of another human being as quickly and efficiently as possible. Street gang members, drug traffickers, and other criminal elements prefer these weapons because they intimidate as well as they perform.

That we are even having to debate whether people should have access to these machines of death is a sign of how irrational this issue has become. These weapons do not belong on the streets, because if people have assault weapons, they are going to use assault weapons.

Yesterday, Mrs. Gloria Ghee, a mother in my district told me of the death of her son Yrral who was shot over 30 times with an AK–47 in broad daylight on a lovely morning in September. His body was so mutilated that she could barely recognize the person in the coffin as her son. Who is willing to tell her that the life of her child is not worth our taking action to prevent the manufacture and importation of these kinds of weapons?

Who will tell Mrs. Geneva Reiley, yet another mother in Detroit that the gun that killed her child is a sporting weapon? Her son was shot 18 times with a semiautomatic assault pistol. A model student set to graduate from high school will never realize his dream of going to college.

When I spoke with Mrs. Reiley, she urged me to help get guns off the streets so that other families would not have to suffer as hers has. For her, every day and night serves as a reminder of what was lost.

This debate is not about target shooting or hunting, it is about the safety of our children. This legislation will in no way encroach upon the legitimate gun ownership of game hunters or those citizens who believe they need personal firearm protection.

An assault weapon is 20 times more likely to be used in crime than a conventional firearm. We will only ban 19 specific weapons, and the few others with specific military characteristics that have been found to disproportionately affect crime.

The senseless slaughter and madness must stop for life is too precious to be snuffed out.

For 30 years I have stood in this Chamber and participated in this debate about the increasing proliferation of guns in our society. This is an important moment as we continue the regulation of weapons that are too numerous and too available in our Nation. We must send a message that lethal, destructive, assault weapons that are used to kill or maim people will not be tolerated.

I urge all my colleagues to support the ban on semiautomatic assault weapons. Future generations depend on it.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. REED], the only West Point graduate in our Chamber.

Mr. REED. Mr. Chairman, I rise in strong support of this legislation. I spent 12 years in the U.S. Army, I commanded infantry, paratroopers, qualified as Army Ranger, and I was issued an assault weapon.

Mr. Chairman, I was not under any illusions as to why the Army gave me that weapon. It was not for target shooting, it was not for hunting. It was in defense of my country to kill people. That is why this weapon was designed, that is why this whole class of weapons were designed. The characteristics of high rates of fire, portability, being able to affix bayonets, all these things are designed for one purpose, a military purpose, and we should ban these weapons as we have banned other military weapons, like the machinegun, like Claymore mines, like a whole range of military weapons because in an ordered society where the rule of law should prevail and not who have the fastest draw or the most firepower, these weapons are not appropriate.

Mr. Chairman, I urge passage of this legislation.

Mr. SHAYS. Mr. Chairman, I yield 2½ minutes to the most distinguished gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to make a comment about the M-1 target rifle that was mentioned earlier to be considered illegal. It is my understanding after looking at the list that the M-1 rifle is still and remains legal.

Mr. Chairman, when I served in Vietnam, my fellow marines and I carried some of the most sophisticated assault weapons in the world. They were M-14 and M-16 rifles and could fire 20 rounds at lightning speeds. We generally fired them on semiautomatic. Some could also fire like machineguns.

The enemy carried AK-47's, which was the Soviet-made gun-of-choice in all of the Communist countries at the time. They functioned in essentially the same manner, and were capable of rapid fire. I took a bullet from an AK-47; I can attest to their deadliness.

Today, just about anyone can go to a gun store and buy guns which are just as sophisticated as the ones we carried in Vietnam, if not more so, with the only difference being the automatic fire function. I remember the 18- and 19-year-old soldiers in Vietnam and how they seemed too young to carry such powerful weapons. Today, 14- and 15-year-old kids are getting assault weapons through gangs and they are killing each other.

Police generally carry service revolvers—six-shot pistols which fire much less rapidly than semiautomatics. In too many cases, police are going up against criminals who are armed like infantry soldiers, leaving police outgunned. A few years ago, in Stockton, CA, a gunman armed with an AK-47 killed or wounded dozens of children, some of whom might be alive were it not for the AK's rapid fire and long-range capabilities.

The House of Representatives has been considering H.R. 4296, a bill to ban the manufacture and sale and 19 specific types of assault weapons. Anyone who owns one of these guns now is grandfathered, and no one would be required to turn in their guns or register them. The bill simply requires that the manufacturers of these guns can no longer make them available for civilian use.

What are these guns? The AK-47, used on the school children in Stockton, is the military weapon used by most former Communist countries. The AR-15 is the civilian version of the M-16, the standard rifle of the U.S. Armed Forces. The TEC-9, MAC-10, and Uzi are all semiautomatic versions of submachine guns. The Street Sweeper/Striker 12 is a rapid fire, semiautomatic shotgun designed for riot control for the South African police. These are not hunting rifles—they are designed to kill people and nothing else. I doubt you'll find any of these in a duck blind.

Some opponents of this measure have argued the bill will ban hundreds of guns—not just the 19 specific types. What the legislation attempts to do is prevent the manufacturers from simply changing the name and selling the same gun. It sets up assault weapon characteristics that will not be allowed on any future gun. These include grenade launcher, bayonet mounts, and flash suppressors designed to prevent detection in night firing.

The bill also bans the future manufacture of ammunition magazines which hold more than 10 rounds. Many of these guns can accommodate magazines that can hold up to 50 rounds of ammunition before having to reload.

The bill does not affect firearms which are used primarily for hunting. I own hunting rifles, and I hunt from time to time. Instead, the bill specifically protects 650 sporting rifles and specifies that none of these weapons may be banned while the assault weapon ban is in effect. Contrary to a popular rumor, the bill does not involve registration of any firearm. People will still be able to buy guns to protect themselves and their families, but not guns that were designed to mow down enemy platoons.

I don't believe that crime control should focus solely on gun control. We will only control crime when we are willing to put criminals away, and I have supported tough anticrime measures.

I voted for truth-in-sentencing measures to ensure that convicts serve at least 85 percent of their sentences before becoming eligible for parole. I voted for efforts to streamline the appeals process for death row inmates. And I voted for the "Three Strikes and You're Out" bill that calls for criminals convicted of three violent felonies to serve life in prison without the possibility of parole.

Many of my constituents have suggested that this proposal is inconsistent with the conservative agenda that I usually support. I might mention that Barry Goldwater and Ronald Reagan—the fathers of modern conservatism—have both formally endorsed a ban on assault weapons. But both of these men, as hunters, recognize the difference between weapons of war and sporting rifles.

It is true that crime control should focus on criminals and not guns. But when a 15-year-old gang member is armed like a commando, or when a police officer is the most poorly armed person on the street, it's time to exercise a little common sense.

I urge support for the bill.

□ 1520

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I rise in support of this very important bill.

Mr. Chairman, I can remember well standing in this Chamber talking about gun control. That was back in 1968. My how time flies. It's 26 years later and we are still talking about gun control. Although the issues have changed over the years, now our topic is assault weapons, the arguments have remained the same. Mr. Chairman, have we really progressed so little in all these years?

Today we are here discussing man's cruelty to man. Our ability and apparent willingness to design, manufacture and use weapons of destruction on one another. We have failed to live up to our sworn duty and obligation to protect the American people and insure domestic tranquility. It is ironic: As our trees grow and the rivers flow our children die in the streets from the gunfire of semiautomatic assault weapons.

Now we must make the hard choices. Now we must take the necessary steps and protect the American people from this wave of violence washing over our Nation. The time to take decisive action is at hand. Society demands it.

It is not my intention, at this time, to relate the grim details of the dreadful casualty lists resulting from a lack of such control, except to say they are there for all to see. I hope it will not be necessary for me to recite the long list of public opinion polls, conducted among gunowners alike, that show overwhelming support for a ban on assault weapons. Nor should it be necessary for me to remind us all of the flood of mail now passing through our offices demanding strong and effective gun control.

I have read and heard the NRA's arguments and I find them very difficult to take seriously. Nowhere in the basic document of the United States is there a constitutional right, written or implied, giving an individual a separate right to bear arms. Many have made arguments to the contrary, stating that the second amendment gives an individual the right to bear arms. This is untrue. The entire provision reads as follows: "A well regulated militia, being necessary to the security of a free state, the right of people to keep and bear arms, shall not be infringed." This legislation will not infringe on the rights of any law-abiding American. The right to bear arms is not absolute. The second amendment relates to the organization of a militia; not the organization of thugs and gangsters.

The rhetoric that resounds throughout this Chamber, deploring the violence in our streets, is made hollow and meaningless by the reluctance of this body to take substantive action in restricting the use of assault weapons. How can we justify the easy availability of these "gangster" weapons to those families that have lost a father, or a mother, a son or a daughter. Our refusal to enact this legislation will have the effect of sanctioning further violence.

In no other civilized nation does the assault weapon enjoy such freedom as it does in the United States. It is our shame that we have done nothing to stop the proliferation of these deadly weapons over the years.

I will be voting for H.R. 4296 and I ask all my distinguished colleagues to do the same. This legislation will be the greatest inconvenience to the criminals, who have thus far virtually unlimited access to assault weapons, which, in their hands, become instruments of death and destruction. This bill, over the long run, will have the effect of steadily eroding the supply of assault weapons that find their way into criminal hands. Assault weapons are not necessary for hunters or sportsmen. They were designed for warfare with the specific intent to maim and kill an enemy. They should be banned for use by the general public.

Although I can understand the reluctance on the part of this Congress to limit in any way the freedom of responsible sportsmen to purchase weapons for hunting and target shooting, the fact remains that those same weapons can be used to perpetrate crimes of all descriptions.

It would, indeed, be fortunate for sportsmen and legislators alike if those weapons, generally recognized as suitable for sporting purposes, could be relegated to a specific category entirely exclusive of weapons used in violent crimes. This is difficult to achieve, but I believe this is exactly what this bill sets out to do.

Unfortunately, weapons that kill game or obliterate bulls-eyes are just as efficient as instruments of human destruction, as those weapons designed especially for that purpose. But that is an argument for another day.

In closing, I would like to quote an old Kenyan proverb, "treat the Earth well. It was not given to you by your parents * * *. It is loaned to you by your children." Is it not time for us to start repaying the loan. Let us vote today to give our children a safer world in which to grow. Vote yes on the assault weapons ban. It is long overdue.

Mr. BROOKS. Mr. Chairman, I will yield 1 minute to the gentleman from Texas [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I rise in opposition to this gun ban. This legislation is misguided; it is not about crime control. This is not about taking guns out the hands of criminals. This is about limiting the freedom and choices for law abiding Americans.

This argument over banning guns cheats the American people out of the real issue: that our criminal justice system is broken.

We must take a hard look at the conditions that breed disrespect for the law and disrespect for the rights of others. This false debate over gun control gives Congress an easy out and lets us abdicate our responsibility. As a society we must find alternatives to crime for young people. When we waste our energy and resources fighting over a simple, but wrong, solution to a complex problem, we cheat our constituents out of an honest debate over real solutions to our crime problem.

Sheriff Don Hass, the president of the Oklahoma Sheriffs' Association, faxed me a letter that clearly defines the crime problem in our country and the real solution. From his vantage point on the front line against crime, Sheriff Hass tells me that "a ban on weapons will not solve the crime problem." If we can put criminals away and keep them away we will reduce crime. We must provide our law enforcement officers with the tools to ensure that criminals will be brought to justice. That is the only effective deterrent to crime.

According to Federal crime statistics, less than one-half of 1 percent of all violent crimes committed last year involved these so-called assault weapons.

The bottom line is that this gun ban is part of a political agenda to reduce lawful ownership of guns in America.

This vote is not about protecting people or taking guns out of the hands of criminals. It is the political marker in a wholesale effort to reduce the lawful ownership of guns.

There are 94 bills pending in Congress to take guns out of the hands of law-abiding citizens. These 61 House bills and 33 Senate bills would take guns away from working Americans by outright bans, registration, or taxes.

Sixty-five million law-abiding American gunowners are not the cause of crime, denying their rights is not the solution.

Each year, 60,000 felons are placed on probation rather than incarcerated. Ninety percent of felons never spend a day in jail. That is the problem.

To deter crime we must make hard choices and spend tax dollars to punish criminals for criminal acts. Let us stop this useless debate over guns and let us work together to solve our real problem.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO], who has worked so hard on this bill.

Ms. DELAURO. Mr. Chairman, I rise today in strong support of the assault weapons ban, and urge my colleagues to join me in supporting this crucial measure.

This ban is not the same bill that the House defeated in 1991. It is stronger and more narrowly drafted. It strictly defines semi-automatic assault weapons by an objective features-based test. It exempts 670 hunting and sporting rifles and shotguns, while explicitly banning 19 weapons that are clearly patterned after machine guns used by military forces for combat use. These weapons are not hunting and sporting firearms. They are weapons of war that are falling into the hands of dangerous criminals and being used everyday to kill and maim innocent people.

Let the statistics speak for themselves: Assault weapons comprise less than 1 percent of the guns in circulation in the United States, yet they account for 8 percent of the guns traced in the investigation of criminal activity. Assault weapons are 18 times more likely to kill police than conventional firearms. Since October 1993, there have been 59 shootings in 37 States involving semi-automatic assault weapons. The result: 34 people were killed and more than half were children or teenagers.

These weapons are designed for killing people. They do their job well. And for that reason alone they should be taken off the streets now. If not, it is on our conscience when they show up in our streets, school yards, and neighborhoods. I urge my colleagues to take a stand and support the bill we have before us today.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, the bill offered by the gentleman from New York [Mr. SCHUMER] should be supported. I rise in enthusiastic support for it and thank the gentleman from New York [Mr. SCHUMER] and the members of the subcommittee, the President, and the Attorney General.

Mr. SCHUMER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise in support of H.R. 4296, the ban of 19 specific guns made explicitly for the taking of human life. It seems reasonable, that weapons made for the battlefield stay on the battlefield. Today, however, the battlefield has shifted to the urban and rural warfare on street corners, school yards, and in organized crime.

Guns have been part of American folklore and culture from John Wayne to Nat Turner. I would not have supported this bill if it also had not protected over 600 weapons that are commonly used for sport. There are many responsible people for whom hunting and sports shooting are not only recreation, but a way of life.

Congress has a great debate ahead over what role guns should play in the future of our society. But today, we face a test of courage greater than any John Wayne shootout. Are we going to act responsibly and in the public's interest or are we going to bow to the king of special interest groups. I urge my colleagues to vote for H.R. 4296.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I rise in opposition to the bill.

Mr. Chairman, I oppose this bill because it is essentially a sham, addressing the appearances rather than the realities of crime.

It would ban certain firearms on the basis of their fearsome appearance while protecting others that are functionally identical, but which just look different.

As a result, the bill is an exercise in political appearances as well. Semiautomatic firearms are used in a tiny fraction of U.S. homicides; criminals who currently use the designs that would be banned will simply use one of the many equivalent models that will remain legal or will use a banned gun in violation of the law.

Supporters of this bill usually begin their justification of it by asking why anyone should be permitted to own one of the ugly firearms that would be banned. As a conservative who believes in the protection of personal liberties, I begin my analysis by asking what compelling public interest would be advanced by limiting the freedom of Americans.

If the purpose of this legislation is to reduce the incidence of crime committed with firearms, that objective would be far more effectively addressed by the legislation I introduced last year that would increase the criminal penalties for those who use firearms in the commission of a crime, as well as those who possess, transport, or sell guns in violation of the law.

Unfortunately, that legislation, along with many other sensible proposals to reduce the illegal use of firearms, were not allowed to be voted on during consideration of the crime bill passed by the house in April.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I do not have a problem with banning weapons that are not used for legitimate hunting or sporting. In fact, I voted for the Brady bill before it was popular, and I supported the President's crime bill as well.

I was appalled, in fact, by those who opposed the President's crime bill because it had too much in it for prevention.

I happened to speak to the President twice this week, and I reminded him of his work during this year's State of the Union Address when he said this: "What we have to do is build upon the Brady bill, the Brady law, to take further steps to keep guns out of the hands of criminals. I want to say something about this issue. Hunters must always be free to hunt. Law-abiding adults should always be free to own guns and to protect their homes." That night, in fact, I was on my feet applauding those words, but despite those words, this bill, in fact, bans some legitimate hunting and sporting weapons as they are on the list.

The Colt AR-15 Sporter, I am told, in fact, is the most popular target rifle in the country and is even officially sanctioned by our Government in competition.

I do not have a problem banning the Uzi, the grenade launcher, the AK-47, or the Street Sweeper, and I have talked to law enforcement officers, probation officers, prosecutors, and the cops on the beat, the rank and the file. This is not politics for me. I have not accepted a dime from the NRA or the Handgun Control, either.

But I have tried to offer an amendment today that would remove the AR-15 Sporter from the list, and was denied regrettably. Not being a member of the Committee on the Judiciary, I am opposed to the process of bringing a fairly controversial bill to this House floor in a take-it-or-leave-it fashion. I do not know whether this bill is going to pass this afternoon or not, but I do know that if my amendment had been allowed to have been offered and it would have passed, this bill would have passed in double digits.

I ask my colleagues to vote against this bill.

Mr. SCHUMER. Mr. Chairman, I yield myself 30 seconds.

I would simply say to the gentleman from Michigan two things: First, he seems to agree with 80 percent of the bill, 90 percent of the bill, he says, and to vote "no" because he does not agree with 10 percent seems to me not to be the way to legislate.

Second, I would remind the gentleman that the closed rule was not suggested by the side that wants to pass this. So I would urge him not to take out his anger at that closed rule on us.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I rise to encourage my colleagues to support the ban on selling assault rifles.

This is not an issue of gun control.

Legitimate hunters do not use them; assault rifles are not a target rifle; they have no place in a home or business, other than to kill people—a lot of people.

This is not an issue of second amendment rights.

In fact, when the California legislature banned these rifles after a long debate, just like today, the NRA testified that they would not appeal a court ruling upholding the California law.

This is not a political re-election issue.

The California election results show that every member of the California legislature who voted in favor of the assault ban was re-elected.

The U.S. Senate has placed this issue in conference. I urge my colleagues in this house to do the same. Support H.R. 4296.

Mr. SHAYS. Mr. Chairman, I yield 2½ minutes to the very distinguished gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I say to my colleagues that I rise in strong support of this legislation. We must take action to end the proliferation of assault weapons, and the epidemic of gun violence in our streets and cities. We know it, our law enforcement officers know it, and the American people know it.

Make no mistake: This debate is not about hunters, or sportsmen, or gun collectors.

This debate is no more about the second amendment, or subverting the Constitution, than anti-pornography laws violate our first amendment rights.

This legislation is about crime control and controlling the national epidemic of gun violence. We cannot begin to total the cost that the ready and easy access to high-power firearms has had on our society. Today, our cities are war zones, and our hospital emergency rooms are MASH units. Our health care system is ready to collapse under the burden of providing medical care for the victims of this war in the streets.

Moreover, the cost of the loss of security and safety for every American cannot be imagined. Citizens are not safe in their homes, and children cannot walk to school or play in the yard without fear of mounting crime and gun violence. We must take back our streets. We must take action today.

We do not pretend that an assault weapon ban will end all crime, or even all gun violence. But taken in step with a strong crime bill, this can start to end the national epidemic of violence.

It is important to note for the record exactly what this bill would do. Take note, my colleagues: This measure would ban the future manufacture and possession of specifically named weapons of war—semiautomatic assault rifles, and large-size magazines and clips. It exempts hundreds of legitimate hunting and sporting weapons, safeguards the rights of hunters and sportsmen, and does not take one gun out of the hands of a law-abiding owner.

Do not be fooled: As the distinguished gentlemen from Illinois, and countless others, have taken note, these guns are not designed for hunting or sporting, but to kill a lot of people very quickly.

Just listen to that, and realize what we are saying: In our country, extensive State laws presently regulate the weapons hunters and sportsmen use for shooting deer, but we are afraid to give the same protection to human beings. That's lunacy.

Let me note also that this is not a partisan issue—Republicans and Democrats alike support this bill. Former Republican Presidents Gerald Ford and Ronald Reagan earlier this week endorsed a ban on military style assault weapons. So has former Senator (and NRA member) Barry Goldwater, who noted,

> I don't see why they ever made semi-automatics. I've been a member of the NRA, I collect, make, and shoot guns. I've never used an automatic or a semiautomatic for hunting. There's no need to. They have no place in anybody's arsenal. If any SOB can't hit a deer with one shot, then he ought to quit shooting.

Finally, I support this bill in memory of Amy Locicero Federici, daughter of Jacob and Arlene Locicero of Hawthorne, NJ. Amy was killed in the Long Island commuter train massacre.

I pledged to her bereaving parents that Amy would not be just another statistic. We do this in her name and to benefit all of mainstream America—our neighbors, our towns, our districts, the man in the street and the cop on the beat.

Vote "yes" on H.R. 4296.

Mr. SCHUMER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 4296 and urge each and every one of my colleagues to support our Nation's police officers by voting for this bill.

Not long ago, I stood here in support of the Brady bill. At that time, the National Rifle Association was telling us that the Brady bill would not stop a single criminal. Well, the NRA was wrong. In the 10 weeks since the Brady law has been in effect, it has stopped over 1,000 convicted felons from purchasing firearms. If the NRA had gotten their way on that vote, these criminals would be walking our streets with firearms today.

So as we consider this bill we have to ask ourselves again, whose advice are we going to take; the NRA's or our Nation's police officers?

Again today, my vote will be with the people we rely on to fight crime on our streets every day. They have suffered the consequences of these assault weapons, and they are pleading with us to give them a fighting chance.

And my vote will also be with the firearms experts at the Bureau of Alcohol, Tobacco, and Firearms. The ATF has compiled tracing data that shows that these 19 specific weapons are used disproportionately in violent crimes. If only one percent of all guns held by the public are assault weapons, why are they used in seven percent of all crimes? While the NRA peddles the myth that these guns are used by hunters, we know the truth—these assault weapons are killing machines that are only used to hunt people.

Finally my vote will be with the victims of assault weapon attacks and their families. How can we look the survivors of the Long Island train massacre in the eye and say, "sorry, hunters need these assault weapons to shoot deer"?

I urge my colleagues to use common sense as you cast your votes and remember the voices of police, firearms experts, and victims of crime. Do not be misled by the gun lobby. It's time to call the NRA's bluff. Let us stand up to the NRA, stand up for our constituents, and pass this bill.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. I thank the gentleman for yielding this time to me.

Mr. Chairman, honorable esteemed leaders of this Nation, I rise not to engage in a dispassionate intellectual debate about weapons of death but rather to unashamedly make an emotional plea to my colleagues to vote to save human lives. I rise as a mother, a grandmother, a woman, a Member of the highest public policymaking body of this Nation. Please vote to stop the gun violence, the violence, the murders, the killing of human beings on the streets of the most advanced Nation in the world.

Mr. Chairman, there is no place in a civilized society for AK–47's, Uzis, street sweepers, and TEC–10's. They are not needed for hunting purposes, their only purpose is to kill human beings.

The killing of children in America is breaking my heart and the hearts of our citizens. The drive-by shootings in my own district and in many of your districts are draining my optimism and hope for our Nation.

The grieving mothers and traumatized families are relegating us all to shame and sorrow.

We cannot, as a Nation, survive, we cannot survive in a society that does not protect its children and its families.

Please vote to ban these dangerous and unnecessary weapons.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I rise in strong opposition to H.R. 4296, legislation to ban so-called assault weapons.

George Washington referred to firearms as the "American People's liberty teeth and keystone under independence." Yet, today we are faced with modifying the rights of lawful people to keep and bear arms. We are asked to divide guns into groups of "good" and "bad," based upon Hollywood's portrayal of certain semiautomatic weapons as the "weapon of choice" among criminals.

Mr. Chairman, we would better serve the cause of crime fighting by dividing people into groups. To truly fight crime and end violence, we must concentrate not on guns or types of guns, but upon who is using, or misusing them.

Those in this body who promote the nonsense that guns cause crime and that the poor criminals just somehow can't help themselves are aiding and abetting our crime problem by misdirecting our time and resources away from real solutions.

I urge my colleagues to oppose the ban.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Chairman, I rise in strong opposition to this piece of legislation, and I can speak with authority on this particular issue. I own a mini-14 Ruger with a collapsible stock. I even have a 30-shot clip.

Do I own this weapon, this firearm, for home protection? The answer is "no." Do I hunt with this weapon? The answer is "no." But I do like to shoot this particular firearm.

I feel I have a protected second amendment constitutional right. Now, to show you how poorly defined this particular piece of legislation is, the firearm I just described is banned under this legislation, and the mini-14 with a fixed stock is not banned. There is no functional difference between the two firearms.

Unfortunately, the majority of the people in this Chamber do not want to get tough on criminals. They view criminals as victims of society.

So, to look tough, they have to make multishot firearms the perceived problem. These are firearms that actually cause less than 1 percent of the homicides in this country. Firearms that are metal, they are wood, they are inanimate objects. Our focus should be on punishing and depriving those people who break the laws of America. The compelling question today is: Should we erode a constitutional right, my constitutional right along with my fellow Americans', because of an inanimate object? I say to my colleagues, do not provide cover for those people in this Chamber who view criminals as victims of society.

But I also give a warning and a reminder to my colleagues, this is one more incremental step in eroding the second amendment. Brady-I was passed last year. Today we are dealing with multishot firearms. Brady-II is now pending. Our next gun issue, Brady-II, says if you own more than 20 guns, you have to be licensed because you have an arsenal and you are going to be subject to unannounced checks by the Federal Government.

This legislation is absolutely wrong. It is morally wrong. This is constitutionally wrong.

Mr. BROOKS. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. I thank the chairman for yielding this time to me.

I want to commend him on his opening remarks because I think he was right on target when he stated this was one of the most misleading pieces of legislation that this body has ever undertaken. We are being led to believe that by passing this bill you are going to reduce crime and you are going to stop people from killing people.

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Mr. Chairman, there is nothing further from the truth. Right here in this city of Washington, DC, there was an outrage. People were furious about murders that were going on in the 1970s. So in 1977 they passed the toughest gun control laws in the Nation. In this city one could not even own a hand gun. But yet from 1980 to 1993 there were 4,200 homicides. Murders tripled in this city. Out of that 4,200 homicides I ask, "Do you know how many of those deaths were caused by semiautomatic weapons?" Four.

Mr. Chairman, I say to my colleagues, "You are not going to stop people from killing people by passing this law. The answer is tougher punishment. Today in this country for a person that commits murder their average stay in prison is 5 years and 5 months, one-third of their sentence. We ought to increase the punishment for those people that commit crimes while using a gun.

Another misleading factor about this bill is, as we have been told by some of my colleagues, that this will only affect 19 guns. Well, I want to show my colleagues a list that has already been approved by the Bureau of Alcohol, Tobacco, and Firearms of guns that will be outlawed if this bill passes. There it is, almost 200 guns that will be outlawed.

Mr. Chairman, outlawing these guns is not going to stop people from killing people, so I challenge my colleagues and say, "If you want to get tough on crime, vote this bill down. Increase the punishment for those people who kill somebody while using a gun."

Mr. SCHUMER. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the ATF letter did not refer to this bill. It is a letter of February 17. It is another bill. And that list should not have been used in reference to this bill.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 4296, the Assault Weapons Ban Act.

California, along with three other States and more than thirty cities and counties, already has its own assault weapons ban in place. The Roberti-Roos Assault Weapons Control Act, which is currently in effect in California, is the Nation's oldest assault weapons ban. It was enacted in 1989 in response to the shooting spree at a Stockton schoolyard, where a gunman armed with an AK-47 and several semiautomatic pistols fired over one hundred rounds, killing five children and wounding 30 other people before killing himself. Because it bans weapon names, instead of weapon features, however, the California ban has not been as effective as necessary in preventing the sale and use of new weapons. We are finding that some domestic manufacturers get around the ban by producing copy-cat weapons under different names.

On a national level, we are faced with a similar challenge. As a result of the current ban on the import of 43 foreign-made assault weapons, the Bureau of Alcohol, Tobacco, and Firearms [ATF] estimates that 750,000 assault weapons have been kept out of the country—that the number of imported assault weapons traced to crime declined by 40 percent. Unfortunately, domestic manufacturers are also producing copies of these banned weapons, so the number of domestic assault weapons traced to crime remains the same.

The Assault Weapons Ban Act that is now before us closes this loophole because it bans assault weapons by feature, rather than name. It imposes a ten year ban on the manufacture and possession of certain assault weapons and copies of assault weapons. Also prohibited are firearms that have certain features—like grenade launchers and bayonet mounts—as well as large-capacity ammunition feeding devices.

Law enforcement and the military are not included in the ban, and weapons that are currently legally owned are exempted, as are 650 specified sporting guns, none of which can be banned while the bill is in effect. Last, the bill requires that the Justice Department conduct a study of the impact that the ban has had on violent and drug trafficking crime 1 year after it is enacted, and that the Department submit the results of this study to Congress.

This legislation will have very little affect on the right of the average American to bear arms. They include weapons used almost exclusively by organized crime, gangs and drug cartels. They do not include any weapons, semiautomatic or otherwise, used for hunting.

In spite of claims that assault weapons bans do not work, the facts indicate otherwise. Although we do not have detailed, nationwide statistics on the misuses of these weapons, the Oakland Police Department weapons unit reports that criminal misuses of assault weapons in Oakland fell by virtually half since the enactment of the California ban. Additionally, the Atlanta Constitution found in a 1989 study that, although assault weapons make up only 2 to 3 percent of all guns owned by Americans, they show up in 30 percent of all firearms traced to organized crime, gun trafficking and terrorism. And the ATF reports in 1989, assault weapons made up 10 percent of guns traced in crimes. Police in virtually every city in this country will tell you that they are outgunned and that an assault weapons ban would help them fight gun violence.

The further restrictions on the sales and ownership of assault weapons that are in this bill will not cause a major reduction in crime. However, they will make it much more difficult for drug dealers, violent criminals and psychopaths to get their hands on military-style semiautomatic rifles and certain shotguns and pistols.

Perhaps, with provisions like these in effect, disasters like the 1993 tragedy when a gunman with an assault pistol walked into a San Francisco law office, murdered eight innocent, unarmed people and wounded another six can be prevented. Just prior to testifying before the House Judiciary Committee in support of a ban on assault weapons, the widower of one of the victims of this massacre wrote:

> It's been almost one year since my beloved wife was brutally murdered * * * by a psychotic possessing an assault weapon with fifty round clips. These weapons of war have absolutely no place in our society and the all too common tragedies in which they are used must be stopped. Too many citizens dead; too many friends and family gone. * * * This is not a partisan issue. Violence and assault weapons affect all citizens * * *. As a Republican, I am calling on members of * * * my party and Democrats to see that this bill becomes law. Hopefully no other ten month old girls will place dirt on their mommy's grave as my daughter Meghan did. Hopefully no other single parent will be left the task of telling their infant how their mother was brutally murdered with an assault weapon.

I like to recall the words and wisdom of my esteemed colleague from Illinois, Mr. HYDE, in his address to newly-elected Members of the 102nd Congress back in 1990. I feel that Mr. HYDE's advice to that freshman class is appropriate for all of us now, as we face a vote that is controversial, political, and hits close to home for many of us who have constituents on both sides of this issue—constituents who are passionate in their feelings about what we are going to decide.

Mr. HYDE told his audience that our responsibility as Members of this House is often greater than just representing our constituents—that we also have a responsibility to all Americans. This broader obligation and accountability demand that we take a national view on certain issues—even if it means risking the disfavor of the folks back home. We must look beyond the politics of career and be willing to take a principled stand for what we believe to be right and in the best interests of our Nation, as a whole, even if it means we risk losing an election. Mr. HYDE reminds us of why we are here in the first place—to serve not just our immediate constituents, but our country, as well.

This vote on the assault weapons ban is such a stand, and it is a small price to pay to help curb the unnecessary and senseless violence that plagues communities throughout our country. If one life or one thousand lives are saved because we are able to keep an assault weapon out of the wrong hands, it is worth the effort.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise today to express my objections and opposition to this ill-advised piece of legislation, and I challenge the administration's intellectual honesty about its real purposes with this legislation. This bill is just the beginning of a more expensive and more intrusive dictate on our second amendment rights. That's right, this administration has no intention of stopping at the current list of banned semi-automatic weapons. I refer to them as semi-automatic weapons because that is what they are. They are not assault weapons, they are not machine guns, they are not military-style fire power, and they don't spray bullets. The name assault rifle is merely hype by the anti-gun lobby and the liberal media to make them seem more deadly. They may look more powerful, but the fact is they're not. In fact, there is no functional difference between what proponents of this bill call assault weapons and those they claim to protect through the exemptions.

So essentially, Mr. Speaker, we are beginning a process here for banning certain firearms because of how they look. They might have a folding stock or they might be mounted with a tripod, but these items affect the appearance, not the performance of the gun. I challenge anyone here to tell me how a tripod or a folding stock makes the gun more lethal.

Frankly, I just don't believe proponents of this bill who claim and profess that this bill is only intended to go after the most lethal weapons and that they have no designs to further restrict the rights of law-abiding citizens. Let's be truthful here, this bill is designed for one reason and one reason only—and that is to eventually take take away the rights of law-abiding gun owners. And that is exactly what will happen if this bill is enacted. The definition of what constitutes a so-called assault rifle will continue to get more narrow. Soon, like many things that aren't politically correct around here, it will be so burdensome, so expensive, and so out of fashion, to be a legitimate gun owner and shooter that the anti-gun lobby will finally claim victory. That Mr. Speaker, is where we are heading if this legislation is passed.

There is a gun problem in this country. It is not perpetrated by the law abiding folks who hunt, shoot and collect. It is perpetrated by people who commit crimes with firearms, who won't give a hoot about what laws we pass about making certain guns illegal. They'll steal what guns they want and commit their crimes and it will be the law abiding citizen who will be at a disadvantage. The answer to the gun problem is to have mandatory sentencing of people who commit crimes with guns. Why were we denied the opportunity to offer an amendment to this bill to deal with the gun problem in that way, rather than to lay the onus on law abiding folks?

Mr. SENSENBRENNER. Mr. Chairman, I yield 90 seconds to the distinguished gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, let us get it clear what this debate is about. The question is whether we should try to stop crime or whether we should stop the ownership of firearms, and the first point that needs to be made is, if this legislation is far overbroad, as was mentioned by one of the previous speakers, it is not just 19 assault, battlefield-type weapons we are talking about. It is legitimate weapons being used for sporting, and hunting, and target purposes.

I recently visited with the police in my hometown in Idaho, and I asked them directly whether they thought that a gun control measure like this would impact their ability to control crime, would cause criminals not to have guns, and they indicated to me, no, they did not feel that that would be the case. And then recently the National Association of Police Chiefs surveyed their membership. Resoundingly they answered that this kind of legislation will not keep guns out of the hands of criminals.

What will it do? It will keep guns out of the hand of law-abiding citizens. It is those who obey the law who would not have the guns, and it is those who break the law who will have the guns.

Another thing that this piece of legislation does is help divert attention from America to the real kinds of solutions that we ought to be addressing, the kinds of solutions that we are not allowed to discuss on the floor today because of the closed rules, and that is getting tough in terms of putting stiff sentences on those who do commit crimes with firearms.

I say, let's address the real issues. Let's get tough on criminals, and let's not make law-abiding citizens face a restriction of their constitutionally protected rights.

Mr. SCHUMER. Mr. Chairman, I yield a minute and a half to the gentleman from New Jersey [Mr. HUGHES], a distinguished former chairman of this subcommittee who initially introduced this legislation a while ago.

Mr. HUGHES. Mr. Chairman, I thank the gentleman from New York [Mr. SCHUMER] for yielding this time to me.

Mr. Chairman, this issue is about common sense. It is not about eliminating crime because there is nothing we can do to eliminate crime.

I own weapons. I am a sportsman, a lifetime member of the sporting community in my district, and I do not need an assault, military-type assault weapon, and I say, "Neither do you, or neither does any other citizen of this country."

One can argue that we should allow tactical nuclear devices under the second amendment. That is just ludicrous. We have to draw the line somewhere.

I say to my colleagues, "It's a very easy decision for us today. It's whether you are going to stand with the police in this country or whether you're going to stand with the NRA."

Mr. Chairman, it is an easy choice for me.

It has been suggested that eliminating military-type assault weapons will do nothing. Why do we have so many police around this Capitol today here talking about banning assault weapons? It is because they view the assault weapon as their enemy. After all, Mr. Chairman, they are the ones that are facing the assault weapons out there in the communities day in and day out.

I say to my colleagues, "Let's get real around this place. We have seen our communities turned into shooting galleries. They are nightmares. The reason assault weapons are so vicious is because they can kill as many people as can pull a trigger. And, if you have 50 rounds, you can, in many instances in about 50 seconds, kill that many people. And you can survive a shot from a .38, but, if you're hit with five rounds from a military-type assault weapon, the chances of your survival are minimal."

Mr. Chairman, that is why we need to pass this particular legislation. It is a well-crafted bill. It will eliminate 19 weapons, not as many as have been suggested. We already ban their importation, and I say, "Come on, let's get real, and let's ban their domestic manufacture. It doesn't make any difference whether you're looking at the end of a weapon that's been imported or made here."

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, in a recent Washington Post article entitled, "The Triumph of Psycho-fact," Mr. Robert Samuelson points out a phenomenon that is blatantly evident in our country today; that is, if people feel something is true, then it is, even if it is not.

Mr. Chairman, this administration has done an excellent job of scaring the American people into supporting their every proposal, whether it be government controlled health care or the ban on assault weapons. And, more to the point, the bill before the House today is one of the bills that depends on this concept called "psycho-fact." As Mr. Samuelson points out, good judgment requires good information, and consciousness-raising can be truth-lowering.

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We have heard all the arguments, the hunting arguments, and the second amendment arguments. Let me tell you why it is important to me and why you do need these kinds of semiautomatic weapons, I tell the gentleman from New Jersey [Mr. HUGHES].

A constituent of mine, Donald Lee, who happens to be Korean, called me, and has relatives and friends that own stores and live above their stores in Los Angeles. During the L.A. riots, when the government and the L.A. police abandoned those store owners, the only way they could defend themselves, their families, and their stores, was to stand out in front of them with semiautomatic weapons.

So let me tell you, ladies and gentlemen and my colleagues, that you do sometimes need these kinds of weapons for instance, to hold off the mobs of rioters exemplified in the L.A. riots. You do need them, to protect yourselves.

So I tell my colleagues, when you can guarantee me that the Government will not abandon me, or that the Government will protect me and my family, then I will discuss with you the idea of taking away my guns and my right to protect that same family.

Mr. SHAYS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New York, [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I am sympathetic to concerns that have been expressed about second amendment rights, but I must point out that our rights are not absolute. Courts have long ruled that there are limits to the freedoms of speech and press—our first amendment rights, the ones the Framers saw as most precious. I fail to see how there can be limitations on the rights of free speech, but none on the right to keep, and bear arms.

In perhaps the most famous discussions of the limitations on free speech, Justice Holmes allowed that speech could be limited when it posed a clear and present danger. The right to free speech, he noted, did not give someone the right to shout fire in a crowded theater.

There is a clear and present danger on our streets. Sadly we live in a time when someone could fire into a crowded theater.

I don't think that limiting such clear and present dangers violates the second amendment.

One of the enduring strengths of this institution, the strength which enhances the truly representational characteristics of this peoples' house, is that we all come here with different perspectives.

I represent a district in which a good percentage of the residents think that the first day of hunting season should qualify as a national holiday.

I represent a district where 1,200 of my neighbors earn their daily bread by making firearms for one of the world's premier manufacturers of sporting weapons, the Remington Arms Co.

And I also represent a district where the majority clearly favors less rather than more government intrusion into our daily lives.

The people I am privileged to represent send me to Washington to do my homework on the issues, to listen to all sides of an argument, carefully weigh the pros and cons and then do what is best, not just for them, but for all America.

I have faithfully followed their instructions and now is the hour for a decision.

Like all of you, my offices, both here and at home, have been deluged with calls from concerned citizens doing exactly what we ask of them in a representative democracy—passing along their views on the issue before us. Many of them have been quite spirited—the kind that conclude "I'll never vote for you if you don't agree with me." They have come both from opponents and proponents, neither side has an exclusive on this approach.

I couldn't live with myself, let alone all those callers on both sides of the issue, if I didn't respond to the dictates of my conscience.

This measure deserves our support. It deserves our support for a variety of reasons, but most of all because we must give to our Nation's law enforcement officials all the support we can as they wage war on the crime that is so devastating to our society. But we can't be cavalier in our action, we must be considerate of the concerns and interests of the overwhelming majority of Americans who are fine, decent, law-abiding citizens.

The measure is tightly crafted and very precise, dealing with military assault weapons and not the traditional sporting weapons of choice.

This is a balancing act between the legitimate rights of American sports people and a very widely held desire on the part of the American people to find ways to keep weapons of the types covered out of the hands of criminals.

It is a logical and necessary follow-on to the tough crime bill passed earlier in the year.

Everyone should understand that the crime bill is the toughest, most comprehensive effort the Congress has ever made to help communities fight crime. But more police, more jails, and tougher sentences—as critical as they are—are not enough. We need this measure. We need it now.

We are reliably informed that these assault weapons represent nearly 30 percent of the guns traced to organized crime, drug trafficking and crimes involving terrorists. It makes no sense to me to fail to get these weapons off the street. Being tough on criminals and being tough on their weapons of choice go hand in hand.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Nebraska, [Mr. HOAGLAND].

Mr. SCHUMER. I yield 15 seconds to the gentleman from Nebraska, Mr. HOAGLAND.

The CHAIRMAN. The gentleman from Nebraska [Mr. HOAGLAND] is recognized for three quarters of a minute.

Mr. HOAGLAND. Mr. Speaker and colleagues, I have long felt, as has the vast majority of my constituents, that these sorts of reasonable measures ought to pass. This is an easy issue on the merits, and I urge my colleagues to support this weapons ban. Let me just make three points.

First, there is plenty of evidence that this kind of ban will work. Back in 1989, the Bush administration banned the importation of foreign-made assault weapons, resulting in a 40 percent drop of such weapons used in crime.

Second, this is a weapon of choice by criminals. As our Omaha World Herald newspaper pointed out in an editorial, they make up less than 1 percent of guns in circulation, but a disproportionately larger number of guns used in crimes.

Third, I have a letter here, Mr. Speaker, from 11 eighth graders at Westside Elementary School in Omaha. Let me read one sentence:

> Guns of this nature are of no use to hunters and only endanger innocent bystanders and others who unfortunately feel power by possessing and possibly using such weapons. Let's ban them.

OMAHA, NE, *April 29, 1994.*

Hon. Peter Hoagland,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HOAGLAND: Through recent media reports, we have heard of the upcoming vote on the bill which seeks to ban several types of hand-guns and semi-automatic weapons. We would like to urge you to vote in favor of this ban. Guns of this nature are of no use to hunters and only endanger innocent bystanders and others who unfortunately feel power by possessing or possibly using such weapons. Please remove these from the market-place!! We are aware that most legislation can be inadequate to eliminate problems from our society, but we hope you will support such an effort to begin the process. We are also aware of the tremendous pressure often applied by the lobbyists, who would try to downplay the significance of such a ban; we urge you to listen to the people of Nebraska, who want these weapons to disappear. We feel there should be stiff penalties for those possessing such weapons, when discovered in police proceedings. The future of our lives depends on courageous action by you, our representative in Washington.

Thank you for your attention to this matter.

Sincerely,
Homeroom Students and their teacher, Mrs. Karen Mullen, Westside Middle School.
Andrew S. Weston,
Amanda L. Richman,
Sara Davis,
Paul Brown,
Nicole K. Rossi,
Lindsey Hubert,
Cherish M.R. Briest,
Pat Kelly.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I would ask the gentleman from New York [Mr. SCHUMER], if he would engage in a colloquy. The House will not have an opportunity to vote on an amendment by the gentleman from New York [Mr. SYNAR] and myself, to strike section 3 of this bill. I understand the gentleman is willing to work in conference to enact what our amendment intended, which is to remove the inconvenient record keeping and paperwork aspects of the bill. Is that correct?

Mr. SCHUMER. That is correct. I guarantee the gentleman from Minnesota that before this legislation comes back from the conference, we will have removed section 3, thereby having eliminated all record keeping of the grandfathered weapons. All record keeping that is in this bill will go if we pass it.

Mr. PENNY. I thank the gentleman for that response.

Mr. Chairman, I must admit I lack enthusiasm for this bill. Frankly, I think the rhetoric on both sides has been overblown. Based on the assurance just given by my colleague from New York, I intend to vote for the bill on final passage.

I represent a rural district where guns are prevalent and gun crimes are rare. Consequently, I have always been skeptical of gun control legislation, feeling that the focus should be on the criminal, not the legitimate gun owner.

I voted against an assault weapon ban a few years ago because of the open-ended definitions in that bill. Today's measure is much tighter and more defensible, listing 19 specific weapons and prohibiting certain features which are not essential to hunting and competition shooting.

Will this bill make an appreciable difference in the incidence of gun crimes in America? Probably not. On the other hand, do the provisions of this bill represent a hardship for legitimate gun owners? Most certainly not. This bill protects all currently owned guns. This bill restricts only a handful of weapons possessed of certain features. This bill does focus on the criminal by imposing a mandatory prison sentence on those who commit crimes with semiautomatic weapons. This bill is not a solution to the bloody crime culture that stains the streets of so many communities in our Nation, and it may be true that this vote today is largely symbolic.

But symbols can carry a message. I think the message is that any right carried to an extreme can create problems. No one today suggests again legalizing automatic machineguns. Certainly we should be able to agree on a reasonable definition to restrict semiautomatic guns. This is the commonsense goal of the bill before us today.

The CHAIRMAN. The Chair wishes to advise Members that the gentleman from Texas [Mr. BROOKS] has 7 minutes remaining; the gentleman from Wisconsin [Mr. SENSENBRENNER] has 7½ minutes remaining, the gentleman from New York [Mr. SCHUMER] has 6¾ minutes remaining, and the gentleman from Connecticut [Mr. SHAYS] has 5½ minutes remaining.

The chair will remind Members controlling the debate that the distinguished gentleman from Texas [Mr. BROOKS], the chairman of the committee, retains the right to close debate.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

☐ 1600

Mr. ROHRABACHER. Mr. Chairman, well, we have heard time and time again that there is no legitimate purpose for these weapons, these semiautomatic rifles. Well, how about protecting our homes and families? I do not care if it is an ugly weapon, which seems to be the only designation of what makes it an illegal weapon. If somebody is protecting their home and their family, it is their business what kind of weapon they have. And we should not be aimed at trying to disarm them.

If a criminal breaks into your home and you shoot him in defense of your home and family, your Government should be on your side.

We have heard a lot of talk about, are Members going to be on the police' side or the NRA side. Government should be on the side of honest citizens. And if they use any kind of gun in defense of their homes and families and they have never committed another crime, why are we trying to disarm them?

The public wants criminals off the street. It is a travesty to use criminals as an excuse to disarm honest citizens.

This bill is a crime against victims. It is based on the liberal pretense that the way to limit crime is to control the behavior of honest citizens rather than punish criminals and execute murderers.

Those Members who think that we can just outlaw behavior of honest citizens and it will not have an impact on the police and their ability to do their job, just remember, there is limited resources by the police, limited time. We should not be focusing them on people who simply want to defend their homes and have never committed another crime. That is what happens.

I tell Members what happens with laws like this, we end up with Alcohol, Tobacco and Firearms, the FBI and Justice Department burning out a religious order down in Waco, rather than coming into our urban areas where criminal gangs of terrorists are terrorizing our population.

The whole priority is off. We should be focusing on the criminal element, on punishing people rather than focusing the time and limited resources of our Government on honest citizens.

Defeat this ban.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, I come from rural central Texas. It is a land where guns and hunting are a way of life. I believe in the 2d amendment. But my colleagues, the constitution was never intended to make efficient killing machines out of drug dealers, criminals and crazed individuals.

To my rural and conservative colleagues, I urge them to consider this bill. Less than 3 years ago, like many of my colleagues, I thought mass killings were a big city problem, not a rural one. Yet since then in my rural district, George Hennard gunned down 23 innocent victims in a neighborhood cafeteria and David Koresh built a brutal arsenal that became part of a terrible tragedy.

I have said very little about these tragedies in public, but today, in good conscience, I must plead with my colleagues to learn the lesson I have painfully learned. Mass murders can occur anywhere, anytime, in good, decent cities, urban, rural or suburban.

I know we cannot stop all crazed individuals, such as Hennard and Koresh, from killing, any more than speed limits can stop all traffic deaths. But common sense dictates we can and we should make it more difficult for killers to get their hands on weapons that can kill so many, so fast.

Surely in a civilized society, the right to bear arms does not mean that Al Capone, David Koresh, George Hennard or anyone like them should be able to legally buy any weapon of mass destruction.

Unless Members genuinely believe that hunters absolutely must use AK-47's, Street Sweepers, and Uzis, I plead with my colleagues to draw the line today in favor of protecting school children and innocent citizens who could some day themselves be the victims of mass murder.

I know this is a difficult vote for many Members. Two years ago I voted for this ban on assault weapons. After being reelected by 66 percent in a rural conservation district, I am back today to proudly vote for this ban on assault weapons. This is not about losing votes back home. It is about saving lives all across America.

Mr. BROOKS. Mr. Chairman, I would like to say first that the colloquy between my friend, the gentleman from Minnesota [Mr. PENNY] and my friend, the gentleman from New York [Mr. SCHUMER] failed to acknowledge that should the bill pass the record-keeping provisions in both the House- and Senate-passed bills would be very similar.

If these provisions are made a part of the conference, the conferees would not be free to remove these provisions since obviously that would not be within the scope of the conference. I would like to make that crystal clear to the Members.

Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I thank the gentleman for yielding 30 seconds to me.

There are a lot of things I would like to say. I want to bring out just one point that has not been brought out. This was delivered to me by Preston Covey, a Ph.D. and associate professor of philosophy of the Carnegie Mellon University. He wrote a letter to me today.

He said,

> I am a civilian member of the Training Criteria Committee of the International Association of Law Enforcement Firearms Instructors. I specialize in law and ethics of deadly force and one-handed weaponcraft for officer survival over the full spectrum of police firearms.
>
> This ban would put pro bono services to law enforcement flat out of business.

Mr. Covey continues to say,

> I am a handicapped person for whom semi-automatic firearms are as crucial as an automatic transmission of a car. Semi-automatic weapons are my best option in self-defense. In addition, every long gun I own has been modified with a pistol-grip stock as an accessory which is banned by this bill.

This bill is ill-conceived, and I urge Members to vote against the bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield one-half minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, if I take this dime and throw it into the Atlantic Ocean, the impact of the ripples will be the same as the results of this confused and artificial attempt to reduce murder in America.

Point 5 percent of all murders are caused by assault weapons. That is compared to 16 percent by knives, 5 percent by physicians and 4 percent by clubs. Each year 2.4 million Americans defend themselves with firearms that now the proponents of this bill are saying they will not need anymore because we have midnight basketball leagues.

Meanwhile, in Switzerland every male age 20 to 45 is issued an assault rifle which he takes home, uses it to defend the nation and himself. Are they a nation of marauders, no. It has one of the lowest murder rates in the world.

Washington, DC, Jamaica, strict gun control, high murder rates. What is the difference? Family values and a penal system that punishes the criminal, not law abiding citizens.

Mr. SHAYS. Mr. Chairman, I yield 2½ minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I stand here to support this ban.

I was somebody who was on the fence for a long period of time. I made up my mind last night. It is difficult for me. I am a member of the NRA. I respect that organization. I think it has been much maligned. I respect the people who are members of that organization in the area in which I live. So, therefore, it was difficult.

And I hear all the arguments that it is a phoney issue and the statistics do not add up and it is the camel's nose under the tent, all the things like that.

But I think every so often people like myself who come from rural areas, where there are not a lot of murders, there is not a lot of abuse of weapons like this, ought to stand side by side with our compatriots in the cities. There is a crisis in the cities. It is clear, whether it is drugs, whether it is killings, whether it is unemployment. These weapons have no place there.

Therefore, reluctantly, against all those people that I have dealt with over the years, I feel that this ban is important and we should do it. I, frankly, think it is going to hurt me politically, but that is okay. I guess the only thing I can ask of the people in my district is not that they necessarily agree with me but they think that I am trying to think through something and do the right thing in terms of my own heart. I think this is the right thing to do.

I ask anyone who is hearing to support this ban.

□ 1610

Mr. SHAYS. Mr. Chairman, I reserve the balance of my time.

Mr. SCHUMER. Mr. Chairman, I only have two speakers remaining, and I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I have one speaker in addition to myself, so I reserve the balance of my time

The CHAIRMAN. The Chair will announce to Members controlling the debate time that the gentleman from Texas [Mr. BROOKS] has 6 minutes remaining, and reserves the right to close debate; the gentleman from Wisconsin [Mr. SENSENBRENNER] has 5 minutes remaining; the gentleman from New York [Mr. SCHUMER] has 4¾ minutes remaining; and the gentleman from Connecticut [Mr. SHAYS] has 3½ minutes remaining.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the President's own State, Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am standing here today probably inadequately trying to express what the little people want done in my district. This is the Fourth District of Arkansas. I am in it every weekend and I am talking and listening, and I read the letters. I talk to them on the phone. What they are saying is enough is enough. What is happening is not just the gun control. They say that gun control is just one other means of trying to get control of their lives.

Taxes takes care of the bank, the bank accounts. The school efforts to come into their homes and tell them how they can teach their kids if they are home schoolers, or private school, is another part of it. The health care bill, the aura of the health care bill, coming in and taking 14 percent of the gross national product and telling them when they can go to the doctor and when they cannot.

Then here comes gun control. It is a front. It is a deception, in their minds. They say people are not concerned about gun control so much as they are concerned about taking control of the lives of the people who are making this Nation what it is and who have made this Nation what it is.

I am here speaking for the little person. I am here saying I am not necessarily that type of person, a little person, but to be considered about one part of a percent of what our national violent crime rate is, and not put those people in person, is wrong, by these people. They are the victims, but the criminals, we are putting them in prison, we are building gymnasiums they do not have, giving them TV's they do not have. We are giving them benefits in the medical field they do not have, benefits in the legal field.

They say, "You can have all the appeals you want."

These people are paying the taxes, and there is bitterness that is coming, bitterness and bitterness and bitterness. What they want is the Government to stay off their back, and this particular bill is symbolic. It is nothing but up there at the top, it is a small percentage, but they see it as a very large intrusion.

I ask the Members, if it is equal, go with the little person. Protect their rights, protect what they want to have for their own, and not have the Government take away.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. DERRICK]. My understanding is that he will need more time than that, but I have only 1 minute to yield.

Mr. SCHUMER. Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina [Mr. DERRICK].

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] is recognized for 2½ minutes.

Mr. DERRICK. Mr. Chairman, if this bill fails today, we are no longer a democracy. Eighty percent of the people in this country want to see a ban on assault weapons. This debate is not being controlled by our constituents, it is not being controlled by the 80 percent out there. It is being controlled by a minority here inside the beltway that are again controlled by gun dealers and gun manufacturers, primarily.

Mr. Speaker, if this bill does not pass we are no longer a free Nation. Let me tell the Members, they do not have to be in jail. They do not have to be incarcerated to not be free. We as a Nation are not free when we cannot walk down our streets and feel safe. We as a Nation are not free when we cannot stop at a public telephone booth without fear of being molested. We are not free as a Nation if we cannot pull up to a stop light and worry about someone with a gun sitting next to us that is going to blow us away just for the heck of it.

Mr. Chairman, if there is any one time that I have seen since I have been in this body, this is an opportunity for us as a body to throw off the shackles, the shackles of special interests, and do what is right for this Nation, what 80 percent of the people in our country know is right for this Nation. It is now.

I beg of you, I plead for you to fight for our country, because if we do not do it now and we do not do it good this afternoon, we, our children, and our grandchildren are going to regret it for years to come.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Chairman, I rise today to express my very strong support for H.R. 4296—a bill that will ban the manufacture and possession of 19 semi-automatic assault weapons.

I commend my colleagues on the House Judiciary Committee for bringing this bill to the floor, and I also wish to commend the President and his Cabinet for the excellent support they provided in helping us to gain passage of this legislation.

Mr. Speaker, this is one of the most significant votes of the year, and I am proud to cast my vote in favor of the assault weapon ban. We have shown a willingness to be tough on criminals. Now we have to be willing to show that we can take the weapons out of the hands of these criminals.

Countless police officers in my district have called me—have come by my office—have stopped me on the street to express their support for H.R. 4296. I am glad that today I have the opportunity to stand up on this floor and say that I support banning these weapons of war.

Mr. SCHUMER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong support of the legislation offered by the gentleman from New York [Mr. SCHUMER] to ban certain semiautomatic weapons.

Mr. Speaker, I rise today to support the ban on the manufacture of semiautomatic assault weapons. I am here representing my constituents and along with my women colleagues to give voice to the concerns of women in America. Our message to the House—pass legislation banning assault weapons now!

The Intra TEC DC-9, the UZI, the MAC 10, and the AK-47, these are the types of weapons we seek to ban. They come standard with ammunition magazines capable of holding 30 rounds and more, they can be fired as fast as the trigger can be pulled and they can be purchased over the counter. They are the weapons our kids face on the streets every day.

A gun in the hands of anyone whose goal it is to kill people poses a great threat to all of us, however, when an individual is armed with one of these assault weapons, that individual's ability to kill many people in a short period of time is significantly enhanced.

Last July, in San Francisco, because Gian Luigi Ferri was armed with two Intra TEC DC-9 firearms—like this one here—with 50-round magazines, he was able to fire between 75 and 100 rounds, killing 8 people and wounding 6 others. Mr. Ferri's victims were shot not once, twice, three, or even four times, but five and six times. Judy Sposato was shot five times that day. She left behind her 18-month-old daughter, Meghan, and her loving husband, Stephen.

In 1989, because Patrick Purdy used an AK-47 equipped with 75- and 30-round magazines, he was able to kill 5 and wound 30 schoolchildren in a matter of minutes.

It will be difficult to prevent these tragedies from ever happening again, but let us not make the killer's job any easier by allowing access to these weapons.

We are faced by an urgent need to find a balance between our rights. A balance between the right of someone like Gian Luigi Ferri to bear a weapon with the capability of killing so many people so quickly and the right of someone like Jody Sposato to life, liberty, and the pursuit of happiness.

The best interest of society at large is not served by making available to the public this kind of firepower. As long as these weapons are being manufactured in our country and put out on the streets of our cities, the deck will be stacked against our children and families.

Let us give a Mother's Day present to the mothers of America by passing the ban and making our country safer.

Mr. SCHUMER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman I rise in strong support of H.R. 4296, the Assault Weapons Ban.

In fairness to legal gun-owners, it exempts 2,650 types of firearms created for hunting or homes protection and bans 19 types of deadly, semiautomatic assault weapons originally designed by the military for one purpose—deadly combat.

These guns are the weapons of choice for drug traffickers, mass murderers and hate groups. They are frequently linked to the injury or death of police officers in the line of duty. In my district, as in the rest of the Nation, these weapons are the most frequent cause of random, senseless deaths associated with gang violence.

It is this random violence which has created a climate of fear throughout America and leads our children to plan their funerals, instead of their graduations.

H.R. 4296 will make our communities safer, and restore hope in our children for the chance to learn and play and grow up in a society not imprisoned by fear.

We must not ignore this historic opportunity to reduce violent crime on American streets.

Mr. SENSENBRENNER. Mr. Chairman, I am going to close on this side. I would ask the Chair, do I have the right to close immediately before the gentleman from Texas [Mr. BROOKS], as the manager on this side of the aisle?

The CHAIRMAN. The gentleman is correct.

Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a conscience vote for each and every one of us. I would like to thank my leadership for allowing every Member on the Republican side of the aisle to come to his or her own conclusion. I would also like to thank the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Illinois [Mr. HYDE] for yielding me control of 30 minutes of time to allocate to the Republican supporters of the bill.

Americans have the constitutional right and protection to bear arms. It is there and it must be maintained. Their Government has the constitutional responsibility to regulate that right.

Mr. Chairman, we need stronger crime control laws and enforcement. We also need stronger gun control laws and enforcement.

If I had only one choice, it is obvious, I want stronger crime control. There is no contest. I think it is about 97 percent of the solution. But, that is not a choice we have to make. We do not have to choose between one or the other. They are not mutually exclusive. It is logical to pass rational gun control legislation as well.

Some of my constituents called our office in opposition to this bill. When I spoke to them, it was clear they did not all oppose the law as it was written, but what the law might become. What they fear is the concept of the slippery slope. They fear the camel's head under the tent. My only comment to them is that we have to take each piece of legislation on its merit, not judge it on what might happen some time in the future. On its merit, this legislation makes sense.

Mr. Chairman, if this bill, on its merit, cannot pass, there will be such pent up desire for gun control legislation that the next piece that comes before us will not be as meritorious, will not be as rational. It will attempt to do too much, and threaten people's legitimate rights to bear arms.

Go with this rational approach to gun control, and recognize, this is only three percent of the solution, but it is not mutually exclusive. I believe we need much stronger crime control legislation. Voting for this bill does not prevent me from voting for that legislation as well.

The CHAIRMAN. The time of the distinguished gentleman from Connecticut [Mr. SHAYS] has expired.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I thank the gentleman, and first want to thank our chairman for his fairness, and my colleagues on that side of the aisle, for what I consider an excellent debate on both sides of the aisle.

Let me say to my colleagues that as I have studied this issue, the gun control issue, I realize it is not a simple one. We are concerned, greatly concerned, about the killing on our streets and the easy availability of guns.

I also have come to understand that in large parts of this country having a gun, being able to go out and hunt, having a gun to protect your home, target shooting, all of that is very important to a way of life.

□ 1620

That is why this debate is a debate that goes back and forth in this Chamber. That is why on so many issues, many of us internally are deeply divided. But I would argue to my colleagues, particularly those who are undecided because those who have not made up their minds yet will determine the outcome today, I would say that this legislation, this particular narrowly crafted and very limited bill, the balance is in its favor.

Mr. Chairman, we know what these weapons do on the one side. They are not all killing that is going around, but they are 1 percent of the weapons with 8 percent of the killing, and if we ask law enforcement officers, that number will go up and up and up. So they certainly do damage as we have heard from victim after victim after victim. They do the damage more quickly and more lethally than other guns. And on the other side, the right of people to have guns, let us not fool anybody, we know that these guns are not used for hunting, we know that these guns are not used for self-defense, and we know in only very limited cases are they used for target shooting and can be easily replaced by comparable weapons.

Mr. Chairman, yes, it is true, my colleague from Arkansas said that if they do not make a difference in the cities, but they do, why impinge on our way of life, the rural way of life, and I would argue the opposite. There is some minor impingement on the rural way of life, but it will do much more good in terms of the cities.

Mr. Chairman, I would also say to my colleagues very simply that this will work. We banned machine guns in 1937. Do criminals now get machine guns? One cannot find a crime where a machine gun is used. They just do not get them and they will not get semiautomatics. And on the other side, are our sportsmen and our hunters and our target practice people and people who want guns for self-defense less inconvenienced because there are not machine guns on our street? I would argue no.

Mr. Chairman, this minor change in the law, and it is a relatively minor change, adding 19 weapons to those that are already abolished, it will not end the killing, but we know it will do some good and very minimal bad.

Mr. Chairman, these guns are plainly and simply killing machines. They are not made for hunting, they are not made for target practice, they are made simply to kill as many people, people, people as possible as fast as possible. They have no place, no place at all in a civilized society.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Missouri [Mr. VOLKMER] who served with great distinction on the Committee on the Judiciary and helped to formulate the 1986 law.

Mr. VOLKMER. Mr. Chairman, I first want to correct two things stated by the gentleman from New York [Mr. SCHUMER], about the 19 weapons. I suggest for Members that do not know the truth between what the gentleman from Texas [Mr. SARPALIUS], showed you, the long list, or the gentleman from New York [Mr. SCHUMER], that they read page 20 of the report of this committee and they will find that there are many additional semiautomatic weapons that are banned, not just the 19.

No. 2, correction of the gentleman from New York who just spoke in this well. He said that we banned all machine guns. If he meant machine guns by automatic weapons in 1934, he is way off base. He again does not know what he is talking about. In 1986 was when automatic weapons were banned. And why were they banned? Because before that time, the media and the gun control incorporated, hand gun control were all calling them the weapon of choice of the criminal.

These were the assault weapons. And automatics were assault weapons, and they still are. They are the only assault weapons. They are the ones that are used by the military. And they have been banned since 1986. But do the criminals still have them? Heck, yes, they have them, folks, and they still use them. Those drug pushers still have them and they will continue to have them.

Mr. Chairman, what have they banned in here? They have banned the same thing as my 3030 rifle. They have banned the same thing as my 3006 deer rifle, as my 12-gauge shotgun. They have banned the very same thing that works identically.

Mr. Chairman, one other thing: This shows a banned gun and a non-banned gun made by the same people, the same caliber, the same way it works, and it kills just as much whether used in hunting or used on people.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 3 minutes.

Mr. SENSENBRENNER. Mr. Chairman, one of the things that has made our American Constitution so unique and so enduring is that our Bill of Rights was designed to protect the people of this country against government action. There are few who would argue that the Second Amendment protects individual possession of nuclear devices or machine guns or bazookas or grenade launchers. But what we are talking about here is a balancing of rights and a balancing of interests.

Mr. Chairman, I have been listening to this debate for the last 2 hours, and it seems to me that balancing those equities requires a "no" vote. We heard the gentleman from California [Mr. ROHRABACHER], say that he saw on television Korean American store owners protecting their lives and their property during the Los Angeles riots, and that was because the police did not show up. And they used semiautomatic weapons that are banned on this list. Self-defense is a legitimate purpose and this bill would take those guns away from those Korean Americans.

Secondly, we have to remember that it is already a Federal felony for someone who has been convicted of a felony or adjudicated mentally incompetent to possess any type of firearm, any type of firearm. If the Justice Department were doing its job adequately, those people would be arrested and indicted and prosecuted, and that is the organized criminal element that is shooting up our streets today, and they do not belong out on parole, they belong in jail, because just a small number of the criminals commit the vast percentage of the violent crimes in our country.

Mr. Chairman, let us face it. The semiautomatic weapon is not the weapon of choice by the killers. The gentlewoman from Connecticut [Ms. DELAURO] on the other side said that there were only 19 murders since October that used the type of semiautomatic weapons that are to be banned by this particular piece of legislation. I estimate that the total number of murders unfortunately is 10,000 during the same period of time. This is just a small percentage of the murders.

Mr. Chairman, in order to take weapons that have been used for a small percentage of the murders out of the hands of those who would use them illegally, the Korean American shop owner who needed that weapon to protect lives and property, the hunter that uses these weapons for legitimate hunting purposes, the target shooter who uses an M-1A or an AR-15 will end up getting legislated out of business.

Vote for the honest people. Vote "no." Then let us pass a tough crime bill that will put those crooks in jail.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, as one who has had the responsibility for burying and eulogizing children as young as 11 years old, victims of gunshot, I rise in favor of this particular legislation and ask my colleagues to join in supporting it.

Mr. BROOKS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise in strong support of H.R. 4296, the Assault Weapons Ban Act of 1994. I think that it is time that when we use the word "street sweeper," we know that we are talking about public works projects and not South African designed shotguns.

Mr. Chairman, I rise before the House to urge my colleagues to support H.R. 4296, the Assault Weapons Ban Act of 1994.

This ban is not just an inner city issue. Today's Wall Street Journal provides new polls showing vast majorities of Americans supporting this ban. This overwhelming support is found in urban, suburban, and rural areas of America.

Every major national law enforcement organization in America supports the ban including the National Association of Police Organizations and the National Sheriffs' Association.

The ban is also supported by our former Presidents Ronald Reagan, Jimmy Carter, and Gerald Ford.

The weapons this bill bans are not sporting weapons, they are weapons of death. The bill bans 19 specific semiautomatic weapons, none of which are used for hunting or other sporting purposes and exempts 670 specific weapons that are used for legitimate purposes.

Moreover, this bill does not take away any weapons from people who already legally own them. It addresses only those weapons designed to kill human beings. America and this Congress needs to get to a point that when we say the words "street sweeper" we are talking about a public works project and not a South African-designed shotgun. Support this gun ban as an important step to provide for the safety of all Americans. It is time to stop the killing.

□ 1630

Mr. BROOKS. Mr. Chairman, I yield myself 4½ minutes, the remainder of my time.

Mr. BROOKS. Mr. Chairman, we have now reached the end of the day on the issue before us. The general debate time has allowed every possible argument to be aired by the proponents who seem to have no qualms whatsoever about taking a simplistic approach to a very complicated issue.

Where the debate has veered off into what I consider an unacceptable and mean area is where the self-anointed arbiters of morality have attempted to paint legitimate, law-abiding gunowners as part of the dark force in America who aid and abet the proliferation of violence in our society. Some would have you believe that to vote against this ill-conceived, overbroad, and unbelievably vague piece of draftsmanship is to sanction the terrible scenes of carnage that we all witness on the late news before going to bed at night. This is a terrible falsehood and worthy of the description of the "big lie"—that if repeated often enough, can cloud reason and clear-headed thinking.

Well, it hasn't swayed my mind one bit or the many other Members in this body who know that the problem of violence has to do with the roots of crime, with the pervasiveness of drugs, with violent impulses and malice of heart that leads individuals with no moorings in civilized life to commit unspeakable acts.

It is very easy for us sitting here in the Northeast corridor to forget about the rest of the continental United States and the citizens who live there. Across this country in our towns and communities, fathers and sons know how to properly handle weapons for the legitimate purposes of hunting, self-defense, and target shooting. This legislation insults the dignity of their lives by attempting to lump them in the same category of deranged sociopaths, who could get any weapon described in this bill in an hour's time. To the frenzied advocates, that is a mere detail. To them, the vagueness of the bill's language is someone else's problem that can be taken care of later.

Well, I am not going to subscribe to that cavalier approach. I am not going to subscribe to the broadbrush painting of our good citizens as potential criminals—nor of sincere, dedicated lawmakers in this body who oppose H.R. 4296 as somehow advocating violence in America.

If you want to fight crime, then support the tough crime bill. Let's put an end to the demagoguery and twisted logic. Let's vote this down, and get on with the real business of fighting crime.

Mr. Chairman, let us put an end to the demagoguery and the twisted logic that this bill is going to do anything useful. Let us vote this down and get on with the real business of fighting crime.

Mr. Chairman, I yield back the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong opposition to this bill. I share the frustration of many Americans in that there are too many weapons in the wrong hands on the streets of our cities. There are too many killings by any method, and the United States sadly leads all civilized nations in violent crime. Citizens and politicians need to direct meaningful solutions and actions to resolve or at least diminish crime.

But, let's be frank. This isn't a crime control bill. It's a gun control bill and is another step by the anti-gun crowd to chip away at the second amendment. We know that 80 percent of all violent crime is committed by 6 percent of felons. That's why "three strikes, you're out" makes sense.

This bill gives cover to a Congress that failed to adopt truly tough legislation against violent crime. Just last month, the Rules Committee denied amendments to the crime bill such as the McCollum amendment that would increase the jail sentence for anyone using any kind of weapon in the commission of a crime. Numerous amendments to provide stiffer penalties for criminals were not allowed to be debated. We should classify drive-by shootings as first degree murder and any youthful offender in the vehicle should receive at a minimum a 1-year sentence in a boot camp. We should insure that there's truth in sentencing, with no parole for second time criminals, and mandate that convicted criminals should serve a minimum of 85 percent of time, as recommended by the father of Polly Klaas, the young Californian who was murdered by a child molester who was released early.

Instead, the focus in this bill is placed on 19 semiautomatic rifles and the size of an ammunition clip. Supporters of this bill call these firearms weapons of war or assault weapons, saying they are made only to kill, only used by criminals. They don't tell you it is already illegal for convicted criminals to own any gun.

They don't tell you that these assault weapons aren't the preferred weapons of violent criminals. Here in Washington, DC, the murder capital, of the 4,200 homicides committed between 1990 and 1993, only four involved the use of a rifle. The FBI reports that nationally only 3 percent of homicides involve rifles. Ninety-nine percent of today's criminals prefer weapons other than those so-called assault weapons.

Not one of the 19 semiautomatic rifles was used in the military in any country. They were not built for the military or used by the military. Real assault weapons, that is, automatic weapons should not be used by anyone except the military and law enforcement.

I have flown an F-14 with a 20mm Gatling gun that could disintegrate a tank with a one-half-second burst, but this bill would deny me from carrying a 10-shot, 22 target pistol. We ought to remember that it's not the weapon, but who's using the weapon. These 19 semiautomatic rifles were not designed to kill people but for use by lawful citizens.

Rather than getting tough on guns, we ought to get tough on criminals. Criminals who use a gun, or for that matter a knife or a rock, ought to face swift, severe, and certain punishment. If we are frustrated with illegal weapons proliferation, then we ought to pass a national computerized instant check system that can identify those with a criminal past or mental history that should preclude them from buying a gun. Instead, we pass the Brady bill, a feel good unfunded mandate. We should deal with fly-by-night gun dealers that flood the streets with weapons. We should deal with those illegally carrying a concealed weapon.

We should pass tough measures, not take away the rights of law abiding citizens. We ought to lock away those core criminals for these 6 percent that commit the majority of crime locked up forever.

Mrs. LLOYD. Mr. Chairman, let me say at the outset that I support the second amendment, which provides Americans with right to keep and bear arms. Many of my constituents have a great love for the land and a tradition of sportsmanship. I have long maintained that abiding citizens have constitutional guarantees to own firearms and that these guarantees should be upheld.

However, I do not believe that in crafting the Constitution, our Founding Fathers intended to give citizens the right to bear arms of mass destruction. Every day I turn on the news or read the newspaper, I find yet another gun related death. Our streets, playgrounds, and schools have become shooting ranges. The very fabric of American society is being torn apart by a pull of the trigger. Let me qualify, that each pull of the trigger on an semiautomatic assault weapon can mean 30 shots emptied in just 5 seconds. Semiautomatic assault weapons are specifically engineered for the purpose of killing. These weapons are simply tools used to enhance criminal activity.

In 1991, I voted against proposed legislation to ban assault weapons, because of its ambiguous language and broad definition of the configuration of an assault weapon. However, the legislation before us is quite different than the 1991 legislation. First, H.R. 4296 is not retroactive. The legislation is grandfathered, to allow law abiding citizens to keep currently owned semiautomatic weapon(s). The bill discontinues the manufacture and sale of new semiautomatic weapons. Second, H.R. 4296 bans 19 specific guns and includes a narrowly tailored two part test to safeguard against duplicate versions of the banned weapons. Finally, and most importantly, H.R. 4296 specifies the exemption of 650 hunting and sporting rifles.

As it is written, it is apparent that this legislation is not intended to take away the rights of law-abiding citizens. This legislation is intended to prevent the random killings of people with assault weapons, such as the five children mowed down in the Stockton schoolyard massacre in 1989, and the eight people killed in the law firm in San Francisco in 1993. Incidentally, both these incidents involved semiautomatic assault weapons purchased by a gun dealer.

Mr. Chairman, according to ATF statistics, during 1986–90, 1,088 assault weapons were traced to murders in the United States and 3,505 were connected with drug trafficking. After reviewing homicide statistics and seeing these daily incidents involving semiautomatic assault weapons, I cannot justify their existence. I realize that this measure will not eliminate the problem of violence in America, but it will certainly create a major obstacle in accessing these destructive weapons. I urge my colleagues to support the measure and take a fundamental step in saving lives.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today as a member of the Sportsman Caucus in strong opposition to H.R. 4296, the so-called assault weapon ban. I am a firm believer in the second amendment right to keep and bear arms. While many in Congress feel the way to control crime is to eliminate guns, I do not.

In my judgment, eliminating guns will not alleviate the crime epidemic. The cause of the outbreak is the criminal. I believe we can better deter criminals by imposing strict penalties for those who commit crimes. Ultimately, the most effective way to deter crime is to send a message to the criminal that the punishment will be severe and swift.

Mr. Chairman, this legislation is just another example of political posturing by the U.S. Congress. More people are killed each year with fists and feet than with these so-called assault weapons. The vast majority of murders involve handguns or some other form of a gun, but not assault weapons. According to FBI statistics, fists and feet represent about 5 percent of all homicides while assault rifles account for less that 1 percent of all murders.

There are a number of methods which cause injury or death to another individual. Knives, ropes, bullets, fists, feet, blunt objects, and motor vehicles have all led to the deaths of far too many people in our society. Yet I do not believe anyone here would advocate the banning of these items. No, instead we would seek to appropriately punish those individuals involved in these heinous crimes.

We are duping the American people by claiming that this legislation will help combat the crime epidemic facing our Nation. Like most gun control legislation, this bill will do nothing more than impose on the constitutional rights or our citizenry. This legislation will disarm law-abiding citizens and strengthen the criminal. I have introduced legislation that punishes the criminal and not law-abiding citizens. My bill would double the Federal mandatory sentences for individuals who commit the most heinous crimes with a firearm in their possession.

Mr. Chairman, I would like to state that this legislation has nothing to do with fully automatic weapons. Automatic weapons have been banned since 1986. So what we're talking about is semiautomatic weapons. For those of you not familiar with firearms, semiautomatic means that every time you pull the trigger one round is fired.

Every one of the 670 weapons exempted by this bill is a semiautomatic weapon. They fire the same ammunition at the same rate that these so-called assault weapons fire. The only difference is that exempted weapons do not contain features like a pistol grip or bayonet lug. Mr. Chairman, these features may make these guns look more intimidating, but they do not increase the firepower or lethalness of the weapon.

If the barrel of a BB gun or a .22 is staring you in the face, that is intimidating. There is no question that a gun of any kind in the wrong hands is dangerous. Gun control is not the answer to this problem. Tough mandatory minimum sentences are.

Mr. Chairman, I am also concerned that the list of weapons banned is not limited to the 19 firearms listed in this legislation. Some estimates show that as many as 150 rifles may be banned by this bill. In my opinion, this sets a dangerous precedent. Once the Congress adopts the theory that limiting access to firearms reduces crime, I believe there will be tremendous pressure to ban more and more guns—until the right to bear arms is effectively nullified.

Mr. Chairman, H.R. 4296 is a bad bill, let's defeat this legislation and get tough on the criminal, not law-abiding citizens.

Mr. YOUNG of Florida. Mr. Chairman, to those who preceded me in this debate today to say that a TEC–9 semiautomatic assault weapon or any one of the other 18 weapons specifically banned by this legislation has never been used to kill anyone in a town in their congressional district, I say you should be thankful. It is my hope and prayer that one of these weapons never will be brandished during the commission of a crime in those districts.

Unfortunately, not every congressional district has been so fortunate. There has been case after case reported and documented where these weapons have been used to injure or kill innocent children, husbands and wives, mothers and fathers in their schoolyards, their homes, their offices, and on the streets of their hometowns.

I know of these tragic stories because I have met survivors of these crimes. The semiautomatic weapons banned by this legislation were used in a way that has forever changed the lives of these families. For those who say these weapons are not used in crimes, I say tell that to Stephen Sposato, whose wife was killed by a man who walked into her San Francisco law firm carrying two TEC DC–9's he purchased in Nevada, because they were outlawed in California. After shooting her five times he turned his weapon on others in her office, killing seven more and wounding many others. Tell that to the survivors of this horror and to their loved ones.

The fact is that the guns the Assault Weapons Ban Act seeks to end production of are used in criminal violence. They are used disproportionately to their prevalence in the gun population and they are used with one purpose in mind—to kill as many people as possible.

As a gun owner myself, and a member of the House Appropriations Subcommittee on National Defense, I have fired just about every kind of weapon conceivable. There is no doubt in my mind that the type of weapons we are discussing here today have no legitimate sporting purpose. No true sportsman would ever use one of these weapons for the hunting of game.

The only people who should possess these weapons are the men and women of our Nation's uniformed services and law enforcement agencies who are charged with protecting the American people.

There are those who say that banning these weapons will not prevent crime. There is no doubt this ban will not prevent all criminal activities, but if it saves the life of one innocent victim or protects one police officer patrolling our streets, then this ban is worth enacting today.

This legislation does not ban the ownership of these weapons. It does not require them to be turned in or registered. It does not even ban their sale or transfer. It simply bans their future production which will help dry up the supply available to the criminals who use them. We have already seen this to be the case as the number of murders, assaults, drug crimes and property crimes linked to imported assault weapons has declined since the imposition of an import ban established by President Bush in 1989 on a select number of weapons.

It is unfortunate that the legislation we consider today will not put an end to killing and murders in our towns and cities. No legislation we enact in Congress, no matter how tough, will do that.

This legislation, however, makes it more difficult for those who might commit these heinous crimes from acquiring weapons whose sole purpose is to maim and kill another human being. It does this while still protecting the fundamental second amendment rights of the American people.

Even Bill Jackson, of Pinellas Park, FL, the owner of Shop for Adventure, one of our Nation's largest sporting goods stores which sells guns, has written me in support of this bill saying these guns "have no need in the sports world, nor for personal defense."

Mr. Chairman, contrary to many of the assertions we have heard during this debate, the intent of this legislation is simply to stop the future manufacture of these killing machines. The legislation grandfathers any weapon in the act that is presently owned. It does not prohibit a gun owner from transferring their weapon to their son or daughter or to any other law abiding citizen. It does not require them to register their gun with local authorities, and it specifically exempts more than 650 hunting and sporting rifles. The legislation also make clear that a gun does not have to be on the list of exemptions to also be exempt.

People opposed to this act say this is the first step towards gun registration and gun confiscation. Well I am a gun owner, and I have used a gun to protect my family from criminals in my own home and I strongly defend the right of Americans to own guns, but I cannot support allowing the continued production of these 19 specific types weapons for use by any one other than a member of our Nation's uniformed services or law enforcement agencies.

Mr. Chairman, over the past few weeks I have searched my conscience at length and talked to many people from all sides of this issue. In the course of the debate I have received much input from my constituents, and, quite frankly, I have received threats of political retribution from both sides if I did not vote their way. To cast my vote for or against any legislation based on the threat of retaliation at the polls would be no different than casting a vote for or against an issue based on promised financial or political support.

In casting my vote today, I must decide what is in the best interests of the people I represent and all the American people. For those who have lost a loved one through a violent act committed by one of these specific types of assault weapons, or for those who patrol our streets and run the risk of encountering a criminal armed with one these weapons, I can only conclude that this legislation is in their best interest and the best interest of future victims of these weapons.

Just as those who believe this legislation is a panacea to prevent crime and violence in our streets are wrong, those who believe this legislation represents an erosion of our second amendment rights to keep and bear arms are also wrong. During this debate today, no one stood up to advocate that the second amendment covers the right of people to keep and bear machine guns or other military style weaponry. This legislation simply adds 19 specific types of weapons to a list of weapons that cannot be produced for anyone other than a member of our uniformed or law enforcement services. It does not confiscate or ban possession by those people who already legally own them.

This is an attempt to protect the lives of those who may one day run astray of a criminal in possession of one of these weapons of death. For those who would refer to the constitutional protection of the American people to keep and bear arms, and their is no greater proponent of this second amendment right than this Congressman, I would refer to the preamble of our Constitution which charges that "We the people, in Order to form a more perfect Union, establish Justice, and insure domestic Tranquility * * *" This legislation is one step in trying to help insure domestic tranquility and the preservation of innocent life.

Mr. RICHARDSON. Mr. Chairman, Americans are sick and tired of hearing about crimes that are being committed in their neighborhoods. It is our duty as U.S. Representatives to prevent criminals from controlling the lives of law-abiding citizens. The strong punishment and smart prevention measures found in the crime bill, which recently passed the House, lets criminals know that they will no longer be tolerated.

However, any attempt to take away the rights of law abiding citizens to own firearms is not the answer to stopping crime. In fact, the National Association of Chiefs of Police oppose the ban. Criminals by nature will break the law, and if Congress bans various assault weapons, criminals will simply choose to illegally obtain these or other weapons to perpetrate their crimes.

Furthermore, the second amendment clearly states that people have the right to keep and bear arms. The idea of banning certain guns is an infringement on the rights of citizens to protect their own families. If the assault weapon ban is passed, gun control advocates will seek further ways to violate the rights of gun owners. The focus should instead be on finding new ways to help kids say no to gangs and drugs through crime prevention programs as well as measures which keep repeat offenders off the streets. These are the measures which will keep all Americans safe. At the very least, the idea of banning certain guns should be left to each State. Therefore, States which are less urban and more rural should have the right to allow their own citizens to purchase guns for hunting, gun collecting, and other various purposes common in their own culture.

In addition, the legislation would also ban popular sporting rifles such as the Springfield M1A which is used by highpower rifle target shooters in competition. It is unfair to deny law abiding sportsmen their rights to own rifles which they use in competition. The ban also imposes penalties of up to 5 years in prison as well as a possible fine of up to $5,000 for those who own the banned guns. However, there are many citizens who legally have guns in their possession, and these law abiding citizens could be subject to penalties if they do not have proof that they purchased the gun prior to enactment of the gun ban. Since many guns lack serial numbers and other forms proving the date of purchase, many innocent individuals could be accused of violating the law.

Mr. Chairman, military-style weapons are involved in less than 1 percent of all serious crime, and the assault weapons ban will not keep crime off the streets. I therefore hope that Congress and the President pay less attention to gun bans and more attention to tough punishments and smart prevention measures.

Mr. ENGEL. Mr. Chairman, I rise today in support of H.R. 4269, the Assault Weapons Ban Act. As a cosponsor of this bill, I believe that it can only decrease our country's crime rate and ensure the safety of the American public.

The violent incidents in the United States which have been a result of assault weapons have not discriminated against any one region or age group. Since 1991 over 5,000 young Americans, ages 1–19, have died as a result of guns and tens of thousands more have been injured. In the United States today, a young man is more likely to die due to handgun violence than by any other means. We now have a chance to not only save the young men and women of our country but to also shield the hundreds of thousands of Americans who are in some way affected by guns each year.

Many organizations who do not support this bill advocate that a ban on assault weapons will infringe upon the American public's constitutional rights. In addition, they argue that there is no difference between which guns are proposed to be banned and which are not, and claim that this proposed ban will affect hunter's firearms. All of these allegations are false, as supporters of this bill already know.

The American Bar Association has clearly and continually stated that there is no credible constitutional ban on enacting strong, comprehensive assault weapon legislation. The ABA emphasizes that the Supreme Court, as well as lower Federal courts, have never struck down any regulation of private firearm ownership in our Nation's history.

It is almost unbelievable that, given the violent statistics, Congress has not devoted more attention to this issue until recently. The Treasury Department's Bureau of Alcohol, Tobacco and Firearms has stated that the narrow range of assault weapons which this bill would affect are not like ordinary guns. Rather, the weapons to be banned are, in effect, efficient killing machines. Hunters who fear that their weapons will be banned should not be concerned. The 19 specific guns which will be outlawed are those designed to kill humans, not to hunt animals.

Some 77 percent of Americans and two-thirds of gun owners polled are in favor of this ban. The fact remains that guns banned under H.R. 4296 make up only 1 percent of all privately owned firearms in the United States. Yet, in 1993 assault weapons accounted for 9 percent of the guns used by cop killers and over 8 percent of all firearm related crimes. This can not be tolerated.

In 1991, California passed the Nation's first assault weapons ban as an outcome of the tragic 1989 Stockton school massacre. As a result of this ban, California has held firm against the drastic Nation-wide growth of assault weapons. From 1991 through 1993, California requests for assault weapons rose less than half of the national average. This ban is an example of a proven method of reducing assault weapon violence.

Numerous bipartisan organizations, including major law enforcement organizations, who only have the public's best interests and safety in mind support H.R. 4296. I urge my colleagues to reflect the will of the American public and to vote in favor of this ban. Together we can win this battle against crime.

Mr. HALL of Ohio. Mr. Chairman, I rise in strong support of the Assault Weapons Ban Act. The increase in violence in our Nation's communities is an issue that deeply concerns me. As a Representative from my district of Dayton, OH, I have heard from many constituents who have expressed outrage and fear at the type of violence they face on a daily basis, and who have urged Congress to keep these guns out of the reach of criminals.

As a parent, I have listened to my children who have told me disturbing stories of how many young people get involved with guns and drugs in schools. According to the Centers for Disease Control, more than 50,000 American children have been killed by guns between 1979 and 1991. In 1991 alone, over 5,000 children between the ages of 1 to 19 died from gunshot wounds, and over 26,000 children were injured by guns. Mr. Chairman, action must be taken to ensure that children are safe in their neighborhoods and can attend schools in a learning environment. It is disturbing to hear that so many young people know the horror of such violence at an early age, and are planning their funerals instead of planning for their future.

I am not antigun, and I respect the rights of those who are hunters, sportsmen, and collectors. The bill before us does not pertain to these law-abiding citizens. Instead, it bans 19 assault weapons which are specifically designed to kill people in large numbers.

Obviously, this ban is not the only solution to the increase in gun-related violence. But, if we can curb the senseless killing of many individuals by banning these assault weapons, then I believe we in Congress have made one important step forward in addressing the violence in our country. I urge my colleagues to vote for the assault weapon ban.

Mr. RAHALL. I rise today Mr. Chairman, to oppose H.R. 4296, the bill to ban so-called assault weapons and to tell you how the people whom I am proud to represent feel about this effort to erode their rights.

I have heard from countless constituents who value the right to own the firearms of their choice so that they may participate in hunting or sporting activities or to be able to protect their homes or their families. They understand the facts that those who advocate gun control do not understand—gun control only restricts the rights of honest citizens, it has no effect on criminals. And that is what we are talking about here—gun control instead of criminal control or prevention who believe, for a moment that if successful today, this will be the end. Who are we kidding?

Let me tell you a little bit about West Virginia. We have very little restriction on our second amendment rights and yet we are not overrun by gun crime. We do not have shootouts on our streets. People do not barricade themselves in their homes, afraid to go out into their neighborhoods. On the contrary, West Virginia, a State with little gun control, enjoys one of the lowest crime rates of this Nation.

We should get one thing clear, Mr. Chairman, the debate here today is not about guns, it is not about assault weapons. What we are really talking about is prohibiting ordinary, peaceable Americans from owning private property of their choosing. As one of my constituents from Huntington, WV, wrote to me recently,

> Proposed antigun laws do not impact the criminal nearly as much as they impact me, the law-abiding, voting, proud West Virginia and United States citizen * * * . Our freedoms here in America are very precious. However, I feel that my freedoms are slowly but surely being erased.

We cannot go about legislating that some guns are good and some are evil without jeopardizing the rights of citizens to own guns at all. Those advocating gun control will not be satisfied until all weapons are on the evil list. Last year a little of the value of the second amendment was eroded when a waiting period for all handgun purchases was instituted. This year you are seeking to ban semiautomatic weapons that have certain arbitrary cosmetic features. Next year it will be something else and the process won't stop until the second amendment is a deflated ballon lying wasted in the trail of the parade bound to trample all of our personal freedoms.

I urge all my colleagues to pause for a moment to reflect on the impact of your actions here today and have the courage to support the rights of honest citizens. You cannot control crime in the streets by slapping handcuffs on the second amendment. Oppose H.R. 4296.

Mr. WISE. Mr. Chairman, the ban on assault weapons will not stop criminals from committing crimes, nor will it stop them from obtaining guns. The only thing this legislation will do is keep law-abiding citizens from owning the rifle, shotgun, or pistol of their choice.

I am alarmed at the panic that has been caused by the proponents of this legislation. The semiautomatic firearms that the assault weapon legislation seeks to ban make up less than 1 percent of all guns in circulation. Laws already exist that forbid convicted felons from owning firearms. Laws also exist that govern when a gun may be used and how it may be carried.

The only true military-style assault weapons are fully automatic and have been stringently controlled since 1934. This legislation will have no effect on the sale or ownership of automatic firearms which fire multiple rounds with one pull of the trigger.

This legislation deals with the semiautomatic firearm which fires one shot with one pull of the trigger—just like any other firearm. There is no difference in the action of a semiautomatic hunting rifle and the action of a semiautomatic rifle that would be banned except for the outward appearance of military hardware such as a folding stock or bayonet lug. With these items, it is considered an assault weapon and without these items, it is a sporting rifle. The firearm will still use the same bullets, fire at the same speed, and hit the same target, but those simple cosmetic changes are the difference between a legal and illegal weapon.

While gun control advocates label the "assault weapon" as the weapon of choice for criminals, it is important to note that assault rifles were used in less than 1 percent of all homicides. If we really want to help protect police officers, we need to fight crime—not infringe upon the rights of law-abiding citizens.

Mrs. COLLINS of Illinois. Mr. Chairman, on the morning of October 13, 1992, Annette Freeman prepared her 7-year-old son Dantrell Davis for first grade. As was her custom, she had planned to walk with him the few blocks to school through the Cabrini-Green Housing Development in which they lived, but as they emerged from their building, Dantrell was killed instantly by an AR–15 assault weapon shot by a sniper.

According to the Chicago Tribune, which ran a series of articles on the children killed by gunfire, Dantrell's mother told jurors at the trial that when she heard the shots she ducked and saw sparks coming from a 9th- or 10th-floor window of a nearby building. "I went crawling to Danny" she said. "He was laying on the ground. I just was asking him to get up, but he wouldn't get up. He wouldn't get up."

The weapon that enabled the sniper nine floors up at his perch in the adjacent high-rise building, to shoot and kill little Dantrell is a semiautomatic version of the M–16 machineguns used by the military. This weapon was traced by law enforcement agents in crime investigations more than 1,800 times between 1990 and 1993. There is absolutely no legitimate reason for this weapon of war to be available and as easy to purchase as the bookbag that Dantrell carried to school. This is a national disgrace.

In 1989 we banned the AR–15 from re-importation into the United States because it did not meet the sporting purpose criteria under the Gun Control Act. Obviously if these weapons should not be imported or re-imported then we certainly should not allow 400,000 of them to be manufactured here in this country. This lunacy must end.

This past December, 16-year-old, Gerome Allen who played basketball for Westinghouse High School was standing outside Banner Supermarket on Chicago's westside, holding a box of doughnuts, waiting for his brother who was still inside the store, when gunfire erupted from a building across the street. One of the bullets from an AK–47 assault weapon fatally struck him in the back of the head.

Over the course of this debate I am sure that we will hear from a chorus of assault weapons promoters backed by the NRA, or the not really attuned, who will say that the list of weapons included in the ban includes guns which are used by sportsmen. They will argue that the ban would prohibit these law-abiding citizens from enjoying their sport. While I believe that the bill has been crafted in such a way as to avoid this problem, I must say that as a mother I find it hard to listen to arguments about inconvenience when regularly innocent children are being killed because of the existence of these weapons on our streets. Guns which cause completely unnecessary destruction and death in their wake. There is no question that the lives saved by this ban more than justify any possible inconvenience that it may impose.

The NRA should realize that they are doomed to failure. Nobody really agrees with their views because Americans know that the NRA stands for Not Really Aware, or in Need of a Reality Adjustment. They must be stopped before these John-Wayne-wannabes misuse the second amendment to turn America into a shooting gallery.

Mr. Chairman, this bill comes too late for Dantrell's mother or the mother of Gerome Allen, but as Mother's Day approaches let us allow a few other mothers the chance to see their children live. H.R. 4296 is a measured, and reasonable approach to control a category of weapon which has no business being on our streets. If ever there was an important and rational piece of legislation this is it. I urge my colleagues to support H.R. 4296.

Mr. COYNE. Mr. Chairman, I want to express today my strong support for H.R. 4296, a bill to ban certain, specified military-style assault weapons. Passage of this bill to ban assault weapons is a vital element of our Nation's campaign to control crime and address the most dangerous types of violence in the streets of local communities.

Recently, I voted along with a majority of the House to pass H.R. 4092, the Violent Crime Control and Law Enforcement Act, also known as the crime bill. This legislation committed a record $28 billion to the war on crime and provides significant increases in federal grants to states and local governments for anti-crime efforts. More prisons will be built to keep convicted criminals in jail for longer periods. More police officers will be hired to patrol local communities. More resources will be committed to the prevention of crime.

The House bill, however, did not address the issue of gun violence in an aggressive manner. Today, the House has an opportunity to show the Nation that reasonable men and women can take action to stem the availability of assault weapons. We can respond to the outcry against the use of military-style weapons on neighborhood streets and school play grounds. We can help local police officers who are at risk to facing criminals with MAC–11 assault pistols loaded with 32 rounds of ammunition.

There is strong support in Pittsburgh and Pennsylvania for restrictions on assault weapons. Both the city of Pittsburgh and the city of Philadelphia have passed local laws banning the sale of assault weapons. A recent poll conducted by Mansfield University Rural Services Institute showed that 77 percent of southwestern Pennsylvania supported prohibiting the sale of guns classified as semiautomatic assault weapons.

The House Judiciary has reported responsible legislation to prohibit the sale of assault weapons. This bill bans the future manufacture or sale of 19 specific assault weapons, including the AK–47, the Uzi, the TEC–9, the Colt AR–15, and the street sweeper revolving cylinder shotgun. Also covered would be assault weapons which have two or more military style features, such as folding stocks, protruding pistol grips, or bayonet mounts.

I am proud to be a cosponsor of legislation to prohibit the sale of assault weapons. This responsible bill promotes public safety by restricting the sale of military-style assault weapons while specifically exempting by name 670 of the guns most commonly used by hunters and recreational gun owners. In addition, this bill will not result in the confiscation of any gun. Legal gun owners are grandfathered under this proposal.

This effort to ban assault weapons has widespread support among law enforcement groups who want to diminish the dangers confronting police officers who serve and protect our communities. Groups supporting the ban include the Fraternal Order of Police, the Federal Law Enforcement Officers Association, the International Brotherhood of Chiefs of Police, the International Brotherhood of Police Officers, the National Association of Police Organizations, the National Sheriffs' Association, the National Organization of Black Law Enforcement Executives, and the Police Foundation.

A ban on assault weapons is also supported by a broad coalition of civic, labor, education and community groups, including the U.S. Conference of Mayors, the National Urban League, the National League of Cities, the National Association of Counties, the AFL–CIO, the National Education Association, the American Federation of Teachers, and the National Congress of Parents and Teachers.

In addition, this legislation is supported by health care professionals who must attempt to treat individuals wounded by assault weapons. Medical groups such as the American Medical Association, the American Academy of Pediatrics, and the American College of Emergency Physicians all support a ban on assault weapons.

Opponents of this legislation say that a ban on assault weapons will not stop violent crime. An end to all violent crime may not be within our reach. I believe, however, that this ban on assault weapons will help reduce violent crime. There comes a time when it is better to take action even on a modest scale rather than throw up our hands in defeat. It is time to act against criminals who enjoy unrestricted access to the most dangerous weapons currently in widespread production for the retail marketplace.

Mr. Chairman, the crime bill recently passed by the House will be incomplete without approval of this law to ban assault weapons. I urge my colleagues to vote for this provision. A ban on assault weapons must be part of the final crime bill to be sent to President Clinton later this year.

Mrs. FOWLER. Mr. Chairman, I rise today to oppose the assault weapons bill.

My belief is that the measure pending before us today will do little if anything to halt the very real problem of crime in this country. The weapons that are identified in this legislation are involved in only a very small percentage of crimes. In fact, the Bureau of Justice statistics reported in 1993 that violent criminals use a "military-type gun" in only 1 percent of crimes nationwide.

Rather, this legislation is an attempt to provide a fig leaf to those in this body who do not want to see real crime control measures put into place. The Rules Committee has disallowed an amendment that would have imposed mandatory minimum sentences on those using guns in the commission of a violent felony or drug crime as an alternative to this measure. Just a few weeks ago the House defeated measures that would have made a real difference in the fight against crime—measures like requiring States to ensure that no less than 85 percent of convicts' sentences are served in order to obtain Federal prison construction grants, allowing the use of evidence that is obtained in good faith but thrown out of court due to technicalities, and reforming our Nation's habeas corpus laws to prevent endless death sentence appeals.

The fact is this bill is little more than a feel-good band-aid for politicians who want to say they're tough on crime but are afraid to be tough on the criminals. It will do little to halt the real crime problem that exists in this country. At the same time, it purports to address the crime problem without regard for the rights of law-abiding citizens who wish to use popular rifles like the Colt Sporter—which would be banned under this bill—in legitimate shooting competitions.

It is my hope that this body will defeat the measure before us today, move on to a conference with the Senate on the crime bill, and bring a crime bill back to this House that provides real teeth in the fight against crime.

Mr. ROGERS. Mr. Chairman, due to a personal tragedy, the death of my closest friend, Dr. Stephen Kelley, I will be unable to cast my vote today against H.R. 4296, the Assault Weapons Ban of 1994, so that I may attend his funeral in Somerset, KY. While I loathe to miss any vote, particularly one as important as this, there are rare and extraordinary occasions when we must put family and friends above all else. This is one of those occasions.

However, I want to reiterate to my colleagues my continuing staunch opposition of H.R. 4296, the Assault Weapons Ban of 1994. Had I been able to cast my vote today, my vote would have been an unequivocal no. My position has remained unchanged since I cast my vote against the assault weapons ban in 1991.

I remain opposed to the assault weapons ban for the following reasons:

First, it is clearly unconstitutional. The second amendment gives every law-abiding citizen the right to bear arms. Once again, Congress is intent on trampling the constitutional rights of every law-abiding American citizen.

Second, gun control is not crime control. One needs to look no further than our Nation's capitol to see that this is true. Washington, DC has the strictest gun control laws in the country, and the highest per capita murder rate of any city in this country.

Third, contrary to the antigun lobby's claims, assault weapons are not the weapon of choice for violent criminals. Less than one half of 1 percent of all violent crimes involve assault weapons. In contrast, 15 percent of all violent crimes involve knives, and 5 percent involve fists and feet. In fact, the Bureau of Alcohol, Tobacco, and Firearms has stated that for every 4,000 violent crimes reported to the police, only one involves an assault weapon. Clearly, an assault weapons ban is not the answer to violent crime.

Mr. Chairman, it is time we got tough on crime. In order to do that we must take away the freedom of criminals, instead of attacking the freedom every law-abiding citizen is given under the Constitution. I urge my colleagues to defeat this legislation.

Mr. BONILLA. Mr. Chairman, I do not believe that restricting the legal purchase of guns will curb crime. The firearms listed in this bill—despite their outward appearance—operate the same as, and are mechanically no different than, popular sport and hunting firearms. So I have to ask what is the agenda of the supporters of this ban and where will this Federal intrusion on constitutional rights end? If these firearms are being banned due solely for their looks, what is the point? Or rather what is the objective? Are sport and hunting rifles to be next?

Banning these firearms would only be a cosmetic approach to crime prevention. According to FBI statistics more crimes are committed using fists and feet—5 percent—than with these firearms which account for less than 1 percent.

This ban is the wrong approach. We can best address the illegal use of firearms by concentrating our efforts on the actions of criminals. According to the Department of Justice, Bureau of Justice Statistics, only 6 percent of criminals commit approximately 70 percent of violent crimes. A Rand Corp. survey found that the average career criminal—just the average criminal—commits between 187 and 287 crimes a year, with each crime costing an average of $2,300. In one recent study of State prisoners, it was found that 10 percent of criminals committed 600 crimes a year. This ban is misdirected because it targets the people who live within the law not those who break it.

Gun control laws have proven largely ineffective in fighting crime. Instead, we should pursue stiffer penalties for criminals in order to deter future acts of violence. We should also ensure that convicted criminals serve their full sentences. Although violent offenders released from prison in 1990 received an average sentence of 7.8 years, the time actually served is usually only 3.1 years. In fact, for every 100 violent crimes reported, only four criminals go to prison. Even more heinous is the fact that this year over 1,100 convicted murders will not even go to prison. Clearly, we need criminal control, not gun control. Please join me and vote against this legislation.

Mr. CRANE. Mr. Chairman, I hear every day from my constitutents who are afraid to go out at night into their once quiet suburban neighborhoods because they are afraid of crime. It is a sad day when peaceful citizens are locked up and the criminals run free.

Unfortunately, the bill now before the House will only perpetuate this trend. Instead of putting killers behind bars, it makes criminals out of law-abiding Americans.

We do not need another gun control bill. Chicago has some of the most restrictive gun bans in the Nation, yet the homicide rate there continues to rise. The so-called assault weapons named in H.R. 4296 are rarely used in crimes, yet this bill is being touted as the beginning of the end of crime. I submit to my colleagues that passage of H.R. 4296 will mean only the beginning of the end of our inalienable and constitutionally protected right to defend our homes and families.

We need legislation which will send criminals to jail with swift and certain punishment. We have 7 percent of criminals committing 80 percent of crime in the United States, certainly we need to ban criminals, not guns.

I strongly urge my colleagues to oppose this ill conceived legislation, H.R. 4296.

Mr. EWING. Mr. Chairman, I rise today to oppose the assault weapons ban.

Today we are going to hear compelling arguments from both sides of this issue. I suggest that instead of focusing on our differences, we look to what I think is our common goal—to eliminate the use of these weapons during the commission of a crime.

This legislation will only affect law-abiding citizens who use these sporting rifles in competition as skilled marksmen and collectors. This legislation will not affect the criminals who use firearms during the commission of heinous crimes.

Law-abiding citizens agree that there is absolutely no place for these weapons on the streets of America. Only criminals are using these weapons on the streets and most of them get their firearms illegally. We must enforce the laws we already have to keep guns out of the hands of these thugs. We must prosecute these criminals and lock them in jail for a long time. We must eliminate early release from prison and reform the endless appeals process. We must go after the gang leaders and drug dealers who perpetuate these violent crimes. We can start by better enforcing the laws we already have on the books.

Passing more guns laws will do nothing to keep criminals from committing crimes with guns. Cities in this country which have the toughest gun control laws, such as Chicago and Washington, DC., have the highest rates of gun violence. If you disarm the people, criminals have the upper-hand and the toughest weapons. In fact, a constituent called me just this afternoon to report an incident in my district this week in which a gentleman scared off two burglars because he had a gun to defend himself.

While any crime committed with a firearm is a terrible tragedy, assault rifles are less than 1 percent of the weapons used in homicides in the United States.

Gun control is not crime control. This legislation is a feel good bill that makes us feel like we are actually doing something to make our streets safer. I urge my colleagues to oppose this ban and support tough anticrime legislation to lock up violent criminals and truly make our streets safer.

I am submitting to the RECORD a statement from Jacquie Miller which appeared in today's Wall Street Journal. Jacquie was shot by a co-worker with an AK-47. In spite of her tragedy, she believes that disarming innocent people will give criminals the upperhand. We can learn a lot from her experience.

[From the Wall Street Journal, Thurs., May 5, 1994]

NOTABLE AND QUOTABLE

The House is expected to vote today on an assault-weapon ban backed by the administration. Last week, Jacquie Miller of Louisville, Ky., who was shot four times in 1989 during a co-worker's attack with an AK-47 (one of the weapons targeted by the ban), testified against the bill before a House subcommittee. Here are some excerpts:

[The killer] used an AK-47. Because of that 12 people lived instead of 20 dying. If he had used a shotgun or a various model of hunting rifle, none of us would have made it.

It completely enrages me that my tragedy is being used against me to deny me and all the law-abiding citizens of this country the right to the firearm of our choosing. I refuse in return to use my tragedy for retribution against innocent people just to make myself feel better for having this misfortune.

Enforce the laws against the criminals already on the books. After all, there are already over 20,000 of them. More won't do a thing for crime control without everything working together for the common good. Plea bargaining, early release from prison and the way juvenile crime is being handled are killing our society. If we don't start practicing morality and decency and worshiping God instead of ourselves, all the new laws in the world won't help. You cannot ban everything in the world that can be used as a weapon because you fear it, don't understand it or don't agree with it. This is America, not Lithuania or China. Our most cherished possession is our Constitution and Bill of Rights. Let's not sell those down the river or we could one day find ourselves in a boat without a paddle against the criminals who think we're easy pickings.

Mr. KIM. Mr. Chairman, over the past 2 days, I have heard many compelling arguments both in support of the assault weapons ban and those opposed to it. While I respect the views of my colleagues on both sides of this issue, I believe there is a far greater issue at stake here.

As an immigrant, I wasn't born with the same rights as children born in this country. I came to America as a young man with no money and little education. I earned my American citizenship and the rights that go with it. Thus, I am very reluctant to have a right that I worked hard to earn taken away in one fell swoop.

Today, in this Chamber, we will vote on a measure that will greatly restrict one of our constitutionally guaranteed rights. Specifically, the second amendment. If this measure passes, I am confident there will be additional measures to further restrict this right. There have been in the past, and I'm sure more will follow.

My fear is that restriction of this right will lead to restriction or outright repeal of other rights. If today Congress can tell us what kind of weapons we can or cannot own, I fear that tomorrow they will begin to tell us what religion we may or may not practice. If we can chip away at the second amendment, then why not the first, third, or any other amendment when it becomes politically popular to do so?

But let's get to the heart of the issue, which we all know is not guns, but crime. Two weeks ago, Members of this body had a perfect opportunity to pass a tough crime bill; to keep violent criminals behind bars; to streamline the habeas corpus process; in short, to make our streets and cities safer. But this body knuckled under to the political pressure of the liberal media. As a legislative body, we failed. And the American people will suffer because of our lack of will.

Instead, Congress is offering midnight basketball and gun control to the American people as real solutions to crime. These popular feel-good provisions demonstrate to me that Congress is not serious about crime. Instead, it is more concerned about headlines.

Until Congress makes a firm commitment to put the rights of law abiding citizens before the rights of criminals, we should keep our hands off of the Constitution.

Mr. BARCIA of Michigan. Mr. Chairman, today we are being asked to cast a most important vote. We are being asked to risk taking action in violation of the second amendment in order to provide a dangerously false sense of security about needed crime control.

I deplore violent crime. I deplore the use of assault weapons in crime. I deplore the use of single shot weapons in crime. I deplore the use of knives in crime. I deplore the use of physical violence in crime.

The bill before us today suggests that if we ban certain weapons, the crime will somehow magically disappear. There are some people who like to believe in fairy tales, but I am not one of them.

If we are concerned about crime, then we need to make punishment swift and certain. We need to give police the resources they need to deal with criminals. We need to make the courts work faster. We need to protect witnesses so that they do not shy away from testifying about crimes they have witnessed, as was the case here in the District of Columbia recently when people who witnessed assaults on a police officer in a school decided they did not want to testify.

I have had police officers tell me that this bill is unenforceable. It makes criminals of law-abiding gun owners, while doing nothing about the illegally obtained weapons that are already out there. It does nothing about crimes that are committed with guns that are not banned in this bill. If gun control laws could control the problem, then those communities that have adopted ownership restrictions should have little or no problem with the use of guns in the commission of a crime. But we all know for a fact that this is not the case. Ladies and gentlemen, I and many of my constituents are responsible gun owners. We do not use these weapons illegally. We store them properly. We take training in their proper use. If the legislation before us today is adopted, how long will it be before some other well-intentioned but misguided soul says "let's add only a few more guns to the list"? It is precisely because of concerns about a heavy-handed government infringing upon the rights of responsible individuals that the second amendment, along with the rest of the Bill of Rights, was adopted. I see no real willingness in my constituency to give up second amendment rights. In fact, I have had many constituents call me to tell me that they do not own guns and they oppose this bill because they do not want to have the right of law-abiding citizens to own guns lessened in any way.

And if it is second amendment rights that the proponents of the assault weapon ban want given up, then why not propose a constitutional amendment to redefine the second amendment? Could it be that the proponents of the bill know that there is little true public support for such a radical change in our constitutional liberties?

As I said, I want crime controlled for the benefit of all of us. This bill does not achieve this goal. I cannot support flim-flam and tell my constituents with a straight face that today the House of Representatives voted to make a real difference. I urge a "No" vote on this bill.

Mr. PACKARD. Mr. Chairman, I rise in opposition to H.R. 4296, the assault weapon ban. This kind of legislation will not solve America's violent crime problem and may actually exacerbate it.

My colleagues need only look right outside the doors of this Chamber to see the evidence. After the District of Columbia banned handgun ownership in 1976, its homicide rate tripled. Our Nation's Capital now has the infamous distinction of the "Murder Capital of the World."

Furthermore, as my constituents in California know, California assault ban has done nothing to curb violent crime. Since 1989, when the California's assault weapon ban went into effect, the State's homicide rate jumped 44 percent above the rest of the Nation's.

These kinds of statistics confirm that gun control legislation only puts law-abiding citizens at risk. People use firearms to thwart criminal attack more than 2 million times a year—that is three times the number of times criminals use their illegal guns to inflict violence on innocent Americans.

So, if gun bans don't work, what will? The data shows that incarceration does. States where criminals are kept locked up and citizens own guns without Government intrusion enjoy less crime than places where guns are banned.

The Nation already has a national gun policy—a tangled web of 20,000 local, State, and Federal laws. What the country lacks is a national crime policy that takes violent criminals off the streets and locks them up.

President Clinton urges Members to support this legislation in an effort to outlaw firearms "designed for the battlefield." However, the semiautomatic weapons listed in this legislation only look like military firearms. True military weapons are fully automatic. The guns outlawed in this bill function no differently than the so-called good guns not yet listed in the bill.

Passage of this legislation opens the door for further abridgement of our second amendment rights. This bill is clearly unconstitutional. It puts Congress in the position of granting or denying permission to exercise a liberty specifically guaranteed in the Bill of Rights.

Mr. Chairman, let us not confuse "privilege" with "right." Gun ownership is a right for law-abiding citizens of this country.

Mr. KOLBE. Mr. Chairman, I rise today in opposition to H.R. 4296. This legislation will do nothing to curtail the violence that plagues our Nation.

In fact, the military-looking semiautomatic weapons targeted by this legislation are involved in less than 1 percent of homicides nationwide. Frankly the proponents of this legislation have been involved in a massive attempt to mislead the public as to what exactly an assault weapon is. It is not an automatic machinegun. It is not a weapon used by the U.S. military. It is not a weapon any more or less deadly than the rifles my family had at the ranch I grew up on in southeastern Arizona. The fact is these so-called assault weapons are merely cosmetically altered, semiautomatic weapons.

Additionally, there is a constitutional issue raised by this Federal legislation. The second amendment of the Constitution read: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." I believe this provision could be read as a prohibition against the Federal Government denying citizens the right to bear arms.

Besides the constitutional limitation on gun control, I have seen no evidence that demonstrates its effectiveness. In fact, many areas of the country that have the strictest gun control measures, such as Washington, DC, and New York City, also have some of the highest levels of violent crime. Unfortunately, the vast majority of violent crimes are committed with weapons obtained illegally. Such crimes would not be prevented by any form of gun control. As a result, gun control laws regulate the behavior of law-abiding gunowners, while having no real impact on criminals. Frankly, many of our most violent criminals on the street have weapons that are more powerful than any of the guns that would be banned under this legislation.

What the House has failed to do is pass meaningful anticrime legislation that will truly reform our crippled judicial system, get violent offenders of the streets, and not infringe on the rights of law-abiding gunowners.

When I hear about incidents of crime from constituents—stories about gang violence in South Tucson, border robberies in Naco, and drug-related violence in the Catalina Foothills—one fact becomes increasingly apparent: This Nation has a dysfunctional criminal justice system. We have a system that releases dangerous criminals into the community when they should be serving their sentences, that gives more weight to the rights of criminals than to victims, and makes it impossible to carry out the death penalty when it is imposed.

On April 21, 1994, the House passed H.R. 4092, the Violent Crime Control and Law Enforcement Act. I voted against this bill. Frankly, it is a sham. While accompanied by much fanfare and anticrime rhetoric, the reality is that it will do almost nothing to stop violent crime.

The House crime bill has several defects, but perhaps the worst is the inclusion of the Racial Justice Act [RJA] which emasculates the death penalty, and frankly could mean that there will never be another death penalty carried out in this country again. The RJA will establish a quota system for capital punishment which will lead to the perverse result of making race the most important factor when a prosecutor decides to seek the death penalty. If a death row inmate shows there is a statistical disparity based on his or her own race or the race of the victim, the RJA could invalidate a death sentence based on information that has nothing to do with the case.

Worst of all, the RJA would apply retroactively—potentially freeing from death row some 3,800 convicted murderers on death row. While all may not succeed in voiding their capital sentence, the information from these cases will take many hours, and millions of dollars, to reassemble. If such information is no longer available, the applicable death sentences could all be dismissed. All in all, RJA seriously undermines the perception and reality of a color-blind system of justice.

Additionally, the bill targets $8 billion, not to law enforcement, but to social-welfare programs. President Clinton says this will prevent crime by raising self-esteem of prospective criminals. While there is a kernel of truth in that statement, $8 billion is a lot to spend on some dubious prevention measures. The real way to stop violent crime is to keep criminals off the street by assuring there is sufficient prison space, and by enacting "truth-in-sentencing" laws which would require violent criminals to serve at least 85 percent of their sentences.

Regrettably, the crime bill we just passed is a hoax, and the bill we will vote on today, H.R. 4296, is also a hoax. They are examples of the Democrat's schizophrenia: On one hand they talk tough about crime and the criminal, on the other hand they rely on social-welfare remedies and on infringing upon the second amendment rights of law-abiding citizens.

I want to insert into the RECORD testimony given by a constituent of mine, Phillip W. Murphy, on April 25, 1994. He testified before the House Judiciary Subcommittee on Crime, and I encourage Members to read his comments. His testimony illuminates the misguided nature of the bill before us today.

I strongly urge my colleagues to oppose this legislation.

PREPARED TESTIMONY BY PHILLIP W. MURPHY BEFORE THE HOUSE JUDICIARY SUBCOMMITTEE ON CRIME, APRIL 25, 1994

In thanking the Chair and members of this committee for inviting me to testify this morning, it is important that this committee understands exactly what event brought me here. Simply put, I made a choice not to be a victim.

I exercised this choice on a conscious level, but my choice to purchase the firearm which would hold the potential of saving my life and help me bring a convicted felon back to justice was purely pedestrian. Hopefully, this testimony will make my visit to the Capitol more than an exercise in futility. You see, in the eyes of the media, this administration and the majority of the members of this committee, my choice of a defensive weapon in this instance was so politically incorrect that my government may no longer trust me with this firearm. Indeed, I could be considered a potential felon.

I mentioned the pedestrian manner in which I made my decision to buy the longarm in question because, frankly, my decision was driven by only two factors: pragmatism and pride. In February of 1986, I purchased a Colt AR-15A2 H-BAR Sporter, a semi-automatic rifle chambered in .223 Remington. I chose this very practical rifle for a variety of purposes: competitive target shooting, varmint hunting, inexpensive plinking (it converts to a .22) and yes, home defense. This rifle serves my needs while remaining an utterly reliable, easy handling, and nearly recoil-free precision instrument * * * qualities I have come to appreciate more and more as my physical condition deteriorates due to Multiple Sclerosis. So much for my pragmatic concerns.

The matter of pride comes into play in my desire to honor our military by doing what countless millions of Americans have done since the Revolution. I bought a civilian version of the weapon currently in use by our nation's armed forces. And there's the rub. I bought a rifle that merely looks like an M-16, not one that works like an M-16.

It is what makes my rifle so unremarkable in function that makes me so infuriated to have to defend my choice of this quality firearm at this hearing today. My rifle shares its caliber, magazine capacity and century-old technology with the Ruger Mini 14; an equally capable tool which is not seen as worth banning by this administration because of some very politically incorrect reasoning—a Mini 14 is not as ugly as an AR-15. Hard to believe, but true. Two inanimate objects identical in function and capability are given different so-called "personalities" by the same legislative body because one gun is "prettier" than the other. As a matter of fact, until the comely Ruger is affixed with a pistol grip like my Colt, no menacing label can be applied to it which could preclude its sale as will be the case for my rifle. Pistol grips don't give a rifle or shotgun a "personality", they make them easier to control. A Benelli Super 90 shotgun, President Clinton's duck hunting "weapon of choice", will fall out of favor with Congress by merely adding a pistol grip. But I digress. I'm here to convince this committee that I made the right choice in a defensive arm.

In late August of 1989, Johnny Johnson (a convicted burglar with a penchant for crack cocaine) was also making some personal choices. On the afternoon of the 28th, Johnny decided to rob my parent's home. He stole guns, jewelry, coins, and irreplaceable valuables which my mother treasured. I'm certain that Johnny considered my parent's home a good choice because three days later he came back to finish the job. That proved to be what Johnny would call, "a bad choice".

The investigating officer who took my parent's burglary report mentioned that, because only the bedroom had been violated and the point of entry was not yet adequately secured, the chances of my folks being robbed again within the week were better than 50/50. They worked days. The house wasn't secure. The police could not offer them protection. I could.

I arrived at their home every morning armed with a weapon I could control with one hand while I spoke to 911 with the other. I brought a weapon so intimidating that I might preclude any aggressive action taken against me by its appearance alone—a weapon with which I could control a situation against possibly numerous antagonists who by now were almost certainly armed. I brought a weapon to help me win.

The confrontation was brief and noisy. He said he didn't want to die. I said I didn't want to be forced to kill him. By the time I picked up the phone upon which I had already dialed 911 so the police could hear and understand my situation, I realized I'd won. Mr. Johnson's arresting officers were not the least bit critical of my choice of defensive weapon. They couldn't care less. Cops on the street know that the honest citizens are the victims, not the perpetrators. They were just delighted I bagged one of Tucson's most wanted, and so were the courts.

Johnny Johnson was already a three-time loser with 34 priors who was violating his third adult parole for a knife assault when we were "formally" introduced. We were told by the County Attorney that since Johnson was a "targeted offender" he could not plea bargain his way out of this one and would have to stand trial, but he didn't. He pled guilty to one charge for every charge that was dropped and, unfortunately, the very burglary where I was the intended victim was pled away as well.

Of course, this rap sheet is fairly typical, but Mr. Johnson was only 19 when I caught him. For those of you who may have spent your formative years inside of the beltway, this means all of his 34 transgressions and supposed punishment took place since Mr. Johnson was 18. And yet I'm the one who is under scrutiny by this proposed legislation.

I respectfully urge this committee and the Congress of these United States to restrain themselves from forcing tens of millions of law-abiding Americans like me to choose between the law and their lives.

Thank you for your attention,

PHILLIP W. MURPHY.

Mr. SKAGGS. Mr. Chairman, I urge my colleagues to join me today in support of H.R. 4296, the Assault Weapons Ban Act. A vote in favor of H.R. 4296 is a vote in favor of a safer and saner society that will no longer tolerate the carnage these firearms have brought to our streets.

The legislation before us today will begin to take off the streets the most deadly of all firearms—military-style assault weapons designed for no other purpose than to kill human beings quickly, and in large numbers. There is no compelling sporting purpose to any weapon having an ammunition magazine holding a dozen rounds of ammunition. No hunter needs a weapon with a threaded barrel for a flash suppressor or a silencer. And attachments for grenade launchers are not necessary for home defense. This is just common sense.

I think it's important for opponents of this legislation to keep that in mind when they defend their position by claiming these weapons have legitimate sporting purposes. But I also think those of us who support banning these weapons should clearly and directly address the issues raised by opponents of this proposal. I'd like to take this opportunity to answer some of the questions I've heard from my constituents.

Some have asked, "Why ban these weapons when they only account for a small percentage of the crimes committed in this country every year?" That may be true, but when you look at the figures, it becomes clear that the amount of crime related to these weapons is disproportionately high. Assault weapons of the type covered by this legislation account for somewhere between 0.5 and 1 percent of all the privately-owned guns in America. But they're 10 to 20 times more likely to be involved in a crime than a conventional weapon. And that's just the weapons that are traced to crimes. We have no idea how many are used that we can't trace.

Clearly, these weapons are used far too often in violent and deadly crime. And we know from experience that banning them will have an impact on that crime. My evidence? President Bush, by executive order, banned the importation of 43 models of semiautomatic assault rifles in 1989. Since then, the number of imported assault weapons traced to crime declined by 45 percent, while the number of domestic assault weapons traced to crime remained the same. The lesson we learned then is the principle we should remember today: dry up the supply of these weapons, and you start to dry up their use in the crime.

Some respond to these facts by saying, "Well, that may be true, but why pass legislation banning guns instead of just going after the criminals that use them?" The answers are simple. First, we are going after the criminals. Just a couple weeks ago, the House passed a crime bill that commits more Federal funds than ever before to putting more cops on the street and providing more resources for State and Federal law enforcement officials to combat crime.

Second, we know from experience that one of the things we need to do to fight crime is to take away the tools criminals use to commit those crimes. In the past we've taken such measures as banning fully automatic weapons, so-called "cop killer" bullets, and other destructive devices that have no legitimate place in our society. These and other steps to outlaw the instruments of crime—along with tougher sentencing, better funding, and more prevention—are critical parts of the crime-fighting equation.

Enactment of this legislation isn't the end of the fight. More needs to be done on a number of fronts. We need to pass meaningful welfare reform, improve our Nation's education system, and take steps to strengthen the economy and create jobs. All this and more must be done.

But one thing we can and must do is restrict access to the most deadly firearms so criminals don't have access to them.

OK, some ask, but why take firearms away from law-abiding citizens who want to use them for legitimate purposes? The answer is simple—this bill doesn't do that. No firearm will be taken away from its lawful owner. All existing weapons, no matter what their characteristics, are grandfathered by the law. That means that if you lawfully own them now, you can lawfully own them after this bill becomes law. And if you don't own one, you can still lawfully buy one.

All this bill does is prohibit the future domestic manufacture and import of the weapons covered by this bill. Sure, that will mean that the supply of these weapons will be reduced in the future—and that's exactly the point. And yes, that means getting access to them will be more difficult for law-abiding citizens. But gun control, like so many issues, involves a balancing test between public safety and individual rights and privileges. I believe reasonable regulation of this particularly deadly class of weapons both preserves the rights of legitimate gun owners and makes us all safer from the crime that threatens our communities.

Finally, I've been told that this bill would ban legitimate hunting and sporting rifles, not just the assault weapons that its sponsors claim. That's just not true. In addition to the 19 types of semiautomatic assault weapons specifically listed in the bill to be banned, there is a list of 650 types of hunting and sporting rifles and shotguns which would be explicitly exempted from the ban. But neither of these lists is all inclusive. The bill also includes a very specific set of criteria that will allow the Bureau of Alcohol, Tobacco and Firearms to decide which other weapons are to be banned and which are not. There is no guess work here. Either a weapon meets the description of a banned semiautomatic weapon or it doesn't.

And what's on this list? Well, for one thing, a rifle must be semiautomatic, and able to accept a detachable magazine, and have at least two of the following five features: First, a folding or telescoping stock; second, a pistol grip that protrudes conspicuously beneath the rifle's action; third, a bayonet mount; fourth, a flash suppressor or threaded barrel designed to accommodate a flash suppressor; or fifth, a grenade launcher. None of these five features are necessary for hunting or sport shooting—but they sure help criminals looking to intimidate, wound or kill. Banning weapons with these characteristics will have no effect on hunters or sportsmen, and won't impinge on anyone's ability to lawfully protect themselves, their loved ones, or their homes with a firearm, should they choose to do so.

Ultimately, I have to agree with nearly every major police organization in the United States—and around 80 percent of the American public, no matter what their age, or sex, or income, or where they live—who believe this will be an effective way of fighting violent crime.

I know that opponents of this legislation have made a concerted effort to defeat it. They've rallied a small, very vocal minority to register their opposition in an organized campaign designed to intimidate us into voting against this bill today. But we should not be deterred by tactics designed to intimidate us in the same way these weapons are designed to intimidate their victims. There is absolutely no doubt in my mind that the vast majority of my constituents support this ban, and that's one of the reasons I will be voting yes.

While I'm under no illusion that this bill will end the crime problem plaguing our Nation, I believe it will cut down on the amount of combat we see on our streets every day. That alone merits our support, and I strongly urge my colleagues to join me in support of H.R. 4296.

Mr. MFUME. Mr. Chairman, I rise today in strong support of the legislation. The bill before us is both effective and fair; it will make it harder for criminals or mentally deranged individuals to get their hands on these destructive weapons, yet it protects the rights of legitimate, law-abiding Americans.

In addition to outlawing 19 assault weapons, the legislation before us also specifically protects, by name, 650 of the most common recreational rifles and shotguns now being produced. If this legislation is enacted, hunters and gun enthusiasts will have 650 weapons, including over 60 semiautomatic guns, specifically protected by law. I would think that this provision alone would cause some sportsmen to at least consider supporting this legislation.

Mr. Chairman, I will admit I am not a hunter. I do, however, listen to the hunters in my district as well as across the Nation. I have listened, in fact, to one nationally known hunter, with whom I rarely agree, Mr. Barry Goldwater. According to Mr. Goldwater, semiautomatic weapons "* * * have no place in anybody's arsenal. If anyone can't hit a deer with one shot, then he ought to quit shooting."

I have been to the funerals of innocent children and adults who have been killed, needlessly, by stray gunfire. I have seen firsthand the impact of these and other weapons on our streets, in our communities, in our neighborhoods, and in our schools.

Mr. Chairman, we have heard it before today, and we will hear it again, because it is true. Military assault weapons have no place in our society.

I strongly support the right of all Americans to protect themselves and to pursue endeavors such as hunting in which they indulge for sustenance.

I also strongly support the rights of all Americans to pursue life, liberty, and happiness. Assault weapons can indiscriminately take away all ambition for life or happiness in just seconds.

Let's take the case of Lawrence Miller, who died on November 22, 1993.

At the time, Lawrence was 13 years old.

Lawrence was a resident of Baltimore. At 1 o'clock in the afternoon—on a Monday afternoon—there was a knock on the door. Before Lawrence or anybody else had a chance to open a door or a window, his house was sprayed by ammunition from an AK–47.

Lawrence died almost right away. Some of the many, many bullets that came from this gun came through a window and killed him. The murderer was a 16 year old boy who lived nearby. He had been involved in an argument with someone who lived near Lawrence—not Lawrence—and had gone home, gotten the AK–47 that he had purchased on the street, and decided to settle the argument.

What he settled was Lawrence's life.

Earlier during this debate, my esteemed colleague from Georgia stated that this bill was not about real people or real crimes. I disagree, as I am sure would the family of Lawrence Miller.

Because of their rapid fire capabilities, semiautomatic assault weapons, which can fire dozens of bullets in just seconds, have become the weapon of choice for drug traffickers, gangs, and hate groups.

I fully believe that eventually, the destruction caused by these weapons will force the majority of the Members of this body to see the need for a ban. As crime and random violence spread from the inner city to the suburbs, so will the cry to control the most destructive offenders.

Mr. Chairman, colleagues, I urge you to support this legislation. Support this legislation for Lawrence Miller, and for all of the other victims of these horrible machines.

Mr. SYNAR. Mr. Chairman, today's vote on assault weapons is about personal responsibility. It is about the personal responsibility each one of us as legislators wrestles with each day we show up for work. Every day we come here to this House and we gather data, we listen to the witnesses, read the testimony, study the bills and the law and we consult with the friends, constituents, and the experts we respect. And in the end, we use our heads, our hearts, and the common sense God gave us to cast our vote.

Make no mistake we take personal responsibility for every vote we cast. We are judged by it politically but more importantly we judge each vote by our own personal standards. Every single one of us comes here to represent our constituents and improve the lives of the citizens of this Nation and we ask ourselves after each vote—will the vote we just cast make our homes, our States, our Nation a better place to live.

What is our personal responsibility for today's vote on today's assault weapons ban legislation? Two of my colleagues in the last 2 days put their own sense of personal responsibility in very sharp focus.

In this morning's Washington Post the gentleman from Texas [Mr. COLEMAN] is quoted as saying that if voting for this bill "is a political offense that costs me my job to try and take Uzis out of the hands of schoolkids * * * then so be it." And yesterday, when the gentleman from New York [Mr. SCHUMER] was asked why he was so strongly in favor of banning assault weapons he said it was because in his district 15-year-olds were killing 15-year-olds with these weapons.

These two Members know that the question today is whether we are going to take personal responsibility for our actions.

By voting for this bill we will help keep schoolkids from killing schoolkids, and keep crooks from killing the police. Perhaps more importantly, we will improve the lives of our citizens fulfill the promise of why each one of us came to Congress, and live up to our personal responsibility.

Mr. STARK. Mr. Chairman, I rise in support of this bill today, not just as an advocate of sensible gun control, but also as a proud citizen of the State with the Nation's oldest assault weapons ban.

The California Roberti-Roos Assault Weapons Control Act passed in 1989 after Patrick Purdy killed 5 and wounded 30 schoolchildren in Stockton, CA.

Since 1989, this law has slowed the growing criminal popularity of these guns in my State.

Statistics provided by the Bureau of Alcohol, Tobacco, and Firearms show that, from 1991 to 1993, local law enforcement requests for traces of criminally used guns grew much more quickly for the Nation than in California. In fact, the national increase in requests has more than doubled California's.

And this ban we consider today would be more effective than California law because it would also prevent copy-cat versions of these guns by banning a list of features, not just a list of names.

Although California law allows the State attorney general to add more weapons to the banned list, not one assault weapon has been added since the law went into effect on July 1, 1989.

I urge my colleagues to examine the letter I inserted into the RECORD yesterday, detailing the effectiveness of California's law.

I hope my colleagues will join me and pass this bill and reduce the criminal misuse of these weapons across our Nation.

Mr. SKEEN. Mr. Chairman. I rise today in opposition to H.R. 4296, the Assault Weapons Ban Act, for several reasons.

I believe the supporters of this measure are looking through the wrong end of the binoculars on this issue. the problem is not these guns; it's the criminals.

According to the FBI, the types of weapons proposed to be banned in this bill are responsible for less than 1 percent of all murders and less than 1 percent of all serious crime.

This law proposes to punish hundreds of thousands of law-abiding citizens for the actions of law-breaking criminals.

We know from experience that gun ban laws do not reduce crime. Every type of gun control law proposed in Congress has already been tried and no one can show any correlation between gun restrictions and lower crime rates in localities with gun restriction laws.

Gun restriction laws don't work because law breakers don't follow them. That's why they're called criminals. No law passed by the Congress can compel criminals to obey laws.

What Congress can do to reduce crime is to lock up the criminals. The FBI Uniform Crime Reports show that from 1981 to 1991, the 10 States with the greatest increases in criminal incarceration rates experienced the greatest decreases in the rates of crime.

The answer to America's violent crime problem is simple: Lock up the violent criminals, because they cannot disturb and disrupt the lives of innocent citizens when they are behind bars and in jail.

Mr. HOYER. Mr. Chairman, I rise today in support of H.R. 4296, the Public Safety and Recreational Firearms Use Protection Act. I commend Chairman SCHUMER and his subcommittee for drafting a bill which is narrowly drawn and focused. This bill targets only a small number of weapons which have no legitimate place in an ordered and civilized society.

Let me be unequivocal in saying that I strongly support the right of every American citizen to own a gun. Everyone should be able to protect themselves within their home and their business and use weapons which are designed for legitimate sport and recreational use. However, the weapons which we are attempting to ban are high firepower weapons which are designed for military purposes and have no place in sport or recreational use.

Opponents of this ban often argue that the ban will have no effect upon crime in this country. However, since the Bush administration banned the importation of assault weapons in 1989, the number of imported assault weapons traced to crime has declined by 45 percent. On the other hand, the number of domestic assault weapons traced to crime has remained the same.

Moreover, these guns comprise only one-half to 1 percent of the firearms in this country, yet they accounted for 8.4 percent of all firearms traced to crime from 1986–91.

I could stand here and talk about statistics with you because they are important in this debate. However, more important is the simple fact that we are losing lives to these weapons of rapid and mass destruction.

Statistics mean nothing to the families of the five children killed by Patrick Purdy, who used a semiautomatic AK–47 with a 75 round magazine. Statistics mean nothing to the families of the individuals killed by Gian Ferri using two TEC–DC9's with a 50 round magazine. Statistics mean nothing to the families of the two bank tellers who were killed in Sykesville, MD, by two gunmen using a MAC firearm.

Moreover, statistics mean nothing to this Nation's law enforcement officers, the vast majority of whom support this bill. In fact, they have been pleading with us to pass this bill because they are on the front lines everyday in battles against criminals armed with these weapons. From coast to coast, tragic stories about the devastation caused by semiautomatic assault weapons are filling the headlines.

If there is a way to begin putting an end to these types of tragedies, it is the passage of this bill today.

Before closing, I must reemphasize that I wholeheartedly support the right of Americans to own guns to protect themselves in their home and in their business and own guns used and designed for legitimate, recreational uses.

I thank the gentleman for allowing me to speak today and I urge my colleagues to join with me in supporting this legislation.

Mr. KLECZKA. Mr. Chairman I rise today in strong support on H.R. 4296, the bill to ban assault weapons.

Although I voiced my support for this legislation months ago, the tragedy that took place in my district last week merely confirmed my beliefs that voting for this bill is the right thing to do.

The deadly impact of assault weapons is pretty obvious. A 29 year, decorated veteran of the Waukesha Police Force, Captain James Lutz had no chance to defend himself when confronted by two bank robbers armed with M1–A assault rifles. Captain Lutz was cut down in hail of 20 rounds in just a matter of seconds as this bill was being voted in committee last Thursday.

The guns effected by this legislation have no other purpose but to kill people in a hurry. The majority of legitimate hunters and sportsmen will find that their guns are specifically protected by this bill. It lists over 670 of them.

The differences between sporting and assault weapons are hardly cosmetic, as the opponents of the ban suggest. This is like saying that a Schwinn bicycle is the same thing as a Harley Davidson motorcycle. Both have two wheels and will get you where you want to go. But a reality check tells us that the distinctions are obvious. The same is true between assault weapons and legitimate hunting and sporting rifles.

Critics are quick to say that bans won't work. However, when the Bush administration banned the importation of certain assault weapons, the number of imported assault weapons traced to crime declined by 45 percent. At the same time, the number of domestic assault weapons traced to crime remained the same.

Still, even if an assault weapon was traced to just 1 violent crime, that crime might by the one in Waukesha that also wounded 3 other officers, or the 1 crime in San Francisco that resulted in the deaths of 8 innocent people; or the 1 crime in Stockton, CA, where 5 children were killed and 29 others were wounded. One crime per assault weapon is plenty.

For my colleagues who are not satisfied because these guns have not been used in enough crimes, I must ask them how many crimes would they like to occur before we take them off the street? How many more people have to die before we act?

Mr. Chairman and Members, the time has come to act positively on this measure. How many more Waukesha or Kileen, TX incidents does this country need before this Congress wakes up.

Mr. HEFLEY. Mr. Chairman, over the last few days, I've contacted local law enforcement in my congressional district and asked them this question: During the last 3 years, how many killings in your jurisdiction have involved the use of a semi-automatic assault weapon? The answer I received was "zero".

While I realize that on rare occasions, killings have occurred as a result of a semiautomatic assault weapon, bottom line is the passage of this bill will have no impact on the growing crime problems we have in this country.

Instead of demagoging about gun control, we should be focusing our energy on passing laws that will have an impact on crime. Like truth-in-sentencing reform, habeas corpus reform, and a workable death penalty. But the White House and the leadership in Congress won't hear of it. Instead they're trying to use this issue to posture.

The crime bill that just passed the House is not the answer this country is looking for to solve the problems we face. Neither is gun control.

I think the American people will see we are not serious about crime.

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in strong support of H.R. 4296, the Assault Weapons Ban Act. As the Representative of one of the poorest districts in the country, I know what it's like for my constituents to live in constant fear of crime, and the violence brought about by drug trafficking and drug use. Assault weapons, which are particularly appealing to gangs, drug dealers and organized criminals, are intimidating and deadly instruments of terror.

Opponents of the bill, such as the NRA, claim that this bill will eliminate semiautomatic hunting rifles used by gun enthusiasts and hunters. This is simply not true. The 19 semiautomatic weapons that this bill does ban, are designed not for sport, but for killing. No wonder my constituents live in fear of their lives—they live in a war zone. What will it take for this body to understand that our young adults are mercilessly killing themselves and others with these instruments of war.

Mr. Chairman, as a cosponsor of this bill, I urge this House to stop the violence and the killing. Don't listen to foolish and false propaganda, support H.R. 4296.

Mr. POSHARD. Mr. Chairman, I rise in opposition to H.R. 4296, the Assault Weapons Ban Act. After intensive study of this bill, the Constitution, the Federalist Papers and a wide range of research materials dealing with the second amendment, I have come to believe that the second amendment does guarantee Americans the right to bear arms, and that this legislation infringes on the rights of law-abiding citizens.

I represent the 19th District of Illinois, 27 counties in America's heartland which encompasses large communities such as Decatur and small towns of no more than a few families. I have traveled my district, some 260 miles north to south hundreds of times, and talked with thousands of people on this and other issues. I have tried my best to explain how crucial this issue is and how we must view it in its proper context.

I reject the notion that opposing this ban somehow means one favors the violence resulting from the illegal use of firearms. Nothing is further from the truth. Throughout my career in public service I have supported strong crime control measures. Anyone who steps outside the boundaries of a civilized society and harms people in his or her community should be punished severely. If they commit a crime with a firearm then we should remove them from society. And I am willing to pay for the prisons and jails which will help us keep such persons from causing this destruction ever again, and perhaps provide a deterrent to others.

In this debate, we face the classic confrontation between rights and responsibilities, and it is our duty to decide where the balance exists between those elements. My conclusion is that as we continue to further and further restrict our rights under the second amendment—waiting periods for certain purchases, ever-expanding lists of firearms which are banned—then we do serious damage to the amendment itself.

And my fear extends beyond the second amendment to the entire Bill of Rights. I truly fear the slow but irreversible trend toward more limits on our freedoms, limits which may apply one day to firearms but in the next applies to the rights of people to speak or be protected from illegal search and seizure. Because I value those freedoms so deeply I must oppose this ban.

In this political climate, I think it's important to point out that I don't take any political action committee donations. I'm not beholden to any special interest group to finance my campaign or provide any political cover in my district. I find myself on the opposite side of a terribly important issue from friends and colleagues for whom I hold tremendous respect. If I thought this bill would reduce crime and still protect the rights of Americans I would be the first to vote for it. But because I truly believe we will fail the people on both counts, I am compelled to vote against it.

Ms. NORTON. Mr. Chairman, I rise today in support of H.R. 4296, legislation which would take a small but desperately needed and significant step toward reducing crime in our country by barring 19 types of battlefield weapons. With this legislation, we answer the anguished cry of the American people for relief from civilian gunfire.

We are tired of the gun-toting talk in this country that has protected assault weapons and left unprotected unarmed children who have fallen like non-combatants caught on battlefields disguised as city streets. In the district more than 10 percent of those shot and killed last year were youngsters under 18. In the name of Devaughn Phillips, shot at age 5, Cecilia Rushing, shot at age 2, Reginiya Trippett shot at age 1, and 49 kids like them, assault weapon legislation must pass this week.

The NRA says, "Get the criminals." We say, "Right on." But would you mind getting their guns first before they use them on us? The NRA strategy revises the notion of locking the barn door after the horse is gone. They lock the casket and move on to the next one. We are fed up with their manly mantras. We want combat weapons out of here!

Kids are showing up in school with assault weapons, preferred today by street gangs, drug traffickers and paramilitary extremists. Yet, your Nation's Capital bans all guns. We nevertheless are drowning in assault weapons. Only a national ban on war-zone guns can stop the carnage in civilian streets. When President Bush banned 43 types of imported semiautomatic non-sporting assault weapons, their use in crimes dropped 40 percent in the first year. Our problem now is the deadly domestic varieties that are 10–20 times more traceable to crime than conventional firearms.

Let us stand with the major national law enforcement organizations. Like them, let us support the ban on 19 combat weapons used on city streets and country roads against cops and kids.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 4296, the Assault Weapons Ban Act.

California, along with 3 other States and more than 30 cities and counties, already has its own assault weapons ban in place. The Roberti-Roos Assault Weapons Control Act, which is currently in effect in California, is the Nation's oldest assault weapons ban. It was enacted in 1989 in response to the shooting spree at a Stockton schoolyard, where a gunman armed with an AK–47 and several semiautomatic pistols fired over 100 rounds, killing 5 children and wounding 30 other people before killing himself. Because it bans weapon names, instead of weapons features, however, the California ban has been effective in preventing the sale and use of new weapons. We are finding that some domestic manufacturers get around the ban by producing copy-cat weapons under different names.

On a national level, we are faced with a similar challenge. As a result of the current ban on the import of 43 foreign-made assault weapons, the Bureau of Alcohol, Tobacco and Firearms [ATF] estimates that 750,000 assault weapons have been kept out of the country—that the number of imported assault weapons traced to crime declined by 40 percent. Unfortunately, domestic manufacturers are also producing copies of these banned weapons, so the number of domestic assault weapons traced to crime remains the same.

The Assault Weapons Ban Act that is now before us closes this loophole because it bans assault weapons by feature, rather than name. It imposes a 10-year ban on the manufacture and possession of certain assault weapons and copies of assault weapons. Also prohibited are firearms that have certain features—like grenade launchers and bayonet mounts—as well as large-capacity ammunition feeding devices.

Law enforcement and the military are not included in the ban, and weapons that are currently legally owned are exempted, as are 650 specified sporting guns, none of which can be banned while the bill is in effect. Lastly, the bill requires that the Justice Department conduct a study of the impact that the ban has had on violent and drug trafficking crime 1 year after it is enacted, and that the Department submit the results of this study to Congress.

This legislation will have very little effect on the right of the average American to bear arms. They include weapons used almost exclusively by organized crime, gangs, and drug cartels. They do not include any weapons, semiautomatic or otherwise, used for hunting.

In spite of claims that assault weapons bans do not work, the facts indicate otherwise. Although we do not have detailed, nationwide statistics on the misuses of these weapons, the Oakland Police Department Weapons Unit reports that criminal misuses of assault weapons in Oakland fell by virtually half since the enactment of the California ban. Additionally, the Atlanta Constitution found in a 1989 study that, although assault weapons make up only 2 to 3 percent of all guns owned by Americans, they show up in 30 percent of all firearms traced to organized crime, gun trafficking, and terrorism. And the ATF reports that in 1989, assault weapons made up 10 percent of guns traced in crimes. Police in virtually every city in this country will tell you that they are outgunned and that an assault weapons ban would help them fight gun violence.

The further restrictions on the sales and ownership of assault weapons that are in this bill will not cause a major reduction in crime. However, they will make it much more difficult for drug dealers, violent criminals, and psychopaths to get their hands on a military-style semiautomatic rifles and certain shotguns and pistols.

Perhaps, with provisions like these in effect, disasters like the 1993 tragedy when a gunman with an assault pistol walked into a San Francisco law office, murdered eight innocent, unarmed people and wounded another six can be prevented. Just prior to testifying before the House Judiciary Committee in support of a ban on assault weapons, the widower of one of the victims of this massacre wrote:

> It's been almost one year since my beloved wife was brutally murdered * * * by a psychotic possessing an assault weapon with 50 round clips. These weapons of war have absolutely no place in our society and the all too common tragedies in which they are used must be stopped. Too many citizens dead; too many friends and family gone * * * This is not a partisan issue. Violence and assault weapons affect all citizens * * * As a Republican, I am calling on members of * * * my party and Democrats to see that this bill becomes law. Hopefully no other 10-month-old girls will place dirt on their mommys' grave as my daughter Meghan did. Hopefully no other single parent will be left the task of telling their infant how their mother was brutally murdered with an assault weapon.

I'd like to recall the words and wisdom of my esteemed colleagues from Illinois, Mr. HYDE, in his address to newly elected Members of the 102d Congress back in 1990. I feel that Mr. HYDE's advice to that freshman class is appropriate for all of us now, as we face a vote that is controversial, political, and hits close to home for many of us who have constituents on both sides of this issue—constituents who are passionate in their feelings about what we are going to decide.

Mr. HYDE told his audience that our responsibility as Members of this House is often greater than just representing our constituents—that we also have a responsibility to all Americans. This broader obligation and accountability demand that we take a national view on certain issues—even if it means risking the disfavor of the folks back home. We must look beyond the politics of career and be willing to take a principled stand for what we believe to be right and in the best interests of our Nation, as a whole, even if it means we risk losing an election. Mr. HYDE reminds us of why we are here in the first place—to serve not just our immediate constituents, but our country, as well.

This vote on the assault weapons ban is such a stand, and it is a small price to pay to help curb the unnecessary and senseless violence that plagues communities throughout our country. If 1 life or 1,000 lives are saved because we are able to keep an assault weapon out of the wrong hands, it is worth the effort.

Mr. STOKES. Mr. Chairman, I rise today to express my strong support of H.R. 4296, the Public Safety and Recreational Firearms Use Protection Act. I commend my colleague from New York, Representative CHUCK SCHUMER for his effort in bringing this piece of legislation to the floor and addressing an issue which is pertinent to all Americans, the issue of gun control.

I am certain my colleagues would agree that Americans from all walks of life are looking for action on this problem. H.R. 4296 makes it illegal for a person to own, manufacture or sell specified semiautomatic assault weapons, exempting those weapons which are already legally owned. In addition, there are 650 specified sporting guns which are exempted from the ban. Of the 19 specified weapons included in this bill, none are used for hunting or other sporting purposes. These are military-style assault weapons designed to injure as many human beings as quickly as possible.

Increasingly, these weapons are becoming the weapon of choice for violent criminals and drug dealers. Although these weapons represent only 1 percent of privately owned firearms in this country, they represent 8 percent of the firearms traced to a crime, and are 18 times more likely to be used to kill police officers than any other gun. From 1990 to 1993, law enforcement officials reported a 37-percent increase in the use of assault weapons. How can we ensure the security of our citizens, when police officers, are being outgunned, and often times murdered by violent criminals wielding AK-47s and other military style weapons.

In the last several years, we have witnessed gun violence take a devastating toll on our Nation. Although many may think that the violence associated with semiautomatic assault weapons occurs exclusively in the inner city; is a gang problem; or only affects certain areas of the country; the grim reality of this violence is that it occurs throughout America. One day a child may be caught in a cross-fire, on another day an out of control member of society may unleash his rage in a convenience store, gas station or fast food restaurant.

In 1990 no nation had a higher murder rate than ours. The United States murder rate was quadruple that of the entire Continent of Europe and was 11 times higher than Japan. Americans are dying from unnecessary violent deaths in unprecedented numbers. While it is not realistic to expect the ban to lead to the cessation of violence, California's assault weapons ban demonstrates that a ban will decrease the usage of assault weapons in violent crimes.

Nearly 77 percent of all Americans are in support of the assault weapons ban. We all agree that there needs to be an immediate response to this dilemma. Too many lives have been lost to violence. The grim reality demands our immediate response.

Mr. Chairman, this measure takes a significant step in curbing the rising tide of our Nation's violence. H.R. 4296 will help to restore safety and sanity to our communities and I strongly urge all of my colleagues to support this legislation.

Mr. BORSKI. Mr. Chairman, I rise today to express my strong support for H.R. 4296, the Public Safety and Recreational Firearms Use Protection Act. In conjunction with the crime bill and the Brady Law, this legislation is an essential step in ensuring the safety of our community, our law enforcement officers, and especially our families.

Mr. Chairman, assault weapons were designed for only one purpose—killing people. These weapons were designed for war, specifically manufactured to make as many wounds as possible with a maximum number of bullets. Unfortunately, the rapid-firing capability and large bullet capacity of these deadly weapons are quite useful as instruments of terror for the criminals of our country.

There is an ongoing war on the streets between the law enforcement and the criminals. The fact remains that in the city of Philadelphia, our local police are not armed with assault weapons, but the criminals are. Mr. Chairman, opponents to this legislation have stated that a ban on any firearm is an infringement upon their second amendment rights. Let me remind my colleagues that the Preamble of the Constitution clearly states that it is our constitutional duty to "insure domestic Tranquility, provide for the common Defence, [and to] promote the general Welfare [of] ourselves and our Posterity." H.R. 4296 is an important step in upholding our vows to ensure these "God-given" liberties.

Mr. Chairman, it is clear that current laws are inadequate to ensure these liberties. Criminals are winning the war on crime in this country. The law enforcement officers charged with protection of our citizens are outgunned and outnumbered by criminals who can easily obtain deadly weapons. The House has already taken steps to aid the law enforcement officials with the passage of H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994. The crime bill provides local law enforcement officials with much needed financial assistance for recruitment of 50,000 additional police officers, requires three-time violent criminals to be locked up for life and provides funding for the construction of new prisons. Yet, law enforcement officials continue to begin each day with the fear that they will face a well-armed "street" militia armed with only their service revolver.

H.R. 4296 will ban the manufacture and importation of these weapons of war which will cut off the production and, thus, the supply of these deadly weapons to criminals. The assault weapons banned in this legislation are used every day by criminals to kill other human beings. These guns are not hunting rifles, these guns are not target shooters, these guns were designed to harm other humans. Criminals with rapid-firing capabilities and large capacity ammunition clips can potentially kill as many human beings as they have bullets.

H.R. 4296 specifically targets the most dangerous weapons present on our streets today: AK–47's, UZI's and street sweepers. H.R. 4296 will only ban semiautomatic rifles capable of accepting a detachable ammunition clip, and two or more of the following military features: flash suppressors, grenade launchers, bayonet attachments, folding or telescoping stocks, and pistol grips.

Mr. Chairman, I see no legitimate reason why this legislation should not be passed. It is time to stop the madness of gun-warfare on our city streets. It is time to protect our Nation's law enforcement officers, our families and our children from the crossfire. It is time to pass this measure and prevent these guns from entering into the hands of the criminals of this country.

Mr. GONZALEZ. Mr. Speaker, I rise in support of the Assault Weapons Ban Act.

I want to compliment the Judiciary Subcommittee, particularly Congressman SCHUMER for his long and sustained effort to control these deadly and unnecessary assault weapons. I am delighted I could support this most important piece of legislation.

Since my first year in Congress, over 32 years ago, I have been speaking out on the irrationality of having more than 250 million arms in our country. I have also introduced legislation of my own that would provide for the same level of regulation for firearms—no more, no less—that we now have for obtaining a drivers license.

I also would like to compliment the city of San Antonio for its most forthright and responsible action in passing a resolution earlier today in support of the bill H.R. 4296, a copy of which I include here for the RECORD.

RESOLUTION ASKING OUR LOCAL CONGRESSIONAL DELEGATION TO SUPPORT THE PASSAGE OF H.R. 4296—THE BAN ON NONSPORTING SEMIAUTOMATIC ASSAULT WEAPONS

Whereas, legally purchased weapons often find their way into the possession of proscribed individuals, and gang violence has become a common occurrence in our community; and

Whereas, semi-automatic assault weapons were used in the commission of at least 81 (over ½) of the 143 firearm related homicides perpetrated in the city of San Antonio in 1993; and

Whereas, the City of San Antonio lends its full support to the "National Plan to Combat Violent Crime" of the United States Conference of Mayors; and HR 4296, banning 19 types of assault weapons, is a key element in that plan; and

Whereas, HR 4296 does not confiscate assault weapons from current owners and specifically exempts more than 670 guns considered to have a legitimate sporting purpose; and

Whereas, the City recently adopted Ordinance 79998 prohibiting the use of city-owned facilities for public consumer gun shows in an effort to curb the proliferation of assault type weapons; and

Whereas, HR 4296 is now being debated before the U.S. Congress and is scheduled to be voted upon this very day: Now, therefore, be it

Resolved by the city council of the city of San Antonio; That the City of San Antonio strongly supports the passage of HR 4296 and asks that our Congressional delegation vote in favor of the ban for the well-being and safety of their constituents, the citizens of the City of San Antonio, Texas.

Mr. MANTON. Mr. Chairman, I rise today in strong support of H.R. 4296, the Assault Weapons Ban Act.

Mr. Chairman, we have a very clear choice today. We can listen to a single issue special interest group and reject this bill, or we can heed the call of our Nation's law enforcement officers and the overwhelming majority of law-abiding citizens and pass the assault weapons ban today.

We will hear much debate and disagreement about exactly how many assault weapons will be banned by this bill. We will hear many arguments about the constitutional right to bear arms. But the facts are as clear as the choice we have today. This bill would ban 19 specific semiautomatic assault weapons. And nothing in the Constitution guarantees the right of a drug lord or a street punk to possess a grenade launcher or an AK–47.

Technical arguments regarding the scope of the bill and legal arguments regarding the constitutionality of the bill are nothing more than a smokescreen designed to complicate and confuse what is a very clear choice: are you on the side of the police or are you on the side of the gun lobby.

Mr. Chairman, as a former New York City police officer the choice for me is not only clear but it is simple. I will vote to ban these grotesque weapons whose only purpose is to inflict human pain and suffering. I urge my colleagues to ignore the special interests and listen to the American people. Vote for H.R. 4296, the Assault Weapons Ban Act.

Mr. VENTO. Mr. Speaker, I rise today in support of the assault weapons ban on the 19 specific semiautomatic weapons and their copycats which are being used against the civilian population of America.

Assault weapons in the hands of naive and hardened law breakers are causing carnage on the streets of our Nation and I want to stop the cycle of escalation of homicide that has tragically come to symbolize life in the United States today. Certainly the right to bear arms does not mean you should be able to run around with a grenade launcher, street sweeper or other military hardware. The primary purpose, perhaps the only purpose, for such weapons, is the assault on another person.

For years hunting and game laws have sharply limited the number of shotgun shells in semi-automatic hunting weapons; certainly our society values the life of our human population enough to pass laws limiting such weapons and the accompanying high capacity ammunition feeding clips that are being employed today to main and murder people on the streets of America.

Some of my colleagues have expressed the position that the answer to crime in our communities is not to ban assault weapons but to be tougher on criminals. Certainly no one measure is going to solve the problems of violence and crime in our Nation.

Deterence by increased penalty for crimes involving such assault weapons should be pursued and in fact such circumstances are now considered by the court, but only after the crime has occurred and the penalties levied. It is clear that such assault weapons embolden those who possess them, resulting in serious harm to the people of this Nation and that is why the Congress should take reasonable action to control such weapons. I voted for the crime bill and I am voting for the Assault Weapons Ban Act because I believe that to make our Nation a safer place to live and work we must address this problem on several levels. We must work to prevent crime as well as to respond to the reality of crime. We need to expand options for our young people, to have sufficient police in our communities, and to implement strong penalties for those who commit crimes. The problem of crime is one of the greatest concerns of the American people. The crime bill will mean working on prevention, rehabilitation, and deterrence together, providing new tools and programs enlisted to fight crime in our communities.

An assault weapons ban is a key element in an overall effort to reduce violence in our society, and I believe it is an important one. We need to send the message that there is no place on our streets for assault weapons.

The CHAIRMAN (Mr. MFUME). All the time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute shall be considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety and Recreational Firearms Use Protection Act".

SEC. 2. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS.

(a) RESTRICTION.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(v)(1) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.

"(2) Paragraph (1) shall not apply to the possession or transfer of any semiautomatic assault weapon otherwise lawfully possessed on the date of the enactment of this subsection.

"(3) Paragraph (1) shall not apply to—

"(A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 1, 1993;

"(B) any firearm that—

"(i) is manually operated by bolt, pump, lever, or slide action;

"(ii) has been rendered permanently inoperable; or

"(iii) is an antique firearm;

"(C) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or

"(D) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine.

The fact that a firearm is not listed in Appendix A shall not be construed to mean that paragraph (1) applies to such firearm. No firearm ex-

empted by this subsection may be deleted from Appendix A so long as this Act is in effect.

"(4) Paragraph (1) shall not apply to—

"(A) the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State;

"(B) the transfer of a semiautomatic assault weapon by a licensed manufacturer, licensed importer, or licensed dealer to an entity referred to in subparagraph (A) or to a law enforcement officer authorized by such an entity to purchase firearms for official use;

"(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving a firearm, of a semiautomatic assault weapon transferred to the individual by the agency upon such retirement; or

"(D) the manufacture, transfer, or possession of a semiautomatic assault weapon by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.".

(b) DEFINITION OF SEMIAUTOMATIC ASSAULT WEAPON.—Section 921(a) of such title is amended by adding at the end the following:

"(30) The term 'semiautomatic assault weapon' means—

"(A) any of the firearms, or copies or duplicates of the firearms, known as—

"(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);

"(ii) Action Arms Israeli Military Industries UZI and Galil;

"(iii) Beretta Ar70 (SC–70);

"(iv) Colt AR–15;

"(v) Fabrique National FN/FAL, FN/LAR, and FNC;

"(vi) SWD M–10, M–11, M–11/9, and M–12;

"(vii) Steyr AUG;

"(viii) INTRATEC TEC–9, TEC–DC9 and TEC–22; and

"(ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

"(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a bayonet mount;

"(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

"(v) a grenade launcher;

"(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—

"(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

"(ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

"(iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;

"(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

"(v) a semiautomatic version of an automatic firearm; and

"(D) a semiautomatic shotgun that has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a fixed magazine capacity in excess of 5 rounds; and

"(iv) an ability to accept a detachable magazine.".

(c) PENALTIES.—

(1) VIOLATION OF SECTION 922(v).—Section 924(a)(1)(B) of such title is amended by striking "or (q) of section 922" and inserting "(r), or (v) of section 922".

(2) USE OR POSSESSION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section 924(c)(1) of such title is amended in the first sentence by inserting ", or semiautomatic assault weapon," after "short-barreled shotgun,".

(d) IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC ASSAULT WEAPONS.—Section 923(i) of such title is amended by adding at the end the following: "The serial number of any semiautomatic assault weapon manufactured after the date of the enactment of this sentence shall clearly show the date on which the weapon was manufactured.".

SEC. 3. RECORDKEEPING REQUIREMENTS FOR TRANSFERS OF GRANDFATHERED FIREARMS.

(a) OFFENSE.—Section 922 of title 18, United States Code, as amended by section 2(a) of this Act, is amended by adding at the end the following:

"(w)(1) It shall be unlawful for a person to sell, ship, or deliver a semiautomatic assault weapon to a person who has not completed a form 4473 in connection with the transfer of the semiautomatic assault weapon.

"(2) It shall be unlawful for a person to receive a semiautomatic assault weapon unless the person has completed a form 4473 in connection with the transfer of the semiautomatic assault weapon.

"(3) If a person receives a semiautomatic assault weapon from anyone other than a licensed dealer, both the person and the transferor shall retain a copy of the form 4473 completed in connection with the transfer.

"(4) Within 90 days after the date of the enactment of this subsection, the Secretary shall prescribe regulations ensuring the availability of form 4473 to owners of semiautomatic assault weapons.

"(5) As used in this subsection, the term 'form 4473' means—

"(A) the form which, as of the date of the enactment of this subsection, is designated by the Secretary as form 4473; or

"(B) any other form which—

"(i) is required by the Secretary, in lieu of the form described in subparagraph (A), to be completed in connection with the transfer of a semiautomatic assault weapon; and

"(ii) when completed, contains, at a minimum, the information that, as of the date of the enactment of this subsection, is required to be provided on the form described in subparagraph (A).".

(b) PENALTY.—Section 924(a) of such title is amended by adding at the end the following:

"(6) A person who knowingly violates section 922(w) shall be fined not more than $1,000, imprisoned not more than 6 months, or both. Section 3571 shall not apply to any offense under this paragraph.".

SEC. 4. BAN OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, as amended by sections 2 and 3 of this Act, is amended by adding at the end the following:

"(x)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

"(2) Paragraph (1) shall not apply to the possession or transfer of any large capacity ammunition feeding device otherwise lawfully possessed on the date of the enactment of this subsection.

"(3) This subsection shall not apply to—

"(A) the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State;

"(B) the transfer of a large capacity ammunition feeding device by a licensed manufacturer, licensed importer, or licensed dealer to an entity referred to in subparagraph (A) or to a law enforcement officer authorized by such an entity to purchase large capacity ammunition feeding devices for official use;

"(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device transferred to the individual by the agency upon such retirement; or

"(D) the manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.".

(b) DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.—Section 921(a) of such title, as amended by section 2(b) of this Act, is amended by adding at the end the following:

"(31) The term 'large capacity ammunition feeding device'—

"(A) means—

"(i) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; and

"(ii) any combination of parts from which a device described in clause (i) can be assembled; but

"(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.".

(c) LARGE CAPACITY AMMUNITION FEEDING DEVICES TREATED AS FIREARMS.—Section 921(a)(3) of such title is amended in the first sentence by striking "or (D) any destructive device." and inserting "(D) any destructive device; or (E) any large capacity ammunition feeding device.".

(d) PENALTY.—Section 924(a)(1)(B) of such title, as amended by section 2(c) of this Act, is amended by striking "or (v)" and inserting "(v), or (x)".

(e) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 923(i) of such title, as amended by section 2(d) of this Act, is amended by adding at the end the following: "A large capacity ammunition feeding device manufactured after the date of the enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulation prescribe.".

SEC. 5. STUDY BY ATTORNEY GENERAL.

(a) STUDY.—The Attorney General shall investigate and study the effect of this Act and the amendments made by this Act, and in particular shall determine their impact, if any, on violent and drug trafficking crime. The study shall be conducted over a period of 18 months, commencing 12 months after the date of enactment of this Act.

(b) REPORT.—Not later than 30 months after the date of enactment of this Act, the Attorney General shall prepare and submit to the Congress a report setting forth in detail the findings and determinations made in the study under subsection (a).

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act—

(1) shall take effect on the date of the enactment of this Act; and

(2) are repealed effective as of the date that is 10 years after that date.

SEC. 7. APPENDIX A TO SECTION 922 OF TITLE 18.

Section 922 of title 18, United States Code, is amended by adding at the end the following appendix:

"APPENDIX A

Centerfire Rifles—Autoloaders

Browning BAR Mark II Safari Semi-Auto Rifle
Browning BAR Mark II Safari Magnum Rifle
Browning High-Power Rifle
Heckler & Koch Model 300 Rifle
Iver Johnson M-1 Carbine
Iver Johnson 50th Anniversary M-1 Carbine
Marlin Model 9 Camp Carbine
Marlin Model 45 Carbine
Remington Nylon 66 Auto-Loading Rifle
Remington Model 7400 Auto Rifle
Remington Model 7400 Rifle
Remington Model 7400 Special Purpose Auto Rifle
Ruger Mini-14 Autoloading Rifle (w/o folding stock)
Ruger Mini Thirty Rifle

Centerfire Rifles—Lever & Slide

Browning Model 81 BLR Lever-Action Rifle
Browning Model 81 Long Action BLR
Browning Model 1886 Lever-Action Carbine
Browning Model 1886 High Grade Carbine
Cimarron 1860 Henry Replica
Cimarron 1866 Winchester Replicas
Cimarron 1873 Short Rifle
Cimarron 1873 Sporting Rifle
Cimarron 1873 30" Express Rifle
Dixie Engraved 1873 Rifle
E.M.F. 1866 Yellowboy Lever Actions
E.M.F. 1860 Henry Rifle
E.M.F. Model 73 Lever-Action Rifle
Marlin Model 336CS Lever-Action Carbine
Marlin Model 30AS Lever-Action Carbine
Marlin Model 444SS Lever-Action Sporter
Marlin Model 1894S Lever-Action Carbine
Marlin Model 1894CS Carbine
Marlin Model 1894CL Classic
Marlin Model 1895SS Lever-Action Rifle
Mitchell 1858 Henry Replica
Mitchell 1866 Winchester Replica
Mitchell 1873 Winchester Replica
Navy Arms Military Henry Rifle
Navy Arms Henry Trapper
Navy Arms Iron Frame Henry
Navy Arms Henry Carbine
Navy Arms 1866 Yellowboy Rifle
Navy Arms 1873 Winchester-Style Rifle
Navy Arms 1873 Sporting Rifle
Remington 7600 Slide Action
Remington Model 7600 Special Purpose Slide Action
Rossi M92 SRC Saddle-Ring Carbine
Rossi M92 SRS Short Carbine
Savage 99C Lever-Action Rifle
Uberti Henry Rifle
Uberti 1866 Sporting Rilfe
Uberti 1873 Sporting Rifle
Winchester Model 94 Side Eject Lever-Action Rifle
Winchester Model 94 Trapper Side Eject
Winchester Model 94 Big Bore Side Eject
Winchester Model 94 Ranger Side Eject Lever-Action Rifle
Winchester Model 94 Wrangler Side Eject

Centerfire Rifles—Bolt Action

Alpine Bolt-Action Rifle
A-Square Caesar Bolt-Action Rifle
A-Square Hannibal Bolt-Action Rifle
Anschutz 1700D Classic Rifles
Anschutz 1700D Custom Rifles
Anschutz 1700D Bavarian Bolt-Action Rifle
Anschutz 1733D Mannlicher Rifle
Barret Model 90 Bolt-Action Rifle
Beeman/HW 60J Bolt-Action Rifle
Blaser R84 Bolt-Action Rifle
BRNO 537 Sporter Bolt-Action Rifle
BRNO ZKB 527 Fox Bolt-Action Rifle
BRNO ZKK 600, 601, 602 Bolt-Action Rifles
Browning A-Bolt Rifle
Browning A-Bolt Stainless Stalker
Browning A-Bolt Left Hand
Browning A-Bolt Short Action
Browning Euro-Bolt Rifle
Browning A-Bolt Gold Medallion
Browning A-Bolt Micro Medallion
Century Centurion 14 Sporter
Century Enfield Sporter #4
Century Swedish Sporter #38
Century Mauser 98 Sporter
Cooper Model 38 Centerfire Sporter
Dakota 22 Sporter Bolt-Action Rifle
Dakota 76 Classic Bolt-Action Rifle
Dakota 76 Short Action Rifles
Dakota 76 Safari Bolt-Action Rifle
Dakota 416 Rigby African
E.A.A./Sabatti Rover 870 Bolt-Action Rifle
Auguste Francotte Bolt-Action Rifles
Carl Gustaf 2000 Bolt-Action Rifle
Heym Magnum Express Series Rifle
Howa Lightning Bolt-Action Rifle
Howa Realtree Camo Rifle
Interarms Mark X Viscount Bolt-Action Rifle
Interarms Mini-Mark X Rifle
Interarms Mark X Whitworth Bolt-Action Rifle
Interarms Whitworth Express Rifle
Iver Johnson Model 5100A1 Long-Range Rifle
KDF K15 American Bolt-Action Rifle
Krico Model 600 Bolt-Action Rifle
Krico Model 700 Bolt-Action Rifles
Mauser Model 66 Bolt-Action Rifle
Mauser Model 99 Bolt-Action Rifle
McMillan Signature Classic Sporter
McMillan Signature Super Varminter
McMillan Signature Alaskan
McMillan Signature Titanium Mountain Rifle
McMillan Classic Stainless Sporter
McMillan Talon Safari Rifle
McMillan Talon Sporter Rifle
Midland 1500S Survivor Rifle
Navy Arms TU-33/40 Carbine
Parker-Hale Model 81 Classic Rifle
Parker-Hale Model 81 Classic African Rifle
Parker-Hale Model 1000 Rifle
Parker-Hale Model 1100M African Magnum
Parker-Hale Model 1100 Lightweight Rifle
Parker-Hale Model 1200 Super Rifle
Parker-Hale Model 1200 Super Clip Rifle
Parker-Hale Model 1300C Scout Rifle
Parker-Hale Model 2100 Midland Rifle
Parker-Hale Model 2700 Lightweight Rifle
Parker-Hale Model 2800 Midland Rifle
Remington Model Seven Bolt-Action Rifle
Remington Model Seven Youth Rifle
Remington Model Seven Custom KS
Remington Model Seven Custom MS Rifle
Remington 700 ADL Bolt-Action Rifle
Remington 700 BDL Bolt-Action Rifle
Remington 700 BDL Varmint Special
Remington 700 BDL European Bolt-Action Rifle
Remington 700 Varmint Synthetic Rifle
Remington 700 BDL SS Rifle
Remington 700 Stainless Synthetic Rifle
Remington 700 MTRSS Rifle
Remington 700 BDL Left Hand
Remington 700 Camo Synthetic Rifle
Remington 700 Safari
Remington 700 Mountain Rifle
Remington 700 Custom KS Mountain Rifle
Remington 700 Classic Rifle
Ruger M77 Mark II Rifle
Ruger M77 Mark II Magnum Rifle
Ruger M77RL Ultra Light
Ruger M77 Mark II All-Weather Stainless Rifle
Ruger M77 RSI International Carbine
Ruger M77 Mark II Express Rifle
Ruger M77VT Target Rifle
Sako Hunter Rifle
Sako Fiberclass Sporter
Sako Safari Grade Bolt Action
Sako Hunter Left-Hand Rifle
Sako Classic Bolt Action
Sako Hunter LS Rifle
Sako Deluxe Lightweight
Sako Super Deluxe Sporter
Sako Mannlicher-Style Carbine
Sako Varmint Heavy Barrel
Sako TRG-S Bolt-Action Rifle
Sauer 90 Bolt-Action Rifle
Savage 110G Bolt-Action Rifle
Savage 110CY Youth/Ladies Rifle
Savage 110WLE One of One Thousand Limited Edition Rifle
Savage 110GXP3 Bolt-Action Rifle
Savage 110F Bolt-Action Rifle
Savage 110FXP3 Bolt-Action Rifle
Savage 110GV Varmint Rifle
Savage 112FV Varmint Rifle
Savage Model 112FVS Varmint Rifle
Savage Model 112BV Heavy Barrel Varmint Rifle
Savage 116FSS Bolt-Action Rifle
Savage Model 116FSK Kodiak Rifle
Savage 110FP Police Rifle
Steyr-Mannlicher Sporter Models SL, L, M, S, S/T
Steyr-Mannlicher Luxus Model L, M, S
Steyr-Mannlicher Model M Professional Rifle
Tikka Bolt-Action Rifle
Tikka Premium Grade Rifles
Tikka Varmint/Continental Rifle
Tikka Whitetail/Battue Rifle
Ultra Light Arms Model 20 Rifle
Ultra Light Arms Model 28, Model 40 Rifles
Voere VEC 91 Lightning Bolt-Action Rifle
Voere Model 2165 Bolt-Action Rifle
Voere Model 2155, 2150 Bolt-Action Rifles
Weatherby Mark V Deluxe Bolt-Action Rifle
Weatherby Lasermark V Rifle
Weatherby Mark V Crown Custom Rifles
Weatherby Mark V Sporter Rifle
Weatherby Mark V Safari Grade Custom Rifles
Weatherby Weathermark Rifle
Weatherby Weathermark Alaskan Rifle
Weatherby Classicmark No. 1 Rifle
Weatherby Weatherguard Alaskan Rifle
Weatherby Vanguard VGX Deluxe Rifle
Weatherby Vanguard Classic Rifle
Weatherby Vanguard Classic No. 1 Rifle
Weatherby Vanguard Weatherguard Rifle
Wichita Classic Rifle
Wichita Varmint Rifle
Winchester Model 70 Sporter
Winchester Model 70 Sporter WinTuff
Winchester Model 70 SM Sporter
Winchester Model 70 Stainless Rifle
Winchester Model 70 Varmint

Winchester Model 70 Synthetic Heavy Varmint Rifle
Winchester Model 70 DBM Rifle
Winchester Model 70 DBM–S Rifle
Winchester Model 70 Featherweight
Winchester Model 70 Featherweight WinTuff
Winchester Model 70 Featherweight Classic
Winchester Model 70 Lightweight Rifle
Winchester Ranger Rifle
Winchester Model 70 Super Express Magnum
Winchester Model 70 Super Grade
Winchester Model 70 Custom Sharpshooter
Winchester Model 70 Custom Sporting Sharpshooter Rifle

Centerfire Rifles—Single Shot

Armsport 1866 Sharps Rifle, Carbine
Brown Model One Single Shot Rifle
Browning Model 1885 Single Shot Rifle
Dakota Single Shot Rifle
Desert Industries G–90 Single Shot Rifle
Harrington & Richardson Ultra Varmint Rifle
Model 1885 High Wall Rifle
Navy Arms Rolling Block Buffalo Rifle
Navy Arms #2 Creedmoor Rifle
Navy Arms Sharps Cavalry Carbine
Navy Arms Sharps Plains Rifle
New England Firearms Handi-Rifle
Red Willow Armory Ballard No. 5 Pacific
Red Willow Armory Ballard No. 1.5 Hunting Rifle
Red Willow Armory Ballard No. 8 Union Hill Rifle
Red Willow Armory Ballard No. 4.5 Target Rifle
Remington-Style Rolling Block Carbine
Ruger No. 1B Single Shot
Ruger No. 1A Light Sporter
Ruger No. 1H Tropical Rifle
Ruger No. 1S Medium Sporter
Ruger No. 1 RSI International
Ruger No. 1V Special Varminter
C. Sharps Arms New Model 1874 Old Reliable
C. Sharps Arms New Model 1875 Rifle
C. Sharps Arms 1875 Classic Sharps
C. Sharps Arms New Model 1875 Target & Long Range
Shiloh Sharps 1874 Long Range Express
Shiloh Sharps 1874 Montana Roughrider
Shiloh Sharps 1874 Military Carbine
Shiloh Sharps 1874 Business Rifle
Shiloh Sharps 1874 Military Rifle
Sharps 1874 Old Reliable
Thompson/Center Contender Carbine
Thompson/Center Stainless Contender Carbine
Thompson/Center Contender Carbine Survival System
Thompson/Center Contender Carbine Youth Model
Thompson/Center TCR '87 Single Shot Rifle
Uberti Rolling Block Baby Carbine

Drillings, Combination Guns, Double Rifles

Beretta Express SSO O/U Double Rifles
Beretta Model 455 SxS Express Rifle
Chapuis RGExpress Double Rifle
Auguste Francotte Sidelock Double Rifles
Auguste Francotte Boxlock Double Rifle
Heym Model 55B O/U Double Rifle
Heym Model 55FW O/U Combo Gun
Heym Model 88b Side-by-Side Double Rifle
Kodiak Mk. IV Double Rifle
Kreighoff Teck O/U Combination Gun
Kreighoff Trumpf Drilling
Merkel Over/Under Combination Guns
Merkel Drillings
Merkel Model 160 Side-by-Side Double Rifles
Merkel Over/Under Double Rifles
Savage 24F O/U Combination Gun
Savage 24F–12T Turkey Gun
Springfield Inc. M6 Scout Rifle/Shotgun
Tikka Model 412s Combination Gun
Tikka Model 412S Double Fire
A. Zoli Rifle-Shotgun O/U Combo

Rimfire Rifles—Autoloaders

AMT Lightning 25/22 Rifle
AMT Lightning Small-Game Hunting Rifle II
AMT Magnum Hunter Auto Rifle
Anschutz 525 Deluxe Auto
Armscor Model 20P Auto Rifle
Browning Auto-22 Rifle
Browning Auto-22 Grade VI
Krico Model 260 Auto Rifle
Lakefield Arms Model 64B Auto Rifle
Marlin Model 60 Self-Loading Rifle
Marlin Model 60ss Self-Loading Rifle
Marlin Model 70 HC Auto
Marlin Model 990l Self-Loading Rifle
Marlin Model 70P Papoose
Marlin Model 922 Magnum Self-Loading Rifle
Marlin Model 995 Self-Loading Rifle
Norinco Model 22 ATD Rifle
Remington Model 522 Viper Autoloading Rifle
Remington 552BDL Speedmaster Rifle
Ruger 10/22 Autoloading Carbine (w/o folding stock)
Survival Arms AR–7 Explorer Rifle
Texas Remington Revolving Carbine
Voere Model 2115 Auto Rifle

Rimfire Rifles—Lever & Slide Action

Browning BL–22 Lever-Action Rifle
Marlin 39TDS Carbine
Marlin Model 39AS Golden Lever-Action Rifle
Remington 572BDL Fieldmaster Pump Rifle
Norinco EM–321 Pump Rifle
Rossi Model 62 SA Pump Rifle
Rossi Model 62 SAC Carbine
Winchester Model 9422 Lever-Action Rifle
Winchester Model 9422 Magnum Lever-Action Rifle

Rimfire Rifles—Bolt Actions & Single Shots

Anschutz Achiever Bolt-Action Rifle
Anschutz 1416D/1516D Classic Rifles
Anschutz 1418D/1518D Mannlicher Rifles
Anschutz 1700D Classic Rifles
Anschutz 1700D Custom Rifles
Anschutz 1700 FWT Bolt-Action Rifle
Anschutz 1700D Graphite Custom Rifle
Anschutz 1700D Bavarian Bolt-Action Rifle
Armscor Model 14P Bolt-Action Rifle
Armscor Model 1500 Rifle
BRNO ZKM–452 Deluxe Bolt-Action Rifle
BRNO ZKM 452 Deluxe
Beeman/HW 60–J–ST Bolt-Action Rifle
Browning A-Bolt 22 Bolt-Action Rifle
Browning A-Bolt Gold Medallion
Cabanas Phaser Rifle
Cabanas Master Bolt-Action Rifle
Cabanas Espronceda IV Bolt-Action Rifle
Cabanas Leyre Bolt-Action Rifle
Chipmunk Single Shot Rifle
Cooper Arms Model 36S Sporter Rifle
Dakota 22 Sporter Bolt-Action Rifle
Krico Model 300 Bolt-Action Rifles
Lakefield Arms Mark II Bolt-Action Rifle
Lakefield Arms Mark I Bolt-Action Rifle
Magtech Model MT–22C Bolt-Action Rifle
Marlin Model 880 Bolt-Action Rifle
Marlin Model 881 Bolt-Action Rifle
Marlin Model 882 Bolt-Action Rifle
Marlin Model 883 Bolt-Action Rifle
Marlin Model 883SS Bolt-Action Rifle
Marlin Model 25MN Bolt-Action Rifle
Marlin Model 25N Bolt-Action Repeater
Marlin Model 15YN "Little Buckaroo"
Mauser Model 107 Bolt-Action Rifle
Mauser Model 201 Bolt-Action Rifle
Navy Arms TU–KKW Training Rifle
Navy Arms TU–33/40 Carbine
Navy Arms TU–KKW Sniper Trainer
Norinco JW–27 Bolt-Action Rifle
Norinco JW–15 Bolt-Action Rifle
Remington 541–T
Remington 40–XR Rimfire Custom sporter
Remington 541–T HB Bolt-Action Rifle
Remington 581–S Sportsman Rifle
Ruger 77/22 Rimfire Bolt-Action Rifle
Ruger K77/22 Varmint Rifle
Ultra Light Arms Model 20 RF Bolt-Action Rifle
Winchester Model 52B Sporting Rifle

Competition Rifles—Centerfire & Rimfire

Anschutz 64–MS Left Silhouette
Anschutz 1808D RT Super Match 54 Target
Anschutz 1827B Biathlon Rifle
Anschutz 1903D Match Rifle
Anschutz 1803D Intermediate Match
Anschutz 1911 Match Rifle
Anschutz 54.18MS REP Deluxe Silhouette Rifle
Anschutz 1913 Super Match Rifle
Anschutz 1907 Match Rifle
Anschutz 1910 Super Match II
Anschutz 54.18MS Silhouette Rifle
Anschutz Super Match 54 Target Model 2013
Anschutz Super Match 54 Target Model 2007
Beeman/Feinwerkbau 2600 Target Rifle
Cooper Arms Model TRP–1 ISU Standard Rifle
E.A.A./Weihrauch HW 60 Target Rifle
E.A.A./HW 660 Match Rifle
Finnish Lion Standard Target Rifle
Krico Model 360 S2 Biathlon Rifle
Krico Model 400 Match Rifle
Krico Model 360S Biathlon Rifle
Krico Model 500 Kricotronic Match Rifle
Krico Model 600 Sniper Rifle
Krico Model 600 Match Rifle
Lakefield Arms Model 90B Target Rifle
Lakefield Arms Model 91T Target Rifle
Lakefield Arms Model 92S Silhouette Rifle
Marlin Model 2000 Target Rifle
Mauser Model 86–SR Specialty Rifle
McMillan M–86 Sniper Rifle
McMillan Combo M–87/M–88 50-Caliber Rifle
McMillan 300 Phoenix Long Range Rifle
McMillan M–89 Sniper Rifle
McMillan National Match Rifle
McMillan Long Range Rifle
Parker-Hale M–87 Target Rifle
Parker-Hale M–85 Sniper Rifle
Remington 40–XB Rangemaster Target Centerfire
Remington 40–XR KS Rimfire Position Rifle
Remington 40–XBBR KS
Remington 40–XC KS National Match Course Rifle
Sako TRG–21 Bolt-Action Rifle
Steyr-Mannlicher Match SPG–UIT Rifle
Steyr-Mannlicher SSG P–I Rifle
Steyr-Mannlicher SSG P–III Rifle

Steyr-Mannlicher SSG P–IV Rifle
Tanner Standard UIT Rifle
Tanner 50 Meter Free Rifle
Tanner 300 Meter Free Rifle
Wichita Silhouette Rifle

Shotguns—Autoloaders

American Arms/Franchi Black Magic 48/AL
Benelli Super Black Eagle Shotgun
Benelli Super Black Eagle Slug Gun
Benelli M1 Super 90 Field Auto Shotgun
Benelli Montefeltro Super 90 20-Gauge Shotgun
Benelli Montefeltro Super 90 Shotgun
Benelli M1 Sporting Special Auto Shotgun
Benelli Black Eagle Competition Auto Shotgun
Beretta A–303 Auto Shotgun
Beretta 390 Field Auto Shotgun
Beretta 390 Super Trap, Super Skeet Shotguns
Beretta Vittoria Auto Shotgun
Beretta Model 1201F Auto Shotgun
Browning BSA 10 Auto Shotgun
Browning Bsa 10 Stalker Auto Shotgun
Browning A–500R Auto Shotgun
Browning A–500G Auto Shotgun
Browning A–500G Sporting Clays
Browning Auto-5 Light 12 and 20
Browning Auto-5 Stalker
Browning Auto-5 Magnum 20
Browning Auto-5 Magnum 12
Churchill Turkey Automatic Shotgun
Cosmi Automatic Shotgun
Maverick Model 60 Auto Shotgun
Mossberg Model 5500 Shotgun
Mossberg Model 9200 Regal Semi-Auto Shotgun
Mossberg Model 9200 USST Auto Shotgun
Mossberg Model 9200 Camo Shotgun
Mossberg Model 6000 Auto Shotgun
Remington Model 1100 Shotgun
Remington 11–87 Premier shotgun
Remington 11–87 Sporting Clays
Remington 11–87 Premier Skeet
Remington 11–87 Premier Trap
Remington 11–87 Special Purpose Magnum
Remington 11–87 SPS–T Camo Auto Shotgun
Remington 11–87 Special Purpose Deer Gun
Remington 11–87 SPS–BG–Camo Deer/Turkey Shotgun
Remington 11–87 SPS-Deer Shotgun
Remington 11–87 Special Purpose Synthetic Camo
Remington SP–10 Magnum-Camo Auto Shotgun
Remington SP–10 Magnum Auto Shotgun
Remington SP–10 Magnum Turkey Combo
Remington 1100 LT–20 Auto
Remington 1100 Special Field
Remington 1100 20-Gauge Deer Gun
Remington 1100 LT–20 Tournament Skeet
Winchester Model 1400 Semi-Auto Shotgun

Shotguns—Slide Actions

Browning Model 42 Pump Shotgun
Browning BPS Pump Shotgun
Browning BPS Stalker Pump Shotgun
Browning BPS Pigeon Grade Pump Shotgun
Browning BPS pump Shotgun (Ladies and Youth Model)
Browning BPS Game Gun Turkey Special
Browning BPS Game Gun Deer Special
Ithaca Model 87 Supreme Pump Shotgun
Ithaca Model 87 Deerslayer Shotgun
Ithaca Deerslayer II Rifled Shotgun
Ithaca Model 87 Turkey Gun
Ithaca Model 87 Deluxe Pump Shotgun
Magtech Model 586–VR Pump Shotgun
Maverick Models 88, 91 Pump Shotguns
Mossberg Model 500 Sporting Pump
Mossberg Model 500 Camo Pump
Mossberg Model 500 Muzzleloader Combo
Mossberg Model 500 Trophy Slugster
Mossberg Turkey Model 500 Pump
Mossberg Model 500 Bantam Pump
Mossberg Field Grade Model 835 Pump Shotgun
Mossberg Model 835 Regal Ulti-Mag Pump
Remington 870 Wingmaster
Remington 870 Special Purpose Deer Gun
Remington 870 SPS–BG–Camo Deer/Turkey Shotgun
Remington 870 SPS-Deer Shotgun
Remington 870 Marine Magnum
Remington 870 TC Trap
Remington 870 Special Purpose Synthetic Camo
Remington 870 Wingmaster Small Gauges
Remington 870 Express Rifle Sighted Deer Gun
Remington 879 SPS Special Purpose Magnum
Remington 870 SPS–T Camo Pump Shotgun
Remington 870 Special Field
Remington 870 Express Turkey
Remington 870 High Grades
Remington 870 Express
Remington Model 870 Express Youth Gun
Winchester Model 12 Pump Shotgun
Winchester Model 42 High Grade Shotgun
Winchester Model 1300 Walnut Pump
Winchester Model 1300 Slug Hunter Deer Gun
Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun
Winchester Model 1300 Turkey Gun
Winchester Model 1300 Ranger Pump Gun

Shotguns—Over/Unders

American Arms/Franchi Falconet 2000 O/U
American Arms Silver I O/U
American Arms Silver II Shotgun
American Arms Silver Skeet O/U
American Arms/Franchi Sporting 2000 O/U
American Arms Silver Sporting O/U
American Arms Silver Trap O/U
American Arms WS/OU 12, TS/OU 12 Shotguns
American Arms WT/OU 10 Shotgun
Armsport 2700 O/U Goose Gun
Armsport 2700 Series O/U
Armsport 2900 Tri-Barrel Shotgun
Baby Bretton Over/Under Shotgun
Beretta Model 686 Ultralight O/U
Beretta ASE 90 Competition O/U Shotgun
Beretta Over/Under Field Shotguns
Beretta Onyx Hunter Sport O/U Shotgun
Beretta Model SO5, SO6, SO9 Shotguns
Beretta Sporting Clay Shotguns
Beretta 687EL Sporting O/U
Beretta 682 Super Sporting O/U
Beretta Series 682 Competition Over/Unders
Browning Citori O/U Shotgun
Browning Superlight Citori Over/Under
Browning Lightning Sporting Clays
Browning Micro Citori Lightning
Browning Citori Plus Trap Combo
Browning Citori Plus Trap Gun
Browning Citori O/U Skeet Models
Browning Citori O/U Trap Models
Browning Special Sporting Clays
Browning Citori GTI Sporting Clays
Browning 325 Sporting Clays
Centurion Over/Under Shotgun
Chapuis Over/Under Shotgun
Connecticut Valley Classics Classic Sporter O/U
Connecticut Valley Classics Classic Field Waterfowler
Charles Daly Field Grade O/U
Charles Daly Lux Over/Under
E.A.A./Sabatti Sporting Clays Pro-Gold O/U
E.A.A/Sabatti Falcon-Mon Over/Under
Kassnar Grade I O/U Shotgun
Krieghoff K–80 Sporting Clays O/U
Krieghoff K–80 Skeet Shotgun
Krieghoff K–80 International Skeet
Krieghoff K–80 Four-Barrel Skeet Set
Krieghoff K–80/RT Shotguns
Krieghoff K–80 O/U Trap Shotgun
Laurona Silhouette 300 Sporting Clays
Laurona Silhouette 300 Trap
Laurona Super Model Over/Unders
Ljutic LM–6 Deluxe O/U Shotgun
Marocchi Conquista Over/Under Shotgun
Marocchi Avanza O/U Shotgun
Merkel Model 200E O/U Shotgun
Merkel Model 200E Skeet, Trap Over/Unders
Merkel Model 203E, 303E Over/Under Shotguns
Perazzi Mirage Special Sporting O/U
Perazzi Mirage Special Four-Gauge Skeet
Perazzi Sporting Classic O/U
Perazzi MX7 Over/Under Shotguns
Perazzi Mirage Special Skeet Over/Under
Perazzi MX8/MX8 Special Trap, Skeet
Perazzi MX8/20 Over/Under Shotgun
Perazzi MX9 Single Over/Under Shotguns
Perazzi MX12 Hunting Over/Under
Perazzi MX28, MX410 Game O/U Shotguns
Perazzi MX20 Hunting Over/Under
Piotti Boss Over/Under Shotgun
Remington Peerless Over/Under Shotgun
Ruger Red Label O/U Shotgun
Ruger Sporting Clays O/U Shotgun
San Marco 12-Ga. Wildflower Shotgun
San Marco Field Special O/U Shotgun
San Marco 10-Ga. O/U Shotgun
SKB Model 505 Deluxe Over/Under Shotgun
SKB Model 685 Over/Under Shotgun
SKB Model 885 Over/Under Trap, Skeet, Sporting Clays
Stoeger/IGA Condor I O/U Shotgun
Stoeger/IGA ERA 2000 Over/Under Shotgun
Techni-Mec Model 610 Over/Under
Tikka Model 412S Field Grade Over/Under
Weatherby Athena Grade IV O/U Shotguns
Weatherby Athena Grade V Classic Field O/U
Weatherby Orion O/U Shotguns
Weatherby II, III Classic Field O/Us
Weatherby Orion II Classic Sporting Clays O/U
Weatherby Orion II Sporting Clays O/U
Winchester Model 1001 O/U Shotgun

Winchester Model 1001 Sporting Clays O/U
Pietro Zanoletti Model 2000 Field O/U

Shotguns—Side by Sides

American Arms Brittany Shotgun
American Arms Gentry Double Shotgun
American Arms Derby Side-by-Side
American Arms Grulla #2 Double Shotgun
American Arms WS/SS 10
American Arms TS/SS 10 Double Shotgun
American Arms TS/SS 12 Side-by-Side
Arrieta Sidelock Double Shotguns
Armsport 1050 Series Double Shotguns
Arizaga Model 31 Double Shotgun
AYA Boxlock Shotguns
AYA Sidelock Double Shotguns
Beretta Model 452 Sidelock Shotgun
Beretta Side-by-Side Field Shotguns
Crucelegui Hermanos Model 150 Double
Chapuis Side-by-Side Shotgun
E.A.A./Sabatti Saba-Mon Double Shotgun
Charles Daly Model Dss Double
Ferlib Model F VII Double Shotgun
Auguste Francotte Boxlock Shotgun
Auguste Francotte Sidelock Shotgun
Garbi Model 100 Double
Garbi Model 101 Side-by-Side
Garbi Model 103A, B Side-by-Side
Garbi Model 200 Side-by-Side
Bill Hanus Birdgun Doubles
Hatfield Uplander Shotgun
Merkell Model 8, 47E Side-by-Side Shotguns
Merkel Model 47LSC Sporting Clays Double
Merkel Model 47S, 147S Side-by-Sides
Parker Reproductions Side-by-Side
Piotti King No. 1 Side-by-Side
Piotti Lunik Side-by-Side
Piotti King Extra Side-by-Side
Piotti Piuma Side-by-Side
Precision Sports Model 600 Series Doubles
Rizzini Boxlock Side-by-Side
Rizzini Sidelock Side-by-Side
Stoeger/IGA Uplander Side-by-Side Shotgun
Ugartechea 10-Ga. Magnum Shotgun

Shotguns—Bolt Actions & Single Shots

Armsport Single Barrel Shotgun
Browning BT-99 Competition Trap Special
Browning BT-99 Plus Trap Gun
Browning BT-99 Plus Micro
Browning Recoilless Trap Shotgun
Browning Micro Recoilless Trap Shotgun
Desert Industries Big Twenty Shotgun
Harrington & Richardson Topper Model 098
Harrington & Richardson Topper Classic Youth Shotgun
Harrington & Richardson N.W.T.F. Turkey Mag
Harrington & Richardson Topper Deluxe Model 098
Krieghoff KS-5 Trap Gun
Krieghoff KS-5 Special
Krieghoff K-80 Single Barrel Trap Gun
Ljutic Mono Gun Single Barrel
Ljutic LTX Super Deluxe Mono Gun
Ljutic Recoilless Space Gun Shotgun
Marlin Model 55 Goose Gun Bolt Action
New England Firearms Turkey and Goose Gun
New England Firearms N.W.T.F. Shotgun
New England Firearms Tracker Slug Gun
New England Firearms Standard Pardner
New England Firearms Survival Gun
Perazzi TM1 Special Single Trap
Remington 90-T Super Single Shotgun
Snake Charmer II Shotgun
Stoeger/IGA Reuna Single Barrel Shotgun

Thompson/Center TCR '87 Hunter Shotgun.".

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute and no other amendment to the bill is in order.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4296) to make unlawful the transfer or possession of assault weapons, pursuant to House Resolution 416, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SENSENBRENNER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SENSENBRENNER of Wisconsin moves to recommit the bill, H.R. 4296, to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 214, not voting 2, as follows:

[Roll No. 156]

YEAS—216

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Coyne
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Glickman
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Huffington
Hughes
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E.B.
Johnston
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klug
Kreidler
LaFalce
Lambert
Lantos
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lipinski
Lloyd
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal (MA)
Neal (NC)
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Pickle
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rangel
Reed
Reynolds
Ridge
Roemer
Ros-Lehtinen
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Swett
Swift
Synar
Thompson
Torres
Torricelli
Towns
Traficant
Tucker
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Woolsey
Wyden
Wynn
Yates
Young (FL)

NAYS—214

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bentley
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Boucher
Brewster
Brooks
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart

Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fields (TX)
Fish
Fowler
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Istook
Johnson (SD)
Johnson, Sam
Kanjorski
Kim
Kingston
Klink
Knollenberg
Kolbe
Kopetski
Kyl
Lancaster
LaRocco
Laughlin
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCloskey
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Mica
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Quillen
Rahall
Ramstad
Ravenel
Regula
Richardson
Roberts
Rohrabacher
Rose
Roth
Rowland
Royce
Santorum
Sarpalius
Schaefer
Schiff
Sensenbrenner
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Unsoeld
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—2

Long
Rogers

□ 1658

Mr. LEHMAN and Mr. JACOBS changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1700

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on H.R. 4296, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Ms. LONG. Mr. Speaker, unfortunately, due to a death in my family, I was not able to cast my vote on H.R. 4296, the Assault Weapons Ban Act. I do, however, want to express my opposition to the bill. Had I been present, I would have voted "nay."

CONFERENCE REPORT ON S. 636, FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1994

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 417 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 417

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. MCNULTY). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 417 provides for the consideration of the conference report on S. 636, the Freedom of Access to Clinic Entrances Act of 1993.

The rule waives all points of order against the conference report and against its consideration. This waiver is required by two items in the conference report.

First there is a nongermane Senate amendment; that is the Hatch amendment which applied the bill's protections to churches and synagogues. While this amendment may technically be nongermane to the House bill, the House voted 398 to 2 on March 17 to instruct the conferees to agree to this amendment.

The second provision requiring a waiver is a severability clause included in the conference report which states:

> If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any other person or circumstance shall not be affected thereby.

As my Rules Committee colleague from Florida said yesterday, this is a standard "boilerplate" severability clause; similar language has been included in a wide variety of laws including: The Emergency Unemployment Compensation Amendments of 1993, the Americans With Disabilities Act, the Civil Rights Restoration Act, the Fair Labor Standards Act, the Voting Rights Act, the Education for Economic Security Act, and the Comprehensive Drug Abuse Prevention and Control Act.

The severability language does not change any provision of the House bill, but merely preserves the remaining protections the House passed in the unlikely event that one provision is found to be unconstitutional.

The rule further provides that the conference report shall be considered as read.

Mr. Speaker, the conference report on S. 636, the bill for which the committee has recommended this rule, is legislation to protect women, their doctors and health clinic staff from systematic, orchestrated violence at reproductive health centers around the country.

By now, we have all heard supporters of this bill repeat the horrible statistics over and over: Bombings, arson, death threats, assaults, kidnappings, clinic "invasions" and murder—all in service of an orchestrated campaign to deny women reproductive choice, at any cost.

Last November, this House passed this legislation to provide a Federal remedy for this national crisis. State and local law enforcement often lack the resources—and sometimes lack the will—to battle large-scale, long-term operations that include trespassing, vandalism, and assault.

I am disappointed that it has taken us 7 months since the House first passed this bill, to get to this point. But I will say that events in the intervening months have helped make the case for this legislation even stronger: The conviction of the Florida assassin who killed Dr. David Gunn; the interrogation of a suspect in another attack on a doctor provided the first inside look at a national conspiracy of violence; and the Supreme Court approved the use of the RICO statute to combat this network of terror.

S. 636 includes strong protection of the individual's right to free speech. That's why the ACLU endorses it. As does this National Association of Attorneys General; the American Medical Association; and the League of Women Voters, among others. They endorse this bill because it is a carefully crafted measure that will help put a stop to the injuries and deaths of innocent women and their health care providers.

The will of this House has been expressed twice now, in overwhelming support of S. 636. I urge my colleagues to put an end to these delaying tactics, pass the rule and vote yes on final passage. Federal protection for women and their reproductive health needs is long overdue.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

□ 1710

Mr. Speaker, today's debate marks round three on this highly controversial bill—a bill that now creates two new, special categories of behavior that will be subject to Federal criminal and civil remedies; two new, special categories of facilities that will have special protection under Federal law preempting States rights, as it were. Unfortunately, this bill is not subject to the much-lauded concept of "three strikes and you're out"—many of us believe it should be.

Originally this bill was targeted solely at those who protest legally or illegally outside of reproductive health clinics. In an effort to underscore the arbitrary nature of this legislation, churches and other places of worship were added as a second protected class in the hopes that the bill's supporters would see the problem with their proposal. Yet, here we are—now with both classes protected. Mr. Speaker, we all should have learned a very long time ago that two wrongs will not make it right—I don't believe we should be federalizing places of worship or reproductive health clinics. While we all share an abhorrence of violence in any setting—including specifically those involving abortion protests—I firmly believe that this bill is unnecessary, because we already have laws on the books that prohibit acts of violence, wherever they may occur.

Quite simply, we don't need new laws, we need better enforcement of the laws we already have. But this bill is worse than just unnecessary—it also sets a terrible precedent by singling out special classes of people, certain speech and behavior for extra Federal restrictions. I am absolutely convinced this bill will become a major profit center for attorneys; it invites litigation because it is overbroad and more particularly because plaintiffs have nothing to lose. If plaintiffs win their case they can recoup their legal costs, but if they lose, they face no risk since the defendant is not given similar recourse to be reimbursed for legal costs. This is a grossly unfair provision that virtually ensures a landslide of frivolous claims. Mr. Speaker, this legislation treads heavily on the Constitution—a point even its proponents must recognize, since they have now added a brand new provision—one designed to make it harder for their bill to be struck down on a constitutional challenge. The Rules Committee was asked to grant a waiver to this conference report, in part because the so-called boiler-plate "severability" clause added to the bill was not in the House version of the proposal from the other body. In case anybody in this House is interested, such a "scope" violation is against the standing rules of this House.

Mr. Speaker, this may be the most un-American legislation I've witnessed in my time here. It places good American citizens with one set of beliefs at severe disadvantage to good American citizens with differing beliefs. It takes away more freedom from one group than another. And then it intentionally tilts the scales of justice to the distinct advantage of one group at the distinct expense to another. There is no fair-play here.

I find myself disgusted and frustrated that we cannot find a fairer and more workable response to the specific, high-profile, totally deplorable acts of violence at clinics or elsewhere, acts that we all condemn. I know that resorting to heavy-handed, one-sided, over-kill legislation to repair what is essentially an enforcement problem will lead to trouble and adverse unintended consequences. It always does.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I rise today to urge my colleagues to vote in favor of the rule and the conference report on the Freedom of Access to Clinic Entrances bill.

The issue of ensuring women's access to abortion clinics has been debated in Congress long enough. It is time, Mr. Speaker, to give women the protection they deserve under the Constitution.

This bill will give our law enforcement officers the tools necessary to prevent blockades of clinics and to punish lawbreakers. Law enforcement at all levels is crying out for swift enactment of this bill—from Attorney General Reno on down to local police officers.

Mr. Speaker, I want to point out that this is not an issue of freedom speech, nor are many of the protesters in front of abortion clinics nonviolent as they claim. The frequency and danger of their acts have escalated alarmingly in recent years. Last year, they assaulted patients and staff, and shot and murdered doctors.

I urge my colleagues to join me in putting an end to the unlawful activities waged by protesters at clinics. Vote yes on the rule and on the conference report on the Freedom of Access to Clinic Entrances bill.

Mr. GOSS. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from the Commonwealth of Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, once again, I rise in strong opposition to the Freedom of Access to Clinic Entrances Act. It is bad and misguided legislation. It is probably unconstitutional; a blatant violation of our first amendment rights.

The Freedom of Access bill is wrong because it singles out one group—people who oppose abortion—and it establishes unduly harsh punishment for them—not for committing a crime—but because of their beliefs and their viewpoints.

The Freedom of Access bill would make an individual's pro-life conviction a thought crime and it would put a congressional stamp of approval on the pro-abortion side of the debate. It is designed, not to prevent violence, but to discourage pro-life protests.

The bill is clearly discriminatory from the word go. It targets pro-life activity only. Throughout our Nation's history, many groups supporting a variety of causes, have used peaceful protest and civil disobedience to advance their views. But FACE singles out only pro-lifers.

In the sixties, before passage of the Civil Rights Act, there were sit-ins, pray-ins and protests all around the country. Some were peaceful. Some were not. In some circles, the civil rights movement was not very popular but Congress did not pass special laws to discourage civil rights protests because of their motivation or because of their viewpoint.

Supporters of this bill and some in the media have tried to convince us that people who oppose abortion are violent and will use any means to further their cause—including murdering abortion doctors and bombing clinics. This is not true. The pro-life movement is overwhelmingly, predominated by peaceful, non-violent, deeply spiritual people who value the sanctity of all human life.

These people have a right to an opinion on abortion. People have a right to oppose abortion. I know it is not politically correct but we still have that right. Accompanying that right is the right to organize and protest peacefully. But the Freedom of Access Act slashes those First Amendment rights to ribbons for people who oppose abortion and them alone.

Yes, we should punish violence, threats of violence and intimidation. But this bill goes beyond that. It would punish people engaged in non-violent, free speech. It would create harsh new penalties for people who engage in non-violent civil disobedience.

This bill makes no distinction between violent and non-violent protesters. Peaceful protesters are subject to the same harsh penalties as protesters who use force and the penalties are extreme.

I am confident that this bill is so clearly unconstitutional that it will eventually be struck down by the courts. But it is sad to think how many people will waste years in prison unnecessarily and how many will be financially destroyed before that happens.

As I have mentioned several times before, this bill comes close to home for me. My wife, two of my daughters and their families are deeply involved in Operation Rescue. Not one of them poses any threat of violence whatsoever. They are truly peaceful people. They just have strong feelings about abortion. And they are dedicating their lives to bringing an end to abortion. That is not and should not be a crime.

My wife and daughters should have the same right to express their beliefs as any other citizen who is willing to take a stand on an issue that is important to them. They should not be made Federal criminals because of the motivations or the beliefs behind their actions.

This is bad legislation and it will be a sad day of shame if it is enacted and we criminalize peaceful protest for a single cause, like abortion, just because that cause is not currently politically correct.

□ 1720

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, today the House will take its final step on the long road to making sure that women across this country will have guaranteed access to providers of reproductive health services—access free from threats, intimidation or harassment—by passing the conference report on the Freedom of Access to Clinic Entrances Act. This bill guarantees freedom of access to reproductive health services without trampling on one of our most treasured and fundamental rights as Americans, free speech.

We should not be detoured at this final juncture by the procedural concerns that have been raised about a provision in the conference report. That provision is routine. We should pass the rule and pass the conference report.

It is outrageous that women and health care providers fear for their safety and that of their families when they seek or provide constitutionally protected reproductive health services. We have witnessed too many acts of violence, including murder, and too many threats of violence, hundreds of bomb threats and death threats. So the need for this legislation is clear.

Mr. Speaker, today, let us begin to stop the killing, the violence, and the fear-mongering. Let us pass the Freedom of Access to Clinic Entrances Act.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I rise in strong support of the rule and conference report on the Freedom of Access to Clinic Entrances Act.

Our civil rights are fundamental in this country, and the law should offer its full protection to anyone who wants to go anywhere it is legal to go.

Most people would be outraged if they were prevented from entering a supermarket—or a church or an office building or any other place—by someone who disagreed with what was going on inside.

We need this Freedom of Access bill because throughout our country, there continue to be bombings, assaults, threats, and even murders by people trying to prevent people from working in or using medical facilities which offer reproductive health services.

In the previous Congress, the House passed the Farm Animal and Research Facilities Protection Act, which prevents violent blockades of facilities for research animals.

If we care that much about facilities for animals, we ought to care about facilities for women. The right to choose is meaningless without the access to choose. We ought not let technical disagreements—such as those over the severability clause—prevent us from acting to protect women and their health providers.

Support the FACE bill and pass the rule to consider the conference report.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I thank the distinguished gentleman from Florida [Mr. GOSS] for yielding time to me.

Mr. Speaker, I rise today in strong opposition to the rule and to the conference report of the Freedom of Access to Clinics Act. As I have stated before, I do not agree with the thrust of this legislation which targets one particular group supporting one side of an issue. This legislation treats the two sides of an issue differently by unfairly protecting one side from criminal penalties. This legislation is unfair.

Also, this legislation raises serious questions about rights guaranteed under the First Amendment. If this conference report is enacted it will in effect make civil disobedience impossible in America. This bill discourages individuals who feel strongly about an issue from exercising their Constitutional rights. It should be noted that civil disobedience is the last resort of a powerless minority committed enough to a particular issue to vote with their bodies. If this bill is enacted, those wishing to engage in peaceful protests will have to do so in fear of violating Federal law. This legislation is unconstitutional.

This legislation is unnecessary. It violates equal protection by penalizing people for their beliefs. Federal court injunctions are currently in place against non-peaceful demonstrations throughout the United States and ample relief is available in state courts.

I do not condone violent protests, but peaceful protests are completely legal and are sanctioned by the First Amendment's guarantee of the freedom to peaceably assemble. This bill will make federal felons out of concerned citizens. I urge a no vote on this unfair, unconstitutional, and unnecessary legislation.

□ 1730

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 6 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, any resemblance between this piece of legislation and the rhetoric we have heard on the other side is entirely accidental. It may be the problem is that the bill is written in English, because some of my friends seem to have some trouble with the language as to what it means, not as to how it pronounces, I never criticize pronouncing, but as to what it means.

For instance, we have just heard that the problem with this is that it is going to make activities illegal, and what activities are we told it is going to make illegal? Civil disobedience. I must tell the previous speaker that civil disobedience is by definition already illegal. If it is legal, it is not civil disobedience. That is what the word means.

What does it deal with? It deals with the following only. You are guilty of a crime under this bill only if you have by force, by threat of force or by physical obstruction done certain things, and it defines physical obstruction. I assume my friends do not think that force or the threat of force against someone they do not like is a constitutional right. For them the question is, when we say physical obstruction, are we talking about interfering with peaceful protest? But the bill defines physical obstruction.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. Mr. Speaker, I am glad to yield to the gentleman from Florida.

Mr. GOSS. Is a clenched fist a threat of force?

Mr. FRANK of Massachusetts. From over there, no, it is not. It depends on the situation as the gentleman would know. A threat of force would be, and it is already illegal. If in fact you stand an inch from someone and shake a fist in the person's face, that could be the threat of force, particularly if you said, "If you take one more step, I'm going to punch you."

The gentleman may be familiar with an arcane legal concept known as assault. Assault is not actual touching. An assault is a threat under the law, so if the gentleman thinks that nothing short of physical contact should ever be a crime, he better get all the laws of assault repealed, because assault is a threat. Battery is the touching.

Mr. Speaker, again the problem is, as I said, a certain misunderstanding of the law. We are talking only about force, the threat of force, or a physical obstruction which is defined, and it is very carefully defined, the term physical obstruction means rendering impassable ingress to or egress from, and that means going in or going out for people who might have a little trouble there. Physical obstruction means rendering impassable ingress to or egress from a facility.

Yes, this bill says you cannot physically prevent people from going into an abortion clinic. No, you do not have a legal right to do that. No, there is not a First Amendment right physically to prevent people from going in.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. The gentleman did not give the full definition. Could the gentleman define what unreasonably difficult means? Because that continues, and if unreasonably difficult applies, physical obstruction then applies, and then a person who simply is in the way of the door and the person can perhaps go around them could be construed to have violated this act and go to jail for a year and a half simply because they were unreasonably in the way.

Mr. FRANK of Massachusetts. Absolutely, I take back my time to say.

Mr. SMITH of New Jersey. Would the gentleman define it?

Mr. FRANK of Massachusetts. Let us be clear what this does not deal with. Standing there with signs, saying things, trying to persuade people. Physically obstructing. Standing in the doorway, and I think if you stand in the doorway to try to force a woman to pass within a 3-inch space, that might be unreasonably obstructing.

The gentleman asked for the definition, he is going to get it whether he likes or not. That could be making it unreasonably difficult.

The fact is, and I am surprised at the gentleman, the purpose of these demonstrations in some cases is in fact physically to prevent people from going in and we say you cannot prevent people from physically going in.

As to equal protection, that has no merit. What we are dealing with here is a situation where there has been a nationally organized movement, in many cases, to send large numbers of people into particular communities. I represent one town where because large numbers of people came from all over the place to physically blockade clinics, the town of Brookline that I represent, a national movement organized people and the town was faced with extraordinary police costs.

Mr. Speaker, I think it is reasonable when the Federal Government says where a particular community is being the focal point of all this activity, we will step in, or situations where, not unknown in America in this situation or others, local police refuse to help, the Federal Government will step in. In situations where the local police are doing their job and they are not overwhelmed, that will be the situation and they will carry it out. But in instances where the local police are not protecting people or where local police are not able financially to deal with it, we say the Federal Government can come in.

Mr. Speaker, if people want to defend the right of others physically to prevent people from going to abortion clinics, that is a rational position, although I disagree with it, but suggesting that this somehow criminalizes behavior that people would otherwise have a right to enforce or act is wrong. What it says is because of the pattern of national concentration in some areas, Wichita, Brookline, Massachusetts and elsewhere, or because of local non-enforcement, we will in this class of situations allow a Federal supplementary presence.

Mr. Speaker, that is what we are talking about. We are not talking about making criminal anything that is protected. The bill clearly protects First Amendment rights.

Mr. Speaker, I do not want to argue this too much. There are people on the other side who have not had a good word to say about the First Amendment in about 36 years. I am glad that they like the First Amendment today. I only hope they like it tomorrow and next week when we talk about other things, but I will take what I can get. Even an occasional good word about the First Amendment is a good thing, but they ought to understand it. The First Amendment is not standing in a doorway physically to prevent someone from going in. This bill explicitly and in its terms says a protected First Amendment activity is okay. What it says is if you threaten by force, if you used force or if you physically obstruct people from doing something that they have a constitutional legal right to do, you are violating the law.

Mr. GOSS. Mr. Speaker, I yield as much time as he requires to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. I thank my friend, the gentleman from Florida, for yielding me the time.

Mr. Speaker, there is a profound difference between the actions of those persons who employ violence or the threat of violence as a means to an end and those who engage in peaceful, nonviolent dissent such as pickets, sit-ins or perhaps even sidewalk counseling. The language of S. 636 blurs that distinction by making nonviolent acts of civil disobedience committed by prolifers by turning these people into Federal felons.

Mr. Speaker, the point that the gentleman from Massachusetts made a moment ago about civil disobedience constituting an actionable offense is true. The problem that I have and many other Members have with this bill is with the punishments that are meted out are way out of line and are patently unfair.

Nonviolent sit-ins are misdemeanors not felonies. Someone who engages in nonviolent civil disobedience might go to jail for a day or two or three and receive a fine. Under this legislation, however, they are hit with a massive fine, the person who contends that they have been offended can sucessfully sue them for an excessive amount of money and they can go to jail for a year and a half simply for sitting in front of a door or on the sidewalk. That is an excessive punishment.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Jersey. I am glad to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding. I appreciate his understanding of this which some others have not had, namely that he agrees and I agree, we are not here trying to make anything illegal which would otherwise be legal. We are disagreed at what level it should be accepted. We now have agreement, we are not making anything illegal that would otherwise be legal.

Mr. SMITH of New Jersey. Reclaiming my time, it goes further than that. There would be many actions that would be very easily construed to be illegal under the bill. People walking and picketing in front of a clinic and clinics where sidewalks are next to the accessway, where actions will be brought because an abortionist will construe this to be a violation and initiate federal action.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, there are always some remote possibilities that an ill-intentioned law enforcement officer will take the words of any criminal statute and abuse them. There is always the possibility that casually involved people will be given the maximum on the first offense. We know that very rarely happens.

☐ 1740

What the gentleman is suggesting is that people who are innocently walking by and might be swept up in it would be inappropriately punished by a law enforcement officer and given the maximum. I think that is highly unlikely, especially when what we have is a pattern in which we are not talking about innocent observers who happen to get caught up, we are not talking about people who simply say what they want to say. There has been an organized, coordinated, explicit, self-described national movement that says we will physically keep you from going in, and that is what this bill is aimed at.

I think, no matter how it is worded, the gentleman would be opposed to it.

Mr. SMITH of New Jersey. Mr. Speaker, I make the point that those who are strongly against the violence, and that includes this particular Member and every Member on the pro-life side, we had a substitute that was considered last November which said those who commit acts of violence ought to go to jail big time. Clearly we ought to mete out a very serious punishment to those people.

The difference in what we are dealing with today are those acts of nonviolent civil disobedience, and I can tell you Mr. Speaker, if we applied the standard in this bill to those who have been involved in D.C. statehood, civil rights, women's rights, animal rights, and a whole host of other very important causes, this particular legislation would never see the light of day on this floor.

Mr. Speaker, just let me also make a very important point: that sidewalk counseling has saved tens of thousands of children throughout the last 20 years. Women, many of whom have had abortions frequently become sidewalk counselors and go to abortion clinics to speak out. These women, and I have pictures of women who have helped women through the difficult, distressful pregnancies they may be experiencing, they have helped women about to abort at that 11th hour. When everyone else was saying it is a go for the abortion they said, wait, stop, think about it, perhaps go back. There are alternatives that are nonviolent nurturing and caring. There are alternatives to dismemberment of an unborn child by a hideous suction machine that has a razor-blade tip and has a vacuum capacity of about 20 to 30 vacuum cleaners that literally dismembers the babies.

There are alternatives to chemical shots which literally poison the body of an unborn child, inflicting excruciatingly pain and suffering and ultimately death on an innocent boy or girl.

A sickening form of child abuse going on in abortion clinics, Mr. Speaker, and people are outside because they are motivated by the fact those children will die if they do not go out and make some kind of protest and dissent and reach out a loving and helping hand to those women.

Pro-life advocates, under this legislation, will be construed to be felons, and I can guarantee, Mr. Speaker, that if this particular bill survives a constitutional test, more babies will die. The tens of thousands of children who might otherwise be saved will not be. The mothers who might have averted a preventable tragedy, will not. For those who would have been at the abortion clinic that day, to make a last-minute appeal at the 11th hour, many of those people will not be there anymore. In a gross miscarriage of justice they will be in jail. They will be trying to defend themselves from the ruinous lawsuits that will come their way, and that is wrong. What we are about to do today is wrong. But hey, this is Congress, what else is new.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, in an abundance of caution, the conferees of S. 636 determined that it was important to the viability of the law to provide a severability clause in the conference report "providing that if any provision of the act is held invalid the remaining provisions are unaffected * * *" [from Statement of Managers].

Because neither the Senate-passed bill nor the House amendment thereto contained such a severability clause, the Committee on the Judiciary was concerned that this bit of lawyerly caution may be a technical violation of the scope rule. Thus, the committee asked for—and was granted—this rule to waive the possible scope problem for what would clearly be a very minor violation but a very good substantive result.

I thank the distinguished Chairman and members of the Rules Committee for their work, and I urge my colleagues to adopt this rule to allow us to proceed to the conclusion for this legislation.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I am happy to yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman for yielding to me.

Mr. Speaker, I just want to clarify that I have not misspoken on the subject. My understanding is that neither this body nor the other body had provided for severability.

Mr. BROOKS. The gentleman is correct.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to my colleague, the distinguished gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to the Freedom of Access to Clinics Act, S. 636.

If passed, for the first time in our Nation's history we will make it a Federal crime in a real sense to express an opinion on an issue that some people may think is politically incorrect, i.e., that pro-life is a very important issue that we should all try to support.

There are enough laws on the books at the Federal level, State level, and local level to prevent protesters that abuse the right to peacefully demonstrate on public property. We do not need to make a Federal crime out of pro-life believers who try to counsel on sidewalks and who try to in some way exercise their first-amendment rights to freedom of speech.

I know that some pro-life protesters have abused the privilege that we have in our Constitution. I know that those protesters have been dealt with very aggressively at the State and local level.

We certainly do not need to make this a Federal crime. We should legislate for the general, not for the exceptional, rule, and for that reason I would hope that we would vote this bill down and vote no.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Speaker, I rise in support of this rule, and support of the conference report on freedom of access to clinics.

Mr. Speaker, it has been 6 months since the House passed this landmark legislation.

But in fact, American women have waited far longer than 6 months for this protection. In the past 16 years, family planning clinics have endured: 36 bombings, 81 arsons, 131 death threats, 84 assaults, 2 kidnappings, and 327 break-ins.

In the past year alone, California clinics have endured 1,100 separate acts of violence, including a vicious chemical attack on a San Diego clinic in March 1993.

And for what reason, Mr. Speaker? Because they provide reproductive health care services to women. Pap smears, screenings for STD's, contraceptives, prenatal care, infertility treatment, counseling—and yes, helping a woman's constitutional right to terminate her own pregnancy.

And now, after all this violence and all this time, the opposition is again making petty procedural objections in an attempt to kill this bill.

Their true agenda is to continue the reign of harrassment, terror, and physical intimidation against women and their doctors.

This sensible legislation should not be derailed by senseless objections. We can wait no longer—pass this rule, pass this conference report, and give American women the protection of our rights we deserve.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to say, first of all, that no one is talking about condoning violence in any kind of demonstration at any time. We are not talking violence here. We are talking justice.

The question here before us today is in part whether or not we are going to apply the same laws to ourselves here in the U.S. Congress as we apply to other people.

Let me give you just an example. If you are a Member of Congress who decides to go down and protest in front of the White House against the policy in Haiti and you get yourself arrested, you are going to be fined under D.C. law.

You get a $50 fine and come back up the street and vote right away again in the U.S. Congress. That is the law we are going to apply to ourselves. But what about middle-class Americans who decide that what they want to do is to protest the abortions going on in clinics and want to peacefully demonstrate outside an abortion clinic? What are we going to do to them? We are not going to have the $50 fine there.

What we are going to do is we are going to make a Federal law, we are going to make them spend a year and a half in prison for doing the same thing.

You know, it is kind of interesting that we have one standard for Members of Congress who want to go and demonstrate in front of the White House and another standard for middle-class Americans who want to protest in front of an abortion clinic.

They are doing the same thing, they are peacefully demonstrating against something they regard to be a societal wrong; peacefully carrying out their right to freedom of speech. Yet in one case we are going to have one and a half years in prison and in another case it is $50 and coming back here to the floor to vote.

Well, I am tired of this kind of duplicity in what we do in the U.S. Congress. If we are going to have these kinds of laws, why do we not have the year and a half Federal crime for people who are down demonstrating in front of the White House? There is no difference in the two kinds of demonstrations, as long as they are peaceful. We are not about to do that because that is not something which is what we think is politically correct.

I am tired of the political correctness. I think we ought to have justice. Justice demands that we treat ourselves in the U.S. Congress the same way that we treat middle-class America.

That is not what is happening here. Maybe what we ought to do is defeat this rule, maybe get this thing back to the conference committee where they will take a look at simple justice for middle-class America rather than the kind of elitism that goes on when we deal with the laws as they apply to Congress.

Congress is going to continue, my guess is, to go down and protest in front of the White House and get fined $50. Middle-class America, if this bill passes, may try to carry out their peaceful demonstration in front of a clinic or an abortion mill of some sort, and what is going to happen? They are going to get a year and a half in prison.

That is just wrong.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume in order to respond to the gentleman.

Now, I am sure if Members of Congress were to walk down in front of the White House and threaten people who were trying to go inside and interfere with the going in and going out of the White House of people on their regular business, if they were to keep them up all night in the White House, calling and making protests, follow them home, take down their license plate numbers on their cars, if they were to follow the children of persons who worked at the White House, harassing them in school, if they were to make death threats against the persons in the White House and if they were to physically obstruct persons from going in and out of the White House of the United States, those Members of Congress who are also a middle American, would certainly expect to receive the full penalty of the law.

Peaceful demonstrators in front of the White House, peaceful demonstrators in front of a clinic, peaceful demonstrators in front of a synagogue, peaceful demonstrators in front of any religious institution, are not going to be thrown into jail for a year and a half as the previous speaker had indicated.

It is almost sad to me to think of the litany that Ms. SCHENK just read of the break-ins, of the bombings, of the burnings, of the shootings, of the knifings, the killings, the threats, to try to equate that to persons making a peaceful protest in front of the White House over an issue over which they are concerned is ludicrous; they are fined, as Mr. FRANK pointed out well. that is civil disobedience, they are making their points and they are fined and they will certainly take their punishment.

But that is a far, far different thing from the issue we are here today for and I would not want anybody to misunderstand that; that the threats of violence and the shootings, the intimidation, the scare tactics and the damage that has been done is real. This is nothing theoretical that we are talking about here.

Mr. Speaker, I have one more speaker, and I, therefore, yield 2 minutes, for the purposes of debate only to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise in strong support of the rule on the Freedom of Access to Clinic Entrances Act. The bill is long overdue, and the time for action is now. We cannot allow obstructionist forces to block this sensible and well-crafted legislation any longer.

Do not be fooled by those who will use obscure arguments to stall this bill. This rule was necessitated only because a severability clause was added to protect the various components of the legislation should any particular provision be found unconstitutional. This clause is a routine technical provision and is standard, boiler-plate language.

The real issue at hand is whether the Congress will take strong, concrete action to stop the violence and terrorism at women's health clinics. Women and doctors are being harassed, terrorized, even murdered. We cannot stand by and let this continue.

FACE, while not infringing in any way upon the first amendment, protects women and doctors from the escalating antichoice violence.

We have waited long enough to enact this legislation. I urge my colleagues to support the rule and the conference report.

Mr. GOSS. Mr. Speaker, I want to inform my colleague from New York [Ms. SLAUGHTER] that I have been asked to yield as well, and I assume there is no objection. But I am still the last speaker after this yielding.

Ms. SLAUGHTER. Mr. Speaker, I have no objection to the procedure.

Mr. GOSS. Mr. Speaker, I yield to my colleague, the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, I just want to say that my friend, the gentlewoman from New York [Ms. SLAUGHTER], took some exception to what the gentleman from Pennsylvania [Mr. WALKER] had said with regard to those who picket in front of the White House and who might in some way hamper the entrance or exit to the White House and that they would get the full extent of the law meted out to them.

The problem is that it would be a very minimal sentence, if it was a sentence at all, a very minimal fine. And the difference is the draconian aspects of this legislation, which says that you go to jail for a year and a half simply for sitting in front of the door or on a sidewalk. That does not comport with what I thought American law is all about in terms of justice. And the problem with this legislation is that it blurs the distinction between violence, which I absolutely abhor, and with nonviolent civil disobedience, which has been the hallmark, the staple of every single human rights, civil rights movement in this country.

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. GOSS. Mr. Speaker, reclaiming my time, I yield to the gentlewoman from New York.

Ms. SLAUGHTER. I thank the gentleman very much and appreciate his yielding.

Mr. Speaker, there is indeed a major difference, and I am sure the gentleman understands that. If a person is standing in front of the White House attempting to shut it down or if they threatened to burn it down or blow it up or to kill people inside——

Mr. SMITH of New Jersey. Violence and nonviolence are different, fundamentally different.

Ms. SLAUGHTER. Let me assure the gentleman there is no attempt in this vote, none of us would support this bill if it interfered with the right of peaceful assembly. Indeed, it has been gone over with a fine-tooth comb. Everyone has said that the constitutionality is quite secure here. None of us is attempting to interfere in any way with the right of peaceful assembly. It is the organized terrorism and the fear and harassment of people going about their daily lives, breaking no laws, that we are trying to stop here today.

Mr. GOSS. Mr. Speaker, reclaiming my time, I want to make it very clearly understood that I think organized terrorism, shootings, bombings, knife threats, assaults, break-ins, are against the law. I do not know of any community where those are not against the law of the United States of America. If anybody can show me such a community, I would suggest that they need a law.

But that is not the case. That is not what we are talking about here.

We are talking now about very specific language, and I want to repeat it closely for my colleagues, and I am reading: "By the threat of force attempts to intimidate any person." Let me say again: "By threat of force attempts to intimidate any person;" a clenched fist, in somebody's mind from afar, could be considered an attempt to intimidate. That is not a stretch of the imagination, and that is the kind of overbroadness we are concerned about.

☐ 1800

The second thing, Mr. Speaker, we are concerned about is that we just got through dispensing with our version of the crime bill, and we sent it over with the so-called racial justice provision in it, and for the first time we have taken the blindfold off justice and said it is important to know what color a perpetrator of the crime is. Never before have we done that, and yet we have now done that through this so-called racial justice provision.

Today we are going one step further. We are tilting the scales of justice for those with a particular belief. We are saying that they do not have access to being compensated for legal costs if they believe one thing, but, if they believe something else, then they can get legal costs. That is tilting the scales of justice, and clearly it will lead to frivolous lawsuits and, as I said, a big profit line for certain types of attorneys.

Mr. Speaker, those are the kinds of ambiguities and the unfairnesses that are in this legislation, and let nobody deny it. No matter how it is expressed, Mr. Speaker, they are there.

We are all against illegal acts of violence. What we are concerned about now is the rights of people who are protected under our Constitution

This legislation is headed for the court. There is no question that this legislation is not going to go to the court for some type of further interpretation.

We are way out on a limb here. I have never seen anything like this. I do not know who will end up being the most right or the most wrong in all the dire predictions that are going back and forth. We all want to stop the violence. This is not going to do it. This is going to breed confusion, another layer of legislation, gives people who want to make mischief more of an opportunity to create mischief because of uncertainties in the law.

I say to my colleagues, "You can't pass bad laws and get good results," and this is what this does, Mr. Speaker. For that reason I am asking for a no vote on this rule. Let us go back. Let us take out severability, and let us even up this question of legal costs. Then we might be getting a little closer to something that might make sense, but not much.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I close this debate I would like to make a few remarks that just reiterate what has been said. Obviously this has a lot to do with the First Amendment, the rights of free expression and free speech. Unfortunately over the number of years many, many people in this country have been denied their rights by people who obstruct them, who threaten them, who intimidate them, and that still comes under the definition of assault, and it is illegal.

Mr. Speaker, we are not changing any definitions. We are not interfering with the first amendment in any way. We are simply saying that everyone's rights in America have to be attended to, not just that of the protester.

It is also important, Mr. Speaker, that a person who works within a building have a sense that they are going to be able to go to work on a daily basis safely.

It is also important that a person going to a health clinic to exercise her rights to health care be allowed to go without threats, shouts, and intimidation being visited upon her or any of her family.

It is pretty simple. The violence that is practiced against those persons who are trying to exercise their own constitutional rights have made this legislation necessary, and I urge that my colleagues pass this rule and get on to passing this conference report so that we can sign into law a bill that unfortunately, because of the circumstances in the country, has become all too necessary.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent members.

The vote was taken by electronic device, and there were, yeas 236, nays 181, not voting 15, as follows:

[Roll No. 157]

YEAS—236

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Leach
Lehman
Levin
Lewis (GA)
Lloyd
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Pryce (OH)
Ramstad
Rangel
Reed
Reynolds
Richardson
Roemer
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stokes
Strickland
Studds
Swift
Synar
Tanner
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant

Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NAYS—181

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Hoke
Holden
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
McCandless
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Mollohan
Montgomery
Moorhead
Murphy
Myers
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Rahall
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Bevill
Blackwell
Clement
Fish
Foglietta
Herger
Laughlin
Long
McCollum
Price (NC)
Rogers
Rose
Serrano
Stark
Swett

□ 1825

Mr. ORTIZ, Mr. STUPAK, and Mrs. MEYERS of Kansas changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BROOKS. Mr. Speaker, pursuant to House Resolution 417, I call up the conference report on Senate bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to House Resolution 417, the conference record is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, May 2, 1994, at page 8883.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, The gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

The Conference Committee on S. 636 reported back to us a product that merges the Senate and the House-passed bills in a very careful, balanced fashion. Thus, the Senate's protections against interfering with the exercise of religious freedom at places of religious worship have been preserved. Those protections are the same as those enjoyed by persons obtaining or providing reproductive health services.

The Conference Committee agreed to the lower penalties found in the Senate version of the legislation, which was also a matter of some importance to the Members of this body.

Other House Members were concerned that the meaning of the words interfere with were not defined in the House bill. The Senate bill's definition of that term is contained in the conference report.

The report also consolidates and clarifies the various rules of construction, without losing any of their meaning. Because of the concerns raised by some regarding any possible effect of this legislation on first amendment activities, I want to quote from the conference report its rule of construction (d)(1) on that crucial point, and I quote:

"(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) To prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the first amendment to the constitution;"

Such language was a part of the legislation in both bodies of Congress, remains a part of the final product, and makes crystal clear to the courts and to the American people that the statute does not and cannot apply—in any way, shape, or form—to any activity protected by the first amendment of our great Constitution.

The need for this legislation remains great. Contrary to what some would have you believe, the Supreme Court's recent decision in National Organization for Women versus Scheidler on the application of the RICO statute does nothing to lessen that need. Nor does Madsen versus Women's Health Center—now pending before the Supreme Court—do anything to affect its validity.

We are finally at the last stage of our long journey with this legislation. We need to take this last step and send it on to the President for his signature and enactment into law. I commend my fellow conferees in both Houses for their fine work, and I urge my colleagues to vote aye for this conference report.

□ 1830

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I rise in opposition to the conference report on S. 636, the FACE bill.

Mr. Speaker, the conference agreement adopts the Senate position on two key issues: First, it extends the bill's provisions to places of religious worship, and second, it changes the penalties with respect to non-violent physical obstruction. However, even with these provisions the legislation is still fundamentally flawed. Many serious problems remain.

First, FACE still violates equal protection by penalizing people for their beliefs.

The Senate committee report on this bill says, Thus, for example, if an environmental group blocked passage to a hospital where abortions happen to be performed, but did so as part of a demonstration over harmful emissions produced by the facility, the demonstrators would not violate this Act.

Therefore, if two people are engaging in identical conduct—i.e., peaceful, non-violent civil disobedience—outside an abortion clinic but for different reasons, only the pro-life person has committed a Federal crime under FACE, and it is only a Federal crime because of the person's belief that abortion is wrong. This clearly constitutes government disfavor of a viewpoint, not of conduct.

The amendment protecting places of worship does not constitute viewpoint discrimination since it punishes only conduct, not motivation. It doesn't look to why a person is defacing or obstructing passage to a place of religious worship.

Second, FACE still provides unduly harsh penalties for non-violent physical obstruction.

Even though the bill reduces penalties for non-violent civil disobedience, a second offense is still a felony, punishable by up to 18 months in prison. The punishment is not proportionate to the crime and is grossly out of proportion to the penalties for most other acts of peaceful civil disobedience.

Third, FACE gives abortions clinics the bludgeon of Federal civil remedies to use against individual pro-lifers.

The chief reason abortion advocates want the FACE bill is found in the civil remedies section. A pro-life person can be dragged into court under a civil action brought by an abortion clinic without ever having been convicted of a crime. The extensive civil damages allowed under the FACE bill—including automatic statutory damages of $5,000 per incident—are unprecedented in traditional Federal civil rights statutes.

FACE permits abortion clinic owners and personnel to sue for temporary, preliminary or permanent injunctive relief, compensatory and punitive damages, as well as costs of suit and fees for attorneys and expert witnesses. It allows the U.S. Attorney General as well as the State attorneys general, another unprecedented provision, to sue pro-lifers in Federal court on behalf of the abortion clinic or personnel and gives the court authority to assess thousands of dollars in civil penalties against each pro-lifer. Moreover, conferees dropped a provision contained in the Senate bill, which is part of traditional civil rights laws, requiring the U.S. Attorney General to find that the conduct raises an issue of general public importance before initiating a lawsuit.

The conference agreement also adopts the Senate position, which would not permit a pro-life defendant to obtain reasonable attorneys fees even if the lawsuit filed by the abortion clinic was frivolous and without merit. Conferees rejected language in the House bill which at least allowed for reimbursement under those limited circumstances. Therefore, the language in the conference report is an invitation for abortion clinics to file harassing lawsuits against pro-lifers since they would have nothing to lose.

Fourth, FACE will restrict peaceful picketing and sidewalk counseling outside of abortion clinics.

Regardless of Congress' intention, many will be afraid to engage in first amendment-protected activity outside of abortion clinics because they cannot afford the risk to their financial security or the disruption to their family lives that might arise from false or misleading charges leveled against them by pro-abortion escorts or personnel. There are numerous incidents of clinics filing harassing lawsuits against pro-life women and men who are legally picketing, praying, and sidewalk counseling.

Fifth, FACE federalizes crimes already prohibited by State and local laws.

From a criminal justice standpoint, there is no need for this legislation. There are already numerous Federal and State laws against acts of violence and authorities have been diligent in prosecuting people who attack abortion providers. According to statistics from the National Abortion Federation, the number of abortion clinic sit-ins and arrests has declined dramatically since 1989.

None of us condones violence, no matter how noble the cause that is invoked. But this bill is not limited to violence. It strikes at the heart of political and social protest and makes Federal felons out of concerned citizens—grandparents, parents and children—who are simply seeking to exercise their constitutional rights. We cannot sit by and let Congress give this incredible legal weapon to one side of the abortion debate. Congress should act fairly and responsibly. This bill is none of the above.

Pro-lifers are the principal targets of the FACE bill. Who is next?

Mr. Speaker, I reserve the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, first of all let me thank the Chairman, the gentleman from Texas [Mr. BROOKS]. He has been absolutely wonderful on helping us move this issue, as has the chairman of the subcommittee, the gentleman from New York [Mr. SCHUMER]. I am very proud to serve on the Committee on the Judiciary as the only woman on this issue, and I am thrilled to be in this well, knowing that we have finally gotten to this final step.

I listened to the prior speaker, and I must say I am very frustrated. Has anyone ever seen the American Civil Liberties Union come out in support of anything that violated anybody's rights? No.

□ 1840

They back this, medical groups back this, all sorts of people back this.

Mr. Speaker, what does this conference report do? It only imposes penalties if someone is engaging in force or violence. I would think people could figure that out, or they are engaging in physical obstruction so that people cannot get in. One can talk, one can picket, one can persuade, but when one physically obstructs someone from exercising their rights, then that says their rights have stopped.

Mr. Speaker, I do not know how much clearer that can be. I get very tired of hearing people saying over and over again, oh, my, this will be terrible, this is the nose under the tent, what will happen next?

Mr. Speaker, most women get the majority of their care in these clinics. If they cannot get into these clinics, then they cannot get their care, and to harass the medical profession that is working there is outrageous as we know, and these incidents of violence keep going on and on and on. We have all sorts of precedents in the law on this. During picketing by a labor organization, there must be a reserve gate or an injunction can be gotten. Everybody is allowed access in and out. It cannot be stopped. We did the same thing protecting labs that had animals in it.

Mr. Speaker, if we do not care as much about America's women as we did animals, I think we are sending a terrible message. This is a very clear precedent. This is nothing new. Americans have talked about this for a very long time.

Mr. Speaker, I certainly hope we move rapidly to pass it in this final step.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, the problem with this legislation is it elevates to the Federal level something that ought to be left to local law. There are plenty of laws that cover demonstrations on the picket line, obstruction on the picket line, intimidation, but this is elevating to the level of a Federal law this sort of conduct only because the target is antiabortion protesters.

Mr. Speaker, we do not do that to environmentalists, we do not do that to peace demonstrators, we do not do that for labor disputes, but antiabortion.

Mr. Speaker, that is what is wrong with this bill. I have this foolish notion that equal protection of the law means that everybody should be treated equally, but we are not treating labor disputes equally with antiabortion disputes.

Mr. Speaker, the gentlewoman from Colorado [Mrs. SCHROEDER] said, when has the ACLU ever been against anybody's rights? I will tell my colleagues, all the time. The unborn child's rights, the basic right to life, the ACLU does not defend over the right of the woman to exterminate her child.

Mr. Speaker, physical obstruction is bad, it ought to be punished. But is handing somebody a pamphlet in front of an abortion clinic an obstruction? Do not think there will not be judges that will find that.

Mr. Speaker, according to the gentlewoman from Colorado, labor disputes are all taken care of. I would point out on April 6 of this year, a few weeks ago, 75,000 Teamsters walked off their jobs, shutting down 22 major trucking companies, and let us go through a mild catalogue of violence:

Steven Sarrazino, a 27-year-old man from Streamwood, IL was beaten into a coma after he made a delivery to the Karps Bakery in Elk Grove Village, in my district.

In Kissimmee, FL, two bullets were fired at Don Gilbert, a tractor trailer driver, minutes after he said over a CB radio that he had a family to feed and would not honor the Teamsters strike.

In California, a clash between Teamsters and police sent seven people to the hospital. And on and on and on.

Mr. Speaker, the murderer of Dr. Gunn is in prison. The woman who shot at Dr. Tiller and hit him in the arm, Rachelle Shannon, she is in prison, and this law did not put them there.

Mr. Speaker, we all know Dr. Gunn's name. How many of us know Eddie York's name? How many of us have ever heard of Eddie York? He was shot to death July 20 of last year crossing a picket line at a coal mine in West Virginia. If we want to catalogue the violence, we can talk about that. But, no, we are only interested in getting after people on the sidewalk who were not at Auschwitz but they are in front of the new version of Auschwitz, abortion clinics. We are punishing them in a punitive way, it is vindictive, and it is terribly wrong.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, for years radical antiabortion groups have been denying women's rights and endangering women's health by blockading family planning clinics. This past year they stepped up their attacks. Clinics were bombed with noxious butyrica acid and savaged with fire. One doctor was wounded in Kansas and another shot dead in Florida.

The women who make up the majority of clinic clients could not miss the threat: "Give up the right to make your own health choices or else." They have refused to succumb. Instead, clinic attacks sparked national outrage and demands that the brutal ideologically-based violence be stopped.

The Freedom of Access to Clinic Entrances Act can make the violence stop by imposing tough Federal penalties on those who obstruct and harass people entering clinics. It is carefully crafted to protect the first amendment rights of protesters by explicitly allowing peaceful protest—from picketing and praying to speeches and literature distribution—as long as that protest does not physically block those trying to enter or exit a clinic.

Scores of American women turn to family planning clinics each year for cancer screenings and pap smears, for treatment of reproductive disorders and yes, sometimes for abortions. All they are asking from us is protection of their right to enter such clinics without harassment, without abuse and without fear. Please do not let them down. Support passage of the conference report of the Freedom of Access to Clinics Entrances Act.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the conference report on both the criminal grounds and the civil grounds.

On the criminal grounds, I find it very interesting that I was just today with the National Conference of State Legislators talking about unfunded Federal mandates and their fear of the federalization of everything in this country, and in particular the federalization of law enforcement.

Mr. Speaker, I ask any supporter of this bill, why on earth would we turn this into a Federal crime? Why on earth would we have Federal folks come out and haul people off from clinics and then prosecute them? What logic would compel anyone to think that that makes any sense whatsoever? Surely there are State laws to handle this. Surely there are State law enforcement agencies to haul them off, and surely there are State courts to enforce the law. But, no, we want to grow this Federal Government. We do not have enough; $4.2 trillion in debt, let us add a little more. Let us build a few more courthouses, hire a bunch of DA's, hire a bunch of new judges so we can haul these protesters into Federal courts when they could be going into State courts. But, no, the sheriffs in the Congress, and we seem to have a lot of them, folks who forgot they were not elected to be sheriff of their town, they were elected to be Congressmen and women to serve here in Washington, not to do local law enforcement.

Mr. Speaker, I ask everyone in a bipartisan way to listen to our State legislators, hear them. Republicans and Democrats alike talk about the risk of federalizing law enforcement. Then ask them: Are we going to take from the Democrat county councilman and the Republican county councilwoman the ability to enforce the laws locally? Are we going to make everything Federal in this country? Have we forgotten the States exist? Do we want to just have Federal law enforcement?

Mr. Speaker, that is the question that I put to the supporters of this bill. I do not think they can answer it. I do not think they have any justification for a Federal law on something that clearly can be imposed and enforced by local folks.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SCHUMER], chairman of the subcommittee.

Mr. SCHUMER. Mr. Speaker, I thank the chairman for yielding me the time and for his leadership on this issue.

Mr. Speaker, when we began this bill, I introduced this bill a year and a half ago, and if anything has happened since then, we have seen the need for it.

First I would say that FACE has the overwhelming support of the House. On the last vote in March that sent this bill to conference, the vote was 252 to 180, it was bipartisan, liberals and conservatives and Members who call themselves pro-choice and pro-life.

Mr. Speaker, that is simple. The reason for that is simple, because this is a bill about protecting a Federal right that is trying to be taken away. When local law enforcement is either unable or unwilling to protect the right, whether we agree or disagree with that right, that was granted to women in Roe versus Wade, we have no choice but to move in or all Federal rights become a mockery.

Mr. Speaker, I would say to my colleagues that that is why this bill has had support, that is why this bill has gone through. I know that the opponents have tried to use every parliamentary maneuver to drag out the process for months, but it does not succeed because the facts are not there.

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The bill is simply drawn. The bill does not, you know, for the fourth or fifth time, let me say, if it stops peaceful protests, as chief sponsor of the bill, I would withdraw it, but it does not; it does not in its operative language. There is a clause in the bill that makes it explicit that any peaceful protest, handing out a leaflet, standing across the street, even shouting names is not covered by the bill.

We all know what is covered by the bill: blockade, of course, is covered by the bill. The tradition of Gandhi and of Martin Luther King, in terms of civil disobedience, says you should pay a price if you are going to throw your body on the line and deprive somebody else of a granted right.

Of course, it stops violence, and we have seen all too much violence surrounding these clinics.

It is a very good bill. We need this bill.

FACE has the overwhelming support of the House. On the last vote in March that sent this bill to conference, the vote was 252 to 180. Supporters include Democrats and Republicans—37 Republicans in fact—liberals and conservatives—and Members who call themselves pro-choice and pro-life.

But despite this bipartisan and cross-cutting ideological support, a handful of opponents have used every parliamentary maneuver to drag out the process for months. So I think it is helpful to remind everyone here about the circumstances that have made this bill so desperately necessary.

This bill is not about whether you are pro-choice or pro-life.

Yes, it is true, if you're pro-choice as I am, you have to vote for this bill. Because you want to see that the constitutional right to choose really exists. That in the real world, women and doctors can enter a clinic and seek or provide reproductive services without being subjected to violence.

But it is equally true, that if you are pro-life, this is the one bill that mentions abortion that you certainly can vote for, and have voted for.

Because you, as a pro-life member, know that a vote for FACE is not a vote that compromises your core beliefs about abortion.

Rather, it is a vote to stop the rapidly spreading pattern of grotesque and deadly violence against innocent women, innocent doctors, innocent nurses, and innocent workers at health facilities all across the nation.

That is what this bill is about, stopping violence. Plain and simple and nothing else.

It is about the shooting and murder of Dr. David Gunn in Florida in March 1993.

It is about the shooting and bodily injury of Dr. George Tiller in Kansas in August 1993.

It is about the 33,000 incidents of violence, death threats, bomb threats, actual bombings, actual deaths, actual arson and actual murder that have occurred since 1977. I repeat: 33,000 incidents since 1977. And in 1993 alone, one out of every two clinics in this Nation experienced an actual act of structural damage or physical violence.

This is an alarming, frightening and unconscionable pattern of abuse of innocent citizens—that State and local authorities have told my own subcommittee—they refuse to stop. They have refused to pursue the attackers and they have refused to enforce local anti-violence laws. And that, my friends, is what prompted a Federal response.

The bill before us today penalizes the force, threat of force or physical obstruction—international or attempted—of a person obtaining or providing reproductive health services or a person exercising or seeking to exercise the first amendment right of religious freedom at a place of religious worship.

That is right. FACE now protects worshippers and places of religious worship, because as House Members instructed those of us who were conferees, the conference added the Senate's Hatch amendment to FACE.

And that is a good thing. Because we who respect a woman's right to reproductive health free of violence also cherish—deeply cherish—the right of churches and synagogues and clergy leaders and parishioners to pray free of violence. That's why a vote for FACE is indeed a vote for free prayer.

There is something else we added in conference, something that will make it even easier for everyone to vote for this bill. We have lowered the penalties for nonviolent offenses. The first-time nonviolent offense is now a misdemeanor with a maximum sentence of six months. The second and subsequent offenses carry a maximum sentence of 18 months.

Now, let me tell you what makes me most proud of this bill. The way it is carefully and painstakingly tailored not to be overbroad, and the way it has been expressly written, to protect the constitutional right of anyone who opposes abortion to protest peacefully outside a clinic.

This is proven by a case the Supreme Court heard just last week, which is very good news for this bill. The case is called Madsen versus Women's Health Center. It involves a judicial ruling in Florida that says demonstrators cannot under any circumstances enter so-called buffer zones around a clinic or a staff member's home.

Well, we who drafted FACE anticipated the Supreme Court's concerns about such restrictions, and we rejected the Madsen approach. In fact, in the oral arguments the Supreme Court heard last week, the Justices approvingly noted the difference between carefully tailored statutes like FACE—which penalizes a specific act of violence or a specific threat of violence against a specific victim—versus possibly overbroad rulings like Madsen that establish blanket restrictions in arbitrary zones.

And there is yet another difference between FACE and Madsen, the most crucial difference of all. FACE, in its text, has an explicit section that protects the first amendment right of protesters, whether pro-choice or pro-life, to express themselves peacefully. So comparing FACE and Madsen is like comparing apples and oranges—and don't let the opponents of this bill tell you otherwise.

There are so many people I want to thank for bringing this bill to where it is today. I want to thank my wonderful and committed original cosponsor, CONNIE MORELLA, for bringing bipartisan support to the Schumer-Morella Freedom of Access to Clinic Entrances Act of 1994. I want to thank my distinguished chairman, JACK BROOKS, for being so committed to this bill and to its fundamental premise of nonviolence. And I want to thank the dean of the congressional women's delegation, PAT SCHROEDER, for helping to shepherd this bill through and for being a pioneer on issues of choice and women's justice. And I want to thank LOUISE SLAUGHTER, who did a tremendous job on the rule. I also want to thank the many organizations throughout the Nation, and their legislative Representatives here in Washington, who have worked tirelessly for this bill. And, finally, I want to thank the congressional staff who have been committed to this bill with their hearts and never-ending work. There are so many, but I want to mention three. Cindy Hall of CONNIE MORELLA'S staff, Marie McGlone on the Judiciary Committee, and the counsel on my Subcommittee on Crime, Steven Goldstein, whose commitment and nonstop work on this bill has been second to none.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the reality is that clinic violence has risen dramatically in the past year, with fully half of clinics participating in the recent survey experiencing severe antiabortion violence. Virtually all of these clinics participating in the survey provide services that are important to women, and often are the only providers available to women without insurance. They provide birth control services, prenatal care services, menopausal treatment services, to name only a few.

In order for this legislation to be invoked, there must be violence, threat of violence, or physical obstruction. Antiabortion activists who are lawfully exercising their first-amendment right to demonstrate peacefully will not be penalized by this legislation.

The Supreme Court has upheld a woman's right until the point of fetal viability to have an abortion. That is her legal right.

To physically dissent from this decision made by the Court by blockading a building, by preventing a woman from exercising her legal right to access to a legal medical procedure, is a violation of the law, pure and simple. My right to swing my arm ends at your nose.

Democracy rests on a foundation of liberty and tolerance and respect and matters of conscience are sometimes hard as the abortion issue demonstrates, but differences honestly held, though deeply in conflict, cannot be resolved by denying the rights of others.

This bill's goal is to balance the rights of all so that the right to dissent is protected while the right of access is honored.

I urge your support of this bill.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. NADLER], a distinguished member of the committee.

Mr. NADLER. Mr. Speaker, I rise to express my strong support for the Freedom of Access to Clinic Entrances Act, of which I am a cosponsor. The purpose of this bill, to put it simply, is to protect liberty against mob rule. The liberty interest at issue here is a most fundamental one: The right of women to choose whether and when to bear children and receive necessary health care services.

Let's clear away the false rhetoric. This bill does not in any way threaten the first amendment rights of abortion opponents. It will prevent any group whatever their motivation—from using force or threats of violence to impose their beliefs on their fellow citizens by physically obstructing or intimidating them from exercising a constitutionally protected right.

Let us be clear: The concerns animating supporters of this bill are by no means hypothetical. Physical obstruction, intimidation, and out-and-out violence—up to an including arson and murder—have become commonplace at reproductive health care clinics throughout the country. It is not merely the right, but the obligation of government to protect citizens whose constitutionally protected rights are systemically threatened in the manner that certain antichoice zealots have made their trademark. Hearings held by the Judiciary Committee have documented the nature and extent of the violence, obstruction, and harassment.

The women of America, and the health professionals who serve them, are looking to us for relief from these outrages. It is high time that we act to put a stop to the deliberate, orchestrated campaign by antichoice zealots to accomplish by physical force what they have not been able to accomplish through the democratic process and in the courts.

The Federal Government has often stepped in to protect constitutional rights when local authorities are unable or unwilling to deal with significant organized threats to the fundamental liberties of average Americans. We will act in that tradition today when we vote for final passage of the Freedom of Access to Clinic Entrances Act.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. CANADY].

Mr. CANADY. Mr. Speaker, I rise today to oppose the conference report on the Freedom of Access to Clinic Entrances Act because the FACE Act will penalize people for the peaceful and lawful expression of their beliefs.

This bill subject protestors to harsh criminal and civil penalties on the basis of the belief which motivates them to engage in protest.

A pro-life protestor engaged in a confrontation with an abortion rights protestor in front of a clinic could be required to serve a harsh federal sentence and pay civil damages, while the abortion rights protestor would be able to engage in the same or more egregious acts with immunity from federal government punishment.

In fact, the abortion rights protestor could even profit from his or her actions by suing the pro-life protestor claiming her or she has been "aggrieved by a violation" of the FACE Act.

This act gives so-called "clinic defenders" and clinic personnel a license to taunt, abuse, provoke and obstruct pro-life people engaged in legal picketing, prayer or sidewalk counseling. Moreover, it creates an economic incentive for so-called clinic defenders and personnel to incite a reaction from pro-life protestors.

The FACE Act is clearly discriminatory. It creates a viewpoint-specific federal crime that offends the most fundamental principle of the First Amendment—that the government may not prohibit the expression of an idea because society finds that idea disagreeable.

I urge my colleagues to prevent this fundamental unfairness to people of a particular viewpoint. Vote "no" on the conference report on the Freedom of Access to Clinic Entrances Act.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, imagine going to work everyday, and being forced to run a gauntlet of protesters, some of whom threaten your life. Imagine being in a profession where colleagues have been shot and killed. Imagine having your spouse and children threatened, and not knowing if your family is safe.

Too many health care providers in this country do not have to use their imagination to picture these scenarios. All they have to do is show up for work.

Violence at reproductive health care clinics is on the rise. This bill is needed to help stop the violence, and the deadly assaults.

This is not a free speech issue. This is an issue concerning behavior. Protesters will still be able to express their views in a serious way. This is an antiviolence bill.

We have waited too long to extend this protection against violence. I strongly urge my colleagues to pass this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rarely talk on the issue of abortion. The fact is I honestly believe that people can disagree on the issue of abortion, and that the tone of the debate in our country has not been the type of tone that I agree with.

I would hope that we would talk reasonably and responsibly to one another. But what we are discussing here is a situation where honest people disagree, and in that situation, we must be very careful that the rights of all people are being protected.

I see this law not as an attempt to protect people's rights but, instead, a malicious attempt to single out people with more conservative points of view to suppress their points of view. This is repression. It is aimed at people who have pro-life views. This is a situation where people with more conservative, traditional views are not being given equal justice, because their views are being singled out from all others for the type of protection this law is supposed to afford.

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I might add that when we discussed this issue the very first time in this House, people were across the street blockading the doors of a congressional office building in order to pressure this body to vote in favor of statehood. Yet their rights to peaceably demonstrate, no one even brought that up. But I will tell you, if they were pro-life people doing that this bill would suggest if they were pro-lifers doing the same thing at another location, their rights to speak, to assemble would not be considered in the debate and in fact they would be guilty of a crime.

This type of legislation is what is leading people with more traditional views in this country to believe that their freedom is under attack, whether we are talking about the Boy Scouts of America, who are being told to take God out of the scout oath or to trash their moral standards for scoutmasters, or on campus, where we see the suppression of points of view that are different from leftists or feminists.

If you believe in equal rights and you believe in freedom, you must believe in that freedom for people who disagree with you; people with a pro-life point of view should not be suppressed. This is what this bill is all about. Vote "no" against the bill.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the chairman of the committee for yielding this time to me.

Mr. Speaker, the Freedom of Access to Clinic Entrances Act which I have sponsored was drafted in response to a nationally orchestrated campaign of violence and vandalism against reproductive health clinics, as well as physical blockades and invasions of clinics. These illegal activities have been preventing women from obtaining health care services and threatening the lives of health care providers.

From 1977 to March 1994, more than 1,587 acts of violence against reproductive health providers were reported in the United States, including 37 bombings, 87 arsons, 175 death threats, 91 assaults, 2 kidnappings, 345 clinic invasions, and 1 murder. From January 1992 to March 1994, 79 chemical attacks were reported in 17 States as well, with damages totaling $560,000. And in a nationwide survey in 1993, 50 percent of the clinics responding reported experiencing extreme violence, with 25 percent of those clinics having experienced physical invasions or chemical attacks in 1993 alone.

The Freedom of Access to Clinic Entrances Act is also in response to the 1993 Supreme Court ruling in Bray versus Alexandria which created a gap in Federal law. Federal injunctive relief is no longer available for clinics under Federal civil rights laws.

S. 636 will give the Federal Government the power to act when State and local authorities cannot or will not act to guarantee access to these clinics where women, especially poor women, go for a wide range of services that include birth control, prenatal examinations, mammograms, pap smears, as well as abortion services.

The bill applies only to the use of force, threat of force, or physical obstruction that intentionally injures, intimidates, or interferes with any person who is obtaining or providing reproductive health services.

The conference report protects all expressive conduct, including peaceful picketing or other peaceful demonstrations, protected by the first amendment. Changes were made in the subcommittee, full committee, on the House floor, and in conference in an effort to further clarify and improve the bill.

The conference report includes the Hatch amendment to protect any person exercising or seeking to exercise the first amendment right of religious freedom at a place of religious worship. It also includes the lower Senate penalties for nonviolent offenses.

And it has been narrowly drawn to specifically address this problem, without providing too broad a Federal role. Some Members are arguing today that the Supreme Court case in Madsen has some bearing on the passage of this conference report. In fact, S. 636 is a much narrower measure that carefully protects first amendment rights. The ACLU and other first amendment supporters have endorsed S. 636, while they have expressed concerns with the Madsen decision.

The Freedom of Access to Clinic Entrances Act remains an urgent priority to protect women who are seeking reproductive services and the clinics and medical personnel that provide these health services. It is a necessary, appropriate, and reasonable response to this ongoing emergency. I urge my colleagues to vote for the conference report.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to voice my opposition to the conference report on S. 636, the Freedom of Access to Clinic Entrances Act. Although this conference report contains important changes in the original legislation, most notably the extension of this bill's protections to places of religious worship and the exemption from penalty for parent's of underage daughters, it still violates equal protection by penalizing individuals for their beliefs.

For instance, if a group decided to stage a peaceful protest against a hospital because of improper disposal of medical waste and on the same day a pro-life group decided to stage a peaceful protest against the hospital because they perform abortions, only the pro-life group would be prosecuted under the Freedom of Access to Clinic's Act. This would clearly be a case of the Government prosecuting someone because of their viewpoint and not because of their actions.

It is unthinkable that we will be making Federal criminals out of a grandmother peacefully praying on a sidewalk or a young mother quietly handing out pamphlets with her children in front of an abortion clinic, but that is what we are doing today when we vote for this conference report. That is why I urge my colleagues to vote against this conference report. We should not take away the first amendment rights of millions of pro-life Americans.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I thank the committee chairman for yielding this time to me.

Mr. Speaker, it seems only appropriate that, in the House's discussion of violence and constitutional rights today, that we should take up and pass the conference report on the Freedom of Access to Clinic Entrances Act.

Since 1977, there have been 36 bombings, 84 cases of arson, 60 attempted arsons, 35 clinic invasions, 498 acts of vandalism, 86 assaults, 149 death threats, two kidnappings, 29 burglaries, and countless cases of stalking of clinic employees. This is in addition to the countless incidents of hate mail, harassing phone calls, 289 bomb threats, and 589 clinic blockades.

The Planned Parenthood Clinic in Ocala, FL, constitutes one of these cases of arson. It has never been rebuilt.

For Dr. David Gunn, the Pensacola physician who was murdered this year, for Dr. George Tiller, who was shot, and for the countless women whose rights were infringed upon, this legislation comes too late.

Attorney General Janet Reno has testified that, "In sum, Federal legislation is necessary. The problem is national in scope, local law enforcement has been unable to effectively deal with it, and existing Federal law is inadequate to provide a complete response."

The conference report ensures American women of their constitutional right to abortion services. It also preserves the first amendment rights of peaceful protestors.

Under the conference report, it would be a Federal offense to use force, threat of force, or physical obstruction to intentionally injure, intimidate, or interfere with anyone seeking or providing reproductive health services.

Mr. Speaker, no one should have to live in fear of violent extremists. I urge the passage of this conference report.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, for over 20 years, sidewalk counselors and peaceful protesters have sought to reach the hearts and minds of mothers outside abortion mills with the truth about abortion and the fact that nonviolent alternatives are available.

Such altruism and selfless love for both the woman and her baby requires tremendous personal sacrifice especially of late. The multimillion-dollar abortion industry's propaganda machine has worked overtime in recent years to link nonviolent acts of civil disobedience and peaceful dissent with those few misguided fanatics who employ violence as a means to an end.

Let me state unequivocally that violence by either side is morally repugnant and has absolutely no place in our struggle to end the child abuse called abortion on demand. Let me remind Members, as well, that the Smith substitute to this bill that the House considered last November—that garnered the support of 177 Members—imposed penalties on those of either side who use or threaten to use force.

Under the facade of getting tough on those few people who bomb abortion mills or use violence, the House is poised to stack the deck against peaceful pro-life activists so as to make them prey, an easy mark for ruinous prosecution and civil suits. Incredibly, a pro-lifer can be brought into court under a civil action brought by an abortion mill without ever having been convicted of a crime. The extensive civil damages allowed under the bill—including automatic statutory damages of $5,000 per incident—are unprecedented in traditional Federal civil rights statutes.

S. 696 permits abortion clinic owners and personnel to sue for temporary, preliminary, or permanent injunctive relief, compensatory—actual—and punitive damages, as well as costs of suit and fees for attorneys and expert witnesses. It allows the U.S. attorney general as well as the State attorneys general to sue pro-lifers in Federal court on behalf of the abortion clinic or personnel and gives the court authority to assess thousands of dollars in civil penalties against each pro-lifer.

S. 636 contains extremely harsh, mean-spirited punishments for acts of nonviolent civil disobedience. Just getting in the way peacefully—a sidewalk sit-in for example, or just attempting to talk to someone outside a clinic, which someone construes to be obstruction—will result in up to 6 months in jail for the first offense, 18 months in jail for the second—plus massive fines and damages and attorney's fees.

S. 636 is grossly unfair. This conference report represents an abuse of police power and is unprecedented in its attempt to obliterate and crush dissent in America.

Unlike the abortionist, Mr. Speaker, who grows filthy rich by grinding, suctioning, poisoning, and dismembering the fragile bodies of unborn babies, the pro-lifers outside these baby slaughterhouses give of themselves to help both mother and child.

Over the past two decades, the results of sidewalk counseling and other forms of peaceful nonviolent outreach have been stunning. An incredibly large number of children have been spared the agony of abortion and these kids are alive today, perhaps playing soccer or baseball and learning the wonders of science, geography, and religion. These children live today and have moms who love them dearly, because a pro-life volunteer cared enough to be outside the abortion mill that day.

You and I know, Mr. Speaker, that the pressures to abort a baby in this day and age can be overwhelming, especially during the initial weeks of panic and distress if the pregnancy wasn't expected.

Twenty years of experience since Roe versus Wade has shown that, if encouraged to choose life—even at the 11th hour—many mothers will opt to safeguard the child within her.

Often, the only and certainly the last voice appealing for the baby's life, is a pro-life volunteer outside the clinic.

Nancy, a child who almost died from abortion, will turn 4 next week. She is alive today because her mother, Hanh, met two pro-life women who were sidewalk counseling outside of the Hillcrest Surgi-Center in northwest Washington, DC.

When Hanh came to the clinic that day, alone, she had no hope and nowhere to turn. Her situation was about as bad as it gets.

A few years after Hanh married and had two children, a boy and a girl, her husband left her and Hanh, a native of Vietnam who spoke little English, had to take a minimum wage job as a seamstress to support her family. Several months later her husband returned and there was a brief reconciliation, but this did not last long. Before leaving again, this time for good, he beat her. A few weeks later she discovered that she was pregnant.

It was then that Hanh went to the abortion clinic; she didn't know that anyone could or would help her and she was ashamed to face her family.

When she met those two sidewalk counselors, though, she found the help she desperately wanted. She followed them in her car to a pregnancy aid center, Birthright, in Wheaton, and was referred to the Center for Life at Providence Hospital. Over the weeks, Hanh took control of her life once again. She told her family and they helped support her. The State of Maryland began collecting child support from the husband who deserted her. The sidewalk counselors stayed in contact with Hanh throughout her pregnancy, visited her when her baby was born, and have kept in contact with her and her children to this day. Hanh is working on her English and studying to be an accountant. Her eldest child is now in school, and her second is in Head Start.

And Nancy—the child she almost aborted?

Nancy is busy being the delight of her mother, grandmother, aunts and uncles, and the rest of her family. Nancy is loved and cherished.

And then there's James.

When James' parents went to the Hillcrest Northwest Abortion Clinic they were distraught, confused, and misinformed.

On their way into the clinic, they spoke briefly with sidewalk counselors who shared some new information about alternatives to abortion and support groups available to help people facing problem pregnancies.

James' father went back outside to learn a little more. James' mother too came out of the clinic, to learn a little more.

The couple was relieved to hear that there were pregnancy crisis centers where people will help to see the pregnancy through. When James was born, his mother told the sidewalk counselors, "you saved my baby! Thank you."

This year James, and his parents, will celebrate his second birthday.

Recently, a baby shower was held for three kids who were saved from abortion. Here's their story.

[From the Catholic Standard]

RESCUED: BABY SHOWER IS HELD FOR THREE SAVED FROM DEATH BY ABORTION

(By Richard Szczepanowski)

The fact that she was pregnant did not make Juana happy. She speaks little English, is unmarried and her salary from a part time job would not allow her to care for a baby. She was advised by her gynecologist to have an abortion.

"My doctor told me to go to the (Northwest abortion) clinic," said Juana, who asked that her real name not be used. Speaking to the Catholic Standard through an interpreter, she recalled that "It was a Friday in the evening when I decided to have the abortion and the next day I went to the clinic."

Outside the clinic that Saturday morning, Juana met sidewalk counselors from Catholics United for Life (CUL) who talked to her about her decision. Those counselors helped change Juana's mind and also saved the life of her baby.

"After I talked to the counselors, I felt bad," Juana recalled. "I asked God to forgive me."

Juana and two other women who changed their minds about abortions after speaking to CUL sidewalk counselors gathered Sunday at St. Thomas Apostle Church in Northwest Washington to celebrate the births of their children.

The women and their children—Juana had a baby girl, the other two had boys—were the guests of honor at a baby shower sponsored by CUL. Sidewalk counselors, family, friends, and strangers gathered in the basement of the church to celebrate the little lives that were almost lost.

"This is more than a baby shower," said Peggy Veith, CUL's coordinator of sidewalk counselors at the Northwest abortion clinic on Georgia Avenue. "This is a celebration of life and an affirmation of these women's decision for life."

The baby shower—where the women were given gifts, promises of assistance and moral support in their new role as mothers—is part of CUL's dedication to life.

"We don't forget them after we talk them out of an abortion," said Adela Jimenez, a sidewalk counselor for four years. "We offer them whatever they need: clothes, money for the hospital, even help finding a job."

Mrs. Veith said that CUL has an arrangement with Providence Hospital's Center for Life where women talked out of an abortion can receive reduced-fee treatment.

"We don't just talk them out of an abortion and that's that," she said. "We follow through during the pregnancy and after. We offer them emotional and material assistance."

Both Mrs. Jimenez and Mrs. Vieth are still in touch with women they have counseled, and both are godmothers to babies they saved.

Mrs. Jimenez said that in her four years of counseling, more than 150 babies have been saved. Mrs. Vieth estimated that more than 400 babies have been saved in the last eight years.

"Most tell us they really don't want abortions but they don't have money; they can't afford to pay the hospital bill," Mrs. Jimenez said. "But we offer them any help they need and we also tell them that God doesn't like us to go to the clinic and do that (have an abortion)."

Mrs. Vieth said that some of the Hispanic women who come to the clinic really don't want to have abortions. "Sometimes they are illegal aliens and they are afraid to go to hospital because they fear they will be discovered," she said.

All of CUL's expenses are met through donations and all of the counselors are volunteers, Mrs. Jimenez said. There are about 450 people registered with CUL, and about 75 regularly go the clinics on Saturdays to do counseling.

"We love what we do," Mrs. Jimenez said. "We share our time, because we love to do it, and when we save a baby everybody is happy."

At Sunday's baby shower, everything—including the counselors who persuaded the new mothers not to have abortions—got a chance to hold the babies and make a fuss over those little lives that almost weren't.

"I'm very happy with the decision I made. It was the right decision," Juana said. "I hope all women who are thinking about abortions change their minds and have their babies because that is the right decision."

These are but a few examples, common everyday examples, of the tens of thousands of children who have been rescued from the clutches of abortionists, and their mothers who deeply appreciate that someone cared enough to get involved.

If S. 636 becomes law, more babies will die because no one will be there to make that one, last, final appeal for their lives. Where will the pro-life volunteers be? In jail, and in debt which will bring a smile to the face of those who kill, but they will languish in jail for the crime of caring for the throwaways, for the crime of loving the unwanted, for the crime of seeking to provide comfort and safety for the innocent and the vulnerable.

Reject this conference report, and together let us craft legislation designed to end the violence, not the last best hope that a baby may have.

□ 1910

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Ms. SLAUGHTER], the member of the Committee on Rules that got this rule out in such great order and with such great skill.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas [Mr. BROOKS] for yielding this time to me.

Mr. Speaker, one of the things that has been going through my mind a lot since the 19 children were found in the 2-room apartment in Chicago sitting on the floor fighting with the dogs over neck bones is that one of the things that right to life and all of us should really be concerned about is the children that are born, and, rather than standing outside clinics, we might want to go outside apartments and help those children who are here to indeed have a life.

Mr. Speaker, the Freedom of Access to Clinic Entrances Act is designed to give the Department of Justice the necessary authority to fight a widespread campaign of interference with the access of women to reproductive health services.

Today is not the first time that I have stood before this House and read through a list of examples of violence against women, their doctors and women's health clinics. But, since we are once again forced to plead the case, I will go through the list again. We are not talking about peaceful protest; we are talking about vandalism, arson, bombing, gassing, physical attacks, death threats, shootings and murder—against clinic staff, as well as their families, and against the women who need health services these clinics offer.

Between 1977 and April of this year, over 1,000 acts of violence were reported against clinics and health care providers. These include: 36 bombings; 81 arsons; 131 death threats; 84 assaults; 2 kidnappings; 327 clinic "invasions," and 1 murder.

Just last year, Dr. David Gunn of Florida was shot and killed; murdered, by an anti-abortion activist.

Such violence devastates the women and doctors involved, as well as giving pain to their families, coworkers and friends. But it also affects the thousands of women who need to use these clinics for their health care. More than 90 percent of the clinics that have experienced blockades or violence also provided other health services, in addition to abortions.

And many of the clinics targetted for blockades and harassment are located in rural areas. They are frequently the only source for reproductive medical care for the women they serve. Disrupting the operation of these clinics deprives many women of badly needed medical services, above and beyond abortion.

State and local law enforcement often do not have the resources to battle these large-scale, long-term operations, including trespass, vandalism, and assault. In other cases, they simply choose not to do so. Clearly, a federal remedy is the only answer if we are standardize law enforcement and offer all clinics the same protection.

Mr. Speaker, it is time to end the procedural wrangling, the endless delays. It is time to enact the will of this House, which was first expressed in support of this legislation last November. It is time to come to the aid of all the women and health care workers, whose lives have been shadowed by this network of fear and orchestrated violence. These health care professionals and their patients deserve our help, and I urge my colleagues to provide it for them by voting, finally, to enact this vital legislation.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO Mr. Speaker, I rise in strong support of the conference report on the freedom of access to clinic entrances bill.

A nationwide campaign of anti-abortion, violence, vandalism and blockades is curtailing the availability of abortion services and endangering providers and patients. This bill provides Federal protection against unlawful and violent intimidation tactics used by anti-choice extremists. We must protect the constitutional right to express views on this controversial issue but we must acknowledge that this protection has been abused. We desperately need the safeguards that this bill provides.

Mr. Speaker, we are in the midst of shaping national health care reform to provide universal coverage for all Americans for all health services, including reproductive services.

Today, anti-abortion extremists are preventing women from receiving services which by law they are entitled to. This bill is necessary and long overdue. It is a clear statement that domestic terrorism will not be tolerated. I urge my colleagues to step away from a scorched-Earth approach so we can put an end to the senseless violence and abuse of our first amendment rights.

Support the conference report.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman from Texas [Mr. BROOKS], the chairman of the Committee on the Judiciary, for yielding this time to me and for his tremendous commitment to this essential issue.

Mr. Speaker, Roe versus Wade established for this country the right of women to have abortions. That right is a right that should be protected by the law. What we have seen over the past 10 years is thousands of women seeking to exercise that right in abortion clinics being blocked, harassed, threatened. We have seen doctors murdered, abortion clinics bombed and arson committed in these premises.

We are not proceeding today on the basis of some general feelings. We are proceeding because of the acts of violence that have occurred that deny this fundamental liberty to women across this country.

There is nothing in the bill that has anything to do with preventing people who wish to exercise their right of free speech to protest, to stand on the streets and to hold a picket sign or to express their opinions about abortion. The bill clearly allows that. But this bill is necessary to protect the right that the courts of this country have given to the women of America.

Mr. Speaker, I urge the Congress to adopt this bill.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, let us set the record straight. What is being barred here by the Freedom of Access to Clinics Entrances bill FACE? The use of force. The threat of force, physical obstruction, intentional injury, intimidation, and interference.

All of these are action words, Mr. Speaker. Pro-choice Americans do not want to have anything to do with these kinds of actions. First amendment rights are expressly protected in this bill.

Illustrative of what is barred, is an incident 2 weeks ago here in the District of Columbia where the Hillcrest Women's Clinic in Northwest was barred from opening for 2 hours. Among other things, an anti-abortion protester used a bicycle lock to connect himself by the neck to the front door of the clinic.

In the absence of a FACE statute the Federal courts have been driven to controversial injunctions. One of these is now before the Supreme Court: Madsen vs. Women's Health Center. During the recent oral argument the court cited with approval the FACE language, and thus we already have some indication that this is the constitutional way to go. FACE does not criminalize the content of speech, only the illegal conduct of anti-choice protesters.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in support of this conference agreement.

Americans should not be prevented from receiving health care they choose for themselves. Unfortunately, too many women have had this basic right violated when they attempt to receive abortion services in this country.

It is a tragedy that this legislation is necessary. I support the right of people to engage in civil disobedience to demonstrate their deeply held beliefs. However, when those beliefs manifest themselves violently—and when force is used to prevent doctors, clinicians and other health care providers from doing their job—it is the responsibility of civil society to punish the perpetrators of that violence. That is the purpose of this legislation.

If I thought this bill inhibited the right of people to peacefully demonstrate or express their views, I would oppose it. However, this bill's penalties only apply to people who use force, threaten to use force or physically obstruct someone seeking reproductive health services.

While abortion stirs many emotions, we must not allow zealots to impose their views on law abiding women who simply seek medical attention. I ask for an "aye" vote on this important legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I take this time to conclude debate on our side and to explain a motion to recommit that I shall offer following the conclusion of the remarks of the distinguished committee chairman, the gentleman from Texas [Mr. BROOKS]. The rules do not allow debate on a motion to recommit a conference report.

As this bill left the House of Representatives, attorneys fees were awarded to the prevailing party, whether plaintiff or defendant. The Senate bill only allowed for attorneys fees and civil actions to be awarded to plaintiffs, and the conferees accepted the Senate position. So, someone who is a defendant in one of these lawsuits that we have been talking about that will be filed against those who demonstrate in front of an abortion clinic can go fight the lawsuit, and win the lawsuit and end up having to pay tens of thousands of dollars, or hundreds of thousands of dollars, out of their own pocket should they win the lawsuit.

On the other hand, if the abortion clinic files a lawsuit against a demonstrator and wins, then the demonstrator not only has to pay his or her own attorneys fees, but also the abortion clinic's attorneys fees as well.

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That is just flat out unfair.

What my motion to recommit will do is quite simple: It will recommit the conference report to the committee of conference with instructions that the court may award to the prevailing party, whether plaintiff or defendant, other than the U.S. Government, reasonable fees for attorneys and expert witnesses.

That means that if a demonstrator is hit with a frivolous lawsuit or a lawsuit without merit that ends up being dismissed by the court, or the jury finds that the demonstrator did not commit conduct which is prohibited under this bill, the demonstrator does not go broke because they were exercising their constitutional rights. This levels the playing field.

I urge the membership to vote aye on the motion to recommit based on simple fairness. A no voted on the motion to recommit means that the lady with the scales of justice will have a good brick on one side of the scale, and justice will not be evenly dispensed.

So I urge an aye vote on the motion to recommit, and yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield one minute to the gentlewoman from New York, [Ms. VELÁZQUEZ].

Ms. VELAZQUEZ. Mr. Speaker, once again I find myself standing in front of this House defending the Freedom Of Access to Clinic Entrances Act. Enough time has been wasted with ridiculous and burdensome anti-choice delay tactics. More than 6 months have passed since the house overwhelmingly passed this legislation. The time for petty procedural games is over.

Women of all races and colors are entitled to feel safe and protected while seeking and receiving abortion services that are their legal right. The doctor's that perform these services should also have the liberty to perform them without fearing for their lives. So-called "pro-life" extremists who commit violent and harmful acts and show a blatant disregard for the lives of those trying to deliver legal abortion services, must be stopped now.

Mr. Speaker, lets stop wasting valuable time. I urge my colleagues to pass this conference report today!

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today in strong support of S. 636, the conference report for the Freedom of Access to Clinic Entrances Act. This bill is urgently needed in order to protect thousands of Americans who are being terrorized, harassed, and prevented from exercising their legal rights.

S. 636 makes it a Federal crime to obstruct access to an abortion facility. This new law is needed because, unfortunately, despite the fact that abortions are legal in this country, a small and fanatic group of people have taken it upon themselves to determine whether or not other Americans will be able to exercise their legal rights to obtain an abortion. They are using vicious harassment and violence to make sure that the doctors, healthcare workers and women who work at healthcare facilities or use their services are not able to function without fear for their safety. Not only are their tactics frightening and offensive, but they are also illegal and S. 636 clearly establishes that their acts are in violation of Federal law.

During the past decade, the number of incidents of violence occurring outside health facilities has swelled out of control. In my district in Illinois, the Planned Parenthood/Chicago Area's Midwest Center has been attacked repeatedly by protesters who have injected the noxious chemical butyric acid into the clinic and chained themselves together to "counsel" the women seeking health services at their facility. Other clinics throughout the Chicago metropolitan area have suffered repeated harassment as well.

While we discuss this bill, its important to remember who the victims of these attacks are. Many women, including many of my constituents, have no health insurance and live below the poverty line. Clincs like Planned Parenthood are their main source of affordable health care. Yet these women, whether they are going to the clinic for an abortion, an HIV test, prenatal care, or to obtain contraceptive services to prevent pregnancy, are being blocked from entering the clinic through threats, violence, and intimidation.

The Freedom of Access to Clinic Entrances Act would put an end to this terror and mob rule by making it a Federal offense to use force, threat of force, or physical obstruction to intentionally injure, intimidate, or interfere with someone seeking, or providing, reproductive health services or to destroy the property of a health service facility. This carefully worded legislation bans violence and harassment, but not simple speech and assembly, to protect American women, doctors, and health care workers from violent prosecution. It's time for the criminal terror to end and S. 636 is exactly the weapon we need to end it. I urge my colleagues to join me and pass this important bill.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report on S. 636, the Freedom of Access to Clinic Entrances Act.

This is not about abortion, or the right to choose. It is about protecting patients and health care providers from the rapidly escalating violence that we have been witnessing at reproductive health clinics around the country. That is why those of us who support this bill have come together on this issue, in spite of our differing views on the matter of choice. We believe that something must be done to stop the violence. We believe that individuals do not have the right to attempt to take the law into their own hands because they do not support a woman's right to obtain a safe, legal abortion.

Over the past 10 years we have seen over 1,000 incidents of violence and almost 500 blockades—not peaceful demonstrations—at reproductive health care facilities. One doctor has been killed. Another wounded. Patients and providers have been stalked and threatened. Clinic blockades and invasions, arson, chemical attacks and bomb threats are all a part of this campaign. Yet, State and local laws have not been enough to address the scope of the problem.

But this bill gives the Federal Government the power to act when—and only when—protestors go beyond the lawful expression of their views and resort to acts of violence against those with whom they do not agree. The Freedom of Access to Clinic Entrances Act makes it a Federal crime to obstruct access to a reproductive health clinic or to damage such a clinic. It further makes it a Federal offense to force, threaten, obstruct, injure, intimidate or interfere with anyone seeking or providing reproductive health services. And it extends these protections to places of religious worship so that anyone seeking to exercise the First Amendment right of freedom of religion at a religious facility is also safe from persecution and attack.

The bill explicitly states that it does not apply to peaceful demonstrations, which are a form of expressive conduct that is protected by the First Amendment. It does not violate anyone's right—pro-choice or anti-choice—to free speech or to demonstrate peacefully. Protestors only break this law when their peaceful demonstrations turn into physical obstructions or, even worse, violence. The bill protects patients and providers and ensures patient access, yet it allows those who choose to protest to do so peacefully, within their Constitutional rights.

I respect the rights of those who believe that abortion is wrong. However, I also support a woman's right to access the complete range of reproductive health services, and the right of health care providers to render these services—without being assaulted or harassed. For too long, we have watched demonstrators, using physical obstruction and intimidation, prevent women from exercising their Constitutional right to obtain an abortion. Enactment of the Freedom of Access to Clinic Entrances Act is long overdue.

Ms. FURSE. Mr. Speaker, I rise today in support of the rule on the Conference report on S. 636. It is critical that we pass the rule to ensure that women have the freedom to access reproductive health clinics.

All over the country, antiabortionists are blocking clinic entrances * * * and targeting providers and their families. This violence has led to the murder of Dr. Gunn and the shooting of Dr. Tiller. This terrorism must stop. Violence for any cause is simply unconscionable.

The Freedom of Access to Clinic Entrances would help stop the violence. It would make it a Federal crime to block clinic entrances * * * and it also allows Federal law enforcement officials to step in if local police refuse to keep a clinic open.

The Supreme Court has reaffirmed a woman's right to choose. While the decision is difficult, once it is made, women should not be prevented from or harassed while exercising their rights * * * and physicians must be allowed to practice without fear for their lives.

I urge my colleagues to support the rule and final passage. The safety and peace of mind of so many are at stake.

Ms. BROWN of Florida. Mr. Speaker, I rise today to speak out in support of the rule for the Freedom of Access to Clinic Entrances Act. The women of our Nation have been waiting a long time for this legislation which first passed this body in November by a voice vote.

My home State of Florida has seen the kinds of destruction that violent antiabortion protesters can unleash. Dr. David Gunn was shot because he provided a necessary medical service to Florida's women. There can be no justification for this kind of violence.

Women too often face physical and physiological harassment when they step inside a reproductive health clinic. Clinic staff are also threatened by the actions of antiabortion protesters. Numerous clinics nationwide have been vandalized, set on fire and bombed this past year. These clinics provide more than just abortion services, they provide basic health care needs for thousands of women every day. Access to these services cannot be denied.

Abortion is a woman's right in this Nation. Her access and physically well being cannot be allowed to be threatened in this most difficult time. Let's stop bickering over procedure and pass this rule.

Mr. PORTER. Mr. Speaker, the question we must answer in deciding the merit of this legislation is what distinguishes constitutionally protected speech from action.

If you believe that obstructing a clinic entrance to prevent another individual from exercising his or her constitutional rights is speech, then you might oppose this bill. It, however, you believe, as I do, that obstructing a clinic is an action not protected by the free speech clause, then you should support this legislation.

We have no disagreement on the primacy of the first amendment. The right to disagree—and to disagree quite vocally—is precious to our democracy. Abortion is an issue of paramount importance. And, it is an intensely controversial issue that demands a national dialogue.

Free speech is predicated ultimately on the value the American people have historically accorded it. It is critical that we do all we can to protect and promote a fundamental respect for speech—for the right to disagree, the right to advocate and argue, and the right to protest. As Members of Congress, we are sworn to uphold this right.

If I thought that this legislation infringed on the freedom of speech guaranteed in the Constitution and upheld by our courts over two centuries, I would vigorously oppose its enactment. But this legislation does not inhibit speech, it punishes conduct—the act of obstructing the free exercise of constitutional rights by others.

Obstruction of a clinic is not speech—it is action. It is, importantly, an action that interferes with the rights and privileges of other people. Many times the Supreme Court has examined the question of abortion. In every instance—despite a radically changed make-up of the Court over time—it has concluded that abortion is a fundamental right.

Many in Congress disagree with that conclusion, but none of us is empowered to disregard it. Abortion is a fundamental right, and actions that intentionally interfere with that right ought to be a crime.

I have said that obstruction is not speech. It is civil disobedience. Many great figures in world history have advocated civil disobedience.

But none has contended that he or she should not be subject to arrest. Civil disobedience specifically contemplates arrest as a consequence—a fundamental distinction from other crimes and from constitutionally protected speech. Civil disobedience involves peaceful action, but that does not mean that it is not a crime, and it does not mean that it is strictly speech.

Historically, civil disobedience has rarely been invoked to interfere with the rights of others. Rather, its historical usage has been to protest against that which is viewed as an infringement of one's own rights. This is a fundamental distinction between the actions of Operation Rescue—even when they are peaceful—and those of Thoreau, Ghandi and King.

Mr. Speaker, today we are going to send a message to the American people. If we defeat this legislation, we will send the message that we encourage obstruction, violence, and interference with people's constitutionally guaranteed and reaffirmed rights as a legitimate method of resolving the important questions of the day.

Rather, we ought to pass this legislation which balances the rights of speech with the affirmed right to obtain an abortion. Passage of this legislation will reaffirm the tradition of democratic governance with which this country has led the world. We will affirm the rights of free speech, of debate and protest, and the tradition of resolving conflict through the democratic legislative process.

Mr. Speaker, I urge Members to vote for this conference report.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the Freedom of Access to Clinic Entrances Act and also to commend those who have worked particularly hard to move this legislation forward. Chairman SCHUMER has shown tremendous leadership in crafting a responsible bill that brings consensus to this issue and provide much needed security to women and physicians. He, along with the other lead sponsor, CONNIE MORELLA, and Chairman BROOKS, PAT SCHROEDER, LOUISE SLAUGHTER and JOLENE UNSOELD have worked tirelessly to make this vote possible and the considerable margins in support of this bill are largely to their credit.

Mr. Speaker, for far too long we have allowed the rhetoric and actions of extremists to escalate. Some who could not achieve their goals through the political process have turned to violence and intimidation—and in doing so they have prevented women from exercising their constitutional rights.

FACE offers us the opportunity to tell American women that we respect their rights and that we will protect their access to basic health care. I hope we will not let the heated rhetoric divert us from the very real fact that these clinics do more than provide abortion services. They provide family planning services, prenatal care, and even adoption services. When we allow the violence at these clinics to continue, we jeopardize the health and indeed the very lives of women and their families.

I also want to thank everyone involved in this legislation for addressing issues I worked to focus attention on several years ago. In 1992, after hearing of the unrelenting harassment Dr. Susan Wicklund faced in North Dakota, I introduced legislation to ensure that municipalities enforced their own anti-harassment laws to protect women and physicians from harassment away from the clinics. The conference report on face goes that extra step to provide important protection to women and physicians from the harassment that far too often follows them home, or pursues their children to school.

This bill strikes a very careful balance between the cherished right to protest and the rights of women and physicians. American women and physicians have waited far too long for the protection this bill offers. I urge my colleagues to support this critical legislation.

Ms. HARMAN. Mr. Speaker, the right of a woman to exercise control over her own body is a freedom just as important as other fundamental rights guaranteed by the Constitution, like the freedom of speech and practice of religion.

Some disagree with this view, and I respect their right to express their opinions and to peacefully demonstrate against the exercise of rights, including those guaranteed by the Constitution. But the expression of principled objection and discussion of ideas must not intimidate or inflict harm on others who seek to express opposite views or exercise the right to obtain reproductive health services legally available to them.

We cannot allow the entrances of reproductive health clinics to continue to serve as battlegrounds. A physical battle is being waged out there, and we need to do something to stop it. Patients deserve unobstructed access to the services they need. Health clinic workers have a right to work in a safe environment. The Freedom of Access to Clinic Entrances Act, or "FACE," provides them with reasonable remedies to advance these commonsense rights.

And the time for these remedies is now. As we know, last Thursday, the Supreme Court heard arguments in Madsen versus Women's Health Center, the case in which the Court will decide whether Florida's buffer safety zones around clinics and health care workers' homes violate the first amendment's protections of speech and association. Let us not confuse FACE and the safety zone law in question here. FACE does not include such zones, and the Madsen case does not directly involve blocking clinic entrances or violence against patients or health care providers. Thus, there is no need to wait for the Court's decision in Madsen to enact the different protection-oriented measures of FACE. In fact, when the Supreme Court heard Madsen last week, the Justices themselves noted the contrast between the narrowly tailored civil and criminal penalties in FACE and the broader Florida buffer zone law.

Passage of the Freedom of Access to Clinic Entrances Act would immediately help bring an end to harassment at and damage to health clinics and places of religious worship, which are also included in the conference report. On the clinic front, the list of infractions is long: the murder of Dr. David Gunn, the shooting of Dr. George Tiller, 36 bombings, 84 cases of arson, 60 attempted arsons, 35 clinic invasions, 498 acts of vandalism, 86 assaults, 149 death threats, 29 burglaries, 2 kidnapings, and countless cases of stalking of clinic employees.

Let's act now to curb the growth of this shameful list. I urge my colleagues to vote for the conference report.

Mr. DELAY. Mr. Speaker, this bill is not about abortion. It's not even about equal protection under the law. Unfortunately, it achieves the opposite. S. 636 was crafted and moved through the Senate and the House by those who are of the opinion that people who oppose abortion should not be allowed their right to free speech.

I want to make one thing clear before I address the contents of this bill: Opponents to S. 636 are in no way condoning violence. In fact, the very stance of being pro-life implies a reverence for all life and a commitment to protecting it.

Look at the murder trial over the abortion doctor, Dr. David Gunn: justice has been served. Dr. Gunn's murderer was convicted of first degree murder and sentenced to life in prison on March 5 of this year. Nevertheless, this murder has served as the impetus for a whole new course of action against people who are primarily law abiding nonviolent protesters. Dr. Gunn's murderer was not a prolifer. He proved that the minute he pulled the trigger.

While it is my strong belief that people who commit violent acts should be prosecuted to the full extent of the law, this bill simply extends beyond its stated purpose. Think about this: by voting for S. 636, we are saying that our present legal statutes are not sufficient to deliver justice to the American people. This is just not so.

We don't need another bill to protect people seeking abortions. We already have at least six Federal laws to punish these and related acts. What this bill really does is to single out the free speech of a particular group of people exercising their constitutional rights. So why do we need this legislation? We don't, unless, like the writers of this bill, you think the Federal Government should regulate free speech. The writers of the FACE bill are clearly "two-faced." They seek to legislate free speech in the name of so-called free access.

Under the FACE bill, if two people were engaged in a fist fight outside of a clinic, one opposed to abortion and the other seeking the abortion, only the person opposed to the abortion would be subject to penalties under this bill.

Like the recent Supreme Court ruling on the interpretation of RICO, S. 636 will severely impinge upon first amendment rights of those who oppose abortion. Groups which have historically organized for social protest or civil disobedience will find themselves hampered by the mere threat of a RICO claim and/or civil and criminal penalties under this bill.

In addition, this bill levies penalties of up to $10,000 for peaceful, nonviolent protesters. This means a grandmother simply praying the rosary outside an abortion clinic could be arrested and fined under the wording of the FACE bill. This is an outrage. Since when did nonviolent civil disobedience count as constitutionally unprotected free speech?

This bill does not reflect the constitutional liberties our country prides itself on. I urge my colleagues, Republicans and Democrats who so adamantly champion free speech rights to oppose this dangerous bill.

Mr. ROGERS. Mr. Speaker, due to a personal tragedy, the death of my closest friend, Dr. Stephen Kelley, I will be unable to cast my vote today against the conference report on S. 636, the so-called Freedom of Access to Clinics Act of 1994, so that I may attend his funeral in Somerset, KY. While I loathe to miss any vote, particularly one as important as this, there are rare and extraordinary occasions when we must put family and friends above all else. This is one of those occasions.

However, I want to reiterate to my colleagues my continued opposition to S. 636. Had I been able to cast my vote today, my vote would have been an unequivocal no.

I am deeply alarmed about the chilling precedent this bill would set. This bill does nothing more than jeopardize the constitutional guarantee of freedom of speech and assembly for a single group, pro-life supporters, in order to appease another group, the pro-abortion lobby. This is a dangerous precedent indeed.

I am certainly not opposed to stopping violence. Violent acts can never be tolerated, and those criminals must be prosecuted to the fullest extent of the law. We already have laws on the books to punish those who engage in violence, and we have seen those individuals prosecuted and punished.

But, that is not what this bill is about. This bill is about an attempt to silence peaceful protests by pro-life supporters by intimidating them into silence.

Mr. Speaker, this bill flies in the face of the very principles on which this Nation was founded. I urge my colleagues to defeat this legislation.

Mr. GEJDENSON. Mr. Speaker, I rise today in support of the conference report on S. 636, the Freedom of Access to Clinic Entrances Act. Violent and obstructive acts against reproductive health care clinics, their patients, and personnel, have escalated appallingly in the past few years. In my home State of Connecticut, an organized campaign of harassment, physical interference, and terrorism has resulted in a sevenfold increase in acts targeted against reproductive health clinics and the women who visit them.

The use of violence to express political views is unacceptable. In my district, clinics in Norwich, Middletown, Willimantic, and Old Saybrook have experienced bomb threats, blockades, and trespass. The Freedom of Access to Clinic Entrances Act provides relief for clinics and their patients by prohibiting obstruction, force, or threat of force to block access to reproductive health services. At the same time, the bill specifically protects the exercise of free speech such as peaceful picketing and other expressive conduct.

The murder of Dr. David Gunn in Florida and the organized bombing campaign against reproductive health care clinics have naturally received the greatest public attention. But these violent acts are the tip of the iceberg. Clinic personnel and their patients are being physically assaulted on a daily basis across the nation.

In one case of clinic violence, the husband of a Wisconsin abortion clinic director was assaulted while guarding the clinic against attack by anti-choice demonstrators. He discovered a protester in the parking lot behind the clinic taking down the license plate numbers of all clinic staff. The protester threw the clinic director's husband to the ground, shattering his arm and requiring lengthy rehabilitation. Unfortunately, this type of violence against clinic personnel and their families occurs every day.

The Freedom of Access to Clinic Entrances Act provides federal legal protections to reproductive health care facilities, their staff and their patients. I urge my colleagues to support this important legislation.

Mr. ABERCROMBIE. Mr. Speaker, I rise today in strong support of the Freedom of Access to Clinics conference report, S. 636. Passage of this legislation will be a significant victory in the long and hard fight for a women's right to choose. During the past decade we have seen unprecedented acts of violence on health clinics, on providers and on women seeking services. Health clinics around the country have reported acts of terrorism, including bombings, arson, harassment, stalking, and death threats on employees. With the killing of Dr. David Gunn in Pensacola, FL we see that campaign—fueled by its own apocalyptic rhetoric—escalated to murder. This intimidation must be stopped. We must give law enforcement authorities the legal mandate they need to protect access to clinics and ensure that women are not deprived of their right to obtain reproductive services.

S. 636 does not infringe upon the rights of citizens to engage in peaceful protest. As we have repeatedly stated in numerous debates on this issue, protection of the first amendment right of free speech is an important element of the bill. The bill permits a variety of peaceful protests, such as praying or carrying signs. As my colleagues are well aware, I am an outspoken and passionate advocate of free speech. Yet we cannot condone this nationwide campaign of terror and violence as an extension of free speech.

Failure to approve the conference report will be a victory for the antichoice fanatics and will reduce Roe versus Wade to a meaningless scrap of paper. Clearly it is time for the Federal Government to protect women's freedom of choice. I strongly urge my colleagues to support the conference report and take a real step toward protecting American women.

Mr. BROOKS. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. MCNULTY). Is the gentleman opposed to the conference report?

Mr. SENSENBRENNER. In its present form, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. SENSENBRENNER of Wisconsin moves to recommit the bill S. 636 to the Committee of Conference with instructions to adopt the House language on attorneys fees, that the court may award to the prevailing party, whether plaintiff or defendant, other than the United States, reasonable fees for attorneys and expert witnesses.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the conference report.

This is a 15-minute vote on the motion to recommit, which may be followed by a 5-minute vote on passage.

The vote was taken by electronic device and there were—yeas 193, nays 222, not voting 17, as follows:

[Roll No. 158]

YEAS—193

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Borski
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
Mazzoli
McCandless
McCrery
McDade
McHugh
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Minge
Mollohan
Moorhead
Murphy
Murtha
Myers
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Quillen
Quinn
Rahall
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)

NAYS—222

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Boehlert
Bonior
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Leach
Lehman
Levin
Lewis (GA)
Lloyd
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Nadler
Neal (MA)
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Pryce (OH)
Ramstad
Rangel
Reed
Reynolds
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stokes
Strickland
Studds
Swift
Synar
Tanner
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—17

Bevill
Blackwell
Clement
Doolittle
Fish
Foglietta
Herger
Laughlin
Long
McCollum
Neal (NC)
Price (NC)
Richardson
Rogers
Serrano
Stark
Swett

□ 1944

The Clerk announced the following pairs:

On this vote:

Mr. Doolittle for, with Mr. Long against.
Mr. McCollum for, with Mr. Stark against.
Mr. Rogers for, with Mr. Swett against.

Messrs, KLEIN, VENTO, and MILLER of California changed their vote from "yea" to "nay."

Messrs, TAUZIN, PACKARD, YOUNG of Alaska, SAM JOHNSON of Texas, GOODLING, GREENWOOD, and McCRERY, changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the Chair's prior announcement, this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 174, not voting 17, as follows:

[Roll No. 159]

AYES—241

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bishop
Boehlert
Bonior
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Cunningham
Danner
Darden
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy
Kennelly
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lloyd
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCandless
McCloskey
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal (MA)
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Pryce (OH)
Ramstad
Rangel
Reed
Reynolds
Ridge
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stokes
Strickland
Studds
Swift
Synar
Tanner
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—174

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Blute
Boehner
Bonilla
Borski
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dornan
Dreier
Duncan
Ehlers
Emerson
Everett
Ewing
Fields (TX)
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Hobson
Hoekstra
Hoke
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
Mazzoli
McCrery
McDade
McKeon
McNulty
Mica
Michel
Miller (FL)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nussle
Oberstar
Ortiz
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Rahall
Ravenel
Regula
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Tucker
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Bevill
Blackwell
Clement
Doolittle
Fish
Foglietta
Herger
Laughlin
Long
McCollum
Neal (NC)
Price (NC)
Richardson
Rogers
Serrano
Stark
Swett

□ 1953

The Clerk announced the following pairs:

On this vote:

Mr. Long for, with Mr. Doolittle against.
Mr. Stark for, with Mr. McCollum against.
Mr. Swett for, with Mr. Rogers against.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. SWETT. Mr. Speaker, I was unable to be present for the vote on the Conference Report to accompany the bill S. 636, Access to Clinic Entrances Act. If I had been present, I would have voted "yes."

CONFERENCE REPORT ON H. CON. RES. 218, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 418 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 418

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the United States Government for the fiscal years 1995, 1996, 1997, 1998, and 1999. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by chairman and ranking minority member of the Committee on the Budget.

SEC. 2. Rule XLIX shall not apply with respect to the adoption by the Congress of the conference report to accompany the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the United States Government for the fiscal years 1995, 1996, 1997, 1998, and 1999.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. BEILENSON. Mr. Speaker, House Resolution 418 is the rule providing for the consideration of the conference report accompanying H. Con. Res. 218, the resolution setting forth the budget for the United States Government for fiscal years 1995 through 1999.

The rule provides 1 hour of debate on the conference report to be equally divided and controlled by the chairman and the ranking minority member of the Budget Committee. All points of order against the conference report and against its consideration are waived.

Mr. Speaker, at this point I do wish to advise the Members that the conference report was filed only yesterday and that it does, therefore, violate the 3-day layover requirement. The committee generally does not like waiving the 3-day layover rule. Members usually do need time to read the conference report to become fully informed about it. In this case, however, the Committee on Rules felt that there were simple and persuasive reasons to waive that particular requirement. First is that the broad outline of the conference committee agreement has been known, with the exception of some details about Senate budget rules, since Monday, and the change provided from the report originally passed in the House are relatively minor. But more important, if we do not take up the conference report today, we will not be able to take it up again until next Thursday. The Committee on Appropriations has been waiting on the budget appropriation to make their allocation and be able, therefore, to begin moving on their bills and another week's delay would push the appropriations bill past the Memorial Day recess.

Therefore, we felt that there was substantial and good reason to waive that particular layover rule for that particular reason.

The rule before the Members also provides that rule XLIX will not apply upon adoption of the conference report. House rule XLIX provides for the automatic adoption by the House of a joint resolution changing the statutory limit on the public debt to conform to amounts in the budget resolution.

It is not necessary to apply rule XLIX this year since the current statutory limit on the public debt, which was enacted as part of last year's deficit reduction package, is expected to suffice until spring or summer of 1995.

Mr. Speaker, I wish to commend the chairman of the Budget Committee, the gentleman from Minnesota [Mr. SABO], for his efforts in working with the Senate to come to an agreement on a budget resolution that includes $13 billion in cuts in discretionary spending over the next 5 years below the caps that we set last year.

☐ 2000

In all, implementation of the conference report will bring the 1995 deficit down to approximately $175 billion, the lowest level in 5 years, more than $100 billion lower than projections made just last spring for fiscal year 1995. As a result, we will have reduced the deficit by $115 billion in just 3 years, since 1992.

The conference agreement represents, as did last year's, real substantive spending cuts. As Members will recall, the legislation we passed last year was the largest deficit reduction package in U.S. history, cutting the deficit by $47 billion in fiscal year 1994, and by $496 billion over a 5-year period.

The spending levels in this year's Budget Resolution are below the budget caps set by that agreement, and the conference agreement includes a cut of $500 million below the caps in 1995.

In addition, relative to the size of the economy, discretionary spending for 1995 is at its lowest level since 1948, and total Federal spending is at its lowest level in 15 years.

Mr. Speaker, despite the substantial deficit reduction called for by this agreement, the conference report contains $263.8 billion in budget authority for defense spending in fiscal year 1995. For nondefense spending, it generally reflects many of the President's spending priorities including modest increases for such programs as education, training, social services, community regional development, and law enforcement programs.

I would remind Members that this Budget Resolution is only the blueprint for Federal spending. Decisions on actual program cuts and spending remain to be made, and we shall have difficult choices to make as we work through the appropriations process over the next few months. Still, this agreement represents our continued serious effort to bring Federal spending under control with a decent amount of success, if I may say so.

I urge my colleagues to approve this today.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us look at this interesting day. Mr. Speaker, we have dealt with gun control, abortion and now, at 8 o'clock, Thursday evening, we have decided that we are going to bring up the Budget Conference Report, a report which few people have been able to read.

Having said that, I rise in strong opposition to this rule. There is absolutely no reason to waive all of the rules of the House in order to race this conference report to the floor; in particular, the rule that requires a 3-day layover before a conference report is considered should not be waived.

It is very disappointing that the distinguished ranking member—Republican member—on the Committee on the Budget who has been applauded for his serious and thoughtful work on these issues was forced to hastily write a letter to the chairman of the Committee on Rules yesterday stating that the committee was proceeding with consideration of a conference report that the minority had not even had the chance to review.

It is ridiculous that staff on both the Committee on the Budget and the Committee on Rules had less than 3 hours to review the report before it was considered in our Committee on Rules.

If this rule is passed and the conference report is brought up by this evening, Members will also have just a few hours, let alone 3 days, as the rules mandate, to review this lengthy report before being asked to cast their vote.

To avoid placing the House in that embarrassing predicament, I very heartily concur with the statement made in the letter by the gentleman from Ohio [Mr. KASICH] when he said:

> On a measure as important and sweeping as the Budget Resolution, it is eminently reasonable that Members have 3 days to review the document before they cast their votes.

One of the major points of contention in the conference committee was the treatment of a $26 billion cut in discretionary spending passed by the other body. I strongly supported that reasonable and prudent effort and would have liked to have seen the conference committee include all $26 billion. Unfortunately, the President and the Democrat leadership in this House opposed any spending cuts.

The conference is reported to have split the difference resulting in a $13 billion cut. And now, upon further review, it appears that the spending reduction is not really $13 billion, and it is not one-half of the Senate cut.

Instead, the only real cut is a $500 million reduction in budget allocations and outlays in fiscal year 1995. . This is only one-third of the Senate's original $1.6 billion reduction in outlays in fiscal year 1995 and one-tenth of their $5.3 billion reduction in budget allocations.

The outyear reductions can easily be overridden, as we all know, as often happens around here, by future budget resolutions. Even the meager fiscal year 1995 cut is largely ceremonial, because fiscal year 1995 entitlement spending has been increased by the same $500 million, resulting in no outlay reduction at all.

Quite simply, this is not the spending reduction being advertised here.

The original Senate cut was a comparative drop in the bucket of discretionary spending and budgetary red ink. This conference report offers barely a fraction of that drop. We must do better, Mr. Speaker.

Another very important point of contention during the conference report involved Budget Act rules in the other body, specifically as they would apply to the legislation implementing the General Agreement on Tariffs and Trade, Uruguay Round Agreement. This conference report requires legislation to be budget-neutral for 1 year, 5 years, and 10 years.

For legislation that adds to the deficit, I strongly agree with that provision. However, there should be a waiver for the GATT implementing bill, because it will raise revenue and reduce the deficit.

The overwhelming economic evidence on this question shows a positive budget impact for GATT in the first year and every year thereafter. The only point of serious contention among economists is how positive an impact, and at this point, Mr. Speaker, I am inserting at this point in the RECORD a study that addresses this question very well, conducted by the Institute for International Economics.

IMPACT OF THE URUGUAY ROUND ON UNITED STATES FISCAL REVENUE

(By William R. Cline, Institute for International Economics)

The Uruguay Round marks a watershed accomplishment in opening the world trading regime. Without the agreement, world trading partners could have entered a new period of protection and exclusive regional blocs. The agreement incorporated key sectors omitted in the previous seven post-war rounds of negotiation: agriculture, textiles and apparel, services, intellectual property, and investment. The stakes are large for the US and world economies.

Congressional passage of the Uruguay Round agreement faces a technical hurdle that stems from the US fiscal problem. Under the budget discipline imposed by the Omnibus Budget Reconciliation Act of 1993 (OBRA-93) and the Balanced Budget and Emergency Deficit Control Act of 1985, Congress faces the task of offsetting any prospective revenue losses resulting from policy changes by taking compensatory tax or spending measures. Because of Uruguay Round cuts tariffs on US imports, the question arises as to whether a side effect of the round is to reduce US tax revenue. If so, Congress would be faced with the need to make adjustments elsewhere in the budget.

This paper examines the likely impact of Uruguay Round liberalization on United States fiscal revenue. The principal question is whether induced economic effects of liberalization provide revenue gains that partially, completely, or more than completely offset the direct tariff revenue losses. Such offsets could provide the basis for a waiver of the budgetary "scoring" process and its assessed need to raise revenue elsewhere (or cut spending) to compensate for tariff reductions.

A SIMPLE MODEL OF TRADE LIBERALIZATION REVENUE EFFECTS

At the first level of analysis, what may be called the "primary direct" tariff revenue loss may be estimated by multiplying the change in the average tariff by the import value base. United States imports are approximately $580 billion. The average tariff on both dutiable and duty-free imports stands at about 3 percent. The Uruguay Round achieved an average tariff cut of about one-third. Thus, fully phased in the Round represents a direct tariff revenue loss of $5.8 billion annually. As the phase-in period is 10 years, the implied direct loss would be about one-third this large by the third year, or about $2 billion. For a five year period, centered around this average, the total loss would be on the order of $10 billion. After allowing for inflation and import base growth, this order of magnitude is similar to that identified by the Office of Management and Budget: $13.9 billion revenue loss over five years (Wall Street Journal, 3 March 1994).

However, there are three additional effects. They are: tariff revenue on the increased volume of imports (a direct effect; general tax revenue associated with static efficiency gains (indirect); and general tax revenue associated with dynamic growth effects (indirect).

Direct Revenue Effects—Figure 1 illustrates the first effect. The figure shows the demand curve for imports of a particular product. The price (vertical axis) equals the world price plus the tariff. Before liberalization, the tariff is t_0. After liberalization, it is t_1. At a lower price, consumers purchase a larger volume of imports. The import volume (and dollar value, given the usual assumption of a horizontal world supply curve rises from M_0. to M_1.

The original amount of tariff revenue is represented by the areas of rectangles B+E. The height of this combined rectangle is the original tariff times the world price. We may set the world price arbitrarily at unity (by choosing the right units for the volume), so this rectangle height is t_0. The initial import value (FOB) is M_0. Tariff collection is thus t_0M_0, or areas B+E.

After liberalization, tariff collection amounts to the new tariff rate times the new import volume, or t^1M^1. In the diagram, this amount equals the area of the two rectangles E+D. Thus, the net change in tariff revenue is [B+E] - [E+D] = -B+D. In contrast, the "primary" calculation just illustrated captures only the loss of rectangle "B", and fails to measure the revenue gain of rectangle "D." For some sectors where tariffs will remain relatively high even after liberalization, as in the cases of textiles and apparel, this "revenue on additional imports" can be substantial.

If we designate the revenue impact just described as the "full direct" (as opposed to "primary direct") effect, then we have the following estimate. Let ^{a} be the proportionate cut in the tariff. (On average, ^{a} is approximately 0.33 for the Uruguay Round.) In terms of figure 1, we have: $t_1 = t_0(1-\alpha)$; and $t_0 - t^1 = \alpha t_0$. The height of rectangle "B" is thus αt, and its base is the original import level, M_0. Similarly, the rectangle "D" has height $(1-\alpha)t_0$ and base M_1-M_0. Defining $\Delta M = M_1-M_0$.

In turn, ΔM can be estimated using the "price elasticity of import demand," η. This parameter, which is negative, tells the percent change in the import volume for one percent change in the import price to the consumer. The initial price to the consumer is $1+t_0$. The change in price is $-\alpha t_0$. Thus, the proportionate price change is: $-\alpha t_0/(1+t_0)$. Applying this proportionate change to the price elasticity (η), the change in the level of imports caused by liberalization.

Note that because the elasticity (η) is negative, the right hand side of equation 2 is positive, meaning that imports rise.

In equation 3, if there were no "import expansion" effect, the revenue loss would simply be the original tariff collection base ($M_Ot\alpha$) times the proportionate tariff cut, the first term in the bracketed expression $(-a)$. However, there is a positive contribution to revenue from the remaining tariff applied to the increase in imports, captured by the second term within the brackets.

An important feature of the "import expansion" term is that its contribution to revenue rises approximately with the square of the original tariff. Consider that in equation 3), the effect of multiplying the tariff t_O outside the bracket by the second term within the brackets is to create a term t_O^2. This effect is analogous to the well-known feature of "static welfare gains" of liberalization (discussed below): they rise approximately with the square of the tariff.

An important implication of this consideration is that it is necessary to disaggregate sectors to distinguish between those with low, intermediate, and high tariffs. The "import expansion tariff revenue" contribution will tend to be relatively high for the high-tariff cases, by a degree that exceeds the extent to which this contribution is low for the low tariff cases. As a result, taking the simple average of tariffs and applying it to the entire import base will understate the import expansion tariff revenue effect. The analysis that follows thus separates United States imports into categories with differing tariffs. The calculation in equation 3) is then applied to each sector, individually designated by an identifier "i". In addition, to distinguish the (full) "direct" revenue effects from the two other effects discussed above, it is useful to add the superscript "d".

To this point, the analysis has concerned only the direct effects of the tariff cut. The usual budget "scoring" process tends to permit inclusion of only direct effects, although in the case of trade liberalization the indirect effects discussed below are extremely important. Even within the confines of the direct effects, however, it is important to calculate the "full" direct effects shown in equation 3'), rather than just the "primary" revenue impact that would be estimated by suppressing everything in the bracketed term except the initial "$-\alpha$".

Static Welfare Gain Revenue Effect—The underlying reason for trade liberalization is to achieve the economic welfare gains that are associated from a more efficient allocation of resources, whereby each country specializes more in the products in which it has a comparative advantage. Yet the direct revenue calculation, even "full" rather than "primary," completely misses the likely revenue gains that should result from these static welfare benefits.

The static welfare gains are most easily conceptualized in the case of a product that is imported and not produced domestically. Returning to figure 1, when the price including tariff falls from $P_w(1+t_o)$ to $P_w(1+t_1)$ and import volume rises from M_o to M_1, consumers enjoy a gain in their so-called "consumer surplus." This concept represents how much more consumers would have been willing to pay than they actually had to pay for a given amount purchased. In the diagram of demand and supply, consumer surplus is the area under the demand curve about the price line.

Before liberalization, consumer surplus equals area "A". After liberalization, it expands to A+B+C. Of the extra consumer surplus "B+C", the amount "B" is simply a transfer to consumers away from government tariff revenue. This revenue is partly offset by revenue gains on new imports, rectangle D. The traditional measure of the net static welfare gain is thus the sum of the areas C+D.

Triangle C has altitude αt_o and base ΔM. The area of rectangle D has been estimated above, as the second right-hand-side term in the second line of equation 3). The static welfare gain is thus:

The government can expect to collect its tax revenue share in the static welfare benefits of liberalization. Thus, consider what happens to the household that experiences a gain in consumer welfare. It will have resources freed up to reallocate to spending on other consumption items, raising the consumption component of real gross domestic product and thus the level of output. On the producer side, liberalization will mean the shifting of resources out of import-competing goods, where they are inefficiency used, into export goods, where there is higher output per worker and per unit of capital. The same supply of factors will provide a higher level of production. As output rises, the government will claim its normal share in the increase.

If the static welfare gain from liberalization is W, then the induced increment in federal government revenue ΔR^w—where τ is the economy-wide federal tax rate. A conservative formulation of the estimate would set τ at the long-term average tax rate, or approximately 19 percent (the ratio of federal revenue to GDP; calculated from CEA, 1994, p. 362). A less conservative estimate could with some justification use the marginal tax rate, which would be higher at perhaps some 30 percent.

Dynamic Efficiency and Growth Effects—The largest gain from trade liberalization are probably not the traditional static welfare gains just set forth, but the favorable effects on dynamic efficiency. Open trade stimulates competition. As a result, it can encourage technological change, as firms seek to respond to competitive pressures from abroad. If there is an increase in the rate of technological change, then there will be an increase in the growth rate rather than just a one-time increase in efficiency to a higher plateau.

In addition to the technological change argument, there is the more recent "endogenous growth" approach related to external economies of scale. In this literature (Roemer, 1986), the economy-wide returns to scale mean that any positive shock to output raises overall efficiency of production. The increase in output associated with the first-round increased static allocative efficiency from trade liberalization thus generates a second-round "medium-term growth bonus" (Baldwin, 1989) that further raises the overall level of GDP.

Francois, McDonald and Nordstrom (1993) have surveyed the literature on dynamic growth effects of trade liberalization. They note that although at the theoretical level trade liberalization can either increase or reduce growth "because of trade-induced changes in the pattern of global specialization," the empirical literature shows overwhelming evidence on the side of a positive growth impact. Numerous studies, some for developing countries, others including both developing and industrial countries, find a positive relationship between openness and growth.

The unfortunate fact remains that nothing in the literature provides a concrete basis for estimating the growth impact of liberalization. Instead, the typical practice is to "guess" that the dynamic growth effects might be of a hypothesized amount. Subject to this caveat, we may estimate the fiscal revenue effects of the "dynamic growth" impact of liberalization as follows, for year "k" subsequent to liberalization.

Where τ is the economy-wide federal tax rate, as before; Y_0 is the base year GDP; and Δg is the increment in the economy-wide growth rate attributable to the dynamic gains from trade liberalization.

Total Revenue Effects Over Time—To combine the "full direct" and "static efficiency" revenue effects (equations 3' and 5) with the dynamic growth effects (equation 6), it is necessary to specify a time path. The first two measures are "comparative static" concepts that consider the change once liberalization is complete. In practice, however, liberalization will be phased in over a period of time, which we may designate as "m" years. Over this period the real import base to which the effects apply proportionately will be growing, at a "baseline growth rate" of "g_M" (under "business as usual" or non-liberalization assumptions). We may designate the scale expansion factor by year "k" as $\lambda_M{}^k = (1+g_M)^k$.

The consolidated revenue effects of import liberalization in year "k" will be the first term on the right-hand side (θ) indicates that by year *k*, the fraction k/m of total static effects will have been phased in. The summation of the "direct" effects refers to adding up the individual sectoral effects (i) over all "n" sectors.

DATA BASE AND PARAMETER VALUES

Table 1 reports the base level of United States imports and tariffs by Harmonized Tariff Code chapter, and indicates the depth of cut for the United States in the Uruguay Round in each category. Table 2 sets forth the other parameters used to implement the model developed here.

Table 1, from the United States Trade Representative's data base, covers a total of $336 billion in United States imports in 1990, or 67 percent of total imports in that year. Most of the remainder of the import total was in duty-free goods. The result of multiplying each import category by its official tariff rate yields an expected tariff revenue of $16.6 billion. As shown in the table, the result of applying the depth of cut to the original tariff and multiplying by the import base ($M_o t_o \alpha$, in the notation above) is a tariff revenue loss of $5.42 billion annually, yielding an average depth-of-cut of 32.6 percent. This revenue loss is the "primary" direct loss once the Round's liberalization is fully phased in, on a 1990 real import base (thus excluding both inflation and growth in the base). Nearly half of the revenue loss is in just two sectors: chapters 84 and 85, which include heavy electrical equipment and the electronics industry.

On the basis of this data set, the average existing tariff on dutiable imports, weighting by import value, is 4.9 percent. With an average tariff of just under 5 percent and an average cut of approximately one-third, tariff liberalization stands to reduce import prices on dutiable goods by about 1½ percent. Although important, this figure is modest, and suggests that the key trade results of the Uruguay Round have more to do with new liberalization of areas previously restricted by non-tariff barriers, including agriculture, textiles, services, intellectual property, and investment practices, rather than with the traditional tariff-cutting exercises that were so important in the seven earlier postwar GATT rounds.

The limited contribution of tariff liberalization per se to the total effects of the Uruguay Round is important in arriving at a judgment on the size of the welfare gains to be expected. As shown, in table 2, the calculations here use five alternative measures of the static welfare gains from the Round. The first is calculated directly from equation 4) above, using a "typical" import price elasticity of −2. It turns out that this measure of "W" (equation 4) is surprisingly small: only $450 million annually.

The small static welfare gain from tariff cuts alone according to the traditional "welfare triangles" derives from the low initial level of the tariff. Consider equation 4). If we divide both sides by the import base (M_o), completely eliminate the tariff ($\alpha=1$), and set the import elasticity at −2, then it turns out that the welfare gain as a fraction of the import base is: $W/M_o=t_o{}^2/(1+t_o)$. But t_o is only 5 percent, so $t_o{}^2=.0025$. On this basis, even the complete elimination of tariffs generates only one-quarter of one percent of the import value base in static welfare gains. Even that amount would be only $840 million annually; and the tariff cut of one-third means that this traditional calculation yields an even smaller figure.

This first estimate of the static welfare gain, then, should be seen as a "lower bound" estimate. One of the reasons it is low is that the potential for larger gains from the consideration that tariff structure is disparate is apparently not realized by the Round: the depth of tariff cut for the highest tariffs tends to be low rather than average or high. Thus, for apparel, where the tariff is in the range of 18 to 24 percent, the depth of cut is only 9 percent (chapters 61 and 62; table 1).

The static welfare effects of the Uruguay Round are likely to be much larger than the direct estimate based on equation 4. One reason is that there can be important gains on the export side, not captured by this equation. Thus, United States agricultural exporters may obtain important gains from greater market opportunities, as European subsidized farm exports are curbed. Another, and related, reason is that there can be favorable terms-of-trade effects from liberalization, as increased foreign demand for exports raises the price of exports relative to imports. Still another reason is that the removal of non-tariff barriers generates welfare gains not captured by estimates based on the existing tariffs. The phase-out of the textile and apparel quotas under the Multi-Fiber Arrangement is an important instance.

Several alternative estimates of the static welfare gains have been prepared by official and academic groups. These estimates typically attempt to include non-tariff barriers, and often have a large emphasis on agriculture. Hufbauer and Elliot (1994) calculate that existing protection costs U.S. consumers $70 billion annually, and that net static welfare costs are $11 billion annually. They suggest that the Uruguay Round could eliminate one-half to two-thirds of this cost. On this basis, table 2 thus shows $7 billion as a second alternative estimate of static welfare gain.

Researchers at the OECD (Goldin, Knudsen, and van der Mensbrugghe, 1992, p. 95) have estimated static welfare gains from the Uruguay Round at 0.2 percent of GDP for the United States, or $12 billion. Their model primarily captures gains in agriculture, and welfare gains for U.S. agricultural exports are not include in the Hufbauer-Elliott estimates (which examines U.S. import protection only).

A general equilibrium model of world trade prepared by Nguyen, Perroni and Wigle (1993) estimates that static welfare gains from the Uruguay Round would amount to $36 billion annually for the United States. However, the contribution from textile liberalization in this estimate appears high ($21.6 billion, whereas Hufbauer and Elliott place gains from complete liberalization of textiles and apparel at only $8.6 billion annually; p. 15). Importantly, the Nguyen-Perroni-Wigle estimate places U.S. welfare gains in agriculture at $9.3 billion annually, and in services, at $2 billion (a figure the authors consider understated).

The highest estimate of static welfare gains for the United States is that by the U.S. Trade Representatives's office, at $130 billion annually (Walters, 1990). That estimate is based on a global general equilibrium model (Stoeckel, Pearce, and Banks, 1990) that implies extremely high global welfare gains—approximately 20 percent of the import base (see Cline, 1994). The USTR estimate amounts to more than 2 percent of U.S. GDP for static welfare gains along. The Council of Economic Advisers (1994, p. 234) more cautiously suggests that static welfare gains could be 1 percent of U.S. GDP (about $60 billion).

Table 2 specifies five alternative estimates of static welfare gains. The first is the "lower bound" estimate calculated directly from equation 4. The second is the $7 billion figure derived from the study by Hufbauer and Elliott. The third estimate is hat may be considered a "conservative central' estimate of $15 billion annually. This is close to the OECD-based estimate. The fourth estimate is the Nguyen-Perroni-Wigle calculation. Finally, the fifth estimate is that by the USTR.

Table 2 next shows alternative assumptions for the acceleration of the growth rate attributable to the dynamic effects of import liberalization. At one extreme, a variant is included in which these effects are set at zero. At the opposite extreme, the USTR estimate of 0.2 percentage point annual growth acceleration (Walters, 1990) is listed as the fourth variant. Francois, McDonald and Nordstrom (1993) venture a purely illustrative figure of 0.1 percentage point per year, included here as the third variant.

Table 2 includes as the second, and "conservative central" estimate for growth acceleration, an increment of 0.05 percentage point per year (one-twentieth of one percentage point). Over a decade this impact would raise GDP by one-half percentage point from its baseline, or by about $30 billion against the initial GDP base of some $6 trillion. This estimate would thus place the dynamic gains at twice the static gains estimated under the same "conservative central" approach. The combined gains of $45 billion annually would amount to three-fourths of one percent of GDP. In contrast, the Council of Economic Advisers (1990, p. 234) suggests that the combined static and dynamic welfare effects by the end of the period could be at least $100 billion (but not more than $200 billion) annually. The lower end of this range is not radically above the $45 billion estimate if allowance is made for change in economic scale.

Finally, table 2 shows that the assumed growth rate of the import base is 4 percent real per year, a relatively modest rate. It also shows the two alternative assumptions about the tax rate (19 percent average, 30 percent marginal).

SIMULATION RESULTS

The combinations of the alternative parameter assumptions yield 40 possible cases. Table 3 reports the calculation of revenue effects of the Uruguay Round for each case, with detail for each of the first five years of phase-in. The revenue calculations are those set forth in equation 7 above, and are reported so as to identify the three separate components discussed above: "direct" (full); "welfare" (tax share in static welfare gains); and "growth" (tax revenue from increased growth).

It is first useful to consider the revenue effects from the "direct" estimates (ΔR^d), which are from equation 3'). In all cases, this time profile shows revenue losses beginning at about $500 million in the first year, reaching $1.7 billion by the third year, and reaching approximately $3 billion by the fifth year. The five-year total is $8.6 billion. All estimates here are in 1990 dollars and against the 1990 trade base. Allowance for expansion to current dollars and trade base over the five year period would boost this "direct" estimate to approximately the same range as estimated by the Office of Management and Budget: $13.9 billion over five years (*Wall Street Journal*, 3 March 1994). It thus turns out that incorporation of the "import expansion revenue" effect has only a small moderating impact on the revenue loss.

The next column in table 3 shows a large range of variation in the tax revenue stemming from the government's fiscal participation in the static welfare gain, corresponding to the large range in the static welfare estimates (from $450 million annually to $130 billion annually). The penultimate column shows an even wider range of revenue effects from the alternative growth assumptions. Under the highest growth assumption and using the highest tax rate, liberalization from the Uruguay Round contributes a remarkable $17 billion in annual fiscal revenue from growth effects by the fifth year.

For purposes of a prudent analysis of the fiscal impact of the Uruguay Round, the preferred case is probably number 10. In this case, the more conservative tax rate is assumed (τ=19 percent). The "conservative central" estimate is used for both the static welfare effect ($15 billion annually) and the dynamic growth effect (0.05 percentage point acceleration in the annual growth rate). In this case, there is a modest positive effect of the Round on US tax revenue, rising from a net contribution of $294 million in the first year to $1.1 billion by the fifth year. Thus, the central finding of the analysis here is that the Uruguay Round should increase rather than reduce net tax revenue.

There is also information to be derived from considering the full range of estimates. Out of 40 cases, the net revenue effects are positive in 33 and negative in only 7. Considering that the array of parameter assumptions was specified with the intention of being representative of a probability distribution on likely values, rather than heavily concentrated on either an optimistic or a pessimistic side, a probabilistic interpretation of this finding might be that the chances are about 5 to 1 that the net revenue effects are positive rather than negative.

CONCLUSION

The Uruguay Round is a crucial historical accomplishment in the effort to open world markets and assure a favorable climate for future economic growth. Its failure would have meant serious risks of economic downturn (effects not considered in the calculations here). It would be a good bargain for the American public to pay the fiscal revenue costs of adopting the Round even if these costs were as high as a simple calculation of the direct tariff reductions might suggest (along the lines of the OMB figure of $13.9 billion over five years). However, the analysis here suggests that even under conservative assumptions, the Round should increase rather than reduce net fiscal revenue to the federal government. This conclusion reinforces the policy implication that the Uruguay Round agreement should be implemented rather than blocked because of possible fiscal effects.

Whether the method of "budget scoring" should be waived for these reasons is a matter of judgment. If the scoring procedure is not changed, the implication is that somehow the budget would have to pare spending or raise revenue elsewhere. Whether that would be a good thing depends on whether one thinks there has been too little fiscal tightening already under the 1994 budget reform, or too little, or just about the right amount. Cases can be made on all three positions. Similarly, whether to adopt a scoring "waiver" for the Uruguay Round depends on evaluation of the risks of opening a pandora's box for subsequent proposals that might less legitimately claim a waiver, on the one hand, as against the importance of assuring that the "scoring" procedure captures the best estimate of true economic effects, on the other.

REFERENCES

Baldwin, Richard E., 1989. "The Growth Effects of 1992," Economic Policy, October, pp. 248–81.

CEA, 1994. Council of Economic Advisers, Economic Report of the President (Washington: CEA, February)

Cline, William R., 1994. "Evaluating the Uruguay Round," (Washington: Institute for International Economics, February, mimeogr.)

Cline, William R., Noboru Kawanabe, T.O.M. Kronsjo, and Thomas Williams, 1978. Trade Negotiations in the Tokyo Round: A Quantitative Assessment (Washington: Brookings Institution)

Francois, Joseph, Bradley McDonald, and Hakan Nordstrom, 1993. "The Growth Effects of the Uruguay Round," (Geneva: GATT, Uruguay Round Background Paper, December)

Goldin, Ian, Odin Knudsen, and Dominique van der Mensbrugghe, 1993. Trade Liberalisation: Global Economic Implications (Paris: OECD)

Grossman, G.M., and E. Helpman, 1991. Innovation and Growth in the Global Economy (Cambridge, Mass.: MIT Press)

Hufbauer, Gary Clyde, and Kimberly Ann Elliott, 1994a. Measuring the Costs of Protection in the United States (Washington: Institute for International Economics)

Nguyen, Trien, Carlo Perroni, and Randall Wigle, 1993. "An Evaluation of the Draft Final Act of the Uruguay Round, The Economic Journal, No. 103, November, pp. 1540–49.

Roemer, Paul M, 1986. "Increasing Returns and Long-Run Growth," Journal of Political Economy, Oct., 94, pp. 1002–38.

Stoeckel, Andrew, David Pearce, and Gary Banks, 1990. Western Trade Blocs: Game, Set or Match for Asia-Pacific and the World Economy? (Canberra, Australia: Centre for International Economics)

Walters, David, 1990. "Ten-Year Cumulative GDP Gains from One-Third Cut in Global Tariff and Non-tariff Barriers," (Washington: United States Trade Representative, mimeogr., November)

TABLE 1.—IMPORTS, TARIFF CUT, AND PRE-ROUND TARIFF

[Dollar amounts in millions]

Harmonized Code chapter	1990 imports	Percent—		Primary revenue loss [1]
		Cut	Tariff	
3 Fish	$3,487.2	51.7	0.1	$2.6
5 Animal nes	1.6	0.0	3.0	0.0
15 Fats, oils	4.8	0.0	4.8	0.0
16 Meat	562.2	11.6	9.3	6.1
25 Cement, sulfur	894.8	67.7	0.7	4.2
26 Ores	1,179.8	26.8	0.6	2.0
27 Fuels	42,645.3	0.2	0.7	0.6
28 Inorgnic chemicals	3,070.2	18.8	0.9	5.2
29 Organic chemicals	6,425.2	45.7	7.2	210.5
30 Phamaceuticals	1,123.5	100.0	4.0	45.4
31 Fertilizers	280.1	0.0	0.0	0.0
32 Paints	1,028.5	47.2	10.0	48.3
33 Resinoids	607.9	91.6	5.0	27.9
34 Soaps, waxes	208.6	59.5	4.9	6.1
35 Glues	187.4	82.7	3.8	6.0
36 Explosives	103.1	1.1	4.1	0.0
37 Photographic goods	1,623.0	6.6	3.9	4.2
38 Misc. chemical goods	627.4	29.3	4.3	8.0
39 Plastics	4,907.6	9.9	4.8	23.3
40 Rubber	4,195.1	24.5	2.8	29.3
41 Hides	728.9	24.4	3.9	6.9
42 Leather goods	3,811.9	8.7	11.0	36.4
43 Furs	323.2	34.1	5.4	6.0
44 Wood products	1,657.0	33.0	4.8	26.0
45 Cork goods	74.8	89.8	1.8	1.2
46 Straw goods	237.8	21.4	7.1	3.6
47 Pulp	391.4	0.0	0.0	0.0
48 Paper, paperboard	2,365.8	100.0	2.3	53.8
49 Books	1,173.9	100.0	0.4	4.8
50 Silk	281.6	94.6	5.1	13.7
51 Wool	160.6	47.6	20.0	15.3
52 Cotton	1,156.9	8.6	8.8	8.8
53 Vegt. txtl fibers	141.5	96.0	2.0	2.7
54 Man-made filaments	777.7	15.6	14.2	17.2
55 Man-made fibers	683.7	22.6	13.3	20.6
56 Cordage	283.2	78.4	9.1	20.3
57 Carpets	561.9	59.1	6.4	21.4
58 Woven fabrics	210.4	27.1	11.1	6.3
59 Laminated txtl fabr	219.4	52.5	6.0	6.9
60 Knitted fabrics	104.6	24.5	14.3	3.7
61 Apparel, knit	7,426.3	9.4	23.9	166.7
62 Apparel, other	12,924.7	8.8	17.7	201.4
63 Other made-up txtl	1,084.7	21.2	9.1	21.0
64 Footwear	8,323.6	6.7	10.7	59.8
65 Hats	284.7	22.6	7.5	4.8
66 Umbrellas	134.8	29.3	8.3	3.3
67 Feathers, artif. flowers	513.9	6.9	7.8	2.8
68 Stone, plaster goods	790.3	45.9	4.1	14.8
69 Ceramics	1,962.9	39.0	10.6	81.3
70 Glass	1,416.7	20.4	8.3	23.9
71 Precious stones, jewelry	9,399.7	18.0	2.3	38.9
72 Iron, steel	7,100.1	93.6	4.7	312.1
73 Iron, steel articles	5,337.0	63.6	4.0	135.9
74 Copper and articles	1,761.2	36.8	2.1	13.3
75 Nickel and articles	641.2	34.6	0.5	1.1
76 Aluminum and articles	1,553.0	14.7	3.3	7.5
78 Lead and articles	32.4	39.7	3.6	0.5
79 Zinc and articles	500.7	7.1	1.7	0.6
80 Tin and articles	357.8	32.7	0.2	0.3
81 Other base metals	405.1	29.0	4.7	5.5
82 Implements of base metal	1,831.6	27.7	6.4	32.5
83 Misc. base metal goods	1,367.2	29.1	4.9	19.5
84 Nuclear reactors, boilers	51,611.8	64.7	3.6	1,187.8
85 Electr. mach., TVs, recorders	52,203.4	59.3	4.5	1,396.4
86 Locomotives, rolling stock	218.3	24.7	3.4	1.8
87 Vehicles	49,384.7	4.1	3.8	78.1
88 Aircraft	2,260.8	99.3	0.5	11.6
89 Ships	476.2	19.3	1.2	1.1
90 Technical instruments	11,575.1	65.5	4.7	355.1
91 Clocks	842.7	6.8	6.1	3.5
92 Musical instruments	739.0	23.1	5.6	9.6
93 Arms	396.0	63.7	4.7	11.8
94 Furniture	4,110.8	53.8	4.5	99.4
95 Toys	7,648.7	87.1	5.9	390.8
96 Misc. manufactures	1,183.8	33.6	6.5	25.9
Total	336,310.6	32.6	4.9	5,425.6

[1] For instantaneous full implementation of tariff cut, on 1990 import value base.

TABLE 2.—PARAMETERS AND ASSUMPTIONS

[Dollar amounts in billions]

Category	Symbol	Cases	Value	Comment
Import price elasticity	eta	1	....	−2 applied uniformly.
GDP base	Yo	1	$5,546	1990 GDP.
Phase-in period	m	1	....	10 years.
Static welfare	W	1	....	Calculated (eq. 4).
		2	7	Hufbauer, Elliott.
		3	15	Conservative central.
		4	36	Nguyen et al.
		5	130	USTR.
Tax rate	tau	1	....	0.19 Long-term average
		2	....	0.30 marginal.
Change in growth rate (percent pa)	delta g	1	....	0 Sensitivity test.
		2	....	0.05 conservative central.
		3	....	0.1 Francois et al (illustrative).
		4	....	0.2 USTR.
Import base growth rate (percent pa)	gM	1	....	4 Real.

TABLE 3.—REVENUE SIMULATION RESULTS

[Dollar amounts in millions]

Case	T	W	Δg	Year	ΔR^d	ΔR^w	ΔR^g	ΔR^*
1	1	1	1	1	-$527	$9		$-518
1	1	1	1	2	-1,085	18		-1,067
1	1	1	1	3	-1,677	28		-1,648
1	1	1	1	4	-2,303	39		-2,264
1	1	1	1	5	-2,965	50		-2,915
2	1	1	2	1	-527	9	$527	9
2	1	1	2	2	-1,085	18	1,054	-13
2	1	1	2	3	-1,677	28	1,581	-67
2	1	1	2	4	-2,303	39	2,109	-155
2	1	1	2	5	-2,965	50	2,637	-278
3	1	1	3	1	-527	9	1,054	536
3	1	1	3	2	-1,085	18	2,109	1,042
3	1	1	3	3	-1,677	28	3,164	1,516
3	1	1	3	4	-2,303	39	4,221	1,958
3	1	1	3	5	-2,965	50	5,279	2,365
4	1	1	4	1	-527	9	2,107	1,590
5	1	1	4	2	-1,085	18	4,219	3,152
4	1	1	4	3	-1,677	28	6,335	4,687
4	1	1	4	4	-2,303	39	8,455	6,192
4	1	1	4	5	-2,965	50	10,580	7,665
5	1	2	1	1	-527	137		-390
5	1	2	1	2	-1,085	282		-803
5	1	2	1	3	-1,677	436		-1,241
5	1	2	1	4	-2,303	599		-1,704
5	1	2	1	5	-2,965	771		-2,194
6	1	2	2	1	-527	137	527	137
6	1	2	2	2	-1,085	282	1,054	251
6	1	2	2	3	-1,677	436	1,581	341
6	1	2	2	4	-2,303	599	2,109	405
6	1	2	2	5	-2,965	771	2,637	443
7	1	2	3	1	-527	137	1,054	664
7	1	2	3	2	-1,085	282	2,109	1,306
7	1	2	3	3	-1,677	436	3,164	1,924
7	1	2	3	4	-2,303	599	4,221	2,518
7	1	2	3	5	-2,965	771	5,279	3,086
8	1	2	4	1	-527	137	2,107	1,718
8	1	2	4	2	-1,085	282	4,219	3,416
8	1	2	4	5	-1,677	436	6,335	5,094
8	1	2	4	4	-2,303	599	8,455	6,751
8	1	2	4	5	-2,965	771	10,580	8,386
9	1	3	1	1	-527	294		-233
9	1	3	1	2	-1,085	605		-480
9	1	3	1	3	-1,677	934		-742
9	1	3	1	4	-2,303	1,283		-1,019
9	1	3	1	5	-2,965	1,652		-1,313
10	1	3	2	1	-527	294	527	294
10	1	3	2	2	-1,085	605	1,054	574
10	1	3	2	3	-1,677	934	1,581	839
10	1	3	2	4	-2,303	1,283	2,109	1,090
10	1	3	2	5	-2,965	1,652	2,637	1,324
11	1	3	3	1	-527	294	1,054	821
11	1	3	3	2	-1,085	605	2,109	1,628
11	1	3	3	3	-1,677	934	3,164	2,422
11	1	3	3	4	-2,303	1,283	4,221	3,202
11	1	3	3	5	-2,965	1,652	5,279	3,967
12	1	3	4	1	-527	294	2,107	1,874
12	1	3	4	2	-1,085	605	4,219	3,739
12	1	3	4	3	-1,677	934	6,335	5,593
12	1	3	4	4	-2,303	1,283	8,455	7,436
12	1	3	4	5	-2,965	1,652	10,580	9,267
13	1	4	1	1	-527	705		178
13	1	4	1	2	-1,085	1,451		366
13	1	4	1	3	-1,677	2,242		566
13	1	4	1	4	-2,303	3,079		777
13	1	4	1	5	-2,965	3,965		1,000
14	1	4	2	1	-527	705	527	705
14	1	4	2	2	-1,085	1,451	1,054	1,420
14	1	4	2	3	-1,677	2,242	1,581	2,147
14	1	4	2	4	-2,303	3,079	2,109	2,886
14	1	4	2	5	-2,965	3,965	2,637	3,637
15	1	4	3	1	-527	705	1,054	1,231
15	1	4	3	2	-1,085	1,451	2,109	2,475
15	1	4	3	3	-1,677	2,242	3,164	3,730
15	1	4	3	4	-2,303	3,079	4,221	4,998
15	1	4	3	5	-2,965	3,965	5,279	6,279
16	1	4	4	1	-527	705	2,107	2,285
16	1	4	4	2	-1,085	1,451	4,219	4,585
16	1	4	4	3	-1,677	2,242	6,335	6,901
16	1	4	4	4	-2,303	3,079	8,455	9,232
16	1	4	4	5	-2,965	3,965	10,580	11,580
17	1	5	1	1	-527	2,544		2,017
17	1	5	1	2	-1,085	5,241		4,156
17	1	5	1	3	-1,677	8,097		6,420
17	1	5	1	4	-2,303	11,120		8,817
17	1	5	1	5	-2,965	14,317		11,353
18	1	5	2	1	-527	2,544	527	2,544
18	1	5	2	2	-1,085	5,241	1,054	5,210
18	1	5	2	3	-1,677	8,097	1,581	8,002
18	1	5	2	4	-2,303	11,120	2,109	10,927
18	1	5	2	5	-2,965	14,317	2,637	13,989
19	1	5	3	1	-527	2,544	1,054	3,071
19	1	5	3	2	-1,085	5,241	2,109	6,264
19	1	5	3	3	-1,677	8,097	3,164	9,585
19	1	5	3	4	-2,303	11,120	4,221	13,039
19	1	5	3	5	-2,965	14,317	5,279	16,632
20	1	5	4	1	-527	2,544	2,107	4,125
20	1	5	4	2	-1,085	5,241	4,219	8,375
20	1	5	4	3	-1,677	8,097	6,335	12,756
20	1	5	4	4	-2,303	11,120	8,455	17,273
20	1	5	4	5	-2,965	14,317	10,580	21,932
21	2	1	1	1	-527	14		-513
21	2	1	1	2	-1,085	29		-1,056
21	2	1	1	3	-1,677	45		-1,632
21	2	1	1	4	-2,303	61		-2,241
21	2	1	1	5	-2,965	79		-2,886
22	2	1	2	1	-527	14	832	319

TABLE 3.—REVENUE SIMULATION RESULTS—Continued

[Dollar amounts in millions]

Case	T	W	Δg	Year	ΔR^d	ΔR^w	ΔR^g	ΔR^*
22	2	1	2	2	−1,085	29	1,664	608
22	2	1	2	3	−1,677	45	2,497	865
22	2	1	2	4	−2,303	61	3,330	1,089
22	2	1	2	5	−2,965	79	4,164	1,278
23	2	1	3	1	−527	14	1,664	1,151
23	2	1	3	2	−1,085	29	3,329	2,273
23	2	1	3	3	−1,677	45	4,996	3,364
23	2	1	3	4	−2,303	61	6,665	4,424
23	2	1	3	5	−2,965	79	8,336	5,450
24	2	1	4	1	−527	14	3,328	2,815
24	2	1	4	2	−1,085	29	6,662	5,606
24	2	1	4	3	−1,677	45	10,003	8,371
24	2	1	4	4	−2,303	61	13,350	11,109
24	2	1	4	5	−2,965	79	16,705	13,819
25	2	2	1	1	−527	216		−310
25	2	2	1	2	−1,085	446		−640
25	2	2	1	3	−1,677	688		−988
25	2	2	1	4	−2,303	945		−1,357
25	2	2	1	5	−2,965	1,217		−1,747
26	2	2	2	1	−527	216	832	521
26	2	2	2	2	−1,085	466	1,664	1,025
26	2	2	2	3	−1,677	688	2,497	1,509
26	2	2	2	4	−2,303	945	3,330	1,973
26	2	2	2	5	−2,965	1,217	4,164	2,416
27	2	2	3	1	−527	216	1,664	1,353
27	2	2	3	2	−1,085	446	3,329	2,690
27	2	2	3	3	−1,677	688	4,996	4,008
27	2	2	3	4	−2,303	945	6,665	5,308
27	2	2	3	5	−2,965	1,217	8,336	6,588
28	2	2	4	1	−527	216	3,328	3,017
28	2	2	4	2	−1,085	446	6,662	6,022
28	2	2	4	3	−1,677	688	10,003	9,015
28	2	2	4	4	−2,303	945	13,350	11,993
28	2	2	4	5	−2,965	1,217	16,705	14,957
29	2	3	1	1	−527	464		−63
29	2	3	1	2	−1,085	955		−130
29	2	3	1	3	−1,677	1,475		−201
29	2	3	1	4	−2,303	2,026		−277
29	2	3	1	5	−2,965	2,608		−356
30	2	3	2	1	−527	464	832	769
30	2	3	2	2	−1,085	955	1,664	1,534
30	2	3	2	3	−1,677	1,475	2,497	2,296
30	2	3	2	4	−2,303	2,026	3,330	3,053
30	2	3	2	5	−2,965	2,608	4,164	3,808
31	2	3	3	1	−527	464	1,664	1,601
31	2	3	3	2	−1,085	955	3,329	3,199
31	2	3	3	3	−1,677	1,475	4,996	4,795
31	2	3	3	4	−2,303	2,026	6,665	6,389
31	2	3	3	5	−2,965	2,608	8,336	7,980
32	2	3	4	1	−527	464	3,328	3,264
32	2	3	4	2	−1,085	955	6,662	6,531
32	2	3	4	3	−1,677	1,475	10,003	9,801
32	2	3	4	4	−2,303	2,026	13,350	13,074
32	2	3	4	5	−2,965	2,608	16,705	16,349
33	2	4	1	1	−527	1,112		586
33	2	4	1	2	−1,085	2,292		1,206
33	2	4	1	3	−1,677	3,540		1,864
33	2	4	1	4	−2,303	4,862		2,560
33	2	4	1	5	−2,965	6,260		3,296
34	2	4	2	1	−527	1,112	832	1,418
34	2	4	2	2	−1,085	2,292	1,664	2,871
34	2	4	2	3	−1,677	3,540	2,497	4,361
34	2	4	2	4	−2,303	4,862	3,330	5,890
34	2	4	2	5	−2,965	6,260	4,164	7,459
35	2	4	3	1	−527	1,112	1,664	2,249
35	2	4	3	2	−1,085	2,292	3,329	4,536
35	2	4	3	3	−1,677	3,540	4,996	6,860
35	2	4	3	4	−2,303	4,862	6,665	9,225
35	2	4	3	5	−2,965	6,260	8,336	11,631
36	2	4	4	1	−527	1,112	3,328	3,913
36	2	4	4	2	−1,085	2,292	6,662	7,868
36	2	4	4	3	−1,677	3,540	10,003	11,867
36	2	4	4	4	−2,303	4,862	13,350	15,910
36	2	4	4	5	−2,965	6,260	16,705	20,000
37	2	5	1	1	−527	4,017		3,490
37	2	5	1	2	−1,085	8,275		7,190
37	2	5	1	3	−1,677	12,785		11,108
37	2	5	1	4	−2,303	17,558		15,255
37	2	5	1	5	−2,965	22,606		19,641
38	2	5	2	1	−527	4,017	832	4,322
38	2	5	2	2	−1,085	8,275	1,664	8,854
38	2	5	2	3	−1,677	12,785	2,497	13,605
38	2	5	2	4	−2,303	17,558	3,330	18,585
38	2	5	2	5	−2,965	22,606	4,164	23,805
39	2	5	3	1	−527	4,017	1,664	5,154
39	2	5	3	2	−1,085	8,275	3,329	10,519
39	2	5	3	3	−1,677	12,785	4,996	16,105
39	2	5	3	4	−2,303	17,558	6,665	21,921
39	2	5	3	5	−2,965	22,606	8,336	27,977
40	2	5	4	1	−527	4,017	3,328	6,818
40	2	5	4	2	−1,085	8,275	6,662	13,852
40	2	5	4	3	−1,677	12,785	10,003	21,111
40	2	5	4	4	−2,303	17,558	13,350	28,606
40	2	5	4	5	−2,965	22,606	16,705	36,346

Note.—Years 1 through 5 correspond to 1995–1999. Values in 1990 dollars and beginning at 1990-base scale.

Mr. Speaker, this budget resolution conference report should not be considered until the Members of this House have had a chance to review it thoroughly. I urge all of my colleagues to reject this rule so that we can bring this report up next week at a far more appropriate time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Glens Falls, NY [Mr. SOLOMON], the very distinguished ranking Republican on the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I rise today in opposition to the conference report on the budget resolution. In 1816, Thomas Jefferson in advising the American public wrote "To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude."

Today, Thomas Jefferson would be appalled to watch this House. While the American taxpayer celebrates tax freedom day, this House will pass a budget allowing the Federal debt to increase by over $900 billion in the next 5 years.

This budget is flawed both for what it does not do and for what it does do. First, contrary to the claims of many, this budget is not a blueprint to balance the budget, it does not even completely reverse the runaway deficit trend.

In fact, the deficit in 1999 will be at least $200 billion—up, not down from $180 billion in 1995.

This House had at least three opportunities, just this year, to further address the deficit—all of which were based upon the belief that Government is too big, spending is too high and the debt is crushing our children.

First, came my "balanced budget" which would have balanced the budget solely through $698 billion in spending cuts and a downsizing of Government over 5 years. Second came "putting families first" which would also have reduced the deficit by $150 billion more than this budget. Third, we had the motion to instruct the House conferees to accept the Senate's level of spending cuts—$26 billion lower than the House. Unfortunately, this House voted down every one of these credible and serious budget proposals.

Now we have a budget before us which leaves a national debt of $6.3 trillion in 1999, a budget that actually increases spending for the IRS to hire 5,000 new IRS agents on Tax Freedom Day, a budget that maintains yearly debt interests payments in excess of $200 billion.

A budget whose authors decided $26 billion in additional spending cuts was too much to handle. A budget which claims to have compromised by accepting $13 billion in spending cuts with less than $500 million in cuts for 1995, the only year for which this budget is binding.

Today is Tax Freedom Day—the American people are lucky to get tax freedom. I wonder when this Congress will get the guts to give the taxpayer a debt freedom day.

Obviously, this will not occur anytime soon. I urge my colleagues to vote against this spending and debt increasing bill.

☐ 2010

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to associate myself with the statement of my friend, the gentleman from Glens Falls [Mr. SOLOMON]—not his singing, but the statement—and I congratulate him on it.

I assume his statement was based, in large part, on the concern he has about the obligation for future generations such as his grandson, Mark, who has joined him on the floor, that we are going to saddle them with the payment of much of this debt.

Mr. Speaker, I yield such time as he may consume to our friend the gentleman from Colorado [Mr. ALLARD], who has had an amendment which unfortunately was denied.

Mr. ALLARD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, there are many reasons to be frustrated with the way this House conducts business—closed rules, appropriations bills written in secret and in the dead of night, copies of 500 page bills available for review only hours before a vote.

All of these are very frustrating, but to me the most frustrating action is when both Houses of Congress make clear their view on an issue, and then presto, it somehow disappears in Conference.

Once again this had happened. Both the House and the Senate included language in the Budget Resolution stating that any Government-mandated health care reform should be treated as part of the Federal budget.

This means that any mandated payroll premiums would be scored as receipts and that any mandated payments to health alliances would be scored as Government expenditures. The Senate even went so far as to state that any health care reform would be subject to pay-as-you-go requirements.

Early in the year, Representative PENNY and I sponsored legislation directing that all Government-mandated health care reform be on-budget where the American people can see the true cost. Our resolution attracted 143 cosponsors and similar legislation was carried in the Senate.

The Congressional Budget Office came down on our side and agreed that the Clinton health plan should be on-budget.

I then offered language in the Budget Committee which passed by a wide margin. This language was removed in the conference.

I am very disappointed that the clear will of Congress has been ignored here. Our directive has been replaced with watered down and meaningless language.

Congress is now about to begin debate on a massive overhaul of our Nation's health care system. The administration wants to shift one-seventh of our economy from the private sector to the Government. And yet this budget document completely ignores that fact.

I urge all my colleagues who want a budget that demands accountability and who want a budget that will accurately reflect the size and power of Government over our lives, to join with me in opposing this rule and then the budget resolution unless these provisions are restored and put back into the conference committee report as it was reported out of the House.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this point I have no further requests for time, but let me add that I strongly oppose this rule, as do my friends, the gentleman from Colorado and the gentleman from New York, along with many others on this side of the aisle. We have not had time to consider this measure. The 3-day layover requirement has been waived. We have dealt with a wide range of issues today. Let us move until next week before we deal with this so that Members can have the appropriate time to consider it.

Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, we have no further requests for time, and I urge my colleagues to approve what we believe to be a very fair and responsible budget resolution so that we can move forward with the appropriations process in a timely fashion.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 168, not voting 36, as follows:

[Roll No. 160]

YEAS—228

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)

Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hutto
Inslee
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Murphy
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—168

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Combest
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—36

Andrews (TX)
Bevill
Blackwell
Bryant
Clay
Clement
Collins (GA)
Cox
Darden
Dooley
Doolittle
Fish
Foglietta
Grandy
Hall (TX)
Herger
Hughes
Jefferson
Laughlin
Lewis (CA)
Long
Matsui
McCandless
McCollum
Moran
Neal (NC)
Price (NC)
Pryce (OH)
Rogers
Sangmeister
Serrano
Sharp
Stark
Swett
Washington
Wilson

☐ 2035

The Clerk announced the following pair:

On this vote:

Mr. Matsui for, with Mr. McCollum against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SABO. Mr. Speaker, pursuant to House Resolution 418, I call up the conference report on the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999, and providing that rule XLIX shall not apply with respect to the adoption of that conference report.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 418, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Wednesday May 4, 1994, at page 9255.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. SABO] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. KASICH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I speak to the resolution, let me recognize some Members who have served with distinction on our committee and will be leaving at the end of this term, as this is our final budget resolution.

We have five Members on our side whose 6 years on the Committee on the Budget is up this year, and this is the final budget resolution that they are a part of: The gentleman from Michigan [Mr. KILDEE] who has been Mr. Education for years in this House; the gentleman from California [Mr. BEILENSON] who handled our rule tonight and is always a quiet and thoughtful contributing member of our committee; the gentleman from California [Mr. BERMAN] with wide-ranging interests, but in particular has been very helpful with his background on issues that relate to foreign affairs; the gentleman from West Virginia [Mr. WISE] who is Mr. Infrastructure of the Committee on the Budget; the gentleman from Texas [Mr. BRYANT], a very thoughtful member of our committee, particularly on issues relating to the judiciary and some of the issues that relate to the southern part of our country, is always a contributor and has been very concerned over the issue of burden sharing on this country.

Their interests have been wide ranging, and they have made a great contribution.

We also have two Members who chose to run for other office, the gentleman from Tennessee [Mr. COOPER] and the gentleman from Texas [Mr. ANDREWS] and we thank them for their contribution: Mr. COOPER, who has always been very concerned over fiscal discipline and health care, and Mr. ANDREWS of Texas, with a wide-ranging interest in a whole series of issues relating to human resources in this country.

☐ 2040

To my colleagues on the other side, the gentleman from North Carolina [Mr. MCMILLAN] is leaving our committee. I regret that he made a decision to retire from the Congress. He has been a thoughtful Member with particular emphasis on health care, and we are going to miss him, not only in our committee but in the Congress.

While I have a chance, I would like to say to our Chief of Staff, Eileen Baumgartner, and all the staff members of the House Committee on the Budget, I deeply appreciate all their work and effort. They do incredible service for this House and for this Congress. I, and I know all the other members of the committee, deeply appreciate it.

Mr. Speaker, it is indeed a pleasure to be back before you with the conference ageeement on the 1995 budget resolution.

The House conferees worked hard to preserve the House position and I think this is a good agreement.

As you already know, the major point of controversy between the House and the Senate on this resolution involved the additional $26 billion in cuts that has been added to the Senate package by Senators EXON and GRASSLEY.

We resolved our differences on this matter by accepting outlay cuts of $13 billion below the budget cap. For 1995, the report includes an outlay cut of $500 million below the cap and the agreement is below the cap in each of the next 5 years.

Additional items in the agreement include an assumption of the President's crop insurance reform proposal and his request for funds for IRS enforcement. It does not include his proposal to freeze reimbursements for university overhead expenses on Federal research grants.

Lest anyone misunderstand, 1995 is a very tight year. In fact, discretionary spending in 1995 is approximately $800 million below this year's level.

As many of you may remember, we had to cut $3.1 billion out of the President's original budget request this year just to meet CBO scoring requirements. We worked very hard in the House to come up with a fair way of allocating that $3.1 billion reduction. Our original proposals followed the President's policy direction in most areas, but was very tight. This additional $500 million cut will add to that constraint.

My advice to those who are concerned about where these additional cuts will fall is to expect your favorite program to be affected, and be pleasantly surprised if it is not.

The reward for this fiscal discipline is our improving economy and continued dramatic reduction in the Federal deficit.

The agreement brings the 1995 deficit down to $175.4 billion, the lowest level in 5 years, and more than $100 billion below the projections made by CBO last spring.

Not only is discretionary spending in 1995 below last year's dollar level, but total Federal spending is at its lowest level in 15 years when measured in relation to the economy.

And with regard to the economy, news on that front remains overwhelmingly positive.

Forecasts continue to predict strong, steady growth at 3 percent or a little higher for the year,

We have added 2.3 million private payroll jobs since January 1993 and economists expect job creation to continue growing,

Manufacturing orders continue to rise and the auto industry is producing at full capacity; and

Inflation, at a 2½ percent rate, is at its lowest level in 7 years.

This good news is directly related to the economic program we passed last year. The conference agreement builds on that program. Clearly, it is working for the majority of America's people.

Mr. Speaker—Members of the House, I urge you to stay the course and join me in voting for the adoption of the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

I know Members want to go home, but this story is too good not to be told about the pattern of spending in this House. The first thing I wanted to talk about is the deal, the deal that was made that we were going to cut $26 billion from the House-passed version of the budget.

Now, as Members can see, from the House-passed version of this budget, our math would say that when we cut $26 billion and we get up with a compromise, it says we will split the difference. When we say we are going to cut 26 but we are going to split the difference, that means we ought to come out with 13. That is the way we figure it out in Ohio. Half of 26 is 13.

But what we did is, we took half of 26 and what we came out with was $5.8 billion less than the House-passed level.

That is the first problem. We are not splitting the difference of the $26 billion.

Now, let us talk about the first year's cuts that we were going to do. What happened was, Senator EXON agreed that we would cut in the first year, in the first year, the only year that counts, the only year that matters, we would cut $1.6 billion deeper than what we did in the House, 1.6. Their math was 1.6. But we would split the difference on that. We would not cut the full 1.6; we would just split the difference, like the deal was.

So when we split the difference of the 1.6, we come out with .8. But it is interesting. When the conference split the difference of the 1.6, they came out with .5. So we went from a $1.6 billion cut in the first year, this mammoth $1.6 billion cut in the first year, we said we cannot afford all that, so we have to cut it in half. And instead of going to $800 million, which is what half of it would be, we did not even achieve that, we are at .5. It gets better, my colleagues.

This is the spending difference. This is the chart. I bring a lot of charts out here to the floor, but there is no chart quite like this one.

The House-passed deficit in the bill that we passed, the deficit in the House-passed version was $175.3 billion in deficits.

Now, we take the .5, remember the .5 I just showed Members here, and we subtract it from $175 billion. That should give us an expected deficit of $174.8 billion, because if you take a half a billion in the cuts, subtract it from the House-passed deficit, that gives you a lower deficit by half a billion dollars; right? But guess what happened? The actual conference deficit is $175.4 billion.

In essence, the deal that we got out of the conference committee that is supposed to cut spending increases the deficit.

So let me tell Members what I told Senator EXON today. We are going to have an increase in the deficit of $600 million as a result of the Exon-Grassley $26 billion cut. So I told Senator EXON, maybe we ought to think about spending more because the more we cut, the deeper in debt we go.

Can you imagine, my colleagues, that we actually are emerging from the conference committee, and I want to repeat this so no one is confused, because of the efforts to cut $26 billion by GRASSLEY and EXON, which was supposed to be shaved to 13, which did not end up 13, only ended up 5.8, and in the first year we were supposed to cut $1.6 billion in year one, the only year that matters, 1.6, but we did not cut 1.6, we only cut a half billion. But if we were to cut a half a billion from what the deficit was going to be, our deficits ought to be lower and, in fact, deficits and spending go up.

□ 2050

Deficits in spending go up as a result of that deal.

Let us get back to the sliver. You all remember the sliver that I brought out here before. This is the sliver. I do not have my magnifying glass tonight to show the Members, but they might notice here that Exon-Grassley cuts from 5 to 99. I know Members are having trouble seeing it. It is a good chance to see whether Members need eyeglasses or not, but there is a sliver here. This what the Exon-Grassley cut would be.

That represented a .3 percent cut in total Federal spending. This is the Exon-Grassley cut that represented .3 percent of spending. That was too deep for the conference committee, so what they came up with was a .07 percent cut, which is even smaller than the .03 percent cut that was called for under Exon-Grassley.

We keep hearing about these 3 years of declining deficits. This is what we get with deficits. As we can see, they are headed back up again. It is interesting, is it not, that they are actually trying to claim deficit reduction for 1993, when the first year of the President's proposal affecting the budget started in 1994? They do not have 3 years of declining deficits as of this point. We will have to see what happens.

Here is the result. Let us go back. Let us go back one more time, to the fact that cutting spending in the House of Representatives actually resulted in an increase in the deficit as we came out of conference.

Mr. Speaker, this does not sell anywhere. This is not right. This is not what we ought to be doing. What I would suggest is that we defeat this conference report, what we send this thing back to the conference committee, and let us do some real deficit reduction. I hear about all the good economic news, and I am pleased that we have seen some growth in this economy. But what the markets are saying, the markets are saying that they do not believe that a pattern of increased taxes and increased government and increased regulation is good for the long-term growth and job prospects and low inflationary prospects and low interest rate prospects for the United States of America. Let us send this back to committee, and let us really do a good job of giving the American people what they really want.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am pleased that the previous speaker welcomes growth. We ought to be very clear. It is growth which has happened in absolute contradiction to the predictions he made last year.

The Republican Members of the House consistently last year made a set of predictions about the budget we adopted which have been proven wrong in a decisive way. The deficit is lower, economic growth is greater, unemployment is less. All of their predictions were wrong.

But their predictions are of less interest to me than the relevance of this budget today. I am going to vote for this budget. I signed the conference report. It is a budget, however, which in my judgment significantly underfunds important programs. As we pass this budget, I hope we will begin to look at the larger issue.

We have, I think, within the framework of the basic spending that has been within this Federal Government for years, done as good a job as we could do in deficit reduction. We were not going to get further in the area of deficit reduction without doing one of several things:

One, we can, as many of my Republican colleagues would like to do, severely slash Federal spending for a wide variety of issues. I think that would be a mistake.

We need more money to be spent on the environment. We need more money to go to cities and towns and States to deal with clean water. We need more money to help them with police. We need more money to help provide decent housing for people. We need more money in the short run to make the kind of changes in the welfare system that are in the national interest, without imposing cruelty on helpless small children.

I would reject that, Mr. Speaker. We could get a substantial tax increase, and I do not think this is the right time economically to do that, if there is any need to do it at all.

There is an area that is left that we have to confront. If we continue as a Nation to spend on national security at almost the level that we spent for most of the cold war, excluding only those extraordinarily aberrant periods in the middle of the Reagan years when we were wasting money with a vengeance, we will not be able to continue on a path of deficit reduction and meet important domestic needs.

I think we should be very clear to the American people, Mr. Speaker. Members of Congress who say we are going to do more for law enforcement, we are going to do more about cleaning up the environment, we are going to do more to help local communities meet Federal mandates, we are going to do a better job in education, people who say that and decline to commit themselves to substantial reductions in overseas military expenditures are not being straightforward. There simply is no way we can do it.

We cannot continue to fund the current range of activities, and in particular, I think the time has come as a Nation to say, "Is it essential that we maintain a military establishment capable of fighting two full-scale conventional wars simultaneously with virtually no help?" Because that is the goal.

That is the two-war strategy. The two-war strategy assumes that American full-fledged participation, with South Koreans, which is nice of them, because the war would be in South Korea, and it is very considerate they would help us defend their country, and at the same time a major conventional war in the Middle East, which assumes virtually no participation from our allies. I think that is a mistake.

The United States ought to be the strongest Nation in the world for our own protection. The point is that we can be for a military expenditure significantly less than we have today.

That is a lesson that is understood by the Japanese and the British and the French and the Belgians and the Norwegians and the Danes and the Italians and the Germans. They all understand the economic value and social benefit of substantially reduced military budgets, because we have got a military budget larger than all of them put together. We do not have a population larger than all of them put together, we do not have a gross product larger than all of them put together, we have a military budget larger than all of them put together.

We have an intelligence budget, combined, of the CIA and the military intelligence services, that has declined scarcely at all from the height of the cold war. That is a grave error. We have substantial military resources going into the fruitless task of trying to interdict drugs, trying in this free and open society, with its free market and free movement of people, to do the physically impossible.

If we continue this level of national security expenditure, we cannot also do deficit reduction and meet important domestic programs, and I hope we will begin to address this.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, just this week, Morton Kondracke wrote that President Clinton will propose a middle-class tax cut. In 1996.

For those with short-term memory loss, that's the same promise he made in 1992—and the same promise he broke in 1993.

Someone should tell the President that Republicans have already done his work for him. In March, we offered the Families First budget, which provided a $500 per child tax credit for working-class American families. It would have provided $25 billion annually in much-needed tax relief for those families who work hard, pay their bills, and raise their kids the best they can. It would have placed families at the head of the line for a change and left the Washington bureaucrats behind.

But something got in the way of the middle-class tax cut of 1994.

The Democratic leadership, said the tax cut cost too much—that Congress simply could not afford it—that the failed social programs of the Great Society were worth more than the American family.

Mr. Speaker, that is simply shameful. American families need tax relief now. They cannot wait 2 years until the next election for Santa Clinton to arrive. And they cannot afford the budget resolution this body will pass today.

Mr. Speaker, I say to my colleagues we should not lock the American family out of the House of Representatives again today. Vote against the budget resolution conference report.

□ 2100

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois, [Mr. EWING].

Mr. EWING. Mr. Speaker, tonight we are considering a budget resolution for $1.5 trillion for fiscal year 1995. That plan was finalized only a few hours ago.

The majority in this House on this side have waived the House budget rules requiring a 3-day layover so Members could review this proposal. That rule was designed to give us all an opportunity to study this legislation before we cast our vote. We did not work hard last week, we are not going to work hard next week, but we have to ram this through tonight.

Mr. Speaker, the majority party is ramming this huge budget through the legislative process, yet earlier this week, and this is the part that bothers me, the Speaker said he was fighting against the A to Z plan because we would not have time to consider these budget cuts.

Mr. Speaker, what is this? The Members are not given time to study a $1.5 trillion budget but the majority says the leaders do not have time to deliberate on cuts.

Mr. Speaker, this is the ultimate in hypocrisy. It is just another example of how the majority cares more about taxing and spending than they do about balancing the budget.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio, [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

Mr. Speaker, as we prepare to vote on final passage of next year's budget, I keep looking over my shoulder for Rod Serling and listening for the Twilight Zone's theme song, because what I am hearing and seeing is simply unreal.

We have got a $4.6 trillion public debt, a $225 billion budget deficit and yet the Clinton White House and all of its minions here in Congress have officially declared victory and they have left the budget battlefield.

The President and his supporters in Congress want the American people to believe that the budget battle has been fought and won. Rod Serling, where are you when we need you to bring us back to reality?

Ladies and gentlemen, the Federal Government's budget is completely out of control. Spending will continue to increase every single year under this budget and every claim to the contrary notwithstanding, this budget plan ignores all of these problems and keeps feeding the Federal Government's insatiable appetite for more taxes and more spending.

Even the modest $26 billion in spending cuts that the Senate tried to include in this budget were far too draconian for all the President's men. Oh, no. Apparently realizing that these cuts could not be completely ignored, the House and the Senate Budget Committee added $13 billion in new spending back into the plan and now they are asking us to approve their handiwork.

Mr. Speaker, I cannot strongly enough urge all of my colleagues on the other side of the aisle to ignore the siren calls of the Clinton White House and the House's Democratic leadership to support this resolution and instead join with me and many others in rejecting this bill because it is a fantasy land budget that ignores the real fiscal problems that are facing our Nation.

Vote this budget down. Get out of the Twilight Zone and join the rest of us in the real world where we balance our checkbooks, we raise our families, and we do not spend money that we do not have.

Mr. SABO. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise today in support of the conference report on H. Con. Res. 218, the Budget Resolution for fiscal year 1995. I was happy to be able to support this resolution when it passed the House of Representatives 2 months ago and I am even more pleased with the improvements that have been made to the resolution since then.

This resolution includes spending levels which are below the budget caps in each of the next 5 years. Under the agreement, the 1995 deficit is brought down to $175.4 billion, the lowest level in 5 years, and more than $100 billion below the projections made last spring.

I know that there has been some controversy over how to express the compromise achieved during conference concerning the only major disagreement between the House and Senate budget resolutions. The outlay cut proposed by Senators EXON and GRASSLEY when the Senate passed its budget amounted to $26 billion over the next 5 years. The conference agreement contains an outlay cut of $13 billion below the caps over the same time frame.

I want to make it clear there is no dispute that the cut is $13 billion below the caps. Now, because the House-passed resolution was itself already about $7 billion below the caps, the compromise amounts to cuts of a little less than $4.9 billion from the House-passed resolution.

Some people want to complain that the $13 billion is counted below the cap, not below the House resolution. In fact, some of my most fiscally responsible friends want to complain about that. Well, here's what I think.

Too often around here, we call something which is really an increase a cut. Now we have something which really is a cut and some people act like they want us to call it an increase. I don't get it.

You know, as a cosponsor of the A-to-Z bill, I support having the chance for more budget cuts to be considered on the House Floor. Of course we have no idea what some of those amendments will be once we get that Floor opportunity, but my guess is that out of those 56-plus amendments, many will not achieve as much as $5 or $6 billion in savings. That doesn't mean they will be bad amendments. It just means that you don't too often get the chance to eliminate 4.9 billion dollars' worth of spending in one vote.

We can talk about false advertising or about how much more needs to be done or about discharge petitions or whatever else we want to talk about. But I, for one, am not going to pass up this opportunity for deficit reduction. I wait too long and fight too hard for just those opportunities and for the life of me, I can't see any reason to walk away from this golden opportunity.

In addition to these cuts, I am pleased by several other things related to the budget resolution. First, I greatly appreciate the positive response I have received from my leadership to follow through on the promise for budget process votes. I have been working with my good friends JOHN KASICH and TIM PENNY to develop the legislative language that would deal with ensuring that appropriation cuts are dedicated to reducing the deficit, establishing an improved procedure for disaster and other emergency appropriations, and granting the President expedited rescission authority over appropriations measures. In addition, several of us are working on entitlement caps and reestablishing the discretionary firewalls.

Finally, and even though the language is non-binding, I am very pleased with some of the report language which was included in this resolution. I feel that the language concerning entitlement spending growth and budget baselines, as well as the language regarding unfunded federal mandates was all very constructive.

As usual, I have found it a pleasure to work with my chairman, Mr. SABO, and I am proud to stand with him this evening to support this resolution. I urge my colleagues to vote "aye."

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I rise in support of the budget resolution and appreciate that important language has been included in the report of this bill and in the Senate bill regarding the search for alternatives for pay raises for Federal employees. But what brings me to the floor is a much more important subject and that is the $105 billion that goes to Federal contractors that is largely unaccountable to us. There is an indefensible distinction that we make between two sets of employees paid with Federal funds. There are civil servants who annually get pay cuts and then there are Federal contractors who have gotten no cuts of any kind. This year we had $1.1 billion for raises that will cost $2.7 billion.

Mr. Speaker, allowing cuts in benefits annually is contrary to good management practice. What the private sector does is to make whatever cuts or buyouts it is going to do and give small increments, and that is all it would be, to the remaining employees.

Mr. Speaker, there is an important issue far beyond these raises, and that is getting a hold of runaway contracting costs.

Mr. Speaker, $105 billion is a nice piece of change. Leon Panetta said early in the term that we do not know it is being spent. Yet OMB recommended no cuts in this $105 billion this year.

Mr. Speaker, do we know how much health care just a chunk of that money would buy? This Congress needs to find the methodology and the will to look beyond our direct expenditures to Federal contractors. We must hold them as accountable as we hold direct expenditures, we must hold the shadow government as accountable as those we can see.

Mr. KASICH. Mr. Speaker, I yield 1 minute to our final speaker, the gentleman from Michigan [Mr. SMITH].

He has come to Washington.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, has anybody thought about the uniqueness of today? Today is Tax Fairness Day, and it is the day that we are going to vote on a budget that is the highest in this Nation's history. Tax Fairness Day, by the way, is how many days it takes to work every day, taking that money and paying it for taxes at the local, State and national level.

Mr. Speaker, I find it interesting that our taxes now, to an average American paying taxes, consumes 41 percent out of every dollar he makes. It is interesting that this budget, if we pass it, goes from $4.5 trillion, a 40 percent increase, to $6.3 trillion.

Mr. Speaker, if we do not want to borrow more money to put our kids at risk and our grandkids at risk by mortgaging their future, if we do not want to raise taxes more than what it already is, 41 percent of our income, what is left? What is left is to cut spending. This budget does not do it.

Mr. Speaker, colleagues, let us vote this down.

Mr. HUGHES. Mr. Speaker, I rise in support of House Concurrent Resolution 218, the fiscal 1995 budget resolution.

This resolution continues the progress we started last year with the adoption of the 5-year budget agreement initiated by President Clinton. That plan provided for some $496 billion in deficit reduction over 5 years, more than half of which comes from hard cuts in every category of Federal spending.

That budget amendment has been enormously successful to date. Indeed, the budget deficit was $300 billion when President Bush left office in 1992. It was $180 billion at the end of 1993. While that is a lot of red ink, clearly we are heading in the right direction.

The budget resolution we are considering today continues us along the path of deficit reduction and fiscal restraint. It aims to achieve $13 billion in deficit reduction in addition to the $496 billion in deficit reduction enacted last year. The agreement achieves this reduction through cuts in discretionary spending below the caps set last year.

For fiscal year 1995, the agreement cuts outlays by $3.1 billion more than the president's proposals in order to meet the outlay cap set last year. Moreover, the agreement cuts an additional $500 million below the spending cap for even greater deficit reduction. For fiscal year 1995, discretionary spending will be set at $540.6 billion which represents the first time in some 27 years that discretionary spending will actually fall.

For those who believe, as I do, that the best way to balance the budget is to cut spending, this is certainly welcome news. Indeed, under this resolution, the deficit will fall to $175.4 billion in fiscal 1995, the lowest level in 5 years and more than $100 billion lower than projections made last spring. Moreover, this deficit as a percentage of our economy will decrease from 4.9 percent of our economy which it was in 1992 to 2.5 percent representing the lowest percentage of the economy since the Carter administration in 1979.

Just as importantly, it achieves these targets without increasing taxes, and without forcing any single industry or sector of the economy to bear a disproportionate burden of the spending cuts.

While I am generally satisfied with the framework of this budget agreement, I really believe we should be doing even more in the way of spending cuts. Accordingly, I intend to continue my efforts this year, just as I have always done in the past, to identify and vote against those spending programs which we don't need or can't afford.

For example I intend to vote once again to terminate funding for the $30-billion space station, which we just can not afford. I also intend to support across the board cuts where necessary, and to vote against any appropriations bills which comes before the House where spending levels cannot be justified.

In other words, I view this budget resolution as only a starting point for deficit reduction, one which we can and will improve on through the adoption of additional spending cuts this year.

As far as entitlements are concerned, I am generally pleased with the progress we have made over this past year. Indeed, last year's budget agreement provided for $88 billion in entitlement savings which have already been enacted. I believe that we must continue this progress by examining ways to control the rising costs of Medicare and other entitlement programs.

Although the agreement we are considering today does not call for further reductions in entitlement spending, it does not preclude the enactment of entitlement legislation, such as health care reform, as long as it meets "pay-as-you-go" requirements.

This is extremely important because, as my colleagues know, health care spending is the single fastest growing part of the Federal budget. And if we are really serious about deficit reduction, then we must start by getting health care costs under control.

This agreement will allow us to pursue the critical agenda for national health care reform without locking us into a fiscal straitjacket, where long-term health care spending and the Federal deficit will continue to soar, in exchange for some limited short term deficit reduction.

I believe that this resolution is a fair and balanced compromise. It offers a reasoned combination of spending cuts for the most part, and it contains a variable enforcement mechanism. I urge my colleagues to support the resolution.

Mr. FRANKS of Connecticut. Mr. Speaker, I will not vote for this budget resolution. First, I do not approve of how the House Democratic leadership decided to have the House vote on this budget before the minority party had a chance to examine it. Few members have been able to read this budget. On a measure that approves the spending of $1.5 trillion in taxpayer money, Congress should have at least 3 days to look at it. We need to see what spending programs are being expanded and what defense projects are being cut.

For while I may not be familiar with every aspect of this budget, we in Congress know in general what it contains. We know that this budget will allow the Federal deficit to grow by almost $900 billion in the next 5 years. We know that the $26 billion spending cut included in this budget by the Senate was decimated by the President and Democratic leadership. We know that this budget leans on ill-advised defense reductions.

I regret that the Republican "Putting Families First" budget considered in March did not pass. That budget contained tax credits for families with children, genuine spending cuts, a crime bill that focused on discouraging criminal behavior, a responsible health care bill, and a defense budget that reflects the need for a strong military. I hope that my colleagues across the aisle will have the courage to consider the ideas in this alternative budget in the future.

Mr. MINETA. Mr. Speaker, I rise in strong support of the conference agreement on H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995.

First of all, I want to commend the distinguished Chair of the Budget Committee, the gentleman from Minnesota [Mr. SABO], for his outstanding leadership and hard work in crafting this important agreement.

Mr. Speaker, I am pleased to report that the conference agreement effectively assumes full-funding for highways at the levels authorized in the Intermodal Surface Transportation Efficiency Act of 1991.

There certainly can be no question of the need for full funding of ISTEA highways. There are some 235,000 miles of Federal highways that are in poor or mediocre condition and need repair. The cost to eliminate backlog highway deficiencies is about $212 billion, and the annual cost to maintain Federal-aid highways in their 1991 condition is $48.4 billion (in 1991 dollars).

In addition, there are approximately 118,000 structurally deficient bridges whose conditions would cost $78 billion to correct. The annual cost to maintain bridges in their 1991 conditions is $5.2 billion (in 1991 dollars).

The President's budget assumed an overall obligation ceiling of $19.969 billion for highways. This included $18.332 billion for the so-called highway core programs and $1.6 billion for both Minimum Allocation [MA] and way demonstration projects program. An additional $100 million, outside the $19.969 billion ceiling, was assumed for the emergency relief [ER] program. The President's budget assumed rescission of highway projects, first effective for fiscal year 1994.

The Budget Conference Agreement, in assuming effectively full-funding of ISTEA highways, also specifically assumes a core obligational ceiling of $18.332 billion. In addition, per ISTEA, it assumes no change in existing law for MA and demos which are outside the obligational ceiling. The conference agreement also does not assume the rescission of any highway demonstration projects.

A second and equally important area of difference with the President is transit operating assistance where the resolution restores $200 million to the President's request, thus equaling the fiscal year 1994 appropriations for operating assistance. While this still falls far short of full-funding ISTEA transit, it does represent continued commitment on the part of the Congress in addressing a key funding component of our Nation's transit system. Even though the $200-million restoration comes as a result of reducing section 9 capital grants by $400 million, the conference agreement still includes an overall section 9 assumption of about $223 million more than the fiscal year 1994 appropriation.

Mr. Chairman, a recent survey conducted by the American Public Transit Association estimates that more than $7 billion in Federal funds could be quickly obligated over and above existing transit program funding levels. This number only represents the immediate backlog of unmet transit needs—to restore transit to its pre-1980's level would require an investment of $11 billion per year. In addition, the passage of the Americans With Disabilities Act placed new financial demands on transit operators across the country.

A third difference between the budget conference agreement and the President's budget is funding for the Airport Improvement Program. The President's budget assumes $1.690 billion for this program; that is, a freeze at the fiscal year 1994 appropriated level. The budget agreement assumes $2.165 billion in contract authority or nearly one-half-billion dollars more than the President's to reflect the authorized level of House-passed H.R. 2739, the Aviation Infrastructure Investment Act of 1993. This critical piece of legislation has been awaiting Senate action since October 13, 1993.

Mr. Speaker, the infrastructure needs of the Nation's airports continue to grow. We now have 23 so-called problem airports. These airports are each experiencing more than 20,000 hours of aircraft delay annually. Without remedial action, that number is expected to rise to 36 by 2001. The capital needed to alleviate airport congestion and flight delays averages $10 billion a year for the next 5 years.

Such projects, if funded, would increase airport capacity and reduce system delays. This is important in that the Nation's economy would become more productive and competitive if the air transportation system becomes more efficient. We need at a bare minimum for fiscal year 1995 the authorized level passed by the House and assumed in this conference agreement.

Mr. Speaker, the conference agreement is, in general, responsive to the infrastructure needs of our Nation. It deserves our support and I urge its adoption.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report on H. Con. Res. 218—the budget resolution for fiscal year 1995.

Last year, Congress enacted a 5 year deficit reduction package that was modeled on President Clinton's economic program. This package—the largest deficit reduction package in our history—cut our deficit by $47 billion in fiscal year 1994, and by a total of $496 billion over the next 5 years.

And now, the House of Representatives and Senate have reached agreement on a budget resolution that will determine the overall goals for our spending priorities during the upcoming fiscal year. However, this agreement accelerates the pace we set last year. It pushes us harder in our efforts to change our spending habits. It moves us further away from our old practice of depleting our valuable resources with nothing to show for it, and closer to our new strategy of long-term investment that nets a return on our money, as we move toward economic growth.

This budget resolution builds on last year's efforts in support of the President's investment strategy by adding another $13 billion in deficit reduction to the $496 billion that was enacted last year. Under this resolution, the deficit is projected to fall to $175.4 billion next year—the lowest level in four years. The resolution also reduces our discretionary spending for the upcoming year below what it was for this year. This means that this is the first time since 1969 that discretionary spending has decreased from one year to the next.

I would like to once again commend Chairman SABO and the members and staff of the House Budget Committee for their outstanding work in sustaining this strategy. They have produced a budget resolution that provides us with the means to maintain the course that we set last year. We can continue to make the necessary, critical, long-term investments in our country's infrastructure, in jobs, and in the health, safety and welfare of all Americans and, at the same time, couple these sound investments with aggressive deficit reduction. This approach can only yield prolonged economic benefits for all Americans.

Ms. SNOWE. Mr. Speaker, the budget resolution passed by the conference committee is an indictment on the lack of resolve on the part of Congress to seriously address fiscal problems hampering our economy. It is an unfortunate testament to the fact that this institution is satisfied with the status quo—with high deficits, a rising national debt, and continued deficit spending that stunt economic growth and inhibit job creation.

I am dismayed that we in this body could not take advantage of the many opportunities placed before us over the last year to confront these problems. Now, with this conference report representing our remaining chance to cut spending and reduce the deficit—to jump on "the last train leaving the station," as my distinguished colleague JOHN KASICH put it—we could manage to trim only a meager one-half of one percent of discretionary spending over 5 years. This resolution does not adequately address the economic difficulties facing this country, and therefore I cannot support it.

Problems associated with a $223 billion deficit and a $4.6 trillion national debt, like diminished employment growth and reduced economic expansion, will not simply evaporate. Fifty-four percent of all personal income taxes paid to the government are being used to make debt service payments. These are resources that could be used to reinvest in the economy but instead are devoted to paying for government borrowing. Yet, it seems to be the attitude of those who support this budget resolution that such problem will take care of themselves. Proponents are playing a naive and foolish game with the American people with regard to the Nation's fiscal problems: ignore them and they will go away.

This budget resolution shows that old habits are hard to break. It calls for another increase in federal spending in fiscal year 1995, to $1.5 trillion. This represent a 2.3 percent increase over this year's levels. Oh, and by the way, this does not include whatever the costs of health care will be. Proponents are quick to point out that the projected deficit will be $175 billion by the end of fiscal year 1995, but are reluctant to admit that the same projections show a deficit rising to over $200 billion after 1999. Whether $175 billion or $200 billion, we should not be content with yearly deficits of any size. The American people do not find this acceptable and neither should this administration and this Congress.

And what of the national debt? Present economic policies do nothing to stop its steady rise from $4.6 trillion now to $5.6 trillion in 1997 to $6.3 trillion in 1999. This represents an increase of $1.7 trillion in 5 years, and every incremental rise establishes a new threshold of government red ink.

The consequences of this sea of red ink cannot be ignored. The economy grew at an anemic rate of 2.8 percent for 1993. Annual economic growth since World War II, including recession years, has averaged over 3 percent. At this juncture after previous economic downturns, total employment has traditionally risen by an average of 9.2 percent. Since the end of the latest recession, total employment has increased by only 2.5 percent. According to the Department of Labor, after the previous four recessions, 44 percent of laid off workers expected to be recalled once the economy improved. After this last recession, however, only 14 percent of job losers expected to be recalled to work.

In short, this budget resolution would have us believe that enough has already been done to reduce the deficit and spur economic growth, and that no further action on the deficit is necessary. As we can see, however, nothing could be further from the truth. The failure to capitalize on opportunities to reduce the deficit and Federal debt represents a short-term view of our economy which allows it to underperform.

Over the recent past this Congress has had such opportunities, but unfortunately we have let them slip by. Last year, the Republicans offered an alternative to the reconciliation bill that matched the President's deficit reduction goals without raising taxes. This was rejected. Last fall, the Penny-Kasich amendment dedicated $90 billion in spending cuts to deficit reduction, but this, too, was defeated. Two months ago, the Republicans presented a budget that reduced spending in fiscal year 1995 alone by $19 billion less than what this resolution proposes. Again, the House repudiated it. These measures offered substantive spending cuts and deficit reduction, unlike this resolution, which simply takes a token approach to these issues.

Even more disturbing is that this budget resolution, like the President's own budget proposal, does not account for the costs of health care reform and other initiatives—welfare, crime—likely to be enacted over the next few years. In February, the Congressional Budget Office ruled that the President's mandate to require employers to pay for 80 percent of their employees' health insurance premiums should be counted on budget and that it would increase the deficit by $74 billion through the year 2000. This resolution ignores these costs, just as it ignores the general problems of continued deficits and higher debt.

This budget resolution perpetuates the status quo, and the status quo is just not good enough. In fact, the status quo robs this economy of its potential, a situation that many Americans and many Mainers are experiencing through slow economic and employment growth. This is why I cannot support it. Deficit reduction and stopping the growth of the national debt are serious matters. This resolution does not present the serious solutions that this country needs to deal with these serious issues.

Mr. KASICH. Mr. Speaker, I yield back the balance of my time.

Mr. SABO. Mr. Speaker, I urge a yes vote and yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SABO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 183, not voting 29, as follows:

[Roll No. 161]

YEAS—220

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Manton
Markey
Martinez
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—183

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Mann
Manzullo
Margolies-Mezvinsky
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Packard
Paxon
Penny
Petri
Pickett
Pombo
Porter
Portman
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Bevill
Blackwell
Clay
Clement
Doolittle
Fish
Foglietta
Ford (MI)
Hall (TX)
Herger
Laughlin
Lipinski
Matsui
McCandless
McCollum
Myers
Neal (MA)
Neal (NC)
Oxley
Price (NC)
Pryce (OH)
Rogers
Sangmeister
Santorum
Serrano
Sharp
Stark
Swett
Washington

□ 2127

The Clerk announced the following pairs:

On this vote:

Mr. Matsui for, with Mr. Doolittle against.

Mr. Sangmeister for, with Mr. Herger against.

Mr. Swett for, with Mr. McCollum against.

Mr. WHITTEN changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. SABO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the conference report on House Concurrent Resolution 218.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERSONAL EXPLANATION

Mr. SWETT. Mr. Speaker, I was unable to be present for the vote on the Conference Report to accompany the bill H. Con. Res. 218, the Budget Resolution for Fiscal Year 1995. If I had been present, I would have voted yes.

PERSONAL EXPLANATION

Mr. DOOLITTLE. Mr. Speaker, I unavoidably missed the vote on H. Con. Res. 218, the Budget Resolution for Fiscal Year 1995 Conference Report. Had I been present I would have voted no.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2442, ECONOMIC DEVELOPMENT REAUTHORIZATION ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-495) on the resolution (H. Res. 420) providing for consideration of the bill (H.R. 2442) to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the Act to improve the authority of the Secretary of Commerce to administer grant programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I take this time for the purpose of inquiring of the Majority Leader as to the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. I thank the gentleman for yielding.

Mr. Speaker, we are obviously finished voting this evening. There will not be votes on tomorrow.

On Monday the House will meet at noon, but there will be no legislative business.

On Tuesday, May 10, the House meets at 10:30 a.m. For morning hour and then at noon on 4 bills on suspension on which the recorded votes will be postponed until Wednesday, May 11.

They are as follows:

H.R. 4278—Social Security Act Amendments of 1994,

H.R. 2868—To Designate The Federal Building Located At 600 Camp Street In New Orleans, Louisiana, As The "John Minor Wisdom United States Courthouse",

H.R. 3567—John F. Kennedy Center Act Amendments Of 1994, and

H. Con. Res. 176—To Recognize And Encourage The Convening Of A National Silver Haired Congress.

On Wednesday, May 11, and Thursday, May 12, the House will meet at 2 p.m. on Wednesday and 11 a.m. on Thursday. We will take up H.R. 2442, Economic Development Reauthorization Act of 1994, subject to a rule; Senate bill S. 2000, Head Start Act Amendments of 1994 conference report, subject to a rule; and H.R. 2473, the Montana Wilderness Act, subject to a rule.

I would estimate that votes on Wednesday would start approximately 3 o'clock in the afternoon and on Friday, May 13, the House will meet at 11 a.m. But there will not be legislative business or votes.

□ 2130

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader.

ADJOURNMENT TO MONDAY, MAY 9, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT OF MEMBERS TO THE BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to the provisions of section 168(b) of Public Law 102–138, the Chair appoints the following Members to the British-American Interparliamentary Group on the part of the House: Mr. HAMILTON of Indiana, Chairman; Mr. LANTOS of California, Vice Chairman; Mr. MURPHY of Pennsylvania; Mr. BOEHLERT of New York; Mr. LEWIS of Florida; and Mr. MCMILLAN of North Carolina.

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

Pursuant to the provisions of section 504(h) of Public Law 98–164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 10th Annual Report of the National Endowment for Democracy, which covers fiscal year 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1994.*

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Operations:

To the Congress of the United States:

As provided by the Federal Advisory Committee Act, as amended (Public Law 92–463; 5 U.S.C., App. 2, 6(c)), I am submitting my first Annual Report on Federal Advisory Committees for fiscal year 1993 for your consideration and action.

Consistent with my efforts to create a Government that works better and costs less, I issued Executive Order No. 12838 on February 10, 1993, requiring the executive branch to conduct a comprehensive review of all advisory committees. Based upon this assessment, each department and agency was directed to reduce by at least one-third the number of committees not required by the Congress. I am pleased to advise that this initiative has resulted in a net reduction of 284 unproductive advisory committees, exceeding our elimination target of 267, by 6 percent, or 17 committees. In addition, we have identified approximately 30 unneeded statutory groups.

While progress has been achieved in assuring that the work of advisory committees remains focused on national, rather than special interests, I am asking for your support in effecting other needed improvements. The Administration will forward to the Congress a legislative proposal to terminate 30 advisory committees required by statute, but for which compelling needs no longer exist. I urge the Congress to act quickly and favorably on this proposal, and I welcome any recommendations of the Congress regarding additional groups that may be eliminated through our joint efforts to increase the effectiveness and efficiency of the Government. Toward this end, I hope the Congress will show increased restraint in the creation of new statutory committees.

I have directed the executive branch to exercise continued restraint in the creation and management of advisory committees. This will allow us to obtain further savings recommended by the Vice President and the National Performance Review. Consistent with Executive Order No. 12838, the Director of the Office of Management and Budget will continue to approve new agency-sponsored committees when necessary and appropriate. In addition the General Services Administration, as part of its overall responsibilities under the Act, will periodically prepare legislation to propose the elimination of committees no longer required by the Government.

We stand ready to work with the Congress to assure the appropriate use of advisory committees and to achieve the purposes for which this law was enacted.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1994.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. RANGEL). Under the Speaker's announced policy of February 11, 1994, the following Members are recognized for 5 minutes each.

HEALTH CARE REFORM VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the votes on health care reform which took place in the Labor-Management Relations Subcommittee of the Committee on Education and Labor on May 4 and 5, 1994:

The following recorded votes were taken on May 4, 1994 in the Subcommittee on Labor-Management Relations of the Committee on Education and Labor during consideration of Chairman Williams' substitute proposal for H.R. 3600, the Health Security Act of 1994:

1. An amendment by Mr. Owens to reduce cost-sharing to $1 or $2 per service for households with incomes up to 150 percent of poverty, who choose a low-cost plan provided there are sufficient low cost plans available, and to help defray the costs of the amendment by increasing the individual annual catastrophic cost limit from $1,500 to $2,500 and by a 1.5 percent premium increase. The amendment was rejected 12–14.

DEMOCRATS

Mr. Williams—Nay, Mr. Ford (ex officio)—Nay by proxy, Mr. Clay—Yea, Mr. Kildee—Yea, Mr. Miller (CA)—Yea by proxy, Mr. Owens—Yea, Mr. Martinez—Yea by proxy, Mr. Payne—Yea, Mrs. Unsoeld—Nay, Mrs. Mink—Yea, Mr. Klink—Nay, Mr. Murphy—Yea by proxy, Mr. Engel—Yea by proxy, Mr. Becerra—Yea by proxy, Mr. Green—Ms. Woolsey—Yea, Mr. Romero-Barcelo—Yea.

REPUBLICANS

Mrs. Roukema—Nay, Mr. Goodling (ex officio)—Nay, Mr. Gunderson—Nay by proxy, Mr. Armey—Nay, Mr. Barrett—Nay by proxy, Mr. Boehner—Nay, Mr. Fawell—Nay, Mr. Ballenger—Nay, Mr. Hoekstra—Nay, Mr. McKeon—Nay.

The following recorded votes were taken on May 5, 1994, in the Subcommittee on Labor-Management Relations of the Committee on Education and Labor during consideration of Chairman Williams' substitute proposal for H.R. 3600, the Health Security Act of 1994:

1. An amendment by Mr. BOEHNER to eliminate those provisions in the chairman's mark relating to the requirement that employers pay for health insurance coverage. In addition, the amendment provides that employers are not required to offer the plans in the chairman's mark. The amendment was rejected 10–17.

DEMOCRATS

Mr. Williams—Nay, Mr. Ford (ex officio)—Nay by proxy, Mr. Clay—Nay, Mr. Kildee—Nay, Mr. Miller (CA)—Nay, Mr. Owens—Nay, Mr. Martinez—Nay by proxy, Mr. Payne—Nay, Mrs. Unsoeld—Nay, Mrs. Mink—Nay, Mr. Klink—Nay by proxy, Mr. Murphy—Nay by proxy, Mr. Engel—Nay by proxy, Mr. Becerra—Nay by proxy, Mr. Green—Nay, Ms. Woolsey—Nay, Mr. Romero-Barceló—Nay by proxy.

REPUBLICANS

Mrs. Roukema—Yea, Mr. Goodling (ex officio)—Yea, Mr. Gunderson—Yea, Mr. Armey—Yea, Mr. Barrett—Yea by proxy, Mr. Boehner—Yea, Mr. Fawell—Yea, Mr. Ballenger—Yea, Mr. Hoekstra—Yea, Mr. McKeon—Yea.

2. An amendment by Mr. FAWELL to the chairman's mark to provide that an individual in a State may purchase any health plan or health insurance of the individual's choice regardless of the status of community rating areas, regional alliances, or purchasing cooperatives that may be established within a State. In addition, the amendment says that individuals may not be required to enroll under or make payments for the health plans under the chairman's mark. The amendment was rejected 10–17.

DEMOCRATS

Mr. Williams—Nay, Mr. Ford (ex officio)—Nay by proxy, Mr. Clay—Nay by proxy, Mr. Kildee—Nay by proxy, Mr. Miller (CA)—Nay by proxy, Mr. Owens—Nay by proxy, Mr. Martinez—Nay by proxy, Mr. Payne—Nay by proxy, Mrs. Unsoeld—Nay by proxy, Mrs. Mink—Nay by proxy, Mr. Klink—Nay, Mr. Murphy—Nay by proxy, Mr. Engel—Nay by proxy, Mr. Becerra—Nay by proxy, Mr. Green—Nay by proxy, Ms. Woolsey—Nay by proxy, Mr. Romero-Barcelo—Nay by proxy.

REPUBLICANS

Mrs. Roukema—Yea, Mr. Goodling (ex officio)—Yea, Mr. Gunderson—Yea by proxy, Mr. Armey—Yea by proxy, Mr. Barrett—Yea by proxy, Mr. Boehner—Yea by proxy, Mr. Fawell—Yea, Mr. Ballenger—Yea, Mr. Hoekstra—Yea by proxy, Mr. McKeon—Yea by proxy.

REVITALIZING THE NORTH ATLANTIC TREATY ORGANIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, in the last five years momentous events have recast the landscape of Europe, and indeed the world. The "Iron Curtain"—so long a symbol of the bankruptcy of communist ideology—has been pulverized and sold off in small chunks, a triumph of free enterprise over totalitarianism. The Soviet Union has collapsed under its own weight without a shot being fired and from its destruction a dozen independent states have emerged. The Warsaw Pact—once a mighty and feared military alliance spreading from the Arctic Ocean to the Mediterranean Sea—is no more.

These historic events were in no small part due to the enduring strength of the North Atlantic Treaty Organization and the sustained commitment of its member countries. Founded in 1949, the NATO alliance served as the West's primary defensive bulwark against Moscow's amply demonstrated aggressive posture. However, in the wake of the Cold War, NATO's mission lacks the clarity it once had. Some argue that there is no further need to maintain the alliance, that it has outlived its purpose. Furthermore, the role of the United States in NATO has been called into question. Even during the height of East-West tension there were calls in Congress to reduce or eliminate the presence of U.S. military forces in Europe. Even as our forces in Europe decline from a high of 434,000 in the early 1960's to a projected level of 100,000 by next year, those calls continue to be heard.

Unfortunately, the world has not suddenly evolved into a utopian paradise with chamber music playing softly in the background. In place of the dangers posed by communist domination, new threats have emerged to the shared interests of the United States and other NATO countries. These threats are of lower intensity, more widespread, and less predictable. But, they can be ignored only at great peril. Proliferation of nuclear, chemical and biological weapons of mass destruction and the means to deliver them are of serious concern and may soon require bold actions on our part. Furthermore, several undemocratic and hostile regimes including North Korea, Iran, Iraq, and Libya pose serious threats to the West and to the global economy on which a stable energy supply and the free flow of commerce are dependent. Some feel that we can turn to the United Nations to deal with these threats. But, the limits of U.N. capability have only too vividly been revealed over the past year.

The NATO alliance, on the other hand, has a proven track record of effective political cooperation and military interoperability that can help protect our mutual interests without an undue burden falling on the United States. This was demonstrated by the success with which NATO member countries coalesced in joint military operations to liberate Kuwait in 1991. While many other nations participated in allied operations in the Persian Gulf war, NATO members formed the core military components that ensured victory.

NATO has been a dynamic and evolving organization expanding on three different occasions in its forty-five year history. Since the collapse of communism, several countries in Central and East Europe have expressed interest in NATO membership. These include the Visegrad countries of Poland, Hungary, Slovakia, and the Czech Republic and the Baltic states of Estonia, Latvia, and Lithuania. While immediate admission for these and other countries may not be feasible or desirable, the alliance should establish guidelines for eventual admission. As many European countries reach out to the West seeking to share our values and participate in our mutual defense, we should not simply turn a blind eye for fear of sending the wrong message to Moscow. A new NATO that includes former Warsaw Pact members would be no more a threat to Russia than the old NATO—which was, and which will remain, a defensive alliance. We should establish tough, but appropriate standards for interested countries to meet in order to be invited to join the alliance. We should be firm, but we should also be willing to work with prospective members to assist them in reaching those standards.

There has been little discussion in the Congress and the Executive Branch on these crucial issues, and I believe their consideration is long overdue. I am today introducing the "NATO Revitalization Act" expressing United States policy with respect to the North Atlantic Treaty Organization. My bill states that it should be the policy of the United States to continue our commitment to and active leadership role in NATO and to join with our NATO allies to redefine the role of the alliance in the post-Cold War world. It further states that it should be U.S. policy to urge NATO to support the eventual expansion of alliance membership to other European countries that meet appropriate standards including shared values and interests, democratic governments, free market economies, civilian control of the military, and a willingness to contribute to the security of the North Atlantic area. It urges NATO to establish benchmarks and a timetable for eventual membership for selected countries in transition. Lastly, it urges NATO to affirm that the organization's military planning should include contingencies beyond the NATO area when the shared interests of the United States and other member countries require such action to defend vital interests.

This legislation is not carved in granite or printed with indelible ink. It is not binding on the President or his Administration. It is intended to be a point of departure, not necessarily the destination, itself. Nonetheless, I think it represents a solid basis for NATO's future in the post-Cold War world. This bill is not intended to a critique of the Clinton Administration or the recently announced "Partnership for Peace" program. Instead, it offers a road map that extends beyond the limited scope of that initiative without prejudicing its merits. It is intended to stimulate both policymakers and the American people to engage in a thorough exploration and a vigorous debate of these important issues involving the security of the United States and our allies. The bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NATO Revitalization Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) for over 40 years, the North Atlantic Treaty Organization has helped guarantee the security, freedom, and prosperity of the United States and our partners in the alliance;

(2) the North Atlantic Treaty Organization has expanded its membership on 3 different occasions since its founding in 1949;

(3) the steadfast and sustained commitment of the member countries of the North Atlantic Treaty Organization to mutual defense against the threat of communist domination played a significant role in precipitating the collapse of the Iron Curtain and the demise of the Soviet Union;

(4) in the place of that threat, new security threats are emerging to the shared interests of the member countries of the North Atlantic Treaty Organization;

(5) although these new threats are more geographically and functionally diverse and less predictable, they still imperil shared interests of the United States and our North Atlantic Treaty Organization allies;

(6) Western interests must be protected on a cooperative basis without an undue burden falling upon the United States;

(7) the North Atlantic Treaty Organization is the only multilateral organization that is capable of conducting effective military operations to protect Western interests;

(8) the valuable experience gained from ongoing military cooperation within the North Atlantic Treaty Organization critical to the success of joint military operations in the 1991 liberation of Kuwait;

(9) the North Atlantic Treaty Organization is an important diplomatic forum for discussion of issues of concern to its member states and for the peaceful resolution of disputes;

(10) admission of Central and East European countries that have recently been freed from Communist domination to the North Atlantic Treaty Organization could contribute to international peace and enhance the security of those countries;

(11) a number of countries including the Visegrad countries (the Czech Republic, Hungary, Poland, and Slovakia) and the Baltic states (Estonia, Latvia, and Lithuania), have expressed interest in North Atlantic Treaty Organization membership; and

(12) in recognition of this interest, the "Partnership of Peace" proposal offers limited military cooperation to many European countries not currently members of the North Atlantic Treaty Organization, without establishing benchmarks or guidelines for eventual North Atlantic Treaty Organization membership.

SEC. 3. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to continue our commitment to and active leadership role in the North Atlantic Treaty Organization;

(2) to join with our North Atlantic Treaty Organization allies to redefine the role of the alliance in the post-Cold War world, taking into account—

(A) the fundamentally changed security environment of Central and Eastern Europe,

(B) the need to assure all countries of the defensive nature of the alliance and the desire of its members to work cooperatively with all former adversaries,

(C) the emerging security threats posed by the proliferation of nuclear, chemical, and biological weapons of mass destruction and the means to deliver them,

(D) the continuing challenges to the interests of all North Atlantic Treaty Organization member countries posed by unstable and undemocratic regimes harboring hostile intentions, and

(E) the dependence of the global economy on a stable energy supply and the free flow of commerce;

(3) to urge the North Atlantic Treaty Organization to support the eventual expansion of alliance membership to European countries that meet appropriate standards, including—

(A) shared values and interests,

(B) democratic governments,

(C) free market economies,

(D) civilian control of the military,

(E) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and

(F) commitment to further the principles of the North Atlantic Treaty Organization and to contribute to the security of the North Atlantic area;

(4) to urge the North Atlantic Treaty Organization—

(A) to extend membership to countries that meet the standards set forth by the North Atlantic Treaty Organization, and

(B) to establish benchmarks and a timetable for eventual membership for selected countries in transition; and

(5) to affirm the North Atlantic Treaty Organization military planning should include joint military operations beyond the geographic bounds of the alliance under Article 4 of the North Atlantic Treaty when the shared interests of the United States and other member countries require such action to defend vital interests.

ANNOUNCEMENTS BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 30 minutes as the designee of the minority leader.

GUN LAWS DO NOTHING ABOUT CRIME

Mrs. BENTLEY. Mr. Speaker, I am speaking this evening under special orders since there was not enough time available today during the debate on H.R. 4296.

Mr. Speaker, yesterday's Baltimore Evening Sun included an editorial urging me to vote in favor of the assault weapon ban that the House will consider today.

This editorial recounted a vicious bank robbery that occurred in my district 2 years ago in which an assault weapon was used, and asks how I can even consider voting against this bill following that tragic incident.

I would like to share with the House a letter that I received late yesterday afternoon from one of the victims of this tragic incident. The letter reads:

DEAR REPRESENTATIVE HELEN BENTLEY: I am a survivor of the Randallstown Farmer's Bank Robbery, which occurred on October 26, 1992. The robbery was done by two males who entered the bank and had four women employees lie face down on the vault floor and then proceeded to shoot all of us. Their intent when they entered the bank was to kill all of us leaving no witnesses. I was shot twice with a MII Cobray semi-automatic hand gun. I saw two of my employees and friends killed, and one other employee critically wounded.

I am writing to tell you to please vote against any gun bill. I suppose you are asking why, since I was a victim. Guns do not do the killing, people do. I am a target shooter and enjoy target shooting with rifle, pistol and shotgun. No matter how many gun laws you put on the books, if a person wants to commit a violent crime they can always obtain a gun illegally if not legally. What we need to do is enforce the laws we already have. The police and lawyers do their jobs, but our judicial system is what needs to be looked into. The penalty to offenders needs to fit the crime with no parole. Criminals should serve full sentences, not let out on good behavior. We need to use the death penalty * * *.

Taking the gun privileges away from the sportsmen and individual to protect their property will do no good * * *. My prayers will be with you as you make your decision. I strongly urge you to vote against the gun bill * * *.

Mr. Speaker, this letter is signed by Ms. Barbara M. Aldrich of Sykesville, MD, who was one of the victims, one of the survivors of the Randallstown Farmers' Bank Robbery in 1992.

Mr. Speaker, I would like to read from another letter which was received in my office this week. This letter reads:

> DEAR HONORABLE HELEN BENTLEY: I want to tell you what happened to my sister, Judy Cobb, in 1987 in Jacksonville, Florida. A man broke into her apartment at five o'clock a.m. while her husband was gone, and [the intruder] was attempting to rape her. He had white gloves on and a nylon stocking over his face. She was awakened with him on top of her, with a knife held on her throat* * *.
>
> [He] dragged her off the bed to get ropes he had brought in and was sitting on her back with her face in a pillow tying a blindfold on her, when my sister reached beside her bed on the floor, got her loaded semi-automatic pistol, pointed it up over the back of her head and fired.
>
> He died later in the day at the hospital. If the gun she'd used had been banned she'd be dead today instead of him. [The police believed this man] to be responsible for about twenty rapes in that area. The man was nineteen years old. When he died the police called my sister to inform her. They told her that she had probably saved at least 200 other women. She, her husband and three children now live in Maryland.
>
> I urge you to protect the law abiding citizens by protecting our right to own every kind of gun, because of crime and because of our Constitution.

This letter is signed by Mrs. Deborah A. Miller, one of my constituents who lives in White Hall, MD. Finally, Mr. Speaker, I would like to read from a letter sent to my office from Timothy H. Walker of Glen Burnie, MD. Mr. Walker writes:

> I am not a member of the NRA * * *. I am a Sergeant with the Anne Arundel County Police Department, and let me assure you that the rank and file police officers in Maryland * * * and nationally do not want to see the second amendment rights of the American people trampled on.
>
> I have been in law enforcement * * * since 1971, and have never encountered any of these "assault" weapons on the street, nor even responded to a scene where one was used.
>
> I have, however, seen thousands of very dangerous criminals released by the Courts or by the Parole Board back onto the streets * * *. Please vote against this [bill].

Mr. Speaker, I have prepared this statement to announce from the well of the House that I would vote against the assault weapon ban later. However, there was no time left in the debate so I decided to give this under the special orders tonight. The weapons that this bill would ban are used in less than one percent of the violent crimes across this country. According to the Bureau for Justice Statistics, more Americans died last year from assaults with fists than from assaults with assault weapons.

This bill does nothing about crime. Criminals still will have access to the full range of firepower that they desire, but we will be putting another shackle on the rights of the law abiding citizens of this country who own guns to protect themselves from the criminals that this Congress, and that the States, do not have the will to put and keep in prison.

I decided not to join in the hypocrisy of the majority party in this Chamber today. I was not interested in voting with the majority in order to be able to go home and say to their constituents, "We have done something about crime," when in reality we will be doing nothing.

Where are the bills to keep criminals who use firearms in the commission of a crime in jail for 30 years, or 40 years, or for life?

Mr. Speaker, this bill is also not about the NRA. When the NRA tried to bully me to vote against the Brady bill earlier this year, I told then they were wrong, and I supported Brady.

I haven't accepted money or support from the NRA since at least 1988, so that when I cast a vote on gun issues my constituents know it is their interests I am representing, and not that of any interest group.

The legislation that was presented to the House today is poorly drafted. The letters I read a few minutes ago asking me to vote against this bill, from Mrs. Barbara Aldrich, who was a victim of a shooting by an assault weapon, from Mrs. Deborah Miller, whose sister saved her own life with an assault pistol, and from Anne Arundel County Police Sergeant Timothy Walker, are indicative of the deluge of mail, telephone calls, and faxes that I have received for days.

But these three communications are the most compelling. During my 10 years in the Congress I have fought to tighten our criminal justice system to get tough on criminals. It is time that we spent more time worrying about criminals, and less time placing further restrictions on the law abiding men and women of America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROGERS (at the request of Mr. MICHEL), for today, on account of attending a funeral.

Ms. LONG (at the request of Mr. GEPHARDT), for today prior to 9 p.m., on account of a death in the family.

Mr. CLEMENT (at the request of Mr. GEPHARDT), for today after 5:30 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NUSSLE) to revise and extend their remarks and include extraneous material:)

Mr. HYDE, for 5 minutes, today.

Mr. GINGRICH, for 5 minutes, today.

(The following Member at the request of Mr. HINCHEY) to revise and extend his remarks and include extraneous material:)

Mr. HOAGLAND, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. NUSSLE) and to include extraneous matter:)

Mr. HUFFINGTON.

Mrs. VUCANOVICH.

Mr. ROGERS.

Mr. GALLO.

Mr. WOLF.

Ms. ROS-LEHTINEN.

Mr. FRANKS of Connecticut in two instances.

Mr. SKEEN.

Mr. SHUSTER in two instances.

Mr. LEWIS of California.

Mr. SOLOMON.

Mr. LAZIO.

Mr. EVERETT.

Mr. PACKARD.

Mr. FISH.

Mr. KIM.

Mr. SMITH of New Jersey.

Mrs. VUCANOVICH.

Mrs. MORELLA.

Mr. GILLMOR in three instances.

Mr. GINGRICH.

Mr. DUNCAN.

(The following Members (at the request of Mr. HINCHEY) and to include extraneous matter:)

Mr. MATSUI in two instances.

Mr. GORDON in two instances.

Mr. KANJORSKI.

Mr. MONTGOMERY.

Mr. WAXMAN.

Mr. BARCIA of Michigan.

Ms. NORTON.

Mr. ROMERO-BARCELÓ.

Mr. HALL of Ohio in two instances.

Mr. SANGMEISTER.

Mr. BOUCHER.

Mr. GUTIERREZ.

Mr. OWENS.

Mr. LAROCCO.

Mr. MINETA in two instances.

Mr. JACOBS.

Mrs. KENNELLY.

Mr. SERRANO.

Mr. APPLEGATE.

Mr. POMEROY.

Ms. LAMBERT.

Mr. DEFAZIO.

Mr. KLEIN.

Mr. ROYBAL-ALLARD.

SENATE BILL, A JOINT RESOLUTION, AND A CONCURRENT RESOLUTION REFERRED

A bill, a joint resolution, and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1927. An act to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

S.J. Res. 168. Joint resolution designating May 11, 1994, as "Vietnam Human Rights Day"; to the Committee on Post Office and Civil Service.

S. Con Res. 68. Concurrent resolution to authorize printing of Senator Robert C. Byrd's Addresses to the United States Senate on the History of Roman Constitutionalism; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4204. An act to designate the Federal building located at 711 Washington Street in Boston, Massachusetts, as the "Jean Mayer Human Nutrition Research Center on Aging."

H.J. Res. 239. Joint resolution to authorize the President to proclaim September 1994 as "Classical Music Month."

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until Monday, May 9, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3117. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting a draft of proposed legislation to reauthorize the Commodity Futures Trading Commission, pursuant to 31 U.S.C. 1110; to the Committee on Agriculture.

3118. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3119. A letter from the Acting Deputy Assistant Secretary (Production Resources), Department of Defense, transmitting the strategic and critical materials report to the Congress: Operations under the Strategic and Critical Materials Stockpiling Act during the period October 1992 to September 1993, pursuant to 50 U.S.C. 98h-2(b); to the Committee on Armed Services.

3120. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize the Department of Defense to implement the January 1994 agreement between the Department and the McConnell Douglas Corp. to settle C-17 issues; to the Committee on Armed Services.

3121. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 10-230, "Medicaid Benefits Protection Temporary Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3122. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-231, "Fuels Technology Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3123. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-232, "District of Columbia Government Comprehensive Merit Personnel Act of 1978 Employee Benefits Free Clinic Amendment Act of 1990 Extension Temporary Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3124. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-233, "Youth Facilities Firearm Prohibition Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3125. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-234, "South Africa Sanctions Repeal Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3126. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-228, "Human Rights Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3127. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-229, "Authorization for the Solicitation and Acceptance of Grant Monies by Advisory Neighborhood Commission 2D Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3128. A letter from the Secretary of Education, transmitting final regulations—Student Assistance General Provisions—Federal Family Education Loan Program and Federal Pell Grant Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3129. A letter from the Secretary, Department of Energy, transmitting the Department's annual quarterly report for the strategic petroleum reserve, covering calendar year 1993 and including specific information for the fourth quarter of 1993, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

3130. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the appropriation of funds for construction projects under the covenant to establish a Commonwealth of the Northern Mariana Islands in political union with the United States of America, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Natural Resources.

3131. A letter from the Secretary, Department of Transportation, transmitting the Secretary's report on the transfer of authority from the Secretary of Transportation to the Secretary of the Navy upon the transfer of the Coast Guard to the Navy, pursuant to Public Law 102-241, section 4 (105 Stat. 2209); jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSON: Committee on Rules. House Resolution 420. Resolution providing for the consideration of the bill (H.R. 2442) to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the act to improve the authority of the Secretary of Commerce to administer grant programs, and for other purposes (Rept. 103-495). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER of Louisiana (for himself, Mr. Armey, Mrs. Fowler, Mr. Inhofe, and Mr. McCrery):

H.R. 4350. A bill to amend title XIX of the Social Security Act to make optional the provision of nonemergency medical transportation services under the Medicaid Program and to deny Federal financial participation for such services; to the Committee on Energy and Commerce.

By Mr. BOUCHER (for himself, Mr. Upton, and Ms. Lambert):

H.R. 4351. A bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund) to provide a mechanism for the allocation of liability among potentially responsible parties, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. DUNCAN:

H.R. 4352. A bill to require each Federal agency to use stationery on which is printed the telephone number of the agency; to the Committee on Government Operations.

By Mr. GALLO:

H.R. 4353. A bill to require businesses who compile consumer lists for sale to other businesses to notify consumers on the list of the sales of the list; to the Committee on Energy and Commerce.

H.R. 4354. A bill to amend title II of the Social Security Act to prohibit the buying and selling of Social Security account numbers; to the Committee on Ways and Means.

By Mr. GINGRICH:

H.R. 4355. A bill to suspend until January 1, 1998, the duty on fluvoxamine, maleate; to the Committee on Ways and Means.

By Mr. HUFFINGTON (for himself, Mr. Gingrich, Mr. Leach, Mr. Walker, Mr. Neal of North Carolina, Mr. Herger, Mr. Everett, Mr. Crapo, Mr. Pombo, Mr. Horn, Mr. Inhofe, Mr. Boehner, Mr. Cunningham, Mr. Linder, Mr. Grams, Mr. Walsh, Mr. Jacobs, Mr. Talent, Mr. Baker of California, Mr. Stearns, Mr. Hoekstra, Mr. Canady, Mr. Cox, Mr. Diaz-Balart, Mr. McKeon, Mr. Dooley, Mr. Franks of New Jersey, Mrs. Vucanovich, Mrs. Fowler, Mr. Gunderson, Mr. Hoke, Mr. McHale, Mr. Portman, Mr. Sundquist, Mr. Torkildsen, Mr. Dickey, and Mr. Hutchinson):

H.R. 4356. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Ways and Means.

By Mr. HUGHES (for himself and Mr. Moorhead) (both by request):

H.R. 4357. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. HYDE:

H.R. 4358. A bill to express U.S. policy with respect to the North Atlantic Treaty Organization; to the Committee on Foreign Affairs.

By Mr. KOPETSKI:

H.R. 4359. A bill to require a study and report on environmental restoration at the Nevada Test Site, NV; to the Committee on Armed Services.

By Ms. LAMBERT (for herself, Mr. Upton, Mr. Boucher, Mr. Schaefer, and Mr. Manton):

H.R. 4360. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that act for certain recycling transactions; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Ms. NORTON:

H.R. 4361. A bill to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WAXMAN (by request):

H.R. 4362. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise the authority under that act to regulate pesticide chemical residues in food; to the Committee on Energy and Commerce.

By Mr. JOHNSON of South Dakota (for himself, Mr. Minge, and Mr. Grandy):

H.R. 4363. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; to the Committee on Natural Resources.

By Mr. LANCASTER:

H.R. 4364. A bill to direct the Secretary of Transportation to transfer administrative jurisdiction over certain lands for inclusion in the Cape Hatteras National Seashore Recreational Area; jointly, to the Committees on Merchant Marine and Fisheries and Natural Resources.

By Mr. POMEROY (for himself, Mr. Barrett of Wisconsin, Mr. Coppersmith, Mr. Hamburg, Mr. Minge, Ms. Shepherd, Mrs. Thurman, and Mr. Pastor):

H.R. 4365. A bill to amend title XI of the Social Security Act to repeal the requirement that employers report information to the Medicare and Medicaid coverage data bank; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. WYNN (for himself, Mr. Engel, and Mr. Foglietta):

H.R. 4366. A bill to amend the Small Business Act to establish a minority graduate mentor program; to the Committee on Small Business.

By Mrs. KENNELLY:

H.R. 4367. A bill to amend the Internal Revenue Code of 1986 and title I of the Employee Retirement Income Security Act of 1974 with regard to pension integration, participation, and vesting requirements, to provide for division of pension benefits upon divorce unless otherwise provided in qualified domestic relations orders, to provide for studies relating to cost-of-living adjustments and pension portability, and to clarify the continued availability, under provisions governing domestic relations orders, of remedies relating to matters treated in such orders entered before 1985; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. BLACKWELL (for himself, Mr. Mfume, Mr. Foglietta, Mr. Nadler, Mr. Conyers, Mr. Engel, Mr. Frost, Mr. Romero-Barcelo, Mr. Kleczka, Ms. Velazquez, Ms. Norton, Mr. Wilson, Mr. Clyburn, Mr. Underwood, Mr. Watt, Mr. Owens, Mr. Lancaster, Mr. Dellums, Mr. Thompson, Mr. Scott, Ms. Brown of Florida, Mr. Jefferson, Mr. Payne of New Jersey, Mr. Washington, Mr. Tucker, Mr. Towns, and Mr. Rush):

H.J. Res. 364. Joint resolution designating June as "African-American Music Month"; to the Committee on Post Office and Civil Service.

By Mr. KNOLLENBERG (for himself, Mr. Penny, Mr. Rahall, Ms. Danner, and Mr. Bonior):

H. Con. Res. 245. Concurrent resolution expressing the sense of the House of Representatives commending Israel and the Palestine Liberation Organization [PLO] for signing an historic agreement in Cairo on May 4, 1994; to the Committee on Foreign Affairs.

By Mr. WHEAT:

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress regarding the denial or limitation of health insurance coverage or benefits on the basis of preexisting medical conditions; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. MICHEL (for himself, Mr. Gingrich, Mr. Thomas of California, Mr. Roberts, Mr. Livingston, Mr. Barrett of Nebraska, Mr. Boehner, and Ms. Dunn):

H. Res. 419. Resolution amending the Rules of the House of Representatives to provide for certain changes in the bipartisan administrative oversight of House functions; jointly, to the Committees on Rules and House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KENNEDY:

H.R. 4368. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sunrise*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Hochbrueckner and Ms. Roybal-Allard.

H.R. 65: Mrs. Mink of Hawaii and Ms. Pryce of Ohio.

H.R. 123: Mr. Taylor of Mississippi and Ms. Pryce of Ohio.

H.R. 518: Mr. Barrett of Wisconsin and Mr. Klein.

H.R. 790: Mr. Watt.

H.R. 794: Mr. Kingston and Mr. Huffington.

H.R. 885: Mr. Myers of Indiana, Mr. Gunderson, and Mr. Barton of Texas.

H.R. 911: Mr. Franks of New Jersey and Mr. Hoagland.

H.R. 1056: Mr. Volkmer, Mr. Underwood, Mr. Gordon, and Ms. Velázquez.

H.R. 1277: Mr. Santorum and Mr. Paxon.

H.R. 1293: Mr. Istook and Mr. Hutto.

H.R. 1490: Mr. Clinger, Mr. Lehman, and Mr. Linder.

H.R. 1579: Mr. Dixon, Ms. Eshoo, and Mr. Farr.

H.R. 1864: Mr. Blute.

H.R. 1968: Mr. McDermott and Mr. Hoagland.

H.R. 2317: Mrs. Meyers of Kansas.

H.R. 2360: Mr. Kim.

H.R. 2433: Mr. Lewis of Florida.

H.R. 2479: Mrs. Collins of Illinois, Ms. Waters, Mr. Applegate, and Ms. Roybal-Allard.

H.R. 2660: Ms. Norton.

H.R. 2676: Mr. Stokes.

H.R. 2691: Mr. Engel.

H.R. 2759: Mr. Packard, Mr. Parker, and Mr. Schaefer.

H.R. 2959: Mr. McCrery.

H.R. 3005: Mr. Schiff, Mr. Calvert, and Mr. Bunning.

H.R. 3017: Mr. Stenholm, Mr. Shaw, Mr. Smith of New Jersey, and Mr. Baesler.

H.R. 3128: Ms. Shepherd.

H.R. 3182: Mr. Andrews of New Jersey.

H.R. 3250: Mr. Klug.

H.R. 3278: Mr. Foglietta.

H.R. 3293: Ms. Brown of Florida, Mr. Blackwell, and Mr. Towns.

H.R. 3305: Mr. Menendez.

H.R. 3347: Mr. Watt and Ms. Velázquez.

H.R. 3392: Mr. Goodlatte, Mr. Hamilton, Mr. Fields of Texas, and Mr. Schaefer.

H.R. 3421: Mr. Schiff, Mr. Calvert, Mr. Kolbe, and Mr. Bunning.

H.R. 3472: Mr. Hinchey.

H.R. 3486: Mr. Peterson of Minnesota, Mr. DeFazio, Ms. McKinney, Mr. Roth, Mr. Hansen, Mr. Barca of Wisconsin, Mr. Deutsch, Mr. Mica, Mr. Castle, and Ms. Dunn.

H.R. 3490: Mr. Rowland.

H.R. 3507: Mr. Ravenel, Mr. McCrery, and Mr. Spratt.

H.R. 3630: Mr. LaFalce, Mr. McDermott, Mr. Ford of Tennessee, and Mr. Jacobs.

H.R. 3659: Mr. LaFalce.

H.R. 3695: Mr. Bunning.

H.R. 3739: Mr. Solomon, Mr. Moran, Mr. Skeen, Mr. Levy, Mr. Deal, Mrs. Meyers of Kansas, Mr. Dreier, Mr. Livingston.

H.R. 3750: Mr. Wynn and Mr. Minge.

H.R. 3790: Mr. McInnis.

H.R. 3811: Mr. Torres, Mr. Martinez, Mr. Baker of California, and Mr. Brown of California.

H.R. 3851: Mr. Faleomavaega, Mr. Baker of Louisiana, Mr. Coleman, Mr. Cox, Mr. Ravenel, Mr. Lightfoot, Mr. Linder, Mr. Royce, Mr. Schiff, Mr. Zeliff, Mr. Blute, Mr. Levy, Mr. Crapo, and Mr. Barton of Texas.

H.R. 3875: Mr. Rohrabacher, Mr. McHugh, Mr. Mica, Mr. Herger, Mr. Kyl, Mr. Baker of California, Mr. Thomas of California, Mr. McKeon, Mr. Moorhead, Mr. Dreier, Mr. Lewis California, Mr. Calvert, Mr. Cox, Mr. Hunter, Mr. McInnis, Mr. Allard, Mr. Schaefer, Mr. McCollum, Mr. Young of Florida, Mr. Gingrich, Mr. Hyde, Mr. Buyer, Mr. Burton of Indiana, Mr. Nussle, Mr. Rogers, Mr. Smith of Michigan, Mrs. Vucano-

VICH, Mr. SOLOMON, Mr. PAXON, Mr. HOUGHTON, Mr. COBLE, Mr. GILLMOR, Mr. HOBSON, Mr. KASICH, Mr. SMITH of Oregon, Mr. MCDADE, Mr. WALKER, Mr. GOODLING, Mr. RIDGE, Mr. SPENCE, Mr. QUILLEN, Mr. DUNCAN, Mr. SUNDQUIST, Mr. SAM JOHNSON, Mr. BARTON of Texas. Mr. SMITH of Texas, Mr. DELAY, Mr. ARMEY, Mr. BLILEY, Mr. ROTH, Mr. SENSENBRENNER, Mr. HASTERT, Mr. DOOLEY, Mr. GRANDY, Mr. ARCHER, Mr. FROST, Mr. LEWIS of Florida, Mr. ISTOOK, Mr. CLINGER, Mr. MYERS of Indiana, Mr. EWING, Mr. HOEKSTRA, Mr. LEVY, Mr. LINDER, Mr. KING, Mr. BACHUS of Alabama, Mr. KIM, Mr. TALENT, Mr. BARRETT of Nebraska, Mr. CONDIT, Mr. HALL of Texas, Mr. MILLER of Florida, Mr. BROOKS, and Mr. EDWARDS of Texas.

H.R. 3951: Mr. SWETT, Mr. DEAL, and Mr. WILLIAMS.

H.R. 3955: Mr. MURPHY and Mr. HUTCHINSON.

H.R. 3973: Mr. GILCHREST, Mr. ENGEL, and Mr. FROST.

H.R. 4019: Mr. GEJDENSON.

H.R. 4043: Mr. MFUME, Mr. STOKES, Ms. COLLINS of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILLIARD, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. BISHOP, Mr. TUCKER, Ms. BROWN of Florida, Mr. WYNN, Mr. RUSH, Mr. CONYERS, Mr. RANGEL, and Mr. HASTINGS.

H.R. 4051: Ms. MCKINNEY.

H.R. 4091: Mr. DELLUMS.

H.R. 4095: Mr. COX, Mr. STUMP, Mr. BACHUS of Alabama, Mr. GORDON, and Ms. PRYCE of Ohio.

H.R. 4100: Mr. ARCHER.

H.R. 4109: Mr. ACKERMAN.

H.R. 4118: Mr. TEJEDA, Mr. FRANK of Massachusetts, Mr. LANTOS, and Mr. SCHIFF.

H.R. 4128: Mr. FINGERHUT, Mr. FOGLIETTA, Mr. HILLIARD, Mr. STUPAK, Mr. TOWNS, and Mr. WYDEN.

H.R. 4135: Mr. ROSE, Mr. KILDEE, Mr. BEVILL, Mr. YOUNG of Florida, Mr. WAXMAN, Mr. HILLIARD, Mr. MATSUI, Mr. CARR, Mr. LANCASTER, Mr. JOHNSTON of Florida, Mr. HOYER, Mr. FLAKE, Mr. SWETT, and Mr. FALEOMAVAEGA.

H.R. 4148: Ms. NORTON, Mr. NEAL of Massachusetts, and Mr. MARKEY.

H.R. 4158: Mr. ALLARD, Mr. GUTIERREZ, Mr. BONIOR, Mr. FILNER, Mr. MILLER of California, Mr. TOWNS, Mr. NADLER, Mrs. MALONEY, Ms. DELAURO, Mr. OWENS, Mr. HINCHEY, Mr. SERRANO, Mr. ACKERMAN, Mr. FLAKE, and Mr. WASHINGTON.

H.R. 4178: Mr. PACKARD and Mr. KLUG.

H.R. 4216: Mr. MCDERMOTT.

H.R. 4223: Mr. BARTLETT of Maryland, Mr. BLILEY, Mr. DOOLITTLE, Mr. FAWELL, Mr. GEKAS, Mr. GINGRICH, Mr. HANSEN, Mr. HOBSON, Mr. PETRI, Mr. TORKILDSEN, Mrs. VUCANOVICH, and Mr. ZELIFF.

H.R. 4247: Mr. GRAMS and Mr. ZIMMER.

H.R. 4260: Mr. LAFALCE, Mr. PARKER, Mr. KLUG, Mr. RAVENEL, Ms. ESHOO, Mr. LIPINSKI, Mr. ABERCROMBIE, and Mr. NEAL of Massachusetts.

H.R. 4269: Mr. KING, Mr. ARMEY, Mr. WILSON, and Mr. DORNAN.

H.R. 4272: Mr. FAZIO, Mr. MINETA, and Mr. MEEHAN.

H.R. 4273: Mr. FAZIO, Mr. MINETA, and Mr. MEEHAN.

H.R. 4281: Mr. HUNTER, Mr. DORNAN, and Mr. ROBERTS.

H.R. 4345: Mr. ENGEL, Mr. LEWIS of Georgia, Mr. GENE GREEN of Texas, Mr. FISH, Mr. TORKILDSEN, and Ms. MOLINARI.

H.R. 4347: Mr. BARRETT of Nebraska, Mr. BOEHNER, and Mr. DICKEY.

H.J. Res. 90: Mr. MCHUGH and Mr. BAKER of California.

H.J. Res. 297: Mr. DUNCAN.

H.J. Res. 302: Mr. MURTHA, Mr. CRAMER, Mr. GUTIERREZ, Mr. BALLENGER, Mr. EHLERS, Mr. LAFALCE, Mr. WELDON, Mr. GEJDENSON, and Mr. TEJEDA.

H.J. Res. 311: Mr. CALVERT, Mrs. CLAYTON, Mr. COBLE, Mr. COLEMAN, Mr. CRANE, Mr. DARDEN, Mr. DIXON, Mr. EDWARDS of California, Mr. EMERSON, Mr. FISH, Mr. PETE GEREN of Texas, Mr. GORDON, Mr. GREENWOOD, Mr. HASTERT, Mr. HORN, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mr. KILDEE, Mr. MCINNIS, Ms. MCKINNEY, Mr. MCNULTY, Mr. MARKEY, Mr. MATSUI, Mr. OBERSTAR, Mr. OLVER, Mr. ORTON, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. PETRI, Mr. SANDERS, Mr. SERRANO, Ms. SNOWE, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. TEJEDA, Mr. UPTON, and Mr. STOKES.

H.J. Res. 327: Mr. PICKETT, Mr. WYDEN, and Mr. DICKS.

H.J. Res. 333: Mr. FLAKE, Mr. HEFNER, Mr. BARCIA of Michigan, Mr. APPLEGATE, Mr. BURTON of Indiana, Mr. EVANS, Mr. LEVY, Mr. GUNDERSON, Ms. DELAURO, Mr. WELDON, Mr. MATSUI, Mr. MENENDEZ, and Mr. COBLE.

H.J. Res. 334: Mr. ACKERMAN, Mr. BATEMAN, Mr. DELLUMS, Mr. DE LUGO, Ms. FURSE, Mr. HINCHEY, Mr. LAZIO, Ms. LOWEY, Mr. MCDADE, Mr. MORAN, Mr. NEAL of Massachusetts, Mr. PASTOR, Mr. ROMERO-BARCELO, Mr. TORRES, Mrs. UNSOELD, Ms. VELAZQUEZ.

H.J. Res. 344: Mr. HAYES, Mr. LANTOS, Mr. KASICH, Mr. PETERSON of Florida, Mr. CRAMER, Mr. GEKAS, Mr. KENNEDY, Mr. GONZALEZ, Mr. SMITH of New Jersey, Mr. DIXON, Mr. DORNAN, Mr. WELDON, Mr. LAFALCE, Mr. ANDREWS of New Jersey, Mr. ENGEL, and Mr. BONIOR.

H. Con. Res. 6: Mr. HANSEN and Mr. SMITH of Michigan.

H. Con. Res. 98: Mr. KIM, Mr. PACKARD, and Mr. SANTORUM.

H. Con. Res. 148: Mr. BACHUS of Alabama.

H. Con. Res. 176: Mr. CLYBURN and Mr. BERMAN.

H. Con. Res. 210: Mr. GALLO and Mr. SOLOMON.

H. Con. Res. 235: Mr. MILLER of California, Mr. MORAN, Mr. ABERCROMBIE, Mr. PENNY, Mr. SKAGGS, Mr. SLATTERY, Mr. CLEMENT, Mr. CONYERS, Mr. MEEHAN, Mr. DURBIN, Ms. PELOSI, Mr. SANDERS, Mrs. MALONEY, Mr. STARK, Mr. OLVER, Mr. PALLONE, Mr. HOCHBRUECKNER, Mrs. MORELLA, Ms. SLAUGHTER, Mr. FINGERHUT, Mr. HUGHES, Mr. PRICE of North Carolina, Mr. FILNER, Mr. MCCLOSKEY, Mr. SERRANO, Mr. BEILENSON, Mr. EDWARDS of California, Mr. WAXMAN, Mr. LEWIS of Georgia, Ms. ROYBAL-ALLARD, Mr. STOKES, Mrs. SCHROEDER, Mr. BONIOR, Mr. LEACH, Mr. WHEAT, Mr. SHAYS, Mr. NADLER, Mr. WILLIAMS, Mr. POMEROY, and Mr. REYNOLDS.

H. Res. 255: Mr. HUTCHINSON, Mr. CRANE, Mr. TANNER, Mr. HYDE, Mr. UNDERWOOD, Mr. COX, Mr. SOLOMON, Mr. HASTERT, and Mr. CLINGER.

H. Res. 368: Mr. HOLDEN, Mr. FOGLIETTA, Mr. GEJDENSON, and Mr. EVANS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

91. By the SPEAKER: Petition of the city of Sunrise, FL, relative to a correspondence between the Department of Justice and the city of Sunrise in regard to a grant request for more police officers; to the Committee on the Judiciary.

92. Also, petition of the city of Sunrise, FL, relative to city of Sunrise, FL, Resolution No. 94–70; Urgently calling for anticrime legislation; making recommendations and rededicating itself to crime prevention and suppression; to the Committee on the Judiciary.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petitions were filed:

Petition 16, May 4, 1994, by Mr. ZELIFF on House Resolution 407, was signed by the following Members: William H. Zeliff, Jr., Cass Ballenger, Jay Dickey, Jack Quinn, James M. Inhofe, Craig Thomas, Gary A. Condit, Charles T. Canady, Stephen E. Buyer, Lamar S. Smith, Rob Portman, Roscoe G. Bartlett, Sam Johnson, Peter G. Torkildsen, Wayne Allard, Michael D. Crapo, Jim Ramstad, Michael Huffington, Stephen Horn, Dan Miller, Bob Franks, Dick Zimmer, Dean A. Gallo, Jim Saxton, Jim Nussle, Doug Bereuter, John Linder, Peter Hoekstra, Bill Barrett, Michael Bilirakis, Thomas E. Petri, Bill Emerson, Helen Delich Bentley, John A. Boehner, Howard P. "Buck" McKeon, Peter Blute, Joe Knollenberg, Ernest J. Istook, Jr., Vernon J. Ehlers, Jennifer Dunn, Bob Stump, Jim Bunning, Spencer Bachus, Terry Everett, Richard H. Baker, Martin R. Hoke, Porter J. Goss, Joe Barton, Nick Smith, Wally Herger, Alfred A. (Al) McCandless, Randy "Duke" Cunningham, Mel Hancock, Ken Calvert, Jay Kim, Richard W. Pombo, Jon Kyl, John M. McHugh, Barbara F. Vucanovich, Tom Lewis, E. Clay Shaw, Jr., Donald A. Manzullo, Deborah Pryce, Bob Goodlatte, Elton Gallegly, Christopher Cox, Pete T. King, Edward R. Royce, Dana Rohrabacher, Bill Baker, Amo Houghton, Sonny Callahan, Michael N. Castle, Duncan Hunter, Scott L. Klug, Dave Camp, Tom DeLay, Rick Santorum, Thomas W. Ewing, Steven Schiff, Bill McCollum, Scott McInnis, J. Dennis Hastert, James H. (Jimmy) Quillen, Robert H. Michel, Jim Kolbe, Howard Coble, Tillie K. Fowler, Bob Inglis, Cliff Stearns, John J. Duncan, Jr., Bill Paxon, Thomas J. Bliley, Jr., Robert E. Andrews, Jim McCrery, James C. Greenwood, Philip M. Crane, Charles H. Taylor, Dan Burton, Robert S. Walker, Jan Meyers, Steve Gunderson, Don Sundquist, Christopher H. Smith, Y, Tim Hutchinson, Henry J. Hyde, Ron Packard, John R. Kasich, Roby Roth, J. Alex McMillan, Harris W. Fawell, Bill Archer, Richard K. Armey, Wayne T. Gilchrest, David Dreier, Lincoln Diaz-Balart, William M. Thomas, James A. Leach, F. James Sensenbrenner, Rick Lazio, Arthur Ravenel, Jr., James M. Talent, Christopher Shays, Pat Roberts, David A. Levy, John L. Mica, Carlos J. Moorhead, Nancy L. Johnson, Paul E. Gillmor, Larry Combest, Curt Weldon, Robert K. Dornan, Jack Kingston, Dick Swett, Jim Cooper, George W. Gekas, Rod Grams, Ronald K. Machtley, Fred Grandy, Glenn Poshard, Newt Gingrich, Gary A. Franks, John T. Doolittle, Joel Hefley, Andrew Jacobs, Don Young, Gerald B.H. Solomon, James T. Walsh, Michel A. "Mac" Collins, Frank R. Wolf, Jack Fields, Thomas J. Ridge, Michael G. Oxley, William F. Goodling, Susan Molinari, Floyd Spence, Ileana Ros-Lehtinen, and Dan Schaefer.

Petition 17, May 4, 1994, by Mr. SHAW on House Resolution 386, was signed by the following Members: E. Clay Shaw, Jr., Charles T. Canady, Y. Tim Hutchinson, Hamilton Fish, Jr., Henry J. Hyde, Ron Packard, Dick Zimmer, Bill Archer, J. Alex McMillan, Toby Roth, Richard K. Armey, Tillie K. Fowler, Porter J. Goss, Tom Lewis, Tom DeLay, Jim McCrery, Wayne T. Gilchrest, David Dreier, Ileana Ros-Lehtinen, William M. Thomas, Michael D. Crapo, James A. Leach, F. James Sensenbrenner, Jr., Rick Lazio, Robert S. Walker, Christopher Shays, James M. Talent, Pat Roberts, William H. Zeliff, Jr., John L. Mica, Carlos J. Moorhead, Paul E. Gillmor, Peter Hoekstra, Thomas W. Ewing, John J. Duncan, Jr., Don Sundquist, Arthur Ravenel, Jr., Deborah Pryce, Howard Coble, Jay Dickey, Cliff Stearns, Bob Inglis, John Linder, Jim Bunning, Jack Kingston, Joe Knollenberg, Jim Saxton, Jennifer Dunn, Sam Johnson, Barbara F. Vucanovich, Craig Thomas, Charles H. Taylor, Rod Grams, Thomas J. Bliley, Jr., Fred Grandy, Bob Goodlatte, Newt Gingrich, James C. Greenwood, Dan Miller, Joel Hefley, Gerald B.H. Solomon, Jim Nussle, Stephen E. Buyer, Stephen Horn, Nancy L. Johnson, Jim Kolbe, and Dan Schaefer.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. SOLOMON on H.R. 493: Thomas E. Petri, Steve Gunderson, Hamilton Fish, Jr., and Christopher Shays.

Petition 11 by Mr. RAMSTAD on House Resolution 247: J. Dennis Hastert.

Petition 12 by Mr. TRAFICANT on H.R. 3261: Bill McCollum, Charles T. Canady, and Steve Gunderson.

Petition 15 by Mr. BILIRAKIS on House Resolution 382: Joe Skeen, Bill McCollum, Christopher Shays, and Bob Goodlatte.

The following Member deleted her name from the following discharge petition:

Petition 17 by Mr. SHAW on House Resolution 386: Ileana Ros-Lehtinen.

SENATE—*Thursday, May 5, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. Byrd].

The PRESIDENT pro tempore. The Senate will be led in prayer by the Reverend Richard C. Halverson, Jr.

Mr. Halverson, please.

PRAYER

The Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

Heavenly Father, on this National Day of Prayer, we lift up the promise of our Lord to His followers, that "he who receiveth you receiveth me, and he that receiveth me receiveth him that sent me."—Matthew 10:40.

Inasmuch as Congress, from its beginning days, has received those who have come to petition Thee for the opening of each day's session, and knowing Thee to be the faithful Lord to Thy Word, who You are, we reverently ask that the reception of Thy servants here would in fact welcome Thee. Let Thy glory fill this place; may Thy presence bless the Senators and their families, the staff and their families, and all who serve in the Senate.

We acknowledge that this place is not a sanctuary, synagogue or mosque but a public sphere, belonging to all the people of this land. As one Member of Congress has said, "We have built no Temple but the Capitol; we consult no common oracle but the Constitution."—Rufus Choate, 1833.

Thus we recognize the right for prayers of every religion to be offered here. We make this prayer in the name of Jesus Christ because He taught us to pray, and He has given such unworthy vessels as we are the right to approach Thy throne with confidence. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the order of yesterday, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 o'clock a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Also, under the order, the Senator from Colorado [Mr. Campbell] is recognized at this time for up to 20 minutes.

The Senator from Colorado.

Mr. CAMPBELL. I thank the Chair.

(The remarks of Mr. Campbell and Mr. Reid pertaining to the introduction of S. 2078 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

ORDER OF PROCEDURE

Mr. REID. Mr. President, the Senator from Colorado had 20 minutes reserved. I ask unanimous consent that the time he has remaining, I be allowed to have with my 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. REID. Mr. President, I have been wearing eye glasses now for about a year. I went to my ophthalmologist, a man I have known in Las Vegas for many years, to get my new glasses. As we were waiting for his staff to come, we were sitting in his office visiting, he said to me, "Harry, you have to do something about this health care situation." He said, "I am a doctor. But I am also a small businessman." He said, "I have 27 employees. One of my employees recently got cancer. And I cannot get the policy rewritten. No one is willing to give me a policy. The company that I have will not rewrite it, and I am having great difficulty getting insurance for my 27 employees."

This, Mr. President, is a story that is told and retold throughout all of business in America. People who want to provide insurance for their employees cannot provide the insurance for their employees. People will not write it, or, if they do, it is too expensive.

At a news conference this past Tuesday, the Small Business Coalition hosted a news conference to announce their support of the Clinton health care bill. This coalition represents 340,000 small businesses with more than 3.1 million employees. That is a lot of people. That is a lot of businesses.

Clearly, small businesses are interested in health care reform. There is no group of individuals in America that should be more concerned about health care. Why? Because you see, Mr. President, small businesses pay an average of 35 percent more for the same coverage that big businesses have—for the same coverage. But in addition to paying 35 percent more for the same coverage, their rates are skyrocketing. Premiums continue to increase at a rate 50 percent more than big business health insurance premiums.

In Nevada, another constituent of mine, a woman by the name of Rose Dominguez runs a travel agency. It is a small one. But it is a good business. It is called Discovery Travel. This woman, trying to maintain a small business, trying to maintain happy employees, has had a very difficult time. She has had obstacle after obstacle thrown into her path trying to provide her employees with health care insurance. She has a healthy work force. Her premiums have increased at a rate of 30 percent over the past 2 years. The only other option available to Rose Dominguez was a policy with such high deductibles that it created a great disincentive for her and her employees to want to participate.

Most small businesses want to insure their employees. Added to the high premium burden, small businesses are faced with occupational redlining by insurance companies and preexisting-condition exclusions.

A small nonprofit agency in Nevada was denied coverage for preexisting conditions of some of its employees. This agency is called the Nevada Association of Latin Americans. It has been in business in Nevada for at least 15 years—maybe longer than that, but 15 years that I know of. They have 23 employees. They are almost all low-wage employees, about $4.50 an hour, minimum wage. But the reason people are willing to work there and stay there for periods of time is because this little association supplied health insurance for its employees.

You may ask why—why are they having trouble? Because two of NALA's employees were pregnant and one developed diabetes. They were denied insurance from an HMO insurance carrier. The insurance company sent them a letter stating:

> Unfortunately, we are not able to offer our services to this group at the present time due to health conditions which currently exist.

Two pregnancies, and one diabetes are not unusual occurrences in the lives of employees.

I ask unanimous consent, Mr. President, that this letter from the FHP Health Care Benefits Section to the Nevada Association of Latin Americans be made a part of the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

FHP Health Care,
Las Vegas, NV, September 29, 1993.

Re Nevada Association of Latin Americans.

Scott Carson,
Southwest Benefits,
Las Vegas, NV.

Dear Scott: Thank you for considering FHP for your above mentioned client. Unfor-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

tunately, we are not able to offer our services to this group at the present time due to health conditions which currently exist.

If you have any questions regarding this matter, please feel free to contact me.

We at FHP appreciate your patronage, and strive to provide you with Quality service.

Sincerely,

SALLY NEITZ,
Account Executive.

Mr. REID. I also ask unanimous consent that another letter, directed to the First Lady, from the Nevada Association of Latin Americans be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEVADA ASSOCIATION OF
LATIN AMERICANS, INC.,
Las Vegas, NV, October 1, 1993.

HILLARY RODHAM CLINTON,
White House, Office of the First Lady,
Washington, DC.

DEAR FIRST LADY: Thank you for the enormous work you are doing for the Health Care Reform. I know you received over 700,000 letters and my letter won't add anything new to the fund of knowledge you already have.

However, I want to share with you our experiences here with Insurance companies. As you are testifying on Capitol Hill, we are being rejected by an HMO Insurance Carrier because one of our staff members has diabetes and two are pregnant. We are a small non-profit, social service agency, with a staff of twenty-three, which serves primarily the economically disadvantaged Hispanics of Southern Nevada. Our agency has been in existence for 25 years. The only benefit our staff receives is Group Health Insurance. Most of our staff start at $4.50 an hour. We are not insurable as a group because of the pre-existing conditions of three staff members.

Please do whatever is in your power to fight for us. We need the SECURITY of Universal Coverage which the President spoke about at the Joint Congressional Session. As far as we are concerned, Health Care Reform is not a political issue—it is our life and the life of poor people we serve. Please do not allow the Congress to delay the passage of the Health Care Reform Bill. We cannot wait without health insurance.

I wish you all the success in this endeavor.

Sincerely,

AVI L. ALMEIDA, Ph.D., LASW,
President and Chief Executive Officer.

Mr. REID. Mr. President, this letter is self-explanatory. It basically says: "What are we to do? We cannot pay higher wages. Now we cannot supply insurance to our employees, and we are in big trouble."

Mr. President, all small businesses in America are in big trouble, and their employees are even in bigger trouble, because they have no health insurance.

This small nonprofit company, acting in good faith, was denied health insurance coverage, as I indicated, one of the only benefits the agency could extend to its employees.

Mr. President, the President's health care proposal will create an even playing field for businesses like my friend's, who owns the travel agency, and like my friend the ophthalmologist. And it is also important that nonprofit companies also be assured that they are included in the small business package, and that they, like the National Association of Latin Americans, can supply insurance to their employees. The Clinton plan will allow small businesses to pool together and have the same purchasing power that is afforded to big business today. It will eliminate insurance practices that discriminate against small businesses. It is discrimination when small businesses' prices are 35 percent more than big businesses', and the premiums are going up 50 percent more.

We must be aware that small businesses cannot pay the skyrocketing premium increases, and they cannot have employees that are all injury free, disease free. We must have health insurance that allows people with preexisting conditions to have insurance. We cannot have occupational redlining, which is really what we have. The President's health care bill, the Health Security Act, will assist low-wage small businesses to purchase coverage with discounts.

Mr. President, small businesses and their employees will be guaranteed a comprehensive set of benefits similar to those currently offered in Fortune 500 companies and will be afforded a wide choice of health care plans. The proposal will also help to reduce the incredible administrative burden faced by small businesses. Not only do we have small business insurance premiums that are an average of 35 percent higher than for big business, as indicated with Discovery Travel, but premiums are going up 50 percent higher.

In addition, Mr. President, it is estimated that 40 cents of every dollar small business has spent on health care is eaten up in administrative costs. Clearly, the President's bill is, as the Wall Street Journal wrote: "An unexpected windfall" for small businesses.

I hope my colleagues will join with me and others in continuing to push for strong health care reform. We must provide all Americans, especially small businesses, with guaranteed coverage and ensure that they have an even playing field, and that they can compete with big businesses. If we do nothing, health care spending is going to skyrocket. This year, Mr. President, health care costs will increase $100 billion. Next year the cost of health care in America will be a trillion dollars. If we continually do nothing, health care spending will reach $1.6 trillion in 5 years, by the year 2000. This is a gamble our country cannot afford to make. We must act now for positive change.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDENT pro tempore. The Senator from Alaska [Mr. MURKOWSKI] is recognized for not to exceed 5 minutes.

THE GIFT BAN BILL

Mr. MURKOWSKI. Mr. President, I rise today in support of the McConnell substitute amendment, which is the pending amendment. I would like to speak specifically in opposition to the provisions of the committee bill that would prohibit Members of Congress from receiving private reimbursements for travel, food, and lodging, in connection with charitable events.

Mr. President, in August of this year, my wife Nancy and I plan to host a charity event in my State of Alaska to raise money for a breast cancer detection center that we have been supporting for a long time. The event is called "Waterfall '94." The "Waterfall '94 Committee" is a nonprofit organization which is sponsoring the first annual "Fishing for Charity" tournament. The committee's name comes from the location of the event near Ketchikan, AK, in the southeastern part of our State. The charity tournament will run for 3 days. Members of the Senate and leaders of the business community have been invited to attend and support this very worthwhile cause, as well as providing them with an opportunity to visit our State.

The beneficiary of this event will be the Breast Cancer Detection Center of Alaska. That is a nonprofit organization located in Fairbanks. The center was established in 1974, with my wife, who is one of the founding directors, to provide free examinations and mammograms to all the women of Alaska. To date, women from more than 80 towns and villages have been able to visit the center for breast cancer screening. I understand that over 15,000 women have been examined, and, undoubtedly, lives have been saved.

While the center has provided these thousands of examinations and mammograms over the years to women who would otherwise not be able to afford these services, the vastness of our State continues to prevent some women in many of the remote areas from accessing these services. We are hopeful that the proceeds from the event will allow the center to continue to fulfill its mission of providing screening for mammograms, outreach and educational services to the women of Alaska.

Mr. President, it is our hope that this will become an annual event. The funds generated help purchase the new mammogram unit, which is now being installed, and will assist the center in obtaining a mobile unit that would be available for placement in a C–130. The National Guard could fly into these bush areas that have no road connection to provide this service to women in isolated communities.

Many companies and organizations have generously offered to provide donations to the Waterfall '94 event to help pay for the travel, food, and lodging, and we would anticipate that

Members of this body, Senators and one family member, would attend the event. Simply stated, without this generous support, the event would not take place.

If Members of the Senate are prohibited from participating in events such as this, the chance to raise money for breast cancer will be lost. I suggest to those opponents of this type of charity event, that they should suggest some alternative, so we may continue to raise money for worthwhile causes.

Of course, full disclosure of such events is already required. The Ethics Committee has an important role in monitoring Senators' participation and sponsorship of such charity tournaments. Clearly, these events take place in the light of full disclosure. Of course, the real winners of such events are the charities they support, like the Breast Cancer Detection Center in Fairbanks.

We have seen the success of the Senator's Ski Cup in Park City, UT, for the children's hospital, which is sponsored by former Senator Jake Garn. Many of us will recall when Senator Garn went up in space and came back, his daughter was severely ill. He gave one of his kidneys to his daughter at that hospital. The charity event has been going on ever since.

I think that the Children's Hospital in Salt Lake City receives approximately $250,000 each year from the Senator's Ski Cup. There have been stories that appeared on "Inside Edition" and others being critical of this type of event. Yet, some of those who criticize these events have participated. I think it is fair to say that the record will show that the junior Senator from New Jersey has participated for at least 3 years. I think it is rather coincidental that we see such criticism coinciding with our own individual election years, but I will not dwell on that.

I think it is fair to recognize we were elected to represent Americans and to use our best judgment. We are accountable to those we serve. We must conduct ourselves in an appropriate manner, not simply ban activities which we are capable—and the American people are capable—of deciding right from wrong.

Finally, Mr. President, I note that currently there are 182,000 women who are diagnosed with breast cancer each year and 46,000 die from that disease. Breast cancer is the second largest cause of death in my State of Alaska. One in 8 women will develop breast cancer in her lifetime. It is the leading cause of death of women between the ages of 35 and 54. The risk of developing breast cancer increases dramatically with age. For women 70 to 74 years old, the risk of breast cancer is 1 in 235. Mammography is one of the most reliable methods of early detection of breast cancer. Mammography has been proven to reduce mortality for women with breast cancer.

I encourage my colleagues to recognize the significance of these statistics and how charitable events, such as the Senator's Ski Cup and Waterfall '94, contribute to reversing these numbers and saving lives.

I thank the Chair for the time, and I thank my colleagues.

RECOGNITION OF SENATOR DASCHLE

The PRESIDENT pro tempore. Under the order, the Senator from South Dakota [Mr. DASCHLE], is recognized for not to exceed 10 minutes.

Mr. DASCHLE. I thank the President and I, too, wish him a good morning.

FACES OF THE HEALTH CRISIS: SMALL BUSINESS

Mr. DASCHLE. Mr. President, small businesses in America embody much of what makes our country strong—the spirit of individualism and entrepreneurialism; commitment to one's workers; service to one's community; and the strongly held belief that the "little guy" can still get ahead in America.

At the same time, small businesses highlight what makes our country's health care system so weak—the fear that one illness will wipe out everything a small business owner has worked for; the vulnerability of employees and small business owners to the whims of an insurer who at a moment's notice can drop the firm's coverage; the fact that a small business person, as much as he cares about his workers, simply does not have the market muscle of his corporate counterparts to bargain for affordable coverage.

Unfortunately, what is wrong with our health care system is threatening what is right about our small businesses.

Health care problems are discouraging some entrepreneurs today from taking risks and starting new businesses, just as they are scaring workers away from small firms that do not provide insurance.

Indeed, skyrocketing health care costs are one of the top reasons today that small businesses fail. At the same time, 1 out of 3 workers fears leaving his or her current job because of concern about losing health coverage.

Nowhere else is fear of losing health insurance permitted to trap citizens in jobs they no longer want, or to prevent them from establishing small businesses of their own.

No other nation condemns families to lifetime poverty when their children fall ill.

Only in America is fear of illness still allowed to stalk millions of hard working, tax paying citizens.

Frankly, too many aspects of our health care system are simply un-American today.

REFORM CAN HELP SMALL BUSINESSES

While many opponents of health reform cling to the status quo and view change as a threat to small business, reform is actually one of the most important steps we can take to ensure that small businesses thrive today.

Providing them with affordable, stable coverage and the same health care options as corporations is not only good for workers, it is good for the businesses.

Healthy workers, free of fear of bankruptcy from illness or injury, are productive workers. They are workers who will stay with a business. They are workers who do not make employment decisions based on who does or does not offer insurance coverage.

They include young, healthy job seekers, formerly on welfare, who are free to work without the fear of losing health coverage.

Health reform can also end the cost shifting that jacks up rates for those small businesses that do offer insurance; because they who pay for insurance are now mandated to pay for those who do not.

Really, Mr. President, this is the most inefficient and unfair mandate of them all.

In fact, what I call the "status quo mandate" would not get one vote if I were to offer this provision on the floor of the Senate today. Yet, the status quo is what opponents of reform say they would rather accept, requiring those who pay to pay for those who do not pay.

DOUG THOMPSON: SD SMALL BUSINESSMAN

Over the past year I have heard from hundreds of business owners in South Dakota and across the Nation who are suffering under the current system and support comprehensive reform.

They understand the importance of sharing with their workers the responsibility for coverage. And they agree that such a requirement, along with reforms that control the rate their premiums rise and put them on equal footing with corporations, will benefit them and their bottom lines.

One such small businessman is Doug Thompson, who owns and operates a meat packing plant in Alcester, SD.

Doug employs 40 South Dakotans, but he simply cannot afford to purchase insurance coverage for them, because his small company does not have the market power to negotiate reasonable rates. He finds this deeply troubling, on both a personal level and as a business, "bottom-line" issue.

He is concerned that many of his employees simply cannot afford insurance on their own. He shares their frustration and fears because he knows them personally—as friends as well as employees.

But he also knows that his inability to provide coverage has a negative impact on his business. He speaks with frustration about the number of young, unskilled workers he takes on, only to lose them, once they are trained, to larger firms that do offer insurance.

He also notes that workers who are injured off-the-job sometimes claim their condition is a workplace injury so that their medical expenses can be covered under workers compensation.

He does not want his workers to be forced to "game" the system so that they can receive basic medical care. They should have coverage 24 hours a day, not merely the 8 hours they spend working.

For all of these reasons, Doug Thompson strongly supports universal coverage through a requirement that all employers share in the responsibility of financing their workers' insurance. He is ready and willing to take on the responsibility, as long as he knows his premiums will be affordable and his competitors face the same requirement.

There are thousands of small businessmen like Doug. They are willing to participate, and understand the dire consequences of inaction.

CONCLUSION

Opponents of reform are vocal. We hear them daily. And many of them are powerful. Some small businesses have joined in the opposition. But many have come forth to join in support of meaningful health reform through shared responsibility.

Thousands of small businesses know that the current system penalizes them; it puts them on uneven footing with their competitors.

They know that the system is unsustainable, and they are looking to Congress and the President for leadership. They want some help, They want rules that level the playing field, that encourage personal responsibility, and that provides them with health security.

We must ensure that small businesses, the backbone of our economy and the engine of its growth, can thrive without the burden of worrying about their own or their employees' coverage.

We owe that much to all of the Americans who have taken enough risks in their decisions to start small businesses. They do not need to gamble with their own or their workers' health.

Health security is fundamental to economic security which is only achieved through shared responsibility of employees and employers who invest in it.

I yield the floor.

RECOGNITION OF SENATOR GRASSLEY

The PRESIDENT pro tempore. Under the order of yesterday, the Senator from Iowa [Mr. GRASSLEY], is recognized for not to exceed 10 minutes.

Mr. GRASSLEY. Thank you, Mr. President.

THE KNOX CASE AND THE RACIAL JUSTICE ACT

Mr. GRASSLEY. Mr. President, I remember last fall, in November, this body voted 100 to 0 for a sense-of-the-Senate resolution that Senator ROTH and I put forth. That resolution told the Justice Department that when we passed the Child Pornography Act in 1984, what we said in that act is what we meant. And we disapproved of the way the new solicitor general was enforcing that act that caused a convicted child pornographer's case to be remanded back to the circuit court of appeals.

Mr. President, last week, the United States Court of Appeals for the Third Circuit heard oral argument for the second time in 3 years in the case of Knox versus United States.

The case concerns the conviction of a Pennsylvania man for possession of videos of scantily clad young girls. These videos contained repeated closeups of the girls' genital areas. Knox argued that the Child Protection Act of 1984 prohibits child pornography only where the child is completely nude.

Forty Members of the Senate and 194 Members of the House, following on the 100-to-0 vote of this body, joined in an amicus brief arguing that Congress never intended to limit the reach of the statute exclusively to nude portrayals. This Justice Department, however, has departed from a very consistent interpretation of the statute. It argued that the child must either be nude or his or her genitals must be discernible through the clothing.

All of us who filed that amicus brief—nearly 250 Members of this Congress—disagree and, of course, this body, on that 100-to-0 vote, disagrees. And the court asked the attorney for the Justice Department during these arguments many questions about why the Department changed its view between 7 years of consistent enforcement of that 1984 act and last year, when the solicitor general decided to take a new position to the Supreme Court.

So why did the Department change its view, the circuit judges wanted to know, and adopt a view obviously not supported by the statutory language.

Additionally, the Justice Department attorney admitted that the test she advocated would lead, ironically, to greater protection of boys who were being exploited by child pornographers than girls. Such a view obviously makes no sense, and might even be considered discriminatory. The Justice Department should have known better than to argue that Congress enacted a standard that would produce such nonsensical results.

I am pleased to tell my colleagues that the arguments of the attorney who represented the amicus Members of Congress—Edward Warren of Kirkland & Ellis—were well received. Mr. Warren relied on the statutory language and legislative history to show that Congress intended to prohibit materials such as the ones at issue in the Knox case. We in this body did not intend to prohibit only hard core child pornography, leaving producers with the ability to exploit children in any other way without fear of penalty.

Absent our participation in the case—meaning, if there had not been an amicus brief by over 200 Members of Congress—no party would have made these arguments to the Court last week. I thank my colleagues that joined the brief. I expect that in the near future, the Court will issue a decision upholding the conviction and rejecting the Justice Department's ill-considered interpretation of the statute.

THE RACIAL JUSTICE ACT

Mr. GRASSLEY. Mr. President, conferees will soon meet to reconcile differences between House- and Senate-passed versions of the crime bill. I am deeply troubled by a provision in the House bill that should not be included in the conference report: the Racial Justice Act.

The Racial Justice Act is neither about race nor justice. Instead, it is designed to turn the death penalty into a legal fiction. If enacted into law, the Racial Justice Act will prevent the death penalty from ever being imposed again, whether the case is State or Federal.

Under the Racial Justice Act, the death penalty would become a numbers game. If any statistics can be manipulated to show that race was a significant factor in the imposition of the death penalty, an inference will be created that race formed the basis for the sentence. This is a truly shocking departure from current law. Today, racial bias that can be shown to have affected an individual sentence is unconstitutional. But under the Racial Justice Act, the individual no longer matters. What matters is the treatment of groups through selectively chosen statistics regarding actions of prosecutors, varying juries, differently drawn jurisdictions, and reliance on the particular crimes used as the sample. The inference could never be rebutted because of the effect of time on evidence and memories, the inability to question jurors, and the nature of the statistics offered.

Over the decades, the death penalty has been narrowed both by the type of crime and the nature of the offender for which it may be imposed. Jury discretion is narrowly channeled in order to insure that the individuals sentenced to death truly merit the death penalty, and also as a means of avoiding racial discrimination.

Today, each death sentence is rigorously reviewed for adherence to constitutional norms, sometimes even to the point of excess. At least those reviews are based on the facts of the case and the culpability of the offender. Under the Racial Justice Act, however, Mr. President, it seems not to matter that the person sentenced to die has committed horrible acts that merit the most severe punishment.

Our legal system believes that punishment is warranted because individuals choose to act the way they do. Individual responsibility forms the basis for imposing all punishment, including the death penalty. I strongly urge all conferees to reject the Racial Justice Act, which not only makes individual issues of guilt irrelevant, but would have the effect of ending the imposition of the death penalty nationwide.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL COUNTERINTELLIGENCE REFORM ACT—S. 2063

Mr. GORTON. Mr. President, on Tuesday, May 3, 1994, I introduced legislation to improve the coordination of national counterintelligence policy of the United States.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Counterintelligence Reform Act".

SEC. 2. AMENDMENT OF THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. et seq.) is amended by adding at the end the following new title:

"TITLE VIII—NATIONAL COUNTERINTELLIGENCE PROGRAM

"SEC. 801. DEFINITIONS.

"As used in this title:

"(1) BOARD.—The term 'Board' means the National Counterintelligence Review Board established in section 804.

"(2) CENTER.—The term 'Center' means the National Counterintelligence Center established in section 803.

"(3) COUNTERINTELLIGENCE.—The term 'counterintelligence' means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments, foreign organizations, or foreign persons, or international terrorist activities.

"SEC. 802. PURPOSE.

"The purpose of this title is to establish a national policy and program framework to ensure an integrated and coordinated effort to counteract espionage against the United States.

"SEC. 803. NATIONAL COUNTERINTELLIGENCE CENTER.

"(a) ESTABLISHMENT.—There is established the National Counterintelligence Center.

"(b) COMPOSITION.—(1) The Center shall be headed by a Director and Deputy Director and shall be comprised of staff from—

"(A) the Central Intelligence Agency;

"(B) the Federal Bureau of Investigation; and

"(C) the Department of Defense.

"(2) The head of each agency described in paragraph (1) shall make available such resources, including, by detail or otherwise, such personnel, as may be necessary to meet the needs of the Center.

"(c) ROTATION OF DIRECTOR AND DEPUTY DIRECTOR.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation shall enter into an arrangement for the rotation, on a periodic basis, of the Director and Deputy Director positions of the Center between officials of the Central Intelligence Agency and of the Bureau.

"(d) FUNCTIONS.—The Center shall—

"(1) administer a focused and coordinated national program to analyze and counteract foreign intelligence efforts against the United States (which may be known as the 'National Counterintelligence Program');

"(2) develop a government-wide foreign counterintelligence policy under the direction and review of the National Counterintelligence Review Board and approve the allocation of resources to deal with the foreign intelligence threat;

"(3) prepare and maintain an integrated and coordinated listing by country and subject of counterintelligence threats directed against the United States; and

"(4) provide staff and other support services to the National Counterintelligence Review Board.

"(e) IMPLEMENTATION.—In carrying out the functions described in subsection (d), the Center shall consider foreign intelligence threats against the United States domestically as well as against United States installations, personnel, and information abroad.

"SEC. 804. NATIONAL COUNTERINTELLIGENCE REVIEW BOARD.

"(a) ESTABLISHMENT.—There is established an interagency review board to be known as the National Counterintelligence Review Board. The board shall report to the President through the National Security Council.

"(b) COMPOSITION.—The Board shall consist of 4 members, as follows:

"(1) The Attorney General, who shall serve as Chair.

"(2) The Secretary of Defense.

"(3) The Director of Central Intelligence.

"(4) The Director of the Federal Bureau of Investigation.

"(c) FUNCTIONS.—The Board shall—

"(1) review and approve United States counterintelligence policies developed and recommended by the Center;

"(2) review and approve United States counterintelligence programs administered by the Center;

"(3) serve as a forum for the resolution of interagency disputes arising from decisions made by the Center with respect to the criminal prosecution, exploitation for intelligence purposes, or other disposition of counterintelligence cases; and

"(4) review and approve the national counterintelligence threat list described in section 803(d)(3).

"SEC. 805. RULE OF CONSTRUCTION.

"Nothing in this title alters or affects the responsibility of any department, agency, or other entity of the United States to continue its counterintelligence activities to protect information, equipment, operations, and personnel.".

THE PRESIDENTIAL INAUGURATION OF NELSON MANDELA

Ms. MIKULSKI. Mr. President, I rise today to celebrate President Clinton's appointment of two leading citizens of Baltimore, Congressman KWEISI MFUME and Mayor Kurt Schmoke, to represent the United States at the inauguration of Nelson Mandela as the new President of South Africa. It is truly an honor for Congressman MFUME and Mayor Schmoke to be selected to witness this incredible event, the culmination of years of struggle by the people of South Africa and their supporters around the world.

President Clinton could not have done better than select these two men to represent the people of Baltimore, of Maryland, and of the entire Nation. Their record of accomplishment is long and distinguished, and they have strongly supported the struggle to free South Africa from the chains of apartheid. These men are truly two of "Baltimore's Best," and as a resident of Baltimore myself, I am doubly proud.

Mr. President, we live in extraordinary times. We have witnessed the collapse of communism, the end of the cold war, the tearing down of the Berlin Wall, and the rise of democracy and free enterprise around the world. Now we are witnessing the rebirth of South Africa, the end of the evil apartheid system, and the triumph of one of the world's great leaders, Nelson Mandela. The long-awaited rebirth of South Africa, brought about through a relatively peaceful transition, may be the most extraordinary event of all.

As I watched the struggle for freedom in South Africa, I was reminded of a similar struggle in Poland. I will always remember the great day when Lech Walesa, the architect of Poland's freedom, became President of a Poland free from Soviet domination and communism. What a great day that was for the Polish people and for freedom-loving people everywhere.

I experienced that same feeling of euphoria and deep emotion as I watched ordinary South African citizens waiting patiently in long lines, some waiting overnight in the open, to vote in a free election for the first time in their lives. It was a great triumph for the human spirit, and an amazing tribute to Nelson Mandela and the other South African leaders, who with skill and patient negotiation, brought about this election.

Soon we will see Nelson Mandela, this great, good man, assume his well-deserved role as the first freely elected President of South Africa. Throughout the long, hard years of his imprisonment and struggle for a free South Africa, he never became bitter or lost his commitment to a nonviolent transition. His patience and firm leadership have finally been rewarded. Our prayers and best wishes go out to him as he begins to create a government of all the people, by all the people, and for all the people.

I also want to congratulate Mr. DeKlerk and Chief Buthelezi for their wisdom and grace in pursuing a peaceful transition of power in South Africa. At a time when it is so tempting to attempt to settle conflicts at gunpoint, the leaders of South Africa chose to settle their differences at the bargaining table. They will be remembered as heroes as well as founding fathers in the history of South Africa.

Mr. President, Congressman MFUME and Mayor Schmoke will hear witness to one of the pivotal events of the 20th century. It is more than fitting that two such distinguished champions of civil rights in the United States, should be present at the inauguration of Nelson Mandela.

The rest of us will look on in wonder, and some day we will tell our grandchildren with pride that we watched the birth of a brave new nation, of a free South Africa.

Congratulations to you, Mr. Mandela, and to all of the South African people. You have reminded us in the most eloquent way that freedom and the right to vote are priceless and should never be taken for granted.

PROJECT LEARNING TREE: ENVIRONMENTAL EDUCATION FOR OUR FUTURE

Mr. DORGAN. Mr. President, I rise today to tell the Senate that today, May 5, 1994, is an exciting day for the youth of the United States, Mexico, and Canada.

In my home State of North Dakota, at the International Peace Garden on the border with Canada, hundreds of schoolchildren from both sides of the border are coming together to learn more about our environment. They'll be joined by teachers, policymakers, and leaders in the fields of business and natural resources. A member of the Canadian Parliament will speak. North Dakota State Forester Kotchman will be there. And I understand that Smokey the Bear might even show up. This is all in the cause of educating kids to build a safer and cleaner environment. Similar events are happening at our border with Mexico and here in Washington today.

These events are part of the launching of an important new environmental education curriculum—Project Learning Tree. Developed by the American Forest Foundation and the Western Regional Environmental Education Council, Project Learning Tree is an environmental education curriculum used by 20 million students and 400,000 teachers here in the United States and around the world. By placing our natural surroundings in their proper international perspective, the Project Learning Tree curriculum fosters respect for the environment and encourages cooperation among young people across our continent.

Students from all 50 States, Canada and Mexico are participating in these events by sending environmental exchange boxes to border sites for inclusion in permanent exhibits displaying representative items from students' communities. I understand that young people from 12 of North Dakota's schools cannot wait to find out what's inside these boxes.

These events are important because the future of our environment depends on educating today's youngsters about how important the environment is. Project Learning Tree is a new and exciting way to teach students about our fragile and diverse environment. This Project crosses the physical and cultural borders that often divide neighbors from each other. It will lead to new international respect and understanding. And it will teach tomorrow's citizen leaders about our natural resources today—at the International Peace Garden.

While North Dakota is honored to host this event, people across North America and around the world will benefit from it. We need citizens who act more responsibly towards our environment and who make it their duty to preserve the natural beauty of their communities. Project Learning Tree is the future of environmental education. I hope that our three great nations will embrace it.

TRIBUTE TO PRESIDENT RICHARD NIXON

Mr. COCHRAN. Mr. President, our Nation lost one of its most talented, interesting, controversial, and successful Presidents ever when President Richard Nixon died on April 22.

As a new Member of the U.S. House of Representatives in 1947, he quickly established himself as a very bright and hard-working Congressman. And after only 2 years as a U.S. Senator, in 1952, he was selected by Dwight D. Eisenhower as his Vice Presidential running mate.

His faithful and impressive service to President Eisenhower, and to the country, as Vice President earned him the Republican Presidential nomination in 1960. The loss of that election and the campaign for Governor of California 2 years later would have been enough to make most of us abandon any further political ambitions, but he persevered.

That perseverance served Richard Nixon well on other occasions and enabled him to overcome serious setbacks and defeats during his career.

In his book, "In the Arena," he said: "* * * you should never be discouraged by failure. Failure can be sad. But the greatest sadness is not to try and fail, but to fail to try at all."

My first meeting with President Nixon was during his campaign for President in 1968. I had been invited to Indianapolis, IN, with my friend, Raymond Brown, to attend the national organizational meeting of Citizens for Nixon-Agnew.

He was enthusiastic, confident, and articulate as he talked with us about the campaign and the issues. I was impressed by his good humor and his obvious pleasure at seeing such a good crowd of supporters from around the country. Although his Democrat opponent, Hubert Humphrey, was supposed to be the "Happy Warrior," he couldn't have been any happier than Richard Nixon was that night in Indianapolis.

After I was elected to Congress in 1972, I came to know President Nixon better. Although frustrations with the war in Vietnam were troubling him, he was providing strong leadership as President of the United States.

His reelection that year was decisive and reflected widespread support for his efforts to bring the war to an end and maintain prosperity at home.

One of the most enduring memories of my first year in Congress was welcoming the POW's home from Vietnam. President Nixon's success in concluding that war and bringing all the men home is also a cherished memory for many American families today.

Although Watergate was a blemish on his record, his many accomplishments and contributions to world peace made his Presidency very successful.

President Nixon ws tenacious; he had a unique and insightful approach to politics and world affairs; and he carefully balanced the importance of American interests with the need to promote peace and freedom in the world.

I hope the members of his family will be sustained by the love and affection of their many friends and by the assurance of the deeply felt appreciation and respect which so many of us have for the life and leadership of President Richard Nixon.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Wednesday, May 4, the Federal debt stood at $4,572,994,578,427.95 meaning that on a per capita basis, every man, woman and child in America owes $17,540.47 as his or her share of that debt.

CONGRATULATIONS TO LARRY WANG

Mr. DASCHLE. Mr. President, I would like to take this opportunity to extend my heartfelt congratulations to a close friend of many years, Larry Yu-Yang Wang. Larry recently left the Coordination Council for North American Affairs office in Washington, where he served as the director of public affairs, for an extremely important position as the chief of protocol for the Ministry of Foreign Affairs in the Government of the Republic of China.

During the 10 years in which Larry worked diligently and effectively as a public affairs official at the CCNAA, he helped to bridge many gaps and to establish numerous relationships between Members of this body and various groups working in Taiwan, including the Government of the Republic of China. Taiwan, though a small island, is America's 6th largest trading partner, and the 14th largest trading nation in the world. Larry facilitated and promoted trade between Taiwan and my own State of South Dakota. Taiwan buying missions visited South Dakota and bought our corn and wheat, helping both our own farmers as well as Taiwanese consumers and businesses. In turn, Larry helped arrange meetings between South Dakotan and Taiwanese businesses during a trade mission to Taiwan. Larry also helped me to promote the South Dakota beef industry.

As a result of Larry's hard work in Washington, the Government chose him for a new position as chief of protocol for the Ministry of Foreign Affairs of the Republic of China. This is both a great honor and an exciting occasion for Larry. Recently, he returned to Taipei to begin his new task in the Ministry of Foreign Affairs. I am sure many would agree with me when I say that we will miss his dedication and hard work very much. I would like to take this chance to thank him for all the time and energy he devoted to his work in the CCNAA.

Mr. President, as a friend, I would like to offer Larry my most sincere congratulations. I know that I speak for many of my colleagues, who count Larry as a friend, in wishing him, his wife Linda, and his two daughters the very best as they return home to the Republic of China.

JUST SOLUTIONS

Mr. BUMPERS. Mr. President, I rise today to pay tribute to my page, Rachel Mays, of Little Rock, AR, whose essay placed second in the 1994 Law Day Essay Competition.

This contest, sponsored by the D.C. Courts, awarded plaques and U.S. savings bonds to the deserving winners. I would like to share with my colleagues the text of Rachel's winning essay.

There being no objection, the essay was ordered to be printed in the Record, as follows:

"Just Solutions"

(By Rachel Mays)

The government of the United States is set upon a system of checks and balances. It was designed this way to ensure that all three branches would balance in their share of power. Of the three branches of the government, the judicial branch is the only branch with the power to interpret the Constitution and apply it to situations in our courts today. Some people consider the courts infallible and would not change anything about them. Others consider the judicial system to be full of flaws and in desperate need of repair. Because I have grown up living with the law and the justice system, I have been able to see both the good parts and the bad.

Both of my parents are involved in the legal profession. My father is a trial lawyer and my mother is a chancery court judge. It is through their professions that I have seen both sides of the judicial system. In my father's many dealings with the courts I have seen that they are often overbooked. Trials are never completed in the time allotted, causing a huge carryover. Because of this inefficiency innocent people are forced to spend countless nights in jail. The courts also handle criminal cases unfairly. Often people who are not guilty are forced to say they committed the crime. Often lawyers convince their clients that the punishment would be less severe if they plead guilty. It is wrong that people who are innocent are charged as guilty because of fear the jury will not believe their case, so why bother. Lawyers should try and be more sensitive to what they are doing instead of trying to move cases as quickly as possible. A last improvement that should be made to the justice system concerns punishment of the guilty. Too often criminals are released with only a slap on the wrist. Jail sentences are almost never served to completion. Dangerous criminals are returned to the street before they have served enough time to be rehabilitated. The court needs to enforce the sentence placed upon someone. If a person is sentenced to life in prison for murder, he or she should spend his or her life in prison. No parole, no time off for good behavior, no suspended sentences.

There are also many aspects of the judicial system that are in perfect working order. It is through my mother, a judge in the court of the family, that I see the good side of the judicial system. It is through the courts that people are allowed to become husband and wife. My mother has performed numerous weddings. It is through the judicial system that childless couples are able to adopt babies on their own. I have seen all the pictures of proud, new parents with their adopted babies. The final, and most important, positive aspect of America's judicial system is that it is the balance of society. It not only balances the legislative and executive branches of the government, but it also balances our ideas and beliefs in society. The courts are where we turn when we have done wrong or have been wronged against. They are the balance of good and evil. They determine what is good and bad.

Through my parents' careers in law, I have seen the ups and downs of the judicial system. I understand the viewpoint that the courts often fail the American people. Trials take too long and waste taxpayers' money. The innocent are often found guilty and vice versa. Criminals are set free too soon because of judicial error. I also understand the viewpoint that the courts are invaluable to the American people. Without them we would not have the marriages and adoptions that bring joy to our lives. Most importantly we would have no standard for what is right and wrong. There would be chaos without a system to punish those who have done wrong. The Founding Fathers knew what they were doing. After escaping a despotic government, they wanted to ensure that the laws of their new country would be applied fairly. It is all a balancing act. The judicial system weighs good and bad. Justice is the balanced result.

DEATH OF WILLIAM HOROWITZ

Mr. LIEBERMAN. Mr. President, I rise today to honor the memory of a man who was a mentor for me early in my career: William Horowitz, who passed away last week at the age of 86.

I first met Bill Horowitz during my freshman year at Yale. I went into his General Industrial Bank in New Haven to open up my very first bank account. What might have been just a routine encounter became a lifelong friendship, thanks to his wonderful, outgoing nature. Bill became a strong supporter of all my campaigns for public office, and he also was godfather for my son, Matthew.

Besides a long and successful career in banking, Bill Horowitz was a civic leader and public servant. He chaired the State of Connecticut's Board of Education, and held a number of positions in connection with Yale, including membership on the Yale Corp., trustee of the Peabody Museum, acting master of Yale's Branford College and president of the National Friends of Yale Hillel Foundation.

Bill served as first president of Junior Achievement in New Haven, and was on the board of trustees of Connecticut's four State colleges. In recognition of Bill Horowitz' leadership, the William and Miriam Horowitz Lectureship in Judaic Studies was established at Yale in 1984.

My prayers go out to Bill's wife, Miriam Botwinik Horowitz, his children, Judith Katz and Daniel Horowitz, his sister, Rose Marks, and his many children and grandchildren, all of whom will miss Bill's generous and loving spirit. I will miss him, too, and will always remember his wise counsel and friendship. May he rest in peace.

NICOLA PAVIA, SEPTEMBER 7, 1911–APRIL 7, 1994

Mr. KOHL. Mr. President, I rise today to pay tribute to an exemplary citizen from Racine, WI, the late Nicola Pavia. Mr. Pavia passed away April 7 of this year, but the people of Racine will forever remember his hard-working, charitable spirit.

The son of Italian immigrants, Mr. Pavia worked hard for his living and for his community. In 1942, he went to work at the Wisconsin Telephone Co., taking night classes in clock and watch repair to improve his skills. When he retired in 1976, Mr. Pavia continued to work diligently for the good of his community. He repaired recording devices for the blind as part of the Telephone Pioneers of America's "Talking Books for the Blind Program." He volunteered for the Red Cross and Saint Luke's Hospital in Racine, driving individuals to health care facilities throughout Wisconsin. He also donated his services for a YMCA camp, Camp Tamarack in Wisconsin, and the First Baptist Church of Racine.

The people of Wisconsin will always remember Mr. Pavia's charity by the hundreds of birdhouses he made for the people he knew. The skilled carpenter even took the liberty of putting a few on the grounds of the Racine Zoo. These symbols of his selflessness will survive him for generations.

Mr. Pavia cared deeply about everyone, from his wife, Mary, his children, eight grandchildren, and five great grandchildren to all the people he helped through his kind acts. He was truly a great citizen of Wisconsin and the United States of America. We will miss him dearly.

USDA REORGANIZATION

Mr. DOLE. Mr. President, on April 13, the Senate overwhelmingly passed legislation which would reorganize the U.S. Department of Agriculture. These efforts date back to the early eighties, when President Reagan organized the President's private sector survey on cost control, the so-called Grace Commission, to evaluate ways to streamline Government agencies and programs. While some of those recommendations were adopted, most were left untouched.

Later, under President Bush, Secretary of Agriculture Ed Madigan continued in the spirit of the Grace Commission by developing a plan which significantly reorganized the U.S. Department of Agriculture. After many years of hard work by both Republicans and Democrats, we have before us a bill which streamlines the USDA. I commend Secretary Espy for continuing the legacy left by his Republican predecessors.

This legislation is a compromise between many competing interests. I believe all of us agree that USDA, and for that matter other Federal agencies, should be reorganized. The issue at hand is how to best go about it.

Mr. President, Secretary Espy said last year that the consolidation should start at the top. While many of us agreed with his approach, it obviously will not be an easy task. Federal jobs—whether in Washington or at the local level—seem to be viewed by many as permanent unless they are in somebody else's county or State.

My chief concern with reorganization has been that local service to the farmer be maintained. While there were attempts to take away local control, in the end we developed a plan that allows farmers to control their area offices through a farmer-elected county committee structure.

I am hopeful the administration will be willing to go even further and offer some fresh proposals that get at the real problem—the laws passed by Congress and the regulations promulgated by USDA agencies. We simply cannot continue feeding an ever-growing bureaucracy by creating new programs and expanding those that already exist. The farmer is at the other end bearing the brunt of all of this well-intentioned yet costly and time-consuming paperwork

Last year I wrote Vice President GORE asking that as we move though the debate on reinventing government, we take a serious look at reducing paperwork to the farmers, ranchers, and small business men and women. I pointed out the Agricultural Program Reporting and Recordkeeping Improvement Act, which was included in the 1990 farm bill. The act instructed USDA to develop a method for decreasing paperwork for farmers and ranchers. I further encouraged the Vice President to consider adopting a goal of reducing these paperwork requirements by 50 percent within 2 years.

I understand USDA is now working toward these goals through such programs as Info Share and I commend Secretary Espy for his efforts in this area. I urge the Department to continue to work toward the end goal that we set in 1990.

I hope the USDA reorganization bill is the first of many agency reorganization bills that come before the Senate. The people have made it clear that they want a smaller, less intrusive, more efficient Government and this bill responds to those demands.

SENATE JUDICIARY COMMITTEE ACTION ON SATELLITE COMPULSORY LICENSE EXTENSION ACT OF 1994

Mr. LEAHY. Mr. President, today, May 5, 1994, the Congress took another important step toward extending the Satellite Home Viewer Act. Today, the Senate Judiciary Committee met and approved S. 1485 by voice vote and without objection. This bill will extend the statutory compulsory copyright license for satellite home viewing for another 5 years.

On March 3 of this year, I came to the Senate floor to announce my cosponsorship of this legislation to reassure the thousands of families in Vermont and millions of households nationwide that their home satellite dishes would not go dark at the end of this year. Since that time a number of Senators have joined with us as cosponsors or supporters of this necessary legislation.

On March 24, the Senate Subcommittee on Patents, Copyrights and Trademarks voted unanimously to report the bill to the full committee. The Judiciary Committee's action today mirrors that of the subcommittee and favorably reports the bill to the full Senate.

I will continue to seek expedited consideration of this important matter and look forward to prompt and favorable action by the Senate. I want to reassure my fellow Vermonters who rely on satellite transmissions that we will protect them by prompt extension of the copyright licenses necessary to satellite home viewing. With so little time left in this session we cannot allow this legislation to be sidetracked on issues better left to comprehensive copyright law review and reform or items of only narrow special interest.

I commend the leadership on this issue shown by the chairman of the subcommittee and the ranking member, the distinguished senior Senators from Arizona and Utah. I want to complete our action on behalf of the thousands of viewers in mountainous and rural regions of Vermont who would have no TV without satellite reception.

Areas served by satellite technology are not limited to the mountains of Vermont and our expansive Western States. We all have rural or remote areas in our home States. We all have constituents whose television reception is dependent on satellite technology, who cannot receive network broadcast signals and for whom cable is not a viable alternative. Indeed, as I have noted before, for purposes of this bill, we are, in a sense, all Senators from rural States who should be concerned about remote areas and interested in giving our constituents the opportunity to participate in the widest possible array of news, sports, entertainment, educational, and informational programming available through satellite technology.

RETIREMENT OF VICE ADM. STEPHEN F. LOFTUS

Mr. INOUYE. Mr. President, on May 1, of this year, our Navy, the Congress, and the Nation lost the services of a dedicated officer, public servant, and naval aviator. On this day, Vice Adm. Stephen F. Loftus will retire from the Navy where he is serving as the Deputy Chief of Naval Operations—Logistics—after 37 years of faithful service to our country.

Vice Admiral Loftus was designated a naval flight officer in 1957, and has performed in a consistently outstanding manner under the most challenging circumstances. His early assignments included a variety of staff, operational, and combat duties, which led to his command of Patrol Squadron 45 in 1976.

Vice Admiral Loftus has served in numerous Washington tours on the staff of the Chief of Naval Operations and as the executive assistant and naval aide to the Assistant Secretary of the Navy for Financial Management. In 1981, Vice Admiral Loftus assumed command of U.S. Naval Air Station

Bermuda/Commander Task Group 24.3. Returning again to Washington he served as the Assistant Director of Budget and Reports in the Office of the Comptroller of the Navy.

Following his promotion to flag rank in 1984, Vice Admiral Loftus served as Deputy Commander/Comptroller of the Naval Sea Systems Command, and as inspector general.

In August 1986, Vice Admiral Loftus assumed command as Commander, Fleet Air Mediterranean, with additional duty as Commander, Maritime Air Forces Mediterranean. In 1987 he returned to Washington as Director of Office of Budget and Reports for the Department of the Navy. In 1989, he was assigned as the Director, Office of Program and Appraisal, Office of the Secretary of the Navy.

During these 37 years, Vice Admiral Loftus has received numerous personal awards and decorations which include the Distinguished Service Medal, the Defense Superior Service Medal, the Legion of Merit, the Distinguished Flying Cross, Meritorious Service Medal, Air Medal (three strike/flight awards), the Navy Achievement Medal, Vietnam Service Medal (with four bronze stars), the Vietnam Cross for Gallantry with Palm as well as various campaign and unit awards.

The Department of the Navy, the Congress, and the American people have been defended and well served by this dedicated naval officer for over 37 years. Vice Adm. Stephen Loftus will long be remembered for his leadership, service, and dedication. He will be missed, and we wish Steve and his lovely wife, Martha, our very best as they begin a new chapter in their life together.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order of yesterday, morning business is closed.

CONGRESSIONAL GIFTS REFORM ACT

The PRESIDENT pro tempore. The Senate will now resume consideration of S. 1935, the gift ban bill, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1935) to prohibit lobbyists and their clients from providing to legislative branch officials certain gifts, meals, entertainment, reimbursements, or loans, and to place limits on and require disclosure by lobbyists of certain expenditures.

The Senate resumed consideration of the bill.

Pending:

McConnell amendment No. 1674, in the nature of a substitute.

Mr. BUMPERS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I intend to support the McConnell-Johnston-Inouye substitute. I have given the Wellstone and Levin proposals very serious consideration.

The PRESIDENT pro tempore. Would the Senator allow the Chair to interrupt?

There is a time agreement in effect, and the pending question is amendment No. 1674 offered by the Senator from Kentucky [Mr. McCONNELL], on which there is up to 3½ hours for debate, with a vote to occur in relation thereto at 1:30 p.m. today.

Mr. BUMPERS. Mr. President, parliamentary inquiry. Is the bill open to debate right now under the time limit set?

The PRESIDENT pro tempore. The bill is open to debate just now.

Mr. BUMPERS. Will the debate continue until 1 p.m. this afternoon?

The PRESIDENT pro tempore. Until 1:30, but the time is on the amendment by Mr. McCONNELL.

Mr. BUMPERS. The time has expired on that?

The PRESIDENT pro tempore. The time limit is 3½ hours.

Mr. BUMPERS. Who controls the remaining time, Mr. President?

The PRESIDENT pro tempore. The offeror of the amendment, Mr. McCONNELL, and the manager of the bill, Mr. LEVIN, controls the time in opposition.

Mr. BUMPERS. How much time does Mr. McCONNELL control at this point?

The PRESIDENT pro tempore. One-half of the 3½ hours.

Mr. BUMPERS. Does Senator JOHNSTON control any time?

The PRESIDENT pro tempore. He does not.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. Will the Senator ask that the time not be charged against either side?

Mr. BUMPERS. With the time not to be charged to either side.

The PRESIDENT pro tempore. The Senator makes that request. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for not to exceed 5 minutes, with the time charged to the offeror of the amendment, the Senator from Kentucky [Mr. McCONNELL].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, as I was about to say a moment ago, I intend to support the McConnell-Johnston-Inouye amendment. It is a rather tough decision from a political point, and I had not made up my mind until I heard the Senator from Kentucky make his presentation yesterday afternoon, which I thought was excellent.

The two or three things he said that resonated with me were: First, I feel that both the Wellstone and Levin amendments are impossibly complex. Second, they lay a minefield, which will almost certainly entrap some innocent Senators. And, third, as I say, I think it trivializes the Senate to be engaged in a debate, for example, as the Senator from Kentucky said, about whether you can have a donut with coffee, or is the donut really a bagel. The Ethics Committee, in my opinion, because of the tremendous number of unanswered questions about these amendments would probably have to hire about 10 more people, as the Senator from Kentucky said, and would become a clearinghouse for almost supercilious and silly questions.

Any Senator that is not prepared to read the headlines in tomorrow's paper, should the McConnell-Johnston amendment be adopted, that says "Senate Refuses to Give up Free Meals," should not vote for the McConnell amendment. I know precisely how it is going to be reported. I have been in the Senate for 19½ years now, and I did not just fall off a turnip truck. I know exactly how the press all over the United States will treat this.

But, Mr. President, what is "personal hospitality"—it is not defined. Then consider that a lobbyist can walk into your office and hand you a $5,000 check from a PAC and you say, "Thank you very much, this is a big boost to my campaign," and then he says, "How about taking you to lunch?" And you say, "That's fine, I'll be glad to go to lunch with you, but I'll buy my own lunch." It is OK to take $5,000, but not a lunch or dinner, the cost of which might exceed $20. Even so, he is going to charge off his lunch, and you cannot. There is nothing wrong with that. I am just making a couple of points here.

The catfish farmers of my State, who take great pride in the tremendous advances they have made toward providing better nutritious meals in this country through catfish aquaculture, come to the Senate every year at the invitation of Senator PRYOR and myself. We invite the staff and Senators to come and have a free catfish lunch.

This year, about 40 Senators took advantage of our hospitality. That catfish lunch probably cost the Arkansas Catfish Farmers Association a whopping sum of $5 per person for those who ate there. It is a great time. It is a great time to socialize. It is a great time for Arkansas, which has had its share of hits recently, to say to the United States Senate: "Here is a product that we produce in great abundance in our State. It's a wonderful product." Not one single Senator is ever asked to do anything for the catfish industry. It is just a happy occasion. That will come to an end.

Senator PRYOR sponsors a golf tournament in Texarkana, AR. The $100,000 raised, going to a very fine charitable organization there in which 1,400 to 1,800 volunteers participate because they love that program so much. No longer. It is a principal source of funding for a program that does a lot for children in Texarkana, AR. Senator PRYOR will not be able to do that anymore.

If the Chamber of Commerce comes to town and they host a dinner, I do not know whether I would be permitted to go or not. Possibly I could. But if their paid lobbyists were there and the National Chamber of Commerce was picking up the tab, I would probably be in violation.

I went to an embassy for dinner recently.

Mr. President, is my time about to expire? I ask unanimous consent that I be permitted to proceed for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. I assume that the Ambassador invited me because they get foreign aid from the United States. Nobody mentioned it. But that dinner would be permissible under the Wellstone-Levin proposals, and I assure you those situations can be much more heavy-handed than dinner with a lobbyist. Go to any embassy in town—and I have never been to an embassy where a really opulent dinner, the finest wines, the finest everything was not served and that is permitted under the Levin and Wellstone proposals.

So, Mr. President, I could go on. The Senator from Kentucky covered the whole gamut yesterday of how this does, indeed, trivialize the Senate. If you want to abolish all gifts, I could not care less. But this does nothing for the Senate. A lot of people in America will find themselves rather contemptuous of this feeble effort. But more people in the press and probably across the country will say, "I wonder what those guys have been into that they have to devise a bill like this."

I hate to say this because it sounds a little self-serving, but my secretary keeps the Rules Committee and the Ethics Committee on auto dial now. And I suspect that most Senators here could make the same statement. Everybody is afraid to breathe. And I can only imagine what it would be like if either of these amendments become law.

Somebody said to me the other day, "Nobody has come up to me and said, 'Senator, we are really proud of you all for cutting your office budget by about 25 percent.'"

You do not do that because you expect adulation and praise of your constituents. You do it because you really need to do it. If you are interested in getting the deficit under control, it is no problem to vote for something like that. But when you pass an amendment such as this, or something closely akin to it, impossible to comply with, you are just laying a mine field. And sheer inadvertence could cost a Senator a fine of $200,000.

All I am saying is I hope Senators will think very long and hard about whether they vote for this. I do not have a dog in the fight. If a majority of the Members of the Senate decide to pass either one of these amendments, I will do my very best to comply.

I will tell you one thing about it that I do like. It will save me from going to those interminable, insufferably dull black tie dinners downtown. So far as I know, the Democratic National Committee and the Republican National Committee may not be able to have their annual fundraisers downtown in the future. In the past, that has been their principal source of money. And in the future, when somebody from some industry in Arkansas—if it is a lobbyist—says, "I would like to take you and Betty to such and such a dinner and I have paid $3,000 for the tickets," I can say, "No, we are going to stay home and watch Discovery and A&E tonight," which everybody knows is a lot more enjoyable, and I will have a perfect excuse.

And all the people of this country, like the people in Texarkana, who depend on the David Pryor Golf Tournament for funding, tell them the cause is noble but we are really sorry about this.

I did not intend to even speak on this because it is not the sort of thing I feel comfortable even talking about, but there comes a time when the people of the Senate ought to stand up and say enough is enough.

If you want to abolish all gifts, you will run into some clumsy affairs, too, but that is better than these amendments.

And I have never been on a trip abroad when the chairman of the delegation did not take a lot of gifts, not worth much, just gestures to hand to our host. And yet when people from foreign countries walk in my office and hand me something that is made in their country of a value of $10 or $15 or whatever it is, you would feel guilty saying, "I am going to have to check the value of that before I can accept it." You would not do that. You might send it back but you would not reject it. I do not think anybody would gratuitously insult somebody in their office when they were trying to hand them just a token of their appreciation.

Well, I will not belabor the point any further, Mr. President, but I intend to vote for the McConnell-Johnston proposal, and I applaud them for trying to deal with what is admittedly something of a difficult problem, but I think their amendment deals with the problem 10 times more sensibly. Senator LEVIN and Senator WELLSTONE know that they are two people for whom I have great respect. I just happen to have a very strong disagreement with them on this.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, about a year ago this body went on record overwhelmingly—I think it was a vote of 98 to 1—as follows:

> It is the sense of the Senate that as soon as possible during this year's session the Senate should limit the acceptance of gifts, meals and travel by Members and staff in a manner substantially similar to the restrictions applicable to executive branch officials.

Every one of us but one voted to adopt rules that are substantially similar to the restrictions applicable to executive branch officials. Those rules applicable to those officials, Cabinet officers, staff, all are covered by basically a $20 rule for gifts.

The reason they were established is that the President decided that we can no longer do business as usual in Washington; that when lobbyists take us out to dinner, when lobbyists give us tickets to the Redskins games, and when we go on these so-called charitable golf outings, which we see all the time on television, where people, Members of Congress, go a couple days playing golf or tennis, half the money maybe ends up going to charity and the other half ends up going to pay for recreation for Members of Congress, that undermines confidence in Congress and in the Government.

Ninety-eight of us said almost exactly a year ago that we want to do something about that. And a little longer than a year ago the President said that we have to do something about that and adopted executive branch rules.

Now, we basically have three options, which is whether we want to do business as usual, whether we want to continue the situation where you have those kinds of outings that are paid for by corporate sponsors and where lobbyists attend—they are all over the place lobbying people who come there from Congress to have a couple days' recreation, that is the so-called charitable trips—or whether we want to change this system. And if we want to change it, we have a couple of options. One was just mentioned by my dear friend from Arkansas—abolish all gifts. We could do that.

But I think everybody realizes that you are going to eliminate certain things which by common sense and most of our constituents would agree are acceptable: Gifts from your family, gifts from close personal friends that you have known all your life, going to widely attended events, gifts of small amounts of food. Those kind of things are in the executive branch rule—gifts from back home products. My friend from Arkansas talked about a lunch. Here, indeed, in the committee-passed bill, there is a committee-passed substitute. There is a provision that allows you to accept products from back home and to distribute those to your colleagues.

I think it is a sensible exception. The Governmental Affairs Committee thought it was a sensible exception; to have an exception for products that you get from back home, and that you distribute to your colleagues. Do we want to try to carve out those kind of exceptions? I think we do because I think they are reasonable, they are acceptable, they are understandable, and I think the public supports them.

So there are a number of exceptions. But sure, every time you start designing exceptions, then the people are going to be able to say how do you define this and how do you define that? We do what we think is a reasonable job inside the bill of making the kind of distinctions and exceptions which are important so that we can function here in a reasonable way.

I had a lot of problems with the bill that was originally introduced by Senators LAUTENBERG, WELLSTONE, and FEINGOLD. This substitute which was adopted by the Governmental Affairs Committee is very different from the original bill. I went through some of those differences yesterday. Let me tell you where the Governmental Affairs Committee ended up.

The committee-passed substitute, which is tough, rational, and we think straightforward, does the following: As far as gifts from lobbyists are concerned, these are the people who are required to register as paid lobbyists under the bill which passed this Senate. Members and staff would be prohibited from accepting gifts from registered lobbyists with an exception for gifts from relatives and close personal friends.

What about everybody else other than lobbyists? This is a general statement of the Governmental Affairs bill, which is the substitute before us. Here is what it provides. Members and staff would be permitted to accept gifts of up to $20 from any source other than a registered lobbyist. Gifts in excess of $20 could be accepted from relatives or close personal friends, and in the form of meals and entertainment, and in a Member's home State, subject to higher limits to be established by the Rules Committee, and widely attended events which the Member believes to be part of his or her duty. That is a general description of the kind of gifts which are acceptable.

Travel: Members and staff would be permitted to accept reimbursement for travel expenses from anybody other than a registered lobbyist if the travel is related to official business, and is not substantially recreational in nature. If a Member of Congress believes that the travel is related to official business, is not substantially recreational in nature, that travel can be paid for by anyone other than a registered lobbyist.

So if you are invited by an association to come out and make a speech to that association, that travel can be paid for, providing it is not a recreational trip, providing its purpose in the judgment of the Member is related to official business.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. LEVIN. I am happy to.

Mr. JOHNSTON. The actual wording is not that the trip is not substantially recreational, but that the activities as part of the trip are not substantially recreational, which I think is a significant difference because you can have a serious trip that has substantial recreational activities connected with it, and it would be prohibited, which is simply to point out the difficulty of trying to define these things without setting a lot of traps for Senators.

Mr. LEVIN. Mr. President, what surprises me about the point here is that it is the same point that the Senator from Louisiana made last night; is that in his substitute the same language appears. In his amendment, the Johnston amendment, you have the same exception. On page 6, line 19, exceptions provided in subparagraph (e), the event or activities of which are substantially recreational, shall not be considered to be directly related to the official duties of a Member, officer, or employee.

Mr. JOHNSTON. A charity is permitted.

Mr. LEVIN. That is not the point the Senator made last night. It is not the point the Senator is making this morning. What the Senator is describing is when I describe something which is substantially recreational as not being considered to be directly related to the official duties of a Member, the Senator said last night, "Well, my gosh. What happens if you go 4 hours here in the morning to seminars, what happens if you go 3 hours to play golf in the afternoon, and what happens if you have dinner with a lobbyist in the evening?" The words in the Senator's amendment to this committee bill are exactly the same. They are precisely the same.

I agree that the Senator has a different rule when it comes to the charitable trips. I agree with that. But we are not talking about that. The Senator last night spent a great deal of time on noncharitable travel pointing out, How can you possibly define what is substantially recreational? What does that mean? The Senator said, if you go 3 hours in the morning to the seminars and so forth, how do you then make that distinction as to whether or not it is substantially recreational? To which I must respond that is what the amendment provides, his amendment. The Senator from Louisiana, and the Senator from Kentucky have the same language.

You talk about problems of definition. Sure there are problems of definition. There is risk any time you try to come up with something which is common sense and reasonable. The easiest thing in the world is just have a flatout ban on all gifts. That is understandable. It does not make any sense but it is understandable; that you cannot take a gift from your wife if she happens to be a registered lobbyist or your best friend back home cannot have you over to dinner next door if that person is on a board which has used a lobbyist in the last 6 months. That is easy to understand. You cannot go to your friend's house for dinner. Does that make sense? Is that the way we want to live? I do not think so.

So the committee substitute provides some commonsense exceptions. You can take products from back home. The catfish lunch which we all enjoy from our dear, dear friends from Arkansas, we not only love going out to have lunch with them, we love them. That should not have to stop, and it does not stop under the committee substitute. Those back-home products can be distributed by Members to their colleagues and the staff.

But in terms of definition, my gosh, if we look at the amendment of the Senator from Louisiana, that amendment has the same definitional problem when it comes to trips other than the charitable trips. But to the ordinary trips, where you are going to make a speech somewhere, and then there is recreation involved in it or you are going to a seminar somewhere and there is recreation in the afternoon, the Senator's amendment, which is the pending amendment, has the same definition as we do in our bill. The same definition that he attacks is present in his own amendment.

Mr. President, I failed to yield myself time. I want to know how much time have I used.

The PRESIDING OFFICER. The Senator has used approximately 12 minutes.

Mr. LEVIN. I yield myself an additional 5 minutes, Mr. President.

Mr. President, as I started to say just about a year ago tomorrow, we voted 98 to 1 to support a resolution to amend the Senate gift rules to make them "substantially similar to restrictions applicable to executive branch officials." That is what this committee-passed bill attempts to do. The executive branch has a $20 gift limit. The committee-passed bill has a $20 gift limit. The rule is exception for personal friendship and relations. The committee-passed bill has exceptions for personal friendship and family relations. The executive branch rules have an exception for small amounts of food; minimal amounts including, yes, coffee and doughnuts as examples of what is just minimal amounts of food.

That was taken from an executive branch rule which has been in effect longer than a year. It has not created any problems. Does that trivialize us or give us some guidance as to what is going to be acceptable or not? What is an exception to a general rule and what is not? If we do not want to change the rules, if we want to keep the system where lobbyists can give us the tickets, and they can be out on those charitable golf outings and so forth, if we do not want to change that, if we want to continue to see the shows on Prime Time and 60 Minutes and so forth, then we should do nothing. But 98 to 1 said we want to do this differently; 98 of us said a year ago that we want to adopt strict gift rules, and we want some exception. We want some commonsense exceptions, and we have tried to follow those in the committee-passed bill. Yes. We have an exception for broadly attended events just like the executive branch has an exception for broadly attended events.

It was the opinion of the committee that the original bill that was introduced by Senators LAUTENBERG, and others, was unworkable and went too far. The original bill for instance would have made it practically impossible for you to go to a dinner at your neighbor's house. You could not go to a barbecue next door without finding out, first, whether the person sponsoring that barbecue back home in your neighborhood was on some board which had used a lobbyist in the last 6 months. In fact, could that person be on more than one board? The person might be on 2 or 3 boards; on the Cancer Society board. He might be on the board of a bank. You would have to check all the boards that neighbor was on. And then all of the entities that had used a lobbyist in the last 6 months would have to notify you that they would disclose the fact that you went to that barbecue in your neighborhood. That was unworkable. There were no distinctions that were adequate, that were necessary, in order that we could live a reasonable, reasonably sensible life. And so the committee passed a substitute, which has the executive branch-type limits in it, as this body voted 98–1 that it wanted to do last year. And it is that substitute which is before this body, and which the Johnston amendment, in turn, would be a substitute for.

Mr. President, I think we have to change the rules—not just the punishment, but change the rules. The substitute purports to have stiffer punishment and, in some cases, that may be appropriate. But that is not really the issue. The issue is whether we are going to toughen the rules on gifts. The committee substitute does it in a way which is reasonable, we think, and straightforward. We could have adopted a very general standard, as the current rule provides, by the way. We talked about definitional problems. The current gifts rule provides that the Ethics Committee can waive the rules in unusual cases. And so there is now, as my good friend from Arkansas says, a hotline going to the Ethics Committee right now, and he is right. Right now the Ethics Committee is bombarded with questions as to what is an unusual case.

We could have written a bill which says there is a $20 gift rule, except in unusual cases. And then everybody would bombard the Ethics Committee to figure out if it is an unusual case to go to a friend's home, who is a close personal friend. Is personal friendship an unusual case? You talk about bombarding the Ethics Committee. The easy thing to do is just write in that you can get waivers in unusual cases. We chose not to do that and to do what this Senate said a year ago by 98 votes; it said to adopt executive branch rules and exceptions. That is what the committee substitute purported to do.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, just a couple of brief observations, and then there are a couple of speakers on this side who would like to be heard.

I listened to at least part of the comments of my friend from Michigan this morning, suggesting that the Senate and executive branch would have the same standards. I gather that the Senator from Michigan has changed his opinion, because I have previously heard him say that he did not think the Senate and executive branch should have the same rules. If I make a mistake here, I will be happy to say that. I thought I heard him say in earlier discussions—maybe not on the floor—that this same rule would not be workable as applied to the Senate. Nevertheless, I gather that is his position now.

I think it is important to remember, Mr. President, what this issue is about. Plain and simply, as vice chairman of the Ethics Committee, I can say it is a certainty, an absolute certainty, as surely as the sun will rise tomorrow, that if the Levin-Wellstone proposal passes, at least one Senator's reputation will be permanently destroyed, and his career ended over something as trivial as a $25 gift, within 6 months of passage of this bill. Let me repeat that. It is a virtual certainty, I can tell you as vice chairman of the Ethics Committee, that if the Wellstone-Levin proposal passes, someone in this body will lose his or her reputation and career within 6 months over something as trivial as a $25 gift.

That is what this amendment is about. That is the issue before us here today. We will keep coming back to that over the next 3 hours, and I hope everybody will think that through as they decide how to vote on this proposal. At least one Member of this body will have his or her career ruined within 6 months if this proposal passes. The Senator from Arkansas said that he had his telephone on automatic dial to the Ethics Committee now, and he was asking what would he have to do under Wellstone-Levin. The answer: A full-time lawyer in everybody's office, and a tripling of the size of the current Ethics Committee staff to deal with the gift issue.

That is what we are dealing with here, Mr. President, the trivialization and demeaning of the Senate, the ruining of reputations over nothing. That is what this is about. That is what we will be voting on at 1:30. We have several speakers here.

I yield 5 minutes to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment Senators JOHNSTON and MCCONNELL for their leadership, because this is not an easy issue to lead on. It is one that has a lot of people feeling uncomfortable and uncertain on what we should be doing.

I look at their proposal and substitute and I see that they are trying to tighten up on existing law. I think that is a step in the right direction.

I might mention that we have done a lot in the area of reform. There is a lot of talk about congressional self flagellation, but we have made significant improvements in a lot of areas. I have been involved in some of those fights. We have tightened down, for example, the amount of franked mail. We mail today probably about 25 or 30 percent the amount of mail that was going out per Senator and per Congressman just 6 or 7 years ago. We did it because we made some reforms and said we have to disclose mail costs on an individual basis. We are required to disclose mailings on a frequent basis, and that helps get congressional mailing costs down.

Many of us have been working to try and make sure that Congress lives under the laws like everybody else in America, like the private sector has to do. Hopefully, we will have success in finally making that happen. We have made some progress in that area, and legislation was recently introduced by Senator GRASSLEY, Senator LIEBERMAN, myself, and others, to take further steps in that direction. I compliment those Senators for that effort.

We have made steps in eliminating perks that the public perceived as unacceptable. Well, the Senators had a free gym. Now they get to pay $40 or $50 a month for that privilege to have a gym. Some people complained about the price charged for haircuts. We do not have cheap haircuts anymore. I guess that is what some perceive as progress. Now we are charged $50 a month for a doctor whether you use the doctor or not. Frankly, I discontinued this. I did not think it was worth paying $50 a month for a doctor here in the Capitol, in addition to the private insurance purchased by Members, whether a Member sees the doctor or not. I do not think that is a good deal.

I think the proposal of my friend and colleague, the Senator from Michigan, goes too far. I am not an expert, and I compliment my friend from Kentucky, Senator McCONNELL, and Senator JOHNSTON, and other people, who looked at this proposal in greater depth than I have. I see things in it that I think are going too far, for example, banning the direction of honorariums to different charities. I happen to think that is a good idea. What is wrong if you are making a speech or being a participant on a panel and everyone on that panel is getting honoraria? What is wrong with directing your honoraria to a charity? I think that happens to be a good idea.

Mr. JOHNSTON. Mr. President, will the Senator yield at this time?

Mr. NICKLES. I am happy to yield.

Mr. JOHNSTON. Did the Senator know that in the last 2 years the Senate gave $1.3 million to charity on these direct fees?

Mr. NICKLES. I was not aware of that. I appreciate the information from the Senator from Louisiana. All I know is what I have done, and I have done it in several cases I think to good charities. I know from the Senator's evidence or his statement of fact that a lot of people are doing it. I happen to think that is very positive. I do not think it should be banned. I do not think there is any influence peddling in the process. In fact, the money does not go to the Senator's bank account. You ask someone to send the charity the check. Maybe you get credit for it or not. I do not think charity giving of honoraria should be banned.

I will confess. I am going to make a confession. I play golf, which is a terrible crime, I understand. And I participate in charity golf tournaments. I played in one recently that was raising money for Christian Fellowship. I think it is a great charity, a great cause to help a lot of people. I participated in other golf tournaments that raised money for good charities. People usually just invite you. They say, "We would like you to come." Yes, they invite politicians, athletes, media people and other people that they think might have the draw. But they are encouraging people to come to contribute to the American Cancer Society, the Heart Institute, you name it, lots of charities.

As I understand this proposal, those charity events will be banned if a lobbyist participates, and who in the world knows whether or not lobbyists participate. You get an invitation would you cohost, would you join, would you attend a function, and you do not know if lobbyists are sponsoring it or not. All you know is that they are good causes. You want to help. They want to use you as a drawing card, or whatever. And those will be banned.

My friend from Arkansas, Senator PRYOR, who I think very highly of, has a charity golf tournament in Texarkana in August when the temperature is about 100 degrees. I have not made it yet. I tell him every year that I am going to try to make the tournament because he raises money for charities in Arkansas.

I happen to think that is a good cause. If I can join him in helping that cause, I am happy to do it. That would be banned, as I understand.

I keep looking at these other things. For example, I had a group of constituents that were in last Monday. I had a group of constituents that came in from Shawnee, OK, this week and they come in about once a year. The group is made up of the city leaders, the chamber of commerce, and other businesses. They want to talk about economic development and what can we do for the community, and so on. They ask me to go to lunch. I could not work it in my schedule, but they did take a staff member to lunch. That is banned.

The Oklahoma Grocers come up every year, and I have had lunch with them. Again, is this some big lobbying group? I guess they are registered as a lobbyist. I do not know. I guess they are. But the Oklahoma Grocers come in and we might go out and have lunch. I do not consider that a criminal activity. Yet it would be banned.

Again, I am afraid that the Levin proposal that we have before us goes too far. I might mention it seems to be very inconsistent, as I see it that you cannot have lunch. But if you charge $1,000 a ticket the lobbyist can come and you can have lunch. Or you cannot have dinner. But if you charge $1,000 a ticket or $500 a ticket you can have dinner. I do not think that makes sense.

I think that the proposal that the Senators from Kentucky and Louisiana have come up with has penalties for people who abuse the system, and people who are abusing the system should be punished. But I do not think that frankly we should be punishing someone for going out to lunch with their constituents.

I might mention, too, the fact that we are trying to make Congress live under the laws like everybody else. I came from the private sector. I know the Presiding Officer came from the private sector. And we took customers out to lunch. I did not see anything corrupt or illegal in that activity. Yes, you happened to be together at meal time, and so you would have a meal together. And there is nothing corrupt in that. To imply that is the case I think is a mistake.

Mr. McCONNELL. On the point the Senator raises of having lunch with the Oklahoma Grocers, the Senator from Oklahoma under the Wellstone-Levin proposal could have his career and reputation shattered over having lunch with the Oklahoma Grocers.

So the example my friend from Oklahoma has raised here illustrates the point that I intend to repeat off and on for the next 3 hours, which is that someone in this body within 6 months of passage of Levin-Wellstone is going to have his or her career and reputation destroyed over something like having lunch with the Oklahoma Grocers.

I commend my friend from Oklahoma.

Mr. NICKLES. I appreciate the statement of my friend from Kentucky, and I have said what I have to say, Mr. President. I think we do need to use some common sense on this issue.

I am afraid that the Levin proposal that we have without the substitute goes too far. I compliment Senator JOHNSTON and Senator McCONNELL because I think they do have a good proposal that does tighten up abuse and restricts the amount of gifts without hurting charities.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. If the Senator will yield 10 minutes that will be fine.

Mr. LEVIN. I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. WELLSTONE. Mr. President, I think I will let Senator LEVIN, the Senator from Michigan, respond to some of what has been said on the floor because this is, after all, the Levin amendment. This comes out of Governmental Affairs Committee. It is sort of the age-old debate tactic, I guess, to sort of attack strawmen.

Some of what Senators have been saying about what they would not be able to do is simply not consistent with what Senator LEVIN introduced. This comes out of the Governmental Affairs Committee.

Some of us wanted to push for more. Senator LEVIN has fashioned a compromise and, as Senator LEVIN has said, and I think colleagues need to understand this—I mean not that long ago the Senate went on record by some 98 votes essentially supporting exactly what the Senator from Michigan has brought to the floor today.

I do not want to focus on the initiative that Senator LEVIN has presented to us but rather I want to focus on the substitute amendment, and I just simply want to say to colleagues, since the Senator from Kentucky talked about demeaning the process or something like that, that I believe that what Senator LEVIN has presented here is reasonable and important. But I think this substitute amendment that has been introduced by the Senator from Kentucky and Senator from Louisiana is just simply an effort to derail any reform effort.

Under this amendment, lobbyists and other special interests can pay for unlimited and undisclosed meals for Members and staff in Washington's most expensive restaurants, period. Let me repeat that. My colleagues say that they fear that people around the country will wonder what we are up to. Why do not we let go of some of this? We do not need it. The only reason people wonder what we are up to is if in fact Senators support this amendment which so clearly derails any kind of really good reform. Under this amendment lobbyists and other special interests can pay for unlimited and undisclosed meals for Members and staff in Washington's most expensive restaurants.

That is what we are going to be voting on. If Senators have concerns about what the Senator from Michigan has presented here, they can introduce amendments.

But that is not what we are talking about. We are talking about an amendment that Senators have to vote on up or down. This is the McConnell-Johnston amendment which would allow lobbyists and other special interests to pay for unlimited and undisclosed meals for Members and staff in Washington's most expensive restaurants.

And what people say is, "Boy, nobody does that for us. Why do they need it?"

Why do we hold on to this? You want to change the public perception, or you wonder why people are so concerned, then you certainly do not want to vote for this amendment. This amendment would allow lobbyists and other special interests to continue to distribute to Members and staff free tickets to football, baseball, and other sporting events and Broadway shows and other entertainment events.

And people in Louisiana, and Kentucky and Texas and Minnesota and Michigan and Maine say, "People don't come up to us and give us these kinds of free tickets to all these sporting events. Why do they feel like they need it?"

It is just that simple. If we are worried about the perception, why do we not let this go? We do not need it. Why do we not pass this Levin reform effort that the Senator from Michigan has spoken about, that the Senator from Maine has spoken about? Why are we even considering the substitute amendment, which so clearly weakens all of this? It just is not going to pass the credibility test.

Among other things, this amendment would give Members and staff an unlimited number of gifts, if under $75 per gift. Overall, there is a $150 limit, but if it is under $75 someone can give you that over and over and over and over again and it does not count toward the $150 limit. Now, if my colleagues think this passes the credibility test with people in the country, they are wrong.

This is not a reform effort. There are huge loopholes here. And I cannot for the life of me understand why we do not let go of this.

My colleagues say we should be debating more important issues; this is not even important; let us get on with our work. If it is not so important, what is this opposition to what the Senator from Michigan has presented to us, which is such a reasonable compromise? Why the substitute amendment, which guts the reform effort, which allows lobbyists and other special interests to pay for unlimited and undisclosed meals for Members and staff in most expensive restaurants—we do not need that—which allows them to continue to distribute to Members and staff free tickets to baseball and football games and other entertainment—we not need that—which allows people to give unlimited gifts, if under $75?

This is not a reform amendment. It is not credible.

Let us deal with that perception out in the country. Let us pass a good reform effort, and let us do something that will make us proud. That is what Senator LEVIN has presented.

So I certainly hope that colleagues will vote no on the McConnell-Johnston amendment. It is not a reform. It guts what the Senator from Michigan has presented. And I think we will not be doing ourselves well with the public, or in terms of what we can do as men and women who care about this institution, to vote for such an amendment.

Finally, I go back to the beginning. We voted, 98 of us voted, for a sense-of-the-Senate resolution for exactly what Senator LEVIN has presented today. Talk about trying to dance at two weddings at the same time. It is fine to go on record when it is a sense-of-the-Senate resolution, then we will not really have to do anything. Now the Senator from Michigan presents a credible reform effort, coming right out of the Governmental Affairs Committee, and we have the substitute amendment which essentially rips it apart. Colleagues, if they are serious about reform and respond to the concerns of people in our country, will vote no on the McConnell-Johnston amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I yield to the Senator from Texas 10 minutes, or whatever time she may desire.

The PRESIDING OFFICER. The Senator from Texas is recognized for up to 10 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I would like to talk about something that really has not been talked about by very many people in this debate. Unfortunately, it is because not very many people in this body have had the experience that I have.

I am very glad that not many people in this body have ever known the horrors of malicious prosecution. When I came back from an ordeal that was the worst of life's experiences, people said, "Make a personal privilege speech. Talk about it." I said, "No, there is no need to talk about it. It is behind me. There is nothing good that can come from it." So I really did not say much.

But I am standing here today because the underlying bill, if it passes without the McConnell-Johnston substitute, will allow what happened to me to happen to others—in fact, it will encourage it. I do not want that to happen to a Democrat or a Republican ever again in this country.

I can honestly say that I have been through the worst that our political system has to offer, and I stood, and I took it. I stood strong for several reasons, because when you are attacked you do it for several reasons. You do it for your personal integrity, first. But you also do it for a bigger cause. The bigger cause is so that other potentially malicious district attorneys around this country will not think that they can change the results of an election by harassing someone in public service.

I do not want to encourage the misuse of prosecutorial powers again in Texas or anywhere in this country. And that is what this bill will do if the substitute is not adopted.

I can tell you it was the worst experience of my life and I can tell you I do not want any of my colleagues—not one—to ever, ever go through what I did.

If the Levin-Wellstone amendment had been in effect, I could not have stood for the principle or for my personal integrity because I could not have afforded to defend myself.

The bill effectively prohibits legal defense funds. By limiting all gifts to $20, it would render legal defense funds impossible. That means that unless you are personally wealthy, unless you can afford hundreds of thousands of dollars of legal fees—which is what it takes if you are in the big leagues—political enemies, who happen to be prosecutors or aligned with malicious prosecutors, will know that you are an easy prey.

One of the tactics of a corrupt district attorney might be to convict someone. But it also might be to drag a person through the mud just to bring a series of charges, and then offer a plea bargain: If you will not run for office again, I will drop the charges.

It takes a lot of stamina and a lot of strength to stand firm when you know that you are innocent. But it also takes financial resources that most regular people cannot afford. Most people in public life cannot afford to run for an election and then have a prosecution with their personal funds, and it could run into millions of dollars.

Mr. President, this is my legal defense report that I just filed. It has the names of over 6,000 Americans from all 50 States —people mostly that I did not know, that knew what was happening to me was wrong and they wanted to help me get through it.

The average contribution was $116. Without the support of my many friends and the wonderful public-spirited strangers, the district attorney in Texas would have known that he probably could, indeed, would have changed the results of my election; that he could have wiped out the will of the people by using the legal system and hundreds of thousands of taxpayer dollars to persecute a person who could not possibly defend herself because she lacked the personal resources to fight the system.

The district attorney in my case spent months using the resources of his office. He hired pollsters. He hired jury selection experts. He convened mock trials. With a $20 gift limitation, I could not have stayed in that hardball game. There is no way.

But because I did have the supporters and people all over this country who did not like what they saw, they stood with me, and I was able to stand and bring integrity back into the political system in my State.

If we pass the amendment today, instead of the substitute, you are going to ask for prosecutors all over this country to be emboldened to use their offices for political purposes because they are going to know that Members of Congress are basically defenseless. If this passes, rather than the McConnell-Johnston substitute, you could change the nature of our political system right here today. You will inject criminal prosecution into politics as sure as we are standing here. And if a person stands against the establishment, as I did, the price they may have to pay is that they will wake up every morning, wondering: Could I be bankrupted because I stood against the establishment in my State and defended myself against trumped-up charges that threatened 20 years or more in prison? Is that what you want?

Do you think that is what Americans want? Do you think Americans want the debacle of seeing criminal prosecutions creep into our political system? I think the American people are sick of the dirty politics. They want to talk about health care. They want to talk about crime. They want to talk about what is affecting them in mandates and regulations and taxes. They do not want politics to get so dirty that we are talking about whether somebody used a telephone to call a supporter and is now facing a prison term for doing it.

This bill has a lot in it that I do not think my distinguished colleagues, Mr. LEVIN and Mr. WELLSTONE, really meant. Their motives are worthy, but I could not let us vote on this bill without giving my colleagues the benefit of a viewpoint that not very many people in this body have and not very many people could speak to. And I hope that remains the case. But if we pass this bill without the McConnell-Johnston substitute, I shudder to think what you-all, my colleagues from all over the country, may face.

The McConnell-Johnston substitute is reform. It is real reform because it puts teeth in our ethics laws, but it will not keep Members of Congress from being able to defend themselves against charges like every other American has the right to do.

Mr. McCONNELL. Will the Senator yield?

Mrs. HUTCHISON. I will certainly yield to the Senator from Kentucky.

Mr. McCONNELL. Mr. President, regarding applicability of the Levin substitute to legal expense trust funds. Senate Resolution 508 provides for the establishment of and contributions to legal expense trust funds by Senators—notwithstanding the provisions of the Senate gift rule.

Therefore, the sponsor of the substitute is at least partially correct in concluding that the legal expense trust fund resolution overrides the limits contained in the gift rule. But the substitute also contains an amendment to the gift rule which I intended to override the legal expense trust fund resolution.

Since the Ethics Committee is charged with regulating and overseeing legal expense trust funds, it will have to determine the total effect which this new gift language will have on legal expense trust funds.

There can be no doubting the breadth and reach of the Levin substitute. And at least in one instance, the Levin substitute prohibits certain contributions to legal expense trust funds that previously were allowed under the resolution.

What the committee will have to ask itself is whether the true effect of the substitute is to override Senate Resolution 508, not only as it applies to lobbyists—because of an explicit provision in the bill—but also as it applies to everyone else, because of its extremely broad reach and its exhaustive and specific list of exemptions.

The answer to this question, as with so many others raised by this language is: we don't know. And if you happen to choose the wrong answer, your career is over.

I am sure the Senator from Michigan will say he altered the Wellstone proposal so the Justice Department no longer would be supervising the gift rule. But I think it is not much of an alteration in the sense that the horror that would come down on Senators would just come from a different direction.

Let me just give the Senator from Texas a hypothetical under the Levin proposal, somewhat changed from Wellstone in the sense that the Justice Department does not supervise it but the Ethics Committee does. Probably what would happen is that reporters would stake out the Monocle. And if a Senator is fortunate as to have a $25 lunch, or maybe his wife or his children, with constituents—snap a picture of it, send it to the Ethics Committee, and you are off to the races with a potentially career-ending offense.

So it would be just another version of the same thing the Senator from Texas was subjected to. So I commend her for personalizing this issue so Senators may get a sense of what lies ahead.

I said before the Senator from Texas came over here, and I want to repeat throughout the morning, that as vice chairman of the Ethics Committee I can say without fear of contradiction that within 6 months of passage of the Levin-Wellstone proposal, some Senator will have his or her reputation and career permanently damaged.

Mrs. HUTCHISON. Mr. President, I would like to respond to my distinguished colleague from Kentucky because he has brought up one set of circumstances. But my situation is not covered by the Levin-Wellstone bill. My situation would continue because I was elected to the U.S. Senate and faced this harassment by a district attorney in Texas, who had the power to do it at the time.

So I was under Senate rules, and I put myself voluntarily under the Senate rules. I was not really totally clear but I went to the Ethics Committee and I said, "Really, where am I?"

And they said "We think you should comply with Senate rules.

I said, "Great. I just want to do what is right."

So I did.

But under the Levin-Wellstone bill, I could not have raised the money to defend myself. So this district attorney could have nullified the election with his malicious prosecution because he would have known that I could not have the ability to defend myself. And there I would have been.

I must say that other distinguished colleagues will be in that position. We see our President right now being charged with something that allegedly happened when he was Governor of Arkansas. Do you think it would be fair for him not to be able to have the resources to hire an attorney and defend himself? I do not think you think so.

I think every person should have the right, as every American does, the right to be able to have the resources—particularly when you are being prosecuted because you are in public service. And this bill would keep us defenseless in many instances, and make us the prey of malicious prosecutors. I will tell you it is going to change the nature of politics in this country if it is allowed to stand.

Several Senators addressed the Chair.

Mr. MCCONNELL. I just want to take a moment to thank the Senator from Texas for her very important contribution to this discussion.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

First, as far as the comment of the Senator from Kentucky that in fact the committee bill, the substitute before us, has changed the Lautenberg-Wellstone bill so there is no prosecution by the Justice Department under the committee substitute, it is in the hands of the Ethics Committee not in the hands of the Justice Department—the Senator from Kentucky said he was sure I was going to stand up and say that. In order to correct any impression to the contrary that the Senator from Texas may have created, he is exactly right, I am standing up to say exactly that. There is no criminal prosecution under this substitute that the committee has adopted. It is an Ethics Committee enforcement, as our current rules are, unlike the Lautenberg-Wellstone bill originally which had Justice Department enforcement. The committee bill drops that and instead lodges it into the hands of the Ethics Committee which I do not think is going to unfairly pursue any Senator. I have enough confidence in the Ethics Committee to think they are fair indeed.

But the main point of my friend from Texas, it seems to me, has to do with the question of legal expense funds and that is what I really want to comment on. The committee substitute, unlike the original bill that Senators LAUTENBERG and WELLSTONE introduced, permits contributions to a legal defense fund from anybody except registered lobbyists.

I doubt very much that there are many registered lobbyists on the 6,000 list of the Senator from Texas. But I just want to make it clear, when the Senator said that it would be impossible to have a legal defense fund——

(Mr. CAMPBELL assumed the chair.)

Mrs. HUTCHISON. Will the Senator yield?

Mr. LEVIN. If I can complete the statement. The Senate Governmental Affairs Committee substitute specifically says that the only payment or the only contribution to a legal defense fund which is established for the benefit of a Member that is prohibited is the contribution or other payment by a lobbyist or foreign agent.

That is a very different provision from what existed in the original bill. It is just like other gifts. In this bill, in the committee substitute, there are certain things you cannot accept from a lobbyist. Other people have a much broader range as to what they can give to you. In the committee bill, in the substitute which was adopted by the Governmental Affairs Committee, which is before this body, there is a distinction made between what a registered lobbyist can give to you and what the rest of the world can give to you. That is because the public senses and feels that there is too close a connection between us and paid lobbyists when they take us out to dinners, or when they give us tickets to the Redskins games, or whatever.

So we make the distinction in the bill between registered lobbyists, a very narrow, defined group that must register, and everybody else. That is a distinction which applies to a whole host of gifts. That same distinction is applied relative to legal expense funds. Registered lobbyists cannot make that contribution to the legal expense fund that the Senator from Texas referred to, but everybody else in the world can contribute to the Senator's legal defense fund.

Mrs. HUTCHISON. Will the Senator yield for a question?

The PRESIDING OFFICER. Who yields time? Does the Senator from Michigan yield time for a question?

Mr. LEVIN. I will be happy to answer a question.

Mrs. HUTCHISON. Mr. President, I would like to just ask Senator LEVIN if there is not a $20 limitation on all gifts from all the other people. I would not argue at all about lobbyists not contributing to a legal defense fund. That would be fine. But when you are talking about a $20 limitation, and especially if you have a long and extended prosecution, you cannot raise the money in $20 increments that are needed to go against the vast resources of a Government entity; is that correct?

Mr. LEVIN. The Senator is not correct. The contribution that the Senator referred to is to a legal defense fund. That is not covered by the $20 rule unless there is a contribution by a registered lobbyist, as I have read. It is permitted for others to make a contribution to the Senator's legal defense fund. That is what I am trying to describe to the Senator. You can receive a $50 or $100 or $200 contribution; the legal defense fund can receive that contribution from anyone else other than a registered lobbyist.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, on the issue that the Senator from Texas raises, I think it is not at all clear to me that the Senator from Michigan is correct in interpreting his own substitute.

There is one reference to legal expense trust funds in the Levin substitute. It appears on page 36, lines 21 to 24. The provision states explicitly that a contribution by a lobbyist or foreign agent to a legal expense trust fund of a Senator shall be considered a gift under the Senate rules and, therefore, banned completely. Now, that is the lobbyist and foreign agent part.

What does the Levin substitute say about gifts from everybody else, which is the question the Senator from Texas raised? It appears to me in looking at this, and my staff in looking at this, that everybody else is limited to $20 from any person. A gift under the Levin substitute is "any item of monetary value." All the exceptions to this very broad rule are listed in subparagraphs (d) and (e), beginning on page 37 of the substitute.

Nowhere among these some three dozen exceptions are we able to find contributions to legal expense trust funds from persons other than lobbyists.

Clearly, I must tell you, unless we missed something here, the way the Ethics Committee would have to interpret and apply this language is that there is an explicit ban outright of any legal expense trust funds contribution from a lobbyist, but just as clearly, a contribution to a legal expense trust fund is an item of monetary value. With regard to individuals who are not lobbyists, it appears as if their contribution would be limited to $20.

Somebody has to interpret this. I assume the Ethics Committee will have to interpret it. If the Senator from Texas and I are correct here and the Senator from Michigan is wrong—I do not know for sure—if he is right and we are wrong, effectively, unless you are rich, you are out of business, which is what I believe the Senator from Texas was stating.

Mrs. HUTCHISON. Will the Senator yield?

Mr. MCCONNELL. I yield to the Senator.

Mrs. HUTCHISON. Yes, I appreciate the Senator from Kentucky having the bill right before him because that was exactly my interpretation. When I looked at it, there were no exceptions for legal defense funds to the $20 limitation. As I said, I certainly can approve of and think it is fine to limit lobbyists from contributions. But nevertheless, I could not find in the bill any exception for other people, except the $20 limitation which renders impossible a building of a fund that would go against an entire Government entity by a public official of normal circumstances.

Mr. McCONNELL. I will say to my friend from Texas, in addition to the very important point we are discussing here, which somebody will have to decide at some point is correct, the Senator from Michigan did say what I knew he would say, which is also correct, that under the Levin modification of Wellstone, Justice is no longer prosecuting. But how the Ethics Committee could ignore the plain meaning after we have wrestled with all the exceptions of a Senator having lunch with a group of constituents down at the Monocle, I think the point is clear that reputations are going to be destroyed over the most trivial examples of perfectly normal intercourse between ourselves and our constituents.

Nobody has experienced the dire consequences of the trivialization of the law more than the Senator from Texas. I think her testimony is extremely important as we wrestle with trying to do the right thing in dealing with the gift issue. I want to thank her for her very important contribution to this debate.

Mr. LEVIN. Mr. President, I yield myself 5 minutes because the Senator is raising an important issue that is worth pursuing. Under the current gift rules, which makes no exception for legal defense funds, a contribution to the Senator's legal defense fund would have been a violation if it were more than $250. That is under the current gift rules. Did the Senator from Texas receive a gift in the legal defense fund of more than $250?

Mr. McCONNELL. It is my understanding there is an exception.

Mr. LEVIN. My understanding is the current gift rules do not make exception for legal defense funds.

Mr. McCONNELL. We will take a look at it.

Mr. LEVIN. We can check that out. But let me also assure the Senator that the reason it does not is because the legal defense fund is a different entity. Under the current gift rule and under the committee substitute, it is a different entity. If it is not a different entity, then the current gift rule would prevent a gift to a legal defense fund of more than $250.

So I want to assure the Senator from Texas that the legal defense fund issue that she has raised is not an issue, for two reasons: Under the current rules and under the rule as the committee substitute provides, it is not a gift to a Member; it is a different entity.

That is No. 1. And to make sure that is abundantly clear, the bill specifically provides that a contribution and other payment by a lobbyist or foreign agent to a legal defense fund established for the benefit of a Member is from the lobbyist. That is the one that is prohibited, not from anyone other than a lobbyist.

But the principal answer is that not only have we clarified that in order for a contribution to a legal defense to be covered, it would have to come from a lobbyist. Other persons' contributions are not covered by the committee substitute. But the current rule provides that you cannot make certain gifts to Members, gifts over $250. That does not cover legal defense funds under the current rule because they are different entities and the exact same thing is true about the committee substitute. It is not a gift to a Member, because it is a gift to a different entity, a legal defense fund. That is not a gift to the member. However, we explicitly prohibit paid lobbyists from making gifts to legal defense funds, explicitly carve out that exception. And I do not know that anyone would have any great objection to that.

Several Senators addressed the Chair.

Mr. COHEN. Will the Senator yield?

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. McCONNELL. The Senator from Texas wanted to make a further observation.

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. McCONNELL. I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair. I would just like to say to the distinguished Senator from Michigan, I do not think it is clear. I think the exceptions have been made under present law, but by having one reference to lobbyists being banned from these types of contributions and not addressing it on the other side I think makes it unclear. And I would ask the Senator from Michigan if he would be able to clarify it. I could not possibly support this bill when it is as unclear as I think it is now. It is very confusing, and the stakes are much too high to take a chance.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. McCONNELL] is recognized.

Mr. McCONNELL. I yield; I am sorry.

Mr. LEVIN. I yield to the Senator from Maine. I think he controls half of the time on this side, in any event, so I think as the floor manager for the minority he is able to be recognized and yield himself time. Is that correct, I ask the Chair?

The PRESIDING OFFICER. The Senator from Michigan controls the time.

Mr. LEVIN. In that case, I yield whatever time the Senator from Maine needs.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. I think the Senator from Texas has made a valuable contribution to this debate.

As I indicated last evening, the committee's substitute for the original Lautenberg-Wellstone amendment is not a perfect product. It has certain ambiguities which need to be clarified, and that is the purpose of having this debate. I believe the Senator from Texas is absolutely correct in suggesting that legal defense funds ought to be continued. I also believe that Senator LEVIN is correct in pointing out that the one restriction should be a ban on lobbyists contributing to legal defense funds for the reason that it creates a perception that lobbyists are trying to gain influence in helping that particular individual out of his or her legal difficulties.

Now, I think it is unclear from the language of the Levin proposal whether or not legal defense funds could in fact receive contributions from nonlobbyists up to the current amount. That question ought to be clarified at some point.

But I would like to make a broader point here today. I think there is a danger attempting to equate ourselves either with the average citizen or with the average executive branch member. This is a different institution. Those in the executive branch do not have to participate in the same types of activities that we do. Our offices are flooded day after day with our constituents. I was late in getting here this morning because I could not get by an unprecedented 18 buses tied up at one intersection, all filled with our constituents coming to Washington. Most of them will come to our individual offices. Some of them will bring the Senator from Hawaii flowers, while others may present others of us with different mementos and gifts of a minor nature.

Most of us are required from time to time to go out with our constituents. We have a different type of process. We are an open house. The executive branch for the most part is closed. I do not see our constituents lining up in droves to go to executive branch agencies. They do not have that kind of access. Yet, we have open doors.

The realities, responsibilities, and expectations that apply to the legislative branch are significantly different than those of the executive branch. We ought not try to equate them identically. They are not identical.

Second, there is a notion that we do not want to be treated differently than our average citizen. We do not want to set ourselves above those we represent in some sort of elitist society, so that we do not have to abide by the same rules and the same pressures and tribulations that the average citizen has to endure.

But we are also held to a different standard because we are public figures. The law treats us differently. It holds us to a much higher standard.

We cannot compare it to business practices. Go back and listen to the inspiring words of, I think, Justice Cardozo: The duties of a fiduciary are high. We are held to something higher than the morals of the marketplace. We are held to the punctilio in honor of the most sensitive.

So we are held to a fiduciary's standard. The law treats us differently. And because we are held to a higher standard, we are subject to higher liabilities in breach of those standards as the Senator from Texas pointed out. We are liable to the prosecutorial zeal of politically minded individuals. That is the reality.

So I think it is imperative that we have legal defense funds for individuals who might find themselves to be the victims of overzealous prosecutors, just as any citizen would be allowed to do. The one prohibition we should encourage is on the contributions of lobbyists because the public would perceive substantial contributions coming from lobbyists as an attempt to influence that individual's judgment.

I think that this debate is very helpful because this is not a perfect product that we are presenting to the Senate. There are, indeed, some dangers in all of this, and we must be made aware of exactly what we are doing.

The issue of honoraria was raised earlier. You can give a speech to a group and that group can direct the funds that you would receive directly to a charity. Most of us do that. As a matter of fact, just yesterday I spoke to the Brookings Institute. I speak at Brookings at least 10 to 12 times a year, and I will continue to do so. They provide a modest honorarium, and that goes to a number of charities back in Maine. So $4,000 to $5,000 a year goes to charities for women's shelters, abused children, and other worthy causes. Whatever the charity is I pick out, that is where the money goes.

I think, frankly, that ought to be continued. But we then have to draw a distinction. You say Brookings is OK, and the University of Oklahoma or Louisiana would be fine. Do we have to start drawing a distinction between those institutions which do not have issues before the Congress, and those institutions likely to be lobbying in a direct sense? Maybe we can tailor some amendments to accomplish that.

We are running the risk now of saying it is the committee substitute, all or nothing, or the McConnell-Johnston substitute, all or nothing, and yet there are deficiencies in both.

As I mentioned last night, I do not like the "three-strikes-and-you-are-out" provision as it applies to Congress. To me, that associates in the mind of the public that somehow we are associated with the criminal class. And frankly, I do not think the American people would say you get three strikes. They would say you get one. If you egregiously violate an ethical standard then you probably should not be in the Senate any longer. Not two strikes or three strikes. One strike, in all probability, you are going to be out.

There are other provisions that I do not like, namely the publication of travel itineraries. I am really concerned about what would take place if Members of the Senate are required to publish a detailed itinerary in the CONGRESSIONAL RECORD before going on a trip. It may be that the world is safe right now and that there are no international tensions, so none of us will become targets. But that is subject to the fluctuations of the moment. Anytime there is a crisis internationally, we can all become targets and we know that. Yet under the substitute, we would be required to publish a detailed itinerary of exactly where we are going.

Mr. LEVIN. Under the Johnston substitute.

Mr. COHEN. Yes, under the Johnston substitute. I have a problem with this from a security point of view. I think the public ought to be apprised of where we are going, what we are doing, and who we are meeting with, however the event may be sponsored.

But I do not see the benefit of doing it in advance. I have objections to that. I think what we are going through now is an important process because Members have not focused on these changes. There are, as my friend from Kentucky—I think I can call him my friend safely without resorting to Webster—pointed out, a number of dangers that we have to be apprised of. Most of the Members have not yet focused on that. This debate is important for all of us. I take him at his word that he and his colleagues on the Ethics Committee are the ones who are on the receiving end of all kinds of issues that must be resolved.

So it is not a trivial matter. It is an important matter. I think this debate has been extraordinarily helpful in pointing out the dangers that exist if we ignore the ambiguities and do not seek to clarify them.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Kentucky has 59 minutes and 15 seconds; the Senator from Michigan has 59 minutes and 46 seconds.

Mr. MCCONNELL. Mr. President, let me speak briefly to the travel issue that Senator COHEN raised. I would be more than happy to modify my amendment if that would gain his support. I think he raises a good point.

I yield 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. WALLOP] is recognized for 10 minutes.

Mr. WALLOP. Mr. President, I thank the Senator from Kentucky.

Mr. President, I speak today as a former chairman, and former vice chairman, of the Ethics Committee which sat in judgment on one of the most difficult and contentious ethics cases that this Senate has ever faced; namely, Abscam.

Let me begin by saying that the role of the Ethics Committee is twofold and very specific, and neither holds priority over the other. One is the protection of the reputation of the Senate. The other is the protection of the reputation of Senators. Either can be threatened by public accusations, be they worthwhile or frivolous. The job of this institution and that of the Ethics Committee is to distinguish between those which are frivolous and those which are serious.

Last year, during debate on the lobbying disclosure bill, I was the only Senator to vote against this gift ban idea. I did so because I am not for sale, and I do not believe others in this body are for sale. If they are for sale, rules will not keep them from selling themselves.

But rules can keep good, competent, ordinary, yeoman Senators who have the highest of ethical principles from functioning on behalf of their State, their constituency, and their country.

Like Gulliver, this bill will bind us with inefficient little threads of regulatory monstrosities, all premised on the idea that somehow or other, if we put enough rules on ourselves, we can make an immoral person moral. Mr. President, that is not the way of human life. What we are about to do to ourselves is offensive in the extreme. In fact, most of this debate is offensive.

I notice in the "Dear Colleague" we received from the gift ban sponsors the statement that "none of us believes that Members are selling their votes." But that is precisely what this legislation does in fact say; it says that we are not to be trusted even for $20.

Mr. President, if we cannot be trusted for $20, we do not belong here. If we cannot be trusted for anything, we do not belong here. We should be voted out. But this legislation says that for $20 and 1 penny our heads can be irretrievably twisted off our shoulders, and we can no longer function responsibly on our own, or on behalf of our obligations and duties. What utter nonsense. What an insult to the Senate. What an insult to the Congress.

Inherent in this ban proposal is the view that we would best be put in a bottle of formaldehyde and uncorked in the morning into a closed Chamber, lest we be sullied on the way in by somebody who might actually have knowledge of something we were going to do. Maybe we should not even be looked at by a lobbyist, or a constituent. Perhaps we should just close and lock the doors of this Chamber and of our offices until we go home at night, at which time Common Cause would put us back in the bottle of formaldehyde, lest we be sullied on the way home.

Mr. President, that is not the way this institution has or does work. During my years on the Ethics Committee as both chairman and vice chairman, all kinds of things were brought to the attention of the Ethics Committee. Incidentally, the ethics code was the first thing that was on the Senate floor when I arrived here in 1977. At that time, we passed the ethics code for the most unethical reason in the history of the Senate—to get a pay raise.

One of the things that I saw day after day after day in the Ethics Committee were dozens upon dozens of requests from Senators asking for counsel. In the first year that the ethics code was passed there were, curiously enough, 977 requests of the Ethics Committee. Nobody can tell me that 100 Senators elected by their constituents, who were good and productive people before they came here, needed to ask almost 10 times apiece whether what they were about to do was ethical.

What they were asking us was whether their actions were permitted. We even had a Senator on the Ethics Committee say:

> Senator, we are not here to determine whether what the Senator did was right or wrong. We are here to determine whether it was permitted under the rule.

Lawyers have taken over the concept of life in the Senate. And it is killing the effective creativity of this body. What we do is fully disclosed between ourselves and our constituents. Boy, do I know it. In my last campaign in 1988, my honoraria was the subject of television debates, editorial comment and everything else, and legitimately so.

I had even given a speech to a group that, unbeknownst to me, had been supported by the Reverend Moon. I became the subject of a wonderful little television ad with the Reverend Moon looking blessedly down on his faithful disciple, Senator WALLOP.

That is why disclosure works. It is there for Senators to make judgments, and to be judged accordingly. But this rule will deny Senators a judgment. This institution is accepting an accusation contrived not by the public, but by the Senate. It is an accusation that we are not to be trusted and that, somehow or another, lobbyists are able to pull our reason away from any manner of self-control. That is nonsense, Mr. President. It is also arrogant.

What gives any Senator the right to suppose that each of us knows enough about the details of legislation that comes before the Senate that we can make a judgment without input from the public? What makes us think that we know how to run a bank, a small trucking company, an oil drilling rig, a school system, a county commission, a ranch, a dairy, an export/import business, or a barge line? What makes us think we know what the public needs or thinks without hearing from them and those who represent them? What is wrong with us that we are so arrogant that we cannot understand that we need more exposure to the public, not less. The judgments that we make which are so offensive to our constituents occur because we are inexperienced, not experienced.

Why is it that I cannot have a little golf tournament in Jackson Hole, WY, on behalf of the Congressional Award—the only award given in the name of Congress and which does not use public money? So what if we appeal to the generosity of some lobbyists, and business interests, as well as some private interests, to raise funds for America's young people? This legislation says that if we do just that we are unable to come back here and think straight.

What is wrong with us, Mr. President? It is immoral to accede to a view that the public does not hold of us. Oh, yes, Nightline comes along and—what is the other dreadful one—Inside Edition, where some Members of the Senate see fit to come and disclose the activities of other Members of the Senate. But that is not the public's view of us. The public's view of us is going to be contrived by a Senate that says we cannot trust ourselves, we cannot trust our behavior, we cannot trust our constituents to make a judgment on us, if we fully disclose everything we do.

The other thing that will happen because of these proposals is that people are going to begin to game the system, and then you will see how the public trust falls apart. I cannot give you $20, but I can hold a $500 fundraiser. That way a Member can gain $500 for going to a meal instead of just having a meal.

Mr. President, after 17 years, almost 18, here in the Senate, I know a number of people who are lobbyists. They are my friends, personal friends, good friends—however the quotation goes. Is it anything but strange that they can come to my house for dinner, but I cannot go to theirs? That they can come to play golf at a course of which I belong, but cannot return the favor. All because I am presumed to be irretrievably twisted from my sense of reason and responsibility? Mr. President, the Senate should ask itself what it is doing to its own reputation, not only by this debate, but by the proposal that is in front of us.

Mr. President, when I was here in 1977 I issued a statement then on the Official Code of Conduct which was Senate Resolution 110.

I ask unanimous consent that that statement be reprinted in the RECORD, and for the information of the public watching, in every instance where it says Senate Resolution 110, let it read S. 1935. The words worked then and they will work again today. This is the wrong thing for the Senate to do and it is time to put a stop to this insanity.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD Mar. 24, 1977]

CODE OF OFFICIAL CONDUCT—SENATE RESOLUTION 110

AMENDMENT NO. 154

(Ordered to be printed and to lie on the table.)

Mr. WALLOP submitted an amendment intended to be proposed to Senate Resolution 110, to establish a Code of Official Conduct for Members, officers, and employees of the U.S. Senate, and for other purposes.

Mr. WALLOP. Mr. President, I am introducing an amendment in the nature of a substitute to Senate Resolution 110, the Senate Code of Official Conduct. This amendment deals only with title I of Senate Resolution 110, and leaves title II and title III standing as proposed in Senate Resolution 110.

I do not doubt, and I do not think that any of my colleagues in the Senate doubt, that the Committee on Official Conduct worked long and hard on Senate Resolution 110. The committee is to be commended for its dedication and perseverance to a difficult and delicate task.

But as I have stated before, and I know that I am joined in my sentiments by several other Senators, that this code tackles the laudatory goal of ethical conduct in the U.S. Senate in the wrong way, for the wrong reasons, and potentially with the wrong results. We have, in our effort to placate the public, the press, and other perceived commitments, lost sight of the objective which should be our guiding light in this matter; that we need and should have a code of conduct for the U.S. Senate because it is right to do so, and because it is correct to aspire toward ethical conduct. We should not have a code of conduct for the mere sake of appearances, or because we are trying to satisfy anyone else.

Senate Resolution 110 does not approach the subject of ethics by encouraging us to aspire to do the right thing at all. It is rather a shopping list of don'ts, a litany of what Senators cannot do rather than a proclamation of what they should do. It reeks with suspicion, and implies that we do not have the moral fortitude to resist temptation, or the wits to recognize it. I think that it debases, rather than inspires, the Senate with its constant implication that Senators are not honest men who know right from wrong. This code leaves us no pride; it gives us no responsibility to decide right from wrong on the individual merits of the case; it negates the trust bestowed on us by our constituents, who demonstrated their belief in our ability to make decisions on their behalf when they elected us in the first place.

Furthermore, Senate Resolution 110, as we each know in our hearts, is in too much part a reaction to outside forces and pressures. It is a sad tribute to this body that we will allow moral elitists and public polls to prescribe our ethical behavior, rather than determining it ourselves. We have all heard of the Harris poll, the fact that the House has enacted similar measures of ethics, and talk of being committed to this code because Congress quietly voted themselves an inordinate pay raise. Bending to these pressures, we have come up with and will probably adopt a code that is arbitrary and in many instances unenforceable. It is a code loaded with figures that make it advantageous to stay in arbitrary brackets, chock full of loopholes and unenforceable terms that in the end confirm that ethics cannot be legislated by rules and figures. Senator Muskie was absolutely right when he said that this code sends a few easy prey to the wolves, for it does precisely that to ease consciences, and we should be ashamed.

This code moves the U.S. Senate one step closer to becoming a body of elected bureaucrats, paid and kept by the public, and I question the wisdom of that direction. The foundation of our system of government lies in the British Parliament, which through its two Houses purposely represented various components of the British society such as the clergy, the universities, and so forth. Are we citizen legislators, representing our constituents' interests through our own expertise and experience, or are we political eunuchs in the words of another Senator, separate and apart from the concerns we represent?

I think that there are too many problems with Senate Resolution 110 for us to continue to try to patch it up with piecemeal amendments. Rather, I propose that we adopt another code, with another approach, which inspires us towards high ethical standards of behavior. For this reason I submit an amendment in the nature of a substitute made up of seven canons of conduct. Such canons have long been used by both the judicial and legal professions, and have proved most successful. The Code of Judicial Conduct has existed since 1923, while the lawyers' Code of Professional Responsibility dates back to 1908. Both are enforced by the respective profession through boards of review as prescribed by each separate State. Both are composed of broad, inspirational canons, supplemented by accompanying rules and commentary.

The Code of Conduct I propose for the Senate would pattern itself after these models. In adopting these seven canons, we would immediately have a code of conduct that is inspirational and noble. As provided by my amendment, the canons would then go to the Ethics Committee for further consideration and elaboration through the creation of accompanying regulations. Such regulations would govern specific situations and infractions and, when adopted by the Senate, carry the full authority of the canons and be enforced likewise. I believe that adoption of such a code would enable the Ethics Committee to implement many of the very fine suggestions that have been made during the debate on Senate Resolution 110. I further believe that every provision in Senate Resolution 110 could conceivably be included in the canon format, through appropriate regulations, although I would hope that with this additional time the committee may wish to modify some of the proposed provisions. If adopted, the amendment would further instruct the Ethics Committee to report back to the Senate by resolution within 40 days with the proposed regulations for Senate approval.

Mr. President, when our Founding Fathers wrote our Constitution, they wrote a document which would last, and that document has withstood the tests of time. Likewise, a code of ethics must also be designed with the future in mind. What we have here is a capricious and cosmetic response to immediate pressures. What we have here is a document which is designed to appease the public of 1977, with no forethought to 1978, 1980, or beyond. Senate Resolution 110 as written is a sham, a debasement of all that I and many others have aspired to in public life, and you expect me to justify this and rationalize it to my family, my friends, and the people of Wyoming.

I entered public life proud to represent Wyoming, proud to be an American, and proud to have the confidence of those I represent. This resolution makes me question that pride and even that confidence. I cannot be proud of a resolution which casts suspicion upon all that I have stood for. My amendment, equally strong on ethics, equally harsh on those who break the public confidence, approaches the same problems from what I believe is a more positive, more inspiring perspective. It is a document which will last beyond 1977.

I would urge my colleagues to support this effort.

Mr. President, I submit the amendment in the nature of a substitute, No. 154, which I will in all probability not call up. I wish, therefore, to have the amendment printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 154

On page 1, beginning with line 1, strike out all through page 40, line 7, and insert in lieu thereof the following:

"That this resolution may be cited as the 'Official Conduct Amendments of 1977'.

"TITLE I—CODE OF OFFICIAL CONDUCT

"SEC. 101. The Standing Rules of the Senate are amended—

"(1) by striking out rules XLI, XLII, XLIII, and XLIV; and

"(2) by renumbering rule XLV as rule XLI, and by adding after such rule the following new rule which shall be known as the 'Senate Code of Official Conduct':

"RULE XLII—CODE OF OFFICIAL CONDUCT

"Canon 1

"A Senator, and an officer or employee of the Senate, shall uphold the integrity, dignity, and independence of the Senate.

"Canon 2

"A Senator, and an officer or employee of the Senate, shall avoid professional impropriety and the appearance of professional impropriety in all activities.

"Canon 3

"A Senator, and an officer or employee of the Senate, shall perform the duties of office impartially and diligently.

"Canon 4

"A Senator, and an officer or employee of the Senate, shall not receive any compensation, nor permit any compensation to accrue to his beneficial interest from any source, the receipt or accrual of which would occur by virtue of influence improperly exerted from his position as a Senator, officer, or employee.

"Canon 5

"A Senator, and an officer or employee of the Senate, shall annually file reports disclosing assets, debts, gifts, and income as required by the Select Committee on Ethics.

"Canon 6

"A Senator, and an officer or employee of the Senate, shall recognize at all times that he is a servant of the people of this nation.

"Canon 7

"A Senator, and an officer or employee of the Senate, shall avoid expenditures of public funds that are wasteful or designed to obtain political advantage."

"SEC. 102. The Select Committee on Ethics shall report to the Senate by resolution specific regulations as to the application of each Canon of the Senate Code of Official Conduct. After adoption of such regulations by the Senate, such regulations shall carry full effect as part of such Code."

AMENDMENT NO. 155

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 156

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 157

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 158

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

Mr. MCCONNELL. Mr. President, I thank the former chairman of the Ethics Committee for his fine statement.

I yield 10 minutes to Senator PRYOR from Arkansas.

Mr. PRYOR. Mr. President, I first compliment the Senator from Michigan. I think this debate is a meaningful debate, a constructive debate. I do think that in the Senator's proposal, as adopted by the Governmental Affairs Committee and sent to the floor of the Senate, there are some areas that actually go too far.

I want to talk about one of those areas for a few moments, and that is the area of charities. I want to tell you a little story, Mr. President and my colleagues.

About 25 years ago, I became a freshman Member of the other body, the House of Representatives, and before long, after serving in that capacity for a few months, I began hearing from two wonderful individuals in Texarkana, AR. Texarkana is on the border of Texas and Arkansas. In fact, one side of the main street is in Arkansas, and the other side is in Texas. In fact, half of the post office is in Arkansas, half of the post office is in Texas.

Texarkana, U.S.A., is a special place. I started hearing from two special people about a project that they were beginning at that time to deal with developmentally disabled children and adults. They created something known as Opportunities, Inc. Today, Opportunities, Inc., then created to serve only a very few individuals, serves over 700 people each week, 5 days a week, from 8 until 5, with vans and busing going throughout the county, going to Texas, Arkansas, Louisiana, even sometimes into Oklahoma, to bring individuals, young people and older people, into this tremendous resource that has been created.

One of these fine ladies who was involved in the creation of this is Francis Holcomb. The other is Patty Fulbright Smith. Patty Fulbright Smith, incidentally, is the niece of a former colleague of ours in this institution—a very illustrious colleague, I might say—Senator J. William Fulbright. Francis Holcomb is known as the "Mother Teresa" of Texarkana, because it was Francis Holcomb's leadership and Patty Fulbright Smith's joining in this effort, that has truly made this concept of Opportunities, Inc., become a reality. That was 25 years ago.

But today, Mr. President, there is a tremendous need to treat and deal with and serve the developmentally disabled, from children to adults, from housing to special projects, group homes and independent departments, for people with disabilities, intermediate care facilities for developmentally disabled people of all walks of life, regardless of their ability to pay. These are the low-income individuals and citizens that Opportunities, Inc., each day, truly in a labor of love, with 125 full-time staff, go out throughout the countryside and bring into this haven of rest and to this place where they are treated as someone important and treated by people who truly care.

Medicaid pays some of this. The States of Texas and Arkansas pay a little bit of this. Sometimes there is SSI helping to defray some of the expenses of some of the individuals being served by this facility. But most of the money, Mr. President, comes from the private sources.

About 6 years ago, because of the tremendous need and the tremendous overload and burden of Opportunities, Inc., we decided that it might be a win-win situation if we could have a charity event which would raise money for Opportunities, Inc., bringing in our colleagues from Washington, and bringing association officials from Washington into Texarkana, having a 1-day golf tournament, and then coming back. Well, it became so popular that it is no longer just a golf tournament. Now Wal-Mart is sponsoring, in addition to it, with the cooperation of some of the best bass fishermen in America, a bass tournament in conjunction with it. We now have a tennis tournament in conjunction with it. And we are very proud to say that each year we have raised over $100,000 for Opportunities, Inc. This, I might say, Mr. President, is also seed money, in order to get grants from foundations to keep Opportunities, Inc., alive.

Mr. President, I know full well the practicalities of what we are dealing with. I know full well what some of the concerns are of our colleagues like Senator LEVIN. Yes, they have seen things on the nightly news, or they have seen things on some television show exposing perhaps some abuses—and I do not know whether they were; I have not seen any of those shows in particular. If I did, I do not recall what I did see. But, Mr. President, I want to say this: For our golf tournament, which is held in August, and it is usually about 110 degrees, we stay at the Best Western Motel right there in Texarkana. It is not very fancy; it is clean, but it is not very fancy in relation to many other facilities we have in our country, but we have in conjunction prior to the tournament. In fact, in late May we have a press day. We invite the press. We encourage the press not only to come and participate and cover this event, we invite the press to play in this event.

We have 1,100 volunteers in the Texarkana area that help make this tournament popular, who really go out and do the work, put up the tents, cook the food, house the guests, and really it becomes an event in Texarkana, U.S.A., where the entire community—the entire community—the banks, the businesses, the labor unions, the minorities, the majorities, everyone involved, participates and coalesces around this one event.

In fact, I might say to my friend from Kentucky, this event has become so popular that Dean Beeman, who directs the Professional Golfers Association, the PGA, has now become a player each year because he says this is what it is all about.

Also, the Nike and the Hogan people have become so enamored with the public support that it is now on the Nike golf tour, which gives the younger professionals an opportunity before they go into the major tournaments which will come later.

One of those participants in our first tournament was a young golfer that no one had ever heard of. He was from Dartnel, AR. His name is John Daly. He came in second. He got beat out on the 18th hole in that particular tournament.

Mr. President, what I am saying is this: I know what the Senator from Michigan, the Senator from Minnesota, the Senator from Wisconsin, the Senator from New Jersey, and the Senator from Maine are concerned with, and I, too, want to be concerned about what people and constituents and citizens think of this institution. But I can say without reservation that in these 6 years of dealing with this particular charity I do not feel contaminated, I do not feel compromised. But this substitute is going to have the effect—not explicitly, but it will have the effect—Mr. President, of basically destroying events such as this.

It is not going to hurt me. I am not going to lose anything. It is not going to hurt the so-called lobbyists that enjoy going to Texarkana and having 1 day of golf. But it is, Mr. President, going to be a very serious adverse impact on Opportunities Inc., and many other like charitable organizations and concerns around this country.

I would like to say, in closing, that I would like to invite Sam Donaldson. A lot of people say we do not want the press. We want press. I would love to have Sam Donaldson come and either play in our tournament or film every bit of it. There is nothing to hide. All of it. We want it exposed. We want to tell people about Opportunities Incorporated and what a community can do.

We have had our present President, who has played in this tournament. We have had our present Governor, Governor Tucker, who has participated in this tournament. We have had Members of the Cabinet; we have had Members of the Senate; we have had Members of the House; we have had celebrity football coaches and sports figures.

When it all comes down to it, we think it has been a win-win situation. We think it is open, above board, and we only hope that charities such as this will not be eliminated when we are trying to cure another problem.

Mr. President, I may have a minute and I am going to yield that back. I thank the Chair. I hope we will truly realize that events such as this are going to be very necessary for our local communities and, hopefully, we can maintain the viability of these types of charity events.

The PRESIDING OFFICER (Mr. MATHEWS). Who yields time?

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio [Mr. GLENN] is recognized for 10 minutes.

Mr. GLENN. Mr. President, I thank the distinguished floor manager of the bill. At the outset, I congratulate Senators LEVIN and COHEN for their work in the Governmental Affairs Committee on this issue.

There is no approach to this issue that is going to satisfy everybody. And there is no approach to this that I think really covers the whole problem. Everybody gets up and says right off the bat, so we do not insult each other, we say that we do not believe anybody here can be bought or anybody here is really up for sale. So I add my voice to that. I find the idea that someone could come in and buy our vote here to be totally repugnant. This discredits our labors and only further undermines and demeans this institution.

But I recognize that in the world of politics sometimes what is fact is not the same as what people believe. It is the fancy that comes along with some of the perceptions, and that is what we have to deal with here. We have to deal with perceptions because our system runs on perceptions, and faith in our system also runs on perceptions.

I think we do have to admit that the perception out there is that confidence in Government is not as justified as it used to be. There are more questions about how we do things, which range from maybe a healthy cynicism, to an overall questioning, to downright hostility at some of the things that people read about in the papers.

I regret that perceptions out there have required us to come to this point where we really do have to make some legislative changes, I feel, to get faith in the system restored.

Are we dealing with the problems with what we are debating here on the floor now? No. I say right now up front I do not think we are. We are talking about who can accept a donut and all this sort of thing, as we were in earlier debate here. But, actually, compared to the real problem, what we are talking about here are more donut holes than donuts. Because you can eat your donut out there on the plant floor or someone's office and turn right around and accept a $5,000 PAC contribution from that same person, or a $1,000 personal contribution, and that is absolutely legal, and everybody thinks that is fine.

I think what we have to do is one of these days deal with the real root cause of some of this lack of faith, this perception that we are somehow not to be trusted here. I think we have to deal with campaign reform, and really my own personal preference would be that we go to Federal financing. I came to that conclusion after a long time in public service, where we really come around then to taking out the root cause of why there should be some suspicion in Congress of certain people when they accept enormous amounts of PAC money or whatever from certain industrial or social groups of one kind or another.

So what we are doing today here, I believe, is we are sort of nibbling around the edges of perception. And we should do that. I do not mean to talk down what we are doing here, because I fully support what Senator LEVIN has proposed. He has done a great job on this. He did not come here trying to be the world's greatest expert on this issue. But I think what he has come up with in our committee and brought out to the floor is the most workable of any of these solutions. The time for us to face up to this is now.

If we must act to ban all gifts and amenities to registered lobbyists as a first step, so be it. We say as long as you pay for your own bill, you can go to the Kennedy Center, ballgames and go out to a meal. But let us make it fair so we pay our share, as the constituents do. If that helps to change the perception, so be it.

I do not like it that people might perceive we are doing wrong for such a small amount of largess, whatever that might be. But that is the way the public perception is these days.

If we are really talking about doing something on this, we would do something about the really big contributions. We would go to something like Federal financing of campaigns and deal with the big problem.

Now, we are quite capable of doing business as Senate officers are expected to do, in the old-fashioned way. We earn the trust of our constituents by seeing those who come in to see us, seeing the leaders of a particular group, and we see them in our offices or we see them back home. They do not need to buy any access.

They do not need to make contributions. They do not have to take you out to a fancy place to get your ear so they can talk to you about certain items that may be coming up on the legislative calendar. They do not have to buy access.

And so, we can do that if we want to. And that to me is the best way of doing away with some of these perceptions.

The proposal Senator LEVIN has carefully crafted is workable—it is workable—and some of the others, I feel, are not.

I was very pleased that our Committee on Governmental Affairs reported this measure out. We seek to apply the same kind of standards that have been imposed on the executive branch. If it is good enough for them, why not us? I do not know that we should be treated any differently. The perception of Government comes from us. It comes from the executive branch, too. And if it is working over there, I do not know why it will not work just as well over here. I do not think we are some sort of exalted royalty that should be under lesser standards than they have in the executive branch.

How many times, for example, have Federal regulators—let us look at Federal regulators in the executive branch—how many times have we hauled them up before Congress and berated them for being too cozy with the industries that they regulate? In recent years, Congress has bashed the FDA, the FCC, the NRC, the OTS, and all the other alphabet soup of Federal regulatory agencies across Government.

We love to haul them up here and give them the devil because they are too cozy with the people that they are regulating.

Now, what if those agencies had rules that allowed—what if we passed a law here today that said all regulators are permitted to go have dinner with the people they regulate? They can accept ball tickets, they can accept Redskin tickets, they can do whatever they want to do. They can go to dinner, on trips, to the theater, or to ball games. It would not be a matter of minutes until we would have congressional committees hauling the regulators before us, charging them with malfeasance, misfeasance and every other kind of "feasance" you could get at, because we would think it was wrong that they were being treated to all these different things by the people they regulate. I am sure we would term it outright bribery before we were done with it.

And I can tell you when it would happen. It would happen after any controversial decision the regulators made that favored that regulated industry, no matter how justified it might be.

Well, would we say it is OK for a regulator to take all that largess from the regulated industry as long as it is disclosed later? That is what one of the proposals here would do. They would say, as long as it is disclosed it is OK. Would we say that would be OK for the regulators to do that? I do not think so.

Could a regulator argue that his taking a trip or a dinner from a regulated entity would not affect his decision as a person of integrity? He has honor and integrity; it would not affect him. Of course, he could argue that.

At the same time, no one here is suggesting that we loosen the current rules for regulators. Because, to allow regulators to accept gifts from those whom they regulate, the perception would be that the regulator could no longer be trusted as fully as he was previously. And the same thing applies here.

If that confidence were shaken in that regulator, it would add to the public's distrust of Government in general and weaken the very fabric of our Nation, the civic bond that holds this democracy together.

Now, if we do not think it is right for a regulator to take substantial gifts from the industry they regulate, how can we justify gifts being given to a person who votes on the laws being carried out by the regulators?

We are the ultimate regulators of this whole Government—right here. We are the ones that pass those laws and send them over for the regulators to implement and put into place. We are the ones who have oversight over regulators' activities. So our positions are even more important than theirs. And, in my view, there is very little substantive difference between prohibiting a regulator from accepting some of these gratuities. I think we should abide by the same rules they are required to abide by.

Having said this, I want to say again that I think this really, truly is a diversion from the nub of the issue. We should be starting with campaign finance reform.

Could I have another 2 minutes?

Mr. LEVIN. I am happy to yield 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. I think it is a little hypocritical for a Member to say they could be bought for a $21 lunch, yet turn around and pick up a phone to a PAC and ask for a contribution over 200 times that amount, a $5,000 contribution. What we are talking about here is not the donuts. It is more like the hole in the donut that is the real problem, like the tail wagging the dog.

We may not be able to take a sandwich from a lobbyist outside the office, but we could still—and will—ask them for a $5,000 PAC contribution or a $1,000 personal contribution to go along with it. It does not make much sense to do it that way.

I should add that the Lobbying Disclosure Act, which was already passed by our committee—Senator LEVIN proposed that; he has been a leader in this area, also—would probably have more real impact in terms of restoring the people's trust, the perception in their own Government, by disclosing who is paying what to lobby whom on which issue.

But the problem comes back to where real influence may lie, and that is in the far greater sums of the permitted PAC contributions.

But, be that as it may, if banning lobbyists' gifts will help remove these jaundiced perceptions and help to restore this institution's integrity, then I say let us get on with it. Let us do it. I do not think we can afford not to.

It also has been said repeatedly on the floor that if this is one little nibble, one small start at regaining the trust, by changing some of the perceptions people have of our Government, then I think we ought to do it.

So I support the efforts that Senator LEVIN and Senator COHEN have made on behalf of our committee on the floor. I regret I had to be gone for a while last evening and could not participate in some of the discussions on the floor. But I do want to thank Senator LEVIN for all his hard work in coming up with this substitute, and am pleased to stand beside him in this effort.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I yield 5 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleague from Kentucky for yielding briefly to me to discuss what is clearly a very important issue for the Senate but also for the American public.

If I can for just a few moments speak with some experience, both having served on the House Ethics Committee and now as a member of the Senate Ethics Committee.

While I applaud the environment of reform and the intent to reform the gift laws as they have been spelled out in the past and as they are being spelled out by the Senator from Michigan or the Senator from Minnesota or the Senator from Kentucky, Mr. President, my experience tells me that there is something here that is very important that we must adhere to, and that is that in the reform effort that we are about, for the sake of this Senate and for the sake of the American public, we must, first of all, be clear in what we do, it must, above all else, be understandable, and it must be enforceable. And if those three principles are not adhered to, problems will be afoot.

My colleague from Ohio, a moment ago, spoke of perception and reality. My experience says that Members of the House, when I served there, and Members of the Senate oftentimes make mistakes because already the rules are so complicated that unless they and their staffs review them and approach them on a regular basis, they could find themselves accidentally in violation. And the hundreds of requests that we get before the committee today demonstrate that direct and open concern that most of our colleagues have here about failing to meet the test of the current rules. That was also true in the House.

Let me liken it to the public at large who find themselves every year having to walk through the very complicated process of filling out a tax form and not wanting to be in violation of IRS regulations. Well over 75 to 80 percent of the audits that are done by the IRS today are found not to have the taxpayer in violation, but they innocently found themselves not having followed all the rules because they were so complicated.

It is my opinion that the Wellstone substitute is so complicated that it cannot be followed, or that it will result in so much effort to interpret that, literally, new employees will have to be brought on board the Ethics Committee and it will not make this body a more ethical place than it is today.

Clarity, understanding, simplicity, and enforcement are also how the public will see us. Because, if we create a myriad of trip wires that have no value in the improvement of the response or the integrity of the individual Senators, then we have accomplished no good.

The substitute that has been offered by Senator MCCONNELL and Senator JOHNSTON to S. 1935 accomplishes strict new gift limits, tough new penalties for violators, clear and understandable standards for disclosure so the American public can look in upon us as public people and see by what we report that we are being fair, responsible, and honest. That is the reason I support reform and I support the reform that has been offered to us in the form of a substitute by my colleagues from Kentucky and from Louisiana. Because it meets the test of clarity, it meets the test of understandability, and it meets the test of enforceability. If you do not meet those tests with any law of the land for the average citizen or for the Senators of the United States, then you fail to write good law and you fail to provide the roadmap necessary to guide us in our performance here so we can be effectively and responsibly judged by those who send us here, our constituents. That is why we do what we do.

As my colleague from Wyoming said, what we do is to protect the reputation of the Senate and also to protect the reputation of Senators, but, most important, to assure that those who observe us can observe us in a clear and understandable fashion. I think the only proposal that is before us that meets the standard of clarity and enforceability and understandability is that substitute offered by my colleagues from Kentucky and from Louisiana.

Let me close by saying I speak from having served on a House Ethics Committee and now the Senate Ethics Committee where I have for several years screened and looked at Members of both bodies in their efforts to be in compliance with current rules of both the House and the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I thank my colleague from Idaho, someone who has served extensively on the Ethics Committees of both bodies and understands this issue clearly, for his support on our amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 29 minutes 14 seconds.

Who yields time?

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the time for debate be extended by 15 minutes and that the vote on this Johnston amendment be at 1:45 instead of at 1:30. I believe the leadership on each side supports that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The additional 15 minutes will be divided equally for each side. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I want to get back to some of the concerns that have been mentioned about the Levin substitute and the Johnston amendment that would replace it.

I have to say I certainly enjoy being in the U.S. Senate. It is the greatest honor of my life. I hope to be here for quite a while, at least 5 more years. But I am a little surprised to see such great passion in this body for the defense of this system. I have heard some of the greatest expressions of concern that I have heard in the last year and a half about this issue. I just do not understand how it can be such a big concern.

The Senator from Maine suggested that this is a different institution, and it is. It is a different institution from the executive. And, yes, it is a different institution from a State legislature, but I suggest only by degree. It is grander. We are involved in more issues.

But I have to return to my own experience. Maybe I am one of the only Members in this body—maybe the only Member—who has actually worked in a system for 10 years that had an even tougher rule than this. In the Wisconsin legislature you cannot do anything—pure and simple. You just cannot do it. You know that coming in. I do not think the functions we perform here are really different in the sense of contact with constituents than that of a State legislator, where you have to meet with constituents. They are always asking you to join them in events where you are confronted with a question whether you can accept a football ticket or not. It is the same kind of system. I feel this debate has been distorted by trying to exaggerate the consequences of the Levin substitute.

I think that has been done in two ways. First of all, the idea this is going to be so hard to enforce, as the last speaker was suggesting, it is just not the case. We have had this rule for 20 years in the State of Wisconsin, since 1973. All the members of the body—of the assembly and the senate—know you cannot do this. If they go somewhere, they have to pay their own way: Separate check. Sometimes you have to ask somebody, "You are not a lobbyist, are you?" if it relates to the lobbying issue. If there is any doubt in your mind, you just ask for your own check. It is extremely simple.

I understand there is a different culture here. I understand what has been done is totally legal, and that is what bothers me about this debate. It is not very fair to any Member of this body who has had the opportunity to participate in any of these events to say they have done anything wrong because they have not. It is legal, and that is why it is painful to talk about it, because in a way it suggests these people have done something wrong. They have not.

But this is our opportunity to reform the system. All I can tell you is the State of Wisconsin has performed very well in those 20 years. We have members of both parties in power. We have a Republican Governor, and a Democratic assembly. The economy has done very well during these years when the rest of the country has had some problems. We have taken the lead on welfare reform, on long-term care for the elderly. And the ship of state has done just fine with this rule. Members have not been forced to be embarrassed or dragged through lengthy legal proceedings.

Yes, there have been a couple of violations in 20 years, but they were at a brief time in the 1980's when there was some laxness in this and it had to be toughened up. So it is very hard for me to understand how this institution can be so different from a State legislature that we cannot just change the way we do business. You can forget about the past because what was being done was legal, but we can look to the future by saying we are not very different from the other people in our society in being able to do this.

So I really feel no one in this body has addressed the point that this has worked just fine in Wisconsin for 20 years. Why has it not been a problem there if it is such a tough thing to do?

It is simple, and you will not even notice it after a brief time, after the rule is enacted, because you will simply say to people, "I am happy to spend some time with you, but I am just going to have to pay my own way."

The other distortion here is the attempt to say this involves trivial matters, as with the comments about fruit baskets, lunches, and donuts. Well, I am sorry. People in my State consider a $75 meal, for example, which the substitute would allow, to be a lot of money. And still under this substitute, as I understand it, a person in the Senate or the House could have a $75 meal every single night of the year, which I think roughly comes out to $27,000, just on the meals portion. It is perfectly legal if we adopt this substitute.

That is a hard thing for me to tell people back home that that should be OK. It is not.

I ask unanimous consent for an additional 2 minutes.

Mr. LEVIN. Mr. President, I will be happy to yield whatever time the Senator from Wisconsin needs. I do have a question if he will yield for one.

The substitute he is now referring to is the Johnston substitute.

Mr. FEINGOLD. When I refer to the $75 example, it is under the Johnston substitute. The Levin substitute would only allow $20.

Since there is a double strategy going on here, at one point people want to say this is a big deal, it is going to be hard to deal with and involves very substantial change. On the other hand, the argument is made this is a trivial matter dealing with donuts and coffee cups. It cannot be very trivial when various restauranteurs in Washington are begging for an opportunity to meet with me because this change, the change that the Levin substitute proposes, apparently would destroy their base.

You cannot have it both ways. It cannot be both trivial and destructive of businesses in Washington. The fact is that there must be enough of this kind of activity that these people who run these restaurants feel that their businesses would be threatened.

So I just simply conclude by saying it is unfortunate we even have to have this debate. What is unfortunate is that the Members who are expressing concerns about this have not done anything wrong. I do not think that has been said enough.

But there is an opportunity to turn the page, to realize that most people in this country cannot afford these kinds of things and that they think it is wrong for us to receive a salary and then, on top of that, be able to get expensive trips and lunches and so on. I think we would all be better off and happier if we just eliminated this practice and adopted, at least at a minimum, the provisions of the Levin substitute.

I thank the Chair.

Mr. WELLSTONE addressed the Chair.

Mr. LEVIN. Mr. President, I am happy to yield 25 minutes or whatever time the Senator from Minnesota needs.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I think I can do this in 5 minutes.

I would like to build on the comments of my colleague from Wisconsin and say that I do think there has been a lot of harping on the complexity of all this to the point where that has become the ultimate simplification. The Levin proposal is very straightforward, but I will not engage in a debate on that.

I want to talk about another tactic that I think is being used on the floor, and I hope that all of our colleagues who are going to vote on this really pay careful attention to it. It is quite one thing for colleagues to come to the floor and in very good faith—everybody involved in this debate is involved in good faith—say we have a real concern here or there in relation to charities, or whatever, in which case later on there will be an opportunity to offer amendments.

Colleagues that have problems of that kind can offer amendments. It is quite another thing to vote for the McConnell-Johnston substitute because what the McConnell-Johnston substitute—I want to repeat this one more time for my colleagues—allows is for lobbyists and other special interests to, (a) pay for unlimited and undisclosed meals for Members and staff in Washington's most expensive restaurants, no limit, (b) continue to distribute to Members and staff free tickets to football, baseball, and other sporting events, to Broadway shows and other entertainment events, (c) give Members and staff an unlimited number of gifts if under $75—and, by the way, that does not count toward an aggregate, that can be given over and over and over again—(d) finance congressional retreats at posh vacation resorts.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. WELLSTONE. If I can finish, then I will be pleased to. I just have to say to my colleagues that this substitute amendment does not represent a step forward, it represents a great leap backward. People who are following this debate and people who care about our having a process that is open and accountable will understand that.

The Levin proposal, the Governmental Affairs Committee proposal, that amendment is a reasonable compromise which shows that we are serious about reform. Later on, colleagues can come to the floor and offer amendments, but right now, we are debating this amendment. I think it would not be a step forward but a great leap backward from the point of view of any reform.

Mr. JOHNSTON. Will the Senator yield?

Mr. WELLSTONE. I will be pleased.

Mr. JOHNSTON. The Senator just mentioned our bill allows for unlimited and undisclosed meals, et cetera, and listed four things dealing with meals, tickets and gifts.

Mr. WELLSTONE. That is correct.

Mr. JOHNSTON. Is it not a fact that the Levin-Wellstone amendment allows the same thing, only while ours would be limited to $75, yours is unlimited, provided it is motivated by personal friendship, to be decided by the Member?

Mr. WELLSTONE. First of all, I will respond, but I want—one thing I want to do in this debate to clear this up is say I am proud to support this. This is the Levin initiative. This comes out of the Governmental Affairs Committee, so I will, first of all, defer to the Senator from Michigan and then I will respond.

Mr. JOHNSTON. Does the Senator know the answer to the question?

Mr. WELLSTONE. I know the answer, but I want my colleagues to understand whose amendment this is, so I will first defer to the Senator from Michigan.

Mr. LEVIN. If the Senator will yield, I will be happy to.

Mr. WELLSTONE. I will.

Mr. LEVIN. It is in the judgment of the Member if it is a close personal friend, as we have outlined it in this substitute which the Governmental Affairs Committee has approved. The answer is correct, and that is an exception which I think most people believe in.

I think the Senator from Louisiana probably believes in the close personal friendship exception that we ought to be able—as a matter of fact, I think he has spoken to me about close personal friendships—we ought to be able to accept gifts from persons we believe are close personal friends.

Mr. JOHNSTON. All I am saying, I think that is entirely correct, and ours allows that. The difference is ours is limited to $75, yours is unlimited, except yours is close personal friend. All I am saying is that the Senator from Minnesota, in quavering voice and stentorian tones, says this will allow this. Well, so does the pending amendment. So does your amendment.

Mr. WELLSTONE. If the Senator will yield for a moment, the distinction, of course, since the Senator originally put the question to me, the distinction—if the Senator wants to go with the ridicule about quavering voice, he can do so. Ridicule has a way of backfiring. People are serious about this on the floor and in the country.

The distinction is in the Levin proposal, there is an exemption for friends, and the Senator might want to add to this, with a fairly tight and rigorous definition of "friend." In this substitute amendment, it is across the board. It is for anybody.

Now, I think anyone who is following this debate can follow that distinction. So if the Senator wants to go with ridicule, he can, but that is no substitute for honest disagreement.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JOHNSTON. Mr. President, if that was ridicule—and perhaps it was—I apologize.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield whatever time the Senator from Kentucky may need.

Mr. FORD. Three minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, throughout this debate, I have heard many of my colleagues tell us that public confidence of the Congress is at an all time low. I think it is important for all us to recognize that there is no magic wand to restore public confidence in this institution. Restoring confidence requires a step by step change in the way we are perceived by our constituents.

We have already initiated some reforms. For example, Members are now required to pay a fee to use the services of the attending physician and a fee to use the Senate gym.

We recognize that there is an intense perception problem—and it is this perception which must be corrected if we seek to restore public confidence. But it is not an individual Member issue. It is the institution, the Congress, which is the issue.

The public believes that while we seek their vote in our campaigns for the common interest, we respond to special interests after the election.

And actions speak louder than words when we are being wined and dined, entertained, or accepting campaign contributions by lobbyists and special interest groups. Believe me, those actions reinforce the public's belief.

When the public sees Members on golf links or tennis courts with these groups, their respect for the stature of the Member is diminished despite the justifiable reasons for such an event.

Mr. President, if the issue was related to the individual alone, that problem could be corrected by disclosure. But disclosure alone is not going to change the perception of the Congress. And that is the fundamental issue. This is not an issue about us as individual Members. This is an issue about the Congress as an institution.

This is the fundamental question: How can we protect and enhance the way we are perceived by the American people as the United States Senate?

If a Member wishes to attend events for recreation or entertainment, he or she can always pay their way. This applies to balls, operas and the symphony, and, I might add, the Super Bowl, World Series, and Kentucky Derby, et cetera. Our constituents pay their way and expect us to do so. Let us be honest. Special interests entertain for benefit. They expect to receive influence, knowledge, and contact.

This bill does have some problems. Any reform will offer new challenges, but this bill is a sincere effort to address public concerns. The Senator from Michigan [Mr. LEVIN] and the Senator from Maine [Mr. COHEN] should be commended for taking on this difficult issue. I believe that they have done a good job. The substitute amendment to S. 1935 is a step in the right direction—toward improving the public perception of this institution. I urge my colleagues to lay aside the impact on us as individuals and choose the higher principle. Let us vote to restore confidence in the institution and support a reform of the Senate gift rule.

Mr. President, I have listened to the great debate we have had the last couple of days. I am impressed by the sincerity of those who have made their statements, even though they may be on opposing sides.

I wonder how many understand how easy it might be to just not take any gifts. I wonder if anyone really understands how easy it might be just not to go to all these meetings.

We talk about perception. Let me give you a place that I went to where the perception, I think, was bad.

Kentucky is the No. 1 coal-producing State in the Nation, or No. 2. Coal is a vital—vital—economic impact to my State.

The National Coal Association was having their national meeting. The National Coal Association asked me to come and give the keynote address at that convention. Coal, important; all the coal operators, National Coal Association Convention.

Then they asked me, in addition to that, to participate in a forum following that as it relates to energy and energy prospects in the future. I readily agreed because it was very important to my State, and a constituency request. I went. Transportation was furnished, and a room. That is what I got. But the perception was: White Sulphur Springs, a plush resort. So FORD goes to White Sulfur Springs to visit with coal operators. That was the perception.

I went late one night from here, made my keynote address, participated in the forum, and left. I did not participate in golf or tennis, any of these things, which I probably would not have done if I had been there anyhow. But I went to White Sulfur Springs. Perception is something that we need to worry about.

Last year, I made up my mind that I would not receive any gifts. I sent a letter to every person who sent me any kind of an item the year before. I wish to tell you, Mr. President, I had more pocket calendars than you can imagine, little bitty pocket calendars. I had enough to start a bookstore. Well, I did not want all of those and did not need to use them. But the perception was that they sent me something of value, maybe $1.95, $1.99, whatever it was. So I just stopped that.

We had a Lieutenant Governor in Kentucky named Doc Beecham. He was the politician's politician. He was from Logan County. They call it the "Free State of Logan." When I was chief administrative assistant to the Governor of Kentucky, Bert Combs, he put out an edict that none in government—employees, elected officials or anyone else—could receive anything above $25 in value. The only complaint Doc Beecham had was would that keep him from taking a ham, a good cured country ham. And he explained in his letter to the Governor there was nothing finer, nothing better than a Kentucky cured ham.

There will be other States like Virginia and Tennessee that might say that their ham is probably finer. About the only thing that bothered me from that letter I wrote last year as it relates to this Christmas, I did not get the Farm Bureau country ham. That was the only down side, in my opinion, from what I did last year.

We are going to get some kind of restriction here. It is regrettable, in my opinion, that we are doing it. But it may be good that we are out here explaining to each other and the constituency is viewing it, and we are trying to explain why we are for or against, or where we should go. And venting our spleen, as we would say down in West Kentucky, may be good for this institution. But I wish to say, Mr. President, I cannot take the substitute amendment. What it does, it loosens up the rules but tightens up the penalties. If you loosen the rules, there are not going to be any penalties.

So I think, as someone said, we are almost back where we are now in what we are trying to correct. I do not like to be against some of my friends on the Senate floor who are for the substitute. It is uncomfortable for me, very uncomfortable. But I am going to have to do what is right, Mr. President, and support the Levin substitute, even though, as my friend from Maine, Senator COHEN, has said, it is not perfect. Well, we are not perfect. We strive to be perfect. There is only one perfect person. We strive to be perfect, and we understand that we are not perfect. Therefore, whatever we do, we can find that it will be flawed, whether greatly or not very much at all.

I hope in the spirit of camaraderie here we make an effort to come forward with some rules and regulations, some limits that will be perceived anyhow as a step in the right direction.

So I am going to oppose the Johnston-McConnell substitute, and I am going to support the Levin substitute. I hope that when it goes to conference we can come back with a piece of legislation with which my colleagues will be generally comfortable. And so I urge, with the vote now at 1:45, I understand, that this amendment would be rejected and that the substitute of Senator LEVIN be sustained.

I thank the Chair and yield the floor.

Mr. LEVIN. I just want to thank my friend from Kentucky, chairman of the Rules Committee, for that very important statement.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Michigan has 33 minutes; the Senator from Kentucky has 36 minutes.

Mr. JOHNSTON. Mr. President, controlling the time for the Senator from Kentucky [Mr. MCCONNELL], I will yield myself 6 minutes.

Mr. President, it is said that hard cases make bad law. That is a legal expression for the fact that when you have some tough circumstances, sometimes it leads to a rule of law, or a case, or precedent, which does a tremendous amount of damage.

I believe that is the situation we are facing here on the floor today. What we have, Mr. President, is a couple of TV programs that caught some Senators having a good time at a golf or tennis tournament, which held the institution up to ridicule. And as a result of those television programs, we would put a straitjacket around the activities of Senators, which I believe does more harm to the institution than the correction of whatever problem it is.

In the first place, I believe that the problem of purely recreational charity events that are not real charities is a thing of the past anyway. I am willing to concede that Senators will not go to those because they do hold the Senate up to ridicule. But, if you listen to DAVID PRYOR from Arkansas tell about his kind of charity, I would say that that not only would go on but should go on. It should not be stopped.

Nevertheless, Mr. President, none of the permissive rules of the Senate require any Senator to do anything. I remember our dear friend Lawton Chiles, now Governor of Florida, had a rule about fundraising. And in one campaign I think he limited contributions to $25 per person. No person could contribute more than that. He got a lot of credit for it down in Florida. I do not think he has ever been beaten for office.

There is nothing at all that prohibits any Senator from saying, I will not take a T-shirt, calendar, bagel or anything else, announce it, and get whatever credit his particular State would give to him.

So, Mr. President, I think the problem is a relatively small one compared to the remedy which is being talked about.

Now, what is this remedy and why is it bad? First of all, Mr. President, it impinges in a very real way upon activities that have traditionally been, and in my view ought to be, part of the political process. That is, when groups come from your home State to Washington and want you to go to what, in effect, are working lunches—most of them here in the Capitol—or working dinners, you would not be able to do so. We have talked about, in my own case, the Jewish Federation, the seafood lunch, sheriffs, black elected officials, Secretary of Energy, the Chamber of Commerce of Shreveport, the Chamber of Commerce of New Orleans, the group for an empowerment zone in Monroe, and the list goes on and on, in my case.

I think every other Senator can say the same thing. Those kind of things would be prohibited, first, if they had a lobbyist connected with them or if they exceeded $20. As I mentioned in the caucus the other day, if there are only three entree items which are served in the Capitol by a group, it would fit under the $20 rule, and then if you did not have coffee or dessert.

So, effectively, those kinds of things would be prohibited. Where is the case made against those things? In my view, Mr. President, there is no case made or to be made. That is particularly true in my State of Louisiana where food is part of the way of life. It is part of the joie de vivre in Louisiana. It is part of what we do. People say, "Why don't you act like ordinary citizens?" That is what ordinary citizens do in Louisiana. We have crawfish boils. We have shrimp boils. We have gumbo, sauce picante—a proliferation of dishes of which we are very proud and which are the essence of politics, the real essence of politics. That kind of thing is not going to be prohibited. It is done up here. And believe me, we have people who come up are here all the time with alligator and crawfish. The only problem is they do not come up with enough.

The second thing which would be prohibited would be charitable activity. What is wrong with a Senator working on behalf of a charity or lending your name to a charity organization or having a charitable event, as Senator PRYOR talks about, or attending these other events which raise money for important things for our country or for our States or for our communities?

There is no case made against that, Mr. President. Just because on "Inside Edition" or some other television show once or twice or three times they have exposed Senators out playing golf looking like they are having a good time, most of that coverage made is unfair. Just because they have done that two or three times should not mean that you ought to separate Senators from charitable activities. That is what this bill does. It makes that an ethical violation.

Finally, Mr. President, probably the worst thing that the bill does, in my judgment, is the endless complication that this would give to the lives of Senators. I believe that every Senator would have to clear virtually every event before he went to it. I do not know whether Senators have read this bill, but there are so many whys and wherefores. We saw an illustration of that this morning.

Is it permissible to have contributions to one of these political expense funds? It appears to me that would not be permitted. The Senator from Michigan says he believes it would be permitted. But you would certainly have to get a ruling on that kind of thing. I think you would have to get a ruling on virtually every event you went to, not only every event you went to but the exception here which allows you to go out to have dinner with someone motivated by personal friendship.

I think you would have to clear your friends by name and list your history. How else could you safely go out? Let us say you have known somebody 22 years, and they have been close personal friends. What constitutes a close personal friend? I think you would have to list all that information. I wonder whether Senators would dare go out with close personal friends to a public place if they happen to be lobbyists because people look around and say, "Well, the lobbyist is picking up the check and he is violating the ethics code." And there they would be. There would be some complaint. You would have to come in and show proof you paid or these are close personal friends or whatever—endless complications without achieving any real reform, without there being a case made that that is a great evil.

The assumption is, Mr. President, that if we pass this bill, somehow it will satisfy the American public, who, as someone said, unjustly believe we can be bought by a sack of fruit. Mr. President, that will never happen. But for those people who believe that, passing this bill will only reinforce that judgment, and it will only bring more and more incidents to the Ethics Committee to make the headlines.

Mr. President, the sad fact is that there are cottage industries created in this country dedicated to the proposition of bringing Senators down and putting them in a bad light. There is everything from term limits to these perk groups that want to expose the Congress. They raise money on that. This new phenomenon, relatively, of direct mail where you send out direct mail pieces saying Congress can be bought, contribute money to our group and we will help reform the Congress. They are really more interested, some of them, in collecting the money and getting the membership than in passing the law or passing the bill or curing the reform. And that is an unfortunate fact of life.

As one head of a particular Congress-bashing group told another committee chairman on another issue—it is not on this issue—but he wanted to be able to testify on an issue. The committee chairman told him, "You will be glad to know that we have won. We have the votes. Everything is all set." And the particular—I will call him lobbyist because he really is a lobbyist—said then to the committee chairman, "But you don't understand. We can do constituent building. There is a good opportunity for constituent building." The chairman said, "Thanks, but my constituents are very happy with me on this issue." He said, "No. You don't understand. We, my group, can build constituents." I mean, that is the name of the game, constituent building for these Congress-bashing groups.

So, if you think that passage of this is going to solve the problem, it will not. They will point out that the Levin amendment is full of loopholes, exceptions, and exemptions and that it needs to be further tightened up, and that, by the way, you need to have term limits and you need to do away with retirement, reduce the pay, stop the parking. The list is endless, and the appetite is insatiable.

What we need to do, Mr. President, in my view, is get some rules that do not assume the dishonesty of Senators but assume that Senators are responsible people of integrity who ought to have a clear path as to what they can do and what they cannot do.

This, unfortunately, does not give you that path. I have heard it said that it is clear—let me give you one illustration of how complicated this bill is.

The distinguished Senator from Michigan, who has really tried and worked hard on this, good staff work and all that, has one amendment that hits the bill in 39 different places. I do not know. He sent me a copy of it yesterday. He said this is going to solve these problems.

I wish you would take a look at the 39 different places. I do not have the time to take each of the 39 different places and insert it and read it in context and tell what it does. I do not know whether he can tell completely or not. But I am telling you this is the most complicated, difficult bill. And it is not that they have not done a good job with the time that they had. It is that when you try to deal with what is permitted and what should be permitted and what should not be and try to make exemptions and exceptions, they lead to such ambiguities. What is friendship? What is motivated by friendship? What is substantial activity? What are all of these things which are very vague and will call for a ruling from the Ethics Committee every time you walk out the door of your office?

Mr. President, this is my 22d year here. And I have not seen a great change in the makeup of the Senate in terms of quality of integrity. We have had one or two scoundrels in that time but, generally, the Senators are the most honest group I have ever been associated with, and that includes church groups, hospitals, eleemosynary institutions, and all the rest. I think the level of integrity of this group, by and large, through the years, has been very high. That integrity has not been noticeably changed, in my judgment, by the set of rules which we put on us. And I think most of those rules that have been put on have been relatively good, with one or two rules I may disagree with as to the way it is drawn.

But there is a point at which we go too far. I believe the Levin-Wellstone bill is that kind of bill. I think it goes way too far. I think it will not solve the problem; it will create the problem, will make life more difficult, will prevent us from doing the political job we are supposed to do, expected to do, will deprive charities of millions of dollars that they are now getting, and for no good reason.

Mr. President, the final irony is that we are going to have this bill that is going to restrict all of this activity and has as its basic assumption that spending over $20 on a luncheon that somebody buys; yet, you will still be able to make a $5,000 PAC contribution or a $1,000 individual contribution. Moreover, you will be able to organize a fundraiser and raise $50,000 or more, if you are a lobbyist, for a Senator, and what about that?

I say that anybody who votes for this amendment ought to be totally for Federal financing and prohibiting private contributions to Senators, because a private contribution to a Senator is the same thing, only much bigger than buying a lunch—much, much bigger than buying a lunch.

If you ask me am I for Federal financing of campaigns, I am not, and I will tell you why. Principally, it is because the people of my State think, by and large, that it is poison. A few of them are for it, but most of them think financing of campaigns, spending taxpayers' money for somebody to run for office should not be so. It is another one of those ironies of public office. The public wants, on the one hand, clean campaigns and to reduce the effect of money; yet, they do not want Federal financing.

So I hope that those who vote for this Levin amendment and vote against our amendment recognize that they ought, therefore, to be consistent to vote for full Federal financing, because it is simply not consistent to do the other.

So, Mr. President, I appeal to my colleagues to, first of all, read this amendment, read our amendment, which drops the gift limits, which prohibits travel for recreation, and less for charities, which requires greater disclosure, which creates stiff penalties for abuse, and which streamlines the process, compared to the Levin-Wellstone bill in its complication. I think my colleagues will understand that our amendment creates a much better ethical climate for this body.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

First, Mr. President, let me say that I concur with the Senator from Louisiana on at least one thing—that it is important that our colleagues read these bills and understand them.

The Governmental Affairs Committee has come up with a substitute, which is the principal substitute before us. It is true gift reform. It will end the current situation, where we are being taken out by lobbyists for meals, where lobbyists are giving us tickets to the Redskins games, where we are flying off to what are called "charitable events," many of which turn out to be more for the recreation of Members than for charity, in terms of the division of the proceeds.

It is important that each of us read these bills, because indeed the atmosphere around here will change if we adopt the Governmental Affairs substitute. But I think we have to change that atmosphere. I think it is important that we change what both exists in this town, where—if you can believe it—we have restaurants who are saying that if lobbyists cannot take Members out to lunch and dinner, the restaurants are going to close. What a terrible indictment that would be if true. What a terrible indictment that would be, that restaurants would close in this town if lobbyists could not buy us lunch.

The issue here is not whether or not people can go out to lunch with lobbyists. The question is who is paying for the dinners, who is paying for the tickets, who is paying for the trips to the so-called charity event? It is not whether you can go to them or not; it is who is paying for them.

We heard the other day that the Kennedy Center would be put out of business if we could not be given tickets by lobbyists. I do not believe that is true. But what a terrible statement that would be and is to the American people, that restaurants or places of entertainment here depend on lobbyists giving us tickets and buying us meals. Is that what this is all about? Is that what we want to be? Is that what we want to appear to be or really be? No, neither one.

My good friend from Louisiana said that if this Governmental Affairs substitute passes, you are not going to be able to lend your name to a charity. That is not so; you can lend your name to a charity. He says you cannot attend charitable events. That is not so; you can attend charitable events.

Mr. JOHNSTON. Will the Senator yield?

Mr. LEVIN. If I can finish with this thought, and then I will be happy to yield.

You can participate in charitable events, tournaments, tennis tournaments, golf tournaments, and ski events. Charities can waive a participation fee. You can participate in a charitable event.

Where we draw the line with respect to travel and lodging for those so-called charitable events, because if the charitable event is at a location for which travel and lodging is required, the staff member or the Member is going to have to pay for it in order to avoid what we have seen over and over and over again in our living rooms, where Members of Congress and staff of Members of Congress have their ways paid and their family's ways paid to so-called "charitable events," where they are inundated by lobbyists while they are playing golf or skiing, where the corporate interests or special interests in this country are funding that kind of travel for clearly recreational purposes, which, yes, benefit a charity, at least partly, but also significantly benefit us; that is the problem.

I want to just read, for instance, from one of these. This is just one of the comments from Inside Edition: "Imagine you and your family spending 3 days and nights at a charming"—and this is a TV show in our living rooms, one of the many.

> Imagine you and your family spending 3 days and nights at a charming world-class ski resort, top-of-the-line lodging in cozy chalets, with a wonderful mountain of skiing at your doorstep and absolutely no worries about the cost of anything, and you will never waste a moment waiting in line for a lift to the top because, like the people you are about to meet, you are the king of the hill, and this is the sweetest deal on the slopes.

That is a couple of days, and that is for charity. It was a charity that was the beneficiary of that. It was a good charity. It was the Primary Children's Medical Center. I assume it is a very, very desirable, moving charity that we all should try to contribute to. The question is whether or not we should make that contribution in a way which undermines the public confidence in this body. That is the issue. It is not whether or not that charity is worthy. The Children's Medical Center—is there any one of us that would not try to support that charity?

The question is: At what price to this institution should we provide the support? Is this price acceptable, having that kind of an event with us spending days on the slopes, or whatever, and then being wined and dined by the lobbyists who are there, and half the money, or whatever, goes to the charity and half the money goes to expenses to bring us and our families to that recreational site, whether or not that is too big a price to pay in terms of public confidence in this institution? I believe it is. That is where we draw the line.

I have no better friend in this body than the Senators from Arkansas who have spoken about a charitable event in Arkansas, and I understand what they are referring to. I have no doubt in the world but that that charity is a noble charity and that they have given much to it, as they have to so many other causes. I have no doubt in the world that they would welcome television cameras at that event.

But do we really say we welcome television cameras at these other events, these so-called charitable trips that have been funded by narrow interest and lobbying groups and then have lobbyists out there with us in that kind of a setting? Is that what we are saying is really support for charity and that is worth it in terms of the price that this institution pays?

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. JOHNSTON. Mr. President, would the Senator not agree with me that when on page 36 it defines "gift" as including a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or foreign agent by a Member, officer or employee, that effectively prevents a Member from recommending, that is, participating, in a charity to the extent that you would ask someone to give? For example, Senator PRYOR's event, which is the DAVID PRYOR Invitational, whatever you call it—I have been there—he would not be able, under the Senator's amendment, to recommend to a lobbyist to give to that, would he?

Mr. LEVIN. The solicitation which I think my good friend from Louisiana is talking about, putting the name on a letterhead, is not a specific solicitation. That is a general solicitation. This language is specifically saying you cannot solicit a lobbyist or a foreign agent to do that. That is a specific solicitation of a lobbyist. You can solicit anyone else you want to give to a charity other than a registered lobbyist.

Mr. JOHNSTON. It is a recommendation made to a lobbyist. Did you not participate in that?

Mr. LEVIN. I think the language is very clear, that you cannot to a lobbyist or a foreign agent do any of the prohibited practices here. To a registered lobbyist or a foreign agent, you cannot do any of these things specified.

Mr. JOHNSTON. Is not that my point?

Mr. LEVIN. No, because the Senator said it was a general solicitation.

Mr. JOHNSTON. What is the general solicitation?

Mr. LEVIN. One is to the lobbyist and one is to the world. There is a big difference.

Now, as a matter of fact, it is very similar—if I could finish—it is similar to what the executive branch did, which we, by vote of 98 to 1, said a year ago we want to follow. We are on record here.

This is the same kind of distinction the executive branch made in its rules they work under and have worked under longer than a year. Lloyd Bentsen lives by these rules over at Treasury. But we cannot? We cannot live by rules that say we cannot solicit lobbyists for certain things? But Cabinet secretaries can live by these rules? By a vote of 98 to 1 we said we could.

These distinctions which are here, which the Senator from Louisiana says are difficult, are distinctions which come mainly from executive branch rules which have worked. Read these executive branch rules as you are reading the bill. Here is what we said a year ago:

> It is the sense of the Senate that as soon as possible during this year's session the Senate should limit the acceptance of gifts, meals, and travel by Members and staff in a manner substantially similar to the restrictions applied to executive branch officials.

The vote was 98 to 1. Did we mean it? Do we mean to have gift reform? Do we really want to end the paid lunches and dinners from lobbyists and the free tickets to the Redskins game and the trips to the so-called charitable events, half of which in terms of receipts by the charity go to pay our way to that event and the other half, if they are lucky, go to the charity? That is not every case, but that is typical. And are we going to say that we are going to continue that to be allowed because there are some charitable events which I think all of us would like to support—and can; we can go at our own expense. I think not. I think that the same rules that we set should apply here that apply in the executive branch.

The PRESIDING OFFICER (Mr. DORGAN). The 10 minutes of the Senator have expired.

Mr. LEVIN. I thank the Chair.

Mr. JOHNSTON. Mr. President, may I have 1 minute?

Mr. McCONNELL. I yield to the Senator from Louisiana 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. JOHNSTON. Mr. President, in all honesty, I have very carefully read this, and I read it again:

> A gift includes a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist.

Now, my friend from Michigan says it is OK to make a designation, recommendation or specification as long as it is a general recommendation, specification, et cetera, and not specific to a lobbyist.

There are no such words in this amendment, Mr. President, no such words, and there is no difference between a general and a specific. I mean, could DAVID PRYOR on behalf of the DAVID PRYOR Golf Tournament sign a general letter and say, "I hope all my friends come to this," and then have some of those 1,700 volunteers send those out to lobbyists and say, well, this is going to lobbyists and nonlobbyists alike? You know, the general rain falls on the just and unjust alike.

It is not here, Mr. President. It is not here. And I believe it is going to prohibit any activity to raise money where you recommend or designate to a lobbyist. If they are included among the group that is being solicited, you are violating the ethics code.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, if I could yield myself 3 additional minutes, the Senator indeed could not sign a letter soliciting funds from a lobbyist. That is exactly the point. We do not want to be soliciting funds from a lobbyist. That is the way the bill is specified as the Governmental Affairs Committee passed it, and that is what the executive branch rules read.

Let me read you the executive branch rule it is patterned exactly after. It is almost verbatim:

> You cannot accept a gift from a prohibited source which is given to any other person including any charitable organization on the basis of designation, recommendation, or other specification by the employee.

Those are almost exactly the same words that the Senator from Louisiana objects to, and yet that is what is in the executive branch rules, which have worked, which apply to our former colleague, Senator Bentsen. I think we ought to be able to live with a rule if he can as Secretary of the Treasury, which is the rule which we said we were going to try to pattern some stricter gift rules after, and we all voted a year ago to do this.

So the words which my friend from Louisiana points to as being in the committee substitute are the same words which are in the executive branch rule and which they have abided by without great difficulty and that this body a year ago said we wanted to abide by, and we can do it without difficulty just the way the executive branch has done it without difficulty.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 minutes 45 seconds remaining.

Mr. McCONNELL. Mr. President, I yield 5 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. ROCKEFELLER] is recognized for 5 minutes.

Mr. ROCKEFELLER. Mr. President, I wish to express my support for the bipartisan alternative—offered by Senators JOHNSTON and McCONNELL—to the underlying bill.

I wish we were here debating health care reform, or even taking up the health care bill that we have promised this year to the American people. Or we could be spending this time talking about welfare reform, or what it will take to approve the GATT treaty on world trade.

Instead, we have been forced to consider the bill before us, the gift ban bill. And I want to emphasize how much I appreciate my colleagues Senators LEVIN and COHEN for their painstaking efforts to come up with a more reasonable approach to the issues than what we first encountered.

In translation, we are considering legislation designed to cure our image problems with the American people. Now, I strongly agree that the U.S. Senate should have to meet the highest ethical standards. Where laws and rules are necessary to govern our profession, they should be on the books and we should comply with them.

But I am getting increasingly distressed at the way this Congress almost promotes the perception that we are being unduly influenced, are too easily corrupted, and are impossibly weak.

I concede the need for further limits and tighter enforcement designed to make even more sure that gifts cannot tempt or induce a Member of Congress into taking a position for the wrong reason. But I object vigorously to turning that into a stampede on ourselves that will hurt our ability to communicate with our constituents, consider the views of people who represent every segment of this society, and participate in the civic life of philanthropy and charity.

For starters, I think we all do ourselves and our staffs a real injustice to accept the suggestion that we are suspect when having a meal bought by a lobbyist or advocate. I happen to be someone who likes to eat at my desk, so this is pretty irrelevant to me personally. But I know for my staff, meals are just another way to spend time with people during a busy day to get their work done. Meeting with constituents and lobbyists over meals is a vital way to maximum time and keep in touch.

Running for public office is an honor and a trust. It is a privilege to serve in the U.S. Senate and represent the people of our home States. I deeply believe in public service and have dedicated most of my adult life to serving the people of West Virginia, and our country first as a Governor and now as a Senator. It is an enriching, rewarding experience for me personally, and an honor for each of us.

But I also understand the mood of cynicism and mistrust that is sweeping the public. It bothers me greatly that the American people do not trust us, and I believe that we must address the issue.

But how?

Should we beat up on ourselves passing legislation that bans every last form of a gift and bars us and our staff from having meals and attending events with the lobbyists, advocates, and constituents with whom we need to communicate regularly? No.

Instead, I believe we must honestly describe our work. We must explain to the American public why we are in office and what we do, and let them be the judge in the voting booth.

We tell voters why travel is important. For me, I travel to Japan regularly to discuss key trade issues, promote a better relationship between our countries, and encourage business with my State. The days are long with meetings and dinners, but it is necessary work to build ties needed to advance our mutual interests. This is no perk. I see this as an essential part of my job, and I am willing to explain each trip to West Virginia voters.

As for the issue of meals bought for Members and staff, I think if we explain the specifics and get rid of the shroud of secrecy, the public will understand.

Let me share another personal example. As chairman of the Senate Steel Caucus, I believe it is essential for me, and members of my staff, to meet regularly with leaders of the steel industry and steelworkers union. Often it is in my office, but sometimes it is more convenient for me or a member of my staff to join a group for a working lunch or dinner. That happens to be a vital way to keep in touch, candidly share ideas, and maintain open communications. This too is part of the job, and it would be ludicrous to extinguish that kind of communication.

And I would personally like to say something about our hard working staff. Senate staff work long hard hours here, and I know they would often prefer heading home to their families at 7 or 8 in the evening, but instead they attend dinners and functions to meet advocates and share ideas. I am personally proud of my staff, I trust their integrity, and want to speak on their behalf in this debate.

While my colleagues responsible for this legislation are motivated by good intentions, I must respectfully disagree with their approach.

I support this bipartisan alternative because I believe it is the best approach. It does no presume that Members or staff are unethical, but it does impose new, harsh penalties on Members or staff if rules are violated which is where we should concentrate our efforts.

Another reason I want to endorse the alternative is because this proposal does not limit Members or staff from volunteering time and energy to fundraising for charities.

My family has a strong tradition of philanthropy, and I have been enormously proud to help carry that torch. I am proud of the work that I do for charities, and believe such efforts should be commended and encouraged, not tainted. It would be a travesty, in my view, to prohibit or discourage Members and staff from volunteering time and energy to charities in the name of ethics reform. Going into elective office should not mean abandoning other forms of civic life.

I proudly acknowledge that I have spent several years soliciting funds for the Children's Health project, a nonprofit organization that operates mobile vans in New York City, rural West Virginia and other locations to provide health care to poor children.

I have worked with my colleagues on the other side of the aisle in charity events ranging from a fundraiser for a scholarship fund in memory of a young Senate staff member who passed away, to bipartisan groups involved in education efforts on health care reform. Each effort is something I am personally proud of. It would be unfair to prohibit or discourage such work by Members and staff for charities.

The Senate does not need a rancorous debate on this issue, which is full of innuendoes. We should pass this alternative which toughens penalties on any violations of ethics with a bipartisan vote. We should candidly explain to the public what we do and why it is important.

But most importantly, we must move on to the major issues that the American people expect us to act on like health care reform. Doing our job is best way to restore the public's confidence in Congress.

So I think that the bill that Senator JOHNSTON and Senator MCCONNELL have put before us is important. I hope that it would prevail.

I thank the Presiding Officer and I thank the distinguished Senator from Kentucky.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader, Senator DOLE.

Mr. DOLE. Mr. President, is leaders' time reserved?

The PRESIDING OFFICER. Leaders' time is reserved. It would take unanimous consent to use it.

Mr. DOLE. I ask unanimous consent that I may use 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the Senator from Kansas is recognized for 5 minutes.

Mr. DOLE. Mr. President, I was just meeting with a group of Kansans. They said, "Well, what is going on in the Senate?" I did not want to tell them—I did not think they would believe it—but I did. I said, "They are debating whether or not I could go out and have lunch with you." They thought I was kidding.

So here we are again. Maybe a few will benefit from this. I cannot remember the last time I had lunch or dinner with a lobbyist. I do not do that. I cannot remember. It must have been years ago.

I have not gone to any golf tournaments or tennis tournaments. I do not even visit embassies. But some people do.

I do raise about $1.5 million each year to help Americans with disabilities—and that would be precluded under the Levin proposal—because of the Dole Foundation; lobbyists may contribute to Dole Foundation.

I do not have any family members involved; a staff of five. I think we have helped quite a few people around America. It is not just a Kansas operation. It is very small, but it is very important.

I guess the broader question is: What are we trying to do? Certainly there must be some reasonable limit. There probably have been some abuses, maybe by Members, maybe by staff.

I am not certain whether I understand the definitions of "lobbyists." When I solicit money for the Dole Foundation, I do not write to the lobbyists, I write to the CEO.

Now, would a CEO be a lobbyist, I ask the distinguished manager? If I have the Dole Foundation to help people with disabilities around America, and say, "Could you please make a contribution," and the CEO sends a check—not the lobbyist, not a Washington rep—is that permissible?

Mr. LEVIN. If the CEO is not a registered lobbyist, it is permissible.

Mr. DOLE. So I can go to dinner with the CEO, but I cannot go to dinner with the Washington representative?

Mr. LEVIN. You cannot go to the dinner with the CEO if it is more than $20 here. Back home, the Rules Committee is going to allow you to go to dinner. There is that recognition under this proposal. Because there is a whole lot of activity back home, we believe it is very different from going out to dinner here or taking a ticket from a lobbyist for the Redskins here.

We think it is important to make this distinction, because—if I could take a minute or 2 of my time—we think it is an important distinction to be made, and we made them in this bill. And the distinction you made, for instance, between a CEO that you want to solicit for your foundation and soliciting a registered lobbyist, is a distinction we made.

If I could conclude with one other thought. It is also a distinction we made in a bill which we passed here, the lobbying registration bill, which passed the Senate, and I believe my good friend from Kansas supported that bill. It defined what a registered lobbyist is, and that has already passed the Senate and is awaiting conference.

You could not solicit funds for your foundation from that person we defined in that bill, which you supported, but you could from other people for your foundation.

Mr. DOLE. But just to go one step further. Could the CEO then take me to dinner to talk about the Dole Foundation, if the dinner cost more than $20?

Mr. LEVIN. Are you paying for the dinner.

Mr. DOLE. No, he is or she is; I hope.

Mr. LEVIN. The answer is that, unless that person—there are a number of exceptions and I do not want to give a yes or no answer without the exceptions.

But if that person is paying more than $20 for your dinner—unless they are a close personal friend or meet one of the other exceptions that is set forth, you could not accept a dinner that cost more than $20.

Mr. DOLE. I could take two CEO's to dinner and they each pay half?

Mr. LEVIN. No.

But my friend from Kansas could always pay for his own dinner. And I know he is the kind of person that almost always does.

Mr. DOLE. As I said, I cannot recall, maybe there has been a time. With the definition of lobbyist, I do not want to say it never happened, but it has been a long, long time.

I have not parked in the parking areas out at the airports, either, for 15 years, that I can recall.

But I guess it is a self-flagellation here that we enjoy so much, and I know some of the press enjoys. That is all some of the press cover.

But I am not certain. I know the distinguished Senator from Michigan is certainly sincere in what he proposes to do, and we have a long, good, working relationship.

I am not making any accusations, but it seems to me that there are few jobs held in lower public esteem than being a Member of Congress, and we keep trying to make it lower. We may not intend to make it lower, but by what we do—almost every week or 2, we have some little review. I believe last year we were all going to change all the perks, do away with all the perks. We now pay $540 to visit the doctor, in addition to our own health insurance, which is fine.

I am not certain that has changed the perception of Congress. I have not had a lot of letters coming in saying, boy, am I glad you did all those things. And I do not mean by that the American people should not be concerned. They are concerned. We ought to be men and women of integrity, and I think, certainly in almost every case, we are. We should not be motivated by greed or how much we can get out of some lobbyist or how many free meals or how many free trips or golf matches, tennis matches and all those things and we have an obligation to safeguard the integrity of Congress.

But I thought yesterday the distinguished Senator from Kentucky [Mr. McCONNELL], did a good job in trying to highlight some of the drawbacks of the so-called Levin substitute. There is ambiguous language. We just had a good example pointed out by the Senator from Louisiana [Mr. JOHNSTON]. There are overly complex standards and standards that have little connection to ethics or good government. I think Senator McCONNELL should know. He has done an outstanding job as the vice chairman of the Ethics Committee and he has been responsible for enforcing the very rules we are now considering. It is going to be a nightmare, I think, for any future Members on the Ethics Committee.

So it just seems to me the substitute gives us a little more flexibility. The substitute also tightens up on what some might consider to be areas for potential abuse. But I think the larger question is whether or not we are able to survive around here without almost a yearly assault, an annual assault on the integrity of the institution.

If we abuse the system, we have an Ethics Committee to deal with each one of us. If we do not conduct ourselves properly, we will be before the Ethics Committee and we will have to answer in that fashion.

It seems to me as long as there is disclosure—I make a lot of speeches every year. We do not accept honoraria. We changed that law. But we said in that law if you want to designate a charity—and most of my honoraria goes to either the church or disability groups in my State. I have never even thought about the fact that somebody gave a donation to somebody, that somehow I was beholden to the person or group who invited me to speak. I think over the past several years it has amounted to $500,000 or $600,000 that I have been able, by a little extra work, to contribute to what I thought were pretty good causes. We cannot do that anymore.

For some reason, by showing up and somebody giving a donation to some group, a disability group or local orthopedics group in Wichita, mammography groups, whatever, we have somehow compromised ourselves. And I do not believe that is the case.

Maybe I have missed something over the years. Maybe there is something I have not discovered. But I never have any conversation with anybody about honoraria, except we direct it through my office where it should go.

So there are a lot of things about the Levin substitute that I do not care much about. We do lend our names. We all lend our names. As the Senator from West Virginia [Mr. ROCKEFELLER], just said, we are all asked from time to time, "Will you put your name on a letter to help raise money for what we consider to be a worthy cause?" Maybe it's arthritis, maybe it is the Kidney Foundation, maybe it is something else. We do that. We do that not expecting political gain but because we believe maybe it will help raise some money which might benefit someone. And we have to be very careful because some groups out there do not have the integrity that other groups have.

Mr. President, I want to talk briefly about the McConnell-Johnston amendment itself, which would move us in the right direction by tightening the current rules governing the acceptance of gifts. More specifically, it would prohibit Members and staff from receiving gifts exceeding $150 from any one source in a calendar year. This represents a significant change from the current $250 gift limit. In addition, the amendment does not distinguish between lobbyists and other donors. Gifts from all sources would fall within the $150 limit. Gifts whose value exceeds $75 must also be publicly disclosed.

For each knowing and willful violation of the new gift limits and disclosure requirements, the amendment would impose a penalty of treble damages, requiring the violator to pay a monetary penalty equalling three times the value of the improper gift.

For Members and staff who violate the rules on three separate occasions, a tough, new policy would go into effect: Three violations would result in expulsion from the Senate, subject to a Senate floor vote for Members, and a 10-year ban on lobbying anyone in the legislative branch.

Mr. President, the McConnell-Johnston amendment would also place restrictions on travel by Members and staff.

The amendment would permit reimbursement of travel-related expenses by lobbyists only for those trips that involve events "related to our official duties" and so long as information about the trips is publicly disclosed in the CONGRESSIONAL RECORD in advance of the travel. The amendment makes explicit that events that are substantially recreational in nature are not considered to be "related to our official duties" and prohibits reimbursement of the cost of entertainment expenses, such as theater tickets and tickets to sporting events.

In addition, the amendment builds on the current rules by limiting approved domestic travel to 3 days and foreign travel to 7 days.

Finally, Mr. President, the McConnell-Johnston amendment does not prohibit the practice of giving honoraria to charity. I happen to think there is nothing wrong with helping institutions like the Foundry Methodist Church, the Lakemary Center in Paola, KS, the National Hispanic Scholarship Fund, Catholic Charities, the United Negro College Fund, and the Horatio Alger Association. These are just some of the charities and churches to which I have directed honoraria—and I can say that I have never felt "compromised." I have never felt that someone was trying to "buy" my vote or influence me in some devious or unethical way. In fact, I have always believed that earmarking honoraria to charity was a good thing—helping charities raise much-needed funds for their worthy activities and programs.

And let us remember: Each year, charitable honoraria are publicly disclosed—the name of the donor, the amount of the contribution, and the charitable recipient.

So, Mr. President, Senators McCONNELL and JOHNSTON have crafted an amendment that is both fair and tough, one that represents an improvement over the current rules. No doubt about it, the American people deserve to have confidence that their elected Representatives conduct their business untarnished by monetary and other inappropriate considerations. The McConnell-Johnston amendment accomplishes this important goal, and it deserves our support.

So I suggest I happen to believe the substitute offers the best hope and I hope and trust it will be adopted.

Mr. McCONNELL. Will the leader, still on his time, yield?

Mr. DOLE. I will take 1 more minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. McCONNELL. With regard to the CEO discussion under the lobbying disclosure bill, the CEO may well be a lobbyist. Nobody will know for sure. If he spends some of his time lobbying, he may well become a lobbyist. It is hopelessly complicated.

One thing I can say to you, leader, as vice chairman of the Ethics Committee. If this, the Levin-Wellstone measure, passes, somebody in this body will have his or her reputation ruined within 6 months, and I thank the leader for his statement.

The PRESIDING OFFICER. The 10 minutes of the minority leader has expired. Who seeks recognition?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. If the manager of the bill will give me 5 or 6 minutes?

Mr. LEVIN. I yield 6 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 6 minutes.

Mr. LAUTENBERG. Mr. President, I rise to express my strong opposition to the amendment that has been offered by the distinguished Senator from Kentucky, [Mr. McCONNELL]. I want to begin by emphasizing that I know this amendment has been offered in good faith and its proponents genuinely believe that it represents the best policy in this area.

But, having said that, I want to express my opposition to the amendment in the strongest possible terms. It would, in my view, be a major step backward. It is inconsistent with the goals of the pending legislation and it is incompatible with real reform.

I would like to give you just a few examples of the problems I see in the McConnell-Johnston substitute.

First, it would authorize the very kind of recreational trips that have created such controversy in the first place. These are trips in which large corporations pay substantial sums for the right to spend a weekend with Senators and Representatives. They can be playing golf or skiing or having dinner together, establishing cozy relationships and in a nutshell, acquiring access.

The kind of access, I would note, that is absolutely unavailable to ordinary citizens, to hard-working people who would love to have the ear of a Senator or Congressman for some time, and plead their case for trying to make a living in these high-cost days; for pleading the case to try to provide a college education for their children or for pleading the case to have health care put into place so everybody knows they have a degree of health care coverage when they get sick. They would love to have that kind of access.

We Senators get thousands of letters each and every week and every month—thousands of phone calls from people pleading for access. They want to express their view on a particular matter. But they do not get it.

But the people who pay your bills for the restaurants and the dinners, they get access. They do not sit there silently. They do not take a pledge before they sit you down to a nice bottle of wine and relaxed atmosphere and say, "Hey, listen, I am not going to talk to you about any of the problems I have. I just want to talk to you about the weather. I just want to talk to you about life in general."

No, the unemployed waitress who is trying to raise her kids singlehandedly who has a problem, the laborer who struggles to pay his bills and keep his head above water, ordinary folks, they will never be able to spend a weekend on the beach with their Congressman. They will never have a fancy dinner at a restaurant and tell their Senator about their problems. They are the kind of people who look at these lavish trips and do not understand why it is the person they sent to represent them in Washington has to be subject to that kind of a discussion. They think the deck is stacked against them.

I think it is time to do away with these recreational trips. They are fun. I know because I have been on them myself. I do not go anymore.

I also acknowledge these charity events do raise some funds for worthy causes, but there are worthier ways to do that than treating ourselves to a free weekend of fun and frolic.

The Levin approach allows us to participate in charity events. It does not ban that at all. It just places reasonable restrictions on how much charity we get.

Giving up these kinds of elaborate trips is not really a huge sacrifice. I know, having taken them, it is not that hard to give up. Yet the McConnell-Johnston substitute explicitly preserves them, explicitly encodes them and says this is what you are allowed to do. Go take the tennis tournament, go ahead and take the golf tournament, go ahead and take the ski trip, go ahead and take the fishing trip. After all the controversy about them, I do not think it makes sense.

Mr. President, I want to mention something else that goes beyond the recreational charity trips and tell you something else the amendment would allow—free meals and entertainment without any limit to the expense therein. I ask you, does that promote a good atmosphere of trust and belief in Government? I do not think so. I do not think so. When ordinary citizens who cast their votes believing they send someone here to represent them full time see that person portrayed at a lavish restaurant or having a great time at a fancy ball, they do not think that is in their best interests.

I know, as Senator McCONNELL has explained, the amendment would reduce the current $250 gift limit to $150. But under current rules, meals are exempt from that limit and they would remain exempt under this amendment.

There would be no limit—none—on what a lobbyist could pay for a Senator's meal. So a lobbyist could continue to take a Senator to any fancy restaurant for that filet mignon dinner, $200 bottle of champagne, and all the rest, and wine and dine for hours on end and then, to top things off, take them to a concert or play.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I ask the manager if I might have 2 more minutes.

Mr. LEVIN. I yield 2 more minutes.

Mr. LAUTENBERG. This could happen not once, not just twice, but every single night of the year. Mr. President, it is not reform. It is not acceptable.

There are other problems in this amendment.

Mr. President, I just want to make reference to one thing that I think escapes the debate here, and that is we are debating among ourselves whether it is inconvenient, whether or not we are going to have to have additional staff.

We did away with honoraria, we did away with free gyms, we did away with free doctors, we did away with other freebies, and yet life goes on here. I do not see any dearth of people who want to have my seat or other seats that exist here.

I urge that this debate take place in town meetings across the country. I would like to see people stand in front of a group of citizens and say, "No, it's going to be too complicated; no, we're going to have a lineup, we're going to have lots of employees in the Ethics Committee; no, no, we can't do that." Tell it to the citizens you serve and see what kind of answer you get. That is the ultimate test. That is the litmus test.

If you are annoyed by cameras pursuing you, then what you have to do is decide whether or not what you are doing is acceptable to the public at large who, again, you are obliged to serve.

Mr. President, I regret this debate has gone on as long as it has and that it has gotten a bit angry and acrimonious at times because we are, in the final analysis—all of us—committed to serving this country and serving our constituents. I do not doubt anybody's sincere interest in doing that.

For goodness sake, recognize that change has taken place. There is a different way of life in the U.S. Senate than there used to be 10 or 20 years ago, and even 5 years ago.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Can I get 1 more minute?

Mr. LEVIN. I yield 1 additional minute.

Mr. LAUTENBERG. Mr. President, under this amendment, gifts under $150 would be allowed. Everything from free watches to free clothes; you name it. Even if the gifts are from lobbyists. Even if those lobbyists have legislation pending before the Senate. Even if everyone knows that the gifts are designed to buy access.

I also want to highlight a particular kind of problem that this amendment perpetuates. Under the amendment, Members would be allowed to solicit lobbyists to pay for Members' legal costs. Now, Mr. President, when ordinary Americans run into legal problems, what options do they have? Maybe they have to dip into their savings. Maybe they have to turn to their families for help. But one thing they certainly cannot do is turn to special interests lobbyists to bail them out. And if ordinary citizens can't, we shouldn't either. It's just not right.

Mr. President, there are other problems with this amendment. But let me make this point. The Levin substitute has been criticized because it might make it more difficult for Senators to engage in certain practices which we might all agree are innocent and proper. But the McConnell language makes it impossible to prevent Senators from doing things that the American people—and hopefully a majority of the Senate—believe are wrong. Given these options, the only choice is to reject the McConnell alternative.

Mr. President, this Congress is the subject of a lot of unfair criticism. A lot of scapegoating. And a lot of demagoguery.

I know my colleagues resent that. I do. We all do.

But let's keep our eye on the ball: we really do need to restore trust in Government.

This amendment, Mr. President, would do just the opposite. It would erode public confidence even further, and increase the distance between the Congress and the people.

And, you know what, Mr. President:

If we approve this amendment, if we refuse to give up the free trips and the free meals, if we refuse to change business as usual around here—this time, this one time, the cynics will be right.

Mr. President, life has changed. It is not "as much fun" if your fun is defined by restaurants and gifts and presents and recreation trips. Fun is being here everyday doing the work that is available for us to do in this country. That to me is fun. It is fun to walk into this place. It is fun for me to sit at the desk at which Harry Truman sat.

That is what I describe as fun, and the rest of it is trappings that are unnecessary. I hope that we are going to make a serious attempt to defeat the McConnell-Johnston amendment and talk seriously about the Levin amendment in the next debate.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair advises the Senate that the Senator from Kentucky has 11 minutes 11 seconds remaining, and the Senator from Michigan has 8 minutes 4 seconds remaining.

The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, as we wind down to the close of this debate, let me repeat a few observations that I made both last night and, to some extent, this morning.

The Ethics Committee, which already has an extraordinarily complicated job in dealing with the existing rules and Senators' overwhelming desire to stay within those rules and request advice from us constantly, has an extremely complicated role today. Under the proposal of the Senator from Minnesota, Senator WELLSTONE, and the Senator from Michigan, Senator LEVIN, it would, in fact, be virtually impossible.

I think it is certain to say every Member of the Senate will have to have a full-time ethics lawyer on staff. The Ethics Committee will have to triple its staff, and we will be dealing with such fascinating questions as I outlined last night as what is a donut. That will be a very, very serious question we will wrestle with on the Ethics Committee. What is a donut? Is a bagel a donut? Is a croissant a donut?

We will also have to wrestle with the definition of coffee, as I outlined last night. Particularly will we be concerned with defining the word friendship? Particularly will that be interesting when it is a dating relationship? What is a close relationship? What is not?

Clearly, under the Wellstone-Levin proposal, the Ethics Committee is going to be micromanaging every aspect of Senators' personal lives. We do not want that responsibility. We do not think it is necessary, and we do not think this further effort to trivialize and demean the Senate is in order.

I gave several examples last night—I will not repeat them, although those who were here enjoyed them because they were funny. They were funny to a point, to the point of having to interpret the meaning of donuts and friendships and coffee.

Let me give you another hypothetical today so we can end this debate on another high point.

Let us say your daughter is graduating from high school. A proud moment, particularly for the parents. But suddenly the joy is shattered. It appears that one of your daughter's classmates has given her a graduation gift—a Cross pen, Mr. President.

Now we know it is probably worth more than $20, and you must remember, all of you as you vote, that your daughter is covered by this bill. But you have no problem. You call your full-time ethics lawyer on his beeper from the graduation ceremony and together you pick through all the possible legal landmines that could land you before the Ethics Committee and destroy your career and reputation.

The first question you would want to know is: Is the other little girl a lobbyist? You cannot be too sure these days. What about her father or her mother, are either of them lobbyists?

We are fairly confident that they must have paid for the pen. If so, your daughter may have to give it back because it is prohibited by rule 35, section 1(A)(1) revised as follows:

> Any gift provided directly or indirectly by a person registered as a lobbyist or a foreign agent.

By now, your daughter is in tears. But hold on—hold on—your ethics lawyer advises you that your daughter's pen might—might—be permitted under the "personal friendship exemption," rule 35, section 1(D)(3):

> Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(A) that it is provided for a non-business purpose and is motivated by a family relationship or personal friendship and not by the position of the member, officer or employee.

Mr. President, this last clause is somewhat troubling. Who knows what really motivates other people when they give you something? Is it gentle friendship or favor seeking? Would you stake your entire Senate career on whether your answer to that question is correct?

Clearly, in the hypothetical that I have just outlined, the safest course is to have your daughter return the Cross pen to her friend: "Sorry, dear, give it back. That Cross pen could corrupt the United States Senate."

Now, Mr. President, that is the kind of trivia that we are dealing with here, and with all due respect to the proponents of the Wellstone-Levin proposal, it trivializes, it demeans and degrades the Senate. It says there are a bunch of people here who have been doing something improper when they have not. And it is totally and completely impossible to administer, both for the Senators seeking to do the right thing and for the Ethics Committee seeking to give advice to the Senator about what is permissible.

So let me, in closing the debate, thank my good friend from Louisiana, Senator JOHNSTON, for having the courage to step up to this issue. This is not an easy issue. It is not easy being on the Ethics Committee. But somebody needs to carry out these functions. And when efforts are made to demean and degrade the Senate, somebody needs to stand up and try to halt it. And remember this, my colleagues, Members of the Senate, when you cast your vote in a few moments, if the Johnston-McConnell amendment fails and the Wellstone-Levin proposal becomes law, within 6 months or less, the career of some Member of the Senate will be permanently destroyed by a gift of $25 or $30—permanently destroyed. It is a certainty. Will it be you? I hope not.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN. Mr. President, how much time do we have left on our side?

The PRESIDING OFFICER. The Senator from Michigan has 8 minutes remaining.

Mr. LEVIN. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes 45 seconds remaining.

The Senator from Michigan is recognized for 5 minutes.

Mr. LEVIN. First, a parliamentary inquiry, Mr. President. If the Johnston-McConnell substitute is adopted, is that substitute itself amendable?

The PRESIDING OFFICER. The Chair advises the Senator that the committee substitute would not be amendable at that point.

Mr. LEVIN. If the Johnston-McConnell substitute is defeated, is the committee substitute then amendable?

The PRESIDING OFFICER. The Senator is correct; the committee substitute would then be open to amendment at that time.

Mr. LEVIN. Mr. President, 1 year ago this week, the Senate voted 98 to 1 that we should be bound by the gift rules similar to the executive branch. Every one of us but one, Senator WALLOP, voted "yea" when the roll was called that it was the sense of the Senate that, as soon as possible, the Senate should limit the acceptance of gifts, meals, and travel by Members or staff in a manner substantially similar to the restrictions applicable to executive branch officials.

Now, those restrictions are restrictions which we have written into the substitute in many, many cases, including the one which my friend from Kentucky likes to talk about, the doughnut. That is not something which was made up by the Governmental Affairs Committee for this substitute. That is an executive branch rule which we said we wanted to follow a year ago, which my friend from Kentucky voted for, my friend from Louisiana voted for, we all voted for, and which has worked. And it reads in the executive branch that modest items of food and refreshments such as soft drinks, coffee, doughnuts, are permitted. They are not prohibited in the executive branch rules, nor would they be prohibited here.

If Cabinet Secretaries can live with executive branch rules, if former Senator Lloyd Bentsen can live with executive branch rules, can we not? If they are understandable to the entire executive branch and we follow them, as we said we would a year ago, with some tougher rules patterned after theirs, if they can follow them, as they have been able to, can we not? Are we going to adopt a double standard here today which says we are going to continue to accept meals paid for by lobbyists, tickets paid for by lobbyists, recreational trips that are paid for by lobbyists, where we take our families on recreational trips, where, yes, a charity also benefits, not just us? Are we going to continue to use that excuse for accepting that kind of a benefit from lobbyists when the executive branch has said "no more" I think not.

I think that we must not do that, that we have to continue to seek to improve our own activities and the public impression about those activities. And none of this ever comes easy. None of it ever comes easy. It represents change.

What the Johnston-McConnell amendment does is say that business as usual is OK. It is going to continue to be OK for lobbyists to buy our meals. It is going to continue to be OK, written right into their substitute, for lobbyists to be giving us the tickets. It is going to continue to be OK for the kinds of recreational trips which have been highlighted over and over again on our nightly television as an embarrassment to us, so embarrassing that most of us, when filmed on those trips, try to hide or run away. That is still going to be permitted. And the argument there is, well, if it is disclosed, it is OK. Well, when it is exposed, it sure is embarrassing. All those trips which have been the subject of those exposes have been disclosed in our disclosure forms. And maybe the persons who went on them felt comfortable. I am sure they did. And maybe those persons can get reelected. I hope they can. At least in many cases I hope they can.

But I will tell this, Mr. President. Those kinds of trips, where we and our families are the beneficiaries of the largess of lobbyists and the corporations which pay their bills, when we are the beneficiaries of such trips, we contribute to a lack of public confidence in this institution, even if individually we are able to become reelected.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. LEVIN. I would yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. LEVIN. It has been said we have not changed the perception of the Congress through all the things we have done, and I think that is true. But we must continue to try. I think it is our obligation to keep trying, when public opinion polls come back, as this most recent one, which in response to the question: Which of the following do you think really controls the Federal Government in Washington, 7 percent say the President, 22 percent say the Congress, 50 percent—50 percent—say it is the lobbyists and the special interests.

In a democracy, that is not acceptable as a perception of this body. We must act to change it in a reasonable way. Yes, we have to make some distinctions, and this committee bill does make distinctions. The substitute is business as usual. Unless we defeat it, it means that we consider business as usual the acceptable mean for this body.

Mr. President, I yield the last minute or two that I have to my friend from Maine.

The PRESIDING OFFICER. There are 2 minutes remaining. The Senator from Maine [Mr. COHEN] is recognized for 2 minutes.

Mr. COHEN. Mr. President, I was momentarily absent from the Chamber a short time ago. I had to attend a function in the Russell caucus room, as did my friend from Maine, the majority leader. The function was put on by the American Jewish Committee. Each of us received an award. I chose to skip the meal. I was fairly confident it did not amount to $20 in value, although I am not so sure about the plaque that I received. Nonetheless, it brought to mind exactly what we are debating here today— an event entirely proper in its proceedings with the best of intentions to recognize the people who are supportive of issues of concern to that particular group.

But I must say what we are really trying to deal with here is what Senator LEVIN has just talked about, the public's perception that we are selling out the Nation's business, be it for a lunch, or a dinner, or a trophy, or a memento, or a trip. Everyone here, as I have said before, understands and knows that is a false perception. But nonetheless, it is real, and it is deep.

So the question is: Do we have an obligation to try and rectify the situation? I do not believe, as I said earlier, that the Levin substitute, if it passes will change public opinion per se. I believe we will not change public opinion until we measure up to the high quality of debate we are capable of, and until we deal with health care, crime, and the host of other legislation that is on the President's agenda and on our agenda.

Until we deal effectively with these issues, the public's opinion will not change about Congress. Nonetheless, we have a duty to remove as much of the cynicism as possible. It is deep-seated. It has been that way for many, many years. We will not change it by this legislation alone as we have not been able to change it through the reforms made in regard to gym privileges, haircuts, and the stationery store. None of that has changed it. In spite of that, we have an obligation to do what we think is best for the institution.

I believe the Levin approach is superior to that of the McConnell-Johnston substitute.

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes and 42 seconds remaining.

Who seeks recognition?

Mr. MCCONNELL. Mr. President, is my time all that is left between now and the votes?

The PRESIDING OFFICER. That is correct.

Mr. MCCONNELL. I yield the time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I would like to use my leader time to make a brief comment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I invite Senator COHEN, if he has not finished, to accept some of my time.

Mr. President, the Senator from Kentucky yielded his time. He may not have been aware that I will use my leader time. I ask unanimous consent that he have the opportunity to get his time back, if he wishes to.

Mr. MCCONNELL. I thank my friend.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, Members of the Senate, this has been a debate at times painful, but I think also constructive and useful. I begin my brief remarks by commending all of those involved in the process: Senators LAUTENBERG, WELLSTONE, and FEINGOLD; Senator LEVIN for being the principal author of the bill now before the Senate; Senator COHEN as the ranking member. He participated actively with Senator LEVIN in that effort; and Senators MCCONNELL and JOHNSTON who drafted the substitute which is now before the Senate.

There is no appropriate basis for any criticism of any of them for the efforts that they are making to bring clarity and reasonableness to a circumstance that is inherently unclear and very difficult to be reasonable.

There has been a lot of sarcasm, a lot of cynicism, a lot of sneering and snideness by some about the debate that is under way, and about some of the practice that has followed. I believe that most of the criticism is unjustified and offensive. And I commend all of those who are trying to move toward a more clear and more fair, a more reasonable standard of conduct.

I support the legislation proposed by Senator LEVIN and Senator COHEN and others who have been involved in this process. I believe of the alternatives before us that it represents that which is most clear, which is most reasonable, which is most fair to all concerned, and which also will enable us to restore the perception of integrity to which so many Senators have spoken during the debate here.

As Senator COHEN rightly said, no one action will do that. There will be required many other actions on substantive legislation, and on rules and procedures which govern our actions. But this is one very important step. I believe that the Senate and the American people will be well served and best served if the Senate rejects the substitute and votes to enact the pending bill, the Levin bill.

I think it is reasonable. I think it is fair. I think it gives as much certainty in a very uncertain area as is possible under the circumstances. I believe in the main those of our constituents who are aware of the details would in the debate agree.

I hope very much that the Senate will vote not to accept the substitute and that it will vote for the Levin bill.

I thank my colleagues.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky, who has 2 minutes and 42 seconds remaining.

Mr. MCCONNELL. Mr. President, I think enough has been said on this.

Let me just simply close by saying what I said before; that if the Levin-Wellstone proposal is passed, someone's career would be inadvertently destroyed within the next year.

I hope the Senate will not take that step.

I yield the remainder of my time.

Mr. DURENBERGER. Mr. President, I rise to express my support for the McConnell-Johnston substitute to S. 1935. I do this because I am convinced that the well-intentioned attempts by my colleagues to micromanage the Senate rules to cover every contingency of friendship and gift-giving will lead the Senate Ethics Committee, the Senate Rules Committee, and each Senate office to an unworkable system based on fear, uncertainty, and distinctions so fine that they defy resolution.

The McConnell-Johnston substitute is a rational and important reform of a system which currently creates the impression that special interests run the Congress. It reduces the limit on gifts. More important, it requires the disclosure of gifts so that voters who are concerned with undue influence can know who is receiving what and from whom. In the infancy of the campaign reform movement we used to say that, "Sunshine is a great disinfectant," and that is still true.

Are you concerned about improper influence arising out of a gift limited to a value of $150? If it is fully and publicly disclosed, you can decide.

Most important of all, for me, is that the McConnell-Johnston substitute creates some bright and unmistakable lines which every Senator can follow. We will know with certainty and clarity what we can take and what we cannot. We will know with certainty and clarity that our activity will be fully disclosed and available to anyone who wants to know the truth.

The alternative proposals do not create bright lines, they create gray areas. They create ifs, ands, and buts, which will result in locking each Senator into a guessing game with the Ethics Committee about the interpretation of relationships and the distinctions between constituents and lobbyists, which are often not at all clear.

I know that my friends who support the Levin bill believe that their approach is better because they believe it bans more, restricts more, and tightens more. But I must warn them that their approach will not go further to ease the public's mind. The effect will be just the opposite. The gray areas, the doubts, the flexibility, and the uncertainties in the Levin bill will create more public suspicion, not less.

Public suspicion will be allayed by clear, sensible rules which are applied uniformly across all Members. This is the course that the McConnell-Johnston substitute puts us on, and it is the course I will support.

Mr. STEVENS. I seek clarification regarding one of the provisions in the McConnell amendment. Under current rules travel time for necessary expenses is limited to 3 days exclusive of travel time within the United States and 7 days exclusive of travel time outside of the United States. The Ethics Committee has interpreted the term "United States" to include only the lower 48 States. Alaska, Hawaii, and the U.S. possessions and territories fall within the 7-day travel limit. It is my understanding that it was the intent of the author of this amendment to keep the current interpretation. I ask for confirmation of this because it is not clear from the amendment.

Mr. McCONNELL. It was my intent to keep the current interpretation of the rule. Alaska, Hawaii, and the U.S. possessions and territories would continue to fall under the 7-day travel limit.

The PRESIDING OFFICER. All time has expired.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—39

Bennett
Bond
Breaux
Bumpers
Campbell
Cochran
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dodd
Dole
Durenberger
Faircloth
Gramm
Hatch
Helms
Hollings
Hutchison
Inouye
Johnston
Kempthorne
Lott
Mack
Mathews
McConnell
Mikulski
Murkowski
Nickles
Nunn
Pell
Pryor
Rockefeller
Simpson
Smith
Stevens
Thurmond
Wallop

NAYS—59

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Brown
Bryan
Burns
Byrd
Chafee
Coats
Cohen
Conrad
Daschle
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatfield
Heflin
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murray
Pressler
Reid
Riegle
Robb
Roth
Sarbanes
Sasser
Simon
Specter
Warner
Wellstone
Wofford

NOT VOTING—2

Packwood
Shelby

So the amendment (No. 1674) was rejected.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

Mr. BOREN. Mr. President, the bill is now subject to further amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1675

(Purpose: To modify the post-employment restrictions)

Mr. BOREN. Mr. President, on behalf of myself and the Senator from Arizona, Senator McCAIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for himself and Mr. McCAIN, proposes an amendment numbered 1675.

Mr. BOREN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . POST-EMPLOYMENT REFORM ACT OF 1994.

(a) SHORT TITLE.—This section may be cited as the "Post-Employment Reform Act of 1994".

(b) FORMER AGENCY BAN.—

(1) EXECUTIVE BRANCH.—Section 207(c)(1) of title 18, United States Code, is amended by striking "within 1 year after" and inserting "within 2 years after".

(2) CONGRESS.—Section 207(e) of title 18, United States Code, is amended in paragraphs (1)(A), (2)(A), (3), (4)(A), and (5)(A), by striking "within 1 year after" and inserting "within 2 years after".

(3) CONFORMING AMENDMENT RELATING TO PAY LEVELS.—(A) Section 207(c)(2)(ii) of title 18, United States Code, is amended by striking "the rate of basic pay payable for level V of the Executive Schedule" and inserting "120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule".

(B) Section 207(e)(6) of title 18, United States Code, is amended—

(i) in subparagraph (A) by striking "which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed" and inserting "which is 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule"; and

(ii) in subparagraph (B) by striking "payable for level V of the Executive Schedule" and inserting "which is 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule".

(c) FOREIGN ENTITIES BAN.—Section 207(f) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "within 1 year" and inserting "within 2 years";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2) and inserting in such paragraph before the period the following: ", or a corporation, partnership, or other nongovernment entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States".

(d) RESTRICTIONS ON VERY SENIOR PERSONNEL.—Section 207(d)(1) of title 18, United States Code, is amended by striking "within 1 year" and inserting "within 2 years".

(e) TRADE AND TREATY NEGOTIATION BAN.—Section 207(b)(1) of title 18, United States Code, is amended by striking "for a period of 1 year" and inserting "for a period of 10 years".

(f) EFFECTIVE DATE.—This section shall be effective after January 1, 1995.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank the Chair.

The amendment which I proposed, along with my colleague from Arizona, Senator McCAIN, is an amendment to the gift ban legislation that will help close the revolving door of influence peddling in our Government. We have dealt with a variety of issues that will reform the process by which our elected officials are lobbied by outside parties. The issues which include increased disclosure in the form of gift and travel policies are important, but they are only part of the problem which has caused Americans to lose faith in their Government.

We must address the problem of the revolving door by prohibiting elected officials and their staffs from enriching themselves by trading on the contacts and special knowledge that they gain while in office. The prevalence of this situation tarnishes the idea of public service, and it decreases the public's faith in the integrity of the political process.

This amendment, which is based upon S. 420, which Senator McCAIN and I introduced earlier, and on which hearings have been held in the Governmental Affairs Committee, the Ethics in Government Reform Act, would bring the revolving door to an abrupt halt. S. 420 was cosponsored originally by Senators McCAIN, BRYAN, FEINGOLD, and CAMPBELL. It addresses the problem both in the context of the executive branch and the legislative branch.

Mr. President, some may complain that the restrictions I propose are too onerous. I come to the floor today to answer that they are not only reasonable, but they are also absolutely necessary. The American people are rightly disillusioned when they see their public servants leave Government and receive huge salaries as they use their special contacts and knowledge to improperly influence the very process they have been charged with protecting. We must act quickly and decisively to eliminate even the appearance that this improper behavior occurs regularly and is condoned by the structure of our government.

Certainly, I do not believe that lobbying is inherently evil. Lobbyists often provide necessary information to public officials, and they help citizens and groups present their views to the Government. However, the public perception of lobbying, particularly by former public servants, does not match the ideal of a professional who merely provides accurate and timely information to those who are having to make policy decisions. Unfortunately, there are many examples of improper behavior that support this perception—it is not merely the product of populist rhetoric.

Since 1974, 47 percent of all former senior trade representatives have personally registered, or their firms have registered, with the Justice Department as foreign agents. My staff has compiled a list of at least 138 Members of Congress who are currently lobbying their former colleagues. That means that there is one former Member of Congress lobbying for every six Members currently serving. That is a surprisingly high ratio.

Of all the permanent Senate committee staff directors leaving the Hill since 1988, 42 percent have left to become lobbyists. In the House, that number is 34 percent. Of the most powerful Senate committees, the so-called A committees, 48 percent of the staff directors who have left since 1988 have become lobbyists, and 50 percent of the staff directors of the equivalent House committees have become lobbyists.

These figures are not surprising when you understand the long tradition of public servants cashing in on their experience and contacts as lobbyists. I find a brief excerpt from a chapter in "The Lobbying Handbook" by John Zorock to be tragically illuminating. For those who are not familiar with this publication, it is an extensive tome, costing about $125, that has been called the "Bible" for those who want to lobby or to hire lobbyists. The first step it suggests is obvious: Get a college degree or similar education. No one finds anything wrong with that. Unfortunately, his second suggestion also seems all too obvious in light of the current revolving door. After you get your education, get a job in Congress. Mr. Zorock writes:

> Because just any job will not qualify you for the lobbying profession, your second objective should be a position as a legislative or administrative assistant or professional counsel to a member of Congress. * * * A job on the House Ways and Means Committee, the Senate Finance Committee, or the Joint Tax Committee can be translated into big bucks. * * * Even those whose fields are not as potentially lucrative or as omnipresent as taxes will have something to sell when they become lobbyists and leave the public sector and leave public office, either as members or as staffers.

Mr. President, if that does not show that the public perception is absolutely correct, I do not know what does. I continue to believe that public service should not be reduced to something to sell to gain money and prestige when one enters the private sector. I do not think that it is too much to ask that people not pursue public service mainly as an opportunity to enhance their own earning power down the road.

The American people expect us to reform the way we do business. They have entrusted the public good to our care, and we must demonstrate that we have the courage and the wisdom to act responsibly. Trying to close as much as we can the spinning revolving door is absolutely necessary for us to live up to that trust.

Although I favor post-employment bans of greater lengths than the ones contained in this amendment, I appreciate very much the willingness of the managers of this bill, my good friends Senators LEVIN and COHEN, to work with me to craft a proposal that they are prepared to accept. With regard to the executive branch, this amendment goes several steps beyond President Clinton's Executive order that he issued promptly upon taking office. Perhaps most importantly, this amendment guarantees that the post-employment restrictions are set forth in law so that they cannot be rescinded by a future President.

This amendment requires all highly paid staff in the executive branch—those making approximately $80,000 or more—to refrain from lobbying their former department or agency for 2 years. In addition to this restriction, very senior officials, those at the Cabinet level or higher, would be prohibited from lobbying political appointees in the executive branch for 2 years.

These are strong ethics requirements for the executive branch, and Congress can do no less. This amendment would also ban Members of Congress for 2 years from lobbying any other Member of Congress or their staffs. Highly paid congressional staff would be required to abide by a similar 2-year ban with respect to their contacts with their former employer and his or her staff.

To address the special problem of lobbying by foreign governments or other foreign entities, Members of Congress and highly paid executive or legislative branch employees would be barred for 2 years from lobbying for a foreign entity. A foreign entity is defined as a foreign country, a foreign political party, or a foreign corporation or business. The amendment also targets the unseemly sight of former U.S. trade and treaty negotiators representing the foreign countries with whom they had negotiated. In perhaps its strongest provision, it lengthens the current 1-year restriction on these public servants so that they cannot advise such parties for 10 years.

Mr. President, my cosponsor, Senator MCCAIN, and I appreciate the effort of the manager of this bill, Senator LEVIN, in reaching this compromise. While I can support much longer post-employment restrictions to combat this serious problem that undermines the legitimacy of our public institutions and their perception of legitimacy, I believe this amendment is a very good start and an improvement over current law.

If we take this step, we then will have an opportunity to measure our experience under its provisions. If we find in the future that we need to go further, additional action can be taken. But for now, this is a very important step in the right direction.

I do not know how many people have mentioned to me how troubled they are by the perceptions that people are cashing in on public service, and in particular they mention those who have negotiated on behalf of our Government, particularly in the trade area, going to work for foreign entities and foreign governments. It plants in the minds of the American people the suspicion that those people were thinking ahead to the next job, already thinking ahead to pleasing the interests of those outside our country when they were supposed to be representing our own national interests.

This amendment, together with other reform bills that we will be considering over the course of the session, will begin to rebuild the public's trust in our institution of Government, and that is of critical importance.

Mr. President, I yield the floor so that comments may be made by my friend and colleague, the Senator from Arizona.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona

Mr. MCCAIN. Thank you, Mr. President.

I would like to start out by thanking my friend and colleague from Oklahoma. It is not inappropriate, I think, to mention, in light of his recent announcement that he will be leaving this institution after a long and honorable service, how much I appreciated the opportunity of working with him on this issue, on campaign finance reform, on many other issues that I believe are very important not only to the people of Oklahoma and Arizona, but to the people of this country.

The Senator from Oklahoma has unique qualities which I think will be sorely missed. However, we do have the pleasure of his company for several more months, so I will reserve my eulogy for nearer to the end of the session. But, again, I would like to express my appreciation for all that he has done for me, our friendship, and for the country.

Mr. President, for far too long Members of Congress, senior congressional staff, and senior White House staff have served in public office and then passed through the revolving door to lobby friends and former colleagues on behalf of special interests.

I believe it is time to put the padlock on this revolving door so that Members and senior staff will not trade on their former jobs to access the system and influence policy from a privileged, inside position. It smacks of abuse and impropriety to the people that we represent.

As the Senator from Oklahoma mentioned, this amendment would ban Members of Congress from lobbying the Hill for 2 years and senior congressional staff earning 75 percent of a Member's salary, approximately $80,000 a year, would be banned from lobbying the Congress for 2 years.

I might add, Mr. President, that represents only a small percentage of all Hill staff employees.

For senior executive branch personnel earning 120 percent of the GS-15 level, they would be banned from lobbying the agency in which they worked for 2 years. For trade and treaty negotiators, they would be banned from lobbying on behalf a foreign government or foreign political party for 10 years. And for all highly paid individuals in either the Congress or the executive branch, they would be banned from lobbying on behalf of foreign companies for 2 years, except those companies which are incorporated in the United States.

I think it is important to note that the provisions of the original legislation were more severe than this. In a successful effort to negotiate a compromise with the managers of the bill, Senator LEVIN and Senator COHEN, some of these numbers were reduced.

As my colleagues know, current standards in the legislative branch ban all staff from lobbying a Member who employed them for 1 year. Members are also banned from lobbying the Hill for 1 full year. This amendment simply expands upon those existing restrictions.

It is unfortunate, but the use of the revolving door is not uncommon. Month after month yet another story about the revolving door appears in the press. Stories in the press about individuals leaving Government positions for high-paid Government affairs jobs are the rule, not the exception.

In the course of a hearing on March 4, 1993, Senator BOREN stated the extent of the problem. He said:

> I want to mention very briefly an indication of the seriousness of the problem. I mention that since 1974, nearly half, 47 percent of all the senior U.S. Trade Representative officials have now personally or their firms registered as foreign agents. My staff has compiled [meaning Senator BOREN's staff has compiled] a list of at least 138 former Members of Congress who are currently lobbying their old colleagues. Once lobbying registration requirements are tightened I am confident the number will increase. Still, using just the numbers we have right now we know that one former Member of Congress is now lobbying for every 6 Members currently serving. Of all the permanent Senate committee staff directors leaving since 1988, 42 percent are leaving to become lobbyists. In the House the number is 34 percent. Of the most powerful Senate committees, the so-called A committees, 48 percent of the staff directors who have left since 1988 have become lobbyists and 50 percent of the staff directors of similarly important committees on the House side have also become lobbyists.

I would note that this legislation does not prevent them from doing so. What it does provide, I believe, is a decent period of time to elapse before they go back to their old living spaces and perform other duties.

For years, as we know, Members of Congress, their staffs and high-ranking White House officials have been trading on their insider experience and being paid handsomely for it. But just because the revolving door has been turning for years is not an excuse not to address the issue.

Let me point out that when the Governmental Affairs Committee held hearings on the Ethics in Government Act, this legislation, the language of the bill was substantially stronger. Then a lifetime ban was placed on lobbying for foreign governments and other provisions were stronger. But many at the hearing noted that those provisions may have been too harsh, and although I would prefer those tougher provisions, Senator BOREN and I have taken the remarks of those who testified and our colleagues' here in the Senate to heart and lessened the restrictions in the bill. The amendment before the Senate now is the result of seeking to craft a compromise on this issue, and I think it is an important one.

I know this amendment will not raise our personal popularity with our colleagues and congressional staff. These are harsh restrictions. But I believe we should all understand a very important fact and that is when we look at poll after poll after poll, we find the people of this country have an increasing cynicism, skepticism, distrust, and even belief that there is corruption in Washington, DC, both in the executive and legislative branches.

We need to take steps to restore that confidence. We need to do away with free parking spaces at airports. We need to put ourselves under the same laws as the people of this country live under—legislation which is being sponsored and efforts being made by many of my colleagues. We need to let the American people know the disconnect between themselves and us, although certainly real in some cases—that there are those of us who are attempting to reconnect ourselves to the people we represent: the American people. One way of doing so is to live like they do. Another way of doing so is to make sure that service to the Nation is not translated into unseemly personal gain.

I would again like to thank the managers of the bill for allowing us to shape what I think is an important and meaningful compromise. I appreciate all their help and cooperation and, again, my deep appreciation to my friend, Oklahoma Senator BOREN. Lastly, let me thank his staff for their efforts, especially Beth Garrett, Morris Goff, and Darcy Bentley.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank my colleagues. I will take no more time. I again thank the managers of the bill. I ask unanimous consent Senator FEINGOLD be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition? The Senator from Michigan.

Mr. LEVIN. Mr. President, the amendment of the Senator from Oklahoma and the Senator from Arizona is acceptable to me. It will strengthen the postemployment rules that are applicable to senior executive branch officials, Members of Congress, and congressional staff. These postemployment laws are designed to serve two purposes:

First, they impose a cooling off period in order to eliminate the fact or appearance of favoritism in the former official lobbying his or her former office.

Second, they prevent a former official from financially benefiting from the use of confidential information obtained while working for the Federal Government.

The overall goal is to have the highest ethical standards for Federal employees without curtailing an individual's rights to free association and petitioning the Government and also to protect the taxpayers' interests in obtaining the best and brightest public servants.

That requires a balancing of interests. I, like my good friends from Oklahoma and Arizona, have been deeply troubled by the reports of abuses of the so-called revolving door by former Government employees. We all know the stories and I share their concerns, that our current postemployment laws are porous. We have been working with them for over a year, since they introduced the bill early in the 103d Congress, to try to strike the right balance of tough rules, fairness to individuals, and promoting the public's interests in a first-class Federal work force. This amendment strikes that balance.

I commend my good friend from Oklahoma, my good friend from Arizona for sticking with this issue. It is a difficult issue inside the Federal work force. They are not going to make a whole lot of friends here in Washington or the Federal work force outside Washington. But the people of the United States I believe are very much in their debt for pursuing a revolving door problem which we have, where too many people, too quickly leave Government and immediately cash in, in some way which is not appropriate, in the private sector.

This is a balanced approach. Again I commend them for their persistence. It has been a long road to get to this point. We have made many adjustments, negotiated many compromises in it to reach the balance which is now present in this amendment. I think it is the right balance and I am happy to accept it.

Like my friend from Arizona, I would like, if I may, to just say one word about the Senator from Oklahoma. I, too, will save most of my remarks for a later time. But this is typical of the kind of work which the Senator from Oklahoma has done in this Chamber. It is work which is aimed at increasing public confidence in Government. There has been no greater patriot that I have known than the Senator from Oklahoma. His goal has been to increase public confidence in Government. He has done it in literally dozens of ways. This effort, along with that of the Senator from Arizona, is another example of his patriotism, his dedication to country, his loyalty. I commend him for it, and I am happy to accept it.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, in view of the fact that we have 24 amendments now pending on this legislation, I will just indicate that I join Senator LEVIN in accepting the compromise that has been reached on this amendment. All of us are concerned about not making the postemployment restrictions so severe that they would discourage good people, talented people from coming into Government service. We are also concerned that they not prevent former Federal employees from being able to go out and pursue their professions or occupations and exercise their constitutional rights of free association. Senator MCCAIN and Senator BOREN have been very agreeable in working with us on this particular measure.

In addition to restoring a sense of confidence in Government, we can all be assured with the passage of this particular amendment that we will not be able to hear from our good friend from Oklahoma for at least 2 years. He will not be able to call us and urge that we have more funding for higher education. That alone will assure its passage almost by unanimous consent.

I join Senator LEVIN in accepting the compromise amendment that has been reached but I should note some reservations.

The postemployment restrictions are intended to remove the appearance of special treatment or using one's former public office for private gain. They are designed to both eliminate the appearance of special treatment a former official may receive in lobbying his or her former office and to prevent a former Federal official from benefiting financially from the use of confidential information he or she obtained while working for the Government.

At the same time, however, we want to be fair to those who serve in Government and we do not want to deny the Government nor the public access to the best talent.

Postemployment restrictions must not infringe on a former Federal employee's constitutional right of free association nor preclude that individual from pursuing his or her profession and earning a living. In restricting the employment activities of former Federal employees, we must do so fairly and without affecting the rights of those individuals who are not engaging in improper activities or abusing the public trust.

We also do not want to discourage talented and experienced individuals from entering public service. We want to be able to continue to attract quality people to serve in Government. Society can and does benefit from the mobility between the public and private sectors of experienced and skilled individuals.

It is also important to note that not every Federal employee is in a position to improperly trade on past service. Restrictions on political and high level career people and Members of Congress may be appropriate, but we need to tailor these restrictions so that we are not covering those individuals who have neither the status nor the political clout to trade improperly on their Government service.

The current postemployment restrictions have worked well. By expanding the current restrictions, the provisions of the Boren-McCain amendment may well help to address the public perception that former Members of Congress and Federal employees are improperly trading on their Government service. I thank Senators MCCAIN and BOREN for their interest in working with Senator LEVIN and myself to promote high ethical standards within Government and their efforts in working out this compromise amendment.

With that, Mr. President, I indicate the minority accepts the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1675) was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado, Senator BROWN.

AMENDMENT NO. 1676

(Purpose: To extend the limits on legal defense funds to the executive and judicial branches)

Mr. BROWN. Mr. President, I rise for the purpose of offering an amendment and I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1676.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . PROHIBITION ON CONTRIBUTIONS TO LEGAL DEFENSE FUNDS.

The prohibition relating to contributions to the legal defense of a Member, officer, or employee of the Senate set forth in paragraph 1(c)(2)(D) of rule XXXV as amended by this Act shall apply to officers and employees of the executive branch.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, for many years, some of us have been concerned about the phenomenon of the executive branch and the legislative branch having different rules in this ethics area. It, from time to time, has been the subject of political gamesmanship, particularly at a time when Congress found itself with different control than the executive did.

My feeling has been, for a long time, that what was appropriate were consistent rules that were evenhanded and applied to the executive as well as the legislative.

This measure that is before us is primarily designed for the legislative branch. All of us understand that. I think the people who have brought this measure to us, and the underlying amendment of the distinguished Senator from Michigan, in a significant way brings some of the rules affecting the legislative branch into line with the rules that already impact the executive branch.

Nevertheless, the measure that is before us is primarily related to the legislative branch itself. There is one area of the bill, though, that proposes new rules for the legislative branch—for the House and the Senate—that would be different than the rules that would apply to the executive branch, and that is specifically in the restrictions that are provided for with regard to legal defense funds.

I rise not to quarrel with those restrictions, but I do believe that they ought to apply to the executive branch of this country, just as they will apply to the legislative branch.

That is why I have offered this amendment. It is offered in the name of consistency. It is offered in an effort to help make sure that we begin to track, along similar tracks, that fair is fair and that the rules are consistent between the executive and the legislative branches, at least in those areas where they can and should be consistent.

All of us understand there are different functions, and there may be times when you need some diversions, but I do not believe this is one of them.

If it is improper to ask lobbyists to donate to legal defense funds for Members of Congress, that prohibition ought to apply to the executive branch as well. That is all this amendment does. It is very straightforward. It simply suggests that we are going to have the same rules for the House and the Senate that we are going to have for the executive branch of this country.

AMENDMENT NO. 1676, AS MODIFIED

Mr. BROWN. Mr. President, the sponsors of the amendment, in reviewing the amendment brought forward, have suggested language that differs a little bit from what legislative counsel has drafted. I, at this point, ask unanimous consent to substitute the language that I send to the desk as a clarification of my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

The amendment, with its modification, is as follows:

At the end of the bill, add the following:

SEC. . PROHIBITION ON CONTRIBUTIONS TO LEGAL DEFENSE FUNDS.

No person registered as a lobbyist or a foreign agent may make a contribution or other payment to a legal expense fund established for the benefit of an officer or employee of the executive branch.

Mr. BROWN. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, as modified, the amendment of the Senator from Colorado is acceptable to me. I will just leave it at that.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, it is acceptable to the minority as well. I might at least point out that there appears to be some ambiguity in the existing law in terms of who may contribute how much to legal defense funds. So whatever ambiguity is in existing law, this would apply with equal ambiguity.

Second, it seems to me we have to raise the issue, at least initially, as to whether or not such a provision could possibly be applied retroactively. In other words, there are ongoing cases in the Senate and the House, and also in the executive branch. If those individuals who are currently the subject of lawsuits are in the process of raising funds, we clearly have to state whether or not they should be allowed to do so, whether it is an ethical violation as opposed to a legal prohibition.

That is something we will need to either clarify in report language or conference language, should we conclude a conference on this legislation.

Mr. BROWN. Mr. President, will the Senator yield on that?

Mr. COHEN. Yes, I will yield.

Mr. BROWN. It would certainly be my impression and my intent this would not have a retroactive effect. Certainly, any funds prior to the enactment of this legislation would not come under its purview.

The question, I guess, has risen with regard to funds raised after the effective date of this act. My impression is it should apply to funds raised after the effective date of the act.

The PRESIDING OFFICER. If there are no other Senators wishing to comment, the question is on agreeing to the amendment.

The amendment (No. 1676) was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Madam President, I ask unanimous consent that I may proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES MILITARY ACTION IN HAITI

Mr. DOLE. Madam President, press reports indicate the administration is considering deployment of United States military forces to Haiti—either as trainers or as an invasion force. The apparent purpose is to put exiled President Aristide back in power. Before we act hastily, let us look at the facts.

Haiti poses no strategic threat to the United States. There has been no massive exodus of migrants from Haiti. Yes, the thugs and murderers running the country have committed horrible human rights violations—but they have not threatened Americans in Haiti. But, if human rights violations were enough reason for United States intervention, we would be invading most countries in the world—Rwanda, Sudan, China, Syria, and many more.

Last October 21, the Senate passed an amendment I drafted by a vote of 98 to 2. That amendment is now section 8147 of Public Law 103-139. The amendment calls on the administration to seek the authorization of Congress before deploying military force to Haiti. While it is a sense-of-Congress provision, it expresses the views of the overwhelming majority of Members. If President Clinton wants to use force in Haiti, he should make his case before Congress and before the American people. That is what President Bush did before Operation Desert Storm. Haiti should be no different.

We tried invading Haiti once this century—after a sustained period of political violence in 1915. After 19 years of marine occupation, and 34 years of controlling Haiti's finances, the United States left. After all the effort, the end result was the Duvalier regime, and he started out by getting elected too.

I agree with former President Bush: "The time has come for a significant shift in United States policy toward Haiti." President Bush, who was criticized for spending too much time on foreign policy, supported the return of President Aristide, but now argues that we can and should support democracy in Haiti, without supporting the return of Aristide to power.

Haiti's problems will not be solved by outside military intervention. One election in 1990 did not make Haiti a democracy—there was no rule of law, no functioning court system, or accountability of rulers to the ruled. President Aristide's actions in power and in exile raise serious doubts about the wisdom of risking U.S. lives to install him in power. And any invasion force would have to stay in Haiti to protect Aristide from his opponents. Any intervention would be costly, long-term, and very unlikely to result in stable democracy.

Under the administration's latest policy shift, any effort to forge political compromise among Haitians has been abandoned, leaving President Clinton's former special representative to Haiti to observe that the United States has taken on full responsibility for Haiti's future. Ambassador Pezzullo points out: "This is no favor to President Aristide, the Haitian people, or the Americans who will be sacrificed in the attempt."

The latest policy not only rejects any pressure on Aristide to compromise, it will further improverish the poorest country in the hemisphere. Tightening sanctions, when Haiti has already has 65 percent of its economy shut down, will increase suffering among the poor while the military regime prospers—especially when the United States Embassy buys its fuel from their black marketeers. This seems to be the administration's version of destroying a country in order to save it.

Madam President, turning Haiti into a United States colony is not wise policy. Sending American troops on ill-defined training missions in Haiti is not wise policy. Tightening sanctions is not wise policy. And invading Haiti to put Aristide back in power would be a tragic mistake. I urge the administration not to ignore the clear will of Congress and to seek prior congressional authorization for any United States military action in Haiti.

I also think it is time for a fresh look at the situation in Haiti—what the democratically elected parliamentarians think, why Prime Minister Malval resigned in frustration, whether a peaceful solution is possible. An independent fact-finding commission should be created to review circumstances in Haiti. It should be bipartisan, and appointed by the President and by congressional leadership. When the most basic facts are in dispute—as made clear by Ambassador Pezzullo's article today—such a commission could provide important answers before U.S. lives are risked. Allowing such a commission to examine the best course to national reconciliation in Haiti before any additional action is a modest step. I hope to work with the President and his advisers in forming such a commission.

I ask unanimous consent that the statement of President Bush, Ambassador Pezzullo's resignation letter, and, an article from the Washington Post, and the Dole-Mitchell amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 5, 1994]

OUR HAITI FIASCO

(By Lawrence A. Pezzullo)

The Clinton administration, after three weeks of a declared policy review toward Haiti, has produced the wrong answer and—more regrettable—has done so for the wrong reason. The new so-called policy seriously risks further hurting the suffering people of that wounded nation. Meanwhile, compounding it all, there now is unwise talk of U.S. military intervention.

The administration's divided approach to the Haitian impasse will give priority to an action—expansion of international sanctions—that the White House specifically ruled out in January. It will thus substitute a tactic for a strategy, turning a mere means into an end.

Without question the Haiti policy review was driven as much as anything by criticism, from media and Congress, of the administration's mishandling of Haitian refugees seeking asylum in this country. But while the plight of refugees is central to the Haiti problem, it is something best dealt with separately from the political strategy needed to enforce a workable agreement on Haiti's future—that agreement being essentially the one reached at Governors Island last July. The policy behind the Governors Island Accord was sound then and remains so. The putative new policy will almost certainly aggravate the refugee problem.

Last January, in the face of media criticism to the effect that sanctions were causing increased malnutrition, the Clinton administration could not bring itself to follow through on its own threat to the military: the threat that it must meet its commitments under the Governors Island Accord by Jan. 15 or else. The "or else" was comprehensive U.N. trade sanctions, a ban on noncommercial air flights and a recommendation to U.N. member states to adopt targeted sanctions (freezing personal assets and revoking visas) against the military regime and its supporters. The key element in the January sanctions proposal was that it was tied to a political strategy of strengthening Haiti's democratic elements and isolating the military.

Now, in the face of mounting media and congressional criticism that its policy has "failed," the administration has resurrected the same position it refused to implement in January, but with one key difference: Now there is no political strategy for the comprehensive sanctions to support. How did we get to this place?

The decision not to seek the comprehensive sanctions wasn't the first time the administration had lost credibility with both the Haitian military and President Aristide. Earlier, there was the infamous retreat of the U.S.S. Harlan County, in October 1993, when it was met by a small group of toughs on the dock. Those of us who supported keeping the ship there were confronted with a decision that had already been made. This incident has widely been cited—correctly, I think—as the key reason the Governors Island Accord failed. our retreat emboldened the military and strengthened the neo-Duvalierist party, the FRAPH.

After this major setback, the United States tried yet again to resurrect a strategy and bring about the restoration of democracy and President Aristide. It imposed a tight fuel embargo in October, which has all but shut down Haiti's economy. On the political front, Aristide's own prime minister and political ally, Robert Malval, took the initiative, convincing Aristide that his political alliance should be broadened to include legitimate political parties represented in the legitimate parliament. But Aristide soon reversed himself, and rejected Malval's idea as "power-sharing" with the military. Malval resigned in December.

At the urging of the "Four Friends of Haiti" (Canada, France, Venezuela and the United States), President Aristide next took the initiative to move the political process forward by holding a conference in Miami with members of parliament and other political figures from Haiti. The conference came up with a plan similar to Malval's: name a new prime minister who can form a broadly based government of national concord.

This is in fact the key to a lasting solution. To isolate the military from its traditional backers (the extreme right and the older, more conservative, business class), true democrats in Haiti need to unite around a new government of national consensus. Moves toward creating such a centrist force were already helping to fragment the army: In February and March we saw legitimate parliamentarians who previously had opposed Aristide's return join forces with pro-Aristide legislators to call for his return. We saw conservative businessmen joining more progressive younger businessmen and pro-Aristide labor unions in calling for the departure of the country's military head.

Unfortunately, this movement fell victim to intensive lobbying campaigns by both the extreme right, who saw the threat to their power, and Aristide's expatriate entourage, which incorrectly labeled the idea of a coalition with the majority of parliament "power sharing" with the military. Ultimately, the extremes succeeded in killing the center.

The United States helped bring this about. Despite initial support for the parliamentary proposal, the U.S. government was once again unable to stay the course on Haiti. A week after Vice President Al Gore advised Aristide of our considered position of support for the proposal, the U.S. administration was in full retreat. Why? Quite simply, the administration could not withstand domestic pressures against the proposal emanating from congressional supporters of President Aristide.

Thus, having begun to split the Haitian army and to unite the democratically elected parliament in support of U.S. objectives, the administration suddenly and unwittingly reunited the army and polarized the political situation anew.

The reality in Haiti, whether President Aristide likes it or not, is that he is stuck with a very decentralized form of government known as a parliamentary system. And like it or not, he does not have a working majority in his own parliament. He needs allies. Without true reconciliation among democratic elements in Haiti, there will be no true democracy.

The administration's inability to stay the course on something as fundamental as building a political coalition in a parliamentary democracy does not provide much hope that it will be able to stay any course. It has now adopted a policy line—sanctions without any political track—that has no prospect of returning democracy of Aristide to Haiti. It is clear that with the administration's decision not to push Aristide on the political front, political negotiations for his restoration are dead. Already those who came out for a political, nonviolent solution have left the center and are moving to the extremes.

If the U.S. administration is serious about returning Aristide now, it will have to do so on the backs of U.S. soldiers. But in fact, intervention would not serve this country or the Haitians. Democracy isn't built on foreign intervention; it is built on reconciliation—as has been proved recently in South Africa and El Salvador.

By abandoning the track of multilateral negotiations, which was forcing the Haitians to take political responsibility for effecting change in their country, we have taken on full responsibility for Haiti's future. This is no favor to Aristide, the Haitian people or the Americans who will be sacrificed in the attempt. The administration is trying to force a new policy by responding to domestic pressures rather than setting a steady course based on our interests and responsive to the reality on the ground.

DOLE-MITCHELL AMENDMENT

SEC. 8147. SENSE OF CONGRESS ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN HAITI.—(a) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) all parties should honor their obligations under the Governors Island Accord of

July 3, 1993 and the New York Pact of July 16, 1993;

(2) the United States has a national interest in preventing uncontrolled emigration from Haiti; and

(3) the United States should remain engaged in Haiti to support national reconciliation and further its interest in preventing uncontrolled emigration.

(b) LIMITATION.—It is the sense of Congress that funds appropriated by this Act should not be obligated or expended for United States military operations in Haiti unless—

(1) authorized in advance by the Congress; or

(2) the temporary deployment of United States Armed Forces into Haiti is necessary to order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than forty-eight hours after the initiation of the temporary deployment; or

(3) the deployment of United States Armed Forces into Haiti is vital to the national security interests of the United States, including but not limited to the protection of American citizens in Haiti, there is not sufficient time to seek and receive Congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than forty-eight hours after the initiation of the deployment; or

(4) the President transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—It is the sense of Congress that the limitation in subsection (b) should not apply if the President reports in advance to Congress that the intended deployment of United States Armed Forces into Haiti—

(1) is justified by United States national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of United States Armed Forces, including steps to ensure that United States Armed Forces will not become targets due to the nature of their rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the United States Armed Forces rather than civilian personnel or armed forces from other nations, and

(B) that the United States Armed Forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of United States Armed Forces into the land territory of Haiti, irrespective of whether those Armed Forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 28, 1994.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: As I take my leave, I wanted to express my grave concern that we are heading irrevocably down a path toward unilateral military intervention in Haiti. That would be a terrible mistake.

Perhaps if I had had your full support in docking the USS Harlan County last October, in seeking comprehensive sanctions in January, and in pressing President Aristide harder to work together with his own democratically-elected parliamentarians we might have succeeded in overturning the coup and restoring President Aristide despite the odds.

Now, in abandoning the multilateral negotiation track which was forcing the Haitians to take political responsibility for effecting changes in their country, we have unwittingly taken on full responsibility for Haiti's future. This is no favor to President Aristide, the Haitian people or the Americans who will be sacrificed in the attempt.

Sincerely,

LAWRENCE FEZZULLO.

STATEMENT OF PRESIDENT BUSH, MAY 2, 1994

I think the time has come for a significant shift in U.S. policy towards Haiti.

First, I think we should rule out the use of U.S. force in Haiti. We suffered an enormous black eye to our prestige around the world when, a few months ago, our ship was turned back by a group of thugs on the dock at Port au Prince, but use of U.S. ground forces in Haiti would, in my view, be a tremendous mistake. We can easily put our forces in, but when would they come home?

In making decisions of this nature we must think not just of Haiti but of the rest of the Caribbean and South America. I certainly could not support the use of U.S. troops under existing conditions in Haiti. No U.S. lives are at risk in Haiti today.

Further, I believe most of our friends in this hemisphere would strongly disapprove of our using U.S. troops.

No one in the area can doubt President Clinton's support of democracy. Nor can they doubt his strong backing, up to now, of Father Aristide; but Aristide has proved to be totally unable to help facilitate his own return. He has been unwilling to compromise and, in attacking President Clinton's policy, he is attacking those who have been trying hard to help him.

The time has come to change policy.

We should use our diplomatic best efforts to restore democracy, to have new elections scheduled and to wrench concessions from Haiti's military; but I am now satisfied that we must separate "backing democracy" from "backing Aristide".

We must never waiver in our support for democracy. As President, I felt that the way to support democracy in Haiti was to insist on the return of Aristide to power. Given recent events and Aristide's demonstrated instability the time has come to break that linkage.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

ORDER OF PROCEDURE

Mr. DORGAN. Madam President, I ask unanimous consent to speak as if in morning business for 10 minutes.

FINANCIAL DERIVATIVES

Mr. DORGAN. Madam President, in today's Wall Street Journal there is an article entitled, "GAO Report Urges Controls For Derivatives."

> GAO warns of derivatives risks, recommends direct regulation. GAO says Congress should review whether commercial banks that engage in proprietary trading or trading derivatives and other financial instruments for profit should have the benefit of deposit insurance and the Federal safety net.

Most people will not know the difference between a derivative and a garden hose. A derivative is a term that means nothing to most people in this country. It is in fact a term that covers a wide range of hedging, laying off risk, speculating, and in some cases flatout gambling in various kinds of financial instruments.

In the Fortune magazine of March 7, the cover says, "The Risk That Won't Go Away."

"Financial derivatives are tightening their grip on the world economy, and nobody knows how to control them."

In that same Fortune magazine, it talks about who are the "big boys in the big business," and lists the largest dealers in swaps and other species of derivatives: Chemical Bank, Bankers Trust, Citicorp, Chase Manhattan. I do not have to go much further. You get the drift.

We are at it again: Same old story, excess of America's financial markets in a manner designed to lay off the risk to the American taxpayer.

It was not too many years ago that I stood on the floor of the House of Representatives and offered an amendment that finally pulled the center pole out of the tent on all the speculation and junk bonds. We all know what happened with junk bonds. We had a bunch of sharp-eyed dealers who were making millions of dollars. One was making $100,000 an hour; $500 million in a year he made trading in junk bonds.

They found a way to cleverly in the 1980's to lay off junk bonds on the American taxpayer. How did they do it? They found a way to sell junk bonds to savings and loans, of course, where deposits are insured. And when the savings and loans purchased the junk bonds and the junk bonds did not perform or turned out to be worthless, the savings and loans went belly up. And the American taxpayer got stuck with the junk bonds.

Let me give you the ultimate paradox, the ultimate absurdity of the 1980's, the hood ornament that describes the excess of the 1980's. The American taxpayers ended up owning junk bonds in the Taj Mahal Casino in Atlantic City, NJ. How would the American taxpayers end up owning junk bonds? Because the Taj Mahal, the largest, glitziest casino at that point was built by floating bonds that were not investment grade. Therefore, they were called junk bonds. Who were the purchasers of junk bonds? Some of the savings and loans purchased the junk bonds because the investment bankers and others had a cozy relationship and they pawned them over to the S&L's. The S&L's went broke. The junk bonds did not perform, and the U.S. Government ended up owning junk bonds in the Taj Mahal Casino.

That it seems to me is the hood ornament on everything that was wrong with financial excesses of the 1980's.

I went on the floor of the House, and an amendment was passed that I offered that became law that says no S&L in this country shall buy another junk bond, and all the S&L's that have junk bonds shall sell the junk bonds they owned. It, in part, collapsed the junk bond market. But I guarantee that when that became law, we took the S&L's out of the junk bond business. No longer were sharp-eyed dealers searching for profits for themselves going to lay their risk off on the American taxpayer. We lost literally billions of dollars as taxpayers because we found that institutions whose deposits are insured ultimately by the Federal Government and ultimately by the taxpayer were buying junk bonds. They could have just as well taken the taxpayers' money to the casino table and put it on red or on 15, or went to the blackjack table and tried their luck there. It is the same type of gambling.

Why do I describe that story? Because I remember how tough it was to do what I did on the floor and what ultimately became law. It was taking on the entire Wall Street crowd who wanted to continue this binge of excess that caused the collapse of so many savings accounts for so many American families. Here it goes again. But financial institutions are not buying junk bonds, thanks to that amendment—and, hopefully, most of that era is over. But now we see that financial institutions are gambling in derivatives. Derivatives now account for a substantial portion of the assets of the Nation's largest banks. It is not just derivatives to hedge risk—I understand hedging is perfectly legitimate and a perfectly appropriate way of laying off some risk —but this is proprietary, often highly-leveraged trading in derivatives as a line of business to try to make money. It is, in some countries, called betting. Here it is called derivatives.

We should not have institutions in this country whose deposits are insured by the Federal Government, and ultimately the taxpayer, involved in gambling. Just as they should not have been involved in buying junk bonds, so now they should not be involved in proprietary trading in derivatives.

I came to the floor only to say that I intend to offer legislation that I am now beginning to prepare that will do exactly the same in this circumstance as I tried to do with respect to junk bonds.

The question that the GAO asks is not a question that takes more than a microsecond to answer.

The GAO says:

> Congress should review whether commercial banks that engage in proprietary trading, or trading derivatives, and other financial instruments for profit, should have the benefit of deposit insurance and the Federal safety net.

It does not take a mental giant to answer that question. Of course, not. We have been down this road, and we have seen the taxpayers bilked for billions of dollars with junk bonds. I do not intend to see them bilked again for gambling losses in proprietary trading in derivatives with the same kind of financial excess that got us in trouble before and will again.

I think the GAO is prepared to release a report that includes some excellent work in this area. I commend to my colleagues, who do not know much about derivatives, a Fortune magazine article, which I think has plowed some new ground. When you conclude reading it, you will understand that once again we have found that there are some among us who would like very much to lay off enormous risks of what most people would call gambling on institutions whose deposits are insured. In fact, the brassy behavior these days is that the institutions themselves have set up a business internally to effectively gamble in order to make money. That is at odds with everything we understand and know about the sound principle of banking, which is that the principle of safety and soundness is preeminent. The principle of safety and soundness and the perception of whether the people think the institution is safe and sound is what determines whether our financial institutions succeed.

You cannot, in my judgment, merge something so inherently speculative and risky as a proprietary way of doing business to make money, such as the trading of derivatives on a proprietary basis, with the ordinary business of banking. You cannot do that, and do anything but injure American banks.

So I, once again, indicate that I intend to offer some legislation in the coming weeks that will attempt to pierce this practice or this behavior, just as I attempted to do—and in that case successfully did—with respect to junk bonds and savings and loans in the 1980's.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. METZENBAUM. Madam President, I ask unanimous consent that the Senate now go into morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CANING OF MICHAEL FAY

Mr. METZENBAUM. Madam President, the American people awoke this morning to a report that Michael Fay, convicted of petty vandalism in Singapore, had been subjected to four strokes of a rattan cane.

When I first learned of Michael Fay's sentence, I was shocked. Fay was sentenced to a prison term of 4 months, a fine of $2,700, and six strokes of a cane.

This 18-year-old kid, along with a group of school friends, had committed what was, in effect, a teenage prank. No one was hurt. Yes, property was damaged but not seriously. Some of the paint that was sprayed—I guess all of it was wiped off easily.

No one ever suggested that Fay should have been allowed to escape responsibility for his actions. What I question is the nature of the punishment, not the fact that punishment is deserved.

I certainly support stern penalties for criminals, be they vandals or murderers. I acknowledge the right of any nation to subject lawbreakers to punishment provided there is a due process. What I object to is the use of torture by any nation in the name of maintaining law and order.

Torture has no place in the justice systems in nations calling themselves civilized. The truth of the matter is that torture is not really used by nations that want to maintain law and order among their own people. Rather, history teaches us that torture is used by nations which are afraid of their own people. Let there be no mistake, caning is a form of torture.

The State Department's annual human rights report has cited caning as an example of torture. Asia Watch and other human rights groups have concurred in the State Department's assessment.

The fact of the matter is that Michael Fay, as a result of his petty vandalism conviction, was tortured over and above the 4 months in imprisonment and $2,700 fine.

I note after appeals from President Clinton and Members of Congress, Fay's sentence was reduced from six strokes to four.

Madam President, I ask unanimous consent that an appeal for clemency to Singapore's President, signed by 27 Senators, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METZENBAUM. Madam President, the fact that Singapore acknowledged the appeals by reducing the sentence is indeed gratifying.

Indeed, I believe that Singapore and the United States should strive to maintain the current close relationship that exists.

However, we cannot ignore the fact that a medieval form of punishment still exists in the justice systems of Singapore and of other nations.

The Michael Fay case is not about one American kid who got caught by foreign authorities. This case is also about the so-called justice under which millions of people around the world live. This case is about basic human rights.

I believe the American people need to know that America's view of human rights around the world reflects the type of decency we expect in our own society, the type of justice we expect from our own Government.

In this respect, perhaps the most shocking aspect of the Fay case was not the punishment itself, but the reaction of average Americans.

In poll after poll, Americans questioned about the Fay case responded that Fay was "getting what he deserved."

Some even said that caning or some type of corporal punishment ought to be introduced in American public schools.

I say to my fellow Americans with respect, but also with conviction, you are wrong. I say to my fellow Americans that caning, or any other form of torture, is wrong.

I say that we do need to be tough on criminals and particularly the hardened criminals. I say that we do need to fix our criminal justice system, and I do not speak here today in an effort to lessen the penalties for criminals. In fact, if anything, I believe our courts have been too lenient in letting out too many criminals after they have been found guilty or pled guilty, giving them suspended sentences and no real punishment.

I also say torturing the defendants is not the way to accomplish these goals.

Americans look at Singapore and some point out that Singapore is a clean, safe society. And when we visited there about a year ago indeed it did appear to be a fine, clean, safe society.

But caning is not what makes Singapore clean and safe, and it will not make the United States clean and safe. Look at Japan. Look at Australia. Look at the Scandinavian countries. These are clean, orderly nations, and they do it without caning. And guess what? Not one of them has ever considered, let alone put into law, corporal punishment, be it caning or anything else.

I would also note that these nations do not impose the death penalty and, as many know in this body, I oppose the death penalty because in so many instances it has been misused. We found those who were innocent after they have been imprisoned for 4 years, 8 years, someone else comes along, and we find that that individual is guilty. In too many instances it has been discriminatory on a racial basis.

But, as I was saying, Australia, the Scandinavian countries and Japan, do not use corporal punishment.

On the other hand, let us look at Brazil. Large Brazilian cities are by some accounts, out of control.

According to a recent New York Times editorial, Brazilian police "shoot vagrant children for picking pockets." That is a quote from a New York Times editorial.

This type of punishment is certainly swift, it is definitely complete. But Brazil is no more safe and no more clean.

Madam President, I ask unanimous consent that the editorial from the New York Times be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. METZENBAUM. Madam President, the American people are justifiably scared. They have good reason to look at Michael Fay, or petty vandals here at home, and say, "He deserves whatever he gets." But the American people must remember that torture has never, in any country, improved the quality of life or effected better justice.

Torture is not a punishment. Torture is itself a crime. And crimes committed by governments in the name of "law and order" have never made any nation a better or safer place to live.

Madam President, the caning portion of Fay's sentence was executed yesterday. Michael Fay will remain in a Singapore jail until June 21, at the earliest. Reports indicate that Fay's medical condition is satisfactory.

But I fear what the long-term emotional consequences of this corporal punishment will be for Michael Fay. I also fear what is happening here in our own country.

As Michael Fay moves on with his life, let us all take a step back. Let us look at the punishment he underwent.

Let us be truthful—Michael Fay was tortured. He is no better for it. Singapore is no better for it. And in the nations that still employ corporal punishment and other forms of torture, those societies are no better for it.

We see sometimes in reports from other countries where people's hands are cut off. No evidence that in those countries crime is any the less.

The solution for crime in those countries, for Singapore, and for crime in America is justice—efficient and effective.

Torture is simply not a solution for anything. This is the lesson Michael Fay leaves for his fellow Americans. I hope we are all as willing to heed this lesson as we were to see Michael Fay caned.

This Senator was not willing to see Michael Fay caned. I think it was the wrong penalty. I think that it is not compatible with civilized society. I think that Singapore went too far.

I take off my hat to Singapore for their orderly community and for what they have done with their economy. But, in this instance, it is this Senator's opinion that they went too far.

Madam President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 1, 1994.

President ONG TENG CHEONG,
Republic of Singapore.

DEAR MR. PRESIDENT: We wish to express our support for Michael Fay's petition for presidential clemency, which is pending before you. As you know, Mr. Fay's appeal of a sentence which includes six strokes of a cane was recently denied.

We have the utmost respect for the sovereignty of Singapore. Moreover, we have withheld formal comment as Singapore's justice system has considered Michael Fay's case. However, Michael Fay has now exhausted all legal options. We ask you to consider the facts and the context of this case, and to exercise your discretion in abating Michael Fay's sentence.

Michael Fay has had a history of emotional problems resulting in part from an attention deficit disorder condition. Imposition of severe corporal punishment on a young, emotionally fragile person could create psychological damage that will take years to repair.

Michael Fay's infraction was non-violent, and resulted in only minor property damage. In addition, this is his first offense. Given Fay's emotional condition, his youth, and the severity of caning, we believe that your exercise of clemency in this case would be an enlightened decision.

We wish to reiterate our respect for Singapore's sovereignty. However, we believe that under the circumstances of this case, executive clemency is warranted.

We respectfully request that you exercise presidential clemency regarding Michael Fay, pursuant to Singapore law.

Very sincerely yours,
HOWARD M. METZENBAUM,
U.S. Senator.
JOHN GLENN,
U.S. Senator.

U.S. SENATE,
Washington, DC, April 20, 1994.

President ONG TENG CHEONG,
Republic of Singapore.

DEAR MR. PRESIDENT: On April 1, 1994, twenty-four of our colleagues wrote to you regarding the Michael Fay case whose petition for presidential clemency is pending before you. We would like to be counted among the Senators in that letter supporting Mr. Fay's position.

A copy of the original letter is attached for your reference.

Very sincerely yours,
MAX BAUCUS.
JOHN KERRY.
THOMAS DASCHLE.

SIGNERS OF THE U.S. SENATE APPEAL FOR CLEMENCY IN THE CASE OF MICHAEL FAY

(Not in order of signatures.)

Howard Metzenbaum, Dale Bumpers, Patty Murray, Russ Feingold, Carl Levin, Jim Jeffords, and Dennis DeConcini.

Donald Riegle, Paul Simon, Herb Kohl, Barbara Mikulski, Byron Dorgan, Max Baucus, and Thomas Daschle.

John Glenn, Daniel Patrick Moynihan, Patrick Leahy, Jim Sasser, Harris Wofford, Richard Lugar, and Frank Murkowski.

Carol Moseley-Braun, Ted Kennedy, Paul Wellstone, Tom Harkin, Chris Dodd, and John Kerry.

EXHIBIT 2

[From the New York Times, Apr. 10, 1994]

CONDEMN SINGAPORE'S BRUTALITY

If people were caned for vandalism in New York, would we have a safer city? That seems to be the conclusion from the talk shows, public opinion surveys and letters to editors across the country. Michael Fay, the 18-year-old American who has been sentenced to a caning in Singapore, is not doing well in the polls. At his hometown paper, the Dayton Daily News in Ohio, the calls and letters are running two-to-one in favor of inflicting this form of torture on a young man who spray painted a car. And the Singapore Government is pointing to American public opinion as vindication for its uncompromising policy. The comparison is made again and again: Singapore and New York. Clean streets vs. dirty ones. Safety vs. muggings. Order vs. chaos.

Clearly Mr. Fay's predicament has touched an American nerve. For many who envy Singapore's orderly, clean society, who are tired of the dirt and danger of U.S. cities, the threat of pain and humiliation for transgressors seems worth the price.

Japan, however, is also an orderly and relatively safe society; its order is not paid for with the fear of torture. Neither is Australia's. On the other hand, Brazil, whose police shoot vagrant children for picking pockets, has not made its streets any safer.

Perhaps the general callousness about what Mr. Fay is facing may be related to the nature of his punishment. Maybe, because it is directed at the buttocks, it resembles too closely the childhood spankings or fraternity hazings that many Americans remember with something bordering on nostalgia. It is hard for many people to imagine such a procedure causing the recipient to pass out, go into shock or sustain permanent scarring.

Many Americans believe reasonably that visitors to another country should try to conform to local customs and laws, and should be prepared to suffer the customary punishment for flouting them. But Mr. Fay's lawyers argue that caning has never been used in Singapore to punish vandalism of private property. Mr. Fay is being singled out, they say, and his American detractors are simply helping Singapore score propaganda points.

Whatever the case, it is disheartening to watch Americans, in their yearning for order, endorsing medieval torture for an act of adolescent mischief. It is time for Americans appalled by Mr. Fay's sentence to raise their voices in protest. American corporations—like General Motors, Eastman Kodak, DOW Chemical or Texas Instruments—that trade with Singapore should lean on President Ong Teng Cheong for clemency. It is also time for people concerned about Mr. Fay to flood the Singapore Embassy with phone calls. The number is (202) 537-3100. America, the land that led the world in decrying cruel and unusual punishment, must demonstrate that order bought with torture is never worth the price—at home or abroad.

Mr. METZENBAUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

Madam President, I ask unanimous consent to proceed as if in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPECTER. I again thank the Chair.

ISRAEL-PLO SELF-RULE ACCORD

Mr. SPECTER. Madam President, I have sought recognition to compliment the leaders who brought forward the accord between the Israelis and the PLO yesterday, ending some 30 decades of Israeli control and providing for certain self-government to the PLO. But simultaneously with my own thoughts and expression of congratulations I think it is very important that there be very active monitoring of what happens with the PLO in the days ahead to be sure that terrorism is a thing of the past and the PLO and its Chairman, Yasser Arafat, do everything in their control to stop the terrorism.

This agreement is obviously historic, and there is going to be considerable funding which will come to the PLO, a result significantly of United States leadership. Those funds are very important to develop the infrastructure and to develop the areas over which the PLO will have jurisdiction. But the support, financial support, the support from the international community, I believe has to be very, very carefully conditioned upon the fulfillment by the PLO of its commitment to stop terrorism and to do its utmost to see to it that terrorism is condemned by others and take all active measures to stop terrorism by any of the terrorist groups in the area.

When I saw Yasser Arafat honored on the White House lawn last September 13, it was something that I had very mixed emotions about, a scene that I thought I would never observe on the White House lawn. And when President Clinton performed the gesture of putting his left arm around Arafat and his right arm around Prime Minister Rabin, it was truly a historic mark of conciliation. It seemed to me that if the Israelis, led by Prime Minister Rabin and Foreign Minister Peres, were willing to have that kind of reconciliation with the PLO, since Israel had been the major object of the terrorism and of the brutality of the PLO over the years, the United States could be supportive of it.

In that thought, I could not forget the activities of Arafat, personally, and the PLO, in the murder of the United States second in command in the Sudan in 1974, as well as the incident on the *Achille Lauro* with the murder of Mr. Klinghoffer, and the other enormous number of terrorist acts of the PLO. But when the Israelis decided to put that behind them and to move forward with the peace process, then it seemed to me we should be supportive.

I had the opportunity, on a Senate delegation which landed in Cairo on December 12, to meet with Chairman Yasser Arafat, and I saw a man with enormous energy and with a stated commitment. Still, my skepticism remained. When we talked to Palestinians in Jericho, Jerusalem, and on the Gaza Strip and they said that Yasser Arafat was their leader, so be it.

The photograph that appears on the front page of the Washington Post today and on newspapers all around the world is certainly a historic photograph. With the Secretary of State of the United States, the Prime Minister of Israel, the Foreign Minister of Israel, the Foreign Minister of Russia, the President of Egypt, and Chairman Yasser Arafat, it is an overwhelming scene. Right at the very last minute, as the media reports, there was a dispute as to what would happen with the maps, whether the maps were accurate. Yasser Arafat refused to initial the maps. Prime Minister Rabin assured him that the Prime Minister's word was good and that on the unresolved issues, they would be subject to further discussions.

So it is a historic occurrence. It is one which we are all glad to see go forward. I know that there are many in Israel who have doubts about the peace accord. I am in constant touch with my own sister, Hilda Morgenstern, and my own brother-in-law, Arthur Morgenstern, who have expressed doubts to me about it. Those doubts are based principally on what the future is going to hold. But once the Israeli Government has made that decision, it seems to me we ought to be supportive of it.

I compliment Members of the House who, on Tuesday of this week, announced the formation of a bipartisan group in the House—Representative ELI ENGEL of New York and Representative JIM SAXTON of New Jersey—to monitor the events which go on. There is currently an organizational process to find a group in the Senate to provide similar monitoring.

I note the publication by the Zionist Organization of America about violations by the PLO and the statement that at least 22 terrorist attacks by PLO factions aside from Fatah occurred between September 13, 1993 and

April 13, 1994, killing 11 and wounding 8. This publication is prepared under the auspices of the Zionist Organization of America and its leader President Morton Klein, of Philadelphia, whom I know very well. I would ask unanimous consent that this one-page summary be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. In summary, Madam President, I think it is a day for complimenting the participants, but a day also to be wary as to what the future will hold.

I compliment President Clinton and Secretary of State Christopher for their contribution. The Congress has been enormously supportive of the peace process in the Mideast since the signing of the Camp David Accord. We have been very supportive of Egypt and the outstanding contribution made by President Mubarak of Egypt.

I think it is up to the United States to monitor what happens very, very closely, and the group which has been organized in the House is on the right path. We will organize a similar group in the Senate. We will also put the PLO on notice that we expect the terrorism not to continue; we expect them to do everything in their power to stop it; and that our willingness to make a financial commitment depends upon complying with the terms of the agreement.

Similarly, there are those in Israel, extremists who are dissatisfied with what has happened. I know Prime Minister Rabin has taken very firm steps to see to it that there is not violence by the Israelis to undercut the stability which this new peace accord will bring.

So it is a happy occasion, but it is also an occasion where we have to be wary for what the future may bring.

I thank the Chair. I yield the floor.

EXHIBIT 1

VIOLATIONS BY YASSER ARAFAT AND THE PLO OF THE ISRAEL-PLO ACCORD

(From the Zionist Organization of America)

Failure by Arafat and the PLO to prevent terrorism by his own Fatah faction:

In the Israel-PLO agreement that was signed at the White House on September 13, 1993, Arafat pledged to stop using terrorism. But his Fatah faction of the PLO carried out at least 32 terrorist attacks between September 13, 1993 and April 13, 1994, killing 14 people and wounding 22.

Failure by Arafat and the PLO to prevent terrorism by other PLO factions or punish them for their attacks:

In the Israel-PLO agreement, Arafat pledged to "assume responsibility over all PLO elements and personnel in order to assure their compliance" with the agreement, and to "discipline" those PLO factions that continue to engage in terrorism. Other PLO factions (aside from Fatah) carried out at least 22 terrorist attacks between September 13, 1993 and April 13, 1994, killing 11 and wounding 8. Arafat has neither prevented them from carrying out such attacks nor has he "disciplined" them for doing so.

Failure by Arafat and the PLO to condemn terrorism and to call upon the Palestinian Arabs to reject violence:

In the Israel-PLO agreement, Arafat pledged to condemn terrorist attacks against Israelis and pledged to call upon the Palestinian Arabs in the territories to reject violence and terrorism. Between September 13, 1993 and April 13, 1994, there were at least 212 terrorist attacks (killing 94 people and wounding 213), of which Arafat condemned only one, in October 1993, under enormous U.S. pressure. Arafat refused to condemn the Arab terrorist massacre of 8 Israelis in Afula on April 6, 1994 and he issued only a weak statement—not an explicit condemnation—in response to the massacre of 6 Israelis in Hadera on April 13, 1994. On April 23, 1994, an Israeli woman nursing her infant in the town of Neve Dekalim was stabbed seven times by an Arab terrorist; Arafat failed to condemn the attack. Instead of calling for Arabs to reject violence, Arafat has praised the continuing intifada violence, describing it as "heroic."

Failure by Arafat and the PLO to change the PLO convenant:

In the Israel-PLO agreement, Arafat pledged to ask the PLO National Council to delete those clauses in the PLO's National Covenant that call for the destruction of Israel. But he still has not asked the Council to do so, and PLO officials have indicated that he has no plans to ever do so.

Arafat and the PLO continue to use anti-Israel rhetoric:

In the Israel-PLO agreement, Arafat pledged to pursue normal, peaceful relations with Israel. Instead, he has told Arab audiences that the agreement is just one stage in his "Strategy of Stages" for gradually destroying Israel. He has supported the Arab economic boycott of Israel. He has urged African nations to refrain from restoring their diplomatic relations with Israel. He has urged foreign airlines to boycott the Israeli airport near Jerusalem. Both Arafat and other senior PLO officials have urged the continued use of violence against Israelis.

Mr. SPECTER. Madam President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. GRAMM. Madam President, I ask unanimous consent to proceed for 15 minutes, as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BASE CLOSINGS

Mr. GRAMM. Madam President, for the last couple of weeks, there has been a broad-range discussion in Congress, at the Pentagon, and in the White House about putting off the 1995 round of base closure decisions mandated by the base closure law.

I am as aware as any Member of the Senate how painful this process is. In fact, under 1991 Base Closure Commission decisions, three major bases closed in my State. But I am also painfully aware that in each recent year the Congress has cut defense dramatically. Hundreds of thousands of people are being taken out of the service. We are cutting defense by tens of billions of dollars. We are beginning to affect our ability to modernize our forces.

This year the President proposed that we not provide full cost-of-living increases for our military personnel. We are not maintaining benefits. Last year, the Congress changed the Tax Code so that when a young military person is sent to Europe and we provide an allowance to pay for their move, that is now taxable income.

In short, we have cut defense at a rate unprecedented since the years immediately following World War II. We have diminished benefits for our service personnel. We are now delaying modernization, we are affecting readiness, and we are doing it because, in my humble opinion, we are cutting defense by too large an amount, and we are doing it too quickly.

I have voted against defense authorization bills for the first time in my career in Congress because I am concerned that we are making a bad mistake. But I do not understand how we can stand on the floor of the Senate and cast votes to cut defense and then turn around and say we should delay military base decisions.

If we are going to cut defense dramatically and we are unwilling to go through with our commitment to review the mission of our military bases, we are going to end up with a large number of military bases that are understaffed and that are operating at much less than their full capacity. This means we are going to eat up the resources we have, we are going to hurt modernization, we are going to hurt readiness, and we are going to reduce our ability to continue to recruit and retain the finest young men and women who have ever worn the uniform of this country.

Madam President, I want to go on record saying I am going to oppose any effort to delay the scheduled round of military base decisions in 1995. I am acutely aware that every base in my State is going to be looked at and every base in every other State is going to be looked at.

But we just voted for a budget that cut defense again. We are going to be faced with an authorization bill that cuts defense again. We are going to be looking at an appropriation bill that cuts defense again. I am not going to vote for those things, but I know the Senate and the House will vote for them, and I know the President will sign them.

We cannot go on cutting defense and then be unwilling to do what we have to do to maintain a quality force. What we have to do, if we make the decision to cut defense, is to close bases that we do not need.

Now, I am aware that there is going to be an election in 1996 following these decisions. But the point is, we are talking about something that is vitally important to America's security. We are talking about something that is crucial. I believe that to halt the only smoothly coordinated part of this whole process, which has been the base closing commission, is a tragic mistake. I am going to do whatever I can to derail this attempt to delay it.

The Base Closing Commission is critically important because, under the old system, we all know what happened. Every Member of Congress had to oppose every base closure in their State or district. And so when the decision was finally made, it was only after every obstacle that could be thrown in its way was thrown in its way. As a last resort, a Congressman would instruct his staff, saying, "I'm am going out and lie in front of the bulldozer. Be sure that the camera gets a good angle on me. And just as I'm about to be crushed to death, run in with tears on your face and drag me from the front of the bulldozer."

But by setting up an orderly base review process, we have made it possible for all of us to vote on the broad recommendations of the commission.

I hate closing bases. My dad was a sergeant in the Army. I believe in a strong defense. I love the people that wear the uniform of the country. I love the communities that have supported defense. There is almost something unfair about penalizing the very communities that helped us win the cold war. But there is no alternative.

In my opinion, to sidetrack this nonpolitical process is a tragic mistake.

Finally, I wanted to come on the floor today and say not everybody agrees with all of these articles that are being written. Not everybody agrees with the people at the White House and the people in the Congress. I disagree. In this case, the law of the land says we are going through with this review and I intend to oppose any effort to derail that process.

Mr. STEVENS. Will the Senator yield for just a moment?

Mr. GRAMM. I am happy to yield.

Mr. STEVENS. I did not know whether my friend from Arizona wanted to speak.

Mr. McCAIN. Go ahead, please.

Mr. STEVENS. Madam President, I am happy to be here at the time the Senator from Texas mentions this, because I think I am one of those who raised the question of the 1995 round. I did so when the Appropriations Committee was informed that approximately 10 percent of the bases that were ordered to be closed in 1988, 1991 and 1993 have been closed. We now are carrying on the books and are financing the operation of a series of bases that theoretically were closed in those previous three rounds of base closures. The reason they have not been closed is in the process of closure environmental problems were discovered. There were transitional problems with regard to transitioning the bases from one place to another.

But in any event, of the literally couple of hundred bases, I guess, we have ordered to be closed, only 10 percent or less have been closed.

The problem is, if we start into another round of 1995 and we are asked to put up the money for that process, which is in effect putting a lot more bases in the pipeline, we are actually running up more costs today by the bases that were not closed than we could possibly save by trying to close more. I am not in favor of not continuing the process of closing bases. But if we are asked now to finance the closing of bases in 1995, we are going to have to cut troop strength and cut procurement to do that. Because the bases that were ordered to be closed have not been closed, cannot be closed because of problems that were not foreseen at the time those prior bases were ordered to be closed.

I agree with what the Senator has said, this should not be related in any event, in my opinion, to 1996 as far as what we are doing. We are looking at the costs. I do not think the Senator from Texas wants us to reduce the number of divisions down to nine divisions because we have to order and start the process of closing some more bases that will not be closed in their time either because these bases are still in the pipeline. They are not being closed because of horrendous problems, particularly in the environmental field.

I urge the Senator from Texas to look at some of those problems that are delaying these base closures. I am not for delaying any base closures, I am not for reversing any decisions. I just ask why should we add more to the list when we cannot close what we have ordered to be closed already? I think the cost of these, once you start the process of closing—you start immediately and you have problems of relocation of the forces there and disposal of the equipment there wherever you order a base to be closed. Today the cost of keeping up the utilities alone in some of these bases that were ordered to be closed in 1998 is quite excessive.

I think we should not incur the additional expenses of additional base closures when the result of that will be a further decline in the troop strength, a further decline in the steaming hours and flying hours, the operation and maintenance money, that we have to have to maintain our readiness. I urge the Senator to study the problem with regard to the cost of maintaining these bases until we will get the environmental clearance to close them.

Mr. GRAMM. Madam President, let me reclaim my time and respond. First of all, I am willing to look at any facts. I always try to enter these debates with an open mind but I am not entering this debate with an empty mind.

Basically, the bottom line is that our military bases do not match the size of the force that the Congress is willing to pay for. I would readily agree with the distinguished Senator from Alaska that in closing military bases—it is a hard thing to do—we have run into environmental problems. But as we continue to expand the environmental requirements, those problems are not going to be any easier in 1997. If anything, they are probably going to be worse.

If every business in America that had to make tough decisions simply looked at the immediate cost of closing a facility most of them would go bankrupt because they would conclude that in the short run it costs money to close a plant, consolidate, or relocate. But, instead, they try to look at the long-term benefits.

My concern—and I emphasize this—is I believe we are cutting defense too fast. I do not think the world situation justifies what we are doing. But if we delay this process, if we keep outmoded bases open, then we will be forced to spend scarce defense dollars on them. We are building down, and if I have to choose between a military with personnel that are well equipped and well trained, or one with more bases, I want the better equipped and trained military. If delays are a problem, then I am willing to work with the Senator from Alaska to smooth the process.

I am very fearful that if we stop this process we are going to end up with the kind of builddown we had after Vietnam, where benefits, pay, and modernization were sacrificed. All three Members on the floor at the moment on our side of the aisle have been strong supporters of defense. I am alarmed about the cuts that are being made. But I think in the midst of those cuts the worst thing we can do, when we are reducing the number of people, is not reduce the number of facilities.

We are asking for a disaster, and the longer we wait to do this, the harder and more expensive it will be.

Mr. McCAIN. Will the Senator yield?

Mr. GRAMM. Why do I not yield and let the Senator from Arizona get the floor. I yield the floor.

The PRESIDING OFFICER. Does the Senator from Arizona seek his own time? There are 8 minutes remaining on the time of the Senator from Texas.

Mr. McCAIN. I seek my own time, Madam President.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

What amount of time does he seek?

Mr. McCAIN. I request 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized for 5 minutes.

Mr. McCAIN. I understand the concerns of the Senator from Alaska. One of the unanticipated costs—and it probably should have been an anticipated cost of base closings—has been in the enormous environmental challenges we have faced. There is a base I believe in Indiana which used to be a place where ordnance was tested where no one knows when they will be environmentally clean and closed.

I take exception to the description of the Senator from Alaska as to what a closed base is. Because a base is not closed entirely does not mean that all military activity has not been removed from it and all the military personnel have left. So a large number of the bases that the Senator from Alaska is talking about have been closed as far as the practical aspect of it if not a technical aspect.

Also, the fact is that we have cut defense by 40 percent since 1987—by 40 percent. It will be another 5 percent under the Clinton budget which I have no reason to believe will be changed. In fact I have reason to believe in light of recent actions on the part of the Congress the cuts will be greater rather than smaller.

At the same time we have cut the base structure, the support base structure in this country by only 15 percent. That imbalance cannot last. That imbalance has to be addressed. Unless the Senator from Alaska has different information than I do, I suggest we have to match the base structure with the force itself. Otherwise we are going to pay this bill even more heavily over time.

The environmental problems that exist at bases that are going to be closed are not going to get better. In fact, I think some expert in the studies of the environments at these bases would make a strong case they are going to get worse the longer we leave these toxic things that have been spilled and unexploded ordnance and things. They become a worse situation rather than better over time.

The one aspect of the base closing commission concept was so the Congress would not have to carry out its responsibilities. As the Senator from Texas said, none of us could ever close a base so we gave the responsibilities to a base closing commission. They carried out their duties.

They are, according to the law, empowered to do it one more time, in 1995. And we all know that their decisions will be draconian in nature. In fact, the initial reports we have are they will be double the previous base closing commission's decisions. I am sure that is a very frightening prospect. But I do not believe we can tell young men and women that they have to leave the military, as we are telling them by the thousands, and at the same time say we are going to keep this base open because it is too expensive.

Today we are telling thousands of young men and women who joined the military for a career: I am sorry, you have to leave the military because we cannot afford to keep you in the military because we have not enough in the defense budget. By the way, we are going to keep all these bases open because we cannot afford to close them.

We are going to pay this bill for closing a base now or later. It is like the commercial which I believe is for mufflers: "Pay me now or pay me later."

Mr. GRAMM. Fram oil filter.

Mr. McCAIN. Is it a filter?

"Pay me now or pay me later." I would rather pay now and go through this painful adjustment and start addressing these terrible environmental problems that we found at these bases, rather than delay it and delay it.

I will make one more comment from being around this organization, this body, for some years. Once we agree to a delay, once we break this chain that we have committed ourselves to by law, I have no confidence that we will then return to a base-closing procedure that will actually work.

I look forward to working with the Senator from Alaska and the Senator from Texas in trying to put a brake on these draconian cuts that we are seeing in defense spending.

On last Monday, the Senator from Ohio [Mr. GLENN], and I went down to Norfolk, VA. We met with Navy and Marine Corps personnel, both air and ship people. They are all very concerned. I would say to my friends: They are deeply concerned. They are worried. Readiness is starting to suffer already.

So I suggest that if we deviate from what we imposed on ourselves by law, that we will suffer significant financial and, perhaps, personal consequences in having to force more and more young men and women out of the military than we are already.

I respect enormously the views and knowledge of my friend from Alaska, but I suggest to him that if we are going to downsize the military in the post-cold-war era, we have to do it in a fair and equitable manner, with the first priority being to readiness, the second priority being to the welfare of the men and women in the military, and the third priority is the bases themselves.

I yield back the remainder of my time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Alaska.

Mr. STEVENS. Mr. President, I seek the floor in my own name.

The PRESIDING OFFICER. The Senator is recognized.

Mr. STEVENS. Mr. President, the strange thing is that the three of us, I think, are committed to the same concept of maintaining the strongest possible defense for the United States.

I say to my two friends that the Appropriations Committee has been notified that studies made by the General Accounting Office and by the Congressional Budget Office have indicated that the original estimates of the cost of closing bases was exceedingly low. It was an estimate, and we have now processed 1988, 1991 and 1993 bases to be closed. The difficulty with it is the environmental costs alone are such that it is now estimated that we will not break even in terms of the cost of closing the bases and the savings, until the turn of the century.

The problem that we have is, we anticipated these closed bases would be off the appropriations demand by 1996, and we find that is not the case. If we add to the list—already we are going to have to bring down, unless we get an increase in defense spending—we are going to have to bring down something in order to meet the added costs of closing these bases.

My point is that I believe in readiness so much that I believe we have to recognize if we add to this list of bases to be closed in 1995, if we start funding in 1995, by the turn of the century—it will be way into the turn of the century before we break even.

We all know in defense—the Senator from Arizona just said—despite the President's cut, there are going to be additional cuts demanded by some people in Congress. What is happening is readiness is being affected. We are going to have a hollow Army, hollow Air Force. We will not be able to, once again, man our ships. We will not be able to keep our airplanes flying. And we certainly will not have the people that we say we have in the divisions that are there.

All I am trying to do is alert my friends: Keep an open mind where this money is going to come from. We say, "Well, we'll have to pay the added cost." There is no place to pay the added cost from except the limited amount we have now, and that means something has to be decreased.

What has been decreased so far has been readiness, has been manpower, has been the number of airplanes we are replacing, has been the number of ships we can maintain. I think the public ought to know that if we continue to say we are closing bases and do not close them, the effect is reduced manpower, reduced equipment, reduced procurement and reduced readiness. We have to keep that in mind.

If you want to decide what bases to close in 1995, go ahead and do it. But if you try to spend money on closing them, you are going to take it from somewhere, and that will be from a reduced level of appropriations that is not currently enough to maintain readiness to defend this country.

My commitment is to maintain readiness. Particularly, I call the attention of my colleagues to the fact that we are going to double the amount of money put into the environmental account this year. Where is it going to come from? It is going to come from reducing the size of some of the units that we thought we were going to have. Instead of divisions, we are going to have brigades. Instead of brigades, we will have battalions. Instead of a 600- or 700-ship Navy, we are going to have a 300-ship Navy.

I have to tell you, we are the world's last superpower. I hate to be around here in the year 2000 when the world needs a superpower, because we are not going to be one if we keep spending the money for the process of closing, but we do not get them closed.

I predict the bases ordered to be closed in 1988 will not be closed until 1998. Those ordered to be closed in 1991 will not be closed until 2001. That is about the delay. It is about a 10-year delay.

I agree, they are not maintained at the same level they were before the base-closure order, but there are still people there to protect them, there are still utilities there, there are still ongoing costs of maintaining the Corps of Engineers.

Those costs alone, in terms of these bases that have not been closed, are mounting every year. I say to my colleagues, look at the reports of the GAO and the Congressional Budget Office and see what you can do to help us. We cannot stretch this dollar any further. The dollars available to us are decreasing, and the demands from the military people to not go any further are increasing.

I originally got in this because of a complaint from uniformed officers saying, "What are you doing to our services? The manpower is too low." I believe that this Base Closure and Realignment Commission concept should be examined once again in terms of the timing of spending money on closure of more bases that will not be closed until the next century.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I will be brief. I think the Senator from Alaska makes some very important points, especially in the area of his responsibilities in the Appropriations Committee.

First of all, it is a fundamental fact that we have an obligation to see that the Armed Forces of the United States are run in the most efficient manner. We cannot run the Armed Forces and conduct our operations in the most efficient fashion if we cut the defense budget by 45 percent and the support structure by only 15 percent. That is a fundamental imbalance which, over time, has to be extremely more expensive.

Until you get that balance between force structure and bases, then we will operate, with the taxpayers' dollars, in an inefficient and wasteful manner. Admittedly, it will be painful. Admittedly, the environmental problems were underestimated dramatically, but those are not going to change.

Now we come back to another question and a strong difference that I have had with the Senator from Alaska for a long time. I will fight as hard as I can to keep a level of defense spending which is appropriate to meet the national security requirements of this Nation. But I say to my friend from Alaska, if the Congress continues to cut, and the administration continues to propose these cuts, and we end up in the situation that the Senator from Alaska describes, at least I will have fought the good fight, and at least the people of this country will know who sounded the klaxon that this danger was upon us, and who did not go along and accept a premise that we have to go along with continued cuts in defense spending which will erode this Nation's ability to defend our vital national security interests.

It is just like the Grassley-Exon amendment that was going to cut the budget; therefore, automatically it was coming out of defense. I said, no, it does not have to come out of defense. It can come out of a whole lot of things, a list of which a mile long I can give the Senator from Alaska. But we accepted the premise that any cut in the budget was going to come out of defense.

I say no. I say we are rational, thinking people and understand that they cannot continue to come out of defense. They cannot, if we expect to defend this Nation's vital national security interests.

So I say to the Senator from Alaska, it is time we went to the American people and said we have to close these bases because we have to have a proper balance between force structure and the support structure which are represented by the bases. We may have to pay extra for it, but we do not necessarily have to throw men and women out of the military while we are doing it.

Why not cut some of these programs that the American people do not support anyway when they hear about them? Why not go at it from this direction rather than saying it is all going to come out of defense, guys, if we cut the defense budget. It does not have to. That is a conscious decision made by the Congress of the United States.

I will not support it. I will speak against it and sooner or later the voters of this country will recognize who stood up for a strong national defense and who did not, and, unfortunately, in my view, it may be in a time of national crisis. But I am not going along to get along.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I do not have a quarrel with our colleague from Alaska. I do not doubt the sincerity of his position, but here is the bottom line. Whatever it costs to consolidate bases or no matter how long it takes, we know that when defense has been cut by 40 percent and our base structure has been cut by 15 percent, we have a facility excess, and therefore we are going to have to continue the review process.

Nobody wants to do it. I hate to see bases closed in my State. I do not like seeing them closed anywhere. But there is something worse than not undertaking that assessment. What is worse is destroying our capacity to defend America and defend our interests. I know that we could get into a debate about how long it takes to recapture the money we spend to close bases, saying it will not happen until the end of the century. That sounds like a long time. But the end of the century is less than 6 years away. Closing bases is not going to get cheaper. It is not going to get easier. We know we have to do it if we are going to maintain defense. Does anybody believe we are going to have more money tomorrow than we have today given who is in the White House and given the makeup of the Congress?

I believe this is something that needs to be done. I feel the same way about base closings that I do about going to the dentist. I never went to the dentist until I was a teenager, and it was a shocking experience when I did. I hate going to the dentist. But when I find out I have to go, I want to get there and get it over with.

Finally, Admiral Boorda says, "There is not enough money to maintain infrastructure we no longer need."

Now, I think that is as clear a statement of this problem as you can have. The bottom line is, we have a lot of people in the Senate and the House, in the Pentagon and the White House—and I do not count the Senator from Alaska among them—who want to cut defense but act as if it does not have any impact; that their votes to cut defense do not affect their State, do not affect their bases.

Well, in reality we know what those votes do. What I want to do is make rational decisions. The Base Closure Commission process has helped us do what we hate to do but which we all know has to be done. Somebody may come forward with a rationale that could convince me the process should be halted, but I would have to say that as of today I cannot imagine it. I am afraid that if we stop the base closure review while we continue to drastically cut defense, we are going to end up with a military that cannot meet its missions. That is something I do not want and I cannot support.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I just want to make sure my friends understand. The Senator from Texas does not just have a toothache and needs a dentist. He needs a root canal, and it is a bad one and he needs some other experts to look at the situation. I have to let him know that the experts we have used so far have told us that while the Congress has said to close these bases and while the authorizers say in effect they are closed, we have not closed 15 percent. We have closed less than 5 percent.

The reason we have closed less than 5 percent is because Congress keeps passing environmental standards which must be met by the military, and these bases now are costing us more to close than they cost to operate. As a matter of fact, part of the problem is it was estimated that we could close some and sell them, and the revenue would be turned back into the Treasury and would be available to help sustain the military at the level we thought it would be sustained. The sales are abysmally low. No one wants to bid on this land because of the environmental problems. They are not willing to take them.

As a consequence, we have the situation where, although we have ordered about 15 percent to be closed, they have not even come close to that. We are now going to order some more to be closed, and we are going to increase spending on them. It will actually be more expensive to go into it than to let them be delayed for a couple years. You can go ahead with your force structure reduction, but if you add more bases to be closed, you are going to hire more people to close them; it is a different set of people that handle closing a base than handle opening a base.

I can tell the two Senators, from the best I can tell, the increased cost of closing bases is decreasing our military readiness; it is decreasing the amount of money available to do what all of us want to do, and that is maintain the highest capability we can. I agree we should not cut as far as we could. I agree we should have proceeded more rapidly.

My point is I think that the authorizing committee has to take a look at what is going on. Streamlining our base structure in connection with the declining force structure is absolutely necessary.

By the way, the Senator's estimate is, in my understanding, very conservative as to the number of bases to be closed in the next round. The number of bases to be closed in the 1995 round is equal to the number that were ordered to be closed in 1988, 1991, and 1993. As I said, of those—about 10 percent ordered to be closed so far have been closed. The forces are not there. But the base maintenance costs are there. I really do not want to see another group of base maintenance people get paid and have us reduce further the number of people we can maintain in our standing Army, standing Air Force, and standing Navy.

Now, if I am not being understood—and it sounds like I am not being understood—I think we are basically in agreement in goals. But I would ask you how do we get the money to order more bases to be closed and move in more people to deal with the local communities, to tell them the bases will not be available to them, start planning for sales, and then find, as we have in all the rest them, that the environmental costs and the transitional costs are so great that the estimated savings have been nil so far? We have not saved one dime so far from any base that was ordered to be closed. That has not netted out yet, and we are now 6 years into the process. Six years is a short time all right, but I have to tell you in terms of base closures it is not very long at all. And I would predict to you that these bases are going to be on our base operations list as long as there are environmental problems. The environmental problems are increasing, not decreasing, by the laws that this Congress is passing.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. McCAIN].

Mr. McCAIN. I wish to make a very brief comment. The Senator from Alaska, I am sure, knows that the laws passed by Congress require us to clean up the environment on a base whether it is open or closed. The environmental cleanup has to be carried out whether that base is open or closed.

So the fact is that bases that are open, we are required to not allow them to be in violation of the laws of land.

Yes, it is true. And the fact is that if the Senator from Alaska believes that these environmental problems are going to be any better if we delay these bases from being closed 1 or 2 or 3 or 5 years from now, he has different information from that received by the Armed Services Committee.

These environmental problems are getting worse and worse and worse. They are going to cost more and more and more to get cleaned up. So the sooner we get about it, the better.

Where the Senator from Alaska and I are in disagreement is where the money comes from. The Senator from Alaska assumes that it comes out of defense. I say maybe it will. Maybe that is the reality. But it does not have to be. It does not have to come out of defense. It can come out of the Corporation for Public Broadcasting. It can come out of the pork barrel projects of which I identified—$4 billion worth of unauthorized appropriations which had no use whatsoever except to satisfy some Senator or Congressman's district. It could come out of the airplanes that we purchased for the Department of Defense that they neither could use nor wanted. We could take it out of the funds for the airplanes that we bought for congressional junkets.

We could take it out of the billions of dollars that the CBO identified for me which was total pork barrel spending instead of taking it out of what we are doing now, and that is telling men and women who join the military for a career that they have to leave because we cannot afford to keep them.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

DON'T DO IT, MR. PRESIDENT

Mr. HELMS. Mr. President, Deputy Secretary of State Strobe Talbott and Deputy National Security Adviser Sandy Berger briefed the Foreign Relations Committee on Tuesday regarding President Clinton's policy toward Haiti. They had previously briefed the Members of the House of Representatives last week on the same subject, and that testimony last week was widely reported in the media.

Under the circumstances, it therefore seems to me absurd that Tuesday's briefing, if you want to call it that, by Secretary Talbott and Mr. Berger, was declared to be a secret meeting, an action which I protested at the time. I mention the matter today because not one syllable was uttered by either Mr. Talbott or Mr. Berger or anybody else that has not already been reported by the media.

However, Mr. President, the American people have every right to be astounded that the Clinton administration is unable to answer even the most basic policy questions about Haiti. Small wonder then that the conclusion is inescapable that the Senate briefing was classified totally for political reasons, and the American people are entitled to know that.

First of all, Mr. President, I am absolutely convinced, beyond any peradventure, that there is no justification for Mr. Clinton even thinking about sending United States military personnel into Haiti—as he clearly indicated was an option in some of his recent public statements. The Wall Street Journal described the President as a man who "talks loudly and carries a twig."

Having said that, Mr. President, it is important to bear in mind that all this political pontification about "restoring democracy to Haiti"—and we hear that over and over again—this is pure nonsense because Haiti has never had any democracy to restore. The nearest thing to a democracy that Haiti has ever known was when that country was occupied by the U.S. Marines.

Mr. Aristide did not rule democratically by any stretch of the imagination during the 7 months that he was president, nor did he even try to. I will not go into the necklaces, and all the other things that occurred. But he did not try to be a democratic president.

Nevertheless, the administration continues to orate about returning Aristide to power. Considering the fact that sanctions have failed miserably, just what is it that the administration is proposing? "Tougher sanctions," said Mr. Talbott and Mr. Berger, plus a foolish hope that they expressed that the Haitian military will somehow and for some reason take flight and give up. Sanctions have not even begun to work, and there is no logic to support or believe that sanctions will ever work.

So, Mr. President, speaking for myself alone, as ranking member of the Senate Foreign Relations Committee, my unyielding position regarding Haiti is that not one American soldier or sailor shall be put in harm's way in Haiti. Congress must continue to forbid this administration sending United States troops to Haiti.

The United States has only one national security interest in Haiti, and that is to stop the flow of illegal immigrants into the United States. The life of even one American soldier or sailor should not be put at risk in a vain attempt to restore—"to restore," and I am saying that with quotation marks surrounding it —Mr. Aristide to power.

Just remember, on October 21 of last year the Senate passed by a vote of 98 to 2 a nonbinding resolution urging that the President not send United States troops to Haiti without congressional approval. I seriously doubt that Congress will even consider approving risking the lives of American service men and women in Haiti to defend Mr. Aristide, who demonstrably is no friend of the United States.

There was an interesting irony this past Tuesday. While President Clinton's advisers were in room S–116 on the first floor just below the Senate Chamber testifying at that secret meeting of the Foreign Relations Committee, and talking only about tougher sanctions, the President of the United States was by no means ruling out sending United States Armed Forces to Haiti.

But, Mr. President, surely, Mr. Clinton has given at least some consideration to the cost of U.S. military intervention. How long for example would it last? Will United States marines have to occupy Haiti for 19 years as they did earlier in this century? How many American lives will the Clinton administration be willing to lose to defend Aristide? And what will the President say to the parents of American soldiers and sailors who may be killed in that action of folly?

The last time the United States intervened militarily in Haiti earlier this century, there were 208 casualties—with 36 U.S. marines killed or wounded in action.

The Congress must make clear that the President should not even think about a repeat of that disaster. In other words, I say to the President of the United States, with all due respect, do not do it, Mr. President. Do not do it.

CONGRESSIONAL GIFTS REFORM ACT

The Senate continued with the consideration of the bill.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The committee substitute to S. 1935.

Mr. HELMS. Is that further amendable?

The PRESIDING OFFICER. It is further amendable.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 1677

(Purpose: To prevent Senators from receiving free elevator rides in "Senators-only" elevators)

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk, and ask for its immediate consideration.

Before the clerk reports it, I offer this amendment in the spirit of levity of the LEVIN legislation.

The PRESIDING OFFICER. The clerk will report.

Mr. HELMS. I ask that the clerk read it all.

The assistant legislative clerk read as follows:.

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1677.

At the appropriate place insert the following:

"SEC. . Notwithstanding any other provision of law, Senators shall, from their personal funds, reimburse the U.S. Treasury fifty cents for each and every use of an elevator designated for the sole use of Senators in the Capitol building or Senate office buildings."

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, several Senators have said that this is a good amendment and that we ought to vote on it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COHEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. HELMS. Mr. President, we have discussed this amendment. I do not want to hold the Senate here longer.

Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, you can act on the amendment, if you like, on a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1677) was rejected.

Mr. HELMS. I will accept the Chair's interpretation.

Thank you, very much, Mr. President.

Mr. FEINGOLD. Mr. President, I move to reconsider the vote.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I would hope that those who voted "aye" on the last amendment would take upon themselves the honor code and put the 50 cents in a jar out there every time they use it, to show that the amendment was done in good faith, and perhaps we will start a treasury that will enable us later on to do some of the repairs that we occasionally have to do around the building.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 6 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCRAP METRIC MANDATES

Mr. DORGAN. Mr. President, the importance of my remarks may not parallel the importance of discussing 50-cent fees for elevator rides in the Senate, but let me change the subject for a few minutes.

Yesterday, I introduced in the Senate a piece of legislation, dealing with the metric system, I wanted to call to my colleagues' attention.

I have coauthored legislation with my colleague from New Mexico, Senator DOMENICI, on the issue of mandates. Our piece of legislation is called the Fair Act. We, like many of our colleagues, would like to see fewer unfunded mandates imposed by the U.S. Congress upon American business, citizens, and State and local governments. That is a separate piece of legislation.

One of the mandates comes from a law passed in the 1970's called the Metric Conversion Act which, while having some merit, in my judgment, does not have merit as a mandate. I do not object to this country moving toward and learning more about the metric system. I do object to a provision that would require State and local governments to tear down highway signs that tell us how many miles it is to the next rest stop and replace it with a sign that says how many kilometers it is to the next rest stop.

I have served in public life, both in the U.S. House and in the U.S. Senate, for a good number of years. I have never had a constituent of mine come to me and say, "One of our problems is our highway signs. We drive down the road and come to a sign and it says 12 miles to the next truck stop. We want that taken down and we want a new sign put up that says 20 kilometers to the truck stop."

It is not something I have ever heard a constituent request.

In my State, it is estimated it would cost somewhere between $2 million and $4 million in 1996 to take down our highway signs and get rid of miles and put up kilometers.

Our colleague, Senator KASSEBAUM, has introduced a piece of legislation relating to this issue as well. The piece of legislation I have introduced goes further and relates to all mandates that would come from the metric system, not just the highway program.

But it seems to me especially absurd, at a time when we have a crying need for resources to fund very important programs that would help people, that we would begin an approach in which we take down signs on our highways using the English system of measurement and replace it with the metric system.

The market system, it seems to me, ought to be the guide in where we use the metric system. If it is important in commerce and international commerce, especially, to use the metric system, let the market system convert to that. In fact, it already is doing that in a number of cases.

It is interesting, in some countries they are converting to our system of weights and measures in order to ship their goods to our country for sale in our marketplaces.

So I hope that some of my colleagues would agree with me that we ought not have mandates to apply to the metric conversion.

Yes, let us understand and learn about the metric system, but we do not need to mandate it. We do not need to spend money on absurdities such as change highway signs at a time when we are desperately short of money.

The prospect of going in and ordering a quarter pounder at a hamburger shop and instead referring to it as a 113-gramer with cheese is not a prospect I will probably ever get used to, nor will most of the American people.

We do use a system in this country that is a good system of weights and measures. The metric system is more international in scope. I respect and understand that. But it seems to me, especially for things such as highway signs, we ought not spend taxpayers' money to convert to kilometers in 1996.

I hope my colleagues will consider supporting my bill which will scrap metric mandates.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

CONGRESSIONAL GIFTS REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1678

(Purpose: To prohibit the provision of gifts and other benefits from non-lobbyists to members of Congress and their staff)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1678.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Strike line 8 on page 35 through line 9 on page 49 of the Committee substitute, and insert in lieu thereof the following:

"any gift provided directly or indirectly by any person.

"(b) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(c)(1) The following items are gifts subject to the restrictions in subparagraph (a)—

"(A) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(B) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(2) The following items are subject to the restrictions in subparagraph (a)(1)—

"(A) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(B) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(C) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee; and

"(D) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) The following items are not gifts subject to the restrictions in subparagraph (a):

"(1) Any item for which the Member, officer, or employee pays the market value.

"(2) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(3) Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(a), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(4) Items which are not used and which are promptly returned to the donor.

"(5) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(6) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(7) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(8) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(e) The restrictions in clauses (2) and (3) of subparagraph (a) shall not apply to the following:

"(1) Meals, lodging, and other benefits—

"(A) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee; or

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(2) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(3) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(4) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(5) Meals and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(6) Food and attendance provided at an event sponsored by a political organization de-

scribed in section 527(e) of the Internal Revenue Code of 1986.

"(7) Training provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(8) Bequests, inheritances, and other transfers at death.

"(9) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(10) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(11) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(12) Free attendance at an event permitted pursuant to paragraph 2(b).

"(13) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"2. (a)(1) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(B) Whether the item was purchased by the individual who gave the item.

"(C) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(2) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

"(A) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return; or

"(B) reimbursement from—

"(i) a lobbyist or foreign agent required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; or

"(ii) a client of a lobbyist or foreign agent described in division (i).

"(b)(1) Except as prohibited by paragraph 1(a)(1) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to his or her official position; or

"(B) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) of this subparagraph may accept—

"(A) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the Senate; and

"(B) transportation and lodging in connection with the event if authorized in accordance with paragraph 3.

"(3) Except as prohibited by paragraph 1(a)(1), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event in which the Member, officer, or employee is a participant. Reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee or the provision of food, refreshment, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event or meals taken other than in a group setting with all or substantially all other attendees.

"(c) For the purpose of this rule—

"(1) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(2) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"3. (a)(1) Except as prohibited by paragraph 1(a)(1), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by paragraph 1, if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Secretary of the Senate as soon as practicable after the travel is completed.

"(2) Events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the appropriate Member or committee chairman and shall include—

"(1) the name of the Member, officer, or employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(c) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member or committee chairman and shall include—

"(1) total transportation expenses reimbursed or to be reimbursed;

"(2) total lodging expenses reimbursed or to be reimbursed;

"(3) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (1) and (2)); and

"(4) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period that may not exceed 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Ethics Committee;

"(2) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(e) The Secretary of the Senate shall—

"(1) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are filed; and

"(2) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"4. (a) Notwithstanding any other provision of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the Senate and the United States.

"(b) Any Member who accepts an invitation to participate in any such program shall notify the Secretary of the Senate in writing of his acceptance. A Member shall also notify the Secretary in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. The Secretary shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

"5. The Committee on Rules and Administration is authorized to adjust the $20 gift limit established in paragraph 1 on a periodic basis, to the extent necessary to adjust for inflation.".

SEC. 3. AMENDMENT TO THE HOUSE RULES.

Clause 4 of Rule XLIII of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives, or the spouse or dependent thereof, shall knowingly accept—

"any gift provided directly or indirectly by any person."

Mr. BUMPERS. Mr. President, this is a very simple amendment. I will be willing to enter into a very short time agreement or, if you want, to just describe the amendment, let the Members voice their opinions and then vote on it.

One of the strongest objections I have had to the Levin proposal is not that lobbyists are prohibited from making any kind of a gift or contribution to a Senator, but because all other gifts are limited to $20. I must say I do not understand an arbitrary figure of $20.

The principal objection I have had to both the Feingold-Wellstone and Levin proposals is the one that was voiced by the Senator from Kentucky, and that is: I think you are laying minefields where innocent Senators are going to get in big-time trouble, inadvertently and innocently.

What if a gift came into my office in a box and I ignored it, or did not think about it? One day, I say to somebody, "What is this gift?" They say, "I don't know." And you open it up and it is a Rolex watch.

I send it back, but maybe 31 to 60 days has gone by. And let us just assume that you have a political adversary and some staff member tells him about it. The first thing you know, you have a complaint lodged with the Ethics Committee because you did not return the gift within 30 days.

Or let us assume that you have dinner some evening, not with a lobbyist but with some other person, and the people at the next table hear the discussion about who is going to pick up the tab. You go through the bill and you say, "Look, I have to pay for everything in excess of $20." And he says, "OK, I'll get the tip." And let us assume that you have a $50 to $100 bill and the tip is anywhere from $15 to $25, whatever, and somebody hears that and reports that to the Ethics Committee, that a Senator received in excess of $20.

And, incidentally, I want to point out that my amendment does not change any of the exceptions that are listed in the Levin proposal, but I do want to read one thing here to you. "The substitute would also prohibit"—this is from the Democratic Policy Committee. It is not from the bill. "The substitute would also prohibit any other person, that is, other than a lobbyist, from providing gifts of more than $20 to Members and staff."

That means constituents, constituents coming into town. I had lunch with a good friend yesterday who was in the State legislature when I was Governor. He insisted on taking me to lunch. This bill did not have anything to do with that. But I took him to lunch. We all normally take constituents to lunch. But under this bill, if he took me to lunch I would have to either say let us go to McDonald's, where I could be reasonably sure if he insisted on picking up the tab that I was not going to get handcuffs put on me, or I would have to let him know that I would pay my own way, to which he would take some offense I think—or make a computation at the table after dinner or after lunch, to make sure he did not pay more than $20 for my lunch.

Here is my amendment. Every place in this bill where it says "$20," insert "zero." I know how much "zero" is. That means nobody can give you anything. I do not have a problem living with that. Through sheer inadvertence, there will probably be times when things come into my office that I am not aware of—maybe even staff is not aware of. But when somebody comes into my office and lays a bottle of wine on the table my Secretary is going to have to call every liquor store in town or just have an office policy of sending it back, which is probably what I will do if my amendment fails. Because I just do not want to get into this determining whether something is worth $20 or not.

It is bad enough in today's $100 proposal. I said this morning that I have a wonderful secretary. She is as ethically conscientious, as anybody I have ever known in my life. As I said she keeps the Ethics Committee and Rules Committee on autodial. And if something comes in that she has the least question about the value she calls all over town to make sure the value does not exceed $100. It is hardly worth the effort.

By the same token you do not like to hurt somebody's feelings, either, saying I am sorry I cannot take your gift.

Let me digress just a moment, Mr. President, just to tell you this. When I ran for Governor the first time, talk about naive, you talk about a country boy come to town, that is the first time I realized that campaigns operated on cash. I was just a country lawyer, but I had enough sense to account for every single dollar we took in, though the law didn't require it. I would say that well over 50 percent of our contributions were in cash. And we documented every penny of it—just a little native intelligence saved me.

I remember a woman handed me what I thought was a package of gum at a rally. She told me she was on welfare and this is all she could give me but she was hot for me for Governor. She handed me what I thought was a package of spearmint gum. When I got back to the office I took it out and looked at it. She had very carefully rewrapped every stick that had been gum, and in 2 of them, very carefully folded, a $1 bill.

We wrote down, "$2, anonymous gum wrapper," in our books.

But the story I was about to tell you is I got a $5,000 contribution in $100 bills. Things like that, I must confess, frightened me when I was running. I had no idea people gave money like that. I did not know campaigns dealt in cash.

One of my friends brought the money to me. I said, "I do not like this." There was nothing wrong with it, nothing illegal about it under our laws at that time.

He said—I know this sounds a little self-serving—he said, "I promise you this guy just wants good government."

Incidentally, I found out some people wanted a little more than good government after I was inaugurated. But, be that as it may—I took the money home that night. And I could not sleep. The next morning I took it back and I said, "You give it back. I do not feel comfortable with it, and I am not going to take money from anybody for any reason that I feel uncomfortable with, and I certainly feel uncomfortable and with that much cash."

The giver was a perfectly fine gentleman. There was nothing wrong with him. I just did not feel comfortable with it. But I can tell you one thing, "he has not liked me to this day."

If you think you can turn somebody's campaign contribution down and make them like it, I do not care what rationale you use, you are fooling yourself. You are effectively saying, "your money isn't good enough for me." And you do not win friends that way.

So there is a little of that in this bill. Some people are going to be offended without realizing that it is the law we are trying to comply with; trying to meet and dampen the cynicism that does indeed exist toward politicians in this country.

One thing that is disturbing is that the bill seems accusatory. Every Senator I know in this body does his very best to comply with every rule of the Rules Committee and every rule of the Ethics Committee. But my point is this: Here it says every year the Rules Committee would be authorized to change the $20 limit to the extent necessary to adjust for inflation. So if you think $20 is hard to figure out, is it more than $20 or is it $19 or is it $21, in 1995 you are going to have to figure out, assuming the inflation rate is 3 percent, is the gift worth more than $20.60 or less than $20.60? And, in 1996 is it worth more or less than $20.78?

What kind of nonsense is this? It will be infinitely easier, and if you want to allay the cynicism, the distrust of the people in this country just to say no to any and all gifts. If the purpose of this bill is to convince people that we are honorable people—all I am telling you is, it is a lot easier to compute something if it does not exist—we know the value of zero—than it is to try to figure out whether something is worth $19.95 or $20.05.

So all my amendment does, is leave the exceptions, leaves all the exceptions in of the LEVIN bill. But it would simply say: No gifts from anybody.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I wanted to ask my good friend from Arkansas a question or two about his amendment so I can be sure I understand it. Does the Senator's amendment say you cannot take any gift from anybody? Or just from lobbyists?

Mr. BUMPERS. The LEVIN amendment prohibits a gift of any kind from a lobbyist. It limits gifts from others to a $20 value, with the exceptions which I am sure the Senator has seen. I am saying: Do not just make it for lobbyists; make it for anybody, with those exceptions.

Mr. STEVENS. Mr. President, let me ask my friend—and I understand what he is trying to do. In my office yesterday a young woman brought me a T-shirt from the association that she was here with. I think T-shirts are worth more than $20 now. What would happen under your bill to these things that people walk in our offices and bring to us. They are tokens, but they are gifts all right. Just today a young man came in from the job corps center. He was very proud of his role at the center. He brought me one of those baseball caps. This one is waterproof and lined. It is a very nice baseball cap. What about that? Is this covered by the amendment?

Mr. BUMPERS. Yes, of course.

Mr. STEVENS. We say no to that, too?

Mr. BUMPERS. It is better than asking the man the value of this cap or T-shirt, whatever it is. T-shirts are much more expensive than I dreamed of these days. I tried to buy one a couple of weeks ago and it was $15. But you can say in a nice, discrete way, "I know your intentions are honorable, but we have a hard and fast rule in the Senate that we cannot accept a gift of any value."

Mr. STEVENS. Does that interpretation apply to my daughter, too, who lives with me?

Mr. BUMPERS. It would not.

Mr. STEVENS. Your zero amount is a gift to a Senator.

Mr. BUMPERS. I am not sure—this only amends the Levin bill to the extent of the value of the gift. I think the Levin amendment only applies to Senators and staff, but I ask the distinguished floor manager, who is on the floor right now, if I am in error on that.

Mr. STEVENS. I inquire of the manager of the bill, does the pending bill affect the gift that my daughter, who lives at home and is underage, might receive?

Mr. BUMPERS. I think she would probably be exempt, but in our ethics report spouses are included. My office manager came in a moment ago and said, "I'm working on your ethics report." She wanted to ask me a couple questions. So it is that time of year again.

As you know, everything my wife owns and all her income goes on my ethics report. I will give you an illustration of how that works. Betty's father died in 1986. He was not a wealthy man, but he was not poor. He left her land and money, and in the following year my assets went up rather substantially on my ethics report. The local paper said, "Bumpers net worth goes up" so many thousands of dollars. Even though you put "S," you encircle an "S" in parenthesis in the ethics report for spouse, no reporter ever notices that. They just take the bottom line.

It looked as though somehow or another I enriched myself, but it was an inheritance Betty got from her father.

Mr. STEVENS. Do the managers of the bill have an answer to my question? The Senator now raises the question of spouses. Does this apply to my daughter who lives with me?

Mr. COHEN. It is my understanding it would, in fact, apply to any Member, officer, employee of the Senate, spouse, and dependent thereof. It applies to staff, Senators, spouse, and dependent children.

Mr. STEVENS. Mr. President, let me make sure I understand what this bill does then, because I might have voted for it before just now.

My daughter, who is in school, goes to a party—she has been going to a series of parties lately—and she comes back with a present. I have to tell her to take it back, she cannot take a gift, no matter what the value? Is that what we are saying?

Mr. BUMPERS. The Senator is correct. Bear in mind, under the Levin amendment, you have to determine the value.

Mr. STEVENS. I am just exploring that because I do not want to embarrass her, and when I get home, she is going to be embarrassed. She has been going to a series of bat mitzvahs in the Washington area these last 3 or 4 weeks where they give gifts to the young women who come to celebrate the event with them.

What am I supposed to do, tell her to take it back? Under the amendment of the Senator from Arkansas, I should tell her she cannot have it at all, and under the Levin amendment, I have to ask her what it is worth; is that right?

Mr. BUMPERS. Senator, I think that in the case of your beloved daughter, you would be quite secure if she came home with a gift of almost any value—well, I will not say that—but of nominal value, say, $20. You could be secure in that because there is an exemption for those "motivated by personal or family relationships." If she came home with something from school, that would certainly be a personal relationship.

Mr. STEVENS. I hope that is the case because I do not want to be embarrassed somewhere down the line.

I ask the Senator from Michigan, is that right? This bill purports to cover gifts to my daughter and gifts to my spouse, but if I see a gift, do I inquire where it came from, what its value is, what the personal relationship is of the person who gave it to them?

I sort of like to sleep indoors. I am not sure I like to sleep on the porch, but I am liable to have to if I start asking questions like that of my daughter.

May I inquire of the manager of the bill, what is his intent with regard to this coverage of our dependent children and our spouse with regard to this gift rule?

Mr. LEVIN. It is the same as under the current rule. The current rule provides that "no Member, officer, employee of the Senate, or the spouse or dependent thereof." It is the same.

Mr. STEVENS. I do not think it covers a gift from anybody, at least it did not when I was chairman of the Ethics Committee. At that time it did not cover a gift from anybody for any amount. It only covered a gift from lobbyists.

But with regard to the concepts we are dealing with now—the $20 limit has never been in any bill before. Not when the limit was $100 from lobbyist and now that the limit is $250 from anyone. I never had to ask my daughter when she came back from a party what someone gave her. I am a little worried about where we are going.

Mr. LEVIN. If the Senator will yield, I have been informed by my staff that since 1989, the rule has been it is a gift of any source.

Mr. STEVENS. Over a value of $250.

Mr. LEVIN. That is a different issue.

Mr. STEVENS. You want to make it $20 now.

Mr. LEVIN. You want to know does the rule apply to your daughter. The answer is, the rule has applied to your daughter since 1989 from any source. So the language "no Member, officer, employee of the Senate, or the spouse or dependent thereof" has been in the rule since 1989.

Mr. STEVENS. But you are putting $20 on that now, is that right?

Mr. LEVIN. That is correct.

Mr. STEVENS. And that applies to my daughter?

Mr. LEVIN. The rules apply to your daughter as they have since 1989. However, there is a personal friendship exemption which I know would cover the situation that the Senator from Alaska outlines.

Mr. STEVENS. What does apply to my daughter then under your bill? What is the impact of saying it applies to my daughter?

Mr. LEVIN. If someone gave your daughter now something greater than—now—something greater than $250 from any source, she would be covered now, under current rules. So in terms of the coverage of your daughter, your daughter is covered under the current rules.

The $20 limit has many, many exceptions, so I cannot tell you what she can do. I can go through all the exceptions with the Senator from Alaska, which I would be happy to do, but the one you mentioned relative to the birthday party, she is fine, no problem; she gets it from a personal friend and there is no difficulty and there is no limit on that amount.

Mr. STEVENS. What about the spouse? Mr. President, I think this type of limited restriction on individuals outside of the Senate raises constitutional issues. Each of these people who live with me are individuals in their own right, and I am not sure that this Congress or this Senate has the right to tell them they cannot do something because I am in office or to put me in a position where my job is in jeopardy if they do it. It is one thing to include them where the restrictions are broad and not extremely burdensome but to include them under very strict restrictions that we chose to impose on ourselves seems unfair.

Why must it cover the child on one hand then provide all these exemptions on the other. What does it really mean?

Mr. LEVIN. It means the current Senate rule has the same problem which my friend from Alaska describes. The current Senate rule applies to spouses.

Do we have a constitutional right to apply that rule to spouses or to dependents? The answer is that is the same problem in the current Senate rule. That is not a new problem added by this language. That is the current Senate rule which says "no Member, officer or employee of the Senate, or the spouse or the dependent thereof shall knowingly accept," et cetera. But that is the current language.

Mr. STEVENS. There are exceptions under the Senator's amendment, a series of exceptions. For instance, a personal friendship. What if that personal friend happens to be a lobbyist, too?

Mr. LEVIN. The personal friendship exemption still applies.

Mr. STEVENS. How do we know which is the highest priority exemption? I thought there was an absolute prohibition of any gift from a lobbyist. Am I wrong?

Mr. LEVIN. There are certain exceptions to the lobbyist including personal friendship.

Mr. STEVENS. I can go out to dinner with my personal friend who is a lobbyist, but the Senator cannot go out to dinner with my friend who is a lobbyist but who is not a personal friend of my friend. Is that right?

Mr. LEVIN. It depends on the amount of dinner. Is the Senator saying that dinner is over $20.

Mr. STEVENS. I have to tell you, Mr. President, I rarely go out to dinner with lobbyists anyway.

Mr. LEVIN. The answer is zero from lobbyists, that is correct. And from other than lobbyists, there is a $20 rule. That does not mean you cannot go out to dinner. It means if it is over $20, you are going to have to either pay for it yourself, unless you are having that in your home State, in which case the Rules Committee is going to say meals and entertainment in your home State can be more than $20 and they are going to set the reasonable amount of what that can be.

Mr. STEVENS. As the ranking member of the Rules Committee, I thank you very much for that gesture and I am sure we welcome that duty.

I wish to get back to this lobbyist issue. Did I understand the Senator to say that there is no bar of a gift from a lobbyist to my daughter?

Mr. LEVIN. Is the Senator talking about a personal friend?

Mr. STEVENS. Personal friend lobbyist.

Mr. LEVIN. That is correct.

Mr. STEVENS. If it is a personal friend, the lobbyist can give a present to my daughter.

Mr. LEVIN. That is correct.

Mr. STEVENS. There is no limit.

Mr. LEVIN. That is correct.

Mr. STEVENS. No dollar limit.

Mr. LEVIN. That is correct.

Mr. STEVENS. There is a dollar limit under law currently which is $250. Are you changing that?

Mr. LEVIN. There is a dollar limit——

Mr. STEVENS. There is a dollar limit today, absolute dollar limit of $250. Are you changing that?

Mr. LEVIN. That is a proposed amendment, to have the same $250 limit in the bill before us, as currently exists under the rules. Someone has proposed that we have that same $250 limit subject to the waiver of the Ethics Committee which we have under the current rules. I am willing to accept that amendment. It seems to me that is reasonable. But as the language reads right now, there is no such limit.

Mr. STEVENS. This amendment applies to Members and staff, applies to Members' spouses and children. Does it apply to staff's spouses and children?

Mr. LEVIN. Let me read the exact language: "No Member, officer, or employee of the Senate, or the spouse or dependent thereof." It is exactly the same language as the current rule.

Mr. STEVENS. So if one of my young staff has a baby and someone, a lobbyist wants to give them a present, it is all right if they are a friend but it is not all right if they are not a friend?

Mr. LEVIN. The Senator is correct.

Mr. STEVENS. Is that right?

Mr. BUMPERS. Will the Senator yield for an observation?

Mr. LEVIN. Be happy to.

Mr. BUMPERS. I was busy before, but page 35 of the bill says, "No Member, officer, or employee of the Senate, or the spouse or dependent thereof."

Mr. STEVENS. It includes an employee of the Senate.

Mr. BUMPERS. Oh, yes, employees of the Senate are covered.

Mr. LEVIN. By the current rule. I am reading the current rule. The Senator is reading the bill.

It is the same language.

Mr. STEVENS. Let me review for a moment.

Mr. BUMPERS. Is the Senator telling me that staff members, wives and spouses and dependents are not affected by this?

Mr. LEVIN. They are covered under the current rule. I am reading the current rule which has got the exact same language as the bill.

Mr. BUMPERS. That is what the Senator from Alaska wants to know. What is the Levin proposal regarding Senate staffs?

Mr. LEVIN. It is the same as the current rule.

Mr. BUMPERS. The current rule is, "No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept"——

Mr. LEVIN. That is correct.

Mr. BUMPERS. So that answers the Senator's question.

Mr. LEVIN. It does not change the current rule.

Mr. STEVENS. Mr. President, at first it sounded like the language read by the Senator was broader but I understand that the current rule also covers them; is that right?

Mr. LEVIN. The Senator is correct. The current rule has the same language as the bill. There just is no change in that respect. If there is a problem, the problem is the current rule.

Mr. BUMPERS. Will the Senator from Alaska yield for this observation?

Mr. STEVENS. I will yield for an observation. I do have an inquiry to make of the Senator from Michigan. I really believe the current rule has a limitation that makes it really less—have less impact on employees and their spouses and children and the spouse and children of Members than the bill that is before us now. The proposed amendment seems more burdensome and complicated. I seriously question our right, constitutionally, to put these limits on our spouses, who have their own right to their own employment and their own lives, and our children similarly.

But I really question the impact on employees, the policemen, who are out here to protect us, and their spouses and their children. Should they be covered by the same concept that we are?

I know the answer is going to be the current rule covers them, but the current rule has such a high maximum it was not as big a problem. I was about to support the amendment of the Senator from Arkansas, but the more I think about it, the more I think we ought to go back to $250 and stop the $20 nonsense. It seems to me that many of the people who work for us do not even know that when their wives have babies and someone gives them a gift they have to analyze who gave them the gift and its value and could be required to return it.

I yield to my friend——

Mr. LEVIN. Could I ask the Senator to yield for 1 second. The bill before us has an exception for personal friendship. The current rule does not.

Mr. STEVENS. I applaud the effort. But I am afraid the problem is that some future Ethics Committee chairman is going to say that there is a difference in these exceptions, and that being a lobbyist is a barrier. And I agree with the Senator from Arkansas, that a lot of future Senators are going to be very embarrassed over this bill.

I yield to my friend for his comment, though.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1678, AS MODIFIED

Mr. BUMPERS. I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify, and the amendment is so modified.

The modification is as follows:

Strike line 7 on page 35 through line 9 on page 49 of the Committee substitute, and insert in lieu thereof the following:

"or the spouse thereof, shall knowingly accept any gift provided directly or indirectly by any person."

"(b) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(c)(1) The following items are gifts subject to the restrictions in subparagraph (a)—

"(A) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(B) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(2) The following items are subject to the restrictions in subparagraph (a)(1)—

"(A) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(B) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(C) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee; and

"(D) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) The following items are not gifts subject to the restrictions in subparagraph (a):

"(1) Any item for which the Member, officer, or employee pays the market value.

"(2) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(3) Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(a), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(4) Items which are not used and which are promptly returned to the donor.

"(5) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(6) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(7) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(8) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(e) The restrictions in clauses (2) and (3) of subparagraph (a) shall not apply to the following:

"(1) Meals, lodging, and other benefits—

"(A) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee; or

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(2) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(3) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(4) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(5) Meals and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(6) Food and attendance provided at an event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(7) Training provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(8) Bequests, inheritances, and other transfers at death.

"(9) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(10) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(11) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(12) Free attendance at an event permitted pursuant to paragraph 2(b).

"(13) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"2. (a)(1) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(B) Whether the item was purchased by the individual who gave the item.

"(C) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(2) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

"(A) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return; or

"(B) reimbursement from—

"(i) a lobbyist or foreign agent required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; or

"(ii) a client of a lobbyist or foreign agent described in division (i).

"(b)(1) Except as prohibited by paragraph 1(a)(1) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to his or her official position; or

"(B) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) of this subparagraph may accept—

"(A) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the Senate; and

"(B) transportation and lodging in connection with the event if authorized in accordance with paragraph 3.

"(3) Except as prohibited by paragraph 1(a)(1), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event in which the Member, officer, or employee is a participant. Reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee or the provision of food, refreshment, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event or meals taken other than in a group setting with all or substantially all other attendees.

"(c) For the purpose of this rule—

"(1) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(2) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"3. (a)(1) Except as prohibited by paragraph 1(a)(1), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by paragraph 1, if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Secretary of the Senate as soon as practicable after the travel is completed.

"(2) Events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the appropriate Member or committee chairman and shall include—

"(1) the name of the Member, officer, or employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(c) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member or committee chairman and shall include—

"(1) total transportation expenses reimbursed or to be reimbursed;

"(2) total lodging expenses reimbursed or to be reimbursed;

"(3) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (1) and (2)); and

"(4) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period that may not exceed 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Ethics Committee;

"(2) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(e) The Secretary of the Senate shall—

"(1) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are filed; and

"(2) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"4. (a) Notwithstanding any other provision of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the Senate and the United States.

"(b) Any Member who accepts an invitation to participate in any such program shall notify the Secretary of the Senate in writing of his acceptance. A Member shall also notify the Secretary in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. The Secretary shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

"5. The Committee on Rules and Administration is authorized to adjust the $20 gift limit established in paragraph 1 on a periodic basis, to the extent necessary to adjust for inflation.".

SEC. 3. AMENDMENT TO THE HOUSE RULES.

Clause 4 of Rule XLIII of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives, or the spouse thereof, shall knowingly accept—

"any gift provided directly or indirectly by any person."

Mr. STEVENS. Does the Senator wish to explain the modification?

Mr. BUMPERS. The amendment has not been reported. The modification has not been reported.

The PRESIDING OFFICER. The practice in the Senate is not to report modifications.

Mr. BUMPERS. The Senator from Alaska has raised some very important issues, and my own feeling is that one of the objections he has raised is so legitimate, I have sent this modification to the desk so that the LEVIN substitute covers spouses only and not dependents. So you will not have to worry about your daughter ever coming home from school with a gift.

However, I do want to point out, and I want to summarize this and ask the floor managers whether I am correct or incorrect, because I want to draw a comparison between existing law and the Levin substitute.

Under existing law, you can take as many $100 gifts, go out to dinner with lobbyists as many times as you want, as long as the dinner is less than $100, and you can do that, as I say, as often as you choose to do it during the year. If the gift is over a $100, it has to be reported.

And then there is a limit of $250, above which there is an absolute prohibition. Is that not correct?

So right now you have a $100 limit which you do not have to report. You can go out to dinner with somebody and let them spend $100 on you every night, 365 days a year, and you are not violating anything.

You can take a gift of $150, but you must report that at the end of the year as a gift in excess of $100. And you must not accept a gift in excess of $250 from anybody. Is that correct?

Now, what this bill does, it makes a lot of changes, but as far as the monetary difference is concerned, this bill, the Levin bill says you can take $20 as often as you want, every night during the year, from anybody except a lobbyist, and you may not take any size gift from a lobbyist.

Now, that is essentially it. So the Senator from Alaska raises this question about dependents. Under the Levin proposal, if the Senator's lovely daughter comes home from a birthday party with a Timex watch which was given as a party gift to all of those who attended, under the LEVIN bill you will be obligated to check the value of that watch.

And if it exceeds $20, you will be required to send it back within 30 days. If it does not exceed $20, she may keep it. If she comes home with that same watch, under my original amendment, you would have had to send it back if it exceeded $20 in value, but under my modification, the watch would be exempt.

So if she comes home with a T-shirt or a baseball cap or any of those things, you do not have to worry. If she comes home with something that looks to you like it is going to be worth more than $20, though, you are going to have an obligation to check it out even under my amendment, which is essentially, so far as dependents are concerned the same as the Levin bill.

Mr. COHEN. As I understood the original amendment, the Senator took the $20 out and made it zero.

Mr. BUMPERS. That is right.

Mr. COHEN. Now the Senator is going to raise it to $20 for dependents only?

Mr. BUMPERS. Dependents only; the zero part of my amendment will still apply to Members, employees, and staff members.

Mr. COHEN. Spouses?

Mr. BUMPERS. And their spouses.

Mr. COHEN. And dependents are the ones with the $20 figure?

Mr. BUMPERS. Yes.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. LEVIN. Mr. President, I wonder if the Senator from Alaska will yield so I can respond to the Senator from Arkansas.

Mr. STEVENS. I will defer.

Mr. BUMPERS. I misspoke myself. Let me clarify. My staff tells me there is no limit on dependents. That is, of course, minor dependents. I want to think about that just a minute, to tell you the truth.

Mr. LEVIN. I wonder, while the Senator is thinking if I could respond to the Senator's points because there were a number of things which were not accurate in the summary of the Senator from Arkansas.

First of all, you do not have to report the meals or anything else until it exceeds $250. That was a difference.

Mr. BUMPERS. Even after the $20 limit.

Mr. LEVIN. Under current law, you do not have to disclose it. That was not accurately described by the Senator's statement.

Second, meals do not count at all under current law. They do not even count against the $100 or the $250. They do not count at all.

The Senator in his presentation of current law compared it to the bill and said meals do count. They do not count at all under current law.

Third, the Senator said that you could take all the meals that you want under the committee substitute which is before us. You can take one of these gifts, $19, every single night. The answer to that is probably not, or perhaps not, because the provision which is in the executive branch rules which we voted overwhelmingly to try to pattern our new rules after have language which prevents you from accepting gifts having a value of less than $20 from the same or different sources on a basis so frequent that a reasonable person would be led to believe that the Member, officer, or employee is using public office for private gain.

So I want to throw that one element in there because that is a dual element. We ought to be aware of it. It is in the executive branch rules that, again, we voted a year ago that we would pattern our new rules after. But it is in the bill.

So it is unlikely that you could accept over, and over, and over again the $19 contribution, although I am not saying it is impossible. I am saying it could create some problems.

Finally, there is the exception for personal friendship which the Senator did not mention. That is a very key exception in the bill, that there is an exception for personal friendship. And you have to factor that in, be it your daughter, or anybody else. There is a personal friendship exemption which it is your judgment to apply, no one else's.

I think we can get carried away here. I doubt very much that when your daughter, or my daughter, comes home from a party, a birthday party, with a gift, that anyone is going to suggest that if she is invited as a personal friend to that party, which I assume she is, that the personal friendship exemption is not going to apply. So I think there were three or four errors in the presentation that summarized the committee proposal which is before us.

I have not had a chance to look at the Senator's modification which I would like an opportunity to do.

I had asked the Senator from Alaska if he would yield to me. He was kind enough to do that.

I yield the floor.

Mr. STEVENS. Mr. President, let me say I regret that we include our spouses and our dependent children in legislation like this. I know the current rule. But, times have changed. People keep telling us times have changed. Our spouses have a right to their own lives. Our children have a right to their own lives. I have to wonder about the statement made by the Senator from Michigan that the judgment will be strictly mine as to whether or not there is a personal relationship. It will not be at all.

As the Senator from Arkansas said, someone will bring a claim to the Ethics Committee that my spouse, or my child, took a gift that should not have been taken, and we will have to come forward with the defense that it was from a personal acquaintance based on personal relationship. The statute appears to prohibit such gifts. But then there is the exception.

What I am trying to convey is that if we are going to modernize the rule, I believe we ought to modernize our thinking and remember that our spouses are entitled to their lives. Our children are entitled to their lives. They did not run for the Senate. I did. They ought not to be burdened by the approach that is being taken in this bill.

My first five children that I raised here in Washington have some rather firm, fixed opinions about the Senate. Some of you ought to inquire from your own children their opinions on these types of rules. I know the impressions that my children have formed about this place. And, incidentally, none of them live in Washington, and none of them are seeking to succeed me.

Beyond that, I have a question that I want to ask the Senator from Michigan. I know that he mentioned earlier today the issue of home State products. This is a very serious issue to me.

My question is whether under the committee-passed substitute amendment Members will be able to accept donations of products from their home States for use primarily for promotional purposes such as display, advertisement, and other public relations activities including free distribution to the public, the trade, other press, Members of Congress, or other public officials. And, whether any Senator or public official may accept a home State product distributed by another Member of Congress. While other public officials would be governed by the ethics restrictions applicable to their branch or place of employment, I want to be certain that there is nothing in this bill which would prohibit me from being able to give those individuals a gift of a product from my home State of Alaska.

As many individuals here know, fishing—particularly salmon fishing—is a very important activity in Alaska and is a product that my State is proud to produce. On many occasions I bring back, or my friends or constituents bring to Washington fresh salmon. I want to be certain that this amendment will not prohibit me from giving fish—which averages $20 a pound—to other Members of Congress or cabinet officials.

When I was a whip, Mr. President, I used to have a press lunch twice a year, and I brought in the fishery products of my State to demonstrate them to the press. I have done that with Members of Congress. And I brought in fish that I have given to Members of Congress or to other officials or to people who are here in the greater Senate family, I would say.

I particularly am very proud of the salmon, halibut, and king crab I bring to Washington. My youngest son is a captain of a king crab boat and from time to time I bring some in to share with Members of Congress, or with public officials, and members of the military. I hope I can continue to do that.

This is not inexpensive fish, I hasten to explain. The average cost of the fish I bring in here—king salmon—is about $20 a pound. I am worried about that $20 figure. So my basic question to the Senator from Michigan is: Would this amendment allow me to give those individuals a gift of a product from my home State of Alaska?

Mr. LEVIN. The amendment would not prohibit the Senator from Alaska from receiving fish, or other home State products, and distributing them to the public or Members as he sees fit, just as under the current law. As to the disclosure requirement, it only applies when you receive a home State product valued over $250, and that is not in this bill. That is under existing disclosure rules. That is not changed by this bill. So I do not think that the Senator has any concern in this regard.

Mr. STEVENS. It is my understanding that there is no limit on the value of home State products that I can accept as long as the value to any individual recipient is minimal.

Mr. LEVIN. That is correct except that the financial disclosure statute would still apply to the same extent that it does today.

Mr. STEVENS. I thank my friend for that.

As I speak here, I remember my friend Harry Byrd. I hope he is listening, because the original exemption for State products came because Harry Byrd used to share with us those wonderful apples he grew over in Virginia. I would not want the Harry Byrd exemption to be eliminated by this amendment.

Mr. LEVIN. It is not eliminated even inadvertently, or otherwise; it is still there.

Mr. STEVENS. I am going to yield, but I may come back to this spouse issue before we finish with this bill. I ask the Senator whether the sponsors of this bill received any input from spouses regarding the application of these complicated rules to them. There are several who are very much involved in the private sector here in Washington and I am curious if they have expressed an opinion about the inclusion of spouses in this rule at this time?

Mr. LEVIN. I say, first, to my friend from Alaska that spouses are covered under the current rule, so that we have some experience relative to the coverage of spouses and dependents under existing rules. That is not changed.

Have the spouses expressed themselves? This is what we did in that regard: We sent out to each of the Members a letter, twice, asking for comments on this proposed rule. Twice we have sent out a letter to every single one of our colleagues, and I assume that each of our colleagues would consult with his or her spouse, as I have consulted with my spouse. But we thought it was appropriate for each of the Members to consult with their own spouse, rather than for us to be doing any consultation directly. And we have solicited that response, and I might say that as a result of the two letters that went out to each Member of this body, we got a total of two responses.

Mr. STEVENS. My friend from Michigan, I think, may have misinterpreted that response.

My point is that under the current law—and we are currently filling out our disclosure forms—all a spouse needs to say is that they had income and specifically decline to state the amount of income. The Senator is familiar with that. They just state, yes, they did have income, but they state, no, they do not wish to disclose. I say to my good friend, why should we not have a similar concept here? Why should we not have a concept saying there is no reporting of gifts to the spouse because she declines to report them?

Mr. LEVIN. That would require a change in the current gift rule to do that.

Mr. STEVENS. It would require a change under the current gift rule as well as a slight modification to this bill. Would the Senator consider adopting on the gift rule amendment a concept similar to the disclosure rule?

Mr. LEVIN. I think it would be a mistake, because I think we have seen, from experience, that there are situations when spouses are given gifts, which become big issues with the Ethics Committee, and the committee would have to comment on the kind of change the Senator is suggesting. I would want to hear from the chairman of the Ethics Committee on the question of whether or not gifts to spouses, under current rules, with the restrictions on those gifts, have created problems, or have they helped to provide additional confidence in this body, that people will not be giving gifts to spouses in lieu of giving gifts to us, thereby getting around the gift rule, which has restrictions under current law for us.

But I am not in a good position to give the Senator a definitive answer. I can give my own opinion, but I think it would be worthwhile to hear from the Ethics Committee people as to whether or not the current rule, which covers Members, officers, employees, spouses, or dependents thereof, is creating problems in the regard that the Senator describes.

Mr. STEVENS. My memory is that the Ethics Committee has the right to waive some of the restrictions under the current rules. Does that waiver still pertain to the Senator's amendment?

I am particularly reminded, as I told the Senate the other day, of when I was remarried and my wife and I had to obtain waivers for certain wedding gifts. Would the committee's authority to grant waivers still exist?

Mr. LEVIN. There is a suggestion that we put in a limit of $250 on gifts, for instance, from personal friends. There is no such limit in my bill. So there is no need for that waiver from the Ethics Committee under my bill. However, there are a number of Members who feel there should be a limit of personal gifts, as under existing law, of $250, and that there then should be a waiver which is provided for by the Ethics Committee. That amendment has been proposed by a number of our colleagues, and I have no particular objection to it, if that is the will of the body.

Mr. STEVENS. Mr. President, I am indebted to the Senator for his patience with me. As I understand the Senator's explanation, I believe the exemptions, exceptions he has listed, have a different impact on spouses and dependents than I perceived when I first began speaking. I hope that I have understood correctly. If I have understood correctly, the waiver would not be necessary because the personal relationship exemption has no limit.

Mr. LEVIN. That is correct under the bill as it now stands.

Mr. STEVENS. I had a case brought to me where a daughter of an employee had a gift that she had received for a birthday which was in excess of $250. It was a very embarrassing thing really because the young lady did not realize she was even covered.

As I understand it now, if this amendment passes, if that was a personal relationship and did not involve obviously a lobbyist or some person attempting to get to the Senator—we still have that fear here—there would be no necessity for a waiver. Is that correct?

Mr. LEVIN. The Senator is correct.

Again, I want to alert the Senator that there is an amendment that has been proposed, which I am at least willing to accept, which would maintain the current limit of $250 on such gifts and provide the same waiver as exists under the current laws.

Mr. STEVENS. When that amendment comes, I will put an amendment on it that says that applies to Senators and staff but does not apply to spouses or dependents.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first, I want to apologize to the distinguished Senator from Michigan because I did misspeak myself when I was summarizing his proposal a moment ago. So let me try again so we get it right, and the Senator should interrupt me at any time I misspeak myself.

I can go to dinner with a friend as often as I want and if he wants to pick up the tab or she wants to pick up the tab and it is 50 bucks, that is not a violation.

Mr. LEVIN. The Senator is correct.

Mr. BUMPERS. Is that correct?

Mr. LEVIN. A personal friend, that is correct.

Mr. BUMPERS. I cannot go to dinner with a lobbyist at any price; is that correct?

Mr. LEVIN. Is that lobbyist a close personal friend?

Mr. BUMPERS. I heard the Senator from Michigan say to the Senator from Alaska that if a lobbyist is a personal friend then I can.

Mr. LEVIN. The Senator is correct.

Mr. BUMPERS. Only I can make that decision?

Mr. LEVIN. That is correct.

Mr. BUMPERS. And that can not be challenged by the Ethics Committee?

Mr. LEVIN. If the Ethics Committee wants to challenge the Senator's judgment who a personal friend is, I have more confidence in the Ethics Committee. I think the Senator from Arkansas does, too.

Mr. BUMPERS. Let me go from meals to gifts. If I take a gift from someone who is not a friend but not a lobbyist, I am limited to $20 on the value of the gift?

Mr. LEVIN. With certain exemptions.

Mr. BUMPERS. With those exemptions?

Mr. LEVIN. Other exemptions.

Mr. BUMPERS. If a gift is given to me by a personal friend, am I still limited to $20?

Mr. LEVIN. No.

Mr. BUMPERS. So I can take a gift of $500 from a personal friend, if I want to?

Mr. LEVIN. The Senator is correct, and that is what the Senator from Alaska and I were just discussing. It is that under our bill there is no limit on the amount of a gift you can take from a close personal friend.

Mr. BUMPERS. The Senator says a close personal friend. What is the difference between close and personal?

Mr. LEVIN. We give the definition in the bill. The Senator uses his judgment as to whether or not it meets that definition.

Mr. BUMPERS. OK.

Mr. LEVIN. There is a proposal, however, that is acceptable to me as one Member that we keep the current limit of $250 on a gift from any source with a waiver possible from the Ethics Committee. That is the current rule which is that you have a maximum of $250 from any source, but you can then go and get a waiver. That is acceptable to me if it is acceptable to the body. I have no problems with that.

Now, Senator STEVENS said he would want to be on the floor if that were offered so he could exclude the spouse and dependents.

But I can go either way on this one, either the close personal friend. You can have a gift without that limit if in your judgment it is a close personal friend, or we can restore the current limit of $250 and then have to go to the Ethics Committee for waivers over that $250.

Mr. BUMPERS. Well, let us assume somebody brings in a bottle of wine to my office that costs 20 bucks and then bring in a bottle every day. Does the $250 limitation kick in after the 12th bottle is brought in?

Mr. LEVIN. Under existing——

Mr. BUMPERS. No. Under the Senator's proposal. There is no $250, is there? There is no limit now, is there?

Mr. LEVIN. Now, under our proposal——

Mr. BUMPERS. No. Under the Senator's proposal, there is a $250 limit?

Mr. LEVIN. That is correct.

Mr. BUMPERS. So if someone wants to give me a $20 bottle of wine every day 365 days a year that is not a violation?

Mr. LEVIN. No. Let me now read the Senator the language.

Mr. BUMPERS. I am talking about nonlobbyist.

Mr. LEVIN. I understand.

Mr. BUMPERS. I am not talking personal friend. I am talking about anybody except a lobbyist.

Mr. LEVIN. Let me read the language that might apply.

Mr. BUMPERS. Wait a minute. Forget that language a moment.

Mr. LEVIN. I cannot. The Senator asked me a question whether or not that be would be OK. The answer is not if a reasonable person would be led to believe that you are using public office for private gain.

That is the same, I may say, as the executive branch rule. I want to emphasize this. I think it is really important that this body decided a year ago that we wanted in general to pattern our gifts on stricter executive branch rules.

The same question can be asked of Secretary Bentsen, the exact same question under executive branch rules: Can someone walk into your office every day and drop off a bottle of wine worth $20 without violating the executive branch rules. And the answer is under the Senator's hypothetical situated there not a registered lobbyist, and so forth. If that does not create this impression, then they can do it.

Mr. BUMPERS. If I may, let me say I am not here to debate whether the executive rules are stricter or more lenient than ours. I am really not concerned about them.

I am concerned about the ones that my colleagues and I in the U.S. Senate are going to have to comply with. The question was: If someone leaves a $20 bottle of wine in my office every day with the exception of subparagraph 3 of rule 25(1)(3), I could do that. And we get to the personal thing.

What controls here the language says gifts having a value of less than $20. I assume that is $20 or less, is it not? Do I have to limit the gifts to $19.99?

Mr. LEVIN. It is $20. The Senator is correct.

Mr. BUMPERS. This paragraph says gifts having a value of less than $20. Do you really mean $20?

Mr. LEVIN. It is $20 or less.

Mr. BUMPERS. So gifts having a value of less than $20 from the same or different sources on a basis so frequent that a reasonable person is led to believe the Member or officer or employee is using the public office for private gain.

Let me go back up to the second sentence—"the same or different sources." What if 20 different people who do not even know each other just happen to leave a bottle of wine in my office on, say, five different occasions. That is 100 bottles of wine, but not one of those people know the other or know that the other has left a bottle of wine in my office on that same day, because this says $20 from the same or different sources. And then it goes on to say on a basis so frequent that a reasonable person—I know the Senator from Michigan is a lawyer, I am a lawyer, and we always know that the reasonable-man rule is a jury determination; correct?

Mr. LEVIN. That is a factual determination. It could be for a judge or a jury.

Mr. BUMPERS. The judge instructs the jury.

Mr. LEVIN. Whoever the fact finder is. It could be a judge. It is a factual question.

Mr. BUMPERS. Reasonable is like beauty, being in the eye of the beholder.

Mr. LEVIN. My friend, who is an awful good lawyer—I do not think I have known a better one—does he not agree the reasonable person test is used all the time in factual determination all the time? The reasonable person test is throughout our rules, throughout the laws. We use it all the time and you are under a factual situation. You would make a judgment. The Senator would make a judgment.

Mr. BUMPERS. My judgment may be wrong, and the Ethics Committee may say, "Senator, are you telling me that you thought it was reasonable to take a bottle of wine from 20 different people on 5 different occasions each for a total of 100 bottles?"

Mr. LEVIN. The issue is really the same today, because the Senator could take gifts now under $100. The question is, does that create any kind of impression? If you really had a problem with that, if you in your good conscience, and you have a good conscience, had a problem with that kind of situation you can do what hundreds of people do today. They ask the Ethics Committee.

As a matter of fact, we heard earlier today that there are so many people asking the Ethics Committees for opinions that in the first year under the new rule there was something like, if I remember the figure was thousands of inquiries under existing rules of the Ethics Committee to get opinions on whether or not we should do things.

Mr. BUMPERS. You are going to increase that to tens of thousands.

Mr. LEVIN. That is one of the questions, whether or not it will increase or not. I do not think there will be that big of an increase.

Let me answer my friend's question. We now ask the Ethics Committee, if we are uncertain about something, for their judgment. We do it all the time. I do not think that factual situation is a real one. But if it were——

Mr. BUMPERS. I am being a devil's advocate on that. Obviously, I am not going to let somebody bring that many gifts to my office. I am talking about possibilities.

Mr. LEVIN. I understand that. If that is a real possibility, if I wanted to accept a bottle of wine every single day worth $20 or less, I would ask the Ethics Committee, can I do it?

But I have to tell you, there is an easy answer to that. I would not accept it, and I do not think the Senator from Arkansas would either.

Mr. BUMPERS. Senator, let us get back to my amendment.

Can you quarrel with the premise of this amendment, which says that, under your provision, I am going to have to be very careful to keep a value of a gift under $20?

As I say, that is tough enough under $100. It is simply not worth it for $20.

And in order to keep from laying the minefields that the Senator from Kentucky alluded to yesterday, which is my principal objection to this, in order to alleviate that problem and eliminate those minefields, everybody in the United States Senate can understand that he or she is not to accept a gift, period.

Now why is that not an easier determination than whether it is worth $19.95 or $20.05?

Mr. COHEN. Will the Senator yield?

Mr. BUMPERS. I have been promising to yield to my friend from Kentucky. Let me yield to him first.

Mr. McCONNELL. I would say to my friend from Arkansas, from an Ethics Committee point of view, it is certainly a lot easier to interpret that. I think it is also, for each Senator seeking to avoid inadvertently destroying his career over a $25 gift, a much easier determination to make.

I have been listening to the discussion. I must say to my friend from Arkansas, given the difficulty of enforcement of the Wellstone-Levin proposal, as I outlined last night and again today, I would say, Mr. President, that the Bumpers amendment is clearly the direction at this point in which we ought to go.

I think it is going to be an administrative nightmare for the Ethics Committee and a complete disaster for every Senate office to try to determine what is or is not worth $20, dealing with all of these exceptions which the Bumpers amendment does not touch. But even that is going to be troublesome in terms of what is a friend and what is not a friend.

But at least, it seems to me, in order to try to have some simplicity, something at least understandable to the reasonable person, and also to cut down, from a selfish point of view here, to cut down on the workload of the Ethics Committee, it seems to me we ought to go down to zero.

So I think the Senator from Arkansas has a good idea here, given where we are in the course of this debate. So I want to commend him for his amendment. I think it is a step in the direction of simplicity.

And it will, of course, address the concerns of those out there in the land who think that we might be for sale for $19 or $15 or for $5. And so let us just put everybody's mind at ease. And those who believe that we wanted the perception problem as the most important thing confronting the Senate—the perception, not the reality, because I asked last night for reports of anybody who had sold their vote around here for 100 bucks. I have not gotten any. I am still waiting for the reports. I was hoping somebody would come and confess so we could determine what to do with somebody who had been selling his or her vote. I did not get any takers. So I am assuming that nobody here has been selling their votes under the existing rule.

And so I guess the only reason we are engaged in this debate is the perception question.

So it seems to me, Mr. President, that the distinguished Senator from Arkansas is right on the mark here.

On the question of perception, what is the difference between $21 and $19? A Senator who could be bought for $21 might be purchased for $19, as well.

And so it seems to me what we ought to do now is just go ahead and take it down to zero, make it simple, make it understandable, and make it, maybe, enforceable.

And so I commend the Senator from Arkansas for his suggestion. It seems to me at this point in the debate that it is the appropriate thing to do. I support his amendment and I urge the Senators who cast a very tough vote earlier because they felt the Levin-Wellstone measure was simply just impossible, unworkable, to now opt for a more simple approach. Let us just take it down to zero.

I thank my friend from Arkansas for his amendment. I think it is a very good amendment at this stage of the debate.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Arkansas, Senator BUMPERS.

Mr. BUMPERS. I am immensely complimented by the kind words of the Senator from Kentucky and certainly welcome his support. I thought his presentation yesterday afternoon was right on target. It is not that anybody in the Senate wants to quarrel with tightening the ethics rules. That is not the debate. The debate is how do you do it without ensnarling people, innocent people, possibly ruining their careers, through sheer inadvertence. I am a trial lawyer. It can happen. I have seen it happen so many times.

Now, having said that, I am ready to vote any minute here, but I would like to say, if I could have the attention of the distinguished Senator from Michigan, the distinguished Senator from Michigan knows that my wife is an activist. She is an activist for peace and she is an activist for immunizing children.

Peace Links is an organization she founded back during the height of the cold war. I thought she was going to get me beat with that, but it turned out it was a very popular thing and everybody thought it was a great idea.

But one of the ways they raise money is just like the political committees. Every December, Peace Links has a big gala. Every year they shop for a corporate sponsor to pick up the tab for their galas, and then they sell tickets, I do not know, for $250 apiece. But those galas have been immensely successful.

One of the reasons they have been profitable, and I think Peace Links has been very successful, is because of the money they raise at their silent auction and sale of tickets for Peace Links.

But let us just assume that Betty calls the Chrysler Corp. and says, "How about you all sponsoring our gala this year?" She explains carefully to them what their purpose is, what they have done, what they propose to do in the ensuing years. And the cost of the gala will be $25,000.

Chrysler says, "Well, that sounds like a winner to us. Do we get any publicity out of it?"

"Yes, we will announce at the gala that you are the corporate sponsor of this gala."

Betty has labored as long and hard and ventured for peace as anybody I have known. If I had her tenacity, I would run for king. She does not take a salary. She has never taken a dime during the 12 years of the existence of that organization, except for travel and meals when she travels.

They have a staff and they are paid, but she is not. She is president.

So, can she recruit a corporate sponsor for that gala in the future?

Mr. LEVIN. The answer is yes.

Mr. BUMPERS. She can?

Mr. LEVIN. Yes.

Mr. BUMPERS. Even if they have a big PAC?

Mr. LEVIN. Yes. The answer is, "That is correct."

Mr. BUMPERS. Tell me precisely, because I want to make sure she does not get handcuffs put on her. Why is she exempt?

Mr. LEVIN. You can solicit. You can solicit from a charity. So could she. You cannot solicit from a lobbyist.

So the answer to your question——

Mr. BUMPERS. I have to tell you, she is not going to call the president of Chrysler. She is going to call their local lobbyist.

Mr. LEVIN. If you want her to solicit from a lobbyist, or if she does solicit from the lobbyist—if you mean under your hypothesis from the corporation—that is also permitted.

Mr. BUMPERS. Say that again, Senator?

Mr. LEVIN. She can solicit a lobbyist for a charitable contribution. You cannot. Both of——

Mr. BUMPERS. Is that distinction made in your bill?

Mr. LEVIN. Yes, it is, on page 36.

Mr. BUMPERS. OK.

Mr. LEVIN. Both of you can solicit a charitable contribution from a nonlobbyist.

Mr. BUMPERS. The same thing—excuse me?

Mr. LEVIN. I just wanted to—that is OK. I wanted to comment on the amendment itself.

Perhaps I could do this now. Is it the Senator's intent to have the same exceptions as are in the pending substitute?

Mr. BUMPERS. Absolutely.

Mr. LEVIN. May I suggest, then, that we have a quorum call so the Senator can take a look at his modified amendment? Because I believe it does not have that effect, which I think is his intent.

If this is going to be voted on and perhaps approved, it should carry out the intent. I would like, if there is no objection—there might be—but after other Senators who wish to speak, speak, I would like to put in a quorum call and go over the technical aspects with you.

Mr. BUMPERS. That is fine, Senator. I am willing to do that. But let me ask you a second question.

Betty Ford and Rosalynn Carter have an organization called Every Child By 2. They have been circling this country for about 4 years, trying to raise the awareness levels of people all over the country about the necessity of having the children immunized. Foundations, lobbyists, corporations—all contribute to Every Child By 2.

There again, she does not take a salary. Only travel and so on. I do not know—I assume it is a 503(c) corporation. Let us just assume for a moment that it is, a charitable corporation. I know Peace Links is.

Is it the same situation? Would it make any difference if she took a salary? What if she is getting $50,000 a year as director?

Mr. LEVIN. It would make no difference.

Mr. BUMPERS. Still no problem? Now, Senator, let me ask you, before we put in a quorum call, so we can all understand this, what is the Senator's concern about the modification?

Mr. LEVIN. That if it is the Senator's intention to keep the exceptions that are in the bill before us, the substitute of the Governmental Affairs Committee, that we believe that intention is not implemented in the way in which the substitute is framed; that there are many technical problems with the substitute in carrying out what I believe the Senator's intent to be and what he stated his intent to be. We would like to just spend a few minutes with my colleague going over his substitute and going over his modified amendment to show his staff and the Senator from Arkansas where the problem is, technically, in implementing his intent. That is the only reason for doing that.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island.

Mr. PELL. Mr. President, once again we have ventured into the treacherous shoals of self-regulation.

In my 33 years in the Senate, we have ventured into this area many times, and I have always tried to support reforms that will benefit the Senate as an institution.

In my view, the Senate is a group of honest, hard-working people who have no desire to use their office for personal gain. And I have always believed that the best way to monitor our integrity is through public exposure.

Today, as in the past, we are responding to the public's perception of the political process and the public's presumption of what our standards and motives may be.

These perceptions and presumptions should be honored and dealt with, to be sure, but we should be under no illusion that they can be neutralized or satisfied by legislative fiat.

In the final analysis, the only way to change or disprove public perceptions and presumptions is for each of us to demonstrate integrity in all our actions.

Guidelines and rules are helpful, to be sure. But it seems to me that the best guidelines are the simplest.

I always liked the simple, basic rule on gifts that was propounded by our late colleague, Senator Paul Douglas: "Don't accept anything unless it can be eaten, drunk or smoked within a week."

I am troubled by the fact that the legislation before us today is 28 pages in length, including line after line of complicated exceptions.

The Senator from Kentucky [Mr. MCCONNELL] was quite persuasive, I thought, when he described the possible burdens that may accrue to the Ethics Committee as a result, including such minutia as interpreting the definition of a doughnut.

It was for this reason that I voted in favor of the McConnell amendment, and would have preferred it to the Levin substitute.

But now we are left with that more comprehensive underlying measure. I wish it were simpler.

The Levin substitute does have redeeming features. One of the most significant, to my mind, is the prohibition on acceptance of elaborate and luxurious recreational trips at lobbyists' expense.

And the basic intent of the legislation certainly is praiseworthy, namely to remove extraneous and improper influence from the legislative process.

In doing so, however, I fear that the sponsors would cast far too fine a net, which could result in unduly intrusive enforcement.

I hope the conferees, in their wisdom, will move us a few steps closer to the precepts of Paul Douglas.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

TAX FREEDOM DAY

Mr. GRASSLEY. Mr. President, today is Tax Freedom Day—the day when the average American can stop working for the Government and start working for themselves and their families. The taxpayer has to work 125 days in 1994 to pay for all those taxes—two days more than last year. Sadly, this is the latest date for Tax Freedom Day since the Carter administration.

Fortunately, yesterday the taxpayers finally had a victory. Senator EXON and I were successful in reducing the deficit by $13 billion over the next 5 years. We had to fight the White House, the big spenders, and the Chicken Littles to succeed, but with the support of many grassroots organizations, representing millions of taxpayers, we finally won.

While the deficit must be cut more, this is a good victory that we can build on for next year.

Unfortunately, there was some very bad news for the taxpayers in the budget bill. The administration has decided that it is not enough to raise our taxes by a record amount. They also want to unleash 5,000 more IRS agents on the American people, without any more specific taxpayer protections.

This is the same administration that, during the campaign, claimed they could find $45 billion from foreign companies. Well, now that they are in office they cannot seem to find even 10 percent of that $45 billion.

The administration does not even want to pay for these new agents on-budget. Instead, they want to pay for them through smoke-and-mirrors, off-budget, under the claim that they will actually save money. I wish I had a nickel for every time I have heard someone tell me in Washington that this program or that regulation was actually going to save money. There is no objective evidence that these agents will collect substantially more money.

I decided not to oppose this proposal during Senate consideration only because the sponsors and the Department of the Treasury agreed that the new agents would not be brought on board unless the Taxpayer Bill of Rights II, sponsored by Senator PRYOR and myself, was enacted.

The Taxpayer Bill of Rights II, builds on the original Taxpayer Bill of Rights sponsored by Senator PRYOR and myself passed in 1988. This new bill would establish a special Taxpayer Advocate office outside the control of the IRS. Right now, taxpayers under IRS attack have nowhere to turn but the IRS itself. The new setup would allow the Taxpayer Advocate to act independently on behalf of upstanding taxpayers.

The bill would also remove limits on recovery of civil damages from the current cap of $100,000, and establish recovery for negligent action by the IRS. In the bill, taxpayers would be given a cause of action against the IRS for wrongful liens. It would also protect taxpayers who act in good faith on the guidance they get from IRS publications. These are just some of the many provisions that protect the taxpayer.

Unfortunately, the Department of the Treasury and this administration decided not to honor its agreement with me and my colleagues. Treasury did all it could to undermine the requirement that the Taxpayer Bill of Rights II be law before we have more IRS agents—and they were successful. It is my understanding that while the Treasury was negotiating an agreement on the Senate side, they were conspiring on the House side to remove these key provisions.

It appears that this administration wants the new IRS agents and no additional protections for the taxpayers.

Mr. President, we in the Senate, and the American people, have been misled by the Treasury Department. How can trust among the American people be instilled, when Treasury and the IRS have misled elected representatives? It is disgraceful.

I am committed to working with Senator PRYOR and others to make this bill law. I am so much more determined to succeed now because of this blatant action by Treasury. My hope is that in the next few years Taxpayer Freedom Day will be earlier, and taxpayers will be much safer from the tender mercies of the IRS.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

HAITI

Mr. SIMPSON. Mr. President, at any point the managers of the bill wish to proceed, I will certainly yield the floor so that we might proceed. But in this gap in the proceedings, I wish to make a statement on Haiti. Of course, others have done that over the past weeks.

I address it from a little different aspect. Obviously, the situation in Haiti has been deteriorating, and that deterioration has severely accelerated in recent weeks. We read of these attacks by armed Aristide supporters on military outposts and of soldiers retaliating by indiscriminately shooting people on the beach and in boats. At least a dozen persons have been reported killed over a previous weekend. Press reports describe the hacked and mutilated bodies of Haitian citizens lying in the streets and alleys, and we read of rampant smuggling and profiteering by the military and its supporters. It is now very clear that General Cedras and the other military leaders have no intention at all of complying with the Governors Island agreement.

I do support the administration's interdiction policy. I supported the policy when the Reagan administration instituted it in the 1980's, I supported it when the Bush administration broadened it in the 1990's, and I continue to support the Clinton policy today. It is the only rational and sensible—but not politically correct—method of dealing with illegal immigration from Haiti under all of the present circumstances.

I believe it is most unwise to bring into the United States the 406 Haitians who were rescued from a wooden freighter near Florida on Friday, April 22, on the same day we returned another boatload to Haiti. And according to news reports, we allowed another boatload to land yesterday. We must certainly be consistent if we expect interdiction to be effective. It is not fair, in my mind, nor is it conducive to a sound policy, to bring some of the boat people to the United States and return others to Haiti. Our policy must be comprehensible and understandable. If we screen some of the boat people at sea or in the United States, then we should screen all of them at sea or in the United States.

Mr. President, I have supported, and continue to support, the interdiction policy because without it hundreds of thousands of Haitians, fleeing social and economic turmoil in Haiti, would try to make their way to the United States. Many would die on the voyage. Many more would reach Florida. Such a heavy flow of unauthorized aliens into the United States would add to the economic burden of immigration which Florida already claims to be unbearable. And it would, I surely believe, further seriously erode public support for a historically generous immigration and refugee policy.

However, I do certainly acknowledge that it is difficult to defend our Haitian policy in the face of this country's wholly uneven and ragged record with regard to refugees. The Refugee Act of 1980, which was crafted by our good colleague from Massachusetts, Senator KENNEDY—one of the first projects that he and I became involved with in our work in immigration and refugee and asylum, a continuing labor—contemplated a case-by-case examination of each applicant for refugee status in order to determine whether or not that person had a well-founded fear of political persecution.

You cannot be a refugee or an asylee unless you have a well-founded fear of persecution based on race, religion, national origin, or membership in a political or social organization, period. We are not talking about economic refugees or political refugees of some other order.

Despite the clarity of the refugee law, we annually admit approximately 50,000 persons from the former Soviet Union, who are presumed to be refugees simply because they are members of specific religions. We accept nearly every person who can make it to the United States from Cuba, no questions asked, simply because Cuba is a Communist country. We admit scores of thousands of southeast Asians who are treated as refugees not because they have fled political persecution but in most cases only because they have relatives in the United States. And then we offer green cards to tens of thousands of Chinese students who were in the United States at the time of the Tiananmen Square incident and claim they can never safely return home again, although many thousands of them return to China for visits during their school vacations.

Our refugee policy is simply "gimmicked" to death. And that does make it highly difficult to defend the Haitian boat person policy, although I still do believe it is the correct policy under all the circumstances.

If the President should determine that a current interdiction policy does not provide a reasonable opportunity for a person with a credible—credible—claim of asylum to be heard, what else could be done? I believe the three most likely alternatives are these:

One, we could allow Haitians to enter the United States to present their asylum claims. In my opinion, this should be considered only as a very last resort. Such a policy would not be in the national interest. It would encourage hundreds of thousands of Haitians to attempt illegal entry into the United States, and it would do great harm and damage, in my opinion, to public support for our current, most generous immigration and refugee policy.

A second alternative would be to resume screening of the Haitian boat people aboard the Coast Guard cutters which rescue them. That was our policy for many years, and it worked well.

Despite its detractors, the fact is a U.N. asylum expert visited the cutters, observed the screening process, and found it acceptable. However, this process does not lend itself to processing a large outflow of boat persons. It became necessary to discontinue it after the boat flow increased so dramatically following the OAS embargo which was instituted several weeks after Aristide was overthrown.

A third alternative would be to establish a refugee processing facility "somewhere in the region," to which all rescued boat people could be taken for screening.

Now, such a processing facility should be operated by the U.N. High Commissioner for Refugees to ensure a credible screening process. Those who are found not to have a well-founded fear of political persecution should be returned to their homeland, while those who do present a well-founded fear of persecution if they were to return could be resettled in third countries or allowed to remain in the processing center until it is safe to return. If third-country resettlement were required, the United States should accept its fair share of these true refugees. And this alternative, of course, is the most desirable solution to the problem. It should be pursued without delay.

Both the Bush administration and the Clinton administration have "dropped the ball" on the establishment of a regional processing center. Both administrations claimed that no country in the region was willing to have such a facility established in its territory, and that was, under the previous administration, and is, under this one, "a copout." What these two administrations were really saying is that they were not willing to expend the foreign policy capital so clearly needed to convince one or more of our neighbors in the region to provide the location for a refugee processing facility.

There is a very good reason why such a processing center should not be established on U.S. territory. We have demonstrated over and over again in this body and in the Congress that there is no such thing as a "temporary" status or a "temporary" stay in the United States. Every time we have allowed any group of undocumented aliens or "refugees," particularly a group from a Western Hemisphere nation, to remain in the country "temporarily," we have found they stay permanently.

We just do not have the stomach to carry out our "temporary safe haven" policies with the use of enforced departure when it is safe for the aliens to return. We will not deport people after the "horror" has ended. And all of those persons and, of course, their legal counsel take advantage of these policies, and you may be darned sure of it. In fact, the workload for American immigration lawyers in this area is, as we say in the trade, "significant."

Nicaraguans who came here in the 1970's during the fighting between the Samoza forces and the Sandinistas are still in the United States. After free elections were held in their country, Salvadorans who poured into the United States in the 1980's and who were given temporary protected status in this country remain right here, although the fighting has ended and the democratic elections have been successfully held in their homelands.

The Poles who sought "temporary" protection here during the repression of the solidarity movement remain riveted in this country although their original leader, Lech Walesa, has now been President of that country for years. How can this be? I believe that all fair-minded observers must agree that "temporary" safe havens have just not worked, you cannot have fled Poland during the time when they were crushing solidarity and stay now that the leader of solidarity is leading the country. If you were really a refugee, you would go back.

I have not heard of anybody that wanted to go back. In El Salvador they came here because five factions were going in and chopping each other to pieces. And now that is all over. You have democratic elections. Have one of them gone back? Not one.

Remember, we gave them the temporary status because we said, "We know you need this, and when conditions improve in your country, we know that you will go back like you said you would." Watch. None of them go back. And we do not deport anybody. That is not the way we are. That is against our heritage.

But let us not keep fooling ourselves. Nicaraguans have free elections. Did they go back? Not one.

So, the Bush administration was able to put together a broad international alliance to deal with Kuwait. It seems to me they could have done a broad international alliance to deal with the processing center in that part of the world, and I think Warren Christopher and company have some crucial work to do in this hemisphere, for a volatile situation is boiling away only a few hundred miles off the Florida coast.

As I say, it was extraordinary what the Bush administration put together, the broadest international alliance ever known in history to deal forcefully with Saddam Hussein's misadventure in Kuwait. But that administration was not willing to have its own State Department make a diplomatic effort necessary to establish an offshore refugee processing center in the Caribbean-Central America region.

The Clinton administration has surely done no better. It as well is unwilling to spend the diplomatic "chits" required to get one or more of our neighbors to provide the location for a processing center.

I have very reluctantly supported the administration's determination to return Jean-Bertrand Aristide to Haiti to head the Government there. I disagree with those who say we must send Aristide back in order "to restore democracy in Haiti." Democracy was nearly as difficult to find there during the Aristide administration as it was during the previous cruel administrations in Haiti.

President Aristide was "freely elected," and that is, in my mind, the only justification for further efforts to return him to his office. Aristide showed us he was not a democrat during the months he presided in Haiti. When a freely elected Parliament would not cooperate with his administration, he used the mob to bully Haitian parliamentarians. Aristide encouraged his followers to employ "necklacing" to intimidate his opponents, and indeed, his followers did execute members of the Haitian military in this manner, an horrid activity which, I believe, had much to do with precipitating the coup which resulted in his exile. Perhaps President Bush is right and we should discontinue our effort to return him.

We are now considering the imposition of a full blockade of Haiti. I doubt that blockade will be effective. To be successful we would have to have the full cooperation of the Government of the Dominican Republic, which we have not had thus far with the current lesser embargo. Nevertheless, a blockade is preferable to military action, and I believe we should first pursue that option.

However, if the full blockade is not effective in bringing down the current military government, I believe we should consider military action. I believe humanitarian intervention to curb extreme human rights violations will support military action. It will not always be easy or "clean," as we learned so dramatically in Somalia, but it is an option available to us.

But again, before any military action can be considered, the Clinton administration must do its diplomatic work with a vigor and purpose we have not yet seen in this hemisphere—or in the world. The President must also do his political work on the Hill. As the Republican leader reminded us earlier today, President Clinton must first convince the Congress that military action is in the national interest. Any use of troops must have bipartisan support.

While it is likely necessary for U.S. troops to provide the initial intervention, those troops must be withdrawn as soon as possible, certainly within 6 months. A U.N. or OAS force must then be prepared to move in—and stay in—until democracy has been established in Haiti, democratic institutions built up, a responsible police force developed, and an effective judiciary established. This might mean 2 years, or 5 years, or 10 years—however long it takes—for we must assure that whatever force replaces the American troops is committed to remaining until the job is done.

Mr. President, I believe that the United States will have to provide sufficient financing of an operation as I discussed for the people of Haiti and for the people of the United States.

I firmly believe it would be far less expensive than allowing the current situation to deteriorate further. The situation demands that the United States and the international community take action now. We must lead, and we must act decisively without further dalliance and delay.

CONGRESSIONAL GIFTS REFORM ACT

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, I thank my good colleagues, Senator LEVIN and Senator COHEN, for their work on this legislation which so vexes all of us, and we will return now to that remarkable project.

I thank the Chair.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, I withdraw the modification of my amendment that I previously sent to the desk.

AMENDMENT NO. 1678, AS MODIFIED

Mr. BUMPERS. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that privilege.

The amendment is modified accordingly.

The amendment (No. 1678), as modified, is as follows:

Strike line 7 on page 35 through line 25 on page 51 of the Committee substitute, and insert in lieu thereof the following:

"or the spouse thereof, shall knowingly accept (1) any gift provided directly or indirectly by any person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; (2) any gift from any other person.

"(b) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(c)(1) The following items are gifts subject to the restrictions in subparagraph (a)—

"(A) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(B) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(2) The following items are subject to the restrictions in subparagraph (a)(1)—

"(A) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(B) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(C) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee; and

"(D) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) The following items are not gifts subject to the restrictions in subparagraph (a):

"(1) Any item for which the Member, officer, or employee pays the market value.

"(2) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(3) Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(a), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(4) Items which are not used and which are promptly returned to the donor.

"(5) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(6) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(7) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(8) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(e) The restrictions in clause (2) of subparagraph (a) shall not apply to the following:

"(1) Meals, lodging, and other benefits—

"(A) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee; or

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(2) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(3) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(4) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(5) Meals and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(6) Food and attendance provided at an event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(7) Training provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(8) Bequests, inheritances, and other transfers at death.

"(9) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(10) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(11) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(12) Free attendance at an event permitted pursuant to paragraph 2(b).

"(13) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"2. (a)(1) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(B) Whether the item was purchased by the individual who gave the item.

"(C) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(2) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

"(A) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return; or

"(B) reimbursement from—

"(i) a lobbyist or foreign agent required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; or

"(ii) a client of a lobbyist or foreign agent described in division (i).

"(b)(1) Except as prohibited by paragraph 1(a)(1) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to

Congress or matters before Congress, or by performing a ceremonial function appropriate to his or her official position; or

"(B) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) of this subparagraph may accept—

"(A) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the Senate; and

"(B) transportation and lodging in connection with the event if authorized in accordance with paragraph 3.

"(3) Except as prohibited by paragraph 1(a)(1), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event in which the Member, officer, or employee is a participant. Reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee or the provision of food, refreshment, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event or meals taken other than in a group setting with all or substantially all other attendees.

"(c) For the purpose of this rule—

"(1) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(2) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"3. (a)(1) Except as prohibited by paragraph 1(a)(1), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by paragraph 1, if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Secretary of the Senate as soon as practicable after the travel is completed.

"(2) Events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the appropriate Member or committee chairman and shall include—

"(1) the name of the Member, officer, or employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(c) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member or committee chairman and shall include—

"(1) total transportation expenses reimbursed or to be reimbursed;

"(2) total lodging expenses reimbursed or to be reimbursed;

"(3) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (1) and (2)); and

"(4) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period that may not exceed 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Ethics Committee;

"(2) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(e) The Secretary of the Senate shall—

"(1) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are filed; and

"(2) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"4. (a) Notwithstanding any other provision of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the Senate and the United States.

"(b) Any Member who accepts an invitation to participate in any such program shall notify the Secretary of the Senate in writing of his acceptance. A Member shall also notify the Secretary in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. The Secretary shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

SEC. 3. AMENDMENT TO THE HOUSE RULES.

Clause 4 of Rule XLIII of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives, or the spouse or dependent thereof, shall knowingly accept—

"(A) any gift provided directly or indirectly by any person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute;

"(B) any gift from any other person; or

"(2) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of service, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(3)(A) The following items are gifts subject to the restrictions in subparagraph (1)—

"(i) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(ii) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(B) The following items are subject to the restrictions in subparagraph (1)(A)—

"(i) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(ii) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(iii) a charitable contribution made on the basis of designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee, and

"(iv) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(4) The following items are not gifts subject to the restrictions in subparagraph (1):

"(A) Any item for which the Member, officer, or employee pays the market value.

"(B) A contribution, a defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(C) Anything provided under circumstances that clearly indicate, in accordance with paragraph (b)(1), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(D) Items which are not used and which are promptly returned to the donor.

"(E) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(F) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(G) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(H) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials; audio tapes, videotapes, or other forms of communication.

"(5) The restrictions in clause (B) of Subparagraph (1) shall not apply to the following:

"(A) Meals, lodging, and other benefits—

Mr. BUMPERS. Mr. President, will the distinguished floor manager yield, either floor manager, for a question? I understand that we cannot vote until 10 minutes later. Is that correct?

Mr. LEVIN. It will be later than that. We are trying to figure that out now. We cannot figure out when to set a vote. That is what we are trying to clear on both sides.

Mr. BUMPERS. Mr. President, let me ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COHEN. Do we have a copy of the amendment of the Senator from Arkansas as redrafted?

Mr. BUMPERS. We will certainly get a copy. It is precisely the same amendment. It was a technical thing that we were working on to make sure the paragraphs were numbered correctly.

Mr. COHEN. I understand that. We have one Member who would like to see a copy of the amendment as drafted before we can agree to vote soon, hopefully.

Mr. BUMPERS. We will get it for the Senator in a minute.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, in deference to the floor managers, I would like to advise them that I have two amendments that I am prepared to bring up at an appropriate time.

Mr. LEVIN. Would the Senator from Arkansas yield just for a question as to his amendment?

Mr. BUMPERS. I would be happy to.

Mr. LEVIN. How much debate does he want on his amendment?

Mr. BUMPERS. None.

Mr. LEVIN. We can be very brief in terms of your amendment, and then perhaps you could lay it aside if there is no further debate on your amendment. I would try to figure out when we can vote on it. And we will turn to the amendment of the Senator from Alaska. Would that be agreeable?

Mr. COHEN. I think once we have the amendment and we take this time to debate it, we ought to vote on it before we proceed to the amendments of the Senator from Alaska or anybody else.

Mr. LEVIN. In that case, we will need to put in a quorum call so we can get that amendment duplicated.

Mr. COHEN. Can we discuss it now while we are waiting?

Mr. LEVIN. If the Senator from Arkansas can stay on the floor, I want to see if we can understand the purpose of the amendment. It is to basically eliminate the $20 rule to go to zero so that no gifts would be allowed of any value except for the very same exceptions which are in the bill as presently before the Senate.

Mr. BUMPERS. The Senator is correct. We did not change the substance of the amendment. We only drafted it so that it was more technically correct.

Mr. LEVIN. I do not believe that not being able to accept gifts under $20 meets my test of what we were trying to achieve here, something which is tough, simple, and rational. I think the reason for the $20 exception was precisely the same reason as the Senator from Arkansas uses in saying that he wishes to eliminate it. I believe we will get far more Members tripped up when they have to figure out whether an exception applies to all the gifts that we get under $20. But the will of the body obviously is that we eliminate the $20 gift limitation. I can live with that gracefully. I think it is going to create more difficulties for us than it is going to solve. I think it will be more complex, not simpler.

The Senator from Arkansas seeks simplicity. When he eliminates the possibility of getting a hamburger and a Coke from somebody, unless a certain test is met, I think he is going to do exactly opposite of what he purports to do, which is to have simplicity for all of us.

So I do not think it is a simple or even a rational approach, frankly. It is not as rational as having a $20 rule. The proof of this I believe is that the executive branch has had a $20 gift rule in effect. It has worked. It has worked for Cabinet officers. It has worked for other people in the executive branch.

There is no reason why it cannot work for us. It will save us an awful lot of headaches in trying to figure out whether or not all exceptions apply for all the little things. That was the same argument used earlier today as to why we ought to have a $75 gift limit instead of a $20 gift limit.

So the question then is where do we draw the line? That is the question for all of us. I think that the proof of the pudding is in the executive branch edict, and that is the best guideline that we have as to what is workable without getting us into figuring out whether or not exceptions apply every time we get a commemorative cup from a constituent.

But I understand what the Senator is trying to do. While I do not think it meets the test of being simple and rational as well as tough, nonetheless, if that is the will of the body, we go down to zero and apply the exceptions in every single case when we get a cup or a pin. So be it. If that is what it takes to get gift reform, so be it. I am for tough gift reform. It surely meets that test—the toughness part of it. If that is what it takes to get tough gift reform, then let us get on with it.

Mr. COHEN. Will the Senator yield? I am prepared to entertain his original unanimous consent request to set aside the amendment of the Senator from Arkansas temporarily because I am now advised that we will not be able to vote probably prior to 8:30 at least. So why do we not go ahead with other amendments?

Mr. BUMPERS. Reserving the right to object, if the Senator will allow me just to make a quick response to the Senator from Michigan—and I understand precisely what the Senator is saying. We just come to different conclusions about this. If a gift comes into my office, and I do not know what its value is, therefore, I do not know whether to keep it or return it. I know my secretary. She will call Woodies. Let us just assume that they say that gift sells here for $18.95. Then she calls Hecht's. Then she calls Hecht's, and they say, "We sell that for $24.95."

I do not want to get trapped because there is one below $20 and one above $20. It is infinitely easier from a time standpoint to just send it back, with a nice letter, saying that under the rules we are not permitted to accept gifts.

Mr. LEVIN. That is true wherever we draw the line.

Mr. BUMPERS. That is much simpler, and I have not laid a minefield for myself. I am not going to be criticized for receiving $20, which somebody might do under the case I just gave you.

Mr. LEVIN. Except the Senator would have to see whether all the exceptions apply to every pen and cup—

Mr. BUMPERS. The Senator is arguing against his own bill.

Mr. LEVIN. We have to draw a line somewhere. You draw a line, and you keep all the exceptions.

Mr. BUMPERS. I am giving an illustration where none of the exceptions apply, where somebody sends a gift to my office, it does not meet any of the exceptions under the Senator's bill, and I have to determine whether to hurt the guy's feelings by sending it back, or going all over town trying to figure out what it is worth, and making sure somebody does not put the handcuffs on me because it turned out to be worth $25 instead of $19.

Mr. LEVIN. Wherever the line is drawn, you are going to have the same thing.

Mr. BUMPERS. I have no objection to the unanimous-consent request.

Mr. LEVIN. I ask unanimous consent to temporarily lay aside the amendment of the Senator from Arkansas, and that the Chair recognize the junior Senator from Alaska who, I believe, is ready with an amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DECONCINI. Reserving the right to object. Can you tell us when we are going to vote here? Is it that nobody wants to vote on the Bumpers amendment?

Mr. LEVIN. That is not the problem. There are schedules being aligned here. There is a request to see the Bumpers amendment on the other side before there is a vote. Copies are being made now so that persons who want to see that amendment before they vote on it will have an opportunity to do so.

The PRESIDING OFFICER. Is there objection?

Mr. COHEN. The answer is that it is going to be a while.

Mr. DECONCINI. It would be nice if somebody could tell us how long "a while" is so we might do something else. I realize that would be really quite a phenomenon in this body to know that.

Mr. COHEN. It is approximately $20 or under.

Mr. DECONCINI. Can I interpret that to be minutes?

Mr. LEVIN. I agree with the Senator. I wish we could tell him. There is a request to look at the amendment before an agreement is made as to when to vote. Until Senators have a chance to look at the amendment and make that decision, we cannot get a unanimous consent agreement for a fixed time.

The PRESIDING OFFICER. Is there objection to laying the amendment of the Senator from Arkansas aside so the amendments by the Senator from Alaska can be taken up?

Mr. LEVIN. Can we take up one amendment at a time?

Mr. MURKOWSKI. I would like to discuss both, and then I will introduce one.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I have two amendments that I intend to offer. The first amendment would prohibit all political contributions from political action committees. The legislation would specifically prohibit a Senator from accepting any gift, directly or indirectly, from a political action committee.

The other amendment that I will offer would strike from the committee substitute, provisions which prohibit Members of Congress from receiving private reimbursement for travel, food, and lodging, in connection with a charitable event.

It is my understanding that the committee managers have accepted an amendment allowing honoraria to be directed entirely to charity. We have a situation under my amendment where such reimbursements would be permitted, as long as the reimbursement was not made by a registered lobbyist or a foreign agent.

Mr. President, the apparent motivation for the committee legislation is, in my opinion, the mistaken belief that lobbyists and so-called special interest groups exercise undue influence on Members of Congress. That is a perception that the American public has. To counteract this so-called undue influence, the committee amendment would bar Members from receiving anything of value from a registered lobbyist. But the exception, Mr. President, is not political contributions; political contributions can still come in. And the bill restricts gifts from individuals, or other entities, in an amount not in excess of $20. So when we pass the bill that is before us, we can now go to the American public and let them know that we can no longer receive gifts from lobbyists and corporate interests.

Well, I ask the question: Is that really what we are doing? Let me ask: Is there anything in this underlying bill that would prohibit a lobbyist from sponsoring a $500 personal political fundraiser for a Member of Congress? The answer is clearly "no."

Travel can be paid in the case of a contribution coming in for a $500 political fundraiser. Is there anything in this bill, the underlying bill, that would prohibit an individual who is not a lobbyist from making a contribution of several hundred dollars to a Senator or a Congressman's legal defense fund? No. We have protected ourselves in the underlying bill.

Mr. President, this legislation is not going to do a single thing, in the mind of the Senator from Alaska, to change the public's perception of Congress with regard to the influence of lobbyists and PAC's. And I am quite sure of that, because if you look at the underlying bill, we have exempted our political fundraisers.

Also, we have protected ourselves by allowing contributions, when necessary, for our legal defense fund. So if we pass this underlying legislation in its current form, we are going to make it even more difficult for a very legitimate group of recipients—and that is charitable organizations—to arrange events that serve to raise money for their specific causes.

Mr. President, under the committee substitute—and this is what is so unfair about it, and I urge my colleagues to reflect on this—large charitable organizations that have the resources to have their fundraisers here in Washington, DC, will be able to invite Members of Congress to their events, because under the underlying committee amendment, a Member of Congress may accept an offer to attend such an event, even if the event is a $1,000-a-plate dinner to raise funds for research on a particular worthwhile cause, an illness, or what have you. But in my case, if there is a small nonprofit organization trying to raise money in my State of Alaska, such as the charitable event I discussed this morning, raising money for a new mammogram machine so Alaskan women can receive adequate screening, Senators cannot come up to my State, because the cost of traveling and staying in Alaska cannot be paid or reimbursed by a private entity.

Earlier today, other Senators discussed charitable events they have been associated with, but they no longer will be able to attend. My amendment is very narrow and very similar to the amendment that was accepted by the committee and offered by my friend from Wyoming. My amendment would allow reimbursements for lodging and transportation in connection with charitable events only. These events obviously have to be cleared by the Rules, and the Ethics Committee. These events do not benefit Senators, specifically, as do political fundraisers, and legal defense funds.

We are protecting those, but we are not allowing charitable events. These charitable events are worthwhile and I believe to be in the public interest.

I cannot understand, Mr. President, why we seem to have a double standard around here. One standard is for political events where travel and lodging can be reimbursed, and another standard is for charitable events where expenses cannot be reimbursed.

I would be interested in the floor managers addressing the justification for that.

Mr. President, the amendment that I will propose is narrowly crafted, unlike the broad amendment that we voted on this morning, the Johnston-McConnell amendment which was rejected. That amendment would have permitted Senators to receive gifts up to $150, would have permitted Senators to receive meals without any limit on the cost of the meal. And it would have allowed Senators to receive gifts such as tickets to the Redskins game.

My amendment simply affects the ability of Senators to assist charities in raising money. It has no impact on the committee substitute's limits on gifts to Senators.

So, Mr. President, I reiterate that what we have is a double standard. The logic of that continuing when there are worthwhile charities that we can assist and help should convince my colleagues to support my amendment.

The other amendment would prohibit all political contributions from political action committees. This legislation prohibits a Senator in this body from accepting a gift directly or indirectly from, as I have said, a political action committee. The amendment merely adds this prohibition to include what some would consider a very important type of gift, a political contribution from a political action committee.

I would anticipate the support of my colleagues with regard to the underlying bill and those who have expressed concern about special interests and influence peddling that we have heard so much about in this body. We have heard the Senator from Arkansas say Senators should not take any gifts of any kind. Then let us include political action committees and be done with it.

This is a logical extension of the purpose of this bill.

AMENDMENT NO. 1679

(Purpose: To prohibit PAC contributions)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its consideration at this time. The amendment would prohibit all political contributions from political action committees. I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DASCHLE). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1679.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, after line 24, add the following:

"(E) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is made by a lobbyist, foreign agent, or political action committee to a Member.

On page 37, line 7, before the period insert "except as provided in subparagraph (c)(2)(E)".

On page 50, between lines 16 and 17, add the following:

"(v) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is made by a lobbyist, foreign agent, or political action committee to a Member.

On page 50, line 23, before the period insert "except as provided in subparagraph (3)(B)(v)".

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. LEVIN. Mr. President, I ask unanimous consent that the vote on Senator BUMPERS' Amendment No. 1678, as further modified, occur at 9:30 p.m. with no amendments in order to the Bumpers amendment or the language proposed to be stricken by the Bumpers amendment.

Mr. DANFORTH. Mr. President, reserving the right to object, I am not sure that I heard this request right.

The Senate has conducted one vote today. That vote was held at 1:58 this afternoon. Now we are at almost 10 minutes after 8, and there is a unanimous-consent request, never announced before, never hinted at before, that we are not going to be voting until 9:30 p.m.

May I ask the distinguished manager of the bill if there is any conceivable explanation for this kind of scheduling?

Mr. LEVIN. I think the request is from the Senator's side. We need 15 minutes or so. If he would check with the manager on his side, I think he can give the Senator the answer to the question. He would have to ask him for his reasons.

Mr. DANFORTH. I will ask the manager on my side if there is any possible explanation for the Senate having one vote at 1:58 in the afternoon and then at 10 minutes after 8 having a unanimous-consent request to hold the next vote at 9:30 at night?

Mr. STEVENS. I might say to my friend I cannot tell him why there has not been a vote since the time he just said, around 1 o'clock. I can tell him why the vote is not going to take place until 9:30. That is because there is a very distinguished visitor to our country who has asked several Members of the Senate to attend a dinner. That is where they are, and they will be able to come back at 9:30.

Mr. DANFORTH. If I may inquire, could this have been announced at some point before 10 after 8 so that other Senators could have gotten in on the news and perhaps have gone home for dinner and then returned?

Mr. STEVENS. We were prepared to vote prior to 8 o'clock. Since it could not take place at 8 o'clock, they asked if they could go to that event and they can be back by 9:30. We asked that the vote take place at 9:30 as a convenience to those Senators who accepted that invitation. They are going and they are going to excuse themselves and come back and be here for the vote at 9:30.

Mr. DANFORTH. If I could inquire further, could there be any thought of perhaps holding the vote tomorrow morning during daylight hours?

Mr. STEVENS. I would be pleased to give it a thought, but I do not think I was asked to consent to that.

Mr. LEVIN. That was at the request of the leadership.

Mr. DANFORTH. Could I ask the distinguished manager of the bill, or either of the managers of the bill, but particularly the Senator from Michigan, if that inquiry might be put to the leadership?

Mr. LEVIN. The inquiry can be. But we are debating the Murkowski amendments right now, so this time will be well utilized.

Mr. DANFORTH. Why not debate the Murkowski amendments right now and then have votes tomorrow morning?

Mr. LEVIN. Well, the delay of the vote until 9:30, I believe, was an accommodation to someone on your side. That may be inaccurate.

In any event, we are happy to debate the Murkowski amendments right now. We are going to fully use this time as soon as we can get to the Murkowski amendments.

Mr. DANFORTH. Would the Senator consider the possibility of debating the Murkowski amendments right now and then having votes tomorrow on the Murkowski amendments?

Mr. LEVIN. I am not scheduling the Senate. That is up to the leadership to schedule the Senate. I am happy to debate the Murkowski amendments right now.

Mr. DANFORTH. Has the Senator from Michigan inquired of the leadership about this matter?

Mr. LEVIN. I have not. I am sure the leadership is listening.

Mr. DANFORTH. I am not sure the leadership is listening.

Mr. LEVIN. I think the leadership is listening now.

Mr. DANFORTH. I might suggest to the Senator from Michigan, it is enough to persuade the yet unpersuaded to retire.

Mr. LEVIN. Are there such left in the Senate?

Mr. DANFORTH. Not many.

Mr. DECONCINI. Would the Senator from Missouri yield?

Mr. DANFORTH. Yes.

Mr. DECONCINI. I have the same problem, sitting around here for all this time, when now we find out why. I mean I understand sometimes you want to accommodate people so they can go to a dinner, and next year they will not be able to go to these dinners.

Mr. STEVENS. That is not what I said. They were prepared to vote and stay until 8 o'clock.

Mr. FORD. I think the galleries ought to be kept in order, the same as the Senate floor.

Mr. DECONCINI. The point is, we obviously run this body for the convenience of a few Senators, and probably that has happened for me. I cannot remember it ever happening for me, but I will just say it has.

But it seems to me not unreasonable to say at 6 o'clock, if we do not vote before 8 o'clock, then we cannot vote until 9:30, so then somebody would have some idea of what in the world we are doing around here. Because it was pretty clear to me we were not going to vote before 8 o'clock, the way the debate was going.

Now the Senator from Missouri raises really a valid question. If we are going to hang around here for another hour and 15 or 20 minutes, why not do it tomorrow? We have been told there very likely will be votes on this or other subject matters. I just think the legislation is so darn silly anyway, in many respects, but the actions out here are even worse; that we cannot find out until 8 o'clock that, by gosh, the vote has to be at 9:30 now. And why? Because other Senators have to go to dinner with some dignitary.

I mean, there are a few Senators who would like to go to dinner without some dignitary; maybe with their families, maybe with their friends, or maybe just by themselves, but they cannot. They have to sit around here and wait until this kind of scenario is played out.

The PRESIDING OFFICER. Is there objection to the request?

Mr. DANFORTH. Further reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Let me ask, then, the manager if he anticipates that the 9:30 vote will be the final vote tonight?

Mr. LEVIN. I do not anticipate it will be the final vote tonight. I believe if this unanimous-consent request is agreed to, we will vote on the Bumpers amendment at 9:30. Hopefully, we will have completed debate, or be close to the completion of debate, on the Murkowski amendments by then. I would hope we would then vote on the Murkowski amendments. It would be up to the leadership, not up to me, as to whether we go later tonight and dispose of the other amendments.

But it would be my intention, subject to the agreement of the leadership, that we dispose of at least the Bumpers amendment, the Murkowski amendments, and any other amendments we can.

Mr. DANFORTH. I might suggest, instead of voting at 9:30, as long as we are shooting the night, we vote at 10, and then those who want to go out to dinner now can have a little window and go out to dinner and be back at 10.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan retains the floor.

There is a unanimous-consent request pending. Is there objection?

Mr. DECONCINI. Yes, reserving the right to object.

I would like to see the time changed, also. As long as we are going to change it for a few Senators who are going out to dinner with some dignitary and cannot get back here until 9:30, I would like to go out with some nondignitary and not get back until 10 o'clock, or tomorrow morning for that matter.

The PRESIDING OFFICER. Does the Senator from Arizona object?

Mr. DECONCINI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. I have no objection to 10 o'clock. I understood it to be 10 o'clock tonight.

The PRESIDING OFFICER. The Senator from Michigan retains the floor.

Mr. MURKOWSKI. If I may make a point to the floor managers.

The PRESIDING OFFICER. Does the Senator from Michigan yield?

Mr. LEVIN. I am happy to yield for a question.

Mr. MURKOWSKI. The question is, I do not know whether the floor manager was invited to the dinner that the Senator from Maine has gone to, but the Senator from Alaska was invited to that dinner and, in the interest of full disclosure, rejected the invitation so I could be here to debate my amendment.

So I defer to the Senator from Arizona who has suggested that there is some inequity here, and the Senator from Missouri who suggested there is some inequity. But there is mixed bag here with regard to dinner. I am probably as hungry as the Senator from Arizona.

But the record should note that, while there is inconvenience to all, it is for all kinds of different reasons.

With that profound statement, I thank the Senator.

Mr. STEVENS. Will the Senator yield?

Mr. LEVIN. Yes.

Mr. STEVENS. I have been here for 8 years as assistant leader and I think I have protected, at some time or another, every Senator for a similar request, a very important engagement, for a period of an hour and a half. I do not really understand this.

I ask the time be extended to 10 p.m.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the vote on the Bumpers amendment occur at 10 o'clock instead of at 9:30, under the same terms and conditions as previously set forth in the unanimous consent request.

Mr. DECONCINI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BUMPERS. Reserving the right to object.

Mr. FORD. We will just stay here for awhile.

The PRESIDING OFFICER. Objection is already heard.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I suggest everybody go out to dinner and then come back and report whether a lobbyist paid for it or not.

Let me renew a request—and I am not managing the bill, but I would like to move it along and I think everybody else would, too.

Let me renew the request that the vote on the Bumpers amendment occur at 9:45, and that at 5 minutes after 10, we vote on the Murkowski amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alaska has proposed an amendment. Does he seek recognition?

Mr. MURKOWSKI. The Senator from Alaska has submitted his amendment. It has been read by the clerk. I have discussed it. I would be happy to enter into a debate on the merits, but I see nobody rising, so I will continue to make a few points that I feel are appropriate.

Again, let me share with my colleagues the effect of the amendment which would prohibit all political contributions from political action committees.

Mr. President, the legislation is very simple in prohibiting Senators from accepting any gift directly or indirectly from any political action committee. I think it is fair to say that, as we look at how this body is perceived, it is seen as under the influence of lobbyists and political action committees.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. I think we would all agree we have been spending a good deal of time discussing the role of influential groups, lobbyists and political action committees.

So, in view of the theme that we seem to be pursuing tonight on doing away with all gifts of any kind, I think it is quite appropriate that we go all the way and address the concerns that we all anguish about. And one of them, of course, is the continued contributions of political action committees and the influence of lobbyists, as well.

So my amendment, Mr. President, merely adds the prohibition to include what some would consider, again, a very important type of gift, and that is a political contribution from political action committees. I think it is a logical extension of the discussion that we have had on the floor today. I can talk further, at length, about the inconsistencies we seem to continue to foster here as we address how to improve some of the standards within the Senate.

Again, I reflect on the reality that we have a double standard here. We have standards for political events where travel and lodging can be reimbursed, and another standard for charitable events. As a consequence of this self-searching effort to bring about substantial reform, I think it appropriate that political action committees be included in the prohibition.

It is a very simple amendment, and I recognize it is going to cause some of our colleagues, perhaps, some distress. But if we are talking about true reform, then this should be included. It is appropriate, I think, it be recognized for its merits.

Mr. President, I do not have any extended remarks because the amendment is self-evident. I would be happy to debate my colleagues who may have strong feelings about the merits of the amendment. But I think it certainly has a place in the dialog and the general considerations of the themes before us. So I have no further statement. I will be happy to respond to questions from my colleagues on the justification for the prohibition.

Mr. DECONCINI. Will the Senator yield for a question?

Mr. MURKOWSKI. I am happy to.

Mr. DECONCINI. Will you tell me a little bit about the dinner tonight you are missing? I am really intrigued about that. Is it for the Prime Minister of Malaysia? Is that right?

Mr. MURKOWSKI. I believe that is correct. I believe it was a dinner invitation. I know the honored guest was the President of Malaysia.

Mr. DECONCINI. It is none of my business. If the Senator feels he does not want to answer or does not know, I understand. Does he know who was paying for the dinner, just out of curiosity?

Mr. MURKOWSKI. In response to the Senator from Arizona, I did not ask and did not think to ask. But in the future I am going to be reminded to ask, because the Senator from Arizona raises a very appropriate point, whether it was a friend who was paying for the dinner——

Mr. DECONCINI. Friend, yes.

Mr. MURKOWSKI. Lobbyist, political action committee, or maybe it was the Malaysian President himself. I do not know.

Mr. DECONCINI. If the Senator would yield, does the Senator know—I think the Senator sits on the Foreign Relations Committee, does he not?

Mr. MURKOWSKI. The Senator does.

Mr. DECONCINI. Does the Senator know, do we give any foreign assistance to Malaysia?

Mr. MURKOWSKI. I think there is some foreign assistance to Malaysia. The Senator raises an interesting point, whether that would be a conflict of interest.

Mr. DECONCINI. I am not accusing anybody of anything, of course. I was just speculating.

Mr. MURKOWSKI. The Senator from Arizona sits as head of the Intelligence Committee. Maybe the Senator from Arizona and the Intelligence Committee could look into that.

Mr. DECONCINI. I thank the Senator. He, having been on the Intelligence Committee, knows how much we can do in that area.

Let me ask the Senator something else, if it is not inappropriate, and I will rely on the Senator's judgment. How many Senators were invited or how many were in attendance, does the Senator know?

Mr. MURKOWSKI. The Senator from Alaska has no idea how many were invited. The Senator is under the impression it was a relatively small group. Maybe we can get the answer for the Senator from Arizona by a show of hands of who was not invited.

Mr. DECONCINI. I do not know if we can do that without a motion. I thank the Senator.

I do not mean to shortchange his amendment by any means. It was just curiosity here. While we sit here, there are 4, 5, 6, 7, 8, 10 or whatever, Senators having dinner with the Prime Minister of Malaysia and we knew that—somebody knew that was going to happen. The Senator from Alaska did, and elected to stay here and offer his amendment. I commend him for doing that.

While the rest of us could have gone out or gone home and had dinner and done something, it would have been very easy for us just to be told that between 8 and 9:30 there is going to be an effort here that no votes occur, instead of telling us at 8:20 or whatever it is, it is not going to occur. They might have told us at 6 o'clock, and I am sure it would have made life a little bit different for me and maybe other people here. But I realize the quality of life is not the motivation of this body by any means—or maybe by Senators. I thank the Senator.

Mr. MURKOWSKI. In the interests of full disclosure to the Senator from Arizona, I might admit, had I known the Senate would be in this particular predicament, I might have accepted the invitation of the Prime Minister of Malaysia, enjoyed a nice dinner, and still have been able to come back and debate my amendment.

Mr. DECONCINI. Let me say to the Senator, I want to compliment the Senator from Alaska for his extra effort in full disclosure. How many Senators have you heard get up on the floor and fully disclose that they were invited to a dinner, and that the Senate now has been set aside and nothing is going to happen while some of them did not go, and you could have gone and been part of that imposition on the rest of us, and you elected to stay here and offer your amendment.

I am sincere about this. I do not want the Senator to think I am spoofing. I want to thank him for his diligence.

Mr. MURKOWSKI. Clearly the Senators that are at the dinner had some advanced knowledge, or at least a premonition, of what we might be doing at approximately 8:25 tonight. They chose to try and arrange for a unanimous consent for a vote at a later time. It looks like they have been successful in that regard. So perhaps all the Senator from Alaska can reflect on is that I have not missed too many meals lately. This one will probably not hurt.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1680 TO AMENDMENT NO. 1679

(Purpose: To reduce the pay of Members of Congress by 15 percent)

Mr. BURNS. Mr. President, I send a second-degree amendment to the MURKOWSKI amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], proposes an amendment numbered 1680 to amendment numbered 1679:

At the appropriate place, add the following:

Notwithstanding any other provision of law the pay of Members of Congress shall be reduced by 15% effective immediately.

Mr. BURNS. Mr. President, I think we have looked at the accumulation of debt, as was reported by the Senator from Iowa. This date is noted across the country as Tax Freedom Day and the deficit continues and the accumulation of debt continues. This is the latest it has ever come in the year, the 4th day of May, 2 days longer than a year ago. So I think what we are looking for here is, if we are really serious about taking not only what the subject of this bill has been, but also some fiscal responsibility—I have long believed that if Congress really and earnestly is concerned about accountability and responsibility, there are two things that should be done. This is what I am told when I go home.

First, any legislation that is passed by Congress and signed into law by the President, and as a result, that law goes to a faceless bureaucracy to write the administrative rules—once the rules have been written and they are entered into the Federal Register they become the law of the land. So Members of Congress go home and one day they find out from their constituency, "Look at this law that you have passed. Look what it has done to me."

So Members of Congress look at it and they say, "When we passed it, that was not the intent of the law."

I suggest on some pieces of legislation, after those rules are written, they should come back to the Congress for the final OK by the Congress. That is one.

For responsibility and accountability—for what we have said was a pay raise here a couple of years ago to bring some more accountability to this body—if we want to vote late at night and worry about who is going to dinner, and who is not—then I think maybe that should be reflected in the pay of the people who serve in this body.

The other day I raised a little Cain about bonuses that went to the Social Security people, bonuses that went to people who have not worked in the Social Security but for 2½ to 3 months and end up with a $9,000 bonus.

Do you think they earned it? I do not think so, especially when Social Security comes to Congress asking for more money so they can catch up on the backlog of disability payments. So as a result of that, they are not showing their responsibility. Maybe we who are elected should show ours.

So I offer this amendment as a 15-percent pay cut for Members of Congress as a second-degree amendment to the Murkowski amendment.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I would like to speak very briefly on the second-degree amendment offered by my friend from Montana.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I think our friend from Montana has brought up an appropriate consideration relative to the realities that we live in, and that is this Nation has accrued approximately $4.5 trillion of debt.

The significance of that is often overlooked because it is pretty hard to comprehend that kind of a number. But let me share with my colleagues a certain reality associated with that, and that is, about 14 percent of our current budget is interest on our accumulated debt.

That does not mean much, but let us take it one step further and recognize that we are committed to fund interest on that debt. The question legitimately is, how are we funding that interest on the debt? We are borrowing that interest on the debt. Think of the significance of that. We are borrowing in excess of $213 billion to pay interest on our $4.5 trillion worth of debt.

We are not addressing entitlement growth because we simply do not have the self-discipline to address it in a responsible manner, either through caps or freezing it at some level. So it continues to grow.

But let us look at the merits of what we mean when we talk about borrowing somewhere in excess of $212 billion for interest. That does not increase inventory, it does not provide jobs, it does not provide any social programs. It does not provide any defense budget.

If you went to your banker, Mr. President, and said, "I need a loan because I have to make a payment," you might get the loan if you said you wanted to make the payment to pay a portion of your principal down. But if you asked him or her for a loan so you could pay your interest, you probably would not get it because you would be a very poor credit risk.

That is the harsh reality of the condition of this Nation today. We are borrowing money to pay interest, and we are talking about the amendment of the Senator from Montana in the second degree cutting salaries. But we are continuing to expend more than we raise in revenue.

There is a very simple process here, Mr. President. We have one or two alternatives: We either raise revenue or cut spending. The appropriate alternative, obviously, is to cut spending, but we do not have the discipline to do it.

So I think as we address the merits of measures to cut spending, we should look at all measures and the amendment by the Senator from Montana relative to cutting salaries. At least he is cutting somewhere, and he is cutting pretty close to the heart when he proposes to cut Members' salaries 15 percent.

We, as individual Senators, have to meet our obligations, but the Federal Government simply adds to the deficit for whatever else it needs. That is fiscal irresponsibility, Mr. President, and I think we should give more time and attention to the merits of it.

There is a book out that some of my colleagues have read. It is "Bankruptcy 1995" by a gentleman by the name of Figgie. He may be off a few years, but he is right on target with what is happening in the United States, what happened in Central and South America in monetizing the debt.

We are approaching a time in the future, perhaps, but nevertheless it is inevitable, where a bigger portion of our budget goes for interest on the debt. That is like owning a horse that eats while you and I sleep. It goes on and on and on and on. Unless you address it by paying down the principal, it simply gets bigger. When you borrow to pay the interest solely, you are digging a grave for this country step by step.

So, Mr. President, I think this body should look at all provisions that suggest control of costs and particularly the merits of expanded collective debt, as we look at it today, $4.5 trillion.

I thank the Chair and yield the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the amendment of Senator BUMPERS be allowed to be further modified.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, how is it being modified?

Mr. BUMPERS. If I may explain this to the Senator from Texas, I have an amendment at the desk right now with a modification which covers the Senate rules only. In order to cover the House rules, too, which we must do, I would have to offer an amendment to that to amend the bill in two places, which as the Senator knows someone could object to, if we do not get a unanimous-consent request that I be permitted to amend the bill two places.

Mr. GRAMM. The Senator wants to apply the same thing to the House?

Mr. BUMPERS. Absolutely. That is all it does.

Mr. GRAMM. No objection.

Mr. BUMPERS. That saves us an additional vote also.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1678, AS FURTHER MODIFIED

Mr. BUMPERS. Mr. President, I send the modification to the desk and withdraw the existing modification.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 1678), as further modified, is as follows:

The committee substitute is amended as follows:

(1) On page 35, strike lines 7–19 of the committee substitute and insert in lieu thereof the following:

"or the spouse thereof, shall knowingly accept—

"(1) any gift provided directly or indirectly by any person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute;

"(2) any gift from any other person."

(2) Strike line 21 on page 48 through line 9 on page 49 of the committee substitute and insert in lieu thereof the following:

"of Representatives, or the spouse thereof, shall knowingly accept—

"(A) any gift provided directly or indirectly by a person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute;

"(B) any gift from any other person."

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 9:40 p.m. the Senate vote on the Bumpers amendment as just modified; that following disposition of the Bumpers amendment, Senator STEVENS, or his designee, be recognized to move to table the Murkowski amendment relating to PAC contributions; that if a motion to table is made, a vote occur on that motion to table; and that following disposition of that amendment, the Senate proceed to vote on the Murkowski amendment relating to reimbursement for travel to and lodging at charitable events; that if a motion to table the Murkowski amendment regarding PAC contributions is not made, the Senate then proceed immediately to vote on the Burns second-degree amendment to the Murkowski amendment, the Burns amendment relating to pay cuts; and that following the vote on the Burns amendment, the Senate proceed to vote on the Murkowski amendment regarding PAC contributions, as amended, if amended; and that following disposition of that amendment, the Senate then proceed to vote on the Murkowski amendment regarding reimbursement for travel to and lodging at charitable events.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. DOLE. Mr. President, reserving the right to object, if the Senator from Alaska, Senator STEVENS, should decide not to move to table, then the procedure the Senator outlined will follow. There would be a separate vote on the Burns amendment and followed by the vote on the Murkowski amendment?

Mr. MITCHELL. That is correct.

Mr. MURKOWSKI. Mr. President, reserving the right to object, and the Senator from Alaska does not intend to object, but I would like reasonable time to talk on both my amendments following the process that the majority leader has drawn out. It would be a short time.

Mr. MITCHELL. Yes.

Mr. President, my request would have the first vote occur at 9:40. So there would be time for debate between now and 9:40. I would suggest that it be equally divided between the Senator from Alaska and the manager of the bill, or his designee. Is that agreeable to Senator MURKOWSKI?

Mr. MURKOWSKI. The Senator from Alaska would like at least 10 minutes.

Mr. MITCHELL. He would have more than that.

Mr. MURKOWSKI. He has two amendments. I have not offered my second amendment. So I would like to have at least 10 minutes on my second amendment which I would offer after the vote on the Bumpers amendment and the disposition of the Burns-Murkowski amendment.

Mr. MITCHELL. I have no disagreement with that.

I yield to the Republican leader.

Mr. DOLE. Why not proceed as the majority leader suggests and following disposition of the three amendments then the Senator would offer his second amendment?

Mr. MURKOWSKI. Yes. And I would like to talk on the second amendment for 10 minutes.

Mr. DOLE. Then we could debate it.

Mr. MURKOWSKI. That could be equally divided.

Mr. MITCHELL. The agreement I proposed contemplated voting on both of his amendments in succession.

Mr. DOLE. I see.

Mr. MITCHELL. I believe he wants 10 minutes between the vote on his first amendment and second amendment.

Mr. MURKOWSKI. The majority leader is correct.

Mr. MITCHELL. In addition to the debate time between now and 9:30.

Mr. MURKOWSKI. Yes. That would be on the pending amendment.

Mr. MITCHELL. I inquire of the Senator, if the manager were willing to divide the time between now and 9:40 so the Senator from Alaska would have 18 minutes and the manager 5 minutes, would that be agreeable to the Senator? Then we could have the votes as suggested.

Mr. MURKOWSKI. The Senator from Alaska would appreciate the majority leader accommodating him for at least 10 minutes prior to the vote on the second Murkowski amendment which would be the transportation issue.

Mr. MITCHELL. Then, Mr. President, I modify my request to have a period of 15 minutes between the last vote on the second Murkowski amendment and the immediately preceding amendment with 10 minutes of that allocated to the Senator from Alaska and 5 minutes to the manager or his designee.

Mr. LEVIN. It better be evenly divided. There are a number of speakers.

Mr. MITCHELL. I am now advised others want to speak. We have 20 minutes equally divided between the last vote and immediately preceding vote to accommodate the Senator from Alaska.

Mr. DECONCINI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection to the modified request of the majority leader?

Mr. DECONCINI. Mr. President, reserving the right to object, yes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. After that time the bill is open to further amendment or final passage?

Mr. MITCHELL. The bill is open to further amendment.

Mr. DECONCINI. So not necessarily final passage tonight.

Mr. MITCHELL. Mr. President, if I may respond to the Senator, we have been attempting to get a finite list with a time for finishing the bill.

I have been advised by our colleagues that no such agreement is possible until these votes occur but that after these votes occur it may be possible to get that. That is why I am doing it that way.

Mr. DECONCINI. Mr. President, I suggest that we call the Four Seasons restaurant and be sure that the Senators there with the Prime Minister from Malaysia will be through with the dessert and coffee by 9:30. We do not want to rush them because we have been sitting around here for several hours now to accommodate them in a few minutes.

Mr. MITCHELL. I will see to it that such a call is made.

Mr. EXON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I probably shall not, but I would like to inquire of the leader and the minority leader, I assume the parliamentary situation is that the Burns amendment to reduce salaries by 15 percent is a second-degree amendment to the Murkowski amendment, is that correct?

Mr. MITCHELL. I believe that is correct.

Mr. EXON. I am making an inquiry, I guess, as to the situation with regard to what can and cannot be done under the rules. I am considering an amendment, I must tell the leader and the minority leader, possibly—if it is possible to work this in before the vote on the Burns amendment—to offer a sense-of-the-Senate amendment that all of those voting for the amendment offered by the Senator from Montana should, regardless of the outcome of the vote, agree publicly tonight that, even if the vote fails, they would indeed cut their salary by 15 percent.

It seems to me that would be a totally reasonable proposition that we could offer.

I have cosponsors to that, Mr. Leader.

We are going through gyrations around here. It seems to me that, I will just advise the leader and the minority leader, if it is possible for me to offer such a sense-of-the-Senate resolution before the vote, the courageous vote to cut the salary by 15 percent, then I think it is time maybe that the U.S. Senate stand up.

I will not use the word on the floor of the U.S. Senate that I would like to use in that regard, but I think many of these votes are put up strictly for political reasons. And I think maybe the best way to stop that would be to have a sense of the Senate, at least for those voting for the amendment to cut salaries by 15 percent by the Senator from Montana, to agree publicly, as they vote for that amendment, that they will cut their salaries by refunding that amount of money in some form for as long as they serve in the U.S. Senate. Maybe that would be one of these times when we could see how serious some of these amendments are.

Possibly—I cannot do that right now; I will not object—but if the opportunity presents itself, I intend to offer such an amendment, hopefully, before the vote on the amendment being offered by the Senator from Montana.

I do not object.

I thank the leader.

Mr. MITCHELL. Mr. President, the Senator should understand that if the request I proposed is approved, then a vote may occur on the Burns amendment prior to the time that he would be able to offer a sense of the Senate.

I am grateful for his consideration. May I suggest to the Senator that the bill, after completion of these votes, will still be open to amendment, and he may then offer an amendment. It may not be as desirable as doing it before, but I think it would have the same effect.

Mr. DOLE. Would the Senator yield?

Mr. MITCHELL. I yield to the Republican leader.

Mr. DOLE. I think if you could extend that sense of the Senate to apply to those who voted earlier today on the gift ban—I mean, I cannot believe any politics was involved in that at all. Certainly that was all statesmanship, and the midnight pay cut is something else.

But there may be a way to construct a sense-of-the-Senate resolution we could all vote for, including the pay raise and the gift ban and all the shenanigans that have been going on all day here.

Mr. EXON. Reserving the right to object, the Senator from Kansas makes a very good point, although there is some difference between gifts. I intend to support the gift restraints, in all sincerity, as I have supported them for a long, long time. There is some kind of a difference. You can accept a gift and keep it a secret and not say anything about it. Not so with your salary in the U.S. Senate. If people want their salary cut, and if they so vote but it fails, then I think that they should voluntarily agree to make their tax return, or that portion of their tax return, public each and every year to indicate the seriousness of their convictions.

Mr. MITCHELL. Mr. President, I renew my request.

Mr. DECONCINI. Mr. President, reserving the right to object.

I would like to ask the majority leader, if the majority will indulge me for a moment, does the majority leader anticipate we will be in tomorrow with votes?

Mr. MITCHELL. Unless we finish this bill tonight.

Mr. DOLE. And we have Bosnia.

Mr. MITCHELL. And we have the Bosnia matter.

Mr. DECONCINI. Is the answer, more or less, that we are going to be in tomorrow, with votes? Is that what it appears to be now?

Mr. DOLE. If the majority leader will yield, I assume there is going to a considerable amount of debate on Bosnia. I am not certain there will be a vote tomorrow.

Mr. DECONCINI. The reason I ask—it seems to me it is late —why do not we put these votes off until tomorrow morning?

Mr. MITCHELL. Mr. President, I will respond to that. We have had a lengthy delay here for three reasons.

First is that discussions were occurring regarding the substance of the bill in an effort to reach agreement on various provisions that would obviate the necessity of having votes to dispose of the matter. The second was, as the Senator has noted, to accommodate a group of Senators who left to have dinner with a foreign head of government who is in Washington at this time. And the third has been to try to resolve this issue of when we vote.

It is not uncommon. It occurs all the time.

There is a large number of Senators who want to finish the bill tonight and have no votes tomorrow. There is an equally large number of Senators who want to leave tonight—maybe a smaller number of Senators, but a number of them—who want to have no more votes tonight and put all the votes off until tomorrow morning.

I am trying very hard to reconcile what are almost irreconcilable interests.

Mr. President, I renew my request.

The PRESIDING OFFICER. If there is no objection, the majority leader's modified unanimous-consent request is agreed to.

Mr. MITCHELL. Mr. President, Senators should be aware, and I hope all will be notified, that the votes tonight will begin at 9:40 p.m. on the Bumpers amendment, and there will be at least three votes, and possibly four, depending on what occurs during the votes.

I thank my colleagues for their patience and cooperation.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas, Mr. GRAMM is recognized.

Mr. MITCHELL. Would the Senator yield for just one moment?

Mr. GRAMM. I am glad to yield.

Mr. MITCHELL. Mr. President, I neglected, in making my request, to ask consent that no second-degree amendments be in order to Senator MURKOWSKI's amendment regarding reimbursement for travel to and lodging at charitable events. I now ask that my request be further modified to incorporate that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the unanimous-consent, as further modified, is agreed to.

The Chair recognizes the Senator from Texas, Mr. GRAMM.

Mr. GRAMM. Mr. President, I have remained silent all day during this debate in the hope that no one would remember that I was here. But I would just like to make a couple of comments about what we have been doing all day long.

It seems to me that there are Members of the Senate who have concluded that the American people are unhappy with us. And indeed they are unhappy with us because we have raised their taxes, squandered their money, regulated their business, refused to provide quality services in education and law enforcement and, in short, they are just outraged that we are doing a bad job.

Now, there seem to be some people who think that if we brutalize ourselves a little—first, by saying, well, if somebody gave you a Christmas tree and it was worth more than $20, you had to give it back.

Now we have an amendment saying if the Christmas tree is worth a nickel, you cannot take it.

My point is this: If you want to take a Christmas tree as a gift, take it. If you do not, do not. But I do not think the American people are going to be impressed, because it is not what we are doing to ourselves that they are mad about, it is what we are doing to them.

I do not think they are going to feel better if we slap ourselves around a couple of times because we will still be slapping them around. What we ought to be doing is trying to undo the bad things we do to the people. But penalizing ourselves in this fashion simply makes us look silly. I am sure there are people who thought when we started this debate that somehow it was going to make us look good. I think, frankly, it has made the whole institution and every Member look silly.

I hope there is a good baseball game on television tonight that somebody is watching. I hope my mama is not watching this process when we are debating silly, trivial things, so many that are unbecoming to the U.S. Senate, when there is so much real work to be done, when there are so many fundamental issues that ought to be decided and on which we should be concentrating.

I do not know in the big picture if today's debate will make any difference, but so much of it seems to trivialize the greatest deliberative body in history. I just wanted to get up and say that I do not think the U.S. Senate has covered itself in glory today. I think it is too bad. Again, I do not think that in the process of conducting this silly debate that we are making people like us more. They want us to stop doing bad things to them and nothing we do to ourselves will change that.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I will only say, with respect to comments made by the Senator, that what is silly or trivial, is of course a subjective judgment that is in the eye of the beholder. I think what the Senator has said about silly and trivial things coming before the Senate is true as to many things other than what has occurred today. We spend a lot of time on things that I feel are silly and trivial and others feel are silly and trivial. I respect his point of view. Perhaps it will lead us to think about some of the other things we do in this Senate that many of us regard as silly and trivial.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, I thank the Chair. I want to make sure my colleagues understand the amendment before us. My amendment is to prohibit all political contributions from political action committees. I think it is important for the record to note that, since the passage of the Federal Election Campaign Act, the number of PAC's has grown from 680 in 1974 to 4,192 in 1992. Think of that growth when you look at the impact of political action committees as we reflect on the merits of reform legislation. PAC contributions increased from $12.5 million to $180 million, which is an increase of more than 400 percent in real terms. In 1992, 55 percent of the House winners received more than half their contributions from PAC's.

The situation is worse than is reflected by these numbers, because almost all corporate and trade PAC money, 90 percent, went to incumbents. Almost all won reelection.

So I encourage my colleagues to reflect a little bit on how the American public is going to view this vote. Are they going to view it as business as usual where there is an effort to vote down or table my amendment to prohibit political action committee contributions coming in? This legislation would prohibit a Senator specifically from accepting any gift, directly or indirectly, from a political action committee. Banning PAC contributions was really a key part in the Republican campaign reform bill. I simply extend that concept to ban contributions from lobbyists as well.

I might add, this proposed amendment would apply to both the House and Senate. Campaign reform legislation is now in conference. We hear it will be brought to the floor but oftentimes these things get bogged down in conference. My amendment provides Senators the chance to block this special influence of the PAC's, as well as the lobbyist. It is basically 2 for 1. We get an opportunity with this vote to ban both the PAC's and the lobbyist. Perhaps it is poetic justice that Members who insist on banning all gifts, all gifts from lobbyists, many of whom are facing reelection in the near future, but are against extending it to political action committees.

Mr. President, I think we have before us an opportunity to address this forthrightly, recognizing that the American public feels there is too much influence from PAC's and this is a way to address that influence as we look at the vote we are about to initiate from the Senator from Arkansas, which would prohibit all gifts. That is the question before us. Following that will be my amendment to prohibit all political action committee contribution, contribution from political action committees.

I have not heard any of my colleagues speak against the amendment proposed by the Senator from Alaska, which I find rather interesting. It will be equally interesting to see the vote count on this amendment when the time is up.

I have no further comments at this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, the amendment of the Senator from Alaska is an amendment which I personally support. I do think the fact that PAC contributions are made and are easily connected—and I think wrongly connected—but nonetheless easily connected to people's votes in the media has undermined confidence in this Government. When people read that someone gets a $5,000 contribution from a PAC and then votes in a way which that PAC supports, people jump to a conclusion that there is a connection between the two. That creates a problem in terms of public confidence and public credibility. I think we have to correct it by eliminating those PAC contributions. So I support the Murkowski amendment. I think he is right in terms of trying to raise the level of public confidence in this country.

The same thing is true with gifts from lobbyists. It is a serious issue, because most people think the lobbyists control the Federal Government. In the most recent public opinion poll—when a scientific cross-section of Americans was asked "Which of the following do you think really controls the Federal Government in Washington?"—7 percent say the President; 22 percent say the Congress; 50 percent say the lobbyists and the special interests, 50 percent.

We have to do whatever we reasonably can to inspire public confidence in Government. One of the ways we can do it is to control the gifts of meals, of tickets, of travel by lobbyists. That is what this gifts bill is all about. That is why it is serious business. It is serious business because it involves the public confidence. And in a democracy you better have public confidence because if you do not, your democracy is going to be a lot weaker.

That is what the gifts bill is about—trying to promote public confidence in Government by controlling what the public knows happens around here, which are tickets coming from lobbyists, meals paid for by lobbyists, travel paid by lobbyists. That is what we are trying to end in this gifts bill. It is serious business. It is not trivial business. It is not a waste of this Senate's time to be debating this today—quite the opposite. If we can control some of the gifts which have created this impression in the public mind that this Government is run by lobbyists, we will be making a significant contribution, I believe, to this great democracy of ours. So let us get on with it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator WALLOP is recognized.

Mr. WALLOP. Mr. President, I had thought when I announced that I was not going to run for reelection, that it would be a sad moment for me. Mr. President, I have decided that it was perhaps the wisest decision of my political career.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1678, AS MODIFIED

The PRESIDING OFFICER. The hour of 9:40 having arrived, under the previous order, the question now is on agreeing to amendment No. 1678, as modified, offered by the Senator from Arkansas [Mr. BUMPERS].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—90

Akaka
Baucus
Bennett
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—3

Gramm
Levin
Metzenbaum

NOT VOTING—7

Bond
Cohen
Durenberger
Kassebaum
Packwood
Pryor
Shelby

So the amendment (No. 1678), as modified, was agreed to.

Mr. STEVENS. Regular order.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The question now occurs on amendment 1680 offered by the Senator from Montana [Mr. BURNS].

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 34, nays 59, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—34

Bennett
Brown
Burns
Coverdell
Craig
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Hatch
Heflin
Helms
Hutchison
Kempthorne
Kerrey
Kohl
Lautenberg
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Simpson
Smith
Specter
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—59

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cochran
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Gregg
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerry
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Stevens

NOT VOTING—7

Bond
Cohen
Durenberger
Kassebaum
Packwood
Pryor
Shelby

So the amendment (No. 1680) was rejected.

The PRESIDING OFFICER. The question now occurs on amendment 1679 offered by the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Madam President, I would like to very briefly explain the intent of the amendment. The amendment offered by myself prohibits the Senate——

The PRESIDING OFFICER. The Chair will note to the Senator that debate is not in order.

Mr. MURKOWSKI. I ask unanimous consent that I may express the intent of the amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent?

Mr. DECONCINI. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senator from Alaska be recognized for 30 seconds to explain the intent of his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Madam President, I ask for the yeas and nays and will make a brief explanation.

The amendment would prohibit the Senator from accepting any gift directly or indirectly from a political action committee.

We are talking about trying to ban gifts here. My amendment merely adds this prohibition to include what some would consider a very important type of gift, a political contribution from a PAC.

I thank the Chair.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1679

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 29, as follows:

{Rollcall Vote No. 104 Leg.}

YEAS—66

Baucus
Bennett
Bingaman
Bond
Boxer
Bradley
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dodd
Dole
Domenici
Exon
Faircloth
Feinstein
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Jeffords
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Nunn
Pressler
Reid
Rockefeller
Roth
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—29

Akaka
Biden
Boren
Breaux
Bumpers
Byrd
Conrad
Daschle
DeConcini
Dorgan
Feingold
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Mathews
Metzenbaum
Mikulski
Mitchell
Moynihan
Murray
Pell
Riegle
Robb
Sarbanes
Sasser

NOT VOTING—5

Durenberger
Kassebaum
Packwood
Pryor
Shelby

So the amendment (No. 1679) was agreed to.

Mr. MURKOWSKI. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized to offer an amendment.

The Senator from Alaska.

AMENDMENT NO. 1681

(Purpose: To permit reimbursement for travel and lodging at charity events)

Mr. MURKOWSKI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1681.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, line 22, strike "not".
On page 57, line 11, strike "not".

The PRESIDING OFFICER. There will now be 20 minutes of debate equally divided.

Mr. MURKOWSKI. Madam President, the amendment I presented would strike from the committee substitute the provision which prohibits Members of Congress from receiving private reimbursement for travel, food and lodging in connection with a charitable event.

Under this amendment such reimbursements would be permitted so long as the reimbursement was not made by a registered lobbyist or foreign agent. We have seen charitable events such as Senator Garn's Ski Cup, which goes for the Children's Hospital in Salt Lake City. It would be prohibited for Members supporting that event as a consequence of the underlying amendment.

In my State of Alaska, were we to attempt to have a charity event, we would be prohibited because transportation is not provided. The injustice of this is that under the committee substitute large charitable organizations that have the resources to have their fundraisers in Washington, DC will be able to invite Members of Congress to their events because, under the committee amendment, the underlying amendment, a Member of Congress may accept—and this is the injustice—a Member of Congress may accept an offer to attend such an event, even if the event is a $1000 a plate dinner to raise funds for whatever purpose. But we who are out in the west, out far away, simply are excluded from that opportunity.

My amendment would allow reimbursement for lodging and transportation in connection with charitable events only.

Madam President, these events do not benefit Senators, as do political fundraisers and legal defense funds. I would like to point out that we have protected ourselves on political fundraisers, and the American public is going to question our wisdom, to say the least. We have done the same with regard to our legal defense funds, as well as political fundraisers.

One would ask and the American people will ask each of us why we have a double standard: One for political events where travel and lodging can be reimbursed and another standard for charitable events where expenses simply cannot be reimbursed.

Madam President, the inequity is obvious. I would like to refer specifically to our rules under Interpretive Ruling No. 193. The question is: May a Senator accept travel expenses from an official of a district's political party organization in return for his or her appearance at a rally sponsored by that organization?

Rule 35 excepts from the definition of "gifts, anything of value, including transportation for which consideration of equal or greater value is received. Travel incident to a political appearance would appear to meet this consideration."

So there we have it, Madam President. I ask the manager of the underlying amendment if I understand that under the provisions of the underlying bill in the Senate rules, any Senator can attend a political fundraiser and accept reimbursement for travel and lodging expenses? I ask that of the floor manager. Perhaps the floor manager was in conversation.

Mr. LEVIN. Perhaps the chairman of the Rules Committee could respond relative to existing rules, but for whom is the reimbursement you are referring to in your question?

Mr. MURKOWSKI. I am referring to Interpretive Ruling 193 and the reimbursements would be to a fellow Senator.

Mr. LEVIN. I think you have to check with the Ethics Committee.

Mr. MURKOWSKI. I just read the ruling and, indeed, it is reimbursable. The example specifically is if a Senator could attend a fundraiser for, say, the California Democratic Committee in Los Angeles, including a movie preview and an expensive dinner surrounded by lobbyists, and have his or her hotel and travel and all other expenses paid for by the California Democratic Committee. The answer, of course, under the rules, is absolutely yes, we are not prohibiting ourselves from that through this revolution of so-called gift legislation.

But the same Senator could not have his or her expenses reimbursed for participation in a fundraising event for a charitable organization that was raising money for, say, cancer detection for poor people. There is the inconsistency, and that is the justification for my amendment.

The American people are going to see through this if, indeed, we do not support and recognize that we have a legitimate contribution to make to charities in this country and it can be made in an honorable manner in spite of the opinion of some who have criticized some of the charities and particularly that of Senator Garn's ski cup where they have participated for an extended period of time. I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition? Who yields time?

Mr. WELLSTONE. If I can have 3 minutes.

Mr. LEVIN. I yield 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. Madam President, I have not had a chance to see this amendment, and I cannot speak to the interpretation to which the Senator from Alaska spoke, but I do think this goes to the heart of Senator LEVIN's amendment and what we debated in the earlier part of the day.

Clearly, Senators should be able to contribute to charities. We can do that. We can travel to gatherings on our own resources, and we can do all that. That is not really the issue. If the Senator will let me finish, that is not really the issue. The issue is what, in fact, has all too often been something that just does not seem at all credible, which is that we go to charities but it is at those gatherings—whether it is golf, tennis, recreation, plus whatever else we do—they may not be paid by lobbyists, but it is paid by the lobbyists' clients.

That is what the Senator is talking about. To the extent you have some other party that is paying your expenses, then we run right smack back into the very problem to which I think this reform is trying to speak. I think this really goes very much against the Governmental Affairs Committee amendment. I think it is a huge mistake. I think it becomes a huge loophole.

It is the very thing, quite frankly, if we are going to talk about perceptions—and that is what we have been talking about throughout the day—that has really gotten us into a lot of trouble. There is no reason why we need to have clients of lobbyists or other people paying for this. There is no reason we cannot do this on our own. I think it is a huge mistake.

So I think the Senator's amendment really does very much undercut what Senator LEVIN had been proposing and what I think we have been supporting. I will let the Senator from Michigan expand on the remarks.

Mr. MURKOWSKI. Madam President, I intend to yield time to my friend, the senior Senator from Alaska. The fact is, I will respond to the Senator from Minnesota. Under the provision of the underlying bill and the Senate's rules, any Senator can attend a political fundraiser and accept reimbursement for travel and lodging expenses, but he cannot do it for a charitable event. That is what is wrong with it.

I yield some time to my friend, the senior Senator.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I think Senator MURKOWSKI has a point. I believe every Senator here has attended political fundraising events that have included the same kind of entertainment that has been criticized so harshly. Whether it is to go to a movie in Los Angeles or go to a golf event in Florida, if it is for political purposes, a Senator may go and have the amount completely reimbursed by the candidate's political action committee or the party that is raising money for another Senator or for any other candidate, and it is deemed to be acceptable. But if we have the same kind of event in Alaska, as Senator MURKOWSKI has arranged this year, to raise money for a new breast cancer device for our State, that is not allowed.

I do not believe that that duplicity should be carried forward in this bill, and I support Senator MURKOWSKI's concept that if it is legal to have such allowance for travel for hotel bills, for expenses and for entertainment for political purposes, it is just as legal to do that for charitable purposes.

I challenge any one of you. You all have participated in it. Why suddenly say, OK, right here in Washington, it is all right here in Washington, but it is not all right when you have to travel to the West to do it?

Any one of you know what it costs to travel to our State. These people are willing to participate and support the charities of our State, just as they are yours here. Why should we not have the same considerations that you have here?

I do believe this amendment is a valid one.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. I yield myself 3 minutes.

Madam President, the rule which the Senator from Alaska is referring to is existing law and existing interpretation which is not touched by this bill. The reimbursement which he is referring to, as I understand it, in his amendment is not reimbursement which is permitted under this bill. It is an interpretive ruling, No. 189, of existing rules and laws.

If the Senator from Alaska thinks that that should be changed so that people cannot be reimbursed from their own campaign funds to go to a political function, then the Senator from Alaska should offer an amendment to tighten that restriction.

But to throw out the key provision of this committee substitute, which is to end the kind of so-called charitable, but very significant, recreational trips which are taken by Members of Congress and paid for by the interests in this country that want to hobnob with Members of Congress at those events, would be a total reversal of what we did this morning.

The Johnston amendment permitted this kind of recreational travel to a so-called charitable event. Our committee substitute does not do it.

If you want to know what the issue really is—I have these at the desk; we do not have the time to debate it—read the transcripts of the TV shows that describe these events. Each of us has to decide in our own conscience whether or not we believe credibility is contributed to with these kinds of events. That is a decision for each of us. We made that decision, I thought, this morning with a very clear vote on the Johnston substitute to the committee amendment.

That is what the issue is here with the Senator from Alaska. Do we wish to provide for this kind of recreational travel to a so-called charitable event. This morning we said no. And I think we based that to a significant degree on what we see happening at those events as portrayed in the national media.

If we are comfortable with it, if we are not embarrassed by it, if we think it contributes to the credibility of this institution to have these events, then I presume people will vote that way. I do not. I have seen these events on the TV shows. I think we undermine public confidence when there is that kind of recreational travel to a so-called charitable event which typically—typically—will have half the money going to pay for the room and travel of Members that are going, and the other half roughly—and this is just a rough estimate—going to the charity.

I yield myself 1 additional minute.

Mr. MURKOWSKI. Madam President, could I inquire how much time is remaining?

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The floor has been yielded. The Senator from Alaska is recognized.

Mr. MURKOWSKI. May I ask how much time we have on this side, Madam President?

The PRESIDING OFFICER. Two minutes 26 seconds.

Mr. MURKOWSKI. I yield myself 30 seconds.

I ask my colleagues to recognize what we are doing. We are setting two standards here. We are setting a standard for our political activity and another standard for our charitable activity. Who are we trying to kid? The group that hobnobs at a charity event is not that the same group that is going to hobnob at a political event, the lobbyists and the PAC's. Let us not kid ourselves. A charity event is just that. The proceeds go for charity.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. A political event is a political event, but you have people wearing the same hats at both.

I yield my friend from Utah 1 minute.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I wish to say as the Senator from a State where one of these events has gone on, that prior to the time the Senators started coming to Utah for the ski event, the Primary Children's Hospital was unable to raise the sums that have been raised since then. There is no question but that crippled children have benefited tremendously by the Senators coming there.

Second, I have seen the television and I have attended the event, and I find no correlation of truth between the television view and what actually went on.

I think the time has come for the Senate to stand up and be serious about this. Charitable events are, indeed, charitable. And if we let our lives be run by the scandals that are run on television, we will all be forced to retire at some point or other.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Who yields time? The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, if no other Senator wishes to speak—I yield 1 minute to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Alaska yields to the Senator from Vermont.

Mr. JEFFORDS. I was one who also, Mr. President, attended the events in Utah. I have never been so moved as when I saw Jason this last time, who came to us limping and on crutches and thanked us for making his life to be a little bit brighter because of the efforts that went on at that event. I think we were all moved to tears. And to think that I no longer can go there because of the scandal sheet, and the TV portrayed something which never happened to me—I never was lobbied once in all the time I was there, never once by any lobbyist—and yet, it was a beautiful event, a beautiful expression of kindness and thanks.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Michigan controls the remaining time, 4 minutes 48 seconds.

Mr. LEVIN. I yield 1 minute to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I think this debate has pointed out the difficulty we are all trying to come to grips with. We are looking for symmetry between what we can do as candidates and what we can do as Senators.

But there is no symmetry. The Senate has gone on record in favor of the Bumpers amendment to reduce the value of a gift that can be given down to zero. If you follow the logic and apply it to campaigns, then you eliminate all contributions to campaigns other than through public financing. We have yet to take that step, and there are very few who are willing to take that step.

Bumpers says no gift of any kind. Yet, contributors, lobbyists, PAC's, and CEO's can all contribute substantial amounts to our campaign funds. So we have a great disconnect. We are not going to resolve that issue here tonight by saying we should have one rule for campaigns, but another for gifts and charitable events. I agree with Senator LEVIN; this amendment would in fact amount to a reversal of what we did this morning, and I would argue we ought not to accept it.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey, 2 minutes.

Mr. LAUTENBERG. I thank the Chair.

I, too, attended for a few years the ski cup in Utah, had a very good time, and was convinced that the Primary Children's Hospital was a wonderful place. And the last time I went I brought a check from me, personally, to the hospital because I thought it was so good.

But when you do the accounting and you look at what is spent on travel and entertainment and lodging and ski lifts and ski instructors, and you count the net, I think that we could do just as well for the Primary Children's Hospital if we all said to the companies that sponsored it, give it direct and we will salute you out here in front of the Capitol. Give the money direct and forget about all of the other stuff, the entertainment. It was fun while it lasted, but its time has passed, Mr. President.

Mr. MURKOWSKI. Will the Senator from New Jersey yield for a question?

Mr. LAUTENBERG. On whose time?

Mr. MURKOWSKI. On the Senator's time.

The PRESIDING OFFICER. The Senator from Alaska has no time to yield.

Mr. LAUTENBERG. I had 1 minute. Is my minute used?

The PRESIDING OFFICER. The Senator had 2 minutes. He has 1 minute remaining.

Mr. LAUTENBERG. I had 1 minute.

The PRESIDING OFFICER. The Senator has 1 minute remaining of the 2 minutes that were yielded the Senator by the Senator from Michigan.

Mr. LAUTENBERG. Sure.

Mr. MURKOWSKI. I would ask my good friend from New Jersey, since he obviously is an expert and has attended the Jake Garn ski event on many occasions, why it took him so long to find out it was not a worthwhile event?

Mr. LAUTENBERG. I never said it was not a worthwhile event. I said that things have changed.

The Senator asked me for an answer. I am going to give it to him. Things change. People expect different things from us. We used to have free gyms, we used to have free doctors, we used to have free this and free that. Why did we vote to change them? Because the public expects more of their public servants than to be out on a ski trip or a golf trip or a tennis trip.

What they expect is that if we are going to do our business, it is going to be done primarily here. And when we go some place like that, I submit to you, pay for it and go and show how serious you are about the Primary Children's Hospital.

The PRESIDING OFFICER. The time yielded has expired.

Who yields time?

Mr. MURKOWSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. If I have any time, I yield it back.

The PRESIDING OFFICER. The Senator from Michigan yields back the remaining time.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—37

Bennett
Bond
Byrd
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dodd
Dole
Domenici
Dorgan
Faircloth
Gramm
Gregg
Hatch
Helms
Hollings
Inouye
Jeffords
Johnston
Kempthorne
Lott
McCain
McConnell
Murkowski
Nunn
Pell
Rockefeller
Simpson
Smith
Stevens
Thurmond
Wallop

NAYS—58

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Cohen
Conrad
Daschle
DeConcini
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Harkin
Hatfield
Heflin
Hutchison
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Pressler
Reid
Riegle
Robb
Roth
Sarbanes
Sasser
Simon
Specter
Warner
Wellstone
Wofford

NOT VOTING—5

Durenberger
Kassebaum
Packwood
Pryor
Shelby

So the amendment (No. 1681) was rejected.

Mr. DOLE. Mr. President, it is my understanding that the bill reported by the Government Affairs Committee would prohibit contributions by registered lobbyists to an entity that is maintained or controlled by that Member. Is this correct?

Mr. LEVIN. Yes.

Mr. DOLE. As my colleagues know, I am currently chairman of the Dole Foundation, a tax-exempt non-profit organization established to expand employment opportunities for persons with disabilities. Assuming that I maintain or control the Dole Foundation, the committee-passed bill would prohibit registered lobbyists from offering monetary contributions or other items of value to the Dole Foundation. Is this correct?

Mr. LEVIN. Yes, it is correct. The committee-passed bill prohibits contributions by registered lobbyists to foundations or charities maintained or controlled by a Member, officer, or employee of the Senate.

This prohibition, however, does not apply to contributions to a foundation or charity by anyone other than a registered lobbyist. The prohibition applies only to contributions by registered lobbyists.

Under S. 349, the Lobbying Disclosure Act, a registered lobbyist is "an individual who is employed or retained by another for financial or other compensation to perform services that include lobbying contacts." The term "registered lobbyist" does not cover "an individual whose lobbying activities are incidental to, and are not a significant part of, the services provided by such individual to the client."

In the committee report on S. 349, we interpret this level of activity to mean more than 10 percent of a person's working time. This definition is obviously not intended to cover the overwhelming majority of corporate chief executive officers, other corporate officers, or members of corporate boards. For example, a CEO who visits Washington, DC, four times a year to talk to Members and staff, or a person who serves on a board of directors who infrequently calls a Member on behalf of the company for whom he serves, or an officer or employee of a company who engages in lobbying activities in a manner incidental to his normal duties, would not be considered a lobbyist.

Mr. DOLE. In other words, if the committee-passed bill became law, it would still be permissible for me to request contributions on behalf of the Dole Foundation from most corporate executives, and it would also be permissible for these executives to make contributions to charitable foundations like the Dole Foundation.

Mr. LEVIN. That is correct.

Mr. DOLE. I thank the distinguished Senator from Michigan for his comments.

AMENDMENT NO. 1674

Mr. DODD. Mr. President, in recent years, many Americans have expressed dissatisfaction with Congress. It seems that every other day there is an opinion poll in which Members of Congress are ranked at the bottom of the list of trusted professions.

I am concerned about the way in which Americans will view this debate. It seems to me that we are almost promoting the perception that every Member of Congress is being corrupted by lobbyists. Certainly, that is not an accurate reflection of reality. We must restore the public's confidence in Congress, but we need to find careful solutions that do not create more problems than they solve.

During my years in the Senate, I have fought to reform the political system. In 1988, I introduced a bill to ban honoraria—the speaking fees that Members of Congress were receiving from special interest groups. That measure was eventually enacted into law and now those fees go to charities. That measure was a step toward ensuring that Members of Congress are responsive only to those paying their salaries—the taxpayers.

Senator LEVIN deserves commendation for his more recent efforts to craft gift reform legislation. However, I am concerned that his gift ban bill may actually create more uncertainty as Members of Congress try to determine what is permissible.

Some of my colleagues have already discussed the problems with the lack of clear definitions in the bill. If the bill is not modified, Members would have to determine who is a "friend," what constitutes a "widely-attended" event, and what types of activities are "substantially recreational." Consideration of these issues could be humorous, except that someone's reputation would be at stake. The ambiguity of such provisions could also create a large bureaucracy at the Ethics Committee, as additional staff spends hours attempting to apply these rules.

The Levin bill would also limit the time and energy that Members of Congress and their staff could devote to fund-raising for charities. Instead of suggesting that such activities are somehow inappropriate, we ought to

In my view, Senators JOHNSTON and McCONNELL have crafted a more practical alternative. Their amendment would change current law to limit the types of gifts Members and staff could accept. It would also require disclosure of any gifts over $75 and any privately funded trips. With better disclosure requirements in place, the public can judge for itself whether Members are being faithful to the electorate. Finally, the amendment contains a severe penalty—expulsion—for any violations.

In the long run, the best way to reform the political process is through campaign finance reform. The problem is not that a Member of Congress receives an occasional gift from a constituent, or takes a trip to a foreign country to help expand economic opportunities for American businesses. The problem is that candidates must spend too much time trying to raise the ridiculously large sums of money that it takes to run a campaign. Although practical limitations on the activities of professional lobbyists are important, we must also move comprehensive campaign finance reform through this Congress.

Mr. SIMPSON. We earlier passed a managers amendment which banned the current practice that allowed registered lobbyists to write checks to charities designated by Senators who have delivered a speech for an honorarium. This prohibition, however, is limited only to lobbyists and registered foreign agents. Honoraria speeches can still be made under this bill. Appropriate charities can still be designated by the Senator making the speech. The major change in the law is that the payments must not be written or tendered by lobbyists or foreign agents. Of course, 100 percent of any honoraria must go to the charity. I wish to direct this inquiry to the author of the bill, Senator LEVIN. On February 13, 1992, Senator KENNEDY and I received a ruling from the Senate Ethics Committee in regard to our participation in a series of broadcasts known as Face Off on the Mutual Broadcast System. As a result of our participation on Face Off, we are able to direct $25,000 per year to various charitable causes. We are, of course, prohibited from personally keeping one cent of that money. The checks to the selected charities are received from the broadcast group which produces "Face Off." The broadcast group is neither a foreign agent or a registered lobbyist. Would the bill, as amended, in the view of the Senator from Michigan, have any adverse effect on this arrangement?

Mr. LEVIN. If the broadcast group is neither a registered lobbyist nor a foreign agent, it is my opinion that this bill would not in any way change, alter or amend the earlier Ethics Committee ruling on that subject.

Mr. SIMPSON. Mr. President, in the year 1992 our Senate colleagues directed over $500,000 to go to charities as a result of speeches which they made. By current law, not one cent of those funds went into any Member's pockets. In 1991, the amount was over $762,000. These funds go to organizations such as the Girl Scouts, the Boy Scouts, the American Cancer Society, universities, community colleges, environmental and Conservation causes, scholarship programs, veterans groups, and many other worthwhile charitable and educational institutions. I believe this kind of work which Senators do to benefit charities is most commendable. This bill would have banned that type of activity entirely. I was prepared to offer an amendment which would have continued current law regarding charitable honoraria. Since my amendment became known to my old friend, Senator CARL LEVIN, the author of the legislation, he and I and our respective staff members have engaged in fruitful negotiations. I think we have achieved a solution which will allow these types of worthwhile organizations to continue to receive proceeds from honoraria. However, since this bill is mostly about appearances, and the perceived influence of registered lobbyists, we have agreed to modifications of the current system. I commend Senator LEVIN and his staff for their work in helping to draft this resolution.

As I understand it, provisions in the managers' amendment would prohibit charitable contributions in lieu of honoraria if those contributions are made directly by a lobbyist or a registered foreign agency is that correct?

Mr. LEVIN. That is correct.

Mr. SIMPSON. However, I understand that nothing in the managers' amendment which includes the provisions I requested would prohibit a Member from entering into an agreement to make a speech, and then to direct that an honorarium for the speech go to appropriate charities so long as the person who writes the check to the charity is not a registered lobbyist or registered foreign agent. Is that correct?

Mr. LEVIN. That is correct. It is not our intention to prohibit Senators from directing honoraria proceeds to worthy charities. However, we do not want the perception to be that lobbyists are seeking to influence a Senator by contributing to his or her favorite charity. The entire focus of this bill is to avoid that sort of perception. Accordingly, the prohibition extends only to lobbyists or foreign agents.

Mr. SIMPSON. I very much appreciate the outstanding cooperation I have received from my fine friends, Senator LEVIN and Senator COHEN, in arriving at a satisfactory solution to this matter.

AMENDMENT NO. 1682

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nebraska [Mr. EXON], for himself, Mr. DECONCINI, Mr. KERRY, Mrs. BOXER, Mr. LAUTENBERG, Mr. DASCHLE, Mr. REID, Mr. WELLSTONE, and Mr. BRADLEY, proposes an amendment numbered 1682.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place add the following:
>
> It is sense of the Senate that any Member who voted May 5, 1994, to amend S. 1935 to reduce the pay of Members of the Senate by 15%, should return to the U.S. Treasury the full amount of any pay that would not have been received had the amendment been enacted into law and that such Members should provide evidence to the public on an annual basis that they have done so.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, we have had several discussions involving a large number of Senators in an effort to devise a procedure to complete action on this bill and to take up other matters. The Republican leader and I have reached agreement which has not been reduced to writing and, therefore, I am not prepared to formally present it as a unanimous consent request.

But, in view of the hour, so as not to inconvenience Senators, what I will do now is describe the terms of the agreement and, if agreeable to Senators, then to state that there will be no further votes and Senators could leave and we will remain and put this into the formal language necessary for an agreement.

The agreement contemplates the following actions, which involve the time between now and next Wednesday.

With respect to the pending bill, there would be only five amendments remaining in order: The managers' package of amendments; an amendment by Senator MURKOWSKI, which will require that reimbursement for political travel be treated in a form identical to reimbursement for travel to charitable events. And these amendments will be taken up, when we do take them up, as I subsequently describe in the order stated.

Then an amendment by Senator D'AMATO, regarding the use of racial justice statistics in the application of the death penalty. Then an amendment by Senator EXON, which would require that any Senator who voted for the reduction in pay earlier today be required to accept a lower rate of pay, even if the amendment offered earlier does not become law. Then an amendment by Senator DOLE, requiring that any Member of the Senate who has previously voted against an increase in pay which became law and then accepted the increase be required to refund that amount.

Those will be the only amendments in order to the pending bill and there will be no second-degree amendments or motions to recommit in order. Those will be the only amendments in order to the bill and they will have to be offered and debated tomorrow in order to be in order.

Upon the completion of that debate, the Senate will take up tomorrow the environmental technology bill. Any amendments to be offered to that bill will have to be offered tomorrow to be in order.

Following that, the Senate will then proceed to the Bosnia legislation for debate only.

The votes that are required on either the pending bill or the environmental technology bill will not occur tomorrow but will be stacked to occur beginning next Wednesday afternoon.

So that there will be no votes tomorrow but there will be debate and amendments offered on the pending bill limited to the 5 amendments I have just described, all first-degree, no second-degree amendments or motions to recommit in order. And the votes on the environmental technology bill as necessary will also be stacked to occur beginning on Wednesday afternoon.

The Bosnia matter will be before the Senate. That will be for debate only and no votes will be stacked with respect to that as of tomorrow.

On Monday, the Senate will proceed to consideration of the Safe Drinking Water Act for debate only, and the offering of amendments. If any amendments are offered and votes will be required, they will be stacked to occur on Wednesday afternoon. On Tuesday, the Senate will resume on the Bosnia resolution and it is expected that debate will take up all or much of that day.

On Wednesday morning it would be my intention to proceed to the Budget Resolution Conference Report. Any votes that are required with respect to Bosnia will occur not earlier than Wednesday afternoon, if debate has been completed by that time. But this does not require the completion of that debate by that time. And the same is true with respect to the budget resolution.

So there would be no votes until next Wednesday afternoon. In the meantime we would complete action on all amendments relating to the pending bill and final passage, of course, would occur also. The same is true with respect to the environmental technology bill. We will have begun debate on Bosnia, perhaps completed it; begun debate on the Safe Drinking Water Act; and also have begun, and hopefully completed, debate on the Budget Resolution Conference Report.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I understand this has not been formally propounded yet, but I rise on behalf of half a dozen Senators who have spoken to me relative to the potential racial justice amendment. If it is put in, and if there is no ability to amend that or second degree that amendment, I would have to object to any unanimous consent agreement.

I am delighted to vote on racial justice if that is what my friend from New York wishes to do. I have not seen it. I do not know what it is going to be and it is a very important matter. I am unwilling, though, in the blind—and I do not think in 22 years I have ever objected to a unanimous consent agreement, but I would be unwilling to—I would be forced to object unless I could reserve a place. I have no second degree necessarily. I do not know. But I would like to reserve a place for the possibility of a second-degree amendment on the amendment of the Senator from New York on racial justice. If he would not object to that I have no objection to proceeding on voting on that issue. But I would like to reserve that right.

Again, I speak not only for myself, but a number of my colleagues have come to me to ask me to protect them in this regard if that is to occur.

Mr. MITCHELL. I inquire of the Senator from New York whether that is agreeable to him?

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I do not wish to obstruct the proceedings either. But I do believe it is a very straightforward amendment. I would be willing to share it. Possibly if the Senator has any objections at that point we could discuss it. It is very simple. It simply says,

> It is the sense of the Senate that the upcoming Senate-House conference on omnibus crime legislation should reject the Racial Justice Act provisions contained in title IX of the crime bill passed by the House of Representatives on April 21, 1994.

I do not know how you could provide for a second-degree, in all due candor. It is a pretty straight issue. Really an up-or-down vote on it would be appropriate. If my colleague would like to provide—and I might suggest to the leaders, it would seem to me we might want to save some additional time Wednesday, for example—maybe a half-hour or 20 minutes to be debated on Wednesday as well or whatever time one might feel appropriate, I certainly would not object to that.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I appreciate the comments of my friend from New York. I suggest there are several ways that have been discussed about amending the amendment of the Senator from New York. For example, there are those who have suggested that it be amended in such a way as to suggest the Racial Justice Act, as contained in the House crime bill, be modified to apply only to Federal—only apply federally. There are those who suggested that there be instructions to vote to amend it for purposes of deleting additional provisions in the House bill. So there are a number of ways it can be amended.

I have not made any such judgment to amend it. But I know, whether it is Senator KENNEDY or Senator MOSELEY-BRAUN or a half a dozen other of my colleagues, since this, as they say, happens on my watch, I am not prepared to agree to a unanimous consent agreement that does not give me or anyone else the right to come with a second-degree amendment.

It is not the time. I am willing to limit the debate. I cannot speak for everyone, but for me, I am willing to limit the debate on a second-degree amendment as well as the underlying amendment to a relatively short amount of time. I am not looking for hours. I would look for minutes—40 minutes or 60 minutes divided.

But I am not willing to agree to a UC if that does not allow me to have the right to attempt to amend the amendment of the Senator from New York. This issue, as we all know—we have debated it many times on the floor—is incredibly contentious. But it is also incredibly important. The Senator from New York feels very strongly about it but the Senator from Delaware feels equally strongly the opposite way.

So I do not want, in the spirit of getting us out tonight—and I can think of no better reason to leave tonight than what happened today—but I think everyone would be anxious to end this session and end the misery. But I, for one, am not prepared to agree to an UC that does not give me the opportunity, if I choose to, to amend in the second degree the racial justice amendment of the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. If I might suggest a possible way to deal with this? I just make this in the spirit of a suggestion to accommodate all.

Would the Senator from Delaware's opportunity to put forth his views on this be protected if he were to reserve a place to offer an amendment after my amendment, so we could each have a vote, up or down? We could have a vote on this and then if he chooses to go forward with another amendment dealing with this area, then so be it. And he would have the same right, subject to no second-degree amendment, so the Senate could vote. It might vote inconsistently on one or the other but the Members would then have a right to vote.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. That would satisfy an apparent sense of equity but it may put me at a disadvantage in terms of being able to defeat the Senator's amendment, and on this matter I feel very, very strongly about this racial justice provision and I do not wish to yield any rights I have on the floor that could enhance the possibility of my being able to. I realize the Senator has had the votes in the past. I am not one to tilt at windmills. That is why I am willing to limit the time.

I realize the last time we had a vote on this the Senator from New York, his position, won roughly 70 to 30. But I would like to have the opportunity to use the rules of the Senate in terms of amendment to be able to make it more difficult for the Senator to win.

As the Senator knows, we have always had a great relationship. I have never had anything but respect for him. I will do everything in my power at this moment under the rules to make it difficult for the Senator to win, or at least to decrease his margin. So I will not agree to a UC unless I have the opportunity, if we choose, to second degree the amendment.

I apologize to the majority leader. I know how hard he and the Republican leader worked on this. As I said, I do not think in 22 years I have ever done this but this is too important to me.

Mr. D'AMATO. I respect my colleague's decision.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. MATHEWS]. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I am going to renew the request, or make the request in the form that I described earlier with the following modifications, and they all relate to the pending bill and the amendments to be offered to the pending bill.

First, the order of the amendments will be changed so they will be in the following order tomorrow morning: The first amendment by Senator EXON, the subject matter as I have previously described; the second by Senator DOLE, again as previously described; the third amendment by Senator D'AMATO, the subject matter as previously described; and the fourth amendment by Senator MURKOWSKI, the subject matter as previously described.

In addition, there will be a managers' package of amendments to be offered at the discretion of the managers. The amendments by Senator EXON and DOLE will be in the nature of sense of the Senate.

The amendment by Senator D'AMATO will be subject to a relevant second-degree amendment to be offered by Senator BIDEN, if he chooses to do so.

In addition to the debate on that amendment tomorrow, there will be an additional 30 minutes of debate equally divided prior to the vote on that matter on next Wednesday when the vote occurs.

I believe I have stated all of the changes. But I invite the Republican leader to either confirm that or correct anything that I have stated that is not correct.

Mr. DOLE. That is correct. The remainder of the previous requests would be the same.

Mr. MITCHELL. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is noted.

Mr. BROWN. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Do I hear further objection? Is there any further discussion on the unanimous consent?

Mr. MITCHELL. Mr. President, I have not yet formally presented the request. But hearing no objection from any Senator, I am taking this as an assent to the proposed schedule as I have described. And we are now going to present it formally for approval by the Senate. But having received that assent—and I note no objection by any Senator to this proposal—I, therefore, will take that assent, and the obtaining of the agreement, the formal approval of the agreement, will merely be to confirm that to which we have all now agreed upon.

Accordingly, there will be no further votes this evening. And we are going to try to get the agreement in place before we leave this evening, and once the agreement is obtained, the next record vote will occur on next Wednesday afternoon.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I want to make a note for the RECORD. Apparently, earlier this evening at least one Member of the Senate made an accusation directed toward the majority leader concerning his attempt to accommodate me and another Member.

I would like the RECORD to reflect that at no time did I seek any accession or window of time from the majority leader nor did he ever grant me any. As a matter of fact, I was meeting with a head of state, and it would have been enormously embarrassing to have left that head of state under the circumstances.

I made it very clear to the minority leader that I wished to have no accommodation made on my behalf, and I felt it was more important under the circumstances not to embarrass a head of state.

So any accusation directed toward the majority leader was completely wrong. But nonetheless, it was made, and should be clarified as the majority leader did absolutely nothing to accommodate me because I did not ask him to.

I have tried over the years not to tread upon his generosity. This was one case in which that was true.

With respect to why we are deferring any voting until next Wednesday, I think it is clear. There are a number of Members who have travel plans that we would like to accommodate. They are going on a very important mission, and we would like to accommodate their schedule.

There are also intervening elections, and for that reason, there is no objection to postponing any voting on this measure until next Wednesday. But I do think it reflects the attitude on the part of some who would unknowingly or carelessly make accusations which are completely untrue.

I wanted to clarify the record. My friend from Maine, the majority leader, at no time tried to accommodate this Senator by virtue of our friendship and the fact that we have shared the same constituency.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I send to the desk a managers' amendment and ask that it be considered at this time.

AMENDMENT NO. 1683

(Purpose: To make technical amendments and to prohibit lobbyists from making gifts in violation of the rules of the Senate and House of Representatives)

Mr. LEVIN. Mr. President, I send a managers' amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1683.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, line 13, after "client" insert "or firm".

On page 36, line 21, strike "and" and insert "or".

On page 37, line 6, insert "Election" before "Campaign".

On page 37, lines 19 and 20, strike "business or employment" and insert "business, employment, or other outside".

On page 37, line 21, strike "have not been offered" and all that follows through the end of the sentence and insert "are customarily provided to others in similar circumstances."

On page 38, line 18, insert "and are customarily provided to others in similar circumstances" before the semicolon.

On page 41, between lines 14 and 16, insert the following:

"(14) A plaque, trophy, or other memento of modest value.

"(15) An item for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

On page 42, line 6, beginning with "family member or friend" strike all through line 16, and insert the following: "individual providing the item—

"(A) seeks to deduct the value of such item as a business expense on the individual's income tax return; or

"(B) accepts direct or indirect reimbursement or compensation for the item from a client or a firm of which the individual is a member or employee.

"(3) For purposes of clause (2), indirect reimbursement or compensation for an item includes an expenditure from an expense account and a fee charged by a lobbyist for the purpose of compensating the lobbyist for the cost of the item.

On page 42, line 21, after "similar event," insert "provided by the sponsor of the event,".

On page 44, line 4, strike "to the event" and insert "to the event,".

On page 44, between lines 16 and 17, insert the following:

"(d) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity, shared within the recipient's office, or destroyed.".

On page 45, lines 10 and 11, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman).

On page 45 lines 24 and 25, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 46, lines 7 and 8, strike "clauses (1) and (2)" and insert "paragraphs 1 and 2".

On page 47, lines 19 and 20, strike "government organization" and insert "government or organization".

On page 48, line 8, before "with participation" insert a period and "No Member, officer, or employee may accept funds in connection".

On page 48, line 18, strike "Rule XLIII of" and insert "rule XLIII of the Rules of".

On page 50, line 5, after "client" insert "or firm".

On page 50, line 13, strike "and" and insert "or".

On page 50, line 22, insert "Election" before "Campaign".

On page 51, lines 10 and 11, strike "business or employment" and insert "business, employment, or other outside".

On page 51, line 12, strike "have not been offered" and all that follows to line 14, and insert "are customarily provided others in similar circumstances."

On page 52, line 7, insert "and are customarily provided to others in similar circumstances" before the semicolon.

On page 53, lines 4 and 5, strike "Committee on Rules and Administration" and insert "Committee on Standards of Official Conduct".

On page 55, between lines 4 and 5, insert the following:

"(M) A plaque, trophy, or other memento of modest value.

"(N) An item for which, in an unusual case, a waiver is granted by the Committee on Standards of Official Conduct.

On page 55, line 19, beginning with "family member or friend" strike all through page 56, line 4, and insert the following: "individual providing the item—

"(i) seeks to deduct the value of such item as a business expense on the individual's income tax return; or

"(ii) accepts direct or indirect reimbursement or compensation for the item from a client or a firm of which the individual is a member or employee.

"(C) For purposes of clause (B), indirect reimbursement or compensation for an item includes an expenditure from an expense account and a fee charged by a lobbyist for the purpose of compensating the lobbyist for the cost of the item.

On page 56, line 9, after "similar event," insert "provided by the sponsor of the event".

On page 57, line 18, strike "to the event" and insert "to the event,".

On page 58, between lines 6 and 7, insert the following new subparagraph:

"(4) When it is not practical to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity, shared within the recipient's office, or destroyed.

On page 59, lines 2 and 3, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 59, lines 16 and 17, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 59, line 25, strike "(A) and (B)" and insert "(a) and (b)".

On page 60, lines 10 and 11, strike "Ethics Committee" and insert "Committee on Standards of Official Conduct".

On page 62, line 8, strike "Committee on House Administration" and insert "Committee on Standards of Official Conduct".

On page 36, strike lines 1–8 and insert the following:

"(c)(1) The restrictions in subparagraph (a) shall apply to any financial contribution or expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees."

On page 36, line 20, strike "employee; and" and insert "employee (not including a mass mailing or other solicitation directed to a broad category of the general public);".

On page 36, line 24, strike "employee." and insert the following:

"employee; and

"(E) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or a foreign agent in lieu of an honorarium."

On page 49, strike lines 17–24 and insert the following:

"(c)(1) The restrictions in subparagraph (a) shall apply to any financial contribution or expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees."

On page 50, line 12, strike "employee; and" and insert "employee (not including a mass mailing or other solicitation directed to a broad category of the general public);".

On page 50, line 16, strike "employee." and insert the following:

"employee; and

"(E) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or a foreign agent in lieu of an honorarium."

On page 37, line 13, strike the period and insert the following:

"(subject to prior approval by the Ethics Committee in the case of a gift to a Member, officer or employee in excess of $250 that is provided on the basis of personal friendship and disclosure under the Ethics in Government Act of a gift to a spouse of a Member in excess of $250 that is provided on the basis of personal friendship)."

On page 51, line 4, strike the period and insert the following:

"(subject to prior approval by the Committee on Standards of Official Conduct in the case of a gift to a Member, officer or employee in excess of $250 that is provided on the basis of personal friendship and disclosure under the Ethics in Government Act of a gift to a spouse of a Member in excess of $250 that is provided on the basis of personal friendship)."

On page 63, strike line 11 and insert the following:

SEC. 5. REPEAL OF OBSOLETE PROVISION.

Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is repealed.

SEC. 6. PROHIBITION ON LOBBYISTS.

No person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute shall provide a gift to any Member, officer, or employee of the Senate or the House of Representatives, or a spouse or dependent of the Member, officer, or employee, if the lobbyist or foreign agent knows that the acceptance of the gift by the Member, officer, employee, spouse, or dependent would violate Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives.

SEC. 7. EXERCISE OF CONGRESSIONAL RULEMAKING POWER.

Except for sections 4, 5, and 6, this Act is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and accordingly, they shall be considered as part of the rules of each House, respectively, or of the House to which they specifically apply, and such rules shall supersede other rules only to the ex-

tent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (insofar as they relate to that House) at any time and in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 8.

The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve, any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

SEC. 9.

No provision of this bill shall be interpreted to limit a contribution or other payment to a legal expense fund established for the benefit of a member officer, or employee by any person other than a lobbyist or a foreign agent.

SEC. 10.

The rules on acceptance of meals and entertainment provided to a Member or an employee of a Member in the Member's home State prior to the adoption of reasonable limitations by the appropriate Committees shall be the rules in effect on the day before the effective date of this bill.

SEC. 11. EFFECTIVE DATE.

Mr. LEVIN. Mr. President, this amendment contains a number of technical clarifying changes on behalf of the managers, as well as several amendments that have been worked out with Members from both sides of the aisle.

In particular, it would clarify that:

Gifts based on outside activities of a Member's spouse may be accepted to the same extent as gifts based on outside activities of the Member himself or herself;

Commemorative items and mementos of modest value may be accepted from anybody other than a lobbyist;

A gift may not be accepted on the basis of the personal friendship exception if the friend seeks reimbursement or compensation for the gift from a client or firm;

The bill would not limit contributions to legal defense funds by anyone other than a lobbyist or a foreign agent;

Free attendance at a widely attended event may be accepted from the sponsor of the event, but not from an outside party that may have purchased tickets to the event; and

When it is not practical to return a gift because it is perishable, the gift may be given to charity or shared within the recipient's office.

In addition, the amendment would make it unlawful for a lobbyist to provide a gift to a Member of Congress in knowing violation of the new rules; provide for Ethics Committee waivers of the rules in unusual cases and require advance authorization for gifts to Members in excess of $250 on the basis of personal friendship; and clarify that this bill is an exercise of congressional rulemaking authority. It would also authorize the Rules Committee to accept certain gifts on behalf of the Senate and revise the provision on charitable contributions in lieu of honoraria, so that it would apply only to lobbyists and foreign agents.

I believe that these changes are all consistent with the underlying purpose of the bill and the committee's intent in adopting the substitute.

Mr. President, I think this is acceptable to both sides.

Mr. COHEN. The minority accepts the managers' amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1683) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the only amendments remaining in order to S. 1935 be the following, with no second-degree amendments in order, except where noted; and that they must be offered on Friday, May 6, and in the order listed, and that no motion to recommit be in order:

An amendment by Senator EXON, sense-of-the-Senate, regarding a pay cut; an amendment by Senator DOLE, sense-of-the-Senate, regarding a pay cut; an amendment by Senator D'AMATO regarding racial justice, with a relevant second-degree amendment by Senator BIDEN or his designee to be in order to the D'Amato amendment; an amendment by Senator MURKOWSKI regarding political travel.

I further ask unanimous consent that there be 30 minutes total for debate on Wednesday on the D'Amato amendment and the second-degree amendment by Senator BIDEN, or his designee, related to racial justice, with the time equally divided and controlled in the usual form.

I further ask unanimous consent that on Friday, May 6, following completion of debate on amendments to S. 1935, the Senate proceed to the consideration of calendar No. 227, S. 978, the National Environmental Technology Act of 1994, and that the bill be considered under the following limitations, and that no motions to recommit be in order, and that the only first degree floor amendments in order to the bill be the following, with relevant second-degree amendments in order to the first degree to which it is offered, and that the listed amendments must be offered by the close of business on Friday, May 6:

An amendment by Senator BAUCUS and others in the nature of a substitute; an amendment by Senator McCAIN regarding overflights; an amendment by Senator FORD regarding overflights; an amendment by Senator STEVENS relating to sewage; an amendment by Senator KERRY of Massachusetts that is relevant; an amendment by Senator KERREY of Nebraska that is relevant; an amendment by Senator CHAFEE that is relevant; an amendment by Senator McCAIN regarding wastewater treatment; an amendment by Senator BAUCUS that is relevant; that immediately after the bill is reported, Senator BAUCUS be recognized to offer a substitute amendment, and that the amendment be agreed to as original text for the purpose of further amendment; that upon disposition of the list of amendments, the committee substitute, as amended, be agreed to, and the bill read the third time.

I further ask unanimous consent that on Friday, upon completion of all debate on the listed amendments to S. 978, the Senate then proceed to S. 2042, the Bosnia arms embargo bill, for debate only.

I further ask unanimous consent that on Monday, May 9, at 3:30 p.m., the Senate proceed to Calendar item No. 412, S. 2019, the Safe Drinking Water Act.

I further ask unanimous consent that on Tuesday, May 10, at 10 a.m., the Senate resume consideration of the Bosnia Arms Embargo Act.

I further ask unanimous consent that on Wednesday, May 11, at 10 a.m., the Senate proceed to the consideration of the concurrent budget resolution conference report, and that no rollcall votes occur before 5 p.m. on Wednesday, May 11.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their patience and cooperation. I think the order is self-explanatory. Tomorrow we will complete action on the remaining amendments on S. 1935. Any votes which are required will be set over until next Wednesday, no earlier than 5 p.m.

We will then take up and complete action on the Environmental Technology Act, and all amendments thereto must be offered tomorrow, and any votes on that will be set over until next Wednesday. Then we will begin debate on the Bosnia Arms Embargo Act.

On Monday we begin discussion on the Safe Drinking Water Act. There will be no votes on that day. On Tuesday we resume debate on the Bosnia Arms Embargo Act with no vote on that day.

On Wednesday at 10 a.m. we will begin consideration of a budget resolution conference report. Votes will occur on that day beginning at no earlier than 5 p.m. It is my intention to have the votes begin at 5 p.m. So there will be a number of votes on next Wednesday beginning at 5 p.m. This accommodates the maximum possible number of Senators.

I thank my colleagues for their cooperation, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me thank the majority leader as always for his magic.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CAIRO ACCORD

Mr. PELL. Mr. President, yesterday in Cairo another milestone was passed in the march toward peace in the Middle East. Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasir Arafat, after a slight hitch in the ceremonies, signed an agreement to implement the landmark Declaration of Principles.

The Cairo agreement brings to a close a tense negotiating period between Israel and the PLO. There have been tremendous ups and downs since the September 13, 1993, signing of the Declaration of Principles. Indiscriminate acts of violence and terror on both sides, including the Hebron killings, interrupted discussions and threatened to undermine the process altogether. Charges of bad faith and expressions of concern resulted from Arafat's lukewarm condemnation of the Afula and Hadeira bombings.

But in the end, the leaders on both sides—Prime Minister Rabin, Chairman Arafat, Foreign Minister Peres, Nabil Shaath—shouldered the responsibility to keep the negotiations going. Underneath it all was the patience and constancy of U.S. officials such as Secretary of State Warren Christopher, Ambassador Dennis Ross, and indeed, President Clinton himself, who all worked diligently and effectively behind the scenes to sustain the momentum.

I would also like to take a moment to express my appreciation and gratitude for the role that Egypt, and particularly President Hosni Mubarak, played in the negotiations. Because Egypt has been at peace with Israel for 15 years now, it is almost easy to overlook Egypt's importance and helpfulness in the process. But President Mubarak and his able Foreign Minister Amre Moussa have been there all along, working as hosts and intermediaries in the negotiations. Without Egypt's crucial support, yesterday's agreement may not have materialized.

Yesterday, Mr. President, as I observed the images of the signing ceremony, I was struck by how much has been accomplished in the Middle East during the past 2 years. I was also, I confess, daunted by how much remains to be done. The Cairo agreement has to be carried out in good faith; negotiations on a final status settlement between Israel and the PLO must begin within 2 years and be implemented in 5; and agreements must be concluded between Israel, Lebanon, Jordan, and Syria. It is an awesome agenda, but yesterday's events constitute a long-awaited completion of that first step taken last September, a true achievement for diplomacy. This sets us well on the path toward meeting the next objectives.

Although the Cairo agreement represents a step toward the reconciliation of two peoples—historic enemies—to me it is also a tribute to individual courage and purpose. Prime Minister Rabin and Chairman Arafat can hardly be more different, but their fortunes hereafter are inextricably linked. Whether or not we like Yasir Arafat or approve of his methods, there can be no doubt that both he and Prime Minister Rabin have assumed responsibility for the destiny of their people. It is evident that some of these people, Israelis and Palestinians alike, are reluctant to follow, but that is what leadership is all about. And that is why history will preserve a place for them both.

A TRIBUTE TO JOE WILLIAMS

Mr. BOREN. Mr. President, as the employees of the Williams Companies honor Joe Williams, chairman of the board, today on the advent of his retirement after 35 years of service, I would like to join them in paying tribute to this outstanding Oklahoman and good friend.

People like Joe Williams are the real trustees of this country. He is one of those people who finds satisfaction in being part of causes that are more important than any of us as individuals. His leadership and wisdom guide institutions such as the Nature Conservancy which will continue to impact the lives of Americans for generations to come.

I respect Joe Williams because he acts with the courage of his convictions and he does not give up easily. I have worked with Joe on a variety of projects and each time he has demonstrated great vision and integrity. At times our projects received criticism, but Joe would never give up. I remember when he led the business community in support of major reforms and tax increases to improve education in our State. I have seen him, as a fellow trustee of Yale University, be willing to stand apart from the majority to present a perspective which needed to be considered. He always insisted on doing what was right. He would say, "We can't think about the way people feel about it today, we have to think about the way people will feel about it 10 years from now, and 50 years from now, and how it will impact the next generation."

I have talked to Joe many times on the phone when I know that he has been terribly busy, whether he just had come back from a trip to another country, or he just had been traveling coast to coast. Given all the pressures on his time, never once has he told me that he was too busy to get involved in another educational program or with a project that would benefit Oklahoma.

Several years ago, Joe and I talked about establishing a Tallgrass Prairie Preserve in Oklahoma, about bringing the bison back some day, and about trying to preserve the land as the pioneers saw it when they came west. We shared the dream of seeing our children and grandchildren looking out across the Tallgrass Prairie, allowing them to feel the spirit and passion which the prairie instilled in the pioneers. It is a sense of freedom and individual liberty central to what it means to be an American. Largely because of the leadership of Joe Williams, that dream has been realized and the Tallgrass Prairie Preserve now exists and is operated by the Nature Conservancy which Joe Williams has chaired at both the State and national levels.

When I think about those who will leave America better than they found it, I think of Joe Williams in that group of great citizens who truly invest themselves in service to others. I am proud to join his many friends and colleagues in wishing him well in his corporate retirement and in his new civic endeavors.

CINCO DE MAYO

Ms. MOSELEY-BRAUN. I want to take time today to commemorate Cinco de Mayo, one of Mexico's most important holidays.

On May 5, in 1862, Mexican forces repelled repeated French attacks on the Forts Loreta and Guadelupe.

The importance of Cinco de Mayo is not merely that of a tactical win against greater forces, but the inspiration that the people took from their success. This inspiration and moral victory carried them through the next 5 years as they fought for their country.

In the winter of 1861, France, Spain, and England sent fleets to Veracruz to collect on defaulted bond payments. The three countries stated that they had no intention of conquering Mexico.

An agreement was reached between the four countries and the English and

Spanish representatives left. The French, under Emperor Napoleon III, in their efforts to expand the French monarchy, stayed and attacked the Government of Mexico.

On May 5, Gen. Ignacio Zaragoza led 2,000 Mexican soldiers in battle against 6,000 French and triumphed after serious losses. The victory that day was only the beginning. The war continued for 2 years and Mexico was ruled by the French for the next 3 years.

The Mexican people shot the French ruler and took back their country on June 19, 1867.

The people of Mexico celebrate the victory on May 5 and all that it represents every year with festivals, reenactments, parades, and ceremonies. Mexican-Americans in Illinois and all over the United States stage their own celebrations to honor the bravery of their ancestors and to celebrate Mexico's history.

I want to ask my colleagues to join me in honoring the soldiers who showed such courage and inspired such pride in their countrypeople on May 5, 1862. Viva Mexico. Feliz Cinco de Mayo.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nominations reported today by the Committee on Armed Services:

Robert Shamansky to be a Member of the National Security Education Board, and

Roger Hilsman to be a Member of the National Security Education Board.

I ask unanimous consent that the nominees be confirmed, en bloc; that any statements be printed in the CONGRESSIONAL RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table, en bloc; that the President be informed of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NATIONAL SECURITY EDUCATION BOARD

Robert N. Shamansky, of Ohio, to be a Member.

Roger Hilsman, of New York, to be a Member.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Pursuant to the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 10th Annual Report of the National Endowment for Democracy, which covers fiscal year 1993.

WILLIAM J. CLINTON

THE WHITE HOUSE, *May 5, 1994.*

REPORT ON FEDERAL ADVISORY COMMITTEES FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

As provided by the Federal Advisory Committee Act, as amended (Public Law 92-463; 5 U.S.C., App. 2, 6(c)), I am submitting my first Annual Report on Federal Advisory Committees for fiscal year 1993 for your consideration and action.

Consistent with my efforts to create a Government that works better and costs less, I issued Executive Order No. 12838 on February 10, 1993, requiring the executive branch to conduct a comprehensive review of all advisory committees. Based upon this assessment, each department and agency was directed to reduce by at least one-third the number of committees not required by the Congress. I am pleased to advise that this initiative has resulted in a net reduction of 284 unproductive advisory committees, exceeding our elimination target of 267, by 6 percent, or 17 committees. In addition, we have identified approximately 30 unneeded statutory groups.

While progress has been achieved in assuring that the work of advisory committees remains focused on national, rather than special interests, I am asking for your support in effecting other needed improvements. The Administration will forward to the Congress a legislative proposal to terminate 30 advisory committees required by statute, but for which compelling needs no longer exist. I urge the Congress to act quickly and favorably on this proposal, and I welcome any recommendations of the Congress regarding additional groups that may be eliminated through our joint efforts to increase the effectiveness and efficiency of the Government. Toward this end, I hope the Congress will show increased restraint in the creation of new statutory committees.

I have directed the executive branch to exercise continued restraint in the creation and management of advisory committees. This will allow us to obtain further savings recommended by the Vice President and the National Performance Review. Consistent with Executive Order No. 12838, the Director of the Office of Management and Budget will continue to approve new agency-sponsored committees when necessary and appropriate. In addition the General Services Administration, as part of its overall responsibilities under the Act, will periodically prepare legislation to propose the elimination of committees no longer required by the Government.

We stand ready to work with the Congress to assure the appropriate use of advisory committees and to achieve the purposes for which this law was enacted.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1994.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 1:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4204. An act to designate the Federal building located at 711 Washington Street in Boston, MA, as the "Jean Mayer Human Nutrition Research Center on Aging."

H.J. Res. 239. Joint resolution to authorize the President to proclaim September 1994, as "Classical Music Month."

At 10:03 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 3254. An act to authorize appropriations for the National Science Foundation, and for other purposes.

The message also announced that the House agrees to the report of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H. Con. Res. 218) concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1995, 1996, 1997, 1998, and 1999.

The message also announced that pursuant to the provisions of section 168(b) of Public Law 102-138, the Speaker appoints the following Members to the British-American Interparliamentary Group on the part of the House: Mr. HAMILTON, Chairman, Mr. LANTOS, Vice Chairman, Mr. MURPHY, Mr. BOEHLERT, Mr. LEWIS of Florida, and Mr. MCMILLAN.

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3254. An act to authorize appropriations for the National Science Foundation, and for other purposes; to the Committee on Labor and Human Resources.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on May 5, 1994, she had presented to the President of the United States, the following enrolled joint resolution:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2623. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report of 62 recommendations for legislative action; to the Committee on Rules and Administration.

EC-2624. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report of proposed regulations governing special funding projects; to the Committee on Rules and Administration.

EC-2625. A communication from the Administrator of the Small Business Administration, transmitting, a draft of proposed legislation to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies; to the Committee on Small Business.

EC-2626. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report on the Natural Resource Development Program for fiscal year 1993; to the Committee on Small Business.

EC-2627. A communication from the Administrator of the Small Business Administration, transmitting, a draft of proposed legislation entitled "Small Business Administration Amendments of 1994"; to the Committee on Small Business.

EC-2628. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to authorize additional major medical facility construction projects for Fiscal Year 1994, at the Department of Veterans Affairs Medical Center Sepulveda, California, and to waive the Congressional waiting period requirement for an administrative reorganization at such facility; to the Committee on Veterans' Affairs.

EC-2629. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "VA/State Health-Care Reform Pilot Programs Act"; to the Committee on Veterans' Affairs.

EC-2630. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report on cases in which equitable relief was granted in calendar year 1993; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-448. A joint resolution adopted by the Legislature of the Republic of Palau; ordered to lie on the table.

"S.J. RESOLUTION NO. 4-55

"Whereas, the Honorable Ron de Lugo, now in his tenth term as the U.S. Virgin Islands' Delegate to the United States House of Representatives, is Chairman of the House Subcommittee on Insular and International Affairs, which exercises jurisdiction over the Caribbean and Pacific Island areas associated with the United States, as well as U.S. Interior Department assistance to other countries and Antarctica; and

"Whereas, the Honorable Ron de Lugo, as a ranking member of the House Committee on Interior and Insular Affairs, has followed in the footsteps of such distinguished predecessors and statesmen as Congressmen Morris Udall of Arizona and Philip Burton of California, who along with him have played crucial roles in enhancing the local autonomy of these insular areas, particularly the Republic of Palau, the last Trust Territory of the Pacific Islands; and

"Whereas, during his term, the Honorable Ron de Lugo has devoted his public service career beyond the interests of his constituent community, extending his best efforts on behalf of the people of the Republic of Palau, and distinguishing himself as a champion of the Republic of Palau's development into a self-governing, sovereign state; and

"Whereas, the Honorable Ron de Lugo, while chairing the Subcommittee on Insular and International Affairs and serving on numerous other congressional committees, has been a great defender of the Republic of Palau and other insular areas, resolutely opposing crimes and corruptions, political intimidation and violence, financial mismanagement, narcotics trafficking, inferior health facilities, inadequate infrastructures, and unrestricted military land use lacking safeguards for local inhabitants; and

"Whereas, the Honorable Ron de Lugo has responded to the leaders of Palau whenever they needed help in overcoming Palau's problems and instituting reforms, restoring the people's confidence in a brighter future, and allaying longstanding concerns of the people of Palau, thereby playing an instrumental part in achieving final approval of a freely associated relationship between the Republic of Palau and its former administering authority; and

"Whereas, the Honorable Ron de Lugo's heart and mind have always been open toward the Republic of Palau, as demonstrated by his sponsoring of legislation which contributed to the improvement of its peoples' welfare, unsparingly using his experience and prestige with U.S. Congressional and Administration leaders to secure needed financial, political and economic assistances to develop the Republic of Palau into a viable sovereign nation; and

"Whereas, the Honorable Ron de Lugo has declared his intention not to run for reelection this year, 1994, a decision profoundly regretted by the Republic of Palau and the other insular territories who will sorely miss his potent and intelligent advocacy of their cause in Congress; and

"Whereas, the retirement of the Honorable Ron de Lugo from the U.S. Congress will mean the loss to these islands of a powerful friend and an ally, whose leadership, integrity, and influence are as well known within the Republic of Palau as they are to his colleagues in the House of Representatives; and

"Whereas, on the eve of his retirement from Congress, the people of the Republic of Palau, through the Olbiil Era Kelulau, wish to express their most sincere gratitude and appreciation to the Honorable Ron de Lugo; Now Therefore, be it

"*Resolved by the Senate of the Fourth Olbiil Era Kelulau, Thirteenth Special Session, April 1994, the House of Delegates concurring*, That the people of Palau, represented in the Fourth Olbiil Era Kelulau and by means of this joint resolution, hereby convey their undying gratitude and appreciation to the Honorable Ron de Lugo for his unwavering support of self-government for the Republic of Palau, for his assistance and exemplary leadership in the United States Congress, but most of all, for his great friendship to Palau which its people cherish and will hold dear for years to come; and be it further

"*Resolved*, that certified copies of this joint resolution be transmitted to the Chairman of the House Subcommittee on Insular and International Affairs, the Honorable Ron de Lugo; the President of the United States, the Honorable Bill Clinton; the Speaker of the House of Representatives of the U.S. Congress, the Honorable Thomas S. Foley; the Majority Leader of the United States Senate, Senator George J. Mitchell; the Chairman of the House Committee on Natural Resources, the Honorable George Miller; the Governor of the Virgin Islands, the Honorable Alexander A. Farrelly; the Secretary of the Interior, the Honorable Bruce Babbitt; the President of the Republic of Palau, the Honorable Kuniwo Nakamura; all States Governors; the President of the Senate and the Speaker of the House of Delegates of the Fourth Olbiil Era Kelulau."

POM-449. A resolution adopted by the Legislature of Rockland County, New York relative to dairy product labels; to the Committee on Agriculture, Nutrition and Forestry.

POM-450. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Agriculture, Nutrition and Forestry.

"HOUSE CONCURRENT MEMORIAL 2004

"A concurrent memorial requesting the Congress of the United States to amend the Food Stamp Act of 1977.

"Whereas, the people of the State of Arizona believe that the Food Stamp Act of 1977 requires an amendment to curtail current abuses, give the states greater regulatory power and grant potential food stamp recipients lower eligibility requirements.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the Congress of the United States amend the Food Stamp Act of 1977 to:

"(a) Require food stamp recipients to show identification for all food stamp purchases.

"(b) Allow food stamps to be used only for the purchase of staple food items.

"(c) Allow states to have more enforcement authority over the regulatory procedures.

"(d) Establish stricter penalties for first-time offenders of food stamp laws and regulations.

"(e) Lower the eligibility for food stamps to one hundred per cent of the federal poverty level.

"2. That the Secretary of State of the State of Arizona transmit a certified copy of this Concurrent Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of the Arizona Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DECONCINI, from the Select Committee on Intelligence, without amendment:

S. 2082. An original bill to authorize appropriations for fiscal year 1995 for the intelligence activities of the United States Government and for the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 103–256).

By Mr. BIDEN, for the Committee on the Judiciary, without amendment:

H.R. 1933. A bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a National Service Day to promote community service, and for other purposes.

S. 116. A bill for the relief of Fanie Phily Mateo Angeles.

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1485. A bill to extend certain satellite carrier compulsory licenses, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Robert N. Shamansky, of Ohio, to be a Member of the National Security Education Board for a term of 4 years.

Robert Hilsman, of New York, to be a Member of the National Security Education Board for a term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Sam W. Brown, Jr., of California, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe [CSCE] (Ex. Rept. 103–27).

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Treaty Doc. 103–22 Two Protocols Amending the OAS Charter (Ex. Rept. 103–28)

TEXT OF COMMITTEE-RECOMMENDED RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the "Protocol of Washington" Adopted on December 14, 1992, by the Sixteenth Special Session of the General Assembly of the Organization of American States (OAS) and Signed by the United States on January 23, 1993, and the "Protocol of Managua" Adopted by the Nineteenth Special Session of the OAS General Assembly on June 10, 1993, and Signed That Day by the United States.

By Mr. BIDEN, from the Committee on the Judiciary:

Robert Harlan Henry, of Oklahoma, to be U.S. Circuit Judge for the Tenth Circuit.

Carl E. Stewart, of Louisiana, to be U.S. Circuit Judge for the Fifth Circuit, vice a new position created by Public Law 101–650, approved December 1, 1990.

Fortunato P. Benavides, of Texas, to be U.S. Circuit Judge for the Fifth Circuit.

Ruben Castillo, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

James G. Carr, of Ohio, to be U.S. District Judge for the Northern District of Ohio.

Deborah A. Batts, of New York, to be U.S. District Judge for the Southern District of New York.

Frank M. Hull, of Georgia, to be U.S. District Judge for the Northern District of Georgia.

Audrey B. Collins, of California, to be U.S. District Judge for the Central District of California.

W. Louis Sands, of Georgia, to be U.S. District Judge for the Middle District of Georgia vice a new position created by Public Law 101–650, approved December 1, 1990.

Mary M. Lisi, of Rhode Island, to be U.S. District Judge for the District of Rhode Island.

Raymond L. Finch, of the Virgin Islands, to be a Judge for the District Court of the Virgin Islands for a term of 10 years.

Solomon Oliver, Jr., of Ohio, to be U.S. District Judge for the Northern District of Ohio.

Michael R. Bromwich, of the District of Columbia, to be Inspector General, Department of Justice.

Clarence Cooper, of Georgia, to be U.S. District Judge for the Northern District of Georgia.

Joseph Clyde Fowler, Jr., of Tennessee, to be U.S. Marshal for the Eastern District of Tennessee for the term of 4 years.

Saul A. Green, of Michigan, to be U.S. Attorney for Eastern District of Michigan for the term of 4 years.

Sheldon Whitehouse, of Rhode Island, to be U.S. Attorney for the District of Rhode Island for the term of 4 years.

Barbara C. Jurkas, of Michigan, to be U.S. Marshal for the Western District of Michigan for the term of 4 years.

James W. Lockley, of Florida, to be U.S. Marshal for the Northern District of Florida for the term of 4 years.

Leonard Trupo, of West Virginia, to be U.S. Marshal for the Northern District of West Virginia for the term of 4 years.

Gregory Moneta Sleet, of Delaware, to be U.S. Attorney for the District of Delaware for the term of 4 years.

Faith S. Hochberg, of New Jersey, to be U.S. Attorney for the District of New Jersey for the term of 4 years.

Lawrence J. Goffney, Jr., of Michigan, to be an Assistant Commissioner of Patents and Trademarks.

Michael Kane Kirk, of Florida, to be Deputy Commissioner of Patents and Trademarks.

Ernestine Rowe, of Colorado, to be U.S. Marshal for the District of Colorado for the term of 4 years.

Philip G. Hampton, II, of the District of Columbia, to be an Assistant Commissioner of Patents and Trademarks.

John William Marshall, of Virginia, to be U.S. Marshal for the Eastern District of Virginia for the term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CAMPBELL (for himself, Mr. BROWN, Mr. BENNETT, Mr. REID, Mr. BRYAN, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2078. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 2079. A bill to amend the Controlled Substances Act to provide penalties for the distribution or manufacture of a controlled substance within 1000 feet of a Head Start facility; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself, Mr. NUNN, Mr. KENNEDY, and Mr. HARKIN):

S. 2080. A bill to designate a site for the relocation of the public facility of the National Museum of Health and Medicine, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG:

S. 2081. A bill to amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt facilities under the tax-exempt bond rules, and for other purposes; to the Committee on Finance.

By Mr. DECONCINI:

S. 2082. An original bill to authorize appropriations for fiscal year 1995 for the intelligence activities of the United States Government and for the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; to the Committee on Armed Services, for a period not to exceed 30 days of session, pursuant to section 3(b) of Senate Resolution 400 of the 94th Congress.

Mr. NUNN. Mr. President, pursuant to the provisions of Senate Resolution 400 (94th Congress), the Armed Services Committee hereby requests that S. 2082, the intelligence authorization bill, be referred to the Armed Services Committee for the 30-day period provided for in section 3(b) of the above resolution.

By Mr. BINGAMAN:

S. 2083. A bill for the relief of certain former employees of the United States whose firefighting functions were transferred from the Department of Energy to Los Alamos County, New Mexico; to the Committee on Governmental Affairs.

By Mr. KENNEDY:

S. 2084. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S.J. Res. 184. A joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week"; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. AKAKA, Mr. BIDEN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. D'AMATO, Mr. FORD, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. MACK, Mr. MATHEWS, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SHELBY, and Mr. WELLSTONE):

S.J. Res. 185. A joint resolution to designate October 1994 as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself, Mr. BROWN, Mr. BENNETT, Mr. REID, Mr. BRYAN, Mr. BINGAMAN, Mr. DOMENICI, and Mrs. FEINSTEIN):

S. 2078. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

THE OLD SPANISH TRAIL STUDY ACT OF 1994

Mr. CAMPBELL. Mr. President, today I am sending legislation to the desk to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for study for potential addition to the National Trails System.

I know of the President pro tempore's interest and considerable knowledge of American history, and I believe he will find this bill of great interest. The Old Spanish Trail has rightly been called the longest, crookedest, most arduous pack mule route in the history of America. It certainly is that, and more.

The Old Spanish Trail spans not only a great distance—1,200 miles from Santa Fe to Los Angeles—but it also bridges hundreds of years in our Nation's history and connects the colorful, diverse cultures that are really the soul of the American Southwest.

According to an early historian, the trail "* * * headed northwest from Santa Fe * * * eased over the continental divide in northern New Mexico, cut through a spur of the Rocky Mountains into Colorado, forded * * * the Colorado and the Green (rivers) * * * dipped over the rim of the Great Basin into Utah, and crept southwest through desert stretches of Nevada and California to Los Angeles." In my State of Colorado, the trail passed near the very town I live in, the small town of Ignacio, as well as the towns of Durango, Mancos, Dolores, Cortez, and Dove Creek; then followed the Dolores River west into Utah. The Northern Branch of the trail was used by trappers and traders to access northwestern Colorado and northeastern Utah. This trail entered Colorado near the towns of Alamosa and Monte Vista and passed the present day towns of Gunnison, Montrose, Delta, and Grand Junction. From Grand Junction, the trail followed the Colorado River for some 50 miles, and then struck out across the desert and joined the main Spanish Trail 20 miles southeast of the Green River crossing, which was a major rendezvous point for the old-time trappers in the West.

Parts of the trail began as a footpath for Native Americans. It later witnessed more than two centuries of Spanish use, a quarter-century of Mexican use, and, finally, a half-century of American travel before transcontinental railroads replaced it. In that sense, the Old Spanish Trail is an integral part of our national heritage, and a route truly deserving of further study.

The Old Spanish Trail had its origins in prehistoric trade routes used by Ute Indians of the Colorado Rockies to reach the native Pueblos of northern New Mexico. After the settlement of New Mexico by Spaniards, Utes led mounted Spaniards north into their homelands in the mountains and the Great Basin. These early Spanish travels included an early, though failed attempt to reach California by the Franciscan fathers Dominguez and Escalante in 1776, the year of the American Revolution. This use by the Spanish eventually gave the trail its name.

Although the Old Spanish Trail enjoyed a heyday of 50 years or so in the 19th century as annual caravans traded New Mexican woolen blankets for California mules and horses, its dramatic story covers two centuries of recorded history. Few routes, if any, pass through as much relatively pristine country. And despite the destruction of time, remnants of the Old Spanish Trail remain for study: Native petroglyphs, early exploration journals, even wagon ruts cut into the rock. It is time to study and save our common heritage.

Already a number of independent scholars have begun examination of portions of the trail. An Old Spanish Trail Association has been founded in Colorado, and its members have located wagon ruts worn into the rock in the San Luis Valley—which happens to be the oldest settled community in Colorado—along the North Branch of the trail. Grassroots support is strong for continued study and recognition of this historic trail. I have received resolutions of support from more than 20 municipalities in Colorado, and from the Colorado General Assembly. I have also received dozens of letters of support from citizens in Colorado and volunteer groups who are anxious to offer their expertise and time to this long overdue endeavor. The time has come to acknowledge the national historic importance of the Old Spanish Trail. Mr. President, this bill to designate the Old Spanish Trail for study for potential addition to the National Trails System promotes the recognition, protection, and interpretation of our Nation's Western history. By introducing this legislation today, we pay tribute to the diverse cultures of the West.

I did bring a map here to show where it originally started. The trail started at Santa Fe, went through what is currently Espanola, where the native pueblo is and has been for several centuries. The people in the pueblos were thought to be the Anasazi, or the ancient ones, that inhabited Mesa Verde, which is just south of the southern part of the Spanish Trail as it came through Cortez. Mesa Verde is just on the outskirts of the town of Cortez.

The trail split, and the northern part went through the little town of San Luis and connected back to Green River, UT, and then went further west. I know of portions of this because part of it came through my little town, and it is certainly a part of our very colorful American history.

Most of the Western Senators are cosponsors of this bill. I would like to thank Senator BROWN of Colorado, Senator BENNETT of Utah, Senator REID of Nevada, Senator BRYAN of Nevada, Senator BINGAMAN of New Mexico, Senator DOMENICI of New Mexico, and Senator FEINSTEIN of California for cosponsoring this legislation with me.

I urge my colleagues to support swift passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

(36) The Old Spanish Trail, beginning in Santa Fe, New Mexico, proceeding through Colorado and Utah, and ending in Los Angeles, California, and the Northern Branch of the Old Spanish Trail, beginning near Espanola, New Mexico, proceeding through Colorado, and ending near Crescent Junction, Utah.

PUEBLO, CO,
March 8, 1994.

Hon. BEN NIGHTHORSE CAMPBELL,
c/o Trudy Karaous, Russell Building, Washington, DC.

DEAR SENATOR CAMPBELL: I speak for many Coloradans, as well as our associates in New Mexico, Utah, Nevada and California when I commend you for supporting a National Park Service study of the Old Spanish Trail as a National Historic Trail. This 1,200-mile route, which passes near your hometown of Ignacio, Colo., is one of modern America's best opportunities to understand its multicultural heritage, and explore the greatness and courage of our collective forebears.

Ute Indians once descended part of this route from the Colorado mountains to reach Spaniards in New Mexico for trade. The Spaniards of colonial New Mexico (about 1720–1821) then followed Ute guides northwest into the Great Basin, also for trade. After Mexican independence from Spain in 1821, merchant Antonio Armijo in 1829–30 made the first journey from Santa Fe to Los Angeles and back. In 1830–31, Americans William Wolfskill and George Yount made the first journey along the route now known as the "Old Spanish Trail." A half-century of travel over this route commenced. After 1846 the Mormons of Utah used the western end of the trail to reach California.

Thus the Old Spanish Trail is a trail of many cultures, and the country it traverses remains quite pristine in many areas. The chances of identifying significant historic sites along it are high, and it rivals, if not exceeds the historic significance of many trails already designated National Historic Trails.

A number of Coloradans, and associates in the OST's other four states, have—as usual with Americans—not waited for official action. We've formed the Old Spanish Trail Association, for study and preservation of this historic trail.

We're heartened that you've taken interest in this matter and we applaude your efforts on our behalf.

The cost of a National Park Service feasibility study, and the annual appropriation to maintain the NPS's management of the trail, will pay untold dividends in raising awareness of our nation's multi-cultural heritage, and in the tolerance and mutual respect that that awareness engenders. If there is anything the Old Spanish Trail Association can do to help, please get in touch.

Sincerely,

PHIL CARSON.

RIO GRANDE COUNTY MUSEUM
AND CULTURAL CENTER,
Del Norte, CO, March 15, 1994.

Hon. BEN CAMPBELL,
c/o Trudy Karaous, Russell Building, Washington, DC.

DEAR SENATOR CAMPBELL: The Rio Grande County Museum wholeheartedly supports study of the North Branch of the Old Spanish Trail by the National Park Service. The Museum participated in the formation of the OST Association and has been awarded grants from the Colorado Historical Society Preservation Fund for the recording of petroglyph sites near the trail. Because of development and vandalism, it is important that a study of the trail be done soon.

Sincerely,

MARK ALLISON,
Director.

RIO GRANDE COUNTY SHERIFF,
Del Norte, CO, March 16, 1994.

Re: Old Spanish Trail.

Hon. BEN NIGHTHORSE CAMPBELL,

SENATOR CAMPBELL: I am writing in reference to the proposal to make the Old Spanish Trail a historical sight. Please consider this a plea to do whatever you can to make this happen.

This particular trail has a great deal of history behind it for my family. My grandfather, as a child, traveled by foot along this trail to bring messages from the Capulin area to the Del Norte area. My grandfather's ancestors are Ute.

The Harness and Saddle Club, which I am a member, have been re-tracing the Old Spanish Trail by wagon train for several years. We have been fighting hard to preserve the history and make it available to those interested in seeing it.

Again I respectfully request that you do whatever you can to preserve this wonderful part of history for my family.

SHERIFF J. DESI MEDINA,
Rio Grande County.

ROBB, BECKNER, ACHZIGER,
MCINNIS & PALO,
Grand Junction, CO, April 11, 1994.

Re Old Spanish Trail and its Northern Branch.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR BEN: Thank you for your letter of March 24, 1994. Enclosed is a copy of a Resolution which was adopted by the Grand Junction/Mesa County Riverfront Commission supporting the study of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail.

We are delighted that you will be introducing this bill shortly after the Easter recess.

I am sending a copy of this letter to Senator Brown and Congressman McInnis. I recently received a newsletter from the Old Spanish Trail Association and Ron Kessler in Monte Vista. The author of that newsletter incorrectly stated that Congressman McInnis was introducing a study bill. It is my understanding that you will be introducing the legislation and that it will be cosponsored by Senator Brown and Congressman McInnis.

We appreciate your efforts and the efforts of your staff concerning this matter.

If there is anything that Bill Chenoweth or I can do to assist, please be back in touch with us. Best personal regards.

Sincerely,

JAMES M. ROBB.

RIO GRANDE COUNTY MUSEUM
AND CULTURAL CENTER,
Del Norte, CO, March 15, 1994.

Hon. BEN NIGHTHORSE CAMPBELL,
c/o Trudy Karaous, Russell Building, Washington, DC.

DEAR SENATOR CAMPBELL: Recent efforts to form the National Association of the Old Spanish Trail (north branch) are to be encouraged and applauded and the possibility of the National Park Service to aid in research of this trail, which passed through six Southwestern states, must be continued.

Historic sites such as this rutted trail must be preserved. Please lets not loose this excellent opportunity for research by the National Park Service.

Sincerely,

SUZANNE OFF,
Curator.

Mosca, CO, March 30, 1994.

Hon. BEN CAMPBELL,
c/o Trudy Karaous, Russell Building, Washington, DC.

SENATOR CAMPBELL: I am writing to you today to express my support for your bill authorizing the National Park Service to make a study of the Old Spanish Trail for possible inclusion in the National Historic Trails System. Your introduction of this bill shows a great understanding of the importance of the historical Spanish influence on the entire southern Colorado region.

The northern branch of the Old Spanish Trail which traversed the San Luis Valley brought in much of the Spanish influence which we see today in our geography and culture of the Valley. This historical connection to these early explorers and pioneers should be preserved for both posterity and the public interest and curiosity about the Spanish lifestyle and the exploration and development of "the Old West".

The timing is very appropriate for a thorough study of this historic route which helped to blend the Native American, Spanish and Anglo cultures together even before this part of Colorado belonged to the United States. Thanks again for your support of the preservation of this national treasure.

Sincerely,

JOHN KOSHAK.

STATE OF COLORADO,
Mosca, CO, March 30, 1994.

Hon. BEN CAMPBELL,
c/o Trudy Karaous, Russell Bldg., Washington, DC.

SENATOR CAMPBELL: Last fall, the Colorado State Parks Board went on record as supporting the development and preservation of the Old Spanish Trail as a National Landmark. The staff of San Luis Lakes State Park definitely supports your introduction of the bill authorizing the National Park Service to make a study of the Old Spanish Trail for possible inclusion in the National Historic Trails System. Your efforts on behalf of this bill show an understanding of the importance of the historic Spanish influence on the entire southern Colorado region and the unlimited interest and unique opportunity for visitors and residents of our state to follow in the footsteps of these early explorers.

The northern branch of the Old Spanish Trail which traversed the San Luis Valley brought in much of the Spanish influence which we see today in our geography and culture of the Valley. This historical connection to these early explorers and pioneers should be preserved for both posterity and the public interest and the inherent curiosity about the Spanish lifestyle and the exploration and development of "the Old West". The possibilities for interpretation of this unique resource will provide exciting historical learning and experiences for each and every visitor to the path of the Old Spanish Trail.

The timing is very appropriate for a thorough study of this historic route which helped to blend the Native American, Spanish and Anglo cultures together even before this part of Colorado belonged to the United States. Thanks again for your support of the preservation of this national treasure.

Sincerely,
JOHN KOSHAK, PARK RANGER.

Hon. BEN CAMPBELL,
c/o Trudy Karaous, Russell Bldg., Washington, DC.

DEAR SIR: I have learned that you will present a bill to Congress in April proposing support of the National Park Services for study of "the Old Spanish Trail to California", with special interest in the "North Branch" of that trail which runs the length of our San Luis Valley.

I thank you for your work to get this historic route acknowledged, especially the 100 mile stretch on the San Luis Valley which then leads west through Colorado mountains to join the southern Sante Fe-Chama or NW route at Green River, Utah.

The San Luis Valley Chapter of the Trail to California has been formed by Ron Kessler, Monte Vista and a group of very interested people. They are working to inform and place signs on this trail which is a living symbol of three Southwest heritages which used it for centuries—Pueblo and Ute Indians, the Colonial Spanish, New Mexican Spanish, and finally Anglo Mountain men, U.S. surveyors, soldiers; and settlers from eastern U.S.A. and northern European countries.

Ron Kessler is a mover and shaker on this trail. In the past 4 years he has explored, studied and located historical events on it. He has traveled it by horse and wagon, by 4-wheel drive, foot and airplane. He has contacted and gained the support of knowledgeable local people in the Valley, out of state people and made contacts with institutions such as newspapers and the Bureau of Land Management. He has organized meetings and from them created the "San Luis Valley Chapter" of the old Spanish trail to California. He is devotedly working to have the route identified with signs, interpreted to the public by brochures, news articles, lectures, a book.

For years I have explored, located, photographed, lectured and written on historic trails and wagon roads of the Valley and Northern New Mexico, but never organized public understandings as has Ron Kessler. The time is ripe for help from outside powers such as the National Park Service.

May I affirm here the importance and wonder of this 100 mile long trail which runs north-south the length of our Valley. It is a beautiful, precious, unspoiled, historic heirloom, available for experience today by car, horse, bicycle or on foot. Rich in history which needs to be presented.

(1) It was the legendary trail used by Pueblo Indians of the Rio Grande in Northern New Mexico who came to the Great Valley for buffalo, turquoise and waterfowl feathers for ceremonial use.

(2) It was a ceremonial trail which brought them to the shallow San Luis Lakes area west of todays Sand Dunes National Monument, the mythical "Place of their Emergence." (Smithsonian archaeologists are working this area considered to be the 10,000 year old Folsom Site).

(3) In 1694 Gov. Don Diego de Vargas used and recorded in his journal the southern section of this route in present Costilla and Conejos counties.

(4) In 1779 Gov. Bautista de Anza used both west side and east side routes in the Valley on his campaign against the Comanche. His Journal and the Vargas Journal are extent; they name land marks an league distances identifiable today.

(5) In 1807 Zebulon Pike trod winter snows south on "the road to Santa" when arrested by Spanish soldiers.

(6) During the 1820's to 1840's U.S. and French-Canadian trappers and traders used the classic route to Ute country for fur trade and then as the North Branch of the Trail to California.

(7) By mid-1800s New Mexican *pobbadores* were coming north on the trail to make plaza-forms along rivers Conejos ???? and the Rio Grande.

(8) During the rest of the 1800s sheep flocks made seasonal drives from Conejos to the La Garita Mountains. The ancient route became known as "*La Vereda* de *los Borregas*" the "Trail of the Ewe Sheep".

(9) After 1870 and discovery of gold on the San Juan Mountains, prospectors and miners from Summersville, via Del Norte, called the route "the Old Conejos Lane", for they used the classic trail to go file their mine claims at the Conejos Court House for there was no Rio Grande County until 1874. during these years Jesuit Fathers traveled the trail-road to serve Catholic missions at Del Norte and La Garita.

(10) In the 1950s I saw wooden posts with metal signs placed by the Bureau of Land Management, marking the route, saying "Center Stock Drive".

Our nation has been enriched by acknowledgment of many historic trails, among them *The Wilderness Trail, The Santa Fe Trail, the Chihuahua Trail*, The *Oregon Trail*. With the help of local people here and the power of institutions such as the National Park Service the *North Branch of the Old Spanish Trail to California* can become known and experienced. And so help Americans understand the brave Indian, Spanish and Anglo contributions to our nation's story in this part of the Southwest.

Again, Senator Campbell, thank you for your interest and help. We would love to guide you on this living history landscape while you are on one of your visits to our Valley.

Sincerely,
RUTH MARIE COHIDLE.

P.S. Pardon the hand-script. My typist is not available. To wait for her would delay the letter to you.

CRESTONE, CO,
March 16, 1994.

Hon. BEN CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR CAMPBELL: Please support legislation for a National Parks Service study giving historic designation for the North Branch of the Old Spanish Trail. I know that you have received information documenting the significance of this trail to southern Colorado's history. Within the San Luis Valley it has the unique status of being as integral to the heritage of the east side of the Valley as to the west side as both the East and West forks were used by indigenous Athabaskan and Shoshonean peoples, two 17th and 18th Century Spanish governors, mountain men and traders like Antoine Robidoux and Antoine Leroux, transcontinental explorers including Fremont and Gunnison, the photographer William Henry Jackson, and finally numerous families coming to settle land grants or to homestead public lands.

As education director of the San Luis Valley Information and Education Center in Monte Vista, I know that today's travelers and tourists are very much interested in local history. Los Caminos Antiguos, which connects the Great Sand Dunes National Monument with the historic communities of San Luis and Conejos has drawn considerable attention, and we encourage our visitors to make a circle tour of the route. Awareness of the use and location of the North Branch of the Old Spanish Trail would be a valuable contribution not only historically but also culturally and perhaps even economically.

We have formed both a national association and a regional chapter to work towards identifying and preserving the Old Spanish Trail to help promote public awareness and knowledge about this important and valuable link in Colorado's early history.

Very truly yours,
PATRICIA JOY RICHMOND,
Vice President OSTA.

RESOLUTION NO. 19, 1993

Whereas, the Colorado General Assembly, in their Joint Resolution 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route travelled by the Dominguez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch were instrumental in the creation and establishment of many of Western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, very little information is recorded about the Northern Branch, and much more can be learned about the Old Spanish Trail: Now, therefore, be it

Resolved by the City Council of the City of Delta, Colorado, That the City of Delta supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail: be it further

Resolved, That the United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and United States Representative Scott McInnis are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and be it further

Resolved, That copies of this Resolution be sent to Senators Brown and Campbell and to Representative McInnis, to all other members of Colorado's congressional delegation, and to all members of the Utah congressional delegation.

RESOLUTION R-1993-19

Whereas, the Colorado General Assembly, in their Joint Resolution 93-3, sponsored by Senator Tillman M. Bishop and Representative Tim Foster, has requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route traveled by the Dominguez-Escalante Expedition of 1776; and

Whereas, the promixity of many southwestern Colorado communities, including Durango, to the routes of Dominguez and Escalante and the Old Spanish Trail emphasizes the historic importance of those routes; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail: Now, therefore, be it

Resolved by the City Council of the City of Durango, Colorado, That:

Section 1. The City Council of the City of Durango hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail.

Section 2. The Congress of the United States is hereby requested to adopt legislation which dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail.

RESOLUTION DESIGNATING THE OLD SPANISH TRAIL AND THE NORTHERN BRANCH OF THE OLD SPANISH TRAIL AS AN HISTORIC TRAIL

Whereas, the Colorado General Assembly, in Senate Joint Memorial 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have memorialized the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route travelled by the Dominquez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch was instrumental in the creation and establishment of many of Western Colorado's towns and communities, including Alamosa, Monte Vista, Saquache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail: Therefore be it

Resolved by the Grand Junction/Mesa County Riverfront Commission, That the Grand Junction/Mesa County Riverfront Commission hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail: Be it further

Resolved, That United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and United States Representative, Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and be it further

Resolved, That copies of this Resolution be sent to U.S. Senators Hank Brown, Ben Nighthorse Campbell, and U.S. Representative, Scott McInnis, and to all other members of Colorado's congressional delegation, and to all members of the Utah congressional delegation.

RESOLUTION NO. 31

Whereas, the Colorado General Assembly, in their Joint Resolution 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route travelled by the Dominguez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch was instrumental in the creation and establishment of many of Western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, very little information is recordered about the Northern Branch and much more can be learned about the Old Spanish Trail: Therefore be it

Resolved by the City of Grand Junction, Colorado, acting through its duly elected City Council, That the City of Grand Junction, hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail, and be it further

Resolved, That United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and United States Representative, Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail and an historic trail.

RESOLUTION 1993-17

Whereas, the Colorado General Assembly, in their Joint Resolution 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Sante Fe and Los Angeles which spanned approximately 1,121 miles; and

Whereas, the Old Spanish Trail and its Northern Branch was instrumental in the creation and establishment of many of Western Colorado's towns and community, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail: Therefore be it

Resolved by the City of Fruita, Colorado, That the City hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail, and be it further

Resolved, That United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and Representative Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail and that copies of this Resolution be sent to them and to all other members of Colorado and Utah congressional delegation.

RESOLUTION NO. 1993-34

Whereas, the Colorado General Assembly, in their Joint Resolution 39-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route traveled by the Dominquez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch were instrumental in the creation and establishment of many of Western Colorado's towns and communities; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail: Now, therefore be it

Resolved by the Board of County Commissioners of the County of La Plata, Colorado as follows:

1. That the County of La Plata hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail.

2. That the United States Senators from Colorado, Hank Brown, and Ben Nighthorse Campbell, and the United States Representative, Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail.

3. That copies of this Resolution be sent to all members of Colorado's congressional delegation.

RESOLUTION 1-93

Whereas, the Colorado General Assembly, in their Joint Resolution 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route traveled by the Dominguez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch was instrumental in the creation and establishment of many of Western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores and Dove Creek; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail: Therefore be it

Resolved by the Town of Saguache, Colorado, acting through its duly elected Town Council, that the Town of Saguache, hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; be it further

Resolved, That United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and United States Representative, Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and be it further

Resolved, That copies of this Resolution be sent to U.S. Senators Hank Brown, Ben Nighthorse Campbell, and U.S. Representative Scott McInnis, and to all other members of the Utah congressional delegation.

CITY OF MONTE VISTA,
July 2, 1993.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senator,
Denver, CO.

MY DEAR SENATOR CAMPBELL: Enclosed is a copy of the Resolution adopted July 1, 1993, at the regular City Council meeting of the City of Monte Vista. This Resolution declares the support of the City of Monte Vista for the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail. Such designation would greatly enhance tourism efforts in Western Colorado.

Sincerely,

JANEEN MARTINEZ,
City Clerk.

RESOLUTION 3-93

Whereas, the Colorado General Assembly, in their Joint Resolution 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route travelled by the Dominguez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch was instrumental in the creation and establishment of many of Western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail: Therefore be it

Resolved by the City of Monte Vista, Colorado, acting through its duly elected City Council, That the City of Monte Vista hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; be it further

Resolved, That United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and United States Representative, Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and be it further

Resolved, That copies of this Resolution be sent to United States Senators Hank Brown and Ben Nighthorse Campbell, and United States Representative Scott McInnis, and to all other members of Colorado's congressional delegation, and to all members of the Utah congressional delegation.

RESOLUTION

Whereas, the Colorado General Assembly, in Senate Joint Memorial 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have memorialized the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route travelled by the Dominguez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch was instrumental in the creation and establishment of many of Western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail. Therefore be it

Resolved by the Colorado Division of Parks and Outdoor Recreation, That the *Colorado Division of Parks and Outdoor Recreation* hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; be it further

Resolved, That the United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and United States Representative Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and be it further

Resolved, That copies of this Resolution be sent to U.S. Senators Hank Brown, Ben Nighthorse Campbell, and U.S. Representative Scott McInnis, and to all other members of Colorado's congressional delegation, and to all members of the Utah congressional delegation.

Mr. REID. Mr. President, prior to the distinguished Senator from Colorado leaving the floor, I wish to compliment him on this outstanding piece of legislation.

Last September, I had the opportunity to spend 1 day going over the immigrant trails to California. As my friend from Colorado knows, these trails, of course, went through Nevada. It was a wonderful experience to see the wagon ruts that crossed this land, some of the last people having gone across here well over 100 years ago. And so it was, to say the least, exciting to see where they had gone, where they had had to use ropes in certain parts of it to get the wagons down huge cliffs, places where they had to go out of their way to get water. It was a great experience for me, and I am doing what I can to help designate and preserve the California trails.

The Spanish Trail, of course, has a much longer history. And I am very excited about the studies being conducted. Hopefully we can do something to preserve this.

I introduced legislation a couple of years ago to designate the Pony Express Trail, and that passed. Now we are working to do a better job so that people will really know where the Pony Express Trail went. A good share of the Pony Express Trail now goes through inhabited areas. But most of the Pony Express Trail is still out of cities through Nevada. We have some stake in this.

So I compliment and applaud the Senator from Colorado for an outstanding piece of legislation. The Senator from Colorado knows more than anyone in this Chamber the importance of tradition and heritage. This Spanish trail is part of our heritage, part of the heritage of the Senator from Colorado. We should support him and do everything we can in this area and other areas to preserve the heritage that we have in this great country.

Mr. CAMPBELL. Mr. President, if the Senator will yield just for a moment, I might add that some of these trails are paved over. We cannot find them anymore, obviously. But there are still many places in the American West where you not only can trace the trail, but you can find inscriptions in the rocks that people left there when they were moving west in the covered wagons, where they would chisel something in the stone. In southwest Utah, there are is a place called Church Rock. In fact, there are a number of inscriptions. In Wyoming, there is one I believe called Inscription Rock. They are huge landmarks, standing out above the plain of the American West.

But if you could see those and read some of the inscriptions, and also some of the lonely grave sites of people who were on these wagon trains and who helped settle the American West, it is a form of history that we rarely read about in the books. It is certainly the kind of thing that should be included in our history books, for the youngsters to know the difficulty that the people had in those days.

Mr. REID. Mr. President, the truth is stranger than fiction. On the eastern side of Nevada where one of these trails is, these people would walk across miles and miles and miles of desert. The first water they came to, the early people did not know, but it was boiling. And they, of course, would come to this water literally dying of thirst. But they could not drink it because it was too hot. They would have to cool it. There were many examples of animals, because of thirst, falling in there and actually being boiled alive. There is a town in Nevada called Gerlach.

So as I say, what these people went through—you could not write a book of fiction that would be any more exciting and interesting, and somewhat unbelievable about what these people went through.

Mr. CAMPBELL. If the Senator would yield further, he is absolutely right about stranger than fiction. In the Senator's State, there is a place called the Humboldt Sink. Normally, when people would go west they would assume that when you would follow the banks of the river, sooner or later it would get somewhere where the river would get broader and finally come to perhaps a large river or a lake or the ocean. But in the case of the Humboldt Sink, it is the only river I ever heard of where the further you go the smaller it gets, going downstream until finally it disappears into the sand. And you cannot find it at all. I understand there is even some exploration going on now to try to find where the heck the water went.

But if you could imagine that free-flowing river going out and just disappearing. They say that when people followed that river and they got to the end of it, it suddenly disappeared into the sand, and some people actually went mad and committed suicide, or ran off from the wagon trains, or did a number of things because it was just an unbelievable experience for them.

Mr. REID. The Senator from Colorado and I could tell stories here for a long time. Near Gerlach there is the largest area of a dry lake in the United States. It is so large that if someone parks their car, and you hit the curvature of the Earth you cannot see the car anymore. Many people have gotten lost because they simply could not find their way. For the early settlers, the only way they could find their way across, of course, were the ruts and the tracks of other people.

It was in this area that the Donner Party decided to go a different route. That is history.

• Mr. BROWN. Mr. President, I am a cosponsor of the bill introduced by Senator CAMPBELL to study the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as a national historic trail.

This trail, and its Northern Branch, were instrumental in the creation and establishment of many of Colorado's towns and communities in the Southwest. Established between 1839 and 1848 as a trade route between Santa Fe and Los Angeles, the Old Spanish Trail spanned nearly 1,121 miles, entering Colorado south of Pagosa Springs, and passing through Arboles, Ignacio, Durango, Mancos, Dolores, and Dove Creek before heading west to Utah.

The Northern Branch of the Old Spanish Trail was used by fur trappers and slave traders to access northwestern Colorado and northeastern Utah. It followed along the east side of the Rio Grande River from Taos to present-day Alamosa. From Alamosa, the Northern Branch headed west to Monte Vista, Saguache, Gunnison, Montrose, Delta, Grand Junction, Fruita, and Loma before entering Utah.

Our national trails system consists of tens of thousands of miles nationwide, including 19 national scenic and historic trails. In addition to providing greater access to some of our country's most beautiful scenic vistas, trails also serve an educational role in heightening awareness of our cultural heritage. National historic trails, such as the Old Spanish Trail and the Northern Branch of the Old Spanish Trail, enable people all across this country to hike, bike, or walk along routes which played an important part in America's history.

One lesser known benefit of our trails system is the positive economic impact trails can have on surrounding communities. For example, each year an estimated $122 billion is spent on outdoor recreation. Recreation opportunities in our national forests generate nearly $3 billion and almost $190 million in jobs for nearby communities.

Our national trails system also fosters an increased appreciation and responsibility for our public lands. Our trails give people a better perspective of our role in nature and how we can manage our public lands to allow for sustainable development while preserving our natural heritage.●

By Mr. ROTH:

S. 2079. A bill to amend the Controlled substances Act to provide penalties for the distribution or manufacture of a controlled substance within 1,000 feet of a Head Start facility; to the Committee on the Judiciary.

DRUG FREE HEAD START ZONES

Mr. ROTH. Mr. President, I rise today to introduce a bill that will amend our current drug control laws. The amendment I am proposing closes a loophole in our existing Federal laws that established drug free school zones. Originally part of the Omnibus Anti-Substance Abuse Act of 1988, which I cosponsored, the existing law creates "Islands of Safety" for children who are in, or on their way to schools. People who distribute illegal drugs within 1,000 feet of a school are subject to double the penalty under that law.

This popular provision of the law has been strongly endorsed by police, educators, and community anti-drug coalitions across the Nation. Many states have also adopted similar State laws. The fact that currently there are 47 States with drug free school zone statutes is a good indication that local communities consider such laws to be of considerable value.

Mr. President, the protection provided to children by the Federal statute is not limited just to schools. It also protects them in other places where they congregate such as public swimming pools, video arcades, and youth centers. However, the law fails to protect great numbers of our most vulnerable children, preschoolers who attend public and private developmental programs such as Head Start. Head Start programs frequently operate in facilities that do not qualify as drug free school zones under existing Federal and State laws.

The escalating levels of violence resulting from drug feuds is spilling over into locations previously thought to be safe, and increasingly these wanton acts are killing or wounding children and other innocent bystanders. Just a few short weeks ago, the St. Paul Head Start Program in Chicago shut down early because of an outbreak of drug-related violence in the Robert Taylor Holmes project where it is housed, and attendance has dropped significantly since it reopened. One 4-year-old at the center was overheard saying, "Mommy, don't get shot." In addition, an immunization program at that same public housing project was discontinued because workers did not feel safe going on their rounds.

We are not talking about a mere handful of kids. Head Start has become a major, bipartisan Federal initiative. Since its inception in 1965, Head Start has become the largest publicly funded childhood development program in America. The annual appropriation is $3.3 billion, there were 714,000 preschoolers enrolled in fiscal year 1993, and programs are operated in nearly 13,000 locations across the country. The program targets children from families whose annual earnings are beneath poverty levels and reserves slots for handicapped youths. The numbers are likely to increase in the future.

The chart shows the types of facilities used by Head Start programs across the Nation. As of May 1993, more Head Start programs operated out of public schools, 29 percent, than any other type of facility. Public and private schools at all levels and youth centers qualify for status as drug free school zones. But, more than half of Head Start programs are operated out of churches or synagogues, 21 percent, government buildings, 24 percent, privately owned space, public housing, and private homes, 19 percent, with a much smaller number of centers, 7 percent using other facilities, including portable classrooms, community centers, tribal buildings, and families' homes. These facilities do not qualify as drug free school zones under current Federal or State laws.

In my own State of Delaware, Head Start enrolls 1,455 children. I have personally visited a new and relatively large Head Start center in Wilmington, DE. This center consolidates many smaller programs in one location, and its site in the Riverside section was selected because of its close proximity to public housing projects where many children enrolled in Head Start live. In other parts of Wilmington, there are Head Start programs that operate from churches and public buildings. Some, like the one at Ninth and Franklin Streets, are located near drug trafficking areas, and they are not near enough to any school to fall into a drug free school zone. These are precisely the programs that my bill is designed to protect.

Mr. President, we need to continue sending drug dealers a consistent message: If you do your evil business in places where you endanger our children, the punishment is going to be doubled. That message must be sent loud and clear across the Nation. The police do increase their presence in drug free school zones, the current statutes are being used, and defendants are getting stiffer penalties. In Delaware in 1992, there were 72 convictions, and in 1993 there were 152 convictions for violations of Delaware's drug-free school zone law. Delaware Federal prosecutors use the Federal drug-free school zone statute as well: Over 14 percent of defendants in Federal-drug trafficking cases in Delaware were sentenced under the Federal drug-free school zone statute.

There is also evidence that drug dealers on the street have taken notice of the signs proclaiming a drug-free school zone. In a case prosecuted in Yakima County, WA, a drug dealer told an undercover police officer, "Wait * * * we'll have to move some down the road * * * we're too close to the school." They moved and completed their drug deal, but the drug dealer's sense of distance wasn't too good. He completed the drug sale only 650 feet from the school. That dealer got busted and he got extra time too.

Mr. President, we had for some years been making considerable progress in reducing drug usage among our Nation's youth. In fact, adolescent drug usage decreased steadily from 1979 to 1992. However, in the past 2 years, there has been a dramatic upsurge in certain drug usage among children in the 8th, 10th, and 12th grades. More disturbing, increased usage has been accompanied by a softening of the antidrug attitudes that were so vigorously inculcated in our children during the 1980's. America is receiving a wakeup call, Mr. President—a warning that we must continue to apply pressure to every aspect of the drug problem.

Establishing more drug-free school zones is not enough by itself to protect our youth from the violence and despair drug trafficking causes. But, to not extend the protection to programs like Head Start, when we know that these programs enroll children who frequently live in dangerous communities, and who are highly vulnerable, would be a grave mistake. I call upon my colleagues to help me close this loophole now.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRIBUTION OR MANUFACTURING IN OR NEAR HEAD START PROGRAMS.

(a) PENALTY.—The first sentence of section 419(a) of the Controlled Substances Act (21 U.S.C. 860(a)) is amended by striking "or a playground" and inserting "or a playground or Head Start facility".

(b) SECOND OFFENDERS.—The first sentence of section 419(b) of the Controlled Substances Act is amended by striking "or a playground" and inserting "or a playground or Head Start facility".

(c) DEFINITION.—Section 419(d) of the Controlled Substances Act is amended by adding at the end the following:

"(5) The term 'Head Start facility'—

"(A) means a facility that is used to carry out a Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.); and

"(B) includes—

"(i) a private residence;

"(ii) a church or synagogue;

"(iii) a facility owned by a fraternal organization;

"(iv) a government facility;

"(v) a facility owned by an Indian tribe, within the meaning of section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(vi) a facility owned by a recipient of assistance under the Head Start Act,

that is used to carry out such a program.

By Mr. HATFIELD (for himself, Mr. NUNN, Mr. KENNEDY, and Mr. HARKIN):

S. 2080. A bill to designate a site for the relocation of the public facility of the National Museum of Health and Medicine, and for other purposes; to the Committee on Energy and Natural Resources.

RELOCATION OF THE NATIONAL MUSEUM OF HEALTH AND MEDICINE ACT

• Mr. HATFIELD. Mr. President, today I am joined by my colleagues, Senators HARKIN, KENNEDY, and NUNN in introducing legislation to highlight an existing national resource, which will serve to move us closer to the goal of healthy, better-informed America. The National Museum of Health and Medicine Site Designation Act identifies a site adjacent to the Hubert Humphrey Building, located just off of the National Mall, for relocation of the National Museum of Health and Medicine. This new location will bring to the National Mall an increased emphasis on America's impressive history in health and medicine, and an array of exhibits to strengthen the concept of responsibility and self-care as it relates to staying healthy in America.

As the Congress moves to enact comprehensive health care reform, the awareness among the general public of the array of issues around health care delivery is growing daily. Yet, there remains a surprising lack of emphasis on the role every individual can play in insuring his own health and general welfare. In Healthy People 2000, a 1990 report outlining national health promotion and disease prevention objectives issued by the Public Health Service, the link between effective health education and healthier citizens is clearly drawn. The report establishes a number of ambitious goals for increased provision of basic health education in this country—basic education which a surprising number of students in our schools are going without. That we should expect youth growing up in our society today to embark upon healthy lives without the most basic, proper information about disease prevention and health is not only foolish, but dangerous. My legislation proposes to bring our national collection of health-related artifacts back to a central position on the National Mall so that they may be seen and appreciated by millions of Americans.

While the site which this legislation designates is a new site for the museum, it is not in a neighborhood unfamiliar to the museum. From 1888 to 1968, the National Museum of Health and Medicine, then known as the Army Medical Museum, was located on the National Mall along side the Smithsonian Castle in a building known as "the Old Red Brick." During this time it was one of the most widely visited and popular museums in the Nation's Capital and in the country.

It also served an important educational purpose. During the years it was on The Mall, I visited the museum many times with my children and it made a strong impression. My daughter went on to nursing school, worked for 10 years as an emergency room nurse and then returned to medical school. While many things influenced that decision, the museum provided her with her earliest exposure to the wonders of the human body and to medical science.

Then it was torn down. The museum was demolished in 1968 to make way for the Hirshhorn Museum of Modern Art. Its national historic landmark status was transferred to its collections, and they were moved to the Walter Reed Army Medical Center. This out of the way location drastically reduced the number of visitors from nearly 1 million each year to as few as 25,000.

After more than a decade of decline, actions to ensure the museum's viability were taken in 1986 with the appointment of a new director who created a blue-ribbon panel, made up of representatives from the public and private sector, and charged them with helping to chart a course for the future. The panel's findings were clear: the Nation needed a revitalized and relocated National Museum of Health and Medicine. Shortly thereafter, a private organization, the National Museum of Health and Medicine Foundation, was formed to help implement the panel's goals. The driving force behind the Foundation and its efforts to return the museum to The Mall has been its Chairman, the esteemed former Surgeon General of the United States, Dr. C. Everett Koop. It has been my pleasure to work closely with Dr. Koop in the effort to develop support for the museum's return to The Mall.

While my legislation sets aside a site for construction of a new public facility for the museum, it does not authorize or fund construction, nor does it usurp the authority of either the National Capital Planning Commission or the Commission of Fine Arts in deciding what type of structure will be built. Those issues will be addressed in the future. This bill simply asserts congress' belief that the promotion of health education is of vital importance to our national security and that a facility dedicated to that purpose belongs on the National Mall.

When this museum returns to The Mall, Mr. President, it will be as a working laboratory for creating and implementing effective communication strategies of reaching people with important health information. The programs and curriculum developed for this purpose will be accessible to far more than the 25 million visitors to The Mall each year. When the museum is back on The Mall it will continue to serve as the centerpiece of an national outreach effort, bringing together science museums and schools in every State, to share health-related exhibits and programs providing innovative, effective health education across the country.

There is one additional reason why this museum should be relocated along side the Hubert Humphrey Building. Hubert Humphrey the public servant was also Hubert Humphrey the health professional. As a pharmacist, he knew first hand the value of health education and information and its role in keeping people healthy. And he understood that the Federal Government has a role to play in providing health information to the American people, a mission which today is at the heart of the Department of Health and Human Services housed in the building which bears his name.

In light of their shared missions, the museum hopes to be more than just a neighbor to the Department of Health and Human Services. There is a synergy between the two institutions which should allow for productive and meaningful interaction. I am pleased to report that Dr. Koop has met with Secretary Shalala about the project and she is enthusiastic about a revitalized and relocated National Museum of Health and Medicine. The museum has already received funds through the Public Health Service which have been used for planning for the new facility and programs.

The museum's longest relationship with a Federal agency has, of course, been with the Department of Defense, which has supported the facility throughout its history and strongly does so today through the Armed Forces Institute of Pathology. Indeed, the operational support DOD has provided the museum since the 1800's has been what has kept it alive and serving the public. The museum looks forward to continued and enhanced relations with the Department of Defense. These two agencies together with the Department of Veterans Affairs have worked together since 1926 to provide direction and support to the museum.

Despite the long history of Federal support and interest in this facility, it is clearly a priority, in this time of fiscal austerity, that this project be supported by the private sector as well. Currently, the National Museum of Health and Medicine Foundation is leading a major campaign to develop private support for exhibits and programs in the new facility. They have secured a pledge of $1 million from the Kellogg Co. for a state of the art exhibit and related educational programs on diet and nutrition. More private resources for both exhibits and construction continue to be actively sought by Dr. Koop and the museum's Foundation.

I am sorry that American youth today do not now have the opportunity that my daughter did when she visited the National Mall as a youngster. While there is much to see and learn—history, art, air and space—there is no institution primarily dedicated to explaining the wonders of the human body or to inspire youngsters to stay healthy or even take up careers in the health care profession. The Mall is a living, breathing testament to what we as Americans deem important. This museum and the educational experience it will provide should be a part of our national priorities.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the United States faces critical health care problems, solutions for which will arise from an attentive and educated citizenry;

(2) there is a great need for an increased emphasis to be placed on public health education and the development of scientific literacy concerning health care issues;

(3) when the National Museum of Health and Medicine, formerly the Army Medical Museum, was located on the Mall in Washington, District of Columbia, from 1888 to 1968, it was one of the most popular and well-visited museums in the Nation's Capital;

(4) with the removal of the museum from the Mall to the grounds of the Walter Reed Army Medical Center in 1968, there was no longer a national education facility devoted to this purpose located within the District of Columbia within easy access to the up to 25,000,000 individuals who visit the Mall each year; and

(5) the American taxpayer, through the United States Government, pays approximately 30 percent of the costs of all health care services, services which could be reduced with the advent of better educated, informed Americans.

(b) PURPOSE.—It is the purpose of this Act to designate a site for the relocation of the public facility of the National Museum of Health and Medicine so that it may serve as a central resource of instruction about and involvement in the critical health issues which confront all American citizens.

SEC. 2. SITE OF FACILITY.

The public facility of the National Museum of Health and Medicine shall be located on the following adjacent areas of land owned by the Federal Government in the District of Columbia:

(1) The east plaza of the Hubert Humphrey Building, presently occupied by the Department of Health and Human Services.

(2) The entire portion of 2nd Street, S.W., that is located between C and Washington Streets, S.W.

(3) A triangular park, known as Square N-580, that lie immediately to the east of 2nd Street, S.W.

SEC. 3. GENERAL SERVICES ADMINISTRATION AUTHORIZATION.

In accordance with procedures of the District of Columbia, the General Services Administration is authorized to apply for the closing and transfer of jurisdiction over the entire portion of 2nd Street, S.W., the District of Columbia located between C and Washington Streets, S.W., and the transfer of jurisdiction of Square N-580, from the District of Columbia to the General Services Administration for the purpose of locating the National Museum of Health and Medicine.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as limiting the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

SEC. 5. DEFINITION.

As used in this Act, the term "the Mall" means—

(1) the land designated as "Union Square", District of Columbia Reservation 6A;

(2) the land designated as the "Mall", District of Columbia Reservations 3, 4, 5, and 6;

(3) the land designated as the "Monument Grounds", District of Columbia Reservation 2; and

(4) the land designated as "West Potomac Park", District of Columbia Reservations 3, 3, and 2.

NATIONAL MUSEUM OF HEALTH AND
MEDICINE FOUNDATION,
Washington, DC, May 3, 1994.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: As United States Surgeon General, I had the opportunity to visit much of this country. My travels have allowed me great insight into the lives of everyday Americans and the challenges they face in staying healthy. When I left the Federal government and reentered private life, I had become convinced that we need to make a stronger commitment to innovative, effective health education in this country. Millions of people become needlessly ill and saddled with unnecessary medical problems simply due to a lack of understanding about the most basic health information.

Where do we begin in reestablishing that commitment? A good start would be the creation of a central, national resource for health education, accessible to all Americans. We have some of the finest educational institutions in the world here in the nation's capital. We have the most impressive museums imaginable on the national Mall, each of which has dedicated, important missions. They promote exposure to and appreciation of fine art, provide a meaningful interpretation of America's history and its place in the world, and illustrate the brilliant wonders of science and technology. These institutions are valuable pieces of our national character and they deserve their places on the Mall. What should be there as well is the National Museum of Health and Medicine.

As you know, the National Museum of Health and Medicine was on the Mall, located where the Hirshhorn Museum of Modern Art now stands, for 80 years before its building was torn down and its collections moved to the Armed Forces Institute of Pathology at Walter Reed Army Medical Center. Most of the 25 million Americans who visit the Mall each year have no idea what the National Museum of Health and Medicine was or is, much less where it is located. That is a shame, because it is these generations we most need to reach with effective health messages.

We'll be reaching far more than those 25 million mall visitors each year, of course, once the Museum is up and running. Its outreach programs will involve science museums and schools in every state and it will be a credible resource for the development of health education programs and curriculum for those institutions. Further, it will establish in no uncertain terms, there at the foot of the United States Capitol, that this is a nation which places a premium on the education and health of its people.

And finally, it will inspire young people to consider careers in the healthcare professions. I know of countless stories of youngsters who visited the Museum when it was on the Mall and who count that experience as pivotal in their beginning fascination with the human body and their subsequent decisions to become nurses or doctors or physical therapists. Most kids today know only about the health and medical professions in the context of an occasional visit to the doctor or dentist or through confusing talk they hear from their parents about healthcare reform. And some, sadly enough, know nothing at all.

We can, and must, reach more of these youth and more of America. The revitalization and relocation of the National Museum of Health and Medicine is one means of doing that. Your agreement to introduce this legislation, per the Foundation's request, is a vital first step in creating the public-private partnership which will bring the Museum back to the Mall. And we both agree that the legislation will have no impact on the actions or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts, each of which will retain their important roles in decisionmaking about design and construction of the facility.

Thank you for your hard work on this important project. I appreciate your efforts and salute your commitment to the health and education of the American people.

Sincerely,

C. EVERETT KOOP, M.D.•

By Mr. GREGG:

S. 2081. A bill to amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt facilities under the tax-exempt bond rules, and for other purposes; to the Committee on Finance.

THE ENVIRONMENTAL INFRASTRUCTURE FINANCING ACT OF 1994

• Mr. GREGG. Mr. President, I rise today to introduce legislation called the Environmental Infrastructure Financing Act of 1994. The bill will amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt under the tax-exempt bond rules.

A continuing problem to the development of recycling efforts is the need for markets for the materials that are being collected. Processes exist for remanufacturing the recycled materials into new products, but they frequently require extensive capital investment.

An approach that is often attempted is the use of the federal tax exempt bond program, which does have a subcategory for solid waste projects. Solid waste recycling facilities should constitute a legitimate application of these funds, however, certain sections of the Tax Code define solid waste as being "material without value." With recycled materials now being traded as commodities, they do in fact have value, making the facilities which might process them ineligible for tax exempt financing. This definitional problem impedes the construction of recycling facilities, and hurts the development of recycling materials markets.

My bill will allow recycling facilities to obtain tax exempt financing. In doing so, the Environmental Infrastructure Financing Act of 1994 will foster the further development of the recycling industry and promote increased recycling.•

By Mr. KENNEDY:

S. 2084. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Labor and Human Resources.

THE PESTICIDE REFORM ACT OF 1994

Mr. KENNEDY. Mr. President, today I am introducing the administration's Pesticide Reform Act of 1994. The unprecedented cooperation between the Environmental Protection Agency, the Department of Agriculture, and the Food and Drug Administration provides a unique opportunity for long overdue pesticide reform. I commend the commitment of the Clinton administration to deal effectively with this vital public health issue.

The current Federal regulatory regime is plagued by loopholes that permit dangerous chemicals to remain on the market because of vague cost-benefit analyses and the absence of complete information about their health effects. We are gambling with public health on a broad range of potentially cancer-causing and toxic pesticides.

Since 1958, the provision of federal law known as the Delaney clause has prohibited the use of pesticides that have been shown to induce cancer in animals or humans. But this so-called zero tolerance standard is more loophole than law. In some cases, chemicals in use prior the 1958 Act are permitted to remain on the market, even though current scientific knowledge would require their prohibition. In other cases, more sophisticated scientific techniques developed in the past 35 years are able to detect minute traces of cancer-causing residues that could not have been detected when the Delaney clause was enacted in 1958.

At the core of this legislation is the fundamental concept that the legal limits of pesticides in food should fully protect human health. Most Americans probably assume that this is the law today. But it is not.

Central to the goal of reform is the creation of a single regulatory standard for all foods. Currently, pesticide residues in fresh fruits and vegetables are not regulated as strictly as in processed foods. The legislation remedies this inconsistency by specifying that no pesticide residues may exceed levels that pose more than a negligible risk of adverse effects on human health.

The principle that food must be safe is especially important for children. I commend the administration for incorporating a number of the safeguards for children recommended by the landmark 1993 study of the National Academy of Sciences on pesticides and children. We know that infants and children are uniquely vulnerable and disproportionately at risk. But current policies do not adequately address the front-end loading of risk that pesticides pose for children.

Because of their food consumption patterns and low bodyweight, children can receive a disproportionate share of their lifetime cancer risk from a pesticide at an early age. The bill establishes a mechanism to assure that infants and children are not exposed to more than a negligible risk from pesticides. The legislation also requires the EPA to collect data on the unique risks that neurotoxins pose to children's physical and intellectual development. We cannot consider the food supply to be truly safe unless we are confident that it is safe for infants and children. This legislation takes a major step toward that goal.

The President is also to be commended for making clear, for the first time, that the burden of proof that a pesticide is safe rests squarely on those seeking to use pesticides, not the public. Under this legislation, if manufacturers do not have the data to prove that a pesticide is safe, it will not be approved.

Finally, this legislation proposes to reduce the overall use of pesticides by offering incentives for the development of less risky chemicals. It expedites registration for the safer pesticides that are being prepared by sophisticated research techniques in biotechnology.

The Clinton administration deserves credit for its commitment to deal with these complex and difficult issues, to deal with them comprehensively, and to do so with one voice. Congressman WAXMAN and I have introduced separate pesticide reform legislation earlier in this Congress. I look forward to working with the administration and my Senate and House colleagues to enact the reforms so urgently needed to protect the public health, especially the health of children.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "Pesticide Reform Act of 1994".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Definitions.
Sec. 3. Tolerances and exemptions for pesticide chemical residues.
"Sec. 408. Tolerances and exemptions for pesticide chemical residues.
"(a) Requirement for tolerance or exemption.
"(b) Tolerances.
"(c) Exemptions.
"(d) Petitions and action on the initiative of the Administrator.
"(e) Temporary tolerance or exemption.
"(f) Confidentiality of data.
"(g) Existing pesticide chemical residues.
"(h) Food and Drug Administration monitoring of pesticide chemical residues.
"(i) Fees.
"(j) Judicial review.
Sec. 4. Embargo authority.
Sec. 5. Civil Money Penalties.
Sec. 6. Recall.
Sec. 7. Evaluation of existing pesticide chemical residue tolerances and exemptions.
Sec. 8. Fees.
Sec. 9. General definitions.

SEC. 2. DEFINITIONS.

(a) PESTICIDE.—

(1) PESTICIDE CHEMICAL.—Section 201(q) (21 U.S.C. 321(q) is amended to read as follows:

"(q)(1) The term 'pesticide chemical' means substance that is a pesticide, as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(u)), including each active ingredient and inert ingredient, as defined in paragraphs (a) and (m) of section 2 of such Act, of the pesticide.

"(2) The term 'pesticide chemical residue' means on residue in or on food of—

"(A) any pesticide chemical or a component of such chemical; or

"(B) any other substance that is present in or on the commodity or food as a result of the metabolism or other degradation of a pesticide chemical.

(2) PERSON.—Section 201(s) (21 U.S.C. 321(s)) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) pesticide chemical residue; or"; and

"(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(3) RAW AGRICULTURAL COMMODITY.—Paragraph (r) of section 201 (21 U.S.C. 321) is repealed

(b) CONFORMING AMENDMENTS.—

(1) Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(gg) The term 'Administrator' means the Administrator of the Environmental Protection Agency.".

(2) Section 402(a)(2) (21 U.S.C. 342(a)(2)) is amended—

(A) in clause (A)(1), to read as follows:

"(i) a pesticide chemical residue";

(B) in clause (b), to read as follows: "(B) if it bears or contains a pesticide chemical residue that is unsafe within the meaning of section 408 (a);"; and

(C) in clause (C), by striking ": *Provided*, That where a pesticide chemical" through "section 512".

(3) Section 403(1) (21 U.S.C. 343(1)) is amended by striking "raw agricultural commodity" and "commodity" each time it occurs and inserting "food".

SEC. 3. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

Section 408 (21 U.S.C. 346a) is amended to read as follows:

"SEC. 408. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

"(a) REQUIREMENT FOR TOLERANCE OR FXEMPTION.—

"(1) GENERAL RULE.—Any pesticide chemical residue shall be deemed unsafe for the purpose of section 402(a)(2)(B) unless—

"(A) a tolerance for such residue is in effect under this section and such residue conforms with such tolerance; or

"(B) an exemption for such residue is in effect under this section and such residue conforms with such exemption.

"(2) EFFECT OF A TOLERANCE OR EXEMPTION.—While a tolerance or exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue with respect to any food, such food shall not by reason of bearing or containing any amount of such residue be considered to be adulterated within the meaning of section 402(a)(1).

"(3) DERIVED FOOD.—A tolerance or exemption for a pesticide chemical residue established for a food shall apply to all foods derived from such food unless a tolerance specifies otherwise.

"(b) TOLERANCES.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The Administrator may promulgate regulations establishing, modifying, or revoking a tolerance for a pesticide chemical residue—

"(i) in response to a petition filed under subsection (d)(1); or

"(ii) on the initiative of the Administrator under subsection (d)(4).

"(B) EXPIRATION DATE.—A regulation under this paragraph shall contain an expiration date for a tolerance for a pesticide chemical established by the regulation. Such date shall be not later than—

"(i) the expiration date (if any) for such pesticide chemical established by the Administrator under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, or

"(ii) 18 years after the date such tolerance is established, whichever occurs first.

"(C) SEPARATE TOLERANCES.—Under subparagraph (A), the Administrator may establish a separate tolerance, which more closely reflects actual exposure or which is necessary for more efficient enforcement, and which is based on reliable data and information relating to the appropriate sampling, for a pesticide chemical residue with respect to food at any point in the chain of production or marketing, including—

"(i) at the time the food is harvested,

"(ii) at the time the food is purchased at retail, and

"(iii) after the food is processed.

"(2) STANDARD.—

"(A) ASSURANCE OF SAFETY.—

"(i) GENERAL RULE.—A tolerance for a pesticide chemical residue in or on food shall not be established or left in effect unless the residue permitted under the tolerance is safe.

"(ii) CANCER.—For pesticides found to induce cancer when ingested by humans or animals or determined on the basis of reliable scientific evidence to pose a potential dietary risk of cancer in humans, a tolerance shall not be established or left in effect unless the Administrator finds on the basis of conservative methods of risk assessment that the risk is negligible for all anticipated consumer exposures to such residue, including all other anticipated consumer exposures for which there is reliable information, and taking into account information concerning the special vulnerabilities of children and sensitive subpopulations.

"(iii) RISK OTHER THAN CANCER.—For pesticide chemical residues that may pose a potential dietary risk of adverse health effects other than cancer in humans, a tolerance shall provide an ample margin of safety.

"(iv) DEFINITIONS.—As used in this section:

"(I) SAFE.—The term 'safe' means with respect to a tolerance for a pesticide chemical residue that there is a reasonable certainty that no harm will result from all anticipated consumer exposures to such residue, including all anticipated dietary exposures and all other anticipated exposures for which there is reliable information, and taking into account information concerning the special vulnerabilities of children and sensitive subpopulations.

"(II) MARGIN OF SAFETY.—A margin of safety is considered ample if the Administrator determines there is a reasonable certainty of no harm to significant subpopulations from exposure to the pesticide chemical reside in the diet and from exposure to the pesticide chemical by other pathways. In making this determination, the Administrator shall give due consideration to the exposure level which is determined not to cause adverse effects in animal studies or in observations of exposed humans and to the application of appropriate factors. These factors may include factors to account for differences in sensitivity between and within species, adequacy of the study or studies, and completeness of the available data to assess potential for adverse effects.

"(III) Risk assessment procedures.—The Administrator shall periodically review the risk assessment procedures used to make safety determinations under this paragraph, including methodologies with respect to estimating exposure to pesticide chemicals and evaluating risks to significant subpopulations. The Administrator periodically shall revise the risk assessment procedures accordingly to incorporate advances in science and risk assessment. The Administrator may determine that a method of risk assessment different from the method required by subclause (II) is appropriate if the Administrator finds that the alternative risk assessment method will fully protect the public health.

"(B) Factors.—In determining whether to establish, modify, or revoke a tolerance under subparagraph (A) for a pesticide chemical residue on a food, the Administrator—

"(i) except as provided in clause (ii), shall in estimating the anticipated dietary exposure to such residue assume that all food for which the pesticide chemical residue has or will have a tolerance bears or contains residues of the pesticide chemical equal to the levels established by their respective tolerances and where separate tolerances for a pesticide chemical residue in the same food are established for different points in the chain of production or marketing pursuant to subsection (b)(1)(C), the Administrator shall assume that the food bears or contains residues of the pesticide chemical equal to the level established by the tolerance set at the point closest to the time the food is purchased at retail;

"(ii) may use data regarding the percent of a crop treated by a pesticide chemical to estimate dietary exposure to such residue only if the Administor—

"(I) finds that the data are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide chemical residue;

"(II) finds that the exposure estimate does not understate exposure for any significant subpopulation group;

"(III) if data are available on pesticide use and consumption of food in a particular area, finds that the population in such area is not dietarily exposed to residues above those estimated by the Administrator; and

"(IV) provides for the periodic reevaluation of the estimate of anticipated dietary exposure;

"(iii) shall fully account for available information on the probable consumption of foods for which there is or will be a tolerance for residues of the pesticide chemical, including, to the extent possible, consumption by significant subpopulations with differing food consumption patterns, including infants, children, and other subpopulations with disproportionately high consumption of particular foods;

"(iv) shall fully account for available information on the cumulative effect of such residue and any chemically or pharmacologically related substances in the human diet, and other ways in which the consumer may be exposed to such residue and substances, including, to the extent representative data permit, through drinking water;

"(v) shall fully account for valid scientific information regarding any estrogenic or other hormonal effects associated with the residue; and

"(vi) shall apply safety factors which after consultation with experts qualified by scientific training and experience to evaluate the safety of pesticide chemical residues determine are appropriate for use in connection with animal experimentation or other relevant data.

"(C) Exposure of infants and children.—In determining whether to establish, modify, or revoke a tolerance for a pesticide chemical residue, the Administrator, in addition to the requirements of subparagraph (B)—

"(i) shall assess the risk of the pesticide chemical residue based on the following:

"(I) Available information about consumption patterns among infants and children that are likely to result in disproportionately high consumption of foods containing or bearing such residue among infants and children in comparison to the general population.

"(II) Available information concerning the special susceptibility of infants and children to the pesticide chemical residues, including neurological differences between infants and children and adults, and effects of in utero exposure to pesticide chemicals.

"(III) Available information concerning the cumulative effects on infants and children of such residues and other substances that have a common mechanism of toxicity;

"(ii) shall—

"(I) ensure that there is an ample margin of safety for infants and children and impose other requirements necessary to ensure that exposure to the pesticide chemical residues will be safe; and

"(II) publish a specific determination regarding the safety of the pesticide chemical residue for infants and children.

The Secretary of Health and Human Services and the Secretary of Agriculture, in consultation with the Administrator, shall conduct surveys to document dietary exposure to pesticides among infants and children. For the purpose of subclause (I), an additional 10-fold margin of safety for the pesticide chemical residue and other sources of exposure shall be applied for children and infants to take into account potential pre- and postnatal toxicity and completeness of the data with respect to exposure to infants and children. Notwithstanding this requirement for an additional factor, the Administrator may determine that a margin of safety for a pesticide chemical residue is considered ample for children and infants if, on the basis of reliable data, such margin will fully protect the public health.

"(D) Unavoidable persistence.—If a tolerance or an exemption from the requirement for a tolerance for a pesticide chemical residue is revoked and the Administrator finds the pesticide chemical residue will unavoidably persist in the environment and be found in food, the Administrator shall establish a new tolerance under subsection (d)(4) for the pesticide chemical residue. The level permitted by the tolerance shall not be greater than and may be less than the lowest level that permits only such unavoidable levels to remain in food. The Administrator shall evaluate any such tolerance at least every 5 years to determine whether modification of such tolerance is necessary so that the tolerance provides only for no greater than the level of the pesticide chemical residue that is unavoidable.

"(E) Practical Methods of Analysis.—

"(i) General rule.—Except as provided in clause (ii), a tolerance for a pesticide chemical residue shall not be established or left in effect unless the Administrator determines, after consultation with the Secretary, that—

"(I) there is a multi-residue method for detecting and measuring the levels of such pesticide chemical residue in or on a food that will measure the residue at the level established by the tolerance; and

"(II) such method can be performed by the Secretary on a routine basis as part of surveillance and compliance sampling of foods for pesticide chemical residues with the personnel, equipment, and other resources available to the Secretary.

"(ii) Exception.—If the Administrator is not able to make the determination described in clause (i), the Administrator shall identify, after consultation with the Secretary, the method for detecting and measuring levels of such pesticide chemical residue in or on a food that will measure the residue at the level established by the tolerance. The Administrator shall, every 2 years after the date of the determination under this clause, reevaluate the determination.

"(iii) Pesticide reference standard.—

"(I) Provision to the administrator.—A registrant of a pesticide chemical for which a tolerance has been established shall provide the Administrator, upon request, with an appropriate pesticide reference standard for such pesticide chemical, including standards for all residues of toxicological significance. Each pesticide reference standard provided to the Administrator shall be certified by a competent laboratory for both identity and purity.

"(II) Administrator actions.—The Administrator shall maintain a repository of pesticide reference standards, audit the certification of such standards, and make such standards available to any private, public, domestic, or foreign laboratory requesting the standard. The Administrator may also request pesticide reference standards for pesticide chemical manufactured or used in foreign countries. To the extent that the Administrator obtains standards for pesticide chemicals manufactured or used in foreign countries, the Administrator shall certify such standards for identity and purity and make them available to any private, public, domestic, or foreign laboratory requesting such standard.

"(III) Definition.—For purposes of this clause, the term 'pesticide reference standard' means a pesticide chemical of known identify, purity, and composition that is required for comparison purposes in laboratory analysis to measure the amount and confirm the identity of a pesticide chemical residue in food.

"(3) Consistent application.—The Administrator shall issue guidelines providing for the consistent application of the requirements of paragraphs (1) and (2). The lack of guidelines does not affect the authority of the Administrator to implement such paragraphs.

"(4) Reevaluation period.—Each tolerance for a pesticide chemical residue established under this subsection shall prescribe the period (at least every 5 years) for reevaluating the estimate of the amount of dietary exposure to such residue made under paragraph (2)(B)(ii).

"(5) Tolerances in effect on date of enactment.—For pesticide chemical residue tolerances in effect on the date of enactment of the Pesticide Reform Act of 1994 this subsection shall apply as prescribed by section 7 of such Act.

"(c) Exemptions.—

"(1) Authority.—

"(A) In general.—The Administrator may promulgate regulations establishing or revoking an exemption from the requirement for a tolerance for a pesticide chemical residue—

"(i) in response to a petition filed under subsection (d)(1); or

"(ii) on the initiative of the Administrator under subsection (d)(4).

"(B) EXPIRATION DATE.—Such a regulation may provide for an expiration date for the exemption.

"(2) STANDARD.—

"(A) AUTHORITY AND RISK STANDARD.—

"(i) ESTABLISHMENT.—An exemption may be established for a pesticide chemical residue if such residue is not a human or animal carcinogen and presents no risk to human health at any level that is reasonably likely to occur under extreme conditions of use, including the health of the subpopulations identified in subsection (b)(2)(B)(iii), from dietary exposure to such residue.

"(ii) REVOCATION.—An exemption shall be revoked unless the residue is not a human or an animal carcinogen and otherwise presents no risk to human health at any level that is reasonably likely to occur under extreme conditions of use, including the health of subpopulations identified in subsection (b)(2)(B)(iii), from dietary exposure to such residue.

"(B) EXPOSURE.—For purposes of subparagraph (A), in determining dietary exposure to a pesticide chemical residue, the Administrator shall—

"(i) use only reliable information regarding the dietary exposure resulting from the consumption of the food for which the exemption for such residue is proposed or is in effect;

"(ii) fully account for all other exemptions in effect for such residue;

"(iii) fully account for all other sources of dietary exposure to the pesticide chemical and to chemically or pharmacologically related chemicals if there is adequate information about such sources of exposure; and

"(iv) consider the exposure to be the level of exposure that would occur if human exposure to the pesticide chemical residue at the level that is reasonably likely to occur under extreme conditions of use occurs for a period equal to a lifetime.

"(3) CONSISTENT APPLICATION.—The Administrator shall issue guidelines providing for the consistent application of the requirements of paragraphs (1) and (2). The lack of guidelines does not affect the authority of the Administrator to implement such paragraphs.

"(4) EXEMPTIONS IN EFFECT ON DATE OF ENACTMENT.—For pesticide chemical residue exemptions in effect on the date of enactment of the Pesticide Reform Act of 1994 this subsection shall apply as prescribed by section 7 of such Act.

(d) PETITIONS AND ACTION ON THE INITIATIVE OF THE ADMINISTRATOR.—

"(1) GENERAL RULE.—Any person may file with the Administrator a petition proposing the issuance of a regulation establishing, modifying, or revoking a tolerance or exemption for a pesticide chemical residue. Sections 553 and 554 of title 5, United States Code, shall not apply with respect to procedures concerning such petitions.

"(2) REQUIREMENTS FOR PETITIONS.—A petition under paragraph (1) to establish a tolerance or exemption for a pesticide chemical residue shall contain—

"(A) an informative summary of the petition and of the data, information, and arguments submitted or cited in support of the petition, including—

"(i) a summary of the reports required under subparagraph (D); and

"(ii) a characterization of—

"(I) the exposure to the pesticide chemical residue due to any tolerance or exemption already granted for such residue; and

"(II) the additional exposure to such residue that would result if the requested tolerance or exemption were granted;

"(B) a proposed tolerance for such residue, if a tolerance is proposed;

"(C) the name, chemical identity, and composition of the pesticide chemical that produces such residue;

"(D) reports of tests and investigations made with respect to the safety of such pesticide chemical residue, including complete information as to the methods and controls used in conducting such tests and investigations;

"(E) data showing the amount, frequency, method, and time of application of such pesticide chemical;

"(F) reports of tests and investigations made with respect to the nature and amount of the pesticide chemical residue that is likely to remain in or on food when ready for sale to consumers, including a description of the analytical methods used;

"(G) a description of methods for detecting and measuring the levels of such chemical residue in or on the food, which methods meet the requirements of subsection (b)(2)(E);

"(H) reports of investigations conducted on the effects of processing methods used to produce food on the level and identity of such pesticide chemical residue;

"(I) if the petition is for a pesticide chemical residue that is described in subsection (b)(2)(A)(ii), all relevant data bearing on the physical or other technical effect the pesticide chemical involved is intended to have and the quantity of the pesticide chemical residue required to accomplish such effect;

"(J) the pesticide reference standard (as defined in subsection (b)(2)(E)(iii)) for the pesticide chemical residue;

"(K) such other data and information as the Administrator may require to support the petition; and

"(L) the data referred to in subsection (b)(2)(B)(ii)(III) if available.

"(3) ACTIONS ON PETITIONS.—

"(A) FILING DETERMINATION.—

"(i) IN GENERAL.—Within 45 days of the filing of a petition under paragraph (1) for the establishment, modification, or revocation of a tolerance or an exemption, the Administrator shall determine if the petition complies with the requirements of paragraph (2) or applicable requirements for petitions to modify or revoke tolerances or exemptions from tolerances. If the Administrator determines that the petition complies with such requirements, the Administrator shall publish a notice of the filing of the petition. If the Administrator determines that the petition does not comply with such requirements, the Administrator shall notify the petitioner of such determination.

"(ii) CONTENTS OF NOTICE OF FILING.—A notice under clause (i) shall—

"(I) if it is a notice of the filing of a petition to establish a tolerance or exemption, announce the availability of a complete description of the analytical methods available to the Administrator for the detection and measurement of the pesticide chemical residue with respect to which the petition is filed and include the summary required by paragraph (2)(A); and

"(II) if it is a notice of the filing of a petition to modify or revoke a tolerance or exemption, contain the full petition or a summary of the petition.

"(B) ACTION.—The Administrator shall, within one year of the publication of a notice under subparagraph (A) with respect to a petition, and after giving due consideration to the petition, any comments on the petition, and any other information available to the Administrator—

"(i) issue a final regulation in accordance with the petition establishing, modifying, or revoking a tolerance or exemption for the pesticide chemical residue;

"(ii) issue a proposed regulation establishing, modifying, or revoking a tolerance or exemption for the pesticide chemical residue, which tolerance or exemption is different from the tolerance or exemption requested in the petition; or

"(iii) issue an order denying the petition.

"(C) COMMENTS.—If the Administrator issues a notice of the filing of a petition under subparagraph (A)(i) or a proposed regulation under subparagraph (B)(ii), the Administrator shall allow at least 30 days for comments on such notice or proposed regulation.

"(D) FINAL REGULATION.—If the Administrator issues a proposed regulation under subparagraph (B)(ii), the Administrator shall issue a final regulation within 180 days of the date of the publication of the proposed regulations.

"(E) PRIORITIES.—The Administrator shall give priority to petitions for the establishment or modification of a tolerance for a pesticide chemical residue that appears to pose a significantly lower risk to human health from dietary exposure than pesticide chemical residues that have tolerances in effect for the same or similar uses.

"(4) ACTION ON THE ADMINISTRATOR'S INITIATIVE.—

"(A) GENERAL RULE.—The Administrator may, on the initiative of the Administrator, issue a final regulation establishing, modifying, or revoking a tolerance or exemption for a pesticide chemical residue.

"(B) NOTICE.—Before issuing a final regulation under subparagraph (A), the Administrator shall issue a notice of proposed rulemaking and provide a period of not less than 30 days for public comment on the proposed regulation unless the Administrator finds that such notice and comment would be contrary to the public interest and states the reasons for the finding in the notice of the final regulation. If the Administrator makes such a finding and issues such a regulation, the Administrator shall provide at least 30 days for comment on the regulation after it is issued.

"(5) EFFECTIVE DATE.—

"(A) GENERAL RULE.—Except as provided in subparagraph (B), a final regulation issued under paragraph (3) or (4) shall take effect upon publication.

"(B) DELAY.—

"(i) GENERAL RULE.—If a regulation issued under paragraph (3) or (4) revokes or modifies a tolerance for a pesticide chemical residue or revokes an exemption for a pesticide chemical residue, the Administrator may, in accordance with clause (ii), delay the effective date of the regulation to permit the tolerance or exemption to remain in effect at a level not to exceed the level in effect immediately before such regulation is issued only—

"(I) for foods that contain such pesticide chemical residue in an amount that is not more than the amount that would remain if the pesticide chemical had been legally applied on the date the Administrator acted under paragraph (3) or (4); and

"(II) if dietary exposure to the pesticide chemical residue in or on the foods described in subclause (I) is safe during the period of delay of the effective date.

"(ii) PERIOD OF DELAY.—If the Administrator finds that delay of the effective date of such a revocation or modification is consistent with the public health, the Administrator may delay such date under clause (i), for each type of food that contains such pesticide chemical residue, for the period that is required for such food to be sold to consumers in the course of the usual practice for persons engaged in the production, processing, transportation, storage, and distribution of the food.

"(6) Required Submission of Data.—

"(A) General rule.—If the Administrator finds that additional data are required to determine whether an existing tolerance or exemption from a tolerance meets the safety standard in subsection (b)(2) or (c)(2), the Administrator shall publish an order—

"(i) requiring one or more interested persons to notify the Administrator that such person will submit the required data;

"(ii) describing the type of data required to be submitted;

"(iii) describing the reports required to be made during and after the collection of the data; and

"(iv) establishing deadlines for the actions described in clauses (i), (ii), and (iii).

"(B) Deadlines.—If an order is issued under subparagraph (A) with respect to a tolerance or an exemption and the Administrator finds that a deadline or other condition in the order is not met, the Administrator may revoke, pursuant to the procedures in paragraph (4), the tolerance or exemption for failure to comply with such order.

"(C) Extensions.—

"(i) Extension request.—Any person may request the Administrator to issue an order to extend the schedule established under subparagraph (A) before the expiration of a deadline in the schedule.

"(ii) Grant of request.—The Administrator may grant a request under clause (i) only if the Administrator finds that extraordinary circumstances beyond the control of such person prevented such person from submitting the required data.

"(iii) Extension.—If the Administrator issues an order extending a schedule, the Administrator may extend the deadline for a period no longer than such time as is necessary for such person to submit the data.

"(7) Tolerance for use of pesticides under an emergency exemption.—If the Administrator grants an exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136p) for a pesticide chemical, the Administrator shall establish a tolerance or exemption from a tolerance for the residue of the pesticide chemical. Such a tolerance or exemption from a tolerance shall have an expiration date. The Administrator may establish such a tolerance or exemption without providing notice or a period for comment on the tolerance or exemption. The Administrator shall promulgate regulations within 365 days after the date of the enactment of this paragraph governing the establishment of tolerances and exemptions under this paragraph. Such regulations shall be consistent with the safety standard under subsection (b)(2) and with section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

"(e) Experimental Permits.—To the extent consistent with the public health, the Administrator shall promulgate regulations for exempting from the operation of this section new pesticide chemicals intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of pesticide chemicals. Such regulations may, in the discretion of the Administrator, among other conditions relating to the protection of the public health, provide for—

"(1) conditioning such exemption upon the establishment and maintenance of such records, and

"(2) the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such article, of data (including analytical reports by investigators) obtained as a result of such investigational use of such article, as well as enable the Administrator to evaluate the safety of such article in the event of the filing of an application pursuant to this section. Such regulations, among other things, shall set forth the conditions (if any) upon which food treated with such pesticide chemicals may be marketed for food use.

"(f) Confidentiality of Data.—

"(1) Access to data and information.—

"(A) General rule.—Except as provided in paragraphs (2) and (3), the Administrator shall not make public data or information submitted to the Administrator or cited to the Administrator in a petition under subsection (d)(1) and data and information otherwise considered by the Administrator in issuing a proposal or final regulation or order under this section which contains or relates to trade secrets or commercial or financial information obtained from a person and is privileged or confidential. The person submitting information which they believe are privileged or confidential information shall notify the Administrator of such information. If a notice is not made to the Administrator, the Administrator may make such information public.

"(B) Notice.—Except as to data or information disclosed under paragraph (2), 30 days before disclosing data or information claimed as privileged or confidential under subparagraph (A), the Administrator shall notify the person who submitted or cited the data or information of the intent to disclose the data or information to the public.

"(2) Authorized disclosure for governmental purposes.—Data and information that are entitled to confidential treatment under paragraph (1)—

"(A) shall be disclosed to either House of Congress, to the extent of matter within its jurisdiction, to any committee or subcommittee of the Congress and to any joint committee of the Congress or subcommittee of such a joint committee and to the Comptroller General of the United States;

"(B) shall be disclosed to any officer or employee of the United States or of any State—

"(i) in connection with the official duties of such officer or employee under any law for the protection of health or the environment, or

"(ii) for specific law enforcement purposes;

"(C) shall be disclosed, under such security requirements as the Administrator may provide, to contractors with the United States and employees of such contractors, if such disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States or for work in connection with this section or other statutes administered by the Administrator;

"(D) shall be disclosed to the extent the Administrator determines disclosure is necessary to protect the public health; and

"(E) may be disclosed when relevant in any proceeding under this section, except that disclosure in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable.

"(3) Disclosure of health effects data and residue data.—

"(A) General rule.—All data and information concerning any test of a pesticide chemical residue or a pesticide chemical to determine the potential effects of such residue or chemical on human health or concerning the levels of such residue in or on food shall be available for disclosure to the public except to the extent such data or information include—

"(i) manufacturing or quality control processes,

"(ii) methods for detecting the quantity of any deliberately added inert ingredient of a pesticide chemical other than methods for detecting residues of the inert ingredient in or on food, or

"(iii) the identity or quantity of any deliberately added inert ingredient of a pesticide chemical other than an inert ingredient which is the subject of a petition under subsection (d)(1) or an action of the Administrator under subsection (d)(4).

"(B) Data and information also submitted under FIFRA.—Data and information described in subparagraph (A) which were also submitted to the Administrator under the Federal Insecticide, Fungicide, and Rodenticide Act shall be available for disclosure to the public in accordance with section 10(g) of such Act (7 U.S.C. 136h(g)).

"(g) Existing a Pesticide Chemical Residues.—

"(1) Presticide chemical residues under regulations under section 406.—Regulations affecting pesticide chemical residues promulgated, in accordance with sections 701(e) and 406, upon the basis of public hearings instituted before January 1, 1953, shall be deemed to be tolerances issued under this section and shall be subject to modification or revocation under subsection (d).

"(2) Pesticide chemical residues under regulations.—Regulations establishing, modifying, or revoking tolerances for pesticide chemical residues under this section and section 409 or exemptions for pesticide chemical residues under this section on or before the date of the enactment of this section shall be deemed to be tolerances or exemptions issued under this section and shall be subject to modification or revocation under subsection (d).

"(3) Generally recognized as safe pesticide chemical residues.—

"(A) General rule.—Pesticide chemical residues that, on the day before the date of the enactment of the Pesticide Reform Act of 1994, do not have tolerances or exemptions from tolerances under this section because the residues are generally recognized as safe under this section or section 201(s) shall, until the expiration of the period prescribed by subparagraph (C), not be considered unsafe under section 402(a)(2)(B) solely because the residues to not have such a tolerance or exemption.

"(B) List.—The Administrator shall—

"(i) not later than 180 days after the date of the enactment of such Act, publish a list of all pesticide chemical residues that the Administrator has determined are generally recognized, on the day before the date of the enactment of such Act, as safe under this section or section 201(s); and

"(ii) require that any person who, before the date of the enactment of such Act, distributed in commerce as a pesticide chemical, a pesticide chemical that produces a pesticide chemical residue that is not on the list described in clause (i), and that such person determined such pesticide chemical is generally recognized as safe under this section or section 201(s), shall within 6 months of the date of the publication of the list under clause (i), report to the Administrator the data that supports the claim that the pesticide chemical residue is generally recognized as safe.

"(C) DETERMINATION OF THE ADMINISTRATOR.—Not later than 2½ years after the date of the enactment of the Pesticide Reform Act of 1994, the Administrator shall determine if each pesticide chemical reported to the Administrator in accordance with subparagraph (B)(ii) is generally recognized as safe. If the Administrator determines, by order, that such pesticide chemical residue is generally recognized as safe, the residue of such pesticide chemical shall be considered a pesticide chemical residue subject to an exemption under this section, which exemption shall be subject to modification or revocation under subsection (d).

"(h) MONITORING OF PESTICIDE CHEMICAL RESIDUES.—

"(1) SAMPLING.—The Secretary shall conduct a comprehensive surveillance and compliance enforcement monitoring program for domestic and imported food for pesticide chemical residues to determine if the pesticide chemical residues are in compliance with this section. In carrying out this paragraph, the Secretary shall give priority to—

"(A) sampling foods for pesticide chemical residues included in a notice under paragraph (2);

"(B) sampling foods that are high consumption items for infants and children;

"(C) analyzing pesticides most likely to result in violation of this section;

"(D) conducting incidence and level monitoring; and

"(E) collecting data on dietary intake of pesticide residues on food as it is consumed.

"(2) NOTIFICATION.—The Administrator shall notify the Secretary of the pesticide chemical residues that the Administrator determines, in the administration of this section—

"(A) are above the standard prescribed by subsection (b)(2); or

"(B) are not above such standard but that may under certain circumstances reach or exceed such standard.

"(i) FEES.—The Administrator shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the functions of the Administrator under this section. Under such regulations, the performance of the services or other functions of the Administrator under this section may be conditioned upon the payment of such fees. Such regulations may further provide that the continuation in effect of a tolerance or exemption shall be conditioned upon the payment of an annual fee and for waiver or refund of fees in whole or in part when, in the judgment of the Administrator, such waiver or refund is equitable and not contrary to the purposes of this subsection. Such fees shall be deposited in the Treasury and shall be credited to the appropriation account of the Administrator for salaries and expenses and shall be available for costs incurred in carrying out this section in accordance with appropriation Acts until expended without fiscal year limitation.

"(j) JUDICIAL REVIEW.—A petition for review of any final order of the Administrator issued under subsection (d) or any regulation that is the subject of such an order may be filed by an adversely affected person only in the United States Court of Appeals for the District of Columbia Circuit. Any such petition for review must be filed within sixty days of the issuance of such order or regulation. Judicial review shall be in accordance with sections 701 through 706 of Title 5 of the United States Code, and the challenged order or regulation shall be sustained unless it is found to be arbitrary, capricious, and abuse of discretion, or not in accordance with law. Orders and regulations of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement or other judicial proceedings.".

SEC. 4. EMBARGO AUTHORITY.

(a) ADMINISTRATIVE EMBARGO AUTHORITY.—Section 304(g) (21 U.S.C. 334(g)) is amended by redesignating paragraph (2) as paragraph (3) and adding after paragraph (1) the following new paragraph:

"(2) If an officer or employee of the Department has reason to believe that any article of food is adulterated within the meaning of section 402(a)(2)(B), the officer or employee may order the food detained (in accordance with regulations prescribed by the Secretary) for a reasonable period which may not exceed 20 days (or 10 days, in the case of a perishable food) unless the Secretary determines that a longer period of detention is required to institute an action under subsection (a) or section 302, in which case the Secretary may authorize a detention period of not more than 30 days (or not more than 15 days, in the case of a perishable food). Regulations of the Secretary shall require that before a food may be detained, the Secretary or an officer or employee designated by the Secretary shall approve the detention order. Such an order may require the labeling or marking of a food during the period of its detention for the purpose of identifying the food as detained.".

(b) PROHIBITION ON REMOVAL.—Paragraph (3) of section 304(g) (21 U.S.C. 334(g)), as redesignated by subsection (a), is amended—

(1) in subparagraph (A), by striking "a device subject to a detention order issued under paragraph (1)" and inserting "an article subject to a detention order under paragraph (1) or (2)",

(2) in the matter preceding clause (i) of sub-paragraph (B), by striking "a device subject to a detention order under paragraph (1)" and inserting "an article subject to a detention order under paragraph (1) or (2)", and

(3) in subparagraph (B) (ii), by striking "if" and inserting "in the case of a device".

(c) PROHIBITED ACT.—Section 301(r) (21 U.S.C. 331(r)) is amended by inserting "or a food" after "device" each time it appears.

SEC. 5. CIVIL MONEY PENALTIES.

Section 303(f) (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively,

(2) by inserting after paragraph (1) the following:

"(2) Any person who introduces into interstate commerce or delivers for introduction into interstate commerce an article of food that is adulterated within the meaning of section 402(a)(2)(B) shall be subject, in addition to any other penalties that may be prescribed by law, to a civil money penalty of not more than $50,000 in the case of an individual and $250,000 in the case of any other person for such introduction or delivery.",

(3) in paragraph (3), as so redesignated, by striking "paragraph (1)" each place it occurs and inserting "paragraph (1) or (2)", and

(4) in paragraph (5), as so redesignated, by striking "(3)" each place it occurs and inserting "(4)".

SEC. 6. RECALL.

(a) AUTHORITY.—Chapter III is amended—

(1) by redesignating sections 309 and 310 as section 310 and 311, respectively, and

(2) by adding after section 308 the following:

"RECALL

"SEC. 309. (a) GENERAL RULE.—If the Secretary has reason to believe that an article of food is adulterated within the meaning of section 401(a)(2)(B), the Secretary may require the manufacturer, processor, or distributor of such article to take immediately all action necessary to recall such article from all wholesale and retail establishments. A recall order of the Secretary under this subsection shall be a final agency action subject to review by the United States district court for the judicial district in which the manufacturer, processor, or distributor resides or transacts business or in which is located the article of food that is the subject of such order.

"(b) REPORT.—Manufacturers, processors, and distributors shall report promptly to the Secretary any recall of a food undertaken by the manufacturer, processor, or distributor, including any recall required under subsection (a) or section 302 and any recall conducted at the initiative of the manufacturer, processor, or distributor on the grounds that the food may be adulterated within the meaning of section 402(a)(2)(B).

"(c) SCOPE OF ORDER.—For purposes of this section, an order under subsection (a) with respect to an article of food shall include an order to retrieve or replace such article.".

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(w) The failure to comply with a recall order under section 309(a) or a requirement to report a recall under section 309(b).".

SEC. 7. EVALUATION OF EXISTING PESTICIDE CHEMICAL RESIDUE TOLERANCES AND EXEMPTIONS.

(a) CLASSIFICATION.—

(1) IDENTIFICATION.—Within 180 days of the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall, for each pesticide chemical residue that has a tolerance or exemption in effect on such date, identify each tolerance or exemption which does not appear to meet the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act and publish a notice summarizing the data and analysis upon which such determination is made. The notice published pursuant to this paragraph shall include all tolerances for a pesticide chemical, if the cumulative risk from exposure for any pesticide chemical residue, calculated by the methodology in paragraph (2), appears not to meet the requirements of section 408(c)(2) of the Federal Food, Drug, and Cosmetic Act.

(2) FACTORS.—In making the determination under paragraph (1) with respect to tolerances for a pesticide chemical residue, the Administrator shall—

(A) use the toxicological conclusions, including appropriate factors where applicable, used in the most current risk assessment for the pesticide chemical residue performed by the Administrator on or before the date of enactment;

(B) assume that all food for which the pesticide chemical residue has a tolerance bears or contains residues of the pesticide chemical equal to the levels established by their respective tolerances.

(3) OBJECTIONS.—Any person adversely affected by the Administrator's action under paragraph (1) may file objections to the action with the Administrator. Such objections must be filed within 30 days of publication of

the notice required in paragraph (1). The Administrator shall act on such objections within 60 days of the receipt of the objections.

(4) SUBSEQUENT IDENTIFICATIONS.—On a yearly basis in the 4 year period after the date of enactment of this Act, if the Administrator concludes that any additional tolerances or exemptions do not appear to meet the requirements of section 408(b)(2) and 408(c)(2) of the Federal Food, Drug, and Cosmetic Act, the Administrator shall identify such tolerances and exemptions and publish a notice summarizing the data and analysis upon which such identification is made. Prior to identifying any additional tolerances or exemptions under this paragraph, the Administrator shall publish the identification as a proposal and seek public comment.

(b) DATA SUBMISSION.—

(1) DEADLINE FOR SUBMISSION OF DATA ON APPARENTLY UNACCEPTABLE PESTICIDE CHEMICAL RESIDUES.—For any pesticide chemical residue for which the Administrator makes the identification described in subsection (a)(1) or (a)(4), any person wanting to maintain the tolerance or exemption for such pesticide chemical shall have 2 years from the publication of the notices in subsection (a) to submit data or information on such chemical relative to the safety standard in section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act.

(2) DEADLINE FOR SUBMISSION OF DATA ON ALL OTHER PESTICIDE CHEMICAL RESIDUES.—For any other pesticide chemical residue that had a tolerance or exemption from a tolerance on the date of enactment of this Act, any person wanting to maintain the tolerance or exemption for such pesticide chemical residue shall have not more than 5 years from such date of enactment, subject to any schedule imposed under paragraph (3), to submit data or information relative to the safety standards in such section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act.

(3) SCHEDULE.—For any pesticide chemical residue for which the Administrator does not make the identification described in subsection (a), the Administrator may establish a schedule for the submission of data for the tolerance or exemption for such pesticide chemical residue which data shall be the basis for a determination by the Administrator as to whether the tolerance or exemption meets the requirements of such section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act.

(4) EXTENSIONS.—

(A) REQUEST.—Any person may request the Administrator to issue an order to extend a deadline established under paragraph (1), (2), or (3) before expiration of the deadline.

(B) GRANT OF REQUEST.—The Administrator may grant such a request only if the Administrator finds that extraordinary circumstances beyond the control of such person prevented such person from submitting the required data.

(C) EXTENSION.—If the Administrator issues an order extending a deadline—

(i) the Administrator may extend the deadline for a period no longer than such time as is necessary for such person to submit the data; and

(ii) the Administrator may extend the deadline in paragraph (1) for no more than 1 year and any deadline established under paragraph (2) or (3) so long as such extension does not extend the deadline beyond 6 years from the date of enactment of the Act.

(c) DEADLINES FOR ACTION.—

(1) 3-YEAR DEADLINE.—Within 3 years of the date of enactment of this Act, the Administrator shall issue a final decision for 75 percent of the tolerances and exemptions of the pesticide chemical residues identified in subsection (a)(1) by classifying such tolerances and exemptions as meeting or not meeting the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act. Such decisions shall be based only on data received by the Administrator before the deadline in subsection (b)(1) or before the expiration of an extension granted under subsection (b)(4), whichever is later.

(2) 4-YEAR DEADLINE.—Within 4 years of the date of enactment of the Act, the Administrator shall issue a final decision for 100 percent of the tolerances and exemptions of the pesticide chemical residues identified in subsection (a)(1) by classifying such tolerances and exemptions as meeting or not meeting the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act. Such decision shall be based only on data received by the Administrator before the deadline in subsection (b)(1) or before the expiration of an extension granted under subsection (b)(4), whichever is later.

(3) DEADLINE FOR SUBSEQUENTLY IDENTIFIED TOLERANCES AND EXEMPTIONS.—Within 4 years of the date of identification of a tolerance or exemption under subsection (a)(4) or 7 years from the date of enactment, whichever is sooner, the Administrator shall issue a final decision classifying such tolerance or exemption as meeting or not meeting the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act. Such decision shall be based only on data received by the Administrator before the deadline in subsection (b)(1) or before the expiration of an extension granted under subsection (b)(4), whichever is later.

(4) 7-YEAR DEADLINE.—Within 7 years of the date of the enactment of this Act, the Administrator shall determine if each tolerance or exemption in existence on the date of enactment of this Act and not identified in subsection (a) meets the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act. Such determination shall be based only on data received by the Administrator before the deadline in subsection (b)(2) or the deadline in a schedule established by the Administrator for the pesticide chemical residue under subsection (b)(3) or the expiration of an extension granted under subsection (b)(4), whichever is later.

(5) REVOCATION PROCEEDINGS.—If the Administrator determines under this subsection that any tolerance or exemption does not meet the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act, the Administrator shall promptly initiate revocation proceedings for such tolerance or exemption under section 408(d) of such Act.

(d) EXPIRATION OF A TOLERANCE OR EXEMPTION.—

(1) GENERAL RULE.—No later than six and one-half years but not before six years from the date of the enactment of this Act, the Administrator shall publish a list of tolerances and exemptions for pesticide chemical residues which shall expire 7 years after such date of enactment, unless the Administrator—

(A) has issued a decision finding that such pesticide chemical residue meets the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act, or

(B) has granted an extension under paragraph (2).

(2) EXTENSION.—Upon petition of any person, the Administrator may grant an extension beyond the 7-year period in section (d)(1), of not more than 1 year for the term of tolerance or exemption for a pesticide chemical residue if the Administrator finds that a person seeking to support such tolerance or exemption has met all applicable requirements for the submission of information or data required by subsection (b), the Administrator has not completed review of the data submitted pursuant to subsection (b), and the extension would not adversely affect public health. Any tolerance granted an extension under this paragraph shall expire when the extension expires, unless prior to expiration of the extension the Administrator makes the finding in subparagraph (A).

(3) LIST.—The Administrator shall include on the list established under paragraph (1) each tolerance and exemption which was identified under subsection (a)(1) or (a)(4) for which the Administrator has not issued a decision classifying it as meeting or not meeting the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act, and which the Administrator now determines do not appear to meet such requirements. The Administrator shall develop such list using the methodology specified in subsection (a)(2)(B) and is only required to consider data submitted on or before the expiration of the deadlines for data submission in subsection (b).

(4) OBJECTIONS.—Any person adversely affected by the Administrator's action under paragraph (1) may file objections to the action with the Administrator. The person filing the objection must file it within 30 days of the publication of the list specified in paragraph (1), and must demonstrate, using the methodology specified in subsection (a)(2)(B) and considered only data submitted on or before the expiration of the deadline for data submission in subsection (b), that the tolerance or exemption which was identified under subsection (a)(1) or (a)(4) should not be included on the list under paragraph (1). The Administrator shall act on such objections within 60 days of the receipt of the objections.

(e) TRANSITIONAL REVOCATION RULE.—

(1) GENERAL RULE.—If the Administrator determines under section 408 of the Federal Food, Drug, and Cosmetic Act that a tolerance for a pesticide chemical residue should be revoked or if a tolerance will expire within 1 year based on operation of subsection (d), the Administrator may, upon a petition from any person, extend the tolerance for a period not longer than 5 years after such determination if the Administrator finds—

(A) the risk to health presented by exposure to such residue is equal to or less than 10 times the risk allowed under section 408(b)(2) of such Act, and

(B)(i) that the health benefits to the person exposed to such residue are greater than the dietary risks to health presented to such person by such exposure, or

(ii) that such extension is necessary to avoid a significant disruptive in domestic food production.

The Administration may not extend a tolerance under this paragraph for a period which extends beyond 10 years after the date of enactment of this Act.

(2) MODIFICATION.—The Administrator may modify or revoke a tolerance or exemption extended under paragraph (1), if the Administrator determines that circumstances no longer justify the continuation of such tolerance or exemption as extended.

(3) DEFINITIONS.—For the purposes of this subsection, the term "health benefits"

means the benefits which occur when the application of a pesticide chemical residue to a food directly reduces the incidence of illness or disease but such term does not include benefits from an adequate, wholesome, or economical food supply.

(f) DEADLINE SUITS, JUDICIAL REVIEW.—

(1) DEADLINE SUITS.—Any person may commence a civil action on such person's own behalf against the Administrator in the United States District Court for the District of Columbia where there is alleged a failure of the Administrator to perform any of the non-discretionary acts required by subsections (c)(2), (c)(3), or (c)(4). The court shall have jurisdiction in actions brought under this paragraph to order the Administrator to perform such act. For suits involving subsections (c)(2) or (c)(3), if the court finds that the Administrator has failed to perform a non-discretionary act, the court shall have jurisdiction to order the Administrator to perform such act within a specified period of time, but that period may not exceed 8 years after the date of enactment of this Act. Suits involving subsections (c)(2) or (c)(3) must be brought within 6 years of the date of the enactment of this Act. No action may be commenced prior to 60 days after the plaintiff has given notice of such action to the Administrator.

(2) JUDICIAL REVIEW.—A petition for review of a final action of the Administrator under subsection (a)(3), (a)(4), (d)(2), (d)(3) or (e)(1) may be filed by any adversely affected person only in the United States Court of Appeals for the District of Columbia Circuit. Any such petition for review must be filed within 60 days of the issuance of the final action. Judicial review shall be in accordance with sections 701 through 706 of title 5 of the United States Code, and the challenged action shall be sustained unless it is found to be arbitrary, capricious, an abuse of discretion, or not in accordance with law. Any determinations made by the Administrator under subsections (b) or (c), shall be subject to judicial review only in a petition for review of a final action of the Administrator under section 408(d) of the Federal Food, Drug, and Cosmetic Act pursuant to section 408(j) of such Act. In reviewing a final action of the Administrator under subsection (a)(3), the court may not extend the deadline for data submission in subsection (b)(1). Actions of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement or other judicial proceedings.

(g) REPORT TO CONGRESS.—The Administrator shall annually submit a report to Congress that lists the tolerances which have been revoked pursuant to Tolerance Review. The report shall also provide an analysis of the impacts of tolerance revocation.

(h) CONSTRUCTION.—Any reference under this section to any provision of section 408 of the Federal Food, Drug, and Cosmetic Act is a reference to such provision as amended by this Act.

SEC. 8. FEES.

(a) GENERAL RULE.—The Administrator of the Environmental Protection Agency shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the functions of the Administrator under this Act. The fee requirement of this subsection shall not apply to any agency of the Federal Government.

(b) DEPOSIT, ETC.—Such fees shall be deposited in the Treasury and shall be credited to the appropriation account of the Administrator for salaries and expenses and shall be available for costs incurred in carrying out this section in accordance with appropriation Acts until expended without fiscal year limitation.

SEC. 9. GENERAL DEFINITIONS.

As used in sections 4 and 5 of this Act:

(1) IN GENERAL.—The terms that are also used in section 408 of the Federal Food, Drug, and Cosmetic Act shall have the meanings given the terms by sections 201 and 408 of such Act.

(2) DIETARY EXPOSURE.—The term "dietary exposure" means dietary exposure as determined under section 408(b)(2)(C) of the Federal Food, Drug, and Cosmetic Act.

(3) EXEMPTION.—The term "exemption" means an exemption from the requirement for a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

PESTICIDE REFORM ACT OF 1994 SECTION BY SECTION SUMMARY—FFDCA PROVISIONS

Section 1. Short Title, Reference, and Table of Contents.

Section 2. Definitions:

Definition of raw agricultural commodity dropped because all foods, raw and processed, will be governed under FFDCA section 408.

Section 3. Tolerances and Exemptions for Pesticide Chemical Residues:

Establishes a new §408.

Establishes expiration dates for all tolerances; new tolerances expire in 18 years. [§408(b)(1)(B)]

Authorizes EPA to establish a separate tolerance for a pesticide chemical residue at any point in the distribution chain. Separate tolerances for a pesticide chemical may be established at the farm and retail levels. [§408(b)(1)(C)]

Standard. Tolerances shall not be established unless the residue is "safe," defined as "a reasonable certainty that no harm will result from all anticipated consumer exposures" to the residue, including the exposure of children and sensitive subpopulations. [§408(b)(2)]

Carcinogenic pesticides must pose a "negligible risk" from all anticipated consumer exposures.

Tolerances for non-carcinogenic pesticides must provide an "ample margin of safety."

Factors. When establishing, modifying, or revoking tolerances, EPA must consider:

1) anticipated dietary exposure, consumption data, cumulative effects of chemically or pharmacologically related substances in the diet, estrogenic or other hormonal effects, and other appropriate safety factors. [§408(b)(2)(B)(iv)] In establishing dietary exposure, EPA is required to use tolerance levels as the level of residue expected in food. EPA must use the tolerance closest in the chain of food distribution to the retail level. Where adequate data are available, EPA must use per cent of crop tested information in estimating dietary exposure.

2) the specific risks to infants and children, and apply an additional margin of safety. EPA also must publish a specific determination regarding its evaluation of these risks.

Surveys. Requires HHS and USDA to conduct surveys to document dietary exposure of infants and children to pesticide residues. [§408(b)(2)(C)]

Unavoidable persistence. Requires EPA to establish and review every 5 years tolerances for pesticides that have had tolerances revoked, but which unavoidably persist in the environment. [§408(b)(2)(D)]

Practical Methods of Analysis. As a prerequisite for a tolerance, requires that a practical method for detecting and measuring the residue in food be available. Statute establishes a preference for multi-residue analysis analytical methods. Requires registrants to provide EPA with reference standards for each pesticide chemical. [§408(b)(2)(E)]

Risk assessment procedures. Requires EPA to periodically review and revise risk assessment procedures to incorporate advances in science and risk assessment.

Exemptions from a tolerance. Authorizes EPA to establish an exemption from a tolerance for any pesticide chemical that presents no risk to human health at any level that is reasonably likely to occur. [§408(c)]

Petitions to establish a tolerance. Sets forth the requirements for petitions to establish a tolerance or exemption, e.g., summary of the petition, summary of reports of safety tests and investigations, description of analytical methods to detect and measure the residue in foods, etc. Sets deadlines for EPA action on petitions and issuance of final regulations. Drops the objection and hearing procedures in current law. Requires EPA to give priority to petitions for "lower risk" pesticides. [§408(d)]

Allows EPA to act on its own initiative to establish, modify, or revoke a tolerance.

Pipeline provision. Allows EPA to delay the effective date of a regulation to revoke or modify a tolerance, in order to allow foods having residues at the previous tolerance to work their way through commerce, provided that the dietary exposure is safe during the period of delay. [§408(d) (5)]

Emergency exemptions. Requires EPA to establish a tolerance whenever EPA authorizes an emergency use of a pesticide under Section 18 of FIFRA. Requires EPA to issue regulations setting forth this procedure. [§408(d)(7)]

Confidentiality. Prohibits EPA from releasing any trade secrets, and commercial or other privileged information contained in a petition, except to Congress and other government agencies, and under certain other circumstances. Requires public disclosure of data concerning the effects of the pesticide on human health. [§408(f)]

Grandfather provision. Deems regulations issued prior to the date of enactment that affect pesticides under §§406, 409, and 701(e), or pesticides that are generally recognized as safe, to be tolerances. [§408(g)]

Monitoring. requires HHS to conduct a comprehensive surveillance and compliance enforcement monitoring program for pesticide residues in food. [§408(h)]

Fees. Authorizes EPA to collect fees to cover the costs of administering section 408. [§408(i)]

Judicial Review. Sets forth procedures to request judicial review of any regulation by the U.S. Court of Appeals for the District of Columbia Circuit.

Section 4. Embargo Authority.

Authorizes FDA to embargo foods that contain illegal pesticide residues.

Section 5. Civil money penalties.

Authorizes FDA to assess civil money penalties for violations related to illegal pesticide residues.

Section 6. Recall authority.

Authorizes FDA to require the recall of foods containing illegal pesticide residues.

Section 7. Evaluation of existing pesticide chemical residue tolerances and exemptions:

Requires EPA to identify within 180 days of enactment tolerances or exemptions for pesticides that do not appear to meet the safety standard contained in §§408(b)(2) or 408(c)(2). Sets a deadline of 2 years to submit data in support of a tolerance. Authorizes EPA to establish schedules or to extend a deadline for data submission for other pesticides. [Section 7(a–b)]

Sets deadlines for EPA to complete its determinations as to whether tolerances for pesticide residues meet the new safety standard. Within 4 years, EPA must issue a determination for 100% of tolerances that appear to not meet the standard. If a deadline is missed, anyone may sue to place EPA on a schedule; schedule cannot exceed 7 or 8 years. [Section 7(c)]

Tolerance Expiration:

Tolerances or exemptions would under certain circumstances expire 7 years after enactment unless EPA has found that the pesticide meets the safety standard or has granted an extension. Six and one-half years after enactment, EPA must publish a list of the tolerances and exemptions that will expire after 7 years after enactment. EPA may grant an extension of one year, if the registrant has submitted all required data, and the extension would not adversely affect public health. [Section 7(d)]

Transitional revocation rule. Allows EPA to extend an existing tolerance (that does not meet the standard) for a maximum of 10 years after enactment, provided that (1) the risk to health is less than 10 times the risk allowed by §408(b)(2), and (2) the health benefits are greater than the dietary risks, or (3) the extension is needed to prevent a disruption in domestic food production.

Deadline suits/Judicial review. Allows EPA to be sued for failure to meet its deadlines. Allows judicial review of final EPA actions in the U.S. Court of Appeals for the District of Columbia.

Report to Congress. Requires EPA to report to Congress the tolerances which have been revoked pursuant to the tolerance review, and an analysis of the impact of the revocation.

Section 8. Fees.

Authorizes EPA to collect fees to carry out its responsibilities under the FFDCA.

Section 9. General Definitions.

By Mr. THURMOND:

S.J. Res. 184. A joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week"; to the Committee on the Judiciary.

IRON OVERLOAD DISEASES AWARENESS WEEK

Mr. THURMOND. Mr. President, I am pleased to introduce today a joint resolution designating the week of September 18–24, 1994 as "Iron Overload Diseases Awareness Week."

Hemochromatosis is an inherited disorder which causes individuals to absorb too much iron from their diet. Because the body has no way to eliminate iron except by bleeding, over time the accumulated iron assaults body tissue and major organs. Hemochromatosis is often overlooked by doctors because its symptoms—fatigue, weakness, abdominal pain, aching joints—are often attributed to other diseases. More than 1.5 million Americans are affected by this disease, which can cause a variety of problems, including diabetes, cancer, arthritis, cirrhosis of the liver and heart disease.

There is a treatment for this disease, but early diagnosis cannot be made unless there is proper screening. The four necessary tests are: serum iron, TIBC (total iron binding capacity), percent saturation and serum ferritin. Only these tests will give an accurate picture of a patient's iron status.

Mr. President, I urge my colleagues to join me in supporting this joint resolution which brings attention to this common but underdiagnosed condition. I ask unanimous consent that the text of this joint resolution be printed at the end of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 184

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas 1 United States resident in 200 is estimated to carry double genes that cause accumulation of excessive iron stores, resulting in diseases of the heart, liver, sex glands, pancreas, and the joints, with ultimate fatality if untreated;

Whereas our Nation's carrier rate of the single hemochromatosis gene is estimated to be 26 in 200; and

Whereas many doctors and their patients are not aware of this incidence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 18, 1994, through September 24, 1994, is designated as "Iron Overload Diseases Awareness Week," and citizens of the United States are urged to participate in protecting their health by informing themselves of this common but underdiagnosed condition.

By Mr. PELL (for himself, Mr. AKAKA, Mr. BIDEN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. D'AMATO, Mr. FORD, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. MACK, Mr. MATHEWS, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. PAYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SHELBY, and Mr. WELLSTONE):

S.J. Res. 185. A joint resolution to designate October 1994, as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. PELL. Mr. President, I rise today to introduce a joint resolution designating October 1994, as National Breast Cancer Awareness Month. I am very pleased that 25 of our colleagues have joined as original cosponsors of this very important resolution.

This is the fifth year I have introduced this measure and it is my hope that the Senate will move swiftly to pass it. I believe that this resolution has heightened awareness and enhanced education programs to combat this life-threatening disease.

The statistics are all too familiar. Breast cancer is the second leading cause of cancer death among women. In 1994, breast cancer will strike an estimated 182,000 women and 1,000 men, and kill 46,000 women and 300 men. Currently, in my State alone, the Rhode Island Breast Cancer Coalition reports that there are approximately 15,000 women with breast cancer.

These figures are alarming. But numbers don't tell the stories of the families who face this battle, which takes a major emotional, physical, and economic toll on all those involved. The numbers don't tell the stories of the women who have lost the battle, leaving husbands, children, siblings, parents, and friends behind; nor do they tell the stories of those who struggled against the disease—and survived.

And, Mr. President, there are many survivors. As our resolution states, early detection—through self-examination, clinical examination by a qualified health care provider, and screening mammography—can significantly reduce breast cancer mortality. According to the American Cancer Society, early detection procedures have increased the 5-year survival rate for localized breast cancer from 78 percent in the 1940's to 93 percent today.

Although the scientific community has discovered more about the diagnosis and treatment of breast cancer in recent years, there is still much work to do in getting the message out to women. Many women still do not know how to self-examine, and many who would benefit from a screening mammogram do not seek one because of fear, cost, or lack of access to information.

Health care organizations, providers, and advocates are working to educate people about breast cancer and to explain that while breast cancer can kill, it can also be conquered.

Mr. President, Congress can help send this message of hope by once again establishing the month of October as "National Breast Cancer Awareness Month."

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1329

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S.

1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1350

At the request of Mr. INOUYE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1485

At the request of Mr. DECONCINI, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1485, a bill to extend certain satellite carrier compulsory licenses, and for other purposes.

S. 1690

At the request of Mr. PRYOR, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1805

At the request of Mr. WARNER, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1884

At the request of Mr. SIMPSON, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1884, a bill to amend the Immigration and Nationality Act to reform asylum procedures, to strengthen criminal penalties for the smuggling of aliens, and to reform other procedures to control illegal immigration to the United States.

S. 2006

At the request of Mr. DOLE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 2006, a bill to require Federal agencies to prepare private property taking impact analyses, and for other purposes.

S. 2051

At the request of Mr. WARNER, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 2051, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month".

SENATE JOINT RESOLUTION 167

At the request of Mr. SIMON, the names of the Senator from Utah [Mr. HATCH], the Senator from Hawaii [Mr. AKAKA], the Senator from Arizona [Mr. DECONCINI], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from New York [Mr. D'AMATO], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alabama [Mr. HEFLIN], the Senator from North Dakota [Mr. DORGAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Colorado [Mr. CAMPBELL], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. LEVIN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 167, a joint resolution to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. SIMON, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Michigan [Mr. RIEGLE], the Senator from Georgia [Mr. COVERDELL], the Senator from Florida [Mr. MACK], the Senator from Texas [Mr. GRAMM], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 181, a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

SENATE JOINT RESOLUTION 183

At the request of Mr. ROTH, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 183, a joint resolution designating the week beginning May 1, 1994 as "Arson Awareness Week."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. GRAMM, the names of the Senator from Virginia [Mr. ROBB], the Senator from Arizona [Mr. DECONCINI], the Senator from Hawaii [Mr. AKAKA], the Senator from Indiana [Mr. LUGAR], the Senator from Oregon [Mr. PACKWOOD], the Senator from Maryland [Mr. SARBANES], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Tennessee [Mr. SASSER], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Florida [Mr. GRAHAM], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

AMENDMENTS SUBMITTED

CONGRESSIONAL GIFTS REFORM ACT

BOREN (AND OTHERS) AMENDMENT NO. 1675

Mr. BOREN (for himself, Mr. MCCAIN, Mr. LAUTENBERG, and Mr. FEINGOLD) proposed an amendment to the bill (S. 1935) to prohibit lobbyists and their clients from providing to legislative branch officials certain gifts, meals, entertainment, reimbursements, or loans and to place limits on and require disclosure by lobbyists of certain expenditures; as follows:

At the appropriate place, insert the following:

SEC. . POST-EMPLOYMENT REFORM ACT OF 1994.

(a) SHORT TITLE.—This section may be cited as the "Post-Employment Reform Act of 1994".

(b) FORMER AGENCY BAN.—

(1) EXECUTIVE BRANCH.—Section 207(c)(1) of title 18, United States Code, is amended by striking "within 1 year after" and inserting "within 2 years after".

(2) CONGRESS. Section 207(e) of title 18, United States Code, is amended in paragraphs (1)(A), (2)(A), (3), (4)(A), and (5)(A), by striking "within 1 year after" and inserting "within 2 years after".

(3) CONFORMING AMENDMENT RELATING TO PAY LEVELS.—(A) Section 207(c)(2)(ii) of title 18, United States Code, is amended by striking "the rate of basic pay payable for level V of the Executive Schedule" and inserting "120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule".

(B) Section 207(e)(6) of title 18, United States Code, is amended—

(i) in subparagraph (A) by striking "which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed" and inserting "which is 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule"; and

(ii) in subparagraph (B) by striking "payable for level V of the Executive Schedule" and inserting "which is 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule".

(c) FOREIGN ENTITIES BAN.—Section 207(f) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "within 1 year" and inserting "within 2 years";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2) and inserting in such paragraph be-

fore the period the following: ", or a corporation, partnership, or other nongovernment entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States".

(d) RESTRICTIONS ON VERY SENIOR PERSONNEL.—Section 207(d)(1) of title 18, United States Code, is amended by striking "within 1 year" and inserting "within 2 years".

(e) TRADE AND TREATY NEGOTIATION BAN.—Section 207(b)(1) of title 18, United States Code, is amended by striking "for a period of 1 year" and inserting "for a period of 10 years".

(f) EFFECTIVE DATE.—This section shall be effective after January 1, 1995.

BROWN AMENDMENT NO. 1676

Mr. BROWN proposed an amendment to the bill S. 1935, supra; as follows:

At the end of the bill, add the following:

SEC. . PROHIBITION ON CONTRIBUTIONS TO LEGAL DEFENSE FUNDS.

The prohibition relating to contributions to the legal defense of a Member, officer, or employee of the Senate set forth in paragraph 1(c)(2)(D) of rule XXXV as amended by this Act shall apply to officers and employees of the executive branch.

HELMS AMENDMENT NO. 1677

Mr. HELMS proposed an amendment to the bill S. 1935, supra; as follows:

At the appropriate place insert the following:

"SEC. . Notwithstanding any other provision of law, Senators shall, from their personal funds, reimburse the U.S. Treasury fifty cents for each and every use of an elevator designated for the sole use of Senators in the Capitol building or Senate office buildings."

BUMPERS AMENDMENT NO. 1678

Mr. BUMPERS proposed an amendment to the bill S. 1935, supra; as follows:

Strike line 8 on page 35 through line 9 on page 49 of the Committee substitute, and insert in lieu thereof the following:

"any gift provided directly or indirectly by any person.

"(b) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(c)(1) The following items are gifts subject to the restrictions in subparagraph (a)—

"(A) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(B) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(2) The following items are subject to the restrictions in subparagraph (a)(1)—

"(A) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(B) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(C) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee; and

"(D) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) The following items are not gifts subject to the restrictions in subparagraph (a):

"(1) Any item for which the Member, officer, or employee pays the market value.

"(2) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(3) Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(a), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(4) Items which are not used and which are promptly returned to the donor.

"(5) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(6) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(7) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(8) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(e) The restrictions in clauses (2) and (3) of subparagraph (a) shall not apply to the following:

"(1) Meals, lodging, and other benefits—

"(A) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee; or

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(2) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(3) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(4) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(5) Meals and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(6) Food and attendance provided at an event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(7) Training provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(8) Bequests, inheritances, and other transfers at death.

"(9) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(10) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(11) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(12) Free attendance at an event permitted pursuant to paragraph 2(b).

"(13) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"2. (a)(1) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(B) Whether the item was purchased by the individual who gave the item.

"(C) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(2) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

"(A) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return; or

"(B) reimbursement from—

"(i) a lobbyist or foreign agent required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; or

"(ii) a client of a lobbyist or foreign agent described in division (i).

"(b)(1) Except as prohibited by paragraph 1(a)(1) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to his or her official position; or

"(B) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) of this subparagraph may accept—

"(A) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the Senate; and

"(B) transportation and lodging in connection with the event if authorized in accordance with paragraph 3.

"(3) Except as prohibited by paragraph 1(a)(1), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event in which the Member, officer, or employee is a participant. Reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee or the provision of food, refreshment, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event or meals taken other than in a group setting with all or substantially all other attendees.

"(c) For the purpose of this rule—

"(1) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(2) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"3. (a)(1) Except as prohibited by paragraph 1(a)(1), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by paragraph 1, if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Secretary of the Senate as soon as practicable after the travel is completed.

"(2) Events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the appropriate Member or committee chairman and shall include—

"(1) the name of the Member, officer, or employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(c) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member or committee chairman and shall include—

"(1) total transportation expenses reimbursed or to be reimbursed;

"(2) total lodging expenses reimbursed or to be reimbursed;

"(3) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (1) and (2)); and

"(4) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period that may not exceed 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Ethics Committee;

"(2) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(e) The Secretary of the Senate shall—

"(1) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are filed; and

"(2) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"4. (a) Notwithstanding any other provision of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the Senate and the United States.

"(b) Any Member who accepts an invitation to participate in any such program shall notify the Secretary of the Senate in writing of his acceptance. A Member shall also notify the Secretary in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. The Secretary shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

"5. The Committee on Rules and Administration is authorized to adjust the $20 gift limit established in paragraph 1 on a periodic basis, to the extent necessary to adjust for inflation.".

SEC. 3. AMENDMENT TO THE HOUSE RULES.

Clause 4 of Rule XLIII of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives, or the spouse or dependent thereof, shall knowingly accept—

"any gift provided directly or indirectly by any person."

MURKOWSKI AMENDMENT NO. 1679

Mr. MURKOWSKI proposed an amendment to the bill S. 1935, supra; as follows:

On page 36, after line 24, add the following:

"(E) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is made by a lobbyist, foreign agent, or Political Action Committee to a Member.

On page 37, line 7, before the period insert "except as provided in subparagraph (c)(2)(E)".

On page 50, between lines 16 and 17, add the following:

"(v) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is made by a lobbyist, foreign agent, or Political Action Committee to a Member.

On page 50, line 23, before the period insert "except as provided in subparagraph (3)(B)(v)".

BURNS AMENDMENT NO. 1680

Mr. BURNS proposed an amendment to amendment No. 1679 proposed by Mr. MURKOWSKI to the bill S. 1935, supra; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of law the pay of Members of Congress shall be reduced by 15% effective immediately.

MURKOWSKI AMENDMENT NO. 1681

Mr. MURKOWSKI proposed an amendment to the bill S. 1935, supra; as follows:

On page 43, line 22, strike "not".

On page 57, line 11, strike "not".

EXON (AND OTHERS) AMENDMENT NO. 1682

Mr. EXON (for himself, Mr. DECONCINI, Mr. KERRY, Mrs. BOXER, Mr. LAUTENBERG, Mr. DASCHLE, Mr. REID, Mr. WELLSTONE, and Mr. BRADLEY) proposed an amendment to the bill S. 1935, supra; as follows:

At the appropriate place add the following:

It is the sense of the Senate that any Member who voted May 5, 1994, to amend S. 1935 to reduce the pay of Members of the Senate by 15 percent should return to the U.S. Treasury the full amount of any pay that would not have been received had the amendment been enacted into law and that such Members should provide evidence to the public on an annual basis that they have done so.

LEVIN AMENDMENT NO. 1683

Mr. LEVIN proposed an amendment to the bill S. 1935, supra; as follows:

On page 36, line 13, after "client" insert "or firm".

On page 36, line 21, strike "and" and insert "or".

On page 37, line 6, insert "Election" before "Campaign".

"(A) seeks to deduct the value of such item as a business expense on the individual's income tax return; or

"(B) accepts direct or indirect reimbursement or compensation for the item from a client or a firm of which the individual is a member or employee.

"(3) For purposes of clause (2), indirect reimbursement or compensation for an item includes an expenditure from an expense account and a fee charged by a lobbyist for the purpose of compensating the lobbyist for the cost of the item.

On page 42, line 21, after "similar event" insert "provided by the sponsor of the event,".

On page 44, line 4, strike "to the event" insert "to the event,".

On page 44, between lines 16 and 17, insert the following:

"(d) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity, shared within the recipient's office, or destroyed.".

On page 37, lines 19 and 20, strike "business or employment" and insert "business, employment, or other outside".

On page 37, line 21, strike "have not been offered" and all that follows through the end of the sentence and insert "are customarily provided to others in similar circumstances."

On page 38, line 18, insert "and are customarily provided to others in similar circumstances" before the semicolon.

On page 41, between lines 15 and 16, insert the following:

"(14) A plaque, trophy, or other memento of modest value.

"(15) An item for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

On page 42, line 6, beginning with "family member or friend" strike all through line 16, and insert the following: "individual providing the item—

On page 45, lines 10 and 11, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 45, lines 24 and 25, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 46, lines 7 and 8, strike "clauses (1) and (2)" and insert "paragraphs 1 and 2".

On page 47, lines 19 and 20, strike "government organization" and insert "government or organization".

On page 48, line 8, before "with participation" insert a period and "No Member, officer, or employee may accept funds in connection".

On page 48, line 18, strike "Rule XLIII of" and insert "rule XLIII of the Rules of".

On page 50, line 5, after "client" insert "or firm".

On page 50, line 13, strike "and" and insert "or".

On page 50, line 22, insert "Election" before "Campaign".

On page 51, lines 10 and 11, strike "business or employment" and insert "business, employment, or other outside".

On page 51, line 12, strike "have not been offered" and all that follows to line 14, and insert "are customarily provided others in similar circumstances".

On page 52, line 7, insert "and are customarily provided to others in similar circumstances" before the semicolon.

On page 53, lines 4 and 5, strike "Committee on Rules and Administration" and insert "Committee on Standards of Official Conduct".

On page 55, between lines 4 and 5 insert the following:

"(M) A plaque, trophy, or other memento of modest value.

"(N) An item for which, in an unusual case, a waiver is granted by the Committee on Standards of Official Conduct.

On page 55, line 19, beginning with "family member or friend" strike all through page 56, line 4, and insert the following: "individual providing the item—

"(i) seeks to deduct the value of such item as a business expense on the individual's income tax return; or

"(ii) accepts direct or indirect reimbursement or compensation for the item from a client or a firm of which the individual is a member or employee.

"(C) For purposes of clause (B), indirect reimbursement or compensation for an item includes an expenditure from an expense account and a fee charged by a lobbyist for the purpose of compensating the lobbyist for the cost of the item.

On page 56, line 9, after "similar event," insert "provided by the sponsor of the event".

On page 57, line 18, strike "to the event" and insert "to the event,".

On page 58, between lines 6 and 7, insert the following new subparagraph:

"(4) When it is not practical to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity, shared within the recipient's office, or destroyed.

On page 59, lines 2 and 3, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 59, lines 16 and 17, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 59, line 25, strike "(A) and (B)" and insert "(a) and (b)".

On page 60, lines 10 and 11, strike "Ethics Committee" and insert "Committee on Standards of Official Conduct".

On page 62, line 8, strike "Committee on House Administration" and insert "Committee on Standards of Official Conduct".

On page 36, strike lines 1–8 and insert the following:

"(c)(1) The restrictions in subparagraph (a) shall apply to any financial contribution or expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees."

On page 36, line 20, strike "employee; and" and insert "employee (not including a mass mailing or other solicitation directed to a broad category of the general public);".

On page 36, line 24, strike "employee." and insert the following: "employee; and

"(E) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or a foreign agent in lieu of an honorarium."

On page 49, strike lines 17–24 and insert the following:

"(c)(1) The restrictions in subparagraph (a) shall apply to any financial contribution or expenditure relating to conference, retreat, or similar event for or on behalf of Members, officers, or employees."

On page 50, line 12, strike "employee; and" and insert "employee (not including a mass mailing or other solicitation directed to a broad category of the general public);".

On page 50, line 16, strike "employee." and insert the following: "employee; and

"(E) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or a foreign agent in lieu of an honorarium."

On page 37, line 13, strike the period and insert the following:

"(subject to prior approval by the Ethics Committee in the case of a gift to the Member, officer, or employee in excess of $250 that is provided on the basis of personal friendship and disclosure under the Ethics in Government Act of a gift to a spouse or a Member in excess of $250 that is provided on the basis of personal friendship).

On page 51, line 4, strike the period and insert the following:

"(subject to prior approval by the Committee on Standards of Official Conduct in the case of a gift to a Member, officer, or employee in excess of $250 that is provided on the basis of personal friendship and disclosure under the Ethics in Government Act of a gift to a spouse of a Member in excess of $250 that is provided on the basis of personal friendship).

On page 63, strike line 11 and insert the following:

SEC. 5. REPEAL OF OBSOLETE PROVISIONS.

Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is repealed.

SEC. 6. PROHIBITION ON LOBBYISTS.

No person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute shall provide a gift to any Member, officer, or employee of the Senate or the House of Representatives, or a spouse or dependent of the Member, officer, or employee, if the lobbyist or foreign agent knows that the acceptance of the gift by the Member, officer, employee, spouse, or dependent would violate Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives.

SEC. 7. EXERCISE OF CONGRESSIONAL RULEMAKING POWER.

Except for sections 4, 5, and 6, this Act is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and accordingly, they shall be considered as part of the rules of each House, respectively, or of the House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (insofar as they relate to that House) at any time and in the same manner and to the same extent as in the case of any other rule of that House.

"SEC. 8. The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section."

SEC. 9. No provision of this bill shall be interpreted to limit a contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee by any person other than a lobbyist or a foreign agent.

SEC. 10. The rules on acceptance of meals and entertainment provided to a Member or an employee of a Member in the Member's home State prior to the adoption of reasonable limitations by the appropriate Committee shall be the rules in effect on the day before the effective date of this bill.

SEC. 11. EFFECTIVE DATE.

FAIR HOUSING RIGHTS AMENDMENTS ACT OF 1994

SPECTER AMENDMENT NO. 1684

Mr. COHEN (for Mr. SPECTER) proposed an amendment to the bill (S. 668) to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the act, and for other purposes; as follows:

On page 3, strike lines 10 through 12 and insert the following:

"(3) any citizen or lawful resident because the citizen or lawful resident is, or has been, or in order to discourage the citizen or lawful resident or any other citizen or lawful resident from lawfully aiding or encouraging

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. JOHNSTON. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the administration's crop insurance proposal. The hearing will be held on Wednesday, May 11, 1994, at 10 a.m. in SR–332. Administration witnesses will testify.

For further information, please contact Mike Knipe at 224–5207.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the science concerning global climate change. The hearing will take place on Tuesday, May 24, 1994 at 9:30 a.m., in Room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Leslie Black Cordes.

For further information, please contact Leslie Black Cordes of the committee staff at (202) 224–9607.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m., on Thursday, May 5, 1994, in open and closed session, to consider the nomination of Jeffrey K. Harris to be Assistant Secretary of the Air Force for Space.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, May 5, 1994 at 10:00 a.m., to hear testimony on the subject of end-of-life issues in health care reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, May 5, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Education, Art and the Humanities be authorized to meet for a hearing on ESEA reauthorization, during the session of the Senate on May 5, 1994, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, May 5, 1994, at 9:30 a.m., to hold a hearing to receive testimony on provisions in S. 1824, the "Legislative Reorganization Act of 1994," for authorizing appropriations for certain congressional support agencies and for abolishing the joint committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on financing of VA health care reform. The hearing will be held on May 5, 1994, at 2:00 p.m. in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services be authorized to meet on Thursday, May 5, 1994, at 4:00 p.m., in open session, to receive testimony on Department of Defense Tactical Aviation Modernization Programs in review of the Defense Authorization request for fiscal year 1995 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 5, beginning at 10 a.m. to conduct a hearing on HUD management issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 2:00 p.m. on Thursday, May 5, 1994, in open session, to receive testimony on Long-Range Bomber Programs and requirements in review of the defense authorization request for fiscal year 1995 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:00 p.m., May 5, 1994 to receive testimony on S. 471, to establish a new area study process for proposed additions to the National Parks System, and for other purposes; and S. 528, to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, MT, to Lincoln County in the State of Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE LEWIS AND CLARK RURAL WATER SYSTEM

• Mr. DURENBERGER. Mr. President, Minnesota is known as the Land of 10,000 Lakes. Water is one of the defining characteristics of life in Minnesota. Few, if any, States place such a high value or depend so much on the quality of their water.

It is for this reason that today I join my colleague, Senator PRESSLER, in introducing a bill to establish the Lewis and Clark Rural Water System, an innovative project to provide a reliable supply of safe drinking water to communities in southwestern Minnesota, northwestern Iowa, and northeastern South Dakota. The introduction of this bill is particularly timely as we in the Senate work to resolve our differences in order to reauthorize legislation critical to the safety of our Nation's drinking water, the Safe Drinking Water Act.

Right now, the only available water in these areas is contaminated beyond the primary and secondary standards for drinking water. Fertilizers, pesticides, chemical and fuel spills seep into the ground water causing higher levels of nitrates. In addition, shallow aquifers often contain sulphates. And oftentimes, water restrictions must be enforced, because the water supply is low.

Studies show that the current law favors large systems, where the cost of treating the water supply is distributed among a large population. This can reduce the cost to just a few dollars per household per month. The Lewis and Clark Rural Water System will bring together 22 small rural water systems and communities, serving 180,050 individuals with drinking water. By unifying the drinking water system serving this area, we can cost effectively provide the clean and safe drinking water that the farms and communities of this region deserve.

Support for this project has been widespread, with State and local commitment from all three participating States. It is now up to us to provide the finishing touch of Federal authorization. I am proud to be a part of this project, and urge my colleagues to join Senator PRESSLER and me in cosponsoring this worthwhile legislation.•

TRIBUTE TO FREDERICK S. "RICK" SPENCER

• Mr. PRYOR. Mr. President, I rise today to recognize Mr. Frederick S. "Rick" Spencer of Mountain Home, on the occasion of his retirement from the board of directors of the National Organization of Social Security Claimants' Representatives [NOSSCR].

Since receiving his Juris Doctorate from the University of Arkansas School of Law in 1974, Mr. Spencer has enjoyed an outstanding career as a solo practitioner in Mountain Home. "Rick" Spencer's areas of emphasis include personal injury, worker's compensation, and social security disability claims. Among many other achievements, he is the founder of the Arkansas Injured Worker's Association and a 1989 winner of the Arkansas Trial Lawyer's Association's President's Award.

In 1991, due to his extensive accomplishments in assisting clients who were experiencing problems in securing their benefits through Social Security, Mr. Spender was chosen as president of the National Organization of Social Security Claimants' Representatives. He has served on this organization's board of directors since 1992.

On May 18, during NOSSCR's 13th national seminar for presentation of Social Security law, Mr. Spencer, along with NOSSCR's 11 other past presidents, will be retired from the board of directors. I know this will be an especially proud day for "Rick" Spencer, his wife, Coralee, and their daughter, Sarah.

Mr. President, though he may be retired from NOSSCR, it is good to know that Mr. Spencer will be continuing his fine legal work in Arkansas. It is indeed my pleasure to recognize an Arkansan who contributes so much to his profession, church, and community. I know my colleagues join me in congratulating Frederick S. "Rick" Spencer, and wishing him every success for the future.•

COURT SECRECY AND THE PUBLIC'S RIGHT TO KNOW

• Mr. SIMON. Mr. President, late summer Senator KOHL introduced a bill to address the problems of protective orders and secrecy agreements in Federal litigation. Today, I would like to add my name as a cosponsor of S. 1404, the Sunshine in Litigation Act of 1993.

This bill addresses a simple yet serious and frequent problem that affects much Federal litigation, especially products liability cases: Federal district courts routinely enter protective orders or approve settlements that prevent the publication of information that is relevant—and indeed often crucial—to the public health and safety. A brief example will suffice: In 1995. Dow Corning entered into a $1,000,000 settlement with a plaintiff in a case involving the Dow Corning breast implants. Although the plaintiff's attorney uncovered evidence revealing that Dow had known of the health risks associated with the implants as early as the 1970's, this evidence did not come to light because of a protective order entered as part of the settlement. Thus, it was not until 1992 that the public, through an FDA investigation that independently uncovered the damaging evidence, discovered the potentially damaging effects of the implants.

Courts enter protective orders or approve secrecy agreements in settlements because all too often they regard litigation as nothing more than a private dispute mechanism. Similarly, injured plaintiffs often are not in the position to protect the public's right to know because as victims of injuries, they are seeking compensation and are often willing to execute secrecy agreements as a condition of settlement.

We must remember, however, that in many product liability cases, there is a third party with interests that need to be protected: the public. The public's right to know should—with rare exceptions—inform our litigation system as much as the interests of private parties. Information that will help avoid numerous injuries and much hardship should not be sacrificed at the alter of a single lawsuit's resolution.

Senator KOHL'S bill protects against this result, allowing a court to enter a protective order only after it has certified that such an order will not restrict the disclosure of information relevant to public safety, and prohibiting secrecy agreements as part of settlements.

Doubtless, some fine tuning of this bill remains to be done. Because nearly any information can be said to be "relevant to the protection of public health or safety," it is quite possible that some redrafting might be necessary to address problems of overbreadth. These minor problems, however, should not overshadow the fact that S. 1404 addresses a fundamental problem, and will have a salutary effect on the way lawsuits proceed through our Federal courts.

By introducing this bill, Senator KOHL seeks to ensure that the entire range of interests affected by Federal litigation are considered before the public is deprived of its right to discover information affecting the general welfare. I am happy to join him in this effort.•

S. 1963—INTERSTATE BANKING

• Mr. KERREY. Mr. President, I support S. 1963 as an effort to improve the efficiency and stability of our banking system. It is vital, however, as we seek to accomplish that goal, that we also ensure that State regulatory interests and responsibilities are protected and maintained.

Obviously, the benefits of interstate branching—allowing banks to follow their customers; promoting greater efficiency in the banking system; permitting American banks to become stronger global competitors and permitting banks to diversify their asset portfolios—are important to both the banking community and to consumers.

But it is equally important to consumers and our dual banking system that State regulatory interests and responsibilities are protected. State-chartered banks have served their local communities well. States have sought to protect consumers through their regulatory processes and it is vital that these processes be safeguarded.

Toward that end, I support the House version. This bill makes no distinction between national banks and State-chartered banks in interstate branching. This would ensure that interstate branches would be subject to State law. With the best interests of Nebraska in mind, I will urge the conferees to accede to the House version.

It is also important that the period for States to consider interstate branching be extended to allow States sufficient time to fully examine the impact and determine if they should opt out or implement the legislation. States need time to address necessary changes in the areas of taxation, consumer protection and bank regulation. I support the Senate's action to give States until June 1, 1997 to consider interstate branching.

Mr. President, I hope that in conference, these changes will be adopted and included in the final version of the bill to make S. 1963 a better package to reform interstate banking.•

THE CALIFORNIA DESERT BILL AND THE BRIGGS MINE

• Mrs. FEINSTEIN. Mr. President, on April 13 the Senate passed S. 21, the

California Desert Protection Act. I would like to take this opportunity to explain section 106 of the bill.

In 1991, when the House Committee on Interior and Insular Affairs marked up H.R. 2929, a forerunner of S. 21, certain wilderness areas in the southern Panamint Range that would have been designated by the bill were eliminated—Middle Park Canyon Wilderness—or reduced in size—Manly Peak, Surprise Canyon, and Slate Range Wilderness Areas—in order to allow mineral exploration and development on the affected lands. I agreed with this amendment, and I excluded the same lands from wilderness designation in S. 21 when I introduced the California Desert Protection Act in January 1993. I am pleased the Senate Energy and Natural Resources Committee concurred with this decision and these areas are not designated as wilderness in the bill reported by the committee and passed by the Senate.

The principal beneficiary of this reduction in wilderness designation is a proposed gold mine—the Briggs Mine—that is now in the final stages of permitting. The mine site is located in a cherry-stemmed intrusion in the excluded lands. As the excluded lands are now BLM wilderness study areas in which all mineral activities are prohibited, the mine is confined to the cherry-stemmed area. S. 21 removes the excluded lands from wilderness study area status and thereby will allow the Briggs Mine operators to mine the Briggs deposit more efficiently and to explore and possibly develop their larger claim block on the excluded lands. Other companies may also become active in exploring these excluded lands.

In approving the California Desert bill in 1991, the House Committee recognized, however, that if these excluded lands are not developed for their minerals, a future Congress may want to consider again whether they should be designated as wilderness. To that end, the committee included a provision to require the Secretary of Interior to report to Congress in 10 years on the status of mineral exploration and development or mining activities in these areas and on their suitability for future designation as wilderness. I agreed with this provision and included it in S. 21 as section 106.

The reporting requirement of section 106 does not bind the Secretary or a future Congress to make any particular decision as to the subsequent management of the excluded lands after the submission of the report. However, section 106 clearly contemplates that the Secretary will manage the excluded lands prior to the reporting date so as to facilitate mineral exploration and development. The provision must not be read to require the Secretary to protect the wilderness characteristics on those lands during the 10-year period as that would defeat the purpose of the provision. Moreover, section 104 releases these excluded lands from the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas so that the management restrictions applicable to wilderness study areas no longer apply. It would be completely inconsistent with my intent if these lands were to be managed as if they were still wilderness study areas between now and the submission of the report to Congress in 10 years.

Since section 106 was not discussed during the Senate debate on S. 21, I have discussed it here to place on record the purpose and effect of the provision.•

TRIBUTE TO PUBLIC SERVICE EXCELLENCE AWARD WINNERS

• Mr. PRYOR. Mr. President, as many of my colleagues know, the first week of May is designated as "Public Service Recognition Week." This is a time to step back and recognize superior performance at all levels of government. On Monday, the Public Employees Roundtable held its annual Breakfast Of Champions and presented its Public Service Excellence Awards. I wanted to take a moment to identify the winners for 1994.

On Monday, the USDA Forest Service received the Federal-level excellence award for its volunteers program. At the county level, the Miami-Dade County Public Library was honored for its juvenile and adult literacy programs. Miami-Dade County's performance is especially impressive given the damage to the library system caused by Hurricane Andrew.

The city-level recipient was the Philadelphia Police Department's "Mini-Station" concept. This unique project has effectively revitalized the idea of neighborhood policing in Philadelphia. In the area of intergovernmental work, the Specialized Technical Assistance Team, a partnership of the Department of the Interior, the University of South Dakota Small Business Development Center, and the tribal governments was recognized for its success in developing small businesses on poverty-stricken Indian reservations.

Mr. President, my colleagues may note that I have not mentioned the State-level winner. I cannot help but think that I have saved the best for last. I am very proud that the Arkansas Department of Human Services, Division of County Operations, was selected as the State-level recipient. The Division of County Operations has worked hard to eliminate geographic county lines as barriers to service. This effort to create an integrated, county-based service delivery network has so far been a great success.

Mr. President, I invite my colleagues to take a closer look at these award winners. They can provide all of us with ideas of how government can truly work effectively for the people of this Nation. Again, congratulations to the Public Service Award winners for 1994. I would ask that the description of each award winner be included in the CONGRESSIONAL RECORD after my statement.

The descriptions follow:

PUBLIC SERVICE EXCELLENCE AWARD WINNERS—1994

FEDERAL—USDA FOREST SERVICE VOLUNTEERS PROGRAM

When it comes to recruiting, training and making effective use of volunteers, the U.S. Department of Agriculture Forest Service is head and shoulders above the rest. For years, the Forest Service program has managed the talents and time of thousands of citizens whose efforts complement regular Forest Service staff in interpretive functions, visitor services and conservation efforts. In 1993 alone, 101,737 volunteers contributed 2,369 person-years of work valued at $37.7 million. Typical positions include campground hosts, information specialists, fire lookouts, and recreation, wildlife and fisheries assistants. Environmental and civic groups and resource-related businesses spend many hours constructing and restoring campgrounds and picnic areas and trails, and fostering dialogue between the Forest Service and the public by disseminating information on Forest Service programs. The Volunteer National Awards program recognizes volunteers each year—some volunteers have contributed up to 20 years of service working on long-range projects or on projects in several sites. Each year the number of volunteers has increased. Staff members are responsible for recruiting, training and administering the volunteers, ensuring rewarding experiences to volunteers, and constantly looking for new ways to improve services to the public. Touch America is a special component of the volunteer program aimed at youth ages 14–17, providing them with work experience and environmental awareness. Most importantly, the volunteer program advances a sense of public responsibility and ownership for the 192 million acres of forest held in public trust.

STATE—STATE OF ARKANSAS DEPARTMENT OF HUMAN SERVICES, DIVISION OF COUNTY OPERATIONS

The Division of County Operations is the driving force behind an initiative to drop geographic county lines as barriers to service. An integrated, county-based service delivery network provides customized services on a case-by-case basis, aiding many individuals whose needs do not fall into neatly defined categories. Human services divisions have been relocated to the same facility, enabling citizens to apply for any service in one spot. Every county has an on-site representative to assist clients with issues in any division. A team approach has been used to cross-educate employees about services offered by other divisions, speed referrals and solve the problems of clients with multiple concerns more efficiently. A comprehensive outreach effort provides information and coordination with schools, the State Department of Health, community leaders and local media. Client choice over which facility to use creates a consumer-driven system and provides an indication of which facilities need to be re-evaluated and improved. More than 90% of those responding to a recent customer satisfaction survey found the service providers to be courteous, the service delivery timely, the facilities clean and private, and their questions well-answered. The Division is committed to a process of continuous improvement through customer input, reevaluation and revision of services. Their statewide services directory provides detailed information on sources of services for the disabled, adult education, alcohol and drug treatment, clothing, day-care housing, food, financial assistance, farm assistance, medical help, emergency services, transportation, services for the elderly, legal services, day care, and career counseling, among others.

COUNTY—MIAMI-DADE COUNTY (FLORIDA) PUBLIC LIBRARY PROJECTS JUMP START AND L.E.A.D. (LITERACY TO EVERY ADULT IN DADE)

In Dade County, there are thousands of households where books, magazines, and even a daily newspaper are entirely absent. How will the children in these households learn to read? The aim of Jump Start was to provide a daily reading experience to at risk students in 275 targeted Head Start and Title XX day care facilities. The library assembled books, flannelboard stories, puppets, fingerplays, songs and music cassettes, into one ready-to-check-out kit. To date, 205 kits are circulating among 100 day care centers and another 200 kits are being readied for another 100 centers. Library personnel have trained 781 care givers in using the kits. In less than one year, more than 8,000 children have attended the 3,000 storytimes. Detailed evaluation forms contained in each kit indicate the program is working to increase the children's attention span and vocabulary.

The LEAD program is working to combat the other half of the equation—adult illiteracy. More than 250,000 adults in the county are English illiterate, and with a burgeoning immigrant population this number will surely increase. The project started with grant money but now funded by the county, trains volunteers in literacy instruction and then matches tutors one-to-one with adults who have requested help in learning to read well enough to function in the community. Students are given instruction until they can read at a 5th grade level, helping many to begin working toward a high school equivalency degree. Staff provide materials, train volunteers on computers with literacy software and assist tutors in tackling specific reading problems.

Both programs have been specially challenged in dealing with the aftermath of Hurricane Andrew which destroyed four branch libraries and caused millions of dollars in damage to library property and collections.

CITY—CITY OF PHILADELPHIA POLICE DEPARTMENT'S MINI-STATION CONCEPT

Philadelphia's 32 mini-stations are the backbone of the city's policing concept. Created in response to citizen demand, they are as unique and diverse as the communities they serve, including two which are mobile. Rental space, utilities and furnishings are all donated by businesses or communities. Each station is staffed by at least two officers, who work with a minimum of supervision. Their goal is to provide increased police presence, create partnerships with community residents, provide better service to remote areas through more immediate responsiveness, offer referral information on city services, and more individually respond to the needs of the neighborhood. Each day, mini-stations are improving the quality of life of the citizens, sometimes by arrest, but also by tutoring a child after school, pulling strings to get a drug addict into rehab, organizing a baseball team or helping the hopeless find jobs. Citizens have greater access to police to discuss complaints and concerns or seek assistance. Mini-station officers have initiated feeding programs for children and seniors, created a T-shirt factory to provide employment opportunities, established a "tot lot," hosted English as a second language classes for Cambodian residents, and formed student mediation sessions in a racially-tense high school. The results speak for themselves—a decline in calls to 911, a 90% reduction in purse-snatchings near one food store, the shutdown of 13 drug houses thanks to information provided by the community, a reduction in racial incidents between Black and Asian youths, and an overall 76% reduction of crime in one business district.

INTERGOVERNMENTAL—SPECIALIZED TECHNICAL ASSISTANCE TEAM

Six hundred twenty-six jobs created or sustained on poverty-stricken Indian reservations; more than $2.4 million in loans and grants received by Indian owned businesses on these same reservations; the burden of debt on tribal governments lessened by $21 million—these are a few of the success stories of the Specialized Technical Assistance Team. This 8-year-old partnership of the Department of Interior, university of South Dakota Small Business Development Center, and the tribal governments is comprised of 11 specialists who work to help make economic development and independence a reality among native Americans. STAT efforts have affected the lives of more than 60,000 Native Americans residing on 25 reservations in 11 states. Through helping tribal members start their own businesses and gain financial stability, tribal members gain enhanced self-respect and tribes become more independent of federal funds for their livelihood. The Team must often seek multi-faceted, creative approaches. As an example, developing tourism on the Pine Ridge Reservation required the Team's help not only to prepare a brochure to attract U.S. and foreign visitors, but also to improve the roads. The tribe needed heavy equipment to move gravel for road repairs but didn't have the funds to pay for the necessary equipment. Within four weeks, the Team located the equipment and the tribe procured it at no cost. Nationally, only 20% of all small businesses succeed; businesses assisted by STAT have a 70% survival rate. The Department of Interior grants team members only an hour a day in official work time to work on these projects—team members provide an extraordinary amount of their personal time, financial resources, and dedication to making this program a resounding success.•

THE CONSTITUTION OF POLAND

• Mr. SIMON. Mr. President, today is the 203d anniversary of the signing of the original Polish Constitution. Ratified in 1791, the Polish Constitution was the first liberal charter of its kind on the European continent and is based on the Constitution of the United States. Because of the close relationship between Poland, the United States, and their respective Constitutions, I want to use this opportunity to praise Poland and its people for their commitment to democracy and the rule of law.

Like the American Constitution, the original Polish Constitution stressed the rights of the individual over those of the State. It secures individual freedom for Polish citizens while at the same time ensuring religious tolerance and the principle of majority rule. Against like its American counterpart, the Polish Constitution created three independent and equal pillars of government: legislative, judicial, and executive branches.

Unfortunately, the Poland's democratic development was interrupted by foreign domination for all of the 19th century and most of the 20th century.

During a time of instability throughout many parts of the world, Poland has provided an example for countries which are trying to make tough policy decisions to change command economies into a free market economies. Poland has shown that free enterprise can increase living standards faster than government subsidies. While the ownership of durable goods in Poland has dramatically increased since the mid 1980's, Poland's public debate as a proportion of its GDP is lower than in some European Union [EU] countries. In addition, Poland's budget deficit is lower than the EU average. Clearly, Poland has proven to other developing countries that a flourishing free market economy can be achieved peacefully without suppressing democracy and the rule of law.

Today I met with a delegation of Polish officials to discuss their efforts on civil rights legislation. It is truly inspiring to see Poland making strides on matters such as civil rights and the environment at the same time it is going through the painful process of restructuring its economy.•

INTERNATIONAL ENVIRONMENTAL EDUCATION DAY

• Mrs. HUTCHISON. Mr. President, today, students from Mexico and my State of Texas are holding ceremonies and a tree planting on the Texas/Mexican border to signify the importance of environmental awareness and the need for environmental education in our classrooms.

This event, sponsored by the American Forest Foundation's award-winning environmental education curriculum, Project Learning Tree, is but one of three national activities being held today to promote international environmental cooperation between our North American countries. Similar ceremonies will be held simultaneously on the North Dakota/Canadian border and here in Washington at Memorial Park on the Capitol Mall. Students from all 50 States have participated by preparing environmental exchange boxes which will feature representative items of their State. These boxes have been sent to all three event sites, and permanent exhibits will be created in Texas and North Dakota to commemorate May 5 as International Environmental Education Day.

Mr. President, I want to commend the youth of our country, Mexico, and Canada for joining together in a positive and creative way to call attention to the need for environmental education programs in our schools. Project Learning Tree reaches over 20 million students worldwide. The new revised PLT curriculum guide offers nearly 100 activities that can be utilized in pre-K through senior high schools. PLT teaches students critical thinking skills and how to think about their environment, not what to think about their environment.

I congratulate all of our students, parents, and teachers for participating in these nationwide events.•

TRIBUTE TO AMERICAN SMALL BUSINESSES

• Ms. MOSELEY-BRAUN. Mr. President, I rise today to pay tribute to the Nation's small businesses during the 1994 Small Business Week. The accomplishments of this Nation's small business owners are significant. Small business is an important economic engine. It is instrumental to the economic growth and vitality of this country.

According to the President's recent report on small business, for example, the impact of the recession would have been much worse without the approximately 180,000 jobs created in industries dominated by small businesses. These businesses create jobs and fuel the economy by providing products and services that large companies can not or will not provide.

As a member of the Banking Committee and Small Business Committee, I am working on ways to help small businesses, including minority and women-owned businesses, get the capital they need. According to the U.S. Commission on Minority Business Development, limited access to capital is one of the most formidable stumbling blocks to minority business development.

The ever-growing demand for the Small Business Administration's 7(a) Guaranteed Loan Program, which guarantees loans of small businesses so that banks will make loans, is proof of this need for capital. From 1992 to 1993, applications to the 7(a) Guarantee Loan Program jumped 37 percent.

I supported legislation that reduced the cost of making these SBA guaranteed loans, resulting in an estimated guarantee loan authority of almost $7 billion for fiscal year 1994. I am also a cosponsor of S. 1275, the community development banking bill, which changes securities laws to improve access to capital markets for small businesses. The bill also creates a secondary market in small business loans and reduces bank regulatory burdens to enhance the ability of our banks to make loans to small businesses. I also have urged administration officials to administratively eliminate banking regulations that inhibit small business lending.

In addition to these capital access initiatives, the SBA has created a program that helps high risk, startup companies obtain venture capital. Both the Small Business Investment Company Program and the Specialized Small Business Investment Company Program, targeted at minority companies, have been restructured and funded at a higher level. For women-owned businesses, the SBA has established a pilot program to expedite SBA guaranteed loans to qualified women-owned businesses. Chicago boasts the first fully running office to process these guaranteed loan applications.

These initiatives will help small businesses acquire the capital they need for startups and expansions. It takes money to make money, and small businesses have the hardest time accessing startup money. If we can help small businesses obtain the capital they need, they can get on with the job of creating jobs for this economy.

Small businesses, because of their size, are more innovative, more creative and more able to respond to changing market trends. It is this ability to respond to change that allowed small businesses to make contributions to the economy during the recession while large companies were downsizing. I believe this flexibility also equips them to succeed in foreign markets. However, small businesses can not do it alone.

The four pilot one-stop trade shops, including one in Illinois, will provide small businesses with information about U.S. export promotion programs, export financing, technical advice, and basically how to sell in foreign markets. These one-stop shops will combine the export promotion programs from Federal agencies, such as the Commerce Department, Small Business Administration, Eximbank, and Agriculture Department in one location, making it easier for American businesses, especially small businesses, to get information and assistance in exporting their products.

As our economy becomes more intertwined with those of other countries, American companies will need to export in order to succeed. Previously, much of the international attention was centered on large companies. We now need to focus on the exporting success, and potential, of American small businesses. There are almost 20 million small businesses in this country. Pilot programs such as the one-stop trade shops will help American small business find the technical assistance, export financing, and insurance they need to penetrate and succeed in overseas markets. Making money in foreign markets means creating jobs here at home.

The Wahl Clipper Corp., located in Sterling, IL., exemplifies a small business that has turned domestic success into international sales. The firm develops and markets a line of professional salon hair dryers, shear sharpeners, shears, curling brushes, combs, and attachments for hair clippers. The success of Wahl Clipper Corp's products in the United States enabled the firm to market them internationally through distributors familiar with local regulations, customs, and languages. Initially, Wahl Clipper adapted some products developed for the U.S. market to sell abroad. As their exports grew, the firm began designing products, like its Euro-flex cord and cordless rechargeable shavers, for worldwide use.

In an era when the United States is running a gigantic trade deficit, Wahl Clipper is doing business in over 70 countries. Its sales and employment continue to rise significantly each year. In addition, the Wahl Corp. works to assist other American businesses in entering the international market.

Wahl Clipper Corp. illustrates the role that U.S. small businesses will play in the emerging global economy. Not surprisingly, John F. Wahl, president and CEO of the Wahl Clipper Corp., was recognized as the 1990 Illinois Exporter of the Year.

The Wahl Clipper Corp. is far from the only Illinois company tapping into an international market. The Kee-Per Bag Co. of Elk Grove Village, IL, owned and operated by Eleanor Workman, manufactures insulated bags that are used to keep prepared foods, such as pizza, hot during delivery. The products are used by restaurants, pizzerias, caterers, and schools. The company offers a variety of styles and will prepare custom-made items.

Ms. Workman began exporting Kee-Per Bags in 1991 by contacting the international trade center [ITC] at the College of Dupage's small business development center. The ITC, which works with the small business administration to provide counseling and technical advice to Illinois small businesses, assisted Ms. Workman in preparing an international marketing plan for Kee-Per Bags. The Kee-Per Bag Co. implemented the marketing plan and international sales now account for over 15 percent of its total business. The company exports to many countries, including Britain, Belgium, France, Sweden, and the West Indies.

Another Elk Grove Village company, Mickey Hamano's Electro-Wire, Inc., has generated jobs by entering the international market. Mr. Hamano began selling electrical wire and cable from his car in 1978. Soon, he was able to rent garage space and stock a small inventory.

After being rejected for financing from several banks, he obtained a loan from the Small Business Administration. Since then, Mr. Hamano has become a supplier for major American companies such as AT&T and IBM. In

1992 alone, the firm created 20 full time jobs. In addition, its total sales for 1993 more than doubled the 1992 sales of $8 million. Much of Electro-Wire's phenomenal growth in sales and profitability are attributed to its success in the international market. Mr. Hamano views that SBA loan as the catalyst for Electro-Wire's great success.

I would also like to take this opportunity to pay tribute to all the women and men whose small businesses contribute so significantly to the economy of Illinois and our country. Specifically, I would like to congratulate Ms. Rachel Hubka, president of Rachel's Bus Co., on her designation as the 1994 Illinois Small Businessperson of the Year.

In 1978, Ms. Hubka left her job as a telemarketer to start working at a Chicago-area school bus company. Within 18 months, her hard work earned her a promotion to general manager. Yet, she didn't stop there; in 1987 she started her own company. Her belief in a child's right to clean, safe transportation and a determination to provide jobs, training, and incentives for unskilled individuals inspired her to start Rachel's Bus Co. She spent 18 months securing financing, insurance, and bid qualification. She then was awarded 90 bus routes by the Chicago Board of Education. The company now serves 125 routes and has expanded into charter service.

Ms. Hubka has high expectations for her employees, and encourages their professional development by offering opportunities for continuing education, promoting from within, and publicly rewarding good work. A team safety program and raffle each week result in safer driving and high morale. Perfect attendance and driving records translate into bonuses. In addition, Ms. Hubka regularly offers her company's resources to schools and community groups. She supports the Special Olympics, the Shriners' circus, after-school and gifted-child Programs, and a school bus poster contest. She is also active in the National Association of Women Business Owners.

Rachel Hubka personifies the American dream. She grew up in Arkansas as one of 13 children. She learned the realities of poverty and the benefits of hard work early in her life. As her accomplishments indicate, Rachel Hubka is living proof that it is still possible to achieve in America.

This is a prime example of the vitality that exists in our small business community. Small business owners have the determination, creativity, flexibility, and ability to run successful companies. The key to economic growth is finding new and innovative ways to run businesses that create jobs. No one does it better than American small businesses.•

REVEREND SCHUPP'S VIGIL HONORS SOUTH AFRICAN ELECTIONS

• Ms. MOSELEY-BRAUN. Mr. President, I would like to take a moment to take note of the heroic actions of the Reverend Ronald Schupp who held vigil and fasted in front of the South African Consulate in Chicago to mark the elections in South Africa. He started fasting on the evening of April 26th and ended up extending his fast through the 28th, when the South African Government extended the elections for an additional day.

Ronald Schupp is a well-respected civil rights leader in Chicago. He leads the Chicago Free South Africa Movement and his actions have gained the support of such civil rights leaders as Nelson Mandela, the Bishop Desmond Tutu, and Coretta Scott King. He is also the associate chaplin of the Clara House Shelter and the People's Company for Jobs, Housing, and Food. He has already helped find housing for over 600 people in the Chicago area.

Reverend Schupp has long been active in exposing the evils of apartheid in South Africa. He has also held vigils in front of the consulate to mark Martin Luther King Day and to protest apartheid. His latest vigil was very different, however, since it enabled him to celebrate the first election in South Africa's history open to all South Africans. He was able to stand in symbolic comradeship with the newly enfranchised South African people, who lined up for miles to cast their first ballots.

We all rejoice as President-Elect Mandela makes his first speeches as the elected leader of the entire people of South Africa. The cheers for Nelson Mandela are heard around the world. However, I would also like to take note of the people right here in the United States, who also reminded us, day after day, of the evils of apartheid and the importance of working to rid the world of the inequality and cruelty it stood for, people like the Reverend Ron Schupp. Some might say that Reverend Schupp's goal has been achieved, and there is no doubt that the South African elections represent a great milestone. However, as long as there is inequality in the world, I am sure that Ron Schupp will remain active, and we will always need people like him.•

FAIR HOUSING RIGHTS AMENDMENTS ACT OF 1993

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 210, S. 668, the Fair Housing Rights Amendments Act of 1993.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 668) to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1684

(Purpose: To clarify protections for lawful residents)

Mr. COHEN. Mr. President, on behalf of Senator SPECTER, I send to the desk an amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] for Mr. SPECTER proposes an amendment numbered 1684.

The amendment is as follows:

On page 3, strike lines 10 through 12 and insert the following:

"(3) any citizen or lawful resident because the citizen or lawful resident is, or has been, or in order to discourage the citizen or lawful resident or any other citizen or lawful resident from lawfully aiding or encouraging.

Mr. SPECTER. Mr. President, I am pleased that the Senate is passing S. 668, as I believe this is an important bill that will strengthen the enforcement of our fair housing laws. The legislation, drafted at the behest of the Civil Rights Division of the Department of Justice, enjoys the support of a bipartisan group of cosponsors. The bill will close a gap in the coverage of the criminal provisions of the Fair Housing Act, title IX of the Civil Rights Act of 1968, prohibiting criminal intimidation or interference with the exercise of fair housing rights.

A similar bill was passed by the Senate by unanimous consent near the close of the second session of the 102d Congress, but the House failed to act on the bill. I certainly hope that with the time remaining in this Congress, we can see this bill enacted this year.

Current law proscribes the use of intimidation, force, or threat of force to willfully injure, intimidate, or interfere with a person's exercise of rights secured by Federal fair housing laws. Unless acting as part of a conspiracy, a person who violates this provision may not be prosecuted for a felony under Federal law unless death or injury results. While such acts currently violate Federal law, they are only misdemeanors. Crimes of violent intimidation like firebombings should be punished as felonies—whether or not someone is killed or injured—for the deterrent value of the increased sentence.

Closing this gap in felony coverage under the current Fair Housing Act is all that this narrow legislation is designed to accomplish. The bill makes it a felony for an individual acting alone to use force, or the threat of force to intimidate or interfere with the exercise of rights guaranteed by the Fair Housing Act if the defendant's action results in property damage exceeding $100 or if the defendant uses or carries a firearm in the commission of the offense. If these conditions are not satisfied, then the violation remains a misdemeanor. The bill creates no new Federal crime; it merely makes an act that is currently a misdemeanor subject to the more stringent penalties for commission of a felony.

In addition, the legislation conforms the penalties available for criminal intimidation under the fair housing laws to those mandated by section 3571(b) of title 18 of the United States Code. Thus, the bill works no change in currently applicable fines and jail sentences, except to the extent that the bill establishes a sentence of up to 5 years for the new substantive violation established in the legislation.

The bill we are adopting contains one amendment worked out with Senator METZENBAUM. When the Fair Housing Act was adopted in 1968, it prohibited intimidation not just of persons seeking to exercise their fair housing rights but also people who were aiding or encouraging persons to exercise these rights. The law, however, only protected persons who were aiding or encouraging others if they were citizens of the United States. The rationale for protecting only citizens was that it was a responsibility peculiarly associated with citizenship to undertake to aid or encourage others in the exercise of their rights. The amendment to this bill that has been accepted would extend the protection offered by the fair housing laws to those who aid or encourage others in the exercise of their fair housing rights if they are U.S. citizens or lawful residents of this country. I want to point out that all persons enjoy the protection of this law against violent intimidation in the exercise of their fair housing rights. Persons in this country illegally, however, will not be protected from acts of intimidation when they aid or encourage others to exercise their fair housing rights. Aliens lawfully in this country will gain protection when they aid or encourage others in the exercise of their fair housing rights under this bill as adopted.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1684) was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments to be proposed?

If not, without objection, the bill is deemed read the third time and passed.

So the bill (S. 668), as amended, was deemed read the third time and passed, as follows:

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Housing Rights Amendments Act of 1994".

SEC. 2. PENALTIES FOR ACTS OF VIOLENCE OR INTIMIDATION.

Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (known as the 'Civil Rights Act of 1968'; Public Law 90–284; 42 U.S.C. 3631), is amended to read as follows:

"SEC. 901. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

"(a) UNLAWFUL ACTS.—It shall be unlawful to use force or threat of force, whether or not acting under color of law, to willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with—

"(1) any person because of the race, color, religion, sex, handicap familial status, or national origin of the person and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

"(2) any person because the person is, or has been, or in order to intimidate the person or any other person or any class of persons from—

"(A) participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations, or facilities described in paragraph (1) of this section; or

"(B) affording another person or class of persons opportunity or protection so to participate; or

"(3) any citizen or lawful resident because the citizen or lawful resident is, or has been, or in order to discourage the citizen or lawful resident or any other citizen or lawful resident from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations, or facilities described in paragraph (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity so to participate.

"(b) PENALTIES.—Whoever commits an act described in subsection (a)—

"(1) shall be fined not more than $100,000, or imprisoned not more than 1 year, or both;

"(2) that results in bodily injury shall be fined not more than $250,000, or imprisoned not more than 10 years, or both;

"(3) that results in death shall be subject to imprisonment for any term of years or for life; and

"(4) that results in property damage exceeding the sum of $100 or uses or attempts to use fire in committing the act, or uses or carries a firearm while committing the act, shall be fined not more than $250,000, or imprisoned not more than 5 years, or both.

"(c) DEFINITIONS.—As used in this section:

"(1) FAMILIAL STATUS.—The term 'familial status' has the meaning given the term in section 802.

"(2) FIREARM.—The term 'firearm' has the meaning given the term in section 921(a)(3) of title 18, United States Code.

"(3) HANDICAP.—The term 'handicap' has the meaning given the term in section 802.

"(4) BODILY INJURY.—The term 'bodily injury' has the meaning given the term in section 1515(a)(5) of title 18, United States Code.".

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR FRIDAY, MAY 6, 1994

Mr. LEVIN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Friday, May 6; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; and that at 10 a.m., the Senate resume consideration of S. 1935.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M., FRIDAY, MAY 6, 1994

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate today, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 12:45 a.m., recessed until Friday, May 6, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 5, 1994:

THE JUDICIARY

H. LEE SAROKIN, OF NEW JERSEY, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

WILLIAM F. DOWNES, OF WYOMING, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF WYOMING, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990

LEWIS A. KAPLAN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE GERARD L. GOETTEL, RETIRED.

BLANCHE M. MANNING, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE MILTON I. SHADUR, RETIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NELBA R. CHAVEZ, OF ARIZONA, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE FREDERICK K. GOODWIN, RESIGNED.

DEPARTMENT OF DEFENSE

EAMON M. KELLY, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS, VICE S. WILLIAM PATTIS.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, U.S. AIR FORCE AND APPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 8034:

To be vice chief of staff, U.S. Air Force

To be general

LT. GEN. THOMAS S. MOORMAN, JR. xxx-xx-xx...

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER

THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. PAUL G. CERJAN [redacted]
LT. GEN. JEROME H. GRANRUD [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601(A) AND 3040(B):

To be chief of the National Guard Bureau

To be lieutenant general

MAJ. GEN. EDWARD D. BACA [redacted]

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA:

MEDICAL SERVICE CORPS

To be lieutenant colonel

MAJ. MILLIE E. HUGHES–FULFORD [redacted]

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be captain

GREGORY ROSS REAIRS
CHRISTOPHER JON REMSHAK
THOMAS GEORGE SOBIECK

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

MICHAEL STEPHAN CUSHANICK
BRYAN JAY LOWER

IN THE MARINE CORPS

THE FOLLOWING-NAMED NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT SECOND LIEUTENANTS IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY GRADUATES

To be second lieutenants

JASON A. ABELL
JAMES A. ALEMAN
MARC A. ALEXANDER
VICTOR W. ARGOBRIGHT II
ERIK A. ARRINGTON
JEREMIAH J. ASHCROFT III
RAMZY C. AYACHI
WOLCOTT D. BAIRD III
CHRISTOPHER D. BAKER
JAMES P. BALET
ROBERT O. BALL
MATTHEW W. BANCROFT
DANA R. BARNES
JOEL N. BARTIS
STEPHEN D. BATES
JASON A. BELL
TRACI T. BENJAMIN
DAMIAN A. BESS
BENJAMIN T. BIERLY
DOUGLAS O. BIRD
GREGORY E. BLAKE
DAVID M. BLANKENSHIP
MICHAEL C. BOYD
JAMES T. BRADY
MICHAEL A. BROOKS, JR.
CHRISTOPHER J. BROWNING
BRIAN T. BRUGGEMAN
JEANNE M. BUCHANAN
PATRICK M. BURGER
ERIC T. BURTON
JOSEPH P. BUSS
CHRISTOPHER T. CABLE
DAYTON CALHOUN IV
DOUGLAS C. CAMPBELL
TOMAS CARLOS
JEFFREY W. CARPENTER
MICHAEL A. CARTER
DAVID A. CHLEBNIK
CHRIS J. CLAIBORNE
CHARLES S. CRASE
CANDI B. CUNNINGHAM
SHAWN P. CUNNINGHAM
WILLIAM J. DARRENKAMP, JR.
SEAN N. DAY
KEITH R. DEERKOSKI
CHARLES B. DOCKERY
JOSE P. DOMINGUEZ
PETER B. DUMONT
PHILIP H. DWYER
DOUGLAS S. DYSON
ANDREW C. EANNIELLO
CHARLTON M. EVANS
GREGORY L. EZELL, JR.
TYRONE H. FERREL
JOHN FORMOSO
JASON R. FREI
CHRISTOPHER M. FREY
KEVIN D. GLATHAR
DOUGLAS W. GLOVER
GRANT G. GOODRICH
JASON A. GORDON
TERRENCE P. GORDON
GREGGORY A. GRAY
BARTT G. GREENE
ALLEN D. GRINALDS
JOHN M. HACKEL
JAMES G. HAMILL
BRADLY F. HANNER
ROGER A. HARDY
CHRISTOPHER M. HARRELL
MYRON C. HARRINGTON III
MICHAEL R. HEDE
SEAN K. HENDERSON
DANIEL W. HERLIHY
JEFFREY R. HOAGLUND
SCOTT K. HORNBUCKLE
LEON HSI
JOE D. ISLAS, JR.
JAMES F. JACKSON, JR.
MICHAEL H. JOHNSON
WARD A. JONES
CHRISTOPHER M. KENNEDY
LAURA J. KRATZ
BRYAN J. LAIRD
GREGORY J. LANE
STANLEY M. LAUCK
AMBER M. LEHNING
THOMAS A. LENHARDT
CHRISTOPHER W. LOVELL
GARRETT C. LUNDE
CHICO MANNING
ANDREW J. MARCELIS
ROBERT F. MASON, JR.
KEVIN J. MASSETT
KEVIN S. MATTIX
RICHARD P. MATYSKIELA
SCOTT W. MAYFIELD
PETER L. MCARDLE
MICHAEL G. MCCARTHY, JR.
RONALD C. MCCRANIE
JAMES P. MCDONOUGH III
MICHAEL J. MCGURR
ROBERT V. MCMILLEN, JR.
JOSE L. MERCADO, JR.
RICARDO MIAGANY
DEBBIE S. MILLER
GORDON D. MILLER
CRAIG C. MONROE
MARC H. MORGAN
BRIAN D. MURPHY
ADAM L. MUSOFF
MICHAEL T. NELMS
ERIK T. NILSON
JENNIFER A. OGILVIE
MARIA J. PALLOTTA
THOMAS M. PALMQUIST
JAMES R. PARKER IV
NICHOLAS S. PATE
STEVEN C. PAYNE
JOSHUA M. PAYTON
JEFFREY P. PELLEGRINO
MICHAEL J. PEREZ
JACK D. PERRIN
ERIC J. PETERSON
JOHN F. PETERSON
WESLEY A. PHILBECK
DAVID M. PHILLIPPI
RANDOLPH G. PUGH
ROBERT G. PUGH
RODOLFO A. QUILES
YOLANDA Y. RAY
FREDERICK J. REGAN
MARK S. REVOR
LEWIS P. RHODES
EDUARDO B. RIZO
JOHN H. ROCHFORD II
BRIAN A. ROSS
JOHN W. ROSS
JOHN P. RUCCI
DAVID F. RUPPERT
JOHN B. SALMON
SHENANDOAH SANCHEZ
PHILLIP J. SCHENDLER
MARC E. SCHNEIDER
LISA J. SCHULE
MATTHEW R. SEAY
CHRISTOPHER B. SHAW
MICHAEL R. SIRECI
DAVID A. SKINNER
JAMIESON J. SLOUGH
DUANE F. SMILE
DAVID J. SMITH, JR.
SINCLAIR D. SMITH
BLAIR J. SOKOL
JAMES T. SPOLYAR
BERT L. STEELE III
CHRISTOPHER M. SWINDULL
JEFFREY A. SYMONS
ALISON J. THOMPSON
ADAM J. TREANOR
PATRICK M. TURNER
PAUL W. URBINE
JEREMY C. VANDERLOO
SCOTT W. VOGT
SCOTT W. WADLE
JASON W. WALKER
DAVID C. WALLIS III
MATTHEW O. WATT
CHRISTINE D. WESTRICH
BRIAN D. WHITE
WADE E. WIEGEL
AHMED T. WILLIAMSON
JULIAN W. WILSON
RAISSA WILSON
SETH E. YOST
MARK W. ZIPSIE

IN THE NAVY

THE FOLLOWING-NAMED NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT ENSIGNS IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY GRADUATES

To be ensigns

CRAIG L. ABRAHAM
ANTHONY F. ACOSTA
DEANNA L. ADAMS
JONATHAN Q. ADAMS
MICHAEL J. ADEN
JASON C. ADLER
BRADLEY A. ALANIZ
JOHN P. ALCORN
BYRON V. ALEXANDER
ERIK P. ALFSEN
PAUL R. ALGOSO
WILLIAM B. ALLRED III
ARNOLD B. ALQUEZA
GREGORY B. AMES
BRADLEY J. ANDROS
ALBERT ANGEL
PETER L. ANTONACCI
PHILIP ARMAS, JR.
SCOTT E. ARMENTROUT
ANTHONY E. ARZU
ELLIOT S. AVIDAN
OSCAR D. AVILA
ADAM M. AYCOCK
DEMIAN A. BAILEY
LEE G. BAIRD
RALPH C. BAJA
BRADFORD W. BAKER
BRENNA C. BAKER
DAVID C. BAKER III
GEORGE P. BALL
ROBERT J. BALLISTER, JR.
MICHAEL J. BALOW
MICHAEL P. BANASZEWSKI
AARON J. BARBOSA
ANDREW C. BARRY
MATTHEW P. BARTEL
DAVID S. BARTELL
ROY F. BARTKOVAK
CHARLES B. BASSEL
AMY N. BAUERNSCHMIDT
BRENT A. BEACH
TIMOTHY D. BEACH
CRAIG R. BEAL
JOSEPH S. BELL
LAURA A. BELL
MICHAEL A. BELLOTTI
SCOTT A. BELTZ
NED M. BIEHL
DANIEL B. BILOW
MITSU C. BINNS
JIMMY T. BISHOP
BRENT M. BLACKMER
STUART R. BLAIR
GREGORY M. BLAKE
JEFFRY J. BLOCK
HELEN M. BLOOM
MARK A. BLUESTEIN
KEVIN R. BOARDMAN
TODD D. BODE
DAVID E. BOLDUC
MARC D. BORAN
KEVIN D. BORDEN
MICHAEL L. BOSSHARD
ERICK J. BOWER
CHARLES J. BOWSER III
SEAN P. BOYLE
SCOTT T. BRACHER
CHRISTOPHER L. BRADNER
MICHAEL T. BRAHAN
GILLIAN A. BRESTVANKEMPEN
TODD G. BRILL
ROBERT M. BROADUS, JR.
FRANK M. BRONSON
SAMUEL R. BROOKS IV
CHARLES W. BROWN
TODD A. BROWN
MICHAEL R. BRUNEAU
PAUL B. BRYANT
JOSEPH A. BUCK IV
ALEXANDER BULLOCK III
GERALD J. BURGHARDT
BENJAMIN T. BURING
CHAD B. BURKE
DESA L. BURTON
BRIAN A. CAMPBELL
PHILIP N. CAMPBELL
BEATRICK R. CANNON
JOSEPH F. CARILLI, JR.
MARVIN W. CARLIN III
VIQUE CARO
DOMINIC S. CARONELLO
TARA A. CAROSELLI
JAMES T. CARROLL
RYAN T. CARRON
KATHERINE A. CARTER
JEFFREY J. CARTY
ROBERT S. CATTEN
CHRISTOPHER L. CAUDILL
BRIAN V. CELLILLI
VAN K. CHAPPELL
MELISSA J. CHERWIN
CHONG S. CHO
CHAD M. CHRISTENSEN
MARK E. CHRISTENSON
JAMES D. CHRISTIE
DONALD J. CHUDZIK
STEVE C. CHUNG
GREGORY M. CISZ
BRIAN L. CLARK
JEFFREY D. CLARK
SEAN M. CLARK
TRACY L. CLARK
MATTHEW C. CLAY
KIRK L. CLERMONT
GREGORY M. COHEN
CHARLES M. COHN
DANIEL J. COLPO
KYLE J. COLTON
ROBERT S. COLVIN
MITCHELL R. CONOVER
PETER A. CONTOSTAVLOS
BENJAMIN R. COOK
JEFFREY M. COOPER
MICHAEL R. COOPER
MARIO M. CORREA, JR.
SHANE D. CORREA
BRADLEY W. COUGHER
CHRISTOPHER R. COURTRIGHT
KIMBERLEY T. COWLING
DAVID C. COX
PATRICK H. CRAIS
JAMES M. CRIMMINS
TREMAYNE G. CRINER
SEAN N. CRONIN
TYRELL E. CROUGHTER
SARAH A. CROUSE
RUSSELL A. CROW
ADAN G. CRUZ
RICARDO C. CUENCA
STEVEN J. DACZKOWSKI
MARKUS E. DALE
PETER J. DALVE
JOSEPH J. DANTONE III
MICHAEL C. DAVILA
BENJAMIN P. DAVIS
CLEDO L. DAVIS
DEARCY P. DAVIS IV
JASON H. DAVIS
LEONARDO A. DAY
CHRISTOPHER P. DEAN
CARL W. DEGRACE
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ROLAND V. DEGUZMAN
MICHAEL J. DEL GROSSO
KEVIN H. DELANO
RENEE M. DELHIERRO
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BRIAN A. DENEVE
HOMER R. DENIUS III
JOHN D. DENNEY, JR.
CHRISTOPHER L. DENNIS
DAVID J. DERMODY
GARRY M. DEVINGER
GARTH P. DEVRIES
HEATH T. DEWITZ
JOSH E. DITTMAR
THOMAS J. DIXON
ROBERT V. DOHERTY
BRANDON S. DOMINQUEZ
GERALD J. DONAHOE
PATRICK L. DONAHUE
MARGARET A. DOTOLO
RONALD A. DOWDELL
RICHARD R. DOWDY
JOHN B. DOWNES
ANTHONY G. DRUMMINGS
HAROLD W. DUBOIS
DENNIS A. DUCKWORTH
ROBERT M. DUDLEY
JONATHAN C. DUFFY
ERIC V. DUKE
JAMES P. DUNN III
EOIN J. DUNSTAN
DAVID M. DUTROW
MARK J. EARLY
JASON C. EATON
JOSEPH A. ECKSTEIN
MATTHEW W. EDWARDS
NICHOLAS L. EDWARDS
TODD M. ELLSWORTH
JASON R. EMBREE
DANIEL M. EMERY
JOE M. EMMERT
CORTLAND M. ESCH
SETH A. EVANS
DARIN A. EVENSON
NOEL P. FAGAN
DAVID G. FAGEN III
SEAN M. FAHEY
ROBERT J. FALK
CHRISTOPHER A. FARWICK
FRANCIS J. FEENEY II
EDWARD A. FERGUSON III
KEITH D. FERNANDEZ
DAVID W. FINK
BRIAN E. FISH
CHRISTOPHER J. FISHER
JOHN R. FITZGERALD
PHILIP E. FLORES
GREGORY J. FOSTER
DAVID E. FOWLER
JUSTIN K. FRANCIS
JOEY L. FRANTZEN
MATTHEW D. FRIEDLANDER
HARRY P. FULTON III
JON R. GABRIELSON
JOHN S. GALIPEAU
ERNESTO C. GAMBOA
JUSTIN P. GANS
DAVID J. GARCIA
VICENTE C. GARCIA
MICHAEL T. GARDNER
MICHAEL S. GARRICK
ARMANDO A. GARZA III
BRENT C. GAUT
ROBERT E. GENTRY
BRIAN F. GERMANN
FRANK E. GIANOCARO
MATTHEW R. GIBSON
JUAN J. GIL
LEROY R. GILBERT, JR.
MICHAEL W. GLEESON
DARRELL L. GOBBLE
BRIAN M. GOEBEL
BRIAN P. GOLDSCHMIDT
TRENT R. GOODING
DANIEL C. GORDON
WILLIAM M. GOTTEN, JR.
ROBERT T. GRAFFUM III
MICHAEL C. GRAHAM
JENNIFER A. GRAVES
KENNETH N. GRAVES
SCOTT W. GRAY
ERIC W. GREEN
JOHN P. GREENE
TRAVIS W. GREENE
DAVID W. GREENWOOD
SCOTT D. GRIMES
ARTHUR P. GROWNEY
JAMES M. GULLION
SCOTT A. GUNDERSON
SHANNON C. GUTHRIE
EDDY HA
IN H. HA
BRYAN M. HAAS
CRAIG A. HACKSTAFF
KEVIN K. HAGAN
JAMES E. HAIL
KATHERINE M. HALLMAN
KEVIN P. HAMILTON
BRANDON S. HAMMOND
GODDARD B. HAMPTON
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JAMES W. HARRELL
MICHAEL K. HARRIS
MATTHEW W. HARTKOP
KEITH E. HARTMAN
ROBERT L. HARTMAN
KEITH A. HASH
JENNA K. HAUSVIK
KEVIN W. HAVENS
BRIAN W. HAWKINS
MATTHEW A. HAWKS
JACK H. HAWVER III
WILLIAM K. HAXTON
THOMAS H. HAYGHE
DAVID K. HAZLEHURST
MICHAEL R. HEARTHER
JASON J. HEDBERG
ARMANDO HEDRICK
KAREN M. HEINE
DRAKE H. HENDERSON
STEPHANIE A. HENSON
LAURA A. HERATH
KENDRA A. HERBER
STEVEN C. HERNANDEZ
ENOCHIA T. HERRING
JAMES D. HICKS
LEON A. HIGGINS
PAULA E. HILDEBRAND
DONALD M. HILLEGAS
LIONEL G. HINES
CHADWICK Q. HIXSON
JEFFREY L. HOCKETT
JASON H. HOEPPNER
BRIAN D. HOFFER
CURTIS E. HOLIWAY
JAMES W. HOLLINGSWORTH
ROBERT C. HOLLOWAY
JOHN M. HOLMES
WILLIAM M. HOLMES
CHESTER A. HOM
PATRICK R. HOOPER
TODD A. HOOT
WILLIAM T. HOOVER
CHRISTIAN M. HORAK
CHRISTOPHER J. HOWARD
JEFFREY W. HOWARD
GREGORY H. HRYNIEWICZ
TODD C. HUBER
KYLAN A. HUFFMAN
ROBERT E. HUGHES, JR.
TODD C. HUGHES
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RYAN C. HURT
SCOTT C. HURT
FRANKIE D. HUTCHISON, JR.
DUNCAN N. INGRAHAM, JR.
REBECCA J. INGRAHAM
KASEY T. INGRAM
MATTHEW C. JACKSON
MELISSA L. JACKSON
JAMES E. JACOBS
LUKE P. JAMES
WILLIAM D. JAMES
KEVIN A. JANKOWSKI
GREGORY T. JASSO
STEVEN M. JAUREGUIZAR
RICHARD M. JOHNS
BRYAN L. JOHNSON
IAN L. JOHNSON
DEVIN D. JOHNSON
MARK D. JOHNSON
CHARLES T. JONES, JR.
ERIC M. JONES
GARRETT D. JONES
JENNIFER B. JONES

MICHAEL K. JONES
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RICHARD E. JORDAN
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BRADLEY D. JUHL
TARA J. KALAFUS
ROBERT A. KAMINSKI
HEATHER C. KEANE
MATTHEW D. KEEFE
NEIL P. KEEGAN
JOHN R. KELLY
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MICHAEL L. KENNEDY
CHRISTOPHER M. KIDD
DAVID C. KIM
MICHAEL H. KIM
BRENT C. KINMAN
ADAM S. KINNEAR
KEVIN M. KIRIN
JOHN T. KNOX, JR.
JOHN N. KOCHENDORFER
PAUL R. KOCHER
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STEPHANIE P. KOGLER
ROBERT S. KOH
ROBERT P. KONOLD
SEAN M. KRANICK
RICHARD E. KREH, JR.
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KERRY D. KUYKENDALL
ANDREW T. LAHAIE
VICTOR A. LAKE
JASON D. LAMB
THOMAS J. LANDIS II
JENNIFER A. LANE
JOHN P. LANGIS II
JOSHUA LASKY
BRIAN D. LAWRENCE
SCOTT C. LAZENBY
THOMAS E. LAZO
BEN P. LE
ERIC J. LEDNICKY
MARCUS H. LEE
TYRUS M. LEMERANDE
BRETT H. LESSMANN
BRIAN M. LESTER
JEFFREY R. LEUENBERGER
DANIEL D. LIEBMANN
BRADFORD D. LIGO
CHRISTOPHER A. LINDER
KEON LINDSEY
STEPHEN A. LIPSEY
JOSE N. LLOREN III
NANCY W. LO
DOUGLAS V. LOF
DAVID S. LOHR
KRISTEN A. LOPACINSKI
JEFFERY D. LOPES
JOSEPH E. LOTTERHOS, JR.
SARAH E. LOVERICH
MICHAEL D. LUCKETT
JON R. LUNGLHOFER
MAXWELL J. LUTER
LELAND J. LUTZ
ANGELA R. LUZIER
TODD W. LYMAN
ALICIA M. LYNCH
ADAM C. LYONS
IAN D. MACDIARMID
ROSS H. MACKENZIE
MICHAEL P. MAKELA
ELIZABETH A. MALECHA
WILLIAM H. MALLORY
MICHAEL V. MARCHESE
MEGHAN B. MARIMAN
DONALD W. MARKS
RAYMOND B. MARSH III
JAMES T. MARTIN
PATRICK S. MARTIN
GINA M. MARTYN
DANTE J. MARZETTA
DANIEL S. MASSEY
MICHAEL S. MATTIS
JOHN H. MAURER III
DAVID E. MAXWELL
KEVIN A. MAYS
MICHAEL A. MCABEE
JOHN D. MCCLELLAN
DARREN F. MCCLURG
TERRENCE J. MCCOLLOM
GREGORY L. MCCONNELL
JOHN A. MCCULLOUGH
TIMOTHY J. MCDOUGALL
JAMIE C. MCGANN
ROBERT F. MCGUNNIGLE
JEFFREY D. MCINTOSH
SEAN G. MCKAMEY
ZACHARY C. MCMECHAN
DANIELLE L. MCNAUGHTON
CHRISTINE M. MEDEL
LAWRENCE E. MEEHAN
JOHNNY F. MENESES, JR.
ROBERT J. MERRILL
ROBERT A. MESSER
JOHN R. MESSICK
BRIAN A. METCALF
RICHARD M. MEYER
VICTOR D. MICKEL
ROBERT A. MIDDLETON
ANTHONY H. MILLER
MICHAEL J. MILLER
PHILIP S. MILLER
STEVEN L. MILLER
WARD N. MILLER
PABLO F. MIR
ERIC P. MITCHELL
THOMAS P. MONINGER
BRIAN A. MONTGOMERY
MICHELLE E. MONTGOMERY
ROBERT B. MOORE III
KRISTOPHER J. MOORHEAD
CATHERINE G. MORGAN
RICHARD R. MORIN
JEFFREY J. MOROSETTI
ROBERT T. MORRIS
RICHARD H. MOSLEY
PATRICK T. MOWLES
CLINTON D. MOXEY
RYAN C. MURPHY
WILLIAM J. MURPHY
ANDREA J. MYERS
JERRY L. MYERS, JR.
WILLIAM S. MYERS
ERIC J. NARANJO
CHRISTOPHER A. NASH
JOSEPH C. NEFFLEN
LEAH G. NELSON
BYRON B. NEWELL
CARL D. NEWSOME
GRAIG S. NEWTON
PATTI J. NICHOLS
ERIN M. NICKLES
ERICA L. NIEDERMEIER
MATTHEW R. NIEDZWIECKI
EDWARD E. NORTHWAY II
JOSEPH NOWICKI
JANA A. NULL
COLIN M. OBRIEN
MATTHEW D. OBRIEN
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JAMES E. OHARRAH, JR.
RUDOLPH M. OHME III
ELIZABETH S. OKANO
SAKURA S. OKURI
MICHAEL W. OLDMAN
WILLIAM W. OLEY
STEVEN P. OLIVERA
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DAVID E. OSABA
ERIK L. OSTMO
DAVE B. OWENS
TODD C. OWENS
PATRICK L. PADGETT
CHRISTOPHER W. PALMENBERG
BARRY C. PALMER, JR.
RICHARD A. PAQUTETE
DAMIEN M. PARKER
MASON L. PARKER
CHESTER T. PARKS
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CHARLES S. PATRICK
ANDREW J. PATTERSON
SCOTT M. PATTERSON
MORGEN PAUL
DAVID A. PAWLOWSKI
ANDREW J. PAYNE
ALEXANDER W. PEASE
JASON D. PEEK
FRANK M. PELEKAI, JR.
DAVID E. PEREIRA
MARK C. PERRAULT
CHRISTOPHER L. PESILE
CHRISTOPHER A. PETERSON
JAMES A. PETTIT
RYAN D. PEUGH
WILLIAM D. PHARIS
BLAKE H. PHILLIPS
DANNY T. PIDGEON
WILLIAM M. POAGE
JONATHAN W. POWELL
KYRA A. PRAWLOCKI
JULIE A. PREYER
BRODY L. PRIETO
PAUL G. PROKOPOVICH
CHRISTOPHER J. PROULX
KATHERINE E. PRUITT
CHARLES J. PUGLIA
SJAHARI PULLOM
BRIAN K. PUMMILL
BERNADETTE S. QUATTRONE
TIMOTHY J. QUEEN
KEVIN G. QUINN
SEAN W. QUINN
JAMIE L. RAKOW
ARMANDO RAMIREZ, JR.
BRIAN H. RANDALL
NEIL L. RAPAWY
CHANEL C. RAY
WILLIAM K. RAYBURN
LAURA REAGAN
NATHANIEL R. REED
JUSTIN N. REEVES
MATTHEW B. REIMANN
JOHN C. RENNING
CHRISTOPHER M. REYES
ROBERT W. REYNOLDS
DAVID C. RICE
MATTHEW S. RICK
LORI J. RICKERT
ERIC S. RIDDLE
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CHESTON R. RILEY
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RAYMOND A. RIVERA
RICHARD A. RIVERA
TRISTAN G. RIZZI
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JOEL C. ROBERTSON
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BRAUNA ROSENBERG
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DAVID J. SALMONS
DANIEL S. SAMEIT
KARYN J. SANDELL
CLARK D. SARGE
BRENDA SASSO
WILLIAM B. SCALLY
MARK A. SCHAFER
STEVEN E. SCHAIRER
JOHN R. SCHEDEL
MICHAEL T. SCHNABLE
ERIC P. SCHUETTE
TIMOTHY J. SCHULMEISTER
JAY S. SCHULTZ
JAYSON W. SCHWANTES
GEORGE E. SEGREDO
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MICHAEL E. SHARP
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THOMAS A. SHEPPARD
DANIEL F. SHERIDAN
REBECCA M. SHERRILL
JIM N. SHERROD
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BRET A. SHOCKNEY
J. SHOOK KIMI
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STEFAN T. SIDAHMED
JONATHAN A. SIEGLER
JOSEPH M. SILVER, JR.
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GREGORY A. SLEPPY
CLEAVON SMITH
COLIN S. SMITH
ERIC B. SMITH
ERIK S. SMITH
RYAN C. SMITH
TODD L. SMITH
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JOSEPH A. SOLTIS
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MARK E. SPENCER
JOANNA L. SPRTEL
ANTHONY J. STAFFIERI
PAUL F. STANGL
MARCUS A. STARTZEL
ASHLEY G. STEELE
PAUL R. STEIER
MARK J. STEPHENS
MICHAEL J. STEVE
TODD W. STINSON
RANDY C. STOKER
CHRISTOPHER D. STONE
EDWARD M. STOUT
DAVID B. STOWERS
BRAD S. STRAMANAK
NATHANIEL J. STRANDQUIST
MARK G. STUFFLEBEEM
MARK B. SUCATO
SCOTT A. SUOZZI
MICHAEL J. SUPKO
JAMES B. SWANSKI
ALAN L. SWANTON
CHAD L. SWEAZEY
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JONATHAN D. SWEETEN
THOMAS L. SYDNOR, JR.
BRYAN H. SZELIGA
WILLIAM A. TANSEY
MATTHEW A. TATE
CHRISTOPHER A. TAYLOR
ERIC D. TAYLOR
DEREK M. TEFF
KENT A. TERRELL
MARIA E. TESTA
MICHAEL J. THIEL
IAN S. THOMAS
CHERYL A. THOMPSON
DEATRA M. THOMPSON
ROBERT W. TIDWELL
MARK A. TINDER
NICOLE C. TONNESSEN
JAMES K. TRAN
ROBERT H. TRAUGER
JULIE M. TREANOR
ROBERT E. TREIS II
MICHAEL D. TROUP
PAUL J. TRUDELL
DANIEL T. TURNBOW
KIMBERLY K. UHDE
FRANCISCO O. VALDEZ, JR.
RICHARD C. VALE
SEAN J. VALENTINE
ERIC D. VALERGA
JASON B. VAN MATRE
DAVID C. VANBRUNT
JENNIFER L. VANDUREN
PHILBERT V. VENTURA
CHRISTOPHER J. VOLK, V
SHANE C. VOUDREN
DOUGLAS T WAHL
VANN H. WALKE
MICHEY M. WALKER II
CHRISTOPHER WALSH
CHARLOS D. WASHINGTON
WILLIAM D. WASHINGTON II
DEANNE J. WASIELEWSKI
ERIC D. WATSON
RICHARD M. WEEDEN
BRIAN R. WEEK
BRIAN R. WEISKER
KENNETH C. WELLER
ALWIN E. WESSNER
BRENT F. WEST
DONALD J. WEST II
DANIEL A. WESTENBERGER
JENNIFER L. WHEREATT
KEITH A. WHITE
ROBERT E. WHITE II
STEPHEN D. WHITE
BRYCE A. WHITING
SEAN M. WHITLATCH
BRIAN S. WHITTAM
YOLANDA WIGHAM
ALETHA S. WILLIAMS
CHRISTIAN B. WILLIAMS
JEFFREY L. WILLIAMS
KENDRA M. WILLIAMS
WILLIAM A WILLIAMSON
DARRYL L. WILSON
KENNETH B. WILSON
SCOTT M. WILSON
MICHAEL D. WIMER
PHILIP B. WINDUST
BRIAN E. WINEKE
ROBERT E. WIRTH
GREGORY A. WISE
JEFFREY P. WISSEL
ROBERT E. WITTMAACK
FRANK C. WITTWER
CATHERINE M. WOLO
JAY L. WOODRUFF
DARREN C. WU
MATTHEW J. WUKITCH
THOMAS G. YAMAMOTO
KWANG S. YANG
ROBERT W. YAROSZ
DAVID J. YODER
STACEY W. YOPP
ADAM E. YOUNG
EARL YOUNG
LAWRENCE H. YOUNG
GREGORY M. ZETTLER
TODD A. ZIRKLE
HEATHER M. ZWYER

CONFIRMATIONS

Executive nominations confirmed by the Senate May 6, 1994:

DEPARTMENT OF DEFENSE

ROGER HILSMAN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS.

ROBERT N. SHAMANSKY, OF OHIO, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE SUPERFUND LIABILITY ALLOCATION ACT OF 1994

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. BOUCHER. Mr. Speaker, today I am pleased to be joined by my friend from Michigan, FRED UPTON, a highly capable veteran member of the Energy and Commerce Committee, and my friend from Arkansas, BLANCHE LAMBERT, a new member of our committee who has an excellent record of accomplishment, in introducing the Superfund Liability Allocation Act of 1994. Our legislation reforms the process under which liability for cleanup costs in determined for parties at Superfund sites.

We are introducing the measure today for purposes of eliciting public comment, and it is our intention to offer this new means of determining Superfund liability as an amendment when the Transportation and Hazardous Materials Subcommittee holds its markup of the broader Superfund reform legislation.

In November of last year, I introduced with Mr. UPTON H.R. 3624, the Superfund Liability Reform Act, which established a new process for determining liability for parties at Superfund sites. In February of this year, the administration presented its comprehensive Superfund reform proposal to the Congress, which resulted in the introduction of H.R. 3800 in the House. H.R. 3800 also included a new process for determining liability which was substantially similar to the legislation FRED and I had put forth. In the intervening period, we engaged in negotiations with the administration and interested parties representing the business and environmental communities to work out the differences between our respective approaches, and those negotiations have now been concluded successfully.

The Superfund Liability Allocation Act of 1994, which we are introducing today, reflects the agreement we have reached among the Environmental Protection Agency, the Department of Justice, the environmental community and the industrial community. The bill sets forth a new structure under the Superfund program for allocating liability for cleanup costs among parties at Superfund sites. In addition, the legislation includes provisions to help small businesses resolve their Superfund liabilities through an expedited process, and I want to commend Congresswoman LAMBERT for successfully brokering that important part of the agreement. As a result of her work, small businesses can be assured that they will have a rapid resolution of their liability.

The agreement we have reached on reforming the liability system under Superfund achieves the three essential objectives we had initially sought. First, each party's liability for cleanup costs at Superfund sites will be determined in an expedited manner, in most cases within 18 to 24 months. Second, the parties will be required to pay only their fair share of the cleanup costs, which corresponds to their respective roles at the site and to the amount of waste they contribute to the site. Finally, the expedited process for determining liability and the limited judicial review of that process will greatly reduce the transaction costs for parties at Superfund sites.

I want to thank my two colleagues for their contribution to this successful process and acknowledge the work of Roger Goodman on my staff and Len Barson of AL SWIFT's subcommittee staff. I also commend the EPA and the Justice Department representatives as well as the private sector participants, all of whom have brought to this process a determination to construct a fair and workable liability allocation system. The product of that work, embodied in the legislation we are introducing today, will be a fairer and far more efficient system than the scheme of joint and several liability which plagues Superfund today.

The liability allocation system in the bill we are introducing will operate as follows:

1. After a site is listed on Superfund's National Priority List, EPA notifies all parties at the site that they are required to participate in the liability allocation process.

2. The parties choose private allocators to preside over the process and make the allocation.

3. Any of the parties notified by EPA may nominate additional parties to be included in the process.

4. EPA is required to provide expedited settlements to "de minimis" parties to enable such parties to avoid having to participate in the 18-month allocation process, satisfying small business' major concern.

5. The allocator is armed with the necessary information-gathering powers, including subpoena power, and is able to enforce such powers with the backing of the Justice Department. Parties who do not cooperate in providing information are subject to civil and criminal penalties.

6. Each party is given the opportunity to be heard, including submitting an initial statement and commenting on the draft allocation report before the final report is issued.

7. After considering the "Gore Factors" (including the party's role at the site and the toxicity and volume of material each party has contributed), the allocator issues a report identifying each party's share of liability for the cleanup costs at the site.

8. Each party may settle with the EPA based on its allocated share. As consideration, each party which accepts its allocated share is shielded from joint and several liability and from actions for contribution from other parties. Any party who rejects its allocated share will be exposed to joint and several liability and remains unprotected from contribution suits. Although the allocation is nonbinding as to the parties, the exposure to joint and several liability and possible suits for contribution serves as a disincentive to reject the allocated share.

9. The Government is bound by the allocation unless there is proof of bias, fraud or unlawful conduct on the allocator's part or unless "no rational interpretation of the facts before the allocator, in light of the factors he is required to consider, would form a reasonable basis" for the allocation. The Government only has 180 days during which such review can occur, after which the right to reject the allocation is waived.

10. The orphan share (for defunct and insolvent parties) is paid out of the Superfund.

11. The Government reimburses parties who pay for the cleanup for amounts spent beyond their allocated shares. The Government also pursues recalcitrant parties who fail to pay their allocated shares.

TRIBUTE TO SARA K. PENTON

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young woman from my district who has recently accepted her appointment as a member of the class of 1998 at the U.S. Naval Academy.

Sara K. Penton will soon graduate Van Wert High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school Sara has distinguished herself as a leader among her peers. She is an honor roll student and member of the National Honor Society. In addition, she is in the German Club, a member of the school band, and her church youth choir.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Sara Penton has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating her for her accomplishments to date and to wish her the best of luck as she begins her career in service to our country.

IN HONOR OF CONGRESSMAN ROBERT ROE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to my distinguished predecessor, Congressman Robert Roe. I am very proud to join the Association of Metropolitan Sewerage Agencies in honoring him as he receives this organization's Public Service Award in the national level category for 1994.

Before his retirement in 1992, Congressman Roe was the dean of the New Jersey delegation and chairman of the Public Works and Transportation Committee.

Congressman Roe had a long career in public service before he was elected to Congress. He served in the Governor's cabinet as State of New Jersey commissioner of Conservation and Economic Development. He was also active in local government as director of the Board of Chosen Freeholders of Passaic County, and mayor of Wayne.

Congressman Roe was first elected to the U.S. House of Representatives to fill an unexpired term of office in a special election in 1969, and was re-elected to each succeeding Congress. Congressman Roe became Chairman of the House Science, Space, and Technology Committee in 1987, and played a key role in returning the United States to space in September 1988 when the space shuttle Discovery was launched. During his chairmanship, the committee also worked to improve United States technological competitiveness, fusion development, the modernization of American university research facilities, and providing for the tracking of medical wastes.

Congressman Roe was elected Chairman of the House Public Works and Transportation Committee in 1991, and was the primary author of the $151 billion Intermodal Surface Transportation Efficiency Act of 1991. He had previously served as chairman of the Subcommittee on Water Resources where he wrote environmental and water quality legislation including three major bills which later became laws: The Superfund Reauthorization of 1986, the Water Resources Development Act of 1986, and the Clean Water Act of 1987.

It was a great honor to succeed Congressman Roe. In addition to thanking him for all of his efforts, it is with great pleasure that I ask all Members to join me in congratulating their former colleague for his many years of dedicated service to this institution, New Jersey, and our country.

EMPLOYER MANDATES

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mrs. VUCANOVICH. Mr. Speaker, one employer mandate, two mandates, three mandates, four, five jobs lost, six jobs lost, seven jobs lost and more. While patterned after a children's game, the Congressional health care game of pick and choose could have disastrous results—the loss of American jobs.

If we pick an employer mandate to pay for health care reform, we will all lose. My own State of Nevada is expected to lose over 6,000 jobs and 850,000 jobs will be lost nationwide if employer mandates are required. Not only will jobs be lost, but wages of those individuals lucky to keep their jobs will be reduced. This is not a scare tactic, this is not a child's game, this is hard reality.

Yes, health care reform is important. But we must not sacrifice our jobs and our pride to pay for an untested health program. Our economy and our work force is fragile, just like Humpty Dumpty. One great fall and no one, not even Clinton's men, will be able to put it together again. I do not believe we can take that risk with an employer mandate and any proposal containing one will not have my vote.

TRIBUTE TO ROBERT A. HALLORAN OF ALTOONA, PA—THREE DECADES OF SERVICE IN BLAIR COUNTY

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. SHUSTER. Mr. Speaker, in June 1994, Mr. Robert A. Halloran of Altoona, PA will begin a well-deserved retirement after 29 years of service as director of industrial development for Altoona Enterprises, Inc. In addition to his considerable responsibilities at Altoona Enterprises, Bob Halloran simultaneously utilized his many talents as director of the Blair County Industrial Development Authority since its inception in 1968. Under his direction, the following are some of the projects that were created and implemented:

Development of the Peterson Industrial Park with the location of five companies within the complex.

Establishment and operation of the Altoona Area Incubator as a facility to promote entrepreneurial development for new and emerging businesses.

Development of the William W. Ward Industrial Park and the Tyrone Industrial Park.

Location of over 55 new manufacturing companies to the Blair County community.

Sponsorship by Altoona Enterprises, Inc. of over 100 projects under the Pennsylvania Industrial Development Authority [PIDA] Program.

Almost 30 years ago, Bob Halloran understood that Altoona could no longer depend on railroading as its primary source of economic stability. He understood that, in order to maintain jobs and create new ones, a new environment conducive to business growth must be cultivated. He acted on his vision of economic stability and prosperity for the region, and the results were a comprehensive county-wide economic development program which is designed to carry Altoona/Blair County into the 21st century.

On Thursday, May 26, 1994, Bob will be honored for his three decades of outstanding service. I ask this distinguished body to join me and the residents of Blair County in expressing our gratitude to Bob Halloran for his outstanding contributions to the community.

RUTH AND WAYNE HULTGREN CELEBRATE 50TH WEDDING ANNIVERSARY

HON. ROBERT T. MATSUI

OF CALIFORNIA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. MATSUI. Mr. Speaker, my colleague from California [Mr. FAZIO], and I rise today to pay tribute to a special union which is now in its 51st year. On February 24, 1994, Ruth and Wayne Hultgren celebrated their 50th wedding anniversary here in Sacramento, CA.

As a founder of the Sacramento Modern Transit Society, Mr. Hultgren led the grassroots movement which brought light rail to Sacramento, as an alternative to another freeway. For this, he is known in Sacramento as the father of light rail and was recognized for his role by the American Lung Association, the Environmental Council of Sacramento, and the California State Legislature.

Mrs. Hultgren, in her career as an early childhood educator, was also an organizer. She founded the very successful legislative symposium for children, a State-wide advocacy event now in its 14th year. She has been named to the Hall of Fame of the Child Care Coalition of Sacramento County and also as a trendsetter by the Association for Education of Young Children.

In 1982, Mr. and Mrs. Hultgren joined the growing antinuclear weapons campaign. For a decade they have held lead positions in the Sacramento Nuclear Weapons Freeze, now called Peace Action. Mrs. Hultgren has served as president for three terms and Mr. Hultgren has twice served as coordinator for the group's most successful petition campaigns.

Mrs. Hultgren founded the August Women's Peace Event, now in its 10th year, to commemorate the bombing of Hiroshima and Nagasaki by inspiring women to join the peace movement. She also founded and cochaired the Campaign for New Priorities, Sacramento chapter. Her efforts in the peace movement have been recognized by the California State Assembly and by designation as Woman of the Year in State Senator Leroy Greene's district in 1988.

Apart from their tireless dedication to peace campaigns and their professions, the Hultgrens have supported numerous other causes and have inspired countless Sacramentans to volunteer time and resources toward the enrichment of this city's services and programs.

Mr. Speaker, we ask our colleagues to join us in saluting the Hultgren's outstanding community spirit and in congratulating them on their 50 years together.

MEDICARE AND MEDICAID COVERAGE DATA BANK

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. POMEROY. Mr. Speaker, today I am introducing legislation to relieve our Nation's business community of an unreasonable and costly burden.

In last year's omnibus budget bill, Congress approved a provision to create a Medicare and Medicaid Coverage Data Bank. The idea was to identify the types of insurance coverage that workers and their dependents are carrying. Medicare and Medicaid could then avoid making erroneous payments that should be made by a third-party insurer.

The goal of the data bank is a good one. However, it will not be effective without major changes.

The data bank law placed the burden of collecting and reporting the information on our Nation's employers, beginning January 1, 1994. However, since no funds were appropriated for the project, businesses now are collecting information for a data bank that technically does not exist. Furthermore, as of today, HCFA has failed to issue reporting guidelines.

Another inequity is this: Businesses have to report on 100 percent of their employees, but only about 2 percent of the American work force is eligible for Medicare. In other words, about 98 percent of the information that we are forcing businesses to collect is irrelevant.

Tomorrow, GAO will release a report that details the many problems they found with the data bank. Until we can address these problems, we must relieve our business community of the burden of having to gather and report this useless data. Today I am introducing legislation to repeal the employer reporting requirements.

I also am writing the chairmen of the Ways and Means Committee and the Energy and Commerce Committee to urge them to appropriately address this problem as part of health care reform.

TRIBUTE TO MICHAEL D. CURRY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the Class of 1998 at the U.S. Air Force Academy.

Michael D. Curry will soon graduate Edon High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school Christopher has distinguished himself as a leader among his peers. He is a member of the National Honor Society as well as a member of his school basketball and baseball teams.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the United States service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Michael Curry has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

TRIBUTE TO FATHER FRANK O'GRADY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. KLEIN. Mr. Speaker, it is with great pleasure that I rise today to honor Father Frank O'Grady as Our Lady of Pompei Church in Paterson, NJ, celebrates his 25th anniversary in the priesthood.

Father Frank was born in County Sligo, Ireland in 1945 to Patrick and Catherine O'Grady. He attended Cairn National School and later graduated from St. Joseph's High School in 1963. It was during this period that he decided to become a priest. He subsequently enrolled at St. Patrick's College in Thurles where he played soccer and Gaelic football.

Father Frank was ordained on June 7, 1969, at St. Patrick's Cathedral in Thurles. He then moved to St. John's in New Ferry, Merseyside, England and stayed until 1975 when he was assigned to nearby St. Lawrence Church.

In 1978 Father Frank moved to the United States and was located at St. Margaret's Church in Morristown. During his stay at St. Margaret's, he attended Drew University and received his doctorate in ministry. He also served as president of the Morristown Clergy Association, and was chaplain to the Lone Eagle Composite Squadron Civil Air Patrol at Morristown Airport.

Father Frank's next assignment brought him to Our Lady of Pompei in Paterson as parochial vicar in 1983. While at Pompei, he taught at DePaul High School in Wayne before becoming youth minister at Paterson Catholic High School. From 1989 to 1993, Father Frank was Paterson deanery coordinate for youths. He currently serves with the U.S. Army Reserve 2d brigade 76th division in Lodi. During the Persian Gulf war, he served on active duty at Fort Dix.

Father Frank has other accomplishments. He is chaplain to the Knights of Columbus Council 240, the Morristown Fire Department, and the Emerald Society in Morris and Passaic Counties. In addition, he is cofounder and chaplain of the Passaic County Irish-American Cultural Society. Moreover, this month he is graduating from Fordham University and will receive his masters in social work.

I ask my colleagues to join me in wishing Father Frank a wonderful day, and the best of luck in his future efforts.

CONTROL OF CONSUMER'S PERSONAL INFORMATION

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. GALLO. Mr. Speaker, in today's high-technology society, it has become increasingly important to take steps to protect an individual's basic right of privacy. That is why I am introducing two bills today which I believe are very important to protecting that basic right.

I am concerned when information like a person's address, telephone number, or what hotel they prefer to stay in, is available at the touch of a button and can be sold at next to nothing.

Consumers have a right to know that when they sign a guest book at a hotel, or apply for a credit card, or order from a catalog that the information they provide is going to be compiled and sold to any company that has a few dollars to pay for it.

That is why I am introducing legislation which would require any company or organization that participates in the sale of lists to provide notification to the consumer that their name, address, phone number, or any other personal information is going to be put on a list for sale. My legislation also provides the consumer the option of asking that their name be removed from any list made available for sale.

In addition, a person's Social Security number is the one means of identification that remains with them for their entire life. Names, addresses, and phone numbers all change. A Social Security number does not. That is why I am also introducing a bill to preserve the privacy of a person's Social Security number.

Social Security numbers are used by the Social Security Administration to keep track of all the Social Security taxes a person's ever paid. Even though the Social Security Administration and other Federal agencies maintain tight confidentiality of a Social Security number and other personal information, there are several ways that businesses can obtain such information.

Many State agencies, colleges and universities, private businesses, and other private organizations require or request individuals to reveal their Social Security numbers in order for them to obtain the desired services. Once such a State or private organization obtains these numbers, it can, and frequently does, sell or give away this private information. There is very little protection in Federal law against this practice.

For this reason, I have introduced legislation that will halt this practice by governing the transfer of this information by a third party, prohibit the buying or selling of Social Security numbers, and extend the strict penalties under the Social Security Act to private companies.

I urge my colleagues' support of these important bills.

KANTUS CORP.: 10 YEARS OF MANUFACTURING EXCELLENCE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. GORDON. Mr. Speaker, this week Kantus Corp., one of North America's foremost suppliers of automotive instrument panel systems, is celebrating 10 years of manufacturing excellence in Lewisburg, TN.

Since opening its doors in May 1984 with 100 employees, Kantus has grown to a workforce of almost 800 people. Its original $13 million investment in the Marshall County community has grown to more than $60 million today.

Kantus is truly a Tennessee success story, showing what midsized operations can mean to an entire State and region through leadership and innovation. Kantus is the only automotive supplier in North America able to manufacture a complete instrument panel system, including design and development of all plastics, instrumentation and harness components.

The company also has begun in-house production of circuit boards for its meters and gauges and this year, it has begun the prototype and development of a new airbag door.

In addition to supplying Nissan and Ford in the United States, Kantus, a wholly owned United States subsidiary of Kansei Corp., exports products to Japan and Mexico. Increased exports to Mexico are expected to begin in January 1995.

Please join me in congratulating Kantus, and just as importantly, its 800 workers in Lewisburg, TN, who are the backbone of this continuing success story.

THE IMPORTANCE OF THE TOURISM AND TRAVEL INDUSTRY

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mrs. VUCANOVICH. Mr. Speaker, I would like to take this opportunity today to recognize the importance of the tourism and travel industry, not only in the great State of Nevada, but in our Nation as a whole. I mention this today because May 2 through May 8 is National Tourism Week. It is one week set aside each May since 1984 to recognize the economic and cultural impact of this vital industry.

For me, the mention of travel and tourism in my State of Nevada often brings to mind thoughts of places like Great Basin Park, the Lake Tahoe region, the overwhelming beauty of the high desert regions in rural Nevada, Hoover Dam, and last but certainly not least the wonders found in Reno and Las Vegas; but it is much more. The travel and tourism industry is our Nation's second largest employer, providing 6 million jobs, and is a $360 billion a year enterprise. Tourism accounts for 46 percent of all jobs in the State of Nevada, more than 290,000.

Tourism is our Nation's largest services business, and accounts for 11 percent of total exports of goods and services. International tourism spending—the amount of money international visitors spend on travel arrangements to this country, combined with the money that they spend while they are here—is greater than the spending on commodities such as automobiles, computers and even agricultural products.

I would again like to acknowledge the importance of the travel and tourism industry for the key role that it plays in both my home State of Nevada, and the Nation as a whole.

PONTELANDOLFO COMMUNITY CLUB

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. FRANKS of Connecticut. Mr. Speaker, today I want to recognize a club that has been and continues to be a source of strength to the community in Waterbury, CT. The Pontelandolfo Community Club, affectionately known as the Ponte Club, was formed in the north end of Waterbury in 1930. Its original purpose was to help its members and their families in times of crisis and need. Italian people in the community warmly welcomed this gesture of security and togetherness.

As a result of the last major immigration to Waterbury from Pontelandolfo, Italy in 1957, the Ponte Club grew immensely in membership and the extent of their facilities. The club provided counsel and guidance to its new members and their families as they sought to realize a new life in this country. The Ponte Club also provided facilities and opportunities for the youth of the community to participate in sports, in the hope that they would realize the importance of teamwork and achievement.

Today, under the leadership of President Antonio Rubbo, the Pontelandolfo Community Club of Waterbury continues to grow and prosper. It continues to be a source of inspiration and guidance for its younger members. With its membership continuing to grow, the Ponte Club has a bright future. Its impact on the community promises to be fruitful and productive.

I salute the untiring efforts of the Ponte Club and I commend its members.

TRIBUTE TO JOSHUA P. ARMEY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the Class of 1998 at the U.S. Air Force Academy.

Joshua P. Armey will soon graduate Continental High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school Joshua has distinguished himself as a leader among his peers. He is an honor roll student and member of the National Honor Society. In addition, he is a member of his school's varsity baseball, basketball, and soccer teams.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Joshua Armey has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for him accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

TRIBUTE TO CATHERINE WHITAKER AND MAE BROOKS

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to two women who have dedicated their lives to the children of Paterson, NJ.

Ms. Mae Brooks was born in North Carolina and began her career with the Paterson school system in December of 1966. During her time in Paterson, she also studied at William Paterson College, Montclair State College, Rutgers University, and Ramapo College. At some time during her 18 years in Paterson, she has taught at nearly every school in Paterson. Ms. Brooks informs me that retirement has allowed her to be a full-time mother, grandmother, stepmother, and mother-in-law.

Ms. Catherine Whitaker was hired over 30 years ago as a science teacher by the Paterson Board of Education. She taught science at Eastside High School and J.F.K. High School, and was also a resource teacher for several elementary schools. Not only did Ms. Whitaker conduct various science-related workshops, but she also assisted the science committee to develop the curricula and select the science textbooks. In addition, she taught at the Upward Bound program at Fairleigh Dickinson University and participated in the Student Enrichment Program at the New Jersey Institute of Technology.

It is with great pleasure that I ask my colleagues to honor them at their retirement. After many years in Paterson, I know that they will be missed by the students, parents, faculty, and entire Paterson school system. I wish them the best of luck and many more wonderful and happy years.

TRIBUTE TO FATHER DAN MADIGAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Father Dan Madigan, a Sacramento legend whose tireless work for the homeless, the hungry, and the sick will be recognized on April 14, 1994, with a tribute dinner also honoring his 30th anniversary as a priest.

Evidence of Father Madigan's commitment to the greater Sacramento community is found in many places but perhaps his most widely recognized contribution is Sacramento Food Bank Services, of which he is the founder and director.

Over the years, his call to uplift and empower the poor has been aided by numerous individuals, volunteer organizations, and funding sources. With a great vision and a great sense of management, Father Madigan has woven SFBS' contributions together to form a vast safety net which literally saves the lives of thousands of Sacramentans each year.

Today, the SFBS operates in 6 different locations, collectively feeding over 200,000 families each year. Apart from feeding people, SFBS clothes families for free; teaches adults literacy skills one-on-one; offers young mothers parenting and skills-building classes in exchange for baby diapers and formula; houses homeless families; operates a special Sunday lunch program; and offers volunteers 55 years and older special services through its Senior Bridge Builders Club.

Dan Madigan arrived in Sacramento in March 1967, where he began serving the first of several disadvantaged parishes. In 1975, after receiving his master's degree in social work, he was appointed pastor of Immaculate Conception Church, Sacramento's largest inner-city parish. It was there that his commitment to the poor was manifested in the outstanding assistance programs and organizations which are now synonymous with his name.

In 1976, Father Madigan witnessed and responded to the needs of over 3,000 hungry men, women, and children—needs that have escalated during years of steady increase in the number of hungry people, many without homes, in neighborhoods marked with drugs, crime, and violence.

The network of support which Father Madigan has assembled in his nearly 30 years in Sacramento is one of our greatest community resources. In addition to food, shelter, and clothing, Father Madigan is a source of hope and his gift of a brighter and more secure future is one for which thousands of fellow Sacramentans are eternally grateful.

Mr. Speaker, I ask my colleagues to join me in saluting the outstanding contributions Father Dan Madigan has made to the greater Sacramento area. His long-term commitment to the growing segment of our population so desperate for his service is proof that he is a community leader we would all do well to emulate.

PESTICIDE REFORM ACT OF 1994

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce the Pesticide Reform Act of 1994, which is the Clinton administration's proposal for comprehensive reform or the provisions of the Federal Food, Drug, and Cosmetic Act pertaining to pesticides. Although pesticides are by far the most dangerous substance that we intentionally add to foods, they have never been subjected to the elementary public health standards that we demand of other food additives.

After 20 years of reviewing pesticides, EPA has completed its evaluation for only a handful of substances. And even after that review is completed, current law permits EPA to leave on the market a pesticide that causes a risk to public health if the so-called benefits of that pesticide outweigh its risks.

I believe that it is imperative that we amend our pesticide laws in order to protect the public. It is for this reason that for the past three Congresses I have joined Senator KENNEDY in sponsoring pesticide reform legislation.

The case for reform is especially compelling in light of the recent report of the National Academy of Sciences entitled "Pesticides in the Diets of Infants and Children." That report demonstrates that our laws are wholly inadequate in protecting children from pesticides that may cause them serious harm.

The administration is to be commended for developing a proposal that has the support of the three agencies with the principal responsibility for the regulation of pesticides—EPA, USDA, and FDA. The introduction of the Pesticide Reform Act of 1994 has significantly increased the chances of reform to strengthen our pesticide laws and to improve the safety of our food supply.

CHARITABLE GIVING

HON. MICHAEL HUFFINGTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. HUFFINGTON. Mr. Speaker, today I am introducing—with dozens of my colleagues—legislation to help charitable organizations and ease the pain and suffering of needy Americans.

Our immense problems—crime, drugs, and the decline of education—cannot be solved by more taxes, more Federal mandates and more bureaucrats. Government is failing our families, schools, and communities.

Let us call forth the legendary American spirit of voluntarism—hundreds of thousands of charitable organizations and millions of dedicated people helping their neighbors. Unfortunately, there are tax obstacles to charitable giving. We must reform the Tax Code so that charities have enough resources for their noble efforts.

I urge my colleagues to support this important legislation to encourage charitable contributions.

JOHN A. McCOLE RECEIVES DISTINGUISHED COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to an outstanding man and a close personal friend, John A. McCole. On May 5, 1994, Jack will be honored by the Anti-Defamation League of the B'nai B'rith in Wilkes-Barre, PA as the recipient of their Distinguished Community Service Award.

The award recognizes those individuals who exemplify the League's high standards of leadership and community enrichment through its teachings against hatred and mindless violence. It is evident to all who know him, that Jack McCole has lived his life by these ideals.

A graduate of Wyoming Seminary Preparatory School, Jack went on to serve his country in the U.S. Army. After serving in the Army and graduating from the University of Pennsylvania's Wharton School of Business, Jack entered the insurance business. Jack's career in insurance has been successful and rewarding as he is a life member of the industry's, the Million Dollar Round Table.

Jack sits on several prestigious area boards of directors, including Franklin First Financial Corp., Pennsylvania Millers Mutual Insurance, Eastern Insurance Group, Wyoming Seminary and College Misericordia. He also is a member of the council of the University of Scranton, the President's Council of King's College, the Economic Development Council of Northeastern Pennsylvania and the Westmoreland Club.

Mr. Speaker, I have known Jack my whole life. His family has a long history of dedication to the community and for its civic-mindedness—particularly his father, who served as mayor of Wilkes-Barre.

Because I know Jack McCole so well, I know that he is deserving of this honor. I applaud the B'nai B'rith Anti-Defamation League in naming John A. McCole as this year's honoree, and I am proud to be among his many friends in northeastern Pennsylvania.

TRIBUTE TO LEONARD MUDLOFF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. WOLF. Mr. Speaker, as the Defense Department moves ahead to close various military bases across the land, including Vint Hill Farms Station in Fauquier County, Virginia, near the town of Warrenton, I want to share with my colleagues an almost forgotten story involving a young Army soldier named Leonard Mudloff. This story was related to me by Manassas, VA, vice mayor James H. Payne, about the selfless devotion to duty of a soldier, quietly doing his job, who recognized the uniqueness of a particular event which had far-reaching impact on the outcome of World War II.

The story goes that at the outbreak of World War II, our military desperately needed to establish an intelligence-gathering facility to listen in on German communications. At that time, short-wave radio operators in northern Virginia routinely picked up radio transmissions from Berlin taxi drivers. It seemed conditions were right to establish a listening post for this purpose just south of the Nation's capital and Vint Hill Farms Station began operations in an old barn converted for the Army's use.

Army soldier Leonard Mudloff was assigned as a Morse-code copier at Vint Hill in the early days of the war and had the morning shift on Wednesday, November 10, 1943. As the clock was slowly ticking toward the lunch hour, soldier Mudloff heard the repeated radio transmission: "Urgent message," "urgent message," "Berlin Calling Tokyo." Thoughts of lunch gave way to the intense concentration of copying a long coded message from Berlin to Tokyo. It was later learned that this was a dispatch from the Japanese Ambassador to Germany in Berlin to the Minister of Foreign Affairs back in Tokyo.

I have seen a copy of this message which contained a detailed report of the Ambassador's inspection of German defenses along the French coast at Normandy, listing troop strengths, dispositions, and even contingency plans. This information was received just as Operation OVERLORD—General Eisenhower's invasion of the European continent—was deep in the final planning stages. D-day was delayed so this new information could be factored into battle plans. General Eisenhower later credited this information with making a significant contribution to the success of the attack. Gen. Omar Bradley, who commanded the ground troops on the Normandy beaches, later personally visited Vint Hill to commend the men for their extraordinary achievement.

For his part in this effort, Army soldier Mudloff was promoted one grade. Not even his wife or his family were made aware of the key role played by Leonard Mudloff. There are doubtlessly many who crossed the beaches at Normandy that are alive today because this soldier did his job.

Leonard Mudloff has since passed on. His wife continues to live in Warrenton near Vint Hill Farms Station and was proud to learn of her husband's contribution toward winning the war in Europe. His daughter, now Mrs. Joann Kassner, who lives in nearby Laurel, MD, shares her mother's pride.

I didn't want this moment in history to be lost. I wanted to share this story with my colleagues and to stand for a moment to let America salute Leonard Mudloff, a man who did his job—a soldier to remember.

INTRODUCTION OF THE SUPERFUND RECYCLING EQUITY ACT OF 1994

HON. BLANCHE M. LAMBERT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Ms. LAMBERT. Mr. Speaker, today I am introducing, along with Mr. UPTON, Mr. BOUCHER, Mr. SCHAEFER and Mr. MANTON, the Superfund Recycling Equity Act of 1994. This legislation is intended to place traditional recyclable, or secondary, materials which are used as feedstocks in the manufacturing process on an equal footing with their virgin, or primary, materials counterparts. Traditional recyclables are made from paper, glass, plastic, metals, textiles, and rubber.

This legislation has become necessary because of an unintended consequence of the Comprehensive Emergency Response, Compensation, and Liability Act [CERCLA] or Superfund. Some courts have interpreted CERCLA to mean that the sale of certain traditional recyclable feedstocks is an arrangement for the treatment or disposal of a hazardous substance and, therefore, fully subject to Superfund liability. This sale of virgin material feedstocks sold for the same or similar purpose, understandably, should not be considered to be the arrangement for the disposal of a hazardous substance.

There exists in law and legislative history no suggestion whatever that the Congress intended to impede recycling in America by providing a strong preference for the use of virgin materials through the Superfund liability scheme. But, that is precisely what has happened.

Mr. Speaker, the American people and their elected leaders have insisted that the recycling rates in our country increase—not decrease. I am offering the Superfund Recycling Equity Act of 21994 to encourage more, not less, recycling. Intuitively, our citizens know that increased recycling means less use of natural resources, which both extends the life of those resources and minimizes any adverse environmental impacts of their exploitation.

The use of recyclables is also of importance to the achievement of the goals of pollution prevention and waste minimization, which have taken on increased importance in the environmental debates of the past few years. For example, the use of recycled steel results in a 90 percent savings in virgin material use, 40 percent reduction in water use, 76 percent reduction in water pollution and a 97 percent reduction in mining waste over the use of virgin ores. Recycling is also more energy efficient than the production of primary metals. As an illustration, using recycled materials in place of virgin materials results in tremendous energy savings: 95 percent for aluminum production, 75 percent for iron and steel, 64 percent for paper, and 80 percent for plastics.

Let me now address what my bill does—and does not—do. The Superfund Recycling Equity Act of 1994 acknowledges that the Congress did not intend to subject to Superfund liability those governmental or private entities who collect and process secondary materials for sale as feedstocks for manufacturing. This amendment removes from liability those who collect, process, and sell to manufacturers paper, glass, plastic, metal textiles, and rubber recyclables. My CERCLA amendment does not address chemical, solvent, sludge, or slag recycling. It addresses traditional recyclables in a CERCLA context only. I do not intend it to be viewed as a precedent for any other amendment to Superfund or to any other environmental statute, whatsoever.

It should also be clearly understood that this bill addresses the product of recyclers—that is, the recyclables they sell which are utilized to make new products. This does not effect liability for contamination that is created at a facility owned or operated by a recycler. Neither does it affect liability related to any process wastes sent by a recycler for treatment or disposal. In order to assure that only bonafide recycling facilities benefit from this bill, I have established a number of tests by which liability relief will be denied to sham recyclers.

Mr. Speaker, in developing this bill I have had the pleasure of working with Martin McCrory of the Natural Resources Defense Council [NRDC], Patricia Williams of the National Wildlife Federation, representatives from other environmental groups, as well as representatives of the traditional recycling industry, including Mark Reiter, Alex Echols, Tom Wolfe and Herschel Cutler from the Institute of Scrap Recycling Industries. I have also coordinated efforts with the staffs from the Environmental Protection Agency, the Department of Justice, and the Transportation and Hazardous Materials Subcommittee. I wish to thank them for their long and hard work in helping me to develop a bill which will provide more environmental protection to the American people than they are presently receiving under the current regulatory regime. Their support for this bill is testament to the consensus we have all achieved.

I ask unanimous consent that the text of this bill be printed in the RECORD.

TRIBUTE TO OUR LADY OF LOURDES ACADEMY FOR WINNING NATIONWIDE COMPETITION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring to the attention of the House the achievement of the students of Our Lady of Lourdes Academy in the "We the People * * * The Citizen and the Constitution" national competition.

Our Lady of Lourdes Academy is the national champion of this competition on the U.S. Constitution and the Bill of Rights which includes simulated congressional hearings in Washington where students apply constitutional principles and historical facts to current situations.

This is the third year that Our Lady of Lourdes placed in this competition, demonstrating the extraordinary leadership offered by Ms. Rosalie Hefferman, the history and social studies teacher who was in charge of preparing the students for this competition, and by Sister Susan Marie Kuk, the principal of the academy.

It is inspiring to note that our youth are addressing the Bill of Rights and some our students, like those at Our Lady of Lourdes, possess in-depth knowledge of our Constitution. The challenges of the competition, such as describing the rights that are protected by procedural due process of law, were met successfully by these bright students.

I am honored to recognize these bright students who are carrying on the torch of knowledge so that our most basic rights outlined by the Founding Fathers of this country may be studied and understood by generations to come.

HONORING A PULASKI COUNTY LEADER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. ROGERS. Mr. Speaker, I am deeply saddened by the death of my good friend, Dr. Stephen Kelley. My family and thousands of others throughout Pulaski County and Kentucky are devastated by this terrible loss.

Our community has lost an excellent and caring physician, an active church leader, an inspiring civic and community volunteer, a political leader, and a good Christian friend. He helped everyone he could and always was willing to sacrifice his time for others.

Serving the communities throughout Pulaski County for 32 years, Kelley was voted Citizen Doctor of the Year by the Kentucky Academy of Family Physicians. He also served as president of the organization.

Dr. Kelley was also an inspirational leader to thousands of Boy Scouts. He rose from a local troop leader, through the presidency of the Bluegrass Council to vice president of the Southern United States region. He was honored numerous times by Boy Scouts of America with their highest honors, the Silver Beaver and Silver Antelope for outstanding volunteer service.

Dr. Kelley always looked for a way to build a better community. More times than not, he found that way through hard work, commitment, and perseverance.

Armed with a remarkable ability to energize people, Steve had a special gift: the ability to lift people's spirits. Whether it was religion, medicine, civic work, scouting, or politics, he always motivated people to strive and achieve their best.

Stephen Kelley was a great leader and a good man. He will be sorely missed by many thousands.

ROY MERRILLS: DEDICATED TO TELECOMMUNICATION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. GORDON. Mr. Speaker, I rise today to recognize a constituent and special individual, Roy Merrills, upon his retirement from Northern Telecom, Inc. Roy's distinguished career with NTI, one of the top telecommunications companies in the world, spanned 36 years. He will be feted this week by his colleagues in the telecommunications industry and by community leaders at a dinner in Nashville, the home of NTI's headquarters.

As this generation reaps the benefits of the information age and stands on the doorstep of telecommunications opportunities that were almost science fiction just two decades ago, we can look to Roy Merrills as one of the early architects of the communications highway.

In his many positions at NTI, including president and chairman, Roy helped guide the company which has been a leader in new ideas and technologies. He had responsibility for marketing, sales and service of all Northern Telecom products in the United States. He was instrumental in NTI's growth during the early 1970's into one of our Nation's major telecommunications equipment manufacturers. Today, NTI employs 22,000 people across the country.

Roy is an engineering graduate of the Liverpool College of Technology and registered professional engineer. He is a member of the board of trustees of the Aspen Institute.

He and his charming wife, Marian, have four children. As Roy and Marian begin a new chapter in their lives, they do so knowing they have made a lasting contribution both to the Nashville community and to our Nation's economic future.

TRIBUTE TO THE NEW LENOX COMMUNITY PARK DISTRICT ON ITS 25TH ANNIVERSARY

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. SANGMEISTER. Mr. Speaker, I rise today to pay tribute to an organization in my district that has provided recreation, entertainment, and enjoyment for thousands of my constituents during the last 25 years—the New Lenox Park District, which celebrates its silver anniversary this month.

In the early days of New Lenox, which was incorporated in 1957, residents' recreational choices were somewhat limited. People used local facilities such as the VFW Post and open land at the village's sewage treatment plant for recreational activities. The system operated on donations, volunteerism, and goodwill.

In 1969, however, a group of local citizens foresaw the need to preserve open space and provide more recreation opportunities for the growing village and township and formed the New Lenox Community Park District. The entire community rallied around the fledgling park district and the local Lions Club got the district off to a fine start by donating 10 acres of property for park and financing and labor to construct a community center.

From that beginning, the park district has grown to encompass 375 acres at 15 park sites in the township, and two facilities that provide places for activities and community meetings. The park district cooperates closely with other local government bodies, school districts and civic organizations to offer programs for every age and interest group.

The district recently acquired 230 acres of property for the development of a community park complex. The facility will include an 18-hole golf course and clubhouse, learning center, public events area, recreation complex, swimming facility, and an interpretive learning-conversation area with nature walks and biking trails.

Mr. Speaker, I salute the New Lenox Community Park District on 25 years of serving the recreational needs of its community, and all those individuals and organizations that have helped make the park district a success.

HONORING THE CONTRIBUTIONS OF THE OLDTIMERS FOUNDATION OF LOS ANGELES AND SAN BERNARDINO COUNTIES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Ms. ROYBAL-ALLARD. Mr. Speaker, it is with great pride and honor that I rise today to recognize the significant contributions of the Oldtimers Foundation of Los Angeles and San Bernardino Counties on the occasion of their 30th anniversary.

Established in 1964, the Oldtimers Foundation provides an enjoyable and productive livelihood for seniors and disabled persons by improving their physical, psychological, and social well-being. The foundation, by preventing isolation through the creation of a social network of seniors, makes it possible for seniors and disabled persons to maximize their levels of personal dignity and independence within their community.

The Oldtimers Foundation's caring volunteers and employees offer a variety of programs to assist seniors and disabled citizens. The foundation maintains a low-cost housing community with easy access to recreation centers and shopping districts. Foundation members provide free transportation to and from shopping areas, medical centers, and private homes. They serve and deliver over 750,000 well-balanced meals a year to 17 nutrition sites for those unable to shop or cook for themselves. The foundation also offers home maintenance services such as plumbing, electrical, carpentry, and auto repairs.

Through the excellent and positive work of the Oldtimers Foundation, the spirit of voluntarism is alive and well in our communities. I wish the Oldtimers Foundation continued success in making the world a better place to live for our senior citizens and disabled persons.

A SALUTE TO NATIVITY OF OUR LORD PARISH

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. GUTIERREZ. Mr. Speaker, I rise today to pay tribute to Nativity of Our Lord Parish, which will celebrate the 125th Anniversary of its founding on Friday, May 13, 1994. This is a special occasion not only for Nativity parishioners but also for all of the alumni and friends of Nativity.

Nativity of Our Lord Parish was formed to serve the growing immigrant population of post-Civil War Chicago attracted to the newly opened Chicago Union Stockyards. The immigrant wave grew into the religious, professional, business, government, and political leaders of Chicago. As the parish grew, its alumni moved far and wide throughout Chicago and the southwest suburbs.

As the parish matured and its facilities aged, new leaders led efforts to replace or preserve its buildings. In 1962, with the leadership of Mayor Richard J. Daley, the parish was able to construct a new school building. Later, the church was extensively rehabilitated and renovated to prepare the parish for its 21st century future.

Mr. Speaker, I commend the parishioners for their strength and commitment. Were it not for them, Nativity of Our Lord Parish would not be celebrating this important anniversary. Nearly 4 years ago the parish was faced with the closing of its church due to structural defects. Not willing to let such a dear part of their lives devastate them, the parishioners made strong personal and financial pledges to rehabilitate their vintage church. Because of such devotion, we are now able to celebrate the rich history of the parish.

I commend the people of this wonderful community for their strengths, their commitment, and their devotion.

SUPPORT A TO Z

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. KIM. Mr. Speaker, I rise in strong support of the A to Z spending cut legislation. For too many years, Congress has had an unbreakable addiction to wasteful deficit spending. Even when faced with a national debt which is approaching $4 trillion, this body has repeatedly shown that it is unwilling and unable to make the hard choices which are necessary to bring the Federal budget under control.

The reason for this is simple: In the budget process, Members of Congress are simply not accountable for their actions. Time and time again, I hear my colleagues argue passionately for the need to cut Government spending, only to find the favorite programs of these Members tucked away in the backwaters of an appropriations bill.

The A to Z legislation will be an important step toward ending this hypocrisy and restoring accountability to the congressional budget process. By requiring an up-or-down vote on specific spending cuts, this bill will force Members to put their money where their mouth is and decide whether they support true deficit reduction.

For this reason, I urge my colleagues to support A to Z and sign the discharge petition which is pending before the House.

CLINTON'S HEALTH CARE MEANS EMPLOYER MANDATES

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. EVERETT. Mr. Speaker, further employer mandates have been touted by the Clinton administration as one of the keys to ensuring health care security for all Americans. However, I am concerned that these same mandates will result in major job losses for my State of Alabama and the Nation as a whole. Even the administration admits a potential job loss of 600,000 while other organizations suggest totals of over 2 million. A recent study by the American Federation of State, County, and Municipal Employees estimated that in 1998, the 15,700 jobs lost in Alabama as a consequence of the Clinton plan would result in $1.25 billion dollars in lost wages and benefits in our State. President Clinton says that subsidies in his plan will make this mandate more affordable for small business owners. However, the Congressional Budget Office [CBO] reported earlier this year that the administration underfunds this subsidy by $72 billion.

These additional employer mandates will kill jobs, and will endanger the sector of our economy that is most responsible for innovation and job creation. I fully support universal access to affordable coverage for all working Americans but additional burdens on the small business community is not the answer.

In a recent Clinton town meeting on health care, the chief executive of a major pizza restaurant franchise asked the President how his company could afford the new mandates without laying off workers. The President joked that he would be willing to pay more for his pizza—suggesting that the executive merely pass his costs on to his customer.

Mr. Speaker, there is nothing funny about jobs lost when small businesses can't afford to keep their doors open as a result of these mandates. Let's fix what's broken with our health care system without asking our small business owners and their employees to bear the brunt of the high price tag. Under the current system, there are too many people without health coverage and we must work to address this. However, under the Clinton plan, employees may be without jobs and health care.

FIFTIETH ANNIVERSARY OF MARVIN AND ADELE MILLSTEIN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. OWENS. Mr. Speaker, I would like to salute the 50th wedding anniversary of Mr. and Mrs. Marvin and Adele Millstein residing at 506 Avenue J in the County of Kings, the great borough of Brooklyn in New York. The Millsteins have been a driving force in the reform political movements in Brooklyn and on issues that are of great concern to people such as education, health care, and local economic development. Adele and members of her family have been honored many times by the elected officials of our borough for their work, and that is the case again this evening.

Marvin Millstein met the former Adele Perlmutter in the waiting room of a driving school in August of 1943. Mr. Millstein was fighting for this country in the Second World War, serving in the U.S. Army in Europe. Ms. Perlmutter, from a family of three sisters, including Muriel Perlmutter Chenkin and Beatrice Perlmutter Shapiro, was a resident of the east flatbush neighborhood of Brooklyn and a hard-working and brilliant young graduate of Samuel J. Tilden High School. For them, it was practically love at first sight and I am honored today, May 5, 1994, Mr. Speaker, to salute their love and devotion to each other and their family.

The Millstein family is a respected family in Brooklyn. Marvin and Adele have two children, Ellen Millstein Gotlob and Lewis Mark Millstein, and three grandchildren, Evan Gotlob, and David and Benjamin Millstein, all of whom shared their parent's faith in our political system and the need to maximize the participation of all people in our democracy.

In these times when the longevity of love is a phenomenon to be cherished and celebrated, it gives me great pleasure to congratulate Marvin and Adele Millstein on this their 50th wedding anniversary. It is my hope that the Millstein's will continue to serve as the first family of Brooklyn reform politics.

ACCOUNTABILITY FOR POW/MIA'S

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. LAZIO. Mr. Speaker, last week, the House of Representatives passed H.R. 2333, the State Department and related agencies authorization conference report. I would like to express my disappointment with some of the provisions included in this legislation.

Included in H.R. 2333, which also contains many important authorizations for our foreign policy efforts, are provisions regarding relations with Vietnam that I strongly oppose and believe should not have been included in this bill. Language in this legislation questionably supports lifting the trade embargo against Vietnam and praises that country's increased cooperation on accounting for POW/MIA's. This is despite the fact that we are still trying to determine the fate of nearly 2,400 MIA's.

Though I support free trade and believe that it is a critical factor in the health of our Nation's economy, I did not support President Clinton in February when he lifted the trade embargo against Vietnam, and I do not support Congress' statement in concurrence included in H.R. 2333. I did support the motion to recommit offered by Representative OLYMPIA SNOWE of Maine, which insisted upon the removal of this controversial language. This motion to recommit failed, however, and the language remains in the conference report.

I want to make it clear that I cannot, and will not, agree to the normalization of trade relations between the United States and Vietnam until we have received a complete and thorough accounting of all American MIA's in Southeast Asia. Until our Government is completely satisfied that all current allegations under investigation are cleared, I believe cooperative action between our two Governments is both unwise and unwarranted. If for no other reason than out of respect for the families of those still missing and the veterans who fought in Southeast Asia, we should be hesitant in our support of the Government of Vietnam, and the last thing we should be doing is praising them for their actions.

While I am supportive of most of what is included in H.R. 2333, I object to the President and Congress' decision to lift the trade embargo against Vietnam and its support for normalization of relations with Vietnam. I will continue to withhold my support for such actions until every missing serviceman is accounted for.

AN IMPORTANT POLICY STATEMENT BY PRESIDENT LEE TENG-HUI OF THE REPUBLIC OF CHINA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. SOLOMON. Mr. Speaker, President Lee Teng-hui of the Republic of China on Taiwan recently completed a successful overseas trip that took him to the Philippines, Indonesia, and Thailand. Although the ROC does not have formal diplomatic relations with any of these countries, President Lee was received by the head of state in each one. He also met with a wide array of senior officials and policymakers at each stop on his tour.

Upon his return to Taiwan, President Lee conducted a news conference in which he discussed the objectives of his trip and also spoke to some of the larger issues affecting the ROC's role in the world. Throughout his meeting with reporters, he demonstrated a strong grasp of international affairs and also revealed the current state of his government's policy toward mainland China.

After observing that:

> Following the end of the cold war, the world situation, and in particular the world economic situation, has slowly moved toward regional cooperation and the further establishment of inter-regional economic relations.

President Lee said his overseas trip was focused on developing closer economic relations between Taiwan and the three countries he visited.

Taiwan's extraordinary economic success and development over the past 40 years are widely admired and serve as an appropriate model for other East Asian countries. Accordingly, President Lee announced that the ROC will seek to expand its participation in agricultural development projects in the three countries he visited and move quickly to resolve investment issues that Taiwan still has with the Philippines and Indonesia. He also said the establishment of a free trade zone between Taiwan and the Philippines is under discussion.

Turning to the larger international issues that face the ROC, President Lee expressed this view:

> I believe that leaders around the world share a common view. What view? That the political system of a nation should be democratic and free in orientation, and its economy should be a free market economy.

Therefore, he said:

> The further development of our nation requires abandoning ideology and striving for peace, cooperation, and prosperity.

When asked by reporters to elaborate this point, President Lee suggested that "the Republic of China could be termed a nation within a divided China." Although the eventual reunification of China is, in his view, a historical inevitability, contemporary political realities throughout the world dictate the patient pursuit of a nonadversarial course.

> Our foreign policy is devoted to pragmatic diplomacy while our mainland policy is aimed at promoting mutual trust between the two sides of the Taiwan Strait * * * If we all support the ROC during the process of pragmatic diplomacy, then there will be no need for a firm ideological stance when negotiating with the Chinese mainland, nor for constantly thinking of one's own ideology or considering oneself the greatest and adopting a paternalistic stance. We should devote ourselves to world peace, progress, and prosperity—this is the direction in which the whole world is heading. Even the Communists should be heading this way.

Mr. Speaker, at a time when our attention has been drawn to the 15th anniversary of the enactment of the Taiwan Relations Act, President Lee is even now on another successful overseas trip to Nicaragua, Costa Rica, South Africa, and Swaziland. All Members should applaud the success of President Lee's trips and the important statements he makes upon his return.

The continued maturation of the democratic political system in the Republic of China, as evidence by President Lee's recent remarks, should contribute greatly to the maintenance of stability and prosperity throughout the entire East Asia region.

HUMAN RIGHTS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. SMITH of New Jersey. Mr. Speaker, earlier today the Helsinki Commission conducted a hearing which focused on human rights in Kosovo, Sandzak, and Vojvodina. Among the witnesses which were called by the Commission was Alush Gashi, a member of the Council for the Defense of Human Rights and Freedoms in Pristina, Kosovo. The details of abuse presented at this hearing were moving and, for the benefit of my colleagues, I would ask that the testimony of Dr. Gashi be printed for the RECORD. In short, Dr. Gashi's testimony chronicles the deterioration of the situation in Kosovo, with 3,013 cases of brutal violations of human rights against Albanians in Kosovo by the Serbian regime. These thousands of cases occurred only in the first quarter of 1994. Mr. Chairman, when international observers were present in Kosovo in the year previous, the number of cases in the first quarter was 1,636.

HUMAN RIGHTS ABUSES IN KOSOVO, SANDZAK, AND VOJVODINA

(By Dr. Alush A. Gashi)

Chairman DeConcini, Co-Chairman Hoyer, ladies and gentlemen: Thank you for arranging this important and timely hearing, and for the opportunity to present the latest information about the brutal human rights situation in my country.

I

I have just arrived in the U.S. from Pristina, the capital of the Republic of Kosova * * * a country that has been without any CSCE or other international presence since last July, when the Belgrade regime expelled the handful of CSCE human rights observers who had been in our country.

Regrettably, the human rights situation in our country has gone from bad to worse since monitors were removed. As a member of the Kosova Council for the Defense of Human Rights and Freedoms, I have witnessed the horrible human, civil and national rights abuses of the 92 percent Albanian majority in Kosova.

Albanians have been committed to peacefully oppose the brutality we have experienced since autonomy was abolished and martial law imposed by Serbia in 1989. The situation cannot continue.

II

It is important to recall that half of the total Albanian population in the Balkans lives not in the Republic of Albania but in ethnic and compact territories in former Yugoslavia.

Albanians, as an indigenous population, make up the third most numerous people in former Yugoslavia. Therefore, Albanians in former Yugoslavia should not be considered a minority, but rather a nation that has been divided.

Kosova lost its autonomy when Serbia, unconstitutionally by the use of police and military forces, five years ago abolished the Parliament of Kosova, dismissed the government and its administration, and closed down television, radio and the only daily Albanian language newspaper.

Repression intensified following the unconstitutional decision of the Serbian Parliament to abolish the autonomy of Kosova and apply what they termed "special circumstances." In reality, an emergency situation was enforced and marital law declared.

Structural repression against the Albanians of Kosova has gained tragic dimensions each passing year.

Serbian apartheid manifests itself in discrimination that started with rigged political trials before civil and military courts; isolation and confinement of hundreds of intellectuals, scientists and most eminent experts of Kosova's economy; massive prison sentencing of Albanians; killings of peaceful demonstration; the expulsion of hundreds of university professors, scientists and thousands of teachers; dismissals of physicians and other medical staff; and the full denial of human and national rights.

As part of this, Serbians authorities in Belgrade imposed new bosses in work places where Albanians had held executive positions. The formal excuses differed, but each case amounted to sanctions against "political disobedience."

III

I have been an eyewitness to frequent violence against Albanian medical workers and teaching staff of the Faculty of Medicine and other scientific institutions in Kosova as well as many other Albanians in Kosova.

In the presence of astonished and shocked colleagues, patients and others including medical students, head physicians have been pulled out of their workrooms and offices, laboratories as well as operating rooms, by Serbian police forces.

Under physical threat of the heavily armed police, many professors and physicians of different specialties have been forced to break off exams and leave their students, and even to stop performing surgery in the emergency operating room. Similar measure were taken in different places of Kosova.

IV

Regrettably, official Serbian strategy is to change the ethnicity of Kosova though institutionalized discrimination and structural repression. It's goal is ethnic cleansing without open war at this time, but with daily police brutality.

The Serbian police regime has achieved bureaucratic ethnic cleansing in all institutions in Kosova by dismissing Albanians. They started with closing schools and dismissing professors because, as publicly stated by Serbs "A good Albanian is an uneducated Albanian. Educated Albanians are the enemy." The Serbian regime is trying to achieve intellectual decapitation of Albanians in Kosova with police brutality.

In response to this Serbian brutality, Albanians under the leadership of President Rugova undertook peaceful ways of finding the solution through establishing democratic institutions and encouraging dialog without preconditions under international mediation by the United States, European Union or the United Nations.

V

After the expulsion of CSCE monitors from Kosova last July, the brutal repression not only continued but increased dramatically.

During 1993, the Council for the Defense of Human Rights and Freedoms (CDHRF) registered 13,431 cases of Serbian police brutality against Albanians in Kosova.

The total included 15 killed, 14 wounded, 2,305 arrested, 1,994 searched, 849 subjected to "informative" talks, 1,777 tortured, 794 maltreated in various ways, 391 plundered, 64 repressed by the army, 604 acts of political persecution against Albanian political activists, 632 acts of violence directed at education, science, culture and sports, and 172 incidents aimed at children including kindergarten children.

There were 155 acts of violence against women, 3,396 searches under the pretext of looking for weapons, 37 acts against Albanians from the diaspora and refugees, 68 arbitrary dismissals from work, and 53 Albanian families arbitrarily removed from apartments.

According to CDHRF data, in first three months of 1993, 1,636 cases of Serbian police brutality were recorded. Some 415 Albanians were arrested (compared with 851 cases in first three months of 1994), 298 were beaten in the first three months of last year (684 beaten in first three months of 1994), 229 houses were searched without warrants, and 694 persons suffered in various ways during those house searches (in first three months of 1994, 1,229 houses were searched).

During the first three months of 1994 CDHRF has registered 3,013 cases of brutal violations of human rights against Albanians in Kosova by the Serbian regime. Two were killed, one wounded, 851 arrested, 64 sentenced for political reasons, 1,229 houses searched on pretense for weapons, 684 beaten and tortured, and 182 maltreated in various ways.

Comparing 3,013 cases in the first quarter of 1994 with 1,636 cases in the first quarter of 1993 when international CSCE monitors were present, repression in Kosova has increased 85 percent, in the absence of any international observers whatsoever.

VI

Considering the unbearable situation of Albanians in Kosova, the U.N. Commission on Human Rights at its 50th session in March passed a resolution urgently demanding that Serbian authorities:

Cease all human and national rights violations, discriminatory measures and practice against ethnic Albanians in Kosova, in particularly arbitrary detention and violation of the right to a fair trail and the practice of torture and other cruel, inhuman and degrading treatment;

Release all political prisoners and cease all persecution of political leaders and members of Kosova human rights organizations;

Establish democratic institutions in Kosova and the respect the political will of inhabitants as the best means of preventing the escalation of the conflict.

Albanians have asked before and are asking again for the U.S. Commission on Security and Cooperation in Europe to help re-establish the CSCE long-term mission in Kosova immediately, and to explore ways and means of establishing an adequate international presence in Kosova.

Furthermore, it is critical that the Kosova question is part of international efforts to resolve the former Yugoslavia crisis, which is the Balkan crisis, and include legitimate Kosova Albanian officials in negotiations at any international conferences or summits on the Balkans.

VII

It is a proven fact that Serbian authorities in Kosova do not respect any international document about Kosova. Unfortunately, they are abusing the good offices of institutions such as the United Nations High Commissioner on Refugees in their efforts to colonize Kosova. There is no reason or justification for bringing Serbian refugees to Kosova, which already has one of the densest population in Europe.

Structural repression against ethnic Albanians in Kosova has become unbearable, but Albanians are continuing their peaceful attempts to decolonize Kosova and establish an independent state on the basis of the September 26, 1991, referendum as the best way to protect human and national rights of all the population of Kosova.

Albanians in Kosova have experienced all forms of autonomy and have suffered under all of them. As former Yugoslavia disintegrates, Kosova as a constituent unit of former Yugoslavia, exercises its right of self-determination with a commitment to an independent state of Kosova.

Kosova is a newly emerging state in the Balkans which is dedicated to the continued peaceful demonstration in support of freedom and the democratization of occupied Kosova.

Albanians are part of the solution. But, Kosova is subjugated by Serbia, which has committed the worst possible crimes against humanity.

In the past, Serbia has enjoyed many privileges. Serbia wants to keep these privileges by any means necessary.

In reality, the freedom and independence of Albanians should be good for Serbia as well. Kosova's freedom would help Serbia in its democratization process.

Good neighborly relations could exist between the Republic of Kosova and the Republic of Serbia, between Albanians and Serbs.

Serbia is responsible for many crimes, and by taking the path of democracy it will reduce its burden, for its own sake, and the sake of other. The sooner, the better.

If this does not come to pass, then without a just solution of the Albanian questions the agony is bound to continue.

There will be no peace in the Balkans.

THE FEDERAL AGENCY ACCESS ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. DUNCAN. Mr. Speaker, I am introducing legislation today that would help all Americans by making our Federal agencies more accessible and thus more responsive to the people.

This legislation would require all Federal agencies to list a telephone number on their stationery.

It is my intent to have each Federal agency place on its stationery a local or regional telephone number. For example, any local or regional offices with over 50 employees could place a telephone number on their stationery so that people living in these respective areas of the country could contact the Federal agency with any concerns or questions they might have.

I know that there are many well intentioned Federal employees within our Government. However, I also believe that our Federal Government has gotten so big, and so cumbersome, that it has lost touch with the very people it is supposed to serve.

I had hoped that Federal agencies would take this upon themselves and become more available to the hard-working taxpayers who pay their salaries. Unfortunately, this is not the case.

The bureaucracy and the Congress are adding over 60,000 pages of fine print to the Federal Register each year. This is on top of millions of laws, rules, and regulations we have already at the Federal, State, and local levels. Many small businessmen and businesswomen cannot keep up with all of these requirements and they are having a difficult time getting timely and responsive assistance from our enormous bureaucracy.

Social Security recipients, students, veterans, and many others cannot even contact the Federal bureaucrats who are supposed to be helping solve the problems that many Americans are having with their Federal Government.

Federal employees should be doing all they can to be more accessible and responsive to the people. I urge my colleagues to cosponsor this legislation so that we can help provide all Americans with greater accessibility to their Federal Government.

COMMENDING ROSE OCHI

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to acknowledge and commend the personal and professional accomplishments of Ms. Rose Ochi, a leader who has been nationally recognized for her outstanding efforts in the formulation of public safety and law enforcement policy. I commend her on the occasion of the 18th anniversary of Koreisha Chushoku Kai, Nutrition Program for the Elderly, in Los Angeles, which is honoring Ms. Ochi for her lifetime contributions to their program and to the Japanese-American community.

Ms. Ochi's was unjustly interned with her family—and 120,000 other Japanese-Americans—during World War II, and was later arbitrarily subjected to deportation hearings. These trying experiences helped forge her deep commitment to work for social justice.

As an attorney and advocate, she has worked effectively as an agent for social change. She first worked as a staff attorney at the University of Southern California Western Center on Law and Poverty.

Ms. Ochi became the first woman to serve as director of criminal justice Planning for the city of Los Angeles. In this capacity, she has initiated many innovative programs—including a domestic violence prosecution unit and shelter facilities, a juvenile justice diversion project, a community youth gang services program, and a community drug treatment program. Her efforts toward making government more responsive to women's and ethnic minorities' concerns have been particularly noted.

Ms. Ochi was the first Asian-American to serve as a trustee on the board of the Los Angeles County Bar Association, and was a founding member of the Japanese-American and Minority Bar Associations. Her leadership and contribution to volunteer organizations have been honored by many organizations, including the Young Women's Christian Association, the National Organization for Women, the National Women's Political Caucus, and the U.S. Department of Justice.

Her nomination to the position of Associate Director of State and Local Affairs for the Office of National Drug Policy has recently been confirmed by President Clinton. I know that her work in this important new position will be characterized by the same standards of excellence that have always been her hallmark.

NATIONAL TOURISM WEEK

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. ROMERO-BARCELÓ. Mr. Speaker, the importance of tourism to the economy of Puerto Rico is one measured in more than the number of tourists that visit our island.

Undergirding our island economy, tourism is a never-ending means of promoting cultural understanding between the 3.6 million American citizens of Puerto Rico and their mainland counterparts, as well as with others from all over the world.

Our present administration in Puerto Rico, under the leadership of our Governor, Pedro Rosselló has embarked on an ambitious plan to upgrade and expand the number of hotels, guest houses, and tourist facilities throughout Puerto Rico, and to diversify the Puerto Rican experience for visitors who come by plane and cruise ships.

As a banking and commerce center for the entire Caribbean, and as an island with a first-class telecommunications system, Puerto Rico also offers conventions and conference business amenities that are unrivaled in the Caribbean.

In celebration of National Tourism Week, it is a pleasure to join others honoring this occasion, for visitors to Puerto Rico have a chance to witness firsthand the common bonds of citizenship, currency, and friendship that link Puerto Rico to the 50 States and other territories.

The following points illustrate the importance of tourism to Puerto Rico and the local economy.

In 1993, tourist expenditures for Puerto Rico was over $1.6 billion dollars, an increase of 8 percent over 1992.

Total visitors to our island in 1993 were 3,871,119, more than the entire population of Puerto Rico.

Visitors to tourist hotels for that same year were 688,58 and cruise ship visitors were 1,014,490.

These figures make it abundantly clear why our government is expanding the number of hotels and encouraging, throughout the island, the expansion and development of guest houses and other tourist destinations.

But more than figures, the friendships forged with Puerto Ricans by many visitors cannot be truly measured, but help to convey cultural understanding between U.S. citizens and with people from other countries.

As National Tourism Week is celebrated, I encourage anyone who has not been to Puerto Rico to visit our island. Come to experience and enjoy our tropical climate, our culture, our heritage, and our hospitality.

TRIBUTE TO TOM WICKUM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Tom Wickum of San Bernardino, CA. Tom, who has demonstrated a remarkable dedication to the needs and safety of San Bernardino County residents over the past 31 years, will be honored on May 12, 1994 as he retires from his position as assistant sheriff of support operations in San Bernardino County.

Tom attended local schools and spent the majority of his law enforcement career serving at the Sheriff's West End Station in San Bernardino County. Because of his involvement and active leadership in the community, Tom has been an instrumental force in preserving the law and order in San Bernardino County.

Tom's initial interest in being a direct participant in preserving the peace and well-being of society can be traced back to his dedicated service in the U.S. Navy from 1958–61. Following his service in the military, Tom served as deputy sheriff at the Glen Helen Rehabilitation Center until he was transferred to the Sheriff's West End Station on February 24, 1964 where he served as a patrol officer. While at the West End Station, Tom co-founded the West End Search and Rescue Team and the West End Mountain posse.

In 1966, Tom was promoted to detective assigned to the juvenile division. Without only 2 years on the job, he was promoted to sergeant serving in the jail division. Four years later Tom was promoted to lieutenant and then to captain assigned to the Office of the Sheriff in February 1978. On July 1, 1978 Tom became the first police chief for the city of Rancho Cucamonga. In 1984, Tom was transferred to the bureau of administration and was assigned the command of the valley/mountain bureaus. For the past 3 years Tom has diligently served as the assistant sheriff of the support operations.

Mr. Speaker, I ask that you join me, our colleagues, Tom's family and many friends in honoring this unique individual for his extensive and dedicated service. Over the years, Tom has touched the lives of many people in our community and it is only fitting that the House recognize him today.

TRIBUTE TO WILLIAM K. DRUMMOND, PUBLIC POWER COUNCIL MANAGER

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. DEFAZIO. Mr. Speaker, throughout my experience in this body, I have been particularly involved in those issues affecting the Bonneville Power Administration, most recently serving as chairman of the House Natural Resources Committee task force on Bonneville. This experience has afforded me numerous opportunities to meet with Bill Drummond, one of the leaders of the public power movement in the Northwest. Later this year, Bill will be leaving his position as manager of the Public Power Council to serve as the general manager of the Western Montana G&T Cooperative. I rise today to thank Bill for his service at PPC and to extend my best wishes to Bill and his family.

I have long been a strong support of public power. These consumer-owned, non-for-profit utilities can be important instruments in setting and pursuing progressive energy policies. For instance, the Eugene Water and Electric Board in my district has been a leader in developing conservation and renewable resources.

As manager of PPC, Bill has continually lead his members in taking progressive positions that best reflect the ideals of public power. Recently, I have worked with Bill to begin to develop an Integrated Resource Planning Program for Northwest consumer-owned utilities. While this effort requires a minimal infringement on the traditional autonomy of locally controlled utilities, Bill recognized the value of the effort and agreed to work to develop consensus within his membership for a workable and appropriate program. This is but one example of the leadership that Bill has demonstrated.

I wish Bill and his family all the best in their new career and life in Montana.

TRIBUTE TO MARTIN STONE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. FISH. Mr. Speaker, I rise today to pay tribute to my dear friend Martin Stone, a devoted citizen and a real pioneer in broadcast journalism. On May 10, Martin will be honored by the Mt. Kisco Chamber of Commerce as their Citizen of the Year. A resident of Pound Ridge for over 40 years, he is truly a cornerstone of the community.

Martin has a long history of service in the media. He entered broadcasting after graduating from Yale University school of law, starting with NBC and creating the show "Author Meets The Critic," which he later moved to television. He also produced several other shows, including "The Howdy Doody Show" and "Americana."

In 1957, Martin decided to set up a radio station in Mt. Kisco, WVIP, and kicked off the broadcasting with a benefit for Northern Westchester Hospital, two of the emcees being Howard Cosell and Merv Griffin, who got their starts thanks to him. He has maintained direct involvement by hosting a daily interview show called "Meet the VIP's," and it airs on both the local cable station and WVIP. He has also served as a partner of Whitney Communications, and was involved with the organization of the New York World's Fair.

In addition to his radio station, Martin has helped better our community by serving as a trustee of the Northern Westchester Hospital Center and of Caramoor Center of Music and the Arts in Katonah. He is also a charter member of the Mt. Kisco Chamber of Commerce.

Mr. Speaker, the residents of Mt. Kisco and all northern Westchester have every reason to be proud of Martin Stone, a man of vision, energy and commitment. I ask that my colleagues join me and the Mt. Kisco Chamber of Commerce in saluting the outstanding leader. He is a value to the community and a true friend. Our thanks to Martin and our best wishes to him for many years to come.

OUR COMMUNITIES MUST BE VIGILANT AGAINST HATE CRIMES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mrs. MORELLA. Mr. Speaker, I rise today to speak out against a hate crime incident in my home district of Montgomery County, MD. Last week, Samira Hussein's four children walked out of their Gaithersburg home and found their car marked with a swastika, a tire flattened, and the door handles glued. Samira Hussein had become a hate crime victim because of her efforts to educate the community and the school system about her Arab-American and Islamic culture.

Although this act of vandalism is reprehensible, of greater significance has been the exceptional outpouring of support by the community in denouncing these acts of religious and racial hatred. This past Sunday, almost 200 people, in support of the Hussein family, representing the Moslem, Christian, and Jewish communities, attended a rally to discuss the incident, and to consider how we can combat these deplorable acts, as well as its impact upon individuals, victims, and the community.

Mr. Speaker, sadly, acts of hatred and intolerance continue to occur throughout our Nation. Yet, we all have an individual responsibility to speak out against hatred and intolerance. It is a learned behavior that can, and must, be reversed.

I am confident that Montgomery County will continue to maintain its vigilance and opposition to hate and intolerance. Only by doing so can we work effectively toward elimination of hate crimes.

It is unconscionable that these crimes should exist in our Nation, which was founded on the principle of tolerance and freedom. We must bring an end to all violence motivated by prejudice and ignorance, bearing in mind the words of Martin Luther King, Jr.:

> The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy. Instead of diminishing evil, it multiplies it. * * * hate cannot drive out hate; only love can do that.

THE ELIMINATION OF FRAUD AND ABUSE IN MEDICAID

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. BAKER of Louisiana. Mr. Speaker, there is a health care crisis in America, not only because there are 25 million Americans without health insurance, but because we, the U.S. Congress, have allowed fraud and abuse to infect the already overburdened and wasteful Medicaid system. Part of our health care problem is that the American taxpayers continue to pour billions of their hard earned dollars into programs designed to benefit the poor and needy that actually support a system that bleeds our wallets dry while providing minimal comfort to Medicaid patients at best.

Today I will introduce a measure that takes the first step in cutting the fat from one of Medicaid's most wasteful programs by eliminating the nonemergency medical transportation service.

The nonemergency medical transportation program is a nonessential program that provides federally subsidized transportation for Medicaid recipients to receive additional benefits. Such services include rides to and from a doctor's office for checkups or to pick up prescription medicine. However, today these services somehow include rides to grocery stores, convenience stores, and shopping malls. What was once another generous Federal entitlement has essentially become a taxpayer funded taxi service that is laden with abuse. In fact, since 1975, Federal nonemergency medical transportation expenditures have escalated from $300 million to roughly $3 billion in 1991. In Louisiana alone, nonemergency medical transportation expenditures have risen from $800,000 in 1979 to $70 million in 1993—that reflects an average that is 3 times more than Federal expenditures on emergency transportation.

I urge you to join my effort to eliminate Medicaid's nonemergency medical transportation service and remove State responsibility to maintain this program. My measure will not prohibit States from offering transportation service under their own maintenance; rather, it will remove all Federal participation and Federal spending, thus saving billions in health care dollars. In fact, the elimination of nonemergency medical transportation will mean more funding for real health care delivery to help community hospitals, provide subsidies for small businesses, create grants for facilities in undeserved areas, conduct medical research, as well as other much needed services.

It is important that we continue to pay close attention to the smaller issues of health care reform like medical transportation, because of what might seem insignificant to Washington bureaucrats may prove to have larger consequences on actual health care delivery. Furthermore, if Congress passes any health care reform package that tolerates continued fraud and abuse, we will be back at the table in the very near future to fix yet another overgrown, out-of-control, ailing health care system. I urge you to cosponsor this important and symbolic legislation.

TRIBUTE TO RUFUS HAZEL MYERS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. JACOBS. Mr. Speaker, not only the family, not only Indianapolis, but our whole Nation has suffered the loss of Rufus Hazel Myers, who died in Indianapolis on April 15, 1994.

Mr. Myers was a pioneer in the produce business in Indianapolis. He built an enormously successful business whose work was much sought after.

He is survived by his wife, Susie Price Myers, and daughters, Nikki Myers-Smith and Pat Browne. He is also survived by his distinguished sons, Rufus (Bud), Jr., and Rod Myers. Bud Myers is the administrative assistant to our colleague, CARDISS COLLINS, and Rod Myers accepts the risks of serving as a police officer on Capitol Hill.

Mr. Bud Myers was once administrative assistant in the 11th District of Indiana Congressional Office as well as administrative assistant subsequently to towering legal figure, Barbara Jordan, and to our dearly departed Mickey Leland.

[From the Indianapolis Star, April 17, 1994]

CITY MARKET PIONEER RUFUS H. MYERS
SPECIALIZED IN FRUIT ARTISTRY, NUTRITION

Services for Rufus Hazel Myers, 84, Indianapolis, the first black person to own and operate a stand at the City Market, will be at noon Tuesday in Stuart Mortuary, with calling an hour beforehand.

He died Friday.

Mr. Myers began working in the City Market in the early 1940s, taking and delivering orders for Jacob Ziers. He bought the produce stand from his boss in 1946 and owned and operated it until 1965, specializing in fruit basket artistry.

Later, he worked for Sam Rose Inc. and in the nutrition department at Indiana University Medical Center.

Mr. Myers was a member of Witherspoon Presbyterian Church and attended Indiana University.

Survivors: wife, Susie Price Myers; daughters, Nikki Myers-Smith and Pat Browne; sons, Rufus Jr. and Rod Myers; sister, Ethel Dunville; brothers, Albert, Elmon, Cornelius and Joseph Myers; six grandchildren; two great-grandchildren.

A RIVER RUNS THROUGH IT

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. LAROCCO. Mr. Speaker, the April 22 edition of the Wall Street Journal carried a front page article entitled "The River That Runs Through Boise Runs Clear Once Again." The article recounts the remarkable combination of local, State, and Federal efforts to restore the Boise River which runs through Boise. I submit the article for the RECORD.

[From the Wall Street Journal, Apr. 22, 1994]

THE RIVER THAT RUNS THROUGH BOISE RUNS CLEAR ONCE AGAIN—CLEANUP BUOYS ENVIRONMENT, STIRS THE LOCAL ECONOMY AND LURES BIRDS, BATHERS

(By Timothy Noah)

BOISE, ID—The Boise is a river transformed, Mallards paddle its clear water. Magpies and bald eagles, once a rare sight here, nest in the cottonwoods along its shores, drawn by the river's growing stock of trout. And the populace flocks to navigate it by inner tube and canoe. New low-rise office buildings and luxury homes crowd the river's shores.

It wasn't always so. While downtown Boise huddled in the foothills of the Rockies, the river below was abandoned to rats scuttling along its banks and to auto bodies and sewage clogging its flow. The refuse from riverside slaughterhouses sometimes made it run red with blood.

But spurred by citizen revulsion—and by federal regulations and tens of millions of dollars of government money—the city ended the dumping, polluters left, and the water was cleaned up. The payoff isn't only a cleaner environment, but increased economic activity as well.

ROLLING ALONG

Boise's experience reflects the historic and generally unremarked cleanup of urban rivers that has occurred since the first Earth Day, 24 years ago today, helped raise the nation's environment consciousness. Many of the filthiest rivers, from Boston's Charles to the American in Sacramento, Calif., have been substantially cleansed. Once-shunned riverbanks, such as those along the Willamette in Portland, Ore., and the Merrimack in Nashua, N.H., have turned into picturesque gathering places that boost civic pride and real-estate values.

Environmentalists have been slow to praise this progress for fear of slackening cleanup efforts. And industry, hoping to stave off further environmental regulation, has been hesitant to acknowledge that this cleanup has been a major spur to economic development.

There still are rivers to be cleaned. But as Congress prepares to rewrite the Clean Water Act of 1972, the main challenge will be finding ways to control rural water pollution that is primarily the result of pesticides and fertilizer washing off farmland. According to an Environmental Protection Agency report issued this week, agriculture accounted for 72% of all pollution in "impaired" rivers. A working assumption of both lawmakers and the White House is that the crisis in America's urban rivers has now largely abated.

One of those success stories flows through Idaho's capital, which got its name from the river that first attracted settlers to the area. French fur trappers, marveling at the rich flood plain between mountain and desert, named it la riviere boisee, or the wooded river.

COMMON SCENTS

But Boise developed mainly as a supply center to miners in nearby Idaho City after gold was found there in 1863. By the early 20th century, the Boise River was a floating dump. On its banks stood sawmills and, later, slaughterhouses. A woman who grew up in turn-of-the-century Boise once recalled the river smells of her childhood: dead fish, rotten bark and refuse.

"It really was the classic example of an urban river used primarily for waste removal," say Kevin Coyle, president of the American Rivers environmental group.

By 1962, Idaho's health department had collected enough data about "sludge" and "floating grease" to sound an alarm. State officials concluded that bacteria from raw sewage would "present a definite health hazard to anyone who comes in contact with this water." Norway rats feeding on animal parts from a meatpacking plant, the report said, were "potential disease carriers."

Growing citizen disgust prompted city officials to seek ways to clean the river. Momentum accelerated when Harold Atkinson, a California planning consultant hired by the city, noticed that Boise owned several parcels of riverfront land. Why not create contiguous parkland? The city council adopted his suggestion in 1966.

The Greenbelt, as it is now formally known, sparked a local effort to clean up the river. Boy Scouts put chicken wire around freshly planted cottonwood trees to keep beavers from chewing them to bits. Moonlighting federal officials helped identify the varieties of wildlife and folks built shelters in trees for ducks to nest in.

The other big impetus came from Washington. Congress increased funding for cleanup of rivers and other waterways through a series of laws that culminated in the Clean Water Act. That law required all pipeline dischargers, such as sewage systems and industrial plants, to meet cleanup standards defined by the best available technology.

Although the 1972 law has clearly failed to meet some of its loftier goals, among them an end to all discharge of water pollutants by 1985, its impact on end-of-the-pipe dumping has as been striking. Industrial pollution remains a reality, but is steadily declining as industries improve pretreatment and shift to processes that create less pollution. Older urban sewers hooked up to storm-water drains still back up into river and streams during heavy rains, but deliberate dumping of raw sewage is no longer a daily fact of urban life. Less than half of U.S. citizens sent their sewage to a treatment plant in 1970; today, an overwhelming majority do.

In Boise, the clean-water law allowed the city to crack down on households that were still piping sewage directly into the river and to build a second and third sewage-treatment plant. According to Lynn McKee, EPA assistant regional administrator for Idaho, the agency has provided $30 million to Boise for sewage upgrade during the past two decades, much of that has been matched by additional state and local funding.

The clean-water law also chased the slaughterhouses out of the city, says Michael McIntyre, a state water-quality compliance officer. Others improved their waste-treatment processes. And after the EPA required a nearby dam to improve water flow control to dilute pollution, residents ended their practice of damming the river with rusting cars, while the city set about fishing them out.

As the water grew cleaner, something else occurred: The Boise River became an attraction. "Trash" fish like suckers and carp gave way to trout and whitefish, luring anglers and eagles.

The river became so swimmable that thousands of people now traverse it by inner tube or canoe during summer. The cleanup even spawned an annual Boise River Festival that last year drew an estimated half-million people.

Another benefit of the cleanup: Development of Boise's downtown began a march toward the river. Boise-based companies such as Albertson's Inc. supermarket chain and Ore-Ida Foods Co., H.J. Heinz Co.'s frozen food unit, shifted their headquarters to the riverfront. Morrison Knudsen Corp., the construction company, funded a state-run nature center along the city's stretch of riverside parkland, and Ore-Ida donated land for a riverfront amphitheater where Shakespeare is performed in summer months.

Perhaps the grandest symbol of the river's heightened status is the Arid Club, a private organization that includes 350 members of Boise's business elite. In the mid-1980s, the club moved to a new building on the edge of the Greenbelt so diners might gaze out at the rolling water.

Another stretch of riverfront east of downtown is now among Boise's most exclusive enclaves, with sylvan subdivisions named Spring Meadow and River Run. Hoboes pitched shanties here during the Depression; today its inhabitants include corporate leaders and city officials.

Indeed, the area is in such demand that developer Peter O'Neill has been criticized for limiting access to roller skaters, bikers and even folks wanting to stroll along its paths. "There is a school of thought that the rich people living along the river are excluding everybody else," he says. But if you provide too much public access, "you're going to destroy the very thing you're trying to create."

Boise officials say they can't quantify the full economic gain of the river's revival, but clearly "there's value that is gained from having an attractive river," says David Eberle, a visiting professor at Boise State University. He says the river festival alone has generated as much as $20 million in lodging, souvenirs, food purchases and other expenses. In a study of the local real-estate market, he found that the average house and lot along the Greenbelt sells for $60,000 more than an equivalent house away from the river.

In contrast to business's warnings of economic doom from cleanup requirements, today the Boise Chamber of Commerce boasts about the river as an incentive to get companies to move to the area. "Over time," says chamber president Jay Clemens, "the cleanup of the river certainly had the impact of being a stimulus to the economy in our community."

While some economic activity has merely been shifted from one part of town to another, the new riverfront has greatly added to Boise's appeal. Overall, the city is growing at a rapid clip, with a population of 140,000—twice what it was in 1960.

After decades of neglecting the river, many Boiseans now worry whether they will no love it to death. With the river's cleanup now largely complete, says Hugh Harper, a retired wildlife official, "our big fight is keeping the cotton-picking developers out of it."

CONGRATULATIONS TO NOEL CASEY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. MANTON. Mr. Speaker, I rise today to recognize Mr. Noel Casey, who was honored by the Irish Northern Aid Committee on February 18, 1994 at the Crystal Palace in Astoria, NY.

Noel Casey is a carpenter and shop steward for the United Brotherhood of Carpenters Local 608. He organized fellow workers to donate time and expertise to the building of 3,000 square feet of space for Sunnyside Community Services as well as a gym for the children of St. Teresa's parish.

Noel Casey was born and raised in Quilty, County Clare, Ireland. He immigrated to the United States of America in 1963 and worked in hotels before joining the Carpenters Union as an apprentice in 1969. Mr. Casey resided in Woodside until the Spring of 1993 when he moved to College Point.

Noel Casey has been honored by the Sunnyside Chamber of Commerce and has received the Community Service Award for the Anoroc Democratic Club. He recently was honored by the Sunnyside Community Services.

Mr. Casey has given tirelessly of his time and was instrumental in his community in the revival of Thompson Hill Park. As president of the 108th Precinct Community Council he led the way for safety in the Sunnyside neighborhood, forming a veteran's patrol. He has received many awards for his efforts from the Police Benevolent Association, Mayor's office, and the Queens' Borough President's office.

Noel is a widower, and has a son who also follows his father as a carpenter. Mr. Noel Casey will be marrying Connie Hein this coming spring. Mr. Speaker, I know my colleagues join me in congratulating Mr. Casey as a leader in the Irish community.

CONGRATULATIONS, DR. BARRY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. BARCIA of Michigan. Mr. Speaker, today it is with great pleasure that I want to tell our colleagues that Dr. Jack Barry of Saginaw, MI, will this Saturday be officially installed as the 129th president of the Michigan State Medical Society, succeeding Dr. Gilbert Bluhm. He will continue the proud tradition of the Michigan State Medical Society as one of the premier professional associations in the Nation, having been founded in 1866 and increasing its importance for quality medical care in my State to this day.

Dr. Barry will assume his 1-year term as president at a most significant period in American health care as we here consider the most responsible options for improving our Nation's health care system. Whatever we develop, Dr. Barry and his colleagues will have to implement and deal with on a daily basis. I have great respect for his professional views about how our health delivery system, already the best in the world, can be made even better.

A dedicated physician for more than three decades, Dr. Barry serves splendidly on the staffs of Saginaw General Hospital, St. Luke's Hospital, and St. Mary's Medical Center. Having received his medical education at Wayne State in Detroit, his internship at St. Luke's Hospital in Saginaw, and his residency at Hurley Medical Center in Flint, he has remained loyal to his home State of Michigan, and those of us who have been touched by his care of ourselves, a family member, or a friend, remain grateful for his dedication to our needs.

His devotion to family practice is as strong as his devotion to his own family. It is also most essential to the Saginaw community. His professional accreditation from the American Board of Family Practice, the American Medical Association, and the American College of Physician Executives are testimony to his wonderful skills.

Dr. Barry has been one who does not shirk public responsibility. His service on the Michigan State Medical Society Board of Directors, and on the Saginaw County Medical Society is an admirable dedication to his profession.

Dr. Jack L. Barry has been of great value to his patients, his community, and his profession. I have no doubt that he will serve as one of the best presidents ever of the Michigan State Medical Society. My congratulations to him, his wife Arline, and his entire family.

TRIBUTE TO TOMORROW

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to eight remarkable, talented, and committed students in my district attending the Roberto Clemente Intermediate School, CIS 166, in community school district 9.

Through the direction of the talented artist Jerry Korman and the sponsorship of the Grammys in the Schools Program, the students from the South Bronx recently wrote and recorded a song entitled "Make Violence Cease. Let's Fight for Peace." Students learned about electronic instruments and technical production techniques, as well as the basics of song structure. They eventually had the exciting experience of recording their song in a professional studio and later performing for Mayor Giuliani.

Jerry Korman came to these students through Young Audiences/New York. Young Audiences/New York is one of the oldest arts-in-education organizations in the Nation. It has been introducting performing arts programs to school audiences since 1952. Last year it provided over 4,100 programs and workshops to the New York City public schools which reached more than 225,000 young people.

Young Audiences/New York has been enriching the lives of New York City and metropolitan area school children with educational programs in music, dance, theater and the visual arts. All programs are designed jointly by teachers and administrators to foster appreciation for the ethnic and cultural roots of the community, develop reasoning skills and encourage creativity and active participation.

Mr. Speaker, I ask that my colleagues join me in supporting the New York Committee for Young Audiences for its excellent work in art education as well as for its efforts to combat violence in our communities. The programs and artists of Young Audiences/New York are outstanding examples of achievement, posibility and excellence for the young people in New York.

I turn to my colleagues today and ask them to hear the plea of my young constituents as we consider H.R. 4296 to ban assault weapons. In the context of all the debate on this bill, it is important to remember how this legislation will directly impact the young people of our Nation.

Finally, I ask my colleagues to join me in congratulating Jerry Korman and his students from my district, Quentmen Felder, Imani Harvey, Diana Hernandez, Talitha Hicks, Chrystal Johnson, Jeremiah Martinez, Anna Marie Torres, and Jvan Valentin for their wonderful and meaningful work.

TRIBUTE TO AVIATION HIGH SCHOOL

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Aviation High School in Long Island City, Queens, in my congressional district. This very special high school first opened its doors in 1937, and has been at its present site for some 35 years. As is made evident by its name, Aviation High School specializes in aviation technology. Its remarkable importance, however, does not end there. This public High School graduates more than 300 students each year, each of whom attains a Federal Aviation Administration certificate in either engine maintenance or air frame maintenance. If they stay for a fifth year, they can receive both certificates. The school boasts an attendance rate of nearly 90 percent, and 77 percent of the entering class of 1989 had graduated by 1992. On average, 60 percent of those graduates will continue on to college, often with honors, while, an additional 10 percent will continue with other forms of higher education.

By the time these students are 18 years old they are fully skilled technicians prepared for employment with any airline, large or small. The students do hands-on work with sheet metal and hydraulics on either the modern equipment donated by the major airlines, or the World War II planes in the hangar. They possess, in addition to expertise in current technology, the tools necessary to adapt to ever-changing mechanical procedures and designs. Aviation High School has steadily supplied New York airports with young, able mechanics.

Last year, the school accepted only 480 of the 3,139 applicants. The student body is both motivated and disciplined, allowing the school one of the lowest rates of violent incidents among New York City high schools. Not only is the school free of graffiti and litter, but its walls are decorated with hand-drawn posters espousing various forms of responsible behavior.

Mr. Speaker, this safe, impressive school has become a haven from the incidents of violence that plague other New York City high schools. The program offers numerous college preparatory courses in areas other than aviation. From the advanced programs in English, history, and calculus, students are free to pursue college degrees in many diverse areas of interest. The school not only provides many opportunities for its graduates, but gives them a foundation of critical thinking skills that allows each of them the ability to earn a good middle-class living.

Most important, Mr. Speaker, Aviation High School provides choices and possibilities. I am sure that we can all appreciate, today, how refreshing it is to find a public high school doing so much positive work, and producing so many impressive members of the work force. And, I'm sure my colleagues will all join me in offering congratulations to this truly remarkable program.

THE PASSING OF A GREAT VETERAN FROM THE GREAT WAR

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. APPLEGATE. Mr. Speaker, a true giant of a man, an American known and respected by so many of his fellow countrymen, a highly decorated veteran of World War One, Winston M. Roché, passed away on April 28 in North Hollywood, CA.

Of all of the many thousands of veterans I've had the pleasure and honor to meet and know over my several years in Congress, Win Roché stands out as someone truly larger than life and someone I always considered to be a very good and dear friend.

You would think that someone who served his country in battle during the early years of this century might more rightfully belong in some nursing home or sequestered away in a rest home. Not our Winston, not by a long shot.

Winston Roché held the distinction of being the fastest man on wheels in his age bracket throughout all of southern California. As a very active member of the Southern California Corvette Club, Winston always felt much more comfortable pushing the speedometer needle to a number greater than his age in years, something that's truly impressive when you remember that he was in his nineties. In fact, a few laps around the Daytona Speedway at 140 miles per hour in the pace car 5 years ago didn't do a thing to Winston. He wasn't even the least bit impressed. You would think he did this each and every day in his red Corvette.

I will miss Winston's visits to Washington, and I will always think about his presentations before the Veterans' Affairs Committee and how he would speak so passionately and emotionally about the battle experiences of his fellow buddies from that war that was supposed to have ended all wars.

Mrs. Muriel Sue Parkhurst, the former executive administrator of the Veterans of World War One, wrote the following about our good friend and a truly outstanding veteran:

THE PASSING OF A WWI PAST NATIONAL COMMANDER

(By Muriel Sue Parkhurst)

Meuse-Argonne, St. Die sector, Anould sector, Vosages, St. Mihiel—French names that Winston M. Roche' saw closeup during his service in the Army's "Red Diamond" 5th Division.

Buddy Win answered the final call April 28th in North Hollywood, California. A Memorial Service in Los Angeles is planned for May 7th.

Buddy Roche' of North Hollywood, California, has served the organization on every level, including as Veterans of World War I National Commander 1981-82, National Legislative Director and has been serving VWWI as its National Judge Advocate for the several years and also this administration as National Parliamentarian.

Winston's military service began when as an 18-year-old out of high school, he entered World War I. He served with the 5th Infantry Division engineers. He has received the Purple Heart, Alsne-Marne, Chateau-Thierry, St. Mihiel and Argonne medals. And for assisting a wounded French soldier to an aid station, he received the Croix de Guerre. Six years ago he received the Legion of Honor in recognition of the 70th anniversary of America's entry into the war. He was in attendance with his family on August 30, 1993 at Cantigny outside of Chicago to receive his 75th Anniversary Commemorative Medal during our VWWI National Convention.

Roche' worked as an engineer for the Department of Water and Power on the Los Angeles, California Aqueduct and later was a surveyor and chief of surveys for the city of Los Angeles' recreation and parks. After retiring in 1969, he served on the Governor's Board on Aging and on the Los Angeles office of Civil Defense Commission.

After 27 years, he continued to work as a volunteer at Sepulveda V.A. Medical Center and served California VWWI Department as their annual Department Convention Chairman and filling the slate of Officers wherever he was most needed regardless of the job. His reputation for being on the go all the time, his love of antique cars and the California sun and surf had men half his age wondering what fountain of youth he had dipped into.

His frequent television interviews, Life magazine coverage with a larger than life portrait in his WWI uniform, and BBC London Tonight profile kept his face and name before the country. Earlier this year CNN carried yet more coverage of a 5th District Meeting where the smile of Roche' again lit up the television screen.

But the vision we will forever remember is his wave while driving his red Corvette on Bravo cable station—we thank his family and friends who shared him with a nation—this larger than life veteran.

Letters and notes of sympathy and condolences to his wife Elsye, and sons Richard and Philip, to: Richard Roche', 6031 Beck Avenue, North Hollywood, CA 91606.

DAYTON BUSINESS REPORTER 1994 SMALL BUSINESS AWARDS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. HALL of Ohio. Mr. Speaker, small businesses are part of the American dream. In our country, every man or woman can set up a company, make a product, sell a service, and hire staff. Small businesses employ about 54 percent of the private work force, contribute 52 percent of all sales, and create half of all products produced by the private sector. Small businesses are a critical element of the economy of our Nation.

Help we can offer to encourage small businesses is help to our economic future. That's why the Small Business Awards Program of the Dayton Business Reporter is so important. This program recognizes small entrepreneurial companies for their contributions to our local and national economies. Recently, the Dayton Business Reporter announced the 20 nominees for the 1994 awards program, the second year of the program.

The Dayton Business Reporter is sponsoring the program with the Small Business Development Center [SBDC], WHIO–TV, and Mead Data Central as cosponsors. Videos of each nominee are being produced by WHIO–TV and Bright Ideas for Business.

There are four categories based on the number of employees. The categories are 1–25 employees, 26–99 employees, and 100–350 employees. The fourth category is the Executive of the Year Award. Companies throughout the Dayton area are represented. Winners will be announced at an awards dinner on Tuesday, May 10, at the Mandalay Banquet Center in Dayton.

The judges, as listed by the Dayton Business Reporter, are:

Harry Bumgarner, vice president of the Small Business Developmental Center; Dr. Rishi Kumar, dean of Wright State University's College of Business Administration; Dr. Sam Gould, dean of the University of Dayton's School of Business Administration; Marni Flagal, president, County Corp; Steven Budd, president, City Wide Development Corp; Phil Miller, counselor, Small Business Development Center; Richard Flitcraft, former president of Monsanto Corp; and Jim Sherwood, COO, PSI Corp.

Associate sponsors of the 1994 Small Business Awards are: AT&T; NBD Bank; Society Bank; Dayton Chapter of CLU &ChFC; Bank One; Provident Bank; Fifth Third Bank; Huntington Bank; Star Bank; Lamar Outdoor Advertising and National City Bank.

The finalist in each of the four categories are as follows:

1-25 EMPLOYEES

Superior Dental Care, Inc., 6683 Centerville Business Parkway, Dayton. Thomas G.

Parvy, DMD, is president of the dental care facility, which has 18 employees and was established in 1985.

Twin Maples Veterinary Hospital Inc., 3646 Watertower Lane, West Carrollton. Warren E. Snead DVM, is president of the small animal veterinary services company, which has 23 employees and was established in 1970.

Architects Associated Inc., 118 S. Main, Dayton, Y.W. Bryan Choi is the president of the architectural design company which has 12 employees and was established in 1987.

Duvall & Associates, Inc., 3066 Kettering Blvd., Dayton. Alan C. Duvall is the managing partner of this financial-CPA firm, which has 16 employees and was established in 1986.

All-Seal Home Improvement, Inc., 102 W. Main St., Medway. Jack Kostak is president of this construction and remodeling company which employs 18 and was established in 1980.

26–99 EMPLOYEES

Leever's Grinding Inc., 8050 Springboro, Moraine. Gary Leever is president of this manufacturing and tooling company, which has 60 employees and was established in 1982.

Wenco., Inc., 1807 Dalton Drive, New Carlisle. Nelson D. Wenrick is president of this general construction company which has 56 employees and was established in 1983.

Audio Visual Systems, Inc., 1960 W. Dorthy Lane, Dayton. Jack H. Culp is president of this audio/visual/video computer graphics company which has 52 employees and was established in 1973.

Bagel Lovers, Inc., 5523 Salem Ave., Dayton. Edward A. Kazak is president of this wholesale/retail deli, which has 45 employees and was established in 1989.

Early Express Service, Inc., 1333 E. Second St., Dayton. Karen Sensel is president of this mailing services company which has 82 employees and was established in 1977.

100–350 EMPLOYEES

Innovative Technologies Corporation, 1020-Woodman Dr., Dayton. Ramesh Mehan is president of this engineering and management consulting company, which has 129 employees and was established in 1987.

Twist, Inc., 47 S. Limestone St., Jamestown. Joe Wright is president of this springs, wire forms and stamping manufacturing company, which has 204 employees and was established in 1971.

Motoman, Inc., 805 Liberty Lane, West Carrollton. Philip Monnin is president of this robotics systems manufacturing company, which has 130 employees and was established in 1989.

Plastic Trim, Inc., 3909 Research Blvd., Dayton. C. W. Mercurio is president of this automotive trim manufacturing company, which has 164 employees and was established in 1990.

Advanced Assembly Automation, Inc., 313 Mound St., Dayton. John F. Logan is president of this engineering and manufacturing company, which has 140 employees and was established in 1984.

EXECUTIVE OF THE YEAR

Robert F. Challe, president of High Voltage Maintenance Corporation, 5100 Energy Drive, Dayton.

Larry Song, president of Blue Chip Computers, 3085 Woodman Drive, Kettering.

David W. Dysinger, president of Dysinger Tool and Die, 2900 Dryden Rd., Dayton.

C. W. Mercurio, president of Plastic Trim, Inc., 3909 Research Blvd. Dayton.

John F. Logan, president of Advance Assembly Automation, Inc., 313 Mound St., Dayton.

INTRODUCTION OF THE PENSION REFORM ACT OF 1994

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce the Pension Reform Act of 1994.

There can be no doubt that the status of women in America has changed dramatically in this century with these changes having profound implications for the long-term economic security of women. Whereas, heretofore extended families cared for the aged, both male and female, women today are increasingly likely to be alone as they age due to the disappearance of the extended family, mortality rates, and the increased incidence of divorce and single parenthood. And when one considers the average woman earns 68 cents for every dollar earned by the average man, it is easy to understand why the poverty rate is so much higher among older women than older men, 15 percent versus 9 percent. Even more striking is that the median income of women aged 65 and older is $6,425, 56 percent lower than the median income of older men—$11,544.

The Retirement Equity Act of 1984 made an important start. It improves the chance of widows actually receiving a pension by offering survivors protection to employees as soon as they become vested and requiring a wife's notarized signature before her husband can sign away her right to receive a survivor's benefit. The law also makes it easier for a divorced wife to get a share of a court awarded pension directly from a former spouse's pension plan, lowers the age at which plans begin counting service for vesting credit, and extends the amount of time women can take off for childrearing without losing credit for prior service.

But the Retirement Equity Act didn't go far enough. Women divorced before its passage have no pension rights. That means that a 56-year-old woman divorced in 1980 is now 65 and has no pension rights. That means we could have a whole new class of poor elderly women. The Pension Reform Act of 1994 would allow pensions not divided at the time of divorce, to be divided now, pursuant to a Court order thereby effectively making the Retirement Equity Act retroactive. The Pension Reform Act of 1994 would also require the division of pension assets prospectively unless a domestic relations order provides otherwise.

The Tax Reform Act of 1986 continued the trend of enhanced retirement security for women. It reduced the vesting period, the period of service which must be completed before an employee has a nonforfeitable right to a pension, to 5 years for single employer pensions. This means that employees must be 100 percent vested after 5 years of service or, using an alternative vesting schedule, 20 percent vested after 3 years and 20 percent for each year thereafter. In general, therefore, employees who have been covered by an eligible pension plan for 5 years and work at least 1 hour after January 1, 1989, are automatically vested. This change is particularly important for women as it is estimated that approximately 1.9 million additional workers are now entitled to pensions. Multiemployer pension plans, however, are not covered by these new vesting rules. The Pension Reform Act of 1994 would extend the 5-year vesting period to these types of plans as well. This provision was contained in H.R. 4210 and H.R. 11 in the 102d Congress—both were vetoed by the President. It is also contained in H.R. 3419, which has been reported by the Ways and Means Committee. It is my hope that we can at least enact this provision this year.

Faster vesting also leads the way to greater portability, the ability to carry one's credit for service in an employer-sponsored pension plan from job to job. This is of particular importance to women as they are much more likely to change jobs and interrupt their participation in the work force at one or more times in their lives.

The Tax Reform Act of 1986 also limited integration, a little known, but potentially devastating, mechanism whereby employers may reduce pension benefits by the amount of Social Security to which an employee is entitled. Although originally intended to offset the employer contribution to Social Security, integration has often had the effect of eliminating an employee's entire private pension. In 1986, after much struggle, it was determined that Social Security benefits do not adequately replace the preretirement earnings of low- and middle-income workers. Today, therefore, the law limits integration and assures that all eligible employees receive some minimum level of benefits. However, this protection only applies to benefits earned in plan years beginning after December 31, 1988. The Pension Reform Act of 1994 would extend this protection to all benefits earned since January 1, 1987, and eliminate integration entirely by January 1, 2000.

Under current law of the Railroad Retirement Act a divorced spouse may receive a divorced spouse annuity at age 62 if the employee has attained age 62 and is receiving an annuity. The Pension Reform Act of 1994 would amend the Railroad Retirement Act by eliminating the language that suspends the payment of a divorced spouse annuity when the employee, although he or she is age eligible, chooses not to receive an annuity.

I would urge my colleagues to support this vital piece of legislation.

TRIBUTE TO LOUIS McLENDON

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1994

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to 47-year-old retired New York City correction officer, Louis McLendon. Mr, McLendon, who had never used his gun in his career as a correction officer at the Rikers Island prison facility, demonstrated remarkable bravery, on New Year's Eve, 1993, when he stood up against five well-armed youths in the process of robbing the Montego Bay clothing store in Jamaica, Queens.

Mr. McLendon, armed only with a six-shot revolver, working the last night of the year as a plainclothes guard in the popular store, quickly shot and killed the gang leader, who announced the hold-up brandishing a 9-millimeter pistol. That young man was only 21 years old. In the gun fight that followed, Mr. McLendon was shot six times, leaving nine bullet wounds.

As all of this was going on, the owner of the store, Sasson Biton, was beaten and shot in the head, in a back room, by one of the assailants. Fortunately, both Mr. Biton and Mr. McLendon survived the attack. Fortunately, for everybody else in the store that evening, Louis McLendon was there to protect them.

Mr. Speaker, this is an example of a fine, brave man standing up against impossible odds, and putting the safety of others before his own. It is sad and frustrating that we must live in a society where such selfless "take charge" action is necessary; however, with the help of the bravery and strength of citizens like Mr. McLendon, we are given a fighting chance to resolve these issues and take back our streets. It is frightening to think how many innocent lives might have been taken had it not been for Louis McLendon. I know my colleagues join me in commending Louis McLendon for his bravery and service to his community.

SENATE—*Friday, May 6, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

The PRESIDING OFFICER. The prayer this morning will be offered by the Reverend Richard C. Halverson, Jr.

PRAYER

The Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

As we go to prayer this morning, due to the significance of this weekend, it is appropriate for us to take a moment to reflect upon someone who we all have in common—our mothers. And, as we prayerfully reflect upon our mothers, remember the words of Abraham Lincoln, who once said, "All that I am or hope to be, I owe to my angel mother." But, perhaps the most beautiful words come from Hebrew Scripture in praise of a virtuous woman.

Hear now the Word of the Lord:

*Who can find a virtuous woman? for her price is far above rubies. The heart of her husband doth safely trust her * * * She will do him good and not evil all the days of her life. She seeketh wool, and flax, and worketh willingly with her hands. She is like the merchants' ships; she bringeth her food from afar. She riseth also while it is yet night, and giveth meat to her household, and a portion to her maidens. She considereth a field, and buyeth it: with the fruit of her hands she planteth a vineyard. She girdeth her loins with strength, and strengtheneth her arms * * * She stretcheth out her hand to the poor; yea, she reacheth forth her hands to the needy. She is not afraid of the snow for her household: for all her household are clothed with scarlet. She maketh herself coverings of tapestry; her clothing is silk and purple * * * Strength and honour are her clothing; and she shall rejoice in time to come. She openeth her mouth with wisdom; and in her tongue is the law of kindness. She looketh well to the ways of her household, and eateth not the bread of idleness. Her children arise up, and call her blessed; her husband also, and he praiseth her. Many daughters have done virtuously, but thou excellest them all. Favour is deceitful, and beauty is vain: but a woman that feareth the Lord, she shall be praised.*—Proverbs 31:10–31; select verses. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 6, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. MITCHELL. Mr. President, Members of the Senate, early this morning an agreement was reached setting forth the procedure by which the Senate will consider several legislative matters. The orders obtained by unanimous consent are printed at page 2 of the Senate's Calendar of Business for today and I will not repeat them in their entirety but will simply summarize.

We will, today, complete action on all remaining amendments on S. 1935, the gift ban bill. The amendments are listed in the order. Any rollcall votes required will occur beginning at not prior to 5 p.m. on Wednesday.

The Senate will then proceed to consideration of S. 978, the Environmental Technology Act. Under a similar process the amendments are listed in the order. They must be offered today, as is the case with the amendments to the gift ban bill, and any votes required will be set over until Wednesday.

The Senate will then begin debate on S. 2042, the Bosnia arms embargo bill. That matter will be before the Senate today for debate only.

On Monday, the Senate will proceed to consideration of the Safe Drinking Water Act. There will be no rollcall votes on Monday.

On Tuesday, the Senate will resume debate on the Bosnia arms embargo bill. There will be no rollcall votes on Tuesday.

And on Wednesday morning, the Senate will proceed to the conference report on the budget resolution and there will be votes on that day, not prior to 5 p.m., but I expect that there will be several votes lined up to occur beginning at or shortly after 5 p.m.

Mr. President, I again thank all of my colleagues for their cooperation. This is a complex order, embracing many bills and many amendments and affecting the interests of several Senators. I thank them all for their patience and cooperation in participating in the discussions that led to the entry of these orders.

Mr. President, the first amendment on the list is to be offered by Senator EXON. I notice that he is present on the floor.

Am I correct that the Exon amendment is the pending business?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. MITCHELL. Then, Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. If the Senator will permit, under the previous order the leadership time is reserved.

CONGRESSIONAL GIFTS REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1935, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1935) to prohibit lobbyists and their clients from providing to legislative branch officials certain gifts, meals, entertainment, reimbursements, or loans, and to place limits on and require disclosure by lobbyists of certain expenditures.

The Senate resumed consideration of the bill.

Pending:

Exon amendment No. 1682, to express the sense of the Senate that any Member who voted to reduce the pay of Members of the Senate should return to the U.S. Treasury any pay that would not have been received had the amendment been enacted into law.

AMENDMENT NO. 1682

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. EXON. Mr. President, I understand the Exon amendment is the pending business; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. EXON. Since we did not have an opportunity last evening for the reading of the amendment, I request at this time the Senate hear the clerk read the Exon sense-of-the-Senate amendment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

At the appropriate place add the following: It is sense of the Senate that any Member who voted May 5, 1994, to amend S. 1935 to reduce the pay of Members of the Senate by 15%, should return to the U.S. Treasury the full amount of any pay that would not have been received had the amendment been enacted into law and that such Members should provide evidence to the public on an annual basis that they have done so.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. EXON. Mr. President, the amendment that has just been read was an amendment that I offered last evening. There was, as the Senate knows, considerable discussion following that with Members on both sides of the aisle. The majority leader tried very hard to put together a package to unravel a rather difficult situation with regard to the scheduling of Senate business.

One of the things that came up during that discussion, at great length, was the Exon amendment and how we should proceed. It was the view of this Senator and several Members who were cosponsors of the sense-of-the-Senate resolution as introduced, that we should proceed with discussion, debate and a vote on last evening—or more correctly sometime this morning, very early, because I believe we had wandered on beyond midnight during these deliberations and discussions.

The reason I offered this amendment was to attempt to gain a degree of consistency in the Senate. It was not intended as an amendment to particularly embarrass any of my colleagues. However, during the discussion, during the deliberations, several Senators came to me—including the majority leader—and said pressing forward on the Exon amendment at that time would cause a great deal of difficulty to many of my colleagues because they were not present at that time, early this morning, and further said even if, as originally suggested, we put this over until Wednesday, it could cause a very great deal of difficulty and would have prevented the rather complicated unanimous-consent agreement that was finally agreed to last night or early this morning—whatever the timeframe was. I do not remember for certain.

I will simply say, Mr. President, that I thought the amendment that has just been read was simply an opportunity for those who voted for a 15 percent cut in their pay, to give them the opportunity, with the suggestion in the sense-of-the-Senate resolution, to do exactly what they desired to do, evidently, by their votes, even though the amendment did fail.

The reputation this Senator has in the Senate, I think, is clearly one not designed around recriminations, not built upon trying to place my colleagues on either side of the aisle in a difficult position.

I simply say that it is my intention to withdraw that amendment, at the request of several Senators. I believe that if it were brought to a vote, it would very likely receive overwhelming approval.

But the idea is to getting ahead with the business at hand around here, to address ourselves to the very many, many complicated issues that were contained in the unanimous consent agreement, and others, such as health care, on which we are now facing somewhat of a short time fuse.

Therefore, Mr. President, in order to expedite the proceedings of the Senate, and at the request and suggestion of the majority leader, I have agreed to withdraw the amendment.

I just wanted to take this brief period of time to explain my reasons for offering it. It simply was that one of the things I think we all should do in the body is to try and be a little more consistent, at least during short-term periods, in the U.S. Senate. That was the reason for the amendment.

But as I have explained, I recognize the circumstances that the majority leader faces and, therefore, to expedite matters and not string this out any more than is already necessary, I withdraw the sense-of-the-Senate amendment that I sent to the desk during the previous session of the Senate.

The ACTING PRESIDENT pro tempore. The Senator has that right. Without objection, the amendment is withdrawn.

So the amendment (No. 1682) was withdrawn.

VISIT TO THE SENATE BY THE PRIME MINISTER OF MALAYSIA

Mr. COHEN. Mr. President, I ask unanimous consent that we stand in recess for 1 minute. However, before doing so, I would like to take this occasion to announce that we have the privilege of having the Prime Minister of Malaysia, Mr. Mahathir, who is visiting our country and will be going to the White House shortly to visit President Clinton.

We want to take this opportunity to welcome him to the U.S. Senate and say how much we appreciate our relationship with Malaysia. It is a strong one, both economically and militarily and, hopefully, we will build upon that relationship even more so in the future. So we welcome you to our Senate. [Applause.]

RECESS

The ACTING PRESIDENT pro tempore. Without objection, the Senate stands in recess for 1 minute.

Thereupon, the Senate, at 10:14 a.m., recessed until 10:17 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. MATHEWS].

CONGRESSIONAL GIFTS REFORM ACT

The Senate continued with the consideration of the bill.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum. I withdraw the request.

Mr. DOLE. Mr. President, I had intended at this time to offer the amendment, following the amendment which would have been offered by the distinguished Senator from Nebraska [Mr. EXON], because I, too, share his concern about being consistent or inconsistent.

So I was prepared to offer an amendment saying anybody who voted against a pay raise as a sitting Senator, and then has since taken the pay raise, would have to refund that to the Treasury.

I noted there would have been quite a number of sitting Senators who voted no for the recent pay raise but I assume have been accepting it on a monthly basis. I think both the Senator from Nebraska and the Senator from Kansas made our points. I happened to vote for that pay raise, as did the Senator from Nebraska.

But I think last night the effort to reduce the pay by 15 percent—the amendment offered by the distinguished Senator from Montana [Mr. BURNS]—was a good-faith effort. He felt strongly about it and he offered the amendment, but I believe, in view of the disposition of the previous amendment, to withdraw the amendment of the Senator from Nebraska [Mr. EXON], there is no need for this Senator to propose my amendment.

I do not have any amendment to withdraw. I just make the statement based on the action of the Senator from Nebraska. I will not offer the amendment I just discussed, and discussed last evening.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the appropriate place, add the following:

It is the sense of the Senate that any Senator who voted against pay raises for Members of Congress on July 17, 1991, October 26, 1990, August 1, 1990, February 7, 1989, February 2, 1989, June 14, 1988, June 27, 1988, December 21, 1987, or on any previous occasion, should return the pay raise to the Treasury with interest.

HAITI

Mr. DOLE. Mr. President, on another matter, I just suggest there has been a lot of talk about Haiti and what we are going to do in Haiti—an invasion, whatever.

I just hope the President might seriously consider a bipartisan factfinding mission. I think it would have great appeal on both sides of the aisle, in both the House and the Senate. I believe it could be put together very quickly and have a positive impact on what our course of action should be in Haiti. I would certainly be prepared to cooperate with the President. I am certain my colleagues on both sides of the aisle will, in both the House and the Senate.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to proceed as in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I send to the desk a bill and ask for its immediate consideration.

Mr. BIDEN. I object, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BIDEN. Mr. President, I want to inquire of our colleague from Texas. The reason I objected is that I may have misunderstood what she said. Is the Senator introducing a bill and seeking its immediate consideration?

Mrs. HUTCHISON. No, Mr. President. I appreciate the question from the Senator from Delaware. I meant appropriate referral.

Mr. BIDEN. I have no objection. Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Texas may proceed.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 2085 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECOGNITION OF SMALL BUSINESS WEEK

Mrs. HUTCHISON. Mr. President, I also want to rise today to recognize and celebrate Small Business Week.

Small businesses play a crucial role in our Nation's economy. They account for one-half of total employment in this country and a large majority of new job creation. In fact, the American small business community ranks as the world's third largest economic power, behind only the United States economy as a whole and Japan. I believe it is important to recognize the contributions of these hard-working entrepreneurs.

In my home State of Texas, there are over 350,000 firms with less than 100 employees. And these numbers are growing, including unprecedented ownership by minorities and women. During the last few years, the number of African-American-owned businesses in Texas has increased more than 30 percent; the number of women-owned businesses in Texas almost 50 percent; and Hispanic-owned businesses more than 60 percent.

But while we are celebrating these past achievements, we must not forget that the burdens many small business owners continue to face are from their own Government. Each new tax, regulation, or mandated benefit subtracts from business growth and new job creation. If we, in Congress, really want to help small business, we should remove obstacles to growth rather than piling on new ones.

Let me outline three ways we can create a healthier small business environment and, hopefully, a healthier, robust economy.

First, we need to pass health care reform that is affordable and accessible for small business owners and their employees. Unfortunately, a recent study found that under the employer mandate in the Clinton health care plan 850,000 jobs could be lost nationwide, including almost 52,000 in my home State of Texas.

A few months ago, one of my constituents, Ed Norton from Austin, came into my office to talk about health care. Ed owns a chain of barbecue restaurants, and he said his health care costs under the Clinton plan would be higher than his entire net income.

Mr. President, we must listen to the people who are out there working to make ends meet and get this economy going.

Second, small business owners desperately need relief from excessive Government regulations and paperwork. According to the Small Business Administration, small firms spend a minimum of 1.2 billion hours each year just to comply with Government paperwork regulations—1.2 billion hours. As a former small business owner myself, I am very familiar with the weight of excessive regulations. Every minute devoted to filling out another Government form or to comply with another Government regulation is an hour that could be spent better looking at my customer base, developing a new product, better manufacturing methods or expanding my markets—in essence, contributing to the productivity of our Nation's economy.

Ultimately, these regulations are a hidden tax. It is a cost of doing business. Reducing the regulatory burden will free up resources to fuel economic growth well into the 21st century. Mr. President, we must be ever mindful that all our businesses are going to be competing in the international marketplace.

Finally, Mr. President, we must address skyrocketing product liability costs which are stifling innovation and competitiveness among our smaller businesses. Recently, I received a letter from a small manufacturer in Houston who said:

> We have fallen behind foreign competitors in new product development due to concerns of liability exposure. And because product development is being curtailed, so too is our ability to create new jobs. The high cost of product liability insurance increases product costs and reduces the competitiveness of our products. We cannot compete at home or abroad because of this situation.

That was from a small business manufacturer in Houston, TX.

To correct these problems, I cosponsored, along with many of my colleagues, the Product Liability Fairness Act. This bill sets uniform standards for product seller liability, limits punitive damages awards, and sets liability time limitations. I look forward to this bill's floor consideration before Congress adjourns.

I urge my colleagues to join me in recognizing the important contributions of small business owners during this very special week. But, more importantly, I hope they will join me in lifting some of the burdens and some of the regulations imposed by Government on these small firms. Let us initiate a new era of economic growth and prosperity for this country.

Thank you, Mr. President.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DORGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL GIFTS REFORM ACT

The Senate continued with the consideration of the bill.

Mr. DECONCINI. Mr. President, will the Chair please advise of the pending amendment?

The PRESIDING OFFICER. The Senate is now considering S. 1935. That is its pending business.

Mr. DECONCINI. Is that open to amendment or is there a pending amendment?

The PRESIDING OFFICER. There is a unanimous-consent agreement in which a number of amendments are limited.

Mr. DECONCINI. I wonder if I can have some time while we are waiting for amendments to be taken up.

If there is no objection, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senator from Arizona is recognized.

Mr. DECONCINI. I thank the Chair and I thank the Senator from Michigan.

RUSSIA

Mr. DECONCINI. Mr. President, as Russia continues to work through the wrenching transition from the Soviet era, the debate over how to help shape the direction of Russia's future policital course continues to preoccupy United States foreign policymakers. And well it should.

Alarmed by the pattern of Russian pressure on its neighbors, and disturbed by the slowdown of economic reform and the success of hardliners in December's parliamentary election, some have sounded the alarm that Russia cannot be our partner or ally, but is our rival, or even our foe. This view holds that Russia will essentially remain a strategic threat to the United States, regardless of the collapse of communism.

I lean in a different direction. I believe the present and future status of United States relations with Russia are simply unclear and unpredictable. It is premature to draw conclusions about these relations and neatly condense them into a one-word sound bite of a foe, or an ally, or a friend, or an adversary.

Depending on one's prejudices, hopes, or expectations, any one of the words that have punctuated the debate about our relations with Russia—ally, partner, rival, foe—is reasonable. The danger is that the policy we favor will depend on the word we prefer, and that word may change on a regular basis.

I think it is safe to project that Russia will at times cooperate with us, and at other times will not. This should not surprise or frighten us, since we have bitter disputes even with nations that have been our allies for decades.

What should concern us is that Russia accept and act in accordance with certain internationally accepted standards of behavior. Our strategy toward Russia must not only focus on gaining Russian cooperation in specific cases, but on encouraging Russia to play according to the rules of the game. These rules set limits, especially on the use or threat of force, and demand respect for the sovereignty and territorial integrity of other states.

So while the nature of post-Communist Russia is very much a work in progress, and it is too early to decide once and for all whether she is friend or foe, it is not too early to sound the alarm about certain tendencies in Russian politics. I refer, in particular to the deliberate destabilization of its neighbors as a means of regaining control over them.

Russian military support for Abkhazai has led to the de facto dismemberment of Georgia, which has been forced to seek entry into the Commonwealth of Independent States [CIS] and to agree to the stationing of Russian soldiers on its territory. Somewhat less blatantly, Russian forces clearly connived in the coup d'etat that took place last June against the democratically elected president of Azerbaijan and pressured his successor to bring the oil-rich country into the CIS. There is no doubt about that.

In Moldova, the Russian 14th Army appears to be digging in for the duration, even though Russian Government spokesmen speak supportively of a CSCE initiative to resolve the dispute between Moldova's Government and secessionist Trans-Dniestria that envisions the withdrawal of the 14th Army from Moldova. In Tajikstan, there is a very murky line between peacekeeping and keeping the old nomenklatura in power.

In my view, Russia's behavior in Georgia, Azerbaijan and Moldova violates the Helsinki accords and other international agreements—documents which Russia has freely signed and agreed to abide by. We are entitled to expect and, I think, demand that Russia honor its international commitments.

In the Baltic States, after long and arduous negotiations, Russia has finally reached agreement with Latvia on an August 31, 1994, withdrawal date for Russian troops. But Russia continues to delay serious negotiations about a timely withdrawal of its 2,600 troops from Estonia and has added additional terms for withdrawal, including a demand for $23 million to build housing for these troops in Russia from that country. This breaches the July 1992 Helsinki CSCE document calling for complete and timely withdrawal of all foreign troops from the Baltics. We should all keep in mind that much of our aid program to Russia is contingent upon significant progress toward removal of Russian troops from the Baltics.

Equally ominous are Russian efforts to manipulate the peacekeeping issue. In Georgia, Nagorno-Karabakh and elsewhere, Russia has been seeking international agreement to the stationing of Russian forces in these regions. President Yeltsin, in his February 24 speech, stated that "a strong Russia can become the guarantee of stability all over the territory of the former Soviet Union." But stability must never be an excuse for establishing hegemony over neighboring states against the latter's will, or violating CSCE and U.N. provisions on territorial integrity of member states. If one of Russia's neighbors wishes to enter into a military alliance with Russia, that decision is certainly not ours to contest—in the United States or elsewhere. But uninvited army bases, deployment of military forces on another Nation's territory or refusal to withdraw forces within a reasonable timeframe are quite another thing. And these activities cannot be justified simply by appeals to "peacekeeping."

One of the issues I find most worrisome is Moscow's tendency to exploit Russian minorities, and Russian-speaking minorities, in the other republics. Official Russian rhetoric about protecting Russian speakers—regardless of where they actually live and their ethnic background—increasingly seems like a pretext to reestablish a sphere of influence throughout the entire former U.S.S.R. This understandably alarms Russia's neighbors, and we should not accept at face value Russian arguments about the need for Moscow to protect Russians wherever they may be physically and geographically located. Many of these Russians know full well, and they have said so to Helsinki Commission staff, that Moscow is pursuing its own interests when it asserts the right to defend these Russians. Several Foreign Ministry papers over the last few years have clearly spelled out this policy perception.

Russia would be the dominant player in the region no matter what, because of its size, because of its economy, et cetera. But it is one thing for a giant country to use its economic muscle in negotiations; it is quite another to demand cooperation by threatening to tear a small country apart, or, worse, actually stripping its sovereignty of all meaning.

So what are we to do? First, we must recognize that our leverage is limited. Especially in today's atmosphere of aggrieved nationalism, Russia cannot simply dance to our tune, or be seen as bowing to American dictates. But we can insist on Russian compliance with standard rules that bind all other nations.

Along these lines, talks and projects on the denuclearization of Russia and the United States must continue. These lines to communication are important and can bring about a very positive effect. While we will certainly not eliminate the causes of war, the United States and Russia must work together to reduce our reliance on weapons of mass destruction, and must prevent their proliferation. This is an investment which is clearly in our national interest, and in the interests of the world.

I am not convinced, however, that all aspects of our overall assistance program to Russia are in our national interest or help the Russians. I remain troubled, for example, by the extension of loans to Russia by the IMF, to which the United States is one of the main contributors. Absent evidence of any meaningful financial reform, these loans may well be wasted. Worse still, these loans may indeed serve to perpetuate the old Soviet-style economy.

We must work more actively with our G–7 partners to insure that our multilateral aid is tied to demonstrated compliance with the IMF guidelines instead of continually extending loans which, so, far, have been based on empty promises of reform within Russia.

But from a national perspective, I am, frankly, more concerned about our bilateral assistance programs to Russia. Too many of our tax payers' dollars are wasted on high-priced consultants whose transient appearances in Moscow often leave a residue of resentment. We should instead focus on training managers and public officials capable of replacing Communist institutions and attitudes with democratically-oriented reforms. We need hands-on programs that help people develop production and infrastructure.

We have all recently heard many horror stories about the rampant, systemic corruption throughout the CIS. This is an extremely serious phenomenon which requires attention from the international community. We only exacerbate it by funding programs which are not meticulously screened to ensure they are having their intended effect. This means, in my view, a greater concentration on quality rather than quantity.

One component of our assistance program about which I have had serious misgivings is the export guarantee program of the Department of Agriculture. During 1991 and 1992, this program guaranteed nearly $5 billion of United States commodities exported to the former Soviet Union. I realize this is important to our farm and agricultural business here. But this is taxpayers' guarantees. If they are not paid the U.S. Government will do it.

This program has done little more than permit Russia to avoid reforming its agricultural sector, and it looks as though the American taxpayer may have to pick up the tab for the nearly $3 billion that remains of this Russian debt to the United States.

I opposed these loans from the beginning because I feared they would not be repaid and would act as a deterrent for the reform of the Russian agricultural sector. It seems like that is going to happen on both tracks. I believe that the previous administration missed an important opportunity to help direct Russian economic policy toward a market economy by not attaching conditions to these loans, which could have encouraged establishment of a genuinely market-oriented agricultural sector. It is clear to me that that has not occurred in Russia and is not occurring today or in the near future. Unless meaningful standards of credit worthiness and IMF compliance are attached to future loan guarantees, this type of aid will benefit neither the Russian people nor the American taxpayer.

A few of our programs are worthwhile. Some of our humanitarian assistance, for example, such as medical supplies and training, are desperately needed and have gone to the people who need them. I also favor the farmer-to-farmer concept in which experienced U.S. farmers provide hands-on training on a long-term basis. I have been impressed with the caliber of experienced managers and technicians who are participating in the CIS. Peace Corps projects. These types of programs provide training for a sustained period and, more importantly, do not consist of commodities or funds which wind up in the pockets of corrupt former Communist leaders. As a British journalist wrote, "Every time you Americans give aid to some Russian city, a half dozen more Mercedes show up in front of city hall." I am sorry to say, but that is becoming more apparent on a day-to-day basis.

Apart from scaling back and prioritizing United States aid to Russia, we must provide more assistance to the other newly independent states on the same kind of basic programs that work. Some might object that we cannot afford to help everyone, but we cannot afford a Russo-centric approach to aid from the United States. It is strategically and politically critical that Ukraine and the countries of the Caucasus and Central Asia remain independent of Russia and make greater progress toward democratic reforms. I might say, we have some very good programs that are operating there without massive billions of dollars of agricultural credits. Properly targeted training programs can help ensure this.

President Yeltsin himself has lamented that "the Russian state hasn't taken its proper place in the world community." It is the proper and needed role of United States foreign policy to insist that Russia's place in the global community be based on its respect for international norms of accepted behavior.

INTEREST RATES AND THE FEDERAL RESERVE

Mr. DECONCINI. Mr. President, on another subject matter, I rise today to voice some concern over the string of recent decisions by the Federal Reserve to raise interest rates an amazing three times in a very short 10-week period of time. Many observers believe that the Fed will raise the rates again, perhaps as soon as the middle of this month. Financial markets and institutions were quick in their negative response to the most recent one-quarter of 1 percent increase on April 18, as bond prices tumbled and the Dow fell 41 points in 1 day.

Some of that has been recouped, but there is certainly some feeling of concern. Proponents of the Fed policy argue that the increases are necessary to stave off inflation which may accompany our growing economy. However, I believe that adopting this policy, at this time, is premature and unprovoked. Although this Nation's economy is experiencing sustained growth, the warning signs of inflation have remained at bay. Growth figures released last week by the Department of Commerce indicate that the economy grew at a rate of 2.6 percent for the first quarter. While this growth is less than previous predictions, which ranged from 3 to 4 percent, the 2.6 percent figure represents a steady, job-producing level of economic expansion.

The Wall Street Journal said recently the first quarter figures bode well for the remainder of the year. According to the Journal, the economy will continue to grow at a moderate rate, around the 3 percent range. More importantly, the forecast indicates that inflation will remain under control.

Laura Tyson, the head of President Clinton's Council on Economic Advisers stated that the report "* * * should calm fears that the economy is growing at an unsustainably rapid rate, or fears that inflation is about to spike upward."

Clearly, the outlook is a positive one which should be greeted with enthusiasm by an American public which has been subjected to years of economic stagnation while Washington has stood idly by. It is this Senator's hope that the recovery will be allowed to run its course unencumbered by another increase later this month of interest rates by the Federal Reserve.

It is the potential that in their zest to avoid inflation the Federal Reserve will prematurely put the brakes on the recovery, which causes me to speak out today. The need to limit inflation is a legitimate one. However, we should not embark on a policy of preempting inflation when there is no indication that it is a problem.

When indicators predict inflation becoming problematic, then clearly raising interest rates is appropriate. Raising the rates prior to that time, as recent experience shows us, creates unwarranted uncertainty in the financial markets and shakes consumer confidence. The impact of the recent increases has had a very real and, in my opinion, detrimental effect not only on Wall Street, but also on Main Street.

For example, a young couple hoping to buy a new home this spring is today facing financial obstacles that did not exist only a short time ago. In a little over a month, the interest rates on the average 30-year, fixed-rate loan, has climbed a full percentage point to 8.5 percent—an increase of 1.75 percent since the rate reached a 25-year low of 6.74 percent last October. Virtually overnight, many have been priced out of the housing market and out of the American dream.

This simple example illustrates another very important concern about the Federal Reserve: Accountability to the American public.

The decisions of the Fed, perhaps more so than many decisions we make in this Chamber, have an immediate, direct, and unavoidable effect on the lives of millions of Americans. However, unlike Members of Congress, the Fed is not accountable to any of those Americans. Regardless of the policies adopted by the Federal Reserve, neither the Congress, nor the Executive branch have any recourse whatsoever. The Federal Reserve is the most autonomous, and therefore in my judgment, the most powerful of all agencies. This, despite the fact that our form of Government is predicated on accountability.

The issue of accountability has been raised in Congress before, and I am aware of at least two pieces of legislation which have been introduced in this Congress as well. I hope that this body will give those measures the thorough consideration that they deserve. The simple fact is, the American public has a right to expect the Federal Reserve to be accountable for the decisions they make.

At present, they are not. At a minimum, enhanced disclosure or congressional oversight would ensure the citizens of this Nation that policies which affect them directly are well thought out. It is clear that this issue is one which should be addressed, and I welcome the opportunity, and hope and encourage the committees of jurisdiction to take that opportunity now.

However, the more immediate concern which must be addressed is another possible increase later this month of the interest rates set by the Federal Reserve. I sincerely hope that the Federal Reserve will weigh the potential damage another increase will have on the recovery. This Nation is at long last experiencing growth which will be endangered if further increases are sought. We should reconsider the current policy and give the expansion a chance to run its course. After enduring a lengthy recession, the American people are entitled to at least that much.

President Clinton and this administration have taken very positive steps to see that there is economic growth. The economic package that passed this body and the House of Representatives resulted—for the first time in my career in this body—in the growth of the deficit going down, in actual cuts in Government spending, and yes, a modest tax increase of 1 percent on only the wealthiest Americans. These positive steps have produced economic assurance and growth in this country.

I hope that we will keep a steady course and that the Federal Reserve will not muck it up.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL GIFTS REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1685

(Purpose: To express the sense of the Senate concerning the Racial Justice Act)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. GORTON, and Mr. DOMENICI, proposes an amendment numbered 1685.

At the appropriate place, add the following:

It is the sense of the Senate that the conferees to the upcoming Senate-House conference on omnibus crime legislation should totally reject the so-called Racial Justice Act provisions contained in the crime bill passed by the House of Representatives on April 21, 1994.

Mr. D'AMATO. Mr. President, this is a straightforward, sense-of-the-Senate resolution that clearly indicates there is no place in our society, and particularly in our criminal justice system that a situation can exist whereby the punishment of an individual or the sentence imposed on an individual will be determined or the guilt or the innocence of an individual will be determined by way of their race, color, or creed.

Lady Justice is unique in that she wears a blindfold. It is more than symbolism because we take pride in working to see to it that we have a system that dispenses justice regardless of a person's ethnic background, race, color, religion, their wealth, or their position. Justice should be dispensed in a manner and in accordance with what is right and proper, in accordance with the evidence—the facts.

Let us understand clearly what our colleagues in the House of Representatives have done. They have now said that the imposition of law—the death penalty in this case—will be based on statistical evidence that can be used to keep a person who may even be an admitted killer, a person who has been judged by a jury and found to be guilty of a heinous crime, from receiving the verdict of the jury, if that verdict were the death penalty.

I find it interesting that while the House of Representatives has jumped up and down and said that the death penalty has now been expanded to cover—I do not know how many—new laws, it has in this instance passed the so-called racial justice provision.

There is no one who is opposed to racial justice. Yet, when we discuss this subject we are talking about political gamesmanship. That is what it is—political gamesmanship. How can you get up and say you are opposed to racial justice?

Let us make it very clear. There should never be, at any point in time, the introduction or undertaking that we could be considering a person's guilt or innocence, particularly in criminal law, that it would be impacted or affected as a result of a person's race. That is repugnant to everyone. That is why this amendment that the House put in, the so-called racial justice provision, is so repugnant.

Simply put, we are rolling back the clock. We are now saying the innocence of a person or the guilt of a person or the sentence that will be meted out will be on the basis of racial quotas. As a matter of fact, under the House bill, an inference that race was the basis of a death penalty can include evidence that the death sentences were being imposed significantly more frequently on persons of one race as opposed to that of another.

Any numerical inequality in sentencing persons of different races would be considered statistically significant. This means that the death penalty must be imposed on an equal number of persons from all races. I have never heard of anything so preposterous.

In order to apply the death penalty under this provision, you would have to have an equal number of people—black, white, Hispanic, Asian—otherwise you cannot apply it. The result is clear, this provision wipes out the death penalty. This is a wonderful and clever way of abolishing the death penalty. I would like to state that I respect those people who have deep convictions and do not believe the death penalty should ever be applied. At least, we can argue on the basis of their system of beliefs—at least I know from where they are either coming from as opposed to them hiding it and cloaking it with the so-called idea of racial justice.

Everyone is for racial justice. We are not for saying that because a person may be of a particular color or ethnic background at a particular time and statistically there are not the same number of people who are going to be executed within that jurisdiction, that the punishment should not be applied. We look to the facts of each individual case, and based upon that case and the person's actions, and if a jury finds them to be guilty, and then if they impose a sentence, that is the criteria. Was it done fairly? Was that person given an opportunity to defend himself or herself? Were they given all of the safeguards provided under the Constitution, both of the United States and of the constitution of the various States? If they were, then the law goes forward—color blind, not with some kind of mumbo jumbo about racial equality, that the House hid behind.

Does this mean that all of those on death row today can raise appeals now—some of them may have been there 10 years, and all of their appeals have been exhausted, more than 3,000 of them. Can they then say, "We want to ascertain whether or not we fall within a certain statistical proportion as it relates to a number of people from the jurisdiction we come from who may be awaiting imposition of the death penalty"? Yes.

It means that effectively you have wiped out the death penalty. The ugly thing about this—and it is ugly, nasty, and mean spirited and wrong—that when we title this racial justice, that is a mischaracterization of a deliberate nature. This provision is intended to obfuscate the facts and intended to say that those people who now will be calling for the death penalty and getting rid of this obnoxious provision, somehow do not care, do not share the craving that justice should be without any relationship to the ethnic background or race of an individual who is being tried.

That is why I find it particularly disturbing. That is why I think many of my colleagues have a reluctance—although they feel as strongly as this Senator, some more strongly, that this is a repugnant provision that the House included under the guise of racial justice, they are reluctant to publicly come forward, because we are in the age of political correctness. When some of the great newspapers can so blindly fall into this business and spend no time analyzing the impact of what this legislation does, and simply under the call of equality and fairness, back this legislation. This is something all of us believe in, because if you were to believe the headlines and not look behind the content of this provision, you would say, "of course, I am for racial justice," and this Senator is. But I am not for a system that will now develop a quota system for the imposition of a penalty, and I do not care what the penalty is.

Do we really go about saying, "Well, I am sorry, this is a disproportionate number of people who committed this particular offense and, therefore, you are not subject to the imposition of a law"? Sorry, the quota is up. Do you mean that confessed killers, who have admitted their deed, with evidence that is uncontrovertable, with witnesses, et cetera, under this provision they would escape the death penalty on the basis of what their race, color, or ethnic background is? Sorry, you do not fit the statistics; there are too many whites today, too many Asians today, which would effectively denude this country of one of the great features of our justice system—equality under the law.

Our justice system has not always been perfect, and people can dredge up cases from the sixties and earlier, in which discrimination was present and rampant. Let us wipe out discrimination, and make sure it is discrimination that we are after and not an attempt to impede the imposition of a penalty by this ruse—and that is what this is.

Racial justice is a way to erase the equality of the application of the law. It will say that we will not apply the law any longer on the basis of the guilt or innocence of the particular person, but on the basis of his or her race. It should not be based upon the origin of that person.

Mr. President, there are many more things that we can say and which I will be speaking to later. I know Senator GORTON has some remarks, and I know there will be further debate on this.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, throughout the history of this country and, for that matter, of those other nations from whom we inherit our legal institutions, the prosecution of crime has been intensely individual. It is individuals, by name, who are charged with offenses against the state and against society.

Verdicts are based on whether or not a jury believes beyond a reasonable doubt that the individual committed the offense with which he or she is charged. And when a conviction is obtained, we have prided ourselves, throughout our history, in suiting the sentence to that individual and to the circumstances surrounding that individual's conviction.

In fact, in the many debates in the Supreme Court of the United States over the constitutionality of capital punishment, the ultimate result was a demand by the Supreme Court that individuals convicted of capital offenses be subject to capital sentences only on the basis of their own actions, and only after jurors or judges have listened carefully to both aggravating and mitigating circumstances surrounding the commission of the most serious criminal offenses.

This has been our history; this has been our glory; this has been the result of decisions of the Supreme Court of the United States based on the due process and equal protection clauses. Never has the Supreme Court permitted consideration of race with respect to the imposition of capital punishment or, for that matter, the conviction of a crime. It is not a defense to the traffic offense of running a red light that other people ran the red light and were not arrested and prosecuted, whether of the same or a different race or sex. It is an individual offense. It is not a defense to a drug charge that those who lived in a different neighborhood were not so frequently charged or convicted, or those of a different sex, or those of a different race were not charged and convicted in similar numbers or in similar percentages.

The theory of title IX of the House crime bill stands our history on its head. It is badly misnamed the "Racial Justice Act." It ought to be named the "Racial Quota and Repeal of Capital Punishment Act." For the first time, the House of Representatives, in this title, says that race must be a conscious consideration in the imposition of capital punishment sentences.

They can be challenged, almost certainly successfully, on the basis of a showing that any other race has been subjected to capital punishment within that jurisdiction in differing numbers in spite of the percentage of that group in the society or, I assume by inference in reading title IX, in different percentages without regard to the number of those charged, the number of those convicted. Although that itself will be a separate ground for challenging under title IX of the House bill.

This totally and completely different theory of criminal justice undercuts the entire history, the entire proud history, of not permitting the charging of groups simply on the basis of the fact that they belong to the same race, the same family, the same neighborhood, of the criminal activities of a single individual.

Granted this reverses the process and says in the ultimate analysis it is only the sentence which can be changed on that ground, but it is absolutely certain that if title IX should become law, many, if not all, of the most aggravated forms of first-degree murder, the most outrageous of crimes, the crimes of serial killers, will result in a challenge to a sentence of capital punishment, not on the basis of any act or omission of the defendant, but solely on the basis of the way in which other members of that race were treated over an extended period of time in the same jurisdiction.

The net result of the passage of this proposition is the repeal, not only of the capital punishment statutes which have been passed by the Senate of the United States and the House of Representatives in the course of the last 6 months—almost without exception by overwhelming votes—but the repeal, or at least the attempted repeal, of the capital punishment statutes of all or the great majority of the States in which they are imposed.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. GORTON. We have a graphic example in the State of Washington of the effect in communities of a proposal like this. More than 12 years ago in the small community of Clearview, WA, a work-release inmate named Charles Campbell brutally murdered Renae Wicklund, her 8-year-old daughter Shannah, and her neighbor Barbara Hendrickson, in revenge for Renae's earlier testimony which had sent Mr. Campbell to jail for sexual assault.

When several months later, almost 12 years ago, a jury sentenced Campbell to death for his acts, the family and friends of the victims, and overwhelmingly the people of Washington State, felt that justice was done and expected justice to be served.

Twelve years later the family, the neighbors, the people of the State are still waiting.

Charles Campbell is exhibit A for failures of the present criminal justice system. More than $2.3 million in taxpayer money has been spent on 44 motions and briefs filed during five different appeals of that sentence, including three Federal habeas corpus petitions. Still, this murderer and his attorneys are using additional opportunities to delay justice.

Most recently, a panel of the Ninth Circuit Court of Appeals dismissed Mr. Campbell's last petition for habeas corpus. He has now asked the Supreme Court once again to intervene.

It seems unlikely to this former attorney general of the State of Washington, Madam President, that the Supreme Court will do so, the Supreme Court itself having taken almost unprecedented action a couple of years ago to direct the ninth circuit to expedite and to decide one of these earlier habeas corpus appeals. Nonetheless, the possibility of another stay exists.

Charles Campbell is now scheduled to be executed on the 27th of this month. According to officials in the State of Washington, the only likely factor to delay final justice for Mr. Campbell is a major change in the law like this one.

The prosecuting attorney in the county in which Mr. Campbell was tried and sentenced, wrote me on April 21 about the so-called Racial Justice Act provisions in the following words:

> In our view, if the bill passed before that date [of Campbell's execution], the execution will almost certainly not occur as scheduled. It is entirely possible that the execution would never occur. * * * Under this bill, all death sentences in a State are illegal if death sentences are "imposed based on race." Defendants can create an inference of this simply by showing that upon persons of any one race more frequently than those of another. The State must then prove race was not a factor. How it could meet this burden is not at all clear. The statute specifically precludes reliance on testimony that State officials did not intend to discriminate.

Madam President, I agree with the judgment of the prosecuting attorney of Snohomish County. I believe that there is a high degree of likelihood not only that Mr. Campbell's execution would be delayed, but that it might never take place should, by some fortuitous circumstance, this title become law before the date of his execution. Mr. Campbell is Caucasian. Nevertheless, he would have the right to make such a challenge under the terms of this title.

Now, I understand it was stated during debate over this matter in the House of Representatives that the House conferees would, at the very least, take out the retroactivity provisions of this title. But that really does not make any difference. It might possibly mean that justice was done in this single instance, but it would almost certainly prevent justice from taking place under any similar or even identical set of circumstances in the future.

It is the view of many in law enforcement, especially those who must prosecute and defend appeals in capital punishment cases, that for all practical purposes this title repeals capital punishment in the United States.

I am not saying that there is something wrong with debating the appropriateness of capital punishment statutes. That is a debate which is almost as old as the Republic itself. It is a debate in which many thoughtful and principled people find themselves with a different position than my own. But it is clearly not the view of the majority of the American people. It is not the law in the majority of American States. It is not what this body decided as recently as 6 months ago when it voted to extend capital punishment to a significant additional number of extremely serious crimes.

The problem with this proposal, Madam President, is that it allows the repeal of capital punishment by indirection, by those who say that this is simply a minor procedural step designed to enhance rather than to inhibit justice, when, in the case of many, they privately have reached the same conclusion that I state here.

Madam President, this sense of the Senate is very simple and straightforward. It strongly suggests to the conferees, yet to be appointed, on this bill that they reject this provision. It is, I suspect, a subject which can appropriately be debated independently and on its own. If the Judiciary Committee should choose to pass a proposal of this nature and bring it to the floor of the Senate, I rather imagine that the debate might be enlightening.

It is highly inappropriate, however, to be included as a part of a bill which is designed and advertised to reduce violent crime in the United States. It will, if it is passed, add to the contempt with which the legal profession and the judiciary is treated by the general public because it will say, on the one hand, that we have greatly expanded capital punishment in the Federal Criminal Code and, on the other hand, by indirection repealed it, not only from the Federal Criminal Code but with respect to State criminal codes as well.

Madam President, the distinguished Senator from New York and I, of course, have shared these views privately with the eloquent chairman of the Senate Judiciary Committee, as he has shared with us his intention to add to this amendment by second degree a statement that, nevertheless, racial discrimination shall not be practiced in connection with capital punishment. I hope, in anticipating that amendment, that he will explain to us what effect his second-degree amendment is intended to carry out.

As I read the Constitution of the United States and as I read Supreme Court decisions of the United States, racial discrimination is absolutely prohibited in connection with capital punishment or, for that matter, prosecution or the conviction of any other crime by the due process and equal protection clauses of the Constitution of the United States.

So, if we get such a second-degree amendment, either it is intended only to restate protections which the Constitution already provides, or it is intended to change slightly this title IX and to add factors in sentencing not related to the crime of the individual, the actions of the individual, and not add in rights not granted by the Constitution itself as interpreted by the Supreme Court.

For myself—I do not know that I can speak for the Senator from New York in this connection—for myself, if it is the intention of any second-degree amendment here simply to restate constitutional protections which already exist, I would regard the amendment as harmless and would probably agree with it. If it is intended to create other grounds for appeal or other grounds for habeas corpus action than those which presently have been granted by the Supreme Court of the United States, it seems to me this body should have outlined to it exactly what those additional rights are by those who are unwilling to accept this amendment in its present form.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I rise in opposition to the amendment of my friend from New York. I will be relatively brief.

Let me start off by saying my friend from Washington State indicated that there was an appropriateness to debate the existence and the utility and the morality and the constitutionality of the death penalty. And we all agree on that. There is an appropriateness in debating that.

I do not think he meant to say it would be inappropriate to debate whether or not the death penalty was imposed fairly or unfairly.

We do not have to go back 208 years or 150 years or 100 years or 50 years to come up with examples where the application of the death penalty has been applied in a prejudicial manner, where a black man or a black woman committing the same crime as a white man or white woman, where the black man got the death penalty and the white man did not get the death penalty. Unfortunately, to our great shame as a nation, we have several hundred years of history to demonstrate that that has occurred.

I do think that it is totally appropriate for us to debate—and I might add, I am the author of the amendments the Senator from Washington State is referring to. The so-called Biden crime bill which passed out of here and all those death penalties in the crime bill, I wrote, I authored, I put in my bill, the bill that the Senate passed.

I support the death penalty. I have supported the death penalty in appropriate cases, and I outline what those appropriate cases are in the crime bill. There are over 50 cases in which I say, if someone is found guilty beyond a reasonable doubt and all of their appeals under the Constitution are exhausted, they should be put to death for having committed those crimes, and I list them in the Biden crime bill, the bill the Senate passed. So I am the author of those. And I do not mean I am author in terms of originality. I did not think up all of them, but I put them in the Biden crime bill.

So, we should start from the premise that there are many of us who support the death penalty, vote for the death penalty, draft legislation expanding the death penalty, who feel that it is necessary to make sure that the application of those death sentences are done in a nondiscriminatory way.

I do not have the letter that my friend from Washington read from the prosecutor, I guess it was a Washington State prosecutor. I may be wrong about this—and when my colleague comes back on the floor he can correct me—but I thought I heard a phrase or a sentence in there where the prosecutor says, "If this passes, we will have to go back and look at whether or not we applied the death penalty to blacks the same way as we did to whites, to all people."

Why should you not have to go back and look at that? Why should there not be, in a country with our history in the way in which we have treated black Americans, why should we not have to say, let us just make sure here that we are doing the same thing with white folks as we do with black folks or with black folks as with white folks? What is wrong with that?

My friends—and, you know, especially the Senator from New York, he and I are truly really good friends. We say that in this body. We say, "My friend from" wherever. I mean, this guy is my friend. We hang out together. Our kids hang out together. They room together in college, in law school together. I totally respect his position on this.

But, it seems to me that the debate should be whether or not what those of us Senators—the Presiding Officer, Senator CAROL MOSELEY-BRAUN; the Senator from Massachusetts; the Senator from Delaware, and a lot of other people in this body—are talking about does in fact what we say. What we say is, we just want, as we expand the death penalty, we just want to make sure we do not slip into some bad old habits that have been practiced by this country, by States, some bad old habits of having a different standard when we apply it to the black folk than we do to white folk.

So, it may be, arguably, the language the House of Representatives included in the crime bill—in which it attempted to instruct me as the chairman of the committee who is going to go negotiate this bill with the House, instructing me to say: OK, we do not like that language. But let us make sure there is something in there that makes sure we see to it that this is not applied in a racially discriminatory way.

We can argue, and there are reasonable people who argue that the House bill has unnecessary language in it or goes too far. I might add, back in 1991 I submitted, from the Committee on the Judiciary, a Federal Death Penalty Act that we ultimately passed. It was called the Federal Death Penalty Act of 1989. It actually had the language proposed by Senator KENNEDY. But because I was the guy responsible for putting the bill in and included it in the bill, that had even stronger prohibitions against the discriminatory application of the death penalty. And it passed. It passed the U.S. Senate. It did not become law, but it passed the Senate.

So I think the starting point of this debate should be: Do we all agree that there have been some States, there are some circumstances where in this country today the application of the law is not always applied evenhandedly?

It seems to me we have to acknowledge that occurs. It does not occur all the time. I do not think it occurs most of the time. I do not think it even occurs 40 percent of the time or 30 percent of the time. But it does occur. So, if I, in writing this legislation, am going to increase the number of death penalties, I for one as a supporter of the death penalty want to make sure it is done fairly.

We can argue about whether or not the House language which my friend from New York is attempting to strike goes too far.

By the way, I said 1991. It is not 1991, it was 1989, that report we passed—that provision.

Whether or not it goes overboard, we can argue about that. One part I do think goes overboard. I personally think it goes overboard. The House language says you go back and retroactively apply this. The sponsors of the legislation in the House and the chairman of the Judiciary Committee in the House on the floor said: We want to tell everybody now, we are going to take that out in conference. This is an example we can argue about, if we are up here argue, whether we should or should not have retroactivity. At least it says on the playing field we are worried about discriminatory application of the death penalty. But here what we are doing is we are saying we do not want anything in this massive crime bill that requires us to take an extra look at whether or not black people are being treated the same as white people with regard to the application of the ultimate sanction.

If we put someone in jail, and we put them in jail for drunk driving or we put them in jail for robbery or burglary and they are going to get 1 year, 2 years, 10 years, 12 years, and we turn out to be wrong or it turns out we made a mistake or we did not apply the law fairly, we can go back and make amends. You can say, "Mea culpa, mea culpa, mea maxima culpa. We are sorry. You are out of jail. We will try to make you whole." You never can, but we will try to do it. But once you pull that switch, once you give that injection, it is over. What do we do if it is wrong then? What do we do if it is clear we focused only on one segment of our population? We say, "Oh, golly, we made a mistake." It is too late. It is too late.

So, what we are trying to do here is we left the flexibility in the conference that says: Wait a minute, the idea of including racial justice in this bill makes sense. This is the bill we passed. I have a copy of it here. We passed it in the Senate, the Senate crime bill. I will not read the appropriate sections but I will just cite the page, 265:

> The Attorney General acting through the Bureau of Justice Assistance may make grants to States that have established by State law or by court of last resort a plan for analyzing the role of race in the State's criminal justice system. Such plans shall include recommendations designed to correct any findings that racial and ethnic bias plays any role.

Well, we already passed that. This just goes to the thing that is the big deal—death; death.

So, Madam President, when we passed in the Senate Judiciary Committee the Racial Justice Act of 1991, which did not pass the Senate, did not become law but we got it through that committee, what we were trying to do then is what I hope we all are attempting to do. It is not eliminate the death penalty. If you are against the death penalty you are against the death penalty—racial justice, no racial justice, you are against it. I am for it, but I respect that position. But if you are for the death penalty it is still totally appropriate to sit here and say, "Wait a minute, are we doing this and applying it in a nondiscriminatory way?" I for one can only support a death penalty that is fair, that punishes those who truly deserve to pay the maximum price for their crimes. And as I have added death penalty provisions as the author of these crime bills, the primary sponsor, I have consistently worked to put adequate safeguards in death penalty bills.

I support the Racial Justice Act because I think it furthers that goal. It protects defendants from death sentences imposed for reasons that have nothing to do with the character of the crime but only have to do with the color of their skin.

Federal law already provides that statistical—you heard this argument about these statistics. You know, that it is kind of a radical thing to be talking about, to be able to introduce in evidence that statistically it applies more to blacks than whites. Federal law, as the Presiding Officer knows, already provides that statistical proof of discrimination is sufficient to obtain relief where the right of housing or employment has been infringed. If you can statistically show—and it is very complicated—but if you can statistically show that you are denied housing because notwithstanding the fact you are a U.S. Senator, that you are a black woman, you can, in fact, carry the day. That is because we know that discrimination is insidious. It is awfully hard to find absolute proof that this person at this moment made that decision on the grounds that they say we do not like black women: I do not like black women, therefore you cannot live in this house.

No one says that anymore. They used to say that. The good news is those days are gone, by and large. The bad news is it has gotten much more sophisticated, racism in this country. It has kind of gone underground.

So in order to respond to that, just like for the history of the entire civil rights movement, since and including Dred Scott in the middle of the 19th century, the courts when they have made the right decisions have always had to not just state a principle that you cannot discriminate, they have had to use their ingenuity to overcome the ingenuity of States and governments and people who came up with massive constructs to accomplish the same discriminatory end through a less direct means. So that is how we got to using statistics in housing or employment.

It is kind of interesting. We say if you have a company that has 100 people and 500 black folks come and apply for jobs and 100 white folks come and apply for jobs, if you end up with 100 white folks and no black folks you do not have to be a rocket scientist to figure out maybe—maybe—maybe the employer was discriminatory. Just maybe.

Citing statistics does not automatically make the case. It becomes a presumption that has to be rebutted by the employer.

We do that in housing, we do that in job employment in the law. People on that side of the aisle voted for those kinds of proposals, along with the rest of us. I do not know how either one of the sponsors voted on housing discrimination and employment discrimination. I do not know. But I know the vast majority of us voted for that.

But now we are saying when it comes to putting you to death, we are not going to apply that same kind of reasoning. Somehow that is being a quota king or queen, or that is being—there is nothing novel about this, Madam President. There is nothing novel about this approach.

Racial discrimination should play no role in a decision as to who shall live and who shall die. And for that reason, that simple basic reason, I support this legislation. Now again, maybe the precise legislation, as written, does not meet the requirement or meets more than the requirement of that simple proposition that race can play no role in the application of the death penalty. But I hope for goodness sake, this Senate is not saying that is something we should not consider. We consider it in housing, schooling, in everything we do because we, unfortunately, have a history in this country of having some people and some governments act in a discriminatory fashion.

Madam President, the opponents of the Racial Justice Act claim that it will put an end to capital punishment. Let me tell you that with the retroactivity provision taken out, I would not support the Racial Justice Act or an attempt to fashion such language if I believed it would end all capital punishment.

As a start, it is the plan that the Racial Justice Act will not eliminate capital punishment in cases where the statistics do not support any claim of discrimination, and under the act, the defendant has to establish not only that discrimination existed in the system overall, but that he himself was discriminated against. He must show that his case is a type of case where race makes a difference. If he cannot make that showing, then the Racial Justice Act is no bar to the execution of his sentence.

Let me give you an example, and I see other colleagues are here to speak and I will not take much longer because the Senator from Massachusetts knows so much more about this than I do and has been committed to seeing to it that there is nondiscriminatory policy in the application of all our laws, civil and criminal, for the entirety of his public life.

But let me just give you an example. In a highly aggravated case, a case where the defendants have committed the most heinous of capital crimes, the statistics, in fact, show that the death penalty is dealt out evenly without regard to race. These are the facts now. Remember, I said in the beginning I do not believe that the vast majority or even a significant minority of death penalty sentences are racially motivated or not handed out evenhandedly. The statistics show that the death penalty is dealt out evenly without regard to race in the most heinous crimes because there is no showing of discrimination in those cases, the most serious cases.

The Racial Justice Act will not affect the imposition of death penalty in those cases at all. Nor will the Racial Justice Act affect those cases where the defendant is not a member of a suspect class, a class of persons whose sentences have been tainted by race. Defendants who are not members of a suspect class will not be able to invoke the Racial Justice Act. White males have not been one of those suspect classes.

So the Racial Justice Act will have no impact on a broad range of cases where the death penalty has been imposed. Only in those cases where history has shown that race may be a factor will the Racial Justice Act even apply. Contrary to the claims of the critics, the Racial Justice Act will not dictate the result that the courts must reach. Rather, the act sets out a simple, self-evident proposition, and I quote:

> No person shall be put to death in the execution of the sentence that was imposed based on race.

What is wrong with that?

Then turns the application of that simple proposition over to the factfinding body that we most rely upon: The court. It is for the courts, not the Congress, to determine whether racial discrimination exists in a particular case. The courts have long expertly dealt with claims of discrimination on a wide variety of contexts, as I mentioned the reference earlier. This act simply permits the courts to apply that expertise here. By the same token, the act frees the courts to consider in death penalty cases the types of relevant evidence that has been considered for decades in other contexts, such as housing discrimination, employment discrimination, and discrimination in our schools.

At the same time, the act explicitly confers on the court the discretion to reject evidence that is not valid or relevant. In short, the Racial Justice Act will not outlaw capital punishment. What the act will do is force the States to seriously address the issue of racial disparity in capital sentences. It will force prosecutors to take a hard look at their procedures for seeking the death penalty.

Contrary to what the critics say, there is nothing wrong or wrongheaded about requiring prosecutors to adjust their actions that impact upon the black community more severely. Such actions should be carefully scrutinized so that we can all be sure that racial bias plays no part in the decision to seek the ultimate penalty: Death.

There is no doubt, at least initially, the Racial Justice Act will make it harder to impose the death penalty in certain cases. There is no doubt about that, initially. But assuming the States take seriously their responsibility to develop procedures to do away with unexplained differences in capital sentencing, the act will serve as a restriction only temporarily, because what the State will do here, Madam President, if there is a history of a misapplication of the death penalty, they will turn around and say, here is how we will proceed from now on, and they start from scratch.

Since we are not making it retroactive for people who are already on death row, the inconvenience is de minimis compared to the potential wrong that is possible to be perpetrated.

Mr. D'AMATO. Will the Senator yield for a question?

Mr. BIDEN. I will in just one moment.

Mr. D'AMATO. Just as relates to retroactivity.

Mr. BIDEN. I beg your pardon?

Mr. D'AMATO. I believe that I heard that the application of the provision that we are discussing was not retroactive to those cases. I do not believe the Senator meant that.

Mr. BIDEN. Madam President, the Senator from Delaware did mean that. Let me explain again why. The Senator may not have been on the floor when I started.

It is true the House-passed provision has retroactivity in it.

Mr. D'AMATO. Right.

Mr. BIDEN. What I am asserting on the floor today is that, in my discussions, and also discussions on the floor at the time of passage, the sponsors of the act, including the chairman of the Judiciary Committee in the House, Mr. BROOKS, and the chairman of the Senate Judiciary Committee in the Senate, coupled with the sponsors of the act assert that we will remove retroactivity in the conference.

So the Senator is correct, it is in the bill. But prior to its passage, there was a colloquy on the floor by the sponsors saying—under the House rules, they could not amend it at that moment procedurally. They made a commitment to all their colleagues, and I am making a commitment here, that that retroactivity provision will be removed. No crime bill will come back with the retroactivity provision in it. That is all I meant to say.

Mr. D'AMATO. I am very glad to hear that. I think that is a point of great concern to many as it relates to the problems in the justice system at the present time.

Again, that does not mean—as my colleague, I think, understands and explained—that we want anybody punished unfairly on the basis that they were discriminated against. But certainly this concession——

Mr. BIDEN. No, it is not a concession.

Mr. D'AMATO. Or acknowledgment.

Mr. BIDEN. An acknowledgment——

Mr. D'AMATO. There would be no retroactive application as it relates to those people who are on death row at the present time.

Mr. BIDEN. Right.

Mr. D'AMATO. I thank the Senator. That is why I asked for that point of clarification.

Mr. BIDEN. Madam President, I do not want to mislead anybody here. No. 1, if you take away the retroactivity and, No. 2, you do what this act does in the House language, you in effect say to the States that may have had a practice that was discriminatory or showed a statistical application to blacks more than whites, all they have to do is come along and say from this moment on here is how we are proceeding, these are the rules we are going to use in the future relative to the application of the death penalty—those two things done, I acknowledge in a small number of cases it is going to make it more difficult temporarily to bring about the imposition of a death penalty—those that fall between those already convicted and the passage of this legislation and before a State sets out a new procedure explaining how they are proceeding, if that State is required to do so because of the way in which it has been applied before has made it difficult to discern whether or not it was equally applied.

So I am not suggesting that passage of this act means that nobody has to change the way they are doing business. I am asserting that the change, if necessary, will be able to be done immediately by a State and that it will not affect but a small number of cases temporarily. And the payoff, the benefit of having once and for all in place a capital offense, capital procedures in all the States guaranteeing nondiscriminatory application is worth that minor inconvenience. That is the position of the Senator from Delaware.

Now, on a final note, the Racial Justice Act does not, as some claim, overrule the Supreme Court decision in McCleskey versus Kemp. Justice Powell, the author of that opinion, effectively invited legislative acts in this arena.

Madam President, let me conclude by saying for the reasons I have stated and others I have not, I support there being in this crime bill legislation that is called racial justice, a Racial Justice Act. I will vote to oppose the amendment of the Senator from New York, but tell the Senator from New York, whether he wins or loses, I am committed to the withdrawal of retroactivity, and I am open to any reasonable changes or proposals that relate to the House language.

But I am not prepared to say what essentially a vote for the amendment of the Senator from New York would require of me—to be insensitive that: First, there is no need for a Racial Justice Act; and second, the Racial Justice Act in the House provision would end the death penalty.

I yield the floor.

Mr. KENNEDY addressed the Chair.

Mr. D'AMATO. I wonder if I might ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will yield for the purpose of making that request and retain my right to the floor.

Mr. D'AMATO. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. I thank my colleague.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I want to commend my friend and colleague, the chairman of the Judiciary Committee, for the excellent explanation of the public policy issues which are involved in the Racial Justice Act.

It is no secret to any of the Members of this body that I am opposed to the death penalty as a matter of conscience. That has been my position for as long as I have been in the Senate and still remains my position. I do think, nonetheless, we will and should speak out on the issues of how the death penalty is applied in our country. And that is the subject I want to address the Senate about this afternoon.

Madam President, as the Senator from Delaware has pointed out, the issue of the role of race in the application of the death penalty, whether it is in regard to the race of the defendant or the victim, has been an issue in our society for many years. Numerous studies conducted over a very long period of time have analyzed the application of the death penalty State by State and it is unquestionable that the race of both the defendant and the victim has a profound effect on the application of the death penalty.

I can remember when we passed the 1988 anticrime act. In that legislation we asked the General Accounting Office to conduct an analysis of race discrimination in death penalty cases using the most modern technology and analysis available to the General Accounting Office. I will just take a moment to read their conclusion:

> Our synthesis of the 28 studies shows a pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death penalty. * * * In 82 percent of the studies, race of victim was found to influence the likelihood of being charged with capital murder or receiving the death penalty—those who murdered whites were found to be more likely to be sentenced to death than those who murdered blacks.
>
> This finding was remarkably consistent across data sets, states, data collection methods, and analytic techniques. * * * The race of victim influence was found at all stages of the criminal justice process. * * * Legally relevant variables, such as aggravating circumstances, were influential but did not explain the racial disparities researchers found. * * * After controlling statistically for legally relevant variables and other factors thought to influence death penalty sentencing * * * differences remain in the likelihood of receiving the death penalty based on the race of the victim.

Now, we do not have to accept every conclusion reached by the General Accounting Office, but we agreed during the 1988 debate to have an unbiased authority take a look at this issue that many of us had raised over a period of some 10 years; let us get a definitive study about these various analyses. Let us use the latest computer technology to really review that.

Well, it was agreed at that time by both Republicans and Democrats to ask the GAO to report back to us on this controversial matter.

Now we have the GAO's finding. And now the opponents of the Racial Justice Act say, "Oh well this is something different. We will not accept it. We will not look at it. We will not regard it as authoritative. It is a flawed study."

You cannot get away from it. Every time you have a responsible review about the nature of the race of the victim or the defendant in capital punishment, it comes out this way time in and time out. Let us make sure that the RECORD includes some of this evidence:

Perhaps the best example, but by no means the only one, is the evidence before the Supreme Court in the 1987 case of McCleskey versus Kemp.

Warren McCleskey, the defendant in that case, was a black man convicted of killing a white police officer in Fulton County, GA, and he was sentenced to death.

In fact, between 1973 and 1980, 16—16—other defendants were convicted of killing police officers in Fulton County, but Warren McCleskey was the only one who received a death sentence. In only one other case was the death penalty sought, and in that case a defendant convicted of killing a black police officer received a life sentence instead.

In challenging his death sentence, McCleskey placed into evidence two studies conducted by Prof. David Baldus of the University of Iowa Law School.

From official State records, the two studies collected data on all the key factors in each of 2,400 homicide cases in Georgia between 1973 and 1979—information relating to the characteristics of the defendant and the victim, the circumstances of the crime, the strength of the evidence, and the mitigating and aggravating factors in each case.

The conclusions were striking: When the characteristics of the crime and the defendant were weighed, those who kill whites were 4.3 times more likely to receive the death penalty than killers of blacks. If Warren McCleskey had been white, or if his victim had been black, it is highly likely he would be alive today serving a life sentence instead of having been executed.

In the McCleskey case, the five members of the Court who voted to affirm the death sentence did not dispute the accuracy of the studies. The majority conceded that statistical evidence of the kind contained in the studies would be sufficient to prove intentional race discrimination in other areas, such as housing and job discrimination.

But the Justices concluded that evidence of widespread race discrimination in capital sentencing is best presented to the legislative bodies. They left the issue to Congress, and it is our responsibility to deal with it, not duck it.

The pattern of racial disparities in sentencing described in McCleskey is repeated in jurisdiction after jurisdiction around the country.

In Florida, a study published in the Stanford Law Review found that defendants convicted of killing whites were eight times more likely to receive a death sentence than those convicted of murdering blacks. Another study found that blacks who kill whites received the death penalty 22 percent of the time, while whites who kill whites received the death penalty only 4.6 percent of the time.

In Georgia, blacks who kill whites received the death penalty 16.7 percent of the time, while whites who killed whites received the death penalty only 4.2 percent of the time.

In Illinois, that same study found that killers of whites were six times as likely to receive a death sentence as killers of blacks.

In Maryland, defendants convicted of murdering whites received the death sentence eight times more frequently than killers of blacks.

In Ohio, a study found that blacks who kill whites received the death penalty 25 percent of the time, while whites who kill whites received the death penalty only 4.6 percent of the time.

In Texas, a 1985 study found that they were over four times more likely to do so. Blacks who kill whites received the death penalty 8.7 percent of the time, while whites who killed whites received the death penalty only 1.5 percent of the time.

Now, let us look at exactly what is in the House legislation. Let us take a moment and examine it. This is what it says:

> No person shall be put to death, under color of State or Federal law, in the execution of a sentence that was imposed based on race.

Simple, clean, understandable language. Is there anybody in our society who would take a contrary position, that we ought to put people to death on the basis of race? There were such views at other times in our history. There were certain places where that was the rule, not the exception.

All the House bill says is:

> No person shall be put to death, under color of State or Federal law, in the execution of a sentence that was imposed on the basis of race.

Simple. People will take that language and misrepresent or distort it. That is a typical technique in this body. But the American people should not be fooled.

The House provision continues:

> An inference that race was the basis of the death sentence is established if valid evidence is presented demonstrating that at the time the death sentence was imposed race was a statistically significant factor in decisions to seek or impose the sentence of death in the jurisdiction in question.

Is that complicated? Is that language the courts do not understand? Of course it is not. We use that same concept, as the Senator from Delaware pointed out, with regard to employment, which was the basis of the civil rights bill last Congress. We use it with regard to housing, jury selection, and voting. We use it on every one of those civil rights laws; every one of them. Now we have the ultimate civil right: the right not to be put to death based on race. People say, "Oh, no. We cannot do that. No, no, no. We cannot do that on this issue. We just cannot do it. It is just not right."

Well, some of the opponents of the Racial Justice Act have been reluctant to embrace those other civil rights causes. But if we have as a body decided that discrimination is unacceptable in employment, in housing, in jury selection, and in voting rights, it is unacceptable in the application of the death penalty.

So now we go back to the House bill. If statistical evidence is presented to establish an inference that race was the basis of the sentence of death, the court shall determine the validity of the evidence, and if it provides the basis for the inference, they just review it. They just review the statistics that are provided. It is not terribly complicated to find out if that statistical information is valid. The courts make that judgment every single day. Every judge does in this country. It does not put an undue burden on them.

The House bill says that if the inference was that race was the basis on which the death sentence was established, the death sentence may not be carried out unless the Government rebuts the inference by the preponderance of the evidence. That is what every law student learns in the first year; everyone understands what the preponderance of the evidence is. It is a low standard—lower than the standard included in the Racial Justice Act in previous years.

There are many factors that the Government might rely on to rebut the inference created by the statistics. Defendants sentenced to death may have more serious criminal records. The courts can take a look at that. Defendants sentenced to death may commit crimes with greater planning, cause larger numbers of deaths, or may have committed their crimes with greater cruelty. OK. Those are understandable factors. The victims of the defendants may have been law enforcement officers or were particularly vulnerable. Or the defendants sentenced to death were organizers or ringleaders of the conspiracy.

We can work those out, if the Senator from New York wants to work out these factors with greater specificity. They have been defined in some States. They have been upheld, and are beginning to have some impact.

Madam President, this would be important if there were only one racially tinged execution to be prevented. But in this legislation we have created 50 new capital offenses, and the House has 66 new capital offenses. Hundreds of more individuals are going to be executed. How much longer will it take us to learn about this issue? What is it? Why are people so hungry and thirsty to try to execute individuals without considering evidence of discrimination? Why are they unwilling to consider that factor here when they will consider it on jobs or housing and permit the courts to make that assessment? Why do they say no, no, we have to execute the individual? We cannot take the time. We cannot take the time.

All of us are concerned about the problems of violence in our society, and I yield to no one on that issue. But why cannot we, a society that should not, cannot, and must not be described as a bloodthirsty society, recognize what is happening and how the death penalty is being used? Why is it that the proponents of this amendment would deny the conference the opportunity to consider this? No. They will not do that. Special instructions to the conferees are certainly legal from the parliamentary point of view; but they are rarely utilized. Why is it that they are so hungry to clear the way for executions in our society? But they will not take the extra step to ensure that race is not a factor.

I come from a part of the country where the death penalty was accused of being utilized on the basis of ethnicity as well as race. We had long debates and troublesome times over the Sacco-Vanzetti trial—these issues inflamed the ethnic tensions at that time.

I just wonder why it is that when we are talking about the ultimate right, which is the right to live—we would deny those individuals the opportunity to have the issues of race considered.

I am not making the argument about the wisdom of the death penalty, or about the number of innocent people who have been executed over the past century. To my regret, that issue has been basically resolved in this Senate and among the American people at this time. We are not making that argument.

I hope that when we vote on this amendment it will be roundly defeated. We can try to do something about the crime in our society and still be true to the goal of racial justice.

One of the reasons that I admire my friend and colleague from Delaware is that he is a supporter of the death penalty but understands that the application of the death penalty must be free from racial discrimination. I admire him for his courage in taking that position. I hope we will defeat this amendment next Wednesday.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Madam President, first, let me say that the House provision is obnoxious. It is indeed the antithesis of what the society should be about. Our justice system should be colorblind. There should be no place for discrimination of any kind.

Let me tell you something. I resent the implication that some come down here and say that, if anything, this is racial legislation. Since when do we say we are going to judge the guilt or innocence and what the Government's sentence should be on the basis of a person's race, color, or creed? It is preposterous. That is what is being done with this legislation.

Let us look at the law itself because I have not heard anybody refer to the law: Prohibition against the execution of sentences of death imposed on the basis of race. There should be absolute prohibition on any kind of thing like that. Discriminatory sentences of any kind on the basis of a person's color or race should be rejected; should be stamped out. We have no place for it.

But let me tell you what a mockery this legislation is. Let me tell you why. "Section C, relevant evidence"—this is the act itself. This is not the rhetoric that refers to the past. This talks about what this act will do now and in the future.

> Evidence relevant to establish an inference that race was the basis of a death sentence may include that the death sentences were at the time pertinent under subsection B being imposed significantly more frequently in the jurisdiction in question; one, upon persons of one race than upon persons of another race.

Madam President, let me tell you what that section means. It says if you have more people of one race who have a sentence of death imposed upon them, that itself raises the inference that you have discrimination. That is wrong.

I thought we had a society where we looked at the actual deed. You have effectively, with the adoption of this legislation, said that unless you apply the death penalty in equal numbers—by the way, not in statistical accuracy—equal numbers of blacks, whites, Hispanics, Asians; where does it talk about that we look to see the guilt or innocence of a party?

By the way, under the Senate provision, we do take extraordinary lengths. Let me read to you what it says. The crime bill requires that the trial judge instruct the jury that they are not to consider race, and to return a certificate, wherever the death penalty is going to be applied, signed by each juror attesting to the fact that race was not involved in their judgment in the death penalty case.

I want to tell you, this business will set back the justice system and bring about anarchy. If this provision in the House bill becomes law, it creates an inference of racial bias if certain statistical differences in past sentencing can be shown. It is wrong. I have to tell you, we start with the death penalty and say that is how we are going to apply it on the basis of race, color, and creed. Statistics equal numbers, so why not for people with life sentences? Do you think it is going to be long before people say it should apply to the whole criminal justice system? And then we will have anarchy, not a system based upon the guilt or innocence or the deed that person may have undertaken.

It belittles a jury system and a system of justice that we have become proud of. Have there been abuses? Yes. But by simply going back and pointing to past abuses and discriminatory practices, that does not in any way—in any way—give us a better system. You do not correct past instances of racial bias by creating group-based justice, and that is what this bill does.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

Mr. GORTON. Madam President, I think even in the relatively brief period of time since the Senator from Washington introduced his amendment, the parameters of the debate have been quite considerably clarified.

At this point, the distinguished chairman of the Judiciary Committee and the distinguished senior Senator from Massachusetts have made it very clear that they intend, at least, to deal very specifically with this amendment and that they oppose this amendment, rather than coming to an attempt to somehow or another change it and make less clear the direction of any vote which is ultimately taken on the amendment itself.

(Mr. BRYAN assumed the chair.)

Mr. GORTON. So the wind is blowing in a different direction, and I think from a more favorable direction, that we will have a vote on whether or not the Senate favors title IX of the House bill, without its retroactivity provisions in its present form, or in any form roughly similar to that in which it finds itself at the present time. That is healthy for the nature of this debate.

There are certain other statements which were made by the distinguished chairman of the Judiciary Committee with which I know both the Senator from New York and I agree. The chairman of the Judiciary Committee pointed out that if a sentence for robbery or for drunk driving—a sentence to jail—is found to have been imposed on the wrong person, we can always make up for it in some fashion or another. But if we impose capital punishment on someone not deserving of that sentence, someone not guilty, then we have made a mistake which cannot be rectified. Neither the Senator from New York, nor I, nor any other proponent of this amendment, in any way, disputes that proposition.

What we do point out, however, is that title IX has absolutely nothing to do with guilt or innocence, absolutely nothing to do with guilt or innocence. No one is going to be saved by title IX, who is innocent of the crime of which he is convicted. As a matter of fact, all of the facts—aggravating, mitigating, as well as those relating directly to guilt or innocence—are unchanged by any proceeding or any determination pursuant to title IX. So there is no difference on whether or not we wish to convict the not guilty, or even run the risk that a person not guilty will be found guilty and will be executed. In fact, one of the most emotional and perhaps occasionally valid arguments against capital punishment at all is that, in some circumstances, mistakes may be made as to matters of fact. Whatever the validity of that argument, it is irrelevant here today, because we are not talking about any factors which relate to guilt or innocence whatsoever in title IX of the House bill.

An area in which we perhaps have a greater degree of contention than this, however, is one which—and this Senator copied what the distinguished chairman of the Judiciary Committee said. I think I paraphrased it with great accuracy.

He said that we must acknowledge that the death penalty is not now imposed evenhandedly in all American States.

I find that to be an interesting statement, though not a statement for which the chairman of the Judiciary Committee came up with any evidence. It is an important statement, there is no question about it. If, in fact, the death penalty is not today imposed fairly or evenhandedly, I strongly suggest that those who oppose this amendment cite chapter and verse. In what jurisdictions is the death penalty today not imposed evenhandedly or unfairly? What are the names of individuals? After, I think, several hundred executions, what are the names of the individuals who were wrongly executed, who somehow or another were the victims of either passion and prejudice on the part of juries convicting them in the first place, or of racial bias in connection with their sentences in the second place? If we are to accept that proposition, we need more than the surprising statement that in spite of all of the appeals, in spite of the Supreme Court of the United States, in spite of habeas corpus action after habeas corpus action in every case of capital punishment, nonetheless, States are imposing this sentence unfairly.

This Senator finds that to be an astounding statement, given the protections which the Supreme Court of the United States itself has already placed on any capital punishment sentence.

This Senator finds it particularly strange that the distinguished chairman of the Judiciary Committee went out of his way to assure the Senator from New York that retroactivity would be taken out of title IX if, in fact, States have been imposing capital punishment unfairly. How in the world can they agree to say that all of those unfair sentences which have already been handed down will be carried out? I cannot see how he can make such an assurance if, at the same time, he says that right now, under present circumstances, capital punishment is being imposed unfairly.

To make that statement, it seems to me, one should be required to submit a very explicit outline to this body of the precise cases which have caused this title to be included and its importance to be so high.

The first section of the title, eloquently quoted by the distinguished senior Senator from Massachusetts, reads:

> No person shall be put to death under color of State or Federal law in the execution of the sentence which was imposed based on race.

That is an eloquent and accurate statement. And, Mr. President, this is the law of the United States of America today. The Supreme Court of the United States has not, since capital punishment has been reinvoked, found to be constitutional ever allowed capital punishment to be imposed based upon race.

Again, if any Member on the other side of this debate can cite a particular instance in which the Supreme Court of the United States or any Federal court of the United States has permitted the death penalty to be carried out on the basis of race, I think it very important for the Members of this body to be informed of that situation.

The first paragraph of title IX simply states the law as it exists today. The balance of title IX, however, does not state the status of the law today.

The Supreme Court of the United States has been asked to impose these quotas and to engage at looking at these statistics, and it has rejected that kind of defense. That is why we are here debating.

The House of Representatives wants to add to every proceeding leading up to an execution a set of factors which have never previously been included because they have nothing to do with the guilt or innocence of the defendant and nothing to do with the horrendous nature of the crime of which that defendant has been convicted. They have nothing to do with the individual as an individual. They are, in effect, saying that if one person gets off for one reason or another by reason of the sympathy of the jury, every other person under similar circumstances, if that person is of a different race, has to be excused from the death penalty as well. That is not justice. Justice is individual.

This proposal would totally overturn that doctrine and require justice not to be individualized but to be collectivized and in the language so general, so vague, that it will allow any person of any race to make a challenge based upon these sections.

In spite of what the distinguished chairman of the Judiciary Committee said, there is no restriction of rights under this Racial Justice Act to members of one race only. It is highly general. It applies to everyone.

My prosecuting attorneys and attorney general think it applies to Charles Campbell, the individual to whom I referred in my previous remarks. We cannot be certain of that. But what we can be certain of is that he will clearly make that claim and almost certainly have his sentence delayed as a result of any such claim.

This, Mr. President, is a radical change in American law from individual responsibility to collective responsibility, to a determination as to what ultimate sentences will be based on nothing that the individual has done himself but on the basis of various statistics about other individuals under other circumstances.

It totally reverses the direction which most of the people of the United States want to move with respect to justice, and I simply repeat those who believe that this kind of section ought to be included in the law have a duty, it seems to this Senator, to come forth and say exactly and in what cases unfair or unjust sentences have been imposed to such an extent as to require so radical a change in the laws of the United States in a way which the Supreme Court of the United States has rejected, a Supreme Court which has been the bulwark of the protection against discrimination based on race under the 14th amendment to the Constitution of the United States.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you, Mr. President.

Mr. President, in the past week the world witnessed the historic elections in South Africa where, for the first time, blacks were allowed to vote alongside whites to choose the individuals who would represent them in the government. That election represented the dismantling, at long last, of the system of apartheid and the beginning of a nation where all individuals, no matter what race, can live together and be treated equally under the law.

America has made great strides in the past 30 years at doing just that. We have worked toward eliminating discrimination at the voting booth, in employment, in housing, and in schools.

But unfortunately, there are still situations in this country where a person's race truly makes a difference in how that person is treated under the law. One of those situations is in the administration of the death penalty.

The administration of the death penalty is truly one of the last vestiges of apartheid left in our system. In far too many jurisdictions, race is the primary factor—perhaps even the sole factor—in determining whether a defendant in a capital case will, in fact, be sentenced to death.

Now, whether anyone as an individual supports or opposes the death penalty, I think we can all agree that it should be imposed in a non-discriminatory manner. I think we can also agree that, in many parts of the country, that simply is not the case.

Consider the facts. The General Accounting Office recently evaluated 28 studies of the effect of race on capital sentencing and found: "A pattern of evidence indicating racial disparities in the charging, sentencing and imposition of the death penalty."

Take, for example, one judicial circuit in Georgia. Despite the fact that 65 percent of the murder victims in the jurisdiction were black, 85 percent of the cases in which the death penalty was sought have been cases in which the victim was white.

Or take a county in Florida. Blacks comprised 40 percent of the murder victims in the county. Yet, all 17 cases where the death penalty was sought between 1975 and 1987 involved white victims.

We have even seen this problem under the Federal death penalty adopted in 1988 for drug kingpins. Since that time, the death penalty has been sought against 36 defendants. Four of those defendants have been white, 4 have been hispanic, and 28—77 percent—have been black.

The fact is, in certain jurisdictions, a nonwhite person is more than four times as likely to receive a penalty of death for committing a heinous crime than a white person. In those same jurisdictions, defendants who have killed a white victim are far more likely to receive a penalty of death than those who have killed a non-white victim. This is not a matter of conjecture or opinion, it is a cold, hard, disgusting fact.

The House of Representatives has taken action to address this disparity by including the Racial Justice Act in their crime bill. I think the Senate should be commending the House of Representatives, not condemning them. The Racial Justice Act makes it unlawful to carry out a sentence of death that was imposed on the basis of the race of either the defendant or the victim.

In addition, the act will allow a defendant to challenge a death sentence by showing a pattern of racial bias in capital cases within the judicial circuit. The presumption can be met if a prosecutor shows, by a preponderance of the evidence, nonracial reasons for the penalties imposed in their courts. And the statistics must compare similar cases within the jurisdiction, and must take into account the aggravating factors in the cases being compared. The burden for collecting such data rests on the defendant.

I would like to address, for 1 minute, what the Racial Justice Act does not do. Despite the claims of some opponents, the Racial Justice Act does not eliminate the capital punishment. Instead, it merely prohibits continued racial discrimination in the administration of the death penalty. So long as death sentences are imposed in a nondiscriminatory manner, they will not be affected under the bill.

In other words, this legislation will only affect those death sentences where, taking into account the brutality of the offenses, the prior records of the offenders and other nonracial characteristics, race is left as the determining factor in the imposition of the death penalty.

The only way this legislation could completely eliminate the death penalty is if every death penalty was imposed based on discriminatory factors.

Nor will the legislation invalidate the death sentences of every single inmate now sitting on death row. It is true that the legislation, as now written, applies retroactively. But Representative BROOKS has clearly stated his intention to modify the provision in conference so that it applies prospectively only.

Finally, I would like to address the argument that the Racial Justice Act will impose a quota system in the death penalty. Nothing could be further from the truth. If death sentences were handed out on the basis of quotas, then they would by definition be handed down on the basis of race. That—imposing death sentences on the basis of race—is exactly what this bill is designed to prevent.

Opponents of the Racial Justice Act like to point out the fact that the Supreme Court, in the case of McCleskey versus Kemp, held that courts could not accept evidence of discriminatory death sentencing patterns to prove the purposeful racial discrimination necessary to make out a claim under the 14th amendment. And that is true, the court did just that. But what opponents don't point out is that Justice Powell, at the end of his majority opinion, stated that evidence of discrimination in the death penalty was, and I quote, "Best presented to the legislative bodies," who could develop the appropriate solutions.

That is what the Racial Justice Act represents, the appropriate solution to the problem of discrimination in the imposition of the death penalty. Just as Congress has allowed the use of statistics to prove housing discrimination or employment discrimination or voting discrimination, the Racial Justice Act allows the use of statistics to prove discrimination in the handing down of death penalty sentences. Every civil rights law in modern times has allowed the use of statistics to prove discrimination. Shouldn't we in Congress extend that protection to those whose lives are quite literally on the line?

Mr. President, I know the conference on the crime bill is going to be a very difficult process. Not everything that we put in the bill in the Senate will stay in the bill. Not everything that was inserted in the House of Representatives will remain in the final bill. But it seems to me that if there is anything Congress must agree on, it is the requirement that death penalty sentences be handed down in an unbiased manner. That is what the Racial Justice Act is all about.

Mr. President, I voted for the crime bill which, among its other provisions, vastly expands the death penalty. I am a former Federal prosecutor. I come from a law enforcement family, and I am as concerned as any American about the violence in our society and people who commit heinous crimes. And I am as concerned as any American that punishment for violent crimes be appropriate for the severity of the act.

Despite all that, Mr. President, I have to ask the question this afternoon, how can anybody be against racial justice in the application of the death penalty? How is it possible for someone to say "I fully support killing people based on their color?" How can anybody stand on this floor and say "It does not matter to me that there is a long history of inequitable application of the death penalty based on color and I am for that history. I do not want to recognize what the facts and the truth and the statistics clearly show us."

Mr. President, I am shocked. I have to restrain the emotion of my remarks this afternoon because the amendment offered by the Senator from New York is so shocking. I cannot believe that he would propose that we dispense with racial justice in the application of the death penalty. And that is what this amendment is about.

It is not about crime. Criminals who are sentenced to the death penalty in a fair and nondiscriminatory manner ought to get it. Frankly, I do not personally support the death penalty, even though I voted for this crime bill with all the new death penalties in it. But I think it is a fair statement to say that the issue we are debating today is not about crime, but is instead about racial justice.

Mr. President, I say to you that the sole issue raised by the amendment of the Senator from New York is whether we as a society are prepared to say that we are as opposed to racial discrimination in the application of the death penalty as we are to racial discrimination in housing, racial discrimination in public accommodation, racial discrimination in education, and racial discrimination in employment.

The Senator from Delaware was very eloquent in discussing what this amendment really does. All it says is we are going to apply the same rules when we decide to take someone's life as we do when dealing with housing discrimination issues, employment discrimination issues, and education discrimination issues. We are going to use the same rules.

This is not new. This is not rocket science. It says we have made a commitment to the elimination of apartheid in the United States.

Mr. President, between the Senator from Delaware and the Senator from Massachusetts I think the issue is clear. That is what this is about. This is not a vote about crime; this is a vote about color. This is not a vote about the death penalty; this is a vote about whether we are going to have apartheid in America or not.

Curiously, Mr. President, I was sitting before the debate started trying to make a list for myself. I am going to the inauguration of Nelson Mandela in South Africa next week, and I have to tell you, I cannot describe to you the pride and the hope I feel now that South Africa is leaving behind its history of apartheid and racial injustice and coming together to build a new South Africa. I am going to get to attend the inauguration of this great freedom fighter as President of South Africa.

But, Mr. President, I have to tell you it is really stunning to, on the one hand, make a list to go to South Africa, to see the dawn of a new day in South Africa, and then, on the other hand, to come here and listen to my colleague from New York saying it is perfectly OK to kill people because of their color. To hear my colleague from New York say we are not going to worry about racial discrimination in the application of the death penalty, that it does not bother us that the statistics from the GAO and everybody else who has even examined this issue positively state there is a disparate impact in the application of the death penalty based on color, based on race.

Mr. President, I have to almost suspend disbelief that I am going to South Africa to see a new day dawning, and I see someone here in the U.S. Senate say we are just going to ignore altogether reality; we are going to pretend this is not a problem, and we are not even going to extend to people—criminals albeit—who are subject to the death penalty the kind of protection against discrimination we extend to someone trying to rent an apartment.

Mr. President, I have to tell you it is beyond shocking. What does it say about us as a nation that South Africa, the last bastion of legalized apartheid, is turning the page forward, and we are turning the page back?

I just cannot understand how somebody can be for racial justice in the application of the death penalty and against title IX of the Racial Justice Act.

I would like to respond to my colleague from Washington State who said, "Well, I have never heard of racial discrimination in the application of the death penalty. Where did this come from? How did this novel idea arise?"

First off, Mr. President, it is counterintuitive for anybody, knowing what our history is and how far we have come in getting past that history, to say, "I am not aware of any inequitable or differential application of the death penalty in the United States of America. Show me some statistics. Give me some specifics. What are their names?"

Mr. President, here are some statistics about which there can be no argument. We can argue about opinion, but we cannot argue about facts. Our analysis, our evaluation of those facts may change, but the facts are what they are.

To begin, Mr. President, look at the fact that 33 of the 37 defendants charged under the 1988 Federal death penalty law are black or Hispanic. Eighty-nine percent of people charged with capital crimes under the Federal death penalty law since 1988 are black or Hispanic—in this country, not in South Africa. Eighty-nine percent are black or Hispanic, in a nation in which, by definition, people who are black or Hispanic are called minorities.

If these statistics are not enough for you, let us examine some others.

Janet Reno is a fine Attorney General, a person I absolutely support. But, Mr. President, in 10 of the cases in which the Justice Department has sought the death penalty since she has been Attorney General, all of them have been black, all 10 people.

Now, you could say for a moment, "Well, OK. Let's see. Maybe because the only criminals that we can find that ought to get the death penalty are black ones."

That, Mr. President, defies imagination. That, Mr. President, is the problem. That is why title IX was included in the House crime bill, to ensure that we at least get courts to examine these statistics and give people a chance to say, "Wait a minute. Hold on. The only people you could find to kill under this crime bill are black people or Hispanic people? Excuse me? Can we take another look at this? Can we see if, possibly, by some stretch of the imagination, my color and not the fact that I did something terrible might have something to do with this."

Mr. President, it seems to me that is a small concession to make to the history, to the statistics that look like this.

Let us talk about further statistics. My colleague from Washington says, "OK, give me some specifics."

Mr. President, 77 percent of the death penalties imposed in Georgia's middle district circuit have been against black defendants. Now, in Georgia, 40 percent of the population is black. There have been nine death sentences in total. Out of those nine sentences for the death penalty, seven of them have been black people. That is 77 percent.

I mean it almost defies the imagination that someone in this day and time could say, "Oh, I haven't got a clue that this might possibly be a problem in America; that we could conceivably have a racial differential in the application of the death penalty."

Some more statistics. Philadelphia—and my colleague from Pennsylvania is here, and I did not mean to hit on this, but this is one of the statistics I have in front of me. In Philadelphia, population about 20 percent African-American. Of the 26 death penalty sentences handed down by a single judge in that population, 92 percent of them were against African-Americans.

Do you want some more statistics? I do not want to just pick on the South. But Alabama's population is 25 percent African-American, and yet 43 percent of its 117 death row inmates are black; 43 percent.

More startling is the fact that 70 percent of all people executed in Georgia since the resumption of capital punishment in the 1980's have been black.

But, Mr. President, I think the really interesting statistic, and one that goes beyond whether or not people are themselves picked on because of their color—and this puts another spin on it that the Racial Justice Act also tries to address—is that the single most important determinant of whether an individual gets the death penalty is not just the race of the criminal, the single most important determinant, Mr. President, is the race of the victim.

The race of the victim seems to play a larger role in the imposition of the death penalty than anything else. And so, let us use an example.

If my assistant is killed by an African-American criminal, he or she is more likely to get the death penalty than if that person kills me. Now, this does not make a whole lot of sense to me. But that is what the statistics show us; that the life of an African-American victim seems to be valued less in our court system than the life of a nonminority victim.

And so, we have the statistics, cutting both ways. On the one hand, the race of the criminal matters in the implication and imposition of the death penalty. But, guess what? The race of the victim also matters in the imposition of the death penalty.

Now, I know that this is one of those issues that can inflame passions in people. And people who support the death penalty and want to see the folks sitting on death row fry are saying, "Well, you know, we are a little nervous about this."

Senator KENNEDY and Senator BIDEN made it clear: Nationwide, there are about 3,000 people on death row right now. If you want to see those folks put to death, that will still happen under the Racial Justice Act. Guess what? This legislation is not going to stop those executions. This legislation, as Senator BIDEN just said, is not going to be applied retroactively. And so if you have a specific person in your State that you want to see fried, guess what? The sentence is going to be imposed and we are going to pretend that we did not have this problem when he was sentenced, or she, as the case may be. We are going to pretend that.

All that title IX of the House crime bill says is, "Wait a minute, since we are going to expand the death penalty and the crimes we can kill you over, we are going to see that you are treated fairly in terms of the issue of race."

Mr. President, I do not see how anybody can be against being fair on the issue of race. I cannot. I am, in fact, stunned that anybody would say I am for racial injustice in the imposition of the death penalty. And that is what this, the amendment of the Senator from New York, says. "It does not matter to me. It does not matter to me if we have racial injustice in the imposition of the death penalty. Because, guess what, I am so anxious to get those old, lethal injections going, boys, I do not want to stand back and see the switch not pulled for another second. I have been waiting all these years to show that the death penalty works to protect the innocent in America. I am so eager for the imposition of the death penalty, by golly it does not matter to me if we fry another 33 black kids or Hispanic kids. It does not matter to me, Mr. President, because guess what—when we go forward and we expand the death penalties, we are going to get some more of them to fry."

I find that conclusion to be absolutely shocking. I cannot imagine that my colleagues are going to come down in favor of killing people based on color. I just cannot imagine that.

If we are talking about the crime, you know: "If you can't do the time, don't do the crime," I support that concept. Coming from a law enforcement family—I do not have a problem with people being punished for their acts. In fact, I voted for this crime bill in spite of the fact that it expands the death penalty. I do not have a problem with people having a sincerely held belief that the only way we are going to stop heinous crime and stop the violence and stop the murder is if we reimpose the death penalty. Lord knows, they have been campaigning on the issue for years.

Fine, so you won on that point. You won on that point. The death penalty is back in the law.

But how can you argue with making it fair? How can you argue with a racial justice act? How can you argue with statistics like this that say, "Guess what, we might have a problem and need to look at it. And guess what, we are going to put in a procedure that lets you look at it in the same way you look at housing discrimination, discrimination in employment, discrimination in education. If we are going to vastly expand the death penalty, we ought to have an opportunity to look at it the same way we do other kinds of discrimination." That is all that title IX does. So I have every hope that this issue can be worked out. It must be worked out. People who support the death penalty do not want to see it applied in a discriminatory way. People who support the death penalty do not want to see racial injustice in its application. And people who support the death penalty, I believe, will want to provide some mechanism for ensuring that the evil of racism does not infect this process. We do not want to be a society in which people go to their death because of their color and not what they did. We do not want to be a society like that. We want to be a society in which somebody of one race who commits a capital crime is going to be punished on the same basis as somebody of another race who committed that same crime. That is the essence of what we are trying to achieve as a country.

Unfortunately, that has not been our history. There is nobody in this room or in this world, frankly, who does not know it. But we have come so far—we have come so far it just boggles the mind that we would turn the page back and say we are for racial injustice when it comes to the death penalty because we are so anxious to fry these people because they have been taking up too many tax dollars on death row.

That is what this amendment says. That is what this amendment says. I have never supported the death penalty, even when I was in the State legislature. I just do not. I just have a problem with the whole idea of the State executing somebody. But I certainly understand, given the cries for crime control out of my community, why the death penalty was expanded in this legislation. Do you know what? Because of the community policing and the prevention efforts and other benefits in there, I said, OK, I will hold my nose on the death penalty part because, guess what, there is a racial justice act eventually going to be part of this.

We had a commitment it was going to be part of it when the amendments went on here in the Senate. I said to myself, "I know it is going to be OK. I know there is a problem now, but it is going to be OK because the people in this Congress are committed to fairness. The people in this Congress stand up for racial justice. And the people in this Congress do not want to send a signal to the States, to the prosecutors all over this country, that it is OK to prosecute differently based on the race of the perpetrator or it is OK to prosecute differently based on the race of the victim."

The people of this Congress should know better, care more, have better sense and certainly higher morality. And even though they may support a death penalty—and we may disagree about that—on one thing we must be together. This is the United States of America, this is not the old South Africa. And we have turned the page in terms of racial discrimination. We are overcoming discrimination, overcoming America's system of apartheid. We have not gotten there entirely. It would be dishonest to suggest that we have. But we are trying and we are moving in the right direction. Then on something as profound as putting somebody to death, we are going to take three steps back? I do not think so.

Mr. President, I will provide a copy for the RECORD of this report for the edification of any of my colleagues who want to see it: "Racial Disparities in Federal Death Penalty Prosecutions, 1988 to 1994." It is from the House side. I ask unanimous consent it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Staff Report by the Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, 103d Congress, 2d Session, March 1994]

RACIAL DISPARITIES IN FEDERAL DEATH PENALTY PROSECUTIONS 1988–94

"Twenty years have passed since this Court declared that the death penalty must be imposed fairly, and with reasonable consistency, or not at all, and, despite the effort of the states and courts to devise legal formulas and procedural rules to meet this daunting challenge, the death penalty remains fraught with arbitrariness, discrimination, caprice, and mistake."—Justice Harry A. Blackmun, Feb. 22, 1994[1]

SUMMARY

Racial minorities are being prosecuted under federal death penalty law far beyond their proportion in the general population or the population of criminal offenders. Analysis of prosecutions under the federal death penalty provisions of the Anti-Drug Abuse Act of 1988[2] reveals that 89 percent of the defendants selected for capital prosecution have been either African-American or Mexican-American. Moreover, the number of prosecutions under this Act has been increasing over the past two years with no decline in the racial disparities. All ten of the recently approved federal capital prosecutions have been against black defendants. This pattern of inequality adds to the mounting evidence that race continues to play an unacceptable part in the application of capital punishment in America today. It confirms Justice Blackmun's recent conclusion that "the death penalty experiment has failed."

THE FEDERAL DEATH PENALTY

Since the Supreme Court's 1972 decision in *Furman* v. *Georgia*,[3] the death penalty has been almost exclusively a state prerogative. Congress has so far not adopted the general sentencing procedures that would reinstate the federal death penalty. No Federal executions have been carried out since 1963 and, until very recently, prosecutions under federal death penalty law were rare. But that began to change over the past few years, and can be expected to change dramatically if the House adopts pending legislation to restore generally—and expand—the federal death penalty.

In 1988, President Reagan signed the Anti-Drug Abuse Act. This legislation included a provision, sometimes referred to as the "drug kingpin" death penalty, which created an enforceable federal death penalty for murders committed by those involved in certain drug trafficking activities. The death penalty provisions were added to the "continuing criminal enterprise" statute first enacted in 1984, 21 U.S.C. §848. The drug trafficking "enterprise" can consist of as few as five individuals, and even a low-ranking "foot soldier" in the organization can be charged with the death penalty if involved in a killing.

As the first enforceable federal death penalty adopted after Furman, §848 offers a forewarning as to how a general federal death penalty might be applied. This report, prepared with the assistance of the Death Penalty Information Center in Washington, D.C. and with case data from the Federal Death Penalty Resource Counsel Project, examines the application of §848.

Three-quarters of those convicted of participating in a drug enterprise under the general provisions of §848 have been white and only about 24 percent of the defendants have been black.[4] However, of those chosen for death penalty prosecutions under this section, just the opposite is true: 78 percent of the defendants have been black and only 11 percent of the defendants have been white. Although the number of homicide cases in the pool that the U.S. Attorneys are choosing from is not known (the Justice Department has not responded to Congressional inquiries for that data), the almost exclusive selection of minority defendants for the death penalty, and the sharp contrast between capital and noncapital prosecutions under §848, indicate a degree of racial bias in the imposition of the federal death penalty that exceeds even pre-Furman patterns.

Federal regulations require that local U.S. Attorneys obtain the personal written authorization of the Attorney General of the United States before proceeding with a capital prosecution. So far, former Attorneys General Thornburgh and Barr, and present Attorney General Reno have approved capital prosecutions against a total of 37 defendants under the 1988 "kingpin" law. Twenty-nine of the defendants have been black and 4 have been Hispanic. All ten of the defendants approved by Attorney General Reno for capital prosecution have been black. Judging by the death row populations of the states, no other jurisdiction comes close to this nearly 90 percent minority prosecution rate.[5]

PACE OF PROSECUTIONS INCREASING

The pace of these prosecutions has been substantially increasing over the past two years. Although widely touted during the 1988 election year as a "tough" response to drug crime, there were only seven defendants prosecuted under this Act in the first three years after its passage and only one death sentence handed down. However, in 1992 alone, capital prosecutions against fourteen defendants were announced and another five death sentences resulted from these cases. Since January, 1993, sixteen more prosecutions have been announced.[6]

The underlying crimes for which these defendants are being prosecuted are not excusable because the offenders are members of minorities. But the statistics raise the question of why these cases were chosen out of the large number of drug-related homicides over the past five years. By way of comparison, the proportion of African-Americans admitted to federal prison for all crimes has remained fairly constant between 21 percent and 27 percent during the 1980s, while whites accounted for approximately 75 percent of new federal prisoners.[7] Yet, when it comes to the federal death penalty, the scales dramatically tip the other way.

The federal government employed the death penalty for a variety of crimes prior to the 1972 Furman decision. But the racial breakdown was also just the opposite from current death penalty prosecutions. Between 1930 and 1972, 85 percent of those executed under federal law were white and 9 percent were black. The dramatic racial turnaround under the drug kingpin law clearly requires remedial action.

Although challenged at a Congressional hearing to provide an explanation for such racial disparities, and asked by the Chairman of this Subcommittee for data on potentially capital cases referred to Washington for approval by federal prosecutors, the Justice Department has offered no response.[8]

It is worth noting that some of the death penalty prosecutions under §848 have been against defendants who do not seem to fit the expected "drug kingpin" profile. In a number of cases, the U.S. Attorneys have sought the death penalty against young inner-city drug gang members and relatively small-time drug traffickers.[9] In other cases, the death penalty was returned against those directly involved in a murder, while the bosses who ordered the killings were given lesser sentences.[10]

BACKGROUND ON RACE AND THE DEATH PENALTY

Throughout American history, the death penalty has fallen disproportionately on racial minorities. For example, since 1930 nearly 90 percent of those executed for the crime of rape in this country were African-Americans.[11] Currently, about 50 percent of those on the nation's death rows are from minority populations representing 20 percent of the country's population.

In 1972, the United States Supreme Court overturned existing death penalty statutes in part because of the danger that those being selected to die were chosen out of racial prejudice. As the late Justice Douglas said in his concurrence overturning the death penalty:

"[T]he discretion of judges and juries in imposing the death penalty enables the penalty to be selectively applied, feeding prejudices against the accused if he is poor and despised, and lacking political clout, or if he is a member of a suspect and unpopular minority, and saving those who, by social position, may be in a more protected position."[12]

Following the Furman decision, legislatures adopted death sentencing procedures that were supposed to eliminate the influence of race from the death sentencing process. However, evidence of racial discrimination in the application of capital punishment continues. Nearly 40 percent of those executed since 1976 have been black, even though blacks constitute only 12 percent of the population. And in almost every death penalty case, the race of the victim is white. Last year alone, 89 percent of the death sentences carried out involved white victims, even though 50 percent of the homicides in this country have black victims.[13] Of the 229 executions that have occurred since the death penalty was reinstated, only one has involved a white defendant for the murder of a black person.

Race of the victim discrimination was singled out by the U.S. General Accounting Office in its report "Death Penalty Sentencing" which concluded that studies showed:

"[The] race of the victim was found to influence the likelihood of being charged with capital murder or receiving the death penalty, i.e., those who murdered whites were found more likely to be sentenced to death than those who murdered blacks."[14]

This record of racial injustice played a significant part in Justice Harry Blackmun's recent decision to oppose the death penalty in every case. "Even under the most sophisticated death penalty statutes," said Blackmun, "race continues to play a major role in determining who shall live and who shall die."[15]

CONCLUSION

Race continues to plague the application of the death penalty in the United States. On the state level, racial disparities are most obvious in the predominant selection of cases involving white victims. On the federal level, cases selected have almost exclusively involved minority defendants.

Under our system, the federal government has long assumed the role of protecting against racially biased application of the law. But under the only active federal death penalty statute, the federal record of racial disparity has been even worse than that of

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Footnotes at end of article.

the states. So far, the number of cases is relatively small compared to state capital prosecutions. However, the numbers are increasing, and under legislation currently being considered in Congress, the federal government would play a much wider role in death penalty prosecutions.

FOOTNOTES

[1] Callins v. Collins, No. 93–7054 (1994) (Blackmun, J., dissenting) (Supreme Court denial of review).

[2] 21 U.S.C. 848(e)–(q).

[3] 408 U.S. 238 (1972).

[4] U.S. Dept. of Justice, Bureau of Justice Statistics, Special Report: Prosecuting Criminal Enterprises, at 6, Table 10 (convictions 1987–90) (1993).

[5] See NAACP Legal Defense Fund, Death Row, U.S.A., January 1994 (death rows by state with racial breakdowns).

[6] Prosecutions against 10 defendants were approved by Attorney General Reno, including at least one in 1994. Prosecutions against 6 other defendants were approved in the previous Administration, but were not announced until June, 1993.

[7] Bureau of Justice Statistics, Sourcebook of Criminal Justice Statistics, 1991, at table 6.78, p. 644 (1992).

[8] On October 21, 1993, Rep. Melvin Watt (D-NC) asked then Deputy Attorney General Philip Heymann for an explanation of the racial disparities in capital prosecutions during the course of a House Judiciary Subcommittee hearing on the Administration's crime bill. Mr. Heymann promised a reply in two weeks. To date, Rep. Watt has received no response to his inquiry. Death Penalty Information Center phone conversation with Rep. Watt's office, Feb. 28, 1994.

During the same hearing. Rep. Craig Washington (D-Tex.) remarked to Mr. Heymann that "if some redneck county in Texas had come up with figures like that, you'd been down there wanting to know why." See Federal Death Penalty Update, Newsletter of Federal Death Penalty Resource Counsel Project, January, 1994.

[9] See, e.g., United States v. Tipton et al., 3–92–CR68 (E.D. Va.) (prosecution of four young black inner-city gang members in Richmond, Va.); United States v. Bilal Pretlow, No. 90–CR–238 (D.N.J.) (a young black New Jersey gang member who committed suicide during his trial); United States v. Chandler, 996 F.2d 1073 (11th Cir. 1993) (prosecution of rural Alabama marijuana grower in murder-for-hire scheme).

[10] See, e.g., United States v. Hutching et al., No. CR–032–S (E.C. Okl.) (two "managers" of the drug enterprise received life sentences for murder while lower level defendant who was present at the murder was sentenced to death); United States v. Michael Murray, Cr. No. 1: CR–92–200 (M.D. Pa.) (Dept. of Justice reportedly declined to approve the U.S. Attorney's request to authorize the death penalty against the gang leader, Jonathan Bradley, whom the indictment alleges ordered the killing. A death sentence is being sought against Murray who was 19 years old at the time of the incident.). Information obtained from the Federal Death Penalty Resource Counsel Project report, Feb. 15, 1994.

[11] U.S. Dept. of Justice, Bureau of Justice Statistics, Capital Punishment, 1981 (1982).

[12] Furman v. Georgia, 92 S. Ct. 2726, 2735 (1972) (Douglas, J., concurring).

[13] See, e.g., S. LaFraniere, FBI Finds Major Increase in Juvenile Violence in Past Decade, Washington Post, Aug. 30, 1992, at A13 (half of U.S. murder victims are black).

[14] U.S. General Accounting Office, Death Penalty Sentencing 5 (Feb. 1990) (emphasis added).

[15] Callins v. Collins, No. 93–7054 (1994) (Blackmun, J., dissenting).

Appendix—Federal Death Penalty Prosecutions, 1988–94[1]

Following enactment of the first modern federal death penalty statute on November 18, 1988, 21 U.S.C. §848(e)–(q) (the so-called "drug kingpin" murder provision), the Bush and Clinton Administrations have approved death penalty prosecutions under §848 against 37 defendants. Of these, four defendants were white, four were Hispanic, and twenty-nine were black. All 10 of the defendants approved for capital prosecution by Attorney General Reno, and all 15 defendants now awaiting federal death penalty trials or currently on trial, are African-American.

FEDERAL CAPITAL CASES TRIED TO DATE

The federal death penalty cases brought to trial during 1989–1994 by the Bush and Clinton Administrations are listed below:

A white Alabama marijuana grower named Ronald Chandler, was sentenced to death for the murder for hire of a subordinate in his drug ring. Chandler's convictions and death sentence were affirmed by a panel of the Eleventh Circuit July 19, 1993; a petition for writ of certiorari is now pending before the United States Supreme Court. Claiming innocence, Chandler refused a pretrial plea bargain offer for life without possibility of parole. *United States* v. CHANDLER, 996 F.2d 1073 (11th Cir. 1993).

Three of four young black inner-city gang members in Richmond, Virginia, were sentenced to death on February 16, 1993, for their roles in eleven crack-related murders. *United States* v. *Tipton et al.*, 3–92–CR68 (E.D. Va.). The trial of a fourth defendant, Vernon Thomas, was severed. On April 23, 1993, moments before a scheduled hearing on Mr. Thomas's motion to bar the death penalty due to his mental retardation, the government withdrew its request for the death penalty. Mr. Thomas was ultimately convicted and sentenced to life imprisonment.

A Hispanic drug distributor was sentenced to death by a jury on August 2, 1993 in Brownsville, Texas, in connection with the murders of three other drug traffickers in the Brownsville area. *United States* v. *Juan Raul Garza*, No. CR 93–0009 (S.D. Tex.). Attorney General Barr authorized the prosecution to seek the death penalty in December, 1992. Mr. Garza's appeal is pending before the U.S. Court of Appeals for the 5th Circuit.

Two Hispanic defendants in Texas were sentenced to life imprisonment and forty years, respectively, for the marijuana-related murder of a state police officer after a joint trial. The sentencing jury found no facts legally warranting the death penalty. *United States* v. *Reynaldo & Baldemar Villarreal*, No. 9:91CR4 (E.D. Tex. 1991), *aff'd*, 963 F.2d 725 (5th Cir.), *cert. denied*, 113 S.Ct. 353 (1992).

Two black Chicago gang members received life sentences for cocaine-related murders after separate trials. The Government had offered one defendant, but not the other, a plea bargain prior to trial. *United States* v. *Alexander Cooper & Anthony Davis*, No. 89–CR–0580 (N.D. ILL. 1991).

A white Mafia contract killer received a life sentence from a Brooklyn, New York jury after being convicted of eight murders, three of which qualified as capital crimes under 21 U.S.C. §848, *United States* v. *Pitera*, 5 F.3d 624 (2d Cir. 1993).

A young black New Jersey gang member committed suicide during his federal capital trial. *United States* v. *Bilal Pretlow*, No. 90–CR–238 (D.N.J.).

One Hispanic and two white defendants were tried jointly in connection with the drug-related kidnap/murder of a Muskogee, Oklahoma auto dealership employee. *United States* v. *Hutching et al.*, No. CR–032–S (E.D. Okl.). The two capitally-charged "managers" of the drug enterprise received life sentences from the jury, while the lowest-level defendant, John McCullah (who, unlike the bosses, had been present at the killing) was sentenced to death on March 23, 1993.

FEDERAL CAPITAL PROSECUTIONS NOT YET TRIED

Capital prosecutions initiated since early 1992 which are still pending (either as capital or noncapital cases) in federal district courts involve indictments charging:

Two black New Orleans inner-city gang members, in connection with an allegedly drug-related murder. *United States* v. *Green & Brown*, E.D. La. No. 92–46. On November 24, 1992, the Government dropped its request for the death penalty in this case.

One black Tampa, Florida drug distributor, for having allegedly ordered a murder in retaliation for the theft of drugs. *United States* v. *Mathias*, (M.D. Fla. No. 91–301–CR–T–17(A)). Trial is set in this case for February 2, 1994.

One black Atlanta drug distributor in connection with three murders. *United States* v. *Williams*, No. 1:92–CR–142 (N.D.Ga.). No trial date is set as yet.

Two black crack cocaine dealers in Macon, Georgia, in connection with the murders of two other crack dealers. *United States* v. *Tony Chatfield and Arleigh Carrington*, (M.D. Ga. No. 92–82MAC–WDC). Attorney General Barr authorized this death prosecution in his last week in office. On December 6, 1993, the government dropped its request for the death penalty against these two defendants.

United States v. *Reginald Brown et al.*, (E.D. Mich.Cr. No. 92–81127). This case reportedly involved six death authorizations against members of a cocaine distribution organization alleged to be responsible for a total of twelve murders over a 4-year period. The initial authorization occurred during the Bush Administration, but the authorizations were not announced until June, 1993. Only three of the six defendants against whom the death penalty has been authorized are currently in custody. One defendant, Terrance Brown, has been found dead, apparently a homicide victim.

The Federal Death Penalty Resource Counsel Project is aware of 7 cases, involving 16 defendants, in which the death penalty is reported to have been authorized by Attorney General Reno or announced since she took office. All 16 defendants are African-American. Three of the cases have been brought in jurisdictions (New York, Michigan, and the District of Columbia) which do not have capital punishment statutes. The cases are:

United States v. *Darryl Johnson*, (W.D.N.Y. Cr. No. 92–159–C–S), involving two alleged cocaine-related killings by a Buffalo, New York group. Trial is not anticipated before the fall of 1994.

United States v. *Wayne Anthony Perry* (D.C.D.C. No. 92–CR–474), an alleged hitman for a D.C. cocaine distribution ring; eight homicide counts. Trial is set for February 8, 1994.

United States v. *Michael Murray*, (M.D.Pa. Cr. No. 1:CR–92–200), involves the killing of a Harrisburg, Pennsylvania drug dealer by a gang headed by one Jonathan Bradley. DOJ reportedly declined to approve the U.S. Attorney's request to authorize the death penalty against Bradley, who allegedly ordered the killing, and against another participant in the shooting, Emmanuel S. Harrison.

United States v. *Edward Alexander Mack et al.*, (S.D. Fla. 93–0252–CR–Ungaro-Benages), involves two drug-related murders in the course of a Miami drug trafficking operation. Three defendants are facing the death penalty in this case; trial is not anticipated until the latter part of 1994. Attorney General Reno authorized this capital prosecution in early January 1994.

United States v. *Jean Claude Oscar et al.*, (E.D.Va. 93 CR 131) involves three capitally charged defendants and two crack-related murders in Norfolk, Va. Attorney General Reno authorized this capital prosecution in November 1993.

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[1] Case data provided by the Federal Death Penalty Resource Counsel Project, Columbia, SC.

United States v. *Todd Moore*, (E.D. Va. 1994), the prosecution of this black defendant in Norfolk, Va. was announced March 8, 1994.

Ms. MOSELEY-BRAUN. Mr. President, I think maybe sometimes people do not have the perspective to think about how initiatives here in the Senate may have a ripple effect out in the rest of the world. Vaclav Havel—I am fond of quoting the former President of Czechoslovakia—talks about what he calls the butterfly effect. He said it is the notion that everything is so—and I am quoting as best I can without a copy—but it is the notion that everything in this world is so interconnected that the wave of a butterfly wing can unleash a typhoon of change in another part of the world.

So I really call on my colleague, the Senator from New York, to take a look, a serious look, at what he is doing here. His motivation may be we do not want to hold up a process that we have been fighting for so long. If he is anxious on that score, I am sure he can be accommodated by whatever happens. But what he is doing here with this amendment is wrong. This amendment is a vote in favor of the worst elements—the worst elements in our society. And to talk about the butterfly effect—if anything, this amendment has a butterfly effect I think that will shame—and I do mean shame—all of America. We have, I think, an obligation to be better, to be more. At a time when there is an inauguration of a President of South Africa and the first multiracial election there, for us in America to take a step backward on so highly visible and highly emotionally charged a matter as the imposition of a sentence of death, I think would be most unfortunate and would have a negative effect, a regrettable effect on a lot of fronts that we would not want to see.

So, while this seems like a small, almost technical amendment, I say to my colleagues and I say to the Senator from New York, take a good look at what this really means and what it portends for our society as a whole to stand up and say we are for racial injustice in the administration of the death penalty. It says a lot more about what we should not be and where we used to be than it does about where we are going to be, where we can be, and what we can be.

I hope that while the technicalities of the amendment having to do with retroactivity can be worked out in conference—Senator BIDEN has made a commitment on that score—that we can reach a consensus, reach some kind of agreement so as to meet the concerns that some of the many Members who are supporters of the death penalty may have.

At the same time to take racial justice out of the crime bill, I think, makes the crime bill say things about America that none of us want it to say.

I thank you and I yield the floor

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I believe that the focus of the American judicial system is on the individual, and I am convinced that the appropriate standard for the American criminal justice system is to focus on the individual, the charge which has been leveled against the individual, the nature of the offense—if, as and when proved—and the background of the individual. Sentencing is not a matter for statistical determination because I do not believe that statistics really bear on the underlying meaning or equities of the case.

In my experience as an assistant district attorney and then as district attorney of the city of Philadelphia, the total of which was more than 12 years, I became convinced that the death penalty was an effective deterrent against violent crime.

I saw many cases where professional burglars would not carry weapons for fear that a killing would result in the course of a burglary and that individual would face a first-degree felony murder charge.

Similarly, I saw cases where young hoodlums would not carry guns on robberies because they, too, feared that a killing might result in the course of the robbery and there would be a first-degree murder charge.

In the early sixties, when the death penalty was being carried out, Mr. President, I believe that it did have a deterrent effect on violent crime. But what has happened as of this year, 1994, with some 2,800 individuals on death row and 38 applications of the death penalty last year, is that there has been a serious erosion of the deterrent effect of capital punishment.

I agree totally with the Senator from Illinois that there has to be racial justice in America. That is the cornerstone of our system. When I was district attorney of Philadelphia, I refused to allow my assistants to question jurors on any item that related in any way, shape, or form to race, and had an office policy against striking African-Americans from juries on peremptory challenges.

For those who do not know, a peremptory challenge is a challenge that can be made by either side against any potential juror without any cause shown. Under Pennsylvania law, there are 20 peremptory challenges available.

Long before the Supreme Court of the United States ruled that it was unconstitutional to strike jurors on the basis of being African-American, or any race, I adopted a policy in my office to prohibit that.

There have been necessarily and appropriately very substantial restrictions on the application of the death penalty.

In 1972, in the case captioned Furman versus Georgia, the Supreme Court of the United States struck down the death penalties in all States on the proposition that the death penalty could be constitutionally imposed only if there was consideration by the jury of aggravating circumstances and mitigating circumstances. It could not be left to the unchanneled discretion of the jury, to any generalized principle or any possibility of speculation. Instead, there had to be a specific enumeration of what constituted the aggravating circumstances, the coldheartedness, the callousness, the act of the killing, the background and the record of the defendant, and on the mitigating circumstances, for example any impairment of mental acuity or any background of other impairment had to be considered.

We have made substantial strides on the adequacy of counsel since the 1960's. I think adequate trial is an indispensable element in a fair and just application of any criminal sanction.

But if death penalty cases turn on a statistical analysis—and there are many statistics which are available on this subject and many of the statistics which are quoted are erroneous—for example, Philadelphia does not have an African-American population of 20 percent, it is more than double that. To pick out a single judge and say that 92 percent of the death penalties handed down by that judge are against minorities is not really a telling factual matter as to what kind of cases that one judge had.

When you take a look at crime in America today, there is no need for any extended discussion about the seriousness of crime in this country. There is no serious need for a discussion of the imperative nature of the Congress acting on this subject. The Congress has indicated its will on the Senate side with more than $22 billion and on the House side with some $28 billion to combat crime.

There is a consensus in America, not only reflected in the votes in the Congress, with more than 70 percent of this body in favor of the death penalty, but in the percentage of the American people who believe that the death penalty is an effective deterrent.

So much of the debate on this statistical analysis—and I do not call it the Racial Justice Act because that is another illustration where Senators who introduce bills and put titles on bills which argue a characterization or argue a conclusion. I take second place in this body and on this planet to no one in terms of my commitment to racial justice. If there is ever any element of a question about racial justice, I am among the first to question it.

But what this proposal does is to say that there has to be some finding where there is a disproportionate share of one group or another that raises a question about the fairness as to what has gone on in the trial. I submit, Mr. President, that is not sensible or logical or in accordance with our American tradition that each individual should be judged on his or her own, and that each case should be judged on its own merits and what happened under the particular factual circumstances and what is the background of the individual defendant and victim.

Only in this way, focusing on the facts of each individual case can we have a fair judicial system in America.

We have rejected racial quotas on all categories—from admission of Jewish students to law schools and medical schools to an arbitrary definition as to how many of one group or another will be entitled to jobs, because Americans are opposed to the quota system and we are opposed to controlling people's lives by statistics.

We are committed to a principle of individualized justice, and I think that is the only way that the system can work.

I became convinced about the deterrent effect of capital punishment on many, many cases which I saw as a prosecuting attorney, and one is worth a moment or two. It was a case that I handled in the Supreme Court of the Commonwealth of Pennsylvania back in the early sixties, and it involved three young hoodlums named Williams, Cater, and Rivers, ages 19, 18, and 17. The two younger men, Rivers and Cater, saw a gun that Williams had and Cater and Rivers said: "We're not going along on this robbery if you carry a gun."

How do we know that? We know that from the confessions of all three shortly after the incident occurred.

Williams put the gun in the drawer, slammed it shut and, as they all left, unbeknownst to Cater and Rivers, Williams pulled the gun out, stuck it in his pocket and they went to a grocery store in north Philadelphia for a robbery. And there was a scuffle, and Williams pulled the gun and murdered the druggist. All three of those men were sentenced to death. I argued the case in the Supreme Court of Pennsylvania which upheld the death penalty.

Ultimately, the two younger men, Cater and Rivers, had their death sentences commuted, that is, changed. I was district attorney at the time of the commutations, having been elected in 1965, and I took the position that they ought not to receive the death penalty even though as a matter of law they were equally guilty with Williams, having been coconspirators in the event. But it was my view that they did not have the same degree of culpability or intent that Williams did.

One thing about criminal law that people need to understand, is that if a number of people join together in an offense and have a conspiracy, each one of them is liable for everything that the other one does. So that if you are in a robbery/murder and you do not pull the trigger, you are still liable for the murder. And if you are in a robbery/murder and you went along on the judgment that there would not be any gun taken along but one was taken, you are still equally responsible.

While I support the death penalty, I have long believed that it has to be scrupulously, meticulously and carefully applied. In a day long before Furman versus Georgia, long before the kind of focus that is present today, my sense was that there ought not to be the death penalty for Cater and Rivers because they did not know that the gun was being taken along, just like I felt as an intuitive matter that African-Americans ought not be stricken from juries by peremptory challenges because of their race.

Mr. President, I think what this disagreement really focuses on is those who are for the death penalty and those who are against the death penalty. I appreciate the conscientious and moral scruples of those who oppose the death penalty, and I understand their considerations and I respect them. But there has been a judgment made in the pending crime bill for the death penalty, and there has been a judgment made by 37 States in the United States to have the death penalty carried out. I believe that it is an effective deterrent, and I think it ought to be carried out again in a very, very selective number of cases.

During my days as district attorney of Philadelphia, with the 500 homicide cases which we had a year, I would not allow an assistant to ask for the death penalty in any case without my own personal in-depth review to see what ought to be done.

Mr. President, the reality is that the Congress has not moved with real vigor in the whole field of death penalty application because we have stripped from this bill the so-called habeas corpus reform, and that is the reform which would focus on the Federal court appeals which involve tremendous delay. At the present time, the average case takes 9 years after the death penalty has been imposed before it is carried out, and some cases last as long as 17 years.

I have introduced legislation which I brought to the floor to provide a procedure which would safeguard the rights of the defendants but would eliminate technicalities in habeas corpus procedures so that a constitutionally determined and imposed death penalty would be imposed promptly and in a meaningful way, because no deterrent is meaningful unless it is swift or certain. Regrettably, the Senate rejected that approach because many on one side did not want the death penalty at all, and many on the other side opposed my amendment because they did not like its provisions as to what is called retroactivity. That is where you take a new rule where it is a fundamental rule and apply it to pending cases.

I am at an absolute loss as to how we could have any just provision of law on the death penalty which would not be retroactive. The arguments have been made in the Chamber today that this statistical provision under debate will not be retroactive. That is the kind of compromise which appears to me to be totally unjustified. When you are talking about the death penalty, if there is some principle of law which precludes its application to any case, a case in the future, it is just unconscionable not to have it apply to cases which are pending, if it is a meaningful principle of law.

I suggest, Mr. President, that the willingness to have this statistical proposal apply only in the future, prospectively, is more than a compromise. It is really a concession that these cases really ought to be judged on their individual merits and not on any statistical analysis.

So for these reasons, Mr. President, being firmly committed to individualized justice in this country, I believe that we should move ahead in a rational way, utilizing every legitimate weapon at the disposal of law enforcement, one of which is the death penalty, as sanctioned in some 37 States—seeing to it that there is adequate counsel, that there is an effective day in court for all the issues to be raised and decided, and that appropriate death sentences are carried out where the act and the actor warrant it, without any complex statistical analysis which really does not bear on what happened in any case and which would destroy a very fundamental principle of American justice which is individualized justice.

Mr. METZENBAUM. Mr. President, a number of my colleagues have spoken this morning in favor of the Racial Justice Act which was included in the House version of the crime bill.

Whether you favor or oppose the death penalty, all fair and right thinking people believe that a person's race should not determine whether someone is sentenced to death by the State. But despite our desire for a fair judicial system, the evidence that the death penalty is applied in this country in a racist manner is overwhelming.

A 1990 GAO report documents a long standing pattern of racial discrimination in the charging, sentencing, and imposition of the death penalty. This discrimination takes two forms. One kind is based on the race of the victim, and the other is based on the race of the defendant. The report stated that since 1976, when the Supreme Court allowed the death penalty to be reinstituted, 85 percent of the executions involved the killing of a white person.

Only 11 percent of the executions involved the killing of an African-American and these only occurred where the defendant was also black. During this period only one white person has been executed for killing an African-American. This GAO report reflects what is an unfortunate fact of life in America. Our Criminal Justice System does not value the life of an African-American as highly as it values that of a white.

On the Federal level, a recently released report by the House.

Subcommittee on Civil and Constitutional Rights tracks prosecutions under the Federal death penalty provisions of the Anti-Drug Abuse Act of 1988. The report reveals that 89 percent of the defendants selected for capital prosecution have either been African- or Mexican-Americans. Increasingly, all 10 of the defendants most recently approved for Federal capital prosecutions have been black. What does this say about our sense of justice about the quality of justice in America? The Racial Justice Act will help to eliminate racial discrimination in capital cases. It allows defendants to challenge only their death sentence, and not the underlying conviction. In other words, it does not have to do with whether the defendant is guilty or not guilty. It just gives the defendant the right to challenge the death sentence itself.

To obtain relief under the act defendants must offer evidence of two things. The first is statistical evidence of a consistent pattern of racially biased sentences in death penalty cases. The second is that their own death sentence fits this discriminatory pattern.

The defendant and not the State bears the burden of collecting the statistical evidence. This evidence must compare the sentences in similar cases and take into account any aggravating factors. For example, an African-American defendant cannot get relief under the act by simply showing that blacks get the death penalty more frequently than whites. Rather, the defendant must show that blacks get the death penalty significantly more frequently than whites for the same type of offenses and aggravating circumstances. If the court finds that there was discrimination in imposing a death sentence, the defendant would either be resentenced to death, but under a nondiscriminatory scheme or sentenced to life imprisonment.

In an attempt to defeat the Racial Justice Act, some of its opponents have used inflammatory rhetoric and claimed that the act amounts to a quota bill. Clearly, the Racial Justice Act does not require compliance by the adoption of racial quotas. Rather, it urges States and prosecutors to eliminate the use of race in capital cases by adopting nonracial standards for bringing death penalty cases.

The Racial Justice Act will help to ensure that similar crimes receive similar sentences. I urge my colleagues to support it.

I would like to point out, Mr. President, that over a period of years, many of us on this floor have opposed capital punishment, many of us have felt very strongly about it, in addition to other reasons, the fact that capital punishment has been so unfairly meted out to African-Americans as compared to whites. Realistically speaking, there is no question about it. The evidence is irrefutable that blacks have paid a higher penalty with respect to the death sentence than have whites.

It is not fair. It is not right. This is a country that prides itself in its sense of justice. And I think that if we really intend to be just, then it is imperative that we support inclusion of the Racial Justice Act in this legislation.

Mr. HATFIELD. Mr. President, my position on the death penalty is well known. But, even if I were an ardent supporter of death sentences, I would be extremely concerned that the Government apply this punishment in an evenhanded manner. This is the least that we must demand, regardless of our position on the death penalty. This is why I oppose the sense of the Senate amendment calling for deletion of the Racial Justice Act during conference committee action on the crime bill.

Each time that we discuss death penalty issues, we hear stories of brutal cold blooded murders. These are horrible crimes and should be punished severely. Spending one's life in prison without possibility of release is severe. But, this is not the issue today.

If we must have this gruesome State sponsored killing—and I do not concede that we must have it—the very least we can do, the absolute minimum we should do, is ensure that the punishment is not being used in a racially discriminatory manner. In fact, I believe that we might take an even broader approach. I believe that the death penalty has been applied disproportionately upon the poor of all races because they do not have the resources to adequately defend themselves. Perhaps on another occasion we will examine whether discrimination based upon economics also should be considered in death penalty cases.

This issue cuts to the heart of one of the fundamental reasons that the death penalty has been questioned by those who are very experienced in its application. Why do some people get killed by the State for committing the same crime that causes others to receive prison terms? How can we make sense of this?

Justice Blackmun's recent description of the death penalty as "fraught with arbitrariness, discrimination, caprice, and mistake" has become well publicized for good reason. He has struggled with these issues personally on the Highest Court in the land for 24 years.

According to a recent House subcommittee report, 89 percent of death prosecutions under the Anti-Drug Abuse Act of 1988 have been against African-Americans or Mexican-Americans. The last 10 Federal death prosecutions have been against black defendants. In addition, a GAO report in 1990 showed serious racial disparities in death sentencing.

These frightening statistics do not necessarily prove discrimination. They do, however, cry out for an explanation. While raw numbers of prosecutions brought against a particular race do not prove discrimination, comparisons of factually similar cases can prove it. This is the statistical proof required under the Racial Justice Act title of the House crime bill.

Allowing proof of discrimination in death penalty cases does not eliminate the death penalty. And, it will not impose a quota system. It only attempts to ensure that we will not allow the State to kill based upon race. The imposition of death is a decision that cannot be undone. The least we can do is make sure that race is not a factor in making the horrible choice to ask for the death of another human being.

Mr. President, I yield the floor and in the absence of any other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. PELL assumed the chair.)

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BRYAN. Mr. President, I ask unanimous consent that at 4:30 p.m. on Wednesday, May 11, the Senate resume consideration of S. 1935, with 30 minutes, as provided for under a previous unanimous-consent agreement, remaining for debate on the D'Amato amendment, No. 1685, relating to racial justice; that at 5 p.m. Wednesday, without any intervening action, the Senate vote on or in relation to the D'Amato amendment; that upon disposition of that amendment, and without intervening action, the committee substitute, as amended, be agreed to; that the bill be read a third time, and the Senate vote on passage of S. 1935.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GATT CONCERNS

Mr. PRESSLER. Mr. President, I wish to raise further concerns about the new GATT agreement soon to be addressed by the Senate.

Mr. President, I have spoken on the Senate floor once before about the new GATT agreement that the United States recently signed. I am very worried that we are agreeing to something which could put us at a trade disadvantage. At first glance, the new GATT agreement looks good. Indeed, I stand here as a free trader. I believe in free trade as long as it is on an equal basis. If other countries will allow our products to go into their countries, we should allow their products to come here on an equal basis.

So frequently some people think that free trade is just access to the U.S. market, and that when our products go there, they are inspected and reinspected or face other trade barriers that keep our products out.

I believe the American farmer, the American worker, and American business can compete anywhere in the world on a fair playing field. But under this GATT Treaty a 125-nation council will be established where each country will have one vote. Most of the countries in the world are dictatorships, very frankly. They are not democracies. Many of them are kleptocracies; that is, leaders steal from their own people to enrich themselves. That is what we are dealing with. We do not have a family of nations in this world that are democracies. We do not have a family of nations in this world where human rights are widely respected.

So the United States is 1 vote out of 120. I am afraid that trade policy could be imposed upon the United States, or assessments will be imposed upon our taxpayers. The final result will be unfair trade for the developed nations.

The GATT Treaty is not set up like the United Nations where you have a Security Council of major powers who can stop something from going through. In fact, the really important issues in the United Nations are not voted on by all the countries in the General Assembly. They are decided by the so-called "Security Council," the five most important powers. That is not the case in this new GATT Treaty.

I would say that in 5 or 10 years down the road, we will regret having agreed to this GATT agreement.

The full consequences of this agreement are just beginning to come to light. Congressional interest in the WTO is growing daily. Many questions and concerns are being raised. Unfortunately, there appear to be more questions than answers.

I have many concerns about the proposed WTO. What impact on U.S. laws will this organization have? What will be its budget? How many taxpayer dollars will be spent on the WTO? Who will the WTO, with its unelected bureaucrats, be answerable to?

There are many questions to be answered before we vote on legislation to commit the United States to participating in this entity. I have joined my colleague Senator HELMS in requesting that the Senate Foreign Relations Committee hold a hearing on the WTO as soon as possible. Mr. President, I ask unanimous consent that a copy of that request be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. The World Trade Organization is one concern arising from the new GATT agreement. Though it could be argued that the WTO is created by treaty, it is not being presented as a treaty. I think it should be a treaty so we would have to have 60 votes here in the Senate to confirm it. However, it is being submitted as an agreement, which means it will only need 51 votes.

Another concern is the likely impact of the new agreement on U.S. agriculture. International trade expansion is the key to the future of U.S. agriculture. We must open more world markets to U.S. farmers and ranchers.

The goal of the latest round of GATT negotiations, the Uruguay round, was to reduce tariffs and import barriers. For the first time, the GATT will cover agricultural trade. The potential impact of the new agreement on agriculture is a major concern of mine.

Last Congress, and again in this Congress, I introduced a resolution to establish as U.S. Senate policy that meaningful reforms with respect to agricultural subsidies must be achieved in the new GATT.

I ask unanimous consent that a copy of Senate Resolution 12, and my opening statement on it, appear at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PRESSLER. Mr. President, I also have some real problems with how the new GATT agreement deals with the use of agricultural subsidies. Allowing other countries, like the European Union [EU], to continue their protectionist agricultural subsidy programs means that South Dakota farmers and ranchers would continue to face unfair foreign competition, as would farmers and ranchers throughout the country.

The United States has substantially reduced its agricultural subsidies over the past 10 years, while the EU has increased subsidies. This has cost U.S. farmers and ranchers billions of dollars in lost exports and thousands of jobs. Every farmer and rancher in South Dakota knows that higher grain, dairy, and meant prices depend on better access to foreign markets. We must keep pressure on the EU to make major reductions in its export subsidies.

Mr. President, it may not be well known, but the United States has reduced its agricultural subsidies on a 5-year plan. We have had two 5-year farm bills since I have been here in the Senate that have reduced each year the level of subsidy, and we would do it faster if the Europeans would match.

This Nation's largest farm organization, the Farm Bureau, is for eliminating subsidies entirely. But it means Europe must also reduce those—our competitors—and they must also reduce their export subsidies, because Europe has a practice of taking their surplus grain, or whatever they have, and whatever they do not need, they undersell the United States with export subsidies. That is not fair to our ranchers and farmers.

I pay tribute to Australia and New Zealand, who have reduced their agricultural subsidies faster than anybody else, and they have been paying a price. The Canadians say they are doing so, but they have transportation subsidies for wheat and unfair pricing tactics that has caused many problems for U.S. wheat farmers. The point is that our agricultural industry is willing to do its share in reducing subsidies to get to free trade, but the Europeans—especially the French and Germans—their governments have not been willing to do that. We should keep that in mind.

I am a free trader. Historical experience has demonstrated that the free trade of goods between countries promotes prosperity and economic growth for all. It is not just agriculture, but also manufacturing, and services, and other things.

Many countries say they practice free trade when, in reality, they do not. The United States has one of the most open markets in the world. Yet, many of our products do not receive reciprocal treatment in foreign countries.

Earlier this week, the Journal of Commerce reported that the new GATT agreement will not change distortions of the world market caused by heavy farm subsidies.

I ask unanimous consent to have this article printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Commerce Journal, May 3, 1994]

FARM SUBSIDIES EXPECTED TO SURVIVE GATT PACT

(By Tara Patel)

PARIS.—The global accord on agriculture struck as part of the Uruguay Round world-trade pact will not change distortions on the world market caused by heavy farm subsidies, according to trade experts attending a conference last week in Paris.

Agriculture was among the most difficult areas of last year's trade negotiations under the auspices of the General Agreement on Tariffs and Trade.

Although a compromise was finally reached, trade experts, negotiators and academics who gathered last week in Paris to analyze the "New World Trading System" at a conference sponsored by the Organization for Economic Cooperation and Development generally agreed the new trade pact will do little to eliminate heavy government intervention in agriculture.

"The farm trade deal was oversold," said one trade expert who asked not to be named.

Another observer concluded, "If governments were allowed a free-for-all (on farm policy), things would get worse, but the Uruguay Round has merely put a halt to the more aberrant behavior."

In the area of market access, the participants identified a major problem in the high level of initial tariffs of many countries resulting from their translation of 1988–90 quotas into tariffs.

Experts agreed that these tariffs, sometimes several times higher than the prices of the goods, will do little toward liberalizing the farm trade even after being reduced by the required 15%.

Another problem area, according to trade officials, is the special safeguard section in the agreement. Experts said they expect the higher-than-normal tariffs that can be charged under this provision, and can triggered by either a surge in imports or a fall in the market price, to be applied often if not most of the time.

Furthermore, one official said, the provisions can even be shipment specific in some cases, making the tariffs potentially discriminatory.

Another shortcoming is that governments will be allowed to keep protective tariffs on "sensitive" products.

Experts said the biggest impact of the farm trade deal will be felt from new constraints on export subsidies. But most conceded even those provisions will not eliminate heavy state subsidies in some areas.

One estimate said subsidies will only have to be one-fifth lower by 2000 than in the late 1980s to comply with the agreement. The impact also is expected to be lessened by the fact that some countries already have undertaken reform. Problems with implementation are also expected in countries with high rates of inflation or wide fluctuations of exchange rates.

Mr. PRESSLER. Mr. President, the Senate needs to take note of this situation. The United States made significant concessions in limiting the future use of agricultural subsidies under the agreement. In fact, the administration is claiming that U.S. agriculture is the big winner in the agreement. As a result, it is looking for budget cuts in agriculture to help pay for the new agreement.

We are learning that while the United States has agreed to significant cutbacks in the use of agriculture subsidies, the rest of the world will be allowed to continue the status quo. As the article notes, the farm trade deal has been oversold.

How to pay for GATT is another major concern. The House needs to find $13.9 billion in budget offsets over the next 5 years, and the Senate needs to find $40 billion in offsets over the next 10 years to make up for the lower revenues resulting from GATT tariff reductions.

Everyone seems to be looking principally at agriculture to find most of these savings. Mr. President, it has not yet been proven that agriculture will reap the gains that have been claimed. I am not prepared to accept major budget cutbacks in agriculture programs until the claimed significant agriculture gains are demonstrated.

Concern over this issue is widespread among major agricultural groups. A broad coalition of agriculture groups recently wrote to President Clinton to say they could not support legislation implementing the proposed new agreement if U.S. agriculture is asked to bear a disproportionate share of the new agreement. The letter was signed by 22 major agriculture groups.

I ask unanimous consent that a Farm Bureau News article be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. PRESSLER. Mr. President, that letter tells it all. The Senate should not agree to implement any trade agreement that does not benefit American agriculture. The jury is still out on how this agreement affects U.S. agriculture.

Mr. President, other issues need to be addressed, such as permissive subsidies on research and development; the impact on intellectual property rights; and the degree of access for the U.S. motion picture industry to European Union markets. I will address these in later speeches outlining my concerns with the new GATT agreement.

So, Mr. President, in conclusion, let me say that I think the significance of these GATT agreements are being overlooked by the Senate and by the United States. I do not know why they are not a treaty, or why they are not an executive agreement. But the only way the Senate can slow them down or stop them is by not passing the implementing legislation, and that is an unfortunate situation to be in. But it may well be that the GATT trade agreement will be one of the worst things for the United States, because we are turning over our trade policy to a 120-nation world trade organization of which we are only one vote, and there is no Security Council or anything else. We are not going in with a group of nice guys so-to-speak. Of these 120 nations, over half of them are dictatorships, and they have totally different values than we do, and they want to take advantage of the United States if they can.

Once the WTO is created, then we have to pay our dues to the organization. The U.S. will have to accept trade decisions of the WTO or face trade restrictions, retaliations, or other actions on U.S. trade.

This will not only affect agriculture, but it will affect manufacturing more, and goods and services. It is really a major decision in trade for this country.

Many years ago, as a young lawyer, I worked in the State Department, in the legal adviser's office on GATT matters. I have followed GATT closely over the years. It has been, generally speaking, a good organization. But we have never before turned over such power to a world trade organization. We have never before, in any of the international organizations we are in, given so much authority over the sovereignty of the United States to a WTO, a world trade organization. And we have never before agreed to allow the other side to keep their subsidies so much, whereas we have cut ours back.

So, once again, the United States is being the good guy. Our workers and our farmers and our manufacturers cannot have domestic subsidies, but the people they compete against can. Our workers and farmers and businessmen cannot have an export subsidy, but others are allowed to have it in this GATT agreement, this General Agreement on Trade and Tariffs.

I see this as something that the Senate should be alarmed about and the country should be alarmed about. I am glad that some people have come forward and started to talk about it. But this is the sleeper issue of the year, and if we pass this thing, everything will be all right for a year or two, because the initial rounds have been agreed to. But in 2 or 3 years, we are going to regret it a great deal.

I am giving a series of speeches on the Senate floor—and this is my second one—to try to alert people and groups as to what is going on.

Mr. President, I hope America wakes up on the GATT trade agreement.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, May 4, 1994.

Hon. CLAIBORNE PELL,
Chairman, Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR CLAI: The Senate soon will consider legislation to implement the General Agreement on Tariffs and Trade (GATT). Among other things, this new trade agreement creates the World Trade Organization.

Various aspects of the WTO raise some profound questions—for example, will the sovereignty of the United States be affected and, if so, in what ways and to what degree? And how much funding will the United States be required to contribute to the WTO?

These are important questions that must be discussed before the Senate considers implementing legislation.

Since the Foreign Relations Committee has jurisdiction over international organizations, we urge that you schedule hearings on the World Trade Organization as soon as possible. It goes without saying that we will gladly work with you in assembling witnesses for the hearings.

Kindest regards.

Sincerely,

Senator JESSE HELMS,
Senator LARRY PRESSLER.

EXHIBIT 2

SENATE RESOLUTION 12-RELATIVE TO GATT NEGOTIATIONS

Mr. PRESSLER (for himself, Mr. Heflin, and Mr. Wallop) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 12

Whereas in 1986, negotiations on an international agreement to reform the General Agreement on Tariffs and Trade (hereafter in this resolution referred to as "GATT") began in Punta del Este, Uruguay, with a targeted conclusion date of December 1990;

Whereas the United States and other major agricultural exporting nations insisted from the start on significant reductions in the subsidy programs operated by the European Community under its Common Agricultural Policy;

Whereas in December 1990, after the European Community decided against reducing the subsidy programs of its Common Agricultural Policy, no international agricultural subsidy reduction agreement was reached;

Whereas in November 1991, the European Community indicated some willingness to reduce its export subsidies during the GATT negotiations;

Whereas in November 1992, the European Community agreed to certain reductions in its export subsidies;

Whereas American agriculture has a long tradition of supporting international efforts to achieve more open markets and fairer rules governing world agricultural trade;

Whereas the support of United States farmers and ranchers for multilateral and other trade negotiations depends on the success of the Uruguay Round GATT negotiations in achieving agricultural subsidy reductions in the European Community; and

Whereas any agreement under the GATT that is not supported by American farmers and ranchers would not be acceptable to the Congress: Now, therefore, be it

Resolved, That it is the sense of the Senate that any agreement regarding proposed changes to the GATT must—

(1) achieve the elimination or substantial reduction of export subsidies as a means of disposing of agricultural surpluses in the world market;

(2) achieve new and expanded foreign market opportunities for United States farm products;

(3) ensure the European Community does not offset possible reductions in its agricultural export subsidies by adopting programs, such as variable levies or tariffs, which have the effect of substantially limiting United States agricultural exports to the European Community;

(4) not limit the United States ability to exercise its rights under the GATT to eliminate unfair trade barriers in the future; and

(5) achieve a sound agreement governing sanitary and phytosanitary regulations.

Mr. PRESSLER. Mr. President, during the 102d Congress I introduced a resolution to establish U.S. Senate policy that meaningful reforms with respect to agricultural subsidies must be achieved in the GATT negotiations. Today, I join several of my colleagues in reintroducing that resolution.

By meaningful, we mean that any new GATT Agreement must ensure fair trade opportunities for American farmers and ranchers. Growth in exports is the key to a better future for U.S. agriculture. We must expand world market opportunities for U.S. farmers and ranchers.

A new agreement also would shape significantly the future economic growth of the world's developing and lesser developed countries. The concessions afforded those countries could determine their future economic growth and potential for development. This could be significant for the United States, since 40 percent of U.S. agricultural trade is with the world's developing and lesser developed countries. Some of the largest consumers of U.S. farm products once were economically less-developed countries.

Mr. President, the Uruguay round of GATT negotiations to establish new trading rules in agriculture have been focused on three areas: Internal support, market access, and export competition. The arduous negotiations of the past 6 years have resulted in certain agreements being reached, and now the talks are entering their final stretch. If we are to have a successful conclusion to the Uruguay round, the United States must continue to insist that measurable improvements be made in each of these areas.

The Uruguay round originally was scheduled to be concluded in December 1990. At that time, the United States was calling on the European Community [EC] to reduce its domestic agricultural subsidies by 75 percent and its export subsidies by 90 percent over a 10-year period. This demand marked a retreat from the original U.S. position of total elimination of all agricultural subsidies. Still, the EC balked and walked away from the negotiations.

In December 1991, efforts again were made to reach a consensus agreement. Though the United States continued to insist on its modified position, discussion centered on a 36-percent reduction in export subsidies and a 20-percent reduction in domestic subsidies over a 6-year period. Expectations were high and many believed that a breakthrough was near. I was concerned that the United States might back down on some demands simply to reach a new agreement. Fortunately, that did not occur.

Mr. President, at that time, I wrote the President and the U.S. Trade Representative urging them not to back down from our demands that Europe cease to practice agricultural protectionism. No consensus was reached, and GATT Director General Arthur Dunkel Proposed a draft final agreement embracing a 36-percent reduction in export subsidies and 20-percent reduction in domestic subsidies over a 6-year period. The so-called Dunkel proposal is now the center of negotiations on agricultural trade in the Uruguay round.

The recent threat of United States retaliation to counter the European Community's GATT-illegal oilseed regime forced some movement on the part of the European Community. The agreements made in November 1992 offered renewed hope for concluding the talks. However, since November, concerns over market access in the European Community for United States agricultural products have been raised. In fact, close examination of the agreements reached to date could actually result in fewer agriculture exports to the EC. Mr. President, this cannot be allowed to happen. I will oppose any GATT rules that hurt American farmers and ranchers.

According to industry sources, elimination of EC agricultural supports, such as variable levies and export subsidies, could boost U.S. farm exports in all markets between $4 and $5 billion, while at the same time reduce U.S. imports about $2 billion. Among key commodities, U.S. grain exports could rise about $1.8 billion, with imports dropping $22 million. Meat and egg exports could increase $1.3 billion, while imports could fall almost $2.4 billion.

Mr. President, the effect of such gains would be substantial. Every billion dollars' worth of agricultural exports means 26,000 new jobs here in the United States.

Allowing the EC to continue its protectionist agricultural subsidy programs means that South Dakota farmers and ranchers would continue to face unfair foreign competition. Every farmer and rancher in South Dakota knows that higher grain, dairy, and meat prices depend on better access to foreign markets. EC export subsidies deprive our farmers and ranchers of billions of dollars in foreign sales.

A new GATT Agreement that meaningfully addresses the problem of EC agricultural subsidies would increase the U.S. share of world export markets in grains and meats. Such an agreement likely would result in little change in Government supports and higher market prices for most U.S. commodities. World prices for most agricultural commodities likely would be higher than under a continuation of current policy. Reducing export subsidies and import barriers would increase world demand. U.S. taxpayers, and U.S. grain, oilseed, and livestock producers, would benefit from meaningful GATT reforms.

Mr. President, the Dunkel proposal submitted in December 1991 does not go far enough. U.S. farmers and ranchers currently are forced to compete on an uneven playing field. It would remain uneven under the Dunkel proposal. Therefore, our negotiators must work to level this playing field by insisting on further concessions from the EC.

The drama of the negotiation process will continue and any final agreement probably will be reached in an 11th-hour deal. Unless a significant reduction in agricultural subsidies—at both the export and domestic levels—is achieved, the Uruguay round of GATT negotiations will be doomed to failure.

EXHIBIT 3

[From the American Farm Bureau Federation, Apr. 18, 1994]

FARM GROUPS OPPOSE AG CUTS TO FINANCE GATT PACT

The Uruguay Round world trade agreement was formally signed last week by more than 100 member nations in Marrakesh, Morocco. But a coalition of farm groups, including Farm Bureau, is concerned that the cost of the agreement could fall unfairly on U.S. agriculture.

In a letter to President Clinton, the groups said that if U.S. agriculture is asked to bear a disproportionate share of the cost of the General Agreement on Tariffs and Trade, they could not support legislation implementing the proposed agreement.

Some estimates show that by reducing tariffs on imports, the agreement could reduce U.S. government revenues by $14–$18 billion. Such estimates, the groups noted, are highly subjective and fail to consider the potential for increased revenues due to expanding trade and increased economic activity, which help create jobs and an expanded tax base.

"It is our understanding the administration has under consideration various proposals, including requiring significant reductions in current farm and related programs, to help offset a major proportion of such revenue losses," the letter said. "This is despite the fact that tariff revenue losses from agricultural imports account for only about 5 percent or less of the estimated total."

The administration has repeatedly assured farm organizations that the new GATT agreement would not require any further reduction in domestic income and price-support programs, the groups said.

"In meeting after meeting, we were repeatedly assured that the new GATT agreement would not require any further reduction in domestic income and price-support programs," the letter said. At the same time, the administration emphasized its commitment to fully use its authority under GATT to maintain U.S. agriculture's ability to compete internationally.

The coalition is concerned, however, that payment for the GATT agreement will fall disproportionately on the agricultural sector, which already has seen significant spending cuts in recent years.

Under the negotiated GATT agreement, tariffs in participating countries would be reduced on a wide range of products. But while the agreement requires countries to reduce their use of export subsidies, it allows them to maintain—or even increase—their support for certain non-trade-distorting ("green box") programs. The coalition urged the president to shift current funding from reduced or disallowed programs to those that are permitted.

Agricultural support programs considered in the "green box category" include market development and promotion, export credit, food aid and other related programs. The budget currently under consideration would significantly reduce many of these programs, even though they are permitted by GATT.

"Unless these concerns are addressed, it is hard to envision how U.S. agriculture stands to gain as a result of the new GATT agreement," the letter said.

The GATT agreement was negotiated over a seven-year period. Before it can take effect, most participating countries must bring their own domestic laws into compliance with the GATT agreement. The U.S. Congress may take up this implementing legislation later this year.

The coalition includes the following organizations: American Farm Bureau Federation; American Meat Institute; American Sheep Industry Association; Coalition For Food Aid; Natural Association of Wheat Growers; National Barley Growers Association; National Cattlemen's Association; National Corn Growers Association; National Cotton Council; National Council of Farmer Cooperatives; National Farmers Union; National Grange; National Milk Producers Association; National Pork Producers Council; National Potato Council; National Sunflower Association; National Turkey Federation; Rice Millers Association; United Fresh Fruit and Vegetable Association; and U.S. Rice Producers Group.

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ENVIRONMENTAL TECHNOLOGY ACT OF 1993

The PRESIDING OFFICER. The offering of amendments to S. 1935 has concluded for this day. Therefore, under the previous order, the Senate will now proceed to the consideration of S. 978, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 978) to establish programs to promote environmental technology, and for other purposes, which had been reported from the Committee on Environment and Public Works with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Environmental Technology Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—NATIONAL ENVIRONMENTAL TECHNOLOGY PANEL

Sec. 101. Establishment.
Sec. 102. Membership.
Sec. 103. National Environmental Technology Strategy.
Sec. 104. Coordination of budget requests for environmental technology.
Sec. 105. Report to Congress.
Sec. 106. Termination.

TITLE II—BUREAU OF ENVIRONMENTAL TECHNOLOGIES; CLEARINGHOUSE

Subtitle A—Bureau of Environmental Technologies

Sec. 201. Establishment.
Sec. 202. Reports.
Sec. 203. Environmental technology export promotion.

Subtitle B—Environmental Technology Clearinghouse

Sec. 211. Establishment.

TITLE III—ENVIRONMENTAL INNOVATION RESEARCH PROGRAM; TECHNOLOGY TESTING

Subtitle A—Environmental Innovation Research Program

Sec. 301. Environmental innovation research program.
Sec. 302. Guidelines and regulations of the environmental innovation research program.

Subtitle B—Innovative Technology Testing

Sec. 311. Program.

TITLE IV—ADDITIONAL PROGRAMS

Subtitle A—Verification of Environmental Technologies

Sec. 401. Program.

Subtitle B—Environmental Technology Advisory Council

Sec. 411. Establishment.
Sec. 412. Report by the Comptroller General.

Subtitle C—Coordination With National Institute of Standards and Technology

Sec. 421. Coordination with National Institute of Standards and Technology.
Sec. 422. Coordination with other federally supported extension programs.
Sec. 423. Statutory construction.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) environmental problems facing the world pose a threat to the environmental and economic security of the United States and other nations;

(2) promoting a sound economy while maintaining a healthy environment is among the urgent public policy challenges of the United States;

(3) the development and utilization of environmental technologies will enhance both global environmental security and the economic standing of the United States in the world marketplace;

(4) the growing worldwide demand for environmentally sound products and processes, and for cost-effective environmental cleanup and pollution control technologies, presents significant business opportunities;

(5) innovative environmental technologies face barriers to commercialization and utilization, and are often slow to be adopted;

(6) advances in source reduction, environmental cleanup, and pollution control technologies could significantly reduce Federal Government and private cleanup expenditures, improve cleanup results, and help prevent future contamination;

(7) the development and implementation of effective public and private partnership arrangements will help promote successful technology development programs;

(8) a coordinated, interagency strategy for environmental technology will greatly facilitate the development of critical environmental technology that can respond to environmental programs and create jobs and new sources of income; and

(9) successful Federal Government programs to foster the development and utilization of environmental technology depend on coordination and cooperation among agencies involved in environmental protection and agencies involved in technology development.

(b) PURPOSES.—The purposes of this Act are—

(1) to further environmental protection, spur the creation of jobs, and enhance the ability of domestic companies to compete in the international marketplace by facilitating the development and utilization of environmental technologies;

(2) to encourage the development and utilization of environmental technologies that prevent pollution;

(3) to help overcome market barriers that hinder the successful commercialization of environmental technologies; and

(4) to coordinate Federal Government policies, actions, and budgets with respect to environmental technologies.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BUREAU.—The term "Bureau" means the Bureau of Environmental Technologies established under section 201.

(3) COVERED FEDERAL AGENCY.—The term "covered Federal agency" means a Federal agency for which, for a fiscal year, an amount greater than $50,000,000 is made available for environmental cleanup.

(4) CRITICAL ENVIRONMENTAL TECHNOLOGY.—The term "critical environmental technology" means environmental technology that—

(A) embodies a significant technical advance;

(B) has the potential to bring about large, cost-effective reductions in risk to human health or the environment;

(C) is broadly applicable at the precommercial stage; and

(D) if adopted, is reasonably expected to result in a favorable ratio of social to private returns.

(5) DIRECTOR.—The term "Director" means the Director of the Bureau established under section 201.

(6) ENVIRONMENTAL INNOVATION RESEARCH.—The term "environmental innovation research" means research related to the development, application, or commercialization of environmental technology.

(7) ENVIRONMENTAL TECHNOLOGY.—The term "environmental technology" means an advanced or improved technology, product, process, or service that reduces environmental risks by protecting or enhancing the environment through source reduction, design or process changes, pollution control, or environmental remediation.

(8) FUNDING AGREEMENT.—The term "funding agreement" means a contract, cooperative agreement, grant agreement, patent agreement, royalty agreement, license agreement, equity agreement, or other appropriate legal agreement between the head of a covered Federal agency and a private business concern, government, academic or nongovernment entities to provide funding and support to carry out environmental innovation research.

(9) SMALL BUSINESS CONCERN.—The term "small business concern" means a business concern that is recognized as a small business concern under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(10) SOURCE REDUCTION.—The term "source reduction" has the same meaning as is provided for the term in section 6603(5) of the Pollution Prevention Act of 1990 (42 U.S.C. 13102(5)).

TITLE I—NATIONAL ENVIRONMENTAL TECHNOLOGY PANEL

SEC. 101. ESTABLISHMENT.

There is authorized to be established, within the Office of Science and Technology Policy of the Executive Office of the President, a National Environmental Technology Panel (referred to in this title as the "Panel"), to operate as a panel of the Federal Coordinating Council for Science, Engineering, and Technology. The Panel shall be responsible for coordinating environmental technology programs within the Federal Government and the development of a National Environmental Technology Strategy.

SEC. 102. MEMBERSHIP.

The Panel shall consist of the heads of agencies with substantial investment or interest in the development and utilization of environmental technology or the designees of the heads (or a combination of heads of agencies and designees). The Director of the Office of Science Technology Policy, shall appoint the Chairperson of the Panel (referred to in this title as the "Chairperson").

SEC. 103. NATIONAL ENVIRONMENTAL TECHNOLOGY STRATEGY.

(a) DEVELOPMENT.—Not later than 1 year after the date of establishment of the Panel, the President, with advice from the Panel, shall develop a National Environmental Technology Strategy (referred to in this section as a "Strategy"). The Strategy shall—

(1) identify areas that would benefit from the development of critical environmental technology;

(2) prioritize the areas identified under paragraph (1) based on trends in global and domestic environmental threats and the potential for environmental and economic benefits;

(3) recommend effective public and private partnership arrangements for the development and utilization of environmental technologies;

(4) recommend approaches to encourage the commercialization and utilization of environmental technologies, with special attention to small business concerns; and

(5) identify economic, regulatory, and other barriers to, and incentives for, the development, utilization, and export of environmental technologies, and recommend appropriate actions in response to the identification.

(b) REVISION OF STRATEGY.—The Panel shall review and, if appropriate, recommend that the President revise the Strategy not less frequently than once every 3 years.

(c) COORDINATION WITH OTHER GROUPS.—

(1) IN GENERAL.—The Panel shall, to the extent practicable, consult with public and private organizations involved in technology development and commercialization, and organizations involved in making recommendations for converting research on military applications to civilian uses.

(2) TECHNICAL SUPPORT.—The Chairperson may request technical and policy assistance from members of the Panel and other organizations, including the Academies of Science and Engineering.

SEC. 104. COORDINATION OF BUDGET REQUESTS FOR ENVIRONMENTAL TECHNOLOGY.

(a) IN GENERAL.—The head of each Federal department or agency shall, as part of the annual request of the department or agency for appropriations pursuant to section 1108 of title 31, United States Code, submit a report to the Office of Management and Budget and the Chairperson that—

(1) identifies the activities of the department or agency that promote, develop, or support environmental technology; and

(2) states that portion of the request of the department or agency for appropriations that will be allocated to activities that promote, develop, or support environmental technology.

(b) REVIEW AND REPORT.—Beginning with the first budget cycle after the Strategy under section 103 is completed—

(1) the Director of the Office of Management and Budget and the Chairperson shall review the report of each department and agency submitted under subsection (a), in light of the goals, priorities, and responsibilities of the department or agency as may be set forth in the Strategy; and

(2) the annual budget submitted by the President pursuant to section 1105 of title 31, United States Code, shall include a statement indicating those portions of the annual budget of each department and agency that relate to activities covered by the Strategy.

SEC. 105. REPORT TO CONGRESS.

Not later than 1 year after the date of establishment of the Panel, and every 3 years thereafter, the Chairperson shall submit a report to Congress that includes a summary of all Panel activities.

SEC. 106. TERMINATION.

The authority provided by this title shall terminate on the date that is 7 years after the date of enactment of this Act.

TITLE II—BUREAU OF ENVIRONMENTAL TECHNOLOGIES; CLEARINGHOUSE

Subtitle A—Bureau of Environmental Technologies

SEC. 201. ESTABLISHMENT.

(a) IN GENERAL.—There is established, within the Environmental Protection Agency, the Bureau of Environmental Technologies which shall be headed by a Director.

(b) FUNCTIONS.—The Director shall—

(1) in cooperation with the heads of other agencies, support and assist the development of process or products, oriented research, development, and demonstration of environmental technology at the precommercial stage by industrial, academic, governmental, and nongovernmental entities;

(2) using information that is either in the public domain or voluntarily submitted, track on a continuing basis the research and development being conducted on environmental technologies by private industry in the United States;

(3) in cooperation with the heads of other agencies, develop and promote the transfer of environmental technologies and mechanisms to address international environmental problems;

(4) develop and maintain a clearinghouse, as established under subtitle B, to provide information to private and public concerns that develop, apply, or export environmental technology;

(5) advise other officials, as appropriate, within the Environmental Protection Agency and within other Federal departments and agencies, concerning programs, strategies, and regulatory reforms for promoting the development and utilization of environmental technology;

(6) to the extent allowable by law, in cooperation with the Administrator or the head of any other Federal agency that the Director determines to be appropriate, facilitate the availability of an initial market for environmental technologies, including development of recommendations for changes in Federal procurement guidelines;

(7) in coordination with the Secretary of Defense, provide advice and assistance to regional technology centers and similar community-based alliances that are supporting a transition from defense technology research, development and production to environmental technology research, development and production, including—

(A) ensuring that the centers and alliances have ready access to the technology clearinghouse established under subtitle B; and

(B) on a regular basis, informing the centers and alliances of Federal Government environmental technology development program needs and opportunities;

(8) consult with the Panel authorized under title I; and

(9) coordinate the activities of the Bureau with the activities undertaken pursuant to title III.

(c) COOPERATIVE AGREEMENTS AND FUNDING AGREEMENTS.—

(1) IN GENERAL.—In carrying out the functions of the Bureau under this subtitle, the Director may enter into a cooperative agreement or funding agreement with—

(A) a department or agency of the United States;

(B) a unit of State or local government;

(C) an educational institution;

(D) nonprofit research centers; or

(E) a company that is incorporated in the United States or has a parent company that is incorporated in the United States or is incorporated in a country that the Secretary of Commerce determines affords—

(i) to all foreign and domestic companies opportunities similar to the opportunities afforded under this subsection; or

(ii) adequate and effective protection for the intellectual property rights of all foreign and domestic companies.

(2) LIMITATION.—A grant, loan, or loan guarantee made pursuant to this section shall be limited to no more than 5 years.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of a project conducted under this section may not exceed 50 percent.

(2) SMALL BUSINESS CONCERNS.—Except as provided in paragraph (3), the Federal share of the cost of a project conducted pursuant to a cooperative agreement or funding agreement entered into with a small business concern under this section may not exceed 75 percent.

(3) INCREASED FEDERAL SHARE.—The Federal share of the cost of a project conducted under this section may exceed the limitations under paragraphs (1) and (2) if the Director finds that—

(A) the project is for the development of critical environmental technology that the Panel determines pursuant to title I to be of high priority; and

(B) the Director determines that the applicant would be financially unable to meet the matching requirements of paragraphs (1) or (2).

(e) PROGRAM REQUIREMENTS.—

(1) SELECTION CRITERIA.—

(A) IN GENERAL.—Not later than 180 days after the date of establishment of the Bureau, the Director shall publish in the Federal Register proposed criteria, and not later than 1 year after the date of establishment of the Bureau, following a public comment period, final criteria, for the selection of recipients of funding agreements under this section.

(B) CRITERIA.—The selection criteria under subparagraph (A) shall—

(i) include requirements outlining business plans;

(ii) give special consideration to the needs of small business concerns; and

(iii) be consistent with the source-reduction hierarchy established in section 6602(b) of the Pollution Prevention Act of 1990 (42 U.S.C. 13101(b)).

(C) CONSIDERATION.—In determining whether to enter into a funding agreement with a joint venture, the Director may consider whether the members of the joint venture have provided for the appropriate participation of small business concerns in the joint venture.

(D) SET-ASIDE FOR SMALL BUSINESS.—Not less than 25 percent of the funds made available under this section shall be made available to fund the Federal share of the cost of projects conducted pursuant to cooperative agreements or funding agreements entered into with small business concerns.

(2) ADMINISTRATION OF PROGRAM FUNDS.—In cooperation with the heads of other agencies, the Director is authorized to—

(A) determine categories of projects to be funded by the Bureau;

(B) issue solicitations for projects to be funded by the Bureau;

(C) receive and evaluate proposals resulting from solicitations;

(D) select participants for funding agreements of the Bureau;

(E) administer the funding agreements of the Bureau; and

(F) make payments to recipients of funding agreements on the basis of progress toward, or completion of, the funding agreement requirements.

(3) CONSULTATION.—

(A) IN GENERAL.—The Director shall, as appropriate, consult with experts in the Federal Government, the private sector, academia, and nonprofit groups before making offers for participation in funding agreements.

(B) CONFIDENTIALITY.—The Director shall ensure that the confidentiality of all proposals submitted under subparagraph (A) is protected at all times (including when consulting with experts under this paragraph).

(4) FINANCIAL REPORTING AND AUDITING.—The Director, in consultation with the chief financial officer of the Environmental Protection Agency, shall establish appropriate financial reporting and auditing procedures for the Bureau.

(5) DISSEMINATION OF RESEARCH RESULTS.—The Director shall provide for the dissemination of nonproprietary research results of the projects supported by the Bureau including the dissemination of results through the clearinghouse established under subtitle B.

(6) CONFIDENTIAL INFORMATION.—

(A) INTELLECTUAL PROPERTY.—Except as provided in subparagraph (B), trade secrets or confidential business information or information classified for reasons of national security may not be disclosed by an officer or employee of the United States acting under any provision of this Act. The information shall not be subject to disclosure under section 552 of title 5, United States Code.

(B) EXCEPTION.—Confidential business information may be disclosed in accordance with a written agreement between the owner or developer of the information and the Director.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $36,000,000 for fiscal year 1994;

(B) $80,000,000 for fiscal year 1995; and

(C) $120,000,000 for fiscal year 1996.

(2) LIMITATION ON USE.—Of amounts appropriated to carry out this section, not more than 10 percent for fiscal year 1994, and 5 percent for each year thereafter, may be used to pay for administrative expenses of the Bureau.

(3) FEDERAL COOPERATIVE AGREEMENTS.—The Director may allocate a significant percentage of the amounts made available to the Bureau for the purpose of entering into cooperative agreements for funding environmental technology development projects with other departments or agencies of the United States.

SEC. 202. REPORTS.

(a) IN GENERAL.—The Director shall, not less frequently than every 3 years, and at such other times as the Director considers to be appropriate, submit a report to Congress describing—

(1) the activities of the Bureau, including descriptions and funding levels of all projects developed with assistance from the Bureau;

(2) the implementation and operation of the environmental innovation research programs under subtitle A of title III; and

(3) the manner and extent to which technologies developed with assistance from the Bureau have been commercialized and used.

(b) RECOMMENDATIONS.—A report submitted under this section may include recommendations for program improvements.

SEC. 203. ENVIRONMENTAL TECHNOLOGY EXPORT PROMOTION.

In cooperation and consultation with the Secretary of Commerce and the heads of other agencies involved in export promotion as appropriate, the Director may—

(1) collect and disseminate through the clearinghouse established under subtitle B, information useful for promoting the export of environmental technology, including information concerning—

(A) sources of financial assistance;

(B) sources of technical assistance; and

(C) the environmental needs of foreign countries; and

(2) consult with the heads of other Federal agencies to facilitate the export of environmental technologies and recommend appropriate administrative actions for promoting the export of environmental technology.

Subtitle B—Environmental Technology Clearinghouse

SEC. 211. ESTABLISHMENT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall establish an operational electronic database to serve as a clearinghouse for the collection and dissemination of nonproprietary information on environmental technology, including—

(1) descriptions of environmental technologies developed, tested, or verified under the programs established under this Act; and

(2) information compiled under section 203.

(b) ACCESS TO CLEARINGHOUSE.—The clearinghouse shall be made available through an electronic data system (such as a computer bulletin board) and in paper report format, and shall be publicly available at reasonable cost.

(c) COMPATIBILITY.—The clearinghouse established under this section shall be compatible with data systems used by the Manufacturing Technology Centers administered by the National Institute of Standards and Technology of the Department of Commerce and, to the extent practicable, shall be integrated into the data systems.

(d) ADMINISTRATION.—The data stored in the clearinghouse shall be updated continuously as new information is made available, but not less often than annually.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,500,000 for each of fiscal years 1994 through 1997.

TITLE III—ENVIRONMENTAL INNOVATION RESEARCH PROGRAM; TECHNOLOGY TESTING

Subtitle A—Environmental Innovation Research Program

SEC. 301. ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The head of each covered Federal agency shall establish an environmental innovation research program for the development and commercialization of environmental technology to promote the cleanup, abatement, and source reduction activities of the agency.

(b) FUNDING.—

(1) IN GENERAL.—

(A) SET-ASIDE.—For each fiscal year, the head of each covered Federal agency shall, notwithstanding any other provision of law—

(i) set aside not less than 1.25 percent of the amount of funds appropriated to the head of the covered agency for the following purposes:

(I) with respect to the Secretary of Energy, funds appropriated for environmental restoration and waste management;

(II) with respect to the Secretary of Defense, funds made available for environmental restoration;

(III) with respect to the Secretary of the Interior, funds appropriated for environmental cleanup; and

(IV) with respect to the Administrator of the Environmental Protection Agency, funds appropriated from the Superfund pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(ii) reserve the amount set aside under clause (i) for awards to private concerns or other entities, through a uniform process (as described in subsection (d)) for the development and commercialization of environmental technology as set forth in subparagraph (B).

(B) USE OF SET-ASIDE FUNDS.—The funds set aside under subparagraph (A)(i) shall be used to fund the development of environmental technology that contributes to the program objectives for which the funds were initially made available.

(C) WAIVER.—

(i) IN GENERAL.—The head of a covered Federal agency may waive the requirements of this paragraph in full or part if—

(I) unforeseen emergency circumstances require the covered Federal agency to redirect funds for technology development to other purposes; and

(II) the head of the covered Federal agency has redirected all technology development funds (other than funds set aside pursuant to subparagraph (A)) available to the covered Federal agency from the amounts specified in subparagraph (A)(i) to address the unforeseen emergency circumstances.

(ii) REPORT.—If the head of a covered agency waives a provision of this paragraph pursuant to clause (i), the head of the covered Federal agency shall provide a report that explains the reasons for the waiver to Congress.

(2) CONSTRUCTION.—Nothing in this Act shall be construed, interpreted, or applied to limit the amount of funds that a covered Federal agency may spend on the research, development, or commercialization of environmental technology.

(c) DUTIES OF HEADS OF COVERED FEDERAL AGENCIES.—In carrying out an environmental

innovation research program established under this section, the head of each covered Federal agency shall, in accordance with the requirements of this section—

(1) certify annually to the Director the amount of agency funds set aside in accordance with subsection (b)(1);

(2) in carrying out the program established under this section, consider the needs of small business concerns for the development and utilization of environmental technology; and

(3) submit an annual report on the environmental innovation research program to the Bureau and the Office of Science and Technology Policy of the Executive Office of the President. The report shall include an accounting of the number and amount of awards made under the environmental innovation research program, classified by categories of projects.

(d) Phases of Environmental Innovation Research Programs.—The head of each covered Federal agency shall carry out an environmental innovation research program consisting of the following 3 phases:

(1)(A) A first phase for determining, insofar as practicable, the scientific and technical merit and feasibility of proposals that are submitted pursuant to environmental innovation research program solicitations and appear to have commercial potential.

(B) With respect to the first phase, the head of the covered Federal agency may enter into funding agreements with governmental, industrial, academic, and other nongovernmental entities, each of which shall be in an amount not to exceed $250,000 to support the initial development of proposed environmental technologies.

(2)(A) A second phase to fund the further development of environmental technologies funded under subparagraph (B) that meet particular program needs, and with respect to which awards shall be made on the basis of the scientific and technical merit and feasibility of each proposal, as evidenced by the first phase (as described in paragraph (1)), taking into consideration, among other considerations, the commercial potential of each proposal, as evidenced by—

(i) the record of the private concern or other entity of successfully commercializing technologies, products or processes developed as a result of environmental innovation research or other research;

(ii) the existence of funding commitments, from the private sector or sources other than the environmental innovation research programs, to fund the further development of the environmental technology;

(iii) the existence of funding commitments from the private sector or sources other than the environmental innovation research programs for the third phase of research to be conducted pursuant to paragraph (3)(A); and

(iv) the presence of other indicators of the commercial potential of the environmental technology.

(B) With respect to the second phase, the head of the covered Federal agency may enter into funding agreements with private concerns or other entities, each of which shall be in an amount not to exceed $750,000, unless the head of the covered Federal agency finds that additional funding is necessary and appropriate.

(3)(A) If appropriate, a third phase, in which—

(i) environmental innovation research funding is used to continue development activity that has demonstrated outstanding commercial potential in the second phase of the environmental innovation research program and merits further environmental innovation research funding;

(ii) awards from funding sources other than the environmental innovation research programs are used for the continuation of research or research and development that has been competitively selected using peer review or scientific review criteria; or

(iii) commercial applications of research or research and development funded by environmental innovation research programs are funded by non-Federal sources of funds or, for environmental technologies intended for use by the Federal Government, by Federal funding sources other than environmental innovation research programs.

(B) With respect to a research and development project funded under subparagraph (A)(i), the Federal share shall not exceed 50 percent of the total cost of the project.

(C) With respect to the assistance provided under this paragraph, the covered Federal agency may assist the private concern or other entity in pursuing funding or procurement from other Federal programs and in pursuing financial and technical assistance for the export of technology developed under the environmental innovation research program, including providing the information gathered under section 203.

(D) The head of the covered Federal agency may, in lieu of the 3-phase process established under this subsection, fund proposals for the development of certain technologies through an alternative competitive process, on the basis of a written finding that—

(i) the proposed technology is at a stage in development comparable to the stage in development of technologies that would emerge from the second phase of the process established under this section; and

(ii) employing the first 2 phases of the process established under this section would be inappropriate.

(E) With respect to a development project funded under subparagraph (D)—

(i) awards shall be based on scientific and technical merit and demonstrated outstanding commercial potential;

(ii) the Federal share shall not exceed 50 percent; and

(iii) the head of the covered Federal agency shall notify the Congress in writing of the award and provide a copy of the written finding made under subparagraph (D).

(e) Testing Environmental Technology.—Funding agreements authorized under paragraphs (2) and (3)(A)(i) of subsection (d) may make available, if appropriate, funds to test environmental technology in the program established under section 311.

SEC. 302. GUIDELINES AND REGULATIONS OF THE ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.

(a) Guidelines.—Not later than 180 days after the date of establishment of the Bureau under title II, the Director shall issue guidelines for environmental innovation research conducted by covered Federal agencies pursuant to this subtitle.

(b) Contents.—The guidelines issued by the Director shall, at a minimum, provide for—

(1) simplified, standardized, and timely solicitations of project proposals; and

(2) to the extent feasible, standardized application procedures with the procedures established under title II, including the submission of business plans.

(c) Regulations.—The head of each covered Federal agency may, on the basis of the guidelines issued under subsection (a), issue such regulations as are necessary to ensure that the environmental innovation research program of the covered Federal agency meets the requirements of the guidelines.

Subtitle B—Innovative Technology Testing

SEC. 311. PROGRAM.

(a) Establishment.—In consultation with the heads of other appropriate Federal departments and agencies, the Administrator is authorized to establish a program for testing environmental technology at federally owned facilities and sites including listed sites—

(1) on the National Priorities List established under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)); and

(2) in the inventory of Federal agency hazardous waste facilities under section 3016 of the Solid Waste Disposal Act (42 U.S.C. 6937),

collectively referred to in this section as "applicable sites".

(b) Description.—As part of the program established under this section, the Administrator may—

(1) enter into cooperative agreements with other Federal departments and agencies for the purpose of testing environmental technology at applicable sites;

(2) solicit and accept applications to test an environmental technology suitable for prevention, control, or remediation of contamination at applicable sites, subject to the guidelines established under subsection (c);

(3) in consultation and cooperation with representatives of other Federal departments and agencies, State and local governments, industry consortia, and other groups interested in control, prevention, and remediation of contamination at an applicable site, manage and oversee testing and evaluation of environmental technology at the site, subject to the guidelines established under subsection (c);

(4) document the performance and cost characteristics of an environmental technology tested at an applicable site;

(5) list and disseminate, through the clearinghouse established under section 211, nonproprietary information regarding the performance and cost characteristics of environmental technology that has been tested at 1 or more applicable sites and has been determined to be effective by the appropriate criteria in the guidelines established under subsection (c); and

(6) to the extent feasible, incorporate Environmental Protection Agency programs in existence on the date of enactment of this Act that facilitate testing of environmental technology at applicable sites, including the alternative or innovative treatment technology research and demonstration program established under section 311(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(b)).

(c) Guidelines.—The Administrator may, after notice and opportunity for comment, issue guidelines for the operation of the program established under this section. The guidelines shall include—

(1) an initial listing of applicable sites potentially available for testing of environmental technology categorized by site characteristics, including production processes and technologies and, in the case of contaminated sites requiring remediation, site geology and site contaminants;

(2) criteria for designating the eligibility of applicants to the program established under this section;

(3) the application procedures for applicants designated under paragraph (2) desiring to apply for testing of environmental technology at an applicable site, including—

(A) provisions for sharing the costs of testing with applicants that limit the Federal share to not more than 50 percent of the total cost of testing; and

(B) provisions that provide special consideration to the needs of small business concerns;

(4) criteria for verification of the efficacy of tested environmental technologies; .

(5) specific procedures for the management and oversight of testing at applicable sites, including procedures for consultation or entering

into cooperative agreements with other Federal departments and agencies responsible for the management or remediation of applicable sites and affected entities; and

(6) criteria for determining whether and to what extent legal authorities should be used to indemnify successful applicants to the program established under this section.

(d) LISTING OF TESTED TECHNOLOGY.—In the case of a technology tested under the program established under this section, the Administrator shall publish the test results, cost information, and a general description of the tested environmental technology, and disseminate the information through the clearinghouse established under section 211.

(e) AUDIT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall audit the performance of the program established under this section and report the results of the audit to Congress, including—

(A) the number of sites where environmental technologies have been tested, classified by the type of problem remedied and the technology tested;

(B) the number of environmental technologies tested that have subsequently become commercially viable;

(C) the number of sites for which environmental technologies tested have been selected for additional applications;

(D) the cost in terms of labor and contract funds expended by the agency on the program; and

(E) the estimated number of jobs and increased income associated with the development and commercialization of the environmental technologies tested.

(2) REPORT.—The results of the audit conducted under this subsection shall be included as part of the report required under section 412.

(f) FUNDING.—Testing conducted under this section shall be eligible for funding under section 301 pursuant to the guidelines established under subsection (c).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for each of fiscal years 1994 through 1997 to carry out this section.

TITLE IV—ADDITIONAL PROGRAMS

Subtitle A—Verification of Environmental Technologies

SEC. 401. PROGRAM.

(a) ESTABLISHMENT.—The Administrator is authorized to establish a program to verify, evaluate, and disseminate performance and cost information on environmental technologies appropriate for meeting the performance criteria of regulations issued as performance standards under laws that the Administrator determines are appropriate, collectively referred to in this section as "applicable regulations".

(b) FUNCTIONS.—As part of the program established under this section, the Administrator may—

(1) accept applications from the public to verify and evaluate cost and performance characteristics of environmental technology;

(2) develop appropriate protocols to verify the quality and credibility of cost and performance data submitted by applicants;

(3) evaluate cost and performance data for environmental technology relative to applicable regulations, subject to the guidelines established under subsection (c); and

(4) list and disseminate information regarding environmental technology verified and evaluated under the guidelines established under subsection (c) through the clearinghouse established under section 211.

(c) GUIDELINES.—

(1) IN GENERAL.—The Administrator may, after notice and opportunity for comment, issue guidelines for the operation of the program established under this section.

(2) DESCRIPTION.—The guidelines may include—

(A) the criteria for designating the eligibility of applicants to the program established under this section;

(B) application requirements and procedures for submitting data for verification;

(C) general criteria for the evaluation of environmental technologies, including an evaluation, with respect to each technology evaluated, of the ability of the technology to—

(i) meet the performance criteria of any applicable regulation under tested conditions with additional source reduction, control, or remediation benefits as compared to the technology evaluated to establish the applicable regulation;

(ii) meet the performance criteria of any applicable regulation under tested conditions at a comparable or lower cost than the estimated cost of the technology evaluated to establish the applicable regulation; or

(iii) constitute a significant advance in the development of environmental technology with broad applicability;

(D) a schedule of fees for applications to cover the costs of the program, including—

(i) lower fees for each applicant designated as a small business concern, nonprofit group, institution of higher education, or State or local government entity; and

(ii) lower fees for applications to verify environmental technology that provides source reduction; and

(E) such other provisions as the Administrator may consider appropriate.

(d) REPORTING OF TECHNOLOGY.—

(1) IN GENERAL.—In the case of a technology that the Administrator evaluates in accordance with the guidelines established under subsection (c), the Administrator may publish the results of the evaluation and a nonproprietary description of the evaluated technology and disseminate the information through the clearinghouse established under section 211.

(2) SIGNIFICANT ADVANCES.—The Administrator may establish a list of technologies verified under the program established by this section that represent significant advances as compared to then current available technology.

(e) ADMINISTRATION.—

(1) USE OF FEES.—All fees collected by the Administrator through the operation of the program established under this section shall, subject to appropriations, be used to support the operation of the program.

(2) EVALUATION DEADLINE.—All evaluations conducted under the program established under this section shall be completed, and the applicant notified of the results, not later than 180 days after the receipt of a complete application.

(f) NO REVISION OF REGULATIONS.—Nothing in this Act shall be construed, interpreted, or applied in any manner to revise any regulation or release a person subject to any regulation from the duty to comply with the regulation.

(g) JUDICIAL REVIEW.—

(1) DECISIONS TO LIST OR NOT LIST.—The verification or evaluation of a technology under the program established under this section shall not—

(A) constitute a final action by the Administrator; and

(B) be subject to judicial review.

(2) FAILURE TO COMPLY.—If a technology verified, evaluated and listed pursuant to the program established under this section fails to result in compliance with any applicable regulation, the verification, evaluation and listing shall not constitute a defense in an enforcement action or citizen suit and shall not create a cause of action against the Environmental Protection Agency.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 1994 through 1997 to carry out this section.

Subtitle B—Environmental Technology Advisory Council

SEC. 411. ESTABLISHMENT.

(a) ESTABLISHMENT.—The Director may establish the Environmental Technology Advisory Council (referred to in this section as the "Advisory Council") as a subgroup within an appropriate advisory committee in existence on the date of enactment of this Act that has a charter approved under the Federal Advisory Committee Act (5 U.S.C. App. 2).

(b) MEMBERSHIP.—The Director may appoint the members of the Advisory Council. The individuals appointed as members of the Advisory Council shall—

(1) be eminent in the fields of business, research, new product development, engineering, labor, education, management consulting, environment, source reduction, or international relations;

(2) be selected solely on the basis of established records of distinguished service; and

(3) not be employees of the Federal Government.

(c) DUTIES.—The Advisory Council may—

(1) review and make recommendations regarding general policy for the Bureau, and the organization, budget, and programs of the Bureau within the framework of national policies set forth by the President and Congress;

(2) review guidelines and regulations of the environmental innovation research program established under title III;

(3) on the basis of the reviews conducted under paragraphs (1) and (2), make recommendations to the Administrator, the Director, and the head of each covered Federal agency regarding the organization and effectiveness of the Bureau and environmental innovation research programs established under title III;

(4) consult with the Panel authorized under title I in the development of the National Environmental Technology Strategy;

(5) make recommendations for administrative and legislative actions to stimulate environmental technology innovation;

(6) make recommendations to the Director to improve the effective dissemination by the clearinghouse of research information and results; and

(7) make recommendations to the Director regarding administrative actions to promote the export of environmental technologies.

SEC. 412. REPORT BY THE COMPTROLLER GENERAL.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report concerning the implementation of the programs established under titles II and III and this title. The report shall include a description of the research conducted under the programs, the estimated environmental and economic benefits resulting from the programs, and the cost of the programs.

Subtitle C—Coordination With National Institute of Standards and Technology

SEC. 421. COORDINATION WITH NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) AGREEMENTS.—Not later than 180 days after the date of enactment of this Act, the Administrator and the Secretary of Commerce shall enter into such agreements as are necessary to permit the Environmental Protection Agency to provide technical assistance and support to the Manufacturing Technology Centers administered by the National Institute of Standards and Technology of the Department of Commerce.

(b) ASSISTANCE.—The assistance shall include—

(1) the preparation of environmental assistance packages for small business concerns generally and, if appropriate, for specific small business sectors, including information on—

(A) environmental compliance requirements and methods for achieving compliance;

(B) new environmental technologies;

(C) alternatives for source reduction that are generally applicable to the small business sectors; and

(D) guidance for identifying and applying opportunities for source reduction at individual facilities;

(2) providing technical assistance to small business concerns seeking to act on the information provided under paragraph (1);

(3) coordinating with the National Institute of Standards and Technology to identify those small business sectors that need improvement in environmental compliance or in developing methods for source reduction; and

(4) developing and carrying out an action plan for providing assistance to improve the environmental performance of small business sectors in need of improvement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of fiscal years 1994 through 1997 to carry out this section.

SEC. 422. COORDINATION WITH OTHER FEDERALLY SUPPORTED EXTENSION PROGRAMS.

The Administrator may coordinate with—

(1) small business development centers (established pursuant to section 21 of the Small Business Act (15 U.S.C. 648)); and

(2) as appropriate, other small business and agricultural extension programs and centers,

to provide environmental assistance to small business concerns.

SEC. 423. STATUTORY CONSTRUCTION.

Nothing in this Act shall be construed, interpreted, or applied in any manner to affect the obligation or duty of any Federal agency to comply with all applicable environmental laws and requirements.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 1686

(Purpose: To provide a complete substitute)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. KERRY, Mr. CHAFEE, Mr. WOFFORD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mrs. BOXER, Mr. REID, Mr. METZENBAUM, Mr. KENNEDY, Mr. LEVIN, Mr. SARBANES, Mr. PELL, Mr. DODD, and Mrs. MURRAY, proposes an amendment numbered 1686.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BAUCUS. Mr. President, we now have before us the National Environmental Technology Act.

Mr. President, the National Environmental Technology Act is designed to protect the environment and create jobs.

Let me say that again. It is designed to protect the environment and create jobs. It does not favor the environment at the expense of the economy, or vice versa.

Instead, the bill embodies the concept that, as we head into the 21st century, environmental progress and economic progress are mutually reinforcing goals.

We have not always thought this way. In fact, in the years that I have been in the Senate, I have heard more than my share of complaints that protecting the environment destroys jobs and inhibits economic growth.

This does not have to be the case. It does not have to be a zero sum game. Economic progress and environmental progress do not have to be at odds. In fact, we cannot have one without the other.

The National Commission on the Environment, chaired by Russell Train, recently put it this way:

> Economic and environmental well-being must be pursued simultaneously if either is to be achieved. Economic growth cannot be sustained if it continues to undermine the healthy functioning of the Earth's natural systems or to exhaust natural resources. By the same token, only healthy economies can generate the resources necessary for investments in environmental protection.

That is Russell Train, former head of EPA several years ago.

To put it another way, we must pursue a long-term strategy of sustainable development. This does not mean living in tents in the forest. It means achieving economic progress in a way that protects the environment and, by doing so, broadly improves the prospects for future generations.

The linchpin is technology. By the year 2050, both population, and per capita output in the world are expected to more than double. As a result, the level of worldwide economic activity will be five times greater than it is today. That is just a little more than 50 years from now.

That level is sustainable only if we make major improvements in the way that we produce goods and services.

In his book, "Preparing for the 21st Century," Prof. Paul Kennedy compares our situation to that of 18th century Europe. Malthus had predicted that escalating population growth would lead to perpetual famine. The prediction was wrong Kennedy says, because it did not account for "humankind's capacity to develop new resources through technology."

Professor Kennedy also says, our own ability to avoid an environmental catastrophe will be determined, in large part, by our ability to develop environmental technology.

Bruce Smart, who was a senior Commerce Department official in the Reagan administration, takes it one step further. He estimates that we eventually must reduce the environmental impact of each unit of industrial production by more than 80 percent. That is right: 80 percent.

This is where environmental technology comes in. Environmental technology does not just mean a new black box at the end of a pipe. Environmental technology means the broad application of science to the entire production process. It means new ways to make products that waste less; new products that run cleaner. It means pollution prevention. It means life-cycle planning. It means, in short, a new way of thinking.

Environmental technology makes good economic sense. After all, pollution is waste; increasingly, we see evidence that thinking green helps keep a company in the black.

But there is another dimension to it. An international dimension. There is a global trend towards stricter environmental protection. In Eastern Europe, Asia, all over the world.

Companies that get ahead of the curve, and develop environmental technology will have the edge in an international market that already has reached $300 billion and is growing by 10 percent a year.

A few years ago, I was in Rio for the Earth Summit. There, alongside the meetings of ministers and heads of state, was an environmental technology exposition. There was a huge arena filled with displays of pollution control and monitoring equipment from around the world. Yet, when I looked for the American companies, I could find only 20 or so. The Japanese were everywhere. So were the Germans. But the Americans, for all practical purposes, were invisible.

This does not make any sense. America's market is the world's largest. We produce and use more environmental technology than any other country in the world.

We simply cannot afford to give away another important manufacturing sector. We have to develop policies that help American companies become the unchallenged leaders in environmental technology.

The National Environmental Technology Act is designed to take a major step in this direction.

The bill, which I introduced with Senators LIEBERMAN, MIKULSKI and others, has five key elements.

First, the bill requires the Federal Government to get its own act together.

The Federal Government spends about $4 billion a year on what we would consider to be environmental technology. But there is no coherent strategy for spending the money. Nobody looks at the big picture. Nobody considers whether we are spending the money in a coordinated way, so that it will pay the best long-term dividend for our environment and our economy.

Mr. President, before we consider spending more on environmental technology, we need to be sure we are getting the best bang for our buck.

The bill will do just that. It requires the Federal Government to develop a national strategy for environmental technology, and review agency budgets in light of the strategy.

Second, the bill stimulates research and development.

The Federal Government spends billions to clean up contaminated Federal facilities. We all know that. We have heard so much about Superfund. But little of this money is spent to develop new clean-up technologies. The bill changes that. A small portion of the money the Government now spends on cleanup will be earmarked for innovative new technologies that have the potential to make cleanup efforts faster and cheaper.

Third, the bill establishes an office at the EPA to help develop cutting-edge technology that otherwise may not get off the ground. This office will work with other technology programs in the Defense, Energy, and Commerce Departments to form partnerships with private companies developing the most promising innovations in environmental technologies. I underline the word "partnerships" because this is a pattern of partnerships, public and private, that have worked well in the past.

Fourth, the bill reduces market barriers. As it now stands, small companies that develop innovative environmental technologies may have a hard time penetrating the market. The environmental managers of large companies tend to be conservative. They are, appropriately, reluctant to try a new technology that may not meet the applicable environmental standards. So they stick with the same old black box.

To address this problem, that is to shake things up a bit to encourage new innovative technologies the bill sets up a voluntary verification program. A company that develops an innovative new technology can ask EPA to verify that the technology meets the applicable environmental standards.

This will give environmental managers more confidence in innovative technologies, and help small companies break into new markets.

Fifth, the bill establishes a new outreach program to help small business find environmental technology that suits their needs.

Mr. President, this bill is just a first step. We need to do a lot more. In particular we need to change the way we think about out environmental laws. In some cases, we need to move away from what is commonly known as "command and control" regulations and give companies more flexibility, and encourage them to be more innovative. The Clean Water Act, which the Senate will soon consider, does just that as does the Safe Drinking Water Act, which the Senate is about to consider.

But the National Environmental Technology Act is an important first step. It will help us protect the environment. There is no doubt about that. It will help create jobs. There is no doubt about that either, and it will help us prepare for the challenges of the 21st century, something that we Americans must urgently prepare ourselves for.

I urge all Americans as well as all Senators to support this bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Thank you, Mr. President.

Mr. President, first to start with, I thank the distinguished chairman of the Environment Committee, the senior Senator from Montana, Senator BAUCUS, and also Senator LIEBERMAN for their leadership in bringing this bill, which is S. 978, which is called the National Environmental Technology Act, to the floor today.

In the Environment Committee we held two hearings on this subject last year and actually reported this bill out of the committee last October. Since that time the Environment Committee staff has worked closely with the staffs of the Energy Committee and also the Armed Services Committee to address many of the jurisdictional problems that were raised when this bill first came onto the Senate calendar.

The bill we have before us today, of which I am pleased to be a cosponsor, is a substitute for the original bill that we brought out of committee, as I say, last October. This bill reflects the changes that were made pursuant to the conversations with the Energy and with the Armed Services Committee.

Mr. President, the chairman has outlined what is in this bill and I will not belabor the point, but I would like to make a couple of remarks.

What this bill does is to take an important step to encourage the coordination and the development of environmental technologies. That is the name of the bill and that is what it does. The focus, I might say, is not solely dealing with trying to clean up pollution. In a very real sense, it is to prevent pollution. And, obviously, if we can do that, we are many steps ahead. Furthermore, by pollution prevention, we have a great opportunity to save the Federal Government a good deal of money in the long run.

This bill has four goals. I will just tick them off: coordination, funding, market barrier reduction, and technology transfer.

Today—and the chairman mentioned this in his remarks—there are a number of Federal agencies that are literally spending billions of dollars on environmental technology. They do this every year. But the problem is there is no coordination or, if there is any coordination, very little of it. What this legislation would do is to change that.

We direct the President to develop an interagency environmental technology strategy. If we are going to spend all this money, let us have some concept of what we are trying to do. The strategy would establish a research agenda and define the roles of the various Federal agencies. After all, the Department of Energy clearly has a role, EPA clearly has a role, the Defense Department has a role. And what this legislation would do is to recommend, and only recommend—this is not to dictate anything, it is to recommend—the actions that are necessary to promote environmental technology. That is what the strategy is designed for.

This bill would also authorize an environmental technology initiative at EPA. As everyone knows, perhaps, the President last year called upon the EPA to develop a multiyear technology strategy or program. Currently, EPA is supporting some 73 different environmental technology projects at a cost of $36 million. But literally that is just money that is appropriated. There is no authorization for that. This legislation envisions an authorizing framework being set up so we will have a better idea of where EPA is going to go with the money that it spends in this technology innovation.

The primary purpose of the initiative remains the formation of cost-sharing partnerships with different Federal agencies and with the private sector. In the current market—that is in the private market—there just is not anything there to foster technology innovation. Why has this come about? Well, it comes about because all too often there are specs listed as to what is sought for the environmental cleanup and it is such a risky area that those who are going into it are very, very leery of plunging off into a new technology that is an untested technology.

So what we are trying to do here is to encourage the use of some of these technologies that are in but have not been tested. So what this legislation does is call for the establishment of a verification program, a way of marketing these different types of environmental technologies.

One of the big areas that this legislation hopefully would deal with is in those Superfund sites, the hazardous waste sites that exist across our country. So what it does, it requires the EPA to allocate 1.25 percent of the Superfund money—this would be subject to appropriations—for the development of environmental technology that contributes to the objectives of the Superfund program.

We spend a lot of money on Superfund, but I think we all agree that it just plain is not working satisfactorily. And the techniques that we are using are the techniques that were there when we started this program some 7 years ago. We just have to develop different technologies than currently exist or we are going to be spinning our wheels and spending literally billions of dollars for rather modest achievements.

So, again, these partnerships with those who have developed these technologies are on a 50-50 basis. It is not the Federal Government going in and paying 100 percent of these new technologies, it is a 50-50 basis.

This bill also strengthens and enhances an existing EPA program by authorizing the testing of these new technologies at Federal facilities. And we have plenty of those which are currently listed on the major Superfund list which is called the Superfund national priority list.

Finally, the bill addresses an issue which is very important to our Nation and that is to help small business with the tools necessary to deal with environmental compliance.

A typical case would be up in our State, where we have these electric jewelry platers, where they are plating jewelry and the wastes from that have presented a terrible problem for this industry to deal with. So that is a small industry. These are all very, very small independently owned businesses. Under this legislation, small business would be given a hand in addressing these pollution problems that the businesses deal with, not, again, with the Federal Government paying all the money.

I held a small business and the environment workshop in Rhode Island last November. This was one of the problems that the small businesses raised. They wanted to deal with these environmental regulations, but just found they could not afford the technology that is necessary to develop to deal with these problems.

That is addressed here in this legislation. It authorizes EPA to set aside 25 percent funding for small business concerns. And, in addition, the EPA is directed to provide environmental technical assistance and support to small business through the existing agency which is the National Institute of Standards which has manufacturing technology centers.

So, Mr. President, the bill before us today addresses two major concerns to the American people. First, the need for a strong economy. We all want that and we think we can have a strong economy and still have a clean environment, as the chairman mentioned in his opening remarks. The second point echoes that and that is to have a healthy environment. We want to pass on this country of ours in better shape, and hopefully the world likewise, in better shape than we found it from an environmental point of view.

Innovative environmental technologies we believe will save America millions in tax dollars. We believe it will increase exports, because the demand for these technologies across the world in the developed nations and, indeed, in the underdeveloped nations to help wrestle with these problems they have and how to solve them creates a tremendous opportunity for exports from this country when we have developed the technology here.

We believe it will help create jobs and help ensure the protection of our limited natural resources. The question certainly is not whether we need an environmental strategy but how will it be structured and implemented. We believe that S. 978 provides the framework for going forward on this.

I urge my colleagues to support this legislation.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I first thank my very good friend, the Senator from Rhode Island [Mr. CHAFEE]. He has worked very hard on this legislation. He supports it very strongly, obviously. He is a very good colleague to work with as ranking member of the committee. I just wanted to take the time to thank him for his very hard work.

I also thank the Senator from Connecticut, [Mr. LIEBERMAN]. A large part of this bill exists because of Senator LIEBERMAN's efforts. He has been a very strong advocate of greater American competitiveness generally, particularly greater environmental technology competitiveness. The citizens of Connecticut should know they have a very good Senator in Senator LIEBERMAN. He has done a great job.

I must say the same for Senator MIKULSKI, the Senator from Maryland. She has talked to me on several occasions about the need for this bill. She, too, sees how we Americans must work more vigilantly to promote environmental technology.

I have an anecdote to pass on here which I think somewhat illustrates the need for this legislation. Last summer I was in Japan, and I scheduled a meeting with one of the Vice Ministers of MITI. I was all armed to talk about trade differences between our two countries. A framework agreement was not yet agreed to, obviously, but there were a lot of trade tensions between our two countries.

I sat down with the Vice Minister, and the first question he asked me—the only question he asked me—was: What are the provisions of the bill you introduced, the Environmental Technology Act? He was very interested in the provisions of a bill I introduced, this bill, early last summer. It was introduced about 2 months before I met him. He said to me, "This is probably one of the most important efforts you can undertake." He wanted to know all the provisions of it, the details of it.

I confess, Mr. President, I was not well prepared to discuss all the provisions of this bill because I assumed we were going to talk about trade. After all, he is the Vice Minister in charge of trade. It just became very apparent to me, if the vice minister of MITI is very interested in the National Environmental Technology Act, and that is really all he wanted to talk about, then maybe we are onto something here. In talking to other officials in other countries, one can glean that they, too, in their countries are pushing environmental technology.

A little later, after visiting the Vice Minister of MITI, I was in China. I spent over an hour with the second daughter of Deng Xiaoping, Deng Nan. She for that hour talked to me about one subject and one subject only. She had a whole sheaf of papers on environmental problems in China. She would list the areas where China is slipping greater than in other areas, whether it is air, water, or waste. All she cared about were environmental problems in China.

Another man I met with, one of the major Ministers in China, gave probably the most comprehensive, most articulate, most thoughtful presentation I have ever heard from anyone on any subject on environmental problems in China. He would list each of the areas where they are making progress and where they are slipping. He admitted to me—in fact, he volunteered to me—that China is, overall, experiencing a loss in addressing environmental problems. It is a tremendous problem they have. As China grows to deal with the problems of the late 20th century and the 21st century, grappling with rapid economic growth, especially in the south and western provinces, they were struggling to deal with the explosion in environmental problems let alone infrastructure problems. There is a major opportunity for the United States to market these environmental technologies not only in China but other countries of the world.

I strongly urge us as a country, after we adopt this bill, to work very aggressively to maintain American preeminence in this area.

Mr. President, I might say the President of the United States sent me a letter strongly supporting this bill. He has been a leader in pushing environmental technology as has, certainly, I must say, the Vice President. I know of no one who is a more ardent advocate and more perceptive advocate of the need to pursue this area than our Vice President. I ask unanimous consent to have that letter from the President printed in the RECORD along with many letters here from groups that support this legislation: Environmental Business Council, Environmental Defense Fund, the World Wildlife Fund, the Hazardous Waste Action Coalition, Microelectronics and Computer Technology Corp., the National Roundtable of State Pollution Prevention Pro-

grams—I have a long list here. I will not burden the Senate by reading all of the names. But there are many letters in support. I ask unanimous consent they, too, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 4, 1994.
Hon. MAX BAUCUS,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Over the past month's, the Administration has worked with the Committee on Environment and Public Works on S. 978, the National Environmental Technology Act of 1993, which you introduced to promote development and use of "green" technologies. I am pleased that we have been able to work together with you and your colleagues to refine the legislation, and understand that you hope to take this revised version of the bill to the Senate floor soon. I support your proposed substitute as a legislative framework for the Environmental Protection Agency's contribution to the Administration's overall strategy for promoting environmental technologies. I look forward to working with you and other members of Congress through the remainder of the legislative process to come to agreement on environmental technologies legislation that can be quickly enacted and implemented.

The development and deployment of environmental technologies are an essential part of the Administration's commitment to creating jobs and strengthening the economy while restoring and protecting the environment. I want to thank you and the other cosponsors of S. 978 for your leadership in this area. Working together, I believe we can achieve our common environmental and economic goals.

Sincerely,
BILL CLINTON.

ENVIRONMENTAL BUSINESS COUNCIL
OF THE UNITED STATES, INC.,
Washington, DC, March 14, 1994.
Senator MAX BAUCUS,
U.S. Senate, Committee on Environment and Public Works, Washington, DC.

DEAR SENATOR BAUCUS: I am pleased to endorse your bill S. 978, National Environmental Technology Act of 1994, on behalf of the Environmental Business Council of the United States, Inc. (EBC-US).

This legislation, supported by the Clinton/Gore Administration, will substantially assist in the development of innovative environmental technology in the United States and materially aid in the diffusion of this technology globally.

S. 978 is a vital piece of the effort to bolster the US environmental industry domestically as a prelude to export. Additionally, S. 978 provides the authority to the US Environmental Protection Agency for its Environmental Technology Initiative, a key program to form working partnerships between government and the private sector for innovative environmental technologies.

On behalf of our member companies and institutions, I want to thank you for your leadership on this important legislation.

Sincerely,
DONALD L. CONNORS,
President.

ENVIRONMENTAL DEFENSE FUND,
New York, NY, March 11, 1994.
Hon. MAX BAUCUS,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BAUCUS: I am writing in support of your proposed substitute for S. 978, the National Environmental Technology Act of 1993, which you introduced to promote environmentally-superior technologies. I am particularly pleased with the special attention the bill gives to promoting source reduction technologies, which as you know, hold the most promise for cost-effective protection of human health and the environment.

Thank you and the other co-sponsors of S.978 for your leadership in this important area. We look forward to working with you and other members of Congress as this bill moves through the legislative process.

Yours truly,
FRED KRUPP.

WORLD WILDLIFE FUND,
Washington, DC, March 23, 1994.
Hon. MAX BAUCUS,
Chairman, Environment and Public Works Committee, Washington, DC

DEAR CHAIRMAN BAUCUS: I am writing in support of the floor substitute for the "National Environmental Technology Act of 1994" (S. 978). We at World Wildlife Fund feel that S. 978 does an excellent job of providing the fundamental structure needed to promote environmental technologies.

The §401 validation program is an excellent way to encourage cleaner, more effective and less costly technologies by allowing any vendor to apply for verification, and then making information regarding all such verified technologies readily available to industries, consumers, and those who draft regulations and permits.

We appreciate your understanding and acknowledgement of the important role that pollution prevention planning can play in building in a healthy and environmentally sustainable economy. While many laws allow for changes in products and processes as a means of meeting standards, historically these laws have not made preventive measures a priority, nor have they encouraged the use of preventive measures instead of end-of-the-pipe solutions. If the United States is to remain an international industrial leader, our country must develop and deploy a wide array of new, efficient, and environmentally sound technologies. We feel that S. 978 can provide the economic and technical assistance necessary to help U.S. companies map their way through seemingly rough and previously uncharted waters.

Thank you for introducing this extremely important piece of legislation. We know that you and many of your colleagues have long been proponents of pollution prevention measures, and we are pleased to help you in your efforts.

Sincerely,
FRANCES H. IRWIN,
Director,
Pollution Prevention Programs.

HAZARDOUS WASTE
ACTION COALITION,
Washington, DC, March 10, 1994.
Re: Senate Bill S. 978, The National Environmental Technology Act of 1994 (NETA).
Hon. MAX BAUCUS,
Chairman, Senate Committee on Environment and Public Works, Hart Senate Building, Washington, DC.

DEAR SENATOR BAUCUS: The Hazardous Waste Action Coalition (HWAC), an association of over 110 leading engineering and science firms practicing in hazardous waste management, strongly supports the proposed National Environmental Technology Act of 1994, Senate Bill S. 978. This bill links growth in environmental technology development to the economic future of the United States and to the health of the global environment. HWAC commends your leadership on this critical environmental and economic issue.

HWAC member firms employ over 75,000 trained and experienced hazardous waste professionals in over 500 offices nationwide and provide over 75% of the hazardous waste consulting services in this country. Our member firms have made significant commitments and investments into innovative cleanup technology research and development, and they continue to build expertise as environmental technology "developers," "testers" and "implementers."

Since NETA was originally proposed on May 18, 1993, President Clinton has voiced his support for and commitment to increasing the export of U.S. environmental technologies. Through your leadership, NETA crystallizes this vision into a plan of action. HWAC is particularly pleased with the emphasis placed on government-industry partnerships in the revised bill. Additionally, Subtitle B of Title IV, Technical Assistance to Small Business in Coordination with Existing Programs, helps small businesses to comply with complex environmental requirements and constructively addresses the difficulties encountered by small businesses in applying new environmental technologies to achieve their source reduction and environmental compliance needs.

Finally, HWAC believes that coordinating research, development and testing (RD&T) efforts government-wide will greatly enhance the effectiveness of tax dollars spent on environmental technology RD&T. The EPA-lead approach outlined in S. 978 offers the best opportunity to maximize investment into environmental technology RD&T. Other nations encourage RD&T to an extent that allows their industries to effectively compete in the global marketplace. Under your aegis, NETA establishes the framework for reducing the existing trade imbalance with other countries.

Sincerely,
FRANK S. WALLER,
President, HWAC, Chairman,
Woodward-Clyde Group, Inc.

MICROELECTRONICS AND
COMPUTER TECHNOLOGY CORP.
Washington, DC., March 11, 1994.
Hon. MAX BAUCUS,
Chairman, Committee on Environment and Public Works, Dirksen Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my support for your proposed substitute for S. 978, the National Environment Technology Act of 1993.

I am aware of many instances in which individual firms or groups of companies are unable, for reasons of market risk, cost, etc., to develop, test, commercialize, or implement promising environmental technologies. This is true even though industry is increasingly aware that consumer preferences, domestic regulation, foreign environmental legislation and other factors are demanding "greener" products and processes, and creating new markets for environmental technologies. Your bill provides a means through which the private sector can join with the Government to overcome existing barriers and seize promising opportunities. By so doing, the proposed legislation can make an important contribution to the development of environmental technology in the U.S., to the benefit of both our environment and our economy.

It has been a pleasure working with you and your staff in the development of S. 978, and I look forward to further collaboration.

Sincerely,

DR. CRAIG I FIELDS.

NATIONAL ROUNDTABLE OF STATE
POLLUTION PREVENTION PROGRAMS,
March 9, 1994.

Hon. MAX BAUCUS,
Chairman, Committee on Environment and Public Works, Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Board of Directors of the National Roundtable of State Pollution Prevention Programs fully supports S. 978's initiatives to develop cleaner technologies and broader deployment of existing technologies which prevent or reduce the generation of pollution. The Roundtable's Board of Directors believes the bill will put in valuable programs directed at making our Nation's technology base more environmentally advanced through pollution prevention.

The National Roundtable is the largest organization in the United States dedicated solely to the purpose of eliminating or reducing the generation of waste from industrial operations. Our 80 member offices, representing nearly every state, plus dozens of counties and cities, have successfully assisted thousands of businesses in implementing source reduction technologies.

The Roundtable believes it can provide "hands on" experience in implementing the development of a national strategy, management of a national clearinghouse, disseminating information, and providing technical assistance directly to small businesses. Improvements in the use of technology and raw materials can reduce waste generation and the associated costs of waste treatment and disposal to small businesses. We provide a service American businesses can take to the bank—and the environment benefits in the process.

Thank you for the opportunity to comment on S. 978. I would be pleased to discuss how the National Roundtable can participate in implementing this legislation, and to answer any questions you might have.

Sincerely,

JAMES LOUNSBURY,
Illinois Department of Energy and Natural Resources, and Executive Director of the National Roundtable.

NATIONAL ASSOCIATION
OF METAL FINISHERS,
Washington, DC, March 17, 1994.

Re: Senate Bill 978.

Hon. MAX BAUCUS,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: In May of 1993, the National Association of Metal Finishers testified before the Environment and Public Works Committee regarding the "National Environmental Technology Act of 1993", S. 978. At that time the Association joined other business sector witnesses in pointing out issues that might impede opportunities for development of environmental technologies, especially those related to or encouraging small business participation.

The Association has recently had the opportunity to review the discussion draft amendment in the nature of a substitute that we understand will be offered during floor debate of this bill. This review along with conversations with Environment and Public Works Committee staff has reinforced our view that S. 978 could provide our industry and other small business economic sectors with opportunities to both increase environmental protection and business opportunities. The Association is especially pleased to note that small business provisions have been maintained and strengthened throughout the bill.

The National Association of Metal Finishers therefore wishes to express its support for S. 978, especially those portions designed to encourage participation of small businesses in the development, and just as importantly, the deployment of innovative, cost effective environmental technologies. As we did in May, NAMF notes that the provisions of this legislation should be implemented in a fashion that augments the successful commercial relationships in our industrial sector and others that have provided an unmatched record of technical and industrial innovations over the years.

Second, while any certainty and objective "verification" data on environmental technologies will potentially be welcomed by technology users, we stress and strongly support provisions in Title IV of the legislation that make it clear that "listing" or verification will not imply or compel standards or technology changes in existing regulatory programs other than through normal statutory or regulatory evaluation and standards review processes. The debate and the provisions should make clear that "listing" will not create de factor technological or regulatory benchmarks, that the verification evaluations will inherently be limited in scope not intended to demonstrate technologies for industrial categories or regulatory standards.

NAMF appreciates the fact that this legislation by the Congress of the true future of environmental policy based on alternatives to command and control regulation, including innovation, clean technologies and incentives for business and technology driven solutions to environmental problems. As a related task, the Association suggests that the "Environmental Technology Strategy" envisioned by the bill should make a priority of its legislative charge to "* * * identify, * * * regulatory and other barriers to, and incentives for, development, utilization * * * of environmental technologies."

We hope that our comments have added constructive elements to this initiative. This industry has taken and intends to take many other steps to insure that our basic manufacturing process utilizes and is a part of environmental technology development and deployment.

Please contact NAMF for any further information or assistance that we may be able to provide. The Association looks forward to further cooperation with the Congress on this vital subject.

Sincerely,

WILLIAM A. SONNTAG, Jr.,
Director, Government Relations.

INSTITUTE OF CLEAN AIR COMPANIES,
Washington, DC, March 18, 1994.

Hon. MAX BAUCUS,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Institute of Clean Air Companies, Inc., on behalf of the U.S. air pollution control industry, is pleased to endorse your bill, the "National Environmental Technology Act of 1994," (S. 978).

As you know, the Institute represents suppliers of the full range of air pollution controls and emission monitoring devices for all types of stationary sources and emissions. These controls include technologies to prevent pollution in the first place, and post-combustion controls ranging from biofilters to selective catalytic reduction systems.

Recent government reports co-sponsored by ICAC show that implementation of the Clean Air Act Amendments of 1990 is creating tens of thousands of well-paid, high-tech jobs in the U.S. And our industry is currently generating a trade surplus, albeit a small one, with great potential for export growth.

S. 978 recognizes the compatibility of clean air and a healthy economy. It will spur development of innovate air pollution clean-up and prevention technologies, thereby helping to meet environmental goals as well as the needs of regulated industry for cost-effective control options.

The Institute is especially for the careful attention you and your staff gave to our viewpoints in drafting your bill. We look forward to continuing our good working relationship, and applaud your leadership on this important legislation.

Sincerely,

JEFFREY C. SMITH,
Executive Director.

SAFETY-KLEEN,
Elgin, IL, April 18, 1994.

Senator MAX BAUCUS,
U.S. Senate Committee on Environmental and Public Works, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Safety-Kleen, a Fortune 500 corporation, is the world's largest recycler of contaminated industrial and automotive fluids, as well as the largest refiner of used oil. We are proud to have built a sales and service system able to reach some 50,000 business facilities around the world, the majority of which are small businesses. Our goal is to continue to build and improve upon this system, aggressively promoting technologies and services which offer pollution prevention benefits.

We have been following closely progress in Congress on S. 978, the Environmental Technologies Act of 1994 and endorse rapid action by the Congress. We do not favor unnecessary government intervention in the marketplace. There are several reasons, however, why this legislation is constructive. The U.S. Environmental Protection Agency programs have fostered development of environmental enterprises which represent products and services second to none in the world. At the same time, the environmental industry is by its nature heavily regulated and we face a complex array of permitting and other government programs at the federal, state and international level. Moreover, the industry is not adequately recognized as an important commercial sector in its own right so that it can be understood and evaluated as industries with their own SIC codes are. Because of these realities, it is important that Congress endorse focusing regulations, technology research and trade promotion programs so that they are likely to meet real market needs. It is clearly appropriate for Congressional policy to maximize the prospect that U.S. firms can continue to develop and to project their comparative advantage in environmental technologies and services into export markets.

As we see the world environmental market grow in size of $300 billion or more, the goal must be no less than securing undisputed world pre-eminence for the United States in environmental technology and services. This can be achieved not through government direction, but through constructive focusing of diverse activities in ways such as those set forth in S. 978. The by-product will be growth in U.S. jobs and exports as well as continued development of technologies that provide an environment for U.S. corporate initiative and leadership. The right kind of legislative focus can help environmental industries and manufacturing companies who want to improve their productivity and competitiveness through cleaner manufacturing technologies and management systems. Without creating new agencies or major programs, S.978 offers a vehicle to help companies that deal in a heavily regulated environment more effectively to develop and market new technologies. The research and verification provisions can provide a potentially valuable vehicle for ensuring that the expertise in many key agencies is appropriately brought to bear and strategically deployed to guide entrepreneurs and investors in developing cleaner technologies.

In short, this can be a particularly productive legislative output at a time when the future success of environmental protection and sustainable development programs depends on U.S. corporate leadership. I would be pleased to discuss specific issues or questions with you at your convenience. Thank you for your continued leadership in this important area.

Sincerely,

HANK HABICHT,
Senior Vice President.

3M ENVIRONMENTAL ENGINEERING
AND POLLUTION CONTROL,
St. Paul, MN, March 18, 1994.

Hon. MAX BAUCUS,
Chairman, Committee on the Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of 3M, I would like to add our support to your proposed substitute for the National Environmental Technology Act, S. 978. Your proposal is a critical step in the path that will lead America to a sustainable future. No matter what actions are taken by Congress or American industry, without a strong foundation of environmentally responsible technology, we will never achieve our goal of an environmentally sustainable future.

We at 3M are proud of the environmental accomplishments which our employees have achieved in the past and are confident that their future actions will enable us to attain our future goals of "zero releases" and sustainable growth. The development and implementation of environmentally responsible technologies has brought us to where we are today and will carry us to an even higher level of environmental performance in the future.

The strong support and coordinated effort from the Federal Government that is created through your legislation will substantially enhance and augment the significant environmental technology efforts that are currently being put forth by American industry.

There are a few minor enhancements that we believe would strengthen this legislation and place it in more direct alignment with the path that is being followed by American industry. Our comments are attached.

I and my staff stand ready to work with you and your Committee in moving this critically needed legislation into reality. If there is anything that we can do to support your efforts or if you have questions or need additional information, please contact me at your convenience.

With warmest regards,

DR. ROBERT P. BRINGER,
Staff Vice President.

UNION CARBIDE CORP.,
Danbury, CT

Hon. MAX BAUCUS,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BAUCUS: On behalf of Union Carbide Corporation, I am writing in support of the basic concepts embodied in S. 978, The National Environmental Technology Act of 1994. This bill would, for example, provide a funding avenue to pursue innovative technology that could have application to our remediation of waste sites. Also, the ability to learn from the experiences of others has a great deal of appeal.

Union Carbide's key corporate values include Technology Excellence, and Health, Safety and Environmental Excellence. The fulfillment of these values often incorporates the development of world-leading chemicals and plastics process technologies which offer superior energy efficiency and environmental performance when compared to other competing processes. Our latest generations of process technology have been designed for enhanced safety and environmental performance. These attributes are of significant commercial advantage in the global marketplace.

A case in point is our UNIPOL® process for making polyethylene plastic resins. This technology has revolutionized the entire plastics industry, and enabled the United States to become the world leader in the $30 billion worldwide polyethylene industry. UNIPOL® also represents a major improvement in environmental and safety performance over conventional technology. Since its introduction, it has resulted in energy, operating, and raw material cost savings of nearly $7 billion. It uses less energy, produces virtually no hazardous wastes, reduces emissions to the environment, operates at lower, thus safer, temperatures and pressures and produces a superior product. Union Carbide's President and Chief Operating Officer, Dr. William H. Joyce, recently received a National Medal of Technology from President Clinton for his pioneering work in developing and commercializing UNIPOL®. It is, we believe, a classic example of "design for environment."

It is important that the definition of "environmental technology" recognize the drive to integrate environmental performance into the design of products and processes. Under the definition in the proposed substitute amendment, we are not sure that an example like UNIPOL® could qualify for development support. While enhanced safety and environmental performance is integral to our advanced process technology, it is not necessarily the "primary purpose." Performance for the intended use, product quality, and cost are often the primary reasons why a process technology exists. Yet it may yield significant added value by virtue of its environmental characteristics. We believe that the definition from the bill as originally reported by the Committee is more helpful in spurring development of process technology with inherently superior safety and environmental performance.

We applaud your interest in promoting further development of environmental technology. Good ideas indeed do not reach the market because of insufficient funding. We hope that the Senate can approve a bill that truly accomplishes the vision that we share with you.

Sincerely,

RON VAN MYNEN,
Vice President,
Health, Safety, and Environment.

Ms. MIKULSKI. Mr. President, over 2 years ago, I made a pledge to Maryland residents. My pledge was to continue the fight for jobs today and jobs tomorrow. Today I stand to support the passage of the National Environmental Technologies Act or NETA, of which I am an original cosponsor. I urge my colleagues to pass this important piece of legislation and take another step toward creating the jobs of tomorrow.

With the passage of the National Environmental Technology Act, we will create an important catalyst for public-private partnerships to develop environmental technologies that will produce new products. Products that will mean jobs today and jobs tomorrow.

The potential in environmental technologies is endless. New technologies to clean up Superfund sites. Products developed without the use of lead. New products made from recyclable goods. The list goes on and on.

Almost every report in the environmental technology area says this market is ready to explode with growth. Right now it's estimated at $200 billion. It's expected that market will be over $300 billion by the year 2000. It's estimated there are 1.7 million jobs worldwide in the environmental industry right now. Imagine what that will mean for future jobs if the industry grows by $100 billion.

But Mr. President, we are falling far behind our competitors. I don't want to see another country steal this opportunity. And you know that's what they are trying to do.

The European Community has already set up agencies to study the technological future. Germany spends 23 percent of its R&D budget environmentally. And Japan is spending over $4 billion to develop its environmental research.

It's time for the United States to take a leadership position. By passing this bill, we can get out in front. That's why I originally introduced this bill in the last Congress, and why I was so pleased to join with Senator BAUCUS, chairman of the Environment and Public Works Committee, and Senator LIEBERMAN, to reintroduce this legislation.

I don't want this country to import ideas from abroad. I want this country to become the Jolly Green Giant of the 21st century. I want it to export American ideas, American technologies, and American products. We need to do this now.

Mr. WELLSTONE. Mr. President, I rise in strong support of S. 978, the National Environmental Technologies Act. The bill will assist and promote the further development of key environmental technologies. It is a crucial step forward both for the sake of our economy and for the environment. Environmentally sound business is an important growth sector in my State and throughout the country. The Federal Government can play a positive role in promoting this sector, especially by assisting the development of critical environmental technologies. I would like to commend Chairman BAUCUS for his leadership in brining this bill to the floor. I hope it will pass and can be signed into law by the President this year.

I am especially pleased that we have been able to clarify the important role of small businesses in this bill. The minimum allocation now in the bill for small firms' participation in the research and development partnerships that are authorized in title II represents a necessary acknowledgement of the leading role that small businesses already are playing in the environmental technology sector. On behalf of myself and a number of other members of the Small Business Committee—Chairman BUMPERS and Senators LAUTENBERG, MOSELEY-BRAUN, and HEFLIN—who joined me during the past week in urging this special emphasis on small business participation, I thank the chairman for his cooperation in working out the small-business language.

There is no question that there is a dual role for the Federal Government in ensuring that continued economic growth occurs in a manner that is consistent with protection of the environment:

Government must regulate prudently to prevent environmental degradation; and Government can also play an important role in guiding the development of clean technologies, clean ways of doing business.

Experience shows us that markets by themselves do not promote sustainable development.

This bill puts the United States on the right path toward promoting environmentally sound business in the following ways:

First, it will seek to coordinate the Federal Government's budget, policies and activities related to environmental technologies; second, it will provide seed money to fund private sector research and development of innovative environmental technologies; third, it will reduce market barriers to the development and utilization of environmental technologies; and fourth, it will collect and disseminate information regarding environmental technologies.

Mr. President, I believe the major role for small businesses that is now guaranteed in the bill is key both to the environmental and to the economic goals of the bill. We know that it is small firms that are generating the majority of new ideas and new jobs throughout the economy. But small firms also are clearly on the cutting edge of this particular field of environmental technology. The rate of innovation by small firms in the environmental technology sector far exceeds that of large firms.

Robert Sussman, Deputy Administrator of EPA, testified during the Environment and Public Works Committee's hearing on this bill to the importance of assisting small businesses. he said:

> (T)his is a sector where innovation has been driven historically by small companies that are not well financed and need support from the investment community. Unfortunately, the venture capitalists have been reluctant, with some exceptions, to commit resources to the development of new technologies. This is one of the reasons why Government assistance at the R&D and pre-commercialization stage could be useful in this area perhaps to a greater extent than in some other sectors.

My staff discussed this bill with Toby Dayton, who is development director for the Minnesota Environmental Initiative. The initiative is a nonprofit educational organization dedicated to bringing business, government and citizens groups together to help solve environmental problems, in part through the development of environmentally related products and services.

The initiative is currently working with 106 companies to promote the energy-efficiency and renewable-energies industry. One hundred of those firms are small or medium-sized and have averaged more than 30 percent annual growth during the past 2 years. Mr. Dayton said the following:

> Small firms are key to the environmental technology industry, and, in fact, that is where the majority of growth is coming from. An allocation for small businesses in the environmental technologies bill would be important to making sure they get an opportunity to participate.

Mr. President, I ask unanimous consent that I be able to include in the RECORD letters I have received from Ralph Nader's Government Purchasing Project, from Co-op America, from the Ozone-Safe Cooling Association, and from Minnesota Project Innovation, Inc. Each of these organizations testifies to the importance of a minimum allocation for small business participation in the projects funded by this bill.

I would also like to quote from a letter I received from Donald Cook, who is president of Glass Aggregate manufacturing and Engineering Co. of Faribault, MN—a company that recycles rejected glass in my State. Mr. Cook was not writing to me with regard to this particular bill, but he urged Federal Government assistance to small businesses in the field of environmental technology. Here is what he wrote: "We are finding that research and development costs are very expensive, but at the same time, if we do not do these tests, we cannot market our product. So we are struggling at finding agencies and other businesses to help assist us in development of our product." I think that not only the partnership created in title II of the bill, but also the technology transfer provisions that appear later in the bill, will help address the problem pointed out in Mr. Cook's appeal.

Unfortunately, small firms very often are unaware of or face obstacles to participating in Federal technology programs, even when they are the most natural constituency for those programs. That is why my colleagues from the Small Business Committee and I felt it was vital to guarantee that small businesses, which are at the forefront of environmental technology, be guaranteed a major role in this new program through an explicit minimum allocation for small business participation in partnerships with the Environmental Protection Agency [EPA] during the pre-commercialization research and development phase of environmental technology promotion.

Finally, Mr. President, as chairman of the Small Business Committee's Subcommittee on Rural Economy and Family Farming, I want to make clear that I believe small rural enterprises seeking to add value to our renewable resources in ways that are consistent with environmental protection are key to the future of sustainable development in rural America. I hope that this bill can benefit many such firms, and I intend to closely monitor its implementation to see that it does.

There being no objection, the material was ordered to be printed in the Record, as follows:

GOVERNMENT PURCHASING PROJECT,
Washington, DC, May 2, 1994.

Re National Environmental Technologies Act, S. 978.

Senator PAUL WELLSTONE,
Hart Building, Washington, DC.

DEAR SENATOR WELLSTONE: The Government Purchasing Project studies the effect of government procurement on the environment. We believe that environmentally responsible procurement can reduce solid waste, conserve energy and prevent pollution while saving taxpayers' dollars and leveraging new technologies.

We are repeatedly contacted by desperate small businesses seeking help in obtaining funds or technical assistance for launching their cutting edge, environmentally responsible products and processes which are still in the precommercial stage. There is an amazing lack of federal and private funds available for these entities, considering that most significant inventions come from small businesses. As a result, society suffers because significant inventions and improvements in existing products take many additional decades to reach commercial markets or never do.

With the current high costs of doing research and introducing new products and the concentration of markets in a few large companies, it is the rare invention that is ever commercialized. A 25 percent small business set aside in S. 978 provides a little federal assistance to a sector that is ignored in most federal legislation. Without a specific small business set aside, the federal funds appropriated for S. 978 will go to large businesses.

We appreciate your interest in helping small businesses assume their rightful position in government programs encouraging the development of environmental technologies.

Sincerely,

ELEANOR J. LEWIS,
Director.

CO-OP AMERICA,
May 3, 1994

Re National Environmental Technologies Act, S. 978.

Senator PAUL WELLSTONE,
Hart Building, Washington, DC.

DEAR SENATOR WELLSTONE: Co-op America is a national nonprofit network of over 1,200 small socially and environmentally concerned businesses. These businesses provide economic security and jobs for over 16,000 people and produce $1.2 billion of revenue every year. Small business, according to Dun and Bradstreet, will provide most of the jobs in the future; 60% of the jobs will be provided by businesses with fewer than 20 employees.

As the largest network of small socially and environmentally concerned businesses, Co-op America would like to emphasize to you how important it is that the National Environmental Technologies Act include at least a 25% set aside for small business (50% would be even better). Innovation often springs from the very smallest businesses.

A good example of environmental innovation by a small business is Ecoprint. (Ecoprint's annual gross earnings are $850,000.) With a small grant from the EPA, Ecoprint created nontoxic printing inks. These same inks are now beginning to be used industry-wide.

Another example is the Aveda Corporation, which began as a very small company. The idea behind Aveda was to manufacture cosmetics without artificial preservatives and petrochemical products. Everyone said that it couldn't be done. Now Aveda has a very successful line of cosmetic products . . . and an innovative technology which can be reproduced.

As you can imagine, as the largest nonprofit network of small socially and environmentally concerned businesses, Co-op America is constantly contacted by small businesses seeking assistance. What these businesses are most often seeking is funding—usually for an innovative environmental product.

Please don't forget that the telephone—one of the most innovative technologies invented this century—came out of a small business—it consisted of two people and a dog.

Thank you for supporting a small business set aside in S. 978.

Sincerely,

ALISA GRAVITZ,
Executive Director.

OZONE SAFE COOLING ASSOCIATION,
Washington, DC.

Hon. PAUL WELLSTONE,
U.S. Senate, Washington, DC.

DEAR SENATOR WELLSTONE: As Executive Director of the Ozone Safe Cooling Association (OSCA), I'm writing in support of S. 978, the National Environmental Technology Act (NETA). I'm pleased to learn that a minimum allocation for small business has now been included in the managers amendment to be considered by the Senate.

As I previously expressed, a guaranteed role for small business is essential to the economic and environmental goals of NETA. Without a small business set-aside, NETA could amount to little more than a vehicle for handouts to the large corporations, that have caused many of today's environmental problems.

Stimulating development and commercialization of environmental technology and products (ET&Ps) is a vital ingredient to the economic and environmental goals of NETA. Small businesses are already a driving force behind this movement and need to be an integral part of NETA.

Small businesses are more than inventors working out of a garage; they include thousands of taxpaying companies and even multimillion-dollar enterprises, with scores of employees. They are also more innovative and cost-effective at developing ET&Ps than the muscle-bound industry giants.

The Ozone Safe Cooling Association represents firms like these that face incredible, often senseless obstacles, despite offering tangible and immediate environmental and economic benefits.

I'd like to thank you for your efforts on behalf of our members and other small business that actively seek a guaranteed opportunity to contribute to America's environmental and economic advancement.

Sincerely,

JAMES F. MATTIL,
Executive Director.

MINNESOTA PROJECT INNOVATION, INC.,
Minneapolis, MN, May 6, 1994.

Senator PAUL WELLSTONE,
MARIE MULLER,
Hart Senate Office Building, Washington, DC.

DEAR MS. MULLER: I am supportive of S. 978 Environmental Technology Act and specifically the amendment to set aside funds for small environmental technology businesses.

As the executive director of Minnesota Project Innovation, Inc. (MPI), I have encountered numerous clients in the environmental technology area who have difficulty obtaining the necessary financing to grow their companies. Typically the companies are involved with high-risk technology, which precludes them from either debt or equity financing opportunities.

The provisions of this bill enable our clients additional opportunities to obtain critical funding and technical assistance. At the same time, it will encourage a unique business initiation that will foster the development of additional environmental technologies.

Please let me know if I can be of additional assistance.

Sincerely,

RANDALL D. OLSON,
Executive Director.

AMENDMENT NO. 1688

(Purpose: To add a proposed new safeguard)

Mr. BAUCUS. Mr. President, I send an amendment to the desk on behalf of Senator KERREY of Nebraska and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. KERREY, proposes an amendment numbered 1688.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Annual report including specific benchmarks on the success of the program:

On page 13 on line 6 delete all through line 9 and replace with the following:

"(A) description of the research, development and testing conducted under programs authorized pursuant to Title II, Title III, and Title IV of this Act;

(B) resources and staff devoted to the programs listed under paragraph (A); and

(C) estimated environmental and economic benefits resulting from the programs listed under paragraph (A) and the cost of the programs."

Mr. BAUCUS. Mr. President, this amendment adds additional safeguards to this bill as well as additional benchmarks to evaluate performance of the program. I think it is a good amendment and will enhance both the spirit and effect of this bill. I compliment the Senator from Nebraska for his improvements.

This amendment, as I understand it, has been cleared on the other side as well.

I urge the adoption of the amendment.

Mr. KERREY. I am generally supportive of this bill. But, I am concerned that someone should be minding the store here. I want to make sure that there are appropriate safeguards to ensure that the money authorized by this legislation is spent wisely and well.

Mr. BAUCUS. I agree wholeheartedly that adequate safeguards are necessary to make certain that the monies spent on envirotech research and development produce results, and do not just disappear into a black hole. In fact, the bill contains many checks and balances so that the Government will be sure to get out as much as it puts into this program.

First, private matching funds are required for partnerships with non-Federal entities. In most cases, the private partner must match the Government 50–50. Private matching is a strong incentive for technology developers to have ideas with real promise.

Second, the funding provisions of the bill are subject to a merit-based competitive procedure for selection of all awards of Government funds.

Third, the bill requires peer review so that EPA will consult with non-Federal experts in the course of its work. EPA will involve experts from the private sector and academia.

Fourth, there is a limit on the duration of grants and loans by the Federal Government for any one technology—partnerships with single companies are limited to 3 years and with joint ventures are limited to 5 years.

Fifth, EPA must report to the Congress on its activities, and its financial and human resources on an annual basis.

Thus, I believe that there are many safeguards in the bill to ensure that funds are spent and are not wasted.

Mr. KERREY. I have an amendment that would provide further safeguards beyond those you outlined a moment ago. My amendment would require that in the annual report to Congress, EPA must discuss specific benchmarks of success of the program. EPA must tell us precisely what research and development projects they funded, how much financial and human resources were devoted to the various programs authorized in this bill, and most importantly, the estimated economic and environmental benefits and costs of the various programs authorized in this bill. I think this will be a very useful yardstick for future evaluation of this program.

Mr. BAUCUS. I am familiar with the Senator's amendment. I believe it strengthens the bill in a very concrete way. The Senator knows that I believe strongly that there must be quantifiable measures of success for the Government. I understand that the Senator's amendment has been cleared by both sides. I am happy to include it in the bill. And I thank the Senator for his contribution to this legislation.

Mr. KERREY. I thank the Senator for working with me to shore up the accountability of the Federal Government in this bill. I think this legislation is extremely important to the future of the U.S. economy and the environment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1688) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, will the Senator from Montana yield for a question to clarify the definition of environmental technology in section 3?

Mr. BAUCUS. Certainly.

Mr. JOHNSTON. I am concerned that the definition of environmental technology might be interpreted too broadly, specifically, that the definition might be used to encompass technologies developed by the Department of Energy. What is the Senator's understanding of the meaning of the term environmental technology?

Mr. BAUCUS. I would be happy to explain the meaning of the term environmental technology.

The scope of the definition of environmental technology is limited by requiring that a technology have as its primary purpose the reduction of environmental risks by protecting or enhancing human health and the environment through one of three ways—pollution control, environmental remediation, or design and process changes that result in source reduction or recycling. Furthermore, the technology must be identified and listed in the multiagency strategy called for under title I.

So, would nuclear fusion be considered an environmental technology because, compared to coal burning, it would protect and enhance the environment by reducing air pollution? No, because the primary purpose of fusion is to produce energy and not to reduce environmental risks. An important benefit, and perhaps a motivating force, is that fusion would result in a cleaner environment by reducing the amount of pollutants in the air. But for purposes of this legislation, fusion would not be covered by this definition because its primary purpose is not environmental protection.

Some of the nonenergy technologies developed by the Department of Energy, however, would fit this definition of environmental technology. The waste cleanup efforts at Department of Energy weapons complex sites generate innovative technologies that would be considered environmental technologies. For example, the primary purpose of a technology to clean up hazardous chemicals is to reduce environmental risks by cleaning up, or using the words in the definition, enhancing, the environment through environmental remediation.

To further clarify the types of environmental technologies contemplated by this legislation, the definition is linked to technologies identified in the environmental technology strategy called for by title I.

The strategy is to identify technologies that otherwise satisfy the criteria of this definition but that will also address the environmental requirements of the Nation. All of the agencies involved in the development of environmental technologies, using an open consultative process, are to draft the strategy. In this way, the strategy will result in a list of technologies all the agencies consider to be environmental technologies.

Mr. JOHNSTON. I thank the distinguished chairman for clarifying the meaning of the term environmental technology.

Based on what the distinguished Senator from Montana said, I understand that energy technologies developed by the Department of Energy, such as energy efficiency or solar or renewable technologies, would not be considered environmental technologies for purposes of this legislation. The fact that a technology employing solar energy may have important environmental benefits would not, by itself, render the technology an environmental technology. This same analysis would apply to other energy technologies developed by the Department of Energy.

Mr. BAUCUS. I would like to note that the definition would not limit the research activities currently being carried out by other agencies.

Mr. JOHNSTON. I have one additional question as it relates to title IV.

Title IV allows executive agencies and private sector entities to verify and evaluate the cost and performance of environmental technologies. Each group providing verification services is required to provide the Environmental Protection Agency with the results of those verifications and evaluations. What will the EPA do with that information?

Mr. BAUCUS. The Administrator will publish that information along with similar information it receives from the private sector. In the case of information developed by the private sector, the EPA will review and certify the accuracy of the data prior to publication. In the case of information developed by an executive agency other than the EPA, the EPA will not make any such review unless requested to do so by the agency. The EPA will simply publish the information it receives. The EPA, however, will only certify the accuracy of date it has reviewed.

Mr. JOHNSTON. I thank the Senator, that was also my understanding. I appreciate the Senator's work with the committee I chair, the Committee on Energy and Natural Resources, on the careful crafting of this language and I look forward to continuing to work with him on the bill.

Mr. NUNN. I would also like to thank both the distinguished chairman from Montana and the distinguished chairman from Louisiana for their hard work on this legislation and for working with me and the members of the committee I chair, the Committee on Armed Services, in addressing concerns we had in this bill.

Mr. BAUCUS. As this bill creates programs that may involve the environmental research activities of both the Department of Energy and the Department of Defense, the participation of the Energy and Natural Resources and the Armed Services Committees was essential to the work of writing the legislation. I thank both the distinguished chairman from Louisiana and the distinguished chairman from Georgia for their help in fashioning this legislation.

Mr. JOHNSTON. The House of Representatives is currently considering the companion measure—H.R. 3870, the Environmental Technologies Act of 1994—to this bill. The House Committee on Science, Space, and Technology reported H.R. 3870 on April 13, 1994. I have several concerns with the bill as reported.

H.R. 3870 would establish the definition of environmental technology so broadly that energy technologies such as those involving nuclear power, fusion, solar, or energy efficiency could be considered environmental technologies. The term is used throughout the bill in ways that are troubling. For example, the bill would direct the President to prioritize environmental technologies in a national environmental technology strategy. With such a broad definition of environmental technology, I fear, the strategy would turn into a national energy strategy.

The bill would direct agencies such as the Department of Commerce, the Environmental Protection Agency, the National Aeronautics and Space Administration and the National Science Foundation to carry out energy research activities that are properly in the domain of the Department of Energy. It is not acceptable to me to create new energy research programs at other agencies, especially when funding for Department of Energy research programs are going down because of anxieties over the deficit.

The House bill would add the Department of Energy Environmental Technology Development as a new title. This title would establish an environmental technology program within the Department of Energy. The Department of Energy, however, already has such a program—a program clearly not within the jurisdiction of the Senate Environment and Public Works Committee.

To ensure that all of my concerns are addressed, I would like the assurance from the Senator from Montana that he will continue to work with me and the members of my committee in fashioning any environmental technology legislation with the House and that he will resist those portions of the House bill that are contrary to the position taken in the Senate bill.

Mr. NUNN. I too have concerns with the House bill, H.R. 3870, as reported, and would likewise appreciate the assurance of the distinguished gentleman from Montana that he will work with me and the members of my committee in fashioning environmental technology legislation with the House.

Mr. BAUCUS. I have found the participation of both the Senator from Georgia and the Senator from Louisiana not only helpful, but essential, in crafting S. 978. I not only give my assurance that I will inform and consult with both of the distinguished chairmen in working with the House on any environmental technology legislation, I welcome that help and input into that process. Our three committees have worked closely on this bill. The legislation we have crafted will lead to better coordinated Federal environmental programs and to the development of innovative environmental technologies. I am pleased with the legislation and intend to vigorously defend the bill in conference with the House. I will resist those provisions of the House bill that are contrary to the agreements we have reached.

Mr. NUNN. I thank the Senator.

Mr. JOHNSTON. Thank you. I ask the distinguished Senator from Montana his intentions toward the title of the House bill that would add the "Department of Energy Environmental Technology Development" as a new title since there is not a position in the Senate bill on this issue.

Mr. BAUCUS. It is impossible to predict all of the circumstances that will affect the decisions made in conference, but with that caveat, I intend to defer to my distinguished colleague from Louisiana and his colleagues on the Senate Energy and Natural Resources Committee and to my distinguished colleague from Georgia and his colleagues on the Senate Armed Services Committee as to the wisdom and appropriateness of including such a program within the bill.

Mr. JOHNSTON. I thank my distinguished colleague from Montana for answering my questions and explaining his intentions toward the House bill.

Mr. BUMPERS. Mr. President, I am pleased to join my colleague, Senator BAUCUS, the distinguished chairman of the Senate Committee on Environment and Public Works, in support of S. 978, the National Environmental Technology Act of 1994. In my view, this legislation will greatly advance the capabilities of this nation to meet the growing demands for environmental technologies necessary to accomplish the goals of environmental protection here at home and throughout the world. This legislation will also have the positive result of helping spur economic development and jobs creation through the opportunities it will afford the business community through the Federal partnership strategies that are an integral part of this bill.

As chairman of the Senate Committee on Small Business, I am very pleased that a provision has been included to highlight the role small businesses across this country will play in meeting the objectives of this legislation. I also want to take this opportunity to reinforce my support for language in this bill that directs the Administrator to give special consideration to the needs of small business concerns located in areas of pervasive poverty.

During the 100th Congress, I introduced legislation along with Congressman, now Secretary, Mike Espy which established the Lower Mississippi River Delta Commission. That Commission was charged with the task of investigating and reporting to the President and to Congress on measures necessary to help improve the economy and quality of life in those portions of Arkansas, Mississippi, Louisiana, Tennessee, Kentucky, Missouri, and Illinois which encompass that area we call the Delta.

In May 1990, then-Governor Bill Clinton, Chairman of the Lower Mississippi Delta Commission, submitted the Delta Commission's final report to President Bush and to the Congress. That report, in part, describes the delta as that which "by statistics constitutes the poorest region of the United States of America." The final report also took note that "the Congressional mandate to the Delta Commission directed that a broad approach be taken toward the study of regional poverty and economic development needs" and that "ecological mindfulness and economic development are no longer seen as incompatible but as indivisible." I believe the concepts developed in S. 978 are fully compatible with the findings, objectives, and goals of the Delta Commission.

The Delta Commission report included 68 specific goals and more than 400 recommendations for action by the Federal, State, and local governments. It is extremely noteworthy that among those recommendations is a call for the creation of programs by Federal and State agencies to make loans, grants, and services to local communities, businesses and organizations for the purpose of developing environmental technologies. That is precisely what this bill does.

In his May 14, 1990 letter to the President to accompany the final report of the Delta Commission, then-Governor Bill Clinton stated,

> Being in the vanguard of change need not be a distinction limited to the freedom-hungry citizens of Eastern Europe or Poland or the aggressive business people of Singapore or Korea. The people of the delta belong in that vanguard. They want to be there, and they can be if each of us will do our part.

Mr. Chairman, that was nearly 4 years ago, but I believe the legislation you bring to the floor today is a part of that responsibility Bill Clinton stated so eloquently. There are more than 8 million people who live in the delta who have ingenuity and energies to offer, and the opportunities which are inherent in this legislation may well serve to allow them a meaningful role in the marketplace of ideas.

Mr. BAUCUS. I commend the Senator from Arkansas for his tireless efforts to bring careful consideration to the challenges of the Lower Mississippi River Delta. He is correct that we must never forget that there are regions of this nation that deserve our special attention as he has done so thoughtfully with his work to establish the Delta Commission and as he continues to do in helping fulfill the objects of the Commission's report. I share his view that this bill is consistent with the objectives of that report.

Mr. BUMPERS. I thank the chairman for his comments.

Mr. KEMPTHORNE. I had intended to offer an amendment today that would establish a clear authorization of $47 million over 5 years to carry out accelerated research and development of a new generation of hydropower turbines. In addition to improving turbine efficiency, the research and development would incorporate changes also necessary to mitigate environmental concerns, particularly those related to fish survival. It has come to my attention that the Department of Energy may already have sufficient authority to carry out this kind of R&D. Could I ask the Senator from Wyoming for a clarification of the authority of the Department of Energy to undertake an accelerated R&D program to produce an efficient, fish-friendly advanced hydroturbine?

Mr. WALLOP. The Department has generic authority under the Federal Nonnuclear Energy Research and Development Act of 1974 to conduct hydropower research development and demonstration of advanced energy technologies. Supplementary authorities to foster the commercialization of such renewable energy technologies as hydropower are provided in the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 and the Energy Policy Act of 1992.

The Department thus has sufficient general and specific authorities to undertake with industry the type of cooperative turbine development activity that you propose. In fact, according to the Department's fiscal year 1995 budget, during the current fiscal year the Department intends to explore whether industry is interested in such a cost-shared program to develop an advanced, turbine design that will minimize impacts on aquatic ecosystems. It is DOE's current intention to initiate such turbine development activities in fiscal year 1995. These activities would be conducted by the National Engineering Laboratory and the Oak Ridge National Laboratory under already existing authorities. These authorities also are sufficient for the expanded project which the Senator is proposing, subject to the availability of appropriated funds. I am sure the chairman of the Energy and Natural Resources Committee can confirm my understanding of the law is correct.

Mr. JOHNSTON. The Senator from Wyoming is correct.

Mr. KEMPTHORNE. I thank the Senators for this clarification.

Mr. BAUCUS. Mr. President, I would like to take a moment now to again thank Senators LIEBERMAN, MIKULSKI, CHAFEE, JOHNSTON, NUNN, BINGAMAN, WALLOP, and DOMENICI who have worked so tirelessly for this bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank Senator BAUCUS for his kind comments and say what a pleasure it is to work with him not only on this measure but a host of other measures that come before us. He is a wonderful person to work with.

Now, as I understand it, there is an amendment that will be considered at some other time. Is there a time specific set for that?

Mr. BAUCUS. Mr. President, I suggest to the Senator from Rhode Island we perhaps can resolve this issue by suggesting the absence of a quorum for a few minutes and possibly we can work out a resolution of this matter.

Mr. HOLLINGS. Mr. President, I want to commend the Senator from Montana [Mr. BAUCUS] and his colleagues for their work on S. 978 and for working closely with the Committee on Commerce, Science, and Transportation.

The Commerce Committee is interested in this bill for two reasons. First, the committee has long had jurisdiction over interagency research and development [R&D] programs, such as the National Earthquake Hazard Reduction Program and the High-Performance Computing and Communications Initiative. It also oversees the White House units which help the President coordinate such programs, particularly the Office of Science and Technology Policy and the National Science and Technology Council.

Title I of S. 978 calls for the President to create an interagency environmental technology strategy, a very appropriate way to ensure agency coordination and reduce unnecessary duplication. S. 978 refers specifically to existing legislation on interagency technology strategies, legislation that Senator Bingaman and I wrote in 1991 and included in the fiscal year 1992 Defense Authorization Act. I want to restate for the record that while the Defense Act was an acceptable vehicle for that legislation, subject matter regarding interagency research and technology activities remains under the jurisdiction of the Commerce Committee.

Second, the Commerce Committee has a strong interest in industry-led, government-aided programs to develop new basic civilian technologies. Several proven civilian technology programs already exist, most notably the Commerce Department's Advanced Technology Program. In drafting S. 978, the Senate faced a balancing act: the Environmental Protection Agency [EPA] clearly needs to play an important role in the development of environmental technologies, and yet we should take advantage of existing technology programs when appropriate and not reinvent the wheel or engage in unnecessary duplication. I note that title II—the title concerning research partnerships—includes formal interagency coordination and directs the EPA Administrator to allocate a substantial percentage of environment technology appropriations for partnerships with other Federal agencies.

I also note that the legislation requires the EPA Administrator to ensure that research partnerships be selected under a merit-based, competitive procedure—that is, through peer review. I strongly believe that Federal technology awards should be made only by peer review and not by politics. I have insisted on peer review in Commerce Department technology programs, including the Advanced Technology Program and the Manufacturing Technology Centers, and this approach has led to high quality awards and no pork. I am pleased to see this type of process included in S. 978.

Mr. President, S. 978 is an important bill, and I once again want to thank the Environment Committee and its chairman for working closely with the Commerce Committee.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAUCUS. Mr. President, I ask unanimous consent that at 3:30 p.m. Monday, the Senate resume consideration of S. 978; that the only floor amendment remaining at that time be the Stevens amendment No. 1687, with no second-degree amendments in order thereto; that there be 30 minutes for debate on the amendment, with the time equally divided and controlled in the usual form; that on Wednesday, May 11, upon disposition of S. 1935, the Senate then resume consideration of S. 978 with 10 minutes remaining for debate on the Stevens amendment No. 1687 and the time equally divided in the usual form; that when the time is used or yielded back, without intervening action, the Senate vote on or in relation to the Stevens amendment No. 1687; that upon disposition of the Stevens amendment, without intervening action, the committee substitute, as amended, be agreed to, the bill read a third time, and the Senate vote on passage of S. 978, without intervening action.

I further ask unanimous consent that on Monday, May 9, upon the use or yielding back of time on the Stevens amendment No. 1687, the Senate then proceed to the consideration of S. 2019, the Safe Drinking Water Act.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, it is my understanding that this has the approval of Senator STEVENS.

Mr. BAUCUS. That is my understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. It is furthermore my understanding, Mr. President, that Senator MCCAIN, who earlier had indicated that he had some amendments to S. 978, has decided he is not going to press with those amendments and, indeed, is not even going to present them.

Mr. BAUCUS. Mr. President, that is my understanding as well.

Mr. CHAFEE. So that agreement has been accepted, Mr. President?

The PRESIDING OFFICER. Yes.

MORNING BUSINESS

AMENDMENT NO. 1683

Mr. LEVIN. Mr. President, early this morning, we passed, by voice vote, a manager's amendment. At that time, I asked that two colloquys between Senator SIMPSON and me be placed in the RECORD after the passage of that amendment. It appears in the CONGRESSIONAL RECORD for May 5, that the colloquys were inadvertently placed in the RECORD prior to the consideration of the managers amendment.

Therefore, I ask unanimous consent to include those colloquys in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. SIMPSON. We earlier passed a managers amendment which banned the current practice that allowed registered lobbyists to write checks to charities designated by Senators who have delivered a speech for an honorarium. This prohibition, however, is limited only to lobbyists and registered foreign agents. Honoraria speeches can still be made under this bill. Appropriate charities can still be designated by the Senator making the speech. The major change in the law is that the payments must not be written or tendered by lobbyists or foreign agents. Of course, 100 percent of any honoraria must go to the charity. I wish to direct this inquiry to the author of the bill, Senator LEVIN. On February 13, 1992, Senator KENNEDY and I received a ruling from the Senate Ethics Committee in regard to our participation in a series of broadcasts known as "Face Off" on the Mutual Broadcast System. As a result of our participation on "Face Off," we are able to direct $25,000 per year to various charitable causes. We are, of course, prohibited from personally keeping one cent of that money. The checks to the selected charities are received from the broadcast group which produces "Face Off." The Broadcast Group is neither a foreign agent or a registered lobbyist. Would the bill, as amended, in the view of the Senator from Michigan, have any adverse effect on this arrangement?

Mr. LEVIN. If the Broadcast Group is neither a registered lobbyist nor a foreign agent, it is my opinion that this bill would not in any way change, alter or amend the earlier Ethics Committee ruling on that subject.

Mr. SIMPSON. Mr. President, in the year 1992 our Senate colleagues directed over $500,000 to go to charities as a result of speeches which they made. By current law, not one cent of those funds went into any Member's pockets. In 1991, the amount was over $762,000. These funds go to organizations such as the Girl Scouts, the Boy Scouts, the American Cancer Society, universities, community colleges, environmental and Conservation causes, scholarship programs, veterans groups, and many other worthwhile charitable and educational institutions. I believe this kind of work which Senators do to benefit charities is most commendable. This bill would have banned that type of activity entirely. I was prepared to offer an amendment which would have continued current law regarding charitable honoraria. Since my amendment became known to my old friend, Senator CARL LEVIN, the author of the legislation, he and I and our respective staff members have engaged in fruitful negotiations. I think we have achieved a solution which will allow these types of worthwhile organizations to continue to receive proceeds from honoraria. However, since this bill is mostly about appearances, and the perceived influence of registered lobbyists, we have agreed to modifications of the current system. I commend Senator LEVIN and his staff for their work in helping to draft this resolution.

As I understand it, provisions in the managers' amendment would prohibit charitable contributions in lieu of honoraria if those contributions are made directly by a lobbyist or a registered foreign agency is that correct?

Mr. LEVIN. That is correct.

Mr. SIMPSON. However, I understand that nothing in the managers' amendment which includes the provisions I requested would prohibit a Member from entering into an agreement to make a speech, and then to direct that an honorarium for the speech go to appropriate charities so long as the person who writes the check to the charity is not a registered lobbyist or registered foreign agent. Is that correct?

Mr. LEVIN. That is correct. It is not our intention to prohibit Senators from directing honoraria proceeds to worthy charities. However, we do not want the perception to be that lobbyists are seeking to influence a Senator by contributing to his or her favorite charity. The entire focus of this bill is to avoid that sort of perception. Accordingly, the prohibition extends only to lobbyists or foreign agents.

Mr. SIMPSON. I very much appreciate the outstanding cooperation I have received from my fine friends, Senator LEVIN and Senator COHEN, in arriving at a satisfactory solution to this matter.

TRIBUTE TO STEVE GREATHOUSE

Mr. REID. Mr. President, as everyone in this Chamber knows, the American Jewish Committee has established a distinguished and exemplary record of advocating for human rights issues throughout the world. Since 1906, the committee has worked to protect the rights and liberties of all minority groups and to strengthen understanding between diverse racial, ethnic, and religious communities.

Each year in Las Vegas, the committee recognizes a Nevadan who, through leadership and example, characterizes this spirit. I am pleased to announce this year, the AJC will be honoring my friend, Steve Greathouse, with its prestigious Institute of Human Relations Award. This award will be presented May 12 in Las Vegas.

Steve began his career in Las Vegas in 1974. Because of his talent, intelligence, and energy, he climbed steadily through ranks of casino management. In 1978, he joined Harrah's Hotel in Reno as the race and sportsbook manager. Two years later, he was promoted to assistant general manager for services.

In 1983, Steve returned to Las Vegas to oversee gaming operations at the Holiday Casino/Holiday Inn, a Harrah's property on the famous Las Vegas Strip. Within 4 years, he was named senior vice president and general manager of the casino and, in 1990, he was promoted to executive vice president of Harrah's Southern Nevada. Recently, he was named president of Harrah's Casino Hotels Division.

This brief though impressive biographical sketch represents only a small portion of Steve Greathouse's achievements. Along the way, he has also built a sterling reputation in the gaming industry and within the community itself for his vision and for his willingness to help others.

As the president of the Nevada Development Authority and as a member of the board of directors for the Las Vegas Convention and Visitors Authority, he has led the effort to enhance tourism in Nevada and to promote the State's attractions for vacationing families from throughout the Nation and abroad. In this regard, he is an outstanding ambassador for our country.

Whenever a local charity or service organization needs assistance, Steve is always there to lend a hand. Through his participation with the United Way and other agencies, he is always there to see that those in need have somewhere to turn.

I know I join all Nevadans in expressing our congratulations to Steve and his wife, Grace, for all they have done in our State and for this prestigious honor.

BE A STAR FESTIVAL—WEST VIRGINIA SCHOOLS FOR DEAF AND BLIND

Mr. ROCKEFELLER. Mr. President, since the Senate is in session today, I could not attend the Be A Star Festival in Romney, WV, at the Schools for the Deaf and Blind. But I did want to commend the students and staff for this special event.

I believe strongly in community service and my years serving in VISTA brought me to West Virginia and truly changed my life. Last year, I was proud to join President Clinton in support of the National Community Service Act which will encourage public service at all levels and all ages.

I also take great pride in reporting to my colleagues about the "Be A Star Festival" held today. At this event, students and staff from the Schools for the Deaf and Blind will be participating in community service this morning. Planned activities include trash pickups to clean local neighborhoods, visits to seniors in area nursing homes, volunteering at local child care centers, and even making dog biscuits to help the local humane society. Each student will have the chance to contribute what they can. Despite handicaps of blindness or deafness, each of these students is eager—and able—to contribute to their community.

West Virginia has adopted the motto of every mountaineer can be a volunteer, and the West Virginia Schools for the Deaf and the Blind are providing this with their Be A Star Festival. I am very proud of each and every student.

OBSTETRICS AND GYNECOLOGY

Mr. COCHRAN. Mr. President, as we continue our review of the options for health care reform, one of the important areas for consideration is the quality of health care. In his Presidential address to the annual meeting of the members of the American College of Obstetricians and Gynecologists, Dr. Richard S. [Pete] Hollis, of Amory, MS described how the quality of care physicians' provide is at an all-time high. Dr. Hollis' commitment to excellence in a changing medical profession is commendable.

Mr. President, I ask unanimous consent that a copy of Dr. Hollis' speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD as follows:

[From Obstetrics & Gynecology, Jan. 1994]

CARING: A PRIVILEGE AND OUR RESPONSIBILITY

(By Richard S. Hollis, M.D.)

When I chose to become a doctor 45 years ago, I had very simple, perhaps even naive, reasons for choosing a career in medicine. I wanted to help people; I wanted to make a difference. Of course, I could have accomplished these things as a farmer or a teacher, but I chose providing health care as my way of caring about people.

The principles of medical practice are based on caring. John Ring, past president of the American Medical Association, in a commencement address at the Georgetown University School of Medicine in 1992 noted. "It is no accident that two of the most important words in medicine—the word 'patient' and the word 'compassion'—come from the same Latin root: the verb patior, which means to bear a burden." It is the patient who carries the burden of illness, but the compassionate physician shares that burden, lifting it when possible and lightening it when that is all that can be done. This sharing of the burden has always been the hallmark of the medical profession.

CHANGING MEDICAL ARENA

Nearly everyone who enters medicine has a desire to help someone in need, to be socially useful. It is this commonality, this shared commitment, that unites us as physicians and Fellows of this College. However, there is a dramatic difference between the world of medicine today and when I first began seeing patients. My memory is that of the individual doctor doing his or her best, held in high esteem by a community that expected the physician's commitment to excellence but was realistic about what to expect. Lawsuits were very rare, and liability insurance cost much less than the rent. There was no "doctor shopping." The "hassle factor" was manageable. Complex, intrusive regulations and paperwork never took priority over patient care.

Please do not misunderstand my nostalgia. I am not calling for a return to "the good old days," especially when I reflect on how advances in technology and treatments have benefited our patients. I still remember how heartbreaking it was to deliver an erythroblastotic infant. And there are ways other than the technological in which things have improved. When I note how different the College is now—with women currently representing 24% of our membership and nearly half the Junior Fellows female—there is no doubt in my mind that we are better for the changes of the last few years.

But there are some disturbing factors in this new environment. In balancing the demands of practicing medicine, it is too easy to lose sight of why we entered this profession in the first place. Although the quality of the care we provide is at an all-time high, the way we provide it has suffered. I sense a growing frustration within the Fellowship, and it is hard not to conclude that the two trends are connected.

In 1987, the American Medical Association surveyed more than 4000 physicians who had been in practice at least 5 years. Forty-four percent said they would not choose medical school again.[1] Within our specialty, there are other alarming signals evidenced by the increasing number of Fellows who have stopped providing obstetric care, creating serious access problems for women and sacrificing one of our greatest joys, that of helping to bring a new life into this world.

Rightly or wrongly, the general public, and women in particular, have begun to lose faith in us. According to a 1991 survey of public opinion by the American Medical Association, 73% of women feel negatively about doctors in general. The next year's survey reported that most respondents did not believe doctors care as much as they used to. And we've all heard the complaints about arrogance, greed, and paternalism. Why is it that, although our patients are living longer, healthier lives, they are losing confidence in their doctors? What are we communicating to our patients, in either words or actions, that leads them to believe we no longer care about them? And why are we less satisfied with what we can do for patients, even though it far exceeds our wildest dreams in medical school?

CARING IN A TECHNOLOGICAL ERA

Part of the reason lies in our increasing reliance on technology. I believe we have become more comfortable with high-technology procedures than with our patients. After World War II, we entered an era of research that produced unprecedented advances in technology. Gradually our skills have shifted away from the beside. But have we sacrificed our "nice ways" in the name of scientific discovery? Perhaps we have forgotten, as James[2] tells us, that "success is not a destination we will ever reach. Success is the quality of the journey."

Our patients should not have to choose between the "traditional" doctor who spends time with them and answers their questions, and the "high-technology" physician whose reputation in state-of-the-art procedures is as legendary as his or her abrupt style. When 71% of the public says it believes doctors keep patients waiting too long, and when 63% do not believe doctors involve them enough in deciding about treatment,[3] we had better be listening. Whether we are ready or not, the "times they are a-changing." We need to do more than just sit back and wait to see what others decide for us."

The obstetrician-gynecologist is a critical advocate for women's health, and advocacy has never been more important than it is right now. Our health care system has been biased against women. Research has been inadequate, not only in its failure to give women's health issues their rightful attention, but also in its assumption that the male is the norm. Until recently, most drug testing was done on men, with the results extrapolated uncritically to women. There are many examples of how women have been left out of research, such as the frequently cited Harvard study[4] which established the value of aspirin in the prevention of heart disease. Initial research on antidepressants focused exclusively on men, although women are twice as likely to suffer from clinical depression. The Baltimore Longitudinal Study on Aging did not include women during the first 20 years, even though women live an average of 7 years longer than men and are more likely to be affected by osteoporosis and arthritis.

The health insurance industry has excluded payment for many preventive measures for women, such as mammograms. Many third-party payers require a woman to practice two-stop shopping for health care. More than half of all women of childbearing age consider their obstetrician-gynecologist their principal physician, but the insurance industry often does not,[5] making it difficult for women to get the care they need from a physician they know and trust.

NEED FOR A NEW SPECIALTY?

There is new interest in a women's health specialty. Critics say that internists are not taught enough about female reproductive problems; family physicians are too busy with men and children to be up to speed on women's needs; and obstetrician-gynecologists are ill-equipped to treat problems unrelated to reproduction. This new specialist would be trained in women's reproductive biology and the effects of certain diseases and treatments specific to women. He or she also would have studied psychological and social issues, eliminating fragmentation of care.

Such a proposal appeals to women who are frustrated with the way they receive care, but many fear that creating a specialty devoted to the health care of women is just another way of ghettoizing women's issues. They predict that such specialists will earn less, and training programs will attract few residents. Others, myself included, feel that by creating yet another specialty, we would be sending the message that the responsibility for improving women's health is someone else's job. I have never believed in the "separate but equal" solution. It does not work in education or housing, and it does not work in medicine.

COMMITMENT TO CARING

What is the answer? It may be an oversimplification, but I believe we need to go back to the basics, to rethink what it means to care, to take a hard look at ourselves and how we deliver health care.

In 1968, the Council on Resident Education in Obstetrics and Gynecology issued a definitive statement on our specialty:

> At present time, many of our society's most serious concerns lie in the discipline of gynecology and obstetrics. The quantity and quality of the next generation, the degeneration of family life, teenage pregnancy, the rising illegitimacy rate—these and many other of our social concerns are intimately bound up with the subject matter of the obstetrician-gynecologist. These concerns have given the discipline a sense of social responsibility that is perhaps unique among the medical specialities.[6]

Twenty-five years later, I believe that this is still true.

We must focus today on improving the health of the women we will serve tomorrow.

I urge you to join with me in committing to five goals. First, let us renew our commitment to caring. Caring comes from the heart. Call it empathy, compassion, understanding, or friendship. It is time to put the patient first. This means we must endow caring with a tangible value so it can compete in the same realm with technical expertise.

In our training, we must ask if there is an overemphasis on methodology. We may need more course work that involves ethics and discusses the values and traditions on which our specialty is based. To broaden our perspective, a review of the history and philosophy of medicine would be helpful. I recommend the following reading to every resident: The Cry and the Covenant, a biography of Ignaz Semmelweis; The Woman's Surgeon, a biography of J. Marian Sims; and "A Way of Life," the 1913 Sillman Lecture, delivered by Sir William Osler, at Yale University.

Many of our training programs have already recognized the need to return to the humanistic model. Today, more than 70% of medical schools use real-life models who simulate specific, standardized symptoms to provide students with actual experience in dealing with patients. Other programs provide lessons in empathy in which doctors become the patients. Still others require students to teach preventive health courses and serve as mentors to distressed families. These efforts are to be celebrated, but we can do more.

Second, we must learn the skills to communicate better: to use open-ended questions, not to interrupt, to answer questions and explain procedures, and to make the patient feel part of the decision-making process. To have her simply sign the consent form is not enough.

Do you greet your patient warmly by name or by looking at her chart? Do you avoid eye contact and use jargon? How do you respond to being questioned? Do you recognize the different language and cultural factors that could affect how you and your patient interact?

We need to be concerned with the total patient, not just with why she presents herself on a particular visit. That means taking the time to listen—to her domestic problems, her stress at work, her financial worries, and her basic difficulties in coping with day-to-day living. We also must try to understand what is meant when we're told, "You just don't get it."

Third, each of us needs to become an aggressive advocate of women's health issues. The government has been reluctant to support research focusing on issues unique to women. We must labor for equal time for areas in obstetrics and gynecology where our lack of knowledge is enormous. Questions such as what can a young woman do to prevent breast cancer later in life and what triggers the onset of labor need to be answered to improve the care we provide. We must never allow gender—any more than race, religion, ethnicity, or social status—to play a role in setting the agenda for health care research.

Fourth, we must place greater emphasis on prevention care. For most women ages 18–44 years, the obstetrician-gynecologist is her primary, and often her only, health care provider. Preventive health care is an important aspect of the care we provide.

We can do a better job in helping our patients make the behavioral changes often required for improved health. It is not enough to tell a woman not to smoke; when she says "show me how", she is telling us what we should do. It is not for us to set the timetable for an abused woman to pack her bags and leave her husband. Our role is help her find a shelter when she decides it is time to leave, or to support her if she chooses not to leave.

How many of us get involved with safe-sex discussions? Do we offer sexually transmitted disease testing to all of our patients, or do we select certain women because we think they may be a particular risk? If we do not provide these services to women, who will? The reality is that there simply are not enough other primary care physicians to meet the needs of women.

Finally, we must promote access to quality health care for all women, especially those most vulnerable and least served women in our society. We need to go beyond the rhetoric and become active at the community, state, and national levels to assure access to high-quality care for all women. The ACOG Executive Board's approval of a plan for universal access to maternity services is one step in making our commitment clear.

Call me old-fashioned, but I believe we were put on this earth for a purpose. For those of us who chose medicine as our life's work, the number of opportunities to make a difference far exceeds the number of challenges we must face. Our patients deserve no less than the best we have to offer.

As we look to the future, let us aim high and strive hard. Let us never cease in the quest for knowledge. And let us do this with concern, caring, and heartfelt love and compassion.

REFERENCES

1. Schroeder A. The troubled profession: Is medicine's glass half full or half empty? Ann Interim Med 1992;116:583–92.

2. James J. Success is the quality of your journey. New York: Newmarket Press, 1986:7.

3. American Medical Association. Survey of public opinion on health care issues, 1992.

4. Steering Committee of Physician's Health Study Research Group. Preliminary report: Findings from the aspirin component of the ongoing Physicians' Health Study. N Engl J Med 1988:318:262–4.

5. American College of Obstetricians and Gynecologist. Patient attitude surveys, 1982–88. Washington, DC: American College of Obstetricians and Gynecologists.

6. Council on Resident Education in Obstetrics and Gynecology. Gynecology and obstetrics: A definitive statement. May 1968.

IRRESPONSIBLE CONGRESS? TAKE A LOOK AT THIS

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Thursday, May 5 at the close of business, the Federal debt stood—down to the penny—at exactly $4,573,713,001,135.78. This debt, mind you, was run up by the Congress of the United States, because the big spenders in the U.S. Government cannot spend a dime that has not first been authorized and appropriated by Congress. The U.S. Constitution is quite specific about that.

And pay no attention to the nonsense from politicians that the Federal debt was run up by Ronald Reagan or George Bush. The Congress is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

NATIONAL STUDENT/PARENT MOCK ELECTIONS

Mr. HATCH. Mr. President, we are not accustomed to thinking of voter education as antiviolence education. But the stark realities and images of war-torn and disenfranchised people in other nations that are broadcast across our television screens and printed in our daily newspapers should leave us more grateful than ever for our own constitutional democracy, a form of government we all too often take for granted.

Democracy is a means of non-violent resolution of conflict. While it vests power in the people, we exercise power with votes instead of with violence; ballots instead of bullets. We do not need a gun to be heard.

We are not accustomed to thinking of voter education as antiviolence education. But democracy is, by definition, the nonviolent resolution of conflict. In a democracy, we choose votes instead of violence, ballots instead of bullets. We do not need a gun to be heard.

Violence, psychologists tell us, is the tool of the powerless. It is a response to a sense of impotence—a rage against helplessness. The University of Colorado's formal evaluation of the 1992 National Student/Parent Mock Election found it reduced feelings of powerlessness. Participating students, also showed increases in:

First, political decisionmaking ability;

Second, informed involvement in current issues;

Third, the belief that voting is important;

Fourth, the belief that Social Studies classes are relevant; and

Fifth, the discussion of political and election topics with parents.

Time magazine has called the National Student/Parent Mock Election "the largest voter education project ever." I submit to my colleagues, it is also the largest antiviolence project ever. By encouraging interactions with parents, with public officials, with leading citizens, and by actively involving young Americans with the ideas and ideals, the commitment, the sense of purpose that is our beacon of hope to the world—by helping young voters be heard—the National Student/

Parent Mock Election works to steer American youth away from the delinquent and destructive behaviors of the powerless.

I urge my colleagues to give of themselves to the Nation's youth by actively participating. I urge you to serve as role models for young people and help their teachers teach the full meaning of democracy. I urge you to roll up your sleeves and go to work. Speak before groups of these young voters of the 21st century. Debate with them. Answer their questions, encourage their participation in campaigns, and you will be encouraging the commitment, the attachment, the bonding that allows our young people to grow into proud, productive Americans. Start by writing to every superintendent in your State or district, as I have done through the years, urging them to involve their students in this highly successful voter education projects. Help them to understand how voter education is also anti-violence education, how they can not only strengthen our democracy for the future but contribute to our domestic tranquillity today. I urge teachers and students and parents all across America to get involved. There is no more important lesson to be taught in today's America than the lesson our forefathers taught us over 200 years ago—the lesson of democracy. For each generation must create its democracy anew.

Over 5 million American students and parents in all 50 States, Washington, DC., and overseas—Germany, England, Scotland, Italy, Portugal, Bahrain, France, Holland, Japan, Korea, the Marshall Islands, Guam, the Virgin Islands, and Puerto Rico—participated in the 1992 National Student/Parent Mock Election.

They met all across the country and around the world to cast their votes on who would win the national elections and to vote their recommendations to the President and Congress on six key national issues. Every State had a State election headquarters that called their votes in to National Election Headquarters, as over 20 million viewers watched "the largest voter education project ever"—Time.

A national television program was aired for 2 hours on C-SPAN, showing educators, students, and parents all across the country participating in the project's activities. Production assistance and funding were provided by Time magazine, Time Warner, HBO, CNN, Conus Communications and GLOBALCOM, time magazine provided press assistance, publicity and advertising. CNN and HBO contributed public service announcements prior to the mock election and CNN reported the results hourly the day after. There was extensive coverage by local television stations and the media, with educational television stations and cable stations airing teenage debates of the issues and teen call-in programs prior to mock election night.

I am pleased to support the 1994 National Student/Parent Mock Election. Scholastic magazines has joined the mock election coalition and will provide mock election materials to elementary, junior and senior high schools across the Nation. A 1994 pilot project, Actions invites the students of America to create their own pilot projects to help combat violence in their community. Students from elementary school through college level are encouraged to organize a project, with the assistance of an adult advisor, designed to help turn around the violence in their community. The first project to be accepted in each State as an official National Student/Parent Election Actions project will receive $150 toward expenses. There is no limit to the number of pilots per State, or the kinds of projects student might undertake in their community. Some examples might include working to secure street lights for a dark neighborhood, organizing after school activities for unsupervised younger children subject gang inducements, or submitting the student's own ideas for legislation to the State legislature and working to have their legislation enacted.

To become an official Actions pilot, groups must fill out a brief questionnaire describing their plans, the affiliation of their adult advisor, and the group's chairman or leader. Applications must be signed by the responsible adult.

ACTIONS groups will exchange ideas and experiences with each other throughout the 1994–1995 school year. At the end of the school year, the five most successful Actions project leaders will be awarded a free trip to Washington, DC, to meet each other and share experiences in the Nation's Capitol. The most successful project will receive a first prize award of two tickets overseas.

This exciting voter education and parent involvement project is made possible by a national grassroots network in every State and around the world wherever American schools are found. In my own State, Utah, The League of Women Voters has led the project. The Standard Examiner of Ogden served as Utah Election Headquarters, Deputy Lieutenant Governor Tripugth wrote to all the print media soliciting their help in educating young voters and I wrote to all of the State's school superintendents asking them to encourage their teachers and students to participate. In 1994, the league will once again lead Utah's mock election and Utah's schools, media, and public officials are again working together to educate the next generation of young voters through the National Student/Parent Mock Election.

The project is organized differently in every school and every State, but in every State, Members of the Senate and the House can make a significant difference by writing to their local school superintendents and asking them to be sure their schools are participating in the project and I urge my colleagues to do so.

CAREERS THROUGH CULINARY ARTS

Mr. METZENBAUM. Mr. President, I want to bring to the attention of my colleagues an article which appeared recently in USA Today, featuring an exciting new education program developed by Richard Grausman.

Richard Grausman, a good friend of mine, is a well known and respected author, educator, and expert in the field of French cooking. He was for more than 15 years the official U.S. representative of the renowned Cordon Bleu Cooking School in Paris, and he is the author of a highly successful cookbook, "At Home With the French Classics."

He certainly has every right to be proud of his many accomplishments. Yet instead of just sitting back and enjoying his success, Richard Grausman decided to put his experience and creativity to use providing educational opportunities for disadvantaged youth.

The Careers Through Culinary Arts Program, which he created, brings chefs and culinary experts into inner city high schools to show students that they can master the art of French cooking and to open career paths for them in the food industry. The program began in New York in 1990 with a handful of schools, and it now reaches some 25,000 students in 150 schools across the country. The program, which is funded through private donations and industry support, also provides scholarships for students to attend such prestigious cooking schools as the Cordon Bleu and the Culinary Institute of America.

Mr. President, this is a wonderful success story, and it tells us something important about how one person can make a difference when he is willing to devote his talent and energy to helping young people get a good start in life. I ask my colleagues to join me in offering congratulations to Richard Grausman on his outstanding achievement.

I ask unanimous consent that the article from USA Today, entitled "Culinary Arts Program Gives Kids a New Recipe for Life," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the USA Today, Apr. 16, 1994]

CULINARY ARTS PROGRAM GIVES KIDS A NEW RECIPE FOR LIFE

(By Cathy Hainer)

WASHINGTON.—A few months ago, Joel Sims could barely boil water for pasta.

Now, the 17-year-old student at M.M. Washington High School is hoping to open a Japanese restaurant.

Sims and 16 of his fellow students are participating in the Careers through Culinary Arts Program, a New York-based organization that tells kids: If you can't stand the street, get into the kitchen.

Founder Richard Grausman is telling high schoolers that there's more to culinary careers than washing dishes. He began the program in 1990 with 12 schools in New York. In four years, it has grown to include more than 25,000 students in 150 schools, from Philadelphia to Chicago to Phoenix.

A slight, silver-haired man going into inner-city schools to teach kids to use pots and pans? Sounds crazy, but it's a proven recipe for success.

"These are the kids for whom academics hold no excitement," says Grausman, author of *At Home With the French Classics* (Workman, $14.95). There's logs of pent-up frustrations. But when you allow them to use their hands, whether in art class, shop, or the kitchen, you get wonders happening. To the point where academics improve and kids have a career goal to shoot for."

C-CAP brings local chefs and culinary professionals into classrooms and teaches students basic culinary techniques. "Chopping slicing and dicing are the building blocks," says Grausman. "Anyone can become a good cook, but you have to get the basics first."

Lesson 1: learning to slice an onion without slicing off your fingers. Lesson 2: how to cut a carrot before it rolls off the counter. And the *pièce de résistance*—an omelette-making demonstration.

The students are typical high schoolers: Wearing baggy jeans and T-shirts, they slouch in their chairs. But when Grausman calls for volunteers, and they don white chef's aprons, there's a real transformation. "You can see in their faces they want to learn," Grausman says. "There's a great sense of pride of accomplishment." Of course, it doesn't hurt that they get to eat the day's lesson.

"The important thing is to start a spark of interest." says Betty Sims, home economics teacher at M.M. Washington. "Most high school students think culinary careers are demeaning, that cooks make $3 an hour. Richard's been a godsend in that he teaches the students they can move up in the industry."

C-CAP is paid for by private donations and corporate sponsors, including *Bon Appétit* magazine, Workman publishing and General Mills. In addition to the in-school programs, C-CAP also sponsors several scholarships to cooking schools, including Le Cordon Bleu in Paris and the Culinary Institute of America in Hyde Park, N.Y. In its four years, C-CAP has distributed more than $1 million in scholarship money.

Fifteen-year-old Kenede Herbert hopes to get some of that action. "I've always baked a lot at home, especially desserts, that's what I'm best at," she says "I'd like to go to the Culinary Institute in upstate New York to learn more about that."

And Grausman isn't stopping there. Next year he plans to launch a "school-to-work" program in conjunction with the 25,000-member American Culinary Federation that would offer post-graduate training in restaurants across the country.

As Grausman puts the finishing touches on an omelette, the kids seem more intent on his technique than getting their forks into the finished product. "Now you can use your love of cooking and do something with it as a career," he tells them.

THE 'CREME DE LA CREME"

Owen Marvel is a C-CAP success story. The 18-year-old entered the program at John Dewey High School in Brooklyn, N.Y. "I was too shy to enter my freshman year, but my sophomore year my home economics instructor hooked me up with Richard Grausman, and I came in seventh in the whole city (in the C-CAP scholarship program)."

In his junior year, Marvel's poached salmon in beurre blanc sauce nabbed the coveted C-CAP scholarship first prize: a 10-day learning trip to Le Cordon Bleu in Paris.

In his senior year he won a C-CAP internship to Bouley, the highly-regarded New York restaurant of chef David Bouley. "The New York City restaurant scene is really intense, but working with chef Bouley really had an impact on my technique."

Marvel is currently in his first year at the Culinary Institute of America, working toward a culinary arts degree. After graduation, he hopes to land a restaurant job in Seattle or San Francisco.

"My family is very food-oriented, so I had always cooked. But working with the C-CAP program, I knew I wanted to make food my career."

TRIBUTE TO WILLIAM K. DRUMMOND

Mr. HATFIELD. Mr. President, I rise today to extend my best wishes to a gentleman who has been a leader in the Northwest energy field. For the past 6 years, Mr. William K. Drummond has served as the manager of the Public Power Council. PPC is a regional association representing the consumer-owned utility customers of the Bonneville Power Administration.

As my colleagues know, Bonneville, which serves as the economic engine of the Northwest, has particular significance for consumer-owned utilities. Under Federal law, these municipal utilities, rural electric cooperatives, and public utility districts receive a first-right, or preference, to purchase the power marketed by Bonneville from the Federal dams on the Columbia and Snake Rivers.

During Bill's tenure as manager, Bonneville and the region have undergone numerous changes: moving from a period of resource surplus to one of deficit, needing to take drastic steps to restore wild salmon stocks listed under the Endangered Species Act, repeatedly defeating administration initiatives to alter existing repayment practices, and responding to an increasingly competitive electric utility industry. Bill has led PPC—and the Northwest—throughout these challenges.

Under his leadership, PPC has played a central role in guiding public power and the region toward workable and progressive solutions. I have found my personal experience with Bill to be highly rewarding, and I know my colleagues from the region share the opinion.

Mr. President, Bill Drummond will be leaving the PPC shortly to accept the position of general manager at the Western Montana Generation & Transmission Cooperative. While we will miss Bill's service at the helm of PPC, I am consoled by the knowledge that he will remain an important player in Northwest public power circles.

I ask my colleagues to join me in wishing Bill, his wife, Elizabeth, and his two sons all the best.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 833, 834, 836, 837, 838, 839, 840, 841, 843, 844, 845, 846, 847, 848, 849, 850, 851, 854, 856, 857, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, and 887, and all nominations placed on the Secretary's desk in the Foreign Service.

Mr. President, I further ask unanimous consent that the nominees be confirmed en bloc, any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER (Mr. EXON). Without objection, the nominations are considered and confirmed en bloc, as outlined in the unanimous-consent request.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Edmund T. DeJarnette, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

Melvyn Levitsky, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

Ryan Clark Crocker, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

Arvonne S. Fraser, of Minnesota, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

Edward S. Walker, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

Ralph R. Johnson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the Rank of Ambassador during his tenure of service as Coordinator of the Support for East European Democracy (SEED) Program.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Cambodia.

Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Peter R. Chaveas, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Myles Robert Rene Frechette, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

Donna Jean Hrinak, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Johnny Young, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.

Irvin Hicks, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

Robert Krueger, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

AFRICAN DEVELOPMENT FOUNDATION

Willie Grace Campbell, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 1999.

Marion M. Dawson, of Connecticut, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 1999.

INTER-AMERICAN FOUNDATION

Mark L. Schneider, of California, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1998.

U.S. INFORMATION AGENCY

Henry Howard, Jr., of Virginia, to be an Associate Director of the United States Information Agency.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Simon Ferro, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1994.

Simon Ferro, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997. (Reappointment)

THE JUDICIARY

Fortunato P. Benavides, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Carl E. Stewart, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

Robert Harlan Henry, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

Deborah A. Batts, of New York, to be United States District Judge for the Southern District of New York.

James G. Carr, of Ohio, to be United States District Judge for the Northern District of Ohio.

Ruben Castillo, of Illinois, to be United States District Judge for the Northern District of Illinois.

Audrey B. Collins, of California, to be United States District Judge for the Central District of California.

Mary M. Lisi, of Rhode Island, to be United States District Judge for the District of Rhode Island.

Frank M. Hull, of Georgia, to be United States District Judge for the Northern District of Georgia.

W. Louis Sands, of Georgia, to be United States District Judge for the Middle District of Georgia.

Clarence Cooper, of Georgia, to be United States District Judge for the Northern District of Georgia.

Solomon Oliver, Jr., of Ohio, to be United States District Judge for the Northern District of Ohio.

Raymond L. Finch, of the Virgin Islands, to be a Judge for the District Court of the Virgin Islands for a term of ten years.

DEPARTMENT OF JUSTICE

Saul A. Green, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years.

Joseph Clyde Fowler, Jr., of Tennessee, to be United States Marshal for the Eastern District of Tennessee for the term of four years.

James W. Lockley, of Florida, to be United States Marshal for the Northern District of Florida for the term of four years.

Sheldon Whitehouse, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years.

Barbara C. Jurkas, of Michigan, to be United States Marshal for the Western District of Michigan for the term of four years.

Ernestine Rowe, of Colorado, to be United States Marshal for the District of Colorado for the term of four years.

Leonard Trupo, of West Virginia, to be United States Marshal for the Northern District of West Virginia for the term of four years.

Gregory Moneta Sleet, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

Faith S. Hochberg, of New Jersey, to be United States Attorney for the District of New Jersey for the term of four years.

John William Marshall, of Virginia, to be United States Marshal for the Eastern District of Virginia for the term of four years.

DEPARTMENT OF COMMERCE

Philip G. Hampton, II, of the District of Columbia, to be an Assistant Commissioner of Patents and Trademarks.

Lawrence J. Goffney, Jr., of Michigan, to be an Assistant Commissioner of Patents and Trademarks.

Michael Kane Kirk, of Florida, to be Deputy Commissioner of Patents and Trademarks.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Kelly Christian Kammerer, and ending Stephanie Turco Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 26, 1994.

Foreign Service nominations beginning Kevin C. Brennan, and ending John Peters, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 25, 1994.

STATEMENTS ON THE NOMINATION OF MARY M. LISI

Mr. CHAFEE. Mr. President, on that particular one, I would just like to say how delighted I personally am, and I know the President likewise is, of Calendar 868, Mary M. Lisi, to be U.S. district judge for the district of Rhode Island.

I know the distinguished Presiding Officer shares with me the high esteem for her. I am very glad this is coming forth.

Mr. PELL. Mr. President, today the Senate has acted to confirm the nomination of Mary Lisi to fill the vacancy of U.S. district court judge for the district of Rhode Island. I am delighted that the Senate has seen fit to approve of President Clinton's choice for this post and believe that Rhode Island and the Federal judiciary will be distinguished by her service.

As Ms. Lisi prepares to take the bench, it is worth noting that she will bring unique experiences and skills with her. She will be the first woman to serve as a Federal judge in Rhode Island's history. This is a long overdue event and I am proud that we are finally breaking the gender barrier in the Federal judiciary in our State. In addition, she also will contribute the perspectives of having been a juvenile advocate, a public defender, and an ethics watchdog during her legal career. Dedicated to public service and ever conscious of the public trust invested in her, she will bring honor and respect to the Federal bench.

Once again, I am pleased that the Senate has taken this action, wish all the best to Ms. Lisi as she takes her new position, and look forward to working with her in the future.

STATEMENTS ON THE NOMINATION OF SHELDON WHITEHOUSE

Mr. CHAFEE. Mr. President, again, I know that you share with me the joy that Sheldon Whitehouse will now be confirmed for the U.S. attorney's position for the State of Rhode Island.

I am particularly proud of this because I have known his father since my college days and have known Sheldon Whitehouse since he was a small boy. I have seen him grow up, seen him do a splendid job in the law representing our Governor, and in a host of billets doing an outstanding job for our State and its citizens.

So it is with great pleasure that I see his name on this list and support his confirmation with enthusiasm.

Mr. PELL. Mr. President, I am pleased that the Senate today has acted to confirm Sheldon Whitehouse to be the U.S. attorney for the district of Rhode Island. It has been almost a year since I first recommended Mr. Whitehouse to the President to fill this post and I am immensely pleased that the Senate has taken its action today in approving his nomination.

Shortly, Mr. Whitehouse will take office and as he does so, he faces the great challenges and difficulties that are inherent in law enforcement and judicial system today. Burgeoning crime rates, younger and more violent criminals, conflicting views over sentencing and imprisonment, and frightened and angry victims make for a confusing and emotion-charged environment in which the wheels of justice must turn. I am confident that the dedication to principle, intellect, compassion, and unique skills that Mr. Whitehouse possesses will aid him immeasurably as he carries out the duties of his office. In no small way, I believe that his work will help restore confidence and respect in our oft-beleaguered system of justice.

Once again, I note with pleasure the Senate's action today, wish Mr. Whitehouse all best wishes as he takes on his new responsibilities, and look forward to working with him to improve our judicial system and law enforcement in this country.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 2085. A bill to amend title IV of the Social Security Act to require States to establish a 2-digit fingerprint matching identification system in order to prevent multiple enrollments by an individual for benefits under such act, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (by request):

S. 2086. A bill to amend the Rural Electrification Act of 1936 to remove the 7-percent interest rate limitation on certain Rural Electrification Administration loans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BUMPERS:

S. 2087. A bill to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 18, 1994; to the Committee on Labor and Human Resources.

By Mr. PACKWOOD (for himself, Mr. Bradley, Mr. Stevens, Mrs. Feinstein, Mr. Kennedy, and Mrs. Hutchison):

S.J. Res. 186. A joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON:

S. 2085. A bill to amend title IV of the Social Security Act to require States to establish a 2-digit fingerprint matching identification system in order to prevent multiple enrollments by an individual for benefits under such act, and for other purposes; to the Committee on Finance.

WELFARE ANTIFRAUD ACT OF 1994

Mrs. HUTCHISON. Mr. President, I rise today to talk about our Nation's welfare system. Almost 30 years ago a fellow Texan Lyndon Johnson declared an unconditional war on poverty. Unfortunately, this country has not yet won that war. Our welfare programs, created with the intention of providing assistance to those in despair, has been defeated by the disincentives that plague America's inner cities. Unfortunately, adding to our troubled entitlement programs are the abuses of the system that prevail in many of our cities. There are too many welfare recipients receiving benefits to which they are not entitled. Our State and local governments are burdened with inefficient fraud prevention procedures that perpetuate the abuses in the system.

Today, I am introducing a bill to detect, investigate and prosecute fraud in the Aid to Families With Dependent Children [AFDC] program through fingerprint identification systems. AFDC fraud is a costly problem that will not go away if left unaddressed. We need dramatic changes in fraud detection programs. People all over the world see the United States social service system as a ticket to free benefits. Fake birth certificates, fake green cards, and phony Social Security cards are sold openly in Puerto Rico, Haiti, and China. Cooperation among Federal and State agencies is necessary to detect the abusers. A fingerprinting identification system is a solution to identifying the cheaters.

Examples of fraud are evident in every State. According to the National Taxpayers Union, Maria Lopez and her 17 relatives might still be defrauding welfare departments in five States. As a migrant farm worker, Maria collected welfare benefits in Washington, Nebraska, Oregon, and Wyoming. Following in her success, 17 of her relatives opened welfare accounts in those States. Had caseworkers in the various States bothered to check they would have found all 18 persons claiming the same address or post office box. In Minnesota, a man was convicted of welfare fraud, assault and terrorist threats related to using at least six names and even more Social Security numbers. That man defrauded the welfare system of $10,490. Governor Wilson of California said last month "You can use a phony social security card or a phony name, but nobody can use a phony fingerprint." The use of a fingerprinting system to verify the identify of recipients will work to reduce and prevent fraud in the system. Reducing fraud in the system will cut costs and make sure that those who are really in need are receiving assistance. States that have experimented with fingerprinting programs have produced dramatically better results in combating fraud than those States expending resources and effort on other deterrence programs.

The fingerprinting system works. In June 1991, Los Angeles County began taking computer fingerprints from applicants for the State general relief program. That program has saved Los Angeles County $5.4 million during the first 6 months of its operation and is projected to save about $18 million over 5 years. The program was so successful that 2 weeks ago, Los Angeles County announced commencement of the finger-imaging system in the AFDC program. According to Governor Wilson's office the fingerprinting project is expected to save taxpayers a total of $4.2 million in its first year of operation.

Programs in New York have also been successful. A study conducted by the New York Department of Social Services estimated that New York could save $46 million a year if it adopted a statewide finger-imaging system.

According to a recent Inspector General's report, the evidence of fraud that occurs in our local office goes unnoticed and worse yet unpunished. In that report, one eligibility worker stated "After all my work proving that she was a fraud, she only got a slap on the wrist and an order to repay the money. * * * I know she'll do the same thing again, but why should I waste my time sending it to the investigator. She will just be back in here laughing in my face again." The Inspector General of HHS reported that the presence of an active, visible and effective fraud investigation function is critical to the integrity of the AFDC program. Fingerprinting welfare recipients has proven to be an effective mechanism to attack the abuses of the system. A fingerprinting system coupled with real prosecutorial mechanisms to deal with perpetrators is desperately needed in our local welfare offices.

With both the President and Congress focusing on the reform of our welfare system, attention to eligibility is critically important. In 1991, the Department of Health and Human Services reported that roughly 65 percent of the cases reported in 1991 had evidence sufficient to support a question of fraud. This number represents only the percentage of cases that have been reported. As the Inspector General report indicates, there may also be many, many cases that go unreported due to inadequate preeligibility requirements and inadequate investigative techniques.

The 1993 Inspector General report recommended that States use the most effective ways to prevent inappropriate payments in the AFDC program. The success stories from both the California and New York programs suggest that fingerprinting welfare recipients is effective fraud detection. The results have been impressive. The cost-savings are significant. Fingerprinting welfare recipients is a more modern and efficient approach to the welfare application process. The systems currently being utilized have weeded out several thousand people who should not have been on the rolls. The Welfare Anti-Fraud Act will ensure that only eligible persons receive access to AFDC benefits. We must halt the widespread abuses of the welfare system across this Nation. This bill is necessary to ensure that scarce Federal, State, and county resources are used effectively and not pointlessly spent on multiple aid.

Mr. President, the old parable about welfare says that if you give a man a fish, he eats for a day, and if you teach him to fish, he eats for a lifetime. Almost every welfare program this Congress has devised has promised to teach people to fish, but most have ended up handing out fish on the street corner. If we stop the abuses in the system, those who are truly needy will be covered—and the taxpayers who provide this help will know their tax dollars are being spent in a responsible manner.

By Mr. LEAHY (by request):

S. 2086. A bill to amend the Rural Electrification Act of 1936 to remove the 7-percent interest rate limitation on certain Rural Electrification Administration loans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL ELECTRIFICATION ADMINISTRATION LOANS ACT OF 1994

• Mr. LEAHY. Mr. President, today I am introducing legislation to repeal the 7-percent interest rate cap on certain loans made by the Federal Financing Bank. This legislation will repeal a provision that was included in the Rural Electrification Loan Restructuring Act of 1993 (H.R. 3123/Pub. L. 103–129). On April 26, 1994, I introduced S. 2054 for the same purpose. However, because of a technical error in that bill I am introducing this new corrected version of the legislation.

As I mentioned on April 26, 1994, when President Clinton signed H.R. 3123, he indicated concern over the 7-percent cap on certain REA loans and said he wished to work with Congress to remove this provision. The legislation that I am introducing today is a good faith effort on the part of the administration to resolve this issue with Congress.

In President Clinton's "Statement on Signing the Rural Electrification Loan Restructuring Act of 1993" he explained:

> The Act places a 7-percent interest rate cap on certain REA loans, including those refinanced through the Department of the Treasury's Federal Financing Bank. Experience with Federal credit programs indicates that such statutorily fixed interest rate ceilings produce unpredictable and unintended results, including (1) inequities among borrowers using the program at different times; (2) extraordinary demands for loans when market interest rates are high; and (3) increased budget deficits. The "openended" character of subsidies resulting from the interest rate cap is inconsistent with the administration's objective of managing Federal subsidies more effectively.

I would like to inform my colleagues of my intent to seek quick action on this legislation. I will move next week to discharge this bill from the Committee on Agriculture, Nutrition, and Forestry and to seek final passage.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF MAXIMUM INTEREST RATE LIMITATION ON FFB LOAN REFINANCING.

Section 306C of the Rural Electrification Act of 1936 (7 U.S.C. 936c) is amended—

(1) in subsection (c)(2), by striking ", except that such rate shall not be greater than 7 percent per year, subject to subsection (d)"; and

(2) by striking subsection (d).•

By Mr. BUMPERS:

S. 2087. A bill to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 18, 1994; to the Committee on Labor and Human Resources.

THE NUTRITION LABELING AND EDUCATION ACT AMENDMENTS OF 1994

• Mr. BUMPERS. Mr. President, companies across the Nation have spent countless hours and millions of dollars in an effort to comply with the new food labeling rules that will become effective Sunday, May 8. In spite of their efforts, many have found that they will simply not be able to meet the newest labeling requirements by that date. In many cases, their current supply of labels contains nutrition information, but the label format does not meet the new standards.

Changes or clarifications to the regulations were issued in August, and although this might seem a reasonable period of time in which to comply, it has not been the case.

I have heard from manufacturers from Maryland to Oregon who simply could not get their labels or packages printed before the deadline. These companies want to provide the required nutrition information in the correct format because it is clear that consumers are beginning to "check it out" as the FDA suggests.

I am pleased to introduce a bill that corrects this regulatory problem, a problem that will affect not only the food manufacturing industry, but consumers, farmers, and the environment if we do not act quickly.

This bill extends the deadline for full compliance to August 18, 1994, for products whose labels were printed before April 1, 1994. I believe this approach is a reasonable solution to a very real problem.

Label producers are running at full capacity, but they simply cannot meet the demands of their customers. Label printing is a specialty, and the process is not as simple as it seems. Only after the food products have undergone laboratory analysis to determine nutrition content can the first step toward a final label begin. Art work has to be done, film has to be made, and then plates for the presses must be produced. In a memorandum dated May 4, 1994, a graphics company told one of its large customers that U.S. plate producers are saturated with orders and that "there is a backlog in the industry that will take several weeks to debottleneck."

Labels include more than just the paper or plastic strips that are attached to cans of beans or bottles of soft drink. They include the egg cartons, the potato chip bags or any other packaging on which the nutrition information is provided. Without an extension of the May 8 deadline, manufacturers will be forced to dispose of tons of packages and labels, many of which are not biodegradable.

In Arkansas, one rice cooperative alone will have to dispose of about a half million dollars' worth of packaging. This loss will come out of the farmers' pockets. A paper company in my State has 7 million dollars' worth of liquid packaging that is not in compliance. Some companies will not have enough cartons that comply with the letter of the regulation by Sunday and milk producers can't put their products on hold while containers are manufactured.

Can you imagine how many tons of cardboard, plastic coated paper, and plastic bags and jugs will be hauled to the landfills of this Nation? For each container or labeling strip that is discarded, another must be produced. The environmental consequences of our failure to extend the compliance period would be staggering.

Some segments of the food industry face a more serious dilemma than others. A company that produces private label products, sometimes called "store brands," may produce 150 brands of one product in three sizes of each brand. This one company must have 450 different labels for just that one product. If the company cannot get enough labels in time, it will be forced to shut down production and lay off its employees until its new labels arrive, and the customer must choose a different and perhaps more expensive brand.

This measure will not assist everyone, but I believe it will make a significant difference.

I am grateful for the cooperation of all those who assisted in working out a solution to several serious problems.●

By Mr. PACKWOOD (for himself, Mr. BRADLEY, Mr. STEVENS, Mrs. FEINSTEIN, Mr. KENNEDY, and Mrs. HUTCHISON):

S.J. Res. 186. A joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day"; to the Committee on the Judiciary.

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

● Mr. PACKWOOD. Mr. President, today, I am joined by my colleagues Senators BRADLEY, STEVENS, FEINSTEIN, KENNEDY, and HUTCHISON in introducing a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Girls and Women in Sports Day." I have successfully introduced this joint resolution for the past 8 years and hope to continue this tradition.

I first introduced this joint resolution after I met a very special woman named Flo Hyman when she came to lobby Congress in 1984. Flo, along with other Olympic athletes, joined Senators in support of restoring landmark civil rights protections for women, minority, and disabled athletes after the Supreme Court ruling in the Grove City College versus Bell case. In its decision, the Supreme Court ruled that the prohibition of sex discrimination in education in title IX of the Education Amendments of 1972 applied only to the particular program or activity that received Federal assistance, not the entire institution. Under this interpretation, educational institutions would be free to discriminate in programs such as athletics and retain their Federal funding in other areas. Fortunately, the Grove City case was ultimately overturned and gender equity in education was restored.

At a crowded press conference in 1984, Flo delivered a moving and inspiring speech about how the civil rights law—title IX—had enabled her to fulfill her dream and "reach the gold."

When Flo died about 8 years ago, I was moved by her sudden death at such a young age. I wanted to do something to continue her mission and spirit. So, I introduced the resolution to begin National Girls and Women in Sports Day to honor Flo Hyman. Each year at a ceremony on this day, a woman athlete is presented with the "Flo Hyman Award." In 1994, the award representing total commitment and passion that Hyman demonstrated was presented to Patti Sheehan—professional golfer and LPGA Hall of Fame inductee. It is my hope that this resolution will inspire future generations of women athletes to strive toward the excellence which Flo Hyman, Patti Sheehan, and other female athletes exemplify.

Despite recent advances made by women in sports, inequities still exist between the funding and promotion of women's and men's athletic programs. Mr. President, I offer this joint resolution designating February 2, 1995, and February 1, 1996, as "National Girls and Women in Sports Day" to honor women's contributions in sports and to encourage all women to participate in and enjoy the health benefits of athletics.●

ADDITIONAL COSPONSORS

S. 978

At the request of Mr. BAUCUS, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Oregon [Mr. HATFIELD], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 978, a bill to establish programs to promote environmental technology, and for other purposes.

S. 1915

At the request of Mr. SHELBY, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1915, a bill to require certain Federal agencies to protect the rights of private property owners.

S. 1986

At the request of Mr. BREAUX, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1986, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing.

S. 2029

At the request of Mr. BREAUX, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2029, a bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters.

S. 2046

At the request of Mr. COCHRAN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2046, a bill to amend the Public Health Service Act to provide for the establishment by the National Institutes of Health research centers regarding movement disorders, and for other purposes.

AMENDMENTS SUBMITTED

CONGRESSIONAL GIFTS REFORM ACT

D'AMATO (AND OTHERS) AMENDMENT NO. 1685

Mr. D'AMATO (for himself, Mr. GORTON, and Mr. DOMENICI) proposed an amendment to the bill (S. 1935) to prohibit lobbyists and their clients from providing to legislative branch officials certain gifts, meals, entertainment, reimbursements, or loans and to place limits on and require disclosure by lobbyists of certain expenditures; as follows:

At the appropriate place, add the following:

It is the sense of the Senate that the conferees to the upcoming Senate-House conference on omnibus crime legislation should totally reject the so-called Racial Justice Act provisions contained in the crime bill passed by the House of Representatives on April 21, 1994.

NATIONAL ENVIRONMENTAL TECHNOLOGY ACT OF 1994

BAUCUS (AND OTHERS) AMENDMENT NO. 1686

Mr. BAUCUS (for himself, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. KERRY, Mr. CHAFEE, Mr. WOFFORD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mrs. BOXER, Mr. REID, Mr. METZENBAUM, Mr. KENNEDY, Mr. LEVIN, Mr. SARBANES, Mr. PELL, Mr. DODD, Mrs. MURRAY, Mr. LEAHY, Mr. JEFFORDS, Mr. CAMPBELL, and Mr. HATFIELD) proposed an amendment to the bill (S. 978) to establish programs to promote environmental technology, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Environmental Technology Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—ENVIRONMENTAL TECHNOLOGY STRATEGY

Sec. 101. Development.

TITLE II—ENVIRONMENTAL TECHNOLOGY INITIATIVE

Sec. 201. Establishment.
Sec. 202. Environmental Protection Agency partnership authority.
Sec. 203. Multi-agency partnership authority.
Sec. 204. Authorization of appropriations.

TITLE III—ENVIRONMENTAL INNOVATION RESEARCH PROGRAM; TECHNOLOGY TESTING

Subtitle A—Environmental Innovation Research Program

Sec. 301. Environmental innovation research program.

Sec. 302. Guidelines of the environmental innovation research program.
Sec. 303. Multi-agency environmental innovation research program.
Subtitle B—Innovative Technology Testing
Sec. 311. Program.
TITLE IV—ADDITIONAL PROGRAMS
Subtitle A—Verification of Environmental Technologies
Sec. 401. Program.
Subtitle B—Technical Assistance to Small Business in Coordination with Existing Programs
Sec. 411. Environmental assistance.
Sec. 412. Statutory construction.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) environmental problems facing the world pose a threat to the environmental and economic security of the United States and other nations;

(2) promoting a sound economy while maintaining a healthy environment is among the urgent public policy challenges of the United States;

(3) the development and utilization of environmental technologies will enhance both global environmental security and the economic standing of the United States in the world marketplace;

(4) the growing worldwide demand for environmentally sound products and processes, and for cost-effective environmental cleanup and pollution control technologies, presents significant business opportunities;

(5) innovative environmental technologies face barriers to development and utilization, and are often slow to be adopted;

(6) advances in source reduction, environmental cleanup, and pollution control technologies could significantly reduce Federal Government and private cleanup expenditures, improve cleanup results, and help prevent future contamination;

(7) the development and implementation of effective public and private partnership arrangements will help promote successful technology development programs;

(8) many technologies developed for other purposes, such as defense or space exploration, could also be used to address environmental problems;

(9) a coordinated, interagency strategy for environmental technology will greatly facilitate the development of environmental technologies that can respond to environmental programs and create jobs and new sources of income; and

(10) successful Federal Government programs to foster the development and utilization of environmental technologies depend on coordination and cooperation among agencies involved in environmental protection and agencies involved in technology development.

(b) PURPOSES.—The purposes of this Act are—

(1) to further environmental protection, spur the creation of jobs (including the creation of jobs in areas of pervasive poverty), and enhance the ability of domestic companies to compete in the international marketplace by facilitating the development and utilization of environmental technologies;

(2) to encourage the development and utilization of environmental technologies that prevent or control pollution and remediate existing contamination;

(3) to help overcome barriers that hinder the successful development and utilization of environmental technologies; and

(4) to coordinate Federal Government policies, actions, and budgets with respect to environmental technologies.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ENVIRONMENTAL TECHNOLOGY.—The term "environmental technology" means a product, process, or service—

(A) the primary purpose of which is to reduce an environmental risk by protecting or enhancing human health or the environment through—

(i) pollution control;

(ii) environmental remediation; or

(iii) a design or process change that results in source reduction or recycling; and

(B) that is identified and listed in the Strategy under section 101(a)(4).

(3) EXECUTIVE AGENCY.—The term "Executive agency" has the same meaning as is provided in section 105 of title 5, United States Code.

(4) PARTNERSHIP.—The term "partnership" means any arrangement under which the head of an Executive agency or a designee (including a Federal laboratory) undertakes research, development, demonstration, or technical assistance activities in cooperation with one or more non-Federal partners or partners from other Executive agencies.

(5) SMALL BUSINESS CONCERN.—The term "small business concern" means a business concern that is recognized as a small business concern under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and that has no more than 100 employees.

(6) SOURCE REDUCTION.—The term "source reduction" has the same meaning as is provided in section 6603(5) of the Pollution Prevention Act of 1990 (42 U.S.C. 13102(5)).

TITLE I—ENVIRONMENTAL TECHNOLOGY STRATEGY

SEC. 101. DEVELOPMENT.

(a) IN GENERAL.—

(1) DEVELOPMENT.—As one of the strategies required under section 822(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687(a)), the President shall develop an Environmental Technology Strategy (referred to in this title as the "Strategy").

(2) FIRST STRATEGY.—The first Strategy shall be submitted to Congress with the annual report on critical technology strategies required under section 822(b) of such Act, due February 15, 1995.

(3) CONTENTS.—Notwithstanding the second sentence of section 822(a)(1) of such Act, each Strategy shall identify environmental requirements based on trends in domestic and global environmental threats and the potential for environmental and economic benefits. To meet the requirements, each Strategy shall—

(A) recommend effective public and private partnership arrangements for the development and utilization of environmental technologies;

(B) recommend actions that will encourage the utilization of environmental technologies, with special attention to environmental technologies that are likely to reduce risk to human health and the environment in a cost-effective manner;

(C) recommend actions that will encourage the development of environmental technologies by small business concerns, including small business concerns located in areas of pervasive poverty;

(D) identify economic, regulatory, and other barriers to the development, utilization, or export of environmental technologies, and recommend appropriate actions to reduce the barriers;

(E) identify incentives for the development, utilization, or export of environmental technologies, and recommend appropriate actions to improve the incentives; and

(F) consistent with section 822(a)(3)(E) of such Act, develop Federal budget estimates for the activities of Executive agencies that promote, develop, or support environmental technologies identified in the Strategy.

(4) ENVIRONMENT TECHNOLOGIES.—As part of the Strategy, the President shall identify and list technologies that meet the criteria of clauses (i), (ii), and (iii) of section 3(2)(A) and that address the requirements identified under paragraph (3) of this subsection. The list shall include the technologies that meet the criteria of clauses (i), (ii), and (iii) of section 3(2)(A) and that are identified in—

(A) the 5-year plan prepared by the Strategic Environmental Research and Development Program Council pursuant to section 2902(d)(3) of title 10, United States Code; and

(B) the 5-year plan for environmental research, development, and demonstration required by section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361).

(b) REPORT TO CONGRESS.—The President shall—

(1) submit to Congress any subsequent revisions to the Strategy; and

(2) make the Strategy publicly available.

TITLE II—ENVIRONMENTAL TECHNOLOGY INITIATIVE

SEC. 201. ESTABLISHMENT.

(a) IN GENERAL.—

(1) INITIATIVE.—The Administrator shall establish an Environmental Technology Initiative (referred to in this title as the "Initiative") to coordinate and support the implementation of the roles, responsibilities, and goals identified for the Environmental Protection Agency pursuant to the most recent Strategy developed under title I.

(2) OFFICE.—

(A) ESTABLISHMENT.—The Administrator shall establish an office to—

(i) coordinate the implementation of the Initiative;

(ii) coordinate and support the implementation of the activities of the Environmental Protection Agency authorized under this Act; and

(iii) coordinate the development of policies of the Environmental Protection Agency that foster technological innovation.

(B) HEAD.—The office shall be under the direction of such officer of the Environmental Protection Agency as the Administrator shall designate.

(b) INTERAGENCY COORDINATION.—In carrying out this section, the Administrator shall collaborate with the appropriate officials of Department of Commerce, the Department of Defense, the Department of Energy, and other appropriate Executive agencies to—

(1) ensure the effective use of then existing capabilities within Executive agencies; and

(2) prevent duplication of efforts by the Environmental Protection Agency with other Executive agencies.

(c) FUNCTIONS.—Consistent with subsections (a) and (b), the Administrator, in collaboration with the Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, and the heads of other appropriate Executive agencies, shall—

(1) through partnerships, pursuant to sections 202 and 203, including the provision of grants or loans, support the development and demonstration of environmental technologies at the precommercial stage by industrial, academic, governmental, and nongovernmental entities;

(2) using information that is in the public domain or voluntarily submitted, track on a continuing basis the research and development being conducted on environmental technologies by private industry in the United States;

(3) cooperate in developing and improving mechanisms to—

(A) promote the transfer of environmental technologies domestically and internationally;

(B) provide information to private and public concerns that develop, apply, or export environmental technologies;

(C) use electronic databases and other means to collect and disseminate nonproprietary information on environmental technologies, including descriptions of environmental technologies developed, tested, or verified under the programs established under this Act; and

(D) provide a locator service that would direct users to information relating to environmental technologies, including information on new products and services, regulations, export opportunities and assistance, demonstration programs, and verification and testing programs;

(4) advise other officials, as appropriate, within the other Executive agencies, concerning programs, strategies, and regulatory reforms for promoting the development and utilization of environmental technologies;

(5) facilitate market acceptance for environmental technologies;

(6) develop recommendations for changes in Federal procurement guidelines to give preference to environmental technologies;

(7) provide advice and assistance to regional technology centers and similar community-based alliances that are supporting a transition from defense technology research, development, and production to environmental technology research, development, and production;

(8) pursuant to section 401, establish a program to verify the cost and performance characteristics of environmental technologies; and

(9) report to Congress not less frequently than annually on—

(A) the activities conducted under the authorities established by this section; and

(B) the resources and staff devoted to managing the activities.

(d) Consultation With Other Groups.—The goals and programs in support of the Initiative shall be developed and implemented by the Administrator in consultation with other Executive agencies, private sector organizations, academic institutions, and nonprofit groups involved in technology development and utilization, environmental protection, labor, education, or international relations.

SEC. 202. ENVIRONMENTAL PROTECTION AGENCY PARTNERSHIP AUTHORITY.

(a) In General.—To support the development of environmental technologies, the Administrator may enter into partnerships that—

(1) are in accordance with the statutory duties of the Environmental Protection Agency;

(2) are consistent with the roles, responsibilities, and goals identified for the Environmental Protection Agency pursuant to the Strategy developed under title I; and

(3) do not duplicate specific technology development projects being conducted by other Executive agencies.

(b) Economic Benefits.—In carrying out the programs established under this title, the Administrator shall ensure that the principal economic benefits pursuant to any partnership accrue to the domestic economy of the United States.

(c) Limitations.—The period of a partnership that provides a grant or loan pursuant to this section—

(1) with a single firm may not exceed 3 years; and

(2) with a consortium of companies or other entities may not exceed 5 years.

(d) Small Business Concerns.—In carrying out this section, the Administrator shall give special consideration to the needs of small business concerns (including small business concerns located in areas of pervasive poverty) in entering partnerships.

(e) Administration of Program Funds.—In carrying out this section, the Administrator shall—

(1) determine categories of projects to be funded under the Initiative;

(2) issue solicitations for partnerships to be funded;

(3) receive and evaluate proposals resulting from solicitations;

(4) ensure that partnerships are selected under a merit-based, competitive procedure; and

(5) in selecting participants for partnerships, give preference to partnerships that support the development of environmental technologies that—

(A) meet the definition of source reduction; or

(B) are likely to reduce risks to human health or the environment in a cost-effective manner.

(f) Federal Share.—The Federal share of the cost of a partnership conducted under this section may exceed 50 percent only if—

(1) the partnership is conducted pursuant to an agreement entered into with a small business concern under this section, except that the Federal share of the cost of a partnership described in this paragraph may not exceed 75 percent;

(2) the partnership supports the development of an environmental technology that meets the definition of source reduction, except that the Federal share of the cost of a partnership described in this paragraph may not exceed 75 percent; or

(3) the partnership supports fundamental research for the development of an environmental technology.

(g) Confidential Information.—

(1) Proprietary information.—Except as provided in paragraph (2), information classified for reasons of national security, trade secrets, confidential business information, or other proprietary information may not be disclosed by an officer or employee of the United States acting under any provision of this Act. The information shall not be subject to disclosure under section 552 of title 5, United States Code.

(2) Exception.—Confidential business information may be disclosed only in accordance with a written agreement between—

(A) the owner or developer of the information; and

(B) the Administrator or the head of the appropriate Executive agency.

(3) Dissemination of research results.—Pursuant to paragraphs (1) and (2) and section 201(c)(3)(C), the Administrator or the head of the appropriate Executive agency shall provide for the dissemination of nonproprietary research results of the projects supported under the programs established under this title.

(h) Minimum Allocation for Small Business.—Not less than 25 percent of the Federal funds made available to carry out this section shall be awarded to small business concerns pursuant to partnerships authorized under this section.

SEC. 203. MULTI-AGENCY PARTNERSHIP AUTHORITY.

(a) In General.—The Administrator may enter into a partnership with the Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, or the head of any other appropriate Executive agency, or any combination thereof, to develop an environmental technology that will assist the Environmental Protection Agency and the other agency or agencies involved achieve their respective responsibilities and missions.

(b) Authority.—In carrying out this section, the head of an Executive agency may enter into a partnership in accordance with provisions of law that are applicable to the agency.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out the programs established under this title—

(1) $36,000,000 for fiscal year 1994;

(2) $80,000,000 for fiscal year 1995; and

(3) $120,000,000 for fiscal year 1996.

(b) Federal Agreements.—The Administrator shall allocate a substantial percentage of funds made available by appropriations pursuant to subsection (a), with a goal of reaching 50 percent, for partnerships entered into pursuant to section 203.

TITLE III—ENVIRONMENTAL INNOVATION RESEARCH PROGRAM; TECHNOLOGY TESTING

Subtitle A—Environmental Innovation Research Program

SEC. 301. ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.

(a) Establishment.—For each fiscal year, the Administrator is authorized to provide for an environmental innovation and research program an amount not more than 1.25 percent of the amount of funds made available to the Environmental Protection Agency from the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (referred to in this subtitle as "Superfund") pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), notwithstanding any other provision of such Act and subject to the availability of appropriations.

(b) Use of Funds.—

(1) In general.—The Administrator shall use the amount allocated under subsection (a) to make awards to private concerns or other entities, through a uniform process (described in subsection (e)), for the development of environmental technology that contributes to the program objectives of the Superfund.

(c) Waiver.—

(1) In general.—The Administrator may waive the requirements of this section in full or part if—

(A) unforeseen emergency circumstances require the Administrator to redirect funds for technology development to other purposes; and

(B) the Administrator has redirected all technology development funds (other than funds allocated pursuant to subsection (a)) available to the Administrator from the Superfund to address the unforeseen emergency circumstances.

(2) Report.—If the Administrator waives a requirement of this section pursuant to paragraph (1), the Administrator shall provide a report that explains the reasons for the waiver to Congress.

(d) CONSTRUCTION.—Nothing in this Act limits the amount of funds that the Administrator may spend on the research, development, or commercialization of environmental technology.

(e) PHASES OF ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.—The Administrator shall carry out an environmental innovation research program in the following 3 phases:

(1)(A) A first phase for determining, insofar as practicable, the scientific and technical merit and feasibility of proposals that are submitted pursuant to environmental innovation research program solicitations and appear to have commercial potential.

(B) With respect to the first phase, the Administrator may enter into partnerships (including grants and loans), each of which shall be in an amount not to exceed $250,000 to support the initial development of proposed environmental technologies.

(2)(A) A second phase to fund the further development of environmental technologies funded under paragraph (1) that meet particular program needs, and with respect to which awards shall be made on the basis of the scientific and technical merit and feasibility of each proposal, as evidenced by the first phase (as described in paragraph (1)), taking into consideration, among other considerations, the commercial potential of each proposal, as evidenced by—

(i) the record of the private concern or other entity of successfully commercializing technologies, products, or processes developed as a result of environmental innovation research or other research;

(ii) the existence of funding commitments, from the private sector or sources other than the environmental innovation research program, to fund the further development of the environmental technology;

(iii) the existence of funding commitments from the private sector or sources other than the environmental innovation research program for the third phase of research to be conducted pursuant to paragraph (3)(A); and

(iv) the presence of other indicators of the commercial potential of the environmental technology.

(B) With respect to the second phase, the Administrator may enter into partnerships, each of which shall be in an amount not to exceed $750,000, unless the Administrator finds that additional funding is necessary and appropriate.

(3)(A) If appropriate, a third phase, in which—

(i) environmental innovation research funding is used to continue development activity that has demonstrated outstanding commercial potential in the second phase of the environmental innovation research program and merits further environmental innovation research funding;

(ii) awards from funding sources other than the environmental innovation research program are used for the continuation of research or research and development that has been competitively selected using peer review or scientific review criteria; or

(iii) commercial applications of research or research and development funded by the environmental innovation research program are funded by non-Federal sources of funds or, for environmental technologies intended for use by the Federal Government, by Federal funding sources other than the environmental innovation research program.

(B) With respect to a research or research and development project funded under subparagraph (A) and consistent with section 202(f), the Federal share shall not exceed 50 percent of the total cost of the project.

(C) With respect to the assistance provided under this paragraph, the Administrator may assist the private concern or other entity in pursuing funding or procurement from other Federal programs and in pursuing financial and technical assistance for the export of technology developed under the environmental innovation research program.

(D) The Administrator may, in lieu of the 3-phase process established under this subsection, fund proposals for the development of certain technologies through an alternative competitive process, on the basis of a written finding that—

(i) the proposed technology is at a stage in development comparable to the stage in development of technologies that would emerge from the second phase of the process established under this subsection; and

(ii) employing the first 2 phases of the process established under this section would be inappropriate.

(E) With respect to a development project funded under subparagraph (D)—

(i) awards shall be based on scientific and technical merit and demonstrated outstanding commercial potential;

(ii) consistent with section 202(f), the Federal share shall not exceed 50 percent; and

(iii) the Administrator shall notify Congress in writing of the award and provide a copy of the written finding made under subparagraph (D).

(f) SMALL BUSINESS.—In carrying out the program established under this section, the Administrator shall consider the needs of small business concerns for the development and utilization of environmental technology.

(g) TESTING ENVIRONMENTAL TECHNOLOGY.—Partnerships authorized under paragraph (2), or subparagraph (A) or (D) of paragraph (3), of subsection (e) may make available, if appropriate, funds to test environmental technology in the program established under section 311.

SEC. 302. GUIDELINES OF THE ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.

(a) GUIDELINES.—The Administrator shall issue guidelines for environmental innovation research conducted pursuant to this subtitle.

(b) CONTENTS.—The guidelines issued by the Administrator shall, at a minimum, provide for—

(1) simplified, standardized, and timely solicitations of project proposals; and

(2) to the extent feasible, application procedures standardized with the procedures established under title II.

SEC. 303. MULTI-AGENCY ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.

(a) PRIORITY.—To the maximum extent practicable, each head of an Executive agency shall encourage the commercial application of environmental technologies developed to meet the missions and responsibilities of the agency.

(b) COLLECTION OF DATA.—The head of an Executive agency providing funding for the research and development of environmental technology shall—

(1) identify projects funded by the agency for the development of environmental technology that have been commercially successful;

(2) consistent with section 201(g), make the data publicly available; and

(3) make recommendations to appropriate officials of other Executive agencies regarding effective mechanisms to foster the development of commercially viable environmental technologies.

Subtitle B—Innovative Technology Testing

SEC. 311. PROGRAM.

(a) ESTABLISHMENT.—In collaboration with the heads of other appropriate Executive agencies, the Administrator is authorized to establish a program for testing environmental technologies at federally owned facilities and other sites, including sites—

(1) on the National Priorities List established under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)); and

(2) in the inventory of Federal agency hazardous waste facilities under section 3016 of the Solid Waste Disposal Act (42 U.S.C. 6937), collectively referred to in this section as "applicable sites".

(b) FEDERAL SITES.—In exercising the authority under the program established under this section, the Administrator shall enter into partnerships with other Executive agencies, and, if appropriate, non-Federal partners, for the purpose of testing environmental technologies at federally owned sites. Each partnership shall include agreements regarding the selection of sites and the management and oversight of the testing and evaluation of environmental technologies at such sites, subject to the guidelines established under subsection (d).

(c) DESCRIPTION.—As part of the program established under this section, the Administrator shall—

(1) solicit and accept applications to test environmental technologies suitable for the prevention, control, or remediation of contamination at applicable sites, subject to the guidelines established under subsection (d);

(2) subject to subsection (b) and in consultation and cooperation with representatives of other Executive agencies, State and local governments, industry consortia, and other groups interested in the control, source reduction, and remediation of contamination at an applicable site, manage and oversee testing and evaluation of environmental technologies at the site, subject to the guidelines established under subsection (d);

(3) document the performance and cost characteristics of an environmental technology tested at an applicable site;

(4) consistent with section 201(c)(3)(C), list and disseminate nonproprietary information regarding the performance and cost characteristics of an environmental technology that has been tested at 1 or more applicable sites; and

(5) to the extent feasible, incorporate Environmental Protection Agency programs in existence on the date of enactment of this Act that facilitate testing of environmental technologies at applicable sites, including the alternative or innovative treatment technology research and demonstration program established under section 311(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(b)).

(d) GUIDELINES.—The Administrator, in agreement with the heads of other appropriate Executive agencies, shall, after notice and opportunity for comment, issue guidelines for the operation of the program established under this section. The guidelines shall include—

(1) an initial listing of applicable sites potentially available for the testing of environmental technologies categorized by site characteristics, including production processes and technologies and, in the case of contaminated sites requiring remediation, site geology and site contaminants;

(2) criteria for designating the eligibility of applicants to the program established under this section;

(3) the application procedures for applicants designated under paragraph (2), including, consistent with section 202(f), provisions for sharing the costs of testing with applicants;

(4) criteria for the verification of the efficacy of tested environmental technologies;

(5) specific procedures for the management and oversight of testing at applicable sites, including procedures for consultation with communities in the vicinity of applicable sites;

(6) criteria for determining whether and to what extent legal authorities should be used to indemnify successful applicants to the program established under this section; and

(7) provisions for terminating partnerships.

(e) LISTING OF TESTED TECHNOLOGIES.—In the case of a technology tested under the program established under this section, the Administrator shall publish the nonproprietary test results, cost information, and a general description of the tested environmental technology, and, consistent with section 201(c)(3)(C), disseminate the information.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1995 through 1998.

TITLE IV—ADDITIONAL PROGRAMS

Subtitle A—Verification of Environmental Technologies

SEC. 401. PROGRAM.

(a) ESTABLISHMENT.—As part of the Environmental Technology Initiative established under title II, the Administrator shall establish a program to verify, evaluate, and disseminate performance and, to the extent practicable, estimates of the capital and operating cost (referred to in this section as "cost estimates") of environmental technologies, including environmental technologies appropriate for meeting the performance criteria of regulations issued as performance standards under laws that the Administrator determines are appropriate, collectively referred to in this section as "applicable regulations".

(b) PURPOSE.—The purpose of the program established under this section is to provide businesses, municipalities, and other persons subject to environmental regulations or concerned with environmental improvement, with greater access to suitable environmental technologies by establishing a process of verification of the performance characteristics and cost estimates of environmental technologies.

(c) ADMINISTRATION.—As part of the program established under this section, the Administrator, in collaboration with appropriate officials of other Executive agencies, shall—

(1) establish procedures for soliciting applications for and selecting, pursuant to the criteria established under subsection (d), non-Federal entities to perform the functions described in subsection (e);

(2) pursuant to subsection (g), develop and issue common guidelines and protocols to verify and evaluate the performance and cost estimates of environmental technologies; and

(3) pursuant to subsection (h), list and disseminate the results of the verification and evaluation of environmental technologies.

(d) SELECTION CRITERIA.—The Administrator, in collaboration with the heads of appropriate Executive agencies, shall, through a merit based selection process, select non-Federal entities to perform the functions described in subsection (e) based on—

(1) the capability of the entity to provide thorough and credible technical and financial verification and evaluation of environmental technologies;

(2) the likelihood of continued viability of the entity; and

(3) such other criteria as the Administrator considers appropriate.

(e) NON-FEDERAL VERIFICATION.—Each non-Federal entity selected under subsection (d) shall—

(1) accept applications to verify and evaluate performance characteristics and cost estimates of environmental technologies;

(2) using appropriate protocols developed under subsection (g), verify the quality and credibility of performance data and cost estimates submitted by applicants;

(3) using the criteria developed under subsection (g), evaluate performance data and cost estimates for environmental technologies; and

(4) report to the Administrator performance data and cost estimates regarding the environmental technologies verified and evaluated.

(f) FEDERAL VERIFICATION.—As part of the program established under this section, the head of an Executive agency may, individually or pursuant to a partnership, verify and evaluate the performance and cost estimates of environmental technologies at federally owned sites. The head of the Executive agency shall ensure that—

(1) the common protocols and guidelines developed under subsection (g) are employed for the verification and evaluation of all environmental technologies; and

(2) the results for each environmental technology verified and evaluated are reported to the Administrator.

(g) GUIDELINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in agreement with the Secretary of Energy, the Secretary of Commerce, the Secretary of Defense, the Administrator of the Small Business Administration, and appropriate officials of other Executive agencies, shall, after notice and opportunity for comment, issue guidelines for the operation of the program established under this section. The guidelines shall be revised from time-to-time as appropriate.

(2) DESCRIPTION.—The guidelines shall include—

(A) criteria for designating the eligibility of applicants to the program established under this section;

(B) application requirements and procedures for submitting data for verification;

(C) appropriate protocols to verify the quality and credibility of performance data and cost estimates submitted by applicants;

(D) general criteria for the evaluation of environmental technologies, including an evaluation, with respect to each technology evaluated, of the ability of the technology to—

(i) meet the performance criteria of any applicable regulation under tested conditions with additional source reduction, control, or remediation benefits as compared to otherwise applicable technology;

(ii) meet the performance criteria of any applicable regulation under tested conditions at a comparable or lower estimates of cost than the estimated cost of otherwise applicable technology; or

(iii) constitute a significant advance in the development of an environmental technology with broad applicability;

(E) a schedule of fees for applications to cover the costs of the program, including—

(i) lower fees for each applicant designated as a small business concern, nonprofit group, institution of higher education, or State or local government entity; and

(ii) lower fees for applications to verify environmental technologies that provide source reduction;

(F) consistent with section 202(g), criteria and appropriate procedures for the protection of proprietary information regarding environmental technologies; and

(G) such other provisions as the Administrator or the head of another agency listed in paragraph (1) may consider appropriate.

(h) REVIEW AND REPORTING OF TECHNOLOGIES.—

(1) IN GENERAL.—In the case of a technology verified and evaluated by a non-Federal entity selected under subsection (d), the Administrator shall conduct appropriate review of the accuracy of the data and the results of the verification and evaluation, prior to publication of the information under paragraph (2).

(2) PUBLICATION OF DESCRIPTION.—Consistent with section 201(c)(3), the Administrator shall publish a nonproprietary description of the environmental technologies verified and evaluated under this section and disseminate the information.

(3) SIGNIFICANT ADVANCES.—The Administrator may establish a list of technologies verified under the program established by this section that represent significant advances as compared to then current available technologies.

(i) NO REVISION OF REGULATIONS.—Nothing in this Act shall be construed, interpreted, or applied in any manner to revise any regulation or release a person subject to any regulation from the duty to comply with the regulation.

(j) JUDICIAL REVIEW.—

(1) EFFECT OF VERIFICATION.—The verification or evaluation of a technology under the program established under this section shall not—

(A) constitute a final action by the Administrator; and

(B) be subject to judicial review.

(2) FAILURE TO COMPLY.—If a technology verified, evaluated, and listed pursuant to the program established under this section fails to result in compliance with any applicable regulation, the verification, evaluation, and listing shall not constitute a defense in an enforcement action or citizen suit and shall not create a cause of action against the Environmental Protection Agency.

(k) NO FEDERAL CAUSE OF ACTION.—Nothing in this section creates a cause of action or in any other manner increases or decreases the liability of a person.

Subtitle B—Technical Assistance to Small Business in Coordination with Existing Programs

SEC. 411. ENVIRONMENTAL ASSISTANCE.

(a) AGREEMENTS.—Not later than 180 days after the date of enactment of this Act, the Administrator, the Secretary of Commerce, and the heads of other Executive agencies shall enter into such agreements as are necessary to permit the Environmental Protection Agency to provide technical assistance and support to the Manufacturing Technology Centers and other similar Extension Centers administered by the National Institute of Standards and Technology of the Department of Commerce and other technology assistance programs for small business concerns as appropriate.

(b) ASSISTANCE.—The assistance shall include—

(1) the preparation of environmental assistance packages for small business concerns generally and, if appropriate, for specific small business sectors, including information on—

(A) environmental compliance requirements and methods for achieving compliance;

(B) new environmental technologies;

(C) alternatives for source reduction that are generally applicable to the small business sectors; and

(D) guidance for identifying and applying opportunities for source reduction at individual facilities;

(2) providing technical assistance to small business concerns seeking to act on the information provided under paragraph (1);

(3) coordinating with the heads of other Executive agencies to identify those small business sectors that need improvement in environmental compliance or in developing methods for source reduction; and

(4) developing and carrying out an action plan for providing assistance to improve the environmental performance of small business sectors in need of improvement.

(c) COORDINATION.—The Administrator may coordinate with—

(1) small business development centers (established pursuant to section 21 of the Small Business Act (15 U.S.C. 648)); and

(2) as appropriate, other small business and agricultural extension programs and centers, to provide environmental assistance to small business concerns.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 1995 through 1998.

SEC. 412. STATUTORY CONSTRUCTION.

Nothing in this Act shall be construed, interpreted, or applied in any manner to—

(1) affect the obligation or duty of any Executive agency to comply with all applicable environmental laws and requirements; or

(2) limit the authority of any Executive Agency to carry out or administer any program, duty, or responsibility.

STEVENS (AND OTHERS) AMENDMENT NO. 1687

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. INOUYE, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill S. 978, supra; as follows:

On page 18, strike line 1 and insert in lieu thereof the following:

SEC. 204. NATIVE AMERICAN SANITATION-HEALTH TECHNOLOGY FUND PROGRAM.

(a) AUTHORIZATION.—The Administrator is authorized and encouraged to enter into an agreement to establish a partnership program to fund grants to research, engineer, develop, test, and demonstrate innovative water sanitation technologies for Indian reservations, Alaska Native villages, and other remote, rural regions. Funds provided pursuant to this section may be awarded beginning in fiscal year 1995 for competitively judged proposals that have the potential to improve health and sanitation conditions in Alaska Native villages, on Indian reservations, and in other rural areas, with emphasis on areas with conditions that are not conducive to utilization of conventional wastewater treatment methods.

(b) COORDINATION.—The Administrator shall coordinate disbursements related to Alaska Native village sanitation authorized by paragraph (a) with appropriate federal agencies and departments, including any such agency or department participating in the federal field working group on rural Alaska sanitation.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

KERRY AMENDMENT NO. 1688

Mr. BAUCUS (for Mr. KERREY) proposed an amendment to the bill S. 978, supra; as follows:

Annual report including specific benchmarks on the success of the program:

On page 13:

On line 6 delete all through line 9 and replace with the following:

"(A) description of the research, development and testing conducted under programs authorized pursuant to Title II, Title III, and Title IV of this Act;

(B) resources and staff devoted to the programs listed under paragraph (A); and

(C) estimated environmental and economic benefits resulting from the programs listed under paragraph (A) and the cost of the programs."

NOTICES OF HEARINGS

SUBCOMMITTEE ON EXPORT EXPANSION AND AGRICULTURAL DEVELOPMENT

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Subcommittee on Export Expansion and Agricultural Development will hold a hearing on export assistance efforts for small business. The hearing will occur on Thursday, May 12, 1994, in room 428A of the Russell Senate Office Building. For further information, please call Dan Solomon, legislative assistant for Senator HARRIS WOFFORD at 224-6324.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, May 6, beginning at 10 a.m. to conduct a hearing on the nominations of Alan S. Blinder, to be a member of the Board of Governors of the Federal Reserve System; Steven M. Wallman, to be a member of the Securities and Exchange Commission; and Philip N. Diehl, to be Director of the Mint.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Friday, May 6, 1994, at 9:30 a.m. on a hearing on the subject: Health Care Information Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold an oversight hearing on the effect of military research on the health of veterans. The hearing will be held on May 6, 1994, at 10 a.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PUBLIC SERVICE RECOGNITION WEEK

• Mr. HARKIN. Mr. President, I rise to speak regarding Public Service Recognition Week. This week commemorates the millions of men and women who work on the Federal, State, and local levels to do the people's work.

Public employees quietly serve the Nation in so many ways. They teach our children. They defend our Nation. They ensure the safety of our buildings, food, water, medicines, workplaces, and roads. They protect our families from crime, and search for cures to protect them from disease. They protect our retirements and our savings. Each of us relies on these public servants quietly doing their work every day.

The predominant concern with Government spending at all levels means that this Nation's public servants are increasingly being asked to do more with less. Yet despite hardships of fewer personnel and scarce resources, the work continues to get done. It is a tribute to the ingenuity and ability of these dedicated workers that they continue to perform their duties effectively.

Unfortunately, too often these public servants go unappreciated, or worse yet, are vilified. Some have seized on public servants as convenient targets, and as scapegoats for problems beyond their control in Government programs and services. Public Service Recognition Week is one way that our Nation can tell these workers that we appreciate them, and to thank them.

Those of us in Congress should be thankful for our Nation's public servants. Without their tireless efforts, the laws we pass here would be completely hollow. I salute these dedicated men and women.•

TRIBUTE TO GEORGE HALVORSON: HEALTH CARE LEADER

• Mr. DURENBERGER. Mr. President, I rise to pay tribute to a Minnesota health care pioneer and visionary, George Halvorson. As the chief executive officer of HealthPartners, Minnesota's largest HMO, George continues to play a major role in the progress toward national health care reform.

It is hard to summarize the impact this good friend of mine has had on the development of managed health care. I refer my colleagues to an article by Judith Borger in the St. Paul Pioneer Press dated May 2, 1994.

Referred to in Borger's article as a "huge force in the Minnesota marketplace and a growing influence on the national scene," I can confirm with pride that George helped bring Minnesota into the spotlight as a model for national health care reform.

George's endeavors in the corporate world of health care are noteworthy, but he is also an accomplished author. I highly recommend to my colleagues his influential discourse on the ills of the Nation's current health care system, Strong Medicine. Strong Medicine explains in very clear and understandable terms the problems facing America's health care system and outlines an insightful way to address them.

I urge policy-makers, private industry leaders and my colleagues alike to familiarize themselves with the work of this Minnesota health care reform leader, and would ask that the May 2 St. Paul Pioneer Press article be entered into the RECORD.

The article follows:

[From the St. Paul Pioneer Press, May 2, 1994]

HEALTH CARE'S HEAVYWEIGHT—HEALTHPARTNERS CEO GEORGE HALVORSON HAS EMERGED AS ONE OF THE LEADING FORCES IN CHANGING THE SHAPE OF THE HEALTH CARE SYSTEM IN MINNESOTA

(By Judith Yates Borger)

George Halvorson, CEO of Minnesota's largest health maintenance organization, is one of the state's most powerful health care leaders—often revered, sometimes feared, and generally credited with enormous foresight. But it wasn't foresight that brought him into the health care industry just as managed care started to boom.

Halvorson, who heads Bloomington-based HealthPartners, came to the Twin Cities in 1968 to attend graduate school at night, and he needed a day job to support his young family. Since he'd been a reporter for the Fargo Forum, he thought he'd find work in public relations.

Seeing an ad for an "underwriter" at Eagan-based Blue Cross and BlueShield of Minnesota, he figured it meant assistant writer and applied. The personnel interviewer was amused at Halvorson's mistake, and, as luck would have it, also had an opening in the public relations department. Halvorson landed that job.

It wasn't a very bright beginning for a man who today is called brilliant by many of his peers. But it was momentous for Minnesota, because the health care reform movement that is under way here today is driven by the forces of business. While it may appear that legislators and public policy wonks are pulling the health care strings, the reality is that the employers who buy health care for the majority of Minnesotans will ultimately determine how much care most people will get, and how much it will cost.

Halvorson is a huge force in the Minnesota marketplace and a growing influence on the national scene. His view of the future has a direct effect on the health care that many Minnesotans receive. If you're one of the 600,000 HealthPartners enrollees and have heart disease, for example, his newest effort, called Partners for Better Health, may put a scale in your bathroom to help you keep close track of your weight. And if you're not a HealthPartners member, your health plan certainly will be watching Halvorson's program closely.

"He sticks his head farther above the horizon than anyone else," said Steve Wetzell, executive director of the Business Health Care Action Group, a powerful coalition of 22 of Minnesota's largest employers.

"He's a visionary," said Dr. Jim Reinertsen, co-president of HealthSystem Minnesota in St. Louis Park.

Halvorson's meteoric rise at Blue Cross was the first indication of his talent. By 1980 he was senior vice president for marketing with Blue Cross and felt he was in line to be president. The board of directors instead chose Andrew Czajkowski, who was "10 years older and very bright," Halvorson says today.

Halvorson left the Blues, taking with him a "thinly veiled enmity" for his former employer that continues today, according to Don Wegmiller, president and CEO of Minneapolis-based Management Compensation Group/Health Care Inc.

Halvorson went to work setting up an HMO for seniors under a grant from the Wilder Foundation and Health One Corp., where Wegmiller was then president. When the federal government refused to pay more than the usual amount because the program enrolled more very frail elderly, Halvorson arranged for the sale of the HMO to a larger company that could better absorb the cost.

"He transferred the seniors and everyone was taken care of," said Wegmiller. "You give George a problem and he's quick to solve it. You give him an opportunity and he's quick to take advantage of it."

One of those opportunities came in 1992. He has been president of GroupHealth for six years when a few of the Twin Cities' largest employers, fed up with the escalating health care premiums for their employees, banded together to form the Business Health Care Action Group. Together they decided to buy health care the same way they buy any other raw materials needed to do business: by listing specifications and asking for bids.

Halvorson wanted the contract, but Group Health didn't have all the components the Business Health Care Action Group wanted. So Group Health merged with St. Louis Park-based MedCenters Health Plan, and named the new organization HealthPartners. Then Halvorson formed an alliance with St. Louis-based Park Nicollet Medical Center and the Mayo Clinic in Rochester. HealthPartners got the contract, and a huge boost in visibility.

Halvorson's vision was apparent again at about the same time, when Minnesota legislators were passing MinnesotaCare, the state law that, among other things, establishes integrated service networks (ISNs). Sort of super-HMOs that are supposed to manage their members' entire health care, from the first appointment to the last bill, ISNs generally are supposed to have three parts: an insurance company, a string of clinics and doctors, and a hospital.

Of all the health plans in Minnesota at the time, HealthPartners was the closest in structure to ISNs. Were ISNs designed to look like HealthPartners, or was HealthPartners designed to look like an ISN? Neither, says Halvorson.

Each year the senior management at HealthPartners puts together a list of about 300 assumptions about what the various players in the health care field—competitors, legislators, federal officials—are likely to do. It also compiles a corresponding list of moves for HealthPartners. The practice has helped position HealthPartners to anticipate the changes.

"About four years ago we asked ourselves what would be the best possible design for a health plan, and that's what we came up with," said Halvorson. "I think we and the Legislature were working on parallel tracks."

The only piece HealthPartners was missing was a hospital. Halvorson took care of that in September 1993 when HealthPartners surprised the health care community by merging with St. Paul Ramsey Medical Center in what seemed like record time. Just two days before the papers were signed with Ramsey, HealthPartners had heard a presentation for a deal from Health East and agreed to further discussion. Health East executives were preparing for the additional meeting with Halvorson when they learned he'd already signed with Ramsey.

"If Health East had put a different proposal on the table, it would have gone differently," said Halvorson.

None of the executives at Health East was willing to discuss Halvorson for this article. Neither was the Blues' Czajkowski. That is an indication of the level of power Halvorson has amassed in this marketplace. Few are willing to risk angering him by saying something that might be taken the wrong way.

His name is in the newspaper almost daily, it seems, because he always returns reporters' calls and usually says something that furthers the story. On the other hand, when President Clinton gave his address on health care last fall, CBS News asked Halvorson to appear on camera to provide reaction. He declined.

"I'm just not a TV type," he said.

So what type is he? Focused, hard-driving, steadfast in his beliefs, and a tough negotiator, say his friends. Plodding, dull and cold, counter his critics.

"When you're dealing with George you've got to really do your homework, because he's done his," said Reinertsen.

"What can one really say about a guy who takes a portable fax machine along with him to the Boundary Waters?" said Gordon Sprenger, executive officer of HealthSpan Health Systems, Brooklyn Center. "About a guy who, at remote retreats, continues to wear suits and wing-tipped shoes when everyone else is in sweaters and jeans?"

"Halvorson says he's "a child of the '60s who happens to be an excutive of the '90s"—if not a terribly well-paid one. In 1992, for example, Halvorson earned $316,000 to run an organization that then had revenues of $864 million. By comparison, Tim Hanson, president of HealthEast, was paid $449,851 that year to run an organization with revenues of $292 million. HealthPartners' revenues increased to $1.1 billion with the merger last fall of St. Paul Ramsey Medical Center. Halvorson got a raise to $350,000.

Nonprofit organizations such as HealthPartners typically pay executives far less than for-profit companies. And while for-profit public companies are owned by the stockholders, HealthPartners operates like a cooperative, with a board of directors elected by the members and physicians. The 18-member board of directors sets Halvorson's salary.

Halvorson shrugs at talk about his pay.

"It's more money than I ever thought I'd make and certainly sufficient for my needs," he said. "If my primary motivation were money, I'd work someplace else."

"George is an idealist," said Reinertsen, who once took Halvorson fishing to get to know him better. "Personal wealth is not a driver for him. It's not how he measures winning. It irritates him when people who are doing a poor job are paid three times what he is. He regards that as a black mark on health care."

But for all his idealism, he can come off as just another heartless executive. When Medicare refused to increase reimbursement rates in Minnesota, HealthPartners raised premiums on its Senior Plus plan 29 percent to $140 a month and added a $10 co-pay. The seniors responded by picketing HealthPartners headquarters in Bloomington. Weeks later, Halvorson and a retinue of executives met with about 200 angry seniors to present a 20-page position paper and a host of charts and graphs in an attempt to convince them the fault lay with the federal government. It didn't work.

Halvorson, who said he has raised money for the Senior Federation for years, is frustrated with the whole affair.

"We're getting a bad rap from people who don't understand the government payment system," he said.

Dr. Richard Reece, publisher and editor of the Reece Report, a newsletter offering "political and economic insights for physicians," has been a critic of Halvorson's philosophy for years. But even he grudgingly acknowledges Halvorson's success.

"He's a plodding, sound achiever who has stuck to his principles, and the world has swung around to his thinking," said Reece.

Halvorson may be plodding, but right now he's absolutely obsessed with "Partners for Better Health." The program targets five disease areas and sets goals to reduce their rates among HealthPartners members. For example, the plan wants to reduce heart disease among members by 25 percent by encouraging them to cut smoking and switch to low-fat diets.

But what if you don't want to stop smoking or lose weight? Isn't this an intrusion on your privacy?

HealthPartners is betting there will be enough motivated people in the program that it won't run into much opposition from the start. And, hopefully, by the time it has gotten to the laggards, it will have learned enough to convert them to the motivated.

Clearly, the No. 1 convert to wellness is Halvorson himself. It's become a personal mission for him. Fingering his bottle of mineral water, Halvorson says he's lost 35 pounds in recent months—"without ever being hungry," he said—and he shows off the excess inches of material in the waist of his pants as proof.

Halvorson lost the weight during the past year, he said, by eating fat-free foods and squeezing in some kind of physical activity whenever possible. To illustrate his point, he points to one wall of the Health Partners' conference room, now covered with labels from fat-free foods. Halvorson often uses those foods to prepare meals for himself before luncheon meetings, explaining at length to those around the difference between high-density lipids and low-density lipids. He's even convinced the Decathlon Club in Bloomington to serve his favorite fat-free chocolate syrup.

"You can't be preaching this when you're 50 pounds overweight," he said.

If Health Partners actually does achieve its very ambitious goals of improving the health of its members, it will be yet another example of Halvorson moving several steps ahead of the pack.

"He's 20 years ahead of the rest with that program," said Wetzell.•

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise again today in my continuing effort to put a face on the problems of unmet health care needs across our country. I would like to share the story of Nancy and Charles Sullivan from Port Huron, MI. In the mid-1980's, both Nancy and Charles were diagnosed with multiple sclerosis. Fortunately, Charles receives Medicare benefits through the Social Security Disability Insurance Program, but Nancy does not have any health insurance.

Charles and Nancy are in their mid-forties and have three daughters between the ages of 19 and 23 who no longer live at home. For 21 years, Chuck worked in a wire manufacturing plant and rose to the position of assistant plant manager. Nancy stopped working outside the home when their first child was born. In 1980, while their three children were still small, Nancy began having health problems and was subsequently diagnosed with multiple sclerosis, or "MS."

MS is a chronic disease of the central nervous system that can cause paralysis and loss of control over body functions. There is no cure, although medication and therapy can help some people control their symptoms. Symptoms vary dramatically—some people have only slight symptoms, while others become severely disabled.

Fortunately, Chuck's employer provided health insurance benefits which covered the cost of Nancy's treatments and equipment. But then in 1986, Chuck's health began to deteriorate and he was also diagnosed with MS.

As a result of the MS, Nancy is paralyzed from the waist down and confined to a wheelchair. Chuck's health did not fail as quickly as Nancy's. As a result, Chuck was able to continue to work full time, but also assumed the responsibility of taking care of Nancy, the children, and the household. In 1989, Chuck's employer moved to Arkansas and Chuck and his family planned to follow his job after Nancy had back surgery. Although the manufacturer had agreed initially that Chuck could transfer after Nancy's recuperation, the company changed its mind and ordered Chuck to report to the plant in Arkansas with less than 1 week's notice. Because Nancy's surgery was scheduled for that same week, the family could not move. His employer refused to negotiate with him, and Chuck was terminated.

During 1989, the year that he was receiving unemployment compensation, Chuck paid $370 per month to continue his health insurance benefits so that Nancy could receive the care she needed. In 1990, Chuck had an MS attack that put him in the hospital. His MS had progressed to the point of being totally disabling. Chuck could no longer control his muscle functions and was confined to a wheelchair. This attack came shortly after Chuck followed through on a potential job opportunity.

Both Chuck and Nancy received SSI and Medicaid for a short time before Chuck became eligible for Social Security Disability Insurance benefits because of his many years of employment. Chuck's SSDI benefits, however, are high enough to make Nancy ineligible for SSI and Medicaid benefits. She is not eligible for SSDI because she worked as a homemaker, and therefore she has not been employed enough to acquire the necessary quarters to receive benefits. The only way that Nancy could get health care benefits through Medicaid is if she and her husband were to get a divorce.

The Sullivans barely make ends meet on their small monthly income of $1,200 from Social Security and veteran's pension benefits. Nancy does not go to the doctor when she is sick, because she doesn't have any insurance to cover the costs. They struggle to take care of themselves without any assistance in their home. Nancy and Chuck cannot afford the high cost of an individual health insurance policy to cover Nancy. They question whether or not they could even find a policy that would cover her preexisting MS condition.

Mr. President, the Sullivans and all Americans deserve the security of guaranteed affordable health care coverage that will meet their needs regardless of pre-existing conditions. We need to enact health care reform legislation to make sure that families like Chuck and Nancy are able to purchase affordable health care for both, not just one of them. I will continue to work with my colleagues in the Senate and the Clinton administration to ensure the comprehensive health care reform is a reality this year.•

WORLD ROWING CHAMPIONSHIPS

• Mr. LUGAR. Mr. President, I am very pleased that the Senate acted so expeditiously in adopting legislation providing a duty waiver for competitors in the 1994 World Rowing Championships which will be held in Indianapolis, IN.

I was pleased to propose this legislation which became part of an omnibus event duty free bill for the World Cup, the 1996 Olympics and Paralympics, and the 1995 Special Olympics. For rowing, it is particularly important because it waives the requirement for posting bond for the equipment brought by competing international teams. Rowing shells and oars are expensive equipment and this relieves the competing teams of an unnecessary expense and eases their entry into the United States.

As we all know, the world has changed significantly in recent years, and many countries barely have the resources to field a team. Waiving the bond requirement is an enormous help.

The 1994 World Rowing Championships will be held from September 11–18, the first time they have ever been held in the United States. Since their origin in 1893 as the European championships, championships have been held every year since.

The races will be held at Indianapolis's Eagle Creek Reservoir, a beautiful site surrounded by the largest municipal park in the Nation. It is also home to the only internationally certified course in the United States. Competing will be over 1,000 athletes, men and women, from more than 40 countries.

Rowing has a long history in organized American sport. The Harvard/Yale race is the oldest intercollegiate athletic event in America, held annually for 142 years, since 1852. The National Association for Amateur Oarsmen, now the U.S. Rowing Association and headquartered in Indianapolis, was first established in 1872 and was the first national governing body for sport in America. Ironically, its purpose was to distinguish its members from professionals. Amateur rowing to this day remains a sport pursued more for love than for remuneration.

Mr. President, I am thrilled to have this exciting event coming to my home city of Indianapolis, a place we Hoosiers like to think of as the Nation's amateur sports capital. I congratulate the organizers from U.S. rowing for their hard work in winning the bid for this event and invite all my colleagues and their staff, particularly those that were rowers in school, to come to Indianapolis in September for what I promise will be memorable competition in a splendid setting.●

ARSON PREVENTION ACT OF 1994

Mr. BAUCUS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (H.R. 1727) to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1727) entitled "An Act to establish a program of grants to States for arson research, prevention, and control, and for other purposes", with the following amendment:

In lieu of the matter inserted by said amendment, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arson Prevention Act of 1994".

SEC. 2. FINDINGS.

Congress finds that—

(1) arson is a serious and costly problem, and is responsible for approximately 25 percent of all fires in the United States;

(2) arson is a leading cause of fire deaths, accounting for approximately 700 deaths annually in the United States, and is the leading cause of property damage due to fire in the United States;

(3) estimates of arson property losses are in the range of $2,000,000,000 annually, or approximately 1 of every 4 dollars lost to fire;

(4) the incidence of arson in the United States is seriously underreported, in part because of the lack of adequate participation by local jurisdictions in the National Fire Incident Reporting System (NFIRS) and the Uniform Crime Reporting (UCR) program;

(5) there is a need for expanded training programs for arson investigators;

(6) there is a need for improved programs designed to enable volunteer firefighters to detect arson crimes and to preserve evidence vital to the investigation and prosecution of arson cases;

(7) according to the National Fire Protection Association, of all the suspicious and incendiary fires estimated to occur, only ⅓ are confirmed as arson; and

(8) improved training of arson investigators will increase the ability of fire departments to identify suspicious and incendiary fires, and will result in increased and more effective prosecution of arson offenses.

SEC. 3. ARSON PREVENTION GRANTS.

The Federal Fire Prevention and Control Act of 1974 is amended by inserting after section 24 (15 U.S.C. 2220) the following new section:

"SEC. 25. ARSON PREVENTION GRANTS.

"(a) DEFINITIONS.—As used in this section:

"(1) ARSON.—The term 'arson' includes all incendiary and suspicious fires.

"(2) OFFICE.—The term 'Office' means the Office of Fire Prevention and Arson Control of the United States Fire Administration.

"(b) GRANTS.—The Administrator, acting through the Office, shall carry out a demonstration program under which not more than 10 grant awards shall be made to States, or consortia of States, for programs relating to arson research, prevention, and control.

"(c) GOALS.—In carrying out this section, the Administrator shall award 2-year grants on a competitive, merit basis to States, or consortia of States, for projects that promote one or more of the following goals:

"(1) To improve the training by States leading to professional certification of arson investigators, in accordance with nationally recognized certification standards.

"(2) To provide resources for the formation of arson task forces or interagency organizational arrangements involving police and fire departments and other relevant local agencies, such as a State arson bureau and the office of a fire marshal of a State.

"(3) To combat fraud as a cause of arson and to advance research at the State and local levels on the significance and prevention of fraud as a motive for setting fires.

"(4) To provide for the management of arson squads, including—

"(A) training courses for fire departments in arson case management, including standardization of investigative techniques and reporting methodology;

"(B) the preparation of arson unit management guides; and

"(C) the development and dissemination of new public education materials relating to the arson problem.

"(5) To combat civil unrest as a cause of arson and to advance research at the State and local levels on the prevention and control of arson linked to urban disorders.

"(6) To combat juvenile arson, such as juvenile fire-setter counseling programs and similar intervention programs, and to advance research at the State and local levels on the prevention of juvenile arson.

"(7) To combat drug-related arson and to advance research at the State and local levels on the causes and prevention of drug-related arson.

"(8) To combat domestic violence as a cause of arson and to advance research at the State and local levels on the prevention of arson arising from domestic violence.

"(9) To combat arson in rural areas and to improve the capability of firefighters to identify and prevent arson initiated fires in rural areas and public forests.

"(10) To improve the capability of firefighters to identify and combat arson through expanded training programs, including—

"(A) training courses at the State fire academies; and

"(B) innovative courses developed with the Academy and made available to volunteer firefighters through regional delivery methods, including teleconferencing and satellite delivered television programs.

"(d) STRUCTURING OF APPLICATIONS.—The Administrator shall assist grant applicants in structuring their applications so as to ensure that at least one grant is awarded for each goal described in subsection (c).

"(e) STATE QUALIFICATION CRITERIA.—In order to qualify for a grant under this section, a State, or consortium of States, shall provide assurances adequate to the Administrator that the State or consortium—

"(1) will obtain at least 25 percent of the cost of programs funded by the grant, in cash or in kind, from non-Federal sources;

"(2) will not as a result of receiving the grant decrease the prior level of spending of funds of the State or consortium from non-Federal sources for arson research, prevention, and control programs;

"(3) will use no more than 10 percent of funds provided under the grant for administrative costs of the programs; and

"(4) is making efforts to ensure that all local jurisdictions will provide arson data to the National Fire Incident Reporting System or the Uniform Crime Reporting program.

"(f) EXTENSION.—A grant awarded under this section may be extended for one or more additional periods, at the discretion of the Administrator, subject to the availability of appropriations.

"(g) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to States in carrying out programs funded by grants under this section.

"(h) CONSULTATION AND COOPERATION.—In carrying out this section, the Administrator shall consult and cooperate with other Federal agencies to enhance program effectiveness and avoid duplication of effort, including the conduct of regular meetings initiated by the Administrator with representatives of other Federal agencies concerned with arson and concerned with efforts to develop a more comprehensive profile of the magnitude of the national arson problem.

"(i) ASSESSMENT.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall submit a report to Congress that—

"(1) identifies grants made under this section;

"(2) specifies the identity of grantees;

"(3) states the goals of each grant; and

"(4) contains a preliminary assessment of the effectiveness of the grant program under this section.

"(j) REGULATIONS.—Not later than 90 days after the date of enactment of this subsection, the Administrator shall issue regulations to implement this section, including procedures for grant applications.

"(k) ADMINISTRATION.—The Administrator shall directly administer the grant program required by this section, and shall not enter into any contract under which the grant program or any portion of the program will be administered by another party.

"(l) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

"(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this section should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

"(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this section, the Administrator shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.".

SEC. 4. VOLUNTEER FIREFIGHTER TRAINING.

Section 24(a)(2) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2220(a)(2)) is amended by inserting before the semicolon the following: ", with particular emphasis on the needs of volunteer firefighters for improved and more widely available arson training courses".

SEC. 5. CPR TRAINING.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

"SEC. 32. CPR TRAINING.

"No funds shall be made available to a State or local government under section 25 unless such government has a policy to actively promote the training of its firefighters in cardiopulmonary resuscitation.".

SEC. 6. FEDERAL EMPLOYEE HOUSING EXCEPTIONS.

Section 31(c)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2227(c)(1)) is amended—

(1) in subparagraph (A), by striking "No Federal" and inserting in lieu thereof "Except as otherwise provided in this paragraph, no Federal"; and

(2) by adding at the end the following new subparagraphs:

"(C) Housing covered by this paragraph that does not have an adequate and reliable electrical system shall not be subject to the requirement under subparagraph (A) for protection by hard-wired smoke detectors, but shall be protected by battery operated smoke detectors.

"(D) If funding has been programmed or designated for the demolition of housing covered by this paragraph, such housing shall not be subject to the fire protection requirements of subparagraph (A), but shall be protected by battery operated smoke detectors.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended by adding at the end the following new subsection:

"(h) In addition to any other amounts that are authorized to be appropriated to carry out this Act, there are authorized to be appropriated to carry out this Act—

"(1) $500,000 for fiscal year 1995 for basic research on the development of an advanced course on arson prevention;

"(2) $2,000,000 for fiscal year 1996 for the expansion of arson investigator training programs at the Academy under section 24 and at the Federal Law Enforcement Training Center, or through regional delivery sites;

"(3) $4,000,000 for each of fiscal years 1995 and 1996 for carrying out section 25, except for salaries and expenses for carrying out section 25; and

"(4) $250,000 for each of the fiscal years 1995 and 1996 for salaries and expenses for carrying out section 25.".

SEC. 8. SUNSET.

Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for any fiscal year after fiscal year 1996 for carrying out the programs for which funds are authorized by this Act, or the amendments made by this Act.

Mr. BRYAN. Mr. President, I rise today to urge my colleagues to support H.R. 1727, the Arson Prevention Act of 1994.

This legislation establishes a grant program to assist States in their efforts to combat arson. According to the U.S. Fire Administration, arson is the number one cause of fire deaths in the United States. Testimony by fire safety and law enforcement officials indicate that more research and study are needed to identify the causes of arson and for the development of more effective arson prevention programs.

H.R. 1727 was initially passed by the House on July 26 of last year. Senator GORTON and I introduced a similar bill, S. 798, in the Senate on April 20, 1993. S. 798 was considered by the full Senate on November 22 of last year, and incorporated into H.R. 1727 as an amendment on final reading. H.R. 1727, as amended, was unanimously passed by the Senate.

The legislation was reconsidered by the House on April 26 of this year, and passed with additional amendments. Senator GORTON and I have agreed to concur in the House amendments and are seeking the unanimous support of our colleagues.

Mr. GORTON. Mr. President, I am pleased to support H.R. 1727, the Arson Prevention Act of 1994, which is now before the Senate. I joined Senator BRYAN in introducing S. 798, the Senate version of this important legislation. I wish to commend Senator BRYAN, who chairs the Commerce Committee's Consumer Subsubcommittee, for his leadership on fire safety issues. He has been a tireless champion of these issues, and it is my privilege to serve as the ranking Republican on the subcommittee which has been very aggressive in advancing legislation to enhance the safety of American consumers.

Arson is a major problem in this country. According to the U.S. Fire Administration [USFA], arson results in 700 deaths and $2 billion in property damage annually. It is the leading cause of fire-related deaths, and it is responsible for 25 percent of all property damage due to fire. Recent press reports indicate that arson is strongly suspected in the devastating wild fires that killed three and destroyed hundreds of homes last year in southern California. In Washington, only 2 years ago, we felt the terror of an arsonist in our midst in north King and south Snohomish County. Those fires focused my attention on the need for expanded arson investigator training and for the development of arson fire tracking systems.

H.R. 1727 authorizes $4 million in grants to be awarded to States for arson-related research. This research will focus on a variety of causes of arson and how they can be minimized. In addition, the bill provides $2 million for USFA to conduct training programs for arson investigators to improve recognition of arson fires and to assist in identifying individuals who commit these deadly crimes.

Mr. President, crime is the leading issue facing the Nation. This legislation, which is supported by every fire safety organization, is an important part of the effort to address crime. It will save lives and prevent countless serious injuries. I urge my colleagues to support this legislation.

Mr. BAUCUS. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. CHAFEE. Mr. President, I move to table that motion to reconsider.

The motion to lay on the table was agreed to.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The PRESIDING OFFICER. Under the previous order, upon completion of all debate on the amendments that have just been handed to S. 798, the Senate will now proceed to S. 2042, the Bosnian arms embargo bill, for debate only. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2042) to remove the United States arms embargo of the Government of Bosnia and Herzegovina.

The Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—S. 1182

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Calendar No. 273, S. 1182, the Arms Control and Disarmament Act, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I might say that the provision of that bill was included in H.R. 2333 the State Department Authorization Act.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPPOSITION TO BOSNIA ARMS EMBARGO AMENDMENT

Mr. PELL. Mr. President, in January, the Senate voted to adopt a sense-of-the-Senate amendment to the State Department authorization bill calling on the President to lift the United States arms embargo against Bosnia. I was one of a few Members who voted against that provision, and I continue to hold to that position today as we consider a bill that actually directs the President to lift the arms embargo unilaterally.

I listened to a great deal of the debate that occurred 2 weeks ago when Senators DOLE and LIEBERMAN originally offered this legislation and, in fact, found many of the arguments in favor of lifting the arms embargo to be quite compelling. I heard gripping testimony—including the messages that Senator DOLE read from Bosnia's leaders—providing further evidence that the current situation is unjust.

Clearly, the people of Bosnia are suffering greatly, and Bosnian Government forces are outgunned by the Bosnian Serb aggressors, as we saw most recently in Gorazde. Although the NATO ultimatum of April 22 appears to have relieved the Serb bombing of Gorazde, regrettably, in other parts of Bosnia, the reckless violence against civilians continues.

First, it would put the United States in the position of abrogating a U.N. Security Council resolution, and in essence, breaking international law. Second, it could begin a process of unilateral United States involvement in the Bosnia conflict—or as some Senators put it when we took up this issue 2 weeks ago—start us down the slippery slope to greater engagement in the crisis. Third, unilaterally lifting the arms embargo could actually leave the Bosnian Government forces vulnerable to further Serbian obstruction of humanitarian assistance and brutal attack. Fourth, lifting the embargo at this time could upset the delicate peace process that is underway.

Many of my colleagues have made the point that the international community may be contributing to the problem by denying the Bosnian Government the right to defend itself. We have heard many times that we owe it to the people of Bosnia to level the playing field. Some of my colleagues have made powerful arguments to that effect. I believe, however, that if steps are to be taken, the United Nations, not the United States going it alone, should take them. The embargo is in place as a result of a binding U.N. Security Council resolution and can only be abrogated by a subsequent U.N. Security Council action. A unilateral lifting of the arms embargo would set a dangerous precedent. Other countries could choose to ignore Security Council resolutions that we consider important—such as the embargo against Iraq and sanctions against Libya.

As many said in the previous discussion, U.S. integrity is on the line. I agree wholeheartedly. If the United States were to break the embargo on its own, we would destroy our credibility as a trustworthy leader in international affairs. A unilateral lifting of the arms embargo would undoubtedly strain our relations with Britain, France, Russia, and other countries with troops on the ground in Bosnia—and would undermine our trustworthiness in other international negotiations completely unrelated to the Balkans tragedy.

I find myself in agreement with the sentiments expressed 2 weeks ago by Senators KERRY and WARNER, among others, that a unilateral lifting of the arms embargo could be perceived as the beginning of a United States decision to go it alone in Bosnia. It is naive to think we can unilaterally lift the arms embargo, and then walk away. We instead would assume responsibility for Bosnia not only in terms of our moral obligation, but in terms of the logistics of getting the weapons into Bosnia—which would likely require sending in United States personnel. Granted, this legislation states that nothing should be construed as authorizing the deployment of United States forces to Bosnia and Herzegovina for any purpose. But I want to emphasize that this would be a U.S. decision to dismantle the embargo. It would not be a U.N. decision, not a NATO decision, not a decision made with the support of other countries with a stake in the conflict. I therefore do not see how we can lift the embargo on our own without sending in logistics and training personnel to carry out the policy.

Lifting the embargo without international support would increase U.S. responsibility for the outcome of the conflict. As Senator WARNER put it so well 2 weeks ago, if we take unilateral action, we will put a "Made in the USA" stamp on the crisis. If we were to take the initiative and supply arms on our own, our allies, who I admit, have not always been the most cooperative, could step back even further and say, "It may be our continent, but it is your job now to see this through; it is America's problem to solve."

Before we take any step that could lead to greater U.S. action—and I argue that unilaterally lifting the arms embargo would do just that—we need to answer some serious questions. A year ago this month, I wrote an op-ed piece in which I stated:

> Terrible human-rights abuses—torture, rape and slaughter—run rampant in Bosnia. But as horrible as the situation is there, other parts of the world—Kashmir, Cambodia, Nagorno-Karabakh, Sudan, and Liberia—are also experiencing reckless violence and grave abuses that breed instability.

Sadly, in the year that has passed since I wrote those words, the carnage in Bosnia has continued, and other countries have been added to my list—Rwanda, Haiti, Algeria.

A year ago, I asked: Why should we intervene in Bosnia? Why is Bosnia different from other places of conflict in the world? What are American interests in Bosnia? Regrettably, we are no closer to having answers to those questions today than we were a year ago. Without those answers, I cannot support any action that would launch us headlong into a military quagmire.

I am concerned about the negative impact that lifting the arms embargo could have on the Bosnian people. I know that the Bosnian Government has asked that the arms embargo be lifted, and it may appear rather presumptuous for us to tell the Bosnian Government that we know what is best for it. But if the United States were to lift the embargo on our own, our allies with troops on the ground would very likely pull out of portions of Bosnia, leaving the Moslem enclaves even more vulnerable to Bosnian Serb attacks and the obstruction of the delivery of humanitarian relief supplies.

There would likely be a lag time—anywhere from 6 weeks to 6 months by many estimates—for weapons to be delivered to Bosnia. During that lag time, in which the United Nations pulls out and the Bosnian Government awaits weapons delivery and training, the Serbs will undoubtedly move swiftly to crush Bosnian Government forces. Moreover, the United States will receive the brunt of the blame when hundreds, if not thousands, of Bosnians die from lack of basic supplies.

Finally, a unilateral lifting of the embargo could endanger progress on the international negotiations underway and jeopardize the gains made to date through diplomacy. If we were to lift the arms embargo, all parties to the negotiations would lose incentive to reach a negotiated settlement. In characteristic fashion, the Bosnian Serbs would likely rush to grab even more land before arms could be delivered to the Bosnians; the Bosnian Government may take the lifting of the arms embargo as a signal that the United States intends to intervene, and may lose interest in a negotiated settlement; Croatia, currently in a fragile alliance with Bosnia, would either prevent the transit of the arms across its territory or insist upon its own cut, potentially upsetting the delicate negotiations occurring between Serbia and Croatia over the status of the United Nations protected areas in Croatia.

Admittedly, the diplomatic process in the Balkans has not been perfect. There continue to be frustrations, but there also have been some important accomplishments, including the breaking of the siege of Sarajevo and the signing of a peace agreement between Moslems and Croats in Bosnia. If we build upon these and other accomplishments, we have the hope of a comprehensive peace. I for one, believe it unwise to upset the sensitive negotiation process now underway.

While I oppose the legislation before us, I must say that I am encouraged by this exchange of views on the Senate floor. It is a debate—an honest and thorough examination of a tough issue—which is long overdue. I acknowledged earlier that I see merit in some of the arguments of the bill's proponents. This is an issue that knows no partisan boundaries, that cuts to the heart of issues related to U.S. influence and power abroad. There are serious and valid disagreements among us, and as public servants, we are called upon to exercise our best judgment on this very difficult issue. My own gut feelings, my own conscience tells me that unilaterally lifting the arms embargo is the wrong thing to do at this time and I therefore must oppose this bill.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, it is so ordered.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 2042.

Mr. DOLE. Is that the Bosnia bill?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, I am pleased to be joined by the distinguished Senator from Connecticut, Senator LIEBERMAN, and 31 additional Republican and Democrat cosponsors. We began the debate on this issue 2 weeks ago—on the eve of NATO's meeting on the catastrophe in Gorazde. At that time, there were several Senators who suggested that the Senate wait to vote on this legislation which would unilaterally lift the United States arms embargo on Bosnia until after NATO's political council met.

Well, NATO made its decision to issue an ultimatum to the Bosnian Serbs and to authorize air strikes to protect Gorazde and the other safe havens. However, since that time, there have been no air strikes because the U.N. Special Representative, Yasushi Akashi, has refused to authorize them. Meanwhile, Serb violations of the NATO ultimatums are increasing daily, and Bosnian Serb forces are redeploying their tanks unbelievably with UNPROFOR assistance.

On the diplomatic front, the United States has also joined with the British, French, Germans, and Russians to form a contact group to press for a ceasefire, and to press for a settlement which would leave the Bosnians with 51 percent of their country.

In my view, this is hardly progress. We are no closer to a just and workable agreement than we were a year ago. With the exception of the recent Bosnian-Croat federation agreement, the international community is only recycling failed policies—changing a detail here and there.

The war in Bosnia has gone on for 25 months. For 25 months the Bosnians have been subjected to the most brutal aggression and denied the ability to defend themselves. It is high time for the United States to lead the way and lift the United States arms embargo on Bosnia—no more speeches, no more excuses, no more handwringing.

The facts are clear: The arms embargo is illegal and unjust; UNPROFOR, the U.N. protection forces, are not protecting Bosnians; and U.N. authority over NATO airstrikes has rendered the threat virtually meaningless. And more importantly, the Bosnians do not want American troops—they merely ask for the weapons to defend themselves, their families, and their homes. What is needed is United States leadership to turn the corner—away from ill-conceived U.N.-driven policies and toward a policy that reflects United States interests and restores Bosnia's rights. I hope that my colleagues will support this measure.

As we get into the debate again on next Tuesday, hopefully, we will work out some arrangement. I understand the distinguished majority leader may have a substitute. Maybe we can have separate votes—one on his and one on ours—and we will see what happens.

I think it is time we take the high moral ground. Bosnia is an independent nation. They are a member of United Nations. Article 51 of the U.N. Charter says they have a right to self-defense. They are not looking for offensive weapons. They want only defensive weapons, antitank weapons. I think if we fail to do this, we miss the opportunity to redeem ourselves in the eyes of the world.

I thank the Chair.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

ORDERS FOR MONDAY, MAY 9, 1994

Mr. METZENBAUM. Mr. President, on behalf of the majority leader, I ask unanimous consent that, upon completion of the debate today on S. 2042, the Bosnia arms embargo legislation, the Senate then stand in recess until 3 p.m., Monday, May 9; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 3:30 p.m., with Senators permitted to speak therein for up to 5 minute each; and that at 3:30 p.m., the Senate then resume consideration of S. 978, the national environmental technology bill, as provided for under the provisions of a previous unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, MAY 9, 1994, AT 3 P.M.

Mr. DOLE. Is there any further business to come before the Senate?

The PRESIDING OFFICER. Under the previous order, debate having been concluded, the Senate will stand in recess.

Thereupon, the Senate, at 3:39 p.m., recessed until Monday, May 9, 1994, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 6, 1994:

DEPARTMENT OF STATE

EDMUND T. DEJARNETTE, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

MELVYN LEVITSKY, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

RYAN CLARK CROCKER, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

AVONNE S. FRASER, OF MINNESOTA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COMMISSION ON THE STATUS OF WOMEN OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

EDWARD S. WALKER, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

RALPH R. JOHNSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS COORDINATOR OF THE SUPPORT FOR EAST EUROPEAN DEMOCRACY [SEED] PROGRAM.

CHARLES H. TWINNING, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CAMBODIA.

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

PETER R. CHAVEAS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

MYLES ROBERT RENE FRECHETTE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

DONNA JEAN HRINAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

JOHNNY YOUNG, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TOGO.

IRVIN-HICKS, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ETHIOPIA.

ROBERT KRUEGER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

AFRICAN DEVELOPMENT FOUNDATION

WILLIE GRACE CAMPBELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 1999, VICE C. PAYNE LUCAS, TERM EXPIRED.

MARION M. DAWSON, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 1999, VICE JOHN TRAIN, TERM EXPIRED.

INTER-AMERICAN FOUNDATION

MARK L. SCHNEIDER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 1998, VICE JAMES HENRY MICHEL, TERM EXPIRED.

UNITED STATES INFORMATION AGENCY

HENRY HOWARD, JR., OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY, VICE JOHN CONDAYAN, RESIGNED.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

SIMON FERRO, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1994, VICE CARLOS SALMAN, TERM EXPIRED.

SIMON FERRO, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1994. (REAPPOINTMENT.)

DEPARTMENT OF COMMERCE

PHILIP G. HAMPTON II, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS.

LAWRENCE J. GOFFNEY, JR., OF MICHIGAN, TO BE AN ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS.

MICHAEL KANE KIRK, OF FLORIDA, TO BE DEPUTY COMMISSIONER OF PATENTS AND TRADEMARKS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

FORTUNATO P. BENAVIDES, OF TEXAS, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

CARL E. STEWART, OF LOUISIANA, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

ROBERT HARLAN HENRY, OF OKLAHOMA, TO BE U.S. CIRCUIT JUDGE FOR THE TENTH CIRCUIT.

DEBORAH A. BATTS, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

JAMES G. CARR, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

RUBEN CASTILLO, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

AUDREY B. COLLINS, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

MARY M. LISI, OF RHODE ISLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND.

FRANK M. HULL, OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

W. LOUIS SANDS, OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA.

CLARENCE COOPER, OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

SOLOMON OLIVER, JR., OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

RAYMOND L. FINCH, OF THE VIRGIN ISLANDS, TO BE A JUDGE FOR THE DISTRICT COURT OF THE VIRGIN ISLANDS FOR A TERM OF 10 YEARS.

DEPARTMENT OF JUSTICE

SAUL A. GREEN OF MICHIGAN, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF 4 YEARS.

JOSEPH CLYDE FOWLER, JR., OF TENNESSEE, TO BE U.S. MARSHALL FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF 4 YEARS.

JAMES W. LOCKLEY, OF FLORIDA, TO BE U.S. MARSHALL FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS.

SHELDON WHITEHOUSE, OF RHODE ISLAND, TO BE U.S. ATTORNEY FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF 4 YEARS.

BARBARA C. JURKAS, OF MICHIGAN, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF 4 YEARS.

ERNESTINE ROWE, OF COLORADO TO BE U.S. MARSHAL FOR THE DISTRICT OF COLORADO FOR THE TERM OF 4 YEARS.

LEONARD TRUPO, OF WEST VIRGINIA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF 4 YEARS.

GREGORY MONETA SLEET, OF DELAWARE, TO BE U.S. ATTORNEY FOR THE DISTRICT OF DELAWARE FOR THE TERM OF 4 YEARS.

FAITH S. HOCHBERG, OF NEW JERSEY, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEW JERSEY FOR THE TERM OF 4 YEARS.

JOHN WILLIAM MARSHALL, OF VIRGINIA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS.

IN THE FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING KELLY CHRISTIAN KAMMERER, AND ENDING STEPHANIE TURCO WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPERED IN THE CONGRESSIONAL RECORD OF MARCH 16, 1994.

FOREIGN SERVICE NOMINATIONS BEGINNING KEVIN C. BRENNAN, AND ENDING JOHN PETERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 25, 1994.

SENATE—*Monday, May 9, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. MATHEWS].

The ACTING PRESIDENT pro tempore. The prayer this morning will be offered by the Reverend Richard C. Halverson, Jr.

PRAYER

The Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

Almighty God, may each person here, along with their associates elsewhere in the Senate, be reminded of their value to one another. When their work seems routine, may each realize that You have led them here for a purpose. As working relationships sometimes grow tense, remind them of their importance to one another—from the least to the greatest.

We give thanks for the leadership of the Senators and their staffs; the Officers of the Senate and their staffs. We thank Thee for those who deliver messages and run errands. We are grateful for those who record, publish and file our proceedings; and for those who oversee the orderly procedure of each day's business.

Remind us, Lord, that the smallest acts of kindness bear eternal fruit, and quiet words and deeds of love yield heavenly results. What progress could be made without the care of those who clean and maintain our buildings and grounds? Where would we be without the vigilant watch of our police and security officers? And to whom would we turn in the absence of those who prepare and serve our meals; order and repair our furnishings; keep our doors and guide our visitors?

Lord, may Thy Word concerning the Body of Christ bear some application to the body of the Senate when it says, "* * * now are they many members, yet * * * one body." One member "* * * cannot say * * * I have no need of you * * *. Nay, much more those members of the body, which seem to be more feeble, are necessary * * *. For * * * God hath tempered the body together * * * that the members should have the same care one for another. And whether one member suffer, all the members suffer with it, or one member be honored, all the members rejoice with it."—I Corinthians 12:20–21; 24–26.

In Christ's name, Amen.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair, in his capacity as a Senator from the State of Tennessee, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let us do what I have done a time or two before. Let us have a little pop quiz. How many million would you say are in a trillion?

When you figure that out, just consider that Congress has run up a debt now exceeding $4.5 trillion.

To be exact, as of the close of business this past Friday, May 6, the Federal debt stood—down to the penny—at exactly $4,571,838,912,004.05. This means that every man, woman, and child in America owes $17,536.04, computed on a per capita basis.

Now, Mr. President, to answer the question how many million in a trillion, there are a million million in a trillion. And I remind you, Mr. President, that the Federal Government, thanks to the U.S. Congress, where we work, owes more than $4.5 trillion.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A BIRTHDAY TRIBUTE TO DR. STEPHEN A. FREEMAN

Mr. JEFFORDS. Mr. President, I would like to pay tribute to one of my constituents, Dr. Stephen A. Freeman, who celebrates his 96th birthday today. I would like to join his family and friends in wishing him continued good health and happiness in the coming year.

Steve has dedicated his life to a cause that I believe has been greatly underemphasized in this country—the teaching of foreign languages. Most of his career has been spent at Middlebury College, which during his lifetime has become one of the Nation's premier institutions for study of foreign language and literature.

Just a year ago, President John M. McCardell, Jr. and the Middlebury College Board of Trustees joined Steve and his family and friends to celebrate the opening of the Stephen A. Freeman International Center. This center houses Russian, German, and other foreign studies, focusing on an interdisciplinary approach to the study of languages through a close association with the teaching of the history, literature, and culture of these countries.

This center was named for Steve in recognition of his 45 years of active service to Middlebury College, during which time he was instrumental in creating the college's international reputation. Steve served in many capacities at the college. For 38 years he was professor of French, for 24 years director of the language schools, vice president of the college for 20 years, and on three critical occasions, acting president. He is still vitally interested in the college and is one of its most enthusiastic supporters.

Steve has been known nationally and internationally for his leadership in programs and associations to improve the teaching of foreign languages. In Middlebury's summer language program, he helped to found the Italian and Russian Schools, and went on to found the Chinese and Japanese Schools. He established Middlebury's first graduate schools abroad: the School of French in Paris and the School of Spanish in Madrid, and later the School of German in Mainz and the School of Italian in Florence. Steve was the driving force behind the development of the Sunderland Language Laboratory, a pioneer language teaching facility.

Steve's work has been recognized both at home and abroad. He has honorary degrees from the University of

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Vermont, Norwich University, McGill University, Dickinson College, and Middlebury College. For his service in the field of French language teaching he was awarded the high honor of both the French Legion of Honor and the Palmes Academiques by the French Government.

Before the turn of the century, this energetic man was born the son of a postman, and with the aid of scholarships, earned his way through Harvard University. He graduated Phi Beta Kappa with a double Summa cum laude in the class of 1919. During World War I, in the earliest days of flying, he volunteered for Naval Aviation, and was commissioned ensign #1091. He was an instructor at Pensacola, FL, and did patrol and convoy work at New York harbor until the Armistice. He loved to fly, and as one of the oldest living World War I naval aviators, has recently enjoyed writing about his experiences. During World War II, he served as chief of the liberal arts section of the U.S. Army University in Biarritz, France and from 1948 to 1956 he was colonel of a Reserve Military Intelligence Unit on Middlebury's campus.

Steve and his wife Ruth were for many years avid world travelers, circling the globe twice. There are few countries in the world they have not explored. But they kept coming back to Middlebury, their beloved home. Steve loves to tell the story of how his Harvard mentor advised him, when he was first hired by Middlebury, "Don't buy a house there—you won't be likely to stay there that long!" Sixty nine years later he is still very involved in college activities and has maintained a long-standing, vigorous interest in town affairs. Steve has served on the board of Porter Hospital, as moderator of the Mary Hogan Elementary School and the Middlebury Congregational Church. He continues to be active with the Middlebury Rotary Club and the Ilsley Town Library. His roots are deep in Vermont.

Steve continues his obsession with intercultural communication. At 96 years of age, he reminds us that there is much work to be done. Let me quote briefly from an address Steve gave on the occasion of his acceptance of the Bicentennial Award of the Vermont Education Association on September 10, 1976. His remarks were enthusiastically greeted at the time, and I believe are very relevant today:

> We must now admit the tragic fact that we do not have a global community . . . America needs a whole people who are willing to listen and try to understand the minds and hearts of our neighbors—white, black, brown or yellow; rich or poor, strong or weak; in Vermont or Detroit, Mississippi or Washington; in Russia or China or India, England or Angola or Lebanon: our brothers wherever they are. We must learn about them, try to talk their language, listen to their hopes, their fears, their minds; learn from them and try to comprehend their ways of speaking and thinking and doing. This is our task—global communication for a global community.

As many events of the past year have demonstrated, in spite of improved communication technology, we are still far from being a global community. We all benefit from the vision and inspiration provided by those like Steve who have spent their lives laboring to break down barriers between peoples. How fitting it is that the plaque that hangs in the new Stephen A. Freeman International Center quotes from another of his writings: "Let us build bridges."

UNITED STATES-RUSSIAN RELATIONS

Mr. DOLE. Mr. President, as the world focuses on the continuing tragedy in Bosnia, we should not forget the importance of events elsewhere in the world. My distinguished colleague from Kentucky, MITCH MCCONNELL, recently spoke on United States-Russian relations. Senator MCCONNELL, the ranking member of the Appropriations Subcommittee on Foreign Operations, is one of our leading voices on foreign policy—especially on relations with Russia. I guess that is why the New York Times and Washington Post accuse him of being a bear-baiter and a cold warrior.

As Senator MCCONNELL'S speech makes clear, there is certainly an alternative to the "Russia first policy followed by the United States under the direction of Strobe Talbott. Senator MCCONNELL'S speech lays out a number of specific proposals for reshaping our policies—a new focus for assistance, moving beyond Moscow, opposing Russian imperialism. I was impressed by Senator MCCONNELL'S analysis, and by his recommendations.

I urge my colleagues, and those responsible for foreign policy in this administration, to review Senator MCCONNELL'S remarks and ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From the Harvard-Columbia Arden House Conference on American-Soviet Relations, Apr. 16, 1994]

COMMITMENT—NOT CAPITULATION

(By Senator Mitch McConnell)

INTRODUCTION

A funny thing happened to me on the way to give this speech: I was mugged by the New York Times. You may have seen it, two days ago, where the Times criticized my recent statements on Russia policy, characterizing them as "bear-baiting," "confrontational," and "thinking in cold war categories."

Of course, in my line of work, the only thing worse than being pilloried is being ignored, so I took some comfort in reading about myself in the Times—especially since I had some rather illustrious company: the editorial lumped my views together with those of former National Security Advisor Zbigniew Brzezinski, who has played a major role in the development of this program.

But, there was another reason why I am pleased by the New York Times editorial, because it affirmed that there is more than one point of view when it comes to U.S. policy toward the New Independent States. There is, in fact, a wide-ranging debate going on about how we should deal with this part of the world; and I believe that serious discussion of these divergent viewpoints is healthy for our foreign policy.

With that in mind, I welcome the opportunity to share with you my view of the situation in the former Soviet states, and the proper course this country should take in response. First, I would like to review the remarkable changes and current trends; then focus on the Administration's priorities and policies; and finally, make some recommendations on how we must correct our course if the U.S. is to play a constructive role in advancing common interest in regional stability and the prospects for political liberty and economic prosperity.

THE CHANGING LANDSCAPE

Although there is a common chord which resonates through the changes occurring in all fifteen republics, I want to focus attention on Russia. For all of us, it has been convenient to refer to the dramatic events of the last half-decade in broad, sweeping terms. We speak of the collapse of communism, the birth of democracy, and the triumph of free-market capitalism. We are comfortable pigeon-holing complex trends with buzz-words like "glasnost" and "perestroika." But if our policy in the region is to be effective, we must realize that there are three very distinct transitions underway: one political, one economic, and one relating to Russia's definition of her security.

The Russian people, no longer dominated by a totalitarian dictatorship, have had the opportunity to elect their President and Parliament. Nevertheless, elections in and of themselves are no guarantee of basic individual liberties or political freedom, both essential to the endurance of a democracy. Further, it remains to be seen whether hopes for democracy will be corrupted by chauvinism—or undermined by ethnic nationalism, failed political leadership, or lack of consensus on the principles of good government. While President Yeltsin and his ministers express concern about the status of Russian minorities abroad, the real test of their commitment to democracy and civil rights is their willingness to protect religious and ethnic minorities at home. Zhirinovsky has been spreading a lethal strain of anti-semitism—and it remains to be seen whether Russia as a nation will embrace or repudiate those views.

Russia's economic transition presents an even murkier picture. Beginning with Gorbachev, the Russian political leadership has declared its desire to relax the controls of a state-planned economy. But while free markets, private enterprise and open trade are very much part of the public lexicon, they remain as goals rather than functional reality. Corruption, government subsidies, organized crime, the absence of a rational commercial code, and limited banking facilities all dampen the prospects for a flourishing free market.

The third uncertain transition can best be described as Russia's own sense of itself. An inchoate identity emerged as early as February 1993, when President Yeltsin called upon the U.N. and other international organizations "to grant Russia special powers as a guarantor of peace and security in the regions of the USSR." Variations on this theme have been enunciated by a number of senior officials, but most clearly by Foreign Minister Kozyrev when he addressed the U.N. General Assembly last fall. His explication of Russia's rights in the so-called "near abroad" unquivocally signaled the subordination of the territorial integrity and political independence of the regional republics to Russian interests. Here again, I believe the transition is in flux, with the prospects for regional stability hanging in the balance.

THE U.S. RESPONSE

So far, I have emphasized that the changes we have seen in Russia are far from being settled or complete. This dynamic state of play raises two obvious questions. First, should the U.S. commit its political and economic resources to obtain the most positive outcome on each transition track? And second, if the answer to the first question is yes, then how?

As the Senate Republican manager of the 1994 foreign operations appropriations bill, which included President Clinton's request for $2.5 billion in aid to NIS, I have given my preliminary, affirmative answer to the first question. We can and we should make a serious commitment to promote free markets, democracy and respect for national sovereignty. As former President Richard Nixon has pointed out, "Russia is the only nation in the world which can destroy the United States. Therefore, Russia remains our highest foreign policy priority."

Although the nuclear nightmare could stand alone as justification for active engagement, I believe it serves a number of interests to open Russian markets and minds to the virtues of our 208-year-old experiment.

At the same time, I must part company with this Administration in answering the second question of how we should proceed. As the architect of the President's Russia policy, Strobe Talbott has advocated a point of view which is notable only for its unrelenting consistency, regardless of the facts. For more than twenty years, Mr. Talbott has advanced the notion that a reform-minded, moderate corps of political leaders are the guardians of democratic, free-market hopes. Presently, Boris Yeltsin stands at the top of this political pyramid, and has become the symbol of success for Russian-American policy. The Administration is bound by the notion that any criticism of Yeltsin or his policies fuels dangerous hard-line fires. I have diagnosed this syndrome as "Moscow myopia."

Unfortunately, the harmful consequences of this myopia are fairly evident on all three transition tracks. Let me review the problems I see, and on each track outline some constructive alternatives.

SUPPORTING PRINCIPLES VS. PERSONALITIES

First of all, it was obvious that the Administration was caught off-guard by the results of Russia's November elections. In a series of contradictory and confusing statements, Administration officials characterized the results—especially Zhirinovsky's ascendancy, as an inconsequential protest vote, an indication that we ought to "go slow" on reform, and evidence that we are on the right course. Nevertheless, the President and his advisors seemed to realize that something was happening which they had not anticipated. Even though the Administration still seems obliged to apologize to Yeltsin's erratic performance, the November elections were a useful wake-up call for everyone.

Further, it's becoming clearer every day that Boris Yeltsin is not the only Russian leader who both has a following at home and is friendly to the United States. Just as Boris Yeltsin came on the scene as a relative unknown, dozens of other capable Russians are emerging who have political vision and leadership potential.

Some, like Nikolai Travkin and Gregory Yavlinsky—who spoke here yesterday—have expressed presidential ambitions. Recent history provides ample evidence that there is no shortage of charismatic figures—both good and bad—who can capture popular political attention.

If only for that reason alone, it seems obvious to me that we must extend our official reach beyond Moscow circles. We also must continue to support programs that train parliamentarians in constitutional and legislative processes. We have increased funding for such programs—as well as for efforts to develop grassroots organizations that give citizens a voice on issues as far ranging as education and health care. Building participatory political institutions increases the prospects for democracy's survival.

PROMOTING ECONOMIC GROWTH

On the other hands, our traditional economic assistance to Russia continues to suffer acutely from Moscow myopia. Although the Administration has emphasized that 75% of our aid flows through non-government spigots, the troubling fact is the largest single commitment of U.S. resources has been to high-priced American consultants involved in the mass privatization voucher program based on Moscow.

So far, privatization has merely involved a transfer of ownership of assets. Since they cannot produce statistics on how many of these privatized concerns are still viable, Administration witnesses concede that most of them continue to be subsidized by the state. In a harsh inflationary economy, the higher unemployment which might be triggered by eliminating these subsidies is a risk which the Russian government has been understandably unwilling to take.

Private enterprise also has been frustrated by a weak regulatory infrastructure to protect investments, trade and commercial transactions. To date, U.S. policy has emphasized transfer of ownership without adequate attention to the commercial setting in which business is attempting to function.

If we are to assist the transition from communism to capitalism, our aid program must change. It is my view the Administration must accept the premise that the *private* sector will be largely responsible for the pace and scope of economic change. No amount of grants or loans from the U.S. or international institutions can independently keep Russia afloat. To invest, create jobs, and expand growth, the business community must have confidence in the commercial environment, including fair tax treatment, timely payment for services, and respect for contractual obligations.

The conference report on foreign operations last year recommended that our assistance be made conditional on such key assurances. This year, I think we should make certain that these conditions have been met and take further steps to promote economic growth.

Specifically, I believe U.S. assistance must target three areas. First, we should help draft a national tax and commercial code which encourages private enterprise. Yes, I am suggesting we send Russia more lawyers. After all, it's basic economic rule that when you have a surplus of something, you should export it.

Seriously, though, let me give you just one example of how urgent this need is: I recently learned that an American company's $116 million investment was in jeopardy because the Russian tax code was changing on a *monthly* basis, local taxes consumed a fifth of its revenues, the company was required to convert half of its dollars to rubles, it paid a separate tax on any profit, a 28% value-added tax and a 60% corporate income tax. That ought to put in perspective the anguish we all felt yesterday!

In connection with making Russia's tax and commercial laws more palatable to private enterprise, we should help the government strengthen its enforcement system. Good laws mean nothing in the absence of a viable, independent judicial system.

Second, we should assist in the development of independent and stable financial institutions, including banks and credit unions. Obviously, this issue is tied up with macroeconomic issues like currency stabilization and monetary policy. Nevertheless, we should be laying a foundation to help businesspeople who complain that they have to carry suitcases full of cash because there are no facilities to secure deposits.

Third, our development aid should be coordinated with major private equity investments to maximize our impact on the growth of free enterprise and the quality of life of average citizens. Let me describe how this would work. Let's assume an oil company has agreed to a major investment in Western Siberia. In most rural areas there are serious inadequacies in transportation, water and food supply, social services, education, and housing. An impoverished infrastructure, in turn, dampens a community's productivity and prospects for revenue generation.

I propose that the Agency for International Development should work side-by-side initially with the top ten U.S. corporations with major equity investments. A.I.D. would assume a three- to five-year diminishing investment in a community's infrastructure, with the aid curve declining as expectations of corporate production and local revenue grow. In other words, as a community prospers, it would "graduate" from U.S. aid.

We are all aware of the growing anti-American sentiment rippling through Russian society. To some extent, this a reaction of disappointed expectations: when the press reported we would deliver $2.5 billion, many in Russia wondered when their personal check from Uncle Sam would arrive in the mail. But simmering anti-Americanism is also a reaction to intolerably difficult living conditions. I am not sure there is misery index adequate to express what it must be like to live in a country where half the water is undrinkable and 75 percent of the average Moscow family's income is spent on food. It's my hope that the joint ventures we intend to create between A.I.D. and the private sector would go a long way toward improving the Russian quality of life, as well as Russian perceptions about the value of American aid.

One final concern about our economic aid program has been the Administration's Russia-first bias. Of the $2.5 billion in aid appropriated last year, just over $1 billion has been committed to projects, though not actually disbursed. Despite legislative recommendation that at least a third of the $2.5 billion be spent in the fourteen other republics—and a requirement that not less than $300 million be made available to Ukraine—virtually all of the $1 billion has been committed to activities in Russia alone.

When it comes time to slice the foreign aid pie next year, I will insist that we meet our legislative commitments to the fourteen other republics. Not only can we have an immediate, meaningful effect in nations with smaller populations and economies, but such a shift is essential to demonstrate our commitment and further our interests in the region.

U.S. RESPONSE TO RUSSIAN FOREIGN POLICY

Money is not the only issue, however. Russia has enjoyed first place not only in our apportionment of foreign aid, but also in our acquiescence to Russia's ever-expanding definition of its national interest in the region. As I mentioned earlier, Russian leaders began to reclaim superpower status a year ago. Two factors have framed and expanded these designs.

First, a complex amalgam of history, national pride, economic hardship—and legitimate concern about ethnic Russians who have been suddenly exiled by a redefinition of borders—have enabled some leaders—most notably Zhirinovsky—to twist nostalgia for security into spirited neo-imperialism. Although this strain of malignant nationalism has attracted some support, it is still relatively shallow. Steady economic growth is the best cure for this particular political virus.

But there is a second, potentially more troubling factor which is fueling Russia's expansionist rhetoric and policy. During the February "Group of Seven" meeting, Economic Minister Alexander Shokin drew attention to Russia's recent diplomatic efforts in Sarajevo. He argued that Russia's superpower status should be the decisive factor in according Russia equal treatment and membership in the G–7. While acknowledging the need for economic reforms, Shokin was clearly leveraging Russia's security role to buy economic status.

This purposeful linkage between security and economic status was echoed twice this week. Presidential spokesman Kostikov told journalists that joining the Partnership for Peace should be tied to Russian acceptance in the G–7. On Wednesday, President Yeltsin himself indicated that Russia may not join the Partnership, partly because of ruffled feathers over consultation on the Bosnian air strikes. But, he also linked the Partnership question to access to Western markets, and complained about "discrimination."

The fact that Russia is apparently leveraging its nuclear status for economic advantage should be considered in the context of the Clinton Administration's accommodationist policy toward Moscow.

For the past year, the U.S. has taken a course of overbearing regard for Russian sensitivity about its security position. We overlooked direct Russian military support for Abkhazi rebels, effectively destabilizing Georgia. During that time, President Shevardnadze wrote me with an urgent plea for help. He had earlier asked the Administration to intervene, urging President Clinton to salvage hope for democracy in Georgia by pressing Russia to cease and desist. While the Administration chose to ignore him, I offered an amendment to the foreign operations bill linking U.S. aid to the recipient country's respect for national sovereignty and territorial integrity. My amendment passed—despite the Administration's objections that it would offend Moscow.

When Shevardnanze came to see me last month, we discussed where we needed to go from here. He shared my concerns about Russia's aggressive role in the region and our government's deferential response. Let me give you a few more examples. When we had the opportunity to expand NATO's security umbrella by welcoming the admission of former Warsaw Pact nations, the Administration deliberately punted, citing concerns about the ascendancy of reactionary forces in the Russian Parliament. Instead, President Clinton came up with the Partnership for Peace—or, as I call it, "NATO-Lite." As a result, we missed a major opportunity to establish peace and security in Eastern Europe on *our* terms, and we once again allowed Moscow to effectively shape our foreign policy.

Another example: we took no umbrage at Russia's intentional, crippling withholding of energy to Ukraine; in fact, we collaborated with Moscow by insisting that U.S. aid was *exclusively* linked to Ukraine's turning over its nuclear weapons More recently, when asked if it was reasonable for the Russians to link troop withdrawal from the Baltics to the status of Russian minorities, Secretary Christopher's reply was astonishing: the Russians' concern was "understandable and legitimate," and they should be treated with "generosity."

As Russia turns up its neo-imperialist rhetoric, the Clinton Administration's acquiescence is both disappointing and destabilizing. Our failure to challenge Russian regional ambitions only heightens the anxiety in the Baltics, the new republics and all of Europe, which in turn aggravates ethnic and national tensions.

Moreover, the lack of any predictability to Russia's exercise of its special status could compromise our interests beyond the European theater. No one was more surprised than Prime Minister Rabin when Foreign Minister Kozyrev arrived in Israel, unplanned and unannounced, to promote the PLO negotiations.

Yet the Administration has obstinately refused to challenge Russia's growing hubris or to decouple the three policy tracks, fearing that any perceptible shift would weaken Yeltsin and his like-minded reformers. Any change in policy could cause us to lose Russia altogether, they claim.

However, this argument blurs the line between Russia's legitimate interest in political and economic reforms—which merit our support—and emerging neo-imperial goals which clearly do not. We have incorrectly linked Yeltsin's survival to giving him free regional rein and nothing less than unconditional political and economic support.

The record over the past year suggests that appeasement may only strengthen the hand of extremists, exacting further concessions from Yeltsin and jeopardizing the course of reform. I have said before, as has Henry Kissinger and others, that it is *not* the drawing the bright lines that provokes and inflames nationalism, it is *ambiguity* about our principles and commitments that invites extremists to test the limits of our interests and our resolve.

For that reason, I believe it is extremely important that our policy in the New Independent States place a premium on the territorial integrity and economic and political sovereignty of each the new democracies. That is why I recently amended the Budget Resolution to include language expressing U.S. opposition to Russia's efforts to establish a sphere of influence in Europe through economic coercion, political intimidation, or force. In both Eastern and Central Europe, I believe independence is the key to stability, and therefore to our own interests in the region.

SECURING AMERICAN INTERESTS

Now, to answer the question that Shevardnadze and I discussed last month: where do we go from here?

First, we should expand NATO to include the Visegrad nations. Now, I am enough of a realist to know that this is unlikely to happen soon. In the interim, a common framework agreement should be developed so that all nations understand precisely what is expected of them in order to join. The agreement should specify not only the type and frequency of joint military activities, but also NATO's political expectations such as the submission of transparent defense budgets and civilian control of the armed services. At present, the Administration has encouraged each nation to negotiate separate agreements for participation. This piecemeal approach will only lead to confusion, competition, and friction down the road.

Second, to bridge the gap between NATO and the current military capabilities of the Warsaw Pact nations and the new republics, we should substantially expand our military education and training programs, known as IMET. Training should include exposure to our traditions of professionalism, as well as more technical education in areas such as military planning, command and control, and equipment maintenance and operations. I found it interesting that the Administration is planning to give Georgia only $75,000 in IMET—a nation where we have vital strategic interests—compared with $100,000 in IMET for Benin, where I am somewhat unclear of our mission.

Third, once countries are committed to the Partnership, we can being to establish eligibility standards for obtaining NATO excess defense articles, and equipment "cascaded" as a result of the Conventional Armed Forces Treaty. Obviously, this does not mean that we begin by providing F–16s to Bulgaria, but there are prudent ways to proceed. Let me cite one example. Currently, Germany possesses millions of rounds of Soviet-style weapons ammunition, stored in former East German warehouses. The nation of Latvia, whose army carries Soviet-made firearms, is issuing its soldiers just five rounds of ammunition monthly for training purposes. There ought to be some kind of clearinghouse or other mechanism for the coordinated—and controlled—transfer of useful supplies.

I recently met with Poland's Minister of Defense, who mentioned the need for standardizing communications systems if the Partnership is truly going to work. I'm sure there are a number of other areas where we could transfer equipment to bolster both confidence and coordination.

Each of these security initiatives represents an opportunity to enhance stability and cooperation in Europe and the NIS. Obviously, they depend upon recognition of the fact that the U.S. can pursue its security interests parallel with the promotion of economic and political progress in Russia. The tracks should be separate, but they are certainly not mutually exclusive.

For the past year, U.S. foreign policy and funding priorities have focused exclusively on Russia and unconditional support for Yeltsin's government. This approach has at least temporarily forfeited economic and political opportunities in the fourteen other nations of the NIS. Our failure to challenge Russia's regional ambitions has contributed to instability from Crimea to the Baltics. And we have poorly served our interest in European stability by giving Moscow a veto over NATO participation.

Russia needs and deserves our political and economic help. The vast changes that are continuing to reverberate through Russia and the rest of the NIS clearly require a flexible approach. But, helping to improve prospects for democracy and prosperity should not be at the expense of American concern for regional stability and security. In international affairs, our interests are clear, our resolve must be firm, and our cooperation should be conditional.

TRIBUTE TO PRESIDENT RICHARD M. NIXON

Mr. THURMOND. Mr. President, on January 9, 1913, I was living in rural Edgefield, SC, and was a month into my 11th year. It was on that day, in the rural southern California agricultural town of Yorba Linda, that Richard Milhous Nixon was born. Little did anyone know that this son of devout Quakers, born in a humble mail order home, would grow up to become the 37th President of the United States of America and one of the most important men of the 20th century.

Americans love to talk about self-made men, but few realize that Richard Nixon was one such person. He was raised by God-fearing people of moderate means who never enjoyed great financial success in their lives. His parents worked hard and were passionately dedicated to their family, instilling strong values and qualities in all their children—values and qualities that would carry one of their sons to the highest office of the land.

From his earliest days, Richard Nixon was not someone who was afraid of a challenge or of work. As a student, he distinguished himself at Whittier College by earning high marks, taking part in a number of campus activities, including student government and football, and impressing his professors as a serious young man with a keen mind. His determination and drive helped him through long nights of grueling study at Duke University's School of Law, where he had to maintain a high-grade average in order to keep the meager scholarship that allowed him to attend that school. His service in the House and Senate were also characterized by hard work. He and his staff often worked late into the night, answering constituent mail or carefully preparing for his hearings on communism that were catching the Nation's attention. Throughout his life, he never failed to adhere to the strong work ethic that Hanna and Frank Nixon imparted to their son.

Richard Nixon was a man who possessed a love for his Nation that carried him into a lifetime of public service. At the outset of World War II, he was recruited to serve as an attorney in the Office of Emergency Management in Washington, DC. As a Quaker and a civil servant with a skill critical to war efforts, he could have been exempted from military duty; however, his patriotic streak motivated him to volunteer for service in the Navy. It was this same dedication and patriotism that caused him to heed the urgings of his fellow Californians and run for the U.S. House of Representatives in 1946. Nixon's successes in that race and in the Congress sparked what became one of the most important and significant political careers in the history of the United States.

In subsequent years, Richard Nixon would serve in the U.S. Senate, as Vice President, and as President. To each of these positions he brought an insightful mind, unbridled energy, and a clear vision of the role of the United States in the world.

In 1968, Richard Nixon reentered the political arena, this time as a Presidential candidate. This race was significant for several reasons. First, after two disappointing political setbacks earlier in the decade, Nixon's decision to seek the Presidency was another example of his perseverance and his uncanny ability to overcome personal challenges and setbacks. Second, it was the beginning of a new era in Presidential politics. Richard Nixon was an uncanny politician with a sense about him that has been matched by few others.

Nixon was the first to realize the importance of the South in a national election. He knew that the key to winning the White House in 1968 was to capture that region, which had traditionally been a stronghold of the Democratic Party, and he called upon me for my assistance at the Republican Convention and for the campaign. I campaigned very hard for Nixon throughout the Southeast that year, and for the first time in close to 100 years the South cast their votes for a Republican presidential candidate.

Richard Nixon was undoubtedly one of the most intelligent Presidents with whom I ever served, as well as one of the most effective. We have all heralded his many significant accomplishments in foreign relations, a field he loved and at which he excelled. His grasp of "realpolitik" allowed him to deal with foreign leaders without being intimidated or compromising the strength and security of the United States. I doubt if anyone else could have started his career as investigating communism and ended it by opening China to the West and ushering in a new era in United States-Soviet Union relations. Furthermore, he brokered a peace with Vietnam that ended an unpopular war in an honorable manner; and I believe that had he stayed in office, Saigon might not have fallen into the hands of the North Vietnamese. Nixon's experience as a statesman was so valuable, he continued to contribute to the debate on foreign policy literally until the end of his life. Each of his successors sought his counsel on international matters and there was an enthusiastic audience for Nixon's extensive writings regarding world affairs.

What is often overlooked is the strong role he took as a domestic leader. Perhaps it was his humble origins, or having lived during the Depression that President Nixon was extremely aggressive in fighting inflation and even introduced wage and price controls at one point. He took a very strong role in desegregation and affirmative action matters; and he became the Nation's first environmental President when he created the Environmental Protection Agency and the Endangered Species Act. Richard Nixon assumed the Presidency at one of the most fractious eras in our Nation's history, but under his firm leadership, America became a calmer place and the world became a little less dangerous.

As I watched the television coverage of President Nixon's casket being loaded aboard his old Air Force One, I was struck by the image of a young Marine in the Honor Guard. He was the epitome of Marine Corps "spit and polish," standing rigidly at attention with his rifle at "present arms"; there was, however, a noticeable exception to his military appearance—he had a tear streaking down the left side of his face. Perhaps this marine was caught up in the emotion of an overwhelming and somber event, but I doubt it. Funeral details are common duty for honor guards. I believe his tear was caused by grief. Despite the fact that this young man was probably not even alive when Richard Nixon was President, I think he realized that we had lost one of history's most important figures and one of this Nation's greatest leaders; and he, like the rest of us, was deeply saddened by this realization.

Mr. President, it is almost impossible to sum up the life of Richard Nixon in just a few minutes here on the Senate floor. Historians will spend years studying and interpreting this very complex and gifted man, and they will write volumes sharing with us their discoveries. Suffice it to say, Richard Nixon is one of the few figures in American history who has truly gained immortality. His contributions transcended generations and have forever changed the international community, even laying the groundwork for the eventual dissolution of the Soviet Union.

I ask unanimous consent that a recent article written by Nixon biographer and British Member of Parliament Mr. Jonathan Aitken be included in the RECORD following my remarks. Mr. Aitken interviewed me for his excellent book, "Nixon: a Life," and I believe the tribute he wrote for Human Events does a very good job of summarizing President Nixon's life and giving us some insight into what made him such an amazing man.

Mr. President, I know that President Nixon was proud of his heritage and that all he accomplished in his life was the result of grit, determination, hard work, and intelligence. I also know that the one thing he truly loved in this world was his family. He came from a tightly knit family and he idolized his mother. As a husband and father, he carried on the tradition of closeness and he was deeply committed to his devoted and lovely wife, Pat, and their two beautiful daughters, Tricia and Julie. It seems only appropriate that Richard Nixon will spend eternity next to his wife in the place where he learned his most important lessons—the site of his parents' home.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Human Events, May 6, 1994]

A TRIBUTE TO NIXON (1913-1994)

(By Jonathan Aitken)

Nixon the man was even more intriguing than Nixon the statesman. "Complex" was the adjective most used by journalists to describe his multi-faceted personality, not least because he camouflaged that most elusive of characters, the real Nixon, behind a battle-scared carapace, which he himself described as "an over-developed wall of privacy." Surprisingly few people even got behind this wall. I think I may have been one of them, so I have concentrated this tribute on the lesser-known private qualities that lay behind this extraordinary public figure.

To begin near the end: Passing through London last month, aged 81, on the outward leg of his ninth visit to Moscow, Nixon telephoned unexpectedly on the morning of Saturday, March 5, and asked if I would like to come with him to the theater. The invitation, like his choice of show, and his somewhat disorganized arrangements for the evening seemed out of character but we duly set off for the Shaftesbury Theatre like a couple of tourists and settled unrecognized into our seats to see the revival of Rogers and Hammerstein's "Carousel." As the musical got underway it became apparent that Nixon was word perfect in many of the lines and most of the songs. As the story reached its climax, he seemed to be in the grip of powerful emotions, especially during the famous number "You'll Never Walk Alone" when tears started to trickle down his cheeks.

As we walked away from the theater Nixon felt it necessary to provide an explanation for the display of his feelings. He said that "Carousel" had been the favorite musical of his late wife Pat; that they had seen it many times together; and that he had chosen "You'll Never Walk Alone" as the music for her funeral last year.

After a pause he added that the show's lead male character, Billy Bigelow, reminded him of Harold, his elder brother who had died of tuberculosis during Nixon's childhood. In two days' time, he continued, it would be March 7, the anniversary of Harold's death. That date was also his mother's birthday, but she could never bear to celebrate it again. After another pause he said that before Harold had died, the family had often gone out for birthday picnics like the one in "Carousel."

For a man who normally shunned personalized small talk, Nixon's urge to share these poignant memories was a revealing reminder that his deep family roots and Quaker upbringing were central to his odyssey—which is surely the closest 20th-Century approximation to the "log cabin to White House" legend.

Nixon was born on Jan. 9, 1913, in a rustic Californian clapboard cottage, which had no electricity, running water, wireless, telephone or inside privy. He had a hardscrabble childhood, one step away from poverty, with his formative years made difficult by a domineering father and sad by the deaths of two of his brothers, Arthur and Harold. Their medical bills created many financial hardships for the family. One painful consequence of these came when the young Nixon won a scholarship to Harvard University and had to turn it down because his parents could not afford the associated travel and accommodation costs. Nixon overcame these early sorrows and disappointments with the help of two strong pillars of the Milhous matriarchy—his grandmother Almira and his mother Hannah.

Grandmother Almira Milhous was a poet and a teacher. She was the first to recognize that the young Richard was a gifted child and the first to say, "That boy will one day be a leader." She disciplined him into the habits of intellectual curiosity, iron application and deep reading of history that stayed with him for the whole of his life.

Still more important was the influence of his mother Hannah. Long before her son became famous, she was known in her local community of Whittier as "A Quaker Saint." She instilled into him the belief that equality between races and peacemaking between nations were Christ's most important teachings. In return he loved her deeply, but strangely. Time and again in my many hours of biographer's conversations with Nixon he spoke movingly about the great debt he owed to his mother for the inspiration and idealism she gave him throughout his career, but on one occasion he added the unexpected information that she had never kissed him.

When I expressed surprise, Nixon grew quite angry, saying that my comment might have come from "one of those rather pathetic Freudian psychiatrists" and added, "My mother could communicate far more than others could with a lot of sloppy talk and even more sloppy kissing and hugging. I can never remember her saying to any of us 'I love you'—she didn't have to!"

Although suppressed emotion may have been part of the Nixon heritage, this did not mean that he was an unfeeling or unemotional man. Far from it. He put his passion into his politics and it powered him to early stardom. Unknown freshman congressman at 33. Re-elected unopposed at 35. National celebrity as a result of the Hiss case at 35. Senator at 37. Vice President 11 days after his 40th birthday. This meteoric ascent owed far more to a zealous mastery of complex issues and a burning intensity to fight the evils of communism than it did to political opportunism. There was plenty of that too, but as he always acknowledged, Nixon would never have risen to the office one heartbeat away from the presidency had it not been for the granite support of his wife Pat, who in many ways was the tougher partner of the marriage.

It was she who persuaded him to put their life savings into what at the time seemed the reckless gamble of running for Congress in 1946 against safe Democratic incumbent Rep. Jerry Voorhis. It was she who nurtured his health through a stress-related breakdown in 1951. It was she who pulled him through the Fund crisis, literally dragging him in front of the television cameras seconds before the "Checkers speech" broadcast. Above all, it was she who gave him the contented family life with two daughters that created the happier hinterland of his hidden persona—a kind, generous and loving father and grandfather.

Yet for all his private virtues, it is as a public man that Nixon would wish to be judged. Even here the two sides of his existence were more connected than has been recognized. During his wilderness years period between 1960-68, Nixon told his intimate friends that the real reason he wanted the presidency was to honor his mother's ideals. It was a promise he did much to keep. For Nixon was the President who ended U.S. involvement in Vietnam (while giving South Vietnam a chance at survival), who terminated the draft, who saved Israel from possible annihilation, and who initiated the process of detente with the Soviet Union with a series of ground-breaking disarmament agreements. Through wily diplomacy, moreover, he managed to help put a check on Soviet aggression by bringing China back into the family of nations.

Nixon also undoubtedly had a dark side to his character. In his private musings, now embarrassingly preserved on the White House tapes, he could be vindictive and paranoid, particularly when talking about his liberal tormentors in Congress and the media.

As for Watergate it was a sordid and shameful mess, but Nixon's alleged villainy in it has been much exaggerated. It is true that he covered up for his closest friends and aides with mendacious maneuvers that were political folly of a high order. Yet contrary to the media's hysterical claims at the time, he had nothing whatever to do with the break-in; he was unaware of the enemies list; there never were any mission tapes and he destroyed no evidence. Even the notorious "expletives deleted" contained none of the familiar four- or six-letter sexual swear words. What Nixon actually excised were a mass of hells, damns, craps for Chrissakes and other puerile examples of Sunday school swearing. He explained to an aide that he could not publish the uncensored transcripts (which would have been far less damaging) because his mother "would turn in her grave" if such epithets saw the light of day.

So Watergate, like Nixon, deserves reevaluation. It was a bad episode in a great career and it has made Nixon the most controversial and complicated character ever to sit in the White House. If he had died, as he so nearly did soon after his resignation, his obituary notices would have been a undiluted chorus of vilification. They will read differently now because the last 20 years of his life were perhaps the most remarkable of all in terms of the development of his character. Transforming himself from exiled pariah to honored elder statesman was nothing less than a miracle of political resurrection. How did he do it?

I came to know him well during his two decades of rehabilitation or "the Fighting Back years" as he sometimes liked to call them. Running for Ex-President was a good label to describe his energetic globe trotting, writing and speech-making, but the reality was far more profound. The secret of his resilience was that he had developed his own new credo. It owed something to the religious counselors whom he saw regularly, such as Dr. Billy Graham and the Rev. Norman Vincent Peale, but was more a spiritual and philosophical concoction of his own.

It included several quintessential Nixonian ingredients, among them tenacity, reflective reading and the desire to perform useful public service by influencing great events. But there were other more unexpected elements, such as magnanimity. For he had put his past disappointments firmly behind him, forgiven his enemies (most of them!); and dropped recrimination from his mind. "Remember the story of Lot's wife. Never look back," was one of his favorite lines, and he meant it.

Instead, he worked unremittingly to influence the future. During his pensionable years, he wrote eight best-selling books on foreign policy and dispatched a steady flow of influential private memoranda to Presidents Carter, Reagan, Bush and Clinton. He launched his presidential library and a new Nixon Center for Peace and International relations. He continued to travel and speak widely, winning increasing acclaim as America's leading foreign policy expert. Longevity brought him the serenity and fulfillment that had for so long eluded him.

By chance, the last audience he addressed was a gathering in my house on March 17. The still-ambitious octogenarian was keen to convey his latest impressions of the situation in Russia to a group of ministers, defense chiefs, intelligence experts, editors and parliamentarians. He prepared for the occasion with his usual intensity and delivered a *tour de force* of a speech without a note. Including question time, he was on his feet for nearly 90 minutes. The details of his knowledge, the lucidity of his presentation and the incisive brilliance of his judgments, dazzled all of us present.

Nixon enjoyed his evening. As he got into his car he said to me, "Went well, didn't it? Clever group. But I've spoken in your house eight times in 14 years. I think that will have to be the last one."

I said I hoped that he might come back one more time. "Nine speeches, eh? Nine lives? Who knows?" he mused. "Anyway keep on fighting!" and with that characteristic salutation he waved and was gone. We shall not look upon his like again.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Chair would note that morning business is now closed.

NATIONAL ENVIRONMENTAL TECHNOLOGY ACT OF 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 3:30 p.m. having arrived, the Senate will now resume S. 978, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 978) to establish programs to promote environmental technology, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1687

(Purpose: To authorize a rural water sanitation-health technology fund to make grants for technologies to improve sanitation conditions on Indian reservations and in Alaska Native villages and in other rural places, to eliminate the "honey bucket" sewage disposal method through innovative technologies, to develop new technologies to reduce and eliminate sanitation-related health problems and deaths, and to help to uphold the national trust responsibility of the United States to the American Indian and Alaska Native, and for other purposes)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. INOUYE, and Mr. MURKOWSKI, proposes an amendment numbered 1687.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 18, strike line 1 and insert in lieu thereof the following:

SEC. 204. NATIVE AMERICAN SANITATION-HEALTH TECHNOLOGY FUND PROGRAM.

(a) AUTHORIZATION.—The Administrator is authorized and encouraged to enter into an agreement to establish a partnership program to fund grants to research, engineer, develop, test, and demonstrate innovative water sanitation technologies for Indian reservations, Alaska Native villages, and other remote, rural regions. Funds provided pursuant to this section may be awarded beginning in fiscal year 1995 for competitively judged proposals that have the potential to improve health and sanitation conditions in Alaska Native villages, on Indian reservations, and in other rural areas, with emphasis on areas with conditions that are not conducive to utilization of conventional wastewater treatment methods.

(b) COORDINATION.—The Administrator shall coordinate disbursements related to Alaska Native village sanitation authorized by paragraph (a) with appropriate federal agencies and departments, including any such agency or department participating in the federal field working group on rural Alaska sanitation.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Mr. STEVENS. Mr. President, I would like the record to show that I am proposing this amendment for myself, for Senator INOUYE, and for Senator MURKOWSKI.

Mr. President, I have had a meeting with the staff of the Public Works Committee, and I have just had a conversation with the distinguished chairman of that committee. I want to take the time to discuss my amendment and explain why I am pursuing it and to hopefully work out something with my good friend from Montana concerning this problem.

Let me just state very basically that I believe that this is a good bill. It is a bill that is going to now centralize environmental technology and give much more authority to the Administrator of EPA, and it will really set a different tone for the appropriations that will be forthcoming to deal with a research in the environmental area.

I believe that one of the critical areas of research in the environmental area should be to deal with rural water sanitation health technology. I have some photographs that were taken in my State to demonstrate. I want to show those to the Chair in just a moment.

This amendment of mine and Senators INOUYE and MURKOWSKI really is not totally an Alaska amendment. I believe that the amendment specifically provides and covers Indian reservations, Alaska Native villages, and other remote rural regions of our country.

We have people now as we are approaching the 21st century and dealing with all sorts of technology and innovations, we have people in this country that not only do not have flushing toilets and running water, they do not have the bare necessities for just human dignity in dealing with sanitation problems.

Last summer I took a trip down the Kuskokwim River. Most of the pictures I am showing to you here are in that part of Alaska—the west coast. I have talked to some of my friends who have Indian reservations in their State, and they say that in many instances the same conditions prevail. We just have not as a nation developed the concepts we need to provide for just the rudimentary sanitation facilities that are necessary to assure the health of our people who live in these areas.

They are literally, Mr. President, the poorest of the poor. It is sad to say, but it is really true. What took me down the Kuskokwim River last year was the collapse of what we called the chum salmon run. There was total devastation in these villages because their basic food source and their basic resource that was really the foundation of their cash economy literally collapsed. They had no income and they had no food.

We were going through there to talk to them about their problems. One village I went to, they wanted to talk to me about sanitation and health problems which they consider to be even worse than the total economic problems they face following the collapse of their chum run.

As I said, I have a series of photographs here that demonstrate the situation now. This is summertime now in the arctic village with the human refuge being pulled on a little sled across the playground. That is the children's playground.

This is what happens when it gets to the destination. These are the so-called honey buckets which are brought to a community bunker and dumped in that bunker. But the trouble is there are animals and just the conditions of the area in the wintertime with the snow and ice piled up around that bunker, pretty soon all of these bags of human waste are just out on the ground. Look at the health conditions.

There is the walk for the children through this area. This is going out to the river. This is where that one village had disposed of their bags that came from the honey buckets through the winter. It is a deplorable situation.

The impact from village to village, the boardwalk access to the river is littered with bags of human waste when the summer thaw really comes.

Here again are the children. That is their access to go to their playground, go to their own homes. They have no other area that they can go through. Here again, that is just like a sewage lagoon.

That is a housing project that we put up to assist those people to have a better way of life. In the wintertime, the honey buckets are emptied out on the ground because they cannot obviously put them into the ground. They are just frozen blocks of sewage. That is what caused those other areas that I showed, where in the springtime when the thaw comes and those frozen blocks of sewage melt. Here again, these are the bunkers. The only thing that can happen to those now is there was supposed to be another transportation system coming along to take those to a remote sewage area. Unfortunately, the appropriations for that never developed, so it never got moved.

Those bunkers are surrounded by, again, the normal plastic garbage sack that we had. There are liners in the system that is used inside the home that are taken out and put into the honey buckets, and they are brought to these bunkers, and there is hardly an area that you can find along the river—Mr. President, these are different villages I am showing; they are not all the same village. It is the same condition in every village that I saw.

This is a winter condition now. Again, when you try to empty the honey buckets they put in the area near the river, even that when the ice comes, if it breaks up, then the village downstream has the problem, if the ice moves the honey bucket bags out.

Here, again, this is an overloaded bunker right up against the housing project. People say, why do you bring those photographs in here? That is the technology that we have developed. In a country that can send a man to the Moon and develop the best communications systems in the world, we are still dealing with honey buckets in Indian and Alaskan Native villages. I have to tell you, I wish I could get more people to come up and look at these, and they would get as excited as I do about why we have that. The reason is that no portion of our Government has ever settled in on developing new technologies, new abilities to deal with human waste disposal where there is no running water.

You can go out in the outhouse in some places in the south 48, I guess. But in our State, you cannot dig down because it is permafrost underneath that land. There is no ability to deal with even an outhouse technique in Alaska. For years now, I have been asking everyone from NASA to HUD to work on developing some new technology to deal with this. They came up with the toilets that flush electronically, just burn up the insides and vaporize everything that is there. Well, that is wonderful, but they cost about $4-a-flush in my State because of the cost of electricity. These people cannot do that. They are literally on welfare to start with.

Last year, I talked to Miss Browner, and she was on our Commerce Committee. She is a very good Administrator of the EPA. Working with her and our State commissioner of environmental conservation, Mr. Sandor, and with the people at HUD and BIA and the Indian Health Service, we tried to get together a task force to deal with these problems. The trouble is that there was nobody in that area that has the authority to deal with literally putting out the contracts to develop new technology, a technology for the 21st century, to deal with the disposal of human waste where there is no possibility of running water and where the climactic conditions make it very difficult to have any kind of normal waste disposal.

That prevails in some of the reservations of the south 48, and certainly it prevails in some of the rural areas I have seen in West Virginia and Kentucky and the Rocky Mountains. Nobody is working with these people to find some new technology. When I saw this bill come along, and recognizing what it is—it is a very good bill to start out with, and I am not opposing the bill; I am supporting the bill. I wanted to earmark a portion of this money for the development of a program to try to bring about innovative technologies to deal with this problem.

My staff, meeting with the staff of the committee, was convinced that an earmark of money was not really going to be too welcome, frankly. On almost every bill that goes through here now, we earmark a portion of the money to be used only for American and Alaskan Native basic problems. I do not care what it is. You can look at housing, sewer grants, a lot of them, and we have the earmarking. I understand the committee does not want to earmark it.

Besides that, I have really a basic trust in Miss Browner as the head of the EPA. I would like for her to have the authority to be authorized and encouraged to enter into agreements. Those agreements, partnership kinds of agreements with our State—and, by the way, I hasten to add that because of Mr. Sandor, the Commissioner of Environmental Conservation in Alaska, Alaska has increased its appropriations in this area. The legislature is just closing business in Alaska, and it has made $25 million availability to deal with this.

We are working on a partnership concept, coming from BIA, Indian Health Service, HUD, the Corps of Engineers, and EPA, and we hope to get $25 million from the Federal Government to deal with putting facilities—there are a few areas in the State where it is possible to have running water because of the temperature and the soil conditions. That money will go, first, to those areas where we can put in the normal kinds of water and sewer projects. But in these other areas, I would like to have the EPA be the focal point of developing new technology.

This amendment would authorize a fund to make grants for technologies to improve these conditions on Indian reservations, Alaskan Native villages, and other rural places. It is not earmarking any money. I think anybody that gets in and takes a trip—and I stand ready to take a trip down those rivers with anybody from the Senate or from the administration that wants to look, and I made that offer last year. There is no question of the need.

Incidentally, all of the costs of all of the disease that comes from the situations I have just shown the Senate, Mr. President, are borne by the taxpayers of the United States. The health problems are met by the Indian Health Service. The problems of loss of capability are met, in the long run, by the BIA. Yet, in order to deal with the basic human conditions, we cannot seem to get anybody to cooperate and coordinate this, in order to find a way to develop the new technologies. I literally took a trip to one of the NASA conventions one time and talked to each one of the people who are developing facilities for NASA to put in our shuttles and our space vehicles. They had wonderful new designs to deal with the disposal of human waste in space. But you cannot get anybody authorized to deal with it right here on Earth, in the area where, as I said, the poorest of the poor of our country live.

I know my friend from Montana is a little disturbed with me because I have proceeded with this amendment, when his staff has said he does not really want to see this on the bill. I have changed the amendment since originally drafted, so it will not earmark any money. It does not direct the Administrator to do anything. It authorizes the Administrator and encourages the Administrator to enter into agreements and partnerships to find ways to do the research and develop some new facilities.

Let me close by saying that I have seen water and sewer facilities go into several villages, and in some instances, unfortunately, we have had to replace those. I can think of one place where we replaced the system three times, and we had to do that primarily because the technology was so complicated nobody in the village was capable of maintaining it. That is another problem—the development of technology that the people of the area can use and maintain, and it will bring about a change in their lives and get rid of these terrible health and sanitation problems that exists in the villages of my State.

SANITATION-HEALTH TECHNOLOGY PROGRAM

Mr. MURKOWSKI. I rise in support of the amendment to authorize a rural sanitation-health technology fund offered by the senior Senator from Alaska for himself, Senator INOUYE, and myself.

The amendment authorizes and encourages the EPA Administrator to enter into an agreement to establish a partnership program to fund grants to develop new innovative sanitation technologies for Indian reservations, Alaska Native villages, and remote, rural regions, and to coordinate any disbursements authorized related to Alaska Native village sanitation with appropriate Federal agencies and departments, including any such agency or department participating in the Federal field working group on rural Alaska sanitation.

In Alaska, the rural sanitation problem is clear, Residents of rural villages in Alaska do not have adequate drinking and human sanitation facilities in their homes and communities. As a result, sickness and disease, comparable to many Third World countries, are major problems for many communities.

According to the Rural Alaska Sanitation Task Force Report, 220 rural Native villages account for three quarters of Alaska's communities.

Waste water treatment facilities in over 190 of these villages have been assessed by the Federal Government as inadequate.

In 135 villages, honey buckets and pit privies are the sole means of sewage collection and disposal.

For the record, and those that don't know, a honey bucket is usually a 5-gallon bucket placed in one's home and used as the household toilet.

When the bucket is full, it is carried outside and dumped into a open sewage pit. In many instances, the honey buckets are dumped into ponds or in close proximity to homes. It is not uncommon for children to play dangerously close to these sewage dump sites.

Of the existing waste water service levels in rural Alaska: only 37 percent have flushing toilets; 49 percent have pit privies or honey buckets; and 14 percent have haul systems.

In over half of the villages in Alaska, water is hauled to the home by hand from washeterias, watering points, are from a creek or river, a washeteria is a centrally located building within a community where washing and drying machines are available. Washeterias also contain public showers.

In many of the homes where water is hauled by hand, a trash can is used as the water storage tank. Water for drinking, hand washing, and doing the dishes comes from this household trash can.

The existing water service levels in rural Alaska are abysmal. Only 40 percent of rural Alaskans have piped water to their residence; 30 percent use a washeteria; 20 percent use a year-round watering point; 7 percent have individual wells; and 3 percent have no system.

According to these figures, less than half of the residents living in rural Alaska villages have the basic water supply system we all take for granted—piped water to their homes.

Imagine half the residents in Washington, DC living without running water or toilets that flush. The results of having inadequate water and sanitation facilities are tragic.

Hepatitis A runs rampant among villages—causing death in some cases. Hepatitis A is a viral infection causing nausea, vomiting, abdominal pain, and in some cases a yellowing of the skin or eyes. Deaths from hepatitis A occur at a rate of approximately 1 to 5 deaths per 1,000 cases.

The water and sanitation conditions in rural Alaska must be addressed.

The water and sanitation conditions in these rural communities are considered worse than in many Third World countries.

The Alaska congressional delegation is committed to improving water and sanitation conditions in rural Alaska.

Last year, on May 5, 1993, the Indian Affairs Committee held a 4½-hour hearing on water and sanitation conditions in rural Alaska.

The committee received hundreds of pages of tesimony from Federal agencies, State agencies, and Alaska Natives which described the deplorable water and sanitation conditions in rural Alaska.

The lack of basic water and sanitation services in rural Alaska has been well documented. We have thousands of pages of testimony that document the unacceptable water and sanitation conditions in rural Alaska.

As a result of the May 5, 1993, hearing, the Environmental Protection Agency formed what has become known as the "Federal Field Work Group."

The Federal Field Work Group's goal was to determine methods by which the Federal Government could work with and assist the State in addressing the water and sanitation conditions in rural Alaska.

It is my understanding that the Federal Field Work Group has made significant progress. The Indian Affairs Committee will soon hold a hearing to receive testimony from Federal agencies, State agencies, and Native organizations on what progress has been made over the past year and what will be done in the future to address this problem.

We will continue to work to see that safe drinking water is provided to the residence of rural Alaska and that the honey bucket is eliminated from village homes.

As the country moves toward the 21st century, Alaska's rural residents should not be living in Third World conditions—they should not experience the disease and inconvenience they face because of inadequate sewer and water systems.

I urge my colleagues to support this amendment.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I very much appreciate the comments of the Senator from Alaska. I have been to Alaska several times, and I have seen a good bit of the sanitation problems he refers to. There is no doubt about it. There are sanitation problems for Native Americans in Alaska just as there are, as we all know, in other parts of the country. There is no doubt about it. Something has to be done about it.

The more we can address the problem in Alaska and the more quickly we can address that problem the better off those folks will be, and we will be better off for it. I do not quarrel with the Senator from Alaska. There is a great need for that program.

The real question is, is this the proper place to do it and is this the proper bill in which to fight for this program? And a corollary question is, is there a better approach and what is that better approach, if there is one, one that is going to come about quickly or be interminably delayed as often is the case around here?

Quickly, Mr. President, I say to my very good friend from Alaska that I am not perturbed with him at all for offering this amendment. I very much respect his very ardent advocacy for his State's interest, and the fact is that Alaskans will be very proud at how strongly the Senator represents the State's interest.

I do believe, however, that when we get to the next bill before this body, the Safe Drinking Water Act or we get to the Clean Water Act later on this year, those are two much more appropriate bills to deal with this problem. After all, we are talking about innovative water and sanitation technologies. I can say to my good friend from Alaska at this point that those bills, although they are not yet before us, will contain provisions that directly address this point he makes.

On the other hand, the bill before us today, the National Environmental Technology Act, is a bill designed to encourage environmental technologies generally in this country and on a competitive bid basis. The bill does not give favoritism or earmarking or preference to one form of environmental technology over another.

It is somewhat similar to the concept we attempt to use here with NIH, the National Institutes of Health, and with the National Science Foundation, that is, on the one hand, all of us want good science and a competitive bidding process to determine which grants NSF gives to scientists around the country to develop their scientific studies.

In addition to that use of the competitive bid basis is the competitive peer review proposal basis to determine which National Institutes of Health grants are awarded and which ones are not.

There is always a temptation for us here in the Senate and in the House, for that matter, to say for our State we give preference to this or for my State preference to that. There is always a temptation here as to how far to go in the first direction, that is, the solely competitive bid in the interest of competition and good science on the one hand, and to state it very crudely, on the other hand, parochialism, porkbarrel and what not on the other.

I think, Mr. President, that because this is only a modest bill—this is not a large bill—there are not a lot of dollars in this bill, we should stick to the former model, that is, keep this competitive, keep the basis of grants to various entities and developing new environmental technologies on the basis of competition and on the basis of what seems to be best and more likely to develop better technologies and get a bigger bang for our buck. I say that, also, because this bill is neutral with respect to different environmental technologies.

If we start now offering amendments to give preference or encouragement to one form of environmental technology at the expense of the other, then, frankly, we are just back here as Senators just carving this up, and my honest opinion is the whole will be worse than the sum of its parts.

Mr. STEVENS. Mr. President, will the Senator yield there?

Mr. BAUCUS. In a minute I will yield to the Senator.

On the other hand, I might say this: I can think of many different environmental technologies that I think deserve at least equal preference. Take my home State of Montana or other Western States. That is mine waste technologies. There are a lot of abandoned mines in the West. I can tell you, Mr. President, that tailings from those abandoned mines are polluting rivers and streams in the West. Trout streams are being polluted because of abandoned mines. There are countless abandoned mines in the West. They number thousands. There are small, little mines that have been dug into the hillside and abandoned mines. It is a major problem. This bill does not give preference to development of environmental technologies to address that problem.

We have smog in the cities. There is a lot of dirty air in this country. This bill does not give preference to environmental technologies to help clean up the air by development of a more efficient, say, electric car.

All I want to say, Mr. President, is I very much understand the Senator's concern. It would be inappropriate to single out essentially R&D for Native Americans in Alaska and addressing their water sanitation problems at the expense of other meritorious problems we have in this country. They also have to be addressed.

So I urge my good friend from Alaska, frankly, to not press this amendment, because I do pledge to him there are other opportunities coming along very quickly—the Safe Drinking Water Act, in particular, and the Clean Water Act, also, in particular, where I very much hope to address these concerns.

(Mr. METZENBAUM assumed the chair.)

Mr. STEVENS. Mr. President, if the Senator will yield for a question, I looked at the Safe Drinking Water Act. It authorizes funds for research and technical assistance for small systems such as this, but it works through universities, only universities that serve a region of States. It does not have a focus on any specific area of need, but more particularly it funds the Indian Technical Assistance Program at $280,000 to $300,000 nationally, and that is again for research and training in technical assistance.

The bill before us now funds $80 million for 1995 and $120 million for 1996. If we are looking for a larger pool of money that could have just a small part set aside, originally, as I said, I was seeking to set aside 2.5 percent of the national budget for environmental technology development to meet this need on Indian reservations and Native villages. In my judgment safe drinking water does not have any relevance to this.

I would like to ask my friend—incidentally, does my friend know that the Safe Drinking Water Act was sponsored by Senator KENNEDY and myself following a village-to-village trip in 1969, and it became a national act—and only two projects I know of were established in Alaska—but the program became national and still continues on a national basis but only authorizes research on a regional basis? How could I look to the concept of trying to meet the State and local government and BIA and other agencies' funding having some sort of a partnership program?

Mr. BAUCUS. If I may say to the Senator——

Mr. STEVENS. Let me finish. There is no better place for it to be than in EPA. How can I get it to EPA and get some money unless it is in this bill?

Mr. BAUCUS. I think the answer is the Clean Water Act, not the Safe Drinking Water Act, but the Clean Water Act. The fact is that the Clean Water Act is on the calendar, I think, today—it was out over the weekend. If not today it will be on the calendar tomorrow. It doubles the amount of money available for Native Americans for building sanitation systems.

Mr. STEVENS. Yes.

Mr. BAUCUS. The total is $25 million.

Mr. STEVENS. That is to build them. There is no basic research. We will build more systems under that law and they will be built with off-the-shelf technology, and once again they will not work. How can we get a research program going on that will develop site-specific type of technology that will work?

Mr. BAUCUS. By utilizing another title in the Clean Water Act that is dedicated to research; $20 million, I might say to the Senator.

Mr. STEVENS. Is the Senator unwilling to earmark that, too?

Mr. BAUCUS. The Senator is willing to look at the Senator's amendment when we get to the Clean Water Act.

Mr. STEVENS. That is the problem.

Mr. BAUCUS. Also, it seems to me that because of the very strong argument that the Senator makes as to the need, certainly, when the Native Americans of Alaska compete with other technologies in developing new environmental technologies, the EPA, which the Senator has a lot of faith in, is more likely to award the grant to Native American cleanup rather than to some other technology.

Mr. STEVENS. Mr. President, let me call the attention of the Senator from Montana to the study made by the Office of Technology Assessment, which, as you know, is an agency of the Congress, on the Alaska Challenge of Native Village Sanitation. Just this year one of the basic recommendations they made was to establish a research and development demonstration program for innovative sanitation technologies.

I appreciate what the Senator says. Incidentally, the money that is available in the clean water program is about one-tenth of what is going to be available annually under this program. The national environmental technology is going to be developed under this program. And to my knowledge, there is no way they are going to turn to that with the very basic problems that you have mentioned in terms of smog and the problems of mine tailings.

Mr. BAUCUS. Smog is another matter. We are talking about the Clean Water Act, not to clean up the smog act.

Mr. STEVENS. I thought you were talking about the Safe Drinking Water Act.

Mr. BAUCUS. No, I am talking about the Clean Water Act.

Mr. STEVENS. There, again, you are talking about $20 million nationally to deal with the whole problem.

Mr. BAUCUS. Let me say this to the Senator.

The PRESIDING OFFICER. May I point out to the Senators that the rule of the Senate requires Senators to address the Chair.

Mr. BAUCUS. I apologize to the Chair.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I might say to the Senator, there is a good chance, much above 50-50, when we come to the Clean Water Act that we could accept the Senator's amendment.

I cannot guarantee it, but in hearing the Senator and listening to the Senator and, frankly, consulting with my staff, I think there is a very good chance that we could accept that amendment; a very good chance.

I know the Senator will remind me of the statement I am now making when we get to that act, in the event that is how we resolve this issue.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. Does the Senator desire to ask for recognition?

Mr. STEVENS. Mr. President, I do not think I have any time left.

I will say this. Between now and Wednesday, I would like to confer with my friend from Montana, Mr. President, to see whether or not I should press forward with the agreement that is already in place to have 10 minutes to explain the amendment to the Senate before we vote on Wednesday.

I have high confidence in the Senator from Montana. But it was 25 years ago that I stood here with the Senator from Massachusetts and thought that we had a bill passed that would help us try to meet this problem. Year in and year out, we have had funding for projects and they have always come off the shelf. No one spent any money at all to develop new technology. We are now 25 years along the line and they are still talking about doing the same thing.

Do you know that they take new, prefabricated HUD homes to Alaska and they have the flushing toilets and the sinks and all the pipes and all you have to do is connect them? But, guess what? There is no running water in the village. There is no ability to use those flushing toilets. They are a monument to our capability to buy things in bulk and to think that off-the-shelf technology solves every one's problems—one size fits all.

The only trouble is, there is nothing to hook those toilets up to. I bet we spend more money sending toilets to places that do not have any systems than we would need to develop new technology.

Somehow or other, I would like to have just a little bit more of an assurance than "likely or not."

Mr. BAUCUS. Mr. President, I can give the Senator enough assurance which in my judgment would warrant him not pressing the amendment on this bill.

Mr. STEVENS. That is a different sound I just heard.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The Senator's amendment is withdrawn.

The amendment (No. 1687) was withdrawn.

• Mr. LIEBERMAN. Mr. President, I am very pleased to be an original cosponsor of S. 978, the National Environmental Technology Act of 1994. I would like to thank the chairman for his outstanding leadership and extraordinary hard work on this bill. Senator BAUCUS made passage of this legislation one of his top priorities and he has followed through with enormous perseverance and creativity. I also commend Senator CHAFEE for his hard work on this bill, in particular his strong efforts on provisions to assist small businesses in pollution prevention and environmental compliance. Finally, Senator MIKULSKI also has been one of the true leaders in this field. Both Senator MIKULSKI and I had originally introduced separate environmental technology bills. Under Senator BAUCUS's leadership, these original bills have been combined with his legislation to develop a comprehensive environmental technology bill that will help make America a leader in environmental technology. By combining our efforts, the whole is greater than the sum of the parts.

This bill will address two big concerns of the American people—the environment and the economy. Innovative technologies can save American companies money, increase U.S. exports, create jobs and help ensure a healthy, productive environment. These are benefits that will help Americans, but the fact is that the benefits of American leadership in environmental technology would be global. As we seek to meet the needs of a rapidly growing world population, while maintaining the health of the planet, technological advances will be critical.

We need to act quickly. The worldwide demand for consumer goods is increasingly shaped by American environmental concerns. Likewise, the demand for pollution control and environmental cleanup equipment is growing. The Congressional Office of Technology Assessment estimates that the global market for environmental goods and services will reach $300 billion by the year 2000. Although the OTA has found that U.S. companies remain competitive in most environmental technology sectors, it has also found that the U.S. position has eroded in some areas, such as air, water, and some waste technologies. As the global market expands, U.S. companies must capture their fair share of this market.

There is a consensus among industry, Government and environmental groups about the need to act quickly to improve environmental technology. There is a pressing need for better and more cost-effective clean-up technologies. For example, we currently cannot clean-up certain types of contamination—like soils contaminated with heavy metals and ground water polluted with oily wastes. Improvements in pollution prevention technology may prove even more significant. They will improve our environment and save companies money in lower material usage, treatment and disposal costs, reduced paperwork and lower liability and insurance costs. As one business executive testified before my subcommittee, "We view pollution today as waste, as a sign of inefficiency. And to the degree that we can eliminate that waste, we are diminishing inefficiency and also reducing our costs."

This bill will help make America a leader in environmental technology. It is carefully structured to substantially increase Government support of environmental technology without increasing Government bureaucracy. First, the bill requires the Government to coordinate existing programs designed to stimulate the development of innovative environmental technologies—both for remediation and pollution prevention. Over $4 billion is currently being spent annually by Government agencies on research and development of technologies that could be classified as environmental technologies. A coordinated approach among these agencies is critical for cost-effective use of these funds. This bill accomplishes this and will improve Government accountability and efficiency. It is full consistent with our efforts to reinvent Government.

Second, the bill will spur technology development by having the EPA provide seed money, through cost-sharing partnerships, to early stage projects in the private sector. Third, the bill establishes a program for technology development modeled on the highly successful Small Business Innovative Research Program [SBIR]. The SBIR program funds development toward commercially viable technology in a staged, multi-phased program and has enjoyed widespread, bi-partisan support. Until title III of the bill, a small portion—1.25 percent—of the EPA's budget for environmental cleanup would be authorized for private sector development of more efficient technologies contributions to the cleanup objectives. Like SBIR, this program uses a structured, three phase approach to review and grant awards to technology developers. It also requires EPA to consider commercial potential as well as scientific and technical merit in award decisions. This approach will help ensure that government-supported technology development leads to commercially viable technologies and creates new, high paying jobs.

Allocating a small portion of our cleanup funds for technology development should result in a significant reduction in the vast cost—estimated by one study at a "best estimate" of $752 billion in 1990 dollars over the next 30 years—to the Federal Government, private industry and others of cleaning up contaminated sites, and will improve cleanup results.

Fourth, the bill has several important provisions to reduce the barriers for the market for environmental technology development. Up to now, even if new environmental technologies were developed, many companies have had difficulty finding adequate testing facilities for their technologies. The bill would expand the Federal facilities that could be used as environmental technology test areas. It also establishes programs to verify the cost and performance characteristics relative to Federal regulations. These provisions will lower the market barriers created by preference within regulations for specific technologies and thurs stimulate competition and innovation.

Fifth, the bill direct's EPA, the Commerce Department and the heads of other executive agencies to work together to provide environmental services to small businesses including information and technical assistance on new environmental technologies, environmental compliance, methods for achieving compliance and pollution prevention. This would work through the Manufacturing Technology Centers administrated by the National Institute of Standards and Technology [NIST] and other technology assistance programs for small businesses, as appropriate.

Small businesses have limited access to legal and technical staff. They often need assistance in identifying the requirements of the law and cost-effective approaches available to achieve compliance. Environmental technical assistance programs can make small businesses more competitive by saving them money while improving their environmental performance. Successful pollution prevention programs can help businesses avoid regulation altogether.

Some of the Commerce Department's Manufacturing Technology Center's [MTC's], such as the Great Lakes center, are beginning to integrate environmental technical assistance into their small business mission. The MTC's and other industry extension centers are well-positioned to integrate environmental technical assistance with other manufacturing concerns such as productivity, quality and worker training. As a recent OTA report, "Industry, Technology and the Environmental" notes:

> Separate programs make it hard for programs to market their services to industry. Moreover, it becomes more difficult for programs to establish the long-term working relationships so important to instituting both pollution prevention and manufacturing modernization as a continuous process.

The administration has proposed to dramatically increase the number of MTC's over the next 4 years. This legislation would build environmental considerations into the centers as the outset of this expansion.

This cooperative effort between EPA and the Department of Commerce and other agencies is an important opportunity to improve Government's response to both economic and environmental concerns. EPA can identify existing and pending compliance requirements, and has broad expertise in alternative compliance strategies. But EPA has limited capacity to reach out to and assist small businesses in their communities. Working together, the agencies can provide user friendly, one—stop service centers to best serve small business needs while improving environmental protection.

Mr. President, I believe this bill will help make America a leader in environmental technology. We need innovative environmental technologies now. This bill will help Government serve as a catalyst to promote private sector development of innovative technologies without increasing Government bureaucracy. It will also increase U.S. competitiveness in this important field. The United States is a leader in environmental protection—it also needs to be the leader in environmental technology.●

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. Mr. President I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 2019, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

The Senate proceeded to consider the bill.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, as the Senate today begins consideration of S. 2019, a bill to reform and reauthorize the Safe Drinking Water Act, I would like to basically say a few words about the concept and the principle of the bill before I turn to details of the legislation.

We often spend a lot of time here in this body and in a lot of committees talking about abstract issues. Some of them are quite arcane, I might add.

For example, on the Environment and Public Works Committee we spend time talking about the standard for developing an effluent guideline under section 302(b)(1)(B) of the Clean Water Act. Or the relationship between sediment quality criteria and Superfund "ARAR's."

Do not ask me what all that is. On the Finance Committee, we spend time talking about amortization schedules or the pros and cons of value added taxes. All that gets pretty arcane, pretty complex.

Today, however, we are not talking about some arcane, abstract issue. Rather, we are talking about the public health and safety of the Nation's drinking water—the water is our coffee, in our orange juice; the water our children drink from the fountains in school corridors; the water we drink—straight from the tap, two and a-half quarts a day, every day of our lives, water that we drink in one form or another.

Americans expect to turn on the faucet, fill a glass, and drink the water—without getting sick. They expect safe drinking water in their homes and in their local communities. They expect safe drinking water when they move to a new community, which the average American does 11 times in a lifetime.

We Americans expect safe drinking water when we travel. When people from Glendive, MT visit Billings, Spokane, or Boston, or when people visit their Nation's Capital, they expect to be able to drink the water without getting sick or without the worry of getting sick.

Some might say that we take safe drinking water for granted. Well, I might have agreed with that until recently, when vivid evidence—in Milwaukee and here in Washington, DC—has demonstrated that we can not take safe drinking water for granted. And there continues to be a very real need to protect public drinking water supplies.

The American people want their drinking water to be safe and realize that it costs money to make sure that it is safe. In fact, a survey conducted by the American Water Works Association—that is the industry association—last October found that 82 percent of consumers are willing to pay more to ensure that the water they drink meets the standards the Environmental Protection Agency [EPA] has determined are necessary to protect human health.

The question is, how do we make sure that the money spent to protect drinking water supplies is spent wisely? The fundamental issue here, is balance. How do we ensure the public health will be protected while the costs of that protection are not prohibitive? Public health protection has a cost. It is our responsibility, it is our job, to strike the right balance.

Before Congress passed the Safe Drinking Water Act in 1974, the job was not getting done. From 1961 to 1970, there has been 128 outbreaks of illness or poisoning attributable to drinking water contamination. Eight million Americans were drinking unsafe water. The 1974 act created the Public Water System Supervision Program—there is a mouthful—and authorized EPA to regulate drinking water contaminants. That was back in 1974, just 20 years ago.

Twelve years later, in 1986, the job still wasn't getting done. EPA had identified 700 contaminants in drinking water, but had set standards for only 23. The incidence of waterborne disease was rising. In response, Congress enacted legislation to correct the major deficiencies in the act. The 1986 amendments established schedules of standard-setting. It required the simultaneous promulgation of goals and standards and based the standards on the best available technology.

The 1986 act reflected a consensus. The Committee on Environment and Public Works reported the bill unanimously, the full Senate approved the conference report by a vote of 94-0 and President Ronald Reagan signed the bill into law.

THE CHALLENGE

Today we know that, despite our good intentions and the many improvements made by the 1986 act, it was flawed. We overreacted. We pushed the pendulum too far in the direction of regulation. As a result, implementation of the Safe Drinking Water Act has gone awry, particularly when it comes to smaller, local communities.

Local officials who operate drinking water systems are buried under a mountain of redtape, particularly those who operate small systems. Eighty-seven percent of the nearly 60,000 community water systems in this country serve fewer than 3,300 people. The operators of these systems are trying to provide a basic public service to their neighbors. The job is difficult enough without unnecessary recordkeeping and monitoring requirements that the present act, particularly the 1986 amendments, impose upon them.

There is another problem. Current standards do not take into account the economic burden on those who operate small systems. Small systems have limited economies of scale. They cannot spread the costs of treatment across a large number of ratepayers. So, in many cases, household rates skyrocket.

On top of all this, the standards-setting system keeps rolling along, with 25 new contaminants regulated every 3 years, whether they are needed or not. And, finally, we have not provided the kind of Federal financial aid necessary to help communities meet their increased obligations.

Because of all these problems, it seems that the Safe Drinking Water Act has become the very symbol of concern about unfunded mandates. But we have to get beyond symbolism. We have to solve the problems. We have to provide balanced solutions. Otherwise, we may overreact again. We may push the pendulum back too far in the other direction. If so, we may undermine the protection of public health.

STRIKING THE BALANCE

The legislation I introduced more than 7 months ago began the process of trying to strike the balance. Since introduction last fall, I have consulted with many other Senators on both sides of the aisle to address their concerns about the bill and the drinking water program. As a result of those discussions, I believe we have made significant improvements in the bill. The bill reported unanimously from the Environment and Public Works Committee in March strikes a good balance.

It creates a new—I underline the word "new"—State revolving loan fund to finance compliance with the act's requirements. It reforms the standards-setting process and the monitoring requirements.

It streamlines the enforcement system, and lightens the burdens on small communities while continuing to protect public health. It institutes a new program to prevent contamination of water supplies. And it encourages States to deal with systems that lack the ability to provide safe drinking water over the long term.

It also addresses the issue of risk. Risk assessment is not a magic answer to all our problems. But it is an important tool when applied to specific problems. This bill does that. It applies risk-based concepts to contaminant selection, radon, small system variances and standard-setting. In addition, it authorizes a broad-based research program directed toward risk assessment.

It has been a constructive, cooperative process. I am particularly grateful to the ranking member, Senator CHAFEE and his staff and to the members of committee, including the present occupant of the chair, for their help with this issue. That work is reflected in the bill before us today, and in a managers' amendment that will be offered later this week.

I also want to thank two Members not on the committee—Senator HATFIELD, who has done a very good job working on this bill, and Senator KERREY of Nebraska—for their interest in this issue and their tireless efforts on its behalf. I must say, were it not for their contribution I am not sure the bill would be up before us today.

This bill is the result of an extensive consensus-building process—after all, that is what the legislative process is all about. It addresses many of the concerns we have heard from all sides. It is not the bill that any single member would write.

But this bill is on the right track and I am confident that it will reduce regulatory burdens while fully protecting public health.

In addition to the managers' amendment, several Senators will be offering amendments that address specific changes to some of the provisions of this bill, for instance Senators KERREY and HATFIELD on monitoring and viability, and Senators WARNER and CONRAD on source water protection. But first I would like to take a few minutes to describe the bill before us and its major provisions.

FUNDING

Funding for States and communities is one of the most critical problems with the current program. Many systems, especially small systems, do not have the financial resources to comply with the current requirements of the act. This bill establishes a State revolving loan fund similar to the Clean Water Act revolving fund.

The funds can be used by all States to help communities comply with drinking water standards, restructure their operations, or find alternative sources of water. The fund is authorized at a level of $600 million in fiscal year 1994, money that has already been appropriated, and at a level of $1 billion annually through fiscal year 2000.

States are required to match 20 percent of the Federal grant, as under the Clean Water Act, and States can give loan subsidies or extended loan terms to systems that the State considers are disadvantaged. The fund also includes a 2-percent set-aside to be used for technical assistance for small water systems. That is, if they do not have the wherewithal to know how to comply, States may set aside 2 percent for that.

Initially, grants for the drinking water State revolving funds are distributed according to the same formula currently used to allocate Federal grants to States for the operation of State drinking water oversight programs. Beginning in fiscal year 1988, funds will be distributed according to a survey of drinking water treatment needs conducted by EPA.

The drinking water SRF differs from the clean water SRF in two important ways. First, States have the flexibility to use a portion of their drinking SFR funds to support current and new drinking water responsibilities, including assistance to small systems and State-designed monitoring requirements. Initially, SRF funds can be used to meet 50 percent of a State's drinking water program funding shortfall.

In the second, third, and fourth years, SRF funds can be used to meet 100 percent of the State's programs shortfall. In the fifth year, after States have completed the start-up phase of reforms, funding from the SRF can be used to meet 50 percent of the State's funding shortfall.

This Federal assistance ensures that States have adequate funding to take full advantage of new flexibilities in the bill, including special programs for small communities, monitoring relief, and source-water protection programs. It will also give States time to develop their own sources of funding.

Another flexibility in the SRF provision allows Governors to shift up to 50 percent of the funds under the clean water or drinking water revolving loan funds between the two SRF's. This bill establishes a separate State revolving water fund. This allows Governors to shift back and forth according to State-specific needs. Some States may have greater clean water, that is, sewage treatment need as opposed to safe drinking water need. Some other States may be in the opposite situation.

This will give States added flexibility to address their most pressing problems, whether they are drinking water or wastewater.

This flexibility responds to the growing concerns over unfunded burdens being placed on State governments. Not only will the States have more flexibility, they will have the funding to tailor State programs to the needs of water systems.

Another way this bill addresses the resource problem is by increasing the authorization for State program grants from $40 million to $100 million annually through fiscal year 2000 and retains the current match requirement at 75 percent Federal, 25 percent State.

If drinking water reforms are going to succeed, it will take a true partnership among the Federal and State governments and the water systems.

HEALTH RISKS AND STANDARDS

The bill reflects recommendations from the Clinton administration, from industry and State and local governments to overhaul the process for selecting future contaminants for regulation. All parties believe EPA needs to use the best possible scientific judgment in setting risk-based priorities.

The current approach to contaminant selection mandates an outcome—83 contaminants plus an additional 25 contaminants must be regulated every 3 years—rather than a process based on good judgment and sound science. The bill eliminates this "25 every 3 years requirement" and replaces it with a new process for listing, researching, and selecting contaminants.

The process would operate on a 5-year cycle, and it would require EPA, in consultation with the Centers for Disease Control and Prevention, to identify the specific steps necessary to select health effects data and complete a risk analysis. After the studies are done, EPA would decide whether a contaminant poses a public health threat.

At the same time, EPA would use the newly established national occurrence database to determine if the contaminant was actually present in drinking water supplies. If it both appears in drinking water and poses a health threat, then it can be regulated as a new contaminant. If it does not meet both tests, it will not. This approach eliminates the current quota of regulations and ensures that good science supports all regulations.

While the contaminant listing and selection reforms have widespread support, there is a related issue that has attracted considerable discussion; namely, on what basis should standards be set?

I have worked extensively with concerned parties on all sides to reach an agreement on standard setting that preserves our fundamental health protections while avoiding unnecessary costs.

The proposal in this bill strikes a balance. Combined with the provision in the managers' amendment, the Administrator of EPA will have additional authority to consider setting the MCL for carcinogens and noncarcinogens at a level less stringent than the level that is technologically feasible provided that the substantial cost saving does not result in increased risk to health and the basis for the decision is founded on sound science.

I will speak in more detail about this provision later in the debate, but I believe it presents sound policy. I urge my colleagues to consider it carefully.

MONITORING

But perhaps the single most costly requirement for most small systems under the act is not treatment but monitoring. When a contaminant is not found through testing, no treatment should be required and there are no further costs. The key is to design water testing requirements that reasonably reflect the risk of a contaminant and avoid unnecessary and costly monitoring.

The bill uses risk considerations to modify monitoring requirements in three ways: First, EPA is required to look at monitoring requirements for no less than 12 contaminants it currently regulates and to modify them if monitoring can be reduced.

Second, States are allowed to completely replace Federal monitoring requirements based on local conditions. In areas of low risk—I might add, Mr. President, that this country is not homogenous. Some areas of the country are at a lot less risk than some others—a State may set low-frequency testing requirements or eliminate routine monitoring altogether in some instances. EPA is given clear criteria for approving State monitoring programs.

Finally, small systems that test and do not find any problems can avoid follow-up or repeat monitoring for many contaminants. These approaches can easily reduce water testing costs 50 percent for chemical contaminants in a State, and up to 75 percent for individual small systems.

SMALL SYSTEMS

As I mentioned earlier, one of the most critical problems that this legislation addresses is the disparity in compliance costs between large and small systems. Some 87 percent of the drinking water systems in this country are small, serving fewer than 3,300 persons. While they serve about 10 percent of the population, they bear about 40 percent of the cost of the Safe Drinking Water Act.

This bill helps small systems that cannot afford to use conventional treatment and that can benefit from technologies geared specifically to the needs of small systems.

Here is how it works: Any system serving 10,000 people or less may request a variance to install special small system technology identified by EPA. This means if a small system cannot afford to comply with current regulations through conventional treatment, system restructuring or finding an alternative source of water, the system can comply with the act by installing affordable small system technology.

Small systems that seek a variance will be protected from financial penalties while their application is being reviewed. If approved, they would have 3 years to install the affordable technology. States approve the initial variances for a 5-year period and may renew them for additional 5-year periods. A variance cannot be approved unless the technology provides adequate protection of human health.

If a system requests a variance but does not get one, either because the system can restructure, find a better source of water, or can afford to comply with a regulation, the system will have additional time to comply with the regulation, with extensions possible if the system is in line for SRF money.

Furthermore, the existing exemption procedure in the act is clarified so that disadvantaged communities experiencing economic hardship can be granted an additional period of up to 3 years, to come into compliance with the act if financial assistance through the SRF or other sources is likely to be available. An additional 2-year extension could apply to communities serving under 3,300 people.

But the paramount consideration, however, that underlies the granting of a variance or exemption is that there be adequate protection of public health.

Part of the success of the small system program will depend on stopping the formation of new systems that are unable to comply with the act, and identifying restructuring options for systems that currently cannot meet safe drinking water standards.

In March, the GAO noted that States need to have authorities to deal with nonviable systems—that is what they are called—those that really cannot comply, those that do not have the ability to comply, and if we ever hope to protect the safety of drinking water in every small community, we have to give States the opportunity to deal with these nonviable systems.

The amendment to be offered by Senators HATFIELD and KERREY of Nebraska requires States to have that legal authority; that is, to prevent new, nonviable systems from forming in their States. States must also develop a program to encourage existing systems that are not in compliance with the act to restructure; that is, to become viable.

EPA will provide guidance on identifying those systems, including a survey of nonviable systems and options on how to restructure them.

Furthermore, systems may seek protection from enforcement penalties for preexisting violations for up to 2 years while they consolidate. And as another incentive, States cannot use SRF money to prop up nonviable systems.

MULTIMEDIA AND SOURCE WATER PROTECTION

During the Environment and Public Works Committee's "taking stock" hearings last year, one message we heard loud and clear was that our environmental laws need to work better together. The radon provision in this bill responds to that message.

Radon is a difficult problem. As you know, radon is a naturally occurring substance. It is also a potent carcinogen—the second leading cause of lung cancer. Yet, some 90 percent of our exposure comes not in the water but through indoor air.

In order to avoid spending huge resources controlling radon in drinking water, while ignoring the greater threat posed from radon in indoor air, the bill proposes a multimedia approach to the radon problem. It requires that in addition to a standard published under current law, the EPA must propose an alternative standard that is equivalent to the risk associated with radon in outdoor air.

To comply with this alternative standard, a system must be in a State that is participating in the radon control program under the Toxic Substances Control Act, or implement its own program of public education, testing, and radon prevention standards in new construction.

This provision recognizes two important facts. First, that the largest health threat from radon is in the air, and more of our resources and attention should go in that direction. Second, that controlling radon in water more strictly than the inevitable exposure from outdoor air is not a wise use of limited resources.

SOURCE WATER PROTECTION

Pollution prevention is an important and cost-effective means of ensuring safe drinking water. The current law needs to be expanded to encourage more attention to protection of sources before they are contaminated. An amendment by Senators WARNER and CONRAD deals with source water protection.

The provision encourages States to develop a source water protection program and provide assistance to local systems requesting their help in protecting their drinking water supplies. This assistance can be in the form of technical financial aid, including eligibility for grants under the nonpoint source program of the Clean Water Act.

ENFORCEMENT

The bill also provides more consistent authority to take action against violations of the Act, including compliance only administrative orders and administrative penalties of up to $10,000 per day. Civil enforcement is provided for in key parts of the act, with fines up to $25,000 per day. It also streamlines inspection procedures similar to other environmental laws and allows the Administrator to respond more quickly to emergency situations after notifying State and local officials.

The managers' amendment will also increase public notice requirements for violations that may adversely affect people's health, including a requirement that customers of a public water system be notified by mail if their drinking water supply is in violation of the act.

OTHER PROVISIONS

The bill also extends and increases authorizations for several research and training programs. One of the criticisms of the drinking water program is that there is insufficient research on the health effects of some contaminants. That complicates the setting of proper standards. The provisions in this bill will help alleviate that shortcoming.

The bill also encourages States to adopt certification programs for the principal operator of a community water system. The GAO recently identified operator certification as an important element in assuring safe water supplies. The managers' amendment will require States to have an operator certification program in place by 1999 or face the loss of a portion of their SRF funds. Some three dozen States currently have such programs.

Finally, let me repeat my thanks for the hard work of several Senators, including the ranking member of the committee, Senator CHAFEE, and also Senator HATFIELD and Senator KERREY of Nebraska. They have all helped bridge the differences that surrounded this very complex issue. Without their assistance, we would not have reached the point where we are today.

Mr. President, I very much urge Senators to take a long, hard look at this bill. Under the unanimous-consent agreement reached last Friday, we will not probably return to this bill until late Wednesday or early Thursday, so I urge Senators in the interim to come to me and to my staff with respect to any amendments they may have so we can work out those amendments as expeditiously as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. BAUCUS assumed the Chair.)

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate now go into morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. METZENBAUM pertaining to the submission of S. Con. Res. 69 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of January 5, 1993, the Secretary of the Senate, on May 6, 1994, during the recess of the Senate, received a sundry nomination; which was referred to the Committee on Veterans' Affairs.

(The nomination received on May 6, 1994, is shown in today's RECORD at the end of the Senate proceedings.)

ADDITIONAL SANCTIONS WITH RESPECT TO HAITI—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

On October 4, 1991, pursuant to the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1703 *et seq.*) and section 301 of the National

Emergencies Act ("NEA") (50 U.S.C. 1601 *et seq.*), President Bush exercised his statutory authority to issue Executive Order No. 12775 on October 4, 1991, declaring a national emergency and blocking Haitian government property.

On October 28, 1991, pursuant to the above authorities, President Bush exercised his statutory authority to issue Executive Order No. 12779 on October 28, 1991, blocking property of and prohibiting transactions with Haiti.

On June 30, 1993, pursuant to the above authorities, as well as the United Nations Participation Act of 1945, as amended ("UNPA") (22 U.S.C. 287c) I exercised my statutory authority to issue Executive Order No. 12853 on June 30, 1993, to impose additional economic measures with respect to Haiti. This latter action was taken, in part, to ensure that the economic measures taken by the United States with respect to Haiti would conform to United Nations Security Council Resolution 841 (June 16, 1993).

On October 18, 1993, pursuant to the IEEPA and the NEA, I again exercised my statutory authority to issue Executive Order No. 12872 October 18, 1993, blocking property of various persons with respect to Haiti.

On May 6, 1994, the United Nations Security Council adopted Resolution 917, calling on Member States to take additional measures to tighten the embargo against Haiti. These include, *inter alia*, a requirement that Member States deny permission for take off, landing or overflight to any aircraft flying to or from Haiti, other than aircraft on regularly scheduled commercial passenger flights. In addition, the Resolution strongly urges, but does not mandate, the freezing of funds and financial resources of officers of the military in Haiti, including police, major participants in the coup d'état of 1991, and in illegal governments since the coup d'état, those employed by, or acting on behalf of, the military, and immediate family members of the foregoing. Effective at 11:59 p.m. e.d.t., May 8, 1994, I have taken additional steps pursuant to the above statutory authorities to enhance the implementation of this international embargo and to conform to United Nations Security Council Resolution 917.

This new Executive order:

—bans arriving and departing flights and overflights stopping or originating in Haiti, except regularly scheduled commercial passenger flights;

—blocks the funds and financial resources, subject to the jurisdiction of the United States, of the individuals specified in Resolution 917, identified above;

—prohibits any transaction that evades or avoids or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions of this order; and

—authorizes the Secretary of the Treasury, in consolation with the Secretary of State, to issue regulations implementing the provisions of the Executive order.

The new Executive order is necessary to implement certain provisions of United Nations Security Council Resolution 917 of May 6, 1994, that are to take effect without delay. Further measures, including a comprehensive trade embargo with certain humanitarian exceptions, are required no later than May 21, 1994. I am considering additional measures to give full effect to these and other provisions of the Resolution. The measures we are imposing and the United Nations Security Council Resolution adopted on May 6, 1994, reflect the determination of the United States, acting in concert with the international community, to end the assault on democracy and human dignity in Haiti.

I am providing this notice to the Congress pursuant to section 204(b) of the IEEPA (50 U.S.C. 1703(b)) and section 301 of the NEA (50 U.S.C. 1631). I am enclosing a copy of the Executive order that I have issued.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 7, 1994*.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL:

S. 2088. A bill to ensure that no person is required, other than on a voluntary basis, to complete certain quarterly financial reports of the Bureau of the Census; to the Committee on Governmental Affairs.

By Mr. MITCHELL (for Mr. WOFFORD, for himself and Mr. SPECTER):

S. 2089. A bill to authorize the establishment of the Steamtown National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. METZENBAUM:

S. Con. Res. 69. A concurrent resolution expressing the sense of the Congress that any legislation that is enacted to provide for national health care reform should provide for compensation for poison control center services, and that a commission should be established to study the delivery and funding for poison control services; ordered held at the desk.

SENATE CONCURRENT RESOLUTION 69—RELATING TO POISON CONTROL CENTERS

Mr. METZENBAUM submitted the following concurrent resolution; which was ordered held at the desk:

S. CON. RES. 69

Whereas poisoning remains a significant public health problem in the United States, especially for children;

Whereas, in 1991 alone, more than 13,000 persons died in the United States due to poisoning, including approximately 6,400 persons who died from unintentional poisoning;

Whereas 60 percent of the 2,400,000 poison exposure cases reported to poison control centers in 1992 involved children younger than 6 years of age;

Whereas poison control centers saves lives by providing free first-aid advice over the telephone to poison victims, health care professionals, and frightened parents of poisoned children;

Whereas physicians, hospitals, public health departments, and the public depend on poison control centers to provide indispensable emergency advice and treatment information for poisonings, and to be available 24 hours during each day of the year;

Whereas no other community health care service has the facilities and expertise to monitor the hundreds of thousands of consumer products with which children are unintentionally poisoned every day, or to provide the proper antidote advice when a person has been exposed to such consumer products;

Whereas poison control centers across the country are closing or drastically reducing the services they provide, due to misguided attempts by hospitals and States to save money;

Whereas approximately ½ of the 38 poison control centers in the Nation that meet national standards are in financial jeopardy, and lack of funding has caused some poison control centers to stop answering some emergency telephone calls;

Whereas many hospitals have stopped funding poison control centers because of funding constraints and because most poison control centers serve a wider geographic area than is served by any 1 hospital;

Whereas closing poison control centers increases the cost of health care, and needlessly places the lives of millions of children at risk;

Whereas poison control centers are cost efficient and economical because over 70 percent of the cases assisted by poison centers are resolved over the telephone while the patient is in the patient's own home, which avoids unnecessary emergency room visits, ambulance use, and hospital admissions;

Whereas every $1.00 spent on poison control centers saves at least $7.75 in health care costs;

Whereas, if poison control centers were not available, 600,000 additional poisoning victims would be unnecessarily treated in hospitals each year, at a much higher cost than the cost of assistance by a poison control center;

Whereas health care for Americans will cost $545,000,000 less each year if access to quality poison control centers is provided to all Americans than if no such access is provided, even after the costs of providing poison control center services are considered; and

Whereas Federal leadership in the funding plight of the Nation's poison control centers has been nonexistent: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) any legislation that is enacted to provide for national health care reform should contain provisions that ensure that qualified poison control centers that meet national

standards and are certified by the American Association of Poison Control Centers are fairly and adequately compensated by means that may include—

(A) a fee for service mechanism under which each health benefit plan would pay a fee for each service rendered by a poison control center to a member of the plan;

(B) a per capita mechanism, under which each health benefit plan would pay a negotiated or predetermined amount, based on the number of members in the plan or the amount of poison control center services used by members of the plan in the past, to support poison control centers; or

(C) an expanded public health program, including a program of Federal or State matching grants; and

(2) a national commission should be established, under the auspices of the Public Health Service or in any other appropriate format, to study the delivery and funding of poison control services, including—

(A) means to maximize the use of information technologies in the delivery of poison control services; and

(B) possible use of a nationwide, toll-free telephone number as a means for the public to receive poison control services.

Mr. METZENBAUM. Mr. President, every year hundreds of thousands of parents call the Nation's poison centers for help to save their children's lives. In 1992 alone, 60 percent of the 2,400,000 cases reported to poison control centers were for children younger than 6 years old. Frantic families got help faster from the poison control centers than they could get it from an emergency room and at much less cost.

Every dollar spent on the Nation's poison control centers saves at least $7.75 in health care costs. If poison control centers were not available, 600,000 additional poisoning victims would be unnecessarily treated in hospitals each year—at a much higher cost than the cost of a lifesaving call to the poison center. Yet many of the Nation's 38 poison centers are in financial danger—the center here in the Washington area is closing and many others are closing or drastically reducing their hours or coverage or are even forced to refuse to take calls from certain areas. The problem is shortsighted budget cutting by hospitals and State and local governments.

Most of you have seen the news reports showing grateful parents with healthy children beside them—children who might otherwise have died without the swift, sure help of the poison centers. One news program, the *Crusaders*, actually contacted corporations and started a bumper sticker campaign to raise money to try to keep these centers open.

The response, I understand, has been heart warming but, at best it is an emergency stopgap action that may help some centers stay open for a while.

Mr. President, we need all of these centers nationwide to stay open and available 24 hours a day. It is in the national interest both to protect the lives of millions of Americans and to protect our health care system against the cost of unnecessary emergency room visits.

Mr. President, funding for the Nation's poison control centers should be a part of health care reform. The money it costs to run the poison control centers is a fraction of what it will cost us if we don't run them. Without the Nation's poison centers, the cost to evaluate and treat poison victims will rise $545 million.

Therefore I am introducing a resolution stating it is the sense of the Congress that poison centers should be funded as a part of health care reform. It outlines ways in which the program can be easily and adequately funded. The identical resolution has already been introduced by Representative TOWNS in the House.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1208

At the request of Mr. WOFFORD, the names of the Senator from Wisconsin [Mr. KOHL], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1629

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1629, A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus, and for other purposes.

S. 1690

At the request of Mr. DANFORTH, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

At the request of Mr. PRYOR, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1690, supra.

S. 1822

At the request of Mr. HOLLINGS, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1822, a bill to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes.

S. 1885

At the request of Mr. DECONCINI, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1885, a bill to amend the National Security Act of 1947 to provide a uniform framework for the classification and declassification of information in the interests of national security.

S. 1948

At the request of Mr. DECONCINI, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1948, a bill to amend the National Security Act of 1947 to improve the counterintelligence and security posture of the United States intelligence community and to enhance the investigative authority of the Federal Bureau of Investigation in counterintelligence matters, and for other purposes.

S. 2007

At the request of Mr. WOFFORD, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2007, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and General George C. Marshall's service therein.

S. 2027

At the request of Mr. DODD, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2027, a bill to provide for the reinstatement of democracy in Haiti, the restoration to office of the duly elected President of Haiti, Jean-Bertrand Aristide, the end of human rights abuses against the Haitian people, support for the implementation of the Governors Island Agreement, and for other purposes.

S. 2031

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2031, a bill to amend the Merchant Marine Act, 1936, to prohibit the imposition of additional charges or fees for attendance at the United States Merchant Marine Academy, and to express the sense of the Senate that no additional charges or fees shall be imposed for attendance at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy, and for other purposes.

SENATE JOINT RESOLUTION 158

At the request of Mr. WOFFORD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 158, a joint resolution to designate both the month of August 1994 and the month of August 1995 as "National Slovak American Heritage Month."

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 181

At the request of Mr. SIMON, the names of the Senator from Alabama [Mr. HEFLIN], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 181, a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. LIEBERMAN, the names of the Senator from Florida [Mr. MACK], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution expressing the sense of the Congress with respect to Taiwan's membership in the United Nations and other international organizations.

AMENDMENTS SUBMITTED

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

BINGAMAN AMENDMENTS NOS. 1689–1691

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act—commonly known as the Safe Drinking Water Act, and for other purposes; as follows:

AMENDMENT NO. 1689

At the appropriate place, insert the following new section:

SEC. . ___. ENVIRONMENTAL FLEXIBLE FUNDING.

(a) FINDINGS.—Congress finds that—

(1) the magnitude, causes, and interrelationship of environmental pollution are far more significant than previously estimated;

(2) because, in recent years, the requirements under Federal law to address pollution have expanded, State and local governments have greater economic burdens in meeting the Federal requirements;

(3) the nature and extent of environmental problems vary among and within States;

(4) Federal financial assistance to help remediate environmental pollution is limited;

(5) grant programs that are in effect on the date of enactment of this Act are generally restricted to funding specific categories of activities, without regard to the particular conditions of individual States or the relative importance of the activities within a State; and

(6) a single program designed to deal with all forms of environmental pollution within a geographic area may be more effective than a number of programs that address specific components of pollution.

(b) PURPOSES.—The purposes of this section are to—

(1) promote more effective and efficient use of Federal, State, and local funds with respect to the control of pollution;

(2) enable a State to adapt programs of Federal assistance to meet the particular environmental needs of the State;

(3) help alleviate the impact of Federal requirements by enabling States to integrate and target Federal assistance from a variety of funding sources into a single program to address priority problems if the integration of the assistance into the program furthers the goals and objectives of the programs for which the assistance was initially provided; and

(4) facilitate the funding of environmental programs that address multiple sources of pollution within a geographic area.

(c) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AREA OF ENVIRONMENTAL CONCERN.—The term "area of environmental concern" includes air, drinking water, pesticides, solid and hazardous waste, toxics, and water quality (as defined and determined by the Administrator).

(3) ENVIRONMENTAL MEDIUM GRANT.—The term "environmental medium grant" means a grant made pursuant to the grant program established under subsection (d)(1).

(4) GOVERNOR OF A STATE.—The term "Governor of a State" means the Governor of a State, or if the State does not have a Governor, the equivalent official of the State.

(5) INDIVIDUAL GRANT PROGRAM AUTHORITY.—The term "individual grant program authority" means an individual grant program authority described in subsection (d)(1)(B). The term does not include any authority for a grant made to a State for capitalization for the establishment of an environmental loan fund.

(6) MULTI-MEDIA ENVIRONMENTAL GRANT.—The term "multi-media environmental grant" means a grant made pursuant to the grant program established under subsection (d)(2).

(7) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. The term includes, to the extent allowable by law—

(A) an interstate agency that has jurisdiction over 2 or more States and is established pursuant to an agreement or compact that is approved by Congress to carry out the control of pollution (as defined and determined by the Administrator); or

(B) an entity that is—

(i) established by a cooperative agreement between 2 or more States to carry out the control of pollution (as defined and determined by the Administrator); and

(ii) approved by the Administrator.

(8) STATE AGENCY.—The term "State agency" means an entity of a State that is designated by the Governor of a State as having primary responsibility for carrying out the laws of the State relating to pollution prevention, control, and abatement.

(d) GRANT PROGRAMS.—

(1) ENVIRONMENTAL MEDIUM GRANTS.—

(A) IN GENERAL.—

(i) ESTABLISHMENT OF PROGRAM.—As soon as practicable after the date of enactment of this Act, the Administrator shall, in consultation with the Governors of States and by regulation, establish an environmental medium grant program. Notwithstanding any other provision of law, for each fiscal year, from the amounts made available to the Administrator to make grants to States under the individual grant program authorities specified in subparagraph (B), the Administrator may make a consolidated grant to any State with respect to which the Governor or the head of a State agency submits an application that is approved by the Administrator, in lieu of awarding the funds as individual grants that would otherwise be awarded to the State under the individual grant program authorities specified in subparagraph (B), to fund eligible programs and activities relating to pollution prevention, control, and abatement and related environmental activities of a State.

(ii) ADMINISTRATION BY STATE.—Except as otherwise provided in this section, in carrying out the consolidated grant program under this paragraph, a State may exercise the individual authorities that the State may exercise under the individual grant program authorities, and to the extent required to carry out this section, may transfer authority to an appropriate State agency.

(iii) USE OF GRANTS.—Under the grant program, grants shall be awarded to address the pollution prevention, control, and abatement problems and related environmental problems of 1 area of environmental concern on a statewide basis, in accordance with a priority work plan that meets the requirements of subparagraph (D) and that is developed by the appropriate official of the State pursuant to such subparagraph.

(B) INDIVIDUAL GRANT PROGRAM AUTHORITIES.—The individual grant program authorities specified in this subparagraph include the following grant program authorities granted to States under the following provisions of Federal environmental law:

(i) AIR PROGRAMS.—Sections 103(b), 105, 106, and 112 of the Clean Air Act (42 U.S.C. 7403(b), 7405, 7406, and 7412, respectively) and section 306 of the Toxic Substances Control Act (15 U.S.C. 2666).

(ii) DRINKING WATER PROGRAMS.—Sections 1427, 1428, 1443, and 1465 of the Public Health Service Act (42 U.S.C. 300h-6, 300h-7, 300j-2, and 300j-25, respectively).

(iii) PESTICIDES.—Section 23 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136u).

(iv) SOLID AND HAZARDOUS WASTE PROGRAMS.—Sections 2007, 3011, and 4008 of the Solid Waste Disposal Act (42 U.S.C. 6916, 6931, and 6948, respectively).

(v) TOXIC SUBSTANCES PROGRAMS.—Sections 10, 28, and 403 of the Toxic Substances Control Act (15 U.S.C. 2609, 2627, and 2683, respectively).

(vi) WATER QUALITY.—Sections 104(b), 104(g), 106, 205(j), 314(b), 319, 320, and 604(b) of the Federal Water Pollution Control Act (33 U.S.C. 1254(b), 1254(g), 1256, 1285(j), 1324(b), 1329, 1330, and 1384(b), respectively).

(vii) OTHER PROVISIONS.—Any other related provision of Federal environmental law that the Administrator considers to be appropriate.

(C) APPLICATION.—An application submitted pursuant to subparagraph (A) by the Governor of a State or the head of a State agency shall be in such form, and contain such information, as the Administrator determines appropriate and shall, at a minimum, include—

(i) a description of the programs and activities to be carried out by the State with funds made available under the grant that is the subject of the application;

(ii) a statement concerning how the programs and activities specified in clause (i) will promote the goals and objectives of the priority work plan of the State developed pursuant to subparagraph (D);

(iii) for each program or activity listed pursuant to clause (i), a description of—

(I) the objectives of the program or activity; and

(II) measurable performance criteria to be applied to the program or activity;

(iv) a statement of the proposed distribution of funds made available under the grant among activities and programs, including an order of priorities;

(v) a statement concerning how the distribution of funds of the State will adequately address the requirements under the individual grant program authorities covered under the environmental medium grant; and

(vi) an identification of the State agency that will—

(I) carry out the programs and activities specified in clause (i);

(II) monitor the use of funds made available under the grant that is the subject of the application; and

(III) report to the Administrator on the use of the funds.

(D) PRIORITY WORK PLAN.—

(i) IN GENERAL.—As part of a grant application, the Governor of the State or the head of the State agency of the State shall submit a priority work plan to the Administrator. The priority work plan shall be for a period of 1 or more years. The plan shall—

(I) be developed—

(aa) in accordance with guidance issued by the Administrator pursuant to clause (ii); and

(bb) with appropriate public notice and opportunity for review and comment; and

(II) include a description of—

(aa) the environmental problems to be addressed by the work plan;

(bb) the proposed strategy of the State to address the problems specified in item (aa), including the goals and objectives of the State relating to the strategy;

(cc) priority actions to be taken pursuant to the work plan; and

(dd) the expected outputs and results in terms of effects on the environment to be accomplished pursuant to the work plan.

(ii) GUIDANCE.—As soon as practicable after the date of enactment of this Act, the Administrator shall issue guidance for priority work plans prepared pursuant to this subparagraph.

(E) ELIGIBLE PROGRAMS AND ACTIVITIES.—Any program or activity that is eligible to receive funding under a grant that would otherwise be awarded to a State under individual grant program authorities, but for this paragraph, shall be considered to be an eligible program or activity for the purposes of this paragraph.

(F) AMOUNT OF GRANT.—The amount of a grant awarded to a State under this paragraph shall not exceed the total amount of grants that would otherwise be awarded to the State under individual grant program authorities, but for this paragraph.

(G) COST-SHARING.—

(i) IN GENERAL.—Notwithstanding any other provision of law, including any requirement of individual grant program authorities that would otherwise apply but for this paragraph, the Federal share of each program or activity that receives funding from a grant awarded pursuant to this paragraph shall not exceed 50 percent of the cost of the program or activity.

(ii) NON-FEDERAL SHARE.—Except as otherwise provided by law, as a condition of receiving a grant under this paragraph, the State shall pay a non-Federal share from non-Federal sources.

(iii) EXCESS CONTRIBUTIONS.—Any amount of funds contributed from non-Federal sources that is in excess of the non-Federal share required to be contributed pursuant to clause (ii) may not—

(I) be considered to be funds contributed pursuant to clause (ii); and

(II) be subject to Federal auditing requirements that would otherwise apply to funds contributed pursuant to such clause.

(H) LIMITATIONS AND CONDITIONS ON USE OF FUNDS.—Notwithstanding any other provision of law, including any limitation or condition on the use of funds under any individual grant program authority that would otherwise apply but for this paragraph, a State that receives a grant under this paragraph may use funds made available pursuant to this paragraph for financial assistance to individuals only to the extent that the assistance is related to the costs of eligible programs and activities. The Administrator may not attach any other condition or limitation to the use of the grant funds.

(I) SATISFACTORY PROGRESS.—With respect to a State, the Administrator may reduce the amount of a grant or disapprove a grant application submitted pursuant to subparagraph (C) if the Administrator determines that—

(i) for a preceding fiscal year, the State has failed to make satisfactory progress in achieving the performance measures stated in an application for a grant awarded to the State under this paragraph; and

(ii) on the basis of information available to the Administrator concerning the reliability and achievability of the performance measures referred to in clause (i), the measures that the State failed to achieve are reliable and achievable.

(J) REPORTING REQUIREMENTS.—Not later than 120 days after the end of the 1-year period of a grant made to a State pursuant to this paragraph, the appropriate official of the State agency identified under subparagraph (C)(vi) shall submit to the Administrator a report on the principal activities and achievements of the State accomplished with funds made available pursuant to the grant program under this paragraph. The report shall compare the achievements referred to in the preceding sentence to—

(i) the measurable performance criteria described in the application of the State submitted pursuant to subparagraph (C); and

(ii) the goals and objectives specified in the priority work plan pursuant to subparagraph (D)(i)(II)(bb) and the expected results specified in the priority work plan of the State pursuant to subparagraph (D)(i)(II)(dd).

(2) MULTI-MEDIA ENVIRONMENTAL GRANTS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator shall, by regulation, establish a multi-media environmental grant program. Notwithstanding any other provision of law, the Administrator may make a grant to each State that submits an application that is approved by the Administrator to assist the State in designing, developing, and carrying out pollution prevention, control, and abatement programs and activities and other related environmental programs and activities that affect 2 or more areas of environmental concern.

(B) APPLICATIONS.—An application for a grant under this paragraph shall be made in the same manner as prescribed under paragraph (1)(C).

(C) PRIORITY WORK PLAN.—A priority work plan submitted as part of an application made under this paragraph shall meet the requirements for a priority work plan developed under paragraph (1)(D).

(D) ELIGIBLE PROGRAMS AND ACTIVITIES.—The Administrator shall designate programs and activities that shall be eligible to receive funding under this paragraph and shall include programs and activities for—

(i) designing and conducting environmental risk assessments;

(ii) environmental education;

(iii) enhancing the capacity of a State to support environmental programs;

(iv) enhancing the capacity of a State to support a geographical approach to environmental control programs and activities;

(v) promoting source reduction, including activities authorized under section 6605 of the Pollution Prevention Act of 1990 (42 U.S.C. 13104); and

(vi) pollution prevention, control, and abatement.

(E) FEDERAL SHARE.—Except as otherwise provided by law, the percentage amount of Federal share of a grant awarded under this paragraph shall not exceed the amount specified in paragraph (1)(G)(i).

(F) SATISFACTORY PROGRESS.—Paragraph (1)(I) shall apply to a grant or application for a grant made by a State under this paragraph in the same manner as such paragraph applies to a grant made under paragraph (1).

(G) REPORTING REQUIREMENTS.—In the case of a State that receives a grant under this paragraph, the reporting requirements under paragraph (1)(J) shall apply to the appropriate official of the State agency identified under subparagraph (B) in the same manner as the requirements apply to the appropriate official of the State agency of a State that receives a grant under paragraph (1).

(3) GOVERNORS' DISCRETIONARY AUTHORITY.—Notwithstanding any other provision of law, on the request of a Governor of a State, the Administrator may transfer an amount not to exceed 20 percent of the amount that would otherwise be awarded to the State pursuant to individual grant program authorities or a grant to the State under paragraph (1) or (2) and award the funds as a supplemental amount that shall be subject to the same requirements as any other amounts awarded pursuant to—

(A) a grant authorized under the individual grant program authorities specified in paragraph (1)(B);

(B) an environmental medium grant awarded pursuant to paragraph (1); or

(C) a multi-media environmental grant awarded pursuant to paragraph (2).

(4) REQUEST FOR INFORMATION.—The Administrator may request such information, data, and reports as the Administrator considers necessary to—

(A) review an application submitted under this subsection for approval or disapproval;

(B) evaluate progress made under a grant awarded pursuant to this subsection; or

(C) prepare a report that the Administrator is required to prepare under subsection (e).

(5) NO REDUCTION IN AMOUNTS.—In no case shall the award of a grant to a State pursuant to this subsection result in a reduction of the total amount of funds awarded by the Administrator to a State as grants for conducting environmental programs and activities. Except as expressly provided otherwise, nothing in this subsection is intended to reduce or supplant the obligation of a State to pay a non-Federal share of a grant awarded by the Administrator to the State for conducting an environmental program or activity.

(6) Applicability.—This subsection shall apply beginning with the first full fiscal year following the date of issuance by the Administrator of the regulations establishing an environmental medium grant program under paragraph (1)(A).

(e) Report to Congress.—Not later than 5 years after the date of enactment of this Act, the Administrator, in cooperation with the States, shall submit a report to Congress concerning the grant programs established under this section. The report shall include such recommendations for changes in the grant programs as the Administrator considers appropriate.

Amendment No. 1690

At the appropriate place, insert the following new section:

SEC. . GRANTS TO CERTAIN COMMUNITIES FOR WASTEWATER TREATMENT.

(a) Findings.—Congress finds that—

(1) as of the date of enactment of this Act, there is a severe lack of wastewater treatment facilities in the area of the border between the United States and Mexico;

(2) the lack of facilities is leading to the pollution of rivers and ground water in the area and to environmental degradation; and

(3) the pollution presents a grave threat to public health through the proliferation of gastro-intestinal and infectious diseases.

(b) Grants to Certain Communities.—Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by inserting after section 518 the following new section:

"SEC. 519. GRANTS TO CERTAIN COMMUNITIES.

"(a) In General.—Notwithstanding any other provision of law, the Administrator is authorized to award a grant for wastewater treatment to—

"(1) a community that meets the requirements of subsection (b); or

"(2) a county, municipality, or other political subdivision of a State acting on behalf of a community that meets the requirements of subsection (b).

"(b) Eligible Communities.—A community that meets the requirements of this subsection is a community that—

"(1) is designated by the State or county in which the community is located as a colonia;

"(2) is located in the border area;

"(3) the Administrator determines is eligible to receive a grant under this subsection on the basis of objective criteria (including the lack of a potable water supply, an adequate sewage system, or decent, safe, and sanitary housing); and

"(4) before November 28, 1990, existed as a colonia (as determined by the Administrator).

"(c) Use of Grant.—A grant awarded under this section may be used for 1 or more of the following activities:

"(1) The construction (including planning, design, repair, extension, improvement, alteration, or reconstruction) of publicly owned treatment works (including collection lines or interceptor sewers, notwithstanding any limitation otherwise imposed with respect to the provision of assistance for collection lines or interceptor sewers).

"(2) The acquisition of land, or any easement or other right-of-way, with respect to which the recipient of assistance is not the owner (at the time of the receipt of assistance), that is necessary to carry out the construction or operation of the publicly owned treatment works, or the final disposal of residues resulting from the treatment of water or waste.

"(3) The disposal of wastewater by surface or underground methods (or both).

"(d) Grant Amount.—A grant awarded under this section may be for an amount not to exceed 100 percent of the cost of the project that is the subject of the grant.

"(e) Definition of Border Area.—As used in this section, the term 'border area' means the area situated within 100 kilometers on either side of the United States-Mexican international boundary.

"(f) Authorization of Appropriations—There are authorized to be appropriated to the Environmental Protection Agency, for each of fiscal years 1995 through 2001, such sums as may be necessary to carry out this section.".

Amendment No. 1691

At the appropriate place, insert the following new section:

SEC. . GRANTS TO UNINCORPORATED COMMUNITIES FOR WASTEWATER TREATMENT.

"(A) Findings.—Congress finds that—

"(1) as of the date of enactment of this Act, there is a severe lack of wastewater treatment facilities in small, semi-rural, unincorporated communities in the United States;

(2) the lack of facilities is leading to the pollution of rivers and ground water in the areas; and

(3) the pollution presents a potential threat to the public health of the communities referred to in paragraph (1).

(b) Grants to Unincorporated Communities.—Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by inserting after section 518 the following new section:

"SEC. 519. GRANTS TO UNINCORPORATED COMMUNITIES.

"(a) Definitions.—As used in this section:

"(1) Construction.—The term 'construction' has the same meaning as is provided in section 212(1).

"(2) Non-metropolitan areas.—The term 'non-metropolitan area' means an area no part of which is within an area designated as a metropolitan statistical area by the Office of Management and Budget.

"(3) Treatment works.—The term 'treatment works' has the same meaning as is provided in section 212(2).

"(b) Authorization for Grant Awards.—Notwstanding any other provision of law, the Administrator is authorized to award a grant for wastewater treatment to an unincorporated community (without regard to whether the community is located in a metropolitan statical area) for a wastewater treatment project that serves a population—

"(1) of 20,000 or fewer residents; and

"(2) with a median household income that is less than or equal to 110 percent of the median household income for non-metropolitan areas of the State in which the community is located.

"(c) Use of Grant.—A grant awarded under this section may be used for 1 or more of the following activities:

"(1) The acquisition or construction (including planning, design, repair, extension, improvement, alteration, or reconstruction) of a treatment works or any portion or associated structure of a treatment works (including any associated collection line or interceptor sewer, notwithstanding any limitation otherwise imposed with respect to the provision of assistance for the line or sewer).

"(2) The acquisition of land, or any easement or other right-of-way, with respect to which the recipient of the grant is not the owner at the time of the acquisition, that is necessary to carry out the construction or operation of the treatment works referred to in paragraph (1).

"(3) The final disposal of residues resulting from the treatment of water or waste.

"(4) The disposal of wastewater by surface or underground methods (or both).

"(5) The disposal of wastewater through recycling or reclamation (or both).

"(d) Cost-Sharing.—

"(1) Federal share.—The Federal share of a grant described in subsection (b) shall not exceed 75 percent of the total cost of the project that is the subject of the grant.

"(2) Non-federal share.—Payment of the non-Federal share of a grant described in subsection (b) may be satisfied by any combination of public or private funds or in-kind services. The non-Federal share may include public funds authorized or expended for the project that is the subject of the grant during the period beginning on the date that is 3 years before the date of enactment of this subsection.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to the Environmental Protection Agency, for each of fiscal years 1995 through 2001, such sums as may be necessary to carry out this section.".

CHANGE OF HEARING SCHEDULE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that the hearing before the Subcommittee on Public Lands, National Parks and Forests previously scheduled for Thursday, May 12, 1994, at 2 p.m. will now begin at 2:30 p.m. The hearing will be in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on two bills pending before the subcommittee pertaining to the management of the Presidio in San Francisco. The bills are:

S. 1549, to amend the act establishing Golden Gate National Recreation Area to provide for the management of the Presidio by the Secretary of the Interior, and for other purposes; and

S. 1639, to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–8115.

ADDITIONAL STATEMENTS

TRIBUTE TO THE NATIONAL COALITION OF 100 BLACK WOMEN, INC.

• Mr. JOHNSTON. Mr. President, on Sunday, May 15, 1994, the National Coalition of Black Women, Inc. [NCBW] will inaugurate the second Louisiana chapter in Baton Rouge.

NCBW is a nonprofit, volunteer organization dedicated to community service, leadership development, and enhancing career opportunities through networking and social programs. This group was initially formed in 1970 by a small group of women in New York City to address problems facing black women in the wake of the women's and civil rights movements. In 1981, under the leadership of one of its founders and current chairman of the board of directors, Jewel Jackson McCabe, the coalition expanded into a national organization which now has a membership of over 6,000 women nationwide and has chapters in over 20 States and the District of Columbia. The efforts of women such as Maya Angelou, Johnette B. Cole, and Yvonne Braithwaite Burke have had a tremendous impact on the direction of this organization and have been instrumental in expanding the worthy endeavors of the NCBW.

Through their outreach efforts, empowerment programs have been put in place to help meet the diverse needs of African-American women. These programs enable NCBW to develop and position the leadership talent within the community of black women; make black women a visible force in the socioeconomic and political arenas; and provide networking among black female leaders to establish links between them and the corporate and political sectors.

The NCBW chapter in Baton Rouge represents a cross-section of African-American women in the Baton Rouge community who are leaders in education, civic organizations, government, and business who are committed to improving the lives of African-American women in Louisiana. This group will work to bring together a united group of middle income African-American women to ensure their future economic viability; serve as mentors to young African-American girls to develop an awareness and understanding of self; boost

Mr. President, it will only be through expanding important initiatives like those of the NCBW that we will be able to address fully the expanding and challenging problems facing this underserved segment of our population. The formation of the Greater Baton Rouge NCBW marks an important day in Louisiana's history and one that I am confident will be long remembered for bringing committed individuals together to confront the challenges which face Louisiana in improving the lives of African-American women.•

CORPS OF ARTILLERISTS AND ENGINEERS BICENTENNIAL

• Mr. BAUCUS. Mr. President, today's U.S. Army Corps of Engineers traces its beginnings to the establishment of the Continental Army in June 1775 when provision was made for a Chief Engineer. This week marks the bicentennial of another significant event in the long history of the corps. I would like to take a moment to recount the history of this important event.

On May 9, 1794, Congress established a Corps of Artillerists and Engineers in the U.S. Army. This action returned Engineers to the ranks of the Army for the first time in more than 10 years and assured that the Engineers would continue as a vital part of the Army of the new United States.

At the end of the Revolutionary War, several officers, including Louis Lebegue Duportail, Chief Engineer, argued for a peacetime Army with a single Corps of Artillerists and Engineers as was customary in many European states. But Congress decided instead to disband the bulk of the Continental Army, including the Corps of Engineers with its chief engineer and companies of sappers and miners, in November 1783. By June 1784, the surviving military establishment consisted solely of an infantry regiment and a company of artillery stationed at West Point.

When the new Government under the Constitution was launched in 1789, Secretary of War Henry Knox revived the recommendation for a small Corps of Artillerists and Engineers. Congress finally took action in 1794, when war with Britain threatened. There was suddenly an acute need to upgrade existing coastal fortifications and construct new ones.

In March 1794, Congress appropriated funds for fortifications works from Maine to Georgia, and Secretary Knox hired seven individuals as temporary engineers to carry out the work. The group included Pierre L'Enfant and Stephen Rochefontaine, both veterans of the Revolutionary War. Although employed by the War Department, these engineers did not join the Army.

Knox took advantage of the situation and again urged Congress to approve the plan he and Duportail had advanced earlier for a combined Corps of Artillerists and Engineers. In particular he argued that the corps would provide the additional trained troops needed to garrison the coastal fortifications. And so, 200 years ago today the Corps of Artillerists and Engineers was created. The new corps was commanded by a lieutenant colonel and had four battalions, each commanded by a major and each consisting of four companies.

Significantly, the legislation recognized that the grade of cadet denoted an officer candidate. The Secretary of War was also directed to provide the books, instruments, and apparatus necessary for the new corps. These were the first steps toward establishment of a national military academy.

It took months for the Corps of Artillerists and Engineers to recruit the officers and troops needed to reach its authorized strength. Then international tensions eased in the latter half of 1794 and jeopardized the whole effort. But, in December of that year, Congress resolved to continue a seacoast defense program.

By the end of the year, there were single company garrisons of artillerists and engineers at Fort Jay, New York; Fort Mifflin, Philadelphia; Fort Whetstone, later McHenry, Baltimore; and Fort Johnson, Charleston. The following February, Stephen Rochefontaine, one of the temporary engineers, was commissioned a lieutenant colonel and took command of the corps.

In 1798, when war with France appeared likely, Congress added a second regiment to the corps. However, by the time Thomas Jefferson became President in 1801, it had become clear that the united corps was not producing a well-educated body of engineer officers. The short-lived experiment was ended. In 1802 Congress permanently established a separate Corps of Engineers and the U.S. Military Academy at West Point as the Nation's first engineering school.

After 1800, many politicians, including Secretary of War James McHenry, desired the corps to contribute to both military construction and works of a civil nature. Thus in the years after the War of 1812, the corps took on civil works responsibilities in addition to the combat engineering and fortifications work it engaged in during the Revolution and the 1790's.

Today, after more than 200 years of service, the Corps of Engineers remains a vital part of America's Army. It is key to our military strength, as the Gulf war amply demonstrated. And the Corps of Engineers plays an important role in fighting natural disasters, such as floods and earthquakes, here at home. And it all began with an act of Congress 200 years ago during our Nation's infancy. The Corps of Engineers is an enduring arm of the Federal Government. I am certain that it will still be here providing civil and military engineering expertise for the United States 200 years from now.•

MFN FOR CHINA

• Mr. SIMON. Mr. President, most Americans are good citizens, and they look for good citizenship in the people and companies they do business with. In our country, most people would not have dealings with a company that maintains sweatshop conditions and wages, locks up malcontented workers, bans unions uses force to take over and control a neighboring firm, and offsets its R&D outlays by smuggling missile parts and lethal weapons in defiance of the law of the land. People would certainly not wish to deal with such a company on the same favorable terms accorded to reputable business partners.

This is the kind of dilemma posed by the President's upcoming decision regarding the continuation of China's MFN status. Americans have a long history of sensitivity to the values and behavior of foreign countries they do business with. In the 1930's, when Japanese armies invaded China and committed atrocities there, many Americans were reluctant to buy Japanese goods. Some of the advocates of MFN renewal for China this year are suggesting that it is unsound policy to link trading conditions with human rights performance, the occupation of Tibet, China's export of ballistic missile technology in defiance of the international Missile Technology Control Regime, and other issues outlined in the President's May 1993 Executive order. In my view, this linkage is correct and reasonable.

I would like to insert in the RECORD the excellent May 6 New York Times article by A.M. Rosenthal that sets the facts straight: the United States accounts for 38 percent of the People's Republic's exports and is running a $25 billion annual trade deficit with the People's Republic. Who should be worried about whom? I agree that American jobs are at issue in the debate over China's MFN status, but we can secure those jobs without sacrificing our values by showing the Chinese that we are in earnest about human rights—not by falling all over ourselves in trying to justify a policy of appeasement.

The article follows:

[From the New York Times, May 6, 1994]

THE CONTEST OF TWO LOBBIES

(By A.M. Rosenthal)

The struggle in Washington on whether the United States should continue to allow Communist China low-tariff privilege involves a skein of American interest—political, economic, strategic and moral.

But at its center are some simple realities that confront President Clinton, and every American who has hopes for him, as he nears the decision he has to make before June 3.

1. On May 28, 1993, Mr. Clinton signed an order committing him to remove those privileges unless by June 3, 1994, China had made "significant progress" toward human rights in China and occupied Tibet.

Congress was about to pass again a bill writing that either or plan into law—a bill once vetoed by President Bush. Mr. Clinton persuaded Congress to let him do the job himself, by executive order.

2. In the year since, repression by police and army power in China and Tibet has remained unalleviated.

Its instruments, used day in, day out as consistently as ever, are prison torture, religious persecution, arrest of political dissidents, forced confessions, arbitrary detention and the enforcement of the official bastions of economic growth: cheap labor, prison labor, slave labor and prohibition of labor unions.

To all this, despite a few carefully timed prisoner releases, the State Department's own reports bear witness.

3. Now Mr. Clinton is under pressure by American companies trading with China to decide that somehow Number 2 fulfills the promises he made to the American and Chinese people in Number 1.

Naturally, not a soul in Congress, the Administration or business believes for a moment that China has improved its human rights record. The China lobby wants to dump the promises of last year altogether or slide around them by accepting as progress more Beijing statements of intent like the ones they have already broken.

4. The China lobby in and out of government sells economic fear. It says the debate is about America "pulling out" of China economically. Nobody has suggested that. The lobby and its servants lie.

The China lobby heavily breathes warning that China itself will cut off trade with the U.S. The Communists are not suicides.

China exports to the U.S. $25 billion more than it buys from America. The exports to the U.S. are 38 percent of China's world total. Without American customers, China's growing trade deficit could bring the economy down. Who should be worried about whom?

5. The majority of Americans are against low American tariffs to China because they strengthen the wardens of the gulag. These Americans are not without voice or courage.

Most of Congress is behind them. So is the energetic human rights lobby—Asia Watch, the U.S. Conference of Catholic Bishops, the A.F.L.-C.I.O., the International Campaign for Tibet, Amnesty International. They count.

6. But the China lobby has the money. The Clinton Administration is sending out so many mixed signals, and so many are craven, that Washington is convinced Mr. Clinton is caving fast.

The meaning of Mr. Clinton's 1993 order was clear: No human rights progress, no tariff privileges. A year later, nobody of knowledge in Washington seems to believe other than Mr. Clinton will sidle away from that.

The struggle now is about what is left. Should the human rights policy just be dumped as a lost cause? Or can Mr. Clinton save his name with a few more promises of intent from Beijing? How about a China-U.S. commission to improve human rights? Or a human rights code, not for the Communists but for American businesses in China?

If nobody can keep a straight face about those, how about ending the low tariffs only for goods produced by the state and the army? Maybe the Chinese will attach neat labels, for the convenience of U.S. customs?

The human rights people would rather have some compromise than nothing, so that they can fight another day. Most are too strong in soul to just vomit and walk away.

By nature, many daily newspapermen are optimistic. How could they otherwise keep confronting the keyboard?

All right; Honorable people in government still struggle for Mr. Clinton's mind and honor. So it's best to keep calling around, until the President makes his decision about the Executive Order of May 1993, now that it is May 1994.●

Mr. METZENBAUM. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. METZENBAUM). Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 3841

The PRESIDING OFFICER. Pursuant to the order of April 26, 1994, regarding H.R. 3841, the Chair appoints the following conferees:

The Chair apointed Mr. RIEGLE, Mr. SARBANES, Mr. DODD, Mr. SASSER, Mr. D'AMATO, Mr. GRAMM of Texas, and Mr. ROTH conferees on the part of the Senate.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the vote on final passage of S. 978 occur, without any intervening action, following disposition of S. 1935, the gift ban legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOR THE RELIEF OF FANIE PHILY MATEO ANGELES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 421, S. 116, a bill to provide for the relief of Fanie Phily Mateo Angeles; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and, that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 116) was considered, ordered to be engrossed for a third reading, was deemed read the third time, and passed; as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress in assembled, That, notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Fanie Phily Mateo Angeles shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of such Act, or if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

ORDERS FOR TOMORROW

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:45 a.m., Tuesday, May 10; that, following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m, with Senators permitted to speak therein for up to 5 minutes each, with Senator HEFLIN recognized for up to 7 minutes; that at 10 a.m. the Senate resume consideration of S. 2042, the Bosnia arms embargo legislation, as provided for under the provisions of a previous unanimous-consent agreement; that, on Tuesday, the Senate stand in recess from 12 noon until 2:30 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:45 A.M.

Mr. BAUCUS. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 4:48 p.m., recessed until tomorrow, Tuesday, May 10, 1994, at 9:45 a.m.

NOMINATION

Executive nomination received by the Secretary of the Senate after the recess of the Senate on May 6, 1994, under authority of the order of the Senate of January 5, 1993:

DEPARTMENT OF VETERANS AFFAIRS

LINDA MARIE HOOKS, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (ACQUISITION AND FACILITIES), VICE DAVID E. LEWIS, RESIGNED.

HOUSE OF REPRESENTATIVES—*Monday, May 9, 1994*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Whatever our place this day, whatever our responsibility, whatever our concern or petition, we join together in this common prayer of supplication and thanksgiving. We admit our weaknesses before You, O God, and pray for strength; we admit our limitations and pray for vision; we admit that we look to our own cares and we can miss the needs about us. As one people with one prayer and yet with individual necessities, we thank You for the grace of this new day and pray that Your benediction will remain with us always. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Nebraska [Mr. BEREUTER] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. BEREUTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 1727) "An Act to establish a program of grants to States for arson research, prevention, and control, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 668. An act to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

CONFERENCE REPORT ON S. 2000, HUMAN SERVICES AMENDMENTS OF 1994

Mr. MARTINEZ submitted the following conference report and statement on the Senate bill (S. 2000) to authorize appropriations for fiscal years 1995 to 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-497)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2000), to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human Services Amendments of 1994".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—HEAD START PROGRAMS

Sec. 101. Short title; references in title.
Sec. 102. Definitions.
Sec. 103. Services.
Sec. 104. Authorization of appropriations.
Sec. 105. Allocation of funds.
Sec. 106. Report.
Sec. 107. Designation.
Sec. 108. Monitoring and quality assurance.
Sec. 109. Enhanced parent involvement and transition coordination with schools.
Sec. 110. Facilities and administrative requirements.
Sec. 111. Participation.
Sec. 112. Initiative on families with infants and toddlers.
Sec. 113. Appeals, notice, and hearing.
Sec. 114. Goals and priorities for training and technical assistance.
Sec. 115. Staff qualifications and development.
Sec. 116. Research, demonstrations, evaluation.
Sec. 117. Announcements and evaluations.
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Sec. 305. Authorized uses of funds.
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Sec. 308. Use of Department of Energy weatherization rules to achieve program consistency.
Sec. 309. Matters to be described in annual application.
Sec. 310. Report of funds available for obligation.
Sec. 311. Miscellaneous and technical amendments.
Sec. 312. Residential Energy Assistance Challenge Option (R.E.A.Ch.).
Sec. 313. Sense of the Congress regarding appropriations for LIHEAP.
Sec. 314. Effective date.

TITLE IV—COMMUNITY-BASED FAMILY RESOURCE PROGRAMS

Sec. 401. Community-based family resource programs.
Sec. 402. Federal Council on Children, Youth, and Families.
Sec. 403. Family Resource Act.

TITLE I—HEAD START PROGRAMS

SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Head Start Act Amendments of 1994".

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Head Start Act (42 U.S.C. 9831 et seq.).

SEC. 102. DEFINITIONS.

Section 637 (42 U.S.C. 9832) is amended—

(1) by striking paragraphs (4) and (5);

(2) by striking paragraph (9) and inserting the following new paragraph:

"(9) The term 'poverty line' means the official poverty line (as defined by the Office of Management and Budget)—

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"(A) adjusted to reflect the percentage change in the Consumer Price Index For All Urban Consumers, issued by the Bureau of Labor Statistics, occurring in the 1-year period or other interval immediately preceding the date such adjustment is made; and

"(B) adjusted for family size.";

(3) by adding after paragraph (11) the following new paragraphs:

"(12) The term 'family literacy services' means services and activities that include interactive literacy activities between parents and their children, training for parents on techniques for being the primary teacher of their children and full partners in the education of their children, parent literacy training (including training in English as a second language), and early childhood education.

"(13) The term 'Indian tribe' means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Native village described in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)) or established pursuant to such Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.";

(4) by redesignating paragraphs (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (14), (5), (6), (4), and (10), respectively; and

(5)(A) by transferring paragraph (4), as so redesignated, and inserting the paragraph after paragraph (3);

(B) by transferring paragraphs (5) and (6), as so redesignated, and inserting the paragraphs after paragraph (4), as so redesignated;

(C) by transferring paragraph (10), as so redesignated, and inserting the paragraph after paragraph (9), as so redesignated; and

(D) by inserting after paragraph (10), as so redesignated, the following:

"(11) The term 'local educational agency' has the meaning given such term in the Elementary and Secondary Education Act of 1965.

"(12) The term 'migrant Head Start program' means a Head Start program that serves families who are engaged in agricultural work and who have changed their residence from one geographical location to another in the preceding 2-year period.

"(13) The term 'mobile Head Start program' means the provision of Head Start services utilizing transportable equipment set up in various community-based locations on a routine, weekly schedule, operating in conjunction with home-based Head Start programs, or as a Head Start classroom.".

SEC. 103. SERVICES.

Section 638(a)(1) (42 U.S.C. 9833(a)(1)) is amended by striking "health, nutritional, educational, social, and other services" and inserting "health, education, parental involvement, nutritional, social, and other services".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

Section 639 (42 U.S.C. 9834) is amended—

(1) in subsection (a), by striking all that follows "subchapter" and inserting "such sums as may be necessary for fiscal year 1995 through 1998."; and

(2) by striking subsections (b) and (c) and inserting the following:

"(b) From the amount appropriated under subsection (a), the Secretary shall make available—

"(1) $35,000,000 for each of the fiscal years 1995 through 1998 to—

"(A) carry out the Head Start Transition Project Act; and

"(B) carry out activities authorized under section 642(d); and

"(2) not more than $3,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1998, to carry out longitudinal research under section 649(e).".

SEC. 105. ALLOCATION OF FUNDS.

(a) ALLOCATION AND USE OF FUNDS FOR QUALITY IMPROVEMENT.—Section 640(a)(3) (42 U.S.C. 9835(a)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (C) and (D), respectively;

(2) by striking "(3)(C)" and all that follows through "quality improvement activities:" and inserting the following:

"(3)(A)(i) In order to provide assistance for activities specified in subparagraph (C) directed at the goals specified in subparagraph (B), the Secretary shall reserve, from the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation, a share equal to the sum of—

"(I) 25 percent of such excess amount; and

"(II) any additional amount the Secretary may find necessary to address a demonstrated need for such activities.

"(ii) As used in clause (i), the term 'adjusted prior year appropriation' means, with respect to a fiscal year, the amount appropriated pursuant to section 639(a) for the preceding fiscal year, adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) during such preceding fiscal year.

"(B) Funds reserved under this paragraph (referred to in this paragraph as 'quality improvement funds') shall be used to accomplish any or all of the following goals:

"(i) Ensuring that Head Start programs meet or exceed performance standards pursuant to section 641A(a)(1)(A).

"(ii) Ensuring that such programs have adequate qualified staff, and that such staff are furnished adequate training, including developing skills in working with children with non-English language background, when appropriate.

"(iii) Ensuring that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

"(iv) Using salary increases to improve staff qualifications, and to assist with the implementation of career development programs, for the staff of Head Start programs.

"(v) Improving community-wide strategic planning and needs assessments for such programs.

"(vi) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families.

"(vii) Making such other improvements in the quality of such programs as the Secretary may designate.

"(C) Quality improvement funds shall be used to carry out any or all of the following activities:";

(3) in subparagraph (C), as redesignated in paragraph (1), by adding at the end the following new clause:

"(vii) Such other activities as the Secretary may designate."; and

(4) in subparagraph (D), as redesignated in paragraph (1)—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking "for the first, second, and third fiscal years for which funds are so reserved"; and

(ii) in subclause (II), by inserting "geographical areas specified in subsection (a)(2)(B) and Indian and migrant Head Start programs," after "States,";

(B) by striking clauses (ii) and (iii);

(C) in clause (iv)—

(i) by striking "To be expended" and all that follows, through "reserved, funds" and inserting "Funds";

(ii) by striking "clause (ii)" the first place it appears and inserting "clause (i)";

(iii) by inserting before the period at the end of the first sentence, ", for expenditure for activities specified in subparagraph (C)"; and

(iv) by striking the second sentence;

(D) in clause (vi), by striking "paragraphs (2), (4), and (5)" and inserting "paragraph (2) or (4)"; and

(E) by striking clause (v) and redesignating clauses (iv) and (vi) as clauses (ii) and (iii), respectively.

(b) FUNDS SET-ASIDE.—Section 640(a) (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (1), by striking "through (5)." and inserting "through (4), and subject to paragraphs (5) and (6).";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "1990" and inserting "1994"; and

(B) in subparagraph (D), by inserting "(including payments for all costs (other than compensation of Federal employees) of reviews of Head Start agencies and programs under section 641A(c), and of activities related to the development and implementation of quality improvement plans under section 641A(d)(2))" after "Secretary";

(3) in paragraph (3), by striking "paragraph (5)" each place it appears and inserting "paragraph (4)";

(4) by striking paragraph (4), and redesignating paragraphs (5) and (6) as paragraphs (4) and (7), respectively;

(5) in paragraph (4), as redesignated in paragraph (4), by striking "The" and inserting "Subject to section 639(b), the"; and

(6) by adding after paragraph (4), as redesignated in paragraph (4), the following new paragraphs:

"(5)(A) From amounts reserved and allotted pursuant to paragraph (4), the Secretary shall reserve such sums as may be necessary to award the collaboration grants described in subparagraph (B).

"(B) From the reserved sums, the Secretary may award a collaboration grant to each State to facilitate collaboration regarding activities carried out in the State under this subchapter, and other activities carried out in, and by, the State that are designed to benefit low-income children and families.

"(C) A State that receives a grant under subparagraph (B) shall—

"(i) appoint an individual to serve as a State liaison between—

"(I) agencies and individuals carrying out Head Start programs in the State; and

"(II) agencies (including local educational agencies) and entities carrying out programs serving low-income children and families;

"(ii) involve the State Head Start Association in the selection of the individual, and involve the association in determinations relating to the ongoing direction of the collaboration;

"(iii) ensure that the individual holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies; and

"(iv) ensure that the collaboration described in subparagraph (B) involves coordination of Head Start services with health care, welfare, child care, education, and national service activities, family literacy services, and activities relating to children with disabilities.

"(D) As used in this paragraph, the term 'low-income', used with respect to children or families, shall not be considered to refer only to children or families that meet the low-income criteria prescribed pursuant to section 645(a)(1)(A).

"(6) From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in

section 645A(a), a portion of the combined total of such amounts equal to 3 percent for fiscal year 1995, 4 percent for each of fiscal years 1996 and 1997, and 5 percent for fiscal year 1998, of the amount appropriated pursuant to section 639(a).".

(c) CONSIDERATIONS FOR ALLOCATION OF FUNDS FOR PROGRAM EXPANSION.—Section 640(g) (42 U.S.C. 9835(g)) is amended—

(1) by striking "(g)" and inserting "(g)(1)"; and

(2) by adding at the end the following new paragraphs:

"(2) For the purpose of expanding Head Start programs, in allocating funds to an applicant within a State, from amounts allotted to a State pursuant to subsection (a)(4), the Secretary shall take into consideration—

"(A) the quality of the applicant's programs (including Head Start and other child care or child development programs) in existence on the date of the allocation, including, in the case of Head Start programs in existence on the date of the allocation, the extent to which such programs meet or exceed performance standards and other requirements under this subchapter;

"(B) the applicant's capacity to expand services (including, in the case of Head Start programs in existence on the date of the allocation, whether the applicant accomplished any prior expansions in an effective and timely manner);

"(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and public agencies serving children and families (including organizations serving families in whose homes English is not the language customarily spoken);

"(D) the extent to which the family and community needs assessment of the applicant reflects a need to provide full-working-day or full calendar year services;

"(E) the numbers of eligible children in each community who are not participating in a Head Start program; and

"(F) the concentration of low-income families in each community.

"(3) In determining the amount of funds reserved pursuant to subparagraph (A) or (B) of subsection (a)(2) to be used for expanding Head Start programs under this subchapter, the Secretary shall take into consideration, to the extent appropriate, the factors specified in paragraph (2).".

(d) TECHNICAL AMENDMENT.—Section 640(h) (42 U.S.C. 9835(h)) is amended by striking "Each Head Start program may" and inserting "Financial assistance provided under this subchapter may be used by each Head Start program to".

(e) COMPENSATION.—Section 640 (42 U.S.C. 9835) is amended by adding at the end the following new subsections:

"(j) Any agency that receives financial assistance under this subchapter to improve the compensation of staff who provide services under this Act shall use the financial assistance to improve the compensation of such staff, regardless of whether the agency has the ability to improve the compensation of staff employed by the agency who do not provide Head Start services.

"(k)(1) The Secretary shall allow center-based Head Start programs the flexibility to satisfy the total number of hours of service required by the regulations in effect on the date of enactment of the Human Services Amendments of 1994, to be provided to children in Head Start programs so long as such agencies do not—

"(A) provide less than 3 hours of service per day;

"(B) reduce the number of days of service per week; or

"(C) reduce the number of days of service per year.

"(2) The provisions of this subsection shall not be construed to restrict the authority of the Secretary to fund alternative program variations authorized under section 1306.35 of title 45 of the Code of Federal Regulations in effect on the date of enactment of the Human Services Amendments of 1994.

"(l) With funds made available under section 640(a)(2) to migrant Head Start programs, the Secretary shall give priority to migrant Head Start programs that serve eligible children of migrant families whose work requires them to relocate most frequently.".

SEC. 106. REPORT.

Section 640A (42 U.S.C. 9835a) is repealed.

SEC. 107. DESIGNATION.

(a) INDIAN RESERVATIONS.—Section 641(b) (42 U.S.C. 9836(b)) is amended by inserting after "Indian reservation" the following: "(including Indians in any area designated by the Bureau of Indian Affairs as near-reservation)".

(b) DESIGNATION OF AGENCIES—Section 641(c) (42 U.S.C. 9836(c)) is amended—

(1) by striking paragraphs (2) through (4);

(2) in the first sentence—

(A) by inserting "(subject to paragraph (2))" before ", the Secretary shall give priority"; and

(B) by striking "unless" and all that follows through the end of subparagraph (A) and inserting the following: "unless the Secretary makes a finding that the agency involved fails to meet program, financial management, and other requirements established by the Secretary.";

(3) by redesignating subparagraph (B) as paragraph (2);

(4) in paragraph (2), as so redesignated—

(A) by striking "except that, if" and inserting "If"; and

(B) by striking "subparagraph (A)" and inserting "paragraph (1)";

(5) by striking "Notwithstanding any other provision of this paragraph" and inserting the following:

"(3) Notwithstanding any other provision of this subsection"; and

(6) by aligning the margins of paragraph (2) with the margins of paragraph (3).

(c) CONSIDERATIONS IN DESIGNATING NEW HEAD START AGENCIES.—Section 641(d) (42 U.S.C. 9836(d)) is amended—

(1) in the first sentence, by striking all that precedes "then the Secretary" and inserting "If no entity in a community is entitled to the priority specified in subsection (c),";

(2) by striking the second sentence;

(3) in the third sentence—

(A) in the matter preceding paragraph (1), by striking "and subject to the preceding sentence";

(B) in paragraph (3), by inserting ", including Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)," after "preschool programs"; and

(C) in paragraph (4), to read as follows:

"(4) the plan of such applicant—

"(A) to seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children;

"(B) to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

"(C) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.), public and school libraries, and family support programs) to such parents—

"(i) family literacy services; and

"(ii) parenting skills training;

"(D) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

"(i) training in basic child development;

"(ii) assistance in developing communication skills;

"(iii) opportunities for parents to share experiences with other parents;

"(iv) substance abuse counseling; or

"(v) any other activity designed to help such parents become full partners in the education of their children; and

"(E) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in subparagraphs (C) and (D) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities);";

(4) in paragraph (7)—

(A) by striking "non-English language children" and inserting "non-English language background children and their families"; and

(B) by inserting "and" after the semicolon;

(5) by striking paragraph (8); and

(6) by redesignating paragraph (9) as paragraph (8).

(d) CONFORMING AMENDMENT.—Section 641 (42 U.S.C. 9836) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

SEC. 108. MONITORING AND QUALITY ASSURANCE.

The Act is amended by inserting after section 641 (42 U.S.C. 9836) the following new section:

"SEC. 641A. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

"(a) QUALITY STANDARDS.—

"(1) ESTABLISHMENT OF STANDARDS.—The Secretary shall establish by regulation standards applicable to Head Start agencies, programs, and projects under this subchapter, including—

"(A) performance standards with respect to services required to be provided, including health, education, parental involvement, nutritional, social, transition activities described in section 642(d), and other services;

"(B) administrative and financial management standards;

"(C) standards relating to the condition and location of facilities for such agencies, programs, and projects; and

"(D) such other standards as the Secretary finds to be appropriate.

"(2) MINIMUM REQUIREMENTS.—The regulations promulgated under this subsection shall establish the minimum levels of overall accomplishment that a Head Start agency shall achieve in order to meet the standards specified in paragraph (1).

"(3) CONSIDERATIONS IN DEVELOPING STANDARDS.—In developing the regulations required under paragraph (1), the Secretary shall—

"(A) consult with experts in the fields of child development, early childhood education, child health care, family services (including linguistically and culturally appropriate services to non-English language background children and their families), administration, and financial management, and with persons with experience in the operation of Head Start programs;

"(B) take into consideration—

"(i) past experience with use of the standards in effect under this subchapter on the date of enactment of this section;

"(ii) changes over the period since the date of enactment of this Act in the circumstances and problems typically facing children and families served by Head Start agencies;

"(iii) developments concerning best practices with respect to child development, children with

disabilities, family services, program administration, and financial management;

"(iv) projected needs of an expanding Head Start program;

"(v) guidelines and standards currently in effect or under consideration that promote child health services, and projected needs of expanding Head Start programs;

"(vi) changes in the population of children who are eligible to participate in Head Start programs, including the language background and family structure of such children; and

"(vii) the need for, and state-of-the-art developments relating to, local policies and activities designed to ensure that children participating in Head Start programs make a successful transition to public schools; and

"(C)(i) not later than 1 year after the date of enactment of this section, review and revise as necessary the performance standards in effect under 651(b) on the day before the date of enactment of this section; and

"(ii) ensure that any such revisions in the performance standards will not result in the elimination of or any reduction in the scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on November 2, 1978.

"(4) STANDARDS RELATING TO OBLIGATIONS TO DELEGATE AGENCIES.—In developing standards under this subsection, the Secretary shall describe the obligations of a Head Start agency to an agency (referred to in this subchapter as the 'delegate agency') to which the Head Start agency has delegated responsibility for providing services under this subchapter and determine whether the Head Start agency complies with the standards. The Secretary shall consider such compliance during the review described in subsection (c)(1)(A) and in determining whether to renew financial assistance to the Head Start agency under this subchapter.

"(b) PERFORMANCE MEASURES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with representatives of Head Start agencies and with experts in the fields of child development, family services, and program management, shall develop methods and procedures for measuring, annually and over longer periods, the quality and effectiveness of programs operated by Head Start agencies (referred to in this subchapter as 'performance measures').

"(2) DESIGN OF MEASURES.—The performance measures developed under this subsection shall be designed—

"(A) to assess the various services provided by Head Start programs and, to the extent the Secretary finds appropriate, administrative and financial management practices of such programs;

"(B) to be adaptable for use in self-assessment and peer review of individual Head Start agencies and programs; and

"(C) for other program purposes as determined by the Secretary.

"(3) USE OF MEASURES.—The Secretary shall use the performance measures developed pursuant to this subsection—

"(A) to identify strengths and weaknesses in the operation of Head Start programs nationally and by region; and

"(B) to identify problem areas that may require additional training and technical assistance resources.

"(c) MONITORING OF LOCAL AGENCIES AND PROGRAMS.—

"(1) IN GENERAL.—In order to determine whether Head Start agencies meet standards established under this subchapter with respect to program, administrative, financial management, and other requirements, the Secretary shall conduct the following reviews of designated Head Start agencies, and of the Head Start programs operated by such agencies:

"(A) A full review of each such agency at least once during each 3-year period.

"(B) A review of each newly designated agency immediately after the completion of the first year such agency carries out a Head Start program.

"(C) Followup reviews including prompt return visits to agencies and programs that fail to meet the standards.

"(D) Other reviews as appropriate.

"(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

"(A) are performed, to the maximum extent practicable, by employees of the Department of Health and Human Services who are knowledgeable about Head Start programs;

"(B) are supervised by such an employee at the site of such Head Start agency; and

"(C) are conducted by review teams that shall include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children and their families.

"(d) CORRECTIVE ACTION; TERMINATION.—

"(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (a), the Secretary shall—

"(A) inform the agency of the deficiencies that shall be corrected;

"(B) with respect to each identified deficiency, require the agency—

"(i) to correct the deficiency immediately; or

"(ii) at the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan; and

"(C) initiate proceedings to terminate the designation of the agency unless the agency corrects the deficiency.

"(2) QUALITY IMPROVEMENT PLAN.—

"(A) AGENCY RESPONSIBILITIES.—In order to retain a designation as a Head Start agency under this subchapter, a Head Start agency that is the subject of a determination described in paragraph (1) (other than an agency able to correct a deficiency immediately) shall—

"(i) develop in a timely manner, obtain the approval of the Secretary regarding, and implement a quality improvement plan that specifies—

"(I) the deficiencies to be corrected;

"(II) the actions to be taken to correct such deficiencies; and

"(III) the timetable for accomplishment of the corrective actions specified; and

"(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency received notice of the determination and of the specific deficiency to be corrected).

"(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

"(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary shall provide training and technical assistance to Head Start agencies with respect to the development or implementation of such quality improvement plans to the extent the Secretary finds such provision to be feasible and appropriate given available funding and other statutory responsibilities.

"(e) SUMMARIES OF MONITORING OUTCOMES.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (d), during such fiscal year.".

SEC. 109. ENHANCED PARENT INVOLVEMENT AND TRANSITION COORDINATION WITH SCHOOLS.

Section 642 (42 U.S.C. 9837) is amended—

(1) by amending subsection (b) to read as follows:

"(b) In order to be so designated, a Head Start agency shall also—

"(1) establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests;

"(2) provide for their regular participation in the implementation of such programs;

"(3) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources;

"(4) seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

"(5) offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training;

"(6) at the option of such agency, offer (directly or through referral to local entities), to such parents—

"(A) training in basic child development;

"(B) assistance in developing communication skills;

"(C) opportunities to share experiences with other parents;

"(D) substance abuse counseling;

"(E) regular in-home visitation; or

"(F) any other activity designed to help such parents become full partners in the education of their children;

"(7) provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in paragraphs (4) through (6) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities);

"(8) consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources; and

"(9) perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers.";

(2) in subsection (c)—

(A) by striking "schools that will subsequently serve children in Head Start programs,"; and

(B) by inserting ", including Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)," after "other programs"; and

(3) by adding after subsection (c) the following new subsection:

"(d)(1) Each Head Start agency shall carry out the actions specified in this subsection, to

the extent feasible and appropriate in the circumstances (including the extent to which such agency is able to secure the cooperation of parents and schools) to enable children to maintain the developmental gains achieved in Head Start programs and to build upon such gains in further schooling.

"(2) The Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

"(A) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

"(B) establishing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, and health staff) to facilitate coordination of programs;

"(C) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the developmental and other needs of individual children; and

"(D) organizing and participating in joint transition-related training of school staff and Head Start staff.

"(3) A Head Start agency may take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

"(A) collaborating on the shared use of transportation and facilities; and

"(B) exchanging information on the provision of noneducational services to such children.

"(4) In order to promote the continued involvement of the parents of children that participate in Head Start programs in the education of their children upon transition to school, the Head Start agency shall—

"(A) provide training to the parents—

"(i) to inform the parents about their rights and responsibilities concerning the education of their children; and

"(ii) to enable the parents to understand and work with schools in order to communicate with teachers and other school personnel, to support the school work of their children, and to participate as appropriate in decisions relating to the education of their children; and

"(B) take other actions, as appropriate and feasible, to support the active involvement of the parents with schools, school personnel, and school-related organizations.

"(5) The Secretary, in cooperation with the Secretary of Education, shall—

"(A) evaluate the effectiveness of the projects and activities funded under the Head Start Transition Project Act (42 U.S.C. 9855 et seq.);

"(B) disseminate to Head Start agencies information (including information from the evaluation required by subparagraph (A)) on effective policies and activities relating to the transition of children from Head Start programs to public schools; and

"(C) provide technical assistance to such agencies to promote and assist such agencies to adopt and implement such effective policies and activities.".

SEC. 110. FACILITIES AND ADMINISTRATIVE REQUIREMENTS.

Section 644 (42 U.S.C. 9839) is amended—

(1) in subsection (d), by striking "guidelines, instructions,";

(2) in subsection (f)—

(A) in paragraph (2), by striking "640(a)(3)(A)(v)" and inserting "640(a)(3)(C)(v)"; and

(B) by adding at the end the following new paragraph:

"(3) Upon a determination by the Secretary that suitable facilities are not otherwise available to Indian tribes to carry out Head Start programs, and that the lack of suitable facilities will inhibit the operation of such programs, the Secretary, in the discretion of the Secretary, may authorize the use of financial assistance, from the amount reserved under section 640(a)(2)(A), to make payments for the purchase of facilities owned by such tribes. The amount of such a payment for such a facility shall not exceed the fair market value of the facility."; and

(3) by adding at the end the following new subsections:

"(g)(1) Upon a determination by the Secretary that suitable facilities (including public school facilities) are not otherwise available to Indian tribes, rural communities, and other low-income communities to carry out Head Start programs, that the lack of suitable facilities will inhibit the operation of such programs, and that construction of such facilities is more cost effective than purchase of available facilities or renovation, the Secretary, in the discretion of the Secretary, may authorize the use of financial assistance under this subchapter to make payments for capital expenditures related to facilities that will be used to carry out such programs. The Secretary shall establish uniform procedures for Head Start agencies to request approval for such payments, and shall promote, the extent practicable, the collocation of Head Start programs with other programs serving low-income children and families.

"(2) Such payments may be used for capital expenditures (including paying the cost of amortizing the principal, and paying interest on, loans) such as expenditures for—

"(A) construction of facilities that are not in existence on the date of the determination;

"(B) major renovation of facilities in existence on such date; and

"(C) purchase of vehicles used for programs conducted at the Head Start facilities.

"(3) All laborers and mechanics employed by contractors or subcontractors in the construction or renovation of facilities to be used to carry out Head Start programs shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, as amended (40 U.S.C. 276a et seq., commonly known as the 'Davis-Bacon Act').

"(h) In all personnel actions of the American Indian Programs Branch of the Head Start Bureau of the Administration for Children and Families, the Secretary shall give the same preference to individuals who are members of an Indian tribe as the Secretary gives to a disabled veteran, as defined in section 2108(3)(C) of title 5, United States Code. The Secretary shall take such additional actions as may be necessary to promote recruitment of such individuals for employment in the Administration.".

SEC. 111. PARTICIPATION.

Section 645 (42 U.S.C. 9840) is amended

(1) in subsection (c)—

(A) in the first sentence, by striking "may provide" and all that follows and inserting "shall be permitted to provide more than 1 year of Head Start services to eligible children (age 3 to compulsory school attendance) in the State."; and

(B) by striking the second sentence; and

(2) by adding at the end the following new subsection:

"(d)(1) An Indian tribe that—

"(A) operates a Head Start program;

"(B) enrolls as participants in the program all children in the community served by the tribe (including a community with a near-reservation designation, as defined by the Bureau of Indian Affairs) from families that meet the low-income criteria prescribed under subsection (a)(1)(A); and

"(C) has the resources to enroll additional children in the community who do not meet the low-income criteria;

may enroll such additional children in a Head Start program, in accordance with this subsection, if the program predominantly serves children who meet the low-income criteria.

"(2) The Indian tribe shall enroll the children in the Head Start program in accordance with such requirements as the Secretary may specify by regulation promulgated after consultation with Indian tribes.

"(3) In providing services through a Head Start program to such children, the Indian tribe may not use funds that the Secretary has determined, in accordance with section 640(g)(3), are to be used for expanding Head Start programs under this subchapter.".

SEC. 112. INITIATIVE ON FAMILIES WITH INFANTS AND TODDLERS.

(a) ESTABLISHMENT.—The Act is amended by adding after section 645 (42 U.S.C. 9840) the following new section:

"SEC. 645A. PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS.

"(a) IN GENERAL.—The Secretary shall make grants, in accordance with the provisions of this section for—

"(1) programs providing family-centered services for low-income families with very young children designed to promote the development of the children, and to enable their parents to fulfill their roles as parents and to move toward self-sufficiency; and

"(2) provision of training and technical assistance to entities carrying out programs, and evaluation of programs, that were supported under the Comprehensive Child Development Act (42 U.S.C. 9881 et seq.), as in effect on the day before the date of enactment of this section.

"(b) SCOPE AND DESIGN OF PROGRAMS.—In carrying out a program described in subsection (a), an entity receiving assistance under this section shall—

"(1) provide, either directly or through referral, early, continuous, intensive, and comprehensive child development and family support services that will enhance the physical, social, emotional, and intellectual development of participating children;

"(2) ensure that the level of services provided to families responds to their needs and circumstances;

"(3) promote positive parent-child interactions;

"(4) provide services to parents to support their role as parents and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

"(5) coordinate services with services provided by programs in the State and programs in the community to ensure a comprehensive array of services (such as health and mental health services);

"(6) ensure formal linkages with local Head Start programs in order to provide for continuity of services for children and families;

"(7) in the case of a Head Start agency that operates a program and that also provides Head Start services through the age of mandatory school attendance, ensure that children and families participating in the program receive such services through such age; and

"(8) meet such other requirements concerning design and operation of the program described in subsection (a) as the Secretary may establish.

"(c) PERSONS ELIGIBLE TO PARTICIPATE.—Persons who may participate in programs described in subsection (a)(1) include—

"(1) pregnant women; and

"(2) families with children under age 3 (or under age 5, in the case of children served by an entity specified in subsection (e)(3));

who meet the income criteria specified for families in section 645(a)(1).

"(d) ELIGIBLE SERVICE PROVIDERS.—To be eligible to receive assistance under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Entities that may apply to carry out activities under this section include—

"(1) entities operating Head Start programs under this subchapter;

"(2) entities that, on the day before the date of enactment of this section, were operating—

"(A) Parent-Child Centers receiving financial assistance under section 640(a)(4), as in effect on such date; or

"(B) programs receiving financial assistance under the Comprehensive Child Development Act, as in effect on such date; and

"(3) other public entities, and nonprofit private entities, capable of providing child and family services that meet the standards for participation in programs under this subchapter and meet such other appropriate requirements relating to the activities under this section as the Secretary may establish.

"(e) TIME-LIMITED PRIORITY FOR CERTAIN ENTITIES.—

"(1) IN GENERAL.—From amounts allotted pursuant to paragraphs (2) and (4) of section 640(a), the Secretary shall provide financial assistance in accordance with paragraphs (2) through (4).

"(2) PARENT-CHILD CENTERS.—The Secretary shall make financial assistance available under this section for each of fiscal years 1995, 1996, and 1997 to any entity that—

"(A) complies with subsection (b); and

"(B) received funding as a Parent-Child Center pursuant to section 640(a)(4), as in effect on the day before the date of enactment of this section, for fiscal year 1994.

"(3) COMPREHENSIVE CHILD DEVELOPMENT CENTERS.—

"(A) In the case of an entity that received a grant for fiscal year 1994 to operate a project under the Comprehensive Child Development Act, the Secretary—

"(i) shall make financial assistance available under this section, in a comparable amount and scope to the assistance provided for fiscal year 1994, for the duration of the project period specified in the grant award to such entity under such Act; and

"(ii) shall permit such entity, in carrying out activities assisted under this section, to serve children from birth through age 5.

"(B) In the case of an entity that received a grant for fiscal year 1989 to operate a project under the Comprehensive Child Development Act, the Secretary shall make assistance available under this section for each of fiscal years 1995, 1996, and 1997 to any entity that complies with subsection (b).

"(4) EVALUATIONS, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall make financial assistance available under this section as necessary to provide for the evaluation of, and furnishing of training and technical assistance to, programs specified in paragraph (3)(A).

"(f) SELECTION OF OTHER GRANT RECIPIENTS.—From the balance remaining of the portion specified in section 640(a)(6), after making grants to the eligible entities specified in subsection (e), the Secretary shall award grants under this subsection on a competitive basis to applicants meeting the criteria specified in subsection (d) (giving priority to entities with a record of providing early, continuous, and comprehensive childhood development and family services).

"(g) DISTRIBUTION.—In awarding grants to eligible applicants under this section, the Secretary shall—

"(1) ensure an equitable national geographic distribution of the grants; and

"(2) award grants to applicants proposing to serve communities in rural areas and to applicants proposing to serve communities in urban areas.

"(h) SECRETARIAL RESPONSIBILITIES.—

"(1) GUIDELINES.—Not later than September 30, 1994, the Secretary shall develop program guidelines concerning the content and operation of programs assisted under this section—

"(A) in consultation with experts in early childhood development, experts in health, and experts in family services; and

"(B) taking into consideration the knowledge and experience gained from other early childhood programs, including programs under the Comprehensive Child Development Act, and from migrant Head Start programs that serve a large number of infants and toddlers.

"(2) STANDARDS.—Not later than December 30, 1994, the Secretary shall develop and publish performance standards for programs assisted under this section, and a grant announcement based on the guidelines developed under paragraph (1).

"(3) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—In order to ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the balance described in subsection (f) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.".

(b) CONSOLIDATION.—

(1) IN GENERAL.—In recognition that the Comprehensive Child Development Centers Act has demonstrated positive results, and that its purposes and functions have been consolidated into section 645A of the Head Start Act, the Comprehensive Child Development Centers Act of 1988 (42 U.S.C. 9801 note) and the Comprehensive Child Development Act (42 U.S.C. 9881 et seq.) are repealed.

(2) REPEALS.—

(A) Part E of title II of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Amendments of 1988 (Public Law 100–297; 102 Stat. 325) is repealed.

(B) Subchapter F of chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35; 42 U.S.C. 9801 note, et seq.) is repealed.

(c) CONFORMING AMENDMENT.—Section 638 of the Head Start Act (42 U.S.C. 9833) is amended—

(1) in subsection (a) by striking "(a)"; and

(2) by striking subsection (b).

SEC. 113. APPEALS, NOTICE, AND HEARING.

(a) MEDIATION FOR DISPUTES WITH DELEGATE AGENCIES, AND HEARING.—Section 646(a) (42 U.S.C. 9841(a)) is amended—

(1) at the end of paragraph (2), by striking "and";

(2) at the end of paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the Secretary shall develop and publish procedures (including mediation procedures) to be used in order to—

"(A) resolve in a timely manner conflicts potentially leading to adverse action between—

"(i) recipients of financial assistance under this subchapter; and

"(ii) delegate agencies or Head Start Parent Policy Councils; and

"(B) avoid the need for an administrative hearing on an adverse action.".

(b) TERMINATION OF DESIGNATION NOT STAYED PENDING APPEAL.—Section 646 (42 U.S.C. 9841) is further amended by striking subsection (b) and inserting the following new subsection:

"(b) In prescribing procedures for the mediation described in subsection (a)(4), the Secretary shall specify—

"(1) the date by which a Head Start agency engaged in a conflict described in subsection (a)(4) will notify the appropriate regional office of the Department of the conflict; and

"(2) a reasonable period for the mediation.

"(c) The Secretary shall also specify—

"(1) a timeline for an administrative hearing, if necessary, on an adverse action; and

"(2) a timeline by which the person conducting the administrative hearing shall issue a decision based on the hearing.

"(d) In any case in which a termination, reduction, or suspension of financial assistance under this subchapter is upheld in an administrative hearing under this section, such termination, reduction, or suspension shall not be stayed pending any judicial appeal of such administrative decision.

"(e)(1) The Secretary shall by regulation specify a process by which an Indian tribe may identify and establish an alternative agency, and request that the alternative agency be designated under section 641 as the Head Start agency providing services to the tribe, if—

"(A) the Secretary terminates financial assistance under section 646 to the only agency that was receiving financial assistance to provide Head Start services to the Indian tribe; and

"(B) the tribe would otherwise be precluded from providing such services to the members of the tribe.

"(2) The regulation required by this subsection shall prohibit such designation of an alternative agency that includes an employee who—

"(A) served on the administrative staff or program staff of the agency described in paragraph (1)(A); and

"(B) was responsible for a deficiency that—

"(i) relates to the performance standards or financial management standards described in section 641A(a)(1); and

"(ii) was the basis for the termination of financial assistance described in paragraph (1)(A);

as determined by the Secretary after providing the notice and opportunity described in subsection (a)(3).".

SEC. 114. GOALS AND PRIORITIES FOR TRAINING AND TECHNICAL ASSISTANCE.

Section 648 (42 U.S.C. 9843) is amended—

(1) in the section heading to read as follows:

"TECHNICAL ASSISTANCE AND TRAINING";

(2) in subsection (a)(2), by striking "Head Start programs, including" and inserting "Head Start programs, in accordance with the process, and the provisions for allocating resources, set forth in subsections (b) and (c). The Secretary shall provide, either directly or through grants or other arrangements,";

(3)(A) by redesignating the final sentence of subsection (a), as amended by paragraph (2), as subsection (e);

(B) by transferring such subsection to the end of the section; and

(C) by indenting such subsection and aligning the margins of such subsection with the margins of subsection (d);

(4) by striking subsections (b) and (c);

(5) by inserting after subsection (a) the following new subsections:

"(b) The process for determining the technical assistance and training activities to be carried out under this section shall—

"(1) ensure that the needs of local Head Start agencies and programs relating to improving program quality and to program expansion are addressed to the maximum extent feasible; and

"(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing

procedure for obtaining input from the individuals and agencies carrying out Head Start programs.

"(c) In allocating resources for technical assistance and training under this section, the Secretary shall—

"(1) give priority consideration to activities to correct program and management deficiencies identified through reviews pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2));

"(2) address the training and career development needs of classroom staff (including instruction for providing services to children with disabilities) and nonclassroom staff, including home visitors and other staff working directly with families, including training relating to increasing parent involvement and services designed to increase family literacy and improve parenting skills;

"(3) assist Head Start agencies and programs in conducting and participating in community-wide strategic planning and needs assessment;

"(4) assist Head Start agencies and programs in developing full-working-day and full-calendar-year programs where community need is clearly identified and making the transition to such programs, with particular attention to involving parents and programming for children throughout a longer day;

"(5) assist Head Start agencies in better serving the needs of families with very young children;

"(6) assist Head Start agencies and programs in the development of sound management practices, including financial management procedures;

"(7) assist in efforts to secure and maintain adequate facilities for Head Start programs; and

"(8) assist Head Start agencies in developing innovative program models, including mobile and home-based programs."; and

(6) in subsection (d), by adding at the end the following:

"Special consideration shall be given to entities that have demonstrated effectiveness in educational programming for preschool children that includes components for parental involvement, care provider training, and developmentally appropriate related activities.".

SEC. 115. STAFF QUALIFICATIONS AND DEVELOPMENT.

The Head Start Act is amended by inserting after section 648 (42 U.S.C. 9843) the following new section:

"SEC. 648A. STAFF QUALIFICATIONS AND DEVELOPMENT.

"(a) CLASSROOM TEACHERS.—

"(1) DEGREE REQUIREMENTS.—The Secretary shall ensure that not later than September 30, 1996, each Head Start classroom in a center-based program is assigned one teacher who has—

"(A) a child development associate (CDA) credential that is appropriate to the age of the children being served in center-based programs;

"(B) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential;

"(C) an associate, a baccalaureate, or an advanced degree in early childhood education; or

"(D) a degree in a field related to early childhood education with experience in teaching preschool children and a State-awarded certificate to teach in a preschool program.

"(2) WAIVER.—On request, the Secretary shall grant a 180-day waiver of the requirements of paragraph (1) with respect to an individual who—

"(A) is first employed after September 30, 1996, by a Head Start agency as a teacher for a Head Start classroom;

"(B) is enrolled in a program that grants any credential, certificate, or degree specified in subparagraph (A), (B), (C), or (D) of paragraph (1); and

"(C) will receive such credential under the terms of such program not later than 180 days after beginning employment as a teacher with such agency.

"(3) LIMITATION.—The Secretary may not grant more than one such waiver with respect to such individual.

"(b) MENTOR TEACHERS.—

"(1) DEFINITION; FUNCTION.—For purposes of this subsection, the term 'mentor teacher' means an individual responsible for observing and assessing the classroom activities of a Head Start program and providing on-the-job guidance and training to the Head Start program staff and volunteers, in order to improve the qualifications and training of classroom staff, to maintain high quality education services, and to promote career development, in Head Start programs.

"(2) REQUIREMENT.—In order to assist Head Start agencies in establishing positions for mentor teachers, the Secretary shall—

"(A) provide technical assistance and training to enable Head Start agencies to establish such positions;

"(B) give priority consideration, in providing assistance pursuant to subparagraph (A), to Head Start programs that have substantial numbers of new classroom staff, that are experiencing difficulty in meeting applicable education standards, or that lack staff of a similar cultural background to that of the participating children and their families;

"(C) encourage Head Start programs to give priority consideration for such positions to Head Start teachers at the appropriate level of career advancement in such programs; and

"(D) promote the development of model curricula, designed to ensure the attainment of appropriate competencies of mentor teachers in Head Start programs.

"(c) FAMILY SERVICE WORKERS.—In order to improve the quality and effectiveness of staff providing in-home and other services (including needs assessment, development of service plans, family advocacy, and coordination of service delivery) to families of children participating in Head Start programs, the Secretary, in coordination with concerned public and private agencies and organizations examining the issues of standards and training for family service workers, shall—

"(1) review and, as necessary, revise or develop new qualification standards for Head Start staff providing such services;

"(2) promote the development of model curricula (on subjects including parenting training and family literacy) designed to ensure the attainment of appropriate competencies by individuals working or planning to work in the field of early childhood and family services; and

"(3) promote the establishment of a credential that indicates attainment of the competencies and that is accepted nationwide.

"(d) HEAD START FELLOWSHIPS.—

"(1) AUTHORITY.—The Secretary may establish a program of fellowships, to be known as 'Head Start Fellowships', in accordance with this subsection. The Secretary may award the fellowships to individuals, to be known as 'Head Start Fellows', who are staff in local Head Start programs or other individuals working in the field of child development and family services.

"(2) PURPOSE.—The fellowship program established under this subsection shall be designed to enhance the ability of Head Start Fellows to make significant contributions to programs authorized under this subchapter, by providing opportunities to expand their knowledge and experience through exposure to activities, issues, resources, and new approaches, in the field of child development and family services.

"(3) ASSIGNMENTS OF FELLOWS.—

"(A) PLACEMENT SITES.—Fellowship positions under the fellowship program may be located (subject to subparagraphs (B) and (C))—

"(i) in agencies of the Department of Health and Human Services administering programs authorized under this subchapter (in national or regional offices of such agencies);

"(ii) in local Head Start agencies and programs;

"(iii) in institutions of higher education;

"(iv) in public or private entities and organizations concerned with services to children and families; and

"(v) in other appropriate settings.

"(B) LIMITATION FOR FELLOWS OTHER THAN HEAD START EMPLOYEES.—A Head Start Fellow who is not an employee of a local Head Start agency or program may be placed only in a fellowship position located in an agency or program specified in clause (i) or (ii) of subparagraph (A).

"(C) NO PLACEMENT IN LOBBYING ORGANIZATIONS.—Head Start Fellowship positions may not be located in any agency whose primary purpose, or one of whose major purposes, is to influence Federal, State, or local legislation.

"(4) SELECTION OF FELLOWS.—Head Start Fellowships shall be awarded on a competitive basis to individuals (other than Federal employees) selected from among applicants who are working, on the date of application, in local Head Start programs or otherwise working in the field of child development and children and family services.

"(5) DURATION.—Head Start Fellowships shall be for terms of 1 year, and may be renewed for a term of 1 additional year.

"(6) AUTHORIZED EXPENDITURES.—From amounts appropriated under this subchapter and allotted under section 640(a)(2)(D), the Secretary is authorized to make expenditures of not to exceed $1,000,000 for any fiscal year, for stipends and other reasonable expenses of the fellowship program.

"(7) STATUS OF FELLOWS.—Except as otherwise provided in this paragraph, Head Start Fellows shall not be considered to be employees or otherwise in the service or employment of the Federal Government. Head Start Fellows shall be considered to be employees for purposes of compensation for injuries under chapter 81 of title 5, United States Code. Head Start Fellows assigned to positions located in agencies specified in paragraph (3)(A)(i) shall be considered employees in the executive branch of the Federal Government for the purposes of chapter 11 of title 18, United States Code, and for purposes of any administrative standards of conduct applicable to the employees of the agency to which they are assigned.

"(8) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

"(e) MODEL STAFFING PLANS.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in consultation with appropriate public agencies, private agencies, and organizations and with individuals with expertise in the field of children and family services, shall develop model staffing plans to provide guidance to local Head Start agencies and programs on the numbers, types, responsibilities, and qualifications of staff required to operate a Head Start program.".

SEC. 116. RESEARCH, DEMONSTRATIONS, EVALUATION.

Section 649 (42 U.S.C. 9844) is amended to read as follows:

"SEC. 649. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

"(a) IN GENERAL.—

"(1) REQUIREMENT; GENERAL PURPOSES.—The Secretary shall carry out a continuing program of research, demonstration, and evaluation activities, in order to—

"(A) foster continuous improvement in the quality of the Head Start programs under this subchapter and in their effectiveness in enabling participating children and their families to succeed in school and otherwise; and

"(B) use the Head Start programs to develop, test, and disseminate new ideas and approaches for addressing the needs of low-income preschool children (including children with disabilities) and their families and communities (including demonstrations of innovative noncenter-based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.

"(2) PLAN.—The Secretary shall develop, and periodically update, a plan governing the research, demonstration, and evaluation activities under this section.

"(b) CONDUCT OF RESEARCH, DEMONSTRATION, AND EVALUATION ACTIVITIES.—The Secretary, in order to conduct research, demonstration, and evaluation activities under this section—

"(1) may carry out such activities directly, or through grants to, or contracts or cooperative agreements with, public or private entities;

"(2) shall, to the extent appropriate, undertake such activities in collaboration with other Federal agencies, and with non-Federal agencies, conducting similar activities;

"(3) shall ensure that evaluation of activities in a specific program or project is conducted by persons not directly involved in the operation of such program or project;

"(4) may require Head Start agencies to provide for independent evaluations;

"(5) may approve, in appropriate cases, community-based cooperative research and evaluation efforts to enable Head Start programs to collaborate with qualified researchers not directly involved in program administration or operation; and

"(6) may collaborate with organizations with expertise in inclusive educational strategies for preschoolers with disabilities.

"(c) CONSULTATION AND COLLABORATION.—In carrying out activities under this section, the Secretary shall—

"(1) consult with—

"(A) individuals from relevant academic disciplines;

"(B) individuals who are involved in the operation of Head Start programs and individuals who are involved in the operation of other child and family service programs; and

"(C) individuals from other Federal agencies, and individuals from organizations, involved with children and families, ensuring that the individuals described in this subparagraph reflect the multicultural nature of the children and families served by the Head Start programs and the multidisciplinary nature of the Head Start programs;

"(2) whenever feasible and appropriate, obtain the views of persons participating in and served by programs and projects assisted under this subchapter with respect to activities under this section; and

"(3) establish, to the extent appropriate, working relationships with the faculties of institutions of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), located in the area in which any evaluation under this section is being conducted, unless there is no such institution of higher education willing and able to participate in such evaluation.

"(d) SPECIFIC OBJECTIVES.—The research, demonstration, and evaluation activities under this subchapter shall include components designed to—

"(1) permit ongoing assessment of the quality and effectiveness of the programs under this subchapter;

"(2) contribute to developing knowledge concerning factors associated with the quality and effectiveness of Head Start programs and in identifying ways in which services provided under this subchapter may be improved;

"(3) assist in developing knowledge concerning the factors that promote or inhibit healthy development and effective functioning of children and their families both during and following participation in a Head Start program;

"(4) permit comparisons of children and families participating in Head Start programs with children and families receiving other child care, early childhood education, or child development services and with other appropriate control groups;

"(5) contribute to understanding the characteristics and needs of population groups eligible for services provided under this subchapter and the impact of such services on the individuals served and the communities in which such services are provided;

"(6) provide for disseminating and promoting the use of the findings from such research, demonstration, and evaluation activities; and

"(7) promote exploration of areas in which knowledge is insufficient, and that will otherwise contribute to fulfilling the purposes of this subchapter.

"(e) LONGITUDINAL STUDIES.—In developing priorities for research, demonstration, and evaluation activities under this section, the Secretary shall give special consideration to longitudinal studies that—

"(1) examine the developmental progress of children and their families both during and following participation in a Head Start program, including the examination of factors that contribute to or detract from such progress;

"(2) examine factors related to improving the quality of the Head Start programs and the preparation the programs provide for children and their families to function effectively in schools and other settings in the years following participation in such a program; and

"(3) as appropriate, permit comparison of children and families participating in Head Start programs with children and families receiving other child care, early childhood education, or child development services, and with other appropriate control groups.

"(f) OWNERSHIP OF RESULTS.—The Secretary shall take necessary steps to ensure that all studies, reports, proposals, and data produced or developed with Federal funds under this subchapter shall become the property of the United States.".

SEC. 117. ANNOUNCEMENTS AND EVALUATIONS.

Section 650 (42 U.S.C. 9845) is repealed.

SEC. 118. REPORTS.

(a) IN GENERAL.—Section 651 (42 U.S.C. 9846) is amended—

(1) by striking the section heading and all that follows through subsection (f) and inserting:

"**SEC. 651. REPORTS.**";

(2) by striking "(g)";

(3) in paragraph (10), by striking "evaluations conducted under section 641(c)(2)" and inserting "monitoring conducted under section 641A(c)"; and

(4)(A) by striking "and" at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting a semicolon;

(C) by adding after paragraph (12) the following new paragraphs:

"(13) a summary of information concerning the research, demonstration, and evaluation activities conducted under section 649, including—

"(A) a status report on ongoing activities; and

"(B) results, conclusions, and recommendations, not included in any previous report, based on completed activities; and

"(14) a study of the delivery of Head Start programs to Indian children living on and near Indian reservations, to children of Alaskan Natives, and to children of migrant and seasonal farmworkers.".

(b) REDESIGNATION.—Section 651 is redesignated as section 650.

SEC. 119. REPEALS.

Sections 651A and 652 (42 U.S.C. 9846a and 9847) are repealed.

SEC. 120. STUDY OF BENEFITS FOR HEAD START EMPLOYEES.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study regarding the benefits available to individuals employed by Head Start agencies under the Head Start Act (42 U.S.C. 9831 et seq.).

(b) REPORT.—

(1) PREPARATION.—The Secretary shall prepare a report, containing the results of the study, that—

(A) describes the benefits, including health care benefits, family and medical leave, and retirement pension benefits, available to such individuals;

(B) includes recommendations for increasing the access of the individuals to benefits, including access to a retirement pension program; and

(C) addresses the feasibility of participation by such individuals in the Federal Employees' Retirement System under chapter 84 of title 5, United States Code.

(2) SUBMISSION.—The Secretary shall submit the report to the appropriate committees of Congress.

SEC. 121. READY TO LEARN PROGRAM REAUTHORIZATION.

(a) TRANSFER.—

(1) IN GENERAL.—Part G of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3161 et seq.)—

(A) is amended by redesignating sections 4701 through 4708 as sections 471 through 478;

(B) is transferred to the General Education Provisions Act (20 U.S.C. 1221 et seq.);

(C) is redesignated as part F of such Act; and

(D) is inserted after part E of such Act.

(2) CONFORMING AMENDMENTS.—

(A) Section 471(a) of the General Education Provisions Act (as transferred and added by paragraph (1)) is amended—

(i) by striking "Secretary" and inserting "Secretary of Education (hereafter referred to in this subchapter as the 'Secretary')"; and

(ii) by striking "4702(b)" and inserting "472(b)".

(B) Section 474 of the General Education Provisions Act (as transferred and added by paragraph (1)) is amended by striking "4701 or 4703" and inserting "471 or 473".

(C) Section 475 of the General Education Provisions Act (as transferred and added by paragraph (1)) is amended—

(i) in subsection (a), by striking "4701" and inserting "471"; and

(ii) in subsection (b)—

(I) by striking "4702(a)" in paragraph (1) and inserting "472(a)"; and

(II) by striking "4703(3)" in paragraph (1) and inserting "473(3)".

(D) Section 476(a) of the General Education Provisions Act (as transferred and added by paragraph (1)) is amended in subsection (b), by striking "4703(1)(C)" and inserting "473(1)(C).

(b) ELIGIBLE ENTITIES.—Section 472(b)(1) of the General Education Provisions Act (as transferred and added by subsection (a)(1)) is amended by striking ", nongovernmental entity" and inserting "entity (including public telecommunications entities)".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 476(a) of the General Education Provisions Act (as transferred and added by subsection (a)(1)) is amended—

(1) by striking "$25,000,000 for fiscal year 1993" and inserting "$30,000,000 for fiscal year 1995"; and

(2) by striking "for fiscal year 1994." and inserting "for each of fiscal years 1996 and 1998.".

SEC. 122. STATE DEPENDENT CARE DEVELOPMENT PROGRAMS.

Section 670A of the State Dependent Care Development Grants Act (42 U.S.C. 9871) is amended by striking "are authorized to be appropriated" and all that follows and inserting "is authorized to be appropriated $13,000,000 for fiscal year 1995.".

SEC. 123. CONSULTATION WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

The Act is amended by adding at the end the following:

"SEC. 657A. CONSULTATION WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

"The Secretary shall consult with the Chief Executive Officer of the Corporation for National and Community Service regarding the dissemination of information about the Corporation's programs, to programs that receive funds under this subchapter.".

SEC. 124. REAUTHORIZATION OF CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE ACT OF 1985.

Section 606 of the Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10905) is amended by striking "$1,500,000" and all that follows and inserting "to carry out this title such sums as may be necessary for fiscal year 1995.".

SEC. 125. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HEAD START TRANSITION PROJECT ACT.—Section 133(a) of the Head Start Transition Project Act is amended by striking "639(c)" and inserting "639(b)".

(b) SOCIAL SECURITY ACT.—Section 1924(d)(3)(A)(i) of the Social Security Act (42 U.S.C. 1396r–5(d)(3)(A)(i)) is amended by striking "sections 652 and 673(2)" and inserting "section 673(2)".

SEC. 126. STUDY OF FULL-DAY AND FULL-YEAR HEAD START PROGRAMS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study of the extent to which Head Start programs are addressing the need for Head Start services during a full working day or full calendar year among eligible low-income families with preschool children.

(b) REPORT.—The Secretary shall prepare and submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than January 31, 1997, containing the results of the study, including—

(1) the number of eligible children in need of full-day or full-year Head Start programs;

(2) the number of full-day, full-year Head Start programs and the number of children served in such program and those provided full-day or full-year services through cooperative arrangements with other funding sources;

(3) a description of promising models currently employed by Head Start programs for meeting such needs both directly and through arrangements with other service providers;

(4) a description of the barriers to meeting the need for full-day, full-year care among such families; and

(5) recommendations on how the barriers could be eliminated in order to meet the needs of children and families served.

SEC. 127. EFFECTIVE DATE AND APPLICATION.

(a) EFFECTIVE DATE.—This title, and the amendments made by this title, shall take effect on the date of enactment of this title.

(b) APPLICATION.—The requirements of this title and the amendments made by this title shall not apply to Head Start agencies and other recipients of financial assistance under the Head Start Act until October 1, 1994.

TITLE II—COMMUNITY SERVICES BLOCK GRANT AMENDMENTS

SEC. 201. SHORT TITLE AND REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Community Services Block Grant Amendments of 1994".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

SEC. 202. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATION.—Subsection (b) of section 672 (42 U.S.C. 9901(b)) is amended to read as follows:

"(b) There are authorized to be appropriated $525,000,000 for fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1998, to carry out the provisions of this subtitle.".

(b) STATE ALLOCATIONS.—Section 674 (42 U.S.C. 9903) is amended—

(1) by redesignating subsections (a), (b) and (c) as subsections (b), (c) and (d), respectively; and

(2) by inserting before subsection (b) (as so redesignated), the following new subsection:

"(a)(1) Of the amounts appropriated for a fiscal year pursuant to section 672(b), the Secretary may reserve not less than one-half of 1 percent and not more than 1 percent for training, technical assistance, planning, evaluation, and data collection activities related to programs or projects carried out under this subtitle. Such activities may be carried out by the Secretary through grants, contracts, or cooperative agreements with eligible entities or with organizations or associations whose membership is composed of eligible entities or agencies that administer programs for eligible entities.

"(2) The process for determining the technical assistance and training activities to be carried out under this section shall—

"(A) ensure the needs of community action agencies and programs relating to improving program quality, including financial management practices, are addressed to the maximum extent feasible; and

"(B) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the community action State and national network.

(c) APPLICATIONS AND REQUIREMENTS.—

(1) FORM AND ASSURANCES.—Section 675(a) (42 U.S.C. 9904(a)) is amended by inserting "or significant amendments thereof" before "shall contain assurances".

(2) USE OF FUNDS.—Section 675(c)(1) (42 U.S.C. 9904(c)(1)) is amended by striking "use the funds available under this subtitle" and inserting "ensure that, at its discretion and consistent with agreements with the State, each recipient of funds available under this subtitle will use such funds".

(3) ASSURED ACTIVITIES.—Section 675(c)(1)(B) (42 U.S.C. 9904(c)(1)(B)) is amended by inserting "homeless individuals and families, migrants, and" before "the elderly poor".

(4) STATE RESPONSIBILITIES.—Section 675(c)(2)(B) (42 U.S.C. 9904(c)(2)(B)) is amended to read as follows:

"(B) if less than 100 percent of the allotment is expended under subparagraph (A), provide assurances that with respect to the remainder of the allotment a reasonable amount shall be used for—

"(i) providing training and technical assistance to those entities in need of such assistance and such activities will not be considered administrative expenses;

"(ii) coordinating State-operated programs and services targeted to low-income children and families with services provided by eligible entities funded under this subtitle, including outposting appropriate State or local public employees into entities funded under this subtitle to ensure increased access to services provided by such State or local agencies;

"(iii) supporting statewide coordination and communication among eligible entities;

"(iv) administrative expenses at the State level, including monitoring activities, but not more than $55,000 or 5 percent of its allotment under section 674; and

"(v) considering the distribution of funds under this subtitle within the State to determine if such funds have been targeted to the areas of greatest need.".

(5) TRIPARTITE BOARD.—Section 675(c)(3) (42 U.S.C. 9904(c)(3)) is amended—

(A) by inserting "selected by the community action agency or nonprofit private organization and" after "board will be";

(B) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(C) by striking the comma after "provide assurances that" and inserting "(A)"; and

(D) by inserting before the semicolon at the end thereof ", and (B) in the case of a public organization receiving funds under this subtitle, such organization either establish—

"(i) a board of which at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served; or

"(ii) another mechanism specified by the State to assure low-income citizen participation in the planning, administration, and evaluation of projects for which such organization has been funded;".

(6) REGULATIONS.—The next to last sentence of section 675(c) (42 U.S.C. 9904(c)) is amended to read as follows: "The Secretary may prescribe procedures only for the purpose of assessing the effectiveness of eligible entities in carrying out the purposes of this subtitle.".

(d) COMMUNITY ACTION PLAN.—Section 675(c) (42 U.S.C. 9904(c)) is amended—

(1) in paragraph (11)—

(A) by redesignating clauses (i) through (iii) of subparagraph (A) as items (aa) through (cc), respectively;

(B) by realigning the margin of the sentence beginning with "For purposes of" so as to align with subparagraph (A) of paragraph (1);

(C) by striking "For purposes of" and inserting "(A) For purposes of";

(D) by striking "(A) a statewide" and inserting "(i) a statewide";

(E) by striking "(B) the failure" and inserting "(ii) the failure";

(F) by inserting immediately before paragraph (12) the following:

"(B) for purposes of making a determination with respect to a termination, the term 'cause' includes the material failure of an eligible entity to comply with the terms of its agreement and community action plan to provide services under this subtitle;".

(2) in paragraph (12) by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (12) the following new paragraphs:

"(13) secure from each eligible entity as a condition to its receipt of funding under this Act a community action plan (which shall be available to the Secretary for inspection) that includes—

"(A) a community needs assessment (including food needs);

"(B) a description of the service delivery system targeted to low-income individuals and families in the service area;

"(C) a description of how linkages will be developed to fill identified gaps in services through information, referral, case management, and followup consultations;

"(D) a description of how funding under this Act will be coordinated with other public and private resources; and

"(E) a description of outcome measures to be used to monitor success in promoting self-sufficiency, family stability, and community revitalization; and

"(14) provide assurances that cost and accounting standards of the Office of Management and Budget shall apply to a recipient of funds under this subtitle.".

(e) PUBLIC INSPECTIONS OF PLANS.—Section 675(d)(2) (42 U.S.C. 9904(d)(2)) is amended by inserting "or revision" after "Each plan".

(f) AUDITS.—The last sentence of section 675(f) (42 U.S.C. 9904(f)) is amended by inserting before "to the legislature" the following: "to the eligible entity at no charge,".

(g) EVALUATION INVOLVING WAIVERS.—Section 675(h) (42 U.S.C. 9904(h)) is amended by inserting "(including any State that received a waiver under Public Law 98–139)" after "States" the last place it appears.

SEC. 203. DISCRETIONARY AUTHORITY OF SECRETARY.

(a) TRAINING AND ACTIVITIES.—Section 681(a) (42 U.S.C. 9910(a)) is amended by striking "to provide for—" and all that follows through the end thereof and inserting the following: "to provide for ongoing activities of national or regional significance related to the purposes of this subtitle, with special emphasis on—

"(1) a Community Initiative Program, awarded on a competitive basis, to fund private, nonprofit community development corporations for purposes of planning and carrying out community and economic development activities in economically distressed areas and in rural areas, as described in subsection (c);

"(2) grants to support the design, development, and widespread availability of interactive information technology among the nationwide network of Community Service Block Grant eligible entities, State administrators, national associations and organizations, and program recipients to promote electronic communication and access to program information that would enhance the effective delivery of social services; and

"(3) grants to nonprofit private organizations that provide assistance for migrants and seasonal farmworkers.".

(b) COMMUNITY INITIATIVE PROGRAM.—Subsection (b) of section 681 (42 U.S.C. 9910) is amended to read as follows:

"(b) COMMUNITY INITIATIVE PROGRAM.—

"(1) IN GENERAL.—

"(A) ECONOMIC DEVELOPMENT ACTIVITIES.—Economic development activities under this section shall be designed to address the economic needs of low-income individuals and families by creating employment and business development opportunities.

"(B) CONSULTATION.—The Secretary shall exercise the authority provided under subparagraph (A) in consultation with other relevant Federal officials.

"(C) GOVERNING BOARDS.—Each community development corporation receiving funds under this section shall be governed by a board that shall consist of residents of the community and business and civic leaders and shall have as a principal purpose planning, developing, or managing low-income housing or community development projects.

"(D) GEOGRAPHIC DISTRIBUTION.—In providing assistance or entering into other arrangements under this section, the Secretary shall take into consideration the geographic distribution of funds among States and the relative proportion of funding among rural and urban areas.

"(E) RESERVATION.—Of the amounts made available to carry out this section, the Secretary may reserve not to exceed 1 percent for each fiscal year to make grants to private nonprofit organizations or to enter into contracts with private nonprofit or for profit organizations to provide technical assistance to aid community development corporations in developing or implementing projects funded under this section and to evaluate projects funded under this section.

"(2) RURAL COMMUNITY DEVELOPMENT ACTIVITIES.—Rural community development activities under this section shall include—

"(A) grants to private, nonprofit corporations that provide assistance to rural low-income families in home repair and in planning and developing low-income rural rental housing units; and

"(B) grants to multistate, regional private, nonprofit organizations that provide training and technical assistance to small, rural communities in meeting their community facility needs.".

SEC. 204. COMMUNITY FOOD AND NUTRITION.

Subsection (d) of section 681A (42 U.S.C. 9910a(d)) is amended to read as follows:

"(d) There are authorized to be appropriated $25,000,000 for fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1998, to carry out this section.".

SEC. 205. INSTRUCTIONAL ACTIVITIES FOR LOW-INCOME YOUTH.

The Act (42 U.S.C. 9901 et seq.) is amended—

(1) by redesignating sections 682 and 683 as sections 683 and 684, respectively; and

(2) by inserting after section 681 the following:

"SEC. 682. NATIONAL OR REGIONAL PROGRAMS DESIGNED TO PROVIDE INSTRUCTIONAL ACTIVITIES FOR LOW-INCOME YOUTH.

"(a) GENERAL AUTHORITY.—The Secretary of Health and Human Services is authorized to make a grant to an eligible service provider to administer national or regional programs to provide instructional activities for low-income youth. In making such a grant, the Secretary shall give a priority to eligible service providers that have a demonstrated ability to operate such a program.

"(b) PROGRAM REQUIREMENTS.—

"(1) Any instructional activity carried out by an eligible service provider receiving a grant under this subsection shall be carried out on the campus of an institution of higher education (as defined in section 1201(a) of the Higher Education Act) and shall include—

"(A) access to the facilities and resources of such an institution;

"(B) an initial medical examination and follow-up referral or treatment, without charge, for youth during their participation in such activity;

"(C) at least one nutritious meal daily, without charge, for participating youth during each day of participation;

"(D) high quality instruction in a variety of sports (that shall include swimming and that may include dance and any other high quality recreational activity) provided by coaches and teachers from institutions of higher education and from elementary and secondary schools (as defined in sections 1471(8) and 1471(21) of the Elementary and Secondary Education Act of 1965); and

"(E) enrichment instruction and information on matters relating to the well-being of youth, to include educational opportunities and study practices, education for the prevention of drugs and alcohol abuse, health and nutrition, career opportunities and family and job responsibilities.

"(c) ELIGIBLE PROVIDERS.—A national private nonprofit organization, a coalition of such organizations, or a private nonprofit organization applying jointly with a business concern shall be eligible for a grant under this subsection if—

"(1) the applicant has demonstrated experience in operating a program providing instruction to low-income youth;

"(2) the applicant shall contribute amounts in cash or fairly evaluated in kind of no less than 25 percent of the amount requested;

"(3) the applicant shall use no funds from a grant authorized under this section for administrative expenses; and

"(4) the applicant agrees to comply with the regulations or program guidelines promulgated by the Secretary of Health and Human Services for use of funds made available by this grant.

"(d) APPLICATIONS PROCESS.—Eligible service providers may submit to the Secretary of Health and Human Services, for approval, an application in such form at such time as the Secretary deems appropriate.

"(e) PROMULGATION OF REGULATIONS OR PROGRAM GUIDELINES.—The Secretary of Health and Human Services shall promulgate regulations or program guidelines to ensure funds made available under a grant made under this section are used in accordance with the intentions of this Act.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for each fiscal years 1995, 1996, 1997, and 1998 for grants to carry out this section.".

SEC. 206. AMENDMENT TO STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.

The last section of subtitle D of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11646) is amended—

(1) by striking "SEC. 751." and by inserting "SEC. 754.", and

(2) by striking "1991" and all that follows through "1993", and inserting "1995, 1996, 1997, and 1998".

SEC. 207. AMENDMENTS TO THE HUMAN SERVICES REAUTHORIZATION ACT OF 1986.

Section 408 of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9901b) is amended—

(1) in subsection (a) by adding at the end the following:

"(3) Initial and subsequent grant awards may fully fund projects for periods of up to 3 years.";

(2) in subsection (b)(1)(B) by striking "After the first fiscal year" and inserting "After the first funding period";

(3) by amending subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) In addition to the grant programs described in subsection (a), the Secretary may make grants to community action agencies for the purpose of enabling such agencies to demonstrate new approaches to dealing with the problems caused by entrenched, chronic unemployment and lack of economic opportunities for urban youth. Demonstrations shall include such activities as peer counseling, mentoring, development of job skills, assistance with social skills, community services, family literacy, parenting skills, opportunities for employment or entrepreneurship, and other services designed to assist such at-risk youth to continue their education, to secure meaningful employment, to perform community service, or to pursue other productive alternatives within the community."; and

(B) by amending paragraph (4) to read as follows:

"(4) Such grants made under this subsection on a competitive basis shall be based on an annual competition determined by the Secretary. Grants made under this subsection shall not exceed $500,000."; and

(4) by amending subsection (h) to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated

$30,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal years 1996, 1997, and 1998, to carry out this section.

"(2) Of the amounts appropriated for this section, not less than 30 percent and not more than 40 percent shall be used to carry out the programs authorized under subsection (c).

"(3) In addition to sums which are required to carry out the evaluation, reporting, and dissemination of results under subsections (a), (c), (d), and (f), the Secretary is authorized to reserve up to 2 percent of the amounts appropriated pursuant to subparagraphs (1) and (2) for administration of the program as well as for planning and technical assistance.".

SEC. 208. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on October 1, 1994.

TITLE III—LOW-INCOME HOME ENERGY ASSISTANCE AMENDMENTS

SECTION 301. SHORT TITLE AND REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Low-Income Home Energy Assistance Amendments of 1994".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

SEC. 302. STATEMENT OF PURPOSE.

Subsection (a) of section 2602 (42 U.S.C. 8621(a)) is amended to read as follows:

"(a) The Secretary is authorized to make grants, in accordance with the provisions of this title, to States to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for home energy, primarily in meeting their immediate home energy needs.".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNTS AUTHORIZED.—Section 2602 (42 U.S.C. 8621) is amended—

(1) in subsection (b), by striking "this title" and all that follows through the end of the first sentence and inserting "this title, $2,000,000,000 for each of fiscal years 1995 through 1999."; and

(2) in the last sentence of subsection (c)—

(A) by striking "July 1" and inserting "October 1"; and

(B) by striking "for which" and inserting "following the year in which".

(b) INCENTIVE PROGRAM FOR LEVERAGING NON-FEDERAL SOURCES.—Subsection (d) of section 2602 (42 U.S.C. 8621(d)) is amended to read as follows:

"(d) There are authorized to be appropriated to carry out section 2607A, $50,000,000 for each of the fiscal years 1996 and 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.".

SEC. 304. EMERGENCY FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2602 (42 U.S.C. 8621) as amended by section 303, is further amended by adding at the end thereof the following new subsection:

"(e) There are authorized to be appropriated in each fiscal year for payments under this title, in addition to amounts appropriated for distribution to all the States in accordance with section 2604 (other than subsection (g)), $600,000,000 to meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency. Funds appropriated pursuant to this subsection are hereby designated to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such funds shall be made available only after the submission to Congress of a formal budget request by the President (for all or a part of the appropriation pursuant to this subsection) that includes a designation of the amount requested as an emergency requirement as defined in such Act.".

(b) HOME ENERGY.—Section 2603 (42 U.S.C. 8622(3)) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (4), (5), (6), (7), (8), and (9), respectively;

(2) by inserting before paragraph (2) (as so redesignated), the following new paragraph:

"(1) The term 'energy burden' means the expenditures of the household for home energy divided by the income of the household."; and

(3) by inserting before paragraph (4) (as so redesignated), the following new paragraph:

"(3) The term 'highest home energy needs' means the home energy requirements of a household determined by taking into account both the energy burden of such household and the unique situation of such household that results from having members of vulnerable populations, including very young children, individuals with disabilities, and frail older individuals.".

(c) ALLOTMENT OF EMERGENCY FUNDS.—Section 2604 (42 U.S.C. 8623) is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding subsections (a) through (f), the Secretary may allot amounts appropriated pursuant to section 2602(e) to one or more than one State. In determining to which State or States additional funds may be allotted, the Secretary shall take into account the extent to which a State was affected by the emergency or disaster, the availability to an affected State of other resources under this or any other program, and such other factors as the Secretary determines relevant. The Secretary shall notify Congress of the allotment pursuant to this subsection prior to releasing the allotted funds.".

SEC. 305. AUTHORIZED USES OF FUNDS.

(a) IN GENERAL.—Paragraph (1) of section 2605(b) (42 U.S.C. 8624(b)(1)) is amended to read as follows:

"(1) use the funds available under this title to—

"(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

"(B) intervene in energy crisis situations;

"(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

"(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;".

(b) ENCOURAGED REDUCED HOME ENERGY NEEDS.—Section 2605(b) (42 U.S.C. 8624(b)) is amended—

(1) in paragraph (9)(B), by inserting before the semicolon the following: "(except for the costs of the activities described in paragraph (16))";

(2) in paragraph (15), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (15) the following new paragraph:

"(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.".

SEC. 306. TARGETING OF ASSISTANCE TO HOUSEHOLDS WITH HIGH HOME ENERGY BURDENS.

(a) HOUSEHOLD INCOME.—Section 2605(b)(2)(B) (42 U.S.C. 8624(b)(2)(B)) is amended by striking the matter following clause (ii) and inserting the following:

"except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income;".

(b) OUTREACH ACTIVITIES.—Section 2605(b)(3) (42 U.S.C. 8624(b)(3)) is amended by striking "are made aware" and inserting "and households with high home energy burdens, are made aware".

(c) ASSISTANCE LEVELS.—Section 2605(b)(5) (42 U.S.C. 8624(b)(5)) is amended by inserting "or needs" after "highest energy costs".

(d) STATE PLAN.—Section 2605(c)(1) (42 U.S.C. 8624(c)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (H), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) describes any steps that will be taken (in addition to those necessary to carry out the assurance contained in paragraph (5) of subsection (b)) to target assistance to households with high home energy burdens;".

SEC. 307. CLARIFICATION OF AUDIT REQUIREMENT.

Section 2605 (42 U.S.C. 8624) is amended—

(1) in subsection (b)(10), by striking "and provide that" and all that follows and inserting "and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act');"; and

(2) in subsection (e), by striking "at least every two years" and all that follows and inserting "in accordance with chapter 75 of title 31, United States Code.".

SEC. 308. USE OF DEPARTMENT OF ENERGY WEATHERIZATION RULES TO ACHIEVE PROGRAM CONSISTENCY.

Section 2605(c)(1)(D) (42 U.S.C. 8624(c)(1)(D)) is amended by inserting before the semicolon at the end thereof the following: ", including any steps the State will take to address the weatherization and energy-related home repair needs of households that have high home energy burdens, and describes any rules promulgated by the Department of Energy for administration of its Low Income Weatherization Assistance Program which the State, to the extent permitted by the Secretary to increase consistency between federally assisted programs, will follow regarding the use of funds provided under this title by the State for such weatherization and energy-related home repairs and improvements".

SEC. 309. MATTERS TO BE DESCRIBED IN ANNUAL APPLICATION.

Section 2605(c)(1) (42 U.S.C. 8624(c)(1)) is amended—

(1) in subparagraph (F) (as so redesignated by section 306(d) of this Act)—

(A) by striking "and (13)" and inserting "(13), and (15)"; and

(B) by striking "and" at the end thereof; and

(2) by inserting after subparagraph (F) (as so redesignated by section 306(d) of this Act), the following new subparagraph:

"(G) states, with respect to the 12-month period specified by the Secretary, the number and income levels of households which apply and the number which are assisted with funds provided under this title, and the number of households so assisted with—

"(i) one or more members who has attained 60 years of age;

"(ii) one or more members who were disabled; and

"(iii) one or more young children; and".

SEC. 310. REPORT OF FUNDS AVAILABLE FOR OBLIGATION.

Section 2607(a) (42 U.S.C. 8628(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) Each State shall notify the Secretary, not later than 2 months prior to the close of a fiscal year, of the amount (if any) of its allotment for such year that will not be obligated in such year, and, if such State elects to submit a request described in subsection (b)(2), such State shall submit such request at the same time. The Secretary shall make no payment under paragraph (1) to a State for a fiscal year unless the State has complied with this paragraph with respect to the prior fiscal year.".

SEC. 311. MISCELLANEOUS AND TECHNICAL AMENDMENTS.

(a) In General.—

(1) Treatment of Households.—Section 2605(b)(7)(D) (42 U.S.C. 8624(b)(7)(D)) is amended to read as follows:

"(D) ensure that the provision of vendored payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;".

(2) Incentive Program.—Section 2607A(e) (42 U.S.C. 8626a(e)) is amended by striking "July 31, of each year" and inserting "2 months after the close of the fiscal year during which the State provided leveraged resources to eligible households, as described in subsection (b)".

(3) Training and Technical Assistance.—Section 2609A(a) is amended by striking "$500,000" and inserting "$250,000".

(b) Criteria and Report.—Section 2605(b) (42 U.S.C. 8624(b)) is amended by adding at the end the following:

"Not later than 18 months after the date of the enactment of the Low-Income Home Energy Assistance Amendments of 1994, the Secretary shall develop model performance goals and measurements in consultation with State, territorial, tribal, and local grantees, that the States may use to assess the success of the States in achieving the purposes of this title. The model performance goals and measurements shall be made available to States to be incorporated, at the option of the States, into the plans for fiscal year 1997. The Secretary may request data relevant to the development of model performance goals and measurements.".

(c) Technical Amendments.—

(1) Section 2602 (42 U.S.C. 8621) is amended—

(A) in subsection (b), as amended by section 303 of this Act—

(i) by inserting "(other than section 2607A)" after "to carry out the provisions of this title"; and

(ii) by striking the second period at the end thereof; and

(B) in subsection (c)(1), by striking "Act" and inserting "title".

(2) Section 2603(2) (42 U.S.C. 8622(2)) is amended—

(A) by striking "the" in paragraph (2) and inserting "The"; and

(B) by striking the semicolon at the end thereof and inserting a period.

(3) Section 2604(b)(1) (42 U.S.C. 8623(b)(1)) is amended by inserting "of the United States" after "Virgin Islands".

(4) The sentence that immediately precedes paragraph (15) of section 2605(b) (42 U.S.C. 8624(b)) is transferred so as to appear as a flush sentence immediately after paragraph (16).

(5) Section 2605(b)(3) (42 U.S.C. 8624(b)(3)) is amended by striking "handicapped" and inserting "disabled".

(6) Section 2607A(c)(2) (42 U.S.C. 8626a(c)(2)) is amended by striking ".0008 percent" and inserting "0.08 percent".

(7) Section 2610(a) (42 U.S.C. 8629(a)) is amended—

(A) in paragraph (2), by striking the semicolon after "used" and inserting a semicolon after "title"; and

(B) in paragraph (5)—

(i) by striking "handicapped" and inserting "disabled"; and

(ii) by inserting before the semicolon at the end thereof "or include young children".

SEC. 312. RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION (R.E.A.CH.).

The Act is amended by inserting after section 2607A the following:

"SEC. 2607B. RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION (R.E.A.CH.).

"(a) Purpose.—The purpose of the Residential Energy Assistance Challenge (in this section referred to as 'R.E.A.Ch.') program is to—

"(1) minimize health and safety risks that result from high energy burdens on low-income Americans;

"(2) prevent homelessness as a result of inability to pay energy bills;

"(3) increase the efficiency of energy usage by low-income families; and

"(4) target energy assistance to individuals who are most in need.

"(b) Funding.—

"(1) Allocation.—For each of the fiscal years 1996 through 1999, the Secretary may allocate not more than 25 percent of the amount made available pursuant to section 2602(d) for such fiscal year to a R.E.A.Ch. fund for the purpose of making incentive grants to States that submit qualifying plans that are approved by the Secretary as R.E.A.Ch. initiatives. States may use such grants for the costs of planning, implementing, and evaluating the initiative.

"(2) Reservation.—The Secretary shall reserve from any funds allocated under this subsection, funds to make additional payments to State R.E.A.Ch. programs that—

"(A) have energy efficiency education services plans that meet quality standards established by the Secretary in consultation with the Secretary of Energy; and

"(B) have the potential for being replicable model designs for other programs.

States shall use such supplemental funds for the implementation and evaluation of the energy efficiency education services.

"(c) Criteria.—

"(1) In General.—Not later than May 31, 1995, the Secretary shall establish criteria for approving State plans required by subsection (a), for energy efficiency education quality standards described in subsection (b)(2)(A), and for the distribution of funds to States with approved plans.

"(2) Documentation.—Notwithstanding the limitations of section 2605(b) regarding the authority of the Secretary with respect to plans, the Secretary may require a State to provide appropriate documentation that its R.E.A.Ch. activities conform to the State plan as approved by the Secretary.

"(d) Focus.—The State may designate all or part of the State, or all or part of the client population, as a focus of its R.E.A.Ch. initiative.

"(e) State Plans.—

"(1) In General.—Each State plan shall include each of the elements described in paragraph (2), to be met by State and local agencies.

"(2) Elements of State Plans.—Each State plan shall include—

"(A) an assurance that such State will deliver services through community-based nonprofit entities in such State, by—

"(i) awarding grants to, or entering into contracts with, such entities for the purpose of providing such services and payments directly to individuals eligible for benefits; or

"(ii) if a State makes payments directly to eligible individuals or energy suppliers, making contracts with such entities to administer such programs, including—

"(I) determining eligibility;

"(II) providing outreach services; and

"(III) providing benefits other than payments;

"(B) an assurance that, in awarding grants or entering into contracts to carry out its R.E.A.Ch. initiative, the State will give priority to organizations that—

"(i) are described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902(1)), except where significant geographic portions of the State are not served by such entities;

"(ii) the Secretary has determined have a record of successfully providing services under the Low-Income Home Energy Assistance Program; and

"(iii) receive weatherization assistance program funds under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6863 et seq.);

except that a State may not require any such entity to operate a R.E.A.Ch. program;

"(C) an assurance that, subject to subparagraph (D), each entity that receives a grant or enters into a contract under subparagraph (A)(i) will provide a variety of services and benefits, including—

"(i) payments to, or on behalf of, individuals eligible for residential energy assistance services and benefits under section 2605(b) for home energy costs;

"(ii) energy efficiency education;

"(iii) residential energy demand management services, including any other energy related residential repair and energy efficiency improvements in coordination with, or delivered by, Department of Energy weatherization assistance programs at the discretion of the State;

"(iv) family services, such as counseling and needs assessment, related to energy budget management, payment plans, and related services; and

"(v) negotiation with home energy suppliers on behalf of households eligible for R.E.A.Ch. services and benefits;

"(D) a description of the methodology the State and local agencies will use to determine—

"(i) which households will receive one or more forms of benefits under the State R.E.A.Ch. initiative;

"(ii) the cases in which nonmonetary benefits are likely to provide more cost-effective long-term outcomes than payment benefits alone; and

"(iii) the amount of such benefit required to meet the goals of the program;

"(F) a method for targeting nonmonetary benefits;

"(G) a description of the crisis and emergency assistance activities the State will undertake that are designed to—

"(i) discourage family energy crises;

"(ii) encourage responsible vendor and consumer behavior; and

"(iii) provide only financial incentives that encourage household payment;

"(H) a description of the activities the State will undertake to—

"(i) provide incentives for recipients of assistance to pay home energy costs; and

"(ii) provide incentives for vendors to help reduce the energy burdens of recipients of assistance;

"(I) an assurance that the State will require each entity that receives a grant or enters into a contract under this section to solicit and be responsive to the views of individuals who are financially eligible for benefits and services under this section in establishing its local program;

"(J) a description of performance goals for the state R.E.A.Ch. initiative including—

"(i) a reduction in the energy costs on participating households over one or more fiscal years;

"(ii) an increase in the regularity of home energy bill payments by eligible households; and

"(iii) an increase in energy vendor contributions towards reducing energy burdens of eligible households;

"(K) a description of the indicators that will be used by the State to measure whether the performance goals have been achieved;

"(L) a demonstration that the plan is consistent with section 2603, paragraphs (2), (3), (4), (5), (7), (9), (10), (11), (12), (13), and (14) of section 2605(b), subsections (d), (e), (f), (g), (h), (i), and (j) of section 2605, and section 2606 of this title;

"(M) an assurance that benefits and services will be provided in addition to other benefit payments and services provided under this title and in coordination with such benefit payments and services; and

"(N) an assurance that no regulated utility covered by the plan will be required to act in a manner that is inconsistent with applicable regulatory requirements.

"(g) COST OR FUNCTION.—None of the costs of providing services or benefits under this section shall be considered to be an administrative cost or function for purposes of any limitation on administrative costs or functions contained in this title.".

SEC. 313. SENSE OF THE CONGRESS REGARDING APPROPRIATIONS FOR LIHEAP.

(a) FINDINGS.—Congress finds the following:

(1) Seventy-seven percent of the over 25 million households that were eligible for the Low-Income Home Energy Assistance Program (hereinafter referred to as "LIHEAP") in fiscal year 1992 did not receive assistance due to a lack of funds.

(2) Recent economic distress has caused significant unemployment, which has resulted in a greater need for energy assistance than ever before.

(3) More than 66 percent of LIHEAP household recipients have an annual income that is below the poverty level.

(4) Forty-three percent of all LIHEAP eligible households include children.

(5) LIHEAP eligible households with children spend approximately 16 percent of their annual incomes on home energy costs, which is more than 4 times greater than that paid by the average household in the United States, and far beyond their means.

(6) Approximately 40 percent of LIHEAP household recipients are comprised of elderly or disabled persons.

(7) Congress appropriated $1,475,000,000 for LIHEAP for fiscal year 1995.

(8) The Department of Energy predicts that the costs of residential fuels will increase at a pace greater than inflation.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the maintenance of LIHEAP should be a high priority in order to enable low-income households, especially the working poor, the disabled, and the low-income elderly, who all depend on LIHEAP, to meet their energy costs and needs;

(2) all appropriations made for LIHEAP for fiscal year 1995 should be expended; and

(3) expenditures for LIHEAP for fiscal year 1996 should ensure the provision of services at the level provided in fiscal year 1995.

SEC. 314. EFFECTIVE DATE.

The amendments and repeals made by this title shall become effective on October 1, 1994.

TITLE IV—COMMUNITY-BASED FAMILY RESOURCE PROGRAMS

SEC. 401. COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

(a) IN GENERAL.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended to read as follows:

"TITLE II—COMMUNITY-BASED FAMILY RESOURCE PROGRAMS

"SEC. 201. COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

"(a) PURPOSE.—The purpose of this title is to assist each State to develop and implement, or expand and enhance, a comprehensive, statewide system of family resource services through innovative funding mechanisms and collaboration with existing education, vocational rehabilitation, health, mental health, employment and training, child welfare, and other social services agencies within the State.

"(b) AUTHORITY.—The Secretary shall make grants to States on a formula basis for the purpose of—

"(1) establishing and expanding statewide networks of community-based family resource programs, including funds for the initial costs of providing specific family resource services, that ensure family involvement in the design and operation of family resource programs which are responsive to the unique and diverse strengths of children and families;

"(2) promoting child abuse and neglect prevention activities;

"(3) promoting the establishment and operation of State trust funds or other mechanisms for integrating child and family services funding streams in order to provide flexible funding for the development of community-based family resource programs;

"(4) establishing or expanding community-based collaboration to foster the development of a continuum of preventive services for children and families, which are family-centered and culturally competent;

"(5) encouraging public and private partnerships in the establishment and expansion of family resource programs; and

"(6) increasing and promoting interagency coordination among State agencies, and encouraging public and private partnerships in the establishment and expansion of family resource programs.

"(c) ELIGIBILITY FOR GRANTS.—A State is eligible for a grant under this section for any fiscal year if—

"(1) such State has established or maintained in the previous fiscal year—

"(A) a trust fund, including appropriations for such fund; or

"(B) any other mechanism that pools State, Federal, and private funds for integrating child and family service resources; and

"(2) such trust fund or other funding mechanism includes (in whole or in part) provisions making funding available specifically for a broad range of child abuse and neglect prevention activities and family resource programs.

"(d) AMOUNT OF GRANT.—

"(1) IN GENERAL.—Amounts appropriated for a fiscal year to provide grants under this section shall be allotted to the designated lead agencies of eligible States in each fiscal year so that—

"(A) 50 percent of the total amount appropriated for such fiscal year is allotted among each State based on the number of children under the age of 18 residing in each State, except that each State shall receive not less than $100,000; and

"(B) the remaining 50 percent of the total amount appropriated for such fiscal year is allotted in an amount equal to 25 percent of the total amount allocated by each such State to the State's trust fund or other mechanism for integrating family resource services in the fiscal year prior to the fiscal year for which the allotment is being determined.

"(2) ALLOCATION.—Funds identified by the State for the purpose of qualifying for incentive funds under paragraph (1)(B) shall be allocated through the mechanism used to determine State eligibility under subsection (c) and shall be controlled by the lead agency described in subsection (f)(1).

"(e) EXISTING GRANTS.—A State or entity that has a grant in effect on the date of enactment of this section under the Family Resource and Support Program or the Emergency Child Abuse Prevention Grants Program shall continue to receive funds under such Programs, subject to the original terms under which such funds were granted, through the end of the applicable grant cycle.

"(f) APPLICATION.—No grant may be made to any eligible State under this section unless an application is prepared and submitted to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary determines to be essential to carry out the purposes and provisions of this section, including—

"(1) a description of the agency designated by the Chief Executive Officer of the State to administer the funds provided under this section and assume responsibility for implementation and oversight of the family resource programs and other child abuse and neglect prevention activities, and an assurance that the agency so designated—

"(A) is the trust fund advisory board, or an existing organization created by executive order or State statute that is not an existing State agency, that has interdisciplinary governance, including participants from communities, and that integrates family resource services and leverages State, Federal, and private funds for family resource programs; or

"(B) with respect to a State without a trust fund mechanism or other organization that meets the requirements of subparagraph (A), is an existing State agency, or other public, quasi-public, or nonprofit private agency responsible for the development and implementation of a statewide network of community-based family resource programs;

"(2) assurances that the agency designated under paragraph (1) can demonstrate the capacity to fulfill the purposes described in subsection (a), and shall have—

"(A) a demonstrated ability to work with other State and community-based agencies, to provide training and technical assistance;

"(B) a commitment to parental participation in the design and implementation of family resource programs;

"(C) the capacity to promote a statewide system of family resource programs throughout the State; and

"(D) the capacity to exercise leadership in implementing effective strategies for capacity building, family and professional training, and access to, and funding for, family resource services across agencies;

"(3) an assurance that the State has an interagency process coordinated by the agency designated in paragraph (1) for effective program development that—

"(A) does not duplicate existing processes for developing collaborative efforts to better serve children and families;

"(B) provides a written strategic plan for the establishment of a network of family resource programs (publicly available and funded through public and private sources) that identifies specific measurable goals and objectives;

"(C) involves appropriate personnel in the process, including—

"(i) parents (including parents of children with disabilities) and prospective participants in family resource programs, including respite care programs;

"(ii) staff of existing programs providing family resource services, including staff of Head Start programs and community action agencies that provide such services;

"(iii) representatives of State and local government such as social service, health, mental health, education, vocational rehabilitation, employment, economic development agencies, and organizations providing community services activities;

"(iv) representatives of the business community;

"(v) representatives of general purpose local governments;

"(vi) representatives of groups with expertise in child abuse prevention, including respite and crisis care;

"(vii) representatives of local communities in which family resource programs are likely to be located;

"(viii) representatives of groups with expertise in providing services to children with disabilities; and

"(ix) other individuals with expertise in the services that the family resource programs of the State intend to offer; and

"(D) coordinates activities funded under this title with—

"(i) the State Interagency Coordinating Council, established under part H of the Individuals with Disabilities Education Act;

"(ii) the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12));

"(iii) the State Rehabilitation Advisory Council established under the Rehabilitation Act of 1973;

"(iv) the State Development Disabilities Planning Council, established under the Developmental Disabilities Assistance and Bill of Rights Act;

"(v) the Head Start State Collaboration project;

"(vi) the State Advisory group designated in the Juvenile Justice and Delinquency Prevention Act of 1974; and

"(vii) other local or regional family service councils within the State, to the extent that such councils exist;

"(4) an inventory and description of the current family resource programs operating in the State, the current unmet need for the services provided under such programs, including the need for building increased capacity to provide specific family resource services, including respite care, and the intended scope of the State family resource program, the population to be served, the manner in which the program will be operated, and the manner in which such program will relate to other community services and public agencies;

"(5) evidence that Federal assistance received under this section—

"(A) has been supplemented with nonFederal public and private assistance, including a description of the projected level of financial commitment by the State to develop a family resource network; and

"(B) will be used to supplement and not supplant other State and local public funds expended for family resource programs;

"(6) a description of the core services, as required by this section, and other support services to be provided by the program and the manner in which such services will be provided, including the extent to which either family resources, centers, home visiting, or community collaboratives will be used;

"(7) a description of any public information activities the agency designated in paragraph (1) will undertake for the purpose of promoting family stability and preventing child abuse and neglect, including child sexual abuse;

"(8) an assurance that the State will provide funds for the initial startup costs associated with specific family resource services, including respite services, and a description of the services to be funded;

"(9) assurances that the State program will maintain cultural diversity and be culturally competent;

"(10) a description of the guidelines for requiring parental involvement in State and local program development, policy design, and governance and the process for assessing and demonstrating that parental involvement in program development, operation, and governance occurs;

"(11) a description of the State and community-based interagency planning processes to be utilized to develop and implement family resource programs;

"(12) a description of the criteria that the State will utilize for awarding grants for local programs so that they meet the requirements of subsection (g);

"(13) a description of the outreach and other activities the program will undertake to maximize the participation of racial and ethnic minorities, persons with limited English proficiency, individuals with disabilities, and members of other underserved or underrepresented groups in all phases of the program;

"(14) a plan for providing training, technical assistance, and other assistance to local communities in program development and networking activities;

"(15) a description of the methods to be utilized to evaluate the implementation and effectiveness of the family resource programs within the State;

"(16) a description of proposed actions by the State that will facilitate the changing of laws, regulations, policies, practices, procedures, and organizational structures, that impede the availability or provision of family resource services; and

"(17) an assurance that the State will provide the Secretary with reports, at such time and containing such information as the Secretary may require.

"(g) LOCAL PROGRAM REQUIREMENTS.—

"(1) IN GENERAL.—A State that receives a grant under this section shall use amounts received under such grant to establish local family resource programs that—

"(A) undertake a community-based needs assessment and program planning process which involves parents, and local public and nonprofit agencies (including those responsible for providing health, education, vocational rehabilitation, employment training, Head Start and other early childhood, child welfare, and social services);

"(B) develop a strategy to provide comprehensive services to families to meet identified needs through collaboration, including public-private partnerships;

"(C) identify appropriate community-based organizations to administer such programs locally;

"(D) provide core services, and other services directly or through contracts or agreements with other local agencies;

"(E) involve parents in the development, operation, and governance of the program; and

"(F) participate in the development and maintenance of a statewide network of family resource programs.

"(2) PRIORITY.—In awarding local grants under this section, a State shall give priority to programs serving low-income communities and programs serving young parents or parents with young children and shall ensure that such grants are equitably distributed among urban and rural areas.

"(h) DEFINITIONS.—As used in this section:

"(1) CHILDREN WITH DISABILITIES.—The term 'children with disabilities' has the meaning given such term in section 602(a)(2) of Individuals With Disabilities Education Act.

"(2) COMMUNITY REFERRAL SERVICES.—The term 'community referral services' means services to assist families in obtaining community resources, including respite services, health and mental health services, employability development and job training and other social services.

"(3) CULTURALLY COMPETENT.—The term 'culturally competent' means services, supports, or other assistance that is conducted or provided in a manner that—

"(A) is responsive to the beliefs, interpersonal styles, attitudes, languages, and behaviors of those individuals receiving services; and

"(B) has the greatest likelihood of ensuring maximum participation of such individuals.

"(4) FAMILY RESOURCE PROGRAM.—The term 'family resource program' means a program that offers community-based services that provide sustained assistance and support to families at various stages in their development. Such services shall promote parental competencies and behaviors that will lead to the healthy and positive personal development of parents and children through—

"(A) the provisions of assistance to build family skills and assist parents in improving their capacities to be supportive and nurturing parents;

"(B) the provision of assistance to families to enable such families to use other formal and informal resources and opportunities for assistance that are available within the communities of such families; and

"(C) the creation of supportive networks to enhance the childrearing capacity of parents and assist in compensating for the increased social isolation and vulnerability of families.

"(5) FAMILY RESOURCE SERVICES.—The term 'family resource services' means—

"(A) core services that must be provided directly by the family resource program under this section, including—

"(i) education and support services provided to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children;

"(ii) early developmental screening of children to assess the needs of such children and to identify the types of support to be provided;

"(iii) outreach services;

"(iv) community referral services; and

"(v) follow-up services; and

"(B) other services, which may be provided either directly or through referral, including—

"(i) early care and education (such as child care and Head Start);

"(ii) respite services;

"(iii) job readiness and counseling services (including skill training);

"(iv) education and literacy services;

"(v) nutritional education;

"(vi) life management skills training;

"(vii) peer counseling and crisis intervention, and family violence counseling services;

"(viii) referral for health (including prenatal care) and mental health services;

"(ix) substance abuse treatment; and

"(x) services to support families of children with disabilities that are designed to prevent inappropriate out-of-the-home placement and maintain family unity.

"(6) INTERDISCIPLINARY GOVERNANCE.—The term 'interdisciplinary governance' includes governance by representatives from communities and representatives from existing health, mental

health, education, vocational rehabilitation, employment and training, child welfare, and other agencies within the State.

"(7) OUTREACH SERVICES.—The term 'outreach services' means services provided to ensure (through home visits or other methods) that parents and other caretakers are aware of and able to participate in family resource program activities.

"(8) RESPITE SERVICES.—The term 'respite services' means short-term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, guardian) to children who meet one or more of the following categories:

"(A) The children are in danger of abuse or neglect.

"(B) The children have experienced abuse or neglect.

"(C) The children have disabilities, or chronic or terminal illnesses.

Services provided within or outside the child's home shall be short-term care, ranging from a few hours to a few weeks of time, per year, and be intended to enable the family to stay together and to keep the child living in the child's home and community.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title, $50,000,000 for fiscal year 1995.".

(b) REPEAL OF EXISTING PROGRAMS.—

(1) FAMILY RESOURCE AND SUPPORT GRANTS.—Section 933 of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12339) is repealed.

(2) EMERGENCY CHILD ABUSE PREVENTION SERVICES GRANTS.—Sec. 107A of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a-1) is repealed.

SEC. 402. FEDERAL COUNCIL ON CHILDREN, YOUTH, AND FAMILIES.

(a) IN GENERAL.—Section 918 of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12314) is amended—

(1) in subsection (k)—

(A) in paragraph (3), by striking out "and" at the end thereof;

(B) in paragraph (4), by striking out the period and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following new paragraphs:

"(6) identify program regulations, practices, and eligibility requirements that impede coordination and collaboration and make recommendations for their modifications or elimination; and

"(7) develop recommendations for creating jointly funded programs, unified assessments, eligibility, and application procedures, and confidentiality protections that facilitate information sharing.";

(2) in subsection (o), by striking "1991 through 1994" and inserting "1995 through 1998"; and

(3) in subsection (p), by striking "1995" and inserting "1998".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 934 of such Act (42 U.S.C. 12340) is amended—

(1) in paragraph (1) of subsection (a), to read as follows:

"(1) There are authorized to be appropriated to carry out sections 931 and 932 such sums as may be necessary for each of the fiscal years 1995 through 1998."; and

(2) by striking subsection (d).

SEC. 403. FAMILY RESOURCE ACT.

(a) NATIONAL CENTER.—Section 958(b)(3) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12353(b)(3)) is amended by strike "model".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 960 of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12355) is amended—

(1) in subsection (a), by striking "$2,300,000" and all that follows through the end thereof and inserting "$2,000,000 for each of the fiscal years 1995 through 1998."; and

(2) in subsection (b), by striking "$700,000" and all that follows through the end thereof and inserting "$1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1998.".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

From the Committee on Education and Labor, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

WILLIAM D. FORD,
M.G. MARTINEZ,
DALE E. KILDEE,
MAJOR R. OWENS,
ROBERT E. ANDREWS,
BOBBY SCOTT,
LYNN C. WOOLSEY,
CARLOS ROMERO-BARCELÓ,
SCOTTY BAESLER,
BILL GOODLING,
SUSAN MOLINARI,
BILL BARRETT,
MIKE CASTLE,

As additional conferees from the Committee on Energy and Commerce, for consideration of title III of the Senate bill, and title III of the House amendment, and modifications committed to conference:

JOHN D. DINGELL,
PHIL SHARP,
EDWARD J. MARKEY,
RICHARD LEHMAN,
MIKE KREIDLER,
CARLOS J. MOORHEAD,
MICHAEL BILIRAKIS,
J. DENNIS HASTERT,
Managers on the Part of the House.

TED KENNEDY,
CHRISTOPHER J. DODD,
HOWARD M. METZENBAUM,
CLAIBORNE PELL,
NANCY LANDON KASSEBAUM,
JIM JEFFORDS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2000) to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act, the Community Services Block Grant Act, the Low-Income Home Energy Assistance Program, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE

Senate bill.—The Senate bill has no comparable provision.

House amendment.—The House amendment cites the Act as the "Human services Amendments of 1994."

Conference agreement.—The Senate recedes.

TABLE OF CONTENTS

Senate bill.—The Senate bill has no comparable provision.

House amendment.—The House amendment includes a table of Contents for the Act.

Conference agreement.—The Senate recedes with amendments as appropriate to reflect the conference substitute.

TITLE I—HEAD START

DEFINITION OF POVERTY LINE

Senate bill.—Amends the current law definition of "poverty line" to reference the Community Services Block Grant Act definition.

House amendment.—The House amendment has no comparable provision.

Conference agreement.—The House recedes with an amendment to clarify that the current poverty line definition shall be adjusted for family size. The conference substitute included technical amendments resulting from the amendment to the poverty line definition.

DEFINITION OF MOBILE HEAD START PROGRAM

The Conferees have included in the conference substitute a definition of "mobile Head Start program." The Conferees also with to clarify that such mobile Head Start programs shall be required to comply with performance standards related to provision of educational, social and other services such as apply to home-based Head Start programs. Although mobile Head Start programs shall not be held to the facilities-related performance standards which apply to center-based models, it is the intent of the Conferees that mobile Head Start programs shall operate in safe and secure areas.

DEFINITION OF FAMILY LITERACY SERVICES

Senate bill.—The bill includes an illustrative list of activities in the definition of family literacy services.

House amendment.—The House amendment limits the definition of "family literacy services" to specified activities, and references training in English as a second language activities as one of the parent literacy activities.

Conference agreement.—The Senate recedes.

DEFINITIONS OF LEA, IMIGRANT HEAD START, AND SEA

Senate bill.—The Senate bill has no comparable provision.

House amendment.—The House amendment includes definitions of "local education agency," "Imigrant Head Start program," and "State educational agency."

Conference agreement.—The Senate recedes with an amendment to strike the "State educational agency" definition.

AUTHORIZATION OF FUNDS

The conference substitute authorizes the appropriation of such sums as may be necessary to enhance program quality and expand Head Start services to all eligible children, as consistent with the funding levels authorized in 1990. The Conferees note that while the authorization level for the current fiscal year is $7.66 billion, the authorization level of "such sums" provides the Congress with the flexibility of making substantial progress towards the goal of reaching every eligible child while taking into consideration new initiatives and current fiscal constraints.

The conference substitute is consistent with the President's fiscal year 1995 budget request for Head Start, including a projected annual increase of $700 million for each of the next four fiscal years. The Conferees applaud the Administration's commitment to the Head Start program and reaffirm their commitment to serving all eligible families who seek service with due consideration of assisting underserved communities and maintaining a high level of quality in all Head Start programs.

The conference substitute also authorizes the use of not more than $3 million for fiscal year 1995 and such sums as may be necessary through fiscal year 1998 for longitudinal studies.

USES OF QUALITY IMPROVEMENT FUNDS

Senate bill.—The Senate bill outlines the permissible uses of quality improvement funds.

House amendment.—The House amendment includes a provision that staff training shall include training in working with children of a non-English language background.

Conference agreement.—The Senate recedes.

ALLOCATION OF QUALITY IMPROVEMENT FUNDS

Senate bill.—The Senate bill provides for the allocation of quality improvement funds among states.

House amendment.—The House amendment includes a technical amendment to include territories in the allocation of quality improvement funds.

Conference agreement.—The Senate recedes.

RANGE OF COLLABORATION GRANT ACTIVITIES

Senate bill.—The Senate bill funds a broad range of Head Start collaboration activities with state-wide organizations and initiatives designed to "target" low-income children and families.

House amendment.—The House amendment funds only collaboration activities between Head Start and State governments which are "designed to benefit" low-income children and families.

Conference agreement.—The House recedes with an amendment to fund a broad range of activities "which are 'designed to benefit' low-income" children and families. The Conferees believe that the limited resources available for these collaboration grants will be maximized by allowing the Head Start liaison to coordinate with state-wide initiatives that give the collaboration the broadest reach.

AGENCIES INVOLVED IN COLLABORATION

Senate bill.—The Senate bill describes the activities to be undertaken by the collaboration liaison.

House amendment.—The House amendment includes State and local educational agencies as entities with whom the States must liaison under the collaboration grant program.

Conference agreement.—The House recedes with an amendment to include local education agencies in the list of agencies to participate in collaboration through these grants. The conference substitute also includes an amendment to the collaboration grant language to provide for collaboration with family literacy services providers.

CRITERIA FOR AWARD OF EXPANSION FUNDS

Senate bill.—the Senate bill requires HHS to take into consideration the extent of an applicant's consultation with a range of other agencies and other criteria when awarding expansion funds.

House amendment.—The House amendment adds consultation with State agencies administering early childhood programs, references to ESL organizations, and consideration of the need for full day, full year services to the Senate list.

Conference agreement.—The Senate recedes with an amendment to include organizations serving families in non-English language homes, consultation with the local affiliates of appropriate State agencies, and the extent to which the appplicant's family and community needs assessment reflects a need for full day and full year services in the Senate list.

The Conferees are aware of situations in which agencies have been designated as Head Start sponsors in communities that are outside the area in which the Head Start sponsor agency is located. The Conferees ask the Secretary to identify situations in which replacement grantees are operating Head Start programs in adjacent communities and to examine whether the existing arrangements serve the best interests of the communities involved and of the Head Start program. The Conferees ask HHS to examine the feasibility of negotiating changes in existing sponsorship arrangements where such arrangements are not meeting the needs of children and families.

FLEXIBILITY IN MEETING MINIMUM HOUR OF OPERATIONS REQUIREMENTS

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment contains a provision requiring HHS to allow grantees flexibility in meeting minimum Head Start hours of operation requirements.

Conference agreement.—The Senate recedes with an amendment to clarify that the flexibility granted shall not reduce the minimum hours of service per day, days of service per week, or days of service per year.

PRIORITY TO MIGRANT GRANTEES

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment requires HHS to give priority to migrant grantees that serve children in families that must relocate most frequently in awarding funding to Migrant Head Start grantees.

Conference agreement.—The Senate recedes.

DESIGNATION OF INDIAN HEAD START SERVICE AREA

Senate bill.—The Senate bill includes members of Indian tribes living near the reservation in the population to be served by Indian Head Start grantees.

House amendment.—The House amendment includes Indians in any area designated by the Bureau of Indian Affairs as near-reservation in the population to be served by Indian Head Start grantees.

Conference agreement.—The Senate recedes.

CONSIDERATIONS IN DESIGNATING NEW HEAD START AGENCIES

Senate bill.—The Senate bill details the criteria which must be taken into consideration by HHS when designating new Head Start agencies.

House amendment.—The House amendment includes Even Start programs as one of the programs that prospective grantees would be expected to coordinate with in order to receive designation as a Head Start agency.

Conference agreement.—The Senate recedes.

ENTITIES ELIGIBLE FOR FAMILY LITERACY SERVICE REFERRALS

Senate bill.—The Senate bill includes Even Start programs as entities to which families may be referred to receive family literacy services and skills training.

House amendment.—The House amendment adds public and school libraries as entities to which families may be referred to receive family literacy services and skills training.

Conference agreement.—the Senate recedes with an amendment to include family resource programs as entities to which families may be referred for the specified services.

In order to avoid duplication of services and maximize the use of limited resources, Head Start agencies are strongly encouraged to develop formal collaborations, linkages, and other forms of coordination with existing education and training agencies, including those funded under the Job Training Partnership Act.

CRITERIA FOR DESIGNATION AS A NEW HEAD START GRANTEE

Senate bill.—The Senate bill details the criteria which must be taken into consideration by HHS when designating new Head Start agencies.

House amendment.—The House amendment adds training in nonpunitive discipline techniques, training in basic child development, development of communication skills, opportunities for parents to share experiences, and activities designed to help parents understand the importance of their involvement in their children's education to the list of activities that HHS would have to consider in selecting grantees.

Conference agreement.—The Senate recedes with an amendment that creates the following list of activities which HHS must consider in selecting grantees: training in basic child development, assistance in developing communication skills, opportunities for parents to share experiences with other parents, substance abuse counseling, and activities designed to help parents become full partners in the education of their children.

SERVICES TO NON-ENGLISH LANGUAGE CHILDREN

Senate bill.—The Senate bill retains the current law elements of designees' plans with respect to services to non-English language children.

House amendment.—The House amendment expands the scope of plans required to include non-English language background children and their families.

Conference agreement.—The Senate recedes.

QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS

Senate bill.—The Senate bill details the programmatic and administrative areas for which HHS must develop quality standards within one year of enactment.

House amendment.—The House amendment includes transition to elementary school, record keeping and file maintenance as areas for which HHS must develop quality standards.

Conference agreement.—The House recedes with an amendment to include performance standards pertaining to the transition activities referenced in section 642(d) of the Act.

The conference substitute includes transition-to-elementary school among the areas for which the Secretary is to establish quality standards. The quality standards should describe the types of activities (e.g., transfer of records to elementary schools, parent-child orientation activities, etc.) which all Head Start programs are expected to implement.

The Conferees wish to emphasize that these standards are not intended to include academic requirements. These standards should only address those activities for which Head Start agencies are reasonably responsible, and should seek to hold Head Start programs accountable only for the activities which are within their control. The Conferees believe that coordination and cooperation with public schools is a critically important aspect of transition, but recognize that Head Start programs are limited in their abilities to carry out transition activities without the full support and cooperation of the local public school system.

The Conferees would also like to direct the Secretary's attention to the questions of record keeping and file maintenance practices identified in the Inspector General's report. Appropriate performance standards addressing these issues should be developed.

DEVELOPMENT OF QUALITY STANDARDS

Senate bill.—The Senate bill details the programmatic and administrative areas for which HHS must develop quality standards within one year of enactment.

House amendment.—The House amendment includes services to families with very young children in the list of performance standards to be developed.

Conference agreement.—The House recedes.

The Conferees wish to note that performance standards guiding the provision of services to families with very young children will be developed by December 30, 1994 as part of the 0-3 initiative and expect that Head Start programs serving families with very young children will be guided by those standards.

CONSULTATION WITH EXPERTS

Senate bill.—The Senate bill describes the range of experts with whom HHS must consult in developing quality standards.

House amendment.—The House amendment includes child health experts and clarifies that experts in the field of family services also includes experts in providing family services for non-English language children and families.

Conference agreement.—The Senate recedes with an amendment to clarify that knowledge of linguistically and culturally appropriate services shall be among the areas of expertise to be drawn upon in developing standards.

The Conferees wish to emphasize the importance of assisting non-English language families in becoming literate in English. However, this is not intended to prevent programs from utilizing a bilingual approach or from assisting the large number of Hispanic families who receive services under this Act in becoming literate in Spanish, nor to prevent efforts by Indian or Native Alaskan or Hawaiian programs to promote literacy in indigenous languages.

CONSIDERATIONS IN DEVELOPING QUALITY STANDARDS

Senate bill.—The Senate bill details the factors which should be taken into consideration in developing new quality standards.

House amendment.—The House amendment includes guidelines and standards to promote child health services, changes in the population of eligible children, and the need for local policies and activities to promote transition in the list of factors to be taken into consideration.

Conference agreement.—The Senate recedes.

HEAD START MONITORING PROCESS

Senate bill.—The Senate bill clarifies the process of monitoring Head Start grantees.

House amendment.—The House amendment requires monitoring reviews to be conducted by HHS employees who are knowledgeable about the diverse (including linguistic and cultural) needs of eligible children and families.

Conference agreement.—The Senate recedes with an amendment to clarify that each monitoring team should include members who are not only knowledgeable about the Head Start program but are also knowledgeable about the diverse (including linguistic and cultural) needs of eligible children and families.

PUBLICATION OF MONITORING SUMMARY REPORTS

Senate bill.—The Senate bill requires the Secretary to publish annually a summary report of the outcomes of triennial grantee reviews.

House amendment.—The House amendment sets an annual time frame of 90 days within which the Secretary is to issue the summary.

Conference agreement.—The Senate recedes with an amendment to extend the deadline to 120 days.

ENHANCED PARENT INVOLVEMENT AND TRANSITION COORDINATION WITH SCHOOLS

The Conferees agreed that Section 109 of the Senate bill shall be referred to as "Enhanced Parent Involvement and Transition Coordination with Schools."

TECHNICAL AMENDMENT

Senate bill.—The Senate bill incorporates amendments on transition and parent involvement into an existing section in the Head Start Act.

House amendment.—The House amendment rewrites a section of the Act to incorporate amendments on transition and parent involvement.

Conference agreement.—The Senate recedes.

PARENT INVOLVEMENT ACTIVITIES

Senate bill.—The Senate bill details parent involvement activities that are to be provided by Head Start programs.

House amendment.—The House amendment includes additional parent involvement activities to be provided that are not included in the Senate bill. It would require grantees to establish procedures for participation in program decisions, provision of technical and other support to help them secure assistance, establishment of procedures to seek reimbursement from other agencies for services that Head Start provides, and to provide or consider providing other services. The House amendment also makes references to training in nonpunitive discipline techniques and other training.

Conference agreement.—The Senate recedes with an amendment to include a list of parent involvement services similar to that in the section on plans for parent involvement taken into account in designating new Head Start grantees.

TRANSFER OF RECORDS

Senate bill.—The Senate bill requires Head Start programs to transfer essential records to each child's elementary school upon graduation from Head Start.

House amendment.—The House amendment requires parental consent in transferring Head Start records to schools.

Conference agreement.—The Senate recedes.

TRANSITION ACTIVITIES

Senate bill.—The Senate bill details the list of required transition activities.

House amendment.—The House amendment includes in its coordination requirements provisions that Head Start agencies coordinate the provision of transportation and use of facilities and the provision of non-educational services to children at the request of the local educational agency.

Conference agreement.—The Senate recedes with an amendment to clarify that Head Start programs and local education agencies may work together to coordinate transportation and use of facilities and exchange information regarding the provision of non-educational services to children.

TRANSITION PROGRAM EVALUATION

Senate bill.—The Senate bill requires HHS to assess the results of the Head Start transition program.

House amendment.—The House amendment requires HHS to evaluate the effectiveness of the transition program, and to disseminate the evaluation information and other information on effective transition activities, and to provide technical assistance to Head Start grantees to adopt and implement effective transition practices.

Conference agreement.—The Senate recedes.

FACILITIES AND ADMINISTRATIVE REQUIREMENTS

Senate bill.—The Senate bill allows Head Start grantees in low-income communities to construct facilities if there are no other facilities available, if the lack of facilities will inhibit the operation of the program, and if construction is more cost effective than purchase of available facilities. The bill also permits Head Start grantees to make capital expenditures (including amortizing the principal and paying the interest on loans) for construction of facilities, major renovation of facilities, and purchase of vehicles used for programs located at Head Start facilities.

House amendment.—The House amendment has no comparable provision.

Conference agreement.—The House recedes.

PARTICIPATION

Senate bill.—The Senate bill allows Head Start to serve children for more than one year.

House amendment.—The House amendment contains no comparable provision.

Conference agreement.—The House recedes with an amendment to clarify that Head Start programs may serve children from age 3 to compulsory school age for more than one year.

PROGRAMS FOR INFANTS AND TODDLERS

Senate bill.—The Senate bill describes the new 0-3 initiative.

House amendment.—The House amendment requires infant and toddler programs to coordinate services with programs including transition to school programs and local educational agency programs.

Conference agreement.—The House recedes.

The Conferees wish to express their intent that Head Start 0-3 programs collaborate with appropriate local service providers, including Part H and other programs, as needed to ensure the provision of a comprehensive array of health, mental health, and social services.

DEVELOPMENT OF PROGRAM GUIDELINES

Senate bill.—The Senate bill describes the range of programs whose experiences must be taken into consideration in developing guidelines for the new infant and toddler program.

House amendment.—The House amendment requires that consideration also be given to the knowledge and experience gained from migrant Head Start programs that serve a large number of infants and toddlers.

Conference agreement.—The Senate recedes.

REPEALS

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment repeals conforming references in Part E of title II of the Elementary and Secondary School Amendments of 1988, Subchapter F of chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981, and contains a conforming amendment to section 638 of the Head Start Act.

Conference agreement.—The Senate recedes.

The Conferees intend to give the Secretary and the 0-3 working group latitude to design appropriate models for the 0-3 initiative. Therefore, the Congress has not statutorily delineated specific funding cycles or monitoring provisions of 0-3 grant recipients. It is the intent of the Congress that existing CCDP and PCC programs be grandfathered as part of the 0-3 initiative through 1997, and that, beginning in 1998, these grantees shall be treated in a manner which is consistent with the status of the other 0-3 grantees.

APPEALS, NOTICE AND HEARING

The conference substitute includes technical amendments to clarify that the administrative hearing described as part of the mediation process for settling disputes between grantees and their policy councils or directors is to be held only in the case of adverse actions resulting from unresolved disputes.

GOALS AND PRIORITIES FOR TRAINING AND TECHNICAL ASSISTANCE

Senate bill.—The Senate bill lists the goals and priorities for training and technical assistance.

House amendment.—The House amendment adds assisting programs in developing full day and full year programs, assisting programs in better serving the needs of families with very young children, and giving special consideration to entities that have demonstrated effectiveness in educational programming for preschool children that includes components for parental involvement and care provider training to the Senate list.

Conference agreement.—The Senate recedes with an amendment to clarify that Head Start agencies should be assisted with developing full day and full year programming where a community need for such services has been clearly identified. With respect to the provision of training and technical assistance for the Migrant Head Start agencies, special consideration shall be given to entities which have a demonstrated experience and understanding of the unique needs of the migrant and seasonal farmworker population and the necessity for a specialized service delivery approach.

The Conferees recognize that community-based service providers and certain federal agencies have specialized expertise in areas that are essential for Head Start agencies if they are to effectively include children with severe disabilities in their programs. The Conferees expect that Head Start agencies will actively seek technical assistance necessary to serve children with disabilities from a variety of resources, and that such technical assistance will not be guided solely by any one agency, organization, or activity.

The conference substitute also includes amendments to the training and technical assistance section to allow provision of training and technical assistance to grantees in developing innovative Head Start models such as home based and mobile programs.

STAFF QUALIFICATIONS AND DEVELOPMENT

Senate bill.—The Senate bill lists the programs which should be given priority in establishing mentor teacher positions.

House amendment.—The House amendment adds a priority for grantees who lack staff able to communicate in the languages of the children enrolled when establishing mentor teacher positions.

Conference agreement.—The Senate recedes with an amendment to clarify that programs which lack staff of a similar cultural background to participating children shall be included among the delineated priorities.

MODEL CURRICULA FOR MENTOR TEACHERS

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment requires HHS to promote the development of a model curricula for mentor teachers.

Conference agreement.—The Senate recedes with an amendment to clarify that the curricula shall be developed to ensure the attainment of appropriate competencies by mentor teachers in the Head Start program. The Conferees wish to note that HHS should build on existing mentor teacher programs and curricula in the development of its model curricula for Head Start, but that the curricula developed for Head Start should take into consideration the unique aspects of Head Start services and performance standards.

DEGREE REQUIREMENTS FOR CLASSROOM TEACHERS

The Conferees wish to clarify that Section 648A identifies four different ways to meet the degree requirements for classroom teachers. Each is intended as an alternative to the others. Therefore, although both options B and D identify a state-awarded certificate, they should not be considered to be identical. Option B specifies a state-awarded certificate which is intended to cover individuals possessing state teacher certification covering instruction of preschool-aged children. Option D is intended to cover individuals who possess a degree in a related field but which incorporates coursework covering the growth, development and education of preschool aged children.

The conference substitute includes amendments to the demonstration program language to suggest that demonstrations be designed to include innovative non-center-based program models such as home based and mobile Head Start programs.

REPORTS

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment requires HHS to conduct a study of the availability and delivery of Head Start services to Indian children and children of migrant and seasonal farmworkers.

Conference agreement.—The Senate recedes with an amendment to study Head Start services to Indian children, the children of Alaska natives, and children of migrant and seasonal farmworkers.

The Conferees wish to point out the unique needs of programs serving Indian, Native Alaskan, and migrant and seasonal farmworker children and families. Many are extremely rural programs with transportation and other costs which are disproportionately high. Nearly 40% of the children served by Migrant Head Start programs are infants and toddlers, yet the Head Start programs are given the same per-child funding for young children as they receive to provide services to four year olds. No reliable information about the number of children eligible for Migrant Head Start services is available. These funding constraints and special circumstances have a direct impact on quality of services provided. The Conferees direct the Secretary to examine the Head Start services provided to Indian, Native Alaskan, and migrant and seasonal farmworker children in light of these concerns.

STUDY OF BENEFITS FOR HEAD START EMPLOYEES

Senate bill.—The Senate bill requires HHS to study the feasibility of providing Head Start employee benefits through the federal retirement system.

House amendment.—The House amendment contains no comparable provision.

Conference agreement.—The House recedes.

AUTOMATIC ELIGIBILITY OF HEAD START PARTICIPANTS

Senate bill.—The Senate bill makes Head Start income-eligible enrollees automatically eligible for meals under the child care food program.

House amendment.—The House amendment has no comparable provision.

Conference agreement.—The Senate recedes.

The Conferees are concerned by the burden placed on Head Start programs by the need to establish eligibility for the child care food programs for Head Start-eligible children. Although Head Start-eligible children are income eligible for child care food programs, Head Start spends as much as $15,000 per year per program paying staff to fill out the paperwork required to establish eligibility. Because the Conferees do not have the authority to address the "pay-go" entitlement spending issues raised by the automatic eligibility provision in the Senate bill, the Conferees have agreed not to address this issue in this legislation at this time. The Conferees urge the Secretary of Health and Human Services and the Secretary of Agriculture to work together to accomplish this goal, to the extent possible, through regulatory changes, and urge the appropriate Committees to address this problem in the context of the reauthorization of other child nutrition programs.

READY TO LEARN PROGRAM REAUTHORIZATION

Senate bill.—The Senate bill reauthorizes the Ready to Learn program under the Elementary and Secondary Education Act of 1965.

House amendment.—The House amendment contains no comparable provision.

Conference agreement.—The House recedes with an amendment reauthorizing the Ready to Learn program through fiscal year 1998, but transferring the program authority to the General Education Provisions Act (GEPA).

STUDY OF FULL-DAY AND FULL-YEAR HEAD START PROGRAMS

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment requires the Secretary of Health and Human Services to conduct a study of the need for full-day and full-year Head Start services.

Conference agreement.—The Senate recedes with an amendment clarifying the scope of the study and requiring the submission of a report containing the results of the study not later than January 1997.

The Conferees also wish to direct the Secretary to encourage the development and testing of innovative, locally designed options to extend the hours of service to meet local needs. Options may include collaboration with child care and other child and family service programs where such collaborations maintain the quality and integrity of services provided under the Head Start performance standards. Where administrative rules and regulations are a barrier to effectively combining funds from different federal program sources, a timely mechanism for requesting and granting waivers should be put into place.

CONSULTATION WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment requires the Secretary of HHS to consult with the CEO of the Corporation for National and Community Service regarding the dissemination of information about the Corporation's programs.

Conference agreement.—The Senate recedes.

TITLE II—COMMUNITY SERVICES BLOCK GRANT

DEMONSTRATION PARTNERSHIP PROGRAM

Senate bill.—The Senate bill repeals the Demonstration Partnership Agreements, under section 408 of the Human Services Reauthorization Act of 1986.

House amendment.—The House amendment extends the authorization for this program through fiscal year 1998, and adds a set-aside for grants supporting programs that target at-risk youth.

Conference agreement.—The Senate recedes to the House with an amendment modifying the at-risk youth set-aside.

TRAINING AND TECHNICAL ASSISTANCE

Senate bill.—The Senate bill sets aside not less than one-half of one percent and not more than 1 percent of the appropriation for training and technical assistance, but does not define the activities to be funded.

House amendment.—The House amendment specifies a process for determining the technical assistance and training activities that would be conducted, and establishes requirements that the Secretary would follow in allocating resources for technical assistance and training.

Conference agreement.—The House recedes with an amendment identifying eligible entities for funding to carry out the training and technical assistance activities.

TRIPARTITE BOARD

Senate bill.—The Senate bill requires that the Board be selected by the Community Action Agency or non-profit organization.

House amendment.—The House amendment contains no comparable provision.

Conference agreement.—The House recedes.

REGULATIONS

Senate bill.—The Senate bill requires the Secretary to issue regulations governing the manner in which states comply with the title.

House amendment.—The House amendment has no comparable provision.

Conference agreement.—The House recedes with an amendment. It is the intent of the managers that this change allow the Secretary only to prescribe procedures for the purpose of assessing the effectiveness of eligible entities in carrying out the purposes of the program. Such procedures may include the collection of data and such other information as may be necessary to satisfy that goal.

EVALUATION INVOLVING WAIVERS

Senate bill.—The Senate bill has no comparable provision.

House amendment.—The House amendment would amend the current law requirement that the Comptroller General periodically evaluate program expenditures by States, to specifically include States which have received waivers under P.L. 98-139.

Conference agreement.—The House recedes.

DEMONSTRATION PARTNERSHIP DISCRETIONARY AUTHORITY

Senate bill.—The Senate bill includes grants for innovative anit-poverty approaches in the Secretary's discretionary fund.

House amendment.—The House amendment has no comparable provision.

Conference agreement.—The Senate recedes.

INFORMATION TECHNOLOGY

Senate bill.—The Senate bill adds as an authorized use of the Secretary's discretionary fund grants to support the design, development and widespread availability of interactive information technology among eligible entities.

House amendment.—The House amendment has no comparable provision.

Conference agreement.—The House recedes.

COMMUNITY DEVELOPMENT CORPORATIONS

Senate bill.—The Senate bill would include management of low-income housing and community development projects as a principal purpose of the governing board of an eligible community development corporation.

House amendment.—The House amendment would include management of community development projects, but would not include management of low-income housing.

Conference agreement.—The House recedes with an amendment clarifying that the eligible entities are those with experience and expertise in developing and managing low-income housing or development projects.

COMMUNITY INITIATIVE PROGRAM TRAINING AND TECHNICAL ASSISTANCE

Senate bill.—The Senate bill would reserve no more than one percent of Community Initiative Program funds for training and technical assistance.

House amendment.—The House amendment contains no comparable provision.

Conference agreement.—The House recedes.

MIGRANTS AND SEASONAL FARMWORKERS

Senate bill.—The Senate bill eliminates the migrant and seasonal farmworkers program from the Secretary's discretionary fund, and instead requires each State to address the needs of this population through its regular community services program.

House amendment.—The House amendment maintains in the discretionary fund grant to nonprofit private organizations that serve migrants and seasonal farm workers as eligible rural community development activities.

Conference agreement.—The Senate recedes.

Because of the unique problems associated with providing assistance to migrant and seasonal farmworkers, these programs shall be centrally administered from the national level. No programs and activities supported under this section shall preclude assistance to farmworkers under any other provision of this Act.

NATIONAL YOUTH SPORTS

Senate bill.—The Senate bill eliminates the National Youth Sport Program from the Secretary's discretionary fund.

House amendment.—The House amendment would remove this program from discretionary fund and authorize it at $15 million in each of fiscal years 1995-1998 for national or regional programs designed to provide instructional activities for low-income youth.

Conference agreement.—The Senate recedes.

MCKINNEY HOMELESS ASSISTANCE ACT

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment would extend the authorization of appropriations for the McKinney Homeless Assistance Act Emergency Community Services Homeless Grant Program for fiscal years 1995-1998.

Conference agreement.—The Senate recedes.

TITLE III.—LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

STATEMENT OF PURPOSE

Senate bill.—The Senate bill places the primary emphasis of the program on meeting the immediate home energy needs of those with low incomes and high relative energy burdens, with a secondary emphasis on reducing the energy needs and costs of such households.

House amendment.—The House amendment places an equal emphasis on the two purposes.

Conference agreement.—The House recedes with an amendment striking the secondary purpose, leaving the primary purpose of meeting the immediate home energy needs of low-income households. The Conferees believe that activities to reduce home energy needs and costs can be a useful supplement to basic benefits. They note, however, that the decline in funding for the LIHEAP program over the past nine years as well as the continued high percentage of income spent by low-income households on residential energy and understand the need for basic benefits. The Conferees believe that, in a time of scarce resources, every possible dollar should be spent on helping households meet their energy bills.

AUTHORIZATION LEVEL

Senate bill.—The Senate bill authorizes the appropriation of $2,000,000,000 for each of fiscal years 1995 through 1999.

House amendment.—The House amendment authorizes $2,000,000,000 for fiscal year 1995 and such sums as may be necessary fiscal years 1996 through 1999.

Conference agreement.—The House recedes.

HIGHEST HOME ENERGY NEEDS

Senate bill.—The Senate bill defines "highest home energy needs" in the statute to include households with very young children and the frail elderly.

House amendment.—The House amendment defines "highest home energy needs" with slightly different language and includes individuals with disabilities among vulnerable populations.

Conference agreement.—The Senate recedes.

EMERGENCY NOTIFICATION

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment requires the Secretary of HHS to notify Congress of a proposed allotment under the Emergency Fund provision before the release of such funds.

Conference agreement.—The Senate recedes with an amendment to strike the word "proposed" in the conference agreement.

EMERGENCY ALLOCATION

The Conferees note that in allocating funds under this section it is the responsibility of the Secretary of HHS to assure that any formula for allocation of funds is based on information obtained in a manner which is consistent from state to state. If information as to weather conditions or other emergency conditions is derived from other agencies, the Secretary shall, to the extent practicable, ascertain and make available to the public the methodology by which such information or data was generated.

AUTHORIZED USE OF FUNDS

Senate bill.—The Senate bill in its statement of the authorized use of funds targets households with high relative energy burdens.

House amendment.—The House amendment targets funds to those with the lowest incomes that have a high relative energy burden.

Conference agreement.—The Senate recedes.

ENCOURAGED REDUCED HOME ENERGY NEEDS

Senate bill.—The Senate bill subjects the activities described in a new paragraph (16) of section 2650(b), which are intended to encourage and enable households to reduce their home energy needs, to the program's 10 percent administrative cost cap as defined in paragraph 9(A). It would also allow for the use of other federal funds to pay for such activities.

House amendment.—The House amendment does not subject the activities described in paragraph (16) to the administrative cost ceiling, and contains no provision comparable to the Senate's provision regarding the permitted use of other federal funds.

Conference agreement.—The Senate recedes with an amendment limiting the amount that may be spent on such activities to 5 percent of a State's total allocation. The House recedes to the provision to allow the use of other Federal funds for these activities. In addition, States using the option in assurance 16 must report to the Secretary on the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved. The Conference substitute also includes language included in both bills to encourage States to work with vendors to reach agreements that recognize the benefits the vendors receive from LIHEAP payment assistance on behalf of their clients. The Conferees believe such efforts should be particularly directed at unregulated vendors. The Conferees emphasize that these provisions are not meant to infringe on a State's regulatory authority or process regarding residential energy providers. The Conferees intend that no regulated utility covered by the plan shall be required to act in a manner inconsistent with applicable regulatory requirements.

REMOVAL OF CONSTRAINT ON SECRETARIAL PROGRAM GUIDANCE

Senate bill.—The Senate bill removes the clause that prohibits the Secretary of Health and Human Services from prescribing the manner in which States comply with program provisions.

House amendment.—The House amendment does not have a comparable provision.

Conference agreement.—The Senate recedes.

PERFORMANCE GOALS AND MEASURES

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment directs the Secretary of Health and Human Services to develop, in consultation with State, local, and tribal grantees, performance goals and measurements that grantees may use to assess their success in achieving the purposes of the program. The Secretary shall report to Congress on the manner in which grantees are achieving these program goals.

Conference agreement.—The Senate recedes to the House with an amemdement. The Conference substitute requires the Secretary to develop model performance goals that states may use at their discretion. The Conferees see these model performance goals as an optional tool for states. They are not mandatory and should not be a burden on the states.

TRAINING AND TECHNICAL ASSISTANCE

The Conferees recommend a change in the set-aside for training and technical assistance to state, local and tribal agencies. Given the fluctuations in the appropriations for the program and the significant effect that recent natural disasters have had on program delivery, agencies have expressed a need for more training and technical assistance. However, given the downward trend in funding LIHEAP, this provision ensures that no greater portion of the appropriation is applied to training and technical assistance than is necessary, so that agencies can be trained and guided in the most effective ways of dealing with shrinking program funding, the best way to "do more with less."

The Conferees also recommend that the services provided through the National Center for Appropriate Technology and others be expanded, to the extent practicable, to meet current demand and to address the technical assistance needs of states, local and tribal grantees in making modifications to their programs so as to provide more effective long-term solutions to the problems faced by recipients or program funds and services. The expenditures for conferences and other costly meetings should be considered a second level priority in this set aside and should only be considered when such expenditures will not diminish the provision of services to program recipients or the provision of direct technical assistance to grantees.

R.E.A.CH. INITIATIVE

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment establishes a new initiative, the Residential Energy Assistance Challenge (R.E.A.Ch.), and directs the Secretary to set aside, beginning in fiscal year 1996, an amount equal to at least 5 percent of the amount appropriated under section 2607A (the Leveraging Incentive Program) for the purpose of making challenge grants to States that qualify. States may use such grants to achieve performance goals, including the long-term reduction of the energy burden program dependency of households eligible for, or receiving energy assistance, to minimize health and safety risks that result from high energy burdens on low-income Americans, to prevent homelessness as a result of energy usage by low-income families, and for other purposes.

Conference agreement.—The Senate recedes with an amendment to allow up to 25 percent of the Leveraging Incentive program funds for the R.E.A.Ch. program and demonstrations. An incentive fund will be distributed by the Secretary to qualifying programs to encourage and reduce the costs of, innovation. The Secretary is encouraged to use program guidance, rather than regulations, but is authorized for this program only, to disapprove applications for R.E.A.Ch. funds on the basis of such guidance. The Conferees seek to make clear that R.E.A.Ch. services to eligible LIHEAP recipients are provided in addition to regular LIHEAP benefits received by households participating in the program.

SENSE OF CONGRESS ON APPROPRIATIONS

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment expresses the sense of Congress that all appropriations made for LIHEAP for fiscal year 1995 be expended in fiscal year 1995, and that appropriations for fiscal year 1996 be at or above the fiscal year 1995 level.

Conference agreement.—The Senate recedes to the House with an amendment stating that expenditures for LIHEAP for FY 1996 should ensure the provision of services at the level provided in FY 1995.

TITLE IV—COMMUNITY-BASED FAMILY RESOURCE PROGRAMS

STATUTE AMENDED

Senate bill.—The Senate bill amends Section 933 of the Claude Pepper Young Americans Act.

House amendment.—The House amendment creates a new Community-based Family Support and Family Resource Program and titles the section the "Family Resource and Support Act of 1994".

Conference agreement.—The House recedes with an amendment to amend Title II of the Child Abuse Prevention and Treatment Act and replace it with a new Community-Based Family Resource Program.

PURPOSES

Senate bill.—The Senate bill states that the purpose of the program is to develop a systematic approach to prevention and promote innovative funding mechanisms.

House amendment.—The House amendment includes developing a "family centered and family directed" comprehensive system in collaboration with existing State agencies.

Conference agreement.—The Senate recedes with an amendment to incorporate promotion of innovative funding mechanisms as a purpose of the program.

RESPONSIBLE OFFICIAL

Senate bill.—The Senate bill refers to both the "Secretary" and the "Commissioner" as the responsible official in setting out the authority to make grants.

House amendment.—The House amendment refers to the "Commissioner".

Conference agreement.—The House recedes with an amendment to replace "Commissioner" with "Secretary".

ALLOWABLE PURPOSES

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment includes as an allowable State purpose ensuring the involvement of families of children with disabilities in planning statewide systems.

Conference agreement.—The House recedes.

PROGRAM REFERENCES

Senate bill.—The Senate bill refers throughout the title to "family resource program".

House amendment.—The House amendment refers to "family support and family resource program".

Conference agreement.—The House recedes.

TECHNICAL DIFFERENCE

Senate bill.—The Senate bill requires services to be culturally relevant.

House amendment.—The House amendment requires services to be culturally competent.

Conference agreement.—The Senate recedes.

INTERAGENCY COORDINATION

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment includes as a State activity increasing and promoting interagency coordination.

Conference agreement.—The Senate recedes with a technical amendment.

REMOVING STATUTORY AND REGULATORY BARRIERS

Senate bill.—The Senate bill does not address efforts to change statutory and regulatory barriers to the integration of services in the authorized activities, but does include them in the State application section.

House amendment.—The House amendment includes as a State activity changing laws, regulations, procedures and organizational structures which impede the provision of family support.

Conference agreement.—The House recedes with an amendment to the relevant paragraph in the application section.

MINIMUM GRANT SIZE

Senate bill.—The Senate bill requires that each State receive a minimum grant of $100,000.

House amendment.—The House amendment requires that each State receive a minimum of $1 million.

Conference agreement.—The House recedes with an amendment to clarify that the funds must go to the designated lead agency and to define the leveraged funds that a State may use to qualify for incentive grants. These funds must flow through the mechanism used by the state to establish eligibility for this program and they must be under the control of the lead agency. The Conferees believe the mechanism for integrating funds is the key to the family resource program's ability to be a catalyst for systems change. The Conferees hope that States will channel funds from various federal and State sources through his mechanism, that will in turn channel the funds to the local level to give flexibility in the way families are served. The formula is therefore designed to reward States' efforts to pool or integrate funds.

NATURE OF GRANTS AWARDED

Senate bill.—The Senate bill awards all grants to eligible States through a formula based on the number of children under age 18 in a State and the amount of other funds the State is able to leverage, with a minimum grant size of $100,000.

House amendment.—The House amendment allows grants to be awarded competitively if less than $50.4 million is appropriated in any given fiscal year with no grantee receiving less than $1 million. These competitive grants would be awarded for a 3 year period and each territory approved would received not less than $100,000.

Conference agreement.—The House recedes.

TREATMENT OF EXISTING GRANTS

Senate bill.—The Senate bill allows grantees under the existing Family Resource and Support program and the Temporary Child Care and Crisis Nurseries Program to continue to receive funds under until the end of their grant cycle.

House amendment.—The House amendment allows grantees under the Family Resource and Support Program to continue to receive funds until the end of their grant cycle.

Conference agreement.—The House recedes with an amendment deleting the Temporary Child Care and Crisis Nurseries Program and adding the Emergency Child Abuse Prevention Grants.

LEAD AGENCY

Senate bill.—The Senate bill states that the first choice for the State lead agency is the trust fund advisory board or a quasi-public organization with interdisciplinary governance.

House amendment.—The House amendment contains similar language with technical differences.

Conference agreement.—The House recedes with an amendment to clarify that such an organization does not have to be quasi-public, but does need to be created by either legislation or State statue. The Conferees are aware that in some States the advisory board of the Children's Trust Fund is already supporting family resource programs and would be in an excellent position to guide the development of a network. In other States, however, other interdisciplinary groups, such as a Children's Cabinet, also may be involved in these activities. Some States may have more than one entity that could fill the lead agency role. The Conferees stress that the purpose of this legislation is to encourage more coordination and urge States with several appropriate bodies to move toward integrating their roles in helping build a family resource network. The managers are aware that, in some States individual State agencies currently have responsibility for family resource programs and believe this is appropriate in some cases, as the legislation provides. However, the Managers encourage these States to move toward interdisciplinary governance, including the existing State agency.

The conferees believe effective service integration and systems change can only come from the involvement of a cross-section of agencies, organizations, and individual families in planning and operating these programs. The Conferees are particularly concerned that family resource programs be seen as preventive and family directed and not be closely associated with the formal child welfare system or agencies, or subsidiaries of such agencies. Such an association may deter parents from seeking out the family resource program and interfere with the supportive atmosphere that is its objective.

CAPACITY OF LEAD AGENCY

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment requires applications to assure that the designated lead State agency have the capacity to promote a statewide system of family support; and to exercise leadership in capacity building, training and access to and funding for family support services.

Conference agreement.—The Senate recedes with a technical amendment.

COORDINATION REQUIREMENTS

Senate bill.—The Senate bill places all coordination requirements in the planning process with the lead agency to develop the family resource program.

House amendment.—The House amendment requires the State to assure that the lead entity will coordinate its activities with those of other State councils including those under established under the Individuals with Disabilities Education Act (IDEA), the Vocational Rehabilitation Act, the Developmental Disabilities Assistance and Bill of Rights Act and local family support councils. It requires the State also to assure that the lead agency coordinate with the above councils in developing a comprehensive statewide system of family support and family resources services.

Conference agreement.—The Senate recedes with an amendment adding these councils and others, including the Head Start collaboration projects, to the interagency coordinating process required of the lead agency. The House recedes on the assurance.

STRATEGIC PLANS

Senate bill.—The Senate bill requires the lead agency to develop a plan for establishing a network of family resource programs.

House amendment.—The House amendment contains similar language with technical differences.

Conference agreement.—The House recedes with an amendment requiring a strategic plan that identifies specific measurable goals and objectives. In developing this strategic plan, the Conferees expect States to take appropriate steps to involve a wide cross-section of families and service providers. The strategic plan should include specific goals and objectives for the development of a statewide system of family resource programs, with a strong emphasis on interagency coordination and integration of services, and regular evaluation of the statewide system. If a State has already conducted a statewide review of existing family resource programs and developed a strategic plan relating to family resource programs prior to applying for funds under this Title, the State may present the plan to satisfy the strategic planning requirement, although the Secretary may request additional clarifying information about the plan.

INCLUSION OF ALL FAMILIES

Senate bill.—The Senate bill specifies the parties to be involved in the lead agency's planning process.

House amendment.—The House amendment contains similar language with technical differences.

Conference agreement.—The House recedes with an amendment to specify that parents of children with disabilities be included in the planning process. The Conferees wish to stress that Family Resource Programs should be inclusive of all families. Where families, such as those with children with disabilities, have special needs, the Family Resource Program should already have formed the linkages necessary to gain access for those families to other, more specialized service networks.

STATE AND LOCAL GOVERNMENT REPRESENTATIVES

Senate bill.—The Senate bill requires as participants in the State planning process a number of State and local government representatives.

House amendment.—The House amendment contains a similar list, but includes vocational rehabilitation.

Conference agreement.—The Senate recedes.

GROUPS SERVING CHILDREN WITH DISABILITIES

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment requires representatives of groups with expertise in providing services to children with disabilities to be included in the planning process.

Conference agreement.—The Senate recedes.

FAMILY RESOURCE PROGRAM INVENTORY

Senate bill.—The Senate bill refers to "family resource services".

House amendment.—The House amendment refers to "family resource and family support".

Conference agreement.—The House recedes with an amendment to require an inventory of current family resource programs in the State.

CULTURAL DIVERSITY AND COMPETENCY

Senate bill.—The Senate bill requires States to provide assurances that the State program will maintain cultural diversity.

House amendment.—The House amendment requires, in addition, an assurance that the state program will be "culturally competent".

Conference agreement.—The Senate recedes.

TRAINING AND TECHNICAL ASSISTANCE

Senate bill.—The Senate bill requires a plan for training and technical assistance.

House amendment.—The House amendment contains similar language with technical differences.

Conference agreement.—The House recedes with an amendment to add "networking activities" to the training and technical assistance list.

STATUTORY AND REGULATORY BARRIERS

Senate bill.—The Senate bill requires a description of proposed actions by the State that will reduce practical and regulatory barriers to the provision of comprehensive services.

House amendment.—The House amendment contains a similar provision as one of the authorized purposes of the program.

Conference agreement.—The House recedes with an amendment requiring a description in the application of activities that will facilitate changing laws, regulations, policies, practices, procedures, and organizational structures that impede the development of family resource services.

RESPITE SERVICES

Senate bill.—The Senate bill requires State to make available funds for the start-up costs associated with specific family resource services, including respite services.

House amendment.—The House amendment requires an assurance that the lead agency will ensure a maintenance of effort equivalent to current Federal funding for respite services.

Conference agreement.—The House recedes.

OUTREACH SERVICES

Senate bill.—The Senate bill contains no comparable provision.

House amendment.—The House amendment requires a description of the outreach and other activities the State will undertake to promote the participation of racial and ethnic minorities and other underserved or underrepresented groups.

Conference agreement.—The Senate recedes.

COMMUNITY-BASED PROGRAM

Senate bill.—The Senate bill requires the involvement of a variety of local agencies and organizations in the local community needs assessment.

House amendment.—The House amendment includes vocational rehabilitation as one of the agencies that must be involved.

Conference agreement.—The Senate recedes with an amendment requiring local programs to participate in the statewide network of family resource programs.

DEFINITION OF FAMILY RESOURCE PROGRAM

Senate bill.—The Senate bill defines "family resource program" as a program that offers community-based services that provide sustained assistance to families.

House amendment.—The House amendment defines "family support and family resource programs", with similar language.

Conference agreement.—The House recedes with an amendment to specify "sustained assistance and support to families".

OTHER SERVICES TO BE PROVIDED

Senate bill.—The Senate bill defines other services that the family resource program may provide, either directly or through referral, including early childhood services, respite services, education and literacy services, referral for health care, and others.

House amendment.—The House amendment includes a similar list, but adds English as a second language and family literacy services.

Conference agreement.—The House recedes with an amendment adding family support services for families of children with disabilities in the list of "other services". The managers wish to clarify that, although the community-based planning process should address all family support needs within the community, recipients of funds under this program are not expected to provide services to meet absolutely every need identified. To the maximum extent possible, they should meet identified needs, but they also are expected to help coordinate existing services and resources for families, including those families that have children with disabilities.

REQUIREMENTS FOR RESPITE SERVICES

Senate bill.—The Senate bill includes respite services in the list of other services that may be provided.

House amendment.—The House amendment includes as a core service respite care services which are available 24 hours a day and every day of the calendar year.

Conference agreement.—The House recedes.

DEFINITION OF INTERDISCIPLINARY GOVERNANCE

Senate bill.—The Senate bill includes a list of various government agencies involved in "interdisciplinary governance".

House amendment.—The House amendment includes vocational rehabilitation as an agency that must be involved in the interdisciplinary governance.

Conference agreement.—The Senate recedes.

ADDITIONAL DEFINITIONS

Senate bill.—The Senate bill defines various terms related to family resource programs.

House amendment.—The House amendment adds definitions of culturally competent, children with disabilities, family centered and family directed, and family support.

Conference agreement.—The Senate recedes with an amendment deleting the definitions of the terms "Commissioner," "Family-Centered and Family-Directed," and "Family Support."

STRATEGIC PLAN

Senate bill.—The Senate bill contains no comparable provisions.

House amendment.—The House amendment requires the lead agency of each State to prepare a strategic plan to achieve the purposes of this section.

Conference agreement.—The House recedes (see previous agreement re: strategic plan).

DEFINITION OF OUTREACH SERVICES

Senate bill.—The Senate bill amends the definition of outreach services in the Young Americans Act to apply to "other caretakers" as well as "parents".

House amendment.—The House amendment contains no comparable provision.

Conference agreement.—The House recedes.

AUTHORIZATION LEVEL

Senate bill.—The Senate bill authorizes the Young Americans Act State Grant Program appropriation at such sums as may be necessary for fiscal years 1995–1998; for the Community-Based Family Resource program, and authorizes an appropriation of $75 million for fiscal years 1996–1998.

House amendment.—The House amendment authorizes an appropriation of $30 million for 1995 and such sums as may be necessary for each of fiscal years 1996 and 1997.

Conference agreement.—The Senate recedes with an amendment to move the Young Americans Act authorization to a different section and authorize the Community-Based Family Resource Program at $50 million for fiscal year 1995. Because this new program becomes part of the Child Abuse Prevention and Treatment Act, the Conferees believe it should be on the same reauthorization cycle as that Act, which expires in 1995.

REPEALS

Senate bill.—The Senate bill repeals the Community-Based Child Abuse and Neglect Prevention Grants, the Emergency Child Abuse Prevention Services grants, and the Temporary Child Care and Crisis Nurseries grants programs.

House amendment.—The House amendment contains no comparable provision. Instead it repeals Sec. 933 of the Younger Americans Act, which describes the Family Resource and Support Program.

Conference agreement.—The Senate recedes with an amendment to also repeal the Emergency Child Abuse Prevention Services grants. The Conferees emphasize that they are consolidating these programs and therefore expect that the new Community-Based Family Resource Program will receive an appropriation which is at least equal to the sum of the appropriations of the individual programs that are being repealed or replaced.

NATIONAL RESOURCE CENTERS

Senate bill.—The Senate bill reauthorizes the National Resource Center on Family Resource and Support Programs.

House amendment.—The House amendment reauthorizes the National Center, but adds developing and disseminating information about respite services to its duties.

Conference agreement.—The House recedes.

From the Committee on Education and Labor, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

WILLIAM D. FORD,
M.G. MARTINEZ,
DALE E. KILDEE,
MAJOR R. OWENS,
ROBERT E. ANDREWS,
BOBBY SCOTT,
LYNN C. WOOLSEY,

Carlos Romero-Barceló,
Scotty Baesler,
Bill Goodling,
Susan Molinari,
Bill Barrett,
Mike Castle,

As additional conferees from the Committee on Energy and Commerce, for consideration of title III of the Senate bill, and title III of the House amendment, and modifications committed to conference:

John D. Dingell,
Phil Sharp,
Edward J. Markey,
Richard Lehman,
Mike Kreidler,
Carlos J. Moorhead,
Michael Bilirakis,
J. Dennis Hastert,
Managers on the Part of the House.

Ted Kennedy,
Christopher J. Dodd,
Howard M. Metzenbaum,
Claiborne Pell,
Nancy Landon Kassebaum,
Jim Jeffords,
Managers on the Part of the Senate.

EXECUTIVE ORDER PROHIBITING CERTAIN TRANSACTIONS WITH RESPECT TO HAITI—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–253)

The SPEAKER pro tempore (Mr. Montgomery) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

On October 4, 1991, pursuant to the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1703 et seq.) and section 301 of the National Emergencies Act ("NEA") (50 U.S.C. 1601 et seq.), President Bush exercised his statutory authority to issue Executive Order No. 12775 on October 4, 1991, declaring a national emergency and blocking Haitian government property.

On October 28, 1991, pursuant to the above authorities, President Bush exercised his statutory authority to issue Executive Order No. 12779 on October 28, 1991, blocking property of and prohibiting transactions with Haiti.

On June 30, 1993, pursuant to the above authorities, as well as the United Nations Participation Act of 1945, as amended ("UNPA") (22 U.S.C. 287c) I exercised my statutory authority to issue Executive Order No. 12853 on June 30, 1993, to impose additional economic measures with respect to Haiti. This latter action was taken, in part, to ensure that the economic measures taken by the United States with respect to Haiti would conform to United Nations Security Council Resolution 841 (June 16, 1993).

On October 18, 1993, pursuant to the IEEPA and the NEA, I again exercised my statutory authority to issue Executive Order No. 12872 on October 18, 1993, blocking property of various persons with respect to Haiti.

On May 6, 1994, the United Nations Security Council adopted Resolution 917, calling on Member States to take additional measures to tighten the embargo against Haiti. These include, inter alia, a requirement that Member States deny permission for take off, landing or overflight to any aircraft flying to or from Haiti, other than aircraft on regularly scheduled commercial passenger flights. In addition, the Resolution strongly urges, but does not mandate, the freezing of funds and financial resources of officers of the military in Haiti, including police, major participants in the coup d'état of 1991, and in illegal governments since the coup d'état, those employed by, or acting on behalf of, the military, and immediate family members of the foregoing. Effective at 11:59 p.m. e.d.t., May 8, 1994, I have taken additional steps pursuant to the above statutory authorities to enhance the implementation of this international embargo and to conform to United Nations Security Council Resolution 917.

This new Executive order:

—bans arriving and departing flights and overflights stopping or originating in Haiti, except regularly scheduled commercial passenger flights;

—blocks the funds and financial resources, subject to the jurisdiction of the United States, of the individuals specified in Resolution 917, identified above;

—prohibits any transaction that evades or avoids or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions of this order; and

—authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to issue regulations implementing the provisions of the Executive order.

The new Executive order is necessary to implement certain provisions of United Nations Security Council Resolution 917 of May 6, 1994, that are to take effect without delay. Further measures, including a comprehensive trade embargo with certain humanitarian exceptions, are required no later than May 21, 1994. I am considering additional measures to give full effect to these and other provisions of that Resolution. The measures we are imposing and the United Nations Security Council Resolution adopted on May 6, 1994, reflect the determination of the United States, acting in concert with the international community, to end the assault on democracy and human dignity in Haiti.

I am providing this notice to the Congress pursuant to section 204(b) of the IEEPA (50 U.S.C. 1703(b)) and section 301 of the NEA (50 U.S.C. 1631). I am enclosing a copy of the Executive order that I have issued.

William J. Clinton.

The White House, *May 7, 1994.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and because there is no designee of the minority leader, the gentleman from Texas [Mr. Gonzalez] is recognized for 60 minutes as the designee of the majority leader.

MY ADVICE TO THE PRIVILEGED ORDERS

Mr. GONZALEZ. Mr. Speaker, today I continue by way of accountability as chairman of the U.S. House of Representatives Committee on Banking, Finance and Urban Affairs. I said before to my colleagues that I would commit myself to doing this just 3 days after I was formally sworn in as chairman in January 1989, and I continue to do so but with increased problems of a complexity and difficulty that heretofore the Nation has not faced. That is, there has been no awareness.

I have been compelled to come a little bit more often in order to bring to the attention of my colleagues what I brief every member of the committee. As chairman, I have said from the beginning that it has always been my philosophy and my belief and based on the rules and the precedents of this great body, since the first Congress, that the real power and, actually, I believe, the exclusive and only power of a chairman was to set the agenda, set the course, mark the course and lead.

For years, this has not been done and particularly on this level. I am not now casting aspersions on predecessors. I am just saying that because of many other factors, mostly ones which I think infected us Americans and made us victims of our hubris or pride, that history will show was so misbegotten and so much in error; that is, that we are the greatest and would be forever and a day, that prosperity was here to stay forever and a day.

□ 1210

Also, our system governing our financial institutions, one which was actually sort of jerry-built since the depression and before the war, the complacency led to not keeping up with the exponential pace of change, and particularly the tremendous technological breakthrough since the war, where instantaneous communication is today making the world a very, very small village.

Today I rise because of the disturbing news that efforts were being made unilaterally by the government, that is, the Treasury and the Federal Reserve Board, in their words to "shore up the dollar," the value.

I have been trying to alert not only my colleagues, in fact, my colleagues first, as long ago as the middle 1970's, and with more intensity since 1979, when it was apparent and the statistics showed it and the correlation of events as they were happening, and those of us on the committee, charged with knowledge, it was obvious that our country was headed for a very different world from that in which it had thrived since the war, and particularly in the decades of the 1950's and 1960's.

However, it was disturbing even in the 1960's, and I spoke out there. But so much for history. The thing is that now, as I had so much wanted to avoid, there is tendency to have a knee-jerk reaction on the part of our managers in this very difficult area in which, as I have told my colleagues, we in the Congress have little direct power to control, not only constitutionally, but traditionally and in precedent.

The disturbing thing about the events was that after the intervention with somewhat massive input of dollars on the part of the Treasury and the Fed, the dollar still is in anemic condition. I have pointed out that this is the biggest danger that has confronted out Nation since its founding, even the Civil War.

When I say that, naturally I lost a lot of people that seem to think that this is a gross exaggeration. I wish it were, and I pray I am wrong, but nevertheless, up to now there has been no credible rebuttal.

The events of last week and the week before clearly show that what used to be a joint effort, for instance, in 1970 when there was a massive—in fact, it was not so massive compared to the tremendous exposure of the so-called Euro dollar at that time, just a fast movement of what I call hot money from the markets in London, France, into the German mark created a minor emergency. At that time, though, there was a joint venture of the part of these countries and their central banks to invest in trying to support the dollar.

Then came the 1970's and the 1980's, in which, incredibly, sitting on that committee, I heard all of the outstanding economists, international, national, and everybody else, saying that the reason we were having a negative balance of trade, or even a current account imbalance, was that the dollar was being artificially held too high.

I asked in one of the brief periods of time I had this panel of the outstanding economists, not only of the United States, I said "Okay, so you are saying and advocating that the dollar should be allowed to drop? But how far? What is your estimate?" Oh, they did not know. All they knew was let it drop, because that will stimulate the purchase of our exports.

I said "What if you have a free-fall? You don't control it, once it drops to a certain level, and it keeps going?" Well, there was no answer to that, but I was looked upon, and in fact one whispered and said "Who is this guy?" Remember, that was 19—the middle 1980's. I was not chairman yet.

Today I have directed letters to Secretary Bentsen and Chairman Greenspan inviting them to testify on the exchange rate policy at a banking hearing on May 18, that is next week, as well as a suggested summary of the proposed additions to the Humphrey-Hawkins Act which I intend to submit and will submit, and over which we intend to have the hearings.

Last March, Mr. Speaker, I put this question:

> Under the following circumstances, would you vote today to give the Federal Reserve a $30.1 billion line of credit that will be used to loan money to foreign countries, no strings attached, no conditions, no nothing, but in accordance with the Federal Reserve's, not the Treasury, the Federal Reserve's judgment and politics, it will choose and pick where it wants to send all or part of that $30.1 billion?

Over 3 years ago, in fact, almost 4 years ago, shortly after I had become chairman, I called a hearing of the committee. Unfortunately, the turnout was very poor. Like last year's three different hearings on the so-called NAFTA on chapter 14, that had to do with banking and financial activities, which was really the engine, not free trade, but this year, banking and finance, we were totally censored. There was not any coverage of the three hearings.

I am speaking now because all of this is on the record, and therefore, available to your perusal and study. What if I tell you further that you, my colleagues, not only on this side but on the other side of the rotunda, have nothing to say about who gets the money, what country gets the money? You can put no conditions on the loans, and you have to abdicate your congressional oversight role, which in fact and indeed has happened, as we brought out in these hearings almost 4 years ago, in which at that time there was talk, and later implemented by the so-called Brady plan.

This is something I would like to come back and report, once I have brought my colleagues on the committee up to date, because there again the U.S. Treasury is a guarantor of billions of billions of dollars of bonds issued by other countries, such as Mexico, and now other countries in South America.

In addition to this—that is, you having no say-so—contrary to the Constitution, the General Accounting Office will be prevented by law from any examination of "transactions of the Federal Reserve for or with a foreign central bank." And the records of the expenditures will be intentionally vague, and even at times purposely misleading.

This came up, and there was an election year, 1992, 2 years ago, and all of a sudden what we could not even get attention on the committee level, much less on the information disseminating responsible agencies to even report, all of a sudden it became an issue. The Italian agency bank in Atlanta, the BNL, then with greater furor and headlines for days, the BCCI—and I want to remind my colleagues that I have not closed out as chairman of this committee either one of those two, because we still have to perfect the laws to protect the American national interests and the integrity and safety and soundness of our financial system, which still continues at risk, as was seen clearly in the case of those two much-publicized, for a while, spectacular cases.

□ 1220

But now we have by law our only agency that is our watchdog agency and the only one we have in order to ride herd on the executive branch by law prohibited from even asking or even trying to locate the records of these expenditures.

My colleagues will agree with me, I am sure, that if they were put to a vote, they would say, I am not going to have any part of that. But yet, in effect, the Congress has.

Mr. Speaker, this is not a conjecture or a bizarre scenario. This is what is going on and has been going on now for some time at great cost and jeopardy to the Treasury, if not the more fundamental stability and well-being of our financial institutions. The Fed has been now for years making what are essentially loans to foreign countries without any congressional input or consent. It does it through this $30.1 billion fund known as a swap fund, and despite the Federal Reserve's keep-your-nose-out-of-my-business attitude, I am putting our central bank on notice that we in the Congress have not relinquished our oversight responsibilities, especially when it comes to billions of dollars of taxpayers' money which are at risk and which may be used for purposes contrary to the national interest as expressed by the administration that the people may have at a particular time duly elected into office.

Mr. Speaker, I posed these questions in March here on the House floor and elsewhere. Since then the Federal Reserve has formally joined the Secretary of the Treasury and the finance ministers and the central bank governors of Mexico and Canada in a permanent trilateral agreement involving a $6 billion line of credit to Mexico.

Mr. Speaker, there are two issues here: First is the right of Congress to control spending. The Constitution says there shall be no expenditure other than that which is based on an appropriation and thereby also with a respective authorization and only upon that basis. That is what the Constitution says. Of course today we live in a day and time when the Constitution, well, my goodness, my colleagues, even if the Ten Commandments today, one of the most powerful individuals in America, controls today the most substantial disseminating electronic communication just last year, some time ago, said the Ten Commandments were out of vogue, they were not valid any longer. So if we have that, what is the Constitution, among friends, as somebody wrote a book entitled in that way.

So that, Mr. Speaker, the first issue is the right of Congress and responsibility under the Constitution to control spending. Where are all of these budgeteers that want to balance the budget with a constitutional amendment as long as they do not come out on this very basic question?

Mr. Speaker, second and equally profound is a question of how world monetary systems are to be structured and controlled. This is a question we have evaded for over 23 years, ever since the so-called fixed exchange rate system was effectively ended by the closing of the U.S. so-called gold window. Let me say, that was 1971, it was August 15, and it was President Richard Milhous Nixon who made that decision and brought it about. Yet there was not one American newspaper calling it a devaluation of 10 percent of the dollar and much less saying what this means is the United States is going off the gold exchange system, meaning that it was going to go into what I protested at the time as a lowly Member down in the committee, but still by that had become chairman of the Subcommittee on International Finance, so I felt I had some knowledge. But, Mr. Speaker, when a snowball starts sliding faster and faster down that slope, there is not much one can do about standing in its way. But the record is there and it will show that I predicted that anytime you leave something stable, to a certain extent, and go into something unstable, unpredictable, that unpredictability and instability is the enemy of financial doings and marketing.

Mr. Speaker, this is the reason why we were the only creditor Nation in two world wars, today we are the biggest debtor Nation in the world, and that happened also as of September 16, 1985, and at that time officially our Government said, we are a debtor nation for the first time since 1914, before World War I.

Mr. Speaker, it is dangerous, because at the heart of the matter, and this is what I said over 25 years ago, the target is "the vaunted American standard of living." The main avenues are to doing what can be done to destroy or at least debauch the currency of a country, and this is where we are today, because on that day, also, what in effect happened was that the center of gravity of financial power which had gravitated during World War II and immediately thereafter to New York, went from New York to Tokyo.

Mr. Speaker, this may surprise some, but let me say that I have a good memory, and I remember in college when Franklin Roosevelt made his speech on quarantining nations like Japan, that was 1937, and the big flare-up was the sinking of the Panay gunboat, the American gunboat on the Yangtze River or wherever it was, in China. There was not anybody in America that said then, why, if those Japanese dare try to do anything, we would shoot them out of the water in 4 days.

Mr. Speaker, that is where we are today financially. We hear the boasts about how the United States is the one and only still remaining great power now that Russia is supposed to have collapsed in its dismemberment of the Soviet Union. What an illusion, or delusion. What a fallacy. What hubris. What hubris. It is not true. We are vulnerable. We are America, the vulnerable.

Mr. Speaker, at the heart of the matter is our economic and financial freedom and liberty, without which what is political?

Mr. Speaker, the first of these two issues that I spoke about, this line of credit, is, of course, the right of Congress to control.

□ 1230

After all, you are the one that has to go before the people every 2 years, not Chairman Greenspan or now Secretary Bentsen, and you are the one that has to answer the question about the debt overbuild and the deficit.

And how do we stand up to answering the question, "Well, how can the Fed do this?" We thought it was a creature of Congress, not the master of the country.

But the second and equally profound question is the one of how the world monetary system and systems are to be governed and controlled and structured. As I said, we have evaded that question, went into this so-called floating exchange. Well, floating itself means instability, and we reached the end of the rope as far as that system is concerned, and that has been true for some time now, as should have been clearly evidenced, and I said so in the middle and late seventies.

From 1945 until 1971, world exchange rates were controlled by tying all currencies to the dollar. The dollar, in turn, had a fixed relationship to gold. Now, you can argue about gold and whether or not, like the leaders at that time said, the day of gold was gone, we should demonetize is the fancy word they used. It does not make any difference whether it is gold or maybe platinum, as long as you have a consensual agreement that that is the fixed objective against which you are going to have some standard of evaluation.

Now, the idea was to stabilize currencies and to force countries with trade imbalance to follow economic policies that would create balance and thus maintain stable currency values.

My question was: How can you say that when you say that the thing to do now is to go into floating exchange rates? How can you say that you are doing that in order to stabilize? And, of course, I was ridiculed, and mostly, really, in all truthfulness, ignored. As long as the United States dominated world trade, now, this could work, but as other economies grew, our policies did not change. We assumed that a U.S. trade deficit could last forever without upsetting the balance, But, of course, that was impossible. And I said so.

If any of my colleagues are interested, they can look up the RECORD from the late sixties through the seventies and eighties, what I said then, not now.

And finally, the price of the dollar in relation to gold could no longer be sustained. President Nixon, as I said, and repeat, closed the gold window, and the world moved into the new era of floating exchange rates. As the time the Secretary of the Treasury argued that in a floating-rate system countries would have to take steps to stay in a trade balance. If they did not, their trade would dry up or they would suffer other bad consequences. Japan, for instance, would be forced to reduce its trade surplus or see the yen go up, and its exports destroyed by rising prices. The U.S. could reduce its imbalance, because our goods would be cheaper, and so on and so on.

It was to no avail to point out the contradictions inherent in that argument. So that did not work either. And today our trade deficit is larger than ever despite this vastly devalued dollar where within the last 15 years it has lost two-thirds of its value to the Japanese yen and the German deutsche mark continues the slide.

And last week's intervention was meant to restore confidence in the dollar. Otherwise, a declining dollar will mean a quick rise in interest rates, because we need those foreign dollars to finance our deficit, and particularly since 1985. Why, up until very recently the Japanese owned 35 percent of our Treasury, that is, that they were funding our debt. As soon as they start withdrawing is when we start getting these pains, and other countries have done likewise.

In other words, intervention is needed, because a structural change is needed. The ones that were supposed to be automatic have not happened, but ultimately it is the condition in the economies of different countries, their price levels, interest rates, and levels of output that will determine the exchange rate.

We do not want to finance meaningless interventions that do not have lasting effects on exchange rates and only provide a profit for the speculators who are reaping billions and billions of dollars of profit. I believe all of my colleagues want to know the intentions of these interventions.

The worldwide foreign exchange market grew from about $800 billion a few years ago to more than a trillion dollars in trading each day at present. When the United States put in $5 billion, as it did by selling off part of its inventory of foreign currencies and buying U.S. dollars, as it did last week, billions of dollars of taxpayers' money are at stake. I am very concerned that the result may compromise the best interests of taxpayers and benefit, as it has up to now, only the crafty and foxy speculators who have no nationality.

I said in my last report here that the old Latin saying is true now as ever it was, "Ubi pecunia, ubi patria," very simple Latin, ubi pecunia, money, ubi patria, country: "Where my money is, there is my country." These are the jet-set speculators. They have no allegiance to any one sovereign nation. They are profiting.

When one of the major investors in the world, George Sorrels, who controls Sorrels Fund Management, testified before the House Banking Committee on April 13, this last month, he said he did not like fixed exchange rates or floating exchange rates. He said he preferred what he called a dirty float, where governments try to change the international price of currency.

I think it is appropriate to try to dissect. Let us analyze this for you.

Also, government interventions are sometimes needed, perhaps may be appropriate in the United States under the proper circumstances. They have be viewed with extreme caution. The end result could mean big profits for speculators when the Government drops $5 billion into the foreign currency markets, especially when the Government's action is expected to have only temporary effect.

There are billions of dollars for speculation, but very little for those in low-paying jobs or waiting in the employment lines in the United States. I would like to know if the Treasury's present policy is to maintain or raise the international price of the U.S. dollar by small currency interventions and increase in interest rates by the Federal Reserve.

I strongly object to a monetary policy aimed at changing exchange rates by raising interest rates so that the U.S. economy stagnates and declines even further than it has already.

The labor markets in this country are still very weak, and I invite my colleagues to particularly in some of the sections of the country just talk to their constituents. In my area, to me it is not only disturbing, it is excruciatingly hurtful to see young, and they are not unprepared, they are college-trained, and I mean young, in their thirties, for more than a year, a year-and-a-half, have not been able to find gainful employment, not through the fact that they do not want to work. They will take a job. But where are they?

And when at the same time you hear these people talking about recovery, when the major industrial employers have been downsizing and every week thousands of employees thrown out, mostly now white-collar. This cannot continue for long without having its social repercussions. This is what I have been reminding my colleagues on the committees.

So that our labor markets in the country are weak, and average hourly earnings, adjusted for inflation, if you want to call it that, are still much too low to forget our first priority, and that is to achieving economic health and growth.

□ 1240

We, the Members of the U.S. House of Representatives, including the House Banking Committee, which has oversight responsibilities over the Federal Reserve operations and the foreign currency operations of the Treasury, do not have full details of this recent intervention in foreign currency markets. How do you think I feel, a Depression-era child, when just 3 years ago we had occasion to go to the great State of Rhode Island, one of the most historic original States and colonies; in distress, in bankruptcy, where banks were closed, S&L's were closed, and credit unions. We had a hearing in Providence, and over a thousand people showed up. I had not seen anything like that since my childhood memories of the Depression. And it hurt to see the elderly say, "We live on the proceeds from our pensions" or "our annuities, and they are tied up, they are frozen."

Well, I asked the Federal Reserve—which it did—why the Federal Reserve could not intervene for a sovereign State? But did it? Absolutely not. But it will for a foreign sovereign nation like Mexico. Where is our sanity, my colleagues?

Well, I had the other agencies, like the OECD and banking institutional agencies; they could have extended a guarantee if they wanted to enable the sovereign State of Rhode Island to issue bonds. And did they do it? No. We had to come back and, on June 28, in the Banking Committee, pass out a loan guarantee that finally, less than a year later, the State of Rhode Island took advantage of; issued its bonds, opened the doors and restored some of this money to these people.

The relief rolls between January and May, when we had the hearing on May 25, had grown 50 percent. This is the cause-and-effect of their policies. Now, that could have been solved. The Federal Reserve, under the Federal Reserve Act of 1913, could have acted if it had wanted to, as it has done on some other occasions. Why, when Charles Keating was floundering with his Lincoln S&L, what happened? Astounding, the Federal Reserve let him have $100 million; between April 1989, when that institution was declared insolvent, and July 1, when it was finally closed down. Where do you think that money went to? Oh, the Federal Reserve said, "Well that was our emergency window opening." I said, "What do you mean? You do that for banks, but what other S&L have you ever done that for?" None other. And yet did anybody cover that? No. That was brought out in committee hearings and all.

If the Federal Reserve can intervene with $100 million to help Charlie Keating's institution, and you know now the sorry history there, you mean it could not intervene to help the sovereign State of Rhode Island? Not to give it money but to give it the line of credit it needed as a sovereign State, pledging its revenues in order to redeem those bonds, as it finally did with the guarantees that we structured.

That was not necessary for Congress to do. It was intended in the Federal Board Act that such would be ultimately the lender of last resort—but only in one case where it exercised that judgment, and that was in Charlie Keating's cheating activities.

According to the Constitution of the United States, we have the right to insist on a full accounting of these operations. Article 1, section 9 states:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Now, my colleagues, that is the Constitution; that is the fundamental law. That is the prime oath of office we take when we are sworn in to uphold and defend and protect the Constitution against all enemies, foreign and domestic. Have we done that? You answer that question.

The Federal Reserve does not use appropriated funds and has the right to order unlimited amounts of U.S. currency and coins from the Treasury.

In fact, look into your pockets, dig into your pockets and pick out the dollar note or the $5 or $10 note. What do you see? "Federal Reserve note." It used to be "U.S. Treasury Note." But that is another story. The point I am making right now is it is the Federal Reserve that has the money printing presses, not the Congress, not the politicians, as they have argued.

The Fed has bought over $330 billion in Government securities from which it earns interest. All income in excess of expenses is returned to the Treasury and thus is supposed to reduce the Federal deficit. However, the Federal Reserve does not have the right to enter into these foreign currency swaps, loans and lines of credit, without giving a full and a prompt accounting to the Congress. The Constitution, in section 8, gives the Congress the right to coin money, but I do not believe that legislation gives the Federal Reserve the right to make loans and grant credit lines to foreign countries without complete and timely accounting to the House and to the Senate Banking Committees, which have oversight authority.

I asked Federal Reserve Chairman Alan Greenspan on April 21,

> What is your basis for your entry into the foreign exchange markets and your ability to grant loans without congressionally authorized funds? What is the legislative basis and the constitutional basis?

I am still waiting for a reply.

I urge the Federal Reserve not to play games and to respond quickly. I anticipate that the Fed will deny that its $3 billion line of credit to a foreign country and past exchanges of U.S. dollars for Mexican pesos, that were expected to decline, have anything to do with loans. But we know better. Clearly, taxpayer funds were and still are at great risk.

It is essential that the Congress and the American public have complete accountability for the use of their tax dollars. Extending lines of credit to foreign governments and diving headlong into foreign waters in order to shore up a country's sagging currency could prove risky to the American taxpayer. The Congress has a right to know whether our central bank is putting taxpayer moneys into jeopardy. For this reason I am proposing to modify the reporting requirements of the Full Employment and Balanced Growth Act of 1978, also known as the Humphrey-Hawkins Act, which requires the Federal Reserve Chairman to report to the House and Senate Banking Committees twice a year about the domestic economy.

The Congress needs a full accounting of the Federal Reserve's and the Treasury's international transactions. My legislation will require both the Federal Reserve and the Treasury Chairmen to report during the semiannual Humphrey-Hawkins hearings about these transactions and about how the two agencies coordinate their foreign currency policies.

I have invited Treasury Secretary Lloyd Bentsen and Federal Reserve Chairman Alan Greenspan to appear before the House Banking Committee on May 18 to discuss their agencies' recent foreign exchange activities. I also plan to ask them for suggestions for improving their accountability to the Congress and the American public about these activities. Unfortunately, it is currently very difficult to get a complete accounting of the Federal Reserve foreign exchange activities.

The FED persists in refusing to release in a timely manner the complete minutes of its Federal Open Market Committee [FOMC] meetings, the next one being held May 17. During this decisionmaking committee's meeting, the FED's SWAP fund activities are discussed. Unfortunately, only an incomplete summary of the meeting with no attribution of individual members' views are publicly released within 5 or 6 weeks.

I ask you, my colleagues, is this our constitutional democracy, or is it a warmed-over feudal kingdom in which we have the all-powerful and unaccountable master of all, the Federal Reserve Board, saying, "We don't have to tell you anything. We don't have to report to you. We don't have to account to you," meaning the American people. "We are so independent that we are independent of the Government and the Constitution."

☐ 1250

The GAO is not allowed to examine transactions of the Federal Reserve for or with a foreign central bank.

Now I brought this out 3 years ago, when nobody was paying any attention to BNL, and I was trying to get information from the Federal Reserve Board about these foreign banking activities, and they said, "We can't tell you. First," they said, "the Attorney General has entrusted us not to answer you. Secondly, we can't tell you because this has to do with our very, very critical and protected relationships with these entities that are really central bank, our government's own."

Most, if not all, of the Foreign banks doing business in the United States of any consequence are really government owned by those countries' government. BNL was Italian, government owned.

Now, they would not give us even elementary information on that basis. They will not even tell the Congress whether or not, through the central bank of Iraq, in New York, in a corresponding bank, old Saddam Hussein himself has not squirreled some funds there protected by the secrecy that is involved. I ask, "You think that's not possible?" Let me say it is not only most possible, but it is very possible.

During this decision making committee's meetings the Fed's swap fund activities are discussed, as I said, but remember they call it the open market committee because it is secret. They meet behind closed doors, and they are saying that they are above the law.

Now the Congress created the Fed. The Fed did not come heaven sent as in the words of Old John Adams referring to George Washington. I say to my colleagues, "If you think that there wasn't bitter acrimony between our leaders then and that modern-day acrimony is only modern day, well you ought to read what old John Adams thought of General George Washington."

That tall Virginian, who thinks he is like the ancient Hebrew Jews, selected by their height and not their ability, and who considers himself heaven sent, booted, spurred, and ready to ride on the hapless backs of mankind; that is what John Adams thought of George Washington.

Now that is what the Federal Reserve Board thinks, that it is heaven sent, not created by Congress, booted, spurred, and ready to ride on the hapless backs of American citizens. Therefore, until we have complete disclosure in a timely fashion of the open market committee—

Incidentally, the way it operates, it has the power to determine, as former Secretary of HUD, Jack Kemp, used to say, the existence or disappearance of any given administration. The British used to have a similar system, and it was the Chancellor of the Exchequer who, by the same manipulations, could determine whether a particular government endured or did not be controlling the price for what they called the gills over there or the treasuries over there.

Well, it is true today in America. Do not think the Congress is doing this, my colleagues. If the people were to know this, would they not rise in arms angrily and demanding that there be accountability? Oh, I think so. I think inevitably, it will happen unfortunately. It will come about in a time of pressure, and distress and crisis, and we cannot do our good thinking.

Mr. Speaker, this is why I have been anticipating for more than 25 years and trying to erect our safeguards in protecting this national interest and, above all, the safety and soundness. But that is just one person's attempt. I would like the GAO to investigate the mechanism for intervening used by the Federal Reserve and the U.S. Treasury that involves release of exploitable inside information to some people. More information, not less, about intervention by governments and foreign exchange markets significantly aids policymakers.

According to Kathryn M. Dominguez and Jeffrey A. Frankel in their new book, "Does Foreign Exchange Intervention Work?," U.S. intervention has a greater impact when the Federal Reserve "lets the market know it is intervening." Their research showed that the "official announcements regarding exchange rate policy have far more impact than intervention that is quietly disseminated." They add, "By preannouncing the limits, policymakers can get speculators working for them rather than against them."

Equally important in supporting the need for information and accountability is the need to transmit information about interventions to everyone at the same time. The attempts at secrecy—secret government has brought about the sad and dreary days that we are going through, and always that would be the case. My answer to those that have made request to have closed-door meetings and all this:

"Well, wait a while. If what you're espousing is so good, then we ought to brag about it. We ought to shout it from the rooftops instead of hiding behind closed doors and windows. Now why would you want to hide it if it's good?"

That is my simple question.

We now live in a global economy with global financial markets and instant information in which now this tremendous overbill I have spoken to my colleagues about, and I will not go into it this morning, endangers like never before, since before 1929, not only the United States stability, but worldwide. Now it is essential that we start here, that the reporting requirements of the Federal Reserve and the Treasury be brought up to date to reflect all their international currency operations that may one day not only put taxpayers' funds in jeopardy, but bring about a collapse around our ears.

Will this all end up in, like I consider most of our mundane activities, and again, using the Latin and the old ascetic philosophers and teachers:

Vanitas, vanitatum. Vanity, vanity, all is vanity.

But worse than that, Mr. Speaker, it is reflected in what Shakespeare said in his famous play of Antony and Cleopatra, and he has Brutus saying these words:

> Antony, you have been a boggler ever, and, when a nation becomes arrogant, and smug, and complacent, and actually indecent in its own dirt, it then becomes a laugh-at to the world, strutting and prancing to the jest and the laugh of all.

I would hate to say that the history will write that those of us inheritors of the greatest democratic and freedom of environment ever would have traded our inheritance for a mess of potage.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, DC, May 6, 1994.

Hon. ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC

DEAR CHAIRMAN GREENSPAN: The Committee on Banking, Finance and Urban Affairs will hold a hearing to discuss how the Administration's exchange rate policy affects monetary policy, and the adequacy of Congressional reporting on the exchange rate policy on May 18, 1994, at 10:00 a.m., in Room 2128, Rayburn House Office Building. You are invited to testify at the hearing.

GOALS OF EXCHANGE RATE POLICY

The Federal Reserve, at the request of the Treasury Department, recently intervened in the foreign exchange markets to support the dollar versus the yen and the deutsche mark. The Committee is interested in learn more about how the Administration's exchange rate affects the conduct of monetary policy. Accordingly, please describe in your testimony how the Administration's exchange rate policy affects the conduct of monetary policy, and whether or not the policy exchange rate policy will compel the Federal Reserve to alter the course of its monetary policy.

REPORTING TO CONGRESS ON EXCHANGE RATE POLICY

International trade and investment are now vital to the health of the U.S. economy. Consequently, the exchange rate of the dollar has become an increasingly important factor in setting and conducting monetary and fiscal policy.

Given the implications of the exchange rate, I am concerned that the Congress receives insufficient and untimely reporting on the Administration's exchange rate policy, and I have directed my staff to develop legislation that would require the Federal Reserve to report additional information on how exchange rates affect monetary policy and other economic variables.

Attached, please find a summary of the proposed legislative changes. I would appreciate receiving your comments on the proposed changes in its testimony.

Thank you for your time and consideration of these important issues. The Committee looks forward to your testimony.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, DC, May 6, 1994.

Hon. LLOYD BENTSEN,
Secretary of the Treasury,
Washington, DC.

DEAR SECRETARY BENTSEN: The Committee on Banking, Finance and Urban Affairs will hold a hearing to discuss the Administration's exchange rate policy and the adequacy of Congressional reporting on the exchange rate policy on May 18, 1994, at 10:00 a.m., in Room 2128, Rayburn House Office Building. You are invited to testify at the hearing.

GOALS OF EXCHANGE RATE POLICY

The Treasury Department recently ordered several rounds of foreign exchange intervention apparently aimed at supporting the dollar versus the yen and the deutsche mark. The Committee would like to learn more about the Administration's exchange rate policy, including the reason(s) for the recent interventions. Accordingly, please describe the goals of the Administration's exchange rate policy and the success, to date, in achieving those goals.

REPORTING TO CONGRESS ON EXCHANGE RATE POLICY

International trade and investment are now vital to the health of the U.S. economy. Consequently, the exchange rate of the dollar has become an increasingly important factor in setting and conducting monetary and fiscal policy.

Given the policy implications of the exchange rate, I am concerned that the Congress receives insufficient and untimely reporting on the Administration's exchange rate policy, and I have directed my staff to develop legislation that would require the Treasury Department and the Federal Reserve to report semi-annually on the Administration's exchange rate policy.

Attached, please find a summary of the proposed legislative changes. I would appreciate receiving your comments on the proposed changes in your testimony.

Thank you for your time and consideration of those important issues. The Committee looks forward to your testimony.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

OUTLINE OF EXCHANGE RATE POLICY REPORTING ACT

I. AMENDMENTS APPLICABLE TO THE FEDERAL RESERVE

A. The Humphrey-Hawkins monetary policy reporting requirements are amended to require the Federal Reserve to report information on how the conduct of monetary policy affects the exchange rate of the dollar, and how the exchange rate impacts domestic interest rates, employment, inflation, wages, and economic growth, the current account, and the capital and financial account of the United States;

B. The Chairman of the Federal Reserve Board is required to appear, simultaneously with the Secretary of the Treasury, and report on the expanded Humphrey-Hawkins requirements.

C. The Chairman shall describe all actions taken to adjust or stabilize the exchange rate of the dollar, and how those transactions impact monetary policy.

D. The Chairman's report shall contain information on currency swap agreements, changes in inventories of currencies, foreign loans and lines of credit, from or to foreign entities, detailing the names of the foreign entities and all conditions of the swap agreements and currency transactions, and the reasons for, and benefits of, such transactions.

E. In formulating the semi-annual report to Congress, the Chairman shall consult on exchange rates with groups representing labor, agriculture, consumers, manufacturing, and services.

II. AMENDMENTS APPLICABLE TO THE TREASURY DEPARTMENT

A. The Treasury Secretary shall make semi-annual appearance before the House and Senate Banking Committee's simultaneously with the Federal Reserve Board Chairman to report on exchange rate policy. The report shall contain:

1. objectives and plans—

A. the development of a flexible target zone for the exchange rate of the dollar against our major trading partners.

B. a statement of the Administration's objections and plans with respect to the exchange rate of the dollar for the calendar year during which the report is transmitted.

C. a status report on the success in achieving the objectives and plans with respect to the exchange rate of the dollar since the last reporting date.

D. as a part of the mid-year report, a statement of the Administration's objectives and plans with respect to the exchange rate of the dollar for the calendar year following the year in which the report is submitted.

2. the relationship of the aforesaid objectives and plans to the short-term goals set forth in the most recent Economic Report of the President pursuant to section 1022(a)(2)(A) of Title 15 and to any short-term goals approved by the Congress.

3. an analysis of the factors that determine the exchange rate of the dollar and an analysis of the impact of the exchange rate of the dollar on—

A. employment, production, inflation, wages, and economic growth, the current account and the capital and financial account of the United States;

B. the international competitive performance of United States industries and the external indebtedness of the United States;

4. an analysis of the relationship between the dollar and the currencies of our major trading partners.

5. a description of all actions taken to adjust or stabilize the exchange rate of the dollar;

6. the results of negotiations conducted pursuant to section 3004 of the Omnibus Trade and Competitiveness Act of 1988;

7. key issues in the United States policies arising from the most recent consultation requested by the International Monetary Fund under article IV of the Fund's Articles of Agreement.

B. Consultations

1. In formulating the semi-annual report to the Congress the Secretary shall consult with the Chairman of the Federal Reserve, the Chairman of the Council of Economic Advisors, the Chairman of the National Economic Council, the Secretary of Labor, the Secretary of Commerce, and the United States Trade Representative to consider exchange rate developments in light of trends in monetary policy, fiscal policy, consumer prices, labor costs, the trade balance, and productivity.

2. In formulating semi-annual report to Congress, the Secretary shall consult on exchange rates with groups representing labor, agriculture, manufacturing, and services.

C. Not labor than 24 hours after intervening, and/or directing a Federal Reserve intervention in the currency markets, the Secretary of the Treasury, shall make a report to the Congress describing the factors prompting the intervention, the objectives of the intervention, and the success in achieving the intervention.

D. The Secretary's report shall contain information on currency swap agreements, changes in inventories of currencies, foreign loans and lines of credit, from or to foreign entities, detailing the names of the foreign entities and all conditions of the swap agreements and currency transactions, and the reasons for, and benefits of, such transactions.

E. Nothing in this section shall be interpreted to require that the objectives and plans with respect to exchange rate policy disclosed in the reports be achieved if the Secretary determines that they cannot or should not be achieved because of changing conditions: *Provided*, That in the subsequent reports to the aforesaid Committees of the Congress pursuant to this section, the Secretary shall include an explanation of the reasons for any revisions to or deviations from such objectives and plans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). Under the Speaker's announced policy of February 11, 1994, the gentleman from Virginia [Mr. WOLF] is recognized for 30 minutes as the designee of the minority leader.

CALL FOR SPECIAL ENVOY TO SUDAN

Mr. WOLF. Mr. Speaker, today I come to the floor to share my very deep disappointment with the Clinton administration for not appointing a special envoy for Sudan. Those of us who listened to the news yesterday saw that the President appointed a special envoy, a former colleague of ours, Bill Gray, former Congressman from Pennsylvania from Philadelphia, to be a special envoy to Haiti.

□ 1300

That is fine, Mr. Speaker. We commend him for appointing Mr. Gray, and we would hope and pray that Mr. Gray is successful in bringing an end to the violence that is taking place with the dictatorship in Haiti.

Having said that, Mr. Speaker, we wonder why President Clinton has been negligent for not appointing a special envoy to Sudan. Nine months ago, Mr. Speaker, and countless thousands of lives ago, I first wrote the President urging the immediate appointment of a high profile envoy to address the worsening crisis in Sudan.

As many people know, Mr. Speaker, in Sudan in the last 10 years, 1.4 million people have died of famine and starvation and have been killed in the fight that has taken place in southern Sudan. In southern Sudan we have black Christians who are being persecuted for their faith, and yet we get very little response from the West.

In spite of the promises earlier this year that the administration made that they would appoint a special envoy, this crucial post has not been filled. Mr. Speaker, let me ready to the Members a resolution that the House and the Congress passed on November 22, 1991, under the leadership of the gentleman from Florida [Mr. JOHNSTON], who has done yeoman work on this issue. When this resolution passed, I still remember that it was just hours before the Congress adjourned to leave for the Thanksgiving recess, to go home and have turkey with all the trimmings and all the food while the people of southern Sudan had absolutely nothing. In that resolution, on page 5, we called upon the President to appoint a special representative for mediation and reconciliation and peace in humanitarian affairs in Sudan.

Also, Mr. Speaker, on September 22, 1993—how the time passes; how many people have died since then—a number of the Members of Congress wrote to Secretary Christopher saying this: "Mr. Secretary, we are writing to express our continued concern about the situation in Sudan and to offer some recommendations."

We went on to say this: "In recent months humanitarian and political conditions have deteriorated significantly. An estimated 500,000 people have died in the past 2 years while 2 million southern Sudanese have been displaced internally. Moreover, the United States has a moral responsibility to help the victims of the 10-year-old civil war and people who have escaped the notice of the community of nations. Ignoring the plight of millions of citizens of Sudan need not become a viable option."

Then we went on to say, among many other things: "We strongly recommend the United States appoint a special envoy for mediation and reconciliation." And yet, not to belittle the situation in Haiti because it is a serious situation, many more have died in southern Sudan than have died in Bosnia and Haiti combined. Yet we get nothing from the Clinton administration. We get rhetoric, words, and facial expressions, but we got nothing else during this period of time.

Also, before I came over, I pulled out a letter that the President sent to me, along with many other letters, saying the same thing. This is April 6, 1994. This is what he said:

> DEAR REPRESENTATIVE WOLF: Thank you for your recent letter regarding the situation in Sudan. As you know, ending the conflict and human suffering in Sudan is one of my highest priorities in Africa.

I ask if this is true. If it were the highest priority in Africa, they would have had a special envoy appointed, and we are no closer than we were when Congress passed the resolution in November of last year.

Mr. Speaker, since August the Sudanese Government has launched its greatest offensive to date against the helpless southern Sudanese, bombing innocent civilians and forcing refugees to flee from what they call the triple A camps and the scarce safe havens during much of the war.

Mr. Speaker, I have been in southern Sudan three times in the last several years. The last time was in January of last year, and I took a series of pictures.

I do not know if the camera can pick up on these pictures, but this was in that area we call the triple A camps, and here is a young boy who probably had only about 30 percent of his body weight then. He almost certainly perhaps died several days or weeks after I left this camp.

We also, Mr. Speaker, have another picture of another camp. We can see the extended stomachs of most of these young boys who have lost their moms and dads. Many have had to swim in crocodile-infested rivers. In southern Sudan, it is not like you having the Red Cross in these camps or these camps being someplace where there is plenty of help and supplies. The temperature is about 110 degrees in the shade, and yet there is very little shade. They have very little, if any, clothing. They have no food to speak of except a little porridge once and sometimes twice a day. They get water from polluted streams where cattle and animals and everyone goes to the bathroom in the streams. The streams are very, very polluted.

They get a few supplies of what you would call medicine, like maybe an aspirin or two, but it is like being sick with the flu with a 104-degree temperature.

Think about that, how it was the last time you were sick. And they have no medicine; but you had medicine. They have no place to lie; but you had a place to lie in bed. The chances are you had a loved one who stayed home to take care of you; they have no one there to take care of them. The water is polluted.

But on top of that, Mr. Speaker, they bomb them almost every day. High-altitude bombers come in from the Khartoum government in northern Sudan, killing these people. Yet we get no action on the part of the Clinton administration.

Here is another picture of a refugee camp, and we can see many of them are very, very young people. Mr. Speaker, we ask the President to imagine his own child. Imagine our sons and daughters living in an environment like this, with high-altitude bombing coming on top of them. And, Mr. Speaker, the President has not appointed a special envoy after 6 months? I say, Mr. Speaker, shame on the President. He had an opportunity, and he has failed. He has failed the people in southern Sudan, and he has failed the history this great country has had.

I can remember when President Jimmy Carter sensitized this country and sensitized this world for human rights. Probably very few people have done more than President Carter to stand up for human rights around the world, and, frankly, this Clinton administration has done almost nothing. It appointed a special envoy for Haiti, and I say, congratulations, but we have not seen it do very much in other areas of the world. The fact is we have seen it do absolutely nothing, Mr. Speaker, the President and the State Department, has failed to do what it knows is right and what it said it was going to do.

This closing picture is taken of a mother with a little boy. I don't know if the television camera will pick this up to clearly see the ribs of this young boy. He probably died several days or maybe several hours after we left the camp. This is a TB hospital, too.

□ 1310

The people had TB and were sick with all kinds of diseases, and yet nobody has gone to their aid. Hundreds of thousands have died since that time.

Mr. Speaker, millions—millions, we are not using the word lightly as sometimes you use the words thousands and millions—millions are at risk of starvation. Even as the Clinton administration has put on hold the special envoy's appointment and much needed Security Council attention in the United Nations to Sudan, deferring to largely ineffective IGGAD talks.

Mr. Speaker, in fairness, I want to recognize the National Security Advisor, Anthonly Lake's leadership on this issue, and the good proposals out of the National Security Council to address the worsening crisis in the Sudan. I will give good marks to the National Security Council, and I will give good marks to Tony Lake. But I would flunk the President of the United States for this failure to let so many continue to die everyday.

Hopefully, by the end of this day, if the President wants to be consistent, having appointed a Special Envoy to Haiti, he will quickly by the end of this week or end of this day, Mr. Speaker, appoint a Special Envoy to southern Sudan.

Now, the good thing about Haiti is that Americans know what is going on in Haiti, because we are able to go to Haiti. Fortunately, the press has done a relatively good job of letting the world know. But no one goes to southern Sudan. It is dangerous. You might die in southern Sudan. So we do not see every day what is taking place to hundreds of thousands of women and children and men that are dying.

Mr. Speaker, I question the long delay in the face of the brutal genocidal war, and in light of the President's letter to me stating that: "Ending the conflict and human suffering in Sudan is one of my highest priorities in Africa."

I say, Mr. Speaker, if this were one of the President's highest priorities, he would have appointed a special envoy. Or if he wants the opportunity still, he will appoint one this week.

Why? The poor people of southern Sudan, the Christians who have been persecuted for their faith, they don't have a powerful lobby here in Washington. They don't have a powerful law firm downtown on K Street to lobby. They don't have the interest that the people in Haiti have. So they continue to suffer.

Mr. Speaker, Congress has spoken clearly about the need for a special envoy and Security Council action thought the passage of House Concurrent Resolution 131 last fall. But the President has failed to carry through with these critical policies. When I was in Sudan, Mr. Speaker, many of the people came, and I have pictures that I can make available, and spoke out the name of President Clinton, as they said, "President Clinton." I interviewed one young man who urged me to come back and tell President Clinton to help the people of southern Sudan. He begged and begged, and we have it on videotape. So on behalf of that man, and a woman named Rebecca who was written up in Vanity Fair who said: "In the United States you have groups that are there to save the whales and save animals. Why won't you save us?"

I say Mr. Speaker, on behalf of them, and on behalf of all the children who did not know what to say, who were just sitting in the Sun doing nothing, waiting for their daily porridge that would come, and sometimes not getting anything, and then worrying about the high altitude bombing that was coming.'

On behalf of the woman we saw in a makeshift hut they called a hospital who has shrapnel in the head because the Khartoum government had high altitude bombing, on behalf of her, and clearly she died. I say, Mr. Speaker, the President has an opportunity to act on their behalf.

We have waited 6 months. We have waited 1½ years. When we first came back from the Sudan Members of Congress on both sides of the aisle, Republicans and Democrats, liberals and conservatives, liberal newspapers and conservative newspapers, all humanitarian groups from World Vision, and all the other groups have begged and pleaded for you to appoint a special envoy.

Mr. Speaker, history will judge President Clinton on his actions here, whether he wants to speak out and help these people. They do not seek American financial support. They do not seek American soldiers. They do not want American troops to come there. They want a special envoy and some humanitarian efforts whereby humanitarian groups can come in and help.

When I was there the last time, early last winter, the only two groups left there, because four relief workers had been killed, were Norwegian People's Aid, and Catholic Relief Services. Now, quite frankly, they were doing what Christ said in the Bible in Matthew 25. You remember when he said when I was hungry, you fed me. When I was naked, you clothed me. When I was in prison, you visited me. And it says in the Bible, and I say, when do we do that, Jesus? We did not see you. He said when you have done it unto the least of these, you have done it unto me.

This, in southern Sudan, is a Matthew 25 situation. These people are hungry, these people are naked, these people are in a prison that you cannot even imagine, and yet they get no assistance from this administration, from this President.

Mr. Speaker, I call on the President, today, after now appointing Bill Gray, our former colleague, to be the special envoy for Haiti, and let the record state that I salute the President for that appointment. And now, Mr. Speaker, I beg the President, on behalf of the suffering people of Sudan, to do what he said he was going to do, do what the Congress has urged him to do, do what the people of southern Sudan have begged him to do. Appoint this week a special envoy to bring about reconciliation and end the killing, the starvation, and the death in southern Sudan.

I include the following matter for the RECORD.

H. CON. RES. 131

Whereas the war-induced famine in southern Sudan is threatening the lives of an estimated 4,000,000 people, and an estimated 80 percent of children in some areas of southern Sudan are reportedly malnourished;

Whereas the civil war between the Government of Sudan and the factions of the Sudanese People's Liberation Army, as well as fighting within the Sudanese People's Liberation Army, have resulted in the displacement of millions of civilians;

Whereas the United States Government has provided over $130,000,000 in humanitarian assistance to Sudan in fiscal years 1992 and 1993;

Whereas access for humanitarian relief organizations has been inconsistent and subject to the military and political objectives of the Government of Sudan and Sudanese People's Liberation Army factions;

Whereas a human rights group reported in early 1993 that the Government of Sudan "is engaged in a program of military action which appears to amount to ethnic cleansing" in the Nuba Mountains and that it continues to torture political prisoners;

Whereas an estimated 500 unarmed civilians were reportedly executed by security forces on suspicion that they had collaborated with the Sudanese People's Liberation Army after its incursions into Juba in June and July of 1992;

Whereas the Government of Sudan executed Andrew Tombe and Baudoin Talley (Sudanese employees of the United States Government) and Mark Laboke Jenner (an employee of the European Community) in Juba in mid-August 1992;

Whereas all factions of the Sudanese People's Liberation Army also are responsible for serious abuses of human rights, including the killing in September 1992 of 4 foreign citizens, the reported killing of 87 civilians by the Nasir faction of the Sudanese People's Liberation Army in January 1992 in Pagarau, and the reported killing of 200 "deserters" by the Torit group near Tonj in Bahr al-Ghazal;

Whereas the government of General Omar Hassan al-Bashir, which came to power by overthrowing the democratically elected civilian government on June 30, 1989, formed a 15-member Revolutionary Command Council, abolished the constitution, the National Assembly, political parties, and trade unions, and declared a state of emergency;

Whereas the political, religious, and military policies of the Bashir government have heightened political and religious tensions in the country;

Whereas the military government in Khartoum has become a threat to regional stability in part because of its reported activities in neighboring countries and its relations with known terrorist and political extremist groups;

Whereas the conflict in southern Sudan, which has dragged on for over 3 decades, is the result of decades of political, religious, and economic discrimination against the people of southern Sudan by successive governments in the north;

Whereas the people of southern Sudan have never exercised their political rights freely, except for a brief period after the Addis Ababa agreement, and the lack of serious efforts by successive governments in Khartoum has resulted in deep mistrust;

Whereas the divisions within the Sudanese People's Liberation Army in 1991 have resulted in untold suffering for the people of southern Sudan; and

Whereas the resolution of the conflict in southern Sudan will not guarantee respect for human rights and political freedom in other regions of the country, and a number of peace talks between the Government of Sudan and the Sudanese People's Liberation Army have failed to produce lasting, tangible results: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) strongly condemns the Government of Sudan for its severe human rights abuses, and calls upon that government to improve human rights conditions throughout the country;

(2) deplores the internecine fighting among the Sudanese People's Liberation Army factions which has caused untold suffering for the people of southern Sudan;

(3) calls on all factions of the Sudanese People's Liberation Army to cease hostilities and resolve their differences through peaceful means;

(4) urges the Government of Sudan and the Sudanese People's Liberation Army factions to provide full access for and to cooperate with relief organizations;

(5) encourages the military government of Sudan to hand over political power to an elected civilian government as soon as possible;

(6) urges the Government of Sudan to lift the press ban which was imposed after it took power in June 1989;

(7) recognizes the right of the people of southern Sudan to self-determination;

(8) urges the Government of Sudan and the Sudanese People's Liberation Army factions to allow free access to human rights organizations;

(9) commends the Government of Nigeria, the Government of Uganda, and the Organization of African Unity for their mediation efforts;

(10) calls upon the President—

(A) to appoint a special representative for mediation, reconciliation, peace, and humanitarian affairs in Sudan;

(B) to increase the levels of humanitarian assistance for Sudan that is provided through nongovernmental organizations, including local church groups,

(C) to place the Government of Sudan on the list of states that support international terrorism;

(D) to oppose all loans and credits for Sudan from the International Monetary Fund, the International Bank for Reconstruction and Development and the International Development Association, and the African Development Bank, and all nonhumanitarian assistance from United Nations agencies; and

(E) to explore other means necessary to force the Government of Sudan to halt its war policies should the humanitarian conditions further deteriorate and the Government of Sudan continue to impede relief efforts; and

(11) further calls upon the President—

(A) to urge the United Nations to exert all efforts to bring an early end to the conflict in Sudan;

(B) to urge that the situation in Sudan be brought to the attention of the United Nations Security Council; and

(C) to urge the United Nations Security Council—

(i) to consider the creation of demilitarized zones for war and famine victims in southern Sudan that would be off limit to all warring factions;

(ii) to consider the creation of safe havens for war and famine victims should the warring factions reject the creation of demilitarized zones;

(iii) to facilitate safe passage for war and famine victims to and from conflict zones; and

(iv) to impose an arms embargo on Sudan.

THE WHITE HOUSE,
Washington, DC, April 6, 1994.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC

DEAR REPRESENTATIVE WOLF: Thank you for your recent letter regarding the situation in Sudan. As you know, ending the conflict and human suffering in Sudan is one of my highest priorities in Africa.

I understand that you met recently with Tony Lake on this issue. As Tony mentioned, my Administration has taken several measures to address the crisis in Sudan. At the start of the current offensive, we made a demarche to the Sudanese Government both here and in Khartoum to underscore the horror with which we view the military operation and the bombing of civilians. We followed immediately with a strong press statement condemning the blatant lack of concern for the lives of innocent Sudanese and the interruption of the one-going international humanitarian relief effort. We also have provided continuous support for the Intergovernmental Authority on Drought and Development (IGADD) peace effort which we hope will lead to a comprehensive settlement between the parties in Sudan. I will appoint a special envoy to Sudan to work with the IGADD leaders in this effort.

I share your concern regarding the humanitarian crisis in Sudan and look forward to working the Congress to end this tragedy.

Sincerely,

BILL CLINTON.

STATEMENT BY U.S. REPRESENTATIVE FRANK R. WOLF—CONGRESSIONAL DELEGATION TO THE HORN OF AFRICA, FEBRUARY 5 TO FEBRUARY 12, 1993

I recently returned from an official visit to the Horn of Africa. Using Nairobi, Kenya as a staging point, I visited southern Sudan for a two-day period followed by one day's stop in Baidoa, Somalia.

The Sudan is far, far away. Not only in terms of the 20 hour flight to get there, but it is a distant place in a distant time. The refugees in southern Sudan are a forgotten people in a remote corner of the world whose story is an untold tragedy of oppression, of cruelty and of hopelessness. The ravages they continue to endure seem worse because they result not only from drought, plague and natural holocaust, but also spring from man's inhumanity to man.

On Monday, February 8, I flew in a small twin engine plane carrying relief medical supplies into southern Sudan from the Norwegian People's Aid (NPA) organization. I arrived at the base camp which is home to the NPA, the only Non-Government Organization (NGO) today with a permanent round-the-clock presence in Sudan since four relief workers were recently killed in a skirmish involving factions of the Sudan People's Liberation Army (SPLA). Joining the NPA in Sudan is the Catholic Relief Service (CRS), another outstanding group whose vital role is convoying life-giving food supplies from outside the country to three refugee feeding camps in the southern region: Aswa, Ame and Atepe. These loosely defined camps are located in proximity to the main road bisecting Sudan on which hundreds of thousands of refugees make their way southward driven by the relentless and unforgiving army of the Sudan government in Khartoum. People are without food, without medicine, without clothing and without hope. These are people who would surely perish without the bare subsistence provided by the Norwegian People's Aid and Catholic Relief groups.

I visited two of these three camps and saw the relief efforts which seem, at best, to fend off starvation and sickness for the moment, rather than provide lasting sustenance to the refugees. Twice each day, infants and children with their feeding bowls formed an endless line to receive meager rations of food to prolong their existence until they again line up and repeat the process. In these camps, I listened to the refugees and to the people. I heard Rebekka, a woman from the Dinka tribe who was angry and upset. She had lost her husband and three children. She told me three things which I heard again and again all throughout the region.

First, she said that the world is silent to the suffering in southern Sudan because, she thought, the victims are black. The reluctance to act, in her view and others was a matter of race discrimination and would not be tolerated in any other part of the globe. The second point is, she felt, that they were being persecuted, starved, bombed and killed because they were Christians. The last point on which there is near universal agreement by the southern Sudanese refugees is that the other humanitarian groups such as World Vision and others who do a wonderful job should come back to help with their life-giving assistance. These groups left the region after the relief workers were killed and have been reluctant to return until some measure of security for the care-givers can be assured. These three points were echoed by others with whom I met. A pharmacist who provided the only medical and health care at the Ame camp made a similar plea and asked for the return to Sudan of the private humanitarian relief groups.

Until significantly more relief is available, there is little medical care, no health care, insufficient food to sustain life—people are starving to death every day—no opportunity to educate the children and no chance for tomorrow. The people in Sudan have literally lost a generation and maybe more.

I also met with representatives of the SPLA, the Sudan Relief and Rehabilitation Association (SRRA), with a number of Catholic Priests, local officials and a number of "old hands" in Sudan. I visited hospitals including one exclusively for those with tuberculosis. I saw first hand recent damage in the town of Kajo Keji on the western bank of the Nile where the Khartoum government bombed the crowded town market square, killing and injuring many. The Khartoum government conducted high altitude bombing on this village when there was no military presence. I saw bomb craters where they hit huts and destroyed the market place. I visited what was termed a hospital but what was in reality a filthy, rat infested place where the injured were gathered. One woman, injured in the air-raid, had shrapnel still in her head. She had no hope and little chance for tomorrow. When it seemed conditions were as bad as they could be, they got worse.

This is a story that must be told. This was my third trip to Sudan. I first travelled there in 1988 and then again in 1989. Conditions there are worse today than they were before. This situation must not be permitted to last. It need not last; there is much that can be done.

I want to summarize some recommendations. Our government must work for relief from the Khartoum government. Pressure must be put on them to stop the bombing and stop the killing. In the southern region of Sudan, buffer zones around pockets of refugees should be agreed to by the Khartoum government and the SPLA, to keep soldiers out and allow relief groups the freedom to administer food, medical and humanitarian aid. Humanitarian relief organizations must be encouraged to return to the region. Stepped-up efforts to provide medical teams to help out for short but frequent periods is essential. Failure to act soon will surely result in still more tragic loss of life and possibly the loss of an entire culture.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 22, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR MR. SECRETARY: We are writing to express our continued concern about the situation in Sudan and to offer some recommendations. Your decision to add the Government of Sudan to the list of states that sponsor terrorism was welcome news to many Members of Congress. This kind of assertive move on the part of the United States will send a very strong message to Khartoum that Washington and the international community will not tolerate Sudan's support for terrorist groups. But the placing of Sudan on the list is not enough—pressure must be continuously focused on the government, which has shown wanton disregard for human lives over the past several years.

In recent months, humanitarian and political conditions have deteriorated significantly. An estimated 500,000 people have died in the past two years, while over 2 million southern Sudanese have been displaced internally. Many languish in refugee camps in Uganda, Kenya, and other neighboring countries. The children of southern Sudan continue to die in large numbers as a result of starvation, disease, and war, while the international community's attention continues to focus on Somalia and Bosnia. The Sudan People's Liberation Movement (SPLM) factions have also been reckless. Many innocent civilians have died and scores of people have been forced to flee their homes because of SPLM factional fighting since November 1991.

The United States has played a limited role in addressing the North-South conflict and the factional fighting within the SPLM. We strongly believe that the United States should play a greater role in Sudan. Efforts by other countries in Africa, such as Nigeria and Kenya, have not produced tangible results over the past several years. The United States has assumed paramount responsibilities in the new international order, almost as an unavoidable consequence of its Cold War victory. Sudan represents an extreme case of a situation by no means unusual, in which nations are torn apart by identity crises. The situation in Sudan, because it is so dire, begs for U.S. active engagement in mediation and reconciliation efforts.

Moreover, the United States has a moral responsibility to help the victims of the ten year old civil war, people who have escaped the notice of the community of nations. Ignoring the plight of millions of innocent civilians in Sudan need not become a viable option. The people of Sudan have suffered enough, it is time for the international community to act. The likelihood of a Somalia-like scenario is high unless the international community acts soon. In the case of Sudan, there is still time to address the problem.

We strongly recommend that the United States appoint a Special Envoy for mediation and reconciliation. Ambassador Herman Cohen, who has expressed an interest in facing this challenge, would be an excellent choice for the post. As Assistant Secretary of State for African Affairs from 1989 to 1993, Ambassador Cohen showed profound knowledge about the complex political problems in Sudan. Appointing a Special Envoy for mediation and reconciliation will be seen by the international community as evidence of commitment to find a solution. Any measure short of this could be considered window-dressing for lack of policy, complacency, and the shelving of the case. The recent appointment of a Special Envoy for Humanitarian Affairs only addresses one aspect of the Sudan problem. We believe the humanitarian issue can best be addressed by the U.S. Embassy in Khartoum since it will require continual monitoring and coordination with other donors.

We are hopeful that you will give serious consideration to our recommendation. The United States can play a pivotal role in mediation and reconciliation efforts in Sudan. We cannot afford to stand by and watch the tragedy unfold, evolve, and come to a catastrophic conclusion.

Sincerely,

HARRY JOHNSTON,
Chairman, House Subcommittee on Africa.
DONALD M. PAYNE.
ALCEE L. HASTINGS.
DAN BURTON.
ELIOT L. ENGEL.
PAUL SIMON,
Chairman, Senate Subcommittee in Africa.
NANCY LANDON KASSEBAUM.
JAMES M. JEFFORDS.
CLAIBORNE PELL.
FRANK R. WOLF.

HOUSE OF REPRESENTATIVES.
Washington, DC, August 5, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I appreciate your personal attention to the worsening situation in Sudan. I believe the Clinton Administration has taken positive steps to bring an end to the suffering in Sudan, but I believe that the United States must do more.

I commend their appointment of Ambassador Frances Cook as Special Envoy to Sudan for humanitarian issues. This appointment made clear to the government of Sudan that the United States considers the crisis in Sudan very serious and Ambassador Cook has made progress in alleviating much suffering in Sudan. I am distressed that Ambassador Cook will soon be leaving her post as Special Envoy.

To ensure that the positive efforts of Ambassador Cook are not interrupted, I strongly encourage the prompt appointment of a new Special Envy to Sudan. I believe this special envoy should have expanded powers which allow him or her to address political issues as well as the humanitarian ones. To simply ensure the safe passage of humanitarian assistance to the people is not enough; this envoy must have the authority to help bring an end to the decade-old civil war. Further, to gain the respect of all parties, this person must be of the ambassadorial rank and must have a thorough knowledge of East African issues.

It is becoming more clear that establishing a lasting peace in Sudan between the government of Sudan and the rebel factions is a very elusive proposition. One major obstacle to peace is the apparent unwillingness of the two major rebel factions in Southern Sudan, the SPLA United under the leadership of John Garang and the Nasir faction headed by Lam Akol, to meet together with the Sudanese government. While I believe the United States must continue to pressure the Khartoum government to negotiate an end of the civil war, so-called "south-south" negotiations between the two SPLA rebel factions must be convened to end inter-SPLA fighting. (Right now some of the violent human rights abuses recently in Sudan have been perpetrated by SPLA rebels.) The United States must immediately begin work with other nations to bring together these two rebel factions to negotiate a settlement to their differences.

Peace can and must be brought to Sudan. But it can only be achieved with strong American leadership. Please ensure that a new Special Envoy is appointed and work to make peace a reality in Sudan.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 5, 1993.

Hon. WILLIAM J. CLINTON,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: I appreciate your personal attention to the worsening situation in Sudan. I believe the Clinton Administration has taken positive steps to bring an end to the suffering in Sudan, but I believe that the United States must do more.

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Mr. President, peace can and must be brought to Sudan. But it can only be achieved with strong American leadership. Please quickly appoint a new Special Envoy and work to make peace a reality in Sudan.

Sincerely,

FRANK R. WOLF,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. BEREUTER, for 5 minutes, on May 10 and 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:

Mr. GORDON.

Mrs. MINK of Hawaii.

Mr. MANTON.

The following Members (at the request of Mr. WOLF) and to include extraneous matter:

Mr. MONTGOMERY.

Mr. VISCLOSKY.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Tuesday, May 10, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3132. A letter from the Comptroller General, the General Accounting Office, transmitting status of budget authority that was proposed for rescission by the President in his fourth special impoundment message for fiscal year 1994, pursuant to 2 U.S.C. 685 (H. Doc. No. 103-254); to the Committee on Appropriations and ordered to be printed.

3133. A letter from the Principal Deputy Under Secretary of Defense, transmitting certification that the Javelin major defense acquisition program is essential to the national security, has no alternative that would cost less, its new estimates are reasonable and its management structure is adequate, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

3134. A letter from the Principal Deputy Under Secretary of Defense, transmitting certification that the C-17 major defense acquisition program is essential to the national security, has no alternative that would cost less, its new estimates are reasonable and its management structure is adequate, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

3135. A letter from the Principal Deputy Under Secretary of Defense, transmitting certification that the Titan IV major defense acquisition program is essential to the national security, has no alternative that would cost less, its new estimates are reasonable and its management structure is adequate, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

3136. A letter from the Principal Deputy Under Secretary of Defense, transmitting certification that the AN/SQQ-89 major defense acquisition program is essential to the national security, has no alternative that would cost less, its new estimates are reasonable and its management structure is adequate, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

3137. A letter from the Principal Deputy Under Secretary of Defense, transmitting certification that the ASAS major defense acquisition program is essential to the national security, has no alternative that would cost less, its new estimates are reasonable and its management structure is adequate, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

3138. A letter from the Deputy and Acting CEO, Resolution Trust Corporation, transmitting the Corporation's 1994 Semiannual Comprehensive Litigation Report, covering the period from October 1, 1993 to March 31, 1994, pursuant to Public law 103-204, section 3; to the Committee on Banking, Finance and Urban Affairs.

3139. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 02-94, concerning a proposed Agreement with the United Kingdom Ministry of Defense, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3140. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 03-94, concerning a proposed Agreement with the United Kingdom Ministry of Defense, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3141. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification to exercise the authority granted him under section 451 of the Foreign Assistance Act of 1961, as amended, authorizing funds for a Palestinian police force in the West Bank and Gaza Strip, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on Foreign Affairs.

3142. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3143. A letter from the Secretary of State, transmitting a copy of the administration's policy on multilateral peace operations; to the Committee on Foreign Affairs.

3144. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 2333, H.R. 4066, S. 1636, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operatios.

3145. A letter from the Administrator, General Services Administration, transmitting copies of Federal construction prospectus for Tucson, AZ, and Cleveland, OH, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on May 6, 1994]

Mr. MILLER of California: Committee on Natural Resources. H.R. 3567. A bill to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes; with an amendment (Rept. 103–453, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 9, 1994]

Mr. OBEY: The 1994 Joint Economic Report on the 1994 Economic Report of the President (Rept. 103–496). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee of Conference. Conference report on S. 2000. An Act to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes (Rept. 103–497).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Mr. THOMAS of California (for himself, Mr. DOOLEY, Mr. DOOLITTLE, and Mr. MCCRERY) introduced a bill (H.R. 4369) to remove the restrictions on the export of Alaskan North Slope oil, and for other purposes; which was referred, jointly, to the Committees on Foreign Affairs, Energy and Commerce, Natural Resources, and Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1080: Mr. ORTON.

H.R. 1191: Mr. ORTON.

H.R. 3678: Mr. RAVENEL.

H.R. 3818: Mr. BONIOR.

H.R. 4100: Mr. EDWARDS of California, Ms. WOOLSEY, and Ms. SLAUGHTER.

H.R. 4211: Mr. ZIMMER.

H.R. 4212: Mr. GENE GREEN of Texas, Ms. SCHENK, Ms. DUNN, Mr. CUNNINGHAM, and Mr. TORKILDSEN.

H.R. 4215: Mr. POMBO.

H.J. Res. 129: Mr. ORTON.

H.J. Res. 209: Mr. REED, Mr. SPRATT, Mr. TRAFICANT, Mr. DEFAZIO, Ms. SNOWE, Mr. SPENCE, Mr. CONYERS, Mr. TAYLOR of Mississippi, Mr. OBERSTAR, Ms. PRYCE of Ohio, Mr. GALLO, Mr. BORSKI, Mr. STUMP, Mr. BOEHLERT, Mr. PETERSON of Florida, Mrs. BYRNE.

H. Con. Res. 91: Mr. PENNY.

H. Con. Res. 188: Ms. NORTON, Mr. WYDEN, Mr. COLEMAN, Mr. STOKES, Mr. MANTON, Mrs. UNSOELD, Mr. VISCLOSKY, Ms. LOWEY, Mrs. BYRNE, Mr. SERRANO, Mr. BRYANT, Mr. BROWN of Ohio, Mr. KENNEDY, Ms. SNOWE, Mr. ANDREWS of New Jersey, Mr. COX, Mr. EDWARDS of California, Ms. LONG, and Mr. DELLUMS.

EXTENSIONS OF REMARKS

LET'S GET MOVING, AMERICA

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1994

Mr. GORDON. Mr. Speaker, since 1983, the President's Council on Physical Fitness and Sports has declared the month of May "National Physical Fitness and Sports Month" in celebration of our Nation's commitment to physical fitness and sports participation. This May is no exception.

During May, we also traditionally promote awareness for such issues as mental health, older Americans, osteoporosis prevention, high blood pressure, physical education, better sleep, and arthritis.

In recognition that May is a time for many Americans of enhanced participation and awareness of physical fitness and health needs, the President made a landmark decision this year to bring 23 health and fitness advocacy groups together as a united, powerful voice in support of physical activity and fitness. The result of this union is Presidential Fitness Partners in May.

These organizations—many fighting for differing agendas—are to be commended for their decision to form this valuable partnership. Through cooperation, there is a greater chance of reaching more Americans uneducated about the benefits of good health and fitness and ways to make it fun and convenient. Together, these organizations can make a real difference in building a healthier, more physically fit America.

We all will benefit by joining in this celebration of good health and fitness.

CONGRATULATING THE KAHUKU HIGH SCHOOL STUDENT FINALIST WINNERS IN THE "WE THE PEOPLE CONSTITUTION" CONTEST

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1994

Mrs. MINK of Hawaii. Mr. Speaker, for the second year in a row students from Kahuku High School represented the State of Hawaii in the national finals of the "We the People Constitution" competition. The students who reached the national finals this year after winning competitions at the district and State levels are members of Kahuku High School's 10th grade honors history class. I congratulate the students on their hard work and scholarship. They are: Ursula Aiu, Dana Barnhill, Beth Frederick, Amber Grigsby, Kalli Kamauoha, Marie Kritikos, Larie Langi, Nadya Leinau, Kimberly Miller, Marci Ostrowski, Christian Palmer, Jesse Palmer, Ian Parnell, Taliana Pasi, Mariaha Peters, Emily Shumway, Shelley Smith, Leah Taala, Israel Temple, Carrie Tilley, and Kanai Yang.

I would also like to recognize their teacher, Ms. Sandra Cashman. Please note that Ms. Cashman also taught the Kahuku High School students who represented the State of Hawaii in last year's "We the People Constitution" national competition. Ms. Cashman clearly knows how to motivate her students.

Ms. Kathy Ellwin and Ms. Jane Kinoshita, district coordinators with the State of Hawaii Department of Education, and Ms. Sharon Kaohi, the State coordinator, deserve recognition for their efforts in helping the Kahuku High School team reach the national finals.

The "We the People Constitution" Program is administered by the Center of Civic Education and supported and funded by the U.S. Congress. The program is the most extensive educational program in the country developed specifically to educate young people about the Constitution, especially the Bill of Rights. During the course of the 3-day "We the People Constitution" competition, student finalists are tested on their knowledge of constitutional issues as they take part in activities that simulate a congressional hearing.

I commend the program for providing students an opportunity to gain an appreciation of the significance of the Constitution and how it has both shaped this Nation's history and impacts our lives today.

Again, my congratulations to the students of Kahuku High School for having reached and participated in the national "We the People Constitution" competition.

NEW ORLEANS VA BENEFITS OFFICE EMPLOYS OWN COMPUTER PROGRAM FOR GREATER EFFICIENCY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1994

Mr. MONTGOMERY. Mr. Speaker, before the now common buzzwords of modernization and reengineering came into fashion, the New Orleans Regional Office automated its Loan Guaranty Division using only in-house resources. The director, Tony Lentini, in response to the burgeoning rating workload, took the initiative and directed his adjudication officer and IRM team to develop in-house a computer rating application. Unlike many contractor-developed products, the rating application, Word Assisted Rating System [WARS], was developed with involvement by rating specialists who would eventually use it. It was offered to any regional office that might benefit from its employment and has since been adopted for VBA-wide use. Its application at the New Orleans Regional Office not only improved quality of rating decisions, but also allowed Lentini to dismantle his typing pool and redistribute those valuable human resources to other functions in the regional office. The stations' philosophy under Lentini's leadership has been one of including employees, embracing technology, and of welcoming change.

I want to recognize and pay tribute to the employees of the New Orleans VA Regional Office who are responsible for developing a program that will revolutionize the way VA rates disability claims. Testimony before our committee recently revealed that by the end of the year, more than 900,000 claims will be pending before the regional offices. VA is doing something to change the way it conducts its business and this is but one example of creative initiatives in the field that will help solve a major problem in claims adjudication.

WARS is an automation tool for assisting Veterans Benefits Administration [VBA] employees in completing documents related to the disability claims within the Department of Veterans Affairs [VA]. The software, which is fully compatible with the initial stage of VA's new computer modernization effort, leads rating specialists and other technicians through the steps in completing complex disability evaluations.

The system automatically generates decision and appeal documents in the proper format. Users have at their disposal electronic text from the disability rating schedule as well as all of the pertinent laws and regulations related to disability claims. What separates this system from ordinary word processors is the structure. The system uses a decision tree approach in its organization which leads the user through the process. Simple keystroke answers generate much of the needed text for many rating decisions. In this way the documents are more consistent and many of the errors associated with traditional dictating systems are eliminated. Other electronic aids, such as medical dictionaries, are also part of the system. Operating in a windows environment allows the user to interface with other automated systems such as the Automated Medical Information System [AMIE] and gives great potential for future interfacing.

In mid-1993 it became apparent that the need existed for interim solutions to automating rating document creation and that the voice recognition solution would be more of a long term possibility. Because of the major investment in system design and development in the voice recognition area, New Orleans VA Regional Office director, Anthony R. Lentini, directed his adjudication officer, Sandy Bowron, to lead a new effort to capitalize on that investment by converting the decision tree approach used in voice to a system that would be compatible with the new stage I equipment being delivered to field offices. The southern area director, James Maye, supported this initiative and authorized the assistance of Ver-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

non Boggs from the Atlanta Regional Office. The result was a utilization of many of the same field office personnel who had worked together in the AMIE project, the voice project, and now the WARS project. With their efforts, they designed an application that retained much of the positive features of the voice system. At the New Orleans Regional Office, Ms. Denise Engolia and other IRM technicians began the labor-intensive task of reprogramming the system in stage I compatible software. By July 1993 the initial software, WARS, was ready for testing.

During July 1993, the rating board at the New Orleans Regional Office began converting from the traditional methods for dictating rating decisions to the WARS system. This transition was completed during October 1993. As a direct result of this project, the New Orleans VARO's centralized transcription activity [CTA] was abolished and the personnel were reassigned to the Adjudication Division. In early 1994, the system was made available to all regional offices seeking to create rating documents using the stage I equipment.

Finally, in March 1994, the Systems Development Service in Central Office accepted WARS as an interim solution to assist with the completion of rating documents and accepted responsibility for including WARS in the inventory of approved VBA applications. This is another example of meeting Vice President GORE's challenge to reinvent government by empowering employees to develop creative solutions for meeting customer needs.

Mr. Speaker, there are a number of other new programs developed by regional offices that will enhance the VA's ability to deliver timely services to veterans. To all of those in the field and in Central Office who continue to work so diligently for our Nation's veterans, and especially to those in the New Orleans Regional Offices I have singled out for special recognition, I office congratulations and our thanks for what they are doing. We are very proud of them.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 10, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 11

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Clean Air and Nuclear Regulation Subcommittee

To hold hearings to examine the possible health effects to non-smokers of environmental tobacco smoke.

SH-216

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the Administration's crop insurance proposal.

SR-332

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Park Service, Department of the Interior.

S-128, Capitol

Armed Services

Defense Technology, Acquisition, and Industrial Base Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on the Technology Reinvestment Program.

SR-222

Banking, Housing, and Urban Affairs

To hold hearings to examine discrimination in homeowners insurance.

SD-538

Commerce, Science, and Transportation

To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on electric utilities entry into telecommunications.

SR-253

Foreign Relations

To hold hearings on the International Convention on the Elimination of All Forms of Racial Discrimination (Ex. C, 95th Congress, 2nd Session).

SD-419

Labor and Human Resources

Business meeting, to mark up S. 1981, the Orphan Drug Act Amendments, and S. 784, Dietary Supplement Health and Education Act, and to consider pending nominations.

SD-430

2:00 p.m.

Armed Services

Nuclear Deterrence, Arms Control, and Defense Intelligence Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense and the future years defense program, focusing on the ballistic missile defense program.

SR-222

2:30 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the General Services Administration.

SD-116

MAY 12

9:00 a.m.

Armed Services

To hold closed (SH-219) and open (SH-216) hearings on United States military operations in Somalia during United Nations Operations in Somalia II (UNOSOM II).

SH-219

Office of Technology Assesment Board meeting, to consider pending business.

EF-100, Capitol

9:30 a.m.

Appropriations

Transportation Subcommittee

To hold hearings to review the proposed plan to make independent the air traffic control services of the Federal Aviation Administration.

SD-138

Energy and Natural Resources

To hold hearings on the Environmental Protection Agency's proposed renewable oxygenate standard.

SD-366

Rules and Administration

To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Federal Election Commission.

SR-301

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.

SD-106

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Architect of the Capitol.

SD-116

Commerce, Science, and Transportation

To continue hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on long-distance services.

SR-253

Labor and Human Resources

To hold hearings on S. 1964, to authorize funds to States for programs for worker reemployment and retraining.

SD-430

Labor and Human Resources

Education, Arts and Humanities Subcommittee

Business meeting, to mark up S. 1513, authorizing funds for programs of the Elementary and Secondary Education Act.

SD-430

1:30 p.m.

Armed Services

Coalition Defense and Reinforcing Forces Subcommittee

To hold hearings to examine United Nations peace operations.

SD-628

2:00 p.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on C-17.

SD-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1549, to revise the Act establishing Golden Gate National Recreation Area to provide for the management of the Presidio by the Secretary of the Interior, and S. 1639, to provide for the management of the portions of the Presidio under the jurisdiction of the Secretary of the Interior.

SD-366

2:30 p.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee

To hold hearings to examine the impact of the U.S. Supreme Court Decision in Central Bank of Denver v. First Interstate Bank of Denver.

SD-538

Small Business
Export Expansion Subcommittee

To hold hearings to examine export assistance efforts for small business.

SR-428A

Joint Printing

Business meeting, to consider the financial position of the Government Printing Office, and related measures.

S-324, Capitol

MAY 13

9:30 a.m.
Appropriations
Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on the global land mines crisis.

SH-216

Appropriations
Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education.

SD-192

Governmental Affairs
Regulation and Government Information Subcommittee

To hold hearings on adjusting poverty data for differences in cost-of-living.

SD-342

MAY 16

4:00 p.m.
Foreign Relations

To hold hearings on the nomination of Joseph R. Paolino, Jr., of Rhode Island, to be Ambassador to the Republic of Malta.

S-116, Capitol

MAY 17

9:30 a.m.
Governmental Affairs

To hold hearings to examine issues relating to bomb exports in the 1990's.

SD-342

10:00 a.m.
Appropriations
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on environmental programs.

SD-192

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

2:30 p.m.
Appropriations
Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs.

SD-138

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for the earthquake disaster program.

SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 112, to establish the Hudson River Artists National Historical Park in the State of New York, S. 1660 and H.R. 3498, bills to establish the Great Falls Historic District, S. 1683, to authorize the Secretary of the Interior to provide funds for the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of New York/New Jersey Highlands Region, and S. 1999, to establish the Lower East Side Tenement Museum National Historic Site.

SD-366

MAY 18

10:00 a.m.
Agriculture, Nutrition, and Forestry

To resume hearings on S. 1614, authorizing funds through fiscal year 1998 for programs of the Child Nutrition Act and the National School Lunch Act.

SR-332

MAY 19

10:00 a.m.
Appropriations
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.

SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.

SD-106

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee

To hold hearings on H.R. 3252, to provide for the conservation, management, or study of certain rivers, parks, trail and historic sites, and H.R. 4034, to revise the Urban Park and Recreation Recovery Act of 1978 to authorize grants for the expansion of recreation opportunities for at risk youth in urban areas with a high prevalence of crime.

SD-366

MAY 20

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veteran's Affairs and Housing and Urban Development, and independent agencies.

SD-138

MAY 24

9:30 a.m.
Energy and Natural Resources

To hold hearings on the science concerning global climate change.

SD-366

10:00 a.m.
Appropriations
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on strategic programs.

SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on export promotion.

SD-138

MAY 25

10:00 a.m.
Appropriations
Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.

S-128, Capitol

MAY 26

9:30 a.m.
Commerce, Science, and Transportation

To hold hearings on S. 1350, to revise the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.

SR-253

Energy and Natural Resources

To hold hearings to examine policy options for the disposition of excess weapons plutonium.

SD-366

Rules and Administration

Business meeting, to mark up S. 1824, Legislative Reorganization Act, H.R. 877, Smithsonian National African American Museum, an original bill authorizing appropriations for fiscal year 1995 for the Federal Election Commission, S. Res. 196, printing resolution for Aging Committee, an original resolution authorizing the purchase of 1995 wall calendars, H. Con. Res. 222, authorizing acceptance and placement of a bust in the Capitol, and other legislative business.

SR-301

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.

SD-106

JUNE 8

10:00 a.m.
Appropriations
Interior Subcommittee

To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.

S-128, Capitol

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine water quality and quantity problems and opportunities facing the lower Colorado River area.

SD–366

JUNE 9

9:30 a.m.

Energy and Natural Resources

Water and Power Subcommittee

To continue hearings on water quality and quantity problems and opportunities facing the lower Colorado River area.

SD–366

CANCELLATIONS

MAY 10

10:30 a.m.

Foreign Relations

To resume hearings on the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature and signed by the United States at Paris on January 13, 1993 (Treaty Doc. 103–21).

SD–419

HOUSE OF REPRESENTATIVES—*Tuesday, May 10, 1994*

The House met at 10:30 a.m.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of Friday, February 11, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

A BETTER WAY FOR HAITI

Mr. GOSS. Mr. Speaker, last week at this time, I spoke about the crisis in Haiti and the lack of focus of America's policy. Although the President has finally addressed Haiti, his new policy is poorly thought out, hopelessly inconsistent and very short-sighted. It lacks a long-term strategy for resolving the opposing extremist positions in Haiti, but worse, it contains an explosive combination of tighter sanctions and looser asylum procedures likely to spark a new burst of Haitian refugees headed for Florida. It's simple logic: A tougher embargo equals more economic hardship among Haiti's most desperate poor. More economic hardship equals more refugees. The President said he "hopes" we won't see a flood of refugees—but history suggests that hope is unfounded. The President's own advisers reaffirm that most people leaving Haiti are economic refugees—not political asylum seekers fleeing for their lives. A New York Times story this week emphasizes a "deeply held view in the administration that most of those seeking political asylum are economic migrants posing as victims of persecution" Officials at the U.S. Embassy in Haiti conclude that "The Haitian left, including President Aristide and his supporters in Washington and here, consistently manipulate or even fabricate human rights abuses as a propaganda tool." The President's Deputy National Security Adviser, Sandy Berger, said "Only about 5 percent of those people who have come into the processing centers are, in fact, political refugees." When Haitian refugees have landed in third countries, presumably safe from political persecution, most have sought to return to Haiti. Of course, there is no denying the brutality of the thugs now in control in Haiti—we know there has been repression and political persecution. But tighter sanctions will not resolve this crisis; rather, as the President himself has said, they will, "Cause more hardships for innocent Haitians." The President said the Haitian military will "bear full responsibility for this action," but I am not sure they agree or care. My fear is that, even after tougher sanctions take hold, we will have further demoralized the Haitian people, the thugs will still be in power—and we will have done nothing to help Haitians rebuild their democracy. What we will have done is encouraged more Haitians to overload leaky boats in shark-infested waters. Despite the Clinton administration's claim that economic refugees will be more quickly processed and then repatriated, in the past several weeks approximately 500 Haitians arrived in Florida and were released into our country as a humanitarian exception—including 13 who tested positive for HIV. These actions speak louder than the President's words. Florida's Democrat Governor, Lawton Chiles, recognizes the potential problem—he expects 5,000 to 10,000 refugees a month as a result of this new policy. In his words, "This decision will result in additional burdens on State and local governments in Florida * * * Florida alone cannot shoulder the tremendous burdens that result from Federal immigration policy." Governor Chiles has filed a lawsuit against the Federal Government, seeking to recoup hundreds of millions of dollars the State has spent on illegals in Florida. Mr. Speaker, there is a better way for Haiti that solves the refugee problem, solves the Aristide problem and begins to solve the long-term democracy problem—we can establish a safe haven on the Ile De La Gonave, a small island about 15 miles off the coast of Haiti. The United States could expand its processing of asylum seekers on this Haitian island, safe from the fear of violence. President Aristide—the popularly elected and rightful President of Haiti—could go there and begin to rebuild his government in Haiti. This plan obviates the need for an elaborate and ineffective plan to screen refugees aboard U.S. ships and it would remove the powerful Miami magnet. Florida is anything but a closed door—thousands of refugees from all over this hemisphere have made their home there under orderly immigration processing and are productive, hard-working members of our society. But Florida cannot throw her doors wide open to all refugees from any nation who seek a better life in the United States—that kind of disorder stretches our resources beyond their limits. I urge the administration to review my plan. It can work today to meet the long-term interests of Haiti and the United States.

INTRODUCTION OF THE RURAL HEALTH PROFESSIONAL SHORTAGE ACT AND THE RURAL HOSPITAL SURVIVAL ACT

The SPEAKER pro tempore (Mr. CHAPMAN). Under the Speaker's announced policy of February 11, 1994, the gentleman from Pennsylvania [Mr. CLINGER] is recognized during morning business for 5 minutes.

Mr. CLINGER. Mr. Speaker, most of us agree that a one-size-fits-all health care reform plan that fails to recognize the difference between small, rural communities and large, urban areas will serve no one particularly well, whether you are from New York or Punxsutawney, PA.

When Congress does finally vote on health care reform legislation, we must adopt a plan that provides flexibility for States and localities to meet their own special, regional health care needs. In particular, Congress must not forget that 27 percent of Americans live in rural areas which have distinct health policy problems to resolve.

Aside from the obvious geographic barriers to medical care—such as rough terrain, bad weather conditions, and long distances between medical facilities—rural communities must overcome certain demographic characteristics that make health care delivery a unique challenge.

Rural populations tend to be older and poorer, so there are higher concentrations of Medicare, Medicaid, and uninsured patients. As a result, rural hospitals and providers rely primarily on Federal funds in the form of Medicare reimbursement for survival.

As it is, rural hospitals must contend with low occupancy rates and operate on shoestring budgets, so the past decade of cuts and freezes in Medicare reimbursement have put many rural hospitals in dangerous financial situations. Cutting the primary source of revenue for rural hospitals has forced many to close their doors altogether.

In addition to the financial problems of their local hospitals, many rural areas suffer from an acute shortage of health care professionals. Primary care doctors, physicians assistants, nurses, allied health professionals and other

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

medical personnel are in short supply, and most rural communities have a difficult time luring professionals from training sites in urban and suburban areas where they can make more money.

The maldistribution of health care professionals and the insolvency of our rural hospitals pose serious threats to the availability of medical care for rural Americans, regardless of whether they can afford it or not. Before we even try to control costs and increase access for the uninsured, we must first revitalize the health care infrastructure in our medically underserved rural areas. Our efforts to reform the health care system will be pointless if rural citizens do not have a doctor to consult or a hospital to visit.

That is why—with the help of my Health Care Advisory Committee, doctors, nurses and other constituents concerned about health care—I have drafted two bills to help solve the real health care problems confronting rural America.

The first bill I am introducing today is the Rural Health Professional Shortage Act to improve the supply and distribution of medical professionals in rural areas.

The quality of rural health care is suffering because many young doctors, nurses, and other medical professionals elect not to practice in rural areas due to existing disincentives and drawbacks to practicing there. While some decisions can be attributed to lifestyle preferences, there are a number of other factors that influence where they choose to live and work.

For instance, many young professionals are discouraged from practicing in rural areas because of lower earnings potential and lower Medicare reimbursements for rural providers.

Because rural professionals are often isolated from colleagues, they cannot rely on them for consultation and second opinions. They must work long hours, many of which are "on call", often with little professional support.

Most health care practitioners prefer working with the latest, state-of-the-art technology which many rural hospitals cannot afford.

Also, medical professionals tend to practice in areas close to where they were trained, and most academic medical institutions and teaching hospitals are located in urban or suburban locales.

The Rural Health Professional Shortage Act eliminates many of these financial and professional disincentives. It provides urban and rural physicians "equal Medicare reimbursements for equal work" by eliminating the urban-rural payment differential, and it financially rewards those rural providers who have higher caseloads of Medicare, Medicaid and uninsured patients.

My bill also encourages rural communities to "grow" their own health care professionals and targets scarce resources to individuals with rural backgrounds since they are most likely to return to and stay in rural areas.

Finally, the bill provides rural communities and their local hospitals the resources and technical assistance necessary to attract and retain medical professionals in their areas.

My second bill, the Rural Hospital Survival Act, recognizes the pivotal role hospitals play in the rural health care delivery system as the primary sources of medical care in rural areas and integral parts of local economies, and it will help to keep many of our struggling "critical access" hospitals open.

According to the American Hospital Association, 389 rural hospitals closed between 1980 and 1992. For those of us living in rural areas, closure of a local hospital can significantly reduce our access to decent health care and cost the local economy valuable, high-skilled, high-wage jobs.

With fewer beds, fewer admissions, lower occupancy rates, and higher per-patient, per-day expenses than metropolitan hospitals, many small, rural hospitals struggle to keep their doors open. The Office of Technology Assessment estimates that nearly one-third of all rural hospitals are operating in the red.

As I already mentioned, rural hospitals rely primarily on Medicare and Medicaid payments, and cuts in reimbursement rates have significantly increased the volume of uncompensated care provided by rural hospitals, requiring them to provide more care with fewer dollars.

In addition to reimbursements that don't keep pace with health care costs, rural hospitals must contend with an unfair Medicare payment system that reimburses them less than urban hospitals.

The heart of the Rural Hospital Survival Act makes important adjustments to the Medicare payment system, including a complete elimination of payment differentials between urban and rural hospitals.

The bill establishes a new telemedicine grant program to promote the development of advanced data, video, and voice networks among hospitals and providers in rural regions. It also renews two grant programs which have successfully helped hospitals and communities throughout the country improve health care delivery for rural residents.

Antitrust exemptions would be provided to encourage cooperation and joint ventures among rural hospitals. Facilities would be able to share equipment, services, and health care personnel without fear of being sued.

And, finally, my bill would establish a commission to study the effects of State and Federal regulations, mandates, and paperwork on small, rural hospitals and the quality of care they provide.

Rural Americans have a great deal at stake in the health care debate. Not only will health care reform affect the cost, quality, and accessibility of their medical care, it will also impact the economic futures of their communities.

While working hard to promote job creation and economic development in my largely rural district over the years, I've learned that the economic vitality of a rural community is closely tied to the quality and availability of medical care in the area. Local economic booms and busts closely correspond with the financial standing of the local hospital, and the strength of a rural hospital can often serve as an accurate barometer of the state of the local economy.

As a local economy declines and unemployment rises, the increasing burden of uncompensated care the local hospital provides fiscally strains the facility and affects the quality of care it provides. Often small, rural hospitals cannot endure prolonged local recessions, and when a hospital is forced to close, it can devastate an already struggling local economy.

One reason is that hospitals are usually one of the largest employers in rural communities. When a rural hospital closes, the local area can lose dozens, sometimes hundreds of well paying jobs.

Also, communities who have lost a hospital may have a difficult time attracting businesses and residents to their areas. Many companies are reluctant to relocate to a region that does not have a hospital or decent health care.

For a rural community to have a decent shot at attracting industry and creating jobs, its local hospital must be in sound financial condition and its health care delivery system capable of providing quality medical care. By strengthening the ailing health care delivery systems in our small, rural communities, my two bills will not only improve the health of our rural residents, but also the health of our rural economies.

Mr. Speaker, I urge my colleagues to recognize and address the unique health care problems affecting rural America by joining me as a cosponsor of these two vital bills.

□ 1040

GUN CONTROL

The SPEAKER pro tempore (Mr. CHAPMAN). Under the Speaker's announced policy of February 11, 1994, the gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Chairman, this is the House of Representatives, so I want to talk a little bit about a meeting I have had with some of the people I represent yesterday. This is a meeting in Rock Springs, WY. We talked about gun control.

Let me tell the Members a little bit about the folks who came. These are middle American folks. This was a meeting that took place at 8:30 in the morning, and many of these folks had come in from a shift at the coal mine, had come in from mining the trona patch in Rock Springs, WY. These are folks who work every day, support their families. It included people who are retired from the Game and Fish Commission, people who have an interest in gun control but interestingly enough, the topic got much broader than gun control. It had to do with personal choices, it had to do with personal freedom, it had to do with States rights.

It is interesting that the proponents of the gun control bill last week talked a great deal about special interests. Let me tell the Members, if this is a special interest, then everything we talk about representing people in our districts are special interests.

They had a special interest. They had a special interest in having personal freedom, they had a special interest in having States rights, they had a special interest in deciding the things that they want to do for themselves.

The theme of the meeting and the purpose of the meeting was gun control. Let me tell the Members that it expanded far beyond that. I am pleased that it did, because there is more to the issue than gun control specifically.

They talked about the impact on the second amendment of the Constitution. They talked about the impact or lack of impact on crime. They talked about the uncertainty of which weapons are covered under this bill. They talked about States rights and how much intrusion we have in the operations of our States from the Federal Government. They talked about personal rights and the infringement there.

Let me mention a couple of those. The Constitution, people feel strongly about the second amendment to the Constitution, about all of the Constitution, about the fact that the Constitution was designed to give only those powers to the Federal Government that are specifically given; that the other powers are vested in the people. It is pretty simple, but very important.

They talked about the fact that we ought to have some recourse to talk about whether or not the Constitution has been infringed. They talked about constitutional amendments. They talked about legal recourse and legal remedies, to say, "Look, this is impeding and impinging upon our constitutional rights."

They talked, too, about the fact that this is feel-good talk, that this kind of arms control, this kind of gun control, will not have any impact at all on crime. Several officers were there. Interestingly, enough, they said, "You know, there are many reasons for people to have guns. Hunting is only one of them. As officers, we react to things that have already happened. People need an opportunity to defend themselves. That is what initially happens."

They talked, too, about the uncertainty of the bill in terms of the weapons that were covered. One of the gentlemen there fires competitively at the Camp Perry competitive shooting event each year. One of the weapons that he has used is barred under this bill, that is used in the Camp Perry Army-sponsored shooting competition. I thought that was interesting.

We also talked about the response from the Tobacco and Firearms department, which said that there literally could be hundreds of weapons that fall in the same characteristic. These folks are very much concerned about that.

They were concerned about States rights. I think one of the most obvious ones you might notice would be, people from New York have particular problems. People in Rock Springs, WY, have a different set of problems.

The idea that we have a "one fits all" kind of a Federal law that covers everything in the whole country, regardless of their circumstances, is beginning to be so repetitive, appears so often. People are very, very offended by this idea, whether it be unfunded mandates, whether it be gun control, whether it be health care, whether it be speed limits imposed by the Federal Government.

There ought to be some States rights, more acknowledgment of the differences we have in this country. They talked a lot about that.

Finally, they talked maybe about the most important aspects of what we are doing is having too much Federal Government in your face, too much Federal Government telling us as individuals, with our rights as individuals and with the responsibilities that go with rights, the freedom to choose their own behavior, the freedom to be responsible for themselves.

I was impressed. I was impressed by, No. 1, the fact that twice as many people came to this meeting as I had imagined would come. I was impressed by the fact that even though they were there specifically on gun control, they talked about the ramifications that are much broader: personal rights, States rights, the ineffectiveness of it.

These were thoughtful people. This is the House of Representatives. It is our task here to represent our people. I am pleased to represent this group, not a special interest, but a personal interest, an interest in something that affects their lives, an interest in something that they think affects the future of this country in terms of Federal intervention into their rights.

Mr. Speaker, I think it is important for citizens of this country to deal with these issues on a local level, to talk about these issues, to read about these issues, to express their concern about issues. The strength of this country is individual participation. This is a government of the people and this is how you do it. This is how you do it.

Mr. Speaker, I was pleased and impressed, and of course, I agree, I agree that the essence of personal freedom is to have people to have choices and to have the responsibility to stand by those choices.

A DIVERGENCE OF VALUES

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Texas [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, a few days ago Newsweek published an article the likes of which I have never seen before concerning a current President. Titled "The Politics of Promiscuity," it examines the basic question of President Clinton's character. Despite the title, it is not a sleazy story. It is not a partisan story. What it is, is a lamentable story, and regrettably, in the case of this White House, an unending one.

The article's author, Joe Klein, writes that:

> Paula Jones' story will join the rising landfill of allegations of personal misbehavior that Bill Clinton has had to deny, deflect, defend, derail. It has heft only because there have been so many others, and because it reinforces a widely held suspicion about the precise nature of the president's problem.

Klein continues, "It seems increasingly, and sadly, apparent that the character flaw Bill Clinton's enemies have fixed upon—promiscuity—is a defining characteristic of his public life as well."

The Newsweek author is not talking about promiscuity's most common meaning, but its fullest meaning—casual or irregular behavior. Whether at home or abroad, this kind of careless, cavalier conduct has been the trademark of this administration.

As Klein observes, the result is—

> With the Clintons, the story always is subject to further revision. The misstatements are always incremental. The "misunderstanding" are always innocent—casual, irregular: promiscuous. Trust is squandered in dribs and drabs.

The President has gone so long down this road that he has come to the point where he must hire superlawyer Bob Bennett to address the mess. When you hire a superlawyer, you have superproblems. Bennett will be trying to salvage the President's reputation. He will have his work cut out for him.

Never before in my memory has an administration been so lacking in its understanding of the basic values that the rest of America holds dear.

President Clinton's financial dealings are a case in point. Recently, Presidents have put their assets in the hands of others while in office. Today we find that we have gone from Presidents who put their faith in blind trusts, to a President who puts his faith in trust being blind.

The President has insisted that he lost money on his financial transactions and he believes that should be the end of the discussion. I am sure every accused criminal ever caught would love to equate failure with innocence. However, the fact that the President's defense has been that his transactions were unsuccessful only indicates he does not understand the question of impropriety.

The question is not whether money was made, but why was he involved in the first place? And the answer is that he had no business doing business with people whose business it was his business to regulate.

If this fault were the only lapse—or if the administration's faults were only lapses—then there would not be such a cause for concern. But as the administration's faults continue to mount and continue to erode America's foundations, it becomes daily more obvious that they are not lapses. They are not strayings from a shared path of principles, but a new route of questionable rights and values altogether.

With each passing incident, the American people discover a divergence of values with this administration—that the White House's way is is not their way, or the way they were led to believe the administration would follow.

The Newsweek article observes President Clinton tells his closest advisers that "character is a journey, not a destination." Klein writes:

> This evolutionary notion of character is something of a finesse: it can drift from explaining lapses to excusing them. There is an adolescent, unformed, half-baked quality to it—as there is to the notion of promiscuity itself: an inability to settle, to stand, to commit. It will not suffice in a president.

Klein concludes:

> Life is a journey; but character, most assuredly, is not. It is a destination most adults reach, for good or ill. And it is both tragic and quite dangerous that we find ourselves asking if Bill Clinton will ever get there.

The fact is this administration drifts aimlessly, hoisting the sail of "promise" and the jib of "change" to catch whatever breeze is blowing, regardless of where it might lead, at the same time sailing farther and farther from the course set by the American people.

When the crew spends more time bailing than rowing, the boat is in trouble. When the administration spends more time explaining than governing, the Nation is in trouble. To the clear question of character, the Clinton administration doesn't appear to have an answer, only explanations.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

□ 1050

RECESS

The SPEAKER pro tempore (Mr. CHAPMAN). Pursuant to clause 12, rule I, the Chair declares the House in recess until today at noon.

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, offered the following prayer:

We pray, O God, that the great words that are heard in this assembly—words of fairness and justice, of peace and harmony and equity, of dedication and service and commitment, of integrity and honor and respect—will be words not only of our lips, but will be committed to our hearts, and may all that we commit to our hearts, let us practice in our daily lives. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi [Mr. MONTGOMERY] please come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 3841. An Act to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3841) "An act to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RIEGLE, Mr. SARBANES, Mr. DODD, Mr. SASSER, Mr. D'AMATO, Mr. GRAMM, and Mr. ROTH, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 116. An act for the relief of Fanie Phily Mateo Angeles.

FACTUAL HARASSMENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the President has hired Robert Bennett, the noted defense attorney, to defend him against charges of sexual harassment.

Can Bennett defend the President against charges of factual harassment? This is where the President says one thing, but does another.

His health care plan was supposed to promote health security for all, but in reality would lower health care quality while costing a million jobs.

He promised to end welfare as we know it, but if he has a plan he will not show it.

His plan to fight crime spends more money on social programs than on building prisons, and we all remember his promise for a middle-class tax cut.

Mr. Speaker, the President must answer many charges in the months to come. The most serious of all to the American people is the President's penchant for factual harassment.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to remind Members that comments regarding the President of the United States are covered by House rules of comity, and Members should avoid any references to the President that involve suggestions of a personal character.

The Chair wishes to allow reasonable latitude for debate on subjects of personal interest and importance, but Members will observe the rules of comity with regard to the President, Members of the other body, and their fellow Members.

INTRODUCTION OF A RESOLUTION DECLARING AUGUST 16, 1994, AS TV NATION DAY

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, many people often claim the media only shows what is wrong with America and not what is right about our great country. I am pleased to say that a new television program will air this summer that will be an uplifting, positive look at what is right about America.

The program will be known as TV Nation. It is a joint venture between NBC in the United States and the BBC in England. "TV Nation" will be different than most of the television magazine shows currently on the air. This show will be positive and upbeat and will not dwell on the negative aspects of today's society as so many of these tabloid journalism shows do.

I recently participated in an interview with Michael Moore, the host of the new show, and I am looking forward to seeing "TV Nation" later this summer. To support the program's goal of highlighting what is right about America and the world today, I am introducing a resolution declaring August 16, 1994, as "TV Nation Day."

The resolution, which I hope my colleagues will support, will praise "TV Nation" for creating new jobs in this country and improving our balance of trade, but more importantly, it will recognize the show's producers for allowing TV audiences in this country and around the world to see what is right about America, and that alone is a praiseworthy achievement.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MONTGOMERY. Mr. Speaker, I have cleared this unanimous-consent request with the Republican side.

Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight tonight to file its report on the bill, H.R. 4301, the National Defense Authorization Act for fiscal year 1995.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

COMMEMORATIVE COIN TO RECOGNIZE THE 50TH ANNIVERSARY OF THE BLUE ANGELS FLIGHT DEMONSTRATION TEAM

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I rise today to inform my colleagues about legislation I am introducing to recognize the tremendous history of the U.S. Navy Flight Demonstration Squadron, the Blue Angels.

The year 1996 marks the 50th anniversary of the Blue Angels. To honor this occasion, I am introducing a bill to authorize the minting of $1 commemorative coins.

Millions of people have been dazzled by the high-speed flying exhibitions performed by the Blue Angels. In addition to their flying events, though, the pilot and their crews perform numerous good will and role model activities. In virtually every community in which the Blue Angels perform, the team visits high schools and hospitals, and opens practice shows for the disabled and the elderly to inspire people to achieve their highest potential.

The Blue Angels serve not only the Navy, but also our country. In 1992, the team expressed American good will to over 1 million people across Europe and Russia. The Blue Angels deserve our recognition, and I urge my colleagues to support this legislation.

IT'S TIME FOR A TO Z

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the new chairman of the Appropriations Committee wants Members to have a 1-week review of A to Z spending cuts before a vote is taken. I hope that signals a new policy in the Democrat leadership, which now routinely asks Members to vote on bills without the benefit of time to review the specifics. If we're going to wait 1 week before we vote on cuts, I hope Members will have at least that much time to study proposals to spend taxpayers' money. The Speaker said the A to Z spending cuts plan is "poorly thought out" because it "denies the opportunity to Members to have thoughtful consideration and review of legislation prior to votes." In my short tenure here, time and again the text of spending bills, tax bills, and major policy changes was only made available to Members a few hours before the vote. Is this new rhetoric a change of heart, Mr. Speaker, or simply another track smoke and mirrors designed to derail spending cuts?

INTRODUCTION OF H.R. 4371, DIESEL FUEL TAX LEGISLATION

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, last year when we passed the Omnibus Reconciliation Act of 1993, we adopted a fuel-dying scheme to ensure compliance with the new diesel fuel taxes on recreational vessels.

On paper this requirement seemed rather simple. Recreational vessels would be required to purchase clear, taxed fuel and commercial vessels would be required to purchase dyed, tax-exempt fuel.

Unfortunately, since the implementation of the dying scheme forces marina owners to sell two fuels, they must either buy a new fuel storage tank or sell only one fuel. Since most marinas cannot afford new tanks, they are losing business, and boaters across the country are having a hard time finding fuel.

To resolve this problem, I, along with a number of my colleagues, am introducing legislation today, H.R. 4371, which would modify the collection of the new diesel fuel tax. Briefly, H.R. 4371 would allow any vessel—recreational or commercial—to purchase any color fuel. The marina owners would charge the tax at the pump instead of paying the tax at the wholesale level. This change gives boatowners and marinas the necessary flexibility to ensure that fuel will be available this summer.

Mr. Speaker, I am sure that the chairman of the Committee on Ways and Means probably came to the floor to hear me give this 1 minute on this fuel tax modification, and I really appreciate the chairman's solicitude for this legislation.

Mr. Speaker, I urge my colleagues to support the distinguished Members who are introducing this bill with me, and help fix a problem which is creating havoc in the boating industry.

□ 1210

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, May 11, 1994.

SOCIAL SECURITY ACT AMENDMENTS OF 1994

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4278) to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

The Clerk read as follows:

H.R. 4278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Act Amendments of 1994".

SEC. 2. SIMPLIFICATION OF EMPLOYMENT TAXES ON DOMESTIC SERVICES.

(a) COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT WITH COLLECTION OF INCOME TAXES.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding at the end thereof the following new section:

"SEC. 3510. COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT TAXES WITH COLLECTION OF INCOME TAXES.

"(a) GENERAL RULE.—Except as otherwise provided in this section—

"(1) returns with respect to domestic service employment taxes shall be made on a calendar year basis,

"(2) any such return for any calendar year shall be filed on or before the 15th day of the fourth month following the close of the employer's taxable year which begins in such calendar year, and

"(3) no requirement to make deposits (or to pay installments under section 6157) shall apply with respect to such taxes.

"(b) DOMESTIC SERVICE EMPLOYMENT TAXES SUBJECT TO ESTIMATED TAX PROVISIONS.—

"(1) IN GENERAL.—Solely for purposes of section 6654, domestic service employment taxes imposed with respect to any calendar year shall be treated as a tax imposed by chapter 2 for the taxable year of the employer which begins in such calendar year.

"(2) ANNUALIZATION.—Under regulations prescribed by the Secretary, appropriate adjustments shall be made in the application of section 6654(d)(2) in respect of the amount treated as tax under paragraph (1).

"(3) TRANSITIONAL RULE.—For purposes of applying section 6654 to a taxable year beginning in 1994, the amount referred to in clause (ii) of section 6654(d)(1)(B) shall be increased by 90 percent of the amount treated as tax under paragraph (1) for such taxable year.

"(c) DOMESTIC SERVICE EMPLOYMENT TAXES.—For purposes of this section, the term 'domestic service employment taxes' means—

"(1) any taxes imposed by chapter 21 or 23 on remuneration paid for domestic service in a private home of the employer, and

"(2) any amount withheld from such remuneration pursuant to an agreement under section 3402(p).

For purposes of this subsection, the term 'domestic service in a private home of the employer' does not include service described in section 3121(g)(5).

"(d) EXCEPTION WHERE EMPLOYER LIABLE FOR OTHER EMPLOYMENT TAXES.—To the extent provided in regulations prescribed by the Secretary, this section shall not apply to any employer for any calendar year if such employer is liable for any tax under this subtitle with respect to remuneration for services other than domestic service in a private home of the employer.

"(e) GENERAL REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section. Such regulations may treat domestic service employment taxes as taxes imposed by chapter 1 for purposes of coordinating the assessment and collection of such employment taxes with the assessment and collection of domestic employers' income taxes.

"(f) AUTHORITY TO ENTER INTO AGREEMENTS TO COLLECT STATE UNEMPLOYMENT TAXES.—

"(1) IN GENERAL.—The Secretary is hereby authorized to enter into an agreement with any State to collect, as the agent of such State, such State's unemployment taxes imposed on remuneration paid for domestic service in a private home of the employer. Any taxes to be collected by the Secretary pursuant to such an agreement shall be treated as domestic service employment taxes for purposes of this section.

"(2) TRANSFERS TO STATE ACCOUNT.—Any amount collected under an agreement referred to in paragraph (1) shall be transferred by the Secretary to the account of the State in the Unemployment Trust Fund.

"(3) SUBTITLE F MADE APPLICABLE.—For purposes of subtitle F, any amount required to be collected under an agreement under paragraph (1) shall be treated as a tax imposed by chapter 23.

"(4) STATE.—For purposes of this subsection, the term 'State' has the meaning given such term by section 3306(j)(1).".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end thereof the following:

"Sec. 3510. Coordination of collection of domestic service employment taxes with collection of income taxes.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1994.

(4) EXPANDED INFORMATION TO EMPLOYERS.—The Secretary of the Treasury or his delegate shall prepare and make available information on the Federal tax obligations of employers with respect to employees performing domestic service in a private home of the employer. Such information shall also include a statement that such employers may have obligations with respect to such employees under State laws relating to unemployment insurance and workers compensation.

(b) THRESHOLD REQUIREMENT FOR SOCIAL SECURITY TAXES.—

(1) AMENDMENTS OF INTERNAL REVENUE CODE.—

(A) Subparagraph (B) of section 3121(a)(7) of the Internal Revenue Code of 1986 (defining wages) is amended to read as follows:

"(B) cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer (within the meaning of subsection (y)), if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in subsection (y)) for such year;".

(B) Section 3121 of such Code is amended by adding at the end thereof the following new subsection:

"(y) DOMESTIC SERVICE IN A PRIVATE HOME.—For purposes of subsection (a)(7)(B)—

"(1) EXCLUSION FOR CERTAIN FARM SERVICE.—The term 'domestic service in a private home of the employer' does not include service described in subsection (g)(5).

"(2) APPLICABLE DOLLAR THRESHOLD.—The term 'applicable dollar threshold' means $1,250. In the case of calendar years after 1995, the Secretary of Health and Human Services shall adjust such $1,250 amount at the same time and in the same manner as under section 215(a)(1)(B)(ii) of the Social Security Act with respect to the amounts referred to in section 215(a)(1)(B)(i) of such Act, except that, for purposes of this paragraph, 1993 shall be substituted for the calendar year referred to in section 215(a)(1)(B)(ii)(II) of such Act. If the amount determined under the preceding sentence is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.".

(C) The second sentence of section 3102(a) of such Code is amended—

(i) by striking "calendar quarter" each place it appears and inserting "calendar year", and

(ii) by striking "$50" and inserting "the applicable dollar threshold (as defined in section 3121(y)(2)) for such year".

(2) AMENDMENT OF SOCIAL SECURITY ACT.—Subparagraph (B) of section 209(a)(6) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended to read as follows:

"(B) Cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer, if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in section 3121(y)(2) of the Internal Revenue Code of 1986) for such year. As used in this subparagraph, the term 'domestic service in a private home of the employer' does not include service described in section 210(f)(5).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1994.

(4) RELIEF FROM LIABILITY FOR CERTAIN UNDERPAYMENT AMOUNTS.—

(A) IN GENERAL.—On and after the date of the enactment of this Act, an underpayment to which this paragraph applies (and any penalty, addition to tax, and interest with respect to such underpayment) shall not be assessed (or, if assessed, shall not be collected).

(B) UNDERPAYMENTS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to an underpayment to the extent of the amount thereof which would not be an underpayment if—

(i) the amendments made by paragraph (1) had applied to calendar years 1993 and 1994, and

(ii)(I) the applicable dollar threshold for calendar year 1993 were $1,150, and

(II) the applicable dollar threshold for calendar year 1994 were $1,200.

SEC. 3. ALLOCATIONS TO FEDERAL DISABILITY INSURANCE TRUST FUND.

(a) ALLOCATION WITH RESPECT TO WAGES.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking "(O) 1.20 per centum" and all that follows through "December 31, 1999, and so reported," and inserting "(O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 1994, and so reported, (P) 1.88 per centum of the wages (as so defined) paid after December 31, 1993, and before January 1, 2000, and so reported, and (Q) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and so reported,".

(b) ALLOCATION WITH RESPECT TO SELF-EMPLOYMENT INCOME.—Section 201(b)(2) of such Act (42 U.S.C. 401(b)(2)) is amended striking "(O) 1.20 per centum" and all that follows through "December 31, 1999," and inserting "(O) 1.20 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989, and before January 1, 1994, (P) 1.88 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1993, and before January 1, 2000, and (Q) 1.80 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999,".

(c) Effective Date.—The amendments made by this section shall apply with respect to wages paid after December 31, 1993, and self-employment income for taxable years beginning after such date.

(d) Study on Rising Costs of Disability Benefits.—

(1) In general.—As soon as practicable after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct a comprehensive study of the reasons for rising costs payable from the Federal Disability Insurance Trust Fund.

(2) Matters to be included in study.—In conducting the study under this subsection, the Secretary shall—

(A) determine the relative importance of the following factors in increasing the costs payable from the Trust Fund:

(i) increased numbers of applications for benefits;

(ii) higher rates of benefit allowances; and

(iii) decreased rates of benefit terminations; and

(B) identify, to the extent possible, underlying social, economic, demographic, programmatic, and other trends responsible for changes in disability benefit applications, allowances, and terminations.

(3) Report.—Not later than December 31, 1995, the Secretary shall transmit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the results of the study conducted under this subsection, together with any recommendations for legislative changes which the Secretary determines appropriate.

SEC. 4. NONPAYMENT OF BENEFITS TO INCARCERATED INDIVIDUALS AND INDIVIDUALS CONFINED IN CRIMINAL CASES PURSUANT TO CONVICTION OR BY COURT ORDER BASED ON FINDINGS OF INSANITY.

(a) In General.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by inserting "and Certain Other Inmates of Publicly Funded Institutions" after "Prisoners";

(2) in paragraph (1) by striking "during which such individual" and inserting "during which such individual—", and by striking "is confined" and all that follows and inserting the following:

"(A) is confined in a jail, prison, or other penal institution or correctional facility pursuant to his conviction of an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed), or

"(B) is confined by court order in an institution at public expense in connection with—

"(i) a verdict that the individual is guilty but insane, with respect to an offense punishable by imprisonment for more than 1 year,

"(ii) a verdict that the individual is not guilty of such an offense by reason of insanity,

"(iii) a finding that such individual is incompetent to stand trial under an allegation of such an offense, or

"(iv) a similar verdict or finding with respect to such an offense based on similar factors (such as a mental disease, a mental defect, or mental incompetence),

and, for purposes of this subparagraph, an individual so confined shall be treated as remaining so confined until he or she is unconditionally released from the care and supervision of such institution and such institution ceases to meet the individual's basic living needs."; and

(3) in paragraph (3), by striking "any individual" and all that follows and inserting "any individual who is confined as described in paragraph (1) if the confinement is under the jurisdiction of such agency and the Secretary requires such information to carry out the provisions of this section.".

(b) Conforming Amendments.—

(1) Section 226 of such Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

"(i) The requirements of subsections (a)(2) and (b)(2) shall not be treated as met with respect to any individual for any month if a monthly benefit to which such individual is entitled under section 202 or 223 for such month is not payable under section 202(x).".

(2) Section 226A of such Act (42 U.S.C. 426–1) is amended by adding at the end the following new subsection:

"(d) The requirements of subsection (a)(1) shall not be treated as met with respect to any individual for any month if a monthly benefit to which such individual is entitled under section 202 or 223 for such month is not payable under section 202(x).".

(c) Effective Date.—The amendments made by this section shall apply with respect to benefits for months commencing after 90 days after the date of the enactment of this Act and with respect to items and services provided after such 90-day period.

The SPEAKER. Pursuant to the rule, the gentleman from Illinois [Mr. Rostenkowski] will be recognized for 20 minutes, and the gentleman from Kentucky [Mr. Bunning] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. Rostenkowski].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Ways and Means brings before the House today H.R. 4278, a bill simplifying and streamlining the payment of Social Security payroll taxes on domestic workers.

This bill will reform the so-called nanny tax to update an old law and to ease the paperwork burden on household employers. It will increase the number of employers who comply with the law and it will assure that more workers will receive much-needed protection under Social Security.

First, the Social Security tax threshold will be updated from $50 a quarter to $1,250 a year, beginning in 1995. In addition, the threshold will be indexed for the future. This threshold has not been updated since 1950, and, during those years, its value has declined.

No one ever intended that Americans be required to pay taxes on occasional babysitters or yard workers. But that's what has happened over time. This bill will take care of that problem by exempting this type of occasional work from Social Security taxes. At the same time, it will protect full-time nannies and housekeepers by assuring that they receive Social Security coverage.

Second, the bill will reduce paperwork for employers by permitting them to file their employment taxes on their own annual 1040 forms. This simplification—coupled with the updating of the threshold—should result in a significant increase in compliance with the law and should therefore increase the number of people protected under Social Security.

The bill includes two other provisions. The first reallocates a small portion of the Social Security payroll tax from the retirement and survivors fund to the disability fund. About one-third of 1 percent of payroll would be reallocated between funds. The total payroll tax rate paid by individual taxpayers would not change.

The Social Security trustees have recommended this reallocation to assure the short-term solvency of the fund. Without it, the disability insurance fund would become insolvent in 1995.

Finally, the bill suspends Social Security payments to people who are ordered—by a court of law—to be institutionalized at public expense because they are found not guilty of a crime by reason of insanity.

This measure would result in significant savings for the Social Security trust fund and would assure that this legislation falls within the budget rules.

Mr. Speaker, the House acted responsibly last summer and passed a change in both the nanny tax and in the allocation of the trust funds.

At the insistence of the Senate, however, the House was forced to drop these provisions in conference—for procedural reasons. So we are here today to pass them again.

I strongly urge my colleagues to give this bill their full support and to send it on to the Senate for speedy action.

Mr. Speaker, I reserve the balance of my time.

Mr. BUNNING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to be here. I would first like to acknowledge my esteemed colleagues The chairman of the Committee on Ways and Means, and particularly the chairman of the Social Security Subcommittee, for all of his efforts, including holding a separate and in depth hearing on each of the three issues in the bill that we are considering today. I appreciate his fairness and willingness to consider my views and those of other Members on my side.

The bill we are considering today contains three important provisions, all of which are long overdue in my estimation.

The first, a provision to fix the nanny tax problem, made famous by Zoe Baird—is in my view, just about 40 years overdue.

As anyone who has read a newspaper in the last year knows, domestic workers—many of whom work in private homes as housekeepers or nannies—have been covered under Social Security for almost 40 years, since 1955, as long as they earned at least $50 in wages in a calendar quarter.

Back then $50 was also the minimum amount that a worker had to earn in order to get any credit toward a Social Security benefit, and represented a week and a half's wage. But that $50 amount was never indexed.

And so, while times have changed for all other employers and workers, domestic workers and the people who employ them have remained frozen in the 1950's.

Because this amount was never indexed, householders who occasionally hire teenage baby sitters and pay them more than $50 a quarter, are technically in violation of the law for failing to report their wages to pay FICA taxes on them.

Congress never intended to make tax cheats out of law-abiding householders who occasionally hire a teenager to babysit their children.

And then there is the issue of all the burdensome paperwork that a householder had to complete in order to pay FICA taxes on the wages of a domestic or nanny.

The bill we are considering today addresses all of these problems.

It raises this outdated $50 wage threshold in a calendar quarter to $1,250 paid in a year—enough to exempt most teenage babysitters and lawn mowers.

I personally would have preferred a higher threshold amount—like the $1,800 threshold that was stripped from last year's budget reconciliation bill.

But I also appreciate the need to protect Social Security entitlement for those who spend their lifetimes in domestic employment—many of whom are low-income women, $1,250 is a reasonable middle ground.

The bill also allows householders who employ domestic workers to pay FICA taxes on their wages as part of their personal tax returns rather than have to complete all sorts of complicated additional paperwork.

The second provision seems to me to be something we need to do whether we like it or not. It would allow a transfer of funds from the Social Security retirement trust fund, which has enough money to last until 2036, to the disability trust fund, which will run out of money next year if we don't act now.

At the same time, however, I think we have to recognize that this transfer is just a Band-Aid. It is a temporary solution.

The administration has to take a serious look at why the disability program is in trouble and it has to act fast.

Congress voted the Social Security Administration extra money last year to process disability backlogs. We voted them $200 million to get the job done, and now we find out that $32 million of that was spent on pay increases and bonuses. This is outrageous and irresponsible.

Social Security Administration needs to get serious about clearing up the disability backlogs—they need to do something about disability reviews. They need to address these problems with the disability program before they hand out any more raises or bonuses.

The third provision is also overdue. Fourteen years ago, in 1980, Congress voted to prohibit payment of Social Security benefits to criminals like the Son of Sam, who are being completely supported at the taxpayers' expense as they serve out their time behind bars. The provision in their bill would likewise prohibit payment of benefits to those who have committed terrible crimes, but who are found not guilty by reason of insanity, and are institutionalized at taxpayers' expense instead of being imprisoned.

That is basically what this is all about. Nothing controversial. It is a commonsense approach to three issues which needed to be addressed. It deserves my colleagues support.

I thank the Chair for its attention to this important bill, and I look forward to its speedy passage.

□ 1220

Mr. Speaker, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield the remainder of my time to the gentleman from Indiana [Mr. JACOBS], the chairman of the Subcommittee on Social Security, and I ask unanimous consent that the gentleman from Indiana [Mr. JACOBS] be authorized to yield time.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Illinois?

There is no objection.

Mr. JACOBS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also thank the ranking member of the Committee on Ways and Means Social Security Subcommittee for his generous remarks, and in response, say that I have never had the pleasure of working with a more cooperative colleague in the Congress than I have the gentleman from Kentucky [Mr. BUNNING]. It takes two to work things out, and I am very grateful for that. I should also express for the record my gratitude to the gentleman from Massachusetts [Mr. TORKILDSEN] for his contribution to this legislation in clearing up a question of what is a felony and what is not a felony and who should be denied the Social Security benefits. His contribution has been enormous.

I incorporate by reference the remarks of the chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI], and of the ranking member, the gentleman from Kentucky [Mr. BUNNING]. They have described the proposed legislation well and the background of it.

A free society will not be civilized and will not be law-abiding in those instances in which the Government is negligent in terms of fairness of the law, and I confess for the Government that over the past half-century this Government has not forgotten to raise the threshold for any credit you might get for paying Social Security taxes, but in all that time has never raised the threshold for paying it, perhaps the best way to illustrate the ravages of inflation and what profound effects they can have on statutes.

I also incorporate by reference the phenomenon that happened in the earned income tax credit during the first few years of the 1980's when, in fact, it raised the taxes of the poorest working people in our society.

But one little anecdote I think would serve. When Speaker Joe Cannon was in office, or, rather, when he was elected Speaker for the first time, some of his friends explained to him that he had risen high on the social ladder in Washington, and he really ought to have a better place to live. So they took him out and they showed him a nice apartment that ran $400 a month rent, and the Speaker replied, "It would be OK with me fellows. But what would I do with the other $200 of my salary?" The congressional salary when he was Speaker of the House was $5,000, which seems rather unreal today, although I am sure there are some people who are watching C-SPAN who think that would be too much even today even for Members of Congress. But I think most people have a practical knowledge of how inflation works, and this bill is meant to ameliorate that situation.

I commend all of my colleagues who have participated and will participate in this effort for the splendid way in which they have done it in response to the public.

Mr. Speaker, I reserve the balance of my time.

Mr. BUNNING. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, certain issues that come before this body cry out for attention. Making sure that prisoners do not collect benefits while in jail is certainly one of them.

Convicted criminals in jail should not collect taxpayer-funded payments while there. Period.

But under a loophole in existing law, felons who are behind bars are denied Social Security benefits while convicts who are serving time for misdemeanors are allowed to continue receiving money. Because the definition of misdemeanor varies from State-to-State, this means some prisoners serving sentences in excess of 1 year continue to receive Federal money.

This defies logic.

While the taxpayers are paying to keep them in prison, prisoners should not receive any cash benefits.

The problem was highlighted in the Lawrence Eagle-Tribune, a newspaper that circulates in my district.

I propose simply that we cut off benefits to prisoners serving in prison. This simply makes sense.

Mr. Speaker, my proposed change has received bipartisan support in the subcommittee and the full committee, and I want to publicly thank the gentleman from Indiana and the gentleman from Kentucky for their assistance and also thank the gentleman from Indiana for his very kind words and support. This change has been partially included in this bill before the House today, and I hope my colleagues will also lend support.

There has been a lot of talk about welfare reform in the administration and by Members of this body. As we undertake this important task, there will no doubt be numerous areas of legitimate disagreement. However, there should be little room for disagreement on ending Social Security benefits for prisoners.

I urge my colleagues to support this important measure.

Mr. JACOBS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, 1½ years ago, much of the Nation was made aware of a law which affects hundreds of thousands of people and has been broken by countless employers—the law regarding Social Security earnings for domestic employees, the so-called nanny tax.

Excellent choices for public service could not be made in part because of nominees' failures to fully comply with this law. Many people have discovered they have run afoul of this law, which has not been updated in more than 40 years.

Today, if you use a babysitter or someone to mow your lawn on a regular basis, you may have an obligation to pay Social Security taxes for them. And while it was never the intent of this law to pay this tax for your 12-year-old babysitter, the law is very much needed to protect the men and women who make their living at domestic work.

This law is not one that affects only a few high-profile people. This affects hundreds of thousands of domestic workers, their families, and their employers. When employers fail to pay this tax, workers who have multiple employers can find themselves ineligible for benefits even after a lifetime of work. That is not right. This is absolutely wrong.

Mr. Speaker, I want to thank today a member of the staff of Ways and Means, Sandy Wise, for being very aware of what was happening as we were addressing this piece of legislation in knowing if we passed it in the wrong way many people who worked for multiple employers would lose their Social Security.

Last year, the Ways and Means Committee considered this issue in budget reconciliation. At that time, I was concerned that the $1,750 threshold adopted by both the subcommittee and the full committee would have caused 300,000 people—40 percent of domestic workers—to lose eligibility for Social Security. Those most affected would have been women with multiple employers who work only once or twice each month for each employer. Those women could conceivably work fulltime and receive no credit for Social Security.

Last fall, I introduced a bill with Congresswoman MEEK and Congressman HOUGHTON to raise the threshold to $1,000 per year. The $1,200 threshold in this bill is a good compromise that reduces the administrative burden on employers of the occasional babysitter, or house cleaner while ensuring that workers receive the benefits they are due. This action is long overdue, and I urge my colleagues to support it.

I would like to thank Congresswoman MEEK and Congressman HOUGHTON for their perseverance in working with me to bring forth good legislation. I look forward to containing work with them on this issue.

□ 1230

Mr. BUNNING. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague, the gentleman from the Commonwealth of Kentucky, for yielding this time to me.

Mr. Speaker, I strongly support H.R. 4278, and commend the committee for its hard work. This bill contains several important provisions that are long overdue. The so-called nanny tax became a household topic over the last 15 months, when several high-profile administration appointees were disqualified from service because they had failed to comply with the law. Those cases raised public awareness that the existing law is sorely out of date and in need of review. Many of my colleagues offered proposals to update a 1950's provision in the law to reflect modern day realities. My bill, H.R. 929, would have increased the threshold requirement from the current $50 limit to $300 per quarter, for an annual earnings total of $1,200. H.R. 4278 does virtually the same—making the annual threshold $1,250. This legislation also limits Social Security benefits for the criminally insane, a provision that closes a current inequity in our system that bars incarcerated felons from receiving Social Security but allows criminally insane people living in mental institutions to continue to claim those benefits. In effect, today we provide Social Security to the criminally insane while society is already paying for their housing and subsistence needs through mental institutions. Finally, this bill makes a technical change that will ensure continued funding of the gentleman from Social Security disability insurance fund—at least in the short term. Many Americans were stunned to learn recently that this fund is so strapped that it is heading for insolvency next year. This causes anxiety in my district. A report last month from the Social Security trustees delivered sobering news that SSDI and the other Social Security funds were in far worse shape and were becoming depleted at a much faster rate than had been predicted. As a member of the President's Bipartisan Commission of Entitlement Reform, I studied this report with alarm. Clearly, the current system is unsustainable. Today's action, although predominantly a stop-gap measure, at least buys us time until we can implement fair and effective changes to ensure the long-term solvency of Social Security. This is something we owe not only to today's retirees—but their children and grandchildren as well.

Mr. HOUGHTON. Mr. Speaker, I want to urge my fellow Members to support this legislation, H.R. 4278, to raise the threshold at which employers must start paying Social Security taxes for their domestic employees. The legislation is long overdue and will protect domestic employees while simplifying reporting requirements for employers.

As one of the originators of the bill, I want to emphasize that the bottom-line people issue is retirement coverage for domestic employees. Yes, there are other issues, such as the payment of income tax; although many of the employees probably have income below the minimum taxable amount. Also, the present filing requirements are numerous and burdensome. However, the overriding concern is to provide retirement coverage for domestic employees.

This bill is not complicated. It raises the threshold that triggers reporting of income to $1,250 per year from the present $50 a quarter. That was set during the Presidency of Mr. Truman. It ties this level to inflation. And it makes it easy for taxpayers to report openly, payments for domestic help, both to the Government and to the employees.

Employees should pay their share of income taxes. But the thrust of this new legislation is to bring those outside the Social Security system back under the umbrella—for their own ultimate protection.

We have been talking about this problem for over a year. It's time to make a change and pass this legislation.

Mrs. MEEK of Florida. Mr. Speaker, today is a happy day for me.

Almost 18 months ago, I introduced legislation to simplify and streamline the payment of employment taxes for domestic workers.

Today, after many twists and turns in the legislative process, the House is poised to pass our bill, H.R. 4278, the Social Security Act Amendments of 1994. Today, we can take a great leap forward in insuring fairness and economic justice for thousands of Americans who work hard for low wages but who, by and large, have been denied the full benefits of their labor.

This issue has gotten a lot of attention over the past year because several prominent people—the employers of domestic workers—failed to pay Social Security taxes for their employees.

Some of these prominent people were denied appointments to power government posts as a consequence of their failure. They became objects of sympathy to some because of what they were forced to give up.

H.R. 4278 will make it easier for employers like these by simplifying and streamlining the payment of Social Security taxes for domestic workers and reducing their administrative burden.

But Mr. Speaker, to me the chief value of H.R. 4278 is that it will help the employees—the people who work in other peoples' homes. For this bill will insure that they receive the Social Security coverage to which they are entitled by law when they retire or become disabled.

I know well these mostly nameless and faceless people who clean houses, offer in-home child care or provide other services in the home. I was once a domestic worker myself. My mother was a domestic worker. All of my sisters were domestic workers.

Over the years, I have known many women who have worked hard for low pay in domestic jobs. They struggled to support their children and often managed, through great effort and self-denial, to save a little so that their children could have a better future. They are very often minority women, already among the most vulnerable in our society.

These are people who do not get their names in the paper, and until recently, they have been unrepresented in Congress. H.R. 4278 changes all of that.

H.R. 4278 will provide Social Security coverage for these household workers and will give them the security and peace of mind that most workers in this country take for granted.

I strongly urge my colleagues to support this bill.

Mr. Speaker, I want to recognize and thank the chairman of the House Ways and Means Committee, Representative DANNY ROSTENKOWSKI, and the chairman of the Senate Finance Committee, Senator MOYNIHAN, for their sensitivity to the plight of domestic workers and the key roles they have played in moving this legislations forward.

I would also like to thank the distinguished chairman of the subcommittee on Social Security, Mr. JACOBS, for his leadership on this issue, as well as my friends and colleagues, Representative BARBARA KENNELLY of Connecticut and Representative AMO HOUGHTON of New York, who have worked so hard in keeping this issue on the national agenda and getting us to where we are today.

Mr. BEREUTER. Mr. Speaker, the correction of the so-called nanny tax problem, included in the Social Security Act Amendments of 1994, may be made at the expense of a very large number of domestic workers—many of them women who have worked their entire lives for multiple employers at very low wages.

The provision in the Social Security Act regarding domestic employees is intended to protect hundreds of thousands of domestic workers and their families. These men and women, many of whom work for a number of different employers at low wages, may find themselves ineligible for Social Security benefits after a lifetime of work if their employers are not paying Social Security taxes on their behalf. This Member's concern about H.R. 4278 is based on his concern about hurting these part-time domestic workers. This Member would hope that the conference committee will accept the lower threshold that is included in the legislation passed by the other body.

Indeed, there is a case to be made for a slight increase in the threshold at which the tax is applied. Certainly it was not intended to cover part-time teenage baby sitters or young people who mow lawns on weekends, but it is important to protect the men and women who make their livings at domestic work. While some adjustment might be made, the level in this legislation exempts too many employers and too many part-time domestic workers from Social Security coverage.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to support H.R. 4278 and its amendments to the Social Security Act.

This bill would stop the unconscionable practice of providing Social Security checks to the criminally insane while they're incarcerated in a psychiatric facility or prison.

You may find it hard to believe that individuals who commit some of society's most heinous crimes are entitled to collect a monthly Social Security check if they were found not guilty of a crime by reason of insanity. But it's true.

Not only is this an outrage to all hard-working, law-abiding citizen, it poses a real danger to the public safety.

In my home State of New Jersey, Herbert Ollson was confined to a State psychiatric facility after brutally stabbing his parents. While incarcerated, he collected over $9,000 in Social Security checks. Ollson used that money to entice two friends to help him escape. For 5 days, this extremely dangerous individual lived the high life, using taxpayer money to buy illegal drugs, before he was captured.

This case is not an isolated incident.

The bill before us would put an end to this scandalous and dangerous practice. I urge my colleagues to support it.

Mr. BUNNING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JACOBS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4278.

The question was taken.

Mr. JACOBS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOHN MINOR WISDOM U.S. COURTHOUSE

Mr. MINETA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2868), to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Courthouse."

The Clerk read as follows:

Senate amendments:

Page 1, line 6, strike out "Courthouse" and insert "Court of Appeals Building".

Page 2, line 6, strike out "Courthouse" and insert "Court of Appeals Building".

Amend the title so as to read: "An Act to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the 'John Minor Wisdom United States Court of Appeals Building', and for other purposes.".

The SPEAKER pro tempore (Mrs. KENNELLY). Pursuant to the rule, the gentleman from California [Mr. MINETA] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Senate-passed version of H.R. 2868, a bill to designate a Federal building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Court of Appeals Building." Mr. Speaker, this bill is virtually the same bill that passed the House on November 15, 1993, with a technical change by the Senate regarding the designation of the courthouse.

Madam Speaker, John Minor Wisdom was born in New Orleans, LA, on May 17, 1905. He graduated from Tulane Law School and was admitted to the Louisiana bar in 1929. He practiced law at a firm for 28 years. From 1942 to 1946, he served in the U.S. Army as a lieutenant colonel.

In 1957, he was nominated for appointment to the Fifth Circuit of the U.S. Court of Appeals by President Dwight D. Eisenhower and in 1977 received senior status.

Judge Wisdom is well know as an advocate for civil rights. He is credited with distinguished opinions in a number of landmark cases dealing with desegregation and discrimination, such as the case of the United States versus Jefferson County Board of Education, which used affirmative action to desegregate schools. In the case of United Papermakers versus United States, Judge Wisdom wrote the "rightful place" theory which prohibited the awarding of future jobs based on a seniority system which locked in race discrimination.

Currently, Judge Wisdom still presides as senior judge at the Fifth Circuit, U.S. Court of Appeals and the presiding judge of the special court for the

Regional Rail Reorganization Act of 1973.

Madam Speaker, it is appropriate to honor this great American jurist, by designating the Federal Building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Court of Appeals Building."

Finally, Judge Wisdom will be 89 years old on May 17 and this would be a fitting birthday tribute.

Madam Speaker, I want to commend the distinguished gentleman from Louisiana [Mr. JEFFERSON] for introducing this important piece of legislation, and the subcommittee for moving the bill expeditiously.

Madam Speaker, I urge an "aye" vote on concurring in the Senate amendment.

Madam Speaker, I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are about to complete final passage of a splendid tribute to one of this country's most distinguished judges, John Minor Wisdom, who will celebrate the beginning of his 90th year next Tuesday, May 17.

The designation of the U.S. Court of Appeals for the Fifth Circuit in New Orleans as the "John Minor Wisdom United States Court of Appeals Building" will serve as a continuing reminder of the extraordinary contribution John Minor Wisdom has made to this court and the U.S. legal system in his 65 years as lawyer and judge.

We noted on initial passage of this legislation the great debt that we owe to Judge Wisdom for his 37 years of service on the fifth circuit. Our legal system has been enriched by his participation in the judicial process. Through his love of liberty and his country, he has demonstrated a high morality to his fellow citizens.

Judge Wisdom has helped set a remarkable standard for the American judiciary that will be an inspiration for the generations ahead. He has become well known for the "Wisdom opinion" which seeks to place almost every case—whatever its significance—in its broad legal and historical context.

His respect for history has made every Wisdom opinion part of a continuing series of lessons in American history—and I should say the history of his beloved State of Louisiana and the other States in the fifth circuit—over the years.

I have known Judge Wisdom personally for nearly 30 years and have often said that no judge better deserved his name—"Wisdom." When I first visited the judge, his wonderful wife, Bonnie, and their three children in New Orleans in 1966, he had already established a reputation, together with several of his fifth circuit colleagues, as a leading protector of the Constitution and congressional will in the implementation of voting rights, school desegregation, and access to public accommodations throughout the South.

As we said last fall, the naming of the first circuit courthouse in honor of Judge Wisdom will not just recall the name of one of this country's most distinguished citizens, it will also serve as a constant reminder for generations to come of that extraordinary body of wisdom—well over 1,000 carefully crafted opinions—produced by one of our country's greatest minds and moral forces.

I am honored to participate in the passage of legislation that authorizes this action.

☐ 1240

Madam Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Madam Speaker, I am pleased to rise in support of H.R. 2868, a bill to name the U.S. Court of Appeals building in New Orleans, after Judge John Minor Wisdom.

Judge Wisdom, a native and resident of New Orleans, is married to the lovely Bonnie Stewart Mathews, and they have three children, John, Jr., Kathleen Scribner, and Penelope Tose. Although he took senior status on the court in 1977, he is still very active, and throughout his career, he has served America as an outstanding jurist.

[From the CONGRESSIONAL RECORD, Nov. 15, 1993]

JOHN MINOR WISDOM—VITA

John Wisdom received his A.B. in 1925 from Washington & Lee University and his LL.B. in 1929 from Tulane Law School. He practiced law in New Orleans from 1929 to 1967. From 1938 to 1967 he also taught law at Tulane. During World War II he served in the Army Air Force and attained the rank of Lieutenant Colonel. From 1964 to to 1967 he was a member of the President's Commission on [Anti-Discrimination in] Government Contracts.

Judge Wisdom has served as a member of the Judicial Panel on Multi-District Litigation (1966–79), and as the panel's chairman (1975–79). He has served on the Advisory Committee on Appellate Rules and on the Special Court organized under the Regional Rail Reorganization Act of 1973. He has been a member of the American Law Institute for over forty years, and is a member (emeritus) of the council.

Honorary degrees include LL.D.s from Oberlin College (1963); Tulane University (1976); San Diego University (1979); Haverford College (1982); Middlebury College (1987); Harvard University (1987) . He received the first Louisiana Bar Foundation Distinguished Jurist Award (1986) and the Tulane Distinguished Alumnus Award (1989).

In his thirty-one years on the bench he has participated in the decisions of more than 4,600 cases, signed over 960 published majority opinions and written unnumbered per curiams and unpublished opinions. In addition, he has written stirring dissents which have persuaded the Supreme Court to grant writs and to reverse.

Judge Wisdom's opinions create an intellectual structure for the law, and speak to the deepest issues with learning, eloquence, technical virtuosity and passion. Ambitious in length and scope, impressive in the compilation of authorities, deft in wit and imagery, his opinions have often been the source of ideas—even language—for United States Supreme Court opinions.

Many of his opinions helped to define civil rights law across the United States.

United States v. Louisiana (1965) which approved the freezing principle suspending state voters' registration law; and affirmed the duty of federal courts to protect federally created or federally guaranteed rights.

United States v. Jefferson County Board of Education (1967) which was the landmark case using affirmative action to desegregate schools "lock, stock, and barrel."

Meredith v. Fair (1962) which desegregated the University of Mississippi.

United States v. City of Jackson (1963) which desegregated bus and railroad terminals in Jackson, Mississippi.

Dombrouski v. Pfister (1965) where the Supreme Court upheld his dissent which would enjoin the State of Louisiana from using the legislature and judiciary to harass civil rights leaders by unwarranted prosecution.

Local 189, United Papermakers and Paperworkers v. United States (1976) which was the landmark case that adopted the "rightful place" theory and that prohibited awarding jobs based on a seniority system with locked-in race discrimination.

Judge Wisdom's expertise is not relegated only to civil rights and the judicial system. He has also written landmark opinions in such fields as admiralty, evidence, labor law, antitrust, and the Louisiana Civil Code.

Two decades ago Times Magazine said of him:

He is equally at home in archaeology, Greek tragedy and Louisiana civil law . . . (He) is one of the best (and most painstaking) opinion writers on any U.S. bench.

In the midst of his astounding workload, Judge Wisdom found time to show an interest in the people that worked for him. Charles S. Treat echoes the sentiment of many who nominated Judge Wisdom:

On a personal level, Judge Wisdom is the epitome of a Southern gentleman. He is a surrogate grandfather to my generation of clerks, taking a genuine and continuing interest in the lives, families, and careers of his judicial family. His extensive list of former clerks is virtually a nationwide legal fraternity, drawn together by our mutual and deep respect for the Judge and love for the man.

Mr. TRAFICANT. Mr. Speaker, courage, compassion, intelligence, and sincerity are just a few of the adjectives which can be used to describe Judge John Minor Wisdom. Judge Wisdom is currently a senior judge with an active docket. During his long, outstanding career Judge Wisdom has participated in numerous landmark legal decisions such as Meredith versus Fair. This historic decision desegregated the University of Mississippi; a decision that has benefitted our whole society. It is truly fitting to honor Judge John Minor Wisdom and his invaluable contributions to judicial proceedings by designating the U.S. courthouse at 600 Camp Street as the John Minor Wisdom United States Court of Appeals Building.

Mr. PETRI. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MINETA. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. KENNELLY). The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2868.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2868.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

JOHN F. KENNEDY CENTER ACT AMENDMENTS OF 1994

Mr. MINETA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3567) to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John F. Kennedy Center Act Amendments of 1994".

SEC. 2. FINDINGS, BUREAU, BOARD OF TRUSTEES, AND ADVISORY COMMITTEE.

(a) FINDINGS.—Section 1 of the John F. Kennedy Center Act (20 U.S.C. 76h note) is amended—

(1) by striking "SECTION 1." and inserting the following:

"SECTION 1. SHORT TITLE AND FINDINGS.

"(a) SHORT TITLE.—"; and

(2) by adding at the end the following:

"(b) FINDINGS.—Congress finds that—

"(1) the late John Fitzgerald Kennedy served with distinction as President of the United States and as a Member of the Senate and the House of Representatives;

"(2) by the untimely death of John Fitzgerald Kennedy this Nation and the world have suffered a great loss;

"(3) the late John Fitzgerald Kennedy was particularly devoted to education and cultural understanding and the advancement of the performing arts;

"(4) it is fitting and proper that a living institution of the performing arts, designated as the National Center for the Performing Arts, named in the memory and honor of this great leader, shall serve as the sole national monument to his memory within the District of Columbia and its environs;

"(5) such a living memorial serves all of the people of the United States by preserving, fostering, and transmitting the performing arts traditions of the people of this Nation and other countries by producing and presenting music, opera, theater, dance, and other performing arts; and

"(6) such a living memorial should be housed in the John F. Kennedy Center for the Performing Arts, located in the District of Columbia.".

(b) EX OFFICIO TRUSTEES.—

(1) IN GENERAL.—Section 2 of such Act (20 U.S.C. 76h) is amended—

(A) by striking the section heading and all that follows before "There is hereby" and inserting the following:

"SEC. 2. BOARD OF TRUSTEES.

"(a) ESTABLISHMENT.—";

(B) in the first sentence by inserting "as the National Center for the Performing Arts, a living memorial to John Fitzgerald Kennedy," after "thereof";

(C) in the second sentence by striking "Chairman of the District of Columbia Recreation Board" and inserting "Superintendent of Schools of the District of Columbia"; and

(D) in the second sentence by striking "three Members of the Senate" and all that follows before "ex officio" and inserting "the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives and 3 additional Members of the House of Representatives appointed by the Speaker of the House of Representatives, and the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate and 3 additional Members of the Senate appointed by the President of the Senate".

(2) EFFECTIVE DATES.—

(A) SUPERINTENDENT OF SCHOOLS OF THE DISTRICT OF COLUMBIA.—The amendment made by paragraph (1)(C) shall take effect on the date of expiration of the term of the Chairman of the District of Columbia Recreation Board serving as a trustee of the John F. Kennedy Center for the Performing Arts on the date of the enactment of this Act.

(B) MEMBERS OF CONGRESS.—The amendment made by paragraph (1)(D) shall take effect on the date of the enactment of this Act.

(c) GENERAL TRUSTEES.—Section 2(b) of such Act is amended to read as follows:

"(b) GENERAL TRUSTEES.—The general trustees shall be appointed by the President of the United States and each such trustee shall hold office as a member of the Board for a term of 6 years, except that—

"(1) any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term;

"(2) a member shall continue to serve until such member's successor has been appointed; and

"(3) the term of office of a member appointed before the date of the enactment of the John F. Kennedy Center Act Amendments of 1994 shall expire as designated at the time of appointment.".

(d) ADVISORY COMMITTEE ON THE ARTS.—Section 2(c) of such Act is amended—

(1) by inserting "ADVISORY COMMITTEE ON THE ARTS.—" before "There shall be";

(2) in the first sentence by inserting "of the United States" after "President" the first place it appears;

(3) in the fifth sentence by striking "cultural activities to be carried on in" and inserting "cultural activities to be carried out by"; and

(4) in the last sentence by striking all that follows "compensation" and inserting a period.

SEC. 3. DUTIES OF THE BOARD.

Section 4 of the John F. Kennedy Center Act (20 U.S.C. 76j) is amended by striking the section heading and all that follows through the period at the end of subsection (a) and inserting the following:

"SEC. 4. DUTIES OF THE BOARD.

"(a) PROGRAMS, ACTIVITIES, AND GOALS.—

"(1) IN GENERAL.—The Board shall—

"(A) present classical and contemporary music, opera, drama, dance, and other performing arts from the United States and other countries;

"(B) promote and maintain the John F. Kennedy Center for the Performing Arts as the National Center for the Performing Arts—

"(i) by developing and maintaining a leadership role in national performing arts education policy and programs, including developing and presenting original and innovative performing arts and educational programs for children, youth, families, adults, and educators designed specifically to foster an appreciation and understanding of the performing arts;

"(ii) by developing and maintaining a comprehensive and broad program for national and community outreach, including establishing model programs for adaptation by other presenting and educational institutions; and

"(iii) by conducting joint initiatives with the national education and outreach programs of the Very Special Arts, an entity affiliated with the John F. Kennedy Center for the Performing Arts which has an established program for the identification, development, and implementation of model programs and projects in the arts for disabled individuals;

"(C) strive to ensure that the education and outreach programs and policies of the John F. Kennedy Center for the Performing Arts meet the highest level of excellence and reflect the cultural diversity of the Nation;

"(D) provide facilities for other civic activities at the John F. Kennedy Center for the Performing Arts;

"(E) provide within the John F. Kennedy Center for the Performing Arts a suitable memorial in honor of the late President;

"(F) develop, and update annually, a comprehensive building needs plan for the existing features of the John F. Kennedy Center for the Performing Arts;

"(G) plan, design, and construct all capital projects at the John F. Kennedy Center for the Performing Arts; and

"(H) provide information and interpretation; all maintenance, repair, and alteration of the building of the John F. Kennedy Center for the Performing Arts; and janitorial, security, and all other services necessary for operating the building and site of the John F. Kennedy Center for the Performing Arts.

"(2) ADMINISTRATIVE POWERS AND DUTIES.—

"(A) AUTHORITY TO ENTER INTO CONTRACTS.—The Board, in accordance with applicable law, may enter into contracts or other arrangements with, and make payments to, public agencies or private organizations or persons in order to carry out the Board's functions under this Act. Such authority includes utilizing the services and facilities of other agencies, including the Department of the Interior, the General Services Administration, and the Smithsonian Institution.

"(B) PREPARATION OF BUDGET.—The Board shall prepare a budget pursuant to sections 1104, 1105(a), and 1513(b) of title 31, United States Code.

"(C) USE OF AGENCY PERSONNEL.—The Board may utilize or employ the services of the personnel of any agency or instrumentality of the Federal Government or the District of Columbia, with the consent of the agency or the instrumentality concerned, upon a reimbursable basis, and utilize voluntary and uncompensated personnel.

"(D) SELECTION OF CONTRACTORS.—In carrying out its duties under this Act, the Board may negotiate any contract for an environmental system for, a protection system for, or a repair to, maintenance of, or restoration of the John F. Kennedy Center for the Performing Arts with selected contractors and award the contract on the basis of contractor qualifications as well as price.

"(E) MAINTENANCE OF HALLS.—The Board shall maintain the Hall of Nations, the Hall of States, and the Grand Foyer of the John F. Kennedy Center for the Performing Arts in a manner that is suitable to a national performing arts center that is operated as a Presidential memorial and in a manner consistent with other national Presidential memorials.

"(F) MAINTENANCE OF GROUNDS.—The Board shall manage and operate the grounds of the John F. Kennedy Center for the Performing Arts in a manner consistent with National Park Service regulations and agreements in effect on the date of enactment of the John F. Kennedy Center Act Amendments of 1994. No change in the management and operation of such grounds may be made without the express approval of the Secretary of the Interior and of the Congress.".

SEC. 4. OFFICERS AND EMPLOYEES; REVIEW OF BOARD ACTIONS.

(a) SOLICITATION AND ACCEPTANCE OF GIFTS.—Section 5 of the John F. Kennedy Center Act (20 U.S.C. 76k) is amended—

(1) by striking the section heading and all that follows before "The Board is" and inserting the following:

"SEC. 5. POWERS OF THE BOARD.

"(a) SOLICITATION AND ACCEPTANCE OF GIFTS.—"; and

(2) in subsection (a) by striking "Smithsonian Institution" and inserting "John F. Kennedy Center for the Performing Arts, as a bureau of the Smithsonian Institution,".

(b) APPOINTMENT OF OFFICERS AND EMPLOYEES.—Section 5(b) of such Act is amended to read as follows:

"(b) APPOINTMENT OF OFFICERS AND EMPLOYEES.—

"(1) CHAIRPERSON AND SECRETARY.—The Board shall appoint and fix the compensation and duties of a Chairperson of the John F. Kennedy Center for the Performing Arts, who shall serve as the chief executive officer of the Center, and a Secretary of the John F. Kennedy Center for the Performing Arts. The Chairperson and Secretary shall be well qualified by experience and training to perform the duties of their offices.

"(2) SENIOR LEVEL EXECUTIVE AND OTHER EMPLOYEES.—The Chairperson of the John F. Kennedy Center for the Performing Arts may appoint—

"(A) a senior level executive who, by virtue of the individual's background, shall be well suited to be responsible for facilities management and services and who may, without regard to the provisions of title 5, United States Code, be appointed and compensated with appropriated funds, except that such compensation may not exceed the maximum rate of pay for level IV of the Executive Schedule; and

"(B) such other officers and employees of the John F. Kennedy Center for the Performing Arts as may be necessary for the efficient administration of the functions of the Board.".

(c) TRANSFERS; REVIEW OF BOARD ACTIONS.—Section 5 of such Act is amended by striking subsection (c) and inserting the following:

"(c) TRANSFER OF PROPERTY.—Not later than October 1, 1995, such property, liabilities, contracts, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions transferred from the Secretary of the Interior pursuant to the amendments made by the John F. Kennedy Center Act Amendments of 1994 shall be transferred, subject to section 1531 of title 31, United States Code, to the Board as the Board and the Secretary of the Interior may determine appropriate. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which, and subject to the terms under which, the funds were originally authorized and appropriated.

"(d) TRANSFER OF PERSONNEL.—

"(1) IN GENERAL.—Employees of the National Park Service assigned to duties related to those functions being undertaken by the Board shall be transferred with their functions to the Board not later than October 1, 1995.

"(2) RIGHTS AND BENEFITS.—Transferred employees shall remain in the Federal competitive service retaining all rights and benefits provided under title 5, United States Code. For a period of not less than 3 years, transferred employees shall retain the right of priority consideration under merit promotion procedures or lateral reassignment for all vacancies within the Department of the Interior.

"(3) PARK POLICE.—All United States Park Police and Park Police guard force employees assigned to the John F. Kennedy Center for the Performing Arts shall remain employees of the National Park Service.

"(4) COSTS.—All usual and customary costs associated with any adverse action or grievance proceeding resulting from the transfer of functions under this section that are incurred before October 1, 1995, shall be paid from amounts appropriated to the John F. Kennedy Center for the Performing Arts.

"(5) REORGANIZATION AUTHORITY.—Nothing contained in this section shall be deemed to prohibit the Board from reorganizing functions at the John F. Kennedy Center for the Performing Arts in accordance with laws governing such reorganizations.

"(e) REVIEW OF BOARD ACTIONS.—The actions of the Board relating to performing arts and to payments made or directed to be made by the Board from any trust funds shall not be subject to review by any officer or agency other than a court of law.".

SEC. 5. REVIEWS, AUDITS, AND CLAIMS.

Section 6 of the John F. Kennedy Center Act (20 U.S.C. 76l) is amended—

(1) in subsection (c) by striking "its" and inserting "the Board's"; and

(2) by striking subsections (e) and (f) and inserting the following:

"(d) AUDIT OF ACCOUNTS.—At least once every 3 years, the Comptroller General shall review and audit the accounts of the John F. Kennedy Center for the Performing Arts for the purpose of examining expenditures of funds appropriated under authority provided by this Act.

"(e) INSPECTOR GENERAL.—The functions of the Board funded by amounts appropriated pursuant to section 12 of this Act shall be subject to the requirements of the Inspector General Act of 1978. The Inspector General of the Smithsonian Institution is authorized to carry out the requirements of such Act on behalf of the Board on a reimbursable basis.

"(f) PROPERTY AND PERSONNEL COMPENSATION.—

"(1) IN GENERAL.—The Board may procure insurance against any loss in connection with the property of the Board and other assets administered by the Board. The Board's employees and volunteers shall be deemed civil employees of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code; except that the Board shall continue to provide benefits with respect to any disability or death resulting from a personal injury to a nonappropriated fund employee of the Board sustained while in the performance of the employee's duties for the Board pursuant to the workers compensation statute of the jurisdiction in which the John F. Kennedy Center for the Performing Arts is located. Such disability or death benefits, whether under such workers compensation statute or chapter 81 of title 5, United States Code, shall continue to be the exclusive liability of the Board and the United States with respect to all employees and volunteers of the Board.

"(2) FEDERAL TORT CLAIMS.—Notwithstanding paragraph (1), no employee of the Board may bring suit against the United States under the Federal tort claims procedure of chapter 171 of title 28, United States Code, for disability or death resulting from personal injury sustained while in the performance of the employee's duties for the Board.

"(g) SETTLEMENTS, AWARDS, AND JUDGMENTS.—Any settlement, award, or judgment made or entered into pursuant to chapter 171 of title 28, United States Code, arising from any act or omission of an employee of the Board in the performance of a nonappropriated fund activity shall be paid only from funds available to the Board for its performing arts activities.".

SEC. 6. TECHNICAL AMENDMENTS.

Section 10 of the John F. Kennedy Center Act (20 U.S.C. 76p) is amended—

(1) by striking "he" and inserting "the Secretary"; and

(2) by striking "his" and inserting "the Secretary's".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

The John F. Kennedy Center Act (20 U.S.C. 76h–76q) is amended by adding at the end the following:

"SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

"(a) MAINTENANCE, REPAIR, AND SECURITY.—There is authorized to be appropriated to the Board $12,000,000 per fiscal year for each of fiscal years 1995 through 1999 to carry out subparagraph (H) of section 4(a)(1).

"(b) CAPITAL PROJECTS.—There is authorized to be appropriated to the Board $9,000,000 per fiscal year for each of fiscal years 1995 through 1999 to carry out subparagraphs (F) and (G) of section 4(a)(1).

"(c) LIMITATION ON USE OF FUNDS.—No funds appropriated pursuant to this section may be used for the direct expenses incurred in the production of performing arts attractions, or for personnel who are involved in performing arts administration (including supplies and equipment used by such personnel), or for production, staging, public relations, marketing, fundraising, ticket sales, and education. However, funds appropriated directly to the Board shall not affect nor diminish other Federal funds sought for performing arts functions and may be used to reimburse the Board for that portion of costs that are Federal costs reasonably allocated to building services and theater maintenance and repairs.".

SEC. 8. DEFINITIONS.

The John F. Kennedy Center Act (20 U.S.C. 76h–76q) is amended by adding at the end the following:

"**SEC. 13. DEFINITIONS.**

"For the purposes of this Act, the following definitions apply:

"(1) CAPITAL PROJECTS.—The term 'capital projects' means capital repairs, replacements, improvements, rehabilitations, alterations, and modifications to the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, including the theaters, garage, plaza, and building walkways.

"(2) MAINTENANCE, REPAIR, AND SECURITY SERVICES.—The term 'maintenance, repair, and security services' means all services and equipment necessary to maintain and operate the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, including the theater, garage, plaza, and building walkways in a manner consistent with requirements for high quality operations.

"(3) BUILDING AND SITE OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—The terms 'building and site of the John F. Kennedy Center for the Performing Arts' and 'grounds of the John F. Kennedy Center for the Performing Arts' mean the site in the District of Columbia on which the John F. Kennedy Center building is constructed and which extends to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled 'Transfer of John F. Kennedy Center for the Performing Arts', numbered 844/82563, and dated April 20, 1994, which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior.".

SEC. 9. RULES AND REGULATIONS.

(a) AUTHORITY TO PRESCRIBE.—Section 5(a) of the Act of October 24, 1951 (40 U.S.C. 193r) is amended—

(1) by striking "Institution and" and inserting "Institution,"; and

(2) by inserting ", and the Trustees of the John F. Kennedy Center for the Performing Arts," after "National Gallery of Art".

(b) AUTHORITY TO SUSPEND.—Section 8 of such Act (40 U.S.C. 193u) is amended by striking "the Secretary of the Smithsonian Institution or the Trustees of the National Gallery of Art or" each place it appears and inserting "the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, the Trustees of the John F. Kennedy Center for the Performing Arts, or".

(c) BUILDINGS AND GROUNDS DEFINED.—Section 9 of such Act (40 U.S.C. 193v) is amended by adding at the end the following:

"(3) The site of the John F. Kennedy Center for the Performing Arts, which shall be held to extend to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled 'Transfer of John F. Kennedy Center for the Performing Arts', numbered 844/82563, and dated April 20, 1994, which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MINETA] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3567, the John F. Kennedy Center Act Amendments of 1994, as amended. Today is indeed a historic occasion as this bill, by making significant changes to the John F. Kennedy Center Act, gives the Kennedy Center, for the first time, full responsibility for its own activities.

First of all, Madam Speaker, I want to commend the gentleman from Ohio, the subcommittee chairman on Public Buildings and Grounds, Mr. TRAFICANT, and the subcommittee's ranking Republican member, Mr. DUNCAN, for their fine leadership on this important measure. I would also like to recognize and thank the Committee on Natural Resources' Chairman GEORGE MILLER, ranking Republican DON YOUNG, Chairman BRUCE VENTO, ranking Republican member JAMES HANSEN of their Subcommittee on National Parks, Forests, and Public Lands and their staffs for their cooperation and hard work on this measure. I am pleased that this bill enjoys such broad bipartisan support. It is truly a visionary piece of legislation.

H.R. 3567, the John F. Kennedy Center Act Amendments of 1994, as amended, represents months of sustained effort, coordination and hard work by both the Kennedy Center, primarily Mr. James Wolfensohn, chairman of the board at the John F. Kennedy Center for the Performing Arts, and his staff, and the Department of Interior, specifically Secretary Babbitt and the representatives from the National Park Service. They all deserve our praise and thanks.

The Kennedy Center, like the Smithsonian Institution and its other bureaus, is a unique trust instrumentality of the United States.

The original act establishes the Kennedy Center not only as a cultural arts center, but also charges it with the responsibility of administering a living memorial to President John F. Kennedy. Finally, it has a mandated mission to serve both the local and national community.

Currently, the management of operations and maintenance of the Kennedy Center is shared between the Center's Board of Trustees and the National Park Service of the Department of Interior. Over the past 23 years since the building was constructed there have been several serious building defects and maintenance problems. The Kennedy Center Board and the Park Service have tried to share responsibility for the nonperforming arts aspects of the Kennedy Center's operations. Unfortunately, this shared approach has not been as successful as both would have hoped.

This bill, as amended, addresses this fundamental issue by giving the Kennedy Center sole responsibility for its building and site. As such, the Center will receive directly the general fund appropriations necessary to fulfill its new responsibilities. Currently, the nonperforming arts functions of the Center are funded by appropriations to the Park Service.

With the passage of this historic bill, the Kennedy Center management will for the first time enjoy both the responsibility and accountability for its building, theaters, and its performing arts and education activities. But with the responsibility also comes the opportunity to set a vision for the future. The current Kennedy Center management welcomes its new challenge and we are proud to have helped frame its mandate.

Madam Speaker, this legislation affirms once again the fundamental mission of the Nation's living memorial to President Kennedy, and I strongly urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to rise in support of H.R. 3567. This legislation will allow the Kennedy Center Board of Directors to have direct control of the financial resources necessary to maintain the Center.

My support for this legislation has been generated by the outstanding leadership which the chairman of the board of the Kennedy Center, Mr. James Wolfensohn, has brought to the Center's activities.

Mr. Wolfensohn is a shining example of a highly successful businessman who has combined tax dollars with private dollars to fund a Federal program. In fact, thanks to the respect with which Mr. Wolfensohn is held by his many friends in the United States and overseas, he has been able to raise $71,265,000 from private sources to support the programs of the Kennedy Center.

I appreciate Mr. Wolfensohn's willingness to not only seek direct control of the funding to maintain the Kennedy Center, but his willingness to be accountable for maximizing the use of the funds. An attribute rarely found in government these days.

The Kennedy Center has established an outstanding education program thanks to the efforts of Mr. Wolfensohn. This program serves thousands of children, their parents, and teachers in every State.

We are fortunate to have Jim Wolfensohn, who commands the respect of the National and International Performing Arts Community, as the chairman of the Board of Directors of the Kennedy Center.

I am pleased to join the chairman of the Public Buildings and Grounds Subcommittee, Congressman JIM TRAFICANT and the subcommittee's ranking Republican, Congressman JIMMY DUNCAN, who has played a key role in the bipartisan drafting of this legislation, in recommending House approval of H.R. 3567.

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Madam Speaker, I have no requests for additional time, and I yield back the balance of my time.

Mr. MINETA. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO], the very distinguished chairman of the Subcommittee on National Parks, Forests, and Public Lands of the Committee on Natural Resources, and I take this opportunity to thank him again for his hard work and cooperation on this measure.

Mr. VENTO. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, H.R. 3567, the John F. Kennedy Center Act Amendments of 1994, provides for a five-year authorization for maintenance, repair, and capital projects at the John F. Kennedy Center for the Performing Arts in the District of Columbia. The legislation, as introduced, also transfers all current National Park Service responsibilities and personnel to the Kennedy Center Board of Trustees. The Center will function in the future as a Bureau of the Smithsonian Institution, and funding for nonperforming arts purposes will be provided through an appropriation directly to the Board of Trustees.

H.R. 3567 was favorably reported to the House of Representatives by the Committee on Public Works and Transportation on March 24, 1994, and subsequently was referred to the Committee on Natural Resources through April 29, 1994. Since the committee was unable to meet on April 27 because of the Nixon funeral, the referral was extended through May 6. The Committee on Natural Resources reported the bill favorably to the House of Representatives on May 4, 1994.

At this point, I would like to take the opportunity to commend the hard work of my colleagues on the Public Works Committee. I appreciate their commitment to developing appropriate legislation while remaining sensitive to the concerns of the Natural Resources Committee and of the National Park Service. The legislation before us today is the product of many discussions among the agencies and the committees, and I believe it accomplishes the goals of all parties while protecting all interests. I thank the members of the Public Works Committee for agreeing to work with this committee and for their patience during the entire process.

The John F. Kennedy Center for the Performing Arts is an existing unit of the National Park System and for 20 years the National Park Service has been, by law, responsible for the nonperforming arts functions of the Center. The relationship between the National Park Service and the Kennedy Center Board of Trustees has been ambiguous at best. The Kennedy Center now requires approximately $100 million worth of repairs and capital improvements, and the need for clarification of the respective responsibilities has become critical. Both the National Park Service and the Kennedy Center have agreed that a complete separation of the National Park Service from the Center is the most appropriate resolution to the problems now facing the Center.

While I am an original cosponsor of the bill, and believe that the Kennedy Center Board of Trustees is the appropriate entity to manage the building, I had some concerns about certain provisions which are addressed in the amendment in the nature of a substitute approved by the Committee on Natural Resources and which is before the House today.

First, the committee amendment provides that the Board of Trustees will provide for the Center's management in a manner consistent with other national Presidential memorials. By law, and under this legislation, the Center will remain a memorial to the last President. I believe we must have a clearly enunciated policy to ensure that the Center meets the high standard fitting a national memorial.

Second, the amendment specifies that the grounds must be managed consistent with current National Park Service regulations and agreements. While I agree that the separation of powers is necessary and a positive step in accomplishing the required renovations, I remain concerned about the impact on surrounding National Park Service property. Because of the Kennedy Center's location amid heavily used and fragile National Park resources, I believe there should be continuity and consistency in the management of the grounds. The committee amendment requires the Kennedy Center to continue to manage the grounds according to current National Park Service regulations and agreements; any changes in such management must be approved by the Secretary and enacted by Congress. This amendment ensures the appropriate maintenance of both the building and the grounds while protecting the National Park Service interest in the surrounding property and open space.

Finally, the amendment references a map which delineates the boundaries of the John F. Kennedy Center for the Performing Arts, which upon enactment would be under the jurisdiction of the Board of Trustees.

These changes were agreed to by the Kennedy Center Board of Trustees, the National Park Service, and the Committee on Public Works and Transportation. I believe the version we are bringing to the House today will enable much-needed improvements to be made to the Kennedy Center while protecting the interests of the National Park Service and I urge my colleagues' support.

Ms. NORTON. Madam Speaker, good afternoon and thank you, Madam Speaker. I rise today in support of H.R. 3567, a bill to amend the John F. Kennedy Center Act to transfer operating and capital improvement responsibilities from the National Park Service to the Board of Trustees of the John F. Kennedy Center for the Performing Arts. I want to thank NORMAN MINETA, chairman, of the Committee on Public Works and Transportation, and JAMES TRAFICANT, chairman of the Subcommittee on Public Buildings and Grounds for guiding this bill to passage.

This bill is truly exemplary of efforts to reinvent government. Recognizing the inefficacy over the years of dividing responsibility for the operations, maintenance, and capital repairs of the Kennedy Center, the Board of Trustees of the Kennedy Center and the National Park Service mutually agreed to centralize these responsibilities with the Center's Board of Trustees. The approach crafted in the bill will promote stability and allow the Board to develop and carry out a plan that will set the Kennedy Center on a healthy financial and structural path for the 21st century. It will also enable the National Park Service to dedicate scarce human and financial resources to protecting and conserving our natural environment.

In addition, the bill is an excellent example of public/private partnership. Mr. James Wolfensohn, chairman of the Kennedy Center since 1990, has brought his extraordinary talent and energy to this legislation. In an effort to prevent the Center's continued deterioration, Mr. Wolfensohn asked Congress for responsibility to maintain and improve the Center. At the same time, understanding that Federal budgets are severely constrained, he has relentlessly raised funds from private donors during a time when fewer are contributing to cultural institutions. I am confident that under his leadership the Board will work effectively, to establish a capital improvements program that will restore the fading luster of the Center's physical structure.

The Kennedy Center has established itself as a hallmark national cultural arts center and Presidential memorial. In its two decades of life, it has created an enviable record by presenting diverse and quality art performances to traditional patrons of the arts, as well as reaching out to segments in communities and the Nation that have had little exposure to the arts. The Kennedy Center's new and innovative programs to educate our country's youth and to advance the arts nationwide replicate outstanding Kennedy Center programs already enjoyed by the residents of the District of Columbia. Most notable are the arts enterprise zone and cultural passport programs, which provide workshops, classes, and internships to disadvantaged students in the District, and professional development workshops to their teachers. This year, in collaboration with the renowned Dance Theatre of Harlem, the Kennedy Center has begun a new community initiative in the metropolitan Washington area. Classical ballet is introduced to students through lectures, demonstrations, workshops, training, and performances.

In the District, as in many States throughout the country, the Kennedy Center has created the unprecedented opportunity to make the arts a part of every child's education. H.R. 3567, by more fully delineating the Kennedy Center's educational purpose for its national programs, will enable the Kennedy Center to continue in this fine tradition of encouraging teachers, students, and their families to appreciate the importance of the visual and performing arts in the educational process and to share the experience of attending live performances.

Mr. TRAFICANT. Madam Speaker, the members of the Public Works and Transportation Committee offer their enthusiastic, bipartisan support for H.R. 3567, as amended. This bill will correct long-standing deficiencies in the management and operations of one of our Nation's most recognized and cherished buildings, the Presidential Memorial to John F. Kennedy.

Members of the committee have reviewed, analyzed, and critiqued the bifurcated management structure of the Kennedy Center, and in particular, the planning and management of its capital program. It became apparent that, in order to preserve an already substantial investment in this building, adjustments in the management structure were needed which would clearly place all management and operational responsibility and authority with the Board of the John F. Kennedy Center. This authority includes planning, designing, and constructing all capital projects at the Kennedy Center. The Center will retain its authority and responsibility for routine, daily maintenance. Having the ability to manage routine maintenance as well as planning and execution for capital improvements will most assuredly enhance the overall management and operation of this special institution.

The Center will continue in its leadership role in national performing arts programs for American citizens of all ages.

As always, the John F. Kennedy Center for the Performing Arts will be the national exemplar in performing arts activities and in educational programs in the arts for disabled individuals.

And, the John F. Kennedy Center for the Performing Arts will continue as the most prestigious memorial to President John F. Kennedy.

I wish to thank my chairman, NORM MINETA, for his support and guidance, Chairman BRUCE VENTO of the Natural Resources Committee for his cooperation, insight, and expeditious action on H.R. 3567, and finally, Congressman JOHN DUNCAN for lending his support for this bill.

As I have mentioned, this bill has broad bipartisan support at the subcommittee and full committee levels and I urge adoption of H.R. 3567.

Mr. MINETA. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. KENNELLY). The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and pass the bill, H.R. 3567, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CLEAR CREEK COUNTY, CO, LAND TRANSFER

Mr. VENTO. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1134) to provide for the transfer of certain public lands located in Clear Creek County, CO, to the United States Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

The Clerk read as follows:

Senate amendments:

(1) Page 2, line 22, strike out [(1)] and insert: *(1) The boundaries of the Arapaho National Forest are hereby modified as shown on the map referred to in section 2.*

(2) Page 6, lines 16 and 17, strike out [section 202] and insert: *section 2*

(3) Page 8, line 21, strike out all after "(c))." down to and including "Act," in line 24 and insert: *Any lands so transferred shall be held by the recipient thereof under the same terms and conditions as if transferred by the United States under such Act,*

(4) Page 9, line 15, strike out [MINING] and insert: *MINERAL*

(5) Page 10, strike out all after line 6 over to and including line 5 on page 11 and insert:

(b) LIMITATION ON PATENT ISSUANCE.—Subject to valid existing rights, no patent shall be issued after the date of enactment of this Act for any mining or mill site claim located under the general mining laws within the public lands referred to in sections 4 and 5.

(6) Page 11, line 10, strike out [title] and insert: *Act*

(7) Page 11, line 17, strike out [title] and insert: *Act*

(8) Page 11, line 19, strike out [title] and insert: *Act*

(9) Page 11, line 22, strike out [enactment of this Act] and insert: *their transfer to the ownership of another party*

(10) Page 11, strike out all after line 22, over to and including line 4 on page 12.

(11) Page 12, line 5, strike out [(d)] and insert: *(c)*

Amend the title so as to read: "An Act to provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the measure now before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1134 is a bill by the gentleman from Colorado [Mr. SKAGGS] that addresses the complicated land-ownership pattern in Clear Creek County, CO.

This area was the locale of some of the earliest discoveries of gold and silver in Colorado. As a result, the Federal lands in the county have been fragmented by extensive patenting of mining claims.

Some of the Federal lands in the county are now within the National Forest System. The remainder are under the jurisdiction of the Bureau of Land Management but, because of the fragmentation, are not readily manageable. As a result, BLM has proposed that they be added to the national forest or transferred out of Federal ownership.

The purpose of H.R. 1134 is to facilitate that process, by providing for the transfer of lands from BLM to the Forest Service, to the State of Colorado, to Clear Creek County, and to local governments.

The House passed the bill last year. The Senate has now returned it to us with a number of amendments. Most of those changes are minor technical corrections, but there is also one substantive amendment, dealing with the treatment of mining claims on the lands that would be transferred out of Federal ownership.

As passed by the House, the bill would have allowed mining claimants to proceed to patent their claims, subject to certain restrictions. The Senate instead provides that, subject to valid existing rights, no such patents will be issued.

Madam Speaker, this is an acceptable change, which we believe is entirely consistent with the policy choice made by the House on this matter. Accordingly, I am asking that the House concur in the Senate amendments and send the bill to the President for signature into law.

Madam Speaker, I want to congratulate the sponsor of the bill, Mr. SKAGGS, for his initiative and hard work on this matter that is of interest not only to his constituents in Clear Creek County but also to the National Government. Thanks to his leadership, the bill provides a workable solution to a thorny problem. I commend him for his creativity and urge the House to concur in the Senate amendment to the bill.

Madam Speaker, I reserve the balance of my time.

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Senate amendments to H.R. 1134. This legislation would streamline Federal land management by transferring isolated and fragmented tracts of public lands in Clear Creek County, CO, to the Forest Service, the State of Colorado, and several local governments.

The Bureau of Land Management in 1986 determined that title to surface rights in Clear Creek County, CO, ought to be transferred to other owners. This decision was made because Federal ownership is fragmented, making the area difficult and uneconomic for the BLM to manage. At the present time, much of this land cannot be used by the general public because of poor access and problems identifying the boundaries between public and private lands.

This legislation would legislatively dispose of these lands and prevent the expensive and time-consuming transfer incurred using the BLM's standard procedures. In fact, some estimate that the costs of surveys and other administrative expenses normally incurred with transfers and disposals like these might actually exceed the revenue generated if these lands were sold.

I urge my colleagues to support H.R. 1134 and put these Federal lands in the hands of those who are better able to manage them.

□ 1300

Mr. VENTO. Madam Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS] the principal architect of this measure.

Mr. SKAGGS. Madam Speaker, it gives me great pleasure to see the House about to give final congressional approval to this public lands transfer legislation. This bill originally passed the House almost a year ago, and is now back before us for agreement to some relatively minor amendments made by the Senate last month.

I originally introduced this bill to make sense of a crazy-quilt of land ownership patterns in Clear Creek County, CO, that has been described as resembling an explosion in a spaghetti factory. The bill will bring some order to bear and do so in a way that saves everybody—especially American taxpayers—money. It will also help protect open-space areas and preserve historic sites.

As part of its plan to merge its eastern Colorado operations into one administrative office, BLM has long sought to turn over to other units of Government many of its scattered, fragmented parcels of lands, some measured in inches, in Clear Creek County, in the eastern mountains of Colorado. This bill will help achieve that goal by transferring more than 14,000 acres of land from the BLM to the U.S. Forest Service, to the State of Colorado, to Clear Creek County, and to the towns of Georgetown and Silver Plume.

First, it transfers some BLM lands to the Arapaho National Forest, with the Forest Service to become responsible for their administration. This transfer clears up some clumsy boundary lines in the national forest and relieves BLM of responsibility for small parcels that would be more appropriately managed as part of the forest.

Second, it transfers additional lands to the State of Colorado, the county, and the towns I mentioned. Again, this is intended to clear up confusing boundaries, and will facilitate effective management of those lands for wildlife, recreation, and other public purposes.

A third category of lands will be transferred to Clear Creek County. After the county prepares a comprehensive land use plan for these, it may resell some of the land. Other parcels will be transferred to local governments, including the county, to be retained for recreation and public purposes.

Although BLM could transfer these lands under existing law, it would be required first to prepare a land survey of each parcel of land. Since the lands in question include many small, odd-shaped parcels—some measured in inches—BLM estimates that the normal boundary surveys would take at least another 15 years to complete, and could cost as much as $18 million. But, the estimated market value of these lands is ony $3 million.

Because the administrative costs were expected to be so much higher than the value of these lands, their disposal under existing law probably would never happen. In addition, once it decided to transfer these lands, BLM had really stopped managing them—leading potentially to all of the problems which befall abandoned property.

In effect, H.R. 1134 facilitates the disposal of these lands by allowing the lands to be transferred without land surveys, with any required surveys to be conducted later, by the recipients. In part, this is accomplished by authorizing the county to act as the BLM's sales agent. The Federal Government will ultimately receive any net receipts from the sale of these lands by the county. I do not wish to mislead my colleagues into thinking that this will result in any significant income for the Treasury. As the House committee report concludes, the transaction costs involved in these sales will probably be higher than total receipts. But compared to operating under existing law, this arrangement will save taxpayers at least $15 million.

Obviously, Clear Creek County will not reap any financial benefit from acting as BLM's sales agent. The county seeks to gain in other ways. It seeks to ensure that the eventual disposal of these lands is consistent with local land use planning laws and with the ability of local services to accommodate potential development. It seeks to ensure that important recreational, open space, and other values are preserved by retaining some of these lands in public ownership under terms of the Recreation and Public Purposes Act. Finally, the county seeks to expedite the disposal of those parcels suitable for sale, restoring them to the tax base.

In conclusion, this is more than just a good legislation, it is an extraordinary example of how the ingenuity of many individuals has turned a difficult problem—which appeared to be a losing proposition for all involved—into an orderly solution which offers benefits for all.

I wish to thank my colleague from Minnesota, the chairman of the Subcommittee on National Parks, Forests and Public Lands, Mr. VENTO, as well as the distinguished Chairman of the full committee, Mr. MILLER, for their continuing support and expeditious action on this bill. In addition, I wish to express my appreciation to the professional staff of the subcommittee and committee for their earlier work on the bill.

As the culmination of many years of work by the BLM, the Forest Service, Clear Creek County officials, the State of Colorado, and their citizen advisors, there are many individuals who deserve credit for this proposal. While I do not have time to thank them all, I do want to again recognize the contributions of former Clear Creek County Commissioner Peter Kenney. In conclusion, I urge all of my colleagues to support H.R. 1134 as passed by the Senate. It is a well-reasoned, efficient approach to resolve a complex land transaction problem—one that is supported by all of the parties involved.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

Mr. VENTO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. Kennelly). The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and concur in the Senate amendments to H.R. 1134.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COLORADO LAND EXCHANGES

Mr. VENTO. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 341) to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

The Clerk read as follows:

S. 341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) Eagle and Pitkin Counties in the State of Colorado (hereinafter in this Act referred to as the "Counties") are offering to convey to the United States approximately one thousand three hundred and seven acres of patented mining claim properties owned by the Counties with or adjacent to the White River National Forest (hereinafter in this Act referred to as the "National Forest inholdings"), including approximately six hundred and sixty nine acres of inholdings within the Holy Cross, Hunter-Fryingpan, Collegiate Peaks, and Maroon Bells-Snowmass Wilderness Areas;

(2) the properties identified in paragraph (1) are National Forest inholdings whose acquisition by the United States, would facilitate better management of the White River National Forest and its wilderness resources; and

(3) certain lands owned by the United States within Eagle County comprising approximately two hundred and seventeen acres and known as the Mt. Sopris Tree Nursery (hereinafter in this Act referred to as the "nursery lands") are available for exchange and the Counties desire to acquire portions of the nursery lands for public purposes.

(b) Purposes.—The proposes of this Act are—

(1) to provide the opportunity for an exchange whereby the Counties would transfer to the United States the National Forest inholdings in exchange for portions of the nursery lands;

(2) to provide an expedited mechanism under Federal law for resolving any private title claims to the National Forest inholdings if the exchange is consummated; and

(3) after the period of limitations has run for adjudication of all private title claims to the National Forest inholdings, to quite title in the inholdings in the United States subject to valid existing rights adjudicated pursuant to this Act.

SEC. 2. OFFER OF EXCHANGE.

(a) Offer by the Counties.—The exchange directed by this Act shall be consummated if within ninety days after enactment of this Act, the Counties offer to transfer to the United States, pursuant to the provisions of this Act, all right, title, and interest of the Counties in and to approximately—

(1) one thousand two hundred and fifty eight acres of lands owned by Pitkin County within and adjacent to the boundaries of the White River National Forest, Colorado, and generally depicted as parcels 1-53 on maps entitled "Pitkin County Lands to Forest Service", numbered 1-11, and dated April 1990, except for parcels 20 (Twilight), 21 (Little Alma), the Highland Chief, and Alaska portions of parcel 25 depicted on map 7, and parcel 52 (Iron King) on map 11, which shall remain in their current ownership; and

(2) forty-nine acres of land owned by Eagle County within and adjacent to the boundaries of the White River National Forest, Colorado, and generally depicted as parcels 54-58 on maps entitled "Eagle County Lands to Forest Service", numbered 12-14, and dated April 1990, except for parcel 56 (Manitou) on map 14 which is already in National Forest ownership.

(b) Exchange by the Secretary.—Subject to the provisions of section 3, within ninety days after receipt by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") of a quitclaim deed from the Counties to the United States of the lands identified in subsection (a) of this section, the Secretary, on behalf of the United States, shall convey by quitclaim deed to the counties, as tenants in common, all right, title, and interest of the United States in and to approximately one hundred and thirty-two acres of land (and water rights as specified in section 7 and the improvements located thereon), as generally depicted as tract A on the map entitled "Mt. Sopris Tree Nursery", dated October 5, 1990.

SEC. 3. RESERVATIONS AND CONDITIONS OF CONVEYANCE.

(A) Reservations.—In any conveyance to the Counties pursuant to section 2, the Secretary shall reserve—

(1) all right, title, and interest of the United States in and to approximately eighty-five acres of land (and improvements located thereon), which are generally depicted as tracts B (approximately twenty-nine acres) and C (approximately fifty-six acres) on the map referred to in section 2(b);

(2) water rights as specified in section 7(a); and

(3) any easements, existing utility lines, or other existing access in or across tract A currently serving buildings and facilities on tract B.

(b) Reversion.—It is the intention of Congress that any lands and water rights conveyed to the Counties pursuant to this Act shall be retained by the Counties and used solely for public recreation and recreational facilities, open space, fairgrounds, and such other public purposes as do not significantly reduce the portion of such lands in open space. In the deed of conveyance to the Counties, the Secretary shall provide that all right, title, and interest in and to any lands and water rights conveyed to the Counties pursuant to this Act shall revert back to the United States in the event that such lands or water rights or any portion thereof are sold or otherwise conveyed by the Counties or are used for other than such public purposes.

(c) Equalization of Values.—Values of the respective lands exchanged between the United States and the Counties pursuant to this Act are deemed to be of approximately equal value, without any need for cash equalization, as based on a statement of value prepared by qualified Forest Service appraisers and dated February 12, 1993.

(d) Right of First Refusal.—The Secretary may convey any or all of the nursery lands reserved pursuant to subsection (a) of this section for fair market value under existing authorities, except that the Secretary shall first offer the Counties the opportunity to acquire the lands. This right of first refusal shall commence upon receipt by the Counties of written notice of the intent of the Secretary to convey such property, and the Counties shall have sixty days from the date of such receipt to offer to acquire such properties at fair market value as tenants in common. The Secretary shall have sole discretion as to whether to accept or reject any such offer of the Counties.

SEC. 4. STATUS OF LANDS ACQUIRED BY THE UNITED STATES.

(a) National Forest System Lands.—The National Forest inholdings acquired by the United States pursuant to this Act shall become a part of the White River National Forest (or in the case of portions of parcels 39, 40, and 41 depicted on map 9, and a portion of parcel 54 of map 12, part of the Gunnison and Arapahoe National Forests, respectively) for administration and management by the Secretary in accordance with the laws, rules, and regulations applicable to the National Forest System.

(b) Wilderness.—The National Forest inholdings that are within the boundaries of the Holy Cross, Hunter-Fryingpan, Collegiate Peaks, and Maroon Bells-Snowmass Wilderness Areas shall be incorporated in and deemed to be part of their respective wilderness areas and shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness.

SEC. 5. RESOLVING TITLE DISPUTES TO NATIONAL FOREST INHOLDINGS.

(a) Quiet Title Act.—Notwithstanding any other provisions of law and subject to the provisions of subsection (c) of this section, section 2409a of title 28, United States Code (commonly referred to as the "Quiet Title Act") shall be the sole legal remedy of any party claiming any right, title, or interest in or to any National Forest inholdings conveyed by the Counties to the United States pursuant to this Act.

(b) Listing.—Upon conveyance of the National Forest inholdings to the United States, the Secretary shall cause to be published in a newspaper or newspapers of general circulation in Pitkin and Eagle Counties, Colorado, a listing of all National Forest inholdings acquired pursuant to this Act together with a statement that any party desiring to assert a claim of any right, title, or interest in or to such lands must bring an action against the United States pursuant to such section 2409a within the same period described by subsection (c) of this section.

(c) Limitation.—Notwithstanding section 2409a(g) of title 28, United States Code, any civil action against the United States to quiet title to National Forest inholdings conveyed to the United States pursuant to this Act must be filed in the United States District Court for the District of Colorado no later than the date that is six years after the date of publication of the listing required by subsection (b) of this section.

(d) Vesting by Operation of Law.—Subject to any easements or other rights of record that may be accepted and expressly disclaimed by the Secretary, and without limiting title to National Forest inholdings conveyed by the Counties pursuant to this Act, all other rights, title, and interest in or to such National Forest inholdings if not otherwise vested by quitclaim deed to the

United States, shall vest in the United States on the date that is six years after the date of publication of the listing required by subsection (b) of this section, except for such title as is conveyed by the Counties, no other rights, title, or interest in or to any parcel of the lands conveyed to the United States pursuant to this Act shall vest in the United States under this subsection if title to such parcel—

(1) has been or hereafter is adjudicated as being in a party other than the United States or the Counties; or

(2) is the subject of any action or suit against the United States to vest such title in a party other than the United States or the Counties that is pending on the date six years after the date of publication of a listing required by subsection (b) of this section.

(e) COSTS AND ATTORNEY'S FEES.—(1) At the discretion of the count, any party claiming right, title, or interest in or to any of the National Forest inholdings who files an action against the United States to quiet title and fails to prevail in such action may be required to pay to the Secretary on behalf of the United States, an amount equal to the costs and attorney's fees incurred by the United States in the defense of such action.

(2) As a condition of any transfer of lands to the Counties under this Act, the Counties shall be obligated to reimburse the United States for 50 percent of all costs in excess of $240,000 not reimbursed pursuant to paragraph (1) of this subsection associated with the defense by the United States of any claim or legal action brought against the United States with respect to any rights, title, and interest in or to the National Forest inholdings. Payment shall be made in the same manner as provided in section 6 of this Act.

SEC. 6. REIMBURSEMENT TO THE UNITED STATES.

(a) IN GENERAL.—As a condition of any transfer of lands to the Counties under this Act, in addition to any amounts required to be paid to the United States pursuant to section 5(e), in the event of a final determination adverse to the United States in any action relating to the title to the National Forest inholdings, the United States shall be entitled to receive from the Counties reimbursement equal to the fair market value (appraised as if they had marketable title) of the lands that are the subject of such final determination.

(b) AVAILABILITY OF FUNDS.—Any money received by the United States from the Counties under section 5(e) or subsection (a) of this section shall be considered money received and deposited pursuant to the Act of December 4, 1967, as amended (and commonly known as the Sisk Act, 16 U.S.C. 484a).

(c) IN-KIND PAYMENT OF LANDS.—In lieu of monetary payments, any obligation for reimbursement by the Counties to the United States under this Act can be fulfilled by the conveyance to the United States of lands having a current fair market value equal to or greater than the amount of the obligation. Such lands shall be mutually acceptable to the Secretary and the Counties.

SEC. 7. WATER RIGHTS.

(a) ALLOCATION AND MANAGEMENT.—The water rights in existence on the date of enactment of this Act in the Mt. Sopris Tree Nursery, which comprise well water and irrigation ditch rights adjudicated under the laws of the State of Colorado, together with the right to administer, maintain, access, and further develop such rights, shall be allocated and managed as follows:

(1) The United States shall convey to the Counties as undivided tenants in common all rights associated with the five existing wells on the properties.

(2) If the Secretary determines that water from the five existing wells is necessary to meet culinary, sanitary, or domestic uses of the existing buildings retained by the United States pursuant to section 3(a), the Counties shall make available to the United States, without charge, enough water to reasonably serve such needs and shall additionally, if requested by the United States, make every effort to cooperatively provide to the United States, without charge, commensurate with the Counties' own needs on tract A, water to serve reasonable culinary, sanitary, and domestic uses of any new buildings which the United States may construct on its retained lands in the future.

(3) All Federally owned irrigation ditch water rights shall be reserved by the United States.

(b) MODIFICATION OF ALLOCATION.—If the Secretary and the Counties determine the public interest will be better served thereby, they may agree to modify the precise water allocation made pursuant to this section or to enter into cooperative agreements (with or without reimbursement) to use, share, or otherwise administer such water rights and associated facilities as they determine appropriate.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) TIME REQUIREMENT FOR COMPLETING TRANSFER.—If the Counties make a timely offer, pursuant to section 2(a), the transfers of lands authorized and directed by this Act shall be completed no later than one year after the date of enactment of this Act.

(b) BOUNDARY MODIFICATIONS.—The Secretary and the Counties may mutually agree to make modifications of the final boundary between tracts A and B prior to completion of the exchange authorized by this Act if such modifications are determined to better serve mutual objectives than the precise boundaries as set forth in the maps referenced in this Act.

(c) TRACT A EASEMENT.—The transfer of tract A to the Counties shall be subject to the existing highway easement to the State of Colorado and to any other right, title, or interest of record.

(d) VALIDITY.—If any provision of this Act or the application thereof is held invalid, the remainder of the Act and application thereof, except for the precise provision held invalid, shall not be affected thereby.

(e) FOREST HEADQUARTERS AND ADMINISTRATIVE OFFICES.—The White River National Forest headquarters and administrative office in Glenwood Springs, Colorado, are hereby transferred from the jurisdiction of the United States General Services Administration to the jurisdiction of the Secretary who shall retain such facilities unless and until otherwise provided by subsequent Act of Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 341, the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 341 would provide for a land exchange between the United States and two counties in western Colorado.

The bill is similar to one passed by the House in the last Congress on which action was not completed prior to the sine die adjournment.

Under the exchange, the two counties would receive about 132 acres of land near the community of El Jebel, outside national forest boundaries, that were once used by the forest service as a tree nursery. In return, the counties would transfer to the United States about 1,300 acres of national forest inholdings, including some lands within existing wilderness areas.

The tree-farm lands are located in a part of the valley of the Roaring Fork River, between Aspen and Carbondale, where rapid development is taking place and from which many residents commute into Aspen to work. The counties want to use these lands for public recreation and similar public purposes.

Under the bill, the counties could not transfer the lands, and the lands would revert to the ownership of the National Government if used for any purpose that would significantly reduce their open-space character.

The forest service has reviewed the values of the lands involved, to assure that the National Government will receive fair value in the exchange, and has determined that the values are closely comparable.

The national forest inholdings that the United States would receive in the exchange were originally patented as mining claims—that is, under the mining law of 1872 they were acquired from the United States for a very low price. But the mining companies that held these lands did not pay the property taxes on them, and the counties acquired them at tax sales.

Recently, the ownership of the lands have been subject to some disputes. Claims have been filed in the State courts, alleging that the counties do not have good title.

To protect the national interest, the bill provides that any disputes about the title to these inholdings must be resolved in Federal court, and requires the counties to share equally in any litigation costs exceeding $240,000 for which the court does not order reimbursement to the National Government from the party contesting the title.

Furthermore, should there be a successful challenge to the title of any of the national forest inholdings, the counties would be required to reimburse the United States, in money or in other lands acceptable to the Secretary of Agriculture.

Madam Speaker, S. 341 is a good bill that will enable the local governments to make appropriate public use of open-space lands no longer needed by the National Government and also improve the management of very valuable national forest lands, including important wilderness areas. It is a sound measure that properly balances the interests of the National Government, the two Colorado counties, and all others concerned. I urge passage of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 341 which would direct a land exchange of about 132 acres of Federal lands in Colorado for approximately 1,307 of inholdings owned by Eagle and Pitken Counties in Colorado.

This bill has been fully explained by Chairman VENTO. It is a commonsense bill that makes sense for both the Forest Service and Eagle and Pitken Counties. It is supported by the entire Colorado delegation and the administration.

Congressman SCOTT MCINNIS, who represents this area, has been actively involved in this legislation. In fact, he introduced H.R. 1199, which is the House companion to S. 341, and he is in full support of the Senate version.

I urge my colleagues to support S. 341.

Mr. MCINNIS. Madam Speaker, I urge my colleagues to approve S. 341, the Mount Sopris Tree Nursery Land Exchange which has been presented to the House today.

This legislation has passed the Senate three times, passed the House Natural Resources Committee and the House last Congress, and would have been law long ago had it not been for the timing of the congressional adjournment in October 1992. It has been my privilege to continue the efforts of Senator BEN NIGHTHORSE CAMPBELL, my predecessor as Representative from the Third District of Colorado, and to work with him this session, carrying forward the Senate-passed version through the House legislative process to completion today.

S. 341 is supported by the Forest Service, the administration, the Colorado congressional delegation, and numerous environmental organizations, business groups, and local government entities. We have all worked together for our constituents and the interests of Colorado, while seeking to preserve the integrity of the title and use of these beautiful areas.

Enacting this legislation will bring dozens of very sensitive wilderness inholdings into Forest Service ownership. Wilderness inholdings have caused many problems in our State, and particularly in my congressional district, so an opportunity such as presented by S. 341 to convey these inholdings into Federal ownership without controversy should not be passed up or delayed.

Since Pitkin and Eagle Counties have been seeking to acquire the Mount Sopris Tree Nursery lands for more than 5 years to devote them to public uses, the counties are anxious to begin using the lands for recreational facilities, a senior citizen meeting center, and other worthy purposes. When this legislation is passed today, use this summer may still be possible. Otherwise, other prime recreation seasons could pass before the public can use the land.

Madam Speaker, I would like to commend the commissioners of both Eagle and Pitkin Counties; the U.S. Forest Service; both the House and Senate Natural Resources Committees, notably House Natural Resources Committee Chairman MILLER and National Parks Subcommittee Chairman BRUCE VENTO for their longstanding cooperation and support for this legislation.

Madam Speaker, I urge the passage of the Mount Sopris Tree Nursery land exchange today.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

Mr. VENTO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 341.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF TIMETABLE FOR OFFERING AMENDMENTS ON H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995, AND H.R. 2108, BLACK LUNG BENEFITS RESTORATION ACT OF 1993

Mr. BEILENSON. Madam Speaker, I rise today to notify Members about the Rules Committee's plans for two measures: H.R. 4301, the fiscal year 1995 National Defense Authorization Act and H.R. 2108, the Black Lung Benefits Restoration Act of 1993.

It is my understanding, Mr. Speaker, that the Rules Committee plans to meet next week on both measures.

In order to provide for fair and timely consideration, the committee may grant rules on both measures that will structure the offering of amendments. Any Member who is contemplating an amendment to either measure should submit 55 copies of the amendment and one brief explanation by 12 noon on Monday, May 16. The committee offices are in room H-312 in the Capitol.

Mr. Speaker, Chairman MOAKLEY has sent two "Dear Colleague" letters to all offices explaining this procedure. We appreciate the cooperation of all Members.

PROVIDING FOR CONSIDERATION OF H.R. 2442, ECONOMIC DEVELOPMENT REAUTHORIZATION ACT OF 1994

Mr. BEILENSON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 420 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 420

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2442) to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the Act to improve the authority of the Secretary of Commerce to administer grant programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed ninety minutes, with sixty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the committee amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in part 2 of the report of the Committee on Rules, if offered by a Member designated in the report. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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The SPEAKER pro tempore (Mr. MCDERMOTT). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield the customary one-half hour of debate time to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 420 is the rule providing for the consideration of H.R. 2442, the Economic Development Reauthorization Act of 1994.

This is an open rule. It provides 90 minutes of general debate time, 60 minutes of which is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. The remaining 30 minutes is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, the rule waives all points of order against consideration of the bill. We are unaware of any controversy surrounding the waivers.

Under the rule, an amendment in the nature of a substitute, printed in part 1 of the report accompanying the rule, is made in order as an original bill for the purposes of amendment. The substitute shall be considered as read.

Further, the rule provides that before consideration of any other amendment, it shall be in order to consider the Kanjorski amendment printed in part 2 of the report. The Kanjorski amendment deals with the marketing and commercial licensing of Federal developed technologies and processes, and establishes a Business Development and Technology Commercialization Corporation.

The rule waives all points of order against the amendments printed in the report.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, this rule and the bill itself represent the results of true bipartisan work and negotiations, as well as the cooperation of several committees. I commend everyone involved for making these efforts to bring a bill to the House which has been carefully considered and which is the product of majority and minority cooperation, as well as of collaboration among major committees.

Mr. Speaker, the rule provides for the consideration of H.R. 2442, the Economic Development Reauthorization Act of 1994, which revises and extends the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

This reauthorization of these programs, which have been dependent on appropriations to keep them going since 1982, is long overdue. Now that we seem to have a consensus that believes certain agencies of the Government can help rebuild the economies of distressed communities by ensuring that Federal funds are used to leverage private investment, we have a good chance to have their reauthorization enacted.

Mr. Speaker, as a Member who represents an area that has been especially hard hit by the recession, by defense cutbacks, and more recently, by two major natural disasters—the fires of last fall and the January earthquake that destroyed so much of my district, including businesses there—I am especially pleased to see that the committees have shown a commitment to maintain a Federal presence to help such severely distressed communities. The EDA is to be commended for attempting to improve its role in helping communities adjust to these types of natural disasters, to base closures, and to defense cutbacks and for using its wide range of tools to help communities find new jobs.

GENERAL LEAVE

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Resolution 420.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule provides for consideration of H.R. 2442, the Economic Development and Reauthorization Act of 1994. This is a totally open rule, something we do not see on this floor very often. As a matter of fact, the extraneous material I just offered to the Chair points out that almost 80 percent of all rules that have come before this body this Congress have been closed or restrictive. So we are very grateful for the opportunity to have our traditional free and open debate.

However, there are several unusual features to this rule that Members should be aware of. First, the rule makes in order a compromise amendment in the nature of a substitute crafted by the Committee on Public Works and Transportation and the Committee on Banking, Finance and Urban Affairs. This compromise amendment, which is printed in the report of the Committee on Rules for this rule, will be considered as original text for the purpose of amendment on the floor.

Second, this rule allows for consideration of the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI], which adds a new title III to the bill, regarding business development assistance, prior to consideration of any other amendment.

Mr. Speaker, Members should be advised that amendments to the Kanjorski amendment will be taken up prior to consideration of titles I and II of the bill under the 5-minute rule. While I appreciate the open rule on this legislation, I cannot support the blanket waiver of points of order contained in this rule.

As I have pointed out in the past on numerous occasions, the Committee on Rules should specifically cite in each special rule reported which points of order under House rules are being waived and why. That is how we got ourselves into the sea of red ink we are in today—just waiving points of order, waiving the Budget Act. That is what we do when we waive all points of order—we waive the Budget Act.

This is an area that I sincerely hope the Committee on Rules can improve on in the future, and heaven knows, it needs improving.

In particular, Mr. Speaker, the gentleman from Pennsylvania [Mr. KANJORSKI] came before the Committee on Rules last week with a hotly debated amendment to, among other things, establish a new Business Development and Technology Commercialization Corporation outside the Government of the United States. This amendment required a germaneness waiver which the Committee on Rules provided.

I would just like to point out for the record that during the Committee on Rules consideration of another bill, just last week, H.R. 4296, which we all know is the assault weapons ban, the Committee on Rules majority, that is the Democrats on the other side of the aisle, refused to provide a germaneness waiver for the Republican amendment of the gentleman from Florida [Mr. MCCOLLUM] and refused even to make it in order. There was no "give it a waiver," no "allow it to be made in order." That amendment would have allowed debate on the other alternative to taking away the guns of law-abiding citizens. The alternative would have required, this is the other side of the coin now, would have required mandatory minimum sentences of criminals who commit crimes with guns. In other words, throw the book at these criminals, but do not take away the guns of law-abiding citizens.

We were denied that simply because the Rules Committee upstairs refused to even allow that to be debated on the floor. Is that not a shame?

Now, under this rule, the gentleman from Pennsylvania [Mr. KANJORSKI] is granted the opportunity to offer his amendment before any other amendment and is granted a germaneness waiver. I guess it pays to be a member of the Democrat Party. They certainly have special privileges.

Mr. Speaker, it is said that an elephant never forgets. I wish to notify my colleagues on the other side of the aisle that our side will be unlikely to forget this waiver. Hopefully, we can balance things out the next time we come back up to the Committee on Rules for another waiver.

Having said all that, I will reserve decision on how I am going to vote on this particular rule until we have heard from the gentleman from Pennsylvania [Mr. WALKER], whose committee was bypassed by that waiver. A little bit later on in this debate, I may have some questions as to why the waiver was granted.

Mr. Speaker, I include for the RECORD the information to which I referred.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	62	13	21	49	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 5, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from California [Mr. MINETA], chairman of the full committee.

Mr. MINETA. Mr. Speaker, on behalf of the Committee on Public Works and Transporation, particularly Mr. SHUSTER, our full committee ranking member, Mr. WISE, chairman of our Subcommittee on Economic Development, and Ms. MOLINARI, the subcommittee's ranking member, I rise in strong support of House Resolution 420 which provides for consideration of H.R. 2442, the Economic Development Reauthorization Act of 1994.

Mr. Speaker, House Resolution 420 provides for a process which is fair, responsible and responsive. It does so by providing for consideration of the bill under an open rule. Under the provisions of the resolution, no limitations are placed on amendments which may be offered. The rule protects the rights of every Member of the House—on both sides of the aisle. To those who advocate and support open rules as the very essence of the legislative process, House Resolution 420 is such a rule. When the leadership of the Public Works Committee testified before the Rules Committee, we requested an open rule and House Resolution 420 honors that request.

In that regard, I want to commend Chairman MOAKLEY, the members of the Rules Committee, and the manager of the resolution, Congressman BEILENSON, for bringing forth the kind of rule which I believe deserves unanimous bipartisan support.

House Resolution 420 also makes in order a compromise substitute as the original text for purposes of amendment. The compromise substitute amendment reflects a bipartisan agreement of the Public Works Committee and the Committee on Banking, Finance and Urban Affairs to revise and extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 and reauthorize the programs of the Economic Development Administration and the Appalachian Regional Commission.

On that point, I would also like to take this opportunity to thank the many members of the Public Works and Banking Committees who have worked long and hard on this important legislation. Those members include Mr. WISE, Ms. MOLINARI, and Mr. SHUSTER of the Public Works Committee, Mr. KANJORSKI, chairman of the Subcommittee on Economic Growth and Credit Formation of the Banking Committee, Mr. RIDGE, the subcommittee's ranking member, Mr. GONZALEZ, the full committee chairman, and Mr. LEACH, the committee's ranking member. Together, these two committees have held more than a dozen hearings this Congress exploring ways to modify, improve, and update the programs of EDA and the ARC. Collectively, I believe these members have produced a product that is visionary, responsive, and constructive.

The compromise substitute reauthorizes EDA and ARC programs for 3 years through fiscal year 1996. There are two titles in it. Title I reauthorizes EDA programs at $322 million for fiscal year 1994 and at an estimated amount of $386 million for each of fiscal years 1995 and 1996. Moreover, like previous committee- and House-passed EDA reauthorization bills, the substitute revises EDA's eligibility criteria and requires applicants to develop an investment strategy. These reforms will better enable EDA to target truly distressed communities and ensure that the funds are used to leverage private investment.

Title II reauthorizes ARC programs at $249 million for fiscal year 1994 and at an estimated amount of $214 million for each of fiscal years 1995 and 1996. To date, the Appalachian Regional Commission has overseen the construction of more than 2,200 miles of the Appalachian Development Highway System. The highway system, together with the ARC's community development programs, help diversify the economy, attract new business, and improve the quality of life in Appalachia.

In each succeeding Congress since 1981, the Public Works Committee has reported a bill reauthorizing and revising the EDA and ARC programs and the House has passed these bills by overwhelming margins. Those bills did not become law because the two previous administrations opposed these programs. Now we have an opportunity to begin anew and I believe that H.R. 2442, and specifically the compromise substitute, incorporates the necessary principles which will serve as the basis for long-standing bipartisan support for this legislation.

First, the authorizations contained are at levels considerably reduced from the pre-1982 authorization levels because of the Committee's strong commitment to help reduce our Federal deficit and national debt.

Second, the committee is strongly committed to maintaining a Federal presence to help severely distressed communities. In doing so, the substitute revises EDA's eligibility criteria to target the limited Federal dollars to the most distressed communities of our Nation. This is a major program reform that is long overdue.

Finally, in order to be eligible for assistance under H.R. 2442, the applicant must submit an investment strategy outlining how a particular project fits into a community's development plan. The required investment strategy will outline how the applicant will leverage private sector monies to leverage the Federal investment, and will help ensure that EDA is funding the right kinds of projects.

Today, for a number of reasons, I believe that Congress is in the best position in years to enact meaningful legislation to authorize and improve the EDA and ARC programs. I believe that H.R. 2442 and the substitute provide Congress with a great opportunity to better enable the programs of the Economic Development Administration and Appalachian Regional Commission to contribute to the economic strength of our Nation.

Mr. Speaker, I urge support of House Resolution 420 to allow us to consider this important legislation in a fair and open process.

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Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in no way do I want to criticize the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA]. That is my old committee, and the gentleman from California does an excellent job on that committee. I admire and respect him for it, but I do have to question these waivers.

Before I yield to the next speaker, Mr. Speaker, I just would like to ask these questions and perhaps answer them myself, so people understand what these waivers are all about.

Mr. Speaker, question No. 1, why is a blanket waiver of points of order against consideration of the bill provided by this rule?

The answer is, the Committee on Public Works and Transportation included a CBO cost estimate in its report of the bill, House Report 103–423, part 1. However, the Banking Committee report, House Report 103–423, part 2, does not include a CBO cost estimate. Waivers of clause 2(l)(3)C of rule 11 requiring a CBO cost estimate and clause 7(a)1 of rule 13 requiring a committee cost estimate are needed because of the absence of any cost estimate in the Banking Committee's reported bill.

In other words, Mr. Speaker, we are not following the rules of the House, so we have to have these waivers.

Question No. 2. As the gentleman knows, the Committee on Public Works and Transportation and the Committee on Banking, Finance and Urban Affairs produced a compromise amendment in the nature of a substitute, which is printed in part 1 of the Rules Committee report. This amendment will serve as original text for the purpose of amendment under the 5-minute rule. Why does the rule reported by the Rules Committee waive all points of order against this compromise amendment?

A waiver of clause 7, rule 16 regarding germaneness is needed for the amendment in the nature of a substitute. This bill was introduced by request of the Clinton administration. The introduced bill was only an authorization for the EDA; Public Works and Banking added the ARC. Thus, the amendment in the nature of a substitute in not germane to the introduced bill.

Mr. Speaker, additionally, a waiver of clause 5(a) of rule 21 prohibiting appropriations on a legislative bill is needed because section 118(d) "Funds Transferred From Other Departments and Agencies" allows for the transfer of certain receipts without returning them to the Treasury and going back through the appropriations process, very, very confusing.

Question No. 3, the rule before us also allows for consideration of an amendment, prior to any other amendment, by Mr. KANJORSKI, printed in part 2 of the Rules Committee report, adding a new title III, called Business Development Assistance, to the base text. What points of order are waived by the rule against this amendment?

A waiver of clause 7, rule 16 is necessary; the amendment is not germane to the bill.

The amendment also needs a waiver of 5(a) of rule 21, prohibiting appropriations on a legislative bill. Section 304(d)(4) of the Kanjorski amendment allows the Business Development and Technology Commercialization Corporation, that is a long phrase, established under this new title to retain and use a percentage of any royalties without returning funds to the Treasury and going through the appropriations process, in other words, following the rules of the House.

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Question: Would the gentleman agree that as a general principle the Committee on Rules could improve the deliberative process by citing specific House rules that are being waived by the special rules reported?

I would just say, the gentleman does not have to answer that question. It is the question of why we are concerned about blanket waivers, because I am sure that people who might be viewing this or even Members in their offices do not understand what I just said. It is the rules of the House we are concerned with and Members should know what these specific waivers are.

Mr. Speaker, I make this point not in real criticism but in hope that the next rules put out that specifically waive points of order will be such as we can look at and understand.

Mr. MINETA. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my very respected friend, the gentleman from California.

Mr. MINETA. As the gentleman will recall, the introduced bill by request only had the Economic Development Administration, but historically the Committee on Public Works and Transportation in dealing with the Economic Development Act always has with it the Appalachian Regional Commission, so to the extent we added ARC to the introduced bill, or to our bill, we had to get a technical waiver, the gentleman is absolutely correct on that.

Mr. Speaker, we did have a cost estimate as to title I and title II portion of the bill. The Committee on Public Works and Transportation really never asked for a general waiver nor is there a violation of the Budget Act in this provision or in the introduced bill or in the substitute that we have under consideration here.

Mr. Speaker, I just wanted to explain our committee's position on the relevant points that the gentleman brought up, and I hope the gentleman will accept the explanation for that.

Mr. SOLOMON. Mr. Speaker, the gentleman has certainly made a very cogent statement and he has made my case. The fact is that under this rule, no specific budget waiver is included. We are giving a blanket waiver but there is nothing in here that is going to waive the Budget Act specifically.

Mr. Speaker, Members are entitled to know that and that is why I say any rule we bring to this floor ought to cite the specific waivers so Members know what they are voting on.

Mr. BEILENSON. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to one of the most respected members of our Committee on Rules, another gentleman from California. We are always overrun with Californians on this floor for some reason.

Mr. BEILENSON. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I appreciate the explanation by Chairman MINETA for the reason for at least a couple of the waivers in there, but to the larger question our friend, the gentleman from New York poses, I think he makes a very valid point and this member at least of the Committee on Rules will join with the gentleman from New York in urging our committee in the future to be as specific as we possibly can in explaining the reasons for the various waivers, and in many cases as the gentleman understands, they are relatively technical in nature, in some instances as was explained by the gentleman from California [Mr. MINETA] for historical reasons in a sense we are including the ARC in with the EDA, was necessary for that purpose. In any case, I think it is a useful suggestion and perhaps we can work together on making it a reality.

Mr. SOLOMON. Mr. Speaker, the gentleman has made that argument in the Committee on Rules and I have commended him for it in the past.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER], the ranking member of the Committee on Science, Space, and Technology. The gentleman has returned to Washington even though there is an election primary going on in Pennsylvania today, and he wants to get back up there.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I just want to point out that one of the germaneness waivers in this rule has some major consequences to it, and I wish it had been more carefully considered.

Mr. Speaker, when we have an open rule, it is extremely important in many instances that we make certain that the committees of jurisdiction are properly protected. In the case of the Kanjorski amendment that will be offered under the waiver permitted in this rule, I think that is particularly important. This amendment is not germane to a public works bill. The bill that is going to be on the floor is a public works bill, but in this case what has happened is that the amendment slops over into the jurisdiction of the Committee on Science, Space, and Technology, because the amendment will deal with the subject of technology transfer, more particularly the Federal Technology Transfer Act, and this bill is going to drastically alter the Federal Technology Transfer Act.

Mr. Speaker, let me tell Members a few reasons why that is probably not a good thing for us to be doing with an amendment where germaneness was waived.

First of all, technology transfer in a centralized regime has been shown to be a failure time, after time, after time. When we centralize technology transfer, we get all the worst policies for this country. The Kanjorski amendment seeks to renege on what we have already decided to do in Federal technology transfer programs to decentralize the programs, it seeks to recentralize the programs and thereby it seems to me creates havoc in what we have been trying to achieve for some period of time in these programs.

Second, in the same area, the economic incentives that we are seeking to bring about in all of this come from individual laboratories and they promote economic development at the local level. What we have got here is now an attempt to renege on that and go back toward centralized kinds of control. It seems to me that makes no sense.

Mr. Speaker, let me tell Members where we have a real problem. As was mentioned in the remarks of the gentleman from New York [Mr. SOLOMON], the Committee on Banking, Finance and Urban Affairs portion of this does not have the cost estimate in it. So we are waiving germaneness and we are waiving the rules of the House with regard to the Committee on Banking, Finance and Urban Affairs' cost report. Guess why it may not have that. Because when the original Kanjorski bill on the subject matter addressed in this amendment was introduced, it had a $12 billion price tag to it. That was for fiscal years 1995–99.

Mr. Speaker, there are no cost figures given whatsoever for the amendment that is going to be before us. He has taken out some sections that were in the bill, but nevertheless we are sitting there with that bill that was originally introduced at $12 billion, we now have no cost estimates from the Committee on Banking, Finance and Urban Affairs, we have no costs in the amendment itself, we are already spending millions of dollars on the National Technology Transfer Center and the National Technical Information Service, millions are being spent already, and this is another add-on that we do not know the cost of.

Mr. Speaker, let us compare the $12 billion. This entire bill, the entire bill that is going to be before us is a $1.2 billion bill.

Mr. Speaker, if this thing stretches out to where the gentleman's original legislation was, this particular amendment could be 10 times the cost of the entire bill we have before us.

Mr. Speaker, it makes absolutely no sense to waive germaneness of the amendment and bring it to the floor in this kind of manner. This is exactly the kind of thing that ought to be brought before committees, it is exactly the kind of thing that ought to be brought to the floor in proper sequence, not with rules waived and not with germaneness waived on the House floor.

Mr. Speaker, let me make one final point. We are also doing this in violation of what the Clinton administration wants. The Clinton administration opposes this section (c) amendment.

Let me read a couple of things here that the Commerce Department has to say about this particular subtitle (c). The general counsel says that the administration would oppose subtitle (c) "because it creates a new corporation which would be empowered to act as patent licensing agent for Federal agencies. If it is intended that agencies be required to use the corporation's services, the provision is inconsistent with Federal law and policy, such as the Federal Technology Transfer Act, which encourages agencies to take an active part in managing and promoting their inventions. If the authority is merely permissive, it is difficult to see how the corporation could derive the revenues it needs to survive. We do support the principles of section 722, but believe that legislation would be premature at this time. The National Technical Information Service already makes much of this information available through catalogs and periodic alerts when an important invention is available for licensing. It also maintains a Patent Licensing Bulletin Board as a subsystem of FedWorld, its on-line gateway to bulletin boards and other information throughout the Government. Additional time is needed to develop and refine the system. At the present time, NTIS, which is self-supporting, would not be able to give the information products away for free and without limit as the section envisions. Accordingly, we recommend that subtitle (c) be deleted."

Mr. Speaker, what we have here is a germaneness waiver that goes against an administration policy, which in my view is bad policy when we begin centralizing tech transfer, and more importantly is done without cost estimates, and specifically the Committee on Banking, Finance and Urban Affairs refused to put the cost estimates into the report on the bill.

The Speaker, this is a bad, bad thing to do a germaneness waiver on, and for that reason I am very disappointed in what would typically be a good idea, an open rule, but an open rule that waives germaneness for this kind of an amendment seems to me does all the wrong things.

Mr. BEILENSON. Mr. Speaker, before I yield to our friend, the gentleman from Pennsylvania [Mr. KANJORSKI], I yield myself such time as I may consume.

Let me respond briefly, if I may, to the gentleman from Pennsylvania [Mr. WALKER]. Let me say to the gentleman from Pennsylvania [Mr. WALKER] that he made some very valid points, some of which were not, quite frankly, as our mutual friend, the gentleman from New York [Mr. SOLOMON], will attest, were not made to us at the meeting of the Committee on Rules. So some of this is sort of first time.

We have heard some of these things, but I accept them. I understand what the gentleman is saying. I listened carefully to what the gentleman was saying, so I think your comments were extremely useful and will be useful to us in the future.

I do want to respond, at least partially, to this extent at least, to let Members know that the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI] was, in fact, to which we gave this germaneness waiver, was a part of the original bill as reported by the Banking Committee. It did, although as I understand it now, it may well be that the gentleman from Pennsylvania [Mr. WALKER] was not included in these conversations, if that is the case, I wish the Committee on Rules had been advised of this earlier; that we did have the approval, that the Committee on Rules did have the approval, of the relevant involved committees of jurisdiction before we granted this particular waiver.

I think the gentleman from Pennsylvania [Mr. KANJORSKI] and members of his committee believe they are put at a disadvantage, because they think his amendment should be part of the original base bill instead of having to come in as a separate amendment.

I just wanted to explain this history that this was with the consent of the relevant committees and we made it in order.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, the gentleman makes an important point. It is my understanding, for instance, that the chairman of the Committee on Energy and Commerce sent a letter to the Committee on Rules specifically asking that the germaneness waiver not be granted and, you know, in the case of the Science Committee, it is true that the majority did agree to waive it. I did not, however, and really did not find out about the fact that this was moving through until after the committee had already said to go ahead on it.

I think that is bad policy. But that is a problem within our committee, not with you. In reference to the Committee on Energy and Commerce, I think you did have a letter from the Energy and Commerce chairman asking you not to grant the waiver.

Mr. BEILENSON. The gentleman is correct. At first we did in fact have that, and I was suggesting earlier, our mutual friend, the gentleman from New York [Mr. SOLOMON], will attest to the fact that during the hearing that representation in fact was made by the chairman of that committee. But subsequent to that time, at the request of the gentleman from Massachusetts [Mr. MOAKLEY], the various parties involved, perhaps not all, perhaps not the gentleman himself had the opportunity, was notified in a proper fashion, in a timely fashion, but the other people involved including the chairman to whom the gentleman from Pennsylvania alludes, in fact, did get together and did consent to this particular way of bringing the measure to the floor and bringing the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI] in as a separate measure.

There was apparent approval of everyone to whom the Committee on Rules spoke, a method which we are offering on the floor today.

Mr. WALKER. If the gentleman will yield further, the problem is, there is some concern about the process here, because there was an attempt to assure that the minority, I think, was included, but when my objections arose on my behalf, and I think the gentleman from Pennsylvania [Mr. SHUSTER] also was concerned about this, that seems to have been ignored in the process, and we moved forward without the minority being given due course.

Mr. BEILENSON. If I may reclaim my time, the gentleman makes a valid point except to say, in fairness, I think the members of the Committee on Rules were not aware of the gentleman's problem or, in fact, that the proper gentlemen were not spoken to with respect to the minority's position.

Mr. WALKER. If the gentleman will yield, just so you know, it was my impression, given some discussions I had on it, was that if the gentleman from Pennsylvania [Mr. SHUSTER] and I had not said that we were not going to sign off on this, that it was not to be brought forward, so I ended up somewhat surprised when I found out the whole thing was rolling ahead despite the fact the gentleman from Pennsylvania [Mr. SHUSTER] and I had not agreed to the process.

I thank the gentleman for his explanation.

Mr. BEILENSON. Not at all, and I appreciate, as I said earlier, the gentleman's remarks that were most helpful.

I want to respond to one more just so the Members will not be too terribly concerned about this either. The gentleman alluded to the fact the Kanjorski amendment or Kanjorski bill, as originally introduced, had something like a potential $12 billion cost. This gentleman is informed and does, in fact, believe that the amendment which was made in order and for which germaneness was waived does not involve any substantial cost whatsoever and it was on that basis, of course, that we granted this waiver which we thought under the circumstances was, therefore, relatively a technical one.

Mr. WALKER. If the gentleman will yield further, the problem is the reason why it does not have any cost on it is it is based on a royalty system which they claim repays all of this. The problem is with the royalty-based system, you have now waived the rules of the House in order to make the royalty system not subject to the appropriations process, whereas rules before have always said that the royalty-based system had to be subject to appropriations.

The only way you are establishing that is by doing an end run around another major process of the House.

Mr. BEILENSON. I thank the gentleman again for his comments. They have, in fact, been useful, and this gentleman hopes they will be attended to in the future.

Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to respond to some extent to my colleague, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER would make the argument that this is a form of centralization. I would say that it is quite the contrary. It is an attempt to decentralize something that has been centralized.

He would suggest in the second argument that the original bill contained an expenditure of $12 billion. That is absolutely correct. However, the original bill covered the closing of the transfer price loophole which would have raised $24 billion for the U.S. Treasury, 12 of which would have been committed to create jobs for Americans and the other $12 billion would have been used and should be used to reduce the deficit.

I find it strange that my conservative colleague from Pennsylvania neglects to tell his colleagues that, in fact, that portion, the fourth leg of the original bill, would have expended $12 billion to create millions of jobs for average Americans, good-paying jobs, and would have brought in $24 billion, $12 of which would have gone to the reduction of the deficit.

On the germaneness question that he raises, the reason there is a germaneness question is that the Banking Committee cooperated with the Committee on Public Works and Transportation, and at their request took this out of the original text of the bill that it was in originally and set it out as an amendment in a separate item so that it can be handled in the future for purposes of committee jurisdiction as a separate title to the bill.

I think what we are arguing here is something very important. Let me say that it would seem to me that the argument of my friend, the gentleman from Pennsylvania, would be that this suddenly fell from heaven as an idea. I wanted to assure my colleagues of the House that this is not true.

As the gentleman from Wisconsin [Mr. ROTH], a member of the subcommittee, knows, who helped fashion this and as an original cosponsor of the bill, we worked on this bill and now this amendment for well over 18 months. We have had thousands of pages of testimony and eight full congressional hearings on this subject, some here in Washington and some around the country. We have had the advice of some of the best experts in the country, both in technology, in law and some of the people that deal with technologies, and on the investment in technologies.

Let my tell my colleagues some of the facts that we heard that are astounding. The astounding facts are the U.S. Government spends about $80 billion a year on research and development, and we do have some developed mechanisms within the Federal system to put this technology out into the marketplace, but they have not been terribly successful. One of those agencies testified that over the last 5 years they have been very successful in putting out 314 technologies, 314 technologies licensed to the private sector in 5 years for a grand total of revenue of $36 million to the Federal Treasury.

Now, if you break that down on a 5-year portion, that is about $7 million a year that came into the U.S. Treasury, and the U.S. Government has been spending $80 billion a year in research and development.

Now, I am not the best businessman in the world, but I know the gentleman from Pennsylvania is known to represent the interests of business, and I would suggest that a $7 million return to the U.S. Government on an $80 billion investment on a yearly basis does not smack of the best of business in the world. As a matter of fact, may I say to my colleagues on the Republican side, this bill is about as close as you are ever going to get to putting the American Government in the hands of the private sector to handle what the private sector can do best.

This is hardly what you would call a Government-involvement bill. This is a bill to attempt to take what has been and is considered a valuable inventory of assets owned by the American people and paid for by the American people that has not properly been commercialized and marketed, and taking the process of the American marketing ability and the private sector and to use that process to avail American small business, medium-sized business, and entrepreneurs to getting American-paid-for technology so that they can individually commercialize that technology.

□ 1350

I would say this is about as close as we can come to what I would consider my friends on the other side should be offering. As a matter of fact, let me say and assure you that this is a bipartisan bill.

The Members who served on the subcommittee I am proud to chair of the Committee on Banking, Finance and Urban Affairs came out of the banking subcommittee on a unanimous voice vote. We did not have objection. We have sponsors in the bill who are very bipartisan in nature. As a matter of fact, one of my closest colleagues in the House, and friend and fellow Republican from Pennsylvania, Mr. TOM RIDGE, is standing for the governorship of Pennsylvania right in this very election. I am proud to say that TOM RIDGE was a cosponsor and a codeveloper of this concept in the bill. TOM believes, as I do, that this does not believe or belong to have partisan markings to it. This truly is an American bill. This is an attempt to take American paid for technology and to find a way for average Americans, small businessmen, medium-size businessmen and entrepreneurs, to have the same shot at advanced American technology as the very large corporations in America have today, but most of all what very large corporations in Japan and around the world have today.

What we found in our testimony is that there is one agency, one country in this town that has more than 21 experts who do nothing else but every day study the technology reserves of the U.S. inventory and then they are the largest purchasers of licenses and rights to that technology, to be taken home to their homeland, developed into products with some of our natural resources and then sent back as a finished product into the American market and then sold.

All we are asking for is the opportunity for the average American to see it. Now, how do we intend to do that? The bill is not that complicated. It says that Americans should be able to know what is in the inventory, what kind of research and development over the last 20 years, when we financed 1.5 million research and development projects, what did they do, what did they find, what are they capable of being commercialized for?

I challenge my friends who challenge this bill and I challenge the gentleman from Pennsylvania [Mr. WALKER] to walk through the system of buying Federal technology and find out how expensive and how difficult it is. If you are a private individual in Pennsylvania and you wanted to go into business and use American technology, you had better be prepared to spend a couple of years and a couple of million dollars before you are ever going to get title or license to that property. Instead of that happening, what we suggest is the creation of a database so that all of the technology will be readily retrievable by a PC and a modem in every American home and business in the United States. It will be cross-indexed, cross-referenced, not only so it can be purchased but so that we do not have duplication of efforts in scientific laboratories and schools and laboratories all over the country.

Let me tell you a story that really made me move this bill through. For the last 20 years of my life I followed the process of enzyme use in new processes in the United States, 20 years ago or longer, the process to take wastepaper and dissolve it into glucose and then put it through bacteria and make ethanol in a simultaneous atmosphere was discovered by the Gulf Oil Co. and the Nissan Mining Co. of America, way back in the early 1970's. It was the mutation of an enzyme from the Nagasaki sewer system that these two great corporations spent a great deal of research and development and finally developed the wherewithal where we could take waste cellulose, which makes up more than half of every ton of municipal waste, and converted into a fuel product for automobiles, at a reasonable cost. That process has been carried on until most recently a famous American university has brought it down to a cost where they can take that wastepaper, put an enzyme to it and convert it to ethanol at a cost of less than 75 cents a gallon; almost or it is a commerciable product. It is not yet in commercial stages, but it is working toward it within the next year or two.

In discussing it with some of the scientists who are working on this, it became clear to me that the biggest problem here is the cost of the enzyme, which represents almost half the cost of the production of that fuel.

When we looked around the country to see who was doing enzyme research, I was amazed to find that one of the most talented individuals who could solve the problem of the cost of that enzyme existed at the same university not far from the very laboratory where this process is being made. But there was no way in the Federal system to make sure that these people knew that they were commonly working on a similar problem.

What we are attempting to do with this universal database of inventory of research and development is make it possible within the next year that businessmen, entrepreneurs and researchers throughout this country could cross-reference and find out what their colleagues in the past have done. Then we are going to take that database and make it available to good old American marketing techniques through a private corporation which is charged with marketing this research and development and selling it to the American market. And we hope they can do it by television, something similar to the Discovery Channel, where Americans of all shades of life can watch technologies owned by the Government are put out on this network.

Finally, a single one-stop shopping for the technology, a quick action rather than 2 years and $2 million, make it a lot shorter and a lot cheaper so American businessmen, small and medium and large, American entrepreneurs could have an opportunity to develop jobs by taking American technology and putting it to work.

I think it is probably, if anything, on a partisan basis as Republican as you can get in this House. I think we can stand in the Banking Committee on the side of the fact that we spent more than a year's time, extended study, and have the evidence to support the passage of this amendment which is attached to this bill under the rule. All the gracious considerations that we have been given by the Committee on Rules to accomplish this tomorrow with this bill when it is brought up for final passage will only afford not only the Banking Committee but finally the American people to share in the wealth and the genius of research and development that American taxpayers' money have been spent on for too long without bringing that to commercialization.

Mr. Speaker, I rise in support of the rule for the consideration of H.R. 2442, the Economic Development Reauthorization Act of 1994.

I would like to thank the members of the Rules Committee for ensuring, under the rules, that a key part of H.R. 2442, as reported from the Committee on Banking, Finance and Urban Affairs, is allowed to be considered by the full membership of the House of Representatives.

Specifically, the rule makes in order, as the first amendment for consideration during debate on the bill, an amendment I will offer to utilize the fruits of this Nation's research as an engine for creating significant numbers of new jobs in private sector businesses.

Under the version of H.R. 2442, which was unanimously reported from the Banking Committee, with strong bipartisan support, a new subtitle 7(C) was included to enhance the ability of U.S. small: and medium-sized businesses to obtain information and licenses on technologies and process developed through Federal R&D. By making it easier for small- and medium-sized businesses to commercialize these these technologies, tens of thousands of new jobs will be created which offer good wages and real opportunities for advancement to working men and women across this country. In the final analysis, I believe that this is what economic development is all about.

Under the rule before us now, I will offer a modified version of these provisions from the Banking Committee's version of H.R. 2442 as an amendment to create a new title III to the bill.

I am pleased to inform the Members that the language of the amendment I will offer was developed in collaboration with both the Committee on Science, Space, and Technology and the Committee on Energy and Commerce. Neither committee is opposing the amendment in the form in which it will be offered. Similarly, it is my understanding that Public Works Committee Chairman MINETA, and Subcommittee Chairman WISE, both intend to vote for the amendment.

Mr. Speaker, despite the enormous potential for job creation under the amendment, the amendment has been the focus of some misunderstanding. In our revisions, developed with the assistance of the Science Committee and the Energy and Commerce Committee, we have corrected some of the causes of these misunderstandings. Nevertheless, I would like to take a minute, to outline what the amendment does, and just as importantly, what it does not do.

The amendment does not change current law; it supplements current law. Today, Federal agencies and labs are charged with the responsibility of attempting to transfer technologies they develop to private sector commercial application. Increasingly, some Federal laboratories are entering into cooperative research and development agreements [CRADA's] as part of their efforts to achieve technology transfer. These efforts are not changed under the amendment.

Today, universities which develop technologies and patentable inventions, during the course of Federally funded research, have the right to file patents, issue licenses, and receive royalties from the private sector commercialization of the technologies and patents. This does not change under the amendment.

Today, through the activities of Federal agencies, labs, and universities, initial efforts at technology transfer are decentralized and diffused. This does not change under the amendment.

Under the amendment, all rights and responsibilities of Federal agencies, labs, and universities are protected and preserved.

What the amendment does provide for is, first, the creation, by the Secretary of Commerce, of a comprehensive, integrated data base of all technologies, processes, and other proprietary rights to which the Federal Government has an interest. Currently, there is a great deal of effort underway to improve and expand data bases within the Department of Commerce. The language of the amendment will support and assist the Secretary in moving forward with these efforts.

Second, the amendment provides for several studies on the effectiveness of the Federal Government's overall technology transfer efforts and methods to enhance those efforts. If, after the completion of those studies, the President determines that it would not impair the operation of Federal policies and programs relating to technology utilization and commercialization, the President will establish a Business Development and Technology Commercialization Corporation. Following its creation, the President will provide for its conversion to private ownership.

The Corporation will be charged with undertaking an aggressive, multifaceted marketing effort to increase awareness by U.S. small- and medium-sized businesses of the availability of licenses to commercialize Federally held technologies. Working in conjunction Federal agencies, laboratories, and universities, the Corporation may also assist in the actual licensing of these technologies to U.S. businesses. In our view, the services of the Corporation represent an important opportunity to assist Federal agencies, laboratories, and universities in carrying out their technology transfer responsibilities. Under the language of the amendment, however, Federal agencies, laboratories, and universities are not required to utilize the services of the Corporation.

Third, the amendment authorizes the Corporation to serve as a clearinghouse of information for U.S. businesses on finance assistance which may be available through other Federal programs, through State or local governments, or through the private sector.

The driving principle throughout the amendment is the need to make it easier for U.S. businesses to have access to technologies developed through Federal funding. Today, only very large businesses and foreign interests have the resources to effectively learn of and pursue rights to these technologies. The amendment recognizes that small- and medium-sized businesses are the major job creating entities in this economy and that it is imperative that we make it easier for these businesses to have access to these new technologies.

Mr. Speaker, as important as improved job training and welfare reform are, we will achieve only partial success on those fronts if we do not simultaneously take meaningful steps to encourage the development of thousands of new small businesses throughout this country to create tens of thousands of new jobs, at good wages, with real futures. That is what this amendment is all about. As such, I thank the members of the Rules Committee for making the amendment in order during the debate on H.R. 2442, and I urge the adoption of the rule and the amendment.

Mr. BEILENSON. Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I just want to thank the gentleman from Pennsylvania [Mr. KANJORSKI] for his kind and very bipartisan good wishes for TOM RIDGE in his bid to become Governor of Pennsylvania. We wish him all the success in the world.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank the gentleman for yielding to me. I am delighted to have a chance to speak on this rule. I know our Banking Committee has some time, but in the interest of everyone's time, I thought I would speak at this time, I say to the gentleman from New York.

Mr. Speaker, I urge adoption of the rule, House Resolution 420, for consideration of the bill, H.R. 2442, the Economic Development Administration Reauthorization Act. We have worked long and hard on this piece of legislation, and I think that people, especially in business, and people who are looking for good-paying jobs, are going to applaud this legislation.

This is an open rule. I compliment my friend from New York for getting this open rule. It does not happen often.

It is noncontroversial from the minority point of view. No legislation is perfect, and this bill is not perfect. But it is a good bill, and I will be stating the reservations I may have when we argue this particular bill and not the rule on the floor.

The rule's provision for considering an amendment in the nature of a substitute provides for immediate consideration of the Kanjorski amendment. The Kanjorski amendment providing for high-tech transfer corporation consists of major provisions of H.R. 3550, legislation of which I am an original cosponsor. Without the Kanjorski amendment, bipartisan support for the substitute bill would be greatly weakened.

This proposal is designed to create new, good-paying, high-tech private sector jobs without any major new Government outlays. This initiative is designed to expedite businesses' utilization of hundreds of billions of dollars of research and development for work paid by the Federal Government—that is, our taxpayers—over the past several decades.

□ 1400

For years and years the taxpayers have paid for research and development, but no one has really utilized it. This gives us a chance for our companies, our workers, the people that are working to build up our economy, to have this opportunity.

A clearinghouse of information about federally funded new technologies would be created, and that is precisely what we have been hearing in our Committee on Banking, Finance and Urban Affairs, and the Committee on Small Business, and the Committee on Foreign Affairs, where we deal with economic policy and trade. People are saying, "Where can we go to in the Federal Government to find these new discoveries? Where can we find these discoveries that can help us, the new breakthroughs?" And this is going to help us.

Mr. Speaker, a government chartered corporation, funded by a stock sale, a stock sale, would operate as a one stop shopping place for businesses. We cannot expect our American businesses to come and search all over the country, all over Washington, pay huge fees to various companies so they can find out what is available. I think that this clearinghouse is going to be a real blessing, a real boon to our businesses and to the people who are looking for good-paying jobs.

Unless burdened by unacceptable floor amendments, Mr. Speaker, the bill will have significant bipartisan support I predict. I intend to support this legislation, if the House approves it substantially as reported and with the Kanjorski amendment to the substitute.

So, I urge my colleagues to vote for this constructive rule and to vote for this job creating initiative, and I want to thank the gentleman from New York [Mr. SOLOMON], my friend, for giving me this time today, and I want to compliment all the Committee on Rules members for obtaining an open rule. I think that is a real feather in their cap, and I want to say we all appreciate that work.

Mr. SOLOMON. Mr. Speaker, I thank my friend, the gentleman from Green Bay, WI [Mr. ROTH].

Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, to repeat, and as the gentleman from Wisconsin said, this is an open rule, and I urge my colleagues to approve it.

Mr. WISE. Mr. Speaker, I rise in strong support of House Resolution 420 which provides for consideration of a substitute amendment to H.R. 2442, the Economic Development Reauthorization Act of 1994.

House Resolution 420 provides for consideration of this substitute amendment under an open rule. Under the provisions of the resolution, no limitations are placed on amendments which may be offered. When the leadership of the Public Works Committee testified before the Rules Committee, we requested an open rule and House Resolution 420 honors that request. I want to take this opportunity to thank Chairman MOAKLEY, the members of the Rules Committee, and the manager of the resolution, Congressman BEILENSON, for bringing forth a rule which deserves unanimous support from both sides of the aisle.

House Resolution 420 provides for a compromise substitute amendment to be in order as the original text for purposes of amendment. The compromise substitute amendment reflects a bipartisan agreement of the Public Works Committee and the Committee on Banking, Finance and Urban Affairs to revise and extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 and reauthorize the programs of the Economic Development Administration [EDA] and the Appalachian Regional Commission [ARC].

Mr. Speaker, many of us have waited 12 long years to have the chance to be here today. This is the first time since 1982 that we actually have a realistic chance to reauthorize the Economic Development Administration and the Appalachian Regional Commission.

I join with my good friend and Chairman NORM MINETA in supporting adoption of House Resolution 420. The Committee on Public Works and Transportation ordered the EDA and ARC reauthorization bill reported last November by a unanimous vote. We worked very closely with our colleagues Congressman BUD SHUSTER and Congresswoman SUSAN MOLINARI, who are ranking members of the full committee and Economic Development Subcommittee respectively, to craft a bill which has bipartisan support in our committee. We achieved this goal, and we have been working together ever since to make sure that this spirit of cooperation remains. I want to say that we would not be here today if it were not for the cooperative working relationship enjoyed between the majority and minority on the Public Works Committee.

H.R. 2442 was sequentially referred to the Committee on Banking, Finance and Urban Affairs and to its Subcommittee on Economic Growth and Credit Formation. I would like to compliment my friend and colleague, Congressman PAUL KANJORSKI, chairman of the Economic Growth Subcommittee, for his cooperation in the past weeks to reach a compromise. Since the Banking Committee reported H.R. 2442 on April 26, 1994, the Public Works and Banking Committees have been working together to achieve a product which we all can agree upon, and I believe that both sides have gained from the effort. The final product is the compromise substitute amendment; it is a good amendment and I believe that it will be broadly supported. Again, I want to compliment Chairman GONZALEZ and Congressman KANJORSKI on the way they approached these ultimately successful negotiations, and wish to also note the support provided by Congressman LEACH and Congressman RIDGE on the minority side of the Banking Committee.

The substitute amendment to H.R. 2442 authorizes the Economic Development Administration and the Appalachian Regional Commission for a period of 3 years through fiscal year 1996. Title I of the substitute amends existing provisions of the Public Works and Economic Development Act of 1965 [PWEDA]. This approach differs from previous EDA reauthorization bills which struck existing titles of PWEDA and rewrote the legislation. Title II authorizes funds for ARC programs and amends the Appalachian Regional Development Act of 1965. It includes provisions which are similar to previous ARC reauthorization bills.

Several of the provisions contained in the substitute amendment address criticisms of the administration of these programs and include recommendations made by witnesses at hearings conducted by our committee on the legislation. During these hearings, representatives of numerous organizations, development districts, and local, regional, and State governments from both urban and rural areas have pointed out that many areas of the Nation continue to need the economic assistance provided by the EDA and ARC programs. Among the most often mentioned recommendations for the programs were multiyear funding at higher levels and expediting a simplified applications process, particularly for EDA Programs.

The authorization for fiscal year 1994 mirrors the already enacted appropriation of $322 million for EDA Programs. For each of fiscal years 1995 and 1996, the substitute authorizes an estimated amount of $386 million for EDA Programs. The substitute amendment authorizes $249 million for fiscal year 1994 and an estimated $214 million per year for fiscal years 1995 and 1996 for ARC Programs.

As we have moved the Economic Development Reauthorization Act through the legislative process, Secretary of Commerce Ron Brown and Appalachian Regional Commission Federal Cochairman Jesse White have been very helpful to the committee. For instance, Secretary Brown has indicated that EDA will be a cornerstone for areas hit by military base closures and the loss of military contracts. EDA officials have testified that they are already heavily involved in assisting communities affected by defense spending cuts as well as areas severely impacted by natural disasters such as Hurricanes Andrew and Iniki, Typhoon Omar, the severe storms of Kansas, the Midwest floods, and the recent earthquake in southern California.

Mr. Speaker, we have an opportunity to take both the EDA and the ARC into modern times. Much has changed in our country since both were last authorized in the early 1980's, and the programmatic changes contained in the substitute amendment will go a long way toward modernizing the way both do business.

Mr. Speaker, I urge support of House Resolution 420 to allow us to consider this important legislation in a fair and open process.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON FISCAL YEAR 1993 ACHIEVEMENTS IN AERONAUTICS AND SPACE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SCOTT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year 1993, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involve 14 contributing departments and agencies of the Federal Government, as this report reflects, and the results of their ongoing research and development affect the Nation as a whole in a variety of ways.

Fiscal year 1993 brought numerous important changes and developments in U.S. aeronautics and space efforts. It included 7 Space Shuttle missions, 14 Government launches of Expendable Launch Vehicles [ELVs], and 4 commercial launches from Government facilities. Highlights of the Shuttle missions included the first in a series of flights of the U.S. Microgravity Payload that contained scientific and materials-processing experiments to be carried out in an environment of reduced gravity; the deployment of the Laser Geodynamic Satellite (a joint venture between the United States and Italy); the deployment of a Tracking and Data Relay Satellite; and, the second Atmospheric Laboratory for Applications and Science mission to study the composition of the Earth's atmosphere, ozone layer, and elements thought to be the cause of ozone depletion. The ELV missions carried a variety of payloads ranging from Global Positioning System satellites to those with classified missions.

I also requested that a redesign of the Space Station be undertaken to reduce costs while retaining science-user capability and maintaining the program's international commitments. To this end, the new Space Station is based on a modular concept and will be built in stages. However, the new design draws heavily on the previous Space Station Freedom investment by incorporating most of its hardware and systems. Also, ways are being studied to increase the Russian participation in the Space Station.

The United States and Russia signed a Space Cooperation Agreement that called for a Russian cosmonaut to participate in a U.S. Space Shuttle mission and for the Space Shuttle to make at least one rendezvous with the Mir. On September 2, 1993, Vice President Albert Gore, Jr., and Russian Prime Minister Victor Chernomyrdin signed a series of joint statements on cooperation in space, environmental observations/space science, commercial space launches, missile export controls, and aeronautical science.

In aeronautics, efforts included the development of new technologies to improve performance, reduce costs, increase safety, and reduce engine noise. For example, engineers have been working to produce a new generation of environmentally compatible, economic aircraft that will lay the technological foundation for a next generation of aircraft that are superior to the products of other nations. Progress also continued on programs to increase airport capacity while at the same time improving flight safety.

In the Earth sciences, a variety of programs across several agencies sought better understanding of global change and enhancement of the environment. While scientists discovered in late 1992 and early 1993, for instance, that global levels of protective ozone reached the lowest concentrations ever observed, they also could foresee an end to the decline in the ozone layer. Reduced use of ozone-destroying chlorofluorocarbons would allow ozone quantities to increase again about the year 2000 and gradually return to "normal."

Thus, fiscal year 1993 was a successful one for the U.S. aeronautics and space programs. Efforts in both areas have contributed to advancing the Nation's scientific and technical knowledge and furthering an improved quality of life on Earth through greater knowledge, a more competitive economy, and a healthier environment.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1994.*

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 28th Annual Report of the Department of Housing and Urban Development, which covers calendar year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1994.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE FOOD FOR PEACE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member rises today, and will speak again on May 12, in a two-part tribute to, and discussion of, one of the outstanding programs of the U.S. Government, which has literally saved the lives of millions and millions of people around the world during the last four decades. That program is the Food for Peace Program, also called the Public Law 480 program after the public law that created the program 40 years ago. Today my remarks will focus on the history of the Public Law 480 program. My remarks later this week will focus on the current challenges facing Public Law 480 program in responding to food security needs worldwide.

On the morning of May 4, 1994, there was a gathering here on Capitol Hill of several hundred people from around the United States to recognize the 40th anniversary of the Public Law 480 program. The several hundred people in attendance included representatives from farming, food processing, transportation, and relief organizations like CARE and Catholic Relief Services from all over the country. Members of Congress and officials from the Department of Agriculture and the U.S. Agency for International Development also spoke of the many contributions of the program over the years. Many commented that this program embodies the heart of America at its best, reaching out with concrete generosity to those most in need. Mr. C. Payne Lucas, executive director of Africare, said that just as Public Law 480 was instrumental in limiting the appeal of communism in poor countries, so it continues to be needed today to preserve the fragile democracies that are emerging. This Member was reminded that Mr. James Grant, executive director of UNICEF, once defined democracy as "elections, followed by dinner."

In these remarks today this Member will briefly recap some of the changes in the food aid program over the years, and, in the second set of remarks later this week, point out some of the serious challenges faced by the Food for Peace Program today.

The Agricultural Trade Development and Assistance Act of 1954, was signed into law by President Dwight Eisenhower on July 10, 1954. Since 1955, it has provided about 48 billion dollars' worth of food to countries with food shortages. The program is reevaluated and redesigned every 4 to 5 years as part of the general farm bill legislation that authorizes most food and agricultural programs. The last farm bill was in 1990; the next one will be in 1995. Funding for food aid is provided annually as part of the agriculture appropriations bill. In fiscal year 1994, the Public Law 480 program is funded at a level of $1.6 billion, most of which is spent to buy commodities in the United States for donation or sale in poor countries and to pay for transportation services.

During the early years of the program, the Public Law 480 program helped dispose of surplus commodities and increase U.S. agricultural exports as its primary objectives. Concerns that careless dumping could disrupt local agricultural production and marketing led to redesign of the program. By the mid-1960's the focus of the program was changed by Congress to emphasize economic development and foreign policy objectives, including emergency relief and combating communism in the Third World. Commodities used in the P.L. 480 program were no longer required to be in surplus, but could be bought for use in meeting emergencies and development needs in the Third World.

In the early 1970's the world food situation deteriorated sharply because of poor weather conditions and other market factors. World food stocks diminished and commodity prices rose sharply, threatening many people in poor, food-importing countries with famine. The World Food Conference in 1974 was a gathering of delegates from 130 nations in response to this emergency situation. The world community pledged to boost food production, particularly in poor and food deficit nations, and to establish a world target of 10 million tons of food assistance available each year. The U.S. food aid program has continued to be the largest national effort toward this global commitment, accounting for a very substantial share of worldwide food aid contributions since then. Then Public Law 480 legislation throughout the 1970's reflected a continuing focus on advancing the development of needy countries by reducing poverty and helping to meet the basic needs of their people. Private voluntary organizations like CARE and Catholic Relief Services came to play a predominant role in the management and distribution of donated food. Also, under the special food for development program, very poor countries could negotiate forgiveness of U.S. food aid loans if they undertook acceptable development reforms to improve food security and rural development.

In the 1980's U.S. food aid played a major role in meeting the humanitarian needs of the famine in Africa in 1984–85. In 1985 an additional new food aid distribution channel called Food for Progress was created to allow grants of food aid to countries committed to introducing free market agricultural reforms. Rules governing CCC-owned surplus stocks were also broadened under section 416 to allow foreign donations of all CCC-held edible commodities as a supplement to the Public Law 480 program.

Today, as the result of the latest changes in the Food for Peace program in 1990 farm bill legislation, Public Law 480 food aid is focused on improving food security in countries with significant levels of malnutrition, chronic food shortages, and high infant mortality rates. Food aid can no longer be used as a political reward for foreign countries, without regard for their degree of need or their potential as commercial markets for the U.S. emergency food aid is donated to provide immediate assistance during famines and man-made disasters. Developmental food aid meets current food deficit needs and requires that any local currency proceeds from sales of the donated food in local markets be reinvested in projects to improve the long-term food security, health, and productivity of poor and undernourished people. There also continues to be a food aid credit program for food-deficit countries that need concessional financing terms and have potential to become commercial markets for U.S. commodities.

Over the years food assistance has decreased in absolute terms and as a percentage of total U.S. exports. In the 1950's and early 1960's, total U.S. grain exports ranged between 10 and 30 million tons a year, and more than 50 percent of grain exports were shipped under the Public Law 480 program. In the late 1980's and 1990's, total U.S. grain exports have ranged between 80 and 100 million tons a year, representing a dramatic increase in commercial sales, and food aid has accounted for only about 7 percent of total grain exports and 2 to 4 percent of total U.S. agricultural exports.

The second part of my remarks on U.S. food assistance programs later this week will focus on several difficult challenges to the Public Law 480 program at present. The first is the serious decline in funding levels in the face of ongoing, even escalating, needs for international food aid. The second is the challenge of preserving food aid programs that address chronic hunger and food insecurity through long-term development in the face of mounting emergency food aid needs.

□ 1410

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROTH) and to include extraneous matter:)

Mr. WALKER.

Mr. CALLAHAN.

(The following Members (at the request of Mr. BEILENSON) and to include extraneous matter:)

Mrs. MALONEY in two instances.

Mr. STUDDS.

Mr. MANN in two instances.

Mr. BROWDER.

Mr. DELLUMS.

Mr. PENNY.

Mr. GORDON.

Mr. HOYER.

Mr. UNDERWOOD.

Mr. YATES.

Mr. VISCLOSKY.

Mrs. KENNELLY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 116. An act for the relief of Fanie Phily Mateo Angeles; to the Committee on the Judiciary.

S. 668. An act to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1727. An act to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

ADJOURNMENT

Mr. BEREUTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 12 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 11, 1994 at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3146. A letter from the Secretary of Defense, transmitting a report pursuant to section 242 of the fiscal year 1994 National Defense Authorization Act; to the Committee on Armed Services.

3147. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Brady Anderson, of Arkansas, Ambassador designate to the Republic of Tanzania, and members of his family, also by Dorothy Myers Sampas, of Maryland, Ambassador designate to the Islamic Republic of Mauritania, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3148. A letter from Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorizations of appropriations for certain youth programs under the Anti-Drug Abuse Act of 1988, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Education and Labor and Energy and Commerce.

3149. A letter from the Secretary of Energy, transmitting notification that the report from the Advisory Committee on Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Technologies will not meet the due date of April 24, 1994, but will submit the report by April 28, 1995, pursuant to 42 U.S.C. 13311; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

3150. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Memorandum of Justification for Presidential Determination Regarding the Drawdown of Commodities and Services To Assist the International Tribunal For the Former Yugoslavia, pursuant to 22 U.S.C. 2318(b)(2); jointly, to the Committees on Foreign Affairs and Appropriations.

3151. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to the Congress: Regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101-162, section 609(b)(2) (103 Sat. 1038); jointly, to the Committees on Merchant Marine and Fisheries and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2473. A bill to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes (Rept. 103-487, Pt. 2). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources, H.R. 518. A bill to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes; with an amendment (Rept. 103-498). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on Armed Services. H.R. 4301. A bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes; with amendments (Rept. 103-499). Referred to the Committee of the Whole House on the State of the Union.

REPORTED AMENDMENT SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 2473. The amendment recommended by the Committee on Natural Resources referred to the Committee on Merchant Marine and Fisheries for a period ending not later than May 11, 1994, for consideration of such provisions of the amendment as fall within the jurisdiction of that committee pursuant to clause 1(m), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NADLER (for himself, Mr. DELLUMS, Ms. VELAZQUEZ, Mr. OWENS, and Mr. MILLER of California)

H.R. 4370. A bill to establish the AIDS Cure Project; to the Committee on Energy and Commerce.

By Mr. HOYER (for himself, Mr. STUDDS, Mr. YOUNG of Alaska, Mr. TAUZIN, Mr. BATEMAN, Mr. HOCHBRUECKNER, Mr. SAXTON, Mr. REED, Mr. COBLE, Mr. GILCHREST, Mr. ACKERMAN, and Ms. DELAURO):

H.R. 4371. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for use in diesel-powered motorboats and to allow dyed diesel fuel to be sold for such use, or so used, without penalty; to the Committee on Ways and Means.

By Mr. PENNY (for himself, Ms. MARGOLIES-MEZVINSKY, Mr. MEEHAN, and Mr. LEVY):

H.R. 4372. A bill to amend title II of the Social Security Act to provide for a phased-in 5-year increase in the age for eligibility for OASDI benefits by the year 2013; to the Committee on Ways and Means.

H.R. 4373. A bill to amend the Social Security Act to provide for limitations on cost-of-living adjustments; jointly, to the Committees on Ways and Means, Veterans' Affairs, and Energy and Commerce.

By Mr. PENNY (for himself, Ms. MARGOLIES-MEZVINSKY, Ms. LONG, Ms. LAMBERT, Mr. MEEHAN, Mr. MCMILLAN, Mr. MURTHA, and Mr. BARRETT of Wisconsin):

H.R. 4374. A bill to amend the Social Security Act to improve the information made available in Social Security account statements and to provide for annual distribution of such statements to beneficiaries; to the Committee on Ways and Means.

By Mr. GEPHARDT (for himself, Mr. RICHARDSON, Mr. TORRICELLI, Mr. LEVIN, and Mr. BORSKI):

H.R. 4375. A bill to provide negotiating authority for a trade agreement with Chile, but to apply fast-track procedures only to such an agreement that contains certain provisions relating to worker rights and the environment; jointly, to the Committees on Ways and Means and Rules.

By Ms. NORTON:

H.R. 4376. A bill to amend the Internal Revenue Code of 1986 to increase the taxes on certain alcoholic beverages and to provide additional funds for mental health and substance abuse benefits under health care reform legislation; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CLINGER (for himself, Mr. HUGHES, Mr. MCHUGH, Mr. MINGE, Mr. PARKER, and Mr. OBERSTAR):

H.R. 4377. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, and certain other acts to provide for an increase in the number of health professionals serving in rural areas; jointly, to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

By Mr. CLINGER (for himself, Mr. MCHUGH, Mr. MINGE, Mr. PARKER, and Mr. OBERSTAR):

H.R. 4378. A bill to amend the Social Security Act to require the Secretary of Health and Human Services to equalize the labor and non-labor portions of the standardized amounts used to determine the amount of payment made to rural and urban hospitals under part A of the Medicare Program for the operating costs of inpatient hospital services, to amend the Public Health Service Act to improve the capacity of rural hospitals to provide health services, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, the Judiciary, and Government Operations.

By Mr. DE LA GARZA (for himself, Mr. ROBERTS, Mr. JOHNSON of South Dakota, Mr. COMBEST, Mr. PENNY, and Mr. ALLARD):

H.R. 4379. A bill to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes; to the Committee on Agriculture.

By Mr. DE LUGO:

H.R. 4380. A bill to amend the Harmonized Tariff Schedule of the United States to extend certain provisions relating to verification of wages and issuance of duty refund certifications to insular producers in the U.S. Virgin Islands, Guam, and American Samoa; to the Committee on Ways and Means.

By Mr. HUTTO:

H.R. 4381. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the U.S. Navy Blue Angels; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. JOHNSON of Connecticut (for herself, Mr. FRANK of Massachusetts, and Mr. GEJDENSON):

H.R. 4382. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [Superfund] to provide for the cleanup of municipal waste landfill Superfund sites, and for other purposes; jointly to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. MANTON:

H.R. 4383. A bill to authorize the Secretary of Transportation to convey the vessel SS *American Victory* to the Battle of the Atlantic Historical Society for use as a Merchant Marine memorial, for historical preservation, and for educational activities; to the Committee on Merchant Marine and Fisheries.

By Mr. COBLE (for himself and Mr. FLAKE):

H.J. Res. 365. Joint resolution to designate August 16, 1994, as "TV Nation Day"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

364. By the SPEAKER: Memorial of the House of Representatives of the State of Alabama, relative to urging the U.S. Congress to cease appropriating funds for any military activity not authorized by Congress; to the Committee on Foreign Affairs.

365. Also, memorial of the Legislature of the State of Alaska, relative to reauthorization of the Magnuson Fishery Conservation and Management Act; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 71: Mr. PASTOR, Mr. KING, Mr. MOORHEAD, and Mr. HYDE.

H.R. 799: Ms. DUNN.

H.R. 1910: Mr. LIVINGSTON and Mr. COOPER.

H.R. 2420: Mr. PETERSON of Minnesota, Mr. VISCLOSKY, and Mrs. MORELLA.

H.R. 2444: Mr. SAM JOHNSON, Mr. SMITH of Texas, Mr. HORN, Mr. THOMAS of Wyoming, Mr. ZIMMER, Mr. CAMP, Mr. TAYLOR of North Carolina, Mr. BEREUTER, Mr. ARMEY, Mr. MCCOLLUM, Mr. MCHUGH, Mrs. FOWLER, Mr. ROTH, and Mr. HEFLEY.

H.R. 3017: Mr. SCHIFF, Mr. DEFAZIO, and Mr. BAKER of California.

H.R. 3064: Mr. WALKER, Mr. SANTORUM, and Mr. HOLDEN.

H.R. 3486: Mr. MCINNIS, Mr. JOHNSON of South Dakota, Mr. HUTTO, Mr. ROWLAND, Mr. STEARNS, and Mr. PAYNE of Virginia.

H.R. 3790: Mr. HEFLEY.

H.R. 4040: Mr. ACKERMAN, Mr. SWETT, Mr. MAZZOLI, Mr. LAFALCE, Mr. RICHARDSON, Mr. DEFAZIO, Ms. LOWEY, Mr. SERRANO, Mr. STARK, Mr. MANTON, and Ms. PELOSI.

H.R. 4100: Mr. BEILENSON.

H.R. 4223: Mr. ARMEY.

H.J. Res. 209: Mr. HOUGHTON, Mr. KENNEDY, Mr. MCHUGH, Mr. DUNCAN, Mr. BAKER of California, Mr. PRICE of North Carolina, Mr. HASTINGS, and Mrs. CLAYTON.

H.J. Res. 327: Mr. BLILEY, Mr. VOLKMER, Mr. MOORHEAD, and Mr. GILLMOR.

H. Con. Res. 148: Mr. OXLEY, Mr. KNOLLENBERG, Mr. MICA, and Mr. ROYCE.

H. Res. 234: Ms. LONG, Mr. VISCLOSKY, and Mr. STRICKLAND.

SENATE—*Tuesday, May 10, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Reverend Richard C. Halverson, Jr.

Mr. Halverson, please.

PRAYER

The Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

As we go to prayer, let us remember the significance of this time and the swearing-in of the new leader in South Africa and the safe return home of any of the leadership who may have participated in that event.

Almighty God, it is written, "He that hath no rule over his own spirit is like a city that is broken down, and without walls."—Proverbs 25:28.

Set up Thy rule in our hearts, Lord, for we know we cannot serve others without first reaching the mission field of ourselves.

In the words of another, "He knows not how to rule a Kingdom, that cannot manage a Province, nor can he wield a Province, that cannot order a City; nor he order a City that knows not how to regulate a Village; nor he a Village, that cannot guide a Family; nor can that man Govern well a Family that knows not how to govern himself; neither can any govern himself unless his reason be Lord, Will and Appetite her Vassals: nor can Reason rule unless herself be ruled by God, and wholly be obedient to Him."—Hugo Grotius, "Teaching and Learning America's Christian History."

In the name of Christ who has promised to put a new heart and spirit within us. Amen.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the order, the Senator from Alabama [Mr. HEFLIN] is to be recognized to speak for up to 7 minutes.

The Chair recognizes the Senator from Alabama [Mr. HEFLIN].

RESOLUTION CALLING FOR A COMMEMORATIVE POSTAGE STAMP HONORING COACH PAUL "BEAR" BRYANT

Mr. HEFLIN. Mr. President, I am today introducing a sense-of-the-Senate resolution which calls upon the Citizens Stamp Advisory Committee to recommend to the Postmaster General, Marvin Runyon, that a postage stamp be issued honoring the late college football coach, Paul "Bear" Bryant. The committee met last month to consider Bryant's nomination for depiction on a first class stamp. Senator SHELBY and I were joined recently by Senators FORD, BUMPERS, and PHIL GRAMM, in sending a letter of support for a Bear Bryant stamp to the advisory committee.

Although Bryant is widely remembered for his legendary coaching career at the University of Alabama, he also coached at the University of Kentucky, Senator FORD's alma mater, and Texas A&M University, where Senator GRAMM taught economics.

Senator BUMPERS had the luxury of claiming Bryant as a native son of his State since the great coach was born in Moro Bottom and raised in Fordyce, AR.

I ask unanimous consent that a copy of this letter, dated March 29, 1994, to the Citizens Stamp Advisory Committee, as well as a resolution to that effect, passed by the Alabama House of Representatives, be printed in the CONGRESSIONAL RECORD immediately following my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEFLIN. Mr. President, I thank each of my colleagues for joining me, particularly my cosponsors, Senators SHELBY, FORD, BUMPERS, GRAMM, PRYOR, and STEVENS, in this effort to so honor Coach Bryant.

This resolution I am submitting today puts the Senate on record as supporting this much-deserved tribute to one of the greatest sports heroes of our time. Although Coach Bryant passed away 11 years ago, he remains the winningest coach in major college football history, with 323 victories, 6 national championships, and the most postseason bowl appearances of any coach.

One joke I have heard for years is that in Alabama an atheist is someone who does not believe in Bear Bryant. One can still find large-sized picture postcards sold at newsstands showing him walking on airbrushed water above the caption "I believe." George Blanda, the great quarterback and placekicker once remarked that upon seeing Bryant's face for the first time—granite and ice, and true grit—he thought, "This must be what God looks like." Blanda said that when Bryant walked into a room, you wanted to stand up and applaud.

As the news of his unexpected death spread quickly on that cold but sunny afternoon on January 26, 1983, just 1 month after he coached his last football game as Alabama's football coach, flags were lowered to halfstaff in Alabama and headlights were instinctively switched on in virtually every car on the road to honor the man who had brought so much glory to his alma mater and to his adopted State.

All of this captures the Bryant mystique and legend, but it leaves out the essential character of the coach. Basic humanness was his most endearing—and enduring—asset. He was, first and foremost, a molder of men who instilled in them character, a healthy appetite for fair competition, and an allegiance to principle. He led by example and never shied away from his own principles. He once disciplined quarterback Joe Namath before a very important game for violating curfew. He called Namath the greatest athlete he had ever seen. He always put the interests, goals, and well-being of his teams above any individual player, whether they were standouts or not.

I have here an example of a possible postage stamp with me on the floor. This rendition, which is not necessarily one that I recommend, was taken from a photograph, and the service department of the Senate prepared it. There may be many different artistic renditions that could be drawn that would be more appropriate. So, we leave it, of course, to the advisory committee and the Postal Department as to what they might select as to the artistic rendition that would appear on this stamp. But his depiction on a stamp would more than satisfy the basic criteria for selecting commemorative stamps. He contributed significantly to America and its history through his leadership in the sports arena; his career has widespread national appeal and significance; he has now been deceased for more than 10 years; his nomination was first submitted over 3 years ago; and there is considerable interest in a Bear Bryant stamp, as indicated by the many letters and petitions sent to the advisory committee. Additionally, commemorative stamps like

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the one honoring Elvis Presley are an excellent way for the Postal Service to generate revenue.

I am proud to submit this resolution urging the Postal Service to honor Coach Bear Bryant with a stamp and urge my colleagues to join me in supporting its immediate adoption.

EXHIBIT 1

U.S. SENATE,
Washington, DC, March 29, 1994.

CITIZENS' STAMP ADVISORY COMMITTEE,
U.S. Postal Service,
Washington, DC.

DEAR COMMITTEE MEMBERS: It is our understanding that in April, you will be meeting to consider the nomination of college football coach Paul William "Bear" Bryant for a commemorative United States postage stamp. As Members of the Senate, we are writing to strongly support the selection of Coach Bryant for depiction on a first-class postage stamp.

Eleven years after his death, Bryant remains the winningest coach in major college football history. His accomplishments made him a hero not only to the University of Alabama community which he served for 25 years, but to the entire state and to college football fans across the nation.

Born in Moro Bottom, Arkansas, Bear Bryant went on to attend the University of Alabama, where he was a star football player. He began his coaching career at the University of Maryland in 1945, and coached at the University of Kentucky and Texas A & M University before returning to his alma mater in 1958. His historic tenure at Alabama ended in 1982, just one month before his untimely death.

Bear Bryant's teams won six national collegiate football championships, and he led his squads to more post-season bowl appearances and wins than any other coach in history. Many coaches today, both collegiate and professional, were profoundly influenced by his sound leadership as his assistant coaches, players, or colleagues. Even his opponents had an uncommon respect and affection for him. His legacy continues to inspire athletes and coaches everywhere.

The only previously issued football-related stamps honor football in general, and player Jim Thorpe and Notre Dame coach Knute Rockne. Coach Bryant, who moved from a poverty-stricken childhood in rural Arkansas to the top of his athletic profession and stayed there for over two decades, would fit well into that distinguished company.

It is no surprise that there is a growing movement to commemorate Bear Bryant's life and career with a U.S. postage stamp. This has become one of the most endearing ways to honor public figures who have contributed so much to the fabric of our culture. We therefore request that you favorably consider the nomination of this great man for such a stamp.

Thank you for your consideration.

Sincerely,

HOWELL HEFLIN.
WENDELL FORD.
PHIL GRAMM.
RICHARD C. SHELBY.
DALE BUMPERS.

[State of Alabama, House of Representatives, Resolution, HJR6]

CALLING ON THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH PAUL "BEAR" BRYANT

Whereas, former University of Alabama football coach Paul "Bear" Bryant is the winningest coach in Division 1 college football history; and

Whereas, coach Bryant led his teams to six national championships; and

Whereas, Coach Bryant holds the record for most post season bowl appearances, most bowl wins and a number of other accomplishments unequaled before or since his coaching career ended in 1982; and

Whereas, Bear Bryant represents to all Americans a positive can-do spirit of achievement, as exemplified by his life of accomplishments on and off the field; and

Whereas, Bear Bryant was a great American who personified the winning spirit and, as articulated by former President Reagan, "He lived what we strive to be."; and

Whereas, many sports heroes have been honored by the Postal Service by way of a commemorative stamp; and

Whereas, the Postal Service's ten-year waiting period for such an honor has expired since Coach Bryant passed away on January 18, 1983; now therefore

Be it resolved by the Legislature of Alabama, both houses thereof concurring, That the Postmaster General commission a stamp to be issued in honor of Coach Paul "Bear" Bryant as soon as practicable, and that the process to start or move forward consideration of such a stamp be begun this March, 1994, when the Citizen's Advisory Committee of the Postal Service next meets.

Be it further resolved, That the art and image that would appear on such stamp have input by the University of Alabama.

Mr. HEFLIN. Mr. President, I send to the floor the resolution and I ask for the immediate consideration and adoption of the resolution.

The PRESIDENT pro tempore. Does the Chair understand that the Senator is asking for immediate consideration?

Mr. HEFLIN. Yes. I so ask unanimous consent. I cleared it with all parties.

The PRESIDENT pro tempore. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 212) expressing the sense of the Senate that a commemorative postage stamp should be issued to honor coach Paul "Bear" Bryant.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Without objection, the resolution is agreed to.

Without objection the preamble is agreed to.

So the resolution (S. Res. 212), with its preamble, was agreed to as follows:

Whereas eleven years after his death, Paul "Bear" Bryant retains the record of being the most successful coach in Division 1-A college football history;

Whereas Paul "Bear" Bryant's accomplishments were a source of great pride to the University of Alabama and the Nation;

Whereas Paul "Bear" Bryant's example has profoundly influenced many professional and collegiate coaches and players; and

Whereas Paul "Bear" Bryant is a modern hero and legend in the South: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that a postage stamp be issued honoring coach Paul "Bear" Bryant.

ACCESS TO SATELLITE RECEPTION OF TELEVISION

Mr. HEFLIN. Mr. President, I rise to urge the Senate's expeditious consideration of S. 1485, legislation to ensure that home viewers will continue to have access to satellite reception of television. For 81,000 people in Alabama and millions of people all across America, this legislation will protect their access to news information and entertainment services which connect them with the rest of the country and the world.

I am proud to have been a cosponsor of the 1988 Satellite Home Viewer Act, which made possible the development of home satellite viewing, and believe that satellite technology has gone a long way toward reducing the gap between information haves and have-nots in our country. It is, therefore, quite alarming to be facing the expiration of the copyright license that has made the development of the home dish industry possible. At a time when Congress is all abuzz with talk of a new information superhighway, it would be unconscionable to leave our rural citizens worrying about whether they would have access to broadcast and cable programming next year.

I therefore commend my distinguished colleague from Arizona, Senator DECONCINI, the chairman of the Subcommittee on Patents, Copyrights and Trademarks in the Judiciary Committee, for introducing this much-needed legislation. I also join, and am pleased to join, with my distinguished colleague from Vermont, the chairman of the Committee on Agriculture, in cosponsoring this bill and pledging my efforts to help pass it as soon as possible. I hope we can give immediate consideration to this matter and that it will be passed in the not too distant future.

PRIVILEGE OF THE FLOOR—S. 2019

Mr. HEFLIN. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Mary Culler, a legislative fellow temporarily with his staff from the Environmental Protection Agency, have access to the floor during the consideration of S. 2019, the Safe

Drinking Water Act amendments of 1994.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRESIDENTIAL INAUGURATION OF NELSON MANDELA

Mr. LIEBERMAN. Mr. President, I rise today in celebration of a truly historic event. For today is the day of Nelson Mandela's inauguration as the new President of South Africa. Elected through free and open elections in which, for the first time, all South Africans were able to vote, he is South Africa's first black President. South Africa has, at long last, leapt across the chasm from apartheid to majority rule.

It is a tribute to Nelson Mandela's leadership, dedication, and strength that over 30 million South Africans have achieved their dream of exercising the fundamental right to vote, without regard to race. What an inspiring sight, watching millions of Africans standing patiently and peacefully in long lines stretched across the open African landscape waiting to vote. And they persevered, despite the violence and destruction which some groups used to try to disrupt the election.

We should also honor the remarkable role of F.W. de Klerk, formerly the President and now the new Deputy President of South Africa. Because of his courage and vision, South Africa was able to avoid all-out civil war over apartheid. Peaceful change occurred in South Africa because former President de Klerk was willing to negotiate himself out of power. And, we should pay tribute to the world community for its disapproval of apartheid, expressed most effectively through economic sanctions, which helped force the abandonment of racial discrimination.

Apartheid in South Africa has ended and a country once immersed in racial turmoil begins its journey toward a society of laws based on universal suffrage. This is indeed a joyous occasion; but it must be viewed with a sense of challenge as well. South Africa, which has the strongest economy in Southern Africa, must deal with the possibility of tribal warfare and the economic challenges posed by neighbors who are less well off and by a society where economic disparity is all too evident. The African National Congress must now share power with many of its historic rivals. The ANC must now make a successful transition from opposition to governance. Former President F.W. de Klerk, who initiated the move to end apartheid, must now work with President Mandela to build a strong coalition among the many parties and all races in South Africa and to solve the problems which persist. These are not insignificant challenges; but a society which has made the leap South Africa has should be able to move forward to a brighter tomorrow.

I was very encouraged by President Clinton's announcement last week that the United States will recognize the opportunities and challenges of this new South African Government with a package of assistance to promote trade, aid, and investment worth nearly $600 million. The Commerce Department will send a new full-time minister to Johannesburg to promote bilateral and regional trade ties with the United States. As President Clinton has emphasized, we must enable the citizens of South Africa to reach their potential economically for this is critical to preserving a democracy of tolerance, hope, and opportunity.

A new flag has risen in South Africa. I am proud to have witnessed the historic events which have led to this day. I pay tribute to Nelson Mandela, whose patience and spirit both in captivity and in triumph have set an example for us all. I offer the people of South Africa my full support in the challenging days which lie ahead and my congratulations on their victory today.

CELEBRATING WIC'S 20 YEARS

Mr. SARBANES. Mr. President, I rise today to celebrate the 20th anniversary of the Supplemental Feeding Program for Women, Infants, and Children. WIC, as it is better known, has been one of the most cost-effective preventive health programs ever established and I am pleased to have this opportunity to draw the attention of my colleagues to this important program.

WIC provides low-income pregnant women, mothers and children up to age 5 with supplementary food, nutrition education, and medical referrals. Based on an infant formula and food program established in Baltimore during the late 1960's, WIC has had great success in improving pregnancy outcomes, reducing low birth-weight births, and saving medical costs. A General Accounting Office report concludes that the $300 million in WIC benefits provided for pregnant women in 1990 will prevent more than $1 billion in health-related costs over the next 18 years. Another report, a U.S. Department of Agriculture compilation, finds that prenatal participation in WIC saves Medicaid costs ranging from $277 to $598 per participant.

WIC is without question an effective program and one that should be completely utilized. Maximizing its potential to serve all eligible mothers and children would avert costly expenditures and poor health. Evidence of this is clear as cost savings and health benefits have increased over the past dozen years while funding for WIC has more than tripled to include a larger number of participants. Despite this success, however, WIC still lacks sufficient funds to reach all of those eligible. In fact, the fiscal year 1993 program is expected to have served only 67 percent of all of those qualified. Progress must continue to be made to establish WIC as a mandatory program.

For 20 years, WIC has been a shining illustration of what constitutes sound public policy and this week, in Baltimore and Washington, events have been held to celebrate the success of this nutritional program. Today, I am pleased to join in saluting WIC and especially proud that Baltimore is the birthplace of a program that has helped so many children at the most critical times of their lives.

Mr. President, I ask unanimous consent that an article from the May 4, 1994, Baltimore Sun that recognizes the 20th birthday of the WIC Program be printed in the RECORD in full, immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WIC AT 20: A FORMULA FOR SUCCESS

(By Laura Lippman)

Social service programs seldom prompt celebrations, but one, WIC, is so beloved that its 20th birthday will be celebrated twice this week—today in Baltimore and tomorrow in Washington.

"WIC is such a specific, nutritional prescription for what a pregnant mother and a kid in early childhood need—to get that start, to get ready to learn—and that's a lot to celebrate," said Linda Eisenberg, executive director of the Maryland Food Committee. "It is a rare thing to hear anything negative about this program."

WIC—the Supplemental Feeding Program for Women, Infants and Children—is a federal program that gives poor women and children vouchers for infant formula and foods such as milk, cheese and eggs. Its roots are deep in Baltimore, which developed a forerunner.

A General Accounting Office study estimated that WIC saves $3 in potential medical costs for every $1 spent, and WIC is not among the many programs up for grabs in the push for national welfare reform. Although the program has some critics, it has withstood them over the years—even prevailing in court over President Richard M. Nixon, who impounded its funds.

Simplicity seems to be the key. Practically fraud-proof, WIC appeals to those who want to police what people buy with food stamps or worry about a culture of dependency within the welfare system.

Recipients love it, too, so much that some, including Shari Harris of Highlandtown, end up working for WIC. She is a nutritionist's aide who spreads the word about WIC.

"We were all anemic, and it really helped me out," said Mrs. Harris, who credits WIC with making the difference between her first child, a girl who weighed less than 6 pounds at birth, and her second, a boy who weighed in at a healthy 8 pounds, 4 ounces.

To qualify for WIC, a woman must be pregnant or nursing and be considered "at risk" nutritionally. Children are eligible up to age 5. An income eligibility test is used, but one generous enough so that working poor families can quality.

"One of the things about the WIC program is that we have a specific mission, and that mission is to have healthy children," said Joan Salim, the Maryland WIC director. "We feel we have saved children's lives."

The state estimates that it reaches about 70 percent of those eligible, serving 81,000 women and children at 101 sites. The program grew rapidly in the early 1990s, increasing its enrollment 84 percent from 1989 through 1993.

In Maryland, no longer considered a WIC growth state, the program received about $40 million from the federal government and $750,000 from the state. Rebates on infant formula provide $15.2 million more to spend on vouchers.

WIC traces its lineage to Baltimore and Memphis, which set up similar programs in the late 1960s. In Baltimore, it was called IFIF—Iron Fortified Infant Formula—and involved handing out vouchers for formula only.

In the late 1960s, the nation was coming to grips with its hunger problem, yet prenatal care was dominated by ideas that seem quaint now: Pregnant women were scolded for gaining more than 22 pounds, and there was little concern about smoking and drinking during pregnancy. Infant anemia was rampant.

"We were really on the cutting edge," said Mr. David M. Paige, who, as a student at the Johns Hopkins School of Public Health, helped to develop Maryland's program with the founders of what became the Maryland Food Committee.

When Congress turned its attention to nutrition problems, the Maryland team was called to Washington to testify. WIC expanded the voucher program used in the state.

Since it began in 1974, WIC has seldom been threatened politically. It has broad support—from the medical community, recipients, farmers and formula manufacturers.

But the program has detractors. Dr. George E. Graham of Hopkins, writing three years ago in the Wall Street Journal, criticized its high-fat commodities and said there was no proof that it worked. Behavior—drinking, smoking and drug abuse—was the problem, he wrote, not nutrition.

Dr. Paige shares similar concerns about the program's reliance on high-fat and high-cholesterol foods. But he said studies show that a WIC mother is less likely to have a low-birth-weight baby, which reduces the chance of infant death.

Today, however, there will no be contrary voices raised as Dr. Paige and others celebrate WIC's Baltimore beginnings at the WIC office in the Mount Zion Baptist Church, 2000 E. Belvedere Ave.

WIC foods are expected to be served—along with cake.

SOUTH AFRICA ELECTIONS

Mr. LUGAR. Mr. President, today Nelson Mandela will be inaugurated as the next President of South Africa and the first President of the new South Africa. This will mark the culmination of an extraordinary political journey for South Africa, a journey away from apartheid and toward democracy and racial cooperation. By any standard, the events in the past few years in South Africa, including the all races election concluded more than a week ago, are historic.

After years of armed struggle, violence, protest, international sanctions and, in the past 3 years, protracted negotiations, South Africa has moved toward the establishment of a new political system and a new society which are vastly different from that which preceded it. This evolution toward a more equitable society is a testament to the extraordinary leadership abilities of State President F.W. de Klerk and African National Congress [ANC] Leader Nelson Mandela who convinced their supporters that change through reconciliation and compromise was preferable to change through violence and confrontation. Without the exceptional leadership of these two visionaries, it is doubtful that these elections and this political and social transformation could be taking place today.

The gradual and painstaking process of working out the terms of the political transition has had the salutary effect of educating the people of South Africa about the changes underway and those to come. This should be an instructive model for other societies undergoing fundamental change in Africa or elsewhere. Although the protracted negotiations were difficult, testy, and frustrating, it was preferable to work out the differences among the parties before the elections than to assume that the elections will solve them in turn. Now, the path ahead for South Africa is a difficult one. But, it has been made less difficult because years of talks and compromise helped resolve or ease many of the differences prior to these elections.

Given the sentiments, the nemities and fears created by apartheid and repression on the one hand and by armed struggle on the other, it is all the more remarkable that the people of South Africa chose social tolerance over turmoil and political evolution over revolution. Indeed, the world has witnessed a very remarkable negotiated revolution that could just as easily have been very violent and very bitter. Given the distance that had to be traveled by all parties and peoples involved and the range of obstacles that had to be overcome, such a transition would have proven too difficult for most societies. Happily, this has not been the case for South Africa.

There have been numerous disturbing reports about the fairness of the election, about vote-counting snags, and about the overall smoothness of the process. It is my understanding that most, but certainly not all, these problems were attributable to administrative weaknesses and faulty procedures in which the system was overwhelmed by the enormity of the task. While there was a solid electoral infrastructure in place, it was not adequate for meeting the needs of an expanded electorate. In addition, there were 11 campaign languages in use, 19 parties were on the national ballot and some 27 different parties contested for votes in the provincial elections. This posed a monumental task from the start.

Given the reported deficiencies in this election, it is important that South Africa initiate steps to improve its electoral system, its campaign laws, and its procedures for conducting future elections. They should dedicate themselves to making these improvements by the time of the next scheduled elections.

The African National Congress [ANC], which has been the strongest organized internal opponent of apartheid in South Africa, has received a mandate to govern and the National Assembly has chosen Nelson Mandela as President. The African National Congress will have a majority of the seats in the new 400-member body. The National Party and the Inkatha Freedom Party [IFP] also received sufficient electoral support to ensure diversity and competition in the deliberations of the new Parliament, in drafting the new Constitution, and in managing the country's affairs. The election returns in the nine new provinces also speak to the diverse preferences of South Africa's multiparty political system. These results promise that there will be debate, dialog, and diversity in national politics and in the provincial assemblies. This is a healthy result and a heartening beginning for the transitional government that will manage the affairs of South Africa for the next 5 years.

As extraordinary as these elections have been, they do not in and of themselves make for a democratic society. Much more must be done to ensure that security exists for everyone, that majority and minority rights are protected, and that opportunities are spread throughout the country. It will take time and determination. With South Africa's human and physical infrastructure—already the most advanced in the continent of Africa—its chances for success are positive. The enormous difficulties and barriers that had to be surmounted to get to these elections are at least as difficult as the tasks that lie ahead for governing the new South Africa. With the broad-based legitimacy of these elections, the new multi-party, multirace government will have a solid political foundation for addressing the many social, political, and economic disparities that exist.

Mr. President, Mr. Mandela's task is filled with opportunities and challenges. I suspect his main task will be to develop and implement a consensus-based strategy to manage both popular expectations and the fears that fundamental change always breeds. Several years ago, President-elect Patricio Aylwin of Chile told me the most difficult and most important task for him as the future President of Chile, a country which itself was undergoing a fundamental transformation, was to manage the expectations of the Chilean people. By this he meant that, as President, he would be faced with managing the difficult task of balancing the demands from those seeking instant gratification of long-denied material benefits and those fearing the loss of a way of life for which they had become accustomed. He worried that this might paralyze his government.

The quest for instant gratification will pose a similar problem for Mr. Mandela. I hope that he, Mr. de Klerk, his Cabinet, and the new Parliament will have the wisdom to see their way to balance these conflicting demands in a careful and judicious manner. I hope, also, that the people of South Africa will have the patience to understand this dilemma.

Economic growth will be necessary to create jobs, expand housing and education, and provide health care services in South Africa. Progress in each area will require access to international investment, capital and technical assistance. Direct bilateral assistance and loans from international financial institutions can be helpful but, in the end, private investment will be most critical to reviving the economy. In this regard, it would be very helpful if the last remaining United States sanctions on South Africa were repealed as quickly as possible. It is my understanding that more than a dozen State governments and municipalities continue to bar or restrict their investments in companies doing business in South Africa. Moreover, there are nearly two dozen American colleges and universities that prohibit investments in economic activities relating to South Africa. These are vestiges of the international sanctions imposed in the mid-1980's that apply to circumstances in South Africa which no longer exist.

Finally, Mr. President, I want to express my congratulations to the people of South Africa and to those inside and outside South Africa who helped guide that country through these difficult times. Now, they will have to show the same courage, determination, and patience as the new South Africa continues the remarkable transformation that today's inauguration represents.

LT. GEN. CLAUDE M. KICKLIGHTER'S SPEECH DURING THE "DAYS OF REMEMBRANCE CEREMONY"

Mr. THURMOND. Mr. President, in a little less than 1 month, the world will commemorate the 50th anniversary of "D-day," the invasion of Europe that signaled the beginning of the end for Nazi Germany. As a veteran of the invasion, I remember how excited we were with our progress as we quickly pushed the enemy back into Germany. As we got closer to Germany, though, our enthusiasm was severely and depressingly dampened as Allied units began to liberate concentration camps.

I will never forget how shocked and sickened I was by what I found at Buchenwald. It was a place filled with people who were starved, diseased, and barely alive. How anyone could survive such an environment was amazing, and how anyone could create such a Hell was incomprehensive. For the loss of better words, I, and my fellow liberators, were aghast and infuriated at what we discovered at that camp and its gruesome horror was permanently burned into our memories.

As time marches on, and the bizarre era of German history known as nazism grows distant, younger generations run the danger of forgetting, or worse yet, never knowing the atrocities of the madmen of the Third Reich. It is for that reason that events, such as the commemorative ceremony that was held last month, down the hall and in the rotunda, is so important. By gathering camp survivors; camp liberators; government, business, and religious leaders, we can ensure that those who died in the camps or fighting the evils of Hitler's twisted ideology are remembered, and; most importantly, that the Holocaust is never forgotten.

Mr. President, as you know, last month's ceremony was a very emotional one. I was especially moved by the remarks of Lt. Gen. Claude M. Kicklighter and would like to share them with my friends in the Senate and ask unanimous consent that they be placed in the RECORD following my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY LT. GEN. CLAUDE M. KICKLIGHTER, U.S. ARMY RETIRED

Mr. Vice President, Members of the Senate and House, Mr. Ambassadors, Mr. Secretary and so many other distinguished guests, especially survivors, liberators and rescuers, ladies and gentlemen.

It is with pride, humility and gratitude that I accept the General Eisenhower Liberation Medal on behalf of millions of brave men and women who liberated Europe; freed the captives from the death camps; attained victory as they brought the most destructive war in history to an end. A grateful nation does not remember, especially the courage of all those who gave all their tomorrows so that this tyranny could be destroyed and free men and women could once again walk in the Sun, at peace. Today, I am honored to be in the presence of so many patriots and heroes in this special place and on this special occasion.

Fifty years ago, we were engaged in a life and death struggle against the worst tyranny in the history of mankind. A dark period in which civilization as we know it was almost lost. A war in which 15 million men and women of all nations were killed in battle. Another 38 million men, women, and children lost their lives as this war swept across their homelands. Of these, 8 to 10 million were murdered in the concentration camps—only God knows how many. Today, it is impossible to comprehend the magnitude of that tragedy, any more than we can understand the loss of one precious child—a child like Anne Frank.

Early one morning in June of 1944, the liberators jumped from the sky, and stormed across the beaches into Normandy. They won that crucial battle and kept on winning, as they charged across Europe, changing history as they went. In that march, they discovered the concentration camps and their unspeakable horrors. There began a new battle, one fought with a different kind of courage and with a special compassion, as the liberators sought to save the lives of thousands of survivors, who were broken physically and emotionally and most were at the brink of death.

Amid the suffering and dying in the death camps had been whispered a common prayer: "God, let there be survivors who can bear witness to this horrible nightmare." The God who is the Father of us all, heard those prayers and made the survivors and their liberators and rescuers the conscience of this Nation and this world. The fact that we are gathered here this morning is an answer to those prayers.

As I look around this audience, I see many friends with whom I was privileged to take a very moving journey just 16 months ago, which Mr. Lerman talked about earlier. A journey with the survivors and liberators of the death camps. That journey began in those camps and ended on the beaches of Normandy. We walked together, we wept together, we prayed together, as we visited those monuments of man's inhumanity to man, and the military cemeteries, where lie the liberators of Europe. We gathered soil and sand that was stained with the precious and innocent blood of so many, and we returned home, forever changed. That soil and sand rests today in a place of honor in the Hall of Remembrance, under the eternal flame in the Holocaust Memorial Museum.

A few days ago, I again visited the Hall of Remembrance. As I looked at the container holding that soil, silent voices reminded me, that we must never forget. The silent voices charge those of us who know the truth about this evil to join the ranks of the survivors and liberators, and become messengers, teachers, and sentries so the world will never forget what happened in those dark and depraved days.

We must work and pray for peace—but not peace at any price and not just the absence of war, but a peace that celebrates the triumph of freedom and human dignity. If we remember, if we learn from this history, if we prepare, World War II and all its tragedies may become known as the last world war.

Sadly, the awful history of the 1930's and 1940's is today, unknown by many. The young of today and future generations must be warned and protected. We must teach our children, and they their children. The Holocaust Memorial Museum is a living, teaching, speaking witness that is making a difference in the world, through all those who visit. My visit recalled to mind the adage that the only thing good men must do to let evil men succeed is to do nothing.

Even as this soul and flame reminds us of the suffering of just 50 short years ago, they also signify hope. Hope for the future. Hope that comes from the knowledge that good men and women were willing to sacrifice their all to destroy evil. This strong, free, and beautiful America in which we live today was given to us by those brave men and women who had the courage to confront and conquer evil, as they have done throughout our history and as they will continue to do.

The voices from beyond the grave and the voices of those who died in the concentration camps and the voices of those who built this Hall of Remembrance all cry out that their sacrifices must not have been in vain. They say to us: "You must never be guilty of doing nothing. You must never again let this terrible thing happen."

Never again.

Never again.

I am humbled and honored to receive this award—God bless America.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the Budget Scorekeeping Report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate Scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 6, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.8 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated May 3, 1994, Congress approved and the President signed the Marine Mammal Protection Act amendments—Public Law 103–238—changing the current level of outlays.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 9, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through May 6, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 2, 1994, Congress approved and the President signed the Marine Mammal Protection Act Amendments (P.L. 103–238), changing the current level of outlays.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS MAY 6, 1994

[In billions of dollars]

	Budget Resolution (H. Con. Res. 64) [1]	Current level [2]	Current level over/under resolution
ON-BUDGET			
Budget authority	1,223.2	1,218.5	−4.8
Outlays	1,218.1	1,217.1	−1.1
Revenues:			
1994	905.3	905.4	0.1
1994–98	5,153.1	5,122.8	−30.3
Maximum deficit amount	312.8	311.7	−1.1
Debt subject to limit	4,731.9	4,488.2	−243.7
OFF-BUDGET			
Social Security outlays:			
1994	274.8	274.8	(3)
1994–98	1,486.5	1,486.5	(3)
Social Security revenues:			
1994	336.3	335.2	−1.1
1994–98	1,872.0	1,871.4	−0.6

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

(3) Less than $50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS MAY 6, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation [1]	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Colleges (P.L. 103–235)	5	3	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Total enacted this session	(2,681)	(641)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [2]	(5,562)	1,326	
Total current level [3] [4]	1,218,462	1,217,058	905,429
Total budget resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under budget resolution	4,787	1,091	
Over budget resolution			80

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66.

[3] In accordance with the Budget Enforcement Act, the total does not include $14,145 million in budget authority and $9,057 million in outlays in emergency funding.

[4] At the request of Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

Note.—Numbers in parentheses are negative. Detail may not add due to rounding.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,572,080,412,621.63 as of the close of business yesterday, Monday, May 9. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,536.97.

THE ENVIRONMENTAL TECHNOLOGY ACT OF 1994

Mr. LEAHY. Mr. President, I rise in support of the National Environmental Technology Act of 1994 which I have cosponsored.

I feel strongly that this bill provides support to an up-and-coming industry in Vermont, and one of the most important industries in our Nation. Small businesses need guidance and support to tap the environmental technology market, and Americans need good-paying jobs. These are concerns that we have today, and they are addressed in S. 978.

The visionary strength of S. 978 is that it also takes care of our concerns for tomorrow. The Environmental Technology Act promotes economic vitality in a way that will make the world a better place for our children. Ultimately, this is the goal we have to keep our eye on.

Many special interests court the idea that environmental stewardship chokes off economic prosperity. Most Vermonters know that the opposite is true—environmental degradation is the millstone that brings on economic decline. The Environmental Technology Act is clear recognition that economic prosperity and environmental conservation go hand in hand. I believe that this is the direction in which Vermont and the country must go.

Vermont has already seen both the benefits and challenges of using new, innovative technology in place of traditional solutions. Several Vermonters developed a technique of modeling the flow of contaminated groundwater through soil. When this modeling technology was applied to a local superfund site at Barge Canal in Burlington, it became clear that the EPA was about to embark on a costly cleanup effort that would yield few, if any, environmental benefits. New technology saved millions of dollars on this project alone. S. 978 sets aside a certain amount of cleanup money from the Department of Energy, Department of Defense, and Environmental Protection Agency to use innovative technology and groundwater modeling from the University of Vermont.

On another front, construction of a biomass gasification plant may begin in Burlington next year. The powerplant will use organic fuels such as wood chips and corn stalks to power Burlington's energy grid. One of the biggest hurdles in moving this project forward was getting a warrantee for a turbine. The turbine technology had not been tested in the specific application that Burlington needed. S. 978 creates a technology verification program at the EPA to help producers and consumers address challenges like this one.

Gardener's Supply Co. of Burlington is pioneering exciting new technology for treating and reusing wastewater through "Living Machines." These machines duplicate nature's way of removing toxic substances, but accomplishes it at a quicker pace. Polluted water is channeled through a series of tanks inside a greenhouse. The tanks are exposed to sunlight and contain a carefully designed progression of bacteria, algae, snails, and fish. By imitating the way nature purifies water, these living machines are at the cutting edge of a revolutionary approach to treating wastewater. This bill provides funding for joint private and Federal precommercial research and development for projects like the Gardener's Supply Co. treatment plant. A Federal partnership may be all that Gardener's Supply Co. needs to complete its testing and put the product on the market.

Seventh Generation of Colchester, VT, sells everyday household products for a healthy planet. With the motto "In our every deliberation, we must consider the impact of our decisions on the next seven generations," this mail-order company sells competitive environmentally friendly products that we can use all the time. Many of these products bring the concept of pollution prevention into our own homes. S. 978 targets pollution prevention as a key market for further investment.

Atlantic Orient of Norwich and Green Mountain Power of South Burlington are working together to test the latest developments in wind-generated power. Atlantic Orient has developed a commercially viable small wind turbine and Green Mountain Power is testing these turbines for large-scale use at electric utilities. This is only a small part of the energy conservation and energy services industry in Vermont. The technical assistance available to small companies through S. 978 will help develop Vermont's energy industries further.

Finally, Merrell Footwear of South Burlington has developed a best-selling hiking boot made with recycled materials. Merrell uses computer papers and coffee filters to produce 65 percent of the boots' insoles, and old tires to make 10 percent of its soles. This is the kind of product we need to support to keep our high standard of living, and still fulfill our conservation obligations to younger generations.

I am looking forward to the economic opportunities that this bill provides to Vermonters, and I welcome the economic and environmental security that it provides for our children. I have mentioned only a few of the many companies in Vermont who have taken the initiative to develop environmental technology. This bill will help many of our growing companies break into larger markets and help new companies find opportunity where today there is very little. I urge my colleagues to support the Environmental Technology Act of 1994.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the hour of 10 o'clock having arrived, morning business is closed.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business for an additional 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized for 15 minutes.

FLEXIBLE FUNDING, COLONIAS, SOUTH VALLEY

Mr. BINGAMAN. Mr. President, today I would like to discuss three amendments which I have filed at the desk and plan to offer as amendments to the Safe Drinking Water Act Amendments of 1994 which is being considered this week in the Senate. I look forward to working with the chairman and his staff on these important issues.

The first amendment I plan to offer will provide States with the needed flexibility to more efficiently manage their environmental programs. This amendment will promote more effective and efficient use of existing environmental funds and will facilitate the targeting of funds where the problems are the greatest in the individual State. I introduced this amendment as a stand alone bill last November as S. 1687, the Environmental Flexible Funding Act of 1993.

Senator SMITH is the prime cosponsor on this legislation with me, and both of us have worked hard to persuade our colleagues that this is, in fact, meritorious legislation.

I plan to offer this amendment because I have personally heard from State environmental directors who are concerned about the constricting nature of the existing grant programs. They believe that these grant programs fail to recognize that each State is different. What might be of most concern to one community may be less important to another. Federal assistance that is available is restricted to nationally perceived priorities, preventing more effective use of funds on greater regional or local needs.

The National Governors Association and the National Conference of State Legislators have called for a limited number of flexible environmental grants. In addition, the development of flexibility was one of the key findings of a State capacity task force report developed by States and the Environmental Protection Agency [EPA] called Strengthening Environmental Management in the United States.

There is widespread support among State environmental commissioners, colleagues in the Senate, and from the EPA for this concept. However, they have not been able to institute such an initiative due to the lack of statutory authority. This amendment, Mr. President, would solve that problem. It gives them the statutory authority.

Mr. President, let me summarize briefly the main provisions of this first amendment.

First, my amendment would enable States to consolidate funds awarded by the Environmental Protection Agency under separate grant authorities into one of six environmental grants.

Second, this amendment would authorize a multimedia grant for any activities that would be eligible under the separate grant authorities.

Third, Governors would be able to transfer 20 percent of grant funds from one environmental program to another of greater State-identified need.

Finally, my amendment would establish a common set of administrative and reporting requirements for States.

Mr. President, let me make clear that my amendment would not seek additional funding authority. Instead, it will enable States to better use existing Federal funds being made available for environmental purposes. More importantly, this amendment would significantly enhance a State's ability to direct scarce resources to the most serious environmental problems that it faces.

It is critical that we encourage more effective use of existing grant funds given the limited financial resources and increasing Federal environmental requirements. This amendment which I plan to offer will provide the necessary authority.

The second amendment I plan to introduce to the Safe Drinking Water Act Amendments of 1994 will provide the needed authority to supply poor communities along the southwestern border of the United States with desperately needed wastewater treatment grants. I introduced this amendment as a stand-alone bill, S. 1286, the Colonias Wastewater Treatment Act of 1993, last July.

First, I want to bring to the attention of the Senate the plight of these poor communities called colonias. Colonias are situated along the southwestern border of the United States. They are rural residential areas, generally unincorporated, many without paved roads. They are small in size with populations ranging anywhere from 250 to 5,000 people. Residents are generally poor and live in substandard housing with inadequate plumbing and drinking water. Housing lots are extremely small in size and packed together, frequently creating a high density of cesspools and inadequate septic tanks. The population is growing in size daily, compounding these problems and health problems.

If by chance you happen to visit these colonias, you can only be struck by the primitive conditions in which the residents live. You would walk away in disbelief that over 350,000 American citizens and legal permanent residents are subject to what most of us would call developing countries living conditions.

These conditions create health and environmental problems. Many colonias are situated in areas with a very shallow water table, resulting in sewage trickling through the ground and contaminating the ground water. Since many families rely on wells on their property for their drinking water, it is not surprising that incidences of infectious diseases in the colonias are higher than the national average. It is also not surprising that the groundwater is contaminating our rivers. The national environmental group American Rivers recently identified the Rio Grande as one of the most endangered rivers in the country, citing inadequate treatment of sewage waste as one of the prime causes of pollution in the border area.

The needs of the colonias have not gone unnoticed. In fiscal year 1993, Congress appropriated through EPA $50 million to help these communities. These funds were used for grants to build needed wastewater treatment facilities. In fiscal year 1994, the administration requested funds for the Environmental Protection Agency [EPA] to continue helping the colonias construct wastewater treatment facilities. However, when EPA's budget came up for discussion on the House floor, funding was struck due to a parliamentary debate as to whether sufficient legal authority existed for EPA to make these grants.

Congress has provided a $500 million reserve in fiscal year 1994 to support projects in hardship communities pending enactment of authorizing legislation.

The question today in Congress is not if we should help these colonias, but whether we have the legal authority to do so.

I want to end this doubt over legal issues, and place attention where it rightly belongs—that is, how to help the residents of these communities. I, therefore, plan to offer this amendment to the Safe Drinking Water Act authorizing EPA to make grants for wastewater treatment in the colonias.

Mr. President, specifically, my amendment would authorize the Administrator of EPA to make grants to colonias or communities acting on behalf of colonias for wastewater treatment.

Grants may include planning, design, and construction of a wastewater treatment works, including acquisition of any land needed for the construction of operation of the works. Grants may also be for up to 100 percent of project costs.

The special needs of these communities must be met—especially as we begin implementation of the North American Free-Trade Agreement. I believe this amendment can play a critical role in helping provide the needed protection these communities deserve.

The third amendment I plan to offer as an amendment to the Safe Drinking Water Act Amendments of 1994 will address the wastewater treatment needs of small disadvantaged communities. These are small unincorporated communities with inadequate wastewater systems. These communities are too large to qualify for rural water grants, but are too small to shoulder the high per household hookup fees or monthly water and sewer service fees that would be necessary if they were to finance wastewater treatment construction through revenue bonds or other financing mechanisms.

Congressman STEVE SCHIFF has introduced similar legislation in the House. I believe that the Safe Drinking Water Act must be amended to include a special grant program for small, unincorporated communities facing extreme hardship in treating their sewage.

I am particularly concerned about unincorporated communities near urban centers which face a unique combination of environmental, financial, and governmental problems. Households in these areas traditionally have relied on septic systems to meet sewage needs. With urban growth these communities have expanded. Septic systems which once were adequate can no longer accommodate that increased density. Yet these communities lack the tax base and governmental structure needed to fund needed infrastructure improvements. They face high system costs per household due to their relatively low density, a high percentage of residents with lower incomes, and lack of access to grant programs intended for very small, rural communities.

The South Valley in New Mexico, a small unincorporated community outside of Albuquerque, alongside the Rio Grande, is one such community. Most of its 12,000 residents rely on septic tanks. Their drinking water comes from wells on their property. Heavily concentrated septic tanks, a shallow water table, and tight soils resulting in poorly drained septic tanks are contaminating the ground water. State and local governments have already contributed significant funds to address the problem, but additional funding is needed. If this funding were to come through revenue bonds, residents in the area would have to pay 4 to 6 times as much as other New Mexico residents for monthly water and sewer service. These citizens cannot afford such rates.

State and local governments are already contributing to finding solutions to problems such as in the South Valley. But these funds alone cannot meet all needs.

Mr. President, specifically the amendment I plan to introduce will authorize the Administrator of the Environmental Protection Agency to make grants for wastewater treatment projects to communities: that are unincorporated; that have a population of 20,000 or fewer residents; that have a median household income that is less than or equal to 110 percent of the median household income for nonmetropolitan areas in the State—although the community may be part of a metropolitan statistical area—and that will match 25 percent of Federal funding with any combination of public or private funds or in-kind services.

These grants are critical in assuring that these communities have access to clean and safe water.

I look forward to working with the chairman and his staff on these important amendments.

The full text of my amendments were printed in the RECORD of May 9, 1994.

RELEASE OF REPORT BY NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING

Mr. BINGAMAN. Mr. President, I see I have just a few more minutes. Last week, the National Education Commission on Time and Learning released its report to the public. That report, entitled "Prisoners of Time" outlines a critical problem for our school reform efforts: We have dealt with many, many issues relevant to the education of our children except one crucial element: time. In all of our consideration of new, high standards for all children we have not yet grappled with the implications that those standards have for the time we ask our children to spend in school or for the time we require them to spend studying the core academic subjects which those standards address.

When national legislation to set goals and standards was first proposed in the Senate several years ago, I expressed my concern that we could not really ask our students to meet higher standards if we did not also consider the element of time. I wondered whether we really knew what the implications of time for learning were. Were we using time in best way in school? Were students spending enough time on the tasks they needed to learn? Did teachers have enough time to teach? Was it fair to ask students to achieve to higher standards in the traditional school day and school year?

I knew that we did not have the answers to these and similar questions but I also knew that our efforts to have students meet higher academic standards would fail if we could not deal with the time issue intelligently. Therefore, I introduced a bill in the 102d Congress to establish the National Education Commission on Time and Learning. That bill became law.

That nine-member Commission started its work in 1992. The Commission was led by Milton Goldberg, the Executive Director of this Commission and the former Director of the National Commission on Excellence in Education, which produced the landmark report, "A Nation At Risk." The Commission held eight hearings at locations around the country and commissioned the preparation of several reports on various aspects of its study. It visited 22 schools across the Nation and traveled to Germany and Japan to visit schools in those Nations.

The report which the Commission has released today should be read by every person concerned about our Nation's education system. It identifies the essential design flaw in that system which must be fixed before we can make any true progress: That flaw is expecting all children to learn a fixed body of knowledge at a uniform minimum level of competency in a rigidly defined schedule of days and hours. We know that children learn at different rates; we know that our society has changed and is changing so that children bring different problems to schools; we know that what children are expected to know in an increasingly competitive world is changing—yet we continue to insist that all children learn on a schedule which is rooted in work schedules of generations ago.

Furthermore, the report notes the compounding of that flaw in that the fixed days and hours of instruction which we have set for our children are frequently not even used for academic instruction. We do not require of our students even half the academic study that other countries require of their students. It appears that we take a limited number of instructional hours and spend them on a variety of things not related to proficiency in core academic subjects.

This chart, which is the only chart appearing in the report, shows how little we expect of our high school students as compared to the requirements set in other countries. In America, States set the minimum requirements for graduation—we do not have a central ministry of education as many other countries do—and our States vary in their requirements for high school graduation.

This chart depicts the average hours required by the States in the core academic subjects identified in our Goals 2000 legislation and compares that number to the requirements set for Japan, France, and Germany for their students in their last 4 years of secondary school. You can see that the American States require less than half of these countries—about 2 hours a day of academic instruction—assuming a 180-day year.

While the data are not quite so clear with respect to the amount of time which students actually spend on core academic subjects, as those subjects are defined in Goals 2000—as opposed to the amount of time required by the States—it appears from the data we do have that students do not spend any more than 3 hours a day on core academic subjects—still far short of the German, Japanese, and French students. Is it any wonder that American students do so poorly on international comparisons?

In "A Nation at Risk," released 11 years ago last week, it was recommended that States adopt a core curriculum of requirements for all high schools: 4 years of English, 3 years of math, 3 of science, 3 of social studies, and 1½ years of computer science. In 1990, fewer than half the high school graduates had completed that core set of requirements. It is clear that even within the time we have alloted our schools, that time is not being used enough for the kind of instruction that students must have in order to compete with their counterparts in other countries.

The simple fact is, in many of our schools, student have been permitted and in fact in some cases encouraged to take course work which does not have a core academic basis. We had one of the members of the Commission speak very eloquently last week at a press conference where the report was released, saying it is not unusual for a high school senior in this country to have his or her school day made up of one or at the most 2 hours of academic instruction while the rest of the time would be spent on weight lifting and crafts and lunch and study hall. We are not doing right by our students in permitting this kind of instruction.

We seem mired in old notions of a school day and a school year and in old notions of how students should spend their time. Now, as we undertake major efforts at school reform through Goals 2000 and the reauthorized Elementary and Secondary Education Act, we need to revisit those old notions and rethink our commitment to a school day and school year that no longer reflect the modern work schedule or modern educational demands in a global economy.

The report makes eight recommendations. Some can be achieved only by local communities and schools. But others can be acted on at all levels of government. The eight recommendations are:

Reinvent school around learning, not time;

Fix the design flaw: Use time in new and better ways;

Establish an academic day;

Keep schools open longer to meet the needs of children and communities;

Give teachers the time they need;

Invest in technology;

Develop local action plans to transform schools;

Share the responsibility: Finger-pointing and evasion must end.

We in the Congress can do quite a bit to help implement the recommendation about reinventing the school around learning, not time. Goals 2000 is a first step in that direction and ESEA will provide more help for schools that wish to reinvent themselves. We can also help schools stay open longer to meet the needs of children and families.

There are various proposals in the ESEA and elsewhere to support schools in their efforts to stay open longer hours so that community services can be provided on the school site, although not necessarily at the school's expense. The professional development title in the proposed ESEA bill provides significant new moneys for professional development, including moneys to give teachers time for that development. And, of course, the Technology for Education Act, S. 1040, which I introduced last spring with Senators KENNEDY, HARKIN, and COCHRAN, will provide important investment in technology in the schools so that learning time can be more efficient and more effective.

Yet, for all these efforts, there still remains much more that we in Congress can do to help schools free themselves from the shackles of time. I will be proposing an amendment to ESEA to provide grants to schools to support efforts to implement the report's recommendations.

Last week, at the press conference announcing the release of the report, we heard from the principal of an elementary school in New Stanley, KS, which, with the help of a grant from RJR Nabisco, developed an innovative blueprint for learning that extended the school day and year, combined with other innovations in teaching and curriculum. When the Nabisco grant ran out after 3 years, the New Stanley school community was so pleased with these innovations, including the extended year and day, that the community supported the increased spending which was required to maintain those changes once the grant money was gone.

The Federal Government can help schools in a similar way, by providing seed money to spur change, which local communities can then support themselves once those innovations are shown to meet local needs.

We are not suggesting the Federal Government should legislate a school year of a certain number of days. But we are saying that in order to reach the high goals and standards for education that we have set as a Nation, we have to recognize more time is required in actual instruction.

There are doubtless other kinds of support which we can give schools to help them implement the recommendations of this report. I hope that the report itself together with the forums and other outreach activities which the Commission will be undertaking over the next several months will provide further support to efforts all over the country to rethink and revise time for schools.

I hope that we will give serious thought to the recommendations of this report. It is a fine piece of work and a very important contribution to the debate about school reform. I commend Dr. Goldberg and the Commission on their efforts in bringing this to the Congress and thank them for fulfilling so well the charge Congress gave them. I just hope that we do not lose sight of the importance of these issues and the urgency of these recommendations, because I do not think that we can realize the promise of Goals 2000 or of the reauthorized ESEA if we do not release our children and their schools from the prison of time.

I will be working with the members of the Time and Learning Commission to see the results of their report and their recommendations are as widely publicized as possible throughout the country.

Mr. President, at this point I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call the rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, has leader's time been reserved?

The PRESIDENT pro tempore. The Senator is correct. The Senator wishes to be recognized under leader time. The Republican leader is so recognized for not to exceed 10 minutes.

SOUTH AFRICA

Mr. DOLE. Mr. President, South Africa has a new President—Nelson Mandela. This courageous man's political journey inspires the world: from opposition politics, to decades of imprisonment, to the Presidency of his country. And President Mandela may now face the toughest challenge of all—ruling a country where expectations are high, where violence is widespread, and where some wish him to fail.

As he faces difficult decisions in the days ahead, President Mandela can call on another South African hero of the democratic transition: F.W. de Klerk. In the late 1970's, white South Africans were told to "adapt or die" by one of their own. It took another of their own, President de Klerk, to make change a reality.

President de Klerk promised to end apartheid, and he did. President de Klerk promised to hold free and fair elections and he did. So while we all congratulate South Africa's new President on the day he is sworn in, we should also remember the past President who shares in the triumph of freedom in South Africa.

Yesterday, Nelson Mandela said, "We speak as fellow citizens to heal the wounds of the past with the intent of constructing a new order based on justice for all." As South Africa's Government of National Unity is formed, I wish President Mandela and all South Africans the best as they embark on their historic path.

Is morning business closed?

The PRESIDENT pro tempore. Morning business is closed.

Does the Senator wish to continue?

Mr. DOLE. I reserve the remainder of my leader time.

The PRESIDENT pro tempore. The time is reserved.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of S. 2042, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2042) to remove the United States arms embargo of the Government of Bosnia and Herzegovina.

The Senate resumed consideration of the bill.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The Republican leader.

AMENDMENT NO. 1692

(Purpose: To propose a substitute for S. 2042)

Mr. DOLE. Mr. President, I send to the desk a substitute amendment and amendments in the first and second degree.

The PRESIDENT pro tempore. Under the previous order, the Senator is authorized to offer a substitute amendment and first- and second-degree amendments and a modification to the second-degree amendment thereto.

Mr. DOLE. I send the modification to the desk. I might say, this has been cleared by the other side.

The PRESIDENT pro tempore. The clerk will report the substitute amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1692.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SEC. . UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

AMENDMENT NO. 1693 TO AMENDMENT NO. 1692

(Purpose: To propose a 1st degree amendment to the substitute amendment for S. 2042)

The PRESIDENT pro tempore. The clerk will read the amendment in the first degree.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1693 to amendment No. 1692.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

AMENDMENT NO. 1694 TO AMENDMENT NO. 1693

(Purpose: To propose a second-degree amendment to the first-degree amendment to the substitute amendment for S. 2042)

The PRESIDENT pro tempore. The clerk will now read the second-degree amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. LIEBERMAN, Mr. MACK, Mr. LUGAR, Mr. LEVIN, Mr. MCCAIN, Mr. HATCH, Mr. FEINGOLD, Mr. DORGAN, Mr. MCCONNELL, Mr. HELMS, Mr. SIMPSON, Mr. COVERDELL, Mr. DECONCINI, Mr. GORTON, Mr. KEMPTHORNE, Mr. D'AMATO, Mr. PRESSLER, Mr. ROTH, Mr. BROWN, Mrs. HUTCHISON, Mr. WALLOP, Mr. BRADLEY, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. ROBB, Mr. STEVENS, Mr. THURMOND, Mr. PACKWOOD, Mr. REID, Mr. JEFFORDS, Mr. CAMPBELL, and Mr. MURKOWSKI, proposes an amendment numbered 1694 to amendment No. 1693.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "**SEC.**" and insert the following:

". UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

"(a) PROHIBITION.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of arms to the Government of Bosnia and Herzegovina.

"(b) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

"(c) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

"(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

"(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

"(d) Nothing in this section shall be interpreted as authorization for deployment of U.S. forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment.

AMENDMENT NO. 1694 TO AMENDMENT NO. 1693, AS MODIFIED

(Purpose: To modify the proposed second-degree amendment to the first-degree amendment to the substitute amendment for S. 2042)

The PRESIDENT pro tempore. The Chair inquires to which amendment the modification is addressed.

Mr. DOLE. The modification is to the second-degree amendment.

The PRESIDENT pro tempore. The clerk will read the modification.

Mr. DOLE. Mr. President, I will explain what the modification is.

This is a simple modification to address the concern raised by some that the language prohibiting the executive branch from enforcing the arms embargo could inadvertently allow the transfer of nuclear or other advanced weapons to Bosnia.

The modification makes clear only conventional weapons appropriate to the self-defense of Bosnia would be allowed. That is the only purpose of the amendment.

As I understand it, I have a right to make that modification.

The PRESIDENT pro tempore. The Senator has that right.

The amendment, with its modification, is as follows:

Strike all after the word "**SEC.**" and insert the following:

". UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

"(a) PROHIBITION.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of conventional arms appropriate to the self-defense needs of the Government of Bosnia and Herzegovina.

"(b) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

"(c) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

"(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

"(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

"(d) Nothing in this section shall be interpreted as authorization for deployment of U.S. forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment."

Mr. DOLE. Mr. President, I ask unanimous consent that until the Senate recesses for the party conferences today, that there be debate only on S. 2042, the Bosnia arms embargo legislation.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. It will be so ordered.

Mr. DOLE. That is the request of the leaders on both sides.

Mr. President, I know with all the things that may be happening around the world today in South Africa—and some of our colleagues are there for the inauguration of President Mandela—we read about the tragedy in Rwanda, we look at the Mideast with some hope, there are a number of areas I know have the focus of the administration and the Congress and the President.

But I know of no area that deserves more consideration by this body than Bosnia. So what we are attempting to do in a bipartisan way—we have more than 30 cosponsors, myself and Senator LIEBERMAN, so it is bipartisan, a number of Democrats, a number of Republicans—all we are attempting to do with our amendment is to lift the arms embargo on Bosnia on a unilateral basis.

And I might say at the outset, we prefer that it be lifted by our allies at the same time. But if they are not persuaded, then I think America should take the high moral ground so the world may know that at least the United States, if we do nothing else, we are not going to prevent people from defending themselves. That is essentially what we are doing now. We are telling the Bosnians, you cannot defend yourselves; you cannot have defensive weapons; you cannot have antitank weapons. They are now fighting tanks with rifles.

I met, along with Senator LIEBERMAN, with the Vice President of Bosnia, Mr. Ganic. He told us they had 8 tanks and the Serbs have over 300. He told us they had 1 rifle for every 4 men. Now, it is not a fair fight. The Serbs have most of the weapons that the Yugoslav army had. And I know that some say, well, if you lift the arms embargo, you escalate the violence; you permit the Bosnians to inflict some pain on the Serbs and we would rather have it one way; we would just as soon have only the Serbs inflict the pain because it is less violence.

My view is that that violates article 51 of the U.N. charter which provides for the right of self-defense. Bosnia is an independent nation. It is a member of the United Nations. They have already lost a half or more of their territory, some say 70 percent. We will have to make a decision here someday, if there is a peace accord, whether we should send 5,000, 10,000, 25,000 Americans to Bosnia. To do what? To enforce a peace agreement that favors the Serbs, because they have been the aggressors. The Bosnians have not been the aggressors. The Croats have not been the aggressors. It has been the Serbs.

For 2 years now we have facilitated Serbian aggression and ethnic cleansing because we have prevented the Bosnians from defending themselves.

And again I would say that the Vice President of Bosnia said that all we want is a limited quantity of defensive weapons, not for offensive purposes but for survival, survival.

When President Clinton was candidate Clinton and campaigning across America he correctly said, "In effect, we're giving a big advantage to the Serbians when there can't be any arms sales" to any Balkan States. "We can't get involved in a quagmire," Governor Clinton said, "but we must do what we can."

And I think at the outset it was my hope, and I think Senator LIEBERMAN's hope, that we would strengthen the President's hand. We did not offer this to have any confrontation with the administration or with the President. But we thought we should help the President do what is morally right in this case and help provide the leadership. In my view, unless the United States is providing the leadership, nothing of any import is going to happen.

So they have 8 tanks to 300, 1 gun to every 4 Bosnian soldiers. They are not asking for American troops. They are not asking for offensive weapons. They are ready to defend themselves, if only they had the means to protect themselves, their homes, and their families.

We have witnessed on CNN shelling of an emergency room, the Red Cross, shooting children in front of their parents, killing children in front of their parents. It seems to me that as Americans we have a special history and a special understanding for the plight of the Bosnian people. America was once a colony, and we struggled against the odds for our independence. So I think we can certainly sympathize, but we need more than sympathy, for the Bosnians; all they want is their freedom and their independence.

But they have had their fate snatched from their hands and placed in the hands of the U.N. Security Council. No doubt about it, I think even the President acknowledged and our Ambassador to the United Nations has acknowledged that in a sense—the international community approach has been one of weakness and hypocrisy. Genocide has not been halted; it has been managed. Aggression has not being halted; it is being supervised.

The international community's policy has been a failure, and the American people know it. A CNN/Time magazine poll conducted last week indicates that only 19 percent of those polled believe United States policy in Bosnia has been a success, while 59 percent believe it has been a failure.

The United Nations and NATO say that genocide will not be tolerated in U.N. "safe havens," but outside those areas ethnic cleansing rages on. In Gorazde, one of those U.N.-declared safe havens, limited action was taken but only after the city was nearly destroyed and hundreds were killed. Now Bosnian Serbs are massing their forces in the Brcko area for a new offensive, but this region is not protected even in theory by NATO air strikes.

Last week, two planes were hit by gunfire on the way to Sarajevo and Bosnian Serbs blocked a convoy bound for the beleaguered people of Gorazde. Nevertheless, negotiators were in Sarajevo at the end of the week talking peace.

The latest news reports are more shocking. Pursuant to a deal cut by U.N. Special Representative Akashi, U.N. Protection Forces allowed Bosnian Serb tanks to have free passage through the Sarajevo exclusion zone, in blatant violation of the February NATO ultimatum.

In addition to assisting Bosnian Serbs in violating the NATO ultimatum, the U.N. Protection Forces helped the Bosnian Serbs to redeploy their tanks, no doubt, so they can begin new offensives elsewhere—and we are picking up a big part of the UNPROFOR tab. Today's reports indicate that some of these tanks are now missing within the Sarajevo exclusion zone.

Moreover, this morning there are reports that UNPROFOR officials are finally admitting that the Bosnian Serbs are still violating the NATO ultimatum on Gorazde, with troops and heavy equipment.

Prime Minister Silajdzic has demanded U.N. Special Representative Akashi's resignation, and I think he is correct. In fact, Senator LIEBERMAN and I last week had a telephone conversation with the Prime Minister, and again he made the case that all we want is defensive weapons, antitank weapons, whatever we can get to defend ourselves.

I have also called repeatedly for Akashi's resignation. Akashi's approach is one of appeasement. He meets with war criminals and calls them friends. And when the United States refuses to send soldiers under U.N. command he calls us timid. Akashi should be sent packing to a post far away where his weakness and indecisiveness will not cost lives.

Tragically, the international community has shown consistence—in its weakness and lack of principle. As innocent civilians are slaughtered daily, international leaders invite war criminals to Geneva to discuss peace. U.N. officials speak of the need for neutrality, as though they are referees in a sporting match. The problem is that this game is aggression and the referees are creating an unlevel playing field. Remember, the United Nations was established to protect member states against aggression, not to help foster it, not to choose up sides and not to make excuses for the aggressors as they have done in nearly every case, either Boutros Boutros-Ghali or his representative, Mr. Akashi.

Mr. President, how do we bring an end to this multilateral madness? I would have preferred not to have had to offer this legislation. I would have preferred that the President call the congressional leadership to tell us of the decision to lift the U.S. embargo. But this issue has waited long enough. The Bosnians have waited long enough. The war has gone on for 25 months, and we have passed resolutions and the U.N. passed resolutions. There has been international hand-wringing and tough talk and tough rhetoric and nothing ever happens. We have had pilots flying over certain zones where they might have had air strikes, waiting for somebody in the United Nations to tell NATO it is all right for the pilots to take action.

And it confuses me, I might say, and confuses most of the people in America. That is why those who support our policy in a recent policy are at about 19 percent.

President Clinton says he wants to lift the embargo but only multilaterally. But do not get me wrong; the Bush administration, too, deserves its fair share of this policy. But the Clinton administration has been in charge now for more than a year. And I made the same statements during the Bush administration. During the Bush administration, we kept talking about an undivided Yugoslavia even after free elections in Slovenia, after free elections in Croatia, even after it was obvious that Milosevic was moving for this greater Serbia, obvious that 2 million Albanians in Kosova were probably going to be the next target, or maybe Macedonia or maybe somewhere else.

So we gave them the caution light, and kept talking about not dividing Yugoslavia when it was obvious it was going to be divided in any event.

But this administration is continuing the Bush policy of denying the Bosnians the ability to defend themselves. Mr. President, this bill is about leadership—U.S. leadership in doing what is just and what is in the U.S. interest. Lifting the arms embargo is in both Bosnia's interest and in the United States interest. But the arms embargo will not be lifted if America waits for a consensus to miraculously emerge either within the U.N. Security Council or in NATO. The United States must act first.

Many of us are going to go over to Italy and Normandy in 2 or 3 weeks. We are going to talk about a lot of things. It is going to be a very emotional ceremony. But what is going to be indelibly imprinted on our minds again is how important American leadership is.

What would have happened in the last 50 years had America not entered World War II? I am not suggesting we enter into any armed conflict in Bosnia. But, what would have happened if we had not provided the leadership? Where would we be today? Would we be meeting in the U.S. Senate under the charge of somebody Hitler passed on?

Only when American leadership is provided, only when the world understands that America is providing leadership and we are serious about what we intend to do, can we have cooperation, because, whether we like it or not, we have the burden of world leadership. We may not fully appreciate it. We are respected around the world, with some exceptions. They respect our leadership because historically America stood its ground. We have taken the high moral ground. What we are saying is, OK, we are not going to do anything in Bosnia, but we certainly are not going to deprive the people of a right to defend themselves. We would not do that if we had a street fight somewhere if somebody was unfairly matched. We might at least give them a right to defend themselves.

That does not risk any American lives, and that does not risk any American capital. It just says to these poor people, children, and innocent women and men, who have been slaughtered, that you have a right to defend yourselves. Once the Serbs understand that the Bosnians are going to be allowed to defend themselves, then I think you will see some real negotiations and maybe a peaceful settlement.

So my hope still is that we will pass this bill. I know the administration is opposed to it. I know some of my colleagues are opposed to it, unless it can be done with our allies. We are not France. We are not Britain. We are the United States of America. We are the world's leader. We ought to take that position, and we ought to do it proudly. And we ought to say we are going to lift the arms embargo. You can remove all the U.N. troops. We do not want any lives endangered. But we are the United States of America. We are the United States of America. We want to stop the slaughter. We want to give them at least an even chance. If the British do not like it and if the French do not like it, that is too bad. Because history is going to take a look at this era in the next 10, 15, or 20 years. And unless I am totally wrong, they are going to say this was a sad and tragic chapter in international history. And if we participate in it by just going along waiting for some consensus to develop, then we are going to be criticized for our lack of leadership.

So, Mr. President, I think the legal arguments are clear, too. We have to keep in mind that the arms embargo was imposed on Yugoslavia. Yugoslavia no longer exists. How can we have an arms embargo in a country which no longer exists? This was all done before Bosnia was recognized and admitted into the United Nations as a member state.

Bosnia and Herzegovina is the victim of international aggression and is guaranteed the right to self-defense under article 51 of the U.N. Charter. One of the cosponsors of this bill, the distinguished Senator from New York [Mr. MOYNIHAN] is a former Ambassador to the United Nations and has perhaps the deepest understanding of the international legal questions associated with this matter. Another former U.S. Ambassador to the United Nations, Jeane Kirkpatrick, has also extensively discussed and written on this issue—and supports this bill. Even our current U.S. Ambassador to the United Nations, Ambassador Albright, stated a few days ago that: "The bottom line here is that this is not a legal issue, it is a political issue."

It is not a legal issue because the arms embargo is illegal, which brings me back to the leadership. The political issue is U.S. leadership. Is the United States going to continue to go along with and subsidize failed U.N. Security Council policies—including an illegal arms embargo?

If we are going to do this, I may offer an amendment to cut off any funding. Why should we subsidize it? Why should the taxpayers subsidize it if only 19 percent approve of the policy? Are we going to break the cycle of failure which has left Bosnia in ruins and which threatens to drag us into the quagmire of implementing a peace settlement which rewards aggression?

That is some precedent I do not think we wish to be a part of. So they say, OK, go ahead and take their country. Take 60 percent of it. Take 70 percent of it. We will send American troops to make certain they do not get any of it back.

I do not really believe that is going to be an easy sell in the Congress of the United States or with the American people, again, when 59 percent do not support our present policy.

In my view, it is not in the U.S. interest to send thousands of U.S. troops to implement an unjust and unworkable settlement. The administration is now participating in a contact group which includes the British, French, Germans, and Russians whose main objective is to persuade the Bosnian Government to accept 51 percent of Bosnia, while allowing the Bosnian Serbs to retain 49 percent of Bosnia.

Is that supposed to be something they would welcome? You get to keep 51 percent. What are you complaining about?

This is a peace-at-any-price policy. In a recent meeting, Jeane Kirkpatrick made the point that the United States does not have a stake in where borders are drawn, but how they are drawn. At present, the map of Bosnia is a map of aggression. The negotiators' map is one of slightly reduced aggression.

So you have major aggression. So, OK, you cannot have 70 percent, but we will give you 49 percent. So everybody wants to end the war. The President does. The Congress does. The people do, and particularly the people in Bosnia who have been pummeled, who have suffered and been shelled and whatever for the last 25 months.

But how can anyone reasonably argue that this sort of resolution will serve U.S. interests? Are we really going to place our troops in harm's way to police the division of Bosnia? Are we talking now about sending troops?

The only viable solution to the war in Bosnia is to lift the arms embargo on Bosnia. Last week, former Prime Minister Margaret Thatcher, once again made the case for lifting the embargo, in an op-ed in the New York Times. Lady Thatcher cites four reasons why the United States and Europe have important interests at stake in Bosnia and they are: First, the credibility of the West—and we do not have very much—NATO, and the United Nations; second, the message our weakness sends to other would-be aggressors; third, the expansion of Serbian aggression that would lead to a wider Balkan war; fourth, the potential for a wider war to create floods of refugees across Europe. Yesterday, Albert Wohlsetter, in an op-ed in the Wall Street Journal called the present policy toward Bosnia, "Genocide by Embargo."

In other words, we are not going to stand by and watch it. We do not want to call it genocide.

So it seems to me that wherever you look, there are rather compelling reasons for the United States to act, not by sending ground troops, not even with air strikes at this point—though I would support air strikes if the President suggested that—but by helping the Bosnians defend themselves. And I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 9, 1994]

GENOCIDE BY EMBARGO

(By Albert Wohlsetter)

Since June 1991, the United States has used its own diplomacy and the U.N. Security Council in a grim charade of "neutral mediation" between a Serbian genocidal aggressor and his victims. France and Britain have done likewise using the Security Council and the European Community.

They have used the brave efforts of private humanitarian agencies to excuse their own failure to stop the Serbs, ignoring the fact that this enormous human catastrophe is not the unintended byproduct of war: It is ethnic cleansing, the deliberate slaughter of innocent civilians, the destruction of their private homes and public places of worship and assembly, and the systematic rape of women to inspire terror and flight for the strategic purpose of creating Slobodan Milosevic's Greater Serbia. Western leaders have sponsored the use of peacekeeping forces where there is no peace but only an ongoing genocidal war.

Such mediation, misuse of relief efforts, and peacekeeping encouraged Mr. Milosevic's genocidal war and its continuance. The U.S. did not bring about such horrors as those in Rwanda, but the U.S. and the other democracies have played a major role in bringing on the genocide in the Balkans. They have much to make up for. Most obviously, they have an obligation to disavow and erase the persistent effects of their diplomatic moves that first deprived the victims of recognition and so the right to acquire arms for self-defense and, second, in a largely covert and totally invalid maneuver, kept the victims from defending their independence even after we and the rest of the world recognized it.

OPEN WAR

Mr. Milosevic started his open war in Slovenia when Western statesmen told Slovenian and Croatian leaders—and Mr. Milosevic—they would not recognize the results of an internationally monitored plebiscite they themselves had asked for in Slovenia and Croatia. The results were overwhelming for independence, or for at least a looser federation.

By refusing recognition, Western leaders made clear at that point that they would continue to prevent Croats and Slovenes from getting the means of defending their independence against Mr. Milosevic's heavily armed proxies. Then, in September 1991, the U.N. Security Council, at Mr. Milosevic's request and with U.S. backing, put through an arms embargo to keep Croatia outgunned. After that, much internal negotiation within the European Community led to a scheduled European recognition of Slovenia and Croatia on Jan. 10, 1992.

On a mission to Yugoslavia shortly before that, however, the representative of U.N. Secretary-General Boutros Boutros-Ghali simply "told all interlocutors" that the embargo would continue to apply to all countries formed on the territory of the former Yugoslavia, even after they became recognized as independent nations by the international community, including the EC and the U.N. This was a deliberately obscure maneuver, nowhere overtly visible in the labyrinth of words in U.N. Security Council Resolution 727, which was passed on Jan. 8, 1992. Resolution 727, nevertheless, has been taken as continuing the embargo.

In effect, Resolution 727, coming barely two days before the European Community recognized Slovenia and Croatia, was a ploy to empty of any operational meaning the coming world recognition of the independence of Slovenia and Croatia. Besides violating Article 51 of the U.N. Charter, which acknowledges that the right of individual and collective self-defense is "inherent," the ploy violated the Geneva Convention on Genocide as well. The U.N. mediator had no authority from the Security Council. And, as many experts on international law have shown, the Security Council had and has no authority to change the U.N. Charter.

The U.S. should not simply declare that there is no valid embargo on the sovereign nations who are the victims of continuing Serbian genocide. That declaration would not (as has been suggested) even remotely endanger the operation of the embargo against Iraq. The embargo against Iraq applies not to its victims but to the genocidal invader of Kuwait, which was defeated by a U.S.-led coalition of some willing NATO members and other interested countries. The embargo resulted from the defeat and surrender of Iraq. It was a condition of the coalition's ceasing to fire. Unlike the embargo against the ex-Yugoslav republics, it is embodied in the explicit language of a U.N. resolution. The credibility of the U.N. as an impartial body is threatened by the continuance of the embargo against former Yugoslav republics under siege.

The U.S. need not and should not condition its declaration on an agreement by the U.N. Security Council (the General Assembly has already called for a lifting of the embargo) or even all the members of the North Atlantic Treaty Organization. Russia, as a permanent member of the Security Council, has said it would veto a council vote to lift the embargo. So have Britain and France, who are both permanent members of the Security Council and members of NATO.

However, in lifting the embargo, the U.S. will be joined by many in the General Assembly majority who, like President Clinton, have long called for lifting it.

One standard argument for continuing the embargo which has been repeated mindlessly and endlessly is that ending it would lengthen and widen the war. But depriving Serbia's victims of the arms that would have enabled them to stop the aggression has ensured the continuance of the war for nearly three years, and invited the Serbs to widen it when they were defeated by Slovenian guerrillas who were better prepared than the Croats, and especially the Bosnians, for a Serb onslaught. The Serbs widened the war to Croatia and then to Bosnia and have already started further widening by their operations in the Sandjak.

GROTESQUE ARGUMENT

Another argument for allowing the Serbs to continue their genocide with minimal opposition runs that arming the victims might endanger humanitarian relief. But in spite of the bravery and selflessness of the relief workers and of many of the U.N. soldiers, humanitarian relief is no substitute for stopping the genocidal assaults on the civilians. It is grotesque to argue that the use of force to stop the Serbian shelling of hospitals, marketplaces, churches, homes, etc. must be abandoned because it would put at risk the convoys of humanitarian aid. A convoy that brought bandages and anesthetics for surgeons who are forced to amputate the legs of children can hardly substitute for stopping attacks that continue to blow off the legs of children.

Nearly three years of craven meddling by the democracies have led only to continuing disaster. Hopeful claims after the latest near-ceasefires in Sarajevo and Gorazde that "diplomacy is working"—like the dashed hopes after each broken ceasefire for three years—are deadly. But the administration recently helped to broker an essential alliance between the Croats and Bosnians to resist Serbian aggression. Let that alliance defend itself. Lift the embargo.

[From the New York Times, May 4, 1994]

STOP THE SERBS—NOW—FOR GOOD

(By Margaret Thatcher)

We have been here so many times before in the Bosnian saga: acts of barbarism by the Serbs, the mobilization of a shocked international conscience, threats of air strikes (or actual air strikes, of the most limited kind), a tactical Serbian withdrawal, more talks aimed at persuading the warring parties to accept a carving up of territory that rewards aggression. Then the Serbs move on to yet another Bosnian community, applying the same mixture of violence and intimidation to secure their aim of an ethnically pure Greater Serbia.

The tragedy of Gorazde may for now at least be over. But there are other towns of equal strategic interest on which the Serbs are now free to concentrate their forces. Yesterday the U.N. intervened to head off a Serbian attempt to expand the Breko corridor in northern Bosnia, but such interventions merely divert Serbian aggression. It is time to halt it—late, but not too late. We have the justification, the interest and the means.

A sovereign state, recognized by the world community, is under attack from forces encouraged and supplied by another power. This is not a civil war but a war of aggression, planned and launched from outside Bosnia though using the Serbian minority within it. The principle of self-defense precedes and underlies the United Nations Charter. The legitimate Government of Bosnia has every right to call upon our assistance in defending its territory. That is ample justification for helping the victims of aggression.

And both the United States and Europe have real and important strategic interests in Bosnia. Let me note four of them.

First, after all that the West, NATO and the U.N. have now said, the credibility of our international stance on every security issue from nuclear nonproliferation to the Middle East is now at stake.

Second, would-be aggressors are waiting to see how we deal with the Serbs. Our weakness in the Balkans would have dangerous and unpredictable consequences in the former Soviet Union, which has Slavic nationalist forces that closely parallel those of Greater Serbianism. And throughout Eastern and Central Europe there are minorities that aggressive mother-states might be tempted to manipulate to provoke conflict, if that is allowed to pay in the case of Serbia.

Third, Serbia's own ambitions are by no means necessarily limited to Croatia and Bosnia. Kosovo is a powder keg. Macedonia is fragile. Bulgaria, Hungary, Greece, Albania and Turkey all have strong interests that could drag them into a new Balkan war if Serbian expansion and oppression continue unchecked.

Fourth, the floods of refugees that would cross Europe—particularly in the event of such a wider conflict—would further inflame extremist tendencies and undermine the stability of Western governments.

The West has the means—the technology and the weapons—to change the balance of military advantage against the aggressor in Bosnia. Since the beginning of the Serbian war of aggression, which began in the summer of 1991 in Slovenia, intensified in Croatia and is now consuming Bosnia, I have opposed the sending of ground troops to the former Yugoslavia. But I have said that humanitarian aid without a military response is a misguided policy. Feeding or evacuating the victims rather than helping them resist aggression makes us accomplices as much as good Samaritans.

So I have consistently called for action of two sorts: the launching of air strikes against Serb forces, communication centers and ammunition dumps; and the lifting of the arms embargo and Bosnia and Croatia so that the Muslims and Croats can defend themselves on more equal terms against the Serbs, who inherited the massive armaments of the Yugoslavian Army.

If such a policy had been pursued when I first proposed it on this page in the summer of 1991, at a time when Sarajevo and Gorazde were under serious assault, thousands of people would now be alive and in all probability the Milosevic regime in Belgrade would have fallen. Because this approach was not adopted, we now find ourselves in a far more complex and dangerous situation: trying to defend almost indefensible safe havens; maintaining a facade of neutrality when all our decisions are based on the knowledge that the Serbs are the threat, and with a large contingent of U.N. personnel whom the Serbs may choose to use as hostages.

The new joint effort by Russia and the West to persuade the Serbs to settle for 49 percent of Bosnian territory (down from the 72 percent they have now occupied) is hardly less rife with dangers. The Serbs will almost certainly not withdraw, and once the guns are quiet the Russians may not wish them to do so—nor may the West be prepared to revive the threat of bombing to force them. Even if they were to withdraw, their 49 percent of Bosnia would still represent a reward for aggression. And in either event, the ensuing peace would be an unjust and fragile one requiring a large contingent of Western (including U.S.) ground troops to enforce it on the victims. If hostilities resume, as is all too likely, these troops would become the target for attack.

So the formula of air strikes and lifting the arms of embargo is still the right one to apply. NATO already has the mandate from the U.N. Security Council not just to defend U.N. personnel but to deter attacks on the safe havens. This mandate gives full authority for the requisite launching of repeated large-scale air strikes against Serb military targets wherever these may prove effective. It is a matter for consideration whether strikes should go into Serbia itself.

Air strikes are effective, as long as they are not on a small scale, hedged with political hesitations and qualifications. They can inflict severe and ultimately unsustainable damage. But they have to be part of a clear strategy to shift the advantage against the aggressor. The Serbs must know that they will be carried out with swiftness and determination. Nor may Russian objections be allowed to stand in their way. If the Russians are prepared to support such action, all well and good. But NATO cannot have its policies entirely shaped by Russian sensibilities.

Lifting the arms embargo, as Senators Bob Dole and Joseph Biden have courageously proposed (the Senate is to take up the resolution tomorrow), is also crucial. That embargo was imposed before Bosnia and Croatia were internationally recognized, and its legal standing is at least questionable. The U.S., Britian and France—or if necessary, the U.S. acting alone—should formally state that they do not intend to continue with it. Such statements might also be supported by a resolution of the U.N. General Assembly. The confederation between Bosnia and Croatia, so skillfully brokered by the United States, now means that supplies of arms will be used against the common aggressor, not against each other, and that they can easily be shipped in through Croatia. A well-armed Muslim-Croation alliance would confront the Serbs with a quite new and unwelcome challenge. It might even prompt the Serbs to settle.

I do not claim that this approach is without dangers. It would require diplomatic and military skills of a high order. It is unlikely to bring immediate peace—through it might. Some disruption of the aid effort is inevitable. But what the people of Bosnia now need is a permanent peace that allows them to return to their homes and live without fear. What the West needs is to restore its reputation and secure its interests. This is the only way those aims can be realized.

Mr. DOLE. Mr. President, I would like to take a few moments to review the other arguments made by some who question lifting the arms embargo and to respond to them.

First, lifting the embargo would stop the delivery of humanitarian assistance. Albert Wohlstetter described this argument as grotesque. In my view Margaret Thatcher said it best, "Feeding or evacuating the victims rather than helping them resist aggression makes us accomplices as much as good samaritans." If the Bosnians are armed, they have enough manpower to deliver their own convoys of food. Moreover, as the recent GAO report on the effectiveness of U.N. operations in Bosnia discovered, the United Nations has had only limited success in delivering humanitarian aid because it has not been consistently assertive.

Second, we cannot do it. There are all of these technical problems associated with arming the Bosnians. Some say it will not be easy to deliver arms or that the Bosnians will need training. It seems to me that these same arguments were made before we decided to arm the Afghan resistance.

I remember a lot of debate we had in here on the Afghan resistance or to provide arms to the Salvadorans. In any event, the Bosnians are better trained overall than the Afghans were. While logistics may be difficult, they are not impossible, since the Bosnians and Croatians managed to bring in some arms themselves. The bottom line is that the Bosnians have not asked us to solve these problems. They have not asked us to do that.

If the embargo is lifted, other friendly countries will also have the opportunity to assist the Bosnians, not just the United States, if we so choose.

The third reason is French and British opposition. The participation of the British and French in the U.N. Protection Forces is the main reason the British and French object to lifting the embargo. Well, the answer is simple: Take out the troops. Take out the U.N. protection forces. And until all troops have been evacuated, threaten the Bosnian Serbs with NATO airstrikes if any troops are taken hostage or harmed, and then be prepared to follow through. We do not want anybody hurt. We just want the Bosnians to exercise the right for self-defense.

The final, most ridiculous argument is that if we lift this embargo, it will undermine all the other U.N. embargoes. We have stated—and apparently the administration does not disagree—that the arms embargo against Bosnia is illegal and cannot be compared to the legal ones against Iraq and Libya. We need to remember that Iraq, like Serbia, is an aggressor state, while Bosnia is the victim of aggression. This is a major, major difference. We are imposing an embargo on somebody who is being subjugated—or whatever the term may be—by the aggressors, the Serbs.

So, Mr. President, it seems to me that all these questions—and there may be others, and there may be some that should be addressed, and we are going to have a rather lengthy debate on this very important issue—I think the real question, again, comes back to leadership. Are we prepared as a country, as the world leader—which no question about it is the United States—to exert the leadership necessary to end this illegal and immoral embargo in Bosnia and allow the Bosnians to defend their homes and families?

Whether or not it is too late or too difficult is not a decision for us or the international community to make. I have a feeling it is not too late. I have a feeling there are going to be a lot more atrocities committed and many other things are going to happen in that part of the world, in Bosnia, maybe in Kosova, maybe Macedonia, or somewhere else. I think this is a decision the Bosnians ought to make. We should not make up their minds and say, "Oh, it is too late," or too this, or not enough, or whatever.

Again, I will go back to the conversation we had with Prime Minister Silajdzic, when we were told—and this startled me; I did not know this—they had one rifle for every four men, and eight tanks in 300. It seems to me that the moral position is fairly clear.

I have to say, finally, it is their country and their independence and their future, and all they want us to do is to give them their right to defend themselves. I do not see that as anything that should require a great deal of debate. I mean, just because we might somehow offend the sensibilities of the French and British—who can take out their troops—or we can persuade them to lift the arms embargo, too. In my view, if this legislation passed, it would so strengthen the President's hand, that he would be in a very strong position to go to the British and French and say: Wait a minute, let us see if we cannot do something here, the right thing.

I will say, in conclusion, as I said at the outset several weeks ago: It was our hope that this was going to support the President; not in any way undermine him, but strengthen his hand. And based on former decisions and personal discussions with the President, I think he agrees with us.

I hope this legislation will pass, and if it passes, that it will be with strong bipartisan support and for the right reasons.

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, last Friday, the Senate began debate on a bill that directs the President to lift the United States arms embargo against Bosnia and Herzegovina. As we continue this debate today, I would like to review for my colleagues the points made in opposition to the Dole-Lieberman bill.

In January, the Senate voted to adopt a sense-of-the-Senate amendment to the State Department authorization bill calling on the President to lift the United States arms embargo against Bosnia. I was one of a few Members who voted against that provision, and I continue to hold to that position today.

As I said last Friday, I, in fact, found many of the arguments in favor of lifting the arms embargo to be quite compelling. Clearly, the people of Bosnia are suffering greatly, and Bosnian Government forces are outgunned by the Bosnian Serb aggressors, as we saw most recently in Gorazde. Although the NATO ultimatum of April 22 appears to have relieved the Serb bombing of Gorazde, regrettably, in other parts of Bosnia, the reckless violence against civilians continues.

As my esteemed colleague LEE HAMILTON and I wrote in a piece in last Thursday's New York Times, lifting the embargo appears to be a way of showing support and sympathy for the beleaguered government and people of Bosnia. It seems like an easy, cost-free solution.

It may make us feel better, but I believe it is bad policy that could yield disastrous results. I ask unanimous consent that at the end of my remarks, the piece from the Times be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Now, however, I would like to touch upon several of the reasons why I believe unilaterally lifting the embargo is a bad idea.

First, it would put the United States in the position of abrogating a United Nations Security Council Resolution, and in essence, breaking international law. Second, it could begin a process of unilateral United States involvement in the Bosnia conflict—or as some Senators have put it—start us down the slippery slope to greater engagement in the crisis. Third, unilaterally lifting the arms embargo could actually leave the Bosnian Government forces vulnerable to further Serbian obstruction of humanitarian assistance and brutal attack. Fourth, lifting the embargo at this time could upset the delicate peace process underway.

Many of my colleagues have made the point that the international community may be contributing to the problem by denying the Bosnian Government the right to defend itself. We have heard many times that we owe it to the people of Bosnia to "level the playing field." Some of my colleagues have made powerful arguments to that affect. I believe, however, that if steps are to be taken, the United Nations, not the United States going it alone, should take them. The embargo is in place as a result of a binding U.N. Security Council resolution and can only be abrogated by a subsequent U.N. Security Council action. A unilateral lifting of the arms embargo would set a dangerous precedent. Other countries could choose to ignore Security Council resolutions that we consider important—such as the embargo against Iraq and sanctions against Libya.

There have been recent reports that the international consensus on the embargo against Iraq may be at risk. Apparently, Turkey, France, Russia, China, and perhaps others are ready to support a lifting of the embargo on Iraqi oil sales. Some countries or companies may even be contemplating deals that violate the current sanctions regime. If the Senate were to signal its approval of a unilateral abrogation of a U.N. embargo, we would be giving a green light to those who may be looking for an excuse to violate the embargo against Iraq. In the long run, I would argue that containing the threat posed by Saddam Hussein is a higher United States priority than supplying arms to Bosnia. If the United States lifts the embargo on Bosnia—a step which by no means guarantees success—we would assuredly undermine international resolve on Iraq. In my opinion, taking a gamble on Bosnia is not worth destroying the coalition, the consensus we have worked so hard to build, on Iraq.

As many said in the previous discussion, U.S. integrity is on the line. I agree wholeheartedly. If the United States were to break the embargo on its own, we would destroy our credibility as a trustworthy leader in international affairs. A unilateral lifting of the arms embargo would undoubtedly strain our relations with Britain, France, Russia, and other countries with troops on the ground in Bosnia—and would undermine our trustworthiness in other international negotiations completely unrelated to the Bosnian tragedy.

I find myself in agreement with the sentiments expressed by other Senators 2 weeks ago that a unilateral lifting of the arms embargo could be perceived as the beginning of a United States decision to go alone in Bosnia. It is naive to think we can unilaterally lift the arms embargo, and then walk away. We instead would assume responsibility for Bosnia not only in terms of our moral obligation, but in practical terms as well. Delivering weapons to Bosnia would likely require sending in United States personnel. Granted, this legislation states that nothing should be construed as authorizing the deployment of United States forces to Bosnia and Herzegovina for any purpose. But I want to emphasize that this would be a U.S. decision to dismantle the embargo. It would not be a U.N. decision, nor a NATO decision, nor a decision made with the support of other countries with a stake in the conflict. I therefore do not see how we can lift the embargo on our own without sending in the personnel to carry out the policy.

Lifting the embargo without international support would increase American responsibility for the outcome of the conflict. If we take unilateral action, we will assume the lead international role in Bosnia. If we were to take the initiative and supply arms on our own, our allies, who I admit, have not always been the most cooperative, could step back even further and say, "It may be our continent, but it's your job now to see this through; it's America's problem to solve."

Before we take any step that could lead to greater U.S. action—and I argue that unilaterally lifting the arms embargo would do just that—we need to answer some serious questions. A year ago this month, I wrote an op-ed piece in which I stated:

> Terrible human-rights abuses—torture, rape and slaughter—run rampant in Bosnia. But as horrible as the situation is there, other parts of the world—Kashmir, Cambodia, Nagorno-Karabakh, Sudan, and Liberia—are also experiencing reckless violence and grave abuses that breed instability.

Sadly, in the year that has passed since I wrote those words, the carnage in Bosnia has continued, and more countries have been added to my list—Rwanda, Haiti, Yemen.

A year ago, I asked: "Why should we intervene in Bosnia? Why is Bosnia different from other places of conflict in the world? What are American interests in Bosnia?" Regrettably, we are no closer to having answers to those questions today than we were a year ago. Without those answers, I cannot support any action that would launch us headlong into a military quagmire.

I am concerned too, about the negative impact that lifting the arms embargo could have on the Bosnian people. I know that the Bosnian Government has asked that the arms embargo be lifted, and it may appear rather presumptuous for us to tell the Bosnian Government that we know what is best for it. But if the United States were to lift the embargo on our own, our allies with troops on the ground would very likely pull out of portions of Bosnia, leaving the Moslem enclaves even more vulnerable to Bosnian Serb attacks and the obstruction of the delivery of humanitarian relief supplies.

There would likely be a lagtime too—anywhere from 6 weeks to 6 months by many estimates—for weapons to be delivered to Bosnia. During that lagtime, the Serbs will undoubtedly move swiftly to crush Bosnian Government forces. Moreover, the United States will receive the brunt of the blame when hundreds, if not thousands, of Bosnians die from lack of basic supplies.

Finally, a unilateral lifting of the embargo could endanger progress on the international negotiations underway and jeopardize the gains made to date through diplomacy. If we were to lift the arms embargo, all parties to the negotiations would lose incentive to reach a negotiated settlement. In characteristic fashion, the Bosnian Serbs would likely rush to grab even more land before arms could be delivered to the Bosnians; the Bosnian Government may take the lifting of the arms embargo as a signal that the United States intends to intervene, and may lose interest in a negotiated settlement; Croatia, currently in a fragile alliance with Bosnia, would either prevent the transit of the arms across its territory or insist upon its own cut, potentially upsetting the delicate negotiations occurring between Serbia and Croatia over the status of the U.N. protected areas in Croatia.

Admittedly, the diplomatic process in the Balkans has not been perfect. There continue to be setbacks, but there also have been some important accomplishments, including the breaking of the siege of Sarajevo and the signing of a peace agreement between Moslems and Croats in Bosnia. If we build upon these and other accomplishments, we have the hope of a comprehensive peace. I, for one, believe it unwise to upset the sensitive negotiation process now underway.

I acknowledged earlier that I see merit in some of the arguments of the bill's proponents. This is a difficult problem that cuts across partisan lines and that slices to the heart of issues related to U.S. influence and power abroad. We are, as public servants, called upon to exercise our best judgment on this very difficult issue. My conscience tells me that unilaterally lifting the arms embargo is the wrong thing to do, and I therefore must oppose this bill.

EXHIBIT 1

[From the New York Times, May 5, 1994]

DON'T ARM BOSNIA

(By Claiborne Pell and Lee H. Hamilton)

WASHINGTON.—When the Bosnian Serbs unleashed their fierce attacks on Gorazde last month, sentiment grew for the United States to lift the embargo that is keeping arms from reaching the Bosnian Muslims. The Senate is to take up that debate today.

Bosnia has suffered much in this vicious war. Lifting the embargo would be a way of showing support and sympathy for its beleaguered Government and people. It seems like an easy, cost-free solution. But it is a bad idea. Lifting the embargo will neither level the playing field, as proponents argue, nor help the Bosnian cause.

While President Clinton says he wants to lift the embargo, he has also repeatedly said that he will not do so unilaterally. No permanent member of the United Nations Security Council supports lifting the embargo. Yet some members of Congress now advocate unilateral action.

What would happen if the U.S. acted alone to lift the arms embargo? First, it would Americanize the war, signaling that the U.S. was entering on the side of the Bosnian Muslims. We would become responsible for Bosnia's fate.

Second, unilateral action would encourage others to violate sanctions elsewhere, in particular the embargoes on Iraq and Libya. To Bosnia's detriment, it would encourage other countries to violate trade and financial sanctions against Serbia.

Third, to lift the embargo now would send exactly the wrong signal at a fragile and pivotal moment in the peace talks.

For the Muslims, it would hold out the unrealistic prospect of better weapons, U.S. intervention—even victory. The Bosnian Government would lose interest in a negotiated settlement. The Serbs, understanding that the Muslims might get more arms, would move swiftly to crush Bosnian Government forces. Both sides would be tempted to intensify a war that neither can win. Peace elsewhere in the Balkans would be undermined.

That's not all. The U.N. Protection Force in Bosnia would come under fire. Those with troops on the ground, including Britain, France and Canada, would come under heavy domestic pressure to withdraw. If the U.N. forces left, the humanitarian mission in Bosnia—on which two out of three Bosnians depend—would be at risk, and the U.S. would be blamed.

NATO, meanwhile, is working closely with the United States on a strategy of force and diplomacy for a peace settlement in Bosnia. If we lifted the embargo unilaterally, that strategy would fall apart, opening a serious rift in the alliance. And relations with Russia would suffer, since Moscow would find itself under great pressure to provide arms to the Serbs.

Lifting the embargo is not as easy as it sounds. Who would provide the weapons, and how would they be delivered to the landlocked Bosnian forces? And who would train the Bosnians?

The legal basis for lifting the embargo is shaky, too. Proponents selectively cite the U.N. Charter, saying it guarantees the right of "individual or collective self-defense." But it also says this right cannot negate Security Council action to maintain or restore international peace and security.

Despite setbacks, we now have our best opportunity in three years to try to end this war. Diplomacy is working: since February there has been an end to the sieges of Sarajevo and Tuzla, a peace agreement between Muslims and Croats in Bosnia, a formal ceasefire between the Croatian Government and Serbs in Croatia, a dramatic overall reduction in fighting throughout Bosnia and an end to the shelling of Gorazde. Talks on a comprehensive peace are at a delicate stage. Only those talks can end the fighting.

The U.S. does not want to become a party to this war. We do not have vital national interests; what we do have are pressing humanitarian and political interests in ending the fighting. A negotiated settlement is precisely what the Administration, NATO, the European Union and the U.N. are trying to pursue. Our frustration with the peace process should not compel us to choose a course that would prolong, intensify and widen the war.

Mr. McCAIN. Mr. President, last week I had intended to speak and vote in support of the legislation offered by Senators DOLE and LIEBERMAN to end the arms embargo against the Government of Bosnia. However, as we all know, debate was postponed until today. The parliamentary situation is a little confused at the moment, but as I understand it, the Senate will be asked to consider not only the Dole-Lieberman bill, but subsequent legislation offered by the distinguished majority leader. The details of the majority leader's legislation are unclear at present, but they may include authorization for the President to use American air power to enforce the United Nations exclusion zones in Bosnia.

I have in the recent past called for the opportunity to vote on such authorization. So, if we are to do so, I am pleased to begin that debate now. And I am pleased that the Senate can vote on the arms embargo question and the use of force question separately. I would not have liked the fate of the former to depend on the fate of the latter, for I think one course is just and the other foolish.

As my colleagues know, I support lifting the arms embargo and oppose using American force in Bosnia. The Dole-Lieberman legislation requires the President to lift the embargo, but does not authorize the use of force. The last draft of the majority leader's resolution which I saw does not compel the President to lift the embargo, it only urges him to promptly consider such action.

Mr. President, I want to commend Senators DOLE and LIEBERMAN for sponsoring this bill. Lifting the arms embargo against the Bosnians—multilaterally if possible, unilaterally if necessary—is the only action which the United States and the United Nations can take that might help the Bosnians achieve a more equitable settlement of this terrible conflict without deploying massive numbers of ground troops to roll back Serb territorial gains.

Better armed and better able to defend themselves, the Bosnians might be able to present a more credible, long-term threat to Serb conquests, and by so doing convince the Serbs to re-think their refusal to relinquish any substantial portion of their gains or risk those gains in a more protracted war.

Besides addressing the sound argument that territory is not conquered or held by air forces, but by infantries, this amendment has the additional attraction of being just. I think we all believe that the cause of the Bosnians is just. And if we do not believe our own interests are sufficiently at risk to warrant the intervention of United States ground forces and the sacrifice of American lives to defend the Bosnians—and I do not believe they are—then to impede the rights of Bosnians to defend themselves is a gross injustice.

As others have observed, the United Nations embargo was imposed in July 1991 against Yugoslavia. At that time, Bosnia was part of Yugoslavia. Today, Bosnia is an independent nation, and recognized as such by the United States and the United Nations. As an independent state and member of the United Nations, Bosnia has an inherent right to self-defense.

Bosnian independence has rendered the arms embargo outdated. It is without legal standing, and, in fact, violates the sovereign rights of a U.N. member state that is under attack by forces supported by a neighboring state.

Article 2 of the charter states:

> The inherent right to self-defense is a preeminent right of international law, and may not be abridged by actions of the Security Council.

Article 51 of the charter states:

> Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

Mr. President, it is clear, in my view, that the Security Council has not taken "measures necessary to maintain international peace and security." As I have already implied, to do so would require the deployment of sufficient numbers of ground troops to defeat the Serb aggressors on the battlefield. Understandably, the United Nations has no intention of making that kind of commitment.

Opponents of the Dole-Lieberman resolution argue that were the United States to unilaterally violate the arms embargo, other countries would be emboldened to violate other U.N. embargoes—specifically, the very necessary embargo currently imposed on Iraq. The differences between these two situations are so obvious that I am a little surprised that such a false comparison is even raised.

Bosnia is a victim state whose sovereignty has been attacked by an externally supported aggressor. Iraq, is an aggressor state that violated the territorial integrity of a neighbor, and would do so again if given half a chance. Thus, the embargo imposed against Iraq has sound standing in international law. The embargo against Bosnia is unlawful.

Should any nation use the lifting of the arms embargo against Bosnia as an excuse to violate the embargo against Iraq—and France has been identified as a possible violator of the Iraqi embargo under this circumstance—then they would be in violation of international law, and should be held accountable for their transgression.

I would like to believe, Mr. President, that American diplomacy still possesses enough force and credibility that we could prevent a close ally from taking such an unlawful action—an action that would so clearly be in neither the national interest of France or any other nation with regard for international peace and security.

Mr. President, I have also heard the argument that if the United States and the United Nations want to economize the violence in Bosnia, and bring the war to its quickest possible conclusion then we should not lift this embargo. If the embargo remains in effect, then the Bosnian Government will have little choice but to accept the very unfair terms that the Serbs will impose on them to settle the conflict now.

Mr. President, such a forced settlement may hold for awhile. But the ancient enmities will not die. The aspirations of the Bosnian people to restore to their children a viable sovereignty will not long be suppressed. Nationalism for good or for ill is a durable—a very durable—yearning. War would return to Bosnia.

By supporting the Bosnians, inherent right to self-defense, I cannot predict that the Bosnian Government will prevail in this war. I cannot predict that the Bosnians will ever recover significant amounts of territory from the Serbs to make an eventual settlement of the conflict more equitable. But they have the right to try. They have the right to try. And the United States should do nothing to interfere with that right unless we take it upon ourselves to defend with force the national interests of Bosnians. And that, Mr. President, is something I sincerely hope we will not do.

We have already done just that to a small extent, and I believe it was a mistake.

When the United States commits its prestige and the lives of our young to resolving a conflict militarily then we must be prepared to see the thing through to the end. If you start from the premise—and I have heard no voice in Congress in opposition to this premise—that the United States will not deploy ground forces in Bosnia, then you identify to the enemy the circumstances under which the United States can be defeated. You have indicated the conditionality, the half heartedness of our commitment. And you have told the Serbs: we may bomb you, but if you can withstand that, Bosnia is yours.

The feckless pinprick air strikes of a few weeks ago surely indicated to the Serbs that they could probably withstand the limit of our commitment to Bosnia. No one, no one in this Chamber, no one in this administration, no one in the U.S. Armed Forces can tell me with any degree of confidence that air strikes alone will determine the outcome of this war.

Mr. President, the American people and their elected representatives have already made the most important decision governing United States involvement in Bosnia. As a nation, we have decided—correctly, in my view—that the tragedy in Bosnia—as terrible as it is, as unjust as it is, as despicably brutal as it is—the tragedy in Bosnia does not directly affect the vital national security interests of the United States. We made that decision, Mr. President, when we decided, as a nation, not to send American infantry into that conflict.

Some of the proponents of using American air power in Bosnia have argued that the Bosnian civil war does threaten our vital national security interests to the extent that it has the potential to spread throughout the Balkans, and even to provoke open hostilities between two NATO allies—Greece and Turkey. I happen to believe that we can contain that conflict. But, for the sake of argument, let me concede that the war in Bosnia directly affects our vital national interests.

If the Government of the United States feels our national interests are gravely at risk in that conflict then let's do the honest thing, let's do the militarily sound thing, let's do the courageous thing. Let us say to Bosnian Serbs and to Serbia: You have threatened the vital interests of the most powerful nation on Earth. The United States intends to defend those interests by all means necessary, and you can expect the invasion of Bosnia—and Serbia, if necessary—by American ground forces supported with all available air and sea power.

If our vital interests are at risk, then we would be grossly negligent if we did not take all actions necessary to secure those interests.

Mr. President, bombing tents and trucks may not dissuade the Serbs. Bombing bridges, fuel supply lines, and ammo depots may not dissuade the Serbs. We do not even know with any degree of confidence that bombing Belgrade will dissuade the Serbs. What do we do then, Mr. President, when our interests remain at risk? We must either sacrifice those interests and withdraw in abject defeat. Or we must bring the full power of the United States down upon the enemy and slug it out from town to town, from hill to hill, from battle to battle until we defeat the enemy utterly and secure the interests of this great Nation.

So. Mr. President, let us authorize the President to use all means necessary to protect the interests of the country we are sworn to defend. Let us tell the President: Mr. President, you have identified a grave threat to our security, now use the force necessary to defeat that threat decisively. Use American ground troops to defeat the Serbian aggressors who have challenged our security.

But the fact is, Mr. President, that neither Congress nor the President intends to deploy ground troops in Bosnia. Why? Because we cannot make a plausible argument to the American people that our security is so gravely threatened in Bosnia that it requires the sacrifice of our sons and daughters to defend. As I said a few minutes ago, America has already ruled on the question of whether our vital interests are at stake in Bosnia. We have determined that they are not. We made that determination when we decided as a nation that we would not use ground forces to settle the conflict.

So let us not dissemble any longer about how the war in Bosnia threatens the security of the United States or NATO. It does not, and we all know it. What the President has decided, and what Congress may now authorize, is that by incremental escalation—starting with the most minimal use of force imaginable—we can intimidate or bluff the Serbs into ceasing their aggression.

We threatened air strikes to protect the safe zone around Sarajevo. Serb forces then redeployed to Gorazde where they brought that unfortunate city under siege. We then initiated two air strikes to protect U.N. peacekeepers in Gorazde. We destroyed a tent, a truck, and two armored personnel carriers. The Serbs intensified their barrage against Gorazde, and for good measure began shelling the city of Tuzla—another declared safe area.

We have now extended the threat of more destructive air strikes to Gorazde, and all the U.N. declared safe areas. The Serbs continued shelling for a period, while United Nation officials in Bosnia refused NATO permission to launch air strikes. The Serbs have not resumed shelling Gorazde for a while now, but they are in violation of the ultimatum by keeping armed militia and artillery within the exclusion zone. They have also intensified fighting in Brcko, where we are now contemplating establishing another safe area. They have fought two pitched battles with U.N. peacekeepers. They have continued shelling areas near Tuzla. And the United Nations has granted permission for several Serb tanks to transit through the Sarajevo exclusion zone on their way, presumably, to shell some other Moslem-held area.

Mr. President, if it weren't for the terrible cost in lives, U.N. and NATO actions would turn this tragedy into low comedy. All the while, the United States and NATO, to say nothing of the United Nations, are bleeding credibility. Yet, by threatening widespread air strikes, we expect the Serbs to refrain from the further use of force, and for the Moslems to believe that we can convince the Serbs to agree to a more equitable peace settlement.

I have my doubts, Mr. President, I have my doubts.

I hear quite often now, that we expect Serb acquiescence in our demands because they fear NATO's resolve to launch a campaign of strategic bombing. Some of my colleagues may not appreciate what strategic bombing, in its broadest definition, entails. In short, unrestrained strategic bombing requires that we fill the skies with our bombers and lay waste to a country. In past conflicts, we called it carpet bombing.

Mr. President, no one seriously believes that the President of the United States is contemplating such an action. The civilian casualties which such a campaign would unavoidably incur would be devastating. Hospitals, schools, friendly forces, Moslems, Croats and Serbs, men, women, and children would perish. Strategic bombing is the most cataclysmic event in modern warfare with the exception of a nuclear detonation.

What I believe the proponents of air strikes mean when they refer to strategic bombing is really widespread tactical bombing—attacking again and again as many of the enemy's bridges, or ammunition depots, or supply lines as possible. We have that capability, of course. But such strikes will surely incur heavy civilian casualties as well.

I must also point out that a committed foe—and I have no reason to believe that the Serbs are not committed—can and will resist such a campaign. In Vietnam, we bombed the Than Hoa bridge over a hundred times and we never broke North Vietnam's will to fight. We unleashed the awesome destructive power of B-52's on Hanoi, a devastation I personally witnessed, and still the Vietnamese did not lose their will to fight.

We have sufficient cause to fear that the Serbs will endure whatever air strikes NATO undertakes and fight on, especially, if the Serbs know that at the end of air strikes, all of Bosnia is theirs for the taking. We have cause to fear this, Mr. President, because the Serbs know in advance the limits of our commitment. They know that we will not send ground troops to force a resolution of the conflict. They know that there are certainly limits to the escalation of any bombing campaign we are prepared to undertake.

Neither will the air strikes we are contemplating be, as I have heard them described, a piece of cake. Under the best of conditions, to fly into a combat zone, find a legitimate target, strike it without doing collateral damage, while all the while evading surface-to-air missiles is terribly exacting, immensely dangerous, and as frightening an experience as human beings can be expected to endure.

The tactical problems posed by the chronic poor weather and the very difficult, mountainous terrain in Bosnia greatly increase the risks of missed targets, collateral damage, and the loss of allied pilots. We saw a pretty good indication of the problem and its costs during the air strikes in Gorazde. Low cloud cover requires us to fly in low, well within range of Serb SA7's. We will lose planes, Mr. President; possibly quite a few planes. Artillery, tanks, even field command centers will be hard to find and easy to move. Harder targets, like bridges and ammo dumps will be defended by surface-to-air missiles.

We must also consider the welfare of the U.N. peacekeepers currently deployed in Bosnia before we launch these air strikes. Will we withdraw them in advance of the strikes or will we leave them in place, hostages to the terrible fortunes of war?

Mr. President, I will close by reiterating a sentiment I have expressed before: I hope every subsequent development in Bosnia proves me wrong. I hope the Serbs feel they have consumed enough of Bosnia that the capture of additional territory is not worth risking their lives and equipment in anticipated NATO air strikes. I hope U.S. actions precipitate a just and lasting settlement to this terrible conflict. I hope the entire world is impressed by the courage and wisdom of American leaders.

I may be wrong, Mr. President. But on a question of such importance to my country, I must use all of my experience to guide my judgment. I must use all of the lessons I have learned in a lifetime about when and how our Nation should go to war. And all of my experience tells me that this is not the place, and this is not the time for the United States to intervene militarily in the defense of another people's sovereignty.

For very sound reasons I fear greatly that will not be proved wrong, Mr. President. I fear that the United States is about to embark on an undefined military adventure where the limits to our force have been clearly revealed to the enemy in advance of its use; where out of concern for our prestige we will be drawn deeper and deeper into war or compelled to sacrifice that prestige and many lives to a cause we were not prepared to win; where the aggrieved party has been prevented by us from fighting in their own defense; where television and the best of intentions have made us squander that most valuable of diplomatic tools—credibility; where American foreign policy is crippled for the duration of this administration.

If I am wrong, Mr. President, I will gladly admit to the error. But even if I am wrong, I would still counsel against the use of force by similar means and under similar circumstances. Let us not draw the wrong lesson from what would be nothing more than extraordinary good luck and engage in such recklessness elsewhere. This is grim, dangerous business we are about to authorize. It has not been well planned, and it may not end well, and, irrespective of its outcome, it was not—I repeat, not—undertaken in the best interests of this country.

Mr. President, I strongly support Senator DOLE and Senator LIEBERMAN's legislation. I strongly feel that we must allow these people to defend themselves. As the Vice President of Bosnia said in my office 3 weeks ago, "We are dying. At least let us die fighting." If we do not lift this embargo with or without—hopefully with—the agreement of the United Nations, we will have a blot on the history of this Nation which will take a long time to erase because we failed to allow a decent and honorable people to defend themselves.

I would like to make an additional comment, Mr. President, about the impact that has not been discussed on the floor of this situation in Bosnia. Throughout the Moslem world today, Moslems are wondering and asking the question: Would the United States and the United Nations be so loath to lift this embargo if these people were not Moslems?

A couple of weeks ago, there were large-scale demonstrations in Ankara, Istanbul. Islamic fundamentalism, which is a great threat to peace and freedom throughout the world, is using the cause of the Moslems in Bosnia as a way to inflame and, indeed, enrage the passions of Moslem peoples throughout the world.

Mr. President, it is an unjust charge that the United States of America and the United Nations is discriminating against Moslem peoples. But believe me, it is real and it can have far-reaching consequences as well.

Mr. President, I have confidence that this body will vote overwhelmingly in favor of lifting the embargo. There is no other just course. Now I hope that that action will embolden this administration to go to the United Nations, seek the lifting of the embargo and use the position of leadership in the world to see that that happens so that we are not faced with a distasteful likelihood of violating a United Nations resolution.

At the same time, we should make it very clear that if other nations do not choose to follow our leadership, then we, as the most powerful nation in the world, which has stood for the rights of man for over 200 years, will exercise in a unilateral fashion what we know is right and just.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I wish to congratulate the able Senator from Arizona for his fine interest in this subject and the sound position he has taken in regard to it.

Mr. President, I supported the Dole amendment to lift the Bosnian arms embargo when it first came before the Senate a few weeks ago. Nothing has happened since then to change my mind. If anything, the situation in Bosnia demands more than ever that we end the embargo on the Bosnian Moslems.

Many of my colleagues have already argued eloquently in favor of the current bill offered by Senators DOLE and LIEBERMAN. It enjoys broad support, and has 32 cosponsors. I will not take the Senate's time to repeat all the arguments. But I would like to make two points that I feel have not been adequately considered during this debate.

First, opponents of this legislation seem to be equating a decision to lift the embargo with a commitment to arm and train Bosnian Government forces. I believe this view is a mistake. In fact, I believe this confusion may be the reason some Senators oppose it, in particular those who do not want to see the United States dragged deeper into the Bosnian quagmire.

I do not want to see the United States more deeply involved either. But lifting the embargo does not necessarily involve us more deeply. It does not obligate America to undertake the immense logistical challenges of providing heavy weapons to the Bosnian Moslems. It does not require us to incur the political risks of sending in U.S. trainers, thereby becoming active participants in the war, and putting American lives in jeopardy.

What the bill does achieve is to stake out an indisputable moral position. America is not obligated to intervene militarily on the side of the Bosnians, or remedy their lack of tanks and artillery. But if we are not going to defend the Bosnians or protect their noncombatants from indiscriminate slaughter, it is immoral for us to deny them access to the means to defend themselves.

Passing this amendment by Senator DOLE and Senator LIEBERMAN simply means that the United States will no longer use its military or naval units to enforce the embargo. It will allow the Bosnians on their own to acquire the arms they are seeking—primarily light infantry weapons, antitank weapons, and mortars—to defend their villages, and engage the Serbs more effectively at longer ranges.

My second point is this. In addition to the moral principle involved, S. 2042 embodies an important legal principle. Its passage will reaffirm the traditional American principle that every state has the right to defend itself. The inherent right of self-defense is a fundamental right, enshrined in the U.N. Charter itself. It may not be overturned or abrogated by subsequent acts or resolutions of any international body, especially the United Nations. If the United Nations wants to regain a measure of its lost credibility and moral authority, it must act in accord with its own charter.

In effect, this bill would correct a serious legal error by committing the United States to the position that U.N. Resolution 713 imposing the embargo was misapplied. The newly independent states that emerged from the breakup of Yugoslavia—states whose sovereignty we recognized—should not have been subjected to an embargo in the first place.

Mr. President, I am under no illusions that this step or any other will bring about a lasting peace settlement. The West has tried to broker a negotiated peace without success, and some Senators argue that lifting the embargo will only prolong the agony. But everything else we have tried to end the aggression of the Serbs has failed. Now the situation has deteriorated to the point that a new factor is needed to change the military dynamics in this largely one-sided war. Now that we have been drawn into the Bosnian conflict, we have some degree of responsibility. We will pay a penalty for doing nothing, although none of the options open to us are attractive.

Mr. President, even if lifting the embargo does not achieve peace, I do not feel we can continue a policy that forces the Bosnian Moslems to remain defenseless against Serbian tanks and heavy artillery, with no means to protect their old and helpless, their women and children. Our current policy has proven to be neither practical nor moral. We have to try something else, and I believe that S. 2042 is a proper and necessary step in that direction.

I thank the Chair.

Mr. President, as I yield the floor, I wish to congratulate Senator DOLE and Senator LIEBERMAN for sponsoring this amendment. They are on the right track, and I hope we can pass their resolution.

Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. LIEBERMAN].

Mr. LIEBERMAN. I thank the Chair, and I thank my distinguished colleague from South Carolina for his support of this amendment and for his words of praise at the end of his statement.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent at the outset that Debra Shelton, a congressional fellow on my staff, have access to the Senate floor during consideration of S. 2042.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I am honored to join with the Senator from Kansas in introducing S. 2042, the aim of which, as has been stated, is to lift the arms embargo on Bosnia. I am pleased, also, that Senator DOLE and I have 31 other cosponsors from both parties. This is genuinely a bipartisan expression of not just opinion, but a call for action and leadership on this vexing problem of what we can do to fulfill our strategic interests and moral responsibilities in the conflict in Bosnia.

I want to say, Mr. President, in terms of the bipartisanship of this effort, that the Senator from Kansas and I did not begin working on this matter during the Democratic administration of President Clinton. We worked side by side during the Republican administration of President Bush where the Senator from Kansas was equally as direct and outspoken and, in that case, opposed to a policy that was being pursued by the then Republican administration. So this is truly a bipartisan effort, and as the Senator from Kansas said, it is an effort that we have conceived to do at least two things procedurally apart from what it does substantively.

The first is to create a common ground on this complicated question of our policy in Bosnia. There are those of us who favor the limited use of allied air power to even the battle and to bring the parties to the peace table more quickly. There are many other colleagues who do not support the use of air power in Bosnia. But as the Senator from Kansas and I discussed the conflict in Bosnia with our colleagues, we felt that there was a common, bipartisan ground on the baseline question of lifting the arms embargo to allow the Bosnians to defend themselves—not to send American soldiers to Bosnia. As the Senator from Arizona indicated earlier, nobody that I have heard in the Congress has suggested that sending United States troops to Bosnia is a good idea. Certainly this Senator does not feel that way.

Even though there is some opposition to this bill calling for the United States to lift the arms embargo multilaterally if possible, but unilaterally if necessary, our hope was, and still is, that there is a common ground on which a lot of us can come together and fulfill our national interests and the moral imperative in this conflict.

The second procedural goal of this bill, as Senator DOLE has indicated, is that the passage of this measure would strengthen the hand of President Clinton in dealing with the conflict in Bosnia and in working with our allies in NATO in dealing with the conflict.

Mr. President, it was just a little more than a year ago that the Clinton administration adopted a two-part policy regarding Bosnia, the so-called "lift and strike policy"—lift the arms embargo to give the Bosnians the weapons with which they could defend themselves, and, along with our allies, to strike from the air at minimal risk to American personnel to hit aggressive Serbian targets. All of this was aimed at bringing the parties to the peace table because without this lift and strike policy the Serbs—who in this Senator's opinion are the aggressors and who have carried out genocidal acts—are free to continue not just to roam but to carry out acts of aggression without fear of consequence.

This bill follows on the heels of the administration's successful convincing of our allies in the aftermath of the Serbian attack on civilians in Sarajevo in February of this year to use air power selectively. This effort helped bring peace to Sarajevo which has been torn by war throughout so many of the preceding months, and led to another ultimatum concerning Gorazde. After the very limited use of air strikes, we saw significant—although not total—adherence by the Serbs to the exclusion zones.

So now we have the strike policy. I accept the point that the Senator from Arizona has made that conflicts are not won with air power alone; that it is necessary to create some power on the ground, but not by sending in U.S. soldiers. Soldiers are already there; they are Bosnian-Moslem soldiers. But they do not have the arms to fight with. Give them those arms by lifting this arms embargo.

This Senator certainly sees this amendment as supporting the policy of lift and strike that the President of the United States adopted more than a year ago and giving him the leverage of a measure passed by the Senate of the United States to take with him to negotiate with our allies in NATO and others in the United Nations, hopefully, to convince them to lift the arms embargo multilaterally.

Mr. President, this measure that we are debating today is similar to an amendment that Senator DOLE and I and many others cosponsored to the bankruptcy bill that was before the Senate more than 2 weeks ago. Many Senators came to the floor that day and voiced their support for our proposal. Others, of course, came and expressed concerns, reservations, and opposition. But I thought that the debate which took place that day was an important one, and was characterized by an honest desire of all parties to bring the slaughter and the conflict in Bosnia to an end.

I fully expect the exchange of views that we have here today on this bill will be similarly direct and constructive as they certainly have been so far as I have listened to the debate this morning. It is appropriate that the Senate of the United States should be considering these critical matters.

Mr. President, it is obvious that we are at a difficult time, an unclear and unsettling time, in world events. The cold war is over. We have achieved an extraordinary victory in the victory of freedom over tyranny, of capitalism over communism, of free economies over state-controlled economies. Yet, the world that we find today is characterized, in many ways by greater instability. The cold war position of two great powers, the United States and the Soviet Union, each with an enormous nuclear capacity against one another, imposed an order of sorts to global affairs. It was easier to choose sides. In regional conflicts throughout the world, the forces of freedom tended to be arrayed against the forces of tyranny and communism. Most regional conflicts had a side that expressed our values and required us to act to protect our national interests. Behind those conflicts, however, was always the looming fear of a nuclear confrontation between the two great powers.

All that is essentially gone. In the conflicts that occur in the world today and that are brought not only to us but to our constituents through the power of the electronic media, we must determine where American policy should attempt to work its will, and where, if anywhere, we should join force with that policy to protect America's strategic interests and to uphold our principles; to be true to our moral traditions which have always distinguished this country.

These decisions are not easy. I understand that in this case they are not easy for many Members of this Chamber. In the opinion of this Senator, the conflict in Bosnia is one in which the United States has strategic and moral interests; strategic interests in part because of our historic connection to Europe: not just because this country was settled by Europeans, but because we have seen in this century how conflict in Europe has drawn us twice into world war.

We also have a strategic interest in the conflict in Bosnia because it will set a standard for the resolution of those many other ethnic and national conflicts that have been unleashed by the dissolution of the Soviet Union.

Further, I believe we have humanitarian and moral interests as once again we have watched genocidal acts carried out against a people simply because of their religion—in this case, because they are Moslem.

Are these interests that we have—strategic and moral—enough to justify sending American soldiers to fight in Bosnia? My answer is no. Is it enough of an interest for us to be involved in the policy of lift and strike that the administration articulated more than a year ago? My answer is yes. That is why I am cosponsoring this amendment with the Senator from Kansas [Mr. DOLE].

There is a strong moral argument here, because in lifting the arms embargo we will be restoring to the sovereign and legitimate government of Bosnia and Herzegovina the right to defend its people, its territory, and, in fact, its very existence. What right can be more basic to a state than the right to defend its own continued existence? This embargo denies the Bosnians that fundamental right.

The argument here is both moral and legal. The moral argument is, in my view, the more powerful argument. The moral argument says that when a people want to fight to protect their families, their homes, their country, it is immoral to deny them the means by which they can do that.

It is a moral argument to lift this embargo because the Bosnians are the victims. They have been the victims of aggression. They have been the victims of genocidal acts. It is wrong for us to stand by and turn a deaf ear and a closed eye to the fervent and direct appeals of duly elected leaders of Bosnia to us, to this Government, to this Congress, to this Senate, to so many of us individually, "Please, send us the weapons with which we can defend ourselves."

Mr. President, there is also a legal argument. I think to explore that legal argument we have to go back to the beginnings of this process.

The U.N. Security Council adopted Resolution No. 713 on September 25, 1991.

This resolution imposed an arms embargo on Yugoslavia. What is interesting, as we look back at the history here, is that this resolution was passed at the request of the then government of Yugoslavia, centered in Belgrade and dominated by the Serbs. The resolution was part of an overall policy expressed by the United Nations, in which the United Nations adopted a series of goals that were aimed at avoiding war and conflict in the former Yugoslavia.

The reality is, of course, that that United Nations policy failed. And in the 2½ years since that original resolution was adopted, a bloody, savage war has ensued. I think it is important to remember that the premise of the arms embargo was to keep arms from flowing into the former Yugoslavia, as part of an overall policy to avoid war there; this policy failed. Thus, the political premise of the arms embargo, let alone the legal premises, no longer exist.

To continue with the legal argument, we must note that at the time of the 1991 resolution, Bosnia had not yet received independent statehood; it was a part of Yugoslavia.

On January 4, 1992, the Secretary General of the United Nations submitted a report to the Security Council arguing that the arms embargo against Yugoslavia should continue in force and would continue to apply to all areas of Yugoslavia, notwithstanding any decisions which were pending at that time on the question of the recognition of the independence of certain republics that had been part of Yugoslavia.

On January 8, 4 days later, the Security Council adopted Resolution No. 727, which referenced the Secretary General's report that I have just mentioned, and determined that the arms embargo should apply as the report suggested. At that time, it is important to point out from a legal perspective, Bosnia still had not achieved statehood and remained a constituent entity of Yugoslavia. Thus, when adopted on January 8, 1992, this resolution did apply to Bosnia since it was not an independent state and was not entitled, therefore, to a right of self-defense.

From February 29 to March 1, 1992, Bosnia held a historic referendum on the question of whether it should become an independent state, and, of course, the people voted that they did want to establish themselves as an independent state. In fact, Bosnia was recognized just a little bit more than a month later, on April 7, 1992, by the Government of the United States, and became a member of the United Nations on May 22, 1992.

Since Bosnia became a member of the United Nations, there have been no Security Council resolutions which impose the arms embargo on Bosnia itself. Subsequent resolutions refer to previous acts as a matter of course, but it seems to me that the mere reference to the earlier resolutions which were passed before Bosnia became a state are not relevant to the situation that exists today not only on the ground but in international law.

When Bosnia became an independent state and a United Nations member in 1992, it became entitled to the right of self defense, which is enshrined in the U.N. Charter. In that sense, I believe that the embargo against the former Yugoslavia ceased to be valid when Bosnia became an independent state with membership in the United Nations, with the right to self defense under the U.N. Charter. This is a right which I believe supersedes the previous resolution, Resolution No. 713, of the Security Council.

Mr. President, the United States is a nation of laws. That is one of the characteristics that distinguishes us. The world is not a world of laws, but we try, to the extent we can, to express and respect principles of law in our international deliberations. I believe that in that context there is no legal basis for the arms embargo on Bosnia. It is, in that sense, irrelevant and invalid.

So to terminate the embrgo, as this measure before the Senate does today, is essentially stepping away from an act which is invalid. It is a return to the basic legal right of a nation to defend itself. In that sense, I think by ending the arms embargo, we are returning to a consistency between principles of international law, America's respect for those principles of law, and the facts, both legal and political, as they exist in the former Yugoslavia.

I have already spoken about the moral argument. I need not repeat that, although it is very important, except to say this: It does seem to me that insofar as we continue this embargo on arms to Bosnia—not only failing to send arms, but preventing arms from being delivered, in spite of the Serbian aggression and genocidal acts which the people of Bosnia have been the targets and victims of—the United States is not maintaining a policy of neutrality. The United States is, in effect, choosing sides in this conflict, because we are effectively saying to the Serbs, who are the aggressors, that you can continue to use your weapons, your tanks, your artillery, which, as I will explain in a moment, they have special access to, against the people of Bosnia, while we refuse to allow the victims of their aggression the means to defend themselves.

The Senator from Kansas referred to some of the numbers that Vice President Ganic and Prime Minister Silajdzic gave to both him and me regarding the tanks that are on the ground between the two sides.

Let me quote some statistics from the International Institute for Strategic Studies [IISS], Military Balance for 1993–94, on the weapons strength of both sides. They report that the Bosnian Serb army has 330 tanks. The Bosnians told us it was around 300 now. The Serbs have 400 armored personnel carriers, 800 artillery pieces, and over 400 antiaircraft guns that are usable in a direct fire role. The Bosnian Moslem army, on the other hand, can field only 20 tanks. Prime Minister Silajdzic recently told us there were only 8 left. So that is 8 Bosnian tanks against 300 Serbian tanks. There are 30 armored personnel carriers for the Moslems against 400 armored personnel carriers for the Serbs. There are 30 artillery pieces against 800 artillery pieces for the Serbs; and 400 antiaircraft guns that the Serbs have and I do not see that the Moslems have any. Of the 180,000 Bosnian troops available, only 60,000 are in organized units, with the remainder constituting a reserve to fill losses. Most of these reserves have no weapons at all or they have only small, light-arms or hunting rifles. This was the tragic imbalance of the conflict around Gorazde as we were hearing. Serbian tanks, were moving into the city and all the Moslems in the city in this "safe haven" were lightly armed against the tanks. More than one of the Bosnians who has come here has expressed to us how much he hoped that someday the Bosnian Moslems would have the kind of antitank weapons that we have supplied in other conflicts that would allow them to make this a fair fight.

The few arms which are available to the Bosnians are supported by a very uncertain home-made ammunition supply system. Most of the former Yugoslavia's arms industry in Bosnia, that is the part of the arms industry of the former Yugoslavia, which was considerable, was concentrated in areas which have either fallen under Serb control, such as Banja Luka, or have been destroyed or deprived of sufficient raw materials and power supply to operate.

Bosnian troops must collect their spent cartridges to have them refilled at makeshift ammunition factories. In contrast, factories in Serbia have been immune from attack and are producing arms and ammunition at a feverish pace. Then they are delivered across an international border to Serbs engaged against the Bosnian Government.

The Bosnian people are doing their best to defend themselves and their country with the meager resources they have. But it is wrong to perpetuate this unfair fight. We must stop denying the Bosnians the right to defend themselves. We must lift the arms embargo. I listened very carefully 2 weeks ago when the distinguished chairman of the Armed Services Committee, my colleague Senator NUNN, spoke on this issue. While he expressed many concerns about our strategy in Bosnia—many which I share—he spoke clearly and eloquently on this point when he said:

> I think this embargo on arms to those who are the victims is a policy that is not only counter-productive politically and militarily. I think it prolongs the conflict, and I believe it is an immoral policy, preventing us from helping those who are there ready to help themselves.

My colleague described the post-Vietnam policy developed by President Richard Nixon where the United States made clear its willingness to arm those who were the victims of aggression so that they could help themselves. He went on to say:

> In this case, what the United Nations has done, with good intention but I think with disastrous results, is just the opposite. We have denied arms to those who are increasingly the victims of this conflict.

Mr. President, there are serious concerns about where we are going in Bosnia. We have ample cause for concern about what our inability to end the aggression in Bosnia says about the future role of NATO, the United Nations, and the United States in Europe and in the world community.

Margaret Thatcher, the former Prime Minister of the United Kingdom, addressed these concerns in an article which appeared in the New York Times on May 4. She wrote:

> Lifting the arms embargo * * * is also crucial. That embargo was imposed before Bosnia and Croatia were internationally recognized, and its legal standing is at least questionable. The U.S., Britain, and France—or if necessary, the U.S. acting alone—should formally state that they do not intend to continue with it. * * * A well-armed Muslim-Croatian alliance would confront the Serbs with a quite new and unwelcome challenge. It might even prompt the Serbs to settle.

Mrs. Thatcher concludes—

> I do not claim that this approach is without dangers. * * * It is unlikely to bring immediate peace—though it might. Some disruption of the aid effort is inevitable. But what the people of Bosnia now need is a permanent peace that allows them to return to their homes and live without fear.

I could not agree more. Mr. President, I ask unanimous consent that this article be printed as part of the RECORD following my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LIEBERMAN. Mr. President, I do not want to see Bosnian men, women, and children die at the hands of naked aggression because they don't have the weapons to defend themselves. This debate today and the decision each of us makes when we vote on this issue are critical to the way we defend American leadership in the world community.

I hope we have not come to a point where we are unwilling to assert the simple, strong, moral leadership necessary to arm the victims of aggression to fight for themselves. That, in my opinion, is the least we should do.

EXHIBIT 1

[From the Washington Post, May 4, 1994]

STOP THE SERBS—NOW—FOR GOOD

(By Margaret Thatcher)

We have been here so many times before in the Bosnian saga: acts of barbarism by the Serbs, the mobilization of a shocked international conscience, threats of air strikes (or actual air strikes, of the most limited kind), a tactical Serbian withdrawal, more talks aimed at persuading the warring parties to accept a carving up of territory that rewards aggression. Then the Serbs move on to yet another Bosnian community, applying the same mixture of violence and intimidation to secure their aim of an ethnically pure Greater Serbia.

The tragedy of Gorazde may for now at least be over. But there are other towns of equal strategic interest on which the Serbs are now free to concentrate their forces. Yesterday the U.N. intervened to head off a Serbian attempt to expand the Brcko corridor in northern Bosnia, but such interventions merely divert Serbian aggression. It is time to halt it—late, but not too late. We have the justification, the interest and the means.

A sovereign state, recognized by the world community, is under attack from forces encouraged and supplied by another power. This is not a civil war but a war of aggression, planned and launched from outside Bosnia though using the Serbian minority within it. The principle of self-defense precedes and underlies the United Nations Charter. The legitimate Government of Bosnia has every right to call upon our assistance in defending its territory. That is ample justification for helping the victims of aggression.

And both the United States and Europe have real and important strategic interests in Bosnia. Let me note four of them.

First, after all that the West, NATO and the U.N. have now said, the credibility of our international stance on every security issue from nuclear nonproliferation to the Middle East is now at stake.

Second, would-be aggressors are waiting to see how we deal with the Serbs. Our weakness in the Balkans would have dangerous and unpredictable consequences in the former Soviet Union, which has Slavic nationalist forces that closely parallel those of Greater Serbianism. And throughout Eastern and Central Europe there are minorities that aggressive mother-states might be tempted to manipulate to provoke conflict, if that is allowed to pay in the case of Serbia.

Third, Serbia's own ambitions are by no means necessarily limited to Croatia and Bosnia. Kosovo is a powder keg. Macedonia is fragile. Bulgaria, Hungary, Greece, Albania and Turkey all have strong interests that could drag them into a new Balkan war if Serbian expansion and oppression continue unchecked.

Fourth, the floods of refugees that would cross Europe—particularly in the event of such a wider conflict—would further inflame extremist tendencies and undermine the stability of Western governments.

The West has the means—the technology and the weapons—to change the balance of military advantage against the aggressor in Bosnia. Since the beginning of the Serbian war of aggression, which began in the summer of 1991 in Slovenia, intensified in Croatia and is now consuming Bosnia, I have opposed the sending of ground troops to the former Yugoslavia. But I have said that humanitarian aid without a military response is a misguided policy. Feeding or evacuating the victims rather than helping them resist aggression makes us accomplices as much as good Samaritans.

So I have consistently called for action of two sorts: the launching of air strikes against Serb forces, communications centers and ammunition dumps; and the lifting of the arms embargo on Bosnia and Croatia so that the Muslims and Croats can defend themselves on more equal terms against the Serbs, who inherited the massive armaments of the Yugoslavian Army.

If such a policy had been pursued when I first proposed it on this page in the summer of 1991, at a time when Sarajevo and Gorazde were under serious assault, thousands of people would now be alive and in all probability the Milosevic regime in Belgrade would have fallen. Because this approach was not adopted, we now find ourselves in a far more complex and dangerous situation: trying to defend almost indefensible safe havens; maintaining a facade of neutrality when all our decisions are based on the knowledge that the Serbs are the threat, and with a large contingent of U.N. personnel whom the Serbs may choose to use as hostages.

The new joint effort by Russia and the West to persuade the Serbs to settle for 49 percent of Bosnian territory (down from the 72 percent they have now occupied) is hardly less rife with dangers. The Serbs will almost certainly not withdraw, and once the guns are quiet the Russians may not wish them to do so—nor may the West be prepared to revive the threat of bombing to force them. Even if they were to withdraw, their 49 percent of Bosnia would still represent a reward for aggression. And in either event, the ensuing peace would be an unjust and fragile one requiring a large contingent of Western (including U.S.) ground troops to enforce it on the victims. If hostilities resume, as is all too likely, these troops would become the target for attack.

So the formula of air strikes and lifting the arms embargo is still the right one to apply. NATO already has the mandate from the U.N. Security Council not just to defend U.N. personnel but to deter attacks on the safe havens. This mandate gives full authority for the requisite launching of repeated large-scale air strikes against Serb military targets wherever these may prove effective. It is a matter for consideration whether strikes should go into Serbia itself.

Air strikes are effective, as long as they are not on a small scale, hedged with political hesitations and qualifications. They can inflict severe and ultimately unsustainable damage. But they have to be part of a clear strategy to shift the advantage against the aggressor. The Serbs must know that they will be carried out with swiftness and determination. Nor may Russian objections be allowed to stand in their way. If the Russians are prepared to support such action, all well and good. But NATO cannot have its policies entirely shaped by Russian sensibilities.

Lifting the arms embargo, as Senators Bob Dole and Joseph Biden have courageously proposed (the Senate is to take up the resolution tomorrow), is also crucial. That embargo was imposed before Bosnia and Croatia were internationally recognized, and its legal standing is at least questionable. The U.S., Britain and France—or if necessary, the U.S. acting alone—should formally state that they do not intend to continue with it.

Such statements might also be supported by a resolution of the U.S. General Assembly. The confederation between Bosnia and Croatia, so skillfully brokered by the United States, now means that supplies of arms will be used against the common aggressor, not against each other, and that they can easily be shipped in through Croatia. A well-armed Muslim-Croatian alliance would confront the Serbs with a quite new and unwelcome challenge. It might even prompt the Serbs to settle.

I do not claim that this approach is without dangers. It would require diplomatic and military skills of a high order. It is unlikely to bring immediate peace—though it might. Some disruption of the aid effort is inevitable. But what the people of Bosnia now need is a permanent peace that allows them to return to their homes and live without fear. What the West needs is to restore its reputation and secure its interests. This is the only way those aims can be realized.

Mr. LIEBERMAN. Mr. President, may I inquire of the Chair if there is a time that is part of the unanimous-consent agreement.

The PRESIDENT pro tempore. There is an order, and under the order the Senate will recess at the hour of 12 o'clock noon until 2:30 p.m.

Mr. LIEBERMAN. I yield the floor. I thank the Chair.

Mr. SIMPSON. Mr. President, I rise to voice my support for the Dole-Lieberman measure to lift the arms embargo against Bosnia, of which I am a cosponsor, and my opposition to diminishing the full force of its language.

Mr. President, we continue to have before us in Bosnia a grievous and tragic situation. For the past couple of years, we have repeatedly seen temporary resurgences of hope dashed by returns to brutality and slaughter.

All of us who would criticize the handling of this crisis must acknowledge that the situation there does not admit of easy solutions. The mistakes made were not made in the course of passing up options of obvious preference. There are none.

When we review the policy choices that have been available to us, we see that they all pose their dangers, and risks of failure. There is of course the negotiating track. Cyrus Vance and Lord Owen shouldered that burden in good faith, but there was no question but that negotiations were doomed to be fruitless to the extent that the military situation rarely encouraged all of the warring parties to agree to a fair settlement.

At one extreme was the option of declaring the Serbs to be the aggressors, and either unilaterally or with such allies as would follow us, shedding the mantle of peace-broker and becoming full participants in the conflict. I think my colleagues would agree with me that the American people would not have been willing to become so fully engaged.

At the other extreme was the option of simply turning away and abandoning Bosnia to its fate. There are some who would advocate precisely that, but most of us would have found this to be morally intolerable.

Faced with unacceptable options at both ends of the spectrum, we have tried to steer a middle course. We have tried to retain a perception of our neutrality that will allow us to deliver relief unmolested. And we have applied military force on occasion, chiefly through the air, to address specific violations of cease fires and U.N. safe havens.

This policy has not produced peace, except on a local and sporadic basis. We have found that threats of air strikes may deter a specific assault in one place, but that too often we merely see a displacement of the aggression into another region.

We should not be surprised by this. We have made bold references to the international will and the international conscience, and crowed loudly about what we will not tolerate. But our actions, in the form of our reliance on military half-measures, show that our will is lacking, a fact that is not lost on Serb militia, who make their calculations accordingly.

We should not pretend that lifting the arms embargo against Bosnia is a substitute for a properly coordinated international policy. But at the very least we would by this action permit the people of Bosnia to be less completely at the mercy of our failure to develop a solution. If the West had determined how it was to save Bosnia, I would not be here arguing for a lifting of the arms embargo. It would not be necessary. But if we will not defend Bosnia, then Bosnians must be permitted to do so.

The facts are stark. The international community dithers, deliberates, and dawdles. The Bosnian Serbs have enjoyed access to equipment that once was the property of the Yugoslav Federal Army. We have been resolute only in denying arms to those who have too often been the victims of military aggression. I do not excuse the atrocities that have been committed by Croats and Muslims any more than those committed by Serbs—but there is no doubt that many of the latter were made possible because the victims were too often defenseless.

I understand and appreciate the sentiment that we should not take so bold a step without the approval of our European allies. I would say to my colleagues that in this matter we have allowed our actions to be too much guided by a rigorous insistence on multinational agreement. It has become a prescription for doing nothing. The Western nations, with all their power and might, have shown themselves less willing to enforce their will than the Serbs, simply because the Serbs, unlike the West, have been able to effectively translate desire into action. This is the danger of multilateral processes. It is why Congresses do not command Armed Forces. It is hard to get several independent voices to sing from the same songsheet.

So I am not overly troubled if we do not allow other nations to veto this action. We are not sending Americans to fight in Bosnia if we pass this measure. We are merely permitting Bosnians to defend themselves. Surely we ought to be able to accomplish this without again retreating to the passivity that has thus far characterized our behavior.

RECESS UNTIL 2:30 P.M.

The PRESIDENT pro tempore. Under the order, the hour of 12 o'clock noon having arrived, the Senate will stand in recess until the hour of 2:30 p.m. today.

Thereupon, the Senate at 12:02 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CAMPBELL].

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is S. 2042.

Who seeks recognition?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Mr. WARNER. Mr. President, I find myself in the unenviable position of opposing my distinguished Republican leader, Mr. DOLE, and an equally distinguished group of cosponsors.

Let me review my basic position which I have set forth on the floor here in previous debates in the last week or so.

The lifting of the embargo is something that has a great deal of appeal to me and, I am sure, many others. I am willing to stipulate that there are certain legalities about the placing of the embargo that lend themselves to a ground that we did it in a collection of nations, indeed with the United States, in an illegal fashion. But, nevertheless, we are where we are now.

Candidly, I would like to see the embargo lifted, but I cannot find to my satisfaction the answers to a set of questions that I believe require answering and understanding by the Members of the Senate before we act.

I wrote the Secretaries of Defense and State a detailed letter on the April 29 setting forth a series of questions that I felt were germane to the issue. I would like to repeat some of those questions for purposes of this debate. Then on May 4, the Department of State, under the Acting Secretary at that time, Mr. Talbott, replied to my series of questions.

Mr. President, I will go through the questions and provide the answers as given by the Departments of State and Defense in collaboration together, the two Departments.

So, I repeat, while lifting the embargo has a great deal of appeal to me, in all probability it was put on illegally, at least there is a legitimate argument to that effect; and it is advanced by very responsible individuals, two ambassadors who came in to see me and two former Deputy Undersecretaries of Defense. I found their arguments very cogent as to the legalities. But we are where we are today.

This is a map that depicts the relative locations of the combatants today. I will use this in the context of trying to provide the Senate with answers to the questions that concern me.

My first question.

> If the arms embargo against the Bosnian Government were unilaterally lifted by the United States—

And that issue, in my judgment, is implicit in Senator DOLE's amendment, and it was acknowledged as being a part of that amendment by one or more of his cosponsors in a prior debate in this Chamber.

> If the arms embargo against the Bosnian Government were unilaterally lifted by the United States, what impact would such a move have on the compliance of other nations with the broad range of U.N. Security Council-imposed embargoes, such as economic sanctions against Serbia and sanctions against Iraq?

The administration replies:

> There is a clear danger that other nations would use the U.S. precedent as a pretext to unilaterally "lift" sanctions against regimes that they found inconvenient or opposed for political or economic reasons. This could lead to a total breakdown in the ability of the United Nations to enforce sanctions against Serbia, Iraq, Libya, Haiti, and, over time, could limit the power of the U.N. to affect international behavior through binding resolutions.

And I would like to add also North Korea, a situation that is extremely serious, extremely serious to the whole world. Unless the issues in North Korea are handled, it will result in an entire new dimension to the nuclear balance in the world today. Japan will have to reconsider its stance; Taiwan, its stance; China, its stance; and indeed we may see the emergence of a whole new series of nations in the Pacific Rim area that, by necessity, for their own national security reasons would be required to rethink past policies against nuclear forces in light of developments in North Korea.

This is the main reason I am against the Dole amendment; that it has this unilateral feature that the United States would be acting unilaterally in such a way as to send a signal of hope to the people of Bosnia, that with the lifting of this embargo the whole combat situation could be changed. And I will address the specifics momentarily.

Does the Dole amendment imply that the United States will be forthcoming in the shipment of arms? Does it imply other nations will join? Those are the questions that have to be answered.

And, of course, I am deeply troubled by the historical context, quite apart from sanctions, that our Nation, throughout this century, has stood solidly with Great Britain and France. In World War I and World War II, they were our principal allies. They are the principal participants in the UNPROFOR forces, those forces currently in the former State of Yugoslavia, primarily Bosnia, that are providing such humanitarian relief and economic relief as can be given to those people suffering so tragically.

What will the precedent be for our having acted unilaterally with respect to our two most valued allies in this century?

My next question.

> Some have argued that the arms embargo against Bosnia is not legally binding, since the embargo was imposed against the former Yugoslavia and Bosnia is not a successor state and because the embargo violates Bosnia's right of self-defense under article 51 of the U.N. Charter. What is the administration's legal opinion on this issue?

And the reply:

> The arms embargo was imposed on the territory of the former Yugoslavia by U.N. Security Council Resolution 713 (1991) and reaffirmed in later resolutions (e.g., Resolutions 724, 727, 740, 743, and 787). Resolution 713 is a mandatory decision under Chapter VII of the U.N. Charter and expressly provides that the embargo will remain in effect "until the Security Council decides otherwise." The Council has also made clear that the embargo applies throughout the territory of the former Yugoslavia notwithstanding its breakup into separate states (see Resolution 727 (1992)). Thus it applies to Bosnia.

Mr. President, I ask unanimous consent that the remainder of the administration's argument on this issue be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> The embargo does not violate Bosnia's right of self-defense under Article 51 of the UN Charter. Any self-defense right that may exist to receive arms from other states under Article 51 is subject to the authority of the Security Council, which may take action affecting it. Thus, under Article 51, measures taken in self-defense "shall not in any way affect the authority and responsibility of the Security Council under the [UN] Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."
>
> The Security Council may take various actions—imposition of cease-fires, limits on armaments, and establishment of protected or demilitarized zones—that affect a state's right of self-defense. For example, the Council may impose a cease-fire even though its immediate effect may leave an aggressor in temporary occupation of part of the defender's territory. Article 51 takes as its premise the principle that the Security Council may impose such sanctions when it judges them to be necessary, and this is an essential part of the Council's authorities to maintain and restore peace.

Mr. WARNER. Mr. President, I am not going to get deeply involved in the legalities, because I am more concerned about the situation here today and tomorrow and to project it into the future. This is the principal concern I have about lifting the embargo.

My next question:

> How would a unilateral lifting of the arms embargo affect our relations with the NATO allies and the Russian Federation?

Answer:

> Our allies and the Russians are extremely concerned about the prospect of unilateral U.S. lifting of the arms embargo. They would argue that our behavior encouraged an erosion of the U.N. sanctions regime as an instrument of international policy. If they came to believe that unilateral U.S. lifting of the embargo had more than a symbolic effect, they might decide to pull some or all of their forces out of UNPROFOR, leading to the collapse of the humanitarian relief effort.

This is an answer that must be addressed. What are the consequences if UNPROFOR has to withdraw in the face of a lifting of the embargo, particularly unilateral lifting by the United States?

> Sarajevo, Gorazde, Srebrenica, and Zepa, which are surrounded by Serb forces, would be cut off from most of the relief supplies. Should the Bosnian Serbs attack any remaining European forces or take them hostage, the Europeans would hold the United States accountable.

This conflict could suddenly transcend from an international one with many parties involved to a conflict that could be said was "Made in the U.S.A" from the moment the embargo is lifted. That is my concern.

Should the, as I said, Bosnian Serbs attack any remaining European forces or take them, the Europeans would hold us accountable.

> Nations like Iran, who have standing offers to provide troops to the Bosnian Government, might elect to do so, arguing that the United States has set a precedent for ignoring a U.N. resolution.

Next question: "If the arms embargo were lifted, what types of weapons would the Bosnian Government forces need to achieve a degree of weapon equivalence?" That phrase, "a degree of weapon equivalence," is one that I just worked up as a baseline to try to develop a question and an answer to this issue—"a degree of weapon equivalence with the Bosnian Serb forces. Which nations would train the Bosnian forces in these new weapons?"

The answer: "We presume that the Bosnian Government would require large-caliber heavy weapons to match the capabilities of the Bosnian Serbs." It is acknowledged now that in the area of tanks and heavy artillery, the Bosnian Serbs have a ratio of 4 to 1, 5, sometimes 8 to 1 in some of these heavy armaments. It is clear that the Bosnian Serbs have stronger weaponry.

In contrast, it is argued that the Moslems have more people. To a degree, they are motivated better and, to some degree, trained better, even though it is largely a citizen army. That is an offset. But, indeed, it is not an offset in the face of heavy tanks and heavy artillery.

> This could include medium and heavy artillery, medium tanks and long-range antitank weapons, such as the Tube Launched, Optically Tracked Antitank Weapons system. Personnel familiar with weapons provided, usually the supplier, Government or industry, generally train recipients in the use, tactical employment, and maintenance of systems procured. Potential suppliers/trainers span the globe.

So if you are going to send in tanks—and I will address the difficulty of getting them in—and heavy artillery, once there, there is a period of time that will have to elapse to train the Moslem forces in the use of this equipment, and particularly the combination of tank-infantry warfare is a very complicated skill and could well take time, given there is no historical participation with tanks of any magnitude by the Moslem forces today. This will not be overnight. Again, another period of time within which the Serb forces could consolidate their gains further, take hostages, and be on the aggressive move in many areas in this region.

But, again, there is no clear answer as to who will ship what, who will train the Moslem forces to use these weapons. And, also, heavy weapons require a great deal of maintenance and resupply. So the infrastructure issue, in my judgment, is an important one as it relates to the heavy weapons.

Next question:

> How long would it take for heavy weapons to be transported to the Bosnian Government forces? What are the various access routes and means of delivery? How vulnerable are these routes to attack by Serb or other hostile forces? How large a military force would it take to guard and maintain these logistical routes?

And the answer: I sat down with individuals—it is interesting—some U.S. officers, some foreign officers. I gained a great deal of knowledge from the Austrian military officers. As you know, this area of the world at one time was under the Austro-Hungarian empire. The Austrians have quite a bit of knowledge about this area.

There are basically two ports through which this heavy traffic can move. One is the Port of Split and the other is the Port of Ploce.

Here is the official answer: "If the arms embargo were lifted by U.S. action and Croatia cooperated"—and this is a key question because you have to move across land that is now under the control of Croatian forces, so their cooperation is essential, and you do not know what price you might pay for that cooperation. Are you to lift the embargo against arms to Croatia? So is there another faction in this war that will be armed? What price is to be paid and how stable can we rely on the Croatian participation? Will it be on one day and off the next? These are subquestions.

"If the arms embargo were lifted by U.N. action and Croatia cooperated, heavy weapons could be brought into Bosnia through Croatian Adriatic ports," this being the Adriatic Sea. "It would be difficult to deliver substantial amounts of equipment by air since all major Bosnian Government airstrips are within Serb artillery range, and aircraft would be subject to surface-to-air missile fire." That is primarily in Sarajevo and Tuzla.

I made a trip to Sarajevo many months ago, and it is down in sort of a bowl surrounded by high terrain. If an individual crept up on to that terrain, he or she could command that airfield very easily with quite simple weapons.

Likewise, Tuzla airport is within range of a lot of the current Serbian military equipment. So it is unlikely, in the judgment of the experts, that either of these airports could be used. I certainly think this country would think long and hard before we send in C–5's or 141's, indeed 130's. Having lifted the embargo and trying to get military equipment in, we put our forces at severe risk.

"Shipment by sea would require weeks and perhaps months, depending on how long it took the Bosnian Government to purchase or otherwise procure the weapons. If the United States unilaterally"—and I repeat unilaterally—"lifted the arms embargo, heavy weapons could not be shipped to Bosnia without a willingness on the part of other nations to violate the U.N. arms embargo."

That is a very interesting point, and I hope the proponents of this amendment will address that.

"If Croatia were to cooperate with the United States in violating the U.N. embargo, and the Bosnian Government was able to purchase or otherwise obtain weapons, arms could begin reaching Bosnia in some weeks or months." A lot of if's. "It is quite possible that most, if not all, UNPROFOR forces would probably have departed by then, perhaps having had to fight its way out, and would not be available to secure routes for arms imports. The Serbs would naturally take advantage of any lag-time between international lifting of the arms embargo and provision of the weapons to the Bosnian Government."

And as I pointed out also the time to properly train and logistically support the heavy weapons system.

"The incentive for the Serbs to launch an all-out final offensive before their forces were put at some disadvantage would be great. Thus the U.S. might have to undertake air strikes"—of a greater intensity than are now programmed—"in this case, without the participation of our NATO allies."

Now, that is a key point. If we unilaterally lift the embargo, are we beginning to lay the foundation that such tactical air that continues to be employed to hold in place Serb forces—those strikes would now again become exclusively those of the United States? Currently, other nations are participating in the air cover and air operations and air strikes. But this amendment, it seems to me, opens the door for our allies to say, you lift the embargo unilaterally, we no longer are going to participate in that one military action thus far that seems to have had some—I underline some—deterrent effect against the Serb forces. I would hope the proponents would address that question.

My next question: "How long would it take to effectively train the Bosnian Government forces to use heavy weapons? Would this training require the presence of U.S. military personnel in Bosnia or are other nations capable of training Bosnians on the U.S. military equipment that may be provided"—if in fact it is our equipment—"if the embargo is lifted? Should this training take place in Bosnia or out of country?"

Incidentally, in talking to military men, particularly the Austrians, who really understand this terrain, this is not considered tank terrain. It is very hilly, narrow passages, weak bridges, and it is questionable how valuable the tanks could be certainly in their conventional role of being an aggressor offensive force with infantry, because the terrain severely limits their use.

Now, of course, they could be utilized as portable artillery pieces, but that is limiting the value of a tank. So bear in mind, in the opinion of the experts who discussed this with me, it is not tank country. And as I mentioned, if you are going in by sea to bring in this equipment, you have got very narrow roads, roads which cannot support, in many instances, the heavy weight of a tank, particularly in this time of year where the roads are quite damp due to inclement weather. There are a number of bridges that cannot sustain the weight of a tank or a tank carrier. So you are limited.

I have looked at the one route, together with the experts, that was used before when one of the UNPROFOR forces did bring in some tanks. And it was estimated that it would take perhaps as much as two or three regiments of forces, friendly to our cause, to guard the roadway that would carry the tanks in because but a handful of aggressor forces could slip in under the cover of night and sever the road or take out the bridges, and then you would find your logistic route to bring in the heavy equipment is stymied.

And I asked the question: Well, if they took out a bridge, what would then happen? Obviously, you have to repair the bridge, and that requires another group of expert military—construction engineers, combat engineers—to go in and rebuild such bridges as might be taken out by hostile forces. I mention hostile forces. Clearly Serb. You do not know what the fractions will be in the Croatian forces, and their many warlords and other groups around here. So this is not exactly a neat structure of military forces with tight command and control within all the combat elements.

To the contrary, there is quite a disparate arrangement of command and control throughout all the various combatants in this region. Always remember, I come back to the fact that this tragic conflict has its origins that go back hundreds and hundreds of years in the history of the world, rooted in religious and cultural differences and, indeed, hatred. Our forces going in there really, or whatever friendly force were to go in and help the Muslims would literally be surrounded by 360 degrees of hostility in many areas.

So I go back to the question:

How long would it take to effectively train the Bosnian Government forces to use heavy weapons? Would this training require the presence of U.S. military personnel in Bosnia or are there nations capable of training Bosnians in the U.S. military equipment that may be provided if the embargo is lifted? Should this training take place in Bosnia or out of country?

The answer: "Estimating the time required to train a force to use, tactically deploy, and maintain sophisticated weapons is difficult without exact knowledge of the capabilities of the forces"—that is, the Bosnian Government forces—"to be trained. As a rough estimate, the Department of Defense notes that training time of 1 to 6 months is required to train soldiers to survive on the battlefield and properly use rudimentary weapons. Until there is a definitive plan to train a particular force, it is not possible to estimate where the training might take place."

Or indeed the length of the training.

Next question:

What is required in terms of logistics and maintenance to service heavy weapons that the Bosnian forces would receive? Are the Bosnian Government forces capable of maintaining this equipment without outside assistance?

Response: "The more sophisticated the weapons system, the more lengthy and complicated the maintenance and supply system. The following factors, inter alia, would have a direct impact on both substance and tempo of operations: the complexity of the weapons system; number of units to be operated; skill of the operators; level of training, equipment's exposure to hostilities and weather, and logistics—ammunition, parts, transportation—and infrastructure—lines of communication, facilities—capacities. If the Bosnian Government acquired weapons and equipment compatible with its existing indigenous armaments production capabilities"—and they have managed very skillfully to build one or two plants in here to manufacture some of their weapons—"it could possibly maintain the new weapons without outside assistance."

But again, when it comes to spare parts and other, it would have to be compatible with whatever very modest logistics setup they have in place today.

Next question: "How would the Serbs—or other belligerents—react in that interim period between announcement of lifting and the adequate" transportation and training of the new weapons—be they heavy or modest weapons, light weapons?

Reply:

Any formal lifting of the embargo by the U.N. prior to a peace settlement would give the Serbs an obvious incentive to exploit their current military superiority before foreign arms begin to be used effectively by the Bosnian forces, assuming that UNPROFOR stayed in place the soldiers could face attack by Bosnian Serb forces. The Serbs could also be expected to halt the humanitarian relief effort. While relief could still flow into central Bosnia from the Adriatic coast through Croatia, the Serbs are currently capable of cutting off all land routes into Sarajevo, Gorazde, Zepa, and Srebrenica.

They could also close Sarajevo and Tuzla airports. The only possibility of supply to these areas would be through airdrops.

I would suggest that the proponents get the same briefing I have had on what large military equipment can be successfully airdropped. I assure this body that it is a very small number of weapons.

While these might sustain some of the outlining enclaves, they would be insufficient for a city the size of Sarajevo which has at most a 3-week supply of food on hand.

In addition, airdrop aircraft would be susceptible to antiaircraft fire. That is, in order to airdrop heavy equipment, you have to go to altitudes where surface-to-air ordnance becomes a factor.

The eastern enclaves and other isolated areas like Maglaj and Bihac would probably fall, and Sarajevo would be in serious risk even if the population did not face starvation.

Question. If there is an increase in fighting, should air power be used against the Serbs during their period? What are the military risks associated with air delivery of the new weapons? Is it likely the airfields in the government-controlled areas can be kept open for such deliveries? Should Allied aircraft be expected to participate in such a air operation if we unilaterally lift the embargo? If not, would U.S. air controllers have to be put on the ground to control air strikes?

Answer. The only possible way to discourage large-scale Serb attacks on the Bosnian government or on UNPROFOR forces, or to prevent the Serbs from halting the continued supply of Sarajevo via the airport, would be through the threat of military invasion or a massive bombing campaign aimed at Bosnian Serb military and strategic infrastructure targets. Unless we were prepared to undertake such actions, the destruction of Sarajevo, the eastern enclaves, and other isolated Bosnian government positions before the arrival of weaponry would become a distinct possibility. This is why the U.S. has always linked the lifting of the arms embargo to a bombing campaign, as exemplified in the "lift and strike" proposals of May, 1993.

Question. Would UNPROFOR troops have to be withdrawn prior to the lifting of the arms embargo? How long would such a withdrawal take and what are the risks involved? Would the Serbs intercept the withdrawal and endeavor to take hostages?

Reply: Our understanding is that the key UNPROFOR contributors, most of them are our NATO allies, would not be prepared to stay in Bosnia if the arms embargo were lifted. I repeat that. Our understanding is that the key UNPROFOR contributors, most of them are our NATO allies, would not be prepared to stay in Bosnia if the arms embargo were lifted.

If a UNPROFOR force departure were unopposed by Bosnian Serbs, all UNPROFOR forces could probably leave within several weeks.

The primary impediments would be logistical. If the Bosnian Serbs retaliated to a formal or unilateral lifting of the arms embargo by targeting UNPROFOR, the departure of the troops might be difficult or impossible. UNPROFOR troops, civil affairs officers—in other words, there are a lot of individuals in addition to just the UNPROFOR troops. There are volunteers from all over the world. When I visited there—and I have made now three visits to the region—I was impressed at how many volunteers, police, relief forces, all types in addition to the UNPROFOR forces, and indeed all of this cadre of volunteers from all over the world suddenly become potential hostages in a unilateral withdrawing of the embargo. That is my judgment.

UNPROFOR troops, civil affairs officers and military observers, are deployed widely and could not defend themselves against a concentrated attack.

I hasten to point out that we have seen pictures of U.N. forces deploying some military equipment. But it was never the intention of the United Nations or the UNPROFOR forces to go in with such equipment as is needed for a heavy defense action as contemplated by those analyzing the consequence of the lifting of the embargo.

Say they end up with just basic equipment to sort of defend themselves from sporadic hostile action, not such equipment as you need to defend yourself against a consolidated attack from an aggressor force. So they literally lack the necessary military equipment.

Allies might call on the United States to join them in sending ground forces in to rescue their troops or to launch a massive bombing campaign aimed at getting the Serbs to stop an impending UNPROFOR departure.

Next question: What impact would an UNPROFOR withdrawal have on the people now receiving this assistance?

Reply: If UNPROFOR were to leave before the Bosnian Government was in a position to take the offensive on the battlefield, Sarajevo, Gorazde, Srebrenica and Zepa, which have already surrendered, would be cut off from supply via a land route.

The Serbs could also cut resupply to Sarajevo by closing down the airports. Any assistance delivery to either Sarajevo or the eastern enclaves would have to be by airdrops. Sarajevo could not survive on airdrops alone. With only a week of supply of food, disaster could set in.

It is interesting, if you look at these enclaves here, and if you measure the distances, you can see the close proximity to Serbia proper. And to hit these zones with airdrops, the experts inform me that you have to have a lot of luck. The chances are that much of the airdrop equipment is going to fall into the hands of the hostile Serb forces in the area. So even airdrops to sustain these enclaves is very iffy.

Question: If the arms embargo were lifted against Bosnia, would it also have to be lifted against Croatia since Croatian cooperation is essential to transporting weapons to the Bosnians? What impact would lifting the embargo against Croatia have on the situation in the Krajina What is the likely Serb reaction?

Reply: The only reliable way to deliver heavy weapons to Bosnia in large quantity is through the territory now held by Croatia. If the U.N. Security Council lifted the embargo against Bosnia alone, Croatia might be permitted by resolution to have arms transit its territory. Thanks to the federation agreement signed in March, relations between the Croatian and Bosnian Governments are relatively good. That is today. We all know the transitory and unstable nature of the agreements connected with this frightful conflict over the past 2 years. They are signed one day, and they are often broken the next.

Still, it is likely that weapons bound for Bosnia through Croatia would only reach their final destination if Croatia also received arms either openly or covertly.

So you are really talking about practically speaking rearming two factions in this horrible conflict, both the Muslims—that is the Bosnian Government—and the Croatian forces.

If the arms embargo were also lifted against Croatia, and the Croats use these weapons against Krajina, the Serbs there, who currently control almost one-third of Croatian territory, it is possible and perhaps likely that Serbia proper would intervene in this conflict leading to an outbreak of war between Croatia and Serbia broadening in many ways this tragic conflict.

Lifting the embargo against Croatia would also raise questions on whether the embargo should remain in effect against Slovenia, and other adjoining nations.

(Mr. LIEBERMAN assumed the chair.)

Question: What is the likely reaction of Russia and Serbia to a unilateral lifting of the arms embargo? Is it reasonable to assume that they would come to the assistance of the Bosnian Serbs if the Bosnian Government began to recapture territory in the wake of the lifting of the embargo?

Reply:

> The Russian reaction would be similar to that of our NATO allies. A Russian withdrawal from UNPROFOR would be likely. A U.S. decision to lift the arms embargo unilaterally would certainly play into the hands of the pro-Serbian extremists in Russia, who could make political decisions even more difficult for the Yeltsin government. The Belgrade reaction would depend on how seriously the threat were perceived. If a humanitarian disaster in Sarajevo could be avoided and the Bosnian Government survived long enough for the situation on the battlefield to change, the Serbian Government could be prompted to intervene on behalf of their Bosnian Serb brethren. Milosevic would certainly be under tremendous domestic pressure to do so. The threat or use of NATO military actions, either on the ground or from the air, might be needed to deter him.

Next question:

> Would the lifting of the arms embargo help or hinder efforts to achieve a negotiated settlement to the conflict? Is it an option for future consideration? Under what circumstances?

Time and time again, the experts certainly have told this Senator—and I think many of you have heard it from others—that there is no military solution to this tragic conflict. The solution rests with the combatant forces and their ability to somehow reconcile their differences and agree on some type of a structure for a cease-fire, and maybe an eventual peace.

The reply of the administration to my question:

> Unilateral U.S. lifting of the arms embargo would probably have a chilling effect on the negotiating process. The Bosnian Government might feel less inclined to seek a negotiated solution in the hope that it could achieve a better solution on the battlefield. The Bosnian Serbs, for their part, would be less inclined than ever to accept a U.S. mediating role in the conflict, depriving us, the United States, of the ability to serve as an honest broker for any type of settlement. If the Serbs perceived an immediate physical threat to themselves as a result of the U.S. decision, they could attack the Bosnian Government or UNPROFOR forces, or close down the humanitarian relief supply to Sarajevo and the eastern enclave, thus, making a negotiated settlement even more remote.

Question:

> If the lifting of the arms embargo does not give the Bosnian Government forces a degree of military equivalence with Bosnian Serb forces, what would be the next step?

Reply:

> Assuming that UNPROFOR has departed, or needs to be rescued, and that Sarajevo and the eastern enclaves are at grave risk, the U.S. might have no choice but to intervene massively in the conflict—

ground, air, and sea—

> or acquiesce in a humanitarian and political disaster.

That is a tough reply.

I say to my colleagues that these are the questions that occur to me. I am sure each of you have many more questions. I took it upon myself to personally go out and visit the CIA, the Department of Defense, and the Department of State, not necessarily talking to the top policymakers, the President's appointees; no, I sought out the professional civil servants, who work in these agencies, who meet the challenge, who sit there day after day and, indeed, year after year and look at the situation and provide their own analysis, not affected by politics, concerned about the humanitarian—certainly, every individual is deeply touched and concerned about the humanitarian problems in this area. But these analysts are individuals who understand, in great detail, the facts, the balance of military forces, the historical roots of this conflict. I spent one fascinating evening, several hours, at the Department of Defense, finishing up late at night, talking to individuals who studied the history in this region of the world, going back 1,000 years and tracing for me the roots of this conflict that were planted in this region 1,000 years ago. Who is to say that those same roots of conflict and antagonism will not be present in this region 1,000 years hence?

You get down to the bottom question: What can the United States do in this conflict? Mr. President, I researched this. As of this moment, there are 35 nations in our world today experiencing, to one degree or another, conflict. They spring up unexpectedly. There is Burundi and Rwanda in the African conflict, which is seen by hundreds of thousands nightly on our television. Many people had no idea where these two nations were before. But we sit there absolutely appalled at the loss of human life on this African continent.

I come back to my point, which is that 35 nations are experiencing conflict. This country, in my judgment—no matter how strongly we feel, by means of compassion, to become involved, we have to always come down on what our national security interest is in these regions of the world. What is our security interest? We have to use that as a guidepost to determine whether or not we become involved.

I question our national security interest in this region. I have always said it is primarily a European situation. If you go back to World War I, starting right here in Sarajevo, right here, with the assassination of the Archduke Francis Ferdinand, it was many years before President Wilson and the Congress decided that this conflict in Europe, World War I, had indeed become a conflict in which the United States had a national security interest. We did not jump in in 1914.

Again, in World War II, September 1939, when Nazi forces crossed the border into Poland, it took a period of time before this Nation became involved. We were under the leadership of a very courageous President and, indeed, a Congress that passed a draft by a single vote in the early 1940's, showing the lack of commitment we had at that period of time to World War II.

So I think this is primarily a European situation, and the United States, as of today, is a very active partner. We are the primary naval force offshore, enforcing, to the extent we can, the embargo against Serbia and, to a lesser extent, against Croatia. We are the primary military force in the air working, again, with our allies. So it is not as if we have turned our back to this conflict.

Some lives of American service personnel have already been lost. But I always come down on: What is the price that the mothers and the fathers, the brothers and the sisters are willing to pay to get more heavily involved in this situation? And I have outlined several scenarios that might evolve if we unilaterally lift this embargo in which the world would look to the United States to come to the rescue of a greater conflict in this region.

I question whether we have a national security interest certainly to employ our military in, should we say, risks far greater than those now at sea and in the air. Let it be said there is risk associated with the use of military equipment either at sea or in the air, but certainly on the ground the risk would be far greater. There is no one here today advocating the use of ground forces. But, as I pointed out, there are several scenarios. If we are perceived or in actuality lift this embargo unilaterally, this conflict could bear the stamp now, "Made in the U.S.A." and we would be required to become involved far greater militarily.

I do not find the national security interests. The humanitarian interest, yes, but not the national security interests for greater involvement.

So I just point out that I did not sit down in the abstract and draw up these questions. I did it based on close consultation with professionals, the CIA, Department of Defense and Department of State, and, indeed, in consultation with, as I pointed out, a delegation of Austrian military professionals who know this region, who know the history, who understand the people, who traced for me the situation during World War II when Hitler's forces ostensibly had this area secured but, nevertheless, a civil war primarily between Serbia and Croatia, again engulfing Bosnia, took place right during World War II and Nazi occupation, a civil war that in the estimate of many historians took a million lives of Croatians, Serbians, and Moslems right at the time when Hitler had this half-dozen—I have heard as high as 12—divisions trying to maintain security in this region.

So I hope that my colleagues, as we proceed with this debate, will look at the questions and answers that I have posed, questions that are being discussed, questions that are being analyzed by our professional infrastructure in those departments and agencies of our Government with primary responsibility of following this part of the world, will look at these questions and answers, point out to this Senator where I am in error. I do not claim to be infallible. I do not claim to be an expert. But I have undertaken, at considerable investment of time, the responsibility to go out and talk with others far more intelligent than I to determine the questions and their viewpoints which directly relate to the issue before this body at this precise moment: Should the Senate of the United States support a unilateral withdrawing of the embargo against the Government of Bosnia as it relates to armaments?

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Marc Nickelson, a Pearson fellow, from my staff, be granted the privilege of the floor during the course of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I would like to present my statement on the question of Bosnia. Mr. President, I rise in support of lifting the U.S. arms embargo on Bosnia, and I am pleased to be a cosponsor of the bill introduced by the distinguished minority leader for that purpose.

The failure to exempt the new State of Bosnia from the arms embargo earlier imposed on Yugoslavia was a well-intentioned, but tragic mistake. Serbia, whose aggression had prompted the embargo, was in no way inhibited by it. The Serbs already possessed a bulging arsenal inherited from the Yugoslav armed forces, as well as the lion's share of arms manufacturing facilities in ex-Yugoslavia. Bosnia, on the other hand, was virtually without arms. The embargo condemned its people to confront Serbian tanks and heavy artillery with little more than small arms and infantry.

Nor was the embargo equally enforceable against both sides. Serbia's long land border with neutral states is difficult to seal off the clandestine arms shipments. Supply routes to Bosnia, on the other hand, are ultimately reliant on transit of goods through NATO states or across the Adriatic Sea—all of which have been effectively interdicted, in no small part with the support of the United States Navy. An unequal embargo, made worse by unequal enforcement, has served not to prevent Serbian aggression but to favor it.

The conflict in the former Yugoslavia has raged now for over 2 years. It has taken a dreadful toll in human lives and suffering for the people of this region and particularly for those in Bosnia. But it has taken an equal toll on the credibility and integrity of the international community, and above all the West. For we have remained essentially passive in the face of the most flagrant aggression in Europe since the end of World War II.

I say passive, because the Western response to the tragedy of Bosnia has consistently sought to skirt the main issue and ignore a basic lesson of history. That lesson is that only by the use of force, or the credible threat of its use, can a determined aggressor be stopped. Expansionist Fascist states will not be dissuaded by appeals to reason, justice, or due regard for the decent opinions of mankind. Such regimes live by forces and respect only strength.

Yet rather than act, or give Bosnia the means to act in its own defense, the international community ducked the issue and ducked down four blind alleys.

First, it sustained an arms embargo which, by favoring the aggressor, served only to whet his appetite. Second, it imposed an economic embargo against Serbia which, though certainly appropriate, has not and will not alone be sufficient to bring the Milosevic regime or its Bosnian-Serb proxies to heel. Third, it has attempted to broker a negotiated settlement. But so long as the West is unwilling to either assist Bosnia or allow it to arm itself against a massive Serbian arsenal, negotiations can have only one result. That result is a sham settlement which ratifies the current situation on the battlefield by acknowledging Serbian conquests and splintering the Bosnian State along ethnic fault lines. The Bosnians have been unwilling to acquiesence in this disguised surrender. Attempts by some Western negotiators and Governments to pressure them into doing so are a disgrace reminiscent of the sacrifice of Czechoslovakia to Hitler's Germany in 1938.

Lastly, the international community, through the United Nations, has sought to bring humanitarian relief to the victims of the conflict. The effort is noble but, again, the motives have been less than pure. Mixed with altruism has been the desire of some to salve a guilty conscience and put a cosmetic bandaid over the grisly spectacle, the better to excuse the failure of their governments individually or collectively to confront aggression.

Serbia has shown itself more than willing to use unarmed relief workers and lightly armed U.N. peacekeepers as hostages. Consequently, their presence in zones of conflict now serves more to deter decisive Western military action than to limit Serbian atrocities. United Nations representatives have become, in effect, guarantors of Serbian impunity. At the same time, their presence as monitors separating the sides in selected ceasefire areas has frozen in place Serbian gains while freeing up Serbian units and heavy weapons to undertake new offensives elsewhere which whittle away at Bosnia. Thus, U.N. representatives have also become guarantors of Serbian conquests.

Let it be clearly stated, Mr. President, that the fault in this lies not with the United Nations as an organization. The United Nations is not an independent body, but an instrument of the member states and, in this case, of the Security Council, which has set the mandate and the limits on United Nation actions. It is the failure of judgment and the failure of will in chanceries and national capitals, not in New York, which has led to this sorry spectacle. And only by changing those policies, and first and foremost the course of the United States in this conflict, that we can begin to recover the situation in Bosnia and our own sense of honor.

For the United States, more than just honor is at stake. We have a vital interest in the stability of Europe and the peaceful evolution of democratic States out of the ruins of the former Soviet Union and its allies. The collapse of communism has unleashed new possibilities but also old hatreds. From Eastern Europe to central Asia, the emerging democracies are a tangle of overlapping ethnic groups with competing claims and little history of mutual accommodation. Democracy and the guarantee of minority rights and political participation offers one model for addressing those differences. Serbia's war of ethnic aggression offers another. If that aggression and ethnic cleansing are allowed to go unchecked, setting an example for others, both peace and democracy will be at great risk in an enormous area bordering on the Atlantic alliance. Neither we nor Western Europe will escape the consequences.

The risk of war and chaos will be greatest precisely again in the Balkans. For make no mistake about it, an unjust peace imposed on Bosnia would not long endure. Rather, it would sow the seeds of renewed conflict as soon as the Bosnians could bind up their wounds, overcome their fatigue, and arm themselves, as they eventually would.

Let me be brutally frank. The hatreds unleashed in this war, and the desire of the victims of aggression for justice—and, yes, for vengeance—assure that no peace settlement will last which does not rest on a durable balance of power. Such a balance does not now exist. It has been artificially tipped in Serbia's favor by the one-sided effect of the arms embargo. It is the tremendous disparity of firepower between the two sides which, more than anything else, accounts for Serbian successes. The arms embargo will begin to wither away, in substance if not in form, as soon as a settlement is concluded. Serbia's military advantage will erode along with it. An unjust settlement imposed on the basis of that military advantage will be challenged by Bosnia as the letter gains in relative strength, and the stage will have been set for a second Balkan war.

Mr. President, apart from our political and security interests in acting effectively against Serbian aggression, I believe we have an equally vital moral stake in doing so. For what is happening in Bosnia is not merely a war of conquest. It is a war of annihilation, designed to wipe an entire people off the map by forced displacement or extermination. I recently visited the Holocaust Museum in Washington, and could not help but be moved by the parallels between the horrors perpetrated by the Nazis 50 years ago and what Serbian fascism is achieving in the Balkans today. No one can claim now, as some asserted 50 years ago, that they do not know the full enormity of the atrocities taking place. And there is no escaping the moral responsibility for our actions—or inaction—in the face of those horrors. After the Holocaust, the world said "Never again." Are we now tho say. "Just one more time?" Moral authority lies at the foundation of this Nation and buttresses our position of world leadership and global power. We are mortgaging that authority by our failure to exercise either adequate leadership or power to oppose this modern day version of the Holocaust. A world community prepared to tolerate it would be willing to tolerate anything; and that is not the kind of world we want to live in or bequeath to our children.

So, Mr. President, what should be done? The first step, the very minimum step, is to remove an arms embargo which has denied the Bosnian people the means to exercise the inherent right of any individual, and any nation, to self-defense. Worse, it is an embargo which, buy its lopsided and adverse impact on Bosnia, has effectively favored the aggressors in the conflict while punishing their victims. This bill will eliminate that absurdity.

But while removal of the embargo is an important first step, it should not be the last. If Serbian aggression is to be checked, more needs to be done and, yes, we will have to pay a price, albeit a relatively modest one. The Bosnians are not asking anyone for infantry troops and are more than willing to absorb the principal cost in blood by tending to their own defense on the ground. They ask only for tools to aid that defense. The United States should respond not merely by lifting the arms embargo, but by providing them weapons on a grant basis out of U.S. stocks. A majority of this body is already clearly on record in support of that proposition.

Second, we should urge our NATO allies, and be prepared ourselves, to use Western air power to assist Bosnian defenders and raise the costs to Serbia if it continues to pursue its aggression. The application of NATO air power to date has been meager, half-hearted, and undermined by a hesitancy to make good on ultimatums when the latter have been first tested, then flouted, by the Serbs. As a result, the credibility of our word and of our threats has been weakened, and with it our ability to deter the Serbs—or any other rogue states who detect in this record a lack of United States firmness or resolve in defending our interests and principles. It is time to end those doubts, to end the bluffing, and to put an end to the free ride the Serbs have enjoyed in Bosnia. If Serbian attacks continue, we should be prepared to strike key Serb military targets anywhere in Bosnia and, if necessary, in Serbia itself. This is particularly important in the wake of any decision to lift the embargo, for the Serbs may respond initially with stepped up attacks to take maximum advantage of their current advantage in arms before it evaporates.

Finally, we must recognize that the time may have come to reduce or remove the U.N. presence in Bosnia. Events in ex-Yugoslavia have demonstrated and senior U.N. officials have acknowledged that relief and peacekeeping on the one hand, and peace enforcement on the other, are difficult if not impossible to reconcile in the same place at the same time. The time comes when you have to choose between the two. When relief efforts intended to shield the victims of war are cynically exploited by an aggressor army to shield itself, that shield may have to be withdrawn. When peacekeepers become, in effect, a surrogate occupying force for conquered territory, they have become as much a part of the problem as its solution. That is where we are today in Bosnia.

Little wonder that the Bosnian Government has made it clear that it prefers to see U.N. relief workers and peacekeepers withdrawn if Western concerns for the safety of their personnel in Bosnia are the principal obstacle preventing a lifting of the arms embargo. Would withdrawal of the U.N. presence result in an increase in the fighting in the near term? Perhaps, although Serb capabilities to expand an already vigorous military effort are open to question. Could it lead to greater suffering among civilians in the short run? The answer is probably yes, particularly given Serbian conduct to date, particularly when no witnesses are present to encourage occasional restraint.

But to acknowledge these consequences is only to restate the choice that has faced every nation and every people in history who have been the victims of attack. Should they surrender their freedom, their homes, their way of life, their country's existence, and their children's future? Or should they resist and fight, even if resistance brings suffering and death to many of their countrymen?

That is a choice for each nation and each people to make for themselves. The heroic resistance of the Bosnian people against great odds over the last 2 years is eloquent testimony that they have made their choice. They wish to defend their homes and their country and to lay down their lives for it, if need be. It is not for us to deny them that right, and I can only hope that we ourselves will always be willing to exercise it in our own defense, as we have in the past. Mr. President, during the long struggle against Soviet expansionism, a phrase was coined to advance a rationale for surrender to force. That phrase was "better Red than dead." Even at the height of the cold war, when the possibilities of a nuclear Armageddon cast a long shadow over our Nation, the people of the United States rejected that philosophy with the contempt it deserves. Even with the best of intentions, we cannot now in good conscience impose on a small nation what we have never been prepared to choose for ourselves.

The time has come, Mr. President, for the United States to lift the arms embargo on Bosnia and to aid in its defense.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to called roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection it is so ordered.

LEAD, FOLLOW, OR GET OUT OF THE WAY

Mr. McCONNELL. Mr. President, there is an old saying which bears repeating with regard to the United States policy position on Bosnia. The administration needs to lead, follow, or get out of the way. Each day that passes offers astonishing proof that the President of the United States and his national security team cannot or will not decide whether to lead or follow, engage or evade, or just ignore the whole darn mess. The only time we see any decisive action is when public opinion surveys issue ominous warnings about Presidential approval ratings.

With yet another poll showing a steady drop in his foreign policy rating, once again, the President turned on the telegenic charm in a media event beamed to over 200 countries courtesy of CNN. According to the New York Times, the event was designed to "reassert control over the sliding ratings by demonstrating a tough stance toward American problems overseas." Once again, we were bombarded with tough sounding rhetoric—once again, we heard we must stay engaged around the world.

But, sadly, once again, we were offered little detail as to the President's specific plans or thinking about the rapidly changing international landscape.

Mr. President, I want to believe there is an American strategy for Bosnia, for Korea, for Haiti, and a half dozen other trouble spots which the international community must tackle. I want to believe that the President and his national security team have given serious thought to problems not just poll ratings. But, there is little evidence to support my hope.

The events in Bosnia since the Senate first took up this amendment demonstrate the contradictions and confusion which bedevil our policy. Every newspaper and magazine in the Nation has run stories chronicling the disastrous decline of the United States as the competent, decisive, inspirational leader of the free world.

Let me offer a quick tour of some headlines—

The Wall Street Journal says "There is no Clinton Foreign Policy";

The Baltimore Sun claims the "U.S. stumbles for Lack of Foreign Policy";

The Louisville Courier-Journal eulogizes: "Clinton Talks Tough as Goradze Dies";

The Lexington Herald Leader denounces "Foggy, Wobbly Foreign Policy";

A Washington Post columnist calls our foreign policy: "Inept to Disgraceful"; and

Time magazine held the President responsible for "Dropping the Ball."

I do not think Members of the Senate are any more confident than columnists and reporters about the state of American foreign policy, or our international credibility, image and leadership. While I agree with the President that problems at home demand our attention and require solutions, if we fail to define and defend our interests abroad, now, we will pay a much higher price in the long run.

While President Clinton came into office as the domestic policy President, this administration may well turn foreign policy into a campaign issue.

There was another moment in history when the American people told their leaders they were weary of the world—they wanted our undivided attention here at home. It was a time which Winston Churchill captured well. He looked around the free world and observed, we were "Decided only to be undecided, resolved to be irresolute, adamant for drift, solid for fluidity, all powerful to be impotent." Churchill's words—the ghost of 1936—haunts this administration's policy.

What should the public think when the Secretary of Defense declares we have no interests in defending Goradze, and is joined in that view by the Chairman of the Joint Chiefs who says air power is irrelevant. Then within days the President threatens NATO air strikes if the Serbs do not withdraw from Goradze. Does Goradze matter? Why? Will air power work as the President claims—or not, as General Shalikashvili says?

It is not just a question of a bewildering public message. In private, senior officials seem perplexed. When I asked Deputy Secretary Talbott, what happens next? What are our policy options if we cannot bomb the Serbs back to the negotiating table? There was a long pause, and an honest, however troubling response, "Senator, I don't have a persuasive answer for you."

The administration can offer no persuasive answer nor define and sustain a strategy as the situation in Bosnia just gets worse and worse. I was truly discouraged by the Washington Post story which suggested that our inconsistency and policy swerving has resulted in losses both in territory and peace prospects. As described by John Pomfret, the Bosnian Serbs have been encouraged to "push and probe the United Nations with everything appearing to be negotiable."

The Serbs are clearly taking advantage of our weakness and inconsistency. In Goradze, the shelling has stopped, but the U.N. High Commissioner for Refugee Affairs representative describes the situation as "tense and deteriorating."

In spite of early public assurances by the U.N.'s General Rose that the Serbians were in compliance with demands to withdraw completely from Goradze, we know that Serbians continue to occupy a hamlet within the exclusion zone with between 100 and 200 forces. U.N. peacekeepers have been denied access to the area, and 10 days ago, British peacekeepers on patrol in the exclusion zone found themselves under repeated Serbian fire. According to the U.N., the British troops were forced to return fire in their attempt to withdraw, killing five Serbians in the process.

Sarajevo offers a similar mixed picture of success.

Although the shelling has stopped, the Serbs have blocked access to U.N. observers, forcibly removed heavy weapons from U.N. depots and redeployed at least 15 heavy weapons, including five tanks, around that city.

Mr. President, the story is the same in Tuzla. As in Sarajevo and Goradze, the U.N. and NATO ultimatums have been blatantly violated at absolutely no cost—no cost—to the Serbs.

The consequences for the United States, on the other hand, are both immediate and unfortunate. As a direct result of issuing ultimatums we cannot or will not enforce, we have squandered NATO's credibility and compromised any opportunity to negotiate a reasonable, durable peace agreement.

I was truly discouraged when I learned that, last week, the Bosnian Serb leader told American, European and Russian diplomats that he would no longer support an earlier agreement calling on the Serbs to give up nearly a third of captured Bosnian territory. As one negotiator noted, "This is most depressing. Our troubles in Gorazde obviously did not help the cause of peace."

The Serbs have figured out that we may talk tough, but we simply do not follow through. The air strikes so far have been characterized as largely ineffective. Even the President acknowledged during his international town meeting that air strikes could not change the outcome.

The administration seems to be engaged in a dangerous guessing game of Serbian intentions. Unfortunately, the stakes keep escalating, American lives are in jeopardy; yet, decisionmaking is out of direct American control.

A year ago, it was just the credibility of a revived and reinvented United Nations that was on the line. It was up to the Secretary General to solve the problem in the Balkans. Now we find U.S. pilots and planes involved in NATO missions, which at any point a U.N. civilian official can block, override, suspend, or terminate.

Because of the tragic events in Somalia, the administration would prefer to deny that American lives now hang in the balance of a U.N. bureaucrat's decision. But the events of the past 2 weeks warn that we are repeating the mistakes of Somalia. We are subcontracting U.S. interests and U.S. lives to U.N. whims. I repeat, Mr. President, we are subcontracting U.S. interests and U.S. lives to U.N. whims.

Let me offer just one example: On April 23, as Serbian troops slammed shells into the heart of Gorazde, NATO prepared to launch air strikes, consistent with the terms of an international ultimatum. NATO was deliberately blocked from carrying out a military mission by a United Nations civilian and bureaucrat, Special Envoy Akashi. Secretary Christopher tried to protest the U.N. decision, but was told Boutros Ghali was not available to take his call—not available to take his call.

We have now had a week of public bickering and criticism between senior U.N. and United States officials over who is more responsible for botching up Bosnia—all of which only reinforces my view that it is a mistake to let the United Nations run United States foreign policy.

Frankly, Ambassador Albright may feel better by firing off a testy letter to the Secretary General demanding an apology for some bureaucratic indiscretion, but demanding apologies is a far cry from directing policy. It all strikes me as petty and suggests America may have sunk to a new, record low in international esteem.

Mr. President, it is not just Bosnia that is taking a pounding. American credibility is shellshocked. It is this portrait of policy weakness that has brought me slowly but irreversibly to the point where I believe the arms embargo against the Bosnians simply must be lifted.

I think sound legal arguments may have been made that the embargo has been illegally enforced against Bosnia. No one disputes the right to self-defense, as enunciated in the U.N. Charter, and no one claims that the embargo was imposed on Yugoslavia, which can only logically and legally mean that it does not apply to any of the nations which have emerged as independent successor states.

But, legal arguments aside, I think the choice really is whether as a nation we continue to drift slowly but surely toward expanded and direct involvement in the war in Bosnia, or whether we let the Bosnian Moslems fight for themselves. That decision does not take much time for me to make.

Although the analogy may cause some of the Members of the Senate consternation, I think this is a choice like those we had to make in Nicaragua and Afghanistan. By giving the Bosnian Moslems a chance to defend themselves, we are leveling the battlefield with a view toward creating conditions that will produce a truce and a settlement. By lifting the arms embargo, we are voting to support the victims of aggression, with no loss of American lives. It is obvious, Mr. President, that the Serbs only seem to respond to the steady, decisive use of force—a course the administration is unable or unwilling to support. Policy flip-flops will only assure that this war drags on, potentially engulfing Europe in flames and eventually drawing us in.

For more than four decades, NATO served as a strong, effective deterrent to Soviet aggression and as the most important stabilizing force in Europe. We now find its credibility and capabilities being squandered and misdirected by U.N. bureaucrats. I think this is a serious, serious mistake. If this course continues, sooner or later, we are going to hear the administration make the argument that having put NATO at risk, we must now rescue the alliance from our mistake.

More than 40 years of stability—more than 40 years of security in Europe are being compromised by confusion at the White House. There is an alternative. The administration has demonstrated that it will not lead the international community. The United States should not follow the United Nations. So the Senate must decide to get out of the way. The time has come to let the Bosnian Moslems defend what is left of Bosnia.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico, Senator DOMENICI.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may proceed for 15 minutes as if in morning business.

The PRESIDING OFFICER. The Senator is recognized as if in morning business for up to 15 minutes.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2096 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore, Senator BYRD.

Mr. BYRD. I thank the Chair. Mr. President, has the Pastore rule expired for the day?

The PRESIDING OFFICER. The Senator is correct, it has expired.

Mr. BYRD. I thank the Chair.

PROCESSING HAITIAN REFUGEES

Mr. BYRD. Mr. President, I am compelled to express my serious reservations with regard to President Clinton's decision to change the procedures for processing Haitian refugees. I have supported the existing policy of intercepting at sea and returning would-be immigrants from Haiti, while encouraging true refugees to use the United States processing centers set up there. This process is a continuation of a policy implemented by President Bush in May 1992, when the flow of Haitians reached crisis proportions. I still think that this course is the proper one, and I worry that any change, however minor, will precipitate another crisis.

President Clinton, even before his inauguration, made the very difficult decision to continue the repatriation of Haitians interdicted at sea. Although he had earlier criticized the policy, it became clear that a policy reversal would be interpreted as an invitation for Haitians to come to the United States and could trigger a massive exodus. In late 1992, estimates of the number of Haitians preparing to take to the seas ranged as high as 500,000. Most of these immigrants were about to set out in tiny, barely seaworthy craft with little hope of making it to the coast of Florida. President-elect Clinton did the right thing then and avoided a humanitarian disaster.

The President's announcement over the past weekend that the United States would begin to conduct asylum interviews at sea, or on the territory of third countries if that can be arranged, returns U.S. policy to where it was in early 1992. President Bush was forced to abandon this practice when the Coast Guard intercepted 10,000 Haitians in May 1992 alone—a time when the temporary holding facility at Guantanamo Bay, Cuba was filled to overflowing with more than 12,000 Haitians living in tents. He rightly decided that it was far better to return all Haitians than to encourage, deliberately or not, tens of thousands of people to take to the open ocean in unseaworthy, overcrowded boats.

This was the right decision, not only to avoid the loss of life that would have resulted, but also because most of the would-be refugees in Haiti seek only what we all seek—prosperity and opportunity. Unfortunately, these are in short supply around the world, including here in the United States. We obviously have a higher average standard of living in this country than do the people of Haiti, but there are segments of our society that are no better off. There are many people here—many people here, too—too many people, who are struggling with long-term unemployment. There is not an excess of jobs. We face enormous problems, especially in our large cities where we are rapidly developing a permanent underclass.

It would be nice if we were able to solve the economic problems of other countries and provide a higher standard of living for people around the world, but we cannot. It is tough enough to stretch ever shrinking resources—and I mean they are ever shrinking—ever shrinking resources far enough to help our own citizens. We are operating under a law now that freezes domestic discretionary. It freezes all discretionary spending over the next 5 years, which means that we cannot even take into account inflation. Our social services system is already strained to the breaking point. We cannot place an additional burden of tens of thousands of new immigrants, with no jobs skills and no ability to support themselves, onto the backs of the already overly burdened American taxpayers.

The Governors of Florida and California recently filed lawsuits seeking Federal reimbursement for the cost of immigrants in their States. They have been driven to this point because of the Federal Government's inability, or unwillingness, to stem the tide of illegal immigration and to reform our legal immigration policies. Our immigration laws provide generous protection for refugees fleeing political persecution and the President has been making use of those provisions at the United States processing centers in Haiti. Individuals that have specific, well-founded fears for their safety have ample opportunity to receive that protection. The remaining thousands are simply looking for economic opportunity, and they do not qualify as refugees or asylees under U.S. law.

The President said he is not changing the policy toward Haitian refugees and that he is not broadening the criteria for gaining refugee status. The administration hopes that the limited changes will not result in a renewed outflow of immigrants into the United States. I believe that this is wishful thinking, very wishful thinking. When the Haitians sense the door has been cracked open, they will once again prepare their rag-tag armada and set sail for the "land of plenty:" America.

While we should continue to work for the restoration of democracy in Haiti, we cannot allow that political situation to become a cover for an influx of people looking for a better life in the United States. We should look for ways to help the Haitians improve their economic and political situation, but we cannot do that by encouraging them to abandon their homes. In the end, the only lasting solution to this difficult and heartwrenching problem lies in the resolution of Haiti's political dilemma. A legal, viable government must be reinstated and it, not the United States or any other outside force, can begin to meet the long-term needs of the Haitian population.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I am about to propound a request for unanimous consent. It has been cleared on both sides of the aisle I am authorized to so state.

Madam President, I ask unanimous consent that on Thursday, May 12, at 9:30 a.m., the Senate proceed to the consideration of the conference report accompanying S. 636, the Freedom of Access to Clinic Entrances Act, and that there be 90 minutes for debate on the conference report with the time equally divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I now ask unanimous consent that it be in order to request the yeas and nays on the conference report on S. 636.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Madam President, I thank my colleagues. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

RIVER SPILLAGE

Mr. GORTON. Madam President, late yesterday the National Marine Fisheries Service requested of the Corps of Engineers that it begin immediately a substantial spillage of water over the dams on the Columbia and the Snake Rivers. That spillage, of course, would take place without the water going through the generators and without, therefore, the production of power which is the primary purpose of the dams.

The reason for this request for spillage is that the National Marine Fisheries Service feels that it would help somewhat the passage downstream of Snake River spring chinook salmon, a threatened species, which it is the desire of all to save if at all possible.

The Corps of Engineers immediately responded by pointing out that to engage in such a spillage would be a violation of laws and regulations of the States of Washington and Oregon designed to prevent the supersaturation of the water that has been demonstrated literally to kill salmon smolt in the past. The Corps of Engineers said that in any event it could not accede to this request of the National Marine Fisheries Service without the consent of the Governors of Washington and Oregon. At this point, at least, the controversy rests at that stage.

All are concerned, of course, and wish for the restoration of this run of salmon and of other runs of salmon as well. All agree on the proposition that a certain cost to the Pacific Northwest is appropriate in connection with saving these runs of salmon.

The problem with this action, however, is that it is far from clear that there will be any benefit to wild stocks of chinook salmon or, for that matter, any of the other affected runs.

The salmon recovery team that was appointed by the National Marine Fisheries Service to make recommendations as to the restoration of those runs clearly recommended that spillage be reduced, not increased, and that the Federal agencies involved instead concentrate on improving barge transportation as at least a short-run solution, and perhaps as a long-run solution as well.

The salmon recovery team pointed out the obvious—that barge transportation of salmon smolt created far less disruption in the rivers to the production of power, to transportation, and to the availability of water for irrigation, and it found at least temporarily that solution to be a better solution than spillage.

This salmon recovery team study has undergone peer review. The credentials of the team members have not been challenged. Indeed, they could not be. They are the finest fish scientists in the Pacific Northwest. Yet we have this sudden, and I think panicked, recommendation that we engage in that form of action for recovery which is least certain of success and most expensive to the rest of the community.

By the very estimates of the National Marine Fisheries Service itself, there will be only a modest 5.3-percent increase in survival for those salmon smolt, the young salmon, that actually migrate in the river.

At the present time, that is roughly 2 percent of the salmon, with 98 percent being transported. Even under this proposal, only 17 percent of the salmon would be spilled over the dams, while 83 percent would still be transported by barge. So the 5.3 percent increase in salmon survival estimated by the National Marine Fisheries Service itself would apply only to the 15 percent increase of those smolts that were spilled over the dams. This is, I have said before, in the face of the fact that the Recovery Team finds the survival to be greater with respect to transportation than it is with spillage.

What are the costs? Well, the initial costs of lost power generation estimated by the National Marine Fisheries Service itself are in the $25 to $35 million range. The Bonneville Power Administration estimates costs much higher than that if the spills are extended into August as many expect. If that takes place and if there are no other changes in the law, it is almost certain to trigger a 10-percent increase in the power charges imposed by the Bonneville Power Administration because of the loss of this low-cost hydro power. That 10 percent rate increase, in turn, will almost certainly force the closure of one, or more than one, of the aluminum mills in the region, which are already in desperate condition because of competition from very cheap Russian aluminum being dumped onto the world market.

So the cost, in addition to the 10-percent increase to all Bonneville ratepayers, may be hundreds or even thousands of jobs in aluminum mills in the Pacific Northwest. At this point, since we only heard of this proposal last evening, only the roughest of cost estimates can be made. But it is clearly possible that if one takes the percentage of additional survival which the National Marine Fisheries Service estimates and its estimate of the number of smolts that will go down the river this year and will come back at the end of their life cycle, that we may very well, as ratepayers in the Pacific Northwest, pay $1 million per wild salmon—$1 million for each additional wild spring chinook salmon that returns up the river. Perhaps that figure is as low as $500,000 per salmon, but it could easily be $1 million per fish.

I have gone on and estimated the impact on the hatchery stock of spring chinook salmon—something secondary to the National Marine Fisheries Service purposes in this case—and calculating in the same way and evaluating wild stock equally with hatchery stock, we might bring that figure down to $50,000 per salmon. But still, even if we include both the hatchery stock and the wild stock and use the survival rates used by the National Marine Fisheries Service itself, we are talking about $50,000 per fish—if they are right and this will help. But weighing against that is the view of many members of the recovery team, and those who have reviewed its report, that because of the supersaturation of the water, we will actually lessen survival rather than increase it.

Madam President, this proposal is lunacy. I am delighted that the Corps of Engineers has at least put up a yellow light and said: Look at this problem of supersaturation, get the permission of the Governors to violate their own laws before you go ahead and do it.

I want to protect salmon runs in the Pacific Northwest very badly. So, I am sure, does the President, who also represents the State of Washington, and all of the Members of our congressional delegation, and those of Oregon and Idaho and Montana, as well. The salmon are part of our heritage, and they are obviously a vitally important part of our economy.

Nevertheless, we have to face the fact that we have limited resources to devote to salmon recovery and therefore should use them in the wisest and most effective possible manner. Perhaps there is never going to be a regional consensus on one specific salmon recovery plan. Too many different interests are involved, and our scientific knowledge is still limited. That is not an excuse, however, for failing to use the best scientific evidence that we have available at the present time. That best evidence would come from the finest team of experts we could find, and we should follow that team's recommendations to the best of our ability.

That, however, we have already done. That is exactly who the recovery team consisted of and what the recovery team recommended. I have warned the National Marine Fisheries Service that to ignore the recovery team's clearly would reduce the entire process to a cynical exercise in public involvement. This appears, unfortunately, to be exactly what is happening.

Under pressure from a recent court decision that some have interpreted as contradictory to the recovery team recommendations, the National Marine Fisheries Service seems to be beating a hasty retreat. Instead of rallying around the recovery team and supporting the team plan, and indeed its own opinion on hydro system operations, the National Marine Fisheries Service is going off in another direction, one which is extremely risky for fish, extremely costly to the people of the Pacific Northwest, and one that will almost inevitably lead to more drastic measures with an equally questionable chance of success.

The National Marine Fisheries Service proposal means that there will be more fish traveling in the river. Can anyone tell us that this will not eventually lead to demands for even greater flows to speed those fish down the river?

Having criticized this proposal by the National Marine Fisheries Service as sharply as I have, I am obviously obliged to provide an alternative.

Madam President, I have for a long time vocally advocated changes in the Endangered Species Act which will create a greater balance between the interest of the particular endangered species and the general interests of society—economic, social, cultural, historic, and the like. Those proposals are controversial. They are unlikely to pass Congress during the course of this year. I think we can put them to one side at this point. I think it appropriate to put them to one side and to say "Let us do what the recovery team proposed, work within the Endangered Species Act itself and see whether or not we can make it work." This may be an admission against my interest, because if in fact the National Marine Fisheries Service cannot make it work in the way in which the people of the Northwest consider balanced, if they start costing thousands of jobs and do not do the task they have set out to do by this proposal, I suspect that pressure to change the underlying act itself will be even greater.

In connection with this proposal, I believe I have reflected views which I understand have been expressed today to the administration by the distinguished Speaker of the House of Representatives, who sees the same potential catastrophe from this proposal I have outlined to this body.

So I propose that the National Marine Fisheries Service adopt the Recovery Team plan lock, stock, and barrel, on the grounds that it is the best available, peer-reviewed, scientific proposal on the subject of this spring chinook salmon run.

If, on the other hand, the National Marine Fisheries Service or any other Federal agency decides as arbitrarily as it seems to be deciding at the present time that additional measures such as these huge spills are required, then let the cost of that additional measure come from the Federal Treasury.

I am sick and tired of the ratepayers of the Northwest being stuck with exorbitant Endangered Species Act related costs simply because the Bonneville Power Administration is a convenient revenue generating machine. The administration could easily say that any of these additional costs will be subtracted from the Bonneville Power Administration's debt. It could under those circumstances engage in these experiments to its heart's content without threatening the jobs of workers in the aluminum industry and other energy-intensive industries, and without threatening the cost of power for the people of the Pacific Northwest who are dependent on the Bonneville Power Administration.

Until the administration agrees to defray these costs, however, it seems to me that the most appropriate step is for the Governors of the States of Washington and Oregon to refuse to grant the consent which they have been asked to grant by the Corps of Engineers. After all, these State law requirements were designed to prevent water quality problems such as supersaturation, and were entered into after great study and with great care and should not arbitrarily be abandoned because the National Marine Fisheries Service is under political pressure to do something.

Ratepayers in the Pacific Northwest are already paying more than $350 million per year for salmon recovery, and that amount has more than doubled in the course of the past 2 years. Even if we go with the Recovery Team's plan, those costs will increase. But under those circumstances, they will increase for purposes and for goals which a scientific recovery team says are likely to be successful and to help us with our quest in the Pacific Northwest. If the administration wishes to ignore the Recovery Team to ask for more, it ought to pay for it itself, and the way to pay for it is by subtracting all of these additional costs from the Bonneville Power Administration debt.

Our Governors can help us in this cause. Our Speaker and our congressional delegation can help us in this cause.

I believe this will reflect the desire of the people of the Pacific Northwest to have salmon recovery, their desire to see to it that it is scientifically based, and their desire to see to it that they get value for the money they invest in this important cause.

Madam President, this is an urgent situation. It is something that I hope the administration will reconsider. It is something I hope our Governors will help us on. It is the way to deal properly both with the salmon, given the present Endangered Species Act, and with the needs of the people of the Pacific Northwest for inexpensive power, not just for their homes and for their small businesses but for the industries upon which their prosperity is based.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOD FINANCIAL MISMANAGEMENT

Mr. GRASSLEY. Madam President, I would like to speak about gross, continuing financial mismanagement at the Department of Defense [DOD].

I have spoken on the issue a number of times over the past year.

Last week, I spoke about the financial horror stories laid out before Senator GLENN's Governmental Affairs Committee on April 12, and the need for accountability.

Today, I would like to follow up on the need for accountability.

All the available evidence suggests the situation is getting worse.

A slew of recent DOD inspector general [IG] and GAO audit reports clearly suggest DOD is faced with a deepening and a dangerous financial crisis, and the outlook for reform is dim.

Now, the new DOD Comptroller, Mr. John Hamre, deserves a lot of credit for what he is trying to do. He is leading the Department out of the dark ages of denial. He is creating the kind of atmosphere where real reform could happen. He is developing a plan to fix the problem. He is on the right track.

But I fear his plan is lacking in one vital area—accountability.

Without accountability, Mr. Hamre's plan just will not work.

The bureaucrats will do him in. They are already responding to Mr. Hamre's initiatives in very positive but predictable ways. Of one thing, I am sure. The bureaucrats will drag their feet.

The Pentagon bureaucrats have already erected a major roadblock. They are saying the Hamre fix cannot be made overnight. The system is so big and complicated. It is an evoluationary process that will take years to fix—5, 10, or more years.

Well, that is bureaurcratic baloney. That is just not good enough.

A good dose of accountability right now would get the bureaucrats off the dime and Mr. Hamre's reforms moving at a more reasonable pace.

Mismanagement must have consequences. Responsible officials should be identified and removed from office.

In my last speech, I identified four senior officials at the Defense Finance and Accounting Service or DFAS, including the Director of DFAS, Mr. John P. Springett, who are accountable.

I believe Mr. Springett and his management team are directly responsible for the continuing lack of internal controls and discipline in accounting.

Mr. Hamre defends Mr. Springett. He believes Mr. Springett is helping him fix the problem.

I do not buy it. I think Mr. Hamre needs a reality check.

I am not interested in Mr. Springett's promises. I am interested in his performance over the last 4 years.

What has Mr. Springett accomplished as boss—top manager—at DFAS since the day DFAS was created—November 26, 1990?

DFAS was one of the famous DMR or Defense management report initiatives. DFAS was created to clean up the mess, and Mr. Springett was placed in charge of the cleanup.

Did Mr. Springett do the cleanup, or did he make significant progress?

As I said in the beginning, we have a slew of new IG and GAO audit reports.

All the reports point to just one conclusion: Mr. Springett has been a dismal failure as Director of DFAS. I know of no other way to say it.

To gauge Mr. Springett's performance, I would like to examine two key issues: His progress on unmatched disbursements; and negative unliquidated obligations or NULO's pronounced new-low's.

I have a document signed by the late Mr. Donald J. Atwood who launched the DMR initiatives. He was the Deputy Secretary of Defense at the time. The document is dated April 14, 1992. In this document, Mr. Atwood outlines DFAS's mission.

One of DFAS's most important jobs, according to Mr. Atwood, was to eliminate unmatched disbursements.

Unmatched disbursement are so dangerous because they signal the breakdown of internal control over money.

I quote from the April 1992 Atwood document:

> On October 24, 1991, guidance was issued requiring the DOD Components, under the leadership of the Defense Finance and Accounting Service, to develop a plan for eliminating unmatched disbursements. The Components were requested to identify future actions that will preclude unmatched disbursements in the future. The Defense Finance and Accounting Service is tasked with implementing those plans and actions.

That order went out in October 1991. That was over 2 years ago.

The DMR, Mr. Atwood, and the Comptroller all told Mr. Springett to get on the stick; clean up the mess; and eliminate unmatched disbursements.

I bet Mr. Springett promised the last Comptroller that he would help him, too.

Today's $41 billion in unmatched disbursements stands as a monument to Mr. Springett's do-nothingness. Under the leadership of Mr. Springett, the unmatched disbursements have continued to pile up.

The April 1992 Atwood document also reveals that DFAS had other important marching orders. These too were ignored.

DFAS was ordered on February 18, 1992, to "review and resolve all account balances with negative unliquidated obligations."

Negative unliquidated obligations are accounts where total disbursements exceed available funding. These are called new-low's. They may constitute violations of the Antideficiency Act. Those who knowingly and willfully violate this law can be fined or imprisoned.

Did Mr. Springett fix this problem? Again, the answer is "no."

In fact, a March 1994 DOD IG audit report states that DFAS is making new-low's worse by knowingly forcing payments on to the wrong accounts.

This devious DFAS maneuver is done for two reasons: First, to conceal the practice of writing checks on accounts that are in the red; and second, to keep the number of unmatched disbursements down.

The IG says DFAS finance center at Columbus, OH, had $3.1 billion of new-low's at the contract line-item level, and 2,659 contracts has negative balance totaling $408 million.

The IG says the new-low problem is continuing to deteriorate.

The situation is so bad that Mr. Hamre had to issue a special directive, ordering DFAS to immediately stop writing checks against accounts with negative balances.

Madam President, I ask unanimous consent to print Mr. Hamre's directive, dated March 31, 1994, in the RECORD.

There being no objection, the directive was ordered to be printed in the RECORD, as follows:

COMPTROLLER OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, March 31, 1994.

Memorandum for Secretaries of the Military Departments, Under Secretaries of Defense, Assistant Secretaries of Defense, General Counsel, Inspector General, Commander-in-Chief, United States Transportation Command, Director, Administration and Management, Directors of the Defense Agencies, President, Uniformed Services University of the Health Sciences, Director, Joint Staff, Directors of DOD Field Activities, Director, Joint Logistics Systems Center.

Subject: Negative Unliquidated Balances/Disbursements in Excess of Obligations.

In February the Senior Financial Management Oversight Council met to consider the Department's compliance with the Antideficiency Act. In preparation for that review, I learned that the Department routinely disburses funds in excess of available balances. In colloquial terms, the Department routinely writes checks on accounts that are "in the red," under the assumption that these accounts are in the red because of innocent accounting errors. Indeed, even when accounts have been in a deficit status for some time, Department procedures permit continued expenditure of funds against those negative balances. In other cases, funds are expended in excess of recorded obligations.

Such practices are clearly contradictory to the Antideficiency Act and flatly violate minimum standards of sound financial management. We cannot continue these ad hoc practices.

To correct these unacceptable situations, I am directing the implementation of certain policies on a DoD-wide basis as highlighted below:

If disbursements exceed obligations and the appropriation manager does not have sufficient unobligated balances available, payments will be stopped immediately until the condition has been corrected.

If disbursements exceed obligations and the appropriation manager or fund holder has sufficient unobligated balances available, an obligation will be required to cover such disbursements if the condition [disbursements in excess of obligations] is not corrected within a specified period of time—generally 120 days.

I have attached detailed implementing policy guidance, which will take effect immediately.

As a Department, we have become complacent to accept negative balances as the product of errors with few people feeling responsible for correcting the problem. As of December 31, 1993, the Department had 23 accounts "in the red" and another 23 accounts in which disbursements exceeded recorded obligations. The Comptroller is the fund holder for 22 of those accounts. I have asked the Inspector General, DoD, to initiate an investigation of 10 potential Antideficiency Act violations in accounts for which my office is responsible. The new guidelines that I am hereby implementing are designed to correct this long-standing problem.

These new policies will entail a painful period of initial implementation. I recognize that it may be necessary to quickly reprogram funds in order to maintain valid disbursements and to avoid disruption of Defense programs. Also, it may be necessary for DoD Components to reserve additional funds in order to deal with contingencies created by the implementation of these policies. Accordingly, I have asked my staff to work closely with your staffs to maintain expeditious payments and well executed programs.

Ms. Susan M. Williams is my staff contact for this matter. She may be reached at (703) 697-3193.

JOHN J. HAMRE.

DEPARTMENT OF DEFENSE ACCOUNTING POLICY AND PROCEDURES FOR RESOLVING DISBURSEMENTS IN EXCESS OF OBLIGATIONS AT THE APPROPRIATION/FUND HOLDER/OBLIGATION LEVELS

I. BACKGROUND

A. Generally, disbursements in excess of obligations occur as a result of accounting or disbursing errors. This condition normally occurs when an accounting station records an expenditure transaction—a disbursement made by a disbursing office—in the official accounting records against a fund holder's availability, and the disbursement is in excess of a previously recorded obligation for that same transaction. This condition may also occur when an expenditure transaction does not match any obligation in the official accounting records or for other reasons.

1. If the condition occurs at the appropriation level, the appropriation manager could be the Office of the Deputy Comptroller (Program/Budget)—for Defense-wide accounts—the Assistant Secretary (Financial Management) of the Military Department, or the Comptroller of the Defense Agency/Field Activity involved.

2. If the condition occurs at a lower level, i.e., major command, field activity level, program office, etc., the fund holder could be the activity or organization that has Antideficiency Act responsibility as delegated by funding documents.

B. When disbursements exceed obligations, accounting stations must perform substantial and intensive research to correct the erroneous transactions. In most cases, the errors are discovered and resolved, and the accounting records and official accounting reports, e.g., document control files, transaction ledgers, general ledgers, reports, etc., are corrected.

C. In some cases, an accounting or disbursement error is not the cause of disbursements in excess of obligations and the conditions cannot be easily corrected. These situations require further research that may lead to the discovery of a potential violation of the Antideficiency Act or other serious conditions.

D. Disbursements in excess of obligations may occur under three different primary conditions. These conditions, which are addressed separately in Sections II.A.1., II.A.2., and II.A.3., below, include:

1. Disbursements in excess of recorded obligations at the appropriation level when the appropriation manager does not have sufficient unobligated balances available in amounts that equal, or exceed, the amount by which disbursements exceed recorded obligations at the appropriation level.

2. Disbursements in excess of recorded obligations at the appropriation or fund holder level when the appropriation manager or fund holder do have sufficient unobligated balances available in amounts equal to, or in excess of, the amount by which disbursements exceed recorded obligations at the appropriation/fund holder level.

3. Disbursements in excess of obligations at the obligation level, including when no obligations has been recorded.

E. This guidance provides policy and procedures for the correction or remedy of conditions caused by disbursements in excess of obligations at the appropriation/fund holder/obligation levels. In summary, such corrective actions involve:

1. The research, and when possible, correction of conditions caused by accounting and disbursing errors.

2. The reservation, commitment, and when conditions warrant, the obligation of funds.

3. The investigation and, when conditions warrant, the reporting of violations of the Antideficiency Act when an investigation determines that a violation has occurred.

F. To assist in the implementation of necessary corrective action, each DoD Component will be required to designate a central point of contact within their Component's headquarters-level financial management office. This individual (hereafter referred to as the "appropriation manager") will be responsible for receiving, processing and taking other appropriate actions upon notification by the Defense Finance and Accounting Service accounting stations or other accounting stations.

II. RESPONSIBILITIES

A. The Defense Finance and Accounting Service (DFAS) and other Accounting Stations shall:

1. When an appropriation does not have sufficient unobligated balances available that equal, or exceed, the amount by which disbursements exceed recorded obligations:

a. Immediately stop all future payments until the condition is satisfactorily resolved.

b. Immediately begin research efforts to determine the cause of the condition and correct any accounting and/or disbursing errors identified.

c. Immediately notify the appropriation manager that:

(1) All payments against the appropriation have been stopped and that a potential Antideficiency Act violation exists.

(2) To the extent that any availability exists in the appropriation, such funds are required to be reserved, committed or obligated until the condition is satisfactorily resolved.

d. If, at the end of 120 days from the date of discovery of the condition, research effort fails to result in the correction and elimination of the condition, immediately notify the appropriation manager that:

(1) To the extent that any availability exists in the appropriation, the funds are required to be obligated within 5 days and the obligation remain until such time as the condition is satisfactorily resolved.

(2) An obligation funding document is to be provided to the DFAS or applicable Accounting Station.

(3) A potential violation of the Antideficiency Act should be reported and an investigation initiated, if one is not already underway.

e. For appropriations, whose availability for new obligations expired at the end of FY 1986 through the end of FY 1991 and which have not yet been canceled, charge all future payments to the applicable current appropriation, subject to a 1 percent limitation and other restrictions, when:

(1) The provisions of section 1004 of Public Law 102-484, National Defense Authorization Act for FY 1993 apply, and

(2) The provisions of an Acting DoD Comptroller memorandum, dated December 4, 1992, subject: Additional Requirements Associated with Merged, Expired, and Canceled Accounts, are met, and

(3) The appropriation manager authorizes such action.

(f) Once applicable additional funding has been made available and obligated, the DFAS or applicable Accounting Station will initiate action to resume payments.

2. When the fund holder does have sufficient unobligated balances available that equal, or exceed, the amount by which disbursements exceed recorded obligations at the appropriation/fund holder level:

a. Immediately begin research efforts to determine the cause of the condition and correct any accounting and/or disbursing errors identified.

b. Immediately notify the fund holder that the fund holder is required to reserve, commit or obligate funds in an amount equal to the amount of disbursements in excess of obligations and retain such amounts in the fund holder's account until such time as the condition is satisfactorily resolved. This may involve withdrawing funds already allotted or reserving unallotted amounts at higher command levels.

c. If, at the end of 120 days from the date of discovery of the condition, research effort fails to result in the correction and elimination of the condition:

(1) Immediately notify the appropriation manager, with a copy to the fund holder, that:

(a) The fund holder, is required to obligate, within 5 days, funds in an amount equal to the amount of disbursements in excess of obligations and retain such amounts in the fund holder's account until such time as the condition is satisfactorily resolved. This may involve withdrawing funds already allotted or reserving unallotted amounts at higher command levels.

(b) An obligation funding document is to be provided to the DFAS or applicable Accounting Station.

(2) After the receipt of a funding document from the applicable DoD Component, record an obligation.

3. When disbursements exceed obligations at the obligation level:

a. Immediately begin research efforts to determine the cause of the condition.

b. If, at the end of 120 days from the date of discovery of the condition, research effort fails to result in the correction and elimination of the condition, immediately notify the fund holder that:

(1) Disbursements exceed obligations at the obligation level.

(2) If, at the end of 60 days from the date of the notification, further research efforts of the fund holder fail to result in the correction and elimination of the condition, the fund holder is required to immediately:

(a) Obligate funds sufficient to cover the disbursement in excess of the obligation, and

(b) Provide the DFAS or applicable Accounting Station an obligation funding document, and

(c) Maintain that obligation until such time as the condition is satisfactorily resolved. This may involve withdrawing funds already allotted or reserving unallotted amounts at higher command levels.

4. When a disbursement transaction is cross-disbursed and

a. The DFAS or other Accounting Station that received the disbursement transaction agrees that the disbursement is a valid charge to the obligation, fund holder, appropriation or DoD Component, the policy guidance in sections II.A.1. through 3. applies.

b. The DFAS or other Accounting Station that received the disbursement transaction, and the DFAS or other Accounting Station that made the payment, agree that the disbursement is not a valid charge to the obligation, fund holder, appropriation or DoD Component charged; and also agree as to the proper obligation, fund holder, appropriations or DoD Component to be charged, then a correction document will be initiated to charge the proper obligation, fund holder, appropriation or DoD Component.

B. The Deputy Comptroller (Program/Budget) (ODC(P/B)), the Assistant Secretaries (Financial Management) of the Military Departments, Comptrollers of the Defense Agencies and DoD Field Activities and other Fund Holders shall:

1. Designate an appropriation manager to receive, process and take actions on notifications from the DFAS or other Accounting Stations, and to take other appropriate action(s) regarding the stoppage of payments, the expedition of the obligation of disbursement transactions within prescribed timeframes allotted for such action(s), and other actions provided for in this guidance.

2. After the receipt of an initial notification from the DFAS or other Accounting Station that a disbursement exceeds an obligation at the appropriation/fund holder level, but sufficient unobligated balances are available that equal, or exceed, the amount by which the disbursements exceed recorded obligations at that level:

a. Reserve, commit, or obligate funds.

b. Provide the DFAS or applicable Accounting Station a commitment or obligation funding document, as appropriate, to cover the amount of this disbursement that exceeds the obligation.

3. Within 5 days after the receipt of a 120-day notification from the DFAS or other Accounting Station that a disbursement exceeds an obligation at the appropriation/fund holder level:

a. Obligate funds.

b. Immediately initiate a review of the circumstances to determine whether an investigation of a potential Antideficiency Act is warranted.

c. Notify the Office of the DoD Comptroller when an apparent/potential violation of the Antideficiency Act has occurred, through appropriate funding channels.

d. Initiate an investigation of an apparent violation of the Act when an investigation of a potential Antideficiency Act violation is deemed appropriate.

e. Provide the DFAS or applicable Accounting Station an obligation funding document to cover the amount of the disbursement that exceeds the obligation.

4. Within 60 days from the date of a 120-day notification from the DFAS or other Accounting Station that a disbursement ex-

ceeds an obligation at the obligation level and the condition has not been corrected:

a. To the extent availability exists in the appropriation, provide the DFAS or applicable Accounting Station an obligation funding document to cover the amount of the disbursement that exceeds the obligation.

b. To the extent sufficient availability does not exist in the appropriation:

(1) Request a realignment of funds within an account or between accounts, a reprogramming of funds, a deficiency supplemental, or other acceptable funding solution, as applicable and appropriate.

(2) Provide the DFAS or applicable Accounting Station an obligation funding document to record an obligation under section 1004 authority, if applicable.

(3) Forward supplemental funding documents to the DFAS or applicable Accounting Station to cover any funding shortfalls.

5. Immediately initiate a review of the circumstances to determine whether an investigation of a potential Antideficiency Act is warranted, and, as appropriate, notify the Office of the DoD Comptroller that a fund holder may not have sufficient unobligated balances available that equal, or exceed, the amount by which disbursements exceed recorded obligations and a potential violation of the Antideficiency Act may have occurred.

6. Submit a report of violation in accordance with DoD Directive 7200.1, Administrative Control of Appropriations, if the investigation reveals that an Antideficiency Act violation has occurred.

7. Advise the DFAS or applicable Accounting Station to correct any error(s) when applicable reviews or investigations identify any error(s) as the cause of the condition.

C. When (1) funds in a particular Defense-wide account are allocated to a number of fund holders (limits) and (2) disbursements exceed obligations at the appropriation level, but not at a fund holders' level, the Deputy Comptroller (Program/Budget) shall ensure that:

1. The applicable DoD Component(s) reserves, commits or obligates appropriate amounts against the fund holders' accounts.

2. A report of a potential violation is submitted to the DoD Comptroller.

3. An investigation of a potential violation of the Antideficiency Act is initiated.

4. Corrective actions are taken by fund holders and the DFAS or applicable Accounting Station, as appropriate.

D. Effective date:

1. Section II.A.3 of this guidance is effective October 1, 1994.

2. This guidance is applicable to Military Personnel, Reserve Personnel, and National Guard Personnel appropriations effective October 1, 1994.

3. All sections of this guidance (other than section II.A.3) are applicable for all other appropriations and funds (other than Military Personnel, Reserve Personnel, and National Guard Personnel appropriations) as of March 31, 1994.

Mr. GRASSLEY. Madam President, Mr. Hamre states and I quote:

> The department routinely writes checks on accounts that are in the red. Indeed, even when accounts have been in a deficit status for some time, Department procedures permit continued expenditure of funds against those negative balances.

That Mr. Hamre should have to issue such an order is a disgrace.

It castes doubt and distrust on DFAS and its Director, Mr. Springett.

Writing checks on accounts that are in the red violates Federal statutory law. It violates DOD regulations, and it violates commonsense practices. To repeatedly and routinely write bad checks is careless and irresponsible.

Comptroller General Bowsher says "such practices are inexcusable and must not be tolerated."

A consensus was reached at Senator GLENN's April 12 hearing: Someone must be held accountable for what is happening.

Deputy DOD IG Vander Schaaf and Comptroller General Bowsher both suggested in testimony that senior officials in accounting and finance are responsible.

Madam President, Mr. Bowsher has offered to conduct an investigation to determine more precisely where accountability lies.

The law requires that much.

Under title 31 of the United States Code, Mr. Bowsher had broad responsibilities to ensure that expenditures are recorded, accounts are accurate, and accountability of assets is maintained.

He is authorized to settle accounts and to recover public money illegally or erroneously paid. Money can be recovered from public officials who acted in bad faith or who failed to diligently carry out their duties.

The settlement of accounts and recovery improper payments requires detailed audit and investigative work, work that needs to be undertaken by Mr. Bowsher's office.

Madam President, I call on Mr. Bowsher to help us pinpoint responsibility.

Madam President, I yield the floor, and since I do not see anybody else seeking the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, I have sought recognition to express my view that the arms embargo, which eliminates the right of self-defense of Bosnia and Herzegovina, should be lifted. Hopefully, the arms embargo can be lifted on a multilateral basis where the United States would be joined by our allies in such a course of conduct, an action in support of the Bosnia Moslems.

Unless that can be done by international agreement on the basis of the current record, it seems to me that we ought to act unilaterally to end the arms embargo. I have talked to ranking officials at the Department of State who have expressed a strong view that the Dole resolution not be enacted so that the administration would have further time to try to work on an arrangement which would find support among our allies.

It may well be that the resolution offered by Senator DOLE, which was debated a week ago last Thursday, has had some significant impact, in view of the strong support which was expressed during the course of that debate. I also made a statement on the floor on April 21, 1994.

There has been a suggestion that an alternative resolution would be offered by Senator MITCHELL, a matter which was discussed earlier today in the Republican caucus, and a proposed resolution which was referred to by officials of the State Department. But, as yet, according to information provided to me, that resolution has not been filed.

Mr. President, it is my view that some very forceful action is necessary to assist the Bosnian Moslems, and I am prepared to await the filing of the Mitchell resolution and to consider it. But unless something very forceful is done, it seems to me that it is minimal for us to remove the arms embargo and, if necessary, to take that action unilaterally. The atrocities in that war are really unspeakable. There is no call to recount them or to refer to them at this time, because they are universally agreed upon.

It is my view, my legal judgment, after reviewing the legalities of the matter, that there is no legal impediment to the United States unilaterally lifting the arms embargo. The arms embargo was imposed on the former Yugoslavia before there was even a nation of Bosnia. The right of self-defense is as fundamental as any right in human existence—self-preservation and self-defense. That right has been embodied in article 51 of the U.N. Charter.

The issue of doing more has been debated on this floor and has been debated around the world, in terms of airstrikes, which I have supported and spoken about. On the issue of ground support, it is very hard to see any realistic possibility of the United States or the United Nations engaging in ground support to try to end that bloody battle. We ought to be doing as much as we can realistically, and the airstrikes are one line of approach. Another line of approach is the lifting of the arms embargo.

The issue really has to be resolved once and for all, Mr. President, and on the current state of the record, it is my view that the Dole resolution offers the best alternative. We are not scheduled to vote on this until tomorrow, and we will have a chance to examine whatever it is that Senator MITCHELL may offer as an alternative.

One further comment on this matter, Mr. President. When a resolution was offered on January 27, 1994, which called for support for Bosnia, I was one of seven Senators who opposed that resolution on a vote which I believe was 89–7 because that resolution had a provision which said

> The President should provide appropriate military assistance to the Government of Bosnia and Herzegovina upon a receipt from that Government for a request for assistance in exercising its rights of self-defense under article 51 of the United Nations Charter."

I was unprepared, Mr. President, to give President Clinton a blank check to provide what he might deem "appropriate military assistance" because I think that is really a matter for the Congress. In dissenting from that resolution, it was not because I was opposed to aiding Bosnia and Herzegovina, but because I was opposed to issuing that kind of a blank check for the President of the United States.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may proceed as in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCIENTIFIC RESEARCH AT THE UNIVERSITY OF PENNSYLVANIA

Mr. SPECTER. Mr. President, I had the occasion yesterday to visit the University of Pennsylvania and to observe the results of scientific research, which are very heartening and which show the value of appropriations by the Congress of the United States for the National Institutes of Health. Those funds have been not only maintained but increased over the course of the past 14 years in the face of very substantial budget cuts and in the face of consistent recommendations by the administration, whether it is a Republican administration or Democratic administration, to cut that funding.

Ten years ago, those appropriations were in the range of $5 billion. For fiscal year 1994, the appropriation is almost $11 billion—it is $10.9 billion.

Among the very difficult decisions which we have to make, the Subcommittee on Labor, Health, and Human Services, and Education, chaired by the distinguished Senator from Iowa, Senator HARKIN, where I am the ranking Republican, are those appropriations by some $6 billion last year.

Yesterday, I had the opportunity to meet with Dr. James Wilson, who is a brilliant, young research physician having both an M.D. and Ph.D. He is head of the human gene therapy program at the University of Pennsylvania Medical Center. In commending Dr. Wilson for his work, I want to add that he has had very considerable help, and that there are many who are jointly responsible for the enormous achievements which have been made there. What happened, essentially, is that there has been gene therapy which has already had very marked, wondrous results on reducing the cholesterol level of a patient to stop the hardening of the arteries and in providing relief from the dreaded disease of cystic fibrosis.

These breakthroughs on gene therapy are wondrous results which alleviate human suffering, which will prolong life, and which will have the potential for enormous savings in medical costs in the United States. One of the concerns which I have is the proposals on medical matters which are now pending in the Senate and in the House which would reduce the kind of funding for medical institutions like the University of Pennsylvania and like many others around the country which are finding really phenomenal results to alleviate human suffering, prolong life, and very markedly bring down the costs of medical care.

Dr. Wilson outlines that on cystic fibrosis, which strikes children, the cost ranges into $1 million in the course of some 30 years of treatment at a cost of about $35,000 a year, and the prospects are present to have a single year's treatment alleviate the problem of cystic fibrosis.

When I speak of these matters, I want to emphasize that the achievements are just in their beginning stages, and they have made this progress in the course of the last 5 years since 1989. The opportunities for the future are really boundless.

I also want to comment on a visit which I paid to another distinguished researcher, Dr. Ralph Brinster, a world renowned genetic expert at the University of Pennsylvania veterinary school where there has been research done on ways of changing the composition of the genes of animals from one generation to the next. There is the process of genetically altering sperm cells in animals so the traits passed down from one generation to the next could be changed. The work of Dr. Brinster has resulted in the application for a patent.

There has been some concern that his work might be applicable to humans as well. There is no indication of that at the present time, and the aspects of the ethical considerations in alteration of genes is under very intense scrutiny by the officials at the University of Pennsylvania both as to the work which is being done by Dr. Ralph Brinster and also the work by Dr. James Wilson. The work of Dr. Brinster has applicability already beyond the changing of the cells of animals to application in plants where there is an opportunity for tremendous increase in quality and quantity of plant growth.

Having met these two distinguished doctors yesterday, I wanted to share with my colleagues and also with those who may be watching on C-SPAN II the kinds of dramatic results which are in the works with their scientific research.

Dr. Wilson comments, and I think it is appropriate to pass on his comments, that there is very intensive research being done as to cancer and as to AIDS on the changing of the cell dynamism which have great potential promise for the future.

Mr. President, I ask unanimous consent that the full text of an article from the New York Times, dated April 1, 1994, be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. I thank the Chair.

That statement refers to the work of Dr. Wilson and Dr. Mariann Grossman at the University of Pennsylvania Medical Center.

I further ask unanimous consent that the full text of an article in the Philadelphia Inquirer, dated April 8, 1994, concerning the work of Dr. Ralph Brinster be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Mr. President, these articles give a fuller picture of the achievements already made and of the potential for the future.

I can assure those who are concerned about this kind of research that the Subcommittee of Appropriations on Labor, Health, Human Services and Education will be giving very serious consideration to the appropriations for NIH which will enable these research experts and others to carry on the very important work of this field.

I thank the Chair and yield the floor.

EXHIBIT 1

[From the New York Times, Apr. 1, 1994]

GENE EXPERIMENT TO REVERSE INHERITED DISEASE IS WORKING

(By Natalie Angier)

PHILADELPHIA, March 31—The first effort to reverse an inherited disease permanently by altering the genetic makeup of a patient's cells so far shows all the signs of a real, if modest, triumph.

In results to be published on Friday in the journal Nature Genetics, researchers said they had partly corrected a devastating cholesterol disorder called familial hypercholesterolemia by supplying the patient, a 30-year-old woman from Quebec, with copies of an essential gene she lacks.

The new paper is the first to report any therapeutic benefits of human gene therapy, a radical approach to treating disease that has been rich in publicity but, until now, quite thin on hard data. Now, scientists and others have their first opportunity to scrutinize the real merits of gene therapy and decide what its benefits and limitations may be.

Announcing the results of their first patient's outcome almost two years after the woman received gene therapy, Dr. James M. Wilson and Mariann Grossman of the University of Pennsylvania Medical Center and their colleagues said at a news conference that they had cut the woman's harmful cholesterol levels by almost 20 percent and raised her concentration of so-called good cholesterol significantly.

Recent scans of her arteries showed no evidence of progressive clogging, a problem that had caused the woman to suffer a heart attack at the age of 16 and require coronary bypass surgery at 26. Familial cholesterolemia, an extremely rare condition, causes such severe buildup of cholesterol throughout the body that many people with the disorder die of heart attacks in childhood or adolescence.

The researchers emphasized, however, that the woman's cholesterol level remained quite high—more than twice the normal range—and that they had no idea whether their intervention would end up prolonging her life.

"We've achieved a partial correction of a metabolic defect," Dr. Wilson said in an interview. "This shows that the principle of gene therapy is sound, and that it can work. We have high hopes for this patient, but what will happen to her in the long run, there is no way of predicting now."

The gene therapy procedure is a physically grinding ordeal, requiring major surgery. In it, the researchers remove about 15 percent of the liver, separate and grow the cells in plastic dishes and supply the cells with copies of the gene they need, using a harmless virus as a delivery shuttle. The crucial gene dictates the production of the so-called low-density lipoprotein receptor, the body's sponge for harmful cholesterol. A billion of those manipulated cells are then reinfused into the patient through the portal vein that feeds the liver, where at least some of them resettle into their home base and begin producing the needed cholesterol receptor.

Dr. Wilson has estimated that about 3 to 5 percent of the woman's liver cells are now behaving as vigorous liver cells do, generating the receptors and pulling cholesterol from the bloodstream.

Appearing at the news conference, the woman, who has asked that her name and picture not be used, appeared to be as healthy—and as shy—as a teenager. Her blond hair swept back and her prim white blouse buttoned up to the collar, she said she had felt "very well" since the operation in 1992. Speaking through an interpreter in her native French, she said: "I feel very well physically and morally. I feel I can do more physical activity, like skiing, dancing and other social activities."

2 BROTHERS DIED

Two of her brothers died of heart attacks in their early 20's as a result of familial hypercholesterolemia, but she sounded an optimistic note: "I'm certainly going to live until 90 years of age." The woman, a seamstress and part-time bank teller, is also benefiting from cholesterol-lowering drugs, which had no effect on her before the gene therapy intervention. The researchers have also been pleased to see that the therapy has raised her levels of high-density lipoprotein, or good, cholesterol, for reasons that remain mysterious. This could further cut down on her risk of future heart attacks.

Hearing of the new results, other researchers were at once heartened and cautious. "These are early days, and it's exciting that it works," said Dr. Dusty Miller, a gene therapy expert at the Fred Hutchinson Cancer Research Center in Seattle. "The problem is, of course, that the liver technique is very cumbersome and difficult to do."

Dr. John Kane, director of the Lipid Clinic at the University of California at San Francisco, said, "This is far from a complete correction, but the fact that they have stable engraftment of the cells over all these months is encouraging." He added: "This is a landmark experiment. It's the Kitty Hawk of gene therapy."

4 OTHERS IN EXPERIMENT

The severe form of familial hypercholesterolemia is exceedingly rare, afflicting about one in a million people in the United States, although about one in 500 have a milder form of the disorder. Since the Quebec woman, four other hypercholesterolemia sufferers have undergone the liver redesign experiment, the youngest of them a 7-year-old girl from Philadelphia.

Dr. Wilson said a similar gene therapy protocol might soon prove useful for treating other metabolic disorders, like phenylketonuria and a hereditary inability to break down ammonia in the body. "Individually these disorders are relatively rare, but collectively they're relatively common," he said. He and others also hope to find less invasive ways of delivering new genes to liver tissue, perhaps packaging them into carrier bubbles of fat, or into cold viruses that can directly infect liver cells.

Many other gene modifying experiments are at various stages of clinical trials, among them treatments for severe combined immune deficiency disorder, cystic fibrosis and a number of types of cancer. Dr. Wilson had the great good fortune, Dr. Miller said, to be the first to reach the publication finish line.

REPAIRING LIVER CELLS

People with familial hypercholesterolemia have liver cells that lack receptors to mop up circulation-clogging LDL cholesterol. In an experimental therapy, part of the liver is removed and some liver cells are given the missing gene. When the altered cells are restored to the liver, they seem to help it handle cholesterol.

EXHIBIT 2

[From the Philadelphia Inquirer, Apr. 8, 1994]

PENN'S BID FOR A PATENT MAY SPUR GENETIC DEBATE

(By Huntly Collins)

The University of Pennsylvania has applied to patent a technique to genetically alter sperm cells in animals so traits passed down from one generation to the next could be changed.

Although the application focuses on experiments with animals, it suggests that the technique might be used in humans as well.

The patent application, reported yesterday by The New Scientist, a British journal, raises fundamental issues that have been debated for years but that have always seemed too theoretical to be taken seriously.

Now, the debate may begin in earnest.

Critics contend that so-called germ-line gene therapy, which would alter the DNA in nascent sperm cells, raises the specter of eugenics—using science to create a superior human race.

They fear that parents could use the technique for frivolous purposes, such as determining the color of a child's eyes, or for other ends, such as screening out children who might be homosexual.

But others think the technique might work medical miracles, allowing families plagued by catastrophic genetic illnesses—such as hemophilia, sickle cell anemia, or cystic fibrosis—to be rid of them once and for.

Attacking such diseases through genetic engineering of sperm cells might also be more efficient—and save more money—than the gene therapy techniques now being developed, which would change the genes in individuals but not in succeeding generations.

"For many years, a lot of people * * * thought that modifying germ lines was unethical," said Arthur Kaplan, a medical ethicist at the University of Minnesota. "From my own point of view, that doesn't make sense. If you can get rid of diseases, why wouldn't you do it?"

The patent application filed with the U.S. Patent and Trademark Office on Dec. 6, 1991, seeks to patent a technique developed by Dr. Ralph Brinster, a world-renowned researcher at the Penn veterinary school.

Although the patent application seeks to use the technique in animals, it makes passing reference to the fact that the same procedure might be used in humans.

It is the reference to humans that has provoked concern on both sides of the Atlantic as scientists grapple with the far-reaching implications.

The head of the European Patent Office in Munich told The New Scientist that the patent application raised serious ethical issues.

The journal quoted Christian Gugerell as saying it was "highly doubtful" that his agency could approve the patent.

Gugerell revealed the existence of the patent application at a recent meeting in London, the journal said.

Officials of the U.S. patent office could not be reached for comment yesterday.

But Nelson Wivel, director of the Office of Recombinant DNA Activities at the National Institutes of Health, said the agency's advisory committee, which must approve experimental gene therapy treatments in humans, "will not even review" germ-line therapy at the present time.

He said scientists have not yet perfected ways of targeting genes at specific places on chromosomes. Such imprecision could lead to calamitous mistakes. For instance, a gene that is necessary for normal development might be turned off, or a gene that can cause certain types of cancers might be turned on.

But Wivel, who reviewed Penn's patent application yesterday, said the document focuses largely on animals—primarily mice—rather than people. He said the reference to the potential use in humans appeared to reflect the university's desire to cover all its legal bases.

"If you read the patient, it's not as daunting as it might seem," Wivel said. "The document is simply a lawyer doing his or her job."

Penn officials refused to make a copy of the patent application available, saying it was proprietary information. Under an international patent treaty, such applications fall in the public domain 18 months after they are filed.

"I thought my patent application would be recognized as just an exploration of basic science," he said.

Brinster emphasized that he did not believe germ-line gene therapy was technically feasible in humans at present, "nor should it be considered now."

He said when the technology is perfected, its use in humans should be decided by the federal government only after considerable public debate.

"There should be a lively debate. The public should be thinking about it. But I'm not the person to be at the center of the debate," Brinster said.

He said he had no strong views about the ethics of altering human sperm cells. "I'm just one person," he said. "I'd have to hear everybody else's view about it."

Brinster, a professor of reproductive physiology who holds the Richard King Mellon chair at the Penn vet school, was one of the first scientists to develop transgenic mice, which carry some human genes.

In his pathbreaking experiments, he transplanted genes for human growth hormone into a fertilized egg of a mouse. The egg was inserted into the reproductive tract of a female mouse and she gave birth to a mouse twice the size of a normal mouse.

In recent years, Brinster has turned his attention to the spermatogonia of male mice. These primitive cells are fascinating because they keep duplicating themselves and they can develop into any type of cell in the body.

Brinster, who is a member of the National Academy of Sciences, said his research was aimed at learning how these cells eventually differentiate.

He said that if his gene therapy technique works; it might be used to improve the sperm output of certain animals. He is conducting his federally funded research with a graduate student, Jim Zimmerman, whose name is also on the patent application.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the bill.

Mr. DECONCINI. Mr. President, we have before us, I believe, one of the more profound problems facing the Government of the United States and perhaps the world. We have the Dole-Lieberman amendment relating to Bosnia to unilaterally lift by law, by an act of Congress, the arms embargo against Bosnia and Herzegovina.

On the other hand, I know the majority leader—who has been an outspoken opponent and perhaps the first or second or third, but, anyway, one of the first people to come on the floor and publicly suggest the lifting of the arms embargo—is negotiating and attempting to put together a resolution that would approach it in a different manner, let me say. I hope he can do that.

Having heard his resolution this noontime, I compliment the majority leader for his genuine effort to see that the arms embargo is lifted. The only quarrel we have is whether or not it should be unilateral or totally left to the multilateral United Nations effort. Perhaps the majority leader can negotiate and add to the resolution he is considering something that would indicate that, in the event there was a failure, after the United States did in fact table or support a vote on lifting the arms embargo, that the United States or the administration would come back to Congress and support a unilateral lifting, even if it is vague as to the time, but obviously this year. We cannot wait.

In the meantime, Mr. President I have agonized over this for some time. As I say, sometimes a little bit of knowledge is dangerous, because I have been there four times. I have been to Bosnia, inside Bosnia on a couple of occasions and Belgrade and Zagreb and Macedonia and into Kosova several times. I have had an opportunity to visit and actually interview some Bosnian Moslems who were released or were able to get out of a camp that the Serbians set up. And it is devastating. It is genocide. It is murder. There are no two ways about it.

It is not all just on the Serbs. There has been atrocities by the Croats and even by the Moslems. But there is no question, when you weigh it all, there is no justification of killing somebody for the sake of you do not agree with them or like them or you want them to move, so you kill them. There can be no justification. And those who are guilty of doing it, as Moslems, as Bosnian Moslems or Croats or Croatian Moslems or Serbs, or Serb Moslems, should be brought to the proper court.

But what is going on and has gone on has been primarily perpetrated by the Serbs in Bosnia and Herzegovina and by Belgrade, by Serbia, by supporting them.

Now, the arguments against lifting the arms embargo are really fascinating to me and I want to discuss them a little bit this afternoon.

The first one is that it will be a bad example for other countries, such as some which want to lift embargoes against Iraq. That is one of the arguments that has been used. Second, would we need to give our negotiators more time to work out something? Third, that this violates international law by going against U.N. Resolution 713. And, fourth is that it is going to compound and increase the killings.

Well, the imposition of sanctions against renegade states like Iraq or Libya or Serbia and others is a direct consequence of the illegal, aggressive behavior of those states.

Bosnia and Herzegovina is a victim of outside armed aggression and has done nothing to warrant the continued imposition of an embargo which was instituted before it became an independent nation. So, at issue is the very existence of a U.N. member state which is recognized by the United States, parts of the CSCE.

This question touches on a fundamental point, the ability of a nation to defend itself in the face of a well-armed aggressor—they have done nothing wrong, Bosnia and Herzegovina; it is somebody who has done something wrong to them—given the unwillingness of the international community to come to the collective defense in a meaningful way. This is the issue before us today.

The United Nations General Assembly has, on at least two occasions, called for the lifting of the embargo against Bosnia, but we have not been able to lift it because of the Security Council. So the majority in the United Nations wants it lifted.

Right here, the vast majority of the Senators in this body have voted for it. Some say they support lifting. Well, yes, they show they supported lifting. And they supported unilaterally lifting. And now there is a big debate. We had a vote on the floor of the Senate, 87 to 9, Mr. President, supporting a call for exactly that, unilateral action to lift the embargo.

Now, I know it was a sense of the Senate, it was not legislation, but, you know, when you say you are for something, it seems to me that you are called to be for something, or you have to say, "I was not for it the first time and so I just made a mistake, so I am not going to do it."

I ask unanimous consent that a copy of that rollcall vote be printed in the RECORD at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the rollcall vote was ordered to be printed in the RECORD, as follows:

ROLLCALL VOTE NO. 8 LEG., JANUARY 27, 1994

YEAS—87

Akaka, Bennett, Biden, Bingaman, Bond, Boren, Boxer, Bradley, Breaux, Brown, Bryan, Bumpers, Byrd, Campbell, Chafee, Cochran, Cohen, Conrad, Coverdell, Craig, D'Amato, Daschle.

DeConcini, Dodd, Dole, Domenici, Dorgan, Exon, Feingold, Feinstein, Ford, Glenn, Gorton, Graham, Gramm, Grassley, Harkin, Hatch, Heflin, Helms, Hollings, Hutchinson.

Inouye, Jeffords, Johnston, Kempthorne, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Lott, Lugar, Mack, Mathews, McCain, McConnell, Metzenbaum, Mikulski, Mitchell, Moseley-Braun.

Moynihan, Murkowski, Nickles, Nunn, Packwood, Pryor, Reid, Riegle, Robb, Rockefeller, Roth, Sarbanes, Sasser, Shelby, Simon, Simpson, Smith, Stevens, Thurmond, Wallop, Warner, Wellstone, Wofford.

NAYS—9

Burns, Coats, Danforth, Durenberger, Faircloth, Gregg, Hatfield, Pell, Specter.

NOT VOTING—4

Baucus, Kassebaum, Murray, Pressler.

Mr. DECONCINI. Mr. President, others will insist here and have insisted that, "Just give us a little more time to get NATO or the United Nations on board." While this may have some appeal, we have to look at the realities. Neither NATO nor the Security Council are going to endorse the lifting of the embargo. It is not going to happen, because it has not happened. NATO allies, with troops on the ground, will never agree as long as their forces are deployed in Bosnia. I understand that. I understand the risks.

And what happens if the Senate passes this? Does that mean there is going to be an attack? Nobody can guarantee or even surmise that that may happen. It may be that those forces that are on the ground, those countries will reassess keeping them there. But that is their judgment. At the same time, the unwillingness to take a necessary step to withdraw these troops is up to them, not up to us.

And an attempt in the Security Council would face a vote on this to make a decision, and my guess is they are going to vote no. And if they do, the United States not only should, as the majority leader's proposal will do, should be out front on it—and we have been out front—but there comes a time when you just cannot sit back and say it is OK. The international community said, "We are not going to do it; we are going to let the killing go on."

Postponing action only plays into the hands of the Bosnian Serbs and their sponsors in Belgrade by giving them more time to pursue their genocidal policies in Bosnia.

This leads to my next point. Some say we have to give negotiations more time. Well, Mr. President, the Serbs have been making a mockery at the negotiating table of the United States and of the United Nations for the past 2 years.

I quote from an article by John Pomfret, which appeared in the May 8 edition of the Washington Post. Mr. Pomfret's conscientious coverage of this conflict has been outstanding and recognized as such. He writes, in part:

> The story in which U.N. forces essentially "lost" a Serb tank in a zone around Sarajevo * * * is yet another case of the U.N. peacekeeping mission in Bosnia finding that its penchant for negotiating everything—including violation of NATO ultimatums—has created more problems than it solves.
>
> Furthermore, the United Nations' insistence on negotiating and renegotiating has sent out a signal that the organization is waffling—and that has led to a hardening of position among the Bosnian Serbs, widely considered the main aggressors in this two-year old Bosnia war.

Mr. President, the so-called "lost tank" episode this past weekend is only one more humiliating example of how ineffective the United Nations has been in trying to broker a meaningful cease-fire in this conflict.

How long will the United States continue to allow itself to be associated with a so-called negotiating effort which has degenerated even lower, if that is possible, into the keystone cop nonsense of this past weekend of the lost tank?

Now our leadership is in question and NATO's credibility has been severely undermined. Unbelievably, we are allowing its ultimatums to simply be dismissed by a U.N. representative in the name, once again, of negotiations.

Then we have the legal argument that a unilateral lifting of the arms embargo would violate U.N. Resolution 713. This does not, in my view hold up, for two principal reasons. First, the embargo, which has been maintained after Bosnia was recognized and accepted as a member of the United Nations and other international organizations, contravenes article 51 of the U.N. charter. This article clearly states that a country has the right to defend itself.

Some will say: But there is another part of article 51 which says if there are serious negotiations going on you could interpret it that they may not have the right.

That is nonsense. That is in that charter for a specific reason, that no nation is expected to not be able to defend itself. To have an embargo placed on you as that nation when you were not even a nation, then become a nation, be recognized, and then not be granted full membership rights such as compliance with article 51, makes no sense. You cannot defend it on that ground.

Second, the International Court of Justice has before it a case against Serbia brought by Bosnia alleging genocide.

Unfortunately, the Court will probably not reach a decision for another year.

But in the interim, one of the judges, Judge ad hoc Lauterpacht, in a concurring decision for the Court included in his analysis the following statement:

> [T]he inability of Bosnia Herzegovina to fight back against the Serbs and effectively prevent the implementation of the Serbian policy of ethnic cleansing is at least, in part directly attributable to the fact that Bosnia-Herzegovina's access to weapons and equipment has been severely limited.
>
> Viewed in this light, the Security Council's Resolution [establishing the arms embargo] can be seen as having in effect called on members of the United Nations, . . ., to become in some degree supporters of the genocidal activity of the Serbs . . . and to that extent to act contrary to a rule of jus cogens [the "known law" making genocide an international crime].

The bottom line, is that in addition to very strong arguments regarding the legality of the arms embargo is the moral argument.

How long will the United States continue to be an accomplice in the Bosnian slaughter for the sake of a multilateral effort which has, on several levels, become seriously discredited and obviously is not working?

Finally, the argument that lifting the embargo will increase the killing is one which really appalls me.

The Bosnians have had no shortage of determination to fight aggression and genocide.

The only thing they have lacked, thanks to the embargo, is the means to defend themselves.

Remember that Bosnia had no army when the Serbs attacked.

If the Serbs had faced a credible opponent earlier, it is reasonable to assume that they would have stopped fighting long ago and thousands of victims would have been spared.

By keeping the arms embargo in place we can be certain of one thing—that the well-armed aggressors, who have already killed over 200,000, and caused 2 million more refugees, will claim more victims—who continue to be denied a fighting chance to defend themselves and their country—the dignity to stand up and fight for your own land.

Some will say it will take a long time if you did lift the embargo for them to be able to use these weapons. Again that is nonsense. People know, historically, when you are fighting for your country and you have that will and you are up against it you do not have any trouble learning how to use a howitzer or a tank or anything else. You learn quick because you have to and that is the reality, historically, when that has happened.

And then the argument is there will be an effort to retake parts of Bosnia. Wait a minute. Wait a minute. Bosnia has never accepted this so-called Vance-Owen or whatever you want to call it plan that has been on the table. And the United States, though we have pressured them to do it, wisely says no, we will not accept it either if you will not.

So, sure it would cause negotiations and maybe more bloodshed. But the bloodshed would be in defense of one's country instead of the slaughter today that is going on in that country due to Serbian aggression.

I hope, truly, the majority leader's effort can bring about a vote here that will ultimately commit the administration to unilateral lifting of the embargo in the event the United Nations does not vote to do so. I can accept some time to see that occur, as difficult as that is for me, because it is not an unreasonable way to go. But I cannot in conscience not vote for a lifting of the arms embargo. If that is the only alternative I have tomorrow, I will have to do so and I truly hope enough people here will have the courage to do what is right, not what is negotiable, not what is maybe termed appealing because it buys time, not because the President's prestige is on the line. His prestige is not on the line. He has done the best he can. It is an intolerable situation. Everybody knows President Clinton is opposed to this genocide. He has spoken out time and time again about it so he does not have to apologize. Nobody has to apologize for this President.

The Vice President, when he was in this body less than 2 years ago, was one of the most outspoken in favor of efforts of lifting the embargo, imposing sanctions, and using air strikes. This administration has a clear position.

So I, in ending, say the time has come to put the principle first here and not the politics, not the international concerns, but the lives of innocent people.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMARKS OF SENATOR HARLAN MATHEWS

Mr. MITCHELL. Mr. President, earlier today our colleague Senator MATHEWS delivered a salute to State administrators of vocational rehabilitation.

I commend our colleague for this fine speech and I ask unanimous consent that the text of the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SALUTE TO STATE ADMINISTRATORS OF VOCATIONAL REHABILITATION

(By Senator Harlan Mathews)

Ladies and gentlemen, welcome back to Washington and Capitol Hill. I am delighted to be with you again. As you can imagine, many people visit Washington seeking support for their programs. Sometimes I get into trouble because I question what those people and their programs really achieve. I certainly have no such questions for you.

What an incredible record you have:

You are a $3 billion service delivery program that returns about $10 on every $1 invested;

You assist a million of our society's citizens with disabilities every year, and every year you situate a quarter of a million of those Americans in meaningful and productive jobs; and

Within 4 years, the reduction in public assistance payments for people who've received your services offsets the amount it took to rehabilitate them. That's a human investment program in every sense.

But what's most impressive to me is that public service is not just your job but a life commitment. Some of you draw your commitment from difficulties you face in your own lives. Others draw your commitment from the hardships of friends and family. But for each of you, whatever your reason, helping people with a disability to hold competitive employment is a genuine purpose in your lives. I know a bit about that purpose, because I share my life with someone who has it.

My thoughts for you today come more from my 43 years in Tennessee State government than from my 1½ years in the Senate. I think that's appropriate, because V-R has enjoyed great respect with governors and state legislators. What's more, my experience as Commissioner of Finance and Administration and as State Treasurer taught me which programs worked and why. I know that for a government-assisted program to work, it has to concentrate its efforts where they're productive.

Today there's a great deal of effort underway to make government more effective, and I can't help remarking on how much those efforts could learn from studying the Vocational Rehabilitation Program.

You all know of Vice President Gore's initiative to reinvent government and make it more effective and responsive. The V-R effort is the finest example I know of a government-assisted program that is precisely that—effective and responsive.

President Clinton's administration is committed to equal opportunity and economic access for all Americans. In many ways, Vocational Rehabilitation is the ultimate example of a public effort bringing equal opportunity.

Congress is about to undertake serious and substantial steps toward reforming welfare. The goal will be to lift people off the public roles and place them onto private sector payrolls. Vocational Rehabilitation has been doing exactly that for three-quarters of a century.

Vocational Rehabilitation Program is a sterling example of what government is trying to accomplish and of what it's possible to accomplish when you do things right.

A worthy cause that's responsibly administered and shows tangible results will deserve and find nearly universal support. Vocational Rehabilitation certainly has—through thick times and thin, one Congress after another, one economic cycle after another. Your results are the reason why.

V-R has become one of the oldest programs on the public books and has remained intact these past 73 years because it generates independence, has been accountable, and doesn't take forever to produce results. It provides a leg up, not a hand out.

There's no question that the American public is growing more and more insistent that public-supported programs are run effectively and justify the money that's spent on them. When it comes to public service programs like V-R in particular, they want to know that resources and attention are centering upon the people who are supposed to be served. So it's especially important that you remove the barriers impeding quick, cost-effective, appropriate services to all citizens.

I remember an incident when I was Commissioner of Finance in Tennessee. A surgeon had performed an elaborate and costly procedure on a V-R client, and he could not be paid. The doctor called my office because we were responsible for issuing checks. My staff looked into it, and told me the problem was that the counselor had not moved the client to a Status 16. I wondered then and I wonder now whether the process was being served or whether people were being served. That kind of situation is what I mean by removing barriers and focusing on people not processes. We waste too much time and money at the federal level because of a bureaucratic preoccupation with process, and I don't want it to happen with you.

If I were to counsel you on one thing it would be this: don't stray from the path that's made you successful. Vocational Rehab was founded with its emphasis squarely on vocational, and that's the emphasis you have to keep.

Some people in your profession and outside it have forgotten that. They want to indulge disability. They want to sustain dependency rather than foster independence. They want your program to be about everything but employment. And they believe that administering a huge process with an infinity of services its own end.

I honestly believe that the V-R Program will cease to be recognized as a leader in the disability arena the day that you drop the emphasis on employment outcome. State legislatures across the nation will start to regard V-R as a welfare program, not as a highly successful manpower program. So will the Congress. That change in perception would be detrimental to your future and to the people you serve.

You must continue to be and continue to remain known as the employment program for people with disabilities. I don't see any benefit in permitting V-R to become anything else. Hold yourselves to the same outcome-based goal that you stress for those you serve. And that goal is to run an accountable, effective manpower program that generates economic independence in a time-limited framework.

All of you here have a tremendous task ahead of you if V-R is to survive as we know it today. But I know you're up to the job. I want all of you and your staffs to know that a great number of us in Congress admire your dedication and commitment to a job that's sometimes very difficult—the kind of commitment and dedication that Joe Owens and Jack Duncan have shown. They are two strong advocates for you and for people with disabilities. I salute them and all of you for the good work you've done. I wish you every success in the years ahead.

MEASURE READ FOR THE FIRST TIME—H. R. 4296

Mr. FORD. Mr. President, I understand the Senate has received from the House H.R. 4296, a bill relating to the transfer or possession of assault weapons. On behalf of Senator BIDEN, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 4296) to make unlawful the transfer or possession of assault weapons.

Mr. FORD. Mr. President, I now ask for a second reading, and, on behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection is noted.

The bill will be over under rule XIV.

MEASURE READ FOR THE FIRST TIME—S. 2096

Mr. FORD. Mr. President, I understand that S. 2096, the Health Care Reform Act of 1994, introduced earlier today by Senator DOMENICI, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2096) to improve private health insurance, to provide equitable tax treatment for health insurance, to reform Federal health-care programs, to provide health care cost reduction measures, and for other purposes.

Mr. FORD. Mr. President, I now ask for its second reading, and, on behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection is noted. The bill will lay over until the following day.

CONTINUATION OF STEWARDSHIP CONTRACT PROGRAM

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2100, relating to the continued authorization for the stewardship end result contract program, introduced earlier today by Senators DECONCINI and CRAIG, that the bill be read a third time, passed; that the motion to reconsider be laid upon the table, and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUATION OF STEWARDSHIP CONTRACT PROGRAM

Mr. DECONCINI. Mr. President, I am introducing a bill today, along with my colleague from Idaho, Senator CRAIG, which would simply continue authorization for Stewardship End Result Contract Program for the U.S. Forest Service for an additional year. This bill also emphasizes the need to continue with the public involvement process while completing the environmental assessment [EA] and approving the EAs prior to the award of any contract.

Similar language has been included in the Interior appropriations bills for 2 years. Language was also included in the Senate-passed Interior appropriations bill last year to expand the program. However, Mr. President, the House Interior Appropriations Committee conferees, in deference to jurisdictional concerns expressed by the House authorizing committee—Agriculture, did not accept the Senate language containing the expanded program. The conferees did, however, include language in the conference report directing the Forest Service to continue with the program as defined in the fiscal year 1993 appropriations bill (P.L. 101–381, 106 Stat. 1403).

However, it is my understanding that there may be some lingering questions within the U.S. Forest Service and the Department of Agriculture as to whether projects not yet under contract can be continued.

Mr. President, this bill will eliminate all such questions. In addition, it will allow the Agriculture Committee to fully examine this program during the next Congress to consider whether further expansion or other program changes would be beneficial.

I hope the Senate will pass this bill expeditiously, and I thank all my colleagues for their support.

There being no objection, the bill (S. 2100) was considered, ordered to a third reading, was deemed read a third time, and passed, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stewardship End-Result Contracts Demonstration Act".

SEC. 2. PURPOSES.

(a) The purpose of this Act is to:

(1) develop and implement, as national demonstration projects, ecosystem-based, end result-oriented management practices for forestry in general;

(2) authorize the Secretary of Agriculture to demonstrate the feasibility of end-result stewardship contracts for national forests, State forests, and private forests in the United States;

(3) improve the management of and develop economically efficient management tools for ecosystem-based management applicable to all of the forest lands of the United States, both private and public;

(4) provide for rural development, rural jobs, and economic transition opportunities for forest dependent communities affected by changes in timber harvest volumes;

(5) authorize an alternative management technique for pest infested or pest damaged forest lands in general; and

(6) provide additional opportunities to achieve mandates established in:

(A) The Multiple-Use Sustained Yield Act of 1960 (Public Law 86–517);

(B) The Forest and Rangeland Renewable Resources Planning Act of 1974 (Public Law 93–378);

(C) The Clarke-McNary Act of 1924 (Public Law 68–270);

(D) The Deposit of Sale Instruments in Treasury Act of 1940 (Public Law 75–631);

(E) The Soil and Water Resources Conservation Act of 1977 (Public Law 95–192); and

(F) The Twenty-Five Percent Fund Act (35 Stat. 251).

SEC. 3. USE OF TIMBER REVENUES.

(a) AUTHORIZATION.—The Secretary of Agriculture, acting through the officers of the National Forest Service in charge of the forest lands referred to in subsection (b), may apply all or a part of the revenues received for timber removed from such lands under a stewardship end-result contract as an offset against the cost of stewardship services provided, including—

(1) site preparation;
(2) replanting;
(3) silviculture programs;
(4) recreation;
(5) wildlife habitat enhancement;
(6) soil conservation; and
(7) other multiple-use enhancements.

(b) APPLICABILITY.—The authority granted in this act may be applied to the management of—

(1) the Green Mountain National Forest of Vermont;

(2) the White Mountain National Forest of New Hampshire and Maine;

(3) the Talladega, Tuskegee, Conecuh and William B. Bankhead National Forest of Alabama;

(4) acquired and other lands in the Angora Project, Lake Tahoe Basin Management Unit;

(5) the Kendrick Project, Coconino National Forest; and

(6) the Priest Lake Ranger District Project, Idaho Panhandle National Forest.

(c) ENVIRONMENTAL ASSESSMENT.—The National Environment Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to the projects referred to in subsection (b), prior to the award of any contract.

SEC. 4. DISSEMINATION OF RESEARCH AND DEMONSTRATION RESULTS.

(a) The Secretary of Agriculture is authorized and directed to disseminate the results of the research and demonstration efforts authorized under this Act that are of the benefit to private and public forest owners.

(b) The Secretary may use the authorities granted to him in:

(1) The Forest and Rangeland Renewable Resources Research Act of 1978 (Public Law 95–307);

(2) The McIntyre-Stennis Act of 1962 (76 Stat. 806); and

(3) The Wood Residue Utilization Act of 1980 (Public Law 96–554).

SEC. 5. EXPIRATION

This Act shall be effective during the period beginning on the date of enactment of this Act and ending on December 31, 1994.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year 1993, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involve 14 contributing departments and agencies of the Federal Government, as this report reflects, and the results of their ongoing research and development affect the Nation as a while in a variety of ways.

Fiscal year 1993 brought numerous important changes and developments in U.S. aeronautics and space efforts. It included 7 Space Shuttle missions, 14 Government launches of Expendable Launch Vehicles (ELVs), and 4 commercial launches from Government facilities. Highlights of the Shuttle missions included the first in a series of flights of the U.S. Microgravity Payload that contained scientific and materials-processing experiments to be carried out in an environment of reduced gravity; the deployment of the Laser Geodynamic Satellite (a joint venture between the United States and Italy); the deployment of a Tracking and Data Relay Satellite; and, the second Atmospheric Laboratory for Applications and Science mission to study the composition of the Earth's atmosphere, ozone layer, and elements thought to be the cause of ozone depletion. The ELV missions carried a variety of payloads ranging from Global Positioning System satellites to those with classified missions.

I also requested that a redesign of the Space Station be undertaken to reduce costs while retaining science-user capability and maintaining the program's international commitments. To this end, the new Space Station is based on a modular concept and will be built in stages. However, the new design draws heavily on the previous Space Station Freedom investment by incorporating most of its hardware and systems. Also, ways are being studied to increase the Russian participation in the Space Station.

The United States and Russia signed a Space Cooperation Agreement that called for a Russian cosmonaut to participate in a U.S. Space Shuttle mission and for the Space Shuttle to make at least one rendezvous with the Mir. On September 2, 1993, Vice President ALBERT GORE, Jr., and Russian Prime Minister Victor Chernomyrdin signed a series of joint statements on cooperation in space, environmental observations/space science, commercial space launches, missile export controls, and aeronautical science.

In aeronautics, efforts included the development of new technologies to improve performance, reduce costs, increase safety, and reduce engine noise. For example, engineers have been working to produce a new generation of environmentally compatible, economic aircraft that will lay the technological foundation for a next generation of aircraft that are superior to the products of other nations. Progress also continued on programs to increase airport capacity while at the same time improving flight safety.

In the Earth sciences, a variety of programs across several agencies sought better understanding of global change and enhancement of the environment. While scientists discovered in late 1992 and early 1993, for instance, that global levels of protective ozone reached the lowest concentrations ever observed, they also could foresee an end to the decline in the ozone layer. Reduced use of ozone-destroying chlorofluorocarbons would allow ozone quantities to increase again about the year 2000 and gradually return to "normal."

Thus, fiscal year 1993 was a successful one for the U.S. aeronautics and space programs. Efforts in both areas have contributed to advancing the Nation's scientific and technical knowledge and furthering an improved quality of life on Earth through greater knowledge, a more competitive economy, and a healthier environment.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1994*.

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT—PM 111

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 28th Annual Report of the Department of Housing and Urban Development, which covers calendar year 1992.

WILLIAM CLINTON.

THE WHITE HOUSE, *May 10, 1994*.

MESSAGES FROM THE HOUSE

At 11:02 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4296. An act to make unlawful the transfer or possession of assault weapons.

ENROLLED BILL SIGNED

At 4:18 p.m., a message from the House of Representatives, delivered by Mr. Anderson, one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1727. An act to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 6:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 341. An act to provide for a lands exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1134) to provide for the transfer of certain public lands located in Clear Creek County, CO, to the United States Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 2868) to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the John Minor Wisdom U.S. Courthouse.

MEASURES READ THE FIRST TIME

The following measure was read the first time:

H.R. 4296. An act to make unlawful the transfer or possession of assault weapons.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-451. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to mass transportation; to the Committee on Appropriations.

POM-452. A resolution adopted by the Ramah Navajo Chapter, Ramah, New Mexico relative to the Ramah Navajo Reservation; to the Committee on Armed Services.

POM-453. A resolution adopted by the Council of the Borough of North Belle Vernon, Westmoreland County, Pennsylvania relative to mass transportation; to the Committee on Banking, Housing, and Urban Affairs.

POM-454. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Banking, Housing, and Urban Affairs.

"LEGISLATIVE RESOLVE NO. 24

"Whereas 50 U.S.C.S. Appx. 2406(d) (sec. 7(d), Export Administration Act of 1979) prohibits, with tightly restrictive exceptions, the export of domestically produced crude oil transported by pipeline over the right-of-way granted by 43 U.S.C. 1652 (sec. 203 of the Trans-Alaska Pipeline Authorization Act); and

"Whereas the limitation on export of Alaska North Slope crude oil effectively limits its sale to the domestic American market; and

"Whereas the higher transportation cost associated with shipping Alaska North Slope crude oil through the Panama Canal to the Gulf Coast states reduces the wellhead price of the oil; and

"Whereas lower wellhead prices raise the economic threshold for exploring for and producing all North Slope oil and, as a result, production from certain existing and newly discovered oil fields is currently uneconomic; and

"Whereas the export ban singles out Alaska to pay its costs, penalizing the state and the North Slope producers, which pay 85 percent of the taxes collected by the state; and

"Whereas the current export ban reduces the value of crude oil production in the state by an estimated $1,000,000,000 per year, or about $1.10 per barrel; and

"Whereas Alaska North Slope crude oil required to be transported and delivered for sale in the domestic market incurs approximately $2.70 per barrel in higher transportation charges than if the oil could be exported in international tankers to Pacific Rim countries; and

"Whereas domestic exploration and development of newly discovered oil reserves will enhance the nation's energy and economic security; and

"Whereas the foreign export of Alaska North Slope crude oil will provide an incentive for further domestic oil exploration and development; and

"Whereas new discoveries and production resulting from increased domestic exploration will facilitate the development of infrastructure and production facilities needed to produce currently uneconomic Alaska North Slope reserves and, thus, lower the average development costs of all Alaska North Slope production; and

"Whereas exporting oil to Pacific Rim, nations will decrease the substantial trade deficit with nations that have expressed a strong interest in purchasing Alaska produced oil, as evidenced by the sale under a United States Department of Commerce export license of Alaska Cook Inlet oil to a Taiwanese company; and

"Whereas Canada, Mexico, and Venezuela, among other neighboring countries in this hemisphere, may provide stable, secure exports of crude oil to the United States at more competitive prices than Alaska North Slope crude oil because of the transportation savings; and

"Whereas the additional cost of shipping Alaska North Slope crude oil to the Gulf Coast and eastern states imposes an unnecessary burden on those states, reduces federal and state tax revenue, reduces state royalties, and discourages exploration and development of North Slope reserves; and

"Whereas U.S. Secretary of Energy Hazel O'Leary is reviewing the pros and cons of lifting the ban on the export of Alaska North Slope oil as part of her Domestic Energy Initiative; and

"Whereas during his term as president, President George Bush had lifted the ban on the export of oil produced in the State of California; and

"Whereas the amended Export Administration Act authorizes the President of the United States to recommend, and the Congress to approve by adoption of a joint resolution, export of Alaska North Slope crude oil; now therefore be it

"*Resolved* That the Alaska State Legislature opposes the continuing ban on export of Alaska North Slope crude oil because the ban results in inefficiencies and economic waste and because it reduces the overall level of national economic activity; and be it further

"*Resolved* That the Alaska State Legislature endorses HR 543, legislation removing the restraints on the export of Alaska North Slope crude oil; and be it further

"*Resolved* That the Alaska State Congressional delegation and the Governor are urged to continue using their best efforts to obtain passage of HR 543 or comparable legislation permitting the export of Alaska North Slope crude oil, regardless of the oil's point of production within the state; and be it further

"*Resolved* That the Alaska State Legislature respectfully requests the President of the United States to exercise power given him under the amended Export Administration Act to recommend approval of the export of that oil.

"Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable George Mitchell, Majority Leader of the U.S. Senate; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Dan Young, U.S. Representative, members of the Alaska delegation in Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

S. 2093. An original bill to amend and reauthorize the Federal Water Pollution Control Act, and for other purposes (Rept. No. 103–257).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for Mr. WOFFORD):

S. 2090. A bill to provide negotiating authority for a trade agreement with Chile, but to apply fast track procedures only to such an agreement that contains certain provisions relating to worker rights and the government; to the Committee on Finance.

By Mr. SARBANES:

S. 2091. A bill to amend certain provisions of title 5, United States Code, in order to ensure quality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HEFLIN:

S. 2092. A bill to reform the Federal crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 2093. An original bill to amend and reauthorize the Federal Water Pollution Control Act, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. DASCHLE (for himself, Mr. FORD, and Mr. SIMON):

S. 2094. A bill to make permanent the authority of the Secretary of Veterans Affairs to approve basic educational assistance for flight training; to the Committee on Veterans Affairs.

By Mr. LEAHY (for himself, Mr. KERREY, Mr. DURENBERGER, and Mr. DASCHLE):

S. 2095. A bill to reform the Federal crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI:

S. 2096. A bill to improve private health insurance, to provide equitable tax treatment of health insurance, to reform Federal health care programs, to provide health care cost reduction measures, and for other purposes; read the first time.

By Mrs. BOXER:

S. 2097. A bill to amend the Export Enhancement Act of 1988 to promote further United States exports of environmental technologies, goods, and services; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAMM (for himself, Mr. McCAIN, Mr. LOTT, Mr. SHELBY, and Mrs. HUTCHISON):

S. 2098. A bill to amend section 217 of the Internal Revenue Code of 1986 to provide that military moving expense reimbursements are excluded from income without regard to the deductibility of the expenses reimbursement; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mr. DURENBERGER, Mr. EXON, Mr. GRASSLEY, Mr. HARKIN, Mr. KERREY, Mr. PRESSLER, and Mr. WELLSTONE):

S. 2099. A bill to establish the Northern Great Plains Rural Development Commission, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DECONCINI (for himself and Mr. CRAIG):

S. 2100. A bill to provide for rural development, multiple-use management, expenditures under the Knutson-Vandenburg Act of 1930, and ecosystem-based management of certain forest lands, and for other purposes; considered and passed.

By Mr. BRADLEY:

S. 2101. A bill to provide for the establishment of mandatory State-operated comprehensive one-call systems to protect all underground facilities from being damaged by any excavations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEFLIN (for himself, Mr. SHELBY, Mr. BUMPERS, Mr. GRAMM, Mr. PRYOR, and Mr. STEVENS):

S. Res. 212. A resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to honor coach Paul "Bear" Bryant; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for Mr. WOFFORD):

S. 2090. A bill to provide negotiating authority for a trade agreement with Chile, but to apply fast track procedures only to such an agreement that contains certain provisions relating to worker rights and the government; to the Committee on Finance.

CHILE FREE TRADE AGREEMENT NEGOTIATING ACT OF 1994

• Mr. WOFFORD. Mr. President, today I am joining House Majority Leader RICHARD GEPHARDT in introducing legislation authorizing the President to negotiate a free trade agreement with Chile, a democratic South American country quickly emerging as an international growth economy.

I have long believed that mutual reductions in barriers to international trade are essential to our long-term economic growth and American creating jobs. A good trade agreement is one that ensures that the benefits of free trade go to raising living standards in both countries and that the environment is not damaged by the increased economic activity. I believe we have an opportunity to reach such an agreement with Chile.

At the same time, I do not believe that Congress should give a blank check to the President to enter into international trade agreements. Too much is at stake. The legislation being introduced today would make sure that before Congress gives up its prerogatives to amend a trade agreement with Chile that the agreement would contain adequate provisions with respect to workers rights and the environment.

My hope is that this legislation will bridge the divide in our Nation over international trade reflected by the NAFTA debate. It should serve as a framework that will allow us to move forward aggressively to seek improved trading relationships with other nations as well.

We have to engage the world on fair and mutually beneficial terms. The question now is how we choose to move forward and meet the economic competition. Far from weakening the President's hand, our action today should strengthen his case for an agreement that is fair to American workers and American communities.

I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chile Free Trade Agreement Negotiating Act of 1994".

SEC. 2. EXTENSION OF NEGOTIATING AUTHORITY FOR TRADE AGREEMENT WITH CHILE AND OF "FAST TRACK" PROCEDURES TO IMPLEMENTING LEGISLATION.

Section 1102 of the Omnibus Trade and Competitiveness Act of 1988 (19 u.S.C. 2902) is amended by adding at the end the following new subsection:

"(f) SPECIAL PROVISIONS REGARDING TRADE NEGOTIATIONS WITH CHILE.—

"(1) IN GENERAL.—Notwithstanding the time limitation in subsection (c)(1), the President may, before January 1, 1997, enter into a trade agreement with Chile under subsection (c).

"(2) APPLICATION OF FAST TRACK PROCEDURES.—

"(A) Subject to subparagraphs (B) and (C), section 1103 applies to any trade agreement negotiated under subsection (c) pursuant to paragraph (1), but only if the President certifies to the Congress, at the time the implementing bill is submitted with respect to the trade agreement, that the trade agreement—

"(i) contains provisions requiring the parties to adhere to internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974);

"(ii) requires the parties to enforce their environmental laws and to take steps to adopt appropriate higher environmental standards; and

"(iii) includes dispute resolution mechanisms to enforce effectively the requirements contained in clauses (i) and (ii).

"(B) No provision of subsection (b) of section 1103 other than paragraph (1)(A) applies to any trade agreement described in subparagraph (A). In applying such paragraph, 'January 1, 1997,' shall be substituted for 'June 1, 1991.'

"(C) The fast track procedures (as used in section 1103) shall not apply to an implementing bill submitted with respect to a trade agreement described in subparagraph (A) if the Committee on Rules of the House of Representatives or the Committee on Rules and Administration of the Senate, within 15 days after the implementing bill is submitted to the Congress, disapproves the President's certification under subparagraph (A) that is included with the implementing bill. Such 15-day period shall be computed in the manner prescribed in section 1103(e).

"(3) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement provided for under paragraph (1), shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 1103(a)(1)(A) of his intention to enter into the agreement (but before September 1, 1996).

"(4) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by the Congress—

"(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

"(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.".•

By Mr. SARBANES:

S. 2091. A bill to amend certain provisions of title 5, United States Code, in order to ensure quality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes; to the Committee on Governmental Affairs.

THE FIREFIGHTERS PAY FAIRNESS ACT

• Mr. SARBANES. Mr. President, today I am introducing legislation to improve the pay system used for Federal firefighters, an issue in which I have a longstanding interest and involvement.

The legislation has three broad purposes: First, to improve pay equality with municipal and other public sector firefighters; second, to enhance recruitment and retention of firefighters in order to maintain the highest quality Federal fire service; and third, to encourage Federal firefighters to pursue career advancement and training opportunities.

Fire protection is clearly a major concern at Federal facilities and on Federal lands throughout the Nation. From fighting extended wildland fires in our national parks and forests to protecting military families from fires in their base housing, Federal firefighters play a vital role in preserving life and property.

The Department of Agriculture, the Coast Guard, the Department of Commerce, the Department of Defense, the General Services Administration, the Department of the Interior, and the Department of Veterans Affairs are among the Federal agencies that rely on Federal employees to protect their vast holdings of land and structures. Just like their municipal counterparts, these Federal firefighters are the first line of defense against threats to life and property.

As I travel throughout my own State of Maryland, I always make an effort to stop by the various Federal firehalls. I must say, Mr. President, that I have been consistently impressed with the dedication and obvious commitment of the Federal firefighters I have met at Maryland installations.

Regretfully, Mr. President, the current system used to pay our Federal firefighters is at best confusing and at worse unfair. These men and women work longer hours than other public sector firefighters yet are paid substantially less. The current pay system, which consists of three tiers, is overly complex and, more importantly, is hurting Federal efforts to attract and retain top-quality employees.

Currently, most Federal firefighters work an average 72-hour week under exceptionally demanding conditions. The typical workweek consists of a one-day-on/one-day-off schedule which results in three 24-hour shifts per 72-hour week. Despite this unusual schedule, firefighters are paid under a modified version of the same General Schedule pay system used for full-time, 40-hour-per-week Federal workers.

The result of the pay modification is that Federal firefighters make less per hour than any other Federal employees at the same grade level. While some have tried to justify this by noting that part of a firefighter's day is downtime, I must note that all firefighters have substantial duties beyond those at the site of a fire.

Mr. President, the International Association of Fire Fighters has estimated that municipal firefighters work about 50 hours per week at a rate of pay that is 30 to 40 percent above their Federal counterparts. The obvious result is that Federal service is often a training ground for young men and women who then leave for higher pay elsewhere in the public sector. Continually training new employees is, as my colleagues know, very expensive for any employer.

The Office of Personnel Management is well aware of these problems. In fact, section 102 of the Federal Employees

Pay Comparability Act of 1990 [FEPCA], title V of Public Law 101-509, authorizes the establishment of special pay systems for certain Federal occupations. The origin of this provision was a recognition that the current pay classification system did not account for the unique and distinctive employment conditions of Federal protective occupations including the Federal fire service.

In May of 1991 I wrote to OPM urging the establishment of a separate pay scale for firefighters under the authority provided for in FEPCA. Subsequently, OPM established an Advisory Committee on Law Enforcement and Protective Occupations consisting of agency personnel and representatives from Federal fire and law enforcement organizations. Beginning in August of 1991, representatives from the Federal fire community began working with OPM and other administration officials to identify and address the problems of paying Federal firefighters under the General Schedule. The committee completed its work in June of 1992 and in December of that year issued a staff report setting forth recommendations to correct the most serious problems with the current pay system.

Mr. President, I regret that since the release of the OPM recommendations, there has been no effort to implement any of the proposals of the advisory task force. In fact, OPM has communicated quite clearly that at this time it has no plans to pursue any solution to the serious pay deficiencies that have been so widely identified and acknowledged.

It would not be necessary to introduce this legislation today had OPM taken the corrective action that, in my view, is so clearly warranted. However, I have determined that legislation appears to be the only vehicle to achieve the necessary changes in the pay system for Federal firefighters.

Mr. President, the Firefighter Pay Fairness Act would improve Federal firefighter pay in several important and straightforward ways. Perhaps most importantly, the bill draws from existing provisions in title V to calculate a true hourly rate for firefighters. This would alleviate the current problem of firefighters being paid considerably less than other General Schedule employees at the same GS level. It would also account for the varying length in the tour of duty for Federal firefighters stationed at different locations.

In addition, the bill would use this hourly rate to ensure that firefighters receive true time and one-half overtime for hours worked over 106 in a biweekly pay period. This is designed to correct the problem, under the current system, where the overtime rate is calculated based on an hourly rate considerably less than base pay.

The Pay Fairness Act would also extend these pay provisions to so-called wildland firefighters when they are engaged in firefighting duties. Currently, wildland firefighters are often not compensated for all the time spent responding to a fire event. Our bill would ensure that these protectors of our parks and forests would be paid fairly for ensuring the safety of these invaluable national resources.

The bill also ensures that firefighters promoted to supervisory positions would be paid at a rate of pay at least equal to what they received before the promotion. This would address the situation, under the current pay system, which discourages employees from accepting promotions because of the significant loss of pay which often accompanies a move to a supervisory position.

Similarly, the bill would encourage employees to get the necessary training in hazardous materials, emergency medicine, and other critical areas by ensuring they do not receive a pay cut while engaged in these training activities.

Mr. President, I have consulted many of the affected groups in developing my legislation. I am very pleased that this bill has been endorsed by the American Federation of Government Employees, the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Association of Government Employees, and the National Federation of Federal Employees.

Fairness is the key word, Mr. President. There is no reason why Federal firefighters should be paid dramatically less than their municipal counterparts. As a cochairman of the Congressional Fire Services Caucus, I want to urge all members of the caucus and, indeed, all Members of the Senate to join in cosponsoring this important piece of legislation.●

By Mr. HEFLIN:

S. 2092. A bill to reform the Federal Crop Insurance Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FARMERS' RISK MANAGEMENT ACT OF 1994

Mr. HEFLIN. Mr. President, I rise today to introduce the Farmers' Risk Management Act of 1994. This legislation, which will reform the current Crop Insurance Program, is designed to serve two purposes: First, it will give America's farmers a risk management tool that works, and second, it will rein in the cost associated with ad hoc disaster programs and a crop insurance program which is underfunded and underutilized.

Mr. President, over the last 6 years, we have spent an average of $1.575 billion per year on disaster relief programs for farmers. By using a portion of this money, we can develop a viable crop insurance program for farmers and still save the American taxpayer $750 million over the next 5 years. Under the present system of funding, a crop insurance program and an ad hoc disaster program, the Office of Management and Budget estimates that over the next 5 years, we will spend $8.9 billion. Under this new proposal, the cost over the next 5 years will be $8.1 billion, a savings of $750 million.

Also, an additional savings should be realized by the reduction of fraud associated with the current disaster programs. Under the present disaster program, farmers who farm nonprogram crops are not required to show production records. Under this proposal, a farmer will be required to show his recent production history, thereby decreasing the likelihood for fraud. While the savings achieved from this new proposal is critical, more importantly, this bill develops a risk management tool which actually works for farmers. With farm programs taking increasingly larger cuts, it has never been more important for those of us from agricultural States to develop a viable risk management tool for our Nation's farmers.

To average farmers in the South who currently do not take crop insurance, this bill will provide them with an affordable risk management tool. For example, the average cotton farmer in Alabama who subscribes at the catastrophic rate will save an average of $9.50 an acre. To the farmer who currently buys crop insurance, this legislation will lower premiums from 8 to 17 percent, depending upon which level of coverage is bought.

For those of you from farm States who carefully follow various crop insurance proposals, you will notice that my proposal closely tracks the administration's proposal. However, my proposal differs from the administration's bill in three important areas. First, my bill calls on the Federal Crop Insurance Corp. to offer producers the option of cost-of-production which would be based upon each individual producer's actual cost of production. In fact, let me point out that the present crop insurance manager, Mr. Ken Ackerman, has gone out of his way to work with farmers from the Southeast, and especially Alabama, in an effort to develop some type of reasonably priced cost-of-production crop insurance proposal.

The second major change would allow a producer to choose between using his actual yields and his farm program yields in determining his crop insurance yields. In fact, many farmers in Alabama would have weathered last year's agricultural disaster much better had they been able to use their actual yields in determining their disaster payments. And last, if a producer has at least 4 years of production history, my bill allows him to drop 1 high year and 1 low year and use the mean of those remaining years to determine his crop insurance yield. This way, a disaster year won't completely ruin a farmer's crop insurance history.

The following is a summary of the Farmers' Risk Management Act of 1994.

Cost-of-production crop insurance.—The Federal Crop Insurance Corp. will be required to offer farmers a crop insurance plan based on a farmer's actual cost of production.

Farmer's choice.—A farmer will be able to chose between using his program yields and his actual production yields in determining his crop insurance yield.

Cost.—The new program will cost about $8.1 billion for fiscal years 1995 through 1999. This represents a 5-year savings of some $750 million compared to the projected cost of the current Federal Crop Insurance Program plus the average annual cost for ad hoc crop loss disaster programs over the past decade.

Repeal of ad hoc disaster authority.—Current legal authorities for ad hoc crop loss disaster relief are repealed. In the future, the program outlined below will replace these disaster bills as the Federal response to emergencies involving widespread crop loss.

Using the mean to determine crop history.—If a farmer has at least 4 years of production history, he will be allowed to drop 1 high year and 1 low year and use the mean of the remaining years to determine his crop insurance yield.

Catastrophic crop insurance coverage.—The Federal Crop Insurance Program is supplemented with a new catastrophic coverage level available to farmers for a nominal processing fee of $50 per crop per county, up to $100 per farmer per county. This catastrophic plan will protect against yield losses greater than 50 percent at a payment rate of 60 percent of the expected market price—a level comparable to disaster relief programs in recent years. The processing fee may be waived for limited-resource farmers.

Farmers may purchase additional insurance coverage providing higher yield for price protection levels for additional cost. Targeted subsidies are provided to encourage farmers to pursue these higher coverage levels.

Uninsurable crops.—A standing disaster program would exist for crops not covered by crop insurance, with payments triggered by areawide loss levels and protection levels similar to those under the catastrophic insurance plan.

Linkage to farm programs.—To ensure wide participation, crop insurance coverage at the catastrophic level or above is linked to participation in Federal commodity support programs or Farmers Home Administration loans. This step should result in crop insurance participation rising from 33 percent to about 80 percent of insurable acres.

Delivery.—Farmers may choose to obtain the catastrophic coverage either through a private reinsured company or through a USDA county office. Higher insurance coverages remain available only through private insurers.

Industry competition.—Premium rates are restructured to reflect both direct premium subsidies and the expense reimbursement allowance, a more realistic calculation. More efficient companies will be allowed to pass along lowered overhead costs in reduced rates charged to farmers, creating a more competitive market environment.

By Mr. DASCHLE (for himself, Mr. FORD, and Mr. SIMON):

S. 2094. A bill to make permanent the authority of the Secretary of Veterans Affairs to approve basic educational assistance for flight training; to the Committee on Veterans' Affairs.

VETERANS' FLIGHT TRAINING PROGRAM

• Mr. DASCHLE. Mr. President, I am pleased to introduce legislation, on behalf of myself and my good friends, Senator FORD and Senator SIMON, that will give the Secretary of Veterans Affairs permanent authority to approve basic educational assistance for flight training progams. This legislation will allow veterans to prepare for careers in the air transportation industry as well as help to ensure that our Nation has an adequate supply of well-trained pilots to meet future industry demand.

Public Law 101–237 established a 4-year flight training assistance program for veterans, which commenced on October 1, 1990. As of last December, this program has helped more than 2,500 veterans pursue commercial pilot licenses and various instrument ratings at an average cost of $3,200 per individual. A majority of the program's participants have already secured employment in the aviation industry. Without timely congressional action, however, this successful program will expire on September 30.

Considerable attention has been given to ensuring that those who receive benefits under the flight training program are serious about a career in aviation. To participate in the program, a veteran must possess a valid private pilot's license—at a cost of approximately $3,000—and must satisfy the medical requirements to obtain a commercial license. Further, the veteran must attend a flight school which has been approved by the Federal Aviation Administration [FAA] and the State agency which certifies all veterans' educational programs. Finally, the training must be generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation.

There are also two significant cost-control features to the flight training program. First, each veteran must pay at least 40 percent of the cost associated with their training. This is a hefty share, given the cost of flight training programs and the investment that veteran has already made to get a private pilot's license. In addition, the program caps the reimbursement for solo flying hours at the minimum number of hours required by the FAA for any given rating level.

Veterans have earned their educational benefits through service to our Nation, and they have even made monetary contributions toward those benefits. It only seems right that these men and women are given a broad array of choices as to how these benefits can be used. Moreover, flight instruction is very costly, and many veterans will be unable to pursue careers in aviation unless their educational benefits can be used for this purpose.

Now more than ever, veterans need expanded job training opportunities. In a recent report, the General Accounting Office estimated that on any given night, 150,000 to 250,000 veterans are on the streets or in shelters. That veterans, who served this country so selflessly, now make up one-third of the homeless population is a tragedy which must be addressed. I recognize that the problems of homeless veterans are complex and will not be easily solved. However, because one of the primary contributors to homelessness is the lack of adequate job training, programs such as flight training have a role to play in preventing homelessness among our Nation's veterans.

The need for greater employment opportunities for veterans is compounded by the military's downsizing efforts. According to the Defense Department's Bottom-Up review, the Armed Forces will have to reduce their numbers by an additional 400,000 by fiscal year 1999. Many veterans are now experiencing difficulty in finding employment outside the military, and the exodus of more servicepersons from all branches of the Armed Forces will only exacerbate this problem. Clearly, then, there is a great need for education and training, such as flight instruction, that is compatible with veterans' skills and interests.

Allowing veterans to use their educational benefits to obtain flight instruction is also good for the future of the air transportation industry. Although military downsizing is now creating a temporary pilot surplus, it will ultimately result in a smaller pool of military-trained candidates for employment in commercial aviation. This is because the current surplus will taper off and, more importantly, the military is now training fewer pilots. Thus, in the future, the air transportation industry increasingly will have to turn to pilots trained in the civilian sector to meet its needs.

In August 1993, a Blue Ribbon Panel commissioned by the FAA released a report entitled "Pilots and Aviation Maintenance Technicians for the Twenty-First Century: An Assessment of Availability and Quality." The report concluded that the labor needs of the air transportation industry would rise by 18.5 percent during the next decade. Further, it found that while there is no current pilot shortage, there is an impending shortage of pilots qualified to meet future industry needs.

The panel also noted that many flight training schools are currently operating at less than full capacity and that some run the risk of closure due to insufficient enrollment. Because this situation could adversely affect the aviation industry's ability to expand the pilot supply when the demand dictates, one of the panel's recommendations for improving the availability and quality of pilots is to provide adequate financial assistance to professional pilot candidates. My legislation will help to accomplish that goal.

Mr. President, I would like to thank the Airline Owners and Pilots Association [AOPA] and the National Air Transportation Association [NATA] for their help in preparing this legislation. These groups know that the health of our Nation's aviation industry is dependent upon a sufficient supply of well-trained pilots and that the veterans flight training program has been successful in helping private pilots to pursue careers in aviation.

Our Nation owes a great debt to all veterans, and one of the ways that we can repay this debt is by helping to ease the transition from military to civilian employment. For those veterans interested in careers as professional pilots, this flight training program will allow them to develop the skills they need to find meaningful employment in the civilian sector. I hope that my colleagues will support the continuation of this successful program.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT AUTHORITY TO APPROVE BASIC EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING.

(a) ALL-VOLUNTEER FORCE ASSISTANCE.—Section 3034(d) of title 38, United States Code, is amended—

(1) by striking out paragraph (2); and

(1) in paragraph (1)—

(A) by striking out "(1)"; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(b) POST-VIETNAM ERA ASSISTANCE.—Section 3241(b) of such title is amended—

(1) by striking out paragraph (2); and

(1) in paragraph (1)—

(A) by striking out "(1)"; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(c) ASSISTANCE FOR SELECTED RESERVE.—Section 2136(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (2); and

(1) in paragraph (1)—

(A) by striking out "(1)"; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

AIRCRAFT OWNERS AND
PILOTS ASSOCIATION,
April 29, 1994.

Hon. THOMAS A. DASCHLE,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR DASCHLE: As you know, the Aircraft Owners and Pilots Association is a not-for-profit membership association with 325,000 members nationwide. Our members take advantage of general aviation aircraft to fulfill their personal and business transportation needs.

This is to express our formal support of your bill to permanently extend Veteran's Vocational Flight Training Benefits. This important veterans benefit program is essential to help ensure an adequate supply of qualified commercial pilots for the future of our national air transportation system.

As you know, the cost of flight training is substantial. Thanks to your previous efforts, qualified veterans are currently eligible under a trial program to receive vocational flight training benefits for both dual and solo flight training. With this trial program set to expire on August 31, 1994, your bill would provide a permanent avenue for veterans to pursue a career in aviation.

The veterans flight training program has important national implications, as well. Statistics compiled by the Office of Technology Assessment and the Future Aviation Professionals of America show that our country is on the brink of a critical pilot shortage—not just in the airlines, but also in other important areas of aviation, such as air ambulance, crop dusting, and corporate pilots. Veterans deserve a chance at these jobs, and your bill would help make that possible.

The Daschle bill is a good and necessary step towards meeting the future pilot shortage, and we support it wholeheartedly.

Thank you for your efforts.

Sincerely,

PHIL BOYER,
President.

NATIONAL AIR
TRANSPORTATION ASSOCIATION,
Alexandria, VA, April 28, 1994.

Hon. THOMAS A. DASCHLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DASCHLE. The National Air Transportation Association (NATA) represents the business interests of close to 2,000 companies providing aviation services (fixed base operators or FBOs). Many NATA member companies operate flight schools providing instruction from primary to the most sophisticated jet aircraft pilot training. These businesses have a long history of providing flight training for veterans and strongly support the permanent extension of the flight training assistance program.

During the last four years, flight training assistance for veterans has certainly proven its worth. Many of the participants have gone on to careers as flight instructors and pilots for our member companies and others in the aviation industry. In fact, this was documented in a study for the Department of Veterans Affairs. The results of the study showed that over 2,500 veterans have participated in the program since 1990, with a majority of these participants having obtained aviation employment.

The need to encourage a strong flow of qualified pilots will only increase in the future. The Future Aviation Professionals of America (FAPA) estimates the major and regional airlines will need more than 50,000 new pilots over the next decade. The mandatory retirement of an extremely large number of pilots, combined with expansion of the aviation industry, will enable veterans receiving flight training to pursue a career in a high-demand profession.

The Association wholeheartedly endorses your efforts to extend this valuable program. Flight schools across the country have benefited, and even more importantly, this flight training assistance provides our nation's veterans an opportunity for an aviation career they might not otherwise receive. Please count on NATA's support as you pursue passage of this important legislation.

Sincerely,

JAMES K. COYNE,
President.●

By Mr. LEAHY (for himself, Mr. KERREY, Mr. DURENBERGER, and Mr. DASCHLE):

S. 2095. A bill to reform the Federal crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CROP INSURANCE ACT OF 1994

● Mr. LEAHY. Mr. President, discussion about reinventing government has persisted for many years. Last month the Senate voted 98 to 1 to pass our USDA reorganization bill—the first legislation designed to reorganize an executive branch department—and I am proud that this committee moved so quickly on this bill. Senator LUGAR and I demonstrated that it is possible to work together, in a bipartisan spirit, to reform bureaucracies many thought were immune to change. I hope that this spirit continues.

Looking to the future, reinventing government will mean more than simply changing government structures. In order to make our Government more efficient, we need to make changes in outdated policies as well.

Today I am introducing a bill to reform the policies which dictate the way we handle natural disasters affecting American agriculture.

Every time there is a major disaster, Congress passes an ad hoc disaster assistance bill. Ad hoc disaster bills are inherently unpredictable, and as a result, farmers do not know what type of help they can expect in times of need. Because disaster bills are treated as emergency legislation, not subject to normal pay-as-you-go rules, they get loaded down with unrelated legislation that would otherwise never become law.

By improving the existing crop insurance program we can eliminate the need for add hoc disaster programs. Farmers, lenders, and the rest of the country would know what to expect the next time there is a disaster. We need to eliminate the senseless duplication of separate crop insurance and disaster programs that cover the same losses on the same crops. And, perhaps most importantly, Congress would no longer need to consider ad hoc disaster bills exempt from normal budgetary rules.

The reform of crop insurance and disaster programs has the broad support of farmers and the administration, and I intend to push for quick consideration of this legislation. The Crop Insurance Reform Act of 1994 will give order and predictability to crop insurance programs and at the same time help us help farmers respond to agricultural disasters.●

● Mr. DURENBERGER. Mr. President, I support the Federal Crop Insurance Reform Act of 1994. Too often, legislation starts in Washington and works its way to the people. That's what's wrong with Government. The better way is the way of crop insurance reform—a good idea—which originated in the kitchens of Minnesota farmers like Richard Peterson, Andy Quinn, and Grant Annexstad and worked its way to Washington. This legislation is what's right with government and I am proud to be a leading cosponsor.

We began the fight for reform 3 years ago—in 1991. That year, Minnesota farmers were inundated with heavy rains which destroyed much of the crop farmers had managed to get in the field. Unfortunately, when the rain left them wet, crop insurance left them dry—and this marked the beginning of the long road toward reform.

In 1992—after nearly a year of discussion and hard work—Minnesota farmers had an idea for reform. In the fall of that same year, I introduced the idea to the U.S. Senate as the Federal Crop Insurance Fairness Act of 1992. At the time, however, the need for reform was not obvious to everyone and Congress shelved our plan.

In early spring of last year—on the eve of the 100-year flood—I reintroduced crop insurance reform. But, it wasn't until torrential rains and record-breaking floods swept through the Midwest that reform got any attention. Ultimately, most of Congress settled for the quick fix of disaster aid rather than taking on the real challenge of crop insurance reform. But those of us who wouldn't settle for less did manage to get a promise: There would be reform this Congress.

Later that year, we succeeded in making two major changes in the way crop insurance works. First, farmers would be able to prove their yields in 4 years instead of 10. And, second, the penalty for late planting would be cut in half. These critical changes came right out of the Durenberger bill—the bill Minnesota farmers helped write.

Pleased with our success but recognizing the need for comprehensive reform, we kept the pressure on. And, now, we are seeing our hard work and effort paying off. The President and many in Congress have joined our cause and, with their help, I am confident crop insurance reform will soon be a reality.

As one of the bill's leading cosponsors, I am pleased that this reform package will include nearly all of the remaining components of my earlier legislation. In addition to providing catastrophic coverage to all our Nation's farmers, the Federal Crop Insurance Reform Act includes more affordable 65- and 75-percent coverage levels, prevented planting as part of the standard package, and a catastrophic yield adjustment to protect farmers' actual production history.

For the first time ever, farmers will have an incentive to buy crop insurance coverage. And, this is an important step toward changing the way we deal with disasters. Farmers will be able to rely on sound, predictable coverage when disaster strikes rather than on the unpredictable whims of Congress.

Mr. President, I am proud of this bill because crop insurance reform makes sense. It would provide our Nation's farmers with peace of mind and save its taxpayers money. In fact, it is estimated that this bill will save the American taxpayer as much as $750 million over the next 5 years.

Indeed, I am proud of this legislation and all that it will accomplish. But, most of all, Mr. President, I am proud of people who made it possible: the farmers of Minnesota.●

By Mr. DOMENICI:

S. 2096. A bill to improve private health insurance, to provide equitable tax treatment of health insurance, to reform Federal health care programs, to provide health care cost reduction measures, and for other purposes; read the first time.

HEALTH CARE REFORM ACT OF 1994

Mr. DOMENICI. Mr. President, today I am introducing what I choose to call the Health Care Reform Act of 1994. This bill is my effort to provide some concrete legislative proposals in health care. After watching and observing for weeks and months on end, I have put this bill into a form so that I can advocate some of the principles in it which I think many Senators are going to find rather desirable.

If enacted, this bill will go a long way toward ensuring affordable, quality health care for all Americans, and it would reduce the Federal budget—that is the deficit—by $95 billion to the year 2000.

I think that one statement is unique to any of the bills. It seems to this Senator that we all anxiously awaited health care reform so we could begin to attack the deficit in a permanent way and a way to get us to zero. Perhaps that has been left aside by others. Nobody is worried about it. But I choose to take some of the resources that we account for and say that $95 billion of it over the next 5 years should go to deficit reduction so we do not wait until it is too late to get control of the residual deficit, which will be back up to $395 billion or $400 billion before the turn of the century.

I do not pretend, however, that this bill will answer all possible questions and will fix health care as some claim they want to do once and for all in this country.

Frankly, Mr. President, our system of care is so complex, so diverse, so vast I do not believe it would be wise for us to pretend that we could pass one bill and be done with it.

Just to put in perspective, the cost of health care, private and public, is still growing at rather substantial rates far and above inflation. We already spend over $900 billion, public and private, out of a gross domestic product of $6.5 trillion. So we are already up to around 15 or 15½ percent of our gross national product for just health care.

If we continue on the path we are on, by the turn of the century one-fifth of all our gross productivity will go to health care. In a sense one might say, as they walk the streets and cities in our country and in their neighborhoods, "Well, out of every five people I meet one of them is taking care of me."

That is about as simple a way of talking about the gross national product, and 20 percent of it is going to health care.

It is rather incredible to this Senator that a Nation as far along as ours in terms of science, technology, and health would be even considering that 20 percent of everything we produce, all our gross domestic product, must go just to take care of our health. It is rather something that has never been heard of in any civilized country and is way and above what any other peoples are paying.

So rather than trying to fix the whole thing, I believe it is most important for us to decide in legislation on the direction that health care reform would take. To me it is very clear that the American people want a private system, not a Government-run insurance system. They want Government standards for that system, including some rules for insurance, so that it is fair to all consumers, and they also want freedom to choose their own health care providers.

I am going to go through the main points of my bill and then introduce it and hold myself excused from the Senate.

This bill puts us on a path to universal coverage by vastly expanding the voluntary purchase of more affordable health insurance. Most persons want health coverage to ensure good care when they need it and to avoid the financial risk of going uninsured.

The primary obstacle for the uninsured is cost. Nearly two-thirds of the uninsured have incomes below 200 percent of poverty.

In addition to the many reforms in the bill that will strengthen market competition and reduce inefficiency, this bill will dramatically extend subsidies which we choose to call health discounts for the poor and the low-income Americans to make private health insurance affordable to them. They will no longer be within a Medicaid system but rather will receive health discounts so they can buy health insurance like other Americans do and be in the private system with whatever savings and efficiencies accrue in it rather than the current cumbersome very expensive Medicaid system.

I believe mandating universal coverage, and I repeat mandating it, is premature, and I think for anybody who looks at the major bills before us that claim universal coverage I believe they will find that that is merely rhetoric and that none of them truly cover every single American. In fact, I heard it said the other day by some who I think know that even under the President's plan the 20 percent that you would have to pay as an employee, 20 percent of your premiums, that it is expected that that would mean that one-seventh of the people who are obligated to pay that and are young and healthy would not pay it, and so one-seventh would probably be uninsured, and they used as an example mandates in the automobile insurance on our citizens in various States, and it is found that if you mandate it people find a way to pay it for a short while under any system you impose and then they drop the payment and go uninsured. The ratios to convince even this Senator that even under that kind of program everybody will not be insured.

I understand that in the State of Hawaii that started years ago to have mandatory universal health coverage there are anywhere from 7 to 8 percent that are not covered today. To say it and to provide it are two different things.

I am not sure any plan that comes out of this Congress is going to be such that we can look at every single American and say rich or poor, unemployed, employed, in between jobs, every single one has the uniform coverage that is prescribed in the President's bill.

So, I believe mandating it is premature, but I think we ought to move as swiftly as possible with a program that is understandable and moves in the right direction. There is too much uncertainty about cost and coverage in a reformed and well-functioning health care market. Too much uncertainty to do it all now and promise universal coverage. With so much uncertainty it is difficult to know what level of coverage will be affordable to the American people. A premature mandate could lead some to support Government cost controls, which would undermine market reforms and threaten the unsurpassed quality of the American health care delivery system as we know it.

Now, one of the qualities we have been searching for in health care reform is to control cost in a reformed marketplace. One of the reasons for that was to try to apply some of the savings to the deficit of the United States on the public side. The other was to cut the spiraling costs of health care for individuals and businesses because unless we did it would bankrupt our businesses and diminish our competitiveness for everybody knows the numbers that we speak of in terms of insurance costs on an American automobile as it leaves the factory and the insurance costs on an automobile leaving a Japanese factory. That is just symbolic of what is going on in the marketplace if we do not control costs.

I do not believe that the Government can impose cost controls on overall health care spending, such as premium caps or price controls on services and drugs. And I do not think we can do that without seriously undermining the quality and efficiency of this health care system.

Today, we have the finest quality of care in the world. It would be a tragedy to abandon such quality in the name of reform.

Only market incentives can improve the productivity and efficiency of the health care delivery system, thus holding costs down while maintaining or improving quality. To make the market work better, consumers must be more cost conscious and capable of comparing price and the quality of competing health insurance plans.

This legislation creates something called accountable health plans, AHP's, which combine insurance and health care delivery. These plans are there principally to collect and provide data, standardized data, on how well their health care services keep people in a healthy lifestyle, as well as on the satisfaction of the patient. This data then will be used by purchasers to compare the quality of various competing plans.

I think the accountable health care plans, perhaps with other names, are found in the Chafee plan, and it comes on rather immediately.

In this bill, consumers are encouraged to purchase accountable health plans for their coverage by phasing out the deductibility of premiums paid to non-AHP's over a 5-year period. But, they may always buy something else with their own money if they wish.

The bill also sets a limit on the amount employers and employees can deduct from taxes for health insurance premiums, the so-called cap that has been debated back and forth. In my bill, the limit is set very high initially, roughly 67 percent above the premium estimate for the Clinton benefit package. That means we set a cap on deductibles by the employers at 67 percent above the premiums required to purchase the benefits assumed in the Clinton health package as a dollar number. But these limits are not indexed—they are not indexed, Mr. President—for 5 years as a phase-in of the more cost-conscious consumption of health insurance. They are there as a pressure not to be exceeded. And for those who are above it, if they want to get continued deductibility, they must begin to ratchet down during that 5 years either what they buy or in some way change the insurance coverage and mix if they want total deductibility. We think it is a very novel idea and has real significance in a health care plan.

Protecting choice. I believe a strength of our current health care system is the freedom of Americans to make choices for themselves. Such choice promotes accountability, flexibility, and innovation, and that is without mentioning that it makes American people feel good about the relationship between their doctor and themselves.

This bill that I am introducing protects choice. Consumers may buy any kind of health insurance they wish. Managed care health insurance plans must make available insurance products that pay for at least 50 percent of the cost of services provided by any licensed provider chosen by a patient even if the provider is outside the plan's network, the so-called point of service option. In other words, there would be an insurance policy that would have to be written that if you chose it you are choosing choice and that policy will leave you with only 50 percent of the cost if you choose to go with the total free choice of your own doctor and delivery system.

This bill establishes a standard benefit package, but it is for two reasons. First, all employers must offer, but not necessarily purchase or pay for, the standard package to ensure access for all employees.

Second, the standard benefit package, with some variation on cost sharing, is used as the basis for calculating health discounts for the poor and low-income Americans. I think this is a very important point.

And for those who are interested in what do I do with and what will the standard benefit package be in this bill, I ask that they read this carefully. It is not a standard benefits package that is mandated on anyone. It is there because we say it should be offered and it is there so that when we buy insurance coverage through this approach of putting money in the hands of the poor to buy their own that we will use this standard package as the benchmark for what is being purchased for them.

Nonetheless, it must be made clear that employers remain free to also offer, and consumers are free to purchase, any variety of benefit package they desire.

Now, I will proceed to a section and I will go through it rapidly because it has been discussed over and over. But I call it the fixing what is broken part.

There are many aspects of the current health care system that are clearly in need of repair. Nearly every major health care proposal addresses each of these problems, and so does this proposal that I introduce today.

It bans preexisting condition clauses in health insurance contracts for persons who stay continuously covered by health insurance. The ban gives people a strong incentive to stay covered voluntarily to avoid such clauses. It requires health insurance to provide parity coverage for the severely mentally ill, such as schizophrenia or schizophrenics, major depression, bipolar disorders and the like. Parity means that all medically necessary care must be covered by health insurance and the cost-sharing requirements must be the same as severe physical illnesses. And at a later date I will address the issue that it can be done and clearly will not break the bank, as some people are concerned.

It provides fair rules for insurance sold to small businesses, including a requirement that such insurance fall within a 20-percent ban between the lowest and highest price offered to any small business in the area. It gives small business the ability to pool their purchasing power and get lower premiums. These two work together.

It doubles funding for rural and other community health centers and national health service corps, found also in the Chafee bill. It reforms medical liability by requiring binding arbitration and caps on noneconomic damage to cut defensive medicine.

Now, I then want to talk a minute about reforming the Federal programs.

Federal health programs are a major force in the current system and contribute to the excessive costs growth and inefficiency. The Congressional Budget Office puts total Federal spending at one-third of the national health expenditures. That is, of all the expenditures on health, Mr. President, one-third is the National Government's expenditures; one-third of that. In some markets, it is higher.

Reform of these programs should be part of this overall solution.

The bill that I am introducing today protects Medicare, but expands the opportunities and incentives for beneficiaries to enroll in competing health insurance plans.

Currently, some 50 percent of private group health insurance is managed care, but only 5 percent of Medicare beneficiaries are in that new kind of delivery system. One of the primary reasons is that managed care options are not presented well to Medicare beneficiaries and the payment system is terribly flawed.

Senator DURENBERGER and I have worked on an approach that will give Medicare beneficiaries much more meaningful choice among competing health plans. Senator DURENBERGER introduced these provisions separately in S. 1996. I have incorporated basically the same provisions in this bill.

Let me repeat, under this approach, so called Medicare Choice, the beneficiaries would always retain the right to stay in the current fee-for-service Medicare program which would be fully protected. But they would have the option each year, during an annual enrollment, to enroll in a private health plan, if they wish.

To slow down the rate of growth of Medicare spending, this bill includes several provisions proposed by the President, including the extension of expiring provisions, reduction in payments to providers, in some instances—and they are detailed in the bill—and coinsurance requirements for home health care and laboratory services.

My bill would also replace Medicaid acute care with health discounts. Fifty percent of Medicaid today goes to acute care. The other portion goes to long-term care. We would take the entire pool of money that is currently acute care, with the State match that goes with it, and we would begin to create the pool of money that would be used to begin universal coverage for those who cannot afford it.

Health discounts would help poor and low-income families enroll in private health insurance plans. Medicaid acute care spending, both Federal and State, would be converted, as I indicated, to health discounts. In addition, new Federal spending would be phased in based upon available resources, subject to a 10-percent State matching amount. When fully phased in, poor families would get discounts sufficient to cover 100 percent of the cost of a benchmark private health insurance plan with minimal cost sharing. Low-income families, up to twice the poverty level, would get discounts based on a sliding-income scale. During this phase in, all low-income families will be given discounts to ensure protection against large medical expenses.

Between 1996 and 2000, we estimate that the total spending on health discounts will increase from about $120 billion to $200 billion, combined Federal and State spending.

The Federal budget deficit will exceed $380 billion in 10 years, largely because of mandatory Federal health care programs and their spiraling out-of-control costs.

None of the bills heretofore introduced will reduce that deficit, although the Chafee plan seeks to protect against any additional spending by building into the Chafee program "save before you pay," a provision that we suggested and is included in it and makes some sense. But we do not put any resources on the deficit.

This bill cuts spending and increases revenues by a total of $145 billion between 1996 and 2000. It will devote $95 billion of that to deficit reduction, and $50 billion of it will go to expand coverage through health care discounts above and beyond the Medicaid spending, which is also converted to discounts, as I have discussed heretofore, with a process of phasing in benefits based on available resources.

If the market incentives in this bill as we expect, are better than projected for budget process work, both the deficit reduction and the health discount spending would be even greater. We would move more rapidly toward universality of a standard package, and we would reduce the deficit more.

My conclusions are that the President deserves a great deal of credit for putting health care reform on the top of the legislative agenda. Clearly, despite its many strengths, our health care system is not working well for a lot of Americans, and I am committed to enacting legislation this year that will address the flaws in the system that drive up costs and leave too many people without insurance coverage or health care.

But I believe we must be cautious also. Our health care system is huge, complex. Tens of millions of Americans like the coverage they have today. This legislation provides targeted reforms in those areas that are clearly in need of repair, phases in reforms that are necessary to make the market work better, to control long-run costs while maintaining quality and innovation, puts us on a path to universal coverage and reduces the budget deficit with a degree of certainty, not in any other bill.

Mr. President, I ask unanimous consent that three supporting documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH CARE REFORM ACT OF 1994—MAJOR PRINCIPLES

1. EXPANDING COVERAGE IN A VOLUNTARY SYSTEM

The bill puts us on a path to universal coverage by vastly expanding the voluntary purchase of more affordable health insurance.

Most Americans want health coverage to ensure good care when they need it and to avoid the financial risk of going uninsured: the primary obstacle is cost.

The bill would expand subsidies ("health discounts") for poor and low income Americans to make private health insurance affordable.

Mandating universal coverage is premature: there is too much uncertainty about costs and coverage in a reformed and well-functioning health care market to know what level of coverage is affordable for all Americans. A premature mandate could lead to Government cost controls which would undermine market reforms and the unsurpassed quality of the American health care delivery system.

2. CONTROLLING COSTS IN A REFORMED MARKETPLACE

Only market incentives can improve the productivity and efficiency of the health care delivery system, thus holding down costs while maintaining quality.

To make the market work better, consumers must be more cost-conscious and capable of comparing the price and quality of competing health insurance plans.

Consumers are encouraged to purchase Accountable Health Plans (AHPs)—which combine insurance and systems of health care delivery—for their coverage by phasing-out the deductibility of premiums paid to non-AHPs over five years. AHPs must collect and provide standardized data (health outcomes, patient satisfaction) so purchasers can more objectively compare their quality as well as their price.

The bill limits the amount employers and employees can deduct from taxes for health insurance premiums: the limit is set high initially, but not indexed for five years to provide a phase-in more-conscious consumption.

3. PROTECTING CHOICE

Americans value their freedom to make choices for themselves, and a strength of our current health care system is flexibility and innovation.

The bill protects choice: consumers may buy any kind of health insurance they wish and managed care plans that use networks of providers are required to make available alternative insurance plans that pay for at least 50 percent of the cost of services provided by any licensed provider chosen by a patient (a "point of service" option).

The bill establishes standard benefits which employers must off (but not necessarily pay for) and which provides a reference for health discounts. But employers are free to also offer, and consumers are free to purchase, any other variety of benefits package they desire.

4. FIXING WHAT'S BROKEN

The bill addresses clearly identifiable problems and inequities in the current system by banning pre-existing condition clauses for persons who stay continuously covered by health insurance, providing fair rules for insurance sold to small businesses, pooling small business purchasing power, expanding rural health clinics, and reforming medical liability to cut defensive medicine.

5. REFORMING FEDERAL PROGRAMS

Federal health programs are a major force in the current system and contribute to excessive cost growth and inefficiency. Reform of these programs should be part of an overall solution.

The bill would protect Medicare but expand the opportunities and incentives for beneficiaries to enroll in competing AHPs ("Medicare Choice").

The bill would also replace Medicaid acute care with "health discounts," available to poor and low income Americans to offset the cost of enrolling in competing AHPs.

6. REDUCING THE DEFICIT AND ASSURING FISCAL RESPONSIBILITY

The federal budget deficit will exceed $380 billion in ten years largely because mandatory federal health care programs are spiralling out of control. To be responsible fiscally, health care reform must contribute to deficit reduction and ensure new health care spending does not exceed projections.

The bill cuts spending and increases revenue by $145 billion between 1995 and 2000, devotes $95 billion of that amount to deficit reduction, and provides at least $50 billion to expand coverage through health discounts (above and beyond Medicaid spending which is also converted to discounts) with a process for phasing-in benefits based on available resources.

HEALTH CARE REFORM ACT OF 1994—SUMMARY

CONTROLLING COSTS IN A REFORMED MARKETPLACE

Accountable Health Plans (AHPs): AHPs must provide standardized data measuring their quality and enrollee satisfaction to allow comparisons among AHPs. Premiums paid to non-AHPs are not tax deductible in five years.

Limit on Tax Deductibility: Employers and employees can deduct health insurance premiums up to a fixed amount that is nearly double the cost of the an average plan but will not be indexed for five years. The limit is reduced by half for higher income persons.

Employer Responsibility: Employers must make available to employees an AHP covering a standard benefits package. Employers are not obligated to pay premiums.

PROTECTING CHOICE

Point-of Service: AHPs must make available an insurance product that covers at least 50 percent of the cost of services provided by any licensed health care provider.

FIXING WHAT'S BROKEN

No Pre-Existing Condition Clauses/Severe Mental Illness Parity Coverage: Health insurance may not exclude a pre-existing condition if a person is in a period of continuous coverage; health insurance must provide parity coverage for severe mental illnesses.

Small Business Health Insurance: Health insurance offered to small business employees must be available to all small business employees in the market area, renewable by the small business, and priced with a 20% premium rate band. Small businesses may join together voluntarily in purchasing pools to improve their market power.

Access in Rural Areas: The community health center and national health service corps programs are doubled. Rural providers get refundable tax credits.

Medical Liability Reform: All disputes must be resolved by arbitration and are subject to a $250,000 cap on non-economic damages and other constraints on awards.

REFORMING FEDERAL PROGRAMS

Medicare Choice: Beneficiaries can stay in the current fee-for-service program, which is fully protected, or, once a year, enroll in an AHP. The Government will pay a fixed amount to AHPs, based on competition. Beneficiary premiums reflect local costs. Higher income persons pay higher premiums. Spending growth is slowed by including Administration proposals extending expiring provisions, reducing provider payments, and other changes.

Health Discounts and Medicaid: Medicaid acute care is replaced by health discounts. When fully phased-in, health discounts pay all (for the poor) or a portion of (for persons below 200 percent of poverty) AHP premiums on behalf of eligible beneficiaries. States pay a 10 percent matching amount above current Medicaid spending.

REDUCING THE DEFICIT AND ASSURING FISCAL RESPONSIBILITY

Deficit Reduction and Health Discount Financing: Spending reductions and new revenues total $145 billion between 1995 and 2000, with $95 billion devoted to deficit reduction and $50 billion to finance health discounts (above and beyond the Federal Medicaid baseline amounts converted to health discounts). The Secretary of HHS will phase-in health discounts based on available Federal spending each year.

Tobacco Tax: Cut the President's $.75/pack of cigarettes increase to $.36.

HEALTH CARE REFORM ACT OF 1994—DESCRIPTION

1. FEDERAL REFORM AND STATE IMPLEMENTATION

The Secretary of Health and Human Services will certify that States have established health care reform programs consistent with the Act.

In general, States will be responsible for: Regulating health plans and accountable health plans; establishing health plan market areas covering the State; coordinating reform with bordering and nearby States; implementing insurance reforms for small businesses; ensuring at least one voluntary small business purchasing pool in each market area; reforming medical liability laws; and administering low income premium assistance.

The Federal Government will retain regulatory oversight of health plans established under the Employee Retirement Income Security Act (ERISA) and make other reforms in Federal health care laws and programs.

States not complying with the standards established in the Act would be ineligible for new Federal financing of the premium assistance program ("health discounts") for poor and low income families.

In such a case, the Secretary would assume regulation of health plans in the State.

States would have the flexibility to propose alterations to the basic Federal reform framework, particularly to address underserved rural areas, if such alterations do not increase the Federal budget deficit and are generally consistent with a system of private health insurance, cost control based on competition, and freedom of choice of provider and plans.

States may not establish single payer plans.

2. PRE-EXISTING CONDITION CLAUSES

No health plan may exclude from coverage the costs for treating the pre-existing condition of a newly enrolled individual if the individual was covered by other health insurance for six months prior to switching coverage.

To ensure individuals have an incentive to stay insured, health plans may exclude from coverage the costs of treating a preexisting condition for up to six months if a newly enrolled individual was not covered by other health insurance for at least six months prior to switching coverage.

3. SMALL BUSINESS INSURANCE REFORM

All health plans offered to small businesses (under 51 employees) would be required to meet certain standards.

Guaranteed Eligibility: No person may be denied coverage if they are part of an eligible small business seeking to purchase coverage.

Guaranteed Renewability: Health plans may not refuse to renew coverage unless they are terminating coverage for all small businesses in a State.

Guaranteed Availability: Health plans made available to one small business purchaser must be made available to all small groups in the market area.

Premium Rate Bands: Health plans must limit the difference between the lowest and highest premium charged to 20 percent in a health plan market area for small business employees with the same age and family status.

4. PARITY COVERAGE OF SEVERE MENTAL ILLNESSES

All health plans and AHPs must provide parity coverage for severe mental illnesses.

Severe mental illness is defined through diagnosis, disability, and duration, and includes disorders with psychotic symptoms such as schizophrenia, schizoaffective disorder, manic depressive disorder, autism, as well as severe forms of other disorders such as major depression, panic disorder, and obsessive compulsive disorder.

For persons 21 years of age or younger, severe mental illness is defined to also include psychotic disorders, attention deficit hyperactive disorder, autism and pervasive development disorder, severe childhood eating disorders, Tourette's syndrome, and any behavioral disorder that could result in conduct which may place the person or another person in danger of death or serious bodily injury.

Parity coverage will prohibit health plans from imposing dollar or service limitations or higher cost-sharing requirements on coverage for these illnesses.

5. ACCOUNTABLE HEALTH PLANS (AHPS)

Accountable health plans (AHPs) will provide both insurance coverage and a system for delivering health care services to enrollees.

AHPs will be accountable to their enrollees and the public for their performance in providing a quality health care and satisfying their enrollees.

In addition to complying with pre-existing condition requirements, AHPs must adhere to the following:

No Discrimination: AHPs may not discriminate against potential enrollees based on their health status or expected use of health care services.

Adjusted Community Rating: In the small group market, AHPs must charge the same premium for all consumers in a market area, adjusting only for age and family status.

Internal Quality Assurance: AHPs must maintain a system of continuous quality improvement, providing feedback to the AHPs network of providers to improve care outcomes.

Comparative Quality Data: AHPs must comply with standards established by the Secretary for the collection and use of data concerning an AHP's quality, health outcomes, and enrollee satisfaction. Such data shall be used to compare AHP's performances.

Market Conduct: AHPs shall comply with standards for market conduct, including provision of written descriptions of the plan's covered benefits, services, procedures, limitation on enrollees' use of services, and cost-sharing requirements.

Enrollee Grievances: AHPs must maintain a process for hearing and resolving enrollee grievances.

Financial Solvency: AHPs must meet standards of financial solvency.

Health Discount Programs: AHPs (other than self-insured plans covered by ERISA) must participate in State health discount programs for poor and low income individuals and employees.

Medical Liability Reform/Administrative Costs: AHPs must comply with the requirements regarding medical liability reform and reducing administrative costs.

AHPs will be phased-in over a five year period by gradually eliminating the tax deduction for employer and employee premiums paid to non-AHPs.

6. GUARANTEED CHOICE OF PROVIDER AND PLAN

Consumers would always retain the right to purchase any kind of health insurance coverage they desire, including insurance that does not qualify as an APH and duplicates standard benefits.

AHPs would be required to make available an insurance product that provides a "point of service" option for enrollees:

Under such an option, enrollees would be allowed to see any provider they chose, including those not normally in the AHP's network.

The AHP would be required to pay for at least 50 percent of the cost of those services.

7. STANDARD BENEFITS PACKAGE

The Secretary will establish a standard benefits package that all employers must offer to employees and which will be used to determine health discounts for low income families.

The standard benefits package will contain coverage for at least the following: Inpatient and outpatient hospital services; Physician services; Diagnostic services and tests; Outpatient prescription drugs; Preventive services; and Party coverage for severe mental illnesses.

The Secretary will establish actuarially equivalent cost-sharing arrangements for the standard benefits package, including arrangements typical of health maintenance organizations and fee-for-service health insurance.

For purposes of providing health discounts, the Secretary will also establish:

A nominal cost-sharing benefit package which is identical to the standard benefits package, but with lower cost-sharing for purposes of providing health discounts for poor individuals; and

An alternative benefits package which is identical to the standard benefits package, but with higher cost-sharing for purposes of phasing-in health discount benefits for low income individuals.

8. SMALL BUSINESS PURCHASING POOLS

Each State will ensure that at least one voluntary small business purchasing pool is operating in each market area.

These purchasing pools cannot require small businesses to get their coverage through them, but they must accept as part of their pool all willing and eligible small businesses and eligible employees.

Purchasing pools will be private, not-for-profit corporations governed by representatives of small businesses and other individuals purchasing through them.

In general, purchasing pools will allow eligible employees to select their health plan coverage annually from among AHPs offering the standard benefits package and, for poor employees, the nominal cost-sharing benefits package (and perhaps other standardized options) and competing on the basis of their price and quality.

AHPs may offer a premium inside the pool that is below the adjusted community rate offered outside the pool if the pool has at least 30 percent of the small business market in the market area.

Purchasing pools will provide comparative information for selecting plans and may organize the collection and forwarding of premiums, but pools will not regulate health plans or health care providers.

9. EMPLOYER RESPONSIBILITY

All employers will be required to make at least one AHP providing standard benefits available to employees.

Employers are not required to pay for any portion of the premium.

Small employers may enroll in small business purchasing pools to satisfy this requirement.

10. EQUITABLE TAX TREATMENT OF HEALTH PLANS

Self-employed workers would be given a deduction of up to 100 percent of their health plan premiums, subject to the limit and requirements discussed below.

Employers offering a choice of more than one health care delivery system for a benefit package must provide the same contribution to all plans, regardless of the employee's selection.

The tax deduction for employers and employees would be limited to a fixed amount (shown below) for the years 1996 through 2000, and would be indexed to per capita GDP growth beginning in 2001.

Type of family covered	*Annual limit on tax deduction*
Single Person	$4,080
Couple (no children)	8,280
Single Parent	8,040
Family with children	10,920

These amounts would be reduced by one-half for persons with incomes exceeding $100,000 ($125,000 for joint filers).

The lower limits will be phased-in beginning at $75,000 ($100,000 for joint filers).

11. MEDICARE CHOICE AND REGIONAL EQUITY

Regional Equity: Nationwide, the Medicare beneficiary premium would be based on the same calculation as current law, but the premium would vary by market area to reflect the costs in that area.

As shown in the example below, current costs vary widely between areas, but beneficiaries are required to pay the same Part B premium.

EXAMPLE OF WIDE VARIATION IN MEDICARE PART B COSTS BY GEOGRAPHIC LOCATION

[In 1994]

	Part B premium	Costs per person	Premium as percent of costs
Bernalillo County, NM	$493	$1,681	29
Dona Ana County, NM	493	1,434	34
Los Angeles, CA	493	2,574	19
Dade County, FL	493	3,402	14

Simplification: To reduce the paperwork for beneficiaries, Medicare contractors will coordinate and adjudicate all billing and claims for health care providers, including amounts covered by supplementary insurance.

Medicare and supplementary insurance carriers will reimburse providers first before any remaining amount is billed to the beneficiary using a standardized form.

Choice

Each year, Medicare beneficiaries in a market area would have the opportunity to select from among competing AHPs, called Medicare health plans.

Beneficiaries would always retain the right to stay in the current Medicare program, which would be fully protected.

For beneficiaries selecting a health plan, Medicare would pay a fixed amount per beneficiary based on bids put forward by all competing health plans in the market area.

The fixed amount would be set so that the beneficiary would retain most of the savings from enrolling in a cost effective plan in the form of reduced Medicare premiums.

For five years, the fixed amount will be increased by 10 percent for beneficiaries residing in underserved rural areas.

Beneficiaries may also enroll in an employer-sponsored health plan that is available only to current or former employees.

Medicare would pay the same fixed amount to the employer-sponsored plan.

Low income Medicare beneficiaries would get the same protection provided under current law for premium and cost-sharing assistance, including any health plan premiums and cost-sharing.

During selection of their Medicare coverage, beneficiaries would also choose from among several standardized supplementary insurance policies offered by Medicare health plans or other insurers.

Medicare health plan must offer to beneficiaries an optional supplementary plan covering prescription drugs and as well as an optional plan providing an annual out-of-pocket maximum for cost-sharing and other coverage typically provided in employer-sponsored plans.

Slowing the Rate of Spending Growth

The following provisions, proposed in some form in the President's health reform plan, would reduce the rate of growth of Medicare spending: Extend expiring provisions relating to secondary payer situations and maintenance of the 25 percent Part B premium; lower the inflation increase for inpatient hospital service; expand use of centers of excellence and allow selective contracting for certain items and services, including lab services, and require 20 percent coinsurance for lab services; reduce skilled nursing and home health cost limits, and require a 10 percent home health copayment; use cumulative expenditure targets for physician fee increases; reduce physician fees for high cost medical staffs; eliminate payments to hospitals for bad debts; reduce hospital indirect medical education payments; and reduce outpatient payments by instituting a perspective payment system.

Income-Tested Medicare Premiums

Medicare beneficiaries with incomes exceeding $100,000 ($125,000 for couples) will be required to pay Medicare premiums equal to half the cost of Medicare insurance.

These higher premiums will be phased-in beginning at $75,000 ($100,000 for couples).

12. HEALTH DISCOUNTS AND MEDICAID REFORM

Medicaid

The acute care portion of Medicaid, including disproportionate share payments, would be replaced by a Federal-State low income premium assistance program—called health discounts—which will be administered by the States.

Low income Medicare beneficiaries will remain entitled to Medicaid payments for premiums and cost-sharing including Medicare health plan premiums and cost-sharing.

Federal-State Financing of Health Discounts

Health discounts will be financed with a combination of Federal and State funds.

Federal and States spending on Medicaid acute care, including disproportionate share spending, will be converted to health discount spending.

Above those amounts, Federal spending (subject to an annual limit; see # 14) will pay for 90 percent of the cost of health discounts, and States will be responsible for the other 10 percent.

Health Discount Programs

States will be responsible for administering the health discount programs.

Health discounts may only be used to pay AHP premiums.

Health discount beneficiaries must pay the difference between their discount and the premium charged by the APH they select (less any employer contribution).

Persons not otherwise eligible for an employer-sponsored plan will be maintained as a separate risk pool, and AHPs will set a separate adjusted community premium for this pool.

Health discounts will be calculated based on premiums submitted by AHPs in each market area.

Benchmark premiums will be determined based on a percentage difference between the lowest and the average AHP premium in each market area.

AHP premiums charged under the small business insurance reforms will determine the benchmark AHP and health discounts for employed persons.

Phasing-In Entitlement to Health Discounts

Entitlement to health discounts will be limited by available Federal spending, necessitating a phase-in.

In general, the Secretary will phase-in health discounts as follows:

Medicaid-Eligibles: For five years, all persons who would otherwise have qualified for acute care coverage under Medicaid would get health discounts sufficient to purchase the nominal cost-sharing benefits package offered by a benchmark AHP.

Medicaid-eligible persons shall be entitled to these discounts regardless of available Federal spending.

Poor: Persons below the poverty line but not otherwise eligible for Medicaid would get health discounts sufficient to purchase the nominal cost-sharing benefits package offered by a benchmark AHP.

If there is insufficient funds to provide full health discounts to all poor persons, the Secretary shall limit the number of poor persons entitled to the health discounts by lowering the income eligibility threshold below the poverty line.

Low Income: Persons with incomes between 100 and 200 percent of the poverty line would get reduced health discounts, based on a sliding income scale and the cost of the standard benefits package offered by a benchmark AHP.

If there is insufficient funds, the Secretary shall first ensure that the maximum number of low income persons get health discounts based on the less expensive alternative benefits package providing an annual out-of-pocket maximum on patient cost-sharing.

The Secretary shall then increase the actuarial value of the alternative benefits packages, subject to available funds, until all low income persons are entitled to health discounts based on the standard benefits package.

13. TOBACCO TAX

The President's proposed increase in the excise tax on cigarettes would be cut from $.75 per pack to $.36 per pack, bringing the total tax to $.60 per pack.

Additional revenue:

	Billions
1996	$7.4
1997	6.4
1998	6.3
1999	6.1
2000	6.0
Total	32.2

14. DEFICIT REDUCTION AND FISCAL RESPONSIBILITY

Staff estimates indicate that between 1995 and 2000, the provisions of this Act would: Cut spending and increase revenue by $145 billion: finance at least $50 billion in health discounts above and beyond the amount of Federal Medicaid spending converted to health discounts; and cut the deficit by $95 billion.

Federal spending on health discounts will be limited to a specified amount each year less spending on Medicare and the remaining portion of Medicaid (long-term care).

The Secretary will adjust the phase-in of health discounts to ensure spending stays within the available amounts.

If spending on Medicare and Medicaid slow more than projected, the amounts devoted to health discount financing will exceed $50 billion between 1996 and 2000.

15. ACCESS IN RURAL AREAS

Community Health Centers

Federal grants for Community Health Centers would increase as shown below.

	Appropriation (millions)	Increase (percent)
1994 (actual)	$663	
1995	800	+20
1996	960	+17
1997	1,100	+14
1998	1,200	+9

These grants would fund expanded capacity at current sites as well as new clinics, particularly in underserved rural communities.

National Health Service Corps

Federal funding of corps scholarship and loan programs would be increased sufficiently to approximately double the number of health providers serving in underserved areas.

Tax Incentives: Providers locating in underserved rural communities will be eligible for a refundable tax credit for each month they provide primary care services in the community. Physicians staying at least 5 years will get $1000 per month, and nurse practitioners and physicians assistants will get $500 per month.

Primary Care Education: Medicare payments to hospitals for graduate medical education would be reformed in a budget neutral fashion:

Payments would be based on a national average per resident amount.

Payments for primary care residents would be 20 percent higher than payments for non-primary care residents.

16. MEDICAL LIABILITY REFORM

State Implementation: The Secretary of Health and Human Services will certify that States have implemented medical liability reforms that comply with the following requirements.

Binding Alternative Dispute Resolution

All disputes over claims for damages must be resolved by State-based dispute resolution systems.

The States will have considerable flexibility in establishing such systems, but the decisions must be binding and cannot be based on decisions by lay juries (or similarly constructed bodies).

The Secretary will outline an arbitration system that States could adopt to meet Federal standards.

Constraints on Awards

All economic damages would be fully recoverable.

Non-economic damages would be capped at $250,000.

Awards would be reduced for collateral source payments for the same injury.

And periodic payments would be allowed for awards exceeding $100,000.

Punitive Damages: Punitive damages may be imposed, but they will be paid to the States to finance enhanced efforts to prevent injuries by monitoring health providers.

Accountable Health Plans: All Accountable Health Plan (AHP) must clearly identify the party that is accountable for negligent care (the AHP or individual health providers).

Medical Practice Guidelines

The Secretary of HHS will certify scientifically-based medical practice guidelines that may be included in AHP contracts.

If included in an AHP contract, the guidelines would serve to establish the standard by which liability is determined for care provided by the AHP.

Judicial Review: Decisions of the State-based ADR systems may be appealed in court on the same basis as provided in the Federal Arbitration Act to ensure impartial and fair decisions.

17. ANTI-TRUST REFORM

The President would be required to provide clear guidance on the application of antitrust laws to the development and operation of AHPs.

The Attorney General will establish a review process for determining whether AHPs or potential AHPs will violate antitrust laws.

The Attorney General will establish a process for issuing "certificates of public advantage" that will allow health care collaborative efforts to occur without regard to antitrust laws if the benefits of such an effort clearly outweigh any possible reduction in competition.

In general, these certificates will allow more consolidation of health care resources in rural areas to prevent competition among capital-intensive health care services from increasing, rather than decreasing costs.

18. CUTTING PAPERWORK AND ADMINISTRATIVE COSTS

The Secretary of Health and Human Services will establish standardized requirements for maintaining and transmitting health care information electronically.

AHPs will be required to comply with these standards.

By Mrs. BOXER:

S. 2097. A bill to amend the Export Enhancement Act of 1988 to promote further United States exports of environmental technologies, goods, and services; to the Committee on Banking, Housing, and Urban Affairs.

ENVIRONMENTAL EXPORT PROMOTION ACT OF 1994

• Mrs. BOXER. Mr. President, I am proud to be introducing today a bill that will help increase exports of a growing, job-creating California industry: environmental technology or envirotech.

Over 4,000 California companies produce envirotech—more than any other two States combined. These companies employ roughly 180,000 Californians.

The international market for envirotech is large and growing rapidly. The market is currently about $270 billion annually, and is projected to grow to $400–600 billion by the year 2000. The United States is still the leading envirotech producer, but our major competitors—Japan, Germany, France, and the Nordic countries—are gaining fast. We must be sure that our envirotech producers do not lose their competitive edge in this growing market sector. This bill will direct a portion of our limited trade promotion resources toward envirotech, helping our companies maintain their edge.

This bill will help U.S. envirotech producers locate foreign market opportunities. Foreign envirotech producers benefit from strong, government-sponsored trade promotion efforts. In Japan, the Ministry of International Trade and Industry [MITI] is promoting their envirotech companies through R&D support, export promotion, and foreign aid programs. The European Community [EC] supports envirotech exports through the Network for Environmental Technology Transfer [NETT] which provides information about foreign market opportunities, foreign environmental standards and regulations, and R&D programs.

In the past, many U.S. industries have lost markets around the world because their competitors have benefitted from high-levels of export assistance and foreign government officials who are willing to go out and sell their nation's products. We need to be sure that our envirotech companies can compete against foreign producers that benefit from this kind of government support.

California's economy is beginning to rebound after 4 years of recession. Increasing exports of California's competitive industries—such as environmental technology—will help drive this economic recovery. Increasing the exports of California's world-class envirotech producers will mean more jobs for Californians, and a cleaner global environment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Export Promotion Act of 1994".

SEC. 2. PROMOTION OF UNITED STATES ENVIRONMENTAL EXPORTS.

(a) ENVIRONMENTAL TECHNOLOGIES TRADE ADVISORY COMMITTEE.—Section 2313 of the Export Enhancement Act of 1988 (15 U.S.C. 4728) is amended—

(1) by striking subsection (d);

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following new subsections:

"(c) ENVIRONMENTAL TECHNOLOGIES TRADE ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT AND PURPOSE.—The Secretary, in carrying out the duties of the chairperson of the TPCC, shall establish the Environmental Technologies Trade Advisory Committee (hereafter in this section referred to as the 'Committee'). The purpose of the Committee shall be to provide advice and guidance to the Working Group in the development and administration of programs to expand United States exports of environmental technologies, goods, and services.

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The members of the Committee shall be drawn from representatives of—

"(i) environmental businesses, including small businesses;

"(ii) trade associations in the environmental sector;

"(iii) private sector organizations involved in the promotion of environmental exports;

"(iv) the States (as defined in section 2301(j)(5)) and associations representing the States; and

"(v) other appropriate interested members of the public.

"(B) COMMITTEE COMPOSITION.—The Secretary shall appoint as members of the Committee no fewer than 1 individual under each of clauses (i) through (v) of subparagraph (A).

"(d) EXPORT PLANS FOR PRIORITY COUNTRIES.—

"(1) PRIORITY COUNTRY IDENTIFICATION.—The Working Group, in consultation with the Committee, shall annually assess which foreign countries have markets with the greatest potential for the export of United States environmental technologies, goods, and services. Of these countries, the Working Group shall select the 5 countries with the greatest potential for the application of United States Government export promotion resources related to environmental exports as 'priority countries'.

"(2) EXPORT PLANS.—The Working Group, in consultation with the Committee, shall annually create a plan for each priority country selected under paragraph (1), setting forth in detail ways to increase United States environmental exports to such country. Each plan shall—

"(A) identify the primary public and private sector opportunities for United States exporters of environmental technologies, goods, and services in the priority country;

"(B) analyze the financing and other requirements for major projects in the priority country which will use environmental technologies, goods, and services, and analyze whether such projects are dependent upon financial assistance from foreign countries or multilateral institutions; and

"(C) list specific actions to be taken by the member agencies of the Working Group to increase United States exports to the priority country.".

(b) ADDITIONAL MECHANISMS TO PROMOTE ENVIRONMENTAL EXPORTS.—Section 2313 of the Export Enhancement Act of 1988 (15 U.S.C. 4728) is amended by adding at the end the following:

"(f) ENVIRONMENTAL TECHNOLOGIES SPECIALISTS IN THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—

"(1) ASSIGNMENT OF ENVIRONMENTAL TECHNOLOGIES SPECIALISTS.—The Secretary shall assign a specialist in environmental technologies to the office of the United States and Foreign Commercial Service in each of the 5 priority countries selected under subsection (d)(1), and the Secretary is authorized to assign such a specialist to the office of the United States and Foreign Commercial Service in any country that is a promising market for United States exports of environmental technologies, goods, and services. Such specialist may be an employee of the Department of Commerce, an employee of any relevant Government department or agency assigned on a temporary or limited term basis to the Department of Commerce, or a representative of the private sector assigned to the Department of Commerce.

"(2) DUTIES OF ENVIRONMENTAL TECHNOLOGIES SPECIALISTS.—Each specialist assigned under paragraph (1) shall provide export promotion assistance to United States environmental businesses, including—

"(A) identifying factors in the country to which the specialist is assigned that affect the United States share of the domestic market for environmental technologies, goods, and services, including market barriers, standards-setting activities, and financing issues;

"(B) providing assessments of assistance by foreign governments to producers of environmental technologies, goods, and services in such countries in order to enhance exports to the country to which the specialist is assigned, the effectiveness of such assistance on the competitiveness of United States products, and whether comparable United States assistance exists;

"(C) training Foreign Commercial Service Officers in the country to which the specialist is assigned, other countries in the region, and United States and Foreign Commercial Service offices in the United States, in environmental technologies and the international environmental market;

"(D) providing assistance in identifying potential customers and market opportunities in the country to which the specialist is assigned;

"(E) providing assistance in obtaining necessary business services in the country to which the specialist is assigned;

"(F) providing information on environmental standards and regulations in the country to which the specialist is assigned; and

"(G) providing information on all United States programs that could assist the promotion, financing, and sale of United States environmental technologies, goods, and services in the country to which the specialist is assigned.

"(g) ENVIRONMENTAL TRAINING IN ONE-STOP SHOPS.—In addition to the training provided under subsection (f)(2)(C), the Secretary shall establish a mechanism to train—

"(1) Commercial Service Officers assigned to the one-stop shops provided for in section 2301(b)(8); and

"(2) Commercial Service Officers assigned to district offices in districts having large numbers of environmental businesses;

in environmental technologies and in the international environmental marketplace, and ensure that such officers receive appropriate training under such mechanism. Such training may be provided by officers or employees of the Department of Commerce, and other United States departments and agencies, with appropriate expertise in environmental technologies and the international environmental workplace, and by appropriate representatives of the private sector.

"(h) INTERNATIONAL REGIONAL ENVIRONMENTAL INITIATIVES.—

"(1) ESTABLISHMENT OF INITIATIVES.—The TPCC shall establish not less than one international regional environmental initiative, the purpose of which shall be to coordinate the activities of Federal departments and agencies in order to build environmental partnerships between the United States and the geographic region outside of the United States for which such initiative is established. Such partnerships shall enhance environmental protection and promote sustainable development by using technical expertise and financial resources of the United States departments and agencies that provide foreign assistance, and by expanding United States exports of environmental technologies, goods, and services to that region.

"(2) ACTIVITIES.—In carrying out each international regional environmental initiative, the TPCC shall—

"(A) support the development of sound environmental policies and practices in countries in the geographic region for which the initiative is established, including the development of environmentally sound regulatory regimes and enforcement mechanisms, through the provision of foreign assistance;

"(B) identify and disseminate to United States environmental businesses information regarding specific environmental business opportunities in that geographic region;

"(C) coordinate existing Federal efforts to promote environmental exports to that geographic region, and ensure that such efforts are fully coordinated with environmental export promotion efforts undertaken by the States and the private sector;

"(D) increase assistance provided by the United States to promote exports from the United States of environmental technologies, goods, and services to that geographic region, such as trade missions, reverse trade missions, trade fairs, and programs in the United States to train foreign nationals in United States environmental technologies; and

"(E) increase high-level advocacy by Government officials (including the United States ambassadors to the countries in the geographic region outside of the United States) for United States environmental businesses seeking market opportunities in that geographic region.

"(i) ENVIRONMENTAL TECHNOLOGIES PROJECT ADVOCACY CALENDAR AND INFORMATION DISSEMINATION PROGRAM.—The Working Group shall—

"(1) maintain a calendar, updated at the end of each calendar quarter, of significant opportunities for United States environmental businesses in foreign markets and trade promotion events, which shall—

"(A) be made available to the public;

"(B) identify not less than 50 nor more than 100 environmental infrastructure and procurement projects in foreign markets that have the greatest potential in the calendar quarter for United States exports of environmental technologies, goods, and services; and

"(C) include trade promotion events, such as trade missions and trade fairs, in the environmental sector; and

"(2) provide, through the National Trade Data Bank and other information dissemination channels, information on opportunities for environmental businesses in foreign markets and information on Federal export promotion programs.

"(j) REGIONAL CENTERS.—The Secretary, through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, is authorized to provide matching funds for the establishment in the United States of regional environmental business and technology cooperation centers that will draw upon the expertise of the private sector and institutions of higher education and existing Federal programs to provide export promotion assistance related to environmental technologies, goods, and services.

"(k) DEFINITION.—For purposes of this section, the term 'environmental business' means a business that produces environmental technologies, goods, or services.".●

By Mr. GRAMM (for himself, Mr. MCCAIN, Mr. LOTT, Mr. SHELBY, and Mrs. HUTCHISON):

S. 2098. A bill to amend section 217 of the Internal Revenue Code of 1986 to provide that military moving expense reimbursements are excluded from income without regard to the deductibility of the expenses reimbursement; to the Committee on Finance.

THE MILITARY MOVING EXPENSE TAX TREATMENT ACT OF 1994

Mr. GRAMM. Mr. President, the 1993 budget reconciliation bill removed the deductibility of certain moving expenses as of January 1, 1994. This action affected four moving allowances which, when reimbursed to members of the military, are now subject to income tax. These allowances are the temporary lodging allowance, temporary lodging expense, dislocation allowance, and the move-in housing allowance.

The Defense Department dictates over 800,000 transfers each year, approximately 100,000 of which are overseas. Ninety percent of these moves involve enlisted personnel, who are frequently forced to live in temporary—often expensive—accommodations.

These allowances have always been tax free and are designed to reimburse troops for their out-of-pocket moving expenses. Because they do not profit from these allowances, making them taxable requires our Armed Forces to take 15 or 28 percent of their moving allowance to pay taxes rather than pay for their moving expenses. In addition, since these allowances are subject to withholding, troops and their families will be forced to dip into their savings to make a move when their expenses are already much higher than usual, placing another heavy burden on cash-strapped military families.

For example, before 1994, a petty officer third class with 4 year's service and a spouse and child, who was transferred to Naples, would receive a total reimbursement of $11,719. After the 1993 tax change, he would receive only $9,961 and have to pay taxes of $1,758.

A lieutenant commander with 16 years service who has a spouse and two children, transferred to Naples before 1994, would receive a total reimbursement of $13,434. Now, he would receive only $9,672, and a tax increase of $3,762.

The total estimated tax revenue the Government receives from military members as a result of the reconciliation change is $77 million. If the Defense Department were to increase the moving allowance payments to service members to counter tax increases, it would cost the Government $95 million.

Mr. President, we ask our soldiers, sailors, airmen, and marines to move repeatedly and to serve in high-cost areas, often overseas. They do not have a choice where they go, when they go there, or, often, where they live when they arrive. There's something very wrong when our Government orders troops to move and then makes them pay to do it. Last year's tax change hits them very hard and will certainly affect their morale. I urge my colleagues to endorse this important piece of legislation and remedy this situation.

• Mr. McCAIN. Mr. President, I am introducing legislation with Senator PHIL GRAMM today that will correct an injustice to those men and women who serve in our Armed Forces. I am very concerned about the impact of the Revenue Reconciliation Act of 1993, passed by the Congress last year, on active duty service members for the out-of-pocket expenses they incur when moving from one duty station to another on Government orders. This bill treated moving expense reimbursements as income subjecting it to Federal and possibly even State taxes.

The unintended effect of the Revenue Reconciliation Act of 1993 is that it will severely penalize our Nation's sailors, soldiers, airmen, and marines.

The overwhelming majority of private sector employees and Federal civil servants who make business-related moves are white collar professionals. Mr. President, these individuals were undoubtedly the target of the restrictions included in the Reconciliation Act on the types of moving expenses that may be deducted. Unfortunately, in the case of military personnel, the overwhelming majority of those who will be affected are the blue collar workers—the enlisted personnel who are the backbone of the military.

As a result of the Revenue Reconciliation Act, the travel allowances paid to a service member to offset the costs associated with a Government-ordered move will likely be deemed to be taxable, nearly doubling the service member's taxable income. In addition, the many junior enlisted personnel who normally file a 1040 EZ IRS form will probably now need to hire a tax accountant just to complete their tax returns for 1994.

Mr. President, the tax law change, passed by the Congress last year, has created great distress and considerable uncertainty for many military families. It is imperative that now the Congress rights this wrong, and finds a legislative or an administrative solution to the problem as expeditiously as possible in order to protect the morale and welfare of our Nation's young men and women in uniform.

Mr. President, let's listen to one who understands the needs of our enlisted service members, one who is cut from the same cloth; Adm. Jeremy "Mike" Boorda, the new Chief of Naval Operations. Admiral Boorda, rose from a 16-year-old seaman recruit to command surface ships, spent time in Washington as Chief of Naval Personnel, became NATO's commander for operations in Bosnia and Herzegovina, and made it to the top, as the Navy's top uniformed officer.

Mr. President, Senator PHIL GRAMM and I had a chance to discuss the severe impact of the Revenue Reconciliation Act on military service members and their families who are required to move in order to do our country's business with Admiral Boorda. Here is what Admiral Boorda had to say;

> The bottom line for me is that these allowances are the governments's cost of doing business. If we didn't send people overseas to do the Nation's business they wouldn't need the money. They don't make money when they get these allowances. They use them to pay bills they wouldn't have to pay if we did not put them in the position of needing the money. Making them taxable simply does not make sense!

Mr. President, it is time that Congress bears the accountability for the hardship that we have imposed, needlessly, on those Americans who serve in our military and their families. Mr. President, it is for this reason that Senator PHIL GRAMM and I introduce this important and timely legislation today.•

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mr. DURENBERGER, Mr. EXON, Mr. GRASSLEY, Mr. HARKIN, Mr. KERREY, Mr. PRESSLER, and Mr. WELLSTONE):

S. 2099. A bill to establish the Northern Great Plains Rural Development Commission, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NORTHERN GREAT PLAINS RURAL DEVELOPMENT ACT

• Mr. DASCHLE. Mr. President, today I am introducing the Northern Great Plains Rural Development Act. This legislation will create a commission to study and make recommendations regarding the economic needs and development of the rural Northern Great Plains States of South Dakota, North Dakota, Nebraska, Iowa, and Minnesota. In addition, it will seek and encourage the participation of all interested citizens in the formulation of a 10-year rural economic development plan for the area.

The Northern Great Plains Rural Development Act creates a Commission with 10 members, 5 to be selected by the States with each Governor appointing 1 member, and 5 to be chosen by the Federal Government with the Secretary of Agriculture appointing 1 member from each of the 5 States. The Commission will hold hearings, conduct studies and determine the appropriate strategies for promoting development in the rural areas of the Northern Great Plains. The Commission must also determine the best structure(s) for the region to implement its findings, both with and without substantial Federal involvement. The Commission would be sunsetted after 2 years.

The Commission will involve in its deliberations not only all levels of government, but also nonprofit, business, financial, manufacturing, agricultural, and educational organizations and foundations as well as the general public. It is anticipated that these groups will contribute financial and in-kind resources to this initiative that will complement any appropriation necessary to fund the 2-year Commission.

This legislation addresses an issue of the utmost importance to the future of our region, and it is intended to provide results, not just produce another study to be placed on a shelf to collect dust.

Joining me as original cosponsors of the Northern Great Plains Rural Development Act are Senators PRESSLER, CONRAD, DORGAN, EXON, KERREY, HARKIN, GRASSLEY, WELLSTONE, and DURENBERGER. Each of us continues to confront problems separately in our own States that don't stop at our borders but are common to the Northern Plains. Only through a cooperative regional approach will we be able to most effectively meet the challenges of the 21st century.

The Northern Plains is primarily rural with a widely dispersed population. This demographic profile creates substantial obstacles to business and economic development.

This problem is aggravated by the outmigration of one of our most valuable resources, our young people. Increasingly our youth choose professions that take them outside of the area in search of employment. Many of those who remain are consigned to low-wage jobs, often working more than one job to support their families.

This is a particularly difficult period for the American family farmer. For over 100 years, the prairie offered people willing to work hard enough the opportunity to secure their own future from the land. The American farmer responded to this challenge and fed first the country and later the world. Today's young family farmers, however, face a set of natural and man made challenges that threaten this way of life. As the economics of farming changes, far too many face career options that force them to leave their home States.

The economy of the Northern Plains has been, and for the most part continues to be, dependent upon natural resources, particularly farming and ranching, but also mining and timber. The prosperity of these industries helped develop our region. Currently, however, they are under great stress as they struggle to meet the environmental and economic challenges of the 1990's and beyond.

I am confident that each of these traditional rural industries can and will adapt to changing times, but we must also recognize the benefits of diversification. Transitions in regional economies don't happen overnight. Careful analysis and planning are necessary prerequisites to the implementation of a strategy that will sustain the viability of our rural communities by strengthening our traditional industries and promoting diversification into growing new sectors.

The Northern Great Plains is not without competitive advantages and assets. In the past, it has been penalized by its geography. The disadvantages created by its relative isolation from market centers have been difficult to address. However, the Clinton administration's National Information Infrastructure [NII], more commonly known as the information superhighway, holds more promise for rural States like South Dakota than anywhere else. It offers the potential to put our communities on a more level playing field with the traditional, urban centers of commerce, education and medicine.

The NII is the Missouri River of the 21st century for the Northern Great Plains. It will link our States to the international marketplace.

Our labor force in the Northern Great Plains possesses a work ethic not found in many parts of this country. This dedication is joined with the talent and proven skills necessary to succeed in competitive and growing fields. When that proven work ethic is combined with advanced telecommunications technology, the result will be solid development possibilities for our part of the country.

Mr. President, my colleagues and I offer a three point plan to address the economic problems of the Northern Great Plains. First, a regional Commission should be established to collect and analyze all relevant data. Second, that Commission will prepare a realistic rural development blueprint for action. And third, the States, working with community leaders throughout the region, will implement the projects and proposals identified by the Commission to improve our rural economies. The legislation we are introducing today, the Northern Great Plains Rural Development Act, will ignite this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Great Plains Rural Development Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the rural economy of the Northern Great Plains is undergoing a substantial and potentially threatening transformation;

(2) the rural Northern Great Plains suffers from substantial measurable poverty, unemployment, outmigration, underemployment, aging of the population, and low per capita income;

(3) the Northern Great Plains is highly rural and has a highly dispersed population, and contains many Native American reservations;

(4) many of the basic industries of the rural Northern Great Plains in natural resources are under stress;

(5) a concerted Federal, State, and local public and private effort is needed if the rural Northern Great Plains is to share in the general prosperity of the United States;

(6) the creation of jobs and expansion of existing businesses, including small businesses, offer the greatest hope for rural economic growth and revitalization in the Northern Great Plains;

(7) the availability of capital, technology, market information, infrastructure development, educational opportunities, health care, housing, recreational activities, and resource development are essential to successful business development in the rural Northern Great Plains;

(8) the transportation needs of the rural Northern Great Plains must be addressed through highway and bridge construction, air service availability, and rail service and river transport development;

(9) because of the social, geographic, weather, historical, and cultural ties of the rural Northern Great Plains as well as common economic problems, planning for this unique region is desirable and urgently needed; and

(10) in the rural Northern Great Plains, the tourism industry offers significant additional potential for supporting economic development and job growth, fostered by the wise stewardship of natural resources.

SEC. 3. PURPOSE.

The purpose of this Act is to establish the Northern Great Plains Development Commission to study and make recommendations regarding the economic needs and economic development of the rural Northern Great Plains by seeking and encouraging the participation of interested citizens, public officials, groups, agencies, businesses, and other entities in developing a 10-year rural economic development plan for the Northern Great Plains.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) CHAIRPERSON.—The term "chairperson" means the chairperson of the Commission.

(2) COMMISSION.—The term "Commission" means the Northern Great Plains Rural Development Commission.

(3) NORTHERN GREAT PLAINS.—The term "Northern Great Plains" means the States of North Dakota, South Dakota, Nebraska, Iowa, and Minnesota.

(4) STATE.—The term "State" means a State in the Northern Great Plains.

SEC. 5. ESTABLISHMENT.

There is established a Commission to be known as the "Northern Great Plains Rural Development Commission".

SEC. 6. MEMBERSHIP AND ORGANIZATION.

(a) MEMBERSHIP.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the Governor of each State; and

(2) 1 member shall be appointed by the Secretary of Agriculture from each of the States.

(b) TERM.—Each member of the Commission shall serve for such term as the official who appoints the member determines is appropriate.

(c) QUORUM.—Five members of the Commission shall constitute a quorum, but the Commission may establish that a lesser number shall constitute a quorum for the purpose of conducting hearings.

(d) MEETINGS.—

(1) FIRST MEETINGS.—Five or more members appointed under subsection (a)(1) shall determine the date, time, and place of the first meeting, and shall call the first meeting. At the first meeting, the members of the Commission shall appoint a chairperson from among the members appointed under subsection (a)(1). The first meeting of the Commission shall be held not later than 45 days after the date of enactment of this Act.

(2) ADDITIONAL MEETINGS.—The Commission shall conduct such additional meetings as the Commission determines are appropriate.

(e) APPOINTMENTS.—Each appointment under this Act shall be made not later than 30 days after the date of enactment of this Act.

(f) VACANCIES.—A vacancy on the Commission shall not affect the powers of the Commission and shall be filled in the same manner in which the original appointment was made.

(g) HEADQUARTERS.—The Commission shall establish the location for the headquarters of the Commission.

SEC. 7. DUTIES.

(a) PLAN.—The Commission shall identify and study the economic development, infrastructure, technology, telecommunications, capital, employment, transportation, business resource development, education, health care, housing, and recreation needs of the Northern Great Plains and develop a 10-year plan that makes recommendations and establishes priorities to address the needs.

(b) PREPARATION OF PLAN.—In developing the plan, the Commission shall, with respect to the Northern Great Plains—

(1) sponsor and conduct investigations, research studies, and field hearings;

(2) review and evaluate available research, studies, and information on conditions in the areas referred to in subsection (a);

(3) study the economy, identifying strengths, weaknesses, participation levels, opportunities, and methods of addressing outmigration;

(4) develop a profile of, and a description of resources devoted to, economic development (including tourism), human resources (including demographics, outmigration, poverty, Native Americans, education, and training), infrastructure (including air, water, highway, rail, and telecommunications), and natural resources;

(5) study and evaluate the economic development resources, coordination, collaboration, and "best practices" of the Federal, State, and local governments, nonprofit organizations, universities, businesses, agricultural and natural resources groups, foundations, cooperatives, and other organizations;

(6) identify methods of facilitating the employment and business startups of unemployed, underemployed, and low-income individuals and households;

(7) identify effective methods for promoting development on Native American reservations;

(8) study the availability of methods of delivering public, private, and nonprofit capital and technical assistance for business startups and expansions, including farming and ranching;

(9) evaluate the availability of, need for, and strategies for providing and maintaining, the infrastructure, including air, water, highway, rail, and telecommunications;

(10) study the structure and potential development of major industries, including agriculture, timber, mining, tourism, and manufacturing (including the use of advanced

technologies and processes and adding value to raw materials and component parts);

(11) study the competence and availability of the labor force, including the health, educational, training, housing, and economic needs of the labor force;

(12) develop an inventory of water, mineral, energy, timber, agricultural, fishery, wildlife, and other natural resources;

(13) assess the comparative cost of doing business;

(14) assess the international trading levels, markets, and practices, and potential opportunities;

(15) assess the interconnection between metropolitan and rural areas and identify methods through which the areas can collaborate;

(16) assess methods by which small communities and regions are collaborating or can collaborate in economic development initiatives;

(17) evaluate—

(A) the distribution and impact of Federal spending, including grant-in-aid programs, research, and Federal procurement, and compare the level of spending in these categories with spending in other regions of the country; and

(B) the extent to which reliance on Federal, State, and local government outlays for poverty programs can be reduced by outlays targeted for economic development;

(18) identify Federal, State, and local government programs, policies, and regulations that enhance or obstruct the development of businesses and well-paying jobs with long-term potential and that effectively use the skills, education, and training of the labor force;

(19) evaluate the potential for States to jointly finance projects and activities of regional benefit; and

(20) analyze such other issues as the Commission determines are relevant to future economic development.

(c) Development of Plan.—In developing the plan, the Commission shall—

(1) provide a forum for the consideration of the problems of the rural Northern Great Plains and proposed solutions, and establish and utilize citizens groups, special advisory councils, public hearings, and conferences;

(2) seek and encourage the participation of interested citizens, public officials, groups, agencies, economic development organizations, natural resource organizations, and other organizations;

(3) make the Commission accessible to the individuals, groups, agencies, and organizations referred to in paragraph (2) by holding at least 1 well publicized public hearing in each State; and

(4) consult with—

(A) Federal, State, and local government agencies, including the Departments of Agriculture, Commerce, Education, Labor, Health and Human Services, Housing and Urban Development, and Transportation, and the Small Business Administration, bank regulatory agencies, and rural development councils;

(B) banks, insurance companies, venture capital companies, and other for-profit financial institutions;

(C) nonprofit and community-based development organizations, revolving loan funds, and other organizations;

(D) industry and sectoral organizations;

(E) foundations and universities; and

(F) other organizations involved in economic development activities.

SEC. 8. COMPENSATION OF MEMBERS.

(a) Members Appointed by Governors.—Each member of the Commission appointed by a Governor of a State may be compensated by the State that the member represents.

(b) Members Appointed by the Secretary.—Each member appointed by the Secretary of Agriculture, who is not otherwise employed by the United States Government, shall receive compensation at a rate determined by the Secretary of not to exceed the daily equivalent of the lowest annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, for each day the member is engaged in the actual performance of the duties of the Commission. A member of the Commission appointed by the Secretary who is an officer or employee of the United States Government shall serve without additional compensation.

(c) Travel and Other Expenses.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Commission. Each member of the Commission shall also be reimbursed by the United States Government for other necessary expenses incurred by the member in the performance of the duties of the member.

SEC. 9. POWERS AND ADMINISTRATIVE PROVISIONS.

(a) Experts and Consultants.—The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(b) Financial and Administrative Services.—The Commission may enter into agreements with the Administrator of General Services for the procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as are agreed on by the chairperson and the Administrator of General Services.

(c) Contracts.—Subject to subsection (d), the Commission may enter into contracts with Federal and State agencies and private firms, institutions, and agencies for the conduct of research and surveys, the preparation of reports, and other activities necessary to carry out the duties of the Commission.

(d) Supplies, Services, Property, and Contracts.—The Commission may procure supplies, services, and property, and make contracts in any fiscal year, only to such extent and in such amounts as are provided in appropriation Acts.

(e) Hearings.—The Commission or, on the authorization of the Commission, a member of the Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, memoranda, papers, and documents as the Commission or the member considers appropriate.

(f) Information.—The Commission may acquire directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act. Each department, bureau, agency, board, commission, office, establishment, or instrumentality shall provide, to the extent permitted by law, the information, suggestions, estimates, and statistics directly to the Commission, upon request by the chairperson.

(g) Personnel.—

(1) In general.—Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, the chairperson of the Commission may appoint, terminate, and fix the compensation of an Executive Director and such additional personnel as the chairperson determines are necessary to enable the Commission to carry out the duties of the Commission.

(2) Compensation.—The rate of compensation of the Executive Director may not exceed a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title. The rate of compensation of all other personnel may not exceed a rate equal to the daily equivalent of the lowest annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of such title.

(h) Assistance From Other Agencies.—Upon request of the Commission, the head of any Federal agency may make any of the facilities and services of the agency available to the Commission or detail any of the personnel of the agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out the duties of the Commission under this Act. If the head of an agency determines that the agency cannot make the facilities, services, or personnel available to the Commission, the head shall notify the chairperson in writing.

(i) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 10. REPORTS.

(a) Interim Report.—Before the end of the 270-day period beginning on the date of the first meeting of the Commission under section 6(d)(1), the Commission shall submit a report to the Secretary of Agriculture, the President pro tempore of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Speaker of the House of Representatives, the Committee on Agriculture of the House of Representatives, the President, and the Governor of each State, describing the findings and activities of the Commission and the further activities necessary to carry out the duties of the Commission.

(b) Final Report.—

(1) In general.—Before the end of the 18-month period beginning on the date of the first meeting of the Commission under section 6(d)(1), the Commission shall submit to the Secretary of Agriculture, the President pro tempore of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Speaker of the House of Representatives, the Committee on Agriculture of the House of Representatives, the President, and the Governor of each State, a report describing the findings and activities of the Commission and recommendations in accordance with paragraph (2) regarding specific actions that are necessary to promote the economic development of the rural Northern Great Plains while preserving, to the maximum extent possible, the natural beauty and habitat of the Northern Great Plains.

(2) Recommendations.—

(A) Regional collaboration.—The Commission shall, with respect to the Northern Great Plains—

(i) determine the most effective and appropriate method for ensuring continued collaboration within the region on economic development matters, considering regional compacts, cooperatives, foundations, development corporations, and other agreements and organizations;

(ii) identify the organizational structure, method of financing, functions, and participating organizations, of the collaboration referred to in clause (i);

(iii) identify methods of effective multicommunity, substate, and small region development; and

(iv) assess the interconnection between metropolitan and rural areas and identify methods of collaboration between the areas.

(B) BUSINESS DEVELOPMENT.—The Commission shall, with respect to the rural Northern Great Plains—

(i) recommend methods of diversifying the rural economy, including the development and financing of value-added and new-use agricultural products;

(ii) develop methods to promote and finance beginning owner-occupied farming and ranching operations;

(iii) recommend methods of promoting entrepreneurial development, including business startups and expansions;

(iv) recommend methods in which the public, private, and nonprofit sectors can help increase international trading levels and penetrate new markets in agricultural, manufactured, and service products;

(v) evaluate the potential utility of business and manufacturing networks in target sectors;

(vi) assess the competitiveness of manufacturers and the use of modern technology, processes, and information by the manufacturers, and methods of assisting manufacturers lacking the technology, processes, or information;

(vii) recommend methods in which capital and technical assistance can be provided on a regional or sectoral basis to business startups and expansions by public, private, and nonprofit organizations; and

(viii) recommend ways in which Federal and State resource conservation programs can be used to encourage tourism in the region.

(C) CAPITAL.—The Commission shall, with respect to the rural Northern Great Plains—

(i) determine if there are capital needs in the economy, and in what part of the economy the needs are located, and recommend how governmental, nonprofit, cooperative, community-based, microlending, banking, venture, seed, and nonbanking financing sources can assist in meeting the needs;

(ii) identify such strategies in organization, regulations, policy, marketing, and coordination as are needed to implement a plan to meet the needs referred to in clause (i); and

(iii) recommend methods of utilizing secondary financial markets to increase the capital available for business development.

(D) INFRASTRUCTURE.—The Commission shall, with respect to the rural Northern Great Plains—

(i) prepare a plan to preserve, finance, and operate effective freight railroad service in coordination with States, the Federal Railroad Administration, the Interstate Commerce Commission, rail operators, shippers, and the financial community;

(ii) prepare an assessment and agreement on the capital needs, coordination, and financing of telecommunications infrastructure, in cooperation with the Department of Agriculture, the National Telecommunications and Information Administration of the Department of Commerce, the Federal Communications Commission, the public utilities commission of each State, telephone companies and cooperatives, representative users, and such other entities as the Commission determines are appropriate; and

(iii) recommend strategies for addressing air, water, and highway needs.

(E) HUMAN RESOURCES.—The Commission shall, with respect to the rural Northern Great Plains—

(i) identify methods of facilitating the employment and business startups of individuals who are not effectively participating in the labor force, including unemployed, underemployed, and low-income individuals and households;

(ii) identify methods of coordinating on a regional or sectoral basis education and training programs that are tied to economic development initiatives, especially programs that address the outmigration of youth; and

(iii) study the competence and availability of the labor force and the effects of the health, educational, training, housing, and economic needs of the labor force, and identify regional strategies addressing the needs.

(F) GOVERNMENT PROGRAMS, POLICIES, AND REGULATIONS.—The Commission shall submit to the appropriate government, nonprofit, and private sector organizations recommendations for modifications or additions to the programs, policies, and regulations referred to in section 7(b)(18) to promote the rural development of the Northern Great Plains.

SEC. 11. TERMINATION.

The Commission shall terminate on the earlier of—

(1) 120 days after the date of submission of the final report under section 10; and

(2) 2 years after the date of enactment of this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.•

By Mr. BRADLEY:

S. 2101. A bill to provide for the establishment of mandatory State-operated comprehensive one-call systems to protect all underground facilities from being damaged by any excavations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1994

• Mr. BRADLEY. Mr. President, I introduce new legislation to create new assurance that accidents involving pipelines and underground utilities won't occur. Every year, multiple fatalities and tens of millions of dollars worth of damage occur simply because people dig where they shouldn't. These third-party incidents are the single leading cause of accidents involving pipelines. According to the Department of Transportation, these accidents are responsible for over half of the fatalities and half of the property damage. My legislation, the Comprehensive One-Call Notification Act, will create a mechanism to prevent the inadvertent injury and the potential tragedy.

On March 23, just before midnight, an explosion ripped through the community of Durham Woods in Edison, NJ. Within minutes, eight apartment buildings were ablaze. Soon they were gone, wiped out by a fireball that lit up the sky over hundreds of square miles. One life was lost. Hundreds lost their homes. Many more were evacuated.

The injuries were miraculously low. But who knows how many others still lie awake at night, wondering whether it could happen again and fearing the future.

Reflecting on the accident today, it seems hard to fault anyone here for their response to the tragedy. The community pulled together to help out those in need. Food, emergency shelter, general support and financial assistance were offered amply and unconditionally in the hours and days following the accident.

Government and industry mobilized quickly. Within 4 hours of the explosion, Texas Eastern's accident response team was en route. By morning, the team and senior management were on the site, together with a strong Federal and State presence. Before the site had even cooled sufficiently for access, the experts from the NTSB were there and ready to begin the crucial investigation.

There was likewise an aggressive effort to help the victims. The local high school became a relief center. Texas Eastern created another center for help and, within 3 days, had dispensed more than $1.5 million to 250 families whose homes were destroyed or damaged in the fire. Within 3 days, the Small Business Administration had opened an assistance center on site and were handing out and processing applications for emergency support.

However, great as this response was, this is not what is most striking about this accident. What is most striking about the accident is how lucky we were. Who would ever think that, given the timing and the magnitude of the explosion, so many people—many fleeing with just the clothes they had on—would escape without serious injury? Few who have walked around that crater, seen the charred cars and the empty building foundations would disagree with the conclusion that many there were saved only by a miracle.

Unfortunately, miracles are a poor basis for public policy. You can't count on them. I am not about to count on them. The fact is that there is no margin for error in this industry. The natural gas industry does have an excellent safety record, especially when you consider that 25 percent of the energy we consume moves by these pipelines. We have seven major pipelines that cross the State, and hundreds of smaller ones. But the Edison accident never should have happened.

We need to acknowledge Edison for what it is: a breakdown in the regulatory and safety program. We need to learn about the Edison accident in order to learn from it. When the National Transportation Safety Board testified before the Energy Committee last month, their analysis pointed nearly conclusively to multiple gouges on the pipeline as the probable cause of the disaster. These marks appeared to be due to some powerful machinery, such as a backhoe, that struck the pipeline repeatedly.

At this point, we don't know whether the damage was inadvertent or on purpose. We don't know who struck the pipeline or whether they might have been aware of the possibility. We do know, however, that there was no requirement of utility notification prior to the excavation. And we know that there is no penalty for digging in the vicinity of the pipeline without notifying the utility.

This is wrong, and represents a failure of public policy. At the hearing I held last month, every witness agreed that we need a few national program of utility notification. If someone is excavating or grading a site, there has to be proper notification and it has to be mandatory—not voluntary—without exceptions and with penalties for negligence or non-compliance. This program will be created by my legislation.

I'm drawn to a quote that appeared in the Asbury Park Press when the gas pipeline was put back in service Wednesday. One of the Durham Woods residents, Jim Waldron, was about his concerns and he said.

> I believe logically that it's like lightning striking twice. But we know what we saw that night, and it will be in our minds forever.

Right now, the gas industry is making plans for a rapid expansion into new markets, particularly in the areas of natural gas vehicles and electric power production. Last week, representatives from the Department of Energy predicted that the gas market will expand be a third over the next 15 years. If accidents occur—regardless of who is at fault or how the industry follows up—this growth will not. It is that simple.

Mr. President, my legislation represents a necessary step if we are to do everything reasonable and appropriate to protect the public from the kind of tragedy that struck Edison. I urge the Senate to consider my legislation closely and approve it swiftly.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive One-Call Notification Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) since the 1950s, steadily increasing development of infrastructure has resulted in the construction of underground facilities throughout the United States, including water pipelines, natural gas pipelines, liquids pipelines, steam pipelines, telephone lines, electric lines, fiber optic lines, cable television lines, sewer pipelines, and dedicated traffic control, emergency communication, and alarm lines;

(2) these underground facilities offer a safe and economical means of providing essential services to the public;

(3) of all accidents involving these facilities, the largest number are caused by nearby excavation, demolition, or tunneling activities, known as third-party damage;

(4) accidents resulting from third-party damage present an unnecessary risk to public safety and the environment;

(5) costs arising from third-party damage are ultimately paid by consumers;

(6) in the case of interstate facilities, consumers in one State may pay for damages incurred in another State;

(7) to prevent third-party damage, the owners of some underground facilities have initiated one-call (or "call before you dig") programs, and some States have mandated one-call programs, although the scope and effectiveness of these programs is inconsistent;

(8) to maximize the effectiveness of one-call programs, national standards are needed;

(9) these standards should apply, without exception, to all excavation near any underground facilities; and

(10) these standards should produce one-call systems which are simple to use, with a single telephone number established which excavators must call to obtain information on the location of any type of underground facility anywhere in the United States.

SEC. 3. DEFINITIONS.

For purposes of this Act, the term—

(1) "damage" means any impact on or contact with an underground facility, its appurtenances, or its protective coating, or weakening of the support for the facility or protective housing, which requires repair;

(2) "excavation" means any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosive, and includes, without limitation, grading, boring, milling, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, pile driving, wrecking, razing, rending, or removing any structure or mass material, but shall not include the tilling of soil for agricultural purposes to a depth of 18 inches or less;

(3) "facility operator" means any person who owns or operates an underground facility, except for any person who is the owner of real property wherein are located underground facilities for the purpose of furnishing services or materials only to himself or occupants of such property;

(4) "Secretary" means the Secretary of Transportation; and

(5) "underground facility" means any underground line, system, or structure used for producing, gathering, storing, conveying, transmitting, or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam, sewerage, or any other commodities the Secretary of Commerce determines to be similar and appropriate.

SEC. 4. NATIONWIDE DEDICATED NUMBER.

Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall establish a nationwide dedicated telephone number to be used by local or regional underground facility location services and by one-call systems established pursuant to this Act.

SEC. 5. ESTABLISHMENT OF STATE ONE-CALL SYSTEMS.

(a) REQUIREMENT.—Each State shall, within 3 years after the date of enactment of this Act, establish a comprehensive statewide one-call notification system, in accordance with this Act, to protect all underground facilities from damage due to any excavation.

(b) STATE SANCTIONS FOR NONPARTICIPATION.—The Secretary may impose a prohibition, applicable to a State that does not comply with subsection (a), on the approval by the Secretary of any projects or the awarding by the Secretary of any grants under title 23, United States Code, other than projects or grants for safety where the Secretary determines, based on accident or other appropriate data submitted by the State, that the principal purpose of the project is an improvement in safety to resolve a demonstrated safety problem and likely will result in a significant reduction in, or avoidance of, accidents.

SEC. 6. ELEMENTS OF SYSTEM.

Each State one-call system established under section 5(a) shall—

(1) have a designated system operator;

(2) operate in all areas of the State containing underground facilities;

(3) apply to all excavations and to all underground facility operators, except as provided by this Act;

(4) employ mechanisms, such as the issuance of excavation or building permits, to ensure that the general public, and in particular all excavators, are aware of the one-call telephone number and the requirements and penalties of the State system relating to excavations;

(5) require that any person conducting an excavation must contact the one-call system at least 3 business days, and not more than 10 business days, before excavation begins;

(6) receive and record appropriate information from excavators about intended excavations, including—

(A) the name of the person contacting the one-call system;

(B) the name, address, and telephone number of the excavator; and

(C) the specific location of the intended excavation, along with the starting date thereof and a description of the intended excavation activity;

(7) inform excavators of the identity of facility operators who will be notified of the intended excavation;

(8) inform excavators of any procedures that the State has determined must be followed when excavating;

(9) inform facility operators of any intended excavations that may be in the vicinity of their underground facilities;

(10) require facility operators to locate and mark, in accordance with standards established by the State, their underground facilities in the vicinity of an intended excavation within no more than 3 business days after notification of such intended excavation, and to supervise such excavation as necessary;

(11) provide for penalties and enforcement as described in section 7;

(12) maintain records on each notice of intent to excavate for at least 7 years;

(13) establish procedures to promote the timely acquisition of information on previously unknown underground facility locations;

(14) provide for an appropriate waiver of timely compliance with system require-

ments in emergency circumstances in which public safety is endangered, as long as the one-call system is notified at the earliest practicable time;

(15) establish an appropriate schedule of fees to be imposed on facility operators to cover the costs of establishing, maintaining, and operating the one-call system; and

(16) provide an opportunity for citizen suits to enforce the requirements of this section.

SEC. 7. PENALTIES AND ENFORCEMENT.

(a) General Penalties.—Each State one-call system established under section 5(a) shall provide that any excavator or facility operator who violates the requirements of the system shall be liable for a civil penalty of not more than $25,000 for each violation for each day that violation persists, except that the maximum civil penalty shall not exceed $500,000 for any related series of violations and the minimum civil penalty for a violation shall be not less than $250.

(b) Increased Penalties.—If a violation results in damage to an underground facility resulting in death, serious bodily harm, or actual damage to property exceeding $50,000, or damage to an underground hazardous liquid pipeline facility resulting in the release of more than 50 barrels of product, the penalties may be increased, and an additional penalty of imprisonment may be assessed.

(c) Decreased Penalties.—A State one-call system may provide for reduced penalties for a violation, that results in or could result in damage, that is promptly reported by the violator.

(d) Injunctive Relief.—Each State one-call system shall provide for appropriate injunctive relief.

(e) Revocation of License.—Each State one-call system shall include procedures for the revocation of a license or permit to do business of any excavator determined to be a habitual violator of the requirements of the system.

(f) Immediate Citation of Violations.—A State one-call system may include procedures for issuing a citation of violation at the site and time of the violation.

SEC. 8. ASSISTANCE OF DEPARTMENT OF TRANSPORTATION IN DEVELOPMENT OF SYSTEMS.

(a) Coordination with Other Responsibilities.—The Secretary shall coordinate the implementation of this Act with the implementation of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.) and the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.).

(b) Model Program.—Within 1 year after the date of enactment of this Act, the Office of Pipeline Safety of the Department of Transportation shall draft and make available to States a model one-call system program, along with such additional guidance as the Secretary considers appropriate, to assist the States in complying with this Act. Such model program may be amended in response to reports submitted by the States pursuant to section 10.

(c) Public Education.—The Secretary shall develop public service announcements to be broadcast or published to educate the public about one-call notification systems, including the national phone number.

SEC. 9. ALTERNATE FORM OF SYSTEM.

A State that wishes to establish or maintain a one-call system that differs from the requirements of this Act may petition the Secretary for approval of such system. The Secretary shall approve such a petition if the proposed system is at least as protective of the public health and safety as a system described in this Act.

SEC. 10. STATE REPORTS.

Within 54 months after the date of enactment of this Act, each State shall report to Congress and the Secretary on the status of their one-call notification system and its requirements. The report shall contain data on the operation and effectiveness of the one-call system including—

(1) the status of its law establishing the one-call system;

(2) the number of notification requests received annually;

(3) the effectiveness of the method of underground facility marking required;

(4) the degree of excavator compliance;

(5) the number of incidents where underground facilities were damaged and the type of damage to such facilities;

(6) the number of deaths and injuries and the estimate amount of property loss resulting from damage to underground facilities;

(7) the extent to which all underground facilities participate; and

(8) any other information that the Secretary determines relevant.

The Comprehensive One-Call Notification Act of 1994

While all but four states have some kind of one-call program, there is wide variation in the programs, their requirements and coverage. Senator Bill Bradley's Comprehensive One-Call legislation will create a uniform and workable framework for the prevention of third-party accidents and damage to underground utilities.

These accidents are the leading cause of damage to utilities, including natural gas pipelines. All available evidence indicates that third-party damage led to the tragic accident at Edison, New Jersey, which left hundreds homeless and resulted in one death.

Companion legislation is being introduced in the House of Representatives by Congressman Frank Pallone.

The Comprehensive One-Call Notification Act of 1994 will: establish a dedicated nationwide number (such as "911") for use by state one-call systems; require each state to establish a one-call program meeting the minimum requirements in the Act within three years; allow federal transportation grants to be withheld, if a state fails to sponsor an effective one-call program; engage in a campaign of public awareness to ensure a general and broad familiarity with one-call programs and their importance; cover all excavation, except shallow digging (i.e. the tilling of soil in farming); cover all underground utilities, including natural gas and oil pipelines, electricity, telecommunications, water and sewer; require excavators to call at least three days prior to digging; require utility companies to mark any affected lines prior to excavation; set penalties for non-compliance by excavators of at least $250 and as much as $25,000 per violation per day; allow states to set increased penalties, including imprisonment, for violations that lead to accidents which result in serious property damage or injury; allow states to revoke licenses for multiple offenders or issue immediate fines (similar to a parking ticket) when a violation occurs; allow the states to reduce penalties for violators who promptly report an incident and, as a result, avoid a possible accident; allow the states to appeal for an alternative system, if it can be shown that another approach will be just as protective of the public; call on the federal government to make available a model state law and additional guidance within one year; and create a series of reports on the effectiveness of the program, compliance, the number and type of violations, etc.●

ADDITIONAL COSPONSORS

S. 987

At the request of Mr. Daschle, the name of the Senator from Montana [Mr. Baucus] was added as a cosponsor of S. 987, a bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936.

S. 1063

At the request of Mr. Hatch, the names of the Senator from New Hampshire [Mr. Smith] and the Senator from Maine [Mr. Cohen] were added as cosponsors of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1521

At the request of Mr. Gorton, the names of the Senator from Alaska [Mr. Murkowski], the Senator from Kansas [Mr. Dole], and the Senator from Wyoming [Mr. Wallop] were added as cosponsors of S. 1521, a bill to reauthorize and amend the Endangered Species Act of 1973 to improve and protect the integrity of the programs of such act for the conservation of threatened and endangered species, to ensure balanced consideration of all impacts of decisions implementing such act, to provide for equitable treatment of non-Federal persons and Federal agencies under such act, to encourage non-Federal persons to contribute voluntarily to species conservation, and for other purposes.

S. 1696

At the request of Mr. Hatfield, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 1696, a bill to amend the Military Selective Service Act to terminate the registration requirement and to terminate the activities of civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System.

S. 1829

At the request of Mr. Hatch, the name of the Senator from New Hampshire [Mr. Smith] was added as a cosponsor of S. 1829, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small investors, and for other purposes.

S. 1836

At the request of Mr. Dole, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

S. 1884

At the request of Mr. Simpson, the name of the Senator from Iowa [Mr. Grassley] was added as a cosponsor of S. 1884, a bill to amend the Immigration and Nationality Act to reform asylum procedures, to strengthen criminal penalties for the smuggling of aliens, and to reform other procedures to control illegal immigration to the United States.

S. 1920

At the request of Mr. DOMENICI, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1920, a bill to amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") to ensure the safety of public water systems, and for other purposes.

S. 1991

At the request of Mr. MCCAIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1991, a bill to provide for the safety of journeyman boxers, and for other purposes.

S. 2006

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from South Carolina [Mr. THURMOND], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 2006, a bill to require Federal agencies to prepare private property taking impact analyses, and for other purposes.

S. 2073

At the request of Mr. SMITH, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 2073, a bill to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the "Warren B. Rudman United States Courthouse," and for other purposes.

SENATE JOINT RESOLUTION 176

At the request of Mr. PRYOR, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alaska [Mr. STEVENS], the Senator from California [Mrs. FEINSTEIN], the Senator from Wisconsin [Mr. KOHL], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate the month of May 1994 as "Older Americans Month."

SENATE JOINT RESOLUTION 179

At the request of Mr. COHEN, his name was added as a cosponsor of Senate Joint Resolution 179, a joint resolution to designate the week of June 12 through 19, 1994, as "National Men's Health Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Virginia [Mr. WARNER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Michigan [Mr. LEVIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. GRAMM, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

SENATE CONCURRENT RESOLUTION 64

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Concurrent Resolution 64, a concurrent resolution expressing the sense of the Congress regarding the Guatemalan peace process and the need for greater protection of human rights in Guatemala.

SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Senate Resolution 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

SENATE RESOLUTION 212—RELATIVE TO A COMMEMORATIVE POSTAGE STAMP HONORING PAUL "BEAR" BRYANT

Mr. HEFLIN (for himself, Mr. SHELBY, Mr. FORD, Mr. BUMPERS, Mr. GRAMM, Mr. PRYOR, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 212

Whereas eleven years after his death, Paul "Bear" Bryant retains the record of being the most successful coach in Division-A college football history;

Whereas Paul "Bear" Bryant's accomplishments were a source of great pride to the University of Alabama and the Nation;

Whereas Paul "Bear" Bryant's example has profoundly influenced many professional and collegiate coaches and players; and

Whereas Paul "Bear" Bryant is a modern hero and legend in the South: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that a postage stamp be issued honoring coach Paul "Bear" Bryant.

AMENDMENTS SUBMITTED

BOSNIA AND HERZEGOVINA ARMS ACT OF 1994

DOLE AMENDMENT NO. 1692

Mr. DOLE proposed an amendment to the bill (S. 2042) to remove the United States arms embargo of the Government of Bosnia and Herzegovina; as follows

Strike all after the enacting clause and insert the following:

SEC. . UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

DOLE AMENDMENT NO. 1693

Mr. DOLE proposed an amendment to amendment No. 1692 proposed by him to the bill S. 2042, supra; as follows:

At the appropriate place, add the following:

SEC. . UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

DOLE (AND OTHERS) AMENDMENT NO. 1694

Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. MACK, Mr. LUGAR, Mr. LEVIN, Mr. MCCAIN, Mr. HATCH, Mr.

FEINGOLD, Mr. DORGAN, Mr. MCCONNELL, Mr. HELMS, Mr. SIMPSON, Mr. COVERDELL, Mr. DECONCINI, Mr. GORTON, Mr. KEMPTHORNE, Mr. D'AMATO, Mr. PRESSLER, Mr. ROTH, Mr. BROWN, Mrs. HUTCHISON, Mr. WALLOP, Mr. BRADLEY, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. ROBB, Mr. STEVENS, Mr. THURMOND, Mr. PACKWOOD, Mr. REID, Mr. JEFFORDS, Mr. CAMPBELL, and Mr. MURKOWSKI) proposed an amendment to amendment No. 1693 proposed by Mr. DOLE to the bill S. 2042, supra; as follows:

Strike all after the word "**SEC.**" and insert the following:

UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of arms to the Government of Bosnia and Herzegovina.

(b) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(c) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

(d) Nothing in this section shall be interpreted as authorization for deployment of U.S. forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment.

DOLE (AND OTHERS) AMENDMENT NO. 1695

Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. MACK, Mr. LUGAR, Mr. LEVIN, Mr. MCCAIN, Mr. HATCH, Mr. FEINGOLD, Mr. DORGAN, Mr. MCCONNELL, Mr. HELMS, Mr. SIMPSON, Mr. COVERDELL, Mr. DECONCINI, Mr. GORTON, Mr. KEMPTHORNE, Mr. D'AMATO, Mr. PRESSLER, Mr. ROTH, Mr. BROWN, Mrs. HUTCHISON, Mr. WALLOP, Mr. BRADLEY, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. ROBB, Mr. STEVENS, Mr. THURMOND, Mr. PACKWOOD, Mr. REID, Mr. JEFFORDS, Mr. CAMPBELL, and Mr. MURKOWSKI) proposed an amendment to the bill S. 2042, supra; as follows:

At the appropriate place insert the following:

UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of conventional arms appropriate to the self-defense needs of the Government of Bosnia and Herzegovina.

(b) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(c) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

(d) Nothing in this section shall be interpreted as authorization for deployment of U.S. forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment.

MITCHELL (AND OTHERS) AMENDMENT NO. 1696

Mr. MITCHELL (for himself, Mr. PELL, Mr. NUNN, and Mr. BUMPERS) proposed an amendment to the bill S. 2042, supra; as follows:

At the appropriate place insert the following:

(a) PURPOSE.—To approve and authorize the use of United States airpower to implement the North Atlantic Treaty Organization (NATO) exclusion zones around United Nations designated safe areas in Bosnia and Herzegovina and to protect United Nations forces.

(b) FINDINGS.—The Congress makes the following findings:

(1) the war in the Republic of Bosnia and Herzegovina has claimed tens of thousands of lives and displaced more than two million citizens;

(2) the Senate supports as a policy objective a peace settlement that provides for an economically, politically and militarily viable Bosnian state, capable of exercising its rights under the United Nations Charter;

(3) United Nations Security Council Resolutions 836 and 844 call on member states, acting nationally or through regional organizations, to take all necessary measures to deter attacks against safe areas identified in Security Council resolution 824.

(4) On February 9, 1994 the North Atlantic Council authorized the use of air strikes to end the siege of Sarajevo and on April 22, 1994 to end the siege of Gorazde and to respond to attacks on the safe areas of Bihac, Srebrenica, Tuzla or Zepa or to the threatening presence of heavy weapons within a radius of 20 kilometers of those areas (within Bosnia and Herzegovina);

(5) The Congress in the FY 1994 State Department Authorization bill expressed its sense that the President should terminate the United States arms embargo on the Government of Bosnia and Herzegovina.

(c) POLICY.—

(1) The Senate authorizes and approves the decision by the President to join with our NATO allies in implementing the North Atlantic Council decisions:

(A) of June 10, 1993 to support and protect UNPROFOR forces in and around U.N. designated safe areas and,

(B) of February 9, 1994 to use NATO's airpower in the Sarajevo region of Bosnia and Herzegovina and,

(C) of April 22, 1994 to authorize CINCSOUTH to conduct air strikes against Bosnian Serb heavy weapons and other military targets within a 20 kilometers radius of the center of Gorazde, and Bihac, Srebrenica, Tuzla or Zepa (within the territory of Bosnia and Herzegovina) if these safe areas are attacked or threatened by Bosnian Serb heavy weapons.

(2) The Congress favors the termination of the arms embargo against the Government of Bosnia and Herzegovina. The President shall seek immediately the agreement of NATO allies to terminate the international arms embargo on the Government of Bosnia and Herzegovina. In accordance with Administration policy following such consultations the President or his representative shall promptly propose or support a resolution in the United Nations Security Council to terminate the international arms embargo on Bosnia and Herzegovina. If the Security Council fails to pass such a resolution the President shall within 5 days consult with Congress regarding unilateral termination of the arms embargo on the Government of Bosnia and Herzegovina. Upon termination of the international embargo the President shall ensure that appropriate military assistance be provided expeditiously to Bosnia and Herzegovina upon receipt from that government of such a request in exercising its right of self-defense.

(3) Unless previously authorized by the Congress no United States ground combat forces should be deployed in Bosnia and Herzegovina. Any request by the President for such authorization should include:

(A) an explanation of the United States interests involved in such commitments or actions;

(B) the specific objectives of the commitments or actions;

(C) the likely duration of the operation;

(D) the size, composition, command and control arrangements, rules of engagement, contributions of allied nations, and other details of the force needed to meet the objectives;

(E) specific measurements of success, particularly the end point of the U.S. involvement, and what follow-on security arrangements would be needed; and

(F) an estimate of financial costs, including burdensharing arrangements, and non-financial costs as can be determined.

(4) Nothing in this legislation restricts the prerogative of Congress to review the arms embargo on Bosnia and Herzegovina.

NOTICES OF HEARINGS

JOINT COMMITTEE ON PRINTING

Mr. FORD. Mr. President, I wish to announce that the Joint Committee on Printing will meet at 2:30 p.m., in S-324, the Capitol, on Thursday, May 12, 1994. The committee will hold a hearing on the financial position of the Government Printing Office and may consider several resolutions to deal with the projected shortfall. The Public Printer, Michael F. DiMario will be a witness. Those interested in submitting statements or seeking additional information should contact John Chambers of the joint committee staff at 202-224-5241.

SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry's Subcommittee on Nutrition and Investigations will hold a hearing on S. 1614, the Better Nutrition and Health for Children Act of 1993. The hearing will be held on Tuesday, May 17, 1994 at 10 a.m. in SR-332. Senator TOM HARKIN will preside

For further information, please contact Mark Halverson at 224-3254.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Production and Stabilization of Prices will hold a hearing on the administration's crop insurance proposal. The hearing will be held on Thursday, May 19, 1994, at 10 a.m. in SR-332. Senator DAVID PRYOR will preside.

For further information, please contact Bobby Franklin at 224-2353.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce that two additional bills have been added to the hearing previously announced for May 19, 1994, before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources. The additional measures are:

S. 523, to expand the Fort Necessity National Battlefield, and for other purposes; and

S. 2089, to authorize the establishment of the Steamtown National Historic Site, and for other purposes.

In addition, the subcommittee will consider the following Senate companion measures to H.R. 3252, the West Virginia Rivers Conservation Act, which includes provisions dealing with various units of the National Park System:

S. 796, to provide for a feasibility study of including Revere Beach in the National Park System;

S. 1278, to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes;

S. 1652, to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System, and for other purposes; and

Senate Joint Resolution 152, to designate the visitors center at the Channel Islands National Park, CA, as the "Robert J. Lagomarsino Visitors Center."

The hearing will take place on Thursday, May 19, beginning at 2 p.m. in room SD-366 on the Dirksen Senate Office Building in Washington, DC.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at 202-224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 10, 1994, immediately following the 2:30 p.m. nomination hearing on Alan Sagner to be members of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 10, 1994, at 2:30 p.m. on Susan Ness and Rachelle Chong to be a member of the Federal Communications Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 10, 1994, to receive testimony on implementation of the administration's climate change action plan and the Energy Policy Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, May 10, 1994 at 10 a.m., to hear testimony on the subject of deinstitutionalization, mental illness, and medications.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, May 10, at 10 a.m. for a hearing on: health care reform and FEHBP.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES.

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a hearing on "Keeping Kids Safe," during the session of the Senate on May 10, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 10, 1994, at 10 a.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISABILITY POLICY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Disability Policy be authorized to meet for a hearing on family support for families of children with disabilities, during the session of the Senate on May 10, 1994, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORCE REQUIREMENTS AND PERSONNEL

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Force Requirements and Personnel of the Committee on Armed Services be authorized to meet on Tuesday, May 10, 1994, at 9:30 a.m. in open session, to receive testimony regarding the Department of Defense reserve manpower, personnel, and compensation issues related to the national defense authorization request for fiscal year 1995 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., May 10, 1994, to receive testimony on the potential role of Federal reclamation projects in meeting the water supply needs of the Colonias in Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO THE GENERAL ELECTRIC ELFUN SOCIETY AND GENERAL ELECTRIC FOUNDATION

• Mr. DODD. Mr. President, I rise today to congratulate and honor two organizations that have distinguished themselves by jointly becoming one of only 21 recipients nationwide of the 1994 President's Volunteer Action Award. These two organizations, based in my home State, are not only sources of pride for Connecticut, but for the entire United States of America. The organizations to which I am referring are the General Electric Elfun Society and the General Electric Foundation.

The GE Elfun Society is a volunteer organization of GE employees and retirees, and the GE Foundation is a trust established to provide grants to nonprofit organizations. Together, they established the College Bound Program to promote systemic change in poor, inner-city schools and to increase the number of youths from these schools continuing on to higher education.

The College Bound Program represents a $20 million commitment to double the number of college-bound students from selected poor and inner-city schools by the year 2000. The GE Foundation provides multiyear grants of up to $1 million to achieve that goal, while local chapters of the Elfun Society provide a cadre of volunteers to serve as tutors, mentors, and friends to high school students.

Since 1989, 12 schools have participated in the College Bound Program and have developed 3- to 5-year plans to double the number of college entrants. These 12 programs are made possible through the work of more than 2,000 GE volunteers, whose efforts have yielded some staggering results.

At Aiken High School in Cincinnati, OH, the college matriculation rate has jumped from 23 to 47 percent in just 5 years. At Western High in Louisville, KY, the rate went from 25 to 59 percent, and at Valley High in Albuquerque, MN, the rate has increased from 22 to 57 percent, far exceeding the goal of doubling the number of college entrants.

As you know, Mr. President, I have joined a number of my colleagues in working to make college a realistic option for all of America's youths, regardless of their home environment or financial situation. We have seen progress, but significant progress cannot be made by the Government alone. To truly ensure a better future for all of America's children, we need the helping hands of communities and the organizations found within them.

The GE Society and the GE Foundation are excellent examples of these helping hands. And through their efforts, hundreds of young lives have been significantly brightened. For that, we should all be grateful.•

SUPPORTING THE KRUEGER NOMINATION

• Mr. DURENBERGER. Mr. President, I rise to support the recent confirmation of Robert Charles Krueger to be Ambassador to Burundi. Senator Krueger is exceptionally well qualified to represent the United States in that African nation.

He is a Shakespeare scholar, a businessman and rancher, a former Member of the House of Representatives and the Senate of the United States, and a former Ambassador-at-large during the Carter administration.

He is a true Renaissance man, combining scholarship with those practical qualities necessary for success in the world of business and commerce. But above all, he has served his country very well in public life.

Robert Krueger was born in New Braunfels, TX, during the depths of the depression. He graduated from Southern Methodist University in 1957, where he was elected to Phi Beta Kappa. He holds advanced degrees from both Duke University and Oxford University.

In 1961, Robert Krueger returned from Oxford to teach English literature at Duke University. While at Duke, he redesigned the undergraduate curriculum, and at the age of 36 was appointed dean of arts and sciences by Terry Sanford, then president of Duke University and former Governor of North Carolina.

Robert Krueger returned to his home State of Texas in 1973, upon the death of his father, to oversee the family businesses and to run for Congress. In 1974, he was elected to the House of Representatives, and was reelected in 1976. While in Congress he established an impressive record, especially in the field of energy and natural resources.

In 1978, he left the House to run for the U.S. Senate. He missed narrowly—losing to our late colleague John G. Tower by fewer than 12,000 votes.

Robert Krueger is far from a novice in the world of foreign diplomacy. During the Carter administration, he was appointed Ambassador-at-large, and coordinator for Mexican affairs. He served in this position from 1978 to 1981, when he returned once again to Texas and to the business world.

Robert Krueger's dedication to public service has been constant. In 1990, he was elected to the Texas State railroad commission. When our former colleague Lloyd Bentsen was selected to serve in the Clinton administration as Secretary of the Treasury, Robert Krueger was appointed by the Governor of Texas to fill the Senate vacancy until a special election could be held. He served with us for only a short period of time, but his presence was felt by all who had a chance to work with him.

He has now been asked again to serve his country, and his appointment comes at a crucial time in the development of Burundi.

After many years of military dictatorships, in March 1992 the people of Burundi approved a democratic constitution by an overwhelming 9 to 1 margin. In order to stand for election as president under the new constitution, Buyoya resigned from the military. His main opponent in the election was Melchoir Ndadaye, a Hutu with a background in banking.

In June 1993, 2.8 million voters went to the polls and elected Melchoir Ndadaye president in the country's first ever multiparty elections. Buyoya accepted his defeat gracefully, and is now leading a freedom foundation to encourage economic development in Burundi.

Then tragedy struck. On October 21, 1993, I came to the floor of the Senate to express my shock and dismay at events that had just occurred that morning in Burundi. Elements of the Burundian army had staged a military coup, and murdered President Ndadaye. This tragic action motivated ethnic attacks throughout the country, killing thousands of Burundians. As a result of this turmoil, approximately one-tenth of the population of Burundi had fled to neighboring Rwanda, Tanzania, and Zaire.

But within this tragedy there is reason for hope. The people of Burundi did not permit factions within the military to rob the nation of democracy. The military was unable to consolidate its power. The people of Burundi—Tutsi and Hutu—together with the international community, condemned this action, and the coup failed.

Since the tragic events of last fall, Burundi has continued its journey along the path of democracy and national unity. More recently, the tragic deaths of the new President of Burundi, Cyprien Ntarymira, and the President of Rwanda has led to a violent and bloody crisis in Rwanda. To the credit of the people of Burundi, this crisis has not spread, as yet, to Burundi.

However, the situation in Burundi remains fragile, and for that reason, I am very pleased that an individual of the stature of Robert Krueger will be representing the United States in Burundi during this difficult period in that region of Africa.

I am certain that Robert Krueger—in the position of Ambassador to Burundi—will represent America well, and will serve as an inspiration to those in Burundi who want that country to remain a free and democratic nation. My thoughts and prayers go with Robert Krueger, his wife Kathleen and his two daughters, Mariana and Sarah, as they undertake this very important posting.•

IN HONOR OF RETIRING MARYLAND STATE SENATOR FREDERICK C. MALKUS, JR.

• Ms. MIKULSKI. Mr. President, I rise today to honor Maryland Senator Frederick C. Malkus, Jr. on the occasion of his retirement. Senator Malkus has served in the Maryland State Legislature for 48 years.

I have known Senator Malkus for some time, and I know that his presence in Maryland politics will be sorely missed. He showed me what life on the Eastern Shore was all about. He let me know what people in his district needed and what their interests were. He taught me what a wetland was, which I will never forget. I was privileged to receive his endorsement in my Senate reelection campaign.

Senator Malkus has contributed a lifetime of service to our great State of Maryland. He was born in Baltimore and raised in Dorchester County on Maryland's Eastern Shore. He attended Western Maryland College and the University of Maryland School of Law. After nobly serving his country through five campaigns in World War II, Senator Malkus returned to Maryland to make a home in his native Dorchester County. He then set about serving the county and State which had served him as a young man growing up.

Senator Malkus was elected to the House of Delegates in 1946 and then to the Maryland Senate in 1950. He actively worked on behalf of the Eastern Shore, joining in the opening of the Chesapeake Bay Bridge and helping to establish the Potomac River Compact with Virginia.

Senator Malkus was appointed chairman of the Senate Judicial Proceedings Committee in 1955, named State Office of the Year by the Maryland Municipal League in 1961, and named admiral of the Chesapeake Bay by Governor Harry Hughes in 1983. He was honored in 1987 by the naming of a bridge across the Choptank River as the Frederick C. Malkus, Jr. Bridge.

Senator Malkus has been a friend of Dorchester County, the Chesapeake Bay, Western Maryland College, the State of Maryland, and a good friend of mine for may years. It is with great honor that I stand on the Senate floor to recognize his outstanding commitment and dedication to the people of Dorchester County and the State of Maryland.•

TRIBUTE TO MICHAEL ALOUCHE

• Mr. REID. Mr. President, I would like to make the Senate aware of an individual who exemplifies the true spirit of a "world ambassador" for peace.

Michael Alouche was born in Tunisia in 1947 and emigrated to Israel with his family in 1956. His father was a journalist and writer. His mother was a housewife who raised 14 children. The family left most of their belongings behind and went through the many hardships experienced by emigrants to Israel at that time. This included living in tents, learning a new language, and making new friends.

Michael Alouche went through all those difficulties with courage and optimism. He always felt that living in Israel was worth even greater sacrifices. After finishing high school, he joined the Israeli Defense Forces to perform his national service. He decided to stay in the service and become a career noncommissioned officer.

He served on the same base for 27 years and rose through the ranks to become a senior sergeant major, the highest possible enlisted rank. During his last 12 years of service, Sgt. Alouche was given a special assignment: leader and guide to groups of volunteers who came to help Israel and its people. These volunteers come to Israel through the Sar-El organization which is the National Project for Volunteers for Israel. This process increases the bond between the people of Israel and their supporters abroad.

During his 12 years of association with this program, Michael Alouche provided guidance to about 6,000 volunteers. Approximately 4,500 of those people were from the United States.

His knowledge of Jewish history and tradition, Israeli geography, and current affairs, along with his friendly approach to people, made him one of the best guides in the program. His empathy with foreigners showed his humane character. His phenomenal memory and continuing correspondence with hundreds of volunteers made him an ambassador to the world, while never leaving Israel.

Michael Alouche deserves our highest possible praise and recognition for his part in bringing about international friendship and understanding.•

RETIREMENT OF SENATOR FREDERICK C. MALKUS, JR.

• Mr. SARBANES. Mr. President, for 48 years Frederick C. Malkus, Jr. has represented a major part of Maryland's Eastern Shore in the State legislature with integrity, vigor, and a concern for his constituents that has made him one of the longest-serving state legislators in the Nation. Senator Malkus, after 4 years in the House of Delegates and a remarkable 44 years in the Maryland State Senate, including service as chairman of the judicial proceedings committee and as President pro tempore since 1975, is retiring from Annapolis.

It was my privilege to know and work with Senator Fred Malkus when we served together in the general assembly from 1971 through 1975. Throughout his distinguished career, which began on his return from overseas service in World War II, Fred Malkus has earned the respect of his legislative colleagues and become, as the Washington Post called him, "an icon" in Maryland's legislature. However, he has remained, in the words of Maryland Comptroller Louis Goldstein, with whom Fred Malkus roomed in law school, "a man of the soil and water," not only a lawyer and legislator but also an Eastern Shore hunter, trapper, and farmer.

Mr. President, when an individual serves so long with so much distinction in public office, much is said and written about them when they retire. Since announcing his decision earlier this year he has received many tributes and honors, and will again this Sunday when the Dorchester County Democratic State Central Committee holds a tribute in his honor. I ask that two articles from newspapers in Cambridge and Easton recalling the public service of my friend Senator Frederick Malkus be reprinted in the RECORD at this point.

[From the Daily Banner, Apr. 22, 1993

"I HAVE ALWAYS BEEN THE HAPPIEST WHEN THE BATTLE BECAME THE HOTTEST"

(By Anne Hughes)

In the small brick box of an office on Spring Street in Cambridge, the aging state senator stands before a black and white photo of a handsome young man in Army grey.

This was Frederick C. Malkus Jr., the soldier who would return from battle in World War II to become one of the most powerful men on the Eastern Shore, who would take his place in the Maryland General Assembly representing his native Dorchester County and other Shore counties and remain there longer than any other member of the state's legislature.

A graduate of Western Maryland College and the University of Maryland Law School, he would make his living practicing law—but politics would be his passion.

Politics is as much a part of the man as his pulse—something that will remain with him after he completes his final term in the Maryland Senate in April of 1994.

In his more than 45 years in the General Assembly, Mr. Malkus would hold power in his hands then slowly watch it erode as reapportionment gave legislative seats to the metropolitan areas at the expense of the rural area.

He would gain the reputation of being a fierce debater who rarely forgot his foes' foibles and wasn't afraid to recall them on the floor of the Senate. Through the years, through the heated debates, Mr. Malkus said he always listened to his constituents—the watermen, the farmers, the residents of the Eastern Shore—and fought vigorously for their rights.

Politics piqued his interest while he was serving in the U.S. Army in Germany during World War II. "I was voting for Franklin Delano Roosevelt for the third time. I was close to a small town named Stahlberg, Germany. It was raining, in an apple orchard.

While voting I thought and decided, "if I every get out of this mess I'm going home and getting in politics." * * * I guess I figured that government caused all this and if government caused all this I'd like to be part of it * * * I got out of the mess and on returning home, I ran for the (Maryland) House of Delegates and won." He took office in 1947.

"Four years later I ran for the Senate and have been in the Senate ever since," Mr. Malkus said.

In 1955, he became the chairman of the senate's Judicial Proceedings Committee.

"As chairman of the Judicial Proceedings Committee it was my duty to consider home rule for the towns," Mr. Malkus said. In 1960 after home rule was put in effect, Maryland Municipal League named him "State Official of the Year."

"I have always felt that government closest to the people is the best form of government and if the towns can govern themselves I think they will govern best," he said.

But Mr. Malkus, a conservative, was not so popular among the more liberal members of the committee, and he is said to have often clashed with them over civil rights legislation.

In 1966, he lost his chairmanship.

"I was a country boy and the city boys took over and I was replaced by Sen. Joseph Curran who now is the state's Attorney General," he recalled.

When federal law mandated reapportionment, which allocated the number of representatives based on the population of an area, the rural areas lost control of the legislature.

"The major thing that has happened in the legislature since I arrived was the difference between the rural control and now the urban control. In my early days in the legislature, the Senate consisted of 29 members, nine of which were from the Eastern Shore. That gave the Eastern Shore, along with rural Southern Maryland and rural Western Maryland, control of the Maryland Senate. Things changed completely. Now the Eastern Shore only has three members out of 47.

"I have always said that when the country boys had control of the legislature, we were much more liberal to the metropolitan areas than the metropolitan areas have been since they have had control."

After Mr. Malkus lost his chairmanship, no one from the rural areas was chairman of a major committee until Sen. Walter Baker (of Cecil County) became chairman of the Judicial Proceedings Committee seven years ago.

Slowly, Mr. Malkus said, the Eastern Shore and other rural areas are regaining some of their power. R. Clayton Mitchell, Speaker of the House, is from the Eastern Shore as is the chairman of the House's Environmental Matters Committee.

From Judicial Proceedings, Mr. Malkus served on the senate's Economic and Environmental Matters Committee.

"When I lost my chairmanship, I made up my mind to fight in spots," he said. "In any Eastern Shore fight, I've always been there."

"On Economic and Environmental Matters, I did my best good by being against," Mr. Malkus said of several environmental bills that he argued put an unfair burden on Eastern Shore residents.

The one victory he said he savors the most was gained after his four-year fight to establish the Department of Agriculture. After the governor and other legislators to agreed establish committees on agriculture, the senator convinced them that a separate department was necessary. In 1972 the Department of Agriculture was formed.

"During 1993 legislative term, there was an attempt made by the Speaker of the House of Delegates * * * to consolidate the Department of Agriculture with the Department of Natural Resources. The farmers were against that from one end of the state to the other. * * * The bill didn't have a chance with the farmers against it and the Administration against it. So we didn't have a hard fight on it. The bill just went to sleep."

But the senator said he's always been drawn to a good debate.

"We've had many great verbal battles on the floor of the Senate and for the most part I've been in most of them," Mr. Malkus said. "In verbal fisticuffs I have always been the happiest when the battle became the hottest." One of the best qualities a legislator can possess, he said, is a good memory so you can bring to an opponent's attention something he will be embarrassed about, discounting that the tactic may be perceived as ruthless.

"In politics, everything is relevant."

He has tried unsuccessfully for three years to get the legislature to pass a bill aimed at protecting landowner's rights, a bill that would require the state's attorney general's office to review any legislation that could affect development of property.

That fight, he said he will continue in his final year in the Senate.

For 46 years, Mr. Malkus has been "the esteemed gentleman from the Eastern Shore." He doesn't hesitate when asked if he would do it again.

"I believe I would have followed the same course. I have several times had the opportunity to be considered for a judgeship and each time I never gave it any serious consideration. It's difficult for me to be present and not to participate," he said.

As Mr. Malkus stares at the photo on his wall of his law office, one gets the feeling he'd like to time to remain some where between the man in the picture and the man who's readying for retirement.

"At the present time, if I were not 80 years old, if I was 15 to 20 years younger, I would run for reelection," he said. "When am no longer in the Senate, it will be somebody else job and I'm sure not going to interfere with it."

Mr. Malkus won't say who he would like to see succeed him. He would like someone who is independent and who knows the area. "This is very important don't trade your success at the expense of the Eastern Shore. That's a big temptation once you get recognized to forget where you came from * * *. We on the Eastern Shore have to stick together.

Although he stressed he would not interfere, he acknowledge that he can't just sit back and watch. "No doubt I will continue to be active in politics. I like the game too much. (This government) is the best in the world. No where can you find it better. I've been part of it."

[From the Annapolis Star-Democrat, Feb. 7, 1994]

AFTER 48 YEARS IN STATE SENATE, MALKUS IS SLICE OF MARYLAND HISTORY

(By Tom Stuckey)

ANNAPOLIS.—When Frederick Malkus started his legislative career, Harry Truman was president, Jackie Robinson broke the color barrier in baseball and the General Assembly was all white and almost all male.

In 48 years as a delegate and senator, the Dorchester County Democrat watched the state budget grow from $60.4 million to $12.5 billion. He observed, and sometimes fought, the end of officially sanctioned segregation in Maryland.

And he battled every inch of the way in a losing effort to prevent urban counties from seizing control of a legislature that had been dominated by rural lawmakers for two centuries.

Through all that turmoil and change, Malkus was a constant: a conservative old-style Democrat with a disdain for big cities and big government.

"It's very seldom that anybody in public office rises to the level of an institution," said Sen. Howard Denis, R-Montgomery, who watched Malkus through most of his political career.

"He's a slice of Maryland history and will be missed when he is gone," he said.

Nobody now in office has served in a state legislature longer than Malkus. Three legislators in South Carolina, Washington and New Hampshire match his 48 years of legislative service, said Brenda Erickson of the National Conference of State Legislatures.

Malkus said he thinks his constituents would send him back for four more years if he sought another term. But at age 80, he has decided it is time to step down.

"Needless to say, I'm not as alert as I was 50 years ago. I think it's a good time to retire," he said.

Malkus was fresh from serving in World War II when he was elected to the House of Delegates in 1946. Four years later, he was elected to the Senate, beating a former senator in the Democratic primary and knocking off an incumbent Republican in the general election.

The General Assembly was a far different creature in 1947 than in 1994.

Legislators had no staff. They had to share cramped offices tucked away in rooms scattered around the State House and Court of Appeals building.

There were no calendars showing bills to be taken up each day in the House and Senate. "We never knew what was going on" Malkus said.

Even when he became chairman of the powerful Senate Judicial Proceedings Committee in 1955, Malkus said his committee staff consisted of only one secretary.

"If I wanted an amendment, I had to write it myself," he said. Today, eager ranks of young lawyers are available to dash off amendments on a moment's notice.

Malkus does not want to go back to the past, but he questioned the need for all the lawyers, analysts, aides and secretaries who fill three office buildings in Annapolis today. "The staff do most of the work and in some cases a lot of the thinking."

He regrets a loss of independence in the Senate, whose members he thinks are more likely than in the past to do the bidding of Senate leaders or the governor. And he preferred the old days when lobbyists were almost unknown in Annapolis.

Rural lawmakers dominated the legislature when he arrived in Annapolis, and it took Malkus only nine years to become one of the most powerful leaders in the legislature as chairman of the Judicial Proceedings Committee.

Critics at the time described him as a dictatorial and autocratic leader. He demurs. "I ran a tight committee, a successful committee."

The Supreme Court's one-man, one-vote rule brought an end to rural domination of the legislature and cost Malkus his leadership job.

Sen. Julian Lapides, D-Baltimore, was part of a group of liberal urban lawmakers who insisted that Malkus be replaced as committee chairman in 1967 by Baltimore Democrat J. Joseph Curran, now state attorney general.

"For years our relationship was strained, but in later years, I began to like him a great deal," Lapides said.

"He's old school. He's opinionated. He's showman. But I think he has great personal integrity." he said.

Since losing his leadership position, Malkus' main goal has been to protect the Eastern Shore from the "beltway bullies" who come from the urban sprawl of Washington and Baltimore.

In the 1960s, he fought against civil rights laws that he believed infringed on the right of his Dorchester County constituents to make their own laws. Later, he opposed mass transit projects such as the Baltimore subway that he said would siphon money away from rural roads and bridges.

And he fought against environmental bills that he thought took rights away from Eastern Shore property owners but left landowners in urban areas free to pollute at will.

Malkus scorns critics who he said question his commitment to the environment while allowing environmental degradation to continue in the metropolitan counties.

"I call them hypocrites. They vote for somebody else to save nature, but they don't want to do it themselves," he said.

Lapides, an urban environmentalist, said Malkus is a true environmentalist despite his opposition to major environmental legislation to protect wetlands and critical areas and limit development.

"He's deeply committed to the land," Lapides said.

There are critics who charge Malkus is a political dinosaur, supporting policies that no longer work and denying the problems of the 1990s.

But Denis said that is not the case.

"A lot of his attitudes were formed at a time when a lot of people in the Senate weren't even born," Denis said.

"But he does not allow himself to slip into the past. He's very much of the present," he said.

"His enthusiasm has never waned. He hasn't lost a step."•

IN TRIBUTE TO THE 100TH ANNIVERSARY OF THE KOSCIUSZKO FEDERAL SAVINGS BANK

• Ms. MIKULSKI. Mr. President, I rise to pay tribute to the Kosciuszko Federal Savings Bank in Baltimore, MD. Kosciuszko has been serving my home town for 100 years.

The Kosciuszko Savings Bank was founded by my grandfather, Michael Kutz, and other immigrants—shop owners in the neighborhood who pooled their resources to open up opportunities for other immigrant families. My grandfather had a grocery store, while someone else owned a tavern. One was a cabinet maker, one a dentist, a shoemaker, a barber, an attorney, and an insurance agent. They all put money up together when so-and-so in the neighborhood wanted to buy a house. They knew everybody in the neighborhood, and they helped get people started in the community. The Kosciuszko Bank was founded on the principle of helping others.

His son Peter Kutz runs Kosciuszko now, and has kept to the roots of the original home town savings and loan. He knows how important it is that we do not forget the little guys, families that have passed their savings through generations as they have grown.

The Kosciuszko Bank has served these families for 100 years, through the Depression and the savings and loan crisis. My grandfather made sure that the bank stayed open through the Depression without foreclosing on any loans. They operated with a pledge of honesty and developed confidence and trust with their customers.

And in the 1980's, when those big boys with Gucci shoes were making real estate deals, Peter Kutz was running the Kosciuszko Savings and Loan the same way its founders had: with two tellers, no hours on Wednesday, and no speculative business deals. The savings and loan crisis caused many Maryland S&L's to shut down, but the old neighborhood thrift in east Baltimore did not even have long lines.

Mr. President, the Kosciuszko Federal Savings Bank has been providing my community with security and stability since 1884. If has helped families grow through two and three generations. Its reputation of honesty and trust has spread by word of mouth, and it now serves over 1,000 people. Over the last 100 years—through the Great Depression, several wars and recessions, and the savings and loan crisis—the Kosciuszko Bank has been a rock and foundation of east Baltimore. I am proud to recognize the Kosciuszko Savings Bank, and to pay tribute to its 100 years of service to the community.•

TRIBUTE TO DENISE E. EPPS-SMITH

• Mr. LIEBERMAN. Mr. President, I rise today to honor Denise E. Epps-Smith, who has made a tremendous contribution to the lives of special education students.

Ms. Epps-Smith began her career in special education in Hartford in 1978, when she began teaching at the Special Education Learning Center [SELC], an academic program for socially and emotionally maladjusted children. Appointed to the position of special education coordinator of the SELC and subsequently named SELC administrator, Ms. Epps-Smith is currently responsible for the operation of the entire SELC program. She has also served as supervisor to teachers at the Juvenile Detention Center, to the REACH Program at the McDonough and Martin Luther King Schools, and was involved with programs at the Fox Middle School, and Hartford Public High School.

Acknowledged by her colleagues as an exceptionally competent administrator and a woman of great integrity, Ms. Epps-Smith is an integral part of the special education programs in Hartford. Her tireless efforts and strong commitment have made a great impact on the lives of many of Connecticut's students.•

JAMES A. BAKER'S WOODROW WILSON CENTER LECTURE

• Mr. HATFIELD. Mr. President, last night I heard former Secretary of State James A. Baker III deliver the following speech for the 25th anniversary lecture series of the Woodrow Wilson Center. It benefits us all to hear what he has to say about current events and our Nation's role in world affairs. I ask that they be printed in the RECORD as a contribution not only to the current debate on Bosnia, but also to our larger responsibility to define and protect American interests abroad.

The speech follows:

IS HISTORY REPEATING ITSELF IN EUROPE?

(By James A. Baker III)

It is a privilege for me to be here this evening on behalf of The Wilson Center, an institution with which I have been proudly associated for over 17 years, and a pleasure to see around the room the faces of so many old friends and colleagues.

Since leaving government I have been deeply involved in the development of an institute for public policy at Rice University in my hometown of Houston, Texas. Like all new endeavors, the Institute is looking for examples of excellence to emulate, and I can assure you that The Woodrow Wilson Center for International Scholars ranks high among them. I only hope that the Baker Institute will be half as successful as the Center has been in attracting our nation's most distinguished scholars and practitioners of public policy.

My subject tonight is Europe in the post-Cold War era and, in specific, an appropriate American response to the strategic, political, and economic changes that are (for better or for worse) still transforming the region that comprises the former Soviet bloc.

All of us can remember the euphoria we felt when the Berlin Wall fell and freedom surged, first through Central and Eastern Europe and then into the heart of the Soviet Empire itself. It seemed for a moment as if Woodrow Wilson's great vision of a liberal international order, based on the shared values of democratic societies, might come to pass.

Those days seem long ago. Today, euphoria has been replaced by the somber realization that history—the history of human conflict and cruelty—has not, in fact ended.

In the former Yugoslavia, Europe has witnessed its worst human savagery and suffering since the end of World War II. The nightmare in Bosnia has revealed both the strength of ethnic animosity and the impotence of the international community in addressing it, prompting some pessimists to describe it as the model of future conflict throughout the former communist bloc.

In Russia, economic reform seems stalled, if not yet reversed, and, day-by-day, evidence of a more assertive, some say aggressive, Russian foreign policy towards its neighbors accumulates. There is, not surprisingly, already talk in the West of "losing" Russia. I believe that events in Moscow, like the war in Bosnia, represent only part of broader trends in Central and Eastern Europe and the former Soviet Union.

I am convinced that these trends, if not slowed, promise a continent far-removed from the Europe whole and free which seemed so close when the Cold War peacefully concluded.

POST-REVOLUTIONARY TRENDS IN THE FORMER SOVIET BLOC

Perhaps the most disturbing of these trends, and certainly the most costly in human terms, has been the rise of communal conflict throughout much of the former communist bloc.

In some places, conflict has boiled over into outright violence. This is true, not just in Bosnia, but also in Moldova, Georgia, Armenia, Azerbaijan, and Tajikistan. Elsewhere, conflict simmers just below the surface, especially in Ukraine, with its large, restive, and increasingly militant Russian minority. And Russia itself is a country within which there are many ethnic, linguistic, and sectarian differences.

Also worrisome is an emerging pattern of setbacks for economic reform. The eclipse of reformers in Yeltsin's government, notably former Prime Minister Gaidar and Finance Minister Fydorov, and their replacement by apparatchiks have parallels elsewhere. In Moldova, Belarus, and, Ukraine, the forces of reform, never robust, are in retreat. In last month's parliamentary elections in Ukraine, for instance, reformers won only 35 of 338 seats. In contrast, over 100 former communists were elected. Not even Poland, one of Eastern Europe's free market successes, has proven immune. Even there, former communists have been able to capitalize on the hardships associated with economic reform for electoral gain—as they appear to have done in yesterday's elections in Hungary.

Simultaneous with this movement away from economic reform has been a trend towards political radicalism. Communist totalitarianism may have met defeat, but the victory of liberal democracy has been far from complete. Today, ideological struggle continues, but along a different front.

After fifty years of near silence in Europe, fascism has found its voice again—an ugly, menacing voice of anti-semitism, xenophobia, and authoritarianism. This development has been most striking in Russia, where Vladimir Zhirinovsky's success in last December's election demonstrates the powerful appeal of reaction to the economically hard-pressed.

But Zhirinovsky is not alone in his appeal, nor is Russia unique in its temptation. In Serbia, Slobodan Milosovic has already put much of Zhirinovsky's theory into practice, prosecuting a war in the name of a Greater Serbia without consideration of basic human rights or international norms of behavior. Elsewhere in the region, there are those prepared to follow his and Zhirinovsky's lead.

Even some Western Europeans, presumably far more sophisticated politically than their brethren to the East, have yielded to reactionary temptation, turning to the political extremism of neo-fascists in Italy and Germany or to the street violence of skinheads in Great Britain and elsewhere.

A final worrisome trend, now subject of intense debate in the United States and in Europe, is Russia's reassertion of its traditional sphere of influence. President Yeltsin and Foreign Minister Kozyrev have staked public claim to a special Russian relationship with the states of the so-called "near abroad." As Russian military involvement in Georgia and Moldova already demonstrates, this relationship presumably includes the right to intervene in its neighbors' affairs.

Whatever Russia's intent, the nations around it, particularly those, like Ukraine, with sizeable ethnic Russian minorities, are plainly apprehensive.

So are the Eastern European countries that have endured Moscow's imperial yoke in the past. Russia's introduction of peacekeepers into Bosnia has so far marked a positive contribution to peace in that volatile region. It nevertheless raises concerns in the Balkans and elsewhere about the reemergence of a pan-Slavism that led, at least in part, to the outbreak of World War I in 1914.

LIBERALISM AND REACTION

All these trends, from the trend toward reversal of reform, to the rise of fascism to the risk—if not yet the reality, of a new Russian imperialism are interrelated. All, I believe, reflect a fundamental rejection of the principles of liberalism, principles first delineated in the works of Enlightenment theoreticians like Locke, Montesquieu, and Kant, and embodied by the modern societies of Western Europe and the United States.

Free enterprise, democratic government, civic identity based on voluntary association rather than communal solidarity, and the peaceful resolution of international disputes are all great liberal ideals. All today are under assault in Central and Eastern Europe and the former Soviet Union.

Whether the anti-liberal trends I have discussed represent a true counterrevolution, or simply temporary reverses understandable given the enormous tasks confronting reformers in the East, is unclear. Some observers have gone so far as to suggest that the Cold War itself marked an anomaly in European history, and that, with its conclusion, the traditional continental struggle between liberalism and reaction dating back to the 19th century will resume.

Clearly, the great Eastern debate over modernization continues. The division between Russia's Slavophiles and Westernizers, apparent at least since the time of Peter the Great, can be seen today in the contest between men like Zhirinovsky and Gaidar, who possess not just different, but mutually exclusive, visions of their nation's nature and international role.

THE WESTERN (NON-)RESPONSE

The Western response to developments in the former communist bloc has been mixed at best, and marked, in the United States and elsewhere, by near manic-depressive swings between optimism and gloom. This is particularly true in the case of Russia, where opinion is sharply divided.

Some observers seem prepared to countenance any Russian backsliding at home or bellicosity abroad for fear of prompting a reaction from the Russian right. Many in the current Administration appear to fall into this camp.

Others, in contrast, seem ready to declare Russia already lost. Some members of my own political party have seized on the recent US-Russian spy scandal to call, not just for a termination of American aid to Russia, but, at least by inference, for the creation of a new anti-Russian alliance.

In my opinion, the first point-of-view is naive, the second premature. Yet both, ironically, suffer from the same intellectual affliction: Russo-centrism.

This is not to deny the importance of Russia and developments there, not just for its neighbors, but for Western Europe and the United States.

Indeed, I will later argue that it is precisely this importance which makes it imperative for the West to maintain assistance to Russian reform and reformers.

But I believe it is also critical to recall that Poland, Hungary, and the Czech Republic, to name just three, possess importance to the West in their own right, as fellow democracies, diplomatic partners, and potential markets. Our policies towards them must be dictated by American interest, not by domestic Russian politics.

What the West needs, I submit, is a European approach to European problems, one that addresses unfolding events in Russia in a broader continental context. I believe that the West should pursue a four-part strategy towards Central and Eastern Europe and the former Soviet Union.

A WESTERN STRATEGY

First, the West must make irreversible our past progress on strategic arms control and non-proliferation.

Lost in today's headlines is a fact of extraordinary importance: tens of thousands of nuclear warheads, enough to destroy humanity several times over, remain in Russia, Belarus, and Ukraine.

Plainly, the United States should continue to monitor closely the dismantlement of Russian nuclear weapons pursuant to arms control agreements. As we have since 1991, we should support this effort with technical assistance. In addition, the United States and its allies must intensify pressure on Ukraine to meet all its commitments under agreements it negotiated and signed with us and other countries—commitments that the government of Ukraine has solemnly made, frequently reiterated, but not yet fulfilled.

Our willingness to compromise with Ukraine, rather than insist on full compliance with these commitments is why we have been on the receiving end of an ever-escalating series of demands for economic and security assistance.

Lest anyone be tempted to forget, the missiles in Ukraine are aimed at Washington, not Moscow. This vital fact should outweigh any consideration of domestic politics and we should demand that Ukraine fulfill its two-year-old commitments to us.

But the West must worry about more than the nuclear weapons that remain in the former Soviet Union, dangerous as they are. We must also be concerned about the illicit export of unconventional arms, technology, and expertise from the former Soviet Union to parts unknown, or rather suspected: locations like Tehran, Tripoli, Pyongyang, or Baghdad. Given the profound economic hardship reigning in the former Soviet bloc, and particularly the extreme shortage of foreign exchange, the temptation to proliferate will be considerable.

But it must be resisted, if necessary with the reinforcement of Western sanctions against violators. With the Clinton Administration's decision to lift remaining COCOM restrictions on sensitive exports to the former Soviet Union, the risk of diversion of technologies has, in fact, increased. As we call for discipline on the part of the former Soviet Union, it is important that the United States and our allies meet the same test of responsibility.

Second, the West must reinvigorate the North Atlantic Treaty Organization. This begins with a refocussed mission for NATO. Russia's military is in disrepair. Manpower is down to only a quarter of that of the former Soviet Union. Readiness is poor, with military exercises regularly cancelled for lack of ammunition or equipment.

And morale, as evidenced by a recent draft call in Moscow where only 5 percent of inductees turned up, is low. In short, though large in comparison to its neighbors', Russia's armed forces today, and for the foreseeable future, represent no conventional threat to Western Europe.

Nonetheless, the disappearance of an immediate threat to Western Europe should not lead to the demise of the West's premier political and security organization: NATO. I am convinced that NATO must still play a vital role in the future of European security. It is, quite simply, the world's foremost military alliance. There is simply no replacement for it on even the most distant of horizons.

The relative success of NATO's recent, if overdue, action in Bosnia demonstrates, I believe, its unique capability and credibility. Both should be put more aggressively to use in containing the Bosnian conflict from expanding into a general Balkan War that could draw in Albania, Greece, Hungary, or even Turkey.

Macedonia, in particular, remains a potential flashpoint, despite the presence of American and other observers. Highly vulnerable to possible Serbian aggression, it has also been, since February, the victim of an unwarranted Greek trade embargo.

Explicit warnings to anyone tempted toward adventurism in Macedonia, including the government in Belgrade, backed up, if necessary, by the deployment of substantial NATO forces, should be part of our approach to the Macedonian problems. So, too, must be a clear message to Athens from all its NATO and EU partners that its embargo of Macedonia, however popular domestically, runs the real risk of further destabalizing an already war-ravaged region and should be reversed.

Central to NATO's reinvigoration is expanding membership eastward. I believe that the Alliance should offer full membership to former Soviet bloc states that demonstrate a commitment to democracy, free markets, and responsible security policies. By so doing, NATO can extend powerful incentives for reform. In my opinion, Poland, Hungary, and the Czech Republic are ready for membership now. The Administration's "Partnership for Peace" is, at best, a half-hearted response—and last January's NATO Summit marked a missed historic opportunity. Broadening full Alliance membership will enhance security in Central and Eastern Europe as it did in Western Europe after World War II, and send a message of Western resolve to would-be Russian imperialists.

Moreover, I am convinced that NATO membership can be expanded eastward without prompting an extreme and irreversible Russian reaction. True, Russia is on record as opposing full NATO membership for the Czech Republic, Hungary, and Poland, but Russia herself has also shown interest in some association with NATO. I believe that Russia, like the other former bloc states, should be offered full Alliance membership when and if it, too, meets the criteria I have mentioned. In the final analysis, however, expanding NATO membership must be NATO's decision. A Russian veto on this is simply unacceptable.

Third, the West should sustain support for reform in Central and Eastern Europe and the former Soviet Union.

It is crucial to remember that Russia has not yet been lost. Reform, though slowed, continues. The economic hardship being endured today by the Russian people should not obscure the remarkable strides they have made in just a few years. A new free economy may not have arrived, but the old command economy is clearly a thing of the past.

Already, more than 75 percent of Russian small business is in individual hands and more than 25 percent of the labor force works in the private sector.

Prices have been freed on all but 10 percent of goods. Inflation, though still unacceptably high, continues to decline. And, most importantly of all, Russia already possesses a dynamic entrepreneurial class.

Nor, we should remember, is Russia in any real sense the West's to lose. Russia remains a great power. It is a vast, populous nation with a rich culture and extraordinary economic potential. Russians, and Russians alone, will determine their country's future, for better or for worse.

That said, assistance to reform in Russia remains the West's best international investment, with potential returns, both political and economic, of historic magnitude. Western aid to Russia has never approached a fraction of the cost associated with deterring the Soviet Union. That aid, however, should be more narrowly focused on encouraging private sector development and promoting the institutions, such as political parties, that are preconditions to a civil society. Above all, Western donors and institutions like the International Monetary Fund must continue to remind Russia and others of an unpleasant economic truth: deferring reform will only delay the day of final reckoning. There can be no "therapy" without some "shock."

Equally vital, however, is a good faith effort by the West to open its markets to Eastern goods. Here the record of the European Community has failed abysmally to match is rhetoric. Indeed, certain EU policies, particularly tariffs on key Eastern products such as steel and agricultural goods, have been positively punitive towards the East.

The urge to protect Western European producers, especially given the lingering recession on much of the continent, is understandable. Unemployment is high, growth feeble. Nevertheless, it would be truly tragic were Europe to pull down the Iron Curtain only to erect a trade wall between the "haves" of the West and the "have-nots" of the East. In this regard, Chancellor Kohl's recent call for a roll-back of tariffs against Eastern goods is a positive sign and one that the United States should encourage.

But we here in America must also go further to open our markets to trade with the East. As a first step, we should stop protecting our own domestic producers of commodities, like uranium, which Russia needs to export to generate critical foreign exchange. We should also reach out to former communist bloc countries like Hungary, the Czech Republic, and Poland, to negotiate free trade agreements. Trade and investment between East and West can help ensure mutual security and shared prosperity in ways that massive armies or foreign assistance cannot.

The fourth and final element of a Western strategy for Central and Eastern Europe and the former Soviet Union must be American leadership.

This does not mean that the United States should become Europe's policeman. We have fought three wars in Europe during this century—two hot ones and a cold one—and that is quite enough. Still, the United States is a European power, with enduring interests there, and we must act as one.

As it has for four decades, European unity remains in America's national interest. We should look forward to the day when the United States can work with a united Europe as a full diplomatic, economic, and strategic partner.

That day, however, has not yet arrived. Even economic union, a far less daunting task than political unity, has proven more difficult than many European enthusiasts had predicted. "EC 92" has come and gone and the states of Western Europe still struggle with coordination. Monetary union remains as ephemeral as it has always been.

Diplomatic coordination has proven, if anything, even more difficult for the EU to achieve. Anyone who doubts the imperative of American leadership need only review the tragi-comic history of Europe's "common policy" towards the former Yugoslavia.

SELECTIVE ENGAGEMENT

The end of the Cold War has created extraordinary freedom of action for the United States, in Europe and elsewhere. We no longer face a single overwhelming threat. We no longer confront a single global enemy. The decades of East-West confrontation, when every conflict, no matter how minor, could become a zero-sum contest between the two blocs, are, gratifyingly, over. American engagement is no longer compulsory.

Instead, today the United States can afford to engage selectively. This selective engagement requires us to assess our interests and seek policies that are proportionate to them. We must choose the appropriate instrumentality, multilateral or unilateral, to pursue those policies. And, above all, we should husband that most important of intangibles, our credibility, in the service of our national interests.

To be blunt, I believe that the Administration—by missteps in Haiti and Somalia, a diminution of American leadership within NATO, and a "stop-and-go" policy towards Bosnia that can only charitably be labeled "confused"—has called that credibility into doubt.

In foreign policy, far more than in domestic policy, words are the currency of the realm. If promises to allies are kept and threats against enemies carried out, our currency will rise in value. But if promises are betrayed, threats are unfulfilled, and rhetoric and reality don't match, then the currency of our foreign relations will be dangerously devalued. And right now, the run against the dollar pales in comparison to the devaluation that has taken place in our foreign relations.

In short, the Administration has indulged in Wilsonian rhetoric without backing it up with Wilsonian resolve. As Michael Mandelbaum, foreign policy expert and, ironically, advisor to the Clinton campaign in 1992, puts it succinctly: "If you're not going to pull the trigger, don't point the gun."

The impression today in inescapable: the nation's leadership is fundamentally uncomfortable with the concept of America power, which of course is a sine qua non of its proper exercise. In the wake of the Cold War, the scope for that exercise is without parallel. The United States finds itself in a unique and ironic set of circumstances. With our emergence as the world's sole superpower, the United States can do so much that we are tempted to attempt everything—or do nothing at all.

It is clear that the United States must avoid both temptation and their attendant false choices. If we are to protect our interests and promote our values, as I believe we must, then we must get beyond empty either/or's and engage selectively. Fundamentally, the question is not if the United States should remain engaged in world affairs, but when, where, and how.

EMBRACING UNCERTAINTY

This is nowhere truer than in Central and Eastern Europe and the former Soviet Union, a region where history is still being made at a revolutionary pace. The strategy I have sketched tonight—a strategy of selective engagement—embraces the uncertainty of the current moment around the world, but especially in Europe.

No simple analysis will yield the truth about a region as vast, complex, and rich with history as the former communist bloc. And no single policy will permit the West to meet the challenges of the post-Cold War Europe.

Still, I believe that the approach which I have outlined maximizes opportunity and minimizes risk not just for the West, but for the nations of the former Soviet bloc themselves. It reinforces liberalization where possible but prepares against the eventuality of reaction. It hedges our strategic bets. It is a strategy, in short, that combines both hope and realism.

CONCLUSION

If my remarks this evening lack the optimism of a few years ago or the pessimism we hear so much nowadays, it is for a reason.

Today, we stand neither on the verge of the millennium nor on the eve of Armageddon.

Indeed, we are, on balance, rather further from Armageddon than we were just a few years ago, when Europe was still divided by barbed wire and armies bristling with weapons.

And lest we forget it, hundreds of millions of individuals today throughout the former communist bloc have a chance they did not just five years ago: an opportunity to live free and prosperous lives in a world made safer for them and their children. Woodrow Wilson's dream may not yet be universally realized, but it is enjoyed today by more people than at any time in human history.

We are ending human history's most brutal century on a note of hope, however tentative. That we and the world do so is attributable above all, I believe, to American leadership on the international stage. And that leadership remains as vital today as it ever was.

No, Russian is not yet lost. Nor, whatever happens there, is Europe. The continent is not ready—yet—to repeat its tragic history of the 1930s and '40s.

Nonetheless, I do believe that the United States and its allies today run the real risk of losing a unique historical opportunity to shape Europe in a way that will protect our interests and promote our values for years, and, indeed, decades to come.●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● **Mr. MOYNIHAN.** Mr. President, I rise to announce to the Senate that 12 people were killed by gunshot in New York City this past week, bringing the annual total to 360. The Senate can do something to stop this public health epidemic. I have said many times that guns don't kill people, bullets do. Indeed, we need to ban or tax heavily certain calibers of handgun ammunition. Recently, the House and Senate have taken action on important firearms-related legislation.

First we passed and President Clinton signed into law the Brady bill. Last week, the House passed legislation to ban 19 types of semiautomatic assault weapons. I supported this legislation as an amendment to the crime bill and urge conferees to include this important provision in the conference report to the crime bill.

Finally, Mr. President, I ask that a partial listing of New York assault weapon incidents be printed in the RECORD at the conclusion of my remarks. This listing illustrates the ugly toll that these assault weapons have taken in my State.

The listing follows:

NEW YORK ASSAULT WEAPON INCIDENTS—PARTIAL LISTING

OFFICER STARES DOWN THE MUZZLE OF AN AK-47

BUFFALO, April 26, 1994.—A narcotics detective was nearly killed when a suspected drug dealer pointed an AK-47 in his face poised to shoot. A nearby officer fired and narrowly missed the suspect, but saved the officer.

TWO THUGS OPEN FIRE ON POLICE, TEC-9 FOUND

BROOKLYN, April 25, 1994.—A gun battle erupted when two men apparently recognized two plainclothes cops as police officers and opened fire with a TEC-9. The two officers, part of a team of officers involved in an undercover narcotics operation, fortunately escaped unscathed but were treated for trauma. Police returned fire, killing one suspect and wounding a second.

BROOKLYN BRIDGE ASSAILANT HAD ASSAULT WEAPONS IN HOME ARSENAL

NEW YORK CITY, March 1, 1994.—Two men were killed in a drive-by assault on the Brooklyn Bridge believed to have been perpetrated with large-capacity pistols. However, the gunman's home arsenal, recovered by police, included a street sweeper shotgun and an AK-47.

HIGH-SPEED CAR CHASE WITH AN AK-47

BUFFALO, March 1, 1994.—A 29-year-old was killed by at least four shots to the body in a high-speed car chase lasting several blocks. Witnesses dove for cover as more than thirty rounds were fired from an AK-47 before the victim's car crashed into a utility pole.

AN ARGUMENT OVER STOLEN SPEAKERS ENDS IN DEATH

BUFFALO, February 22, 1994.—A 17-year-old was fatally wounded in a housing project hallway argument over stolen speakers when the man he was arguing with pulled out a MAC-10.

16-YEAR-OLD AND 14-YEAR-OLD COMMIT CARJACKING

BUFFALO, January 29, 1994.—A 16-year-old and his 14-year-old accomplice perpetrated a carjacking, "persuading" the driver to hand over the keys with an AK-47.

TEENAGER USES AK-47 AGAINST QUEENS POLICE

NEW YORK CITY, June 1989.—Police officers in Queens were fired upon with an AK-47 rifle when responding to a street corner shooting in which a 19-year-old victim was slain by a 15-year-old.●

CONCLUSION OF MORNING BUSINESS

Mr. FORD. Mr. President, I now ask unanimous consent that we return to regular order.

The **PRESIDING OFFICER.** Without objection it is so ordered.

Morning business is closed.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that all amendments to S. 2042 be withdrawn; that there then be two first-degree amendments in order to be debated concurrently, the first to be offered by Senator DOLE, which will be the text of amendment No. 1694, as modified, and the second to be offered by Senator MITCHELL relating to the same subject; that no other amendments be in order to S. 2042 prior to the disposition of these two amendments; that upon the conclusion of the debate on the conference report on S. 636 on Thursday, May 12, the Senate resume consideration of S. 2042, the Bosnia arms embargo bill, and there then be 1 hour for debate on the two leaders' amendments, equally divided between the two leaders or their designees; that upon the use or yielding back of that time, the Senate vote, without any intervening action or debate, on Senator MITCHELL's amendment, to be followed immediately by the vote on Senator DOLE's amendment, No. 1694, as modified; that if both amendments are agreed to, the language of each is inserted into the bill; that upon the disposition of these two amendments, the bill continue to be debatable and amendable; and further, that upon the disposition of these amendments, the Senate, without any intervening action or debate, vote on the conference report on S. 636.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

LENGTH OF VOTES ON THURSDAY, MAY 12

Mr. MITCHELL. Mr. President, I ask unanimous consent that when these votes occur on Thursday—and under the current schedule, there will be three votes beginning at noon on Thursday—the first vote be for 15 minutes and the succeeding votes be for 10 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I understand that Senator DOLE's amendment is at the desk. I am about to send my amendment to the desk, and I will then explain my amendment and address the subject briefly.

AMENDMENT NO. 1696

(Purpose: To approve and authorize the use of United States airpower to implement the North Atlantic Treaty Organization [NATO] exclusion zones around the U.N. designated safe areas in Bosnia-Herzegovina, to protect UNPROFOR forces, and to seek the removal of the arms embargo of the Government of Bosnia-Herzegovina)

Mr. MITCHELL. Mr. President, pursuant to the agreement just reached, I send an amendment to the desk and ask that it be stated by the clerk.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for himself, Mr. PELL, Mr. NUNN, and Mr. BUMPERS proposes an amendment numbered 1696.

At the appropriate place insert the following:

(a) PURPOSE.—To approve and authorize the use of the United States airpower to implement the North Atlantic Treaty Organization (NATO) exclusion zones around United Nations designated safe areas in Bosnia and Herzegovina and to protect United Nations forces.

(b) FINDINGS.—The Congress makes the following findings:

(1) the war in the Republic of Bosnia and Herzegovina has claimed tens of thousands of lives and displaced more than two million citizens;

(2) the Senate supports as a policy objective a peace settlement that provides for an economically, politically and militarily viable Bosnian state, capable of exercising its rights under the United Nations Charter;

(3) United Nations Security Council Resolutions 836 and 844 call on member states, acting nationally or through regional organizations, to take all necessary measures to deter attacks against safe areas identified in Security Council resolution 824.

(4) On February 9, 1994 the North Atlantic Council authorized the use of air strikes to end the siege of Sarajevo and on April 22, 1994 to end the siege of Gorazde and to respond to attacks on the safe areas of Bihac, Srebrenica, Tuzla or Zepa or to the threatening presence of heavy weapons within a radius of 20 kilometers of those areas (with Bosnia and Herzegovina);

(5) The Congress in the FY 1994 State Department Authorization bill expressed its sense that the President should terminate the United States arms embargo on the Government of Bosnia and Herzegovina.

(c) POLICY.—

(1) The Senate authorizes and approves the decision by the President to join with our NATO allies in implementing the North Atlantic Council decisions:

(A) of June 10, 1993 to support and protect UNPROFOR forces in and around U.N. designated safe areas and,

(B) of February 9, 1994 to use NATO's airpower in the Sarajevo region of Bosnia and Herzegovina and,

(C) of April 22, 1994 to authorize CINCSOUTH to conduct air strikes against Bosnian Serb heavy weapons and other military targets within a 20 kilometers radius of the center of Gorazde, and Bihac, Srebrenica, Tuzla or Zepa (within the territory of Bosnia and Herzegovina) if these safe areas are attacked or threatened by Bosnian Serb heavy weapons.

(2) The Congress favors the termination of the arms embargo against the Government of Bosnia and Herzegovina. The President shall seek immediately the agreement of NATO allies to terminate the international arms embargo on the Government of Bosnia and Herzegovina. In accordance with Administration policy following such consultations the President or his representative shall promptly propose or support a resolution in the United Nations Security Council to terminate the international arms embargo on Bosnia and Herzegovina. If the Security Council fails to pass such a resolution the President shall within 5 days consult with Congress regarding unilateral termination of the arms embargo on the Government of Bosnia and Herzegovina. Upon termination of the international embargo the President shall ensure that appropriate military assistance be provided expeditiously to Bosnia and Herzegovina upon receipt from that government of such a request in exercising its right of self-defense.

(3) Unless previously authorized by the Congress no United States ground combat forces should be deployed in Bosnia and Herzegovina. Any request by the President for such authorization should include:

(A) an explanation of the United States interests involved in such commitments or actions;

(B) the specific objectives of the commitments or actions;

(C) the likely duration of the operation;

(D) the size, composition, command and control arrangements, rules of engagement, contributions of allied nations, and other details of the force needed to meet the objectives;

(E) specific measurements of success, particularly the end point of the U.S. involvement, and what follow-on security arrangements would be needed; and

(F) an estimate of financial costs, including burdensharing arrangements, and non-financial costs as can be determined.

(4) Nothing in this legislation restricts the prerogative of Congress to review the arms embargo on Bosnia and Herzegovina.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I believe that every Member of the U.S. Senate is deeply concerned with the events of recent years in the former Yugoslavia. I believe that every Member of the Senate joins in condemning the atrocities that have occurred, the so-called ethnic cleansing, and the aggression which has left millions of people displaced from their homes and has torn apart villages and families.

I believe that every Member of the Senate would like to see the fighting there come to a close and a peaceful resolution of the conflicts which have existed for centuries and which are a tangle of ethnic, religious, and other differences.

So I think there is not much, if any, disagreement in the Senate about the goal we share. The disagreement, as always, is over the best way to achieve that goal, and especially the best way to achieve it consistent with the national interest of the United States.

The Senate now has before it two different approaches to this problem. The amendment which I have proposed with and on behalf of Senator PELL, the distinguished chairman of the Foreign Relations Committee; Senator NUNN, the distinguished chairman of the Armed Services Committee; and Senator BUMPERS, the distinguished chairman of the Small Business Committee, sets forth one alternative. The other amendment proposed by Senator DOLE for himself and a number of other Senators sets forth a different alternative.

What are the differences between them?

The major difference is whether or not the United States should now, on its own, simply terminate the arms embargo on Bosnia, as Senator DOLE and his colleagues propose, or whether the United States should immediately and aggressively seek to support the concurrence of our allies in NATO and the United Nations to end the arms embargo on Bosnia.

There are other differences as well, and I will detail those now. Then I will come back to the major difference and set forth my reasons for urging support for the alternative Senators PELL, NUNN, BUMPERS, and I have presented.

Among the other differences, our amendment expresses support for the decisions made by the President and NATO to support and protect the United Nations forces in and around the U.N. designated safe areas, to use NATO's air power in the Sarajevo region of Bosnia and Herzegovina, and to authorize air strikes against Bosnian Serb heavy weapons and other military targets within specified areas. No mention is made of those in the alternative resolution.

Therefore, I think those who believe that the United States and the United Nations should be more aggressive in dealing with this situation should support the alternative we are presenting because the other alternative is silent on those matters on the principal difference.

Mr. President, less than 2 years ago I visited the region. I toured refugee camps. I met and talked with people who had seen members of their family murdered. I met and talked with the leaders of the countries of the region, most of those who are involved in the ongoing conflict.

Upon our return from the visit, which I made with a bipartisan group of Senators, and following further discussion in this country, I expressed my support for an end to the arms embargo on Bosnia.

I reached that conclusion reluctantly, because I recognized that it could trigger a much more widespread and more destructive conflict than has occurred. But I believed then, and believe now, on balance it would be the right thing to do.

But what I do not believe is that it would be the right thing for anyone, the people of the region, or the national interests of the United States, or the future efforts to get countries to join together in collective action—it would not be in any of those interests for the United States now to unilaterally, on its own, without regard to the views of our allies or the safety of citizens and troops of our allies, to simply unilaterally discontinue this embargo.

Why is that? Mr. President, right at this time there are several multilateral actions imposing sanctions or other collective actions in other parts of the world and in this part of the world. Right now there is a concerted effort by several countries to impose economic sanctions on Iraq, and they have been imposed there since the time of the Persian Gulf war.

Right now, there is collective action to impose economic sanctions on Cuba, and they have been in effect there for some time.

Right now, there is a collective effort to impose sanctions on Haiti, as we all know from the announcements of recent days. And, as all of us know, there is a possibility, perhaps a probability, that there will be collective action to impose sanctions on North Korea if that country persists in its refusal to permit inspection of its atomic facilities.

In addition, there is right now collective action imposing economic sanctions on Serbia, who all concede has aided and abetted the fundamental aggressors in this conflict, the Bosnian Serbs.

Well, Mr. President, ask ourselves this question: if the United States is to unilaterally on its own select those combined actions which it will drop out of when it wants to, then what is to prevent every other country from doing so on collective actions in which we want them to participate?

We cannot have it both ways. We cannot say that there must be collective action when we choose, but when there is collective action that we do not agree with, we are going to drop out and not try to get it changed by the other countries involved.

A few months ago, in my office, I met with the Prime Minister of Turkey. She made a powerful, impassioned argument as to the adverse economic effects on her country, Turkey, that are resulting from the sanctions against Iraq. They do not hurt the American economy very much, because we did not have a large volume of trade with Iraq, but they hurt the Turkish economy substantially because Turkey borders on Iraq and they had substantial trade with them.

In my view, it is a near certainty that if the United States now unilaterally drops out of the arms embargo on Bosnia, the Turkish Government and others in the region will unilaterally drop out of the economic sanctions on Iraq. Is that something that the Senate wants? And the same is true of the sanctions against Cuba, the same is true of the sanctions against Haiti, and the same is surely true of the sanctions against Serbia.

Indeed, by a coincidence and a curious irony, less than 2 weeks ago, Senator DOLE and I met in my office with the Prime Minister of Greece and the Foreign Minister of Greece. In the course of the discussion, the Foreign Minister of Greece described at some length the adverse effects on the economy of his country because of the sanctions being imposed against Serbia.

The sanctions against Serbia are directly related to the subject matter that we are now discussing, the conflict in Bosnia. Because of the Serbian actions with respect to Bosnia, economic sanctions have been imposed upon Serbia. They are a collective action. And, as always, the pain of these is not equally felt. We are not feeling much pain in this country from the sanctions against Serbia, but those countries which border on Serbia are —Greece, Hungary, Romania, Ukraine.

Those countries which had extensive trade and are now on the front line of the conflict are being asked to bear the burden. They are not going to continue to do that if they see that the United States picks and chooses which collective action it will participate in. In that event, they will pick and choose which collective action they will participate in.

And so we can anticipate an effect felt around the world and for some time to come if the United States takes the position that we are for collective action and we will participate in collective action when we want to, and when we do not want to, we will drop out. If we do that, we can expect others to adopt the same standard.

Mr. President, the supporters of the alternative have argued and will argue that "this case is different," and legal and technical arguments will be presented in an effort to distinguish this action. But we are not the only place in the world with lawyers and technicians who can make up these arguments. There are lawyers and technicians in Turkey who will make up equally compelling and perhaps more compelling arguments as to why they should no longer participate in the sanctions against Iraq. There are lawyers and technicians in many other countries who will make similar arguments, and the result that will be there will be few, if any, collective actions possible of this type.

I think this is a consequence that is to be avoided. I urge those who are considering these resolutions to ponder very carefully the implication for future policy. Because, Mr. President, the number of requests for the United States to intervene unilaterally in trouble spots around the world is going to grow and grow and grow. I would like, if I might, to ask my colleagues to think about that aspect of this debate.

We now approach the 21st century, with the United States in a position relative to other nations that I believe is unique in history. The United States is today the dominant military and economic power in the world.

There have been other dominant powers in prior history. But I ask my colleagues to think back and try to recall a situation in which the dominant military power has also possessed the moral authority and the trust which the United States now possesses. Prior empires—the Roman Empire, the Ottoman Empire, the Hapsburg Empire, the French under Napoleon, the British at the peak of the empire, they all had to fight their way on to the soil of other countries. They were constantly at war with hostile nations who resisted their drive for domination.

The United States is not in that position today. We have no territorial ambitions. And, as a result, our situation is the opposite. Not only do we not have to fight to get on to other people's soil, other people are constantly after us to send our military forces to their countries. They do not want us to bring our forces back.

Mr. President, in the last 2 years, I have spoken with the leaders of almost every government in Europe. I have asked each of them this question: now that the Soviet Union no longer exists and its forces are being withdrawn to Russia, should the United States withdraw its military forces from Europe back to the United States?

Without exception, the answer every time was no; not even a maybe, including the Russians, the Germans, the French, the Italians, the Scandinavians, everybody; they want American military forces in Europe.

In fact, in several of the countries which I visited, in the governments where American forces are not presently located, the governments requested that we send them there. This is a situation without parallel in history. People know the United States does not have territorial ambitions. They know we are not trying to conquer other countries and so they trust us and they constantly are after us not to bring our forces back from where they are now located and, in fact, to send them to even more places.

Mr. President, you combine that unique circumstance with the fact that the demise of communism and the rise of ethnic conflict and nationalism have created the certainty of turmoil in various places around the world and we are going to be asked over and over again to send American forces to solve every problem in the world. And the question we must ask ourselves as we debate this amendment is: Are we now to say that every problem in the world is going to be an American problem that requires an American solution? Or are we going to say, as I believe we should, that the United States is the world leader but it cannot by itself solve every problem in the world and we are going to ask others to join with us in dealing with problems, especially those distant from our shores?

I think common sense, prudence, and our national interest all combine to say that, facing this rising chorus of requests for Americans to intervene everywhere in the world, that we have to lead but do it in a way that involves other countries. Europeans should be involved in European problems. Africans should be involved in African problems. Asians should be involved in Asian problems. We cannot go into the 21st century asking for collective action to deal with problems around the world if we say now that in this case we do not like this collective action and so without any regard to the views of our allies we are just going to drop out, we are going to unilaterally end this embargo, and never mind what the British think or feel, never mind what the French think or feel, never mind what the other countries think or feel—we are going to drop out.

If we are going to drop out on this, others are going to drop out on other things and the necessity of collective action will be even greater and made even more difficult for a long time to come as a result of our actions here today or when we vote on this during the week.

I think this is a very unwise course for us to take, even as I understand and sympathize with the motives of those who have introduced this alternative. They are frustrated, they are horrified by what has occurred, and they want action. Mr. President, I also am frustrated. I also am horrified. And I also want action. But let us take action which is consistent with our national interest not just in this case. Let us think about the consequences of this action in other situations in the future. All too often in this body and in the legislative process, we view problems as though with blinders and we do not think about the implications beyond the immediate question. Let us do so in this case.

For years to come, Members of this Senate are going to be confronted over and over again with requests for Americans to solve every problem in the world, with requests for Americans to intervene here, to intervene there. I say to you, Mr. President, we cannot do it by ourselves now or at any time in the foreseeable future. We can lead and we must lead as the dominant military, economic, and I would say cultural power in the world. But we have to have help and support from other countries as is appropriate and we are not going to get much help or support from them in other instances if we say that we do not care about their views in this instance.

Look right now at the French and the British. We do not have better allies than that, except for the possibility of our immediate neighbors with whom we share this continent. We have a long history of close relations with the French and British. Right now they have thousands of their troops in Bosnia in danger. We do not have any. And now we are about to say we are going to drop out of this embargo, taking action that endangers the lives of the thousands of British and French troops who are there without first seeking aggressively and actively and appropriately to enlist the support of the French and British Governments in a multilateral action. We should be taking this step but we should not be taking it alone. That is my point. We should be doing it in concert with our allies.

The amendment which I proposed sets forth a process for doing so. Let me describe just briefly the heart of the amendment.

It states first that the Congress favors the termination of the arms embargo.

Second, it directs the President to seek immediately the agreement of NATO allies to terminate the embargo.

Third, in accordance with administration policy, following such consultations the President or his representative is directed to propose or support a resolution in the U.N. Security Council to terminate the embargo.

And finally, if the Security Council fails to pass such a resolution, the President shall within 5 days consult with the Congress regarding unilateral termination of the arms embargo.

If we are going to take this step, why not do it after an orderly and rational and prudent process of trying to involve our allies? Of first seeking immediately the agreement of the NATO allies; of second, presenting the matter at the U.N. Security Council and seeking its approval; and then and only then, if that fails, to come back and consider unilateral termination at that time? That to me is the best thing we could do with respect to the situation in Bosnia and with respect to our own national interests—not just our national interests in this case but our national interests for the foreseeable future.

I will have more to say on the subject in the debate on Thursday. For now, I hope that my colleagues will join me in approving the alternative amendment which I presented with my colleagues, and I encourage them to read both amendments carefully, to listen to the debate, and in the end cast the vote that I believe is most consistent with the interests of the United States. That, after all, should be the foremost standard of consideration of any matter. And, secondly, the one best designed to be helpful to a resolution of the conflict that is now raging—that has raged for so long—in the region.

Mr. President, I yield the floor and I thank my colleague, Senator PELL, for his support and assistance in this matter.

Mr. PELL. Mr. President, I join with the distinguished majority leader and others in sponsoring this legislation. I must say that although I am not completely comfortable with this legislation, I have agreed to cosponsor it as an alternative to the Dole-Lieberman legislation.

The Dole-Lieberman bill would require the President to lift unilaterally the arms embargo against Bosnia and Hercegovina. For reasons I outlined earlier today, and that I discussed together with Chairman LEE HAMILTON in a New York Times piece last week, I will oppose that legislation. I favor the majority leader's alternative not as a matter of philosophy, but rather out of expediency.

One reason, I am not completely comfortable with this alternative legislation is that it endorses the termination of the arms embargo against Bosnia and it instructs the President to seek the agreement of NATO allies in ending the arms embargo. For me, the jury is still out on whether the United States should seize the lead in seeking a multilateral lifting of the embargo. That issue aside, the resolution comes too close for my comfort in suggesting that the President consider lifting the embargo unilaterally if he cannot achieve a multilateral consensus on this issue. I am pleased, however, that the Mitchell amendment calls upon the President to consult with Congress regarding terminating the embargo unilaterally.

To date, the President has held steady in his opposition to unilaterally lifting the embargo. I welcome that decision. I trust the President recognizes that there is not unanimous congressional view on lifting the embargo unilaterally. I hope that President Clinton will continue to keep in mind the reservations that Congressman HAMILTON and I, among others, have expressed. If this bill passes, and the President comes to Congress to consult, I, for one, would continue to urge the President not to lift the embargo unilaterally, and regrettably, would have to oppose a Presidential decision to do so.

Nonetheless, I support the legislation before us as an alternative to the Dole-Lieberman language. There is a groundswell of support for taking some congressional action on Bosnia, but I do not believe that legislation mandating a lifting of the arms embargo, the Dole-Lieberman approach, need be the only outlet for congressional action.

The legislation before us offers congressional input on a number of crucial elements of United States policy toward Bosnia. It authorizes the President's decision to join our NATO allies in using airpower to implement several specific United Nations and NATO decisions; it states that before taking further military action in the former Yugoslavia, the President should seek prior congressional support, it specifies the information the Congress would like the President to provide with regard to any further United States military action; and finally, it instructs the President to seek the agreement of NATO and United Nations allies to terminate the arms embargo against Bosnia.

I agreed to cosponsor this legislation for three main reasons: it offers an alternative to the Dole-Lieberman legislation, which in my view would be damaging to United States policy; it endorses a multilateral approach to ending the conflict in Bosnia; and it signals that Congress intends and expects to be involved in authorizing any further United States military activity in Bosnia. I urge my colleagues to join me in voting for this legislation.

The PRESIDING OFFICER. Pursuant to the previous agreement, the Dole amendment No. 1695 and the Mitchell amendment No. 1696 are now pending to S. 2042.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota [Mr. PRESSLER].

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL AGREEMENT ON TARIFFS AND TRADE

Mr. PRESSLER. Mr. President, the United States recently agreed to a GATT agreement, a General Agreement on Tariffs and Trade. Generally speaking, I am a freetrader, provided that our products are treated fairly in trade with other countries and provided, if we let their products into our country, ours are treated equally.

GATT sounds like a good deal upon first hearing about it, because it is supposed to be the trade agreement of the 1990's. It has about 120 nations in this trade agreement. I think that Mickey Kantor took some good first steps, but then rushed to an agreement.

The GATT agreement that was agreed to, that will be coming to the Senate not as a treaty, I might say, but for enabling legislation, is not a good agreement, in my opinion. I am struggling with it. I may have to vote against the enabling legislation.

Let me give a little background. The GATT agreement creates a world trade organization of 120-some nations, of which the United States only has one vote. There is no safety valve such as in the United Nations where the five Security Council nations can veto almost anything. That means that the United States will be on the same basis as a lot of little, tiny countries, as Rwanda or Uganda, for example. We will have only one vote of 125, even though we are the world's largest trading partner.

There will also be a so-called environmental council which will have similar powers over the United States. I am very concerned that this world trade organization will outvote the United States and impose tariffs and trading conditions on us that are very unfavorable.

The Third World countries may very well place unfair trading conditions on the United States. The Third World countries may well join with Japan and three or four other countries and gang up on us.

So I am very worried about this. I am also worried that GATT has not come here as a treaty. Many years ago when I finished law school, I went to work in the State Department in the legal adviser's office and worked on GATT matters, both in Washington and in Vienna. It seemed to me that GATT was a fair organization in those days, but I am very concerned that this GATT agreement is not coming here as a treaty. I think the Clinton administration was so eager to show progress that they left intellectual property out, they left several other things out in order to rush to an agreement, and the United States will suffer a great deal.

What does this mean? It means that by the Clinton administration's own admission, there will be about a $15 billion shortfall in our tariffs in the first 5 years; that is, we are going to be giving other countries at least $15 billion in our trade. That means our small businessmen, our farmers and others are going to be taxed to support the continuing subsidization that is occurring in European Airbus construction, for example, and in European agricultural.

Mr. President, we have reduced our agricultural subsidies in the United States in the last two farm bills, and we have a third farm bill coming up. We do our farm bill on a 5-year program. We have reduced in each of those 5 years—now 10 years nearly—our subsidies, and we are prepared to reduce them more, but France and Germany will not go along with it.

Let me say, England has done a good job. Australia and New Zealand have done a good job. But the Europeans not only subsidize their domestic farm production, but they subsidize their exports; that is, they use as much farm products as they need in their country and dump the rest on the world market just below the United States reserve price.

The same thing is done with Airbus. I just read that I believe our friends in Canada bought a whole bunch of Airbus planes instead of Boeing planes built in Washington State. How can Airbus in Europe build it cheaper? Because there is a consortium of four countries that heavily subsidize the exports of Airbus planes, those that are sold outside the Common Market.

So this is not fair trade, this is not fair to the American worker, it is not fair to the American farmer, it is not fair to the American small businessman. But that is what the Clinton administration agreed to in the GATT talks in Morocco recently. That is what Mickey Kantor signed off on and the top members of the administration.

It amazes me that more people are not up in arms about the so-called GATT agreement. It amazes me that this thing is so quiet because all it takes is 51 votes in the Senate in enabling legislation to bring it into play.

Today, the Wall Street Journal ran a wonderful article called "White House Seeks $12 Billion Package to Pay for Tariff Losses Under GATT." It goes on to say the tax increases that might make up this GATT, but again it is just paper figures. Then, finally, it admits that probably they will try to put it off budget and add it to the Federal deficit, which is the latest trick in budgeting in Washington, DC.

Where would the money come from if these are some of the proposals being discussed by the Clinton administration?

First of all, "$4.8 billion of losses through a 4 percent revenue tax on radio and television stations and others for use of the radio spectrum." I serve on the telecommunications committee, and I happen to remember that the Clinton administration has proposed that same $4.8 billion be used to help pay for some of the immigration costs in one plan. In another plan, it is going to be used to help pay the cost of running the Federal Communications Commission. So this is smoke and mirrors. This money has been spent twice already on paper.

Then it goes on to say that "$3.1 billion by cutting agricultural export subsidies by $1.6 billion and farm subsidy payments by the remainder."

We are already doing that in our 5-year farm bill, so that, again, is smoke and mirrors, and if we cut our export subsidies, we are allowing the Europeans to continue their export subsidies.

"$1.5 billion by reauthorizing Superfund hazard waste cleanup tax on chemical companies," and so forth. That already has been allocated elsewhere.

"$1.3 billion for changing inventory accounting," which would largely hit retailers.

These are all substantial tax increases being proposed, incidentally.

"$600 million from a gambling tax that would exempt State lotteries."

They were going to have the gambling tax a while ago, backed off, and now are proposing it again.

"$500 million tax on parking space fringe benefits; $500 million for requiring companies to file taxes quarterly rather than annually under section 936 which governs the tax treatment of companies in Puerto Rico; $200 million from taxing two more chemicals under ozone depletion rules. But it goes on to admit that they probably will not do any of that; that they will just add it on to the deficit.

So what I am saying is not only is GATT a bad deal because we are turning our sovereignty over to a 120-nation group that will out vote the United States in the future—not the first year or two, because we have the first year or two set, but down the road.

In addition to that, it is going to cost this country billions of dollars in losses because we are giving away so many tariff concessions. We are going to add it to our Federal deficit. That is very bad for our country. It will be a harsh tax on our working class people, a harsh tax on small businessmen, and a harsh tax on the American middle class.

This is a trade agreement to which the Senate should not agree. We must wake up in this body as to what is really going on with the GATT agreement, and I hope America wakes up because nobody is paying much attention to it. Today's article is one of the first I have seen in an in-depth analysis of how bad this GATT agreement is.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD this article entitled, "White House Seeks $12 Billion Package To Pay for Tariff Losses Under GATT."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 10, 1994]

WHITE HOUSE SEEKS $12 BILLION PACKAGE TO PAY FOR TARIFF LOSSES UNDER GATT

(By Bob Davis)

WASHINGTON—The Clinton administration is proposing to pay for the world trade pact with more than $12 billion in tax increases and spending cuts that demonstrate how politically difficult it will be to push the agreement through Congress.

The five-year revenue package under discussion with lawmakers crosses so many powerful groups—such as broadcasting, agriculture and retailing—that some trade veterans don't believe the administration intends to go forward with it. Instead, the exercise would pressure Congress to approve a waiver from federal budget laws that require offsetting funds for new programs that increase the deficit.

U.S. Trade Representative Mickey Kantor yesterday said, however, that the administration won't seek a waiver to make up for the $14 billion in estimated lost tariffs over the first five years of the world trade pact. He called the administration's effort "serious" and said that officials are negotiating with lawmakers over the contents of a final revenue package.

Mr. Kantor did say that the administration would seek a waiver for the second half of a 10-year period called for by Senate rules. The tariff loss over 10 years is estimated at $40 billion. Such a waiver would require 60 votes in the Senate.

Treasury Secretary Lloyd Bentsen told a group of reporters that he has been fielding inquiries from finance ministers about whether Congress will approve the pact, which was negotiated under the auspices of the General Agreement on Tariffs and Trade. Passage is "no cinch by any means," he said, because of lawmakers' concerns about funding and whether the pact would diminish U.S. sovereignty.

Among the proposals being discussed by congressional and administration officials are:

$.48 billion through a 4% revenue tax on radio and television stations and other for the use of radio spectrum.

$3.1 billion by cutting agricultural export subsidies by $1.6 billion, and farm subsidy payments by the remainder—much of which is required by the trade pact.

$1.5 billion by reauthorizing a Superfund hazardous-waste cleanup tax on chemical companies, and using part of a surplus that has accumulated.

$1.3 billion from changing inventory accounting, which would largely hit retailers.

$600 million from a gambling tax that would exempt state lotteries.

$500 million tax on parking-space fringe benefits.

$500 million from requiring companies to file taxes quarterly, rather than annually, under Section 936, which governs the tax treatment of companies in Puerto Rico.

And $200 million from taxing two more chemicals, under ozone-depletion rules.

Mr. Kantor cautioned that the list is just "the first part of a whole menu of items" and no final decisions have been made. In the fight over the North American Free Trade Agreement, for instance, a number of controversial funding proposals were ultimately dropped. However, the administration is considering adding a number of proposals to the GATT legislation—including reducing tariffs for Caribbean nations to NAFTA levels—which could require another $1 billion in additional revenue.

Already, word of the proposals has kicked up powerful opposition. Seventeen senators wrote to President Clinton last month expressing "strong concern" over agriculture-related spending cuts. House Energy and Commerce Committee Chairman John Dingell (D., Mich.) protested to White House Budget Director Leon Panetta over the broadcasting and Superfund taxes. "I cannot give you any assurances whatsoever that a majority of members of the committee will be able to support funding mechanisms that have no relationship whatsoever" to the trade pact, Mr. Dingell wrote.

Administration officials said there is some link, however. Pharmaceutical, chemical, retail, and agricultural companies benefit greatly from tariff cuts, they argue, and should help pay for the pact.

The administration's effort to find a way to pay for the revenues that would be lost from the GATT agreement intensified after President Clinton said publicly two weeks ago that he wants to win congressional approval this year. Mr. Panetta has asked his staff to be more "innovative" in the search for spending-cut-proposals and the Treasury has been looking for ways to raise revenues by toughening or altering enforcement of existing taxes.

Mr. PRESSLER. Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Rhode Island.

ORDERS FOR WEDNESDAY, MAY 11, 1994

Mr. PELL. On behalf of the majority leader, I ask unanimous consent when the Senate completes its business today, it stand in recess until 9 a.m. Wednesday, May 11; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized in the order listed and for the time limits specified: Senator STEVENS for up to 5 minutes, Senator KERRY of Massachusetts for up to 20 minutes; that at 10 a.m., as provided under a previous unanimous consent agreement, the Senate proceed to the conference report accompanying House Concurent Resolution 218, the concurrent budget resolution.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. PELL. If there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:17 p.m., recessed until Wednesday, May 11, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 1994:

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

COLLEEN JENNINGS-ROGGENSACK, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1996, VICE JOSEPH EPSTEIN, TERM EXPIRED.

NATIONAL AGRICULTURAL MORTGAGE CORPORATION

CLYDE ARLIE WHEELER, JR., OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE GEORGE JAMES BENSTON.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 164(A)(1) AND SECTION 601(A):

To be general

GEN. J.H. BINFORD PEAY III [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. HENRY H. MAUZ, JR. [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) JAY L. JOHNSON [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS AND APPOINTMENT TO THE GRADE OF REAR ADMIRAL UNDER TITLE 10, UNITED STATES CODE, SECTION 5142:

To be chief of chaplains

To be rear admiral

REAR ADM. (1H) DONALD K. MUCHOW, [redacted]

EXTENSIONS OF REMARKS

MANDELA, MAN OF RARE COURAGE AND VISION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mrs. KENNELLY. Mr. Speaker, only a short time ago, the political situation in South Africa was seen as intractable. The problems had no solutions, the factions were too far apart.

But today, Nelson Mandela is the President of a South Africa which few thought would happen in our lifetimes, after an election where millions went to the polls. They were drawn to vote by the promise of democracy—still one of the most powerful forces in the world.

President Mandela is a man of rare courage and vision. He experienced oppression first-hand in jail for years, but survived to lead his country into a new era of justice.

He will preside over a South Africa that is changing—difficult days may lie ahead. But I have no doubt that President Mandela will carry out the duties of his office with the same dedication and devotion he has shown throughout a lifetime of struggle.

I salute President Mandela and wish him the best as he takes his country on the journey ahead.

EAST MANHATTAN SCHOOL FOR BRIGHT AND GIFTED CHILDREN TURNS 25

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an institution in my district which has been serving the children of my community for 25 years. This spring marks the 25th anniversary of the East Manhattan School for Bright and Gifted Children, a small private educational facility for the teaching of brillant and talented children.

Mr. Speaker, this wonderful school provides creative and educational support to children whose talents should not and cannot be stifled in conventional learning forums. During its 25 year existence, the East Manhattan School has nurtured and supported gifted children who have gone on to positions of prominence in art, music, theater, and academia.

Founded 25 years ago by Irina Pigott, the East Manhattan School began as a unique nursery, kindergarten, and 1st grade facility. In the intervening years, it has expanded 1st to 3d grade and then to 6th. What makes this school so unique is that it is dedicated to not only encouraging giftedness in young children whose talents are already known, but to discovering and creating giftedness in very young children. Under Ms. Pigott's capable direction, the school has realized its full potential.

Today, young brilliant and gifted children are learning chess, conversational French, algebra, and the use of computers in kindergarten. The East Manhattan School believes strongly in the educational philosophy that geniuses are not born, they are developed in the proper learning environment. This philosophy is based on the premise that almost all children, irrespective of their cultural and socioeconomic backgrounds, can develop a superior mind without sacrificing the joys of childhood. The goal of the school is not necessarily to produce an "A" student, but to produce gifted, independent, and creative human beings. Early childhood is the critical time to encourage this development. The many children who have grown immeasurably under the tutelage of the East Manhattan School are evidence of the importance of this philosophy.

The East Manhattan School plans to celebrate their anniversary in a number of exciting ways. On May 19, renowned child and family psychiatrist Stanley Turecki will be a guest lecturer at the school. On May 25, the school will open a multimedia learning center on the premises which will have all the latest computer technology. It should be noted that this center was made possible through the generous support of NYNEX. And in the best tradition of community involvement for which the school is justly known, these premises will be open to all community children during after-school hours.

Mr. Speaker, there is no more important work in the world than educating our Nation's children. It is no exaggeration to say that the future of the world is in the hands of the many committed and caring individuals who have given their lives to teaching. The East Manhattan School for Bright and Gifted Children represents a beacon of hope for the next generation of our Nation's leaders. That's why I hope my colleagues will join with me in congratulating the school on their 25th anniversary, and wishing them another 125 years of success and growth.

TRIBUTE TO THOMAS AND SUZANNE BAZELEY

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. MANN. Mr. Speaker, I rise today to pay tribute to Thomas and Suzanne Bazeley in honor of their 25th wedding anniversary. They will celebrate their years of togetherness with their family and friends on July 4, 1994.

Thomas and Suzanne Bazeley have lived in my district, Cincinnati, OH, all of their lives. Mr. Bazeley has worked as a credit coordinator for Proctor & Gamble while Mrs. Bazeley worked hard at raising their four children.

Mr. Speaker it is with great pleasure that I bring to the attention of my colleagues the commitment that Thomas and Suzanne Bazeley have lived by in their 25 years together—commitment to marriage, to family, and to work. Three great values to live by. Their dedication are great examples for all of us to live by. I wish them well in their next 25 years together.

TRIBUTE TO GERALD W. GREGORY

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. YATES. Mr. Speaker, I am proud to bring to the attention of the House today the career and remarkable achievements of Mr. Gerald W. Gregory, the principal of Old Orchard Jr. High School, which is located in my congressional district. Mr. Gregory is retiring this year after 32 years as an educator.

Mr. Gregory has served his entire career with School District No. 68, in Skokie, IL, beginning as a physical education teacher in 1962 and rising to become the principal of Highland Elementary School in 1978. In 1982 he was promoted to principal of Old Orchard Junior High. At each level of education Mr. Gregory's dedication to the best interests of the students has been an inspiration. He is universally respected. Superintendent of the district, Thomas A. Kersten said recently "When I think about Jerry as an administrator, the words that immediately come to mind are dedicated, enthusiastic, hard-working, committed, talented and sincere * * * I think we all hope that when we arrive at that point in our career when it is time to retire, others will be as sad to see us go as we are Jerry. He is truly a professional who will be sorely missed."

Mr. Gregory's accomplishments have been recognized locally, statewide and nationally by a long list of awards and recognitions. I will only recite a couple of them as examples of his tireless work and dedication.

Under his leadership Old Orchard Junior High was among the very first middle schools in the Nation to receive the U.S. Department of Education's prestigious award for excellence in education. Mr. Gregory has received accolades for creating and implementing an innovative drug-free program for Old Orchard and he recently was honored at the Niles Township Leadership Luncheon. This year, he also is being recognized by the Niles Township Principal's Association for his many years of service.

I wish to join my friends and constituents in District No. 68 and in Niles Township in saluting Mr. Gerald Gregory for a wonderful career

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in education. He has been a model for educators everywhere and he will be remembered with fondness by his fellow administrators and teachers as well as the legions of parents and students who have benefited from his devotion to quality education.

TOMMY THOMPSON: SERVING THE LAW AND LAW ENFORCEMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. GORDON. Mr. Speaker, in recent weeks, the House has spent a great deal of time and energy crafting a comprehensive crime bill that will give law enforcement officials more of the tools they've told us they need to go after the criminals that are bringing fear to even the quietest of neighborhoods.

But even with those tools in place, it still will be up to the men and women of law enforcement to carry out the daily front-line battle against crime. I rise today to recognize one such person.

For 25 years, dating back to his days as a legal officer at Fort Bragg, NC, Tom P. Thompson Jr.—Tommy to just about everyone who knows him—has dedicated himself to the law and law enforcement.

For the last 17 of those years, Tommy has served middle Tennessee as district attorney for the 15th judicial circuit where he and his staff, working with local and State law enforcement officials, are charged with insuring that justice is carried out swiftly, strictly, and fairly. That's an increasingly difficult task with expanding caseloads burdening not only police and sheriff's departments but also prosecutors, courts, and prisons.

But Tommy's efforts to make a difference in his community haven't been limited to his work as district attorney. For the past 20 years, he's served on the board of Tri-County Electric Membership Corp., acting as president in 1989. His guidance and advice, along with the rest of the board, have helped Tri-County boost economic development throughout some of the more rural areas of middle Tennessee and southern Kentucky.

Likewise, as a member of the board of Citizens Bank in Hartsville, TN, Tommy has helped a smalltown bank grow and expand in today's complicated, highly-competitive financial world while still maintaining its hometown character and service.

This week, Tommy will be honored at the annual law day dinner at Cumberland University in Lebanon, TN. Please join me in saluting Tommy Thompson's work on behalf of the legal profession, law enforcement and the middle Tennessee community.

CAMPHILL ASSOCIATION OF NORTH AMERICA CELEBRATES ITS 10TH ANNIVERSARY

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. WALKER. Mr. Speaker, the Camphill Association of North America celebrates its 10th anniversary in the spring of 1994. The Camphill Association represents seven Camphill communities in North America working with developmentally disabled children and adults.

Camphill communities are places where people work together for the common good, care for and heal the land, and provide a meaningful life for mentally and physically handicapped children and adults. These communities are based on the teachings of Rudolf Steiner, 1861–1925, which were put into practice by Dr. Karl Koenig, 1902–66, together with a small group of like-minded friends. From Camphill's beginning in Scotland in 1939, there are now 80 independent Camphill communities in 16 countries. Of the seven in North America, there are two Camphill communities in upstate New York, one in Minnesota, and one near Toronto. The three Camphill communities I am familiar with are in Chester County, southeastern Pennsylvania.

All persons living in Camphill centers, regardless of handicap, are contributing members of the communities. The economy of the Camphill centers provides no personal remuneration. Individual financial needs are met from the income of each community. In Camphill there are no "clients" being "served by providers." Each has his/her tasks; all have the dignity of self-worth. The spiritual side of life is nurtured through nondenominational services, celebration of festivals, concerts, plays, common and individual study, folk dancing, course work, and many other activities.

In combination, the three Camphill communities in southeastern Pennsylvania comprise nearly 600 acres with roughly 300 people, approximately half of whom are developmentally disabled. Many more individuals are directly involved in Camphill as board members, parents, friends, and supporters. Camphill Special School serving children with special needs started up in 1961; Kimberton Hills, an agricultural community with disabled adults, began its work in 1973; and Camphill Soltane, a college and life skills training center and community house living option for disabled young people aged 18 and up, began its program in 1988.

Camphill Special Schools provides a unique, integrated, residential, therapeutic and academic program for special children ages 5–21. Day students are also served by the school. Camphill Kimberton Hills is a farming and gardening community, with disabled adults, focusing on regenerative agriculture and providing vegetables, dairy, baked goods, fruit and meat products to the community and to many families and organizations in the surrounding area. Camphill Soltane integrates a dynamic "college" and life skills training program with a vocational emphasis for young 18 to 25 adults with disabilities, focusing also on apprenticeships, job placements, and residential options in the extended community.

The Camphill communities have been recognized and acclaimed at national and local levels as an innovative, alternative model for living and working with disabled individuals. In Chester County, the three Camphill centers make a significant contribution to their surrounding communities, providing food, cultural activities, training opportunities, and interactive and volunteer options for many hundreds of people every year.

The Camphill Association and each constituent community celebrate the 10th anniversary of the Association's success in extending Camphill's services and resources to an ever growing number of persons with disabilities and to the citizens of Chester County and beyond.

As living, learning, and working options for people with disabilities evolve in the next years, and as funding methods change to meet human needs, the Camphill communities serve as a highly viable and cost effective model for ensuring and enhancing relationships and a way of life that are essential to the well-being of disabled individuals in the years to come.

I congratulate the Camphill Association for a decade of quality service and commitment to persons with disabilities, and to Pennsylvania, and to the other parts of the country where the Camphill communities contribute so essentially to their surroundings.

WHAT IS RUSSIA UP TO IN LATVIA?

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. HOYER. Mr. Speaker, when analyzing Russian policies these days, one often has to decide whether disarray or conspiracy lies behind particular events. A good illustration is a remarkable decree published in the Russian press on April 6, in which President Yeltsin agreed to a proposal by the Ministry of Defense and the Foreign Ministry to create 30 military bases in other CIS countries and in Latvia, which is not a CIS state. After Latvia protested, Russian officials and President Yeltsin's spokesman claimed the reference to Latvia was a misunderstanding, a "technical mistake," and that Russia had no plans to build bases in Latvia.

What might explain this statement and the subsequent backtracking? Maybe one hand simply doesn't know what the other hand is doing in Moscow. It could be that the Foreign Ministry, the Defense Ministry and the presidential apparatus simply don't coordinate their policies. If so, however, we ought to be concerned about the extent of disarray in the government of a nuclear superpower with which we are negotiating about many issues and to which we are offering financial and technical assistance.

But there are more ominous hypotheses, which raise concerns about Moscow's attitude towards its neighbors. The statement could have reflected the actual intentions of the Russian Government to maintain bases in Latvia; or, it might have been an attempt to intimidate

Latvia during the negotiations about Russian troop withdrawals and the status of retired Russian military officers in Latvia; or, it may have been a rogue operation by someone outside the chain of civilian and military command to exacerbate already tense Russo-Latvian relations; or, it might have been a trial balloon, to test Western readiness to protest Moscow's designs on Latvia's sovereignty.

Disarray or conspiracy? It's hard to say, Mr. Speaker. But neither scenario is particularly reassuring for us, not to speak of concerns evoked in Latvia.

As it happened, on April 20, President Yeltsin issued a statement which pledged that Russia had no plans to create any military bases on Latvian territory. And I am pleased to report that on April 30, President Yeltsin and Latvia's President Ulmanis did indeed sign the agreement requiring withdrawal of Russian forces from Latvia by August 31 of this year, though Russia will lease the radar station at Skrunda for 4 years, as previously agreed.

There is opposition to this agreement in Latvia, and parliamentary ratification could be a problem. But at least we will know if there is discord over this issue between the executive and legislative branches in Riga, and ultimately, we will know what Latvia's position is on the troop withdrawals. Unfortunately, that's more than we often can say about Moscow's position. I hope that the President Yeltsin's April 20 statement puts this particular matter to rest, that Russian troops will depart by August 31, and that official Russian agencies will no longer issue statements about Latvia that have to be hastily retracted.

THE SOCIAL SECURITY SOLVENCY ACT OF 1994

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. PENNY. Mr. Speaker, once again, bankruptcy of the Social Security trust fund looms before us. The question is, are we going to act now, while there's still time to pursue a reasonable plan of action, or will we wait, and be forced to resort to draconian measures sometime in the next century to bring the system back into balance? I notice that we're bringing up a bill today to balance the disability trust fund, expected to be exhausted next year. If we follow the same course and wait until the year before the Social Security trust fund is depleted to solve the problem, FICA taxes will have to be raised to nearly 20 percent of income to make up for the shortfall.

People from all generations in my district, from college students to retirees, have indicated their willingness to sacrifice a little to ensure the system is there to provide a secure retirement for everyone. I have a fair and equitable plan that would ask every generation to contribute to the solvency of the Social Security trust fund.

My first bill accelerates the increase in the retirement age. Today Americans live at least 10 years longer than we did in 1935, when the Social Security Act was passed. It only makes sense that we ask recipients to work a little longer before drawing from the system. The retirement age will reach 67 in the year 2027 under current law. This bill raises the retirement age to 67 by the year 2004, and would reach age 70 by the year 2013. This provision alone would go two-thirds of the way toward balancing the trust fund.

One of the fairest ways to limit Social Security expenditures, while at the same time protecting retirees most in need, is to provide a flat-dollar cost-of-living adjustment [COLA]. Because COLA's are based on current benefit level, those receiving larger Social Security checks also receive a higher dollar annual increase when cost-of-living adjustments are made. A flat-rate COLA is a relatively painless way to progressively shave just a few dollars off everyone's benefits, while protecting those at the lowest benefit level.

One of the keys to reforming the system is to inform beneficiaries how much they've actually received in Social Security benefits relative to their contributions. A person who retired 10 years ago recovered everything he or she paid into the system, plus interest, in less than 4 years. It will take a person retiring today, on the other hand, approximately 16 years to collect his or her due, meaning most folks will just about break even. Many workers believe they will never live long enough to recover the money they paid in. For current workers, the facts bear this out.

My third bill would send annual statements to all Americans when they start to collect Social Security benefits, comparing lifetime contributions to actual benefits received thus far. When people realize their grandchildren will pay the price for the extra benefits they're receiving today, I believe they will be much more inclined to accept necessary reforms to balance the program.

Today I am introducing the Social Security Solvency Act of 1994. These reforms would solve the shortfall problem honestly and equitably, without requiring higher payroll taxes on the next generation. We can't afford to ignore the early warning signs that Social Security is in trouble. We can act now—or pay later.

CONGRATULATIONS TO EAGLE SCOUT JASON M. BOERGER

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. MANN. Mr. Speaker, I want to take this opportunity to recognize Jason H. Boerger on his accomplishment of earning the rank of Eagle Scout. This is a substantial achievement as only 2 percent of all Scouts attain the Eagle rank.

Jason Boerger began his Scouting odyssey in 1986 as a Cub Scout. Jason earned the Arrow of Light and rank of Tiger in 1989.

In 1989, Jason joined Boy Scout Troop 644, sponsored by Friendship Baptist Church. He has earned 21 merit badges and has performed the requisite Eagle Scout community service project. The project involved a substantial landscaping project around the New Friendship Church.

While blazing the trail to Eagle Scout, Jason held several leadership positions including senior assistant patrol leader and troops junior leader. He has also received recognition as Scout of the Month each of the past 5 years.

Jason has also been quite active outside of Scouting. He is a freshman at Northwest High School where he has been recognized as student of the month and has received the Tribe Award. He is an active member of Friendship Baptist Church where he has been involved in the youth camp, church choir, vacation bible school, and the God & Country program.

I extend my heartiest congratulations to Jason who should be justifiably proud of his accomplishments. I also extend my congratulations to his parents, Stephen and Donna Boerger, and his Scout leaders whose support and encouragement helped make his goal a reality.

RABBI IRVING J. BLOCK HONORED FOR 40 YEARS OF COMMUNITY SERVICE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the efforts of a special New Yorker who has meant so much to my community. Over the past 40 years, Rabbi Irving J. Block has led the Brotherhood Synagogue with dignity, compassion, and integrity. I would like to take this opportunity to celebrate his achievements.

It was, in fact, 40 years ago the day after tomorrow that Rabbi Block convened the first meeting to form the Brotherhood Synagogue [Congregation Beth Achim]. And from that first formal meeting, the original group of 23 men and women has blossomed into an integral part of the Lower East Side community, Its doors are always open, welcoming all those who wish to worship.

This open door policy is fitting considering the cardinal principle upon which the Brotherhood Synagogue was founded—v'ahavta—love thy neighbor. Indeed the Hebrew name itself means house of brothers. Under Rabbi Block's inspiring leadership, the Brotherhood Synagogue has truly translated this dictum into reality.

Rabbi Block has always been a leader who confronts the issues of our times with courage, speaking out against injustice with a steady voice, standing up against repression with conviction. It is therefore no surprise that the Brotherhood Synagogue has always been heavily involved both in the local community and the world at large.

The Brotherhood Synagogue was the first Jewish congregation in Manhattan to open a shelter for the homeless in New York City over a decade ago; these successful efforts continue to this day. Not quite so close to home but just as close to our hearts, the congregation has also directed many efforts on behalf of the State of Israel and Jews in the former Soviet Union.

In fact, Rabbi Block has always been a spiritual leader who seeks to unite those of different faiths and ethnicities. He has worked tirelessly on behalf of the Black Jewish community in the United States, taking an important lead in calling their plight and problems to the attention of the larger Jewish community. In particular he has arranged for funds and opportunities for scholarships, religious programs, and study for Black Jews. He is also a member of the board of directors of the American Association for Ethiopian Jews and a committed life member of the NAACP.

Rabbi Block's many awards include a degree of Doctor of Divinity, honoris causa, by the Hebrew Union College—Jewish Institute of Religion; the Bucknell University Award of Merit; the Salvation Army's coveted Golden Donut Award; and an honorary degree from the General Theological Seminary for his work in Christian-Jewish relations. He has served in many civic and religious groups, including the Masons, the Jewish War Veterans, Religion in American Life, the State human rights commission, the New York Association for New Americans, and the Joint Passover Association.

But Rabbi Block will be remembered most for his work as the spiritual leader of the Brotherhood Synagogue. His moral guidance has brought this thriving congregation through 40 years of good times and bad, but mostly good. As the time approaches when Rabbi Block will have conferred upon him the honored title of Rabbi Emeritus, it is entirely appropriate that we take this moment to reflect upon his 40 years of service to congregation and community. His lifetime of dedication to the uplifting of the human spirit will always be remembered by those whose lives he has touched forever. He will always remain a source of inspiration to all who knew him.

RANGER IN TUSKEGEE NATIONAL FOREST LOVED GIVING NATURE A HELPING HAND

HON. GLEN BROWDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. BROWDER. Mr. Speaker, I rise today to pay tribute to the memory of Bedford Cash, the district ranger in the Tuskegee National Forest, who collapsed and died recently while working in the forest he loved so well.

Mr. Cash was 42 when he died February 26 and had worked half of his life for the Forest Service—21 years. He started his career in 1971 while attending school at Southern University in Baton Rouge, LA. Upon graduating in 1974 with a degree in agronomy, he began working in Kisatchie National Forest.

In 1976, he transferred to Ozark St. Francis National Forest in Arkansas. While in Arkansas, he met and married his wife, Jocelyn.

During the 1980's, Mr. Cash worked in the Targhee National Forest in Idaho and in the Cleveland National Forest in Ohio.

In 1989, Mr. Cash began working in the Tuskegee National Forest, where he was the district ranger. He was supervising a controlled burn in the forest at the time of his untimely death.

John Yancy, supervisor of the National Forests in Alabama, described Mr. Cash as an "energetic employee who epitomized the mission of the Forest Service to provide excellence in public service."

My deepest sympathy goes to Mr. Cash's wife and his three sons, Bill, Chad, and Bedford. They live in Montgomery.

I would like to share with my colleagues an article by Jason Sanford, assistant editor of The Tuskegee News, that describes the work Mr. Cash was doing at the time of his death.

[From the Tuskegee News, Mar. 3, 1994]

FOREST RANGER LOVES HELPING NATURE WITH FIRE

(By Jason Sanford)

(This article is dedicated to the memory of Bedford Cash.)

The fire has already passed on through the forest but the smoke still hangs near the tree tops, giving the sunlight a weak orange tint. Walking through this desolate scene, Bedford Cash suddenly stops, and kicks at the ash on the ground.

"This was a good burn," he says, pointing to the exposed dirt.

"See how the fire went through quickly. It burned off the undergrowth and the litter, but didn't hurt the soil."

As district ranger at Tuskegee National Forest, Cash oversees the controlled burning that the U.S. Forest Service does every winter in his forest.

On this Saturday, the forest rangers have been doing burns since early morning. Still wearing their protective clothing, Cash and his crew are now preparing for the next fire.

"There are two main reasons why we do controlled burns," Cash says.

"One is for rough reduction, which is to eliminate the undergrowth in case of wildfire.

"The other is to replace the natural cycle that used to exist in this region."

As Cash explains, fires used to occur with regularity in Alabama pine forests. This was the mechanism for keeping the forest fertile, enabling more succulent growth to come up for the wildlife to feed on.

However, because of human intervention, the fires are now rare. This hurts trees like the long leaf pine.

"The long leaf pines need for the litter of pine straw on the ground to be burned off before their seeds will start growing," Cash says.

It is around a recently planted long leaf pine plot that the rangers are preparing to do their next burn.

By prescription, Cash means the wind speed, humidity, temperature, and various other weather conditions. At the moment, the conditions are ideal. However, everyone is keeping an eye on the weather, in case it changes.

There are four other people out today with Cash. Both Jeff Seefeldt, the assistant district ranger, and Charles Reese, the fire management officer, have done plenty of burns before.

However, for Chris Oberholster, these are among his first fires. He is learning how to do controlled burns for the Alabama Natural Heritage Program, and has been assisting the rangers all day.

The Forest service has also contracted to have a bulldozer on hand, with its operator creating fire breaks to box in the flames.

As time for the burn approaches, everyone checks their fire retardant clothing. They also put on their fire proof gloves.

Then the drip-torches are inspected. The torches contain a mixture of diesel and gasoline, which when lit allows a steady stream of fire to be placed on the ground.

Everything is ready, and the group sets out into the forest.

For this burn, Cash splits his people into two groups. He and Oberholster take one side of the pine plot, while everybody else goes to the other side.

Placing Oberholster near the first fire break around the plot, Cash moves himself to a parallel point one hundred feet away. By doing this, the men hope to create two lines of fire.

"Fire feeds on fire," Cash says as he readies his drip-torch.

"By creating two or three fire lines, we reduce the ability of the fire to grow too large."

Walking in parallel lines, the men begin dropping fire from their torches. In the dry pine straw, the flames quickly build.

For the men, the smoke is the biggest hazard. However, they also keep a close watch on the progress of the fire, to make sure the situation doesn't turn dangerous.

"We have to be real careful not to box in each other with the flames," Oberholster says.

In thirty minutes it is over. The flames quickly burn themselves out, consuming all of the undergrowth and litter in the designated area. Because this happens so fast, the trees are not harmed.

Satisfied with the progress they have made, Cash and his crew group up again. There are more areas to go burn.

When asked if he enjoys doing the burns, Cash smiles, and nods his head.

"I enjoy being out in nature and helping the forest, which is what this does," he says as the smoke climbs above him.

CAPE COD MARITIME WEEK

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. STUDDS. Mr. Speaker, I rise today to announce that this week is Cape Cod Maritime Week, designed to honor the Cape's unique maritime heritage and boost the region's economy by stretching the tourism season year-round.

The 9-day celebration, from May 7 to 15, is focusing on the historic lighthouses on Cape Cod and the islands. There will be open houses at five lighthouses, as well as walking tours of several historic ports and numerous other events to celebrate the Cape's maritime heritage.

Cape Cod's maritime and coastal heritage continues to play an integral role in the region's quality of life. Back in the 17th century, for instance, the first tax on whale oil funded the colony's schools. Today, whale watching attracts hundreds of thousands of people each year to our region.

Cape Cod is also home to many of the oldest lighthouses in the country, such as Highland Light in North Truro. The region's history and ties with the U.S. Coast Guard are deep, with many heroic lifesaving rescues performed off the shores of Cape Cod.

During this week of celebration, the U.S. Coast Guard will host tours of Highland Light and four other lighthouses—Nobska, Chatham, Three Sisters, Nauset—as well as host open houses at four historic Coast Guard stations.

Other highlights during the week include a 50th anniversary celebration for the Coast Guard cutter, *Bittersweet,* on May 11, and a boat show in Falmouth Harbor the weekend of May 13–15.

I especially want to acknowledge the tremendous work and cooperation of a number of Federal and local agencies, including the U.S. Coast Guard, the Cape Cod National Seashore, the U.S. Army Corps of Engineers, the Cape Cod Commission and the Cape and Islands Historical Association. They have all come together to work with local businesses to draw attention to that which makes the Cape a truly special place, while also enhancing tourism during the off-season.

"I LOVE LIFE AND I WANT TO LIVE" IS THEME FOR THE UNITED BLACK FUND 22D ANNUAL VICTORY LUNCHEON

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. DELLUMS. Mr. Speaker, I rise today to once again enthusiastically extend my heartfelt congratulations to you and the staff of the United Black Fund [UBF] in celebration of your 22nd Annual Victory Luncheon.

This year I would like to commend the many member agencies and the staff of the UBF for their continuous work in serving the needs of our community. It is my understanding that the UBF funds over 70 community agencies in the Washington metropolitan area. These programs range from caring for senior citizens, treating substance abusers, and sheltering the young. As a former community worker myself, I have deep appreciation and admiration for the commitment it takes to serve the people.

I believe it is important to recognize the contribution of the "unsung heroes" in the community. As you may recall, there was a time when the family attended to the needs of the less fortunate in the community. Times have changed. Today community organizations are a necessity in providing services of all types to those in need. Community workers answer the calls of those in distress and unselfishly put the concerns of others above their own. This is an attribute of the community worker that deserves praise and respect.

As a Member of Congress, I know that community based organizations are doing more with less. As the problems in our community increase, the dollars appropriated to address them decrease. On many occasions, I have taken to the floor of the House of Representatives, to inform my colleagues of the pain and agony suffered by people in our community because of lack of funds. Nevertheless, each year the UBF gives me reason to be optimistic, because you remind me that the human spirit can persevere and overcome obstacles placed in our path. Indeed, we are our brothers' and sisters' keeper.

This year's theme "I Love Life and I Want to Live" is of vital significance. We must implore our youth to fall in love with life and to become productive members of society respecting each other daily.

Again, I congratulate the UBF in its success in bringing those who are in need of help together with those who are willing to offer support.

TRIBUTE TO IAPCRO

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. VISCLOSKY. Mr. Speaker, it is with special honor that I rise today to recognize the latest crime prevention efforts within the city of Gary.

May 10–14, the International Association of Police Community Relations Officers [IAPCRO] Region VI, will hold its 23d annual training conference at the Genesis Convention Center in Gary, IN. Gary Police Community Relations Director, Ms. Louise Ivey, will serve as conference chair, with the theme of the conference being "The Widening Dimensions of Juvenile Delinquency and Violence: How Do We Respond?"

Chartered in 1969, IAPCRO is a voluntary organization comprised of police officers and citizens involved in community relations programs. IAPCRO aims to unite police officers and professional community relations experts to relate their experiences in an effort to foster successful community improvement programs. The mission of the organization is to bring together those individuals who share the common goal of promoting professionalism in law enforcement. This fusion of law enforcement advocates is responsible for the formulation of policy guidelines reflecting professional standards and goals in police community relations and crime prevention.

It is my privilege to recognize the distinguished efforts of the Honorable Thomas V. Barnes, mayor of the city of Gary; James Hawkins, school superintendent for the city of Gary; Marvin Exum, director of public safety; Retired Gary Police Chief David Wade; and Louise Ivey, director of Gary Police Community Relations. I commend the determination and genuine concern displayed by city of Gary officials, as well as the residents of Gary for their fine display of citizenship.

As the city of Gary is the only city in the State of Indiana to receive a national award for crime prevention participation, it is my hope that communities nationwide will look to Gary for leadership. As the U.S. Representative of Indiana's First Congressional District, I am pleased to commend Gary's efforts to create a safer environment for its citizens and strengthen the alliance between our law enforcement professionals and our citizenry. I am confident that IAPCRO's 23d annual conference will be as successful this year as it has proven to be in the past.

CLAIRE AND RICHARD KAUTZ, GUAM SMALL BUSINESS AWARDEES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. UNDERWOOD. Mr. Speaker, I rise today to honor two very important persons, individuals who are an example of what is necessary to be a success in a career, a success in the community, and a success in life. Those persons, Mr. Speaker, are Richard P. Kautz, president, and Claire A. Kautz, vice president, of Kautz and Sons Glass Company, Inc. The Kautzes represent the kind of entrepreneurship which builds and enhances economies at the community level. They also represent the kind of community spirit through their participation in island life which brings dividends to all the people of Guam.

Their perseverance, determination, and hard work is exemplary of the tools necessary to make it in a society where violence and corruption seem to dominate our children's activities.

Richard and Claire came from Michigan. Richard has worked in the glass business since 1955, and Claire's family has owned a glass company since 1949. Richard worked in the glass business for 4 years in Hawaii. In 1971, they moved to Guam and 2 years later, Kautz and Sons started. They began making storefront plate glass windows, entry doors, and aluminum flush-skin doors. In 1976, Typhoon Pamela hit and destroyed Guam. The Kautzes introduced typhoon shutters to the island. In 1982, a fire destroyed their office and inventory room; an SBA loan allowed them to be back in business and by the 1980's and early 1990's their sales reached nearly 2.5 million in 1991. They now export to the Northern Marianas and to Micronesia, and they have 27 employees along with a line of many products such as window screens and sliding and swinging glass doors.

Richard P. Kautz and Claire Kautz, I personally congratulate you on being the Small Business Persons of the Year awardees from Guam. I wish you much continued success in the future and may you maintain the excellent example you have been for the people of Guam.

Si yu'os ma'ase.

SENATE—*Wednesday, May 11, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain, the Reverend Carol B. Smith, from the Kabletown United Methodist Church of West Virginia.

PRAYER

The guest Chaplain, the Reverend Carol B. Smith, Kabletown United Methodist Church, Rippon, WV, offered the following prayer.

Let us pray:

We thank Thee, O Lord, that this Nation is yet governed by men and women chosen by the people of these 50 States by democratic process. As these chosen ones prepare to discharge their duties this day, give to them, we pray, the grace of humility sufficient to claim Thy promise, "If any man lack wisdom, let him ask God who giveth to all men liberty, and it shall be given him." You alone, Lord, are fully aware of the difficulties these servants of this Nation have to face and the grave decisions they must make. Give them the wisdom to know and the courage to do what is best for our country in the glory of Thy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 11, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Alaska [Mr. STEVENS] is recognized to speak for up to 5 minutes; the Senator from Massachusetts [Mr. KERRY] is recognized to speak for up to 20 minutes.

The Chair, in his capacity as a Senator from the State of Hawaii, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska [Mr. STEVENS] is recognized to speak for up to 5 minutes.

EARLY CANCER SCREENING

Mr. STEVENS. Mr. President, I have spoken before here on the floor of the Senate about my experience with prostate cancer, and Senators have listened to my plea and that of minority leader, Senator DOLE, to seek early screening and diagnosis of what is a largely ignored disease for men.

It has been almost 3 years now since that early screening detected my prostate cancer. I then elected to have surgery, which was a complete success. And I have had annual physical checkups. The results this year, as they have been every year, have confirmed that there is absolutely no trace of prostate cancer now in my system, and my physician has given me a clean bill of health in this regard.

Incidentally, also, I had very successful recovery from back surgery.

But I come to the floor today to introduce legislation which I think is necessary to improve research opportunities and screening for breast, cervical, and prostate cancer because I think all Americans ought to have available the routine screening tests which can discover cancers early, giving them the same chance that I had to bring about early health care and to have a prolonged life because of it.

During the months and years since my own diagnosis, a number of Senators have come to talk to me. Senator DOLE and I have participated in a number of meetings about symptoms and signs of prostate cancer. We have had meetings, at the request of individual Members of the Congress, with family members who may have been worried about this subject.

As I learn more about the subject of cancer, I learn more about these other reproductive cancers, particularly breast and cervical cancer, and the populations who are at the highest risk for these cancers. It is no accident that the breast cancer support group called Why Me? stimulated the growth of a prostate cancer group called Us Too. With respect to prostate cancer, one of the highest risk groups is African-American men.

The incidence of cancer in that group is at a significantly younger age than that of the average Caucasian or Asian-American man's experience with the disease. A higher percentage of African-American men die from this disease, solely because they are not screened.

There are several possible reasons why African-American men are not screened: By choice, because the basic digital exam is not a comfortable one; because they do not have access to screening services; or because many are low-income African-American men, who rarely have access to the services. Most African-American men do not have access to Medicare at the age of the most frequent incidence of prostate cancer, between the thirties and fifties; and many veterans, for instance, had their last exam when it was required during military service. For my age, that is many years ago.

Medicare can pay for an examination to evaluate the suspect symptoms but is generally not able to cover annual screening exams or PSA blood tests on a routine basis before there is some incidence, some symptom that demonstrates a cancerous presence.

Another high risk population is our own sons. I had the difficult job of telling my three sons after my surgery, on the advice of my surgeon, that they were at increased risk because they were sons of one who had been diagnosed with prostate cancer, and that the probability was that they might have an exposure to the disease at an earlier age than I did.

For breast cancer, we know that in some cases there are indications that it runs in families. Recently, my own sister had a diagnostic procedure for breast cancer. She did have access to insurance, and she had access to facilities for screening.

But the vast majority of women diagnosed with the disease each year are

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

among those with limited access to both insurance coverage and the needed preventive services. There are extremely high rates of breast cancer among African-American women. In addition, our knowledge base about early diagnosis among younger women is very limited.

I am sad to say one of the groups which is strongly represented among my constituency, the Alaskan Native women, have a very high rate of cervical cancer. Alaskan Native women's rates of invasive cervical cancer occur at a much earlier age than the national population. We do not know all of the reasons for that, but we do know they share with African-American women a lack of access to screening services and to treatment when a problem is identified.

Many of our Alaskan Native women live in communities where it is accessible only by air. They see skilled screening technicians very infrequently. Others live in communities accessible by our ferry system, which we call the "Alaskan Marine Highway." Planes and ferries get them to regional hubs, which do have services available, but that is a very expensive proposition.

I am introducing legislation which, I hope, will get the attention of the Senate. The Senate will notice that many of the cosponsors of this legislation are Appropriations Committee members, and that is no accident, since I serve on that committee and have served there for a long time. The Appropriations Committee members, I feel, are keenly aware that funds included in authorizations are not available for appropriations. Often we authorize appropriations far beyond our ability to make money available. The Appropriations Committee also understands the need to expand the resources that we have, wherever possible, through obtaining matching funds from State and local governments or other sources.

The bill we are introducing today seeks to do that by matching Federal resources with the resources of nonprofit entities, which agree to prioritize their investment in screening facilities and make those facilities available to low-income women and men. This would double the total resources available to combat the problem, provide for early screening for cancer detection for a whole group of people in our country, who have no access to such screening.

Three years ago, I sought a specialized project of research excellence, which we then called "SPORE," for prostate cancer, and the Senate endorsed my request for projects which would bring the science from the laboratory to the patient in as short a time as possible. The approach that I am asking the Senate to take this day is to ask for a partnership between nonprofit organizations and the Federal Government in financing the facilities that would make available early screening and detection of cancers to rural areas in particular, and through the use of Federal funds in constructing the facilities, and nonprofit funds to take those facilities out to the rural areas. Having early screening and detection of cancers, I hope, will help us fight this terrible disease.

I send the bill to the desk for proper referral.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD a summary and background of the Family Cancer Screening Research Partnership Act, which is introduced today by myself and Senators INOUYE, DOLE, MACK, and DORGAN.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FAMILY CANCER SCREENING AND RESEARCH PARTNERSHIP ACT

(Introduced by Senators Stevens, Inouye, Dole, Mack, and Dorgan)

BACKGROUND

The "Family Cancer Screening and Research Partnership Act of 1994" provides for the creation of federal partnerships with non-profit organizations to facilitate breast, cervical and prostate screening activities, and to expedite the development of effective treatments for breast, cervical and prostate cancer by combining resources to finance research efforts.

FEDERAL/NON-PROFIT RESEARCH PARTNERSHIPS

The Act authorizes the Director of the National Cancer Institute to enter into agreements with non-profit organizations to make matching grant awards for breast, cervical, and prostate cancer research of up to $250,000 each. The legislation includes appropriate protections for the federal expenditure. It also calls on the Director to expedite, where possible, the use of the federal funds. The federal share of funds may only be used for direct research activities.

LEVERAGING FEDERAL RESEARCH EXPENDITURES

By creating a partnership non-profit organizations will be encouraged to match federal research spending dollar for dollar, thus increasing the amount of funding available.

ENCOURAGING INCREASES IN RESEARCH PROGRAMS FUNDED BY NON-PROFIT ORGANIZATIONS

With the availability of federal matching funds, non-profit organizations can speed up the process of researching effective treatments for breast, cervical and prostate cancer.

COMPLEMENTS OTHER FEDERAL RESEARCH ACTIVITIES

A matching grant program does not replace other federal cancer research priorities and programs. Rather, a federal matching program is intended to complement the existing federal programs. It will hopefully encourage more researchers to focus there attention on these three diseases. And, importantly, it recognizes the need that to be successful, a war on cancer requires cooperation and coordination among the entire research infrastructure.

BREAST, CERVICAL, AND PROSTATE CANCER SCREENING PARTNERSHIPS

The Act authorizes the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, to award grants to nonprofit entities for the purpose of acquiring mobile vehicles and for properly equipping them for the purpose of conducting breast, cervical and prostate cancer screening procedures. Such vehicles will be used by organizations for the purpose of conducting free examinations. Priority for these grants will be given to non-profit organziations for efforts to screen low-income or geographically isolated women and men. An eligible use of these funds may be to outfit airplanes or boats where that is the best way to promote access to screening services.

EFFECTIVE SCREENING REDUCES FUTURE HEALTH EXPENDITURES

Breast, cervical and prostate cancer curability is directly proportional to its early diagnosis. Early detection of all three diseases reduces future health care costs associated with treatment, possible surgery, and after-care necessary for those diagnosed with one of these diseases.

CANCER SCREENING IS A FAMILY ISSUE—NOT A MALE OR FEMALE ISSUE

An effective screening effort requires outreach to those who are unable to afford regular examinations by a family physician or who do not otherwise have access to screening services. By making screening available at convenient locations for both husbands and wives, spouses are given the means of encouraging each other to undertake appropriate screening procedures.

A SMALL FEDERAL INVESTMENT IN EQUIPMENT WILL ENABLE THE NON-PROFIT SECTOR AND CORPORATE COMMUNITY TO UNDERTAKE SCREENING PROGRAMS

Mobile vehicles equipped for breast, cervical and prostate cancer screening programs cost approximately $400,000 each. This initial capital outlay makes it prohibitively expensive for nonprofit organizations to undertake screening initiatives for short periods during a year. By providing grants for the equipment the federal government would encourage such groups to make arrangements to staff the vehicles and otherwise defray the cost of screening programs.

SCREENING PROGRAMS SHOULD FOCUS ON UNDERSERVED AND AT-RISK COMMUNITIES

Mobile vehicles equipped to conduct cancer screening services will enable organizations to reach otherwise underserved communities.

Mr. KERRY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KERRY] is recognized.

BOSNIA

Mr. KERRY. Mr. President, yesterday, and in days preceding it, there has been an ongoing debate about Bosnia. I would like to take a few moments, if I may, to discuss the amendment which is pending on the floor and to add some thoughts to this debate. This is an important debate for the U.S. Senate to have, and one which will have very far-reaching ramifications for the people of Bosnia, for the diplomatic efforts of the international community and, particularly, for U.N. peacekeepers on the ground.

I think it is fair to say that there is not one of us in the U.S. Senate, in this country, or among civilized people around the world, who has not been distressed or horrified by the atrocities that have been perpetrated by the Serbs against the Bosnian people: the wholesale violation of the rules of war, the emptying of whole villages through ethnic cleansing, the orphanization of children, and the rape of countless young women and girls as a systematic strategy of war. Many people had hoped the civilized world had put these things behind, or failing that, that the international community would be able to do more about them or prevent them entirely.

We also are outraged by the defiance of the Bosnian Serbs in attacking civilians as well as international peacekeepers in the U.N.-declared "safe havens." They have demonstrated a reckless disregard for the norms of international law and warfare by shelling hospitals, holding relief workers hostage, and attacking peacekeepers who are trying to protect innocent civilians.

We are angered by the violations of cease-fires by Bosnian Serb commanders and by the intransigence of those who represent the Bosnian Serbs at the negotiating table. We are frustrated by the collective failure of the international community to bring an end to this conflict, which has the potential of spreading to Kosovo, Albania, Macedonia, Bulgaria, Greece, or Turkey. In light of that potential, we need to think very carefully about the idea of unilateral lifting.

The transgressions of the Bosnian Serbs are so heinous that the international community, long ago, should have summoned a greater response for its outrage. Had we done this, the situation might be different today. But we did not, and that is why we suddenly find ourselves discussing the possibility of unilaterally lifting the arms embargo.

In the wake of our frustration, outrage, and anger, we want to take some action that will make a difference. That is the American instinct—to want to respond to this kind of problem and to make it clear to the world that we have a different standard of behavior. It is not just an American standard; it is a universal standard embodied in the Universal Declaration of Human Rights.

We want to level the playing field. We want to give the Bosnian Moslems a fair chance to "defend" themselves against this enemy that is more powerful and better equipped.

We know that there is an inequity in the embargo that was put into effect by the United Nations because it has allowed the Bosnian Serbs to be supplied while denying the Bosnian Moslems the weapons that they need. That is why so many of us pressed more than a year ago for the lifting of the embargo, to give the Bosnian Moslems a chance to defend themselves. The problem is that you cannot take the response that was appropriate a year or more ago and transfer it to the situation you have today and necessarily have the same result, or even the result that you want to achieve, which is to minimize the fighting and end the killing.

I would respectfully submit to my colleagues, whom I know feel as passionately as I about this situation, that to move at this particular moment to lift the embargo unilaterally will work counter to their intentions and may indeed have the far more dangerous effect of escalating the violence, increasing the killing, prolonging the war, and involving the United States in ways which we have assiduously tried to avoid.

The pending amendment mandates that the President terminate the United States arms embargo against the Government of Bosnia upon receipt of a request from that Government for assistance in exercising its right of self-defense.

The right of self-defense, which has been used to justify this particular step, is in article 51 of the Charter of the United Nations. The first part of that article suggests that every nation has a right of self-defense and that the United Nations cannot take that away from them. However, the article also suggests that where the United Nations is involved in an international peacekeeping effort, a state cannot invoke the right of self-defense in contravention of those efforts.

We have conflict in Bosnia but we also have an international effort to restore the peace. The troops on the ground are not our troops, but they are troops of some of our key NATO allies, and they are at risk. Our allies do not want to lift this embargo at this moment. By voting for the pending amendment, we are telling the very nations that have their troops on the ground that we, who have no troops on the ground, are willing to lift the embargo and put their troops at risk.

Moreover, like it or not, we have been, and are viewed as, a neutral party vis-a-vis the current conflict. We are not viewed as having chosen a side, except the side of the United Nations. We are viewed as neutrally trying to press for peace. Given our role in the negotiations and our position over the last year and a half, lifting the embargo unilaterally will wipe away the neutrality and send the message to the Bosnian Serbs that all of a sudden the United States has decided we are coming in on the side of the Bosnian Moslems. The effect of that, as Senator GLENN has well pointed out, is to pave the way for the delivery of military assistance.

If you are a Bosnian Serb and all of a sudden you see a lot of weapons coming in from the United States, which has suddenly decided to help the Bosnian Moslems, your response is going to be: "We better take them out fast before they learn how to use those weapons. We better start augmenting our campaign. And since the United States is willing to alter the balance of power and to abandon its neutrality, to hell with the safe havens and the exclusion zones. We are now going to have to fight this to the bitter end."

So, unilateral lifting would not advance the negotiating process. Rather, it would have the unfortunate impact of putting the troops of our allies in jeopardy, forcing our allies to consider whether or not to withdraw their forces from UNPROFOR altogether, and ending the humanitarian relief efforts.

It does not make sense. We are going to deny ourselves the very things we have been struggling, through the United Nations, to achieve over the course of the past months.

I have heard my colleagues come to the floor and plead for lifting the embargo now in order to allow the Bosnian Moslems to defend themselves. I agree that they should have had that right long ago. But in May 1994, that plea has a different meaning. That plea does not really just mean "Give us the right to defend ourselves." It really means "We want the weapons to be able to fight, to roll back the gains made by the Bosnian Serbs."

The same intransigence that the Bosnian Serbs have demonstrated at the bargaining table would now grow within the Bosnian Moslems. They would not negotiate to a conclusion because they would suddenly say: "Now we've got the weapons; now we can fight back. We are going to get this corridor back, and we are going to get this town back, and we are not going to go to the negotiating table until we have achieved what we want in terms of a bargaining position." So the war will go on, not end.

If we lift the embargo unilaterally, as the pending amendment contemplates, Bosnian Moslems, rightly so, will regard us as their patron and protector. They will see themselves as our client. The Bosnian Serbs, their supporters in Belgrade and Moscow, and others in the international community will see it this way too.

The request from the Government of Bosnia will be coming across our fax machine within minutes if this amendment is approved. Who is going to deliver the weapons? The CIA or will they be sent through some back channel? And what happens to those weapons ultimately? Do we really want to start loading up this area with more weapons at this point in time?

I believe that unilateral lifting of the embargo would sound the death knell for diplomacy, for the time being. It would send a message to the warring parties, to the United Nations, and to our NATO allies that we, the United States, have given up on the negotiations. It would send a message that we believe our collective strategy is falling apart at the very moment, incidentally, that the Croats and the Bosnians have signed an agreement and are moving to a confederation and at the very moment that we have achieved, through the threat of air strikes, the safety of Sarajevo, Gorazde, and Zepa.

All of a sudden we would be saying, "To hell with it. We are going to let them fight it out." The result would be that the negotiations would be deterred, not advanced.

I would respectfully suggest that the approach of the Senator from Maine, the majority leader, is the sensible approach, because it asks that we go on record in favor of lifting the embargo in conjunction with others in the international community, particularly those with people at risk on the ground.

It is no secret that our NATO allies are not in favor of lifting the arms embargo at this time. They would regard our doing so as a deliberate attempt to undermine the sanctions regime imposed by the United Nations—a regime which we supported and voted for.

I would remind my colleagues again—and this is not a small matter—that our allies are the ones with the peacekeepers on the ground. They are the ones whose soldiers are at risk. It is not America that has had the courage to come forward and say we will put people on the ground.

If we lift the embargo and peacekeepers get killed because of intensified fighting, our allies will hold us accountable. If we lift the embargo and our allies have the perception that the danger to their forces has substantially increased, they may pull some or all of their forces out of UNPROFOR. That could lead to the collapse of the humanitarian relief effort in towns like Sarajevo, Goradze, Srebrenica and Zepa, where Bosnian civilians are surrounded by Serb forces. As a result, we would wind up in the totally contradictory position of trying to help the Moslems defend themselves while at the same time contributing to the demise of the international effort that is helping them to survive. Who, then, would bear the responsibility for protecting and feeding threatened civilians? Many would point to us!

I might add there is another factor that our colleagues who want to move unilaterally have not considered—Russia. In recent weeks the Russians have played a very responsible role vis-a-vis the Serbs. If we act unilaterally at a time when our allies in Moscow oppose this lifting, we run the risk of alienating the Russians, putting enormous pressure on Boris Yeltsin, and encouraging them to dig in their heels in support of their ethnic kin, the Serbs. Zhirinovsky and others will have a field day pointing to the fickle United States of America, which operates unilaterally because of its own grand designs on the people of that region. He and his supporters will press Yeltsin to help the Bosnian Serbs.

I think we should also recognize that lifting the arms embargo unilaterally would encourage many of our allies who have supported other embargos to say, "Well, if the United States can unilaterally do this, we can unilaterally pull out of this other embargo," most particularly the embargo on Iraq. Unilateral termination of the United States embargo on Bosnia ultimately could undo our own policy with respect to Iraq.

Proponents of lifting the embargo now argue that it would bring an end to the conflict because the Bosnian Serbs would be deterred from fighting further once the Moslems have access to heavy weapons. Well, I respectfully suggest that the history of that war and the history of the Balkans defy that presumption.

Heavy weapons in the hands of the Moslems would provide a strong incentive for Belgrade to decide that more people ought to become involved. Then, we will be asking ourselves what to do now? Do we commit NATO to this conflict in a whole-hog fashion to roll back territorial gains by the Serbs? I have no doubt about who would win, but I am just questioning whether that is the next step we want to take.

Over the last 25 months, the Bosnian Serbs have proven their determination to fight and fight and fight in the face of extraordinary odds. They have won a lot of territory on the battlefield. I think most people agree, and the President has again and again said, that this is not going to be resolved ultimately on the battlefield; it is going to be resolved at the bargaining table. We are at that table and we should not give people an incentive to leave it.

According to the State Department, the Bosnian Government would probably need very large, heavy-caliber weapons, including medium and heavy artillery, medium-tanks and long-range antitank weapons, including the TOW. No doubt these weapons would increase the firepower of the Bosnian Government forces, but be assured they would increase the level and the intensity of fighting as well.

Mr. President, the distinguished leaders of this body have given us a choice. The minority leader's amendment offers us the opportunity to go on record in support of unilateral lifting of the embargo in the very near term, as soon as the request for assistance comes in from the Government of Bosnia. The majority leader's amendment allows us to support the air strike option and to recognize the desire of the Senate to move forward to lift the embargo as part of a multilateral effort. I think the latter is the better approach and the more responsible choice.

Multilateral lifting would keep us in league with our allies. It would send a stronger signal of international disapproval of Bosnian Serb behavior because it would be a multilateral action not a unilateral action. It would enhance our ability to bring pressure to bear on the Bosnian Serbs.

Mr. President, as I have said again and again, unilateral lifting might have been the right option at the outset of this conflict because it would have equalized the situation. The fighting and the victories on the battlefield would have occurred under a different balance of power. However, if we lift now, unilaterally, we run the risk of jeopardizing all of our efforts to resolve this conflict.

Progress at the negotiating table has been slow and painstaking. Nevertheless in recent weeks diplomacy has paid off. Agreements have been reached between the Bosnian Moslems and Bosnian Croats. The Governments of Bosnia and Croatia have now concluded an agreement on confederation.

The diplomatic process has been reinvigorated through the so-called contact group, that is Russia, the United States, and the European Community. With NATO poised to strike Bosnian Serb forces that attack safe havens or violate the exclusion zones, the contact group is now in a much stronger position to press for movement at the table than at any other time in the past.

And since the establishment of an exclusion zone around Goradze, the fighting on the ground has almost calmed down. People said weeks ago, "How are we going to save Goradze? Lift the embargo." Lifting the embargo would not have saved Goradze. We did not lift the embargo but we did save Goradze. It proves that we have alternatives that are working at this moment in time.

Although the Bosnian Serbs have failed to comply completely with the United Nations requirements for the removal of weapons from the exclusion zones around Sarajevo and Goradze, the establishment of the zones, coupled with the threat of NATO air power, has improved the situation for civilians trapped within those towns.

The shelling has stopped, civilians are no longer being hurt or killed, and humanitarian aid is once again being delivered. Why one would want to make the move that undoes those accomplishments is beyond me.

Undoubtedly the deterrent value of NATO air power depends on the willingness of the United Nations to use it. I believe we have to streamline the command and control and eliminate the reluctance of Mr. Akashi to support those commanders on the ground who ought to have the right to protect their troops when needed. We have a command and control problem and we ought to solve it. But it is important to recognize, this problem aside, that the international community does have a strategy today for penalizing the Bosnian Serbs for violations. That strategy ought to be given a chance to work.

If it does not work, if our allies decide there is no other course, we have the leverage under the Mitchell amendment to empower the President and the allies to move on the embargo. I would support that. But I do not think that at this particular moment, alone, with the restoration of the safe havens and the progress on the diplomatic effort, that this unilateral move is sensible or advisable.

For the United States, as the leader of the international community, to go its own way with an effort that has so many downsides measured against the upsides, is not only dangerous but it flies against our own efforts to encourage others to cooperate and to resolve disputes in multilateral fora. I hope my colleagues will agree and that we will adopt the position of the majority leader and reject a move that flies against our own diplomatic efforts, our own history in terms of multilateral approaches, the dictates of the situation on the ground, and the current diplomatic-military structure that we find ourselves in.

I yield whatever time I have left.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

A TRIBUTE TO PRESIDENT RICHARD MILHOUS NIXON

Mr. LOTT. Mr. President, I would like to pay tribute to a great President, a great man, and a dear friend, Richard Milhous Nixon.

April 22, 1994, marked a great loss to America and the world, when President Nixon died at the age of 81. Congressman, Senator, Vice President, and President; writer, commentator, elder statesman to the world: President Nixon stands tall as a giant of our age.

President Nixon is worthy of high praise, because he was willing to put all he had on the line in service to his country. He believed in the country's system of government, this country's ideals, and this country's bright destiny.

All of us who had the great honor to talk with President Nixon realized that we were engaging a fertile mind. The pomp of power and the sweep of history were his fascinations. He had a global vision, with America as its fulcrum. This global vision was sought after even after President Nixon left office. His long reign as elder statesman is a testament to his genius. He was an American Solomon, a wise man who helped build the peace of the world.

I, along with many other mourners, was in Yorba Linda last month for President Nixon's funeral. At this type of ending, you begin thinking about beginnings. I remember when I was a young congressional staff member in 1969 when I first met President Nixon. As administrative assistant to then-chairman of the House of Representatives' Rules Committee Bill Colmer, I had helped to arrange his annual House leadership seafood luncheon. President Nixon attended the luncheon because of his very warm relationship with Chairman Colmer. I had a chance to listen to the President's remarks and visit with him personally. I was inspired by him.

Then in August 1969, after Hurricane Camille, President Nixon came to Gulfport, MS, and promised that his administrtion would come to our aid after that devastating storm. He kept that promise.

When Chairman Colmer retired in 1972, with President Nixon's support, I first ran for Congress as a Republican. By that time, there was more than party that binded us together, but a long friendship which I remember and will always cherish.

At President Nixon's funeral in Yorba Linda, in front of the crowd of Congressmen, former Presidents, and foreign delegations, was the simple white house that President Nixon grew up in. I realized a truth looking at that small house. In America, the great can come from the simple. Many of our great leaders came from humble beginnings. That is why I have faith in the American people. From our minds have come great ideals, and from our midst have come men like Nixon.

Even as he tried to settle disputes in the family of nations, President Nixon had a wonderful and supportive family of his own. His wife Pat, who passed away last year, had under her radiance and grace a fierce devotion to her husband. President Nixon's daughters, Julie Nixon Eisenhower and Tricia Nixon Cox, have inherited the best of their father and mother, and I pray that they remain strong in their time of mourning.

The Reverend Billy Graham said of Nixon that a tree is best measured when it is laid down. President Nixon's legacy, from his humble roots to his passing, has yet to be fully measured. History has and will measure his efforts and his genius, and they have not—and will not—be found wanting.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

Mr. HEFLIN. Mr. President, as we reflect on whether to arm the Bosnians, there are some important questions that should guide our deliberations. This has been a frequently discussed option in Congress, as well as the constant request of the Bosnian Government for the past year. Bosnian Moslem forces have been outmatched by the stronger Serb forces, which benefited from most of the supplies left over from the former federal Yugoslav army. Some believe that the current arms embargo only reinforces that disparity. They also believe that arming the Bosnians would not only equalize the conflict, but would lead to the Serbs accepting a permanent cease-fire, if not a political settlement. On the other side, opponents of lifting the embargo—most of our European allies and Russia among them—would say that instead of "leveling the playing field," lifting the arms embargo would "level the killing fields," increasing the violence without coming any closer to a diplomatic solution.

As it now stands, the Serbs control about 70 percent of the land in Bosnia and Herzegovina, and there has been very little resistance so far to the advancing Serb army. We have to ask ourselves if it is not too later for a newly armed resistance in Bosnia to take back any of this land, or bring any measurable success to the Bosnians, especially since other nations will inevitably come to the aid of the Serbs if we begin backing the Moslems militarily. Will the fighting and killing only escalate?

There are several logistical issues that must be raised here as well. The most important are the questions of what types of arms should be provided and how they could be delivered with certainty and relative safety to Bosnian forces. These forces have no suitable access to the coast; high altitude airdrops, as demonstrated with the food and medicine flights, run the risk of some military supplies falling into the wrong hands; and low altitude airdrops, while minimizing this risk, increase the likelihood of American casualties. Croatia would necessarily play a crucial role in any such arms supply effort. Although there is currently a Moslem-Croat alliance, it is shaky at best.

Beyond these basic logistical concerns, there are more profound political issues to be considered. What would be the purpose of the arms supplies? If the answer is simply to equalize the fighting, the most likely immediate result would be increased violence and casualties on all sides, destroying any remaining hope for a negotiated settlement in the near term. Some believe strongly that equalization would be sufficient in itself to force the Serbs to accept a cease-fire, but we have no way of knowing or testing such a hypothesis. Is it a gamble worth taking? Would the implementation of other resolutions, including ones imposing sanctions on Serbia and other former Yugoslavia republics, be undermined by lifting the arms embargo against Bosnia? Would current humanitarian efforts be underminded?

How long would arms be supplied? If the Serbs were to accept a ceasefire, it might prove necessary to continue arming the Bosnians to guard against the possible breakdown of the truce. If, on the other hand, Serbian militia forces continue to be successful militarily, then we face three options: Continue arms supplies to Bosnian forces in the continued hope of equalizing the conflict; intervene militarily, probably with ground forces; or discontinue arms supplies based on the view that arming the Bosnians has not worked. Are any of these options palatable or politically acceptable?

Although arming the Bosnian Moslems is likely to be overt rather than covert, the resulting options are strikingly similar to those the United States has faced in past large-scale paramilitary operations. Unless the operation shows demonstrable success, the only remaining courses of action are a marked increase in intervention or a willingness to end the operation, often without being able to safeguard those forces that have been supported. Again, we would be faced with rather unpalatable options.

Opponents of any expanded United States role in stopping the fighting in Bosnia say the end of the cold war has reduced Yugoslavia's strategic importance to the United States. They argue that the United States should leave the solution of the crisis to the Europeans, whose interests are far more directly concerned than ours.

But most of the European leaders I have spoken with in my role as chairman of the Senate delegation to the parliamentary arm of NATO would like to see more intervention by NATO and the United Nations, two organizations whose dependence upon the United States is obvious. They support air strikes and perhaps would even be in favor of land-force intervention, but continue to oppose arming the Bosnians out of fear that the conflict would spill over to other areas of the Balkans that have not been touched by fighting, thus destabilizing a wide area of Europe.

Opponents also compare the crisis to Lebanon or Northern Ireland, two areas where deeply rooted ethnic and religious conflicts are not amenable to military solutions. They believe it unlikely that even a massive bombing campaign could by itself stop the Serb forces or force them to give up the land they have captured. It is not inconceivable that the Serbs could draw on their history of resistance to outside forces and dig in their heels, drawing the United States into a guerilla war like the one fought against the Germans in mountainous Bosnia-Herzegovina during World War II. Additionally, the intervening force would have to do much of the work largely on its own, since Bosnian Croat forces have proven dubious in their loyalty to the Bosnian Government in the past.

Our bottom line is that we have absolutely no idea—logistically, politically, diplomatically, or militarily—what would occur as a result of lifting the arms embargo on Bosnia. There are any number of possible outcomes, most of which are bad. The only good one—a victory for the Bosnian Moslems—is highly unlikely, even with weapons. Since this is the case, it is clear that if we err at all, it should be on the side of caution, as terrible as the status quo is. The potential cost of erring on the side of chance is simply too great in this case.

As sad as it may be, American and other leaders may be left with a situation where there are no suitable diplomatic venues or military plans that are acceptable. If this is the case, we will have to decide whether we can live with the status quo—largely accepting the partition of Bosnia, and perhaps then turn our attention to policies designed to contain the conflict within its present borders. What we may be faced with at this late stage in the game is a choice between living with the status quo throughout containment, or arming the Bosnian Moslems so they can have the honor of going down fighting.

Lifting the arms embargo on Bosnia unilaterally, as the Dole resolution calls for, would set a dangerous precedent. It would, in effect, "Americanize" the fighting in the Balkans and possibly lead to more extensive United States involvement later. The public clearly does not support this, and it does not appear that it is in our national interests to do so. Senator MITCHELL's language provides safeguards against making this a strictly American operation.

In my judgment, it would be in Congress's best interest to get a formal briefing and detailed analysis from military and intelligence officials concerning some of these questions. We need to know what the professionals think. Is this a good move? What is our timeframe for involvement? Are the Bosnians sufficiently trained to operate the weaponry once they get it? What kinds of weapons would be effective?

While I will support the Mitchell amendment, I do so with grave reservation, since any arming of the Bosnians may be too little too late, even if done through the auspices of the United Nations, and NATO. Regardless of what measure we adopt relative to Bosnia, I think it is vital for the relevant committees to get a formal briefing from Pentagon and intelligence officials to help answer some of the logistical and political questions which have been raised.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Tuesday, May 10, the Federal debt stood at $4,571,812,500,249.97. This means that on a per capita basis, every man, woman, and child in America owes $17,535.94 as his or her share of that debt.

THE NATIONAL SECURITY EDUCATION PROGRAM AND THE CONTRIBUTIONS OF AMBASSADOR SOL LINOWITZ

Mr. BOREN. Mr. President, this week marks an important beginning in the life of a program that I hope will help pioneer this country's commitment to international education. For the past several years, I have talked often about our country falling behind the rest of the world in preparing the next generation for the new global environment. As the cold war ended and regional problems became more important, I feared that we lacked an appreciation of the histories and complexities of places in the Middle East, the Baltics and Asia. While the world's economies became increasingly interdependent, I suspected that we lacked the understanding of markets in Beijing or Prague or Santiago.

Based on these concerns, I proposed the National Security Education Act. Its aim was simple: To encourage students to study, and schools to focus on, non-Western languages and cultures important to our country's future. The bill created a trust fund to support graduate fellowships for students willing to serve in Government after their studies ended; scholarships for undergraduates to study in foreign countries; and language and cultural programs for universities to establish and maintain. In 1991, the NSEP was created by an act of Congress and signed into law by President Bush.

This week, after overcoming obstacles to its implementation, the NSEP began the process of awarding scholarships and fellowships. It hopes to award the institutional programs this fall. What was once an idea is now becoming a reality fulfilling the hopes of 173 graduates and 317 undergraduates to study in foreign lands. The students are a diverse and energetic group, representing all 50 States at over 100 colleges and universities.

The graduate students will study 47 different languages and at 57 countries, and in numerous areas of study. Many will go to Japan, Russia, and China—countries most important to our national and economic security. Many others will go to places like Vietnam, a country with whom the United States recently normalized economic relations. Some will go to South Africa where true democracy is now remarkably taking place.

The undergraduates are no less ambitious than the graduates. From a pool of 1,811 applicants, over 317 students will learn 34 different languages at 48 different countries. They will study Spanish, Mandarin, and Slavic languages. They will also learn Arabic in Yemen and Quechua in Peru. They will, I hope, be exposed to cultures distinct from their experiences and ideas different from their own.

With the coming announcement of these awards, I could feel the excitement in the room at last Monday's NSEP luncheon. Representatives from higher education, Government, and the private sector convened for the first NSEP Board meeting. The board is a group of 13 distinguished individuals from Government and the private sector who advise the Secretary of Defense, who serves as the administrator of the program, on policy matters and the selection of awards. I had the honor of speaking with them on the history of the program and sharing my ideas about its future. It was a special moment for me.

Many people attended the luncheon who have been instrumental in the realization of NSEP. One of those present was my dear friend, Sol Linowitz. In many ways, he personifies the ideals and goals of the NSEP. He was an Ambassador to the Organization of American States during the Johnson administration and helped negotiate the very difficult Panama Canal Treaty and Camp David Accords. He has traveled widely and understands the great issues of the day. He is one of the wisest people in our country. I have depended on Sol Linowitz' wisdom on many occasions.

It was several years ago that I told Ambassador Linowitz about my idea of an international studies program. He enthusiastically supported it. When I was developing the bill to create the program, he advised me on legislation. When the bill faced obstacles, he helped me navigate it through the political waters. His support was crucial. I ask unanimous consent to place into the RECORD the words he gave at the NSEP luncheon.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

NSEP AND NATIONAL SECURITY

(By Sol. M. Linowitz)

I am very pleased to be here and to have the opportunity to say a few words about NSEP. It takes real presumptuousness for me to undertake to talk with you about the area of your own responsibility and concern. I am presuming to do so only because I am so persuaded of the importance and the promise of your mission, and I'd like to tell you why.

At the outset, I want to pay my respects to the man who is entitled to our lasting gratitude for his leadership in the enactment of NSEP—Senator David Boren. Senator Boren is a friend of mine and I know him to be man of commitment and dedication who has clearly perceived the importance of reaching out to the other people of this earth—of coming to know them and their cultures—if we are to live together peacefully in today's world. We are all deeply in his debt for his independence, foresight and wisdom. As President of the University of Oklahoma later this year, he will be changing not his focus, priorities, commitments or involvements—just his geography and work place—and we wish him well with his university responsibilities.

I think that to get a real sense of what NSEP really means, it has to be seen against the backdrop of the kind of world and the kind of time in which we live.

For we are living at a difficult, anxious, uncertain time in world history—a time which has been called both the Age of Anxiety and the Age of Science and Technology. Both are accurate, for indeed one feeds upon the other. As our scientific and technological competence has increased, so have our fear and anxiety.

It is also a fateful time. In the past, men have warred over frontiers. They have come into conflict over ideologies. They have fought to better their daily lives. Today, however, each crisis overlaps the other and we find ourselves at an upheaval that touches every phase of our existence.

Just think what has happened in the past few years.—

The collapse of the Soviet Bloc has fundamentally and irreversibly transformed international relations for our time.

The most significant military and ideological adversary of the United States has ceased to exist. The central principle U.S. foreign policy for the last half century—the Cold War—is over, and the foundation of our international alliances, military strategies, and defense budgets has been swept away.

Regional wars that involved the superpowers—Angola, Cambodia, Central America—are all winding down. At the same time, and as the war in the Persian Gulf and the fighting in the former Yugoslavia and Armenia have made all too clear, loss of superpower influence, combined with the deadly proliferation of armaments, could lead to more rather than less armed conflict in the world.

Economic competition is displacing military conflict as the main arena of international rivalry. According to recent polls, most Americans now consider Japan—not the former Soviet Union or Russia—to be our main adversary.

From Argentina to Poland, authoritarian politics and centralized economies have been discredited; and the value of free elections and open markets has been strongly affirmed.

The handling of the Persian Gulf crisis suggested that we may be entering a new era of multilateral cooperation. But we can't yet be sure whether a new world order will truly emerge—or whether we will regress to a fragmented world of regional power balances and conflicts.

Whatever happens, we have not had to confront such breathtaking global changes since the end of World War II.

Against this backdrop it is important to recognize some hard facts:

First, the people of this world are no longer thousands of miles away—but just down the runway. Whether we like it or not—the world is pressing in upon us; and we simply can't isolate ourselves or stop the world and try to get off. For better or worse, we are all in this together.

This means that problems, misunderstandings, confrontations involving countries we have never seen or people we have never met can suddenly and dramatically impinge upon our own lives and drastically affect our future and the future of our children.

Second, we are living in an instantaneous world where the world is as close to us as our TV sets—where we are all part of a global society in which there is no longer such a thing as separate areas of concern or a clear division between domestic and foreign—a world in which peace is truly indivisible; in which what happens in places like Somalia, Bosnia, Russia, China is in the truest sense happening to us. Our lives—our futures—are now inextricably intertwined with those of the rest of the people in this world.

Third, in such a world national security is inseparable from global insecurity. We cannot hope to be safe and secure if the world is unsafe and insecure.

What do we mean when we use the word "secure"? What does the word "security" mean when we talk of the National Security Education Program? Let me give you my own view: I start with the fact that security in the world in which we live depends on far more than military weapons or economic strength. Security—real security—also depends on the kind of relationships we have with other people and other countries—where we are able to understand them and relate to them and work with them toward a more stable, peaceful world.

We will not find security for ourselves if we are estranged from the other people of this world and alienated from them and their cultures. We will not find peace for ourselves and our children by continuing to ignore other people and by arrogantly insisting that the rest of the world must learn from us what we are willing to teach—and must speak to us only in our tongue.

In short, we will not be secure if we do not build bridges of security—bridges of understanding and cooperation and empathy to the other people on this earth. And that, I believe, is what NSEP is all about.

In Mexico City there stands the statue of Benito Juarez. On it are the words: "Respect the rights of others in peace." Respect for the rights of others underlies the whole concept of NSEP. It means treating others with dignity; respecting their right to fulfill their own destiny in their own way; learning their culture and their language.

The Chinese write the word "crisis"—by combining the symbol for the word "danger" with the symbol for the word "opportunity". In these times of crisis, we have been confronted with both dangers and opportunities—and we have failed to seize the opportunities to increase our understanding of the other human beings on this earth.

How bad is the situation? In introducing NSEP legislation, Senator Boren presented some deeply disquieting facts. Let me remind you of a few: Last year over 350,000 college undergraduates came to America from other countries. At the same time, only about 50,000 American students went to study at the undergraduate level in the rest of the world; and—if you exclude Great Britain, France and Germany—only 4,000 or 5,000 American students studied abroad.

In the year 2000, the European community will require fluency in two foreign languages for all high school graduates. Japan now requires that all of their students study at least two years of English before graduating from high school. (By way of contrast, three-tenths of one percent of Americans study Japanese.)

At this moment when we should be trying to learn all we can about the rest of the world, only 8 percent of our college students are studying any foreign language and over 80 percent of all the universities in this country do not require a foreign language for an undergraduate degree.

I submit to you that we simply can't live with those numbers if we expect to build the kind of future we say we want.

For in the future—as never before in our history—we will need men and women who are at home in the world—who are people of perspective and breadth with a far better understanding of the world than has ever been required before. We will need men and women who understand where we have been and where we are going, who knows about the kind of world in which we live and the future we should be trying to achieve. We will need men and women able to communicate with one another and with other people and other places; people who know how to transmit and stimulate ideas; people who recognize that things human and humane are even more important than the computer, the test tube, the IBM or even the Xerox machine. We will need people who understand that know-why is even more important than know-how, people who will see our problems as part of total human experience and who will be able to understand something of what yesterday teaches us about today and tomorrow.

In short, we will need people of vision who will be able to help us find effective solutions to the problems besetting the world by coming to know and understand the people who make up that world. I strongly believe that NSEP can do much to move us in that direction and I wish you Godspeed on your mission.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now proceed to the consideration of the conference report accompanying House Concurrent Resolution 218, which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 218), setting forth the congressional budget for the U.S. Government for fiscal years 1995, 1996, 1997, 1998, and 1999, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 4, 1994.)

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. SASSER. I thank the Chair.

Mr. President, we are ready to proceed with the conference report to the fiscal year 1995 budget resolution.

Mr. President, the eminent British statesman Edmund Burke wrote once that, "All government—indeed, every human benefit and enjoyment, every virtue and every prudent act—is founded upon compromise and barter."

Now, the conference report before us today is just that: A fair compromise that makes the Government go, a fair compromise that provides for order rather than chaos, and allows us to proceed expeditiously with the business of this people's Government.

But this budget resolution is not a compromise simply for compromise sake. Like its predecessor, the budget resolution which we passed earlier this year, this one hews to the principle of deficit reduction, it hews to the principle of fiscal responsibility, and it propels us down the path to greater economic growth.

Make no mistake about it, this economy of ours has flourished since we made a commitment last year to serious and credible deficit reduction. I wish to commend those Senators who last year cast their lot with serious deficit reduction.

I believe that as we consider this budget resolution conference report, it bears repeating the major accomplishments of last year's Budget Reconciliation Act, accomplishments that have a direct impact on the working men and women of this country, accomplishments that we build upon with this budget resolution conference report.

Last year's deficit reduction plan reduced the deficit by nearly $500 billion, cut spending by $255 billion, and allocated every new dollar to deficit reduction. It constrained the discretionary spending at a hard freeze level, and cut $90 billion in entitlement spending.

As an example of how real last year's budget-cutting effort was, or deficit-cutting effort was, and how real the legislation was that we passed last year, we now find that the legislation we passed, which was calculated to reduce the deficit by $500 billion, is now calculated to reduce it by well over $600 billion in the same timeframe as a result of primarily increased economic expansion and activity, part of which was attributable to the deficit reduction efforts that we took.

Given the extra lift provided by the rising tide of a strong economy, as I said, the package that we produced last year will actually come in in the neighborhood of $650 billion in deficit reduction over the next 5 years; $150 billion, almost, over what we had originally predicted. What a difference from other deficit reduction packages.

I remember years past when we would try to reduce the deficit. We would come in with various gimmicks and plans. Invariably, the deficit would be larger than we had anticipated. In this case, we have the welcome and refreshing and heartening news that the $500 billion deficit reduction package that we passed is not just $500 billion. It is going to come in at somewhere in the neighborhood of $650 billion in deficit reduction.

If we do not stray from the path we are on, if we pass this budget resolution for fiscal year 1995, the 1995 deficit is going to be $100 billion below the Congressional Budget Office projection of just last spring, just a year ago.

In fact, Mr. President, the deficit in 1995 will be lower than any year since 1979.

And that is not all. The 1998 deficit will be $200 billion less than before last year's plan was passed. And projections are that the 1999 deficit will be cut in half.

Let us look at this critical deficit reduction from another angle. Let us look at it from the point of view of percentage of gross domestic product.

I think most knowledgeable economists would say that the most accurate way of measuring a deficit's impact on an economy, and on an economy's future health, would be to put it in proportion to the gross domestic product.

The deficits from 1995 through 1999 will average about 2.4 percent of gross domestic product; 2.4 percent of gross domestic product for 1995 through 1999. Contrast that with 4.2 percent of GDP during the 1980's, almost cutting the deficit in half as a percent of GDP from where it was in the 1980's. How about the 1970's? In the 1970's, we were averaging a deficit as a percent of GDP at 2.5 percent.

So what we are seeing as a result of this deficit reduction program we are on, we are almost halving the deficit as a percent of GDP from where it was in the 1980's, and bringing it below where it was as a percent of GDP on the average in the 1970's. That is quite an accomplishment.

The legacy of a growing debt burden will also be reversed. The national debt as a percent of the economy grew to an alarming 52 percent by 1994. What we are doing is halting the growth of the national debt as a larger percentage of the economy, arresting it, and starting to reduce it.

A little brief history might be in order here for our colleagues. When we emerged from World War II, the national debt as a percent of the gross product or national wealth stood at about 110 percent of the gross domestic product at that time. We began reducing it, and reduced it down to an area of somewhere in the neighborhood, at its lowest level, of about 30 percent of GDP. It began growing again in the

1970's, and exploded in the 1980's, moving up to a point where it was in excess of 50 percent of GDP. We are now halting that growth, arresting it, and starting it down in the other direction.

We often call last summer's budget resolution and reconciliation bill the "historic" deficit reduction plan. We do so for good reason. History gives us a benchmark against which to measure. What we did last summer, and what we continue to do with this resolution, measures up, I think, with the best of them.

Discretionary spending as a share of our overall economy and the total budget will be the lowest, in this budget resolution, than it was when Franklin Delano Roosevelt was last in the White House. For the first time since Harry Truman was President, there will be 3 years in a row of declining overall deficits. And discretionary spending next year will be lower than the preceding year. This is the first time that happened since President Nixon took office in his first year. In President Nixon's first year in office, we were starting to reduce the spending that had been going into the Vietnam War that elevated discretionary spending. And that is why discretionary spending in his first year in office was more than it was the year before.

So no one will argue that we have not made substantial progress. But I am not here to try to persuade my colleagues this morning that we have dealt with this deficit and dispatched it with a single blow. The deficit is very tenacious. I say to my colleagues that this deficit is receding; it is retreating before the relentless assaults that we have launched upon it over the past year and a half.

There is no doubt in my mind that the growth of this economy and the vigor of this economy can be traced, at least in a significant part, to the deficit reduction plan that we passed here last summer.

The financial markets which had long begged for a creditable deficit reduction plan among the dross of gimmicks and contraptions offered to them in prior years finally found a creditable deficit reduction plan—the one we passed last year. And how did the financial markets respond? They responded with lower interest rates, which helped push us into a fully self-sustaining recovery.

This is how the American people have felt measurable results from our efforts in deficit reduction last year. First, it came in jobs. Over 450,000 jobs were created in the month of March alone. We have now created in this economy 2.5 million jobs in 14 months. That is more jobs in 14 months than were produced during the previous entire 4 years—more jobs in 14 months than in the previous entire 4 years.

Well, the next measure is interest rates. Interest rates have plummeted; they have come down; that is, before the Fed began to hear inflation creeping in on little cats' feet which nobody else heard and panicked.

For hundreds of thousands of our fellow Americans, low-interest rates produced an unparalleled opportunity to purchase a new home. Housing starts and permits in sales soared in the fourth quarter of 1993 at more than a 50 percent annual rate.

Sales for domestically produced cars and light trucks jumped at more than a 50 percent annual rate between September and February. And in the year 1993, for the first time since 1980, more automobiles were assembled here in the United States than were assembled in Japan. Let me repeat that. In 1993, for the first time since 1980, more automobiles were assembled here in the United States than in Japan. In Japan, the cry is, "The Americans are back"—and we are, in a big way.

One of the strongest indicators of economic victory—real business investment—advanced at a 22-percent rate in the fourth quarter of last year and continued its upward climb in the first quarter to an all-time high.

Well, how does that translate to living standards increases for the average American? That is what we are concerned about, elevating the quality of life of our citizens, elevating their living standards. Well, Mr. President, living standards rose more during the first year, in 1993, than during the previous 4 years put together.

So, taken as a whole, the economy has been performing so well that during one of those rare days when we are all singing from the same hymn book, Federal Reserve Chairman, Dr. Alan Greenspan, appeared before the Joint Economic Committee of this Congress, and here is what he had to say:

> I don't recall as good an underlying base in the long-term economic outlook any time in the last two or three decades.

Alan Greenspan, Chairman of the Federal Reserve Board, came before the Congress and stated not too long ago that the underlying base and the long-term economic outlook was better than it had been in the last two or three decades—in the last 20 or 30 years.

Unhappily, the Federal Reserve Board seems to have changed its tune somewhat since those salad days a little earlier in the spring, and many of us, frankly, believe the Fed is singing way off key these days.

In fact, last quarter's 2.6 percent rate of real economic growth confirms that the Fed's actions to tighten monetary policy have been, in the judgment of this observer, misguided. In my view, the economy is not carrying too much sail, as the Fed would seem to have us believe.

However, the Fed's actions go far beyond the headlines on the business page. They bleed into all facets of our lives. These preemptive strikes by the Fed against inflation threaten to choke off the economic expansion before working men and women can begin to enjoy the full benefits of it.

I add, too, that in spite of all our promises to the contrary, the Fed, once again, is not supporting our efforts at fiscal contraction. We are starting to see the positive results of our toil in deficit reduction. Real Federal spending on goods and services declined at an annual rate of 12 percent in the first quarter, the third consecutive quarterly drop.

Mr. President, I want to repeat that statement. Real Federal spending on goods and services declined at an annual rate of 12 percent in the first quarter of this year, the third consecutive quarterly drop of real Federal spending.

We are cutting spending, and how does the Fed respond? Do they respond with a complimentary monetary policy? Well, we learned a very hard and painful lesson from the 1990 budget agreement. We learned that fiscal and monetary policy must be carefully balanced if we are to cut the deficit and if we are to sustain economic growth. As a counterweight to an austere fiscal policy, Congress needs the Fed to offset that contraction by using its tools to keep the economy moving.

Mr. President, I sincerely hope that the Fed will reexamine its actions. We in this body have made a courageous and earnest effort to reduce the Federal deficit. We have fought hard to resuscitate this mighty economy of ours. Our efforts are paying off. The 1995 budget resolution will simply cement the structure in place that we brought into being last summer.

Now, let me just spend a few minutes going over some of the conference issues. Foremost is the Exon-Grassley amendment which made further cuts below the preexisting caps on overall discretionary spending.

Let me briefly review its history.

For the 5-year period between 1995 and 1999, the Senate budget resolution as amended by Exon-Grassley reduced spending from the caps by $63 billion in budget authority and $26 billion in outlays. Now, that was what the Senate did. By adopting Exon-Grassley we reduced spending below the caps by $63 billion in budget authority and $26 billion in outlays. Our colleagues on the House side passed a budget resolution which contained no companion cut before the caps.

Now, following the passage of the Exon-Grassley amendment and its adoption here, the Pentagon and the defense community and defense experts began expressing serious reservations that a majority of the cuts from Exon-Grassley would be lodged against the defense budget, and I think their apprehensions are indeed and were indeed well founded.

These experts at the Pentagon and others were not alone in that view. Many of my colleagues on both sides of the aisle voiced similar concerns.

My friend, the distinguished ranking minority member of the Budget Committee, Senator DOMENICI, who is known for his expertise and sensitivity to national security issues, I think showed great courage in attempting to restore the cuts once he fully analyzed the possibility of the magnitude of the impact they might have on our defense efforts.

Let me observe that my friend, the senior Senator from New Mexico, is not given, Mr. President, to spending binges. He is one of the most frugal and fiscally responsible Members of this body. I have frequently given him credit for the pay-as-you-go system that has worked effectively through the last 4 years. And he deserves credit for vigilantly fighting deficits for more than a decade.

His willingness to look at restoring the $26 billion discretionary cut I think simply reflects his abiding concern for this Nation's national security.

Following the first meeting of the conferees, Senator DOMENICI joined me to test the Senate waters on feasibility of such a plan of restoring the cut.

But I think both of us quickly learned that the votes were simply not there to do it. The will of the Senate was in favor of additional discretionary cuts.

Now, that is where the Senate stood. But the House, on the other hand, had made its position clear prior to conference when a motion to instruct its conferees passed by a majority of the House to not accept the Exon-Grassley language.

It became obvious that if the conferees were to agree on a budget resolution at all, we would have to meet each other halfway and split the difference.

So, Mr. President, that is exactly what we did with the Exon-Grassley amendment. Rather than scrapping it altogether, as the House wanted to do, and as a majority of the House of Representatives had voted to do on the floor of the House, in open vote they voted to, in essence, scrap Exon-Grassley, but rather than accepting that and scrapping it, the Senate conferees ultimately were able to prevail on the House to agree to $13 billion in cuts in outlays and $31 billion in budget authority off the caps for 5 years. In other words, we were able to prevail upon them to split the difference. That is almost exactly half of the original cut off the caps over the next 5 years. In the first year, the Exon-Grassley cut amounts to $500 million in outlays. It accumulates in the later years.

I would also tell my colleagues that the conference report sustains the language of both the Nunn-Domenici initiative and the Graham of Florida initiative with respect to entitlements.

Both Houses are now on the record in favor of controlling growth in entitlement spending. I might say to my colleagues that the resolution is still agnostic when it comes to which health care plan or combination of plans will be ultimately passed.

This budget resolution follows the outline of the President's budget in that over 300 programs are either cut or terminated. In addition, the resolution closes a $3.1 billion gap that opened up on the discretionary side of the budget for fiscal year 1995 because of differences between OMB and CBO scoring.

This budget resolution also makes the right investments. Investments for education are in this budget resolution, I say to many of my colleagues, including the distinguished Senator from Connecticut [Mr. DODD], who has expressed his continuing interest in continued investments in education for many years. There are investments in nutrition. There are investments for our infrastructure. There are investments for fighting crime in this budget resolution. There are investments to make life better and more secure for working men and women and their families. As an example, we sustain the functional totals that reflect the priorities of the amendment offered by the distinguished Senator from California [Mrs. BOXER], which proposed more funding for children's programs.

Mr. President, I really see no reason to drag on the debate on this conference report. I will yield momentarily to my distinguished colleague from New Mexico, Senator DOMENICI.

But before I do so, I urge my colleagues to vote for this budget resolution for two specific reasons.

First, the conference report on the budget resolution that we bring back to you clearly expresses the will of the majority of the Senate. It is the will of the Senate to cut spending further. We have done that in this resolution that comes before you. It is the will of the Senate to provide for entitlement controls. That is included in this resolution. It is the will of the Senate to keep us on the path of deficit reduction. We bring it to the Senate in this resolution.

Second, let me warn my colleagues that the absence of a budget resolution would make mischief for the entire appropriations process and for the Senate as a whole, and the primary mischief would fall in the area of national security and defense budget.

It is no secret that the Department of Defense appropriations bill is the largest and usually the last appropriations bill to be brought to the floor. If that bill is brought to the floor after other bills have been brought to the floor without the protection of the 602(b) allocation ceiling, then there is going to be overspending in the other appropriations bills and when the defense bill hits the floor it is going to have to pay the price for all of the other spending. I do not think anyone will benefit from this chaos. The American people deserve better. The institution deserves better, and indeed my colleagues deserve better than chaos such as that.

So, Mr. President, I urge the adoption of this resolution. It is in the best interests of our country. It is in the best interests of the Senate, and we simply must adopt it.

Mr. President, I yield the floor to my distinguished friend from New Mexico.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Thank you very much, Mr. President, and I thank the chairman.

Before I give my remarks and respond, Mr. President, might I ask a little bit about the process we want to follow?

I have about five Senators who want to speak. Maybe I should state the names as we know them, so their offices know we are trying to accommodate them but that we also want to get off the floor at the earliest possible time.

I assume that is the chairman's wish.

Mr. SASSER. It is, indeed.

Mr. DOMENICI. Senators GRAMM, GRASSLEY, LOTT, GREGG, and NICKLES have indicated they desire to speak. I assume that there may be others. But, frankly, it is my intention, on our side, working with the chairman, to yield back some of the time on this resolution. I assume we each have 5 hours. I do not think we need 5 hours.

Might the Senator give me his expression on that, whether he thinks he is going to need the full 5 hours?

Mr. SASSER. Let me say to my able friend from New Mexico, we will not need 5 hours. At the present time, we only have two or three Senators on our side who have expressed any interest in speaking on the resolution. So I would be positive that the time could be reduced very considerably.

Mr. DOMENICI. Might I ask the Senator, has he conferred with his leadership about when this vote might occur?

Mr. SASSER. I have not. I will do that in a timely fashion.

Mr. DOMENICI. I thank the Senator very much.

Mr. President, just to set some time parameters about what I say here, I am going to yield myself a half hour at this point. Would the Chair have the clerk notify me when I have used 30 minutes, please?

The PRESIDING OFFICER. We will.

Mr. DOMENICI. First, Mr. President, fellow Senators, I want to talk just a bit about some of the remarks that the distinguished chairman made with reference to the Federal Reserve Board and their policies.

I was not privileged to be in attendance at the Banking Committee hearing. Perhaps the chairman was there. He and I are both members of the Banking Committee.

But one of the President's designees, a rather eminent economist, Dr. Alan Blinder, now serves on the economic adviser team in the White House and I assume from economists around this land that he has a very excellent reputation. It is my understanding that, as the President's designee to the Federal Reserve, he was questioned about inflation which ultimately causes interest rates to go up. It is my understanding that he intends to fight inflation, concurring with the Federal Reserve Board's goals.

I do not want to make a big point of it, because we are not going to have a lot to do with that in this budget resolution anyway. There has never been any successful effort on the part of Congress, since the Federal Reserve Board was created as an independent entity, to take the Federal Reserve and the banking system out of politics. There has never been any real successful effort to tell them what to do. There may be some political impacts on them, but I do not think we here on the floor are going to be telling them what to do.

I just want to make the point that, in the long-term interest of growth and jobs that everybody talks about in the American economy, if they are thrilled about one thing that has happened in the past 10 to 12 years, it is that we have inflation under control. We have learned in this great economy that it is inflation that ruins economic growth, ruins the pocketbooks of American people, and lowers the receipts for work by American workers. That essentially is the big culprit.

I am not suggesting that inflation is rampant again, but I am suggesting that the Federal Reserve is doing the right thing. The right thing is to prolong this economic recovery beyond what it might accomplish if they did not adjust interest rates.

Clearly, I believe the political leadership of this country would like very much to have this economy continue to grow. It appears my friend from Tennessee has forgotten the business cycle and seems to think that last year's budget resolution and tax bill caused all this economic growth when it seems to me that the business cycle had gone down about as far as it was going to go in America. It has started up again and we are now reaping the benefits.

Having said that, it could very well be that Federal Reserve policies are going to prolong this recovery and, thus, the positive side of the business cycle for a longer period of time than it would have continued if we kept the heat on this economy with the lowest possible interest rates.

And I would remind everyone that the Federal funds rate, which is what the Federal Reserve has been addressing, is not at an inordinately high level. Compared to the past 20 years, it is at a pretty low rate for the United States.

I will give my theory of what has gone wrong in the budget approach that this resolution brings before us this year, but first let me take a few moments to talk about the reality of what America is experiencing today in terms of jobs, economic growth, and, even the specific, positive fact that the chairman brought to our attention about American automobile manufacturers producing more cars at more competitive costs.

No. 1, the Senator from New Mexico could not be more pleased about anything than I am about the economy turning around and moving in a positive direction. The American people have been very, very worried about that, over the last few years, and the time has come when it has fully turned around. I hope we do everything we can—I am not sure how much we can do—to keep that growth going, to continue to improve our competitiveness, and that the real wages of American workers increase.

So in that regard, if I were a Democrat, I would be laying claim to all of these positive things that are happening in this economy, and I would lay claim to them on the basis that they have all occurred because of policies that the President and the Democratic majority have adopted. But I think, as a Republican, while I am proud and pleased that these things are happening, it is my responsibility to take a couple of minutes to try to put this in perspective.

Second point: I do not know of a single American economist, including the distinguished economist currently recommended for the Federal Reserve Board, Alan Blinder, who has ever said that the Government can change policies, whatever they are, and affect the economy in a significant way in less than 1 year, and most say 1½ years at the minimum. We are now in May of 1994, Mr. President—not May of 1995 or 1996—May of 1994.

I remind our fellow Senators—just a dose of reality—that the tax package that was passed by the U.S. Congress in response to the President's recommendations, but clearly not exactly what he asked for, was adopted by the U.S. Congress in August of 1993.

Now, let us see—August, September, October, November, December, January, February, March, April, May—we are now at 9 months since that package was signed into law. And it is most interesting that the largest surge in economic growth occurred in the last quarter of 1993. I think it was a 7-percent gross domestic product surge.

To American business, American labor, American automobile manufacturers, small business people, it is more realistic to assume and fairer to say that a lot of things have been changing in this American economy for the better for a long time. Clearly, I do not deny that the chairman, in a sense the leader of the majority party, should take the floor today and, in glowing terms, talk about all these good things that have happened and say they happened because of the fiscal policy plan adopted in August 1993. But I believe it is much closer to the mark to assume that the business cycle carried us from lofty growth in the Reagan days, to modest growth, then to a very quick recession, and then more modest growth as the business cycle unfolded. I think it is fairer to say that the time had come in the business cycle of the United States when the private sector and the families of America had taken debt out of their ledgers—the business ledgers and the private ledgers. They bought down their debt tremendously and a number of other things occurred where the American economy was ready to surge again, and it has.

If the President's tax package had not passed and the caps had been retained as they already were in the law on discretionary spending, I am willing to speculate with a degree of certainty that this economy would be very close to where it is right now. Perhaps it might have even grown more.

The Congressional Budget Office, the independent arm set up by Congress to tell us about these things, says in their analysis of fiscal year 1994 that economic growth will be dampened because we have a slightly more restrictive policy, including taxes and other things. I believe this is true. Yet I want everybody to know if I were Chairman SASSER, I would be down here saying what he said. If I were the President of the United States, I would be running across this land, and wherever I could I would say it is my policies that did all these things.

Let us talk a little bit about what we have cut and what we have not cut in 1993, 1994, and in this projected budget. It might shock people to know that of the things we could have cut in the entire package of appropriated accounts—everything from highways to education, revolving funds for loans for water and sewer projects to the FBI—not one single dime has been cut from anything other than defense.

Let me repeat. With all the discussion about strong fiscal policy, in all of the array of American appropriated programs—not the entitlements—we have only cut defense in 1993 versus 1992; 1994 versus 1993; and the proposed 1995 versus 1994. Shortly, I will talk explicitly about the great risk to the American people and the free world in this dangerous world, by the continuation of that downward trend of cut, cut, cut defense.

Even without the allocation of the unspecified appropriations cuts, the defense spending of the United States will be at the lowest percent of gross domestic product that it has been since immediately preceding the bombing of Pearl Harbor.

Think of that. We recall those days. We saw our men training in the Philippine Islands with broomsticks while the Japanese were bombing. We are going to be at the second lowest level in history—since the First World War era. And that era is the only time in this modern time of difficulty and American world leadership that we have been lower.

I want to have printed in the RECORD the numbers I have just described about what has been cut and what has not been cut. I would like very much to have printed this table which has the defense outlays for 1992, 1993, 1994, 1995, and the domestic discretionary outlays for the same period.

I might just indicate defense in 1992 was $302, it is now $270; domestic was $233, it is now $273. I ask unanimous consent that little summary be printed in the RECORD.

Mr. DOMENICI. Mr. President, the numbers will show that Defense's cuts are going to get worse than that little chart shows as we follow the President's policies and as we follow the policies of allocating more of the discretionary cuts to defense in this appropriations process called a 302(b) allocation process. Before I finish today I will urge that the allocation process not take any of the new cuts out of defense and we be given, as a people, as a Nation, the President's requested Defense budget for 1995.

Having said that, I want to take a couple of more minutes, since I talked about how, if I were Chairman SASSER and a Democrat, I would be bragging about all these good things that have happened to the American economy and trying to lay all that powerful change on an August 1993 budget resolution. But I think in the process the chairman also alluded to what a great job we are doing in deficit reduction. Again, so everybody will understand, if I were the Senator from Tennessee, and the chairman, I would be saying exactly the same things. But I think a dose of realism is required here, too. So let me try a little bit. Obviously my friend from Tennessee will have plenty of time to rebut this.

I would like to state for the RECORD and for fellow Senators what makes up the reduction in the deficit that we are touting? Where does that deficit reduction come from? So, my version says the only thing that the August 1993 deficit reduction package did was raise taxes. Let me take 1993 versus 1994 and let me go through just four or five things.

The deficit for 1994, when it was first figured in 1993, was projected to be $291 billion. These are all Congressional Budget Office estimates, Mr. President. Now it is being said that in 1994 that deficit went down, a $68 billion reduction in that deficit.

I believe it ought to be clearly understood that very little of that deficit reduction came from the 1993 budget resolution, if we will just go and look at where the deficit reduction items as shown by the Congressional Budget Office.

First, the largest item is a $31 billion reduction; $31 billion of the total $68 billion comes from what are called technical reestimates. That means CBO has gone back and looked at how things like Medicare and Medicaid spend out. It has nothing to do with policy changes.

They have found that technical adjustments are necessary to better estimate the reality of the spending. Included in that are technical reestimates of how much it is going to cost to complete the bailout by the Resolution Trust Corporation.

I do not think we did anything in the budget resolution on that. I think what happened is, we overestimated how much it would cost to do that final cleanup, pay our bills, and begin the builddown and closing up of the RTC shop. So that is $31 billion.

The new taxes and user fees amounted to $28 billion, according to the Congressional Budget Office. Mandatory spending was reduced by $4 billion. So I assume one could say put credit where credit belongs and show $4 billion in savings from policy changes on the mandatory side.

There are a couple more items, and one is called economic assumptions. It amounts to a $13 billion reduction because the economics are better than projected. If my arithmetic is right, if you add those up, there is only one thing missing, and it is that we spent $9 billion that we did not expect to spend on emergencies. So when you add up the negatives and subtract that one, a $9 billion increase, you end up with $68 billion.

Frankly, it seems the explanation of the Senator from New Mexico, of how we got that deficit down is worthy of as much consideration, if not more, since it based on the Congressional Budget Office's numbers. When you look at CBO's assessment it is difficult to account for all of the deficit reduction coming from an August 1993 tax bill, which included a reaffirmation of caps on spending that were nothing more than carrying forth the 1990 caps that were agreed upon at the summit at Andrews Air Force Base.

The deficit is currently moving in the right direction, not for very long, but it currently is moving in the right direction. I am not going to go through the Congressional Budget Office's estimates of where the deficit reduction will come in 1995, other than to say that between taxes, which will be $46 billion of that reduction, and technical reestimates, again, more Medicare/Medicaid spendout reestimates, more RTC reestimates, which is $45 billion, what we have is over $90 billion of the deficit reduction for 1995 coming from taxes and technical reestimates.

I think that is a little different, Mr. President, than saying we have really engaged in a major new round of cuts and restraint. Do not forget that the discretionary caps are identical to those established in 1990, for which I give the chairman a lot of credit. The President wanted much higher caps. He wanted to spend a lot more, which would have been very interesting in terms of how this would have come out. Remember, the President also tried to gain enactment of a $17 billion stimulus package.

In any event, the chairman of the Budget Committee insisted on keeping the caps from the 1990 agreement, and that is why we got at least that much. But even in using those, all of the savings, all of the cuts came out of defense.

Mr. President, let me move along, and let me ask how much I have left on the first half hour.

The PRESIDING OFFICER. The Senator has used 26 minutes.

Mr. DOMENICI. I want to yield myself the remainder of that, and 15 minutes more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, my remarks to this point were in response to assertions of the chairman, make Republican observations on them, which I believe is very valid.

But now I want to talk about the budget resolution for 1995 and analyze it. I say to Chairman SASSER, I regret that I cannot vote for it. I did make a proposal. I felt so strongly about one basic principle: That we cannot continue to cut defense. We cannot make any more across-the-board discretionary cuts and take those funds from defense with immunity. I said I would vote for the resolution if there were no further cuts in defense.

Frankly, it turns out we cannot be assured of that, even if we took out the Exon-Grassley discretionary cuts, because the Appropriations Committee will make that decision. I urge that the Appropriations Committee, in allocating the dollars under this budget resolution, give the defense committees what the President asked for. The President made a case to the American people in his State of the Union Address that we have cut defense enough.

I believe if the whole Senate were to vote on that issue, I believe we would give the President his full budget allocation for defense and spread any across-the-board cuts across the other functions of the Federal Government. I believe we would say that, if we were voting up or down in the Senate.

I merely say that because we have never done that, but I sense enough concern that maybe some effort will be made to get the Senate to speak on how much defense is enough defense under this budget.

I say to my fellow Senators, if you look at the budget resolution, the defense numbers are exactly the same as the President's. I am not speaking about this budget resolution in that regard in a pejorative sense. The truth of the matter is that all of the cuts are found in another section called allowances. So the reductions from the budget baseline are found in an allowance category. Those reductions are not allocated between domestic and defense, so you could be a bit misled in assuming this budget resolution provides for full funding of the President's defense number.

While I compliment the chairman for producing a budget resolution—I have been there, and it is hard to put this kind of thing together—I believe it is sending the wrong signals and it is moving in the wrong direction. I hope in a few moments I can express these views and perhaps, to some extent, sound a warning.

First, I believe the chairman made the right decision in compromising, as he indicated, because clearly the majority has a responsibility of producing a budget resolution which adds a degree of orderliness to the process.

But today I come down on the side that the risks of the failure to complete a budget resolution are outweighed by the risk to our national security and the potential impact of an unspecified $30 billion in discretionary spending cuts in this resolution, and what effect that might have on our security role in the future in a dangerous world.

And since some are asking why Senator DOMENICI did not favor further discretionary cuts across the board, I remind the Senate that the problem we are having with the budget of the United States is a problem of the ever-increasing entitlement programs. And I did offer in this Chamber an alternative to further cutting defense and domestic discretionary programs and asked the Senate to take a small bite out of the growing entitlements instead, kind of a tit for tat. I proposed the same amount of deficit reduction but begin just a slight nicking of the entitlement programs. It failed. But from the standpoint of reducing the deficit, I am in sympathy with reducing it further. That was encapsulated as an idea in the Exon-Grassley amendment.

(Mr. ROBB assumed the chair.)

Mr. DOMENICI. Now, also, I want to remind the Senators, with reference to defense, Senator NUNN and I have been trying to restore the firewalls between discretionary defense and nondefense, and had we had those in place, I clearly might have been more willing to support the Exon-Grassley type cut. But the amendment to put the walls back under our processes takes 60 votes, and we have not been successful in getting that done.

So I do not want to relive the last months of battle on that, but my reason for not supporting the budget resolution is even more simple. The conference report on the 1995 budget, once again, as I view it, sends the wrong signal and moves in the wrong direction. It sends wrong signals to the American public on how to really address the Federal deficit.

Last year, the signal was taxes and defense cuts, and I believe I have gone through that. My statement—that we have essentially cut defense and raised taxes as a way to get the deficit under control thus far—is supported by the Congressional Budget Office in its latest evaluation. I do not think that sends the right signal to the American people about how to get the deficit under control.

We can continue to reduce discretionary spending, implicitly defense spending, and this resolution comes before us and says while we are reducing discretionary spending, we increase entitlement spending over and above the current policy.

Now, I believe, even if this budget resolution only allows a $5 billion increase of entitlements, it is sending the wrong signal. The conference report reduces discretionary spending, and I think—and I repeat—that in that process we are going to significantly reduce the President's request for national security spending.

And then we turn around, as I indicated, according to the Congressional Budget Office, and we increase entitlement spending relative to what it would be absent this budget resolution.

Now, I have made this point innumerable times in this Chamber. In fact, I have tried to focus the Exon-Grassley cuts away from discretionary defense and back onto entitlements, and I have done that in health care reform, when this resolution was before the Senate, and unfortunately that failed.

I remind the Senate that we are going to adopt health care reform. Almost everyone familiar with the budget has said health care reform is our last opportunity to reduce the budget deficit on the entitlement side. There are no plans except the bill I introduced yesterday that say let us reform health care and apply savings to the deficit. This resolution does not do that either.

So the culprit is really entitlement spending. Everybody knows it. The deficit projections show it. Everyone in this Chamber knows it. And interestingly enough, this budget resolution does nothing in that regard other than, as I indicated, increasing entitlement spending. It goes even further to ease our budget enforcement procedures for consideration of future entitlement spending legislation. There are 12 reserve funds—12 reserve funds—in this budget resolution.

I know my very good friend from Tennessee will get up and say, well, these reserve funds are burdened by your "pay-as-you-go" idea, Senator DOMENICI. They require that spending be on a pay-as-you-go basis so that it will end up deficit neutral. But, Mr. President, these 12 reserve funds are going to permit, on everything from welfare reform to health care, Congress to increase the spending on the entitlement side. It is spending that concerns this Senator, not necessarily that we spend and tax to pay for it. That is not the solution to the problem. The problem is ever-increasing entitlement expenditures.

When you look at the projections, clearly entitlements or mandatory spending is beyond any doubt the culprit in the deficit of the United States. The Congressional Budget Office in their baseline says, believe it or not, from 1994 to 1999, entitlement and mandatory spending, Mr. President, will go up 36.9 percent. Discretionary spending at the same time, including everything that we spend on an annual basis, will go up 3.9 percent—36.9 percent versus 3.9 percent in terms of the growth over the next 5 years. The Congressional Budget Office projects that annual entitlement spending, which today is over $800 billion—making up 55 percent of the Federal spending, excluding interest—will increase to $1.1 trillion—a 37-percent increase, roughly, in just 5 years. Entitlement spending will then be 60 percent of the Federal budget.

Now, this conference agreement will add $5 billion to that—not much in the grand scheme of things, but nonetheless it will add to current spending increases in that category of the budget.

More importantly, I want to talk about national security spending and the trends. Today's spending on our national security represents 4.2 percent of our gross domestic product, but in just 5 years that figure will decline to 3 percent. Only two times in recorded history, has defense ever matched these two lows: once immediately before World War II, the bombing of Pearl Harbor, when defense spending amounted to 1.7 percent of our gross domestic product; and, the second time was immediately following World War II, when we had the precipitous builddown which brought on the Korean war.

This resolution assumes $30 billion in discretionary spending cuts over the next 5 years, and as I indicated, I hope we have an opportunity to let the Senate speak on this issue because I am not convinced that the Senate would want to cut defense beyond the President's budget, even if it means taking some across-the-board discretionary.

I believe that both will come out that way. If we do not do that, maybe this year there will be a way for us to do that.

While clearly not the problem adding to the Federal deficit, current enforcement mechanisms fall disproportionately on discretionary spending relative to entitlement spending in this resolution and under current law. Let me give you the reasoning as I see it.

We have found a way, with caps, to control discretionary spending.

First, if discretionary budget authority or outlay levels exceed these caps, OMB makes across-the-board cuts. These caps are very strong relative to entitlement spending enforcement mechanisms. As I indicated, both budget authority and outlays on the caps are enforced separately by OMB, and also by a 60-vote point of order in the U.S. Senate.

Second, Congress must annually negotiate discretionary spending appropriations bills to meet the Congressional Budget Office's scoring to avoid this 60-vote point of order and OMB's scoring to avoid a sequester. These are very strong enforcement measures. It has nothing to do with whether the cuts come disproportionately out of defense or not because it is the total that is being enforced. Unlike entitlement programs, these discretionary caps are not automatically adjusted for inflation and beneficiary growth.

However, on the entitlement side there is nowhere near the same level of enforcement. Yes, we have pay-as-you-go for new, and I stress "new," legislative proposals. Spending grows unabated and automatically for inflation and beneficiary growth under current law for entitlement programs.

So, what does this budget resolution do?

First, it adds a minimum of $4.5 billion to entitlement spending on top of the huge increases that I have alluded to before that are built into the law.

Second, it eases the enforcement procedures to allow expansion of entitlement and mandatory spending even beyond these levels. For the entitlement accounts of this Government, we add another $4.5 billion in agriculture, for crop insurance, and we do not have any pay-as-you-go requirement.

We need to reform the way the Government funds agricultural disasters. I acknowledge that. We need to modify the Federal Crop Insurance Program. And I acknowledge that. But I am merely suggesting that the trends are in the wrong direction when we merely add $4.5 or $5 billion and say we are doing that so we can get reform.

We have to admit up front that proposals that increase, even though it is small, entitlement spending, even if it is by slight of hand, will add to the Federal deficit. But the conference report does more than that. While it ratchets down on enforcement of discretionary spending to reflect the Exon-Grassley cuts as compromised, at the same time it eases restrictions on entitlement spending.

Examples: There are several procedural changes made in this budget resolution. Let me talk to them for a minute.

We add 12 broadly defined reserve funds. This is the new way to add programs under the rubric of reform that cost money so long as under budget calculations they are neutral in terms of their impact on the deficit. But they are on the books as new and expanded programs. So absent these reserve funds, we would have to get 60 votes to waive a point of order under the Budget Act to increase them because of the binding nature of the totals on the committees even on entitlements.

So the 60-vote point of order is waived under this approach of reserve funds. Reserve fund legislation can provide unlimited increases in entitlement spending as long as it does not lead to any estimated increase in deficits. So, for example, the resolution provides an open-ended spending increase for health care reform so long as it is deficit neutral.

Mr. President, have I used my time?

The PRESIDING OFFICER. The Senator has used 13 minutes and 45 seconds.

Mr. DOMENICI. Could I add 2 minutes to that? That will permit me to finish.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, so in health care reform everybody should know that this budget resolution provides an open-ended invitation in terms of how big and how expensive the health package can be so long as we pay for it with new taxes and other savings.

I believe, even though by estimates it is deficit neutral, it is very risky to do that not knowing exactly what the total is going to be.

While budget authority levels are binding on appropriations, one of these funds effectively eliminates the enforcement of budget authority levels for entitlement spending.

This budget resolution also weakens the pay-as-you-go point point of order to make it even easier to expand mandatory spending by doing the following:

First, it eases the discipline by only requiring legislation to be deficit neutral for the first year, years 1 through 5, and years 6 through 10. Under current enforcement procedures, legislation must be deficit neutral for each year through 2003. That is changed and made more generous by this resolution. Maybe we should discuss easing the application of this point of order. That time may be with us. But clearly, there ought to be a major discussion about what it means.

Second, it exempts legislation from a requirement to pay for deficits created by legislation enacted since the 1993 reconciliation bill. Frankly, this catches me totally by surprise. I am sure it is going to catch plenty of Senators by surprise. But what it really means is that for legislation enacted since the 1993 reconciliation bill, if in fact there are savings or tax increases that have not been used up in a pay-go situation, they could be carried forward.

For 1994, it is a small amount—$17 million. But I submit it is another trend and another dangerous precedent.

Third, it allows for the double counting of savings, by allowing legislation to take credit for surpluses generated by legislation enacted since the 1993 Reconciliation Act. This seems to me something that should be thoroughly debated.

Fourth, it exempts the budget resolution from the pay-as-you-go requirement so that mandatory spending can be increased by a simple majority in a budget resolution. As I have just described, this seems to be moving in the wrong direction.

Let me conclude for the record. The projected deficits in this resolution increases from $175 billion next year to $200 billion in 1999.

Then, if you add the next 5 years to it, you will find that, under almost anyone's evaluation, we are spiraling up again, such that in 5 to 6 years we will be back in excess of $300 billion in deficits.

Mr. President, I took this opportunity today to explain three or four issues that I thought were important. I understand that the budget resolution is a typical undertaking. What I have tried to do here is to explain why I think it is moving, trend-wise, in the wrong direction and why it is sending the wrong signal as to control the deficit.

I yield the floor.

The PRESIDING OFFICER. The Chair informs the Senator that he has used 18 minutes 15 seconds.

Who yields time?

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. SASSER], is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, I have a unanimous consent request that has been cleared with the leadership on the other side.

On behalf of the majority leader, I ask unanimous consent that today, upon disposition of S. 978, the environmental technology bill, the Senate then proceed to the conference report accompanying S. 2000, the Headstart Amendment Act, and that, without intervening action or debate, the Senate vote on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SASSER. Mr. President, I now ask unanimous consent that it be in order to request the yeas and nays on adoption of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER. Mr. President, for the information of our colleagues, this unanimous-consent request that we have just approved here means that the Senate will conduct four back-to-back rollcall votes beginning at 5 o'clock this afternoon. I wanted to advise our colleagues of that so that they could plan accordingly.

Mr. President, I see no other Senators on the floor at the present time seeking recognition. There are a number of Senators who wish to speak, but some of them are in committee or on their way here. So I will suggest the absence of a quorum and ask that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, the time during the quorum call will be charged equally against both sides.

Mr. DOMENICI. Mr. President, before the quorum call, I want to correct a statement I made before that. Near the end of my statement, I stated that this budget resolution changes the pay-as-you-go rule from what it is today, where you have to look at 10 years but each single year has to be totally neutral, to a situation now where it is still 10 years, but you use 5 years at a time and accumulate them. I correct that, but stand on the point that that weakens the process. At least we are not quite sure how it will affect things. So I list it among my process changes that will make it easier to adopt more entitlement programs.

The PRESIDING OFFICER. The absence of a quorum having previously been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

RECESS

Mr. SASSER. Mr. President, the following unanimous-consent request has been cleared with the distinguished Republican leader.

Mr. President, I ask, on behalf of the majority leader, unanimous consent that the Senate stand in recess until 2 p.m. this afternoon and that the time consumed in this recess be charged equally against both sides on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate, at 12:03 p.m., recessed until 2 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer [Mrs. FEINSTEIN].

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent to speak for 5 minutes and that the time be charged against the resolution on the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 5 minutes.

DECISION BY NATIONAL MARINE FISHERIES SERVICE TO SPILL WATER OVER EIGHT DAMS TO AID SALMON RUNS

Mr. CRAIG. Madam President, at 12 o'clock a.m. this morning a decision was brought about on eight dams on the Snake and the Columbia River systems in the Pacific Northwest that I believe is a disastrous stumble by this administration into the endangered species debate over several species of salmon in the Snake and the Columbia system, a misguided and perhaps disastrous decision to spill water over these eight dams and to set in place a motion and action that is yet to be justified.

With no forewarning, the National Marine Fisheries Service ordered the Bonneville Power Administration and the Army Corps of Engineers to dump these large quantities of water over the spillways. There is no research and no scientific basis to argue what is now being done. Instead of helping the salmon, this action will place them in dire jeopardy due to the gas supersaturation in the water, an unavoidable result of heavy spilling of water over these structures. Gas supersaturation is a well-known phenomenon in fisheries biology, and it is lethal to fish above the 120 percent supersaturation.

Let me enter into the RECORD, and I ask unanimous consent that it be printed in the RECORD, an EPA study that resulted in criteria that the States of Oregon and Washington used in establishing rates of supersaturation in the tumbling of water over these structures.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the U.S. Environmental Protection Agency, Office of Water Regulations and Standards, Washington, DC, May 1, 1986]

QUALITY CRITERIA FOR WATER 1986

GASES, TOTAL DISSOLVED

Criterion.—To protect freshwater and marine aquatic life, the total dissolved gas concentrations in water should not exceed 110 percent of the saturation value for gases at the existing atmospheric and hydrostatic pressures.

Rationale.—Fish in water containing excessive dissolved gas pressure or tension are killed when dissolved gases in their circulatory system come out of solution to form bubbles (emboli) which block the flow of blood through the capillary vessels. In aquatic organisms this is commonly referred to as "gas bubble disease". External bubbles (emphysema) also appear in the fins, on the opercula, in the skin and in other body tissues. Aquatic invertebrates are also affected by gas bubble disease, but usually at supersaturation levels higher than those lethal to fish.

The standard method of analyzing for gases in solutions has been the Van Slyke method (Van Slyke et al. 1934); now, gas chromatography also is used for determination of individual and total gases. For determination of total gas pressure, Weiss has developed the saturometer, a device based upon a thin-wall silicone rubber tube that is permeable to gases but impermeable to water. Gases pass from the water through the tube, thus raising the internal gas pressure which is measured by a manometer or pressure gauge connected to the tube (NAS, 1974). This method alone does not separate the total gas pressure into the separate components, but Winkler oxygen determinations can be run simultaneously, and gas concentrations can be calculated.

Total dissolved gas concentrations must be determined because analysis of individual gases may not determine with certainty that gas supersaturation exists. For example, water could be highly supersaturated with oxygen, but if nitrogen were at less than saturation, the saturation as measured by total gas pressure might not exceed 100 percent. Also, if the water was highly supersaturated with dissolved oxygen, the oxygen alone might be sufficient to create gas pressures or tensions greater than the criterion limits, but one would not know the total gas pressure or tension, or by how much the criterion was exceeded. The rare and inert gases such as argon, neon and helium are not usually involved in causing gas bubble disease as their contribution to total gas pressures is very low. Dissolved nitrogen (N_2), which comprises roughly 80 percent of the earth's atmosphere, is nearly inert biologically and is the most significant cause of gas bubble disease in aquatic animals. Dissolved oxygen, which is extremely bioactive, is consumed by the metabolic processes of the organism and is less important in causing serious gas bubble disease though it may be involved in initiating emboli formation in the blood (Nebeker et al. 1976a).

Percent saturation of water containing a given amount of gas varies with the absolute temperature and with the pressure. Because of the pressure changes, percent saturation with a given amount of gas changes with depth of the water. Gas supersaturation decreases by 10 percent per meter of increase in water depth because of hydrostatic pressure; a gas that is at 130 percent saturation at the surface would be at 100 percent saturation at 3 meters' depth. Compensation for altitude may be needed because a reduction in atmospheric pressure changes the water/gas equilibria, resulting in changes in solubility of dissolved gases.

There are several ways that total dissolved gas supersaturation can occur:

1. Excessive biological activity—dissolved oxygen concentrations often reach supersaturation because of excessive algal photosynthesis. Renfro (1963) reported gas bubble disease in fishes resulting, in part, from algal blooms. Algal blooms often accompany an increase in water temperature and his higher temperature further contributes to supersaturation.

2. Lindroff (1957) reported that water spillage at hydropower dams caused supersaturation. When excess water is spilled over the face of a dam it entrains air as it plunges to the stilling or plunge pool at the base of the dam. The momentum of the fall carries the water and entrained gases to great depths in the pool; and, under increased hydrostatic pressure, the entrained gases are driven into solution, causing supersaturation of dissolved gases.

3. Gas bubble disease may be induced by discharges from power-generating and other thermal sources (Marcello et al. 1975). Cool, gas-saturated water is heated as it passes through the condenser or heat exchanger. As the temperature of the water rises, percent saturation increases because of the reduced solubility of gases at higher temperatures. Thus, the discharged water becomes supersaturated with gases and fish or other organisms living in the heated water may exhibit gas bubble disease (DeMont and Miller, 1972: Malouf et al. 1972; Keup, 1975).

In recent years, gas bubble disease has been identified as a major problem affecting valuable stocks of salmon and trout in the Columbia River system (Rulifson and Abel, 1971). The disease is caused by high concentrations of dissolved atmospheric gas which enter the river's water during heavy spilling at hydroelectric dams. A report by Ebel et al. (1975) presents results from field and laboratory studies on the lethal, sublethal and physiological effects of gas on fish, depth distribution of fish in the river (fish can compensate for some high concentrations of gas by moving deeper into the water column), detection and avoidance of gas concentrations by fish, intermittent exposure of fish to gas concentrations, and bioassays of many species of fish exposed to different concentrations of gas. Several conclusions resulting from these studies are:

1. When either juvenile or adult salmonids are confined to shallow water (1 m), substantial mortality occurs at and above 115 percent total dissolved gas saturation.

2. When either juvenile or adult salmonids are free to sound and obtain hydrostatic compensation either in the laboratory or in the field, substantial mortality still occurs when saturation levels (of total dissolved gases) exceed 120 percent saturation.

3. On the basis of survival estimates made in the Snake River from 1966 to 1975, it is concluded that juvenile fish losses ranging from 40 to 95 percent do occur and a major portion of this mortality can be attributed to fish exposure to supersaturation by atmospheric gases during years of high flow.

4. Juvenile salmonids subjected to sublethal periods of exposure to supersaturation can recover when returned to normally saturated water, but adults do not recover and generally die from direct and indirect effects of the exposure.

5. Some species of salmon and trout can detect and avoid supersaturated water; others may not.

6. Higher survival was observed during periods of intermittent exposure than during continuous exposure.

7. In general, in acute bioassays, salmon and trout were less tolerant than the nonsalmonids.

Dawley and Ebel (1975) found that exposure of juvenile spring chinook salmon, Oncorhynchus tshawytscha, and steelhead trout, Salmo gairdneri, to 120 percent saturation for 1.5 days resulted in over 50 percent mortality; 100 percent mortality occurred in less than 3 days. They also determined that the threshold level where significant mortalities begin occurring is at 115 percent nitrogen saturation (111 percent total gas saturation in this test).

Rucker (1974), using juvenile coho salmon, Oncorhynchus kisutch, determined the effect of individual ratios of oxygen and nitrogen and established that a decrease in lethal effect occurred when the nitrogen content fell below 109 percent saturation even though total gas saturation remained at 119 percent saturation, indicating the importance of determining the concentration of the individual components (O_2 and N_2) of the atmospheric supersaturation. Nebeker et al. (1976a), using juvenile sockeye salmon, Oncorhynchus nerka, also showed that there was a significant increase in fish mortality when the nitrogen concentration was increased while holding the total percent saturation constant. They also showed that there was no significant difference in fish mortality at different CO_2 concentrations.

Research collected by Bouck et al. (1975) showed that gas supersaturated water at and above 115 percent total gas saturation is acutely lethal to most species of salmonids, with 120 percent saturation and above rapidly lethal to all salmonids tested. Levels as low as 110 percent will produce emphysema in most species. Steelhead trout were most sensitive to gas-supersaturated water followed by sockeye salmon, Oncorhynchus nerka. Chinook salmon, Oncorhynchus tshawytscha, were intermediate in sensitivity. Coho salmon, Oncorhynchus kisutch, were significantly the more tolerant of the salmonids though still much more susceptible than non-salmonids like bass or carp.

Dapnnia magna exhibited a sensitivity to supersaturation similar to that of the salmonids (Nebeker et al. 1975), with 115 percent saturation lethal within a few days. Stoneflies exhibited an intermediate sensitivity similar to bass with mortality at 130 percent saturation. Crayfish were very tolerant, with levels near 140 percent total gas saturation resulting in mortality.

No differences are proposed in the criteria for freshwater and marine aquatic life as the data available indicate that there probably is little difference in overall tolerances between marine and freshwater species.

The development of gas bubble disease in menhaden, *Brevoortia* sp., and their tolerance to gas saturation in laboratory bioassays and in the field (Pilgrim Nuclear Power Station Discharge Canal) are discussed by Clay et al. (1975) and Marcello et al. (1975). At 100 percent and 105 percent nitrogen saturation, no gas bubbles developed externally or in any of the internal organs of menhaden. At 105 percent nitrogen saturation, however, certain behavioral changes became apparent. Fish sloughed off mucus, swam erratically, were more excitable, and became darker in color. Menhaden behavioral changes observed at 110 percent nitrogen saturation were similar to those noted at 105 percent. In addition, at 110 percent gas emboli were found in the intestines, the pyloric caeca, and occasionally the operculum. The behavioral changes described were also observed at 115 percent, and clearly defined subcutaneous emphysema was observed in the fins and occasionally in the eye. At 120 percent and 130 percent nitrogen saturation, menhaden developed within a few hours classic symptoms of gas bubble disease. Externally, emboli were evident in all fins, the operculum and within the oral cavity.

Exophthalmia also occurred and emboli developed in internal organs. The bulbous arteriosis and swim bladder were severely distended, and emboli were found along the length of the gill arterioles, resulting in hemostasis. At water temperatures of 30°C, menhaden did not survive, regardless of gas saturation level. At water temperatures of 15, 22, and 25°C 100 percent of the menhaden died within 24 hours at 120 percent and 130 percent gas saturation. Fifty percent died after 96 hours at 115 percent (22°C). Menhaden survival after 96 hours at 110 percent nitrogen saturation ranged from 92 percent at 22° and 25° to 83 percent at 15°C. Observations on the relationship between the mortality rate of menhaden and gas saturation levels at Pilgrim Station during the April 1975, incident suggest that the fish may tolerate somewhat higher gas saturation levels in nature.

It has been shown by Bouck et al. (1975) and Dawley et al. (1975) that survival of salmon and steelhead smolts in seawater is not affected by prior exposure to gas supersaturation while in fresh water. No significant mortality of juvenile coho and sockeye salmon occurred when they were exposed to sublethal concentrations of supersaturated water and then transferred to seawater (Nebeker et al. 1976b).

Mr. CRAIG. Madam President, the order directed by the White House would raise supersaturation gas to more than 130 percent.

I have said something just now which is very important, Madam President. I have said "by the White House." I am now told by good authority that on direct orders from our White House these agencies and their scientists were overruled so that AL GORE—and I repeat that—so that the Vice President could get directly involved in what I believe is a phenomenally dangerous precedent in the utilization of his power.

The States of Oregon and Washington were asked to comply by the signature of their Governors. Oregon finally did. And I understand, as of this moment, Washington is complying. They are forced to comply by the blackmail of the Federal Government.

The National Marine Fisheries Service and its scientists have been overruled. Everybody who has studied this issue for the last 2½ years, including a decision brought about by all of these agencies together known as a biological opinion, as of 12 o'clock last night were overruled.

I can only say that in the history of this country I am not sure that a precedent like this has taken place. In the public-land West where the Endangered Species Act is already raising havoc with the unemployment of thousands of loggers in the Pacific Northwest now, for an arbitrary and capricious decision almost singlehandedly by this White House, clearly the integrity of this law is thrown into jeopardy.

The Corps of Engineers has told NMFS they will not comply with the order unless they have in hand a written sign-off from the Governors. The corps is justified in demanding this cover. Its biologists and others are balking. They fear, and rightfully so, that spilling water will have the exact opposite effect from the intended, and that both juvenile and adult salmon will die as a consequence. If that were to occur, very serious legal claims under the Endangered Species Act could be brought against agencies and responsible individuals for knowingly and deliberately taking an action jeopardizing a listed species.

NMFS claims there will be a 5-percent improvement in survival of smolts which are spilled. I dispute that there is any relevant science supporting that outcome, but setting that aside, let's examine the purported benefits of this $30 million order. Only 17 percent of the smolts would be carried over the dams by the spill—the rest would continue to be safely transported by barge around the dams. So, we can calculate a 5-percent gain for 17 percent of the smolts—an overall improvement of less than 1 percent. Carrying it further, if we calculate the adult-equivalents—how many more adults will eventually return—we find that residents of the Pacific Northwest would be paying at least $34,000, and as much as $138,000 for each additional returning adult spring chinook. And most of those will be hatchery fish. Benefits to our listed wild stocks will be minuscule, and the cost for each additional wild fish could reach $1 million. Have we all lost our senses?

Just 2 weeks ago NMFS' own salmon recovery team addressed a hearing of the Senate Energy and Water Appropriations Subcommittee to explain the details of their final salmon recovery plan. Nowhere in their plan were spills such as these recommended. Neither were spills called for in the Northwest Power Planning Council salmon plan completed 2 years ago. Neither were they specified in the 5-year biological opinion on river operations completed by NMFS and the other Federal agencies in March. If spill is not a suggested component of any of the established plans or processes to recover salmon, why has it surfaced as a solution now? Because it is a political bone, tossed by the administration to Judge Marsh, in an attempt to demonstrate that drastic measures will be taken to save the salmon. Drastic, yes, Effective? Absolutely not.

I can only implore those in responsible positions within the administration, and Judge Marsh, to listen to the salmon recovery team. While I do not support every last measure, their final plan is a reasoned and comprehensive approach to recovering the salmon. It is based on the best available science and reflects the extensive biological experience of the seven eminent team members. Their plan, yet to be accepted by NMFS, has the greatest potential of any proposal forwarded so far to unite a broad spectrum of regional interests behind a common solution. We should heed their advice.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 2106 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CRAIG. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that I be allowed to proceed as if in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from New Mexico.

Mr. DOMENICI. Can we charge the time equally?

Charge the time to our side.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 10 minutes.

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 2105 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico controls time.

Mr. DOMENICI. Madam President, I do not know how we are going to do it on that side. Senator GRASSLEY has been waiting a long time, also.

Mr. President, on behalf of Senator SASSER, I yield 10 minutes to Senator BAUCUS and off our side I yield 10 minutes to Senator GRASSLEY. I understand Senator BAUCUS was here before Senator GRASSLEY, so it would have to be in that order.

The PRESIDING OFFICER. If there is no objection, Senator BAUCUS will be recognized for 10 minutes and following that Senator GRASSLEY for another 10 minutes.

The Senator is recognized for 10 minutes.

Mr. BAUCUS. I thank the Chair and I thank the Senator from New Mexico and the Senator from Iowa, as well.

RURAL HEALTH CARE REFORM

Mr. BAUCUS. Madam President, I would like to say a few words with respect to health care in general, but more particularly with respect to health care reform that affects rural States, particularly those in the West.

The critical issue we face, Madam President, in the West in health care reform is increasing access—that is, increasing access to quality, affordable health care in areas of the country that do not have as many doctors or as many hospitals as our urban areas.

We in the West face a crisis, Madam President, in rural health care. More than 1 out of 4 Americans lives in a rural area that suffers high rates of uninsurance and underinsurance, severe chronic shortages of care and a high rate of hospital closures. Rural Montana, for example, faces these unique concerns in spades. They must be addressed if we are going to have meaningful health care reform pass this Congress.

Rural health care reform needs a comprehensive strategy. I am working on incorporating a series of rural provisions into the Finance Committee's national health care legislation. In my view, four areas need special attention.

First, we must strengthen small rural hospitals;

Second, we help establish rural health care networks;

Third, we must increase the number of doctors, nurse practitioners, physician assistants, nurses, and other health care providers in rural areas; and

Fourth, we must lower insurance costs for rural residents;

HOW RURAL NEEDS FIT INTO NATIONAL HEALTH REFORM LEGISLATION

There are parts of health care reform that will affect everyone's access to health care and everyone's health care costs. They include universal coverage, insurance reforms and increasing the number of primary care physicians. Our work in these areas will improve the health care situation everywhere, in rural and urban settings alike, and everything in between.

But other priorities are particular to rural areas, like making sure that rural hospitals are available to provide services in remote and frontier areas, establishing and increasing communications networks between rural areas and larger urban health care facilities, and encouraging primary care health professionals to practice in rural areas.

It's not enough to give everyone an insurance card. Having insurance does not help if there is no doctor or hospital to go to. As we move toward comprehensive health care reform, we need to make sure that we are doing all we can for rural areas by including strong provisions to increase access and to high-quality rural health care.

STRENGTHENING SMALL RURAL HOSPITALS—THE MONTANA MEDICAL ASSISTANCE FACILITY PROJECT

Much of Montana is considered frontier territory where people are up to 100 miles from a medical facility. Now, 100 miles is pretty far away on a good day. But factor in a winter blizzard and a friend or a relative who needs immediate medical attention, and you may as well be traveling to the Moon.

For Montanans living in Culbertson, MT, this was a very real possibility not so long ago when their hospital almost closed. But thanks to a Montana project, the Medical Assistance Facility Program, Culbertson was able to modify its hospital and receive higher reimbursement from the Medicare Program.

I invited Walter Busch, the administrator of Culbertson hospital, to testify before the Senate Finance Committee recently. He explained to the committee that you can not have a one size fits all health care system. Under the Montana Medical Assistance Facility Program, rural areas have the flexibility to design their own hospital by being exempted from certain Federal requirements. It also expands the role of physician assistants and nurse practitioners.

As Walter testified, this rural hospital program has been a huge success in Montana, rescuing the delivery system in many rural communities. Today the program operates under a demonstration grant from the Federal Government which is due to expire in 1997. This program is far too valuable to rural residents to let go. We must make the Montana Medical Assistance Facility demonstration project a permanent part of the Medicare Program. This could go a long way toward assuring community-based access to health care in rural areas nationwide.

INCREASE THE ATTENTION PAID TO RURAL ISSUES BY THE FEDERAL GOVERNMENT

We need to make sure that the Secretary is made fully aware of rural health needs and concerns on a regular basis, and that national health reform is analyzed from a rural point of view. Secretary Shalala is doing a good job on rural issues, and has even visited our rural Montana hospitals, but I believe that rural issues deserve a permanent direct line to every Secretary. I have proposed to elevate the Office of Rural Health Policy to the position of Assistant Secretary within the Department of Health and Human Services.

IMPROVE TELEMEDICINE AND RURAL HEALTH NETWORKS

We must also support rural communities in their efforts to maintain and strengthen their local health care infrastructure by giving them the tools they need. It is critical that we develop a grant program specifically for telemedicine so that rural health facilities are able to increase communications with their urban counterparts. We must also provide Federal funding and technical assistance that allow communities to develop rural health networks.

INCREASE THE NUMBER OF DOCTORS AND NURSES IN RURAL AREAS

The nationwide demand for primary health care professionals is greater than ever, especially in rural areas. To encourage doctors and nurses to practice in rural areas, it is crucial that we increase reimbursements. To this end, we should:

Double the Medicare bonus payment from 10 to 20 percent.

Provide tax incentives for doctors and nurses who practice in underserved rural areas; and

Increase Medicare reimbursement for primary care doctors.

We must also strive to increase America's supply of primary health care providers. Primary care providers in general provide high-quality, lower cost care, yet the United States faces a severe shortage of these providers. This is a particular problem in rural areas, that depend on a primary care providers for most of their care. Such an effort must include:

Targeted funding for graduate medical education to primary care residencies;

New training funds for nonphysician providers;

Increased funding for the National Health Service Corps; and

Creation of a National Council to monitor physician supply, identify areas of concern, and propose solutions.

LOWER INSURANCE COSTS FOR RURAL RESIDENTS

People living in rural areas are disadvantaged when it comes to insurance. Urban residents usually receive insurance through their employers. Because employers in urban areas tend to be large, they can buy insurance at lower rates. Rural residents, on the other hand, either buy insurance on their own or work in a small business that has to pay higher administrative costs than a large business. In fact, small groups and individuals wind up paying up to 40 percent more in overhead than large groups. Health reform must eliminate this rural disparity.

I am working on insurance reform that will level the playing field so that rural residents can get the same deals as the large groups in urban areas. These reforms include requiring insurers to charge everyone similar rates and allowing small groups to band together so they can get the same discounts as large groups.

CONCLUSION

Improving rural health care is my No. 1 priority. I will not support health reform legislation unless it includes measures to strengthen rural hospitals, increase the number of doctors and nurses in rural areas, and lower health insurance costs for rural communities. National health care reform must reflect the unique needs of Montana, and other parts of rural America.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. GRASSLEY. Madam President, we have before us the conference report on the budget, and I believe you would not know it by its cover, but this conference report in and of itself is an oxymoron. We went through this tremendous battle against the big spending machine here in this town, and it was really quite a struggle, yet all we got out of it was a small gnat's worth of savings. We labored mightily and of course we produced, in savings, just a mouse.

The good news in this budget is that it does contain spending restraints that the big spenders in this city, including the congressional leadership and the White House, did not want to accept. I believe it has only been once since I have been in the Senate that this has happened, and that was back in 1985. When I say "this happened," when we were up against congressional leadership of both parties and up against the White House when we had an opportunity to make cuts in the budget, that was when I offered an amendment to freeze the defense spending that was adopted that year.

Let me just say in as clear terms as I possibly can, and for the RECORD, that the sky did not fall in on the defense budget or the Defense Department then, and it will not fall on this budget now. That is notwithstanding all the hair-pulling that we heard right here on this floor during the original debate on the budget resolution.

I would like to think this is a big victory, given the resistance we encountered. You would think by listening to that debate that we were pulling teeth without Novocaine when we tried to cut $26 billion from the budget—and we did that. But now that it is over, that is half that figure and that is $13 billion. You know that is just ⅛ of 1 percent. That is really only saving 1 penny out of every $6 in this budget. Nonetheless, I feel the American people—I hope—have some inkling of how Herculean a task it is to cut a single penny from the Federal budget.

Having observed our antics on this floor in reaction to the Exon-Grassley amendment, the public must be incensed with how little we do to save the taxpayers money. They must be ticked to the height of "tickticity."

Even those who make the best fiscally responsible speeches on this floor oppose these cuts. Was it tough to make these cuts? Well, is a school bus yellow?

It is a significant but I have to admit a small victory to the taxpayers who are involved in the $13 billion that was finally the compromise that was left over from the Exon-Grassley amendment.

I cannot praise enough the leadership of my friend from Nebraska, Senator EXON, who is the main reason the outyear deficits will be that much lower.

I also commend the deficit hawks on the other side of the aisle for standing firm against the big spenders in their own party and among their own leadership.

And I commend those on my side of the aisle who stood firm and also voted responsibly for deficit reduction.

Also responsible for this victory are many grassroots organizations that supported Senator EXON and myself during the debate on our amendment. They also worked hard when it was up on the floor of the Senate. We had to defend it three times, and they helped us maintain the half that we maintained in committee. So I thank them very much, because that grassroots efforts by these organizations are very significant to making even these small victories in this body.

It is unfortunate, in my view, that the conferees could not agree to the full $26 billion of savings as passed by the Senate originally. This is especially so given our latest and newest CBO deficit projections, because it was just a few days ago—in other words, while all this was going on—that CBO reestimated the original deficit baseline for 1995 fiscal year; in other words, what will the deficit be on September 30, 1995.

During our debate on saving $26 billion or $13 billion, they have already estimated the deficit upwards by nearly $100 billion. So, Madam President, it appears that, once again, we are courting Miss Rosy Scenario. It is kind of like a dallying groupie. Rosy Scenario shows up on the arm of administration after administration, whether it is Republican or Democrat.

So this $100 billion upward adjustment on the deficit is just the same old refrain. We thought the $13 billion would be saved off a much lower baseline. We now find that for every step forward that we take in this body toward a lower deficit, we then take eight steps backward.

So how did the conference committee respond in the face of this latest round of bad news on the deficit front? It responded by cutting our savings in half, whereas that new projection should have been an excuse for everybody to want to be fiscally responsible to fight harder to save the $26 billion as opposed to cutting it in half.

Of course, these $13 billion in savings are now dwarfed by the size of this reestimate.

Madam President, common sense is perhaps not so common after all. This is why I believe that Republicans will vote against this budget, because it fails to seize the moment. We had an opportunity to take advantage of favorable economic circumstances and make further spending reductions in the outyears, but the response has been little more than business as usual. I do not know how this bodes for continued efforts next year to lower the deficit, given the reaction to the modest Exon-Grassley amendment this year by the leadership. The odds in Las Vegas against greater savings next year must be pretty darn high.

There is another important reason, though, why Members of my party will, hopefully, oppose this budget, Madam President. This budget also contains bad news for the American taxpayer. The leaders in Congress and the administration have decided that it is not enough to raise taxes to near record amounts, as we did in last year's budget, but they also now want to unleash 5,000 more IRS agents on the taxpayers because that money is in this budget to hire those additional agents. They will do this without carefully crafted protections that we passed in the Senate originally as conditions for these new agents. Most outstanding of that was the passage by the Congress of the Taxpayers' Bill of Rights No. 2 sponsored by Senator PRYOR and myself.

This is the same administration, by the way, that claimed during the last campaign that they could find $45 billion of new money by taxing foreign companies. And now that they occupy the White House, they cannot seem to find even 10 percent of that original $45 billion that they said they could get.

Even more incredible, the money for these new agents are off budget. The Treasury claims these agents will raise enough money to pay for themselves. I wish I had a nickel for every time I heard that argument.

I decided not to oppose this proposal during the Senate consideration only because the sponsors and the Treasury Department agreed to protections for the taxpayers, like I explained in the Taxpayers' Bill of Rights. But those protections are gone in this conference agreement. I spoke about this at length last week. And 5,000 new IRS agents, without the kinder, gentler instructions that were in the original Senate proposal is not how to treat taxpayers in a civilized country.

This proposal is strictly a Democrat initiative, let me make clear, snuck in by clever Treasury bureaucrats, aided and abetted by the leadership in the Congress who, at a minimum, I want to say, looked the other way with a wink and a nod.

I want to make it clear that this is not a Republican position to have 5,000 new IRS agents without protections for the taxpayers through the Taxpayers' Bill of Rights No. 2.

Finally, Republicans will vote against this amendment because of the mismatch between the Defense Department's budget and the President's budget. The General Accounting Office is currently evaluating the magnitude of this mismatch.

To date, the General Accounting Office has identified at least $26 billion in negative funding wages. These negative accounting entries are used to hide discrepancies between the 5-year defense program and the budget and to mask over programming. They provide an artificial way of forcing the books into balance.

Such devices are inconsistent with the law governing the preparation and submission of the 5-year plan to Congress. The practical effect of this mismatch is to create management havoc which could lead to serious damage and consequences against our national security. This is the same problem that led to the hollow army syndrome of the seventies, and if we do not correct this problem, we could be doomed to repeat it.

Madam President, I regret that I cannot join with my colleagues on the other side who showed courage and fought to preserve some of the Exon-Grassley savings by voting to adopt this. What was salvaged of Grassley-Exon is a victory not because of its substance but because it is modest. Rather, it is a victory because of enormous barriers it overcame, and that is a sad commentary. But it is reason enough for Republicans to just say no to this budget.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Madam President, I yield 15 minutes to the distinguished Senator from California [Mrs. BOXER].

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair, and I thank my chairman, the Senator from Tennessee.

Madam President, I am pleased to rise as a member of the Budget Committee in support of the budget conference report. I hope the Senate today will say yes to this budget. I do not anticipate we will get many of our colleagues on the other side of the aisle to join us. Maybe we will get one or two; perhaps we will get none. But that is not surprising. They have been against the general approach that President Clinton has brought to the budget process. That approach is one that has led to lower deficits, it has led to, in most parts of the country, an economic recovery, it has led to the creation of thousands and thousands and thousands of jobs.

Not one Republican, as I can recall, voted for the budget or voted for the reconciliation bill that carried it out. They had their own good reasons and they expressed them very eloquently on the floor then, and I am sure they will do so again today.

But you see, I think it is the results that matter. I think we need to look back to the comments that were made at the time when this country started to turn around its economy. We have to remember, under the previous administration of George Bush, there was not any job creation. More jobs have been created in 1 year of this Presidency than in all 4 of the previous Presidency. I know that does not sit well with my Republican colleagues from the standpoint of politics. But I have to say the facts are the facts.

Now, is this economy perfect? You and I know, Madam President, it is not. You and I know in southern California we are dragging. We have not caught up to northern California or to the rest of the Nation. But we are on a sound course, and this budget will in fact continue that course. And again, it is not a matter of rhetoric. When you and I voted on the President's budget we were not sure of the results. We hoped for good results. Now we have those good results: Deficits coming down finally, jobs being created finally, new investments being made finally, export controls being lifted finally. We have an economic strategy in this country. Again, I do not think it is perfect. I think there is room for improvement. This is not a perfect world. But what we have before us is a very sensible, commonsense document, and I support it.

We see deficits continuing to go down. Yes, we would all like to see them go to zero. No one would rather see that than I. When I was in local government, on the board of supervisors, I brought zero-based budgeting to that board. I said, "Let's go back to zero and start all over again." We did not have the term "reinvent Government," but we did it on the county board. We had to balance our budget, and we did.

I think there is definitely room for improvement here, but we are beginning to see it happen: A reduction of the Federal work force, a crime bill for which we are going to pay. So things are moving in the right direction.

The budget deficit is down. A couple of years ago, before we passed the reconciliation bill and the President's strategy, the OMB told us we would have 302 billion dollars' worth of deficits, Madam President. We now see that coming down to $182 billion—$120 billion below where it would have been had we not acted in that courageous fashion.

I have to say to many of my colleagues who are up for reelection, that was not an easy vote. It was not an easy vote. But you can be proud that you took the courageous stand.

My friend from Iowa, whom I greatly respect, Senator GRASSLEY, one of the leaders in military procurement reform—he and I have worked together—says the Republicans should just say no. Well, that is a continuation of what they have been doing. I am sure they will continue to say no. It is up to the American people to determine whether just saying no is a policy. I do not think it is a policy. I think we have an economic strategy embodied in this budget resolution, and I feel proud to support it.

Now, it hurts when you cut spending. We all know that. But this budget does it. It has to be done right, Madam President. You just cannot do it with a meat ax, because you will disturb this economic recovery. And what the chairman of the Budget Committee, Senator SASSER from Tennessee, has tried to do is walk that fine line, to make sure we have progress on the deficit and at the same time make enough investments in this economy so that growth can take place.

That is what this budget does. And again, I am proud to associate myself with his work and with this product.

Madam President, many of my colleagues on the other side of the aisle have come to this floor to decry the military budget. I think it is very important to look at what we are doing in this military budget. There are those on the other side of the aisle who are saying we are destroying the military. Let us look at the facts. In 1994, last year's budget, the budget authority was $261 billion. In 1995, in this budget, it is $263 billion. So with all the rhetoric, as if we are destroying our military, we actually are increasing the budget authority by $2 billion. We are spending more on the military than we do in any other category in the domestic discretionary budget.

I think it is also important to take a look at what our potential enemies are spending on their military. Madam President, rhetoric aside, let us take a look at it: Russia, $29.1 billion; Iraq, $8.6 billion; China, $7.3 billion; North Korea, $2.2 billion; Libya, $1.8 billion; Iran, $1.2 billion; Syria, which many people say is moving toward our camp, $1.2 billion; Cuba, $1.2 billion.

Madam President, those are all the potential enemies I could garner. That adds up to $50 billion, and we are spending $270.7 billion on outlays. If you look at the 10 largest countries—in other words, the countries that spend the most on the military after America—if you add them all up: Japan, France, UK, Germany, Russia, Italy, South Korea, Taiwan, Saudi Arabia, and Kuwait—you will come up to $240.1 billion. So we spend more than the next 10 countries combined, and most of those are our friends.

So if anyone tries to scare the American people, Madam President, that we are not spending enough on our military, please let us look at the facts.

Now, there are always those who say they could do better with $400 billion. We all know, if money is no object, it would be lovely. It would be lovely to have it in the military. It would be lovely to have it in education. It would be lovely to have it in everything we try to do for the American people. But we have to budget wisely, and we have to expect that at that amount of money our military can and should perform. We need to bring better management into the system. I think we are doing that with procurement reform.

So let us put that one to rest. Every time someone on the other side of the aisle gets up and says we are not spending enough, let us bring out these facts, that we spend more than the next 10 biggest spending countries combined, and we spend much more than all of our potential enemies added up together.

Finally, Madam President, I wish to say how proud I am that this budget contains the Children's Initiative which I brought to the Budget Committee and which was supported on the floor by Republicans and Democrats alike. It swells my heart with pride to know that, finally, there is a consensus emerging in this country on the need for investing in our children. When we deal with the crime issue—and, Madam President, your brilliant leadership to ban assault weapons is something that will go down in history books forever—we know that we are dealing with the consequences of neglect. When our children live in poverty, when they do not have anything to believe in, when they do not think they have any hope or any stake in the future, they will grab an assault weapon if a gang member says, "You can belong."

So we have to get to the root causes of the problem. And I am so proud that this Senate voted 93 to 5 to stand up and say, yes, we will cut Federal travel. It is time for a few of us to stay put so our children can move forward.

Perhaps the most critical investment this budget makes is in our children—an investment that is overdue and necessary.

Last month the Carnegie Corp. of New York released a new report documenting the circumstances faced by children under the age of 3 and their families. Their condition threatens our economic strength and competitiveness. Too many of our children fail to receive adequate prenatal care, child care, or parental attention which means that they are less likely to perform well in school or on the job—if they get a job. The Carnegie Corp. dubbed it the "quiet crisis." But the appalling statistics scream out for attention.

One in five children in this Nation lives in poverty. The number of poor school age children in California alone increased by 38 percent between 1980 and 1990. Every year nearly 1 million infants are born with severe medical problems that could have been avoided if their mothers had access to prenatal care. According to the Centers for Disease Control, only 44 percent of children in our Nation's major cities have been fully vaccinated by their second birthday. More than 5 million children under the age of 3 are in the care of other adults while their parents work.

After years of shameful neglect, it is time to make the health and welfare of children a top priority. With this budget, we are finally putting our dollars where they count—into proven programs for children that address these problems. I am proud of the fact that this budget includes the Boxer amendment which I have called the children's initiative.

It overhwelmingly passed the Senate by a vote of 93 to 5.

The children's initiative, which is a pay-as-you-go provision, provides $1 billion to six exemplary children's programs by cutting spending in Government travel expenses.

Specifically, the amendment provides an additional $120 million for Head Start, enough to fund slots for approximately 24,000 children.

It increases funding for the WIC Program by an additional $100 million which will provide services for 200,000 pregnant women, infants and children.

It adds $2000 million for childhood immunizations, enough to appropriately immunize over 2 million children up to age 2.

It increases funding for the child care development grant by $200 million, enough to provide quality child care for roughly 44,000 children.

The amendment increases the maternal and child health block grant by $200 million—an important weapon in the right against low birthweight babies and infant mortality.

Finally, the amendment adds $180 million for The Emergency Food Assistance Program or TEFAP which is a vital resource for feeding the hungry and homeless in our States and communities; 1.4 million Californians rely on food from TEFAP every months.

Each of these programs has a proven record of success in helping children and their families. The Head Start, WIC, and childhood immunization programs, for example, have been praised over and over for their cost effectiveness. All of the programs enjoy strong bipartisan support.

Madam President, I am especially grateful to the distinguished chairman of the Senate Budget Committee, Senator SASSER, for his assistance in including the children's initiative in the conference report. Investing in our youngest citizens is the best economic investment that we can make for the future.

Madam President, if the chairman of the Budget Committee is willing, I would like to engage him in a brief colloquy on the children's initiative. Since the budget resolution does not list the specific funding levels for each of the children's programs in my amendment, I would simply like the chairman's help in clarifying the Senate Budget Committee's intent to fund those programs at the level I requested.

Is it the chairman's understanding that Function 350 of the fiscal year 1995 budget allows room for an additional $180 million above the President's request for food purchases under the Emergency Food Assistance Program?

Mr. SASSER. Yes; that is correct.

Mrs. BOXER. Is it also his understanding that Function 500 of the fiscal year 1995 budget allows room for an additional $120 million above the President's request for Head Start?

Mr. SASSER. Yes; that is correct.

Mrs. BOXER. Does he further agree that Function 550 of the fiscal year 1995 budget allows for an additional $200 million above the President's request for the maternal and child health block grant, and an additional $200 million above the President's request in discretionary funding for the childhood immunization program?

Mr. SASSER. Yes; that is correct. There is also in the Function 550 room for an additional $100 million for teenage pregnancy prevention.

Mrs. BOXER. Finally, is it his understanding that Function 600 of the fiscal year 1995 budget allows for an additional $100 million above the President's request for the WIC Program, and an additional $200 million above the President's request for the child care development block grant?

Mr. SASSER. Yes; that is correct.

Mrs. BOXER. I thank the chairman. Again, it is an honor to serve with him on the Budget Committee and to have his invaluable support for these proven children's programs. With this budget, we are making an important investment in a future generation that will be healthier, better educated, and better able to contribute more to the economic strength and well-being of our country.

Mr. SASSER. My thanks are to Senator BOXER for her tireless efforts on behalf of these children's programs. The Budget Committee, as well as America's children, have been well served by her participation in this year's budget process.

Mrs. BOXER. Madam President, in closing, let me thank the chairman, let me thank the members of the Budget Committee, and let me thank this administration. Finally we have an economic strategy in this country of which we can be proud, and we are making some critical investments in this budget. Even though we are bringing the deficit down, we are making some investments that will yield great dividends in the future.

I yield the floor.

Mr. SASSER. Madam President, I wish to take this opportunity to pay tribute to the Senator from California for the really marvelous work she has done in bringing the Senate's attention to the children's initiative and the problems of children in this country through including it in this budget resolution as presently before us today.

I also want to express my appreciation to my friend from California for being such a valuable and productive member of the Senate Budget Committee. We have gone through some very historic times, Madam President, in the Senate over the past year-and-a-half as far as the budget is concerned.

We have enacted a deficit reduction package of really monumental proportion. We are now seeing how the salutary effects of that are working its way through our economy. The Senator from California was a leader in getting that done. I want to pay tribute to her today for her help and her support, indeed her leadership, in moving this deficit reduction through the Senate last year and for her support this year on the budget resolution.

Madam President, I see the able Senator from Florida is on the floor. I see no one on the other side wishing to speak.

Would the distinguished ranking member have objection if I yield 15 minutes to the distinguished Senator from Florida?

Mr. DOMENICI. Madam President, I wonder if I might use 2 minutes or 1 minute to make a point and then I will choose to use some time after the Senator from Florida to address a few of the points raised by Senator BOXER.

Might I just take 2 minutes? I take it off my side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. Madam President, I note that over the past 10 or 12 days there has been a very concerted effort on the part of the White House to contact the Indian people of this country through their leaders. They had a summit at the White House. They had a listening session for the Indian leaders of the country in the State of New Mexico in the city of Albuquerque, and the various Cabinet people attended.

I would like to make a point that in this President's budget, if we do not change it in the appropriations process, one of the most important functions of government in behalf of the Indian, Indian health, was rather dramatically cut—as a matter of fact, about $244 billion less than is required just to maintain the current efforts and put personnel in the new facilities like the one at Ship Rock, NM.

In this budget resolution, while we cannot guarantee that moneys will be added to that category of expenditures by allocating less money to some of the President's $8.6 billion in new programs or add-on programs, we have expressed a sense of the Senate, which is now a sense of the Congress, that the Indian health programs should not be cut and should be retained at the level of last year, plus added personnel to maintain the facilities.

I just want to make that point because it has a lot to do with some of the problems in Indian country regarding children and families. It is somewhat an add-on to Senator BOXER's comments about children and families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, let me just note that the measure just discussed was sponsored by Senator BINGAMAN, along with Senator DOMENICI. It is, I think, a very outstanding measure, and I commend them for bringing this to the Senate.

Madam President, I yield 15 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. GRAHAM. Thank you very much, Madam President.

Madam President, I would like to begin by extending my appreciation and commendation to our distinguished chairman for the outstanding job he has done this year, as he has in previous years, in bringing to the Senate a responsible budget resolution. I commend him and the members of the committee and the able staff of the committee for their outstanding service to America.

Madam President, I would like to talk about the dual purpose which the Senate has in considering the conference report on the budget resolution this afternoon. The first and the most obvious purpose is to develop a broad framework, an outline, for Federal spending for the fiscal year that we begin October 1.

I support the fiscal plan that has been developed by the Budget Committee. In my judgment, it responsibly meets the needs of our people at a time in which there is increasing scrutiny of Federal spending.

As a member of the Armed Services Committee, I am particularly aware of the pressures that are being imposed on the United States to be militarily strong to protect democracy in this country and around the world. I believe that this budget provides for a reasonable capacity for our military to continue to meet that function.

I think similar statements of adequacy to function can be found throughout the rest of the budget. I particularly am pleased at the new emphasis that is being given to areas that will contribute to our long-term economic and social strength, areas such as education, job training, and job creation. These are important, creative initiatives to which this budget recommits our Nation.

But I would like to use most of my time, Madam President, to talk about the second purpose of the budget resolution debate today; that is, the purpose of signaling our commitment to continue to pursue the goal of reducing the Federal budget deficit.

Congress made significant progress in reducing the deficit in 1993. Last August we took a giant step in the right direction by adopting a significant deficit reduction program. Before Congress had taken that action, Madam President, the Office of Management and Budget, pursuant to the blue line on this graph, had projected the Federal deficit from 1993 through to the year 2003. It was a very depressing and alarming line. We started in 1993 with a deficit of $319 billion and 10 years later a deficit of $639 billion. That was what the President and the Congress faced as they began in January of last year.

In large part because of the action that was taken last August, we are on a slightly less treacherous economic course. The red line indicates what the projection is and actually the first 2 years of accomplishment of the new economic plan. The deficit which had been projected to be $319 billion in 1993 was actually $255 billion. The deficit which was projected to be $301 billion in this fiscal year, 1994, now appears to be $223 billion. In the budget that we are considering, instead of recommending a deficit of $296 billion for 1995, the deficit will be $171 billion. By all accounts, those represent significant steps toward reduction in our deficit.

However, Madam President, I point out the end, the tail of this red line. The tail of this red line is that deficits begin to rise again in approximately 1997. By the year 2004, we will be back up to $365 billion, or higher than the deficits were projected to be when we commenced this process in 1993. That says very clearly that our work is not over.

There was an unexpected bonus, a dividend, that came from our efforts last year to reduce the Federal budget deficit. That was a "surprising"—to use a word of one prominent economist on Wall Street—impact on long-term interest rates.

In January of 1993, long-term interest rates hovered above 7.3 percent. By the first of August, they were down to slightly above 6.5 percent. By the middle of October they had dropped to 5.9 percent. So over a period of 10½ months, long-term interest rates have gone from 7.3 percent to 5.9 percent. A substantial amount of that slide occurred in the period immediately after the adoption of the August economic program.

This sharp reduction in long-term interest rates had a dramatic stimulus effect on our economy. People were able to buy homes and cars; businesses were able to expand, employ people, and invest in new capital goods. It was a major contributor to the strongest economic report for the fourth quarter of 1993 than we have had in recent American economic history.

This drop in interest rates made clear the relationship between fiscal policy and the state of the economy and the state of that economy on the lives of every American. Long-term interest rates are heavily influenced by the market's sense for the potential for inflation.

When there is likely to be a resurgence of inflation, long-term rates will rise. When there is confidence that inflation will be checked, including checked by responsible Federal fiscal policy, long-term interest rates will trend downward.

Unfortunately, just as in our previous chart, which had a tail of two points on the graph, the good news of the left side and the bad news of the right side, again, we have a tail of two points on the graph as it relates to long-term interest rates. Since late October of last year, when interest rates moved toward 5.9 percent, we have seen an upswing almost as dramatic as the downswing that preceded it.

As of yesterday, long-term rates were approaching 7.5 percent, or higher than they had been in January 1993, when this chart commenced. The drop in interest rates, in turn, affects directly our Federal deficit. A 1-percent rise in interest rates, assuming all other economic assumptions are held constant, will cause net interest on the Federal debt to rise by $2 billion in the current fiscal year and $7 billion in 1995. In fact, if you use yesterday's 7.48-percent long-term rate, rather than the 6.1-percent rate calculated by the Congressional Budget Office last January, net interest on the Federal debt will increase this fiscal year by approximately $2.5 billion and, in 1995, by over $9 billion.

So we have this duality. The budget resolution that we are adopting not only sets Federal fiscal policy, including the level of the deficit, it also influences long-term interest rates; and long-term interest rates, in turn, influence the extent of our deficit.

Obviously, there are a variety of factors that affect the movement of the market, the health of the economy, and long-term interest rates. But a core factor is confidence in the capacity of the U.S. Government to control its deficit.

In spite of the rise in long-term interest rates, Americans currently have many things to be confident about. Unemployment has fallen sharply, down nearly a full percentage point since 1993; housing starts rose 25 percent between July and December; spending for durable equipment is expanding at the fastest pace since 1972; inflation is low; prices rose just 2.7 percent in 1993, the smallest increase since 1986. In January 1994, for the first time in more than

4 years, consumer prices were totally flat.

Now is the time to maintain this confidence with increased vigilance. It is clear that congressional action directly affects long-term interest rates, which, in turn, directly affect Americans' confidence in their economic future. We have a clear mission to continue to pursue deficit reduction. We must be aggressive. Americans are beginning to focus on what may happen when the deficit starts to rise again after 1997.

Congress should use every opportunity available, including this budget resolution, to continue to fight the deficit. I supported the Senate passed Exon-Grassley amendment, which cut an additional $26 billion from the 1995 budget. With five other Senators, I offered a sense-of-the-Senate resolution during the budget resolution debate, urging that legislation should be enacted to provide enforceable limits to control the growth of entitlement or mandatory spending.

Those kinds of efforts should continue. The resolution we are considering today contains $13 billion in additional budget cuts. I would have, frankly, preferred the $26 billion contained in the original Senate-passed version. But $13 billion in spending reduction is a step in the right direction.

I am also pleased that the Senate has expressed a commitment to restrain entitlement spending. As we know, the primary culprit of out-of-control entitlement spending is in the health care area. And in the next few weeks, as Congress debates the health bill, we should turn the statement of commitment into real action.

Madam President, I hope our actions today in adopting this budget resolution and our resolve to take further steps in the near future will indicate our commitment to continued deficit reduction. If we continue working to reduce the deficit, we will see interest rates fall; more people will purchase and refinance homes; more people will have jobs; the economy will grow stronger. We have a chance and we have a responsibility to stop spending money we do not have, to help further strengthen our economy, and to make certain that our grandchildren are not left to foot the bill for a generation of irresponsible spending.

It is my intention to vote for the budget resolution conference report because I believe that it is a responsible fiscal plan, and I hope that it will be interpreted by Americans as a statement of resolve today and in the near future to take further actions to reduce our budget deficits.

But this must not be the only step we take. I will continue to seek ways to implement deficit reduction, because we owe it to America and we owe it to our grandchildren.

Thank you, Madam President.

(Mrs. MURRAY assumed the chair.)

Mr. DOMENICI. Madam President, I wonder if my friend from Florida would mind if I borrowed his two charts for just a couple of minutes.

Mr. GRAHAM. Madam President, I would be honored to loan our charts, at a very nominal rate of interest, to our friend and colleague from New Mexico.

Mr. DOMENICI. We will do it at the interest rate of 6 months ago, rather than today, since it was a little cheaper then.

Madam President, first, I yield myself 10 minutes. I might say to the Republicans who still desire to be heard on our side, I just hope they will make time to come down here. I do not know how much time they want. Senator GRAMM of Texas wants some time; Senator BROWN wanted 10 minutes; and Senator GREGG and Senator LOTT. Perhaps they could call in and tell us what time they can come, so we can pull this budget resolution down for final approval later on and get on with some other things here on the floor. I would appreciate it if Senators on my side will accommodate me with that.

With reference to Senator BOXER's comments on the Defense Department of the United States and America's military, the United States is not Iraq; the United States is not Russia; the United States is not the Ukraine; the United States is not Japan, and so on down the list of countries that the distinguished Senator from California listed with reference to our military preparedness.

Point 1: During the Nixon years, we changed from an army that we drafted, a military that we drafted, to a volunteer military, a gigantic step for the United States. We have decided since that time that we were going to call for parity to our military. It took us time to get there, but we are getting close to paying them for similar things as if they were out in the private sector. That is a historic situation and a magnificent statement for a democracy to make about its military.

So, right off, none of those countries that were alluded to take care of their military. As a matter of fact, in the Soviet Union today, they do not even know where they will get the money to pay them, but they are still in the military. They do not know where they are going to get the money to take care of the nuclear weapons, by the thousands. And we are hoping they will dismantle them, but they are still there. There are statements from Russia, Ukraine, Georgia, and elsewhere daily saying maybe there will be a civil revolution there in the not-too-distant future. At least the free world and America sits there wondering when we will get that neutralized.

I now want to comment on what we have done to our military. It is unequivocal that defense is the only thing we have cut on the discretionary side of the American budget in all of the appropriations. The only thing we have cut, since 1990 through the President's proposals and for the next 4 years of the President's tentative budget proposals, is defense.

I know Americans do not believe that. They must be saying that cannot be; we heard so much about restraint, about cuts. Well, frankly, I sent a little simple chart up there. Discretionary spending of the United States on the domestic side has gone up. It will go up every year from now to the 5-year program that the President has in place, and defense will come down each year, such that in real terms the Defense Department will have been cut 50 percent since 1985 in real terms. That means if you had no inflation to the numbers, just year after year, it has been cut 50 percent.

I am not going to go through what all that means in terms of divisions that are down, procurements that are down, how many airplanes do we really have today, how many divisions are already cut. Let me tell you in real terms, when you cut defense 50 percent since 1985 you have done something to the defense of this country.

So I repeat, that whatever the numbers are in the top line of this budget resolution, which show the President's numbers for defense, just remember that down below there is another number that says we have to distribute $4.7 billion in outlays, $6.7 billion in budget authority back through this budget. And I surmise that unless the Congress says we will spend the same amount that the President asks, we will get an allocation from the Appropriations Committee that cuts defense well below the President's numbers.

Is the President of the United States asking for too much in defense? After we had the Bush cuts coming from the 5-year plan that came after the Andrews Air Force Base 1990 summit, the President asks for another $60 billion on top of that, and we are on that path. He finally says, "Do not cut below that; that is enough."

So, I do not think the Senator from New Mexico and some Democrats and most Republicans, who are concerned about that aspect of this budget and of the trend line that is moving in that direction, we are trying to spread fear. I think we are trying to say that history will probably reveal once again that we are right and that we ought not to dramatically cut defense; certainly not much more than we have done because we will live to rue the day just like we did after the First World War and immediately after the Second World War. I have gone through what these numbers reveal earlier this morning in terms of how much lower they are going to be, so I will not repeat them.

The reason I asked if I could borrow the charts of my good friend from Florida is, if I were a Democrat and I said that about our distinguished chairman this morning, and then I will say it about Senator BOXER from California, I would come to the floor and say to Senators and to whomever is listening, it is the President's deficit reduction plan that has caused all these good things to happen in our economy. I would say that it is the economic plan that has been adopted that is putting people to work. I would say that it is what caused interest rates to come down. I would say it is what is going to cause us to get our deficit down dramatically over time.

But essentially I think that, while that is said on that side of the aisle, that it behooves someone on this side of the aisle—and I choose to do it—to say: "But I have another version. There is another set of facts that everybody should know something about."

So let me just move up here to these long-term interest rates, which is interesting. Let us go back to 1993, the year after the President's election. We will find that in August of that year—that is about here—we passed a tax and alleged deficit reduction package right here. Is it interesting that by that point in time—that is why this is intriguing me so much—at that point in time the long-term interest rates had almost gotten as low as they have been in this period of time.

We can just go up a couple more and find October.

So it is August, September, October, 3 months after the plan is adopted, the interest rates are at an all time low for this period of time.

Now, while I am very pleased that the economy is doing well—I hope we are on the right track; I hope it continues—I would just like to share with everybody here, there is no economist, nobody who would look at the American economic scene who would say that that tax-and-cut package—and I will keep saying "alleged" cut package—that in 2 months it would cause the interest rates of the United States to come down—no one. Almost everybody would say it takes a year to a year and a half for any impact to occur.

Interestingly enough, now, of course, some will stand up and say it is the Federal Reserve that jinxed this package. But 2 months after it passed, the long-term interest rates reached their low, and they started back up, so that they are on a path up for all of the time since. So that the interest rates, starting 2 months after adoption of that package, are starting back up again, and they are up here to—April is the latest date we have here, and they have gone up from 6 percent to 7.1 percent.

I am not presently complaining about the interest rates. I think the Federal Reserve Board is doing right. I believe they want this recovery to last longer, and they are worried and it is getting cut short. But I am merely making the point that if there is an American economic plan that is built around all of these words, like it is going to increase productivity, it is going to increase jobs, it is going to lower interest rates, then it seems to me that we ought to at least recall that maybe something else was going on in this economy long before that package was passed that brought much of this into fruition.

I believe that is the case. As a matter of fact, I believe the Federal Reserve Board, for about 2½ years before George Bush was defeated, put us on a money supply course that has a great deal to do with this positive recovery. It just did not come soon enough for President George Bush. The business cycle did not quite reach bottom and start back up. And I think if one were to take this long term and go beyond January 1993, where my good friend from Florida started it, that you would find the long-term interest rates were on a path down for 3 years prior to adoption of the August package which I believe had something to do with fueling this recovery.

Now, my friend from Florida, and my neighbor, Senator GRAHAM from Florida, puts up this chart. This is an interesting one also. I will use it for two purposes.

First, Madam President, here is when this new budget that we are talking about today comes into play. There is a great euphoria about how well we have done at deficit reduction and, frankly, I remind everybody that the deficit starts back up and I do not know that I agree with this number. I would think this may be higher. But recall that in a decade the deficit will be back higher than it was when President Clinton took office. And we constantly look for reduction of this and we say we are going to get that when we restrain entitlements.

More particularly, most people say we are going to get this down when we get health care reform in place. Yet, Madam President, there is no plan for health care reform that costs the Government less than we are now spending other than the one I introduced yesterday. And I purposely mandate that some of the savings go to deficit reduction. So there is nothing left unless it is more defense and more taxes to get this to come down.

Now I use it for a second point. And I have told my staff the next time we talk about this subject we will have this graph, but we will have another line in it. What we will do is, we will show how much of this reduction—the red line—is attributable to the deficit reduction package that passed in August 1993. That is a very heralded date. It is quite right that not a single Republican voted for it. Some Democrats did not. But the President got, by just the narrowest of margins, enough votes for it.

We need another line in here to show that for the years 1994 and 1995—this delta here—almost all of that deficit reduction had nothing to do with the deficit reduction package. Nothing. About $13 billion to $14 billion of the reduction over 2 years may have come from economic assumptions that might be prompted by this. All the rest is taxes and technical reassessments, such as the Resolution Trust Corporation costing less, such as Medicare-Medicaid inflation coming down, none of which, in the opinion of the Congressional Budget Office or anybody that I have asked, has anything to do with the deficit package that was passed.

I only do that because, obviously, just as something was happening in the American economy prior to that August date, in fact, in the American economy it may have been happening for 5, 6 or 7 years, and perhaps—perhaps—foreign countries had more to do with making it better than anybody else, because American business for 7 or 8 or 9 years decided that they were going to have to get this economy more productive, that they had to be more competitive. I think all of that was churning around during this period of time preceding the passage of the so-called deficit reduction package.

So we will make another line to show how much of this reduction is attributable to causes that have nothing to do with the deficit reduction package and maybe we will make another that shows the deficit reduction that is all attributable to taxes.

Having said that, I want to repeat, hopefully, this recovery is a good, solid one. Hopefully, we are on the right track.

And if I were either President Clinton or a Democrat that voted for the package, I would be down here and wherever anybody would listen around the country, saying that package deserves full credit for all the good things that are happening in the economy. But I would not expect that to go unanswered, and I do not assume they do.

I assume that people are beginning to understand—and we will help that along—that there are at least two or three reasons, one of which is the business cycle. We have not fixed it yet. It was down. It started up slightly before President Clinton was elected, and it is now moving into a very positive part of the business cycle that we have had regularly at very short intervals since the First World War.

I yield the floor at this point.

Madam President, I suggest the absence of a quorum and ask unanimous consent that it be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BROWN. Madam President, I yield myself 5 minutes from Senator DOMENICI's time.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

Mr. BROWN. Thank you, Madam President.

I rise in concern over the budget report that is now before our body.

Budget reports and conference reports are not new to the Senate. We have had them for many, many years. Long-term plans are not new. They have been around for many, many years.

What is unique about this budget and about this conference report is that it is a long-term plan for financial insolvency.

Let my be very clear. This is a long-term plan with specific numbers, specific figures, and specific programs to lead this country into bankruptcy. Members should be aware when they vote on this that they are voting to reduce savings, to reduce jobs, and to make this Nation insolvent.

Those are strong words and strong charges. Let me be specific.

One need only look at the resolution itself. The deficit, under this measure, rises from $174 billion to $190 billion in 1997, to $187 billion in 1998, and to $198 billion in 1999.

Let me be specific. The deficit is significantly higher in 1999, according to this plan, than it is in 1995.

Madam President, that assumes that we meet all of the goals and guidelines included in the budget, which we have never done. It assumes that there are no emergencies that break the budget, and we have always had them.

It assumes we do not overspend the budget, and we have done that averaging almost $20 billion a year of overspending the budget. It assumes we meet all the targets in terms of the assumptions, and I do not think I need to remind the body but the facts are these budget projections have always been wildly optimistic. If you accept the budget projections, if you assume there is no overspending the budget, if you assume there is no emergency that breaks it, and if you assume, fourth of all, that none of the loopholes carved into the budget are taken advantage of, even then the deficit rises and that is just in the first 5 years.

CBO's budget projections for the next 5 years for all of these indicate an exploding of the deficit as the obligations come forward. The simple fact is this. This is a long-term plan for insolvency. You do not have to take my word for that. All you have to do is take a look at the report and the numbers in the report. It shows a deficit curve where the deficit begins to go further and further up the farther and farther out you go. That is in dramatic contrast with budgets we have had through most of the budget cycle. They may allow a deficit in the year they brought the budget to the floor, but they always at least assume it will go away by the end of the 5-year cycle. First it was 1 year out, then 2 years out, then 3 years out, then 4 years out, then 5 years out. This budget has a deficit going on forever and rising. It shows a huge explosion of the national debt. It shows a dramatic and continuing increase. Madam President, it will be much worse than these figures.

This is a prescription for financial disaster for this Nation. Those who will vote for it today must report to their constituents that they voted for a long-term plan that will destroy the financial integrity of this Nation. It is a sad day.

Let me simply add one other comment. Some who vote for this may excuse themselves because they claim you can solve this by future tax increases. I do not think future tax increases are a healthy or good idea for this economy but many Members here do. And some in good conscience will vote for this budget, assuming higher taxes will relieve the problem. In the President's own budget is an analysis of generational accounting. That shows that someone being born today will have to bear a tax burden that is in excess of 80 percent of his or her income to be able to fund the obligations that are already on the books.

Madam President, that is not my figure. Those are the figures brought to us by the President in his own budget. Someone born today will face tax rates in excess of 80 percent of what their whole income will be. That is inexcusable. Anyone who votes for this budget assuming that future tax increases are going to bail out the problem simply has not taken the time to do his or her homework. The fact is many in this country can have 100 percent of their income taken in future years and it will not be enough to meet the obligations that we lay on the taxpayers of this country already. It is a tragedy that we would, facing this problem, choose to react with a budget of this kind—a budget which simply says to the future that America's financial future is one of insolvency. That is what this budget is. It is a burden on the men and women of this country. It is a burden on the working people of this country. It is a burden on future generations. What we need is a budget that faces the problems and controls spending.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

The Senator from Tennessee.

Mr. SASSER. Madam President, our distinguished friend from Colorado makes the point that this budget before us is different, in the sense that it shows growth in the deficits in the far outyears. Indeed it is different in that respect because this is the second truly honest budget that this Chamber has seen in 12 years.

In the times of David Stockman and in the times of Richard Darman, of course there was no growth in the deficit in the outyears—although we all knew it was there. It was not there, Madam President, because the books were crooked—that is why it was not there.

But what we have before this body today is a true representation of what is happening in the fiscal affairs of the Government of the United States of America and that in itself is refreshing and novel for a change. I want to commend the President and Chairman of the Office of Management and Budget, Mr. Panetta, for bringing that to us. We have a new era of budgeting now in this country that I hope will persevere beyond this administration and I suspect there are others on the other side of the aisle who share this view, that we will tell ourselves the truth about where we are with the deficit.

The truth is that this budget proposal that is before us today, that carries on where the budget proposal of last year left off, will reduce the deficit in the neighborhood of over $650 billion over the next 5 years. To give an example of the honesty of the projections that are used in this calculation, last year we were projecting a deficit reduction figure of slightly under $500 billion. But we find now that the legislation we enacted into law last year, because of increased economic activity, because of savings in a number of areas that were not anticipated, because we were not giving ourselves the benefit of the doubt in certain entitlement programs like Medicare and Medicaid—no rosy scenario, Madam President—we find now the hard reality is not that we overestimated our savings in years past. It is good news that we underestimated our savings. So what we are finding now is the deficit will come down not by $500 billion—I say to my friend from Alabama—but by $650 billion over the next 5 years. These deficits will be cut in half as a percent of gross domestic product.

I told the body this morning that during the decade of the 1980's, the deficits had soared to some 4.2 percent, on the average, of gross domestic product. We see that this budget before us will carry on the program of reducing the deficits to about 2.3 percent of gross domestic product, even lower than the average of the 1970's, when if memory serves me correctly, it was about 2.5 of GDP.

So we are bringing these deficits down by any measurement you want, either in actual dollars or as a percentage of GDP. To complain that in the outyears of 1999 or the year 2000, the deficits are going up and we ought to reject this, and this is a phony measure—well, Madam President, that stretches the limits of credulity.

Madam President, I simply wanted to take this opportunity to rebut some of the statements I have heard here today from the other side of the aisle. But the good news for the American people in this budget proposal for us today is not just that it is reducing the deficits, it is that it is reducing the national debt as a percent of the gross domestic product. We will be seeing the national debt as a percentage of the GDP, the gross domestic product, come down and start down for the first time in almost a quarter of a century and that is going to be a result of this deficit reduction effort we made last year which is carried out and carried on by this budget before this body here today.

So, Madam President, I think those who vote for this budget that is before this body today—and those who voted for this deficit reduction effort last year, some at great political cost to themselves because they put the interest of their country ahead of political interest—I would say to them that they can hold their heads high and they are doing the work that we were sent here to do.

Madam President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Mississippi.

Mr. LOTT. Madam President, I yield myself 15 minutes under the time of Senator DOMENICI.

I just listened to the remarks of the distinguished chairman of the Budget Committee. I found them to be very interesting.

There is no question that in this budget resolution we have before us the deficit projections are lower, but are they real? First of all, we still have large deficits. But second, I question whether or not this is a real, honest budget projection. What is alarming about the projections that we have here is that they do not include funding for health care. We have heard Chairman DANNY ROSTENKOWSKI, chairman of the Ways and Means Committee in the House, saying the health care reform package could cost $40 billion or more. He has suggested not once, but repeatedly, that what we need is a new, broad-based tax increase to pay for it. But even the President has indicated he probably does not want to go along with that, although he did not reject the idea of a new broad-based tax increase completely. He just said he did not think it would be necessary for health care reform.

If we do not have the tax increases and we have a health care plan passed this year that costs $40 billion, clearly, it would add to the deficit. We do not know what that is going to be yet, and I know it is hard to project that.

Additionally, welfare reform is not included. Obviously, welfare reform is something we should try to do this year; we need a more responsible program. Many of the crime initiatives are not provided for in this budget resolution. We are probably going to adopt a major new crime conference report this year, and there are going to be costs associated with it. Many of these costs are not included in these budget projections before us.

Furthermore, there are no funds for GATT or for Superfund. There is also a significant Bottom-Up Review shortfall for the defense of the country, and there is no provision for that. We have unfortunately experienced a lot of natural disasters recently. While the Federal Government has repeatedly offered financial assistance, this budget contains no provision for disaster relief.

I have named a number of major programs that are going to have increased costs this year that are not included in these projections. So if, in fact, the deficit is projected in this budget to be between $175 billion and $200 billion in the next fiscal year, in reality it will probably be considerably higher.

The estimates are that the Federal deficit will decline to an estimated $175 billion in 1995, remain unchanged at about $174 billion in 1996, and then trend upward to nearly $200 billion, in 1999 under the assumptions of this resolution.

The debt, by the end of fiscal year 1993, was $4.4 trillion. By 1999, it will be $6.3 trillion. So for the fiscal years 1994 through 1999, the projected growth in the national debt is $1.954 trillion.

In addition to that, interest rates are continuing to rise. The Government's interest rates, and their payments on this debt, will increase, raising the deficit and the debt even higher. In fact, the gross interest on the debt in fiscal year 1994 is approximately $300 billion; in fiscal year 1995, it will increase to $311.8 billion.

So under this budget resolution that is praised for holding down the level of increase in the deficit, the fact of the matter is the deficit continues to go up and, therefore, the debt goes up every year. So you can see what will happen by the end of this decade: There is a steady increase every year in the debt and, therefore, of course, the interest we pay on that national debt. The red line on this chart tells the story, and that is why this budget resolution does not accomplish nearly what it should.

Let me go back and make out some of the points that need to be, I think, emphasized as to why this conference report is not the right thing to do.

Spending will grow by 2.4 percent between fiscal years 1994 and 1995 to $1.5 trillion. The problem is we only have $1.3 trillion in revenue estimated to be coming in. So you have the $200 billion gap there.

When the resolution was considered by the full Senate, we passed the Exon-Grassley amendment. It was adopted by the Senate, and it would have cut discretionary spending outlays by $26 billion over 5 years. You would have thought we were trying to just destroy the Federal budget with that amount of additional cuts.

So, in conference, that was reduced to $13 billion. This is only 0.15 percent of the total outlays. So the Exon-Grassley amendment just made a little bitty scratch on the surface of trying to control spending. And I emphasize again, the problem is not insufficient revenue—we have $1.3 trillion in revenue—the problem is still too much spending.

On the discretionary side, the budget increases funding for the Legal Services Corporation by 26 percent. It increases funding for the Civil Rights Division of the Justice Department by 32.3 percent. It also increases funding for the Environmental Law Division at the Justice Department by 15.3 percent.

I acknowledge, as many of the appropriators point out, that the deficit is not caused just by domestic discretionary spending. Much of it is driven by entitlement increases. But I do feel that we should have maintained the Exon-Grassley cuts, and we should not be adding new programs.

As a matter of fact, this budget resolution adds new entitlements. So while we say we are trying to control spending—and much of the problem is in the entitlement areas—we still find entitlement programs are being added. This budget assumes entitlement spending increases of over $5 billion relative to the CBO baseline, including additional spending for the agriculture crop insurance program, and others.

So you have significant increases in some of the discretionary programs, new entitlement programs, and increases in a number of old entitlement programs.

Another point that should be emphasized about this budget resolution is that taxes also go up. There will be an increase, a growth in taxes from $1.338 trillion in fiscal year 1995 to $1.630 trillion in fiscal year 1999; a 7 percent increase in taxes.

I want to emphasize with regard to the Exon-Grassley amendment, this language should not be applied to defense. Defense has already been cut too much, and that point has been raised by the distinguished Senator from New Mexico, by the chairman of the Armed Services Committee in the Senate, by the chairman of the Defense Appropriations Subcommittee in the House, Chairman MURTHA.

The real decisions on the defense budget will likely be made through the appropriations bills. The President made a pledge not to cut defense below the request he had made. As a matter of fact, if the cuts of Exon-Grassley are applied or disproportionately applied to defense, certainly that would bring the number down to below what the President asked for. I assume the President will resist that very aggressively. If the cuts do not come from defense, defense spending will still decline from $270.7 billion in fiscal year 1995 to $257.6 billion in fiscal year 1999. The President's 1995 request is 35 percent below the 1985 level and represents the 10th straight year of real cuts to defense budget authority.

There is another thing I found very interesting in this conference report. It includes a provision that increases funding in excess of the fiscal year 1999 discretionary spending caps for IRS compliance initiatives, $405 million in BA and outlay beyond the caps in fiscal year 1995. Paying for a program "off-budget" under the claim it will save money, in my opinion, is certainly a dangerous precedent.

One thing we do not need is additional IRS agents. It is maintained that if we increase the number of IRS agents, we will get more money, but this has not been proven true. The IRS has seen an increase of over 40,000 full-time equivalents since 1982, roughly a 33-percent increase. The conference report could constitute an increase of IRS personnel of another 4 percent. I really question this procedure and also what results we are going to get. I assure you, if you ask the American people if they would support the idea of more IRS agents, they would strenuously object to it.

While I do not believe any more IRS agents should be hired period, there is no reason that this provision could not have been included in the President's budget. We should not pass it "off-budget."

Finally, this particular budget resolution does not contain any economic growth incentives, which is the only way to create real, lasting jobs. We debated that during the earlier Senate debate on the budget resolution. We proposed a $500 tax credit for children and incentives for individual retirement accounts. There were many provisions in there that would have provided growth incentives and created some jobs, but there is nothing in this budget resolution that would really help to stimulate the economy.

The conference report also includes 12 reserve funds. While these sound good because they require legislation be paid for, they basically pave the way for tax increases.

You say, how could that be? It is because reserve funds essentially exempt legislation that increases taxes to pay for higher spending from Budget Act points of order. I think this is a very dangerous procedure also. I do think it is a guarantee of one way that more taxes will be raised and, therefore, more money spent.

So there are many problems with this budget resolution. I note that in several instances this budget resolution is above what the President has asked. It seems that we should at least stay within or under what the President has asked. In international affairs, it is above what President Clinton has asked.

I also note that in the energy function, the conference report includes $1.6 billion in budget authority and 1.4 billion in outlays above what the President has asked. I do not know to exactly what these increases would be applied. It may be for good purposes, and I might even be inclined to support them. But I do think as a general rule we should at least hold spending down to under what the President has asked.

So, Madam President, I will vote against this budget resolution. I think there are many problems with it. And if you call this honesty in budgeting, I have to say I really have reservations about it because I think it is going to lead to tax increases, new entitlements, and more spending. I do not think the American people want that in their budget resolution.

I yield the floor, Madam President.

The PRESIDING OFFICER (Mr. WELLSTONE). Who yields time?

Mr. EXON. Mr. President, I yield myself such time as I shall consume from the time under the control of the majority.

Mr. President, I rise today to express my support for the conference report on the 1995 budget resolution. I want to first thank our chairman for his leadership and cooperation throughout this process. I recognize that it is very difficult to determine just what a majority of the Senate wants to achieve with a budget resolution and this year has, I believe, been more interesting than most in that regard.

As Members are well aware, Senator GRASSLEY and I successfully offered an amendment to the 1995 budget resolution during its markup by the Senate Budget Committee. Our amendment cut proposed discretionary spending by about $26.1 billion over the next 5 years. Although efforts were made during floor debate of the Senate version of the budget resolution to weaken the Exon-Grassley amendment, we were successful in protecting the $26 billion in cuts.

The House of Representatives, however, did not go along with our proposal. Although a motion to instruct their conferees to accept the Senate numbers was offered, it was narrowly defeated. It failed over there by a very few votes. As a result, the conferees were forced to compromise and have returned a conference report that retains $13 billion of the Exon-Grassley cuts.

Mr. President, the facts are that cutting the whole $26 billion was not in the cards. The House did not accept the Exon-Grassley cuts and Senator SASSER, Senator HOLLINGS, and Senator JOHNSTON responsibly negotiated a final package. The House has already passed this conference report and the responsible action for the full Senate at this point is to support the conference report as well.

But, the good news is that $13 billion of the Exon-Grassley cuts survived and that as a result we will continue to cut Government spending this year. There have been a number of attempts as the record clearly shows, to cut spending in recent months and many, if not most, Senators have supported one or several of those attempts. Yet, since passage of the deficit reduction bill last summer, we have not been successful, until now, in achieving any additional deficit reduction whatsoever.

It is important to keep in mind that the Exon-Grassley amendment achieved its cuts by lowering our discretionary spending caps over the next 4 years and by creating a point of order in the Senate should those caps be exceeded. The conference report substantially retains that language. In short, I believe the Exon-Grassley cuts will be sustained in the coming years as they have created a new base for discretionary spending.

I am, of course, disappointed that the entire Exon-Grassley cut was not retained in our conference report. I remain convinced that we could easily have cut the full $26.1 billion from discretionary spending over the next 5 years, where total spending will be over $2.7 trillion over that same period of time. President Clinton's own budget includes over $113 billion of spending increases in discretionary programs. We could have achieved the Exon-Grassley cuts merely by scaling back on the increases that some programs will enjoy over the coming years as I have proposed.

As for further reductions in defense spending, it is not my view that such action should be taken. The Exon-Grassley cuts could easily be made without reducing defense which has, as the Senator from New Mexico has correctly pointed out, already been cut significantly over the past few years. Yet, as I have often pointed out, our budget resolution does not make binding recommendations for spending within our various categories. That it is a task that has been left to the Senate Appropriations Committee, as required by the rules.

This budget resolution is indeed a victory for those of us who want to further cut spending in order to address our budgetary problems. Although the Exon-Grassley cuts were certainly modest, they do send, in my view, an important signal that Congress remains serious in its concern over our annual deficit spending and over our enormous national debt.

And, I would add that any Member who wants additional spending cuts this year should support this budget resolution. If this resolution fails to pass, I question whether additional spending cuts will be made this year. In sum, a vote for this resolution is a vote for further deficit reduction and is the responsible vote on this point in time.

I am also pleased that the conferees agreed to change the baseline so that we pass a crop insurance reform bill this year. Although that change does have the immediate impact of raising our projected deficits over the next few years, it is important to keep in mind that the increased spending reflected in this budget resolution for crop insurance is to be offset by emergency spending on crop disaster payments, spending that is not in our budget but that will raise our deficits just as well.

In other words, the crop insurance proposal will offset on-budget spending with what has normally been off-budget spending. The net effect on our future deficits will likely be a wash, not an increase as technically shown in this conference agreement.

In fact, by most accounts, the crop insurance reform proposal will save money over the next few years and will actually decrease our deficit spending—exactly the opposite of what must be detailed in the budget resolution.

So, in conclusion, Mr. President, I want to once again thank Chairman SASSER for his efforts and cooperation throughout the battle on the budget. It has been a tough fight, and no one has emerged victorious on every issue, and that is the way it should be. Yet, I am proud of the cuts Senator GRASSLEY and I have been successful in achieving. It is, however, time for Congress to get our budget resolution behind us and move ahead with the appropriations process, which will follow.

I intend to support the conference report, and I urge my colleagues to do likewise. It is the only thing before us now, and not to accept this report, I think, would cause untold difficulties, including raising further the deficit that we are all very much concerned about.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time on the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, it is my understanding that we are going to other business at 4:30. I have a bad angle on this clock. Is that 3 minutes or 2 minutes?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DOMENICI. Mr. President, I yield the 2 minutes we have remaining before getting off this measure for today to Senator GRAMM.

Mr. GRAMM. Mr. President, if the distinguished Senator would just respond to a question, we are going to go at 4:30 to the quotas and the death penalty issue and then we are going to have a series of votes. Will we come back to this tonight or will we come back tomorrow?

Mr. DOMENICI. The current request on the other side is that we come back to it tonight and set a time certain tomorrow to vote.

Can the Senator come back this evening and take 10 minutes or whatever he needs?

Mr. GRAMM. I can look at it. I obviously would rather do it tomorrow.

Given the time we have, I will just wait. We are getting ready to shift over to the other issues. I have about 10 minutes of points that I want to make about the budget. I can do that in the morning. Maybe we can work out a unanimous-consent request that we can come in in the morning and maybe have a certain amount of time equally divided and have a vote then and let the clock run down while we are gone tonight. It seems to me that would be a productive use of our time and no damage would be done on that basis.

Mr. DOMENICI. We will try to work on that basis.

Mr. GRAMM. Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, might I inquire what the pending order of business is?

CONGRESSIONAL GIFTS REFORM ACT

The PRESIDING OFFICER. Under the previous order, the hour of 4:30 p.m. having arrived, the Senate will now resume consideration of S. 1935, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1935) to prohibit lobbyists and their clients from providing to legislative branch officials certain gifts, meals, entertainment, reimbursements, or loans and to place limits on and require disclosure by lobbyists of certain expenditures.

The Senate resumed consideration of the bill. Pending.

D'Amato amendment No. 1685, to express the sense of the Senate that the conferees on H.R. 3355, Violent Crime and Control Act, should reject the Racial Justice Act provisions.

Mr. D'AMATO. I believe we have ½ hour, equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. D'AMATO. Mr. President, I yield 2 minutes of my time to the Senator from Texas [Mr. GRAMM].

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I want to thank our dear colleague from New York for his leadership on this issue.

I am sure there are some people who are going to try to make this out as a very complicated issue, but it is a very, very simple issue.

If you take a look at the Statue of Justice, you will find that the Statue of Justice is a woman holding a scale of justice, but the woman is wearing a blindfold. The basic logic is that justice is aimed at looking only at the facts and giving an objective weighing of the facts so that every American will know that they are being judged on one thing, and that is their behavior relative to the law.

If the American judicial system has been built on one principle, that principle is that people are judged not by the color of their skin, not by their ethnic origin, but based on what they do, based on their own conduct.

We have before us now a bill that will turn that whole system of justice on its head, a bill that will strip away the blindfold and not only eliminate the system of impartiality, of which we have all been beneficiaries, but will, for the first time, mandate that ethnic origin and race be a major determinant in the setting of a sentence.

I believe that whether people get the death penalty or not should be determined solely based on their conduct, whether they committed a terrible crime that justifies that their life be taken in punishment for committing that crime. It ought not to be determined based on who their parents are, based on the color of their skin, based on the ethnic group that they come from. That has always been the system of American justice and it ought to always be.

The PRESIDING OFFICER. The Senator has spoken for 2 minutes.

Mr. D'AMATO. Mr. President, I yield 5 minutes to the senior Senator from Utah [Mr. HATCH].

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in support of the sense-of-the-Senate resolution.

The so-called Racial Justice Act has nothing to do with racial justice and everything to do with abolishing the death penalty. As I have explained in detailed floor statements over the past 2 weeks, the so-called Racial Justice Act would employ an unreliable and manipulable statistical quota to abolish the death penalty nationwide.

That is why State attorneys general and district attorneys throughout the country vigorously oppose it. That is why this Senate, with bipartisan majorities, has repeatedly rejected it. That is why we must reject it again.

Supporters of the so-called Racial Justice Act argue that the evils that this legislation would bring about are speculative. That is simply not true.

We need only look at actual, historical cases to recognize the pernicious effects that this legislation would have.

Take, for example, the case of Robert Alton Harris, who committed two brutal murders in 1978. Despite the fact that Harris confessed to the killings at least seven times, Harris managed to abuse the court system for over a decade until he was finally executed in 1992. Significantly, one of Harris' claims was based on an alleged statistical disparity in the imposition of the death sentence based on the race of the victim. Both of Harris' victims were white, and Harris himself was also white. Yet Harris sought to rely on alleged racial discrimination against minority victims. Based on the U.S. Supreme Court opinion in McCleskey versus Kemp, Harris' claim was denied.

Had the so-called Racial Justice Act been law when Harris' claim was being considered, there is no doubt that he would have been deemed to have satisfied the flimsy statistical showing needed to establish a fictitious inference that racial discrimination played a role in his receiving the death penalty. Thus, we would have had the bizarre spectacle of a brutal white murderer invoking the rights of hypothetical black victims in order to avoid just punishment for his heinous crimes.

Unfortunately, far from being unusual, this would be par for the course if the Racial Justice Act were to become law. Indeed, the heinous killer John Wayne Gacy, a white racist who was convicted of 33 murders dating back two decades and who was executed in Illinois Tuesday morning, would undoubtedly have obtained relief and yet further delay if the so-called Racial Justice Act had previously been in effect.

The tremendous—indeed, prohibitive—costs that the so-called Racial Justice Act would impose on the States are illustrated by another California case, involving a convicted murderer named Earl Lloyd Jackson. In 1984, the California Supreme Court held that Jackson was entitled to an evidentiary hearing on his statistical claim that the death penalty in California was being discriminatorily imposed.

Jackson then requested a veritable mountain of statewide homicide data, just as any murderer would do under the so-called Racial Justice Act. The California attorney general's office and the Los Angeles County district attorney's office were forced to create a special task force to marshall a response to Jackson's claims.

Over the course of 3 years, State taxpayers expended more than $1 million to prepare for the evidentiary hearing. Ultimately, the hearing was canceled because of the Supreme Court's ruling in McCleskey. But if the so-called Racial Justice Act becomes law, States will either be forced to divert their scarce law enforcement resources into fighting a battle of statistics, or they will have no choice but to abandon the death penalty.

As these examples illustrate, the Racial Justice Act is nothing more than a Death Penalty Abolition Act. For this reason, I urge my colleagues to support the sense-of-the-Senate resolution.

I also ask unanimous consent that resolutions, statements, and letters from law enforcement officials and victims groups be printed in the RECORD, along with a letter from 35 Republican Senators to President Clinton.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 3, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned Senators, respectfully urge you to state publicly your opposition to Title IX of the House-passed crime bill, which would impose on the death penalty an unreliable and manipulable statistical quota and which would effectively lead to its abolition. Title IX, which is often mislabeled by its supporters as the Racial Justice Act, has nothing to do with racial justice and everything to do with abolishing the death penalty. That is why its provisions have been strongly opposed by the National Association of Attorneys General, the National District Attorneys Association, and other law enforcement and victims groups.

As your own public support for the death penalty recognizes, the death penalty plays an important role in any comprehensive approach to the crime problems that plague our nation. We urge you to work actively to oppose those who would undermine the death penalty.

Sincerely,

Bob Dole; Strom Thurmond; Chuck Grassley; Don Nickles; Orrin Hatch; Al Simpson; Phil Gramm; Paul Coverdell; Connie Mack; Al D'Amato; Lauch Faircloth; Richard G. Lugar; Mitch McConnell; Kay Bailey Hutchison; Nancy Landon Kassebaum; Arlen Specter; Kit Bond; Dirk Kempthorne; Judd Gregg; John McCain; Slade Gorton; Hank Brown; R.F. Bennett; Jesse Helms; Malcolm Wallop; Larry Pressler; Frank H. Murkowski; Bob Smith; Pete V. Domenici; Conrad Burns; Larry E. Craig; Thad Cochran; Bill Roth; Ted Stevens.

MAY 6, 1994.

DEAR HOUSE-SENATE CONFEREES: On April 21, 1994, the U.S. House of Representatives passed the omnibus crime bill, H.R. 4092. One feature of this legislation (included in Title IX) is a measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis for appellate or collateral relief. The Senate omnibus crime bill, now included in H.R. 3355, adopted in November 1993, contains no such legislation.

We are a bipartisan group of chief law enforcement officers of our respective States. We write in strong opposition to any omnibus crime bill reported by the House-Senate Conference Committee which may include any version of the so-called Racially Discriminatory Capital Sentencing Act, or any other statistical showings legislation which overturns the U.S. Supreme Court's holding in McCleskey v. Kemp, 481 U.S. 279 (1987). Such statistical showings legislation seriously undermines enforcement of the death penalty.

In McCleskey, the U.S. Supreme Court rejected a claim which would allow capital defendants to make a statistical showing of potential race discrimination from unrelated cases as a basis for collateral relief. The Court correctly held that a defendant who contests his capital sentence on the basis of racial discrimination is required to prove that the decision makers in his or her own case acted with a discriminatory purpose.

We are strongly opposed to any race bias in our criminal justice system, and believe that all criminal penalties should be administered without regard to the race or color of the defendant or the victim. Instead of protecting against race bias, the Racially Discriminatory Capital Sentencing Act would impose a quota system on the imposition of the death penalty. This is unacceptable.

Below is the relevant language of the March 21, 1994 resolution of the National Association of Attorneys General (NAAG) which sets forth our opposition to the statistical showings legislation now found in Title IX of H.R. 4092:

Whereas, the U.S. House Judiciary Committee recently reported out [and the U.S. House of Representatives has now adopted]: . . . (2) a measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis for appellate or collateral relief;

Now, therefore, be it resolved that the National Association of Attorneys General:

(1) strongly supports all efforts to strike . . . from an omnibus anticrime bill: . . . *any statistical showings legislation;*

(2) opposes . . . *R. 4092, Title IX], or any measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis for appellate or collateral relief;* . . . (Italics added.)

As the chief law enforcement officers of our respective States, we are profoundly disturbed that this legislation, in its current form, or any version thereof, will (1) essentially stop the prosecution and enforcement of capital cases; (2) allow current death row inmates to reopen already adjudicated claims or bring new claims based upon a statistical showing from unrelated cases; and (3) jeopardize the enactment of other measures included in the omnibus crime bill.

This open-ended legislation permits the capital defendant to establish an inference that race was a factor in seeking or imposing the death penalty in his or her own case based on the same decisions made in other murder cases. Following such an inference, under the bill, "the death sentence may not be carried out unless the government rebuts the inference." However, review of the bill language shows that it would be extremely difficult (if not impossible, and only at great time and cost to the State) to rebut this inference, as the bill imposes severe constraints on the ability of the government to rebut the statistical case. For this reason, the legislation essentially abolishes the death penalty.

Specifically, the bill provides "[u]nless [the government] can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which death was imposed fit the statutory criteria for imposition of the death penalty." This means that in order to rebut the inference that racial factors were involved in a particular murder case, the government must review all charging decisions of capital eligible cases, whether or not charged as a capital crime, all decisions to seek or not seek the death penalty, and all decisions of juries to impose or not impose the death penalty. This virtually-impossible review would be necessary under the bill in order to demonstrate that these decisions were not racially motivated.

The initial "inference" of racial discrimination under the bill, however, fails to take account of the fact that each murder case has unique factual circumstances, different strength of evidence, and different mitigating and aggravating factors relating to each defendant, which may account for the ultimate decisions to seek or not seek, or to impose or not impose, the death sentence in those particular cases. Statistics from unrelated cases should never be used to determine the outcome of any criminal case, which should instead be based solely on whether the charged offense was committed by the defendant. The difficulty in rebutting an "inference" of racial discrimination based on alleged statistical disparities from multiple unrelated cases is so profound and so potentially expensive as to essentially bring the prosecution of capital cases to a halt.

Therefore, consistent with the NAAG resolution, we support any efforts to eliminate the Racially Discriminatory Capital Sentencing Act from the omnibus crime bill. This includes instructions in the House or Senate to the conferees to take whatever measures are necessary to ensure that no crime bill is made law with these provisions in it.

Further, we strongly believe that statistical showings legislation, by whatever name it is referred to, has proven to be a contentious issue in prior Congresses and in fact was in large part responsible for the deadlock on the omnibus crime bill in past Congresses. The need to address violent crime is too urgent to delay deliberation on other important measures to combat crime. If Congress is serious about enacting an omnibus crime measure, it must strike the so-called Racially Discriminatory Capital Sentencing Act, which will only detract from the ultimate passage of the crime bill.

Sincerely,

Larry Echohawk, Attorney General of Idaho; Daniel E. Lungren, Attorney General of California; James S. Gilmore, Attorney General of Virginia; Frankie Sue Del Papa, Attorney General of Nevada; Joseph P. Mazurek, Attorney General of Montana; Robert A. Butterworth, Attorney General of Florida; Dan Morales, Attorney General of Texas; Ernest D. Preate, Jr., Attorney General of Pennsylvania; Grant Woods, Attorney General of Arizona; Jan Graham, Attorney General of Utah; Deborah T. Poritz; Attorney General of New Jersey; Joseph B. Meyer, Attorney General of Wyoming; Mike Moore, Attorney General of Mississippi; Chris Gorman, Attorney General of Kentucky; Jimmy Evans, Attorney General of Alabama; Don Stenberg, Attorney General of Nebraska; Jeffrey R. Howard, Attorney General of New Hampshire; Robert T. Stephan, Attorney General of Kansas; Gale A. Norton, Attorney General of Colorado; Jeffrey B. Pine, Attorney General of Rhode Island; Susan B. Loving, Attorney General of Oklahoma; Malaetasi Togafau, Attorney General of American Samoa; Charles M. Oberly III, Attorney General of Delaware; Mark W. Barnett, Attorney General of South Dakota; John M. Bailey, Chief State's Attorney of Connecticut; Tom Udall, Attorney General of New Mexico T. Travis Medlock, Attorney General of South Carolina; Michael J. Bowers, Attorney General of Georgia; Richard P. Ieyoub, Attorney General of Louisiana; Jeremiah W. (Jay) Nixon, Attorney General of Missouri.

APRIL 12, 1994.

Hon. JACK BROOKS,
Chairman, House Judiciary Committee, Rayburn House Office Building, Washington, DC.

Hon. HAMILTON FISH, Jr.,
Ranking Minority Member, House Judiciary Committee, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMEN: We are a bipartisan group of chief law enforcement officers of our respective States who are responsible for overseeing federal capital and non-capital habeas litigation and for enforcing state criminal law in death penalty and non-death penalty jurisdictions.

We wish to express our views on the need to strike habeas corpus as part of the House omnibus crime bill, and on some of the amendments which have been offered. Specifically, we write in strong support of the Hyde Amendment (to strike the habeas provisions contained in the crime bill, H.R. 4092, Title VIII) and strong support for the McCollum Amendment (to substitute the Equal Justice Act for legislation in Title IX of H.R. 4092 which provides relief based on mere statistical showings from unrelated cases). This is consistent with the recently adopted Resolution of the National Association of Attorneys General (NAAG), a copy of which is attached.

SUPPORT THE HYDE AMENDMENT TO STRIKE TITLE VIII AND OPPOSE ANY OTHER HABEAS AMENDMENTS TO TITLE VIII (INCLUDING THE DERRICK AMENDMENT)

Several reasons compel our strong support for the Hyde Amendment to strike the habeas provisions from the omnibus crime bill.

First, the Hyde Amendment is consistent with a similar bipartisan amendment, which was offered by Senator Dianne Feinstein and Senator Orrin Hatch, and which was unanimously agreed to last year in the Senate.

Second, we believe that the habeas provisions contained in Title VIII of H.R. 4902 may once again hold up consideration and enactment of other important crime reform issues. Habeas corpus reform has proven to be a contentious issue in prior Congresses and in fact was in large part responsible for the deadlock on the omnibus crime bill in the last Congress. The need to address violent crime is too urgent to delay deliberation on other measures to combat crime. Similarly, we believe there is a danger that the other provisions of the crime bill may be viewed as so important that habeas provisions will be swept into the omnibus package without sufficient review and analysis of their long term impact and legal significance, as discussed below.

Third, there are other precedents for severing certain specific crime reform issues from omnibus crime bills. They include, for example, the Brady bill (five-day waiting period for handgun purchases).

We believe stronger reasons support the severance of the habeas provisions from the crime bill. Such a severance would allow the provisions of any habeas reform bill to be considered on their own merits. Habeas corpus, while an important part of our criminal justice system, is a specialized and arcane area of the law. Any reforms adopted by the Congress in this area will have tremendous ramifications on the operations of the criminal justice system, law enforcement, and victims of crime, and therefore warrant independent consideration.

We have previously expressed a commitment to obtaining meaningful reform of the federal habeas corpus process, along the lines of the Powell Committee Report. This Report endorses the so-called "one bite at the habeas apply" approach, enabling state prisoners one fair and complete round of habeas litigation in federal court. We need effective reforms to curb unnecessary delay and repetitious litigation which has become all too common under the current federal habeas corpus process. Such reforms should, however, be considered in separate legislation.

Fourth, the legislation reported out by the House Judiciary Committee, and now included in Title VIII of H.R. 4092, would, according to the recent NAAG Resolution, "adversely affect all capital and non-capital habeas litigation in the States and effectively stop all state capital case prosecutions and executions under valid state capital sentencing schemes." The legislation would overturn or modify numerous key U.S. Supreme Court precedents which promote finality in our criminal justice process. This includes the Teague doctrine, which is essential for capital and non-capital cases. Instead of streamlining the process, this legislation will provide convicted criminals with more opportunities to challenge their conviction and sentence than under current law. The legislation also fails to respect the state trial as the "main event" in our criminal justice process, and is inconsistent with established comity doctrines respecting the role of state court proceedings in the enforcement of state criminal law.

Fifth, the last-minute efforts of some to offer new habeas amendments to the crime bill on the House floor deprive members of Congress and the public from a full and fair opportunity to study and comment on the legislation. In congressional committee hearings or mark-up concerning specific bill language, law enforcement and victim rights groups normally are given a chance to apprise the Congress of their views concerning the impact of new language or standards. When amendments are patched together at the last minute, this opportunity is denied.

These concerns are especially true for habeas corpus reform. New proposals, which have not been subject to public review, may also have drastic ramifications on the operations and costs of our departments and the criminal justice system and have serious consequences on finality, the enforcement of state laws, and victims. Any habeas reforms included in the crime bill would constitute the first major change to the federal habeas statute since 1966. Because of the tremendous changes to current law which would result under any last-minute amendments, we believe Congress should proceed carefully and deliberately before considering any new habeas reform proposals.

For example, over the last several years, the U.S. Supreme Court has rendered many opinions which have clarified the role of federal court review of state court judgments; promoted the interest in finality and closure for surviving victims; and respected the interests of states and the enforcement of state laws in our federalism system. We fear that if Congress does not fully and fairly consider the import of proposed new language, these and other precedents will be cast aside and more delay and litigation will result. In addition, concerns have been noted over the impact of new amendments on the deterrent objective of the death penalty. All of these consequences should be carefully studied before Congress considers Amendments offered on the floor of the House for the first time. We believe the public would best be served by complete congressional hearings before any new Amendments are debated in the House.

We understand that a new habeas amendment is also expected to be offered by Congressman Butler Derrick of South Carolina. Preliminary review shows that this amendment is also worse than current law and would overturn numerous key U.S. Supreme Court cases governing habeas corpus. For these reasons, we therefore oppose the Derrick Amendment or any other amendments which may be offered at the last minute to Title VIII of H.R. 4092. Any habeas reform measure should be considered in a separate bill, after the public has had a full and fair opportunity to comment on the proposed legislation.

In sum, while we strongly support habeas corpus reform, we believe it should be accomplished in a deliberative, studied and independent manner. For these reasons, we wholeheartedly support the Hyde Amendment to strike the habeas provisions (Title VIII) from H.R. 4092.

SUPPORT THE MCCOLLUM AMENDMENT (AND ANY OTHER EFFORTS TO STRIKE TITLE IX); OPPOSE ALL OTHER AMENDMENTS TO TITLE IX (INCLUDING THE EDWARDS OR WASHINGTON AMENDMENTS)

With regard to Title IX of H.R. 4092, concerning racially discriminatory capital sentencing, we strongly support the McCollum Amendment, and any other efforts to strike Title IX of H.R. 4092, as discussed below. The McCollum Amendment, which passed the House in the last Congress, would (1) strike Title IX (which provides relief based on mere statistical showings from unrelated cases), and (2) substitute the Equal Justice Act.

Significantly, the McCollum Amendment would apply to all penalties, not merely capital punishment, and would codify existing case law protections against racial bias. The Equal Justice Act expressly prohibits racially discriminatory policies. The legislation states that any penalty "shall be administered . . . without regard to the race or color of the defendant or the victim" and prohibits "any racial quota or statistical test" for any penalties. Finally, the Equal Justice Act provides safeguards during the trail, not after-the-fact like statistical showings legislation.

As the recent NAAG Resolution noted, NAAG opposes "any measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis for appellate or collateral relief." Such statistical showings legislation seriously undermines enforcement of the death penalty.

In *McCleskey* v. *Kemp*, the U.S. Supreme Court rejected a claim which would allow capital defendants to make a statistical showing of potential race discrimination from unrelated cases as a basis for collateral relief. The Court correctly held that a defendant who contests his capital sentence on the basis of racial discrimination is required to prove that the decision makers in his or her own case acted with a discriminatory purpose.

For these reasons, we strongly oppose title IX of H.R. 4092, or any amendment (including the Edwards and Washington Amendments) which would overturn *McCleskey* v. *Kemp* or provide appellate or collateral relief on mere statistical showings from unrelated cases.

CONCLUSION

In sum, we strongly urge the U.S. House of Representatives to: (1) support the Hyde Amendment and oppose all other amendments which may be offered on Title VIII; and (2) support the McCollum Amendment and oppose Title IX or any other amendments which may be offered on title IX. We oppose any amendments or legislation which would weaken current law or provide convicted individuals with greater opportunities to challenge their conviction or sentence. We remain available to work with you to accomplish meaningful federal habeas corpus reform through separate legislation.

Sincerely,

Larry Echohawk, Attorney General of Idaho; Frankie Sue Del Papa, Attorney General of Nevada; Dan Morales, Attorney General of Texas; Daniel E. Lungren, Attorney General of California; Joseph P. Mazurek, Attorney General of Montana; Robert A. Butterworth, Attorney General of Florida; Grant Woods, Attorney General of Arizona; Mark Barnett, Attorney General of South Dakota; Michael F. Easley, Attorney General of North Carolina; Bruce Botelho, Attorney General of Alaska; James S. Gilmore, Attorney General of Virginia; Ernest D. Preate, Jr., Attorney General of Pennsylvania; Heidi Heitkamp, Attorney General of North Dakota; Jeff Amestoy, Attorney General of Vermont; Jimmy Evans, Attorney General of Alabama; Gale A. Norton, Attorney General of Colorado; Robert A. Marks, Attorney General of Hawaii; Deborah T. Poritz, Attorney General of New Jersey; Joseph B. Meyer, Attorney General of Wyoming; Jan Graham, Attorney General of Utah; Tom Udall, Attorney General of New Mexico; Jeffrey R. Howard, Attorney General of New Hampshire; Don Stenberg, Attorney General of Nebraska; Jeffrey B. Pine, Attorney General of Rhode Island; T. Travis Medlock, Attorney General of South Carolina; Robert T. Stephan, Attorney General of Kansas; Pamela Carter, Attorney General of Indiana; John M. Bailey, Chief State's Attorney General of Connecticut; Elizabeth Barrett-Anderson, Attorney General of Guam; Susan B. Loving, Attorney General of Oklahoma; Jeremiah W. (Jay) Nixon, Attorney General of Missouri; Frank J. Kelley, Attorney General of Michigan.

CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION—ADOPTED APRIL 29, 1994, CONCERNING THE RACIAL JUSTICE ACT

Whereas, the California District Attorneys Association is an organization composed of the elected District Attorneys of California's fifty-eight counties and 3,000 deputy district attorneys and city prosecutors;

Whereas, on April 21, 1994, the U.S. House of Representatives adopted the omnibus crime bill, H.R. 4092, which included in Title IX legislation, referred to, and known as, the Racial Justice Act (or the Racially Discriminatory Capital Sentencing Act);

Whereas, on April 20, 1994, the U.S. House of Representatives narrowly defeated the McCollum Amendment to strike the Racial Justice Act from the House crime bill and substitute in its place the Equal Justice Act. [The vote was an effective 212 and 212 tie, after the votes of the five Delegate members were excluded under recent House Rules.];

Whereas, the Racial Justice Act would, first, permit a capital case defendant to make a statistical showing that death sentences are being imposed or administered in a disproportionate manner upon (1) persons of one race or (2) as punishment for capital offenses against persons of one race, and, second, require the prosecutor to rebut this statistical showing "by a preponderance of the evidence";

Whereas, in the 102d Congress, on June 20, 1991, the U.S. Senate voted to strike a similar measure entitled the Racial Justice Act out of the omnibus crime measure by a bipartisan vote of 55 to 41 (this was the third successive Congress in which the U.S. Senate rejected the Racial Justice Act), and on October 22, 1991, the U.S. House of Representatives voted to strike a similar measure by a bipartisan vote of 223 to 191;

Whereas, the U.S. Supreme Court rejected a discrimination claim founded solely upon statistics, in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987).

Now, therefore, be it resolved that in light of the urgency and importance of this matter, all 58 California District Attorneys, having been polled, unanimously:

(1) Oppose any version of the Racial Justice Act, for the following reasons:

(a) The Racial Justice Act would result in the effective abolition of capital punishment.

This would result because of the inherent evidentiary difficulties and inevitable vast expenditures of time and money in litigation in every post-conviction capital case, to prove by at least a preponderance of the evidence a negative, to wit, that race was not the basis for *any* of the prosecutor's, jury's, or judge's decisions. [The Racial Justice Act contains a virtually impossible rebuttal burden: "Unless [the prosecutor or State] can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which death was imposed fit the statutory criteria for imposition of the death penalty.];

(b) Moreover, as to adjudicated cases, the retroactive application of the Racial Justice Act would permit convicted capital defendants to reopen their cases by presenting discrimination claims (regardless of whether such claims had previously been rejected). In California, there are currently 376 individuals on death row. The retroactive provision in the Racial Justice Act as passed by the House would potentially affect these cases as well as others around the nation;

(c) The statistical premise of any version of the Racial Justice Act is unsound, for several reasons, including:

(i) It disregards the fundamental precept of our criminal justice system that an individual is tried on the facts of his or her case, not on the facts or circumstances or statistics from unrelated cases;

(ii) It overturns the U.S. Supreme Court's rejection of such a statistical premise, where the Court noted with regard to the Baldus study: "Even Professor Baldus does not contend that his statistics *prove* that race enters into any capital sentencing decisions or that race was a factor in McCleskey's particular case. Statistics at most may show only a likelihood that a particular factor entered into some decisions. *McCleskey* v. *Kemp*, 481 U.S. 279, 308 (1987) (emphasis in original); and

(iii) Its statistical showing fails to establish that the imposition of capital punishment in a particular case is predicated on any bias; and

(d) The Racial Justice Act would permit the "second-guessing" of capital case decisions by prosecutors, defense counsel, judges and juries based upon the information and statistics required to be maintained under the Act;

(e) The Racial Justice Act eliminates the traditional deference to state-court findings of fact, 28 U.S.C. §2255(d); *Sumner* v. *Mata*, 449 U.S. 539 (1981), if the state fails to collect or maintain adequate records required under the Act, and causes the individual conviction, though lawfully and justifiably imposed, to be unduly placed in jeopardy ;

(f) The potential cost of compliance on states and local entities would be exorbitant, as demonstrated by one California case (*In re Earl Jackson*) which took three years to prepare for an evidentiary hearing and cost more than $1,000,000. The evidentiary hearing was never held, after the *McCleskey v. Kemp* ruling was rendered;

(g) The Racial Justice Act encourages a quota system for capital punishment cases by in effect introducing "race consciousness" into capital case decisions.

(2) Opposes any legislation which would undermine or otherwise modify the holding in *McCleskey v. Kemp*, 481 U.S. 279 (1987);

(3) Calls upon the U.S. House of Representatives and U.S. Senate to reject any version of the Racial Justice Act as part of any package of federal habeas corpus reform or any crime bill;

(4) Opposes any legislation, including the omnibus crime bill to be reported by the conference committee, which includes any version of the Racial Justice Act. Any meaningful provisions contained in the crime bill are completely undermined by inclusion of the Racial Justice Act, which is antithetical to fundamental notions under our criminal justice system. If the omnibus crime bill contains any version of the Racial Justice Act, we recommend it be voted down until this legislation is removed.

Be it further resolved by the California District Attorneys Association that its Executive Director shall transmit a copy of this resolution to the U.S. Senators and Representatives in the California delegation and to members of the Senate and House Committees on the Judiciary.

Arizona Prosecuting Attorneys' Advisory Council—Resolution Concerning the Racial Justice Act, Adopted May 3, 1994

Whereas, the Arizona Prosecuting Attorneys' Advisory Council is composed of the Arizona Attorney General, all fifteen elected County Attorneys, four City Prosecutors, the Dean of one of Arizona's law schools and the Chief Justice of the Arizona Supreme Court or his designee;

Whereas, on April 21, 1994, the U.S. House of Representatives adopted the omnibus crime bill, H.R. 4092, which included in Title IX legislation, referred to, and known as, the Racial Justice Act (or the Racially Discriminatory Capital Sentencing Act);

Whereas, on April 20, 1994, the U.S. House of Representatives narrowly defeated the McCollum amendment to strike the Racial Justice Act from the House crime bill and substitute in its place the Equal Justice Act. [The vote was an effective 212 to 212 tie, after the votes of the five Delegate members were excluded under recent House Rules.];

Whereas, the Racial Justice Act would, first, permit a capital case defendant to make a statistical showing that death sentences are being imposed or administered in a disproportionate manner upon (1) persons of one race or (2) as punishment for capital offenses against persons of one race, and, second, require the prosecutor to rebut this statistical showing "by a preponderance of the evidence";

Whereas, in the 102d Congress, on June 20, 1991, the US. Senate voted to strike a similar measure entitled the Racial Justice Act out of the omnibus crime measure by a bipartisan vote of 55 to 41 (this was the third successive Congress in which the U.S. Senate rejected the Racial Justice Act), and on October 22, 1991, the U.S. House of Representatives voted to strike a similar measure by a bipartisan vote of 223 to 191;

Whereas, the U.S. Supreme Court rejected a discrimination claim founded solely upon statistics, in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987).

Now, therefore, having polled the members of the Arizona Prosecuting Attorneys' advisory council, be it resolved that the council:

(1) Opposes any version of the Racial Justice Act, for the following reasons:

(a) The Racial Justice Act would result in the effective abolition of capital punishment.

This would result because of the inherent evidentiary difficulties and inevitable vast expenditures of time and money in litigation in every post-conviction capital case, to prove by at least a preponderance of the evidence a negative, to wit, that race was not the basis for any of the prosecutor's, jury's, or judge's decisions. [The Racial Justice Act contains a virtually impossible rebuttal burden: "Unless [the prosecutor or State] can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which death was imposed fit the statutory criteria for imposition of the death penalty."];

(b) Moreover, as to adjudicated cases, the retroactive application of the Racial Justice Act would permit convicted capital defendants to reopen their cases by presenting discrimination claims (regardless of whether such claims had previously been rejected). In Arizona, there are currently 121 individuals on death row. The retroactive provision in the Racial Justice Act as passed by the House would potentially affect these cases as well as others around the nation;

(c) The statistical premise of any version of the Racial Justice Act is unsound, for several reasons, including;

(i) It disregards the fundamental precept of our criminal justice system that an individual is tried on the facts of his or her case, not on the facts or circumstances or statistics from unrelated cases;

(ii) It overturns the U.S. Supreme Court's rejection of such a statistical premise, where the Court noted with regard to the Baldus study: "Even Professor Baldus does not contend that this statistics prove that race enters into any capital sentencing decisions or that race was a factor in McCleskey's particular case. Statistics at most may show only a likelihood that a particular factor entered into some decisions." *McCleskey v. Kemp*, 481 U.S. 279, 308 (1987) (emphasis in original); and

(iii) Its statistical showing fails to establish that the imposition of capital punishment in a particular case is predicated on any bias; and

(d) The Racial Justice Act would permit the "second-guessing" of capital case decisions by prosecutors, defense counsel, judges and juries based upon the information and statistics required to be maintained under the Act;

(e) The Racial Justice Act eliminates the traditional deference to state-court findings of fact, 28 U.S.C. §2254(d); *Summer v. Mata*, 449 U.S. 539 (1981), if the state fails to collect or maintain adequate records required under the Act, and causes the individual conviction, though lawfully and justifiably imposed, to be unduly placed in jeopardy;

(f) The potential cost of compliance on states and local entities would be exorbitant, as demonstrated by one California case (*In re Earl Jackson*) which took three years to prepare for an evidentiary hearing and cost more than $1,000,000. The evidentiary hearing was never held, after the *McCleskey v. Kemp* ruling was rendered;

(g) The Racial Justice Act encourages a quota system for capital punishment cases by in effect introducing "race consciousness" into capital case decisions.

(2) Opposes any legislation which undermine or otherwise modify the holding in *McCleskey v. Kemp*, 481 U.S. 279 (1987);

(3) Calls upon the U.S. House of Representatives and U.S. Senate to reject any version of the Racial Justice Act as part of any package of federal habeas corpus reform or any crime bill;

(4) Opposes any legislation, including the omnibus crime bill to be reported by the conference committee, which includes any version of the Racial Justice Act. Any meaningful provisions contained in the crime bill are completely undermined by inclusion of the Racial Justice Act, which is antithetical to fundamental notions under our criminal justice system. If the omnibus crime bill contains any version of the Racial Justice Act, we recommend it be voted down until this legislation is removed.

Be it further resolved by the Arizona Prosecuting Attorneys' Advisory Council that its Acting Executive Director shall transmit a copy of this resolution to the U.S. Senators and Representatives in the Arizona delegation and to members of the Senate and House Committees on the Judiciary.

Washington Association of Prosecuting Attorneys—Adopted May 2, 1994, Concerning the Racial Justice Act

Whereas, the Washington Association of Prosecuting Attorneys is an organization composed of the elected Prosecuting Attorneys of the Washington's thirty-nine counties and their deputy prosecuting attorneys;

Whereas, on April 21, 1994, the U.S. House of Representatives adopted the omnibus crime bill, H.R. 4092, which included in Title IX legislation, referred to, and known as, the Racial Justice Act (or the Racially Discriminatory Capital Sentencing Act);

Whereas, on April 20, 1994, the U.S. House of Representatives narrowly defeated the McCollum Amendment to strike the Racial Justice Act from the House crime bill and substitute in its place the Equal Justice Act. [The vote was an effective 212 to 212 tie, after the votes of the five Delegate members were excluded under recent House Rules.];

Whereas, the Racial Justice Act would, first, permit a capital case defendant to make statistical showing that death sentences are being imposed or administered in a disproportionate manner upon (1) persons of one race or (2) as punishment for capital offenses against persons of one race, and, second, require the prosecutor to rebut this statistical showing "by a preponderance of the evidence";

Whereas, in the 102d Congress, on June 20, 1991, the U.S. Senate voted to strike a similar measure entitled the Racial Justice Act out of the omnibus crime measure by a bipartisan vote of 55 to 41 (this was the third successive Congress in which the U.S. Senate rejected the Racial Justice Act), and on October 22, 1991, the U.S. House of Representatives voted to strike a similar measure by a bipartisan vote of 223 to 191;

Whereas, the U.S. Supreme Court rejected a discrimination claim founded solely upon statistics, in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987).

Now, therefore, be it resolved that in light of the urgency and importance of this matter, the Washington Association of Prosecuting Attorneys:

(1) Oppose any version of the Racial Justice Act, for the following reasons:

(a) The Racial Justice Act would result in the effective abolition of capital punishment.

This would result because of the inherent evidentiary difficulties and inevitable vast expenditures of time and money in litigation in every post-conviction capital case, to prove by at least a preponderance of the evidence a negative, to wit, that race was not the basis for any of the prosecutor's, jury's, or judge's decisions. [The Racial Justice Act contains a virtually impossible rebuttal burden: "Unless [the prosecutor or State] can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which death was imposed fit the statutory criteria for imposition of the death penalty.];

(b) Moreover, as to adjudicated cases, the retroactive application of the Racial Justice Act would permit convicted capital defendants to reopen their cases by presenting discrimination claims (regardless of whether such claims had previously been rejected).

(c) The statistical premise of any version of the Racial Justice Act is unsound, for several reasons, including:

(i) It disregards the fundamental precept of our criminal justice system that an individual is tried on the facts of his or her case, not on the facts or circumstances or statistics from unrelated cases;

(ii) It overturns the U.S. Supreme Court's rejection of such a statistical premise, where the Court noted with regard to the Baldus study: "Even Professor Baldus does not contend that his statistics prove that race enters into any capital sentencing decisions or that race was a factor in McCleskey's particular case. Statistics at most may show only a likelihood that a particular factor entered into some decisions." *McCleskey* v. *Kemp*, 481 U.S. 279, 308 (1987) (emphasis in original); and

(iii) Its statistical showing fails to establish that the imposition of capital punishment in a particular case is predicated on any bias; and

(d) The Racial Justice Act would permit the "second-guessing" of capital case decisions by prosecutors, defense counsel, judges and juries based upon the information and statistics required to be maintained under the Act;

(e) The Racial Justice Act eliminated the traditional deference to state-court findings of fact, 28 U.S.C. §2254(d); *Sumner* v. *Mata*, 449 U.S. 539 (1981), if the state fails to collect or maintain adequate records required under the Act, and causes the individual conviction, though lawfully and justifiably imposed, to be unduly placed in jeopardy;

(f) The potential cost of compliance on states and local entities would be exorbitant;

(g) The Racial Justice Act encourages a quota system for capital punishment cases by in effect introducing "race consciousness" into capital case decisions.

(2) Opposes any legislation which would undermine or otherwise modify the holding in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987);

(3) Calls upon the U.S. House of Representatives and U.S. Senate to reject any version of the Racial Justice Act as part of any package of federal habeas corpus reform or any crime bill;

(4) Opposes any legislation, including the omnibus crime bill to be reported by the conference committee, which includes any version of the Racial Justice Act. Any meaningful provisions contained in the crime bill are completely undermined by inclusion of the Racial Justice Act, which is antithetical to fundamental notions under our criminal justice system. If the omnibus crime bill contains any version of the Racial Justice Act, we recommend it be voted down until this legislation is removed.

Be it further resolved by the Washington Association of Prosecuting Attorneys that its Executive Secretary shall transmit a copy of this resolution to the U.S. Senators and Representatives in the Washington delegation and to members of the Senate and House Committees on the Judiciary.

RESOLUTION OF THE PENNSYLVANIA DISTRICT ATTORNEYS ASSOCIATION ADOPTED APRIL 30, 1994, CONCERNING THE RACIAL JUSTICE ACT

The Pennsylvania District Attorneys Association joins with the California District Attorneys Association in adopting the following resolution:

Whereas, on April 21, 1994, the U.S. House of Representatives adopted the omnibus crime bill, H.R. 4092, which included Title IX legislation, referred to, and known as, the Racial Justice Act (or the Racially Discriminatory Capital Sentencing Act);

Whereas, on April 20, 1994, the U.S. House of Representatives narrowly defeated the McCollum Amendment to strike the Racial Justice Act from the House Crime bill and substitute in its place the Equal Justice Act, [The vote was an effective 212 to 212 tie, after the votes of the five Delegate members were excluded under recent House Rules.];

Whereas, the Racial Justice Act would, first, permit a capital case defendant to make a statistical showing that death sentences are being imposed or administered in a disproportionate manner upon (1) persons of one race or (2) as punishment for capital offenses against persons of one race, and, second, require the prosecutor to rebut this statistical showing "by a preponderance of the evidence";

Whereas, in the 102nd Congress, on June 20, 1991, the U.S. Senate voted to strike a similar measure entitled the Racial Justice Act out of the omnibus crime measure by a bipartisan vote of 55 to 41 (this was the third successive Congress in which the U.S. Senate rejected the Racial Justice Act), and on October 22, 1991, the U.S. House of Representatives voted to strike a similar measure by a bipartisan vote of 223 to 191;

Whereas, the U.S. Supreme Court rejected a discrimination claim founded solely upon statistics, in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987).

Now, therefore be it

Resolved, That the Pennsylvania District Attorneys Association:

(1) opposes any version of the Racial Justice Act, for the following reasons:

(a) the Racial Justice Act would result in the effective abolition of capital punishment.

This would result because of the inherent and insurmountable evidentiary difficulties and inevitable vast expenditures of time and money in litigation in every post-conviction capital case, to prove by at least a preponderance of the evidence a negative, to wit, that race was not the basis for any of the prosecutor's, jury's, or judge's decisions. [The Racial Justice Act contains a virtually impossible rebuttal burden; "Unless [the prosecutor or state] can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mare assertions that it did not intend to discriminate or that the cases in which death was imposed fit the statutory criteria for imposition of the death penalty.];

(b) moreover, as to adjudicated cases, the retroactive application of the Racial Justice Act would permit convicted capital defendants to reopen their cases by presenting discrimination claims (regardless of whether such claims had previously been rejected). In Pennsylvania, there are currently 153 individuals on death row. The retroactive provision in the Racial Justice Act as passed by the House would reverse the death sentences in these cases as well as others around the nation.

(c) the statistical premise of any version of the Racial Justice Act is unsound, for several reasons, including:

(i) it disregards the fundamental precept of our criminal justice system that an individual is tried on the facts of his or her case, not on the facts or circumstances or statistics from unrelated cases;

(ii) it overturns the U.S. Supreme Court's rejection of such a statistical premise, where the court noted with regard to the Baldus study: "Even Professor Baldus does not contend that his statistics prove that race enters into any capital sentencing decisions or that race was a factor in McCleskey's particular case. Statistics at most may show only a likelihood that a particular factor entered into some decisions. "*McCleskey* v. *Kemp*, 481 U.S. 279, 308 (1987) (emphasis in original); and

(iii) its statistical showing fails to establish that the imposition of capital punishment in a particular case is predicated on any bias; and

(d) the Racial Justice Act would permit the "second-guessing" of capital case decisions by prosecutors, defense counsel, judges and juries based upon the information and statistics required to be maintained under the Act;

(e) the Racial Justice Act eliminates the traditional deference to state-court finding of fact, 25 U.S.C. §2254(d); *Sumner* v. *Mats*, 449 U.S. 539 (1981), if the state fails to collect or maintain adequate records required under the Act, and causes the individual conviction, though lawfully and justifiable imposed, to be unduly placed in jeopardy;

(f) the potential cost of compliance on states and local entities would be exorbitant, as demonstrated by one California case *(In re Earl Jackson)* which took three years to prepare for an evidentiary hearing and cost more than $1,000,000. The evidentiary hearing was never held, after the *McCleskey* v. *Kemp* ruling was rendered;

(g) the Racial Justice Act encourages a quota system for capital punishment cases and unacceptably injects "race consciousness" into capital case decisions.

(2) opposes any legislation which would undermine or otherwise modify the holding in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987);

(3) calls up the U.S. House of Representatives and U.S. Senate to reject any version of

the Racial Justice Act using statistical racial quotas as part of any crime bill;

(4) opposes any legislation, including the omnibus crime bill to be reported by the conference committee, which includes any version of the Racial Justice Act using racial quotas. Any meaningful provisions contained in the crime bill are completely undermined by inclusion of the Racial Justice Act, which is antithetical to fundamental notions under our criminal justice system. If the omnibus crime bill contains any version of the Racial Justice Act, we recommend it be voted down until this legislation is removed; be it further *Resolved* by the Pennsylvania District Attorneys Association that its Executive Director shall transmit a copy of this resolution to the U.S. Senators and Representatives in the Pennsylvania delegation and to members of the Senate and House Committees on the Judiciary.

The Pennsylvania District Attorneys Association April 30, 1994.

[From the Alabama District Attorneys Association, Adopted Apr. 29, 1994]

CONCERNING THE RACIAL JUSTICE ACT

Whereas, the Alabama District Attorneys Association is an organization composed of the forty-one elected District Attorneys of Alabama's sixty-seven counties and two hundred, forty-seven assistant district attorneys;

Whereas, on April 21, 1994, the U.S. House of Representatives adopted the omnibus crime bill, H.R. 4092, which included in Title IX legislation, referred to, and known as, the Racial Justice Act (or the Racially Discriminatory Capital Sentencing Act);

Whereas, on April 20, 1994, the U.S. House of Representatives narrowly defeated the McCollum Amendment to strike the Racial Justice Act from the House crime bill and substitute in its place the Equal Justice Act. (The vote was an effective 212 to 212 tie, after the votes of the five Delegate members were excluded under recent House Rules.);

Whereas, the Racial Justice Act would, *first*, permit a capital case defendant to make a statistical showing that death sentences are being imposed or administered in a disproportionate manner upon (1) persons of one race or (2) as punishment for capital offenses against persons of one race, and, *second*, require the prosecutor to rebut this statistical showing "by a preponderance of the evidence";

Whereas, in the 102d Congress, on June 20, 1991, the U.S. Senate voted to strike a similar measure entitled the Racial Justice Act out of the omnibus crime measure by a bipartisan vote of 55 to 41 (this was the third successive Congress in which the U.S. Senate rejected the Racial Justice Act), and on October 22, 1991, the U.S. House of Representatives voted to strike a similar measure by a bipartisan vote of 223 to 191;

Whereas, the U.S. Supreme Court rejected a discrimination claim founded solely upon statistics, in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987): Now, therefore, be it

Resolved, that in light of the urgency and importance of this matter, all 41 Alabama district attorneys, having been polled, unanimously:

(1) oppose any version of the Racial Justice Act, for the following reasons:

(a) the Racial Justice Act would result in the effective abolition of capital punishment.

This would result because of the inherent evidentiary difficulties and inevitable vast expenditures of time and money in litigation in every post-conviction capital case, to prove by at least a preponderance of the evidence a negative, to wit, that race was not the basis for any of the prosecutor's, jury's, or judge's decisions. (The Racial Justice Act contains a virtually impossible rebuttal burden: "Unless (the prosecutor or State) can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which death was imposed fit the statutory criteria for imposition of the death penalty.);

(b) moreover, as to adjudicated cases, the retroactive application of the Racial Justice Act would permit convicted capital defendants to reopen their cases by presenting discrimination claims (regardless of whether such claims had previously been rejected). In Alabama, there are currently 125 individuals on death row. The retroactive provision in the Racial Justice Act as passed by the House would potentially affect these cases as well as others around the nation;

(c) the statistical premise of any version of the Racial Justice Act is unsound, for several reasons, including:

(i) it disregards the fundamental precept of our criminal justice system that an individual is tried on the facts of his or her case, not on the facts or circumstances or statistics from unrelated cases;

(ii) it overturns the U.S. Supreme Court's rejection of such a statistical premise, where the Court noted with regard to the Baldus study: "Even Professor Baldus does not contend that his statistics *prove* that race enters into any capital sentencing decisions or that race was a factor in McCleskey's particular case. Statistics at most may show only a likelihood that a particular factor entered into some decisions." *McCleskey* v. *Kemp*, 481 U.S. 279, 308 (1987) (emphasis in original): and

(iii) its statistical showing fails to establish that the imposition of capital punishment in a particular case is predicated on any bias: and

(d) the Racial Justice Act would permit the "second-guessing" of capital case decisions by prosecutors, defense counsel, judges and juries based upon the information and statistics required to be maintained under the Act;

(e) the Racial Justice Act eliminates the traditional deference to state-court findings of fact, 28 U.S.C. Section 2254(d), *Sumner* v. *Mata*, 449 U.S. 539 (1981), if the state fails to collect or maintain adequate records required under the Act, and causes the individual conviction, though lawfully and justifiably imposed, to be unduly placed in jeopardy;

(f) the potential cost of compliance on states and local entities would be exorbitant;

(g) the Racial Justice Act encourages a quota system for capital punishment cases by in effect introducing "race consciousness" into capital case decisions.

(2) opposes any legislation which would undermine or otherwise modify the holding in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987);

(3) calls upon the U.S. House of Representatives and U.S. Senate to reject any version of the Racial Justice Act as part of any package of federal habeas corpus reform or any crime bill;

(4) opposes any legislation, including the omnibus crime bill to be reported by the conference committee, which includes any version of the Racial Justice Act. Any meaningful provisions contained in the crime bill are completely undermined by inclusion of the Racial Justice Act, which is antithetical to fundamental notions under our criminal justice system. If the omnibus crime bill contains any version of the Racial Justice Act, we recommend it be voted down until this legislation is removed.

Be it further resolved by the Alabama District Attorneys Association that its Executive Director shall transmit a copy of this resolution to the U.S. Senators and Representatives in the Alabama delegation and to members of the Senate and House Committees on the Judiciary.

THOMAS W. SORRELLS,
Executive Director.

STATE OF CALIFORNIA,
OFFICE OF THE ATTORNEY GENERAL,
Sacramento, CA, May 2, 1994.

Hon. JANET RENO,
Attorney General of the United States,
Washington, DC.

DEAR ATTORNEY GENERAL RENO: I wanted to share with you my strong opposition to any version of the Racial Justice Act which may be included in the conference report on the omnibus crime bill. These views, which are based upon California's experience litigating similar claims, are explained in the enclosed letter to President Clinton. Please let me know if my office may be of any assistance to you on this issue.

Sincerely,

DANIEL E. LUNGREN,
Attorney General.

STATE OF CALIFORNIA,
OFFICE OF THE ATTORNEY GENERAL,
May 2, 1994.

Hon. BILL CLINTON,
The President of the United States, The White House, Washington, DC.

DEAR PRESIDENT CLINTON: I wish to congratulate you on your eloquent remarks during President Richard Nixon's funeral yesterday. As I listened to you deliver your speech, I was impressed with how its conciliatory tone captured the mood of the nation during this important hour.

As you may recall, we had an opportunity to discuss briefly the Omnibus crime bill during the National Attorneys General Association meeting at the White House. At that time, I indicated how federal habeas reform and the Racial Justice Act would likely create two stumbling blocks to enactment of other meaningful reforms contained in the omnibus crime bill. In fact, both of these issues have held up crime reform legislation in the past. Subsequent to our meeting, a bipartisan group of 32 Attorneys General signed a letter to senior members of the House Judiciary requesting that both the habeas provisions and Racial Justice Act be dropped from the crime bill. A copy of this letter is attached for your review.

As you know, the U.S. House of Representatives agreed to strike the habeas reforms from the crime bill. This was consistent with a bipartisan motion to strike the habeas portion of the Senate crime bill, which was adopted last fall.

Regrettably, on a narrow vote, the House failed to eliminate the controversial Racial Justice Act from the crime bill. Because the Senate crime bill does not contain a similar provision, a joint House-Senate Conference Committee must now reconcile this issue. Each time the Senate has considered the Racial Justice Act it has rejected it. See 137 Cong. Rec. S 8300 (daily ed. June 20, 1991) (motion to strike the Racial Justice Act adopted 55 to 41); 136 Cong. Rec. S 6910 (daily ed. May 24, 1990) (motion to strike the Racial Justice Act adopted 58 to 38) 134 Cong. Rec.

S 15,755-56 (daily ed. Oct. 13, 1988) (amendment to add Racial Justice Act defeated 35 to 52).

For two reasons it is important that the Racial Justice Act must be dropped from the conference report on the omnibus crime bill. First, prosecutors are uniformly opposed to any version of the Racial Justice Act. In addition to State Attorneys General who already oppose this legislation, last Friday, all 58 District Attorneys in California adopted a Resolution indicating their strong opposition to any version of the Racial Justice Act. The reasons are explained in the enclosed Resolution. I also join with many other prosecutors who have concluded it is unacceptable to limit the Racial Justice Act to federal capital cases. We reject the unsound premise that statistics in unrelated cases have a legitimate role in the prosecution of any specific criminal case at the federal or state level. Second, in light of this united opposition at the local and State level, the failure to remove the Racial Justice Act from the crime bill may likely delay the enactment of other needed reforms contained in the crime bill.

Two examples from California demonstrate the tremendous cost and burden which would be imposed on the States if the Racial Justice Act were enacted. A claims similar to the Racial Justice Act was raised in 1984 in the *In re Earl Lloyd Jackson* case, as is explained more fully in the attachment. Jackson was convicted and sentenced to death for his involvement in the brutal beatings and murders of two elderly widows (an 81-year-old and a 90-year-old) during two robberies in Long Beach in 1977. Jackson ultimately confessed to the crimes and boasted to others about his role in the murders. With regard to the Racial Justice Act type claims, it took three years for both sides to prepare for the court-ordered evidentiary hearing. The state taxpayers were required to pay for more than $1,000,000 in costs solely for the preparation for the hearing, which ultimately was never held as a result of the subsequent U.S. Supreme Court ruling in *McCleskey v. Kemp*, 481 U.S. 279 (1987).

Additionally, the *Robert Alton Harris* case shows the broad potential application of the Racial Justice Act. Harris, who was executed in April, 1992, murdered two teenage boys near San Diego on July 5, 1978. Harris, who confessed at least seven times to murdering the teenagers and who was white, had asserted that the California death penalty was administered in a discriminatory manner because his victims were white. This statistical showing was ultimately rejected in federal court in light of U.S. Supreme Court precedent, *Harris v. Pulley*, 885 F.2d 1354, 1373-77 (9th Cir. 1988), cert. denied, 110 S.Ct. 854 (1990). There is nothing in the legislation which would preclude similar individuals such as Harris from bringing similar claims.

For these reasons, on behalf of law enforcement in California, I strongly urge you to exercise your authority to ensure that any form of the so-called Racial Justice Act will not be included in the conference report on the crime bill. Please advise if my office may be of any assistance to you on this important matter.

Sincerely,
DANIEL E. LUNGREN,
Attorney General.

STATE OF UTAH,
OFFICE OF THE ATTORNEY GENERAL,
April 11, 1994.

Re: Habeas Corpus/Sentencing Legislation

Representative JAMES HANSEN,
Rayburn Building, Washington, DC.
Representative WILLIAM H. ORTON,
South Longworth Office, Washington, DC.
Representative KAREN SHEPHERD,
House of Representatives, Cannon, Washington, DC.

DEAR REPRESENTATIVES HANSEN, ORTON, and SHEPHERD: I am writing this letter to advise you of my position relating to Titles VIII and IX and H.R. 4092, the omnibus crime bill. My comments are based not only on my office's analysis of the issue but also my understanding of the position of the Utah law enforcement community as a whole. I have had an opportunity to talk with many of the top law enforcement individuals in the State of Utah and I think we all agree on the following analysis:

H.R. 4092, Title VIII (concerning federal habeas corpus):

I oppose this title because, rather than curtailing habeas litigation, it would multiply postconviction litigation, overturn significant and very helpful U.S. Supreme Court precedent, and further undermine the finality of state criminal convictions.

I support the Hyde Amendment, which would excise the controversial habeas provisions from the present crime bill and allow them to be considered separately on their own merits.

H.R. 4092, Title IX (concerning race in capital sentencing):

I oppose this title (the so-called "Racial Justice Act") because it would impose an unworkable statistically-based procedure on the states and in Utah's case create a system that would be unworkable.

I support the McCollum Amendment (the "Equal Justice Act") because it would prohibit racial discrimination in all sentencing without imposing unworkable statistical models.

The Utah law enforcement community believes that Titles VIII and IX of H.R. 4092 would effectively abolish capital punishment, weaken law enforcement, and suspend closure for victims of violent crime. The provisions would also impose significant new financial burdens on the State of Utah. I urge you to oppose these provisions.

Very truly yours,
JAN GRAHAM,
Attorney General.

COMMONWEALTH OF VIRGINIA,
Richmond, April 25, 1994.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: As I am sure you are aware, different versions of the omnibus crime bill have passed the Senate and House of Representatives. I write to ask you to instruct the Senate conferees to give the highest priority to removing, from the final bill, that part of the House legislation which allows racial statistics to be used to justify establishing a virtual quota system for capital punishment.

In *McCleskey v. Kemp*, the United States Supreme Court rejected a claim which would have allowed capital defendants to make a statistical showing of potential race discrimination from unrelated cases as a basis for collateral relief. The Court held correctly that a defendant who contests his capital sentence on the basis of racial discrimination is required to prove that the decision makers in his or her *own* case acted with a discriminatory *purpose*.

The National Association of Attorneys General has resolved to oppose "any measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis for appellate or collateral relief." The ultimate passage of such legislation would undermine our efforts to aid law enforcement in stemming the rising tide of crime threatening our nation by, in effect, rendering capital punishment in most states, including Virginia, unenforceable.

I urge you to do everything in your power to ensure that this pernicious provision will not be part of the final omnibus crime bill.

With best wishes, I remain
Very truly yours,
JAMES S. GILMORE III,
Attorney General of Virginia.

STATE OF DELAWARE,
DEPARTMENT OF JUSTICE,
Wilmington, May 9, 1994.

Hon. JOSEPH R. BIDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BIDEN: On May 6, 1994, a letter was addressed to you from several Attorneys General from around the country regarding the Racially Discriminatory Capital Sentencing Act included in Title IX of H.R. 4092. I share the concerns expressed by these Attorneys General and hope that you will drop this portion of the proposed legislation. The law as set forth in the MCCLESKEY v. KEMP, 481 U.S. 279 (1987) allows any capital defendant to prove that his or her own case was tainted by racial discrimination.

On March 21, 1994, the National Association of Attorneys General adopted a resolution setting forth its collective opposition to this particular act. I firmly believe that if passed, the effect will be to essentially stop the prosecution and enforcement of capital cases. Virtually every capital case will be subject to some form of challenge. The courts will be forced to hear claims no matter how outrageous.

I urge that this portion of the crime bill be removed.

CHARLES M. OBERLY III,
Attorney General.

NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
Alexandria, VA, April 29, 1994.

Hon. BILL CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: I write to you on behalf of the 7000 members of the National District Attorneys Association. We serve as the peoples prosecutors and lead their daily fight against crime and its tragic effects on our nation. Our Association has long been on record as opposing discrimination in our system of criminal justice; we are, however, vehemently opposed to the purported "Racial Justice Act" now included in Title IX of the House version of the Crime Bill.

The National District Attorneys Association views the "Racial Justice Act" as nothing less than a subrosa attempt to end the imposition of the death penalty in the United States. Attempts to limit its effect to only federal cases or to limit retroactivity is meaningless when due process and equal protection dictate otherwise. If the people we both serve will the end of the death penalty, then let us address the issue in open debate, not hiding behind the guise of race and discrimination.

We also see this Act as a challenge to the very foundation of our system of criminal justice. Our heritage directs that each of us answer as an individual for our misdeeds and is punished accordingly; the "Racial Justice

Act" establishes lineage and statistical analysis as the new premise for accountability. This attacks the very basis of our system of criminal law and has far wider implications than those attributed to capital cases alone.

You have pledged to make America safer, more secure, and the Crime Bill has many measures that we, as local prosecutors, will find assist us in helping you fulfill this pledge. We urge you not to renege on your pledge, not to dilute its effect—the Racial Justice Act must be removed from the Crime Bill if you are to make a meaningful commitment to fighting crime.

Sincerely,

WILLIAM C. O'MALLEY,
President.

NATIONAL DISTRICT ATTORNEYS ASSOCIATION,
Alexandria, VA, April 29, 1994.

Hon. JANET RENO,
Attorney General of the United States, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: The National Attorneys General Association is vehemently opposed to the purported "Racial Justice Act" now included as Title IX in the House version of the Crime Bill (HR 4092). The 7000 members of this Association have long been on record as pledging to do every thing in our power to end discrimination in our criminal justice system. It is our strong belief, however, that this Act makes a travesty of that very system.

The district attorneys of this nation, serving as the peoples prosecutors, see this Act as nothing less than a subrosa attempt to end the imposition of the death penalty in the United States. If that is the will of the American people let us address this issue in open debate not under the guise of race and discrimination. We are joined in the belief by many others charged with leading the daily fight against crime.

Moreover, we view the "Racial Justice Act" as a challenge to the very premise upon which our system of law is predicated—that each of us appears in court to answer as an individual for his or her own deeds. If this Act becomes law, individual accountability would be replaced with statistical analysis and group lineage as the basis for punishment. While on its face the statute refers only to capitol cases there can be little doubt of its undermining effect on our entire criminal system and national ethic.

You were a district attorney for many years. As such you shouldered an ever increasing criminal case load, you did your utmost to reduce the effects of crime and to help its victims and you, as we do now, answered directly to the people who choose you to serve. We urge you not to betray that heritage; not to further handicap our continued struggle. You, as the nations senior prosecutor must support every effort to remove the Racial Justice Act from the Crime Bill and protect our system of criminal justice.

Sincerely,

WILLIAM C. O'MALLEY,
President.

CITIZENS FOR LAW AND ORDER, INC.,
May 11, 1994.

Hon. ORRIN G. HATCH,
Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: Citizens for Law and Order (C.L.O.) and the 19 other grass roots groups falling within our umbrella, are victim organizations whose total membership comes to 150,000 persons. All of us are strongly opposed to the so-called Racial Justice Act because it will virtually eliminate the death penalty in our country—and thus revictimize the surviving family members of our loved ones who were murdered.

Please provide fairness and justice to murder victims and their families—insure that the Racial Justice Act does not become part of the Crime Bill and does not become law. Crime victims deserve the compassion of the Congress. Do not insult us with the Racial Justice Act.

Sincerely,

Jack Collins.

[From the New York Post, Apr. 29, 1994}

DEATH-PENALTY FOES USE TORTURED LOGIC IN RACE-BIAS ARGUMENT

(By Ed Koch)

Last week, House Democrats tried to end the use of the death penalty in the United States. Desperate to secure support for the crime bill from at least some members of the Congressional Black Caucus and other liberals, they attached the Racial Justice Act amendment to that legislation.

The amendment would allow those sentenced to death to use statistical evidence of alleged racial bias tainting past executions to set aside their own death sentence. A minority defendant would not be required to prove that a jury had specifically engaged in racism in ordering his death—simply citing the statistical pattern of alleged racial bias would be enough.

Rep. Don Edwards (D-Calif.) recently said in an interview: "Forty percent of the 3,000 people on death row are black, even though blacks are only 13 percent of the population." Surely Edwards, longtime chairman of the Judiciary Subcommittee on Civil and Constitutional Rights, knows, but fails to mention, that 55 percent of the murders committed in 1992 were by black perpetrators. Further, black males ages 15 to 24, who are 1 percent of the population, committed at least 19 percent of those murders. For courts to be considered non-racist using Rep. Edwards' tortured logic, 55 percent of those executed should have been black.

Using similar tortured logic, a case could be made that it is white murderers who are the subjects of discrimination. Far fewer blacks than whites have been executed: Of the 227 people executed between 1977 and January 1994, according to the NAACP Legal Defense Fund, 124 were white, 88 black, 14 Latino and one Native American. Fifty-five percent of those executed have been white, when 55 percent of those committing the murders were black, at least in 1992, the last year for which Justice Department figures are available.

The Edwards' doctrine, bizarrely, would require that juries sentence even more black defendants to death to achieve true racial balance. Isn't it fair to ask, if the number of black murderers being executed had been raised consistent with their murderous deeds, would those supporting the amendment have cheered this achievement of racial equality?

Jurors are charged by the court to limit their discretionary application of the death penalty to rational criteria established by the state, and must consider all mitigating factors helpful to the defendant. It's impossible to know why a jury condemns a particular defendant to death. The Supreme Court has said, "Jurors cannot be called . . . to testify to the motives and influences that led to their verdict."

This amendment is an attempt by the House to overturn the 1987 Supreme Court decision in McClesky vs. Kemp. In that case, the Court ruled by a 5-to-4 vote that statistical evidence covering all murder sentences in a jurisdiction could not support a charge of discrimination in a particular case. Specific racial bias must be proved in each individual case.

How could it be otherwise, since the jury in each case consists of different groups of people, and, under current law, no prospective juror may be challenged on the basis of race?

As mayor, I attended the heartbreaking funerals of police officers killed in the line of duty. From 1977—when the death penalty was resumed in the United States following the Supreme Court ruling that it was constitutional—to 1994, 56 NYPD cops were killed in the line of duty. Of the murderers apprehended, seven were white, 31 were black and 13 were Hispanic.

None of those killers was executed, because New York state does not have the death penalty. In its editorial supporting the "racial justice" amendment, the New York Times says, "The state might successfully rebut such evidence [of racial bias], say in a case involving a slain policeman, by showing a consistent pattern of seeking the death penalty for cop-killers regardless of race."

In view of the Times' fervid opposition to the death penalty, for them to use that example is chutzpah.

The long and the short of it is that the supporters of the racial-bias amendment are overwhelmingly against the death penalty for anyone. They know, however, that the country—and their constituents—overwhelmingly support the death penalty, and, therefore, they prefer to obfuscate when offering their support of the amendment.

When pressed, they offer the disingenuous argument that those who murder black or Hispanic victims are not put to death in the same proportion as those who murder white victims. Again, I ask: Would they be satisfied if more murderers of blacks were executed, knowing that blacks are murdered overwhelmingly by other blacks?

For the opponents of the death penalty, it's any argument, no matter how flimsy. This particular ruse is so transparent, one can only hope the Senate rejects the amendment in the joint conference.

Mr. HATCH. Mr. President, I yield back any time I may have.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 7½ minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. I thank the Chair.

Mr. President, I think by this point everyone knows my position on the Racial Justice Act, so I will be brief this afternoon. But I have a few important points to make before the Senate votes on the amendment of my colleague from New York.

Before voting, I would urge every Senator to read very carefully the language of the D'Amato amendment. The amendment states that the Senate and House conference on crime legislation should, "Totally reject the so-called Racial Justice Act." I would ask my colleagues if this is, in fact, the message we want to send to the conference committee—that the Senator totally rejects any efforts to correct what every study that has ever been conducted in this area has overwhelmingly demonstrated—that there are jurisdictions in this Nation, including the Federal Government itself, where the death penalty is administered in a racially discriminatory manner. If this is not the message we want to send into conference, then I would suggest you cast your vote against the D'Amato amendment.

I also want to make clear for those who have not actually read title IX of the House crime bill that this Racial Justice Act is much different than previous versions. The current bill imposes a higher burden of proof on the defendant, requiring him to demonstrate a pattern of racially biased death sentences in cases similar to his own, in the jurisdiction that imposed his sentence and at the time his sentence was imposed. In addition, the burden of proof of the prosecutor to rebut this evidence has been lowered, from clear and convincing evidence to a mere preponderance of the evidence. There are no burdensome recordkeeping requirements imposed on the States—a defendant bears the entire burden of collecting and analyzing data—and the bill, in its final form, will not apply retroactively. So we are talking about going forward.

I would also like to address what the Racial Justice Act does not do. Despite the claims of some opponents, the Racial Justice Act does not eliminate capital punishment. Let me underscore that. It does not eliminate capital punishment. It merely prohibits continued racial discrimination in the administration of the death penalty. So long as death sentences are imposed in a nondiscriminatory manner, they will not be affected under the bill.

In order words, this legislation will only affect those death sentences where, taking into account the brutality of the offenses, the prior records of the offenders, and other nonracial characteristics, race is left as the determining factor in the imposition of the death penalty. The only way this legislation could completely eliminate the death penalty is if every death penalty was imposed based on discriminatory factors.

Nor will the Racial Justice Act impose a quota system in the death penalty. Nothing could be further from the truth. If death sentences were handed out on the basis of quotas, then they would by definition be handed down on the basis of race. That—imposing death sentences on the basis of race—is exactly what this bill, title 9, is designed to prevent.

Finally, this will not impose an undue burden on the courts. Every major civil rights bill in modern times has allowed the use of statistics to prove discrimination, whether in housing or employment or education or voting for that matter. The courts have proved quite capable of analyzing statistical evidence in each of these situations. All that proponents of the Racial Justice Act are asking is for Congress to grant someone sentenced to death the same opportunity to present a discrimination claim as we have granted to someone turned down for an apartment.

As you may know, Mr. President, I just returned from South Africa and the inauguration of Nelson Mandela.

Before I left to travel to South Africa for the inauguration, I drew an analogy between the changes occurring in South Africa and the vote on racial justice. I am going to make that same analogy today. Despite the strides this country has taken to overcome its shameful past, there are still situations of apartheid in America, situations where a person's race truly does make a difference in how that person is treated under the law. One of those situations—and the statistics are very clear in this regard—is in the administration of the death penalty. One need look no further than the Federal criminal justice system to realize this. Since 1988, the Federal death penalty for drug kingpins, for example, has been sought against 36 defendants—4 of those defendants have been white, 4 have been Hispanic, and 28—77 percent—have been African-American. Keep in mind that 75 percent of the defendants charged under this statute have been white.

Mr. President, in closing, I want to urge my colleagues to think about the message this vote will send to the Senate and House conferees. Last Friday I paraphrased a quote from Vaclav Havel that I would like to quote in full today. It describes a phenomenon known as the butterfly effect, which is:

> A belief that everything in the world is so mysteriously and comprehensively interconnected that a slight, seemingly insignificant wave of a butterfly's wing in a single spot on this planet can unleash a typhoon thousands of miles away.

Whether a person as an individual supports or opposes the death penalty, I think we can all agree that it should be imposed in a nondiscriminatory manner.

I think we can all agree that the facts are what they are. It is not a matter of opinion. The statistics and the numbers that have been talked about in this debate are reality. Including, frankly, in the Federal system.

The vote on this amendment today is important and can have a very real effect on how the Senate deals with the issue of racial bias in the administration of our entire system of law, including of course the death penalty. I urge my colleagues to vote against the D'Amato amendment and to send a signal the Senate is committed to addressing this shameful pattern of discrimination.

In closing I would also like to say that this is—this vote, the vote on this amendment—really is not a vote about crime any longer. I think this body has sent a message very loud and clear that as for crimes that progress in a certain way through the criminal justice system, the death penalty is an appropriate punishment. That has been resolved.

The question is if we are going to allow this vote—which masquerades as a vote about crime—to get away from us and obscure the fact that it really is a vote about color. Are we going to allow color, are we going to allow race, to play a role and continue to produce the abysmal, embarrassing statistics that we have seen demonstrated on the floor by the opponents of the D'Amato amendment?

I think this body is above that. I think this country is beyond that. I think we want to send a signal that we believe in equal justice under the law for all people, without regard to race, without regard to color. And therefore the D'Amato amendment must fall of its own weight.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I spoke in some detail last Friday about why I will oppose the sense-of-the-Senate amendment offered by the Senator from New York. Today, let me summarize my thoughts by making two points:

First, the Racial Justice Act will not put an end to capital punishment. What the act will do, is require courts to examine competent evidence that a death sentence was imposed for reasons of race, rather than—as should be the case—due to the nature of a defendant's crime.

This imposes no unbearable burden on the courts. Indeed, it is something the courts have long done expertly in a wide variety of contexts, such as housing discrimination, employment discrimination, and discrimination in our schools.

The act does not mandate the outcome in any case, nor does it mandate that a court must admit any or all evidence a defendant may submit. In fact, the act explicitly confers on the courts the discretion to reject evidence that is not valid or relevant.

Far from preventing courts from imposing the death penalty in all cases, it simply requires courts in some cases to make one additional inquiry to ensure that race does not determine who will live and who will die.

Second, it seems to me we should be willing to accept the necessary burden of ensuring that racial discrimination plays no role in determining who gets the death penalty.

I support the death penalty in appropriate cases, and I included a major expansion of the Federal death penalty in the crime bill the Senate acted on last November.

At the same time, I have worked to ensure that the procedures that govern imposition of death sentences in our courts are as fair and just as possible.

A just society must not sentence people to death on the basis of race.

Mrs. MURRAY. Mr. President, this resolution directs conferees on the crime bill to reject the House provisions on racial justice, and I intend to vote against it.

The Senate crime bill expands the death penalty to over 50 new Federal crimes. Inclusion of the Racial Justice Act is important to ensure that the death penalty is applied in a nondiscriminatory manner.

This provision is a civil rights measure designed to eliminate race discrimination in capital cases. It would allow courts to consider evidence of a consistent pattern of racially biased sentencing in similar death penalty cases to determine whether discrimination has occurred in a particular case.

The defendant would bear the burden of collecting and analyzing the data to show a pattern of racially biased death sentences in factually similar cases in the same jurisdiction.

The legislation would not apply retroactively so it would not apply to the 2,700 people currently on death row.

The Racial Justice Act addresses the fact that the death penalty is not sought in all cases that fit the statutory criteria for its imposition. In most jurisdictions, capital punishment laws authorize, but do not require, the death penalty in a large number of cases. Of the many cases eligible for the death penalty, prosecutors pick only a few for capital prosecution. Under the Racial Justice Act, by comparing cases in which the death penalty is sought with similar cases in which it is not sought, the courts will have a mechanism to evaluate whether race was a determining factor.

I know that the prosecutors in my home State of Washington work very hard to avoid discrimination in the charging, sentencing and imposition of the death penalty. I also know, however, that we have not rid our Nation's criminal justice system of racial discrimination yet. We need to take this responsibility very seriously, especially with regard to the application of the death penalty.

In 1990, the Government Accounting Office reported that in 82 percent of the studies it reviewed, the race of the victim was found to influence the likelihood of a defendant being charged with capital murder or receiving the death penalty. The GAO report found that those who murdered whites were more likely to be sentenced to death than those who murdered African-Americans.

Under the Federal death penalty law adopted in 1988 for drug kingpins, 77 percent of the defendants against whom the death penalty was sought have been African-American, even though 75 percent of the defendants under the statute have been white.

The Racial Justice Act will require prosecutors to charge capital murder without regard to race. It is designed to remedy bias that already exists within the criminal justice system. It will prevent charging decisions that treat cases involving one race as more suitable for the death penalty than cases involving another race.

Mr. President, I support the Racial Justice Act because it will help eliminate the influence of race in death sentencing. Given the dramatic expansion of the death penalty in the crime bill, I believe this provision must be included. The act will send a clear message to prosecutors across the nation to use race-neutral criteria for seeking the death penalty. And, it will help ensure that similar crimes receive similar sentences.

I urge my colleagues to reject the resolution before us, and to support the inclusion of the Racial Justice Act in the crime bill.

Mr. THURMOND. Mr. President, I rise today in support of Senator D'AMATO'S amendment. This language makes clear that the crime conferees should reject the provision in the House-passed crime bill which would effectively abolish the death penalty across the Nation, at the Federal and State levels.

The anti-death penalty provision is title IX in the House-passed crime bill and often mislabeled by its proponents as the Racial Justice Act. This language would allow death-sentenced murderers the opportunity to avoid the death penalty by using a statistical quota system to challenge their sentence. We have defeated this legislation time and time again in the Senate when offered by those who are opposed to the death penalty.

Mr. President, to those who claim that this provision is necessary to prohibit a death sentence based on considerations of race, I would point them to the 14th amendment to the Constitution. The 14th amendment, along with other protections, contains a fundamental proposition which prohibits any person from being sentenced to death on the basis of race.

Title IX in the House-passed crime bill would permit a defendant in a capital case to make a showing that race was a statistical significant factor in decisions to seek or impose the death sentence in the jurisdiction in question. Once this minimal standard of a statistical imbalance is shown, a heavy burden of rebuttal is then imposed on State or Federal prosecutors.

Mr. President, I have been a judge and a practicing attorney. It has always been my understanding that individuals are tried on the facts of his or her case, not on the facts, circumstances or statistics from unrelated cases. This has been a fundamental precept in our criminal justice system. Passage of the so-called Racial Justice Act would relegate the outcome of capital cases to statistical assertions from other unrelated capital cases. Needless to say, the focus of the trial should be whether the defendant committed the offense for which he was charged and it should not be overshadowed by statistical jousting.

Clearly capital cases should be race neutral. The proposal in the House bill brings race consciousness into the trial in order to attain a racial balance. This actually heightens the role of an individual's race in capital cases and establishes a quota system in death penalty cases. The guilt or innocence and imposition of the death penalty should turn on the facts of an individual's case having nothing to do with the defendants race or the race of individuals in unrelated cases.

Mr. President, let there be no mistake, title IX in the House-passed crime bill would effectively abolish the death penalty at the Federal and State levels. Also, it completely overturns the Supreme Court decision in McCleskey versus Kemp. In that decision, the Supreme Court held that a defendant who contests his capital sentence on the basis of racial discrimination is required to prove that the decision makers in his own case acted with discriminatory purposes.

The Supreme Court has rejected the statistical theory of racial discrimination in death penalty cases and the Racial Justice Act is a thinly veiled attempt to overturn the Supreme Court on this matter. It is important to note that Justice Powell, writing for the Court in McCleskey, observed that the statistical premise of discrimination advocated by the defendant—and now as title IX in the House bill—"throws into serious question the principles that underlie our entire criminal justice system."

Mr. President, we will soon go to conference with the House to resolve the differences in the crime bills passed by our respective bodies. We have a good opportunity to pass a comprehensive anticrime measure which the American people deserve. If the conference report is to be adopted, it must be void of title IX from the House bill. This provision is opposed by the National Association of District Attorneys and the National Association of Attorneys General. These are the men and women who have the responsibility for prosecuting death penalty cases all across the Nation on behalf of the American people. I am hopeful that the House conferees will not let the American people down by insisting that this anti-death penalty provision remain in the conference report.

I look forward to working with my Senate colleagues to ensure the passage of a responsible comprehensive anticrime bill and the removal of language from the House bill which will abolish the death penalty across the United States.

Mr. DURENBERGER. Mr. President, I rise to explain why I will oppose the amendment expressing the sense of the Senate that the crime bill conferees should reject the Racial Justice Act.

I make no secret of the fact that I am an opponent of the death penalty. I oppose it for philosophical reasons; I believe it perpetuates the cycle of violence and I believe it is unbecoming for a civilized nation. I also oppose capital punishment for practical reasons; there is no evidence that it deters violent crime, and it actually costs our criminal justice system more to execute a person that it does to incarcerate a person for life.

However, even those who favor the death penalty should be concerned by evidence that it is not being applied fairly. We all want to believe that justice is blind in America. But I am not so naive as to trust that the ugliness of racial bias no longer festers in our criminal justice system.

According to a significant body of evidence, minority defendants are much more likely than white defendants to be charged with a capital crime and sentenced to death, especially when the victim was white. All that the Racial Justice Act would do is to let defendants raise a question of unfairness when there is a pattern of racial disparity for crimes with similar factual circumstances.

The Racial Justice Act would not guarantee that a death sentence will be overturned. The state can rebut the defendant's claim by showing nonracial reasons for the different treatment. A court would be allowed to find discrimination only if race is the only plausible explanation for the sentence of death. And even if the death sentence is vacated, defendants will not go free—their convictions will stand.

Opponents of the Racial Justice Act claim that capital cases should be evaluated individually, not on the basis of statistical evidence. But when statistics show pervasive racial disparity for the same type of crimes, it suggests to me that racial bias might be infecting individual cases. The Racial Justice Act would allow courts to consider this suggestion.

I believe this proposal is a modest step that will provide an additional measure of fairness in the system. If justice is truly blind, there is nothing to fear from the Racial Justice Act. That is why I support the House of Representatives' decision to include it in the crime bill and why I will oppose this amendment.

Mr. DOLE. Mr. President, I want to take a few moments to express my support for the amendment offered by my distinguished colleague from New York, Senator D'AMATO.

Mr. President, last month, the House of Representatives took a big step backward in the war against crime by adopting something deceptively called the Racial Justice Act. The Racial Justice Act became title IX of the House-passed crime bill.

Under title IX, a convicted murderer sentenced to death can challenge his capital sentence simply by offering evidence that "at the time the death sentence was imposed, race was a statistically significant factor in decisions to seek or, impose the sentence of death in the jurisdiction in question." Statistical evidence that death sentences were being imposed significantly more frequently, upon persons of one race than upon persons of another race could be used to prove this point.

The practical effect of all this is to prohibit the death penalty unless it is carried out strictly by-the-numbers, according to rigid death-penalty quotas. Under the Racial Justice Act, all a death-row inmate must do is show that there is a statistical disparity based on his race or the race of the victim, regardless of the specific facts of the specific case. Once the presumption of racial discrimination is raised through statistics, the Government must rebut this presumption by a preponderance of the evidence. The bottom line is that the Government would then have the burden of proving a negative—that racial factors had nothing to do with the capital sentence.

Amazingly, the Racial Justice Act would apply retroactively—potentially reopening the capital sentences of the nearly 4,000 murders now on death row. While all 4,000 may not succeed in getting their sentences reduced, compiling the relevant information from these cases will take many hours and cost the States millions and millions of dollars.

Last week, the Chairman of the Judiciary Committee, Senator BIDEN, agreed to work in conference to ensure that the Racial Justice Act provisions apply only prospectively. That's a step in the right direction, but as they say, seeing is believing. And even if retroactivity is eliminated, we still should be concerned about the Racial Justice Act's prospective application.

Mr. President, the Racial Justice Act is part of a long tradition here in Congress where bad legislation is given a great-sounding name. In some businesses, this is called false advertising. The bottom line is that the Racial Justice Act won't do much to advance the cause of civil rights, but it will do a great deal to clog the courts and make the death penalty virtually unenforceable in every jurisdiction where it is currently carried out.

The Racial Justice Act mocks our system of individualized justice by allowing capital defendants to challenge their sentences using statistics alone—if the numbers don't know add up, then the sentence should be overturned. The Supreme Court of the United States properly rejected this fuzzy-headed reliance on statistics. And the Senate, to its credit, has voted thumbs-down on the Racial Justice Act on every occasion we have considered it.

Not surprisingly, prominent law enforcement agencies like the National Association of Attorneys General, the National District Attorneys Association, and the National Troopers Coalition have all publicly opposed the Racial Justice Act.

As we anticipate the Senate-House crime conference, it's critical that the Senate send a clear message that the so-called Racial Justice Act is unacceptable and should be rejected by the Senate and House conferees.

Mr. WOFFORD. Mr. President, all of us must take very seriously the allegation that the death penalty is applied in a racially discriminatory manner. Some of the information I have seen to this effect is troubling and can not be disregarded. It seems to me self-evident under our Constitution that if we are to have a death penalty, or any criminal penalties for that matter, they should be applied equally to everyone without regard to race.

No one can ignore the historic existence of discrimination in our nation and in our criminal justice system. I fully support the provision in the Senate version of the crime bill that provides funding to states for analysis of the role that race plays in the State's criminal justice system. I note with interest that a Pennsylvania judge, Chief Judge Sylvia Rambo of the U.S. District Court for the Middle District of Pennsylvania, has recently asked the Justice Department to provide information on how it decides to seek the death penalty in federal prosecutions.

However, I am not persuaded that the Constitution and the existing civil rights laws do not provide adequate protection against discrimination in the application of the death penalty. The Constitution provides for equal protection under the law, and if a state is applying the death penalty in discriminating manner, it can and should be challenged under the equal protection clause of the 14th amendment, or under existing civil rights statutes that enforce constitutional protections.

Statistical evidence is an important tool in indicating discrimination in civil rights cases, but I am concerned that statistical debates about the application of the death penalty inherently threaten the principle of individual justice that is the cornerstone of our criminal justice system.

Moreover, I do not think that the controversy over the Racial Justice Act proposal should jeopardize what we are now able to accomplish with this crime bill. It should not be used to undermine the consensus for passage of the largest federal crime prevention effort in our history. This is a crime bill that has the support of the majority of the Members of this Congress and one that will make an important contribution to the safety of all of our citizens regardless of race. We must move forward and pass this crime bill without prejudice and without further delay.

I ask unanimous consent that today's New York Times article on this issue be included in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 11, 1994]

U.S. ORDERED TO TELL HOW IT DECIDES TO SEEK EXECUTIONS

(By Steven A. Holmes)

WASHINGTON, May 10.—A Federal judge in Pennsylvania has ordered the Justice Department to explain why it is seeking the death penalty against a black defendant in a murder case.

The order, issued on May 3, is believed to represent the first time a Federal judge has tried to pry open one of the agency's most closely guarded secrets: why the Justice Department believes that some murderers must die while others may live.

The timing is particularly crucial, since the order comes as Congress makes its final push on a crime bill, the House version of which would allow defendants to appeal their death sentences by showing that judges and juries are racially biased in calling for capital punishment. Four years ago, the Senate defeated a similar measure.

"The timeliness of this ruling is important," said Richard Dieter, director of the Death Penalty Information Center, a nonprofit advocacy group that opposes capital punishment. "If this information comes out fairly soon, it might influence a major piece of legislation."

Marty Carlson, an Assistant United States Attorney in Harrisburg, Pa., said the Justice Department had not decided whether to appeal the judge's order. The department has to respond by Friday, and the judge wants the information before trial starts on June 6.

DRUGS AND DEATH

The order was issued by Sylvia H. Rambo, chief Federal judge for the Middle District of Pennsylvania in a case involving a New Yorker, Michael Murray, who is accused of killing a minor drug dealer, Juan Carlos-Bacallo of Harrisburg. Prosecutors said both men were part of a ring that supplied crack in the Harrisburg area.

Although almost all of the approximately 20,000 people arrested in homicide cases every year are tried in state courts, the number of Federal defendants who may be subject to the death penalty will probably expand after the Federal crime bill is approved. A House-Senate conference is to begin work in the next few weeks on reconciling the versions of the crime bill each chamber has passed.

In March, a Congressional report found that of the 37 defendants the Justice Department has sought to execute for drug-related murders since 1988, 33 are black or Hispanic. During the Clinton Administration, all 10 of the defendants whom Federal prosecutors have sought to put to death have been black.

In all of these cases, the defendants were prosecuted under a 1988 law that allows the execution of drug kingpins who have committed or ordered a murder.

DISLIKE OF SCRUTINY

Justice Department officials deny that racial bias is a factor in decisions to seek the death penalty. But officials have refused to discuss the process or criteria used despite repeated requests from Congress.

"That's the kind of information that they would like to think of as internal," said Representative Melvin Watt, a North Carolina Democrat who has been prodding the Justice Department to provide data on capital punishment decisions. "Most people who deal in areas like this don't want to see their decision scrutinized or second guessed."

Under Justice Department procedures, the United States Attorneys around the country must obtain the approval of senior Justice Department officials, including Attorney General Janet Reno, to seek the death penalty.

The far-reaching order by Judge Rambo, who was appointed by President Jimmy Carter, came in response to a request by Mr. Murray's lawyer, David Ruhnke. It requires the Justice Department to turn over documents that cover virtually all aspects of the decision to seek death, including:

A list of all homicide cases since the passage of the 1988 law in which the defendant could be considered eligible for a Federal death penalty prosecution.

All requests and supporting documents submitted to the Justice Department by United States Attorneys who have sought permission to ask for the death penalty, even if permission was denied.

Documents explaining the Justice Department's "standards, policies, practices or criteria governing the approval or disapproval" of death penalty prosecutions.

In some ways, Mr. Murray's case is emblematic of the confusion surrounding the use by prosecutors of the drug kingpin law.

Even though Federal prosecutors are seeking the death penalty against Mr. Murray under the 1988 law, Mr. Ruhnke says his client has not been charged with controlling the crack ring in Harrisburg. Federal prosecutors contend that another man in the case, Jonathan Ray Bradley, was the ringleader and that it was Mr. Bradley who ordered Mr. Murray to kill Mr. Carlos-Bacallo.

Yet, Federal prosecutors are not seeking the death penalty against Mr. Bradley, who is also black.

Mr. BRADLEY. Mr. President, I differ from some of my colleagues in that I believe that there is a place in our system of justice for capital punishment. At one extreme of the scales of justice, there are crimes that so brutally deny the humanity of the victim and the criminal that they merit only the most absolute punishment. But I know that none of my colleagues would disagree with my belief that there is no place in our system of justice for racial prejudice.

The racial justice provisions of the House crime bill do not, as my colleague from New York contends, create race-weighted justice. They will not create a situation in which one person is put to death and another spared solely because one is white and one black. Instead, it is intended to determine whether there already is such a situation, and to help us put an end to it.

I want to know, Mr. President, that there is plain justice in this country, not racial justice. I want to know that if a white man brutally murders a black man, his crime will be judged just as dispassionately as the crime of a black man who murders a white woman. Through most of our country's dark history of racial injustice, these crimes have not been treated alike. That's undeniable. Is this injustice part of our history, or part of our present? I want to know.

There is plenty of reason to think that death sentences today are based on race. Since the death penalty was reinstated 18 years ago, and 236 people were executed, only one white defendant has been executed for the murder of a black person. In Georgia, whites make up 40 percent of homicide victims, but 87 percent of the death sentences are in cases with white victims. The Racial Justice Act is as much about respect for victims' lives, black lives as well as white lives, as about the rights of criminals to unbiased justice.

These statistics do not prove that each and every death sentence in those jurisdictions was a product of racial bias. But they force the question, and the Supreme Court has ruled that that question can be raised in court only with specific legislative action. The House version of the Racial Justice Act is the appropriate form for that legislative action to take. It gives prosecutors a chance to disprove the allegations of bias in sentencing, using the modest standard of a "preponderance of evidence." It requires a convict challenging a death sentence to a prove not just a statistical disparity, but that his or her individual sentence was also influenced by discrimination. It makes clear that a convict who successfully challenges a death sentence on these grounds will not be released, and not even automatically commuted to life in prison, but resentenced, under a fair procedure that could also end in another death sentence.

My colleagues who oppose the Racial Justice Act contend that it will bring a de facto end to the death penalty, or that it is a backdoor means for death penalty opponents to eliminate it despite the broad public support for capital punishment. I am not an opponent of the death penalty. In fact, I think that the racial justice legislation is an essential protection to the death penalty. Shortly before he announced his intention to retire, Justice Harry Blackmun announced that he would no longer vote to carry out death sentences, given his conviction that the death penalty could not be administered fairly. This is not a radical view on Justice Blackmun's part. If patterns continue unchecked, more and more judges will hesitate to uphold death sentences that appear to have more to do with the race of the convict and the victim than with the barbarity of the crime. The racial justice legislation constitutes our first serious effort to ensure that the death penalty can be and is administered fairly.

The arguments my colleague from New York uses in opposing the Racial

Justice Act are valid only for those who can say with some assurance that race is not currently a factor in whether a criminal is sentenced to death or spared. If my colleagues believe that bias persists in sentencing, or want further assurance that justice is blind, they should join me in supporting the racial justice language as a necessary safeguard to the death penalty itself.

Mrs. FEINSTEIN. I rise, Mr. President, to address the nonbinding amendment by Senator D'AMATO to instruct the Senate's crime bill conferees to reject the Racial Justice Act as framed in the House crime bill. I support the amendment today, not because I oppose racial justice or believe that our Nation's judicial system is free of racial bias. To the contrary, I concur with Chairman BIDEN that inequities in the present system can and must be redressed.

After much thought about the specific provisions of the House crime bill, however, I found myself in agreement with California's attorney general and all 58 of the State's district attorneys. If adopted as written, the House bill creates a grave risk of introducing even greater delay in capital cases than that now occasioned by abuse of habeas corpus proceedings.

Moreover, I am acutely aware of the problems that retroactive application of the House measure would cause in California and elsewhere. While an informal agreement to alter that part of the Racial Justice Act reportedly has been struck, I feel it important to indicate my strong opposition to retroactivity. My vote in support of the amendment before us should be taken as such.

Having said that, Mr. President, I do not accept that Congress cannot and should not craft a variation of the House's measure in conference, or subsequently as a stand-alone bill. I look forward to working closely with Senator KENNEDY, members of the Congressional Black Caucus, and other committed legislators to craft a bill premised on the equally valid needs to redress inequities in our criminal justice system and achieve closure, after due process, in capital cases.

There is certainly ground for us to mine together in this pursuit, Mr. President. Limitation of the act to Federal capital cases should be actively considered. Clear statutory definitions of what forms of evidence will be admissible in making a racial justice claim can be crafted. Judges can and should be given guidance by Congress as to what constitutes a statistically significant factor in decisions to impose the death penalty. Race can and must be defined. What to do in cases where the defendant is of mixed race should be addressed. Reasonable time limits for making a racial justice claim can be imposed. Discussion of what cases should be considered similar for purposes of the Act is also necessary.

Clearly, there is work that must be done, Mr. President. I am eager to do it.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. KENNEDY. The other side has how much time?

The PRESIDING OFFICER. The other side has 8 minutes and 19 seconds.

Mr. KENNEDY. I yield myself 4 minutes, Mr. President.

First of all I congratulate my friend and colleague from Illinois. She has spoken eloquently and persuasively on this issue, as she has when she has addressed similar issues. Over the time that she has been a Member she has made a very important difference in this body. Although the Chamber is not filled this afternoon, I know she speaks for millions of Americans, not only from her State but also across this Nation. I wish all of our colleagues could have heard her presentation.

We are back at an issue which is as old as this country. The issue of race discrimination was enshrined in the Constitution of the United States, and this Nation over a long period of time has had to work to rid itself of that particular stain. As the good Senator from Illinois pointed out based on her visit recently to South Africa and all the efforts that are being made there today, that country is also attempting to deal with that.

The Members of this body understand the history, the difficulty we had in America in the time of the Civil War—the bloodshed and violence that took place and the pain and agony that affected so many parts of our Nation during the Civil War.

Then, fortunately, we had a leader in the late 1950's and the early 1960's who challenged this Nation to put this chapter of our history behind us. Along with Dr. King, we remember the extraordinary, courageous votes that took place in the Fifth Circuit Court of Appeals and also the extraordinary decision in the Brown case in 1954, this Nation really confronted the issue of race. We made extremely important progress.

We know progress in some areas has not been made, but we have made an important downpayment on the issues of race in our society—really, I think, because we began to address that issue.

We saw also progress made in other areas where we have discriminated against people: In terms of religion and ethnicity—we have moved beyond that—in terms of disability, gender discrimination, other forms of discrimination. America is moving closer to the real America, which will be to finally eliminate these stains of discrimination that go back to our earliest history as a nation.

It has been a long and evolving process. I have had the good fortune over the time that I have been in the Senate to have witnessed much of the progress we have made. It was made with the assistance of both sides of the aisle, Republican and Democrat alike. That has been the reason that we have been able to make progress on something which is of such enormous importance and consequence.

You can say, "Why now? Why this issue? Why should we be discussing race at the time when we are considering instructions to the crime bill conferees?"

It is very simple and very well understood. The issue of whether we will have the death penalty has virtually been resolved. Some 26 or 27 Members, including myself, are opposed to the death penalty. Now that issue has been resolved, this country is going to go ahead with the death penalty. But the fact of the matter is, the expansion of the death penalty in the Senate's bill to 50 more offenses, and the expansion in the House bill to 66 offenses, that massive expansion brings back into mind the very clear evidence of race discrimination in capital sentencing. We have seen the results of different State studies, different law review articles, different work that has been carried out throughout the country. The statistics overwhelmingly prove that the application of the death penalty is affected on the basis of race both in terms of the defendant and in terms of the victim.

We included the racial justice provision in the 1989 crime bill which I offered and which was favorably reported from the Judiciary Committee. It was repealed on the floor of the Senate. Earlier we passed legislation requiring a GAO study. People—men and women in the Senate—said we are glad to have those State studies but we need a final study. Let us get the GAO to really do the final study on this particular issue.

I yield myself 3 additional minutes.

So we had the GAO study. And the GAO study that has been put in the RECORD in the past reaffirms—reaffirms—reaffirms everything that we have pointed out here in the course of this debate.

Why is it—why is it that this body was prepared to use statistics back in 1964 on the issues of employment; why is it that in 1965 we were prepared to use statistics on voting; why is it that we were prepared to use statistics in 1968 on the basis of housing; why is it that in 1986 the Supreme Court reached the issue of statistics in considering the composition of juries in this country; and why is it that the Supreme Court this year, in terms of gender discrimination on juries, used statistics again? In each and every one of those times that involved the issue of race, the Congress, the Supreme Court, and the American people have understood the importance of using statistics. And we are asking that it be considered again, not in the way, the form, or shape that we had it previously, but in an entirely different form—entirely different shape, than was done in the previous way.

Why is it that they say, "Oh, no, this is just an excuse to end the death penalty?" In the ultimate, ultimate, ultimate decision about our society and the difference of life and death, it is OK for an issue of jobs or housing, it is OK in the jury, but no way—no way—that we are going to even consider the very modest provisions that have been included in the House crime bill.

And the eagerness of this body to instruct the conferees on this measure is striking. Hundreds of different measures on that proposal, but it seems someone says: Let us take the race issue. Let us go up and beat up on the race issue. Let us make all of these comments and statements about how judges cannot really handle statistics.

The Senators who have spoken on this issue know very well about rebuttable presumptions and how they can be rebutted for any of the different criminals that have been referenced on the floor of the U.S. Senate. Of course, they may be rebutted on a basis of past criminal activity. But this is a core issue, and it is part of the unfinished agenda against discrimination in this society, make no mistake about it, and it is not going away. Members will have a chance to vote on this issue time in and time out, time in and time out until we do something about it.

So I hope that this amendment is defeated. I hope we can go to conference and come out with a provision that will do the best that we possibly can to eliminate race discrimination in the application of the death penalty. We can do no less. We will be a stronger country when we do.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I am just going to speak for a few seconds and then recognize the Senator from Washington for 3 minutes.

First of all, my colleague from Massachusetts indicates that this is a modest proposal. Let me say that I would term this proposal as nothing more than an exercise in political correctness that is being injected into our legal system. It has nothing to do with the guilt or innocence of a person. It would totally put that aside, making it irrelevant and is absolutely—absolutely—intended to do away with the death penalty. And that is in fact what it does.

If one were to read section (C)(1), in effect, it eliminates the death penalty. You have to execute people as relates to equal numbers. John Wayne Gacy, a killer, could come and make a claim statistically: "You haven't killed people in equal numbers." He tortured and killed 33 young men.

What a facade, a smokescreen. They call it "racial justice." And then the rest of us are supposed to be quiet because we do not want to be accused of being against racial justice. Of course we want justice, as that liberty of justice stands that there should never be a decision made on the basis of discrimination—on the basis of race or color. I understand a little something about discrimination.

Let me suggest, this is just a harbinger of things to come. If we are going to say, as relates to the imposition of any penalty, what about the penalties that come 20 years to life for rape, robbery? Should we not have, and would it not logically follow, that the same argument and the same statistics be utilized?

Imagine, after a trial, a person is found guilty beyond a reasonable doubt—and, by the way, in the Senate version, we require before the implementation of the death penalty that there be certification by each and every juror that the judge charged specifically that race not be a part of that decision, each and every one has to certify that they have made their decision without there being any regard to the person's race or color. No discrimination. We put that in there.

This is a charade, and it is a backdoor attempt by those who are opposed to the death penalty to say, "Well, we added 60 more provisions." And yet with this one provision, there would be no implementation of the law, regardless of race or color. Even John Wayne Gacy would not have the death penalty imposed upon him as a result of this so-called innocent and modest program.

I yield 2 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, despite the heated rhetoric that title IX of the House-passed crime bill evokes, three facts are inescapable and irrefutable.

One, despite it's clever title, the Racial Justice Act would not tend toward eliminating racially discriminatory sentencing in our criminal justice system; it actually institutionalizes overt racism and radically alters fundamental concepts of fairness in our criminal justice system.

Two, despite claims to the contrary by its advocates, many of whom openly admit their hostility to the imposition of the death penalty under any circumstances, that the provision will not abolish the death penalty; title IX overturns Supreme Court precedent and would make the death penalty in many jurisdictions nearly impossible to carry out.

Third, despite all the talk of concern for victims of violent crime, title IX, if enacted, will result in less justice for victims and families of victims of violent crimes, no matter what color of their skin.

A simple reading of the provisions of title IX leads to my three conclusions.

The first section begins with a paragraph that only restates current law:

> No person shall be put to death under color of State or Federal law in the execution of a sentence that was imposed based on race.

This concept is a fundamental and established principle of American constitutional law with which no reasonable or fair person would dispute.

The second paragraph states that:

> An inference that race was the basis of a death sentence is established if valid evidence is presented demonstrating that, at the time the death sentence was imposed, race was a statistically significant factor in decisions to seek or to impose the sentence of death in the jurisdiction in question.

Alarm bells should be ringing in the heads of anyone who is remotely familiar with our criminal justice system. How is the validity of evidence defined? Under what standard of proof can the evidence be rebutted? How are statistics of other cases useful in determining the intent of justice for an individual who committed an individual act of murder? How does this serve the need of justice for victims and their families?

Some of these questions are answered in the provisions of title IX while others are not.

Relevant evidence is described in the third paragraph:

> Evidence relevant to establish an inference that race was the basis of a death sentence may include evidence that death sentences were, at the time pertinent under subsection (b) being imposed significantly more frequently in the justisdictions in question—
>
> (1) upon persons of one race than upon persons of another race; or
>
> (2) as punishment for capital offenses against persons of one race than as punishment for capital offenses against persons of another race.

The next paragraph states that judges will decide the validity of the evidence and whether it provides a basis for the inference. The evidence can only be rebutted by "a preponderance of the evidence." Moreover the legislation requires that:

> Unless it can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which the death was imposed fit the statutory criteria for imposition of the death penalty.

These provisions lead to quotas in sentencing—a radical departure from fundamental American justice based on individual rights and responsibilities that is enshrined in our Constitution and Bill of Rights. In order for prosecutors to pursue the death penalty for an individual charged with a heinous act of murder, the prosecutor would first have to determine whether his past prosecutions and imposition of the death penalty in his area matched the racial makeup of other murderers as well as the racial makeup of victims. If it did not, no matter how horrible the crime, he could not possibly hope to win the death penalty for that individual.

That means a Caucasian drug dealer who kills an African-American police officer in cold blood in a State that did not have a statutorily required statistically proportionate representation of minorities on death row, could not receive the death penalty. This lunacy inspired the prosecutors in my State to write me stating that:

> We also oppose the so called Racial Justice Act. * * * Our belief is that these provisions will effectively abolish the death penalty under the guise of addressing racial disproportionality. The provisions effectively establish a quota for specific groups which does not reflect individual behavior. We support application of all laws in a racially neutral manner, as we support application of all laws in a racially neutral manner, but this legislation does not provide for that.

They are the ones, Mr. President, who have to explain to the families of murder victims that the justice they desire is impossible because the victim or the offender had the wrong skin color. It is inconceivable that this is racial justice.

Mr. President, it is clear then that the provisions do not address just the concerns of racism against minorities in some jurisdictions. It overhauls our entire approach to criminal justice and sets unprecedented burdens to justice for victims of all races. It is a mockery of the concept of individual justice and trial by jury—the foundations for safeguarding our liberties.

Proponents of title IX also assert that it would not overturn established Supreme Court decisions upholding the death penalty. The reading of the Court's opinion in McCleskey versus Kemp concludes otherwise. In that 1986 case, the petitioner, who was African-American, claimed that a statistical study proved that imposition of the death penalty in his State was a violation of the equal protection clause of the 14th amendment as well as the "cruel and unusual punishment" prohibitions of the 8th amendment. The Court disagreed, and the opinion by Justice Powell stated that:

> * * * Petitioner must prove that the decisionmakers in his case acted with discriminatory purpose. Petitioner offered no evidence specific to his own case that would support an inference that racial considerations played a part in his sentence, and the Baldus study is insufficient to support an inference that any of the decisionmakers in his case acted with discriminatory purpose. This Court has accepted statistics as proof of intent to discriminate in the context of a State's selection of the jury venire and in the context of statutory violations under Title VII of the Civil Rights Act of 1964. However, the nature of the capital sentencing decision and the relationship of the statistics to that decision are fundamentally different from the corresponding elements in the venire-selection or Title VII cases. Petitioner's statistical proffer must be viewed in the context of his challenge to decisions at the heart of the State's criminal justice system. Because discretion is essential to the criminal justice process, exceptionally clear proof is required before this Court will infer that the discretion has been abused.

There has been some confusion as to whether the Court actually held that the study in this case was valid or not. The seventh footnote, however, explains that:

> As did the Court of Appeals, we assume the study is valid statistically without reviewing the factual findings of the District Court. Our assumption that the Baldus study is statistically valid does not include the assumption that study shows that racial considerations actually enter into any sentencing decisions in Georgia. Even a sophisticated multiple-regression analysis such as the Baldus study can only show a risk that the factor of race entered into some capital sentencing decisions and a necessarily lesser risk that any particular sentencing decision.

Clearly, the language in title IX lowers the standard by which courts would be able to use statistical evidence beyond that which was established in McCleskey. In a 1989 Vanderbilt law review article, Prof. James Acker notes that:

> One year after *McCleskey* was decided, Federal legislation was introduced in Congress that would have the effect of countermandering much in that decision. The proposed Racial Justice Act of 1988 specifies that broad based evidence of racial discrimination, such as was at issue in *McCleskey*, prima facie establishes that capital punishment within a State is being administered unlawfully and prohibits executions unless the apparent racial disparities are explained on the basis of legally permissible factors.

As I understand it, this measure, although changed somewhat since its original introduction, has become even broader in its generality—making Acker's conclusion still relevant. In addition, this morning's paper quotes constitutional scholar Bruce Fein as stating that:

> * * * statistics that *McCleskey* held insufficient to prove unconstitutional racial discrimination could block death sentences under the Racial Justice Act.

The sound reasoning of the Court in the McCleskey decision which has been followed by more than 30 Federal district and appellate courts. Two specific appellate level decisions reflect the importance of maintaining the evidentiary standards set forth in McCleskey.

In Richmond versus Lewis, a ninth circuit opinion, the panel held that a defendant who offered statistics to show discrimination based on race, sex, and economic status failed because:

> To require the district court to weigh this evidence would be to suggest that Richmond's death sentence could conceivably be invalidated solely on the basis of his physical or social affinity to other defendants who are not now before this court but who may have suffered unconstitutional discrimination in their receipt of the same sentence.

In Harris versus Pulley, another ninth circuit opinion, the court rejected statistical studies of general discrimination by age and sex by quoting McCleskey. The appellate court held:

> Not only did his statistics not entitle him to discovery of an evidentiary hearing on this claim, but they do not present the exceptionally clear proof required to demonstrate purposeful discrimination.

By substituting the "exceptionally clear proof" standard of McCleskey, title IX of the House-passed crime bill will allow countless convicted murders to avoid justice through abuse and manipulation of statistical studies.

While proponents of title IX correctly state that Justice Powell deferred to changes that State legislatures or Congress may make regarding evidence eligible in capital sentencing, that invitation was accompanied by a stern warning on the significance of jury discretion and its connection to criminal justice—a reminder that is quite useful and necessary for this debate.

Citing Supreme Court precedent, Powell wrote:

> Because of the risk that the factor of race may enter the criminal justice process, we have engaged in unceasing efforts to eradicate racial prejudice from our criminal justice system. Our efforts have been guided by our recognition that the inestimable privilege of trial by jury * * * is a vital principle, underlying the whole administration of criminal justice. Thus, it is the jury that is the criminal defendant's fundamental "protection of life and liberty against race or color prejudice. * * * The capital sentencing decision requires the individual jurors to focus their collective judgment on the unique characteristics of a particular criminal defendant. It is not surprising that such collective judgments often are difficult to explain. But the inherent lack of predictability of jury decisions does not justify their condemnation. * * * McCleskey's argument that the Constitution condemns the discretion allowed decisionmakers in the Georgia capital sentencing system is antithetical to the fundamental role of discretion in our criminal justice system.

Finally, title IX is misguided in its priorities. While Americans increasingly lack faith in a criminal justice system that does not deliver justice for victims, the House of Representatives accepts these provisions which are meant to slow, not expedite, justice for convicted murderers.

In my own State, we have waited for 12 long years with the victims of Charles Campbell's murders for justice to be served, and we are still waiting due to one appeal after another. This Senate must get the message that it is the victims of death row inmates that deserve our energies and efforts.

Title IX is overwhelmingly opposed by those who attempt to administer justice on a daily basis, but who find themselves bound by laws that regularly serve the criminal instead. The misnamed Racial Justice Act is just such a law.

Let me make it clear for the record, this Senator, as I believe most Senators, believes there does exist some statistical racial disparity in the application of the death penalty in some jurisdictions and certain jurors, inevitably and unfortunately, do not follow their sworn duty to be objective. The GAO study does reach that disturbing conclusion.

Common sense indicates, however, that collective comparisons of individual cases can draw only superficial conclusions that may conflict with other studies. For instance, in his testimony before the House Judiciary Committee last fall, Paul Kamenar of the Washington Legal Foundation discussed a 1985 Bureau of Justice Statistics report that concluded, according to him that, "Whites are 36 percent more likely to be sentenced to death than their black counterparts." Mr. Kamenar concludes by stating, however, that, "The myriad and disparate factors in each particular murder case simply make it impossible to lump all capital cases together for comparative purposes."

Conflicting studies do not make the need to address evidence of racial disparity in some jurisdictions less significant. We cannot tolerate discrimination in any form in the application of our laws. By using limited evidence as an all-out assault on the death penalty, however, title IX does not even begin to address this disparity in a remotely constructive and meaningful manner. It takes statistical patterns of racism in some jurisdictions and installs a sweeping and unworkable mandate on all jurisdictions.

In conclusion, Mr. President, if we have the courage to do our jobs and judge this legislation on the merits, we will conclude for the Racial Justice Act, as Justice Powell did in the McCleskey case, that:

> Petitioners claim, taken to its logical conclusion, throws into serious question the principles that underlie the entire criminal justice system.

Similarly, title IX of the House crime bill, if enacted into law, is a radical change that the American people will quickly recognize as injustice. I trust that is why this Senate has rejected versions of the Racial Justice Act three times and why it will do so again by voting for the D'Amato amendment. If we fail, we have the families of murder victims—which includes all races—to answer to.

Mr. KENNEDY. Will the Senator yield for 15 seconds? I ask for 15 seconds.

Mr. D'AMATO. Yes.

Mr. KENNEDY. Will the Senator just include the rest of the Powell ruling that invited the legislatures to make a judgment on this very issue, to make such a determination?

Mr. GORTON. Mr. President, I ask unanimous consent to print more extensive remarks in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

> McCleskey's arguments are best presented to the legislative bodies. It is not the responsibility—or indeed even the right—of this Court to determine the appropriate punishment for particular crimes. It is the legislatures, the elected representatives of the people, that are "constituted to respond to the will and consequently the moral values of the people." *Furman v. Georgia*, 408 U.S., at 383, 92 S.Ct., at 2800 (Burger, C.J., dissenting). Legislatures also are better qualified to weigh and "evaluate the results of statistical studies in terms of their own local conditions and with a flexibility of approach that is not available to the courts."

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. How much time do I have left?

The PRESIDING OFFICER. One minute forty seconds left.

Mr. D'AMATO. Mr. President let me ask that a letter dated May 6, 1994, which was sent to the House and Senate conferees be made a part of the RECORD.

Let me say this letter was signed by 30 attorneys general from across the Nation, Democrats, Republicans—30 of our attorneys general in our States. They wrote a letter to the crime bill conferees expressing their opposition to this legislation, the legislation we are attempting to deal with. Let me quote one part of their letter, as it relates to the provision that the Senator from Massachusetts spoke to.

They write and I quote: "Instead of protecting against race bias," the legislation "would impose a quota system on the imposition of the death penalty."

And they conclude: "This is unacceptable."

Mr. President, this is from 30 attorneys general across this Nation. Are we supposed to believe that they are opposed to racial justice, men and women who have given their life to the enforcement of the law, equal justice? It is incomprehensible. As a matter of fact, those who come forth with this label of racial justice somehow are supposed to duck down because people do not have an opportunity to really understand.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. D'AMATO. Mr. President, nothing more needs to be said.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

May 6, 1994.

DEAR HOUSE-SENATE CONFEREES: On April 21, 1994, the U.S. House of Representatives passed the omnibus crime bill, H.R. 4092. One feature of this legislation (included in Title IX) is a measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis for appellate or collateral relief. The Senate omnibus crime bill, now included in H.R. 3355, adopted in November 1993, contains no such legislation.

We are a bipartisan group of chief law enforcement officers of our respective States. We write in strong opposition to any omnibus crime bill reported by the House-Senate Conference Committee which may include any version of the so-called Racially Discriminatory Capital Sentencing Act, or any other statistical showings legislation which overturns the U.S. Supreme Court's holding in *McCleskey v. Kemp*, 481 U.S. 279 (1987). Such statistical showings legislation seriously undermines enforcement of the death penalty.

In McCleskey, the U.S. Supreme Court rejected a claim which would allow capital defendants to make a statistical showing of potential race discrimination from unrelated cases as a basis for collateral relief. The Court correctly held that a defendant who contests his capital sentence on the basis of racial discrimination is required to prove that the decision makers in his or her own case cited with a discriminatory purpose.

We are strongly opposed to any race bias in our criminal justice system, and believe that all criminal penalties should be administered without regard to the race or color of the defendant or the victim. Instead of protecting against race bias, the Racially Discriminatory Capital Sentencing Act would implore a quota system on the imposition of the death penalty. This is unacceptable.

Below is the relevant language of the March 21, 1994 resolution of the National Association of Attorneys General (NAAG) which sets forth our opposition to the statistical showings legislation now found in Title IX of H.R. 4092:

Whereas, the U.S. House Judiciary Committee recently reported out [and the U.S. House of Representatives has now adopted]: * * * (2) a measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis for appellate or collateral relief;

Now, therefore, be it *Resolved*, That the National Association of Attorneys General:

1. strongly supports all efforts to strike * * * from an omnibus anti-crime bill: * * * *any statistical showings legislation;* and

2. opposes * * * *[H.R. 4092, title IX], or any measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis for appellate or collateral relief;* * * * (Italics added.)

As the chief law enforcement officers of our respective States, we are profoundly disturbed that this legislation, in its current form, or any version thereof, will (1) essentially stop the prosecution and enforcement of capital cases; (2) allow current death row inmates to reopen already adjudicated claims or bring new claims based upon a statistical showing from unrelated cases; and (3) jeopardize the enactment of other measures included in the omnibus crime bill.

This open-ended legislation permits the capital defendant to establish an inference that race was a factor in seeking or imposing the death penalty in his or her own case based on the same decisions made in other murder cases. Following such an inference, under the bill, "the death sentence may not be carried out unless the government rebuts the inference." However, review of the bill language shows that it would be extremely difficult (if not impossible, and only at great time and cost to the State) to rebut this inference, as the bill imposes severe constraints on the ability of the government to rebut the statistical case. For this reason, the legislation essentially abolishes the death penalty.

Specifically, the bill provides "[u]nless [the government] can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which death was imposed fit the statutory criteria for imposition of the death penalty." This means that in order to rebut the inference that racial factors were involved in any particular murder cases, the government must review all charging decisions of capital eligible cases, whether or not charged as a capital crime, all decisions to seek or not seek the death penalty, and all decisions of juries to impose or not impose the death penalty. This virtually-impossible review would be necessary under the bill in order to demonstrate that these decisions were not racially motivated.

The initial "inference" of racial discrimination under the bill, however, fails to take account of the fact that each murder case has unique factual circumstances, different strength of evidence, and different mitigating and aggravating factors relating to each defendant, which may account for the ultimate decisions to seek or not seek, or to impose or not impose, the death sentence in those particular cases. Statistics from unrelated cases should never be used to determine the outcome of any criminal case, which should instead be based solely on whether the charged offense was committed by the defendant. The difficulty in rebutting an "inference" of racial discrimination based on alleged statistical disparities from multiple unrelated cases is so profound and so potentially expensive as to essentially bring the prosecution of capital cases to a halt.

Therefore, consistent with the NAAG resolution, we support any efforts to eliminate the Racially Discriminatory Capital Sentencing Act from the omnibus crime bill. This includes instructions in the House or Senate to the conferees to take whatever measures are necessary to ensure that no crime bill is made law with these provisions in it.

Further, we strongly believe that statistical showings legislation, by whatever name it is referred to, has proven to be a contentious issue in prior Congresses and in fact was in large part responsible for the deadlock on the omnibus crime bill in past Congresses. The need to address violent crime is to urgent to delay deliberation on other important measures to combat crime. If Congress is serious about enacting an omnibus crime measure, it must strike the so-called Racially Discriminatory Capital Sentencing Act, which will only detract from the ultimate passage of the crime bill.

Sincerely,

Larry Echohawk, Attorney General of Idaho; Daniel E. Lungren, Attorney General of California; James S. Gilmore, Attorney General of Virginia; Frankie Sue Del Papa, Attorney General of Nevada; Joseph P. Mazurek, Attorney General of Montana; Robert A. Butterworth, Attorney General of Florida; Dan Morales, Attorney General of Texas; Ernest D. Preate, Jr., Attorney General of Pennsylvania; Grant Woods, Attorney General of Arizona; Jan Graham, Attorney General of Utah; Deborah T. Poritz, Attorney General of New Jersey; Joseph B. Meyer, Attorney General of Wyoming; Micke Moore, Attorney General of Mississippi; Chris Gorman, Attorney General of Kentucky; Jimmy Evans, Attorney General of Alabama; Don Stenberg, Attorney General of Nebraska; Jeffrey R. Howard, Attorney General of New Hampshire; Robert T. Stephan, Attorney General of Kansas; Gale A. Norton, Attorney General of Colorado; Jeffrey B. Pine, Attorney General of Rhode Island; Susan B. Loving, Attorney General of Oklahoma; Malaetasi Togafau, Attorney General of American Samoa; Charles M. Oberly, III, Attorney General of Delaware; Mark W. Barnett, Attorney General of South Dakota; John M. Bailey, Chief State's Attorney of Connecticut; Tom Udall, Attorney General of New Mexico; T. Travis Medlock, Attorney General of South Carolina; Michael J. Bowers, Attorney General of Georgia; Richard P. Ieyoub, Attorney General of Louisiana; Jeremiah W. (Jay) Nixon, Attorney General of Missouri;

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—58

Baucus
Bennett
Bingaman
Bond
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Johnston
Kassebaum
Kempthorne
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—41

Akaka
Biden
Boren
Boxer
Bradley
Breaux
Campbell
Chafee
Cohen
Daschle
Dodd
Durenberger
Feingold
Glenn
Harkin
Hatfield
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone

NOT VOTING—1

Shelby

So the amendment (No. 1685) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, we are about to vote on final passage of S. 1935, a bill which would dramatically tighten the congressional gift rules. If we pass this measure—as I am confident we will—this will be a truly historic vote.

This bill, if enacted, would ban gifts of meals, tickets to sporting events, so-called recreational travel, and virtually anything else a special interest might offer to a Member of Congress. It would also prohibit all privately funded travel not related to official business and establish strict new disclosure requirements for those travel reimbursements that may be accepted.

These are the toughest gift rules ever approved by either House of Congress. If adopted, they will send a message that business as usual is no longer acceptable in this town.

Mr. President, the Senate is a highly ethical body. The problem is that the public does not appear to see it that way—and apparently will not see it that way until we adopt new rules that rid us of any appearances of favoritism or unequal access.

That appearance, as unfair as it may be, is poison for public confidence in government. It is not good for the Congress and it is not good for the country. It is my hope that, with this bill, we can take a significant step toward bolstering public confidence in this institution.

Mr. President, this bill would not have been possible without the contributions of many Members of Congress. I would particularly like to thank Senators MITCHELL and GLENN, the majority leader and the chairman of our committee, for their guidance and support; Senator COHEN, the ranking minority member of my subcommittee, for his able assistance in managing the bill on the floor; and Senator FORD, the chairman of the Rules Committee, for his valuable input and assistance.

In addition, I want to acknowledge the efforts of Senators LAUTENBERG, WELLSTONE, and FEINGOLD. Even though the bill we are voting on today is significantly different from their proposal, it shares the same goal.

We would not have been here without the strength and perseverence of Congressman JOHN BRYANT, who successfully managed a string gift ban bill to passage on the House side earlier this year. Although differences remain between the House and Senate gift provisions, no one should doubt that both are tough measures which are intended to change the way we do business around here.

Mr. President, in view of the extensive consideration that this bill has received over the last week, and the overwhelming approval of the measure that I expect in the forthcoming vote, it is my view that this bill now represents the position of the Senate on the gifts issue. On that basis, I intend to make it the starting position of the Senate conferees when the conference begins on S. 349, the Lobbying Disclosure Act.

I thank my colleagues for their support, and their patience, in dealing with this difficult issue.

Mr. COHEN. I would like to join Senator LEVIN in urging my colleagues to support final passage of this gift ban legislation. As I have stated a number of times, no Member of this body is or has been unduly influenced as the result of a steak dinner or a fruit basket. Nonetheless, there is a perception that the Nation's business is being undermined through gifts to Members of Congress from special interests. All of us recognize that this is a false perception, but one that exists nonetheless.

We have an obligation to try to reduce the level of cynicism directed at public institutions. We must be clear, however, that banning gifts will do little to improve Congress' standing in the public's eyes if timely action on health care, crime, the economy, and other critical issues is not taken. Gifts and other advantages of office are powerful symbols—but they are mere superficial lacerations compared to the malignancy that lurks in the body politic of this Nation. The cynicism toward Congress was not reduced when we charged for gym privileges, closed down the gift shop in the Dirksen Building, or raised prices in the barber shop. Public approval of Congress did not improve as a result of eliminating so-called perks in the past, and I am not sure that this gift ban will succeed in reducing public cynicism. It is ironic that at a time in our history when the standards of ethics in Congress is higher than over before, the press and public believe just the opposite.

Historically, Congress has enjoyed high levels of support when the public witnessed Congress doing the Nation's business in a way which they could feel proud of, even if there was disagreement about the ultimate outcome. For example, Congress was looked upon favorably during the Watergate hearings, when the House and Senate rose to the occasion to deal with a very tough situation in a responsible manner, and during the debate on the Persian Gulf war, when the Nation watched this body solemnly consider the use of military force.

Although overcoming the American public's cynicism toward Congress cannot be achieved with one piece of legislation, we have an obligation to do what we think is best for the institution. Members of Congress are very much aware of the public's dissatisfaction. We must try to prevent public confidence in Congress from eroding any further than it already has.

Some say that Congress already spends too much time tracking public sentiment and following the polls, and cite this propensity as the major reason why Congress cannot deal effectively with difficult issues such as health care, the budget deficit, and crime control. I agree with the statement that Congress must spend more time leading and less time trying to follow public opinion. However, on questions of ethics, we must pay heed to the public's loss of fundamental faith in the trustworthiness of Congress, otherwise, we risk endangering the role this institution plays in our political process.

Clearly, some may view this bill as an effort to stem the tidal wave of public discontent about a Congress that many feel is self-indulgent and out of touch. However, I hope Members will support this gift ban legislation not simply out of a desire to appease the public, but because the ban is in the best long-term interests of this institution. It is in this spirit that I believe that passage of S. 1935 is necessary.

As I have said throughout the debate on this bill, finding the best approach to fairly and responsibly address the issue of gifts to Members and staff is an ongoing process and is by no means complete. There have been a number of significant improvements and clarifications made to the bill as the result of floor debate. Clearly, the most significant change to the bill came from Senator BUMPERS' amendment, which bans all gifts, not just those worth under $20. I also want to note the contributions of Senator SIMPSON, regarding the designation of honoraria to charities, and of Senator DOLE, regarding donations to charitable foundations. Still other improvements can be expected in conference with the House.

I would like to thank Senator LEVIN for his leadership on this difficult issue. Sponsoring this legislation is not a task that either of us sought out, but Senator LEVIN has worked hard to craft a bill that improves greatly upon the legislation that was originally referred to Governmental Affairs. Two members of his staff, Linda Gustitus and Peter Levine, deserve particular recognition for the long hours they put in on this bill. I also would like to thank Senator STEVENS for his assistance in helping to manage the bill.

Mr. DURENBERGER. Mr. President, I rise in support of final passage of the gift ban bill, as amended.

When Americans are asked to rank professions in terms of public esteem, politicians invariably end up wallowing at the bottom, somewhere in between lawyers and used car salesmen. This image problem isn't just any old public relations disaster; it is a threat to our system of government.

When people lose faith in their elected officials, they become cynical about government and what it can accomplish. They stay away from the polls on election day. Even some of the good things we do here lose credibility. People participate in government less. The system becomes less democratic.

I must say that I agree with many of my colleagues who have spoken against this bill that it is often the proponents of measures like these that contribute to the public relations problems. By suggesting that we cannot be trusted to accept the hospitality of our constituents, our allies and our friends in Washington, they suggest that something improper is happening. That is unfortunate and untrue.

But to those colleagues that oppose this bill, I must say that placing the blame for the problem does not make the problem go away. Regardless of the origins of the problem, it is real and we need to deal with it.

During the 103d Congress, I have supported efforts like motor voter to make participation in the political process easier. I have also worked to forge genuine campaign finance reform to restore faith in the way officials are elected. Today I will vote for this bill, to reduce the perception that Congress can be bought by special interests.

Early in the debate on this bill, I supported the McConnell-Johnston substitute amendment, which would have further reduced the limit and required the disclosure of gifts. I believe that option would have addressed the perception problem without creating a confusing maze of rules with more gray areas than bright lines. But since this body opted to reject that amendment, we are left with the approach in the underlying committee substitute.

Those of us who are retiring at the end of this Congress will not have to live under this ban and its myriad exceptions. I am glad that I will not have to make a determination of who is a personal friend and who is a political friend. When my colleagues dedicate their lives to public service, I know that those lines become hard to draw.

I also think the record of this debate ought to reflect the observation that this legislation is needed only to cure the perception, not to change the reality. In my nearly 16 years in the Senate I have come to know a great many people in Washington, Not only Members of Congress, but lawyers, lobbyists and leaders of various so-called special interests.

Among the office holders, I have yet to meet one who is not motivated by a desire to serve the public. No one in this Senate would take a bribe of a million dollars, let alone be bought for the price of a meal. Everyone in this Senate, in my observation, works long, hard hours. The perception of nightly dinners and monthly junkets that some try to convey is simply wrong.

Among the lawyers and representatives of various interests, it is rare to the point of non-existent for them to try to rely on a personal relationship for a favor. They rely on reasoned argument, facts, and the expressed desires of constituents to carry their case.

Finally, as I said, I will vote for this legislation hoping that it will have some positive impact on the way the public views Congress. But I believe we could do much more to cure our image problem by getting down to the business our constituents sent us her to do—health care reform, welfare reform, and tackling the deficit.

Long after this vote is forgotten, that work will be our legacy.

Mr. LAUTENBERG. Mr. President, I rise as the initial sponsor of legislation to eliminate most gifts, meals, and travel provided to Members of Congress and their staffs.

Mr. President, Senate passage of this bill will represent a major step in a journey that began a little over 1 year ago. Last spring, I developed the first bill to ban most gifts to Members of Congress and their staffs. The introduction of that bill, S. 885, was not just an introduction of a piece of legislation. It was an introduction of a whole new idea. An idea that, until then, was not even on the radar screen here in Washington.

It is easy to forget how much things have changed in the past year. But just 12 months ago, the idea of simply disclosing these gifts was considered pretty radical. Senator WELLSTONE had to pull teeth to get the Senate to endorse an amendment disclosing gifts, and it was rightly considered a huge and dramatic step.

By contrast, an outright gift ban was considered beyond the pale—not only off the agenda, but beyond the realm of the politically possible.

In fact, when I first broached the idea of an outright gift ban, the reaction I got, even among reformers, was skeptical at best. They told me in blunt terms: it would never happen.

Well, it may have been a mere pipe dream at the time. But today I am hopeful we will see that even pipe dreams can come true. Sometimes it just takes a little grit and determination.

Mr. President, at its most basic level, the twin goals of this legislation are simple: first, to help restore public confidence in the Congress, and, second, to reduce the ability of lobbyists and special interests to acquire access and influence on Capitol Hill.

Mr. President, Americans have always been deeply cynical about their government. Today that cynicism has reached disturbing levels. Increasingly, Americans see Members as captives of special interests, unconcerned about ordinary people. Many feel that Congress is not serving the public well because Members are out to lunch—at expensive restaurants and resorts, with the tab picked up by special interests.

Mr. President, I know many of my colleagues believe that these perceptions are inaccurate, or at least overstated. But no one can deny that those perceptions exist and are broadly held by the American people.

They are also understandable. After all, let us say you are a baseball fan. You pay hundreds of dollars to fly to the World Series to see your favorite team compete. And then you find out that the umpires just came back from a luxury trip to the Caribbean—paid for by the opposing team.

Now, those umpires might insist that their free trip will not influence their work. They may claim to be fine, ethical people who care about the good of the game. They may say that their judgments will not be colored by the gifts they received.

And not a fan in the country would believe them.

Well, Mr. President, that is how most Americans feel when they see Members of Congress cast their votes after they have been wined and dined by special interest lobbyists. They think the deck is stacked against them. They do not think it is right. And they do not respect a system that operates that way.

Mr. President, fair or not, as long as the public believes that Congress is beholden to special interests, our credibility, and our ability to lead, is undercut.

Democracy simply cannot function in an atmosphere of distrust. After all, when citizens view everything the Congress does in the worst possible light, they are similarly skeptical about the legislation we propose. That makes it extremely difficult to build public support. And without public support, it becomes almost impossible to address major social problems in a meaningful way.

In other words, Mr. President, restoring public confidence in the Congress is not just important to the institution. It is critical for our country and our future.

That brings me to the second goal of this legislation.

Mr. President, the need to ban lobbyists' gifts is based on more than the need to restore public confidence in the Congress. We also need to address the disproportionate power of special interests in our political system.

Now, Mr. President, I know that many of my colleagues are thinking: come on Frank, you and I know that Senators are not selling votes for a free meal.

And that is true.

But that is not the point.

The point is this: When lobbyists take a Senator or key staff member out to dinner, they are not just buying a meal, They are buying access. And access is power.

Ordinary citizens do not have that access.

They cannot just take their Senator to a quiet dinner at an expensive restaurant and explain what it is like to be unemployed.

They cannot take their Congressman to a ballgame to discuss problems they have making ends meet or educating their kids.

And they certainly cannot spend a relaxing weekend at a tropical resort, playing golf with key legislators while reviewing their concerns and anxieties about the future.

Meanwhile, lobbyists can do all these things. And while they are at that restaurant, or that ballgame, or that resort, they can discuss a new tax break, or some other favor that their clients want.

If any Member doubts the value of this kind of access, just ask a lobbyist or their corporate clients. Only the most disingenuous will claim that they provide these exotic trips out of the goodness of their heart. They pay because it gets results.

They pay to buy clout.

Similar thinking is involved when lobbyists give Members tickets to a show or sporting event, or other gifts. Often, the tickets buy access to Members at the event itself. But if not, they buy good will. And good will also is power. It can mean the difference between getting your calls returned, or your letter taken seriously. And that can translate into millions, even billions of dollars—at the expense of ordinary Americans who have no lobbyists to represent them.

Now I know that these kinds of gifts and favors are not unique to Congress. They are the common coin of exchange in a variety of different areas. Which, again, demonstrates that people think they have an impact.

I know I did when I was a CEO in the private sector. My company strictly forbade purchasing agents from accepting gifts from suppliers. There was the potential for undue influence, and the stakes were high. So I took steps to minimize the possibility of abuse.

The same concerns apply to Congress, where the stakes are infinitely greater. And now we have to take steps to minimize abuses here as well.

Before I go further, Mr. President, let me say this.

I know a lot of my colleagues are unhappy with me for proposing this legislation. And that may be putting it mildly. So I want to emphasize a few things.

I did not introduce this bill to tear down the Congress. To the contrary, I want to build it up and strengthen it.

Nor am I offering this legislation to impugn the integrity of any Member of Congress. The fact is, Members of this body are dedicated public servants who work hard and are genuinely committed to serving the public interest. That is not widely appreciated, but it is true. and I think our bill would only help make that clear.

Nor am I claiming that I am some kind of saint who thinks he is holier than thou. In the past, most of the Members of this body, myself included, have lived by the rules and accepted certain items. I do not claim otherwise.

But times have changed. Public frustration has reached enormous proportions. And it seems to me that we will never restore public faith in this institution until we make some meaningful changes in the way we do business.

This bill will make those changes. It will ban virtually all gifts except those from family members and personal friends. It will put an end to recreational vacation trips, paid for by private interests. And it will prohibit lobbyists from currying favor with politicians by responding to a Member's solicitation for a contribution to his or her favorite charity.

It is a tough, strong bill that will make a real difference in the way business is conducted here in Washington.

Mr. President, let me briefly review how we got to this point. As I mentioned, I introduced the first gift ban bill, S. 885, on May 4, 1993. That bill proposed a strengthened version of the rules that now govern executive branch officials.

On May 5, 1993, I offered an amendment to S. 349, the Lobbying Disclosure Act, expressing the sense of the Senate that the rules in this area should be tightened in a manner substantially similar to the restrictions applicable to executive branch officials—and that we should act by the end of last year's session. My amendment was approved by a vote of 98–1.

Despite the overwhelming vote, the Senate did not take action last year. Hearings were held in July by the Governmental Affairs Subcommittee on Oversight of Government Management, chaired by Senator LEVIN. However, by the end of the session the bill remained stalled in committee.

Earlier this year, joined by Senators WELLSTONE and FEINGOLD, I decided to push the issue to a head. The three of us announced that we were prepared to offer an amendment to unrelated legislation, and we developed a new version of our proposal designed to move the process forward.

Our new bill, S. 1935, was based on legislation that had been developed in the House, which placed restrictions on the gifts that lobbyists and their clients could provide. We designed our bill to largely mirror the House approach, but we eliminated many of the loopholes in the House bill, and strengthened the language in a variety of ways. Our expectation at the time was that an approach focused on lobbyists and their clients was more likely to win eventual approval as part of the Lobbying Disclosure Act, especially given the difficulty we had encountered in moving our original bill, which focused on what Members and staff could receive.

After we announced our intention to offer the new bill as an amendment to unrelated legislation, we entered into negotiations with key Senators about the procedures by which our proposal would be considered. After extensive discussions, we succeeded in securing a unanimous-consent agreement under which our bill would be referred to the Governmental Affairs Committee for a limited time, after which the bill would be taken up by the full Senate.

It was this agreement that finally got the ball rolling. Facing a deadline for action, the Governmental Affairs Committee developed a revised version of our bill, and sent it on to the full Senate. The committee's substitute, developed largely by Senator LEVIN, went back to the approach in our first bill, S. 885, and placed restrictions on what Members could receive in a manner substantially similar to the rules applicable to executive branch officials. The committee also adopted a key principle of our second bill, S. 1935 as introduced, by including a virtually total ban on gifts from lobbyists.

The committee substitute was a significant, positive step forward, but it had several weaknesses. For example, the substitute contained an open-ended exemption for meals and entertainment in a Member's home State. It also lifted an existing cap on gifts worth more than $250 from personal friends. In addition, the committee substitute failed to restrict the lobbyists and others who give gifts.

Once the bill came to the floor, Senators WELLSTONE, FEINGOLD, and I were able to make some significant improvements in the legislation, which were included in a manager's amendment proposed by Senator LEVIN. First, the amendment reinstated the current cap on entertainment in a Member's home State, pending Rules Committee action. Second, the amendment required Ethics Committee waiver of gifts to Members and staff from personal friends in excess of $250, as under current rules. This is designed to protect against apparent conflicts of interest where, for example, a friend gives a large gift while seeking legislative favors.

The manager's amendment also makes it unlawful for any lobbyist or foreign agent to give a gift knowing that acceptance of the gift would violate the rules. Unfortunately, we were not able to agree on an enforcement mechanism for this prohibition. However, inclusion of the provision puts the Senate on record in support of the principle of limiting gift givers, and I am hopeful that an enforcement mechanism will be established in conference. The House gift ban relies exclusively on restrictions imposed on lobbyists and clients, enforced by the Justice Department through civil fines up to $200,000.

Another provision in the manager's amendment is based on language from our underlying bill, S. 1935, that precludes the availability of the personal friendship exception where a lobbyist charges a fee for the purpose of reimbursing the lobbyist for a gift. This responds to statements by lobbyists that they would evade the rules by claiming that a Member or staffer was a friend, and then charging higher hourly fees to compensate themselves for lunches provided to Members and staff. This kind of evasion would be precluded by our language.

Finally, the manager's amendment limits the availability of the widely attended event exception to food and materials provided by the sponsor of an event. This is consistent with our original proposal, and with executive branch rules. Thus, if a private corporation pays to have a Member sit at their table at an event, that will be considered a gift to the Member and banned, if no other exceptions apply.

Taken together, Mr. President, these changes have made an already strong bill even stronger, and are sufficient to allow me to endorse the final product enthusiastically.

Mr. President, before I go further I want to express my appreciation to Senator LEVIN and his staff for their outstanding work on this legislation, and for their cooperation throughout this process. Senator LEVIN has once again proven himself to be not only a committed advocate for reform, but one of the most conscientious and able Members of this body. His performance in the debate on this bill demonstrated his mastery of the bill's details, and his tremendous skill as a legislative craftsman.

I also want to express my thanks to Senator LEVIN'S staff, especially Linda Gustitus and Peter Levine, for their excellent work on this bill. They've done a great job, and deserve enormous credit for their professionalism and their dedication to quality.

I also want to formally thank my two partners in this effort, Senator PAUL WELLSTONE and Senator RUSSELL FEINGOLD. It's been a real pleasure to work with both of these outstanding Senators, and I appreciate their support throughout this often lonely battle. Senator WELLSTONE clearly has established himself as one of the most forceful and effective advocates of Government reform, and has thrown himself into this battle with great dedication and commitment. Similarly, Senator FEINGOLD has worked very hard on this legislation, and has made a huge difference. I thought his presentation to the Senate was especially persuasive, and demonstrated to our colleagues that a tight gift ban can work in the Senate, as it has worked in Wisconsin for over 20 years.

Mr. President, let me also pay tribute to two outside groups that played an especially important role in this effort.

First, Common Cause, and its president, Fred Wertheimer.

Mr. President, Common Cause may not be the most popular group among Members of Congress, but it plays a critical role here in Washington. It would be a lot harder to pass reform legislation if they were not here to help: providing technical drafting advice, working the Halls of Congress, and building support in the press and the public around the country. Fred Wertheimer and his staff, especially Michael Mawby and Meredith McGehee, have made a major contribution to this effort, and I want to publicly thank them for their help.

I also want to express my appreciation to Public Citizen, and its president, Joan Claybrook, for their assistance in building support for this bill. Public Citizen has made a real contribution, not only by providing lobbying support and advice, but by publishing an extensive report on travel by Members of Congress that helped bring this problem to public attention. I want to especially thank Bob Schiff and Pam Gilbert of the Public Citizen staff for their assistance.

Now, Mr. President, the battle shifts to the conference committee on the Lobbying Disclosure Act. There are major differences between the Senate and House gift bans, and much work remains to be done.

I would strongly urge the conferees to take the best from both the Senate and House versions in devising a final conference report. From the Senate, I would hope they will take our broad approach that prohibits Members and staff from accepting gifts from virtually anyone other than relatives and personal friends. From the House, I would hope they will take strict limits on lobbyists and others who give gifts, backed up with tough and enforceable sanctions. I also would note that it is important not to include some of the loopholes that were included in the House bill, such as those that would allow charity recreational trips and private meals with lobbyists.

It is comforting for me to know that the Senate will be represented in these negotiations by Senator LEVIN, and I look forward to providing any assistance I can to support his efforts.

So, Mr. President, this promises to be a historic day. I'm proud to be a part of it. And I look forward to continuing to work hard until this important piece of legislation is enacted into law.

Mr. President, I ask unanimous consent that certain materials related to this legislation be published in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 9, 1994]

THE NEW SENATE STANDARD ON GIFTS

The debate was unusually passionate and personal last week when the Senate considered banning one of lawmakers' most cherished perks: the lavish meals, resort vacations and other gifts from lobbyists and other special interests seeking influence.

For a while, it looked as if the perk preservationists, led by Democratic Senator J. Bennett Johnson of Louisiana and Republican Senators Mitch McConnell of Kentucky and Bob Dole of Kansas, the minority leader, might just prevail.

But they did not. In a crucial vote the Senate rejected, 59 to 39, mischievous amendment that would have gutted the strong gift-ban measure sponsored by Senator Carl Levin, Democrat of Michigan, and Senator William Cohen, Republican of Maine. Senate passage of the gift ban is expected later this week.

That will be a big breakthrough for government integrity and a real tribute to the persistence of three Democratic Senators: Frank Lautenberg of New Jersey, Paul Wellstone of Minnesota and Russell Feingold of Wisconsin. While most of their colleagues would have preferred to see the issue disappear quietly, these three insisted that it be addressed. They share the credit with Senators Levin and Cohen for the progress made so far.

Among those on the wrong side of this fight, voting to uphold every Senator's right to a life style subsidized by lobbyists, were Senator Chistropher Dodd, the normally reform-minded Democrat of Connecticut, and Senator Alfonse D'Amato, the Republican of New York who is a connoisseur of ethics only when it comes to President Clinton and Whitewater.

The fight to wean lawmakers off lobbyists' gifts is not yet over. The Senate bill could still use some tightening. But the major challenge is to get the strong restrictions in the Levin-Cohen bill accepted as part of the final House-Senate conference on lobbyist registration and gift bans. Representative John Bryant, Democrat of Texas, the chief sponsor of the House bill, has said he is open to strengthening its loophole-ridden provisions, which would, for example, allow the free golf and tennis junkets that lawmakers now enjoy in the guise of helping charities.

Much now depends on Mr. Bryant and the House Democratic leadership. After all the discouraging rhetoric and foot dragging, the Senate has set a laudable standard. How will the House respond?

[From the New York Times, Mar. 8, 1994]

AN HONEST GIFT BAN

At the urging of Senator Frank Lautenberg of New Jersey, the Senate approved a resolution last May committing the chamber to strict new curbs, by the end of 1993, on gift-giving by lobbyists to members of Congress. The deadline passed, but last week Mr. Lautenberg served notice that he was ready to push the matter. That is a promising development for Congressional ethics reform.

Mr. Lautenberg and another strong critic of the unseemly financial ties between lobbyists and lawmakers. Senator Paul Wellstone of Minnesota, made public an amendment they will offer to bar the free meals, resort vacations and other life style enhancers that powerful interests now bestow on members hoping to buy legislative advantage.

The faint-hearted among their colleagues may not be pleased. But Messrs. Lautenberg and Wellstone have done a real public service by putting forward an honest measure that could move Congress to a higher moral plane.

The measure exposes the major weaknesses in the House's pending gift ban bill, sponsored by Representative John Bryant of Texas. The problem with that bill, as the accompanying chart suggests, is that it is too permissive to do much good.

The reason for the House's timidity is depressingly clear. Many House members have grown accustomed to a life on the dole, and recoil at the idea of giving up their lobbyist-financed golf and tennis outings. House Democrats, who do not normally go out of their way to satisfy the Republican minority, now have Representative Vic Fazio of California conferring with the minority whip, Newt Gingrich, to try to agree on new gift limits.

Mr. Bryant is scheduled to meet tomorrow with Republicans to discuss the issue. What both sides seem to be looking for is bipartisan cover for not strengthening the Bryant bill.

By moving their measure swiftly in the Senate, Senators Lautenberg and Wellstone will make it much tougher for House leaders to pull a fast one by passing the weaker Bryant bill and claiming a victory for reform. Much as many lawmakers would like to deny it, the public stakes are high. "When lobbyists take a senator to dinner, they're not just buying a meal, they're buying access," observes Mr. Lautenberg. "And access is power."

GOLF OR TENNIS, ANYONE?

Key differences between Senator Lautenberg's proposed gift ban for members of Congress and Representative Bryant's weaker House version.

Lobbyists' gifts	Lautenberg's plan	Bryant's plan
Golf, tennis, skiing and other recreational trips.	Banned	Allowed.
Meals and entertainment	Banned	[1] Banned.
Donations to members' foundations and legal defense funds.	Banned	Allowed.

[1] A major loophole allows the lobbyist's client to pick up the tab.

[From the New York Times, Mar. 29, 1994]

THE GOLF CLUB SURVIVES

Senator Orrin Hatch has some good news. Tennis, he announced in a recent letter to Congressional colleagues, has been added to the list of activities at the Utah Congressional Golf Challenge, an annual sporting event to which Mr. Hatch plays host in his home state.

Like other such junkets taken in the guise of helping charity or Congressional business, this is a chance for lawmakers to enjoy an expenses-paid vacation at a luxury resort courtesy of big corporate sponsors, whose lobbyists and executives get to play right alongside the House and Senate members. These corporations, of course, care less about golf and tennis than forging personal ties that can help with legislation.

Mr. Hatch's tournament was not mentioned yesterday when the House debated gift-giving to members of Congress, which is too bad. The popular outing points to a critical flaw in the new gift restrictions pushed through by House Democrats who are now loudly proclaiming a victory for ethics.

Some victory. The bill, crafted by John Bryant of Texas to placate the peripatetic and bipartisan House Golf and Tennis Caucus, and shepherded to a lopsided victory by Vic Fazio of California, would not prohibit Mr. Hatch's sporting junket. A loophole-marred provision would bar lobbyists from picking up the tab for lawmakers' meals and entertainment. But the corporate executives who hire the lobbyists could continue to bestow these benefits without the embarrassment of disclosure.

It speaks volumes about the state of Congressional ethics that House Republicans, most of whom ended up voting for yesterday's gift measure, initially balked at accepting even these deficient changes. Democratic leaders, meanwhile, happily latched onto that reluctance as an excuse for not strengthening the Bryant bill.

Realistically, the hope for strong gift reform now rests with the Senate. A tough gift ban measure recently proposed by Senators Frank Lautenberg of New Jersey and Paul Wellstone of Minnesota provides a real chance to change Congress's lobbyist-subsidized life style. It would forthrightly ban gifts of recreational travel, meals and other dubious financial benefits bestowed by lobbyists and the companies who employ them in an effort to influence legislation.

The Lautenberg proposal is now before the Senate's Governmental Affairs Committee, which, under an agreement with the Senate majority leader, George Mitchell, has until April 27 to act on the issue. Floor consideration is assured no later than May 4. The Senate's Democratic leadership should wait until the Senate's gift provisions are acted upon before scheduling a conference with the House.

Prompt action by the Senate on an honest gift reform bill would expose the House bill for the inadequate response it is. It could also force club- and racket-wielding lawmakers, kicking and screaming, onto higher ethical ground.

[From the Washington Post, Mar. 29, 1994]

CLEANING UP THE LOBBY

The House took an important step last week toward making itself more accountable and reining in the influence of paid lobbyists. But it was only a step. If members of Congress want to reassure voters that they are not the sorts to be bought off by free golfing trips, skiing vacations and tennis outings, they need to strengthen the House's handiwork.

First, the good news. The bill passed by the House would actually provide a comprehensible definition of just what a lobbyist is and require registration with a new independent agency. Anyone paid more than $2,500 in any six-month period for lobbying work, or any group paid more than $10,000 a year to lobby, would have to file disclosure reports every six months. They would have to report on the important aspects of their work, including who their clients are, which issues they're working on and which congressional or other governmental offices they visit. The bill would also bar lobbyists from giving senators, House members or their staff members meals, trips or other gifts. Registration would also be required of those who organize "grass roots" campaigns to influence legislation—which are often actually instant Astroturf creations of lobbying groups trying to create the impression of mass support for their side. The point of all this is to ensure that the public knows who is trying to influence whom and to make clear that members of Congress aren't out to sell their votes.

What's missing from the bill is a comprehensive ban on the sort of free travel—"charitable" tennis and golf tournaments are the most well-publicized examples—sponsored by the corporations and trade associations that hire the lobbyists. There is nothing wrong with members of Congress taking a deserved vacation, but they, like other citizens, should pay for it themselves. As the House bill now stands, members could take the free trips as long as they were paid for by the interest groups and not financed directly by the lobbyists. It's a loophole you could drive a golf cart through. Similarly, corporate executives could buy the restaurant meals that the lobbyists could not. The lobbyists could come along for the fun.

The Senate has a much stronger gift ban before it, sponsored by Sens. Frank Lautenberg and Paul Wellstone. In addition to banning the trips, it would also prohibit some of the more sophisticated forms of gift-giving. For example, it would stop lobbyists from making contributions to private foundations controlled by members of Congress or from making charitable contributions in the name of a member. The Senate has passed its own version of lobbying reform, but before a House-Senate conference is called, senators should get a chance to vote on the more comprehensive gift ban. And having taken one good step, the House should be prepared to take the definitive one. As Rep. Karen Shepherd of Utah put it, the client-sponsored trips are "excuses for corporations to buy members a nice week of vacations, and I think they should be banned." Ms. Shepherd has it right.

[From the Washington Post, Apr. 22, 1994]

GETTING BETTER ON ETHICS

Remarkably, the effort to tighten the rules on gifts to members of Congress is making progress. On Tuesday, the Senate Governmental Affairs Committee reported out a bill being pushed by Sen. Carl Levin (D-Mich.) that would bar members of Congress from taking gifts from registered lobbyists, with a few minor exceptions. Notably, it would ban privately funded travel not related to official business and also ban private travel and lodging for those famous "charitable events" and other trips that are substantially recreational. The bill contains other useful provisions, including a ban on charitable contributions made in the name of members in lieu of honorariums.

In amending his earlier approach, Mr. Levin is rightly responding to proposals by Sens. Wellstone, Lautenberg and Feingold to make sure that those "charity" golf and tennis tournaments get banned once and for all. The Senate bill is, on balance, tougher than an approach passed earlier this year by the House.

But the House bill, being shepherded by Rep. John Bryant (D-Tex.), has one advantage. It prohibits lobbyists from giving gifts, where the Levin bill simply bars members from taking them. The Bryant approach would have the effect of giving the Justice Department an enforcement role and not leaving all the enforcement to Congress itself. Taking Mr. Levin's rules and applying them both to members of Congress and to lobbyists would be the best route.

The Levin rules could stand some tightening. The Senate bill, for example, leaves the Senate Rules Committee great discretion in determining what sorts of meals and entertainment would be acceptable if they were given when a member of Congress was in his or her home state. Better to spell these rules out in legislation. More generally, both houses need to make sure all the rules are tightly drafted to avoid problems such as a provision in the House bill that actually weakens rather than strengthens the law on illegal gratuities to members of Congress.

There is considerable resentment in Congress at the whole effort to tighten gift rules. Many members argue privately that voters will still mistrust them whether they have tough rules or loose ones, so why make congressional life more difficult by getting tough on gifts? This sourt of self-pity is unbecoming and misses the point. Voters have a right to be skeptical about some of the gifts members of Congress can now legally take. Improving the system won't miraculously change public attitudes toward politicians for the better, but blocking reasonable reforms will surely make those attitudes worse. And, yes, the politicians trying to make things better do deserve credit for their efforts.

The progress that's been made, and the further progress that's possible, could be blocked if the Senate does not act to make sure that the entire Levin approach is incorporated in legislation that gets to the conference committee where a final bill will be brokered between the two houses. The Levin approach has raised the standards for the House, and some foes of reform, not wanting to take the heat for blocking a bill directly, may use procedural moves to prevent action without seeming to do so. The House and Senate leaders shouldn't let that happen.

Mr. McCONNELL. Mr. President, the upside of this bill is all political. But, make no mistake, there will be no positive blip in congressional approval ratings because of this bill.

The downsides of the Levin-Wellstone-Lautenberg proposal are in practicality, enforceability, and compliance. Those are the concerns I expressed last week and still hold. The actual language of the bill is not concise or easily implemented. That is why I supported Senator BUMPERS' amendment to delete the $20 gift limit allowed from nonlobbyists, it would be very difficult to ascertain that everything accepted did, indeed, have a market value of less than that amount. In effect, I argued for making the bill tougher by making it more practical.

As vice chairman of the Ethics Committee, I am compelled to again caution members that the committee is nowhere near adequately staffed to cope with the onslaught of advisory opinions and waiver requests it will receive because of this legislation. And when the committee is powered up with legions of staff attorneys, members, and staff beware, this bill will make honest people appear crooked. Reputations may be ruined. Careers may be destroyed—over a meal or trinket that falls outside some exception.

Mr. President, I will not at this time revisit the donut debate of last week, but would note that that discussion only touched on the countless scenarios possible under this measure. However, as the softball season is just beginning, I will leave Members and staff with an additional question to ponder: under the Levin-Wellstone-Lautenberg proposal, will any Senator or Senate employee be able to play on a softball team in a tournament sponsored by corporations? Sponsored by a pizza joint? Will America be better off because all Senate softball players are benched?

There is no question that America is not enamored of its Congress. But in our zeal to appear sensitive to public perception, we must not lose sight of reality. The reality is that until we seriously tackle the seemingly intractable problems of the deficit, government waste, crime and economic insecurity, people will not have a positive perception of Congress. and all this self-immolation on C–Span just makes people even more disgusted.

Mr. CHAFEE. Mr. President, today the Senate has come one step closer to restoring public confidence in Congress. Passage of what has come to be called the gift ban bill will help to strengthen the credibility Congress has lost as a result of such matters as the improprieties that led to the closing of the House bank and the revelations about dubious fundraising activities that resulted from the Keating Five investigations.

I do not believe that the votes of most Members of Congress are influenced by the meals and tokens that this bill seeks to eliminate.

What I do believe is that a public perception exists that Congress places itself above other Americans. The perception also exists that some Members of Congress are unduly influenced by special interest lobbyists, rather than by those they represent. This erosion of the public trust threatens to undermine the effectiveness of the legislative branch.

As we endeavor to make unprecedented changes in our Nation's health care policy that will affect virtually every American; as we work to rejuvenate our Nation's troubled schools; and as we take steps to reform the welfare system to best assist our Nation's poorest citizens, we must have the trust, confidence, and assistance of the American people.

If restoring the gift rules will help to restore the public trust, then I am all for it.

Mr. ROCKEFELLER. Mr. President, I openly admit that I have reservations about how the good intentions of Senator LEVIN's congressional gift reform legislation will be implemented, and how some provisions could inadvertently affect or raise questions about our families' activities, and those of our staff and their families.

Last week, I spoke in support of the McConnell-Johnston alternative. I voted for this alternative because I truly believed it was a more practical and more enforceable effort to address the American public's concern about the need for congressional reform.

Despite how the alternative was portrayed in the press, I believe that the McConnell-Johnston amendment represented true reform by lowering the thresholds for gifts, requiring approval by the Senate Ethics Committee for travel to charity events, and dramatically increasing penalties for unethical behavior by Members and staff.

I preferred this alternative because it would not force me to question the value of thoughtful gifts from constituents, such as framed pictures taken at West Virginia events, or quilts presented to me as a tribute to the enormous efforts my wife Sharon made to promote West Virginia's quilters. I was honored to accept these quilts years ago, and am proud to display them in my office. It troubles me that in the future, questions will be raised about similar gifts to Members, and even gifts to their families.

As I said last week, I commend Senator LEVIN for his painstaking efforts to address questions and develop reasonable legislation in this area. Real improvements have been made throughout the legislative process. I was one of the Members who responded to Senator LEVIN's request for comments, and shared my concerns about how vague legislative language could hinder legitimate and essential communications, or discourage Members and staff from volunteering time to charities. Both of these issues concern me deeply. I want to publicly commend Senator LEVIN for his efforts to draft specific language to allow for attendance at meaningful symposiums and events with constituents and advocates to discuss legislative issues and exchange ideas.

Senator LEVIN's colloquy with Senators DOLE and SIMPSON has helped clarify some key points for Members and staff working with charitable organizations which is appreciated. I take enormous pride in my work for charities like the Children's Health Project, which uses mobile vans to provide health care to needy children in New York City, rural West Virginia, and other areas. I believe it is good for Members to serve on bipartisan, nonprofit boards like the Alliance for Health Care Reform. Now, it will be more difficult to be involved in such activities, and that disturbs me. As someone from a family with a strong tradition of philanthropy, I feel deeply that volunteer work for charities should be encouraged—not discouraged and questioned.

But today, I must vote either for the Levin Congressional Gifts Reform Act, or vote against reform. The American public has spoken clearly about their cynicism and their desire for reform. In the spirit of compromise and in the hope that continuous efforts will be made to clarify and improve this reform proposal in conference, I will vote for the Levin legislation.

The PRESIDING OFFICER. Under the previous order, the committee substitute, as amended, is agreed to.

Mr. LEVIN. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill, as amended.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—95

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—4

Bennett
Hollings
Murkowski
Wallop

NOT VOTING—1

Shelby

So the bill (S. 1935), as amended, was passed, as follows:

S. 1935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Gifts Reform Act".

SEC. 2. AMENDMENT TO THE SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"RULE XXXV

"GIFTS

"1. (a) No Member, officer, or employee of the Senate, or the spouse thereof, shall knowingly accept—

"(1) any gift provided directly or indirectly by any person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agent Registration Act, or any successor statute;

"(2) Any gift from any other person.

"(b) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(c)(1) The restrictions in subparagraph (a) shall apply to any financial contribution or expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees.

"(2) The following items are subject to the restrictions in subparagraph (a)(1)—

"(A) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent;

"(B) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(C) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of the general public);

"(D) a contribution or other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee;

"(E) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or a foreign agent in lieu of an honorarium; and

"(F) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is made by a lobbyist, foreign agent, or Political Action Committee to a Member.

"(d) The following items are not gifts subject to the restrictions in subparagraph (a):

"(1) Any item for which the Member, officer, or employee pays the market value.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act except as provided in subparagraph (c)(2)(E).

"(3) Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(a), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee (subject to prior approval by the Ethics Committee in the case of a gift to a Member, officer, or employee in excess of $250 that is provided on the basis of personal friendship and disclosure under the Ethics in Government Act of a gift to a spouse of a Member in excess of $250 that is provided on the basis of personal friendship).

"(4) Items which are not used and which are promptly returned to the donor.

"(5) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(6) Benefits resulting from the business, employment, or other outside activities of the spouse of a Member, officer, or employee, if such benefits are customarily provided to others in similar circumstances.

"(7) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(8) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(e) The restrictions in clauses (2) and (3) of subparagraph (a) shall not apply to the following:

"(1) Meals, lodging, and other benefits—

"(A) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances; or

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(2) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(3) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(4) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(5) Meals and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(6) Food and attendance provided at an event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(7) Training provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(8) Bequests, inheritances, and other transfers at death.

"(9) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(10) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(11) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(12) Free attendance at an event permitted pursuant to paragraph 2(b).

"(13) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(14) A plaque, trophy, or other memento of modest value.

"(15) An item for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"2. (a)(1) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(B) Whether the item was purchased by the individual who gave the item.

"(C) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(2) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the individual providing the item—

"(A) seeks to deduct the value of such item as a business expense on the individual's income tax return; or

"(B) accepts direct or indirect reimbursement or compensation for the item from a client or a firm of which the individual is a member or employee.

"(3) For purposes of clause (2), indirect reimbursement or compensation for an item includes an expenditure from an expense account and a fee charged by a lobbyist for the purpose of compensating the lobbyist for the cost of the item.

"(b)(1) Except as prohibited by paragraph 1(a)(1) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to his or her official position; or

"(B) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) of this subparagraph may accept—

"(A) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the Senate; and

"(B) transportation and lodging in connection with the event if authorized in accordance with paragraph 3.

"(3) Except as prohibited by paragraph 1(a)(1), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event in which the Member, officer, or employee is a participant. Reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee or the provision of food, refreshment, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or meals taken other than in a group setting with all or substantially all other attendees.

"(c) For the purpose of this rule—

"(1) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(2) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"(d) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity, shared within the recipient's office, or destroyed.

"3. (a)(1) Except as prohibited by paragraph 1(a)(1), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by paragraph 1, if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Secretary of the Senate as soon as practicable after the travel is completed.

"(2) Events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the appropriate Member (or, in the case of an employee of a committee, the appropriate committee chairman) and shall include—

"(1) the name of the Member, officer, or employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(c) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member (or, in the case of an employee of a committee, the appropriate committee chairman) and shall include—

"(1) total transportation expenses reimbursed or to be reimbursed;

"(2) total lodging expenses reimbursed or to be reimbursed;

"(3) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to paragraphs 1 and 2); and

"(4) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period that may not exceed 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Ethics Committee;

"(2) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(e) The Secretary of the Senate shall—

"(1) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are filed; and

"(2) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"4. (a) Notwithstanding any other provision of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the Senate and the United States.

"(b) Any Member who accepts an invitation to participate in any such program shall notify the Secretary of the Senate in writing of his acceptance. A Member shall also notify the Secretary in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. The Secretary shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program. No Member, officer, or employee may accept funds in connection with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

"5. The Committee on Rules and Administration is authorized to adjust the $20 gift limit established in paragraph 1 on a periodic basis, to the extent necessary to adjust for inflation.".

SEC. 3. AMENDMENT TO THE HOUSE RULES.

Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives, or the spouse thereof, shall knowingly accept—

"(A) any gift provided directly or indirectly by a person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute;

"(B) any gift from any other person.

"(2) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(3)(A) The restrictions in subparagraph (a) shall apply to any financial contribution or expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees.

"(B) The following items are subject to the restrictions in subparagraph (1)(A)—

"(i) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent;

"(ii) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(iii) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of the general public);

"(iv) a contribution or other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee; and

"(v) a contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is made by a lobbyist, foreign agent, or Political Action Committee, to a Member; and

"(C) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or a foreign agent in lieu of an honorarium.

"(4) The following items are not gifts subject to the restrictions in subparagraph (1):

"(A) Any item for which the Member, officer, or employee pays the market value.

"(B) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act except as provided in subparagraph (3)(B)(v).

"(C) Anything provided under circumstances that clearly indicate, in accordance with paragraph (b)(1), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee (subject to prior approval by the Committee on Standards of Official Conduct in the case of a gift to a Member, officer, or employee in excess of $250 that is provided on the basis of personal friendship and disclosure under the Ethics in Government Act of a gift to a spouse of a Member in excess of $250 that is provided on the basis of personal friendship).

"(D) Items which are not used and which are promptly returned to the donor.

"(E) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(F) Benefits resulting from the business, employment, or other outside activities of the spouse of a Member, officer, or employee, if such benefits are customarily provided others in similar circumstances.

"(G) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(H) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(5) The restrictions in clauses (B) and (C) of subparagraph (1) shall not apply to the following:

"(A) Meals, lodging, and other benefits—

"(i) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances; or

"(ii) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(B) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(C) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(D) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(E) Meals and entertainment provided to a Member or an employee of a Member in the Member's home State having, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

"(F) Food and attendance provided at an event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(G) Training provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

"(H) Bequests, inheritances, and other transfers at death.

"(I) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(J) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(K) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(L) Free attendance at an event permitted pursuant to paragraph (b)(1).

"(M) Opportunities and benefits which are—

"(i) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(ii) offered to members of a group or class in which membership is unrelated to congressional employment;

"(iii) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(iv) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(v) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(vi) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(N) A plaque, trophy, or other memento of modest value.

"(O) An item for which, in an unusual case, a waiver is granted by the Committee on Standards of Official Conduct.

"(b)(1)(A) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(i) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(ii) Whether the item was purchased by the individual who gave the item.

"(iii) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(B) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the individual providing the item—

"(i) seeks to deduct the value of such item as a business expense on the individual's income tax return; or

"(ii) accepts direct or indirect reimbursement or compensation for the item from a client or a firm of which the individual is a member or employee.

"(C) For purposes of clause (B), indirect reimbursement or compensation for an item includes an expenditure from an expense account and a fee charged by a lobbyist for the purpose of compensating the lobbyist for the cost of the item.

(2)(A) Except as prohibited by paragraph (a)(1)(A) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar event, provided by the sponsor of the event if—

"(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to his or her official position; or

"(ii) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(B) A Member, officer, or employee who attends an event described in clause (A) of this subparagraph may accept—

"(i) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the House of Representatives; and

"(ii) transportation and lodging in connection with the event if authorized in accordance with paragraph (c).

"(C) Except as prohibited by paragraph (a)(1)(A), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event in which the Member, officer, or employee is a participant. Reimbursement for transportation and lodging may not be accepted in connection with the event.

"(D) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee or the provision of food, refreshment, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or meals taken other than in a group setting with all or substantially all other attendees.

"(3) For the purpose of this clause—

"(A) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(B) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"(4) When it is not practical to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity, shared within the recipient's office, or destroyed.

"(c)(1)(A) Except as prohibited by paragraph (a)(1)(A), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by paragraph (a), if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Clerk of the House of Representatives as soon as practicable after the travel is completed.

"(B) Events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(2) Each advance authorization to accept reimbursement shall be signed by the appropriate Member (or, in the case of an employee of a committee, the appropriate committee chairman) and shall include—

"(A) the name of the Member, officer, or employee;

"(B) the name of the person who will make the reimbursement;

"(C) the time, place, and purpose of the travel; and

"(D) a determination that the travel is in connection with the duties of the Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(3) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member (or, in the case of an employee of a committee, the appropriate committee chairman) and shall include—

"(A) total transportation expenses reimbursed or to be reimbursed;

"(B) total lodging expenses reimbursed or to be reimbursed;

"(C) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (a) and (b)); and

"(D) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel for a period that may not exceed 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Committee on Standards of Official Conduct;

"(B) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(C) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(5) The Clerk of the House of Representatives shall—

"(A) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are filed; and

"(B) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"(d)(1) Notwithstanding any other provision of this clause, a Member, officer, or employee of the House of Representatives may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the House of Representatives and the United States.

"(2) Any Member who accepts an invitation to participate in any such program shall notify the Clerk of the House of Representatives in writing of his acceptance. A Member shall also notify the a Clerk in writing whenever he has permitted any officer or employee whom he supervises to participate in any such program. The Clerk shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program.

"(3) No Member, officer, or employee may accept funds in connection with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

"(e) The Committee on Standards of Official Conduct is authorized to adjust the $20 gift limit established in paragraph (a) on a periodic basis, to the extent necessary to adjust for inflation.".

SEC. 4. AMENDMENT TO THE ETHICS IN GOVERNMENT ACT.

Section 102(a)(2)(A) of the Ethics in Government Act (5 U.S.C. App. 6, section 102), is amended by—

(1) inserting a dash after "and the value of";

(2) striking "all gifts aggregating" and inserting the following:

"(i) all gifts aggregating";

(3) striking the period at the end of the subparagraph and inserting "; and"; and

(4) adding at the end the following:

"(ii) all gifts, other than food, lodging, or entertainment received as personal hospitality of an individual, having a value of $20 or more that are—

"(I) provided by a person required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor Act; and

"(II) would be prohibited by section 7353 of title 5, United States Code, but for a personal friendship exception contained in implementing rules and regulations issued pursuant to in subsection (b)(1) of such section.".

SEC. 5. POST-EMPLOYMENT REFORM ACT OF 1994.

(a) SHORT TITLE.—This section may be cited as the "Post-Employment Reform Act of 1994".

(b) FORMER AGENCY BAN.—

(1) EXECUTIVE BRANCH.—Section 207(c)(1) of title 18, United States Code, is amended by striking "within 1 year after" and inserting "within 2 years after".

(2) CONGRESS.—Section 207(e) of title 18, United States Code, is amended in paragraphs (1)(A), (2)(A), (3), (4)(A), and (5)(A), by striking "within 1 year after" and inserting "within 2 years after".

(3) CONFORMING AMENDMENT RELATING TO PAY LEVELS.—(A) Section 207(c)(2)(ii) of title 18, United States Code, is amended by striking "the rate of basic pay payable for level V of the Executive Schedule" and inserting "120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule".

(B) Section 207(e)(6) of title 18, United States Code, is amended—

(i) in subparagraph (A) by striking "which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed" and inserting "which is 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule"; and

(ii) in subparagraph (B) by striking "payable for level V of the Executive Schedule" and inserting "which is 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule".

(c) FOREIGN ENTITIES BAN.—Section 207(f) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "within 1 year" and inserting "within 2 years";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2) and inserting in such paragraph before the period the following: ", or a corporation, partnership, or other nongovernment entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States".

(d) RESTRICTIONS ON VERY SENIOR PERSONNEL.—Section 207(d)(1) of title 18, United States Code, is amended by striking "within 1 year" and inserting "within 2 years".

(e) TRADE AND TREATY NEGOTIATION BAN.—Section 207(b)(1) of title 18, United States Code, is amended by striking "for a period of 1 year" and inserting "for a period of 10 years".

(f) EFFECTIVE DATE.—This section shall be effective after January 1, 1995.

SEC. 6. PROHIBITION ON CONTRIBUTIONS TO LEGAL DEFENSE FUNDS.

No person registered as a lobbyist or a foreign agent may make a contribution or other payment to a legal expense fund established for the benefit of an officer or employee of the executive branch.

SEC. 7. REPEAL OF OBSOLETE PROVISION.

Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is repealed.

SEC. 8. PROHIBITION ON LOBBYISTS.

No person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute shall provide a gift to any Member, officer, or employee of the Senate or the House of Representatives, or a spouse or dependent of the Member, officer, or employee, if the lobbyist or foreign agent knows that the acceptance of the gift by the Member, officer, employee, spouse, or dependent would violate Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives.

SEC. 9. EXERCISE OF CONGRESSIONAL RULEMAKING POWER.

Except for sections 4, 5, and 6, this Act is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and accordingly, they shall be considered as part of the rules of each House, respectively, or of the House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (insofar as they relate to that House) at any time and in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 10. GIFTS.

The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

SEC. 11. LEGAL EXPENSE FUND.

No provision of this Act shall be interpreted to limit a contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee by any person other than a lobbyist or a foreign agent.

SEC. 12. MEALS AND ENTERTAINMENT.

The rules on acceptance of meals and entertainment provided to a Member or an employee of a Member in the Member's home State prior to the adoption of reasonable limitations by the appropriate committees shall be the rules in effect on the day before the effective date of this Act.

SEC. 13. SENSE OF THE SENATE.

It is the sense of the Senate that the conferees to the upcoming Senate-House conference on omnibus crime legislation should totally reject the so-called Racial Justice Act provisions contained in the crime bill passed by the House of Representatives on April 21, 1994.

SEC. 14. EFFECTIVE DATES.

This Act and the amendments made by this Act shall become effective on January 1, 1995.

The title was amended so as to read: "A bill to limit the acceptance of gifts, meals, and travel by Members of Congress and congressional staff, and for other purposes."

Mr. WELLSTONE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ENVIRONMENTAL TECHNOLOGY ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the committee substitute, as amended, is agreed to, the bill is to be read for the third time, and the question is on the passage of S. 978, as amended.

The clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HATCH. Mr. President, I rise today to offer a few comments on one of the sections of the bill before us, S. 978, the National Environmental Technology Act of 1994.

First, let me congratulate Senator BAUCUS, chairman of the Environment and Public Works Committee, and Senator CHAFEE, ranking member on the committee, for their work on this bill. They have achieved a consensus on the many provisions within the bill to the degree that we are poised to adopt this legislation in the new few days. They were willing to consider amending the bill with language that I had proposed, and I appreciate their willingness to make modifications to the bill based on that language.

I am pleased that the substitute bill makes changes in the original version of S. 978, most notably in title IV, subtitle A—"Verification of Environmental Technologies." This provision establishes a framework for encouraging the development and introduction of new and innovative technologies in the private sector, which I believe will have a very positive effect on our environment and economy.

As I mentioned, the changes to title IV are a definite improvement over the original bill. With the substitute bill, the committee is providing direction to the Environmental Protection Agency [EPA] to ensure that, as the agency moves toward setting technology standards based on performance, the actual verification and evaluation of these technologies will be conducted in the private sector or by other non-Federal entities. The bill does provide for qualifying EPA laboratories to participate in verifying technologies as well. But, the key component of this future system, and the reason for my earlier suggestions, is to open the EPA verification and evaluation process to as many eligible non-federal entities as possible. In this manner, private sector involvement is encouraged and expansion of the EPA's bureaucracy discouraged.

I am pleased this concept of outside consultation between the EPA and the private sector also encourages private companies to be involved in the development and marketing of new and innovative environmental products. Section 201 contains language identifying these organizations, including academic institutions and nonprofit groups.

It is important that the EPA carefully and formally solicit input from the analytical instrumentation industry, as well as other components of the environmental monitoring industry. In my view, this latter industry, which supplies environmental monitoring equipment to laboratories, is already heavily regulated, which has often hindered the introduction of new environmental monitoring technologies and products. Obtaining input from those involved in this industry should help prevent further regulatory burden from being created in the future.

Such prevention is important since over the last twenty years the EPA's system of regulating analytical instruments used in environmental technology has developed into a highly detailed set of instructions for the chemist or lab technician to follow. Today, these technicians must follow these cookbook-like directions to provide assurance to their customers that the results of their analyses passes EPA muster. In most cases, a different method, or recipe, as it were, is needed for each class of chemical substances, which has developed into a proliferation of highly specific EPA directions on how to conduct a certain type of chemical analysis. And, if a technology comes along that can do this analysis better and faster, it cannot be utilized because the product or type equipment is not specified in the EPA directions. Since most laboratories are not willing to risk losing a customer's business when that customer is only interested in complying with EPA regulations, these labs will not pursue new technologies. After all, if the testing regulations effectively prevent their use, what good are they? I believe it would be very counterproductive to continue to constrain the introduction of new and innovative technologies in this way.

I understand the EPA has been aware of these problems created by the current methods-based approach to developing environmental monitoring equipment. For the past 7 years, the agency has been exploring the possibility of moving toward a performance-based system. One of the reasons this has taken so long is the complexity of the transition, especially when questions as to the quantity and quality of data to be required under a new performance system remain unanswered.

Because of the complexity of transitioning from a methods-based approach for the environmental monitoring industry to a performance-based system, and since this industry is one of the few environmental technology industries that is currently regulated, I believe it is vital that the industry have the opportunity for direct input to the EPA during the development of performance standards. This will ensure that the transition is achieved as smoothly as possible, and that any problems are taken into account and addressed.

Despite the positive move in the substitute bill to develop standards based on performance rather than methods, I would like to mention several items that I believe we should watch carefully during this process.

First, language in title IV requires that the performance standards system to be established by the Administrator include, "to the extent practicable, estimates of the capital and operating cost of environmental technologies." This portion of title IV may—and I underscore may—continue past practices of overburdening the production of new technologies, especially if the EPA eagerly pursues this language. What I am saying is that if a given technology easily lends itself to these kinds of cost estimates, then they should be undertaken. If, however, the capital and operating costs of technology cannot be easily estimated, then the EPA should not try to fit a square peg into a round hole, but rather exercise restraint and employ the "to the extent practicable" phrase. Many of these technologies may have different cost structures under different circumstances, and it would be self-defeating to have the agency attempt to produce cost estimates for every combination that might be possible in every environmental application.

Second, title IV also authorizes the EPA Administrator, in collaboration with other Federal agencies, to develop and issue common guidelines and protocols to verify and evaluate the performance and cost estimates of environmental technologies. As I mentioned earlier, I am pleased that the substitute bill encourages the use of non-federal agencies to verify and evaluate environmental technologies. However, I am concerned that, where we open the door to private sector involvement earlier in the title, this provision could shut that opening very abruptly. I hope the EPA, in accordance with this language, would similarly reach outside the agency for help in putting together these guidelines and protocols. If not, then the EPA will become a bottleneck, rather than a spur, in the development of new technology. I hope it does not come to that. We have an opportunity in this legislation to involve many entities in developing performance-based standards that will lead new and important technologies.

I encourage the EPA to call on such entities as the National Institute for Standards and Technology, private sector groups involved in standard setting, and other appropriate organizations with standards—setting and protocol-development expertise to shoulder much of the effort to design these new standards, protocols, and guidelines.

Finally, I would like to express my deep reservations about the section of title IV that authorizes the EPA to establish a fee structure for this process of moving to a performance-based standard system. I am not a proponent of establishing user fees for services provided by the Federal government that have been deemed necessary to benefit all Americans. If regulating environmental technologies is deemed to be in the public interest, then we should be prepared to pay for it and find the necessary offsets.

User fees have been more and more frequently considered as a means of financing Government activities, a trend

I find disturbing in and of itself. In general, this is not good public policy, and we should seek to avoid enacting such fees. The burden of paying them, while initially shouldered by the business community, eventually falls on to all consumers and taxpayers.

In this case, I plan to monitor EPA's development of these user fees to ensure that: First, they are not excessive; second, they will not unduly burden current and future participants in this industry; and third, they will be competitive between all types and sizes of industry members. Otherwise, I, for one, will be compelled to revisit this issue at every opportunity.

Mr. President, the development of an effective system of performance-based evaluation of analytical instruments for environmental monitoring still requires guidance to chemists on how best to conduct a given analysis. However, this should not result in replacing specific types of equipment with generic descriptions accompanied with performance criteria. The language in this bill should go a long way toward ensuring that a significant barrier to the introduction of new technologies and products in the field of environmental analytical instruments is removed. That is my hope with the provisions contained in the substitute bill. Obviously, if we cannot succeed in this effort, then these issues may need to be revisited in the near future.

I commend my colleagues for including in this bill direction to the EPA to move toward performance-based assessments of environmental technologies.

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of S. 978, the National Environmental Technology Act of 1994.

S. 978 is a good Government approach to stimulating the development of technologies to protect the environment. It will help prevent duplication of effort by Federal agencies, and encourage more public-private partnerships for effective use of taxpayers money. This approach is consistent with the administration's effort to develop a inter-departmental look at all Federal research and development to increase its efficiency and payoff.

This bill will help stimulate innovation and job creation in a responsible way. S. 978 encourages business' attention to investment in environmental protection through incentives rather than through penalties. According to the Environmental Business Journal, approximately 47,200 people in Michigan are employed in environmental technology fields, grossing around $6 million annually in sales.

Originally, I was concerned that S. 978, as reported from committee, did not include recycling in the definition of environmental technology, and appeared to emphasize development of remediation and pollution control technology at the expense of recycling technology. This approach seemed to turn the conventional pollution prevention hierarchy—reduce, reuse, recycle, and dispose—on its head.

Mr. President, I have been involved in efforts to ensure that the Federal Government increases its procurement of products with recycled content and environmentally preferable products. I am aware that many nascent technologies exist that can help us close the now-gaping part of the cradle-to-cradle recycling loop that should exist between end use of a product and new procurement. Obviously, we do not want to encourage the production of waste solely as a feedstock for new products with recycled content, but there is plenty of waste out there going into landfills or incinerators or elsewhere that could be profitably recycled given sufficient demand. The administration has made good progress in using Federal procurement to develop that market demand.

The committee's amendment, in the nature of a substitute, satisfies my concerns, and ensures that companies that want to develop new recycling technologies that reduce environmental or human health risks will be eligible for the benefits of the bill. My hope is that the administration and the business community, including small businesses, will use the resources authorized in this bill to assist in the development of technologies that will reduce waste going to permanent disposal, and encourage firms to substitute less hazardous, nonpersistent and nonbioaccumulative materials and substances into their products and in their provision of services.

Mr. President, I urge my colleagues to vote for passage of S. 978.

Mr. LIEBERMAN. Mr. President, I am very pleased to urge support of passage of the National Environmental Technology Act of 1994.

The main goals of this bill include coordination of existing programs throughout the Federal Government and authorizing and putting discipline and structure in existing programs at EPA. Over the long run, the development of new technologies has the potential to save the Federal Government huge sums of money.

Perhaps the most important goal of this bill is to ensure that our existing programs on environmental technology are well-coordinated. Over $4 billion is currently being spent annually by Government agencies on research and development of technologies that could be classified as environmental technologies. A coordinated approach among these agencies is critical for cost-effective use of these funds. This bill accomplishes this and will improve Government accountability and efficiency. It is fully consistent with our efforts to reinvent Government.

The legislation authorizes and modestly expands existing environmental technology programs at the Environmental Protection Agency. Under the President's environmental technology initiative, EPA is already operating a program to develop environmental technologies in partnerships with the private sector and other agencies. For example, one of the projects being funded under this initiative is aimed at developing and evaluating cost-effective control technologies for oxides of nitrogen on major combustion sources. We know that developments of these controls will help companies meet the requirements of the Clean Air Act in the most cost-effective manner.

EPA's program must be consistent with the roles and responsibilities identified for EPA pursuant to the national strategy and cannot duplicate specific technology development projects being conducted by other executive agencies.

EPA is currently coordinating this program with other Federal technology programs. In this fiscal year, it intends to enter into partnerships with other Federal agencies to expend more than 50 percent of the funds in the program.

Title III of the legislation builds on EPA's existing Superfund Innovative Technology Evaluation Program and is modeled after the highly successful SBIR Program which EPA already is operating.

Most importantly, we are talking about the development of technology which is critical to the Federal Government. The costs of cleaning up the Federal Government's contaminated sites is expected to total several hundred billion dollars. Even if we had the money, we do not have the technologies to clean up many of these sites and developing new technologies is critical to getting the costs under control. For example, there is no technology currently available to adequately clean up ground water contaminated with oil wastes, a common occurrence at many of the Nation's contaminated waste sites. Improvements in these technologies should improve cleanup results, accelerate the pace of site cleanups and save both the Federal Government and private sector large amounts of money. Where innovative technologies have been used in the past, the cost savings have been very significant.

The tests for spending Federal dollars in this bill are rigorous and follow the rules set forth by President Bush's science advisor, Dr. Bromley. First, the programs are basically oriented toward funding research and development at the precompetitive stage. Second, Dr. Bromley was concerned that peer review be an important part of ensuring that quality programs are selected. The policies EPA has in place to review these types of technology programs establish a peer review process. Third, Dr. Bromley wanted to make sure that the investments made in research and development made sense; that they were not just economic dead ends in the mind of some Government bureaucrat, or pork in the eyes of a Congressman or Senator. So the Bush administration emphasized cost sharing of Government dollars with industry. Cost sharing, where industry pays a major share of costs and share the development risks, is a prime requirement of most of the programs in this bill.

Finally, Mr. President, a technology development program at EPA will hopefully significantly bring down industry's cost of complying with regulations. Involvement in technology development may help ensure that EPA is aware of what is and is not possible from a technology standpoint as it develops regulations. The bill also establishes programs to verify the cost and performance characteristics of technologies relative to Federal regulations. These provisions will lower the market barriers created by preference within regulations for specific technologies and thus stimulate competition and innovation.

Mr. President, this bill is good government. Its goal is to coordinate existing programs throughout the Federal Government and authorize and expand existing programs at EPA. Over the long term, the program has the potential to save the Federal Government huge sums of money.

I would like to take a moment to commend the extraordinary hard work of the staff of the Environment and Public Works Committee including Tim Mohin, Tom Sliter, Peter Scher, Mike Evans, Joyce Rechtschaffen, Steve Shimberg, John Grzebien; Greg Loder of Senator MIKULSKI'S staff; and William Bonvillian, Murray Hitzman, and Elizabeth Drye of my office. They worked with great creativity and perservance to make this bill happen.

Mr. HATCH. Mr. President, as one can see from my comments, I am concerned that the Environmental Protection Agency consult with outside sources, or non-Federal entities, to develop the rules, regulations, guidelines, and protocols called for in this legislation. I am appreciative of the chairman's efforts to achieve this change in the earlier bill. I had recommended to the chairman that to ensure that EPA steps outside of its own walls to gain input from the private sector and those elements involved in the environmental monitoring industry, we create a consultative committee in statute comprised of 10 industry representatives with whom the Administrator could consult as these guidelines, et cetera, are developed. The substitute bill does not contain language creating this committee. I wonder if my colleague from Montana would respond to a brief question.

Mr. BAUCUS. Certainly.

Mr. HATCH. Is it the chairman's intention to aggressively pursue the concept now in the bill requiring the EPA to consult private sector groups and other sources outside the EPA in developing performance-based standards for environmental technologies, particularly from the environmental monitoring industry, during the upcoming conference with the House on this bill?

Mr. BAUCUS. It is. I believe the substitute bill contains an appropriate level of specificity and direction to the EPA to reach out to the relevant industries and other groups outside of EPA in order to gain insight and guidance for the development and implementation of the programs outlined in this bill. EPA officials have reviewed the substitute bill and the references on performance standards, and they recognize, and feel very comfortable, that they will need to extend beyond their organization to actively involve outside groups in program development. Based on this position, creating a consultative committee, as proposed by my colleague, did not seem necessary.

Mr. HATCH. I appreciate that response.

Mrs. BOXER. Mr. President, may I address a question to the chairman? I want to first thank my friend from Utah for raising this important matter. However, I am concerned that the EPA may not use the ample authority provided in the bill to consult with private sector and outside groups to the extent that I and my friend from Utah would like to see. Based on this concern, would the chairman agree with me that the conference report accompanying this bill should contain strong and definite language directing the EPA to seek input and counsel from the private sector and other groups outside of EPA on a consistent basis throughout the full development and implementation of the environmental technology initiative established by this bill?

Mr. BAUCUS. I understand my colleague's concerns, and without preempting the final conference report, I would state that it would be my intention to include language along the lines just outlined by my colleague in the final report.

Mr. HATCH. As my friend from California indicated, I share the concerns she just raised. Would it be possible for this Senator and the Senator from California to consult with the chairman on the development of appropriate report language that addresses these concerns and is consistent with the upcoming conference deliberations with the House?

Mr. BAUCUS. I would certainly welcome the two Senators' input, and I would encourage them to consult with me on this matter.

Mrs. BOXER. I thank the chairman for his time and his willingness to address the concerns of myself and my friend from Utah. I would add that as a cosponsor of this bill I applaud his efforts in this crucial and important area of environmental technology.

Mr. HATCH. Let me also thank and commend the chairman. Appropriate report language directing the EPA to consult outside entities as the guidelines, protocols, and regulations involved with verifying and evaluating the performance of environmental technologies are developed and implemented, would address the concerns that my friend from California and I have raised.

VOTE

The PRESIDING OFFICER. The question is on the passage of the bill. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER (Mr. FEINGOLD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 14, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—85

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Feingold
Feinstein
Ford
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—14

Brown
Conrad
Danforth
Dorgan
Faircloth
Glenn
Gramm
Heflin
Helms
Murkowski
Nickles
Pressler
Smith
Wallop

NOT VOTING—1

Shelby

So the bill (S. 978), as amended, was passed, as follows:

S. 978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Environmental Technology Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.
Sec. 3. Definitions.
TITLE I—ENVIRONMENTAL TECHNOLOGY STRATEGY
Sec. 101. Development.
TITLE II—ENVIRONMENTAL TECHNOLOGY INITIATIVE
Sec. 201. Establishment.
Sec. 202. Environmental Protection Agency partnership authority.
Sec. 203. Multi-agency partnership authority.
Sec. 204. Authorization of appropriations.
TITLE III—ENVIRONMENTAL INNOVATION RESEARCH PROGRAM; TECHNOLOGY TESTING
Subtitle A—Environmental Innovation Research Program
Sec. 301. Environmental innovation research program.
Sec. 302. Guidelines of the environmental innovation research program.
Sec. 303. Multi-agency environmental innovation research program.
Subtitle B—Innovative Technology Testing
Sec. 311. Program.
TITLE IV—ADDITIONAL PROGRAMS
Subtitle A—Verification of Environmental Technologies
Sec. 401. Program.
Subtitle B—Technical Assistance to Small Business in Coordination with Existing Programs
Sec. 411. Environmental assistance.
Sec. 412. Statutory construction.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) environmental problems facing the world pose a threat to the environmental and economic security of the United States and other nations;

(2) promoting a sound economy while maintaining a healthy environment is among the urgent public policy challenges of the United States;

(3) the development and utilization of environmental technologies will enhance both global environmental security and the economic standing of the United States in the world marketplace;

(4) the growing worldwide demand for environmentally sound products and processes, and for cost-effective environmental cleanup and pollution control technologies, presents significant business opportunities;

(5) innovative environmental technologies face barriers to development and utilization, and are often slow to be adopted;

(6) advances in source reduction, environmental cleanup, and pollution control technologies could significantly reduce Federal Government and private cleanup expenditures, improve cleanup results, and help prevent future contamination;

(7) the development and implementation of effective public and private partnership arrangements will help promote successful technology development programs;

(8) many technologies developed for other purposes, such as defense or space exploration, could also be used to address environmental problems;

(9) a coordinated, interagency strategy for environmental technology will greatly facilitate the development of environmental technologies that can respond to environmental programs and create jobs and new sources of income; and

(10) successful Federal Government programs to foster the development and utilization of environmental technologies depend on coordination and cooperation among agencies involved in environmental protection and agencies involved in technology development.

(b) PURPOSES.—The purposes of this Act are—

(1) to further environmental protection, spur the creation of jobs (including the creation of jobs in areas of pervasive poverty), and enhance the ability of domestic companies to compete in the international marketplace by facilitating the development and utilization of environmental technologies;

(2) to encourage the development and utilization of environmental technologies that prevent or control pollution and remediate existing contamination;

(3) to help overcome barriers that hinder the successful development and utilization of environmental technologies; and

(4) to coordinate Federal Government policies, actions, and budgets with respect to environmental technologies.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ENVIRONMENTAL TECHNOLOGY.—The term "environmental technology" means a product, process, or service—

(A) the primary purpose of which is to reduce an environmental risk by protecting or enhancing human health or the environment through—

(i) pollution control;

(ii) environmental remediation; or

(iii) a design or process change that results in source reduction or recycling; and

(B) that is identified and listed in the Strategy under section 101(a)(4).

(3) EXECUTIVE AGENCY.—The term "Executive agency" has the same meaning as is provided in section 105 of title 5, United States Code.

(4) PARTNERSHIP.—The term "partnership" means any arrangement under which the head of an Executive agency or a designee (including a Federal laboratory) undertakes research, development, demonstration, or technical assistance activities in cooperation with one or more non-Federal partners or partners from other Executive agencies.

(5) SMALL BUSINESS CONCERN.—The term "small business concern" means a business concern that is recognized as a small business concern under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and that has no more than 100 employees.

(6) SOURCE REDUCTION.—The term "source reduction" has the same meaning as is provided in section 6603(5) of the Pollution Prevention Act of 1990 (42 U.S.C. 13102(5)).

TITLE I—ENVIRONMENTAL TECHNOLOGY STRATEGY

SEC. 101. DEVELOPMENT.

(a) IN GENERAL.—

(1) DEVELOPMENT.—As one of the strategies required under section 822(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687(a)), the President shall develop an Environmental Technology Strategy (referred to in this title as the "Strategy").

(2) FIRST STRATEGY.—The first Strategy shall be submitted to Congress with the annual report on critical technology strategies required under section 822(b) of such Act, due February 15, 1995.

(3) CONTENTS.—Notwithstanding the second sentence of section 822(a)(1) of such Act, each Strategy shall identify environmental requirements based on trends in domestic and global environmental threats and the potential for environmental and economic benefits. To meet the requirements, each Strategy shall—

(A) recommend effective public and private partnership arrangements for the development and utilization of environmental technologies;

(B) recommend actions that will encourage the utilization of environmental technologies, with special attention to environmental technologies that are likely to reduce risk to human health and the environment in a cost-effective manner;

(C) recommend actions that will encourage the development of environmental technologies by small business concerns, including small business concerns located in areas of pervasive poverty;

(D) identify economic, regulatory, and other barriers to the development, utilization, or export of environmental technologies, and recommend appropriate actions to reduce the barriers;

(E) identify incentives for the development, utilization, or export of environmental technologies, and recommend appropriate actions to improve the incentives; and

(F) consistent with section 822(a)(3)(E) of such Act, develop Federal budget estimates for the activities of Executive agencies that promote, develop, or support environmental technologies identified in the Strategy.

(4) ENVIRONMENT TECHNOLOGIES.—As part of the Strategy, the President shall identify and list technologies that meet the criteria of clauses (i), (ii), and (iii) of section 3(2)(A) and that address the requirements identified under paragraph (3) of this subsection. The list shall include the technologies that meet the criteria of clauses (i), (ii), and (iii) of section 3(2)(A) and that are identified in—

(A) the 5-year plan prepared by the Strategic Environmental Research and Development Program Council pursuant to section 2902(d)(3) of title 10, United States Code; and

(B) the 5-year plan for environmental research, development, and demonstration required by section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361).

(b) REPORT TO CONGRESS.—The President shall—

(1) submit to Congress any subsequent revisions to the Strategy; and

(2) make the Strategy publicly available.

TITLE II—ENVIRONMENTAL TECHNOLOGY INITIATIVE

SEC. 201. ESTABLISHMENT.

(a) IN GENERAL.—

(1) INITIATIVE.—The Administrator shall establish an Environmental Technology Initiative (referred to in this title as the "Initiative") to coordinate and support the implementation of the roles, responsibilities, and goals identified for the Environmental Protection Agency pursuant to the most recent Strategy developed under title I.

(2) OFFICE.—

(A) ESTABLISHMENT.—The Administrator shall establish an office to—

(i) coordinate the implementation of the Initiative;

(ii) coordinate and support the implementation of the activities of the Environmental Protection Agency authorized under this Act; and

(iii) coordinate the development of policies of the Environmental Protection Agency that foster technological innovation.

(B) HEAD.—The office shall be under the direction of such officer of the Environmental Protection Agency as the Administrator shall designate.

(b) INTERAGENCY COORDINATION.—In carrying out this section, the Administrator shall collaborate with the appropriate officials of Department of Commerce, the Department of Defense, the Department of Energy, and other appropriate Executive agencies to—

(1) ensure the effective use of then existing capabilities within Executive agencies; and

(2) prevent duplication of efforts by the Environmental Protection Agency with other Executive agencies.

(c) FUNCTIONS.—Consistent with subsections (a) and (b), the Administrator, in collaboration with the Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, and the heads of other appropriate Executive agencies, shall—

(1) through partnerships, pursuant to sections 202 and 203, including the provision of grants or loans, support the development and demonstration of environmental technologies at the precommercial stage by industrial, academic, governmental, and nongovernmental entities;

(2) using information that is in the public domain or voluntarily submitted, track on a continuing basis the research and development being conducted on environmental technologies by private industry in the United States;

(3) cooperate in developing and improving mechanisms to—

(A) promote the transfer of environmental technologies domestically and internationally;

(B) provide information to private and public concerns that develop, apply, or export environmental technologies;

(C) use electronic databases and other means to collect and disseminate nonproprietary information on environmental technologies, including descriptions of environmental technologies developed, tested, or verified under the programs established under this Act; and

(D) provide a locator service that would direct users to information relating to environmental technologies, including information on new products and services, regulations, export opportunities and assistance, demonstration programs, and verification and testing programs;

(4) advise other officials, as appropriate, within the other Executive agencies, concerning programs, strategies, and regulatory reforms for promoting the development and utilization of environmental technologies;

(5) facilitate market acceptance for environmental technologies;

(6) develop recommendations for changes in Federal procurement guidelines to give preference to environmental technologies;

(7) provide advice and assistance to regional technology centers and similar community-based alliances that are supporting a transition from defense technology research, development, and production to environmental technology research, development, and production;

(8) pursuant to section 401, establish a program to verify the cost and performance characteristics of environmental technologies; and

(9) report to Congress not less frequently than annually on—

(A) description of the research, development and testing conducted under programs authorized pursuant to title II, title III, and title IV of this Act;

(B) resources and staff devoted to the programs listed under paragraph (A); and

(C) estimated environmental and economic benefits resulting from the programs listed under paragraph (A) and the cost of the programs.

(d) CONSULTATION WITH OTHER GROUPS.—The goals and programs in support of the Initiative shall be developed and implemented by the Administrator in consultation with other Executive agencies, private sector organizations, academic institutions, and nonprofit groups involved in technology development and utilization, environmental protection, labor, education, or international relations.

SEC. 202. ENVIRONMENTAL PROTECTION AGENCY PARTNERSHIP AUTHORITY.

(a) IN GENERAL.—To support the development of environmental technologies, the Administrator may enter into partnerships that—

(1) are in accordance with the statutory duties of the Environmental Protection Agency;

(2) are consistent with the roles, responsibilities, and goals identified for the Environmental Protection Agency pursuant to the Strategy developed under title I; and

(3) do not duplicate specific technology development projects being conducted by other Executive agencies.

(b) ECONOMIC BENEFITS.—In carrying out the programs established under this title, the Administrator shall ensure that the principal economic benefits pursuant to any partnership accrue to the domestic economy of the United States.

(c) LIMITATIONS.—The period of a partnership that provides a grant or loan pursuant to this section—

(1) with a single firm may not exceed 3 years; and

(2) with a consortium of companies or other entities may not exceed 5 years.

(d) SMALL BUSINESS CONCERNS.—In carrying out this section, the Administrator shall give special consideration to the needs of small business concerns (including small business concerns located in areas of pervasive poverty) in entering partnerships.

(e) ADMINISTRATION OF PROGRAM FUNDS.—In carrying out this section, the Administrator shall—

(1) determine categories of projects to be funded under the Initiative;

(2) issue solicitations for partnerships to be funded;

(3) receive and evaluate proposals resulting from solicitations;

(4) ensure that partnerships are selected under a merit-based, competitive procedure; and

(5) in selecting participants for partnerships, give preference to partnerships that support the development of environmental technologies that—

(A) meet the definition of source reduction; or

(B) are likely to reduce risks to human health or the environment in a cost-effective manner.

(f) FEDERAL SHARE.—The Federal share of the cost of a partnership conducted under this section may exceed 50 percent only if—

(1) the partnership is conducted pursuant to an agreement entered into with a small business concern under this section, except that the Federal share of the cost of a partnership described in this paragraph may not exceed 75 percent;

(2) the partnership supports the development of an environmental technology that meets the definition of source reduction, except that the Federal share of the cost of a partnership described in this paragraph may not exceed 75 percent; or

(3) the partnership supports fundamental research for the development of an environmental technology.

(g) CONFIDENTIAL INFORMATION.—

(1) PROPRIETARY INFORMATION.—Except as provided in paragraph (2), information classified for reasons of national security, trade secrets, confidential business information, or other proprietary information may not be disclosed by an officer or employee of the United States acting under any provision of this Act. The information shall not be subject to disclosure under section 552 of title 5, United States Code.

(2) EXCEPTION.—Confidential business information may be disclosed only in accordance with a written agreement between—

(A) the owner or developer of the information; and

(B) the Administrator or the head of the appropriate Executive agency.

(3) DISSEMINATION OF RESEARCH RESULTS.—Pursuant to paragraphs (1) and (2) and section 201(c)(3)(C), the Administrator or the head of the appropriate Executive agency shall provide for the dissemination of nonproprietary research results of the projects supported under the programs established under this title.

(h) MINIMUM ALLOCATION FOR SMALL BUSINESS.—Not less than 25 percent of the Federal funds made available to carry out this section shall be awarded to small business concerns pursuant to partnerships authorized under this section.

SEC. 203. MULTI-AGENCY PARTNERSHIP AUTHORITY.

(a) IN GENERAL.—The Administrator may enter into a partnership with the Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, or the head of any other appropriate Executive agency, or any combination thereof, to develop an environmental technology that will assist the Environmental Protection Agency and the other agency or agencies involved achieve their respective responsibilities and missions.

(b) AUTHORITY.—In carrying out this section, the head of an Executive agency may enter into a partnership in accordance with provisions of law that are applicable to the agency.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the programs established under this title—

(1) $36,000,000 for fiscal year 1994;

(2) $80,000,000 for fiscal year 1995; and

(3) $120,000,000 for fiscal year 1996.

(b) FEDERAL AGREEMENTS.—The Administrator shall allocate a substantial percentage of funds made available by appropriations pursuant to subsection (a), with a goal of reaching 50 percent, for partnerships entered into pursuant to section 203.

TITLE III—ENVIRONMENTAL INNOVATION RESEARCH PROGRAM; TECHNOLOGY TESTING

Subtitle A—Environmental Innovation Research Program

SEC. 301. ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.

(a) ESTABLISHMENT.—For each fiscal year, the Administrator is authorized to provide for an environmental innovation and research program an amount not more than 1.25 percent of the amount of funds made available to the Environmental Protection Agency from the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (referred to in this subtitle as "Superfund") pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), notwithstanding any other provision of such Act and subject to the availability of appropriations.

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Administrator shall use the amount allocated under subsection (a) to make awards to private concerns or other entities, through a uniform process (described in subsection (e)), for the development of environmental technology that contributes to the program objectives of the Superfund.

(c) WAIVER.—

(1) IN GENERAL.—The Administrator may waive the requirements of this section in full or part if—

(A) unforeseen emergency circumstances require the Administrator to redirect funds for technology development to other purposes; and

(B) the Administrator has redirected all technology development funds (other than funds allocated pursuant to subsection (a)) available to the Administrator from the Superfund to address the unforeseen emergency circumstances.

(2) REPORT.—If the Administrator waives a requirement of this section pursuant to paragraph (1), the Administrator shall provide a report that explains the reasons for the waiver to Congress.

(d) CONSTRUCTION.—Nothing in this Act limits the amount of funds that the Administrator may spend on the research, development, or commercialization of environmental technology.

(e) PHASES OF ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.—The Administrator shall carry out an environmental innovation research program in the following 3 phases:

(1)(A) A first phase for determining, insofar as practicable, the scientific and technical merit and feasibility of proposals that are submitted pursuant to environmental innovation research program solicitations and appear to have commercial potential.

(B) With respect to the first phase, the Administrator may enter into partnerships (including grants and loans), each of which shall be in an amount not to exceed $250,000 to support the initial development of proposed environmental technologies.

(2)(A) A second phase to fund the further development of environmental technologies funded under paragraph (1) that meet particular program needs, and with respect to which awards shall be made on the basis of the scientific and technical merit and feasibility of each proposal, as evidenced by the first phase (as described in paragraph (1)), taking into consideration, among other considerations, the commercial potential of each proposal, as evidenced by—

(i) the record of the private concern or other entity of successfully commercializing technologies, products, or processes developed as a result of environmental innovation research or other research;

(ii) the existence of funding commitments, from the private sector or sources other than the environmental innovation research program, to fund the further development of the environmental technology;

(iii) the existence of funding commitments from the private sector or sources other than the environmental innovation research program for the third phase of research to be conducted pursuant to paragraph (3)(A); and

(iv) the presence of other indicators of the commercial potential of the environmental technology.

(B) With respect to the second phase, the Administrator may enter into partnerships, each of which shall be in an amount not to exceed $750,000, unless the Administrator finds that additional funding is necessary and appropriate.

(3)(A) If appropriate, a third phase, in which—

(i) environmental innovation research funding is used to continue development activity that has demonstrated outstanding commercial potential in the second phase of the environmental innovation research program and merits further environmental innovation research funding;

(ii) awards from funding sources other than the environmental innovation research program are used for the continuation of research or research and development that has been competitively selected using peer review or scientific review criteria; or

(iii) commercial applications of research or research and development funded by the environmental innovation research program are funded by non-Federal sources of funds or, for environmental technologies intended for use by the Federal Government, by Federal funding sources other than the environmental innovation research program.

(B) With respect to a research or research and development project funded under subparagraph (A) and consistent with section 202(f), the Federal share shall not exceed 50 percent of the total cost of the project.

(C) With respect to the assistance provided under this paragraph, the Administrator may assist the private concern or other entity in pursuing funding or procurement from other Federal programs and in pursuing financial and technical assistance for the export of technology developed under the environmental innovation research program.

(D) The Administrator may, in lieu of the 3-phase process established under this subsection, fund proposals for the development of certain technologies through an alternative competitive process, on the basis of a written finding that—

(i) the proposed technology is at a stage in development comparable to the stage in development of technologies that would emerge from the second phase of the process established under this subsection; and

(ii) employing the first 2 phases of the process established under this section would be inappropriate.

(E) With respect to a development project funded under subparagraph (D)—

(i) awards shall be based on scientific and technical merit and demonstrated outstanding commercial potential;

(ii) consistent with section 202(f), the Federal share shall not exceed 50 percent; and

(iii) the Administrator shall notify Congress in writing of the award and provide a copy of the written finding made under subparagraph (D).

(f) SMALL BUSINESS.—In carrying out the program established under this section, the Administrator shall consider the needs of small business concerns for the development and utilization of environmental technology.

(g) TESTING ENVIRONMENTAL TECHNOLOGY.—Partnerships authorized under paragraph (2), or subparagraph (A) or (D) of paragraph (3), of subsection (e) may make available, if appropriate, funds to test environmental technology in the program established under section 311.

SEC. 302. GUIDELINES OF THE ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.

(a) GUIDELINES.—The Administrator shall issue guidelines for environmental innovation research conducted pursuant to this subtitle.

(b) CONTENTS.—The guidelines issued by the Administrator shall, at a minimum, provide for—

(1) simplified, standardized, and timely solicitations of project proposals; and

(2) to the extent feasible, application procedures standardized with the procedures established under title II.

SEC. 303. MULTI-AGENCY ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.

(a) PRIORITY.—To the maximum extent practicable, each head of an Executive agency shall encourage the commercial application of environmental technologies developed to meet the missions and responsibilities of the agency.

(b) COLLECTION OF DATA.—The head of an Executive agency providing funding for the research and development of environmental technology shall—

(1) identify projects funded by the agency for the development of environmental technology that have been commercially successful;

(2) consistent with section 201(g), make the data publicly available; and

(3) make recommendations to appropriate officials of other Executive agencies regarding effective mechanisms to foster the development of commercially viable environmental technologies.

Subtitle B—Innovative Technology Testing

SEC. 311. PROGRAM.

(a) ESTABLISHMENT.—In collaboration with the heads of other appropriate Executive agencies, the Administrator is authorized to establish a program for testing environmental technologies at federally owned facilities and other sites, including sites—

(1) on the National Priorities List established under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)); and

(2) in the inventory of Federal agency hazardous waste facilities under section 3016 of the Solid Waste Disposal Act (42 U.S.C. 6937), collectively referred to in this section as "applicable sites".

(b) FEDERAL SITES.—In exercising the authority under the program established under this section, the Administrator shall enter into partnerships with other Executive agencies, and, if appropriate, non-Federal partners, for the purpose of testing environmental technologies at federally owned sites. Each partnership shall include agreements regarding the selection of sites and the management and oversight of the testing and evaluation of environmental technologies at such sites, subject to the guidelines established under subsection (d).

(c) DESCRIPTION.—As part of the program established under this section, the Administrator shall—

(1) solicit and accept applications to test environmental technologies suitable for the prevention, control, or remediation of contamination at applicable sites, subject to the guidelines established under subsection (d);

(2) subject to subsection (b) and in consultation and cooperation with representatives of other Executive agencies, State and local governments, industry consortia, and other groups interested in the control, source reduction, and remediation of contamination at an applicable site, manage and oversee testing and evaluation of environmental technologies at the site, subject to the guidelines established under subsection (d);

(3) document the performance and cost characteristics of an environmental technology tested at an applicable site;

(4) consistent with section 201(c)(3)(C), list and disseminate nonproprietary information regarding the performance and cost characteristics of an environmental technology that has been tested at 1 or more applicable sites; and

(5) to the extent feasible, incorporate Environmental Protection Agency programs in existence on the date of enactment of this Act that facilitate testing of environmental technologies at applicable sites, including the alternative or innovative treatment technology research and demonstration program established under section 311(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(b)).

(d) Guidelines.—The Administrator, in agreement with the heads of other appropriate Executive agencies, shall, after notice and opportunity for comment, issue guidelines for the operation of the program established under this section. The guidelines shall include—

(1) an initial listing of applicable sites potentially available for the testing of environmental technologies categorized by site characteristics, including production processes and technologies and, in the case of contaminated sites requiring remediation, site geology and site contaminants;

(2) criteria for designating the eligibility of applicants to the program established under this section;

(3) the application procedures for applicants designated under paragraph (2), including, consistent with section 202(f), provisions for sharing the costs of testing with applicants;

(4) criteria for the verification of the efficacy of tested environmental technologies;

(5) specific procedures for the management and oversight of testing at applicable sites, including procedures for consultation with communities in the vicinity of applicable sites;

(6) criteria for determining whether and to what extent legal authorities should be used to indemnify successful applicants to the program established under this section; and

(7) provisions for terminating partnerships.

(e) Listing of Tested Technologies.—In the case of a technology tested under the program established under this section, the Administrator shall publish the nonproprietary test results, cost information, and a general description of the tested environmental technology, and, consistent with section 201(c)(3)(C), disseminate the information.

(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1995 through 1998.

TITLE IV—ADDITIONAL PROGRAMS

Subtitle A—Verification of Environmental Technologies

SEC. 401. PROGRAM.

(a) Establishment.—As part of the Environmental Technology Initiative established under title II, the Administrator shall establish a program to verify, evaluate, and disseminate performance and, to the extent practicable, estimates of the capital and operating cost (referred to in this section as "cost estimates") of environmental technologies, including environmental technologies appropriate for meeting the performance criteria of regulations issued as performance standards under laws that the Administrator determines are appropriate, collectively referred to in this section as "applicable regulations".

(b) Purpose.—The purpose of the program established under this section is to provide businesses, municipalities, and other persons subject to environmental regulations or concerned with environmental improvement, with greater access to suitable environmental technologies by establishing a process of verification of the performance characteristics and cost estimates of environmental technologies.

(c) Administration.—As part of the program established under this section, the Administrator, in collaboration with appropriate officials of other Executive agencies, shall—

(1) establish procedures for soliciting applications for and selecting, pursuant to the criteria established under subsection (d), non-Federal entities to perform the functions described in subsection (e);

(2) pursuant to subsection (g), develop and issue common guidelines and protocols to verify and evaluate the performance and cost estimates of environmental technologies; and

(3) pursuant to subsection (h), list and disseminate the results of the verification and evaluation of environmental technologies.

(d) Selection Criteria.—The Administrator, in collaboration with the heads of appropriate Executive agencies, shall, through a merit based selection process, select non-Federal entities to perform the functions described in subsection (e) based on—

(1) the capability of the entity to provide thorough and credible technical and financial verification and evaluation of environmental technologies;

(2) the likelihood of continued viability of the entity; and

(3) such other criteria as the Administrator considers appropriate.

(e) Non-Federal Verification.—Each non-Federal entity selected under subsection (d) shall—

(1) accept applications to verify and evaluate performance characteristics and cost estimates of environmental technologies;

(2) using appropriate protocols developed under subsection (g), verify the quality and credibility of performance data and cost estimates submitted by applicants;

(3) using the criteria developed under subsection (g), evaluate performance data and cost estimates for environmental technologies; and

(4) report to the Administrator performance data and cost estimates regarding the environmental technologies verified and evaluated.

(f) Federal Verification.—As part of the program established under this section, the head of an Executive agency may, individually or pursuant to a partnership, verify and evaluate the performance and cost estimates of environmental technologies at federally owned sites. The head of the Executive agency shall ensure that—

(1) the common protocols and guidelines developed under subsection (g) are employed for the verification and evaluation of all environmental technologies; and

(2) the results for each environmental technology verified and evaluated are reported to the Administrator.

(g) Guidelines.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Administrator, in agreement with the Secretary of Energy, the Secretary of Commerce, the Secretary of Defense, the Administrator of the Small Business Administration, and appropriate officials of other Executive agencies, shall, after notice and opportunity for comment, issue guidelines for the operation of the program established under this section. The guidelines shall be revised from time-to-time as appropriate.

(2) Description.—The guidelines shall include—

(A) criteria for designating the eligibility of applicants to the program established under this section;

(B) application requirements and procedures for submitting data for verification;

(C) appropriate protocols to verify the quality and credibility of performance data and cost estimates submitted by applicants;

(D) general criteria for the evaluation of environmental technologies, including an evaluation, with respect to each technology evaluated, of the ability of the technology to—

(i) meet the performance criteria of any applicable regulation under tested conditions with additional source reduction, control, or remediation benefits as compared to otherwise applicable technology;

(ii) meet the performance criteria of any applicable regulation under tested conditions at a comparable or lower estimates of cost than the estimated cost of otherwise applicable technology; or

(iii) constitute a significant advance in the development of an environmental technology with broad applicability;

(E) a schedule of fees for applications to cover the costs of the program, including—

(i) lower fees for each applicant designated as a small business concern, nonprofit group, institution of higher education, or State or local government entity; and

(ii) lower fees for applications to verify environmental technologies that provide source reduction;

(F) consistent with section 202(g), criteria and appropriate procedures for the protection of proprietary information regarding environmental technologies; and

(G) such other provisions as the Administrator or the head of another agency listed in paragraph (1) may consider appropriate.

(h) Review and Reporting of Technologies.—

(1) In general.—In the case of a technology verified and evaluated by a non-Federal entity selected under subsection (d), the Administrator shall conduct appropriate review of the accuracy of the data and the results of the verification and evaluation, prior to publication of the information under paragraph (2).

(2) Publication of description.—Consistent with section 201(c)(3), the Administrator shall publish a nonproprietary description of the environmental technologies verified and evaluated under this section and disseminate the information.

(3) Significant advances.—The Administrator may establish a list of technologies verified under the program established by this section that represent significant advances as compared to then current available technologies.

(i) No Revision of Regulations.—Nothing in this Act shall be construed, interpreted, or applied in any manner to revise any regulation or release a person subject to any regulation from the duty to comply with the regulation.

(j) Judicial Review.—

(1) Effect of verification.—The verification or evaluation of a technology under the program established under this section shall not—

(A) constitute a final action by the Administrator; and

(B) be subject to judicial review.

(2) Failure to comply.—If a technology verified, evaluated, and listed pursuant to the program established under this section fails to result in compliance with any applicable regulation, the verification, evaluation, and listing shall not constitute a de-

fense in an enforcement action or citizen suit and shall not create a cause of action against the Environmental Protection Agency.

(k) NO FEDERAL CAUSE OF ACTION.—Nothing in this section creates a cause of action or in any other manner increases or decreases the liability of a person.

Subtitle B—Technical Assistance to Small Business in Coordination with Existing Programs

SEC. 411. ENVIRONMENTAL ASSISTANCE.

(a) AGREEMENTS.—Not later than 180 days after the date of enactment of this Act, the Administrator, the Secretary of Commerce, and the heads of other Executive agencies shall enter into such agreements as are necessary to permit the Environmental Protection Agency to provide technical assistance and support to the Manufacturing Technology Centers and other similar Extension Centers administered by the National Institute of Standards and Technology of the Department of Commerce and other technology assistance programs for small business concerns as appropriate.

(b) ASSISTANCE.—The assistance shall include—

(1) the preparation of environmental assistance packages for small business concerns generally and, if appropriate, for specific small business sectors, including information on—

(A) environmental compliance requirements and methods for achieving compliance;

(B) new environmental technologies;

(C) alternatives for source reduction that are generally applicable to the small business sectors; and

(D) guidance for identifying and applying opportunities for source reduction at individual facilities;

(2) providing technical assistance to small business concerns seeking to act on the information provided under paragraph (1);

(3) coordinating with the heads of other Executive agencies to identify those small business sectors that need improvement in environmental compliance or in developing methods for source reduction; and

(4) developing and carrying out an action plan for providing assistance to improve the environmental performance of small business sectors in need of improvement.

(c) COORDINATION.—The Administrator may coordinate with—

(1) small business development centers (established pursuant to section 21 of the Small Business Act (15 U.S.C. 648)); and

(2) as appropriate, other small business and agricultural extension programs and centers, to provide environmental assistance to small business concerns.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 1995 through 1998.

SEC. 412. STATUTORY CONSTRUCTION.

Nothing in this Act shall be construed, interpreted, or applied in any manner to—

(1) affect the obligation or duty of any Executive agency to comply with all applicable environmental laws and requirements; or

(2) limit the authority of any Executive Agency to carry out or administer any program, duty, or responsibility.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—HOUSE CONCURRENT RESOLUTION 218

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, there be 30 minutes remaining of the statutory time limitation, and that the Senate resume consideration of the conference report to accompany House Concurrent Resolution 218 at 2:30 p.m. tomorrow, with the remaining time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I remind my colleagues that pursuant to this and a previous order, there will be three votes beginning at noon tomorrow. The first vote will be on the amendment which I have offered with respect to the arms embargo on Bosnia; the second will be on the amendment which has been offered by Senator DOLE with respect to the arms embargo on Bosnia; and the third will be a vote on the conference report on S. 63, the clinics access bill. Those votes will be at noon tomorrow and, pursuant to a previous order, the second and third votes will be for 10 minutes each tomorrow.

The vote which is about to occur will be the last vote today, and this vote is on the conference report to accompany the Head Start Amendments Act.

I thank my colleagues.

HUMAN SERVICES AMENDMENTS OF 1994—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of the conference report on S. 2000, which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2000) to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 9, 1994.)

Mr. KENNEDY. Mr. President, today the Senate gives its final approval to S. 2000, the Human Services Reauthorization Act of 1994. This bill is part of our national effort to help children, strengthen families, and rebuild communities. It reauthorizes three mainstays of our current effort—Head Start, the community services block grant, and the Low-Income Home Energy Assistance Program.

Thirty years ago next week, President Lyndon Johnson declared war on poverty by signing the Economic Opportunity Act of 1964 into law. Head Start, our first multigenerational, family centered, one-stop shopping program, quickly became one of the Nation's most popular and most effective social programs.

Today we pay tribute to Head Start with an overwhelmingly bipartisan vote and affirm our commitment to renew and expand it.

The Head Start provisions in the bill give new support to staff development and training, in order to provide the best possible services to children and families. It enhances parent involvement, and helps parents to be the first and best teachers of their children.

This action provides new flexibility to local programs to meet the needs of today's families, many of whom are working full time jobs or going to school to find better jobs. They need full-day and full-year Head Start—and this bill will help see to it that such services are available.

We have found that 1 year of Head Start at age 4 often comes too little and too late for families struggling to survive against a rising tide of poverty, drugs, violence, and hopelessness. This bill allows programs to provide more than 1 year of service—and to focus on both the comprehensiveness of service and the continuity of service.

Building on the success of the comprehensive child development programs and the lessons we have learned from parent-child centers, S. 2000 sets aside significant resources for a new Early Start initiative for infants and toddlers to give new families the support they need to learn and grow together.

This legislation also includes two other priorities—the community services block grant [CSBG] and the Low-Income Home Energy Assistance Program [LIHEAP].

CSBG reauthorizes the community action programs, community development corporations, and community food banks that serve on the front lines of the war on poverty. In recent years, we have witnessed a much greater rise in the number of families living in poverty than in the resources dedicated to reducing it.

In neighborhoods across the country, these community-based public-private partnerships are a central part of the low-income service delivery network. They promote self sufficiency, family stability, and community revitalization. S. 2000 affirms our commitment to these grassroots efforts to help people help themselves.

The reauthorization of the Low-Income Home Energy Assistance Program is equally important. This year's winter weather in New England and across the country demonstrated the lifesaving nature of LIHEAP. President Clinton recognized the importance of this program by approving emergency appropriations to help low income families pay for the fuel they need to survive.

Without this heating assistance, we would have lost far more lives. No parents should have to chose between heating their homes and feeding their children. Yet, every winter, doctors in Boston and cities across the country see the number of malnourished children double or triple as fuel costs continue to rise. Thanks to LIHEAP, many families are spared from making the heat or eat decision.

Despite the widely acknowledged success of measures such as these, no one program can be expected to permanently innoculate children against the problems that plague too many youth. We also know that our commitment to help cannot end with Head Start.

Four years ago I sponsored a demonstration transition project to begin to build bridges between Head Start programs and local public schools. These efforts have enabled children to make a smooth transition to elementary school, and helped parents to continue to be active participants in the education of their children. Head Start programs and public schools have learned from each other and both systems have benefitted. But the real winners are the children and families.

Diane Hebert, a parent from Woburn, MA, told the Labor Committee how Head Start had prepared her for her son's transition to public school by saying:

> When my son went to kindergarten, his teacher wouldn't let me volunteer in the class. That February, she realized that she had overlooked him. He was having trouble with his work, but because he wasn't a behavior problem he didn't stand out. Head Start helped me to make sure the school gave him a core evaluation. How he receives the education he needs and deserves. Today I advocate for all my son's education even at the middle school and high school. Head Start showed me that being a parent gave me a seat in my children's education even if I have to push my way in.

Jill Ryan, a Head Start parent from Worcester, MA, said:

> Head Start taught me to reach out, to ask questions, and to voice my opinions openly. It prepared me to deal effectively with the public school system and stand up for my child's rights. Head Start taught me about the Chapter I program. When Jennifer was in the first grade, she needed help in reading. I appealed to the school for that help. They told me she didn't need the program. But they didn't see her struggling the way I did. Eventually, I convinced the school to get her help.
>
> Now my daughter is nine, and I am very proud to say that her reading is at the A level. Jennifer has been chosen for the Providing Equity for Able Kids program, which provides challenging elementary learning opportunities for academically and creatively talented elementary school kids.
>
> Now Head Start is helping to change the schools for all children and families. Three years ago, Worcester Head Start got a grant to do one of the Transition Projects. I sat on the committee with the Head Start Directors, Head Start parents, and public school principals. We talked about why parent input in schools is so important. We answered questions, and explained why the schools need to provide parent workshops, activities, and transportation, the way that Head Start does.

As we have learned from these transition projects, Head Start cannot be singlehandedly responsible for the success or failure of our poorest children. As Head Start families move into the public schools their continued success will be largely dependent on the schools.

We now have an opportunity—with the reauthorization of ESEA—to provide incentives for school systems to work with Head Start and build effective partnerships. Head Start is setting children and families on the right path, and it is up to the elementary schools to continue that progress.

The transition projects have shown that this can be done. We now have an historic opportunity to solidify the lessons we have learned. We have setaside $35 million in Head Start funds to facilitate his progress, and I look forward to working with my colleagues to create a bipartisan proposal within ESEA to invest the schools as well.

We must give children and families a Head Start on life—and we must prevent it from fading away. The benefits are too valuable—children are too important—and the stakes are too high.

This is a moment of both victory and preparation. I urge my colleagues to join in the challenge. We will not rest until we have given America's children all that they deserve.

For American business that seeks a skilled and educated workforce—for American families who seek safe streets—and for all American citizens who seek a country true to its ideals—this is essential legislation, and I urge the Senate to approve it.

THANK YOUS

Mr. President, I would like to take this opportunity to thank the people without whom this legislation would never have happened.

First and foremost, I would like to thank the Labor and Human Resources Committee staff—from both sides of the aisle—who worked extremely well together on this effort. I hope this bipartisan cooperation will continue as we move forward with the remainder of our agenda.

Specifically, I would like to thank Michael Iskowitz and Catriona Macdonald of my staff, Patty Cole, from Senator DODD's subcommittee staff, Kimberly Barnes-O'Connor from Senator KASSEBAUM's staff, and Stephanie Monroe from Senator COATS' staff. Together they formed the Senate team that made S. 2000 a reality. I commend them for their excellent efforts.

In the House, I would like to thank Alan Lopatin and Chris Gilbert of Chairman FORD's staff, Lee Cowen of Representative GOODLING's staff, and Les Sweeting and Terry Daschler of Representative MARTINEZ's subcommittee staff. They did a great job on the bill in the House—and they too are to be congratulated for their efforts. Both sides were lucky enough to have extremely cooperative and supportive conferees. I would like to especially thank Lauren Gross, from Senator PELL's office, Cheryl Birdsall from Senator METZENBAUM's office, and Matt Bidgood from Senator JEFFORDS' office for their help.

And we could not forget our supporters in the administration who—from the start—have been committed to an inclusive, productive, and bipartisan process.

I commend Secretary Shalala for establishing the Head Start Advisory Committee that launched this process, so effectively brought the staff together, and created the working group that hung together throughout this legislative process.

I would also like to thank her able assistants, including Mary Jo Bane, Olivia Golden, Helen Taylor, John Busa, Rich Tarlin, and Mary Burdette. They reminded us how helpful it is to design programs with those who actually implement them.

Last and not least—I would like to thank a few able individuals who have done so much for America's children.

I would like to recognize four longstanding friends of children and friends of the Labor and Human Resources Committee—Ed Zigler, often referred to as the Father of Head Start, Joan Lombardi, now with HHS, Helen Blank of the Children's Defense Fund, and Bill Harris and Sarah von der Lippe of KIDS Project.

Their energy and their commitment knows no bounds and I am grateful for their tireless efforts and leadership.

And we could not conclude without thanking those in the community struggling day after day to give these laws real meaning. Our work here is far easier than theirs. I would like to send a special thank you to Linda Likins of the National Head Start Association, Janis Santos of the New England Head Start Association, Marie Galvin of the Massachusetts Head Start Association, and to the thousands of Head Start teachers and family services workers who give it their all every day. This act is for you.

To the community action programs, community development corporations, community food and nutrition advocates, fuel assistance providers and all of the other front line workers who so ably use the resources of this act—I thank you for your dedication, your commitment, and your efforts.

Mr. DODD. Mr. President, I rise today to support the conference report to S. 2000, the Human Services Amendments of 1994, and to urge all of my colleagues to join me in voting for it. I would also like to salute Senators KENNEDY and KASSEBAUM for their indispensable leadership in helping to guide this legislation.

I am confident that the vast majority of my colleagues will vote for this bill because they recognize how critically important the programs it authorizes are to their constituents. These programs are also critically important to another group of Americans, a group that doesn't vote but that nonetheless demands and deserves our full attention. I am talking of course about the children of America.

Our children have been calling out for help, and we in Washington have not done nearly enough to answer that call. For too many young Americans, childhood has become a minefield of risk. They must navigate their way through a series of explosive social problems in order to successfully make it to adulthood.

The problems I am talking about are childhood poverty and unsafe neighborhoods; crumbling families and disappearing health care coverage; a cycle of abuse and a dimming of the once-bright dream of education. We all need to commit ourselves to defusing as many of these mines as possible and assisting our children in navigating their way through the ones we can't.

That's exactly what the Human Services Act seeks to do. The programs in this act, overseen by the Subcommittee on Children which I chair, share a common orientation, in that they work within the community to address the needs of individuals living there. They share a common goal, that of helping people move toward self-sufficiency. They see families' needs as a whole and seek to address them comprehensively.

While there is certainly no panacea in the legislation before us, the programs it authorizes lend a helping hand to children and families in need:

Head Start gives disadvantaged children the early, extra boost they need to keep up once they start school.

The Family Resource Program responds to families to help them grow strong and prevent crises.

The Low-Income Home Energy Assistance Program keeps the heat on for millions of families who would otherwise go cold.

The Community Services block grant supports local antipoverty agencies with deep roots in the communities they serve.

The legislation before us makes changes in each of these programs, changes intended to make them as effective and efficient as possible.

The reauthorization of Head Start continues the provision enacted in 1990 that sets aside one-fourth of all new appropriations for improving quality. This money already has helped programs raise staff salaries, provide needed training, and improve facilities and equipment.

To ensure that programs are offering quality services, the legislation strengthens performance standards and monitoring procedures so that programs that cannot correct their deficiencies within 1 year lose their funding. The bill seeks to build the work force Head Start needs to guide children into the next century by developing qualifications and credentials for family service workers and creating innovative approaches such as mentor teachers and Head Start fellowships.

The reauthorization of Head Start also contains a set-aside for expanded services to families with infants and toddlers. It takes the comprehensive approach associated with Head Start and expands it to vulnerable children at the earliest possible age.

FAMILY RESOURCE CENTERS

The bill also contains a provision I authored to consolidate several existing programs into an expanded community-based family resource program. This new grant to States would help build networks of comprehensive family resource centers and services and promote a systematic approach to prevention.

The approach rests on two guiding principles: locality and flexibility. It would provide comprehensive services at the local level where they can do the most good, and it would encourage States to approach funding family services creatively. This initiative also gives families a voice in how services are provided in their communities.

LOW-INCOME HOME ENERGY ASSISTANCE

Another component to the Human Services Act is the Low-Income Home Energy Assistance Program [LIHEAP], a critical segment of the safety net we try to provide for our most vulnerable citizens. LIHEAP provides millions of American families, many of them with elderly or disabled members, with the bit of extra help they need to pay for one of modern life's essentials: residential energy.

The bill before us would reauthorize LIHEAP at $2 billion for fiscal 1995. This puts Congress on record opposing the budget cuts that have been proposed for the program. The bill also reinforces LIHEAPS's primary mission to help disadvantaged individuals afford energy bills that would otherwise prove to be unaffordable. In addition, the bill would create a permanent authorization for the LIHEAP emergency fund and would allow the Secretary to target the money during particularly harsh winters.

COMMUNITY SERVICES BLOCK GRANT

The reauthorization of the Community Services block grant would strengthen this program by making groups supported by it more accountable for the dollars they spend. It would also consolidate existing community economic development and rural housing and development activities into a new community initiative program.

CONCLUSION

Taken together, these programs represent key segments of the safety net we try to provide all America citizens. I believe the bill before us will play a critical role in strengthening those segments, and I look forward to its passage and signature by the President.

I would like to once again thank Senator KENNEDY, the chairman of the Committee on Labor and Human Resources, for all of his work on this bill. he continues to be an inspiration to all of us who share his vision of a caring and just America.

I would also like to thank Senator KASSEBAUM, the ranking member of the committee, for all of her work on this legislation this was a truly bipartisan bill: It was crafted and moved along by Republicans and Democrats working together in complete tandem. Senator KASSEBAUM was especially instrumental in our efforts to consolidate and reform a number of existing programs into a new family resource grant. Senator COATS, ranking member of the Subcommittee on Children that I chair, was as always a full partner and highly valued colleague.

I would also like to commend several members of the other body who made this legislation possible. BILL FORD, the chairman of the House Education and Labor Committee, is a passionate advocate of Head Start, and we could not have moved this legislation without him. We will sorely miss him when he retires at the end of his term.

MAJOR OWENS and MATTHEW MARTINEZ, chairman of the House Subcommittee on Human Resources, were absolutely critical to the consensus we reached on this legislation. I worked closely with them to craft a strong and effective family resources program authorized by title IV of this legislation, and I want to thank them and commend them for their hard work.

Finally, as I have said on numerous occasions before this body, none of the work we do here would get done without the able work and tireless dedication of the staff. Although many were involved with this legislation, I would like to single out just a few here today for the significant contributions they made: Patty Cole, Joe Palmore, and Sarah Flanagan of my staff; Marsha Simon, Michael Iskowitz, and Catriona McDonald of Senator KENNEDY'S staff; Kimberly Barnes-O'Connor with Senator KASSEBAUM; Stephanie Monroe with Senator COATS; Mark Powden and Matt Bidgood with Senator JEFFORDS; Lauren Gross of Senator PELL'S staff; and Cheryl Birdsall with Senator METZENBAUM. They should all be proud of what they have accomplished for the children and families of America.

Mr. JEFFORDS. Mr. President, I am pleased to speak in support of passage of the conference report to S. 2000. This legislation will reauthorize programs which are vital to helping low-income families and their children, including Head Start, the Low-Income Home Energy Assistance Program [LIHEAP], and the community services block grant [CSBG].

At the heart of this conference report is the reauthorization of Head Start. In my mind, the Head Start reauthorization is a strong one. It will help Head Start programs across the United States improve the quality of services they provide as we move toward full funding. It will help them better meet the needs of families they serve in their communities. And it provides for expansion to serve more children. This is particularly important, since less than 40 percent of all eligible children are currently enrolled.

I commend President Clinton for proposing a $700 million increase for Head Start in his fiscal year 1995 budget request. This increase signifies confidence that the program is sound, but also recognizes that there is a strong need for expanded enrollment.

The bill also includes a new program to give an even earlier head start to children who most need our help. The initiative for families with infants and toddlers will build on the results and knowledge gained from programs currently serving families with very young children, including the Comprehensive Child Development Program [CCDP]. The CCDP's, such as the one I visited in Brattleboro, VT, have proven enormously effective in providing much-needed services to these families. I am pleased that existing CCDP's will be eligible to provide services under the zero to three program.

I am also pleased that this bill contains provisions establishing a priority for longitudinal studies, as well as an authorization of up to $3 million in fiscal year 1995 and such sums as may be necessary through fiscal year 1998 for this purpose. Longitudinal studies on Head Start will allow us as policymakers to follow Head Start participants through the years to determine what effects the program has had on them.

Mr. President, we live in a changing world. It is becoming more economically competitive than we could have imagined even a decade ago. If we are to succeed in this new world, our citizens must be adequately prepared. We must start with our youngest children, giving them the early, comprehensive, social, health, and education services they need so they won't fall through the cracks. Head Start does that for the most vulnerable children. Thanks to this reauthorization, it will continue to do it, for more children, and better than before.

Mr. President, I won't go into detail about what the conferees agreed to with regard to the Low-Income Home Energy Assistance Program [LIHEAP], but there are a few points I would like to highlight.

First, the House receded to the Senate regarding the program's authorization levels. The conference report to S. 2000 stipulates that the authorized funding level for LIHEAP shall be $2 billion annually for each of the fiscal years 1995 through 1999. I wish we could do more, but the budget deficit constrains us. Making the $2 billion explicit, though, is certainly preferable to authorizing "such sums as may be necessary."

We also have made permanent authorization for a $600 million contingency fund to help pull us through the sort of winter that much of the Nation just experienced. Clearly, the extreme cold that gripped much of the country this past winter stretched regular LIHEAP benefits way beyond the breaking point. Now we have the ability to respond to genuine weather-related fuel emergencies in a timely fashion. I just want to add here, as I did when the Senate first considered S. 2000, that the emergency fund is just that: for emergencies. Emergency funds are to supplement, not supplant, regular funding.

I think the conference report contains some useful provisions for helping beneficiaries reduce their energy bills by reducing their energy consumption. Energy efficiency education is something we should always promote. But we do need to be careful that such efforts do not cause reductions in basic benefits.

A final point, Mr. President, concerning the House-passed sense-of-Congress language regarding funding for fiscal years 1995 and 1996. I am pleased that the conferees essentially retained the language. Congress already has appropriated $1.475 billion for fiscal year 1995. It's going to be very tough to keep that appropriation intact. But we must try. And we'll have to try mightily to preserve current services next year. Having Congress on record in support of such efforts will be helpful.

The conference report also contains good improvements to the community services block grant. This block grant is a vital part of our efforts to address poverty in this country. The community action agencies funded by CSBG provide a critical service in my state and throughout the United States.

This bill will help them do an even better job by providing training and technical assistance, and improving governance and public participation. The bill will also make some improvements to our economic development efforts funded under CSBG, by creating a new Community Initiative Program. On this last point, I want to thank Bob Justis of Vermont for his contribution to our efforts.

Finally, the conference report retains authorization for the Community Food and Nutrition Program. Despite its success, the Clinton Administration had proposed to eliminate CFNP when it sent its recommendations to the Senate. But my colleagues and I on the Senate Labor Committee, which has jurisdiction over the program, rejected the administration's proposal and renewed the authorization for the program. Importantly, we also left intact the provisions for small States we established in the last authorization of the program. All told, I think this is great news, because CFNP is a low-cost but vitally important anti-hunger program, in Vermont and across the country.

Mr. BURNS. Mr. President, I rise in support of the conference version of the Head Start reauthorization bill.

I have always been a strong supporter of the Head Start Program; 2,300 Montana children benefit from this program, and that does not even include the children served through the programs on the Indian reservations.

Concerns have been expressed about maintaining the program's quality during Head Start's expansion. I am glad that the final bill requires a setaside for quality improvements to address this issue.

It is also my understanding that the bill includes a section that would allow Head Start to legally construct facilities. The need for this has been brought to my attention by the Head Start grantees in Montana.

Head Start is an important and worthwhile program, and I will be voting in favor of the conference report.

Mrs. KASSEBAUM. Mr. President, I am pleased to join my colleagues in support of the conference report on the Human Services Reauthorization Act, S. 2000. This legislation is the cumulation of a bipartisan, House-Senate-administration partnership that started a year ago with the appointment of the Advisory Committee on Head Start Quality and Expansion. I know that some people expressed sincere doubts that such a partnership would work. I believe that the Head Start provisions of S. 2000 are a clear demonstration of the benefits of an inclusive thoughtful legislative process—and hope that this successful experience will serve as the catalyst for more bipartisan, bicameral efforts.

In addition to the Head Start program, this legislation reauthorizes several important programs including the community services block grant the Low-Income Home Energy Assistance Act, the Ready To Learn Act, the State Dependent Care Development programs, the Child Development Associate Scholarship Initiative, and the new Family Resource Program. The Federal and State coordinating mechanisms created in the Claude Pepper Young Americans Act also are reauthorized in S. 2000, and I hope that appropriations are finally allocated so that this important initiative can begin.

When I introduced the Head Start Quality Improvement Act, with Representative GOODLING and Representative MOLINARI in March 1993, I hoped that our efforts to improve and ensure the quality of Head Start programs would be successful. With the passage today of the Human Services Reauthorization Act I believe that the Department of Health and Human Services now has the mandate and the tools it needs to provide quality early education and care services for low-income children and their families. This legislation will help Head Start programs to expand to meet the needs of local communities in a variety of ways. It is also important to note that as the new initiative to serve infants and toddlers begins, there are other provisions in the legislation which strengthen the activities designed to help children and their parents make the critical transition to elementary school. Both Head Start and schools must work together to sustain and build on the successes begun in Head Start.

I would like to thank the staff for their diligence and commitment to crafting a truly bipartisan bill—Lee Cowen, Hans Meeder, Alan Lopatin, Lester Sweeting, Terry Zimmer-Deshler, Braden Goetz, Dennis Glaven, and Leslie Harris from the House Committee on Education and Labor and from the Senate Committee on Labor and Human Resources, Kimberly Barnes-O'Connor, Stephanie Monroe, Matthew Bidgood, Mark Powden, Michael Iskowitz, Patricia Cole, Catriona McDonald, and Joe Palmore. This legislation is better and stronger because of their efforts.

Mr. DURENBERGER. Mr. President, I am pleased to rise in support of final passage of the conference committee agreement on S. 2000 which includes reauthorization of the Head Start Program.

There are a number of positive features in this reauthorization, Mr. President, including continued emphasis on improving quality, greater performance accountability for Head Start agencies, and increased authority to use Head Start funds for year-around programs and initiatives that serve very young children and their families.

In addition, the conference committee accepted the Senate's position authorizing the use of Head Start funds for facilities construction in low-income communities if there are not other facilities available, if the lack of facilities will inhibit the operation of the program, and if construction is more cost-effective than purchase of available facilities.

The final bill also permits Head Start grantees to make capital expenditures—including amortizing the principal and paying the interest on loans—for construction of facilities, major renovation of facilities, and purchase of vehicles used for programs located at Head Start facilities.

Unfortunately, the conference committee did not adopt the Senate position that Head Start children should be automatically eligible for meals under the child care food program.

The conferees were sympathetic to the burdens placed on Head Start agencies in establishing eligibility for the child care food program. But, the conferees did not feel they had jurisdiction to expand eligibility for what is, in effect, an entitlement program under the jurisdiction of the Agriculture Committees in both Houses of Congress.

The conferees did, however, urge the Secretaries of HHS and Agriculture to work together to accomplish the goal of joint eligibility through regulatory changes and urged the appropriate authorizing committees to address the problem during the reauthorization of other child nutrition programs.

Mr. President, I am most pleased that the conference agreement maintains and expands on the goal I have been pushing throughout this reauthorization that we encourage flexibility to meet the changing needs of today's Head Start families and that we encourage a greater degree of collaboration between Head Start, subsidized child care, and other programs that serve low-income children and their parents.

For example, the conference committee agreement directs the Secretary of HHS to encourage the development and testing of innovative, locally designed options to extend the hours of service of Head Start agencies to meet local needs. Options identified by the conferees include collaboration with child care and other child and family service programs where such collaborations maintain the quality and integrity of services provided under Head Start's performance standards.

Where administrative rules and regulations are a barrier to effectively combining funds from different Federal program sources, the conferees also urged that a timely mechanism for requesting and granting waivers be put into place.

Head Start's authorizing legislation and administrative rules already allow national and regional administrators and local agencies considerable freedom to design local programs to meet local needs. So, the real test of whether we will see increased collaboration with other early childhood services will depend on how this reauthorization is actually administered.

With that challenge in mind, Mr. President, I have today written HHS Secretary Donna Shalala to encourage her and others in the administration to fully implement the collaborative spirit of this reauthorization. I would ask that a copy of my letter to Secretary Shalala be printed at the conclusion of my remarks.

Mr. President, I want to pay tribute to the principal authors of this legislation for their diligent efforts to steer its passage through the Senate and for their openness to the ideas and suggestions for improvements that I and others have authored.

I also want to pay special tribute to the thousands of Minnesotans who labor each day in the Head Start classrooms, offices, and homes of my State—as teachers, aides, drivers, administrators and others. And, I want to offer a special word of encouragement to the parents and children who will benefit from this reauthorization. You are our hope for a future in which all children will have the opportunity to learn and to grow and to prepare for school and for life.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON LABOR
AND HUMAN RESOURCES,
Washington, DC, May 11, 1994.

Hon. DONNA E. SHALALA,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SHALALA: Today's final passage of the Head Start reauthorization represents an excellent opportunity to recommit our support—not only to the Head Start program, but to the children and families it serves.

I am also hopeful that this reauthorization will contribute to a greater degree of collaboration between Head Start and child care and other child or family support services in each local community.

That hope became more urgent for me during the Easter recess when I had the opportunity to meet with a group of Head Start and child care advocates in Minnesota.

One of the themes of that meeting was that collaboration among child and family service programs is especially important to the growing number of Head Start parents who are working or in school as part of federal land state welfare reform initiatives. And, as additional changes are made in AFDC and other welfare programs, we are likely to see even more Head Start parents needing (and qualifying for) child care services that extend beyond the traditional part-day, part-week Head Start program.

Fortunately, Head Start and other early childhood programs are starting to respond to this growing need. In fact, five different examples of child care/Head Start collaboration or other locally designed Head Start delivery models were described to me in some detail during the meeting I recently held in Minnesota.

All five of these initiatives are program models other than the traditional full-day, part-day, or home-based models used by most Head Start agencies. All five meet or exceed Head Start's performance standards. And, all five are designed to help meet the changing needs of today's Head Start families.

In each case, however, the directors of these initiatives expressed serious concerns that they will not be allowed to continue or replicate these highly innovative programs. Reasons for that concern range from uncertainty about future funding availability to bureaucratic resistance.

This uncertainty about the future of these programs is troubling in light of the most recent round of Head Start rulemaking—which articulated three different delivery options but which also included authority on the part of a senior HHS administrator to approved other locally designed options.

This centralized appeal and approval process is time consuming, costly, and burdensome, however, and may discourage agencies from designing and requesting approval for locally designed options. This may be especially true in smaller agencies or agencies in rural areas where collaboration may be even more difficult because there are fewer organized child care and other support services available.

According to several of the Head Start directors I met with in Minnesota, there also appears to be a presumption in the current system that more traditional delivery models are preferred—perhaps because they are easier to monitor and hold accountable.

In fact, one irony in the current laudable move to better monitor Head Start quality and agency performance is that computerized data gathering is much easier if programs are uniform in how they are organized. The same may be true in designing and testing new forms of results-oriented accountability.

In responding to these sometimes competing objectives, it's important to note that Head Start has always been a grass-roots, community and family-responsive program. So having flexibility to tailor programs to meet unique community and family needs is in keeping with the original purpose and history of Head Start.

That's why I felt so strongly that this reauthorization must be used to encourage Head Start administrators to use expansion funding to offer financial and other incentives to design unique and innovative local delivery options—as long as the underlying principles and strengths of Head Start are maintained and as long as local needs and results-oriented performance standards are met.

Because of the importance of maximizing the use of all available resources, any real or perceived barriers to collaboration with other agencies and programs should also be removed. That would include barriers to mixing funding sources and contracting with other agencies who may actually employ teachers and other staff.

In addition, I strongly believe there should be a presumption that locally designed delivery options are acceptable unless it's determined that they do not meet results-oriented standards through the normal Head Start oversight process.

And, finally, whatever changes are needed in Head Start performance standards to promote an innovation-friendly environment should be made.

I realize that at least some of the encouragement needed to innovate and collaborate may have to wait until we take up the child care components of welfare reform later this year. And, I look forward to working with you on this issue once the President's welfare reform proposal is brought to the Congress.

At the same time, I believe implementation of this Head Start reauthorization represents an excellent opportunity to allow maximum flexibility in local communities to use combined funding, waivers, demonstrations and administrative flexibility to help meet the changing needs of Head Start families.

To seize that opportunity, I believe Head Start administrators should do at least the following four things as they implement this reauthorization:

First, include the changing needs of Head Start families for child care and the potential for collaboration with child care and other early childhood and family services to Head Start's new quality standards.

Second, ensure that new performance measures created for Head Start agencies be adaptable for non-traditional program options including collaborations with local child care programs.

Third, reward collaboration with other community organizations serving children and families in the allocation of expansion funds within states.

And, finally, use Head Start's R&D program, to encourage the development and testing of innovative locally designed program options including programs that involve collaboration with child care and other child and family service programs.

During the course of this reauthorization, I became convinced that statutory changes were not needed to achieve these objectives. At the same time, I was pleased that Senators Kennedy and Kassebaum were willing to join me in a colloquy affirming legislative intent that increased collaboration with child care and other early childhood and family programs should be an outgrowth of this reauthorization.

As you know, I was an original co-sponsor of this Head Start reauthorization legislation. And, I was pleased to vote to adopt this legislation at every step in the legislative process. At the same time, I believe the full potential for serving today's low income families and children will depend on how this legislation is implemented and administered.

Now more than ever, Head Start must be responsive to the changing needs of the families it serves. That means Head Start must be flexible enough to meet those needs through a variety of different program models. And, it means Head Start must encourage collaboration with child care and other services available to those same families.

With that kind of locally initiated flexibility and collaboration, Head Start will enter its second 30 years an even stronger and more effective resource for the children and families of this nation.

Thank you for your past and future leadership in making these essential goals a reality.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

Mr. WELLSTONE. Mr. President, I would like to ask a question regarding the LIHEAP provisions in the Human Services Act. I wanted to clarify that none of the changes made regarding the LIHEAP program, including the provisions directed at the Secretary of HHS, are intended to alter households' current ability to seek redress under the statute directly from the Federal courts. Is that correct?

Mr. DODD. The Senator's statement is correct.

Mr. KENNEDY. That is also my understanding.

The PRESIDING OFFICER. Under the previous order, the question is on the adoption of the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—98

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
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Glenn
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Grassley
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Hollings
Hutchison
Inouye
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Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
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Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—1

Helms

NOT VOTING—1

Shelby

So the conference report was agreed to.

The PRESIDING OFFICER. If there is no objection, the motion to reconsider is laid upon the table.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL YEAR 1995 BUDGET RESOLUTION CONFERENCE REPORT

Mr. DURENBERGER. Mr. President, I rise today in opposition to the fiscal 1995 budget resolution conference report.

While I oppose the conference report, I wish to acknowledge that the conferees have taken some positive steps.

I am very pleased that the conferees heeded my advice to accept House language which would provide sufficient funds to permit needed reforms of a crop insurance system that just doesn't work. Agriculture Committee Chairman LEAHY, Senator KERREY, and I have acted on that opportunity by introducing the Federal Crop Insurance Reform Act of 1994, which largely follows crop insurance reform legislation I have authored in the past two Congresses.

As a complement to the crop insurance funding, the Budget conferees also provided that any future emergency appropriations for natural disasters must be paid for by offsets rather than by our usual habit of loading it on to the deficit. I have long opposed the concept of emergency supplementals—and for good reason. Just a few months ago, this Congress acted to provide much needed assistance to the victims of the California earthquake. Yet we borrowed the money to do so. Even worse, this free money was directed not only to the earthquake-ravaged regions in southern California, but also to legislators' pet projects located a continent away from the earthquake zone, adding many millions to the crushing debt we are imposing upon our children. This was simply indefensible. I am pleased the budget conferees have tied Congress's hands so that in fiscal 1995 we can't use a natural disaster as an excuse to add to this country's fiscal disaster—the Federal deficit.

Although the conference report makes some steps in the right direction, it simply does not go far enough.

Mr. President, this is my last year of service in this body. I first entered public life some 27 years ago, when I went to work for my law partner, Harold LeVander, who had been elected Governor of Minnesota. In that year, 1967, the Federal budget deficit was $8.6 billion—and people were outraged because that figure had more than doubled from the previous year. The national debt was all of $266.6 billion. By 1978, when I was elected to the Senate, the budget deficit was $59.2 billion, and the national debt—after the most intense period of our involvement in Vietnam, after two oil price shocks, and after one of the most severe recessions in our post-war history—was still only $607.1 billion.

Since then, we have run our national debt up to $4.7 trillion—that's "trillion" with a "T."

Numbers like that are hard to digest, so let's consider what it means in real terms for the people who will have to pay off that $4.7 trillion debt—our children and grandchildren. According to OMB projections, even after factoring in the effect of OBRA93, a child born after 1992 will have to pay 82 percent of his or her lifetime earnings in taxes. Mr. President, I ask that my colleagues stop to consider that figure—82 percent of lifetime earnings. That's just not fair.

Mr. President, we in Government—on both ends of Pennsylvania Avenue and on both sides of the aisle—got ourselves into this mess, and we owe it to our children and grandchildren to act to get ourselves out of it.

When Members of this body come forward to present responsible proposals to cut Federal spending—like the Exon-Grassley amendment—those measures should be enacted. Yet the conferees cut the Exon-Grassley savings in half, and even that modest cut met great resistance.

For some reason, the President and some conferees believe that we should take a rest from significant deficit reduction this year. I acknowledge the fact that a $173.5 billion deficit projection for fiscal 1995 is a significant improvement from the $235 billion deficit in fiscal 1994. However, we must bear in mind that that reduction is due largely to the economic recovery which began under President Bush.

In addition, Mr. President, we must recognize that the 1995 figures assume that interest rates on 10 year Treasury notes will hold steady at 5.8 percent. Right now, those rates are at about 7.2 percent—and rising. According to OMB, if inflation stays at current levels, even a 1 percent rise in interest rates—less than that which we have experienced—would add over $13 billion to the 1995 deficit, and would add a total of $127.5 billion to the deficit through 1999.

Even without the additional debt about to be heaped upon them, each American family of four already is burdened with some $75,000 of debt due to the past fiscal irresponsibility of the Federal Government. As a consequence, in 1994 we are spending $294 billion in gross interest payments on that debt—$50 billion more than all domestic discretionary spending. What's worse, interest payments are still rising.

As former Federal Reserve Chairman Paul Volcker advised members of this body in March, during periods of recovery we should strive for a surplus. In other words, we should act now. I do not suggest that a surplus like that advocated by Chairman Volcker is realistic in the immediate future. But we must begin to work towards that goal. We should not defer hard budget choices until later in the business cycle, when general economic conditions may impair our ability to act.

Mr. President, reducing government spending has been a priority throughout my Senate career. In 1984, I launched an organization called Americans for Generational Equity which sought to make clear how our reckless spending habits devastates future generations. That organization worked hard to identify and achieve the reforms necessary to cut the budget without harming important programs.

I have also been a part of numerous efforts within this body to attack the deficit. In the early 1980's, I sponsored along with Senator GORTON the Durenberger-Gorton bill to balance the budget. Since then, I also have supported strongly such measures as the 1985 Gramm-Rudman-Hollings Act, the Kassebaum-Grassley-Baucus proposal, the Boschwitz spending freeze, the 1990 budget summit reforms, the 1992 entitlement freeze, the 1993-94 Kerrey-Brown and Dole deficit reduction proposals, and, most recently, the balanced budget amendment.

I supported those proposals because I believe that savings can be achieved without harming our national security or compromising important Presidential initiatives such as health care reform. But I do not pretend that we can achieve those savings by deleting that much maligned but unfortunately mythical line item in the budget titled "waste and abuse."

Mr. President, let me be clear. Meaningful savings cannot be achieved if we are unwilling to take a hard look at entitlements. Simply put, that's where the money is. In 1993, the Federal Government spent nearly twice as much on payments for individuals as on everything else combined except for interest, which—as much as we'd like to—we cannot cut. I am deeply disappointed that neither the President's budget proposal nor the Budget Act approved by the conferees touch entitlements.

Moreover, Mr. President, we cannot achieve meaningful deficit reduction unless we act to limit inequitable tax breaks. For example, the current tax treatment of employment-based health benefits will cost the Federal treasury about $90 billion in 1995. According to CBO, this Government subsidy is worth an average of $1,910 to families earning between $100,000 and $200,000 a year, but only $450 to families earning one-tenth as much. Many working families do not benefit at all. That isn't fair, and it needs to be fixed.

Mr. President, as I prepare to leave this body, I suppose I am particularly mindful of the legacy we are leaving our kids. And I can't help but conclude we have done them a terrible disservice by burdening them with such a staggering amount of debt.

I've been here long enough to know that you make few friends by fighting for deficit reduction. But the longer we wait, the tougher the task will be, and the greater the burden our children and grandchildren will be forced to bear.

Mr. President, I believe we must achieve greater deficit reduction—this year. Therefore, I am compelled to vote against the fiscal year 1995 budget resolution conference report.

Mr. ROTH. Mr. President, today the Senate is considering the conference report on the fiscal year 1995 budget resolution. This budget is an automatic pilot budget—and the second installment of the massive tax increases and spending plan narrowly adopted by the Congress last summer.

In the Senate-passed budget, a $26 billion spending cut was adopted. This was a small step in the right direction. But, alas, after the conference with the House, only a $13 billion cut survived.

That boils down to a half a billion dollar cut in the 1995 budget. Not much, considering the base from which we start. In a $1.5 trillion-plus Federal budget only $500 million will be cut. This is a far cry from President Clinton's campaign promises of slashing the deficit in half.

I strongly disagree with President Clinton's decision not to fight for any deficit reduction this year. A deficit of over $175 billion in 1995, and over $200 billion in 1999 in the Democrats' budget is woefully unacceptable to the American public and, therefore, unacceptable to me.

Many grassroots citizen groups such as the Concord Coalition, United We Stand America, Citizens Against Government Waste, and many others have tried to impress upon the Congress and the President that action is needed to reduce the deficit through meaningful and lasting spending reductions. American families are forced to balance their budgets every day and so should the Federal Government. Just a few months ago, ignoring the will of the American people, both the Senate and House of Representatives rejected the balanced budget constitutional amendment at the President's urging.

I was pleased to see that the budget conferees accepted the Senate's insistence upon funding for the Edward Byrne Anti-Crime Grant Program. I cannot understand, however, the President's and the Democrats' decision not to provide full funding for either the Senate- or House-passed crime bills in the budget this year. Crime is one of the biggest problems facing our Nation, and this budget does not adequately address these problems squarely.

It is my hope, however, that the crime bill will eventually be fully funded though salary savings realized by downsizing the Federal bureaucracy by 272,000 positions, a funding source that this body overwhelmingly voted for on several occasions.

The crime bill is not the only unfunded program in the budget resolution. Welfare reform, entitlement reform, health care reform, and Governmentwide reform or "reinvention" are all missing. While these items are touted as priorities in our Nation, this budget blueprint is silent on how to finance these priorities.

This spring, the Republicans in both chambers offered a comprehensive budget including funding for the items just mentioned as well as a middle class tax cut. The Republican alternative would have reduced the deficit by $318 billion over the next 5 years. It offered incentives that America needs right now to save and invest for the future. For example, it offered a $500 tax credit for dependent children, and expanded the use of individual retirement accounts, a proposal I introduced with Senator Lloyd Bentsen back in 1991.

In February, Senator DOLE, myself, and 16 other Republican Senators introduced the Government Downsizing, Performance and Accountability Act of 1994. The plan contains 50 commonsense recommendations to save the taxpayers money, streamline the Federal bureaucracy, and improve the legislative budget process.

It reduced nondefense discretionary spending by $55 billion over the next 5 years by incorporating several Grace Commission recommendations, as well as improving Government accountability and performance. The plan also contains a Presidential line-item veto, a requirement that new programs may be authorized for a maximum of 5 years, and a super-majority requirement for all emergency spending legislation.

Budget process reform is clearly needed. For many years I have sponsored a bill to implement a 2-year budget cycle. Currently, congressional reform efforts have included this budget reform in their proposals. It is my hope that a biennial budget process reform can be adopted this year.

Deficit reduction, however necessary, will not dominate the political and policy discussions in Washington this summer. As we all know, budgets drive policy decisions. Given the American public's demands for further fiscal restraint, tax-and-spend policies are no longer acceptable to those for whom we serve. It is a daunting task to tackle the Federal budget. Spending cuts are difficult to swallow; however, I stand ready and willing to make the hard choices for the benefit of our children and grandchildren.

Mr. GORTON. Mr. President, the conference report on the budget continues the fiction begun by the 1993 budget agreement passed on a tie vote last summer. That fiction, perpetrated by this budget, is that the deficit problem was fixed last summer and Congress and the President are off the hook. It is because the Congress and the President refuse to deal with the deficits that loom on the horizon that I will vote against the conference report on the budget. I will briefly review what I see as the problem we face with respect to this conference report and the looming deficits.

First, and most disappointingly, the conference report contains only half the modest Exon-Grassley cuts included in the Senate-passed version of the budget. In effect, the refusal to make these minuscule cuts assert that the Federal Government spends money so efficiently and effectively that it cannot afford reducing expenditures by three tenths of 1 percent over the next 5 years.

Clearly, that is a ridiculous assertion given the fact that the economy is growing at such a pace as to reignite fears of inflation. If the economy is at the point of overheating, reducing Federal spending would certainly help both the budget deficit and the inflation outlook. In other words, now is the time to cut spending even more than is embodied in the Exon-Grassley amendment. Ducking this issue now while the economy is growing will only make it harder in the future.

Second, this budget does nothing to stem the continued growth in entitlement spending despite the realization by everyone that entitlement spending must be limited to get our fiscal house in order. I become more alarmed about the exclusion of entitlement reform given the rhetoric of last year's debate on the issue of entitlement reform. Then, when entitlement spending was raised as an issue the opponents said now was not the time. The opponents pleaded that health care reform would bring huge savings in entitlement programs.

Well, by CBO's estimates the President's health care reform plan will not reduce entitlement spending. In fact, the CBO estimates the Clinton Plan to increase the budget deficit by almost $100 billion—if everything goes perfectly. The problem is that no health care reform plan I know of will lead to overall lower spending on entitlements. The conference report only further delays the day when we deal with entitlement spending. Delaying entitlement reform will not solve the budget deficit.

Third, the Democrats are making a big deal of discretionary spending restraint embodied in this budget. But anyone familiar with these numbers realizes that the spending restraint comes totally out of the defense side of discretionary. Domestic discretionary spending actually increases over the next 5 years. I oppose this conference report because it does not really provide domestic discretionary spending restraint. If defense spending can decline in real and nominal terms there is no reason why domestic discretionary spending can not also be so restrained.

I cannot support a budget that deals in the fiction that the budget deficit is no longer a problem. I will not support a conference report that implies that Federal spending is so effectively and efficiently carried out that a three tenths of 1 percent reduction in Federal spending is impossible. I will not support a conference report that continues to put off the tough choices when it comes to mandatory spending. And, I will not support continuing increases in domestic discretionary spending while defense spending is declining in real as well as nominal terms. This conference report fails to do what I believe is important and therefore I will oppose this report.

Finally, although I oppose this conference report I must end on a positive note. The chairman of the Budget Committee, Senator SASSER, should be commended for successfully defending the Senate's position with respect to the Edward Byrne Formula Grant Program. The program funds badly needed multijurisdictional taskforces fighting crime and drugs throughout this country. The chairman did wonderful work in maintaining full funding for the program. I appreciate his hard work on this program.

WHY VA RESEARCH MEANS BETTER MEDICAL CARE FOR VETERANS

Mr. ROCKEFELLER. Mr. President, I am delighted that the budget conferees have reversed the proposed cut in funding for the Department of Veterans Affairs' research and prosthetics account and have restored funding to $252 million—the fiscal year 1994 level.

Because the connection between research and good clinical care is so important in the VA health care system, Senator MURKOWSKI and I wrote a letter to the budget conferees urging that this funding be restored. We believe that the investment in research has a high return in benefits that improve medical treatment for veterans and all Americans, and the budget conferees have agreed.

In just the past few months, VA research has yielded important new information about serious medical problems such as prostate cancer, skin cancer, AIDS, schizophrenia, and lupus, just to name a few. The VA research program is also an enormously important tool to recruit and retain high-quality physicians and other professionals, and to maintain VA affiliations with medical schools. Finally, as one VA researcher noted, "Research is more than laboratories, microscopes, and published papers in academic journals." Indeed, 75 percent of VA research programs are led by M.D. investigators who, as members of the VA hospital staff, are also responsible for direct care provided to the veteran patient.

By reversing the cut, we have sent a message to VA researchers that we value their work and depend on their discoveries to improve health care for all Americans. As chairman of the Committee on Veterans' Affairs, I am grateful for the restoration in funding.

EDWARD BYRNE MEMORIAL GRANT

Mr. GORTON. Senator HARKIN and I both are advocates for the Edward Byrne Memorial Grant Program. This program provides funds for local multijurisdictional law enforcement efforts to eradicate crime and drugs from our society. During the budget debate we both offered amendments to restore funding for the Byrne Program. We understand that the distinguished chairman of the Budget Committee, Senator SASSER, worked hard to assure that this program was fully funded. I want to again thank the chairman for his help during the floor debate on this issue and for assuring that this program receives the Federal funding it deserves.

Mr. HARKIN. Senator GORTON and I are pleased to have our concern for the Byrne program reflected in this budget. Chairman SASSER has done a great service to local law enforcement efforts by making sure the conference report fully funding this program that is vital to fighting crime and drugs throughout America. I also want to thank the chairman for working so hard to assure the funding for this program.

Mr. SASSER. I am pleased the conference committee agreed to fully fund this program in the conference report. This program is important and does deserve full funding. And I thank Senator GORTON and Senator HARKIN for their efforts with respect to this program.

CONFERENCE REPORT ON THE CLINIC ACCESS BILL

Mr. DURENBERGER. Mr. President, I rise in support of the conference report on S. 636, the Freedom of Access to Clinic Entrances Act of 1994.

Last December, I wrote a letter to the distinguished chairman of the Labor Committee, Senator KENNEDY, strongly urging that the conference committee adopt the provisions in the Senate-passed bill. In particular, I urged the Conference Committee to adopt the Senate's reduced penalties for nonviolent blockades, Senator HATCH's amendment protecting places of worship, and provisions that had been worked out among our staff relating to various concerns in the pro-life community.

I am pleased that the House-Senate conferees adopted the substantive provisions of the Senate bill. I believe this conference report strikes an appropriate balance between preventing violent and threatening behavior, yet protecting rights to peacefully persuade and express deeply held beliefs.

My own convictions are pro-life. But I believe that people on both sides of this issue can agree that violence and threats do not serve either cause; they only drive our Nation farther and farther apart.

I am grateful to Senator KENNEDY and to Senator KASSEBAUM, the distinguished ranking member of the Labor Committee, for their willingness to work with me to address concerns that were important to the pro-life community. We put aside our different beliefs about abortion to work toward the common goal of reducing the violence that sometimes surrounds this divisive issue.

I hope that others with differing beliefs will learn to do the same, so that our Nation can debate the issues that divide us with civility and reason, not threats and intimidation.

LAW AND THE ARMS EMBARGO

Mr. MOYNIHAN. Mr. President, central to the Senate's debate on lifting the arms embargo on Bosnia must be our understanding of the U.N. Charter. There could hardly be a more appropriate anniversary for this debate. Exactly 50 years ago—throughout April and May of 1944—Secretary of State Cordell Hull met with members of the Senate Foreign Relations Committee to develop the American negotiating positions on the U.N. Charter. The U.S. proposals hammered out in those meetings were presented at Dumbarton Oaks not 4 miles from here in the summer of 1944 and then refined at the San Francisco Conference the following year.

Does the U.N. Charter—the product of these prodigious labors—provide the legal authority to the Security Council to forbid the United States to come to the aid of another sovereign state which is indisputably the subject of an armed attack?

Mr. President, let me address two quite separate topics which have often been merged in this debate:

Can we legally disregard the Security Council embargo on providing arms to Bosnia?

And, quite a separate question, should we do so?

First, has the Security Council exceeded its legal authority by forbidding members of the United Nations to come to Bosnia's defense? Put a different way, does the United States have the legal right to provide arms to Bosnia?

The answer is yes.

I do not relish making this case. The Security Council is the crown jewel of the U.N. Charter. After years—no, decades—of impotence it has emerged from the cold war to begin at last to function as Hull, Stettinius, Vandenberg, Connally, and the other founders of the United Nations believed it could. In the gulf war the Council authorized, mobilized, and legitimized a collective response to aggression. The charter worked.

I know well the arguments that are made against unilaterally lifting the arms embargo. Most do not really address the right of the United States to do so. Rather they address the wisdom of such action.

But there is a straightforward legal case against unilateral action by the United States. The Security Council acted under chapter VII. It has repeatedly reaffirmed the resolutions which imposed the embargo. Its decisions are binding under article 25. We agreed to the embargo—we could have vetoed it after all—and we also agreed to be bound by Security Council decisions when we ratified the charter.

What we did not agree to—what the U.S. delegation to the San Francisco conference specifically and successfully opposed—was the notion that the Security Council could both fail in its responsibility to maintain international peace and forbid other states to step into the breach and come to the aid of a member state which was under an armed attack.

The impossible burden of those who oppose lifting the arms embargo unilaterally is that they must make the case that the Security Council has the legal authority to order the United States to stand by and let an innocent victim of aggression to be dismembered. That is what article 51 was specifically drafted to prevent.

None of the usual debates about Article 51 apply here. There is no serious dispute about whether Bosnia is the victim of an armed attack. Nor any dispute as to whether it has genuinely requested assistance. Nor can one seriously argue that the Security Council has "taken measures necessary to maintain international peace and security." It has not.

Opponents of lifting the embargo maintain that the Charter gives the Security Council the authority to impair Bosnia's right of collective self defense although the Council has failed to "maintain * * * international peace and security." But that is precisely and explicitly what article 51 says the charter does not give the Council the authority to do:

> Nothing in the present Charter shall impair the inherent right of individual or collective self defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

The language could not be more explicit.

Members of the United States delegation to the San Francisco conference were at first opposed to including any reservation on the right of self defense. They felt that the right was so obvious and so fundamental that it was both unnecessary and unwise to define this "inherent" right because such a provision might be used to try to limit the right of self defense. The present debate is ample proof that this was a well-founded concern.

However, of greater concern to the United States delegation was securing explicit recognition that the United States had the right to come to the aid of any state under attack in the Western Hemisphere without waiting for Security Council authorization and notwithstanding any use of the veto in the Council to block United Nations action. The United States was committed under the Act of Chapultepec to come to the defense of its Latin American allies. This was an extremely important issue for the Latin American States—and for the congressional members of the delegation. Preparing for the San Francisco Conference the U.S. delegation had what Senator Vandenberg described as "acrimonious" debate on the issue. According to his account:

> [John Foster] Dulles argued that there is nothing in Dumbarton Oaks which prohibits "self defense" and that under the Chapultepec agreement "self defense" in the Western Hemisphere is a partnership affair and that the Monroe Doctrine is still part of it. I served notice on the Delegation, as a matter of good faith, that if this question is not specifically cleared up in the Charter, I shall expect to see a Reservation on the subject in the Senate and that I shall support it.

According to Ruth Russell's indispensable study of the history of the U.N. Charter, when the delegation drafted and proposed article 51 it emphasized in its discussions with other delegations that

> * * * the United States had no intention of impairing the effectiveness of the proposed organization through its amendment but that it faced a very practical problem in getting the treaty through the Senate.

Thus, it seems clear that the Senate would not have ratified the charter without explicit recognition of the inherent right of self defense, either in the form of an article in the charter or as a U.S. reservation to the treaty.

In a dispatch to the New York Times from the San Francisco Conference, James Reston described the breakthrough which produced article 51:

> SAN FRANCISCO, May 15 [1945].—President Truman broke the deadlock today between the Big Five and the Latin American nations over the relations between the American and world security systems.
>
> After over a week of negotiating, during which American foreign policy was being made and remade by a bi-partisan conference delegation, the president gave to the Latin American nations the reassurance which they wanted before accepting the supremacy of the World Security Council in dealing with disputes in the Western Hemisphere * * *.
>
> This assurance was announced late tonight by Secretary Stettinius, who said that an amendment to the Dumbarton Oaks proposals would be proposed reading substantially as follows:
>
> "Nothing in this charter impairs the inherent right of self defense, either individual, or collective, in the event that the Security Council does not maintain international peace and security and an armed attack against a member state occurs * * *."

It was taken to be significant at the time that an original draft which stated that the Security Council must first attempt to take effective action and "fail" was changed at the suggestion of Cordell Hull to state that the right of self defense arose immediately once "an armed attack * * * occurs" and continues until such time as the Security Council has taken adequate measures to actually "maintain" peace and security. Ruth Russell explains the reason for the change: "The fact of an attack, in other words, would show that the Council had already 'failed.'" As revised and adopted, article 51 made clear that the right of self defense arose the minute that an armed attack occurred and continued until the time that it is no longer necessary because the Security Council is maintaining the peace. The opponents of lifting the embargo make an argument which is simply inconsistent with the plain language of article 51 and its drafting history: the Security Council can impair the inherent right of collective self defense even if it has "failed" to restore peace and even if it has not "taken measures necessary" to maintain peace.

Mr. President, let me address the argument that the United States voted for the arms embargo. This is, of course, true. But President Clinton has now stated publicly that the United States would like to lift the arms embargo. We would like to take more effective action. But we are being prevented from doing so for precisely the reason that the United States—and the Senate specifically—insisted upon article 51: we are being stopped from taking stronger Security Council action by the "Great Power" veto.

Not only does the United States now favor lifting the arms embargo, the General Assembly voted 109 to 0 with 57 abstentions that the embargo should be lifted and that members should assist in Bosnia's self defense. Not a single member of the General Assembly was willing to vote against Resolution 48/42 urging the Security Council to exempt Bosnia from the arms embargo and fulfill "its responsibility under Article 24 of the Charter" to maintain peace. The resolution appears to challenge the legal validity of the embargo by expressly urging,

> Member States * * * to extend their cooperation to the Republic of Bosnia and Herzegovina in [the] exercise of its inherent right of individual and collective self-defence in accordance with Article 51 of Chapter VII of the Charter.

To state again, not one nation voted against this resolution.

This General Assembly resolution raises a final important point about the charter. Article 24 assigns the Security Council not just powers, but "responsibilities" and "duties." It also states that the Council must exercise its powers "in accordance with the Purposes and Principles of the United Nations." Foremost among those purposes are to "maintain international peace and security" and "to take effective collective measures * * * for the suppression of acts of aggression or other breaches of the peace * * *." It is not a legal use of the Council's powers to try to force Bosnia to accept a partition plan which effectively dismembers the state. It is not a legal use of the Council's powers to maintain an arms embargo so as to aid a "traditional ally" of one of the permanent members; namely, Serbia.

Mr. President, it gives me no great pleasure, as I have said, to argue that the Security Council has illegally impaired Bosnia's inherent right of collective self defense. But after long consideration I have concluded that it clearly has.

Let me now address the more common arguments against lifting the arms embargo unilaterally, namely variations of the argument that we should not lift the embargo.

First, we are asked, if we lift this embargo how will we resist other nations lifting embargoes on Iraq, Serbia, and Libya? How, that is, shall we distinguish between lambs and lions, between victims and aggressors? By looking at the facts. Iraq was an aggressor, not the victim of "an armed attack" giving rise to article 51 rights. Serbia is not subject to an armed attack. Nor is Libya. Each of these states is as clearly an aggressor or violator of international law as Bosnia is clearly a victim.

To be clear: lifting the embargo on Bosnia creates no legal or factual precedent for ignoring valid enforcement action taken against an aggressor state. Article 51 applies solely to the victim of an act of aggression.

I do not doubt that other states will make this argument, as flawed as it clearly is. Should we shrink from action because other nations might make false and self-serving arguments? It is the burden of law and diplomacy to resist and disprove fallacious, self-serving claims.

The next common argument is that by unilaterally lifting the embargo we will be undermining the authority of the Security Council. To which it must be said that it is the members of the Security Council who have done this by shrinking from the Council's duty. The Security Council has powers, yes, but the charter states more specifically that it has the "responsibility" to maintain international peace and security.

The Security Council has shirked this responsibility. This is painful to say. All the more so, because I openly concede that by unilaterally lifting the arms embargo on Bosnia the United States would indeed injure still further the status of the Security Council and set back the tenuous, difficult process of building respect for its decisions.

But the alternative is far worse. By failing to fulfill its responsibility to maintain international peace and security and simultaneously forbidding other states to come to Bosnia's assistance the Security council has undermined the very essence of the charter itself. It has converted the charter from an instrument for effective collective response to aggression into the proverbial "suicide pact." Far better for the United States to act unilaterally to vindicate the foremost purpose of the charter and the "inherent" right of self defense than to acquiesce in an utterly ineffective Security Council action which cannot be removed due to the great power veto.

Opponents of lifting the embargo next plead that doing so would endanger the United Nations forces in Bosnia. To this argument I am quite sensitive. Over the strong objection of the Department of Defense I travelled to Sarajevo in November 1992. I met with the U.N. commanders and relief workers. They are gallant and brave, doing an almost impossible job without sufficient resources. They deserve our utmost support. But if we are to refrain from helping the Bosnians out of concern for their welfare, let us at least be candid and call the members of UNPROFOR what they have become: hostages.

Then let us ask by what principle of law or equity we can justify asking Bosnia to accept its dismemberment in order to protect U.N. forces?

When we lift the embargo we should simultaneously take steps to consolidate and reinforce UNPROFOR. We must be prepared to launch air strikes to protect them. We must emphasize to Serbia—and not just to the Bosnian Serbs—that it will be held accountable for actions taken against UNPROFOR.

One argument that I find more than curious is that providing arms will encourage the Bosnian government to hold out for a better deal at the negotiating table. That is, if Bosnia is given the means to defend itself it may not accept the Carthaginian peace which others have in mind for it. Having repeatedly, vigorously proclaimed that the acquisition of territory by force is utterly unacceptable, the Security Council would in effect be saying: "Take the deal; it's the best you can get."

Mr. President, I do not minimize the very important and practical arguments that have been made concerning the possibility of an accelerated Serb assault, the potential for Bosnian intransigence and the danger for U.N. forces. These are real issues, not to be minimized. But they are no more real than the Serbian shells which repeatedly slammed into the hospital in Gorazde. Or the Serbian snipers who have coolly and methodically butchered civilians in Sarajevo. Or the plight of the victims of ethnic cleansing.

I will close with a quotation from an editorial from the New Republic addressed to the President:

> [We] urge you to act at once in raising the unneutral [arms] embargo * * *.
>
> We do not suppose you would be intimidated, in executing a policy in which you believed, by the prospect of losing votes—but in this case there is not even a danger of following an unpopular course if you should act.
>
> Why do you not act, and act at once? Why did you not act long ago? We confess that your policy in this matter is a tragic mystery to us.
>
> Nobody has more forcefully than you denounced the aggressors and enemies of democracy in the present world * * *. Do you not know that the so-called "non-intervention" policy, under which we refuse to permit shipment of arms to either side, is a cloak under which * * * [one side is being armed] to the teeth, while the * * * [other] is starved of assistance * * * ?
>
> Perhaps you believe that it is too late to do anything. But you probably believed that last spring * * *. Disaster may be imminent, but we should not accept it until we are forced to do so * * *.
>
> Mr. President, we urge you not to hesitate or delay. We can imagine no valid reason for you to do so. You have spoken bravely—in some cases, we believe, so bravely as to be foolhardy. But here is something that you can safely do—and do now. Why not make your acts correspond with your words?

This editorial could be from the current issue of the New Republic. But it is not. Indeed, it was published over 55 years ago—on February 1, 1939—and was about an equally unnuetral arms embargo: the embargo which prevented the democratic states from aiding Republican Spain and predetermined that Franco would win the Spanish Civil War with the aid of Hitler and Mussolini.

Mr. President, the Spanish Civil War was the first contest between the democracies and the totalitarian Axis states which culminated in global conflagration. The victorious nations which prevailed in that vast struggle resolved to "save succeeding generations from the scourge of war * * *." They wrote the U.N. Charter, the Geneva Conventions, and the Genocide Convention. All are at risk in Bosnia—as is the credibility of our commitment to them.

NOMINATION OF MARCA BRISTO

Mr. HARKIN. Mr. President, I urge my colleagues to support the nomination of Marca Bristo to serve as the Chair of the National Council on Disability.

In my capacity as Chair of the Subcommittee on Disability Policy, I have known Marca for almost 6 years. She is a trusted advisor on matters relating to national disability policy. Marca has taught me that disability is a natural part of the human experience that in no way diminishes the fundamental right of individuals with disabilities to live independently, enjoy self-determination, make choices, contribute to society, and enjoy full inclusion and integration in all aspects of American society. Marca has also taught me that independent living, including consumer control, self-determination, self-help, peer support, and advocacy must be at the core of our Nation's disability policy.

I believe that Marca's national leadership experience and proven ability to work with and motivate a wide mix of individuals, her managerial skills, experienced and lauded speaking style, and her standing in the disability community make her uniquely qualified for this role.

Marca is the president and chief executive officer of Access Living, a center for independent living in Chicago, IL. Marca is the recipient of numerous awards and honors, including the Distinguished Service Award of the President of the United States. Most recently, she received the highest award in the disability field, the Henry B. Betts Award.

Again, I urge my colleagues to support the nomination of Marca Bristo.

PRESIDENT CRISTIANI, A TRUE HERO

Mr. DURENBERGER. Mr. President, I wish to call my colleagues' attention to an op-ed in this morning's Washington Post about a truly heroic figure, Alfredo Cristiani, President of El Salvador. Against daunting odds, President Cristiani forged a peace agreement that once and for all put an end to that country's terrorist guerilla insurgency and laid the foundations for alleviating the injustices that provided fertile ground for civil conflict.

With the power and constancy of his will and determination to achieve peace and build a better future for his country, President Cristiani overwhelmed his early detractors and the persistent, irredeemable forces of the status quo who sought to derail him. Always calm, always steady, Alfredo Cristiani never lost sight of the prize he committed himself to reaching.

President Cristiani's example inspires us all to exhibit unrelenting courage in the pursuit of just and noble objectives. He weathered many storms that blew his way during his 5-year tenure in office, and has emerged even stronger for having stayed the course of peace and prosperity that he promised the people of El Salvador in his inaugural address in 1989.

In their recent elections, the people of El Salvador voted by more than 2-to-1 for the President's party, creating a flood of support for continuing along the path Alfredo Cristiani has charted for his country.

With peace now achieved and economic growth continuing, the President's successor, Armando Calderon Sol, will concentrate on fully removing the last vestiges of injustice and alleviating the deprivation that still remain in El Salvador. The task is a challenging one, but with Alfredo Cristiani, as his inspiration, I have great confidence in Calderon Sol's potential for success.

El Salvador may not be the biggest or most important country in our hemisphere, but Alfredo Cristiani's leadership through the country's wrenching experiences with war and peace proves beyond any doubt that one person can make all the difference in the world. He is a man of truly historic proportions, and it honors me deeply to consider him a friend.

Bernie Aronson states it well in this morning's op-ed: "Many forces created opportunity for negotiations, but Alfredo Cristiani was the catalyst and glue that held the peace process together. His legacy is secure."

Indeed, Mr. President, Alfredo Cristiani's place in history and in the hearts of his countrymen is forever secure. I ask unanimous consent that Mr. Aronson's article be printed in the RECORD, and I urge all my colleagues to read it fully.

I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 11, 1994]

THE MAN WHO SAVED EL SALVADOR

(By Bernard Aronson)

To answer the perennial question—Do political leaders or historic forces shape history?—consider the achievement of Alfredo Cristiani, who ends his five-year term as president of El Salvador June 1. When Cristiani ran for president five years ago, he was a little-known businessman representing the rightist party known as ARENA. The conventional wisdom was that his election would polarize the country's politics and lead to a new onslaught of right-wing violence.

When I first met him back then, I was struck by how little candidate Cristiani resembled the stereotype. He spoke quietly, with moderation and common sense. In his inaugural address, he announced his preeminent goal: to end El Salvador's bloody civil insurgency through negotiations.

During Cristiani's first year as president, FMLN hit squads systematically assassinated prominent right-wing figures, including several members of Cristiani's cabinet. In January 1990, I sat next to him in a huge outdoor amphitheater for the inaugural ceremonies of the new Honduran president. "Last night was the first night I got a decent rest in months," he said. He meant that the night he had spent in Honduras was the first night he slept without fear of assassination.

Six weeks earlier, the FMLN had launched a massive offensive on San Salvador. The first night, guerrilla sappers tried to overrun Cristiani's home, the home of his vice president, and that of the president of the national assembly, in an attempt to decapitate El Salvador's leadership. I spoke with Cristiani every day during the 13-day-long offensive. While thousands of guerrillas streamed into San Salvador and the country's survival hung in the balance, Cristiani spoke in the same measured, calm tone as always. In fact, in five years of his presidency, I never heard him raise his voice.

Once only, he made reference to the pressure he was under. It was April 1991, a critical moment in the peace negotiations. The FMLN was insisting that the process of reforming the Constitution be changed to allow a single national assembly—not two successive assemblies—to amend the Constitution. The proposal provoked a political firestorm, particularly from ARENA partisans. The United Nations was pressing Cristiani to relent.

"I've been pulling this string little by little," Cristiani said. "But I don't think I can pull it any further." The United States supported Cristiani's refusal to change the process. In the end, it turned out to be a good tactic. The guerrillas and the government knew they had to agree on constitutional reforms in time for the outgoing national assembly to ratify them before it expired on May 1. In the final days of April, they reached agreement on a series of constitutional amendments—the first major breakthrough in the negotiations.

Time and again in the peace process, Cristiani performed the political equivalent of Richard Nixon's historic opening to China. No military in Latin America had ever agreed to anything like a purge of 107 senior officers by a U.N.-appointed civilian commission. No police force had ever been peacefully abolished. Cristiani agreed to land reform, human rights reform, a Truth Commission, judicial reform and electoral reform. Through it all, somehow, he retained; the trust and confidence not only of all Salvadoran political factions but also of leaders of both the government and guerrilla armies.

At the peace treaty signing ceremony in January 1992, in Mexico City, Cristiani sat above the audience at the center of a row of heads of State. The FMLN representative gave a tough, uncompromising speech that stressed the enormous losses of FMLN members and supporters. It was a speech for the cadres, perhaps necessary but not conciliatory. Cristiani, in a plea for national reconciliation, declared that El Salvador's war was rooted in past injustice and repression. A decade earlier, Salvadoran leftists had disappeared for making similar statements; for an ARENA president to utter such thoughts would have been unthinkable. When he finished, Cristiani walked down to the audience and one by one shook hands for the first time with each FMLN comandante. A sense of relief and exhilaration filled the hall.

The only time I heard of Cristiani letting his hair down was on the flight returning from the peace ceremony. When Cristiani's presidential plane reached San Salvador, carrying the entire elected leadership of his country, it buzzed the outdoor stadium where Salvadorans were celebrating late into the night. I am told this decison—reached after a number of celebratory toasts—had Cristiani's personal approval. I shudder to think of what could have happened to that tipsy plane, with all the hopes of peace in the country riding with it.

In the midst of war, and the protracted negotiations, Cristiani found time to radically reform the ravaged economy. Last year, El Salvador's fourth year of strong economic growth. The overwhelming victory of the ARENA presidential candidate in El Salvador's recent election is largely a tribute to Cristiani's leadership.

From Bosnia to Angola to former Soviet Georgia to East Timor, societies and nations are being torn apart by ethnic, religious and political differences. After a brutal civil war, El Salvador is coming together. Many forces created opportunity for negotiations, but Alfredo Cristiani was the catalyst and glue that held the peace process together. His legacy is secure.

TRIBUTE TO THOMAS H. WATKINS

Mr. COCHRAN. Mr. President, all of us probably have had, if we were lucky, a few talented people who have inspired us or guided us in the early part of our careers and whose influence helped make us what we are today. One of those special people in my life was Thomas H. Watkins, the managing partner of the law firm I joined in Jackson, MS when I graduated from law school.

He died on May 1, at 83 years of age. Because of a stroke he had suffered in

1978, the same year I was elected to the Senate, he had been unable to speak or practice law for the last 16 years of his life.

He was a brilliant lawyer with impeccably good judgment. He was respected by all who know him. In our State his advice and counsel were sought by local and State government officials and a large number of business and individual clients.

It was my very good fortune to have had the opportunity of working in his firm for 7 years, from 1965 until my election to the U.S. House of Representatives in 1972.

I learned so much from him. He set a wonderful example, and I admired him tremendously. He was the epitome of dependability, integrity, and propriety.

At his funeral on May 3, two of the partners in the firm, William F. Goodman, Jr., and Paul H. Stephenson III gave heart warming and insightful eulogies which described so well the life and legacy of my departed friend and mentor. I ask unanimous consent that their remarks be printed in the RECORD.

There being no objection, the eulogies were ordered to be printed in the RECORD, as follows:

EULOGY BY WILLIAM F. GOODMAN, JR., MAY 3, 1994

Who seeks for heaven alone to save his soul,
May keep the path, but he'll not reach the goal.
While he who walks in love may wander far,
But God will bring him where the blessed are.

All of us are marked by those who preceded us. Thomas Henry Watkins was no exception. I venture to say his faith, his character, his ability, his versatility, his commitment to hard work, his achievements and accomplishments were motivated by the tradition of his family. Although he was a city boy, his was the first generation not to have been reared in the country—dating back to 1802 when Asa Watkins settled in Jefferson County near Rodney and next to the land of Willis McDonald. Asa married Willis McDonald's daughter, Sarah. Their son, Tom's great grandfather, Dr. William H. Watkins, became a Methodist preacher serving throughout the Conference and ultimately in Natchez. Tom's grandfather, for whom he was named, went to the civil war at age 14, accompanied by a black friend, farmed until his untimely death at age 46 and left eight children, among them teachers, a missionary, physicians and lawyers. I suspect that Tom always wanted to be a lawyer because his father, Will Watkins, and his uncle, Vaughan Watkins, enjoyed almost unparalleled success at the Jackson bar during the first half of this century.

Tom grew up in the beautiful house on North State Street, where the Watkins Medical Building now stands. He loved the woods, and a favorite spot was the forest across the street—the vast areas between what are now Euclid and Gillespie streets. Tom's love of the woodlands never faded. The same was true of his love for animals. I never knew of Tom not having a pet. According to writings of my mother, one of his three sisters, Tom's first act of rebellion directed toward his own mother concerned the issue of whether Tom's dog could sleep indoors or outdoors. Tom's summation: "Dogs is good as peoples."

My grandfather, Tom's father, used to say that Tom as a youth only walked as a last resort. He rode whenever possible, be it a pony, a mule, a goat, finally a convertible. Yet that same young man won a track medal for Carolina in Madison Square Garden. His father believed in education and sent him off to McCauley and then to Chapel Hill. Imagine his pride when Tom returned with a Phi Beta Kappa Key.

Yes, Tom was marked by those who preceded him, most directly by parents who not only proclaimed faith in God but lived that faith. The home of Margaret and Will Watkins provided an atmosphere of generosity—generosity with their possessions, with their counsel, with their compassion, with their sense of humor (which, incidentally, was priceless).

In turn, Tom left his own distinct marks. Let me mention just three.

1. He left his mark on the law. Tom was true to his heritage. Blessed with keen perception, the gift of logic and the highest ideals, he achieved a reputation nationwide for outstanding ability and courtroom success. Some people are natural athletes—some are natural musicians. Tom Watkins was a natural lawyer. Leaders in business came to him, often when the ox was in the ditch. Instinctively, he would separate the wheat from the chaff, go to the heart of the matter, and craft a solution. He was never a politician, but his opinion carried real weight in the halls of government. It was never unusual to see among spectators in the courtroom young lawyers watching Tom Watkins to see how it was done. A man's competitors can be his harshest critics, but Tom was admired throughout the profession as being genuinely a "lawyer's lawyer." His name became synonymous with the best. Today, as we say farewell, we say "Thank you, Tom, for that legacy of excellence."

2. He left his mark on his family. Each one here, I suspect, has felt his influence in one or more ways, and each of you is here to both bid farewell and to say "thank you." Aunt Emily, now the last of the five siblings, if I may personalize, is saying "thank you" for a brother of whom she has always been justly proud. Norma, M.E. and Sydney, and the grandchildren, have received the most significant legacy of all—that of a good and respected name—all of you are saying "thank you" for a life that has always made it perfectly natural to heed the Biblical admonition: "Honor thy Father. . . ."

3. Finally, if you will allow it, he left his mark on me. He was not only my uncle; he was my mentor, my partner, my friend. He afforded me a special place in his life. He didn't wet nurse anybody. He turned me loose to sink or swim. He was tough (there were times when you stayed out of the way)—but he was there in moments of triumph or disaster. Saturday mornings were special—a time for me to ask, to learn, and often a time to relax and to laugh. Saturday afternoons were sacred and off limits; that was his time to be with his friends and avid bridge players. Sunday afternoons would find him in the library—#2 pencil—yellow pad—doing his own research—preparing what was always a concise, logical search to achieve the goal of the client consistent with common sense, with legal precedent and indeed with moral standards. He was never interested in being the most expensive lawyer in town—just the best. he was consistently unselfish. He underpaid himself. He overpaid me. He never asked me to work any harder than he worked. He experienced genuine vicarious satisfaction any time I was successful, or lucky.

He had a "Field of Dreams" concept of the true lawyer. "Work on whatever you have and don't worry about what you don't have. Something else will come along if you do a good job." The idea of advertising and slick marketing would have offended him. The people who trash lawyers never had the chance to know Tom Watkins.

His stroke in 1978 (Easter Day) was such a loss. That tragedy silenced the voice of the best trial advocate I have ever known. But still he was there. His presence continued to project for me authority, power, knowledge, affection, love. The look in his eye said "I'm counting on you." We continued to silently share the common thread that began so long ago—our lifelong commitment to carry on the tradition which his father and my grandfather began some 99 years ago.

Did Tennyson really mean it?

Sunset and evening star,
And one clear call for me!
And may there be no
moaning of the bar,
When I put out to sea.

Twilight and evening bell,
And after that the dark!
And may there be no
sadness of farewell
When I embark

This morning Edwina said to me. "Try not to be too sad. Today Tom is talking up a storm."

EULOGY BY PAUL H. STEPHENSON III, MAY 3, 1994

May I share with you this morning some thoughts about Tom Watkins from one of perhaps another generation, thoughts about Mr. Watkins as a senior partner and the legacy he leaves—those whom he led and the many who follow thereafter.

My thoughts return to the mid 1970s, to Mr. Watkins, age 65, 66, 67 years young at work, at his desk every morning at 7:15 A.M. I, being barely one-third his age, was, naturally, some might say, there before 7:00 A.M. I might add that there are a number of others here this morning who were likewise there before 7:00 A.M. Were we intimidated? No, all of you who know Mr. Watkins would understand that he never gave a directive concerning what time we were to be at work; he never even suggested a time. Quite simply, it was just that the discipline, the energy being dedicated to the legal practice by such a distinguished gentleman at the top of his profession could not go unnoticed by us as young lawyers.

One of the signature features of Mr. Watkins was how he assigned work to young people. Very simply; very directly. He merely would tear a corner from a yellow legal sheet, clip this small piece of paper to the file with this note: "Please acknowledge and handle. THW." Not let's discuss; no invitation that said come see me; certainly no suggestions about how we should proceed. Now, you may rest comfortably that these were not landmark cases, but they were important to us as young lawyers. Moreover, they were important to Mr. Watkins, for every client matter was important to him. We soon appreciated Mr. Watkins' conviction that young law school graduates become lawyers, not vicariously, but by first independently being the ones to apply their own analytical and reasoning abilities to the legal problem at hand, by assuming genuine responsibility personally, by being real decision-makers.

Perhaps nothing better typifies the esteem in which Mr. Watkins was held, or the doors he opened for those privileged to be associated with him, than the frequent refrain we commonly heard from around the state. Young lawyers, and sometimes even older lawyers, are not totally comfortable in the presence of judges. Young lawyers may sometimes even be ill at ease in the presence of older lawyers. Yet, as we traveled the state and entered unfamiliar judicial surroundings, the introductions would often go something like this: "Good morning, Your Honor, my name is Paul Stephenson; I work for Watkins & Eager." Then, time after time, from judge after judge, from respected lawyer after respected lawyer would come this spontaneous reply: "You work for Tom Watkins." "Yes, sir, I do." "What a lawyer, a lawyer's lawyer, what a gentleman." While not necessarily overtly stated, the message was always clear: young man, you can do no better than to set your goals by Tom Watkins' star.

And certainly we did strive to follow his example. We would scour the office for deposition transcripts, trial transcripts reflecting Mr. Watkins' witness examinations. I can remember studying those transcripts, even concluding—no doubt out of utter naivety or some might say foolish optimism—that I would have thought of those brilliant questions he asked, that I can ask those same brilliant questions. But soon sober judgment would make me realize, or worse yet actual experience would confirm the realization, that as you yourself would conclude, it was not just the question that Mr. Watkins asked, but when he asked it; how he asked it; the witness control he maintained; and the sheer power of his presence that marked his brilliance.

I must say that many times I have thought about what it would have been like had Mr. Watkins not suffered his disabling stroke in 1978. If he had remained in that corner office—if we could have continued to work for him, to learn from him, to sense the stability of his presence, to feel the warmth of his smile; if we could have simply continued to enjoy his company. But that was not to be.

Of course, many of us have indelibly sketched in our minds pictures of the joyful countenance, the endearing expressions, the radiating warmth that Mr. Watkins remarkably displayed from his wheelchair throughout his disability.

Yet there is another scene, a very real sense in which Mr. Watkins' presence and his influence remained with us after his stroke and will so continue after his death. Our firm is blessed today with substantial clientele from many decades previous who first placed their confidence and trust in Tom Watkins. Moreover, over the years I have watched others in the firm, particularly Bill Goodman, share, promote, instill and model those core philosophies of Mr. Watkins, not just about the law practice, not just about law firms, but also about people. Of course times have changed; certainly the law practice has dramatically changed over these past 15 to 20 years; and our organization has necessarily adapted. But the traits which mark the person of Tom Watkins—an unwavering commitment to excellence, an insistence on professionalism, fair expectations of others, mutually respectful relationships not dependent on age or status of position, a generous spirit—are clearly timeless in value. We will always treasure them.

May I say a thank you to the family. May I express publicly not just on my individual behalf but on behalf of all who have been associated with Watkins & Eager the warmest in appreciation. Thank you for sharing your father, your grandfather, your brother, your uncle, with us.

Thanks be to God for the example, the leadership, the friendship, the legacy and indeed for the life of Tom Watkins.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the second session of the 103d Congress, to be held in Santa Fe, NM, May 19–23, 1994: the Senator from Iowa [Mr. GRASSLEY], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Georgia [Mr. COVERDELL].

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the Senator from Connecticut [Mr. DODD], as a member of the Senate delegation to the Canada-United States Interparliamentary Group during the second session of the 103d Congress, to be held in Santa Fe, NM, May 19–23, 1994.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 103–227, appoints the Senator from Mississippi [Mr. COCHRAN] as a member of the National Education Goals Panel.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 855.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD, as if read; that upon confirmation the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominee, considered and confirmed, is as follows:

U.S. INFORMATION AGENCY

John P. Loiello, of the District of Columbia, to be an Associate Director of the U.S. Information Agency.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE FEDERAL COUNCIL ON THE AGING FOR CALENDAR YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 112

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

In accordance with section 204(f) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(f)), I hereby transmit the Annual Report for 1993 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 11, 1994.*

MESSAGES FROM THE HOUSE

At 2:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3567. An Act to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes.

At 3:50 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of it reading clerks, announced that the House insists on its amendments to the Senate amendment to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, and asks a conference with the Senate on the disagreeing votes to the two Houses thereon; and appoints Mr. BROOKS, Mr. EDWARDS of California, Mr. HUGHES, Mr. SCHUMER, Mr. CONYERS, Mr. SYNAR, Mr.

MOORHEAD, Mr. HYDE, Mr. SENSENBRENNER, and Mr. MCCOLLUM as the managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 341. An Act to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3567. An Act to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Environment and Public Works.

The Committee on Governmental Affairs was discharged from further consideration of the following measure which was referred to the Committee on Armed Services:

S. 1587. A bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-455. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE JOINT MEMORIAL 8003

"Whereas, The State of Washington has since February of 1991, operated a Rural Development Council, as a means to identify, communicate, and act upon new means of protecting and enhancing the viability and self reliance of rural Washington communities; and

"Whereas, Voluntary and meaningful communication among all levels of government, including tribal governments and the nonprofit and private sectors is critical for the representation of the needs and interests of rural residents; and

"Whereas, It is also of critical importance to the integrity of the entire state to identify ways that urban and rural economies of Washington can function to complement each other and reinforce the quality of life available to residents; and

"Whereas, The Council is a partnership between state, federal, local government, tribal government, and the nonprofit and private sectors, and is organized to meet the needs of all members of the partnership in a mutual effort to mitigate negative impacts upon rural communities, enhance their viability and self reliance, and look for ways to coordinate, synchronize, or consolidate the efforts of all who serve rural communities and citizens; and

"Whereas, The objectives of the Council are consistent with the Council's mission and honor the perspectives of the partnership in their mutual undertaking of the following:

"(1) To provide a forum for policy analysis concerning existing and proposed rural development strategies in Washington;

"(2) To promote coordination and cooperation among state, federal, local, and tribal governments; and private, public, and nonprofit groups, in order to promote rural economic vitality;

"(3) To facilitate communication between rural communities and organizations and other sectors of the state and nation;

"(4) To promote the establishment of rural-urban partnerships that will be mutually beneficial to both areas in alleviating the distress of rapid economic growth or decline and promoting economic vitality;

"(5) To identify and address federal, state, and local administrative barriers that hinder economic vitality;

"(6) To identify and provide opportunities to educate and inform state, federal, and local policy and program staff as to the needs and special development context of rural Washington; and

"(7) To identify ways to promote educational opportunities for citizens in rural communities; and

"Whereas, In acknowledgement and recognition of these efforts all agencies and branches of state government that operate programs in rural areas of the state are being encouraged to participate actively in the activities of the Council;

"Now, therefore, Your Memorialists respectfully pray and openly solicit the continued partnership between federal agencies and the Washington State Rural Development Council, and encourage the continued substantive participation and fiscal support by Washington State agencies and branches of state government, so as to further the significant accomplishments brought about in our state through the efforts of the leadership and members of the Washington State Rural Development Council.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, Secretary Mike Espy, Secretary of the United States Department of Agriculture, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-456. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Appropriations.

"ASSEMBLY RESOLUTION NO. 58

"Whereas, The New Jersey Urban Core Project is a transportation project critical to improving movement of people, goods and services throughout the State and comprises the Secaucus Transfer, Kearny Connection Waterfront Connection, Northeast Corridor Signal System, Hudson River Waterfront Transportation System, Newark-Elizabeth Rail Link, a rail connection between Penn Station Newark and Broad Street Station, Newark, New York Penn Station concourse, and the equipment needed to operate revenue service associated with improvements made by the project; and

"Whereas, The proposed federal budget for fiscal year 1995 does not include funds for the New Jersey Urban Core Project despite the fact that the federal "Intermodal Surface Transportation Efficiency Act of 1991" provides that the New Jersey Urban Core Project shall receive not less than $146 million in the 1995 federal fiscal year as the federal share of the cost of the project; and

"Whereas, Recent statements that the federal government may fund the New Jersey Urban Core Project to the extent that so-called "full-funding agreements" are reached with New Jersey Transit propose an inadequate solution, as the Federal Transit Administration had notified New Jersey Transit last year that full-funding agreements would not be necessary for the project and two of the elements of the project for which funding is sought in fiscal year 1995 are still in preliminary stages and total cost estimates for those elements are years away; and

"Whereas, It is altogether fitting and proper for this House, as representative of the citizens of New Jersey who would greatly benefit from the New Jersey Urban Core Project, to call upon the President and the Congress to live up to the commitment made to the State of New Jersey and its citizens in the "Intermodal Surface and Transportation Efficiency Act of 1991" and fully fund the New Jersey Urban Core Project in the 1995 fiscal year; now, therefore,

Be it resolved by the General Assembly of the State of New Jersey:

"1. For the reasons set forth in the preamble hereto, the President and the Congress are urged to fully fund the New Jersey Urban Core Project in fiscal year 1995.

"2. Copies of this resolution, signed by the Speaker, of the General Assembly and attested to by the Clerk thereof, shall be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives and every member of Congress elected thereto from this State."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1587. A bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes (Rept. No. 103–258).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Kate Pew Wolters, of Michigan, to be a Member of the National Council on Disability for a term expiring September 17, 1995;

Leo J. O'Donovan, of the District of Columbia, to be a Member of the National Council on the Arts for a term expiring September 3, 1998;

Fred W. Garcia, of Colorado, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy;

Marca Bristo, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 1995;

Patricia Ann Brown, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 1996;

Ira Ronald Feldman, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 1998; and

Barbara Wallace Grossman, of Massachusetts, to be a Member of the National Council on the Arts for a term expiring September 3, 1998.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself, Mr. Inouye, Mr. Dole, Mr. Mack, and Mr. Dorgan):

S. 2102. A bill to amend the Public Health Service Act to expand cancer screening and cancer treatment research, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. McCain:

S. 2103. A bill to make the provisions of title IV of the Trade Act of 1974 applicable to Cambodia; to the Committee on Finance.

By Mr. HATFIELD (for himself, Mr. Bingaman, Mr. Domenici, and Mr. Cochran):

S. 2104. A bill to establish within the National Laboratories of the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON:

S. 2105. A bill to amend the Immigration and Nationality Act and other laws of the United States relating to border security, illegal immigration, alien eligibility for Federal financial benefits and services, criminal activity by aliens, alien smuggling, fraudulent document use by aliens, asylum, terrorist aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. Domenici, Mr. DeConcini, Mr. Wallop, Mr. Bennett, Mr. Bingaman, Mr. Burns, Mr. Hatch, Mr. Kempthorne, Mr. Murkowski, Mr. Pressler, Mr. Simpson, and Mr. Stevens):

S. 2106. A bill to establish a fee schedule for users of communications sites on public lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 2107. A bill to authorize the appointment of an additional bankruptcy judge for the Eastern District of Pennsylvania; to the Committee on the Judiciary.

By Mr. ROTH:

S. 2108. A bill to express U.S. policy with respect to the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself, Mr. Danforth, Mr. Rockefeller, Mr. Burns, Mr. Inouye, Mr. Packwood, Mr. Ford, Mr. Pressler, Mr. Breaux, Mr. Bryan, Mr. Robb, Mr. Dorgan, Mr. Glenn, Mr. Bennett, Ms. Mikulski, Mr. Heflin, Mr. Shelby, Mrs. Feinstein, Mr. Murkowski, and Mr. Jeffords):

S.J. Res. 187. A joint resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RIEGLE (for himself and Mr. Levin)

S. Res. 213. A resolution to express the sense of the Senate that May 18, 1994, should be recognized as "Senior Power Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN:

S. 2103. A bill to make the provisions of title IV of the Trade Act of 1974 applicable to Cambodia; the Committee on Finance.

CAMBODIA MOST-FAVORED-NATION STATUS ACT OF 1994

• Mr. McCAIN. Mr. President, I am introducing legislation today intended to clear up an anomaly in United States law which prohibits the President from granting Cambodia most-favored-nation status.

Areas of Indochina under Communist control, including significant portions of Cambodia, were denied most-favored-nation status [MFN] under the Trade Agreements Extension Act of 1951 and the 1974 Trade Act. Cambodia as a whole was denied MFN in 1975 by executive action and its new trading status was confirmed by Congress in the 1988 Trade Act.

The 1974 Trade Act provided a process for restoring most-favored-nation status to those nations denied it. However, only a portion of Cambodia was denied MFN at the time the 1974 Act was signed into law. There is no clear legal authority for restoring MFN to the entire nation under the processes established by the 1974 Trade Act. It cannot be restored by reversing the action taken in 1975 through an Executive order because Cambodia's non-MFN trading status was made law in the 1988 Trade Act.

In short, times have changed and so has Cambodia. The President wants to grant MFN to Cambodia, but lacks the authority to do so.

The legislation I am introducing would give the President the authority to grant Cambodia MFN status by bringing the entire country under the restoration procedure of the 1974 Trade Act. Under these procedures, Cambodia will have to demonstrate compliance with the requirements of the Jackson-Vanik amendment, reach a bilateral agreement with the United States, and have its status approved by the Congress. The President may also waive the requirements of Jackson-Vanik, as President Bush did in the case of China, and immediately upon this legislation becoming law, extend MFN to Cambodia.

If this legislation passes, Cambodia would be eligible to receive MFN by virtually the same process that all other non-MFN countries, except the Baltics, have received it since the signing of the 1974 Trade Act.

Few peoples in modern history have suffered as much as the people of Cambodia. The 4-year rule of the Khmer Rouge brought horrific human suffering to Cambodia. Between 1 and 3 million people died at the hands of the regime, by execution and excesses of a macabre totalitarianism. Many thousands more died during the civil war which followed the 1978 Vietnamese invasion.

As a constant reminder of the country's recent violent past, land mines have given Cambodia the highest percentage of amputees in the world. Every month, hundreds of Cambodians are killed or maimed by these silent assassins that lie just below the surface of every new hope.

But despite a past that would make a nihilist of the most ardent believer in reason and rights of man, the Cambodians continue to entertain new hopes. Last summer, amid predictions that violence and a low voter turnout would render elections in this unfortunate nation meaningless, the people of Cambodia turned out in droves to cast their ballots.

Their perseverance and budding faith in democracy should serve as a model for often cynical and apathetic Western democracies. In the face of a tragedy, the scale of which our Nation has not experienced since our own Civil War, the Cambodian people turned to democracy to chart their nation's course. Their faith is a blessing to a world struggling to prove the proposition of representative government.

Cambodia's brighter future is a testament first and foremost to the character of its people. Its success, however, has not been without outside support. A carefully orchestrated international effort and consistent United States policy since the 1991 Paris Peace Accords helped bring Cambodia back from catastrophe.

To its credit, the administration has maintained the United States commitment to Cambodia and demonstrated to its people that the United States will stand by her during the challenges ahead. At a recent meeting of the International Committee on the Reconstruction of Cambodia, Secretary Christopher pledged $73 million in United States assistance over the next 2 years and helped marshall $700 million over the same period from other international donors. The administration has also initiated discussions with the Cambodian Government to spell out its obligations in case MFN is granted.

Totalitarianism, invasion and civil war have utterly destroyed the economic infrastructure of Cambodia. While direct assistance will help rebuild the nation, infrastructure projects are not ends in themselves. The principal aim of any assistance must be the formation of capital and sustained economic development. It is economic development, not the eternal good will and generosity of the international community, that will ultimately justify Cambodia's faith in democracy and free markets.

It is my hope that with proper improvements in its infrastructure, giving Cambodia most-favored-nation status will help attract the capital investment it needs.

Before concluding, I want to say just a word about reports that senior Cambodian military officials have visited Pyongyang to solicit training for Cambodian troops.

Cambodia's courageous efforts to rebuild their war torn country is blessed by the admiration and sympathy of the Western world. Certainly, my friend in Cambodia can find more appropriate allies to assist them in securing their newly democratic nation. Before approving MFN, the President should thoroughly investigate reports of North Korean assistance and encourage Cambodia to break off any developing security relationship with the tyrants in Pyongyang.

Mr. President, the future of Cambodia will be determined by the Cambodian people. It will not be determined in Washington, New York, or Tokyo, but by providing access to the largest market in the world, we can help the people of Cambodia help themselves. I call on my colleagues to move expeditiously in authorizing the President to extend MFN for Cambodia.●

By Mr. HATFIELD (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. COCHRAN):

S. 2104. A bill to establish within the National Laboratories of the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program; to the Committee on Energy and Natural Resources.

ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT OF 1994

● Mr. HATFIELD. Mr. President, whenever a great enterprise is undertaken, whether it's a new business opportunity or a military maneuver, good communication with those on the front line is essential to waging a successful campaign. The same is true with education. We are all aware of the need for reform of education in general, and the subjects of math and science in particular. Many Federal departments and agencies as well as the Congress have undertaken a variety of efforts to better address that need. How well have we done? Could we have done better? One of the reasons we cannot answer these questions with complete confidence may lie in a recent report.

In January 1993, the Committee on Education and Human Resources of the Federal Coordinating Council for Science, Engineering, and Technology [FCCSET] implemented a 5-year strategic plan to improve mathematics and science education. The first item on the agenda was the appointment of an expert panel to conduct a review of Federal programs involved in science, mathematics, engineering, and technology [SMET] education and to assess Federal program evaluation efforts.

The panel found that numerous Federal agencies are sponsoring positive reforms in these critical areas. Talented people at all levels are bringing about beneficial change. But the panel also found an appalling lack of coordination and collaboration within the agencies and an equally alarming lack of program evaluation. According to the report's concluding statement, "It is time for a new culture of interaction, communication, and coordination to be developed and sustained within and among all the agencies in the area of education.

The bill that I introduce today, the Albert Einstein Distinguished Educator Fellowship Act, will help address the problems identified in this report, particularly coordination. Based on a program that already has an extraordinary track record, both nationally and at home in my State of Oregon, this bill will bring teachers into the Government as active participants. Norma Paulus, the superintendent of public instruction for the State of Oregon has shared her assessment of the involvement of teachers in this way, "We have found their enthusiasm inspiring to the staff at the Department, and they certainly bring the reality of the classroom into our policy discussions."

Because of the value derived from the Oregon program, I introduced a version of this bill in 1989 to determine whether the concept would be as successful at the Federal level. For the last 4 years, outstanding mathematics and science teachers have served constructively in various congressional offices. The result has been increased understanding, communication, and cooperation between the Federal Government and the mathematics and science education community. Specifically, this program has signaled educators about our interest in their views as we struggle with reform legislation. Meaningful reform can only take place in the classroom. We need experienced practitioners, footsoldiers from the frontline, helping us assess the effects of Federal programs.

My legislation will involve 10 outstanding math and science teachers for a 10-month academic year. The teachers will gain experience in the national laboratories through the Department of Energy. They will then use that experience to further the mission of the Department related to improving math and science education. The many facets of the Department's education program will benefit from the direct input of teachers who will have a more complete picture of what can be offered to teachers and students. Since elementary math and science education is becoming more and more a focus for improvement, the bill does not restrict participation to secondary teachers. Elementary teachers with a math or science specialty will be encouraged to apply.

As I pointed out earlier, a pilot program has been in place for 4 years with remarkable success. I have been the beneficiary of the program myself as two Oregon teachers have been participants. Steve Boyarsky from Medford, OR, worked in the House Education and Labor Committee in 1992 and Pat Canan from Corvallis served on my staff last year. In addition, June Yamashita from Hawaii was a fellow in my office in 1991. These remarkable teachers brought me a perspective that would have been nearly impossible to obtain otherwise. And what hard workers they were. Those of you who have not participated in the program have missed a most enlightening opportunity. Not only did these fine educators add a great deal of insight and expertise to my work, they gained an impressive knowledge of the legislative process.

The Senate has supported the Einstein fellows concept in the past, having passed a version of this bill twice. We have lent support from the Senate contingency fund to partially finance these fellowships. It is now time to put the program on a solid and predictable foundation, which is why I seek an authorization through a Federal agency which has a strong track record in math and science education improvement efforts.

Support for this concept is widespread among education organizations. The National Council for Teachers of Mathematics, the National Science Teachers Association, and the Triangle Coalition for Science and Technology Education have provided strong support for this legislation. To keep the pilot program functioning during the years without congressional legislation, the MacArthur Foundation, The Triangle Coalition, the Department of Energy, the National Institutes of Health, and NASA supplemented the funds provided by the Congress. What greater testimony could there be to their commitment to this program?

The fellows that this bill places in the Department of Energy can serve as a nucleus for the new culture of coordination called for in the FCCSET report. Let us charge them with this new role. I felt the program was significant 4 years ago. I now see it as vital to bring about needed change.

An additional benefit of the program is the experience that the fellows carry back to their school district. If we really believe that it is important for our citizens to understand and appreciate the processes of the Federal Government, what better way to accomplish this understanding than by having teachers experience that process by active, constructive participation?

The responsible roles these former fellows have assumed after their tenure are varied and impressive. They are serving as resource consultants for technological societies, members of numerous State task forces on math-science education, spokesmen on needed reforms, and advisory committee members to State departments of education. They make themselves available to the staff with whom they worked for any assistance they can provide. We continue to benefit from their service.

In conclusion, we need to keep in mind that one of our National Goals for education as enacted in Goals 2000 is that our students will rank first in the world in math and science achievement by the year 2000. We're a long way from accomplishing that goal and we cannot afford misdirections and false starts. Our efforts must be on a direct path.

Albert Einstein would be proud to have his name associated with this bill for he always stressed the importance in any situation of continuing to ask questions, hard questions. In the past, we sometimes have been derelict in asking those hard questions of the right people. These Einstein fellows will be invaluable advisors and consultants that will help keep education reform on that direct path by helping with both the right questions and better answers.

I urge the full support of my colleagues and ask unanimous consent that the text of my legislation as well as various letters of support be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Albert Einstein Distinguished Educator Fellowship Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Department of Energy has unique mathematics and science capabilities within the National Laboratories;

(2) a need exists to increase understanding, communication, and cooperation between the Department of Energy and the mathematics and science community;

(3) the mathematics and science community includes a cadre of nationally recognized outstanding elementary and secondary school mathematics and science teachers; and

(4) a pilot program has confirmed the effectiveness of outstanding elementary and secondary school mathematics and science teachers serving in professional staff capacities in the Federal Government.

SEC. 3. PURPOSE; DESIGNATION.

(a) PURPOSE.—It is the purpose of this Act to establish within the National Laboratories a national fellowship program for outstanding mathematics and science teachers who have made a contribution to energy conservation.

(b) DESIGNATION.—A recipient of a fellowship under this Act shall be known as a "Department of Energy Albert Einstein Fellow".

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "contractor" means a nonprofit organization selected by the Secretary to administer the fellowship program authorized under this Act;

(2) the term "National Laboratory" means a National Laboratory of the Department of Energy;

(3) the term "outstanding", used with respect to an elementary or secondary school mathematics or science teacher, means such a teacher who—

(A) has established an effective energy conservation program; and

(B)(i) is a State or national winner of the Presidential Award for Excellence in Mathematics and Science Teaching;

(ii) has participated in the Woodrow Wilson Fellowship Program; or

(iii) has been a recipient of national or State recognition comparable to the recognition described in clause (i) or (ii); and

(4) the term "Secretary" means the Secretary of Energy.

SEC. 5. FELLOWSHIP PROGRAM AUTHORIZED.

(a) IN GENERAL.—

(1) IN GENERAL.—(A) Except as provided in subparagraph (B), the Secretary is authorized to establish the Department of Energy Albert Einstein Distinguished Educator Fellowship Program within the National Laboratories in order to provide 10 outstanding elementary or secondary school mathematics or science teachers with fellowships within the National Laboratories in each fiscal year in accordance with this Act.

(B) The Secretary may reduce the number of fellowships awarded under this Act in any fiscal year if the amount appropriated pursuant to the authority of section 7 for such year is less than the amount authorized to be appropriated pursuant to such authority for such year.

(2) TERM OF FELLOWSHIPS.—Fellowships under this Act shall be awarded for a period of 10 months that, to the extent possible, coincide with the academic year.

(b) PROGRAM ADMINISTRATION.—

(1) CONTRACT.—The Secretary is authorized to enter into a contract with a contractor to enable such contractor to administer the Department of Energy Albert Einstein Distinguished Educator Fellowship Program.

(2) REQUIREMENTS.—The contractor shall provide for—

(A) development and administration of an application process for the awarding of fellowships under this Act;

(B) publication of information regarding the fellowship program in appropriate professional publications and inviting applications from teachers listed in the directories of the Presidential Awardees, the Woodrow Wilson Fellows, and other national and State recognition programs;

(C) development and administration of an initial screening process of applicants for the Department of Energy Albert Einstein Fellowship Program to narrow the pool of such applicants to 10 outstanding elementary and secondary school mathematics teachers and 10 outstanding elementary and secondary school science teachers;

(D) development of the process whereby final selections of fellowship recipients are made in accordance with subsection (d)(2);

(E) development of a program of orientation for fellowship recipients under this Act;

(F) establishment and administration of a reporting and evaluation program for each year fellowships are awarded under this Act; and

(G) submission of an annual report and evaluation of the fellowship program assisted under this Act to the Secretary on August 31, 1995, and each year thereafter.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The contractor shall only use funds under this Act to provide for fellowship recipient salaries, Federal insurance contributions under chapter 21 of the Internal Revenue Code of 1986 with respect to such salaries, administrative expenses (including information dissemination, direct mailing, advertising, direct staff costs for coordination and accounting services), expenses of conducting an orientation program, relocation expenses, and the expenses of conducting the final selection interviews described in subsection (d)(1).

(2) SPECIAL RULE.—The contractor may seek funding from non-Federal sources to establish an account from which fellowship recipients may be reimbursed for travel, professional meetings, and other appropriate expenses.

(d) SELECTION.—

(1) IN GENERAL.—The contractor shall invite the 20 semifinalists to Washington, D.C., to participate in interviews after the initial screening process described in subparagraph (C) of subsection (b)(2) is completed.

(2) FINAL SELECTION.—The contractor shall provide for developing and conducting a process whereby final selections of fellowship recipients under this Act are made by the Secretary or the Secretary's designee.

(e) FINAL PLACEMENT.—

(1) IN GENERAL.—Each individual selected to receive a fellowship pursuant to subsection (d) shall interview in various National Laboratories.

(2) DATE.—The final placement described in paragraph (1) shall take place on or before the first day of the fellowship period.

SEC. 6. FELLOWSHIP AWARDS.

Each recipient of a fellowship under this Act shall be paid during the fellowship period at a rate of pay that shall not exceed the minimum annual rate payable for a position under GS-13 of the General Schedule.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $550,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 2001, to carry out this Act.

OREGON DEPARTMENT OF EDUCATION,
January 26, 1994.

Hon. MARK O. HATFIELD,
U.S. Senator, Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: Thank you for your efforts to create a fellowship program for outstanding mathematics and science teachers that draws attention to the critical need for excellence in mathematics and science instruction, particularly at the elementary and secondary level. I wholeheartedly support the bill.

The Einstein Distinguished Educator Fellowship bill provides an opportunity for ten distinguished teachers to contribute their knowledge and skills to the work of the federal government. The fellows would bring a fresh perspective based on an intimate understanding of the world of the classroom to their work as fellows.

As I reviewed the draft of the bill, I noted the similarity between the proposed Einstein Fellows program and our own Distinguished Oregon Educator program. The Oregon Educational Act for the 21st Century calls for the Oregon Department of Education to bring six outstanding teachers to Salem each year to work with their educational colleagues across the state to reform and restructure our schools. Because of those outstanding educators' credibility with teachers in the field, they are able to stimulate a fresh look at old practices. We have found their enthusiasm inspiring to the staff at the Department, and they certainly bring the reality of the classroom into our policy discussions.

Our experience in Oregon has been so beneficial, I am confident that a similar program at the federal level would prove equally rewarding to the fellows and to staff.

Let me again express my enthusiasm for this proposal; if I can help advance the bill, please let me know.

Sincerely,

NORMA PAULUS.

NATIONAL COUNCIL OF
TEACHERS OF MATHEMATICS,
February 8, 1994.

Hon. MARK O. HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: The National Council of Teachers of Mathematics (NCTM), an organization with over 110,000 members dedicated to improving mathematics education, supports the goals and objectives of the Albert Einstein Outstanding Educator Fellowship Act which will provide ten fellowships for mathematics and science teachers from either the elementary or secondary level. We believe that having experienced classroom teachers serving as fellows in the Congress, the Departments of Education and Energy, the National Institutes of Health, the National Science Foundation, the Office of Science and Technology Policy, and the National Aeronautics and Space Administration, will promote understanding and communication of mathematics and science education. Mathematics and science teachers will be able to provide others with first-hand knowledge and experiences of teaching children and teenagers these subjects.

We look forward to continuing to work with you and the Congress to improve mathematics education.

Sincerely yours,

RICHARD LONG ED.D.,
Government Relations Specialist.

TRIANGLE COALITION FOR SCIENCE
AND TECHNOLOGY EDUCATION,
February 9, 1994.

Hon. MARK O. HATFIELD,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The Coalition has followed with great interest the development of your bill "to establish a national Albert Einstein Distinguished Educator Fellowship Program for outstanding elementary and secondary mathematics and science teachers." We understand that the bill is now complete and that you will be introducing it soon to the Senate.

Your bill has our strong endorsement. As you know we have worked closely with the secondary school science and mathematics teachers who have served as fellows in the Congress during the past four years. The teachers presence on the staffs of Members of Congress and of Congressional committees has, we believe, provided fresh viewpoints to the legislative process. Their experiences have certainly broadened their knowledge of and interest in the legislative process and made an outstanding contribution to education legislation.

We have heard from most of the teachers after they have returned to their schools following their fellowship periods. They have all spoken enthusiastically about their experiences and have told of their continued involvement in public affairs.

We will be pleased to contribute whatever will be useful to assure passage of the bill.

With best personal regards.

Sincerely,

JOHN M. FOWLER, Ph.D.,
Executive Director.

NATIONAL SCIENCE
TEACHERS ASSOCIATION,
February 9, 1994.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: At the recent National Science Teachers Association (NSTA) Board of Directors' meeting a motion was passed in which the Board unanimously supported legislation in support of Einstein Fellowships.

NSTA has in the past supported Einstein Fellowships. Past recipients have been very instrumental in participating in the legislative process in Congress. These Fellows have also become very active within our association and others, in involving and informing other educators about the legislative process. It is our understanding that the new proposed legislation expands the use of Eisenhower Fellows to several government agencies. We at NSTA support this activity because these agencies have demonstrated their active involvement in science education.

We would be most willing to circulate information about the Einstein Fellowships to our members through our publications.

Sincerely,

GERRY M. MADRAZO,
President.●

By Mrs. HUTCHISON:

S. 2105. A bill to amend the Immigration and Nationality Act and other laws of the United States relating to border security, illegal immigration, alien eligibility for Federal financial benefits and services, criminal activity by aliens, alien smuggling, fraudulent document use by aliens, asylum, terrorist aliens, and for other purposes; to the Committee on the Judiciary.

ILLEGAL IMMIGRATION CONTROL ACT OF 1994

Mrs. HUTCHISON. Madam President, I send a bill to the desk and ask unanimous consent for its referral to the committee of jurisdiction.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I rise today to introduce the Illegal Immigration Control Act of 1994. This bill would reform virtually every aspect of immigration law and would reduce the staggering costs associated with illegal immigration which is currently assumed by the American taxpayers.

A column appearing in the Washington Post last Friday reported that today in Los Angeles, your home State, Madam President, illegal immigrants and their children total nearly 1 million people. That is a city of illegal immigrants the size of San Diego, the sixth largest city in this country. Governor Wilson of California, who wrote the article, provides a brief, but eye-opening, account of the Federal Government's complete failure to control the flood of illegal immigration and concludes by saying, "We simply can't wait any longer. We need immigration reform, and we need it now."

Madam President, I agree.

That is why I am introducing this legislation today. It is a bill that takes a comprehensive approach to dealing with a major, emerging problem in our country.

Similar legislation, H.R. 3860, has been offered in the House by Congressman LAMAR SMITH of Texas, who chaired the House Republican task force on illegal immigration. This task force conducted research and held hearings for nearly 8 months to create the bulk of the legislation which I offer.

So I commend my colleague in the Texas delegation for his good work and say that I hope to carry the ball over the goal line in the Senate.

Let me reemphasize at the outset that my legislation deals solely with illegal immigration. While there is other legislation before the Congress to address the whole spectrum of immigration, both legal and illegal and, for example, would provide a 5-year breathing space by reducing the number of legal immigrants admitted in our country through the year 1999, and while a Gallup Poll reported last year that 65 percent of Americans believe that the number of legal immigrants should be reduced and therefore may favor such legislation, my bill responds to the far greater cry of American people who see our schools, our hospitals, our social services, and our prisons overwhelmed by the Federal Government's failure to control our borders.

This debate is not about generosity. America is undoubtedly the most generous country in the world, admitting as many legal immigrants as the rest of the world combined. This debate is about sovereignty. We need not and should not apologize for strictly enforcing our immigration laws.

America cannot continue, nor afford, to be a land of unlimited opportunity for those who immigrate here in violation of our laws. In order to prosper and determine its destiny, America must control its borders. This legislation takes a major step in that direction.

Madam President, before I highlight some of the provisions of my bill, let me give you a glimpse of the magnitude of the problem.

According to current but unofficial estimates of the U.S. Census Bureau, there are 3.3 million illegal aliens in this country. California is the home for 52 percent of that number.

The cost to California alone of providing federally mandated services to illegal immigrants and their families is more than $3 billion a year, something I am sure is well known to you, Madam President.

In my home State of Texas, there are over ½ million illegal aliens. One comprehensive study issued from Rice University estimated the total net cost to the Texas taxpayer of providing federally mandated services was $1.2 billion in 1992. That is $1.2 billion net of the $235 million in estimated taxes paid by illegal immigrants in my State.

This same study estimates that the total net cost to Texas taxpayers for the next decade will be about $14.4 billion.

There are, of course, different opinions producing other estimates of the economic costs of illegal immigration. The State of Texas puts the net cost attributable to illegal aliens at closer to $200 million a year.

A fair statement is it is probably somewhere between $200 million and $1 billion a year.

Whatever the exact figure, there can be no doubt, and allow me to borrow from the late Senator Everett Dirksen when I say that we are talking real money here.

My opinion is we must first take back control of our borders. At the same time, we must continue our assault on the illegal immigration problem by attacking the magnets that draw illegal aliens to the United States in the first place.

My legislation would achieve both objectives.

To regain control of our borders, this legislation restores important deterrents to illegal entry and it would beef up physical barriers, such as lighting and ditches at areas of high cross-border traffic.

More importantly, it would provide reinforcement to those already on the front lines by increasing the number of Border Patrol stations by 6,000 over 5 years.

Our Border Patrol station in El Paso is a case study on how placing more agents on the front line works. The credit belongs to "Silver" Reyes—the first Hispanic American to become a Border Patrol chief—who took over the El Paso sector last July 4.

By September of that year, he was implementing his new strategy that would prove so successful that it now serves as a basis of improvements all along our border.

What Mr. Reyes did was not brilliant. But it took the genius of an ordinary person—who had enough of the irreverence for our laws—to make an observation and turn it into action.

What he did was simply move his agents up to the border. Before, agents were not on the border, but engaged in hopelessly chasing illegal aliens throughout the city.

Indications of his success: The number of illegal immigrants in El Paso has gone down by 81 percent since the crackdown; the streets of El Paso are virtually free of panhandlers, and crime in the city has been reduced by 46 percent. Finally, most polls show that 95 percent of El Pasoans approve of the action.

Madam President, the people want action.

Later this month, my colleague, Senator SIMPSON, from Wyoming, plans to hold hearings on immigration reform. It is my desire to present testimony at that hearing, and I think it would be wise for the Immigration and Refugee Affairs Subcommittee to have Chief Reyes present as well, so that we can get his insights and observations, and perhaps the benefit of his success.

Putting more agents on the border alone, however, is not sufficient. We must also address the magnets of easy availability of jobs and easy access to Government benefits.

To this end, this legislation would prohibit most Government benefits to illegal aliens. Only emergency medical care and the Supreme Court mandated schooling for all children will still be allowed.

Madam President, these federally imposed mandates involving public welfare for illegal immigrants must stop. Providing these services is not only unfair to the millions of citizens who, as legal aliens, are legally entitled to them, but they are costly to America in general—costing taxpayers $8 billion in 1992—and to a handful of States in particular.

These federally mandated costs are killing local and State governments. For example, Maverick County—one of our border counties containing the city of Eagle Pass, TX—pays approximately $3 million a year in funds it does not have, to educate illegal immigrant children. That would be troublesome enough. But the story gets worse.

As conveyed by Maverick County Judge Carpenter to my staff counsel, many of these children cross the border in the morning to get their schooling and return back across the border at the end of the day.

Other border communities can attest to witnessing the same thing. This cannot be what the Federal Government intended its policy to be. It simply defies reason.

The legislation also incorporates the language from a bill introduced by Senator GRAHAM of Florida—which I cosponsored—requiring the Federal Government to take custody of criminal aliens who are incarcerated in State or local correctional facilities or else pay for the cost of incarceration.

Immigration control is purely a responsibility of the Federal Government. If the Federal Government is going to provide incentives—in the way of mandated benefits—for illegal aliens to come to the United States, then it should foot the bill.

The legislation I am introducing today would also:

Expedite the exclusion of certain unqualified asylum claimants;

Streamline the asylum process;

Increase the penalties for smuggling illegal aliens;

Reduce Federal aid payments to sanctuary cities that have an official policy of noncooperation with INS-Justice with respect to arrest and detention of illegal aliens; and

Streamline the process of deporting the convicted criminal aliens who make up 24 percent of the Federal prison population—and a staggering 41 percent in Texas.

Finally, Madam President, the legislation provides an alternative to using the legislatively popular border-crossing fee to pay for a significant portion of the bill.

I have consulted with many of the mayors and country judges along the Texas-Mexico border and have decided that for now the preferable path to take is to forego a border-crossing fee.

Therefore, the legislation I offer provides for a reduction in overhead costs incurred in federally sponsored research at institutions of higher learning. In short, my bill would limit the reimbursement rate for a university to 50 percent for overhead—indirect costs incurred for conducting R&D that the Government sponsors.

In closing, I reemphasize that America is the most generous country in the world.

But the patience of the American people is dissipating with the failed Federal policy that results in this country's porous borders.

The legislation I offer today will not be a cure-all, but it does represent badly needed action.

Madam President, I send to the desk the bill and a section-by-section summary of the bill and ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Illegal Immigration Control Act of 1994".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

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Sec. 101. Physical barriers.
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TITLE II—ALIEN SMUGGLING

Sec. 201. Expanded forfeiture for smuggling or harboring illegal aliens.
Sec. 202. Including alien smuggling as a racketeering activity for purposes of racketeering influenced and corrupt organizations (RICO) enforcement authority.

Sec. 203. Enhanced penalties for alien smuggling and for employers who knowingly employ smuggled aliens.
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TITLE III—INS INVESTIGATORS

Sec. 301. Immigration and Naturalization Service investigators.

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Sec. 401. Prohibition of benefits for certain categories of aliens.
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TITLE V—CRIMINAL ALIENS

Sec. 501. Authorizing registration of aliens on criminal probation or criminal parole.
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Sec. 503. Deportation procedures for certain criminal aliens who are not permanent residents.
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TITLE VI—TERRORIST ALIENS

Sec. 601. Removal of alien terrorists.
Sec. 602. Membership in a terrorist organization as a basis for exclusion from the United States under the Immigration and Nationality Act.

TITLE VII—INSPECTIONS

Sec. 701. Preinspection at foreign airports.
Sec. 702. Training of airline personnel in detection of fraudulent documents.
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TITLE VIII—ASYLUM

Sec. 801. Inspection and exclusion by immigration officers.
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Sec. 805. Effective dates.

TITLE IX—FUNDING

Sec. 901. Reduction in overhead costs incurred in federally sponsored research.

TITLE I—INTERDICTION

SEC. 101. PHYSICAL BARRIERS.

The Attorney General, in consultation with the Commissioner of the Immigration and Naturalization Service, shall take action to install additional physical barriers at the United States border to deter unauthorized crossings in areas of high illegal entry into the United States. Such additional barriers shall include barriers similar to those in use in the San Diego, California, vicinity.

SEC. 102. BORDER PATROL AGENTS.

In addition to such amounts as are otherwise authorized to be appropriated, there is authorized to be appropriated for each of the fiscal years 1995, 1996, 1997, 1998, and 1999 for salaries and expenses of the Border Patrol such amounts as may be necessary to provide for an increase in the number of agents of the Border Patrol by 6,000 full-time equivalent agent positions (and necessary support personnel positions) beyond the number of such positions authorized for the Border Patrol as of October 1, 1993.

SEC. 103. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of the Immigration and Naturalization Service shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

SEC. 104. DETENTION FACILITIES.

(a) BORDER DETENTION FACILITIES.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of the Immigration and Naturalization Service shall take appropriate action to increase the capability of the Immigration and Naturalization Service to detain individuals who have illegally entered the United States at a border area.

(b) TRANSFER OF CLOSED MILITARY BASES FOR FEDERAL ILLEGAL ALIEN INCARCERATION FACILITIES.—

(1) PRIORITY AVAILABILITY TO DEPARTMENT OF JUSTICE.—Notwithstanding any other provision of law, a military installation or facility of the Department of Defense to be closed under a base closure law may be made available, as determined by the Attorney General, to the Bureau of Prisons of the Department of Justice for use as a facility for the incarceration of aliens who are subject to exclusion or deportation from the United States.

(2) DEFINITION.—For purposes of this subsection, the term "base closure law" means each of the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

SEC. 105. NOTICE TO SERVICE OF PORT OF ENTRY ARRIVALS.

The Attorney General is authorized to require, by regulation, not less than 24 hour advance notice to the Immigration and Naturalization Service of the intention of any vessel to arrive at any port of entry.

TITLE II—ALIEN SMUGGLING

SEC. 201. EXPANDED FORFEITURE FOR SMUGGLING OR HARBORING ILLEGAL ALIENS.

(a) IN GENERAL.—Paragraph (1) of section 274(b) of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended to read as follows:

"(1)(A) Except as provided in subparagraph (B), the following property shall be subject to seizure and forfeiture:

"(i) Any conveyance, including any vessel, vehicle, or aircraft, which has been or is being used in the commission of a violation of subsection (a).

"(ii) Any property, real or personal, which—

"(I) constitutes, or is derived from or traceable to, the proceeds obtained directly or indirectly from the commission of a violation of subsection (a), or

"(II) is used to facilitate, or is intended to be so used in the commission of, a violation of subsection (a)(1)(A).

"(B)(i) No property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under this section, unless the owner or other person with lawful custody of the property was a consenting party to or privy to the violation of subsection (a) or of section 274A(a)(1) or 274A(a)(2).

"(ii) No property shall be forfeited under the provisions of this section by reason of any act or omission established by the owner to have been committed or omitted by a person other than the owner while the property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State.

"(iii) No property shall be forfeited under the provisions of this section to the extent of an interest of the owner, by reason of any act or omission established by the owner to have been committed or omitted without the knowledge, consent, or willful disregard of the owner, unless the act or omission was committed or omitted by an employee or agent of the owner or other person with lawful custody of the property with the intent of furthering the business interests of, or to confer any other benefit upon, the owner or other person with lawful custody of the property.".

(b) CONFORMING AMENDMENTS.—Section 274(b) of such Act (8 U.S.C. 1324(b)) is amended—

(1) in paragraph (2)—

(A) by striking "conveyance" and inserting "property" each place it appears, and

(B) by striking "is being used in" and inserting "is being used in, is facilitating, has facilitated, is facilitating or was intended to facilitate"; and

(2) in paragraphs (4) and (5), by striking "a conveyance", "any conveyance", and "conveyance" and inserting "property" each place it appears.

SEC. 202. INCLUDING ALIEN SMUGGLING AS A RACKETEERING ACTIVITY FOR PURPOSES OF RACKETEERING INFLUENCED AND CORRUPT ORGANIZATIONS (RICO) ENFORCEMENT AUTHORITY.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" before "(E) any act", and

(2) by inserting before the period at the end the following: ", or (F) any act which is indictable under section 274(a)(1) of the Immigration and Nationality Act (relating to alien smuggling)".

SEC. 203. ENHANCED PENALTIES FOR CERTAIN ALIEN SMUGGLING AND FOR EMPLOYERS WHO KNOWINGLY EMPLOY SMUGGLED ALIENS.

Section 274(a)(1) (8 U.S.C. 1324(a)(1)) is amended—

(1) by striking "or" at the end of subparagraph (C),

(2) by striking the comma at the end of subparagraph (D) and inserting "; or",

(3) by inserting after subparagraph (D) the following:

"(E) contracts or agrees with another party for that party to provide, for employment by the person or another, an alien who is not authorized to be employed in the United States, knowing that such party intends to cause such alien to be brought into the United States in violation of the laws of the United States,", and

(4) by striking "five years" and inserting "ten years".

SEC. 204. WIRETAP AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United State Code, is amended—

(1) in paragraph (c) by inserting after "weapons)," the following: "or a felony violation of section 1028 (relating to production of false identification documentation), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents),";

(2) by striking out "or" after paragraph (l) and redesignating paragraphs (m), (n), and (o) as paragraphs (n), (o), and (p), respectively; and

(3) by inserting after paragraph (l) the following new paragraph:

"(m) a violation of section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to alien smuggling), of section 277 of the Immigration and Nationality Act (8 U.S.C. 1327) (relating to the smuggling of aliens convicted of aggravated felonies or of aliens subject to exclusion on grounds of national security), or of section 278 of the Immigration and Nationality Act (8 U.S.C. 1328) (relating to smuggling of aliens for the purpose of prostitution or other immoral purpose);".

TITLE III—INS INVESTIGATORS

SEC. 301. IMMIGRATION AND NATURALIZATION SERVICE INVESTIGATORS.

In addition to such amounts as are otherwise authorized to be appropriated, there is authorized to be appropriated for each of the fiscal years 1995, 1996, 1997, 1998, and 1999 for salaries and expenses of the Immigration and Naturalization Service such amounts as may be necessary to provide for an increase in the number of investigators of the Immigration and Naturalization Service by 1,000 full-time equivalent investigator positions (and such support personnel as are necessary) beyond the number of such positions authorized as of October 1, 1993.

TITLE IV—GOVERNMENT BENEFITS

SEC. 401. PROHIBITION OF BENEFITS FOR CERTAIN CATEGORIES OF ALIENS.

(a) DIRECT FEDERAL FINANCIAL BENEFITS.—Subject to subsection (b) and the Immigration and Nationality Act, and notwithstanding any other provision of law, an alien not lawfully within the United States as a permanent resident, a refugee, an asylee, or a parolee is not eligible for any direct Federal financial benefit or social insurance benefit (whether through grant, loan, guarantee, or otherwise) as such benefits are identified by the Attorney General in consulation with other appropriate heads of the various departments and agencies of the Federal Government.

(b) EMERGENCY MEDICAL CARE.—Subsection (a) shall not apply with respect to the Federal reimbursement of emergency medical care for aliens, as determined by the Secretary of Health and Human Services by regulation.

SEC. 402. UNEMPLOYMENT BENEFITS.

(a) PROHIBITION.—An alien who has not been granted employment authorization pursuant to the Immigration and Nationality Act or other Federal law shall be ineligible for unemployment compensation under an unemployment compensation law of a State or the United States.

(b) CONDITION OF ELIGIBILITY.—An alien granted temporary work authorization shall be eligible only for unemployment compensation under an employment compensation law of a State or the United States that accrued during such time as the alien was authorized to work.

SEC. 403. HOUSING BENEFITS.

(a) LIMITATION.—Notwithstanding section 401 or any other provision of law, no alien who is not a permanent resident, a refugee, an asylee, or a parolee shall be eligible for benefits under the following provisions of law:

(1) The program of rental assistance on behalf of low-income families provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) The program of assistance to public housing under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

(3) The loan program under section 502 of the Housing Act of 1949 (42 U.S.C. 1472).

(4) The program of interest reduction payments pursuant to contracts entered into by the Secretary of Housing and Urban Development under section 236 of the National Housing Act (12 U.S.C. 1715z-1).

(5) The program of loans for rental and cooperative housing under section 515 of the Housing Act of 1949 (42 U.S.C. 1485).

(6) The program of rental assistance payments pursuant to contracts entered into under section 521(a)(2)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(2)(A)).

(7) The program of assistance payments on behalf of homeowners under section 235 of the National Housing Act (12 U.S.C. 1715z).

(8) The program of rent supplement payments on behalf of qualified tenants pursuant to contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s).

(9) The loan and grant programs under section 504 of the Housing Act of 1949 (42 U.S.C. 1474) for repairs and improvements to rural dwellings.

(10) The loan and assistance programs under sections 514 and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1486) for housing for farm labor.

(11) The program of grants for preservation and rehabilitation of housing under section 533 of the Housing Act of 1949 (42 U.S.C. 1490m).

(12) The program of grants and loans for mutual and self-help housing and technical assistance under section 523 of the Housing Act of 1949 (42 U.S.C. 1490c).

(13) The program of site loans under section 524 of the Housing Act of 1949 (42 U.S.C. 1490d).

(b) REGULATIONS.—Not later than January 1, 1995, the Secretary of Housing and Urban Development shall issue final regulations to carry out subsection (a).

SEC. 404. SAVE SYSTEM.

There are authorized to be appropriated for each of the fiscal years 1995, 1996, 1997, 1998, and 1999 such sums as may be necessary to carry out the purposes of the automated SAVE system established under section 121 of the Immigration Reform and Control Act of 1986 (Public Law 99-603).

SEC. 405. LIMITATION ON FEDERAL FINANCIAL ASSISTANCE TO LOCALITIES THAT REFUSE TO COOPERATE IN THE ARREST AND DEPORTATION OF UNLAWFUL ALIENS.

Notwithstanding any other provision of law, Federal financial assistance shall be reduced by 20 percent to any local government on and after such date as the Attorney General certifies that the local government has an official policy of refusing to cooperate with officers or employees of the Department of Justice (including the Immigration and Naturalization Service) with respect to the arrest and deportation of aliens who are not lawfully present within the United States. Such reduction in assistance is not reimbursable and shall continue for as long as the policy of noncooperation remains in effect.

SEC. 406. UNIFORM VITAL STATISTICS.

(a) PILOT PROGRAM.—The Secretary of Health and Human Services shall consult with the State agency responsible for registration and certification of births and deaths and, within 3 years of the date of enactment of this Act, shall establish a pilot program for 3 of the 5 States with the largest number of undocumented aliens of an electronic network linking the vital statistics records of such States. The network shall provide, where practical, for the matching of deaths with births and shall enable the confirmation of births and deaths of citizens of such States, or of aliens within such States, by any Federal or State agency or official in the performance of official duties. The Secretary and participating State agencies shall institute measures to achieve uniform and accurate reporting of vital statistics into the pilot program network, to protect the integrity of the registration and certification process, and to prevent fraud against the Government and other persons through the use of false birth or death certificates.

(b) REPORT.—Not later than 180 days after the establishment of the pilot program under subsection (a), the Secretary shall issue a written report to Congress with recommendations on how the pilot program could effectively be instituted as a national network for the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1994 and for subsequent fiscal years such sums as may be necessary to carry out this section.

TITLE V—CRIMINAL ALIENS

SEC. 501. AUTHORIZING REGISTRATION OF ALIENS ON CRIMINAL PROBATION OR CRIMINAL PAROLE.

Section 263(a) of the Immigration and Nationality Act (8 U.S.C. 1303(a)) is amended by striking "and (5)" and inserting "(5) aliens who are or have been on criminal probation or criminal parole pursuant to the laws of the United States or of any State, and (6)".

SEC. 502. EXPANSION IN DEFINITION OF "AGGRAVATED FELONY".

(a) EXPANSION IN DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) any illicit trafficking in any controlled substance (as defined in section 102 of the Controlled Substances Act), including any drug trafficking crime as defined in section 924(c) of title 18, United States Code;

"(C) any illicit trafficking in any firearms or destructive devices as defined in section 921 of title 18, United States Code, or in explosive materials as defined in section 841(c) of title 18, United States Code;

"(D) any offense described in sections 1951 through 1963 of title 18, United States Code;

"(E) any offense described in—

"(i) subsections (h) or (i) of section 842, title 18, United States Code, or subsection (d), (e), (f), (g), (h), or (i) of section 844 of title 18, United States Code (relating to explosive materials offenses),

"(ii) paragraph (1), (2), (3), (4), or (5) of section 922(g), or section 922(j), section 922(n), section 922(o), section 922(p), section 922(r), section 924(b), or section 924(h) of title 18, United States Code (relating to firearms offenses), or

"(iii) section 5861 of title 26, United States Code (relating to firearms offenses);

"(F) any crime of violence (as defined in section 16 of title 18, United States Code, not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years;

"(G) any theft offense (including receipt of stolen property) or any burglary offense, where a sentence of 5 years imprisonment or more may be imposed;

"(H) any offense described in section 875, section 876, section 877, or section 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

"(I) any offense described in section 2251, section 2251A or section 2252 of title 18, United States Code (relating to child pornography);

"(J) any offense described in section 1084 of title 18, United States Code, where a sentence of 5 years imprisonment or more may be imposed;

"(K) any offense relating to commercial bribery, counterfeiting, forgery or trafficking in vehicles whose identification numbers have been altered, where a sentence of 5 years imprisonment or more may be imposed;

"(L) any offense—

"(i) relating to the owning, controlling, managing or supervising of a prostitution business,

"(ii) described in section 2421 through 2424 of title 18, United States Code, for commercial advantage, or

"(iii) described in sections 1581 through 1585, or section 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

"(M) any offense relating to perjury or subornation of perjury where a sentence of 5 years imprisonment or more may be imposed;

"(N) any offense described in—

"(i) section 793 (relating to gathering or transmitting national defense information), section 798 (relating to disclosure of classified information), section 2153 (relating to sabotage) or section 2381 or section 2382 (relating to treason) of title 18, United States Code, or

"(ii) section 421 of title 50, United States Code (relating to protecting the identity of undercover intelligence agents);

"(O) any offense—

"(i) involving fraud or deceit where the loss to the victim or victims exceeded $200,000; or

"(ii) described in section 7201 of title 26, United States Code (relating to tax evasion), where the tax loss to the Government exceeds $200,000;

"(P) any offense described in section 274(a)(1) of the Immigration and Nationality Act (relating to alien smuggling) for the purpose of commercial advantage;

"(Q) any violation of section 1546(a) of title 18, United States Code (relating to document fraud), for the purpose of commercial advantage; or

"(R) any offense relating to failing to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony, where a sentence of 2 years or more may be imposed; or any attempt or conspiracy to commit any such act. Such term applies to offenses described in this paragraph whether in violation of Federal or State law and applies to such offenses in violation of the laws of a foreign country for which the term of imprisonment was completed within the previous 15 years.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to all convictions entered before, on, or after the date of enactment of this Act.

SEC. 503. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) TECHNICAL AND CONFORMING CHANGES.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended as follows:

(1) In subsection (a)—

(A) by striking "(a) IN GENERAL.—" and inserting "(b) DEPORTATION OF PERMANENT RESIDENT ALIENS.—(1) IN GENERAL.—"; and

(B) by inserting in the first sentence "permanent resident" after "correctional facilities for";

(2) In subsection (b)—

(A) by striking "(b) IMPLEMENTATION.—" and inserting "(2) IMPLEMENTATION.—"; and

(B) by striking "respect to an" and inserting "respect to a permanent resident";

(3) By striking out subsection (c);

(4) In subsection (d)—

(A) by striking "(d) EXPEDITED PROCEEDINGS.—(1)" and inserting "(3) EXPEDITED PROCEEDINGS.—(A)";

(B) by inserting "permanent resident" after "in the case of any"; and

(C) by striking "(2)" and inserting "(B)";

(5) In subsection (e)—

(A) by striking "(e) REVIEW.—(1)" and inserting "(4) REVIEW.—(A)";

(B) by striking the second sentence; and

(C) by striking "(2)" and inserting "(B)";

(6) By inserting after the section heading the following new subsection:

"(a) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States."; and

(7) The heading of such section is amended to read as follows:

"EXPEDITED DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES".

(b) ELIMINATION OF ADMINISTRATIVE HEARING FOR CERTAIN CRIMINAL ALIENS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following:

"(c) DEPORTATION OF ALIENS WHO ARE NOT PERMANENT RESIDENTS.—

"(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

"(2) An alien is described in this paragraph if the alien—

"(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced, or

"(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.

"(3) The Attorney General may delegate the authority in this section to the Commissioner or to any District Director of the Service.

"(4) No alien described in this section shall be eligible for—

"(A) any relief from deportation that the Attorney General may grant in his discretion, or

"(B) relief under section 243(h).

"(5) The Attorney General may not execute any order described in paragraph (1) until 14 calendar days have passed from the date that such order was issued, in order that the alien has an opportunity to apply for judicial review under section 106.".

(c) LIMITED JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) in the first sentence of subsection (a), by inserting "or pursuant to section 242A" after "under section 242(b)";

(2) in subsection (a)(1) and subsection (a)(3), by inserting "(including an alien described in section 242A)" after "aggravated felony"; and

(3) by adding at the end the following new subsection:

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

SEC. 504. JUDICIAL DEPORTATION.

(a) JUDICIAL DEPORTATION.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting at the end the following new subsection:

"(d) JUDICIAL DEPORTATION.—

"(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

"(2) PROCEDURE.—

"(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the alien, and to the alien's counsel of record.

"(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under section 212(c), the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

"(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order of deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(4) DENIAL OF JUDICIAL ORDER.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).".

(b) TECHNICAL AND CONFORMING CHANGES.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking out "The" and inserting in lieu thereof, "Except as provided in section 242A(d), the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

SEC. 505. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.

(a) DEFENSES BASED ON SEVEN YEARS OF PERMANENT RESIDENCE.—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking out "has served for such felony or felonies" and all that follows through the period and inserting in lieu thereof "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, provided that the time for appealing such conviction or sentence has expired and the sentence has become final.".

(b) DEFENSES BASED ON WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(1) by striking out the final sentence and inserting in lieu thereof the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony."; and

(2) by striking out the "or" at the end of subparagraph (C) and inserting "or" at the end of subparagraph (D).

SEC. 506. ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.

(a) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(1) by striking out "paragraph (2), (3), or 4 of" the first time it appears, and

(2) by striking out "shall be imprisoned not more than ten years" and inserting in lieu thereof, "shall be imprisoned not more than two years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (2), (3), or (4) of section 241(a).".

(b) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after "commission of" the following: "three or more misdemeanors or", and

(B) by striking out "5" and inserting in lieu thereof "10",

(2) in paragraph (2), by striking out "15" and inserting in lieu thereof "20", and

(3) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' shall include any agreement where an alien stipulates to deportation during a criminal trial under either Federal or State law.".

(c) COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by inserting after subsection (b) the following new subsection:

"(c) In any criminal proceeding under this section, no alien may challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates—

"(1) that the alien exhausted the administrative remedies (if any) that may have been available to seek relief against such order,

"(2) that the deportation proceedings at which such order was issued improperly deprived the alien of the opportunity for judicial review, and

"(3) that the entry of such order was fundamentally unfair.".

SEC. 507. MISCELLANEOUS AND TECHNICAL CHANGES.

(a) FORM OF DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with or without the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien.".

(b) CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.— No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)), shall be construed to create any right or benefit, substantive or procedural, which is legally enforceable by any party against the United States, its agencies, its officers or any other person.

SEC. 508. CRIMINAL ALIEN TRACKING CENTER.

(a) OPERATION.—The Commissioner of Immigration and Naturalization, with the cooperation of the Director of the Federal Bureau of Investigation and the heads of other agencies, shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien tracking center.

(b) PURPOSE.—The criminal alien tracking center shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1995 and $5,000,000 for each of the fiscal years 1996, 1997, 1998, and 1999.

SEC. 509. PRISONER TRANSFER TREATY STUDY.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the Prisoner Transfer Treaty with Mexico to remove from the United States aliens who have been convicted of crimes in the United States.

(b) USE OF TREATY.—The report under subsection (a) shall include the following information:

(1) The number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the Treaty.

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

(3) The number of aliens described in paragraph (2) who have been incarcerated in full compliance with the Treaty.

(4) The number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the Treaty.

(5) The number of aliens described in paragraph (4) who are incarcerated in State and local penal institutions.

(c) EFFECTIVENESS OF TREATY.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the Treaty. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address the following areas:

(1) Changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(2) Changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(3) Changes in the Treaty that may be necessary to increase the number of aliens convicted of crimes who may be transferred pursuant to the Treaty.

(4) Methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the Treaty.

(5) Any recommendations of appropriate officials of the Mexican Government on programs to achieve the goals of, and ensure full compliance with, the Treaty.

(6) An assessment of whether the recommendations under this subsection require the renegotiation of the Treaty.

(7) The additional funds required to implement each recommendation under this subsection.

(d) DEFINITION.—As used in this section, the term "Prisoner Transfer Treaty with Mexico" or "Treaty" refers to the Treaty Between the United States of America and the United Mexican States on the Execution of Penal Sentences, done at Mexico City on November 25, 1976 (28 U.S.T. 7399).

SEC. 510. EXPEDITING CRIMINAL ALIEN DEPORTATION AND EXCLUSION.

(a) CONVICTED DEFINED.—Section 241(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following new subparagraph:

"(E) CONVICTED DEFINED.—In this paragraph, the term 'convicted' means a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere, whether or not the alien appeals therefrom.".

(b) DEPORTATION OF CONVICTED ALIENS.—

(1) IMMEDIATE DEPORTATION.—Section 242(h) of such Act (8 U.S.C. 1252(h)) is amended—

(A) by striking "(h) An alien" and inserting "(h)(1) Subject to paragraph (2), an alien"; and

(B) by adding at the end the following new paragraph:

"(2) An alien sentenced to imprisonment may be deported prior to the termination of such imprisonment by the release of the alien from confinement, if the Service petitions the appropriate court or other entity with authority concerning the alien to release the alien into the custody of the Service for execution of an order of deportation.".

(2) PROHIBITION OF REENTRY INTO THE UNITED STATES.—Section 212(a)(2) of such Act (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (G); and

(B) by inserting after subparagraph (E) the following new subparagraph:

"(F) ALIENS DEPORTED BEFORE SERVING MINIMUM PERIOD OF CONFINEMENT.—In addition to any other period of exclusion which may apply an alien deported pursuant to section 242(h)(2) is excludable during the minimum period of confinement to which the alien was sentenced.".

(c) EXECUTION OF DEPORTATION ORDERS.—Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: "An order of deportation may not be executed until all direct appeals relating to the conviction which is the basis of the deportation order have been exhausted.".

SEC. 511. INCARCERATION OF OR PAYMENT FOR CRIMINAL ALIENS BY THE FEDERAL GOVERNMENT.

(a) DEFINITION.—In this section, the phrase "criminal alien who has been convicted of a felony and is incarcerated in a State or local correctional facility" means an alien who—

(1)(A) is in the United States in violation of the immigration laws; or

(B) is deportable or excludable under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(2) has been convicted of a felony under State or local law and incarcerated in a correctional facility of the State or a subdivision of the State.

(b) FEDERAL CUSTODY.—At the request of a State or political subdivision of a State, the Attorney General shall—

(1)(A) take custody of a criminal alien who has been convicted of a felony and is incarcerated in a State or local correctional facility; and

(B) provide for the imprisonment of the criminal alien in a Federal prison in accordance with the sentence of the State court; or

(2) enter into a contractual arrangement with the State or local government to compensate the State or local government for incarcerating alien criminals for the duration of their sentences.

TITLE VI—TERRORIST ALIENS

SEC. 601. REMOVAL OF ALIEN TERRORISTS.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting the following new section:

"REMOVAL OF ALIEN TERRORISTS

"SEC. 242C. (a) DEFINITIONS.—As used in this section—

"(1) the term 'alien terrorist' means any alien described in section 241(a)(4)(B);

"(2) the term 'classified information' has the same meaning as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(3) the term 'national security' has the same meaning as defined in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(4) the term 'special court' means the court described in subsection (c) of this section; and

"(5) the term 'special removal hearing' means the hearing described in subsection (e) of this section.

"(b) APPLICATION FOR USE OF PROCEDURES.—The provisions of this section shall apply whenever the Attorney General certifies under seal to the special court that—

"(1) the Attorney General or Deputy Attorney General has approved of the proceeding under this section;

"(2) an alien terrorist is physically present in the United States; and

"(3) removal of such alien terrorist by deportation proceedings described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

"(c) SPECIAL COURT.—(1) The Chief Justice of the United States shall publicly designate up to 7 judges from up to 7 United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(a)).

"(2) The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to section 1803(a) of title 50, United States Code.

"(d) INVOCATION OF SPECIAL COURT PROCEDURE.—(1) When the Attorney General makes the application described in subsection (b), a single judge of the special court shall consider the application in camera and ex parte.

"(2) The judge shall invoke the procedures of subsection (e), if the judge determines that there is probable cause to believe that—

"(A) the alien who is the subject of the application has been correctly identified;

"(B) a deportation proceeding described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information; and

"(C) the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm.

"(e) SPECIAL REMOVAL HEARING.—(1) Except as provided in paragraph (4), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

"(2) The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent such alien. Counsel may be appointed as described in section 3006A of title 18, United States Code.

"(3) The alien shall have a right to introduce evidence on his own behalf, and except as provided in paragraph (4), shall have a right to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

"(4) The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

"(5) With respect to any evidence described in paragraph (4), the judge shall cause to be delivered to the alien either—

"(A)(i) the substitution for such evidence of a statement admitting relevant facts that the specific evidence would tend to prove, or (ii) the substitution for such evidence of a summary of the specific evidence; or

"(B) if disclosure of even the substituted evidence described in subparagraph (A) would create a substantial risk of death or serious bodily harm to any person, a statement informing the alien that no such summary is possible.

"(6) If the judge determines—

"(A) that the substituted evidence described in paragraph (4)(B) will provide the alien with substantially the same ability to make his defense as would disclosure of the specific evidence, or

"(B) that disclosure of even the substituted evidence described in paragraph (5)(A) would create a substantial risk of death or serious bodily harm to any person,

then the determination of deportation (described in subsection (f)) may be made pursuant to this section.

"(f) DETERMINATION OF DEPORTATION.—(1) If the determination in subsection (e)(6)(A) has been made, the judge shall, considering the evidence on the record as a whole, require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(2) If the determination in subsection (e)(6)(B) has been made, the judge shall, considering the evidence received (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear, convincing, and unequivocal evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(g) APPEALS.—(1) The alien may appeal a determination under subsection (f) to the Court of Appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under such subsection.

"(2)(A) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under any one of such subsections.

"(B) When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals under seal. If the Attorney General is appealing a determination under subsection (d) or (e), the court of appeals shall consider such appeal in camera and ex parte.".

(b) CONFORMING AMENDMENT.—Section 1295(a) of title 28, United States Code, is amended—

(1) by striking "and" at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(15) of an appeal under section 242C(g) of the Immigration and Nationality Act.".

(c) Clerical Amendment.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 242B the following new item:

"Sec. 242C. Removal of alien terrorists.".

SEC. 602. MEMBERSHIP IN A TERRORIST ORGANIZATION AS A BASIS FOR EXCLUSION FROM THE UNITED STATES UNDER THE IMMIGRATION AND NATIONALITY ACT.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)(II) by inserting "or" at the end;

(2) by adding after clause (i)(II) the following:

"(III) is a member of an organization that engages in, or has engaged in, terrorist activity or who actively supports or advocates terrorist activity,"; and

(3) by adding after clause (iii) the following:

"(iv) Terrorist organization defined.—As used in this Act, the term 'terrorist organization' means an organization which commits terrorist activity as determined by the Attorney General, in consultation with the Secretary of State.".

TITLE VII—INSPECTIONS

SEC. 701. PREINSPECTION AT FOREIGN AIRPORTS.

(a) In General.—The Immigration and Nationality Act is amended by inserting after section 235 the following new section:

"PREINSPECTION AT FOREIGN AIRPORTS

"Sec. 235A. (a) Establishment of Preinspection Stations.—(1) Subject to paragraph (4), not later than 2 years after the date of the enactment of this section, the Attorney General, in consultation with the Secretary of State, shall establish and maintain preinspection stations in at least 5 of the foreign airports that are among the 10 foreign airports which the Attorney General identifies as serving as last points of departure for the greatest numbers of passengers who arrive from abroad by air at ports of entry within the United States. Such preinspection stations shall be in addition to any preinspection stations established prior to the date of the enactment of this section.

"(2) Not later than November 1, 1994, and each subsequent November 1, the Attorney General shall compile data identifying—

"(A) the foreign airports which served as last points of departure for aliens who arrived by air at United States ports of entry without valid documentation during the preceding fiscal years,

"(B) the number and nationality of such aliens arriving from each such foreign airport, and

"(C) the primary routes such aliens followed from their country of origin to the United States.

"(3) Subject to paragraph (4), not later than 4 years after the date of enactment of this section, the Attorney General, in consultation with the Secretary of State, shall establish preinspection stations in at least 5 additional foreign airports which the Attorney General, in consultation with the Secretary of State, determines based on the data compiled under paragraph (2) and such other information as may be available would most effectively reduce the number of aliens who arrive from abroad by air at points of entry within the United States without valid documentation. Such preinspection stations shall be in addition to those established prior to or pursuant to paragraph (1).

"(4) Prior to the establishment of a preinspection station the Attorney General, in consultation with the Secretary of State, shall ensure that—

"(A) employees of the United States stationed at the preinspection station and their accompanying family members will receive appropriate protection,

"(B) such employees and their families will not be subject to unreasonable risks to their welfare and safety, and

"(C) the country in which the preinspection station is to be established maintains practices and procedures with respect to asylum seekers and refugees in accordance with the Convention Relating to the Status of Refugees (done at Geneva, July 28, 1951), or the Protocol Relating to the Status of Refugees (done at New York, January 31, 1967).

"(b) Establishment of Carrier Consultant Program.—The Attorney General shall assign additional immigration officers to assist air carriers in the detection of fraudulent documents at foreign airports which, based on the records maintained pursuant to subsection (a)(2), served as a point of departure for a significant number of arrivals at United States ports of entry without valid documentation, but where no preinspection station exists.

"(c) Clerical Amendment.—The table of contents is amended by inserting after the item relating to section 235 the following new item:

"Sec. 235A. Preinspection at foreign airports.".

SEC. 702. TRAINING OF AIRLINE PERSONNEL IN DETECTION OF FRAUDULENT DOCUMENTS.

(a) Use of Funds.—Section 286(h)(2)(A) (8 U.S.C. 1356(h)(2)(A)) is amended—

(1) in clause (iv), by inserting ", including training of, and technical assistance to, commercial airline personnel on such detection" after "United States", and

(2) by adding at the end the following:

"The Attorney General shall provide for expenditures for training and assistance described in clause (iv) in an amount, for any fiscal year, not less than 5 percent of the total of the expenses incurred that are described in the previous sentence.".

(b) Compliance With Detection Regulations.—Section 212(f) (8 U.S.C. 1182(f)) is amended by adding at the end the following: "Whenever the Attorney General finds that a commercial airline has failed to comply with regulations of the Attorney General relating to requirements of airlines for the detection of fraudulent documents used by passengers traveling to the United States (including the training of personnel in such detection), the Attorney General may suspend the entry of some or all aliens transported to the United States by such airline.".

(c) Effective Dates.—

(1) The amendments made by subsection (a) shall apply to expenses incurred during or after fiscal year 1994.

(2) The Attorney General shall first issue, in proposed form, regulations referred to in the second sentence of section 212(f) of the Immigration and Nationality Act, as added by the amendment made by subsection (b), by not later than 90 days after the date of the enactment of this Act.

SEC. 703. PASSPORT AND VISA OFFENSES PENALTIES IMPROVEMENT.

(a) In General.—Chapter 75 of title 18, United States Code, is amended—

(1) in section 1541, by striking "not more than $500 or imprisoned not more than one year" and inserting "under this title or imprisoned not more than 10 years";

(2) in each of sections 1542, 1543, and 1544, by striking "not more than $2,000 or imprisoned not more than five years" and inserting "under this title or imprisoned not more than 10 years";

(3) in section 1545, by striking "not more than $2,000 or imprisoned not more than three years" and inserting "under this title or imprisoned not more than 10 years";

(4) in section 1546(a), by striking "five years" and inserting "10 years";

(5) in section 1546(b), by striking "in accordance with this title, or imprisoned not more than two years" and inserting "under this title or imprisoned not more than 10 years"; and

(6) by adding at the end the following:

"§ 1547. Alternative imprisonment maximum for certain offenses

"Notwithstanding any other provision of this title, the maximum term of imprisonment that may be imposed for an offense under this chapter (other than an offense under section 1545)—

"(1) if committed to facilitate a drug trafficking crime (as defined in 929(a) of this title) is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title) is 20 years.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 75 of title 18, United States Code, is amended by adding at the end the following new item:

"1547. Alternative imprisonment maximum for certain offenses.".

(c) Asset Forfeiture.—Section 981(a)(1) of title 18, United States Code, is amended by inserting after subparagraph (F) the following:

"(G) Any property used in committing an offense under section 1543 or 1546 of this title or for which the maximum authorized imprisonment is set by section 1547 of this title.".

TITLE VIII—ASYLUM

SEC. 801. INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.

(a) In General.—Section 235(b) (8 U.S.C. 1225(b)) is amended to read as follows:

"(b) Inspection and Exclusion by Immigration Officers.—

"(1) An immigration officer shall inspect each alien who is seeking entry to the United States.

"(2)(A) If the examining immigration officer determines that an alien seeking entry—

"(i) does not present the documentation required (if any) to obtain legal entry to the United States; and

"(ii) does not indicate either an intention to apply for provisional asylum (under section 208) or a fear of persecution,

the officer shall order the alien excluded from the United States without further hearing or review.

"(B) The examining immigration officer shall refer for immediate inspection at the port of entry by an asylum officer under subparagraph (C) any alien who (i) does not present the documentation required (if any) to obtain legal entry to the United States, and (ii) has indicated an intention to apply for provisional asylum or a fear of persecution. Such an alien shall not be considered to have been inspected and admitted for purposes of this Act.

"(C)(i) If an asylum officer determines that an alien has a credible fear of persecution, the alien shall be entitled to apply for provisional asylum under section 208.

"(ii)(I) Subject to subclause (II), if an asylum officer determines that an alien does not have a credible fear of persecution the officer shall order the alien excluded from the United States without further hearing or review.

"(II) The Attorney General shall promulgate regulations to provide for the immediate review by another asylum officer at the port of entry of a decision under subclause (I).

"(iii) For the purposes of this subparagraph, the term 'credible fear of persecution' means (I) that it is more probable than not that the statements made by the alien in support of his or her claim are true, and (II) that there is a significant possibility, in light of such statements and of such other facts as are known to the officer that the alien could establish eligibility for provisional asylum under section 208.

"(iv) Notwithstanding any other provision of law, no court shall have jurisdiction to review, except by petition for habeas corpus, any determination made with respect to an alien found excludable pursuant to this paragraph. In any such case, review by habeas corpus shall be limited to examination of whether the petitioner (I) is an alien, and (II) was ordered excluded from the United States pursuant to this paragraph.

"(v) Notwithstanding any other provision of law, no court shall have jurisdiction (I) to review the procedures established by the Attorney General for the determination of exclusion pursuant to this paragraph, or (II) to enter declaratory or injunctive relief with respect to the implementation of this paragraph. Regardless of the nature of the suit or claim, no court shall have jurisdiction except by habeas corpus petition as provided in clause (iv) to consider the validity of any adjudication or determination under this paragraph or to provide declaratory or injunctive relief with respect to the exclusion of any alien pursuant to this paragraph.

"(vi) In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion or deportation entered under sections 235, 236, and 242.

"(3)(A) Except as provided in subparagraph (B), if the examining immigration officer determines that an alien seeking entry is not clearly and beyond a doubt entitled to enter, the alien shall be detained for a hearing before a special inquiry officer.

"(B) The provisions of subparagraph (A) shall not apply—

"(i) to an alien crewman,

"(ii) to an alien described in paragraph (2)(A) or 2(B), or

"(iii) if the conditions described in section 273(d) exist.

"(4) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to enter is so challenged, before a special inquiry officer for a hearing on exclusion of the alien.

"(5) An alien has not entered the United States for purposes of this Act unless and until such alien has been inspected and admitted by an immigration officer pursuant to this subsection.

(b) CONFORMING AMENDMENTS.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking "Deportation" and inserting "Subject to section 235(b)(2), deportation"; and

(2) in the first sentence of paragraph (2), by striking "If" and inserting "Subject to section 235(b)(2), if".

SEC. 802. ASYLUM.

(a) IN GENERAL.—Section 208 (8 U.S.C. 1158) is amended to read as follows:

"SEC. 208. ASYLUM.-

(a) PROVISIONAL ASYLUM.—

"(1) RIGHT TO APPLY.—The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for provisional asylum in accordance with this section.

"(2) CONDITIONS FOR GRANTING.—

"(A) MANDATORY CASES.—The Attorney General shall grant provisional asylum to an alien if the alien applies for provisional asylum in accordance with the requirements of this section and establishes that it is more likely than not that in the alien's country of nationality (or, in the case of a person having no nationality, the country in which such alien last habitually resided) such alien's life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(B) DISCRETIONARY CASES.—The Attorney General may grant provisional asylum to an alien if the alien applies for provisional asylum in accordance with the requirements of this section and establishes that the alien is a refugee within the meaning of section 101(a)(42).

"(C) EXCEPTIONS.—(i) Subparagraphs (A) and (B) shall not apply to an alien if the Attorney General determines that—

"(I) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(II) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

"(III) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;

"(IV) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

"(V) a country willing to accept the alien has been identified (other than the country described in subparagraph (A)) to which the alien can be deported or returned and the alien does not establish that it is more likely than not that the alien's life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(ii)(I) For purposes of clause (i)(II), an alien who has been convicted of an aggravated felony shall be considered to have committed a particularly serious crime.

"(II) The Attorney General shall promulgate regulations that specify additional crimes that will be considered to be a crime described in clause (i)(II) or (i)(III).

"(III) The Attorney General shall promulgate regulations establishing such additional limitations and conditions as the Attorney General considers appropriate under which an alien shall be ineligible to apply for provisional asylum under subparagraph (B).

"(3) PROVISIONAL ASYLUM STATUS.—In the case of any alien granted provisional asylum under paragraph (2)(A), the Attorney General, in accordance with this section—

"(A) shall not deport or return the alien to the country described under paragraph (2)(A);

"(B) shall authorize the alien to engage in employment in the United States and provide the alien with an 'employment authorized' endorsement or other appropriate work permit; and

"(C) may allow the alien to travel abroad with the prior consent of the Attorney General.

"(4) TERMINATION.—Provisional asylum granted under paragraph (2) may be terminated if the Attorney General, pursuant to such regulations as the Attorney General may prescribe, determines that—

"(A) the alien no longer meets the conditions described in paragraph (2) owing to a change in circumstances in the alien's country of nationality or, in the case of an alien having no nationality, in the country in which the alien last habitually resided;

"(B) the alien meets a condition described in paragraph (2)(C); or

"(C) a country willing to accept the alien has been identified (other than the country described in paragraph (2)) to which the alien can be deported or returned and the alien cannot establish that it is more likely than not that the alien's life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(5) ACCEPTANCE BY ANOTHER COUNTRY.—In the case of an alien described in paragraph (2)(C)(i)(V) or paragraph (4)(C), the alien's deportation or return shall be directed by the Attorney General in the sole discretion of the Attorney General, to any country which is willing to accept the alien into its territory (other than the country described in paragraph (2)(A)).

"(b) PROVISIONAL ASYLUM APPLICATIONS.—

"(1) IN GENERAL.—

"(A) DEADLINE.—Subject to subparagraph (B), an alien's application for provisional asylum shall not be considered under this section unless—

"(i) the alien has filed, not later than 30 days after entering or coming to the United States, notice of intention to file such an application, and

"(ii) such application is actually filed not later than 60 days after entering or coming to the United States.

"(B) EXCEPTION.—An application for provisional asylum may be considered, notwithstanding that the requirements of subparagraph (A) have not been met, only if the alien demonstrates by clear and convincing evidence changed circumstances in the alien's country of nationality (or in the case of an alien with no nationality, in the country where the alien last habitually resided) affecting eligibility for provisional asylum.

"(2) REQUIREMENTS.—An application for provisional asylum shall not be considered unless the alien submits to the taking of fingerprints and a photograph in a manner determined by the Attorney General.

"(3) PREVIOUS DENIAL OF ASYLUM.—An application for provisional asylum shall not be considered if the alien has been denied asylum by a country in which the alien had access to a full and fair procedure for determining his or her asylum claim in accordance with a bilateral or multilateral agreement between that country and the United States.

"(4) FEES.—In the discretion of the Attorney General, the Attorney General may impose reasonable fees for the consideration of an application for provisional asylum, for employment authorization under this section, and for adjustment of status under section 209(b). The Attorney General is authorized to provide for the assessment and payment of any such fee over a period of time or by installments.

"(5) EMPLOYMENT.—An applicant for provisional asylum is not entitled to engage in employment in the United States. The Attorney General may authorize an alien who has filed an application for provisional asylum to engage in employment in the United States, in the discretion of the Attorney General.

"(6) NOTICE OF CONSEQUENCES OF FRIVOLOUS APPLICATIONS.—At the time of filing a notice of intention to apply for provisional asylum, the alien shall be advised of the consequences, under subsection (e), of filing a frivolous application for provisional asylum.

"(c) SANCTIONS FOR FAILURE TO APPEAR.—

"(1) Subject to paragraph (2), the application for provisional asylum of an alien who does not appear for a hearing on such application shall be summarily dismissed unless the alien can show exceptional circumstances (as defined in section 242B(f)(2)) as determined by an asylum officer or immigration judge.

"(2) Paragraph (1) shall not apply if written and oral notice were not provided to the alien of the time and place at which the asylum hearing was to be held, and in the case of any change or postponement in such time or place, written and oral notice were provided to the alien of the new time or place of the hearing.

"(d) ASYLUM.—

"(1) ADJUSTMENT OF STATUS.—Under such regulations as the Attorney General may prescribe, the Attorney General shall adjust to the status of an alien granted asylum the status of any alien granted provisional asylum under subsection (a)(2)(A) or (a)(2)(B) who—

"(A) applies for such adjustment;

"(B) has been physically present in the United States for at least 1 year after being granted provisional asylum;

"(C) continues to be eligible for provisional asylum under this section; and

"(D) is admissible under this Act at the time of examination for adjustment of status under this subsection.

"(2) TREATMENT OF SPOUSE AND CHILDREN.—A spouse or child (as defined in section 101(b)(A), (B), (C), (D), or (E)) of an alien whose status is adjusted to that of an alien granted asylum under paragraph (a)(2) may be granted the same status as the alien if accompanying, or following to join, such alien.

"(3) APPLICATION FEES.—The Attorney General may impose a reasonable fee for the filing of an application for asylum under this subsection.

"(e) DENIAL OF IMMIGRATION BENEFITS FOR FRIVOLOUS APPLICATIONS.—

"(1) IN GENERAL.—If the Attorney General determines that an alien has made a frivolous application for provisional asylum under this section and the alien has received the notice under subsection (b)(5), the alien shall be permanently ineligible for any benefits under this Act, effective as of the date of a final determination on such application.

"(2) TREATMENT OF MATERIAL MISREPRESENTATIONS.—For purposes of this subsection, an application considered to be 'frivolous' includes, but is not limited to, an application which contains a willful misrepresentation or concealment of a material fact.".

(b) CLERICAL AMENDMENT.—The item in the table of contents relating to section 208 is amended to read as follows:

"Sec. 208. Asylum.".

SEC. 803. FAILURE TO APPEAR FOR PROVISIONAL ASYLUM HEARING; JUDICIAL REVIEW.

(a) FAILURE TO APPEAR FOR PROVISIONAL ASYLUM HEARING.—Section 242B(e)(4) (8 U.S.C. 1252b(e)(4)) is amended—

(1) in the heading, by striking "ASYLUM" and inserting "PROVISIONAL ASYLUM";

(2) by striking "asylum" each place it appears and inserting "provisional asylum"; and

(3) in subparagraph (A), by striking all after clause (iii) and inserting "shall not be eligible for any benefits under this Act.".

(b) JUDICIAL REVIEW.—Section 106 (8 U.S.C. 1105a) is amended by adding at the end the following subsection:

"(d) The procedure prescribed by, and all the provisions of chapter 158 of title 28, United States Code, shall apply to, and shall be the sole and exclusive procedure for, the judicial review of all final orders granting or denying provisional asylum, except that—

"(1) a petition for review may be filed not later than 90 days after the date of the issuance of the final order granting or denying provisional asylum;

"(2) the venue of any petition for review under this subsection shall be in the judicial circuit in which the administrative proceedings were conducted in whole or in part, or in the judicial circuit wherein is the residence, as defined in this Act, of the petitioner, but not in more than one circuit; and

"(3) notwithstanding any other provision of law, a determination granting or denying provisional asylum based on changed circumstances pursuant to section 208(b)(1)(A)(ii) shall be in the sole discretion of the officer conducting the administrative proceeding.".

SEC. 804. CONFORMING AMENDMENTS.

(a) LIMITATION ON DEPORTATION.—Section 243 (8 U.S.C. 1253) is amended by striking subsection (h).

(b) ADJUSTMENT OF STATUS.—Section 209(b) (8 U.S.C. 1159(b)) is amended—

(1) in paragraph (2) by striking "one year" and inserting "2 years"; and

(2) by amending paragraph (3) to read as follows:

"(3) continues to be eligible for provisional asylum under section 208,".

(c) ALIENS INELIGIBLE FOR TEMPORARY PROTECTED STATUS.—Section 244A(c)(2)(B)(ii) (8 U.S.C. 1254a(c)(2)(B)(ii)) is amended by striking "section 243(h)(2)" and inserting "section 208(a)(2)(C)".

(d) ELIGIBILITY FOR NATURALIZATION.—Section 316(f)(1) (8 U.S.C. 1427(f)(1)) is amended by striking "subparagraphs (A) through (D) of paragraph 243(h)(2)" and inserting "section 208(a)(2)(C).".

(e) FAMILY UNITY.—Section 301(e) of the Immigration Act of 1990 (Public Law 101-649) is amended by striking "section 243(h)(2)" and inserting "section 208(a)(2)(C).".

SEC. 805. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided, the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) EXCEPTIONS.—

(1) The amendments made by this title shall not apply to applications for asylum or withholding of deportation made before the first day of the first month that begins more than 180 days after the date of the enactment of this Act and no application for provisional asylum under section 208 of the Immigration and Nationality Act (as amended by section 801 of this title) shall be considered before such first day.

(2) In applying section 208(b)(1)(A) of the Immigration and Nationality Act (as amended by this title) in the case of an alien who has entered or came to the United States before the first day described in paragraph (1), notwithstanding the deadlines specified in such section—

(A) the deadline for the filing of a notice of intention to file an application for provisional asylum is 30 days after such first day, and

(B) the deadline for the filing of the application for provisional asylum is 30 days after the date of filing such notice.

(3) The amendments made by section 803(b) (relating to adjustment of status) shall not apply to aliens granted asylum under section 208 of the Immigration and Nationality Act, as in effect before the date of the enactment of this Act.

TITLE IX—FUNDING

SEC. 901. REDUCTION IN OVERHEAD COSTS INCURRED IN FEDERALLY SPONSORED RESEARCH.

(a) LIMITATION.—Notwithstanding any other law, on and after the date of the enactment of this Act, each head of a Federal agency making a grant to, or entering into a contract with, an institution of higher education for research and development, shall—

(1) reduce the overhead payment rate used to pay for indirect costs related to such research and development to a rate not to exceed 50 percent of the modified total direct costs that are incurred by such institution for such research and development; and

(2) return the amount saved as a result of paragraph (1) to the general fund of the Treasury.

(b) CBO SCORING.—The Congressional Budget Office estimates that the reduction in overhead payments for federally funded university research required by this section will produce savings of $1,240,000,000 over the 5-year period beginning October 1, 1994, and ending September 30, 1999.

(c) DEFINITIONS.—For the purpose of this section—

(1) the term "indirect costs" means administrative costs and the costs of library and student services, building and equipment, and operations and maintenance;

(2) the term "institution of higher education" has the meaning stated in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(3) the term "Federal agency" means a department, agency, or instrumentality of the Federal Government (including an executive agency (as defined in section 105 of title 5, United States Code)); and

(4) the term "modified total direct costs" means the costs of—

(A) salaries and wages;

(B) fringe benefits;

(C) materials, supplies, services and travel; and

(D) awarding a subgrant to, or entering into a subcontract for, not more than $25,000.

SECTION-BY-SECTION SUMMARY OF THE ILLEGAL IMMIGRATION CONTROL ACT OF 1994

TITLE I—INTERDICTION

Section 101—Physical barriers

This section will require the Immigration and Naturalization Service to install additional structures (fences, ditches, etc.) at the border to deter unauthorized crossings of high illegal entry.

Section 102—Border Patrol agents

There is authorized to be appropriated for each of the fiscal years 1995–1999 for salaries and expenses of the Border Patrol such amounts as may be necessary to provide for an increase in the number of Border Patrol agents by 6,000 full-time equivalent agent positions and the necessary support personnel.

Section 103—Interior Repatriation Program

To deter the "revolving door" of re-entries by those just deported to a border area, this section requires that illegal entrants (who have entered the country illegally at least 3 prior times) from Canada or Mexico be repatriated to the interior of their countries.

Section 104—Dentention facilities

Increase the detention capacity at the border, thus allowing increased detention of illegal crossers rather than releasing them into the community. Additional structures may be built or abandoned military bases may be used for this purpose.

Section 105—Notice to Service to port of entry arrivals

Require that 24 hour notice be given to the INS by ships of their arrival so as to permit inspection (this notice is already given to Customs).

TITLE II—ALIEN SMUGGLING

Section 201—Expanded forfeiture for smuggling or harboring illegal aliens

Expand the INS's current seizure and forfeiture authority of conveyances used in the smuggling or harboring of illegal aliens to include seizure and forfeiture of all property in such cases.

Section 202—Including alien smuggling as a racketeering activity for purposes of racketeering influenced and corrupt organizations (RICO) enforcement authority

Includes alien smuggling as a racketeering activity for purposes of RICO enforcement authority.

Section 203—Enhanced penalties for certain alien smuggling and for employers who knowingly employ smuggled aliens

Enhanced penalties for any person who knowingly contracts or agrees with another party for that party to provide for employment of an illegal alien and also provides for fines and up to 10 years imprisonment.

Section 204—Wiretap authority for alien smuggling investigations

Provides federal wiretap authority to aid in the criminal investigation of alien smuggling and of fraud related to the misuse of visas, permits and other travel documents.

TITLE III—IMMIGRATION AND NATURALIZATION SERVICE INVESTIGATORS

Section 302—INS investigators

There is authorized to be appropriated for each of fiscal years 1995–1999 for salaries and expenses such amounts as may be necessary to provide for an increase in the number of INS investigators by 1,000 full-time equivalent positions and the necessary support personnel; (such as detention and deportation personnel).

TITLE IV—GOVERNMENT BENEFITS

Section 401—Prohibit benefits for certain categories of aliens

This section prohibits federally funded welfare benefits, with the exception of emergency medical care, for aliens other than those lawfully admitted as permanent residents, refugees, asylees or parolees.

Section 402—Unemployment benefits

Specifically denies unemployment compensation to aliens who have not been granted employment authorization pursuant to the INA.

Section 403—Housing benefits

Legislates HUD guidelines to prevent subsidized housing from going to aliens other than those admitted as permanent residents, asylees, or parolees.

Section 404—SAVE system

Authorizes an increase in automated SAVE (Systematic Alien Verification of Entitlement) system which is used to verify the immigration status of aliens applying for benefits.

Section 405—Limitation on Federal financial assistance to localities that refuse to cooperate in the arrest and deportation of unlawful aliens

This section reduces by 20% federal aid to "sanctuary cities" that have an official policy not to cooperate with the INS or Department of Justice with respect to the arrest and detention of illegal aliens.

Section 406—Uniform vital statistics

Establishes pilot program (3 of 5 states that have the largest numbers of illegal immigrants) a database of birth and death records to prevent fraud against the government through the use of false birth or death certificates. This will greatly reduce fraud in the "breeder" documents that people use to get fake cards.

TITLE V—CRIMINAL ALIENS

Section 501—Authorizing registration of aliens on criminal probation or criminal parole

Authorizes the registration with the INS of aliens on criminal probation or criminal parole. This is intended to help INS keep track of deportable criminal aliens.

Section 502—Expansion in definition of "aggravated felony"

Expands definition of "aggravated felony" for purposes of the Immigration and Nationality Act (INA). Under this definition, aggravated felonies include the current offenses (murder, drug trafficking, trafficking in firearms or explosives, money laundering, and violent crimes for which the sentence is over 5 years) plus the following: firearms violations, failure to appear before a court to answer a felony charge, demanding or receiving ransom money, unlawful conduct relating to RICO, immigration-related offenses including alien smuggling and sale of fraudulent documents, child pornography, owning or operating a prostitution business, treason, and tax evasion exceeding $200,000.

Section 503—Deportation procedures for certain criminal aliens who are not permanent residents

Provides for prompt deportation of any alien who is not a permanent resident alien and whom the Attorney General determines is deportable and has been convicted of an aggravated felony. A final order of deportation could be issued during such alien's imprisonment and executed upon the alien's release.

Eliminates the following procedures for non-permanent resident criminal aliens: (1) administrative hearing before an immigration judge, (2) administrative review of the Board of Immigration Appeals of the immigration judge's determination, (3) availability of current grounds of relief from deportation, and (4) federal court review of the Attorney General's deportation on any grounds other than whether the person sought to be deported is an alien and whether the alien has in fact been convicted of an aggravated felony. The alien has 14 days to seek federal court review before final deportation.

The expedited deportation proceedings currently included in the section 242A and applicable to all aliens would be limited to permanent resident aliens. Current section 242A language allows for the institution of deportation proceedings while the alien is incarcerated, with the intent of completing the process so that the alien can be deported upon his or her release.

Section 504—Judicial deportation

Allow federal trial courts to issue an order of deportation during the sentencing phase of the criminal trial of an alien convicting of an aggravated felony. This section applies to all criminal aliens, including permanent residents.

Such an order must have been requested by the U.S. Attorney with concurrence of the INS Commissioner. Notice of intent to seek a judicial order of deportation must be given promptly after an adjudication of guilt plea. The government would still be responsible for showing that the defendant is an alien subject to deportation and that the crime the alien has been convicted of meets the definition of an "aggravated felony;" a charge containing factual allegations on these two matters must be filed at least 20 days prior to the sentencing date.

Judicial deportation would replace current administrative deportation procedures in those cases where it is sought. Aliens found deportable under this process would continue to have the right to appeal their deportation to the appropriate federal circuit court of appeals.

Judicial deportation would not be required in every criminal trial of an aggravated felon alien, and the Attorney General would retain his or her right to seek an administrative determination of deportability if the federal court denies a motion for judicial deportation.

Section 505—Restricting defense to deportation for certain criminal aliens

Restricts defenses to deportation for criminal aliens convicted of aggravated felonies. As a result of amendments made by this section, the only defense to deportation for aggravated felon aliens would be for permanent resident aliens who have lived in the U.S. in such status for at least seven years and who have been sentenced to less than five years imprisonment for such felony.

Currently, a permanent resident alien is ineligible for relief under section 212(c) (for permanent resident aliens who have lived in the U.S. for seven consecutive years) if he or she has served five or more years for one or more aggravated felonies. This section would amend the language to make aliens who have been sentenced to five or more years ineligible for section 212(c) relief.

This standard is more relevant to judging the seriousness of an offense since dangerous criminals are at times released prematurely due to prison overcrowding or other reasons unrelated to the seriousness of the crime. Moreover, the current standard presents a serious logistical obstacle to the speedy commencement of deportation proceeding since it may be unknown until five years have been served whether the alien would be able to seek relief under section 212(c)

This section also makes it clear that aggravated felons may not request or be granted withholding of deportation under section 243(h). The Immigration Act of 1990 unambiguously denied aggravated felon's ability to request a hearing on eligibility for withholding of deportation was not addressed. Although the Executive Office for Immigration Review has determined that no hearing is possible in such cases, litigation on this issue is likely.

This section does not affect the Attorney General's authority to designate a country other than that of the alien's nationality for deportation. It is consistent with the intent of the UN protocol Relating to the Status of Refugees to permit denial of withholding of deportation in cases of persons convicted of a "particularly serious crime."

Section 506—Enhanced penalties for failing to depart, or reentering, after final order of deportation

Currently, an alien who is deportable for criminal offenses, document fraud, or security risk is subject to criminal penalties of up to 10 years of imprisonment for failure to depart. However, there are no penalties for aliens deportable for other reasons who fail to depart. Subsection (a) retains the current 10 year penalty and provides for criminal penalties of up to 2 years imprisonment for aliens who are issued deportation orders on other grounds and who fail to depart.

Subsection (b) increases the penalties for criminal aliens who reenter the U.S. after being formally deported. Currently, an alien convicted of a felony other than an aggravated felony who re-enters is subject to 5 years in prison and a criminal fine; this subsection extends the penalties to aliens convicted of three or more misdemeanors and increases the maximum prison sentence to 10 years. Aggravated felons who re-enter the U.S. currently are subject to criminal fines and up to 15 years in prison; this subsection increases the maximum prison sentence to 20 years. Language also is added to make it clear that any alien who stipulates to deportation during a criminal trial shall be considered to have been formally deported.

Subjection (c) would allow a court in a criminal proceeding against a deported alien who re-enters the U.S. to re-examine the underlying deportation order only if the alien demonstrates (1) that he/she exhausted available administrative remedies, (2) that the deportation proceedings improperly deprive the alien of the opportunity for judicial review, and (3) that the entry of order of deportation was "fundamentally unfair." This language taken from United States v. Mendoza-Lopez, 481 U.S. 828 (1987), is intended to ensure that minimum due process was followed in the original deportation proceeding while preventing wholesale, time consuming attacks on underlying deportation orders.

Section 507—Miscellaneous and technical changes

Responds to two holdings of the 9th Circuit. Subsection (a) makes it clear that deportation proceedings may be conducted telephonically, where waived or agreed to by the parties, in the absence of the alien.

Subsection (b) makes it clear that nothing in this Act (directing the AG to begin deportation proceedings as quickly as possible after a conviction) shall be construed to create a legally enforceable right or benefit.

Section 508—Criminal alien tracking center

Utilize a criminal alien tracking center that can assist Federal, state and local law enforcement agencies to track aliens who may be subject to deportation by reason of their conviction of aggravated felonies through their prison sentences and afterwards until they are deported.

Section 509—Prison transfer treaty study

Require the Attorney General and the Secretary of State to report on the use and effectiveness of the Prisoner Transfer Treaty with Mexico, to remove from the U.S. aliens who have been convicted of crimes in the U.S.

Section 510—Expediting criminal alien deportation and exclusion

This Section will allow the deportation of a criminal alien, in certain cases, prior to completion of his/her sentence if the INS petitions the appropriate court or authority to release the alien to the Service in order to execute an order of deportation. If the alien returns to the U.S. he will have to serve the remainder of his sentence and serve additional time for immigration violations.

Section 511—Incarceration of or payment for criminal aliens by the Federal Government

This section requires the Federal government to take custody of criminal aliens who are incarcerated in state or local correctional facilities or else contract with the state or local government to pay for the cost of incarceration.

TITLE VI—TERRORIST ALIENS

Section 601—Removal of alien terrorists

In deporting alien terrorists, this section establishes the use of special court procedures when a deportation proceeding would pose a risk to the national security of the U.S. because such proceedings would disclose classified information. In addition to permitting the use of classified information, this section also addresses appeals procedures in such cases.

Section 602—Membership in a terrorist organization as a basis for exclusion from the U.S. under the Immigration and Nationality Act

The section provides that membership in a terrorist organization is sufficient cause for exclusion.

TITLE VIII—INSPECTIONS

Section 701—Preinspection at foreign airports

Preinspection both combats illegal immigration by preventing undocumented aliens from reaching U.S. soil and reduces delays at domestic airports. This section provides for INS to establish preinspection stations at 5 of the 10 most heavily trafficked foreign airports within 2 years of this bill's enactment and to establish another 5 in 4 years.

This section requires that before establishing a preinspection station, the Attorney General shall ensure that U.S. employees at the station and their families will receive protection and will not be subject to safety risks, and that the country in which the station is established maintains practices and procedures in accordance with the 1951 Convention Relating to the Status of Refugees.

Section 702—Training of airline personnel in detection of fraudulent documents

Airline Personnel at foreign airports must examine a passenger's travel documents before the passenger boards the airplane. However, many aliens are boarding airplanes headed for the U.S. by using fraudulent documents, indicating that airline personnel are not receiving adequate training to detect such documents.

This section requires INS to use at least 5% of the money in the Inspections Fee Account in order to train airline personnel in the detection of fraudulent documents. If an airline fails to participate in INS training programs regarding the detection of fraudulent documents, the Attorney General may suspend the airline's landing rights.

Section 703—Passport and visa offenses penalties

Modify the penalties for certain passport and visa related fraud.

TITLE VIII—ASYLUM

Section 801—Inspection and exclusion by immigration officers

Aliens seeking to immigrate to the United States are increasingly using commercial international flights to circumvent U.S. immigration laws. The number of aliens arriving at U.S. airports with either fraudulent or no documents has grown explosively in recent years. Most arrivals are paroled into the community with instructions to report several months in the future for a hearing before an immigration judge. Many of these individuals do not show up for their hearing and simply disappear.

Expedited Exclusion

This section rewrites sec. 235(b) of the INA, which governs inspection and exclusion, and provides for an expedited exclusion procedures for aliens who (1) arrive either at ports of entry or elsewhere in the U.S., (2) do not have proper documentation, and (3) do not have a credible claim of persecution.

Under this provision, if the examining immigration officer determines that an alien seeking entry to the U.S. does not present the documentation required to obtain entry to the U.S. and doesn't indicate a fear of persecution, the officer may exclude the alien without further hearing or review.

If an alien does not have the proper documentation required for entry but indicates a fear of persecution, the examining officer must refer the alien to an INS asylum officer at the port of entry. Then, if the asylum officer determines the alien has a credible fear of persecution, the alien is entitled to apply for provisional asylum. If the asylum officer determines that an alien does not have a credible fear of persecution, the officer can order the alien excluded from the United States, subject to immediate supervisory review.

Credible fear of persecution is defined as a significant possibility that the alien could establish eligibility for provisional asylum and that it is more probable than not the statements made in support of the alien's claim are true.

The only type of judicial review authorized for an alien found excludable under the expedited exclusion provision is a petition for habeas corpus. Such habeas corpus review is limited to determining whether the petitioner is an alien and whether the petition was ordered excluded under the expedited exclusion procedures.

Exclusion and Deportation

Section 801 also changes the procedures by which some aliens are removed from the country. Currently, aliens who are apprehended at a port of entry are entitled to an exclusion hearing. However, aliens who have "entered" the U.S., including aliens who have entered the U.S. illegally, are entitled to the more cumbersome procedures of deportation. Thus, it is considerably more difficult to remove aliens who succeed in entering the U.S. than those who are apprehended at a port of entry.

This section provides that an alien has not "entered" the United States for purposes of the INA unless the alien has been inspected and admitted by an immigration officer, but who has been physically present in the U.S. for a continuous period for 1 year, will be considered to have entered the U.S. and will be removable through deportation procedures.

Section 802—Asylum

Currently, adjudication of an asylum claim through the various administrative and judicial levels is extremely time consuming. Underserving applicants have taken advantage of the present backlogs (over 300,000 pending asylum cases) and unnecessary levels of review and appeal to delay for years and years the resolution of their cases.

This section rewrites sec. 208 of the INA, involving asylum, to revamp and streamline the asylum process.

Qualifications

Under current law, an alien who fears persecution can apply for asylum under sec. 243(h) of the INA, or in many circumstances, both. To be granted asylum, an alien must prove that the alien has a "well-founded fear" of being persecuted, whereas to be granted withholding an alien must prove that his or her life or freedom "would be threatened" by persecution. The courts have interpreted "would be threatened" to mean "more likely than not" and well founded fear" to mean "good reason to fear" a burden of proof that is not as great as more likely than not. A grant to asylum is discretionary with the Attorney General. A grant of withholding of deportation is mandatory if the applicant meets the requirements of sec. 243(h).

Under the new sec. 208 an alien who fears persecution would be allowed to apply for only one form of relief, provisional asylum.

The section retains the existing burdens of proof in that (1) the Attorney General is required to grant provisional asylum to an alien who establishes that it is "more likely than not" that the alien would be persecuted in his or her home country and (2) the Attorney General is given the discretion to grant provisional asylum to an alien who establishes a "good reason to fear" persecution.

Reflecting current practice, the Attorney General may not grant provisional asylum to an alien who participated in persecution, has been convicted of a particularly serious crime, or is a danger to U.S. security. The Attorney General is directed to promulgate regulations specifying additional limits making aliens ineligible for discretionary provisional asylum. An alien is also not entitled to provisional asylum if the A.G. determines there is another country to which the alien can be sent where the alien will not be persecuted.

The Attorney General is authorized to terminate provisional asylum status for an alien who is no longer subject to persecution because of changed circumstances in the alien's home country. Status may also be terminated if it is discovered the alien was ineligible for provisional asylum, or if a country has been identified to which the alien can be sent where the alien will not be persecuted.

The section also requires an applicant to submit to being fingerprinted and photographed in order to ensure a means of identifying applicants and to determine which applicants fail to appear for hearings.

Deadlines for Applications

Currently there are no deadlines by which asylum applications must be filed. An alien who has been in the U.S. illegally for years may claim asylum at any time. This allows aliens to use asylum as a defense to deportation.

This subsection establishes deadlines for provisional asylum applications. An alien is required to file a notice of intent to file a provisional asylum application within 30 days after arriving in the U.S. The application itself must be filed within 60 days. An applicant who misses the deadlines is allowed to apply only if he or she can show that circumstances changed in the home country after the deadline expired.

Applications for asylum will not be considered for persons previously denied asylum in countries that utilized a full and fair procedure as dictated in multilateral agreements between that country and the U.S.

Reasonable fees may be charged for these applications and employment authorization will only be granted at the discretion of the Attorney General rather than automatically upon application. Applications will also be dismissed if an alien does not appear for this hearing, unless he can show exceptional circumstances.

Adjustment of Status

This Section also allows aliens who have been granted provisional asylum to receive full asylum status. To do so an alien must be present in the U.S. in provisional asylum status for one year, continue to be eligible for provisional asylum, not be firmly resettled in any other country, and be admissible for adjustment under the same status. After being in asylum status for one year, the alien and the alien's spouse and children can adjust to permanent resident status. The Attorney General may charge a reasonable fee for the filing of an asylum application.

Frivolous Applications

Under this provision, any alien who received notice of the consequences of filing a frivolous provisional asylum application and who files such application will not be eligible in the future for any immigration benefits under the INA. Applications which contain willful and material misrepresentations will be considered frivolous.

Section 803—Failure to appear for asylum hearing; judicial review

Under this section, an alien who was given proper notice and fails to appear for a provisional asylum hearing will not be eligible in the future for any immigration benefit under the INA.

This section also provides that judicial review of provisional asylum cases will be heard by the appropriate Federal Court of Appeals. A determination granted or denying provisional asylum on the basis of a claim of changed circumstances will be in the sole discretion of the Attorney General.

Section 804—Conforming amendments

This section contains conforming amendments to the INA.

Section 805—Effective dates

Most amendments made by Title VIII would take effect on the date of enactment of the act. Some effective dates are after enactment of this act in order to allow INS time to prepare for the changes.

Section 901—Reduction in overhead costs incurred in federally sponsored research

Provides for a reduction in overhead costs incurred in federally sponsored research by limiting the reimbursement rate for a university to 50% for overhead/indirect costs incurred for conducting R&D that the government sponsors. CBO estimates this will produce savings of $1.24 billion dollars over the 5 year period FY 1995 through FY 1999.

By Mr. CRAIG (for himself, Mr. DOMENICI, Mr. DECONCINI, Mr. WALLOP, Mr. BENNETT, Mr. BINGAMAN, Mr. BURNS, Mr. HATCH, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SIMPSON, and Mr. STEVENS):

S. 2106. A bill to establish a fee schedule for users of communications sites on public lands, and for other purposes; to the Committee on Energy and Natural Resources.

THE EQUITABLE COMMUNICATION SITE FEE ACT OF 1994

Mr. CRAIG. Madam President, thousands of broadcast towers, translators, microwave relay stations, and other telecommunications facilities licensed by the Federal Communications Commission are located on Federal sites across the United States. They provide a vital public service to our local communities, particularly those in the rural West, where communication outlets are few and cable television is often not available.

Yet this important communications link is in danger of being broken if the Congress does not resolve the problem of determining an equitable fee increase for the use of communications sites on Federal lands.

I'm pleased to report that Senators DOMENICI, DECONCINI, WALLOP, and I are introducing legislation based on the Congress' own Radio and Television Broadcast Use Advisory Committee report: the Equitable Communication Site Fee Act of 1994. We are joined in introducing the bill today by Senators BENNETT, BINGAMAN, BURNS, HATCH, KEMPTHORNE, MURKOWSKI, PRESSLER, SIMPSON, and STEVENS.

As many of my colleagues know, over the years, the BLM and Forest Service have put forward a number of proposals to increase communication site fees—sometimes as much as 1,500 percent. Both broadcasters and nonbroadcasters agree that some increase in these fees is justified, but an increase along the lines proposed by these agencies would have shut down many operations. It's for that reason the Appropriations Committee has repeatedly approved moratoriums stopping those proposals.

In an attempt to find a more equitable fee increase, the Congress included a provision in the 1992 Interior appropriations bill, establishing an advisory committee consisting of representatives from industry, BLM, and the Forest Service. After studying the issue, the advisory committee issued a report containing the elements necessary to finally resolve this ongoing problem. The report included proposed fee increases ranging from approximately 200 to 900 percent. Although these are dramatic increases, they were based on a methodology that took into account the market in which the user operates, and therefore reflect fair market value.

The bill we are introducing today would implement the advisory committee's recommendations. It would also address modifications for nonbroadcast users, based on the same methodology used for the broadcasters. I'm happy to note that broadcasters and nonbroadcasters are supportive of these recommendations and willing to pay the higher fees.

Madam President, we must not continue wasting Federal resources by postponing this decision year after year. The Equitable Communication Site Fee Act would resolve this issue fairly and reasonably. I hope my colleagues agree and will support the bill with their cosponsorship and their vote.

This is to establish a fair and equitable formula for those communications sites and towers very critically important to the communications and broadcast system of the Rocky Mountain States and your State of California, and others, that there is now an equitable process for determining annualized fees for both the public and private sector in their need to stake out high ground for the purpose of communication.

Madam President, let me conclude my introducing legislation today better known as the Equitable Communications and Site Fee Act of 1994.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equitable Communication Site Fee Act of 1994".

SEC. 2. RADIO AND TELEVISION USE FEE.

The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) is amended—

(1) by redesignating sections 510 and 511 as sections 511 and 512, respectively; and

(2) by inserting after section 509, the following new section 510:

"SEC. 510. USE FEES FOR USERS OF COMMUNICATIONS SITES ON PUBLIC LANDS.

"(a) DEFINITIONS.—For the purposes of this section—

"(1) the term 'ADI TV households' means the area of dominant influence for television, an exclusive geographic area based on measurable television viewing patterns, as described in section 73.3555(e)(3)(i) of title 47, Code of Federal Regulations, or any succeeding regulation;

"(2) the term 'commercial mobile radio communications site' means a multipurpose communications site that is—

"(A) operated for profit;

"(B) operated by a site owner, manager, or permittee who leases space to a variety of users, including individuals and businesses of all sizes, for the purpose of providing—

"(i) land mobile radio communications services;

"(ii) paging services;

"(iii) cellular telephone services;

"(iv) private or commercial mobile services;

"(v) radio or television broadcasting services;

"(vi) microwave transmissions; and

"(vii) satellite receiver stations; and other related and compatible users and services; and

"(C) is located on a site managed by either the United States Forest Service or the Bureau of Land Management under the terms of a lease, permit, or right-of-way;

"(3) the term 'FM translator station' means a station in the broadcast service operated for the purpose of retransmitting the signals of an FM radio broadcast station or another FM broadcast translator station without significantly altering any characteristic of the incoming signal other than its frequency and amplitude, for the purpose of providing FM broadcast service to the general public;

"(4) the term 'holder' means an individual, partnership, corporation, association, or other business entity, and any Federal, State, or governmental entity that has applied for, and received, a site use authorization;

"(5) the term 'MSA population' means the metropolitan market survey area for radio in an exclusive geographic area based on measurable listening patterns;

"(6) the term 'private radio communication site' means a communications site that—

"(A) is operated by an entity to provide internal telecommunications capabilities;

"(B) is operated by an individual, industry, or other entity with private telecommunications service requirements;

"(C) provides land mobile, aeronautical, maritime, microwave, or satellite radio services; and

"(D) is located on a site managed by either the National Forest Service or the Bureau of Land Management under the terms of a lease, permit, or right-of-way;

"(7) the term 'radio broadcast communications site' means a site on which is located a commercial broadcast station that—

"(A) is licensed for the dissemination of aural communications intended to be received by the general public;

"(B) is operated on a channel in either—

"(i) the AM broadcast band of frequencies, which extends from 535 to 1705 kHz; or

"(ii) the FM broadcast band, which extends from 88 to 108 MHz;

"(C) is located on a site managed by either the United States Forest Service or the Bureau of Land Management under the terms of a lease, permit, or right-of-way; and

"(D) does not include the operation of—

"(i) FM translators;

"(ii) FM boosters;

"(iii) AM synchronous transmitters; or

"(iv) passive repeaters that operate pursuant to part 74 of title 47, Code of Federal Regulations, or succeeding regulation;

"(8) the term 'Secretaries' means the Secretary of Agriculture and the Secretary of the Interior;

"(9) the term 'site use authorization' means a permit, term permit, lease, easement, or right-of-way that authorizes occupancy, use, rights, or privileges on public land for the transmission or reception of radio, television, telephone, telegraph, and other electronic signals and other means of communication;

"(10) the term 'television broadcast communications site' means a site on which is located a commercial broadcast station that—

"(A) is licensed for the transmission of simultaneous visual and aural signals intended to be received by the general public;

"(B) is operated on a channel in the television broadcast band, which extends from 54 to 806 MHz;

"(C) is located on a site managed by either the United States Forest Service or the Bureau of Land Management under the terms of a lease, permit, or right-of-way; and

"(D) does not include the operation of—

"(i) low power television stations;

"(ii) UHF or VHF television translator stations; or

"(iii) passive repeaters that operate pursuant to part 74 of title 47, Code of Federal Regulations, or succeeding regulation; and

"(11) the term 'television translator station' means a station in the broadcast service operated on a VHF or UHF channel for the purpose of retransmitting the programs and signals of a television broadcast station, without significantly altering any characteristic of the original signal other than its frequency and amplitude, for the purpose of providing television reception to the general public.

"(b) BROADCAST COMMUNICATIONS SITES.—

"(1) ESTABLISHMENT OF FEE.—The Secretary of Agriculture, with respect to National Forest System land administered by the Forest Service, and the Secretary of the Interior, with respect to public lands administered by the Bureau of Land Management, shall establish and collect an annual fee for the use of radio and television communications sites and commercial mobile radio communications sites located on public lands in accordance with the following fee schedules:

"(A) TELEVISION AND RADIO BROADCAST COMMUNICATIONS SITES.—

"Television Rental Fee Schedule

"ADI TV Households (Rank)	Rental Fee
1–10	$42,000
11–30	21,000
31–70	10,500
71–120	5,250
121–210	2,625
Non-ADI	2,500.

"Radio Rental Fee Schedule

"MSA Population (Rank)	Radio Rental Fee
1–10	$29,400
11–30	14,700
31–90	7,350
91–160	3,675
161–261	1,838
Unrated	1,500.

"(B) COMMERCIAL MOBILE RADIO COMMUNICATIONS SITES.—

"Nonbroadcast Fee Schedule

"Population Served	Rental Fee
1,000,000 +	$12,000
500,000–999,999	5,000
250,000–499,999	3,500
150,000–249,999	2,000
75,000–149,999	1,000
30,000–74,999	500
29,999 and fewer	300.

"(2) ANNUAL REVIEW.—The fees established under this section shall be reviewed annually by the Forest Service and the Bureau of Land Management.

"(3) ADJUSTMENT.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the fee established under this section shall be adjusted annually to reflect changes in the Consumer Price Index published by the Department of Labor.

"(B) LIMITATIONS.—

"(i) The fee charged for a television or radio broadcast communications site for any given year shall not increase less than 3 percent or more than 5 percent of the fee charged to the holder in the preceding year.

"(ii) The fee charged for a commercial mobile radio communications site for any given year shall not increase less than 1 percent or more than 3 percent of the fee charged to the holder in the preceding year.

"(C) NOTICE.—Not later than 60 days before the effective date of an adjustment under this paragraph, the Secretaries shall transmit to Congress notice of such adjustment.

"(4) LIMITATION ON FEE.—During the first year in which the schedule established pursuant to paragraph (1) is in effect, if the amount of the fee charged for a holder pursuant to the schedule is—

"(A) greater than the amount that the holder paid for the use of the site on January 1, 1993, plus $1,000, the holder shall pay an amount equal to the sum of—

"(i) the amount the holder paid for the use of the site on January 1, 1993; and

"(ii) $1,000; or

"(B) less than the amount the holder paid for the use of the site on January 1, 1993, the holder shall pay the greater amount until such time as the fee charged under the schedule equals or exceeds the amount charged on January 1, 1993.

"(5) ADDITIONAL USERS.—In the case of a television or radio communications site—

"(A) if a holder is permitted under the terms of the site use authorization to grant access to the site to users other than the holder, the Secretary concerned shall charge an annual fee in an amount equal to 25 percent of the gross income the holder receives from additional users during each year;

"(B) each site use authorization shall require the holder to provide to the Secretary concerned a certified list identifying all additional users of the site and gross revenues received from each additional user; and

"(C) additional users shall not be required to obtain separate authorization to use the site.

"(6) TRANSLATOR STATIONS.—The Secretary of the Interior, with respect to public lands administered by each of its internal bureaus, including the Bureau of Land Management, shall establish and collect an annual fee for the use of television translator stations and FM translator stations located on public lands, in accordance with the regulations governing the collection of such fees on National Forest System land administered by the National Forest Service of the Department of Agriculture.

"(7) REGULATIONS.—The Secretaries shall promulgate and implement appropriate regulations to carry out this section. The regulations shall implement consistent policies and procedures between the Department of Agriculture and the Department of the Interior.

"(8) ADVISORY GROUPS.—

"(A) ESTABLISHMENT.—Not later than 10 years after the date of enactment of this section, the Secretaries shall establish a broad-based advisory group for each of—

"(i) the television and radio broadcast industries; and

"(ii) the commercial mobile radio industry.

"(B) MEMBERS.—The members of each advisory group shall include representatives from the relevant communications industries.

"(C) DUTIES.—The advisory groups shall review the fee schedule and other criteria for determining fair market value for the use of communications sites on public land.

"(D) REPORT.—Not later than 1 year after the date on which the advisory groups are established under this paragraph, the advisory groups shall report their findings to Congress.

"(c) ADVISORY COMMITTEE FOR PRIVATE RADIO COMMUNICATIONS SITE USERS.—

"(1) ESTABLISHMENT.—The Chief Forester of the National Forest Service and the Director of the Bureau of Land Management shall jointly establish a broad-based advisory committee. The advisory committee shall be comprised of an equal number of representatives from—

"(A) private radio communications site users from public and private communications sites;

"(B) the National Forest Service; and

"(C) the Bureau of Land Management.

"(2) DUTIES.—The advisory committee shall—

"(A) review recommendations for acceptable criteria for determining fair market values and next best alternative uses;

"(B) review existing methodology for determining fair market value and next best alternative uses;

"(C) assess the validity of the methodology, taking into account all reasonable alternatives; and

"(D) evaluate and recommend appropriate fee waivers or discounts for public services by communications site users who provide for the public convenience, interest, and necessity, as required for licensing under the Communications Act of 1934.

"(3) REPORT.—Not later than 8 months after the date of enactment of the Equitable Communication Site Fee Act of 1994, the advisory committee shall report its finding to the Committees on Appropriations of the Senate and the House of Representatives.".

Mr. DECONCINI. Madam President, I rise today to join Senator CRAIG, and others in sponsoring the Equitable Communications Site Fee Act of 1994. I commend the distinguished Senator from Idaho for his diligence in developing and introducing this very important legislation. For over 8 years, Congress and the Federal agencies have been working to resolve the issue of what constitutes fair market value for communication sites on public lands administered by the Bureau of Land Management and the Forest Service.

In 1992, the Appropriations Committee established an 11 member advisory committee to study this important issue and make recommendations. This committee was appointed jointly by the Secretaries of Agriculture and Interior and represented a broad spectrum of experts from Government agencies, private industry, an appraiser, and representatives from the BLM and the Forest Service. The report was finalized in December 1992. The advisory committee made a number of valuable recommendations to implement a fee structure that would reasonably increase communication site fees on public lands. Our bill would implement the recommended fee structure contained in the advisory committee's report.

Over the past 4 years, the administration has moved to increase the fees charged to broadcast and non-broadcast users of communication sites to reflect fair market value. Fair market value appraisals developed by the Forest Service proposed increases as high as 2,650 percent over current rates. Rate increases of this magnitude would drive many users of these sites out of the markets they serve, rural areas in particular. Moratoriums in the Interior Appropriations bill have prevented these huge rate increases, but this process is costing the Federal Government money every year.

Both broadcasters and non-broadcasters are willing to pay higher fees and are supportive of this bill. The bill provides limitations to the amount that fees can be adjusted during the first year for which the fee schedule is established. It also provides for annual adjustments to the fees based on changes in the Consumer Price Index with appropriate adjustment limitations for any given year. This will allow broadcasters and non-broadcasters to adapt to the new fee schedules in an orderly manner and minimize the impact to their operations.

Madam President, I urge my colleagues to support the Equitable Communication Site Fee Act of 1994, to raise communication site fees and resolve this longstanding problem.

Mr. BURNS. Madam President, I am pleased to cosponsor with my good friend and colleague Senator LARRY CRAIG and others, legislation to set fair broadcasting user fees on Federal lands.

As a former broadcaster and member of the Senate who takes a personal, active interest in national communications policy, I know first-hand how rural communities in Western States heavily rely upon local radio and television broadcasting service.

Broadcasting service is not merely entertainment. More importantly and critically, its local news, weather, public service, farming and ranching news, high school sports events, and so forth—all provided free to the public and vital to a community's proper functioning.

The best sites for broadcasting transmitters in Western States dominated by mountainous terrain are mountain tops which often are on Federal lands.

Mountain transmission ensures that broadcast signals have clear reception. Broadcasters, in most cases, have no other choice but to build their towers on mountains in order to reach and serve their community of license.

These mountains are owned primarily by the Federal Government and managed either by the U.S. Forest Service or the BLM. At the same time, these sites are good for little other than broadcast towers or sheep grazing.

All sides recognize that increases in rental fees for these Federal sites are appropriate. But the agencies need to balance fair return for these rentals with a recognition of the vital, free public service provided by the broadcast site lessors.

That fairness and balance has been lacking to date in the proposed unfair, unjustifiably high increases by agencies. That is why Congress has blocked these increases for 5 years in a row, and why Congress established an advisory group to develop recommendations for a fair resolution of this issue.

This bill simply codifies into law the recommendations of the advisory group which appears to me to be fair, reasonable, and sound solution.

The advisory group recommends a fee schedule, which is much easier to implement than individual site appraisals. The schedule reflects the public service that these broadcast stations provide, and reflects appropriate distinctions between fees for radio and television stations. The schedule would provide for substantial increases in the monies the Federal Government would receive from these sites.

Congress cannot support any proposal that merely seeks to raise the most money possible from these broadcasters, who are providing vital service to their local communities. The advisory group recommendations are sound, and I believe that this Congress should codify them and put this contentious issue to rest.

Mr. HATCH. Madam President, I rise today to express my support for the Equitable Communication Site Fee Act of 1994 introduced by my colleagues, Senators CRAIG, DOMENICI, WALLOP, and DECONCINI and others. Adoption of this legislation will finally, and fairly, address the ongoing issue of assessing an equitable fee increase for the use of communication sites on public lands.

The issue of charging a fee to broadcasters and nonbroadcasters who use sites on lands administered by the Bureau of Land Management [BLM] or the U.S. Forest Service [USFS] is critical to Utah. In fact, the directive prohibiting these agencies from assessing a dramatic increase in these fees was first proposed in 1987 by my former colleague, Jake Garn, and similar language has been adopted by this body every year since then.

This yearly discussion on this issue led to the creation in 1992 of the Radio and Television Broadcast Use Fee Advisory Committee composed of individuals representing Federal, State, and local governments, and private or commercial interests in the communications area. I am pleased to note that Mr. Kent Parsons from Monroe, UT, was a member of that committee. The legislation we are introducing today will implement the committee's report and address other modifications for nonbroadcast users.

The prime sponsors have discussed the legislation in detail, so I will not repeat what has already been stated. But, I would like to briefly indicate for my colleagues why the solution contained within this legislation is so critical to Utah.

Utah is home to one-tenth of the country's broadcast translators, representing a total number of approximately 100 locations. The large majority of these translators are located on public land managed by the BLM and USFS. The primary purpose for these translators is to provide radio and television signals emanating from the heavily populated Wastach Front to the rural areas of Utah. Without these translators, 20 percent of Utah's total population would be unable to access radio, television, or cable signals. Most people in our society take their access to radio and television for granted.

Those who own and operate our translators in Utah are key to keeping this portion of our population "plugged in," in many respects, with the day-to-day occurrences throughout the world. These owners are primarily nonprofit entities, such as municipalities, counties, or civic groups; commercial broadcasters, who lease very few sites throughout Utah, are heavily dependent on these nonprofit entities to operate and maintain the translators. If the fees to lease these sites increase dramatically, commercial broadcasters will be unwilling to pay the higher rent required by the nonprofit groups to continue the annual operation and maintenance involved with the translator. It simply will not make economic sense to the commercial broadcast stations in our State to pay a huge amount for a service that only minimally expands its audience. The owners of the translators will be placed in an untenable situation, and will, more likely than not, be forced to discontinue operation of the translator.

There are also other benefits, other than commercial radio, television or cable broadcasts, that are received by our communities from these stations. For example, the translator station located on USFS land on Kaysville Peak, just north of Salt Lake City, provides a direct link between the Davis County School District administrative offices and the district's school buses. Without this station, the district's ability to communicate with individual buses and manage the daily bus system would be severely impaired, if not logistically impossible. The communications link provided by the Kaysville Peak translator is also a safety link for those transporting children on rural roads in bad weather. On a side note, this body recently adopted legislation I introduced to give Kaysville City the right to continue to operate and maintain this station, thus ensuring continue functioning of this radio link throughout the school year. For that, I thank my colleagues.

Most of Utah's translator operators recognize that an increase in the fees paid for access to Federal lands may be in order. But, a large increase implemented in a short period of time will have the effect I just described. An increase that is fair and that is incorporated over a sufficient time period is the right medicine to resolve this situation. The Utah Broadcasters Association has indicated their strong support for this legislation.

Madam President, the Salt Lake Tribune recently labeled Utah's translator system one of the most complex in the world, as "mountaintop hopscotch." I think it would be helpful for my colleagues in understanding this issue to describe how a signal moves from Salt Lake City to Henrieville, a city with a population of 126, which is located 272 miles south of Salt Lake City. As the newspaper reported, "the signal originates at the privately-owned transmitted tower sites in the Oquirrh Mountains west of Salt Lake City. It is picked up and boosted first at a site above Levan, then again at Monroe Peak in Sevier County—then onto a peak above Bryce Canyon National Park—then over to Henderson Rim in Garfield County—across to the City of Tropic—and into Henrieville."

If any one of these links is not operational, the system breaks down, and the signal will not make it to the residents of Henrieville. There are many other network examples, even more complex than this one, that demonstrate how crucial these translator stations are to communicating with our rural areas.

Since 70.2 percent of Utah's land is owned and managed by the Federal Government, there are very limited alternatives available to local governments and community groups on which to locate these stations other than on public lands.

As I mentioned, Mr. Kent Parsons from Monroe, UT, with considerable experience in communication sites in 10 western states over a 36-year period, served on the Radio and Television Broadcast Use Fee Advisory Committee. He indicated in a letter to me last year that the committee's report, which is the basis for Senator CRAIG'S legislation, achieved "the best solution to a very complex and controversial fee increase proposal." He went on to say that the committee spent considerable time—approximately 65 hours of meetings—to arrive at a consensus fee increase proposal that was "not only fair, but also reasonable." Mr. Persons closed his letter by stating that any effort moving away from the committee's fee proposal would be tantamount to "taking us back to square one" on this issue.

I agree wholeheartedly with Mr. Parsons, which is why I am strongly supporting the fair, reasonable, and workable solution outlined in this legislation. I commend my colleagues for their work on this issue. In particular, my good friend from Idaho, Senator CRAIG, has shown tremendous leadership in putting the advisory committee's proposal formally before this body.

I encourage my colleagues to review the product of the committee and to support this legislation that embodies its recommendation.

By Mr. SPECTER:

S. 2107. A bill to authorize the appointment of an additional bankruptcy judge for the eastern district of Pennsylvania; to the Committee on the Judiciary.

EASTERN DISTRICT OF PENNSYLVANIA BANKRUPTCY JUDGESHIP ACT OF 1994

Mr. SPECTER. Mr. President, I am introducing legislation today to authorize the creation of a new bankruptcy judgeship for the eastern district of Pennsylvania. This measure follows on a recommendation by the Judicial Conference of the United States, after a careful review of the bankruptcy caseload in the district, to create a new bankruptcy judgeship there.

From 1961 to 1991, there were three bankruptcy judges in the eastern district of Pennsylvania. During this period, bankruptcy filings in the eastern district increased 1,630 percent. In 1991, in order to address the caseload crisis in the court, I introduced legislation to create an additional bankruptcy judgeship in the eastern district. I subsequently introduced a second bill to authorize the creation of two new bankruptcy judgeships for the district, to bring the number of bankruptcy judges there to five. That legislation was incorporated into broader legislation, creating 32 new bankruptcy judgeships nationally, that was enacted in 1992. Despite the adoption of this legislation authorizing two additional bankruptcy judgeships for the eastern district, the positions were not funded and filled until late in 1993.

The same circumstances that led to the creation of the two additional bankruptcy judgeships in 1992 are present again. Information provided to me by the eastern district reflects a need for the creation of additional bankruptcy judgeships.

In the 4-year period ending September 30, 1993, bankruptcy filings in the eastern district increased 42.9 percent, from 8,258 cases in fiscal year 1990 to 11,800 cases in fiscal year 1993. During the same period, the number of chapter 11 business reorganization filings increased from 257 in fiscal year 1990 to 377 in fiscal year 1993, an increase of 46.7 percent. The number of chapter 11 filings is particularly relevant because these filings require a substantial amount of judicial time. The number of chapter 13 filings for this period greatly exceeded the national average.

The eastern district has also informed me that its bankruptcy judges face one of the most complex caseloads of any bankruptcy court in the country. The weighted caseload for the eastern district is substantially higher than the national average. The weighted caseload is a means developed by the judiciary to measure the complexity of cases; it assigns a larger number to more complex cases that take more time than routine matters. During fiscal year 1992, the eastern district had a weighted caseload of 1,969 case-related hours per judge compared with the national average of 1,437 case-related hours per judge. These figures indicate that the bankruptcy judges in the eastern district handled a weighted caseload that was 37 percent higher than the national average. Even after the recent creation and filling of the two new judgeships, the eastern district has the fifth heaviest weighted bankruptcy caseload in the Federal judicial system.

In September 1993, in response to the ever-increasing bankruptcy caseload in the eastern district of Pennsylvania, the judges of the eastern district recommended that additional bankruptcy judgeships for the district be created. The Judicial Conference of the United States, acting pursuant to this recommendation, has recommended the addition of a new bankruptcy judgeship in the eastern district. In the opinion of the Federal judiciary, therefore, the creation of a new bankruptcy judgeship for the eastern district of Pennsylvania is vital to the continued functioning of the Federal judicial system in the 10 counties in eastern Pennsylvania.

After reviewing information submitted to me by the eastern district, I agree that the need exists for the creation of a new bankruptcy judgeship in the eastern district of Pennsylvania to address the increased caseload and cure the disparity in weighted caseload between the eastern district and bankruptcy courts in the rest of the Nation. Accordingly, I am introducing legislation to authorize the creation of a sixth permanent bankruptcy judgeship in the eastern district of Pennsylvania. I hope that this legislation will be swiftly considered and adopted by the Congress.

Mr. President, I ask for unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL BANKRUPTCY JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

Section 152(a)(2) of title 28, United States Code, is amended in the item relating to the Eastern District of Pennsylvania by striking "5" and inserting "6".

By Mr. ROTH:

S. 2108. A bill to express U.S. policy with respect to the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

NATO REVITALIZATION ACT

Mr. ROTH. Mr. President, I arise today to introduce the Roth-Hyde bill on the expansion of the North Atlantic Treaty Organization. I send a copy of the bill to the desk.

Last January, President Clinton met with the political leaders of NATO's other 15 member nations. Many of us had hoped that from that meeting would come a proposal to allow Central European democracies which aspired to NATO membership to join our alliance.

In the event, no such clear proposal emanated from the Brussels summit and the Senate subsequently spoke out in favor of expanding the alliance by passing the McConnell amendment to the State Department authorization bill by a voice vote of 94 to 3.

Instead of proposing an immediate expansion of NATO, the alliance's political leaders issued an invitation to all members of the former Warsaw Pact, all CIS member states and all traditionally neutral nations to join the so-called Partners for Peace Program.

Under the aegis of this program, applicants would negotiate agreements with NATO Headquarters, agreements which would allow them to undertake a variety of cooperative undertakings with NATO's Armed forces, the exact nature of these undertakings varying with the capabilities of the different applicants.

The Partners for Peace initiative does not, contrary to many commentators, contradict the need to expand NATO. To the contrary, in issuing the invitation to join the initiative, NATO leaders specifically stated and reserved to themselves the right to expand the alliance's membership.

I would like to say to my colleagues who, like me, support alliance expansion that we should support Partners for Peace. Any NATO expansion initiative which permits three of four Central European nations to enter the alliance will leave several disappointed, rejected governments in Eastern Europe. Consequently, any initiative to expand NATO into Central Europe will have to be accompanied by some sort of NATO outreach program in Eastern Europe.

That program would demonstrate that, while some states are regarded as unready for full NATO membership, the alliance wishes to cooperate with them and to assist them in their endeavors to consolidate their democracies. Partners for Peace is such a program. In my opinion, if handled properly, it can provide that broad context within which a narrower, prudent expansion of NATO can take place.

My colleague, Congressman HYDE, and I are introducing our bill because we both believe that the serious work which will stem from the Partners for Peace initiative has not yet been undertaken. Now it is time to put some flesh on the bare bones of this initiative.

Most notably, the Clinton administration has made no effort to establish the relationship between Partners for Peace and alliance expansion. What criteria should applicants be expected to meet, what milestones should they pass, under the aegis of this program, that will make them eligible for full alliance membership? If Partners for Peace is to live up to its potential, these questions must be answered.

Consequently, the bill which Congressman HYDE and I are introducing calls upon the Clinton administration to initiate a fleshing out of Partners for Peace, one which will lay down clear criteria of alliance expansion and thereby clarify the path which those who seek membership in the alliance must take.

Mr. President, when the Partners for Peace proposal was first aired, there were allegations both that the Clinton administration had formulated the initiative simply in order to sidestep the alliance expansion issue and that it had resolved to make that sidestep maneuver because the Russian Government was opposed to NATO expanding into Central Europe. I sincerely hope that these allegations are false. NATO policy should be made in Washington, DC, and in the other 15 alliance capitals.

That policy cannot and should not be made in Moscow. The Russian authorities have absolutely no right to aspire to a zone of influence in Central Europe. The governments of that region are sovereign entities, signatories to the Helsinki Final Act of the Conference on Security and Cooperation in Europe and, as such, they have the right to join any alliance or international organization they wish, free from external pressure.

If the Clinton administration did think that Partners for Peace would allow it to sidestep the expansion question, it was mistaken. Those nations who wish to join NATO genuinely feel that they need alliance membership and they will continue to press their applications. We will be able to test the administration's commitment to NATO by seeing how it responds to this initiative.

If it is not fully committed it will allow the matter to languish and it will put little U.S. effort into making Partners for Peace a going concern. If, on the other hand, it is committed, it will build on the initiative, playing a leading role in cooperative military undertakings with Partners for Peace members while, simultaneously, telling us all how the initiative relates to NATO expansion and how it can be sued to facilitate the entry into the alliance of those nations who can legitimately aspire to alliance membership.

Mr. President, no American, I am sure, wishes to repeat the experience we have undergone twice this century; no one wishes to fight another war in Europe. But the history of the last 40 years has clearly demonstrated that conflict is best avoided if would-be aggressors are deterred rather than ignored. NATO stood together and deterred the Soviet Union from launching its long-planned invasion of Western Europe.

Surely, we now must recraft NATO so that it can deter the host of lesser, but nonetheless serious, threats to stability and to our interests in Europe. Thus the peace can be kept and conflict of the type we now see in Bosnia avoided. I sincerely believe that adoption of the Roth-Hyde bill will constitute a useful step in this direction.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NATO Revitalization Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) for over 40 years, the North Atlantic Treaty Organization has helped guarantee the security, freedom, and prosperity of the United States and our partners in the alliance;

(2) the North Atlantic Treaty Organization has expanded its membership on 3 different occasions since its founding in 1949;

(3) the steadfast and sustained commitment of the member countries of the North Atlantic Treaty Organization to mutual defense against the threat of communist domination played a significant role in precipitating the collapse of the Iron Curtain and the demise of the Soviet Union;

(4) in the place of that threat, new security threats are emerging to the shared interests of the member countries of the North Atlantic Treaty Organization;

(5) although these new threats are more geographically and functionally diverse and less predictable, they still imperil shared interests of the United States and our North Atlantic Treaty Organization allies;

(6) Western interests must be protected on a cooperative basis without an undue burden falling upon the United States;

(7) the North Atlantic Treaty Organization is the only multilateral organization that is capable of conducting effective military operations to protect Western interests;

(8) the valuable experience gained from ongoing military cooperation within the North Atlantic Treaty Organization was critical to the success of joint military operations in the 1991 liberation of Kuwait;

(9) the North Atlantic Treaty Organization is an important diplomatic forum for discussion of issues of concern to its member states and for the peaceful resolution of disputes;

(10) admission of Central and East European countries that have recently been freed from Communist domination to the North Atlantic Treaty Organization could contribute to international peace and enhance the security of those countries;

(11) a number of countries, including the Visegrad countries (the Czech Republic, Hungary, Poland, and Slovakia) and the Baltic states (Estonia, Latvia, and Lithuania), have expressed interest in North Atlantic Treaty Organization membership; and

(12) in recognition of this interest, the "Partnership for Peace" proposal offers limited military cooperation to many European countries not currently members of the North Atlantic Treaty Organization, without establishing benchmarks or guidelines for eventual North Atlantic Treaty Organization membership.

SEC. 3. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to continue our commitment to and active leadership role in the North Atlantic Treaty Organization;

(2) to join with our North Atlantic Treaty Organization allies to redefine the role of the alliance in the post-Cold War world, taking into account—

(A) the fundamentally changed security environment of Central and Eastern Europe,

(B) the need to assure all countries of the defensive nature of the alliance and the desire of its members to work cooperatively with all former adversaries,

(C) the emerging security threats posed by the proliferation of nuclear, chemical, and biological weapons of mass destruction and the means to deliver them,

(D) the continuing challenges to the interests of all North Atlantic Treaty Organization member countries posed by unstable and undemocratic regimes harboring hostile intentions, and

(E) the dependence of the global economy on a stable energy supply and the free flow of commerce;

(3) to urge the North Atlantic Treaty Organization to support the eventual expansion of alliance membership to European countries that meet appropriate standards, including—

(A) shared values and interests,

(B) democratic governments,

(C) free market economies,

(D) civilian control of the military,

(E) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and

(F) commitment to further the principles of the North Atlantic Treaty Organization and to contribute to the security of the North Atlantic area;

(4) to urge the North Atlantic Treaty Organization—

(A) to extend membership to countries that meet the standards set forth by the North Atlantic Treaty Organization, and

(B) to establish benchmarks and a timetable for eventual membership for selected countries in transition; and

(5) to affirm that North Atlantic Treaty Organization military planning should include joint military operations beyond the geographic bounds of the alliance under Article 4 of the North Atlantic Treaty when the shared interests of the United States and other member countries require such action to defend vital interests.

By Mr. HOLLINGS (for himself, Mr. DANFORTH, Mr. ROCKEFELLER, Mr. BURNS, Mr. INOUYE, Mr. PACKWOOD, Mr. FORD, Mr. PRESSLER, Mr. BREAUX, Mr. BRYAN, Mr. ROBB, Mr. DORGAN, Mr. GLENN, Mr. BENNETT, Ms. MIKULSKI, Mr. HEFLIN, Mr. SHELBY, Mrs. FEINSTEIN, Mr. MURKOWSKI, and Mr. JEFFORDS):

S.J. Res. 187. A joint resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance"; to the Committee on the Judiciary.

NATIONAL APOLLO ANNIVERSARY OBSERVANCE

• Mr. HOLLINGS. Mr. President, this year marks the 25th anniversary of the historic *Apollo* 11 mission to the Moon. As chairman of the Committee on Commerce, Science, and Transportation, I am today introducing legislation to designate July 16–24, 1994, as "National Apollo Anniversary Observance." I would note that Congressman MINETA is introducing a companion resolution in the House of Representatives.

On July 16, 1969, America sent astronauts Neil Armstrong, Edwin (Buzz) Aldrin, Jr., and Michael Collins on a phenomenal voyage to the Moon. The world watched as these explorers traveled over 238,700 miles from the Earth to set foot on the surface of another world.

The mission to the Moon began in May 1961, when President Kennedy challenged the Nation to place a person on the Moon, and ensure the astronaut's safe return, by the end of the decade. With the flight of *Apollo* 11, the Nation accomplished this goal. On July 20, 1969, Neil Armstrong and Buzz Aldrin became the first humans to step onto the surface of the Moon while command module pilot Michael Collins orbited above.

As Michael Collins stated later in an address to a joint session of Congress,

> We have taken to the moon the wealth of this Nation, the vision of its political leaders, the intelligence of its scientists, the dedication of its engineers, and careful craftsmanship of its workers and the enthusiastic support of its people.
>
> We have brought back rocks, and I think it's a fair trade. For just as the Rosetta Stone revealed the language of ancient Egypt, so may these rocks unlock the mystery of the origin of the moon and indeed, even of our Earth and solar system.

The *Apollo* 11 mission to the Moon is one of the greatest achievements of our century. The *Apollo* 11 mission and subsequent missions to the Moon brought us closer to understanding the Earth and its relationship to other celestial bodies. It continues to inspire awe and wonderment, touching all cultures and each generation. The *Apollo* 11 mission not only opened the door to the future of human space flight, it broadened our perceptions of the human potential.

I encourage my colleagues to join me in cosponsoring this legislation to commemorate the 25th anniversary of our Nation's historic voyage to the Moon. I ask that the National Apollo Anniversary Observation joint resolution be reprinted in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 187

Whereas President Kennedy in 1961 called upon the United States to face the challenge of those extraordinary times by sending a mission to the Moon;

Whereas the United States Government, the National Aeronautics and Space Administration, and the American people committed great resources time, and human labor within one decade to span the 238,700 miles between the Earth and the Moon;

Whereas the United States rose to the challenge and formulated the Apollo missions culminating in the liftoff on July 16, 1969, of the Apollo 11 Mission to the Moon;

Whereas 25 years ago astronaut Neil Armstrong, with the help of Colonel Edwin (Buzz) Aldrin, Jr. (USAF) and Lieutenant Colonel Michael Collins (USAF), took that first significant step and became the first human to set foot on the surface of another world;

Whereas that small step furthered the development of space technology for the lasting benefit of all mankind; and

Whereas such an event united the world and our many cultures for a brief moment under the flag of peaceful exploration: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 16, 1994, through July 24, 1994, is designated as "National Apollo Anniversary Observance", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such period with appropriate ceremonies and activities.•

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. HATCH, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 14, a bill to amend the amount of grants received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

S. 30

At the request of Mr. ROTH, his name was added as a cosponsor of S. 30, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 293

At the request of Mr. MCCAIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 293, a bill to provide for a National Native American Veterans' Memorial.

S. 600

At the request of Mr. BOREN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 1030

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1030, a bill to amend chapter 17 of title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma counseling for veterans and to improve certain Department of Veterans Affairs programs for women veterans.

S. 1514

At the request of Mr. COVERDELL, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1514, a bill entitled the "Guaranteed Deficit Reduction Act of 1993."

S. 1691

At the request of Mr. CONRAD, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1691, a bill to amend the Internal Revenue Code of 1986 to provide taxpayers engaged in certain agriculture-related activities a credit against income tax for property used to control environmental pollution and for soil and water conservation expenditures.

S. 1704

At the request of Mr. SIMON, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1704, a bill to amend the Immigration Reform and Control Act of 1986 concerning interim assistance to States for legalization (SLIAG).

S. 1805

At the request of Mr. WARNER, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1822

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1822, a bill to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes.

S. 1843

At the request of Mr. DOLE, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1843, a bill to downsize and improve the performance and accountability of the Federal Government.

S. 1974

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1974, a bill to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform.

S. 2030

At the request of Mr. ROTH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2030, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

S. 2042

At the request of Mr. DOLE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 2042, a bill to remove the United States arms embargo of the Government of Bosnia and Herzegovina.

S. 2051

At the request of Mr. WARNER, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 2051, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 2061

At the request of Mr. BUMPERS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2061, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the names of the Senator from Georgia [Mr. COVERDELL], the Senator from New Jersey [Mr. BRADLEY], the Senator from New York [Mr. D'AMATO], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. SIMON, the names of the Senator from Connecticut [Mr. DODD] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 181, a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year".

SENATE JOINT RESOLUTION 183

At the request of Mr. ROTH, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 183, a joint resolution designating the week beginning May 1, 1994 as "Arson Awareness Week".

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the names of the Senator from Oklahoma [Mr. BOREN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

SENATE RESOLUTION 148

At the request of Mr. SIMON, the names of the Senator from Missouri [Mr. BOND], the Senator from New York [Mr. D'AMATO], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Resolution 148, a resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

SENATE RESOLUTION 185

At the request of Mr. D'AMATO, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Arizona [Mr. DECONCINI], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate

Resolution 185, a resolution to congratulate Phil Rizutto on his induction into the Baseball Hall of Fame.

AMENDMENT NO. 1695

At the request of Mr. DOLE the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Amendment No. 1695 proposed to S. 2042, a bill to remove the United States arms embargo of the Government of Bosnia and Herzegovina.

SENATE RESOLUTION 213—RELATIVE TO SENIOR POWER DAY

Mr. RIEGLE (for himself and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 213

Whereas Senior Power Day is a Michigan organization which annually brings together 4,000 to 8,000 senior citizens in order to educate them about issues concerning senior citizens and to communicate with Federal and State lawmakers about those issues;

Whereas Senior Power Day is officially recognized by the White House Conference on Aging;

Whereas on May 18, 1994, Senior Power Day again will gather at the State Capitol in Lansing, Michigan;

Whereas this year's gathering is the 20th such gathering;

Whereas the theme of this year's gathering is "Senior Power: Celebrating 20 Years of Effective Advocacy";

Whereas as part of this year's gathering, Senior Power Day will host a hearing of the Special Committee on Aging of the United States Senate; and

Whereas Senior Power Day advocates issues of concern to citizens of all ages and has emphasized the need to adopt a national health insurance plan and has stressed the intergenerational benefits of adequate health care, long-term care, and school reform: Now, therefore, be it

Resolved, That it is the sense of the Senate that May 18, 1994, should be recognized as "Senior Power Day".

AMENDMENTS SUBMITTED

HEALTH SECURITY ACT

BINGAMAN AMENDMENT NO. 1697

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill (S. 1779) to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; as follows:

On page 14, line 22, add after the period the following new sentence: "An eligible health care provider shall be compensated for health care services provided to an undocumented alien if such services are determined by the Secretary to be essential health services under subtitle I of title III.".

On page 15, line 14, add after the period the following new subsection:

"(d) PUBLIC HEALTH.—Upon application by a state, in a form and manner designated by the Board, the Board may make eligible to obtain the comprehensive benefits package, individuals described in subsections (a), (b), and (c) and regulate the nature of the eligibility of such individuals, to preserve the public health of communities while inhibiting travel and immigration to the United States for the sole purpose of obtaining health care services."

On page 577, between lines 8 and 9, insert the following new subtitle:

Subtitle I—Border Health Improvement

SEC. 3801. SHORT TITLE.

This subtitle may be cited as the "Border Health Act of 1994".

SEC. 3802. FINDINGS.

Congress finds the following:

(1) The cost of health care in the United States has reached extreme proportions, accounting for 1/7 of our economy and more than 14 percent of our Nation's gross domestic product. In 1992, United States health care spending totaled $823,000,000,000.

(2) It is estimated that 37,400,000 Americans are currently without health insurance.

(3) A serious and growing problem of uncompensated health care exists along the international border of the United States and Mexico.

(4) Increased movement across the border of United States and Mexico, rapid population growth, poverty, and the lack of a health care infrastructure contribute to the severity of this problem.

(5) Recent economic changes, including the passage of the North American Free Trade Agreement, will further stress this region.

(6) The Federal Government is charged with the responsibility of mediating problems that arise along our international borders.

(7) The cost of care provided to undocumented individuals has placed an undue burden on the hospitals, health clinics, other health facilities, and providers delivering medical services in the United States along the United States-Mexico border.

(8) The responsibility for funding health care services provided to undocumented individuals along the United States-Mexico border should rest with the Federal Government. Currently the disproportionate share of that burden is born by States.

(9) Without an increase in Federal security at the border, and in a time of significant economic development in that region, the number and cost of cases of uncompensated care will not be reduced over the coming years.

(10) Because of the excessive cost of this problem and the Federal Government's responsibility to address these issues, a mechanism for direct provider reimbursement of the cost of care provided to undocumented individuals should be developed by the Federal Government.

SEC. 3803. PURPOSE.

It is the purpose of this subtitle to establish a mechanism through which the Secretary will reimburse health care providers for specific care provided to undocumented individuals along the United States-Mexico border.

SEC. 3804. DEFINITIONS.

As used in this subtitle:

(1) COMMISSION.—The term "Commission" means the United States-Mexico Border Health Commission established under section 3806.

(2) ELIGIBLE HEALTH CARE PROVIDER.—The term "eligible health care provider" means those providers delivering essential health services (as defined in this section) within the United States-Mexico Border Area (as defined in this section).

(3) ESSENTIAL HEALTH SERVICES.—The term "essential health services" means

(A) emergency care (as defined under section IX of the Consolidated Omnibus Budget Reconciliation Act of 1985);

(B) public health services, including immunizations, intended to prevent or treat communicable diseases; and

(C) family planning services.

(4) HEALTH PROBLEM.—The term "health problem" means a disease or medical ailment or an environmental condition that poses the risk of disease or medical ailment. Such term includes diseases, ailments, or risks of disease or ailment caused by or related to environmental factors, control of animals and rabies, control of insect and rodent vectors, disposal of solid and hazardous waste, and control and monitoring of air quality.

(5) RESIDENT ALIEN.—The term "resident alien", when used in reference to a country, means an alien lawfully admitted for permanent residence to the United States or otherwise permanently residing in the United States under color of law (including residence as an asylee, refugee, or parolee).

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(7) UNDOCUMENTED INDIVIDUAL.—The terms "undocumented individual" and "the undocumented" means an individual not lawfully admitted for permanent residence to the United States and not otherwise permanently residing in the United States under color of law.

(8) UNITED STATES-MEXICO BORDER AREA.—The term "United States-Mexico Border Area" means the area located in the United States and Mexico within 100 kilometers of the border between the United States and Mexico.

SEC. 3805. PROVIDER COMPENSATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a provider compensation program under which the Secretary will implement a procedure for reimbursing health care providers for essential health care services provided to undocumented persons who are not eligible for coverage under section 1005. Such a program shall include—

(1) procedures for determinations by the Secretary that health care services provided to undocumented individuals are essential health services for which reimbursement under this subtitle is available;

(2) the establishment of a fee schedule with respect to such reimbursements that is based on the Medicare Disproportionate Share Hospital formula; and

(3) the provision of reimbursements to health care providers directly or through a contract with an intermediary.

(b) ESSENTIAL SERVICE REQUIREMENTS.—

(1) IN GENERAL.—Reimbursement under this subtitle may not be provided for health care services that are provided to undocumented individuals if such services do not qualify as essential health services.

(2) STATE REIMBURSEMENT.—The provision of Federal funds for the purpose of providing reimbursements under this subtitle shall not preclude States from providing reimbursements using State resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $600,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 2000.

SEC. 3806. BORDER HEALTH COMMISSION.

(a) Establishment.—The President is authorized and encouraged to conclude an agreement with Mexico to establish a binational commission to be known as the United States-Mexico Border Health Commission.

(b) Duties.—It should be the duty of the Commission—

(1) to conduct a comprehensive needs assessment in the United States-Mexico Border Area for the purposes of identifying, evaluating, preventing, and resolving health problems and potential health problems that affect the general population of the area;

(2) to develop and implement a comprehensive plan for carrying out the actions recommended by the needs assessment through—

(A) assisting in the coordination of public and private efforts to prevent potential health problems and resolve existing health problems,

(B) assisting in the coordination of public and private efforts to educate the population, in a culturally competent manner, concerning such potential and existing health problems; and

(C) developing and implementing culturally competent programs to prevent and resolve such health problems and to educate the population, in a culturally competent manner, concerning such health problems where a new program is necessary to meet a need that is not being met through other public or private efforts; and

(3) to formulate recommendations to the Governments of the United States and Mexico concerning a fair and reasonable method by which the government of one country could reimburse a public or private person in the other country for the cost of a health care service that such person furnishes to a citizen or resident alien of the first country who is unable, through insurance or otherwise, to pay for the service.

(c) Other Authorized Functions.—In addition to the duties described in subsection (b), the Commission should be authorized to perform the following functions as the Commission determines to be appropriate—

(1) to conduct or support investigations, research, or studies designed to identify, study, and monitor, on an on-going basis, health problems that affect the general population in the United States-Mexico Border Area;

(2) to conduct or support a binational, public-private effort to establish a comprehensive and coordinated system, which uses advanced technologies to the maximum extent possible, for gathering health-related data and monitoring health problems in the United States-Mexico Border Area; and

(3) to provide financial, technical, or administrative assistance to public or private persons who act to prevent or resolve such problems or who educate the population concerning such health problems.

(d) Membership.—

(1) Number and appointment of United States section.—The United States section of the Commission should be composed of 13 members. The section should consist of the following members:

(A) The Secretary of Health and Human Services or the Secretary's delegate.

(B) The commissioners of health or chief health officer from the States of Texas, New Mexico, Arizona, and California or such commissioners' delegates.

(C) Two individuals residing in the United States-Mexico Border Area in each of the States of Texas, New Mexico, Arizona, and California who are nominated by the chief executive officer of the respective States and appointed by the President from among individuals—

(i) who have a demonstrated interest or expertise in health issues of the United States-Mexico Border Area; and

(ii) whose name appears on a list of 6 nominees submitted to the President by the chief executive officer of the State where the nominees resides.

(2) Commissioner.—The Commissioner of the United States section of the Commission should be the Secretary of Health and Human Services or such individual's delegate to the Commission. The Commissioner should be the leader of the section.

(3) Compensation.—Members of the United States section of the Commission who are not employees of the United States—

(A) shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for positions at GS–15 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Commission; and

(B) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

(e) Regional Offices.—The Commission should designate or establish one border health office in each of the States of Texas, New Mexico, Arizona, and California. Such office should be located within the United States-Mexico Border Area, and should be coordinated with—

(1) State border health offices; and

(2) local nonprofit organizations designated by the State's governor and directly involved in border health issues.

If feasible to avoid duplicative efforts, the Commission offices should be located in existing State or local nonprofit offices. The Commission should provide adequate compensation for cooperative efforts and resources.

(f) Reports.—Not later than February 1 of each year that occurs more than 1 year after the date of the establishment of the Commission, the Commission should submit an annual report to both the United States Government and the Government of Mexico regarding all activities of the Commission during the preceding calendar year.

(g) Authorization of Appropriations.—There are authorized to be appropriated for payment of the United States share of the expenses of the Commission, such sums as may be necessary.

• Mr. BINGAMAN. Mr. President, last fall, President Clinton set forth several specific goals for the Nation when he presented the Health Security Act. Over the past several months, three goals have emerged as the most important: universal health coverage for all Americans; cost containment; and quality health care. Very shortly, the members of the Senate Labor and Human Resources Committee, of which I am a member, will be discussing these goals in great detail.

Today, I would like to focus the attention of my colleagues on one specific aspect of comprehensive health care reform: the very serious and growing health problems being experienced along our international border with Mexico. This is an issue of tremendous concern to me, as a New Mexican, but it should be of concern to all of us. Developing solutions will require that we work together, in a bipartisan and binational manner, toward common goals.

I was born a short distance from the United States-Mexico border, and I grew up in Silver City, a small New Mexico town less than 90 miles north of the border. My father still lives there today.

Over the years, I have seen the border area change and grow. The over-developed environments of the Texas, Arizona, and California borders have been seriously degraded by water and air pollution from unregulated industries, widespread lack of sanitation facilities, toxic waste and other ground contaminants, and rapidly growing populations. Today, the threats these hazards pose are spreading. No longer are these problems exclusive to a geographic region or a State. Disease and death do not know political boundaries. They threaten all of us, Americans and Mexicans alike.

I have seen the problems first-hand, and I know we face an enormous task. I also know that our task will grow in urgency and importance as the United States and Mexico continue to open their borders and the NAFTA agreement is implemented. For these reasons, I am committed to seeing that this amendment is part of the Senate's health care reform effort.

New Mexico's border region is one of the State's fastest growing areas. Dona Ana County, our State's most populous border county, grew by 40 percent between 1980 and 1990. It is projected to grow another 30 percent before the year 2000. Despite this rapid growth, or perhaps because of it, New Mexico's border region is one of the poorest areas of the State and the Nation. Dona Ana County has been ranked as the 10th poorest county in the Nation, in terms of per capita income. Of the county's total population, 56 percent are Hispanic. More than one-third of them live below the poverty line.

These statistics alone would force tremendous stress on the health care infrastructure of any region. But the residents of Dona Ana County and the rest of New Mexico face another serious challenge: they, along with the people of Texas, Arizona, and California, are on the front line of our country's environmental and health problems. Local hospitals and health clinics are being crippled by the burden of uncompensated health service delivery to undocumented people who reside illegally in the United States or cross the border to receive health care.

The amendment I am filling today places the financial responsibility for providing care to undocumented immigrants in border regions where it rightfully should be, with the Federal Government, rather than the States. It also incorporates the concept of a binational Border Health Commission, which I introduced as S. 1229 last summer.

Through this amendment, the Secretary of Health and Human Services would be required to establish a provider compensation program to reimburse providers for essential health services they provided to undocumented individuals. These services include: emergency care, as defined under title X of COBRA 1985; public health services intended to prevent or treat communicable disease; and family planning services. The Secretary would establish fee schedules for these services, based on the Medicare disproportionate share hospital formula, and develop a method for providing payment.

In conjunction with the Federal compensation program, a Border Health Commission would be established through this amendment. The concept for the commission grew out of a 1991 border health conference sponsored by the Texas Medical Association. At that time, the medical societies of the border States—Texas, New Mexico, Arizona, and California—made a commitment to draft legislation that would lay the groundwork for a high-level, Binational Commission, which would work in coordination to protect the health and well-being of the residents of both countries.

In July 1993, Representative RON COLEMAN introduced the Border Health Commission Act in the House of Representatives. At the same time, I, along with Senators MCCAIN, and SIMON, introduced S. 1225, the Border Health Commission Act, making the commitment of the border area medical associations a reality. I remain committed to the concept of the Commission and, as I stated earlier, have included those provisions in this amendment today. The Commission's key duty would be to develop a comprehensive long-term plan of action to target the border health problem.

Mr. President, with this amendment, we have the opportunity to assess our border problems in the proper framework. We also have the opportunity in New Mexico to create a model for developing comprehensive solutions to these serious binational problems. We have a lot of work ahead of us, but together, with a common plan and common goals, I believe we can make great strides in addressing the health problems of our Nation's southern border.•

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on prepayment penalties for Sec. 503 Development Company Loans and on the status of the Sec. 504 Development Company Loan Program. The hearing will be held on Tuesday, May 17, 1994, at 10:00 a.m., in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, deputy staff director of the Small Business Committee at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, May 11, 1994, at 10 a.m., in SR-332, on the administration's crop insurance proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 11, beginning at 10 a.m. to conduct a hearing on discrimination in homeowners insurance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 11, 1994, at 10 a.m. on S. 1822 and the electric utilities' entry into telecommunications.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 11, at 10 a.m. to hold a hearing on the international convention on the elimination of all forms of racial discrimination—Ex. C, 95-2.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session on May 11, 1994, at 10 a.m. to consider S. 1981, the Orphan Drug Act Amendments of 1994; S. 784, Dietary Supplement Health and Education Act of 1993; and the pending nominations of Marca Bristo and Kate Pew Wolters, to be members of the National Council on Disability; Patricia Ann Brown, Ira Ronald Feldman, Barbara Wallace Grossman, and Leo O'Donovan, to be members of the National Council on the Arts; and Fred Garcia to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR REGULATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 11 beginning at 9:30 a.m., to conduct a hearing to discuss the possible health effects to nonsmokers of environmental tobacco smoke.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE TECHNOLOGY, ACQUISITION AND INDUSTRIAL BASE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Technology, Acquisition, and Industrial Base of the Committee on Armed Services be authorized to meet on Wednesday, May 11, 1994, at 10 a.m., in open session to receive testimony on the technology reinvestment program of the Department of Defense in review of the defense authorization request for fiscal year 1995 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 2:00 p.m. on Wednesday, May 11, 1994, in open/closed session, to receive testimony on the Ballistic Missile Defense program in review of the defense authorization request for fiscal year 1995 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WORLD ROWING CHAMPIONSHIPS

• Mr. COATS. Mr. President, I am pleased that my colleagues have acted so quickly to pass legislation to suspend the duty temporarily on equipment necessary for athletes competing in the 1994 World Rowing Championships.

The world championships have occurred annually since 1893; however, the United States has never played host to the event until this year. I am delighted that Indianapolis will be hosting this great event at the beautiful Eagle Creek Reservoir. The world championships will run from September 11 through September 18, 1994. Over 1,000 athletes representing more than 40 nations will compete in 23 events. Indeed, it will be the premiere event to prepare rowers for the 1996 Olympics.

Rowing has a long history in America. The first intercollegiate competition was a rowing event between Yale and Harvard in the late 1800's and it quickly caught on as a great spectator sport. The tradition continues today with events such as the "Head of the Charles" which attracts thousands of spectators each year.

It was my pleasure to support this legislation which has become part of an omnibus event duty-free bill. Although this bill includes other amateur competitions being held in the United States this decade, it is particularly important to rowing because of the amount of equipment required. Waiving the bond requirement for the equipment relieves the competing teams of an unnecessary expense and eases their entry into the United States.

I am looking forward to the 1994 World Rowing Championships and I invite all my colleagues, rowers and nonrowers, to come to Indianapolis for this exciting event.●

TO HONOR THE LANSDOWNE FIRE COMPANY ON ITS 100TH ANNIVERSARY

● Mr. WOFFORD. Mr. President, I rise today to honor the Lansdowne Fire Company of Lansdowne, PA, on its 100th anniversary.

On December 18, 1890, before Lansdowne Borough existed, fire destroyed a row of small wooden stores on the east side of South Lansdowne Avenue, north of the railroad tracks. On January 2, 1994, the borough contracted with the Lansdowne Water Co. for 12 fire hydrants. In early December 1894, concerned citizens organized the Lansdowne Fire Company. Elected were Joseph S. Van Sandt, president, and Joseph L. Lowden, fire chief. The first hand-drawn apparatus, a two-wheel hose reel, was housed in the three-story tank house of the Lansdowne Water Co., located behind 15 Madison Avenue.

The Lansdowne Fire Company was incorporated on November 9, 1897, by the Commonwealth court. This 1897 charter allowed the company to own real and personal property "provided that the clear yearly income or value of said real estate shall not exceed $20,000." They operated under the original charter until December 4, 1978, when a new corporate charter officially gave nonprofit status under all applicable Pennsylvania and United States—IRS—laws.

A permanent home was provided in the 1903 borough hall at 12 East Baltimore Avenue. A property they owned was contributed, and this was acknowledged by borough ordinances recognizing the Lansdowne Fire Company, conveying tenancy of its quarters, and granting an annual appropriation of $200.

Given larger facilities, horse-drawn apparatus was added by a ladder wagon in 1904 and a chemical wagon prior to 1908. They never had horses. When the fire alarm sounded, a nearby stable would send a team and other teams going by were loaned for the duration of the emergency. In 1913, converting a horse-drawn hearse, they began one of the country's first ambulance services.

The Lansdowne Fire Company motorized prior to 1914 with an American La France chemical/booster truck which cost $7,500. Later, two 1925 American La France trucks were obtained, a 750-gallon-per-minute engine and a city-service ladder. Also in 1925, a motorized ambulance was purchased. The approximate cost of these three units was $30,000.

Fire Chief George A. Gowan was the first member whose life was sacrificed in the performance of fire-fighting duty. Chief Gowan succumbed from severe exposure to smoke, cold, and water on December 29, 1925. In 1928, an Autocar 250 g.p.m. booster truck was obtained. On August 21, 1937, they housed an Autocar 750 g.p.m. engine and in 1939, it was driven to the 1939 New York World's Fair.

Chief Walter L. Fraim became the second member to die in the line of duty on June 10, 1940. He may best be remembered for his blood-donor work, and a blood bank was named in his honor. A 1941 Buick ambulance went in service and the real threat of war gave first-aid training new priority. On January 14, 1942, a Mack city-service ladder replaced the 1925 ladder. Fifty-one members saw active duty in World War II. Those serving on the home front organized high school students as auxiliary junior firemen, some of whom later went into military service.

On April 12, 1944, the 50th anniversary was celebrated with a banquet. Lessons learned from the war gave greater importance to organized, standardized training. H. Newton Walls and Russel P. Wentzel, Sr., intensified ongoing efforts to train better and more effective firefighters, greatly raising morale and pride.

When peacetime truck production resumed, a new Mack 500 g.p.m. engine was housed on November 1, 1947. A 1949 blue Buick Ambulance replaced the 1941 unit. In 1953, the 1937 Autocar was rebuilt with a new pump and was recertified by the underwriters as a first line engine. In 1954, a Mack 750 g.p.m. engine replaced the 1928 Autocar booster. In 1956, a GMC-Christopher rescue truck replaced the ambulance and was one of the first emergency-only units in this area, taking patients to the closest hospital.

Assistant Chief G. William Joines died on November 22, 1961, from the onset of a heart attack at a working fire. The third member to be lost in the line of duty, he was also a Lansdowne Police Department sergeant. On June 17, 1961, they housed their first aerial ladder, an 85-foot cab-ahead Seagrave. A double housing occurred on August 26, 1967, a 1966 1,000 g.p.m. cab-ahead Seagrave replaced the 1947 Mack, and a 1966 International rescue truck costing $7,750 replaced the 1966 GMC-Christopher rescue.

On May 10, 1969, the 75th anniversary was observed with a large parade. Plectron tone-alerting radios were placed in service December 19, 1969. The first alert was for a working fire in Clifton Heights on Christmas morning. In 1972, the four 7th district companies hired Delaware emergency medical technician instructors to start local E.M.T. training as there was no Pennsylvania program yet.

A 1974 Chevrolet-Providence Body Co. modular rescue vehicle replaced the 1966 International. Carrying a Hurst "Jaws-of-Life" tool, it was called an Emergency Care and Rescue Unit. In 1975, a 1,500-g.p.m. enclosed-cab-ahead Hahn costing $60,000 was obtained, and this addition focused their attention on the need for a new station. The Hahn spent its first year at the Yeadon Fire House, prompting a group visitation to borough council. The result was the "tin shed" on the municipal parking lot and at last the Hahn was home in Lansdowne. On May 17, 1977, a bond issue for a new combination police, fire, and borough building was defeated at the polls, 1302 to 1143.

Norman D. Wilson, fire policeman, became the fourth member to die in the line of duty. He had a fatal heart attack while directing traffic at a collision on the infamous Marshall Road curve on January 20, 1979.

On November 2, 1982, a $500,000 new station bond issue passed by a 4-to-1 majority. On August 26, 1983, they gave a $61,739 check to the borough for the fifth bay to house the ambulance, electricity-saving skylights, and a stationwide fire sprinkler system. On October 4, 1986, a double housing and building dedication parade was held. A 1985 enclosed-cab-ahead Hahn-Fire Spire 100-foot aerial ladder costing $302,000 replaced the 1961 Seagrave aerial ladder. A 1984 Ford-Collins Ambulance replaced the 1974 Chevrolet rescue. The new station with 4 double bays and a single bay replaced the 1903 station and tin shed. The tin shed was torn down.

A 1991 Ford-Horton ambulance costing $85,000 replaced the 1984 unit and a 1989 used Chevrolet Caprice was purchased for use as a command car, rotating weekly between chiefs, and it is also used to transport members to fire schools and other events.

On September 26, 1906, the first ladies auxiliary was organized with 10 members, and by 1914 had 35 members. The present ladies auxiliary was formed on May 5, 1952, and currently has 30 members.

Through the years, the Lansdowne Fire Company has helped other fire companies to get started. They lent a hand-drawn "spider" hose real to the Highland Park Fire Company in 1912, and a hand-drawn hose cart to the Cardington Fire Company in 1916. In 1955, the members Vincent J. Christi and Frank Z. Russel helped to found the Primos-Secane-Westbrook Park Fire Company, "Beans" Russel becoming the first chief. They also gave hose and equipment to various companies throughout history.

Mr. President, I am proud to honor the service of the Lansdowne Fire Company on its 100th anniversary, and I wish the company the best for the next 100 years.•

TRIBUTE TO JUDICIAL COURT COMMISSIONER HARRY HALLOWAY

• Mr. KOHL. Mr. President, today I rise to pay tribute to Milwaukee County Judicial Court Commissioner Harry Halloway. His many years of service to the city of Milwaukee demonstrate his true commitment to the community he calls home.

For years, Commissioner Halloway has carried out his duties in a fair and consistent manner, while showing compassion and understanding to those who come before him. With the hundreds of thousands of cases he has presided over, Commissioner Halloway deserves to be commended for his excellent record of administering justice in the highly efficient manner with which he goes about his profession.

Not only is Commissioner Halloway a credit to the community which he serves, but also a respected and dedicated family man who gives so much of himself for the benefit of others. Harry Halloway is truly someone the people of Milwaukee can appreciate for his many contributions to the community. With this in mind, I stand and wholeheartedly commend Milwaukee County Judicial Court Commissioner Harry Halloway for his career of dedicated public service.•

RETIREMENT OF MAYOR CHESTER W. GROBSCHNIDT

• Mr. KOHL. Mr. President, I rise today to honor an outstanding public servant, Mayor Chester W. Grobschnidt of South Milwaukee, WI. After 9 years as an alderman and 28 years in city hall, he retired from municipal government this April 18. Throughout Wisconsin, people consider his tenure one of the most successful in the State's history.

The citizens of South Milwaukee will attest to Mayor Grobschnidt's many contributions to their community. He has improved municipal services, including the city administration building and street department. South Milwaukee can now feel more secure with Mayor Grobschnidt's work on the city's fire fighting facilities and wastewater treatment center. Students and professionals alike can thank him for South Milwaukee's expanded library. The mayor also established the Chester A. Grobschnidt senior center in the city administration building for senior citizens' enjoyment and education. These are Mayor Grobschnidt's legacies; he is a tough act to follow.

I applaud the mayor for epitomizing good, effective municipal government. The residents of South Milwaukee will always remember fondly his qualified and stable leadership. I wish Mayor Grobschnidt a happy, well deserved retirement.•

TRIBUTE TO NATIONAL NURSING HOME WEEK

• Mr. LAUTENBERG. Mr. President, I rise today to call to the attention of the Senate the celebration of National Nursing Home Week from May 8 through 14, 1994.

National Nursing Home Week honors the tireless and unselfish work of those who serve our Nation's nursing homes. I proudly recognize the dedication and commitment these workers have to improving the lives of others. We must all honor the contributions these outstanding citizens perform.

Nursing homes across the Nation provide our citizens with services that make up an integral part of our health care system. One example of the many facilities that provide such top quality care to its residents is the Plaza Nursing and Convalescent Center, located in my homestate of New Jersey.

Let us all salute and applaud the efforts made by those who work in nursing homes as we celebrate this very special week.•

STREATOR, IL, AN ALL-AMERICAN CITY

• Mr. SIMON. Mr. President, I want to take this opportunity to congratulate the city of Streator, IL, on being selected as 1 of 30 finalists in the 1994 All-American City Award competition. Streator has the proud distinction of being the only Illinois city to be represented in this prestigious competition, which is sponsored by the National Civic League.

The people of Streator have consistently demonstrated a strong sense of civic pride and involvement, with community volunteers often spearheading their efforts. For example, over 10,000 volunteer hours were devoted to preparing and organizing the 1993 Streatorland quasi-centennial celebration. In addition, the city raised over $355,000 for the construction of an industrial park to expand Streator's economic base. In an effort to involve local citizens in community planning, over 100 people have come together to develop a strategic plan for Streator's future.

As far as I am concerned, Mr. President, Streator is already an All-American city. I salute the fine people of Streator and wish them every success in this competition.•

VISTA: 30 YEARS OF SERVICE TO AMERICA

• Mr. SIMON. Mr. President, I was pleased to read Colman McCarthy's recent article in the Washington Post entitled "VISTA at 30: Quietly Thriving." VISTA—Volunteers in Service to America—has a rich and commendable history. Started in the sixties, VISTA has been quietly lifting hopes and changing people's lives for the better for the last three decades.

My home State of Illinois has a strong VISTA connection. Currently we have more than 160 VISTA volunteers serving in 23 projects in urban and rural communities throughout Illinois. We take pride in VISTA's service and recognize the commitment these volunteers have to their community and their country.

VISTA is thriving in community health centers, Head Start programs, literacy programs, neighborhood centers, community development corporations and in housing projects across the country. At Literacy Volunteers of America in Chicago, VISTAs are recruiting volunteer tutors, organizing community support for local literacy programs and developing a bilingual tutor training program. The VISTAs of the Contact Ministries program in Springfield, IL, have established a shelter and housing program, provide food and other necessities to over 9,000 low-income individuals and are developing innovative educational programs to help 200 individuals affected by substance abuse. Starting in June, a new team of VISTAs will be placed in rural areas of southern Illinois with the Illinois Coalition for Community Services to address the issues of illiteracy and unemployment through the development of youth-focused educational activities and job training. In urban locations in Illinois, VISTAs will address the crime and gang problems through neighborhood organizing and positive youth leadership programs.

VISTA volunteers understand that the most valuable resources in low-income communities are the people who live and work there. VISTA taps into local resources, talent, and energy. Working to build local infrastructures, VISTAs help show communities that they are equipped to strengthen their own neighborhoods.

The impact of these quiet warriors against poverty has been felt in neighborhoods and community based programs all across this country. The 30th anniversary of VISTA provides us a great opportunity to give VISTA and its volunteers the recognition they deserve. I encourage my colleagues to look at your own communities; you will be impressed with the contributions of VISTA volunteers to your part of the country. This is an occasion to salute both current and former volunteers, and to renew our own commitment to the fight against poverty in our Nation.

The article follows:

[From the Washington Post, May 3, 1994]

VISTA AT 30: QUIETLY THRIVING

(By Colman McCarthy)

HOUMA, LA.—Gratitude and respect are among the emotions Maia Bloomfield has felt this past year. She is a member of VISTA—Volunteers in Service to America—and came to this bayou community in southeast Louisiana after graduating last spring with a history degree from Minnesota's Carleton College. Bloomfield, who is 22 and a native of Bethesda, Md., where she was a student leader at Bethesda-Chevy Chase High School, has thrown herself wholeheartedly into Project Learn. It is an adult literacy program, funded by United Way and run by Catholic Social Services.

Bloomfield recruits tutors for Project Learn and sets up workshops to train low-income housing residents to tutor other residents. Two afternoons a week from 4:30 to 6:30 she helps 30 mostly black children with schoolwork and, lately, practice for a play about Harriet Tubman. She also works with food stamp recipients who need help with reading and writing.

Bloomfield's gratitude is for the chance to serve here, to have cultural and political ties to the Northeast but to be accepted by Houmans as if she were raised on gumbo soup, crawfish pie and the teachings of Kingfish Huey Long. Her respect is for the children and families she helps teach and organize—for not giving up and for believing in themselves. The teaching and learning flow both ways.

In Houma, where the economy is hurting because the local fishing and oil industries have been shaky, at best, in recent years, five VISTA volunteers are at work. Three were recruited locally and all work on literacy.

Each of the several Houma residents I spoke with who either supervise Bloomfield or work with her endorsed VISTA as a local treasure. It is that way nationally. This year is the 30th anniversary of the program, created as part of the Economic Opportunity Act. Among its sister programs also begun in the mid-1960s—Head Start, Job Corps, Legal Services, Upward Bound, Foster Grandparents—VISTA has been the retiring, unnoticed member of the family. How well is it known that more than 100,000 volunteers have served in 12,000 projects? Who is aware that 4,000 VISTAs are serving urban and rural communities in 50 states?

For a few perilous years in the 1980s, it appeared as if the program would not survive. Under Ronald Reagan's first budget, funding dropped nearly 50 percent. In 1981, which was Jimmy Carter's last budget, VISTA peaked at $30 million. By 1983, the year of Reagan's second budget, funding was $11 million. The ranks of volunteers declined from 4,200 to 1,700.

Before the plug was to be totally yanked, which was part of the larger Reagan plan to heighten the assault on the poor, the force of a minor miracle occurred: Friends of VISTA. This was a coalition of supporters and former volunteers—including Sen. John D. "Jay" Rockefeller IV (D-W.Va.), who served in West Virginia in the early days—who came together for the rarest of missions: protecting a government program from the outside from government attackers on the inside. The coalition had saved VISTA during the Nixon years, breathed easier under Carter and then mobilized for the Reagan wreckers.

Calm times—no, energized times—have returned. Last month, James Scheibel, a reflective liberal, the former mayor of St. Paul and now in the Clinton administration as the director of ACTION, the federal domestic volunteer agency, told a House subcommittee that next year's budget request for VISTA is $59 million. This is a deserved and needed increase of $16 million—or 39 percent—above the 1994 funding. This will allow an increase of more than 1,100 volunteers.

With Jim Scheibel leading VISTA in Washington and volunteers like Maia Bloomfield in Houma, the original promise of the program cannot help but thrive. In this rural Louisiana community, the spirit of self-help is strong, as it is in other areas of the country where volunteers are running or creating food banks, wastewater systems, cooperatives, for low-income farmers or anything else that fulfills what then-Gov. Bill Clinton said of VISTA volunteers in Arkansas: They "taught us about the importance and power of people building from within."

In Houma, or anywhere else, what other power matters as much?●

BEING ON THE FRONT LINE

● Mr. SIMON. Mr. President, earlier this week an article appeared in the Washington Post that described an ordinary day at MedSTAR unit, the medical shock trauma acute resuscitation unit in northwest Washington. As the recipient of potentially fatal gun shot victims, MedSTAR witnesses firsthand the crime and bloodshed that is taking place on our streets. I would ask that the article be printed for the RECORD.

[From the Washington Post, May 5, 1994]

THE TRAGIC HOLES IN PRO-GUN LOGIC

(By Steve Twomey)

Today, the House of Representatives will vote on whether to ban some assault weapons, and it's having a tough time deciding, hard as that may be to believe. Maybe Gage Ochsner can help the good congresspeople. He knows a lot about guns. More precisely, he knows bullets.

Ochsner, a trauma surgeon, sat yesterday a few feet from the room where he struggles to offset what the evil bullets do, although even when he does his best work, it's often not enough. He must go out to the waiting family and announce that a son, brother or husband is gone. The ensuing anguish often winds up expressed as a fist on the nearest wall. "I don't know how many times we've had to fix plaster," Ochsner said.

His office is the MedSTAR unit, the Medical Shock Trauma Acute Resuscitation unit, a kind of super emergency room at Washington Hospital Center in Northwest Washington. If a life edges near the Big Precipice because of a bullet, a knife or an accident, it often is pulled back in one of the seven bays of MedSTAR.

It's where a life had come, in fact, exactly 24 hours before our conversation. Code Yellow: an inbound male, with a whole lot of holes. Ochsner, a tall, lanky Oklahoman of 40, led the response team Tuesday.

Oddly, he doesn't work for Washington Hospital Center. He's a commander in the Navy. But the Navy figures that a great way to give its doctors experience in treating the horrible wounds they will encounter in combat is to send them to MedStar.

Ponder that: Military doctors obtain battlefield expertise by working at a civilian hospital in peacetime.

It is war out there on our streets.

In the six years he's been working at MedSTAR, Ochsner estimates, he has treated at least 500 gunshot victims. In other words, he alone has treated almost as many casualties in a single District hospital as the U.S. military treated during the Gulf War. He says doctors who come from France, Britain and Australia to get smarter about treating "penetration" wounds sometimes see more of them at MedSTAR in one night than they do in their countries in one year.

Tuesday was just one more case. But it's never just one more case. Ochsner said they all get to him. The victims never become just a problem on a table. Tuesday, it was a kid no more than 18. He appeared to be in great shape, Ochsner recalled, except, of course, for the gaping holes.

He had four in the abdomen.

And one on the left side.

And one on the right side.

And two in the neck.

"And I'm not sure," Ochsner said, "but I think he had some extremity wounds."

How many were entrance wounds and how many were exit weren't Ochsner's immediate concern. The kid was in cardiac arrest and had been for some time, and the chance of saving him was nearly zero, but the team opened his chest to gain access to vital organs.

When Ochsner started at MedSTAR, he didn't see so many people hit so many times. While it's obvious that having multiple wounds is worse than having one, they pose specific problems for an emergency-room physician. The more wounds, the greater the blood loss and the greater the chance the victim will die not from any one wound, but from the cumulative effect. And multiple wounds make it hard for a doctor to trace the internal paths of bullets: Which one went where and hit what?

Of course, multiple wounds are the specialty of assault guns. They fire zillions of rounds in nanoseconds, increasing the chance that the target will be (a) hit and (b) hit often. And the target usually is human, since shooting deer or tin cans with an assault weapon is no test of any true hunter or marksman.

Once the kid's chest was cut open, Ochsner looked at the heart. It held no blood. One of the bullets had cut his aorta and his ticker had pumped itself dry. The MedSTAR team had no hope.

Anything unusual about how this all unfolded?

"No," Ochsner said.

Ponder that one too: An otherwise healthy teenager winds up riddled with holes on a spring day and dies, and there's nothing unusual about it. Happens all the time.

Maybe I shouldn't have brought up this kid. Ochsner said the weapon of damage was a .357 magnum, not an assault weapon, so the teenager would not have been saved by a ban and isn't directly relevent to the House debate.

Except, of course, he is. What happened to him is what's going on out there. When the extraordinary act of killing becomes ordinary, we have reached madness. To do nothing is to conspire. The problem with trauma," Ochsner said, "is that it's not cancer. It's not something where the family, they're kind of prepared. . . . they may have had lunch with this person. They may have just talked to him. Then he's dead. It's a very abrupt process."

Banning assault weapons won't stop this process. It will change very little on the streets, because assault weapons just aren't used that often. But it certainly will do no harm. Not even the National Rifle Association really believes these weapons are useful for anything but shooting people. It is fighting a stupid fight because it believes the ultimate goal is confiscating all guns.

Ochsner doesn't want that. Neither do I. He's a hunter. But he has no problem with tough regulations and banning a kind of weapon whose sole purpose is to create work for him. How anyone could have difficulty with that "completely escapes me."

Me too, doc. Maybe Congress should watch you battle a Code Yellow. Maybe Congress should help you repair the walls.•

A SALUTE TO NEW YORK'S ADVERTISING COMMUNITY

• Mr. D'AMATO. Mr. President, last week I had the pleasure of meeting Burtch Drake, president, and several representatives of the American Association of Advertising Agencies to discuss the importance of the advertising industry to New York. Truly, in making American industry and technological advances widely known and appreciated, Madison Avenue has made itself the mecca and envy of advertisers everywhere. I am glad they are part of the lively pulse of New York.

Celebrating the power of the New York advertising industry and its contribution to the economic and social vitality of New York City and the United States as a whole, New York City Mayor Rudy Giuliani has proclaimed May 18, 1994 as "New York Advertising Day." To celebrate New York Advertising Day, leaders of the advertising industry will gather in the summer garden of the Rockefeller Center for a spectacular gala. Sponsors of the gala are the Advertising Women of New York and the Advertising Club of New York.

New York City continues to be the center of the advertising world. Almost 45 percent of all U.S. advertising expenditures originate in the New York City area and that translates into over 500,000 jobs in advertising and allied industries in the metropolitan area. Twelve of the 15 largest advertising agencies are headquartered in New York City and have their largest offices there. It is also the home of hundreds of media companies and outlets and many thousands of other companies and production houses which serve the advertising industry.

Advertising is a good New York citizen. The industry contributes over $1 billion annually to the city and its residents through public service advertising and pro bono activities. Members of the industry donate their time and talent creating ad campaigns for such worthwhile causes as drug use prevention and AIDS research, and programs to battle child abuse, illiteracy, and alcoholism. Both the Advertising Council and the Partnership for a Drug-Free America were created by the advertising industry as a focus for on-going pro bono activities.

By recognizing May 18 as New York Advertising Day, we all can join in in recognizing the importance of this industry's contributions to the city's economy and quality of life.•

LOBBYING DISCLOSURE ACT OF 1993

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 349) entitled "An Act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lobbying Disclosure Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decision making process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity (including a State or local government) who employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity or another person or entity. An organization whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of any person or entity that employs or retains a lobbyist to conduct lobbying activities on behalf of another person or entity, the client is both the person or entity that employs or retains the lobbyist and the person or entity on whose behalf the lobbyist conducts lobbying activities. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is—

(A) the coalition or association and not its individual members when the lobbying activities are conducted on behalf of its membership and financed by the coalition's or association's dues and assessments, or

(B) the individual member or members, when the lobbying activities are, directly or indirectly, financed separately by one or more individual members and not by the coalition's or association's dues and assessments.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President or the President-elect;

(B) the Vice President or the Vice President-elect;

(C) any officer or employee (other than a clerical or secretarial employee) of the Executive Office of the President or any individual functioning in the capacity of such an officer or employee on an unpaid basis;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined in section 3132 (a)(2) of title 5, United States Code;

(F) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(G) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code, including an employee listed in schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—

(A) IN GENERAL.—The term "covered legislative branch official" means—

(i) a Member of Congress or a Member-elect of Congress;

(ii) an elected officer of either House of Congress;

(iii) any employee of a Member of Congress or of a committee of either House of Congress;

(iv) any employee on the leadership staff of the House of Representatives and any employee on the leadership staff of the Senate;

(v) any employee of a joint committee of the Congress; and

(vi) any employee of a working group or caucus organized to provide legislative services or other assistance to Members of Congress.

(B) DEFINITIONS.—For purposes of subparagraph (A)—

(i) the terms "employee on the leadership staff of the House of Representatives" and "employee on the leadership staff of the Senate" have the meanings given these terms in section 207(e)(4) of title 18, United States Code;

(ii) the term "employee" includes any individual functioning in the capacity of an employee described in subparagraph (A) on an unpaid basis but the term does not include a clerical or secretarial employee, and

(iii) the term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner, to the Congress.

(5) DIRECTOR.—The term "Director" means the Director of the Office of Lobbying Registration and Public Disclosure.

(6) EMPLOYEE.—Except as provided in paragraph (4)(B)(ii), the term "employee" means any individual who is an officer, employee, partner, director, or proprietor of an organization, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the organization for their services.

(7) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal as such term is defined in subsection (b) of section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 (b)).

(8) GRASS ROOTS LOBBYING COMMUNICATIONS.—The term "grass roots lobbying communications" means—

(A) any communication that attempts to influence any legislation through an attempt to affect the opinions of the general public or any segment thereof;

(B) any communication between an organization and any bona fide member of such organization to directly encourage such member to make a communication to a covered executive branch official or a covered legislative branch official with regard to a matter described in clause (i), (ii), (iii), or (iv) of paragraph (10)(A) of section 3; and

(C) any communication between an organization and any bona fide member of such organization to directly encourage such member to urge persons other than members to communicate as provided in either subparagraph (A) or subparagraph (B).

(9) LOBBYING ACTIVITIES.—

(A) DEFINITION.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended at the time it is performed, for use in contacts, and coordination with the lobbying activities of others. Except as provided in subparagraph (B), lobbying activities also include—

(i) grass roots lobbying communications, and

(ii) any communication described in clause (iii), (v), (vii), (viii), or (xvi) of paragraph (10)(B),

to the extent that such communications are made in support of a lobbying contact.

(B) RELIGIOUS ORGANIZATIONS.—Lobbying activities do not include grass roots lobbying communications by churches, their integrated auxiliaries, conventions or associations of churches, and religious orders that are exempt from filing Federal income tax returns under paragraph (2)(A)(i) or (2)(A)(iii) of section 6033(a) of the Internal Revenue Code of 1986, unless such communications are made by any person or organization required to be identified under section 4(b)(5) of this Act.

(10) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license), except that this clause does not include communications that are made to any covered executive branch official—

(I) who is serving in a Senior Executive Service position described in paragraph (3)(E), or

(II) who is a member of the uniformed services whose pay grade is lower than O-9 under section 201 of title 37, United States Code,

in the agency responsible for taking such administrative or executive action; or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include communications that are—

(i) made by public officials acting in their official capacity;

(ii) made by representatives of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication, or other material which is widely distributed to the public through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) requests for meetings, requests for the status of matters described in clauses (i), (ii), (iii), and (iv) of subparagraph (A), or other similar requests, if the requests do not include attempts to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to a written request for specific information from a covered executive branch official or a covered legislative branch official;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to officials in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding, or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) written comments filed in the course of a public proceeding or other communications that are made on the record in a public proceeding;

(xv) a petition for agency action made in writing pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this subclause does not apply to any communication with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) disclosures by an individual to the appropriate authority on account of which that individual is protected against adverse personnel actions, or other reprisals, under the amendments made by the Whistleblower Protection Act of 1989, the Inspector General Act of 1978, or other provision of law;

(xviii) made by a church, its integrated auxiliary, a convention or association of churches, or a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(i) or (2)(A)(iii) of section 6033(a) of the Internal Revenue Code of 1986 if the communication constitutes the free exercise of religion or is for the purpose of protecting the right to the free exercise of religion; and

(xix) between—

(I) officials of a self-regulatory organization recognized by Federal law, and

(II) the Federal regulatory agency with jurisdiction over such organization,

relating to the regulatory responsibilities of such organization under such law.

The term "media organization", as used in clause (ii), means an organization engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(11) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include one or more lobbying contacts, other than an individual whose lobbying activities constitute less than 10 percent of the time engaged in the services provided by such individual to that client.

(12) ORGANIZATION.—The term "organization" means any corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, or group of organizations.

(13) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or an employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university which is an agency or instrumentality of the government of any State or of a local unit of government thereof, or which is owned or operated by such a government or by any agency or instrumentality of one or more such governments;

(ii) a government-sponsored enterprise as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974; or

(iii) a public utility, including any entity that provides gas, electricity, water, or communications, which is an agency or instrumentality of the government of any State or States or of a local unit of government of a State or which is owned, controlled, or operated by such a government or by any agency or instrumentality of one or more such governments;

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), or (iii) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(14) The term "State" means each of the several States, the District of Columbia, and any commonwealth territory, or possession of the United States.

SEC. 4. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—

(1) GENERAL RULE.—Not later than 30 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Office of Lobbying Registration and Public Disclosure.

(2) ORGANIZATION RULE.—Any organization that has one or more employees who are lobbyists shall make the registration required by paragraph (1) on behalf of such employees.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraph (1) or (2), an individual or organization whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbyist making lobbying contacts on behalf of a client other than the organization employing such lobbyist), or

(ii) total expenses in connection with lobbying activities (in the case of a lobbyist making lobbying contacts on behalf of the organization employing such lobbyist),

do not exceed, or are not expected to exceed $2,500 (as estimated under section 5) in the semiannual period described in section 5(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The $2,500 figure in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of the enactment of this Act, and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $100.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes or has agreed to contribute more than $5,000 toward the lobbying activities of the registrant in the semiannual period described in section 5(a) in which the registration is made; and

(B) significantly participates or has agreed to participate significantly in the planning, supervision, or control of such lobbying activities;

(4) the name, address, principal place of business, amount of any contribution of more than $5,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the lobbying activities of the registrant; or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) the name, address, and principal place of business of any person or organization retained by the registrant (other than an employee of the registrant) to conduct grass roots lobbying communications on behalf of the registrant or the client of the registrant (other than a person or organization that is separately registered under this Act in connection with such representation);

(6) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client, and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(7) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee was first required to register as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than one client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE LOBBYISTS.—Any organization that has one or more employees who are lobbyists shall file a single registration under this section for each client on whose behalf its employees act as lobbyists covering all lobbying contacts made by such employees on behalf of such client.

(3) MULTIPLE CONTACTS.—If a registrant makes another lobbying contact for the same client with a covered executive branch official or covered legislative branch official, such contact will not require another registration under paragraph (1).

(d) TERMINATION OF REGISTRATION.—A registrant who after registration does not—

(1) engage in any lobbying activities in a semiannual reporting period on behalf of the client with respect to which the registrant registered, and

(2) anticipate any additional lobbying activities for such client in the 12-month period following such reporting period,

shall notify the Director of the termination of such activities and shall not be required to file any additional reports with respect to such client under this section.

SEC. 5. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.—

(1) IN GENERAL.—No later than 30 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 4, each registrant shall file a report with the Office of Lobbying Registration and Public Disclosure on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(2) EXEMPTION.—

(A) INCOME OR EXPENSES OF LESS THAN $2,500.—Any registrant whose—

(i) total income for a particular client for matters that are related to lobbying activities on behalf of that client (in the case of a registrant described in subsection (b)(3)), or

(ii) total expenses in connection with lobbying activities (in the case of a registrant described in subsection (b)(4)),

are less than $2,500 in a semiannual period (as estimated under paragraph (3) or (4) of subsection (b), or paragraph (3) of subsection (c), as applicable) is deemed to be inactive during such period and may comply with the reporting requirements of this section by so notifying the Director in such form as the Director may prescribe.

(B) ADJUSTMENT.—The $2,500 figure in subparagraph (A) shall be adjusted as provided in section 4(a)(3)(B).

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants, and loans;

(B) a statement of the Houses and committees of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client during the semiannual filing period;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client;

(D) a description of the interest in the specific issues, if any, of any foreign entity identified under section 4(b)(4); and

(E) a list of the specific issues on which any person or organization required to be identified under section 4(b)(5) has engaged in grassroots lobbying communications on behalf of the client;

(3) in the case of a registrant engaged in lobbying activities on behalf of a client other than the registrant, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities;

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period; and

(5) a good faith estimate of the total expenses that the registrant and its employees incurred in connection with grassroots lobbying communications on behalf of the client (including any amount paid in connection with such communications to a person or organization required to be identified under section 4(b)(5)).

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) $200,000 OR LESS.—Income or expenses of $200,000 or less shall be estimated in accordance with the following categories:

(A) At least $2,500 but not more than $10,000.

(B) More than $10,000 but not more than $20,000.

(C) More than $20,000 but not more than $50,000.

(D) More than $50,000 but not more than $100,000.

(E) More than $100,000 but not more than $200,000.

(2) MORE THAN $200,000.—Income or expenses in excess of $200,000 shall be estimated and rounded to the nearest $100,000.

(3) ESTIMATES BASED ON TAX REPORTING SYSTEM.—In the case of any registrant that reports lobbying expenditures as required by section 6033 of the Internal Revenue Code of 1986, regulations prescribed under section 7 of this Act shall provide that the registrant may make a good faith estimate of amounts that would be required to be disclosed under such section of the Internal Revenue Code of 1986 for the applicable semiannual period (by category of dollar value) to meet the requirements of subsection (b)(4), if each time the registrant makes such an estimate, the registrant informs the Director that the registrant is making such an estimate.

(4) CONSTRUCTION.—In estimating total income or expenses under this section, a registrant is not required to include—

(A) the value of contributed services for which no payment is made; or

(B) the expenses for services provided by an independent contractor of the registrant who is separately registered under this Act.

(d) CONTACTS.—

(1) CONTACTS CONSIDERED CONTACTS WITH COMMITTEES.—For purposes of subsection (b)(2), any contact with a member of a committee of Congress, an employee of a committee of Congress, or an employee of a member of a committee of Congress regarding a matter within the jurisdiction of such committee shall be considered a contact with the committee.

(2) CONTACTS CONSIDERED CONTACTS WITH HOUSE OF CONGRESS.—For purposes of subsection (b)(2), any contact with a Member of Congress or an employee of a Member of Congress regarding a matter which is not within the jurisdiction of a committee of Congress of which that Member is a member shall be considered a contact with the House of Congress of that Member.

(3) CONTACTS CONSIDERED CONTACTS WITH FEDERAL AGENCIES.—For purposes of subsection (b)(2), any contact with a covered executive branch official shall be considered a contact with the Federal agency that employs that official.

(e) EXTENSION FOR FILING.—The Director may grant an extension of time of not more than 30 days for the filing of any report under this section, upon the request of the registrant, for good cause shown.

SEC. 6. PROHIBITION ON GIFTS, MEALS, TRAVEL, ENTERTAINMENT, REIMBURSEMENTS, AND LOANS; ITEMIZATION OF CERTAIN EXPENDITURES.

(a) IN GENERAL.—

(1) REGISTRANTS AND LOBBYISTS.—In accordance with this section, each registrant (including a lobbyist employed by, or a lobbyist who is a member of, a registrant) or any client of a registrant shall be—

(A) prohibited from providing, directly or indirectly, gifts, meals, travel, entertainment, reimbursements, and loans described in subsection (b), and

(B) required to make an itemized disclosure of expenditures described in subsection (c) and provided, directly or indirectly,

to a covered legislative branch official, to an entity that is maintained or controlled by a covered legislative branch official, or to any other person or entity on behalf of a covered legislative branch official (collectively referred to in this subsection as a "covered person or entity").

(2) FOREIGN LOBBYISTS.—For purposes of this section, a registrant or any client of a registrant shall include a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act) and an agent of a foreign principal (as defined in section 1(c) of such Act).

(b) PROHIBITION.—A registrant (including a lobbyist) or any client of a registrant may not provide, directly or indirectly (with funds of a registrant or a client), to or on behalf of or for a covered person or entity:

(1) TRAVEL, ENTERTAINMENT, FOOD, AND LODGING.—Payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise.

(2) REIMBURSEMENT.—Reimbursement of an expense.

(3) LOAN.—A loan.

(4) GIFTS.—Any other item of value.

(c) DISCLOSURE.—With respect to expenditures described in this subsection, the prohibitions prescribed by subsection (b) with respect to an expenditure will not apply to a registrant or any client of a registrant if the registrant discloses the expenditure of the registrant or the client, in the registrant's semiannual report under section 5(a) or in a separate report on itemized expenditures subject to the same filing requirements, as follows:

(1) IN GENERAL.—With respect to each expenditure described in paragraph (2), the registrant shall disclose—

(A) the name and position of the covered legislative branch official or other covered person or entity to whom or which or on behalf of whom or which the expenditure was made;

(B) the type of the expenditure;

(C) the date on which the expenditure was made; and

(D) the amount of the expenditure.

(2) EXPENDITURES SUBJECT TO DISCLOSURE.—The following expenditures are subject to disclosure under paragraph (1):

(A) Necessary travel-related expenditures made by a registrant described in section 5(b)(4) or a client of a registrant described in section 5(b)(3) for a covered legislative branch official or a person on behalf of such an official in connection with speaking engagements, fact finding trips, substantial participation in an event sponsored by an entity described in section 170(c) or 527(e) of the Internal Revenue Code of 1986, and similar events if the expenditure covers the costs of a trip for a period of not more than—

(i) 4 consecutive days in the case of domestic travel and 7 consecutive days (excluding travel days) in the case of international travel, and

(ii) 24 hours before or after such person's actual participation in the event in the case of domestic travel or 48 hours before or after such person's actual participation in the event in the case of international travel.

Necessary travel-related expenditures include reimbursements for necessary transportation whether or not such transportation occurs within the periods described in clause (i) or (ii), but does not include expenditures for travel, lodging, or entertainment collateral to the event or meals taken other than in a group setting to which all other attendees are invited.

(B) Honorary degrees and associated meals and entertainment provided to a covered person or entity.

(C) Food, refreshment, or entertainment provided a covered person or entity while attending a meeting or event with persons who are not United States citizens while on official travel to a foreign area.

(3) CONFERENCES.—With respect to each financial contribution or expenditure relating to a conference, retreat, or similar event for or on behalf of covered legislative branch officials which is sponsored by or affiliated with an official congressional organization, the registrant shall disclose—

(A) the nature of the conference, retreat, or similar event;

(B) the date or dates on which the conference, retreat, or other event occurred;

(C) the identity of the organization that sponsored or is affiliated with the event; and

(D) a single aggregate figure for the contributions or expenditures made by the registrant or client of the registrant in connection with the conference, retreat, or similar event.

(4) EVENTS.—With respect to each financial contribution or expenditure that relates to a widely attended event that is hosted or cohosted with, or in honor of, 1 or more covered legislative branch officials, the registrant shall disclose—

(A) the name and position of each such covered legislative branch official that hosted, cohosted, or was honored at such event;

(B) the nature of the event;

(C) the date on which the event occurred; and

(D) a single aggregate figure for the contributions or expenditures made by the registrant in connection with the event.

(5) CHARITABLE CONTRIBUTIONS.—With respect to each charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by a covered legislative branch official, the registrant shall disclose—

(A) the name and position of each such covered legislative branch official;

(B) the name of any covered person or entity to whom or which the contribution was made;

(C) the date on which the contribution was made; and

(D) the value of the contribution.

(6) CONTRIBUTIONS TO LEGAL DEFENSE FUND.—With respect to each contribution or other payment made to a legal defense fund established for the benefit of a covered legislative branch official, the registrant shall disclose—

(A) the name and position of each such covered legislative branch official;

(B) the name of any other person or entity to whom or which the contribution was made;

(C) the date on which the contribution was made; and

(D) the value of the contribution.

(7) NOTIFICATION.—Not less than 3 weeks after an expenditure required to be reported under this subsection is made, the registrant or any client of a registrant who made or for whom was made such expenditure shall provide, in a standard format determined by the Office of Lobbying Registration and Public Disclosure, to any covered person or entity, whose name the registrant or client intends for the registrant to include in either the registrant's semiannual report under section 5(a) or a separate report on itemized expenditures under this subsection, a complete list of the information the registrant intends to disclose relative to that covered person or entity. The registrant shall not list in its report referred to in this paragraph any information relative to a covered person or entity who—

(A) was not the subject of the expenditure referred to in the preceding sentence, or

(B) reimburses the person making such expenditure the full amount of such expenditure within 30 days of the receipt of notification under this paragraph.

(d) EXCEPTIONS.—The following are not subject to subsection (b) or (c):

(1) Anything for which market value is paid by the recipient.

(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

(3) An item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt or a personalized item such as a plaque, certificate, or trophy that is intended solely for recognition of a covered legislative branch official.

(4) Food and attendance provided to a covered person or entity at an event sponsored by an organization described in section 170(c) or 527(e) of the Internal Revenue Code of 1986.

(5)(A) An item described in subsection (b) (hereafter in this paragraph referred to as an "item") given under circumstances which make it clear that the item is given for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the recipient. In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

(i) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

(ii) Whether the item was purchased by the individual who gave the item.

(iii) Whether the individual who gave the item also at the same time gave the same or similar item to other covered persons or entities.

(B) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

(i) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return, or

(ii) reimbursement either from a registrant or from a client.

(6) Items which are not used and which are promptly returned to the donor.

(7) Except with respect to items described in subsection (c)—

(A) attendance, food, and refreshments at widely attended gatherings, including conventions, conferences, symposiums, retreats, dinners, receptions, viewings, or similar events if such attendance, food, and refreshments are unsolicited by the recipient and provided by the sponsor of the event,

(B) meals or entertainment that are unsolicited by the recipient and not paid for either directly or indirectly (including with funds of a registrant or client) by a lobbyist or an agent of a foreign principal (as defined in section 1(c) of the Foreign Agents Registration Act) and not paid for either directly or indirectly by a registrant described in section 5(b)(3), if an employee (other than a lobbyist) of—

(i) a registrant described in section 5(b)(4), or

(ii) a client of a registrant described in section 5(b)(3),

acting in a representational capacity, substantially participates in the meal or entertainment, and

(C) modest items of food or refreshment such as soft drinks, coffee, or doughnuts offered other than as part of a meal.

(8) Rewards and prizes given to competitors in contests or events, including random drawings open to the public.

(9) Loans from financial institutions on terms generally available to the public.

(10) Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all Government employees whether or not restricted on the basis of geographical considerations.

(11) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(12) Anything which is paid for by the Government or secured by the Government under Government contract.

(13) Any gift accepted under specific statutory authority except section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2).

(14) Reduced membership or other fees for participation in organizational activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

(15) Opportunities and benefits offered to members of a group or class in which membership is unrelated to congressional employment.

(16) Opportunities and benefits offered to members of an organization, such as credit unions, in which membership is related to congressional employment if similar benefits are broadly available to large segments of the public through organizations of similar size.

(17) Gifts resulting from the covered legislative branch official's outside business or employment activities when it is clear that such benefits have not been offered or enhanced because of the covered legislative branch official's official status.

(18) Gifts resulting from the business or employment activities of a covered legislative branch official's spouse when it is clear that such benefits have not been offered or enhanced because of the covered legislative branch official's official position.

(19) Informational materials that are sent to a covered legislative branch official's office in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

(20) Home State products, food, or other items of minimal value used primarily for promotional purposes.

(e) DEFINITION.—For purposes of this section, the term "market value" when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

(f) CLIENTS.—

(1) NOTICE TO CLIENTS.—A registrant described in section 5(b)(3) shall by written notice inform any client of the registrant of the requirements of this section applicable to the client. Such notice shall be provided at the time the registrant registers on behalf of such client under section 4 and at the beginning of each semiannual reporting period under section 5(a).

(2) NOTICE BY CLIENTS.—If a client of a registrant makes an expenditure which such registrant will be required to report under subsection (c), the client shall promptly notify the registrant of such expenditure. Failure to provide such notice shall be considered to be a violation of this Act.

(g) HOUSE RULES.—Clause (4) of Rule XLIII of the Rules of the House of Representatives is amended by adding at the end the following: "A Member, officer, or employee of the House of Representatives shall not accept a gift given by a lobbyist or registrant subject to the Lobbying Disclosure Act of 1994 in knowing violation of that Act.".

SEC. 7. ESTABLISHMENT AND DUTIES OF OFFICE OF LOBBYING REGISTRATION AND PUBLIC DISCLOSURE.

(a) ESTABLISHMENT.—

(1) OFFICE AND DIRECTOR.—There is established as an independent agency in the executive branch an Office of Lobbying Registration and Public Disclosure, which shall be headed by a Director. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be an individual who, by demonstrated ability, background, training, and experience, is especially qualified to carry out the functions of the position. The term of service of the Director shall be 5 years.

(2) COMPENSATION.—Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of the Office of Lobbying Registration and Public Disclosure.".

(3) EMPLOYEES AND SERVICES.—The Director may—

(A) appoint officers and employees, including attorneys, in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code; and

(B) contract for financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration or such other Federal agency as the Director determines appropriate, for which payment shall be made in advance or by reimbursement from funds of the Office in such amounts as may be agreed upon by the Director and the head of the agency providing such services.

Contract authority under subparagraph (B) shall be effective for any fiscal year only to the extent that appropriations are available for that purpose.

(b) DUTIES.—The Director of the Office of Lobbying Registration and Public Disclosure shall—

(1) after notice and a reasonable opportunity for public comment, and consultation with the Secretary of the Senate, the Clerk of the House of Representatives, and the Administrative Conference of the United States, prescribe such regulations, forms, and penalty schedules as are necessary to carry out this Act;

(2) provide guidance and assistance on the registration and reporting requirements of this Act, including the issuance of published decisions and advisory opinions;

(3) review the registrations and reports filed under this Act and make such verifications or inquiries as are necessary to ensure the completeness, accuracy, and timeliness of the registrations and reports;

(4) develop filing, coding, and cross-indexing systems to carry out the purposes of this Act, including computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this Act;

(5) ensure that the computer systems developed pursuant to paragraph (4)—

(A) allow the materials filed under this Act to be accessed by client name, lobbyist name, and registrant name;

(B) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced; and

(C) are compatible with computer systems developed and maintained by the Secretary of the Senate and the Clerk of the House of Representatives;

(6) make copies of each registration and report filed under this Act available to the public, upon the payment of reasonable fees, not to exceed the cost of such copies, as determined by the Director, in electronic and hard copy formats as soon as practicable after the date on which such registration or report is received;

(7) preserve the originals or accurate reproduction of—

(A) registrations filed under this Act, and

(B) of reports filed under this Act,

for a period of not less than 3 years from the date on which the registration or report is received;

(8) maintain a computer record of—

(A) the information contained in registrations, and

(B) the information contained in reports filed under this Act for not less than 5 years after the date on which such reports are received;

(9) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a manner which clearly presents the extent and nature of expenditures on lobbying activities during such period;

(10) make information compiled and summarized under paragraph (9) available to the public in electronic and hard copy formats as soon as practicable after the close of each semiannual filing period;

(11) provide, by computer telecommunication or other transmittal in a form accessible by computer, to the Secretary of the Senate and the Clerk of the House of Representatives copies of all registrations and reports received under sections 4 and 5 and all compilations, cross-indexes, and summaries of such registrations and reports, as soon as practicable (but not later than 3 working days) after such material is received or created;

(12) make available to the public a list of all persons whom the Director determines, under section 9(c) or 10(c), to have violated this Act and submit such list to the Congress on a semiannual basis;

(13) upon request, indicate if an individual who may have been the subject of a lobbying contact is or has been within 3 years before the date of the request a covered executive branch official or a covered legislative branch official; and

(14) transmit to the President and the Congress a report, not later than March 31 of each year, describing the activities of the Office and the implementation of this Act, including—

(A) a financial statement for the preceding fiscal year;

(B) a summary of the registrations and reports filed with the Office with respect to the preceding calendar year;

(C) a summary of the registrations and reports filed on behalf of foreign entities with respect to the preceding calendar year; and

(D) recommendations for such legislative or other action as the Director considers appropriate.

SEC. 8. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.

(a) ALLEGATION OF A VIOLATION.—Whenever the Office of Lobbying Registration and Public Disclosure has reason to believe that a person may be in violation of the requirements of this Act, the Director shall notify the person in writing of the nature of the alleged violation and provide an opportunity for the person to respond in writing to the allegation within 30 days after the notification is sent or such longer period as the Director may determine appropriate in the circumstances.

(b) INITIAL DETERMINATION.—If the person responds within the period described in the notification under subsection (a), the Director shall—

(1) issue a written determination that the person has not violated this Act if the person provides adequate information or explanation to make such determination; or

(2) make a formal request for information under subsection (c) or a determination under section 9, if the information or explanation provided indicates that such person may have violated this Act.

A determination under paragraph (1) may be published by the Director with the names redacted if the Director determines the determination without the names provides useful guidance.

(c) FORMAL REQUEST FOR INFORMATION.—If a person fails to respond in writing within the period described in the notification under subsection (a) or the response is not adequate to determine whether such person has violated this Act, the Director may make a formal request for specific additional written information (subject to applicable privileges) that is reasonably necessary for the Director to make such determination. Each such request shall be structured to minimize any burden imposed, consistent with the need to determine whether the person is in compliance with this Act, and shall—

(1) state the nature of the conduct constituting the alleged violation which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of material to be produced pursuant to the request with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the person may assemble and make available for inspection and copying or reproduction the material so requested.

(d) NONDISCLOSURE OF INFORMATION.—Information provided to the Director under this section and sections 9 and 10 shall not be made available to the public without the consent of the person providing the information, except to the extent such information may be included in—

(1) any new or amended registration or report filed in connection with an inquiry under this section; or

(2) a written decision issued by the Director under section 9 or 10 after appropriate redaction by the Director to protect the interests of innocent parties.

SEC. 9. DETERMINATIONS OF VIOLATIONS.

(a) NOTIFICATION AND HEARING.—If the information provided to the Director under section 8 indicates that a person may have violated this Act, the Director shall—

(1) notify the person in writing of this finding and, if appropriate, a proposed penalty assessment and provide such person with an opportunity to respond in writing within 30 days after the notice is sent; and

(2) if requested in writing by that person within that 30-day period, afford the person an opportunity for a hearing on the record under the provisions of section 554 of title 5, United States Code.

(b) DETERMINATION.—Upon the receipt of a written response under subsection (a)(1) when no hearing under subsection (a)(2) is requested, upon the completion of a hearing requested under subsection (a)(2), or upon the expiration of 30 days in a case in which no such written response is received, the Director shall review the information received under this section (including evidence presented at any such hearing) and section 8 and make a final determination whether there was a violation and a final determination of the penalty, if any. If no written response was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final order not subject to appeal.

(c) WRITTEN DECISION.—

(1) DETERMINATION OF VIOLATION.—If the Director makes a final determination under subsection (b) that there was a violation, the Director shall issue a public written decision—

(A) directing the person to correct the violation; and

(B) assessing a civil monetary penalty in an amount determined as follows:

(i) In the case of a minor violation, the amount shall be no more than $10,000, depending on the nature and extent of the violation.

(ii) In the case of a significant violation, the amount shall be more than $10,000, but no more than $200,000, depending on the nature and extent of the violation and the extent to which the person may have profited from the violation.

(2) DETERMINATION OF NO VIOLATION OR INSUFFICIENT EVIDENCE.—If the Director determines that no violation occurred or there was not sufficient evidence that a violation occurred, the Director shall issue a written notice of such determination to the person charged. Such notice may be published by the Director with names redacted if the Director determines it provides useful guidance.

(d) CIVIL INJUNCTIVE RELIEF.—If a person fails to comply with a directive to correct a violation under subsection (c), the Director shall refer the case to the Attorney General to seek civil injunctive relief in the appropriate court of the United States to compel such person to comply with such directive.

(e) PENALTY ASSESSMENTS.—

(1) GENERAL RULE.—No penalty shall be assessed under this section unless the Director finds that the person subject to the penalty knew or should have known that such person was in violation of this Act. In determining the amount of a penalty to be assessed, the Director shall take into account the totality of the circumstances, including the extent and gravity of the violation and such other matters as justice may require.

(2) REGULATIONS.—Regulations prescribed by the Director under section 7 shall define minor and significant violations. Significant violations shall be defined to include a failure to register and any other violation that is extensive or repeated if the person who commits such violation knew or should have known that the action constituting the violation was a violation of this Act.

(f) LIMITATION.—No proceeding shall be initiated under this section relating to a registration or report filed or required to be filed under this Act unless the Director notifies the person who is to be the subject to the proceeding of the alleged violation within 3 years after the date on which such registration or report was filed or was required to be filed.

SEC. 10. OTHER VIOLATIONS.

(a) LATE REGISTRATION OR FILING; FAILURE TO PROVIDE INFORMATION.—If a person registers or files a report after a registration or filing is required under this Act, or fails to provide information requested by the Director under section 8(c), the Director shall—

(1) notify the person in writing of the violation and a proposed penalty assessment and provide such person with an opportunity to respond in writing within 30 days after the notice is sent; and

(2) if requested by that person within that 30-day period, afford the person a hearing in accordance with section 9(a)(2).

(b) DETERMINATION.—Upon the receipt of a written response under subsection (a)(1) when no hearing under subsection (a)(2) is requested, upon the completion of a hearing requested under subsection (a)(2), or upon the expiration of 30 days in a case in which no such written response is received, the Director shall review the information received under subsection (a) (including evidence presented at any such hearing) and, unless the Director determines, on the basis of such information, that the late filing or failure to provide information was justified, the Director shall make a final determination of a violation and a final determination of the penalty, if any. If no written response or request for a hearing was received under subsection (a) within the 30-day period provided, the determination and penalty assessment shall constitute a final order not subject to appeal.

(c) WRITTEN DECISION.—

(1) DETERMINATION OF VIOLATION.—If the Director makes a final determination under subsection (b) that there was a violation, the Director shall issue a public written decision—

(A) in the case of a late registration or filing, assessing a civil monetary penalty of $200 for each week by which the filing was late, with the total penalty not to exceed $10,000; or

(B) in the case of a failure to provide information—

(i) directing the person to provide the information within a reasonable period of time; and

(ii) except where the Director determines that the violation was the result of a good faith dispute over the validity or appropriate scope of a request for information, assessing a civil monetary penalty in an amount not to exceed $10,000.

(2) DETERMINATION OF NO VIOLATION OR INSUFFICIENT EVIDENCE.—If the Director determines that no violation occurred or there was not sufficient evidence that a violation occurred, the Director shall issue a written notice of such determination to the person charged. Such notice may be published by the Director with names redacted if the Director determines it provides useful guidance.

(d) CIVIL INJUNCTIVE RELIEF.—In the case of a person failing to comply with a directive issued under subsection (c)(2)(A), the Director shall refer such matter to the Attorney General, who shall seek civil injunctive relief in the appropriate court of the United States to compel such person to comply with such directive unless the Attorney General finds no reasonable likelihood that the Government would prevail.

SEC. 11. JUDICIAL REVIEW.

(a) FINAL DECISION.—A written decision issued by the Director under section 9 or 10 shall become final 60 days after the date on which the Director provides notice of the decision, unless such decision is appealed under subsection (b) of this section.

(b) APPEAL.—Any person adversely affected by a written decision issued by the Director under section 9 or 10 may appeal such decision, except as provided under section 9(b) or 10(b), to the appropriate United States court of appeals. Such review may be obtained by filing a written notice of appeal in such court no later than 60 days after the date on which the Director provides notice of the Director's decision and by simultaneously sending a copy of such notice of appeal to the Director. The Director shall file in such court the record upon which the decision was issued, as provided under section 2112 of title 28, United States Code. The findings of fact of the Director shall be conclusive, unless found to be unsupported by substantial evidence, as provided under section 706(2)(E) of title 5, United States Code. Any penalty assessed or other action taken in the decision shall be stayed during the pendency of the appeal.

(c) RECOVERY OF PENALTY.—Any penalty assessed in a written decision which has become final under this Act may be recovered in a civil action brought by the Attorney General in an appropriate United States district court. In any such action, no matter that was raised or that could have been raised before the Director or pursuant to judicial review under subsection (b) may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

SEC. 12. RULES OF CONSTRUCTION.

(a) CONSTITUTIONAL RIGHTS.—Nothing in this Act shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances,

(2) the right to express a personal opinion, or

(3) the right of association,

protected by the First Amendment to the Constitution.

(b) PROHIBITION OF ACTIVITIES.—Nothing in this Act shall be construed to prohibit, or to authorize the Director or any court to prohibit lobbying activities or lobbying contacts by any person, regardless of whether such person is in compliance with the requirements of this Act.

(c) AUDIT AND INVESTIGATIONS.—Nothing in this Act shall be construed to grant general audit or investigative authority to the Director, or to authorize the Director to review the files of a registrant, except in accordance with the requirements of section 8.

SEC. 13. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), is amended—

(1) in section 1—

(A) by striking out subsection (j);

(B) in subsection (o), by striking out "the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence" and inserting in lieu thereof "any activity which the person engaging in believes will, or which he intends to, in any way influence";

(C) in subsection (p) by striking out the semicolon and inserting in lieu thereof a period; and

(D) by striking out subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking out "established agency proceedings, whether formal or informal." and inserting in lieu thereof "judicial proceedings, criminal or civil law enforcement inquiries, investigations or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.";

(3) in section 3 (22 U.S.C. 613), by adding at the end the following:

"(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) of this Act if the agent is required to register and does register under the Lobbying Disclosure Act of 1994 in connection with the agent's representation of such person or entity.".

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking out "political propaganda" and inserting in lieu thereof "informational materials"; and

(B) by striking out "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal";

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i) by striking out "political propaganda" and inserting in lieu thereof "informational materials"; and

(B) by striking out "(i) in the form of prints, or" and all that follows through the end of the subsection and inserting in lieu thereof "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.";

(6) in section 4(c) (22 U.S.C. 614(c)), by striking out "political propaganda" and inserting in lieu thereof "informational materials";

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a), by striking out "and all statements concerning the distribution of political propaganda";

(B) in subsection (b), by striking out ", and one copy of every item of political propaganda"; and

(C) in subsection (c), by striking out "copies of political propaganda,";

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2), by striking out "or in any statement under section 4(a) hereof concerning the distribution of political propaganda"; and

(B) by striking out subsection (d); and

(9) in section 11 (22 U.S.C. 621), by striking out ", including the nature, sources, and content of political propaganda disseminated or distributed".

SEC. 14. AMENDMENTS TO THE BYRD AMENDMENT.

(a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2), by striking out subparagraphs (A), (B), and (C) and inserting in lieu thereof the following:

"(A) the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

"(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).";

(2) in paragraph (3), by striking out all that follows "loan shall contain" and inserting in lieu thereof "the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee."; and

(3) by striking out paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 15. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

SEC. 16. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5205(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting "or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined in section 3 of the Lobbying Disclosure Act of 1994)" after "an agent for a foreign principal".

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended (1) by inserting "or a lobbyist required to register under the Lobbying Disclosure Act of 1994 in connection with the representation of a foreign entity, as defined in section 3(7) of that Act" after "an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938", and (2) by striking out ", as amended,". Section 201(c)(1) of such title is amended by inserting "or rule or regulation issued pursuant to section 7353(b) by the supervising ethics office as defined in section 7353(d)(1) (A) through (E) of title 5" after "as provided by law".

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting "or a lobbyist for a foreign entity (as defined in section 3(7) of the Lobbying Disclosure Act of 1994)" after "an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)".

SEC. 17. IDENTIFICATION OF FOREIGN CLIENT.

(a) ORAL LOBBYING CONTACT.—Any person who makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official on behalf of a foreign client shall, on the request of the official, identify the client on whose behalf the lobbying contact was made, state that such client is considered a foreign client under this section, and state whether such person is registered on behalf of that client under section 4. Such person shall, within one week of such lobbying contact, send to the covered legislative branch official or the covered executive branch official written confirmation of the information provided.

(b) WRITTEN LOBBYING CONTACT.—Any person who makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official on behalf of a foreign client shall identify the client on whose behalf the lobbying contact was made, state that such client is considered a foreign client under this section, and state whether such person is registered on behalf of that client under section 4.

(c) DEFINITION.—For purposes of subsections (a) and (b), the term "foreign client" means a foreign entity as defined in section 3(7) or any organization or combination of persons under United States or foreign law if more than 50 percent of its members are foreign entities, if more than 50 percent of the equitable ownership of the organization or combination is held by foreign entities, or if more than 50 percent of its financial support is provided by foreign entities.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this Act.

SEC. 19. SEVERABILITY.

If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 20. EFFECTIVE DATES AND INTERIM RULE.

(a) IN GENERAL.—Except as otherwise provided in this section, the provisions of this Act shall take effect 1 year after the date of the enactment of this Act.

(b) ESTABLISHMENT OF OFFICE.—The provisions of sections 7 and 18 and the amendments made by section 16 shall take effect on the date of the enactment of this Act.

(c) REPEALS AND AMENDMENTS.—The repeals and amendments made under sections 13, 14, and 15 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(d) REGULATIONS.—Proposed regulations required to implement this Act shall be published for public comment no later than 270 days after the date of the enactment of this Act. No later than 1 year after the date of the enactment of this Act, final regulations required to implement this Act shall be published.

(e) PHASE-IN-PERIOD.—No penalty shall be assessed by the Director under section 9(e) for a violation of this Act, other than for a violation of section 6, which occurs during the first semiannual reporting period under section 5 after the effective date prescribed by subsection (a).

(f) INTERIM REPORTING RULE.—

(1) RULE.—For 3 years after the date of the enactment of this Act, any registrant engaged in lobbying activities on its own behalf that is denied a deduction for expenditures associated with such lobbying activities under section 162(e) of the Internal Revenue Code of 1986, may make a good faith estimate (by category of dollar value) of the amount of the deduction denied for the applicable semiannual period to meet the requirements of section 5(b)(4) of this Act. Each time a registrant elects to estimate lobbying expenditures pursuant to this paragraph, the registrant shall inform the Director that it is making such an estimate.

(2) STUDY.—Within 120 days of the filing of reports by registrants under section 5 in the second semiannual reporting period, the Comptroller General of the United States shall review reporting by registrants under paragraph (1) in such periods and report to the Congress—

(A) the differences between the definition of lobbying activities in section 3 and the definition of lobbying expenditures in such section 162(e) as each are implemented by regulations;

(B) the impact any such differences may have on the amounts reported by the registrants who elect to estimate lobbying expenditures pursuant to paragraph (1); and

(C) any changes to this Act or to such section 162(e) which the Comptroller General may recommend to harmonize the two definitions.

(g) TRANSITIONAL FILING REQUIREMENT.—

(1) SIMULTANEOUS FILING.—Subject to the provisions of paragraph (2), each registrant shall transmit simultaneously to the Secretary of the Senate and the Clerk of the House of Representatives an identical copy of each registration and report required to be filed under this Act.

(2) SUNSET PROVISION.—The simultaneous filing requirement under paragraph (1) shall be effective until such time as the Director, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, determines that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 7(b)(11).

(3) IMPLEMENTATION.—The Director, the Secretary of the Senate, and the Clerk of the House of Representatives shall take such actions as necessary to ensure that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 7(b)(11) on the effective date of this Act, or as soon thereafter as reasonably practicable.

Mr. FORD. Mr. President, I ask unanimous consent that the Senate disagree to the House amendment, agree to the request for a conference, and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. FEINGOLD) appointed Mr. GLENN, Mr. LEVIN, Mr. AKAKA, Mr. COHEN, and Mr. STEVENS conferees on the part of the Senate.

D-DAY NATIONAL REMEMBRANCE DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Judiciary Committee be discharged from further consideration of House Joint Resolution 303, D-day Remembrance, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 303) to designate June 6, 1994 as D-day National Remembrance Day.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. If there is no objection, the bill is considered read the third time, and passed.

The preamble was agreed to.

Mr. FORD. I move to reconsider the vote and move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Thursday, May 12; that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that immediately thereafter, the Senate proceed to the consideration of the conference report accompanying S. 636, the Freedom of Access to Clinics Act, as provided for under provisions of a previous unanimous-consent agreement; that on Thursday, following the conclusion of the vote on adoption of the conference report accompanying S. 636, the Senate then stand in recess until 2:30 p.m. in order to accommodate a party conference.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RECESS UNTIL THURSDAY, MAY 12, 1994, AT 9:30 A.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today and I see no other Senator seeking recognition, I ask now that the Senate stand in recess as previously ordered upon the completion of the statement of the Senator from Delaware.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2108 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROTH. Mr. President, I yield back the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 9:30 a.m., May 12, 1994.

Thereupon, at 6:46 p.m. the Senate recessed until Thursday, May 12, 1994, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 11, 1994:

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN A. KOSKINEN, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE PHILIP LADER.

DEPARTMENT OF STATE

RONALD E. NEUMANN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

FRANK G. WISNER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

CONFIRMATION

Executive nomination confirmed by the Senate May 11, 1994:

UNITED STATES INFORMATION AGENCY

JOHN P. LOIELLO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, May 11, 1994*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

From the rising of the Sun until the going down of the same, Your word, O gracious God, is a beacon of hope, a light to dispel the darkness, and a signal to point to a better day. May we, each one, heed the voice that calls us to contrition and repentance and at the same time encourages and inspires us to deeds of justice and acts of mercy. May we use the time and the day appointed for us in which to live, so we are devoted in the tasks before us and be faithful with the gifts You have freely given. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas [Mr. HUTCHINSON] come forward and lead the House in the Pledge of Allegiance.

Mr. HUTCHINSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2100. An act to provide for rural development, multiple-use management, expenditures under the Knutson-Vandenberg Act of 1930, and ecosystem-based management of certain forest lands, and for other purposes.

SHOULD FELONS PROTECT THE PUBLIC?

(Mr. MARTINEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, I ask today the question, should felons protect the public?

How many Members of this House would vote to allow a convicted felon to don a uniform and badge, and perhaps even be given a firearm, and placed in a position to guard a shopping mall or elementary school?

Not many.

Yet, 333 Members of the House voted to do just that by opposing my amendment to the crime bill, legislation that would require employers of guards to check job applicants through State agencies for criminal backgrounds.

As a result, it is virtually impossible to provide the public assurance that the person they see guarding a school or shopping mall is not a convicted felon.

CNN recently reported finding felons who were working as private security officers in California.

H.R. 1534 adopts a program that, at no net cost to the State or Federal Government, would expedite national criminal background checks and provide information to State regulators of the private security industry.

Earlier this year, Congress voted in favor of similar nationwide background checks for child care workers, including volunteers.

We can do no less for private security guards, some of whom carry lethal weapons.

CLINTON HEALTH CARE PLAN WOULD BENEFIT SMALL BUSINESSES AND SELF-EMPLOYED

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the National Federation of Independent Businesses is in Washington this week to lobby against President Clinton's health care reform bill. But, by opposing health care reform, the NFIB hurts the very same small businesses they claim to represent. What they fail to take into account is what small businesses are facing today.

Today, health care costs for small businesses are rising at a rate of 20 to 50 percent per year. The President's plan will offer small business discounts and institute premium caps to control costs.

Today, many small business owners can only afford bare-bones insurance coverage for their employees. The Clinton plan will offer small businesses a comprehensive benefit package.

Today, small businesses are susceptible to insurance company abuses, such as occupational redlining and preexisting condition exclusions. The Clinton plan will outlaw these abuses.

Today, the self-employed are only allowed a 25-percent deduction on health care costs while everybody else is entitled a 100-percent deduction. That is unfair. Under the Clinton plan the self-employed will get the full 100 percent deduction.

Our current health care system is bad for small business. But, we need to reform it, not rebuild it. That is why the President put together a plan that builds on our current system of shared responsibility between employer and employee. It is a system that will help small businesses control costs and cover employees.

□ 1410

DEMOCRATIC TAX INCREASES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I noticed in this morning's newspaper that the Democratic chairman of the Ways and Means Committee now believes we are going to need a tax increase for all Americans of up to $40 billion to pay for the Clinton health plan.

Mr. Speaker, that is a lot of money. That comes to something on the order of about $650 a year for a family of four out of their pocket to the Federal Government. This is a new tax increase proposal by the Democrats' chairman after his proposal 2 weeks ago to raise the Social Security tax by 31 percent on every business, every worker in America, to pay for another problem he perceives.

Mr. Speaker, we believe on our side that Government is too big and spends too much, and I do not think most working Americans or most American families are very excited by the prospect of the Democratic chairman of the Committee on Ways and Means making two major tax increase proposals in the last 2 weeks.

THE EXECUTION OF JOHN WAYNE GACY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, for all those bleeding hearts who say that John Wayne Gacy experienced cruel and unusual punishment, check this out. Gacy executed 33 young men, bur-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ied most of them in a crawl space underneath his kitchen. One victim who escaped said he begged Gacy to kill him rather than to torture him.

Ladies and gentlemen, those who say that Gacy should be put in jail for life are part of the problem in America. John Wayne Gacy deserved to be executed. It should have been 10 years ago. Congress should be saying today, "Good night, sweet prince, you earned it."

For everybody concerned about John Wayne Gacy and cruel and unusual punishment, what about the 33 victims, Congress? What about those 33 victims?

A RISING TIDE

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE. Mr. Speaker, President, Kennedy once said, "A rising tide lifts all ships."

Well, Mr. Speaker, a rising tide just went through Oklahoma, and sank the Democrat candidate for Congress.

It's a rising tide of rejection and repudiation of the Clinton form of Government.

It wasn't only Republicans who created this tidal wave. In fact, the Sixth District of Oklahoma has far more registered Democrats than Republicans.

But even most Democrats are growing weary of the scandal-ridden Clinton administration, the broken promises, the higher taxes, and the wavering and wobbly foreign policy.

The people want more Republicans in the House to protect their interests in health, to push through reform, and to probe into the corruption that eats away at our government.

Mr. Speaker, a rising tide may lift all ships, but this rising tide is sinking the Democrat's philosophy of Government.

HEALTH CARE COST CONTROLS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, as we continue the process of passing a comprehensive health care plan for all Americans we find ourselves stumbling over issues such as how to control the growing costs of our health care system. The skyrocketing cost of obtaining health care coverage has driven the call for reform. How best to control these costs however is a primary component of the President's plan and the version of that plan that our committee's are considering.

When we look at cost control mechanisms, establishing limits on the future growth of costs are the answer. This mechanism is effective and it also has the benefit of predictability and provides for a more stable market.

There are those who view these types of cost controls as ineffective and who are seeking to eliminate them from the plan, however the result of that would be merely the continuation of the status quo.

First, people would continue to pay skyrocketing costs and there would be no incentive to control costs.

Second, small business and families would continue to be the big losers.

Anyone who has ever tried to put together a long-term economic strategy for a business or even a government budget can tell you that the unknown future costs relating to health care are the most frustrating and often budget busting factors in the plan. Our own Federal budget is busting at the seams due to the rising costs of health care and we will continue down the road to economic ruin unless we face up to the reality that health care costs must be controlled.

SOCIAL SECURITY EARNINGS TEST REPEAL

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, I come to the floor today to urge my colleagues to sign the discharge petition I am filing at the Speaker's table—Discharge Petition No. 18.

The petition would allow Congress to consider H.R. 300, the Older Americans Freedom to Work Act. Although a majority of my colleagues support this bill, it has become clear that the Ways and Means Committee will not consider this important legislation before the end of this session of Congress.

Mr. Speaker, H.R. 300 seeks to eliminate or modify the unfair Social Security earnings test, a penalty which reduces the Social Security benefits of millions of senior citizens simply because they want or need to continue working. Americans, age 65 to 69, who earn over $11,160 this year, will see their benefits reduced. And let me be clear, this penalty only impacts seniors who need to work—not those who have income from rents, dividends, or pensions.

Our senior citizens worked years to earn these benefits. It's high time we recognize their years of hard work and rescind this penalty by supporting—and signing—this Discharge Petition No. 18.

A CALL FOR SOUND AMERICAN HEALTH CARE SYSTEM

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I rise today in support of a rationalization of our current health care system, A Sound Health Care Policy for America. There have been a number or reform proposals put on the table, I favor a single payer system. I am willing to consider and work with what the President has sought, it certainly an important reform which affects an increasing percentage of our economy. In 1965, about one-twentieth of our economy in dollars went for health care. Today it is one-seventh. Yet many oppose the Clinton plan and really have no rational alternatives.

Mr. Speaker, the fact is that increasingly people who are employed and their families are losing private health care benefits. As that figure has risen to 38.5 million today the number of private health insured families has gone down a proportionate number in terms of the past years' statistics to 156.6 million people. Even more graphic is the 1989–1992 percentage in which private health insurance has plummeted from 75.1 percent to 70.9 percent of the population; families are losing their health insurance.

Mr. Speaker, it is important to face up to the fact of employer mandates and to try to nail down the responsibilities at the place of work so the funding stream is in place rather than to just get painted into a corner with regards to the tax increase type of label which, of course, might be good political rhetoric, it might be a good political advantage, but it is poor public policy process.

Mr. Speaker, it is time to face up to the responsibilities and help the American people meet their health care needs for themselves and their families.

DO THE RIGHT THING

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, every so often this House gets the chance to do the right thing. Today Mr. HASTERT files discharge petition No. 18 on the Older Americans Freedom To Work Act—legislation to repeal an unfair, outdated, and down right discriminatory provision of the Social Security Act known as the earnings test which singles out hard working seniors to pay higher taxes. It is just not the 1930's any more when this law was passed and it is time for Government to get this dinosaur off the books.

Older Americans are able and eager to work and many need to—why should Government be discouraging them? You would think with 221 Members of this House from both parties on board to repeal this extra tax on seniors, that we would be able to make it happen. But up until now, the House Democrat leadership has blocked the way. Let us do the right thing—sign the discharge petition for H.R. 300. Let us give the seniors a little good news.

COSPONSOR H.R. 4096, A BILL TO RESOLVE COMMERCIAL DISPUTES BETWEEN UNITED STATES FIRMS AND SAUDI ARABIA

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, I rise today in support of H.R. 4096, a bill to ensure that certain unresolved commercial disputes between United States firms and the Government of Saudi Arabia are resolved satisfactorily. On September 22, 1992, Senator JOHN GLENN introduced an amendment to secure the resolution of United States commercial claims by the Government of Saudi Arabia. That amendment was overwhelmingly approved by both Houses of Congress on October 6, 1992, as section 9140 of fiscal year 1993 Department of Defense Appropriations Act.

The Subcommittee on Defense Appropriations included the words "to resolve satisfactory" to impact a fair resolution of a claim of a firm in my State, Harbert-Howard Cos.

A large number of Members of both Houses have signed individual as well as 12 joint Congressional letters urging the Saudi Government to comply with section 9140 by resolving satisfactorily Harbert-Howard Co.s' dispute. Regrettably, this has not yet taken place. This case has gone unresolved for more than 15 years.

I strongly urge you to support H.R. 4096, introduced by our colleague EARL HILLIARD and which I have cosponsored. This bill reaffirms congressional intent to secure satisfactory resolution of American claims as mandated by section 9140 of the Department of Defense Appropriations Act. There is no new policy being set by this bill. The language of the bill is straightforward and will have no impact on the Saudi participation in the peace process or in any way discourage United States-Saudi relations. I appeal to your sense of justice to join me in cosponsoring H.R. 4096.

CONFERENCE REPORT ON H.R. 965, CHILD SAFETY PROTECTION ACT

Mrs. COLLINS of Illinois submitted the following conference report and statement on the bill (H.R. 965) to provide for toy safety and for other purposes:

CONFERENCE REPORT (H. REPT. 103-500)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 965), to provide for toy safety and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Safety Protection Act".

TITLE I—TOY LABELING REQUIREMENTS

SEC. 101. REQUIREMENTS FOR LABELING CERTAIN TOYS AND GAMES.

(a) REQUIREMENT UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended by adding at the end the following new section:

"SEC. 24. REQUIREMENTS FOR LABELING CERTAIN TOYS AND GAMES.

"(a) TOYS OR GAMES FOR CHILDREN WHO ARE AT LEAST 3.—

"(1) REQUIREMENT.—The packaging of any toy or game intended for use by children who are at least 3 years old but not older than 6 years (or such other upper age limit as the Commission may determine, which may not be less than 5 years old), any descriptive material which accompanies such toy or game, and, in the case of bulk sales of such toy or game when unpackaged, any bin, container for retail display, or vending machine from which the unpackaged toy or game is dispensed shall bear or contain the cautionary statement described in paragraph (2) if the toy or game—

"(A) is manufactured for sale, offered for sale, or distributed in commerce in the United States, and

"(B) includes a small part, as defined by the Commission.

"(2) LABEL.—The cautionary statement required by paragraph (1) for a toy or game shall be as follows:

" ⚠ **WARNING:**

CHOKING HAZARD—Small parts.
Not for children under 3 yrs.

"(b) BALLOONS, SMALL BALLS, AND MARBLES.—

"(1) REQUIREMENT.—In the case of any latex balloon, any ball with a diameter of 1.75 inches or less intended for children 3 years of age or older, any marble intended for children 3 years of age or older, or any toy or game which contains such a balloon, ball, or marble, which is manufactured for sale, offered for sale, or distributed in commerce in the United States—

"(A) the packaging of such balloon, ball, marble, toy, or game,

"(B) any descriptive material which accompanies such balloon, ball, marble, toy, or game, and

"(C) in the case of bulk sales of any such product when unpackaged, any bin, container for retail display, or vending machine from which such unpackaged balloon, ball, marble, toy, or game is dispensed,

shall bear or contain the cautionary statement described in paragraph (2).

"(2) LABEL.—The cautionary statement required under paragraph (1) for a balloon, ball, marble, toy, or game shall be as follows:

"(A) BALLOONS.—In the case of balloons, or toys or games that contain latex balloons, the following cautionary statement applies:

" ⚠ **WARNING:**

CHOKING HAZARD—Children under 8 yrs. can choke or suffocate on uninflated or broken balloons. Adult supervision required.

Keep uninflated balloons from children.
Discard broken balloons at once.

"(B) BALLS.—In the case of balls, the following cautionary statement applies:

" ⚠ **WARNING:**

CHOKING HAZARD—This toy is a small ball.
Not for children under 3 yrs.

"(C) MARBLES.—In the case of marbles, the following cautionary statement applies:

" ⚠ **WARNING:**

CHOKING HAZARD—This toy is a marble.
Not for children under 3 yrs.

"(D) TOYS AND GAMES.—In the case of toys or games containing balls, the following cautionary statement applies:

" ⚠ **WARNING:**

CHOKING HAZARD—Toy contains a small ball.
Not for children under 3 yrs.

In the case of toys or games containing marbles, the following cautionary statement applies:

" ⚠ **WARNING:**

CHOKING HAZARD—Toy contains a marble.
Not for children under 3 yrs.

"(c) GENERAL LABELING REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), any cautionary statement required under subsection (a) or (b) shall be—

"(A) displayed in its entirety on the principal display panel of the product's package, and on any descriptive material which accompanies the product, and, in the case of bulk sales of such product when unpackaged, on the bin, container for retail display of the product, and any vending machine from which the unpackaged product is dispensed, and

"(B) displayed in the English language in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such package, descriptive materials, bin, container, and vending machine, and in a manner consistent with part 1500 of title 16, Code of Federal Regulations (or successor regulations thereto).

"(2) EXCEPTION FOR PRODUCTS MANUFACTURED OUTSIDE UNITED STATES.—In the case of a

product manufactured outside the United States and directly shipped from the manufacturer to the consumer by United States mail or other delivery service, the accompanying material inside the package of the product may fail to bear the required statement if other accompanying material shipped with the product bears such statement.

"(3) SPECIAL RULES FOR CERTAIN PACKAGES.—(A) A cautionary statement required by subsection (a) or (b) may, in lieu of display on the principal display panel of the product's package, be displayed on another panel of the package if—

"(i) the package has a principal display panel of 15 square inches or less and the required statement is displayed in three or more languages; and

"(ii) the statement specified in subparagraph (B) is displayed on the principal display panel and is accompanied by an arrow or other indicator pointing toward the place on the package where the statement required by subsection (a) or (b) appears.

"(B)(i) In the case of a product to which subsection (a), subsection (b)(2)(B), subsection (b)(2)(C), or subsection (b)(2)(D) applies, the statement specified by this subparagraph is as follows:

" ⚠ **SAFETY WARNING**

"(ii) In the case of a product to which subsection (b)(2)(A) applies, the statement specified by this subparagraph is as follows:

" ⚠ **WARNING—CHOKING HAZARD**

"(d) TREATMENT AS MISBRANDED HAZARDOUS SUBSTANCE.—A balloon, ball, marble, toy, or game, that is not in compliance with the requirements of this subsection shall be considered a misbranded hazardous substance under section 2(p).".

(b) OTHER SMALL BALLS.—A small ball—

(1) intended for children under the age of 3 years of age, and

(2) with a diameter of 1.75 inches or less,
shall be considered a banned hazardous substance under section 2(q) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)).

(c) REGULATIONS.—The Consumer Product Safety Commission (hereinafter referred to as the "Commission") shall promulgate regulations, under section 553 of title 5, United States Code, for the implementation of this section and section 24 of the Federal Hazardous Substances Act by July 1, 1994, or the date that is 6 months after the date of enactment of this Act, whichever occurs first. Subsections (f) through (i) of section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) shall not apply with respect to the issuance of regulations under this subsection.

(d) EFFECTIVE DATE; APPLICABILITY.—Subsections (a) and (b) shall take effect January 1, 1995, and section 24 of the Federal Hazardous Substances Act shall apply only to products entered into commerce on or after January 1, 1995.

(e) PREEMPTION.—

(1) IN GENERAL.—Subject to paragraph (2), a State or political subdivision of a State may not establish or enforce a requirement relating to cautionary labeling of small parts hazards or choking hazards in any toy, game, marble, small ball, or balloon intended or suitable for use by children unless such requirement is identical to a requirement established by amendments made by this section to the Federal Hazardous Substances Act or by regulations promulgated by the Commission.

(2) EXCEPTION.—A State or political subdivision of a State may, until January 1, 1995, enforce a requirement described in paragraph (1) if such requirement was in effect on October 2, 1993.

SEC. 102. REPORTING REQUIREMENTS.

(a) REPORTS TO CONSUMER PRODUCT SAFETY COMMISSION.—

(1) REQUIREMENT TO REPORT.—Each manufacturer, distributor, retailer, and importer of a marble, small ball, or latex balloon, or a toy or game that contains a marble, small ball, latex balloon, or other small part, shall report to the Commission any information obtained by such manufacturer, distributor, retailer, or importer which reasonably supports the conclusion that—

(A) an incident occurred in which a child (regardless of age) choked on such a marble, small ball, or latex balloon or on a marble, small ball, latex balloon, or other small part contained in such toy or game; and

(B) as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional.

(2) TREATMENT UNDER CPSA.—For purposes of section 19(a)(3) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(3)), the requirement to report information under this subsection is deemed to be a requirement under such Act.

(3) EFFECT ON LIABILITY.—A report by a manufacturer, distributor, retailer, or importer under paragraph (1) shall not be interpreted, for any purpose, as an admission of liability or of the truth of the information contained in the report.

(b) CONFIDENTIALITY PROTECTIONS.—The confidentiality protections of section 6(b) of the Consumer Product Safety Act (15 U.S.C. 2055(b)) apply to any information reported to the Commission under subsection (a) of this section. For purposes of section 6(b)(5) of such Act, information so reported shall be treated as information submitted pursuant to section 15(b) of such Act respecting a consumer product.

TITLE II—CHILDREN'S BICYCLE HELMET SAFETY

SEC. 201. SHORT TITLE.

This title may be cited as the "Children's Bicycle Helmet Safety Act of 1994".

SEC. 202. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration may, in accordance with section 203, make grants to States, political subdivisions of States, and nonprofit organizations for programs that require or encourage individuals under the age of 16 to wear approved bicycle helmets. In making those grants, the Administrator shall allow grantees to use wide discretion in designing programs that effectively promote increased bicycle helmet use.

(b) FEDERAL SHARE.—The amount provided by a grant under this section shall not exceed 80 percent of the cost of the program for which the grant is made. In crediting the recipient State, political subdivision, or nonprofit organization for the non-Federal share of the cost of such a program (other than planning and administration), the aggregate of all expenditures made by such State, political subdivision, or nonprofit organization (exclusive of Federal funds) for the purposes described in section 203 (other than expenditures for planning and administration) shall be available for such crediting, without regard to whether such expenditures were actually made in connection with such program.

SEC. 203. PURPOSES FOR GRANTS.

A grant made under section 202 may be used by a grantee to—

(1) enforce a law that requires individuals under the age of 16 to wear approved bicycle helmets on their heads while riding on bicycles;

(2) provide assistance, to individuals under the age of 16 who may not be able to afford approved bicycle helmets, to enable such individuals to acquire such helmets;

(3) develop and administer a program to educate individuals under the age of 16 and their families on the importance of wearing such helmets in order to improve bicycle safety; or

(4) carry out any combination of the activities described in paragraphs (1), (2), and (3).
The Administrator shall review grant applications for compliance with this section prior to awarding grants.

SEC. 204. REPORT TO CONGRESS.

Not later than May 1, 1997, the Administrator of the National Highway Traffic Safety Administration shall report to Congress on the effectiveness of the grant program established by section 202. The report shall include a list of grant recipients, a summary of the types of programs implemented by the grantees, and any recommendation by the Administrator regarding how the program should be changed in the future.

SEC. 205. STANDARDS.

(a) IN GENERAL.—Bicycle helmets manufactured 9 months or more after the date of the enactment of this Act shall conform to—

(1) any interim standard described under subsection (b), pending the establishment of a final standard pursuant to subsection (c); and

(2) the final standard, once it has been established under subsection (c).

(b) INTERIM STANDARDS.—The interim standards are as follows:

(1) The American National Standards Institute standard designated as "Z90.4–1984".

(2) The Snell Memorial Foundation standard designated as "B-90".

(3) The American Society for Testing and Materials (ASTM) standard designated as "F 1447".

(4) Any other standard that the Commission determines is appropriate.

(c) FINAL STANDARD.—Not later than 60 days after the date of the enactment of this Act, the Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(1) review the requirements of the interim standards set forth in subsection (a) and establish a final standard based on such requirements;

(2) include in the final standard a provision to protect against the risk of helmets coming off the heads of bicycle riders;

(3) include in the final standard provisions that address the risk of injury to children; and

(4) include additional provisions as appropriate.
Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to the proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding. The final standard shall take effect 1 year from the date it is issued.

(d) FAILURE TO MEET STANDARDS.—

(1) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, a bicycle helmet that does not conform to an interim standard as required under subsection (a)(1) shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(2) STATUS OF FINAL STANDARD.—The final standard developed under subsection (c) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

For the National Highway Traffic Safety Administration to carry out the grant program au-

thorized by this title, there are authorized to be appropriated $2,000,000 for fiscal year 1995, $3,000,000 for fiscal year 1996, and $4,000,000 for fiscal year 1997.

SEC. 207. DEFINITION.

In this title, the term "approved bicycle helmet" means a bicycle helmet that meets—

(1) any interim standard described in section 205(b), pending establishment of a final standard under section 205(c); and

(2) the final standard, once it is established under section 205(c).

And the House agree to the same.

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
CARDISS COLLINS,
EDOLPHUS TOWNS,
CARLOS J. MOORHEAD,
CLIFF STEARNS,
NORMAN Y. MINETA,
JAMES L. OBERSTAR,
NICK RAHALL,
BUD SHUSTER,
THOMAS E. PETRI,
Managers on the Part of the House.
FRITZ HOLLINGS,
WENDELL FORD,
RICHARD H. BRYAN,
JACK DANFORTH,
SLADE GORTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 965), to provide for toy safety and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House amendment struck all of the Senate amendment after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the House amendment and the Senate amendment. The differences between the Senate amendment, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SECTION 1—SHORT TITLE

House bill

The House bill, in section 1, provides a short title, "Child Safety Protection Act."

Senate amendment

The Senate amendment, in section 1, contains an identical provision.

House amendment to Senate amendment

The House amendment to the Senate amendment, in section 1, contains an identical provision.

Conference agreement

The Conference agreement adopts the House provisions.

TITLE I—TOY LABELING REQUIREMENTS

House bill

The House bill, in sections 2 and 3, requires the labeling of certain toys and games with small parts, balloons, small balls, and marbles. The required labeling would warn of choking hazards to small children. The House bill would also ban the sale of small balls with a diameter of 1.75 inches or less intended for children under three.

Senate amendment

The Senate amendment, in Title I, contains similar labeling and banning requirements applicable to toys and games with small parts, balloons, small balls, and marbles. The Senate amendment also includes special labeling rules for smaller packages. The Senate amendment contains a specific preemption provision. The Senate amendment also includes requirements for reporting to the Consumer Product Safety Commission (CPSC) information on certain choking incidents involving such products.

House amendment to Senate amendment

The House amendment to the Senate amendment, in Title I, contains a similar provision as the Senate amendment.

Conference agreement

The Conference agreement adopts the Senate amendment, except as described below.

Although the version of the Senate amendment (but not the House amendment to the Senate amendment) printed in the CONGRESSIONAL RECORD of March 9, 1994 (page H1134) includes boxes around the required labels, the Conferees understand it was not the intent of the Senate amendment to require such boxes. Instead, to ensure that the labels are not inconspicuous, the Senate amendment (as with the House amendment to the Senate amendment) requires that any label be "displayed * * * in conspicuous and legible type in contrast by typography, layout, or color with other printed matter * * *" Thus the Conference agreement does not require that the labels necessarily be enclosed in boxes. The Conferees note, however, that boxes are one effective means of identifying and setting off warning labels—in accord with the legislation—and encourage, but do not require, their use by manufacturers.

With respect to the language of the Senate amendment that includes special labeling for smaller packages, the Conferees note that the abbreviated warning—applicable only to certain packages of toys and games with small parts, small balls, and marbles, as described in the bill—is to read "Δ Safety Warning". In addition, with respect to labeling of toys dispensed from vending machines, the Conferees note that the language is not intended to suggest a double labeling requirement—labeling either the package, or, if sold from a vending machine, the machine itself, is sufficient. However, the requirement to label any descriptive materials that accompany the product would still apply. The Conferees also note that when a cautionary label is placed on a vending machine, bin, or container for retail display, it is the intent that the cautionary labels be placed conspicuously on the front of the vending machine, bin, or container for retail display so that consumers will readily see the label.

The Conferees note that this bill contains a preemption provision that differs from the preemption provision of general application contained in section 18 of the Federal Hazardous Substances Act (FHSA). This provision is intended to address the unique circumstances of a particular case and is not intended to set any precedent for future legislation, nor to imply that the established FHSA preemption provision is somehow inadequate.

The preemption provision which is invoked when a labeling requirement is established under the FHSA provides that if a hazardous substance or its packaging is subject to a cautionary labeling requirement designed to protect against a risk of illness or injury associated with the substance, no state or political subdivision thereof may establish or continue in effect a cautionary labeling requirement applicable to such substance or packaging and designed to protect against the same risk of illness or injury unless such cautionary labeling requirement is identical to the requirement under the FHSA. A similar preemption provision is invoked when a banning requirement is established under the FHSA.

The preemption provision in this bill addresses the unique situation presented by the litigation involving a state toy labeling law, applicable to toys with small parts intended for children between three and seven, enacted in Connecticut in 1992. The Toy Manufacturers of American (TMA) challenged this state legislation on the ground that it was preempted by existing CPSC regulations issued under the FHSA, which ban toys with small parts intended for children under three.

The Second Circuit Court of Appeals, in *Toy Manufacturers of America* v. *Blumenthal* (1993), ruled that the Connecticut toy labeling law was not preempted by the existing CPSC regulations. Among other grounds for its decision, the Court pointed out that, under the existing FHSA preemption provision, preemption applied only when a state regulates the same "substance" which is regulated under the FHSA. The Court determined that, since the existing CPSC regulations applied to toys with small parts intended for children under three, and the Connecticut law applied to toys with small parts intended for children between three and seven, the substance being regulated under the two regulatory regimes therefore was not the same and preemption did not apply.

The subject legislation requires labeling of certain toys and games intended for use by children who are at least three but not older than six (or such other upper age limit as the CPSC may determine, but not less than five). As a result, TMA believes that there is a possibility, based on the precedent established by the Second Circuit, that a state would not be preempted by the existing FHSA preemption provision from enacting toy labeling legislation for toys extended for children older than the age levels covered by this legislation. Therefore, this legislation includes a special preemption provision in order to ensure that this legislation is interpreted as being preemptive of nonidentical state requirements (and those of political subdivisions thereof) relating to cautionary labeling of small parts hazards or choking hazards in any toy, game, marble, small ball, or balloon intended or suitable for use by children, and specifically including such labeling requirements for toys intended for children older than covered by this legislation.

TITLE II—CHILDREN'S BICYCLE HELMET SAFETY

House bill

The House bill, in section 4, requires the CPSC to promulgate a performance standard for bicycle helmets. Pending the development of such a performance standard, the House bill requires bicycle helmets to conform to existing voluntary standards.

Senate amendment

The Senate amendment, in Title II, similarly requires the CPSC to promulgate a performance standard for bicycle helmets. Similarly, under the Senate amendment, bicycle helmets would be required to conform to existing voluntary standards pending the development of such a performance standard.

The Senate amendment also establishes a program under which the National Highway Traffic Safety Administration (NHTSA) may make grants to states and non-profit organizations for programs that require or encourage individuals under the age of 16 to wear bicycle helmets that meet applicable standards. The Senate amendment authorizes $2 million in fiscal year 1994, $3 million in fiscal year 1995, and $4 million in fiscal year 1996 for NHTSA to carry out the grant program.

House amendment to Senate amendment

The House amendment to the Senate amendment, in Title II, contains an identical provision as the Senate amendment with respect to the requirements (1) for the CPSC to promulgate a performance standard for bicycle helmets and (2) for voluntary standard conformance pending the development of such a CPSC standard. The House amendment to the Senate amendment also includes a technical correction to the Senate amendment with respect to the reference to the American Society for Testing and Materials (ASTM).

The House amendment to the Senate amendment does not include the provisions establishing a NHTSA grant program.

Conference agreement

The Conference agreement adopts the House amendment to the Senate amendment with respect to the requirements (1) for the CPSC to promulgate a performance standard for bicycle helmets and (2) for voluntary standard conformance pending the development of such a CPSC standard.

The Conference agreement adopts a modified version of the NHTSA grant program. In particular, (1) the short title of Title II has been modified to the "Children's Bicycle Helmet Safety Act of 1994", (2) political subdivisions of States have been explicitly included as eligible grantees, (3) grants are limited to 80 percent of the cost of the program for which the grant is made and the non-Federal share can be met by the aggregate of in-kind expenditures by grantees, (4) grants for bicycle helmet acquisition may be made so that grantees provide assistance in acquiring approved bicycle helmets to individuals under 16 who may not be able to afford approved helmets, (5) the Administrator shall review grant applications for compliance with the requirements prior to awarding grants, (6) the Administrator of NHTSA must report to Congress by May 1, 1997 on the effectiveness of the program, and (7) the provision now authorizes $2 million for fiscal year 1995, $3 million for fiscal year 1996, and $4 million for fiscal year 1997 for NHTSA to carry out the grant program.

The Conferees note that the requirements in Titles I and II of this legislation will result in modest additional costs for the CPSC, as a result of the need to promulgate new regulations and for enforcement. The Conferees urge the Appropriations Committees to consider these additional costs in their review of the CPSC's budget request.

BUCKET DROWNING PREVENTION

House bill

No provision.

Senate amendment

The Senate amendment, in Title III, contains provisions requiring the issuance of labeling and performance standards for certain four to six gallon buckets.

House amendment to Senate amendment

The House amendment to the Senate amendment contains no provision addressing this issue.

Conference agreement

Senate recedes—no provision.

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
CARDISS COLLINS,
EDOLPHUS TOWNS,
CARLOS J. MOORHEAD,
CLIFF STEARNS,
NORMAN Y. MINETA,
JAMES L. OBERSTAR,
NICK RAHALL,
BUD SHUSTER,
THOMAS E. PETRI,
Managers on the Part of the House.
FRITZ HOLLINGS,
WENDELL FORD,
RICHARD H. BRYAN,
JACK DANFORTH,
SLADE GORTON,
Managers on the Part of the Senate.

IT'S TIME TO ELIMINATE THE EARNINGS TEST

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise in support of lifting the earnings test and urge my colleagues to sign the discharge petition filed by my friend from Illinois. This petition is about equity. It's about easing the burden of taxation on working seniors. It's a little known fact that older Americans who work are subject to a tax rate as high as 89 percent. That's twice the rate of millionaires.

In spite of overwhelming support for repealing the earnings test last Congress, we are nearing the close of this session and no action has been taken by the Ways and Means Committee. The discharge petition is our last avenue for action on this important issue.

The gentleman from Illinois is introducing this discharge petition to force the consideration of a rule so that we may get on with eliminating the earnings test.

Working seniors aged 62–64 lose $1 in benefits for every $2 earned over the limit of $8,040. Seniors aged 65–69 lose $1 in benefits for every $3 over the limit of $11,160. To penalize the most experienced of workers is to reduce benefits for the entire work force.

Seniors have years of experience that would greatly add to the productivity of the work place, spurring billions of dollars in economic growth. According to the Treasury Department repealing the earnings test would result in $140 million increase in Federal revenue.

The earnings limit was created during the Depression to force older workers out of the labor force and create job opportunities for younger workers. But according to the Labor Department, the work force is dwindling. By the year 2000, 1.5 million fewer workers between 16 and 24 years of age will have entered the work force.

The facts are convincing. In addition to the overwhelming congressional support for repealing the earnings test, seniors all over the country are holding out hope that Congress will finally enact a policy based on parity.

Please join me in supporting equity for seniors. Sign discharge petition 18 today.

THE TEEN INFORMATION PARTNERSHIP

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I rise today to recognize and honor a group in my district who used the common phone book as a tool to prevent teen violence.

If I may give a brief history. In May of 1993 I sponsored a conference in Denver, CO, on Teens and Violence, over 200 organizations developed ideas and suggestions to help teens resist the dangerous influences in their lives. One good suggestion was to create a resource directory tailored to teens. I took this idea to our local phone book publishers and in short order US West Directory agreed to donate space in their directory exclusively for teens. The idea further, germinated as a local coalition of business, government, and non-profits organizations undertook the monumental task of compiling entries for the teen pages. Thus, the Teen Information Partnership was born.

I am extremely pleased to announce that through their efforts, the TIP pages will be published in the May 1994 issue of the US West Directory phone book.

There are eight pages of resource information relevant to teen needs in this directory. Everything from crisis hotlines, employment information, health, pregnancy, education, and recreation for teens is listed. There is an aggressive campaign underway to advertise these pages through restaurant place mats, supermarket shopping bags, and in the media targeted to teens.

I would like to take this time to honor those agencies involved in this effort, they are:

Bethesda Psychiatric Hospital, Colorado Trial Lawyers Association, Colorado Violence Prevention Center, The Denver District Attorneys Office, Denver Mayor Wellington Webb's Commission on Youth, Denver Regional Council of Governments, Denver Victim's Service Center, Denver's First Step, Hoffman and Company, The Governor's Community Partnership Office, Mile High United Way, The Shaka Franklin Foundation for Youth, US West Direct, YES Match, Youth Train-A Parents' Movement, McDonalds, and King Soopers.

Without the hard work of each, this directory would not have been possible.

I would especially like to thank US West Directory for the unselfish donation of space in their book and the countless hours of work to create this resource.

Special recognition must also be given to the teenagers from East Alternative High School and Littleton High School who reviewed and refined the content of the pages.

I believe that this effort can be duplicated throughout the country, with the dedication and compassion of people in your own districts. I offer a challenge to my colleagues to pursue similar efforts. As long as agencies and individuals can set their sights on one goal, anything can be accomplished. The Teen Information Partnership has proven this and I commend them for it.

□ 1420

THE "KO" IN OK

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, yesterday two challengers stepped into the ring in Oklahoma's sixth congressional district where Republican Frank Lucas took on Democrat Dan Webber.

It should not have really been a fight considering the odds against the Republican.

The Democrat was a former aide of Senator BOREN, the district has a 2-1 Democrat registration advantage, and had not elected a Republican to Congress in 20 years.

However, in this David versus Goliath rematch, David won once again.

By throwing the right combination of less spending, less taxes, and less government, Republican Lucas delivered a "KO" in OK.

Of course what happened to the big government Goliath is not entirely his fault. You see he had President Clinton in his corner.

While the Democrat tried to run from the Clinton administration, Oklahoma voters merely proved the old boxing adage that "you can run but you cannot hide."

LT. GEN. WILLIAM H. SCHNEIDER, AN HONORABLE MAN

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, I rise today with sadness to announce the passing of Lt. Gen. William H. Schneider, a man of great honor and distinction who was born in San Antonio, reared in San Antonio, and who passed away in San Antonio this past Monday. I rise, as well, to announce with great admiration the many contributions General Schneider made to his community through his work and influence, and I want to express on behalf of myself and the community of San Antonio our profound gratitude for his many years of distinguished service.

General Schneider was greatly and widely admired as "a soldier's general" before retiring in 1989 from his position as commander of the 5th Army at Fort Sam Houston. Known for his love of western music, and beloved by the soldiers who served under his command, Schneider was honored by the Fort Sam Houston soldier-musicians who volunteered their time to play for him at his retirement ceremony. After his retirement from the Army, Schneider became president-headmaster of the Texas Military Institute in San Antonio and served in that position until his untimely death.

Schneider devoted much of his time to the youth of our community. Young people were important to him, and he showed his dedication to their well-being through the time and effort he spent with them motivating them to stay in school, to persevere, and to do their very best. He served on the executive committee of United Way and the Alamo Council of the Boy Scouts of America. The General and his wife Barbara were cochairs of the San Antonio Senior Olympics for 1991 and 1992.

General Schneider was graduated from Central Catholic High School in 1951 and from St. Mary's University in 1955. Upon his graduation from college, he was commissioned a second lieutenant of field artillery and served in the Army for the next 34 years. His service took him to Vietnam as a battalion commander during the Vietnam War and later to the U.S. Pacific as deputy commander in chief. During his service he earned the Defense Distinguished Service Medal, the Legion of Merit, and the Air Medal.

General Schneider was the finest example of the very best of our military and civilian community—he loved his country and fought to protect its citizens' right and freedoms; he loved his family, and his survivors, including his wife, two daughters, two sons, and seven grandchildren, will carry on his legacy of service to country and community; and he displayed the integrity, honesty and charity that are the ideal of the American soldier and citizen. We will miss General Schneider terribly, but we are the better for having known him and been touched by him. He was, in every sense of the word, an honorable man.

SUPPORT THE OLDER AMERICANS FREEDOM TO WORK ACT

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Madam Speaker, today is a monumental step for our Nation's seniors.

I want to commend my colleagues who have joined my good friend, the gentleman from Illinois [Mr. HASTERT], and signed the petition that would discharge the rule and allow H.R. 300, the Older Americans Freedom To Work Act, to be debated before the full House.

Mr. Speaker, seniors between 65 and 70 with private pensions are not penalized if they earn more than $11,160 annually. Why should seniors living on Social Security be penalized?

I know firsthand how important this legislation is. I have a senior constituent, Bess Marsala from Rockford, IL, who calls our office once a week to find out if there is any movement on H.R. 300. Today I will have some good news for her.

She will be able to go back to work and not worry about the current earnings test restrictions which would cause her to lose $1 of Social Security benefits for every $3 she earns over $11,160 annually. This puts her at a tax rate of 56 percent. H.R. 300 will allow Bess to earn up to $30,000 annually and keep her full Social Security benefits.

COMMEMORATING NATIONAL NURSES' WEEK

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Madam Speaker, I rise in salute of National Nurses' Week.

Throughout the centuries, nurses have been the front line and the last line of defense in health care. Doctors make the diagnosis, but nurses make you well.

Since the profession is predominantly female, nursing is not unlike most women's jobs. Nurses are overworked, underpaid and undervalued in their role as caregivers.

Yet, nurses are essential to the health care system and the people whom they serve. Both doctors and patients depend on nurses for their expertise and bedside manner.

One of the answers to our health care problems in this country should be to fully utilize the abilities of nurses, nurse midwives, and nurse practitioners.

Today, I'd like to honor the nurses at Grady Hospital, Augusta Regional Medical Center and all who serve ably in our rural hospitals and small community health centers throughout Georgia's 11th District.

I would also like to pay a special tribute to Leola McKinney: a woman who recently retired as head nurse at Grady Hospital's Emergency Medical Clinic where she worked for 40 years—and who just happens to be my Mom.

REFORMING AMERICA'S HEALTH CARE SYSTEM

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Madam Speaker, we can make history this year by reforming America's health care system. Our goals should be universal coverage, comprehensive benefits, total portability, and controlled costs. There is wide agreement on these goals, and we must achieve these goals.

Every other industrial country in the world has provided this security to their citizens. Our neighbor, Canada, has already largely achieved these goals.

The truth about the effective single payer system in Canada is muddled by false claims. It is not true that Canadians die in lines waiting for care. It is not true that Canadians are flocking to America to avoid rationing and poor care.

In fact, many Americans go to Canada for care. Canadian budgets are burdened with fraudulent claims filed by Americans who seek treatment in Canada because they have no insurance here.

The truth is that the single payer system works in Canada and can be a model from which we can learn as we create our American plan to achieve national health care.

TIME FOR ACCOUNTABILITY IN WASHINGTON

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Madam Speaker, it is accountability time here in Washington. The American voters have had their first chance to see whether or not their Congressmen and women would walk the walk on spending cuts.

In 1992, the American people voted for change. They changed the man in the Oval Office. They tossed out a near-record number of our colleagues. And they sent a clear mandate to change the business-as-usual games Congress has played for years.

I am proud, Madam Speaker, that so many of my colleagues joined me and Congressman ROB ANDREWS of New Jersey in signing the A to Z discharge petition last week.

We have started down the path toward fiscal responsibility, congressional accountability, and living within our means.

Madam Speaker, an A to Z concept provides hope for future generations. It is for our children and grandchildren to ensure they are not saddled with the same $4.5 trillion debt that we have today.

We are heading down the path, Madam Speaker. We have been close before.

Last fall we lost the Penny-Kasich bipartisan spending cut package by just a few votes.

This year we lost the bipartisan balanced budget amendment by just a few votes.

My friends, do not let A to Z lose by just a few votes. Do not ignore the voice of America. Sign the A to Z discharge petition today.

□ 1430

UNITED STATES COMPANIES SHOULD HALT TRADING WITH THE CHINESE MILITARY

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, last night NBC's Dateline did its most recent exposé on a Chinese corporation called NORINCO that is flooding the American market with guns, toys, and other products—all to the direct benefit of the Chinese People's Liberation Army. American consumers are unknowingly lining the coffers of the butchers of Beijing through military front companies like NORINCO that are selling guns, rugs, toilet seats, and toys to Kmart, Walmart, and Home Depot.

I applaud NBC and the AFL–CIO for bringing this to the attention of the American public and urge Members to sign my letters to the board chairmen of Kmart and Home Depot, asking them to halt immediately their trade with the Chinese military.

I respect those on the other side of the MFN question who say that trade will eventually bring liberty—but trade that directly empowers the same military that attacked thousands of prodemocracy demonstrators in Tiananmen Square clearly hinders democratic progress in China and should be stopped immediately.

At some point, we must say "no" to cheap labor that both hurts American jobs and strengthens the hand of repression in China. In this case, the question is clear. Say no to funding the Chinese military and sign my letters to Kmart and Home Depot.

SOCIAL SECURITY EARNINGS TEST DISCHARGE PETITION

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, we have heard today that Mr. ROSTENKOWSKI wants to raise our taxes some more. We have heard about an Oklahoma election where we won because this administration is pushing taxes and more spending when in fact we are taking money away from our senior citizens between the ages of 65 and 69 who continue to work. We cannot even let them earn more than a mere $11,000 this year. It is sad that our country has come to the point where we punish people for working hard.

Taxes in America are high enough without taxing away another 33 percent of the working seniors' income. Some seniors even have an effective tax rate of 89-percent after last year's tax bill.

Let me repeat: 89 percent. I ask how long could you survive with an 89 percent tax rate?

I ask you to join the gentleman from Illinois [Mr. HASTERT], my good friend and colleague who has introduced a discharge petition today to pass the Older Americans Freedom to Work Act.

REGARDING THE DISCHARGE PETITION FOR CONSIDERATION OF H.R. 300

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Madam Speaker, I rise in support of the discharge petition on the rule for consideration of H.R. 300, which would repeal the Social Security earnings test limit. The limit is an archaic provision, created during the Great Depression to make room for young people in the workforce by forcing seniors to retire.

This legislation provides an opportunity for us to support independence and responsibility instead of dependence on the Federal Government. The individuals most negatively affected by the limit are those who have the greatest need for the extra income, and it is not right for the Government to impose a punitive tax on their earnings. Madam Speaker, the Social Security earnings test limit is bad policy, bad business, and just plain wrong. It is age discrimination and it should be repealed. I urge my colleagues to sign discharge petition No. 18 and support H.R. 300.

SOCIAL SECURITY EARNINGS TEST REPEAL

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Madam Speaker, I rise today to join my friend and colleague, the gentleman from Illinois [Mr. HASTERT] in support of a discharge petition on H.R. 300, the Older Americans Freedom to Work Act.

This legislation is crucial to millions of our working seniors between the ages of 65 and 69 who find their Social Security benefits unfairly withheld simply because they choose to remain active in the work force.

This penalty impacts millions of seniors who financially must supplement their Social Security benefits. They are not asking for a government handout. They just want the Federal Government to stop taking away the benefits that they have earned.

Currently, over a majority of the Members of this House have cosponsored this legislation. I urge my colleagues to join me in signing this discharge petition so that the full House can have a chance to debate and vote on this measure.

To do anything less will be to ignore those seniors whose expertise and experience our Nation can ill afford to lose in today's economy.

REPEAL THE UNFAIR SOCIAL SECURITY EARNINGS TEST

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Madam Speaker, I rise today to join many of our colleagues in calling for the repeal of the unfair Social Security earnings test.

Our Nation's older workers should not be penalized for remaining vital participants in the work force. But that is exactly what the earnings test does.

Not only does it penalize older workers, but it's also bad economic policy.

These experienced workers have a lot to offer our economy. But they are effectively driven out of the labor market because there is so little incentive to remain in the workforce. In fact, it has been estimated that repealing the earnings test would raise the gross national product in our country by $15.4 billion.

Many of these seniors are working not only because they want to, but because they must. The earnings test forces many capable seniors to rely solely on Social Security, rather than supplement their income by continuing to work.

I encourage all of my colleagues to consider these facts and sign the discharge petition to repeal the earnings test.

Madam Speaker, let us free our Nation's seniors from this antiquated, Depression-era policy. Let us bring fairness to our seniors.

SOCIAL SECURITY'S BONUS SYSTEM: WHO PAYS?

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise his remarks.)

Mr. STEARNS. Madam Speaker, like most Americans I was upset to learn that $32 million for bonus performance awards was given out by the Social Security Administration while at the same time this agency was asking Congress for an additional $200 million to facilitate the processing of disability benefit claims.

During testimony given by officials from the Social Security Administration before Congress they stated that none of the $200 million set aside by Congress to help with the disability backlog came from this fund. I share the sentiments expressed by my colleagues on the House Ways and Means Committee who sharply criticized the Social Security Administration for engaging in this type of practice. In fact, one employee who had only been employed by the Social Security Administration for 2½ months received a bonus of $9,256.

All this has come at a time when we are being told that tax increases will be needed to ensure the future solvency of the Social Security Program.

We are telling our senior citizens that they will have to once again sacrifice in order to keep this program solvent. I wonder what the vast majority of Social Security recipients must think when they read about these bonuses.

RAISING TAXES YET AGAIN

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Madam Speaker, yet again the chairman of the House Ways and Means Committee is insistent on the need to raise taxes. This time, the Democrats' reason du jour is health care reform.

In order to fund the President's massive new 98,000 person health bureaucracy and plug up what he has called "a $40 billion hole" in the President's projections, Chairman ROSTENKOWSKI says we have absolutely got to raise new broad-based taxes on the American people. More taxes.

That is on top of President Clinton's record-breaking income tax hikes.

That is in addition to President Clinton's gasoline tax hike.

That is beyond the new Social Security taxes that the Democrats have imposed on the elderly.

And let us not forget the new estate taxes that President Clinton imposed retroactively on dead people.

Madam Speaker, there is just no end to the majority party's insatiable appetite for more and more taxes on more and more Americans. The Democrats may want to consider this modest proposal as an alternative to their endless taxing and spending: Stop spending so much money that you do not have.

□ 1440

VOTERS OF OKLAHOMA LISTENING TO THE REPUBLICAN MESSAGE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Madam Speaker, yesterday the people in the Sixth District of Oklahoma elected a Republican to represent them in Congress in a district that has a heavy Democrat registration. I wonder if the Democratic leadership in this House has any idea what the issues were in that race. Well, let me tell my colleagues:

The Democrat ran from the Clinton record, but not fast enough. The Republican ran toward his party's message of less taxes, less spending, and less government. The Republican signed the taxpayer protection pledge. The Democrat equivocated. The Republican came out against higher health care taxes. The Democrat equivocated.

Madam Speaker, the American people listened in Oklahoma. They listened, and they demanded better and wiser, and they chose the Republican.

USDA PROGRAM CUTS NON-PRODUCTIVE, FAIL TO REDUCE DEFICIT

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Madam Speaker, when the administration proposed their 1995 Federal budget they targeted 115 programs for elimination. Included among these programs was the Sunflower Oil Assistance Program. The administration estimated that elimination of this program would save $50 million that would help reduce the deficit. But wait, according to USDA after figuring in the cost to the Export Enhancement Program by taking this action and after figuring in producers who shift to other program crops because they lose overseas markets you find that, at best, no money is saved through elimination of this program. As Charles Osgood recently said on the "Osgood Files," "the Sunflower Assistance Program is 1 of 115 Federal programs that Mr. Clinton wants to cut from the 1995 budget. It is the biggest one on the Agriculture hit list. All you need is 114 more like that and, bingo, you haven't saved a dime." This is not the kind of budget cutting that is going to result in a balanced budget, we need to thoroughly review where we are going with President Clinton's Agricultural program cuts. Under GATT he traded away significant cuts in foreign internal subsidies while at the same time cutting programs that help our farmers compete in the world market against those foreign subsidies. This is not the way American farmers are going to be able to compete in the world market.

CLINTON'S HAITIAN POLICY THREATENS ECONOMIC DISASTER FOR FLORIDA

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Madam Speaker, the Clinton administration's

Haitian policy du jour has gone from bad to worse to unfathomable. First, hollow military threats, followed by tougher economic sanctions on the Haitian people. Now, the President wants to open the shores of Florida to Haiti's economic refugees.

By expanding a failed policy of economic sanctions, we only increase misery and starvation among the Haitian people—and strengthen the hands of the military leaders. Now President Clinton has issued an open invitation of asylum to the Haitian people. The United States is not only encouraging a flotilla of Haitian refugees—we are forcing the Haitian people to come through an irrational and inhumane policy of economic sanctions.

Florida is a State already suffering from the failed immigration policies of the Federal Government. Our hospitals, our schools, our prisons and our taxpayers are already overburdened by the flood of illegal immigrants. Florida, like the rest of the Nation, simply cannot afford another Clinton disaster.

Hunger strikes and liberal pickets are no substitute for a consistent, well-reasoned foreign policy.

OUR DISASTROUS HAITIAN POLICY DU JOUR

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Madam Speaker, my colleagues, Bosnia, Somalia, and now Rwanda, are all part of the failed Clinton foreign policy legacy. However no fiasco in foreign policy matches the Clinton disaster in Haiti. Our foreign policy in Haiti can be called a policy du jour. Like the soup du jour, it changes each day.

Madam Speaker, last week, off the shores of my district in Florida, a 4-year-old Haitian boy was plucked from the sea in critical condition. Because of last week's Clinton policy this boy, according to doctors, will be a vegetable for the rest of his life.

This week's Clinton policy will be an even greater disaster for the people of Haiti and the people of the State of Florida. Haitians will flee Haiti to seek asylum. Haitians, young and old, will die with the false hope offered by President Clinton this week. Increased sanctions will kill the poorest of the poor, provide more profits for the thugs who have taken charge in Haiti and grind Haiti further to despair. We have paid billions to the United Nations, and I ask, "Why can't we get consistent and positive leadership from the White House to restore democracy in Haiti now?"

ANNUAL REPORT OF THE FEDERAL COUNCIL ON THE AGING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mrs. SCHROEDER) laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

To the Congress of the United States:

In accordance with section 204(f) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(f)), I hereby transmit the Annual Report for 1993 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 11, 1994.*

ECONOMIC DEVELOPMENT REAUTHORIZATION ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 420 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2442.

□ 1445

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2442) to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the Act to improve the authority of the Secretary of Commerce to administer grant programs, and for other purposes, with Mr. TORRES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from West Virginia [Mr. WISE] will be recognized for 30 minutes, the gentlewoman from New York [Ms. MOLINARI] will be recognized for 30 minutes, the gentleman from Pennsylvania [Mr. KANJORSKI] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. ROTH] will be recognized for 15 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, before I make my opening remarks, it gives me great pleasure to yield such time as he may consume to the gentleman from Texas [Mr. GONZALEZ], the chairman of the full Committee on Banking, Finance and Urban Affairs.

Mr. GONZALEZ. Mr. Chairman, I rise in strong support of H.R. 2442, the Economic Development Reauthorization Act of 1994, which was reported out by both the Committee on Banking, Finance and Urban Affairs and the Committee on Public Works and Transportation. The Banking Committee received sequential referral of this bill and reported it out on a bipartisan basis on April 21, 1994.

This bill represents a compromise between the versions of the bill reported out by the Banking Committee and the Public Works Committee and serves as the original text for purposes of floor consideration. Under this compromise, Chairman PAUL KANJORSKI of the Banking Committee's Economic Growth and Credit Formation Subcommittee has agreed to offer a separate amendment which would establish a Business Development and Technology Commercialization Corporation for the transfer and commercialization of federally-held technologies and processes. The Banking Committee's version of the bill originally included this provision. I want to thank Chairman MINETA and the Public Works Committee for their cooperation and assistance in developing this compromise. I also thank and commend Representative KANJORSKI for his hard work on this bill.

The bill reauthorizes the Economic Development Administration and the Appalachian Regional Commission for fiscal years 1994, 1995, and 1996. These two governmental entities provide vitally-needed assistance to low-income communities throughout the United States.

The Economic Development Administration and the Appalachian Regional Commission have not been reauthorized since 1980. I must congratulate the administration for renewing its commitment to these agencies because both the Economic Development Administration and the Appalachian Regional Commission represent important tools for providing economic development assistance and jobs to distressed communities throughout the Nation.

Under the bill, the Economic Development Administration's programs are reauthorized at $312.6 million for fiscal year 1994 and $306 million for each fiscal year 1995 and 1996. The Appalachian Regional Commission is reauthorized at $249 million for fiscal year 1994 and $214.2 million for each fiscal year 1995 and 1996.

The bill provides various important new approaches for the Economic Development Administration. Under the bill, there is a greater emphasis for leveraging EDA funds with non-Federal funds, EDA funds will be used to target areas with the greatest needs, and EDA funds can better be used to stimulate job development and job retention. Likewise, the performance of the Appalachian Regional Commission is enhanced through the creation of a regional development task force and the creation of demonstration authorities included under the bill.

I ask that the House expeditiously pass this legislation.

Mr. WISE. Mr. Chairman, I thank the gentleman from Texas [Mr. GONZALEZ] for his remarks.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin today I want to take just a moment to say this is the first time in 12 years that we have had an EDA/ARC reauthorization bill on the floor with a good chance for enactment. Both agencies have been kept in place by the good work of the appropriations committees in both bodies, and it is time to put the cart before the horse. This bill comes to the floor with bipartisan support—and we on the Public Works and Transportation Committee take great pride in this. Another unique thing about today is that it marks the last time that Mr. Carl Lorenz will be available to the Public Works and Transportation Committee to help guide the EDA and the ARC yet again through the legislative process. Carl was set to retire last week, but I convinced him to stay until we are through here today and tomorrow.

Carl has been on the staff of the Public Works Committee for 30 years. He was here in the 1960's when the EDA and the ARC were created. He is here now. Carl is unmatched in the area of knowledge about economic development in our country. He has been a trusted advisor to many chairmen on Public Works and Transportation, and he has helped me greatly in my tenure as chairman of the Economic Development Subcommittee. I want to wish him well as he moves to his retirement. For the last few months he has had that glint in his eye, and I am sure that his wife, Nancy, and his children Jeffrey and Karen will be glad that he will be able to spend more time at home. Knowing Carl, I suspect that he will be trading in the workload here for the load of his golf bag, or perhaps provisions for his Ocean City retreat. In any case, Carl, we all wish you well, and thank you for your many years of dedicated service to the Congress.

Mr. Chairman, as I said, many of us have waited for 12 years to actually have a realistic chance to reauthorize the Economic Development Administration and the Appalachian Regional Commission. I join with my good friend and Chairman NORM MINETA in asking my colleagues to join with us in support of this bill. My own Committee on Public Works and Transportation ordered the bill reported last November by a unanimous vote. We worked very closely with our colleagues Congressman BUD SHUSTER and Congresswoman SUSAN MOLINARI, who are ranking minority members on the full committee and Economic Development Subcommittee respectively, to craft something that had bipartisan support in our committee. We have achieved this goal, and have been working together ever since to make sure that this spirit of cooperation remains. I want to say that we would not be before you today were it not for the cooperative working relationship enjoyed between the majority and minority on Public Works in this regard.

H.R. 2442 was sequentially referred to the Committee on Banking, Finance, and Urban Affairs, and to the Subcommittee on Economic Growth and Credit Formation. I would like to compliment my friend and colleague, Congressman PAUL KANJORSKI, who chairs the Subcommittee on Economic Growth and Credit Formation for his cooperation in the past weeks to reach a compromise in terms of the substitute amendment we are working from today. The Banking Committee reported a significantly different version of H.R. 2442 on April 26, which contained new programs and issues not addressed in the Public Works version. The two committees have been working together to achieve a product that we all can agree upon, and I believe both sides have gained from the effort. What we have is a good vehicle here—one that I believe will be broadly supported. Again, I want to compliment Chairman GONZALEZ and Congressman KANJORSKI on the way they approached these ultimately successful negotiations, and wish to also note the support provided by Congressman LEACH and Congressman RIDGE on the minority side of the Banking Committee.

The legislation before us today authorizes the Economic Development Administration and the Appalachian Regional Commission for a period of 3 years. Because these agencies have already been the subject of appropriations for fiscal year 1994, the authorization can be viewed as applying to fiscal years 1995 and 1996. Title I of the bill amends existing provisions of the Public Works and Economic Development Act of 1965 [PWEDA]. This approach is different from previous EDA reauthorization bills which struck existing titles of PWEDA and rewrote the legislation. Title II of the bill authorizes funds for ARC programs and amends the current Appalachian Regional Development Act of 1965, including provisions similar to those contained in previous ARC reauthorization bills.

Several of the provisions contained in the bill address criticisms of the administration of these programs, and include program recommendations made by witnesses at hearings conducted by our committee on the legislation. During these hearings, representatives of numerous organizations, development districts, and local, regional, and State governments from both urban and rural areas have pointed out that many areas of the Nation continue to need the economic assistance provided by the EDA and ARC programs. Among the most often mentioned recommendations for the programs were multiyear funding at higher levels and expediting a simplified applications process, particularly for EDA programs. The authorization level for fiscal year 1994 would mirror the already enacted appropriation of $322 million for EDA programs. For fiscal year 1995 and fiscal year 1996 the authorization figure for EDA would be $386 million. Funding for the Appalachian Regional Commission is authorized at $249 million for fiscal year 1994, and $214 million a year for fiscal year 1995 and fiscal year 1996.

Secretary of Commerce Ron Brown has been very helpful in providing assistance to the committee as the legislative process has gone along. I do not want to say, however, that it is the intent of the Public Works & Transportation Committee to hold further hearings in the fall to address some of the ongoing analysis Secretary Brown is undertaking at EDA in particular. Secretary Brown has indicated that EDA will be a cornerstone for areas hit by military base closures and loss of military contracts. EDA officials have testified that they are already heavily involved in assisting communities affected by defense spending cuts as well as areas severely impacted by natural disasters such as Hurricane Andrew, the storms in Guam and Hawaii, and the earthquake in southern California. In addition, the agency has become active in assisting the flooded areas of the Midwest.

The House has passed similar EDA and ARC reauthorization bills in each Congress since 1981. In the last Congress, the House passed a reauthorization bill by voice vote under suspension. In the 101st Congress, the House passed the bill by a vote of 340 to 82. In the 100th Congress, the vote was 330 to 89; in the 99th Congress, it was 260 to 96; in the 98th Congress, the vote was 306 to 113; and in the 97th Congress the House passed the EDA/ARC reauthorization bill with a vote of 281 to 95.

Mr. Chairman, we have a chance here to take both the EDA and the ARC into modern times. Much has changed in our country since both were last authorized in the early 1980's, and the programmatic changes contained in H.R. 2442 will go a long way toward modernizing the way both do business. I ask my colleagues to join with me in this effort and pass H.R. 2442.

□ 1450

Ms. MOLINARI. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER], the ranking Republican member on the Committee on Public Works and Transportation.

Mr. SHUSTER. Mr. Chairman, I thank the distinguished gentlewoman for yielding me this time.

Mr. Chairman, I rise in strong support of this legislation, and I would like to emphasize particularly to my fiscally conservative brothers and sisters that when this legislation first came before the committee, it called for over $400 million a year in spending for EDA and about $250 million a year for ARC.

Through negotiation and through compromise, we have been able to take $100 million a year out of the EDA spending and reduce the ARC funding from $249 million to $215 million, or about a 15-percent cut. So we have been able to negotiate a compromise here which very significantly reduces these expenditures.

Beyond that, I would particularly like to focus on the Appalachian Regional Commission and some independent studies relating to the effectiveness of ARC. First of all, ARC is the kind of a program that is effective because it is not a Washington-driven program but, rather, a program which has the decisionmaking power in the hands of local people, so the decisions as to how to spend the money in localities is made by local groups rather than by Washington dictating expenditures. That is a very significant point, it seems to me.

Beyond that, studies conducted by the Regional Research Institute found that ARC programs have made a significant impact on the difference we see in Appalachia. Many of us know that in Appalachia we have suffered chronic high unemployment.

□ 1500

In fact, 15 or so years ago, we were always in double digit unemployment in the Appalachian part of Pennsylvania, and today that average figure is down by anywhere from 5 to 8 percentage points, in part because of the ARC program.

Let me be more specific. The Independent Regional Research Institute has reported that ARC programs in 1991 alone generated $8.4 million more income for Appalachia. That certainly is a tremendous return on the investment, when you consider the whole program is only about $200 million a year.

Further, that same independent research group reported that counties in Appalachia averaged 48 percent more income growth than similar counties not benefiting from the ARC program.

So this is a strong testament as to the effectiveness of this investment to create jobs in an economically depressed portion of our country, and I strongly urge support for this legislation today.

Mr. KANJORSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2442, the Economic Development Reauthorization Act of 1994.

As has already been noted, this bill represents the work of the Committee on Banking, Finance and Urban Affairs, and the Committee on Public Works and Transportation. The language before the Members today is a consensus document. Like all consensus agreements, there are individual aspects that, in isolation, we might have done differently. Nevertheless, I believe this bill represents an important step forward in revitalizing the Economic Development Administration and steers in the direction of enhancing the way it assists communities facing serious economic distress across this country.

During the consideration of this legislation in the Banking Committee, we received considerable testimony that the EDA must improve its strategic economic development planning to ensure that so-called best practices are factored into economic development programs and activities. It was also suggested that the EDA should play an increased role in coordinating information on the economic and community development activities of all Federal agencies to ensure that duplication is avoided and that the EDA is able to identify the greatest needs.

I am pleased to note that the bill before us specifically addresses both of these significant issues. It creates within the EDA an Office of Strategic Economic Development Planning and Policy. Within this office, a Federal Coordinating Council for Economic Development is established to assist in providing a unifying framework for economic and regional development efforts and to develop a governmentwide strategic plan for economic development.

The Banking Committee also received compelling testimony that nonprofit organizations and community development corporations should be eligible to apply for EDA assistance without the existing barriers to their participation. The Banking Committee concluded that all parties involved in promoting economic development should be able to compete equally for EDA funds to ensure that the best proposals, which have the highest likelihood of success, are supported. Again, I am pleased to note that the bill before us accomplishes this important objective.

Consistent with the need to make nonprofit organizations eligible to apply for EDA assistance, and the need to enhance the EDA's strategic planning activities, the Banking Committee identified the need to ensure that the EDA develop a method to prioritize all applications for assistance. Again, this is accomplished in the bill before us. The EDA is directed to establish such a prioritization system based on the relative needs of all areas eligible for assistance and the capacities of the applicants to leverage private sector capital and create partnerships with others in the affected community.

The Banking Committee received testimony that there is a significant need to review the performance of Economic Development Districts [EDD's] in assisting distressed communities foster economic development. Accordingly, the committee retained language requiring performance evaluations of EDD's at least once every 2 years. This language is retained in the bill before us now.

The Banking Committee also shares the view that significant improvements must be made in the time it currently takes the EDA to process grant applications. Accordingly, we retained language to expedite the approval process and directing the EDA to report to the Congress on its progress in reforming the current system.

Also in the bill is language inserted by the Banking Committee permitting the sale of loans and other financial instruments in the portfolios of revolving loan funds to third parties at the discretion of the fund managers. The revolving loan funds have played an extremely important role in multiplying the economic development assistance provided by the EDA. Providing fund managers with the authority to sell loans in their portfolios to third parties or into the secondary market will allow them to significantly increase their liquidity and allow them to make even more loans to encourage economic revitalization in distress areas.

Finally, the bill before us retains language added by the Banking Committee providing for the establishment of a nationally competitive challenge grant demonstration project. Challenge grants may represent a significant new dynamic in the way economic development assistance is provided to communities. It requires them to find means to leverage private sector contributions to economic development funds and to forge partnerships between organizations in the communities.

Of course, not all of the initiatives contained in the Banking Committee's reported version of H.R. 2442 are contained in the bill before the Members today. The committee had, at the administration's request, included language authorizing the EDA, under its title 9 authorities, to guarantee loans associated with economic development initiatives. We also included language providing for a pilot program on equity finance. Under the provisions of the bill before us today, the EDA is directed to conduct a study of innovative economic development financing tools, including loan guarantees and equity financing and to report to the Congress within 1 year with recommendations. I look forward to the receipt of this report and look forward to working with the Public Works committee in the future to address the need for financing assistance as a part of a comprehensive economic development strategy.

Banking Committee also adopted language providing for a business development assistance initiative. While it is not contained in the base bill we have brought to the House floor, we did agree that this should be an issue placed before the full House. Therefore, following general debate I will offer a Kanjorski/Ridge amendment embodying a revised version of this language adopted by the Banking Committee to utilize the fruits of this Nation's research as an engine for creating significant numbers of new jobs in private sector businesses.

The amendment enhances the ability of U.S. small- and medium-sized businesses to obtain information and licenses on technologies and processes developed through Federal R&D. By making it easier for small- and medium-sized businesses to commercialize these technologies, tens of thousands of new jobs will be created which offer good wages and real opportunities for advancement to working men and women across this country. In the final analysis, I believe that this is what economic development is all about.

Mr. Chairman, I reserve the balance of my time.

Mr. ROTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to address two basic parts of this bill. One is the Kanjorski-Ridge amendment, and of course the other is the bill itself.

Basically I want to congratulate the gentleman from Pennsylvania [Mr. KANJORSKI], and the gentleman from Pennsylvania [Mr. RIDGE], for their hard work on the amendment to this bill. I think it really adds something to this bill that has to be added. I am very much in favor of the amendment, which provides for expediting the transfer of Government-sponsored technology to the private sector, as the gentleman from Pennsylvania [Mr. KANJORSKI], before me has pointed out.

As an original cosponsor to the bill from which this amendment really comes, which is the genesis of this amendment, I would say that this is something that we have been working on for a long time, and this bill allows us to do that. I believe that we will give depressed areas an additional way to pull themselves up by their own bootstraps without costing the Federal Government vast new additional outlays.

We have a great deal of federally funded research and development. Our Government has millions upon millions of dollars for research and development, but we have businesses throughout the United States that do not know where to go to find the fruits of this research and development. If you are a businessperson, whether in Chicago, Milwaukee, Los Angeles, wherever it might be, this will set up a clearinghouse. So if you are looking for a certain type of information or R&D you go to this clearinghouse and you know whether our Federal Government has done some research and development in this area.

Big business and industry now have to search all over the federal bureaucracy to find some nugget of R&D. Did you know that Japan has 22, or did and still probably does, 22 full-time people going through our Government archives and agencies to find research and development that our Government has done that our businesses themselves do not know is available?

Well, what this amendment is going to do is set up a clearinghouse so that our businesses and industry, small business and industry, can profit from this research and dvelopment that our American taxpayers have paid for.

This will allow the small and medium entrepreneurs in the United States and foreign firms, which the foreign firms already have, to access this valuable research and development work—paid for by the U.S. taxpayers—but which the foreign firms already have access to.

I urge my colleagues to listen carefully to the debate on this issue and on this amendment.

As for the rest of the bill, I have some problems, although some functions are worthwhile and worth saving.

At least until this morning, we still did not have from CBO a cost estimate for the substitute bill before us. It is very important. If we are going to vote on this legislation, we ought to know what the cost figures involved are.

Some of my colleagues think that the Economic Development Administration has outlived its usefulness. The EDA's mission has been too unfocused, they say, and I think their criticism many times is accurate, leading some to conclude that the EDA is too lenient with tax dollars.

□ 1510

If there is any one thing that we want to be sensitive to, it is the way our tax dollars are being spent. Some of the redevelopment mission should be left to local government for both funding and for administration. We have to have more local control.

For these and other reasons, as the Members will recall, President Reagan and President Bush advocated EDA's termination. Congress has not authorized the EDA in more than 14 years, its operations being continued by the Committee on Appropriations' annual spending bills.

As for me, I think it is very important that we take a look at the Kanjorski-Ridge amendment and vote for that. There are other amendments here, I think, that are also worthwhile. I ask my colleagues to take a look at the amendments as they come up and weigh each amendment on its merits.

In the Committee on Banking, Finance and Urban Affairs, in fact, we scaled back authorized appropriations for the Appalachian Regional Commission, only to have the Committee on Public Works and Transportation insist on a higher figure.

In my opinion, the Appalachian Program is duplicative. If we take a look at it, we will find this is accurate. It is long overdue for some elimination, as were the other regional commissions that were terminated and could have been terminated a long time ago. This would reduce authorized spending of this bill by some $528 million, and, by golly, if we can find where we can save money, if we do have duplication in our administration and in these agencies, I think it is incumbent on us to cut back and to make sure there is not a duplication. After all, every tax dollar we spend here had to be earned by someone.

Looking at the bill as a whole, H.R. 2442 would reauthorize the Economic Development Administration and the Appalachian Regional Commission through fiscal year 1996. The authorizations for EDA grant programs would be $422 million in each of 1994 and 1996. This is about $10 million more than the President has requested in his budget.

For the Appalachian Regional Commission, as I indicated earlier, $214 million would be authorized in each of 1995 and 1996.

This reauthorization bill, H.R. 2442, contains some reforms that attempt to address past criticisms of both the ARC and the EDA.

Importantly, the grandfathering of eligibility has been eliminated. That is a good provision. This had resulted in more than 85 percent of the country being eligible for EDA grants, instead of only chronically depressed areas, as originally envisioned.

Instead, the bill provides that eligibility must be proven each time an economic development project application is submitted.

Additionally, H.R. 2442 requires EDA and ARC to reduce red tape. If there is any one thing that we hear from our businesses and industry back home, it is that we have too much red tape. That is a good feature of this bill.

It also speeds up the processing time for applications, and whenever our business and industry work with the Government that is one of the complaints we have, it takes too long and there is too much red tape. Also in this bill we improve grant selection decisions.

So I think these are good provisions in this particular legislation, and the bill begins to leverage more private dollars to stretch public dollars. That is what we need.

The bill tightens targeting requirements so only 45 percent of the country, instead of 85 percent of the country, is eligible for this funding.

The bill promotes more competition among recipients in an effort to improve efficiency.

The EDA has brought assistance to those areas suffering from national disasters. It has, in many cases, ably assisted in local economic development projects.

Today, the EDA plays an increasingly important role in helping former military bases and defense contractors convert to civilian purposes.

I think, all in all, when we take a look at the amendments, we take a look at the bill as we work our way through this legislation, that this legislation is not perfect, but it has some provisions in it that are going to help our country. I think we should make judicious and wise decisions as we now work our way through this legislation. Let each Member vote accordingly.

Mr. WISE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just note that the gentleman from Wisconsin [Mr. ROTH] makes an excellent point on the EDA and the eligibility. In the past there has been criticism of the Economic Development Administration as being too eligible; that is, 85 percent of the country has been eligible for EDA programs. The gentleman from Wisconsin is correct that eligibility is now restricted to somewhere between 40 and 45 percent of the country. The criteria is much more tightly drawn. This has been a bipartisan effort in the various committees.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT], the chairman of the Subcommittee on Public Building and Grounds of the Committee on Public Works and Transportation.

Mr. TRAFICANT. Mr. Chairman, every year we come to the floor and we sort of fight over this bill. There are Members in the Congress, and I do not judge their intentions or the quality of the work they do, but they try to gut and kill this bill each year.

Let me say this, Mr. Chairman. Congress provides $15 to $20 billion a year, per year, in foreign aid. Congress provides another $200-plus billion, billion with a B, $200 billion plus to Japan, Germany, and Europe, and to our allies, where we help protect them from a world that has changed so much, I wonder why all that money is needed any more.

We are talking about $2 billion over 3 years for American communities, $2 billion over 3 years, where many people have dirt roads, no sewer systems, very few jobs. This in unbelievable to me. Many of these Americans do not even have running water.

To give Members an idea, we spend and give more foreign aid to Israel in 1 year than we provide for this whole bill for America in 3 years. Mr. Chairman, we give more foreign aid to Egypt in 1 year than we give to American communities that need help the most over a 3-year period. This is unbelievable to me, and unacceptable.

Mr. Chairman, I want to commend the chairman, the gentleman from West Virginia [Mr. WISE], the ranking member, the gentlewoman from New York [Ms. MOLINARI], the gentleman from Wisconsin [Mr. ROTH], the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Texas [Mr. GONZALEZ], the gentlemen from Pennsylvania, Mr. KANJORSKI and Mr. RIDGE, and everybody responsible for this bill. It is good for the country. It is not a handout, it is a helping hand. By God, we should send some of our taxpayer dollars back to America.

Ms. MOLINARI. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, the gentleman who preceded me is accurate. He is very on target. I noticed the President the other day requested or is going to request $600 million for South Africa, for building housing and development in South Africa. That would be twice as much money as we are requesting in this bill for the poorest parts of this Nation. It seems to me that if we are going to consider aid for nations such as South Africa, and I think we should consider it, we should be sure that we have taken care of at least the poorest parts of this country first.

Mr. Chairman, I rise in strong support of H.R. 2442 reauthorizing the Economic Development Administration and the Appalachian Regional Commission. I want to commend the authors of this legislation for working long and hard to craft an important bill which will open up the door to economic opportunity for the most severely economically distressed areas of our country.

Mr. Chairman, the EDA and the ARC help those pockets of the Nation which struggle for economic improvement, but are hindered by much tougher obstacles to economic self-sufficiency and prosperity. Many of those pockets are in my district—eastern Kentucky—which remain economically distressed relative to the rest of the Nation.

While most of the country enjoyed economic prosperity and growth in the 1980's, much of my district did not. While much of the country is now recovering from the recent economic downturn, many of my communities have not been as lucky.

We continue to lose coal jobs in the mines of eastern Kentucky. We continue to lose textile and apparel jobs as companies flock overseas, a situation likely to worsen now that we have the North American Free-Trade Agreement.

These areas are locked in a vicious cycle of endemic unemployment, poverty far above the national average, and lack a viable infrastructure and strong industrial base. They want economic growth. But they remain isolated because they lack the tools which bring economic development, job creation, and self-sufficiency.

These communities want the seeds so that they can grow private sector development and economic prosperity for their citizens.

The EDA and the ARC provide those critical seeds for growth. Funded by an EDA grant, a small water line means hundreds of jobs because it helped attract a new company. Seed money for revolving loans for small businesses builds an infrastructure where none previously existed. Clearly, EDA works.

There can be no economic development if a community lacks access to markets and opportunities. Better highways mean better access. ARC funds help create the critical link between isolated, distressed communities to economic prosperity.

ARC has made a tremendous difference in my district in other efforts critical to economic development as well. Let me give you an example. For many years, eastern Kentucky has suffered from one of the lowest education attainment levels of any area in the country. Lack of education has been a key hindrance to economic development, particularly as we all struggle to adapt to an increasing complex world. With $50,000 in seed money from ARC, and thanks to the commitment and drive of the local communities, a major education improvement initiative grew into a self-sufficient, multi-county organization. That organization, Forward in the Fifth, started less than 7 years ago, now covers every county in my district. High school dropout rates have decreased by 50 percent since that time. How, 10 percent more of our young people go on to college than they did 7 years ago.

EDA and ARC give the most economically distressed areas of our country a helping hand, not a handout. Thanks to EDA and ARC, communities can pull themselves up by their own bootstraps, saving the Federal Government millions in future years. In the process, these two programs have made, and will continue to make, an incredible difference in the lives of the most severely distressed areas of our country.

Critics of these two programs argue that they do not work. I would invite those skeptics to visit my district. I invite them to talk to the 175 people now employed because EDA provided a small amount of funding for infrastructure to build a new prison facility.

Mr. Chairman, EDA and ARC mean jobs, they mean economic development, and prosperity. The bill before us will produce many more opportunities. I urge members to vote for H.R. 2442.

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Mr. KANJORSKI. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO], chairman of the Jobs Task Force.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Kanjorski-Ridge amendment and the EDA reauthorization before us today. We must come to understand a fact which our Nation's competitors have long known—that the speed with which we incorporate technological advancements in products and manufacturing is the key to long-term economic success.

Make no mistake. We are unparaleled in our ability to uncover scientific and technological innovations. But we have been slow in bringing those innovations to the marketplace. Yet that process, the transfer of technology from the laboratory to the production line, is the key to effective economic competition.

The Kanjorski-Ridge amendment would give the EDA the ability to help small businesses hit hard by the downsizing of our defense industry get access to technology that will give them a competitive edge. It provides small businesses with one-stop access to federally funded new technologies—allowing them to incorporate these innovations into their manufacturing processes and products.

We know that many defense dependent businesses have highly skilled workers and other valuable resources we cannot lose. We understand what it takes to help them be competitive. We know what to do. This amendment, and this bill, will put critical new technologies developed by the Federal Government in the hands of these small American businesses, where they belong. It will give them a competitive edge previously reserved for large multinationals and foreign competitors. It will help create new jobs and make us more competitive.

We have an administration and a Secretary of Commerce who understand this, and who are committed to reinvigorating the EDA and to assuring that it meets its mission of helping communities and businesses like those in my State of Connecticut which have borne the brunt of the rapid changes in our defense budget.

I urge my colleagues to support the Kanjorski-Ridge amendment and the EDA reauthorization. Cutbacks in defense spending will cost this country some 2½ millions jobs by the year 2001. We need to make sure that those skilled workers can bring their talents to bear in the private sector. Support these workers. Support giving our defense dependent communities the help they need, and giving our small businesses access to the next generation of high-technology products and processes. Support the creation of new jobs. Support a strong and vibrant economic future. Vote for this amendment and for the reauthorization of the EDA.

Mr. WISE. Mr. Chairman, I yield myself such time as I may consume to note some of the improvements in the EDA bill and to note, for instance, that in those areas that we talked about, the formula and what is eligible, these criteria have to be met:

Per capita income must be 80 percent or less of the national average, unemployment must be 1 percentage point above the national average for the previous 2-year period, or there must be a sudden or anticipated job loss due to plant closings or other major economic dislocation. Additionally, while pockets of poverty may be isolated by the Secretary, no more than 35 percent of the amounts appropriated each year for the EDA may go to these.

Mr. Chairman, these are significant changes and a significant narrowing of the eligibility criteria from the present EDA program.

Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL], a tireless advocate of both the EDA and the Appalachian Regional Commission in both our State and nationally, and the subcommittee chair of the Subcommittee on Surface Transportation.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from West Virginia, the distinguished chairman of the Subcommittee on Economic Development, for yielding me the time and applaud his dedication and leadership in bringing this legislation to the floor today, a bill which should deserve the strong support of every Member of this body. It is long overdue.

Mr. Chairman, I rise in support of H.R. 2442, the reauthorization legislation for the Economic Development Administration and the Appalachian Regional Commission.

The Appalachian Regional Commission [ARC] was formed in 1965 to promote the region's economic development, and "to develop comprehensive and coordinated plans and establish planning priorities for the region." For more than a quarter century, it has been a unique Federal-State-local planning effort. Regrettably, despite its quarter century of successful operation, its continuation has never been secure.

The reauthorization of both the ARC and the EDA before us today is yet another reauthorization bill similar to other bills reported by the Public Works and Transportation Committee since 1982—none of which were ever enacted. These two vital programs have been continued through the appropriations process—not through reauthorization legislation. We hope that this year, with the support of our President and this Congress, both will see enactment into law.

With respect to the ARC, these programs have made a significant contribution to the region. A study, entitled "The Economic Effects of the Appalachian Regional Commission: An Empirical Assessment of 27 Years of Regional Development Policy," was recently released. I encourage my colleagues to read a summary of the report, which I will submit for inclusion in the RECORD at the end of my statement.

In brief, the report concluded that from 1969 to 1991, the 397 Appalachian counties in 13 States grew significantly faster than the non-Appalachian counties in income, earnings, population, and per capita income. Further, they concluded that the evidence indicates "that the ARC programs helped them to do so." These conclusions hold true for all subregions, including central Appalachia, and they were reached by comparing the 397 Appalachian counties with non-Appalachian twin counties having similar economic and locational characteristics.

If you wondered whether the ARC needs to be reauthorized, its programs continued throughout the region, I strongly recommend that you read the report captioned above.

With respect to the EDA reauthorization—the same conclusions can be reached, I believe. Funds from this program are used to help ensure improved and enhanced economic development opportunities to distressed areas, such as in Appalachia, but with a difference—for EDA project funds are spent throughout the Nation, rather than regionally as they are spent under ARC.

Funds expended by the Economic Development Administration go to successfully help many of the Nation's most economically distressed areas revitalize their physical and social structure and provide incentives to small and medium-size businesses to grow and to generate long-term jobs.

The committee and subcommittee have received testimony during hearings that has given us countless examples on the success of, as well as the need for, EDA and ARC. Over the years, modest funding of each has leveraged billions of dollars in local government and private capital for projects that generated billions more in tax revenues. It also generated countless jobs for the unemployed.

The times may be changing quickly, but economic development needs have not. To keep our industries competitive in a global market, and to maintain our quality of life, we must take every opportunity open to us to strengthen the productive potential of all our Nation—its various regions, industries, and population groups.

That is what EDA and ARC projects do. To do less is to perpetuate the trend already emerging in the United States of creating an unemployed and underemployed underclass of citizens, who live in distressed areas, barely above poverty income levels—many more below poverty incomes—who if they work at all, work in minimum wage jobs with no benefits and no chance of lifting themselves out of poverty. Programs funded by ARC and EDA allow these populations to join the mainstream of economic recovery that is beginning to make America grow and become stable for the first time in decades.

The reauthorization of the ARC will, among other things, help complete the 3,025 miles of highways to help the region overcome geographic isolation and to develop new business and industry. ARC's nonhighway program funding will assist in the continuation of on-going social, education, and community development programs, and permit assistance to highly distressed areas and counties to enable them to pursue innovative ideas and strategies for economic development and job creation. The amended ARC authorization will help improve the Region's manpower skills and to apply new technologies to assist businesses. By increasing the Federal maximum share from 70 to 80 percent to reimburse States' prefinanced highway construction projects approved after March 31, 1979, Appalachia will finally become less isolated and its people better able to commute to jobs outside rural areas, and to access other social and education programs to help lift them out of poverty, including access to better health care.

Mr. Chairman, I will not go into further details with respect to the improvements made to both EDA and ARC authorizations except to say that the funding is for multiyears to assure continuity. Increases in annual funding levels are modest but vitally necessary, and our support for this bill will help our people living in poverty-prone, distressed areas of this great Nation to find jobs, and a dignity of life that a paycheck brings with it.

I commend the able Chair of the Public Works Committee, Mr. MINETA, and the Subcommittee Chair, Mr. WISE, and the respective ranking Republican members, Mr. SHUSTER and Ms. MOLANARI, for bringing this essential legislation to the floor of the House. Their concerted efforts have been invaluable in permitting us to write a bipartisan bill to reauthorize the Economic Development and Appalachian Regional Commission programs.

Passage today of H.R. 2442 will permit the Federal Government to assist urban and rural areas promote economic growth, and deal with one of the most critical matters facing America today—namely, helping the private sector generate new businesses and new jobs.

Given the present slow growth of our economy and uncertainty about the future, the need is greater than ever for the assistance we can assure to distressed areas and distressed populations, by enacting the EDA and ARC reauthorization bill.

SUMMARY

METHODOLOGY

The research presented in this paper uses a control group of counties outside Appalachia that are similar to the Appalachian counties. By matching the Appalachian counties to others with similar economic structures, growth patterns, etc., the analysis controls for macoeconomic events, industrial restructuring, and other external factors in a way that a comparison to national indicators cannot do.

Thus, the evaluation measures how the Appalachia counties changed in comparison to other lagging places that did not receive comparable federal attention. Furthermore, basing the study on comparisons of groups of counties corrects for any random or unpredictable occurrence in a particular county or counties.

RESULTS

Three empirical analyses are presented in the study. The first compares the Appalachian and control county growth rates. The main finding is that the Appalachian counties grew significantly faster than their twins. Between 1969 and 1991 total personal income and earnings grew 48% faster in the Appalachian counties than in their twins, population grew 5% faster, and per capita income grew 17% faster.

The second analysis examines the spatial pattern of these growth rate differences. It concludes that the overall result does not stem from southern growth or some other geographical pattern and that all parts of Appalachia generally grew faster than their twins.

The third analysis examines the variance in the growth rate differences. The main finding is that the growth rate differentials do not vary significantly with metropolitan status, growth center designation, Appalachian highway presence, distressed county status, subregion, coal county, and other variables. Thus, the observed Appalachian growth effect is not the result of certain types of counties having large growth differentials.

The attached table shows the mean growth rate difference for each of 20 variables for each year from 1969 to 1990.

TABLE 4. MEAN GROWTH RATE DIFFERENTIALS (PERCENT OF 1969 LEVELS)

	From 1969 to—																					
	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Total personal income	0.9	1.0	2.2	0.4	4.3	8.1	10.3	13.6	16.7	18.0	28.1	24.7	28.9	28.6	26.6	27.7	31.9	32.1	35.0	34.1	43.0	48.0
Population	−0.1	0.4	0.8	1.2	1.4	1.8	2.7	3.2	3.3	3.6	4.0	4.4	4.5	4.8	4.6	4.5	4.4	4.4	4.4	4.3	4.3	4.7
Per capita personal income	0.9	0.5	1.1	−1.5	1.7	4.2	4.2	5.5	7.0	6.5	13.8	8.7	11.5	9.8	6.4	6.8	10.0	9.4	10.3	8.7	15.8	17.4
Earnings by place of work	0.0	−0.2	0.9	−1.8	4.0	9.3	11.8	16.3	21.5	21.1	34.7	32.8	39.2	38.5	35.5	37.4	39.1	36.7	39.4	35.1	45.6	48.3
Residence adjustment	1.1	1.2	0.9	0.8	0.5	−0.2	−0.1	−1.0	−1.7	−1.8	−4.9	−5.0	−5.7	−7.5	−4.9	−5.6	−4.4	−4.4	−4.8	−3.6	−4.3	−5.0
Dividends, interest, rent	2.2	3.6	5.0	9.0	13.5	16.2	18.0	19.2	23.7	28.4	41.2	54.9	76.8	81.4	100.3	113.5	134.9	141.4	162.8	183.8	208.5	218.1
Transfer payments	2.2	3.6	5.5	7.2	6.6	8.1	11.3	12.6	13.7	21.3	19.6	21.5	25.0	32.7	33.7	35.2	40.3	41.3	43.2	44.2	51.2	60.5
Farming	−6.6	−20.4	−14.8	−54.9	−50.7	−46.1	−23.8	−35.9	−26.3	−41.4	31.8	−21.0	1.3	48.6	19.3	−5.2	26.1	7.3	8.3	−44.7	8.1	11.1
Ag. serv., forestry, fisheries	−0.8	0.2	−2.0	−1.4	−9.3	−9.7	−6.3	−3.6	−4.1	−8.1	−7.3	13.1	32.4	54.3	59.4	61.8	28.7	5.1	26.9	40.8	61.9	81.3
Mining	14.2	32.0	26.3	36.9	88.6	166.2	163.5	227.2	287.1	274.1	322.3	325.2	350.0	218.1	219.5	234.4	313.1	156.8	112.2	121.8	236.6	115.1
Construction	−0.2	15.4	23.2	34.5	25.6	14.2	−4.8	12.1	27.0	6.4	−77.1	−103.3	−114.2	−153.9	−168.7	−116.2	−20.4	4.9	20.0	13.9	39.3	37.7
Manufacturing	−2.1	−1.6	−2.4	3.2	2.3	7.6	10.1	12.6	14.0	17.2	27.5	25.4	17.9	19.0	19.1	32.2	35.6	58.3	79.3	84.3	89.1	87.3
Transportation utilities	0.1	8.1	13.6	20.8	20.8	20.6	21.6	25.5	33.8	34.8	30.7	22.1	29.6	26.6	18.4	18.7	29.7	22.6	19.4	15.2	11.1	14.1
Wholesale trade	2.7	4.0	2.6	3.2	−0.1	−12.9	−19.5	−24.5	−35.0	−36.7	−53.1	−57.9	−60.5	−54.1	−40.0	−50.5	−23.1	−2.8	36.9	62.3	119.2	126.0
Retail trade	0.2	1.9	3.6	5.3	4.4	7.7	10.6	11.1	15.1	17.8	19.9	22.2	25.0	27.7	35.5	39.5	47.4	48.3	56.3	63.5	65.2	67.2
Finance, insurance, real est	−0.2	3.8	5.0	11.0	14.5	20.6	27.8	31.3	40.0	44.5	48.1	48.3	51.4	56.7	70.6	72.3	84.7	110.4	117.0	125.6	137.3	135.2
Services	0.2	0.3	1.9	3.7	4.2	8.9	11.4	12.2	17.0	23.0	26.8	34.1	40.4	44.7	58.2	66.4	75.4	87.2	96.2	108.5	117.9	137.7
Federal civilian government	−0.7	−1.0	2.6	6.0	7.5	10.8	−10.3	−91.0	−141.6	−162.4	162.9	−153.5	−31.9	13.5	13.6	17.2	11.6	14.6	14.7	7.1	18.8	19.8
Federal military	1.3	−0.5	3.7	2.9	−1.0	0.4	0.6	1.0	1.2	0.4	2.3	5.0	9.0	13.9	20.9	25.1	24.9	20.2	17.8	23.1	26.2	31.2
State and local government	−0.8	−2.4	−2.6	−1.5	−1.2	−0.3	2.0	4.8	7.5	8.6	9.2	10.7	7.2	5.0	6.6	9.6	8.3	8.5	5.1	2.0	2.7	8.4

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Ms. MOLINARI. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. BLUTE], a very active member of our subcommittee.

Mr. BLUTE. Mr. Chairman, I would like to take this opportunity to recognize the outstanding achievements of the Economic Development Administration [EDA] and to reaffirm the importance of EDA in helping communities throughout the country overcome severe economic difficulties.

Mr. Chairman, as a member of the Economic Development Subcommittee, I would like to congratulate the chairman, the gentleman from West Virginia [Mr. WISE], and the ranking member, the gentlewoman from New York [Ms. MOLINARI], for their hard work on this piece of legislation, and to say that I have taken a long, hard look into the mission of the EDA and how effective it has been in promoting and assisting in the economic development of our Nation's cities. And having reviewed the programs and operations of the EDA, I have been continuously impressed with the breadth and scope of those programs and the professionalism and quality of EDA's personnel who assist in administering them.

In the city of Worcester, MA, in my own district, EDA—and in particular the northeast regional office—has played a critical supporting role in a broad State and local effort to revitalize the downtown area of the second largest city in all of New England. The challenge continues to be an enormous one.

In recent years, Worcester has suffered from many of the problems associated with large urban areas, including crime, poverty, and high unemployment. Recent trends have seen businesses and revenues desert the downtown area of Worcester, for safer, more accessible suburban areas. Urban flight has had a devastating effect on Worcester and many other cities across the country and made it even more difficult for these areas to meet their own infrastructure, crime prevention, and job creation needs.

Through the guidance and partnership of EDA, however, and the active involvement of State and local participants, the city of Worcester continues to receive a necessary boost that is helping to achieve lasting improvements in the local economy. Such assistance by EDA is allowing the city to help itself improve its condition by stabilizing and diversifying its economic base and improving local living conditions for those who need it most.

The city of Worcester is only one of many communities throughout the Nation that EDA assists on a daily basis. The good work of the EDA is evident in every single State in the Nation, and is contributing to a much-needed economic revitalization in our urban areas. They should be allowed to continue.

I am confident that the tremendous scrutiny that EDA has undergone over the years has improved the way in which it makes its decisions and administers its programs. At a time when cities and States are struggling to comply with massive unfunded mandates and more burdensome and costly regulations, they should know that they can still get some help from the Federal Government for economic development initiatives through the EDA.

For the good of cities like Worcester, Attleboro, Fall River and other communities in my district, I will be voting for this bill today, and I urge all of my colleagues to help their cities by doing the same.

Mr. KANJORSKI. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. RAHALL], but before he takes the minute, I want to say it just shows how complicated this legislation has been that over the past several weeks, as we have negotiated this between the various committees, there have been significant changes in the legislation.

Mr. RAHALL. Mr. Chairman, I rise in strong support of H.R. 2442, the reauthorization legislation for the Economic Development Administration and the Appalachian Regional Commission.

For 27 years, these two highly successful programs have established unique Federal-State-local planning efforts that have leveraged, through modest Federal funding, billions of dollars in local and private capital, and generated billions of dollars in new revenues.

By passing H.R. 2442 we will have kept our industries competitive in a global market, improved and increased our manpower skills, and provided economic development opportunities for existing and new businesses.

Times may be changing quickly, but economic development needs have not. New technologies are emerging, and we need them in order to rebuild our Nation's infrastructure. Through application of the modest funding in the bill, H.R. 2442 will help us achieve that goal.

Mr. WISE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA], the full committee chair of the Committee on Public Works and Transportation. I greatly appreciate his cooperation and assistance and encouragement in getting this bill to the floor.

Mr. MINETA. Mr. Chairman, I rise in strong support of the compromise substitute to H.R. 2442, as provided for in the rule. In doing so, I want to take this opportunity not to explain the specifics of that substitute—I will defer to others to do that, specifically Congressman WISE, chair of our Subcommittee on Economic Development—but to put into perspective exactly what we're doing today.

As most Members know, it has been 12 years since the Economic Development Administration and Appalachian Regional Commission Programs have been authorized. During that time, there have been a number of critics who have come forth and raised various concerns about these programs, primarily the EDA Program.

These critics—and it's mostly been Members on the other side of the aisle—have questioned the basic worth and success of these programs. Are these programs really needed? Are they a legitimate function of the Federal Government? What has their track record been? What kinds of projects have they funded? How much have they cost the General Treasury?

To those critics let me say that as far as this Member is concerned, much of what you have said in the past makes a great deal of sense. There is no doubt that the EDA and ARC Programs could stand improvement. There is no doubt that at times they have not performed to their potential or to our expectation. There is no doubt that their track record in certain areas is suspect, and there is no doubt that there's room for reform.

In that regard, I want to also say to the critics of these programs that you have performed, in my opinion, a valuable service in helping us come to the point today where we now are about to embark on a new beginning for the EDA and ARC Programs.

Gone in this bill are the programs and approaches of old. Gone are the inefficient bureaucracies; gone are the archaic eligibility requirements; gone are the time-consuming and cumbersome approval processes; and gone are the exorbitant authorization levels.

H.R. 2442 and the bipartisan compromise launch EDA and ARC on a new effort founded on reform, responsibility, efficiency, and accountability.

To the critics of old, I say forget the past concerns and past problems. Join with this Member in a collective effort to make EDA and ARC the best agencies and programs they can be.

And, likewise to those who at this time want to be bold and creative and launch these agencies, again particularly EDA, into new areas and new directions, I again say that much of what you propose makes sense. If any agency is going to do the job it's supposed to do, it should have the best tools at its disposal. For EDA, maybe that means certain financing techniques which are new, innovative, and responsive to our Nation's changing economy. Maybe it means radical program restructuring to enhance flexibility.

These issues and suggestions are not in and of themselves wrong. However, I would simply urge those innovators that this is not the right time. These things will come in time.

Right now, I believe Congress' number one objective should be to reauthorize these programs; to get them back on track; to concentrate on addressing the problems of old; to give these agencies time to prove the critics wrong; to build a track record; and then to come back to Congress and say with pride we're now ready for more.

Mr. Chairman, I challenge all Members today—including both the critics and the innovators—to take a serious look at the compromise bill. It addresses both the concerns of the past and the challenges of the future. It strikes a balance between these and, more than anything else, provides an opportunity to forge a partnership to insure that our Nation's economic development program is second to none.

I wish, again, to thank Mr. WISE, the Chair of the Economic Development Subcommittee, and Ms. MOLINARI, the ranking Republican of that subcommittee, for their hard work on this legislation. I would also like to commend Carl Lorenz, the staff director of this subcommittee who will be retiring in the near future, for his many years of devoted service to our Public Works and Transportation Committee and wish him good health, Godspeed, and the best of wishes.

Mr. Chairman, I urge support for the bipartisan compromise.

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Ms. MOLINARI. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise today to express my strong support for the reauthorization of the Economic Development Administration of the Department of Commerce. Funding EDA is renewing America. Each Federal program should be analyzed on the basis of whether or not it improves the lives of ordinary citizens at a reasonable cost. A good program should do just that.

The Economic Development Administration is one such successful Government program. In the past, EDA has done much good for the district I represent. I strongly support its reauthorization.

In the mid-1970's, Long Beach, CA, developed plans to renovate its depressed downtown area. Public and private financing was arranged. But after 1978 the local and State public financing available was severely reduced after the passage of Proposition 13, which rolled back property taxes and thus public revenues.

Shortly thereafter, a multiagency funding agreement was achieved with the Economic Development Administration as the lead agency and partners in the Department of Housing and Urban Development and the Department of Transportation. These agencies provided $40 million in grants. That was leveraged with commitments from businesses and further municipal public financing, for a total investment of approximately $3 billion. $40 million was leveraged to $3 billion.

Today, downtown Long Beach is becoming an excellent place to do business. There is a major world trade center, other downtown office buildings, hotels, parking structures, theaters, restaurants, a shopping mall, and other conveniences. This redevelopment transformed downtown Long Beach into a first-class commercial conventional entertainment area. This would not have occurred without an initial grant from EDA. EDA can also help distressed communities suffering from defense cutbacks. The Federal Government has a duty to help mitigate the pain experienced by local communities whose economy was based, in large part, on providing for the Nation's defense.

Reaping the peace dividend will be a slow and sometimes painful process. The California economy is undergoing dramatic changes that may be painful in the short run. EDA should act as the lead agency in focusing its energies on defense conversion. Facilitating the redeployment of assets formerly deployed by the defense establishment will have a positive economic impact in the long run.

Let us support the reauthorization of the Economic Development Administration. Funding EDA is renewing America.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BEVILL], a Member who is well known in this institution for his work in infrastructure development, and who chairs the Subcommittee on Energy and Water Appropriations.

Mr. BEVILL. Mr. Chairman, I thank the chairman of the subcommittee for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 2442, a measure authorizing the Economic Development Administration and the Appalachian Regional Commission.

Chairman WISE is to be commended for his efforts in bringing this bill to the floor. Both EDA and ARC have had an enormous impact in my district in Alabama and throughout this Nation. Rural and underdeveloped areas have benefited from the programs administered by EDA and ARC.

Since ARC's inception in 1965, its programs have contributed greatly to the economic revitalization of the region. Two million private sector jobs have been created. The percentage of people living in poverty has decreased. The outward migration from the region has decreased. More people are remaining in the region because, quite simply, the quality of life is better.

The long term goal of both of these agencies is to promote economic self-sufficiency for the areas they serve. Until this goal is reached, I strongly support the continuation of both these programs. I urge your support for this important legislation.

Ms. MOLINARI. Mr. Chairman, for purposes of a colloquy, I yield 2 minutes to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I want to commend the gentleman from West Virginia for his diligence in getting the EDA reauthorization to the floor. During committee consideration of this bill, there was a great deal of discussion about the revolving loan fund program; and I am very pleased with the revisions we made to it. These changes do not in any way lessen accountability. The committee has been clear on that fact. However, as we discussed the program, we saw a need for further review of the regulations which govern the RLF. There must be a fine balance between accountability and micromanagement, and this does not currently exist.

I had considered offering an amendment today addressing the EDA's regulation which requires 75 percent of revolving loan funds to be loaned out at any given time. That is just poor business, and could force loans that may not be wise investments.

I am also concerned over EDA's regulations which prohibit refinancing. Good business practices dictate restructuring when it is necessary to assist the borrower's cash flow situation.

I am not going to offer amendments, but I would like the gentleman's assurance that we will look into these regulations further in the committee. Some of these issues came to my attention too late to give sufficient time for committee deliberation, but I hope we will take the opportunity over the coming months to thoroughly review this program, to insure the regulations maintain complete accountability, but are not overly burdensome or counterproductive.

Mr. WISE. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Georgia. I yield to the chairman of the subcommittee, the gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the gentleman.

Mr. Chairman, I want to assure the gentleman from Georgia that indeed the subcommittee will be delighted to do that. The gentleman from Georgia [Mr. COLLINS] has been the one who has been tireless in his effort to make the fund more realistic. It is his language that is included in the bill. The gentleman has been the driving force behind it, and the subcommittee will continue to review this.

Mr. KANJORSKI. Mr. Chairman, I reserve the balance of my time.

Mr. ROTH. Mr. Chairman, I also reserve the balance of my time.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Chairman, I am very proud today to be a member of the Subcommittee on Economic Development of the Committee on Public Works and Transportation because I think we have a very meaningful initiative and a very important bill that we bring before the Congress today. In my judgment this is an important initiative because it helps our economic development efforts in very important ways to help to create jobs, to upgrade smaller communities economically and to provide opportunities for workers. The Economic Development Administration has had its share of administrative problems in the past, and hopefully some of the provisions in this bill will help to correct that, and they should be aware that we will hold them accountable and that we will have very high expectations for their work. But this is very needed assistance, and it is focused on the right activities, on research and development, on infrastructure, improvements and upgrades, and on adjustment assistance, and I am very pleased and proud to add my support to it today.

Mr. WISE. Mr. Chairman, I appreciate the comments of the gentleman from Wisconsin [Mr. BARCA] and his work on the subcommittee.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 2442, the Economic Development Reauthorization Act of 1994.

The Economic Development Administration is actively involved in water, sewer and road projects in a number of locations across my district, putting in place the basic public facilities which are necessary to attract new jobs.

Attracting investment and creating jobs in rural areas is a challenge, but working closely with the EDA we have been able to use a modest Federal investment to leverage substantial private economic activity. There are families in my district whose kids are in college today thanks to the paycheck from a job an EDA grant created. There are towns and village across this country where people finally have decent water and sewer systems thanks to an EDA investment.

My colleagues, I have a strong record on cutting costs and reducing the deficit. I believe we must take a look at every agency and function of the Government to determine if our money is well-spent. I would argue strongly that the modest helping hand provided by the EDA in bringing economic growth to our rural communities is a valid and worthwhile function of the Federal Government.

I commend the authors of the bill, the EDA, and most importantly, the planners, developers, and municipal officials in my district and across the country who are working with these funds to make life better in their hometowns.

I urge support of the bill.

Ms. MOLINARI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this time I would like to join with my colleagues from the Committee on Public Works and Transportation in strongly supporting H.R. 2442. This legislation does indeed address many of the concerns expressed by the people who have worked closely with the EDA and who have spoken previously this afternoon. It is truly a bipartisan effort, and I must at this point thank the gentleman from California [Mr. MINETA], the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member, and of course the Subcommittee on Economic Development chairman, the gentleman from West Virginia [Mr. WISE], for his leadership on this bill.

Mr. Chairman, H.R. 2442 represents an opportunity to finally, after 12 years, reauthorize the EDA and ARC to improve and upgrade these programs. One example of the importance of the EDA is its role in helping communities to adjust to base closures and defense cutbacks.

Mr. Chairman, the 1993 Base Closure Commission closed 130 military installations and realigned 45 others. This was in addition to over 200 closures and realignments resulting from the 1988 and 1991 rounds of base closures. In my own district the closing of Naval Station New York will have an enormous economic impact. In 1992 alone it was estimated that the base generated more than $89 million in annual direct economic impact with a combined payroll of over $50 million and an operating budget of $30 million. As a result of the base's closure it is estimated that between 4,000 and 5,000 jobs, both direct and indirect, will be lost in a city that can scarcely afford it. Mr. Chairman, under the authorizations provided in H.R. 2442 the EDA has a wide range of tools to help communities adjust to these base closures and to find replacement jobs. Under title IX of EDA's reauthorization, Mr. Chairman, the EDA can and will make grants to communities for planning, public works construction, revolving loan fund assistance and training. The authorization is flexible enough for EDA to tailor the adjustment package to each community's specific needs, and I suggest to my colleagues in the Chamber that there is no other example of that ability to provide and respond to a State's, and municipality's and locality's particular problems particularly as it comes to base closure than that provided under title IX of EDA's reauthorization. It has been 12 years, and significant changes have been made to streamline these organizations and to recreate their responsiveness to ever-changing economies.

In conclusion, Mr. Chairman, H.R. 2442 refocuses EDA and ARC on to programs that work, and I encourage my colleagues to support the bill. Let me just state in closing that it has been a tremendous opportunity to work, particularly with the minority staff, and certainly with the majority staff, and I say to Carl Lorenz, "You will be dearly missed, and I hope this bill will serve as a remembrance of all the work and dedication you have given to this full committee and to this subcommittee in particular."

Mr. KANJORSKI. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in strong support of H.R. 2442, the Economic Development Administration authorization bill. I would like to commend our chairman of the Subcommittee on Economic Development of the Committee on Banking, Finance and Urban Affairs, the gentleman from Pennsylvania [Mr. KANJORSKI] for all the work he has put into this legislation. I had the privilege of working closely with Mr. KANJORSKI on this bill, and he certainly deserves a lot of credit for his thoughtful and speedy work to bring the legislation to the floor.

Mr. Chairman, H.R. 2442 is long overdue. After 12 years trying to eliminate the EDA, we have leadership which finally understands the job creation, and economic development and communities revitalization potential of the EDA. It seemed the Federal Government abandoned Federal programs that could have generated jobs and caused community-based development in the 1980's, and this shortsightedness is clearly demonstrated by the continued efforts to eliminate the EDA.

Fortunately, Mr. Chairman, enough Members of Congress on both sides of the aisle recognized the importance of EDA to prevent its outright abolition. However, the program underwent severe budget reductions. In real dollars, EDA is now only one-fifth of its 1980 budget. This bill begins to rebuild the EDA.

I remember the useful economic development projects the EDA funded when I was a State legislator in California. EDA programs leverage several times their allocation in private sector funds. The impact of EDA programs was far greater than their actual funding. That seems to be the model of public-private development that this country strives for.

We should support this bill, and work to enhance and broaden the EDA mission. I urge support for H.R. 2442.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER] who has been very active in the formation of this bill.

Mr. NADLER. Mr. Chairman, I rise in support of H.R. 2442 and urge all my colleagues to vote in favor of this first reauthorization bill in more than a decade and to oppose all amendments to cut funding for these two important agencies or compromise the important work that they do.

I would also like to commend Chairman WISE and my fellow New Yorker, ranking member SUSAN MOLINARI, for the dedicated and cooperative bipartisan spirit in which they have crafted and moved this important legislation.

As a member of the historic freshman class of the 103d Congress, I think it is important to remember what was on our constituents' minds as they went to the polls in 1992 and changed the face of our national Government.

Do you remember? It was "the economy, stupid!" Our constituents were fed up because they couldn't get their children to a doctor, they couldn't hold on to their jobs or make ends meet no matter how hard they worked, and they couldn't even take comfort in the confidence that the many sacrifices they have made have been worthwhile because, in America, the next generation always does better. For too many of our neighbors, the promise of the American dream, that through hard work and perseverance, you can make it and your children will do better, was a broken promise.

Well, people were right to be angry in 1992. That is why we got a new President and a turnover rate in this House of 25 percent.

Does anyone think the voters have forgotten why we were sent here in 1992? Have any of us forgotten? Does anyone here think that we've gotten everyone a job or rebuilt our infrastructure or finished the work of aiding small business and small communities? I do not think so. We have made progress, but if we are to finish the job—to do what we were elected to do—to bring back the promise of the American dream, we must provide the assistance that our communities and businesses need to succeed. The EDA and the ARC provide assistance in communities across this country with skill and with success. Ask your local business and civic leaders.

Where would America be if the Federal Government had not acted to electrify the sparsely populated areas of this country, to build the canals and highways, to promote the key industries that contributed to our economic growth over the years? How can we, as a Congress, decide to put the brakes on this necessary support for our businesses and our communities, now when it is more needed than ever?

I can tell you, as a Representative of an urban district in New York City, I was surprised to discover that small and rural communities face many of the same economic challenges as do urban areas. The urban-rural partnership for a stronger America, putting our people back to work in jobs with dignity and a future, is reflected in this bill.

We need the EDA and we need the ARC. Let us not put the brakes on the recovery now. Vote yes.

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Mr. ROTH. Mr. Chairman, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, may I inquire, what is the distribution of time remaining?

The CHAIRMAN. The gentleman from West Virginia [Mr. WISE] has 1 minute remaining, the gentlewoman from New York [Ms. MOLINARI] has 12 minutes remaining, the gentleman from Pennsylvania [Mr. KANJORSKI] has 3 minutes remaining; and the gentleman from Wisconsin [Mr. ROTH] has 8 minutes remaining.

Mr. KANJORSKI. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to call the attention of my colleagues to something that happened last week. When we were fashioning this bill between the Committee on Banking, Finance and Urban Affairs and the Committee on Public Works and Transportation, there was a very important meeting here in Washington with some of the employees from my district in Pennsylvania that had just been notified that a major textile company was closing down. Fifteen hundred people were notified that they would shortly lose their jobs.

This last weekend I had occasion to visit with some union members who told me that as a result of the passage of NAFTA last year a very large manufacturing company had announced that rather than doing some of the manufacturing they had intended to do in my district to keep some very highly skilled workers working, they were going to move that operation to Mexico.

Last year, or 18 months ago, the President ran, and during the Presidential election this President had a motto, "It's the economy, Stupid." I think the American people responded to that motto and understood what he meant, what his campaign meant, and what we should mean today. If I were to have a motto today, it would be "It's the jobs, Stupid."

We have now passed NAFTA as national policy. We know we will take some jobs away from the American people. We are looking forward to reforming welfare, and yet the big question when you reform welfare is "Mister, where do I get the job you're going to train me for?"

I think it is up to us who will be voting on these substantive issues in this session to search our minds and our hearts with the reality that we come up with the idea of where these jobs will be.

The EDA and the Appalachian Regional Commission are part of the civilian tools of this Government to create those jobs. In some instances they have done it very well, in some instances they have done it not too well, and we are trying to correct that.

An amendment that I will offer when we close general debate goes to the thrust of the matter of how we will create jobs. What we are suggesting is that we have to look into the inventory of technologies, patents, and research and development of the Federal Government and make sure they get out to the small districts of America that suffer the loss of jobs as a result of NAFTA and welfare reform.

My district does not get the research and development grants that go to MIT or to Stanford or some of the major research universities, but that money that goes to those grants comes from my taxpayers. What we are trying to do with this amendment is to level that playing field and say that we cannot put the grants for research and development into the small backwater districts of the United States, but we can offer the technologies as future job creation opportunities for these people.

Mr. Chairman, I urge my colleagues, when we take up this amendment, to realize that really "It's the jobs, Stupid." That is what we hear now, and that is what it is all about.

Ms. MOLINARI. Mr. Chairman, I yield back the balance of my time.

Mr. ROTH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from West Virginia [Mr. WISE] has 1 minute remaining.

Mr. WISE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if you have a base closing that you just found out about, who are you going to call? If you are trying to put a water system into an industrial park because you can get a client that will provide 200 jobs but it has got to be done quickly, who are you going to call? Or if you have suffered, as too many people have in too many parts of the country, from the kind of economic dislocation that comes from physical devastation, be it earthquake, be it flood, be it tsunami or whatever it is, who are you going to call?

You are going to call the EDA, and in 13 States you are going to call the ARC.

Mr. Chairman, that is the best reason why this has got to be reauthorized. Who are you going to call? We have got to make sure they are still there to be called.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Economic Development Reauthorization Act. I know firsthand that the Economic Development Administration and the Appalachian Regional Commission are proven programs that work.

These programs have been key factors in helping bring jobs and better economic opportunity to our rural communities. The grants and technical assistance provided by EDA and ARC have enabled many of our local communities in Mississippi to develop water and sewer systems, roads and other facilities that would not have been possible otherwise. As a result, these communities have been able to develop industrial parks and set up other attractive opportunities for business and industry to locate there. That means jobs and an increased tax base.

Much progress has been made, but I strongly support efforts to continue this process to allow ARC and EDA to further develop infrastructure such as roads and highways and to provide important technical assistance to help businesses in rural areas like Mississippi survive and grow.

I know the Applachian Regional Commission is responsible for nearly 1,000 new job opportunities in Mississippi in 1993 alone. Without ARC support, many of these projects and jobs would not have gone forward. And I hear only good things from economic development officials in my district about what an important factors EDA has been in bringing jobs to Mississippi over the years.

We need to keep these programs working to stimulate economic opportunities in Mississippi and throughout the country. I urge continued support for EDA and ARC.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 2442, the Economic Development Authorization Act. I must first commend the excellent work of the Public Works and Banking Committees that has made it possible to bring this vital economic development legislation to the floor. It has been 14 years since the EDA was reauthorized, and I applaud the Committees' members for working together on this bill to give this important program the attention and support it deserves.

In my district in northern California, the EDA has made a tremendous impact on the economic development of the region. Over the past few weeks, I have received numerous calls and letters from local officials and business leaders to tell me their first-hand experience with the local initiatives that are made possible with the help of EDA funds. I have been impressed with the broad support the EDA enjoys from the people who are on the front-lines of economic development in the communities in my district.

I myself have worked closely with the Tri-County Economic Development Committee [TCEDC] the federally recognized Economic Development District which serves Glenn, Tehama and Butte Counties in my district, and I know the difference these programs have made in these economically distressed areas. TCEDC provides the cities and counties in this region with a wide variety of economic development services, including economic development planning, grant writing, administration of public works and technical assistance projects, management of local, State, and federally funded revolving loan funds [RLF's] and small business financing.

Since 1989, TCEDC has completed 64 successful economic development programs which have created or retained 718 local jobs. For example, 72 jobs were saved in Glenn county alone through the assistance of an EDA public works grant. In 1992, The city of Orland was in danger of being forced to shut down their municipal brine ponds because the aging ponds were in desperate need of retrofitting. The waste water that results from local olive processing is transferred to the municipal brine ponds so the salt can safely evaporate. These ponds are critical to food processing and the many jobs associated with this process. The TCEDC was able to help secure a $500,000 EDA public works grant to help the financially strapped city retrofit the brine ponds and save the 72 olive processing jobs in the area.

Another TCEDC success was assistance they provided the Glenn Chamber of Commerce in obtaining a CDBG grant to provide a loan to a small local business, Applied Sewing Resources. Three years ago, Applied Sewing Resources, a small manufacturer of outdoor recreational equipment, employed three people in Orland, CA. With a $215,000 business loan obtained by the city of Orland with the assistance of TCEDC, Applied Resources was able to purchase new equipment and expand their operations. Today, Applied Sewing Resources employs almost 75 employees in Orland.

The number of jobs saved or created by EDA assistance may not sound like big numbers to some folks in Washington, but let me tell you that in my District—where unemployment rates are running as high as 15 to 20 percent—these jobs have a real impact. In these continuing tough economic times, the Economic Development Administration is a small investment that yields abundant returns.

I strongly support the Economic Development Authorization Act, and urge my colleagues to do the same.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in part 1 of House Report 103-495 shall be considered as an original bill for the purpose of amendment and shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Economic Development Reauthorization Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—ECONOMIC DEVELOPMENT PROGRAMS

Sec. 101. Grants for public works and development facilities.
Sec. 102. Projects constructed under projected cost.
Sec. 103. Changed project circumstances.
Sec. 104. Other financial assistance.
Sec. 105. Technical assistance, research, and information.
Sec. 106. Business outreach center demonstration project.
Sec. 107. Office of Strategic Economic Development Planning and Policy.
Sec. 108. Office of Economic Development Information.
Sec. 109. Area eligibility.
Sec. 110. Investment strategy.
Sec. 111. Economic development districts.
Sec. 112. Administration.
Sec. 113. Expedited processing of applications.
Sec. 114. Uniform application form.
Sec. 115. Study of grant selection criteria.
Sec. 116. Performance evaluations of grant recipients.
Sec. 117. Study of guaranteed loan program.
Sec. 118. Miscellaneous.
Sec. 119. Acceptance of applicants' certifications.
Sec. 120. Supervision of regional counsels.
Sec. 121. Economic recovery for disaster areas.
Sec. 122. Special economic development and adjustment assistance.
Sec. 123. Treatment of revolving loan funds.
Sec. 124. Outreach to communities adversely affected by defense base closures.
Sec. 125. Sale of financial instruments in revolving loan funds.
Sec. 126. Economic development challenge grants demonstration project.
Sec. 127. Authorization of appropriations.
Sec. 128. References to the Secretary.
Sec. 129. Compliance with Buy American Act.

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT

Sec. 201. Findings and purposes.
Sec. 202. Meetings.
Sec. 203. Authorizations for administrative expenses.
Sec. 204. Extension of lease terms.
Sec. 205. Highway system.
Sec. 206. Supplements to Federal grant-in-aid programs.
Sec. 207. Program development criteria.
Sec. 208. Grants for administrative expenses and demonstration projects.
Sec. 209. Authorization of appropriations for general program.
Sec. 210. Definition of Appalachian region.
Sec. 211. Extension of termination date.
Sec. 212. Regional development task force.
Sec. 213. Compliance with Buy American Act.

TITLE I—ECONOMIC DEVELOPMENT PROGRAMS

SEC. 101. GRANTS FOR PUBLIC WORKS AND DEVELOPMENT FACILITIES.

(a) DIRECT AND SUPPLEMENTARY GRANTS.—

(1) ELIGIBLE APPLICANTS.—Section 101(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131(a)) is amended in the matter preceding paragraph (1) by striking "representing any redevelopment area or part thereof" and inserting "acting in cooperation with officials of local governments".

(2) DIRECT GRANTS.—Section 101(a)(1) of such Act (42 U.S.C. 3131(a)(1)) is amended—

(A) in the matter preceding subparagraph (A) by inserting "design and engineering," after "acquisition,"; and

(B) in subparagraph (A) by striking "or otherwise substantially further the objectives of the Economic Opportunity Act of 1964".

(b) AMOUNT OF SUPPLEMENTAL GRANTS.—The last sentence of section 101(c) of such Act (42 U.S.C. 3131(c)) is amended—

(1) by striking "area," and inserting "area and"; and

(2) by striking ", and the amount of" and all that follows before the period.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 105 of such Act (42 U.S.C. 3135) is amended to read as follows:

"SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $160,000,000 for fiscal year 1994 and $175,000,000 per fiscal year for each of fiscal years 1995 and 1996. Such sums shall remain available until expended.

"(b) LIMITATION ON EXPENDITURES IN CERTAIN AREAS.—Not more than 35 percent of the amounts appropriated pursuant to subsection (a) in a fiscal year may be expended for projects located in areas described in section 401(a)(4).

"(c) LIMITATION ON EXPENDITURES FOR DESIGN AND ENGINEERING.—Not more than 20 percent of the amounts appropriated pursuant to subsection (a) in a fiscal year may be expended for design and engineering.".

(d) SEWER FACILITIES.—Title I of such Act (42 U.S.C. 3131-3137) is amended by striking section 106 and redesignating section 107 as section 106.

(e) CONSTRUCTION COST INCREASES.—Section 106 of such Act, as redesignated by subsection (d) of this section, is amended by inserting a period after "such costs" and striking all that follows.

SEC. 102. PROJECTS CONSTRUCTED UNDER PROJECTED COST.

Title I of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131-3137) is amended by adding at the end the following:

"SEC. 107. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

"In any case where a grant (including a supplemental grant) has been made under this title for a project, and after such grant has been made but before completion of the project the cost of such project based upon the designs and specifications which were the basis of the grant has decreased because of decreases in costs, such underrun funds may be used to improve the project either directly or indirectly as determined by the Secretary.".

SEC. 103. CHANGED PROJECT CIRCUMSTANCES.

Title I of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131-3137) is further amended by adding at the end the following:

"SEC. 108. CHANGED PROJECT CIRCUMSTANCES.

"In any case where a grant (including a supplemental grant) has been made under this title for a project, and after such grant has been made but before completion of the project the purpose or scope of such project based upon the designs and specifications which were the basis of the grant has changed, the Secretary may approve the use of grant funds on such changed project if the Secretary determines that such changed project meets the requirements of this title and that such changes are necessary to enhance economic development in the area.".

SEC. 104. OTHER FINANCIAL ASSISTANCE.

(a) PUBLIC WORKS AND DEVELOPMENT FACILITY LOANS.—

(1) ELIGIBLE APPLICANTS.—Section 201(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(a)) is amended in the matter preceding paragraph (1) by striking "representing any redevelopment area or part thereof" and inserting "acting in cooperation with officials of local governments".

(2) CRITERIA.—Section 201(a)(1)(C) of such Act (42 U.S.C. 3141(a)(1)(C)) is amended by striking "or otherwise substantially further the objectives of the Economic Opportunity Act of 1964".

(b) TERMS AND CONDITIONS.—Section 202(b) of such Act (42 U.S.C. 3142(b)) is amended—

(1) in paragraph (6) by striking "it is determined" and inserting "the Secretary determines"; and

(2) in paragraph (7) by striking "hereunder for a period" and all that follows through "the foregoing restrictions on maturities" and inserting "under this section for a term of maturity of more than 25 years and no evidences of indebtedness which matures more than 25 years after the date of purchase may be purchased under this section; except that this paragraph".

(c) REDEVELOPMENT AREA LOAN PROGRAM.—Title II of such Act (42 U.S.C. 3141–3144) is amended by striking section 204.

SEC. 105. TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION.

(a) TECHNICAL ASSISTANCE.—

(1) URBAN AREAS WITH POPULATIONS OF 400,000 OR LESS.—Section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151(a)) is amended by adding at the end the following: "In providing assistance under this subsection, the Secretary shall take into consideration the unique development needs of urban areas with populations of 400,000 or less.".

(2) GRANTS FOR ADMINISTRATIVE EXPENSES.—The last sentence of section 301(b) of such Act (42 U.S.C. 3151(b)) is amended by striking "urban planning grants, authorized under the Housing Act of 1954, as amended," and inserting "planning activities described in section 105(a)(13) of the Housing and Community Development Act of 1974".

(3) REPEALS.—Section 301 of such Act (42 U.S.C. 3151) is amended by striking subsections (c), (e), and (f) and redesignating subsection (d) as subsection (c).

(b) ECONOMIC DEVELOPMENT PLANNING.—

(1) DIRECT GRANTS.—The 7th sentence of section 302(a) of such Act (42 U.S.C. 3151a(a)) is amended by striking "and shall be available" and all that follows before the period at the end.

(2) TECHNICAL ASSISTANCE.—Section 302 of such Act (42 U.S.C. 3151a) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

(3) USE OF OTHER PLANNING ASSISTANCE.—Section 302(b) of such Act, as redesignated by paragraph (2) of this subsection, is amended by striking "shall be used in accordance with the review procedure required pursuant to title IV of the Intergovernmental Cooperation Act of 1968 and".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of such Act (42 U.S.C. 3152) is amended to read as follows:

"SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this title $37,100,000 for fiscal year 1994 and $50,000,000 per fiscal year for each of fiscal years 1995 and 1996. Such sums shall remain available until expended.".

(d) SUPPLEMENTAL AND BASIC GRANTS.—Title III of such Act (42 U.S.C. 3151–3153) is amended by striking section 304.

SEC. 106. BUSINESS OUTREACH CENTER DEMONSTRATION PROJECT.

Title III of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151–3153) is amended by adding at the end the following:

"SEC. 304. BUSINESS OUTREACH CENTER DEMONSTRATION PROJECT.

"(a) IN GENERAL.—The Secretary shall conduct a project in each of fiscal years 1994 through 1996 with funds made available under this title for the purpose of demonstrating methods of assisting isolated small businesses to access small business services provided by Federal, State, and local governments.

"(b) ESTABLISHMENT OF CENTERS.—In conducting the demonstration project under this section, the Secretary shall establish 3 business outreach centers. At least 1 of the centers shall be located in a rural area.

"(c) PURPOSE OF CENTERS.—It shall be the purpose of each business outreach center established under this section—

"(1) to provide a one-stop clearinghouse to assist isolated small businesses in accessing small business services provided by Federal, State, and local governments; and

"(2) to improve efficiency in the delivery of such services.

"(d) SERVICES TO BE PROVIDED.—Each business outreach center established under this section shall provide the following services:

"(1) Outreach to isolated small businesses.

"(2) Assessment of the need of isolated small businesses for assistance services.

"(3) Referral of isolated small businesses to small business assistance agencies.

"(4) Preparation of materials required by isolated small businesses for participation in small business assistance programs.

"(5) Case management to assure follow-up and quality control of business services.

"(6) Coordination of networking among isolated small businesses.

"(7) Quality control of small business assistance services.

"(e) ISOLATED SMALL BUSINESS DEFINED.—For the purposes of this section, the term 'isolated small business' means a small business that is unable to effectively access small business services provided by Federal, State, and local governments due to linguistic, cultural, or geographic barriers.".

SEC. 107. OFFICE OF STRATEGIC ECONOMIC DEVELOPMENT PLANNING AND POLICY.

Title III of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151–3153) is further amended by adding at the end the following:

"SEC. 305. OFFICE OF STRATEGIC ECONOMIC DEVELOPMENT PLANNING AND POLICY.

"(a) ESTABLISHMENT.—The Secretary shall establish an Office of Strategic Economic Development Planning and Policy (hereafter in this section referred to as 'the Office').

"(b) DUTIES.—The duties of the head of the Office are as follows:

"(1) RESEARCH, EVALUATION, AND DEMONSTRATION.—To support research, evaluation, and demonstration projects to study and assess best practices in economic development and to examine trends and changes in economic conditions that affect regional development.

"(2) POLICY DEVELOPMENT.—To develop recommendations on both short- and long-term policies regarding economic development issues and programs, to help foster the diffusion of innovative, best practices in economic development throughout the Department of Commerce.

"(3) COORDINATION.—To take a leading role in developing and promoting means for greater coordination among States, regions, and local communities in the design and implementation of economic development strategies, and to work in conjunction with Federal agencies on developing and implementing means for reducing fragmentation and increase coordination among Federal programs that provide economic development assistance.

"(c) RESEARCH IN CAUSES OF LONG-TERM ECONOMIC DETERIORATION.—

"(1) IN GENERAL.—To assist in the long-range accomplishment of the purposes of this Act, the Secretary, in cooperation with other agencies having similar functions, shall establish and conduct a continuing program of study, training, and research—

"(A) to assist in determining the causes of unemployment, underemployment, underdevelopment, and chronic depression in the various areas and regions of the Nation;

"(B) to assist in the formulation and implementation of national, State, and local programs which will raise income levels and otherwise produce solutions to the problems resulting from these conditions; and

"(C) to assist in providing the personnel needed to conduct such programs.

"(2) MANNER OF PROVIDING STUDY, ASSISTANCE.—The program of study, training, and research may be conducted by the Secretary through—

"(A) members of the Secretary's staff;

"(B) the payment of funds authorized for this section to other departments or agencies of the Federal Government;

"(C) the employment of private individuals, partnerships, firms, corporations, or suitable institutions;

"(D) contracts entered into for such purposes;

"(E) grants to such individuals, organizations, or institutions as the Secretary determines to be appropriate; or

"(F) conferences and similar meetings organized for such purposes.

"(3) AVAILABILITY OF RESULTS OF RESEARCH.—The Secretary shall make available to interested individuals and organizations the results of such research.

"(4) ANNUAL REPORT OF SECRETARY.—The Secretary shall include in the annual report under section 705 a detailed statement concerning the study and research conducted under this section, together with the Secretary's findings and conclusions and such recommendations for legislative and other action as the Secretary may consider appropriate.

"(d) GEOGRAPHIC ANALYSIS TOOL.—

"(1) IN GENERAL.—The Secretary shall, in cooperation with other appropriate Federal agencies develop a computerized geographic analysis tool that all Federal departments and agencies and grant recipients may use to evaluate the success of these programs.

"(2) REPORT.—Not later than 6 months after the date of the enactment of the Economic Development Reauthorization Act of 1994, the Secretary shall transmit to Congress a report on use of the computerized geographic analysis tool developed pursuant to paragraph (1) by Federal departments and agencies.

"(e) INDEPENDENT ADVISORY COMMITTEE.—The Secretary shall establish an advisory committee made up of representatives from major State, local, and nonprofit economic development organizations as well as nationally recognized experts on innovative approaches to economic development to advise and make recommendations to the Office.

"(f) FEDERAL COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary shall establish a Federal Coordinating Council for Economic Development (hereafter in this section referred to as the 'Council').

"(2) COMPOSITION OF COUNCIL.—The Council shall be composed of representatives from Federal agencies involved in matters that affect regional economic development.

"(3) DUTIES.—The Council shall assist in providing a unifying framework for economic and regional development efforts and develop a governmentwide strategic plan for economic development.

"(g) GRANTS AND CONTRACTS FOR DEMONSTRATION PROJECTS; PURPOSES.—The Secretary may make grants, enter into contracts, or otherwise provide funds for any demonstration project in an eligible area which the Secretary determines is designed to foster regional productivity and growth, prevent outmigration, and otherwise carry out the purposes of this Act.".

SEC. 108. OFFICE OF ECONOMIC DEVELOPMENT INFORMATION.

Title III of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151-3153) is further amended by adding at the end the following:

"SEC. 306. OFFICE OF ECONOMIC DEVELOPMENT INFORMATION.

"(a) ESTABLISHMENT.—The Secretary shall establish the Office of Economic Development Information (hereafter in this section referred to as the 'Office') within the Office of Strategic Economic Development Planning and Policy.

"(b) DUTIES.—The duties of the head of the Office shall be—

"(1) to serve as a central information clearinghouse on matters relating to economic development, economic adjustment, industrial retention, disaster recovery, and defense conversion programs and activities of the Federal and State governments, including political subdivisions of the States; and

"(2) to help potential and actual applicants for economic development, economic adjustment, disaster recovery, industrial retention, and defense conversion assistance under Federal, State, and local laws in locating and applying for such assistance, including financial and technical assistance.

"(c) INFORMATION DATA BASES.—

"(1) USES.—The Office shall develop information data bases for use by Federal departments and agencies, State and local governmental agencies, public and private entities, and individuals to assist such agencies, entities, and individuals in the process of identifying and applying for assistance and resources under economic development, economic adjustment, disaster recovery, industrial retention, and defense conversion programs and activities of the Federal, State, and local governments.

"(2) SPECIFIC KINDS OF INFORMATION REQUIRED TO BE INCLUDED.—The data bases shall include the following kinds of information:

"(A) A comprehensive compilation of all relevant information concerning available economic development, economic adjustment, disaster recovery, industrial retention, and defense conversion programs of the Federal Government, including key contact people, descriptions of the application process, eligibility requirements and criteria, selection and followup procedures, and other such relevant information.

"(B) A compilation of major State and local governmental economic development, economic adjustment, disaster relief, industrial retention, and defense conversion assistance programs, including lists of appropriate offices, officers, and contact personnel connected with, or involved in, such programs.

"(C) A compilation of relevant and available economic data and trends, including information about the national, regional, and local impacts of trade agreements, defense spending and downsizing, technological change, and other sources of substantial economic dislocation.

"(D) A compilation of case studies and 'best practices' in economic development, adjustment, and conversion.

"(E) A compilation of technology utilization programs, assistance, and resources.

"(F) A compilation of published works (books, reports, articles, videos, and tapes), and selected texts of such works, related to all facets of economic development, economic adjustment, and defense conversion.

"(G) A compilation of information on case studies on early warning and intervention efforts.

"(3) POINTS OF PUBLIC ACCESS.—

"(A) IN GENERAL.—The Office shall establish several mechanisms to assure easy access by the public and others to such data bases, and to assure that the data bases be as accessible, user-friendly, culturally neutral, and affordable as possible.

"(B) MEANS OF ACCESS.—Access to the Office's data services shall include the following means:

"(i) A toll-free nationwide telephone number to provide direct phone access to the public.

"(ii) On-line electronic access through existing computer network services and publicly available computer data base access facilities, such as at repository libraries and by direct call-in via modem.

"(iii) Printed manuals and orientation materials.

"(iv) Periodic orientation workshops available to the public.

"(v) On-call information specialists to address special problems requiring person-to-person assistance.

"(d) INTERAGENCY COORDINATION.—The Secretary shall enter into such agreements and understandings as may be necessary with other Federal departments and agencies to coordinate the accomplishment of the objectives of this section.".

SEC. 109. AREA ELIGIBILITY.

(a) IN GENERAL.—Title IV of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161-3173) is amended by striking the heading to such title and all that follows through section 401 and inserting the following:

"TITLE IV—ELIGIBILITY AND INVESTMENT STRATEGIES

"PART A—ELIGIBILITY

"SEC. 401. AREA ELIGIBILITY.

"(a) CERTIFICATION.—In order to be eligible for assistance under title I or II, an applicant seeking assistance to undertake a project in an area shall certify, as part of an application for such assistance, that the area on the date of submission of such application meets 1 or more of the following criteria:

"(1) The area has a per capita income of 80 percent or less of the national average.

"(2) The area has an unemployment rate 1 percent above the national average percentage for the most recent 24-month period for which statistics are available.

"(3) The area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

"(4) The area is a community or neighborhood (defined without regard to political or other subdivisions or boundaries) which the Secretary determines has 1 or more of the following conditions:

"(A) A large concentration of low-income persons.

"(B) Rural areas having substantial outmigration or substantial economic deterioration and unemployment.

"(C) Substantial unemployment.

"(b) DOCUMENTATION.—A certification made under subsection (a) shall be supported by Federal data, when available, and in other cases by data available through the State government. Such documentation shall be accepted by the Secretary unless it is determined to be inaccurate. The most recent statistics available shall be used.

"(c) SPECIAL RULE.—An area which the Secretary determines has 1 or more of the conditions described in subsection (a)(4)—

"(1) shall not be subject to the requirements of subparagraphs (A) and (C) of section 101(a)(1); and

"(2) shall not be eligible to meet the requirements of section 403(a)(1)(B).

"(d) PRIOR DESIGNATIONS.—Any designation of a redevelopment area under this title made before the date of the enactment of the Economic Development Reauthorization Act of 1994 shall not be effective after such date of enactment.

"(e) DEFINITION.—For purposes of this Act, the term 'large concentration of low-income persons' means an area with a median family income of not more than 80 percent of the national median family income.".

(b) CONFORMING AMENDMENTS.—

(1) TITLE I.—Title I of such Act (42 U.S.C. 3131-3137) is amended—

(A) in section 101(a)(1) in the matter preceding subparagraph (A) by striking "within a redevelopment area" and inserting "within an area described in section 401(a)";

(B) in section 101(a)(1)(D) by striking "a redevelopment area so designated under section 401(a)(6)" and inserting "an area described in section 401(a)(4)";

(C) in section 101(a)(2) by striking "within redevelopment areas" and inserting "within areas described in section 401(a)";

(D) in each of the 2d and 3d sentences of section 101(c) by striking "a redevelopment area designated as such under section 401(a)(6) of this Act" and inserting "an area described in section 401(a)(4)"; and

(E) in the 5th sentence of section 101(c) by striking "redevelopment areas" and inserting "areas described in section 401(a)".

(2) TITLE II.—Title II of such Act (42 U.S.C. 3141-3144) is amended—

(A) in section 201(a) in the matter preceding paragraph (1) by striking "within a redevelopment area" and inserting "within an area described in section 401(a)";

(B) in each of paragraphs (1) and (3) of section 202(a) by striking "within a redevelopment area" and inserting "within an area described in section 401(a)"; and

(C) in section 202(b)(3) by striking "redevelopment".

(3) TITLE III.—Title III of such Act (42 U.S.C. 3151–3153) is amended—

(A) in section 301(a) by striking "(1) to areas which he has designated as redevelopment areas under this Act, and (2) to other areas which he finds" and inserting "(1) to areas which the Secretary determines are areas described in section 401(a), and (2) to other areas which the Secretary finds";

(B) in section 301(c), as redesignated by section 105(a) of this Act, by striking "redevelopment areas" both places it appears and inserting "areas described in section 401(a)";

(C) in the 1st sentence of section 302(a) by striking "a redevelopment area" and inserting "an area described in section 401(a)"; and

(D) in the 2d sentence of section 302(a) by striking "redevelopment areas" and inserting "areas described in section 401(a)".

(4) TITLE IV.—Title IV of such Act (42 U.S.C. 3161–3173) is amended—

(A) in each of subparagraphs (A) and (B) of section 403(a)(1) by striking "redevelopment area" and inserting "area described in section 401(a)";

(B) in section 403(a)(1)(C) by striking "redevelopment areas" and inserting "areas described in section 401(a)";

(C) in section 403(a)(4) in the matter preceding subparagraph (A) by striking "redevelopment areas (designated under section 401)" and inserting "areas described in section 401(a)";

(D) in section 403(a)(4)(A) by striking "redevelopment area" and inserting "area described in section 401(a)"; and

(E) in section 403(h), as redesignated by section 111(c) of this Act, by striking "a redevelopment area" each place it appears and inserting "an area described in section 401(a)".

(5) TITLE IX.—Section 902 of such Act (42 U.S.C. 3242) is amended by striking "a redevelopment area or economic development district established under title IV of this Act" and inserting "an area described in section 401(a) or an economic development district designated under section 403".

SEC. 110. INVESTMENT STRATEGY.

(a) IN GENERAL.—Section 402 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) is amended to read as follows:

"SEC. 402. INVESTMENT STRATEGY.

"The Secretary may provide assistance under title I or II to an applicant for a project to be undertaken in an area described in section 401(a) only if the applicant submits to the Secretary, as part of an application for such assistance, and the Secretary approves an investment strategy which—

"(1) identifies the economic development problems to be addressed using such assistance;

"(2) identifies past, present, and projected future economic development investments in such area and public and private participants and sources of funding for such investments;

"(3) sets forth a strategy for addressing the economic problems identified pursuant to paragraph (1) and describes how the strategy will solve such problems;

"(4) provides a description of the project necessary to implement the strategy, estimates of costs, and timetables; and

"(5) provides a summary of public and private resources expected to be available for the project.".

(b) ELIMINATION OF OVERALL ECONOMIC DEVELOPMENT PROGRAM.—Section 202(b) of such Act (42 U.S.C. 3142(b)) is amended by striking paragraph (10).

(c) CONFORMING AMENDMENTS.—

(1) TITLE I.—Subparagraph (C) of section 101(a)(1) of such Act (42 U.S.C. 3131(a)(1)) is amended to read as follows:

"(C) the area for which the project is to be undertaken has an approved investment strategy as provided by section 402 and such project is consistent with such strategy; and".

(2) TITLE II.—Paragraph (5) of section 201(a) of such Act (42 U.S.C. 3141(a)) is amended to read as follows:

"(5) such area has an approved investment strategy as provided by section 402 and the project for which financial assistance is sought is consistent with such strategy.".

(3) TITLE III.—Section 302(a) of such Act (42 U.S.C. 3151a(a)) is amended—

(A) in the 4th sentence by striking "overall State economic development plan" and inserting "State investment strategy";

(B) in the 5th sentence—

(i) by striking "plan" each place it appears and inserting "strategy"; and

(ii) by striking "plans" each place it appears and inserting "strategies"; and

(C) in the 6th sentence by striking "Any overall State economic development planning" and inserting "Development of any State investment strategy".

(4) TITLE IV.—Section 403 of such Act (42 U.S.C. 3171) is amended—

(A) in each of subsections (a)(1)(C), (a)(1)(D), (a)(2)(A), (a)(3)(A), (a)(4)(B), and (e) by striking "overall economic development program" and inserting "investment strategy";

(B) in subsection (a)(1)(D) by striking "program" the second place it appears and inserting "strategy"; and

(C) in each of subsections (b) and (b)(2)(B) by striking "overall economic development programs" and inserting "investment strategies".

SEC. 111. ECONOMIC DEVELOPMENT DISTRICTS.

(a) ECONOMIC DEVELOPMENT DISTRICT DEFINED.—Section 403(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171(d)) is amended by adding at the end the following: "Such term includes any economic development district designated by the Secretary under this section before the date of the enactment of the Economic Development Reauthorization Act of 1994.".

(b) FUNDING.—Section 403(g) of such Act (42 U.S.C. 3171(g)) is amended to read as follows:

"(g) FUNDING.—Amounts authorized to be appropriated under other sections of this Act shall be available for purposes of carrying out subsections (a)(3) and (a)(4).".

(c) REPEAL.—Section 403 of such Act (42 U.S.C. 3162) is amended by striking subsections (h) and (i) and redesignating subsection (j) as subsection (h).

(d) UNEMPLOYMENT RATE DETERMINATIONS.—Title IV of such Act (42 U.S.C. 3161–3173) is amended by striking part D.

SEC. 112. ADMINISTRATION.

(a) IN GENERAL.—Section 601 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3201) is amended to read as follows:

"SEC. 601. APPOINTMENT OF ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT; COMPENSATION.

"(a) ADMINISTRATION OF ACT.—The Secretary shall, with the assistance of an Assistant Secretary of Commerce, administer this Act.

"(b) APPOINTMENT OF ASSISTANT SECRETARY.—

"(1) IN GENERAL.—The Assistant Secretary whose position is established under subsection (a) shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DUTIES.—The Assistant Secretary appointed under paragraph (1) shall perform such functions as the Secretary may prescribe.".

(b) ADVISORY COMMITTEE ON REGIONAL ECONOMIC DEVELOPMENT.—Title VI of such Act (33 U.S.C. 3201–3204) is amended by striking section 602 and redesignating sections 603 and 604 as sections 602 and 603, respectively.

SEC. 113. EXPEDITED PROCESSING OF APPLICATIONS.

Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3201–3204) is amended by adding at the end the following:

"SEC. 604. EXPEDITED PROCESSING OF APPLICATIONS.

"(a) GUIDELINES.—Not later than 60 days after the date of the enactment of this section, the Assistant Secretary for Economic Development shall—

"(1) publish guidelines to expedite the processing of applications for assistance under this Act; and

"(2) transmit to Congress a report containing such guidelines.

"(b) CONTENTS.—Guidelines to be published under subsection (a) shall, at a minimum, provide for the following:

"(1) Increased reliance on self-certification by applicants to establish compliance with other Federal laws.

"(2) Greater use of uniform application forms and procedures.

"(3) Delegation of decisionmaking authority to regional offices.

"(4) Reduction in the time and number of reviews conducted by other offices of the Department of Commerce.".

SEC. 114. UNIFORM APPLICATION FORM.

Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3201–3204) is further amended by adding at the end the following:

"SEC. 605. UNIFORM APPLICATION FORM.

"(a) DEVELOPMENT.—The Secretary shall, in cooperation with the heads of appropriate Federal departments and agencies, develop a general, simplified application form for grant assistance under this Act which may be used by all Federal departments and agencies which provide grant assistance.

"(b) REPORT.—Not later than 6 months after the date of the enactment of this section, the Secretary shall transmit to Congress a report on use of the form developed pursuant to subsection (a) by Federal departments and agencies.".

SEC. 115. STUDY OF GRANT SELECTION CRITERIA.

Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3201–3204) is further amended by adding at the end the following:

"SEC. 606. STUDY OF GRANT SELECTION CRITERIA.

"(a) DEVELOPMENT OF METHOD.—The Secretary shall develop recommendations for prioritizing applications and awarding funding for projects under this Act based on the relative needs of eligible areas and the capacity of an applicant to carry out a project, including the ability of the applicant to leverage or attract funding from the private sector and to coordinate or create partnerships with other eligible recipients.

"(b) Consideration.—In developing a method under subsection (a), the Secretary shall consider the different objectives of each title of this Act.

"(c) Report to Congress.—Not later than 1 year after the date of the enactment of this section, the Secretary shall transmit to Congress a report containing recommendations developed under subsection (a).".

SEC. 116. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3201–3204) is further amended by adding at the end the following:

"SEC. 607. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

"(a) In General.—At least once every 2 years, the Secretary shall conduct an evaluation of each university center and economic development district receiving grant assistance under this Act to assess the recipient's performance and contribution toward job creation.

"(b) Criteria.—

"(1) Establishment.—The Secretary shall establish criteria for use in conducting evaluations under subsection (a).

"(2) Criteria for university centers.—The criteria for evaluation of a university center shall, at a minimum, provide for an assessment of the center's contribution to providing technical assistance, conducting applied research, and disseminating results of the center's activities.

"(3) Criteria for economic development districts.—The criteria for evaluation of an economic development district shall, at a minimum, provide for an assessment of management standards, financial accountability, and program performance.

"(c) Peer Review.—In conducting an evaluation of a university center under subsection (a), the Secretary shall provide for the participation of at least one other university center on a cost-reimbursement basis.".

SEC. 117. STUDY OF GUARANTEED LOAN PROGRAM.

Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241–3245) is further amended by adding at the end the following:

"SEC. 608. STUDY OF INNOVATIVE ECONOMIC DEVELOPMENT FINANCING TOOLS.

"(a) Study.—The Secretary shall conduct a study of innovative economic development financing tools, including a guaranteed loan program and an equity financing program.

"(b) Conduct.—In conducting the study under subsection (a), the Secretary shall identify the credit gap which would be addressed by the programs referred to in subsection (a), methods to avoid the mistakes of previous guaranteed loan programs carried out by the Economic Development Administration, and an expected subsidy rate to be implemented under such programs.

"(c) Report to Congress.—Not later than 1 year after the date of the enactment of this section, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with recommendations on whether the programs referred to in subsection (a) should be authorized as part of this Act.".

SEC. 118. MISCELLANEOUS.

(a) Powers of the Secretary.—Section 701 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211) is amended—

(1) in paragraph (4)—

(A) by striking "loans" the first place it appears and inserting "grants or loans"; and

(B) by striking "loans" the second place it appears and inserting "grants, loans,";

(2) in paragraph (6) by striking "loans" and inserting "grants or loans";

(3) in paragraph (7) by striking "loans" each place it appears and inserting "grants or loans"; and

(4) in paragraph (10)—

(A) by striking "section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a)," and inserting "section 3109 of title 5, United States Code,"; and

(B) by striking "section 5 of such Act (5 U.S.C. 73b–2)" and inserting "section 5703 of title 5, United States Code,".

(b) Unfair Competition; Savings Provisions.—Title VII of such Act (42 U.S.C. 3211–3225) is amended by striking sections 702 and 703 and redesignating sections 704 through 714 as sections 702 through 712, respectively.

(c) Transfer of Functions.—Section 702 of such Act, as redesignated by subsection (b) of this section, is amended—

(1) in the heading to such section by striking "**, EFFECTIVE DATE, AND LIMITATIONS ON ASSISTANCE**" and inserting "**OF AREA REDEVELOPMENT ADMINISTRATION**";

(2) by striking "(a) The" and inserting "The"; and

(3) by striking subsections (b) through (e).

(d) Use of Other Facilities.—Section 706 of such Act, as redesignated by subsection (b) of this section, is amended by adding at the end the following new subsection:

"(d) Funds Transferred From Other Departments and Agencies.—In order to carry out the objectives of this Act, the Secretary may accept transfers of funds from other departments and agencies of the Federal Government if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated. Such transferred funds shall remain available until expended and may be transferred to and merged with the appropriations under the heading 'salaries and expenses' by the Secretary to the extent necessary to administer the program.".

(f) Authorization of Appropriations.—Section 707 of such Act, as redesignated by subsection (b) of this section, is amended by striking "$25,000,000 for the fiscal year ending September 30, 1982" and inserting "$36,000,000 for the fiscal year ending September 30, 1995".

(g) Penalties.—Section 708 of such Act, as redesignated by subsection (b) of this section, is amended—

(1) in subsection (a)—

(A) by striking "himself" and inserting "such person"; and

(B) by striking "shall be punished by" and all that follows before the period and inserting "shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both"; and

(2) in subsection (b)—

(A) by striking "him" both places it appears and inserting "such person"; and

(B) by striking "shall be punished by" and all that follows before the period and inserting "shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both".

(h) Rate of Wages.—Section 710 of such Act, as redesignated by subsection (b) of this section, is amended—

(1) in the 1st sentence by striking "the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5)" and inserting "the Act of March 3, 1931, known as the Davis-Bacon Act"; and

(2) in the 3d sentence by striking "Reorganization Plan" and all that follows before the period and inserting "Reorganization Plan Numbered 14 of 1950 and section 2 of the Act of June 13, 1934 (Chapter 482; 48 Stat. 948)".

(i) Area Redevelopment Act.—Title VII of such Act (42 U.S.C. 3211–3225) is amended by striking section 715 and redesignating section 716 as section 713.

SEC. 119. ACCEPTANCE OF APPLICANTS' CERTIFICATIONS.

Title VII of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211–3226) is further amended by adding at the end the following:

"SEC. 714. ACCEPTANCE OF APPLICANTS' CERTIFICATIONS.

"The Secretary may accept, when deemed appropriate, the applicants' certifications to meet the requirements of this Act.".

SEC. 120. SUPERVISION OF REGIONAL COUNSELS.

Title VII of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211–3226) is further amended by adding at the end the following:

"SEC. 715. SUPERVISION OF REGIONAL COUNSELS.

"The Secretary shall take such actions as may be necessary to ensure that individuals serving as Regional Counsels of the Economic Development Administration report directly to their respective Regional Director.".

SEC. 121. ECONOMIC RECOVERY FOR DISASTER AREAS.

Title VIII of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231–3236) is repealed.

SEC. 122. SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE.

(a) Eligible Recipient Defined.—Section 902 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3242) is amended—

(1) by striking ", or" and inserting "or"; and

(2) by inserting before the period at the end the following: ", or at the discretion of the Secretary a public or private nonprofit organization or association".

(b) Grant Authority.—Section 903(a)(1) of such Act (42 U.S.C. 3243(a)(1)) is amended by striking "unemployment compensation (in accordance with subsection (d) of this section), rent supplements, mortgage payment assistance, research, technical assistance," and inserting "administrative expenses, industrial retention,".

(c) Grants for Unemployment Compensation.—Section 903(a)(2) of such Act (42 U.S.C. 3243(a)(2)) is amended—

(1) by striking "(2)(A) Such grants" and inserting "(2) Such grants"; and

(2) by striking subparagraph (B).

(d) Coordination of Activities.—Section 903(c) of such Act (42 U.S.C. 3243(c)) is amended by striking "regional commissions" and inserting "other Federal programs".

(e) Transfer of Funds to Secretary of Labor.—Section 903 of such Act (42 U.S.C. 3243) is amended by striking subsection (d).

(f) Base Closings and Realignments.—Section 903 of such Act (42 U.S.C. 3243) is amended by adding at the end the following new subsection:

"(d) Base Closings and Realignments.—

"(1) Location of projects.—In any case in which the Secretary determines a need for assistance under subsection (a) due to the closure or realignment of a military installation, the Secretary may make such assistance available for projects to be carried out on the military installation and for projects to be carried out in communities adversely affected by the closure or realignment.

"(2) INTEREST IN PROPERTY.—Notwithstanding any other provision of law, the Secretary may provide to an eligible recipient any assistance available under this Act for a project to be carried out on a military installation that is closed or scheduled for closure or realignment without requiring that the eligible recipient have title to the property or a leasehold interest in the property for any specified term.".

SEC. 123. TREATMENT OF REVOLVING LOAN FUNDS.

Title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241–3245) is amended—

(1) by redesignating section 905 as section 909; and

(2) by inserting after section 904 the following:

"SEC. 905. TREATMENT OF REVOLVING LOAN FUNDS.

"(a) IN GENERAL.—Amounts from grants under this title which are used by an eligible recipient to establish a revolving loan fund shall not be treated, except as provided by subsection (b), as amounts derived from Federal funds for the purposes of any Federal law after such amounts are loaned from the fund to a borrower and repaid to the fund.

"(b) EXCEPTIONS.—Amounts described in subsection (a) which are loaned from a revolving loan fund to a borrower and repaid to the fund—

"(1) may only be used for projects which are consistent with the purposes of this title; and

"(2) shall be subject to the financial management, accounting, reporting, and auditing standards which were originally applicable to such amounts.

"(c) REGULATIONS.—Not later than 30 days after the date of the enactment of this section, the Secretary shall issue regulations to carry out subsection (a).

"(d) PUBLIC REVIEW AND COMMENT.—Before issuing any final guidelines or administrative manuals governing the operation of revolving loan funds established using amounts from grants under this title, the Secretary shall provide reasonable opportunity for public review of and comment on such guidelines and administrative manuals.".

SEC. 124. OUTREACH TO COMMUNITIES ADVERSELY AFFECTED BY DEFENSE BASE CLOSURES.

Title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241–3245) is further amended by adding at the end the following:

"SEC. 906. OUTREACH TO COMMUNITIES ADVERSELY AFFECTED BY DEFENSE BASE CLOSURES.

"(a) DESIGNATION OF AGENCY REPRESENTATIVES.—The Assistant Secretary for Economic Development shall designate for each State in which communities are adversely affected by defense base closures an individual to serve as a representative of the Economic Development Administration. Such individual may be the State Economic Development Agency Representative or another qualified individual.

"(b) RESPONSIBILITIES.—Individuals appointed as agency representatives under subsection (a) shall provide outreach and technical assistance to communities adversely affected by defense base closures on obtaining assistance from the Economic Development Administration.".

SEC. 125. SALE OF FINANCIAL INSTRUMENTS IN REVOLVING LOAN FUNDS.

Title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241–3245) is further amended by adding at the end the following:

"SEC. 907. SALE OF FINANCIAL INSTRUMENTS IN REVOLVING LOAN FUNDS.

"Any loan, loan guarantee, equity, or other financial instrument in the portfolio of a Revolving Loan Fund may be sold, at the discretion of the grantee of the Fund, to a third party provided that the proceeds of the sale—

"(1) shall be deposited in the Fund and only used for projects which are consistent with the purposes of this title, and

"(2) shall be subject to the financial management, accounting, reporting, and auditing standards which were originally applicable to the financial instrument.".

SEC. 126. ECONOMIC DEVELOPMENT CHALLENGE GRANTS DEMONSTRATION PROJECT.

Title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241–3245) is further amended by adding at the end the following:

"SEC. 908. ECONOMIC DEVELOPMENT CHALLENGE GRANTS DEMONSTRATION PROJECT.

"(a) IN GENERAL.—In order to study the feasibility and desirability of using challenge grants to generate new pools of investment capital in areas suffering from long-term economic deterioration, the Secretary shall establish a 2-year demonstration project under which the Secretary shall provide grants to selected recipients, to be matched by the recipients 1 dollar for every 2 Federal dollars, for the purpose of establishing substantially leveraged financing for business development and other innovative economic development efforts.

"(b) FEDERAL AND COMMUNITY CONTRIBUTIONS.—

"(1) IN GENERAL.—The Secretary shall grant 2 dollars for every 1 dollar raised by each selected recipient, up to $10,000,000 per year per selected recipient.

"(2) USE OF OTHER FEDERAL FUNDS IN CONJUNCTION WITH CHALLENGE GRANT.—Funds from other Federal programs may be used in conjunction or merged with the challenge grant and matching funds to form a larger investment fund.

"(c) ESTABLISHMENT AND USE OF FUNDS.—

"(1) ESTABLISHMENT.—For purposes of this Act, an investment fund established by a selected recipient consists of—

"(A) the economic development challenge grant received by the selected recipient;

"(B) the matching funds required under subsection (b); and

"(C) any such other funds that may be derived from other sources, including other Federal funds.

"(2) USE.—An investment fund shall be used by the selected recipients for the purposes of generating long-term sustainable economic development and job growth in areas identified by the selected recipients, pursuant to the requirements and limitations of eligibility and performance in subsections (d), (e), (f), (g) and (h).

"(d) ELIGIBLE RECIPIENTS.—The Secretary shall make grants to any eligible recipients for use in an area which must meet 1 or more of the following criteria:

"(1) The area has a per capita income of 80 percent or less of the national average.

"(2) The area has an unemployment rate 1 percent above the national average percentage for the more recent 24-month period for which statistics are available.

"(3) The area has been determined by the Secretary to have at least 1 of the following conditions:

"(A) A large concentration of low-income persons (as defined in section 401(e)).

"(B) Areas having substantial outmigration.

"(C) Substantial underemployment or unemployment.

An eligible recipient may include any local government or group of local governments, economic development district, Indian tribe, public or private nonprofit organization or association, community-based organization, business or worker organization, or any consortium of such entities, that is able to demonstrate to the satisfaction of the Secretary that they can carry out the objectives of this program pursuant to the criteria and requirements established in this section.

"(e) SELECTION OF DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—The Secretary shall make grants to selected recipients from 3 areas suffering from long-term economic distress.

"(2) DISTRIBUTION.—One selected recipient shall be from a rural area which has been subjected to long-term economic distress as a result of a major decline in the region's key industries, 1 from an area that is a combination of rural, small metropolitan, and suburban communities, and 1 from an urban area with excessive unemployment, concentrated poverty, and high crime.

"(3) INDUSTRIAL RETENTION STRATEGY REQUIREMENT.—Of the 3 recipients described in paragraph (2), at least 1 of the projects selected shall include an industrial retention strategy. The selected recipient from a rural area shall not be required to have an industrial retention strategy.

"(f) GRANT SELECTION PROCESS.—

"(1) NATIONAL COMPETITION.—The Secretary shall select recipients of the challenge grants through a nationally competitive process.

"(2) ELIGIBILITY REQUIREMENT.—Each selected recipient must submit a comprehensive strategy for generating sustained, long-term economic growth and for both preserving and creating high-quality jobs.

"(3) PREFERENCE FOR CERTAIN PROJECTS.—The Secretary shall give preference to eligible recipients which—

"(A) utilize the Federal grant plus matching funds to further leverage private and public capital to create an even larger economic development investment fund;

"(B) represent consortia or partnerships comprised of at least 2 or more of the groups identified in subsection (d); or

"(C) intend to use their investment funds to finance or leverage financing for new business development and startups, industrial services, industrial modernization of local-based firms or industrial retention (including employee stock ownership plans and worker or management buyouts), or other economic development strategies that illustrate 'best practices' in economic development.

"(4) BROAD-BASED PARTICIPATION TO BE ENCOURAGED.—The Secretary shall strongly encourage broad-based participation of public and private entities within an area in the development and implementation of the challenge grant proposals submitted by eligible recipients.

"(g) LIMITATIONS.—The investment funds established by the selected recipients shall—

"(1) not be used to permit units of State and local government to offer tax inducements to attract businesses to locate in the area; and

"(2) be subject to the same conditions described in section 202(b)(1).

No area may receive an economic development challenge grant if it has been designated an empowerment or enterprise community under section 13301 of the Omnibus Budget Reconciliation Act of 1993.

"(h) PERFORMANCE EVALUATIONS; REPORT TO CONGRESS.—

"(1) EVALUATION OF EFFECTIVENESS.—The Secretary shall conduct performance evaluations of the demonstration challenge grant project to assess the effectiveness of this kind of program in generating sustained economic growth and job creation in areas of the Nation experiencing long-term economic distress.

"(2) REPORT.—Based on the evaluations conducted pursuant to paragraph (1), the Secretary shall submit an annual report to Congress with recommendations for expansion, modification or termination of the program.

"(i) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized to be appropriated under section 909, there are authorized to be appropriated $25,000,000 per fiscal year for fiscal years 1995 and 1996 to carry out this section. Such sums shall remain available until expended.".

SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

Section 909 of the Public Works and Economic Development Act of 1965, as redesignated by section 122 of this Act, is amended to read as follows:

"SEC. 909. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $115,542,000 for fiscal year 1994 and $81,000,000 per fiscal year for each of fiscal years 1995 and 1996. Such sums shall remain available until expended.

"(b) SET-ASIDE FOR DEFENSE CONVERSION ACTIVITIES.—Of amounts appropriated pursuant to subsection (a) for fiscal year 1994, not less than $80,000,000 shall be available for purposes of assisting eligible recipients in activities related to defense conversion.

"(c) ADDITIONAL AMOUNTS.—In addition to the appropriations authorized by subsection (a), there are authorized to be appropriated to carry out this title such sums as may be necessary to provide assistance for defense conversion activities and to provide assistance in the case of a natural disaster. Such sums shall remain available until expended.".

SEC. 128. REFERENCES TO THE SECRETARY.

(a) REFERENCES TO "HE".—The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended by striking "he" and inserting "the Secretary" in each of the following:

(1) Section 101(a)(1).

(2) The 4th sentence of section 101(c).

(3) Section 201(a).

(4) Section 202(b)(5).

(5) Section 202(b)(9)(B).

(6) The 1st sentence of section 301(b).

(7) Section 602(b), as redesignated by section 112(b) of this Act.

(8) Section 701(2).

(9) Section 701(4).

(10) Section 701(12)

(11) Section 706, as redesignated by section 117(b) of this Act.

(b) REFERENCES TO "HIS".—Such Act is further amended by striking "his" and inserting "the Secretary's" in each of the following:

(1) The 3d and 4th sentences of section 301(a).

(2) Section 701(4).

(3) Section 705, as redesignated by section 117(b) of this Act.

(4) Section 903(c).

(c) REFERENCES TO "HIM".—Such Act is further amended striking "him" and inserting "the Secretary" in each of the following:

(1) Section 602(b), as redesignated by section 112(b) of this Act.

(2) Section 701(4) each place it appears.

(3) Section 701(6).

(4) Section 701(7) both places it appears.

(5) Section 701(9) both places it appears.

(d) OTHER REFERENCES.—Such Act is further amended—

(1) in section 701 in the matter preceding paragraph (1) by striking "his duties" and inserting "the duties of the Secretary";

(2) in section 701(4) by striking "he shall determine" and inserting "the Secretary determines";

(3) in section 701(6) by striking "he shall determine" and inserting "the Secretary shall determine"; and

(4) in section 701(11) by striking "his property" and all that follows before the semicolon and inserting "the Secretary's property".

SEC. 129. COMPLIANCE WITH BUY AMERICAN ACT.

None of the funds made available under this title, or any amendment made by this title, may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act"), which are applicable to those funds.

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 201. FINDINGS AND PURPOSES.

Section 2 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 2) is amended—

(1) in subsection (a) by striking the period at the end of the 6th sentence and inserting "and in severely distressed and underdeveloped counties and areas lacking resources for basic services."; and

(2) by adding at the end the following new subsection:

"(c) The Congress further finds and declares that, while substantial progress has been made in fulfilling many of the objectives of this Act, rapidly changing national and global economics over the past decade have created new problems and challenges for rural areas throughout the Nation and especially for the Appalachian region. Thus, the problems of the region are not only to provide the infrastructure necessary to economic and human resource development, to develop its industry, and to generate a diversified regional economy, but to make the region's industrial and commercial resources more competitive in national and world markets. It is, therefore, also the purpose of this Act to provide a framework for coordinating Federal, State, and local initiatives to respond to the economic competitive challenge through improving the skills of the region's manpower, adapting and applying new technologies for the region's businesses, and improving the access of the region's businesses to the technical and financial resources necessary to their development while continuing to address the need to provide basic services for the more disadvantaged areas of the region so as to provide a fairer opportunity for the people of the region to share the quality of life generally enjoyed by citizens across this Nation.".

SEC. 202. MEETINGS.

Section 101 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 101) is amended—

(1) in subsection (a) by adding at the end the following:

"The Commission shall conduct at least one meeting each year with the presence of the Federal Cochairman and at least a majority of the State members. The Commission may conduct such additional meetings by electronic means as the Commission considers advisable.";

(2) at the end of the third sentence of subsection (b) by striking "present"; and

(3) at the end of the fourth sentence of subsection (c) by striking "to be present".

SEC. 203. AUTHORIZATIONS FOR ADMINISTRATIVE EXPENSES.

Section 105(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 105(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $3,400,000 for fiscal year 1994 and $3,600,000 per fiscal year for each of fiscal years 1995 and 1996. Such sums shall remain available until expended.

"(2) EXPENSES OF FEDERAL COCHAIRMAN.—Of amounts appropriated pursuant to paragraph (1), not to exceed $1,102,000 for fiscal year 1994 and not to exceed $1,500,000 per fiscal year for each of fiscal years 1995 and 1996 shall be available for expenses of the Federal Cochairman, the Federal Cochairman's alternate, and the Federal Cochairman's staff.".

SEC. 204. EXTENSION OF LEASE TERMS.

Section 106(7) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 106(7)) is amended by striking "1982" and inserting "1996".

SEC. 205. HIGHWAY SYSTEM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 201(g) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 201(g)) is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $160,000,000 for fiscal year 1994, $125,000,000 per fiscal year for each of fiscal years 1995 and 1996, and such additional sums as may be necessary for each of fiscal years 1995 and 1996. Such sums shall remain available until expended.".

(b) FEDERAL SHARE.—

(1) GENERAL RULE.—Section 201(h)(1) of such Act (40 U.S.C. App. 201(h)(1)) is amended by striking "70 per centum" and inserting "80 percent".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to projects approved after March 31, 1979.

SEC. 206. SUPPLEMENTS TO FEDERAL GRANT-IN-AID PROGRAMS.

(a) AVAILABILITY OF AMOUNTS.—The first sentence of section 214(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 214(a)) is amended by striking "the President is authorized to provide funds to the Federal Cochairman to be used" and inserting "the Federal Cochairman may use amounts made available under this section".

(b) FEDERAL GRANT-IN-AID PROGRAMS DEFINED.—The first sentence of section 214(c) of such Act (40 U.S.C. App. 214(c)) is amended by striking "on or before December 31, 1980,".

(c) LIMITATION ON COVERED ROAD PROJECTS.—The second sentence of section 214(c) of such Act is amended by inserting "authorized by title 23, United States Code" after "road construction".

SEC. 207. PROGRAM DEVELOPMENT CRITERIA.

(a) CONSIDERATIONS.—Section 224(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 224(a)) is amended by inserting before the semicolon at the end of paragraph (1) the following: "or in a severely distressed and underdeveloped county or area lacking resources for basic services".

(b) REMOVAL OF LIMITATIONS.—Section 224(b) of such Act (40 U.S.C. App. 224(b)) is amended to read as follows:

"(b) LIMITATION.—No financial assistance shall be authorized under this Act to be used to assist establishments relocating from one area to another.".

SEC. 208. GRANTS FOR ADMINISTRATIVE EXPENSES AND DEMONSTRATION PROJECTS.

(a) AVAILABILITY OF AMOUNTS.—Section 302(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 302(a)) is amended—

(1) by striking "The President" and inserting "The Commission"; and

(2) in paragraphs (1), (2), and (3) by striking "to the Commission" each place it appears.

(b) RESEARCH AND DEMONSTRATION PROJECTS.—Section 302(a)(3) of such Act (40 U.S.C. App. 302(a)(3)) is amended—

(1) by inserting after "technical assistance" the following: "(including technical assistance for business development and stabilization and application of technologies (including telecommunication technologies) and productivity improvement)";

(2) by inserting after "training programs" the following: "(including on-site employee training and programs to upgrade employability of the region's people)"; and

(3) by inserting after "demonstrations" the following: "(including demonstrations of service consolidations and other methods of increasing efficiency of local governments, the establishment and operation by States, public agencies, or nonprofit development organizations of revolving funds for business assistance loans, the establishment and operation of business incubators and the provision of industrial facilities and equipment by public agencies and nonprofit organizations on such terms (including terms of reasonable recovery of grant funds upon resale) as are approved by the Commission, and the acquisition and development of land)".

(c) SOLID WASTE DISPOSAL DEMONSTRATION PROJECTS.—Section 302(b) of such Act (40 U.S.C. App. 302(b)) is amended by adding at the end the following new paragraph:

"(5) The Commission shall carry out projects at not less than 2 sites in the Appalachian region for the purpose of demonstrating solid waste disposal techniques in rural areas.".

(d) REPEAL OF PROVISION ON USE OF INFORMATION FROM RESEARCH AND DEVELOPMENT ACTIVITIES.—Section 302(e) of such Act (40 U.S.C. 302(e)) is repealed.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL PROGRAM.

Section 401 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 401) is amended to read as follows:

"SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

"In addition to the appropriations authorized in section 105 for administrative expenses and in section 201(g) for the Appalachian development highway system and local access roads, there is authorized to be appropriated to the Commission to carry out this Act $85,600,000 per fiscal year for each of fiscal years 1994, 1995, and 1996. Such sums shall remain available until expended.".

SEC. 210. DEFINITION OF APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 403) is amended—

(1) in the 1st undesignated paragraph (relating to Alabama) by inserting "Hale," after "Franklin,"; and

(2) in the 12th undesignated paragraph (relating to Virginia)—

(A) by inserting "Montgomery," after "Lee,"; and

(B) by inserting "Roanoke, Rockbridge," after "Pulaski,".

SEC. 211. EXTENSION OF TERMINATION DATE.

Section 405 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 405) is amended by striking "1982" and inserting "1996".

SEC. 212. REGIONAL DEVELOPMENT TASK FORCE.

(a) ESTABLISHMENT.—There is established a Regional Development Task Force (hereinafter in this section referred to as the "Task Force").

(b) DUTIES.—It shall be the duty of the Task Force to conduct a study on—

(1) the extent to which the unique characteristics of the Appalachian Regional Commission (including the Commission's Federal-State partnership, program flexibility, and regional approach) have contributed to the achievement of the Commission's goals; and

(2) whether or not such characteristics may be used to address needs which may exist in other rural areas suffering from economic distress, including the Lower Mississippi delta, Mexican border, and Ozark areas.

(c) MEMBERSHIP.—

(1) VOTING MEMBERS.—The Task Force shall be composed of 9 voting members appointed, not later than 90 days after the date of the enactment of this Act, as follows:

(A) Three members appointed by the President.

(B) Three members appointed by the President pro tempore of the Senate.

(C) Three members appointed by the Speaker of the House of Representatives.

(2) EX OFFICIO MEMBERS.—The Federal and State Cochairmen of the Appalachian Regional Commission shall serve as ex officio, nonvoting members of the Task Force.

(d) FACILITIES, SUPPLIES, AND PERSONNEL.—Upon the request of the Task Force, the Appalachian Regional Commission shall provide to the Task Force any facilities, supplies, and personnel necessary for the Task Force to carry out its responsibilities under this Act; except that the total cost of such facilities, supplies, and personnel shall not exceed $500,000.

(e) USE OF OTHER STUDIES.—In conducting the study under subsection (b), the Commission shall incorporate the results of other studies on the needs of rural areas described in subsection (b) and shall not duplicate such studies.

(f) REPORT.—Not later than 9 months after the date of the first meeting of the Task Force, the Task Force shall transmit to Congress a report on the results of the study conducted under subsection (b).

(g) TERMINATION.—The Task Force shall terminate on the date of transmittal of the report under subsection (f).

SEC. 213. COMPLIANCE WITH BUY AMERICAN ACT.

None of the funds made available under this title, or any amendment made by this title, may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act"), which are applicable to those funds.

The CHAIRMAN. Before consideration of any other amendment, it is in order to consider the amendment printed in part 2 of the report.

For what purpose does the gentleman from Pennsylvania [Mr. KANJORSKI] rise?

AMENDMENT OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I rise to offer the amendment printed in part 2 of the report of the Committee on Rules.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KANJORSKI:

At the end of the bill add the following new title:

TITLE III—BUSINESS DEVELOPMENT ASSISTANCE

SEC. 301. SHORT TITLE.

This title may be cited as the "Economic Growth and Technology Commercialization Act of 1994".

SEC. 302. FINDINGS, PURPOSES, AND DEFINITIONS.

(a) FINDINGS.—The Congress hereby finds the following:

(1) Through its support and funding of research and development in this Nation's Federal agencies, laboratories, and educational institutions, the Federal Government has fostered the creation of thousands of technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government.

(2) If commercialized, these technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government hold the potential to be a significant tool to foster economic growth and to create significant numbers of new jobs at good wages for American workers.

(3) Throughout the Federal Government, there is no single inventory or source of information on technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government.

(4) Information on technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government is not standardized in form or content, is separately maintained by numerous Federal agencies and departments, and is not easily accessible by the public.

(5) Businesses and entrepreneurs in areas in need of economic growth and revitalization are largely unaware of the existence of these technologies, processes, and other proprietary rights and largely unaware of the possibilities for obtaining the rights to these technologies, processes, and other proprietary rights for the purpose of commercialization.

(6) It is in the economic interest of the United States to facilitate the private sector commercialization of technologies, processes, and other proprietary rights by United States businesses located in areas in need of economic growth and revitalization.

(7) Greater effectiveness may be achieved through the utilization of the private sector corporate structure and profit incentives in facilitating the commercialization of technologies, processes, and other proprietary rights than can reasonably be expected by the Federal Government performing this function.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide assistance to private-sector United States businesses, located in areas in need of economic stabilization and revitalization, to commercialize technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government.

(2) To create new employment opportunities by facilitating the commercialization of technologies, processes, and other proprietary rights by United States businesses and entrepreneurs in areas in need of economic growth and revitalization.

(3) To develop a single, comprehensive data base of information on technologies, proc-

esses, and other proprietary rights owned, or held in whole or part, by the Federal Government, which is standardized and easily accessible.

(4) To heighten the awareness of United States businesses and entrepreneurs of the availability for commercialization of technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government.

(c) Definitions.—For purposes of this title, the following definitions shall apply:

(1) Secretary.—The term "Secretary" means the Secretary of Commerce.

(2) Corporation.—The term "Corporation" means the Business Development and Technology Commercialization Corporation established under this title.

(3) Board.—The term "Board" means the Board of Directors of the Business Development and Technology Commercialization Corporation.

(4) Qualified Concern.—The term "qualified concern" means a United States-based consortium, a private United States business, or an educational institution participating in a joint project with 1 or more private United States businesses, for the development and commercialization of technologies, processes, and other proprietary rights—

(A) owned or held in whole or part by Federal departments, agencies, or government-controlled corporations;

(B) developed in Federal laboratories;

(C) arising in the course of federally funded research at educational institutions, other units of government, or with private concerns; or

(D) which are made available to the Federal Government by private concerns.

SEC. 303. CONSOLIDATION OF INFORMATION ON TECHNOLOGIES.

(a) Establishment of Data.—The Secretary shall establish and maintain an integrated, comprehensive data base describing all technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government, or which originated in the course of federally funded research in which the Federal Government has an interest.

(b) Standardization and Accessibility of Information.—The Secretary shall take such steps as are necessary to ensure that the information contained in the data base established under subsection (a) is in a standardized form, is accessible and usable in a manner as simple and easy to use as possible, recognizing the needs of small and medium-sized businesses.

(c) Responsibilities.—In carrying out this section, the Secretary shall—

(1) consult with and, to the extent practicable, utilize the capabilities of other executive agencies, as appropriate, to ensure the efficient and effective implementation of this section; and

(2) explore, with other executive agencies, ways to avoid duplication of effort by consolidating the administration of the program established by this section with any other similar Federal program, and as part of such consolidation may delegate administrative functions, as necessary and appropriate, to another executive agency.

(d) Other Federal Agencies.—Other executive agencies shall provide such information, and in such form, as determined by the Secretary and shall cooperate with the Secretary in carrying out this section.

(e) Access to the Data Base.—

(1) Access to the data base by the corporation.—Except as provided in paragraph (3), the Secretary shall provide unlimited access to the data base established under this section to the Business Development and Technology Commercialization Corporation established under this part, without fee, to assist the Corporation in meeting its responsibilities under this part.

(2) Access to the data base by the public.—Except as provided in paragraph (3), the Secretary shall, by regulation, develop and implement procedures providing for access to the data base established under this section to members of the general public.

(3) Restrictions.—If, in consultation with the heads of other executive agencies, the Secretary determines that access by the Corporation or any other person to information contained in the data base established under this section would—

(A) threaten national security;

(B) violate the proprietary rights of any private interest; or

(C) be otherwise inappropriate,

the Secretary shall take such steps as the Secretary may determine to be appropriate to limit access to the information in the data base described in subparagraph (A), (B), or (C) to the Corporation or any other person.

(f) GAO Review of Current Federal Technology Utilization and Commercialization Efforts.—

(1) In general.—The Comptroller General of the United States shall conduct a review of all technology utilization and commercialization activities within all Federal departments, agencies, and laboratories, or which are otherwise supported by Federal funds. This review shall identify those activities which may overlap or duplicate the technology utilization and commercialization activities provided for under this title.

(2) Reports.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall issue a report to the Congress describing in detail—

(A) the findings of the review directed under paragraph (1),

(B) the funding levels of each existing Federal technology utilization and commercialization activities, and

(C) recommendations for the modification or elimination of any existing Federal technology utilization and commercialization activities which the Comptroller General finds to be duplicative of the activities provided for under this title.

SEC. 304. BUSINESS DEVELOPMENT AND TECHNOLOGY COMMERCIALIZATION CORPORATION.

(a) Assessment of Technology Utilization and Commercialization Programs of the Federal Government.—

(1) In general.—The Director of the Office of Science and Technology Policy in the Executive Office of the President shall—

(A) assess the performance of technology utilization and commercialization programs of the Federal Government as of the date of the enactment of this Act;

(B) evaluate the advantages and disadvantages of a centralized as opposed to a decentralized approach to technology utilization and commercialization; and

(C) develop recommendations on ways to improve the technology utilization and commercialization efforts of the Federal Government.

(2) Report.—The Director of the Office of Science and Technology Policy shall submit a report containing the findings, conclusions, and recommendations of the Director pursuant to paragraph (1) to the President, the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(3) Consultation.—In carrying out the duties of the Director under paragraph (1), the Director shall consult with interested agencies and department of the Federal Government.

(b) Improved Integration of Technology Commercialization Programs and Federal Programs to Assist Economically Distressed Communities.—

(1) In general.—The Secretary shall identify ways to promote more effective integration of Federal policies and programs relating to technology utilization and commercialization with Federal policies and programs for assisting economically distressed communities establish stable and diversified local economies.

(2) Report.—The Secretary shall submit a report containing any findings, conclusions, and recommendations of the Secretary pursuant to paragraph (1) to the President, the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(c) Establishment of Corporation.—

(1) In general.—Not later than the earlier of—

(A) the end of the 12-month period beginning on the date of the enactment of this Act; or

(B) the end of the 30-day period beginning on the date the report of the Director of the Office of Science and Technology Policy is submitted to the President pursuant to subsection (a)(2),

the President shall provide for the establishment of a corporation to be known as the "Business Development and Technology Commercialization Corporation" (hereafter in this title referred to as the "Corporation"), unless the President, after consideration of such report, makes a finding that the establishment of the Corporation would impair the operation of the Federal policies and programs relating to technology utilization and commercialization.

(2) Report to congress.—If the President makes a finding described in paragraph (1) with respect to the establishment of the Corporation, the President shall transmit a report describing the basis for the finding to the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(3) Purpose.—The Corporation shall be operated for the purpose of fostering economic growth, assisting in the creation of new employment opportunities, and strengthening the industrial base of the United States by facilitating the utilization and commercialization of technologies, processes, and other proprietary rights—

(A) owned or held in whole or part by Federal departments, agencies, or government-controlled corporations;

(B) developed in Federal laboratories;

(C) arising in the course of federally funded research at educational institutions, other units of government, or with private concerns; and

(D) which are made available by private concerns.

(4) CORPORATION NOT AN ESTABLISHMENT OF THE UNITED STATES.—The Corporation shall not be an agency or establishment of the United States.

(d) PROCESS OF ORGANIZATION.—

(1) INCORPORATION.—

(A) IN GENERAL.—The Secretary, the Secretary of Labor, and the Administrator of the Small Business Administration shall—

(i) provide for the establishment of the Corporation under the business corporation laws of such State as the President determines to be appropriate; and

(ii) serve as the incorporators of the Corporation and as the initial members of the board of directors of the Corporation until their successors are elected and qualified.

(B) NECESSARY ACTION AUTHORIZED.—The incorporators referred to in subparagraph (A) shall take such other actions as may be necessary to establish the Corporation.

(C) REVIEW OF PROPOSED ORGANIZATION OF CORPORATION.—The President shall request the National Academy of Public Administration to—

(i) review the proposed organization of the Corporation to ensure that the organization plan conforms with sound principles of administration; and

(ii) submit a report to the President in a timely manner with the Academy's such findings, conclusions, and recommendations the Academy may determine to be appropriate.

(2) PRIVATIZATION OF THE CORPORATION.—

(A) IN GENERAL.—Following the establishment of the Corporation, the Corporation shall be converted to private ownership and management in such form and manner as the President determines to be appropriate, after consulting with the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(B) SOLICITATION OF PROPOSALS FOR CONVERSION.—The President shall solicit proposals for the conversion of the Corporation to private ownership and management.

(3) SELECTION CRITERIA AND PROCEDURES.—

(A) IN GENERAL.—The President, in consultation with the Secretary, shall make the final selection of a proposal for the conversion of the Corporation to private ownership and management.

(B) CRITERIA FOR SELECTING A PROPOSAL TO RECOMMEND TO THE PRESIDENT.—In selecting a proposal to recommend to the President for the conversion of the Corporation, as described in subparagraph (A), the Secretary shall take into consideration the following factors—

(i) the quality of the operational plan;

(ii) the soundness of the financing of the organization and of the operational plan;

(iii) the qualifications of, and the diversity of talents and skills represented by, the submitters of the proposal, including the extent to which a combination of organizations is submitting a joint proposal;

(iv) whether a State government, or unit of a State government, is participating financially with the organization submitting a proposal;

(v) the intentions of the submitters of the proposal to locate the headquarters of the Corporation in an area which is not located in the 50 largest Metropolitan Statistical Areas, based on the 1990 Census; and

(vi) such other factors as the incorporators determine to be appropriate in meeting the purposes of this title.

(C) PROCEDURES FOR SELECTING A PROPOSAL TO RECOMMEND TO THE PRESIDENT.—In selecting a proposal to recommend to the President for the for the conversion of the Corporation, as described in subparagraph (A), the Secretary shall ensure that in the selection process—

(i) not less than 3 proposals are identified as proposals to receive further consideration, as provided in clauses (ii) and (iii), except that, if fewer than 3 proposals are received, each of them shall receive further consideration;

(ii) a review procedure is implemented under which the sponsors of the proposals identified in clause (i) are provided an opportunity to make personal presentations of their proposals to the Secretary or the Secretary's designee; and

(iii) individual negotiations for the revision of proposals identified in clause (i) may be entered into.

(4) WARRANTS FOR PARTICIPATION IN GAINS.—The President may, in connection with any contract or agreement for converting the Corporation to private ownership and contingent on the financial success of the Corporation, retain the right to participate in the financial gains of the Corporation in such amounts as the President may determine to be appropriate, after consulting with the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(e) PROHIBITION ON CONFLICTS OF INTEREST.—

(1) IN GENERAL.—An officer or employee of the Corporation may not participate in a matter regarding an application, claim, or other matter pending before the Corporation if, to such person's knowledge, the person, the person's spouse, minor child, parent, sibling, or partner, or an organization, other than the Corporation, in which the person is serving as an officer, director, trustee, partner, or employee, or any person with whom the person is negotiating or has any arrangement concerning perspective employment, has a financial interest in the matter.

(2) CONSEQUENCE OF VIOLATION.—An officer or employee who violates this subsection shall be subject to termination, but such a violation shall not impair, nullify, or otherwise affect the validity of any otherwise lawful action by the Corporation in which such officer or employee participated.

(f) GENERAL POWERS.—In addition to the usual powers conferred upon a corporation under the business corporation laws of the State in which the Corporation is incorporated, the Corporation shall have such other incidental powers not inconsistent with this section that are necessary or appropriate to carry out the purposes and functions of the Corporation.

(g) PROMOTION OF TECHNOLOGIES.—

(1) MARKETING OF TECHNOLOGIES.—The Corporation shall undertake an aggressive, multifaceted outreach program to increase awareness of the availability of technologies, processes, and other proprietary rights to qualified concerns under this title. This program shall emphasize the use of new information technologies, including the utilization of cable television and the modern electronic media, and the data base established under this title.

(2) UTILIZATION OF CABLE TELEVISION.—

(A) IN GENERAL.—In implementing the outreach program provided under paragraph (1), the Corporation shall enter into negotiations for the utilization of cable television for marketing efforts for the commercialization of technologies, processes, and other proprietary rights—

(i) owned or held in whole or part by Federal departments, agencies, or government controlled corporations,

(ii) developed in Federal laboratories,

(iii) arising in the course of federally funded research at educational institutions, other units of government or with private concerns; and

(iv) which are otherwise made available to the government by private concerns.

(B) PROMOTIONAL FEES.—Under terms negotiated between the Secretary and the Corporation, the Secretary is authorized to make payments to the Corporation for promotional fees for the production of segments for broadcast over cable television, or other appropriate media, which identify—

(i) the technologies described in paragraph (A);

(ii) their potential commercial applications; and

(iii) methods available for obtaining additional information on the technologies.

(3) TECHNICAL ASSISTANCE.—The Corporation shall, upon request, provide technical assistance and services, as appropriate and needed, to qualified concerns under this title.

(4) OUTREACH TO SPECIFIC AREAS AND SMALL BUSINESSES.—The Corporation shall seek to ensure that qualified concerns and small businesses located in areas determined by the Secretary to have a depressed economy or chronically high unemployment are notified of the availability of assistance through the program established under this section and, to the extent practicable, to encourage and facilitate the participation of such qualified concerns and small businesses in such program.

(h) AUTHORITY TO REPRESENT THE GOVERNMENT.—

(1) IN GENERAL.—In accordance with regulations prescribed by the Secretary, the Corporation shall act as an agent, and represent the interests, of the Federal Government in facilitating the utilization of technologies, processes, and other proprietary rights by qualified concerns under this title.

(2) RIGHTS OF QUALIFIED CONCERNS.—In accordance with regulations promulgated by the Secretary, the Corporation may convey, to qualified concerns, under terms and conditions to be negotiated between the Corporations and qualified concerns, such rights which may be necessary and appropriate to facilitate the utilization and commercialization of technologies, processes, and other proprietary rights as provided under this title.

(3) MINIMUM RIGHTS OF THE FEDERAL GOVERNMENT.—In the conveyance of rights to qualified concerns as provided for under paragraph (2), the Corporation shall ensure the following:

(A) The conveyance agreement contains language providing for the right of the Corporation to revoke the rights provided under paragraph (2) if—

(i) the qualified concern does not demonstrate that it is undertaking a good faith effort to achieve the utilization and commercialization of the technology, process, or other proprietary right; or

(ii) the Secretary certifies that the interests of national security or the general welfare of the American people necessitates the revocation of such rights.

(B) The Federal Government retains a license to such technologies, processes, and other proprietary rights for the Government's own use.

(C) The Federal Government receives in compensation for the conveyance of such rights—

(i) royalties;

(ii) the right to share in the earnings of the qualified entity proportionate to the value of the rights so conveyed; or

(iii) a sum of money or other compensation that the Corporation determines to be appropriate.

(4) AGENT'S FEES.—Under such terms as the Secretary and the Corporation may negotiate, after consulting with the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, the Corporation may retain a percentage of any royalties or other compensation accruing to the Federal Government in connection with any licensing agreement entered into by the Corporation on behalf of the Federal Government.

(i) CONSULTATION WITH FEDERAL AGENCIES, AND WITH PRIVATE PARTIES.—

(1) CONSULTATION WITH FEDERAL AGENCIES.—In carrying out this title, the Board and the Corporation shall consult frequently with the Secretary, and such Federal agencies and departments as is appropriate, to ensure coordination and the maximum utilization of all related Federal resources to promote technology utilization and commercialization.

(2) CONSULTATION WITH PRIVATE PARTIES.—In carrying out this title, the Board and the Corporation shall solicit comments from private parties, including representatives of finance, industry, and organized labor on the role of the Corporation and the needs of private parties.

(j) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General of the United States may audit the financial transactions of the Corporation. For the purposes of carrying out such an audit, the Comptroller General shall have access to all books, records, and property belonging to, or in the possession of, the Corporation. In the case of a person or entity which has entered into a financial relationship with the Corporation, the Comptroller General shall have access only to those books, records, and property belonging to, or in the possession of, the person or entity which pertain to the Corporation and which are necessary to carry out the audit. The Comptroller General shall make a report of each such audit to the Congress and the President.

(k) INFORMATION AND OTHER ASSISTANCE FROM FEDERAL AGENCIES.—Upon the request of the Corporation, the head of a Federal department or agency is authorized to—

(1) furnish to the Corporation such information which is available to the agency as the Board deems necessary for carrying out its functions; and

(2) detail for temporary duty, on a reimbursable basis, such personnel as the Corporation determines to be necessary to carry out its functions.

(l) MISCELLANEOUS PROVISIONS.—

(1) JURISDICTION.—

(A) IN GENERAL.—Whenever the Corporation is a party to any civil action under this title, such action shall be deemed to arise under the laws of the United States. No attachment or execution may be issued against the Corporation, or any property thereof, prior to entry of final judgment.

(B) CITIZENSHIP OF CORPORATION.—The Corporation shall be deemed to be a citizen of the District of Columbia for the purpose of determining the original jurisdiction of the district courts of the United States in civil actions to which the Corporation is a party.

(2) BUSINESS ACTIVITY AND QUALIFICATION.—The Corporation shall be deemed to be qualified to do business in each State in which it performs any activity authorized under this title.

(m) UTILIZATION OF CORPORATION.—It is the sense of the Congress that all Federal departments, agencies, institutions of higher education, and laboratories, and all institutions of higher education and laboratories which are otherwise supported by Federal funds, should use the services of the Corporation to the maximum extent possible.

SEC. 305. ASSISTANCE TO BUSINESSES IN SECURING FINANCING.

(a) INFORMATION CLEARINGHOUSE.—The Corporation established under this title shall act as a one-stop clearinghouse for information to assist qualified concerns identify sources of business development and technology commercialization financing available through the Federal Government as well as through applicable State and local government programs and through private sources.

(b) AGENT OF THE FEDERAL GOVERNMENT.—The Corporation may act as an agent of the Federal Government for purposes of accepting applications for financial assistance and their submission to the appropriate Federal agency on behalf of a qualified concern.

(c) TECHNICAL ASSISTANCE FOR LENDERS AND BORROWERS.—The Corporation shall, upon request, provide technical assistance and services, as appropriate and needed, to lenders and borrowers under this title, and shall ensure that such lenders and borrowers have ready access to appropriate assistance in order to aid such lenders and borrowers in achieving the purposes of this title.

SEC. 306. SAVINGS PROVISION.

It is the intent of the Congress that this title shall be construed as complementing any other provision of Federal law relating to the licensing, utilization, or commercialization of the use of technology and shall not be construed as superseding any such provision, except as otherwise provided in this title.

SEC. 307. RULE OF CONSTRUCTION.

Nothing in this Act or this title shall be construed by the President, the Secretary of Commerce, the Corporation, any Federal agency or department, or any court to affect, alter, amend, modify, or change, or apply to, any program or activity (or any technology developed, derived, or provided through or under such program or activity by any means of any kind) of the Department of Energy, the Department of Transportation, the Department of Health and Human Services, or the Environmental Protection Agency or any office, bureau, commission, laboratory or facility of such agencies or departments.

Mr. KANJORSKI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KANJORSKI] is recognized for 5 minutes in support of his amendment.

Mr. KANJORSKI. Mr. Chairman, the Kanjorski-Ridge amendment embodies a revised version of this language adopted by the Banking Committee to utilize the fruits of this Nation's research as an engine for creating significant numbers of new jobs in private sector businesses.

This is accomplished by enhancing the ability of United States small- and medium-sized businesses to obtain information and licenses on technologies and process developed through Federal R&D. By making it easier for small- and medium-sized businesses to commercialize these technologies, tens of thousands of new jobs will be created which offer good wages and real opportunities for advancement to working men and women across this country. In the final analysis, I believe that this is what economic development is all about.

I am pleased to inform the Members that the language of the amendment I will offer was developed in collaboration with both the Committee on Science, Space, and Technology and the Committee on Energy and Commerce. Neither committee is opposing the amendment in the form in which it will be offered. Similarly, it is my understanding that Public Works Committee Chairman MINETA, and subcommittee Chairman WISE, both intend to vote for the amendment.

Mr. Chairman, despite the enormous potential for job creation under the amendment, the amendment has been the focus of some misunderstanding. In our revisions, developed with the assistance of the Science Committee and the Energy and Commerce Committee, we have corrected some of the causes of these misunderstandings. Nevertheless, I would like to take a minute, to outline what the amendment does, and just as importantly, what it does not do.

The amendment does not change current law; it supplements current law. Today, Federal agencies and labs are charged with the responsibility of attempting to transfer technologies they develop to private sector commercial application. Increasingly, some Federal laboratories are entering into cooperative research and development agreement [CRADA's] as part of their efforts to achieve technology transfer. These efforts are not changed under the amendment.

Today, universities which develop technologies and patentable inventions, during the course of federally-funded research, have the right to file patents, issue licenses, and receive royalties from the private sector commercialization of the technologies and patents. This does not change under the amendment.

Today, through the activities of Federal agencies, labs, and universities, initial efforts at technology transfer are decentralized and diffuse. This does not change under the amendment.

Under the amendment, all rights and responsibilities of Federal agencies, labs, and universities are protected and preserved.

What the amendment does provide for is, first, the creation, by the Secretary of Commerce, of a comprehensive, integrated data base of all technologies, processes, and other proprietary rights to which the Federal Government has an interest. Currently, there is a great deal of effort underway to improve and expand data bases within the Department of Commerce. The language of the amendment will support and assist the Secretary in moving forward with these efforts.

Second, the amendment provides for several studies on the effectiveness of the Federal Government's overall technology transfer efforts and methods to enhance those efforts. If, after the completion of those studies, the President determines that it would not impair the operation of Federal policies and programs relating to technology utilization and commercialization, the President will establish a Business Development and Technology Commercialization Corporation. Following its creation, the President will provide for its conversion to private ownership.

The Corporation will be charged with undertaking an aggressive, multifaceted marketing effort to increase awareness by United States small- and medium-sized businesses of the availability of licenses to commercialize federally-held technologies. Working in conjunction Federal agencies, laboratories, and universities, the Corporation may also assist in the actual licensing of these technologies to U.S. businesses. In our view, the services of the Corporation represent an important opportunity to assist Federal agencies, laboratories, and universities in carrying out their technology transfer responsibilities. Under the language of the amendment, however, Federal agencies, laboratories, and universities are not required to utilize the services of the Corporation.

Third, the amendment authorizes the Corporation to serve as a clearinghouse of information for U.S. businesses on financing assistance which may be available through other Federal programs, through State or local governments, or through the private sector.

The driving principle throughout the amendment is the need to make it easier for U.S. businesses to have access to technologies developed through Federal funding. Today, only very large businesses and foreign interests have the resources to effectively learn of and pursue rights to these technologies. The amendment recognizes that small- and medium-sized businesses are the major job creating entities in this economy and that it is imperative that we make it easier for these businesses to have access to these new technologies.

Mr. Chairman, as important as improved job training and welfare reform are, we will achieve only partial success on those fronts if we do not simultaneously take meaningful steps to encourage the development of thousands of new small businesses throughout this country to create tens of thousands of new jobs, at good wages, with real futures. That is what this amendment is all about. I urge the adoption of the amendment.

□ 1610

Mr. WALKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the debate about technology transfer is as old as Government technology and inventiveness itself. Over the years we have learned a few lessons about this often misunderstood and of necessity complicated process, and what we are hearing today is another committee that has come up with their version of it, that obviously has not looked at the kind of success stories and lack of success stories that are really out there in the country.

In thousands of hours of testimony before the House Committee on Science, Space, and Technology, witness after witness has told us that the prime mission of Government laboratories has not been to invent better materials for filling teeth with cavities, or an orange drink which is a cheap substitute for orange juice, or a pen that can write upside down. Yet these are all commercial products which have come to the market place from the Federal laboratories.

What we have also learned is that it takes time and money to take what are normally processes or inventions not commercially ready products from the lab to the shelves of your retail store. This is because the mission of the labs is to support the needs of the Government. Tech transfer takes place when one of those Government needs can be transformed through engineering, time, and money, to a product which is consumer usable.

Throughout the years we have discovered that successful technology transfer is brought about when the following elements are in place.

First, involvement of the lab scientist who developed the invention.

Second, encouragement from the lab director to work with industry to commercialize the invention.

Third, incentives for all parties concerned to work together to commercialize the invention.

Fourth, decentralized and hopefully local economic interests who will take the time and invest the money necessary to bring an idea to production.

Such a system was put in place 14 years ago when Congressman THORNTON, among others, proposed with Senators Birch Bayh and BOB DOLE what has become known as the Bayh-Dole Act. This allowed universities and small businesses the right to own the inventions which were funded with Government resources. It has been through the experience of this act that when the inventors of a product or process own the fruits of their genius that it is more likely to provide the economic incentive to commercialize an invention or, as Lincoln once said of the patent system, that it combined the leverage of incentive with the fire of genius.

Because of the Bayh-Dole Act, universities and small business have brought billions of dollars of federally-funded technology to the marketplace. The system was so successful that it was applied to Government operated and then federally-owned laboratories through the Federal Technology Transfer Act of 1986 and the National Competitiveness Technology Transfer Act of 1989.

According to GAO, since the passage of the Federal Technology Transfer Act, the number of inventions licensed by the Federal Government has increased by 27 percent.

Mr. KANJORSKI's bill, I know, is well motivated. But it does not comport with experience. It would potentially take away the incentives of entrepreneurs, both Federal and non-Federal, to work together. It would do so by recentralizing tech transfer, a system which was a failure before we started our reforms in 1980.

The Kanjorski bill would create a home shopping network for technology transfer. This is misguided because the National Technical Information Service, which has an annual operating budget of over $30 million dollars, has been developing data bases for both domestic and foreign government technologies since the late 1940's. The National Technology Transfer Center in West Virginia, which does much of what is proposed in the Kanjorski bill, has a Federal appropriation of $2 million for this fiscal year. Kanjorski is trying to recreate what already exists.

As Forbes magazine said about the Kanjorski bill:

> The British press has long had a superb word for partly private, partly public organizations—"quango" for quasi-autonomous-national-governmental-organization. As the sound of the word suggests, quangos generally turn out to be quagmires of bureaucratic ineptitude.

Fortunately, Americans never took to quangos the way the Brits did. But now Representative PAUL KANJORSKI, Democrat of Pennsylvania, wants to create a dandy of a quango. KANJORSKI's bill would bring bureaucrats back into technology transfer if and when they deem the universities are not doing a good job. The bill would centralize the licensing of all federally funded research by creating a gargantuan quango called the Technology Transfer and Commercialization Financing Corporation—let's call it Tetracofico. The Government would own a nonvoting 60 percent stake in

Tetracofico; the other 40 percent would be sold to a private entity.

Also the bill would establish a massive database of all patents in which the Federal Government has an interest, many of which have never found a home, and create a 24-hour cable network to alert the public to the patents. Lita Nelson, director of MIT's technology licensing office, has experimented with such data and concludes that they produce mostly time-wasting nuisance industries. "Databases are a classic shotgun technique," says Nelson. "We feel that rifle-shot marketing directed at carefully chosen targets is a lot more effective. This year MIT will tally $7.5 million in royalty revenues, up from $2.5 million in 1986." Sighs the Farber Cancer Institute's Ashley Stevens: "Here—in the existing Bayh-Dole Act—you have a Government program that's worked in spades. Now Congress is trying to screw it up."

□ 1620

That is exactly the point, colleagues. What we are doing here is screwing up something that is working.

Let me tell Members, there are some other dangers, too, that we need to understand. The gentleman from Pennsylvania [Mr. KANJORSKI] put up a much fancier chart of his than I have here. I have the smaller version. But it does tell us something very disturbing.

Because by his own chart, what we notice is that everything coming out of the Federal agencies, coming out of the Federal labs, coming out of the universities, not just Federal agencies and Federal laboratories, out of the universities themselves, by his own chart all the arrows point to a centralized collection point. Then it goes to another centralized bureaucracy.

What is interesting about the centralized bureaucracy is that the gentleman from Pennsylvania [Mr. KANJORSKI] has that this amendment includes the marketing, the information, and the licensing portion of it. But he includes this big guidance with a big bag of dollars on it.

That has been dropped out of the amendment that we have before us today, because it became apparent that that costs $12 billion by the original estimates. So that is not there anymore. Yet when we see the chart that was presented here on the floor, the chart still includes that. That is where they are headed.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. The point is that here we have this Tetracofico that includes these four items, including the giant money bag that we know from the original bill was a $12 billion item. It is not here, but guess what is coming, folks. Guess what is just around the corner. You create this quango, and this quango is going to end up being a gargantuan quango with a lot of real big dollars connected with it. Then and only then, after everything is passed through this centralized marketing, does it get out here to the new businesses.

The fact is the way the system now works is, these universities, these Federal agencies, these Federal labs can work directly with the new businesses right in their own communities or within their own States or nationally. They do not need to go through this centralized mechanism. They do not need a quango to deal with each other.

What is happening right now under the law, under the procedures in place, is that these agencies, these Federal labs and these universities are working with new businesses. We are creating technology transfer that is increasing on a regular basis. As I said, GAO says that under this act, it is up 27 percent. That is exactly the direction we ought to continue to go. To create the Tetracofico, to create this giant quango, this gargantuan new centralized bureaucracy, that is exactly what we do not need to do. I would urge that we defeat this amendment.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, one of the most challenging and important tasks for the 103d Congress is to create meaningful jobs for the 8½ million Americans who are currently unemployed and a similar number of people who are currently underemployed. That is what the amendment of the gentleman from Pennsylvania [Mr. KANJORSKI] is all about.

It would set up a process whereby for the first time we can effectively take advantage of the enormous amount of the money that the U.S. Government has spent on research and development both at Federal agencies and in universities and research centers across the country.

This activity has been going on for decades. Much fruit has been borne in terms of research based upon the money that has been spent. However, the information in many cases is lying fallow. It is not getting out to entrepreneurs. It is not getting out to American businesses.

Other people in other parts of the world are sending research experts here on a regular basis to look into the research that is being done in American institutions. They are taking advantage of this information. We have not yet fully taken such advantage.

The amendment of the gentleman from Pennsylvania [Mr. KANJORSKI] allows us to do that in a comprehensive way and for the first time. It allows that information which is lying fallow to be used, to be developed.

It will create tens of thousands of new jobs for Americans. It will also allow entrepreneurs and American businesses to reach out to that technology and to use it creatively and intelligently for the creation of new industrial enterprises, the creation of new wealth, and the creation of new employment opportunities for those Americans who so desperately need it.

Mr. Chairman, this is an important amendment. It goes a long way in unleashing the intellectual creativity of this Nation, which has not yet been tapped adequately. Under the amendment of the gentleman from Pennsylvania [Mr. KANJORSKI] that intellectual activity will be released, and we will have the opportunity to put it into practical, every day practice.

I encourage this amendment, and I hope that the Members of this body will endorse it enthusiastically.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I thank the gentleman for working very closely in the establishment of this amendment.

I want to respond to my colleague, the gentleman from Pennsylvania [Mr. WALKER]. I notice that he talked about the Forbes magazine article.

Unfortunately, this amendment and the article that the bill, that that amendment addressed were quite different or quite uniquely changed. But above and beyond that, I would ask my fellow Members to think about their districts and identify in their particular districts what new industries and what new jobs have been created over the last 10 years, for instance, as a result of expenditure of American research and development money.

I know the gentleman from Pennsylvania [Mr. WALKER] comes from a very profitable and very economically sound district in southern Pennsylvania around the Lancaster area of Pennsylvania.

But I can speak for many of my colleagues in the 21-Member districts in Pennsylvania, and they have not been as fortunate as the district of the gentleman from Pennsylvania [Mr. WALKER] in getting new research and development jobs coming into their districts.

I can look across the Ohio and New York and Michigan and Wisconsin and what has been referred to very often as the rust belt of America. I can assure my fellow Members that many of these jobs that the gentleman from Pennsylvania [Mr. WALKER] talks about are not coming out, because the average entrepreneur, small and middle-sized businessman does not have the opportunity to know what is in the Federal inventory and certainly does not have the wherewithal to come down to Washington to cap it like the giant, gigantic corporations of America and the foreign corporations of the world that do take advantage of our research and development.

I guess we could argue that philosophical point all night. All I would like my colleagues to understand is that we do not change the laws that the gentleman from Pennsylvania [Mr. WALKER] referred to. All we do is supplement those laws, and all we primarily do is create a vehicle so average American businessmen of small- and medium-size companies and average American entrepreneurs can partake in the research and development inventory of America on an equal, level playing field. And we do it by using good old private sector technology, American technology, and take the job out of bureaucracy and out of government and put it into the hands of private enterprise to market, to assist, and to get this technology into small businesses.

Ms. MOLINARI. Mr. Chairman, I move to strike the requisite number of words.

Mr. WALKER. Mr. Chairman, will the gentlewoman yield?

Ms. MOLINARI. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentlewoman for yielding to me.

My colleague from Pennsylvania explained to the House that the amendment that we have before us is substantially changed from the bill which the Forbes article found as so onerous.

The gentleman is correct. I pointed out in my speech that there is a difference. The difference is that he has taken out the $12 billion of guidance money that was in his original bill.

The point is, however, that he is still promoting, in a "Dear Colleague" letter that was sent around today and in a chart that was used on the floor, the Tetracofico that has the money bag still in it.

So when Members buy into this concept, understand, it has changed in the amendment. But the future holds the idea that we are going to spend $12 billion for this gargantuan quango at some point in the future.

The other thing that I think we need to understand is that this monument to private enterprise that the gentleman talks about is, in fact, 60-percent owned by the Government.

☐ 1630

I do not know too many entrepreneurs out there who regard companies owned 60 percent by the Government as private enterprises. This is a Government bureaucracy. It is a little like when President Clinton runs around the country telling everybody that this huge health bureaucracy that he is setting up is really private enterprise in action. Nobody in the country believes that. No one in the country should believe that this is anything other than a brand new gargantuan Government bureaucracy being interposed in the middle of what needs to be done in terms of technology transfer.

Mr. Chairman, I agree with everybody who has spoken about the need to make certain that the high technology that we are developing gets spun off into businesses so they can create jobs in this country. The gentleman from Pennsylvania somewhat depreciates my district for the fact that we have been successful in many high-tech industries in my district doing this. Yes, he is right, and we ought to have that model and we ought to be using it around the country. We ought to be making certain that other places also get the opportunities that are now available.

The fact is it does work. High tech can produce jobs, and we can put together a system that allows technology to be transferred into the private sector, but the system is not some huge new centralized bureaucracy. That did not work before 1980. We found it was an absolute unmitigated failure. What we are doing here is failing to learn from history. We are going here is failing to learn from history. We are going back to exactly what we were doing prior to 1980, and we are now going to wade in 15 years later into the brave new world of back to the future.

Mr. Chairman, I have to say that this is not the right way to get the tech transfer we want done. This is going to get in the way of tech transfer, it is going to be a disaster, and in my view we ought to stick with what we have now shown works. Let us get tech transfer producing new jobs, but let us do it in a way that we know actually works.

Mr. FINGERHUT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI] and the gentleman from Pennsylvania [Mr. RIDGE], my neighbor from across the border.

I would like to focus at the moment on one aspect of this program, the Economic Development Administration, which is not a new program and not an addition, but something that has been in existence for a number of years, but which has from time to time been threatened by budgetary proposals by the administration.

One program that has been administered by the EDA is called the Trade Adjustment Assistance program for firms whose central missions have been threatened by foreign competition. We have administered this program through a series of 12 Trade Adjustment Assistance Centers, including a Great Lakes Trade Adjustment Assistance Center, which is based in Ann Arbor, MI and which serves the area in my congressional district.

This is a program which, unlike all the other programs out there which we only hear about through the agencies themselves and through the committees, this is a program that I can say to my colleagues that I know specifically has provided support to specific firms in my district who are going out of business, who needed help to retool, to respond to the competition. This program, the trade adjustment assistance center, has come in. They have provided that technological assistance with a very minimal investment, and they have been able to turn their business around.

One business in my district, Thompson Aluminum Castings, has called this in their opinion the only Federal program that really works. The problem has been that over the years, in the search for funds for other programs, the administration has proposed now twice that this program be eliminated. It was reauthorized in the budget, the 5-year budget resolution which we passed last summer.

It is my understanding as a result of the hearings held by the subcommittee of the gentleman from Pennsylvania [Mr. KANJORSKI], on which I am privileged to serve, that the EDA will under the provisions of this bill continue to administer the Trade Adjustment Assistance Centers, unless and until such time that these centers are found to have another place within the Federal budget.

Mr. Chairman, I would ask the gentleman from Pennsylvania [Mr. KANJORSKI] whether my understanding is correct, that the Trade Adjustment Assistance Centers, which have been so beneficial to the firms in my district, are indeed authorized and will continue to be administered by the EDA under the terms of this amendment and this bill.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. FINGERHUT. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. I thank my colleague, the gentleman from Ohio.

Mr. Chairman, I want to assure the gentleman, as we had at the committee level, that his inquiry is absolutely correct, and that his understanding is absolutely correct, that this will be continued, this program will be continued to be administered by the Economic Development Administration.

Of course, it is the policy of our subcommittee and the subcommittee of the gentleman from West Virginia [Mr. WISE] to see that that continues, because you know we are all involved, particularly now since the passage of NAFTA, with the important of what this means. I thank the gentleman from Ohio, and I thank him for the assistance in drafting the amendment we have presently before the floor.

Mr. FINGERHUT. Mr. Chairman, I thank the gentleman for his response.

I further yield to the gentleman during the time that I have remaining in my 5 minutes.

Mr. KANJORSKI. I thank my colleague from Ohio for yielding time to me.

I want to respond to some of the things my colleague, the gentleman from Pennsylvania [Mr. WALKER] has said.

I do not believe the gentleman understands the impact of the present amendment before the floor. I way that with all due respect, insofar as this amendment did go through some significant change in working its process with his committee and with other committees in the Congress so there would not be a conflict on the floor here today.

I want to assure the gentleman that there is nothing in this amendment that establishes a 60–40 percent of anything. The corporation involved is 100 percent private. Further, there is absolutely no assistance or funds authorized in this bill of any amount, certainly not $12 billion, but of no amount, and the only financial assistance offered in the Department of Agriculture or in this amendment as it is presently offered is to direct those individuals that will be using the technology to the existing sources of financing today in the Federal Government.

I do not know whether he gets that inquiry, but I can tell the Speaker that in my office I keep maybe half of a staff member busy full time just helping people find out where to go in the Federal Government and in the state government to get assistance to help create jobs and to build industry.

Mr. Chairman, I want to assure the gentleman that as he has described my bill, it is not correct. We intend to work with him, as we intend to work with the other committees, as this goes through the process, but I do tell the Members very seriously that if the gentleman is fortunate enough in this district not to need this type of bill and that the present status quo is operating, it is not sufficiently operating in my part of Pennsylvania.

Mr ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am somewhat reluctant to get involved in this fight, because it is almost like a family feud. We have all Pennsylvania Congressmen on the floor on this issue.

I thought it was interesting, Mr. Chairman, to point out just a couple of short paragraphs in testimony before the committee on this particular legislation, or the concept of it.

The testimony was this, and this comes from the Office of Technology Assessment. These are people who are unbiased and who come before the Congress to give us their unbiased professional opinion. Here is what he said. Mr. Chairman this comes from the senior analyst.

He said, "There are many barriers that get in the way of moving this technology out to the private sector for commercialization. Often technology in the Federal laboratory is just sitting there. No one in the lab will do the work, since it is not related to their mission, to move it to the next step. The private sector is not willing to take it to the next step, and therefore, nothing happens."

He also noted that, "There is relatively little awareness in the private sector, particularly among small and medium size firms, of the potential of Federal technology."

I know this to be very true, because Mr. Chairman, every year I have an export conference in Wisconsin. We have as many as 950 to 1,000 people. I have been doing this for the last 12 years now. The one thing that always strikes me is that these small companies do not have the vaguest idea that the Federal Government spends billions of dollars on research and development that is just sitting there and they could use it, do not even know it is there.

Do the Members know who does know it is there? All these foreign companies. They are all over the place. Foreign companies spend a million dollars just to have people looking around for American research and development. The Japanese a couple of years ago, I do not know how many they have now, but the Japanese 2 years ago had 22 people full time right in this city looking for our research and development.

That is why this amendment is so important, but the problem is that we always have these turf battles. Some guy said, "Hey, it should have been before my committee." Another guy said, "It should have been before my committee." Some gentlewoman says, "It should have been before my committee."

I am not interested in whose committee it should have been before. I am interested in getting this on the floor, looking at this issue, voting on it, so all our small entrepreneurs, our small business people, could use the research and development that the taxpayers, that you and I and everyone else represent, have paid millions and millions of dollars for.

That is what I am looking at here today. That is why this amendment is so important. I hope the people in the House vote for this amendment today for the good of jobs, for the good of our economy, so we can have this research and development help our entrepreneurs and our small business people.

□ 1640

Mr. KANJORSKI. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. ROTH. I am happy to yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I absolutely agree with the gentleman from Wisconsin and the testimony cited was testimony by impartial people before our committee on this bill.

Mr. Chairman, I would like to call the attention of the gentleman and my colleague to one thing: Does the gentleman recall that one of the witnesses testified that the 1992 committee report of the Japanese Government set out where their research and development future lies or where they were intending to get their future research and development, and the line set out in the Government Report Committee was the United States Government as the major supplier of research and development to the Japanese industry?

Mr. ROTH. Mr. Chairman, just as an aside, I want to say this is not only a problem here but we have a thing called the Export Administration Act. Do my colleagues know because of all the regulations, of all the licenses that our companies have to obtain to sell products overseas that we are stifling our companies from exporting by $30 billion a year? That is 600,000 jobs in America.

Mr. Chairman, that is what we have to change. These foreign companies and foreign countries are over here at the Commerce Department finding out what kind of licenses our American companies need, what company is looking for what license. Then they quickly run to the other company and say, "Hey, you don't have to wait for 3 months or 6 months for the Americans to license a product to sell it here. Why, we can sell it to you overnight."

Mr. Chairman, that is why business, industry and labor have to start working together in America so we can have the jobs and the economy our people need.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a cosponsor, I rise today in support of H.R. 2442, the EDA and ARC authorization bill and in strong support of the amendment offered by the gentleman from Pennsylvania. I believe that H.R. 2442 will address many of the serious economic problems facing our local communities and that the Kanjorski amendment will enhance our efforts to rebuild our economy and ensure that emerging technology companies can access vital federally supported research and development.

The Kanjorski amendment is a bipartisan amendment which simply builds on our current technology transfer structure. It improves the structure and seeks to make it stronger and more efficient. It does not call for a centralized system, nor would it prohibit universities from filing patents, issuing licenses, receive royalties from the private sector commercialization of technologies and patents development through federally funded research. What the Kanjorski amendment seeks to accomplish, is to make it easier for businesses to have direct access to new technologies developed with Federal funds. We are simply trying to get a better return on our R&D investment dollars.

Perhaps the greatest strength of this amendment is the implementation of a nationwide data base of information on federally funded new technologies. A comprehensive data base on federally funded new technologies would end the practice of reinventing the wheel in the public and private sector. Access to this data base would give small and medium size businesses the same competitive edge as large multinational corporations or major research institutions.

The amendment will create real jobs and expand thousands of businesses by simply increasing access to federally funded technologies and establishing a clearinghouse of information for U.S. businesses on financing assistance available though Federal programs, through State and local governments, or through the private sector. How many of my colleagues have been contacted by local businesses and constituents to inquire about the availability of Federal assistance for emerging technology companies? The Kanjorski amendment would create a source of critical information for them.

I commend the gentleman from Pennsylvania for his amendment and ask my colleagues to join me in supporting this important effort to ensure that federally funded research and development dollars result in real job creation and truly assist small and medium size businesses to compete in our rapidly advancing technical world. Our ability to compete in a global economy will be seriously jeopardized if we are unable to transfer critical technology from the public to the private sector.

AMENDMENT OFFERED BY MR. WALKER TO THE AMENDMENT OFFERED BY MR. KANJORSKI

Mr. WALKER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER to the amendment offered by Mr. KANJORSKI. After section 307, insert the following new section:

SEC. 308. EXEMPTION.

Any agency or department of the Federal Government, and any office, bureau, commission, laboratory, or facility thereof, and any entity that receives funding from the Federal Government, whose technology transfer activities are subject to the Federal Technology Transfer Act of 1986 (15 U.S.C. 3701 et seq.), chapter 18 of title 35, United States Code (popularly known as the Bayh-Dole Act), the Omnibus Trade and Competitiveness Act of 1988 (P. L. 100–418), or the National Competitiveness Technology Transfer Act of 1989 (P.L. 101–189) shall be exempt from the requirements of this title.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, it is rather clear that to some extent the fix is in here, and I am a little concerned about that because the bottom line is that we are going to do real damage if we allow this to go ahead in its present form.

Mr. Chairman, the gentleman from Pennsylvania [Mr. KANJORSKI] has told us that what he intends his new program to be, this new quango, he intends to be complementary to what is already in place. That is what this amendment does. This amendment says that it has to be complementary, that those agencies and departments, universities and so on who are working under the present technology transfer programs, whether it be the National Technology Center in West Virginia, whether it be the National Technology Information System, whatever it is, if they are working under those programs, they would be exempt from having to participate in this program.

Mr. Chairman, it seems to me that at the very least, those people out there who think they have a program that is working and is transferring technology and is doing the right kind of job for the country ought to be able to go ahead and do all of that without being forced into the new regime that is anticipated by this amendment.

Mr. Chairman, all my amendment does, it is a very simple kind of thing. It just says that they are going to be exempt from the requirements of the title if, in fact, they are already participating under that which we have in place and which is now working. I would hope that at the very least, that if we are going to go ahead and do this thing, which I happen to think is wrong, that we will not have an adverse impact on the things that are already in place and that we will allow those institutions that are presently doing a good job of technical transfer through the established mechanisms to keep in place that which is working.

Mr. Chairman, that is all my amendment does. I would urge its approval as an amendment to the amendment.

Mr. KANJORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not want to delay this. I know what my friend, the gentleman from Pennsylvania, wants to accomplish. I want to assure him that in the amendment as published in section 306, the savings provision covers exactly what he should worry about, in that we do not interfere or supersede with any existing law operation. As a matter of fact, in setting this up, I worked a great deal with my friend, the gentleman from West Virginia, Mr. MOLLOHAN's transfer center in West Virginia. It is an ideal type of operation. We want to encourage that type of operation.

Mr. Chairman, there is nothing in this law that interferes with or supplements existing law. What it does is allows us to cover the loopholes in the law.

Mr. Chairman, what I would suggest as to why we cannot accept the amendment of the gentleman from Pennsylvania [Mr. WALKER] is that the gentleman's amendment prevents the labs from using the services.

Mr. Chairman, let me explain what that means. There are 1,600 colleges and universities in the United States. Several hundred of them, 200, 400, 600, do a great job, but there are also a lot of colleges and universities in America that do not have a vice president in charge of marketing, do not have an entire financial operation to market their technology because they are not in that business and as a result they are not having a great deal of success in using it.

Mr. Chairman, what this amendment allows is that they could use the services of this corporation if they see fit. The same thing applies to the national laboratories, to the bureaus, to the agencies, to the departments of the U.S. Government. They are not compelled to use it in any stretch of the imagination but they are allowed to use it if they do not feel they are doing an adequate job or the job they are doing is too expensive.

Mr. Chairman, what the amendment of the gentleman from Pennsylvania, [Mr. WALKER] would do is to disallow them the opportunity to use this corporation or this marketing technique, and if we were to approve that, we would have gone to ground zero because we would be right back, that there is no one here that under existing law could come and make arrangements with this new entity to disperse and market their technology or their research and development.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. I have a very limited amount of time.

Mr. Chairman, I do not think we should pursue it. I think we have given the answer to my friend, the gentleman from Pennsylvania. I am telling the gentleman there is a savings provision here that we do not interfere with any existing law, the current law. What we do is create a supplement to those entities that need further marketing, and the testimony before the Committee on Banking, Finance and Urban Affairs was, there is a great deal of that need in this country today.

(On request of Mr. WALKER and by unanimous consent Mr. KANJORSKI was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am acting here in large part on the advice of counsel.

There is a feeling that the protection that the gentleman says is there does not really exist with regard to the section and also that at the very least, then, if what the gentleman is saying is right, this amendment is duplicative.

Mr. KANJORSKI. No.

Mr. WALKER. Mr. Chairman, if that is the case, there is no harm in passing it and it does correct a fault in the bill that we believe is there.

□ 1650

I am not trying to be malicious with this. I am trying to correct something which I think needs to be corrected, and it is an attempt.

I will tell the gentleman that all those thousands of universities that you have out there, they are not participating under the Federal Technology Transfer Act. They are not research universities. They would still be eligible to participate under this amendment. We would assure those who are doing a good job under the present circumstance could continue to do so.

Mr. KANJORSKI. Under our savings provision, they are allowed to do so, I say to the gentleman from Pennsylvania [Mr. WALKER], and I assure the gentleman as this process goes on, we want to make sure we talk with you and the interests of these research universities to make sure we do not interfere with their rights. If they are doing a good job, and many of them are, I have nothing against MIT, Stanford, Harvard, Caltech. They are doing fantastic jobs.

Mr. WALKER. What about Penn State and the University of Pennsylvania?

Mr. KANJORSKI. There are those universities and colleges throughout America that do not have the marketing ability.

Mr. WALKER. If the gentleman would yield further, then why not take this amendment? All this amendment does is corrects for exactly what you just said you want to do. I do not understand why you will not take this amendment that just makes certain that we can continue to have the pattern in place that is presently working.

Mr. KANJORSKI. As I read the gentleman's amendment, it runs the risk of exempting the authorizations and the abilities of my amendment to go into operation.

Mr. WALKER. No.

Mr. KANJORSKI. We will be very happy, I say to the gentleman from Pennsylvania [Mr. WALKER], when we get an opportunity, as you know, we have not had a chance to pass this through counsel. We have not had a chance to work with it. As I understand it, it was drafted on the floor this afternoon. I do not know the ramifications of it. I am telling you it is the intent of my committee, and as myself, the drafter of this amendment, it is my intent that we require no one to perform or operate with this marketing operation that they do not desire to do so, and we have no intention of interfering in the present and current law.

Mr. WALKER. If the gentleman will yield further, my concern on that is there was no attempt to work with me at my committee when this measure was coming through. The gentleman is wrong. This was not drafted on the floor this afternoon. It was, in fact, drafted, and as you can see, it is in print. So it had to be drafted long before we came to the floor.

But the fact is that there was no attempt to work with us. Some of these things could have been worked out early if there had been any attempt to work with us at all. So I am not very much swayed by the idea that at some point in the future we are now going to work together on this. It seems to me it is important what we do is pass some corrective language now.

Mr. GEPHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Members of the House, I rise against the Walker amendment, and I rise to speak in favor of this bill.

As I understand it, the Walker amendment would make it impossible to go forward with the intent of their bill and, therefore, I would hope that we would not go along with that amendment.

If there are legitimate concerns, I think as the author of the bill has said, those concerns can be worked on, but I want to spend my time today talking about what I think the Kanjorski-Ridge amendment is really about.

In its simplest form, it is about jobs. It is about our willingness as a Government and as a people to really help small, struggling businesses and ultimately, I think, it is about our very ability to compete with foreign nations that, quite frankly, up until now have given their small business people much more help than our Government has been willing to do.

Now, right now, the American taxpayer is spending millions and, in fact, billions of dollars for research in our labs, in our colleges, in our universities, and in the private sector, and a lot of that research could be brought to bear in our small businesses. It could help to modernize, stay competitive, and, frankly, innovate an entire industry.

But the fact is too often this good work gathers dust on a Government shelf. We are not doing enough to share the fruits of our research, and a lot of it is simply going to waste.

If we look at the competition overseas, the question is not whether we can afford to do a better job of this. The question is whether we can afford not to do a better job of this.

That is why I think this approach is so important, and I commend the gentleman from Pennsylvania and the Republican gentleman from Pennsylvania for bringing this amendment forward. I will put Government innovation and technology at the fingertips of even the smallest business, and it serves as a clearinghouse of information that is now scattered across a maze of labs and agencies.

Best of all, it breaks down the bureaucracy, shreds the red tape, so you do not need a high-powered lobbyist, which is the gentleman's point, or a handful of Government contacts to get access to this information.

At the same time we launch a special study to see if we need a business development and technology commercialization corporation. This kind of public-private partnership would help our agencies license and market their research, and it would spread the word about the resources we have available.

Now, of course, we would not force Federal agencies and labs to take part in the new program. The idea is not to replace today's technology-transfer programs, but to add to them.

I think all of us could agree that we have got to do much more to help small business, and this is a place to start. The amendment will not affect licensing or transfer agreements that are already in place. It will not tie the hands of researchers who want to file patents and earn royalties for their work, and it will not bargain away the rights of our agencies or leak out sensitive information. But it will help bring American businesses into the information age. It will jump-start a bureaucracy that can do a lot more to help small business, if just we can focus our research and our resources to get the job done.

So I urge Members today to reject the Walker amendment, to stay with the Kanjorski-Ridge amendment, to say to all of American business that American business, that America's Government, mean business.

In my opinion, there is no more important measure in front of this Congress to help small business, to rejuvenate our economy, and to get Government, as it always should, to help and support our small businesses across this country.

I commend the gentlemen from Pennsylvania, both of them, and urge Members to vote against the Walker amendment and for the Kanjorski-Ridge amendment.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I never like to argue with my friend, the gentleman from Pennsylvania [Mr. WALKER], because I know that when he drafts an amendment it is always well drafted. I just have a question. I wondered if the gentleman from Pennsylvania would answer a question for me.

I have read this amendment, and the reason I like the Kanjorski-Ridge amendment is because it sets up this clearinghouse where my small-business people from Wisconsin can come and find out if there is something available in R&D or entrepreneurs, something available for them to use.

Mr. WALKER. Mr. Chairman, if the gentleman will yield, let me say to the gentleman that they can already do that through the NTIS.

Mr. ROTH. Let me pose my question. As I read your amendment, if I interpret your amendment correctly, in other words, what I am saying, I say to the gentleman from Pennsylvania [Mr. WALKER], is that when our people come, it is one-stop shopping for them. They can come here and they find out if there is something available in their area. But as I read your amendment, especially the last sentence, "shall be exempt from the requirements of this title," it means we would basically be doing away with that clearinghouse, as I interpret your amendment.

Mr. WALKER. If the gentleman will yield further, under the present system, under the NTIS, the National Technology Information System, right now, your businesses and so on can come to them and get that information right now. It is available to them through that particular entity right now.

Mr. ROTH. But they have to shop all over.

Mr. WALKER. No. This is a one-stop shopping center. NTIS is a one-stop shopping center for exactly the information you are talking about. What we are doing is creating a brandnew system.

All I am saying is if somebody has been dealing with NTIS or dealing with the National Technology Center, the fact is I just would like to see them exempt from having to deal with this.

Let me make one other point. What I am wondering is, there are a certain number of groups that have already been exempted. In a deal made with Chairman DINGELL, we already exempted a bunch of people from this, and now what we are doing is bogging down and saying, "Well, we made our deal with Chairman DINGELL so he would not oppose this on the floor." But all these other people out there who were not a part of Chairman DINGELL's deal are now going to be covered by this thing.

□ 1700

If in fact Chairman DINGELL would exempt his people, there are some others you should exempt also.

Mr. ROTH. I thank the gentleman for his comments.

I am trying to get at the substance or the truth of exactly what this amendment would do because I want to cast an informed vote here. This is very important.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. I thank the gentleman for yielding.

In response to the gentleman from Pennsylvania [Mr. WALKER], he indicated this one-stop shopping is already being done. If that is the case and—this is nothing against the NTIS—but the Department of Agriculture and NIH have just opted out of NTIS. Now, we are not castigating NTIS. What we want to do with our amendment and these existing entities is to finally get together and say we are all on the same team, we want to do the most effective job we can to get tax-payer-funded research and development out there, particularly in the private sector in the small-business area, and for them to obtain it as reasonably and as cheaply and as efficiently as they can.

Mr. ROTH. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, the fact is the Department of Agriculture and NIH opted out of the licensing procedure at NTIS.

The technologies available are still at NTIS. You can still find out what the technologies are that can be transferred to you through NTIS. Those are still available for the Department of Agriculture and NIH, but they are not participating in the licensing system anymore. So, for technology transfer, it is exactly as it has always been.

Mr. ROTH. I will take back my time and thank the gentleman from Pennsylvania [Mr. WALKER] for this explanation.

Mr. Chairman, I am going to ask my friends and colleagues to vote against this Walker amendment because I do feel it would gut this provision of the clearinghouse and it would hurt small business and entrepreneurs. That is precisely what I am trying to do with this legislation, to help our entrepreneurs so that this one-stop shopping for research and development, which all American taxpayers have paid for, is available.

Mr. KLINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kanjorski-Ridge amendment to the EDA Reauthorization Act.

First of all, I would like to thank my friend and colleague from the eastern half of the great Commonwealth of Pennsylvania, [Mr. KANJORSKI], for his determination in crafting the tools this Nation so gravely needs to spur economic development and job creation.

History has shown us that it is the small- and medium-sized businesses in this Nation that must thrive in order for new jobs to be created.

This amendment gives small- and medium-sized companies—especially those just starting out or restructuring—much needed access to information and technologies that they commonly cannot use due their limited size and resources.

The information and technologies that we are talking about have been funded by the American taxpayer and should be available to growing American companies to benefit American workers.

For just defense research and development, in fiscal year 1994 alone, U.S. taxpayers have invested $35 billion.

And the staggering taxpayer investment for all research and development is $70 billion.

Through research in Federal laboratories and universities, tens of thousands of patents and technologies have been produced. Unfortunately, American businesses have not had access to nor benefited from these technologies. They are either collecting dust or, even worse, they are being used by our foreign competitors.

For example, videotape recorders [VTR's]—the predecessor of VCR's, semiconductor chips, automobile tires, and flat-panel displays were designed with technologies discovered in this country. Now, our foreign competitors hold patents and have vastly superior market shares on these products.

These technologies, ladies and gentlemen, are worth tens of billions of dollars in assets and will generate millions of new jobs.

The Kanjorski-Ridge amendment would commercialize many of these technologies for private sector U.S. businesses.

This amendment also creates a comprehensive technology data base.

What an incredible resource for a small-business person embarking on a new venture—a user-friendly, standardized list of all patents, licenses, technologies, and processes held by the Federal Government that anyone can tap into to revitalize his company.

Mr. Chairman, our economy has been undergoing a transition, from defense-related industries to peacetime manufacturing. The Federal Government can—and should—be a facilitator in this conversion.

In the role, this amendment establishes a public/private partnership, which will be called the Business Development and Technology Commercialization Corporation. This corporation will market Federal technologies, provide technical assistance to companies utilizing these technologies, and act as a clearinghouse for information.

Through this amendment, we can provide a temporary means of stimulating the economy to convert from defense production to peacetime production. Businesses will be able to hire the workers that have been and are being displaced as a tragic irony of peace. As we beat our swords into plowshares. This amendment will establish a partnership among the Federal Government, the State, and business.

The only way we can truly incite prosperity for our future generations is to concentrate on employment, education, local and national infrastructure, and industrial conversion and commercialization.

As I stated before, the information and technology we are releasing to American businesses today has been financed by American taxpayers. The United States needs this amendment to pass so that we can compete in the global market.

I urge support of the Kanjorski-Ridge amendment. It is a giant step in the direction of revitalizing the U.S. economy and U.S. competitiveness.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the Kanjorski amendment.

As one of the initial authors of the Federal Technology Transfer Act back in the mid-1980s, I take a back seat to no one in my support for getting into the hands of the private sector the various innovations and technological breakthroughs achieved in the Federal laboratories.

That act contains a number of reforms designed to move research results from the dusty shelves to businesses that will turn the research into products enhancing our overall economic development. Included are incentives for the scientists and labs to actively participate in this transfer activity. The Kanjorski amendment will undermine these incentives by centralizing transfer responsibilities in some kind of a Government-established corporation.

Even the Clinton administration, no shrinking violet when it comes to Government expansion, is opposed to this idea.

We already have two national centers which coordinate and make available information on developments taking place in the laboratories. This new corporation would be duplicative of those activities.

Finally, we have no cost estimate, as I understand it, for the Kanjorski amendment, but his original bill provides for a $12 billion authorization. That is way, way beyond what we can afford.

So, for all these reasons, I urge rejection of this amendment.

Mr. GONZALEZ. Mr. Chairman, I rise in support of the amendment offered by Representative PAUL KANJORSKI known as the "Economic Growth and Technology Commercialization Act of 1994." This amendment would foster economic growth and assist in creating new employment opportunities by facilitating the utilization and commercialization of technologies, processes, and other proprietary rights of the Federal Government.

A version of this amendment was reported out by the Banking Committee; however, Chairman KANJORSKI of the committee's Economic Growth and Credit Formation Subcommittee has agreed to offer this amendment under a compromise reached with several other committees.

The amendment would require the Secretary of Commerce to maintain a data base regarding all technologies, processes, and other proprietary rights owned by the Federal Government.

This amendment would also establish a Business Development and Technology Commercialization Corporation. This corporation would make information on these federally developed technologies to small- and medium-size businesses in the United States and assist them in obtaining licenses to commercialize these technologies. This in turn will result in the creation of thousands of new jobs across this country.

I ask that the House pass this amendment in order to provide additional employment opportunities through the utilization and commercialization of Federal technologies and processes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] to the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI].

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 270, noes 135, not voting 32, as follows:

[Roll No. 162]

AYES—270

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Buyer
Byrne
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clement
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Derrick
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
English
Eshoo
Evans
Ewing
Faleomavaega (AS)
Farr
Fazio
Filner
Fingerhut
Fish
Foglietta
Ford (TN)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Herger
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Hutto
Inslee
Jacobs
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Petri
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Roth
Roukema
Rowland
Roybal-Allard
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—135

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Bartlett
Barton
Bateman
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Callahan
Calvert
Camp
Castle
Clinger
Coble
Collins (GA)
Combest
Coppersmith
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fawell
Fields (TX)
Fowler
Frank (MA)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Pickle
Pombo
Portman
Pryce (OH)
Ramstad
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skeen
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Walker
Walsh
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—32

Barrett (NE)
Blackwell
Brown (FL)
Clayton
Clyburn
Cooper
Dellums
Dingell
Engel
Fields (LA)
Flake
Ford (MI)
Frost
Grandy
Hilliard
Houghton
Jefferson
Johnson, E. B.

McNulty
Miller (CA)
Owens
Ridge
Rostenkowski
Rush
Sanders
Sharp
Stokes
Thompson
Underwood (GU)
Velazquez
Washington
Wilson

□ 1728

The Clerk announced the following pair:

On this vote:

Mr. Dellums for, with Mr. Barrett of Nebraska against.

Mr. SPENCE changed his vote from "aye" to "no."

Mr. SMITH of Michigan changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1730

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, following a short colloquy with the gentleman from Connecticut [Mr. GEJDENSON], I will make a unanimous consent request with the gentleman from Florida [Mr. GOSS]. Members should be advised that if we are able to work this out, there will be one more vote, within half an hour, most likely around 6:15, and that is the purpose of what we are going through right now.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, is it the Chairman's interpretation that the EDA is authorized to use defense conversion funds under title 9 of the Public Works and Economic Development Act of 1965 to support tourism promotion and development programs by entities and communities which currently qualify for such assistance?

Mr. WISE. That is my interpretation and I believe that if communities making the transition from defense determine that tourism is an important economic diversification option, funds under this title should be available from EDA to support those efforts.

Mr. GEJDENSON. Mr. Chairman, I thank the chairman of the subcommittee, the gentleman from West Virginia [Mr. WISE], for his efforts here today, and his historic efforts in economic development.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS:

TITLE II—APPALACHIAN REGIONAL COMMISSION

SEC. 201. ABOLISHMENT OF APPALACHIAN REGIONAL COMMISSION AND ITS PROGRAMS.

(A) ABOLISHMENT OF APPALACHIAN REGIONAL COMMISSION.—The Appalachian Regional Commission is hereby abolished.

(b) REPEAL OF ACTS.—The Appalachian Regional Development Act of 1965 (40 U.S.C. App. 1 et seq.) is repealed.

SEC. 202. CONCLUSION OF BUSINESS OF APPALACHIAN REGIONAL COMMISSION.

(a) AUTHORITY OF PRESIDENT TO CONCLUDE BUSINESS AND HONOR CONTRACTS.—The President shall provide for the conclusion of any outstanding affairs of the Appalachian Regional Commission, including matters affecting the disposition of personnel. The President may take any action that (if this title had not been enacted) would have been authorized as of the effective date of this title under the Act repealed by section 201(b) and is necessary or appropriate to administer and fulfill the terms of any grant, contract, loan, or other obligation made by the Appalachian Regional Commission pursuant to the Act repealed by section 201(b).

(b) EFFECT OF ABOLISHMENT ON EXPENDITURE OF FUNDS ALREADY RECEIVED.—Section 201 may not be construed to prevent the expenditure of any funds received from a grant or loan under the Act repealed by section 201(b). Any grant or loan made under such Act before the effective date of this title shall be subject to any laws and regulations that would have applied to the grant or loan if this title had not been enacted.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

SEC. 204. EFFECTIVE DATE.

This title shall take effect on the 1st day of the 1st fiscal year that begins after the date of the enactment of this Act.

Conform the table of contents accordingly.

Mr. GOSS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WISE. Mr. Chairman, I ask unanimous consent that all debate be limited to 30 minutes, to be equally divided, 15 minutes on each side.

Mr. Chairman, if I might explain, the goal is, in order to permit Members to make the ceremony honoring the former First Ladies, that we be able to be out of the House around 6:30. If this unanimous-consent request is granted, that will mean there will be a vote at approximately 6:10 p.m. It is my understanding that the gentleman from Minnesota [Mr. GRAMS] has an amendment, which it is my intention and the Chair's intention to endorse. An amendment will then be offered by the gentleman from Colorado [Mr. HEFLEY], at which time the Committee will rise, and take up that amendment as the first order of business tomorrow morning.

Mr. Chairman, with that, I ask unanimous consent that debate be limited to 30 minutes, to be equally divided between the gentleman from Florida [Mr. GOSS] and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia [Mr. WISE]?

There was no objection.

The CHAIRMAN. The gentleman from West Virginia [Mr. WISE] will be recognized for 15 minutes, and the gentleman from Florida [Mr. GOSS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we hear over and over on this floor the importance of deficit reduction and responsible congressional oversight. Yet time and again this Congress is quick to create massive new spending programs, and glacially slow to terminate wasteful or obsolete ones.

During consideration of this year's budget resolution, I put forth a list of 76 specific spending cuts to save $285 billion over 5 years—termination of the ARC and the EDA were 2 of these cuts. Since the majority leadership seems determined to prevent any comprehensive spending cut package from reaching the floor this year, I am happy to come here to argue the merits of each specific spending cut on an individual basis.

The Appalachian Regional Commission [ARC] was created in 1965 to address the issue of poverty and economic deterioration in a broad swath of the Eastern United States known as Appalachia. The region includes all of West Virginia and parts of 12 other States, encompassing 195,000 square miles and a population of about 21 million.

The ARC is a joint Federal-State effort, with the majority of the funding coming from the Federal Government. Cumulative through 1993, the Federal Government has spent $6.4 billion on ARC development programs.

Most experts agree that it is impossible to say for certain whether the ARC has had a real impact. There are signs that conditions in the Appalachian region have improved. According to a February 1993 ARC report, since 1965: Per-capita income has risen, the percentage of people graduating from high school has more than doubled, and the infant mortality rate is now down to the national average. Perhaps most tellingly, the percentage of people living below the poverty line is down from around 30 to 15.2 percent—virtually equal to the national average of 14.5 percent. It certainly sounds as if the ARC has met its goal of addressing the disparate poverty levels in this region of the United States compared to the rest of the nation.

But, Mr. Chairman, within the Federal Government there are numerous examples of temporary commissions lasting for decades, programs that have outlived their original purpose but continue to survive for political reasons, and those that are simply wasteful.

The ARC has not been authorized for over 10 years—since 1982; and other multi-state regional development agencies were terminated in 1981. But we continue to subvert the budget process by spending hundreds of millions of tax dollars a year to keep the ARC alive.

I respectfully suggest that it is time to fold the tent at the ARC—at least the Federal component of it—and move on. The remaining economic hardship in the Appalachian region is comparable to other areas of the country that do not receive such targeted assistance. And in an era where the deficit is hovering around $200 billion and the debt is $4.3 trillion and climbing, we cannot really afford to continue funding programs like the ARC.

CBO estimates that eliminating the ARC will save some $1.4 billion in budget authority and $690 million in outlays over 5 years. The Concord Coalition, Citizens Against Government Waste, the Heritage Foundation, and other independent groups all have called for this program's termination.

While making these cuts alone will not put an end to deficit spending, it is a positive first step towards fiscal responsibility; one I urge my colleagues to take today.

□ 1740

Mr. WISE. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in strong opposition to this amendment. I believe the gentleman from Florida is well-intentioned, but I need to talk a little bit about the Appalachian Regional Commission, the ARC. The Appalachian Regional Commission has been a unique adventure for this Government, because what it is is a true joint Federal-State partnership by which there is a Federal cochair nominated by the President, confirmed by the Senate. And there is then the 13 governors create a state cochair.

The result is that the 13 governors have equal say with the Federal Government in the disposition of these funds. The governors are the 13 governors that participate in the Appalachian Regional Commission. They make the decisions. So we truly have the local and the State and the Federal working together.

The gentleman talked about distressed counties. The fact that many of the counties are doing better, and they are. But that is why over the many years the Appalachian Regional Commission has targeted more and more of its money to the truly most distressed. One-third of the counties, the 400 counties still in the Appalachian region have, for instance, unemployment that is 150 percent of the national average.

In 1991, the per capita income in Appalachia was $15,816 or 83 percent of the United States per capita income of $19,000. In 7 of our 13 states in the Appalachian region, more than 20 percent of the children under 18 live in poverty.

So what the ARC was created to do was to create a regional alliance to work on problems within the region. And indeed, I think it has worked well. It has worked well, but the job is, as I think I just illustrated in my statistics, is not done.

I do believe this point has to be made. Does this little extra that these states are getting over and above mean that they get a disproportionate share of Federal funding? Absolutely not. In fiscal year 1992, Appalachia, with 8.3 percent of the United States population, received, with the ARC monies which are minimal, 7.4 percent of total Federal expenditures. The highway system that was authorized in 1965 is roughly 3,000 miles. Of that, a little over two-thirds has been completed. Should the Appalachian Regional Commission be eliminated at this point, then many of our States that have highway projects either under construction, on line, engineered, they will not be able to complete that.

Let me just say, those of my colleagues who are interested in ISTEA, with the exception of 300 of the 3,000 miles, 2,700 miles of the ARC system are listed by Members' states as being priority highways for national highway designation. That is a very, very important factor that must be considered.

There is some good news about the Appalachian Regional Commission. It has been partially successful. The gentleman from Florida, I believe, acknowledged this.

For instance, in a most recent study that was quoted earlier in the debate, partially funded by the National Science Foundation, it was found that by matching the 400 ARC counties with 400 similar counties, similarly situated in terms of poverty, unemployment, and so on, it was found that the Appalachian counties, because of the ARC, were growing faster, that their income growth increased 48 percent faster than the other counties, that they grew, their population grew 5 percent more, and that the per capita income increase was 17 percent more. That is good news.

But as I just mentioned, that is because Appalachia has had further to come, the result being that we still are below the per capita income in a significant way.

We also suffered many of the reverses that many of my colleagues in other parts of the country have suffered. The interesting thing is that in many ways we took it in Appalachia even harder. Technological changes and adverse economic effects of the early 1980's hit mining and manufacturing proportionately much harder in the Appalachian region than it did in other areas.

I might point out, Mr. Chairman, that the job needs to be continued. Other statistics come forward.

For instance, such as 37 percent of Appalachia's 300 nonmetropolitan counties are considered severely distressed compared to 19 percent of the nonmetropolitan counties in the rest of the Nation. Appalachia, particularly the part encompassed within the 13 counties of the ARC, Appalachia did not know what it was in the 1980's to participate in the defense buildup, for instance.

Appalachia did not know what it was to enjoy the gains and the benefits of some of the economic growth that occurred. I had a friend of mine talk about defense conversion, which is part of the EDA. And we will be dealing with that tomorrow.

□ 1750

A friend of mine pointed out that we have never had anything to worry about being converted from.

Mr. Chairman, I would urge Members to reject this amendment.

Finally, Mr. Chairman, there are other unique applications, regional applications, which have survived the test of time. I think many would say they should not be dismantled.

For instance, there is the TVA, the Tennessee Valley Authority. There is the Bonneville Power Administration. There are other areas where regions have worked together.

Mr. Chairman, I would urge my colleagues to reject this amendment. The ARC funding, and we will be accepting an amendment by the gentleman from Minnesota shortly, will essentially keep it at the administration's levels, I believe $214 million, even perhaps less than that essentially, so there is no great rapid increase of this program. I would urge rejection of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from Florida [Mr. GOSS] has 8½ minutes remaining.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I rise today in strong support of the Goss amendment to the Economic Development Act to eliminate the Appalachian Regional Commission. The ARC is another of many archaic programs in the domestic discretionary budget that has long ago outlived its usefulness.

I was elected on a promise to fight for real change. But here we are today, very little having changed. I have spent my first term in Congress watching a broken budget process continue to generate massive new taxes, higher spending, and a ballooning Federal debt.

Last year and again this year, proponents of President Clinton's so-called deficit reduction plan went out of their way to pat themselves on the back for a job well done. Well, it was taxes well raised. That plan was primarily a massive tax increase, including higher income taxes, higher taxes on Social Security, higher gas taxes, and higher Medicare taxes. Except for national defense, spending was hardly cut at all, and few programs were eliminated.

As for the Federal budget deficit, a problem supposedly solved by last year's tax increase, a recent CBO report tells the real story. The April 1994 report, "An Analysis of the President's Budgetary Proposals," shows the deficit going up, not down. These numbers, incidentally, have deteriorated since January.

Mr. Goss' amendment to eliminate ARC represents one step toward fiscal sanity, saving taxpayers a total of $690 million over the next 5 years. Most important, a vote for this amendment sends an important message to working Americans that we are willing to protect their interests over the demands of special interests.

The ARC is a uniquely embarrassing piece of congressional pork, and has earned the questionable distinction of making Citizens Against Government Waste's list of prime cuts. According to that report, "The ARC, which duplicates 14 other Federal and State programs, is another well-intended agency that has outlived its usefulness, except to pork barrel practitioners.

The fiscal insanity has to stop sometime, somehow, somewhere. A vote for this amendment is a vote against the ARC's pork barrel express. I urge my colleagues on both sides of the aisle to take this small step for fiscal sanity by voting yes on the Goss amendment to eliminate the Appalachian Regional Commission. The American people are counting on you.

Mr. WISE. Mr. Chairman, if the gentleman will yield, I would point out to the previous speaker that the amendments that the gentleman from Minnesota [Mr. GRAMS] will be offering, which it is our intention to accept, will mean that $62 million less will be spent next year on the Appalachian Regional Commission, almost a quarter of the program itself, than is in this year's appropriation, and that will essentially mean that the President's budget request, which was essentially a freeze, will be met.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. OBERSTAR], previous chair of the Subcommittee on Economic Development of the Committee on Public Works and Transportation.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, several years ago at hearings on ARC that the gentleman from Pennsylvania [Mr. CLINGER] and I conducted, a witness from Sneadville, KY, Mayor Charlie Turner, said:

> Before the ARC came along, we was so far down we had to look up to see bottom.

What the Appalachian Regional Commission did in the years when it was receiving significant amounts of funding was to lift the level of poverty from 31 percent in Appalachia, to reduce that level of poverty down to 14 percent, to lift the per capita income from the mid 40's percent of national per capita income to 86 percent of national per capita income. This is a program that works. We created, in 20 years, 1.5 million jobs at an average cost of $2,400 a job, documented, congressional hearings, GAO study.

In EDA every year we return more money in Federal, State, and local taxes from jobs created by EDA than the Federal Government invested in 20 years of the EDA programs, $6.5 billion every year in tax dollars from the 1.4 million jobs created in the EDA program nationwide, helping out counties and regions of high unemployment and severe economic distress.

That $4.5 billion of Federal funds leverages an additional $9 billion in private and local investments in EDA projects nationwide, helping communities lift themselves up by the bootstraps. That is what happened in ARC all through this region.

Mr. Chairman, I shall never forget the testimony of Tilda Kemplin, director of a child development program at Duff, TN, who said:

> Gentlemen, when you go back to Washington, remember our experience and look over the top of the dollar, try not to see George Washington, but see a child and see the needs and how this program has helped."

The CHAIRMAN. The Chair would advise both sides that they have 6½ minutes remaining of debate.

The Chair recognizes the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of the amendment offered by my colleague, the gentleman from Florida.

What we have before us today in H.R. 2442 is nothing more than super pork.

In many ways, the ARC was the centerpiece of President Johnson's so-called Great Society program. In 1965, Johnson actually launched the Great Society initiative from the porch of a poor Appalachian resident.

Yet 30 years and billions of dollars later, the Appalachian region is no better off than it was before.

It is just another example of why big government doesn't work—and why it cannot work.

Believe it or not, this legislation actually contains language that would try to expand those areas considered part of the Appalachian Regional Commission [ARC].

With the level of funding that some Members in this House are likely to authorize, maybe I should vote 'yes', and try extending the ARC to Michigan.

I would hope that given our country's need for fiscal responsibility that we would simply eliminate this program and save the taxpayers of this country valuable dollars.

I strongly urge my colleagues to support the Goss amendment.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am pleased to rise in opposition to this amendment for a variety of reasons. I think that we should remember the fact that the Appalachian Regional Commission is one of only two Federal agencies that exist whose mission is to try to do something about job generation at the local level and at the rural level. The two programs I am speaking of are ARC and EDA, and these are the only two programs that really have a focus on the economic problems, the distress problems that are peculiar to rural areas.

The focus of the programs has always been in those distressed areas of rural America. I think that is an important thing to bear in mind on my side of the aisle, because so many of us represent those kinds of areas that do have problems that have existed over the years.

It is true, Mr. Chairman, that the Appalachian region has enjoyed some measure of improvement over the period of time, but it is also true that because of the fact that the economy of that region was largely built on extractive industries, now because of the disappearance of those industries we are having a transition problem to new forms of an economy, and the program is still vital, I think, for that region.

Mr. Chairman, the gentleman from West Virginia [Mr. WISE] has already mentioned some of the statistics, I think, that bear this out. In May 1992, only one-third of Appalachia's 19 metropolitan counties had unemployment rates of at least 150 percent of the national average, and 37 percent of the Appalachia's 300 nonmetropolitan counties are considered severely distressed.

☐ 1800

Mr. Chairman, it is not. We have had some success but we have also started from a much lower base and have only now really gotten to the point where we have the hope that the synergism that the Appalachian Regional Commission provides can take us on to the next level. This is a program that has worked because of the unique character of it. It is a Federal, State, and local partnership which has worked very well. This is not something that is imposed from the top down. It is something that comes up from the bottom, the local region.

Mr. Chairman, I urge as strongly as I can that this is a program that has worked, that continues to work, but which is still vitally needed to ensure the economic survival of a region of this country.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Goss amendment to terminate Federal funding for the Appalachian Regional Commission.

I had planned to offer sunset amendments to H.R. 2442, which would have prohibited the Appropriations Committees from circumventing the will of the authorizing committees—or the will of Congress—and would have ensured funding for the EDA and the ARC is established under the legitimate oversight process. But in the interest of time, I will not offer these amendments today.

I do, however, want to take this opportunity to reemphasize the importance of sunset amendments. Too often in the past, the Appropriations Committee has skirted the legislative process by appropriating funds to unauthorized programs or programs whose authorizations had expired and not been extended. By abusing this tactic, the Appropriations Committee has on many occasions cut into the jurisdiction of many authorizing committees, and violated the rules of the House.

The programs before us today are perfect examples of this abusive practice. Both the EDA and the ARC have gone without reauthorization since September 30, 1982.

That's right, 1982.

Since that time, Congress has appropriated $5.3 billion—$3.4 billion for the EDA and $1.9 billion for the ARC—for these programs without a single review. That, my colleagues, is not good government.

Authorizing committees are responsible for ensuring that every tax dollar spent is used for a legitimate and beneficial purpose. Appropriating funds from programs without regular review increases the likelihood that Congress is spending public funds for programs that are wasteful or have outlived their purpose. We owe it to the American taxpayer to ensure that their hard-earned dollars are being well spent. In addition, we owe it to our own authorizing committees to make sure that their jurisdiction is not being intruded upon by the Appropriations Committees.

Like the Hefley amendment on EDA to follow, the Goss amendment, if adopted, would effectively sunset the ARC immediately—and that's a good idea. If, however, this amendment is not adopted, I would strongly encourage my colleagues to revisit the merits of both the ARC and the EDA when this authorization expires in 1996. We can't afford to allow another 12 years to go by while we continue to appropriate funds for programs which have outlived their purposes.

I encourage my colleagues to stand for good government and support the Goss amendment.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I thank my colleague and good friend, the gentleman from West Virginia, for yielding me the time.

Mr. Chairman, I rise in strong opposition to the amendment offered by my colleague, the gentleman from Florida.

The Appalachian Regional Commission [ARC] was created in 1965 as an answer to a century of neglect and exploitation in one of the most economically distressed regions of America.

Since its inception, the ARC has had an extraordinary impact on the quality of life and economic health of those who live in Appalachia.

By targeting resources through unique Federal, State, and local partnerships, the ARC has encouraged public and private investments in the Appalachian region. And it has proved to be a good investment—in many cases leveraging its dollars at a ratio of better than 6 to 1.

ARC funding has produced measurable results in Appalachia. Living conditions have improved dramatically since the creation of the organization. The percentage of people living in poverty has gone down, while per capita income has gone up. More people are finishing high school. And infant mortality has fallen.

More specifically, ARC funding has helped to complete more than 2,000 miles of planned highway network, enhance quality job training and readiness programs, improve access to health care, and create more than two million new private sector jobs.

But despite this significant progress, much of Appalachia still lags behind the Nation in key indicators such as per capita market income, rates of poverty and unemployment, the condition of infrastructure, levels of literacy, and access to health care. The ARC cannot be expected to overcome a century of neglect in the course of one generation. And some of the progress we have made has been negated. For example, during the 1980's some of the economic gains achieved in Appalachia were lost as a result of the severe recession, the decline of basic-industry America, and the low levels of Federal funding provided for ARC and other domestic programs. Federal spending cuts that began in 1981 at the EDA, HUD, HHS, EPA, and Farmer's Home have threatened to reverse the progress in the region.

For these reasons, I urge my colleagues to continue their support for this important Agency.

Mr. WISE. Mr. Chairman, how much time does each side have remaining?

The CHAIRMAN. The gentleman from West Virginia [Mr. WISE] has 2½ minutes remaining and the gentleman from Florida [Mr. GOSS] has 3 minutes remaining.

Mr. GOSS. Mr. Chairman, I have no further speakers, and I want to wrap this up because I think the case has been made.

Mr. WISE. Mr. Chairman, am I correct the gentleman from Florida has the right to close?

The CHAIRMAN. The gentleman from West Virginia would have the right to close.

Mr. WISE. Mr. Chairman, if I have the right, I will wait.

Mr. GOSS. Mr. Chairman, I assumed I had the right to close.

The CHAIRMAN. The gentleman from West Virginia [Mr. WISE] has the right to close.

Mr. GOSS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I congratulate the gentleman from West Virginia for making a case very well on behalf of his constituency which is exactly what he should do. I would do the same.

Mr. Chairman, Florida is a megadonor State. I understand how the gentleman from West Virginia feels. We get picked on in Florida unmercifully and one of the reasons we argue so much for fair play for Florida is that we want to level the playing field. I am simply saying that you have had a very successful program, it has had great success in many ways, and it has, in fact, leveled the playing field in Appalachia to a large degree. Not all the problems are solved any more than the problems in Florida are solved and I am sorry to report that I could probably show the gentleman an impoverished area in my district, even though it does not show up on this county needs area, that is just as distressed as some of the places in Appalachia and probably just as distressed as some of them back in 1963 when this program had its genesis.

Mr. Chairman, I feel that the interest here is fair play. I am appealing to every Member of this body who is outside the Appalachian belt, who has got a needy county, and we will have the map here, to consider whether they are getting a fair shake by continuing this program. In my view, it is duplicative. We have other agencies that are doing the kinds of things that Appalachia needs and the poverty areas that are still needed to bring them forward, that 14 or 15 percent that are below the level, which is true every place else in our country and most other districts.

Mr. Chairman, I am going to ask my colleagues to look closely at this map and find out whether they feel an extra tilt is still needed for the Appalachian region. I suspect most Members will agree with the NTU and the citizens against Government waste and so on to say this program is a job well done, declare victory and now let us deal with the rest of the Nation.

Mr. Chairman, I also need to point out that I think that there is a duplication going on now with other agencies. The gentleman mentioned highway funds. I pointed out there are $60 million of nonhighway funds. There are other problems and other ways of dealing with highways and roads all across our Nation. I simply want to make the point that this does not preclude any place in Appalachia from building highways, it just puts them on the same footing with the rest of us who are also trying to build highways. Many of us in growth areas feel we are just as far behind the curve as the people in Appalachia.

Mr. Chairman, I think these are fair arguments and there is no mean-spiritedness behind this as I am sure the gentleman understands. This is merely an effort to level the playing field at this time, especially since this is not an authorized program.

Mr. Chairman, I thank the gentleman for his understanding on that point.

Mr. Chairman, I yield back the balance of my time.

Mr. WISE. Mr. Chairman, before I yield time to the next speaker, I yield myself 30 seconds simply to reply that the ARC is trying to level the playing field but is trying to get much of the Appalachian region on the playing field. It can indeed be a model for many of those areas that are distressed in other parts of the country.

Mr. Chairman, to conclude debate on our side, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, many of the speakers on this amendment this afternoon have no idea of the depth of poverty with which we are trying to deal in most of Appalachia.

Mr. Chairman, I submit to the gentleman from Florida that the unemployment rate in Naples or Fort Myers, FL, is not 30 or 40 percent as it is in Letcher County, KY.

Mr. GOSS. Mr. Chairman, will the gentleman yield on that point?

Mr. ROGERS. I yield to the gentleman from Florida.

□ 1810

Mr. GOSS. I would only point out I was not speaking of Fort Myers or Naples. I was speaking of Immokalee, Tice, and Alva, and places like that that are just as distressed.

Mr. ROGERS. The poverty rate in those counties is nowhere near what it is in the Appalachian area. We are making some progress through the Appalachian Regional Commission, because this is a program used by the Federal Government to leverage private, local, county, State, and other funds, and it works.

Let me give you one example. Seven years ago the ARC helped fund a program in my district that came to be known as Forward in the Fifth, an effort to try to get kids back in school and get parents involved with their kids in school. After 7 years now, we are able to say today that fully 50 percent, we have a better than 50-percent improvement in the dropout rate, because of that program.

Ten percent of those kids are going to college, more than they were in the earlier days. So there is some remarkable, remarkable progress that is taking place.

Do not dump on the poorest part of the country, I urge you.

This is a tiny program. President Clinton is talking about sending three times this amount of money just for a quick aid for South Africa. If you can help South Africa, surely you can help the poorest parts of this country by keeping this modest program in place, encouraging people to help themselves. That is what the ARC does.

Please, help us with this program. Do not vote for the Goss amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GOSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 261, not voting 33, as follows:

[Roll No. 163]

AYES—143

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barton
Bereuter
Bilirakis
Boehner
Bonilla
Burton
Buyer
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gilchrest
Gingrich
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hoekstra
Hoke
Horn
Huffington
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Linder
Livingston
Machtley
Mann
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Moorhead
Nussle
Oxley
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Pryce (OH)
Ramstad
Ravenel
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schenk
Sensenbrenner
Shaw
Shays
Slattery
Smith (MI)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Swett
Talent
Tauzin
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Upton
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—261

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bevill
Bilbray
Bishop
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Bunning
Byrne
Callahan
Cantwell
Cardin
Carr
Chapman
Clay
Clement
Clinger
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Hoyer
Hughes
Hunter
Hutto
Inslee
Jacobs
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Portman
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Romero-Barcelo (PR)
Rose
Rowland
Roybal-Allard
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Schiff
Schroeder
Scott
Serrano
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Spence
Spratt
Stark
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—33

Andrews (NJ)
Barrett (NE)
Berman
Blackwell
Brown (FL)
Clayton
Clyburn
Cooper
Dellums
Dingell
Engel
English
Flake
Frost
Grandy
Hilliard
Houghton
Jefferson
Johnson, E. B.
Lewis (FL)
McNulty
Owens
Ridge
Rostenkowski
Rush
Sanders
Schumer

Sharp
Stokes
Thompson
Underwood (GU)
Velazquez
Washington

☐ 1830

The Clerk announced the following pairs:

On this vote:

Mr. Barrett of Nebraska for, with Mr. Stokes against.

Mr. Grandy for, with Mr. Dingell against.

Messrs. LIVINGSTON, HANCOCK, BAKER of California, and HERGER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. ENGLISH of Arizona. Mr. Chairman, I was unavoidably absent during rollcall vote No. 163. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. GRAMS

Mr. GRAMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAMS: In the amendment made by section 205(a), strike "$125,000,000 per fiscal year for each of fiscal years 1995 and 1996 and insert "$100,000,000 for each of fiscal years 1995 and 1996".

In the amendment made by section 209, strike "$85,600,000" and insert "$83,400,000".

Mr. GRAMS. Mr. Chairman, I am pleased to offer this amendment which, to my understanding, has been accepted on both sides of the aisle. This amendment would simply reduce the level of funding for the Appalachian Regional Commission from its current level of $214.2 to $187 million, the level requested by the Clinton administration.

Given our current fiscal crisis, there is no reason why Congress should authorize more funds for the ARC than they have requested. At a time when other Federal programs are facing cuts or total elimination, it makes no sense for us to be so generous with the taxpayers' money.

This practice is particularly disconcerting considering the fact that many of the programs supported by the ARC duplicate activities funded by other Federal agencies, such as the Transportation Department's federal highway program and HUD's CDBG program. In addition, while the ARC allocates funds for poor rural communities, these areas are no worse off today than rural communities in Minnesota or the 35 other States that do not benefit from this program.

This $27.2 million should be put to other, more constructive purposes—including deficit reduction or family tax relief. For these reasons, I urge my colleagues to stand up for what is right by supporting this amendment today.

Mr. WISE. Mr. Chairman, will the gentleman yield?

Mr. GRAMS. I yield to the gentleman from West Virginia.

Mr. WISE. Mr. Chairman, having reviewed this amendment offered by the gentleman from Minnesota [Mr. GRAMS], I strongly believe in the work of the Appalachian Regional Commission. I believe the results of the last vote reaffirm the congressional commitment to the people of Appalachia and to the Commission, but recognizing the tough budgetary times, appreciating the cooperative spirit in which the gentleman has worked, I reviewed the amendment and believe it is fiscally responsible.

Mr. Chairman, our side will accept the amendment.

Mr. GRAMS. Mr. Chairman, I thank the gentleman from West Virginia [Mr. WISE] for his cooperation and his help as well. I say to the gentleman, "Thank you very much, Mr. Chairman."

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GRAMS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Strike title I and insert the following new title:

SEC. 101. ABOLISHMENT OF ECONOMIC DEVELOPMENT ADMINISTRATION AND ITS PROGRAMS.

(a) ABOLISHMENT OF ECONOMIC DEVELOPMENT ADMINISTRATION.—The Economic Development Administration is hereby abolished.

(b) REPEAL OF ACTS.—The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) and the Local Public Works Capital Development and Investment Act of 1976 (42 U.S.C. 6701 et seq.) are hereby repealed.

SEC. 102. CONCLUSION OF BUSINESS OF ECONOMIC DEVELOPMENT ADMINISTRATION.

(a) AUTHORITY OF SECRETARY OF COMMERCE TO CONCLUDE BUSINESS AND HONOR CONTRACTS.—The Secretary of Commerce shall provide for the conclusion of any outstanding affairs of the Economic Development Administration, including matters affecting the disposition of personnel. The Secretary of Commerce may take any action that (if this Act had not been enacted) would have been authorized as of of the effective date of this Act under the Acts repealed by section 101(b) and is necessary or appropriate to administer and fulfill the terms of any grant, contract, agreement, loan, obligation, debenture, or guarantee made by the Secretary pursuant to the Acts repealed by section 101(b).

(b) EFFECT OF ABOLISHMENT ON EXPENDITURE OF FUNDS ALREADY RECEIVED.—Section 101 may not be construed to prevent the expenditure of any funds received from a grant or loan under the Acts repealed by section 101(b). Any grant or loan made under such Acts before the effective date of this Act shall be subject to any laws and regulations that would have applied to the grant or loan if this Act had not been enacted.

(c) CONTINUANCE OF ECONOMIC DEVELOPMENT REVOLVING FUND TO FINISH BUSINESS.—

(1) AUTHORIZED PURPOSES.—The Economic Development Revolving fund established by section 203 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143) shall continue in existence for the following purposes:

(A) COLLECTIONS AND REPAYMENTS.—To receive collections and repayments in connection with assistance extended under the Acts repealed by section 101(b) that would have been required under the Acts repealed by section 101(b) to be deposited in the Economic Development Revolving Fund if this Act had not been enacted.

(B) PAYMENT OF OBLIGATIONS.—To pay obligations and make expenditures in connection with the Acts repealed by section 101(b) that would have been required under the Acts repealed by section 101(b) if this Act had not been enacted.

(2) TERMINATION OF FUND.—

(A) CERTIFICATION.—When, in the discretion of the Secretary of Commerce, the Economic Development Revolving Fund is no longer necessary to carry out the activities under paragraph (1), the Secretary of Commerce shall certify to the Secretary of the Treasury that the Economic Development Revolving Fund is no longer necessary.

(B) TERMINATION.—Upon receipt of the certification under subparagraph (A), the Secretary of the Treasury shall deposit into the general fund of the Treasury as miscellaneous receipts any moneys remaining in the Economic Development Revolving Fund. The Secretary of the Treasury shall take any action necessary to terminate the Economic Development Revolving Fund. The Secretary of the Treasury shall deposit into the general fund of the Treasury any collections and repayments made after the termination of the Economic Development Revolving Fund in connection with the Act repealed by section 101(b).

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 104. EFFECTIVE DATE.

This Act shall take effect on the 1st day of the 1st fiscal year that begins after the date of the enactment of this Act.

Mr. HEFLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. WISE. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from West Virginia.

Mr. WISE. Mr. Chairman, at this point, since we worked this out in advance, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DEAL) having assumed the chair, Mr. TORRES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2442) to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the Act to improve the authority of the Secretary of Commerce to administer grant programs, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, I would request unanimous consent, that due to my absence from the House of Representatives on official business on this day, namely serving as part of the congressional delegation attending the inauguration of South African President Nelson Mandela, that the record reflect that had I been present to record my votes today, I would have voted as follows:

On the Kanjorski amendment to H.R. 2442 (Rollcall No. 162): Aye.

On the Goss amendment to H.R. 2442 (Rollcall No. 163): Nay.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 302

Mr. HUTTO. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of House Joint Resolution 302.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 2000, HEAD START ACT AMENDMENTS OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–502) on the resolution (H. Res. 421) waiving points of order against the conference report to accompany the bill (S. 2000) to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 518, THE CALIFORNIA DESERT PROTECTION ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–503) on the resolution (H. Res. 422) providing for consideration of the bill (H.R. 518) to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2473, THE MONTANA WILDERNESS ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Report. No. 103–504) on the resolution (H. Res. 423) providing for consideration of the bill (H.R. 2473) to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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PROCEDURE FOR SUBMISSION OF AMENDMENTS FOR PRINTING ON H.R. 518, THE CALIFORNIA DESERT PROTECTION ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, the Rules Committee has granted a rule for H.R. 518, the California Desert protection Act of 1994, that would require amendments to be printed in the amendment section of the CONGRESSIONAL RECORD prior to the bill's consideration.

That tentative schedule of the House would seem to indicate that the bill will be considered on Tuesday, May 17, 1994. To ensure Members rights to offer amendments under the rule, they should submit those amendments for preprinting in the CONGRESSIONAL RECORD on or before Monday, May 16, 1994.

Amendments should be titled "Submitted for Printing Under Clause 6 of Rule XXIII" and submitted at the Speaker's table. Amendments do not need to be submitted to the Rules Committee.

HOUR OF MEETING ON TOMORROW

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore (Mr. DEAL). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2000) "An Act to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes.".

VIETNAM HUMAN RIGHTS DAY

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 168) designating May 11, 1994, as "Vietnam Human Rights Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the distinguished gentleman from New York [Mr. GILMAN].

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I commend the gentleman from Missouri [Mr. CLAY], the distinguished Chair of the House Post Office and Civil Service Committee and our good minority member, the gentleman from Indiana [Mr. MYERS] for bringing this important initiative before us today and I rise in strong of House Joint Resolution 333, a resolution to commemorate May 11, 1994, as Vietnam Human Rights Day.

Vietnam remains one of the last communist countries in the world and maintains one of the most repressive political and social systems. Free expression is denied and most Vietnamese writers and poets have been denied the right to publish or compose since 1975. The Vietnamese constitution still designates the Communist party as the "Force Leading the State and Society". Vietnam's criminal law is used to punish nonviolent advocates of political pluralism, through charges such as attempting to overthrow the people's government or antisocialist propaganda. Even nonviolent political movements for democracy consisting of former national liberation front members such as the league of former revolutionaries have been repressed and its leaders remain under house arrest. Most prominent leaders from the Buddhist, Catholic, Cao Dai, Hoa Hao, and protestant faiths are in prison or under house arrest for expressing their religious beliefs.

Mr. Chairman, there is more than enough reason to designate a day to educate the public and draw attention to the issue. Accordingly, I support House Joint Resolution 333 and urge my colleagues to support the resolution.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I do so to yield to the gentlewoman from Virginia [Mrs. BYRNE]. the gentlewoman is the chief sponsor of House Joint Resolution 333, which would designate May 11, 1994, as "Vietnam Human Rights Day."

Mrs. BYRNE. Mr. Speaker, I would like to take this opportunity to thank my distinguished colleagues who have joined me as cosponsors of the resolution I introduced to designate May 11, 1994, as "Vietnam Human Rights Day."

This day commemorates the fourth anniversary of the Manifesto of the Non-Violent Movement for Human Rights in Vietnam, issued by Dr. Nguyen Dan Que, a human rights advocate and political prisoner being held in solitary confinement in Vietnam. He was the first member of Amnesty International in Vietnam and arrested by the Socialist government in 1978 for rebellion against the regime, even though his protests were solely nonviolent.

With his case in mind, along with thousands of others, such as those of Buddhist monks and religious leaders, the resolution calls upon Hanoi to respect basic human rights, accept a multiparty system, and restore the right of the Vietnamese people to choose their own form of government through free and fair elections. While this resolution does not take binding action, it has become an issue of great importance to Vietnamese throughout our Nation and in Vietnam.

The passage of Vietnam Human Rights Day is a symbol of American resolve in the area of foreign policy. First, it confirms the necessity of placing human rights at the center of United States policy toward Vietnam and reminds us of what we stand for as a nation. Our Nation has always defined itself by the principles that are set forth in the Declaration of Independence and the Constitution. The values these great documents hold must continue to guide our actions and vision of our foreign policy.

Second, this resolution demonstrates that America will not ignore the plight of those Vietnamese citizens who suffer as prisoners of conscience under the Socialist regime. Those who are put in solitary confinement for their political views, Buddhist monks who are arrested and charged with traveling without permission, human rights advocates who are tortured for issuing nonviolent statements, and hundreds of citizens who are imprisoned in dungeons without a fair trial will not be forgotten by the United States and its citizens. Just as the world has welcomed South Africa into the community of nations after their recent elections, the people of Vietnam dream of such a day when they will be honored for their movement toward democracy.

Endorsed by veterans groups ranging from the American Legion to the American Ex-Prisoners Of War, I am optimistic that this will encourage Vietnam to go down the road of becoming a more open, democratic, and pluralistic society.

On behalf of the thousands of Vietnamese in my district and throughout the Nation, I want to thank my colleagues for cosponsoring this resolution and for bringing this issue to the forefront.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I wish to again thank the gentlewoman from Virginia [Mrs. BYRNE] for introducing this important resolution.

Mr. Speaker, I yield to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I wish to express my sincere appreciation to the gentlewoman from Virginia [Mrs. BYRNE] for bringing forward this initiative, and for her leadership in sponsoring House Joint Resolution 333, the companion legislation to Senate Joint Resolution 168.

I certainly commend the gentlewoman for this, as well as our good friend, the gentlewoman from Maryland [Mrs. MORELLA], for bringing this piece of legislation before the Members for consideration.

Mr. Speaker, as a member of a group of Members who has served in the Vietnam War, this is really a historic moment, at least in my humble opinion, for bringing again to the forefront a sense of recognition of this very important issue as it affects our relationship with the Republic of Vietnam. I certainly want to thank the gentlewoman from Virginia [Mrs. BYRNE] for doing this.

Mr. Speaker, I want to say also that I hope this legislation will be an initiative to make the leaders of the Republic of Vietnam cognizant of the civil rights of the citizens of Vietnam.

Mr. Speaker, I wish to commend the gentlewoman from Virginia [Mrs. BYRNE] for taking this initiative also to the effect that we are also not to forget some 2,300 POW's and MIA's that are still unaccounted for. I would certainly like to commend this administration for their sincere efforts in seeing that we settle this issue with the officials of the Vietnam Government.

Mr. Speaker, I want to also say that on the question of human rights, I realize this is one of the important issues that the administration has taken up, and it is certainly important with the Members of this body. More importantly, we should recognized human rights, especially for the good citizens of Vietnam, I feel that this piece of legislation is most befiting.

Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for yielding.

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Mrs. MORELLA. Mr. Speaker, continuing my reservation of objection, I just want to thank the gentleman for his very eloquent, sincere statement on behalf of this resolution. I reiterate my commendation to the gentlewoman from Virginia for introducing it and say I am proud to be one of the cosponsors.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DEAL). Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 168

Whereas May 11, 1994, is the fourth anniversary of the issuance of the Manifesto of the Non-Violent Movement for Human Rights in Vietnam;

Whereas the Manifesto, which calls upon Hanoi to respect basic human rights, accept a multiparty system, and restore the right of the Vietnamese people to choose their own form of government through free and fair elections, reflects the will and aspirations of the people of Vietnam;

Whereas the author of the Manifesto, Dr. Nguyen Dan Que, and thousands of innocent Vietnamese, including religious leaders, are imprisoned by the Socialist Republic of Vietnam because of their nonviolent struggle for freedom and human rights;

Whereas the leaders of the Socialist Republic of Vietnam are seeking to expand diplomatic and trade relations with the rest of the world;

Whereas the United States, as the leader of the free world, has a special responsibility to safeguard freedom and promote the protection of human rights throughout the world; and

Whereas the Congress urges Hanoi to release immediately and unconditionally all political prisoners, including Dr. Nguyen Dan Que, with full restoration of their civil and human rights; guarantee equal protection under the law to all Vietnamese, regardless of religious belief, political philosophy, or previous associations; restore all basic human rights, such as freedom of speech, religion, movement, and association; abolish the single party system and permit the functioning of all political organizations without intimidation or harassment and announce a framework and timetable for free and fair election under the sponsorship of the United Nations that will allow the Vietnamese people to choose their own form of government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 11, 1994, is designated as "Vietnam Human Rights Day" in support of efforts by the Non-Violent Movement for Human Rights in Vietnam to achieve freedom and human rights for the people of Vietnam, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate ceremonies and activities.

AMENDMENT TO THE PREAMBLE OFFERED BY MRS. BYRNE

Mrs. BYRNE. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mrs. BYRNE: In the 3d whereas clause of the preamble, strike ", Dr. Nguyen Dan Que,".

In the last whereas clause of the preamble, strike "including Dr. Nguyen Dan Que,".

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentlewoman from Virginia [Mrs. BYRNE].

The amendment to the preamble was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

YEARS OF THE GIRL CHILD

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 302) designating 1994 through 1999 as the "Years of the Girl Child," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentlewoman from Oregon [Ms. FURSE], who is the chief sponsor of House Joint Resolution 302.

Ms. FURSE. Mr. Speaker, I rise today in support of House Joint Resolution 302 which I have sponsored in the House to designate 1994 as the "Year of the Girl Child."

I want to thank each of my many colleagues who have signed up to support this resolution. I would especially like to thank Congresswomen OLYMPIA SNOWE, CYNTHIA MCKINNEY, and NYDIA VELÁZQUEZ for championing this legislation early on as lead cosponsors.

Also, I would also like to thank Chairman CLAY for bringing up the resolution and Congresswoman BYRNE for managing the resolution today on the floor.

I introduced House Joint Resolution 302 to call attention to the inequalities that girls face around the world. While it is difficult to apply general remedies to a problem that varies so widely in detail and scope from country to country and from region to region, the indisputable common denominator for raising the status of women is to elevate the status of girls.

Last month, many of us observed "Take Our Daughters to Work Day." We brought daughters and young girls from our neighborhoods with us to our workplace and gave them a chance to see some of the many opportunities available to them in the professional world. It would be so wonderful not to have to have a special day like this. But unfortunately we do. It is important to focus on the needs of young girls so they will regard themselves, and be regarded by others, as full equals within the classroom and the marketplace.

Over the last several months, Members from both sides of the aisle have come together in support this resolution, acknowledging this need boost girls' self esteem and the need to create more awareness of the discrimination girls face in education, health care, and economic opportunities both in the United States and around the world.

On this day, I thank my colleagues for standing up for human rights for girls and recognizing them as the valuable and vital resource they are.

I want to particularly convey my appreciation to the Population Institute for all their hard work in promoting this resolution, and would also like to recognize the following organizations for their support.

Mr. Speaker, I include for the RECORD a list of cosponsoring organizations of House Joint Resolution 302.

COSPONSORING ORGANIZATIONS—HOUSE JOINT RESOLUTION 302

Academy for Educational Development.
African-American Women's Clergy Association.
Alliance for Child Survival.
American Association of University Women.
American College of Nurse Midwives.
American Psychological Association.
American Public Health Association.
Americans for Democratic Action.
Aspen Airport Business Center Foundation.
Associated Country Women of the World.
Association for Women In Science.'
Association of Population/Family Planning Libraries and Information Centers International.
Bread for the World.
California Population Committee.
Center for Democratic Renewal.
Center for Policy Alternatives.
The Center for Development and Population Activities.
Center for Population Options.
Center for Women Policy Studies.
Citizen Advocate for Responsible Birthing.
Commonweal.
Contraceptive Research and Development Program, Eastern Virginia Medical School.
Creative Associates International, Inc.
Crossroads Counseling.
Development Associates.
DKT International.
Family Care International, Inc.
Family Health International.
Fund for a Constitutional Government.
The Futures Group.
General Federation of Women's Clubs.
Girl Scouts of the U.S.A.
Heartwood Institute.
Institute for Health Policy Studies, University of California, San Francisco.
Institute for Reproductive Health at Georgetown University.
IPPF, Western Hemisphere Region.
International Projects Assistance Services.
Johns Hopkins University Population Center.
Lutheran World Relief.
Macro International.
Management Sciences for Health.
Margaret Sanger Center International, Planned Parenthood of New York City.
Ministry for Justice in Population Concerns.
Missouri Botanical Gardens.
Ms. Foundation.
National Asian Women's Health Organization.
National Black Women's Health Project.
National Coalition Against Domestic Violence.
National Committee for an Effective Congress.
National Conference of Women's Bar Association.
National Council for International Health.
National Family Planning and Reproductive Health Association.
National Federation of Business and Professional Women.
National Museum of Women In the Arts.
National Optimum Population Effort.
National Wildlife Federation.
National Women's History Project.
National Women's Law Center.
Native American Women's Health Education Resource Center.
Nurture, Center to Prevent Child Malnutrition.
Office of Population Research, Princeton University.
Pathfinder International.
Physicians for Social Responsibility.
Planned Parenthood Federation of America.
Population Action International.
Population Communication.
Population Communications International.
The Population Council.
Population-Environment Balance, Inc.
The Population Institute.
Population Speakout.
Program for Appropriate Technology in Health.
Research Triangle Institute, Center for International Development.
RESULTS.
Sex Information and Education Council of the U.S. (SIECUS).
Sierra Club.
Southern California Ecumenical Council.
Transnational Family Research Institute.
Treasure Coast Women's International League for Peace and Freedom.
Tulane (LA) School of Public Health and Tropical Medicine.
UKIMWI Orphans Assistance, Inc.
Unitarian Universalist Church.
United Church Board for World Ministries.
United Church of Christ, Coordinating Center for Women.
United Church of Christ, Network for Environmental and Economic Responsibility.
United Church of Christ, Office for Church and Society.
United Methodist Church, General Board of Church and Society's Ministry of God's Human Community.
United States Committee for UNICEF.
Voters for Choice.
The Woman Activist Fund, Inc.
Woman's National Democratic Club.
Women Employed.
Women of All Red Nations.
WOMEN OF REFORM JUDAISM, The Federation of Temple Sisterhoods.
Women's Action Alliance.
Women's Caucus for Art.
Women's Information Network.
Women's Research and Education Institute.
World Federalist Association.
World Vision Relief & Development.
Worldwatch Institute.
Young Women's Project.
Zero Population Growth.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I would like to point out the importance of a resolution of this nature, because we know that unfortunately throughout the world girls appear to be the most neglected, deprived human resources worldwide. We know that they have been handicapped too often by the perception that they are temporary members of the family but also by the belief that boys will be the breadwinners and, therefore, deserve the resources of education and opportunity.

We just completed H.R. 6, the reauthorization of the Primary and Secondary Schools Act, where we inserted in that important bill further opportunities for girls to be able to be more readily acquainted with math and science, to learn that it is fun, to learn that there are careers open to them. We know that as we look at the year of the girl that very often infant deaths occur and that infant deaths decline by 20 percent when girls in developing countries have as little as 4 to 6 years of school, so the importance of continuity of education.

It is, therefore, very important that we look to the future and know that females are a very important resource and equity is of the utmost importance.

I am pleased to cosponsor this resolution, House Joint Resolution 302. I want to again commend the gentlewoman from Oregon for endorsing it and for introducing it.

Mr. Speaker, I withdraw my reservation of objection.

Ms. SNOWE. Mr. Speaker, I am proud to be an original cosponsor of House Joint Resolution 302, a resolution to make the years 1994 through 1999 the Years of the Girl Child. Establishing the Years of the Girl Child ensures that we will work to promote the status of girls, which will enhance the lives of children, women and families all over the world.

Clearly, women, children and girls have made significant progress here in America since the years when child labor was common and women could not vote. There is still the need for more progress, as girls still receive unequal education in our Nation's schools, and in addition, they are more likely than boys to be victims of sexual abuse. In other nations, however, startling inequalities abound. For example, two-thirds of the global illiterate population are women. An estimated 40 percent of the world's 14 year old girls will be pregnant by the age of twenty. In Bangladesh, boys under 5 years old were given 16 percent more food than girls. A study in Pakistan showed that 60 percent of grandmothers left in charge of grandchildren fed only the boys and not the girls. A study in 10 villages in Gujarat, India found that in cases of 58 infant deaths, only 22 percent of girls were taken to a health care facility as opposed to 80 percent of boys.

All across America, schools, libraries, museums, and other organizations such as the Population Institute will be paying tribute and working to promote the status of girls. It is our hope that the Years of the Girl Child will raise public awareness about these shocking statistics and motivate people and nations to work together to eradicate these inequalities.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 302

Whereas girls are the most neglected, deprived, and mistreated human resource worldwide;

Whereas girls are frequently condemned to a cycle of poverty, illiteracy, unwanted pregnancy, and poor health;

Whereas girls across the developing world are fed less, withdrawn from school earlier, forced into hard labor sooner, and given less medical care than are boys;

Whereas numerous studies indicate that girls are handicapped not only by the perception that they are temporary members of a family, but also by the belief that boys will be the chief breadwinners and, therefore, are more deserving of scarce resources;

Whereas parents in some regions of the developing world resort to infanticide rather than use the family resources to raise girl children;

Whereas girls in some regions of the world become pregnant at the onset of puberty and continue to become pregnant at intervals that damage their health and increase the chances of complications during pregnancy;

Whereas girls with at least a 7th grade education have ½ as many pregnancies as girls with less schooling;

Whereas studies indicate that infant deaths decline by 20 percent when girls in developing countries have as little as 4 to 6 years of school;

Whereas the World Health Organization estimates that improved education for girls and family planning services for women (including girls) would reduce maternal deaths by 15 to 33 percent;

Whereas the World Fertility Survey indicates that a girl's age at marriage increases with the number of years she has spent in school and that she is more apt to marry at 22 than at 17 with even as little as 7 years of education;

Whereas girls in the United States still receive an unequal education in our Nation's schools, by any measure—test scores, curriculum, or teacher-student interaction;

Whereas girls in the United States and abroad are exploited as the victims of sexual abuse and child prostitution; and

Whereas the most recent study of child sexual abuse in the United States shows that, of the cases reported, 23 percent of the victims were boys and 77 percent were girls: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1994 through 1999 are designated as the "Years of the Girl Child", and the President of the United States is authorized and requested to issue a proclamation calling upon all United States missions in foreign countries, all United States diplomatic personnel, the Secretary of Education, and the Secretary of Health and Human Services to encourage equality for girls in health care, education, and all phases of family and community life.

AMENDMENT OFFERED BY MRS. BYRNE

Mrs. BYRNE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BYRNE: Page 3, beginning in line 3, strike out "through 1999 are designated as the 'Years of the Girl Child'" and insert "is designated as the 'Year of the Girl Child'".

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

AMENDMENT TO THE TITLE OFFERED BY MRS. BYRNE

Mrs. BYRNE. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mrs. BYRNE: Amend the title so as to read: "Joint Resolution designating 1994 as the 'Year of the Girl Child'."

The amendment to the title was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

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POSTPONEMENT OF VOTE ON H.R. 4278, SOCIAL SECURITY ACT AMENDMENTS OF 1994

The SPEAKER pro tempore (Mr. DEAL). Pursuant to clause 5(b) of rule I, the Chair redesignates the time for further proceedings on the motion to suspend the rules and pass H.R. 4278 as May 12, 1994.

OPPOSITION TO DEATH ROW QUOTAS

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, recently the California District Attorneys Association, an organization which includes all of the elected district attorneys of California's 58 counties unanimously adopted a resolution expressing adamant opposition to the Racial Justice Act provisions included by the House as part of the crime bill. If adopted, those provisions would effectively establish racial quotas for the death penalty. The 58 county prosecutors believe that these provisions will produce a number of damaging effects on California's and the Nation's ability to control crime.

I agree.

These officials—who have frontline responsibility for prosecuting California's criminals—oppose any version of this so-called racial justice legislation for the following reasons:

First, enactment of these provisions would result in effectively abolishing capital punishment. The language requires that each State show that the death penalty was sought in all cases involving a capital offense.

Second, there would be even further clogging of California's and other States' desperately overcrowded court system. The retroactive application of the Racial Justice Act would permit people already convicted of capital crimes to petition to have their cases reopened. In California alone, there are 376 such individuals on death row.

Third, this Act disregards the fundamental principle of our criminal justice system that an individuals tried on the facts of his or her case.

Fourth, it eliminates the traditional deference to State-court findings and places them under Federal guidelines.

Fifth, most seriously, it encourages a quota system based on race for deciding capital punishment cases.

Sixth, and finally, under this Racial Justice Act, the costs to taxpayers and to local governments would be absolutely exorbitant amounts of money to retry these cases, and the endless appeals that the habeas corpus system provides.

I join with the California District Attorneys Association in the belief that the many positive elements of the crime bill are undermined by the inclusion of this racial justice provision. It opposes fundamental notions of our criminal justice system. It must not be included in the final conference report.

Mr. Speaker, I include for the RECORD the following resolution of April 29, 1994, from the California District Attorneys Association:

CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION—ADOPTED APRIL 29, 1994, CONCERNING THE RACIAL JUSTICE ACT

Whereas, the California District Attorneys Association is an organization composed of the elected District Attorneys of California's fifty-eight counties and 3,000 deputy district attorneys and city prosecutors;

Whereas, on April 21, 1994, the U.S. House of Representatives adopted the omnibus crime bill, H.R. 4092, which included in Title IX legislation, referred to, and known as, the Racial Justice Act (or the Racially Discriminatory Capital Sentencing Act);

Whereas, on April 20, 1994, the U.S. House of Representatives narrowly defeated the McCollum Amendment to strike the Racial Justice Act from the House crime bill and substitute in its place the Equal Justice Act. [The vote was an effective 212 to 212 tie, after the votes of the five Delegate members were excluded under recent House Rules.];

Whereas, the Racial Justice Act would, first, permit a capital case defendant to make a statistical showing that death sentences are being imposed or administered in a disproportionate manner upon (1) persons of one race or (2) as punishment for capital offenses against persons of one race, and, second, require the prosecutor to rebut this statistical showing "by a preponderance of the evidence";

Whereas, in the 102d Congress, on June 20, 1991, the U.S. Senate voted to strike a similar measure entitled the Racial Justice Act out of the omnibus crime measure by a bipartisan vote of 55 to 41 (this was the third successive Congress in which the U.S. Senate rejected the Racial Justice Act), and on October 22, 1991, the U.S. House of Representatives voted to strike a similar measure by a bipartisan vote of 223 to 191;

Whereas, the U.S. Supreme Court rejected a discrimination claim founded solely upon statistics, in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987).

Now, therefore, be it resolved that in light of the urgency and importance of this matter, all 58 California district attorneys, having been polled, unanimously:

(1) oppose any version of the Racial Justice Act, for the following reasons:

(a) The Racial Justice Act would result in the effective abolition of capital punishment.

This would result because of the inherent evidentiary difficulties and inevitable vast expenditures of time and money in litigation in every post-conviction capital case, to prove by at least a preponderance of the evidence a negative, to wit, that race was not the basis for any of the prosecutor's, jury's, or judge's decisions. [The Racial Justice Act contains a virtually impossible rebuttal burden: "Unless [the prosecutor or State] can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which death was imposed fit the statutory criteria for imposition of the death penalty.];

(b) moreover, as to adjudicated cases, the retroactive application of the Racial Justice Act would permit convicted capital defendants to reopen their cases by presenting discrimination claims (regardless of whether such claims had previously been rejected). In California, there are currently 376 individuals on death row. The retroactive provision in the Racial Justice Act as passed by the House would potentially affect these cases as well as others around the nation;

(c) the statistical premise of any version of the Racial Justice Act is unsound, for several reasons, including:

(i) it disregards the fundamental precept of our criminal justice system that an individual is tried on the facts of his or her case, not on the facts or circumstances or statistics from unrelated cases;

(ii) it overturns the U.S. Supreme Court's rejection of such a statistical premise, where the Court noted with regard to the Baldus study: "Even Professor Baldus does not contend that his statistics *prove* that race enters into any capital sentencing decisions or that race was a factor in McCleskey's particular case. Statistics at most may show only a likelihood that a particular factor entered into some decisions." *McCleskey* v. *Kemp*, 481 U.S. 279, 308 (1987) (emphasis in original); and

(iii) its statistical showing fails to establish that the imposition of capital punishment in a particular case is predicated on any bias; and

(d) the Racial Justice Act would permit the "second-guessing" of capital case decisions by prosecutors, defense counsel, judges and juries based upon the information and statistics required to be maintained under the Act;

(e) the Racial Justice Act eliminates the traditional deference to state-court findings of fact, 28 U.S.C. §2254(d); *Sumner* v. *Mata*, 449 U.S. 539 (1981), if the state fails to collect or maintain adequate records required under the Act, and causes the individual conviction, though lawfully and justifiably imposed, to be unduly placed in jeopardy;

(f) the potential cost of compliance on states and local entities would be exorbitant, as demonstrated by one California case (In re Earl Jackson) which took three years to prepare for an evidentiary hearing and cost more than $1,000,000. The evidentiary hearing was never held, after the *McCleskey* v. *Kemp* ruling was rendered;

(g) the Racial Justice Act encourages a quota system for capital punishment cases by in effect introducing "race consciousness" into capital case decisions.

(2) opposes any legislation which would undermine or otherwise modify the holding in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987);

(3) calls upon the U.S. House of Representatives and U.S. Senate to reject any version of the Racial Justice Act as part of any package of federal habeas corpus reform or any crime bill;

(4) opposes any legislation, including the omnibus crime bill to be reported by the conference committee, which includes any version of the Racial Justice Act. Any meaningful provisions contained in the crime bill are completely undermined by inclusion of the Racial Justice Act, which is antithetical to fundamental notions under our criminal justice system. If the omnibus crime bill contains any version of the Racial Justice Act, we recommend it be voted down until this legislation is removed.

Be it further resolved by the California District Attorneys Association that its Executive Director shall transmit a copy of this resolution to the U.S. Senators and Representatives in the California delegation and to members of the Senate and House Committees on the Judiciary.

PRESCRIPTION FOR HEALTH CARE: LET THE MARKET WORK

(Mr. FIELDS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Texas. Madam Speaker, the White House believes that the Government, rather than the private sector, should run every health care program. And this is certainly the case with the Medicare prescription drug benefit. The President proposes taking private sector managed drug plans that works well now for retirees, dismantling them, replacing them with a few thousand bureaucrats, a few hundred pages of Federal regulation, and hundreds of complicated forms, and seeing if they can get it to work as well as the private sector plans now do.

Not only is this a terrible waste of the taxpayer's money and a threat to a thriving drug industry, it is also disruptive for the retiree who now has drug benefits through the retiree health or Medigap plan.

The most outrageous part of this proposal is that although it is being advanced as a way to control drug costs, it will create havoc with the very activities now successfully controlling drug costs in the private market.

To begin with, pharmaceuticals are one of the greatest industrial success stories in this country. They have grown as a major export product for the United States—worldwide sales reached nearly $85 billion in 1993, nearly four times what they were in 1980—and as a major source of R&D, spending over $10 billion on R&D last year alone. Competition in this country is intense, and that competition has brought remarkable medical advances in the last decade alone.

The race to bring new drugs to market has not only contributed to significant advances in patient care but has also helped to slow the overall growth in health care costs. New drugs are making it possible to replace expensive surgeries with much less costly drug treatment. Ulcer drugs, for example, have reduced the number of surgical procedures from 155,000 to 16,000 a year, saving $24,000 on each case. New drugs for chronic heart failure have lowered the need for hospitalization by 30 percent. Medications for the treatment of depression are significantly reducing both physician and hospital costs.

Sometimes this race for new drugs leads to a whole new treatment—a breakthrough. Often it produces several drugs that compete in the same therapeutic category, giving physicians and managed care plans a choice of medications, and creating competition that forces down prices both for new introductions and for drugs that have been on the market.

I have attached a story from the Washington Post that makes it pretty clear how competition in this new marketplace where most of the sales are to managed care plans is influencing drug prices and changing the way manufacturers approach decisions on research. The power of managed care plans to force major price concessions for newly introduced drugs is reducing the return on these drugs and forcing companies to only bring the most cost-effective drugs to market.

This article makes the point that the market for drugs is doing exactly what we want—making sure the new drugs brought to market are noticeably better and less costly than the existing therapies.

What is it the administration wants to do? They want Medicare to buy all the prescription drugs for the elderly. Combined with Medicaid, that would have the Government buying about 40 percent of all the drugs sold in the United States. Then, because the Government can never figure out the right price, they want to force drug manufacturers to give the Government at least a 17-percent rebate. The rebate is supposed to approximate the discounts managed care plans would have been able to get had the Government not stepped in and pushed them aside. In addition, the administration wants to review prices for new drugs and refuse to cover the drug if they think the price is too high. Finally, they want to force the manufacturer to offer the drug to every purchaser, if they want, at the lowest negotiated price.

The last thing we want to do is turn this marketplace upside down with a Medicare benefit and then try to create a whole new Government apparatus for controlling costs. Not only would that be a complex and costly bureaucratic undertaking, it would also probably not result in the kinds of cost-effective decision making that is already going on in the industry.

I would urge my colleagues to oppose the administrations pathetic efforts to create a new Government program. The marketplace already exists without having to destroy the marketplace and the viability of the pharmaceutical industry and drug research in the process.

[From the Washington Post, Apr. 26, 1994]

CUTTING BACK ON "ME TOO" DRUGS

PHARMACEUTICAL FIRMS REACT TO HEALTH CARE CHANGES

(By David S. Hilzenrath)

Changes in the health care business are driving many drug companies to do something that their critics have long been urging—cultural development of so-called me-too drugs, which serve essentially the same purpose as products already on the market.

Those pharmaceutical makers are increasing their emphasis on potential "breakthrough" drugs—major medical advances—because health insurers' efforts to reduce costs are making me-too drugs harder to market profitably, industry executives said.

"We're very ruthlessly stopping projects when we think that we will be second or third in the marketplace or if the advantage afforded by a new molecule is not a really substantial innovative leap forward," said Leigh Thompson, chief scientific officer of Eli Lilly & Co.

The pressure on me-toos is coming from managed-care health plans, which are using their growing influence to squeeze pharmaceutical prices. Managed-care plans often develop lists of drugs approved for coverage under their prescription drug benefits, and they frequently negotiate discounts with suppliers for products on the lists.

Drugmakers said it can be difficult to get me-too drugs added to the lists, and they said they expect it to become even harder to command high enough prices to recoup their investment in me-toos. "The payers simply are not going to pay premium prices for me-too drugs," added an executive at one company that manages drug purchases for health insurers. "The bucks aren't going to be there."

But by producing fewer me-toos, drugmakers could make it more difficult for insurers and other large buyers to bargain down prices. Although they are "often derided as not contributing to health care," me-too drugs are needed if price competition is to occur, the government's Office of Technology Assessment said in a report last year.

Critics of the drug industry have faulted manufacturers in the past for lavishing time and money on me-too drugs when they could be developing cures and treatments for unsolved medical problems.

But drugmakers say one risk of a "no me-too policy" is that research will be aborted before they know whether the chemicals they are studying will lead to incremental or major advances. Another is that companies will stay out of races to develop specific products if they perceive themselves as trailing another company, only to see the frontrunner falter somewhere down the road.

Me-too drugs often offer measurable, if modest, advantages in safety or effectiveness over the products that precede them, industry officials say. Medicines do not affect everyone the same way, and the benefits of the me-too product can be profound for some patients, they say.

"I'm worried that we are going to find ourselves developing too few drugs because we are setting our standards too high," said Leon Rosenberg, president of the research arm of Bristol-Myers Squibb Co. and a former dean of Yale Medical School. "We may very well end up turning away from developing drugs that a segment of the population really needs."

Me-too drugs have historically absorbed a large share of pharmaceutical industry research and development budgets. From 1978 to 1991, 135 new pharmaceutical molecules approved by the Food and Drug Administration were classified by the FDA as having "little or no therapeutic gain," while only 42 were classified as representing an "important therapeutic gain."

The me-toos compete directly with other brand-name products that are still protected by patents. The competition gets even tougher when the patents expire and rival companies can introduce generics, chemically identical copies that typically carry lower prices than the originals.

The pressure from managed-care companies is affecting the way drug companies allocate their research and development budgets, which the Pharmaceutical Manufacturers Association said would total $13.8 billion this year for its more than 100 member companies, up from $12.6 billion last year.

Some drugmakers have tried to market me-too drugs by sharply undercutting their competitors' prices, as in the case of Lescol, cholesterol-reducing drug recently introduced by Sandoz Pharmaceuticals Corp. But development of Lescol began in 1982, and Sandoz submitted it for FDA approval two year ago.

A more recent—and perhaps more typical—example was G.D. Searle and Co.'s decision late last year to stop development of a drug to lower blood pressure. The Drug offered some potential advantages, including fewer or milder side effects, but the company decided they were not sufficient to set the substance apart from the competition, said John Alexander, executive vice president of medical research at Searle. "I would say two to three years ago we would have developed that drug," he added.

Some drug executives advance an opposing theory—that managed care's emphasis on low prices will reward companies that develop me-too drugs. By spending less money than pioneering manufacturers do on original research, imitators should be able to charge lower prices, some executives argue.

"The me-too drug will eventually take over the market from the innovator or drive down the price of the innovator," said James Niedel, senior vice president for research and development at Glaxo Inc.

But other industry observers said it would be difficult of imitators to by-pass much of the original research needed to bring a drug to market, including the huge investment in the clinical trials required for FDA approval.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMPENSATE DISABLED PERSIAN GULF VETERNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, later today I and my colleagues, JIM

SLATTERY of Kansas, J. ROY ROWLAND of Georgia, JOE KENNEDY of Massachusetts, and BOB CLEMENT of Tennessee, will introduce legislation to pay compensation to veterans who served in the Persian Gulf and who have chronic disabilities resulting from undiagnosed illnesses. Until we have the scientific information we need, we must assume that these disabilities are related to their military service. It is time to give disabled Persian Gulf veterans the benefit of the doubt.

Some of our Persian Gulf veterans are very sick; some cannot even work. The Veterans Affairs Committee has held nine hearings on these illnesses, sometimes referred to as Persian Gulf syndrome. We have directed VA to provide priority care for Persian Gulf veterans and a good deal of research has been authorized.

The bottom line is that we don't have the answers we need for effective medical treatment. Veterans can't prove that these symptoms are service-connected. We may not have answers for some time. We cannot always wait on science. These veterans need our help now.

I urge my colleagues to cosponsor this legislation to compensate our disabled Persian Gulf veterans.

THE FED GOES GHOST BUSTING

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and because there is no designee of the minority leader, the gentleman from New York [Mr. HINCHEY] is recognized for 15 minutes as the designee of the majority leader.

Mr. HINCHEY. Mr. Speaker, about 2 weeks ago, on April 26, myself and 45 Members of Congress signed a letter addressed to the Honorable Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System. The letter said, in part, as follows:

> DEAR MR. CHAIRMAN: On three separate occasions over the past three months the Federal Open Market Committee has acted to increase interest rates. We are writing to express our concern over the Fed's actions and to request that the Board take no further action to increase interest rates until you, as Chairman of the Board, have explained to Congress and to the American people the basis for the Board's decision.
>
> During your appearances before Congress you have made several points with which we agree. Among these is the long-term economic growth depends on low and stable long-term interest rates. Another point with which we concur is that inflation and inflationary expectations are a primary threat to low and stable long-term rates.
>
> You have testified that you believe low long-term rates could be protected and inflationary pressures controlled with a slight increase in short-term rates. The clear implication of your testimony was that short-term rates could be increased just enough to preempt inflation without increasing long-term rates and imperiling the economic recovery.
>
> Just as clearly, this has not occurred. The Fed's actions have driven up long-term rates, destabilized financial markets, and put the economic recovery at risk. Moreover, these actions have been undertaken at a time when there are no significant signs of impending inflation that you have made your decision to raise interest rates.

Last Friday, on May 6 on the op-ed page of the New York Times, an article appeared written by Lester C. Thurow, one of the Nation's eminent economists. He entitled his article, "The Fed Goes Ghost Busting," and begins by saying,

> The Federal Reserve Board has been spooked by the ghost of inflation. In its panic, the Fed has raised interest rates three times, taking everyone by surprise. Long-term bondholders have lost billions and international currency markets have been rattled. Yet the Fed's economists admit they can't point to even a hint of inflation in the current numbers. They are missing the obvious: The 90's are likely to be an inflation-free decade, and their interest rate hikes will squash the current economic recovery.
>
> The 70's and 80's were inflationary times. The failure to raise taxes to pay for the Vietnam War led to slowly accelerating inflation that exploded with the oil and food shocks of the 70's. Inflation stubbornly receded in the 80's. If the effects of surging health care costs are subtracted from inflation figures, it is clear that more prices have fallen than risen this spring.
>
> Sophisticated investors, including George Soros, Citicorp and Bankers Trust, took huge losses because of the Fed's action. They were betting on low interest rates because they had no worries about inflation. The Fed's economists contend that it takes 12 to 18 months for higher interest rates to stop inflation, so they are acting now to prevent renewed inflation in 1995. In the Fed's view, the economy is so prone to inflation that even this slow recovery from the 1991–1992 recession—3 percent growth in 1993 and 2.6 percent in the first quarter of this year—represents an overheated economy.
>
> The 90's began with a deflationary crash in asset values: property prices in the United States declined by up to 50 percent. This trend spread to England, flattened Japan and is now rocking Germany. While the U.S. stock market has risen (the money flowing into pension and mutual funds has had nowhere else to go), the inflation-adjusted fall in the Japanese stock market in the 90's has been bigger than the decline in the American stock market from 1929 through 1932. Worldwide, hundreds of billions of dollars in wealth have been wiped out.
>
> One traditional cause of inflation is a shortage of labor, which drives up wages. Yet global unemployment rates are reaching levels not seen since the Depression. Spain reports 24 percent and Ireland and Finland not much less. In the U.S., if one adds together the officially unemployed, discouraged workers who have stopped actively searching for work and those with part-time jobs who want full-time work, 15 percent of the labor force (19 million) is looking for work.
>
> The Fed is worried that an increasing number of U.S. companies are running close to their production limits—that they will be unable to keep up with the demand for goods, thus driving up prices. But in today's global economy, what counts is world capacity, not U.S. capacity. No American will have to wait for a new car: since auto makers in Japan and Europe aren't producing at anywhere near capacity, U.S. producers aren't going to raise prices and sit by and watch their market share erode. While America's economic recovery is under way, the rest of the industrial world shows no sign of coming back; until it does, inflation will not quicken.
>
> The demise of the Soviet Union and the effective collapse of the organization of Petroleum Exporting Countries in the aftermath of the Persian Gulf War means there will be no repetition of the energy or food shocks of the 70's. What has been happening in aluminum will be repeated in most raw materials: 1.3 million metric tons were exported from the former Soviet Union in 1993, causing the lowest real (adjusted for inflation) prices in history.
>
> Oil prices are lower in real terms than before the first OPEC oil shock in the early 70's, yet exports from the former Soviet Union have barely begun and Iraq has yet to be brought back into world oil markets. When Ukraine comes back into production (it was the world's largest exporter of grain in the 19th century), food prices will plunge.
>
> The decline in real wages that began in the U.S. and is spreading across the industrial world further undermines the Fed's contentions. Among American men, salaries are falling at every education level—for those in the bottom 60 percent income bracket, real wages are 20 percent below 1973 levels. Women with a high school education or less have seen their wages drop, and it looks like the same will happen to college educated women soon. At the same time, productivity is increasing at the highest rates seen since the 60's. Wages down, productivity up—that simply isn't the recipe for inflation.
>
> Economists differ on the causes of falling wages. Immigration and technical innovation are partly responsible, but some worldwide trends are also behind it. The Communist bloc did not run very good economies but it ran excellent education systems. One-third of humanity, much of it skilled, is joining the capitalist world. If some of the world's best physicists can be hired in Russia for $100 per month, why should anyone pay an American physicist $50,000 a year?
>
> In the 80's, only 60 million people in Singapore, South Korea, Hong Kong and Taiwan were export-oriented. With the decline of state socialism in East Asia, hundreds of millions of third-worlders (two billion Indians and Chinese) are going to be joining them. Inflation is going to be impossible in any country with open borders: Lower-priced goods will flood in from low-wage countries.
>
> In addition, the layoffs at big U.S. companies with high wages and good benefits are unrelenting. More than 109,000 jobs were cut in January, a record. Getting rehired after being laid off usually means a cut in pay, and the competition for these lower-paying jobs drives overall wages—thus inflation—further down.
>
> Since World War II, American companies have typically held prices constant, or even raised them while distributing the fruits of productivity in the form of higher wages or profits. But under the pressure of international competition, that system is rapidly eroding. In the 90's productivity gains will lead to lower prices, not wage increases.
>
> Large manufacturers are forging new arrangements with their suppliers. For example, Chrysler used to have hundreds of suppliers, but it has given a few of them exclusive rights to supply all of its parts, and Chrysler engineers will give them design information. In exchange, the suppliers will lower their prices every year. In such sce-

narios, the manufacturers will in turn pass their savings on to customers in the form of lower prices.

At least one member of the Federal Reserve Board has extolled the virtues of zero or negative inflation. This ignores a tenet of capitalism: it doesn't work very well when prices are falling. When prices fall (and many prices must fall to have zero inflation, since some prices will always be rising), the smartest move is to postpone purchases. With prices lower tomorrow, only a fool buys today. So investment falls as people forgo entrepreneurship to become inactive renters. Money in the mattress becomes the only smart investment. Deflationary times are tough times.

Yet the Fed is intent on killing a very weak recovery that has yet to include most Americans. The 7 percent growth rate in the fourth quarter of 1993 was heavily concentrated in housing, automobiles and business equipment. High interest rates will hurt these sectors, and the Fed's large rate increases have hit the economy at a time when growth has already slowed dramatically.

Since January, interest rates on 30-year Treasury bonds have risen 1.3 percent and those on 30-year fixed rate mortgages have risen 1.5 percent. These rates did not soar because of worries about inflation. Rather, they reflect the payoff that investors must demand to protect themselves from a Fed that thinks inflation is about to rise from the grave. The Fed's erratic behavior has also led to a currency crisis that made necessary Wednesday's billion-dollar effort to protect the dollar. While nobody has ever been hurt by ghosts, investors are showing that they have real reason to fear a ghostbusting Fed."

□ 1910

SPEAKER'S ANNOUNCEMENT REGARDING COMITY

The SPEAKER pro tempore (Mr. DEAL). Under a previous order of the House the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, my colleagues who may be listening in their offices, and anyone who reads the written RECORD, or the million and a half people, Mr. Speaker, that follow the proceedings of this Chamber by C-SPAN, electronic means, may not have seen that the Speaker made an announcement from the chair yesterday restating the policy of this House concerning comity or the decency or prevailing feeling of good will among House Members here and the courtesy that we extend to elected Members of the other body, the U.S. Senate, not just those who served here, but those who got elected directly there, have been expanded, and this is a tradition that has never really come up before, to include the White House.

I am going to respect the Speaker's wishes yesterday, but I want to put this in a little context, because I spoke before high school government and economics classes at one of my high schools in my district, Laura High School, yesterday morning. And I have been back to my district the last four weekends in a row. I can also add that coming home last week I came through Oregon, I am going up to Santa Barbara all day Saturday next, and in just the last few weeks I have been in Illinois and Florida and Pennsylvania, just last week campaigning for candidates of my party, or in the case of Pennsylvania for all of the candidates that were up for reelection yesterday in Pennsylvania. And questions are coming up regularly about the President's character. They are asking if we are going to discuss it on the House floor. And I told them that I had promised not to discuss the President's character until I had talked to our Parliamentarian.

Tonight they came to me when they saw I was signed up for 5 minutes. I told them I was speaking on Haiti, so there was no problem. But this is probably the first time that this rule has had to be enforced this strenuously on a sitting President in over 100 years, maybe since the ill will and lack of comity when the word "treason" was screamed back and forth in this Chamber. And it was this very Chamber that opened up in 1857, so it was in this very great hall that charges of treason were going back and forth, building up to the War Between the States, the Civil War.

So let me read the Speaker's words, both for myself to listen to and for the million and a half audience who have missed the beginning of yesterday.

This came after 2 minute speeches. One was by the gentleman from Florida [Mr. GOSS] on my subject tonight, Haiti. Then Mr. THOMAS of Wyoming spoke on gun control. Then Mr. LAMAR SMITH of Texas got up and put an article in the RECORD that he said was an article the likes of which he had never seen before concerning a sitting President, titled "The Politics of Promiscuity." But it was about policy more than it was about character, and he put the whole article in. As I understand from the Parliamentarians, no more articles should be submitted or will be put in that discuss the President's character.

Then Mr. MONTGOMERY led the Pledge of Allegiance. Then Mr. BALLENGER of North Carolina got up and spoke about Robert Bennett being hired to defend the President on a whole range of charges.

Then the Speaker got up, and sitting where you are he stood, Mr. Speaker pro tempore, and said the following: The Chair, that is the Speaker, my good friend, TOM FOLEY, "wishes to remind Members that comments regarding the President of the United States are covered by House rules of comity, and Members should avoid any references to the President that involve suggestions of a personal character."

I had to read that twice. The Speaker did not mean issues of character. He meant suggestions that involve a characterization of a personal nature. But this is all about character and separation of our tripartite system of government. But I think we can get by without discussing the latest headlines of the last week and stick to policy.

The Speaker finished saying, "The Chair wishes to allow reasonable latitude for debate on subjects of personal interest.* * *" Now as I have said many times, I have nine grandkids, God willing more to come, and it is a personal interest to me how somebody speaks about drug use, and then what is on the public record, or how they speak about sexual promiscuity and put Joycelyn Elders and Christine Gibbe in office, and how this impacts on the high school kids that I visited with yesterday.

The Speaker finished, "Members will observe the rules of comity with regard to the President," and it goes without saying the Vice President, "Members of the other body, and their fellow Members."

I had six Democrats tell me last Thursday that they thought we would invade Haiti to get the scandals off the front page of the paper. I thought they were kidding. And then I saw they were not laughing. And then they said rather cynically it worked for President Reagan. I guess they meant the tragedy of the 220 Marines, 17 Navy, and 4 Army soldiers all being blown up in the barracks in Beirut on October 23, 1983; 2 days later we liberated the Island of Grenada. That was a policy problem. President Reagan took his lumps on Beirut, pulled out. Grenada was a totally different issue. And they also said it worked for President Bush. I did not know President Bush was down in the polls all that much. But I guess they meant the recession was deepening, and so we went to war with Iraq, to liberate Kuwait. After the liberation, his ratings were up around 90 percent. I do not for a moment share that view, and think they were being cynical in the extreme. Both Grenada and Kuwait were in the United States national interest.

But they said to me quite seriously they thought that we would have to go into Haiti, and that it might be driven by the scandals. I do not think anybody in the administration, and here is BOB DORNAN defending the Clinton administration, would be that cynical. I do not think they would sacrifice one combat man or combat woman now that we are putting women in harm's way to up the President's machismo factor.

However, I think we are heading toward a policy that will squander the lives of Americans to reinstall Aristide as President of Haiti. This very day, and I only found this out on the phone 10 minutes ago, members of Haiti's Parliament, which was democratically elected on December 17, 1990, voted in a new President with Cedre's blessing. A United States embassy spokesman in

Haiti said it was the act of a desperate regime. That may prove to be true, but we do not know now.

There has to be some sort of democratic center in Haiti. There is in every country. Aristide, however, is not that center. Neither is the military. There is a man, or in these days a woman somewhere that wants to say here is where the democratic center is, and I do not mean the political center. I mean the center of gravity in this country is here.

Mr. Speaker, I say with clearness and with as much forcefulness as I can muster, and I have been to Haiti three times in my life, and I know how this country suffers, Aristide is anticapitalism, anti-American, antireligion, anti-Christian, anti-Catholic. This fallen-away Catholic priest is anti-Catholic. He has dabbled in voodoo and is not worth the finger of a single American fighting person, let alone putting somebody in a wheelchair, let alone as Aideed caused 18 of the best Rangers and Delta Force special ops guys to come home in caskets from Mogadishu. Aideed today rules the roost in Mogadishu. What did we accomplish?

I have spoken to the fathers and mothers, I have the sister of one of the men killed in the gallery with his wife, Keith Pearson and Keith's sister.

What do we tell parents if they die in Haiti? When the Marines went in 1915 they stayed 19 years and they did not come out until 1934. We can have a get-in policy just like that. It is the get-out policy that is tough.

I will do an hour tomorrow on Haiti without any references to Clinton policy in the past, but what might happen in the future; 1 hour on Haiti and I will read. Let me close on this, Mr. Speaker. Here is a letter that I got from a young businessman in Haiti who is back in the United States.

> DEAR CONGRESSMAN: I will never forget the morning you rode through the streets of Port au Prince with me during the riots. Your interest was most appreciated.

I visited his fabric factory with 100 men and women at work in good working conditions, no sweat shop, U.S. Standards.

□ 1920

He said:

> Our factory was nationalized after Aristide came to power. I lost everything. All I brought back, Congressman, was a couple of bullet wounds. No, it is not safe for American business. We may have 100,000 Haitians coming to New York and to Florida. I say, take off the sanctions. If we do not, we have to let people in.

And we had better do something about finding the democratic center, and it is not this phony anti-Christian ex-priest Aristide, not worth a single American life.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT) for today, on account of illness.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. RUSH (at the request of Mr. GEPHARDT) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. EWING, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

(The following Members (at the request of Mrs. BYRNE) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. LAUGHLIN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. FIELDS of Texas in two instances.
Mr. CALLAHAN.
Mr. PORTER.
Mr. BILIRAKIS.
Mr. EHLERS.
Mr. SOLOMON in two instances.
Mr. BEREUTER.
Mr. GRAMS.
Mrs. VUCANOVICH.
Mr. PACKARD.
Mr. KIM.
Mr. STUMP.
Mr. SUNDQUIST.
Mr. GILLMOR in six instances.
Mr. POMBO.
Mr. MACHTLEY.
Mr. HORN in three instances.
Mrs. BENTLEY.

(The following Members (at the request of Mrs. BYRNE) and to include extraneous matter:)

Mr. HAMILTON.
Mr. PASTOR.
Mr. ACKERMAN in two instances.
Mr. REED in two instances.
Mr. BROWN of California.
Mr. MANTON in two instances.
Mr. DE LUGO.
Mr. RUSH.
Mr. POSHARD in two instances.
Mr. VENTO.
Mr. HALL of Ohio.
Mr. BACCHUS of Florida.
Mr. ANDREWS of Texas.
Mr. MATSUI.
Mr. MANN in two instances.
Mr. FOGLIETTA.
Mr. FORD of Michigan.
Mr. TOWNS in two instances.
Mr. JOHNSON of South Dakota.
Mr. LEHMANN.
Mr. NADLER.
Mr. COPPERSMITH.
Mr. KLEIN.
Mr. DE LA GARZA.
Mr. TRAFICANT.
Mr. ABERCROMBIE in two instances.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 341. An act to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 12, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3152. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for Federal civil defense programs for fiscal year 1995, pursuant to 31 U.S.C. 1110; to the Committee on Armed Services.

3153. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-239, "Full Funding of Pension Liability Retirement Reform Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3154. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-238, "Omnibus Criminal Justice Reform Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3155. A letter from the Executive Director, District of Columbia Retirement Board, transmitting financial disclosure statements of Board members, pursuant to D.C. Code, sections 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

3156. A letter from the Secretary of Education, transmitting a report on the Comprehensive Child Development Program, pursuant to 42 U.S.C. 9881; to the Committee on Education and Labor.

3157. A letter from the Chairperson, National Institute for Literacy, transmitting the first annual report of the National Institute board for fiscal year 1993, pursuant to Public Law 102-73, section 103 (105 Stat. 338); to the Committee on Education and Labor.

3158. A letter from the Secretary of Energy, transmitting a report concerning the costs and benefits of industrial reporting and voluntary targets for energy efficiency; to the Committee on Energy and Commerce.

3159. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of S. 2004, pursuant to Public Law 101-508, Sec. 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3160. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 2884 and S. 375, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on government Operations.

3161. A letter from the Financial Officer, Department of Agriculture, transmitting the annual management report for the Commodity Credit Corporation, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3162. A letter from the Director, Office of Personnel Management, transmitting the annual report of the Civil Service Retirement and Disability Fund for fiscal year 1993, pursuant to 31 U.S.C. 9503(a)(1)(B) and 5 U.S.C. 1308(a); to the Committee on Government Operations.

3163. A letter from the Director, Financial Services, Library of Congress, transmitting activities of the U.S. Capitol Preservation Commission Fund for the 6-month period which ended on March 31, 1994, pursuant to Public Law 100-696, section 804 (102 Stat. 4610); to the Committee on House Administration.

3164. A letter from the Executive Director, American Chemical Society, transmitting the Society's annual report for the calendar year 1993, pursuant to 36 U.S.C. 1101(2), 1103; to the Committee on the Judiciary.

3165. A letter from the Executive Director for Government Affairs, Retired Enlisted Association, transmitting the association's financial report for the period ending December 31, 1993; to the Committee on the Judiciary.

3166. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Science, Space, and Technology.

3167. A letter from the Deputy Secretary of Defense, transmitting a list of selected sites for the consolidation and reform of DOD finance and accounting activities; jointly, to the Committees on Government Operations and Armed Services.

3168. A letter from the Chairman, Physician Payment Review Commission, transmitting the Commission's 1994 annual report, pursuant to 42 U.S.C. 1395w-1(c)(1)(D); jointly, to the Committees on Ways and Means and Energy and Commerce.

3169. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled, "Substance Abuse and Mental Health Services Amendments of 1994"; jointly, to the Committees on Energy and Commerce, the Judiciary, and the District of Columbia.

3170. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on U.S. Government efforts to combat terrorism; jointly, to the Committees on Intelligence (Permanent Select), the Judiciary, and Foreign Affairs.

3171. A letter from the Assistant Secretary of the Navy, transmitting a draft of proposed legislation entitled, "Water Resources Development Act of 1994"; jointly, to the Committees on Public Works and Transportation, Natural Resources, Energy and Commerce, Merchant Marine and Fisheries, Science, Space, and Technology, Foreign Affairs, Small Business, the Judiciary, and Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee of Conference. Conference report on H.R. 965. A bill to provide for toy safety and for other purposes (Rept. 103-500). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3869. A bill to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of minority groups, and for other purposes; with an amendment (Rept. 103-501). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 421. Resolution waiving points of order against the conference report to accompany the bill (S. 2000) to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes (Rept. 103-502). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 422. Resolution providing for the consideration of the bill (H.R. 518) to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes (Rept. 103-503). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 423. Resolution providing for the consideration of the bill (H.R. 2473) to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes (Rept. 103-504). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 518. Discharged from the Union Calendar and referred to the Committee on Merchant Marine and Fisheries for a period ending not later than May 11, 1994, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(m) of rule X.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

The Committee on Merchant Marine and Fisheries discharged from further consideration of H.R. 518. H.R. 518 referred to the Committee of the Whole House on the State of the Union.

The Committee on Merchant Marine and Fisheries discharged from further consideration of H.R. 2473; H.R. 2473 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of New Jersey:

H.R. 4384. A bill to substitute evaluations of educational quality for cohort default rates in eligibility determinations for proprietary institutions of higher education under Federal student assistance programs; to the Committee on Education and Labor.

By Mr. RAHALL (for himself, Mr. MINETA, Mr. SHUSTER, and Mr. PETRI):

H.R. 4385. A bill to amend title 23, United States Code, to designate the National Highway System, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MONTGOMERY (for himself, Mr. SLATTERY, Mr. ROWLAND, Mr. BILIRAKIS, Mr. KENNEDY, Mr. CLEMENT, Mr. STEARNS, and Mr. BISHOP):

H.R. 4386. A bill to amend title 38, United States Code, authorizing the Secretary of Veterans Affairs to provide compensation to veterans suffering from disabilities resulting from illnesses attributed to service in the Persian Gulf theater of operations during the Persian Gulf war, to provide for increased research into illnesses reported by Persian Gulf war veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. BENTLEY:

H.R. 4387. A bill to require that an application for a writ of habeas corpus be submitted with the consent of the person for whose relief it is intended; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota (for himself, Mr. POMEROY, Mr. PETERSON of Minnesota, Mr. MINGE, and Mr. BARRETT of Nebraska):

H.R. 4388. A bill to establish the Northern Great Plains Rural Development Commission, and for other purposes; to the Committee on Agriculture.

By Mr. JOHNSON of South Dakota:

H.R. 4389. A bill to require the Secretary of the Interior to consider, in issuing national park concessions contracts, the extent to which those contracts involve Indians and Indian-owned businesses, and for other purposes; to the Committee on Natural Resources.

By Mr. KLEIN (for himself and Mr. VENTO):

H.R. 4390. A bill to amend the National Housing Act to reform and simplify the single family home mortgage insurance program of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LIPINSKI (for himself Mr. STUDDS, Mr. FIELDS of Texas, and Mr. BATEMAN):

H.R. 4391. A bill to authorize appropriations for the Federal Maritime Commission for fiscal year 1995; to the Committee on Merchant Marine and Fisheries.

By Mr. McCURDY:

H.R. 4392. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the distribution of Federal surplus property to nonprofit organizations providing assistance to the hungry and the indigent; to the Committee on Government Operations.

By Mr. NADLER (for himself, Mr. Rangel, Mrs. Lowey, Mr. Fish, Mr. Serrano, Ms. Velazquez, Mrs. Maloney, Mr. Engel, and Mr. Levy):

H.R. 4393. A bill to redesignate General Grant National Memorial as Grant's Tomb National Memorial, and for other purposes; to the Committee on Natural Resources.

By Mr. PALLONE:

H.R. 4394. A bill to provide for the establishment of mandatory State-operated comprehensive one-call systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Ms. SCHENK:

H.R. 4395. A bill to amend the Individuals with Disabilities Education Act to provide that the requirement regarding the continued educational placement of children with disabilities in public schools during the pendency of certain proceedings shall not apply with respect to disciplinary proceedings against those children for possession of firearms; to the Committee on Education and Labor.

By Mr. TAYLOR of North Carolina:

H.R. 4396. A bill to amend section 203 of the National Housing Act to increase the maximum mortgage amount limitation under the single family housing mortgage insurance program of the Secretary of Housing and Urban Development for homes in nonhigh-cost areas; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4397. A bill to permit refunding of certain bonds; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself, Mr. Wolf, Mr. Hamilton, Mr. Hyde, Mr. Moakley, Mr. Emerson, Mr. Hughes, and Mr. Smith of Michigan):

H.J. Res. 366. Joint resolution to proclaim the week of October 16 through October 22, 1994, as "National Character Counts Week"; to the Committee on Post Office and Civil Service.

By Mr. BILBRAY (for himself, Mr. Lehman, Mr. Torres, Mr. Bonior, and Mr. Hoyer):

H. Con. Res. 247. Concurrent resolution expressing the sense of the Congress with respect to the Nagorno Karabagh conflict; to the Committee on Foreign Affairs.

By Mr. MICHEL:

H. Con. Res. 248. Concurrent resolution providing for the printing of eulogies and encomiums of the late President of the United States, Richard M. Nixon, as expressed in the House of Representatives and the Senate; to the Committee on House Administration.

By Mr. TAUZIN (for himself and Mr. Hastert):

H. Res. 424. Resolution expressing the sense of the House of Representatives that Members of Congress should have the opportunity to offer an amendment striking an employer mandate in any legislation to reform our health care system; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

366. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Virginia, relative to truck safety; jointly, to the Committees on Armed Services and Science, Space, and Technology.

367. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to welfare recipients' income; to the Committee on Banking, Finance and Urban Affairs.

368. Also, memorial of the Council of the District of Columbia, relative to democracy in Haiti; to the Committee on the District of Columbia.

369. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to Lorton Penitentiary; to the Committee on the District of Columbia.

370. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to historically black colleges and universities; to the Committee on Education and Labor.

371. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the "Individuals with Disabilities Education Act"; to the Committee on Education and Labor.

372. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to safe drinking water; to the Committee on Energy and Commerce.

373. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to unfunded mandates; to the Committee on Government Operations.

374. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to Indian tribes in Virginia; to the Committee on Natural Resources.

375. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to human rights; to the Committee on Post Office and Civil Service.

376. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to funding for South Battlefield Boulevard; to the Committee on Public Works and Transportation.

377. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the National Highway System; to the Committee on Public Works and Transportation.

379. Also, memorial of the Legislature of the State of Alaska, relative to diesel fuel; to the Committee on Ways and Means.

380. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to health insurance; to the Committee on Ways and Means.

381. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to low income families; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. VOLKMER introduced a bill (H.R. 4398) for the relief of Lester J. Reschly; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. Buyer, Mr. Calvert, Mr. Huffington, and Mr. Ramstad.

H.R. 124: Mr. Cunningham and Mr. Zeliff.

H.R. 169: Mr. Baker of California.

H.R. 291: Mr. Kyl, Mrs. Roukema, Mr. Herger, Mr. Engel, Mr. Glickman, Mrs. Meyers of Kansas, Mr. Gunderson, and Mr. McHugh.

H.R. 300: Mr. Bonior.

H.R. 411: Mr. Manzullo.

H.R. 417: Mr. Thomas of California, Mr. Schiff, Mr. Canady, Mr. Kasich, Mr. Dreier, Mr. Doolittle, and Mr. Hancock.

H.R. 421: Mr. Underwood, Mr. Filner, Mr. Murphy, Mr. Miller of California, Mr. Gejdenson, Mr. Coble, and Mr. Coyne.

H.R. 546: Mr. Duncan, Mr. Rose, and Mr. Gejdenson.

H.R. 551: Mr. Penny.

H.R. 702: Mr. Coppersmith, Mr. Linder, and Mr. Grandy.

H.R. 716: Mrs. Morella.

H.R. 769: Mr. Darden and Mr. Hall of Texas.

H.R. 773: Mr. Gallo.

H.R. 784: Mr. Jacobs.

H.R. 799: Mr. Pete Geren of Texas.

H.R. 885: Mr. Linder and Ms. Pryce of Ohio.

H.R. 957: Mr. Farr and Mr. Mineta.

H.R. 1155: Ms. Molinari and Mr. Johnson of South Dakota.

H.R. 1354: Mr. Gene Green of Texas, Mr. Clyburn, Mr. Hinchey, and Mr. Serrano.

H.R. 1493: Mr. Johnston of Florida.

H.R. 1583: Mr. Smith of New Jersey, Mr. Klein, Mr. Callahan, Mr. Beilenson, and Mrs. Vucanovich.

H.R. 1596: Mr. Manzullo.

H.R. 2145: Mr. Dellums, Mr. Stenholm, Mr. Payne of Virginia, Mr. Studds, Ms. Margolies-Mezvinsky, Mr. Canady, Mr. Kildee, Ms. DeLauro, Mr. DeFazio, and Mr. Gingrich.

H.R. 2417: Mrs. Mink of Hawaii.

H.R. 2437: Mr. Wheat.

H.R. 2859: Mr. Gallegly and Mr. Zeliff.

H.R. 3087: Mr. Kleczka, Mr. Weldon, Mr. Moran, Mr. Skelton, Mr. Dreier, and Mr. Roemer.

H.R. 3173: Mr. Applegate, Mr. Fields of Texas, and Mr. Poshard.

H.R. 3247: Mr. Bilbray, Mr. Gene Green of Texas, Mr. Serrano, Mr. Johnson of South Dakota, Ms. Eshoo, Mr. Lehman, Mr. Abercrombie, and Mr. Andrews of New Jersey.

H.R. 3266: Mr. Shaw and Mrs. Morella.

H.R. 3293: Mr. Serrano and Mr. Goss.

H.R. 3328: Mrs. Clayton.

H.R. 3461: Mr. Meehan.

H.R. 3462: Mr. Meehan.

H.R. 3463: Mr. Meehan.

H.R. 3486: Mr. Collins of Georgia and Mr. Tauzin.

H.R. 3538: Mr. Tucker, Mr. Leach, Mrs. Clayton, and Mr. Reed.

H.R. 3546: Ms. Pryce of Ohio.

H.R. 3573: Mrs. Clayton.

H.R. 3630: Mrs. Johnson of Connecticut.

H.R. 3645: Mr. Sensenbrenner.

H.R. 3656: Mr. Coble and Mr. Rush.

H.R. 3663: Ms. Roybal-Allard.

H.R. 3694: Mr. Washington, Mr. Wynn, Mr. Torkildsen, Mr. Kopetski, Mr. Olver, Ms. Margolies-Mezvinsky, Mr. Brewster, Mr. Gibbons, Mrs. Lloyd, Mr. Sarpalius, Mr. Hinchey, Mr. Barrett of Wisconsin, Mr. Gejdenson, Mr. Chapman, Mr. DeFazio, and Mr. Ramstad.

H.R. 3790: Mr. Jacobs.

H.R. 3795: Mr. Clinger.

H.R. 3797: Mr. Ballenger, Mr. Franks of New Jersey, Mr. Gingrich, and Mr. Shays.

H.R. 3820: Mr. Sisisky, Mr. Evans, Mr. Volkmer, Mr. Burton of Indiana, Mr.

Houghton, Mr. Taylor of Mississippi, Mr. Gilchrest, Mr. Kolbe, Mr. Boehner, Mr. Young of Florida, Mr. Martinez, Mr. Ewing, Mr. Coyne, Mr. Murtha, Mr. Crane, Mr. Packard, Mr. Spence, Mr. Bacchus of Florida, Mr. Machtley, Mr. Williams, Mr. Ortiz, Mr. Klug, and Mr. Scott.

H.R. 3843: Mr. Brown of Ohio and Mr. Murphy.

H.R. 3844: Mr. Murphy.

H.R. 3866: Mr. Skaggs, Mr. Becerra, Ms. Ros-Lehtinen, Mr. Levin, and Mr. Volkmer.

H.R. 3871: Mr. Ballenger and Mr. Solomon.

H.R. 3905: Mrs. Meyers of Kansas, Mr. Evans, Mr. Dellums, and Mr. Brown of California.

H.R. 3936: Mr. Ewing, Mr. Parker, Mr. Lewis of Florida, Mr. Fingerhut, and Ms. Pryce of Ohio.

H.R. 3951: Mr. Darden and Mr. Glickman.

H.R. 4024: Mr. Evans, Mr. Payne of New Jersey, Mrs. Clayton, Mr. Martinez, Mrs. Mink of Hawaii, and Mr. Coleman.

H.R. 4050: Ms. Norton, Mr. Romero-Barcelo, Ms. Harman, and Mr. Darden.

H.R. 4074: Mr. Levy, Ms. Molinari, Mr. McNulty, Mr. Hinchey, Mr. Hochbrueckner, Ms. Slaughter, Mr. Ramstad, Mr. LaFalce, Mr. Towns, Mr. Castle, and Mr. McHugh.

H.R. 4137: Mr. Walsh, Mr. King, Mr. Bereuter, Mr. Machtley, Mr. Shays, and Mr. Schiff.

H.R. 4142: Mr. Gallo.

H.R. 4189: Mr. Levy and Mr. Meehan.

H.R. 4208: Mr. Frank of Massachusetts and Mr. Deutsch.

H.R. 4233: Mr. Tanner, Mr. Wilson, and Mrs. Vucanovich.

H.R. 4258: Mrs. Lloyd.

H.R. 4260: Mr. Slattery, Mr. Dellums, Mr. Miller of California, Mr. Engel, Mr. Bevill, Mrs. Maloney, Ms. Furse, and Mr. Towns.

H.R. 4276: Mr. Beilenson.

H.R. 4292: Mr. Bilbray, Mr. Miller of California, Mr. LaFalce, Mr. Gejdenson, Mr. Ackerman, Mr. Frank of Massachusetts, Mr. Mann, Mr. Johnston of Florida, Mr. Clay, Mr. Kopetski, Mr. Evans, Mr. Torkildsen, Mr. Shays, Ms. Furse, Mr. Hughes, Mr. Hochbrueckner, and Mr. Glickman.

H.R. 4369: Mr. Horn and Mr. Young of Alaska.

H.J. Res. 44: Mr. DeLay and Mr. Young of Florida.

H.J. Res. 209: Mr. Andrews of New Jersey, Mr. Lightfoot, Mr. Coleman, Mr. Lazio, Mr. Foglietta, and Mr. Doolittle.

H.J. Res. 293: Mr. Faleomavaega and Mr. Flake.

H.J. Res. 297: Mr. Edwards of Texas and Mr. Hutchinson.

H.J. Res. 302: Ms. Pryce of Ohio, Mr. Machtley, Mr. Hobson, Mr. Skeen, Ms. DeLauro, and Mr. Barcia of Michigan.

H.J. Res. 314: Mr. Sarpalius and Mr. Flake.

H.J. Res. 315: Mr. Blute, Mr. Bunning, Mr. DeFazio, Mr. Duncan, Mr. Franks of Connecticut, Mr. Greenwood, Mr. Herger, Mr. Hyde, Mr. Inhofe, Mr. Kildee, Mr. Kim, Mr. King, Mr. Machtley, Ms. Molinari, Mr. Quillen, Mr. Sarpalius, Mr. Serrano, Mr. Shaw, Mr. Skeen, Mr. Skelton, Mr. Smith of New Jersey, Mr. Tanner, Mr. Tauzin, Mr. Torricelli, Mr. Vento, Mr. Washington, Ms. Waters, Mr. Whitten, Mr. Baker of California, Mr. Everett, Mrs. Fowler, Mr. Gallo, Mr. Gonzalez, Mr. Kingston, Mrs. Johnson of Connecticut, Mr. Sam Johnson, Mr. Kolbe, Mr. Lazio, Mr. McCandless, Mr. McNulty, Mrs. Meyers of Kansas, Mr. Murphy, Mr. Murtha, Mr. Oxley, Mr. Packard, Mr. Peterson of Florida, Mr. Price of North Carolina, Mr. Rahall, Mr. Ravenel, Mr. Rogers, Mr. Romero-Barcelo, Mr. Sanders, Mr. Schiff, Mr. Shuster, Mr. Slattery, and Ms. Slaughter.

H.J. Res. 327: Mr. Engel and Ms. Pelosi.

H.J. Res. 328: Mrs. Byrne and Mr. Horn.

H.J. Res. 333: Mr. Barlow, Mr. Hochbrueckner, Mr. Jefferson, Mr. Underwood, Mr. Fingerhut, Mrs. Mink of Hawaii, Ms. Cantwell, Ms. Velazquez, Ms. Woolsey, Mrs. Maloney, Mr. Hamburg, Ms. McKinney, Mr. Bacchus of Florida, Mr. Glickman, Mr. Becerra, Mr. Taylor of North Carolina, Mr. Richardson, Mrs. Kennelly, Mr. Sawyer, Mr. Reynolds, Mr. Price of North Carolina, Mr. Valentine, Mr. Andrews of New Jersey, Mr. Coleman, Mrs. Fowler, Ms. English of Arizona, Mr. Lazio, Mr. Machtley, Mr. Emerson, Mr. Markey, Mr. Hyde, Ms. Danner, Mr. Neal of Massachusetts, Mr. Torkildsen, Mr. Olver, Mrs. Johnson of Connecticut, Mr. Jacobs, Mr. Wilson, Mr. Rowland, Mr. Smith of Iowa, Mr. Montgomery, Mr. Barca of Wisconsin, Mr. Johnson of South Dakota, Mr. Swift, Miss Collins of Michigan, Mr. Bishop, Mr. Bevill, Mr. Fish, Mr. Ford of Michigan, Mr. Parker, Mr. Hayes, Mr. Coyne, Mr. Taylor of Mississippi, Mr. Poshard, Mr. Gordon, Mr. Clement, Mr. Kim, Mr. Clinger, Mr. Sharp, Mr. Sangmeister, Mr. Wyden, Ms. Long, Mr. Berman, Mr. Ford of Tennessee, Mr. Hall Ohio, and Ms. Waters.

H.J. Res. 338: Mrs. Fowler and Mr. McKeon.

H.J. Res. 356: Mr. Stokes, Mr. Brown of California, Mr. Filner, Miss Collins of Michigan.

H.J. Res. 362: Mrs. Byrne, Mrs. Farr, Mr. Wolf, Mr. Sarpalius, and Mr. Peterson of Florida.

H. Con. Res. 15: Mr. Leach.

H. Con. Res. 156: Mr. Fields of Louisiana.

H. Con. Res. 166: Mr. Bilirakis.

H. Con. Res. 199: Mr. Richardson and Mr. Young of Florida.

H. Con. Res. 235: Mr. Dixon, Mr. Markey, Mr. Faleomavaega, Mr. Cardin, Mr. Klein, Mr. Schumer, Mrs. Meek of Florida, Mr. Gejdenson, Ms. Brown of Florida, Mr. Andrews of Maine, Mrs. Unsoeld, Mr. Jefferson, Mr. Minge, Mr. Oberstar, Mr. Reed, Mr. Watt, Mr. Engel, Mr. Frost, Mr. Gordon, Mr. Hamburg, Mr. Kleczka, Mr. Matsui, Mr. Shepherd, Ms. McKinney, Mr. Mineta, Mr. Strickland and Mrs. Mink of Hawaii.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 302: Mr. Hutto.

EXTENSIONS OF REMARKS

OUR CHILDREN ARE IN TROUBLE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 11, 1994, into the CONGRESSIONAL RECORD:

OUR CHILDREN ARE IN TROUBLE

Our children are in trouble. We have many reasons to be concerned about the quality of their lives. Every day we hear yet another story of horrible violence perpetrated on or by children; poor educational performance; neglect; or unmet health needs. Yet a recent study indicates that the greatest crisis is among those that we usually hear least about—children under three. They are the most vulnerable members of society, unable to speak for or defend themselves in any way.

THE MOST CRUCIAL YEARS OF LIFE

The importance of good care during the prenatal months and in early childhood is hard to overstate. Recent research indicates that brain development in the first year of life is much more rapid and vulnerable to environmental influences than previously suspected. For example, poor nutrition in the early months can interfere with brain development seriously enough to cause learning disabilities and behavioral problems. Whether parents interact with children in a positive and stimulating way profoundly affects their ability to learn, communicate, and relate to others. Moreover, these effects are long-lasting and not always reversible. A child's ability to succeed in high school is substantially related to what happens by age three.

THE "QUIET CRISIS"

Despite the importance of these early years, we fail young children far too often. Families with children under age three constitute the single largest group living in poverty in the U.S.: 25% of these families are poor. Most of these families are headed by one parent, usually the mother. Often, they live in unsafe neighborhoods with poor access to good child care, health care, or other services.

More divorces, single-parent families, and less support from the extended family and community have made parents feel more isolated in raising their young children. Over half the mothers return to the workforce within a year of the baby's birth. Many infants and toddlers spend 35 or more hours per week in substandard child care, with little developmental stimulation. Only half of infants and toddlers are regularly read to by their parents.

One-third of the victims of child abuse are babies; over half of those who die from abuse or neglect are less than a year old. Nearly a quarter of all pregnant women in America receive little or no prenatal care. The percentage of babies who die before age one is higher in the U.S. than it is in 19 other nations, and we rank 30th in the world in the number of low-birthweight babies. The leading cause of death among children aged one to four is unintentional injury. Babies are the fastest growing category of children entering foster care. About 45% of two-year-olds are not fully immunized against preventable childhood diseases.

HOW CAN WE HELP?

Children deserve a decent start in life. There are a few key ways in which we can reduce the risks they face.

First, we must promote responsible parenthood. Children born to single parents are much more likely to grow up in poverty. The risks facing children born to unmarried teens are even more daunting: nearly three-quarters of these families will be on welfare within four years. Yet the U.S. has one of the worst adolescent pregnancy rates in the industrialized world, and over half of all pregnancies in the U.S. are unintended. Parenting is probably the most important responsibility that human beings undertake, and it is also intensely personal. But we as a society should encourage people to be prepared physically, emotionally, and financially for this responsibility. We must educate teenagers about the risks of adolescent pregnancy and encourage them to make responsible choices. Teens who do become pregnant must be provided with the assistance they need in order to become good parents. Unmarried fathers must be held accountable for their children's welfare. All parents must be made to understand the critical importance of their children's early years.

Second, access to quality child care must be improved. Incentives should be provided to employers to give parental leave. The dependent care tax credit should be made refundable so that low- and moderate-income families can continue to strive for economic self-sufficiency. Child care providers should receive training in early childhood development. Efforts should be made to decrease turnover among child care providers so that children receive more continuity in their care. Congress should pass legislation to improve the quality of Head Start programs, which provide important educational services to many low-income children. We should look at ways to expand Head Start so that it may provide high-quality care to all eligible children.

Third, we must ensure that children are healthy and safe. Children should be able to grow up in safe homes and neighborhoods. Last year the Congress enacted a law to ensure that vaccinations are more affordable and accessible. Parents should continue to be more aware of the importance of immunizations. The Women, Infants, and Children supplemental nutrition program (WIC) significantly improves the health of pregnant women and children, and should be expanded to serve all eligible families. Home visits by nurses and social workers to first-time or at-risk mothers can improve parenting skills and the safety of the home environment.

CONCLUSION

Many of the difficulties families face result from larger problems of society which urgently need attention. Violence affects all of us, but children are particularly vulnerable. Economic demands require parents to work long hours and spend less time with their children. A lack of good jobs in some areas, particularly in inner cities, gives youngsters little hope for the future and makes them less likely to avoid premature sexual activity.

Government can do a lot to address these problems, but all of us have an obligation to protect and nurture our most vulnerable citizens: our children. We have to support parents who are struggling, working through our churches, schools, civic groups, and community organizations to give them the help they need. We must send a clear message to parents who neglect their children that their failure will not be tolerated. And perhaps most fundamentally, we have to raise our own children to be responsible adults who will in turn raise their children well.

TRIBUTE TO COL. RAY THOMPSON

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to a special friend and an outstanding citizen of Ohio. Col. Ray Thompson has been an integral part of the 5th District service academy selection process since October 1982. Since 1989, Colonel Thompson has served on my academy advisory board. During this time, I have grown to know and respect his integrity and dedication to our country.

Col. Raymond Thompson was born in Salley, SC. He attended public schools in Aiken County, and graduated from A.L. Corbett High School in Wagner, SC. In May 1961, he graduated from South Carolina State College, Orangeburg, SC. He was a distinguished graduate and was commissioned a 2d lieutenant in the U.S. Army.

From the beginning of his military career, Ray Thompson has set high standards for himself. His record of service, which has entered its fourth decade, is characterized by self-discipline, self-motivation, and mission accomplishment. He has received numerous awards, including the Meritorious Service Medal, the Bronze Star, the Army Commendation Medal, the National Service Defense Medal, and the Vietnam Service Medal with four bronze stars.

Ray Thompson continues to serve our country today, supporting the mission of the U.S. Military Academy in providing leaders of character to the Nation. Ray has committed literally hundreds of hours of time crisscrossing countless miles of northwest Ohio seeking out the best and brightest of Ohio's young people.

Ray's message is simple: If you want to serve your country, if you have the physical and intellectual ability, and if you have the de-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sire to push yourself to the limits of your ability and then push some more, I can show you the way to the challenge you are looking for—the U.S. Military Academy.

Mr. Speaker, Ray Thompson is without question an American patriot willing to make a difference. Colonel Thompson and his wife, Ireesa, live in Lakeside, OH. They have a daughter, Melva; a son, Douglas; and a grandson, Christopher. The Thompson family is actively involved in the Lakeside community and is a member of the Lakeside United Methodist Church. He is a volunteer for Big Brothers/Big Sisters of northwest Ohio. He is also an avid runner, cyclist, and sports car enthusiast.

I ask my colleagues to join me in paying a special tribute to Ray Thompson's record of personal accomplishments and wishing him all the best in the future.

CONGRESSMAN HORN PAYS TRIBUTE TO DEMOCRACY IN SOUTH AFRICA

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. HORN. Mr. Speaker, I rise today to honor the courage of all South Africans who have struggled for justice and peace in their country. Their long struggle has been rewarded with the first truly democratic elections in South Africa, and all Americans should feel joy for the opportunity South Africans now have.

Too often, events such as this are remembered merely as moments in history. As we have seen throughout the world, however, the nations of the world cannot celebrate a date and then ignore the realities of change. The end of the apartheid system in South Africa and the recognition of real democracy for all people in that nation make this indeed a time to celebrate. South Africans must face the sober realization, however, that much work lies ahead.

With its electoral success, and the election of Nelson Mandela by the National Assembly to be President of South Africa, the African National Congress will now have to learn a new role—that of governing party of all South Africans, including whites and Zulus. Critical to its ability to govern will be how the ANC chooses to address explosive problems such as ethnic homelands, education, taxation, land redistribution, and the threat of terrorist organizations dedicated to toppling the new government.

I congratulate the people of South Africa for their courage. Now, we must all pray for wisdom and patience on the part of the new government, and we must be prepared to help that fledgling government, from the level of the new President down to local officials in the new provinces. Promoting democracy has always been an ideal of the American people. With all champions of peace and justice, we look forward to the beginning of better times in southern Africa. My hope is that the joy of South Africa can lead to better times as well in the other troubled countries of that continent.

TRIBUTE TO IMOGENE BALDWIN FERGUSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. TOWNS. Mr. Speaker, community service is an enduring quality and an absolute necessity in today's society. Fortunately, Brooklyn, NY is benefiting from the dedicated efforts of Imogene Baldwin Ferguson.

Mrs. Baldwin Ferguson migrated to Brooklyn in 1962 from Greenville, SC where she attended elementary and high school. In 1964 she married James Baldwin. She later married Eric Ferguson of Panama, and is the mother of nine children and nine grandchildren. Mrs. Baldwin Ferguson graduated from Queensborough Community College and Brooklyn College.

For 11 years she worked for the New York City Housing Authority. For the past 3 years she has worked as the youth coordinator for community board 17. She is a member of the League of Women Voters and the Haitian Family Services Center, and cofounded the Brooklyn Women's Alliance. Imogene is also a member of First Baptist Church of Crown Heights.

The community of Brooklyn has been enriched by the dedicated and unselfish efforts of Imogene Baldwin Ferguson. She gives true meaning to the notion of selfless service.

TRIBUTE TO DAVID A. DUFFY

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. REED. Mr. Speaker, I rise today to pay tribute to an outstanding Rhode Islander, David A. Duffy who is being honored by the National Conference of Rhode Island and Southeastern New England as their Humanitarian of the Year.

Mr. Duffy has been a leader in Rhode Island for many years and he is known for his success as a businessman, his unselfish dedication to charitable and philanthropic endeavors along with his commitment to community service.

Mr. Duffy has been an active participant in many Rhode Island organizations such as the chamber of commerce, Save the Bay, and the John C. Fogarty Foundation for the Mentally Retarded. He has served his community in various capacities over the years such as director of the Providence, RI Preservation Society, Junior Achievement organization as well as IN-SIGHT, formerly the Rhode Island Association for the Blind.

In 1993 Mr. Duffy received the Never Again award from the Jewish Federation of Rhode Island in recognition of his efforts to influence the reduction of anti-Semitism, racism, and bigotry which is presented in conjunction with Holocaust Remembrance Day.

I urge my colleagues to join me today in honoring an outstanding individual, David A. Duffy, who has earned the respect and admiration of many Rhode Islanders.

HONORING RABBI LOUIS BERNSTEIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. ACKERMAN. Mr. Speaker, I rise today to call the attention of my colleagues to the lifetime accomplishments of Rabbi Louis Bernstein, who was honored on May 2 by the members of Mizrachi-Hapoel Mizrachi for his outstanding leadership to the world Zionist community.

Rabbi Bernstein is a truly dedicated and compassionate individual, whose achievements attest to his desire to assist people in fulfilling themselves. He is the past president and chairman of the Vaad Hapoel, a rabbi and professor of Bible at Yeshivah University, a published author and essayist, and a member of the Jewish Agency Executive.

Within the broad spectrum of activities he conducts, Rabbi Bernstein is most noted as a teacher. He has led and educated his congregation, Young Israel of Windsor Park, in Queens County, NY, and has shared his insights and keen intellect with a generation of students at Yeshivah University as well. His widely respected views on regional and world events have served to make his newspaper columns and his publications a ready source of knowledge relating to American-Israeli affairs.

Rabbi Bernstein's distinct and effective leadership has been recognized by his colleagues, who have given him the unique honor of electing him to three terms as head of the Rabbinical Council of America.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in honoring Rabbi Louis Bernstein for his lifetime achievements in building a more humane and compassionate world.

CONGRATULATIONS TO REBECCA A. BROSS

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. MANN. Mr. Speaker, I want to take this opportunity to recognize Rebecca A. Bross for earning the Camp Fire Girl's WoHeLo Medallion. This is a substantial achievement. The WoHeLo Program is designed as an individualized program of personal development in the areas of leadership, teaching, community service, and public speaking.

Rebecca's project has been the planning and construction of a cooperation course at the Camp Fire Girl's Camp Wyandot. The course is designed with eight stations where the participants must cooperate to solve the problem or challenge of each station.

Rebecca is a graduating honors student at Colerain High School where she is a member of the National Honor Society and has been in the German Honor Society for 4 years. She has received a Tillotson scholarship and will attend the University of Toledo to major in chemistry. Rebecca has been a member of the school orchestra where she plays cello and has been on the flag corps. She has also been actively involved in Students Against Drunk Driving, the science club and the breakfast club, which is an interfaith organization. Furthermore, Rebecca Bross has been an active member of her church where she teaches nursery school and junior church.

I extend my warmest congratulations to Rebecca who should be justifiably proud of her accomplishments. I also extend my congratulations to her parents, Ray and Susan Bross, and her Camp Fire Girl's leaders whose support and encouragement helped make her goal a reality.

TRIBUTE TO JENNIFER L. CASTLE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young woman from my district who has recently accepted her appointment as a member of the class of 1998 at the U.S. Air Force Academy.

Jennifer L. Castle will soon graduate Margaretta High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school Jennifer has distinguished herself as a leader among her peers. She is an honor roll student and played on the softball and basketball teams. In addition, she has been a member of the Spanish Club, band, and the National Honor Society.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future they might be entrusted with the very security of our Nation.

I am confident that Jennifer has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating her for her accomplishments to date and to wish her the best of luck as she begins her career in service to our country.

CONGRATULATIONS TO JASON SPANEL ON WINNING THE AMERICAN EXPRESS GEOGRAPHY COMPETITION

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor Jason Spanel, a young man from my district who recently placed first in the American Express geography competition. Jason's project, "Thinking Geographically: Linking the North American Waterfowl Management Plan to the J.N. Spanel Wetland Restoration and Interpretative Site," was selected out of 3,000 students who participated in the nationwide competition. Jason is being honored by American Express this week at a national awards ceremony in our Nation's capital.

Jason's winning project traced the geographical evolution of the Saline River Basin from prehistoric times when wetlands comprised one-third of the region to the early years of America when Native Americans used the land to farm. In his research, Jason discovered that less than half of America's wetlands remain in existence. It is reassuring to know that such a young man understands the Government's responsibility in monitoring and preserving the environment.

I would also like to honor Jason Spanel for being a citizen who puts his words into action. As an Eagle Scout, Jason transformed a barren 31 acre containment basin in Eldorado, IL, into a national wetlands preservation area. Today, what was once a community eyesore is now a lush wetland populated by trees, plants, a boardwalk, and waterfowl. In his efforts, Jason was able to save the endangered flora and fauna from being destroyed by the expansion of local industry. At 15 years old, Jason is now the youngest person in the history of the North American Wetlands Conservation Fund to receive a grant for a wetlands project.

I am very proud of Jason Spanel for his hard work and dedication in educating his local community about ways they can work together to preserve the environment. Jason is a role model not only to his peers, but to adults who often take our planet and its resources for granted. Congratulations Jason from the people of the 19th Congressional District on a job well done. You are truly an inspiration to us all.

COXSACKIE HOSE COMPANY NO. 3 CELEBRATES 100 YEARS OF FIREFIGHTING

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. SOLOMON. Mr. Speaker, the 22d Congressional District of New York is primarily rural, and like many rural districts in America, much if its fire protection comes from volunteer fire companies.

I would like to say a few words today about one of those companies, Coxsackie Hose Co. No. 3, which in 1994 is celebrating its 100th year of providing excellent fire protection to its neighbors.

I was a volunteer fireman myself for over 20 years in my hometown of Queensbury, NY. My fellow firefighters came from every walk of life and income level. What they had in common with each other and with volunteer firefighters across the Nation was a desire to serve the community. And serve, they have indeed. In New York alone volunteer firefighters save countless lives and billions of dollars worth of property every year.

Like their counterparts elsewhere, Coxsackie's take advantage of every opportunity to upgrade their skills. They are well trained, totally dedicated, and completely selfless in their responses to fire alarms. After all, Mr. Speaker, we are talking about accountants and doctors and clerks and teachers and farmers, you name it. But no matter what the hour or weather or interruption, they drop what they are doing, leave the comfort of their homes or workplaces, and come to the aid of their neighbors. There is nothing more all-American.

Coxsackie Hose Co. No. 3's long service, among other things, caused it to be chosen to host the 106th Greene County Firemen's Convention in September.

I would call it an appropriate choice, and I think it would also be appropriate for everyone to join me in commemorating Coxsackie Hose Co. No. 3 as it begins its second century of outstanding service.

TRIBUTE TO TRAVIS D. ADKINS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the Class of 1998 at the U.S. Military Academy.

Travis D. Adkins will soon graduate from Paulding High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school Travis has distinguished himself as a leader among his peers. He is an honor roll student as well as a member of the football and power lifting teams. In addition, he has participated in the science olympiad program, Boy Scouts, and is president of the student council.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future they might be entrusted with the very security of our Nation.

I am confident that Travis has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

A STORY OF INSPIRATION—A MAN AND HIS COMMUNITY IN THE BATTLE AGAINST CRIME

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. HORN. Mr. Speaker, I rise today to honor both a brave man and a strong community—examples of how determination and spirit can work together to overcome crime.

On August 6, 1993, in my district in Long Beach, CA, Officer Abel Dominguez, a 7-year veteran of that city's police department, had just made a routine traffic stop. He was sitting in his patrol car, busy checking out warrants on a suspect, when suddenly a gunman attacked him.

The gunshots left him in a coma, severely wounded in the head, chest, and left arm. His doctors believed he would need to remain hospitalized at least until Christmas. But Officer Dominguez fought back. He went home the first of November and was back at a desk job at the Long Beach Police Department's North Station in January.

Though Officer Dominguez still experiences weakness in his left arm and hand, wears a brace and uses a cane, and is resigned to permanent vision damage, he has plans for a full career as a police officer. He intends to go into detective work once his recovery is complete.

Officer Dominguez's determination and hard work toward overcoming a tragedy are an inspiration matched only by the efforts of his family and community. Officer Dominguez's wife, Cindy, who has known him since their junior high school days, has been a constant partner for her husband during his rehabilitation. Cindy, an investment specialist, is able to work at home thanks to her employer, Los Angeles' Northern Trust Bank, which equipped her with a home computer so she could telecommute during her husband's recovery.

Shortly after Officer Dominguez was gunned down, Tom Rasada, a contractor and Neighborhood Watch captain, knocked on the Dominguez's door, asking if he could help. Soon, he and dozens of other volunteers he had recruited built a wheelchair-accessible bedroom and bath at the Dominguez home. Other community members sent prayers and contributions to cover medical bills. And the students at Long Beach's Jordan High School, Officer Dominguez's alma mater, gave him a place of honor during their homecoming football game.

Residents living in the area of the shooting helped police make arrests within hours of the attack on Dominguez. Next month, two men will go on trial for attempted murder.

The happy ending to this story is due to the courage and steadfastness of Officer Dominguez, his family, and his neighbors. It serves as an example for us all—first, of the personal dedication to overcome injury; second, of the power of citizens' willingness to do what is right; and most importantly, how community effort can work effectively in the battle against crime. I ask you to join with me in saluting Officer Dominguez, his wife, Cindy, and the citizens of Long Beach, CA.

HONORING RABBI MORDECAI V. EFRON ON HIS RETIREMENT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the members of the Hillcrest Jewish Center of Queens County, NY, in honoring Rabbi Mordecai V. Efron on the occasion of his retirement as associate rabbi of the congregation.

A long-time member of the Hillcrest community, Rabbi Efron has served as the associate rabbi of the congregation for almost a quarter of a century. His training is deeply rooted in rabbinic tradition. Upon his graduation from Yeshivah University, Rabbi Efron continued his studies at the Rabbi Isaac Elchanan Theological Seminary, where he was ordained in 1945. Not long after his graduation from the seminary, Rabbi Efron assumed the pulpit of the Sons of Jacob Congregation in Vineland, NJ, where he served for 23 years.

Upon an invitation from Israel Mowshowitz, who was then the rabbi of the Hillcrest Jewish Center, Rabbi Efron joined the congregation as assistant rabbi. In the course of the 23 years he was to serve the Hillcrest Jewish Center, he has led a variety of programs that involved teaching, counseling, preaching, and ministering in all rabbinic functions for the congregation's thousands of members.

Rabbi Efron's talents and contributions have also extended beyond the Hillcrest community. He has been honored by the United Jewish Appeal, State of Israel Bonds, and the B'nai B'rith Anti-Defamation League.

Mr. Speaker, the Hillcrest Jewish Center has for these many years benefited from the efforts of Rabbi Efron. I ask all my colleagues in the House of Representatives to join me now in recognition of Rabbi Mordecai Efron and his selfless service to the Hillcrest community.

HONORING FORMER HARRIS COUNTY COMMISSIONER E.A. "SQUATTY" LYONS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. FIELDS of Texas. Mr. Speaker, it was with deep sadness that Houstonians recently learned of the death of former Harris County Commissioner Everett Augustus Lyons.

He may have been born Everett Augustus Lyons, but those Houstonians who knew him, who worked with him, and who benefited from the projects he championed called him by the nickname he initially hated, but the nickname that stuck: "Squatty" Lyons.

"Squatty" was 84 when he passed away on Wednesday, May 4, while recuperating from pacemaker surgery. The sense of loss felt by his wife, Fern, and his three sons—Everett A. Lyons III, F.S. "Scottie" Lyons, and Jim Lyons, all of Houston—is shared by literally tens of thousands of Houstonians.

"Squatty" played a role—a major role—in transforming Houston, TX and its suburbs from a medium-sized city into the Nation's fourth-largest urban area. Projects which he helped plan and bring to fruition include the Astrodome, Houston's toll road system and Harris County's Flood Control District.

But perhaps what he will be most remembered for is roads—the roads millions of Houston-area residents use each morning to get to work and each evening to get home.

You see, Mr. Speaker, "Squatty" served as a Harris County commissioner for 48 years. His successor observed that "Squatty" helped oversee Houston's transition from dirt roads in the 1940's, to asphalt roads in the 1960's to concrete roads in the 1980's. As the population of the Houston area grew exponentially during those years, more and more Houstonians came to appreciate and depend on "Squatty" Lyons to make their lives, and their commutes, a little easier.

"Squatty" was elected to the Harris County Commissioner's Court in 1942. For the next 48 years, he was routinely reelected to office. During one 15-year period, in fact, he was not even opposed. And I know you will be glad to learn, Mr. Speaker, that "Squatty" was a Democrat.

So why is this Republican taking time to salute this Democratic public servant?

It's easy, Mr. Speaker.

It's because "Squatty" always had the best interest of Houston, and all its citizens, in mind. His motto was, "Anything that's good for the public, I'm for it."

And it's because "Squatty" gave politics a good name—using politics to enhance the public good rather than his own well-being. No one—regardless of his political persuasion, regardless of his point of view, and regardless of his position on a given project pending before the Harris County Commissioners Court—ever questioned his integrity or his commitment to the public good. Many people disagreed with "Squatty" over the years on this issue or that issue, but when the debate was over, and when they had won or lost, they all came away knowing that they had had a fair hearing.

Mr. Speaker, "Squatty" Lyons had a remarkable record of public service that may never be equalled in Harris County. His 48 years of service as a member of the Harris County Commissioners Court was distinguished by the progress it produced for the men and women of the Houston area. Having lived all of my life in Humble, TX, I know firsthand the progress that "Squatty" helped make possible during the last half century.

Mr. Speaker, I appreciate this opportunity to recognize E. A. "Squatty" Lyons' long and distinguished record of public service; to tell Fern Lyons and her three sons how sorely our community, our State and our Nation will miss her husband and their father; and to ask for your prayers, and the prayers of my colleagues, for this great Texan.

PUBLIC SAFETY AND RECREATIONAL FIREARMS USE PROTECTION ACT

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. ABERCROMBIE. Mr. Speaker, I rise today in support of H.R. 4296, the assault weapons ban. The passage of this bill is vital to public safety. Semiautomatic guns or assault weapons are used regularly to terrorize innocent people by drug traffickers, street gangs, and paramilitary extremist groups. It is appalling that these deadly weapons—intended to efficiently kill human beings—are freely bought and sold in the streets of America. While I support the right to own rifles and shotguns for hunting and sport, I do not support the right to possess weapons whose sole purpose is to maim or kill human beings.

Opponents of the assault weapons ban will refer to the second amendment to the Constitution in their defense. "A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." However, the U.S. Supreme Court ruled over 50 years ago in U.S. against Miller that the only purpose of the second amendment's "right to keep and bear arms" is to assure the effectiveness of State militias. No subsequent Federal court has ever struck down a gun control law of any kind as a violation of the second amendment. There is no veiled intent to usurp the Constitution by the assault weapons ban. In fact, the constitution was written to "* * * establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of Liberty to ourselves and our posterity."

The future of American society rests on our ability to combat the rising tide of violence. One hundred five men, women, and children dying daily in this country from gun violence is a statistic we can stem with the assault weapons ban. In 1989, a ban on the importation of 43 different types of assault weapons led to a 45-percent decline in the number of imported assault weapons traced to crime the following year. It should be obvious that H.R. 4296 can go even further to curb the flow of weapons into the hands of criminals. The assault weapons ban in itself will not solve our crime problems, but whose life are we willing to risk without it?

CONGRATULATIONS TO JUSTICE NEIL O'BRIEN

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. MANTON. Mr. Speaker, I rise today to congratulate my good friend Justice Neil O'Brien who is being honored on May 19, 1994 at the Douglaston Manor located in Queens. Justice O'Brien has been a long time resident of Woodside, Queens located in the seventh district which I have the pleasure of representing.

Justice O'Brien has served for the past 16 years in the Courts of Kings and Queens counties. He was appointed to the New York City Criminal Court by Mayor Beame in 1977, elected to the Supreme Court in 1987 and appointed to the appellate division by Governor Cuomo in May 1990. A former Queens assistant district attorney, Justice O'Brien served for many years as chief of the Appeals Bureau and later as executive assistant district attorney.

Mr. Speaker, Justice O'Brien was born and raised and currently still lives in Woodside, Queens. He served in the U.S. Army from 1954–56. He was educated at St. Sebastian's School located in Woodside and St. Augustine's Diocesan High School of Park Slope. He received his B.S. in Marketing from Fordham University in 1954 and his LLB from Fordham Law School in 1959.

Justice O'Brien's wife is the former Alice Dunn of Astoria, Queens. His daughter, Alice Gunther is an associate of Cravath, Swaine & Moore in Manhattan. Her husband, Chris Gunther is also an attorney and is an associate at the firm of Morvillo, Abramowitz, Grand, Iason and Silberberg in Manhattan.

Mr. Speaker, Justice O'Brien has dedicated himself to our country's justice system as well as his community and I commend him for it. I know my colleagues join me in congratulating Justice Neil O'Brien on this special day.

TRIBUTE TO THE BLUE RIBBON PROGRAM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. BROWN of California. Mr. Speaker, I rise today to pay tribute to the Blue Ribbon Program of southern California. This program encourages the public to wear blue ribbons during National Police Week from May 15 to 21, in support of southern California law enforcement. The Blue Ribbon Program hopes to raise the public's consciousness about law enforcement and to demonstrate to police officers throughout southern California that he or she is appreciated.

Sadly southern California law enforcement has lost nine men and women to violence in the last year. These brave and dedicated individuals will be sorely missed. The Blue Ribbon Program, in a small way, allows us the opportunity to acknowledge these fallen heroes and to remember their courage.

Much of the credit for the birth of the Blue Ribbon Program goes to Chief Lowell Stark, of the Ontario Police Department. Through Mr. Stark's efforts other police chiefs in the county of San Bernardino, as well as city councils and school boards have joined in to lend their support. The California State Assembly and Senate have recently passed a joint resolution proclaiming May 15 to 21 as "Blue Ribbon Week."

Law enforcement officers deserve our greatest thanks and respect. Unfortunately, too often these modern day heroes go unappreciated, or worse yet, are vilified. Blue Ribbon Week is a way for all of us to express our deepest, and sincerest gratitude for a job well done. I salute these dedicated men and women and I ask my colleagues to join me in celebrating the Blue Ribbon Program.

IN HONOR OF DONALD SHAND WILLIAMS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. BILIRAKIS. Mr. Speaker, I rise today to pay tribute to a man who contributed greatly to his community and who enriched the lives of those he touched—Mr. Don Williams.

Don was called to join the Lord on April 8, 1994, but his life is a model worthy of emulation. His story illustrates what one person with determination can achieve in this world.

To the public, he was known as an imminent architect and a staunch community activist. To his wife, Eleanor, he was a loving husband; to his children, Kent and Karen, he was a devoted father; and to his grandchildren, Lindsay, Kyle, Brian, and Scott, he was a proud grandparent.

After coming to Clearwater in 1956, Don undertook a career which ultimately earned him widespread admiration and respect among his peers. In recognition of his professional achievements, Don was awarded a Medal of Honor from the Florida Association of Architects and was named as a Fellow of the American Institute of Architects.

As the president of Williams Architects Chartered, he employed his architectural skills on many prestigious projects. Don's illustrious career included work on Ruth Eckerd Hall, the Clearwater Yacht Club, the Pinellas County School Board building, as well as a number of banks, schools, offices, parks, and churches.

Mr. Speaker, if we only celebrated the professional career of Don Williams, we would be reciting achievements for a long time. But even more important about Don Williams is the impact he has had on the lives of the people he has touched.

Don was a generous man, donating substantial amounts of time, effort, and money to the causes in which he believed. He was deeply committed to public service and community involvement.

Despite his busy career, he served as a Clearwater City commissioner and vice mayor for 8 years. He was also actively involved as a leader in a number of community organizations, including the Pinellas Suncoast Transit Authority, the Rotary Club of Clearwater East, the Richard B. Baumgardner Center for the Performing Arts, and the Pinellas County Historical Commission.

Mr. Speaker, I am extremely proud to have been able to claim Don Williams as one of my constituents, and more importantly, as a friend, because he exemplified the highest qualities of dedication, compassion, and generosity.

TRIBUTE TO STACY M. HEINS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young woman from my district who has recently accepted her appointment as a member of the class of 1998 at the U.S. Military Academy.

Stacy M. Heins will soon graduate Woodmore High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school Stacy has distinguished herself as a leader among her peers. She is an honor roll student and captain of the cross-country and track teams. In addition, she has participated in the Big Sister Program, is a 4-H Club president, and treasurer of the Lutheran Youth Fellowship at Trinity Lutheran Church.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future they might be entrusted with the very security of our Nation.

I am confident that Stacy has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating her for her accomplishments to date and to wish her the best of luck as she begins her career in service to our country.

TRIBUTE TO ANN BROWN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Mrs. Ann Brown, the new chair of the Consumer Product Safety Commission [CPSC]. I am very pleased to have this opportunity to congratulate Mrs. Brown on her appointment.

Several years ago an article in the Washington Post referred to the Consumer Product Safety Commission as "the little agency that can't," in a parody on "The Little Engine That Could." That article, citing the cuts in funding and reduced staff, may have reflected the state of the Agency then, but it is very different now.

The Clinton administration has renewed the commitment of the Federal Government to consumer product safety. The President has appointed a new chair for the Agency, Ann Brown, who brings a long record as an effective advocate for product safety to the Commission. Acting quickly after her nomination, Mrs. Brown persuaded the Office of Management and Budget to increase funds for the Agency by $1 million from the initial amount.

Mrs. Brown has brought a new spirit and enthusiasm to the Commission. She has pointed the Agency in a new direction.

From now on the CPSC will be proactive, not reactive. It will be innovative in its ideas and in the use of its resources. It will not wait for deaths and injuries from dangerous products to pile up by the score before acting. It will reach out to prevent as many of these tragedies as it can.

Under the leadership the CPSC will be action oriented, to achieve real gains for product safety. Moreover, she will target the most vulnerable in our society—children, the elderly, and those with special handicaps. Improving their health and safety, will produce social and economic dividends for the Nation.

Mr. Speaker, I am proud to pay tribute to an individual like Mrs. Ann Brown. I ask my colleagues to join me today in commending Mrs. Brown on her hard work and congratulating her on her appointment.

RECOGNIZING ANSPACH TRAVEL'S 60TH ANNIVERSARY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. PORTER. Mr. Speaker, I want to take this opportunity to salute an outstanding local business in Illinois' 10th Congressional District, Anspach Travel in Highland Park. This month Anspach is celebrating its 60th anniversary, and this significant milestone of success and service to the community merits special recognition.

Originally founded by Herman and Carolyn Anspach, the agency was formally incorporated in 1934. It is interesting that Herman Anspach didn't set out to establish a travel office—he was involved in real estate, although he later would become a founding member of the midwest chapter of the American Society of Travel Agents. But in the early 1930's, a significant part of Herman's business was renting houses in the area to Chicago clients who wanted to escape the heat, crowds, and hectic pace of the city during the summer months.

But many of the owners of those rental houses told Herman that they needed to plan their own summer vacations in order to make their homes available to his Chicago clientele. Herman suggested the idea of an ocean cruise, and it caught on. He started to help local residents make the arrangements for their cruises, and Anspach Travel was on its way.

And what a long way it has come. From its modest beginnings, by the early 1970's Anspach had five full-time agents serving hundreds of customers. In 1980, Henry and Cookie Kohn—Herman and Carolyn Anspach's son-in-law and daughter—started to run the business and worked to expand the agency, building on Anspach's reputation of excellence. Today, Anspach Travel has almost 20 full-time agents and serves thousands of clients throughout the United States.

Mr. Speaker, Anspach Travel has maintained the highest standards of quality in all aspects of its operation and is a superb example of American small business achievement. I am proud to represent a congressional district that includes a firm of Anspach's caliber and I want to wish Henry and Cookie Kohn many more successful years.

NEBRASKA OFFERS PROPOSALS TO MEET CLEAN WATER OBJECTIVES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. BEREUTER. Mr. Speaker, as reauthorization of the Clean Water Act receives increased attention, this Member would like to stress the need for flexibility and local involvement before Congress mandates one-size-fits-all solutions to water problems. Flexibility to meet the diverse conditions of this country should be the basic premise behind any clean water reauthorization bill.

For example, Nebraska relies far more heavily on groundwater sources for both drinking water and commercial uses than any other state. As a result, Nebraska has been a pioneer in the protection of groundwater and the management of its natural resources. As a result, Nebraska is the only State that has consolidated its special-purpose natural resource areas into local political subdivisions, known as Natural Resource Districts. These NRD's, established on a watershed basis, have made significant progress in addressing non-point source pollution through local, voluntary, and incentive-based programs.

Nebraska has also been a national leader in protecting groundwater through the use of Special Protection Areas as a means of preventing and controlling the contamination of groundwater. The program provides an excellent example of necessary coordination on the State and local level.

To be successful, the Clean Water Act must avoid specifically mandating national solutions to the problems being addressed. As Nebraska has demonstrated, flexibility and local involvement are the keys to success in achieving clean water.

FIXTURE AMONG SCHUYLERVILLE CATHOLICS, REV. WILLIAM LEMOYNE, RETIRES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. SOLOMON. Mr. Speaker, for many generations of Catholics in Schuylerville, NY, the Rev. William F. LeMoyne was the only priest they ever knew.

Father LeMoyne has retired after 45 years in the priesthood. They are many things I could say about him, but they are already expressed much better in an article from my hometown newspaper, the Glens Falls Post-Star. I place that article in today's RECORD.

[From the Glens Falls Post-Star]

SCHUYLERVILLE SAYS GOODBYE TO A LOCAL LEGEND—THE REV. WILLIAM F. LEMOYNE RETIRES AFTER DECADES OF CLERICAL SERVICE

(By Matthew Crowley)

SCHUYLERVILLE.—The town of Schuylerville gathered together to say goodbye to a local legend last week, the Rev. William F. LeMoyne.

For two decades LeMoyne had stood behind the lectern at the Notre Dame de Lourdes Visitation Church. Last Sunday, he retired, ending 45 years of clerical service. More than 1,000 people attended special Masses and get-togethers in his honor.

LeMoyne, a French Canadian, grew up in Quebec, but he moved to the northeastern United States for his pastoral training. He attended Andrew's Minor Seminary in Rochester and ventured to Mount St. Mary's in Emmitsburg, Md., before moving to the Capital District in 1949. That year, he was ordained in Albany's Cathedral of the Immaculate Conception.

LeMoyne then began developing his long local roots. He served briefly at St. Luke's

Church and St. John the Evangelist Church in Schenectady before moving to Troy to serve at St. Patrick's. He stayed there for nine years.

Before moving to Schuylerville, LeMoyne served 5½ years as the Roman Catholic chaplain at St. Peter's Church in Albany.

Many of Schuylerville's civic organizations, including the fire department and General Schuyler Emergency Squad, joined the farewell celebration with the American Legion, Ladies of St. Anne-St. Rose Society, the Knights of Columbus, the Catholic Daughters of America, and the Greater Schuylerville Youth Program.

The village of Saratoga joined the villages of Schuylerville and Victory in celebrating LeMoyne's retirement. All three places declared April 30 "Father LeMoyne Day."

Since his ordination in 1949, LeMoyne has lived through 10 presidential administrations, men on the moon, the advent of television and the arrival of personal computers. The Catholic Church has tackled interrical marriage, homosexuality, abortion and AIDS.

The world may have swiveled around him, but LeMoyne said he stayed—cheerful and unchanged.

"Things started changing virtually after I was ordained," LeMoyne quipped. "When I started, mixed-marriages couples had to get married in the rectory. Then they changed things so they could get married in the church. Then Vatican '65 came along and changed everything."

Vatican '65 the second Vatican Council organized by Pope John XXIII, ran from 1959 to 1962. The council completed work in 1965.

Several decrees came from the council, including the "Dogmatic Constitution on the Church," which counterbalanced previously monarchical papal power by recognizing church hierarchy and granting bishops more individual power.

Another change, the "Constitution on the Sacred Liturgy," established a greater role for laypeople, calling for them to participate in Mass celebration.

Vatican II also established "The Pastoral Constitution on the Church in the World of Today," which acknowledged humanity's profound changes and tried relating the Church's concept of itself to contemporary culture's needs and values.

Though the church changed, LeMoyne didn't. Those who have known LeMoyne for years say the priest remained open to everyone.

"He has always been a man for all people, a man of ecumenical philosophies," said longtime parishioner Lorraine Thompson. "I can never remember a time when someone asked him to do something and he said no."

LeMoyne's openness, Thompson said, helped the church establish a Youth Ministry and other programs.

"Father LeMoyne is easy to rally around. Whatever you can do to help the parish is all he asks for," said Rolland Fontaine, who's known LeMoyne for 30 years. "He understands people have talents and limits. He accepts that. And he's certainly kept up with the changing times.

"He's open to everyone—young people, middle-aged people, older people," Fontaine added. "He's unpretentious."

LeMoyne said people are people, all deserving of love and attention.

Jim Clifford, an eight-year Notre Dame parishioner noted the town, not only the church, loved LeMoyne. Several people who weren't Catholic or churchgoers came to Sunday's special reception.

"You can count on him the ways you can count on a mother's love," said Chuck Cadwallader, who has known LeMoyne for three decades. "He's a wonderful, gracious man, a perfect gentleman. Everyone in town knows him. He's always been here."

A generation of Schuylervillians has grown up and started families knowing no priest other than LeMoyne, said Jim Clifford. He conducted their marriage ceremonies. He christened their children.

Although so many people know him, LeMoyne can remember names and faces. Fontaine said LeMoyne always remembers to speak French with him. LeMoyne spoke French before he could speak English.

Kindness and openness can carry people a long way. But parishioners say LeMoyne has other important qualities.

"He's kept the parish running on all levels," Fontaine said, "especially as a spiritual leader of the people. He gets people involved. He has community members acting as lectors, children involved in youth ministry."

Bob Farell, a longtime Notre Dame parishioner, said LeMoyne speaks to people with wit and whimsy. Delivering messages is easier when people can laugh.

"He gets to the point and says a lot in not many words," Farrell said, "He has a nice, easy way of saying things."

For priests, retiring is relatively new, LeMoyne said. Like Supreme Court justices, they served for life.

"Priests used to die with their boots on," he said "Retiring was unheard of. And the first priests who retired didn't like the sound of it at all. But I have no doubts about it."

Although LeMoyne said he welcomed retirement, he couldn't have imagined himself doing anything else or quitting any sooner.

"This is my calling in life," he said. "I've been doing this 45 years, and I'd be in trouble if I didn't like it."

This Sunday, church will seem different for Notre Dame's parishioners. A new priest will take LeMoyne's place behind the lectern.

Fontaine and others say LeMoyne has cleared his successor's path.

"Father really wants the new person to put both feet on the ground and make the adjustments he needs to make," he said. "It will be an adjustment, but I think we'll both make the adjustment, the priest and us as a parish."

The parish can best ease LeMoyne into retirement by welcoming the new priest, Cadwallader said.

"He has talked to us all about the transition," he said. "He wants us to give the new person a chance. He doesn't want to hear us say, "Father LeMoyne wouldn't do that.'"

CHARACTER EDUCATION COMMEMORATIVE WEEK

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. HALL of Ohio. Mr. Speaker, today I am introducing, along with my colleagues, Messrs. WOLF, HAMILTON, HYDE, MOAKLEY, EMERSON, HUGHES, and NICK SMITH, to designate the week of October 16 through October 22, 1994, as National Character Counts Week. The purpose of this resolution is to bring national attention to the issue of character education and to encourage communities, schools, and youth organizations to promote 6 core elements of character. These are: trustworthiness; respect; responsibility; justice and fairness; caring; and civic virtue and citizenship.

Mr. Speaker, character education programs teach civic values and character traits that have widespread support among the American people. The ultimate goal of character education is to teach students about the shared values evident in our country which contribute to ethical behavior and good citizenship. This is particularly relevant to our efforts to combat drugs and school violence. If we do not teach children sound moral principles, we cannot expect them to act with moral common sense or make judgments of right and wrong. Families have the primary responsibility to teach values to their children, but when they do not, schools must step in and teach our age-old principles.

In July 1992, a group of scholars, educators, and youth leaders drafted a document known as the Aspen Declaration which articulates a framework for character education appropriate to our diverse and pluralistic society. Included in the Aspen Declaration are the six core elements of character which can be appropriately taught to our children. The bipartisan Character Counts Coalition was formed to promote these six core elements of character as an effort to promote stronger individuals and thus a stronger nation.

Advisory members of the Character Counts Coalition represent many ideological views. Advisers include William Bennett of Empower America; Marian Wright Edelman, president of the Children's Defense Fund; our former colleague Barbara Jordan; actor Tom Selleck; Nina Link, publisher of the Children's Television Workshop; and Sylvia Peters, a founding partner of the Edison project. In addition, this resolution is supported by the Character Education Partnership [CEP], an organization of nationwide organizations and individuals involved in education and youth service. CEP's membership includes the National Education Association, the American Federation of Teacher, the National Association of School Boards, the National Association of Evangelicals and many others.

Mr. Speaker, Theodore Roosevelt said: "To educate a man in mind and not in character is to educate a menace to society," This commemorative resolution will give communities across the country an opportunity to embrace character education and to promote the six core elements of character. I am submitting a copy of our resolution for the benefit of my colleagues and I urge my colleagues to cosponsor it:

H. J. RES.—

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions and civic groups;

Whereas the character of a Nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character, and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character;

Whereas character development is, first and foremost, an obligation of families, efforts by faith communities, schools, and youth, civic and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Congress encourages students, teachers, parents, youth and community leaders to recognize the valuable role our youth play in the present and future of our Nation, and to recognize that character is an important part of that future;

Whereas, in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states that "Effective character education is based on core ethical values which form the foundation of democratic society";

Whereas the core ethical values identified by the Aspen Declaration constitute the Six Core Elements of Character;

Whereas these Six Core Elements of Character are—

(1) trustworthiness;
(2) respect;
(3) responsibility;
(4) justice and fairness;
(5) caring; and
(6) civic virtue and citizenship.

Whereas these Six Core Elements of Character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states that "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas the Congress encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt these Six Core Elements of Character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Congress encourages communities, especially schools and youth organizations, to integrate these Six Core Elements of Character into programs serving students and children: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 16 through October 22, 1994, is designated as "National Character Counts Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to embrace these Six Core Elements of Character and to observe the week with appropriate ceremonies and activities.

CONGRATULATIONS TO THE TEUTOPOLIS HIGH SCHOOL MEN'S AND WOMEN'S BASKETBALL TEAMS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor the Teutopolis High School Basketball Program in my district for a glorious winning season. Many young basketball players in Illinois dream of competing in the Illinois State Basketball Championships, but few have had the opportunity to make that dream a reality. One could say Teutopolis High School had not one "dream team" this year, but two "dream teams" when the school's men's and women's basketball teams both advanced to the State championships, the women's team placing third in the tournament.

1994 is not the first year the community of Teutopolis has had to travel to the State championships to see its basketball teams vie for the State title. This marks the ninth trip to the State championships for the women's basketball team and the second trip for the men's team. In fact, Teutopolis High School made Illinois history in 1986 by becoming the first high school to win both the men's and women's championship titles in the same season.

The Teutopolis' men's basketball team advanced to the "elite eight" at the University of Illinois Assembly Hall with a 30–1 record. The women's basketball team also advanced to the State championships, held at Illinois State University, with a 30–3 record. Teutopolis' women's coach, Dennis Koester, should be proud that he has led his women's basketball team to 331 wins and only 27 losses during his career as coach.

Having been a coach, I understand the hard work and dedication that goes into developing a winning team. The young men and women of Teutopolis High School are an example to sports programs across the Nation. Teutopolis High School has provided its students with a basketball program that not only makes its players champions, but the coaches, parents, and community champions as well. I salute the City of Teutopolis, Illinois, for instilling in its young people a sense of teamwork and sportsmanship, two characteristics that are often absent in athletics today.

I would like to enter into the CONGRESSIONAL RECORD the names of the players, coaches, managers, and other individuals who have made the Teutopolis High School basketball program one of the most rewarding programs in the State and across the Nation. It is my privilege to honor the Teutopolis Women's Basketball Team: Carrie Weber, Stephanie Huelsing, Tisha Hess, Molly Probst, Gina Bloemer, Sarah Gebben, Crystal Worman, Marcia Meyer, Amy Niebrugge, Kim Walk, Karen Kroeger, Stormy Young, Emily Probst, Kari Probst, Maria Niebrugge, player and manager Karla Campbell, manager Kathy Weber, statistician Lisa Hewing, statistician Trisha Funneman, camerawoman Christina Shey, camerawoman Elizabeth Ordner, coach Dennis Koester and assistant coach Laurie Thompson.

It is my privilege to honor the Teutopolis Men's Basketball Team: Brent Niebrugge, Mike Horn, Joe Gier, Chad Buehnerkemper, Darryn Niebrugge, Eric Swingler, Scott Niebrugge, Matt Esker, Rich Niebrugge, Cory Tegeler, Matt Ordner, Chris Probst, Craig Gaddis, Andy Bloemer, Ryan Wermert, manager Mike Zerrusen, manager Scott Dress, manager Matt Roedl, statistician Doug Smith, statistician Bryan Hawickhorst, cameraman Dean Dress, coach Ken Crawford, assistant coach Rod Grimsley, assistant coach Rob Smith, and assistant coach Jeff Thompson.

CONGRATULATIONS TO EAGLE SCOUT PAUL C. STENGER

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. MANN. Mr. Speaker, I want to take this opportunity to recognize Paul C. Stenger on his accomplishment of earning the rank of Eagle Scout. This is a substantial achievement as only 2 percent of all Scouts attain the Eagle rank.

Paul Stenger began his Scouting odyssey in 1983 as a Tiger Scout. Paul earned the Arrow of Light and rank of Weblo in 1987.

In 1988, Paul joined Boy Scout Troop No. 483, sponsored by St. Dominic Church. He has earned 33 merit badges and has performed the requisite Eagle Scout community service project. The project involved the construction of custom designed flower boxes at the Home for Developmentally Disabled. The boxes were designed to stand up off the ground so that individuals in wheelchairs could maneuver their chairs underneath the boxes. While blazing the trail to Eagle Scout, Paul held leadership positions such as assistant patrol leader, quartermaster, and patrol leader.

Paul has also been quite active outside of Scouting. He is a senior at Elder High School, where he has taken advanced placement classes. While at Elder, Paul has been a member of the Glee Club and Ensemble. He has been a valued member of the junior varsity soccer team, and the varsity track and field team. Paul has also volunteered his time for food drives, reconstruction of dilapidated housing for the poor, and tutoring students at Holy Family School.

I extend my heartiest congratulations to Paul who should be justifiably proud of his accomplishments. I also extend my congratulations to his parents, David and Mary Stenger, and his Scout leaders whose support and encouragement helped make his goal a reality.

TRIBUTE TO RICHARD M. OSTER

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. REED. Mr. Speaker, I rise today to pay tribute to an outstanding Rhode Islander, Richard M. Oster, who is being honored by the National Conference of Rhode Island and Southeastern New England as their Humanitarian of the Year.

Mr. Oster has been a leader in Rhode Island for many years and he is known for his success as a businessman, his commitment to community service and his unselfish dedication to charitable and philanthropic endeavors.

Among the many organizations Mr. Oster has been an active participant in, such as Big Brothers, Inc., Meeting Street School, and the National Conference of Rhode Island and Southeastern New England, he has always been willing to share his business acumen with these organizations. His other interests within the community of Rhode Island are just as varied such as the African Development Foundation Advisory Council, the Rhode Island Philharmonic Orchestra and the Trinity Repertory Company along with serving as a trustee on the boards of the local institutions of higher education.

Mr. Oster's leadership qualities and results-oriented attitude have earned him the respect and affection of many, and I urge my colleagues to join me in honoring an outstanding Rhode Islander, Richard M. Oster.

TRIBUTE TO CYNTHIA PERRY RAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. TOWNS. Mr. Speaker, I am pleased to recognize the achievements of Mrs. Cynthia Perry Ray of Brooklyn, NY. Mrs. Ray is a native of Pennsylvania, and moved to Brooklyn in 1968 after marrying her late husband, Dr. Sandy F. Ray, the former pastor of Cornerstone Baptist Church.

Mrs. Ray is a missionary for the Lord. She is involved in numerous activities that promote and support the spiritual elevation of people within her immediate community and the world. Her endeavors include Christian fellowship and leadership among youth and adults. Additionally, she is an adept religious educator. Mrs. Ray has held numerous executive officer positions in a variety of organizations, including the Woman's Convention, the National Baptist Convention, and U.S.A., Inc.

Her community work has been done on behalf of the American Bible Society, Brooklyn Bureau of Community Service, the National Council of Negro Women, and Alpha Kappa Alpha Sorority.

Cynthia is a graduate of Clark-Atlanta University, and has performed graduate work at Temple University and NYU. I am pleased to highlight her efforts to spread the word and to serve as a shining example of humanitarian service.

OLDER AMERICANS FREEDOM TO WORK ACT

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. MACHTLEY. Mr. Speaker, I rise today to bring to the attention of the House the Older Americans Freedom to Work Act, sponsored by my colleague from Illinois, Mr. HASTERT.

This legislation which seeks to liberalize the Earnings Test on seniors, has been introduced and has had strong support during each of my three terms of Congress.

During my first term, the 101st Congress, Mr. HASTERT'S legislation had 267 cosponsors, but the bill went nowhere.

During the 102d Congress, he collected 278 cosponsors, and the bill still went nowhere.

And once again this year, this legislation has the bipartisan support of more than half of this body, and its time that this bill goes somewhere, namely to the floor of this Chamber for a vote.

For each of my last 6 years here in Washington, I have received hundreds of letters and hundreds of phone calls from seniors in my district urging the repeal of the earnings test.

Some argue that it unfairly penalizes seniors who want to continue to lead active and constructive lives by working during their retirement years—I agree with them.

Others argue that it unfairly targets low-income seniors who need to earn extra money to supplement their Social Security checks. And I agree with them too.

Mr. Speaker, the senior citizens of my district—and of this entire country—have gained valuable skills and experiences through their years in the work force.

As a country, we should welcome and we should encourage these seniors to continue to work after they reach retirement age. But by all means, we should not penalize them.

Mr. Speaker, I call on my colleagues to sign the discharge petition on a rule to consider the Older Americans Freedom to Work Act.

This legislation brings real relief to America's working seniors and it is time for Congress to bring it to the House floor.

EAST KENTWOOD STUDENTS PARTICIPATE IN NATIONAL FINALS

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. EHLERS. Mr. Speaker, on April 30-May 2, 1994, 26 students from East Kentwood High School in my home district competed with 1,200 students from 47 states in the We the People . . . The Citizen and the Constitution program. These young men and women put in countless hours of preparation and dedication to reach the national finals.

The We the People . . . The Citizen and the Constitution program is supported and funded by Congress. The program, which educates students about the Constitution and the Bill of Rights is the most extensive of its kind. Students went through a rigorous 3 day competition that included a simulated Congressional hearing. They were judged on their oral presentations, their knowledge of constitutional principles, and their ability to apply them to historical and contemporary issues.

The students who put in tireless hours of hard work and effort into this group project were: Michael Almassian, Jennifer Armstrong, Peter Battey, Andrea Baum, Kristen Beaman, Jason Bouterse, Lisa Casteel, Jonathan Charnin, Kristi Cook, Heather Foster, Rachel Grossman, Joshua Hoyt, Alla Khaytman, Kristen Kutter, Molly Lalley, Erik Litts, Barbara Nguyen, Hoai-Nam Nguyen, Leigh-Ann Pace, Heidi Penix, John Pushnik, Ami Rop, Sarah Saunders, Susan Skopp, Kelly Steele, and Anna VanZanten.

In addition to the students, I would also like to commend the efforts of their teacher, Deb Snow, who herself gives countless hours of dedication to this worthwhile program. District coordinator Marsha Peterson and State coordinator Linda Start are to be applauded also for their efforts in helping the team advance to the national finals.

It is with great pleasure that I recognize the efforts of these individuals and their leaders. I urge my colleagues to join me in honoring the students from East Kentwood High School for their teamwork in this competition. Congratulations to them on their achievements and continued success in the years ahead.

TRIBUTE TO MELVIN N. GREENBERG

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. BACCHUS of Florida. Mr. Speaker, on Wednesday evening, June 1, much of Miami, FL, will assemble to honor one of that city's and that State's finest citizens. Mayors, governors, judges, college presidents, and many other friends from many places and for many years will gather to celebrate four decades of community service by Melvin N. Greenberg.

It is no accident that South Florida should come together to salute Mel Greenberg. Throughout his extraordinarily busy and extraordinarily successful life, Mel Greenberg has personified much of the best that Miami and South Florida offer the Nation and the world.

A passion for excellence and justice. A commitment to a growing prosperity in which all can share. An abiding belief in equality of opportunity for everyone. These very American values have been at the very heart of all that Mel Greenberg has stood for and strived for during a life filled with service and achievement.

He is perhaps best known for building a law firm from absolutely nothing into one of the most successful and most prestigious in the Nation. In and of itself, that is a significant achievement. But along the way, in building that law firm, Mel Greenberg has been a leader also in building a city and a State that stand now at the crossroads of the world as shining examples of the enduring validity of the American dream.

I have known Mel Greenberg for many years. I have had the privilege of working for him and with him. Like many others, I have learned from his lessons, and profitted from his wisdom. I am proud to call him counselor and friend. As a Member of Congress, I am proud too to join with so many of his other friends in honoring his lifetime of service.

TRIBUTE TO STEPHEN L. KILLION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1998 at the U.S. Military Academy.

Stephen Killion will soon graduate Kalida High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school Stephen has distinguished himself as a leader among his peers. He is an honor roll student and captain of the soccer team. In addition, he has participated in the foreign language club, is a mass server and class president. Stephen's brother David is currently a cadet third class—Sophomore—at West Point.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the United States service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future they might be entrusted with the very security of our Nation.

I am confident that Stephen has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

HOUSTON RADIO PIONEER DAVE MORRIS PROFILED IN HOUSTON CHRONICLE ARTICLE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. FIELDS of Texas. Mr. Speaker, 74-year-old Dave Morris was the subject of an interesting—and highly entertaining—article in the Sunday, May 8, edition of the Houston Chronicle which highlighted his long and distinguished career in radio broadcasting.

I appreciate this opportunity to bring this article—which was written by Steven Long of the Chronicle staff—to the attention of my colleagues.

As the ranking Republican member of the House Telecommunications and Finance Subcommittee, it has been my privilege to learn about, and help shape, the future course of the Nation's telecommunications infrastructure. Many of the changes that you, my colleagues, and I will see in the years ahead are truly mind-boggling.

And as a native Texan, I have seen firsthand the transformation of Houston from a once-sleepy Gulf Coast town into the Nation's fourth-largest metropolitan area. That transformation, too, has been truly mind-boggling.

Dave Morris—general manager and co-owner of radio station KNUZ (1230 AM) since 1948—has had a hand in transforming both the radio industry and the city of Houston during the past 46 years. And, just as important, at least according to the Houston Chronicle article that I would like to reprint in today's CONGRESSIONAL RECORD, he's had a heck of a lot of fun in the process.

At the risk of "dating" myself, I have to confess that in my younger, wilder years, I regularly turned my old transistor radio in to KNUZ to hear the newest rock-and-roll songs. Until reading Steven Long's article profiling Dave Morris, I didn't have any idea who was responsible for the music I enjoyed as a teenager. But as a result if this wonderful article in the Houston Chronicle, I now know that Dave Morris is the man to whom I—and tens of thousands of other Houston-area residents who enjoyed, and who continue to enjoy the music and entertainment provided over KNUZ—should say, "Thank you."

Houstonians past and present, young and old, owe Dave Morris a great deal for the role he has played in transforming the broadcasting industry, and the Houston metropolitan area during the past 46 years. I am pleased to have this opportunity to express my own appreciation publicly; to wish Dave Morris many, many more years of success in the broadcasting industry; and to send my very best wishes to everyone at radio station KNUZ, and its FM affiliate, KQUE, which is also owned and managed by Dave Morris.

Mr. Speaker, I commend the following Houston Chronicle article to the attention of my colleagues, and I appreciate this opportunity to include it in the RECORD.

[From the Houston Chronicle, May 8, 1994]

RADIO ICON MORRIS PROPELS KNUZ

(By Steven Long)

Dave Morris, 74, has been around commercial broadcasting for a substantial chunk of radio's 74-year history.

He's been a major player on the Houston radio scene for almost five decades as owner and general manager of radio station KNUZ, 1230 AM. His radio career, however, got its start when Lyndon B. Johnson hired him to sell advertising for Austin's KTBC in 1945.

Postwar America was going into a protracted boom, and a young man home from the war could rise rapidly. Morris didn't stay long in Austin, though. Nor in Shreveport, which was where he went next.

Houston, he'd heard, was the place to be.

In February 1948, he and four partners obtained a broadcast license and put radio station KNUZ on the air.

At the time, there were only eight radio stations in Houston. Today there are 50, including Morris' FM station, KQUE. KNUZ was tiny, with a signal of only 250 watts at the time. (By contrast, Houston powerhouse station KTRH today is a booming 50,000 watts.)

Despite its name, KNUZ was never an all-news station until the past year. "We called it KNUZ, because two of the partners were newsmen," Morris said.

For most of the station's long history, the format wasn't news but hit music, Top-40 music, a format he says he created in the early '50s with two other broadcasters, the late Todd Storz of Omaha and Gordon McLendon of Dallas. The three had formed an association of independent radio station owners.

"Todd Storz was at drive-in restaurant and noticed that they were playing the same songs over and over on the jukebox," Morris said. "He came back to us and told us about it at a meeting, and we decided that it was a good idea to rotate the records."

The Top 40 format is a combination of glib fast-talking disc jockeys, time and temperature—and the same songs played again and again.

For decades, McLendon's KILT 610-AM, and Morris' KNUZ-AM waged a fierce ratings battle for Houston's rock music listeners. The battle ended when KILT changed its format to country music in the early 1980s.

Three of the disc jockeys who worked for Morris at KNUZ in 1950 still work for him—Paul Berlin, Ken Grant and Webb Hunt. Another jock, the late Biff Collie, rounded out the on-air staff of the station then.

Later, in the mid-1950s, Larry Kane, another Houston rock radio legend, joined the station. He propelled his success there into a long running Saturday television dance program on Channel 13 call "The Larry Kane Show."

But the most famous of the station's radio personalities was also one of its first. Texas humorist Cactus Pryor was the station's original program director. In fact, Pryor signed the radio station on the air that first day in 1948.

At the time, the station didn't have any commercials, but the humorist took care of that quickly.

"His daddy owned several theaters," Morris laughs. "He did a commercial for Austin's Cactus Theater, 168 miles to the west."

Morris says Pryor and other announcers would do anything to get attention to the little station.

"Cactus wrote a soap opera titled 'The Love Life of Madame Swordfish,'" he said, "He would write it, then go out and get somebody to read the script, anybody.

"Sometimes, as they were reading, he would set the script on fire and they would have to read faster and faster," Morris remembers.

Then there was the first Chevrolet Corvette ever seen in Houston. It was a prize in a KNUZ contest. The sports car was won by an 84-year-old woman. Morris offered to drive her home in the car, but the elderly matron would have none of that.

Instead, she recalls, "She got in and burned rubber all the way down Blodgett Street."

Morris also has a lot of memories of the entertainers and rock shows of those early days in Houston pop radio, days when the station would rent the old City Auditorium downtown each Saturday night.

"Elvis would play the Louisiana Hayride in Shreveport one week, then play our thing the next week," Morris said. "Then he would play the Magnolia Gardens on Sunday."

Going rate in the early '50s for a budding superstar? How about $175 for Elvis and a three-piece band.

Morris also recalls station promotions that backfired.

Like the time in 1949 when a Houston restaurant was involved in a local scandal for selling horse meat in its hamburgers.

"We got representatives from the Houston Chronicle, Houston Post and Houston Press to do a blind tasting of horse meat and beef," he said. "Would you believe, all three voted the horse meat the better of the two?"

VA HEALTH CARE UNDER THE PRESIDENT'S PLAN

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. STUMP. Mr. Speaker, the following is my statement regarding H.R. 3600, the Health Security Act, during markup today on title 8 of the bill before the Subcommittee on Hospitals and Health Care in the Veterans' Affairs Committee.

Thank you, Mr. Chairman. Political forces external to the VA Committee have brought us here today, not unlike a budget reconciliation bill, demanding action notwithstanding Members displeasure over the process or result. If we fail to amend and report title 8 of H.R. 3600 then the title will progress as written by the White House. Hopefully, we can be mindful of our bipartisan approach to all veterans issues as we proceed with the difficult matters facing us today.

Mr. Chairman, you and Chairman Montgomery have put forth a proposal which makes substantial improvements to the health services and funding provided in title 8 of H.R. 3600, the President's health security act. There are parts of your amendment which clearly demonstrate that you heard and attempted to address many of the concerns of minority Members of the committee. In particular, I note that the VA for the first time will have a clear mandate to provide institutional long-term care. This is an issue which has concerned me greatly and which led to my introduction of H.R. 3122, the Veterans Long-Term Care Act of 1993. While your amendment does not go as far as my bill, it is a major step in the right direction in caring for our older veteran population.

I applaud your efforts and willingness to go to the mat for veterans. Your steadfast support of veterans has once again gained you support of the major service organizations. They have all submitted letters endorsing the amendment to H.R. 3600 being offered today.

Mr. Chairman, in the bipartisan tradition of this committee, I will support your amendment and the wishes of the veterans organizations—but I must also warn the representatives of those organizations to be careful what you ask for, because you just might get it. Acting within the confines of the four walls of this committee, we can do our best for veterans. However, the provisions we agree to today are based upon the structure of the President's Health Security Act, including employer mandates, mandatory alliances, and a new National Health Board bureaucracy. Those portions of H.R. 3600 are not contained in title 8 of the bill and therefore, have not been referred to the Committee on Veterans' Affairs. It is because of these issues that I will not support H.R. 3600 if it comes to the floor.

The most significant concern I have with H.R. 3600 is that it bases its funding on employer mandates. Last year the veterans organizations vehemently opposed shifting the Federal responsibility for providing care of service-connected conditions to private insurance companies. And at a hearing this year, the VSO representatives all testified in opposition to the employer mandates in H.R. 3600. Yet H.R. 3600 and the amendment to be considered today claims substantial Federal savings due to the shifting of costs directly onto employers.

Second, H.R. 3600 will force the VA health care system into direct competition with private sector providers for veteran patients. Veterans outside the beltway are very skeptical about VA's ability to compete—they wait months for appointments, stand in long lines once they get to the hospital and their access to health care services is severely limited by resources. Rather than provide substantial resources to prepare the VA for this new competitiveness, the administration has held badly needed funding for major VA medical construction hostage to passage of the Health Security Act.

The chairman's amendment improves funding prospects for VA construction and tomorrow we will markup an authorization bill disconnecting a modest list of ambulatory care addition projects from the Health Security Act Investment Fund. But the need throughout VA for substantial restructuring overwhelms the availability of resources and probably outpaces the bureaucracies ability to respond. Many facilities may find it very difficult to hold on to current patient levels. Various estimates have placed the loss of veteran patients at 25 to 50 percent of VA's current patient population, under national health care reform.

Additionally, Mr. Chairman, the creation of a new National Health Board and attending bureaucracy seriously suggest the VA may not be able to maintain its former independence as an exclusive veterans health care system. It also raises questions as to whether VA will control its own destiny under this new regime. If, for instance, one VA facility proves to be less than cost-effective or competitive in the alliance atmosphere, who decides whether to spend millions to make it competitive or cut losses and shut it down?

Mr. Chairman, there are other considerations which should be weighed. Members should be mindful of the grassroots backlash which occurred after Congress enacted the much-heralded Medicare Catastrophic Coverage Act in 1988. Senior citizen groups lobbied hard for the bill and convinced Members that beneficiaries would consider it a good deal in order to get catastrophic coverage. Everyone who was here at the time will recall how quickly Congress repealed that bill the very next year after a deluge of complaints from Medicare beneficiaries. The very same thing could happen here. Not only might the American public call for repeal of H.R. 3600 if it were implemented, but veterans might feel betrayed by its negative impact on the VA health care system. By then it just might be too late.

I hope that H.R. 3600 will not pass and that Members can reach a consensus on a more moderate set of reforms. That is why I will introduce a separate eligibility reform bill, which could stand alone or be made part of other reform bills subsequent to consideration of the President's plan.

Finally, Mr. Chairman, having insisted on the amendment we consider today, I believe it is incumbent on the Veterans Service Organizations to make their membership aware that certain risks remain to the VA health care system under H.R. 3600. In several other countries, separate, independent veterans health care systems have ceased to exist or have been severely downsized following adoption of national health plans. To tell veterans the VA Committee did a good job improving the provisions of H.R. 3600 without educating them as to the inherent remaining risks would be a great disservice.

I hope the Veterans Service Organizations will responsibly report on these issues as action is taken on the floor. It is my personal belief that the service organizations should not support efforts to nationalize the U.S. health care industry. I have never received a letter from a veteran claiming that one of the reasons he or she served in our Armed Forces was to preserve the power of the Federal Government to nationalize entire sectors of the U.S. economy—never.

Mr. Chairman, let me conclude by again commending you and the staff for your efforts on behalf of veterans. I truly believe you have done the best you can given the framework of the Health Security Act. While your amendment goes a long way toward improving VA's chances of survival, no amendment to H.R. 3600 would ensure its survival. Veterans need to be aware of this risk. Thank you, Mr. Chairman.

SALUTE TO ST. ALOYSIUS ROMAN CATHOLIC CHURCH

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to congratulate St. Aloysius Roman Catholic Church of Philadelphia, as it celebrates its 100th anniversary on May 14, 1994. Founded in the spring of 1894, under the leadership of Father William Wachter, St. Aloysius stands today as an example of the enduring faith of its parishioners.

An integral part of life in the Grays Ferry community, St. Aloysius strives to further excellence and fellowship through its parochial school, parish council and its local chapter of the Catholic Youth Organization. Under the guidance of Father Bernard Benischek, St. Aloysius serves as an historic example of charity and strength to its members and its community.

I am pleased to join with the parish and friends of St. Aloysius Roman Catholic Church in celebrating 100 years of faith and conviction. The present and past leaders of this noble institution can be proud of their accomplishments.

CONGRATULATORY REMARKS FOR EMIL EISDORFER

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Emil Eisdorfer upon his completion of his 2-year term as president of the Jewish Community Council of Pelham Parkway on June 19, 1994. This is an association of 37 synagogues, fraternal, social service and educational organizations working together to enhance the quality of life in the Pelham Parkway neighborhood in the Seventh district of New York which I have the pleasure of representing.

Mr. Eisdorfer's life is a wonderful example of the American dream. Arriving in America as a refugee in 1974, he used his training in watchmaking to eventually open a small business in the Pelham Parkway neighborhood. Emil has held numerous volunteer positions in professional and civic organizations. These include being treasurer of the New York State Jewelers Association, a director of the Bronx Overall Economic Development Planning Board 11, cochairman of the board's Economic Development Committee and vice president of the Pelham Parkway Citizens Council.

Mr. Speaker, Emil Eisdorfer achieved a great deal for the Jewish Community Council of Pelham Parkway while being president. This includes helping to expand the council's membership, funding as well as improving its services to the community. He has made a particular contribution by helping over 170 new immigrants find employment during their first months in the United States.

Mr. Speaker, Emil Eisdorfer's leadership has allowed for growth in a number of ways for the Jewish Community Council of Pelham Parkway. I know my colleagues join me in congratulating Emil Eisdorfer as he steps down from his position as president of the Jewish Community Council of Pelham Parkway.

TRIBUTE TO MARY LOU CURTIS

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. POMBO. Mr. Speaker, on behalf of myself, and my constituents in the California 11th Congressional District, I am honored to rise before you today to pay tribute to Mary Lou Curtis. On May 15, 1994, the Catholic Diocese of Stockton, CA will present Mrs. Curtis with the 1994 Marian Award.

The Marian Award was established in 1988 in honor of Mary, the Blessed Mother and patroness of the Diocese of Stockton, to honor those individuals who best represent the spirit of Catholic education in its tradition of training Christian leaders, building traditional communities, and rendering services to others.

As a teacher, a principal, and example to others, Mary Lou Curtis has embraced the qualities that the Marian Award embodies. As principal of St. Luke's School she has shared with her students the aspirations, traditions, and values of both American society and the Catholic faith.

In this increasingly difficult world for our children, Principal Curtis has been a role model for her students—and their parents—by demonstrating Christian leadership and moral courage. Her devotion goes beyond her students to the basics of supporting the schools of the Diocese in every possible way while always basing her decisions and actions on the principles of Catholic education and the guiding values of the Gospels.

Mr. Speaker, I am pleased that the Diocese of Stockton has awarded the 1994 Marian Award for adult leadership to Mary Lou Curtis, and am glad to offer her my warmest congratulations.

H.R. 4379, FARM CREDIT SYSTEM AGRICULTURAL EXPORT AND RISK MANAGEMENT ACT

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. DE LA GARZA. Mr. Speaker, I have introduced legislation to enhance the agricultural export and risk management authorities of Farm Credit System institutions. five other members of the Committee on Agriculture, including Congressman ROBERTS of Kansas, the Committee's ranking minority member, are cosponsors of this legislation.

The health of much of the U.S. agricultural sector depends on the export of bulk and processed agricultural products to other countries. For every $1 in U.S. agricultural exports, $1.40 in related economic activity is generated in our country. There is no question that export development is beneficial to American farmers and the U.S. economy in general.

The availability of export financing is vital to the orderly marketing and expansion of U.S. agricultural exports. Since 1980, the National Bank for Cooperatives, better known as CoBank, has been authorized to finance the sale of agricultural exports for the benefit of our Nation's agricultural cooperatives. CoBank is a part of the Farm Credit System, the Government-sponsored, farmer-owned agricultural lending system.

In the 1990's, our Nation's farmer-owned cooperatives are seeking to further expand export markets for their products, most particularly for value-added agricultural products. To compete in today's competitive global marketplace, U.S. farmer-owned cooperatives are finding it essential to develop joint ventures and partnerships with other business entities here in the United States and in foreign countries.

The problem is current law does not allow the Farm Credit System's banks for cooperatives, including CoBank, to fully participate in financing arrangements by U.S. farmer-owned cooperatives with other business entities.

In testimony presented April 28, 1994, to the House Agriculture Subcommittee on Foreign Agriculture and Hunger, Eugene L. Bovee, a senior vice president for CoBank, urged Congress to modify this restriction. "If viable businesses like these are not developed by farmer-owned cooperatives, U.S. farmers will lose out on new markets for their products. In addition, much of the economic activity in the U.S. that is stimulated by increasing exports will also be lost," he said.

Mr. Speaker, the bill I have introduced, H.R. 4379, makes two significant changes in current Farm Credit System authorities.

First, H.R. 4379 would allow the banks for cooperatives to participate in financing arrangements with other domestic or foreign businesses to promote the export of U.S. agriculture-related products. It would also allow the banks for cooperatives to finance joint ventures, partnerships and similar arrangements by eligible U.S. agricultural cooperatives, with certain limitations. The bill specifically prohibits these institutions from financing the relocation of a plant or facility from the United States to another country.

Second, H.R. 4379 would allow Farm Credit System banks and associations to better manage the risk in their loan portfolios. The bill would authorize Farm Credit System institutions to purchase and sell loan participations with non-system lenders, thus reducing their concentration of risk by geography and industry.

Mr. Speaker, the common goal of those of us who are sponsors of this legislation is to help American agriculture and our rural communities better compete in today's global economy. This legislation provides Congress with a starting point in our deliberations over the appropriate future role the banks for cooperatives can play in promoting the export of U.S. agricultural commodities and products. I look forward to working with my colleagues on the Committee on Agriculture in addressing this important issue.

NATIONAL PARK SERVICE CONCESSIONS REFORM

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. JOHNSON of South Dakota. Mr. Speaker, today the House Natural Resources Committee marked up S. 208, to reform the concessions policies of the National Park Service. Many of our national parks, particularly those out West, were carved out of Indian treaty lands. When these lands were taken, the tribes lost a potential economic resource that, over time, one that is likely more valuable than are minerals, timber, or other nonrenewable resources. Since then, even though many reservations are close to the parks and suffer from up to 80 percent unemployment, the tribes have not shared in the economic opportunities created by the presence of the parks. At most national parks near reservations, one finds few Indians employed by the National Park Service or by the concessionaires, few Indian businesses involved in any way in concessions, and little recognition of the culture and achievements of the Indian people. Even though the BIA and National Park Service are part of the same Department, there has never been any structured initiative to promote Indian economic participation in the parks, although National Park Service Director Kennedy has made an impressive beginning in the short time he has been in office.

I offered and the committee accepted an amendment on behalf of my colleague from Montana, Mr. WILLIAMS, and myself. The intent of the amendment, is to authorize the Secretary to evaluate whether or not it is appropriate to consider as a secondary factor in awarding contracts, a plan developed by a bidder to hire Indians and/or use Indian businesses. This amendment is designed to promote Indian employment, business utilization, and other involvement in existing as well as future concessionaire activities at parks located on or near a reservation. Neither Congress nor the Park Service should be in the business of dictating to tribes or concessionaires what steps should be taken to increase the Indians' economic participation in the park activity. However, I think that it makes sense to allow the Secretary to evaluate whether or not it is appropriate to give proposals by concessionaires that make an effort to increase the involvement and employment of Indian businesses and Indian people at our national parks extra consideration during the bidding process.

TRIBUTE TO THE LAGRECA FAMILY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. KLEIN. Mr. Speaker, I rise today to tell an amazing story of a family reunion in my district.

On May 14, at American Legion Post #8 in Clifton, NJ, Josephine Muller and her brother, Vincent LaGreca, will reunite after 40 years of separation.

Vince has lived in Australia and New Zealand since 1955. During World War II, Vince was in the Pacific theatre and later married a woman from New Zealand. However, when relocated to Australia, he did not leave on friendly terms with his sister.

Jerry LaGreca, their nephew in Clifton, played a key role in bringing the pair back together. He found photos that belonged to his late father. He believed that these pictures were the children of his Uncle Vince, cousins that he had never met. He than decided to search for these family members.

Meanwhile, Vince and his wife had remained active in the American Legion, despite the great distance from the U.S. His wife, Sheilagh LaGreca, turned to this organization when they also began a search to find Josephine.

Jerry tells the story best. He indicates that Vince and Sheilagh "wrote a letter to Legion headquarters setting out the problem, noting that Josephine might still be living in Garfield, where she and Vince grew up, or perhaps a nearby city."

Fortunately, Anna Rose LoPinto at the Clifton Post searched the phone book for the name "LaGreca" and soon found Jerry.

It is with great pleasure that I ask my colleagues to join me in honoring this family on this remarkable occasion.

THE RETIREMENT OF MARYLAND STATE SENATOR FREDERICK C. MALKUS—THE LONGEST CONSECUTIVE SERVING MEMBER OF THE MARYLAND GENERAL ASSEMBLY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mrs. BENTLEY. Mr. Speaker, on May 14, 1994, Maryland will pay tribute to one of the most colorful political institutions in the Free State's history. On this day, Marylanders will say "goodbye" to Senator Frederick C. Malkus of Dorchester County, a Jeffersonian Democrat who spent his 48-year tenure serving others in the Maryland General Assembly. His recordbreaking years of distinguished service have spanned nearly five decades. Senator Malkus' conservative hometown touch and effective service has earned him an unforgettable place in Maryland history. In honor of Senator Malkus, I am including a recent article from the Baltimore Sun that outlines his historic career which should serve as model for many of us who serve the American people at all levels of government. Wishing Senator Malkus a happy and fruitful retirement, I anxiously await the chance to read his memoirs which I understand he soon will be writing.

[From the Baltimore Sun, Mar. 27, 1994]

MALKUS PLANS MEMOIRS ON 48 YEARS IN ASSEMBLY

(By William Thompson)

CAMBRIDGE.—Just because he's leaving public life when the General Assembly recesses in April doesn't mean Sen. Frederick C. Malkus Jr. plans to fade into the mist hanging over his Dorchester County wetlands.

The white-haired lawmaker says he will write memoirs of the 48 consecutive years he has spent in the General Assembly—a record tenure in Maryland and a period during which there were eight governors and an increase in the annual state budget from $60 million to more than $12 billion.

A Roosevelt Democrat when he first was elected to the House of Delegates in 1946, Mr. Malkus was dubbed "Muskrat" because of his fondness for trapping and dining on the furry marsh animal.

Since 1952, he has represented Eastern Shore countries in the Senate, where his hair color and his deft use of parliamentary rules to push his rural conservative agenda earned him the nickname "Silver Fox."

At the reflective age of 80, Mr. Milkus is the first to admit that his pace is slowing.

He can't trap as he once did. He keeps his walks brief to avoid shortness of breath. And he has trouble hearing.

COULD WIN AGAIN

"When you get to be my age, you're not as good as you were," he said, "I don't care what some of these people say. You're not as sharp as you were. I think I could win again, but I'm not going to put that issue to question."

Retiring from elected office, he said, will leave him with the time and energy he needs to write his book.

"I'm not doing it for the money," he said during an interview in his law office in downtown Cambridge, were he still handles minor civil cases. "I'm doing it maybe for history. I can tell about the legislature over that period better than anybody else."

The senator is coy about much of what he will write, but he said he will rate the men who have held the state's highest office while he was in Annapolis.

At the top of his list is William Preston Lane, who was sworn in as governor when Mr. Malkus joined the legislature in 1947.

"He was a courageous governor," said the senator, who voted for Mr. Lane's controversial sales tax—the first for Maryland consumers. "He came into the governship when nothing had been done in the state except for the war effort."

Mr. Malkus credited Mr. Lane, whose tax measure later led to his defeat, with providing Maryland with the money to build roads and improve education and health.

After Mr. Lane, J. Millard Tawes and Marvin Mandel rank highest on Mr. Malkus' list of the best governors in the past five decades.

Mr. Tawes was a fellow legislator from the Eastern Shore. Mr. Mandel, who did not always share Mr. Malkus' conservative views, was a hunting enthusiast who sometimes come to the senator's farm to hunt waterfowl.

And how does he appraise the current governor, William Donald Schaefer? He won't say, although the two men have been known to describe each other privately in uncomplimentary terms.

"The only thing the papers ever quoted me as saying about the governor was that he's an unusual man," Mr. Malkus said. "And no jury will convict me on that"

The senator said he has fixed feelings about the efficiency of the modern state legislature and the power wielded by the people who work with the General Assembly.

"The biggest difference between now and 48 years ago is the part the actual elected official played," he said. "There isn't any question but that the nonelected officials that are associated with the legislature are playing a much greater part."

STAFFS HAVE GROWN

When he was chairman of the Senate Judicial Proceedings Committee in the 1960s, he said, only two staff members were assigned to work with him and the other senators. Now, he said, committee chairmen have two lawyers and a half-dozen other employees to help them.

"In those days, the chairman stood on the floor of the Senate and explained a bill," he said. "At the present time, the chairman stands up and reads what the bill does, which is prepared by the committee's two attorneys. So often now, the philosophy of the bureaucrat replaces the philosophy of the elected official."

On the other hand, Mr. Malkus said, today's politicians are better prepared to deal with complex issues facing them in committee and on the floor. Stacks of reports and analysis of bills await legislators each day, he said, and there are fewer chances for even seasoned lawmakers to pull political tricks with legislation.

He said that when he joined the General Assembly, freshman lawmakers often knew no more about what are going on during floor sessions than spectators seated in the galleries.

"It was difficult," he said. "You had a book with the bills inside, but you never knew when the bills were coming up until you sat in your seat and they were read across the desk."

During a particularly confusing day in the House, he said, cheeky lawmakers managed to transform an education bill for a Western Shore county into a gambling bill for Ocean City without the knowledge of the resort's representative.

Mr. Malkus was born in Baltimore but raised from an early age on the Eastern Shore. He said he was a soldier in the U.S. 1st Army in Belgium when he started thinking about a political career.

"I was sitting in a apple orchard voting for President Roosevelt on an absentee ballot," he said. "It was raining like the devil. I came to the conclusion that if I ever got out of this mess, I was going to get into politics."

A few months after he left the Army in 1946, he filed for the Dorchester seat in the House and won. He has won every race for the General Assembly since, although he lost a special election to Congress against Republican Robert E. Bauman in 1973.

"That really hurt him—for about two weeks," said Maggie Malkus, the senator's wife of 36 years.

Mrs. Malkus, who is 17 years younger than her husband and married him when he was 45, said he seldom lets problems bother him. "He can handle things pretty well," she said. "He can fall asleep five minutes after an argument while I stay up for a couple of hours."

One of the senator's greatest political disappointments came in 1982 in a power struggle for the Senate leadership. Mr. Malkus backed incumbent Senate President James Clark Jr. against then-Sen. Melvin A "Mickey" Steinberg.

LOST HIS POWER

Mr. Clark's forces lost and Mr. Steinberg replaced most of the committee leaders. Mr. Malkus lost his position as vice chairman of the Senate Economic and Environmental Affairs Committee. He held on to his ceremonial title as Senate president pro tem, but he never regained the power he once had.

He said that after 1982, he decided to focus on the needs of his Eastern Shore constituents. "I did not want to be a state senator," he said. "I wanted to be a county senator."

Voters apparently liked what they saw, because they kept re-electing him—a record he attributes to a simple political axiom:

"The elected official should bear out the philosophy of the people he represents. That's what I have done and that's the reason I have been elected over these years.

"I am basically conservative and so is the area I represent. A lot of things have been used against me in my elections, but my basic conservative philosophy has never been questioned."

Despite his early years as a New Deal Democrat, Mr. Malkus' political positions made some people wonder about the appropriate political party for him.

"I've asked him to change his party affiliation," said Richard F. Colburn, a Republican who once represented part of Dorchester County in the House and is now seeking Mr. Malkus' Senate seat. "He said he wouldn't. He said he's still an FDR Democrat."

Perhaps the most sensitive spot in Mr. Malkus' career is his record—or lack of record—on civil rights.

"I didn't see him go to bat for these causes," said Lemuel Chester, a black activist during the 1960s racial turmoil in Cambridge and now a Dorchester County commissioner. "Fred Malkus didn't go out of his way to torpedo civil rights, but he lost a lot of credibility with us."

But relations between Dorchester's minority community and their state senator improved, said Mr. Chester, who gave Mr. Malkus credit for the appointments of blacks to some local commissions. "He became accessible," he said, "and as long as it wasn't radical, I could talk to him about civil rights issues."

Mr. Malkus said he questions whether government can be effective in improving race relations.

A MATTER OF THE HEART

"My position on race has always been the same," he said. "This whole subject matter can be settled only through the hearts of the people. Putting it in the books doesn't do the job."

The senator said he is most proud of his fight in the legislature to defend what he sees as unnecessary government intrusion upon the rights of property owners. And although he often is seen as a thorn in the side of environmentalists, he said he cares about the Dorchester marshes and wildlife.

For instance, he said, he opposes the use of chemical spray to combat the voracious mosquitoes that appear in the summer on the Eastern Shore.

"Most of the people who've lived here a long while are willing to continue living with them," he said. "The people who gripe the most about the mosquitoes are the newcomers. When you take away the mosquito, you take away the food that young ducks have to eat."

REFUSED JUDGESHIP

Mr. Malkus said he could have entered retirement with a hefty pension from a court bench. Years ago, he said, a governor offered him a judgeship, but he turned it down because he felt more comfortable in the legislature.

"I've never been a great student of the law anyway," he said. "You understand, that to get elected as many times as I have been, you don't have a hell of a lot of time to get real serious about other things. I've sacrificed a real good law practice for an average law practice because politics has always come first. That's what my wife has accused me of to this day: I put politics first. Maybe it's because I liked it."

THE OLDER AMERICANS FREEDOM TO WORK ACT

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. KIM. Mr. Speaker, I rise today in support of the discharge petition on House Resolution 402 that would allow a very important piece of legislation to be addressed on this floor. H.R. 300, The Older Americans Freedom to Work Act, of which I am a cosponsor, would repeal the Social Security earnings penalty for senior citizens and allow them to take part in the economic growth of this Nation without fear of losing the benefits which are rightfully theirs.

The older Americans of this country are continuously being attacked by this Congress and the current administration. They have become targets for reducing the Federal deficit by increasingly taxing their Social Security benefits, proposing to tax their health care benefits, and even reducing Medicare benefits. On top of that, they are being deprived of the ability to work by placing an earnings penalty on any additional income they may generate as members of the workforce. I find this situation to be appalling and have strongly supported repealing these increased taxation measures. I support H.R. 300 because it will alleviate at the very least, another cross that the older American's of this Nation have to bear.

The older Americans in this country are the most experienced workers, yet are the most under utilized. Even when they are utilized, they run the risk of being penalized by the Social Security system for the contributions they make. It is my strong belief that those who are able and willing to work should not be deterred from doing so and that is why I support H.R. 300 and why I have signed the discharge petition that my esteemed colleague, Mr. HASTERT, has begun seeking support for today.

I urge my fellow colleagues to join me in signing on to the discharge petition to allow this necessary piece of legislation to be addressed so that all the older Americans', in all of our respected communities, will be allowed to work and contribute, if they so choose, to this great Nation without fear of reprisal.

LET'S END DISCRIMINATION AGAINST AMERICA'S SENIORS

HON. ROD GRAMS

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. GRAMS. Mr. Speaker, I am pleased to join with my colleagues in support of this discharge petition for repeal of the earnings test.

Today, Members of this body have the opportunity to end discrimination against the backbone of this country.

All across America, doors of American business having been padlocked and signs have been hung in windows saying, "Seniors Need Not Apply."

Because of the Social Security earnings test, seniors are being discouraged from staying in the workplace. And what a loss that is.

By taking their benefits and making it difficult for seniors to accept work, Congress is robbing American business of years of experience and skill.

It's wrong, and it's blatant discrimination against 700,000 thousand older Americans.

The "Older Americans' Freedom to Work Act" pries open those long-closed doors and keeps seniors on the job by repealing the earnings test.

We recognized the importance of this provision when we included repeal of the earnings test in our Families First legislation which later became the centerpiece for the Republican Budget alternative.

It's time now to get a vote on the earnings test, and that's just what this discharge petition will do.

Let's repeal the earnings test, and replace "Seniors Encouraged to Apply" signs with "Help Wanted—Seniors Encouraged to Apply.

IN RECOGNITION OF FRANK TRUJILLO BALLESTEROS

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. COPPERSMITH. Mr. Speaker, I rise today to recognize Frank Trujillo Ballesteros, whom the U.S. Small Business Administration has selected as the Minority Small Business Advocate of the Year.

Mr. Ballesteros serves as the executive director of Micro Industry Credit Rural Organization [MICRO], a program of the Microbusiness and Housing Development Corporation in Tucson, AZ. MICRO combines public and private funds to provide credit and assistance to small, family-owned businesses in southern Arizona and southern California. From 1987 through 1993, MICRO lent close to $2 million to more than one thousand different small businesses.

Mr. Ballesteros also helped arrange for $100,000 in seed capital from the Ford Foundation, and then worked with Bank One, Arizona, to guarantee microenterprise loans—very small loans to small businesses—in Arizona. Under his guidance, MICRO specializes in microlending to companies generally started by Hispanics, particularly women-owned businesses.

Mr. Ballesteros does not just make loans, he builds relationships. He has business materials translated into Spanish for his clients, and he often volunteers to sell the arts and crafts of MICRO artisans. His loans are generally a series of very small and very short-term loans; the average maturity is 6 months. By building a cycle of successful loans and repayments, he and his borrowers come to know and trust each other. His cultural sensitivity also helps him understand his clients and aid their business success. For these reasons, MICRO has a loan-to-default rate of a stunningly low 3 percent.

All of Mr. Ballesteros' work does more than just build businesses. He also helps to build communities. He encourages local Chambers of Commerce to distribute information about microbusinesses, and never misses a chance to tout the importance of microbusiness to the health of the local and national economies.

Most importantly, Frank Trujillo Ballesteros empowers people. He helps people take charge of their economic destiny—the heart of the American dream. The SBA rightfully has recognized his efforts and his success, and I am pleased to join them in saluting Frank Ballesteros as the Nation's Minority Small Business Advocate of the Year.

GRANT'S TOMB NATIONAL MEMORIAL ACT INTRODUCED

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. NADLER. Mr. Speaker, I rise today to introduce the Grant's Tomb National Memorial Act, which would restore and preserve the tomb of Ulysses S. Grant as a National Monument, to honor the great general and 18th President of the United States, and to educate Americans about Grant's life and the remarkable era in which he served the Nation with such distinction.

I joined descendants of Ulysses S. Grant, neighborhood residents and visitors at Grant's Tomb, in my district in New York City, to pay tribute to this great American on April 27th in commemoration of what would have been his 127th birthday. Uylsses S. Grant led the Union Army to victory, bringing an end to the Civil War and helping to enforce the emancipation of former slaves. As President he was a pioneer in the effort to recognize, support, and protect civil rights by sending Federal troops to protect the rights of former slaves to vote, to own property and to enjoy all the privileges of citizenship. In 1872, Grant signed into law the act to establish Yellowstone National Park—the first national park in the world. Grant's contributions to our country should be taught to future generations and should be honored by restoring his tomb to its original splendor.

The sad condition of Grant's Tomb was brought to my attention by Frank Scaturro, a history major at Columbia University, who has devoted his scholarship and energy to promoting the monument and advocating for its restoration and preservation. The site has been marred by graffiti, littering, and public urination. It has become a locale for drug and alcohol abuse, and other antisocial behavior unfitting for a place of tribute to war hero and former United States President. My bill sets up a study commission to review and make recommendations to the Secretary of the Interior to restore, maintain, and preserve the Grant's Tomb National Memorial, to educate the public about Ulysses S. Grant, his life achievements, and his era. It provides for the Federal acquisition of the surrounding plaza to facilitate restoration, a visitor center to aid in the interpretation and maintain the historical significance of the monument, and honor guards to provide security and promote respectful demeanor at the monument.

Private citizens donated money in 1885, upon Grant's death, to build the tomb in his honor. These loyal Americans, under the leadership of the grant Monument Association, donated the tomb to the Federal government because they believed that this would insure its perpetual care. It is time for us to accept responsibility for the important gift that has been donated to the country. We must support this site with the same enthusiasm that we support the Washington Monument, the Lincoln Memorial and the Smithsonian.

This bill would ensure that future generations will have the opportunity to remember and honor Ulysses S. Grant.

TRIBUTE TO GEORGE WATTS UPON HIS RETIREMENT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. FORD of Michigan. Mr. Speaker, I rise today to pay tribute to George Watts, of the United Steelworkers of America. He is a dedicated member of the labor community and an old friend.

George Watts began his career in the labor industry in 1960 as a production worker for McLouth Steel Corp. in Trenton, MI. George immediately involved himself in a number of grievance and safety committees, contributing his considerable leadership skills and energy. In 1965, he was appointed to the staff of the United Steelworkers of America, District 29, and entered the arena of labor organization. George continued up the ladder of labor leadership with his election as secretary-treasurer of the Michigan State AFL–CIO in 1976.

Throughout his 34 years of dedication to the labor movement, George gave tirelessly of his time and energy to make an impact in labor and politics. From 1967 to 1983, George acted in the capacity of a staff representative in subdistrict offices around the State. During his tenure as a staff representative, he serviced a variety of types of plants including foundries, wire plants, steel, plastic, and chemical production facilities. In 1983, George was promoted to his current position as assistant to the director, United Steelworkers of America, District 29. George has used his background and knowledge of all areas of labor in his work as an advocate for labor safety and education.

George has been one of my strongest supporters in the labor movement throughout my political career. In addition to serving as a valuable resource on the needs and interests of labor, George has also been one of the most positive people with whom I have had the pleasure to work. His commitment to the rights of working people is illustrated in the fact that he has worked tirelessly with State and national governments to raise health and safety concerns and fight for improved education.

Beyond his daily duties as a staff representative and assistant to the director, George has always been active in labor-oriented programs and commissions, as well as in local politics. He has served as president of the Southgate Democratic Club and is an active member of the 15th and 16th District Congressional Committees. George's commitment to community service and leadership has been a distinguishing quality of his life.

Though I have worked with George in a professional role, I have come to value him highly as a family friend. I have been the lucky recipient of his support and friendship and am pleased to have this opportunity with which to thank him. After a life of devotion and commitment to the labor movement, I encourage George to enjoy his retirement with his family, and wish him and his dear wife, Mernie, best wishes in all of their future endeavors.

THE OLDER AMERICANS FREEDOM TO WORK ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. PACKARD. Mr. Speaker, I rise in support of Mr. HASTERT'S bill H.R. 300. This bill would eliminate income restrictions placed on Social Security recipients.

For too long, the Federal Government has discouraged those 65 and older from working by limiting the amount of money they can make while receiving benefits which are rightfully theirs. Most older Americans who return to the work force do so for economic reasons. They face the high costs of housing and health care. Taking care of these necessities by seeking gainful employment should be rewarded—not punished.

This outdated earnings test is yet another example of age discrimination, forcing many seniors out of the workplace. Their experience and training are a priceless commodity which must not be wasted.

The Social Security earnings test is damaging to the economy, hurts elderly workers financially and infringes on their personal liberty. I urge my colleagues to rise in support of H.R. 300 in order to send a message to seniors that their initiative is a valuable commodity not be abrogated by the Federal Government.

CITIZENSHIP FOR HMONG VETERANS OF THE VIETNAM WAR

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. VENTO. Mr. Speaker, I rise today to call attention to the situation of Hmong veterans throughout the United States, who served alongside U.S. military forces in the Vietnam war. I am submitting an article which appeared in a newspaper in my district, the St. Paul Pioneer Press, on May 1, 1994, which describes some of the experiences of the Hmong veterans during the war and after when the Hmong people remained the target of the Laotian Government. Many of these people became refugees and were able to make their way to the United States in search of safety.

After many years of life in the United States, most of those who served have been unable to attain citizenship, largely because of the English language requirement. It has only been in recent decades that the Hmong language has had a written form. For those who fought in the war, any opportunity for an education was lost.

Mr. Speaker, I have introduced a bill, H.R. 4048, the Hmong Veterans Naturalization Act, which would waive the English language and residency tests for U.S. citizenship for the Hmong who served and their spouses. Enactment of this measure would be a sign of our recognition of the loyalty of the Hmong, who fought bravely and experienced many losses, as a result of their service on the side of the United States during the Vietnam war. The following article makes a strong case for this legislation.

HMONG WHO FOUGHT IN LAOS WITH THE U.S. CANNOT HOPE TO BECOME CITIZENS

The elderly warrior from Laos tells his story in animated Hmong when he recalls a hand-to-hand fight with a Vietnamese communist one jungle night in 1968. Playing the enemy, Cha Ying Yang jabs the air with an imaginary bayonet and draws an invisible gun. He survived because he flinched. A gunshot meant for the back of his head shattered the right side of his face instead.

"The Americans asked us to help, and we knew that maybe we had a chance to win. So we helped them with all our hearts," Cha Ying Yang said. He removes two lower dentures, crafted to fit his reconstructed jaw, to show what he lost while serving in the Central Intelligence Agency's "secret army" in Laos.

"It's painful talking about these things. If you think about it, you will lose your sight, because you cry. I will always remember it. The scenes where I was fighting or struggling go by me, back and forth in my mind, still."

Yee Vang, 46, lost an eye and an arm. A mortar struck near a group of Hmong guarding a bunker in Northern Laos in 1971. "It exploded very close to me. It cut my arm and cut other parts of my body. My fingers, my eyes," said Yee Vang, who was recruited by the CIA at age 10. His right eye was destroyed by mortar fragments, and his forearm was mangled beyond repair.

"The American people have to understand about the secret war in Laos and they should understand about our people," said Cherzong Vang, president of the Lao Veterans of America Inc. in St. Paul. "The American jets fall in the high mountains, and these (Hmong) guys hurry to save American soldiers. They don't worry about if they die, they don't worry about who's going to shoot them. Don't they deserve to be American citizens?"

The Hmong veterans resettled in the Twin Cities want to be U.S. citizens, with all of the dignity that comes with having a country to call their own. They feel that because of their service in Laos for the CIA, they are already American at heart. But many Hmong veterans cannot speak English and so are unable to pass the U.S. citizenship test.

Hmong veterans are aware that many Americans do not welcome refugees who do not speak English. They know that many are unaware of how the Hmong took orders from Americans, cooked food for them, guarded them, carried them when they were wounded, wrapped their bodies when they were killed.

When their American friends left in 1974, Hmong hopes for a free Laos were dashed. Tou Yang, 41 constantly relives the years after the American pullout, when he and the other Hmong resisters were trapped in the mountains, valleys, and jungles that teemed with hostile troops. Though his body is here in Minnesota, Tou Yang's spirit walks in post-1974 Laos.

"The Americans left and we felt abandoned and there was no escape. We couldn't get to Thailand; we couldn't get to freedom; our leaders left us. Now that we are in America, we still feel like we've been abandoned," he said.

"I always still dream that I am there and coming to America. I've never actually dreamed that I made it here."

MINDS CONSUMED BY WAR

The Hmong veterans are proud men, but they also feel frustrated, hurt and rejected. They ask Americans to think about these things:

How can a middle-age or elderly man come to a new country and become educated when he was never schooled in his home country in anything except farming and making war? How can a man concentrate on learning English when his mind drifts constantly to the brutality and deafening din of war, or when a passing city utilities truck, for a startling second, sounds like a tank?

How can a man concentrate when he is remembering villages full of women, men, and children—some of them his relatives—cut into pieces by bayonets? Can a man put his mind to learning when he sometimes jumps at imaginary enemies, forgetting that this is America and the only war is within himself?

These questions are like a series of circles forever spiraling back onto themselves. The quest for citizenship is but one more battle for the Hmong.

WAIVING THE ENGLISH RULE

While serving in special guerrilla units during the Vietnam War, between 10,000 and 20,000 Hmong men, women and children were killed, and more than 100,000 fled to Thai refugee camps. There are 27,000 Hmong in Minnesota, and an estimated 5,000 to 7,000 of them fought in the CIA's special forces.

U.S. Rep. Bruce Vento, D-Minn., has introduced legislation that would waive the English language requirement and grant citizenship for Hmong veterans who served with the special guerrilla units in Laos between 1961 and 1978, but Vento's bill faces a tough battle in Washington.

The Immigration and Naturalization Service objects to an English-language waiver for unimpaired people under age 50. Agency spokesman Rudy Murillo said that when the INS first saw Vento's bill, "We figured it was reasonable to assume that many of these people living in this country now who are under 50 years of age have acclimated to our society."

At least one Republican congressman plans to oppose the measure. Rep. Toby Roth of Wisconsin, another state with a sizable Hmong population, last year introduced a bill to declare English the official language of the land. The measure would repeal all federal bilingual programs and direct the INS to establish an English proficiency standard for immigrants to gain citizenship.

Through a spokesman, Roth said, "It is important that all groups of immigrants be required to learn English so they have the best possible opportunity to succeed in our society."

Vento sees the Hmong Veterans' Naturalization Act as a way to plug a legal loophole. "If somebody has served in the U.S. armed services and they can demonstrate that, even if they are a foreign national, they get citizenship authomatically. But these people didn't serve in the armed services of the United States, they were recruited in the CIA," Vento said.

Filipino "scouts" who fought for the United States in World War II had to wait until the 1980s to get naturalization rights; veteran's benefits came later. Vento's bill does not extend veteran's benefits to the Hmong.

"We made the decision to accord them (the Hmong) asylum here because of the persecution and threat of death for having helped us in Southeast Asia, and now we're denying them the dignity of full citizenship," Vento said.

"When they should have been in school, they were fighting with our troops, saving American lives," Vento said. "The effort to learn English, when you have never had formal schooling, is really difficult—and that is an absolute bar to citizenship in the United States," Vento said.

Vietnam veteran Bob Anderson is deeply involved with the local Hmong population and often travels to Laos. Anderson, who founded the Hmong-American Partnership, supports the English-language waiver bill as well as extending veteran's benefits to the Hmong.

"The Hmong who fought in (General) Vang Pao's army understood they were fighting for the Americans and that they were in some sense an American army. They often mention the promise that was made. It's not clear who made it and when, but some promise was made that if the war went badly, the Hmong would be taken care of," Anderson said.

"The Hmong were used."

A LIFE WALKING, RUNNING

Tou Yang, the St. Paul man who dreams he is still trying to get to the United States, knew by the time he was 12 that he would go to war. Indeed, his parents had joined the French in the 1950s to fight communists. The youngest of eight children, Tou Yang's life was never peaceful in Muong Mot, a village in Northern Laos near the Vietnamese border.

Tou Yang's father was the village leader, and the boy helped raise the family's cattle. "I was still very young and so I would go to school, I would come back, and I would still take milk from my mother," he said. There were brief lulls before the CIA came to recruit Hmong fighters.

"I was so young that one of my first duties in the village was just to cook. There was an American named Dick, and he was stationed with us. And I would cook porridge and stuff for him and the other soldiers," Tou Yang said.

Because there was always war, his family moved constantly. Many Hmong people were taken to communist "re-education" camps, never to return. Tou Yang's father died in one of the brutal camps.

Stranded in hostile mountains after the Americans left Laos in 1974, Tou Yang fled to the jungle valleys with a resistance group for three years.

"Even though my body is here, my spirit is always living in those years when the Americans left. We still dream about walking. There was no telephone, no way to communicate. If you want to send a message to another group of resisters, you walk," he said. Sometimes, they walked for days.

"During the war, my feet rot from not changing my shoes because we have to be fighting all the time. And I don't ever change my clothes, there is no other pair of clothes I wear. Sometimes my shoes would rot, and there would be maggots in my shoes from just being in the jungle so long. When I take off my shoes, there were maggots eating up my feet."

One of the veterans has brought a copy of the book, "Tragic Mountains: The Hmong, the Americans, and the Secret Wars for Laos." Tou Yang locates a drawing and explains that it is one of three he made while in Thailand. His drawing depicts a scene of unspeakable brutality. Uniformed soldiers are shown slaughtering the residents of a Hmong village.

Written next to nine of the stabbed and decapitated bodies are names. Tou Yang points to each. There lay his aunt. His uncle. His nieces and nephews.

THE JUNGLE RESISTANCE

Lor Cha Yang, 42, was also among the resisters during the lonely years after 1974. He remembers his group eating roots, berries and small animals to survive, and killing enemy soldiers when they had to. They became one with the jungle. "We were very skinny and our hair grew long," he recalls.

Lor Cha Yang started fighting communists for the CIA at 14. All the boys of that age knew how to fire guns and how to farm. There was no flat space around his village, Muong Mot, so the Hmong farms extended out into the jungle and along flowing rivers. Lor Cha Yang was the oldest of six children. He and Tou Yang are brothers.

"Between 1969 and 1975, I was involved in many wars, but I was lucky and was not injured. My father was a soldier, and he was one of the leaders. So I didn't go out into the field very much. I was back in the office, helping with the rice droppings—the air drops."

Life changed dramatically after he and the other Hmong became trapped in the mountains, After 1975, it was dangerous for a group to travel together, Lor Cha Yang said communists would stop groups of men and separate them.

"There were a lot of instances where they'd take these men who were walking or gathering in groups, and they would take them away, and you would never see them again," Lor Cha Yang said. The Hmong men took to the jungle.

"The women, they'd punish them a little bit more lightly when they catch them They came and they asked the women a lot of questions about their men, and how they planned their war. They would ask the women how the Hmong men planned their war with the Americans, and what the Americans taught them."

The communists tormented the women with declarations that Hmong children who were born before 1975 were considered American children with American blood, Lor Cha Yang said. Therefore, Among children were enemies and could be killed in the same way American soldiers were killed.

So the resisters stayed in motion, never camping in the same spot for more than two days at a time. Even lighting cooking fires was dangerous. After three years of trying to flush the Hmong resisters from their hiding places, the communists stepped up the violence.

"They searched for us all over valleys and mountains. And when they can't find us, they call in their planes, and the planes would wipe out part of the jungle, clear things so they would see us," Lor Cha Yang said.

From February to October in 1978, the bombing and the effects of chemical weapons were too much for the Hmong to withstand, and Lor Cha Yang's group raced to the Mekong River and freedom. There was a great battle at the river, however, and only half of the group made it to freedom.

After two years in Thai refugee camps, including the populous Ban Sinai border camp, Lor Cha Yang came to America. He and his family—his wife, five children and his mother—live on $800 a month in public assistance. Lor Cha Yang knows a few English words, not enough to pass the citizenship test.

"Here, people don't experience someone coming into their country, to their village, and kick them out or kill them and oppress them. They have never experienced that here, so no matter how much we tell them, they probably would not understand."

SHRAPNEL SOUVENIRS

Vang Ger Yang, 41, spent much of his youth guarding Route 6, a strategic road connecting Hanoi, North Vietnam to the Laotian capital of Vientiane for to the south. "I've never farmed, never had time to farm. I was occupied with being a soldier," said Vang Ger Yang.

He remembers the afternoon a mortar hit in 1970. After the blast, he ran and ran, until he felt dizzy and feverish. When he regained consciousness, blood was on his legs and arms. Ants were crawling all over him. Doctors could not retrieve some pieces of shrapnel.

"After 1975, the communists came and told us, 'You guys are the hands and feet of the Americans, you guys work for the Americans, so we're going to train you.' They took a couple of my cousins to go to their camps and 'train,' but they never came back," Vang Ger Yang said.

"The communists came because they knew our leaders had left us. We felt like we were going to die. This was the end. There was no way out."

The Vietnamese threatened the men's wives and eventually took them to a prison camp. Vang Ger Yang, Lor Cha Yang and Tou Yang did not see their wives for three years. Meanwhile, the men had found safety at the Thai border camps.

"We didn't have any idea that our wives were still alive or knew we were alive. One day they just appeared in the camp where we were. It was like seeing somebody who you knew who died and came out of the grave," Vang Ger Yang said. One of his children had died of hunger in the prison camp. Tou Yang lost two children there.

In 1989, Vang Ger Yang and his family came to the United States. The household lives on his Social Security income and his wife's public assistance. The $1,400 a month supports 10 people. Though it is common for non-English-speaking people to take jobs as laborers, doctors have told Vang Ger Yang not to do heavy labor because of his injuries.

Vang Ger Yang falls silent. He absently examines his arms, but there is nothing to see. But embedded deep in his body are irretrievable pieces of shrapnel, and Vang Ger Yang knows the exact location of each.

LOST PROMISES OF PLENTY

"We were peaceful. They came and took our land," said Cha Ying Yang, the old warrior. "After I fought with the French in 1953 in Dien Bien Phu, I became a farmer for about three or four years and then got involved with the Americans."

In the mid-1960s, the Americans assigned Cha Ying Yang and other Hmong to set up a station near Buong Long in Northern Laos and to defend Route 6.

"The Americans told us that we need to defend that road for them. And if we did that, they would set up schools, and they'll set hospitals, they'll build us roads, and they'll help us farm in that area," he said.

"I was confident about what the Americans were saying—that if we lost the war, they'll help us and they would bring us here," he said. "I don't think it was worth it. If we were in Laos and if there were no war, I would have cows, I could have a farm, I would have everything I need. But here I have to pay rent, I have to pay all kinds of bills, and after I pay all these, I don't have anything left."

Cha Ying Yang has been in America since 1980 and his children—five sons, six daughters—are grown now

The 1968 ambush that cost him his lower face is still clear in his mind. About 40 American and Hmong lives were lost, but the communist soldiers were killed by the hundreds, Cha Ying Yang notes with pride.

"We had assistance from an American airplane. That's why we won that battle. They had these revolving guns from the airplane, which was very effective. 'Spooky,' it was called. It sprayed bombs all over the camp so that no more communists could enter into it."

The word "Spooky" sounds absurd against the lyrical, tonal sounds of the Hmong language, and the veterans laugh.

"I could take you to Laos to show where we fought and the holes we dug up. The trenches are still there. Some of the bombshells are still there," Cha Ying Yang said. "If we were there, we would never be sitting here together talking like this. Everybody would have a gun in their lap."

To this day, Cha Ying Yang marvels at the ability of communist Vietnamese to blend into the jungle and thrive on next to nothing.

"The communist Vietnamese were very smart, and they hide their tracks really well. They don't leave any tracks, they will step in each other's tracks. It would never look like anybody went through," Cha Ying Yang said.

"There were a couple of instances where we shot a couple of Vietnamese and all we found on the bodies were a couple of pieces of bread about this big," he said, indicating a fist-sized lump.

"They could hide themselves really well. They could be on your doorstep, under your porch, or they could stand in one place for a whole day, and you wouldn't even know they were there to look at you and to find out things about you. You always knew that there was somebody around."

Cha Ying Yang still jumps at noises that sound like bombs. And sometimes he forgets that no ghosts are in the trees.

A CHILD GUARDIAN

Yee Vang, the man who lost his eye and forearm, was one of the CIA's littlest warriors. He was 10 when the CIA came recruiting. There would be no school and no lazy days with only roosters and rice to think about. Instead, he would learn from Thai and American officers how to use grenades and guns.

There was never any question that the Hmong would fight the communists who were invading his village of Buong Long, in central Laos. They would join the Americans, They would help whenever American soldiers went down.

"At first I was afraid, but I saw many American planes, and there was a lot of activity, so the fear went away," said Yee Vang, 46. "Since the Americans were helping us, we thought we'd win."

The Hmong built good underground bunkers, Yee Vang said with pride. They dug canals around them and used the Americans' barbed wire to surround it. Inside the bunker, radio antennae pointed toward the ceiling.

"The Americans came and lived with us in this hole," Yee Vang said. "When Americans were inside, our job was to guard the bunker. We had to be on guard with our guns all the time, walking around. And as long as the Americans were safe inside, we were to be walking outside. Those soldiers I guarded the bunker with were very close friends."

More than anything, Yee Vang said, he would like to be recognized as an American citizen and an honored war veteran. But he knows that a deep valley of misunderstanding separates the Hmong and the American people.

Yee Vang said that despite the difficulties Hmong people face in America, he knows few people who want to return to Laos and risk persecution.

"The American public, they have told us many times, "Why are you here? We have enough people, we have enough problems. We don't need any more.' So the general public doesn't understand at all," he said.

Yes, I'm very hurt. But because of my English ability, I cannot tell them."

A TRIBUTE TO PRISCILLA S. KUHN

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. PASTOR. Mr. Speaker, I would like to extend recognition to Priscilla S. Kuhn, founder and president of Netwest Development Corp., in Tucson, for all her work in developing housing for underprivileged and low income families, retirees, and children in Arizona's rural communities.

Since 1985, through her work with Netwest, Mrs. Kuhn has managed FHA-insured rental housing for vulnerable constituencies of the State's population in addition to housing for entry-level workers. Projects developed by Netwest included family-oriented apartments in Kingman and Yuma, a retirement center with assisted living in Peoria, and proposed projects in Casa Grande and Bullhead City.

I would also like to share a little about Mrs. Kuhn's background and years of devotion to community development. Mrs. Kuhn was born in Chicago, IL, in 1941 and grew up in Elburn, IL. She attended the University of Denver in Colorado and received a master of science degree from the University of Arizona. She is married and has three children and one grandchild.

Besides her work with Netwest, Mrs. Kuhn has been a district representative for Representative JIM MCNULTY, a district manager for the U.S. Census Bureau, southern Arizona field representative for Senator DENNIS DECONCINI, executive director for the YMCA of Tucson, communications coordinator for the Department of Urban Resources for Tucson and a public school teacher.

She served on various boards and organizations such as president of the Amity Foundation, the Tucson Airport Authority, the Assisted Living Facilities Association of America, the Arizona Academy and the Yuma Crossing Foundation.

Finally, I would like to commend Ms. Kuhn for her long list of achievements, which have included induction into the Lafrontera Hall of Fame, the Amity Foundation Friendship Circle Award, and a United Way Volunteer Award.

ALABAMA/TAIWAN RELATIONS

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. CALLAHAN. Mr. Speaker, I rise today to insert in the RECORD a resolution by the State of Alabama House of Representatives urging Congress to officially recognize and restore our relations with the Republic of China on Taiwan and encourage Alabama exports to Taiwan. I concur with the resolution and commend it to my colleagues:

Whereas, China has been a divided nation since 1949, and the Government of the Republic of China on Taiwan and the communist People's Republic of China on the Chinese mainland have exercised exclusive jurisdiction over separate parts of China; and

Whereas, the Republic of China on Taiwan is a long time friend, ally, and trading partner of the United States; and

Whereas, the Republic of China on Taiwan occupies a strategic position in Asia and the West Pacific which is vitally important to the interest and the defense of the United States; and

Whereas, the people of the Republic of China on Taiwan enjoy a democratic way of life, a high standard of living, and exercise fundamental human right among their citizens; and

Whereas, the Republic of China on Taiwan is currently the fourteenth largest trading nation in the world; its gross national product is the world's twentieth largest; its annual per capita income exceeds ten thousand dollars ($10,000); and

Whereas, we encourage Alabama's businesses to seek distributors, brokers, buyers, and other market opportunities for exports and new markets for Alabama products on Taiwan; now therefore be it

Resolved by the House of Representatives of the legislature of Alabama, That we memorialize President Clinton to re-establish all official government relations with the Republic of China on Taiwan, and we memorialize the United States Congress to take all necessary actions to provide specific security guarantees for the Republic of China on Taiwan. Be it further

Resolved, That we instruct the Clerk of the House to transmit a copy of this resolution to the President of the United States, the Speaker of the House of Representatives of the United States, and to each member of the Alabama Congressional Delegation.

STOP DISCRIMINATION AGAINST OUR SENIOR CITIZENS

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mrs. VUCANOVICH. Mr. Speaker, we must stop, once and for all, discriminating against our Nation's senior citizens. How can we, as a country, take pride in the fairness of our Government and the fairness of our laws when every day we blatantly discriminate against every older American in our country who is willing to work.

Currently, a senior citizen, age 62 to 64, loses $1 dollar in Social Security benefits for every $2 dollars he or she earns over the limit of $8,040. Seniors age 65 to 69 lose $1 dollar for every $3 dollars they earn over the limit of $11,160. H.R. 300, The Older Americans Freedom to Work Act would repeal the onerous earnings test. Seniors have much to contribute to society, and those that want to work should be able to do so without being penalized. It's outrageous that a Depression-era relic that was designed to discourage older Americans from remaining in the work force, 60 years ago, continues to haunt us.

Enough is enough. Let's sign the discharge petition, repeal the earnings test, and revoke this tax that robs our senior citizens, the economy, and the Nation's work force of invaluable experience.

TENNESSEE RESPECTEEN WINNER APPLAUDED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. SUNDQUIST. Mr. Speaker, it was my pleasure recently to meet with Tennessee's winner in the Respecteen "Speak for Yourself" contest, a young lady from my district named Sarah Smith. Sarah is an eighth grader at Christ the King Lutheran School in Memphis and lives with her parents, Jim and Judy Smith, in Germantown.

Her winning entry in the contest, which encourages young people to express their ideas to elected officials, is a letter she wrote to me in support of congressional term limits. I thought she presented her case well, and I happen to agree with her conclusion.

All of us ought to be grateful that there are young people like Sarah who value our form of participatory democracy and who believe in the importance of getting involved and making a difference. I salute Sarah Smith, Tennessee's winner in the "Speak for Yourself" contest, as well as all students who participated. And I thank the Respecteen program for this initiative.

HISTORICAL VANDALISM AT GETTYSBURG

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. ANDREWS of Texas. Mr. Speaker, on May 9, 1994, the House Committee on Government Operations' Subcommittee on Environment, Energy, and Natural Resources conducted a hearing on an intrastate land exchange in Gettysburg, PA, between the National Park Service and Gettysburg College. The land exchange, which the Park Service and Gettysburg College undertook to allow the college to move a railroad track away from its campus, resulted in the excavation of Oak Ridge, considered by many historians to have greatly influenced fighting during the first day of the Battle of Gettysburg, July 1, 1863.

The focus of the hearing was on the historical significance of Oak Ridge and the actions and intentions of Gettysburg College, as well as Park Service policies, and whether proper safeguards were taken and appropriate public notice was given as to what the results of the land exchange would be.

Mr. Speaker, the underlying issue in this hearing is one that is important: Civil War battlefield preservation. I have long worked to ensure that the historic land on which the campaigns and battles of the Civil War were waged are preserved. Once a battlefield is destroyed, it cannot be replaced. It is forever lost to future generations.

I helped lead the successful effort in 1988 to stop a proposed shopping mall development which was to be located on the battlefield of Second Manassas. It would not only have destroyed a significant part of the battlefield but would have severely impacted the Manassas National Battlefield Park. I also worked to subsequently pass legislation that created the Civil War Sites Advisory Commission, whose excellent report details the state of our Nation's Civil War battlefields and provides what I think are appropriate and very worthwhile recommendations to the Congress and administration. I look forward to the implementation of these recommendations.

The Civil War is the single most important event in our Nation's history. America's social and economic foundations before the War were forever changed by the War, and its impact continues to affect our national debate. The Nation was infused, in President Abraham Lincoln's words, with a "new birth of freedom." It is not by coincidence that students in this country divide their study of American history by the Civil War. Civil rights, women's rights, economic and trade policy were issues driven into the 20th century by the Civil War. America was a different country before the war, and it was a different Nation after the war.

And so, understanding the Civil War—its reasons, its battles, its politics, its costs, its significance—is important in understanding who we are as a Nation and where we are going.

It is almost incomprehensible to imagine young boys and men from States like New York and Pennsylvania waging a war against young men from Virginia, North Carolina, and Alabama. And yet on the first day of July 1863, that is what happened across the fields west of Gettysburg. The railroad cut of Oak Ridge near Gettysburg, which was the subject of the May 9 hearing, was a central part of that first day's fighting. In fact, some of the most desperate fighting of the war took place there. There is no more historic spot on the battlefield of Gettysburg. And now it has been destroyed.

Often, grasping the significance of events more than 125 years ago is difficult, especially when they are explained in the context of abstract political theories. There is, however, one tangible legacy of the war—its battlefields. With names like Antietam, Chancellorsville, The Wilderness, and Glorietta Pass, many remain today, undisturbed as reminders and lessons, to see and to feel. Our generation's obligation to our history is to protect these important sites from destruction or permanent change.

The Battle of Gettysburg was the greatest battle of the Civil War. It was the turning point of the war. Over 150,000 troops converged on the tiny hamlet knowing full well the outcome would mark the end or the beginning of the end for both sides. Union generals and President Lincoln knew it represented an opportunity to destroy the South's most powerful army. For Robert E. Lee and the Army of Northern Virginia, it was a desperate gamble to change the dynamics of the war by waging war on northern soil. Over 50,000 soldiers would be killed or wounded in 3 hot days of some of the most intense fighting of the war. And it all started west of Gettysburg on and near the famous railroad cut of the Tapeworm Railroad.

In the climactic struggle on Oak Ridge, the 16th Maine Regiment found itself in the cut itself surrounded by three North Carolina regiments. After a fierce defense, the Maine troops surrendered to the Confederates poised above the steep sides of the cut. Rather than relinquish their State flag and the national standard, the Union soldiers tore the banners into small pieces and carried then as prized possessions throughout the war until they returned to Maine. It was one of the most dramatic moments in the Battle of Gettysburg.

The destruction of a landmark that played such an important part of such an important battle is tragic. The excavation of Oak Ridge near Gettysburg is not to be taken lightly. Although the circumstances here are different than those of Manassas in 1988, the lesson is the same: If great care is not taken by everyone involved, we stand to lose important parts of our Nation's vital history. Battlefields cannot be rebuilt.

We should not tolerate the destruction of history, whether willful or negligent. Is it right that Congress can overwhelmingly agree to an expensive land purchase by a seldom used legislative taking in preserving historic battlefields while allowing the Federal Government's own land exchange policies to destroy such battlefields? Of course not. Should the Department of the Interior have been more vigilant in monitoring the upkeep of this historic area after the exchange? Probably. Should local leaders have recognized the possible consequences of their intentions? Clearly, yes. Would the public have agreed with the exchange had it known of the excavation? I doubt it.

Mr. Chairman, there need not always be a scapegoat or a proven wrongdoer. In general, these situations seem to be a combination of the work of several interest groups: Local leaders intent on economic growth, developers and property owners anxious to realize their own goals, and local citizens not fully aware of political decisions or their historic significance. Clearly, however, local leaders have much responsibility to recognize the larger impact their decisions can have on one of our great national treasures. Historic preservation at a place like Gettysburg is not just for historians.

Gettysburg itself represents the best and worst of battlefield preservation. It is a massive park in its scope, and history and much of it is proudly preserved. Students of history, tourists, military leaders from around the world travel there to walk the ground of places like Culp's Hill, Little Round Top, and Seminary Ridge in order to better understand how and what happened there.

Yet, despite of the park's many successes, a grotesque observation tower blights the landscape, and fast food restaurants border the ground of Pickett's charge.

The Federal Government simply cannot, as it did at Manassas, afford to buy off every greedy developer. Nor, however, as in this instance, can it stand back and rely solely on the judgment of community leaders, even those from a respected university to zealously safeguard our past. Too often their local goals may not coincide with the larger national purpose of preserving our past.

It should not be easy to destroy an important part of the battlefield of Gettysburg. Congress must take a stronger role if the kind of historic vandalism that occurred at Gettysburg is not to be repeated. It is our task to preserve our history so that future generations will understand and not forget.

TRIBUTE TO JIM GANULIN, WESTLANDS WATER DISTRICT

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to pay a special tribute to Jim Ganulin who is retiring after 28 years of loyal service to the Westlands Water District. Jim joined Westlands when it was still in its formative stage and played a leading role in building the largest irrigation district in the world.

Westlands Water District lies in the heartland of California's San Joaquin Valley and is a critical part of our community and the economy of the State. Jim has been an invaluable resource to Westlands during its development and especially during difficult times. I have enjoyed working with him over the years and we will all miss his leadership.

He was a key participant in the negotiations among the parties involved in the development of the Reclamation Reform Act of 1982 and the subsequent development of Acreage Limitation Rules and Regulations.

Jim has been actively engaged in many other legislative developments both Federal, State, and local, most recently with the Central Valley Project Improvement Act. He has also served on the Association of California Water Agencies board as well as the National Water Resources Association Resolution Committee.

He has ably represented the district in numerous contractual and legal negotiations with the United States, including most notably, the Barcellos case, a class action suit involving the district, its landowners, and the United States which resulted in the affirmation of the district's water service contract with the United States.

I would like to add that Jim is a family man who will remain active in the community through groups such as the St. Agnes Hospital Foundation, the Rotary Club of Fresno, and the Jewish Federation.

I have known Jim for many years as an expert on water issues and as a leader in the community. I am certain that the issues of the district will remain important to Jim, and I look forward to working with him in future endeavors.

COMMENDING THE AUTHORS OF AND THE PARTICIPANTS IN THE CATALOGUE OF HOPE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. DE LUGO. Mr. Speaker, I rise to commend Senate Judiciary Committee Chairman JOSEPH BIDEN and the committee majority staff for producing the excellent compendium, "Catalogue of Hope."

Senator BIDEN's Catalogue of Hope cites nearly 200 programs across the country, programs large and small, professional and volunteer, in the States and the territories, that focus on youth and on turning them from the temptation of crime.

The catalogue notes two programs in my district, the U.S. Virgin Islands, for their excellence:

The Rising Stars youth steel orchestra, conceived and developed by Territorial Court Presiding Judge Verne Hodge, trains young people to play while making sure their grades are strong and their conduct is wholesome.

Graffiti Street, coordinated by Alli Petrus, is a television program produced by local youth as a forum to address their concerns without adult interference.

Mr. Speaker, this House just approved the most sweeping bill in history to combat crime and attack the causes of this Nation's appalling increase in lawlessness, particularly among our young people.

There is no more important challenge before us than to ensure that all of our Nation's youth have every opportunity to grow up free of violence and become productive, contributing members of our society.

Senator BIDEN's Catalogue of Hope shows how American communities like mine are doing just that, leading the way with programs like the Rising Stars and Graffiti Street, and heading off crime before it can ravage our youth and us all.

CONGRESSMAN HORN APPLAUDS COURAGE IN THE MIDDLE EAST

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. HORN. Mr. Speaker, with the historic signing of the agreement that will begin the withdrawal of Israel Defense Forces from the Gaza Strip and Jericho, the Middle East took one step closer to peace. Israeli Prime Minister Yitzhak Rabin stated, "Without security for the Israelis and new hope for the Palestinians the objective of the agreement will not be achieved."

The agreement between Israel and the Palestine Liberation Organization marks the first withdrawal of Israeli forces from lands captured in 1967. This is also the first opportunity for Palestinians to prove they are capable of successfully governing their own affairs. In this agreement and in ones following, Israel is taking the lead with the Palestinian people to bring peace to their region.

In taking over limited responsibility inside the areas of the Gaza strip and Jericho, the Palestinians can show how serious they are in furthering a peaceful transition to greater self-rule. The Palestinian people must prove they can resist and reduce the influence of radical anti-Israeli groups whose hatred cannot understand the hope these agreements offer the people these groups claim to defend.

PLO chief Yasir Arafat stated, "[a]fter many years of war and other violence, this step requires great courage. The coming steps will require more courage." The process toward peace did not take one giant leap on May 4. It did take one more important step toward bringing together two mutually suspicious peoples.

Until the other nations of the Middle East accept the rightful place of the State of Israel in the world community, peace will face painful setbacks. However, the courage of the Israeli and Palestinian people provides a strong sign of hope that all peoples of the Middle East can get on with the business of security and prosperity.

TRIBUTE TO CHRISTOPHER A. PICKETT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1994

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1998 at the U.S. Military Academy.

Christopher A. Pickett will soon graduate Fremont St. Joseph Central Catholic High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school Christopher has distinguished himself as a leader among his peers. He is an honor roll student and a member of the National Honor Society. In addition, he is a member of the football and cycling teams.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the United States service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future they might be entrusted with the very security of our Nation.

I am confident that Christopher has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 12, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 13

9:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on the global land mines crisis.

SH-216

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education.

SD-192

10:30 a.m.

Foreign Relations

To resume hearings on the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature and signed by the United States at Paris on January 13, 1993 (Treaty Doc. 103-21).

SD-419

11:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.

SD-138

MAY 16

2:00 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 1614, authorizing funds through fiscal year 1998 for programs of the Child Nutrition Act and the National School Lunch Act.

SR-332

4:00 p.m.

Foreign Relations

To hold hearings on the nomination of Joseph R. Paolino, Jr., of Rhode Island, to be Ambassador to the Republic of Malta.

S-116, Capitol

MAY 17

9:30 a.m.

Environment and Public Works

Toxic Substances, Research and Development Subcommittee

To hold hearings on proposed legislation to authorize funds for programs of the Toxic Substances and Control Act.

SD-406

Governmental Affairs

To hold hearings to examine issues relating to bomb exports in the 1990s.

SD-342

10:00 a.m.

Agriculture, Nutrition, and Forestry

To continue hearings on S. 1614, authorizing funds through fiscal year 1998 for programs of the Child Nutrition Act and National School Lunch Act.

SR-332

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on environmental programs.

SD-192

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

Small Business

To hold hearings on prepayment penalties for the Small Business Administration's development company Section 503 loans and to examine the status of the Section 504 program.

SR-428A

10:30 a.m.

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 825, to revise title 28, United States Code, to permit a foreign state to be suject to the jurisdiction of Federal or State courts in any case involving an act of international terrorism.

SD-226

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs.

SD-138

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for the earthquake disaster program.

SR-253

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 112, to establish the Hudson River Artists National Historical Park in the State of New York, S. 1660 and H.R. 3498, bills to establish the Great Falls Historic District, S. 1683, to authorize the Secretary of the Interior to provide funds for the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of New York/New Jersey Highlands Region, and S. 1999, to establish the Lower East Side Tenement Museum National Historic Site.

SD-366

MAY 18

10:00 a.m.

Commerce, Science, and Transportation

To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on Titles I-III relating to competition for local telephone service and universal service.

SR-253

MAY 19

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

To hold hearings on the Administration's crop insurance proposal.

SR-332

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.

SD-192

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.

SD-106

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on H.R. 3252, to provide for the conservation, management, or study of certain rivers, parks, trail and historic sites, H.R. 4034, to revise the Urban Park and Recreation Recovery Act of 1978 to authorize grants for the expansion of recreation opportunities for at risk youth in urban areas with a high prevalence of crime, S. 523, to expand the Fort Necessity National Battlefield, S. 2089, to authorize the establishment of the Steamtown National Historic Site, and other pending bills and resolutions.

SD-366

2:30 p.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for rail safety programs.

SR-253

MAY 20

9:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veteran's Affairs and Housing and Urban Development, and independent agencies.

SD-138

MAY 24

9:30 a.m.

Energy and Natural Resources

To hold hearings on the science concerning global climate change.

SD-366

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on strategic programs.

SD-192

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on export promotion.

SD-138

MAY 25

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.

S-128, Capitol

MAY 26

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 1350, to revise the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.

SR-253

Energy and Natural Resources

To hold hearings to examine policy options for the disposition of excess weapons plutonium.

SD-366

Rules and Administration

Business meeting, to mark up S. 1824, Legislative Reorganization Act, H.R. 877, Smithsonian National African American Museum, an original bill authorizing appropriations for fiscal year 1995 for the Federal Election Commission, S. Res. 196, printing resolution for Aging Committee, an original resolution authorizing the purchase of 1995 wall calendars, H. Con. Res. 222, authorizing acceptance and placement of a bust in the Capitol, and other legislative business.

SR-301

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.

SD-106

JUNE 8

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Energy.

S-128, Capitol

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine water quality and quantity problems and opportunities facing the lower Colorado River area.

SD-366

JUNE 9

9:30 a.m.

Energy and Natural Resources

Water and Power Subcommittee

To continue hearings on water quality and quantity problems and opportunities facing the lower Colorado River area.

SD-366

CANCELLATIONS

MAY 13

9:30 a.m.

Governmental Affairs

Regulation and Government Information Subcommittee

To hold hearings on adjusting poverty data for differences in cost-of-living.

SD-342

HOUSE OF REPRESENTATIVES—*Thursday, May 12, 1994*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, the value of faithfulness in our lives and in the lives of people about us. While we hope for achievement and success in what we do, may we also focus our energies toward responsibility and the stewardship of all that is trustworthy and authentic. Allow us to understand what we can do as custodians of an honorable tradition, a tradition enlightened by truth and justice and mercy. May Your blessing, O God, be with all Your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio [Ms. KAPTUR] come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

> H.J. Res. 303. Joint resolution to designate June 6, 1994, as "D-Day National Remembrance Day".

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 978. An act to establish programs to promote environmental technology, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 349) "An Act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.", agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GLENN, Mr. LEVIN, Mr. AKAKA, Mr. COHEN, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that pursuant to sections 276(d)–276(g), of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. DODD, as a member of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Third Congress, to be held in Sante Fe, NM, May 19–23, 1994.

The message also announced that pursuant to sections 276(d)–276(g), of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. GRASSLEY, Mr. SPECTER, and Mr. COVERDELL, as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Third Congress, to be held in Santa Fe, NM, May 19–23, 1994.

The message also announced that pursuant to Public Law 103–227, the Chair, on behalf of the Republican leader, appoints Mr. COCHRAN, as a member of the National Education Goals Panel.

ON BASEBALLS AND HAITI

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, it is opening season on every sandlot across America. Today I want to talk about baseballs, but also about Haiti. In fact, the U.S. Government is the biggest defender of the Haitian embargo by purchasing products like duty-free baseballs and softballs assembled by partially owned United States companies in Haiti.

One of the largest U.S. companies, Home of Champions, pays many of its employees, mostly women, as little as 5 cents an hour to make these baseballs.

Despite an economic embargo against Haiti by the Organization of American States, last year our Nation imported over $116 million worth of goods from Haiti, up from $71 million the year before.

Why do American businesses continue to profit from duty-free imports, and why do we continue to trade with Haiti, a nation we have condemned for violating the most fundamental of worker and human rights? Because our Government has decided to extend special export sector licenses to them.

Let us stop kidding ourselves. True democracy is a long way off in Haiti if our Nation continues to allow Haitian workers to be abused while a wealthy few profit from their misery. Let us enforce the embargo before sacrificing the life of one American service man or woman, and stand up for fair labor standards, decent working conditions, and democracy. After all, they go hand in hand.

THE FOURTH MONKEY CONGRESS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the congressional leadership must know more about Whitewater than they are admitting. Why else would they be doing everything in their power to sweep under the rug anything related to Whitewater?

Of course, on one hand you cannot blame them, because that is how they have handled investigations before.

There was a House Post Office scandal, but no hearings.

There was a House bank scandal, but no hearings.

The congressional leadership has done one better than the storybook monkeys of see no evil, hear no evil, and speak no evil.

To this group of three they have added a fourth monkey—hold no hearings.

Hold no hearings is in charge of congressional oversight for the President who is in Whitewater, or for any Democrat who is in hot water.

The President should tell the congressional leadership to quit monkeying around and hold hearings so we can have full disclosure now.

HEALTH CARE REFORM GUARANTEES CHOICE

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, when it comes to health care, Americans prize the ability to make their own choices. Health care reform ensures patients and doctors their freedom of choice.

Health care reform guarantees private insurance to every American. Doctors will no longer risk losing money on uninsured patients—they will not have to turn sick people away.

Health care reform guarantees insurance, but will not allow insurance com-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

panies to dictate who they will cover or what. Doctors will not have to worry about their choices in caring for the sick—they can practice their craft freely.

Health care reform gives individuals, not employers, their choice of health plan and doctor. Doctors will be able to choose what health plan they join. Fee-for-service plans will be offered to everyone.

Free choice in health care ensures the flexibility and adaptability we need to cover all Americans and maintain our high standards. Health care reform guarantees choice.

TODAY IS DISCLOSURE DAY

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, yesterday the gentleman from Iowa [Mr. LEACH] filed suit to get Federal regulatory agencies to release documents relating to Whitewater. Today should be disclosure day.

There are those who imagine they are doing the President a favor by covering up and sweeping away all Whitewater evidence.

They are wrong. But such is their right to be wrong.

However, they overstep their rights and the rights of this institution when they encourage officials of the executive branch to not comply with Congress.

Disclosure is central to an open government. Disclosure is central to you and I as citizens being able to control that government.

It is amazing and appalling that those who are seeking to protect the President are willing to raise Whitewater to a constitutional question. Documents pertaining to other politically sensitive cases have been released before. The only reason they are not now being released is because the person under scrutiny is the President, whose party controls this institution.

It is time for the President and his party to quit playing hide and seek with the American people. It is time for full disclosure now.

AMERICAN FAMILIES NEED HEALTH CARE REFORM

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the American people want health care fixed and real reform is moving forward in Congress.

This health care reform contains the basic principles of President Clinton's plan: guaranteed private insurance for all Americans; choice of doctors and quality health plans; insurance reform making it illegal to drop or cut benefits; preserves medicare; and shares responsibility for coverage between employers, employees, and government.

From our working men and women to our doctors, these principles have broad support nationwide.

The President's proposal is supported by the American Academy of Family Physicians, the American Academy of Pediatrics, and the American College of Physicians. These doctors and others support the President's plan because it will work.

President Clinton's plan works for doctors, their families, and their patients because it works for every American.

Mr. Speaker, we need to pass health care reform so no family will ever be faced with the choice of taking their sick child to the hospital or paying their mortgage.

AMERICA'S HEALTH CARE SYSTEM NEEDS REPAIR, NOT DESTRUCTION

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, the President is giving many Americans an awful and unnecessary choice: They can either keep their job or turn over their health care to Government bureaucrats.

You see, the Clintons want to pay for their huge new Government power grab by raising payroll taxes on employers and employees. Small businesses get clobbered and big businesses do not fare so well either.

But the biggest loser is the average, American worker. CBO estimates that over 1.2 million jobs may be lost under the Clinton plan. Even the administration admits their plan could cost 600,000 jobs.

Now it should not take a Rhodes Scholar to figure out that losing 1 million jobs and turning our health care over to an incompetent, insensitive Government is just plain dumb.

We should fix what is wrong with our current health care system instead of completely destroying the best system in the world. Let us pass the Bilirakis-Rowland health care reforms now. And, let us reject the President's false choice and give the American people what they want and deserve—affordable, accessable health care where families decide what is best for themselves and not Government bureaucrats.

SMALL BUSINESSES NEED HEALTH CARE REFORM

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, a broad coalition of 3 million small businesses recently stepped forward to endorse President Clinton's health care reform proposal. Why?

Because right now, four out of five small businesses provide health insurance to their employees, and the costs of the current system are killing them.

They pay more—about 35 percent more—than other businesses for the same coverage. They just do not have the bargaining power or clout to get decent rates. They have endorsed President Clinton's plan to give them that power through community-based ratings and by outlawing the unfair insurance practices that discriminate against small businesses.

Another reason they are endorsing the Clinton plan is that companies providing insurance are at a disadvantage when their competitors do not. Small businesses also end up paying more for their insurance to pay for the cost of the uninsured, many of them employed by their competitors. With universal coverage, there will be no more free riders taking advantage of the health care system—everyone will pay a fair share.

Small businesses today face health insurance costs that are rising 20 or 30 percent a year and more. No matter how profitable the business, that rate of increase is unsustainable. President Clinton's health care reform package offers generous discounts so small businesses can afford insurance. It will cut administrative costs and help bring health care under control.

The bottom line for the coalition of three million small businesses who endorsed the President's plan is that they want to be able to provide affordable, dependable insurance for their families and employees. They see the proposal offered by President Clinton as the best way to get there.

□ 1010

FULL DISCLOSURE NOW

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, in a two party system, the minority party is always the watchdog of the party in power. This check prevents abuses of power and ensures accountability.

However, to be effective, the minority leaders must have access to executive branch information. Unfortunately, the Clinton administration has denied the minority party access to its records in the Whitewater/Madison Savings & Loan matter.

What message does this send?

I will tell you what type of message it sends. It says that the minority party can only investigate what the majority party sees fit.

Not only is this a blatant act of censorship, but it destroys the very notion of accountability.

This is not just about Whitewater. This is about any investigation the minority tries to conduct when the majority party controls the White House and Congress.

So much for accountability.

The majority's actions are an open invitation for abuse and scandal that will leave the public ill-served and in the dark.

Full disclosure is needed to ensure public accountability. To quote an old adage, "Nothing clears the air better than the glare of broad daylight."

Let the chips fall where they may. We need full disclosure now.

BETTER TRAINING FOR PRIVATE SECURITY OFFICERS

(Mr. MARTINEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, 2 weeks ago this House defeated my amendment to add the language of H.R. 1534 to the omnibus crime bill.

I am convinced that the opposition to that amendment was based on misperceptions and misunderstanding of the amendment.

I intend to bring this bill back to the Members in an appropriate form.

The bottom line is that this bill would result in better training for private security officers.

But more importantly, it would also ensure that States can effectively prevent convicted criminals from being given badges, uniforms, and weapons and placed in a position of trust.

The Wall Street Journal reported on April 26, 1994, that concerns about safety in shopping malls and other retail establishments cause many Americans to modify their shopping habits.

Twenty-five percent of Americans expressed the view that they feel unsafe in shopping malls.

Does anyone here doubt where the American public stands on this issue?

Can anyone doubt the need for more effective training of these guardians of private property with public access?

Over the next few days, I will be discussing each of the issues raised during the floor vote on my amendment.

I urge my colleagues to listen closely to those statements.

SAD, BUT NECESSARY

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, yesterday, Congressman JIM LEACH filed suit to force banking agencies to release documents relating to Whitewater.

It is a sad day when a Member of Congress must sue to perform his oversight duties.

It is even sadder when the majority leadership works hard to prevent that Member from his constitutionally required oversight duties.

And it is sadder still when the executive branch reportedly conspires to cover up potentially embarrassing or illegal activities and makes the legislative branch's job even tougher.

Mr. Speaker, the question is simple: Will the Congress support full disclosure or will it support full coverup?

Will it support the Constitution or will it support political cronyism? Are we interested in truth or would we rather dabble in hearsay?

Mr. Speaker, it is a sad day in this House and in this country when JIM LEACH must sue to perform his duties.

Mr. Speaker, I am from the sunshine State of Florida. The public has a right to know and government in the sunshine does work. We learned that here in the House banking scandal. It was a painful time and it was only full disclosure that began to restore some public confidence and some credibility in this institution. That is what it is going to take to restore confidence in the administration, full disclosure.

INNOCENT UNTIL PROVEN GUILTY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Penny Stellmacher made $25,000 a year working for a cable company. Penny got married in 1984.

Mr. Speaker, check this out: Penny started filing joint tax returns with her husband. Penny never failed to file, she always paid her taxes with her husband, and suddenly one day the IRS came in, seized her assets, went to the bank, took their bank account, took their paychecks because they said Penny owed $100,000.

Mr. Speaker, the IRS never thought to check that maybe she got married. The IRS says, "Penny, you're guilty. Now, you prove to us you paid your taxes. You owe $100,000."

Unbelievable, Congress. H.R. 3261, Discharge Petition No. 12, says it right straightforward: In America you are innocent until you are proven guilty and if it is good enough for the serial killer, Son of Sam, it is good enough for Penny Stellmacher and mom and dad.

Think about it. Discharge Petition No. 12. You are innocent until proven guilty. When did we get the Gestapo over here, folks?

WASTED MONEY

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, I rise to address the issue of Social Security disability insurance and supplemental security income cash benefits going to addicts, and not for their treatment.

I find it troubling that $1.4 billion is slipping through taxpayer pockets each year to prolong and support the drug addiction of these so called disabled.

The director of a homeless shelter in Denver, CO stated that SSI is, in effect suicide on the installment plan because the program provides ready cash to addicts and alcoholics with no strings attached for follow-up or treatment. He maintains that the first day of every month is considered "Christmas Day" by many alcoholics and addicts who use the money for illegal drugs and alcohol and then fail to enter the required treatment programs.

An individual in another town was indicted for allegedly defrauding the SSI program of $45,000 through faking mental illness to become eligible for the SSI payments.

Why not send the $1.4 billion that is appropriated for this program to the actual treatment centers to assist them and not to some representative payee who may be the person's supplier? The treatment centers will be more cost effective and easier for the Social Security Administration to monitor. I even question why the country needs to qualify these citizens as disabled. This is the wrong path for America to take to cure its social ills.

It is a failure of the Social Security Administration to monitor and enforce the requirements needed to prevent this corruption. I commend Senator WILLIAM COHEN for his work in this matter and I hope my colleagues on the House Ways and Means Committee will be successful in putting an end to this disgrace.

HAITI'S TORTURED AND DIFFICULT PROBLEMS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I wish to address briefly the tortured and difficult problem of Haiti. This week the administration announced one Haitian policy change with which I heartily agree and sent up one trial balloon about which I am very apprehensive.

Mr. Speaker, the policy change I agree with entirely is that no longer will Haitians be interdicted in the Windward Passage and sent back to Haiti without having their claims examined for possibly being refugees fleeing persecution. This is entirely salutary. It is entirely in keeping with our national policy about refugee status.

Mr. Speaker, the trial balloon that I hope is not going to go very far and about which I have great apprehension deals with the possibility of invading Haiti, sending military troops in there either to train the Haitian police or to literally invade and occupy the island.

America tried that early in the second decade of the 1900's, we were there in Haiti until the early 1930's and we solved nothing and left many residual problems.

Mr. Speaker, I hope we can find some combination of international diplomacy, creativity of one sort or another, but not military intervention to solve Haiti's tortured and difficult problems.

NO UNITED STATES TROOPS IN HAITI

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, we are hearing more and more talk about military intervention to oust the current rulers of Haiti. Make no mistake about it—the military rulers of Haiti are loathsome and anti-democratic. However, the administration evidently determines United States policy by caving in to the lobbyist for an exiled Haitian leader.

We must not let our U.S. military be used once again to remake nations into our own image. We have no national security interest at stake in Haiti. If President Clinton decides to invade Haiti because they have bad rulers, we will set a precedent to invade every country that does not match up to our standards. There are wars and bad leaders in the old Yugoslavia, Yemen, Rwanda, Azerbaijan, Sudan, Liberia, Sierra Leone, Burma, etc. and properly there is no talk about a United States invasion of those countries.

U.S. foreign policy should be made by elected officials, not by lobbyists. No United States troops for Haiti!

□ 1020

TRIBUTE TO SUPPORTERS OF AFFORDABLE HEALTH CARE FOR ALL AMERICANS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, I have stood in this well before and challenged those who would stand in the way of a comprehensive national health care plan that provides guaranteed private insurance for everybody that cannot be taken away.

But as I have challenged some, I want to recognize some also, for instance, the physicians from many different organizations that are in Washington today to express their support for a comprehensive health care plan, the Clinton health care plan, that provides guaranteed private insurance. They know what is good for their profession and their patients.

The second group I would like to recognize, particularly when we hear all of these claims by some business groups about how this harms them, is Safeway. Safeway Stores, a retailing grocery chain, has put on some of its bags distributed in some of its stores the message, "Safeway supports affordable health care for all Americans." Do they have some incredible percentage of profit that means they can do this when others cannot? Well, the average profit margin for most retailers is 2½ percent. The average profit margin for food retailers is 1 percent. Yet Safeway has found, as have other food store chains doing similar announcements, Safeway has found what is good for their employees is also good for their consumers.

I want to applaud both those doctors and those businesses that are stepping forward at this critical time.

FULL, OPEN DISCLOSURE ON WHITEWATER

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, President Clinton has a new strategy for dodging the blame on Whitewater. He claims this is all just a partisan attack from Republicans. Then, he claims Republicans are using it to hold up government.

I would say to my colleagues that the President is desperate for a way out of Whitewater and does not have a clue how to get there.

If the administration needs to find where the Whitewater problem is coming from, it need look no further than the mirror.

The Whitewater questions are this simple: Was public trust betrayed and elected position misused in Arkansas to gain financial favors? And was public trust again betrayed and elected government position again misused in Washington to cover up the earlier actions?

The answers are just as simple: Let Congress hold the hearings and let the administration tell the truth.

Republicans do not want any more on Whitewater than the American people want: full disclosure and then get on with governing.

However, the administration cannot get Whitewater behind them until they agree to full and open disclosure.

ENACT HEALTH CARE REFORM

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, one of my constituents, Kenneth Zierler, M.D., Professor of medicine at Johns Hopkins University, shared with me a statement that appeared in the publication, "Doctors, People and Government," by Dr. James Howard Means, chief of medical services, Massachusetts General Hospital, and professor of medicine at Harvard, and let me quote:

> The progress of medicine in the social and economic field has been slow, halting, and uncertain in direction, and constantly thwarted by special interests. All people, doctors and patients alike, agree that medical care should be of the best quality that our medical knowledge permits, and that it must be dispensed with skill and judgment on the part of doctors, but how it shall be equitably, efficiently and economically distributed to all people, and how it shall be paid for, are highly controversial and emotionally charged issues. Public discontent with the medical situation has been boiling up for more than a quarter-century. Survey after survey has disclosed a distressing amount of unmet medical need in this, the most opulent nation on earth. The introduction in Congress of health bill after health bill is indication enough that our lawmakers have been aware that the voters want something done to give them better medical care.

The year of Dr. Means' statement? 1953. It is time for Congress to enact now health care reform that guarantees affordable private insurance for all Americans.

HEARINGS WERE FREQUENT DURING REAGAN-BUSH ERA

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, during the Reagan-Bush Presidencies, the Democrats in Congress took the oversight responsibilities very seriously.

During those years, Congress conducted hearings or investigations into 25 separate allegations of ethical or legal wrongdoing. Whether it was President Reagan, Bush, George Schultz, Jim Baker—no one escaped the wrath of hearings or a special prosecutor.

Since 1993, however, curiously the pace has slowed. No hearings in Congress were held on travelgate. No hearings were held on the Ron Brown allegations. And, no hearings have been held on Whitewater.

Mr. Speaker, I think even the Maytag repairman has been busier than the Oversight and Investigations Subcommittees.

Mr. Speaker, it is time for full disclosure. On March 22, 408 Members of this House voted for Whitewater hearings. If this vote was not a sham, then it is time to schedule these hearings. Full disclosure now.

HEALTH CARE REFORM

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, health care reform is the proverbial train leaving the station. More and more Americans are embracing the President's health care reform agenda.

There is growing support among our Nation's teachers and doctors.

Small businesses are increasingly realizing that health insurance for all is good business. And yet, many Members of Congress want to derail the health care reform train.

The cost of doing nothing is far greater than the cost of reforming our health care system.

The American people want health care reform. They want an end to the uncertainty of health care coverage, and inadequate access that surrounds our present patchwork system.

The President's plan guarantees universal, private insurance to every American. It will increase choice, reduce inefficiencies, and restore a sense of personal security that eats at our confidence, reduces our competitiveness and saps our resources.

I urge my fellow Members to get on the health care reform train. The American people's desire for this change is fueling our efforts. Do not get left at the station.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise Members to address their comments to the Chair and not to persons outside the Chamber.

AMERICAN TROOPS SHOULD SERVE UNDER AMERICAN COMMANDERS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I very much agree with the last Member's comments about the need for bipartisanship and for working together. I would just say that next week if the defense authorization bill comes to the floor, we will have a chance to be bipartisan and to work together.

There are a number of steps that have been taken recently which would place American troops under U.N. commanders. The Vice President said recently that he wanted to extend condolences to the families who had lost loved ones in Iraq in the service of the United Nations.

Mr. Speaker, there is a deep feeling on the part of the Clinton administration that the United States must subordinate itself to the United Nations in Bosnia and other places. I think when the defense authorization bill comes to the floor, there will be a bipartisan opportunity, which Republicans will take a lead role in, trying to offer some amendments that will make clear that American troops should serve under American commanders, that America should never be subordinated to a world talking organization, and that some very serious thinking has to go into the Clinton administration's pattern of spending American money not on American defense but transferring that money out of our defense to subsidize the United Nations which is clearly ineffective, which is clearly unable to get the job done, and which clearly does not understand and is incapable of leading the world to peace and to security.

PLAY BY THE RULES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, what do the legislation regarding the assault-rifle ban and the Clinton tax increase have in common? Two things. Both of them failed. Neither had the requisite number of votes to pass in the allocated 15-minute voting period.

But the second thing they have in common is that after the 15 minutes' allowed time ran out, the majority allowed the vote to stay open until enough arms had been twisted, enough pork had been dispensed, enough roads had been promised so that two or three more votes were eked out and both of these pieces of legislation passed.

As I went home this weekend, people talked not so much about the assault-rifle bill, because I have folks on both sides of the issue, but what they said is, "What in the world is Congress doing letting the time run out and then going around twisting arms, taking roll, getting people to swap their votes or to go ahead and vote for the first time?"

It is ridiculous. The folks back home understand time periods. They vote in different organizations or elected bodies. Let us play by the rules, Mr. Speaker. If we cannot lead by example, then what good are we to the American people?

□ 1030

END THE ETHNIC FIGHTING IN AZERBAIJAN

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, yesterday I introduced a resolution, a resolution calling for the Governments of Azerbaijan, Armenia, and the Nagorno-Karabagh region of Azerbaijan that is occupied by ethnic Armenians, to cease fire and to hold their line and to end the embargoes on each other.

I asked Members of this body to join with me in trying to encourage the President to enter the fray there in the sense of using his influence and showing the American resolve to end the fighting between the Armenians and the Azeris that has been going on for years and that has cost thousands and thousands of lives.

I ask my colleagues in the House to join me in sponsoring this resolution and moving it forward because this is an area where again, like Bosnia, the fighting goes on day after day after day.

Mose people in the world have forgotten about what is going on in Armenia. But the winter is coming again in just a few months, and where the embargo from the Azerbaijans has cut off the gas and electricity to the area so that people freeze in their beds and suffer frostbite, even young children, and they die because of lack of heat. I again encourage my colleagues to join with me in cosponsoring this resolution and urging a cease-fire in this area of the world.

NO REST FOR WEARY AMERICANS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, there is no rest for weary Americans. For more than 4 months, average Americans struggled to pay their largest ever bill from the taxman. In 1994, for the first time in the post war era, total Federal, State, and local spending reached more than 33 percent of GDP.

Americans might feel as though they have earned a chance to take a deep breath and start enjoying the fruits of their labors. But the fact is, for the next 2 months, wage earners will still be working to pay for the costs of Federal mandates and regulations. According to Americans for Tax Reform, until July of this year, families will be working to pay the costs of Government.

And, it gets worse. Just this year, Congress has added to this burden with a pork-laden disaster relief bill, a bureaucratic elementary education act, a redundant school-to-work bill, and new restrictions on first and second amendment rights.

These actions are typical of the way Congress operates today—new mandates on local government, new regulations on small business, new spending masked by slashing defense and temporarily low interest rates, and ever-increasing power over the lives of Americans.

Yes, Mr. Speaker, for all Americans, the hits just keep on coming.

CHARACTER COUNTS

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, character counts. It counts for everything in the leadership of this country or any other country. This city is named for the Father of our country, George

Washington, as is one of our 50 states, as is our newest supercarrier.

Mr. Speaker, George Washington was the epitome of character, so said our third President, Thomas Jefferson. He wrote rules of conduct for teenagers, not just in front of women, in front of everybody; 32 rules of conduct when he was 16 years of age.

Listen to what he said to his men in a general order at Valley Forge about using blasphemous or vile language:

> The general is sorry to be informed that the foolish and wicked practice of profane cursing and swearing, a vice heretofore little known to an American army, is going into fashion. He hopes the officers will endeavor to check it and that both they and the men will reflect that we can have little help of the blessing of Heaven upon our arms if we insult it by our impiety and folly. Added to this, it is a vice so mean and so low, without any temptation, that any man of sense and character detests and despises it.
>
> —George Washington, 1777, Valley Forge, PA.

That, Mr. Speaker, is character. From the 1st President to the 42d, we have developed to a disgusting situation of lack of character.

THIS IS A SPIRIT OF BIPARTISANSHIP? NOT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, earlier this month the three ranking members of the committees most concerned with health care reform wrote their counterparts, the chairmen of those committees, and asked that we in the spirit of bipartisanship handle the health care reform issue.

I quote from the letter that they wrote: "Let us work together to build on a solid base of bipartisanship."

It is disturbing the reply they got from one of the subcommittee chairmen of one of those committees. I am going to read to you what he wrote. And when I use the term "expletive deleted," it will refer to a term that refers to cow manure. He writes, "Dear Bill: This is pure, unadulterated" expletive deleted. "You don't want health care reform, and you know it. Regards, Pete."

Mr. Speaker, when there is an attempt to work on important national issues in a spirit of bipartisanship, we ought to expect the Democrats who control this House to be far more responsive than this letter indicates. This is the kind of thing that destroys the legislative process and destroys the ability to work together for the common good of this Nation.

I am personally appalled by what took place in this instance, and I think we are owed an apology from the House leadership and particularly from the gentleman involved in this particular letter.

ECONOMIC DEVELOPMENT REAUTHORIZATION ACT OF 1994

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 420 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2442.

□ 1036

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2442) to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the act to improve the authority of the Secretary of Commerce to administer grant programs, and for other purposes, with Mr. TORRES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 11, 1994, the committee amendment in the nature of a substitute was open for amendment at any point. Pending was the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The gentleman from Colorado [Mr. HEFLEY] is recognized for 5 minutes in support of his amendment.

Mr. HEFLEY. I thank the Chairman.

Mr. Chairman, I have an amendment at the desk.

Mr. Chairman, the amendment I am offering today will abolish the Economic Development Administration.

I have offered similar amendments to abolish the EDA in the past and, I have to say, it is not easy—it is hard on friendships. People say mean things about you.

In the past, my amendments have been opposed by representatives from across the political spectrum. Each has his or her own experience of how the EDA helped bail out a certain community.

I do not dispute that. I am certain the EDA has had many successful projects.

I am also certain the EDA has had many failures—in my district and elsewhere. Potemkin's villages had a more lasting economic impact that some EDA projects.

The debate today is not about the EDA assistance in rebuilding a dock, or revitalizing a neighborhood.

The debate today is whether, with a Federal debt of $4½ trillion and deficits that are expected to rise through the year 2000, the EDA is the best use of the taxpayer's dollar.

With that in mind, let me make two points about the EDA.

First, the EDA's influence on the economy is highly overrated.

On a good month, the U.S. economy will create, all by itself, more long-term jobs than the EDA has created in its 28-year history.

For every EDA project that created jobs at a reasonable cost, there is an EDA project that cost the taxpayer hundreds of thousands per job—or actually eliminated jobs.

In a $6 trillion economy, the EDA's input does not qualify as a drop in the bucket. This year EDA funding under this bill is less than one twenty-thousandth of the U.S. economy.

The best economic performance this country experienced in the last 28 years coincided with the time when the EDA's budget was the lowest.

So when I hear supporters tell me how vital the EDA is, I want to ask: Vital to whom? I would suggest that the economic future of the United States is not tied to the prospects of the EDA.

□ 1040

My second point is: We've been down this road before.

The pending bill represents a 180 degree change in our policy towards the EDA. Instead of fighting for its life, the EDA will become a bigger player in the Clinton administration's domestic agenda.

Here's an excerpt from the National Journal regarding the EDA's expanding role:

> The strategy calls for investment of small amounts of public money to leverage large amounts of private money to create jobs that will alleviate underemployment, increase the local tax base and thus revitalize the local economy.

Commenting on the strategy, a prominent Congressman says, "All the latest buzzwords—targeting, leveraging, public-private partnership—point to economic development as the most popular and logical strategy for attacking (economic) distress."

The article even mentions the creation of a national development bank and the pending jurisdiction dispute between the Public Works and Banking Committees.

Just another plug for Bill Clinton's ambitious expansion of Government?

Nope. This National Journal article was written in 1979—15 years ago. At the time, Jimmy Carter planned to take the EDA, fund it with billions of taxpayer dollars, and target the funding at needy communities across the country.

Four years later, the National Journal ran another article, this time entitled, "EDA on Death Row."

At the time of the second article, 40 percent of the loans in the EDA's portfolio were in default, anecdotes about the EDA's misfires filled the news, and even the EDA's supporters were conceding that the EDA was the "last of the pork barrel programs."

Today, we have another former governor from a small southern State pushing public-private partnerships, leveraging Federal funds, and targeting distressed communities.

We should learn from history.

The EDA has survived 12 years of purgatory for the simple reason that it makes Representatives and Senators look good.

Unlike other assistance programs, the EDA picks and chooses its own projects. This makes it highly susceptible to pressure from Capitol Hill.

As my colleagues might expect, this is an inefficient means for providing assistance to local communities. Admittedly the bill before us today addresses some of those problems. It tightens the eligibility requirements so that the affluent communities will not qualify as easily for assistance.

I support those changes. On the other hand, I am skeptical that these changes will solve the problem of undue congressional influence. Unlike the leopard, I do not think the EDA is about to change its spots, which is why I am offering the amendment today.

Mr. Chairman, the EDA has a history of waste, failure, and abuse. It wasted Federal dollars, it failed to create jobs at a reasonable cost, and it has abused the good will of the American taxpayer.

Let us do the fiscally responsible thing today and put EDA to rest.

Mr. KANJORSKI. Mr. Chairman, I rise in strong opposition to the amendment to eliminate the Economic Development Administration offered by our friend, the gentleman from Colorado [Mr. HEFLEY]. Frankly I am astounded that the gentleman could offer this amendment again this year, particularly after the compelling discussion we have had on this floor and the number of hearings in all the subcommittees and the committees of the House that have jurisdiction over the Economic Development Administration.

Mr. Chairman, I have had the occasion over the last years to travel to Florida to look over the disaster of Hurricane Andrew, to look at the destruction in the Hawaiian Islands as a result of Hurricane Iniki, to go through the Midwest and see the flood devastation, but I want to tell my colleagues from personal experience my congressional district is the Wyoming Valley of Pennsylvania. It is the only valley that spurred a name for one of our States. It is famous for the Yankee, Connecticut Yankee, Indian wars of the Revolution, and back in 1972 massive waters of the Susquehanna River flooded that magnificent valley 27,000 homes and 1,600 businesses were inundated and destroyed. I can tell my colleagues as a practicing attorney at that time, and representing the flood victims, that the response of the U.S. Government was made from many agencies with many letters. But the one agency of the U.S. Government that showed ability of leadership, fast executive decisionmaking, and coordination with local decisions was the Economic Development Administration. Within 30 days tens of millions of dollars of special grant money and relief processes were put into place that literally saved the economic future of the heart of my congressional district and the largest national disaster at that time in American history.

Mr. Chairman, anyone who argues to me or the House of Representatives that the Economic Development Administration should die or should be put to death only misses the point of where we are in the world today. If anything, those of us that represent the less-than-affluent districts of this country that are anemic economically and need to move on, need the advantage and the ability on the civilian side of this Government to strike and perform the functions that the Economic Development Administration has done so well prior to 1980; I know there was a concerted effort in the last 12 years to put this great agency to death, and it has created some very deep wounds and effects on that agency, but I believe the Committee on Public Works of the House and the Committee on Banking, Finance and Urban Affairs of the House are going to do everything they can with this new President and his new economic philosophy to breathe the type of energy into this new agency that it needs to carry on the mandate of the American people who are more disadvantaged.

I want to compliment my coleader, the gentleman from West Virginia [Mr. WISE]. He has succeeded to dequalify 80 percent of the districts in this country from the use of the Economic Development Administration and target it down to 45 percent. These are the type of structural improvements that have been necessary over all these years, but for anyone to suggest that the U.S. Government no longer has a need for economic development is to miss the point of where we are competitively in the world market and particularly where our less fortunate congressional districts are in terms of competitiveness in this national economy

Mr. Chairman, I would urge my colleagues of the House to stand tall and stand proudly, that this President and this Congress is going to breathe new life and new leadership into an agency known as the Economic Development Administration of the United States, and it will go on to spur the type of economic development the districts of this country that are anemic and depressed need, and it is going to be done with the assistance of the House of Representatives.

Mr. Chairman, I rise in strong opposition to the amendment to eliminate the Economic Development Administration. Frankly, it is astounding that the gentleman could offer this amendment, particularly after the compelling discussion we have had on this floor on the need for, not just the EDA in its current form, but for an expanded and strengthened EDA.

In the struggle to rebuild their economies after the devastation from Hurricane Andrew, the people of Florida and Louisiana have turned to the EDA for its vital assistance.

The same is true for the people of Hawaii following Hurricane Iniki's destruction.

As we speak here this morning, the EDA is in communities throughout the Midwest helping them rebuild their lives after last year's devastating floods; and the EDA is deployed right now in southern California providing vital assistance in recovering from this year's major earthquake.

Military bases across this country are in the process of closing down and disrupting the economies of hundreds of communities, and hundreds more will face serious problems when the new list of base closures is announced. It is the EDA to which these communities turn for help to build a new and better future.

And, it is not just the closure of military bases which result in the loss of thousands of local jobs. Our colleague from New York, Mr. HINCHEY, with the massive layoffs from the downsizing at IBM, is acutely aware of the crippling blow the loss of huge numbers of jobs can have on a region's economy. Once again, the EDA is the primary source of Federal assistance.

How many of us worry that the passage of NAFTA will result in the loss of significant numbers of jobs in our own districts. Should this happen, as it already is in some communities, it is the EDA to which we will turn for help.

And finally, Mr. Chairman, even without natural disasters, military base closures, or massive plant layoffs, there remain today in this country hundreds of communities which struggle with high levels of unemployment, stagnant economies, and deteriorating infrastructure. The people in these communities understand all too well the vital need for the existence and the expansion of the Economic Development Administration.

Mr. Chairman, this amendment is not only frivolous, it is dangerous to the future of this Nation as a whole, and I urge its resounding defeat.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words and I rise here today in strong support of the amendment offered by the gentleman from Colorado [Mr. HEFLEY] to abolish the Economic Development Administration. This amendment would save American taxpayers $1.1 billion over the next 5 years.

This is a perfect example of a Federal spending program that has long ago outlived its usefulness. But here in Congress, old spending programs never die, they just grow and grow and grow. Both the Reagan and Bush administrations proposed its elimination again and again, but the EDA is still going strong.

It is time to put a stop to this wasteful pork. In fact, Citizens Against Government Waste has designated the EDA on its list of Prime Cuts. According to CAGW.

> The only thing EDA has proven itself capable of developing is a constituency of pork

barrel enthusiasts in Washington and governors who want the federal government to carry their water for them. EDA grants have gone to cities [with] unemployment rates far below the national average.

Poll after poll shows that the vast majority of American citizens continue to prefer less spending and lower taxes to more of the same. The taxpaying public want us to cut spending first.

The President's so-called deficit reduction agreement last year was remarkable because it did exactly the opposite: It increased Government spending while enacting the largest tax increase in history. Not just higher incomes taxes on the rich, but higher taxes on all Americans. This year's budget maintains the status quo of last year's big-government budget, taxes and all. It is not remarkable for what it includes, but for what it lacks—there is no trace of real change or fundamental reform.

What the people in my district want to know is this: How on Earth can Congress continue to raise taxes while programs such as the Economic Development Administration continue to remain in the Federal budget? Is this Congress so out of touch that it can not even eliminate this one program?

Many Members like to talk about making tough choices. Opponents of the recently defeated balanced budget amendment argued that we did not need a gimmick to balance the budget. We just need to make tough choices. And yet we reject virtually every budget reform, constitutional control, and almost every specific spending cut offered on the floor. Most do not even make it to the floor to be voted on.

The truth is, this body has a fundamental credibility problem with the taxpayers we work for.

This is a straight-forward vote for fiscal sanity, one of the few floor votes we can make against pork barrel politics. The bottom line is that this Congress cannot afford not to change its spending ways. I urge my colleagues on both sides of the isle to support this commonsense amendment.

☐ 1050

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Economic Development Administration is a unique agency that serves a very useful role, stimulating industrial development and improving the quality of life in economically distressed areas of the country and helping communities overcome severe and sudden economic distress. The role of the agency has expanded in recent years to assist communities affected by base closures, which is obviously a problem that we are going to have in some degree for the next number of years. EDA performs that role very professionally and with a great deal of expertise.

Mr. Chairman, I was frankly disappointed in the two previous administrations, my administrations, because of their hostility to the Economic Development Administration. I was disappointed because I have always felt that EDA espoused some of the unique things the Republican Party stands for, using very limited Federal dollars to leverage private sector investment in enterprises that create private sector jobs, as opposed to public sector or so-called leaf-raking jobs. This was a program, it seemed to me, that used a very minimal investment of the Federal Government to do the sorts of things that Republicans were for, that is, generating new private sector jobs.

It is not a pork-barrel program, and I know that is a charge that is often made about EDA; that we are funding all sorts of useless, unnecessary, gold-plated projects.

I was a former chief counsel for the Economic Development Administration, and I can state with great authority, I think, that these projects get the most thorough vetting of any projects that are approved in the Federal Government. They go through an exhaustive review process to assure that, No. 1, there is no job dislocation, that we do not move jobs from one area of the country to another. That was a charge that David Stockman, the late, lamented head of the OMB, used to charge about EDA, that it was a zero-sum game, that you never really created any new jobs, you just moved jobs from one area of the country to the other. I think it was Mr. Stockman whom we have to thank for such strong Republican opposition to this program.

But he was wrong, because there is a clear directive in EDA that you cannot move jobs from one area to another, you have to create jobs. I know that in my own district I have seen the benefits of this program, where we have created jobs, and it has not been wasteful projects. These have been very vital projects.

EDA has established a network of regional development organizations throughout its service area, and I cannot stress too much the importance of this fact.

The other reason I think this is unique and that it should receive Republican support is that this is a program that is directed toward rural areas of distress, rural communities that are having trouble competing in a wide variety of ways. What this program does is provide an expertise that would not otherwise be available to these communities. Large cities can employ experts, grantsmen, people who understand how to package programs and make projects work. Rural areas do not have the resources to do that. They do not have the money to do that. EDA and ARC provide the kind of experts to assist rural communities with their unique problems. They are expert in identifying not just Federal resources but private sector resources, State resources, and local resources to put together projects that would otherwise not occur. In my own district, regional development organizations have been instrumental in identifying Federal grants programs suited to solve local problems. That is what it is all about. They establish information clearinghouses for local businesses competing for Federal contracts, and they coordinate these efforts.

So I think it is not fair to equate the relatively small budgets this agency is assigned with the charge that it plays a minor role in the communities it serves; to the contrary, I think EDA provides a crucial difference in whether a project will go forward or not.

Over the years in the history of the Economic Development Administration, I have seen the very beneficial effects this has produced throughout the country, primarily in rural areas, primarily in those areas that do not have the resources to do it on their own. The agency has a successful proven track record and has generated substantial return in payroll taxes, income taxes, and other taxes that meets or exceeds the agency's investment. This is a worthwhile investment. This agency should be allowed to continue its mission, which is to give rural America an opportunity to compete.

Mr. Chairman, I urge defeat of the amendment.

Mr. SCHAEFER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Hefley amendment to H.R. 2442, and I want to commend my friend, the gentleman from Colorado, for leading the fight for eliminating this agency.

Despite the optimistic reports from the administration, our deficit is still going up. Four hundred billion dollars by the year 2000 is projected.

Congress should be looking for ways to eliminate inefficiency and wasteful programs, not reauthorizing them after 10 years. Congress need look no further than the EDA to begin to find an appropriate place in which to eliminate a few dollars from this budget that we are not going to be able to afford in a number of years.

Let me also add at this time that I support the amendments reducing or eliminating the funding for the Appalachian Regional Commission. This is a good example of why the gentleman from Minnesota [Mr. PENNY] and I introduced the Fiscal Responsibility Act of 1994.

We can go on and on and on trying to eliminate certain programs to try to cut the deficit, and we always lose. We do always lose, so that is why we have combined all these cuts, $550 billion over a 5-year period, so we could vote up or down on one piece of legislation, and this exact amendment was included in the Fiscal Responsibility Act of 1994.

I would just say to the Members that if we do not try to get a handle somewhere on how we are going to reduce spending, our children and our grandchildren are going to suffer. There is no longer any way that we can continue to ask the American taxpayers to put more revenues into the Federal Treasury through more taxes.

Mr. Chairman, the time has come to say no a few times on these programs that have outlived themselves.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to urge my colleagues to oppose the Hefley amendment and other amendments to eliminate funding authorizations for the Economic Development Administration [EDA] and instead support EDA's reauthorization. I commend the Subcommittee chairman, the gentleman from West Virginia [Mr. WISE] and the ranking Republican, the gentlewoman from New York [Ms. MOLINARI] for addressing the many needs of rural America in this important legislation.

This bill adequately addresses many of the past criticisms of the EDA. For instance, the grandfathering of eligibility resulting in over 85 percent of the country being eligible has been eliminated. I believe that an honest, good-faith effort has been made to reach a compromise on this bill. I am not advocating that it is a perfect bill, but I can tell you from first-hand, hands-on experience that the EDA in my district has been crucial in providing needed funds to many of the small, rural communities in Southern Missouri.

The partnership that has developed over the years between the Economic Development Administration and local county and municipal officials and organizations has been exemplary. There is not a day that goes by that I do not receive a phone call from a community urging me to support their application for a most fundamental element of infrastructure—a sewer system, or a business incubator, or an access road for an industrial park. Many of these communities are simply not able to contribute all of the capital investment needed for these projects. In these cases, the EDA has been able to step in and provide the necessary matching federal funds for that particular project.

Mr. Chairman, my district was one affected by the Midwest floods last summer. Then it was hit with flash floods that took several lives and devasted much of the same region. As we continue to recover and relocate, the EDA has come forward to be a full partner in assisting many small communities to restore infrastructure that had been damaged. I am not talking about frivolous projects. I am talking about legitimate public works and economic development projects that have helped small businesses and rural communities get back on their feet.

I realize that the EDA must improve its efficiency. It must continue to streamline its application process and work more closely with local officials. But I believe that this bill will move them in that direction. The EDA needs the tools that this bill provides if it is to continue to improve and become more proficient. I strongly support H.R. 2442, and I ask my colleagues on both sides of the aisle to do so.

□ 1100

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

I rise in the strongest possible opposition to this amendment. Let me tell you why. I am going to mention a four-letter word, and do not get nervous. Here is a four-letter word we can all use in polite company. It is called jobs. What is more important in America today than helping people who are unemployed obtain employment, helping people who are underemployed obtain a job?

Jobs is indeed, and it should be, our favorite four letter word in this Chamber. And with the Economic Development Administration, we have an agency of the Federal Government whose sole purpose is to advance that agenda, that is, the jobs agenda, for America.

We all know, we have been victims in my district and many other districts to the downsizing, they call it, of the military. All across this country, military installations are being closed or are being significantly reduced. Sad to say, in my own district, I am losing about 5,000 jobs because the Air Force is reducing the size of Griffiss Air Force Base. But I understand that. I do not particularly like it. I understand it.

So what are we going to do? Are we going to put our tail between our legs and say there is nothing we can do? No, we are marching on the Philadelphia office of the Economic Development Administration, with plans in hand. We are saying to the EDA, look, it is your mission to help us. We want to work with you.

Guess what? They are doing a pretty darn good job. A very good job. There is hope in my community and there is hope in communities all across the country that have been victimized by a significant loss of employment opportunities because we have the Economic Development Administration.

I cannot speak for the rest of the country, but I will tell you what. The regional administrator of EDA in Philadelphia, a fellow named Jack Corrigan, and, incidentally, I happen to be a Republican and kind of proud of it, he happens to be a Democrat, I have a relationship with him. I almost say my daily prayers to him, because he is a guy who dedicates his role and his staff to working with communities, to help communities pull themselves up by their own bootstraps. That is critically important.

We have in my district and in districts like mine all over the country industrial parks, business parks, scenes of employment opportunities that were made possible because EDA had the wisdom to approve some grants for water lines and sewer lines for the necessary infrastructure that local governments cannot afford to pay for, particularly local governments that are really hurting because the jobs are fleeing elsewhere around the country.

Let me tell you something, colleagues. I am offering you a real good buy. $386 million for the next fiscal year for the Economic Development Administration, to help us with our primary mission of helping America create more jobs and more opportunity. Because the bottom line is this: What do the American people want? Do the American people want a handout from Washington? That is not what they want. The American people want from Washington opportunity. They want a hand up. Let us give them a hand up.

This agency is important. I strongly support it. I strongly oppose the amendment. I want to praise the chairman of the subcommittee, the gentleman from West Virginia, [Mr. WISE], and the ranking member of the subcommittee, the gentlewoman from New York, [Ms. MOLINARI]. They are enlightened, they are farsighted, they are bringing us a good bill. They deserve in a bipartisan manner our strongest support.

Mr. THOMAS of Wyoming. Mr. Chairman, I rise to strike the last word.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Wyoming. Mr. Chairman, I yield to my friend, the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, just in a very brief summary here, I said at the outset that every one would have examples. Yes, the EDA has done some good things. There is no question about that. I did not say that some good wasn't done. I did not say, as someone suggested, that the United States does not need economic development. I said they do not need the Economic Development Agency. And I said that this is not an efficient way to provide that economic development.

This is a place to park dollars so that Members can say to their constituents, "Look what I can do for you." We have gone over year after year the examples of the parking garages and the stockyard development in Fort Worth and on and on.

One of the speakers said that he gets calls from all kinds of people saying support this project and support that project. And that is our mentality up here, that whatever your little project is throughout the United States, whether it be a sewer system or whatever it be, that the Federal Government ought to pay for it. It is your system. But somehow or other, the Federal Government ought to pay for it.

Another thing in the bill that I think we ought to be aware of when we throw around the figure $386 million, is there is also a phrase in there that says "and such additional amounts." That has been scored, and the cost of this bill that we are trying to eliminate is $422 million, not $386 million.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Wyoming. I yield to the gentleman.

Mr. BOEHLERT. First of all I want to praise the preceding speaker, because he has been in the front ranks of those fighting to eliminate Government waste. As a matter of fact, the gentleman was very supportive of my effort to eliminate funding for the superconducting super collider. And that one little vote saved the taxpayers of America about $9 billion. Not million, billion with a B, over the next 5 years.

But in this instance, I disagree respectfully with my distinguished colleague. Because he says we need an economic development in America, but we do not need an Economic Development Agency. What are we supposed to be? Are we supposed to be involved in group prayer? Pray for jobs from on high? No. We have to earn those jobs. We have got to work hard to get them.

The gentleman said he is sick and tired of the mentality of saying the feds ought to pay for everything. Guess what? I agree with him. I am sick and tired of the mentality that will say the feds ought to pay everything.

Guess what? Under the EDA, the feds do not pay for everything. We have a good solid working partnership with State and local governments. That is the type of partnership we should encourage.

So I respectfully disagree with my colleague, for whom I have the highest regard, because I know he is in the front ranks of those fighting to eliminate waste, fraud, and abuse in Government. In this instance I think he is a little bit off the mark, but I look forward to working with him in future endeavors.

Mr. HAMBURG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Hefley amendment.

The EDA is particularly important today as we struggle to adjust to profound changes in two major sectors of our economy: our rural, resource-based economy, and our military economy.

The EDA is playing a lead role in the defense conversion process, a role that will grow more important as more communities face base closure. To terminate this agency is to greatly endanger the ability of base closure communities to adapt to new economic realities.

This reauthorization increases the agency's flexibility in responding to immediate needs faced by communities whose economies are linked to defense conversion efforts.

This bill will allow communities, like Fairfield and Napa in the vicinity of Mare Island Naval Shipyard, to receive economic development grants through title IX before they have clear title to the land. With title IX grants, local communities can invest in infrastructure improvements without delay and avoid the deterioration accelerated by vacancy.

This bill will also guarantee assistance of a resident EDA defense conversion expert for each State facing base closures: an expert to help communities through the process. EDA will funnel $80 million to hard-hit communities specifically for defense conversion assistance. EDA's role is a key component of our national strategy to convert our economy from reliance on defense investment. We must not gut the agency.

EDA is also a front-line agency in assisting communities affected by natural disaster. EDA's assistance to Point Arena, a town of roughly 400 people on the north coast of California in my district, is a prime example of its critical postdisaster role. Point Arena is a fishing community that symbolizes the pioneer spirit in America. Harbormaster Bill Pettigrew recently wrote me describing EDA's importance:

> In January of 1983, an "El Nino"-generated storm sent waves into Arena Cove of such height that the pier was totally destroyed. The result was the loss of a vibrant salmon fishing port that had received up to 100,000 pounds of product a day. Stores in town failed and were boarded up. The timber industry was starting to downsize at the same time and Point Arena became a severely depressed economic area.
>
> The City of Point Arena joined forces with five different Federal and State agencies in 1985 to rebuild the pier. With a two and a half million dollar investment, the pier re-opened in April 1987. The Economic Development Administration (EDA) was the single largest grantor with a commitment of $875,000.
>
> Following the "Grand Opening" in 1987, the once seasonal port has operated "year-round," creating many new jobs both in the Cove proper and downtown. Support facilities, stores, restaurants and private development have flourished. The fiscal year 1989–1990 saw Arena Cove become the nation's second largest port for receiving sea urchins with a total poundage exceeding 8.2 million pounds across the dock, 98% of this a United States export commodity going to Japan.

Mr. Pettigrew recently confided to me that "without the EDA, Point Arena would not exist today. We could never have coordinated the various agencies or achieved the level of funding necessary without the EDA's assistance."

To terminate EDA is to deprive communities affected by natural disaster of a powerful resource to help them rebuild their communities.

Finally, EDA is often the only financial resource for small communities expanding and diversifying their economic base. Many communities in my district are so small and have so few economic resources that they have nowhere else to turn.

In Eureka, a major port development project is under way. The port's expansion plays a critical role in creating new jobs through industrial diversification and expansion of tourism.

The city and harbor district simply cannot finance the improvements alone. The State of California cannot finance the entire project. No private investment funds the entire project. Faced with a declining natural resource base and a declining revenue base, the city of Eureka has one place to turn: the EDA.

This is the most relevant point. Where are small, poor communities to turn when they want to expand their economic base to attract new industries? Are we simply to abandon these communities to struggle on day-to-day to their eventual death? Or are we going to take a small amount of Federal moneys and give these communities some alternatives.

EDA is not a pork-barrel agency doling out moneys to congressional districts. The EDA helps small communities survive, providing hope and opportunity.

EDA has 30 years of experience in helping communities transform their distressed economies. We can't afford to give up such critical expertise at this juncture.

I urge my colleagues to defeat the Hefley amendment. It is short-sighted and fails to recognize the importance of this agency.

□ 1110

Mr. PETE GEREN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to lend my voice to the bipartisan opposition to the Hefley amendment to terminate the Economic Development Agency and urge my colleagues to do the same.

Mr. Chairman, we have heard a great deal in the course of this debate about the EDA and what it does and does not accomplish. I would like to take this opportunity to briefly share the experience of the district I represent.

The city of Fort Worth is currently working with the EDA on an $11.8 million grant for economic development. This grant is the centerpiece of the renovation and the restoration of an economically depressed area of our city. The EDA has been working hand-in-glove with our community, and this restoration enjoys strong local support and financial backing. Fort Worth and local private investors have contributed more than $25 million to this restoration to leverage the Federal contribution by more than 2 to 1. This is a good example of a public-private partnership that is working well and should be encouraged.

Without this help from the EDA this area of Fort Worth would continue to struggle, becoming a further drain on the local, State, and Federal Governments. According to the 1990 U.S. census 49.4 percent of the households in this area have an income below the poverty line and the unemployment rate in this area is over 12 percent.

However, with this help from the EDA and the hard work and vision of a number of community leaders, this area is turning around, bringing hope to its citizens. There is little question that this investment by the Federal Government is well worth it and will pay great dividends. The people of Fort Worth are grateful for the help from the EDA and they have put their money behind it. In tight budget times this is the type of program that should survive. I am sure a number of the Members have similar stories about the good work of the EDA in their area.

There are plenty of areas in the Federal Government in serious need of reform and I have supported many Federal Government cutbacks. But the EDA should not fall in that category. It is doing its job and doing it well, and I truly believe that it is a big mistake to do anything that will jeopardize the future of this agency.

I urge a "no" vote on this amendment.

Mr. KLEIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the compromise reached between the House Banking Committee and the House Public Works and Transportation Committee to reauthorize the Economic Development Administration. I urge my colleagues on both sides of the aisle to oppose Congressman HEFLEY's amendment to terminate the EDA.

The two series of EDA grants contained in this legislation—both the public works and economic adjustment grants—are vital to our efforts to restore economically distressed areas like the cities of Paterson and Passaic, which are located in my congressional district in northern New Jersey. Communities like these need to have investment in their infrastructure in order to attract new business and industry and to create more jobs for the people who live there.

It is essential that we provide these distressed communities the support they need to rebuild their infrastructure and address the long-term problems created by economic deterioration, high unemployment, massive plant closures, and defense industry cutbacks.

Many of the problems that have plagued the EDA for the past 12 years have been corrected in the compromise bill we have before us today. We have improved upon the grant criteria; we have improved the procedures for processing applications; we have clearly defined EDA's mission; and we have made sure that applicants who receive EDA moneys have established long-term strategies to best address local economic problems.

This legislation is a modest investment in America's future, and it deserves your support.

I want to thank Chairman KANJORSKI for all his efforts to bring this compromise measure to the floor today, and I urge all my colleagues to oppose any amendments which would undermine the EDA authorization levels or reforms that have been incorporated into this bill.

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Hefley amendment. I want to address some of the concerns that the gentleman from Colorado [Mr. HEFLEY] has brought up. I want to first visit history a little bit.

The gentleman states that the program has not been reauthorized for about a dozen years and that that should be some kind of evidence that it is obsolete. The gentleman needs to remember that the reason it has not been reauthorized is because both Presidents Reagan and Bush said they would veto the reauthorization should it come to their desk, but significantly, particularly in this House of Representatives, a majority of Members on both sides of the aisle, Republicans and Democrats, kept the EDA alive through the appropriations process. Why? Because a majority of this House and a majority, obviously, of the Senate recognized the significance and the importance of the Economic Development Administration.

Mr. Chairman, the gentleman refers to a loan default problem and, indeed, he is correct. There was one in the late 1970's. That is why a majority of this House and a majority of the other body stopped funding the loan program, and so it has been moribund all these many years.

Indeed, in the legislation before us today there is no reauthorization of the loan program. Instead, what there is is a study to be completed and a report to be made to Congress suggesting whether or not such a program can be put together and how it would avoid the problems of the past.

Mr. Chairman, I want to repeat, there is no loan program such as the gentleman is talking about in this bill. There is a revolving loan program that has been in existence and has worked satisfactorily, and thanks to the contributions of the gentleman from Georgia [Mr. COLLINS], that program has been made more flexible in the nature that I think most people think would be important, at the same time keeping its accountability.

There has been, and the gentleman from Colorado [Mr. HEFLEY] acknowledges this, there has been significant tightening up of the program to meet some of the complaints that have been made over the past dozen years. For instance, whereas the EDA was often criticized for applying, being able to apply, to 80 percent of the country, today it would be 45 percent of the country with the new criteria.

□ 1120

Mr. Chairman, there is a simplified application process, so that we do not have to make many of these communities jump through hoops. Something that I thought was important was that the EDA university centers are now required to be evaluated once every 2 years to make sure that indeed they are working.

Mr. Chairman, the loan program has been eliminated that the gentleman complained about. There have been other things made as well to try and bring that greater accountability to the EDA.

Mr. Chairman, I would urge Members to reject this. The gentleman from New York [Mr. BOEHLERT] eloquently spoke about the regional director in Philadelphia, Mr. Corrigan, who I also find to be the finest in the EDA tradition. I might point out that he was brought to Washington under Republican administrations to assist. There was a high degree of professionalism maintained through various administrations, and indeed one of the best EDA administrators that I ran into was Bonnie Newman, appointed under the Reagan administration, who disagreed with the program but said, "It is my job to run it and to run it effectively."

Mr. Chairman, the EDA has continued to assist those communities on a bipartisan or, better said, nonpartisan basis. I would just urge Members to reject this amendment and to do so overwhelmingly. In fact, I think it is a statement to the strength of the EDA, the bipartisan debate we have heard in favor of retaining the EDA. I would urge that because every one of us has a situation that we can recount about the EDA.

How many of my colleagues have had to deal with natural disasters, and unfortunately we can never tell when we are going to have to deal with a natural disaster, in Florida, in California, in Hawaii, in my own State of West Virginia in 1985.

How many of my colleagues are having to deal presently with the pain of defense closings, a military base closing, a realignment, or the significant downsizing of a defense plant? EDA's role has increased significantly to adapt with that.

How many of my colleagues are trying to put together that deal that will bring 200, 300, maybe 1,000 jobs to their area, to a hard hit, economically devastated area, and need just that final linchpin, and the final linchpin could be a water system or a sewer system.

Mr. Chairman, that is EDA. It puts it together, it makes it happen.

Mr. Chairman, I would urge rejection of this amendment and I am going to repeat something I said yesterday.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. WISE] has expired.

(By unanimous consent Mr. WISE was allowed to proceed for 1 additional minute.)

Mr. WISE. When a Member has a military base closing, who is it they are going to call? They are going to call the EDA.

When a Member has a flood, an earthquake, a tornado and their businesses are devastated, who are they going to call? They are going to call the EDA.

When a Member is trying to put that deal together, the industrial park, that business moving in, who are they going to call? It is going to be the EDA.

Mr. Chairman, we all call upon the EDA because we have found it to be extremely effective and responsive. I urge rejection of the Hefley amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 97, noes 319, not voting 21, as follows:

[Roll No. 164]

AYES—97

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Brown (OH)
Burton
Calvert
Castle
Coble
Combest
Condit
Cox
Crane
Crapo
DeLay
Doolittle
Dornan
Dreier
Duncan
Ewing
Fawell
Fields (TX)
Gilchrest
Gingrich
Goodlatte
Goss
Grams
Hancock
Hansen
Hastert
Hefley
Hobson
Hoke
Hunter
Hyde
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lehman
Levy
Lewis (CA)
Lewis (FL)
Linder
Livingston
Mann
Manzullo
McCandless
McCollum
McInnis
McKeon
McMillan
Michel
Miller (CA)
Miller (FL)
Moorhead
Nussle
Oxley
Paxon
Penny
Petri
Porter
Portman
Pryce (OH)
Ramstad
Rohrabacher
Roukema
Royce
Schaefer
Sensenbrenner
Shaw
Smith (TX)
Stearns
Stenholm
Stump
Walker
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOES—319

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Huffington
Hughes
Hutchinson
Hutto
Inglis
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Spence
Spratt
Stark
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—21

Becerra
Blackwell
Flake
Frost
Gibbons
Grandy
Hoyer
Inslee
Jefferson
Lightfoot
McCurdy
Mfume
Parker
Payne (VA)
Ridge
Sharp
Solomon
Stokes
Towns
Underwood (GU)
Washington

□ 1147

Messrs. GORDON, LANCASTER, and LAUGHLIN changed their vote from "aye" to "no."

Mr. MOORHEAD and Mr. BARRETT of Nebraska changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of section 129 add the following:

The Secretary of Commerce shall provide to each recipient of such funds notice of the requirements specified in this section and information on methods to comply with such requirements.

At the end of section 213 add the following:

The Appalachian Regional Commission shall provide to each recipient of such funds notice of the requirements specified in this section and information on methods to comply with such requirements.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the amendment deals specifically with anyone getting funds under this bill.

While Members keep losing jobs in their district, this amendment says anyone receiving funds under the bill would in fact receive a notice that there are some buy American provisions and that individuals follow those buy American provisions.

Mr. Chairman, I yield to the chairman of the subcommittee, the gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the gentleman for yielding. I have reviewed the gentleman's amendment to revise the buy American section of the compromise substitute. It is my understanding this amendment would require the Secretary of Commerce to notify recipients of Economic Development Administration grants of the buy American provisions of the act.

Mr. Chairman, I support the gentleman's longstanding defense of American workers and would say his amendment is certainly acceptable to our side.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished ranking member, the gentlewoman from New York [Ms. MOLINARI].

□ 1150

Ms. MOLINARI. Mr. Chairman, as always I am delighted to accept the very constructive changes brought forth by the gentleman from Ohio [Mr. TRAFICANT]. We do not intend to object to this amendment at all.

Mr. TRAFICANT. Mr. Chairman, I thank the gentlewoman from New York [Ms. MOLINARI] for her help.

Mr. Chairman, I yield to the distinguished gentleman from Pennsylvania [Mr. KANJORSKI], chairman of the Subcommittee on Economic Growth and Credit Formation of the Committee on Banking, Finance and Urban Affairs.

Mr. KANJORSKI. Mr. Chairman, I support the amendment offered by the gentleman from Ohio [Mr. TRAFICANT], and I compliment him on behalf of the Committee on Banking, Finance and Urban Affairs for carrying on this effort every year which paves the way to protect American jobs as we dispense Federal funds to create American jobs; so, I join in support of his amendment.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. TRAFICANT. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The Chair will restate that the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] was agreed to. Does the gentleman now move to strike the last word?

Mr. TRAFICANT. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I would like to engage in a brief colloquy.

As you know, Mr. Chairman, I have been working for some time to establish a program whereby nonprofit corporations could be provided with funds directly from the EDA so that they can provide economic assistance to small businesses.

As my colleagues know, I represent an area that has been devastated by the loss of manufacturing jobs. Economic development in areas such as mine will depend largely on small business. That is why I believe it is vital that nonprofit economic development corporations be given all the assistance possible.

It is my understanding, Mr. Chairman, that the legislation before us today includes a provision that will allow the EDA to provide Federal assistance directly to nonprofit economic development corporations that I had, in fact, recommended.

Mr. WISE. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from West Virginia.

Mr. WISE. Mr. Chairman, I thank my friend and colleague, the gentleman from Ohio [Mr. TRAFICANT] not only for his inquiry but for all of his efforts to reauthorize EDA and the Appalachian Regional Commission. He has certainly been a leader of our committee's efforts to improve these economic development programs.

At the gentleman from Ohio's suggestion, the substitute amendment allows public and private nonprofit organizations to be eligible recipients of EDA grants. By expanding the number of eligible organizations, Congress will increase competition for EDA funding and will result in better services being provided to distressed communities. Again I thank the gentleman for his foresight on this issue.

Mr. TRAFICANT. I want to thank my esteemed colleague from West Virginia for working with me to ensure that this important provision was included in the final version of the bill.

I want to also thank the gentleman for placing in the bill a provision that directs the EDA to study all of EDA's financing tools—including unfunded programs that were originally authorized under title II of the Economic Development Act.

One of the title II programs that I strongly support would allow the EDA to buy down the interest rates on economic development loans to small businesses. This is an initiative that I brought to the Congress for 7 years. I strongly support this program, and I would hope that in studying their financing tools the EDA would find a way to implement this worthwhile title II program.

Mr. WISE. Mr. Chairman, if the gentleman from Ohio [Mr. TRAFICANT] would continue to yield, as the gentleman stated, section 117 of the substitute amendment requires the Secretary of Commerce to conduct a study of innovative economic financing tools. Under this provision, EDA will review its title II authorities and other financing tools to determine what role these tools could play to complement EDA's grant authorities. We expect EDA to review all financing tools including the buy down of interest rates which the gentleman strongly supports. Within 1 year, the Secretary shall report to Congress on the results of the study and make recommendations on whether financing programs should be authorized.

Mr. TRAFICANT. As the gentleman knows, Mr. Chairman, for several years I have been promoting actively the interest rate subsidy program and would hope that next year this program will receive authorization and funding.

I believe the Congress cannot just give money to cities to spend it the way they want, but we could buy down interest rates when the banks make a loan.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I want to congratulate the gentleman from Ohio [Mr. TRAFICANT], and I call to his attention that in the three instances that he mentioned in the EDA bill it was the Committee on Banking, Finance and Urban Affairs' amendment inserted into the bill that changed the conditions that go along with his proposals. We agree with him on the nonprofit corporations. It will assist many agencies across America that are nonprofit in nature to be participants with EDA funding, and we also originally included in the actual funding for equity and for loans, but it has been converted by an agreement between the two committees to a study on that process, and we look forward over the next year, in working through that study process, so that we actually authorize direct loans and equity financing for economic development purposes.

Mr. TRAFICANT. Mr. Chairman, I would ask that my bill would perhaps be reviewed for a hearing next year, and let me say this, Congress:

We do not have enough money to give every troubled city, but we could buy down interest rates. The banks do it the old-fashioned way. The banks put up their money to help some economic development, and I am going to ask that that be brought for a hearing next year and that bill be given some consideration.

Mr. Chairman, I want to thank the Committee on Banking, Finance and Urban Affairs, the gentleman from West Virginia [Mr. WISE], the gentlewoman from New York [Ms. MOLINARI] for all the help they have given me on this.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Insert after section 129 the following new section:

SEC. 130. OVERALL CAP ON AUTHORIZATION OF APPROPRIATIONS FOR EDA.

Notwithstanding any other provision of this title or any other provision of law, not more than $412,000,000 is authorized to be appropriated for each of fiscal years 1995 and 1996 to carry out the Public Works and Economic Development Act of 1965.

Mr. HEFLEY. Mr. Chairman, the funding included in H.R. 2442 for the Economic Development Administration is $10 million above the President's request for fiscal year 1995.

The amendment I have at the desk would cut the additional $10 million from the EDA and restore the President's funding level.

It is no secret that I am not a fan of the EDA. I think the program is ripe for abuse.

I am also not a fan of our convoluted appropriation process. We budget, we authorize and we appropriate. Then we conference and reconcile. At each step, the spending seems to grow.

The authorization for the EDA is a good example. The President sent his budget request to Congress, and he asked for a significant increase for the EDA.

Then the Banking and Public Works Committees got together to craft a bill, and they added a little more.

The summer, the appropriations will get their shot.

Finally, we will probably pass an emergency appropriation bill this fall that will include still more spending.

In the end, its little wonder we have had continuous deficits for the past 25 years.

Mr. Chairman, this amendment is an attempt to stem that tide by rolling back the spending level for the EDA to the level budgeted by the President.

As it is, the President's budget projects a $165 billion deficit. There is no reason to increase that deficit, even if its just $10 million.

The amendment I have at the desk will cut a total of $10 million from the EDA's funding for next year.

This cut includes $3 million from the salaries and expenses account, $3 million from the grants for public works and development facilities, $2 million from the technical assistance and economic development planning, and $2 million from the special economic development and adjustment assistance authorization.

In case someone is worried that these cuts are too draconian, I would point out that if my amendment is adopted, total spending by the EDA will increase by $163 million over the amount provided in last year's Commerce, Justice, State appropriation bill.

Authorization for the salaries and expenses portion alone will increase by almost $10 million.

Mr. Chairman, my amendment cuts $10 million from a program whose funding has practically doubled in the last 2 years, it restores the President's budget level for the EDA, and I hope the Members will support it.

Mr. WISE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado [Mr. HEFLEY] to cut EDA funding, and it has a bit of a siren song to it. It says, "Well, what you're doing is cutting. You're cutting down to the administration's request."

I think we need to put this in perspective. First of all, the maximum amount, I believe, that the gentleman is talking about is $7 million. But the bipartisan substitute that is before us specifically authorizes an estimated amount of $306 million for the Economic Development Administration for each of the fiscal years 1995 and 1996. The substitute also authorizes additional sums, as may be necessary, for natural disasters or defense conversion.

Now the problem has come up, or at least in the gentleman's mind, because CBO, the Congressional Budget Office, has estimated that an additional $80 million may be appropriate, may be necessary, for these economic development activities. Remember these are natural disasters and defense closings, and the CBO has scored that as possibly requiring up to $80 million. Therefore the compromise substitute specifically authorizes $306 million, and the CBO is estimating that the substitute authorizes an estimated total of 386 million EDA's programs.

I think we ought to look at a couple of points. First of all, the authorized amount here is a bipartisan product. It came out of the Committee on Public Works and Transportation by a largely bipartisan vote, and, second, it is of course the Committee on Appropriations that has the ultimate check on this, and so it will decide how much is appropriated up to the authorized limit.

Second, the bipartisan compromise is fiscally responsible. The specific authorization, and this is an important point, is already $16 million below this year's appropriation, and it is $73 million below the President's fiscal 1995 budget request.

Mr. Chairman, I want to repeat that.

□ 1200

So let me repeat. The specific authorization level for the EDA, as provided in the compromise, is $16 million below the current year's appropriations and $73 million below the President's fiscal year 1995 budget request.

Now, if we assume that EDA receives the entire $80 million estimated for natural disasters and defense conversion activities, the compromise substitute approximately equals the President's fiscal year 1995 budget request. There is about a $7 million difference at most. Moreover, our substitute does not increase EDA's authorization for fiscal year 1996; it keeps it on a flat line.

I also might point out an interesting note of history. To equal the EDA's budgets in 1992 dollars of 1966 and 1967, we would have to combine all the EDA budgets for the last 10 years.

The real issue here is the language, "Such sums as may be necessary" in title IX. Title IX is how EDA responds to natural disasters, economic dislocations, and military defense closures. The National Oceanic and Atmospheric Administration has not been able to predict for us a year ahead how many hurricanes, how many earthquakes, how many fires, how many floods, and how many tsunamis they are going to have in a given year so we could authorize that appropriate amount. We just do not know, and as many will recall, a couple of years ago we had a real rash of natural disasters.

By the same token, while we know how many military base closings there are going to be, it is hard to trace the economic effect of all those. To give an example, when a base closing is projected in one State, we know that in another State far away it affects the business of a subcontractor supplying material to that base. By the same token, how many of you have businesses in your districts that are subcontractors to major defense contractors?

So it takes a while for the ripple effect of an economic dislocation in one area to roll through to other areas. That is the reason for the "such sums as may be necessary" language. Once again, though, the Committee on Appropriations still has the final decision on this.

So as this House defeated by a large vote the previous amendment to eliminate the EDA, I urge that this amendment be rejected so that the EDA can continue to respond in the limited way it is now able to respond to those base closings, to those natural disasters, and to those other economic dislocations that take place.

Mr. Chairman, I urge rejection of the gentleman's amendment.

Ms. MOLINARI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, and I rise simply to echo the points that have been raised by the chairman of this subcommittee. In fact, his point is well taken that we oftentimes stand at points of criticism for failing to adequately project and plan for the needs of our Nation.

What we attempted to do in crafting this bill and reaching a bottom line of financial assistance was to understand that we will never adequately understand the needs that will impact a community, as established in, say, May, by the end of December. And unfortunately, last year was a cruel reminder of how little control we have over this Earth and, therefore, how little control we have over the needs that may be brought forth by communities undergoing such tragedies as the floods in the Midwest, the earthquakes, the fire disasters, and, yes, in fact, the base closures. Certainly, I stand here as one who wishes I could predict how the Base Closures Commission set to begin in the very near future will impact communities and those that are now dealing with only understanding the disastrous effects on their economies of prior base closures.

So this is not something that was done in order to create more pork or to deal capriciously with the bottom line that we recognized, unfortunately, that we cannot often control in these United States, and we want to be able to respond to as many communities as possible.

With that, Mr. Chairman, I yield to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, just to deal with the figures the gentleman from West Virginia [Mr. WISE] talked about, we can talk about the fact that this number comes from here and that number comes from there, but the bottom line is that when we figure it up, the President came in with a request for $412 million. The Committee on Public Works and Transportation got hold of it and raised the figure to $441 million. Then the Committee on Banking, Finance and Urban Affairs dealt with it, and they reached the figure of $402 million. The compromise was $422 million, and, yes, in that $422 million there is the CBO's scoring for $80 million as kind of a contingency sum, such funds as may be necessary. But we know in this body that when we have floods on the Mississippi River or we have earthquakes in Los Angeles, we have special appropriations to add to this.

So in estimating that this $80 million will be enough, we do not know whether it will be enough. Every year it seems like we have a disaster somewhere of some kind. There will probably be even more.

So, Mr. Chairman, we are talking here of $10 million in addition to what the President has requested, and I am simply asking that we bring it back to the President's request.

Mr. KANJORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the desire of the proponent of the amendment to constrain the expenses in the budget, and I sympathize with that. But here we are in a multiyear authorization and we are talking about how many base closures there will be by the next and the following year. Nobody really knows. How many natural disasters will there be over the next 3 years? Nobody really knows.

I would suggest that the authority that has been granted to use such other sums is absolutely essential so that if a natural disaster occurs or an emergency occurs, there does not have to be a hesitancy. When the gentleman talks about additional appropriations, those are appropriations; those are not authorizations. We are asking for the authority here for authorization for appropriated money when it is made to be exercised or spent in a certain fashion. So we no longer have the Committee on Appropriations of the House controlling areas like the Economic Development Administration but, in fact, we have had the good foresight to authorize what we want to do and direct that being done.

I would call my colleagues' attention to an example, however, to show just how distinctly different this year's authorization is from past authorizations. If we look at 1980, some 15 years ago, the EDA was actually funded at a level of $513 million. Today that amount of funding, in accordance with the value of the dollar, would be $1,049,000,000, and in reality we are only authorizing $386 million. So we are some 65 percent lower than what the actual funding would be if we had stayed at 1980 spending levels. I do not think we can be any more frugal or responsible economically than that, and I would suggest, rather than deluding ourselves, that the important principle on the gentleman's amendment as to why it should not be adopted is what we are trying to do to get responsibility in this House, which is, in fact, to authorize and have those authorities followed by the executive branch so we can get control over the expenditures of the Government.

So, Mr. Chairman, I urge my colleagues to vote down the gentleman's amendment in its present form.

□ 1210

Mr. APPLEGATE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I think it is a bad amendment. EDA, as ARC and others, has been good for America. The U.S. taxpayers pay out $14 billion of their hard-earned money to other countries of the world. Three billion dollars goes to Israel, over $2 billion to Egypt, almost $1.5 billion to Russia, $600 million to Eastern Europe, $526 million to Turkey, $284 million to Greece, and on down and on down. American taxpayer dollars are going out to these other countries of the world to do the very same thing that we are asking American taxpayers to pay into EDA to help us.

We send billions and billions of dollars to all of these other countries to defend them militarily. We are losing our young people's lives. And yet we do not want to spend $300 million in economic development in the United States. Back in the United States, this program has helped many, many communities who have been hit economically.

We do it to increase jobs. We do it to retain jobs. I have used EDA in my area. I saved an aluminum company recently that hires over 2,000 people. If it was not for the fact that we needed this money to bring in some infrastructure, we may not have been able to do it.

We are losing them because of the base closures. We are looking at hundreds of jobs in my district that are going out, and they are going out all over the country.

Who is there to pick up the pieces when the Government closes your base? We are losing them because of bad trade policy. And let me talk a little bit about that.

You know, these countries of the world that we are trying to help, they are closing their borders. They are not allowing our American productivity to go into their countries. They subsidize them. We give them most favored nation status when they want to send their stuff into the United States so our American consumers can buy it. That means that they cut down on the amount of the tariff. Let me tell you, they do not cut any tariff off of American products. We got to sell ours at the highest figure.

So our jobs are going overseas. Who is going to be there to help pick up those pieces?

I am telling you, things are not all good. We are losing our jobs, our economy is hurting, and yet American taxpayer dollars are going overseas. American taxpayer dollars are under siege, not to help Americans who put that in.

These so-called free traders are hurting this country. And I say to them, your trade policies are killing America. They are hurting American jobs, American businesses, the ability to pay taxes, to feed families, to clothe their children, to educate the kids. These are the kind of programs that we want to see retained. Do not turn your back on the American taxpayer now. Give them the support that they need, and reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 244, not voting 22, as follows:

[Roll No. 165]

AYES—171

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Brown (OH)
Burton
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood

Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hefley
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Ravenel
Regula
Roberts
Rohrabacher
Roukema
Royce
Santorum
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Sisisky
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—244

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Buyer
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hochbrueckner
Holden
Houghton
Hughes
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—22

Andrews (TX)
Becerra
Blackwell
DeFazio
Dornan
Flake
Frost
Grandy
Hoagland
Hoyer
McCurdy
Mfume
Murtha
Parker
Ridge
Roth
Sharp
Towns
Underwood (GU)
Washington
Whitten
Williams

☐ 1235

The Clerk announced the following pair:

On this vote:

Mr. Roth for, with Mr. Hoagland against.

Mr. SPRATT changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Chairman, I was, unfortunately, unavoidably detained in my congressional district earlier today and therefore unable to vote during rollcall votes Nos. 164 and 165. Had I been here, I would have voted "nay" in both instances.

AMENDMENT OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHNER: Strike section 212 and redesignate section 213 as section 212.

Conform the table of contents accordingly.

Mr. BOEHNER. Mr. Chairman. My amendment removes section 212 which creates a task force to study the characteristics of the ARC and determine how best to duplicate these characteristics to address the needs in the Mississippi Delta, the Ozarks, and along the Mexican border.

Congress has already created several programs to do the type of functions that these regional commissions would be charged with. Right now, these areas are eligible for rural development and other types of assistance programs through the USDA, Small Business Administration, and HUD.

In addition, the States have similar programs to address the needs of people who are in these regions. I believe Congress should act carefully and examine what we have and work to improve those programs before we start another regional development agency.

The ARC is inefficient and has not achieved its goals after more than 25 years. Its main objective, the highway system, is little more than two-thirds completed and the ARC, as a whole, has cost more than $6 billion. Yet the region still faces the same problems it had when LBJ created ARC.

Today, my office was offered assurances that the ARC will not be expanding its scope and that the language in the bill has been clarified to reflect this. If that is the case then let us go ahead and remove the section of the bill since it is pointless.

I urge my colleagues to support my amendment to remove the task force from this reauthorization.

Mr. Chairman, the point I want to make is that it appears that this language is in this bill so we can create a study that can be ballyhooed and be the basis for a dog and pony show to run around the country so that we end up expanding this down the road.

☐ 1240

Mr. Chairman, I think it is a good time to say, no, we do not want to expand this, we do not need a task force, and let us save the taxpayers a few dollars in the process.

Mr. WISE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise obviously in opposition to this amendment by the gentleman from Ohio. A little bit of history and not too distant history. Yesterday in a move to eliminate the Appalachian Regional Commission altogether, the complaint was that the Appalachian Regional Commission has been successful; therefore, declare victory and abolish it.

Mr. Chairman, my feeling, then, is if the Appalachian Regional Commission has been successful, and I think it has been successful although the job is yet to be finished, and if it has application that could assist other areas, such as the Ozark region, such as the Mississippi Delta region, such as the Southwestern United States where there are bands of poverty that exist, compact regions of poverty, then why would not we want to borrow from something that has already been invested in and already proven successful?

Mr. Chairman, this is a study to be performed by a task force to be completed within a year that simply analyzes where it has been successful and where there might be other applications. It is not a move to expand the Appalachian Regional Commission.

Mr. Chairman, I would seek to at the appropriate time introduce into the RECORD a May 9, 1994, letter from Jesse L. White, Jr., the Federal cochair of the Appalachian Regional Commission, in which he states that "The primary mission of the task force is to evaluate the extent to which the unique characteristics of the Appalachian Regional Commission" and I will skip some words, "have improved the economic health of our region's communities.

"In addition, it will attempt to determine to what extent the ARC model could be applied to rural economic distress elsewhere. This study is not motivated by an attempt to expand ARC's boundaries or population. However, if the ARC model is determined to have played an important role in the region's progress, as I believe it has," quoting Chairman White "other areas of the country with persistent rural distress could learn from our lessons as they pursue their own solutions to the problems they face.

"I hope this clarification will address any questions which may be raised concerning our goals and objectives."

Mr. Chairman, once again the Appalachian Regional Commission is a unique creature. It has a Federal cochair appointed by the President and confirmed by the Senate; it has a State cochair appointed and placed into position by the 13 Governors. There is a board that are the 13 Governors of the Appalachian Regional Commission. It is a true Federal-State partnership.

Mr. Chairman, the statistics I read yesterday from a recent report show that the Appalachian Regional Commission is working, that per capita income increased at a faster rate than similar counties, that job creation increased at a faster rate, the ARC region is still behind but it is gaining faster than similarly placed counties that are not within the ARC region. For that reason I would think that in other hard-hit areas, I would have to believe that there would be a desire to look at what is working and to see the extent to which that might be applied separately, through other regional commissions perhaps, which might be applied there. It may be that the regional concept used by the ARC does not work as well in other areas but perhaps there are some things that can be borrowed from the ARC. That is what this is all about.

Mr. Chairman, to argue yesterday that the ARC has been successful and, therefore, ought to be retired, then I do not believe we can come to the floor and vote today to say we do not want to even look at what has been successful and to see if other regions which have not been so blessed can benefit from it.

Mr. Chairman, for those reasons, I would urge rejection.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, if the gentleman has those statistics at hand and believes it has been so successful, will the gentleman explain to us why we need to do an independent study that according to the bill would cost up to $500,000 of taxpayer money to apply these principles elsewhere? I do not understand.

Second, the Mississippi Delta Commission that has looked at the Appalachian Regional Commission decided some time ago that it was in their best interest to remain a private organization and not to be involved in a Federal-State partnership. They do not want that bureaucracy laid on top of them. Mr. Chairman, with those two considerations of mine, I am trying to understand why this language is in the bill.

Mr. WISE. Mr. Chairman, I am glad to hear my statistics yesterday were compelling, because I do believe they tell the story. However, the statistics do not show automatically how we got there. They say that something is working, that there is a process that is working where the ARC has been in place. What is it that can be extrapolated from that?

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. WISE] has expired.

(By unanimous consent, Mr. WISE was allowed to proceed for 3 additional minutes.)

Mr. WISE. Mr. Chairman, what is it that can be extrapolated from that to be applied to other regions?

It may be as the gentleman says that the Mississippi Delta chooses not to. I think one reason that the Mississippi Delta Commission, and I am not an expert on that but maybe the gentleman from Ohio is not either, since neither one of us are from that region, but one reason they may have gone that way is because at that time there was not going to be obviously a very active Federal role given the reluctance of the administration to get into any other expansion of any program. This was under President Reagan, as I recall.

By the same token, I would like to show the gentleman from Ohio, and I realize my map is kind of small, but if the gentleman can look at the blocks of red on this map, it shows concentrated pockets of poverty by county in our country, and this is the ARC region here, but it does show that there are other regional groupings and that indeed poverty largely seems to be grouped on a regional basis.

Mr. Chairman, I think that half a million dollars to look at what has been done in the Appalachian Regional Commission, which seems by the statistics to be showing good results, is not too much to spend to bring to these other areas some application that may benefit them.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. WISE. I am happy to yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, my only point is that we have the General Accounting Office, we have the statistics, we have the committee members, and if we want to expand it, let us go ahead and propose to expand it. Let us not waste $500,000 developing what I think is going to be a road show trying to convince all of us that this is the right way to do it. Let us stop all of that. We create task forces and study commissions in every piece of legislation that we pass.

Mr. Chairman, at some point we ought to look up and say that we can develop this on our own and we should not just use it to develop cover to make these votes easier down the road.

Mr. WISE. Mr. Chairman, the gentleman raises a good point.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. WISE] has again expired.

(By unanimous consent, Mr. WISE was allowed to proceed for 2 additional minutes.)

Mr. WISE. Mr. Chairman, the gentleman makes a good point on not wanting to put together a road show and, in fact, on a bipartisan basis, I believe there were some Members from the other side that reined in to some extent what the purview of this study might be, and that is why there is a finite amount of half a million dollars. That is why there is a final time for reporting. That is why there is a definite commission that is created.

Mr. Chairman, the purpose is not to create a road show, and I share the gentleman's concern about that. The purpose is to take a hard look at what the ARC has done, how it has been successful and to see whether there are other applications.

Mr. Chairman, in terms of expanding the ARC boundaries, that is not the purpose here. If that were the purpose and, indeed, in order for the ARC to be expanded, we have to come back to Congress, anyhow.

Mr. BOEHNER. Mr. Chairman, if the gentleman will yield, I understand the purpose, and the purpose appears to be to set the stage to create a similar type of commission in the three other areas of the country that the gentleman outlined. That is where my concerns are. If, in fact, that is what the gentleman wants to do, why not bring that proposal to the Congress and let us vote on it.

Mr. WISE. Because that is the purpose of a task force, to look at what has been successful. It may be in other regions that there is nothing that is applicable. I happen to think that there is in rural poverty.

Mr. Chairman, we have spent $6 billion since 1965 on the Appalachian Regional Commission. I would think we would want to see whether or not there are some other areas so we do not constantly reinvent the wheel.

Mr. KANJORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Ohio [Mr. BOEHNER], particularly in the name of my chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ], who wished to be here to oppose this particular amendment but unfortunately is tied up at a hearing with the Secretary of HUD.

Mr. Chairman, the reasons why this task force should be formed are probably the reasons why we should do more introspection in this institution as to how we spend money. This really is a performance evaluation. It is a study of whether or not the Appalachian Regional Commission is performing the objectives and goals it was originally set up for, whether the principles are applicable in other areas of the country, how successful or how effective or how efficient it has been as a tool of the Government in working in specifically defined economic areas of the country.

Mr. Chairman, I would think, as the chairman of the Subcommittee on Economic Development has so eloquently said, if we are spending $6 billion over 25 years, it seems to me rather rational to spend 1/12,000th of that to make an evaluation as whether or not it has been as effective as it could be or how it could be changed or modified.

□ 1250

And remember that when the recommendations come in, they will either come in to expand, to contract, to replicate, and no action will be taken on the study except with the input of the Members of this House and the full Congress to determine what should be done.

If I had any recommendation, I support the study and oppose this amendment, because I think it is really what reinventing government is all about. Let us start seeing where we have made mistakes or what we have done well, and when we find either, make the appropriate corrections.

Why do we want to stick our heads in the ground and fail to study something that is quite evident as a tool that can be used in the future or beaten into a tool that no longer should be used in the future? And the only way that one could come to that conclusion is the type of study like this. I oppose the amendment offered by the gentleman from Ohio and ask my colleagues to support the study as indicated in the bill.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. I am happy to yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, we have got GAO reports for 20 years that have looked at the effectiveness and how the money has been spent for the Appalachian Regional Commission, and those studies speak for themselves.

It is very clear in the committee report, in the original bill, that somewhat is changed in the bill before us, what the purpose of the study is. The purpose of the study is to find out those unique characteristics that allow this to be successful and to apply them in other areas of the country.

I do not think that we need a study to determine what part of the Appalachian Regional Commission works and those parts that do not work.

Mr. KANJORSKI. Reclaiming my time to answer that question, let me call the gentleman's attention to the fact that more than half the Members of this House were not here prior to 1990, so going back from the beginning of the Appalachian Regional Commission, the 25 years of their history, they are not aware of. If anything I have observed while a Member of this House during the last 9 years is that although we try very hard, we have a limited amount of time to understand all the facets of this Government, and I would venture to say there are probably less than 20 Members of this body that really understand to any depth what the Appalachian Regional Commission has done.

If I further had to make an observation, I think it would behoove us all to be better students on all of these fine points of government, and the way to accomplish it is to have members of this task force, Members of this Congress, so they go out and physically see what happened.

I would invite the gentleman from Ohio to join me as I travel around the country and hold hearings all over the United States to find out the best practices of success in economic development. I think we can save money. I think we can be efficient. And I think we can act in the manner the American people wish us to act in representing their interests to create jobs.

But instead, if we do not study and we do not evaluate, we end up replicating the failures and fallacies of the past, and we never update ourselves.

So I think this really is a policy that should emanate from the conservative side of this House, the gentleman's own party. Let us get a good evaluation and keep what is good, do away with what is bad, be more efficient and more effective in the expenditure of the American taxpayers' money to develop economic policy in this country.

Ms. LAMBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition, strong opposition, to this amendment.

As we look around the room, I suppose I am one of the few that has spoken coming from an area that will be greatly affected. I represent the Mississippi Delta, the eastern half of Arkansas.

I think it is wise for us to look at getting the biggest bang for our Federal buck and allowing us these studies; we are capable of looking at what has been learned in the Appalachian Region Commission and how it is applicable to the Mississippi Delta and the other impoverished areas of this Nation.

I think it is critical for us to use that knowledge to see how it is applicable. In order to set that foundation, we must have the appropriate study.

I rise in strong opposition to the amendment and urge my colleagues to vote against it.

Mr. COLEMAN. Mr. Chairman, I rise today in support of H.R. 2442, the Economic Development Authorization Act of 1994, but in strong opposition to the amendment from my colleague regarding the Appalachian Regional Commission [ARC]. This bill calls for a task force to study whether the Appalachian Regional Commission could utilize its unique characteristics to also address the economic needs of other distressed rural areas such as the Lower Mississippi Delta, the United States-Mexico border area, and the Ozarks. By approving the gentleman's amendment, we would cause great harm to these areas by denying them the benefit of the ARC's experience in dealing with economic development matters.

It has been stated by some that the ARC has done a lackluster job in improving the well-being and livelihood of residents in the Appalachian region. Well, that is not the case. In a study entitled "The Economic Effects of the Appalachian Regional Commission: An Empirical Assessment of 27 Years of Regional Development Policy," researchers concluded that when comparing Appalachian counties within the ARC to non-Appalachian twin counties, the ARC counties grew significantly faster in income, earnings, population, and per capita income. Even further, the researchers concluded that the ARC programs helped these counties perform better.

The area of the county that I represent—the United States-Mexico border region—is one of the most severely distressed anywhere. Double-digit unemployment rates, high poverty rates, and low per capital incomes are among the mainstays of the border economies. I feel that application of the ARC principles would be extremely beneficial in dealing with the problems of the United States-Mexico border region.

Finally, this bill only authorizes a task force to study the applicability of the ARC principles to other distressed areas. This bill does not call for the expansion of the ARC as some may claim. It only calls for a task force to study the ways the ARC's characteristics could be applied in other distressed areas. Other distressed areas could benefit from the ARC's unique characteristics, for example, the Federal-State partnership. This is all this bill would seek to do. No expansion of the ARC is called for. I feel that the ARC's approach to dealing with problems on a regional basis could be beneficial for the United States-Mexico border area.

So I ask my colleagues to reject this amendment for the reasons I mentioned. It is a wrong approach to take and I urge my colleagues to oppose it.

Mr. THOMAS of Wyoming. Mr. Chairman, I had planned to offer a similar amendment to that of Mr. BOEHNER today, but in the interest of time I'm pleased to join with him in offering this amendment jointly.

The Appalachian Regional Commission is known by its initials—ARC. ARC is short for archaic in this instance.

This program, created by Lyndon Johnson in 1965, is another relic of the Great Society.

Despite the fact this program was created to empower this region to support itself, through the workings of a strengthened free-enterprise economy, it has turned into a kind of entitlement hand-out.

Over the years $6.4 billion has been spent on this program.

And it has shown a propensity for growth—what started out as a program covering 360 counties in 11 States has grown to 399 counties in 13 States. I guess we cannot get this porker away from the trough.

Now I do not argue that these areas don't need help—but Mr. Chairman the Federal Government already spends millions in this region through nationwide programs like the highway trust fund, community development block grants, and other grants. The ARC is an expensive, unnecessary duplication.

Several groups have included elimination of the ARC as part of their deficit reduction efforts, including the Concord coalition and Citizens Against Government Waste. In addition, several articles have been written about the ARC, and at this time I wish to state that I will by unanimous consent place an article that appeared in the August 1993, edition of the Reader's Digest in the RECORD immediately following my statement.

Mr. Chairman, I recognize the ARC will not be eliminated this year. We had that vote last night, and I congratulate the supporters of the program for a successful defense of the ARC. However, we can take the important step today of ensuring that the ARC isn't expanded to include areas nowhere near the Appalachian region.

H.R. 2442 includes the creation of a task force which will, among other things, study whether or not the ARC format can work in areas like the Ozarks or the Mexican-border region.

This is not the mission of the ARC, and I see no reason for sending some Appalachian gravy down south, unless it is a thinly veiled attempt at building political support for an outdated program.

My friends who are managing the bill say it is not their intention to expand the ARC, and I appreciate the small change that was made before bringing the bill to the floor. However, if the sponsors do not wish to expand the ARC, then I wish they would explain to the House why the study is needed. If they are truly committed to limiting the expansion of the ARC, then they will accept our amendment.

I encourage my colleagues to vote for the Boehner-Thomas amendment. It is not a drastic reduction of funding; it is not a change or reduction in mission. This amendment simply states, let us keep the Appalachian Regional Commission in Appalachia, and it deserves support.

YOU CAN'T KILL A GOOD GIVEAWAY—FOR YEARS TAXPAYERS HAVE BEEN TAKEN FOR A RIDE IN APPALACHIA—ON WHAT MIGHT BE THE "LONGEST GRAVY TRAIN IN HISTORY"

(By Dale Van Atta)

On a spring day 29 years ago, President Lyndon B. Johnson launched the Great Society from the ramshackle porch of Tom Fletcher's three-room tar-paper shack near the mountain-hollow town of Inez, Ky.

Johnson plopped himself down on a pile of two-by-fours and spoke to the unemployed coal miner while scores of reporters and cameramen looked on. Fletcher was a 38-year-old father of eight with a second-grade education. His two oldest children had dropped out of school, he told the President, and he feared the others would as well.

"I want you to keep those kids in school," Johnson said to Fletcher. The President later wrote: "I knew he had to have help, and I resolved to see that he got it."

On March 9, 1965, Johnson signed the law creating the Appalachian Regional Commission (ARC). It was to enable the region to "support itself, through the workings of a strengthened free-enterprise economy."

Johnson's measure found enthusiastic support in Congress, but some members voiced dissent, including Rep. H.R. Gross (R., Iowa). Gross predicted it was the beginning of the "longest gravy train in history."

Today, Gross's words appear prophetic. The ARC has spent $6.2 billion to help build highways, sewer lines, industrial parks and tourist attractions, but these improvements have not created significant, long-term employment, especially in central Appalachia. Instead, most of the money has been ladled out to the home states of politically powerful Congressmen and other officials. Consider:

In West Virginia, home of long-time ARC supporter Sen. Robert Byrd (D., W.Va.), the ARC provided $26.3 million to help build the spectacular New River Gorge Bridge near Fayetteville. It is a wonder to behold—the world's longest arch steel-span bridge and, at 876 feet above the river, America's second highest. Skydivers love it, and General Motors filmed a commercial featuring a truck being dropped from the bridge on a bungee cord. But it has not created any jobs for impoverished citizens of the coal counties farther southwest.

In the home state of Rep. Tom Bevill (D., Ala.), chairman of the subcommittee overseeing the ARC, the agency forked over $17,498 to the Alabama Music Hall of Fame in Tuscumbia. Taxpayer money contributed to a 10-by-20-foot portable exhibit featuring a 12-foot-tall jukebox and makeshift recording studio to promote the museum, which honors native stars from Hank Williams to the Grateful Dead. The Congressman proudly took a turn singing in the studio when it toured Washington, D.C.

Parts of Mississippi's Marshall County are booming as workers from Memphis, Tenn., make these areas home. Cayce, one of the fastest-growing sections, is getting a new water system and more than 70 fireplugs with $250,000 of ARC money. Marshall County is not by any stretch of the imagination part of Appalachia. But it is in the Congressional district of Rep. Jamie Whitten (D., Miss.), who was until last year House Appropriations Committee chairman.

"The ARC has become purely a pork-barrel giveaway," notes economist Stephen Moore of the Cato Institute, a Washington think tank. "It is a classic example of why federal government programs fail to foster economic growth."

Logrolling. Stubborn poverty in the coal counties of four states—eastern Kentucky and Tennessee, southern West Virginia and southwestern Virginia—was the reason for the ARC's creation. But from the start, Congressional boosters invited other states to join them at the trough. "We needed every supporter we could get," admits an ARC architect, Paul Crabtree.

Congressionally defined Appalachia originally consisted of 360 counties in 11 states from Alabama to Pennsylvania. But political logrolling continues to swell the region, and today 399 counties in 13 states, with a population of 20.7 million, are eligible for aid. Not a single county, however, has ever been disconnected from the ARC spigot—not even Gwinnett and Forsyth, suburbs of Atlanta whose per-capita earned incomes in 1990 were $18,865 and $19,010, respectively—well above the $6652 poverty level.

Headquartered in Washington, the ARC is a federal-state partnership with a staff of 54 run by three chiefs: the states' co-chairman, the federal co-chairman and the executive director. The states' co-chairman represents the 13 state governors and has a 50-percent vote on which projects are given federal funds. The other half goes to the federal co-chairman. Technically, this is the most powerful person in the 14-member ruling body, having veto power over any project. In practice, however, chairmen have rarely vetoed a project demanded by the governors.

Back in 1979, the General Accounting Office (GAO) criticized the ARC for continuing to make investments and approve "projects in metropolitan and urban areas that had already achieved a self-sustaining growth rate." But nothing has changed. Consider Knoxville, Tenn., in the home state of powerful Republican Howard Baker, the Senate Majority Leader from 1981 to 1985. Knox County has a per-capita income average of $14,810 and a minuscule 4.3-percent unemployment rate. Yet it benefits from $9 million in ARC largess for health, water and sewer projects. The ARC also gave $99,127 to the Knoxville College library and $374,000 to the University of Tennessee library.

Another ARC favorite is Huntsville, Ala., whose aerospace economy fuels a countywide per-capita income average of $16,418 and an unemployment rate of five percent. This is no poverty pocket. Nevertheless, the ARC recently forked over $370,000 for a Huntsville research park, $500,000 for the U.S. Space and Rocket Center tourist attraction and more than $1 million for improvements near the Huntsville airport.

Kings of the Road: Since the ARC was started, two-thirds of its funding has gone for roads. The original plan directed the ARC to build 2,350 miles at a cost of $840 million. But Congress added states to the original definition of Appalachia and authorized another 675 miles of highways. Seventy-three percent of all ARC roads authorized to date have been built. The ARC now estimates that the 26-highway system will cost nearly $9 billion and "cannot be completed until after the year 2060."

And who gets these highways? "The county-seat towns," observes historian Ron Eller of the University of Kentucky's Appalachia Center. "That's where the political power is strongest. Communities in central Appalachia—the more rural, the more impoverished—do not have the political clout."

Ironically, seven of the ten counties that have received the least ARC support are in the heart of central Appalachia. Owsley County, Kentucky, for example, with a per-capita income of $4513, is the nation's 12th poorest county. Yet it has received only $473,500 of ARC money since 1965, an average of $16,910 a year, and has not gotten a dime in ARC highway aid.

Meanwhile, the conference committee chaired by Rep. Tom Bevill, which sets the ARC's budget, has earmarked $80.2 million in ARC road funds for his state in the past three years.

Dead-End Voc Ed: The ARC has disbursed $389 million to build and equip 700 vocational facilities at 510 schools. Unfortunately, little of it fosters economic development in Appalachia.

In the 1970's ARC consultant Richard Powers warned that its voc-ed programs lacked local "job relevance." For example, the Hazard (Ky.) vocational school has received $191,082 to build a mock mine structure, where future coal miners can crawl around in a cramped, dirty underground environment. A similar structure, price tag $498,000, was built in Sumiton, Ala., at the Bevill State Community College.

The trouble with such voc-ed training is that mechanization and global competition have drastically reduced jobs in the coal industry. ARC's own statistics show that while production has increased from 1981 to 1991, the number of miners has plummeted from 172,000 to 89,000.

The GAO has criticized the ARC-sponsored programs, which train workers for jobs that do not exist in Appalachia, thus forcing them to leave the region to find permanent employment.

In the end, the voc-ed program is just another wildly expensive pork barrel. Thus, the Arch A. Moore vocational center in Leroy, W. VA., got $232,000 for equipment at the behest of its namesake, then the state's governor. The George C. Wallace State Community College in Cullman County, Alabama, snagged $960,000. Alabama's Gadsden State Community College came in for $50,700; it then named its manufacturing-technology center "The Bevill Center" for Rep. Tom Bevill. The school receiving the biggest chunk of ARC dollars, more than $4 million, is Itawamba Community College near Tupelo, in Rep. Jamie Whitten's Mississippi district.

Sure Flops. A 1966 study by Robert Nathan Associates warned the commission to stay away from tourism investments, explaining that the recreation industry is typically one of "low pay and a seasonal nature." But top ARC officials and state governors love these projects. So, for example, the ARC spent $877,000 to help develop a nine-hole public golf course near Charleston, W.Va.

Other ARC grants to encourage tourism have included:

$2.9 million for an access road serving the Montage ski resort in Lackawanna County, Pennsylvania. The county was forced to take over the resort when it faced a $9-million debt in 1991.

$28,823 for a "Limestone Cave Display" that became part of the Georgia Minerals Museum in Cartersville and $37,078 for preliminary design concepts for a "Kentucky Coal Mining Museum & Exhibition Mine," which was never developed.

$50,000 for the "Jamie L. Whitten Historical Center," which opened last August outside Tupelo, honoring one of the ARC's chief Congressional benefactors. Not many tourists have gone out of their way to ogle the "living memorial," which consists mainly of exhibits about federal projects Whitten has brought to his district.

Fourteen years ago, the GAO complained there was no yardstick for ARC success, no objective way to determine if the commission was even needed. "There are no constraints to prevent the Appalachian states from believing the program will go on indefinitely," the GAO said.

Indeed, the ARC's most remarkable achievement is its self-perpetuation. It was supposed to be terminated in 1971, but political pressure by Senators Howard Baker, Jennings Randolph, Robert Byrd and John C. Stennis caused President Nixon to extend it until 1975. President Ford took less persuasion to allow a four-year lease on life to 1979.

In a handwritten note on ARC's future, President Jimmy Carter, a former states' co-chairman, wrote: "In general, I consider regional commissions to be a waste of time and money." Still, in obeisance to the commission's powerful Congressional patrons, he kept it going.

The ARC's most serious fight for its life came in 1981, when President Ronald Reagan called for the abolition of everything except its highway program. In response, the commission's awesome bipartisan Congressional lobby—13 governors, 26 U.S. Senators and 60 members of the House of Representatives—along with an army of private citizens precipitated a massive letter-writing and phone-calling campaign asking Reagan not to end the program.

For the next seven years the battle was joined. Reagan would kill the commission, and Congress would resurrect it. After Reagan, President Bush was a pushover for the ARC. Immediately after his inauguration, the ARC took a renewed interest in adult-literacy programs throughout Appalachia—a pet project of Barbara Bush. The President's first budget proposed $50 million for the ARC; Congress pushed that to $190 million by 1992.

Now President Clinton continues the pork-barrel tradition. Despite his promise to reduce government spending, Clinton's new budget allocates $189 million to the ARC—a minuscule cut of $1 million.

In Inez, Ky., Tom Fletcher will not be affected one way or another. In the 29 years since Lyndon Johnson showed up on Fletcher's front porch, the ARC has dispensed only $515,800 to Martin County.

Now 67, Fletcher still lives in the same shack. None of his eight children ever got past the eighth grade. Unemployed for most of his life, he survives on his Social Security checks.

Things haven't changed much for him, nor for millions of others in Appalachia. "The ARC is a moldy piece of Great Society cheese," writes the Charleston (W.Va.) Daily Mail. It is time to abolish it. This country can no longer afford its wornout, misdirected programs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BOEHNER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 239, not voting 14, as follows:

[Roll No. 166]

AYES—184

Allard
Andrews (NJ)
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Brown (OH)
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sangmeister
Santorum
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Upton
Vucanovich
Walker
Weldon
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—239

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Beilenson
Bentley
Berman
Bevill
Bishop
Blute
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Byrne
Callahan
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans

Everett
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rogers
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Becerra
Blackwell
Dingell
Flake
Grandy
Hoagland
McDermott
Parker
Ridge
Sharp
Towns
Underwood (GU)
Washington
Whitten

□ 1316

The Clerk announced the following pair:

On this vote:

Mr. Grandy for, with Mr. Becerra against.

Mr. BARTLETT of Maryland changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MCDERMOTT. Mr. Chairman, during rollcall vote No. 166, an amendment on H.R. 2442, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: After section 129, add the following new section:

Sec. 130. The Administrator may, in consultation with and approval of other Federal agencies with jurisdiction over the matters involved, waive Federal regulations which interfere with economic development.

POINT OF ORDER

Mr. WISE. Mr. Chairman, I have a point of order.

Mr. CHAIRMAN. The gentleman will state his point of order.

Mr. WISE. Mr. Chairman, I raise a point of order against the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] as it violates clause 7 of rule XVI. That rule requires that amendments to the text be germane to the subject matter contained therein.

Mr. Chairman, the gentleman's amendment would require the Administrator of the Economic Development Administration to waive Federal regulations; that is, all Federal regulations such as the Clean Air Act, et cetera, and to do so in consultation with and approval of other Federal agencies.

There is nothing in the base text of the bill that speaks to this issue, Mr. Chairman, and, in addition, the amendment goes well beyond the scope of the bill and the current regulatory responsibilities of the Economic Development Administration.

As such, Mr. Chairman, the amendment is not germane to the base text, and I insist upon my point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] wish to be heard on his point of order?

Mr. WALKER. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, the bill before us is a very, very broad bill with regard to economic development going to the entire economy of the United States as described in the section of the bill delineating the coverage, and so in this case the coverage is very broad.

□ 1320

All this particular amendment does is to assure that the Administrator, in conjunction with other Federal agencies with jurisdiction over the matters involved, may waive Federal regulations that interfere with economic development. So it is only regulations; it does not change law in any way. It is all matters within the jurisdiction of the administration. It is within the Administrator's duties because it relates only to economic development, and "economic development" would be defined as the very broad-based issues that are raised in the original bill. So I believe that there is jurisdiction here.

Beyond that, under the amendment the Administrator could not act without the agreement of the other Federal agencies. So there is nothing in the amendment saying that something could be changed unless the other Federal agencies agreed with it. But what it would do is allow a one-stop shopping center in the Federal Government for those who have regulatory problems to get those regulatory problems waived.

So I do believe the amendment is germane, Mr. Chairman, and I urge the Chair to approve the offering of the amendment.

The CHAIRMAN. Does the gentleman from West Virginia [Mr. WISE] wish to be heard further on the point of order?

Mr. WISE. Yes, I do, Mr. Chairman.

To reply further, my subcommittee will be delighted to know that our jurisdiction goes to the entire economy of the United States. Actually, the bill itself goes only to the Economic Development Administration. The amendment goes well beyond the scope of this bill, affecting all Federal interests.

For the reasons I have stated both here and in my previous remarks, Mr. Chairman, I believe the amendment is not germane, and I insist further on my point of order.

The CHAIRMAN (Mr. TORRES). The Chair is prepared to rule on the point of order.

The Chair would state that the amendment seeks to accomplish the waiver of any Federal regulation promulgated under any Federal law which might have the effect of interfering with economic development. As such, the amendment may involve actions by agencies and change of regulations pursuant to laws not within the jurisdiction of the reporting committees and beyond the purview of the Economic Development Administration.

Therefore, the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer my amendment number 2.

The Clerk read as follows:

Amendment offered by Mr. WALKER: After Section 129, add the following new section:

SEC. 130. REGULATORY RELIEF.

The Administrator shall, upon petition from an entity impacted adversely by federal regulations on matters of economic development as described in this Act, notify the departments and agencies involved with promulgating and administering those regulations and suggest to those departments and agencies that regulations be waived which interfere with economic development. Nothing in this section shall affect the ability of the Administrator to carry out his duties otherwise provided by law.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, one of the things that really does get in the way of economic development in this country is the myriad of regulations that have been written at the Federal, State, and local level which take the power out of the hands of entrepreneurs to create an economy and create jobs.

This is an attempt in this amendment to assure that there is a place to come in the Federal Government to get some relief from Federal regulations. Essentially, this amendment does not go as far as the one that was just ruled out of order because it does not give the Administrator the ability to waive Federal regulations that are getting in the way of economic development. That would be preferable because it would be of tremendous help. Where there is an individual regulation that may have been written for all the right reasons and may have general applicability and be a good thing, but where the specific applicability of it is interfering with the ability to create jobs, then the Administrator would be able to waive that. This amendment does not go that far.

What it does do is it creates an advocate for regulatory relief within the Federal Government. At the present time there is no place where communities can come, where businesses can come, or where individuals can come within the Federal Government to seek to have regulatory relief.

With this amendment, we would create in the Office of the Administrator of EDA a place where you could get some help, because what this amendment says is, if you feel that regulations of the Federal Government are adversely impacting on your ability to create jobs or to pursue economic development, you can now come to the Administrator; you would petition him, and he would go to the individual agencies involved, notify them of your problem, and also suggest to them that the regulations which interfere with economic development be waived. So you have now created a place in Government of an advocate for economic development, and we would begin to weigh the two things, I think, on a more rational basis. Instead of simply having regulations out there that no one can get to, you would now have someone within the Government saying that the creation of jobs here is an important thing and, therefore, we ought to look at the regulatory impact that this individual or this entity has about the way the regulations are stopping economic development.

I think this provides at least a piece of regulatory relief. It does not get nearly as far as most of us would like to go, but it is a way of moving toward regulatory relief and assuring for the most time that we would have an advocate within the Government for stopping regulations which interfere with the ability to create jobs.

This is the kind of thing middle class America is looking for. Middle class America wants to be assured that their Government is not just creating laws and regulations that wipe out their ability to get jobs. In this case we will have created now an advocate for middle class America in terms of having the jobs created if Federal regulations have to be gotten out of the way in order for those jobs to be provided.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has offered here a very, very efficacious amendment, one that moved us in the right direction.

One of the complaints that I hear most often as people are contemplating economic development and as communities are contemplating economic development is about the very obstacles that the Federal Government itself presents. If this amendment, as I read it and understand it, will move us to a position where we will have an opportunity to at least talk about resolving some of the conflicts that the Feds present as we try to develop economically, this amendment will have rendered a very great service.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Missouri [Mr. EMERSON]. He helps make my point, because it is extremely important to recognize that if someone out in the country would have a complaint of regulatory problems, the Administrator under this amendment would have to go to bat for that person. So for the first time we would have an ability for the country to have some impact in Washington at the moment they ran into major regulatory problems.

Mr. Chairman, I think that is something that has been looked for by employers, whether they be public or private employers, across the country.

Ms. MOLINARI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just briefly like to rise in support of this amendment. In fact, there is strong precedent for this type of decisionmaking to proceed now on the Federal level.

I have right here a book that has been issued by the U.S. Department of Housing and Urban Development and the Department of Agriculture called "Building Communities Together, Empowerment Zones and Enterprise Communities Application Guide."

In fact, in one chapter it states under "Overcoming Federal Barriers" the following:

> A primary goal of this initiative is to review the commitment to cooperation among the Federal Government, States, and localities.
>
> To accomplish this goal we will work with all communities that have submitted a strategic plan for change, even if they do not receive Empowerment Zones or Enterprise Community designation.

The strategic point of this paragraph, though, reads as follows: "We will strive to overcome programmatic, regulatory, and statutory impediments to encourage more effective economic, human, physical, environmental, and community development activities."

So I think the gentleman's amendment relative to the Economic Development Agency is very consistent with movements that are taking place throughout the Federal Government, and I thank the gentleman for offering this very valuable amendment to plug a hole and initiate a very important discussion on the reauthorization of the EDA.

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this matter was presented to me just a short time ago. Upon reviewing the material contained in this second amendment offered by the gentleman from Pennsylvania [Mr. WALKER], I want to announce that our side has no objection, and I would ask that we move to a vote on the amendment. We will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 10, not voting 17, as follows:

[Roll No. 167]

AYES—410

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson

Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston

Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski

Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—10

Applegate
Engel
Foglietta
Frank (MA)
Gonzalez
McKinney
Nadler
Oberstar
Sabo
Stark

NOT VOTING—17

Barrett (WI)
Becerra
Blackwell
Cunningham
Dingell
Flake
Grandy
Hoagland
McDermott
Meek
Parker
Porter
Ridge
Sharp
Underwood (GU)
Washington
Whitten

□ 1350

Messrs. GIBBONS, LEVIN, and SWIFT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CUNNINGHAM. Mr. Chairman, I was unavoidably detained during rollcall vote No. 167 on the Walker amendment. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Chairman, during rollcall vote No. 167, an amendment on H.R. 2442, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. POMEROY. Mr. Chairman, I rise today to commend my colleagues on the Public Works and Banking Committees for their work on bringing this long awaited reauthorization legislation to the floor.

The Economic Development Administration has played an important role in diversifying North Dakota's economy. The regional planning councils in my State, which received EDA planning grants, have been crucial in coordinating economic development efforts. Communities with a low population density and a small tax base rely on the regional councils for their planning and technical expertise.

In addition, many successful projects have received EDA funding in North Dakota:

The expansion of Killdeer Mountain Manufacturing, a small family-owned manufacturing business. This expansion created jobs for an area suffering from the downturn in the oil industry in the late 1980's.

The construction of an industrial park offered the needed sewage and water services for a farmer-owned pasta company. EDA funding helped make an agriculture commodity into a processed product and further diversify my State's economy and created over 100 jobs.

While I support authorizing EDA, I have some strong reservations regarding the grant eligibility requirements. My State is mostly rural, sparsely populated and dependent on agriculture and the energy industry.

The economic downturns experienced in my State are not just one event like a plant closing. North Dakota's economy is affected by the weather and the price of oil. Our economic stress tends to be more gradual and widespread. I am concerned whether the criteria of major economic dislocation would apply to my State.

North Dakota's unemployment rate is historically lower than the national average because people leave the State in search of job opportunities. Consideration of unemployment figures only does not give sufficient weight to the economic effects of gradual outmigration.

I realize this bill allows grants for high outmigration as pockets of distress. Unfortunately, these pockets of distress are eligible to compete for only 35 percent of EDA's total appropriation. I am sure there are many other districts like mine which are in desperate need of EDA assistance but do not fit the distress criteria.

I call on the other body to make adjustments in these eligibility requirements. I cannot support final passage of this authorization if it does not recognize the diverse needs of rural America.

Mr. ROTH. Mr. Chairman, as we come to final passage, I urge my colleagues to vote for the bill.

While some excellent amendments were rejected, other amendments have strengthened and improved this legislation.

I especially commend to my colleagues the amendment that would make it easier for small businesses to utilize our federally paid-for research and development.

This amendment will not cost any new Federal money and, if Congress is vigilant, won't create any vast new bureaucracy.

We also voted on abolishing both the Economic Development Administration and the Appalachian Regional Commission.

The House clearly intends to continue these agencies under the reforms and other provisions of their reauthorization legislation.

Nevertheless, Congress must be vigilant in its oversight of the EDA and ARC.

We must be sure that reforms in targeting the funds and leveraging them with private, State, and local funds and efforts are, in fact, carried out.

Congress must ensure that the EDA defense conversion funds are utilized and expedited to the communities struggling with base closings.

The EDA and ARC must be made keenly aware that Congress in watching.

On behalf of the minority members of the Banking Committee, I thank my colleagues on the Public Works Committee for their cooperation in bringing this bill before the House.

The debate has been wide-ranging and enlightening.

I thank the majority members of both the Banking and Public Works Committee and their staff assistants for their cooperation and information during consideration of this bill.

While I have reservations about the ARC and other provisions, I urge my colleagues to vote for this amended legislation.

Ms. SNOWE. Mr. Chairman, I rise in support of the reauthorization of the Economic Development Administration [EDA]. EDA is an important agency that contributes significantly to economic growth and job expansion. Clearly, EDA fulfills a key function in providing State and local governments, nonprofit organizations, and public institutions with vital economic grants and technical assistance. This reauthorization is a demonstration of our commitment to see that EDA has the capacity to serve those who depend on its resources.

Over the years, EDA has proven to be a valuable source of economic assistance for regions all over the United States. EDA provided a total of $301.8 million in 1993 to various organizations across the country. This assistance was in the form of public works grants to public and private nonprofit organizations and technical grants and assistance to enable communities and firms find solutions to problems that inhibit economic growth.

EDA also provided planning grants to States, cities, districts, and Indian reservations and special economic adjustment assistance to help State and local governments solve recent and anticipated severe adjustment problems, including defense conversion assistance.

I know that my home State of Maine has benefited from EDA funding. Last year, EDA provided economic assistance for 12 projects in Maine totaling over $2.5 million. Some of these projects assisted with EDA funds include the expansion of the international and domestic arrivals terminals at Bangor International Airport and the Eastport cargo facilities. EDA assistance has helped finance Maine businesses and developed revolving loan fund programs, as well. In short, Maine, like many areas of the country, benefits tangibly from EDA resources.

Mr. Chairman, as we consider reauthorizing EDA for the first time since 1982, we cannot overlook its valuable contributions to communities all across this Nation. I am very much aware of the economic benefits for which EDA is responsible for in Maine. I hope my colleagues can see what EDA does for their States and districts and join me in supporting its reauthorization.

Miss COLLINS of Michigan. Mr. Chairman, I am pleased to support the bill extending the Economic Development Administration today and I strongly oppose efforts of some Members to eliminate or reduce EDA funding. Instead of debating the termination of EDA or reducing help to distressed communities, we should be celebrating the fact that the House is debating the issue. For 12 long years, economic development assistance for distressed communities was held hostage by administrations in Washington who had scant concern for the millions of jobless Americans in areas like Detroit.

For many communities, and especially for my home community of Detroit, EDA programs are as important today as they were in 1965 when the EDA was established. In my district, EDA grants support a number of economic development activities, including FOCUS: HOPE, a project which I recently visited with President Clinton that has been cited as a model for job retraining.

Some today are touting the economic recovery and cite the recovery as a reason for cutting or eliminating EDA programs. I say to those who promote this view, to those who see no need for EDA, "Come to Detroit. Come and see what the face of joblessness really looks like."

When the U.S. Postal Service advertised in Detroit that they were giving an exam to determine eligibility for future employment, 20,000 people waited in line all day in the freezing cold. Unemployment among African-Americans hovers at 19 percent, more than double that of others. As basic manufacturing jobs diminish and our economy becomes more high tech, African-Americans are becoming even more disadvantaged in the job market.

This is why I am shocked that we are even debating elimination of EDA funds. Efforts to reduce funding for economic development projects must be soundly rejected. I say to my colleagues who would eliminate funding, "The recession may be over in your district, but in mine it rages on."

This is no time to be cutting economic development funds. To the contrary, we need to be strengthening these programs until the economic recovery comes to every community. I am pleased that in the Public Works Committee we were able to put special emphasis on pockets of poverty within cities.

I have introduced legislation to dramatically increase funds to distressed communities for economic development, and I have introduced a bill to provide job training for the unemployed. I worked to create empowerment zones. I supported the school-to-work bill.

I invite every Member who would cut the EDA to visit Detroit, to talk to the people who want to work, to talk to those whose jobs are gone, to visit FOCUS: HOPE, and to see a city that needs this bill. If you did, I am sure you would agree that the EDA is not a Washington boondoggle. It can and does make a real difference in many communities.

I am working to pass this bill and I hope my colleagues will join me.

The CHAIRMAN. Are there further amendments to come before the committee?

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this moment to congratulate the chairman of the Subcommittee on Economic Development of the Committee on Public Works and Transportation, as well as the ranking Republican member, on the splendid work they have done in fashioning a bill that has brought together such broad bipartisan support, as EDA has done throughout its many years of functioning and successful operation.

I especially take this time to note the impending retirement of the chief counsel of the Subcommittee on Economic Development, Carl Lorenz. Carl has served the Committee on Public Works and Transportation for well over 25 years. We first became acquainted when he came on board the committee staff as a junior attorney, and I was the administrator of the staff of the Committee on Public Works and Transportation, coming here from Baltimore, having worked with the former chairman, George Fallon, and then under John Blatnik's leadership as chairman of that subcommittee, and years later I transformed from a staff member to a Member of Congress and Carl and I worked together when I chaired the Subcommittee on Economic Development.

Carl epitomizes for all of my colleagues, I say, in the House, who know the splendid work and support that we have from our staff, he epitomizes the professionalism, the dedication to duty, the carrying out of policy that is set by the Chair and by the members of the committee. He has never blurred that distinction.

Carl has always served the committee to the highest degree of his ability, and given 110 percent. Many are the long hours in the evening and the long Saturdays and Sundays that he dedicated to his commitment to his career service of economic development.

Carl, we will miss you greatly. I shall miss a friend, and I shall miss a colleague and a professional of the highest order. Congratulations on a job and a career truly superbly undertaken.

Mr. MINETA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, just as the very distinguished gentleman from Minnesota [Mr. OBERSTAR] who just preceded me has served long and well on the Committee on Public Works and Transportation, both as a former staff member and now as a very distinguished Member of the Congress, I would like to take this time to recognize and congratulate also Mr. Carl Lorenz, who is the counsel and staff director of our Committee on Economic Development.

Members may have noticed an extra lightness in Carl's step, or caught him whistling a tune. It is for good reason. Carl has decided to shed the pressures of Capitol Hill and retire after a long and distinguished career in government. Having joined the Committee on Public Works and Transportation in 1962, Carl served originally as associate counsel to our Subcommittee on Federal Aid Highway Programs before moving on to Economic Development. He has since labored to protect and promote the ideals and practical necessities of developing our Nation's infrastructure.

Carl has been a valued member of the Public Works team and a special friend to us all. On behalf of the members and staff of the committee, I wish Carl and his wife Nancy a happy and healthy retirement, which I am sure will include many hours at his beach house. Mr. chairman, after 32 years of government service, it is richly deserved.

Mr. Chairman, we all wish Carl good health and Godspeed.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

☐ 1354

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BONIOR] having assumed the chair, Mr. TORRES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2442) to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the Act to improve the authority of the

Secretary of Commerce to administer grant programs, and for other purposes, pursuant to House Resolution 420, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WISE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 328, noes 89, not voting 15, as follows:

[Roll No. 168]

AYES—328

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Green
Greenwood
Gunderson
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—89

Allard
Andrews (NJ)
Archer
Armey
Baker (LA)
Ballenger
Barrett (NE)
Barton
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Burton
Castle
Coble
Combest
Cox
Crane
Crapo
DeLay
Doolittle
Dornan
Dreier
Duncan
Ehlers
Fawell
Fields (TX)
Gekas
Gilchrest
Gingrich
Goss
Grams
Hall (TX)
Hancock
Hastert
Hefley
Hobson
Hoke
Hunter
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Levy
Lewis (CA)
Lewis (FL)
Mann
Manzullo
McCandless
McCollum
McInnis
McKeon
McMillan
Michel
Miller (FL)
Moorhead
Myers
Nussle
Oxley
Paxon
Penny
Petri
Portman
Pryce (OH)
Ramstad
Roberts
Rohrabacher
Royce
Schaefer
Sensenbrenner
Smith (MI)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Talent
Thomas (WY)
Walker
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Becerra
Blackwell
Flake
Grandy
Gutierrez
Hansen
Hoagland
Johnson, E. B.
Lewis (GA)
Parker
Pastor
Porter
Ridge
Sharp
Whitten

□ 1418

The Clerk announced the following pair:

On this vote:

Mr. Hoagland for, with Mr. Porter against.

Mr. CARR of Michigan and Mr. BACHUS of Alabama changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to reauthorize economic development programs under the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 for fiscal years 1994 through 1996, and for other purposes.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, during rollcall vote No. 168 on H.R. 2442, I was unavoidably detained. Had I been present I would have voted "yes."

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, during rollcall vote No. 168 on H.R. 2442 I was unavoidably detained. Had I been present I would have voted "yea."

GENERAL LEAVE

Mr. WISE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. BONIOR). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3841, INTERSTATE BANKING EFFICIENCY ACT OF 1994

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3841) to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Banking, Finance and Urban Affairs, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. GONZALEZ, NEAL of North Carolina, LAFALCE, VENTO, SCHUMER, FRANK of Massachusetts, KANJORSKI, KENNEDY, LEACH, and MCCOLLUM, Mrs. ROUKEMA, Mr. BEREUTER, and Mr. RIDGE.

As additional conferees from the Committee on Agriculture, for consideration of section 109 of the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, STENHOLM, VOLKMER, PENNY, JOHNSON of South Dakota, ROBERTS, COMBEST, and ALLARD.

As additional conferees from the Committee on Foreign Affairs, for consideration of section 402 of the Senate amendment, and modifications committed to conference: Messrs. HAMILTON, GEJDENSON, and GILMAN.

As additional conferees from the Committee on the Judiciary, for consideration of sections 101–03 of the House bill, and title II and sections 102–03 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, HUGHES, GLICKMAN, BOUCHER, BRYANT, FISH, CANADY, and GOODLATTE.

There was no objection.

☐ 1420

SOCIAL SECURITY ACT AMENDMENTS OF 1994

The SPEAKER pro tempore (Mr. BONIOR). The unfinished business is the question of suspending the rules and passing the bill, H.R. 4278.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4278, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12, as follows:

[Roll No. 169]

YEAS—420

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Becerra
Blackwell
Flake
Grandy
Gutierrez
Hoagland
Lewis (GA)
Parker
Porter
Ridge
Sharp
Whitten

☐ 1442

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2473, THE MONTANA WILDERNESS ACT OF 1994

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 423 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 423

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2473) to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed ninety minutes, with sixty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SERRANO). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 423 is an open rule which provides for the consideration of H.R. 2473, the Montana Wilderness Act.

The rule provides for 90 minutes of general debate; 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Natural Resources Committee, 15 minutes to be equally divided and controlled by the chairman and ranking minority member of the Agriculture Committee, and 15 minutes to be equally divided and controlled by the chairman and ranking minority member of the Merchant Marine and Fisheries Committee.

The rule waives clause 2(l)(6) of rule XI—which requires a 3-day layover of legislation reported from committee—against consideration of the bill.

The rule makes in order the Natural Resources Committee amendment in the nature of substitute now printed in the bill as an original bill for the purposes of amendment, with each section considered as read.

The rule also waives clause 5(A) of rule XXI—which prohibits appropriations in a legislative bill—against the committee substitute.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, since 1983, 10 pieces of legislation have been introduced making various wilderness designations in Montana, and numerous hearings have been held in the House and the Senate. Congress passed one of the bills in the 100th Congress, but it was pocket vetoed.

H.R. 2473 adds nearly 1.7 million acres to the 3.4 million acres currently protected as wilderness in Montana and sets aside an additional 375,000 acres as wilderness study areas.

Approximately 240,000 acres are set aside for special management by the Forest Service, and 3.2 million acres will be released from wilderness protection for logging, mining, oil drilling and road construction.

I want to commend Chairman GEORGE MILLER and subcommittee Chairman BRUCE VENTO along with Congressman PAT WILLIAMS for their hard work. If it were not for their dedication to the substance of the bill and their legislative ability, this legislation would not be before the House today.

Mr. Speaker, this is an open rule. I encourage my colleagues to adopt the resolution.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

☐ 1450

Mr. Speaker, I want to commend the gentleman from California [Mr. MILLER], chairman of the Committee on Natural Resources, for requesting an open rule on this bill, calling for an open amendment process. I like to refer to him as Mr. Open Rule for his unbroken streak of open rule requests. It is unfortunate, however, that streak apparently is going to come to an abrupt end next week when we bring up the California Desert Protection Act.

The request of the gentleman from California [Mr. MILLER], notwithstanding, I oppose this rule because it waives clause 2(l)(6) of rule XI requiring a 3-day layover so Members have an opportunity to review the bill before it is considered.

The Committee on Natural Resources filed its report on H.R. 2473 on April 28, but the Committee on Agriculture, very ably chaired by our friend, the gentleman from Texas [Mr. DE LA GARZA], which also had jurisdiction over the bill, did not file its report until May 10, just 2 days ago, and a printed copy was not available until yesterday.

It is important to note that the bill reported by the Committee on Agriculture is different than the one reported by the Committee on Natural Resources. In addition, whereas the Committee on Natural Resources bill was reported by a voice vote, the Committee on Agriculture bill was reported by a very narrow 22 to 19 margin. While the Committee on Agriculture bill is not the text that the House bill will consider for amendment, Members deserve an opportunity to compare the two bills and understand why there was such strong opposition in the Committee on Agriculture.

Mr. Speaker, it is very important that the 3-day layover rule be followed, particularly on this legislation, because it raises a number of very complicated private property rights questions. For this reason, Mr. Speaker, I urge a no vote on the rule.

Mr. Speaker, for the RECORD, I include some statistics on open versus restrictive rules in the 95th through 103d Congresses, as well as the roll call votes on this rule in the Committee on Rules.

ROLLCALL VOTES IN THE RULES COMMITTEE ON THE RULE FOR MONTANA WILDERNESS ACT (H.R. 2473), WEDNESDAY, MAY 11, 1994

1. Strike three-day layover waiver—Motion to strike waiver of clause 2(l)(6) of rule XI (three-day layover requirement for committee reports. Rejected: 3-4. Yeas: SOLOMON, QUILLEN, and DREIER. Nays: MOAKLEY, DERRICK, BEILENSON, and GORDON. Not voting: FROST, BONIOR, HALL, WHEAT, SLAUGHTER, and GOSS.

2. Report rule—Motion or order rule reported as moved. Adopted: 4-3. Yeas: MOAKELY, DERRICK, BEILENSON and GORDON. Nays: SOLOMON, QUILLEN, and DREIER. Not voting: FROST, BONIOR, HALL, WHEAT, SLAUGHTER, and GOSS.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	64	14	22	50	78

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 12, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Agriculture reported H.R. 2473 on April 28, 1994, and filed the report on May 10, 1994. The bill was reported out of the Committee on Agriculture without amendment. The committee report consisted of 11 pages, including additional minority reviews. The report was available to the membership yesterday.

Mr. Speaker, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the Committee on Rules, the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Merchant Marine and Fisheries for bringing this bill before us today. The Montana wilderness bill has been under consideration in every Congress since 1986, and with no resolution. So I have begun this process in this Congress with determination, but also with patience, and frustration.

I began this process 16 years ago because I believed that this consideration is critically important. Our Federal land managers believe it is critical to the future management of the public land in Montana. Our resource dependent industries, timber and mining, cry out for a resolution and management certainty. Our State's public and our State's private game managers believe it is important if we are to continue our world class quality hunting in Montana without resorting to a lottery.

The citizens in our local communities are demanding, insisting, for an end to the 16 years of controversy and disagreement.

With this bill, I have introduced five pieces of legislation specifically addressing the remaining RARE II wilderness designations in Montana. This is the 15th piece of legislation introduced by some Member or other of the Montana delegation on this issue. If this bill is fortunate enough to move through the House of Representatives, it will be the sixth time this House of Representatives has passed legislation, and once both the House and Senate passed the same legislation, and it was vetoed, tragically, by former President Reagan.

The statistics of consideration are impressive by any legislative standards in the history of this country. Fifteen pieces of legislation introduced over 16 years. This issue has been the subject of 50 congressional hearings. We have had 235 hours of direct testimony. The Congress has 20 volumes of printed hearing records on this issue. We have testimony from many hundreds of Montanans. We have testimony from dozens of Montana organizations. And, by the way, the other day I counted, these organizations have claimed in total to represent citizens of Montana who double the actual number of people living in our State.

My colleagues, Montanans and Americans have waited long enough. This is a good bill. This is a bill about the public lands, and the bill was made in Montana. It enjoys the support, almost overwhelming support, of the members of the three committees to which it was referred. I am pleased again with the members of the Committee on Rules, who have brought this bill out on the floor with an open rule.

I want to say, finally, that I requested an open rule on this bill. I want openness on this bill. And heaven knows, that after 16 years and two-hundred-plus hour of direct testimony, after multiple considerations in both the House and Senate, this wilderness consideration process has been as open, if not more open, in fact more open, than any that has come before the Congress in its long history. And I am pleased that the Committee on Rules is again today asking for an open rule, so that all Members are protected in their attempt to make whatever changes they desire in my legislation.

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO], the chairman of the Subcommittee on National Parks, Forests, and Public Lands, that shepherded this bill to the floor.

Mr. VENTO. Mr. Speaker, I rise in support of the rule offered by our friend and colleague, the gentleman from Tennessee [Mr. GORDON]. I think this is a fair rule. The primary jurisdiction for wilderness designations is with the Committee on Natural Resources. We have worked in a deliberate manner with open hearings on the issue and dealing with a significant classification of these wild lands in Montana. There are nearly 6 million acres of national forest roadless lands in the Great State of Montana, the Great Sky Country.

The rule makes the Committee on Natural Resources version of H.R. 2473 the vehicle for floor action. This is appropriate. As I say, we have the jurisdiction over these Western wilderness designations. We share some jurisdiction with the Committee on Agriculture simply on the manner in which the lands that are not declared wilderness will be released. The Committee on Agriculture reported the bill as introduced and did not make the modifications in the release language, as we call it, that is, the language that directs the management of the remaining lands in this area that are not designated as wilderness.

I think we have crafted a good alternative here, and commend it to Members. Obviously there has been some concern expressed how long the report from the Committee on Agriculture has been available, but really the basic changes have been before the body for a long time. They will have further time to review this before we take up the measure on general debate and under an open rule next Tuesday. So I think any type of concern about that should be allayed on that basis.

We are moving deliberately and hopefully conclusively on the important issue of Montana wilderness, something that has been waiting for over a dozen years, as my colleague said. So I urge the support of Members for the rule, and thank the gentleman for yielding time.

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER], the chairman of the full Committee on Natural Resources.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, once again the Natural Resources Committee is bringing before the House a statewide, national forest wilderness bill and once again that State is Montana. As before, the committee presents a bill that meets our obligation to protect the remnants of the magnificent wilderness that is at the heart of our natural heritage, while fairly and responsibly recognizing the legitimate interests and concerns of local residents.

For more than a decade, it has been the House and the House Natural Resources Committee that has set the standard for achieving that kind of balance. When all the dust of competing proposals and amendments has settled, the record will show that the wilderness designations and the management provisions crafted by the House and the Natural Resources Committee have been the basis for laws signed by both Republican and Democratic Presidents.

Once again today, you will hear this bill attacked from the left and from the right. You will hear that the bill locks up too many resources and that it violates Montana's rights to control its water. But as the gentleman from Montana [Mr. WILLIAMS] will tell you, we have worked long and hard with Montanans to draw the boundaries and select the wilderness areas that meet their concerns. At the same time, the release and water rights language are consistent with positions that the House has taken often and rightly so, and is so doing repeatedly and without exception rejecting amendments to weaken them.

From the other side, you will hear that the Interior Committee bill is inadequate, even that it is a sell-out of Montana's remaining wildlands. I sympathize and share concern with those who have watched our forests mismanaged, our old growth cut down and our wilderness roaded and who warn that we have a real crisis on our hands. They are right.

But to characterize the Natural Resources Committee bill as anything less than a strong statement for protection of Montana wilderness is just plain wrong. In 1979, the Forest Service completed its review of almost 6 million acres of roadless lands in Montana. It recommended 900,000 acres for wilderness. Since that day, those 900,000 acres have been managed as wilderness and the rest—more than 5 million acres—have been managed for multiple use under forest plans. Today, the committee bill proposes that every one of those 900,000 acres, plus another 2 million acres, be placed in wilderness or similar land management categories. In other words, every acre of Montana forests that have been managed as wilderness will continue to be so managed and another 2 million acres that have been managed for multiple use will be managed as wilderness. No lands receive a lesser standard of protection than they have today. Rarely has the committee been able to say this about any wilderness bill.

Despite all the criticism, Mr. Speaker, I know that any honest and dispassionate analysis would conclude that this bill is cut from the same cloth as Forest Service wilderness bills—now law—for Washington and Oregon, for California, for Arizona and New Mexico, for Utah, Nevada, Colorado and Wyoming and many other States. They are all bills that sprung from this House and they are all laws of which this Congress and this Nation are justifiably proud. If anything, the many years of hard labor by Mr. WILLIAMS and Mr. VENTO have made this a superior bill.

The House has a responsibility to exercise its own considered judgement with regard to which areas should be designated wilderness, how the Federal rights to protect wilderness water resources should be exercised and how lands not designated should be managed.

But I am confident that the Natural Resources Committee has done so in a responsible and reasonable manner under extremely difficult circumstances and I urge my colleagues to support it.

☐ 1500

Mr. DREIER. Mr. Speaker, I urge a "no" vote on this rule, the reason being that this violates the 3-day layover provisions. All Members should have an opportunity to carefully consider this measure before we proceed. I hope that my colleagues will join me in voting against the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just remind the Members of two things: First of all, this is an open rule. Second, although we are passing the rule today, we will not be taking up this legislation until next Tuesday. There is plenty of time for Members to consider this bill, particularly keeping in mind that this has been before us for 16 years. I think it is time we move forward, move forward with an open rule.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2000, HUMAN SERVICES AMENDMENTS OF 1994

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 421 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 421

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 2000) to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore (Mr. SERRANO). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN] for purposes of debate only, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 421 is the rule providing for the consideration of the conference report on S. 2000, the Human Services Amendments of 1994. The rule waives all points of order against the conference report and against its consideration. Because there are several amendments that were agreed to by House and Senate conferees, but are technically outside of the scope of the conference, it was necessary to waive points of order. This rule will allow us to bring this important legislation to the floor.

Mr. Speaker, the agreements reached on the human services legislation pertain to critical issues that directly affect the lives of millions of children, low-income citizens and families having difficulty making ends meet. The measure reauthorizes the Head Start Program through fiscal year 1998. I have personally visited many Head Start Programs in my home town of Dayton, OH, and I am impressed with the opportunity the program gives to our children at an early age. Included in this measure are provisions to create a new infant and toddler initiative for children up to age 3.

The legislation also reauthorizes the Low Income Home Energy Assistance Program [LIHEAP] through fiscal year 1999. This program helps families pay their energy bills in the winter which is especially important in cold States like Ohio. It targets households with low incomes and high heating costs. Many other worthwhile antipoverty programs are funded in this initiative including the Community Food and Nutrition Program, the Community Services Block Grant, the McKinney Homeless Grant Program, and the National Youth Sports Program.

Mr. Speaker, this conference report is a carefully crafted compromise. I urge my colleagues to join me in adopting the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Ohio [Mr. HALL] has described, this rule provides for the consideration of the conference report on S. 2000, which reauthorizes the Head Start Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Program. I am a strong supporter of all of these programs, and I support the conference report.

It has become so customary to grant a rule waiving all points of order against conference reports that the House just accepts this process as noncontroversial and routine. Even those of us who do not particularly support these blanket waivers have allowed these rules to be debated and adopted without putting up much of a fight. But not this time, Mr. Speaker, I urge my colleagues to vote against this rule.

The rule waives all points of order, but it does not specify which rules are being waived and for what purpose. We discussed this matter at some length in the Rules Committee yesterday, and we know that there are scope violations in the conference report. A list of those violations was provided to us, and we understand that the conferees all agreed to these provisions. So there is an obvious need for a waiver of clause 3 of rule 28 to protect these scope violations.

No member of the Rules Committee seemed to be aware of any other rules violation, and the minority members of the committee wanted to know why it was necessary to waive all points of order. The response was something along the lines of "just in case there's something in the conference report that we don't know about that needs protection." That is not a direct quote, Mr. Speaker, but I think it accurately describes the answer we were given.

The Rules Committee and the Committees of jurisdiction of any legislation that comes to this floor have an obligation to make sure all Members are aware of any rules violations contained in any bill or conference report.

An amendment was offered in the Rules Committee to waive only the scope rule, but it was defeated on a party-line vote and the rule was adopted on a party line vote.

Mr. Speaker, I have said over and over again that we need to put a stop to this trend of granting blanket waivers. Let us stop it today, I strongly urge my colleagues to vote down this rule.

Mr. Speaker, I include for the RECORD the following information:

ROLL CALL VOTES IN THE RULES COMMITTEE ON THE RULE FOR HUMAN SERVICES ACT CONFERENCE REPORT (S. 2000), WEDNESDAY, MAY 11, 1994

1. Specify Rule Waivers—Motion to strike the waiver of all points of order against the conference report and its consideration and substitute a specific waiver only of clause 3, rule XXVIII (the scope rule). Rejected: 3-4. Yeas: Solomon, Quillen, and Dreier. Nays: Moakley, Derrick, Beilenson, and Gordon. Not voting: Frost, Bonior, Hall, Wheat, Slaughter, and Goss.

2. Report Role—Motion to order rule reported as moved. Adopted: 4-3. Yeas: Moakley, Derrick, Beilenson, and Gordon. Nays: Solomon, Quillen, and Dreier. Not Voting: Frost, Bonior, Hall, Wheat, Slaughter, and Goss.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, a lot of us do not support rules that are not open, but I would like to speak on behalf of Head Start.

As an original cosponsor of the Head Start Quality Improvement Act, I am very happy to see that most of those recommendations went into the Head Start reauthorization within the Committee on Education and Labor.

I am pleased to see an increase in the recognition of the crucial role that parents play in the education and development of their children, and most of us have seen that any school program that works enforces the involvement of parents.

☐ 1510

We would like to see stronger language to enforce that parents take part in this, but at least the bill is going in the right direction.

Second, this bill requires programs to actively seek parental participation, and while I would like to see even stronger language regarding the parental involvement in Head Start programs, the language addressing family literacy and parental skills training takes the right direction. It is important to recognize and establish parents as their children's primary teachers.

Raising the quality of all Head Start programs throughout the country has long been a concern, and I am pleased to see the strengthened program accountability, and that is a strange word around this body, but believe it or not, this Head Start program enforces accountability for providing high-quality services included in this reauthorization.

The key to a successful Head Start program is ensuring quality over quantity. We should serve as many eligible children as possible with the highest quality services possible, instead of just striving to serve all eligible children with mediocre or poor services. If we look at parental involvement, accountability, and the quality of the program, that is what we need to support in a program.

I would also like to state, Mr. Speaker, that both this program, children's immunization, and other things belong in the committee itself, where we have a budget to work with budget-agreed caps. They do not belong on emergency spending bills. I am happy to see this come out of the committee with hearings and support to make it a good bill.

Mr. Chairman, I do not support everything in the bill, but it is a good bill, and I ask support from my colleagues.

Mr. QUILLEN. Mr. Speaker, I urge a no vote on the rule. I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FORD of Michigan. Mr. Speaker, pursuant to the rule, I call up the conference report on the Senate bill (S. 2000) to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, May 9, 1994, at page H. 3159).

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes, and the gentlewoman from New York [Ms. MOLINARI] will be recognized for 30 minutes.

The Chair recognizes the gentlemen from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on February 10, 1994, H.R. 3842—to reauthorize the Head Start program for another 4 years—was introduced in the House of Representatives. The bill has cosponsors from both sides of the aisle. Measures to reauthorize the Community Services Block Grant Program [CSBG] (H.R. 4084) and the Low Income Home Energy Assistance Program [LIHEAP] (H.R. 4085) were introduced shortly thereafter. The bills were eventually merged into a single measure (H.R. 4250).

In 3 short months from the day the Head Start reauthorization bill was first introduced, hearings on the legislation were completed, the Committee on Education and Labor amended and reported the bill, the House of Representatives overwhelmingly approved the bill, and today I am pleased to bring back to the House of Representatives the conference report on the Human Services Amendments of 1994. The Senate passed the conference report last night by a vote of 98 to 1.

The speed with which this legislation has progressed through the Congress is a testament to the vitality of the Head Start program and is an affirmation of the ability of Republicans and Democrats to work together for the sake of improving the lives of young children and their parents living in poverty in this country.

I am indeed honored that in my last year serving in the U.S. Congress I will have had the opportunity to help extend the Head Start program into the 21st century. For it was 29 years ago, within the first few months of my first term as a freshman Member of Congress, that I heard President Lyndon Johnson speak these words at a Rose Garden ceremony:

> Today we are able to announce that we will have open, and we believe operating this summer coast-to-coast, some 2,000 child development centers serving as many as possibly a half million children.
>
> This means that nearly half the preschool children of poverty will get a head start on their future. These children will receive preschool training to prepare them for regular school in September. They will get medical and dental attention that they badly need and their parents will receive counseling on improving the home environment.
>
> This is a most remarkable accomplishment and it has been done in a very short time. It would not be possible except for the willing and the enthusiastic cooperation of Americans throughout the country.
>
> Five and six year old children are inheritors of poverty's curse and not its creators. Unless we act, these children will pass it on to the next generation, like a family birthmark.

In the 29 years since its inception, Head Start has provided hope and support to more than 13 million low-income families. It has become our country's premier child care model, offering health, nutrition, education, mental, and social services to poor children and their families in each and every county in the Nation. It has grown from a $350 million summer initiative to a year-round program funded at $3.3 billion serving approximately 750,000 children and their families. The wisdom in which Head Start was conceived enables this program to endure. It continues to enjoy broad bipartisan support and is just as viable today as it was some 30 years ago.

Yet, the world of Head Start today is drastically different than it was 30 years ago. Children are faced with challenges and influences which affect their development at an earlier age. Families suffering from homelessness, substance abuse, unemployment, and lack of education and training hold little promise for children born into poverty through no fault of their own.

Head Start today, as it was 30 years ago, is a beacon of hope for children in poverty and their families. Community-based, community-governed, community- and family-responsive Head Start programs afford comprehensive services to children and their low-income families in the place of futility.

The conference report to S. 2000 builds upon the successes of Head Start, responds to its critics, and extends the Head Start Program for another 4 years. The bill incorporates improvements to respond to the changing needs of children and their families as recommended by Secretary Shalala's Advisory Committee on Head Start Quality and Expansion. I would like to highlight several of these improvements.

For the first time, Head Start programs will be required to coordinate with local schools. The provisions complement similar language incorporated into H.R. 6, a bill to reauthorize the Elementary and Secondary Education Act programs, approved by the House of Representatives on March 24.

The bill retains the 1990 statutory requirement that 25 percent of all Head Start funds be used to improve the quality of existing programs, such as ensuring sufficient staffing and ensuring adequate compensation of Head Start staff.

The legislation establishes a new initiative to extend Head Start type services to children from birth to 3 and their families.

The bill permits Head Start programs, for the first time, to construct their own facilities where the Secretary determines suitable facilities are not otherwise available or where construction would be more cost-effective than purchase or renovation.

This conference report does more than reauthorize Head Start—it also renews our commitment to a number of worthy programs addressing the needs of individuals living in poverty.

The conference report reauthorizes the Community Services Block Grant Act through fiscal year 1998. Since its creation in 1981 as a continuation of work begun in the Office of Economic Opportunity, CSBG funds have been used to leverage other resources to operate programs addressing the problems caused by poverty and providing advocacy services for the poor.

The conference report also continues through fiscal year 1999, the Low-Income Home Energy Assistance Program [LIHEAP]—an initiative of particular importance to low-income individuals who find their lives threatened by harsh weather. Recent budget cuts have caused a fall-off in the number of households served to the point where today only one-quarter of the eligible households are able to participate in the program. The action we take today is intended to sustain the program and provide a suitable response to critical life-threatening situations which have far too often resulted in injury or death.

Finally, the conference report consolidates several existing programs into an expanded community-based family resource program which will help build networks of comprehensive family resource centers and services and promote a systematic approach to prevention.

The conference report represents a significant effort to maintain bipartisan support for social service programs which answer critical needs of American families and communities.

I am proud to have chaired the House conferees in this effort and congratulate Chairman MARTINEZ on his good work and applaud all of the House conferees who signed the conference report—Mr. KILDEE, Mr. OWENS, Mr. ANDREWS of New Jersey, Mr. SCOTT, Ms. WOOLSEY, Mr. ROMERO-BARCELÓ, Mr. BAESLER, Mr. GOODLING, Ms. MOLINARI, Mr. BARRETT, and Mr. CASTLE—and their respective staffs for the collegial effort which has brought us here today. I also thank Chairman DINGELL and Energy and Power Subcommittee Chairman SHARP and Members from both parties on the Committee on Energy and Commerce for their cooperation in this effort.

In closing, I congratulate President Clinton for his vision, Secretary Shalala for her determination, and the staff of the Department of Health and Human Services for their hard work in what I view as an unprecedented effort to forge a truly bipartisan product renewing these important human service programs.

I would also like to thank our Senate counterparts for their cooperation and commitment in this endeavor. Senator KENNEDY, Senator DODD, Senator KASSEBAUM, and Senator COATS offered bipartisan cooperation without which we could not have achieved this great success.

Mr. Speaker, I urge my colleagues to join me in supporting this conference agreement on these important human services programs and creating a 21st century Head Start.

Mr. Speaker, I reserve the balance of my time.

Ms. MOLINARI. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Education and Labor, for his kind remarks. It has been a tremendous opportunity to work alongside him on the committee, equally as it has been to work with the ranking Republican, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I rise in support of the conference report accompanying S. 2000, the Human Services Amendments of 1994. This important legislation contains separate reauthorization for Head Start, CSBG, LIHEAP, and other programs.

The Human Services Amendments of 1994 is the product of lengthy negotiations, the early stages of which actually began over a year ago. While the conference report is not a perfect bill, is contains important provisions of which I am particularly proud, provisions which I believe move these programs in the right direction.

First of all, Mr. Speaker, contained in title I, which reauthorizes Head Start, are several mechanisms which will improve the quality of services provided to needy children under the Head Start program. Many of these ideas we had incorporated in the Goodling-Molinari-Kassebaum Head Start Quality Improvement Act.

As I have been saying for many years, we have to ask ourselves the question, when we say we need more money to cover more children, we have to ask the question, "To cover them with what? The answer has to be "to cover them with excellence."

□ 1520

Since the beginning of Head Start, Congress has spent over $27 billion of taxpayers' money to fund the program. Our reports thus far are not the most glowing reports in relationship to how long these benefits last. It is our hope that with this reauthorization, the answer will be they will last a lifetime. It is not enough for us just to fund more Head Start programs and serve greater numbers of children. We have to be confident that the services provided produce measurable improvements for these children. For Head Start programs to make a positive impact on children's lives, the programs must provide the highest quality services possible. The improvements we have included in the legislation move Head Start in the direction of greater and more consistent quality and excellence.

Mr. Speaker, also contained in the Head Start section of the bill are provisions to improve parental involvement in Head Start. These programs will now offer all Head Start parents the opportunity to participate in family literacy programs and parenting skills training. It took this country an awful long time, and I do not understand why, to understand that the only way we will be successful is if we deal with the entire family. Family literacy now is the program that is going to get us where we want to go and, that is, to make sure that not only all children are literate and have the best skills possible but also their parents have the same.

Mr. Speaker, the bill we are considering today includes a provision requiring Head Start programs to coordinate their services with the Even Start program. This provision matches up nicely with the same kind of coordination requirements that we already put in the Even Start law.

All of these changes strengthen the Head Start program and bring needed accountability to a program that potentially can offer so much more to the future of disadvantaged children.

Mr. Speaker, I do have some concerns about an addition by our Members in the other body where they get into the business of having prevailing wages for construction workers. I get concerned simply because we do not seem to have enough money at the present time to give quality programs to these children that are eligible and if we spread it thinner and we get into the business of how much somebody might spend on construction, now, some will argue, "Well, the rent they save will somehow or other make up for this." I would question that seriously.

Mr. Speaker, in the reauthorization of LIHEAP, the Low Income Home Energy Assistance Program, I am pleased that the conferees maintained House language that sends a strong bipartisan message to the administration regarding the importance of this program and that Congress is unwilling to accept the funding cuts the administration has requested.

Mr. Speaker, I am also pleased that the conferees dropped the unnecessary program performance goals and measurements in the House bill and maintained the existing prohibition against the Secretary issuing program regulations for LIHEAP. Each State participating in the LIHEAP programs is very unique geographically, demographically, and in its governance structure. The conferees have recognized that States need continued flexibility to ensure that energy assistance is distributed in the method that makes the most sense for each individual State.

Mr. Speaker, in the Community Service Block Grant Program, conferees also avoided giving the Secretary unfettered regulatory authority, although they did allow the Secretary to prescribe procedures for the States to determine the effectiveness of CSBG programs.

Mr. Speaker, I want to thank all on both sides of the aisle. I am particularly pleased that our retiring chairman has an opportunity to play a leading role in making sure that Head Start programs in the future will be even better than they have been in the past, and that his grandchildren and great grandchildren may also benefit greatly from these early childhood programs that we are putting forth and in which we are improving the quality.

Mr. Speaker, I also want to thank the gentleman from North Carolina [Mr. BALLENGER], the gentleman from California [Mr. MARTINEZ], the gentlewoman from New York [Ms. MOLINARI], and the staffs on both sides, and also the relationship we had with the other body, because I think in working together we have truly produced not a perfect bill, we have never produced one of those, but a bill that will go a long way to improve all of these programs in which the Federal Government has some responsibility.

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding to the gentleman from California, the subcommittee chairman, it should be noted that we owe a debt of gratitude to the Committee on Energy and Commerce and particularly to the gentleman from Michigan [Mr. DINGELL], the chairman of that committee, for their cooperation in being able to work out the low income energy assistance portion of the bill and include it in a single package.

Mr. Speaker, it should be noted that building on the experience we had last winter when we had record cold spells and periods of cold in the United States and a great deal of suffering as a result thereof, this bill carries forward a $600 million a year emergency authorization that will be there, available for appropriation, if we hit another winter like last year sometime in the future. It is the kind of forward thinking that we were very happy to work out across jurisdictional lines with the Committee on Energy and Commerce.

Mr. Speaker, I think it is also important to note for the record that there was an extraordinary amount of staff cooperation in putting all these pieces together into the final product and working out the multitude of differences between the House and Senate so that our job as Members at the Senate-House conference was really sort of routine. They were led by, on the majority side, Alan Lopatin and, of course, the staff of the gentleman from California [Mr. MARTINEZ] and the staff of the gentleman from Pennsylvania [Mr. GOODLING], and I put into the RECORD the names of the people who worked on this:

Kris Gilbert, Les Sweeting, Terry Deshler, Dennis Glavin, and Leslie Harris. On the Republican side, Lee Collin.

Mr. Speaker, I yield such time as he may consume to the gentleman from that little town on the west coast, Los Angeles, CA [Mr. MARTINEZ], the fellow who did the heavy hitting on this legislation, one of the most productive and competent subcommittee chairmen we have on the committee and one who really deserves to take the bows when the President signs this at the White House next week.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in complete support of the conference agreement and urge all Members to vote in favor of this bipartisan agreement.

I would like, first, to take this opportunity to publicly thank the hundreds of Head Start parents, teachers, administrators, and graduates who met with me, wrote to me, and called to express their continued support for the Head Start Program and our Head Start bill.

I want to thank Sarah Greene, executive Director, and Ron Herndon, president of the National Head Start Association, and Linda Likens, director of government relations for the association for their willingness to frame and discuss significant issues arising in the reauthorization of Head Start.

We were very successful in addressing all of those concerns, and the conference agreement embodies their suggestions on: Construction of Head Start facilities, modifications and improvements to both the Indian and Migrant Head Start Programs, recognition of the importance of full-day and full-year services, mentor teachers, additional support of family service workers, enhanced parent involvement, improvement and renewed support for the Head Start transition project and the State collaboration projects, and an expansion of the work that Head Start has been doing with younger children.

I would like to assure them that we have listened to their concerns about the Infants and Toddler Program and have included language that requires a secretarial panel designing the new zero to three effort to report its findings by December 31, 1994.

I am assured by Secretary Shalala and her staff that this panel is already working and will be reporting on time.

We also heard from a significant number of Americans across the country in connection with title 2 of the bill, the Community Services Block Grant Program reauthorization, and have heeded their requests to ensure continued authorization of the Community Food and Nutrition Program and the National Youth Sports Program.

I appreciate the dedication and hard work that those programs have done over the years and am happy to say that our proposal to reauthorize those programs was agreed to in conference, in full consultation and with the support of the administration.

I want to acknowledge the leadership of my chairman, BILL FORD, and Chairman EDWARD M. KENNEDY of the other body, in shepherding this important legislation through the legislative process in a very expeditious manner.

This is a truly bipartisan bill, thanks to the efforts of Ranking Member BILL GOODLING, Ms. MOLINARI, Mr. BARRETT, and Mr. CASTLE, each of whom offered important suggestions to enhance the bill throughout.

The Low-Income Home Energy Assistance Program [LIHEAP] serves millions of needy Americans nationwide, providing low-income and other vulnerable households with assistance for home heating, cooling, crisis intervention, and low cost weatherization.

The conference agreement contains modifications that increase State flexibility—as it encourages targeting of low-income households with high energy burdens.

The bill encourages new approaches in services and service delivery and promotes a collaborative relationship between States and the Department of Health and Human Services.

I would like to thank Chairman DINGELL of the Committee on Energy and Commerce for his leadership, and Chairman SHARP of the Subcommittee on Energy and Power for his cooperation and assistance in getting this important legislation to the floor.

I would also like to thank my colleague from Michigan, Mr. KILDEE, for his continued support of LIHEAP and his contribution to our bill.

I am confident that the changes made will strengthen and improve the overall effectiveness of the program.

Again, this is a very good conference bill, one that is truly bipartisan, and I urge my colleagues on both sides of the aisle to vote in favor of the agreement.

□ 1530

Ms. MOLINARI. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BARRETT], who was a tremendous asset to the construction of this legislation, and most importantly during the conference period he substituted for all of us with his energy, and we appreciate that.

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentlewoman for her kind remarks; I thank the chairman, the gentleman from Michigan [Mr. FORD], for his kind remarks as well. I also want to recognize the chair of the subcommittee, the gentleman from California [Mr. MARTINEZ], who also did an excellent job with the report, as well as the gentlewoman from New York.

Mr. Speaker, I rise in support of the conference report on S. 2000, which would reauthorize the Head Start, Community Services Block Grant, and the Low-Income Home Energy Assistance programs.

I do, however, have some concerns with a couple of provisions in the conference report. I am concerned with expanding Head Start to serve children from 0 to 3 years of age.

The conference report, I fear, takes a head strong plunge into providing more services to infants and toddlers without first taking a cautious and realistic review of how this expansion may affect current Head Start programs.

It would be a shame that in the rush to provide more services to needy children and families, we may be jeopardizing other needy families that may benefit from excellent Head Start programs today.

Mr. Speaker, I will be requesting the General Accounting Office [GAO] to study the impact that the 0 to 3 initiative might have on current programs, and what factors should be considered by the Department of Health and Human Services, as it implements the initiative.

I urge my colleagues to join me in requesting a GAO study, because it may make Congress and the administration aware of the pitfalls of providing Head Start services to needy families.

A concern has also been raised that the conference report may infringe upon English literacy programs by requiring Head Start centers to provide services to non-English speaking individuals.

Americans, and new immigrants to our country, should be fluent in English in order to fully participate in our society. I hope that when the Department of Health and Human Services issues its regulations to cover these matters, it will keep firmly in mind the need to place a priority on providing more English literacy programs in Head Start, and not endanger these vital programs with an overzealous expansion of required activities.

With that, Mr. Speaker, I believe that a number of other positive features in the conference report outweigh my reservations. Namely, the compromise enhances family literacy programs and insures that Head Start programs are providing quality programs.

I urge my colleagues to support the conference report.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, this past winter was devastatingly cold across a large swath of our country. So cold, that many States were on the verge of running out of funding for their Low Income Home Energy Assistance Programs [LIHEAP] long before the end of the cold weather. The LIHEAP program provides critical assistance for our elderly, disabled, and low-income working families so they can keep their homes adequately heated. That is why I strongly support the reauthorization of LIHEAP and wholeheartedly agree with the language in the LIHEAP reauthorization conference report before us that expresses the sense of Congress that maintaining LIHEAP should be a high priority, and that all fiscal year 1995 appropriations for LIHEAP should be expended.

I also want to express my strong support for the Head Start reauthorization contained in the conference report. This program, whose father, Dr. Ed Zigler, hails from my congressional district, enjoys broad support within Congress—and for good reason. It provides our most vulnerable preschool children with a chance to begin their education ready and able to learn. I am pleased the conference report makes needed improvements in Head Start, such as staff improvements and program quality, expansion, and review initiatives. We must strive not only to serve more eligible children, but we must also carefully monitor how effective our increased investment in Head Start is. This bill will make sure that we have performance and quality standards, and that every Head Start agency will be fully reviewed.

Mr. Speaker. I urge my colleagues to support the LIHEAP, Head Start, Community Services Block Grant reauthorization conference report.

Ms. MOLINARI. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. MILLER], also a member of the subcommittee.

Mr. MILLER of Florida. Mr. Speaker, I rise today in opposition to the Head Start Amendments Act of 1994.

As a member of both the Education and Labor Committee and the Subcommittee on Human Resources, I do so with some regret, because I strongly support the concept of Head Start, a program that attempts to help low-income children in their formative learning years.

In an age of falling test scores and rising illiteracy, we need to invest more in our children to help them prepare to succeed both in school and in life. We could do even better if we got the Federal Government out of the administration of Head Start, block granting the needed funds to the States.

But the rest of this conference report is unacceptable. It undermines legitimate programs like Head Start by authorizing massive increases in funding for Community Service Block Grants and the Low Income Home Energy Assistance Program—two programs filled with pork barrel and unnecessary spending. Instead of increasing their funding, we should be talking about eliminating CSBG and LIHEAP outright.

When the President presented his proposal to reauthorize the programs included in this bill, Head Start, CSBG and LIHEAP, he focused on quality and efficiency. He proposed funding the CSBG Program at $434 million and the LIHEAP Program at $730 million. This conference report, however, increases CSBG to $595 million—a 40-percent increase. LIHEAP, is increased to $2 billion—over a 100-percent increase of the President's proposal.

What are we thinking? While asking the American people to tighten their belts to pay for one tax hike after another, Congress continues to refuse to make even modest reductions in Federal spending.

We cannot even maintain the status quo, but continue to increase the funding for unnecessary programs even beyond the President's own request.

The uphill battle we are fighting to balance the budget is getting steeper every time we mark up a bill in the Education and Labor Committee. We saw H.R. 6 grow by $1.6 billion during the committee mark, and now CSBG has grown by $161 million and LIHEAP has grown by $1.2 billion. If we can not make even a small step toward reducing spending and working together with the President, how will we ever be able to move toward fiscal sanity?

This conference report also bugs me because many of the changes made to the Head Start Program in both the committee and the conference are improvements on the program. I commend the improvements, including enhanced parental involvement provisions, set-asides for quality improvement, and attempts to expand the impact of the program.

But I cannot allow the bloated CSBG and LIHEAP programs to get a free ride on the backs of the American taxpayers. This is just one more example of a broken Federal budget process that allows massive omnibus spending authorizations to sail through the House untouched. Time and again, I watch wasteful, duplicative, and unnecessary spending boondoggles ride piggy-back on otherwise constructive programs. It happened several weeks ago on the crime bill, and it is happening again today.

In the name of fiscal sanity, join me in voting against this conference report. We can do much better.

□ 1540

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. I thank the chairman for yielding this time to me.

Mr. Speaker, I would like to begin by rising and thanking a number of people who are responsible for, maybe, one of the wisest and smartest investments that we will make in our Nation's children in this session of Congress. I would like to thank the gentleman from Michigan [Mr. FORD], the gentleman from California [Mr. MARTINEZ], the gentleman from Pennsylvania [Mr. GOODLING], and the gentlewoman from New York [Ms. MOLINARI], and staff members like Carole Stringer and Alan Lopatin, for their hard work on this bill.

This is smart and wise because it is proactive, it is preventive, and it invests in education for our children.

When 30 years ago, Mr. Speaker, when we first came up with Head Start, we crafted what we thought was a good bipartisan bill to solve problems for at-risk children. We ran into a number of significant problems over the last 30 years; trends have changed, times have changed, families and children have changed.

We have now brought this bill up to these trends to deal with the problems in our families and with our children and respond to the need to reform our welfare children. This invests in and anticipates those changes. It also is reflective of the good job that Congress is trying to do with its oversight function.

Here we worked in a bipartisan way to try to anticipate these trends and try to expand the programs, 0 to 3, try to improve recordkeeping for immunizations and academic records, try to improve the quality of teachers and teachers aides that we get; that is one of the best investments we can make with the problems that our children are running into these days.

I would also like to commend the inclusion in this particular bill of the National Youth Sports Program. Here is a program that brings at-risk children to college campuses. Many children never get this experience in their entire lives. When I visited the program at Notre Dame, children told me that, "This school, Notre Dame, isn't just for rich or white people, this is for everybody."

So the National Youth Sports Program does give the exposure and the experience to young people to learn academically, to get physicals, to learn about the dangers of drugs, and to live on a college campus for a few weeks and know with confidence that they can go to that school someday.

So I applaud the committee's inclusion of the Community Services Block Grant and the National Youth Sports Program, and I highly applaud this bipartisan Head Start bill.

Mr. Speaker, I rise in strong support of the conference report on S. 2000, the Head Start Act Amendments of 1994.

Title I of the bill, which reauthorizes Head Start for 4 years, responds to the recommendations of Secretary Shalala's Advisory Committee on Head Start Quality and Expansion. This legislation moves toward ensuring that a 21st century Head Start Program is more responsive to the changing needs of American families. The agreement also establishes a new infant and toddler program which promises to build upon the successes of Head Start to give families with very young children a chance at breaking the cycle of poverty.

The agreement also includes provisions to enhance the linkages between Head Start and schools to help secure the gains made by Head Start youngsters as they enter elementary school.

The agreement also reauthorizes the Community Services Block Grant which sustains the good work of community action agencies. Also reauthorized under this act is the National Youth Sports Program [NYSP] which brings thousands of economically disadvantaged youth, ages 10 to 16, onto college and university campuses nationwide. For most of these participants, NYSP is their first exposure to a college campus. For more than a quarter of a century, NYSP has provided sports instruction and a host of other enrichments, such as education and career counseling, math and science instruction and medical examinations for our Nation's underprivileged youth.

I believe that both Head Start and National Youth Sports represent successful intervention programs for economically disadvantaged youth that reaffirm our commitment to invest in our Nation's children. I urge my colleagues to support the conference agreement.

Ms. MOLINARI. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in support of S. 2000, the Head Start Act Amendments of 1994. I would like to commend all of the conferees for their diligent work on this important measure and particularly the gentleman from Michigan, the commission's distinguished chairman, Mr. FORD, and the ranking minority member, the gentleman from Pennsylvania [Mr. GOODLING] and the staunch supporters of Head Start, the gentlewoman from New York [Ms. MOLINARI] and the gentleman from California [Mr. MARTINEZ] the distinguished subcommittee chairman.

This conference report improves program quality and management accountability at Head Start centers around our Nation. In addition, and more importantly, this measure extends Head Start services to families with infants and toddlers, reserves funds for teachers' salaries and facility upgrades, and requires the Department of Health and Human Services [HHS] to consider a grant recipient's past performance when allocating funds. Moreover, an important aspect of this bill, allows Head Start agencies to construct sorely needed new facilities.

Mr. Speaker, we all recognize that our Nation's children are our most precious resource. Head Start has enjoyed bipartisan support since its inception some 29 years ago and has proven to be an invaluable program for our entire Nation.

Accordingly, I urge my colleagues to fully support this conference report.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. I thank the chairman for yielding.

Mr. Speaker, the Head Start Program is one of the few programs that directly helps children and demonstrably improves their chances to live and learn to their full potential. Head Start provides more than just early education. It give poor children a shot at decent health care, nutrition, and social services, at a critical stage in their development.

We cannot talk about solving the crime problem, ending welfare dependency, or improving the quality of life for ourselves and our children without addressing the simple fact that our kids need help. Too many children come from disadvantaged backgrounds and will never be able to overcome the barriers they face, unless we help provide them a level playing field. Head Start is one way to give children a chance.

Children who are abused, children who do not get adequate medical care, and children who are simply neglected are children who fail in life. Their growing numbers threaten to undermine our economic competitiveness and destroy our social fabric while condemning millions to a lifetime of dysfunction and underachievement.

Some people say we should not expand Head Start. I say we should not expand any Government program without thinking about how to make it work better, and that is what this reauthorization does. It makes children eligible for Head Start earlier to reflect emerging evidence about the importance of reaching children before preschool. It builds on proven success stories to reform the existing program.

A lot of Government programs begin with good intentions but never work as planned. This is a program that deserves support because we know it works and because we know it is desperately needed to give poor children a future with jobs, families, and hope rather than poverty, prison, and despair, Let us pass the conference report.

Ms. MOLINARI. Mr. Speaker, I am extremely honored and delighted and privileged to yield 1 minute to the wonderful gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, we spend a lot of time in this House talking about crime, anticrime legislation. I would like to suggest to my colleagues the bill in front of you now will do more to prevent crime in this country than anything we did during that 3 weeks' marathon, because the most important thing we can do at the Federal Government level is get to children at risk at an early age. That is why I encourage you to support this conference report. Head Start will get to literally thousands, if not millions, of children at risk before they begin school so that they can be a full partner in that school.

In Wisconsin, 9,000 kids alone are going to benefit from this program. This conference report connects it more to education than the system of Head Start has been in the past.

Second, in the community services block grant we have included a number of programs, such as the National Youth Sports Program, which goes to the same children at risk during their elementary school years, during the summer, making sure they are not only busy doing good things but that they have not only an athletic component but an educational component as well.

□ 1550

I say to my colleagues, "So, when you vote today on this conference report, remember this is the real way we at the Federal Government can truly fight crime."

Mr. FORD of Michigan. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Maryland [Mr. HOYER], chairman of the Democratic Caucus.

Mr. HOYER. Mr. Speaker, I want to thank the gentleman from Michigan [Mr. FORD] for his generosity and say that I rise in strong support of all three of the components of this legislation. I think this conference report makes some key improvements in the Head Start Program, and I agree with the previous speaker, the gentleman from Wisconsin [Mr. GUNDERSON], who has been so eloquently described by the gentlewoman from New York [Ms. MOLINARI].

But, Mr. Speaker, I rise to say a few cautionary words about a provision in the conference report that we did not include in the House bill. I am referring to the section authorizing the Secretary to approve construction of Head Start facilities where other alternatives are unavailable.

I do appreciate that this section of the conference report says that, in using this new authority, the Secretary shall promote collocation of Head Start with other programs serving low-income children and families. But I remain convinced, and I would urge the committee members to focus on this issue, that construction of new buildings to house Head Start may well act as a centrifugal force, decentralizing services for disadvantaged families at a time when education, social service, and health care programs should be brought together in one easily accessible location for those who need them most.

Mr. Speaker, in an excellent speech at Georgetown University in February, Secretary Riley mentioned just such a model, which he referred to as and I quote, "early childhood family centers."

We need early childhood family centers. That is the goal we should be working toward, and it is one of my major priorities as a member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education.

If we can renovate public school buildings to include Head Start centers, that is money well spent. If we can construct Head Start facilities that will include a maternal and child health center and after-school programs, that is money well spent. And, in my opinion; and this is the key they should be collocated on public school grounds whenever possible, not so the public schools can have ownership of all the programs, but so that the people who so desperately need these services to become effective, productive, taxpaying citizens will have the ability to access them in a comprehensive way.

The language in the conference report allows the Secretary to use Head Start construction authority in just that way. I would urge the Secretary, and hope to encourage this in the appropriations bill as well, to use the authority only in that way, and to use it sparingly, since quality improvement and expansion to full-day, full-year programs should be the first priority for Head Start right now.

Again, Mr. Speaker, this conference report is a good blueprint for taking Head Start into the 21st century, and I commend it to my colleagues.

Let me say to those colleagues who say that Head Start works well that it does in most instances, but let us not fool ourselves. By just saying we support Head Start it does not mean that we are giving quality services to young children. There are some programs that are not working well, and I commend the chairman of the subcommittee and the ranking member for also making sure that this conference report includes significant oversight and incentives for performance, and where performance is failing; that is to say we are failing young children, that we will take appropriate action.

Mr. Speaker, I thank the gentleman from Michigan [Mr. FORD] for having yielded so generously of his time.

Ms. MOLINARI. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I would like to address my remarks to title IV of the conference report which authorizes the community-based family resource programs.

The conference report incorporates what was best about the House and Senate's respective versions of title IV. It adopts the House's language to ensure that all families are eligible to be served—including families of children with disabilities, and it adopts the Senate's program consolidations that combine differing resources into a single funding stream that will help States pursue systemic reforms in the way they deliver family resource services.

The title IV provisions that originally passed the Senate had several positive components. However, I felt that the Senate legislation did not clearly include families of children with disabilities and did not ensure that States would address the unique needs that these families experience.

To improve the legislation, we called upon many of the ideas that are being generated from the family support movement—ideas like strategic planning to break down statutory and bureaucratic barriers that make it difficult to provide services tailored to a family's needs, and bringing the family to the center of the decisionmaking process.

I believe that this legislation has the potential to break the long tradition in Congress of creating separate programs for the disabled and the nondisabled. Instead, this program creates a single approach to statewide systems change and coordination of existing resources that can help all families—including families of children that are disabled.

I know that many families of children with disabilities are naturally skeptical. They fear that, in the statewide and community-wide planning process, their unique needs will be overlooked. I encourage these families not to be skeptical observers, but to become active participants in the planning process and to try to create positive change. I would note that this program will provide seed money to every State to begin the systems change process, and that families must be alert to take advantage of this opportunity.

For my part, I plan to continue working in Congress to include the themes of systems integration and family-centeredness in other legislation under the committee's jurisdiction, and to ensure that legislation is responsive to the needs of all individuals, including individuals with disabilities.

I would like to express my appreciation to Subcommittee Chairman OWENS and Senator KASSEBAUM and DODD for working cooperatively to develop an excellent compromise that can help meet the diverse needs of all families.

Mr. MARTINEZ. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I would also like to add my congratulations to the gentleman from Michigan [Mr. FORD], and the gentleman from California [Mr. MARTINEZ] and all my colleagues on both sides of the aisle who helped to make this legislation possible. I would like to express my appreciation for the additional money for LIHEAP and the recognition of the fact that LIHEAP is an emergency program, a program giving funds to victims of emergencies, and to recognize that in the future we have to have that more flexible and increase the funding. We have witnessed the passage of an $8-billion program for earthquake relief for California, a $6-billion program for relief for the victims of the Midwest floods, a $6-billion program before that for relief of the hurricane victims in Florida. We recognize natural disasters, and we rally to the aid of victims, everybody except in the Northeast when they have massive snow storms, and nobody wants to recognize that those victims also deserve the help of their Government. Government should come to the aid of victims, certainly people who are victimized by natural disasters. LIHEAP, as inadequate as it is, at least moved a few inches forward, and we praise the conference for that. Community services block grant is contained in this program. As a former community action director I regret the fact that community action agencies are still the most underrated agencies receiving Federal funds.

□ 1600

Most of the community activist agencies in this Nation receive only about 10 to 15 percent of their total funding from the community services block grant. The other funds come from money that they are able to acquire from other sources.

They get the biggest bang for the buck of any social program funded by the Government. Yet that is not recognized. They are held at a stable across-the-board rate, and no rewards are there for the great job that the community action agencies are doing.

Head Start, of course, everybody recognizes is a great program. The quality of Head Start has been eroded as a result of cutbacks in funding. We are replacing those funds now and insisting that the quality of Head Start be restored to what it was in its early days.

Most important in the Head Start Program, in this particular package, is the fact it has flexibility which allows for facilities to be renovated and even for facilities to be constructed.

Ms. MOLINARI. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to the conference report on S. 2000, the Head Start Act Amendments of 1994. I would like to note that I have always supported the Head Start.

Head Start has been successful because it is a specially targeted program which prepares disadvantaged children for their first years of school. It provides these children with the tools they will need to help them achieve educational success.

Many immigrant families depend on Head Start to give their children a chance to learn English. The Head Start Program currently meets the needs of non-English speaking children through bilingual programs. This is questionable enough. I don't need to state the importance of ensuring that these children become fluent in English in order to assimilate successfully in our society.

This particular bill, however, goes beyond the current scope of the Head Start Program. Currently, Head Start must provide special services for "non-English language children." This bill strikes this particular language and replaces it with "non-English language background children and their families."

Under this bill, children who already speak English will also receive instruction in their families' native languages. Mr. Speaker, it is absurd to think that we are going to use the Head Start Program to provide foreign language instruction to children who already speak English!

Liberals are so intent on "balkanizing" this country, it is no longer enough to provide special bilingual programs through Head Start. Now, this bill requires that we must also provide instruction in the language of their parents' homeland to English-speaking children.

It is often said that Head Start only reaches half of those children who are eligible. Perhaps that's because we are including millions of illegal aliens and their children as being eligible for Head Start. Under current law, which is continued in this bill, illegal aliens and their children qualify for all the services provided by Head Start. I would also note that illegal aliens are fully eligible for the energy assistance provisions of this bill, as well.

Mr. Speaker, as I said earlier, I have always been a strong supporter of Head Start. For the last several decades Head Start has provided disadvantaged children with the tools they need to succeed in our society. I must, however, question the wisdom of enacting an unlimited authorization for services which go beyond the traditional scope of Head Start. The Head Start Program was designed to help disadvantaged students successfully assimilate into society. I simply do not understand how providing instruction to English-speaking children in their parents' language will further the legitimate goals of the Head Start Program. Therefore, I oppose S. 2000 and ask my colleagues to do the same.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, I wanted to make sure Members knew, in the conference statement of the managers, we stated the conferees wish to emphasize the importance of assisting non-English speaking families in becoming literate in English.

Mr. ROHRABACHER. Mr. Speaker, reclaiming my time, I support bilingual education programs that are aimed at teaching non-English speakers to speak English. I have supported that consistently. I think that is a worthy and necessary goal. But this is not the segment of the bill which I am opposing now. I believe the expenditure of funds to teach young children who already speak English to speak the native language of their parents, to teach them in Spanish or French or whatever that language is, I think that is a waste of money.

Mr. GOODLING. If the gentleman would yield further, I would think that would be stretching one's imagination greatly. As I said, the whole emphasis is to get the parent and the child to speak English. I cannot imagine that anyone could possibly use funds to do anything other than that.

Mr. ROHRABACHER. Mr. Speaker, I had a conversation with a teacher last night that said that is exactly the purpose. My staff has researched this. Unfortunately, that is the purpose of the change in language of this bill.

Mr. FORD of Michigan. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I would like to reassure the gentleman, who touched my heart with his plaintive words that he has always supported Head Start, and he knows it is a good program, and he knows it is good for preparing children to go to school, and he is now bothered by an interpretation of the language of this legislation that is totally erroneous. And I can assure the gentleman that there is no change in the mission of teaching non-English-speaking children to be able to speak it and be literate in English. That is the primary purpose of the language of the bill, and nothing is different in that regard in this reauthorization from all of the years it has been on the books, more than 29 years, except a piece of literature that the gentleman apparently read, instead of reading the bill and the committee report.

That is the only group in this country that says that the language in the bill means what it means. As the gentleman from Pennsylvania [Mr. GOODLING] said, it requires an extreme stretch of the imagination to read that kind of interpretation into it.

Mr. ROHRABACHER. If the gentleman would yield for a question, why then was the language changed in the bill this year? If the purpose was not to change the way the procedure on how children are taught and what they are taught, why was the language changed in this authorization?

Mr. FORD of Michigan. Mr. Speaker, reclaiming my time, because there is a change to the extent that we ask the Head Start people to spend more time working with the family and the child, and that called for a clear explanation that we wanted them to break with what happens in some places, where they deal with only the child. And, very frankly, that amendment was very strongly supported from your side of the aisle. It is only fair to tell you that your representatives on the committee brought our attention to the fact that if we are trying to extend this to family involvement, we had better do something to make it consistent.

Mr. Speaker, I would like to thank the following staff for their hard work in helping to ensure a strong bill was crafted and moved through the Congress expeditiously:

On the Education and Labor Committee staff, Alan Lopatin and Kris Gilbert;

On the Human Resources Subcommittee, Les Sweeting, Terry Deschler, Dennis Glavin, and Leslie Harris;

On the minority staff of the Education and Labor Committee, Lee Cowen, Hans Meeder, Vic Klatt, and Mary Ann Fitzgerald;

On the Subcommittee for Select Education and Civil Rights staff, Braden Goetz and Rob MacDonald;

On the Subcommittee on Elementary, Secondary and Vocational Education, Tom Kelly and Jeff MacFarland; and

On the Energy and Commerce Committee, Lisa Kountoupas, Tom Runge, and Karen Hunsicker.

We owe them a debt of gratitude for a job well done.

ENGLISH LANGUAGE HEAD START CONCERNS

Some have argued that the conference report would chart a new course for bilingual or non-English language Head Start programs. I offer the following observations:

Since 1965, Head Start has been serving children from low income families as diverse as the American population. In fiscal year 1993, Head Start enrollment included children from a broad group of home language backgrounds including: English (553,000); Spanish (123,000); Native American and related (14,000); Vietnamese (2,700); Chinese (2,500); Hmong (2,400); Haitian (2,200); Cambodian (1,100); and French (242).

While Head Start children come from families where English is not their home language, Head Start is virtually the only program which teaches preschoolers English.

The current Head Start statute requires the Secretary, in designating Head Start agencies to take into account, the plan of an applicant to meet the needs of non-English language children in the community. Section 641(d)(7). This has been the law for more than 2 decades. The only change in S. 2000 is to note that families are a part of Head Start.

The conference report on S. 2000 retains a number of provisions which were part of the House-passed Human Services Amendments of 1994 which deal with the sensitivity of programs to the needs of non-English language background children and their families; 21 of 22 House conferees—14 Democrats, 7 Republicans—signed the conference agreement, along with all Senate conferees.

The joint statement of managers illuminates the intent of the conference report: The conferees wish to emphasize the importance of assisting non-English language families in becoming literate in English. However, this is not intended to prevent programs from utilizing a bilingual approach or from assisting the large number of Hispanic families who receive services under this act from becoming literate in Spanish, nor to prevent efforts by Indian, or Native Alaskan, or Hawaiian programs to promote literacy in indigenous languages.

Critics have suggested that under the terms of the conference report, the Secretary could terminate a program for failing to be bilingual. The Secretary has discretion in establishing standards and would be expected to establish standards consistent with 29 years of program experience to address community needs, as appropriate.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I thank the Chairman for yielding.

Mr. Speaker, I want to compliment the chairman, the chairman of the subcommittee, and the ranking member of the Committee on Education and Labor. This is a super bill, and I rise to give it all the support I have. I am so delighted with the administration, with President Clinton, for making an emphasis for Head Start, and particularly the birth to 3-years-of-age.

Last month I held forums in my district on early childhood education and violence prevention. The overwhelming testimony expressed by expert panelists and attendees alike was that antisocial behavior begins from failed human relations at a very early age, when conscience and compassion have not been taught.

□ 1610

We must help families with young children and more must be done to help children and families avoid the problems that lead our youth to gangs, drugs, and senseless violence. If we assist struggling families with young children, we help all families and all children.

Parents will be given the opportunity to interact with other parents, learn more about basic child development, positive discipline techniques, and parent-child communication skills.

The foundation of antisocial behavior is laid in those very early years of childhood so it is not only wise to invest in children and families, it is incumbent on us as elected officials to do so. That is why I am very pleased that provisions from my bill, H.R. 4270, were incorporated into the final version of the reauthorization.

A few weeks ago, the Carnegie Foundation released a landmark study focusing on our Nation's 12 million children under the age of 3. This report concluded that we have got to give more weight to programs that serve these families with very young children. The report also outlines the risks associated with not supporting these families. By supporting them, we save money that can be spent in other ways.

This is a great bill. I urge everyone to support it.

Ms. MOLINARI. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM] for an interesting reaction that I am sure the Chair will enjoy.

Mr. CUNNINGHAM. Mr. Speaker, first of all, I would like to say that this is one Member that will miss the gentleman from Michigan, Chairman FORD. He has been a tough, old bird at the chairmanship, but I have found that also when a Member works with the chairman, he will work with them. I appreciate that.

I would ask my friend, the gentleman from California [Mr. ROHRABACHER], who is a good, close friend, and he is a good conservative, I would ask him, as a conservative, to support this conference report.

First of all, Dan Quayle does not have a limit on family values. This bill supports family values. As a mechanic used to say, "It is pay me now or pay me later." Without this bill, the payment later is tenfold. That is a conservative position, especially on the economy.

I am concerned about illegal aliens, especially in the State of California, as my friend. We both support English as a first language. We are not talking about that here as a bill.

Believe it or not, in some areas of our country we have English-speaking students that do not have the literary skills to succeed in school. Are Members going to tell me that I cannot improve their English so that they can succeed in school? No. And we do not do the same thing with other language as well.

The bill supports family involvement. That is what Dan Quayle wanted. That is what most of us want, as conservatives.

The minorities, up to 45 percent of many of the minorities do not complete high school. If that is the case, what at best are they going to do? They are going to get a low-income paying job.

We are going to have to pay them welfare, or they are going to be on unemployment, which we extend in this body many, many times. And think of the cost of that. And think, as my friend, the gentleman from Wisconsin [Mr. GUNDERSON] mentioned, the application to crime.

So this is a conservative position to support this conference report.

I would also like to thank, besides the chairman, I would like to thank a fellow San Diegon, Dr. Pasant and Secretary Riley. I think they are bright stars in the Clinton administration.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, I just want to correct part of the gentleman's opening statement. He is a young bird, not an old bird.

Mr. CUNNINGHAM. Mr. Speaker, I accept the correction.

Mr. GOODLING. But bird he is.

Ms. MOLINARI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to consider and to have taken part in the development of legislation to authorize the Human Services Act.

As many of my colleagues know, and we have heard, Head Start is approaching its 30th anniversary. This program clearly has an impressive history, but it also has a whole new set of challenges for the future.

One of those challenges is to address, in response to recent reports, the disparities in the quality of services provided by Head Start programs and to eliminate the fade-out effect in children once they leave Head Start.

We have aggressively confronted these problems in this bill by including measures to assure greater and more consistent quality, by putting poor performance programs on notice that the status quo is over and enhancing services to help parents become full partners in the education of their children.

By making a Head Start center's continued funding contingent upon quality service, this legislation will inject new levels of accountability and responsibility into this program. By providing parents with a greater voice and an enhanced role in these programs and by providing necessary family literary services and parenting skills training, this legislation truly empowers the most important people in a child's life, their parents.

Let me just say, relative to the discussion that just took place, one of the changes we do make is to require as part of the family, a new part of the family literacy requirements, English as a second language service to help teach parents English and enable them to further engage in the development and the education of their children.

I am also encouraged to see a renewal of all these ideas that were originally presented in Republican legislation. It was an honor to take the lead from Members like the gentleman from Pennsylvania [Mr. GOODLING] and Senator KASSEBAUM, who talked about taking courageous but necessary steps to make a good program a great program.

Naturally, I am encouraged to see a renewal of the LIHEAP program in this legislation. The LIHEAP program, as the Speaker knows, is important to the whole country but especially to colder states.

My State of New York is the largest recipient of LIHEAP funds and would be one of the hardest hit by the proposed budget cuts. This bill and conference report helps to restore that.

Mr. Speaker, it has been my pleasure to work with the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Michigan [Mr. FORD] and the gentleman from California [Mr. MARTINEZ] to develop this comprehensive bipartisan reauthorization package. I want to thank them for their leadership on these issues.

Mr. Speaker, I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I yield the balance of my time to the gentlewoman from Connecticut [Mrs. KENNELLY].

The SPEAKER pro tempore (Mr. SERRANO). The gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for a 1½ minutes.

Mrs. KENNELLY. Mr. Speaker, I rise today in support of the conference report on S. 2000, to authorize appropriations for Head Start, the Low-Income Home Energy Assistance Program and the Community Services Block Grant.

I would like to comment just briefly on two programs that have enormous impact in my State. Head Start is one of the most successful Federal programs to date and one I have consistently supported. Last year's appropriation served more than 730,000 children across this country. And while that may seem like a large number, it represents only 40 percent of those children eligible for Head Start.

S. 2000 would reauthorize Head Start through fiscal year 1998 and would strengthen and improve the quality of existing programs. Child development services would also be expanded. A particular highlight of Head Start is the "Initiative on Families with Infants and Toddlers" which would provide early, continuous and comprehensive child development and family services to low-income families with very young children. Pregnant women and families with children under age three, who meet the low-income standards under the regular Head Start program, would be eligible to participate in this initiative.

Another important piece of S. 2000 is the reauthorization of the Low-Income Home Energy Assistance Program. LIHEAP has been highly successful in serving the needs of low-income elderly, disabled and working poor in Connecticut and is particularly important in light of the harsh winter the Northeast just experienced. I am pleased that the agreement includes Senate language to authorize $2 billion in each of fiscal years 1995 through 1999, $1.27 billion more than the administration's request for fiscal year 1995.

The core purpose of providing heating assistance to low-income households based on total household income has been maintained. States, within existing eligibility standards, may give priority to households with the highest energy costs or needs in relation to their income.

The agreement would also make permanent the authorization to appropriate $600 million each year in emergency funds to meet the needs of residents in States that have suffered natural disasters. Under current law, the process of seeking release of these funds created difficulty in terms of timing for States trying to meet immediate crisis situations. Permanent authorization of emergency funds is a significant step to facilitating better and more timely action.

I am also pleased that the language of House Concurrency Resolution 202 was included in this agreement expressing that LIHEAP should be a priority to enable the working poor, the disabled, and the low-income elderly meet their energy costs and needs.

Mr. Speaker, I urge my colleagues to support passage of the conference report on S. 2000 to preserve services like Head Start and LIHEAP that are vital to thousands of Americans.

Mr. EWING. Mr. Speaker, I would like to take this opportunity to express my strong support for S. 2000, the conference report which reauthorizes Head Start funding through fiscal year 1998.

Since its inception in 1968, the Head Start Program has played a significant part in the lives of millions of America's children. The benefits of early intervention are well known, especially when it comes to making better futures for low-income children. The Head Start conference report guarantees that this important program will continue. The conference report also addresses the important issues of program quality improvement, management accountability of Head Start centers, and allows agencies to construct new Head Start facilities if adequate facilities are not available.

The conference report also reauthorizes for 1 year the State Dependent Care Development Grants Act. The administration's proposed 1995 budget would consolidate this program with the Child Care and Development Block Grant. The Temporary Care and Crisis Nurseries, and the Child Development Associate Scholarship programs are also to be included in this consolidation.

Many of my constituents whom are involved in providing child care have expressed concern about the redtape and State bureaucracy which might prevent the moneys from going to important programs which have received funding in the past. I hope that the preservation of separate funding for these programs will be seriously considered for fiscal year 1995. It would ensure continuation of these important services, many of which work in conjunction with Head Start in helping to make better futures for our Nation's children.

Mr. CLAY. Mr. Speaker, I rise in support of S. 2000, the Human Services Amendments of 1994. This important legislation reauthorizes for 4 years the widely acclaimed Head Start Act as well as the Community Services Block Grant Act, and reauthorizes for 5 years the low-income Home Energy Assistance Program.

HEAD START ACT

The Head Start Act Amendments of 1994 fulfill the commitment of the Congress and the Clinton administration to the American people to expand and strengthen this extraordinarily successful program for the development of children 3 and 4 years of age. Funded primarily by the Federal Government, Head Start programs are community based. Local agencies and program sponsors respond to local needs and coordinate the delivery of services with local organizations in communities throughout America.

Mr. Speaker, few among us deny the exemplary record of Head Start in enriching the lives of the most vulnerable members of our society—our children. The legislation under consideration today builds on the illustrious educational achievements of Head Start by: Strengthening the specific performance standards Head Start programs must need in order to continue to be funded; Expanding Head Start programs in increased areas and in areas of greatest need; and funding a much-needed and long-awaited initiative to serve low-income children before they reach their third birthday.

PERFORMANCE STANDARDS

Critical to the continued success of Head Start is the requirement that individual programs meet specific performance standards in each of the five major services provided: Physical and mental health; nutrition; education; social services; and parent involvement. The legislation we consider today reserves at least twenty five percent of Head Start funding to enhance program quality and to enable local programs to meet their specific performance standards. Such funds may be spent not only to add teachers, social workers, and other professionals but also to fund inservice professional development programs and other activities.

A growing body of evidence suggests that Head Start eligible families are facing greater and more complex problems as a result of the drugs and violence that plague far too many of our committees. As a result, the legislation also makes funds available to augment the capacity of Head Start programs to coordinate with other community based organizations the services that make Head Start programs so successful.

PROGRAM EXPANSION

Currently, only fewer than 40 percent of eligible 3- and 4-year-olds are served by the Head Start Program. The legislation makes funds available to continue to expand the availability of such programs in an orderly fashion. Funds for program expansion are critical because the Nation's population for poor children eligible and in need of Head Start programs far exceeds the availability of programs.

INFANT AND TODDLER PROGRAMS

Mr. Speaker, perhaps the most exciting aspect of the legislation we are considering today is the recognition that healthy child development for many of the children served by Head Start must begin before children reach 3 and 4 years of age. Accordingly, the legislation reserves funds for the initiation or extension of Head Start programs for infants and toddlers younger than 3 years of age. These family centered programs will offer the full range of Head Start services in order to promote family self-sufficiency, ensure good health, and enhance child educational achievement.

LIHEAP

The human services amendments of 1994 also reauthorize the Low-Income Home Energy Assistance Act of 1981 [LIHEAP]. Mr. Speaker, it is beyond peradventure that many of the working poor, the disabled, and low-income elderly have trouble paying for their energy needs because they live in communities with high energy costs that consume a disproportionate share of their income. Indeed, in fiscal year 1990, LIHEAP assisted over 6 million low-income households to meet the costs of their energy needs. However, the programs currently serve less than 24 percent of eligible households. Nevertheless, the Administration proposed a 51 percent cut in appropriated funds for LIHEAP.

I strongly support not only the continuation of LIHEAP but also the expenditure of all funds appropriated in fiscal year 1995 as well as an increase in such expenditures in fiscal year 1996. The legislation before us today continues and strengthens LIHEAP. For example, over 7 million eligible households have energy bills that exceed 15 percent of their annual income. Accordingly, States will be able to target their assistance to households with the highest energy costs in relation to household income. In addition, funds may be used to subsidize low-cost weatherization and cost-effective energy-related home repairs. The legislation also authorizes the President to request funds in response to truly unusual energy emergencies, such as the prolonged and bitter cold weather many communities experienced during the winter of 1993, or natural disasters experienced in many other communities in 1993.

Mr. Speaker, in the past, many perceived that LIHEAP failed to establish sufficiently precise and uniform goals to assist State agencies in the administration and implementation of the program. As a result, during the full committee markup of this bill, I offered and the committee accepted an amendment that directed the Secretary of Health and Human Services to develop performance goals and measurements in consultation with LIHEAP grantees in order to assist States in evaluating their success in achieving the purposes of the program. As a result of this amendment, State and local agencies will know what is expected. The development of such statements of program goals together with the collection of specific performance data should strengthen the administration of LIHEAP and assure the achievement of its goals.

I urge my colleagues to support S. 2000.

Mr. TUCKER. Mr. Speaker, I rise today in strong support for the Head Start Act amendments conference report. This conference report not only reauthorizes the very important and successful Head Start Program, it also reauthorizes the Low Income Home Energy Assistance Program and the Community Services Block Grant Program, and It consolidates several programs into a new community-based Family Resource Program.

While all these programs are important, I want speak for a moment about the Head Start Program. For the past 20 years or so there have been a number of experimental policies and programs intended to address students who are considered to be at-risk. Unfortunately, over half of the minority children in this Nation's large inner city and poor rural school districts are destined to drop out of school because they are not adequately prepared to begin their education. One of the major obstacles preventing inner city children from success in achieving their educational goals is the pervasive poverty in their communities that they must deal with every day. Head Start, a program that was developed in the 1960's when the Federal Government declared its "war on poverty" addresses this issue directly. The program provides services in comprehensive early childhood development, education, health, nutrition, and other related social services to preschool children and their families. The goal is to improve the conditions surrounding a child so that he or she is prepared succeed in later school and life. To this day, in the 1990's the battle continues and Head Start has been and will continue to be one of the most potent weapons we have in our arsenal in the war against poverty. It is becoming clearer every day that young children in inner city schools are the victims of isolation from broader educational opportunities and the doors that those opportunities open in job market. These kinds need to get the schooling that will enable them to proceed to advanced education and ultimately to enter the economic and cultural mainstream of this Nation. The consequences of not giving these children an adequate chance for a good education are: unemployment, crime, violence, drug problems, teenage pregnancy and increasing school drop out rates.

Without the programs reauthorized in this conference report, we as a society will end up paying for the consequences in one way or another, therefore it is imperative that we approve this conference report and give these kids the opportunity to get the most out of their education and provide for better living conditions for them and their families.

Mr. MINETA. Mr. Speaker, I rise today in support of the conference report on S. 2000, the Head Start Act amendments. Specifically, I would like to comment on the necessity of mandatory funding for Head Start and the inclusion of multilingual programs reflective of the needs of a Head Start community.

If our Nation is to provide for our future leadership in the global market, we must invest in the education of our children. Head Start puts our words into action by providing services for children most at-risk and in need, at a time in their lives that is crucial to their progress in developing to their full potential. Providing for the education of non-English-speaking children, and ensuring services for their parents, plays an important role in the mission of Head Start to prepare all participating children for the challenges of school.

There are some people who would have us believe that this bill requires that Head Start applicants teach children in a language other than English. Let me be clear when I say that non-English instruction is not required in this act. However, with one-fourth of Head Start participants having a non-English background, a background where children live in homes where English is not the language used for the majority of conversation, it is important for Head Start applicants to develop a plan to meet the needs of these eligible participants. To do otherwise would be to base Head Start educational programming on exclusion, rather than inclusion.

Four-year-old children living in low-income families face an uphill battle in acquiring an education. Four-year-old children without an understanding of English, or even a proficiency in their own language, have an even more difficult time. Without some help in their native language these children could be left behind, intimated by their teachers and not understood by their peers, left to start again the circle of poverty that brought them into the Head Start situation. It is necessary for Head Start applicants to reach out to these non-English background children with staff that can communicate with them and help them on their way to mastering English.

The basis for Head Start, and the very reason for its success, is that it is based on the development of a family. As low-income children learn, their parents are also encouraged to complete GED's, participate in job counseling and are encouraged to attend ESL—English as a second language—courses. Advocating the use of local multilingual organizations in the development of a Head Start plan encourages the participation of parents in the Head Start program and provides a stable support structure for participating children's education. This act codifies past practices of Head Start organizations and serves as a reminder that inclusion of all types of local organizations in the planning stages of a Head Start strategy leads to the full inclusion of children from non-English backgrounds.

A Head Start program that plans for full inclusion of all students and parents better meets the needs of the participants and their community and helps fulfill the requirement that children be prepared for the transition to elementary school. It must be acknowledged that the family language is the basis for communication between parent and child and is a part of the family's culture. Head Start has done this over time, and time has shown that children leaving Head Start use English. Studies have proven that Head Start provides the jump start which better prepares children for the challenges of school.

In order to lead internationally, we must devote time, energy, and money to the education of our children. Head Start has been a proven mechanism for ensuring that children who are often left behind in this society are given the chance to become contributing members of our society. Support for this conference report translates into an endorsement of our children, and will be an investment reaped tenfold in the future.

Mr. KILDEE. Mr. Speaker, I rise in support of the conference report to accompany S. 2000, the Human Services Amendment of 1994.

This conference agreement provides for a 4-year extension and improvement of Head Start, the community services block grant, low-income home energy assistance, and community-based family resources programs.

These are programs which, over the years, I have enthusiastically supported. They help and they work well because they give a hand up instead of a hand out.

Thus, in providing preschool services, critical community services, and energy assistance, they successfully promote, protect, defend, and enhance human dignity.

I would like to thank the subcommittee chairman, Mr. MARTINEZ, and the ranking republican, Ms. MOLINARI for their leadership in developing an excellent bill which has moved quickly and smoothly through the process. I would also like to thank them for their support and assistance for in including in this conference agreement several improvements which I sponsored.

The first improvement is language related to Head Start to elementary school transition. Research indicates that the smooth transition of children from preschool through the early elementary grades is important, yet not very prevalent.

Consequently, I have worked, in this bill and H.R. 6, the Elementary and Secondary Education Act reauthorization bill, to improve the transition efforts and activities of both public elementary schools and Head Start Programs.

It is my hope that as both preschools and elementary schools reach out to help, disadvantaged children will increasingly build upon the gains they received in programs like Head Start. The second improvement I sponsored is the authorization of a new activity in low-income home energy assistance called REACH, [residential energy assistance challenge option].

REACH is a discretionary activity which will enable community-based organizations to help the poor stay current on energy bills and, at the same time, improve their energy conservation and bill management.

Mr. Speaker, this is an excellent agreement and I urge its adoption.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise in support of S. 2000, a bill to reauthorize the Low-Income Home Energy Assistance Program and the Head Start Programs. These programs have been effective in helping those in poverty, especially children, to get through difficult economic times. My constituents in Connecticut have not shared in the economic recovery taking place in the rest of the country, and this bill is very important to us.

I am pleased to see that this bill does not make cuts to the Low-Income Home Energy Assistance Program, or LIHEAP. LIHEAP provides Federal heating assistance to over 75,000 low-income households in Connecticut. These households are mainly made up of elderly, disabled, or working poor individuals and families. LIHEAP was especially important to them this past winter, when my State experienced exceptionally cold weather.

Considering the importance of LIHEAP to my State, I was disturbed when President Clinton released his budget earlier this year with major cuts in LIHEAP funding. Even though many frivolous programs appear in this year's budget, President Clinton instead chose LIHEAP as a program to be cut by 50 percent. President Clinton spent three winters in Connecticut. He should have remembered the cold winters we experience in the Northeast and thought about how LIHEAP dollars have been dollars well spent. LIHEAP has probably saved lives.

Earlier this year I cosponsored a bill calling for LIHEAP to provide an equal or better level of services in the coming years. Program cuts have forced the State to significantly cut back on LIHEAP benefits to households during the past 3 years. I am pleased to report that the language in the bill I cosponsored has been included in the bill before us today.

I also support allowing States to set eligibility standards which best meet the needs of recipients. Because of my State's relatively high cost of living, it is important that the State determine the guidelines under which a household would be available for heating assistance. This bill today maintains current law prohibiting the Federal Government from regulating the State use of LIHEAP funds.

If the President's proposal had become law, the State of Connecticut would have lost over $14 million in energy assistance this year alone. I support this bill, because it rejects the President's proposal and provides the funds the entire Northeast needs to keep low-income residents warm next winter.

This bill also reauthorizes Head Start Programs. During the past 30 years, Head Start has been an important part of our efforts to help disadvantaged children prepare for learning. Connecticut resident Edward Zigler, one of the founders of Head Start, states accurately that the program's approach and commitment to involving parents and strengthening families have come to define the components of effective intervention. During my time serving in Congress, my constituents have attested to the value of the Head Start Programs.

Earlier this Congress, I voted for the Goals 2000: Educate America Act, which established eight national education goals. The first goal is that by the year 2000, all children in America will start school ready to learn. Head Start plays an important role in achieving that goal. It allows disadvantaged children to have access to high-quality and developmentally appropriate preschool programs. Over 13 million poor children have entered school healthier and ready to learn because of Head Start.

Even successful programs such as Head Start need improvements. I am pleased that Republicans were able to play an important role in developing quality assurance mechanisms and parental involvement components in this bill. As Head Start expands to embrace more children, there are likely to be growing pains. This bill allows Head Start Programs to use Federal funds in the most effective way.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise this afternoon in strong support of the conference report on S. 2000, the Head Start Act Amendments of 1994.

As you know, Head Start is a proven program designed to ensure that America's most underprivileged children receive the proper nourishment, medical care, and educational opportunities to enable them to lead healthier, happier, and more productive lives. I have long been an outspoken advocate of the numerous benefits provided to children involved in this program and am very pleased that, under this legislation, Head Start will be expanded and strengthened.

Over the past decade, focused attention upon and comprehensive resources for the troubles affecting a large number of America's underprivileged youngsters and their families was lacking. As a result, all too many of our children have become increasingly exposed to the problems of poverty, hunger, and illness. Head Start has proven extremely effective in combating the struggles faced by individuals living in less fortunate environments and we must utilize its well-developed resources to their full potential.

This conference report contains provisions that will do just that. It will create a new infant and toddler initiative, finally recognizing that, during the most formative years of a child's life, ages 0–3, we must pay close attention to the developmental needs of these youngsters. In addition, this bill will get parents more directly involved in their children's education through family-focused teaching and literacy initiatives. Most importantly, the measure targets those areas most in need of Head Start services and directs the Secretary of HHS to work to provide such services swiftly and effectively.

This legislation will also reauthorize the National Youth Sports Program [NYSP] that has given thousands of disadvantaged and minority youth across the country a chance to experience both the thrill of athletic competition and the many benefits of teamwork. This valuable program provides these youngsters with a positive outlet through which to develop their skills and channel their energy.

Today, with the problems of violence and drug abuse continuing to plague many of our communities, it is imperative that we lend our utmost support to all programs with proven records of steering youth down productive avenues. NYSP is indeed one of these valuable initiatives.

In addition, this conference report recognizes that high priority must be given to aiding the working poor, the disabled, and the low-income elderly in paying their energy bills through the Low-Income Home Energy Assistance Program [LIHEAP].

LIHEAP annually serves over 6 million low- and fixed-income households in the Nation, including over 650,000 in the State of Illinois. This vital program keeps poor families, as well as older Americans, from having to choose each winter between essential energy services and other daily necessities.

Recently, the amount of LIHEAP funds that have gone to each household eligible for assistance has declined while fuel costs have continued to rise. Today, the States are being forced to turn away a growing number of eligible recipients as lower income households continue to spend three times more of their income on energy than the average American family.

The fair and efficient provision of basic utilities such as winter heating is of utmost importance to low-income Americans, especially those battling with a bitter cold winter season such as that in my city of Chicago. In Illinois last year, over 35,000 households, a large majority of them in Chicago, applied for LIHEAP assistance and were denied for lack of funds. This conference report will work to reverse this unfortunate trend.

Passage of this vital legislation will signal that this Congress is fully committed to putting people first and helping all Americans better provide for themselves and their families and achieve their personal goals. I urge my colleagues to vote "yes" on this conference report.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FORD of Michigan. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 393, nays 20, not voting 19, as follows:

[Roll No. 170]

YEAS—393

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hayes
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—20

Allard
Archer
Armey
Burton
Callahan
Coble
Collins (GA)
Crane
DeLay
Doolittle
Dornan
Hancock
Hunter
Johnson, Sam
Miller (FL)
Rohrabacher
Royce
Sensenbrenner
Stump
Walker

NOT VOTING—19

Becerra
Blackwell
Cox
Flake
Gallegly
Grandy
Green
Gutierrez
Hastings
Hefley
Hoagland
Hutto
Lewis (GA)
Neal (NC)
Parker
Ridge
Santorum
Sharp
Thomas (CA)

□ 1639

Mr. MILLER of Florida changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, on May 12, 1994, due to an urgent meeting in my district, I unavoidably missed rollcall vote No. 170 on the conference report on S. 2000, the Human Services amendments of 1994. Had I been present, I would have voted "aye."

S. 2000 reauthorizes the Head Start Act, the Community Services Block Grant, and the Low Income Home Energy Assistance Program. I strongly support the conference report on S. 2000 which is the result of a collaboration of bipartisan and bicameral efforts. The Head Start Act addresses many issues that have hindered this program over the decades since its inception in 1965.

The Head Start Act dramatically improves the quality standards and procedures for program monitoring. This bill provides for stronger training and technical assistance strategies. It also enhances the parental involvement component to address the changing needs of families today.

In fiscal year 1994, Head Start is estimated to serve 750,000 children. Unfortunately, after almost 30 years of existence, Head Start still only serves about one-third of poor children age 3 to 4. Head Start is an important base for low-income children and their families to build upon as they strive to overcome the innumerable barriers that lie before them.

This bill seeks to better Head Start so that all its participants receive the best quality and most appropriate service possible. With such improvements, Head Start can continue to serve our Nation's poor into the 21st century.

For this reason, I strongly support the conference report on S. 2000.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, at the end of the afternoon of Thursday, April 12, 1994, I was unavoidably absent from this Chamber and therefore missed rollcall vote No. 168, a vote for passage of the reauthorization of the Economic Development Administration, rollcall vote No. 169 regarding Social Security taxes for domestic workers and rollcall vote No. 170 to reauthorize Head Start. I deeply regret I was unable to cast my votes but could I have been here I would have voted "yes."

□ 1640

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4311

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4311.

The SPEAKER pro tempore (Mr. MCDERMOTT). Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4260

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4260.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the conference report to the Senate bill, S. 2000, which was just considered and agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this time in order that I might inquire of the distinguished majority leader the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, obviously we are finished with votes today. There will not be votes on tomorrow.

On Monday, May 16, the House will meet at noon to take up three bills under suspension. The recorded votes on these bills will be postponed until Tuesday, May 17. We have H. Con. Res. 176, to recognize and encourage the convening of a National Silver Haired Congress; H.R. 965, Child Safety Protection Act conference report; and H.R. 3869, Minority Health Improvement Act.

Tuesday, May 17, the House will meet at 10:30 a.m. for morning hour. Then the House will meet at noon. A Journal vote is expected.

We have a new Member from Oklahoma expected to be sworn in.

We then have two bills on suspension. Recorded votes on suspensions will be postponed until the end of legislative business. We have H.R. 3419, Tax Simplification and Technical Corrections Act; H.R. 4277, Social Security Administrative Reform Act of 1994; H.R. 2473, Montana Wilderness Act, to complete consideration; and H.R. 518, the California Desert Protection Act, subject to a rule.

Wednesday, May 18, and the balance of the week, the House will meet at 10 a.m. on Wednesday, 9:30 a.m. on Thursday, 10 a.m. on Friday, and votes on Friday will end obviously at 3 o'clock or before.

On Wednesday, the House will recess immediately and reconvene at approximately 11 a.m to receive His Excellency, the Prime Minister of the Republic of India, His Excellency P. V. Narasimha Rao, in a joint meeting. Following the joint meeting, the House will reconvene for legislative business.

Immediately after the House convenes on Thursday, there will be a recess for the purpose of receiving former Members of Congress. The House will reconvene for legislative business at 11 a.m., and we will be taking up on Wednesday and Friday H.R. 4301, the National Defense Authorization Act for fiscal year 1995, subject to a rule.

And on Thursday, H.R. 2108, the Black Lung Benefits Restoration Act, subject to a rule.

Conference reports can be brought up at any time. Any further program will be announced later.

Mr. MICHEL. I thank the distinguished gentleman and would simply remind Members, or emphasize, that there will be a vote on the Journal on Tuesday, and although the other rollcalls will be later in the day, just so Members are apprised of that.

I thank the distinguished gentleman.

HOUR OF MEETING ON MONDAY, MAY 16, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MAY 16, 1994, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY P.V. NARASIMHA RAO, PRIME MINISTER OF THE REPUBLIC OF INDIA

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, May 18, 1994 for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency P.V. Narasimha Rao, Prime Minister of the Republic of India.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON THURSDAY, MAY 19, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, May 18, 1994, it adjourn to meet at 9:30 a.m. on Thursday, May 19, for the purpose of receiving in this Chamber former members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON THURSDAY, MAY 19, 1994, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses, subject to the call of the Chair, on Thursday, May 19, 1994 for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

THE MONTANA WILDERNESS ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 423 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2473.

□ 1645

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2473) to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes, with Ms. WOOLSEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes, the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes, the gentleman from Montana [Mr. WILLIAMS] will be recognized for 7½ minutes, the gentleman from Colorado [Mr. ALLARD] will be recognized for 7½ minutes, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 7½ minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this initiative, H.R. 2473, is really the work of our colleague, the gentleman from Montana [Mr. WILLIAMS]. The gentleman from Montana [Mr. WILLIAMS] is not able to be with us at this time. We have agreed with him to proceed with the general debate on this matter, and we assume that all of the time will not be utilized today.

I will be reserving 10 minutes for the gentleman from Montana [Mr. WILLIAMS] upon his return on Tuesday next to use that time in general debate for his statement, and I would ask the indulgence of the other Members not to reserve time at the end of today but to proceed on that basis.

The gentleman from Montana [Mr. WILLIAMS] is attending the graduation of his son and left here about 30 minutes ago to try to make a plane.

Madam Chairman, this is an enormously important bill. The Montana wilderness proposal involves 6 million acres of land, 3 million of which is classified by this bill as wilderness and other special management areas. It is a classification and a definition of land in Montana in terms of wilderness. Montana has some of the largest noncontiguous blocks of roadless land along with Idaho, in this intermountain west region.

□ 1650

It is the land that has been immortalized in the film and book by Norman MacLain, "A River Runs Through It." It is the "Big Sky" country. It is a magnificent legacy and a natural heritage in Montana. There is no place like these lands in the world.

We in Congress have responsibility in terms of stewardship, in terms of classifying the use of such lands, in terms of passing them on to future generations through our actions on this floor in the week ahead.

The gentleman from Montana [Mr. WILLIAMS] has done a great job and done it, I might say, with a lot more pressure than most of us face in terms of this issue, as his constituents are most immediately affected by the actions in this measure.

He has shown, Madam Chairman, great courage, great insight, and a great deal of work in the process. He has to live it, sleep it and eat it, I might say, day in and day out. We owe to PAT WILLIAMS and the people of Montana a decision on this important issue.

Madam Chairman, this issue has been before the Congress for well over a decade, in fact 16 years, I think, is what is claimed. In any case it has been a long time that this land has been in the planning process.

Congress has attempted in the past to act on this legislation, and it was vetoed, in fact the only wilderness bill ever vetoed, in 1988 by the then-President Reagan.

I would suggest to my colleagues I think that the President did not act correctly at that time, but, hopefully, we will put that behind us and move ahead now with the type of debate and consideration that will provide for the deliberate consideration and finally the enactment of this legislation which is so important to the Great Sky country. In providing for the preservation of wilderness, we will exercise our responsibility as stewards of our natural heritage and legacy.

Madam Chairman, I reserve the balance of my time.

Mr. HANSEN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the issue of Montana wilderness has been considered by this body even before I arrived here nearly 14 years ago. As a member of the Natural Resources Committee, I have participated in numerous hearings and markups on this issue.

Coming from a western public lands State which is 64 percent federally owned and as author of the 1984 Utah Wilderness Act, I believe that decisions on wilderness are best left to the members of the affected State. They are the only ones elected by those who are directly affected by these decisions. Therefore, I agree with Chairman MILLER that we should defer to the members of the delegation for direction.

Unfortunately, the Natural Resources Committee and the House often fails to defer to those members that are duly elected by constituents who live and work in the areas proposed for wilderness. For example, next week the House will consider a 7 million acre wilderness bill for the California desert, which is opposed by all four Members who represent that area.

I personally believe the acreage in this bill is excessive. It designates twice as much wilderness as the professional land managers at the Forest Service recommended in their exhaustive rare II study. In fact, some of the counties affected by H.R. 2473 have voiced their opposition to this bill and I personally believe that local support is very important. However, I will defer to the gentleman from Montana on that matter. In turn, I hope he defers to the four gentleman representing the California desert when H.R. 518 comes up next week.

I am concerned with several precedents in this bill that could become boiler plate language for other wilderness bills. I disagree with the Montana ecosystem and economics study created in section 9, which the Congressional Budget Office claims will cost $8 million. Similarly, I prefer stronger release language to help assure that the 3 million acres released for multiple use is actually managed that way.

Finally, I am concerned that this bill will affect land management decisions and the local economies outside the State of Montana. For example, wilderness and special management designations in northwest Montana will exacerbate the timber supply crisis in Oregon and other nearby States. I supported a reasonable but unsuccessful amendment by Mr. Smith of Oregon, who represents such an affected area.

In conclusion, while I defer to Mr. WILLIAMS generally on his bill affecting his State, I have some reservations. I will support reasonable amendments which I believe improve the bill, but keep the basic package in tact.

Madam Chairman, I reserve the balance of my time.

Mr. VENTO. Madam Chairman, I yield 1 minute to the gentleman from California [Mr. FARR].

Mr. FARR of California. I thank the gentleman for yielding this time to me.

Madam Chairman, I would like to inquire of Chairman VENTO regarding the intent of this bill.

Madam Chairman, I am uncomfortable with the wording of the release language in section 11 of the bill.

Section 11 states that the released land "Shall be managed for multiple use in accordance with land and resources management plans" and that "those roadless areas need not be managed for the purpose of protecting their suitability for wilderness designation".

Will this language prohibit consideration of the released land for possible future designation as a wilderness, and does it in any way limit wilderness reviews to be conducted in these areas by the Forest Service?

Mr. VENTO. Madam Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Madam Chairman, the release language does not prohibit consideration of the released land for possible future designation as a wilderness by Congress, nor does it in any way limit future wilderness reviews to be conducted by the Forest Service. This would occur when the forest plans are revised.

Mr. HANSEN. Madam Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Madam Chairman, I thank the gentleman for yielding this time to me.

I would like to say at this time I do appreciate the gentleman's leadership on Western issues and his tireless efforts on our behalf.

I would like to make a few comments regarding this legislation; specifically the water language, which is of particular significance to me because it was modeled after similar language contained in the Colorado Wilderness Act, which was passed last year. The Colorado water language was carefully crafted to try to prevent the assertion of a Federal reserve water right. I believe any Federal water language reported out of the House will become boilerplate language for other wilderness legislation facing States in the western part of the United States.

Madam Chairman, when the Montana wilderness bill was originally introduced, those in Congress, as well as water users in Montana, were led to believe that this bill would preclude the creation or assertion of a Federal reserve water right as well. While this originally may have been the intent of H.R. 2473, the present legislation does not reflect this concern. As one who is very familiar with the language in the Colorado wilderness bill and has worked closely on water issues, I can testify that the present language in H.R. 2473, does not protect the water rights of those in Montana. Rather, the changes made in section 4(b) of H.R. 2473 effectively permit the assertion of a Federal reserve water right. In addition, this language sets a bad precedent for preserving State water law throughout the West.

When Mr. WILLIAMS originally introduced H.R. 2473, it read "Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Montana existing before the date of enactment of this Act." However, the Natural Resources Committee significantly changed this language by striking the words "creation" and "recognition" effectively eliminating the little protection this provision attempted to provide Montana water users.

□ 1700

While I am not saying that by restoring the original language we will make the bill perfect, because this bill is far from perfect, however, it will help improve the bill considerably. By reinserting the original language, water users in Montana will at least be ensured the protection they were told to expect. Several organizations in Montana, including the Montana Farm Bureau Federation. Stockgrowers Association and some of the County Commissioners are just as displeased with the changes that the gentleman from Montana made to this bill in Committee. These Montana groups realize that by removing the two words, they are not protected against the assertion of a Federal reserve water right by the Federal Government in any wilderness areas established by this act.

It is important that the original language is restored, not only for the benefit of those water users in Montana, but for everybody in the West who cares about protecting the most precious private property of all, namely water. The least we can do is restore the original language that Montana water users were promised. Congress has an obligation to protect private property rights and a responsibility to clearly state that principle in this legislation.

Mr. VENTO. Madam Chairman, will the gentleman yield?

Mr. ALLARD. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Chairman, I just wanted to point out that there is a difference of opinion on this. I do not want to take the gentleman's time to debate him, but I wanted to say I think it is timely to point out that, while there is a slight change from the Colorado language, the change we believe is relevant to Montana. I say to the gentleman, there is a provision in the water language that you have before you that says, "on or before the date of enactment of this act," so we are dealing with preexisting conditions—in other words, taking care of it in this way.

Madam Chairman, I understand that the gentleman will want to continue this debate. I think that he has plans for that, and so I will not pursue it at this time with him.

Mr. ALLARD. Madam Chairman, I would like to be able to reserve, along with the rest of the committee members, some time later on so we can continue this debate when maybe the gentleman from Montana would be here to argue that perspective. But in the water language debate that we had in the State of Colorado there was balance on both sides so that those who were concerned about creating a new Federal reserve water——

The CHAIRMAN. The time of the gentleman from Colorado [Mr. ALLARD] has expired.

Mr. HANSEN. Madam Chairman, I yield 1 additional minute to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Madam Chairman, I thank the gentleman from Utah [Mr. HANSEN] for yielding me an additional minute.

So, in the debate we had that proper balance, and with the committee action I see that we have lost that balance and so would look forward to further debate on this particular issue.

Mr. HANSEN. Madam Chairman, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Madam Chairman, I thank the gentleman from Utah [Mr. HANSEN] for yielding this time to me.

Madam Chairman, I would like to engage the gentleman from Colorado [Mr. ALLARD] in a colloquy, if I might. I want to thank him for his leadership in the House Committee on Agriculture. We had joint referral of this bill. We had a very close vote. It was, as I recall, 22 to 19, and it was basically because of the concern that the gentleman has raised in regard to legislation that is in this bill becoming what we call boilerplate portions of legislation or an example that can be used in additional bills. The gentleman, at least the way I understood it, was concerned about what could be a substantial Federal reserve of water rights.

Madam Chairman, I thought we were going to the Committee on Rules after the bill passed out of the Committee on Agriculture to make sure that the original bill language would be preserved and each committee's amendments be made in order for consideration under the 5 minute rule in the Committee of the Whole. Now what happened to that?

Mr. ALLARD. Madam Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Colorado.

Mr. ALLARD. Madam Chairman, we acted in the Committee on Agriculture, as the gentleman will recall, after the Committee on Natural Resources had acted on the Montana wilderness bill, and, as the bill was reported out of the committee on Natural Resources, two words were stricken on the water language which we were discussing earlier.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. ROBERTS] has expired.

Mr. HANSEN. Madam Chairman, I yield an additional minute to the gentleman from Kansas.

Mr. ALLARD. Madam Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Colorado.

Mr. ALLARD. So, Madam Chairman, the legislation was reported out of the Committee on Natural Resources in a different form than when it was before us in the Committee on Agriculture. The piece of legislation that we had before us in the Committee on Agriculture was as it was originally introduced by the bill's sponsor. I raised this point, as the gentleman will recall, in the Committee on Agriculture, and we were assured that our concerns would be reflected in any action by the Committee on Rules. The bill that was eventually reported to the floor of the House that was the one that was reported out of the Committee on Natural Resources——

Mr. ROBERTS. OK; bottom line, if the gentleman would simply respond to this:

The version that you were advocating and the version that was in the original bill had language that, and I'm quoting here, "could not create or recognize new Federal Reserve water rights," in wilderness, special study areas, et cetera, that are carved out of National Forest lands.

Is this in or out of what the Rules Committee has made in order in H.R. 2473 as original text from language reported by the Committee on Natural Resources?

Mr. ALLARD. That is out.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. ROBERTS] has expired.

Mr. HANSEN. Madam Chairman, I yield 6 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Madam Chairman, I thank the gentleman from Utah [Mr. HANSEN], my friend, for yielding this time to me.

Madam Chairman and my colleagues, I rise in opposition to the Montana wilderness bill. Its purpose really is to do two things. It is first to designate about 1½ million acres of wilderness in Montana, and, by the way, this has been mentioned, but it is twice the size that the Forest Service recommended to be designated as wilderness in Montana. And the second thing this bill provides is the, quote, release of some 3 million acres of lands not suitable for wilderness but in wilderness study areas. Supposedly these lands are now released to be used for timber production.

Not so. This bill is a sham, and, if anybody says that we are releasing 3 million acres of land for timber production, they are not telling the truth. This bill will establish massive and more wilderness areas, and it certainly gives nothing back to the hard-working people of the State of Montana who depend upon natural resources.

The release language in this bill is so weak that even the lands not suitable for wilderness will be set aside in a park-like status in perpetuity. Preservationist will continue to block timber sales and timber communities will continue to choke to death. Meanwhile all of our constituents outside the State of Montana will suffer because prices of housing will go up through the roof, as they already have, because of shortage of wood, and the American dream of owning a home will be further and further away.

Well, do not let anybody say that there is release of multiple use lands in the State of Montana, and I want to tell my colleagues why. I was told the same thing on the floor of this House in 1984, of all times, when the Oregon wilderness bill passed the House of Representatives. At that time those who wished for more wilderness offered 1 million acres of wilderness and a carrot: quote, release of more than 2 million acres for the harvest of timber. In other words, the wilderness study area would be allowed to be used for multiple use purposes. Ten years later almost, Madam Chairman, how many acres have been released in Oregon for multiple use? Seven thousand acres. That, my colleagues, is seven-tenths of 1 percent or less than was promised on the floor of the House to me and to Oregonians.

Now what has happened in Oregon since then? We know the story. With the Endangered Species Act, the spotted owl, the marbled merelet, the salmon issue, we have lost 6,000 jobs in Oregon right now. They are gone. Mills are closing every week. We have no timber policy program in the State of Oregon. Whatever happened to the released lands?

□ 1710

Eighty-five percent of the timber lands in the Northwest are set aside from ever having timber harvested from them. That is a place, my friends, where 50 percent historically of the soft woods for this Nation have been growing and have been harvested in the past.

I was fascinated by Mr. FARR'S question to the chairman. His question was, well, if we pass this bill, does it mean that we are not going to be allowed to put these other acres into wilderness?

Well, he did not have to ask that question. The facts are that 3 million acres will go into park-like wilderness if you pass this bill with this release language.

Now, I attempted to amend this bill in committee and attempted to tell this story to people. There would be some who would wonder why in the world would a person from Oregon be so concerned about the Montana wilderness bill? Well, I have given you one example, my own example of the injury done to the so-called release language, the same language, by the way, in this bill. The Oregon bill had the same language in the bill as this one does. You do not think there is going to be the same results?

There is another result. Oregon mills are closing. People are losing their jobs. The mills left operating are reaching out to Montana, South Dakota, Canada, reaching for wood desperately to maintain their mills, their employment, and the 72 little communities in Oregon that depend upon the timber industry. They are reaching out.

So we are reaching out in Oregon, trying to find desperately wood to take care of this Nation's needs, and to provide some small employment left in our timber industry. And, yes, we are interested in Montana, and, yes, we do not want it all set aside. And, yes, we do not want 4 million acres unavailable, beyond thinking about Montanans. Think about what they are living through. They are facing again, mass unemployment, like Oregon. They are facing losing their homes, changing their lifestyles, for the promise of release.

It is a sham. Do not fall for it in this bill. We did it in Oregon 10 years ago. We should have learned something. But do not injure Montanans like we have injured Oregonians.

Mr. HANSEN. Madam Chairman, I reserve 5 minutes of my time for next Tuesday. I have no further requests for time, and yield back the balance of my time.

Mr. VENTO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would just rise again in support of the bill. I understand that the procedure here is that the gentleman from Montana [Mr. WILLIAMS] has been ceded the time to manage for the Committee on Agriculture and intends to use that on Tuesday next. My intention, Madam Chairman, is to reserve 5 minutes for the Committee on Natural Resources, and then it is my understanding the gentleman from Colorado [Mr. ALLARD] will reserve the 7½ minutes of the Committee on Agriculture, and the other time would be ceded to not be used by the Committee on Merchant Marine and Fisheries. We would then each have 12½ minutes on Tuesday next.

That is the understanding we have gained. I thought since the gentleman from Montana [Mr. WILLIAMS] was not here, we would extend the option to him. But we will proceed this way. That way we get a better comfort level.

Madam Chairman, I would just mention that with regard to water, I think there are six pages of water language in the bill. So those Members who aspire to the issue have done well in terms of putting additional language in the bill. For my part, I would just as soon be silent with regard to water language in this bill, and let the existing laws as they are applicable in Montana and nationally with regards to whatever water rights accrue to wilderness prevail.

The issue here, in terms of this language, is to try to provide some guarantee, some comfort level, some assurances, that we will deal with this matter based on Montana law, regarding Federal water rights.

I might say to the gentleman from Colorado [Mr. ALLARD] that each State's water language that we have passed, for Arizona and other Western States, such as Colorado, has had different water language in it. The fact that the Colorado and Montana water language are so similar is a surprise to me. I can assure the gentleman that the intent is not to upset the type of balance that was achieved. As I said, we will have an opportunity to debate that further.

With regard to the comments that were made on release language, which is another sensitive issue, we are releasing the lands not designated here to the forest planning process. We are not releasing them to other purposes. Those purposes will be guided by the forest plans that are now in effect, until such time as they are revised, either timely or untimely.

The issue is some of these lands will be subject to sale for timber. Some will be open to claim under the mining laws.

I might say, furthermore, that this release language is substantially different than that which had previously been acted on and agreed upon by Congress. In fact, that is an agreement that was then worked out, I believe, by the gentleman from Washington [Mr. FOLEY] when he chaired the Committee on Agriculture, along with our predecessor on the committee, chairman Mo Udall, and subcommittee chairman, John Seiberling. So the fact is we have evolved into a different type of release language here.

I would point out further that I think there is a good faith effort when we do go through this to release these lands to multiple purpose use. I would say though that I am not, nor is anyone in this body, capable of legislating and limiting scientific inquiry and knowledge, nor should we be. So as we gain greater information about these ecosystems, whether they be in the temperate rain forests of the Pacific Northwest or the boreal forests of the inland West, and the hot dry areas in other places where we see fragile lifeforms struggling to survive and sometimes grow magnificent forests, that new information is going to be used. It should be used. I think we would want it to be used in terms of making the best decisions for these resources on Federal lands that exist.

That is something that we have to face. I think we have very often been cast in the role of acting inconsistently, some would say acting in bad faith, when indeed it is the use of the information available. I have been especially surprised by the development of information and the subsequent limitations that have been faced in the Pacific Northwest in terms of vertebrate fish species, and in terms of other types of problems in those temperate rain forest areas.

The issue here concerns resources and how the national forests should and could be used. I think that it should be apparent to all of us that the demographics, the demands on these forests, are changing. The demographics of our populations are changing, and the demand on those forests are changing.

People want them. If you talk in terms of recreation, of preservation, of conservation of these resources, of restoration of them, the attitude of the public, I think, would lean very strongly in that direction, trying to be sensitive. We are trying to be sensitive to the needs of local communities, small communities, that while not representative of the numbers present here, that we have an obligation to, insofar as they are dependent upon and utilize the Federal estate.

But I might point out that the nature of that and the character of that has changed. Where private lands early on were utilized and limits placed on the use of public lands because they would devalue the timber and the resources coming from private lands, today, after much of the supply on these private lands has been exhausted, and in some cases where they have been mismanaged and overmanaged in other cases, now we find increasingly this dependence on using the national forests in a way that would be fact destroy much of what is valued as an important resource by the American people, and, frankly by the world.

So it is a dilemma that we face in these issues, but I think one in which we are trying to find a path that is fair, that does prescribe the use of these lands and does permit us to exercise our responsibilities.

□ 1720

I know there are those of my colleagues that come closer to ground in terms of these issues and face some tough decisions, but I think that nevertheless they are issues that we can face up to and that we can respond to.

Madam Chairman, I reserve the balance of my time.

I recognize Mr. HANSEN has yielded back his time. I would be happy to yield to him in the event that he had any further comments or observations with regard to my editorializing, as he sometimes has put it, on other comments. But we are in an open and fair system here.

I appreciate the gentleman's efforts. We will be debating the amendments in detail.

Madam Chairman, I will get general leave for everyone's statements when we conclude today. I would then, therefore, yield back all but 5 minutes of my time. The gentleman from Utah has done the same. And the Committee on Agriculture has reserved time for next Tuesday.

Is that the understanding of the Chair?

The CHAIRMAN. That is the Chair's understanding.

The Chair is advised that the time controlled by members of the Committee on Merchant Marine and Fisheries is yielded back. Other time is reserved as indicated by the managers.

Mr. DE LA GARZA. Madam Chairman, we have before us today H.R. 2473, as amended by the House Natural Resources Committee. H.R. 2473 would designate certain national forest lands in the State of Montana as wilderness, release other national forest lands in the State of Montana for multiple use management and for other purposes.

Montana has over 6 million acres of qualifying roadless areas in its 10 national forests and 3.4 million acres of already designated wilderness. H.R. 2473, as amended by the Natural Resources Committee, would add an additional 1.7 million acres of wilderness, designate 240,000 acres of special management areas and designate 375,000 acres as wilderness study areas.

Madam Chairman, I urge that the House approve final passage of the legislation.

Mr. VENTO. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. VENTO) having assumed the chair, Ms. WOOLSEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2473) to designate certain national forest lands in the State of Montana as wilderness, to release other national forest lands in the State of Montana for multiple use management, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

UPCOMING PRESIDENTIAL ELECTION IN MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] will be recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, I rise today to talk about an election that could change the lives of millions of people.

An election that could be a triumph for democracy and restore a sense of trust between a people and their government.

An election that could have a deep and lasting impact upon the United States and affect both our economy and our way of life.

I speak, of course, about the upcoming presidential election in the state of Mexico.

This week, Mr. Speaker, the world celebrates the triumph of democracy in South Africa. We rejoice in the election of Nelson Mandela and the end of 300 years of brutal suppression and one-party rule.

It is my hope, Mr. Speaker, that 100 days from today, the world will once again rejoice in the triumph of democratic reform.

We will celebrate free and fair elections in Mexico—and open and honest debate.

And we will welcome a new President in Mexico who will be a partner with America and lead the world into a new era and a new century.

That is our hope, Mr. Speaker—and indeed, there are many people in Mexico from across the political spectrum—both inside and outside the government—from all sectors of society who are working to meet that challenge.

But let's not pull any punches, Mr. Speaker. It's a big challenge.

The people of Mexico today are struggling to overcome decades of rigged elections and entrenched political corruption.

Fresh in their minds are last December's election in the State of Yucatan, where voter turnout rates met or exceeded 100 percent in over 20 precincts—and March's election in the state of Morelos, where widespread voter fraud was witnessed and widely reported.

On the eve of the August 21 election, Mexico is struggling with a rebel uprising in the State of Chiapas.

It's still reeling from the assassination of Donaldo Colosio, the ruling party's original presidential candidate.

It's still witnessing massive demonstrations throughout the country calling for greater democracy and a more open electoral process.

And in recent weeks, it's become increasingly clear that in preparation for the August election the government of Mexico is investing not only in new polling stations and new voter cards but also in riot-control vehicles for any civil unrest that might occur.

I have an article in front of me that details millions of dollars that the Mexican Government has spent on 18 commando vehicles equipped with water cannons capable of leveling crowds and on armored trucks fitted with plows to break through barricaded streets.

I think we'd all agree, Mr. Speaker, that the purchase of these vehicles sends the wrong signal. Because if the elections were going to be honest and open, there shouldn't be any need for riot control because there shouldn't be any riots.

Now, those are some of the obstacles Mexico has to overcome. But while there are obstacles, there are also great opportunities.

The passage of the North American Free Trade Agreement—even though I thought we could have come up with a better agreement—presents new opportunities for both Mexico and America.

In the wake of last fall's NAFTA debate, Mexican leaders from across the political spectrum have recognized the need for political reform and have begun to work together.

Last January, Mexico's major political parties joined together in an agreement—known as the Agreement for Peace, Democracy and Justice—to reform the electoral system.

Among other things, the agreement called for an independent election-monitoring authority and since then, the Mexican Congress has met several times to make the necessary constitutional and statutory changes needed to reform the electoral process.

Mr. Speaker, I believe the United States should be supporting these reforms.

We should be encouraging Mexico to comply with the principles of democracy set forth in the Agreement for Peace, Democracy, and Justice and we should be urging them to invite representatives from the United Nations and the Organization of American States to monitor the August elections.

International observers will help bridge the mistrust that exists now between the people and their government and will give the Mexican people the confidence to know that their vote will be respected.

Mr. Speaker, we could be on the dawn of a new day in Mexico.

In August, the people of Mexico will come to a fork in the road.

Down one path lies the bright path of democracy and free and fair elections.

And down the other path lies water cannons and armored trucks.

Today, I believe we need to do all we can to encourage Mexico to choose the right path.

□ 1730

CELEBRATING THE ACHIEVEMENTS OF PUBLIC LAW 480, THE FOOD FOR PEACE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, in a special order on May 10, 1994, this Member recalled that this year is the 40th anniversary of the Food for Peace Program, also known as the Public Law 480 Program. The history of the Food for Peace Program, which was outlined in detail in that speech, shows a program that has adapted over the years to the needs of the times, while saving literally millions and millions of lives at risk from famine and malnutrition. Since it began in 1954, Public Law 480 has provided about $48 billion worth of U.S. food to countries with food shortages.

The program was last redesigned in 1990 to focus particularly on improving food security in countries with significant levels of malnutrition, chronic food shortages, and high infant mortality rates. Food aid donations in very poor, food-deficit countries are used to respond to chronic hunger needs and also to improve long-term food security through development programs funded by the local proceeds of food sales. Some Public Law 480 food is also donated for use in emergencies. Both of these programs are administered by the U.S. Agency for International Development [AID]. Food deficit countries that are potential future customers for U.S. commercial sales of food can receive food aid under a concessional loan program administered by the Department of Agriculture.

My remarks today focus on several difficult current challenges to the very essence of the Public Law 480 Program. The first challenge is the serious decline in funding levels in the face of ongoing, and even escalating, needs for international food aid. The second challenge is how to preserve Public Law 480's long-term development programs addressing chronic hunger and food insecurity among the poorest people in the poorest countries in the world in the face of extraordinary emergency food aid needs.

FUNDING

This year, in fiscal 1994, due to cuts in Public Law 480 funding and decreases in the availability of Government-held surplus commodities that the Commodity Credit Corporation can also donate abroad under the section 416 program, total food aid tonnage will be 30 percent less than in fiscal year 1993. The President has proposed an additional 17 percent budget cut in Public Law 480 for fiscal year 1995. If these additional cuts are enacted, many targeted assistance programs for the chronically hungry and malnourished will have to be curtailed. The United States will abandon its longstanding leadership in combating world hunger if this trend continues.

This downward trend in food aid shipments runs counter to the intent of the 1990 farm bill law, the most recent statement of U.S. Government policy on Public Law 480. This law directs the President to combat world hunger and malnutrition by increasing the contributions of food aid by the United States and encouraging other donor countries to make similar commitments, recognizing the food aid needs for both emergency and chronic hunger are expected to grow throughout the decade of the nineties.

It is disturbing to see that programs that meet the needs of the hungry and vulnerable are the ones receiving disproportionate cuts in the President's international affairs budget proposal for fiscal year 1995. The Public Law 480 Program alone accounts for substantially more than 50 percent of the President's total dollar cuts in all the regular programs in the International Affairs—Function 150—budget account. The President's budget proposal is so low that it even violates several statutory minimum requirements established in the 1990 law for the size of the developmental and emergency portions of the Public Law 480 Program.

These proposed drastic fiscal year 1995 cuts in Public Law 480 come at a time when, as the President stated in his October 16, 1993 World Food Day Report to Congress (p. 15),

> An estimated 20 percent of the world's population consumes an inadequate amount of food, and growth failure affects one-third of the world's children. More than 40 percent of women worldwide are underweight and/or anaemic, and at least 1 billion people around the world are probably affected by one or more nutritional deficiencies.

The increased demand for food assistance due to the dissolution of the former Soviet Union has been added on top of major chronic and emergency hunger needs in much poorer countries.

EMERGENCIES

Over the last 5 years there has been an increase in the number of protracted emergencies, which result from recurring droughts and environmental changes as well as warfare and persecution. The number of refugees and displaced persons without access to their customary food supplies is soaring.

Up to now, Public Law 480 funding has not been intended as the principal U.S. resource for meeting extraordinary emergency needs. Within Public Law 480, one-quarter of the title II program designed for meeting food aid needs through private voluntary organizations and the World Food Programme of the United Nations is all that has been regularly designated for emergency use. This is because, in the past, Congress would provide supplemental funding for extraordinary or large emergencies, such as the $225 million appropriated for the 1984–85 famine in East Africa, or donate surplus commodities through the section 416 program. But at present, Government-held surplus levels are so low that surpluses available for foreign donation are estimated to be only $75 million in fiscal year 1994 and $25 million for fiscal year 1995, compared to the actual level of $647 million in fiscal year 1993. With Public Law 480 funding planned to decrease by 17 percent in fiscal year 1995 and stringent budgetary caps on supplemental appropriations, the ability of the United States to respond to emergency needs has been greatly hindered.

The most likely source for additional emergency funding is to shift funds by reducing regular Public Law 480 targeted assistance programs that help the chronically poor who are nutritionally at risk. These programs target the truly needed at the moments when they are greatest risk, such as food supplementation for malnourished children and pregnant women and food-for-work programs during the "hungry" season before crops are harvested. These programs are long-term developmental interventions that prevent and mitigate disasters by strengthening local coping mechanisms. Such programs cannot stop and restart without compromising their effectiveness.

It would be tragic for the lack of proper foresight in budgeting for extraordinary emergency food aid needs to force a tradeoff between life-saving programs that serve those caught in emergencies and those chronically at nutritional risk. This issue is likely to be on the front burner within a matter of months. There are preliminary assessments that the most severe drought in a decade is arriving in greater east Africa, with 23 million people at risk. The $329 million requested by the President for emergencies worldwide in fiscal year 1995 will just be a downpayment for this one area alone, let alone meeting needs in Bosnia and a dozen other areas of war and drought.

Public Law 480 is a program where we do good and do well at the same time, and it has the strong and heartfelt support of the American people. Moreover, nearly all of the funds of Public Law 480 are spent in the United States to purchase and process agricultural commodities and to provide transportation and related services. Even though Public Law 480 levels have decreased, food aid continues to be an important market for agricultural goods and an important cargo for U.S. transportation industries. For instance, in fiscal year 1993, food aid shipments accounted for 30 percent of wheat flour exports, 20 percent of rice exports, 50 percent of soybean oil exports, and 45 percent of dry pea and lentil exports.

The result of Public Law 480 food aid is better nutrition for individuals around the world, and also creation of a context of food security and stability in which sustainable economic and democratic reforms can be sustained.

The latest set of reforms in Public Law 480 in 1990 have given us a well-structured program, focused on making long-lasting improvements in the food security of developing countries, with food security defined as "access by all people at all times to sufficient food and nutrition for a healthy and productive life."

Mr. Speaker, U.S. citizens are proud of the contributions we make to responding to the basic need for food worldwide, both through commercial exports, Government-financed exports, and food aid donations. We in Congress indeed should celebrate the many achievements of Public Law 480 through these last 40 years and insure that the program is strong and well-funded enough to keep that commitment alive in order to meet the newest challenges to worldwide food security.

MAINTENANCE OF MOST FAVORED NATION STATUS FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken this time to talk about a very important issue that is going to be facing us in the not-too-distant future. Actually, the real decision lies down at 1600 Pennsylvania with President Clinton. I am talking about the maintenance of most-favored-nation trading status with China.

We know that on June 4 we will be marking the fifth anniversary of one of the greatest tragedies in recent history, that being the massacre that took place in Tiananmen Square, when we saw those young people who were fighting on behalf of democracy, liberty, freedom, gunned down by the military in China. We all remember vividly those pictures which came across the screen throughout the world, where we saw the tragic treatment that those young people received.

Mr. Speaker, one of the natural responses which one would have to an incident like the Tiananmen Square massacre would be to eliminate any kind of tie whatsoever with China, and that is sort of the gut response that one has to an incident like that. However, I have concluded, after having gone through the past 5 years, having talked with many people on this issue, including former President Nixon and many others, that the best way for us to bring about retribution and actually move towards the kind of political pluralism and further economic recovery in China is for us to not only maintain but to expand trade ties between the People's Republic of China and the West; specifically, the United States.

There are some who believe that because of the horrendous human rights violations which we have observed over the past several years, that we should end most-favored-nation trading status, and we will, by doing that, be able to alienate China from the United States and the rest of the world.

Mr. Speaker, nothing could be further from the truth. If we revoke most-favored-nation trading status with China, there is no doubt in my mind whatsoever that we will not alienate

China from the rest of the world, but we will succeed in alienating the United States of America from the rest of the world, and I believe that that would be a very grave mistake.

□ 1740

And I hope very much that President Clinton does not make the decision to do that.

As we look at reports which have come out, just the report that came out this morning of the dissident who was released in the Fukien Province in the southern part of China, we are seeing indications that the human rights situation is improving, it is getting better. And even when we look at the tragedy of Tiananmen Square, if we take the past decade, what we find is that there have been improvements in the human rights situation in China.

So it is my hope, Mr. Speaker, that when we look towards this June 3 date that the President makes a decision to renew most-favored-nation trading status, and if by chance some Member of Congress were to decide to offer a resolution of disapproval that our colleagues, Republicans and Democrats alike, Members of the House and Senate will stand up and firmly support the one thing that can move us toward better human rights, to a better human rights situation in China, and that is maintaining that trade tie.

One of the things that people have often forgotten is that we need to look at the broad context on the situation of our relations with China. Not everyone is aware of the fact that China is the most populous nation in the world. Nearly 1.3 billion people live in China, almost five times the population of the United States of America.

Next Wednesday morning we are going to be hearing from the Prime Minister of the second largest country in the world, second most populous country, that being India. But China, as the most populous country, as a nation which has embarked on many business arrangements with the United States and other parts of the world, recognizes that it is important to keep those ties going. And I hope that we will be able to do the same thing.

But this broad context question puts us in a position where we can work with China to do things like maintain and ensure that we do not have a nuclear Korean Peninsula. We know about the great tensions that exist today between the government of Kim Il-song in North Korea and the South Koreans, and it seems to me that trying to work to maintain ties with China will keep China working with us to ensure that we do not see a nuclear buildup on the Korean Peninsula.

Also, it is very important, Mr. Speaker, for us to recognize the support that we have had from China in the United Nations Security Council, and we want to do what we can to discourage the export of weapons from China to other parts of the world.

Let us work to maintain most-favored-nation trading status. I hope President Clinton will do that. If there is a motion of disapproval that were to come forward, I hope that our colleagues will come together and do everything we possible can to defeat it.

HEALTH CARE REFORM VOTE

The SPEAKER pro tempore (Mr. SAWYER). Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 15 minutes.

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the votes on health care reform which took place in the Labor-Management Relations Subcommittee of the Committee on Education and Labor on May 11, 1994:

COMMITTEE ON EDUCATION AND LABOR, SUBCOMMITTEE ON LABOR-MANAGEMENT RELATIONS—HEALTH CARE MARKUP, MAY 11, 1994

The following recorded votes were taken on May 11, 1994 in the Subcommittee on Labor-Management Relations of the Committee on Education and Labor during consideration of Chairman Williams' substitute proposal for H.R. 3600, the Health Security Act of 1994:

1. An amendment by Mr. Armey to eliminate the provisions imposing government-determined premium caps on all health plans. The amendment was rejected 10–17.

DEMOCRATS

Mr. Williams, "nay."
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay."
Mr. Klink, "nay."
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Green, "nay."
Mrs. Woolsey, "nay."
Mr. Romero-Barceló, "nay."

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea."
Mr. Armey, "yea."
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea" by proxy.
Mr. Hoekstra, "yea."
Mr. McKeon, "yea."

2. An amendment by Mr. Green whereby if a state establishes consumer purchasing cooperatives, the use of such a cooperative is voluntary for community-rated individuals and the state may not require such an individual to use such a cooperative to obtain health insurance coverage. The amendment was rejected 12–15.

DEMOCRATS

Mr. Williams, "nay."
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay."
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay."
Mr. Klink, "yea."
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Green, "yea."
Mrs. Woolsey, "nay."
Mr. Romero-Barceló, "nay."

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea."
Mr. Armey, "yea."
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea."
Mr. Hoekstra, "yea."
Mr. McKeon, "yea" by proxy.

3. An amendment by Mrs. Roukema to eliminate the provision that requires a negotiated fee payment schedule for health care provided under fee-for-service plans. It also eliminates the prospective budgeting option under which fee schedules are set to conform to the yearly limits on the health care expenditures established in a community rating area or a state. The amendment was rejected 10–17.

DEMOCRATS

Mr. Williams, "nay."
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay."
Mr. Klink, "nay."
Mr. Murphy, "nay."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Green, "nay."
Mrs. Woolsey, "nay" by proxy.
Mr. Romero-Barcelo, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea."
Mr. Armey, "yea."
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea."
Mr. Hoekstra, "yea."
Mr. McKeon, "yea" by proxy.

4. An amendment by Mr. Gunderson to provide employers of all sizes with the flexibility to choose between community-rated health plans (i.e. "Regional Alliances") and experienced-related health plans (i.e. "Corporate Alliances"), including self-insured health plans. In addition, the amendment would require the Secretary of Labor to develop an appropriate risk adjustment program for all self-insured employers in the event there is significant adverse risk selection against community-rated health plans. The amendment was rejected 10–17.

DEMOCRATS

Mr. Williams, "nay."
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.

Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay."
Mrs. Unsoeld, "nay" by proxy.
Mrs. Mink, "nay" by proxy.
Mr. Klink, "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Green, "nay."
Mrs. Woolsey, "nay" by proxy.
Mr. Romero-Barcelo, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea."
Mr. Armey, "yea."
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea."
Mr. Hoekstra, "yea."
Mr. McKeon, "yea."

5. An amendment by Mr. Armey striking the provision prohibiting an individual from paying a provider, or a provider from charging, for comprehensive benefit health services that are payable by a health plan. The amendment was rejected 10–17.

DEMOCRATS

Mr. Williams, "nay".
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay".
Mrs. Unsoeld, "nay".
Mrs. Mink, "nay".
Mr. Klink, "nay".
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Green, "nay" by proxy.
Mrs. Woolsey, "nay" by proxy.
Mr. Romero-Barcelo, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "yea".
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea" by proxy.
Mr. Armey, "yea".
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea".
Mr. Ballenger, "yea".
Mr. Hoekstra, "yea".
Mr. McKeon, "yea" by proxy.

6. An amendment by Mr. Armey to strike the provision prohibiting an individual from paying a provider, or a provider from charging, for comprehensive benefit services in an amount in excess of the applicable fee schedule under a health plan. The amendment was rejected 10–17

DEMOCRATS

Mr. Williams, "nay" by proxy.
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay".
Mrs. Mink, "nay".
Mr. Klink, "nay".
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Green, "nay" by proxy.
Mrs. Woolsey, "nay" by proxy.
Mr. Romero-Barcelo, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "yea".
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea" by proxy.
Mr. Armey, "yea".
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea".
Mr. Ballenger, "yea" by proxy.
Mr. Hoekstra, "yea".
Mr. McKeon, "yea".

7. An amendment by Mr. Armey to strike the monetary penalties, up to $5,000 or three times the amount owed, which may be levied by the Department of Labor on individuals who fail to pay premiums owed. The amendment was rejected 8–18.

DEMOCRATS

Mr. Williams, "nay" by proxy.
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay."
Mr. Klink, "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Green, "nay" by proxy.
Mrs. Woolsey, "nay" by proxy.
Mr. Romero-Barceló, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "nay."
Mr. Goodling (ex officio).
Mr. Gunderson, "yea" by proxy.
Mr. Armey, "yea."
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea" by proxy.
Mr. Ballenger, "yea" by proxy.
Mr. Hoekstra, "yea."
Mr. McKeon, "yea."

8. An amendment by Mr. Armey striking the provisions in the transitional rules under Title 11 authorizing the federal government to specify and enforce a limit on the annual percentage increase in premiums for health insurers. The amendment was rejected 10–17.

DEMOCRATS

Mr. Williams, "nay" by proxy.
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay."
Mr. Klink, "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Green, "nay" by proxy.
Mrs. Woolsey, "nay" by proxy.
Mr. Romero-Barceló, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea" by proxy.
Mr. Armey, "yea."
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "nay" by proxy.
Mr. Ballenger, "nay" by proxy.
Mr. Hoekstra, "nay."
Mr. McKeon, "nay."

9. An amendment by Mr. Armey striking the provisions of title III which create a National Council on Graduate Medical Education which approves physician training programs and authorizes the number of individuals to be enrolled in each medical specialty program. The amendment was rejected 7–19.

DEMOCRATS

Mr. Williams, "nay" by proxy.
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay."
Mr. Klink, "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Green, "nay" by proxy.
Mrs. Woolsey, "nay" by proxy.
Mr. Romero-Barceló, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling (ex officio).
Mr. Gunderson, "nay."
Mr. Armey, "yea."
Mr. Barrett, "nay" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea" by proxy.
Mr. Ballenger, "yea."
Mr. Hoekstra, "yea."
Mr. McKeon, "yea" by proxy.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1994–98

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. SABO] is recognized for 5 minutes.

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1994 and for the 5-year period fiscal year 1994 through fiscal year 1998.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, May 12, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for fiscal year 1994 and for the 5-year period fiscal year 1994 through fiscal year 1998.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted as of April 28, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 64, the concurrent resolution on the budget for fiscal year 1994. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's overall limits. The table does not show budget authority and outlays for years after fiscal year 1994 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations made under H. Con. Res. 64 for fiscal year 1994 and for fiscal years 1994 through 1998. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) allocation of new discretionary budget authority or new entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations were printed in the CONGRESSIONAL RECORD for March 31, 1993 on pages H. 1784–87.

The third table compares the current levels of discretionary appropriations for fiscal year 1994 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on September 30, 1993 (H. Rept. 103–271).

Sincerely,

MARTIN OLAV SABO,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

STATUS OF THE FISCAL YEAR 1994 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 64, REFLECTING ACTION COMPLETED AS OF APRIL 28, 1994

[On-budget amounts, in millions of dollars]

	Fiscal year 1994	Fiscal years 1994–98
Appropriate level (as set by H. Con. Res. 64):		
Budget authority	1,223,400	6,744,900
Outlays	1,218,300	6,629,300
Revenues	905,500	5,153,400
Current level:		
Budget authority	1,218,400	NA
Outlays	1,216,992	NA
Revenues	905,429	5,105,866
Current level over (+)/under (−) appropriate level:		
Budget authority	−5,000	NA
Outlays	−1,308	NA
Revenues	−71	−47,534

NA=Not applicable because annual appropriations acts for Fiscal Years 1996 through 1998 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $5.000 billion in new budget authority for FY 1994 (if not already included in the current level estimate) would cause FY 1994 budget authority to exceed the appropriate level set by H. Con. Res. 64.

OUTLAYS

Enactment of measures providing new budget or entitlement authority with FY 1994 outlay effects of more than $1.308 billion (if not already included in the current level estimate) would cause FY 1994 outlays to exceed the appropriate level set by H. Con. Res. 64.

REVENUES

Enactment of any measure producing any revenue loss in FY 1994 (if not already included in the current level estimate) would cause FY 1994 revenues to fall further below the appropriate level set by H. Con. Res. 64.

Enactment of any measure producing any net revenue loss for the period FY 1994 through FY 1998 (if not already included in the current level estimate) would cause revenues for that period to fall further below the appropriate level set by H. Con. Res. 64.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1994			1994–98		
	Budget authority	Outlays	NEA	Ba	Outlays	NEA
House Committee:						
Agriculture:						
Allocation	−65	−66	−60	−2725	−2727	888
Current level	−99	−106	−402	−2216	−2411	−3559
Difference	−34	−40	−342	509	316	−4447
Armed Services:						
Allocation	−128	−128	−128	−2365	−2357	−2357
Current level	−153	−163	−167	−2271	−2275	−2328
Difference	−25	−35	−39	94	82	29
Banking, Finance and Urban Affairs:						
Allocation	0	−338	0	0	−2792	0
Current level	−417	−915	0	−364	−3195	0
Difference	−417	−577	0	−364	−403	0
District of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	118	0	0	−4048
Current level	−142	−155	−787	−123	−123	−5153
Difference	−142	−155	−905	−123	−123	−1105
Energy and Commerce:						
Allocation	0	−1700	−180	−1169	−8369	−7798
Current level	2	−2398	42	−1159	−11359	−7059
Difference	2	−698	222	10	−2990	739
Foreign Affairs:						
Allocation	0	0	0	−5	−5	−5
Current level	−33	−33	−3	−149	−149	−60
Difference	−33	−33	−3	−144	−144	−55
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current level	1	1	0	8	8	0
Difference	1	1	0	8	8	0
Judiciary:						
Allocation	0	0	0	0	−472	0
Current level	0	0	0	0	−345	0
Difference	0	0	0	0	127	0
Merchant Marine and Fisheries:						
Allocation	0	0	0	−205	−205	−4
Current level	−1	−1	0	−210	−210	0
Difference	−1	−1	0	−5	−5	4
Natural Resources:						
Allocation	−117	−112	0	−709	−693	0
Current level	−74	−78	0	−478	−481	0
Difference	43	34	0	231	212	0
Post Office and Civil Service:						
Allocation	−66	−66	−77	−10199	−10547	−9597
Current level	−256	−256	−218	−10258	−10606.	−8709
Difference	−190	−190	−141	−59	−59	888
Public Works and Transportation:						
Allocation	2092	−13	0	37458	−85	0
Current level	−13	−13	0	−85	−85	0
Difference	−2105	0	0	−37543	0	0
Science, Space, and Technology:						
Allocation	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	1994			1994–98		
	Budget authority	Outlays	NEA	Ba	Outlays	NEA
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−11	−11	70	−1356	−1352	3447
Current level	−11	−11	28	−1356	−1352	−366
Difference	0	0	−42	0	0	−3813
Ways and Means:						
Allocation	−2876	−2054	−2036	−29669	−24422	−12596
Current level	−1216	−824	261	−42102	−39768	−35957
Difference	1660	1230	2297	−12433	−15346	−23361
Perm. Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	7	7	7	33	33	33
Difference	7	7	7	33	33	33

NEA—New Entitlement Authority.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1994—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised filed 602(b) suballocations (Sept. 30, 1993)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	14,819	14,317	14,595	14,205	−224	−112
Commerce, State, Judiciary	23,119	23,231	22,800	23,217	−319	−14
Defense	240,446	255,465	239,897	255,151	−549	−314
District of Columbia	700	698	700	698	0	0
Energy and Water Development	22,017	21,702	21,689	21,585	−328	−117
Foreign Operations	13,444	13,918	12,690	13,878	−754	−40
Interior	13,736	13,731	13,727	13,726	−9	−5
Labor, Health and Human Services, and Education	67,283	68,140	67,189	68,012	−94	−128
Legislative	2,270	2,267	2,264	2,262	−6	−5
Military Construction	10,066	8,784	9,464	8,759	−602	−25
Transportation	13,284	34,889	12,435	34,878	−849	−11
Treasury–Postal Service	11,469	11,642	11,312	11,639	−157	−3
VA–HUD–Independent Agencies	68,311	69,973	68,053	69,978	−258	5
Grand total	500,964	538,757	496,815	537,988	−4,149	−769

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 2, 1994.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1994 in comparison with the appropriate levels for those items contained in the 1994 Concurrent Resolution on the Budget (H. Con. Res. 64), and is current through April 28, 1994. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 64)	Current level +/− resolution
Budget authority	1,218,400	1,223,400	−5,000
Outlays	1,216,992	1,218,300	−1,308
Revenues:			
1994	905,429	905,500	−71
1994–98	5,105,866	5,153,400	−47,534

Since my last report, dated April 11, 1994, Congress has approved for the President's signature S. 2004, extending loan ineligibility exemptions for certain colleges. This action changed the current level of budget authority and outlays.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer, Director).

PARLIAMENTARIAN STATUS REPORT 103D CONGRESS, 2D SESSION HOUSE ON—BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS APRIL 28, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation [1]	721,126	695,196	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,648	1,216,855	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Total enacted this session	(2,686)	(648)	
PENDING SIGNATURE			
Extending loan ineligibility exemption for certain colleges (S. 2004)	5	3	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [2]	(5,567)	781	
Total current level [3, 4]	1,218,400	1,216,992	905,429
Total budget resolution	1,223,400	1,218,300	905,500
Amount remaining:			
Under budget resolution	5,000	1,308	71
Over budget resolution			

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66, and P.L. 103–140.

[3] In accordance with the Budget Enforcement Act, the total does not include $14,145 million in budget authority and $9,057 million in outlays in emergency funding.

[4] At the request of Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

Notes.—Amounts in parentheses are negative. Detail may not add due to rounding.

THE MEANING OF MANAGED CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Washington [Mr. MCDERMOTT] is recognized for 60 minutes as the majority leader's designee.

Mr. MCDERMOTT. Mr. Speaker, as part of my effort to talk to my colleagues each week about how health care reform issues affect the American people personally, I would like to talk tonight about managed care.

The meaning of managed care is changing even as we speak. So I want to talk to the American people tonight about their relationships with their doctors—and about who should make medical treatment decisions.

What managed care meant 20 or 10 or even 5 years ago is very different from what it is coming to mean today—even without one word of legislation.

It is different from the traditional notion of community-based nonprofit providers who coordinate and oversee the care of their patients.

Before 10 years ago non-profit HMO's for per capita fee agreed to provide all the care for individuals. HMO took the risk of managing the care of patients for a fixed fee.

The advent of for-profit managed care operators has changed by this, this change is happening today as the market is left to its own devices to solve the health care cost crisis. A recent article in the May 16th edition of the Nation has an interesting description of managed care which I include, as follows:

[From the Nation, May 16, 1994]

PLAYING THE DENIAL GAME: THE MANAGED CARE SCAM

(By Suzanne Gordon and Judith Shindul-Rothschild)

When Ruth Trotman talks about her daughter Robin's condition she can barely contain her despair. Her 19-year-old is suicidal because of a very rare and difficult to treat mental illness—obsessive-compulsive disorder (O.C.D.). Robin is terrified of germs and washes her hands until they are raw; she is often so fearful that her mother cannot even leave her side, and she is totally consumed by thoughts about God and His punishment.

Unfortunately, Robin also suffers from a new health care disorder—managed care. She is insured by Bay State Health Care, one of Massachusetts' biggest managed care companies. When trying to lure subscribers, Bay State says that patients will have "thousands of physicians to choose from." Trotman says Bay State told her Robin could be treated out of its network of providers and hospitals if it was medically necessary. Although there seems to be no dispute about the fact that Trotman's daughter needs hospitalization, there is intense disagreement about where. Bay State refuses to allow her to be hospitalized at McLean's, a prestigious psychiatric facility that has the only O.C.D. in-patient unit in the state. Instead, Bay State insists Robin be hospitalized at Fuller Memorial Hospital—a small community hospital in Attleboro that lacks such a specialized program.

Fuller does have one distinct advantage—to Bay State, that is. To attract a managed care contract in psychiatry it provides discounted services to Bay State. Despite Trotman's efforts, including a lengthy appeal through Bay State internal channels, contacts with an attorney and her political representatives, the insurance company has not budged.

"There are nights when I stay up cradling Robin in my arms because she can't stop crying," the anguished mother recounts. "She says she can't stand to go on living this way. What's so terrible is that there's help for her and Bay State won't let her get it. No one can cure her, but they can help her to live with O.C.D."

While Ruth Trotman was trying to save her daughter's life, another Massachusetts woman was trying to deal with a less critical but still troublesome health problem—an immobilizing tendinitis in her right shoulder. She went to an orthopedic specialist, who recommended course of anti-inflammatory drugs and physical therapy. The woman's insurance company required her to get prior authorization for physical therapy, so she called the number indicated and reached a nurse sitting behind a video display terminal in Washington, D.C. The nurse informed her that her insurer would not allow her to make a physical therapy appointment before she finished a two-week course of anti-inflammatories. When the woman reminded the nurse that she was only following her doctor's orders, the nurse responded, "This is company policy."

When the woman arrived in the physical therapist's office after the two-week drug course, the clinician was shocked at the state of her arm. "Why have you waited so long to come to me?" she said. "You should have come much sooner."

Then there's the case of the elderly California woman dying of multiple myeloma—a cancer of the bone marrow. She had been seeing an oncologist before her health plan switched to managed care. Once that happened, she was told she had to pick a primary care physician from an approved list who would then refer her to an oncologist approved by the plan. Her new primary care physician agreed to allow her to continue with her oncologist, who was not part of the plan, but only on one condition: Before each oncology visit she had to appear at his office to be handed a signed permission slip to see the specialist. The primary care physician billed the health management organization $85 for each slip. This went on for three months, until the woman became eligible for Medicare. "To have to deal with fighting for care while you're dying is cruel," she said.

Such experiences are becoming the norm in American health care. President Clinton's American Health Security Act may be in trouble in Congress, but its grounding philosophy—managed competition and managed care—is alive and well. Representative Jim Cooper's bill and all the Republican health care proposals endorse managed care's central tenets—that the way to cut costs is to discipline patients and give insurance companies the responsibility for policing medical practice and patient behavior. Most important, managed care has become the darling of employers, who believe it will save them money. As Barron's recently put it, "employers are already switching en masse from traditional insurance plans to 'managed care.'"

Americans traditionally equate access to health insurance with access to health care providers and reimbursement for their treatments and services. With managed care—a byzantine system in which insurers and employers herd patients and families into health maintenance organizations (H.M.O.s) or networks of approved physicians and other providers and hospitals, all competing against one another to provide the cheapest services—this equation can no longer be taken for granted.

Managed care does not guarantee access to health care. It merely assures access to what we call "the denial game." This is an elaborately choreographed dance of come-hither advertising designed to attract subscribers, followed by a series of rules and rejections that get in the way when a patient actually seeks services. The main goal of the denial game is to maintain the profitability of some of the most lucrative corporations in America today—for-profit H.M.O.s and managed care companies that earn profits of up to 20 percent annually. They achieve this goal by three primary mechanisms:

The denial of free choice of doctor and hospital and the substitution of a select group of providers who are generally chosen by the criteria of cost and their willingness to follow a managed care plan's guidelines on which services are appropriate and when.

The erection of rigid barriers to access, which are applied to all enrollees regardless of how much or how little they may, in fact, use the system.

The bureaucratic micromanagement of care by a group of what we call "invisible diagnosticians"—nurses and physicians who never examine patients but nonetheless decide the course of their treatment.

Consider the impact of the first principle—the denial of choice. The requirement that patients may go only to members of a closed panel of primary care physicians or specialists, the bedrock of managed care, pits clinician against clinician to discount services.

Here's how it works: Every year physicians on the panel get a report card that grades them according to how much they saved or cost the managed care company in providing patient care. If your primary care physician or specialist is at the top of the list—spending more money than his or her peers on patient care or advocating too aggressively for patients—that doctor will be dropped from the panel and you'll have to switch to a more "cost-effective" or more tractable provider. Provider report cards are not based on quality indicators, like complications, re-admissions, suicide or mortality rates. Clinicians are judged solely by their contribution to the corporate bottom-line.

In their effort to obtain cut-rate care, managed care plans also negotiate deep discounts with hospitals. Because managed care groups seek to negotiate the least costly services from year to year, subscribers may be forced to change physicians, nurses and hospitals frequently. Last fall in Massachusetts, Pilgrim Health Care decided to end its $10 million managed care contract with Tufts New England Medical Center and informed patients they would have to switch to another hospital. After eight years, Harvard Community Health Plan declined to renew its pediatrics contract with Massachusetts General Hospital and instead diverted its patients to Children's Hospital.

This kind of hospital and clinician hopping encourages discontinuities of care. "Competition addicts think that health care is a machine assembled with interchangeable parts. They're wrong," says Alan Sager of Boston University School of Public Health's Access and Affordability Monitoring Project. "Health care is an ecology, in which different organisms often have symbiotic relationships with one another. The patient-clinician relationship is dangerous to uproot, and hard to re-establish. Market forces act like tornadoes, destructively tossing around hospitals, their patients and their staff."

These restrictive policies not only inhibit patients, they severely restrict providers. A prominent Boston physician explained that "if a patient of mine needs a particularly tricky operation, I know there are three or four excellent surgeons in town to whom I can refer the patient. But many insurance companies now force me to refer the patient to surgeons that I know may botch the job."

Physicians and nurses who want to prescribe a particular drug or treatment may not be able to do so because their patient's managed care company will pay for drug A but not drug B. "I had a kid with recurrent ear infections, so I prescribed a stronger antibiotic at the bottom of the H.M.O.'s list, which happened to be the most expensive," one frustrated physician said. "The next thing I knew, the mother of the patient is calling me from home saying that some anonymous reviewer from the H.M.O.—who had never laid eyes on the kid—called and told her I should have prescribed the cheaper antibiotic. She was told that if she wanted the one I prescribed, she would have to pay for it herself. So I have to fight with the insurer to get the kid the medicine he needs. What an incredible waste of time. Just give me the list of the least expensive drugs and I'll prescribe them when appropriate. Don't second-guess my clinical judgment."

Limiting choice—and thus real quality competition among providers—is only the beginning of the denial game. Next comes restricting the availability of this narrowed range of providers.

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"We have a structure for providing medical care in this country. What insurers have created is a shadow structure," says Woolhandler. "For every action a physician or nurse takes, there is a paper construction reflecting it and a person reviewing it. Everything is done twice—by me and by my shadow. These shadows follow computer protocols that are kept secret. They won't tell us why they are denying needed care, they just say the protocol says no. If I see a patient who I think has a retinal detachment that can lead to blindness, and I say she needs to see an ophthalmologist, and the shadow says no she doesn't, that shadow is not legally liable. But I am. These people are entirely out of the loop of accountability and quality."

The role of these new, invisible diagnosticians makes a mockery of managed care advocates' rhetorical pronouncements about quality care, consumer choice and the potential of consumer education—all touted features of the Clinton plan. How can patients and families learn how to navigate a health care system in which the real decision-makers are completely insulated from public scrutiny and patient criticism? What good is consumer information about a hospital or physician or other provider, when neither that institution nor that individual provider is really the one pulling the most important health care levers? What good does it do to increase the number of primary care providers, if those providers are simply viewed as servants of managed care companies?

The final irony of managed care is that it raises, rather than lowers, health care costs, as studies by numerous government agencies and health care researchers have shown. Managed care groups have higher administrative overhead than did Medicare or traditional indemnity plans like Blue Cross ten or twenty years ago. Managed care companies spend huge sums on advertising and marketing, and on paying utilization reviewers to micromanage each case. In order to amass the profits necessary to pay executive salaries in the seven figures, enrich stockholders and offer bonuses to elite physician providers—some of whom now receive year-end perks based on the amount of care and treatment they denied—managed care companies must cut labor costs, increase provider productivity by enforcing assembly-line conditions and skimp on the care and treatment they make available to patients.

Over and over Washington politicians insist that Americans must be willing to make sacrifices and tough choices to solve the nation's health crisis. But it is politicians, not patients and their families, who need to make them. Our health care crisis will be solved only when government leaders are willing to set global budgets, negotiate fee scales for physicians, rein in drug company costs and fairly and democratically ration expensive medical technology, as is done in every other industrialized country. Not surprisingly, politicians, who would rather avoid the accountability for such tough decisions, are attracted to a free-market approach (not to mention free-market dollars). But substituting the invisible hand of the market for the visible courage of political leadership is the wrong prescription.

Study after study—as well as the experience of governments in Europe and Canada—has documented that a single-payer financial reimbursement mechanism is the only way to save money and increase access while maintaining quality and continuity of care. As patients are learning every day, managed care, on the other hand, does little but manage the care right out of our health system.

And that means that insurance companies interfere more and more aggressively in the treatment decisions of doctors. They do this not to protect the patient's quality of care, but to protect profit margins for their stockholders.

This is happening not just in HMOs. All patients are experiencing the reality that it is their insurance company, not their doctor, who determines whether or not they are admitted to a hospital.

It is their insurance company who decides if a child can stay in the hospital overnight after a bad reaction to surgery.

It is their insurance company who is deciding that women should be discharged from the hospital on the same day as childbirth, or that newborns should be sent home before their first feeding.

These decisions are not being made by the physicians or nurses or other practitioners who actually care for patients and bear the responsibility for their well-being.

They are being made by company employees who never see the patient but are sitting at a 1-800 number just to approve or disapprove care.

The American people know in the hearts, in their guts, and in their minds that something is terribly wrong with this arrangement.

They know that this cost-control approach by the insurance companies ultimately will ruin the quality of American health care.

And I want to be clear, It is not the Government that is doing this. It is the free market approach to health care that is giving the insurance companies unprecedented control over the doctor-patient relationship.

I am getting a lot of mail and hearing a lot of stories from constituents about the effects of managed care on people's lives. I want to share these with you because I know you will understand immediately what I am talking about.

One mother told me about her 4-year-old daughter who had to have a tonsillectomy after months of chronic infection and enlargement.

After the surgery, the child's blood pressure did not stabilize, the intravenous fluids could not be disconnected, and the child was vomiting blood.

The surgeon, appropriately, and all the nurses attending the child determined that the little girl needed to be admitted for one night to be stabilized and treated after surgery. The insurance company would not consent to the admission.

Fortunately, the surgeon felt strongly enough about the need for the child to stay in the hospital, that he was willing to spend 2 hours continuously on the phone with an insurance clerk in another State to convince them to consent to the admission.

Two hours of a doctor's time defending a decision that was unquestionable. Two hours that could have been spent caring for patients. Two hours just to protect a patient from her own insurance company.

Why? Because the insurance company had a policy that tonsillectomy is an outpatient procedure—a rule that I doubt the American Academy of Pediatrics or the surgeons, or any parent who has been through it, would agree with.

And even if the policy were justified in general, which it is not, the surgeon caring for and responsible for this child said, "this child is too sick to go home, she is not stabilizing." Should not that have been enough?

Then there is the case of Mr. Howard Silver. Mr. Silver developed prostate cancer in Florida. Prostate cancer is the most common form of cancer in men. There are two ways to prevent the recurrence of prostate cancer once it is initially treated.

The first way is to take medication that will inhibit recurrence. It is expensive. It costs about $4,000 a year, but it enables men to lead relatively normal lives and keeps the disease in remission.

The other way is castration. This costs only about $2,000, and of course is a one-time expense. His HMO would agree only to pay for the castration, not the medication.

Mr. Silver fought the decision of his HMO in court and won. Why did he have to go through this?

His insurance company decided to substitute its judgment for his doctor's and his. I want to emphasize again that it is not Government that is doing this. It is the free market that is giving insurance companies this control.

No democratic government that had to face elections would dream of trying to get away with these kinds of practices.

Indeed, one of the most ominous recent developments was the announcement on March 22 that Travelers Insurance Company and Metropolitan Life are entering negotiations to merge their health care operations. Where are the patients and providers in this merger?

I am a physician as well as a Congressman. I practiced medicine for 25 years. To me, just as the family is the building block of civilization, so is the physician-patient relationship the building block to good medical care. That is why I support single-payer health reform. Because it is the only mechanism that will preserve the patient-doctor relationship.

In single-payer systems throughout the world, patients choose their own doctors, and physicians do not have to justify individual treatment decisions to insurance companies or to the Government.

They do not have to seek permission in advance for the treatment they and their patients have chosen.

In fact, in the single-payer bill I have coauthored, the American Health Security Act, interfering in treatment decisions is expressly prohibited.

We are the only country in the world that permits interference in the relationships between patients and doctors—and to what end?

It has not controlled costs, it has not improved quality, it has not made life better for patients or doctors.

When the American College of Surgeons endorsed single-payer as its choice for health reform, it did so because it recognized that doctors cannot continue to tolerate insurance company interference in their decisions if they want to practice good medicine.

The Government Accounting Office just completed a study on the availability of bone marrow transplants in the United States compared to other countries.

The study looked at both the availability of transplants and whether they were done at the best time for the best result in the patient.

It concluded that the United States ranked 7th—behind six single-payer countries—in both availability and timing or appropriateness for these transplants.

The GAO also testified at the hearing on its report that what differentiated these countries' medical practice from the United States was the amount of interference in U.S. doctors' treatment decisions.

In single-payer systems, the doctors made the decisions and were not second-guessed by insurance companies or Government.

Mr. Speaker, single-payer health care reform will do four things for the people of the United States.

It will guarantee your coverage, it will let you choose your own doctors, it will preserve your relationships with your doctors, and it will cost less because it will eliminate insurance company administrative overhead and profit from your health care bill.

Mr. Speaker, it is my hope that the American people will call their Members of Congress and tell them they want single-payer. It is time to take the insurance companies out of the practice of medicine.

□ 1750

REDUCING THE REGULATORY MAZE

The SPEAKER pro tempore (Mr. SAWYER). Under the Speaker's announced policy of February 11, 1994, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes as the designee of the minority leader.

Mr. DELAY. Mr. Speaker, as chairman of the Republican Research Task Force on Competitiveness, I am pleased to run the opening lap of the third annual Republican regulatory relay.

Our country is faced with a huge and growing bureaucracy of overzealous regulators who ignore cost-benefit analysis and whose primary concern is validating their own existence.

Since 1992, Members of Congress have run laps on the House floor to bring attention to the multitude of unnecessary and ill-conceived regulations that are forced down the throats of American businesses and American consumers. Last year, President Clinton and Vice President AL GORE brought stacks of regulations out on the White House lawn to promote their reinventing government effort which was intended to reduce the regulatory maze within the Federal Government.

I would much rather fight to ease the regulatory burden faced by small businesses all across America which are the job-creating engines of our economy rather than to make Federal pencil-pushers' jobs easier.

At its best, the process makes no sense, and at its worst, regulators classify their children's teeth as toxic waste, they force banks to make teller machines accessible to blind drivers, they dictate that hard hats must be disinfected before each use, and they require employers to inform employees about the hazards of coming in contact with Joy dishwashing liquid.

□ 1800

Since reaching a low point in 1968, the cost of regulatory compliance, the number of rules reviewed by the White House's office of information and regulatory affairs, the number of Federal Register pages and employment at Federal regulatory agencies all have been steadily increasing. In fact, President Clinton's first year saw the most regulatory activity since President Carter's last. The page total for 1993 of the Federal Register was 69,608 pages, the third highest total of all time. A not surprising increase in the number of regulatory bureaucrats corresponds with this proliferation of regulation.

While from 1988 to 1992 regulatory staffing increased by over 20 percent to almost 125,000 employees, under President Clinton the largest number of Federal bureaucrats ever, 128,615 people were called for to run his Federal regulatory apparatus. The direct costs of Federal regulations are estimated to be about $500 billion a year. Now if you take into account the indirect costs and include State and local regulation, the regulatory burden is anywhere from $810 billion to $1.7 trillion dollars per year. That is a staggering $8,400 to $17,000 per household per year.

As you can see, the costs of Federal regulation are only going to continue to escalate throughout this decade. A typical American business must fulfill provisions of the Clean Air and Clean Water Acts, provide a minimum standard of living for workers, engage in recycling, carry an expensive insurance policy against product liability, ferret out illegal aliens, provide costly packages of medical benefits to employees which may have to include acupuncture, wigs, pastoral services, and drug treatment.

They have to provide special accommodations to disabled employees and promote equal opportunity as determined by race, sex and sexual activity.

Listed here, in the RECORD, there will be 100 forms and booklets of information that a typical business has to sort through and fill out to comply with Federal rules and regulations. This list does not even include many of the regulations contained in the Clean Air Act amendments of 1990 or the recently passed Family and Medical Leave Act. The Small Business Administration estimated that small business owners spend almost a billion hours a year just filling out Government forms at an annual cost of $100 million dollars. Imagine what a boost that kind of money would be to the economy.

Let me just outline, Mr. Speaker, some of the kinds of horror stories that are happening all over this country.

The Department of Transportation repeatedly considered promulgating new hazardous material regulations for the shipping of butter and salad oil. The plan, which has apparently been dropped but picked up again by the Department of Commerce and other departments, would have required 24 hours, 24 hours of classroom and field training for workers who responded to spill emergencies of butter and salad oil.

John Shuler, a Montana rancher, was reportedly fined $4,000 for violating the Endangered Species Act. What was Mr. Shuler's crime? He shot and killed a grizzly bear that had charged after him on his own property.

O.C. Mills and his son Carey run a small contracting business in Florida. Recently, they were both thrown into prison for putting 19 loads of sand on two waterfront properties they wished to develop. Despite initial approval of their development project by Florida's environmental regulators, then headed by the current EPA administrator, Administrator Carol Browner, the Millses were convicted of wetlands violations shortly after the project began.

John McCurdy, who is an owner of a very small herring smoke house, recently had a run-in with the FDA. Despite producing over 54 million filets over 20 years without one single reported case of food poisoning, the FDA told McCurdy he would have to change his methods. Unfortunately, that would have required $75,000 worth of new equipment. Facing the hopeless choice between installing equipment he could not afford or fighting a legal battle with the FDA, Mr. McCurdy chose the only other alternative, he closed his business and laid off his 22 employees.

Carol Roberts is a self-employed knitter who does all her work at home. She produces sweaters, hats, and mittens and sells them to retailers for a small profit that helps support her family. But all this could change if the AFL–CIO and the Labor Department get their way. Union officials are now pushing to reinstate a ban on at-home garment work that was removed in the 1980's. If the law goes back into effect, home garment workers like Carol Roberts would be considered criminals in the eyes of the law.

Robert M. Cox was the former vice president of the Gilbert Spruance Co., a small paint company from Pennsylvania. In 1984, a nightmare began for his company when they were notified that a former waste hauler for Mr. Cox's company had apparently dumped waste illegally in New Jersey. Despite the fact that Mr. Cox's company had no knowledge of or connection to the waste hauler's illegal activity, the Gilbert Spruance Co. was asked to foot a substantial part of the cleanup costs, ranging from $175,000 to $1.3 million dollars. Years of legal wrangling and work with Government agencies, administrators and legislators, Mr. Cox's company finally had to declare bankruptcy and sell all of their assets. As Mr. Cox, a self-described environmentalist, asked:

> Why doesn't the system allow an environmentally sensitive paint company to coexist with Superfund? Why does our system create so much inertia that the lawyers and administrators get rich off a manufacturing company that has been trying to do the correct thing all along?

I could go on and on and on. I have pages after pages after pages of horror stories like these that we find happening in our Government all the time.

This month the regulatory relay is focusing on the dry cleaning industry whose experience with Government regulations is indicative of the larger trend of increased difficulty in starting up and maintaining a very small business.

Their plight is eloquently described in a paper called "Taken to the Clearners: A Case Study of the Overregulation of American Small Business." That was recently published by the Cato Institute and written by Jonathan Adler, a policy analyst at the Competitive Enterprise Institute. The paper points out that according to the International Fabric Care Institute, the typical dry cleaning outlet is a very small family-owned business that employees an average of 5 people and grosses an average of $200,000 per year. The estimated profit per firm is only $10,000 annually, clearly a very limited amount with which to absorb additional regulatory costs. In 1990, the average profit for a dry cleaner was 0.43 percent.

Because of their small size dry cleaners are extremely vulnerable to the costs of regulation, even those seemingly benign requirements such as filing a hazardous waste report. This rule can require as many as 60 hours to fulfill, a significant burden on a dry cleaning business whose employees put in no more than 200 man-hours per week.

□ 1810

And that is just one regulation. Operators of small businesses face regulatory hurdles at every turn. The CATO paper states that for dry cleaners, that means clean air regulations governing perchloroethylene [perc] emissions and hazardous waste regulations governing the disposal of chemicals. Occupational safety regulations cover exposure to cleaning solvents and require demanding precautions in the handling of garments worn in hospitals and dental offices. Governments at all levels have imposed exacting liability standards that threaten the existence of many dry cleaning establishments. Additionally, dry cleaners are subject to the labor codes, wage laws, and tax rules that affect all small businesses nationwide.

While many regulations are well-intended, the lack of reliable cost/benefit analysis means that their implementation often results in ridiculous situations. For example:

In southern California, a dry cleaner was fined $250 for failing to post a listing of employee injuries that had occurred during the last 12 months. The problem is, the dry cleaner had no employee injuries to report. In effect, the business was fined for failing to post a blank piece of paper.

Because of regulations covering the disposal of so-called hazardous wastes, the costs of disposing spent cartridge filters and other process waste have skyrocketed. A new filter cartridge can be purchased in San Antonio, TX, for $18.75, but its disposal costs $21.

In Virginia, a dry cleaner is required to submit monthly retail sales tax forms to the State even though the store sells no taxable items. Failure to file the tax forms would result in fines, even though not filing would save time and money for both the business and the government.

Other times, regulators cause serious damage in their enforcement of regulations. At a press conference we held yesterday kicking off the Relay, Bill Griggs, vice president and manager of Wayside Cleaners in Portsmouth, VA, spoke of the ordeal he had to go through after the Virginia Department of Labor and Industry showed up unannounced for an occupational safety and health inspection. As a result of the DLI's 3-day inspection—during which Mr. Griggs was unable to spend time tending to his business, talking to customers, or overseeing operations, Wayside Cleaners was found potentially liable for $30,000 in fines. Four months later and after plea-bargaining, Mr. Griggs received a 32-page DLI citation and a reduced fine of $13,200. Among his "serious" violations:

Smoking was "permitted in flammable or combustible liquid storage areas." In point of fact, smoking was not allowed in the work area, but was allowed in a bathroom located behind the dry cleaning area. The bathroom was fully enclosed and separated from the work area by a cement wall and a fully closing door.

Wayside failed to provide an "educational program" complete with documentation of annual training for all employees on the operation of portable fire extinguishers to be used in case of an emergency. Employers are required to have such programs for emergency equipment and workplace hazards, such as cleaning solvents, and provide documentation that all workers participated.

One of Wayside's approximately 100 electrical outlets was found to have reversed polarity.

It is amazing to me that this situation exists for the dry cleaning industry.

The EPA classifies perc as a hazardous waste when discarded or otherwise disposed of. In addition, existing EPA regulations classify any wastes that are "mixed with" or "derived from" perc as hazardous. Under that definition, used perc and filter cartridges that contain minute amounts of perc are classified as "hazardous wastes." By the EPA's own admission, "A regulated hazardous waste handler must do hundreds of things correctly to fully comply with the regulations, yet doing only one thing wrong makes the handler a violator." In the case of the typical dry cleaner, that means storing hazardous wastes in properly marked containers and keeping detailed records of the use, transportation, and disposal of the wastes.

Because of the complexity of the hazardous waste regulations—the EPA has acknowledged that "the definitions of 'solid waste' and 'hazardous waste' are exceedingly difficult to understand even for the most experienced staff"—most dry cleaners contract with certified hazardous waste disposal firms to ensure regulatory compliance. SafetyKleen provides those services for most dry cleaners. Because Safety-Kleen is also required to comply with the regulations governing the handling, treatment, and disposal of hazardous waste, the costs of disposal are inflated. Dry cleaners will thus spend as much as $2,000 or more disposing of cartridges and other "hazardous" materials. The regulations have inflated the costs of disposal so much that in some parts of the country it costs more to dispose of a filter cartridge than it does to purchase one new.

The paperwork burden imposed by the hazardous waste regulations is substantial. Numerous forms and permit applications are typically required for proper perc handling and disposal. Among those is the EPA's five-volume National Survey of Hazardous Waste Generators, the first volume of which contains over 80 pages of instructions on how to fill out the remaining volumes. "They even sent instructions on how to read the instructions," according to Gerald Levine, associate director of the Neighborhood Cleaners Association. Such monstrous documents could intimidate any small business owner, let alone a recent immigrant who might not have complete control of the language. The EPA's "1991 Hazardous Waste Report" required an estimated average of 19 hours—nearly half of a work week—to complete, according to the EPA. Dry cleaners interviewed for this study suggested that the actual time required is significantly greater. The EPA's "Hazardous Waste Report" is in addition to whatever State requirements are in place. In some States, it may cost over $800 simply to obtain hazardous waste permits from local agencies. The hazardous waste regulations are yet another layer in the government burdens threatening to smother small business in America.

Let me break right now because I see that my colleague, the gentleman from Florida [Mr. MICA], has come to the floor to participate in this special order and this regulatory relay.

The gentleman from Florida is well known for his championing the risk assessment issue here on the floor of the House and is credited with bringing this issue to the attention of the House of Representatives. In fact, he has sent back to the drawing boards the bill that raises the EPA to a department-level agency because the Clinton administration refuses to support the implementation of risk assessments before they impose regulations on small businesses in this country, and I am glad to yield to the gentleman from Florida and compliment him on the great work that he performs.

□ 1820

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding and would like to also commend the gentleman from Texas for his tremendous leadership in bringing before not only the Congress but also before the American people the cost and the effect of Government regulation and, in fact, how it is affecting business and in particular how it is affecting one small business, a mom-and-pop business, the dry cleaning business.

Mr. Speaker, I come from a family of people who for 3 generations, going on almost the fourth generation, have been in the dry cleaning business still in Upstate New York, in Binghamton, NY, and our family always made a good living through this particular business activity, and I was stunned to find out as we heard yesterday in the press conference that we held the amount of regulation, the cost of doing business, the imposition on the Federal and State level of burdensome regulatory practices that are putting these folks out of business and really scaring folks.

In that regard, we do not really pay attention to what government regulations are costing us, but just for example, I would like to point out that environmental regulations cost over $150 billion each year, and this translates into $1,500 cost per household, so this has a direct cost. When you go and pick up your dry cleaning, you might be interested to know that probably the greatest single factor in increase in cost is government regulation and the additional burdens and laws and rules that these people that are trying to conduct business in a reasonable manner find oppressive and they must pass this cost on to the consumer.

Federal regulations cost $510 billion in paperwork alone each year. The cost is staggering. Yesterday we had stacked up the regulations that have been pumped out and rules and Federal Register and compliance that goes on and on. In fact, it is interesting that the single greatest increase in local government taxes today is government regulations, and this is passed on to the local taxpayer, the home owner, and it is also passed on in the form of consumer goods and services like the dry cleaning industry provides.

Environmental and other regulation can increase start-up costs for a single dry cleaner as much as $138,000, just start-up cost. Imagine how this is transferred again in the cost of goods and services.

Mr. DELAY. Mr. Speaker, if I could interrupt the gentleman there, that is such a poignant point. What the gentleman is saying is for anybody who wants to start up a dry cleaning business, it is going to cost them, up-front cost, they have to have in-pocket $138,000 before they even open their doors.

Mr. MICA. That is just the cost of regulation imposed, additional regulation.

When my family started the business 70 or 80 years ago, we took this laundry and dry cleaning and it was done in a very simple fashion. This is the cost of compliance today just to start up, not the cost of staying in business.

Mr. Speaker, in 1991, the National Federation of Independent Businesses determined that opening a new dry cleaner requires filling out and complying with almost 100 forms and manuals. We say yesterday in this press conference the number of manuals that are required and regulations that these individuals must comply with. Really one of the most interesting things I have heard is a plea from a small dry cleaner, a gentleman by the name of Bill O'Hannon who appeared at our press conference, and he has been in the business in Woodbridge, VA, for the past 20 years. This gentleman described how he is trying to comply with hazardous waste disposal which is now costing him over $4,000 a year in government regulations and compliance.

He talked about Superfund. He said that under this law, the Federal Government can seize anything he owns, even though he has never committed a crime or violated a law, and he said that this is something that must be wrong with our society when even drug dealers have more rights than dry cleaners. That will always stick in my mind.

He went on to tell us again compliance for installing just new equipment and revising his new equipment was $12,000 to comply with meeting new Federal standards and that he has been told that the business will not be able to obtain a loan through a bank anymore because of questions raised in the regulatory process about the conduct of their business.

Mr. O'Hannon went on to tell us that the average dry cleaner will have to spend $13,000 to comply with another additional government regulation that has been imposed, not to mention OSHA regulations that have been imposed on him. Under OSHA, dry cleaners are required to have a written communications plan, hazardous communication plans, employee training programs and copies of materials available. He said the cost for compliance in this is over $500 per year.

When Mr. O'Hannon went into complaining about this, he found that even the agency that is requiring this in Washington does not comply with its own standards or posting.

For employee protection, dry cleaners must have respirators on hand in case of an emergency, according to new regulation, another $500. In 1989, OSHA issued lockout/tagout, and to comply with this particular standard and regulation, the cost is $2,500 per year. The list goes on and on.

But what was really most shocking was the last statement that Mr. O'Hannon made, again this gentleman struggling to stay in business, and I want to quote him here as I conclude. He said:

> My greatest fear is that the dream of starting your own business is dying in this country, that the fire inside of us that calls us to risk everything to be our own boss is fading. I saw in USA-Today this week that the fastest growing job sector in this country was 'temporary employment.'

"Temporary employment?" Mr. O'Hannon asked, "What does that say about my future? What does that say about the future of business? What does that say about the future of America?"

So, ladies and gentleman and my colleagues, when we see that Federal regulations are, in fact, taking us to the dry cleaners, when they are the greatest source of cost for that service today, when they impose these needless and burdersome regulatory compliance issues on small business, when they generate $510 billion worth of needless paperwork each year, and when they are the source of the greatest single increase of local and property taxes and State and local taxes to you, the taxpayer, the consumer, something is wrong.

So we are asking that you contact your legislator, that you contact your Member of Congress and express that you are interested in looking at the risk involved in adopting regulations, that you want to see the cost and the benefit before we go off helter-skelter and force small businesses, dry cleaners, mom-and-pop operations out of business, before we extinguish the American dream.

Mr. DELAY. Mr. Speaker, the gentleman has presented to the American people through the special orders in a very eloquent way the problem of not just the dry cleaning industry but the problem small businesses all across this country are having by onerous regulations, and the worst part about it, and it does have a lot of do with businesses, but the worst part about it is what we are doing to our families in driving up the cost of living and driving up the standard of living of families in this country.

Right now if we take all the taxes charged by State, local and Federal governments and add to it these costs, because the businesses do not pay these costs, they either go out of business or pass the costs on to the consumer, families of four on the average are paying over 53 percent of their annual income to the cost of government and it is going up. It is not going down. It is going up, and it is going to get even worse.

□ 1830

That is what we are trying to do here. The message of the relay is this: The system for drafting, evaluating, approving and promulgating rules, must be overhauled. The lack of an effective regulatory review process to weigh costs and benefits is wrecking havoc on our economy, resulting in lost jobs, lost productivity, and lost competitiveness.

We must establish a system of cost-benefit analysis, pass the Paperwork Reduction Act, strengthen the Regulatory Flexibility Act, and provide protections for whistle-blowers, whose firms are being abused by overzealous regulators.

Last year, I introduced H.R. 1817, the Private Sector Whistle-Blowers Protection Act, as a response to the unmistakable reluctance of businesses and individuals to go on record with the regulatory abuses to which they felt they had been subjected. They feared with that angry regulators would retaliate by doing anything, from holding up permits to levying fines. Of course, agencies denied that such abuse of power takes place, and the experience of my constituents argues otherwise.

My bill makes retaliation by agencies a prohibited regulatory practice, which would result in a $25,000 fine for each violation. As our constituents struggle daily to comply with an unending array of regulatory requirements, at the very least they should feel free to speak openly about regulatory actions taken against them that they believe to be unfair.

Further, if Federal or state regulators are taking retaliatory action for such openness by our constituents, they ought to be held accountable. Nonetheless, the means to every end of improving the general welfare cannot, nor should it, be accomplished by regulation. There are many cases where existing market forces are much more effective than regulation. A regulation disrupts market dynamics by adding costs to those necessarily associated with providing a good or service.

Hidden though they may be, these added costs are taxes. I want to emphasize that point. When the Government forces business to divert resources in ways they would not otherwise, a tax is being levied upon those businesses as surely as if the money had been collected by the IRS. Higher costs to businesses means less growth and fewer jobs.

Politically, however, it is much easier to levy $20 million in regulatory costs than it is to levy $20 million in increased tax revenues. Waiting in the wings for Congressional approval are additional health care mandates, tougher workplace safety requirements, and a whole host of stringent environmental regulations.

I was very pleased when earlier this year the House rejected the bill elevating the Environmental Protection Agency to a cabinet level, a bill which has huge regulatory ramifications, because of the amendment of the gentleman from Florida [Mr. MICA] requiring the EPA to conduct a cost-benefit analysis of any rules it proposes, was not allowed to be offered by the Democrat leadership of this House. I was very encouraged by this, and intend to continue to fight at every opportunity to force the Government to do the one thing it can do to help the small business people of America. It has got to get out of the way.

This is the first of many months of laps of the Republican Regulatory Relay. Next month we will highlight another industry that is being over burdened by regulations of this Government. Next month we will highlight more horror stories that are going on in the country today, and next month and the following months we will try to convince the American people that, yes, is some cases regulations are important. But what we have now is a Government that is running amuck, that we have regulators and legislators that are running amuck, and the effect it is having on our families and the incomes of our families are devastating, and we hope to prove these points to our colleagues so that we can do something about it in the future.

MAY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the minority leader.

Mr. DORNAN. Mr. Speaker, I want to comment on my colleagues from Florida and Texas, Mr. DELAY and Mr. MICA. That was an excellent presentation on the burden of the severe overregulation on our small businesses and the problems that that creates. Most Americans are shocked when they hear that 95 percent of all employment in this country, depending on which state you are talking about, is created by what we all know as small businesses. It is rather ironic, because all of us in this profession, while trying to look neat for those who voted for us, frequent dry cleaning establishments. I always use this as an example when talking about small business. We have all heard how rough it is. I will not forget that the average start-up cost for a small business is $138,000. This money is used to hire a few people, put the equipment together, get a good store front in a good location, and try and keep the clothes cleaned and pressed and looking good for the men and women in whatever neighborhood you try to set up. That is stunning.

Trying to stay in business, it appears, is even worse. So I would like to associate myself with all the remarks in that splendid presentation.

Mr. Speaker, I assume I will be the last speaker tonight, and the House is not in tomorrow. We are all going home for the weekend. I am going back to beautiful Southern California and then Santa Barbara, Santa Maria, and San Luis Obispo, areas of this country that are so beautiful it takes your breath away. I'll be making some appearances in a Republican primary for the lady of my choice. I know what I am going to hear when I get home, and it is not going to be about Haiti. However, the topic of Haiti may come up, especially if anybody is out there, that is in the C-SPAN audience of 1½ million listening to my words tonight.

I know they are going to be bringing up all sorts of scandals. It seems to turn into a nightmare with each passing day, and with each passing week. We are all trying to sort out here how to be fair to both parties, to the other body, the U.S. Senate, and to the White House itself, on how to handle all this. Especially with respect to the rules of this House on decency, comity, which is a word not used in the general public, but used around here. We do not want to sound like comedy, but comity, which means respect for one another. We don't have some of the wilder debates of the Canadian Parliament or the British House of Commons, which some of us, at least my wife, thinks might be good for a change around here, to let off some of the steam. The great Disraeli was shouted down at his first speech and never got to speak. I don't know if we want to carry it that far, so I will go with the rules of the House.

I am still trying to sort out in my mind how I have my freedom of speech and represent the freedom of speech for my district, but at the same time I can't discuss the scandals that are surfacing and how they might impact foreign policy. As was the case last week when LAMAN SMITH of Texas put news magazines in the RECORD. This caused our Speaker to remind everybody that the White House is included in the respect and comity that we show to other Members of the House and to Members of the other body.

□ 1840

However, last night on ABC's Nightline, hosted by the main man, Ted Koppel himself, they covered one of the scandals from A to Z. They began with a C-SPAN clip of this Member, BOB DORNAN, standing up here showing the front page of the Washington Post and a button that had circulated that said, "I believe a certain woman that is bringing charges against an elected official." At the beginning or after they showed this short clip of my speaking, they said, "From Congressman BOB DORNAN, a noted basher of Professor Anita Hill." Let's stop right here! That is not true. Then it went on to say something else to somebody on the other end of some political spectrum. Everybody has something to say about the current scandals that I am not mentioning.

I just want to correct the RECORD. We have called Nightline. They were both very apologetic and very polite.

They said maybe they had jumped to conclusions. What my staff told them was that to support Justice Clarence Thomas, from the Court of Appeals here in D.C., is not to have bashed Professor Anita Hill. I analyzed some things that she did on television or radio shows around America. I do not believe I ever did it on the House floor. If I did, I stand corrected. We cannot find a single speech I ever made against Anita Hill on the floor of the House.

What I did say, was that it is most unusual that she followed Clarence Thomas from job to job and that she never even put him on notice for anything he was saying in her presence. A rule of fairness at the entry level of sexual harassment, is that you let somebody know if you do not like the way they are speaking in front of you. That goes for a manly man, who might decide to tell the boys, "Hey, count me out when you tell dirty jokes, I do not like it." That is what my dad always told me to do. Put people on notice. I have done it a few times, but failed my father mainly by either just giving a weak, perfunctory laugh or walking away. I am a father of three grown daughters, all in their thirties, and four granddaughters, God willing, more to come out of our grandkids, and I think any woman who does not like somebody's mouth, and it is usually a male involved, should stand up and tell them. If they persist, there is no other way to handle it before you have to take it to the courts.

So I want Ted Koppel and the Nightline crew to know that, yes, I have discussed scandals on this House floor. No, I have never bashed Professor Hill. I was a supporter of someone I think is a wonderful person and is an excellent Justice at the Appeals Court level. I think he is going to be a superb Supreme Court Justice.

I would like to comment on what a lot of writers are saying now, about Clarence Thomas. He seems to have been "struck mute," in the way he handles his job on the Supreme Court. They say it is because of having his reputation trashed, what he called a "high-tech lynching," and I hope that is not true. I think the further we get from that terrible year of 1991, and what liberal staffers on the Senate side tried to do to his reputation, Clarence Thomas wins on the respect factor in the long run. And Anita Hill may have struck gold.

I read in one of the news magazines that she made, brace yourself, $500,000 last year, half a million dollars. She did not make $10,000 the year before. She was sort of dragged, according to her, kicking and screaming symbolically further and further into this arena by staffers of two Senators.

Now there is a new scandal on the front page of today's Washington Times. To avoid all elected officials here, let us just look at Dan Lassiter, who was never elected to anything, from the State of Arkansas.

There are now new charges. Investigators want to know whether Dan Lassiter contributed thousands of dollars to certain campaigns and if he used a New Mexico resort. His name is stunning. I will never forget it, a great call sign for the Air Force or Navy flight of four, "angel fire."

It was 22,000 acres in New Mexico. It appears to have cost naive investors upwards of $40 million or more. So more will be heard on that.

I guess we will have to meet with all the Parliamentarians and write some new rules around here, if and when the House committees, the relevant committees, start having hearings on the financial scandals.

There is a new button that is in our Cloakroom now that says, "Full Disclosure Now." That means, when do we get these hearings that the Senate voted 90-something to a couple of people and that were voted here 380-something to a few to have these hearings. Where do we go from here before we take the memorial 50th anniversary of D-Day district work period break that begins 2 weeks from tomorrow?

Now, do these scandals affect foreign policy where people can die. I said here last night that six moderate to conservative Democrats told me they thought it would have an effect. That there were people in the White House talking about military force in Haiti and that it was driven by domestic concerns.

I have here the draft of the House Republican Policy Committee, chaired by the very distinguished HENRY HYDE of Illinois, my good friend. I think this will probably be approved, Mr. Speaker, on Tuesday. I want to read it in its totality just in case somebody on the National Security Council convinces the White House to put people, men and now women, in harm's way in Haiti. I want this Republican Policy Committee draft on record, because we had a unanimous vote to move on this.

I do not know what they do in the Democratic Cloakroom, but in the Republican Cloakroom we have something cleverly titled "The Boarding Pass." All the people racing out to catch airplanes. I am leaving in the morning. I did not have to grab it and run to Dulles or National Airport.

Our Boarding Pass is put up by the Republican Conference, DICK ARMEY, chairman, and it gives us themes to discuss at town hall meetings or with our voters or in appointments in getting out and about in our various districts.

And the weekend theme is the coming GOP majority. Followed by recurring theme, health care, and then it says, "Clinton's Haiti policy, welcome to the sunshine state." I am going to read that.

But first, I want to reread a letter that I quickly read last night, because I only had 5 minutes, and re-submit it for the RECORD today, because it comes from, I will just use his first name, Howell, from the Carolinas, I will not even say which one. Howell took me for a tour of his textile plant in Haiti, a beautiful facility.

My father was a businessman and always prided himself on having the best working conditions for his workers of anybody in the field. I was one of those workers in California Heating and Air Conditioning for three long summers, crawling around among spiders under houses putting in units or updating heating units til I got promoted to the air-conditioning and forced-air part of my father's business. This is when I was 14, 15, and 16 years of age.

I know good working conditions from poor. And Howell and his family's textile plant in Haiti was as good as I have ever seen.

I was there all morning watching the coffee breaks, the lunch break, the machine facilities for lunches. And it was excellent.

Here is what he wrote to me, this is dated April 12, last month, 1994. And I can see from the letterhead that he is into a new career field in the restaurant business.

He says, "Dear Congressman, I will never forget the morning you rode through the streets of Port-au-Prince, Haiti, with me during the riots."

We went out, I would ask the people listening to my words to picture Haiti as though you are looking at a bull, an animal from the top down. It is only a third of the Island that Columbus discovered in 1492. He discovered it, as a matter of fact, this very week of 1493. I believe he named it Hispaniola. Haiti it is only a third of the Island, the western third. There is two big, long peninsulas that come out with a big Island in the middle of this natural port, as natural a port as Guantanamo Bay.

□ 1850

Teddy Roosevelt once put the entire Great White Fleet inside Guantanamo, and I have seen writings from the turn of the century where the whole United States fleet could have gone into Port-au-Prince in Haiti.

I went way out on the Southern peninsula, the bigger of the two horns, during this election period among election riots. Seven people were killed within 5 minutes just right of where we were. Our charge d'affaires, a tremendous lady in the Foreign Service, said, "We had better get out of here."

I saw a lot of horror there. I saw the torture house right down by the port facilities where they deliberately would torture people at night. This is back 4 or 5 years and several juntas ago. They would allow the screams of the people being tortured to waft up, bringing a terrifying chill to everybody in the lower city area. On a cool, calm, clear night they told me at the Ambassador's house, which was then occupied by a charge d'affaires that sometimes you could hear the screaming all the way up in the area where the larger homes were. All chilling stories about the horror of Haiti.

For those who want a crash history course, it is fascinating. Napoleon sold the Louisiana Purchase to our third President, Thomas Jefferson, for one reason only: to get money to continue his war of combat in Haiti, because he thought Haiti was such a rich little slave colony. They were getting more money out of Haiti than they would ever get out of New Orleans, (which was to become the State of Louisiana two decades later) or the entire Louisiana Purchase, going up to the Missouri and Mississippi headlands.

Interestingly enough, Haiti's birth as an independent nation was 1 year after the Louisiana Purchase. Napoleon got the money from this fledgling country that was by then given, using our Constitution, only 17 years old. Yet it was not enough. Haiti became an independent nation in 1804. The first independent nation in the Caribbean. It is just tragic that it has lived such a violent, turbulent history over the last 190 years. Haiti has ended up in this tragic state now where the people are starving to death because of our policy of sanctions on this country, while we try to restore an unstable non-democrat. Although elected in the 1960s, Jean-Bertrand Aristide is more in the category of Allende, who won in the 1930s, or yes, even an emerging terror like Adolf Hitler, who won 34.-something percent. Just because you win an election does not always mean you are a democrat, even if you win with 63 percent.

Back to the letter from my friend Howell. He says, "Riding with you during the riots, your interest was most appreciated. Our factory was 'nationalized' after Aristide came to power. I lost everything. All I brought back from Haiti was a couple of bullet wounds.

If Brian, who was then my chief of staff and has now gone into business in Orange County, "if Brian is still with you, tell him hello. I have some interesting information firsthand from Ron Brown," I don't know what Ron Brown he is referring to, it must be his Ron Brown, "concerning a diversion of funds from the Nation of Haiti to a congressional caucus," he means a subcaucus. "Give me a call if you are interested. Best of luck, Howell."

If anybody in the Carolinas, Mr. Speaker, is hearing my voice, I have yet to call him, but I will.

Here is what our Republican Conference boarding pass says about what we might expect over the weekend on Haiti. I repeat the title: "Welcome to the Sunshine State."

"By giving in to sit-ins by one liberal sub-caucus," and this must mean the Black Caucus, "and a hunger strike by Trans-Africa's Randall Robinson, Clinton continued to display his lack of leadership in foreign policy. According to Democrat Senator BOB GRAHAM, the President's decision to switch course on Haiti will amount to a very substantial green light for people to leave Haiti."

The luckier ones will survive. Many will drown at sea, as probably half a million Vietnamese, more like 600,000 or more, drowned in the South China Sea because of action taken in this Chamber a year and nine months before I was sworn in. I'm talking about the votes of the spring of 1975, which cut off all economic and finally all military aid by that newly elected Watergate class in the spring of 1975 to Vietnam.

"The President's erratic Haiti policy now appears to be cynically tied to moving forward with his liberal domestic agenda," so our conference is making the case that it is not scandal-driven, it is liberal domestic agenda driven, "particularly government-run health care. Clinton needs the Black Caucus's support, and according to Dalton West of the Global Strategy Council, Clinton is giving the foreign policy issue away in order to hold his whole coalition together.

"President Clinton, however, may be painting the United States into a corner. If the tougher economic sanctions don't end Haiti's military rule, United States military action may be the only option left.

"The Boston Globe reports, however, that 'Haiti's military believes it can continue to ignore the United States, because the Clinton Administration is not serious about restoring Aristide to power.'"

"Commenting About Clinton's new policy on Haiti, the New York Post writes, 'Simply translated, it says Randall Robinson will eat, but lots of Haitian children will starve,'" That was the New York Post.

Here is the Henry Hyde-led House Republican Policy Committee, and I appreciate this and stand by every word myself: "Statement of Republican Policy on Haiti," and this is the loyal opposition which expanded Tuesday by one. There are now 177 Republicans in this House.

I noticed in our boarding pass it says, "How about a re-vote on the President's massive tax increase of last year, which only won by one, or how about a re-vote on the ban on semi-automatic weapons that look ugly?" Interesting thought.

Most people who earn their living analyzing or toting elections say that we should take 16 seats, a slam dunk. I would never count those chickens until the votes are counted, but that means if we take 16 seats, the Republican Party has 193 Members. That is more than Ronald Reagan had with 192 when he was sworn in in January of 1981, and President Nixon twice hit 192, never got beyond that.

President Eisenhower had a majority in the 220s in 1953 and 1954, and then lost it, and then fought back to about 203, I believe. Then he lost it again in the elections of 1958 and dropped down in the dismal area where we are now and have been for the last 40 years.

One hundred and ninety-three would be a magic number, rebuilding what the late Tip O'Neill called the conservative coalition, where it flushes a lot of moderate Democrats who will come out and vote more conservatively when the Republican numbers get over 190. Here we sit at 177, the House Republican Policy Committee.

Here is our statement on Haiti: "Republicans strongly oppose calls for United States military intervention in Haiti. In the absence of threats to American citizens in Haiti, there are no United States National interests at stake that compel us to take such action.

It is not a solution to Haiti's chronic internal problems. That would be a serious and costly mistake for the United States. U.S. armed forces should not be sent into combat as a substitute for sound foreign policy."

Forgive me if I say amen at that first paragraph.

"President Clinton's uncertain Haiti policy seems more responsive to stormy political winds whipped up by United States domestic special interests than to any careful assessment of our national interest in Haiti. The President said, 'We have an interest in bolstering democracy and human rights in Haiti.' This is true, but as events in Somalia have made painfully clear with the loss of 30 American young lives, we have not the means nor the ability to send American troops to forcibly impose democracy and respect for human rights on every one of the dozens of countries where those rights are lacking.

"United States forces occupied Haiti from 1915 to 1934 without ever achieving any durable political reform. There is no reason to believe that our will can be imposed upon Haitians any more effectively today than it was from 1915 to 1934."

The third paragraph, "The President says, 'We have a humanitarian interest in preventing a massive and disastrous exodus of Haitians by sea,' and, indeed we do. Clinton himself recognized this when he abruptly reversed his campaign rhetoric even before his inauguration." That is because the boats were underway, "and embraced the hard choice of the Bush Administration, continuing the policy of forced repatriation of Haitians picked up at sea."

☐ 1900

I would have changed that, "rescued at sea," because many of them were on the edge of death.

"Now by reversing himself again and reinstituting shipboard processing of asylum seekers—" I have never heard of that in my life, a floating immigration office at sea—"Clinton is encouraging Haitians to risk their lives in rickety boats and dangerous seas," shark infested waters I might add, recalling some of the horrible shark attacks on a plane crash stuffed with people going to New York in the days of Veto Mark Antonio, a member of this Chamber, "Dangerous seas while the United States consular facilities in Haiti continue to process asylum applications.

"Rather than continuing to make veiled threats to use force," I would have added over and over again, "Clinton should abandon his administration's haphazard and quixotic," I love that word as in Don Quixote, "quixotic approach to Haiti and formulate a policy that has some credibility. He should begin by loosening the grip of Jean-Bertrand Aristide and his well-heeled lobbyists over U.S. policy options. He should aggressively work with regional friends, the organization of American States and the United Nations to seek agreement among Haiti's parliamentarians, military leaders and president." I would call him ex-President Aristide because a new president was appointed by the Parliament down there yesterday. As I said last night, the Parliament that still sits in Haiti, however you want to characterize it, was elected in the same election on 16 December 1990 that elected Jean-Bertrand Aristide.

"And we should seek agreement among Haiti's parliamentarians, military leaders", and Aristide himself, "to schedule new elections," let him try again, "in order to get beyond the current impasse. A bold and effective solution to the looming refugee crisis may lie in the use of Ile De La Gonave. . ." That is this big island that I described between the two peninsulas, the horns of the one-third of the Island of Hispaniola known as Haiti. It is the island near Port au Prince, right inside the Port of Au Prince, "as a safe haven for Haitians."

Now let me spell that name to drive, Mr. Speaker, some of our watchers and listeners to their geography books and their atlases. Isle of the Gonave, G-o-n-a-v-e. I assume the "e" is silent, being French. Isle, I-s-l-e, de, d-e, la, l-a, Gonave. That giant island is more friendly to the United States than any comparable part of Haiti.

If we are going to put any young American Marines, male and female, to touch Haitian soil, and they do not land on this island only as a first step to set up a safe haven for Haitians trying to escape either starvation, now caused by us, or some of the cruelties of the military junta there, then they have no right to ask any American under a Commander in Chief, who dodged the draft twice. On the third goround he was drafted with an induction date of July 28, 1969. He had that induction notice politically suppressed and reversed. As I have said many times on this floor, I have never heard of anybody ever doing that other than a tragic automobile accident with severe injuries, or a severe athletic injury. Nobody undoes a draft induction show-up date. Every military base I have visited, and I have been on about 10 of them in the last 4 months, people come up to me of all ranks and military positions and jobs and say that it is hurtful to be put in harm's way by somebody who three times avoided the call of his country and let other young high school kids to in his place.

Our last and fifth paragraph on the Republican policy statement. "Only bold initiatives like this," combining using this Island of Gonave," with active diplomacy, will lead to a resolution of Haiti's problems. The Clinton administration should be broadening its diplomatic engagement, not limiting its options to costly and unworkable solutions. Above all, Haitians must take responsibility for their own future. No action by the United States can substitute for that." Now, that calls to mind President John F. Kennedy's stirring words, and I imitate him as flattery, not derision, when he said, "In the end it will be Vietnamese boys that will have to win their own freedom." I do not know when we are ever going to learn here not to relive the mistakes of the past. But if we are going to go into Haiti because of its current problems of over a 190-year span since it won freedom in 1804, what are we going to do about Cuba? That has been a dictatorship from the middle of the fourth decade, and what are we going to do about Castro? Even in the ill-fated Bay of Pigs when the same President Kennedy denied air coverage while the men on the beach were depending on it, we were still using Cuban boys, really tough men no matter how young they were, to fight for their freedom, and we left them hanging out there on the limb to be captured, several thousand of them by Castro, who did put his air power over the beach at the Bay of Pigs. How can we ask a young woman or a young man under a flawed command to go in and put their life on the line when we will not do it for Cuba. There are still Cuban boat people of all colors and backgrounds trying to sail north to refuge in the world's largest, truly free democracy?

I have to pay a little respect to India which is twice our size and does have wild democratic elections where an average of 40, 50, 80 people are killed in every election that they have there. So I will take our system of open elections.

Mr. Speaker, I hope when we come back for votes on Tuesday, or when the House comes back in to debate on Monday, there will be no surprises by the National Security Adviser, Tony Lake, convincing Mr. Clinton that the way to go in Haiti is to put American forces in there.

I was sickened when the U.S.S. *Harlan County* pulled away, just a few days after the firefight from hell on October 3 and 4 in Somalia, from a gang of 40 rent-a-thugs screaming, "You're going to get what you got in Somalia," 40 rent-a-thugs is what the best intelligence sources can tell the press now. They drove back U.S. Forces of mostly engineers who were told they could not bring their now banned for civilian ownership semiautomatic M-16's with them. It does not have a treble burst function. They had to carry only sidearms, only their Beretta. And now we are being told by caucuses in this House that the men on the *Harland County* could have scared off these 40 rent-a-thugs. Why did we not go in? Well, the fact remains we did not because there was guilt at the White House because the Commander in Chief, according to the liberal Washington Post, went into a pay phone up at a golf course in Martha's Vineyard and made a call down to I guess Tony Lake and said send in that special operations group, whatever they call it. He did not know the term "Delta," which is the biggest known secret in the world. Now staffers at the White House, as high as you get, say that the one incident we cannot run from is the death of 18 of America's best-trained Army personnel in Aideed country near the Bacarra Market in downtown Mogadishu.

I rushed my words last night when I was talking about having widows and sisters up in the gallery, having fathers call me who had survived two or three tours in Vietnam without ever being scratched, who lost their son. Mr. Joyce has retraced his very steps as his son was fighting for his life and then lying there dying. He said, "I was on the ninth hole at a golf course outside of Chicago." He will live with that memory forever. In a beautiful tribute in Newsweek magazine about 3 weeks ago to his son he asked, "Why did my son die in Mogadishu, Somalia?"

There are no clear answers, and that is why I am going to recite on the floor next week the six Cap Weinberger commandments which outline when we should not put American men and now women in harm's way. And I have added four to those, not to round it off to a mosaic 10, but there are four new things that have come up. One of them Cap Weinberger pointed out to me just last week, that American forces should never be put under foreign command.

□ 1910

They should always go into combat under U.S. commanders or under allied commanders who trained with us under ratified treaties such as NATO.

One of the things I have had to add to Cap's six and his newest seventh is we have to make sure our people are trained and armed properly. None of this U.S.S. *Harlan County* Beretta 9mm only, and no weapons. It was sickening that we turned around. It has created problems for us in Bosnia and everywhere else in the world, but nevertheless, we did turn around, and now we are stuck with a totally different situation in Haiti.

As far as this Congressman is concerned, I will make this promise: I hope somebody, Mr. Speaker, from the White House is listening, that if any American soldier, sailor, marine, pilot, or crewman, any man or woman dies in any operation in Haiti other than an operational accident off the coast, but dies from hostile fire, I will travel at my expense to anywhere in the country and personally talk to the mother, the father, the widow, any children over 13, and I will try to bring their opinions back to this House. I will try to extend the sympathy of my Government that we have squandered lives in another non-clearly-defined operation that may be driven by something other than human rights considerations, America's vital interests or the interests of any legitimate allies. For any of the aforementioned reasons from what those six moderate Democrats told me to get scandals off the front page or, as my Republican Party in its majority opinion believes, that it is to try to hold together a coalition of liberal people in this House.

The Republican Party has taken seven for seven this year and last of all the special elections. We probably are going to pick up a great number of seats in this Chamber and may even have an outside chance at taking control of the Senate which, in the last 40 years, was under Republican control for President Reagan's first 6 years. I am not going to sit here as member of the Committee on Armed Services as a peacetime veteran, trained to be a combat fighter pilot, but serving under five-star general President Eisenhower, never having to kill another mother's son or to put my life in jeopardy other than in the dangers of flying supersonic aircraft in tough operational training.

I owe a debt to those who died before me. That is why I am going to Normandy with our distinguished colleague, retired two-star general SONNY MONTGOMERY of Mississippi, why I will probably go back to Europe, this Christmas after we adjourn and the elections are over and walk the battlefield at Bastogne, in Belgium, and find that field at Malmedy where German war criminals machine-gunned to death 108 young U.S. prisoners, some of them 18 years of age. Where the army violated an order from this House, this Chamber then, that no 18-year-olds would ever be sent in combat. They would stay here and replace others of older age who would go over. Pretty soon we usually find this is the military way of doing things, suddenly somebody does not get the word, and here are 18-year-old young Americans in combat against German Waffen SS and Panzer Divisions. I owe a debt to those men behind me, and I owe a debt to those that came after me in Vietnam.

I want our young military people on active duty to live through their career, whatever time they give to their country. If they are called into combat, they should know the ground upon which they stand and that their country, including this Congress, both Houses, are going to back them up, that there is a victory goal in sight, that if the policies change, we will debate it in this House. There will be a whole new operational plan that they will be properly trained, and I am going to put in the RECORD those 10 commandments and hope to send them to all of the Chiefs of Staff of the various militaries under the Chairman, Gen. John Shalikashvili, and let us see if we cannot adopt a policy in this House so we do not have any more no-victory conflicts like Korea or Vietnam. No more indecision such as we have seen in Bosnia and the ultimate tragedy that took 30 or our Nation's finest men in uniform in Mogadishu, Somalia.

Here are those commandments right here, Mr. Speaker. I have time to read those Cap Weinberger-BOB DORNAN commandments. I ask Cap if I could structure them in a Mosaic way and make them all thou-shalt-not, and he said, "Of course," and he added that seventh one. The first six are pure vintage Cap Weinberger from a November 28, 1984, speech.

1. Thou shalt not commit U.S. combat forces unless the situation is vital to U.S. or allied national interests.

2. Thou shalt not commit U.S. combat forces unless all other options already have been used or considered.

3. Thou shalt not commit U.S. combat forces unless there is a clear commitment including allocated resources to achieving victory.

4. Thou shalt not commit U.S. combat forces unless there is clearly defined political and military objectives.

5. Thou shalt not commit U.S. combat forces unless our commitment of these forces will change if the objectives change.

6. Thou shalt not commit U.S. combat forces unless the American people and the Congress support the action.

Here is the one that Cap Weinberger asked me to add last week. Cap, forgive me. We have worked out the language without you signing it off on here to include ratified treaties.

7. Thou shalt not commit U.S. combat forces unless under the operational command of American commanders or allied commanders under a ratified treaty.

The following three are my own, and I will send them to Cap Weinberger to get his opinion before I send it on to the Joint Chiefs of Staff.

8. Thou shalt not commit U.S. combat forces unless properly equipped, trained, and maintained by the United States Congress.

9. Thou shalt not commit U.S. combat forces unless there is substantial and reliable intelligence information including human intelligence.

10. Thou shalt not commit U.S. combat forces unless the Commander in Chief and Congress can explain to the loved ones of any American soldier, marine, pilot, or air crewman killed or wounded why that man or woman was sent in harm's way.

I added to the last one "sent in harm's way" to indicate that people just do not turn up in harm's way. Somebody sends them there.

Now, the leprechaun that brought me these from my office, Mr. Speaker, brought me another article that I am going to read part of, and then submit for the RECORD. It is by the man that I think is the best writer on all affairs, military and foreign policy, that involves military operations or potential operations, and that is Vietnam veteran, and I believe he is also a Korean combat vet, Harry Summers, Jr. He writes for the L.A. Times Syndicate.

Here is what Col. Summers says. Title: "Let Blood And Thunder Men Practice What They Preach," blood and thunder men. He wrote this in the traditional great barracks that need a lot of reworking, I might add, Schofield Barracks, in Hawaii.

For those of you who are Pearl Harbor buffs or movie buffs, that is the barracks that Burt Lancaster grabbed an air-cooled .50-caliber machine gun and went up on the roof to singlehandedly shoot down attacking Japanese Zeroes and Kates.

Here is what he says: "'Resolved,' that the resolution of the 24th North Carolina Regiment, August 26, 1863, 'that the blood and thunder men should practice what they preach, by getting into the ranks and fighting, or forever hold their cowardly tongues, whether saint or sinner.'" A great civil war quote that I never saw. "Then and now," Harry Summers writes, "the view of those in the ranks who would close with the enemy with rifle and bayonet differ considerably from those who preach the virtues of military involvement far removed from the battlefield. To the civilian interventionists and editorialists now baying for United States soldiers to be committed to action in Bosnia, in Haiti, or in any other trouble spot around the world, military operations to them are an intellectual abstraction.

□ 1920

Addressing the graduating class at West Point in 1869, which is 4 years after Appomattox, "General William Tecumseh Sherman, one of America's fiercest warriors, noted that phenomenon over a century ago. 'I know there exist many good men who honestly believe that one may, with the aid of modern science, sit in comfort and ease in his office chair, and with little blocks of wood to represent men or even with figures and algebraic symbols, master the great game of war.'

"I think this is an insidious and most dangerous mistake," he said. "The soldier in the ranks is not a block of wood or a mere unit; he is a man like yourselves, full of feeling and passion, varying in size and strength, and all the attributes of manhood."

Now we are going to put our young American women in uniform in harm's way.

"Those words came to mind," Summers continues, as I trooped the line of the 1st and 3rd Battalions of the 21st Infantry here at Scofield, paraded in my honor as the newly appointed honorary colonel of the regiment." Congratulations, Harry, I did not know that. "And they were brought home again the following evening as the young soldiers of those rifle companies and their corporals, sergeants, lieutenants, and captains and their wives passed through the receiving line at the regimental dining out. Although it is seldom mentioned, the first thing being an infantryman entails is unlimited liability. A Navy admiral, a distinguished Vietnam War fighter pilot, once said he didn't know the difference between direct and indirect combat. A rifleman does. It is called the topical crest of the hill. If you are dug in 20 meters down the front slope with no way in hell of getting out when the enemy attacks, you're in direct combat. Indirect combat has its dangers too, but those 'rear-echelon willies'"—now that is an unusual turn of a phrase. Those "rear-echelon willies," either singular or plural, "on the reverse slope can cut and run if it gets too bad. The tanks can reverse gear and drive away. The planes can zoom out of harm's way, and the artillery displaced to a safer location. But the riflemen are stuck. They have a commitment to stand and fight, and, if need be, to die. That is shared by no one else in the Armed Forces. They are the military's true elite." Amen, Harry.

"Where once nuclear bombs and missiles were America's strategic forces, today conventional forces are once again the true strategic (that is, war-winning) force. And at the heart of conventional forces is the infantry. All the other arms and services exist to support their mission to seize and hold ground." And I know that this Army colonel is including the Marine infantry.

"Everything depends on combat, Carl von Clausewitz emphasized in his treatises on war 160 years ago. Even if you never fight, it depends on combat because it rests on the perception that if you did fight, you'd win." He concludes, "But infantry units cannot be committed lightly. As Sherman said, they are not blocks of wood." Not toys, war-gaming. "And neither are these volunteers a kind of foreign legion. They are America's sons and daughters, as, to its credit, the news media reminds us when one of these soldiers is killed or injured in the Nation's service. If today's 'blood and thunder men' are so anxious to intervene, perhaps they could, as in the 1930's Spanish Civil War, form a latter-day Lincoln Brigade with companies from the New Republic," that is our schizophrenic magazine here in D.C., "the New York Times, the Washington Post, and other such jingoist organizations. Save the infantry for when the vital interests of the Nation itself are imperiled." That is Harry Summers, Jr., U.S. Colonel Retired. I think I will send my Weinberg-Dornan commandments to Harry.

Mr. Speaker, I hope I do not have to speak on Haiti next week. I will hold my breath over this 4-day weekend and see what the situation is next week.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PORTER (at the request of Mr. MICHEL), from 1 p.m. to 4 p.m. for on account of personal reasons.

Mr. COX after 3 p.m. today on account of personal reasons.

Mr. HOAGLAND (at the request of Mr. GEPHARDT), for today after 12 noon on account of attending a memorial service.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. SHAYS for 5 minutes on May 17.

Mr. GOSS for 5 minutes today.

(The following Member (at the request of Mr. BONIOR) to revise and extend his remarks and include extraneous material:)

Mr. BONIOR for 5 minutes today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DREIER for 5 minutes today.

(The following Member (at the request of Mr. DREIER) to revise and extend his remarks and include extraneous material:)

Mr. MICHEL, for 5 minutes, on May 17.

(The following Member (at the request of Mr. MCDERMOTT) to revise and extend his remarks and include extraneous material:)

Mr. SABO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. COMBEST.
Mr. GALLO.
Mr. LEWIS of California.
Mr. KNOLLENBERG.
Mr. GOODLING.
Mr. SENSENBRENNER.
Ms. MOLINARI.
Mr. GINGRICH.
Mr. BEREUTER.
Ms. SNOWE.
Mr. SAXTON.
Mr. EMERSON.
Mr. SMITH of New Jersey.
Mr. GILMAN.
Mr. GOODLING.
Mr. COX.

(The following Members (at the request of Mr. BONIOR) and to include extraneous matter:)

Mr. SANGMEISTER.
Mr. CLEMENT.
Mr. STOKES.
Mr. TEJEDA.
Mr. BAESLER.
Miss COLLINS of Michigan.
Mr. HOYER.
Mr. PICKETT.
Mrs. COLLINS of Illinois.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. PASTOR.
Mr. RUSH.
Mr. TRAFICANT.
Mr. MCDERMOTT in two instances.
Mr. STUPAK.
Mr. FORD of Michigan.
Mr. WAXMAN.
Mr. KLECZKA.
Mrs. MALONEY in three instances.
Mr. FOGLIETTA.
Ms. LONG.
Mr. GEPHARDT.
Mr. LANCASTER.
Mr. REED.
Mr. RAHALL.
Mr. MENENDEZ.
Ms. NORTON.
Mr. KLINK in two instances.
Mr. ANDREWS of Texas.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. RICHARDSON.
Mr. NEAL of Massachusetts.
Mr. TOWNS.
Mr. NADLER.
Mr. GILMAN.
Mr. EMERSON.
Ms. KAPTUR.
Mr. FRANKS of Connecticut.
Mr. OXLEY.
Mr. BARCIA of Michigan.
Ms. NORTON.
Mr. STARK.
Mr. CUNNINGHAM.
Mr. HAMBURG.
Mr. GOODLATTE.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1134. An act to provide for the transfer of certain public lands located in Clear Creek County, CO, to the Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

H.R. 2868. An act to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Court of Appeals Building", and for other purposes.

H.J. Res. 303. Joint resolution to designate June 6, 1994, as "D-Day National Remembrance Day".

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On May 6, 1994:

H.J. Res. 239. Joint resolution to authorize the President to proclaim September 1994 as "Classical Music Month".

H.R. 4204. An act to designate the Federal building located at 711 Washington Street in Boston, MA, as the "Jean Mayer Human Nutrition Research Center on Aging".

On May 10, 1994:

H.R. 1727. An act to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Monday, May 16, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3172. A letter from the Administrator, Farmers Home Administration, transmitting a report on FmHA farmer programs loan assistance targeted to socially disadvantaged groups in fiscal year 1993, pursuant to 7 U.S.C. 2003; to the Committee on Agriculture.

3173. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3174. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a report on the Corporation's efforts to maximize the efficient utilization of the resources of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking, Finance and Urban Affairs.

3175. A letter from the Acting Director, Defense Security Assistance Agency transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Norway for defense articles and services (Transmittal No. 94-26), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3176. A letter from the Chief Financial Officer, Department of Agriculture, transmitting the annual management report for the Federal Crop Insurance Corporation, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3177. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report on the activities of the inspector general for fiscal year 1993, pursuant to Public Law 95-452, Section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3178. A letter from the Secretary of Housing and Urban Development, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3179. A letter from the Deputy Secretary of Defense, transmitting a report concerning fund accountability documents for DOD research and development; jointly, to the Committee on Armed Services, Appropriations, and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBEY: Committee on Appropriations. Report on the subdivision of budget totals for fiscal year 1995 (Rept. 103-505). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 4277. A bill to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program; with an amendment (Rept. 103-506). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 2108. A bill to make improvements in the Black Lung Benefits Act (Rept. 103-507). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARR:

H.R. 4399. A bill to combat telemarketing fraud; to the Committee on the Judiciary.

By Mr. CLAY (for himself, Mr. STOKES, Miss COLLINS of Michigan, and Mrs. BYRNE):

H.R. 4400. A bill to amend title 39, United States Code, to prevent the use of paid confidential informants by the U.S. Postal Service in certain narcotics investigations; to require that the appointment of the Inspector General of the U.S. Postal Service be made by the President, with the advice and consent of the Senate; and for other purposes; jointly, to the Committees on Post Office and Civil Service and Government Operations.

By Mr. DE LA GARZA:

H.R. 4401. A bill to amend the Federal Water Pollution Control Act to authorize financial assistance for United States-Mexico wastewater treatment works; to the Committee on Public Works and Transportation.

By Mr. DEFAZIO (for himself, Mr. WILLIAMS, Mr. MILLER of California, Mr. STUDDS, Mr. BROWN of California, Mr. LEHMAN, Mr. RICHARDSON, Mr. WILSON, Mr. RAHALL, Mr. STARK, Mr. GORDON, Mr. ABERCROMBIE, Mr. BOEHLERT, Ms. SLAUGHTER, Mr. SANDERS, Mr. BARLOW, Mr. TORRES, Mr. MEEHAN, Mr. SERRANO, Mr. TOWNS, Mr. LEWIS of Georgia, Ms. WATERS, Mr. PETERSON of Minnesota, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. NADLER, and Mr. SHAYS):

H.R. 4402. A bill to amend the Export Administration Act of 1979 to require the Secretary of Commerce to monitor domestic supplies and exports of unprocessed timber and to impose export controls on such timber when a critical short supply of such timber exists for domestic manufacturing purposes; to the Committee on Foreign Affairs.

By Mr. EMERSON (for himself, Mr. WHITTEN, Mr. BREWSTER, Mr. MCCRERY, and Mr. SKELTON):

H.R. 4403. A bill to rescind the fee required for the use of public recreation areas at lakes and reservoirs under the jurisdiction of the Army Corps of Engineers, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. GILCHREST (for himself, Mr. SHAYS, Mr. RAVENEL, and Ms. FURSE):

H.R. 4404. A bill to amend the Magnuson Fishery Conservation and Management Act to promote the long-term sustainability of marine fisheries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GOODLATTE:

H.R. 4405. A bill to require a 25-percent reduction in appropriation for the legislative branch of the Government; to the Committee on House Administration.

H.R. 4406. A bill to require that a monthly statement of costs charged against the official mail allowance for persons entitled to use the congressional frank be kept and made available to the public, and to reduce the amount of that allowance for any Member of the House of Representatives; to the Committee on House Administration.

By Mr. GOODLING (for himself, Mr. HOEKSTRA, Mr. BALLENGER, Mr. PETRI, Mr. CASTLE, Mr. FAWELL, Mr. KLUG, Mr. LEWIS of Florida, Mr. EWING, and Mr. SHAYS):

H.R. 4407. A bill to establish a comprehensive and efficient workforce preparation and development system in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. HAMBURG (for himself and Ms. WOOLSEY):

H.R. 4408. A bill to protect and restore the anadromous fish habitat in the Russian River of northern California and its tributaries, and to provide for a pilot project to test and demonstrate the benefits of main stem river channel restoration; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. HOBSON (for himself and Mr. HALL of Ohio):

H.R. 4409. A bill to allow service performed as an employee of a nonappropriated fund instrumentality after 1965 and before 1987 to be considered creditable for purposes of civil service retirement; to the Committee on Post Office and Civil Service.

By Mr. JACOBS (for himself and Mr. INHOFE):

H.R. 4410. A bill to provide for universal affordable access to health care and health insurance through tax and savings incentives, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. KLINK (for himself, Mr. KILDEE, and Mr. CLAY):

H.R. 4411. A bill to establish national programs to provide for environmental response training and employment; jointly, to the Committees on Energy and Commerce and Education and Labor.

By Ms. LONG (for herself, Mr. EWING, Mr. BOEHNER, Mr. ROWLAND, Mr. SKELTON, Mr. HOLDEN, Mr. MONTGOMERY, and Mr. EMERSON):

H.R. 4412. A bill to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes; jointly, to the Committees on Agriculture and Energy and Commerce.

By Mr. MAZZOLI (for himself and Mr. FRANK of Massachusetts):

H.R. 4413. A bill to amend the Immigration and Nationality Act to make permanent the visa waiver program and to authorize, under certain conditions, the designation of the European Union as a visa waiver program country; to the Committee on the Judiciary.

By Mr. MCCURDY (for himself, Mr. WHEAT, Mr. CLEMENT, Mr. DARDEN, Mr. DEAL, Ms. LONG, Mr. SWETT, Mr. TANNER, Mr. JOHNSON of Georgia, Ms. LAMBERT, Mr. PAYNE of Virginia, Mr. BARLOW, Mr. SKELTON, Mr. GORDON, Mr. MINGE, Mr. LIPINSKI, Mr. ORTON, Mr. BREWSTER, Mr. MANN, Mr. KLINK, Mr. PETERSON of Minnesota, Mr. LAUGHLIN, Mr. ROWLAND, Mr. PETE GEREN of Texas, Ms. KAPTUR, Mr. MONTGOMERY, Mr. HAYES, and Mr. TAYLOR of Mississippi):

H.R. 4414. A bill to reconnect welfare families to the world of work, make work pay, strengthen families, require personal responsibility, and support State flexibility; jointly, to the Committees on Ways and Means Agriculture, Energy and Commerce, Education and Labor, and the Judiciary.

By Mr. MURPHY:

H.R. 4415. A bill to make improvements in the Black Lung Benefits Act; to the Committee on Education and Labor.

By Mr. PETERSON of Minnesota (for himself and Mr. ROBERTS):

H.R. 4416. A bill to amend the Food Security Act of 1985 to reauthorize the conservation reserve program; to the Committee on Agriculture.

By Mr. RICHARDSON (for himself and Mr. BAKER of California):

H.R. 4417. A bill to authorize appropriations for a retirement incentive for certain employees of National Laboratories; jointly, to the Committees on Armed Services and Science, Space, and Technology.

By Mr. ROBERTS:

H.R. 4418. A bill to require Federal agencies to prepare private property taking impact analyses, and for other purposes; jointly, to the Committees on Government Operations and the Judiciary.

By Mr. SANTORUM (for himself, Mr. ARCHER, Mr. GINGRICH, Mr. THOMAS of California, Mr. SHAW, Mr. CAMP, Mr. HERGER, Mr. MCCRERY, Mrs. JOHNSON of Connecticut, Mr. CASTLE, Mr. GEKAS, Mr. SMITH of Michigan, and Mr. ISTOOK):

H.R. 4419. A bill to modify the supplemental security income program under title XVI of the Social Security Act; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SMITH of Michigan:

H.R. 4420. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local general sales taxes and to compensate for the resulting revenue loss by providing that only 75 percent of the amount of all State and local taxes shall be allowed as a deduction; to the Committee for Ways and Means.

By Mr. SOLOMON (for himself, Mr. STUMP, Mr. BUNNING, Mr. LEVY, Mr. KYL, and Mr. SENSENBRENNER):

H.R. 4421. A bill to amend the Internal Revenue Code of 1986 to provide that tax-exempt interest shall not be taken into account in determining the amount of Social Security benefits included in gross income, to the Committee on Ways and Means.

By Mr. TAUZIN (for himself, Mr. STUDDS, Mr. FIELDS of Texas, and Mr. COBLE):

H.R. 4422. A bill to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes, to the Committee on Merchant Marine and Fisheries.

By Mr. TRAFICANT:

H.R. 4423: A bill to establish a commission responsible for making recommendations for laws that will control crime and formulating a national firearms policy without denying second amendment rights; to the Committee on the Judiciary.

By Mr. GINGRICH (for himself and Mr. LANTOS):

H. Con. Res. 249. Concurrent resolution condemning the death sentence issued against British author Salman Rushdie by the Ayatollah Ruhollah Khomeini in Iran and calling for its immediate repudiation; to the Committee on Foreign Affairs.

By Mr. GOODLATTE:

H. Res. 425. Resolution amending the Rules of the House of Representatives to prohibit voting by proxy in committees and subcommittees; to the Committee on Rules.

H. Res 426. Resolution to amend the Rules of the House of Representatives to allow Members to require rollcall votes to strike specific line items contained in appropriations bills; to the Committee on Rules.

H. Res. 427. Resolution to amend the Rules of the House of Representatives to require a rollcall vote on passage of any measure making appropriations or providing revenue; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

382. By the SPEAKER: Memorial of the Legislature of the State of Maine, relative to unfunded Federal mandates; to the Committee on Government Operations.

383. Also, memorial of the Legislature of the State of Louisiana, relative to the cottonbalers memorial; to the Committee on Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GILCHREST introduced a bill (H.R. 4424) to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. GENE GREEN of Texas.

H.R. 712: Mr. DEFAZIO.

H.R. 799: Mr. FISH.

H.R. 896: Mr. UPTON, Mr. COX, and Mr. MCHUGH.

H.R. 967: Mr. SMITH of Texas.

H.R. 1330: Mr. KING, Mr. LEVY, Mr. SENSENBRENNER, Mr. ISTOOK, Mr. TANNER, and Mr. MCMILLAN.

H.R. 1391: Mr. TOWNS.

H.R. 2460: Mr. HOEKSTRA.

H.R. 2467: Mr. BARTLETT of Maryland, Mr. CASTLE, Mr. EVERETT, Mr. GALLO, Ms. KAPTUR, and Mr. MFUME.

H.R. 2638: Mr. MURPHY, Mr. KILDEE, Mr. BARRETT of Wisconsin, and Mr. FORD of Tennessee.

H.R. 2826: Mr. UPTON.

H.R. 2863: Mrs. KENNELLY.

H.R. 2866: Mr. JOHNSTON of Florida.

H.R. 2889: Mr. BACHUS of Alabama, Mr. BEVILL, Mr. COPPERSMITH, Mr. FISH, Mr. HAMBURG, Mr. HILLIARD, Mr. HOAGLAND, Mr. LAFALCE, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. MINETA, Mr. ORTIZ, and Mr. VENTO.

H.R. 2927: Mr. HOAGLAND.

H.R. 2929: Ms. MARGOLIES-MEZVINSKY.

H.R. 2942: Mr. BROWN of California, Mrs. THURMAN, Mr. STENHOLM, Mr. CONDIT, Mr. MINGE, Mr. COMBEST, Mr. POMBO, Mr. SMITH of Oregon, Mr. CANADY, Mr. EVERETT, Mr. ALLARD, Mr. BISHOP, Mr. NUSSLE, Mr. ROSE, and Mr. PETERSON of Minnesota.

H.R. 3017: Mr. CRANE.

H.R. 3023: Mr. SMITH of Texas, Mr. GINGRICH, Ms. MOLINARI, Mr. STUDDS, Mr. LAFALCE, Mr. BROWN of OhioMr. ENGEL, Mr. RAMSTAD, and Mr. FIELDS of Texas.

H.R. 3128: Mr. ENGEL, Mr. SERRANO, and Ms. WOOLSEY.

H.R. 3173: Mr. SOLOMON and Mr. EWING.

H.R. 3246: Mr. BISHOP, Mr. BROWDER, Mr. BUYER, Mr. CALLAHAN, Mr. HAYES, Mr. HOAGLAND, Mr. JACOBS, Mr. JOHNSON of Georgia, Mr. LAROCCO, Mr. LEHMAN, Mr. POMEROY, Ms. PRYCE of Ohio, Mr. RAVENEL, Mr. ROBERTS, Mr. SKEEN, Mr. SLATTERY, Mr. SPRATT, Mrs. VUCANOVICH, and Mr. TOWNS.

H.R. 3288: Mr. FRANKS of New Jersey.

H.R. 3392: Mr. LINDER and Mr. MCCRERY.

H.R. 3407: Mr. LINDER, Mr. GEKAS, Mr. CAMP, Mr. MCCOLLUM, and Mr. SANDERS.

H.R. 3785: Mr. GEJDENSON, and Mr. HINCHEY.

H.R. 3811: Mr. KIM, Mr. HAMBURG, Mr. PACKARD, Mr. BECERRA, Mr. TUCKER, Ms. WATERS, Mr. MINETA, Mr. COX, Mr. CUNNINGHAM, Mr. HUNTER, and Mr. ROHRABACHER.

H.R. 3812: Mr. BROOKS, Ms. MCKINNEY, Mr. ORTIZ, Mr. HUGHES, Ms. SCHENK, and Mr. PARKER.

H.R. 3820: Mr. SUNDQUIST, Mr. HUNTER, Mr. TANNER, Mr. GILLMOR, Mr. CRAMER, Mr. HALL of Texas, Mr. MINETA, Mr. DELAY, and Mr. ARMEY.

H.R. 3860: Mr. THOMAS of Wyoming.

H.R. 3878: Mr. DEUTSCH.

H.R. 3926: Mr. SAXTON, Mr. BARCA of Wisconsin, and Mr. KNOLLENBERG.

H.R. 3949: Mr. QUILLEN and Mr. BUNNING.

H.R. 3951: Mr. BAESLER and Mr. HUTCHINSON.

H.R. 3973: Mr. PETRI, Mr. JOHNSON of South Dakota, and Mr. SKELTON.

H.R. 3978: Mr. ROHRABACHER.

H.R. 3986: Mr. MCCANDLESS and Mr. MEEHAN.

H.R. 3987: Mr. FRANK of Massachusetts.

H.R. 3992: Mr. CRANE.

H.R. 4028: Mr. HUGHES, Mr. PARKER, and Mr. MANTON.

H.R. 4050: Mr. SYNAR, Mr. SWETT, and Mr. ANDREWS of New Jersey.

H.R. 4052: Mr. SUNDQUIST and Mr. GINGRICH.

H.R. 4056: Mr. LIVINGSTON, Mr. CAMP, Mr. LEWIS of Georgia, Mr. ALLARD, and Mr. DEUTSCH.

H.R. 4069: Ms. NORTON, Mr. BISHOP, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Mr. WASHINGTON, Mr. PAYNE of New Jersey, Mr. HASTINGS, Mr. CONYERS, and Mr. DE LUGO.

H.R. 4070: Ms. NORTON, Mr. BISHOP, Mr. EVANS, Mr. MCCLOSKEY, Mr. SHAYS, Mr. WYNN, Mr. WASHINGTON, Mr. PAYNE of New Jersey, Mr. HASTINGS, Mr. CONYERS, Mr. DE LUGO, Mrs. MORELLA, and Mr. SAWYER.

H.R. 4071: Mr. FROST, Ms. NORTON, Mr. BISHOP, Mr. SAXTON, Mr. CLYBURN, Mr. MCCLOSKEY, Mr. SHAYS, Mr. HILLIARD, Mr. WYNN, Mr. WASHINGTON, Mr. PAYNE of New Jersey, Mr. HASTINGS, Mr. CONYERS, Mr. DE LUGO, Mrs. MORELLA, Mr. WATT and Mr. SAWYER.

H.R. 4077: Mr. JACOBS.

H.R. 4100: Mr. PETERSON of Minnesota,

H.R. 4106: Mr. SANDERS and Mr. SHAYS.

H.R. 4115: Mr. LEVIN, Mr. WILSON, Mr. BERMAN, and Mr. SMITH of New Jersey.

H.R. 4124: Mr. BOUCHER.

H.R. 4129: Mr. SISISKY, Mr. RAVENEL, Ms. SLAUGHTER, Mr. HOCHBRUECKNER, Mr. PASTOR, Mr. NEAL of North Carolina, Mr. SPENCE, and Mr. SOLOMON.

H.R. 4133: Mrs. THURMAN, Mr. WILSON, and Mr. TRAFICANT.

H.R. 4135: Mr. DELLUMS, Mr. DIXON, Mr. RICHARDSON, Mr. GILLMOR Mr. ENGLE, and Mr. ROBERTS.

H.R. 4148: Mr. DELLUMS.

H.R. 4188: Mr. BARRETT of Wisconsin, Mr. CLYBURN, Mr. MCHUGH, Mr. PORTER, AND MR. SOLOMON.

H.R. 4216: Mr. HUGHES.

H.R. 4223: Mr. BUNNING, Mr. SAXTON, and Mr. WALKER.

H.R. 4251: Mr. UNDERWOOD, Mr. FILNER, Mr. MURPHY, Mr. MILLER of California, Mr. GEJDENSON, Mr. COBLE, and Mr. COYNE.

H.R. 4277: Mr. ROSTENKOWSKI, Mr. ARCHER, Mr. PICKLE, Mr. STARK, Mrs. KENNELLY, Mr. COYNE, Mr. KLECZKA, Mr. PAYNE of Virginia, Mr. JEFFERSON, Mr. BREWSTER, Mr. REYNOLDS, Mr. THOMAS of California, Mrs. JOHNSON of Connecticut, Mr. BUNNING, Mr. GRANDY, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. SANTORUM, Mr. CAMP, Mrs. VUCANOVICH, and Mr. BACHUS of Alabama.

H.R. 4351: Mr. COOPER.

H.R. 4356: Mr. SAXTON, Mr. GREENWOOD, and Mr. SENSENBRENNER.

H.R. 4371: Mrs. Unsoeld.

H.J. Res. 90: Mr. RICHARDSON, Mr. HASTINGS, and Mr. MCINNIS.

H.J. Res. 209: Mr. NEAL of North Carolina, Mr. MATSUI, Mr. TANNER, Mr. MINETA, Mr. CALVERT, Mr. UPTON, and Mr. MOAKLEY.

H.J. Res. 230: Mr. COBLE, Mr. DELLUMS, Mr. GORDON, Mr. GREENWOOD, Mr. KENNEDY, Mr. LANTOS, Mr. MYERS of Indiana, Mr. REED, Mr. SOLOMON, Mr. VENTO, Mr. SMITH of Texas, Mr. COOPER, Mr. SANDERS, and Ms. FURSE.

H.J. Res. 315: Mr. BARTLETT of Maryland, Mr. EMERSON, Mr. FRANKS of New Jersey, Mr. GINGRICH, Mr. GORDON, Mr. NEAL of North Carolina, Mr. PICKETT, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SMITH of Texas, Ms. SNOWE, and Mr. TEJEDA.

H.J. Res. 332: Mr. BISHOP, Mr. BONIOR, Mr. TORKILDSEN, and Ms. BROWN of Florida.

H.J. Res. 356: Mr. GENE GREEN of Texas, and Mrs. MINK of Hawaii.

H.J. Res. 359: Mr. GILLMOR, Mr. GENE GREEN of Texas, Mr. HUGHES. Mr. MONTGOMERY, Mr. MURPHY, Mr. MURTHA, Mr. NEAL of North Carolina, Mr. ORTON, Mr. OXLEY, Mr. PACKARD, Ms. PELOSI, Mr. PORTMAN, Mr. QUILLEN, Mr. RAVENEL, Mr. MORAN, Mr. REED, Mr. REGULA, Mr. RICHARDSON, Mr. SAWYER, Mr. SCHUMER, Mr. SERRANO, Mr. SMITH of Texas, Mr. STUMP, Mr. TAUZIN, Mr. FROST, and Mr. BONIOR.

H. Con. Res. 98: Mr. MORAN, Mr. SHUSTER, and Mr. CHAPMAN.

H. Con. Res. 138: Mr. OWENS, Ms. WOOLSEY, Mr. COYNE, Mr. FINGERHUT, Mr. LAZIO, Mr. ZIMMER, and Mr. RUSH.

H. Con. Res. 176: Mr. THOMAS of Wyoming.

H. Con. Res. 179: Mr. SAXTON.

H. Con. Res. 196: Mr. PAYNE of New Jersey, Mr. POMBO, Mrs. BYRNE, Mr. WYNN, and Mr. COX.

H. Con. Res. 209: Mr. TOWNS.

H. Con. Res. 229: Mr. DEUTSCH.

H. Con. Res. 239: Mr. ANDREWS of New Jersey, Mr. DEUTSCH, Mr. YATES, Mr. FRANK of Massachusetts, Mr. COOPER, Mr. MCCURDY, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. DIAZ-BALART, Mrs. MALONEY, Mr. KLEIN, Ms. ROS-LEHTINEN, Mr. GILMAN, Mrs. UNSOELD, Ms. SCHENK, Mr. ACKERMAN, Mr. COPPERSMITH, Mr. MANN, Mr. ZIMMER, Mr. BAKER of California, Mr. FRANKS of New Jersey, Mr. SHAW, Mr. KOPETSKI, Mr. MCNULTY, Mr. FROST, Mr. HOCHBRUECKNER, Mr. SCHIFF, Mr. BERMAN, Mr. LEVY, Mr. ENGEL, Ms. MOLINARI, Ms. SLAUGHTER, Mr. BACCHUS of Florida, Mr. WAXMAN, Mr. GENE GREEN of Texas, Mr. KYL, and Ms. HARMAN.

H. Res. 291: Mr. ARCHER and Mr. BACHUS of Alabama.

H. Res. 354: Mr. KING.

H. Res. 381: Ms. PRYCE of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4260: Mr. HOBSON.

H.R. 4311: Mr. SOLOMON.

PETITIONS, ETC.

Under clause 1 of rule XXII,

93. The SPEAKER presented a petition of the Intercounty Association of Western New

York, NY, relative to the right to keep and bear arms; which was referred to the Committee on the Judiciary.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petition was filed.

Petition 18, May 11, 1994, by Mr. HASTERT on House Resolution 402, has been signed by the following Members: Dennis J. Hastert, Howard Coble, Wally Herger, Tillie K. Fowler, Jim Ramstad, Donald A. Manzullo, Sam Johnson, Porter J. Goss, William H. Zeliff, Jr., Dean A Gallo, Jon Kyl, Doug Bereuter, Christopher Cox, Craig Thomas, Bob Stump, Henry J. Hyde, Bill Emerson, J. Alex McMillan, Rod Grams, Mel Hancock, Jim Saxton, John T. Doolittle, Cliff Stearns, Jay Dickey, Dan Miller, Toby Roth, Cass Ballenger, Olympia J. Snowe, Barbara B. Vucanovich, Paul E. Gillmor, Howard P. "Buck" McKeon, Ronald K. Machtley, Helen Delich Bentley, Christopher Shays, Robert K. Dornan, Lamar S. Smith, Wayne Allard, Jim Bunning, Jim McCrery, Steve Gunderson, Thomas W. Ewing, Arthur Ravenel, Jr., Michael D. Crapo, James C. Greenwood, Jim Lightfoot, and Philip M. Crane.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. SOLOMON on H.R. 493: Steven Schiff.

Petition 12 by Mr. TRAFICANT on H.R. 3261: Rob Portman.

Petition 15 by Mr. BILIRAKIS on House Resolution 382: Cliff Stearns, Doug Bereuter, and Collin C. Peterson

Petition 16 by Mr. ZELIFF on House Resolution 407: James V. Hansen, Robert F. (Bob) Smith, Constance A. Morella, Henry Bonilla, Paul McHale, Fred Upton, and Jim Lightfoot.

Petition 17 by Mr. SHAW on House Resolution 386: Doug Bereuter, Cass Ballenger, Donald A. Manzullo, Michael N. Castle, Chris Cox, Rob Portman, Mel Hancock, Alfred A. (Al) McCandless, Rick Santorum, and Jim Lightfoot.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 518

By Mr. TRAFICANT:

—At the end of the bill add the following:

TITLE VII—BUY AMERICAN ACT

SEC. 801. COMPLIANCE WITH BUY AMERICAN ACT.

None of the funds made available in this Act may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act"), which are applicable to those funds.

H.R. 518

By Mr. SOLOMON-

—Page 34, after line 25, insert the following:

LAW ENFORCEMENT BORDER ACTIVITIES

SEC. 112. Nothing in this Act, including the designation as wilderness of lands within the Coyote, Fish Creek Mountains, and Jacumba wilderness areas designated in section 102 of this Act, the Wilderness Act, or other land management laws generally applicable to such areas, shall restrict or preclude continued law enforcement and border operations within such areas, including the use of motor vehicles and aircraft by the Immigration and Naturalization Service, the Drug Enforcement Administration, the United States Customs Service, or State and local law enforcement agencies in such manner and subject to such restrictions as may be determined by the Attorney General of the United States or Secretary of the Treasury, as appropriate, in consultation with the Secretary.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

> (b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the first calendar quarter 1994:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
	(Mark one square only)			

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
Primo L. Acernese, 1001-1003 South 10th Street Allentown, PA 18103	Global Environmental Technologies, Inc
Thomas L. Adams, 1776 Massachusetts Avenue, NW Washington, DC 20036	National Parks & Conservation Assn
Advocacy Group, 1350 EYE Street, NW, #680 Washington, DC 20005	Livingston Health Care Services
Do	Palmer Chiropractic University
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203	
Aker Narsavage Partners, Inc, 727 15th Street, NW, 9th Floor Washington, DC 20005	Association of Progressive Rental Organizations, et al.
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Albertson's, Inc
Do	General Aviation Manufacturers Assn
Do	Mellon Bank Corp
James J. Albertine, 1899 L Street, NW, #500 Washington, DC 20036	United Companies Financial Corp
John M. Albertine, 1889 L Street, NW, #500 Washington, DC 20036	United Companies Financial Corp
Albertine Enterprises, Inc, 1899 L Street, NW, #500 Washington, DC 20036	Association of School Business Officials International
Do	United Companies Financial Corp
Phyllis M. Albritton, 1455 Pennsylvania Ave., NW, Suite 500 Washington, DC 20004-0Met	MetPath, Inc
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Clean Coal
Do	Institute for Clinical PET
Do	Precision Systems, Inc
Do	Troy Systems
William V. Alexander, 1425 Ironwood Drive McLean, VA 22101	American Citizens Abroad
Joan Christina Alker, 1431 Corcoran Street, NW Washington, DC 20009	Families USA
Alpha Group: Designs for Education, 1319 F Street, NW, Suite 900 Washington, DC 20004	
American Communications Group, Inc, 950 Herndon Parkway, Suie 450 Herndon, VA 22070	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Corporate Health Programs
Do	Fitness Systems
Do	Society for Excellence in Eyecare
Do	Wellness Council of America
Do	Wellness South, Inc
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Glaxo, Inc
Do	State of Delaware
Wayne Arny & Associates, Inc, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Datasat, Inc
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	American Insurance Assn
Do	Cellular Telecommunications Industry Assn
Do	Arter & Hadden (For:Corning, Inc)
Do	ELGARD Corp
Do	Federal Guaranty Insurance Corp
Do	Hearst Corp
Do	Jeffries & Co, Inc
Do	Merck & Co, Inc
Do	SPRINT
Les AuCoin, Bogle & Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Forest & Paper Assn
Do	Basic American, Inc
Do	Confederated Tribes of the Grand Ronde
Do	Global Forestry Management Group
Do	Harsch Investment Co
Do	International Paper
Do	McPhillips Manufacturing Co
Do	Northwest Forest Resource Council
AOPA Legislative Action, 500 E Street, SW, #920 Washington, DC 20024	
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	Government of Romania
Bebe Bahnsen, 1120 Connecticut Avenue, NW, #461 Washington, DC 20036	Planned Parenthood Federation of America
John A. Baker, 1600 Peachtree Street, NW Atlanta, GA 30309	Equifax, Inc
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Federal Judges Assn
Paul W. Baldwin, 500 Arcola Road Collegeville, PA 19426	Rhone-Poulenc Rorer Pharmaceuticals, Inc
Philip A. Bangert, 2000 L Street, NW #612 Washington, DC 20036	Sher & Blackwell (For:Global Resort Partners)
Do	Port of Oakland
Kip B. Banks, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn
Elizabeth A. Bannigan, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	Encore Media Corp
Dana Barbieri, 600 Maryland Ave., SW, Sutie 700 Washington, DC 20024	National Federation of Independent Business
Timothy Barnicle, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator Barnicle & Associates, Inc (For:Aldrich Eastman & Waltch, Inc)
Do	Neece Cator Barnicle & Associates, Inc (For:Local Initiatives Support Copr)
Do	Neece Cator Barnicle & Associates, Inc (For:Massachusetts Water Resources Authority)
Do	Neece Cator Barnicle & Associates, Inc (For:National Center on Education and the Economy)
Do	Neece Cator Barnicle & Associates, Inc (For:Sallie Mae)
Robert Barr, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce
J. Gary Barrett, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike
Colleen L. Barry, 1828 L Street, NW, Suite 1010 Washington, DC 20036	Rosapepe & Spanos, Inc (For:H & R Block)
William N. Bartolone, 1331 Pennsylvania Ave., NW, #1331N Washington, DC 20004	Cray Research, Inc
J. Mel Bass, 1401 H Street, NW Washington, DC 20005	American Automobile Manufacturers Assn
Sandy Bass-Cors, 119 Oronoco Street, Suite 300 Alexandria, VA 22314	Coalition for Auto Repair Equality (CARE)
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Illinois Tool Works, Inc
Do	Sargent & Greenleaf, Inc
Robert L. Beauregard, 1150 Connecticut Ave., NW, Suite 717 Washington, DC 20036	Southern California Gas Co
Daniel F. Becker, 408 C Street, NE Washington, DC 20002	Sierra Club
Charles Bell, 101 Truman Avenue Yonkers, NY 10703	Consumers Union
T. A. Bellissimo, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd
Ann Richardson Berkey, One Post Street, SUite 3275 San Francisco, CA 94104	McKesson Corp
Kevin W. Billings, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Central Arizona Water Conservation District
Do	State of Alaska
Black & Decker Corp, 701 East Joppa Road Towson, MD 21286	
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Mas-Hamilton Group
Do	NEC USA, Inc
Samuel A. Bleicher, 1450 G Street, NW, #445 Washington, DC 20005	Miles & Stockbridge (For:Black & Decker Corp)
Allan Block, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	NARAL
Patti Blumer, 1350 I Street, NW, #1030 Washington, DC 20005-3305	Principal Financial Group
Carmella Bocchino, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc
Bond & Co, Inc, 1414 Prince Street, Sutie 300 Alexandria, VA 22314	Long Island Lighting Co
Do	MassMutual
Carolyn Boos, 5720 Smetana Drive, Suite 100 Minnetonka, MN 55343	Ag-Chem Equipment Co, Inc
Elizabeth A. Boussard, 900 17th Street, NW Washington, DC 20006	Wilderness Society
Donna Bower, 800 Connecticut Ave., NW, Suite 1100 Washington, DC 20006	Baxter, Gov't Affairs Div
Philip B. Boyer, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action
Van R. Boyette, 555 13th Street, NW, #305E Washington, DC 20004	Flo Sun, Inc
Bracewell & Patterson, 2000 K Street, NW, #500 Washington, DC 20006	Oxygenated Fuels Assn
Do	Physicians Insurers Assn of America
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	Edmund Scientific Company
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	City of Ft. Worth
Do	Fort Worth Transportation Authority
William R. Brittingham, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	Gordley Associates
Jay Ward Brown, 601 Pennsylvania Ave., NW, No. Bldg. Washington, DC 20004-2688	Ross Dixon & Masback (For:Newsletter Publishers Assn)
Steven J. Brown, 500 E Street, SW, #920 Washinhton, DC 20024	AOPA Legislative Action
John J. Brown & Associates, Inc, 50 E Street, SE Washington, DC 20003	Joint Council of Unions, AFL-CIO
Broydrick Broydrick & Dacey, 600 East Mason Street, #400 Milwaukee, WI 53202	Derco Industries, Inc
Do	Loyola University of Chicago
Do	Managed Health Services, Inc
Do	Marquette University
Do	Milwaukee Public Museum
Do	National Assn of Children's Hospitals & Related Institutions
Do	National Marrow Donor Program

Organization or Individual Filing	Employer/Client
Do	Specialty Hospitals
Do	Superconductivity, Inc
Do	TV Network Bingo
Do	Wisconsin Health Information Network
Florence Buchanan, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	Farmers & Mechanics Bank
Do	Financial Insurance Management Corp
Do	Independent Research Agency for Ilfe Insurance, Inc
Do	National Assn of Retail Collection Attorneys
California League of Savings Institutions, 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:TASC)
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Professional Plant Growers Assn)
H. Hollister Cantus, 9300 Lee Highway Fairfax, VA 22031	ICF Kaiser International, Inc
Capital Partnerships (VA), Inc, 4350 North Faifax Drive, #530 Arlington, VA 22203	American Road & Transportation Builders Assn
Do	Illinois Public Transit Assn
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Academic Health Center
Do	Balance Pharmaceuticals
Cartwright & Riley, 420 C Street, NE Washington, DC 20002	Cooper Hospital University Medical Center
Do	Harris Chemical Group
Do	Scholastic, Inc
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	American Bankers Assn
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Delta Airlines
Do	Geisinger Foundation
Do	Loma Linda University Medical Center - Teaching
Do	MCSI Technologies
Do	Our Lady of Lourdes
Jean Caudle-Walking Eagle, 5 Point Place Wrightsville Beach, NC 28480	Ovate Internations Development Corp
Harvey E. Cauthen Jr., Cauthen & Associates P.O. Box 250266 Montgomery, AL 36125	American Nuclear Energy Council
Warner Chabot, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	Edison Electric Institute
Do	Rite Aid Corp
Chambers Development Co, Inc, 10700 Frankstown Road Pittsburgh, PA 15235	
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action
Robert L. Chatten, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn
Child Support Recovery Network, Inc, P.O. Box 4914 Beaufort, SC 29903	
James M. Childress, Koleda Childress & Co, Inc 1110 N. Glebe Rd., #610 Arlington, VA 22201	B.F. Goodrich
Do	BASF Corp
Do	Dow Chemical Co
Do	Eastman Chemical Co
Do	GE Plastics
Do	Hoechst Celanese Chemical Group
Do	Propane Consumers Coalition
Do	Rexene Corp
Do	Union Carbide Corp
Do	Vista Chemical Co
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	LDDS Metromedia Communications, Inc
Bruce Clash, 444 North Capitol Street, Suite 711 Washington, DC 20001	TKC International, Inc (For:Republic of Azerbaijan)
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Institute of International Bankers
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	Diversified Collection Services, Inc
Do	Ithaca College
Coalition for Auto Repair Equality (CARE), 119 Oronoco Street, Suite 300 Alexandria, VA 22314	
Coalition of Consumers' Picture Rights, 1000 Thomas Jefferson Street, NW Washington, DC 20007	
Coffield Ungaretti & Harris, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	FMC Defense Systems
Daniel Cohen, 1211 Connecticut Ave., NW, Suite 800 Washington, DC 20036	International Council of Cruise Lines
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	International Council of Cruise Lines
Richard Coleman, 529 14th Street, NW, Suite 1055 Washington, DC 20045	Space Express Corp
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	American Stamps, Inc
Do	DRC, Inc
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Cast Iron Soil Pipe Institute
Do	Coalition for Improved Environmental Audits
Do	Planar System, Inc
Do	PC Strand Producer Coalition
Do	STG
Do	Tanners Countervailing Duty Coalition
Do	Total Petroleum
Do	Verson Corp
William J. Condon Jr., 813 Ridge Lake Blvd Memphis, TN 38120	Conwood Company, LP
Michael E. Connealy, 3501 Thurston Avenue Anoka, MN 55303	Rural Community Insurnce Services, Inc
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	International Brotherhood of Teamsters
Do	Transportation Institute
Consortium of Small School Districts, 1730 Pennsylvania Ave., NW, #1050 Washington, DC 20006	
Judith W. Cook, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Marion Merrell Dow, Inc
Greg Copeland, 1776 Eye Street, NW, Suite 275 Washington, DC 20006	Entergy Services, Inc
R. Lawrence Coughlin, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Behavior Research Institute)
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Church & Tower
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	Association of America's Public Television Stations
Do	Procter & Gamble Co
Laura Jeanne Cranston, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores
Milly S. Crawford, 1445 New York Ave., NW, 8th Floor Washington, DC 20005	Public Securities Assn
Jennifer B. Cromwell, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	Active Acoustical Solutions
Do	National Assn of Temporary Services
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Government of Indonesia, Ministry of Trade
Cuneo Law Group, 317 Massachusetts Ave., NE, Suite 300 Washington, DC 20002	National Assn of Securities & Commercial Law Attorneys
Do	West Publishing Co
Kevin M. Cunningham, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike
William J. Cunningham, 200 State Street, 10th Floor Boston, MA 02109	Household Financial Group, Inc
Curriculum Television Corp, 2000 Pennsylvania Avenue, NW, #5500 Washington, DC 20006	
James R. Curtiss, 1400 L Street, NW Washington, DC 20005	Washington Public Power Supply System
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	City of Tempe
Ghassan D. Dalaly, 5730 Weathersfield Lane Bloomfield Township, MI 48301	World Benefit Services, Inc
Patricia A. Daley, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:Village of Palatine, IL)
Edward J. Daly III, 1436 U Street, NW Washington, DC 20009	Taxpayer Assets Project
Davidson Colling Group, 1101 Pennsylvania Avenue, NW, #810 Washington, DC 20004	Packaging Corp of American
Harry Davis, 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc
Robert W. Davis, 2361 Jefferson Davis Hwy, Suite 506 Arlington, VA 22202	Frequency Engineering Labortories
Do	Lafarge Corp
Do	Marinette Marine Corp
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Employers Health Insurance Co
Davis Wright & Tremaine, 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101	Association of National Advertisers, Inc
Benjamin D. Davol, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores
Michael W. Deegan, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201	Teledyne Industries, Inc
Patrick Deville, 5566 Southwyck Boulevard Toledo, OH 43614	Blade Communications, Inc
Elaine K. Dezenski, 701 Pennsylvania Ave.,NW, SUite 720 Washington, DC 20004	Siemens Transportation Systems
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	State of Alabama (Escheatment), et al.
Mathew W. Dippell, 4301 N. Fairfax Drive, Suie 330 Arlington, VA 22203	Shipbuilders Council of America
H. A. Doersam, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd
Robert J. Dotchin, 1350 Eye Street, NW, #680 Washington, DC 20005	UST Public Affairs, Inc
Clifford E. Douglas, 1726 M Street, NW, Suite 902 Washington, DC 20036-4502	American Cancer Society
Thomas J. Downey, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute
Do	Center on Law & Social Policy/Center on Budget Policy
Do	E.I. duPont de Nemours & Co
Do	Joseph E. Seagram & Sons, Inc

Organization or Individual Filing	Employer/Client
Do	Medco Containment Services, Inc
Do	Metropolitan Life & Affiliated Companies
Do	Monitor Aerospace Corp
Do	Time Warner, Inc
Do	U.S. Healthcare
Do	United Feather & Down
Thomas J. Downey & Associates, Inc, 1401 Eye Street, NW, Suite 1210 Washington, DC 20005	Breakthrough Technologies Institute
Do	Center on Law & Social Policy/Center on Budget Policy...
Do	E. I. du Pont de Nemours & Co
Do	Joseph E. Seagram & Sons, Inc
Do	Medco Containment Services, Inc
Do	Metropolitan Life & Affiliated Companies
Do	Monitor Aerospace Corp
Do	Time Warner, Inc
Do	U.S. Healthcare
Do	United Feather & Down
Marcel Dubois, 1301 Connecticut Avenue, NW, #400 Washington, DC 20036	American Trucking Assn, Inc
Theresa Mitchell Dudley, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the US
Louise C. Dunlap, 418 10th Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Methanex Corp)
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	Methanex Corp
Dutko & Associates, Inc, 412 First St., SE, #100 Washington, DC 20003	InfoAccess, Inc
Amy S. Dwyer, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Floral Trade Council)
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Affiliated Health Services
Do	Kirby Corp/Dixie Carriers
Do	National Oilseed Processors Assn
Dykema Gossett, 1300 I Street, N.W Suite 300 Washington, DC 20005	Detroit Medical Center
Do	Oakwood Health Services
DJR Associates, Inc, 555 Madison Avenue, 12th Floor New York, NY 10022	
Eagle Engineering & Communications Group, Inc, 6100 Lake Forrest Drive, Suite 620 Atlanta, GA 30328	
Mark Eaton, 1100 17th Street, NW, Suite 505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	IMC Fertilizer, Inc
Dennis E. Eckart, 1801 K Street, NW Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)
Do	Arter & Hadden (For:Cellular Telecommunications Industry Assn)
Do	Arter & Hadden (For:Corning, inc)
Do	Arter & Hadden (For:ELGARD Corp)
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)
Do	Arter & Hadden (For:Hearst Corp)
Do	Arter & Hadden (For:Jeffries & Co, Inc)
Do	Arter & Hadden (For:Merck & Co, Inc)
Do	Arter & Hadden (For:National Assn of Broadcasters)
Do	Arter & Hadden (For:SPRINT)
Do	Arter & Hadden (For:U.S. Long Distance Corp)
Eckert Seamans Cherin & Mellot, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	American Fuel Cell & Coated Fabrics Co
Do	Florida WetlandsBank
Do	National Independent Automobile Dealers Assn
Edelman Public Relations, 1420 K Street, NW 10th Floor Washington, DC 20005	Government of India
Tony M. Edwards, 1129 20th Street, NW, Suite 305 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc
Maureen Eldredge, 1725 DeSales Street, NW Washington, DC 20036	Center for Marine Conservation
Scott A. Ellison, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn
Eric J. Ellman, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn
Employers Insurance of Wausau, 2000 Westwood Dr. Wausau, WI 54401	
Lewis A. Engman, 1163 Daleview Drive McLean, VA 22101	Generic Pharmaceutical Industry Assn
Randall Harvey Erben, 100 Congress Avenue, Suite 1010 Austin, TX 78701	Competitive Long Distance Coalition
Eddie D. Evans, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Marion Merrell Dow, Inc
Meghan Farrell, 444 North Capitol Street, #418 Washington, DC 20001	New England Council
Nessa E. Feddis, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Mary Feldblum, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union
William Ferguson Jr., 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	City of Santa Monica
Edward Ferrigno, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp
Ferroalloys Association, 900 2nd Street, NE, Suite 306 Washington, DC 20002	
Jeanne Finberg, 1525 Mission Street San Francisco, CA 94103	Consumers Union
Maria Fiordellisi, 815 16th Street, NW Washington, DC 20006	American Federation of Labor & Congress of Industrial Orgs
Dan Fishbein, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Troy State Universtity)
Shelley L. Flynn, 8409 Pickwick Lane, Suite 107 Dallas, TX 75225	Leland H. Cooley II
Laura C. Fogt, 1245 North Vernon Arlington, VA 22201	Families USA
Joseph P. Foley, P.O. Box 61303 Potomac, MD 20859	Pillco, Inc
Michael P. Forbes, 1615 H Street, Nw Washington, DC 20062	US Chamber of Commerce
James D. Fowler Jr., 1600 M Street, NW Washington, DC 20036	ITT Corp
Stephen R. Francisco, 815 16th Street, NW, Suite 706 Washington, DC 20006	United Steelworkers of America
Kevin Frankovich, 733 15th Street, NW, #700 Washington, DC 20005	CGR Associates, iNc (For:Association of Air Medical Services)
Do	CGR Associates, Inc (For:Fringe Insurance Benefits, Inc)
Freedom Technologies, Inc, 1100 New York Ave., NW, Suite 650 East Washington, DC 20005	BroadBand Technologies, Inc
Do	Nynex
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Generic Pharmaceutical Industry Assn
Edward M. Gabriel, 1001 G Street, NW, SUite 400 West Washington, DC 20001	Energy Fuels Nuclear, Inc
Floyd D. Gaibler, 1155 15th Street, NW, Suite 300 Washington, DC 20005	Agricultural Retailers Assn
John G. Gaine, 1150 Connecricut Avenue, NW Suite 700 Washington, DC 20036	Managed Futures Assn
Christopher Gallagher, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons
Mark Gallant, 40 Ivy Street, SE Washington, DC 20003	Chemical Manufacturers Asn
Edward R. Garvey, 15 South Blair Street Madison, WI 53703	United Transportation Union
Craig J. Gehring, 1762 Church Street, NW Washington, DC 20036	Preston Gates Ellis & Rouvelas Meeds (For:Microsoft Corp)
John Gleason, 1875 Connecticut Ave., NW, Suite 300 Washington, DC 20009-5728	Center for Science in the Public Interest
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)
Do	Bailey & Robinson (For:Blue Cross of Western PA)
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Camara Nacional de la Industria Pesquera
Do	Camara Nacional de las Industrias Azucarera y Alcoholera
Do	Cementos Mexicanos (CEMEX)
Madeleine Golde, 750 First St., NE, Suite 700 Washington, DC 20002	National Assn of Social Workers
Wilson Golden, 715 Arlington Street Jackson, MS 39202-1617	ICF Kaiser International, Inc
Benson S. Goldstein, 11800 Tfton Drive Potomac, MD 20854	American Road & Transportation Builders Assn
Do	Seniors Coalition, Inc
Ellen L. Goldstein, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co
Edward Lee Gonzague, 617 Denham Road Rockville, MD 20851-1035	
Julie Goon, 1129 20th Stret, NW, #600 Washington, DC 20036-0	Group Health Assn of America, Inc
Gorlin Group, 2300 M Street, NW, Suite 800 Washington, DC 20037	Intellectual Property Committee
Paul E. Goulding, 1140 23rd Street, NW, Suite 505 Washington, DC 20037	American Deposit Corp
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Lummi Nation
Do	Navajo Nation
Bill Gradison, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc
James E. Graf II, 601 Pennsylvania Avenue, NW Washington, DC 20004	British Telecommunications, plc
James W. Grau, 32 East 57th Street New York, NY 10022	Trump Organization
Geoffrey P. Gray, 888 17th Street, NW, Suite 312 Washington, DC 20006	Association of Financial Services Holding Companies
Marlene Y. Green, 3380 Webster Avenue Pittsburgh, PA 15219-3975	
James E. Grossberg, 505 No. Tustin Ave., Suite 150 Santa Ana, CA 92705	Ross Dixon & Masback (For:Newsletter Publishers Assn)
John A. Gruver, 2649 Turf Valley Road Ellicott City, MD 21042	Westinghouse Electric Corp
Bettina R. Grzybowski, 125 C Street, SE, #4 Washington, DC 20003	New Jersey Hospital Assn
Derek Guest, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Co
Daniel Guttman, 1350 New York Avenue, NW, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:Federal Atomic Trades & Labor Council)
Do	Oil Chemical & Atomic Workers Int'l Union, AFL-CIO
Do	Spiegel & McDiarmid (For:Special Delegation of the Govt of Austria)
W. Roger Gwinn, 1130 Connecticut Ave., NW, Suite 300 Washington, DC 20036	City of Santa Monica
GHL, Inc, 1090 Vermont Avenue, NW, #800 Washington, DC 20005	Amoco Performance Products, Inc
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	Association for Health Services Research

Organization or Individual Filing	Employer/Client
Do	National Assn of Homes & Services for Children
Rosemary T. Haas, 1710 Rhode Island AVe., NW, #300 Washington, DC 20036	Abbott Laboratories
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Center for Technology Commercialization, Inc
Haley Bader & Potts, 4350 North Fairfax Drive #900 Arlington, VA 22203-1633	Eagle Engineering & Communications Group, Inc
J. Michael Hall, 1101 Connecticut Ave., NW, Suite 700 Washington, DC 20036	American Psychological Assn
Do	Society of Nuclear Medicine
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Wiley C. Harrell, Jr.
Margaret M. Hayden, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute
Do	E.I. duPont de Nemours & Co
Do	Joseph E. Seagram & Sons, Inc
Do	Medco Containment Services, Inc
Do	Metropolitan Life & Affiliated Companies
Do	Monitor Aerospace Corp
Do	Time Warner, Inc
Do	U.S. Healthcare
Do	United Feather & Down
Robert G. Hayes, Bogle and Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	McPhillips Manufacturing Co
Sherry D. Hayes, 227 Massachusetts Ave., NE, Suite 310 A Washington, DC 20002	InterHealth--Protestant Health Alliance
Timothy P. Hecht, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Taiwanese Reichsbanknote Creditors Association (TRC)
Heller Ehrman White & McAuliffe, 6100 Columbia Center Seattle, WA 98104	Chugach Electric Assn, Inc
Hennessy Plummer & Griffin, Inc, 12 Sheridan Avenue Albany, NY 12207	American Communications Group, Inc
Dennis Henry, 6100 Lake Forrest Drive, Suite 420 Atlanta, GA 30328	Eagle Engineering & Communications Group, Inc
H. Kirk Henry, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd
Ronald P. Hill, Villanova University 340 Bartley Hall Villanova, PA 19085	
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Greater Cleveland Growth Assn
Do	Grumman
Do	Los Angeles Airport
Do	Motorola, Inc
Do	Oralcle Corp
Do	Port of Cleveland
Do	Synergics, Inc
Do	Union Pacific
Richard T. Hines Consulting, Inc, 733 15th Street, NW, #700 Washington, DC 20005	Health Policy & Strategy (For:Northwestern National LIfe)
Do	Pioneer Financial Services, Inc
Do	Health Policy & Strategy (For:Washington National)
Do	Health Policy & Strategy (For:Wausau Insurance Co)
Elise Hoerath, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation
J. Stanley Hoffert, P.O. Box 8017 Wausau, WI 54402-8017	Employers Insurance of Wausau
John B. Hofmann, 1311 I Street, Suite 100 Sacramento, CA 95814	California Forestry Assn
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Board of Education of the City of New York
Do	Coalition of Small Systems Operators
Do	Direct Selling Association
Do	Genzyme Corp
Do	International Assn of Amusement Parks & Attractions
Do	International Hydrolyzed Protein Council
Do	New England Brown Egg Council
Do	Tennessee Donor Services
Do	Virginia Ready-Mixed Concrete Assn
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Goldberg Godles Wiener & Wright
Jessica J. Holliday, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc
Kimo S. Hollingsworth, 1608 K Street, NW Washington, DC 20005	American Legion
Patricia L. Hollis, 1300 L Street, NW, #950 Washington, DC 20005	American Dietetic Assn
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Colonial Penn Life
Hopkins & Hopkins International, 2140 L Street, NW, Suite 1140 Washington, DC 20006	
Richard M. Hoppe, 900 17th Street, NW Washington, DC 20006	Wilderness Society
Household Financial Group, Ltd, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	Evans Group, Ltd
Liz Howell, 23 North Scott, Suite 27 Sheridan, WY 82801	Sierra Club
Jacqueline Howells, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Capitol Consulting & Management, Inc)
Do	Marcus G. Faust, PC (For:Clark County Nevada)
Do	Marcus G. Faust, PC (For:Clark County-McCarran International Airport)
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)
Do	Marcus G. Faust, PC (For:State of Montana, Dept of Natural Resources & Conservation)
Thomas H. Howlett, 601 Pennsylvania Ave.,NW, North Bldg Washington, DC 20004-2688	Ross Dixon & Masback (For:Newsletter Publishers Assn)
David G. Huey, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc
Angela M. Hunter, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance of America
Lane S. Hurewitz, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Parker-Lafarge, Inc)
Karen Ignagni, 1129 20th Street, NW,#600 Washington, DC 20036	Group Health Assn of America, Inc
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	Kennedy Capital Management, Inc
Independent Contractor Assn of America, Inc, 1629 K Street, NW, Sutie 1000 Washington, DC 20006	
Inmate Underground Intelligence Organization, 30420 Revells Neck Road Westover, MD 21871-3368	
International Fabricare Institute, 12251 Tech Road Silver Spring, MD 20904	
InterHealth, Protestant Health Alliance, 227 Massachusetts Ave., NE, Suite 310 A Washington, DC 20002	Protestant Health Alliance
Richard M. Irby III, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco, Inc
Andy Ireland, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey
Anthony Iton, 1535 Mission Street San Francisco, CA 94103	Consumers Union
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Pacific Lumber Co
Robert L. Jackson, 1100 Wilson Boulevard Arlington, VA 22209	Hughes Aircraft Co
James R. Jarrad, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Sally Jefferson, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Northrop Corp
Ed Jenkins, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Insurance Assn)
Do	Winburn & Jenkins (For:BR Services)
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)
Do	Winburn & Jenkins (For:Delta Air Lines)
Do	Winburn & Jenkins (For:Equipment Leasing Assn)
Do	Winburn & Jenkins (For:Fieldale Farms Corp)
Do	Winburn & Jenkins (For:Hartford Insurance Co)
Do	Winburn & Jenkins (For:Leggett & Platt)
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)
Do	Winburn & Jenkins (For:Michigan Hospital Assn)
Do	Winburn & Jenkins (For:Milliken & Co)
Do	Winburn & Jenkins (For:National Assn of Urban Critical Access Hospitals)
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)
Do	Winburn & Jenkins (For:Pfizer, Inc)
Do	Winburn & Jenkins (For:Philip Morris)
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)
Teresa L. Jennings, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn
Joanna L. Johnson, 1920 N Street, NW Washington, DC 20036	American Mining Congress
Katie Johnson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare
Michael S. Johnson, 1801 K Street, NW, #400K Washington, DC 20006-1301	Arter & Hadden (For:Corning, Inc)
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)
Do	Arter & Hadden (For:Hearst Corp)
Do	Arter & Hadden (For:Merck & Co, Inc)
Do	Arter & Hadden (For:SPRINT)
Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	American Transit Services Council
Do	Center for Marine Conservation
Do	Independent Telephone & Telecommunications Alliance
Andrea Johnston, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc
Ann Marie Johnston, 6321 Birchview Drive, South Reynoldsburg, OH 43068	Columbus Service Group, Inc

Organization or Individual Filing	Employer/Client
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	Canal Barge Company, Inc
Patricia Jordan, 7800 Virginia Lane Falls Church, VA 22043	Jordan & Associates, Inc (For:Aerospace Sales Tax Coalition)
Diana Jost, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc
JMD Associates, Inc, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	Engelhard Corp
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Northern California Power Agency
Stuart J. Kaswell, 1401 Eye Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn
Ronald C. Kaufman, 6610 Kensal Court Springfield, VA 22152	USA NAFTA
Kathleen Kavanaugh, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	TKC International, Inc (For:Republic of Azerbaijan)
Michael G. Keegan, 2715 M Street, NW, Suite 300 Washington, DC 20007	National Rural Water Assn
Jane M. Keffer, Villanova University 340 Bartley Hall Villanova, PA 19085	
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Leprino Foods
Ernest B. Kelly III, 6560 Rock Spring Drive Bethesda, MD 20817	Telecommunications Resellers Assn
Joyce Kelly, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hosptial Assn
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action
Karen Kerrigan, 1301 Connecticut Ave., NW, Suite 422 Washington, DC 20036	Small Business Survival Committee
Joanna Kille, 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Mansfield Center
Do	Montana Technologies Co, Inc
James Jeffrey Kincheloe, 519 C Street, NE Washington, DC 20002	National Assn for Home Care
Sandra S. King, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellot (For:Behavior Research Institute)
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	IMC Fertilizer, Inc
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alamo Cement Co
Do	Ash Grove Cement Co, Inc
Do	Blue Circle America, Inc
Do	Dragon Products Co
Do	Florida Crushed Stone Co
Do	Glens Falls Cement Co, inc
Do	LaFarge Corp
Do	Lehigh Portland Cement Co
Do	Lone Star Industries, Inc
Do	Medusa Corp
Do	National Cement Company of California
Do	North Texas Cement Co
Do	Phoenix Cement Company
Do	Riverside Cement Co
Do	Southdown, Inc
Do	Tarmac America, Inc
Do	Texas Industires, Inc
Do	Texas-Lehigh Cement Co
Sharon Kirk, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Central Resource Group, Inc
Do	Independent Grocers Alliance
Kent Knutson, 600 Maryland AVe., SW, Suite 700 Washington, DC 20024	National Federation of Independent Business
Marcia L. Knutson, 549 4th Street, SE Washington, DC 20003	America's Public Television Stations
Kogovsek & Associates, Inc, 700 Broadway, #929 Denver, CO 80203-3443	National Assn of Counties
Do	Northern Colorado Water Conservation District
Do	Shell Oil
Do	Wolf Springs Ranches, Inc
David Kolker, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:Oil, Chemical & Atomic Workers Int'l Union, AFL-CIO)
A. Gretchen Lamb, 1001 G Street, NW, Suite 400 West Washington, DC 20001	Energy Fuels Nuclear, Inc
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman (For:Marisol, Inc)
Large PRO Consortium, 757 Brooksedge Plaza Drive P.O. Box 6174 Westerville, OH 43081-6174	
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Aetna Life Insurance
Do	Bristol-Myers Squibb Co
Do	Imperial County
Do	MCA, Inc
Do	Republic of Belarus, Ministry of Defense
Beth Lavach, 1747 Pennsylvania Ave., NW, Suite 800 Washington, DC 20006	Gadsby & Hannah (For:Colt Manufacturing Co, Inc)
Do	Gadsby & Hannah (For:Consolidated Defense Corp)
Do	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)
Do	Gadsby & Hannah (For:IPAC)
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	EG&G, Inc
Leach & English, 601 Montgomery Street, Suite 1150 San Francisco, CA 94111	
Jeffrey A. Lear, 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants
Marvin Leath, One Massachusetts Ave, NW, #330 Washington, DC 20001-1431	Fabrique Nationale Nouvelle Herstal, S.A.
Do	Thiokol Corp
Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235	Ben Franklin Technology Center of Western PA
William Lehman, 711 NE 118 Street Biscayne Park, FL 33161	Blockbuster Entertainment Corp
Leonard Ralston Stanton & Danks, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Save the Greenback Assn
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Frito-Lay, Inc
Do	RJR Nabisco
Levin & Rothstein, 1130 17th Street, NW, Suite 314 Washington, DC 20036	Rural Community Insurance Services, Inc
Deborah J. Lewis, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union
Nicholas A. Lewis, 15th & M Streets., NW Washington, DC 20005	National Assn of Home Builders of the U.S.
Richard W. Lewis, 6525 Clagett Avenue Fairhaven, MD 20754	
Stephanie R. Lewis, 1514 17th Street, NW, #B13 Washington, DC 20036	National Burglar & Fire Alarm Assn
Susan P. Limber, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn
Steven S. List, 122 S. Michigan Avenue, Suite 320 Chicago, IL 60603	Peoples Gas Light & Coke Co
Sharon Litch, 1725 DeSales Street, NW Washington, DC 20036	Center for Marine Conservation
Fernando Lloveras-San Miguel, P.O. Box 5623 San Juan, PR 00902-5623	
Thomas G. Loeffler, 1801 K St., NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:SPRINT)
James E. Lokovic, 4514 Governor Pratt Court Upper Marlboro, MD 20772	Air Force Sergeants Assn, Inc
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	J & B Management Company
James P. Love, P.O. Box 19367 Washington, DC 20036	Taxpayer Assets Project
Rodney Macalister, 1701 Pennsylvania Ave., NW Washington, DC 20006	E.I. DuPont deNemours & Co
Sheila MacDonald, 3231 Beech Street, NW Washington, DC 20015	MacDonald Associates (For:Nonprofits' Insurance Alliance of California)
Laura L. Madden, 601 13th Street, NW, #510-S Washington, DC 20005	Bracy Williams & Co
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Crystal Square 5 Arlington, VA 22202	Mountain Top Technologies, Inc
Do	TI Group, Inc
Do	Vision Service Plan
Christopher J. Mailander, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Oralco Management Services)
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	CLMA
Do	U.S. Facilites Corp
Joseph N. Mariano, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn
Ron Marlenee, 9008 Linda Maria Court Fairfax, VA 22031	Safari Club International
Mary E. Marra, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Vicki L. Martyak, 1500 K Street, NW, Suite 625 Washington, DC 20005	Burroughs Wellcome Co
William A. Maxwell, 727 15th Street, NW, #900 Washington, DC 20005-2169	Convex Computer Corp
Karl J. Mayer, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council, Inc
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Bazelon Center for Mental Health Law
Do	Deutsche Lufthansa A.G.
Do	General Electric Aircraft Engines
Do	General Electric Industrial & Power Systems
Do	Group Health Assn of America
Do	John Buck Co
Do	St. Paul Companies
Michael McAllister, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	Diagnostic Retrieval Systems, Inc
Do	Integrated Resources Group, Inc
Do	Tulane University
Mary Stuart McCamy, 666 Pennsylvania Ave., SE, Suite 4 Washington, DC 20003	Greater Yellowstone Coalition
Do	Keepers of the Treasures
David J. McCarthy, 601 Pennsylvania Avenue, NW, #900 Washington, DC 20004	IPALCO Enterprises, Inc

Organization or Individual Filing	Employer/Client
Donald W. McClellan, 888 17th Street, NW, Suite 860 Washington, DC 20006-3939	Intel Government Affairs
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	Cyprus Amax Minerals Company
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Co-Bank - National Bank for Cooperatives
Do	Council of Women's & Infant's Specialty Hospitals
Do	North American Assn of State & Provincial Lotteries
Do	PGA Tour, Inc
Do	Rural Health Network Coalition
Do	Rural Referral Centers Coalition
Do	VIVRA
Do	Wear Guard Corp
J.O. McFalls, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America
Lisa McGiffert, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union
Gail P. McGrath, JTK Corporation 4205 36th Street, South Arlington, VA 22206	AdminaStar Solutions, Inc
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & HOlch (For:National Assn of Chain Drug Stores)
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	National Council of Agricultural Employers
Do	Nisei Farmers League
Sandra McKenzie, 2525 Wallingwood, Suite 201 Austin, TX 78746	Texas Committee on Natural Resources
Kathleen Tynan McLaughlin, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute
Do	E.I. du Pont de Nemours & Co
Do	Joseph E. Seagram & Sons, Inc
Do	Medco Containment Services, Inc
Do	Metropolitan Life & Affiliated Cos
Do	Monitor Aerospace Corp
Do	Time Warner, Inc
Do	U.S. Healthcare
Do	United Feather and Down
Gerald T. McPhee, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental International Corp
Bradley V. Mefferd, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc
Mehl & Pickens Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	Chandler Evans
Do	General Atomics
Do	Lockheed
Jeff Mell, JGR & Associates 2600 Douglas Road, #500 Coral Gables, FL 33134	Blockbuster Entertainment Corp
Mark Menezes, 1801 K Street, NW, #400K Washington, DC 20006-1301	Central & South West Corp
Tanya K. Metaksa, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America
Roger E. Middleton, International Square 1825 Eye Street, NW, #400 Washington, DC 20006	Williams & Jensen
B. Parker Miller III, 1801 K Street,NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp
Paul M. Miller, 500 Arcola Road Collegeville, PA 19426	Rhone-Poulenc Rorer Pharmaceuticals, Inc
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Psychoanalytic Assn
Do	Leach & English
Do	Thermal Science, Inc
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Central Puget Sound Regional Transit Authority
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Cellular Telecommunications Industry Assn
Do	Competitive Long Distance Coalition , Inc
Do	McCaw Cellular Communications, Inc
Do	National Council on Compensation Insurance
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #750 Washington, DC 20005	National Assn of Professional Employer Organizations
Ark Monroe III, 1420 New York Ave, NW, Suite 750 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc
Do	National Assn of Professional Employer Organizations
Laura Montgomery, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Corning, Inc)
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:McDonald's Corp)
Walter K. Moore, 1901 L Street, NW, #705 Washington, DC 20036	Genentech, Inc
Laura Moorhead, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment, Inc
Morgan Lewis & Bockius, 1800 M St., NW, #800 Washington, DC 20036	Financial Institutions Insurance Assn
Do	UGI Utilities, Inc
Robert E. Moss, 1401 H St., NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn
Kate Moss Company, 1401 EYE Street, NW Washington, DC 20005	Owens-Illinois
Barbara Moulton, 1601 Connecticut Ave., NW, #601 Washington, DC 20009	Alliance for Justice
Robert J. Mrazek, 301 Constitution Ave., NE Washington, DC 20002	Douglas Elliman Co
Do	Grumman Aerospae Corp
Terry L. Muilenburg, 1701 K Street, NW, Suite 400 Washington, DC 20006	USA Group
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	GP Financial Corp
Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	Government of Austria
Patricia Collins Murdock, 1625 L St., NW Washington, DC 20036	Food Research & Action Center
William T. Murphy Jr., 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn
Murphy & Demory, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Constellation Communications, Inc
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Academy for Oral Pathology
Laurie Naismith, 1150 17th Street, NW, Suite 307 Washington, DC 20036	Chambers Development Co, Inc
National Association of Postmasters of the US, 8 Herbert Street Alexandria, VA 22305-2600	
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	Association of State & Territorial Health Officials
Thayne T. Needles, 1129 20th Street, NW, Suite 305 Washington, DC 20037	National Assn of Real Estate Investment Trusts, Inc
Lori M. Nelson, P.O. Box 25354 Woodbury, MN 55125-0354	National Parks & Conservation Assn
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Federal National Mortgage Assn
New West Policy Group, 223 E. Union Street Prescott, AZ 86303	Del Webb Corp
Scott H. Nishioki, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group
Julia J. Norrell, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Chubb Corp
Do	Employers Health Insurance Co
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	BP America, Inc
Do	Waste Management, Inc
Do	Westinghouse Hanford Co
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Global Technology Systems
Do	3M Corp
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Connie Lee Insurance Company
Do	Green Point Savings Bank
Grady O'Cummings III, 198 MacDougal St. Brooklyn, NY 11233	New York Committee to Pass Jesse Gray Housing Bill
Ann O'Leary, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn
Bradley O'Leary, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc
Ian E. O'Neil, 1016 16th Street, NW, 7th Floor Washington, DC 20002	Nelson Communications Group
William S. O'Neill, 500 E Street, SW, Suite 920 Washington, DC 20024	AOPA Legislative Action
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Telephone & Telegraph Co
Charles Robert O'Regan, 1000 Connecticut Ave., NW Washington, DC 20036	American Society of Composers, Authors & Publishers
Do	New Jersey Turnpike Authority
John T. O'Rourke, 1129 20th Street NW, #500 Washington, DC 20036	Coaxial Communications
J. Denis O'Toole, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd
Mary Oakar & Asssociates, Inc, 2621 Lorain Avenue Cleveland, OH 44113	Great Waters Aquarium
Do	LTV Steel Company
Ken M. Odette, 1616 N. Fort Meyer Drive, Suite 1300 Arlington, VA 22209	Information Technology Assn of America
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	American Assn of Retired Persons
Do	Jones Intercable, Inc
John P. Olinger, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute
Do	Center on Law & Social Policy/Center on Budget Policy
Do	E.I. du Pont de Nemours & Co
Do	Joseph E. Seagram & Sons, Inc
Do	Medco Containment Services, Inc
Do	Metropolitan Life & Affiliated Companies
Do	Monitor Aerospace Corp
Do	Time Warner, Inc
Do	U.S. Healthcare
Do	United Feather & Down
Heidi Belz Oliver, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Allied Pharmaceutical Assn
Do	National Assn of Pharmaceutical Manufacturers
Do	Southeastern Poultry & Egg Assn
Paul Welles Orr, 1747 Pennsylvania Ave., NW, Suite 1000 Washington, DC 20006	Potomac Research Group
Jason Osborne, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors

Organization or Individual Filing	Employer/Client
Wayne Owens, 1615 L Street, NW Suite 700 Washington, DC 20036	Hashemite Kingdom of Jordan
Fredrick D. Palenske, 1133 Topeka Boulevard Topeka, KS 66629	Blue Cross & Blue Shield of Kansas
Vincent A. Panvini, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers' Internatinional Assn
David L. Parde, 119 Oronoco Street, #300 Alexandria, VA 22314	Coalition for Auto Repair Equality (CARE)
Parsons Group, Inc, 445-B Carlisle Drive Herndon, VA 22070	Parsons Group
William W. Pascoe III, 38 Ivy Street, SE Washington, DC 20003	American Conservative Union
Enzo Pastore, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare
Laird D. Patterson, 1667 K Street, NW, Suite 600 Washington, DC 20006	Bethlehem Steel Corp
Patterson Belknap Webb & Tyler, 30 Rockefeller Plaza, Room 3600 New York, NY 10112	Ministers & Missionaries Board of American Baptist Churches
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	American Institute of Merchant Shipping
Do	American Soc of Assn Executives
Do	Leprino Foods
Do	Project ACTA, Inc
Do	Self Storage Assn
Paul Hastings Janofsky & Walker, 1299 Pennsylvania Ave., NW, 10th Floor Washington, DC 20004	American Institute of Merchant Shipping
Do	Grocery Manufacturers of America, Inc
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Devereux Foundation
Christopher T. Peace, 500 E. Street, SW, #920 Washington, DC 20024	AOPA Legislative Action
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For:National Motorists Assn)
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	National Motorists Assn
John D. Pellegrin, 1140 Connecticut Ave., NW, Suite 606 Washington, DC 20036	Yankee Microwave, Inc
George D. Pence, 9100 Mill Creek Landing Great Falls, VA 22066	Rabanco Co
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	American Bankers Assn
Melinda Pierce, 408 C Street, NE Washington, DC 20002	Sierra Club
William H. Pitsenberger, 1133 Topeka Boulevard Topeka, KS 66629-0001	Blue Cross & Blue Shield of Kansas
Jon Plebani, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Financial Guaranty Insurance Corp)
Do	Arter & Hadden (For:Koyo Corp)
Do	Arter & Hadden (For:Mineral Resource Alliance)
Do	Arter & Hadden (For:SPRINT)
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20001	Capital Cities/ABC
Do	CBS, Inc
Do	Fox Broadcasting Group
Do	Motion Picture Assn of America, iNc
Do	National Broadcasting Company, Inc
Do	Satellite Network Programming Committee
Do	Sega of America, Inc
Mark D. Polston, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Wilsons the Leather Experts
William B. Prendergast, 4301 North Fairfax Drive, #425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	USTF Conference Group
Curtis A. Prins, 5101 Wisconsin Avenue, NW, Suite 500 Washington, DC 20016	National Auctioners Assn
Alan C. Ptak, 916 Harriman Street Great Falls, VA 22066	Martin Marietta Corp
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	American Methanol Institute
Do	Nafta-El Paso Business Development Council
R. Thompson & Company, One Massachusetts Ave., NW, Suite 330 Washington, DC 20001	Golden Rule Insurance Co
Do	Mitsubishi Electronics America, Inc
Raffaelli Spees & Springer, 1341 G Street, NW, #200 Washington, DC 20005	BP American
Do	Competitive Long Distance Coalition
Do	Foley & Lardner
Do	Wiley, Rein & Fielding
Robert A. Rapoza Associates, Inc, 601 Pennsylvania Avenue, NW, #850 Washington, DC 20004	Northern Economic Initiatives Corp
Real Estate Services Providers Council (RESPRO), 2000 Pennsylvania Ave., NW, Suite 5500 Washington, DC 20006	
Eric Redman, Heller Ehrman White & McAuliffe 6100 Columbia Center 701 Fifth Avenue Seattle, WA 98104-7098	Chugach Electric Assn, Inc
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Denver International Airport
Do	South Jersey Transportation Authority
Michael J. Remington, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Coalition of Consumers' Picture Rights)
Martin S. Rendon, 110 Maryland Ave., NE Washington, DC 20002	US Committee for UNICEF
Rendon Group, Inc, 2000 S Street, NW Washington, DC 20009	Vietnam Veterans Workshop
Paul C. Rettig, 50 F Street, NW, #1100 Washington, DC 20001	American Osteopathic Healthcare Assn
Nicholas S. Reynolds, 1400 L Street, NW Washington, DC 20005	Washington Public Power Supply System
John J. Rhodes III, 1155 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Central Arizona Water Conservation District
Rick D. Rhodes, 1001 G Street, NW, Suite 500 W Washington, DC 20001	Industrial Telecommunications Assn
Elizabeth Dunne Richardson, 1130 Connecticut Ave., NW, Suite 800 Washington, DC 20036	Physician Insurers Assn of America
Lisa A. Rickard, 1200 19th Street, NW, Suite 603 Washington, DC 20036	Ryder System, Inc
Earl F. Rieger, 13 Halifax Court Rockville, MD 20850	California Independent Mortgage Brokers Assn
Matthew J. Rinaldo, 700 New Hampshire Ave., NW Washington, DC 20037	International CellularVision Assn
Durwood W. Ringo, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	GE Company
Irene Ringwood, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Basic America, Inc
Tom Ritter, 33045 Hamilton Boulevard Farmington Hills, MI 48018	Household Financial Group, Ltd
Ricardo Robelin, FCI Allenwood - Med Unit 3-B P.O. Box 2000 White Deer, PA 17887-2000	
Dennis Robertson, 8000 Scott Hamilton Drive Little Rock, AR 72219	Arkansas Electric Cooperatives, Inc
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	Interactive Entertainment Industry Rating System Committee
Carlos Rodriguez, 1535 Mission Street San Francsico, CA 94103	Consumers Union
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	Amercord, Inc
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Eastern Enterprises
Ilene Rosenthal, 2000 Pennsylvania Avenue, NW, #5500 Washington, DC 20006	Curriculum Television Corp
Richard D. Ross, 1301 Pennsylvania Ave., NW, #305 Washington, DC 20004	Natural Disaster Coalition
Ross Dixon & Masback, 601 Pennsylvania Ave., NW, No. Bldg. Washington, DC 20004-2688	Newsletter Publishers Assn
G. Jon Roush, 900 17th Street, NW Washington, D2 0006	Wilderness Society
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Conference of State Bank Supervisors
Rural Community Insurance Services, Inc, 3501 Thurston Avenue Anoka, MN 55303-1060	
Michael J. Ryan, 403 First Street, SE Washington, DC 20003	Hessian McKasy & Soderberg (For:College of St. Benedicts)
Do	Hessian McKasy & Soderberg (For:St. Johns University)
RASP, INC, P.O. Box 3674 Arlington, VA 22203-0674	CAE-Link Corp
Do	Diagnostic/Retrieval Systems, Inc
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	City of Columbus
Do	Indiana State University
Do	VASA Brougher, Inc
Do	1996 Atlanta Paralympic Games
Patricia Kopf Sanner, 1825 I Street, NW, #400 Washington, DC 20006	Humana, Inc
Susan Sarason, 1025 Connecticut Avenue, NW, Suite 1014 Washington, DC 20036	American Gas Assn
Save the Greenback Assn, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	
Keith Scarborough, One Thomas Circle, NW, #950 Washington, DC 20005	Association of National Advertisers, Inc
Jeanne Schaaf, North Building, Suite 725 601 Pennsylvania Ave., NW Washington, DC 20004	British Telecommunications, plc
Daniel B. Scherder, 122 C Street, NW, Suite 240 Washington, DC 20001-2109	Peabody Holding Company, Inc
Robert F. Schiff, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen
Phillip L. Schneider, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores
Lori Schor, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hosptial Assn
Elizabeth Schueler, Willard Office Building 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	
Richard T. Schulze, 1747 Pennsylvania Ave., NW, Suite 850 Washington, DC 20006	Valis Associates
Emily Marie Segar-Johnson, 6059-A Essex House Square Alexandria, VA 22310	Mille Lacs Band of Ojibwe Indians
Steven K. Selby, 444 North Capital Street, Suite 711 Washington, DC 20001	TKC International, Inc (For:Republic of Azerbaijan)
Seward & Kissel, 1200 G Street, NW, #350 Washington, DC 20005	Delaware State Bank Commissioner
Suzanne Shackley, 601 Pennsylvania Ave., NW, #400 Washington, DC 20004	Arco Chemical Company
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Airship International, Ltd
Do	Austrian Airline
Do	Aviall, Inc
Do	Bechtel Aviation Services
Do	Bell Atlantic
Do	Bismarck Municipal Airport
Do	Chromalloy Gas & Turbine
Do	Dallas/Fort Worth International Airport
Do	Fokker Aircraft, BV
Do	Metropolitan Insurance Co

Organization or Individual Filing	Employer/Client
Do	National Business Aircraft Assn
Do	North Carolina Air Cargo Airport Authority
Do	Pratt & Whitney
Do	Summit '93 Coalition
Neal Sher, 440 First Street, NW Washington, DC 20001	American Israel Public Affairs Committee
Nancy Shlaes, 840 North Lake Shore Drive, #9E Chicago, IL 60611	American Hospital Assn
Sidley & Austin, 1722 Eye Street,N.W. Washington, DC 20006	Pharmaceutical Manufacturers Assn
Kristin Siemann, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation
Edward Silverman, 1150 17th Street, NW, Suite 400 Washington, DC 20036	Greenwich Asset Management, Inc
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	Salt Lake City, UT
Christopher A. Singer, 1500 K. St., NW. #650 Washington, DC 20005	Glaxo, Inc
Richard L. Sinnott & Co, 7744 Yeomalt Point Dr., NE Bainbridge Island, WA 98110	Atchison, Topeka & Santa Fe Railway Co
Do	Global Resort Partnership
Do	Transcontinental Corp
David Sloan, Corporate Strategies International, Inc 4517 Clark Place, NW Washington, DC 20007-2502	Oriental Rug Importers, Inc
Do	Pande Cameron & Co of New York
Small Business Alliance on Communications, Inc, 529 14th Street, NW, Suite 200 Washington, DC 20045	
Angelia Smith, 408 C Street, NE Washington, DC 20002	Sierra Club
David Bruce Smith, 5212 N. Carlin Springs Road Arlington, VA 22203-1307	
Edward Del Smith, 1130 Connecticut Ave., NW #650 Washington, DC 20036	E. Del Smith & Co (For:City of Morro Bay)
Do	E. Del Smith & Co (For:St. Francis Medical Center)
Eric H. Smith, 1747 Pennsylvania Ave., NW, 12th Floor Washington, DC 20006	IIPA
James E. Smith, One State Street Boston, MA 02109	Century Council
Richard D. Smith, 15 Mountain View Road Warren, NJ 07061-1615	Chubb & Son, Inc
Robert Thornton Smith, 1155 Avenue of the Americas New York, NY 10036-2787	Connell Finance Co, Inc
Harry Snyder, 1535 Mission Street San Franscisco, CA 94103	Consumers Union
Eric W. Sokol, 519 C Street, NE Washington, DC 20002	National Assn for Home Care
Noelle C. Sotack, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce
Rachel Southworth, 444 North Capitol Street, Suite 711 Washington, DC 20001	TKC International, INc (For:Republic of Azerbaijan)
Janet G. St. Amand, 1000 Connecticut Ave., NW, #507 Washington, DC 20036	Household Financial Group, Ltd
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:SCM Chemicals)
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellot (For:City Utilities of Springfield)
State/Federal Correctional Vendors Assn, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Professional Plant Growers Assn
Do	SCM Chemicals
Geoff Stone, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors, Inc
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	American Plastics Council
Do	American Trucking Assn, Inc
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	Rongelap Community
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For:Northrop Corp)
Gavin J. Sutcliffe, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn
Elizabeth J. Swasey, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike
Lori Swenningsen, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Prudential Insurance Co
John F. Swope, P.O. Box 515 Concord, NH 03302	Chubb LifeAmerica
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	AIA, Agriculture Insurance Administrators
Augustine D. Tantillo, 900 2nd Street, Suite 306 Washington, DC 20002	SRG & Associates
Targeted Communications, Inc, 1414 Prince Street, Suite 300 Alexandria, VA 22314	Philip Morris Companies, Inc
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Liberty Media Corp
R. Lindsay Thomas, 250 Williams Street Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games
Bill Thompson, 1517 Southlake Parkway Morrow, GA 30260	Southern States Police Benevolent Assn
Kenneth W. Thompson, 1899 L Street, NW, #500 Washington, DC 20036	Association of School Business Officials International
Do	United Companies Financial Corp
Timothy C. Thompson, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	Lornty Investment Company
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	General Instrument Corp
Greg R. Toomey, 430 First Street, SE Washington, DC 20003	American Trucking Assn, Inc
Virginia Torsch, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn
E. Neil Trautwein, 1000 Connecticut Ave., NW, Suite 810 Washington, DC 20036	National Assn of Health Underwriters
Troutman Sanders, 601 Pennsylvania Ave., NW, Suite 640 North Building Washington, DC 20004	Central & South West Corp
Do	Southern Company
John P. Truitt, 30420 Revelles Neck Road Westover, MD 21871-3368	
Patrick A. Tucker, 701 Pennsylvania Ave., NW, Suite 610 Washington, DC 20004	Tenneco, Inc
Tucker Arensberg, PC, 116 Pine Street Harrisburg, PA 17101	Smokeless Tobacco Council
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	Southern California Regional Rail Authority
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Kelly Anderson & Associates (For:U.S. Banknote Corp)
Paula R. Valente, 2211 Congress Street Portland, ME 04122-0545	UNUM Life Insurance Co of America
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, SW, #520 Washington, DC 20003	Engelhard/ICC
Do	SNECMA
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, Suite 700 Washington, DC 20007	Business Roundtable
Do	McClure Gerard... (for Mineral Resources Alliance)
Do	North Slope Borough
Do	Royal Thai Government, Ministry of Commerce
B. Wayne Vance, 1203 Essex Manor Alexandria, VA 22308	Discovery Cruise Line
Margaret VanAmringe, 700 13th Street, NW, Suite 950 Washington, DC 20005	Joint Commission on Accreditation of Healthcare Orgs
Vectre Corporation, 411 East Franklin Street, #602 Richmond, VA 23219	Alliance to Keep Americans Working
Sally White Veith, 1400 L Street, NW, Suite 1000 Washington, DC 20005	Winston & Strawn
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Motion Picture Assn of America
Melodie A. Virtue, 4350 North Fairfax Drive, Suite 900 Arlington, VA 22203-1633	Haley Bader & Potts (For:Eagle Engineering & Communications Group, Inc)
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Coaxial Communications of Central Ohio, Inc
Do	Ohio Supercomputer Center
Gerald M. Walker, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Kennecott Corp
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Horsham Corp
Diann Wall-Wilson, 8803 Brecksville Road Brecksville, OH 44141	
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Delta & Pine Land Co of Miss
Do	National Pawn Brokers Assn, Inc
Susan M. Walter, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	General Electric Co
Russell Wapensky, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)
Warner & Hultin, 155 E. Broad Street, 16th Floor Columbus, OH 43215-3617	Large PRO Consortium
Sheryl Washington, 316 Pennsylvania Avenue, SE Washington, DC 20003	United Parcel Service
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	Foundation Health Federal Services, Inc
Leslie Waters, 1130 Connecticut Ave., NW, #300 Washington, DC 20036	Ferguson Company (For:City of Alhambra)
Do	Ferguson Company (For:City of Brea)
Do	Ferguson Company (For:City of Inglewood)
Do	Ferguson Company (For:City of Norwalk)
Do	Ferguson Company (For:City of Oceanside)
Do	Ferguson Company (For:City of Redondo Beach)
Do	Ferguson Company (For:City of Santa Ana)
Do	City of Santa Monica
Do	Ferguson Company (For:City of West Hollywood)
Do	Ferguson Company (For:Interstate 5 Consortium)
Do	Ferguson Company (For:Irvine Co)
Do	Ferguson Company (For:Long Beach Transit)
Do	Ferguson Company (For:National Public Safety System, Inc)
Do	Ferguson Company (For:New Hamilton Partners)
Do	Ferguson Company (For:Reuse Partners)
Do	Ferguson Company (For:Robert Bein, William Frost & Associates)
Do	Ferguson Company (For:Transportation Corridor Agencies)
Do	Ferguson Company (For:West Valley City)
Judith G. Waxman, 2913 Cathedral Ave., NW Washington, DC 20008	Families USA
William J. Welch, 701 Pennsylvania Ave., NW, SUite 610 Washington, DC 20004	Tenneco, Inc
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	CINPAC, Inc
Do	Fortis, Inc
Do	Soros George

Organization or Individual Filing	Employer/Client
Do	St. James Hospital & Health Centers
June M. Whelan, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn
Geogianna White, 526 King Street, #511 Alexandria, VA 22314	National Assisted Housing Management Assn
K. Elizabeth Whitehead, 1420 New York Avenue, NW, #750 Washington, DC 20005-2122	Acxiom Corp
Do	Institute of Scrap Recycling Industries, Inc
Do	Metropolitan Life Insurance Co
Do	National Assn of Professional Employer Organizations
John H. Whitmire, P.O. Box 7271 Houston, TX 77008	Houston Firefighters Relief & Retirement Fund
James K. Wholey, 1301 K Street, NW, Suite 900E Washington, DC 20004	Gardner Carton & Douglas (For:Association of Progressive Retail org)
Do	Gardner Carton & Douglas (For:BCF Telecom International, Inc)
Do	Gardner Carton & Douglas (For:Rhone-Poulenc Rorer Pharmaceuticals)
James Wickett, 600 Maryland Avenue, SW, Suite 700 Washington, DC 20024	National Federation of Independent Business
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Blade Communications, Inc
Do	US Sprint Communications Co
Laurie L. Wilkerson, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Central South West Corp)
Do	Arter & Hadden (For:Girling Health Care)
Do	Arter & Hadden (For:Hearst Corp)
Do	Arter & Hadden (For:National Assn of Broadcasters)
Do	Arter & Hadden (For:SPRINT)
Do	Arter & Hadden (For:Tesoro Petroleum)
Do	Arter & Hadden (For:U.S. Long Distance Corp)
Charles S. Wilkins, 1225 Eye Street, NW, Suite 601 Washington, DC 20005	National Corp for Housing Partnerships
Timothy C. Wilkins, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn
Faith Williams, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc
Joel C. Williams Jr., P.O. Box 339 Savannah, GA 31402-0339	Savannah Foods & Industries, Inc
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	Association for the Cure of Cancer of the Prostate
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	Chemical Leaman Corp
Do	Sony Electronics, Inc
Michael M. Wilson, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	A T & T
Do	Standard Commercial Tobacco Corp
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:Michigan Hospital Assn)
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)
Joseph B. Winkelmann, Winkleman & Associates, Inc 9220 Byron Terrace Burke, VA 22015	Council for Citizens Against Government Waste
Kathleen Winn, 213 A Street, NE Washington, DC 20002	
Peggy Winston, 6100 Lake Forrest Drive, Suite 420 Atlanta, GA 30328	Eagle Engineering & Communications Group, Inc
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Hong Kong Trade Development Council
Do	Phillips Colleges, Inc
Do	Westinghouse Electric Corp
Do	Yellow Corp
WinCapitol, Inc, 1207 Potomac Street NW Washington, DC 20007	Calpine Corp
Diane Wood, P.O. Box 2847 Corrales, NM 87048	Consumers Union
Thomasina R. Wright, 4101 Wisconsin Avenue Newport News, VA 23607	Tenneco, Inc
Walter G. Wright Jr., 1420 New York Avenue, NW, Suite 750 Washington, DC 20005-2122	Institute of Scrap Recycling Industries, Inc
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Assn of Orthodontists
Do	American Soc of Consultant Pharmacists
Do	Herbalife International of America, Inc
Do	Island Development Corp
Do	St. Gobain
Do	Stifel Nicolaus & Co, Inc
Do	Waste Conversion Systems, Inc
Shirley Ybarra, ABRH Consulting, Inc 529 14th Street, NW, #200 Washington, DC 20045	Small Business Alliance on Communications, Inc
Lee Zacharias, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hospital Assn

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the first calendar quarter 1994:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ♦

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER____________________

Is this an Amendment?

☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have

☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."♦

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1♦

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense Money” and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*	*Name and Address of Recipient—Purpose*
$1,750.00	7–11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15:	Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	3,725.00	
Robert J. Aagre, 1835 12th Street, NW Washington, DC 20009-4421			
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers..	340.55	
Paul C. Abenante, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn		
Edward L. Abner, 1215 Jefferson Davis Highway, #306 Arlington, VA 22202	Sparton Corporation	16,250.00	59.75
Pamela Abney, 1101 Vermont Ave., NW, #700 Washington, DC 20005	American Veterinary Medical Assn	80.00	
Richard M. Aborn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	7,000.00	
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #400 Washington, DC 20036	CANAMCO (For:Canadian Shipowners Assn)		
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 666 Pennsylvania Ave., SE, #403 Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	5,775.00	217.11
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
Jane M. Adams, 818 Connecticut Avenue, NW, #303 Washington, DC 20006	National Assn for Biomedical Research	972.00	
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	1,847.00	1,383.00
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			1,000.00
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Association of American Publishers)	500.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	6,831.00	5,700.00
Michael B. Adlin, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007			
Advanced Strategies, One International Place 45th Floor Boston, MA 02110	Mellon Bank Corp	1,800.00	240.00
Advocacy Group, 1350 EYE Street, NW, #680 Washington, DC 20005	American Chiropractic Assn		
Do	Arizona State University		
Do	Border Trade Alliance		
Do	Brown & Root, Inc		
Do	City of Tempe		
Do	Florida Board of Regents Foundation, Inc		
Do	Georgia Southern University		
Do	Intel Supercomputing Division		
Do	National Fuel & Energy, Inc		
Do	New Mexico State University		
Do	Port of Brownsville, Texas		
Do	Sam Houston State University		
Do	University of Utah		
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		5,840.50	5,840.50
Affordable Housing Tax Credit Coalition, 2300 M Street, NW, Suite 400 Washington, DC 20037		2,000.00	2,000.00
John Aguirre, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	4,000.00	100.00
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Patricia W. Aho, 45 Memorial Circle Augusta, ME 04330-6400	American Petroleum Institute	2,061.92	919.50
Robert S. Aiken, 800 Connecticut Avenue, NW, #610 Washington, DC 20006	Pinnacle West Capital Corp	20,000.00	3,906.69
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		470.00
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203			
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		3,500.00	
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		7,000.00	6,683.00
Airports Council International - North America, 1220 19th Street, NW, #200 Washington, DC 20036			27,678.28
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing		
Do	Air Transport Assn of America		
Do	Albertson's, Inc	1,160.00	19.00
Do	Aldrich Eastman & Waltch, Inc		
Do	Alliance of American Insurers	869.00	16.00
Do	Amerada Hess Corp		
Do	American Airlines, Inc	7,795.00	133.00
Do	American Financial Corp		
Do	American Share Insurance Corporation	2,260.00	32.00
Do	American Telephone & Telegraph Co	25,310.00	475.00
Do	Arthur T. Walker	150.00	
Do	Bank of America Nat'l Trust and Savings Assn		
Do	Bank of Nova Scotia		
Do	Bechtel Group, Inc		
Do	Bolt Beranek & Newman, Inc		
Do	Chiquita Brands International, Inc		
Do	City of Houston	3,330.00	57.00
Do	Columbia Government Trade Bureau (PROEXPO)		
Do	Cotton Bowl Athletic Assn	500.00	
Do	Disabled American Veterans		
Do	Dow Jones & Co		
Do	Fremont Group, Inc		
Do	Fujitsu America, Inc		
Do	General Aviation Manufacturers Assn	6,250.00	114.00
Do	Government of Norway	2,020.00	32.00
Do	W. R. Grace & Co		
Do	GTECH Corp		
Do	International Bank of Commerce	100.00	
Do	Loral Corp		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Management Compensation Group		
Do	Mazda (North America), Inc		
Do	Medical Protective Company	5,790.00	95.00
Do	Mellon Bank Corp	2,850.00	55.00
Do	Mesa, Inc	1,770.00	32.00
Do	Metropolitan Transit Authority of Harris County	2,500.00	38.00
Do	Miller Brewing Company	170.00	
Do	Robert Mondavi Winery	5,530.00	95.00
Do	Morgan Stanley & Co, Inc	5,375.00	95.00
Do	Mortgage Guaranty Insurance Corp		
Do	Mortgage Insurance Cos of America	3,220.00	57.00
Do	Motion Picture Assn of America, Inc	1,940.00	19.00
Do	MAXXAM, Inc		
Do	MCA, Inc		
Do	National Football League	125.00	
Do	Nationwide Mutual Insurance Company	502.50	16.00
Do	New York Public Library		
Do	Riggs National Corp	100.00	
Do	Ryder System, Inc	2,015.00	32.00
Do	RJR Nabisco, Inc		
Do	Southern California Edison Co	2,000.00	32.00
Do	Time-Warner		
Do	Transamerica Financial Services	18,290.00	342.00
Do	USA Group, Inc	260.00	
Do	Warner-Lambert Co		
Do	Westinghouse Electric Corp	950.00	
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
James J. Albertine, 1899 L Street, NW, #500 Washington, DC 20036	Albertine Enterprises, Inc (For:Association of School Business Officials International).	1,575.00	60.00
Do	Albertine Enterprises, Inc (For:ARCTICO, Inc)		45.00
Do	Albertine Enterprises, Inc (For:AST Research, Inc)		
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management, Inc)		
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)		235.00
Do	Albertine Enterprises, Inc (For:Exide Electronics)	3,900.00	105.00
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	3,500.00	200.00
Do	Albertine Enterprises, Inc (For:Greenwich Pharmaceuticals, Inc)	8,750.00	400.00
Do	Albertine Enterprises, Inc (For:International Assn of Conventions & Visitor Bureaus).	1,575.00	85.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	1,749.00	145.00
Do	Albertine Enterprises, Inc (For:National Bareboat Charter Assn)	210.00	70.00
Do	Albertine Enterprises, Inc (For:Polaris Industries, LP)		45.00
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	583.00	45.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	1,750.00	210.00
Do	Albertine Enterprises, Inc (For:Thermo Electron Corp)	875.00	85.00
John M. Albertine, 1889 L Street, NW, #500 Washington, DC 20036	Albertine Enterprises, Inc (For:Association of School Business Offcials International).	2,925.00	197.00
Do	Albertine Enterprises, Inc (For:ARCTICO, Inc)		
Do	Albertine Enterprises, Inc (For:AST Research, Inc)		
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		
Do	Albertine Enterprises, Inc (For:Castle Harlan, Inc)		
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)		
Do	Albertine Enterprises, Inc (For:Exide Electronics, Inc)	3,900.00	162.00
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	6,500.00	455.00
Do	Albertine Enterprises, Inc (For:Greenwich Pharmaceuticals, Inc)	16,250.00	390.00
Do	Albertine Enterprises (For:International Assn of Conventions and Visitor Bureaus).	975.00	165.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	3,249.00	162.00
Do	Albertine Enterprises, Inc (For:National Bareboat Charter Assn)	390.00	75.00
Do	Albertine Enterprises, Inc (For:Polaris Industries, LP)		
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)		
Do	Albertine Enterprises, Inc (For:SMS Corp)	3,250.00	390.00
Do	Thermo Electron Corp	1,625.00	160.00
Albertine Enterprises, Inc, 1899 L Street, NW, #500 Washington, DC 20036	Association of School Business Officials International	4,500.00	300.00
Do	ARCTICO, Inc		110.00
Do	AST Research, Inc		110.00
Do	Beckman Instruments, Inc		250.00
Do	Castle Harlan, Inc		
Do	Council for Superfund Fairness, Inc		250.00
Do	Exide Electronics, Inc	6,000.00	250.00
Do	Fruit of the Loom, Inc	10,000.00	700.00
Do	Greenwich Pharmaceuticals	25,000.00	600.00
Do	International Assn of Conventions & Visitor Bureaus	4,500.00	170.00
Do	ITRON and AMR	4,999.00	250.00
Do	National Bareboat Charter Assn	600.00	250.00
Do	Polaris Industries, LP		110.00
Do	Potomac Capital Investment Corp	4,999.98	250.00
Do	SMS Corp	5,000.00	600.00
Do	Thermo Electron Corp	2,500.00	250.00
Phyllis M. Albritton, 1455 Pennsylvania Ave., NW, Suite 500 Washington, DC 20004-0Met	MetPath, Inc	18,750.00	400.00
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Clean Coal	5,437.50	
Do	Alliance for Responsible CFC Policy	15,000.00	
Do	Alliance for Sound Atmospheric Policy	3,000.00	
Do	Associated Industries of Florida Property & Casualty Trust	12,000.00	
Do	Care Florida Health Systems, Inc	12,000.00	
Do	Cargill Fertilizer, Inc		
Do	Center for Applied Engineering	3,750.00	
Do	City of Jacksonville	15,600.00	
Do	City of Virginia Beach	31,500.00	
Do	Computer Sciences Corp	3,000.00	
Do	Concrete Technology Corp		
Do	Consolidated Freightways	12,750.00	
Do	Dade County Aviation Department	6,000.00	
Do	Jack Eckerd Corp	3,000.00	
Do	Elekta Instruments, Inc	11,250.00	
Do	Hillsborough County	9,000.00	
Do	Home Shopping Network	27,000.00	
Do	Institute for Clinical PET	21,000.00	
Do	International Council of Cruise Lines	31,500.00	
Do	Jim Walter Corp	3,750.00	
Do	Marin County	6,750.00	
Do	Metropolitan Dade County-Seaport Department	6,750.00	
Do	National Refrigerants, Inc	7,500.00	
Do	Northern States Power Co	9,000.00	
Do	Palm Beach County	19,500.00	
Do	Port of Jacksonville	6,600.00	
Do	Port of Palm Beach	15,000.00	
Do	Precision Systems, Inc	1,000.00	
Do	Regular Common Carrier Conference	7,500.00	
Do	Sonoma County	6,000.00	
Do	State Road 7 Association, Inc	16,800.00	
Do	Summa Corp	12,000.00	
Do	Tampa Electric Co	6,000.00	
Do	Tampa Port Authority	6,000.00	
Do	Troy Systems	2,500.00	
Do	Walter Industries	30,818.43	
Do	Washington Workshops	12,000.00	
Margaret Alessi, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,250.00	177.06
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Groom & Nordberg (for: Chevron))		
Do	LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc)		
Fay S, Alexander, 4155 F Sullyfield Circle Chantilly, VA 22021	Taxpayers Education Lobby, Inc	21,000.00	
William V. Alexander, 1425 Ironwood Drive McLean, VA 22101	American Citizens Abroad	3,000.00	7.66
Pamela J. Allen, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	291.50	106.61
Alliance for A Superfund Action Partnership, 1025 Vermont Avenue, NW Washington, DC 20005			84,359.40
Alliance for Acid Rain Control, 444 N. Capitol Street, #602 Washington, DC 20001		15,000.00	
Alliance of American Insurers, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036			168,031.30
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		24,096.20	6,269.94
David L. Allison, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Robert F. Allnutt, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
David W. Almy, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn		
Harvey Alter, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Michael J. Altier, 701 Pennsylvania Avenue, NW Washington, DC 20004	National Retail Federation	11,000.00	174.00
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
America for Worldwide Balanced Trade Agreement, Inc, 2236 Java Plum Avenue Sarasota, FL 34232			
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		43,699.27	43,699.27
American Amusement Machine Assn, 450 East Higgins Road Elk Grove Village, IL 60007-1417		23,935.00	23,935.00
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201			6,417.00
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		38,703.00	38,703.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		47,318.60	47,318.60
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302			43,590.87
American Assn of Blood Banks, 8101 Glenbrook Road Bethesda, MD 20814-2749		5,000.00	5,000.00
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		530.37	50.00
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			315.89
American Automobile Manufacturers Assn, 7430 Second Avenue, #300 Detroit, MI 48202		69,452.00	69,452.00
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20J36		382,048.25	382,048.25
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006		1,804.00	611.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		35,802.00	35,802.00
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044		5,151.20	
American Farm Bureau Federation, 225 Touhy Avenue Park Ridge, IL 60068		171,434.00	171,434.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			195,515.47
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		3,240.00	3,240.00
American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036			400.00
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			1,000.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		11,500.00	11,500.00
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		364,400.00	124,952.39
American Home Products Corp, 1726 M Street, NW, #1001 Washington, DC 20036			14,845.00
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		24,789.23	19,701.98
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036		140,163.00	11,409.29
American Insurance Assn, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036		8,228.00	8,228.00
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		117,726.00	204,280.12
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			3,889.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		89,000.00	13,476.20
American Meat Institute, 1700 N. Moore Street Arlington, VA 22209		264,183.90	35,995.35
American Medical Association, 515 North State Street Chicago, IL 60610	American Medical Assn		1,175,026.50
American Medical Peer Review Assn, 810 First Street, NE, #410 Washington, DC 20002			
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		25,743.97	25,743.97
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			4,355.00
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		738,725.52	151,632.05
American Nurses' Assn, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571		107,705.43	107,705.43
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725		20,693.24	20,693.24
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Orthotic and Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314-1885	American Orthotic & Prosthetic Assn	250,000.00	53,750.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		360,387.37	355,332.13
American Physical Therapy Assn, 1111 N. Fairfax Street Alexandria, VA 22314		7,408.85	7,408.85
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			24,535.50
American Portland Cement Alliance, 1212 New York Avenue, NW, #500 Washington, DC 20005		119,000.00	66,436.11
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		66,836.00	66,836.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		200.00	200.00
American Short Line Railroad Assn, 1120 G Street NW, #520 Washington, DC 20005			25.00
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			23,380.00
American Soc of Hospital Pharmacists, 7272 Wisconsin Avenue Bethesda, MD 20814			28,800.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		66,503.08	82,557.24
American Trucking Assns, Inc, 430 First Street Washington, DC 20003		13,000.00	86,725.00
American Veterinary Medical Assn, 1101 Vermont Avenue, NW, #710 Washington, DC 20005-3621		10,855.00	222.54
Americans for Immigration Control, Inc, 725 2nd Street, NE Washington, DC 20002		13,074.42	13,074.42
Amie Amiot, 10801 Rockville Pike Rockville, MD 20815	American Speech-Language-Hearing Assn		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	American Assn of Pharmaceutical Distributors	2,500.00	
Do	Kollmorgen Corp	7,500.00	
Do	Northrop Corp	12,000.00	
Do	Rand Eye Institute	5,000.00	
Do	Tenneco, Inc	24,000.00	
Anadarko Petroleum Corp, 17001 Northchase Drive Houston, TX 77251-1330			
Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	25.00
Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036	KCI (Kelly, Anderson & Associates) (For:U.S. Banknote Corp)		
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	300.00	
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	400.00	
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
David J. Anderson, One KeyCorp Plaza P.O. Box 88 Albany, NY 12201-0088	KeyCorp	384.61	22.31
Frederick M. Anderson, Box 2000 - Unit B White Deer, PA 17887			
John A. Anderson, 1333 H St., NW, The West Tower, 8th Flr Washington, DC 20005	Electricity Consumers Resource Council (ELCON)		
Lori Anderson, 1275 K Street, NW, Suite 400 Washington, DC 20005	Socity of the Plastics Industry, Inc		
Margo L. Anderson, 1725 Jefferson Davis Highway, Suite 901 Arlington, VA 22202	Alliant Techsystems, Inc	8,122.50	
Philmore B. Anderson, 412 1st Street, SE, Suite 300 Washington, DC 20003	Independent Insurance Agents of America	8,239.00	
Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	6,600.00	
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	4,508.00	
William C. Anderson, 818 Connecticut Avenue, NW, #200 Washington, DC 20006	US English, Inc	3,750.00	75.00
Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	250.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,271.02
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers		
Do	Institute of Makers of Explosives	820.00	820.00
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Ares-Serono, Inc		
Do	Association of Trial Lawyers of America		
Do	Blue Cross and Blue Shield of ND		
Do	California Dairy Institute		
Do	Interstate Natural Gas Assn of America (INGAA)		
Do	Johanna Dairies		
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Do	Thomson, Inc		
Animal Health Institute, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480			802.51
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	11,250.00	
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Apartment & Office Building Assn of Metropolitan Washington, 1050 17th Street, NW, #300 Washington, DC 20036			
James J. Apperson, P.O. Box 52075 Phoenix, AZ 85072	Southwest Gas Corporation		
James N. Arbury, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,500.00	1,150.41
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	8,265.00	
William T. Archey, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	493.00	
Carolin Arczynski, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	1,695.00	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Amusement Machine Assn	12,169.23	7,501.91
Do	American Assn of Bioanalysts	45,615.59	4,005.35
Do	American Assn of Occupational Health Nurses	31,658.70	1,095.10
Do	American Corporate Health Programs	5,000.00	1,055.22
Do	Jean-Bertrand Aristide	30,000.00	5,921.94
Do	Association of Professional Flight Attendants	4,468.64	587.00
Do	Children With Attention Deficit Disorder (CHADD)		25.00
Do	Children's Health Fund		
Do	Fitness Systems	2,499.99	1,055.22
Do	Guardian Life Insurance Co of America	23,874.53	141.46
Do	Health Commons Institute	615.00	39.95
Do	Independent Federation of Flight Attendants	1,500.00	50.00
Do	International Society for Clinical Laboratory Technology	4,021.21	21.21
Do	Mercy Hospital of Des Moines, Iowa	1,672.00	387.08
Do	Motor and Equipment Manufacturers Association		
Do	National Parking Association	2,807.69	
Do	Navajo Nation	80,453.29	901.01
Do	North American Training Services, Inc	17,469.59	464.13
Do	Video Software Dealers Assn	86.20	
Do	Wellness Council of America	2,499.99	1,055.22
John G. Arlington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	425.00	1,800.00
David C. Armijo, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co, Inc		
Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Luther Glenn Arnette, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Carl F. Arnold, P.O. Drawer 7170 McLean, VA 22106	Ashland Oil Co	80.00	
Do	Corporate Property Investors	1,250.00	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Red Cross		
Do	ACPC		
Do	AFL-CIO		
Do	Bank of Montreal		
Do	Building and Construction Trade Department, AFL-CIO		
Do	City of Reading	1,674.45	
Do	Commissioner, Dept of Telecommunications City of New York		
Do	Computer Sciences Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Continental Corporation		
Do	Federated Investors		
Do	General Cable Corp		
Do	General Conference of Seventh-day Adventists	1,242.50	
Do	Glaxo, Inc		
Do	Hoffmann-La Roche, Inc		
Do	Hopi Indian Tribe		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)		
Do	Montefiore Medical Center		
Do	National Assn of Telecommunications Officers & Advisors	886.95	
Do	National Coordinating Comm for Multiemployer Plans	8,750.00	586.06
Do	Philip Morris, Inc		
Do	Recording Industry Assn of America, Inc		
Do	Republic of Venezuela		
Do	Sacramento Municipal Utility District		
Do	Scripps Research Institute		
Do	Stanford University	4,471.00	157.68
Do	State Farm Mutual Automobile Insurance Co	34,476.25	97.00
Do	Survival Technology, Inc		
Do	Tambrands, Inc		
Do	Unilever United States, Inc		
Wayne Arny & Associates, Inc, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	American Logistics Infrastructure Improvement Consortium		
Do	Datasat, Inc	500.00	
Do	FMC Corp	1,610.00	
Do	Guam Airport Authority	9,110.00	243.33
Do	Technology for Communications, International	1,800.00	52.51
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	1,345.65	346.58
Deborah Arrindell, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	8,871.00	
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	American Insurance Assn	2,750.00	1,320.00
Do	Cellular Telecommunications Industry Assn		
Do	Central & South West Corp	2,915.00	2,675.40
Do	Citicorp	1,050.00	802.50
Do	Arter & Hadden (For:Corning, Inc)	7,715.00	3,286.50
Do	Electronic Data Systems Corp		
Do	ELGARD Corp		
Do	Federal Guaranty Insurance Corp	525.00	120.00
Do	Girling Health Care		
Do	Hearst Corp	2,250.00	1,002.00
Do	International Hardwood Products Assn		
Do	Jeffries & Co, Inc		
Do	Merck & Co, Inc		
Do	National Assn of Broadcasters	2,525.00	2,037.00
Do	Nintendo of America	151.50	
Do	Southwest Florida Enterprises, Inc		
Do	SPRINT	26,115.00	11,968.00
Do	Tesoro Petroleum		
Do	U.S. Long Distance Corp	5,370.00	7,775.75
Do	United Services Automobile Assn	245.00	188.25
Chad Asarch, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	8,458.32	407.45
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Associated Builders & Contractors, Inc, 1300 North 17th Street Rosslyn, VA 22209		2,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		20,109.00	20,109.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		162,676.72	162,676.72
Association of American Veterinary Medical Colleges, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			
Association of Maximum Service Television, Inc, 1776 Massachusetts Avenue, NW, #310 Washington, DC 20036			130.28
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
Association of State & Territorial Health Officials, 415 Second Street, NE, Suite 200 Washington, DC 20002			2,000.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		13,291.25	13,291.25
David M. Astrove, 1401 New York Avenue, NW, Suite 900 Washington, DC 20005	Brownstein Zeidman & Lore (For:DeNovo Corp)		72.61
Bob Asztalos, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	14,000.00	228.71
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			729.00
Atlantic Systems, Inc, 8045 Leesburg Pike, Suite 650 Vienna, VA 22182			
Deborah Marie Atwood, 1700 N. Moore Street Arlington, VA 22209	American Meat Institute	2,000.00	450.42
Jonathan P. Atwood, 100 West Putnam Avenue Greenwich, CT 06830	UST Public Affairs, Inc		
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Anna Aurilio, 215 Pennsylvania Ave., NW Washington, DC 20003	U.S. Public Interest Research Group	5,092.15	
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	1,130.99	
John S. Autry, 1825 Eye Street, NW, S-400 Washington, DC 20006	JSA-1, Inc	9,000.00	1,550.75
Les AuCoin, Bogle & Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Forest & Paper Assn	1,000.00	
Do	Confederated Tribes of the Grand Ronde	1,000.00	
Do	Global Forestry Management Group	500.00	
Do	Harsch Investment Co	500.00	
Do	International Paper	500.00	
Do	Northwest Forest Resource Council	1,000.00	
Avon Products, Inc, 9 West 57th Street New York, NY 10019			
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie, Inc		
Merribel Symington Ayres, 601 13th Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	7,312.50	
AOPA Legislative Action, 500 E Street, SW, #920 Washington, DC 20024		15,763.00	251,216.00
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	MacAndrews & Forbes Holding, Inc		
Do	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Michael G. Bader, P.O. Box 8731 Missoula, MT 59807	Alliance for the Wild Rockies, Inc	882.87	2,021.22
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	Shee Atika, Inc		
Wendy Baer, 4214 King Steet, West Alexandria, VA 22302	IHPA - The International Wood Products Assn		
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co)		
Do	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:Unisys Corp)		
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Cyanamid Co, Inc	15,000.00	
Do	Blue Cross of Western Pennsylvania	30,000.00	
Do	National Industrial Transportation League		
Do	Natural Disaster Coalition	15,000.00	
Do	Oralco Management Services	30,000.00	
Do	Utilities Telecommunication Council	4,437.50	
Do	UNISYS Corp	45,000.00	
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	18,750.00	847.40
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	8,490.99	
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Association for Manufacturing Technologies	20,665.00	75.09
Do	BrightStar Group Limited		7.12
Do	Computer & Business Equipment Manufacturers Assn	20,603.52	35.42
Do	Elken Metals Co		23.46
Do	Mickey Leland National Urban Air Toxics Research Center		14.74
Do	Ministry of Foreign Affairs of the Republic of Yemen		
Do	Rhone-Poulenc, Inc		38.50
Do	Westinghouse Electric Corp	1,985.00	
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Association for Cost-Effective Cardiovascular Technology	1,346.96	1,346.96

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Association of Organ Procurement Organizations	3,031.53	3,031.53
Do	Central Reserve Life	5,182.57	5,182.57
Do	College on Problems of Drug Dependence (CPDD)	3,201.75	3,201.75
Do	Hospital Insurance Forum	32,762.85	32,762.85
Do	Invacare Corporation	23,357.45	23,357.45
Do	IM&I, Inc	9,872.29	9,872.29
Do	Life Gift Organ Donor Center	12,784.08	12,784.08
Do	Methodist Hospital of Indiana	821.81	821.81
Do	Renal Physicians of Texas	3,382.31	3,382.31
Do	Robert Peterson Enterprises, Inc	4,829.51	4,829.51
Do	Schering Berlin, Inc	61,956.02	61,956.02
Do	Society of Cardiovascular & Interventional Radiology	41,255.29	41,255.49
Do	St. Joseph Hospital & Health Center	234.13	234.13
Do	Washington Regional Transplant Consortium	9,363.81	9,363.81
Elizabeth Baldwin, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	28.70
Stanley W. Balis, 1140 19th Street, NW, #700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	1,406.25	
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	5,218.88
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Bellevue (Washington)	5,463.15	777.88
Do	City of Modesto	6,000.00	585.06
Do	City of Portland, OR	20,888.57	2,380.48
Do	City University	21,630.00	2,196.89
Do	Clackamas County	18,416.00	1,731.69
Do	CPAFB (Committee to Preserve the American Family Business	15,000.00	1,330.02
Do	Greenbrier Leasing, Inc	50,943.50	3,731.37
Do	Harsch Investment Corporation		
Do	Mt. Hood Meadows Oregon, Ltd		
Do	Northwest Industrial Gas Users		
Do	Northwest Woodland Owners Council	18,000.00	2,065.53
Do	Oregon Community College Assn	9,000.00	1,243.93
Do	Oregon Department of State Lands	13,500.00	887.82
Do	Oregon Department of Transportation	23,900.00	2,764.88
Do	Oregon Graduate Institute of Science & Technology	5,785.50	599.88
Do	Oregon Partnership for Metals Research		
Do	Schnitzer Steel Industries	1,435.60	300.71
Do	Telephone Management Corp	3,109.00	94.51
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Michael Baly III, 1515 Wilson Blvd Arlington, VA 22209	American Gas Assn	3,000.00	8,121.10
Balzano Associates, 1730 North Lynn Street Arlington, VA 22209	Northrop Corp		
Bank of Boston Corporation, 100 Federal Street Boston, MA 02110			
Kip B. Banks, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	3,900.00	171.00
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	654.03	
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	109.69
Do	Bannerman & Associates, Inc (For:Beirut University College)	1,000.00	
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,050.00	
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	193.96
Donald P. Barger, 20 Ridgeway Road Norris, TN 37828	National Parks & Conservation Assn	218.09	6.00
Robert H. Barker, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company		
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	Sprint Corporation	7,000.00	390.40
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Mark Barnes, 1200 G Street, NW, Suite 800 Washington, DC 20005	National Rifle Assn	14,916.02	628.16
Sharon W. Barnes, 5535 Hempstead Way Springfield, VA 22151-4094	National Assn for Uniformed Services	1,050.00	
Larry P. Barnett, 8752 Center Road Springfield, VA 22152	Aviation Management Associates (For:IBM)		
Do	Aviation Management Associates (For:Megapulse, Inc)		
Do	Aviation Management Associates (For:Wilcox, Inc)		
Barnett & Sivon, PC, 2000 M Street, NW, Suite 740 Washington, DC 20036	Citibank, NA	5,265.00	145.00
Eugene M. Barr, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,150.00	
Robert Barr, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,000.00	200.00
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn	500.00	
David J. Barrett, 801 Pennsylvania Ave., NW, Suite 955 Washington, DC 20004	Morgan Stanley & Co, Inc	3,000.00	
David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037	Fleetwood Enterprises, Inc		
Do	Southeastern Pennsylvania Transportation Authority	1,687.50	625.00
J. Gary Barrett, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike		
Robert W. Barrie, 1299 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	800.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Thomas M. Barry, 1667 K Street, NW, Suite 1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	784.64
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	1,100.00	428.00
Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	2,000.00	41.98
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Virginia Bartlett, Sony Drive Park Ridge, NJ 07656	Sony Electronics	2,000.00	
William N. Bartolone, 1331 Pennsylvania Ave., NW, #1331N Washington, DC 20004	Cray Research, Inc	2,500.00	100.00
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition	5,100.00	43.11
Do	Family Violence Prevention Fund	950.00	59.18
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,425.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	1,392.57
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	2,700.00	
Richard M. Bates, 1150 17th Street, NW, #400 Washington, DC 20036	Disney Worldwide Services, Inc	12,375.00	195.71
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Railroad Co	5,000.00	1,096.92
Russell B. Batson, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,000.00	200.00
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	True Brit, Inc	1,000.00	50.00
Lana R. Batts, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Allison F. Bauer, 3353 South 5th Street Arlington, VA 22204	ADS Ventures, Inc (for Inchcape Testing Services)	1,700.00	38.10
Do	ADS Ventures (For:Chivus Multrum)	3,400.00	173.30
Do	ADS Ventures (For:Phychemidics Corp)	1,700.00	54.71
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	366.00	
Patricia Bauer Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)	500.00	32.00
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	71.07
Barbara Bauman, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	19,286.00	7,272.00
Gregory J. Baumann, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Tammy L. Baxter, 1155 15th Street, NW, Suite 600 Washington, DC 20005	Pennzoil Company	350.00	
Carl T. Bayer, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201	Teledyne Industries, Inc	2,232.00	
Judith Bayer, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	32,400.00	1,059.50
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	PIE Mutual Insurance Co		
Bayless Boland Madigan & Barrett, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Alyeska Pipeline Service Co	500.00	
Do	Distilled Spirits Council of the U.S.	2,000.00	
Do	Dreyfus Corp	100.00	
Do	Parsons Corp	200.00	
Do	Southwest Airlines	200.00	
Do	Southwestern Bell Corp	950.00	
Do	Stewart & Stevenson Services, Inc	250.00	
Kim Koontz Bayliss, 317 Massachusetts Ave., NE Washington, DC 20002	United Video, Inc	16,200.00	9,642.42
Joanne Elden Beale, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	511.41	
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	244.08	142.79
Robert L. Beauregard, 1150 Connecticut Ave., NW, Suite 717 Washington, DC 20036	Southern California Gas Co		
Charles D. Becher, 1350 Eye Street, NW, Suite 1000 Washington, DC 20005	Ford Motor Company	1,500.00	647.30

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Deborah Beck, 3820 Club Drive Harrisburg, PA 17110	Therapeutic Communities of America	3,180.00	
Edward A. Beck III, 1615 L Street, NW, #1205 Washington, DC 20036	Smith Helms Mulliss & Moore	7,702.07	
Brenda Larsen Becker, 1310 G Street, NW, l2th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,857.00	347.61
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	7,689.07	25.00
Anita L. Bedelis, Norwest Center Sixth & Marquette Minneapolis, MN 55479-1032	Norwest Corp		
Elizabeth J. Bedient, 1700 Lincoln Street, Suite 4100 Denver, CO 80203	Holme Roberts & Owen (For:Navigators Overseas Missionary Fellowship)		
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	680.07	526.94
Teresa G. Beeman, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
Beer Institute, 1225 Eye Street, NW, #825 Washington, DC 20005		8,256.54	8,256.54
William A. Behan, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronics Systems Corp	4,000.00	1,819.19
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	313.44	
David Beier, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genentech, Inc	3,000.00	
Mark Belanger, 12 East 49th Street New York, NY 10017	Major League Baseball Players Assn		
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Trina Bellak, 2100 L Street, NW Washington, DC 20037	Humane Society of the U.S.	812.50	378.64
Joseph M. Bellino, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	553.90	
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		122.58
T. A. Bellissimo, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	3,895.00	
Do	Household International, Inc		
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Keith B. Belton, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	600.00	1,149.90
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	5,400.00	
Beverly Ann Benedict, 2414 16th Street Anacortes, WA 98221	Gertrude J. Dombrowski Research Organization		23.95
Daniel J. Bennet, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
John C. Bennison, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	8,500.00	
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		153.14
James E. Benton, New Jersey Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	50.00	
Rebecca J. Berg, 901 31st Street, NW Washington, DC 20007	Bostrom Corp (For:Passenger Vessel Assn)	1,950.00	
Bergner Boyette Bockorny Clough & Brain, 1101 16th Street, NW, #500 Washington, DC 20036	Avianca Airlines	2,000.00	150.00
Do	Bell Atlantic Corp	500.00	70.00
Do	Biotechnology Industry Organization	3,000.00	1,197.48
Do	Capital Research & Management Company	1,000.00	515.50
Do	China External Trade Development Council	500.00	150.00
Do	Dow Chemical Co	1,200.00	925.00
Do	Edison Electric Institute	2,000.00	573.49
Do	Elanco Animal Health	1,000.00	500.00
Do	Enseco	500.00	700.00
Do	Flo-Sun Land Corp	2,000.00	1,500.00
Do	Fox Broadcasting Company	5,000.00	871.12
Do	Friendship in Freedom	500.00	550.00
Do	Glaxo, Inc	3,000.00	874.94
Do	HealthCare COMPARE Corp	2,000.00	975.00
Do	Mallinckrodt Specialty Chemical Co, Inc	1,000.00	525.00
Do	McDonnell Douglas Corp	1,000.00	500.00
Do	Metpath	1,200.00	522.48
Do	National Assn of Business & Educational Radio, Inc	500.00	285.00
Do	National Soft Drink Assn	3,000.00	738.55
Do	Northwest Airlines	1,200.00	620.00
Do	Ogden Martin Systems, Inc	2,000.00	1,232.49
Do	Okeelanta Corp	500.00	1,650.00
Do	Orange & Rockland Utilities	500.00	1,400.00
Do	Petroleum Marketers Assn of America	2,500.00	1,544.47
Do	Philip Morris Co, Inc	2,000.00	754.99
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1319 F Street, NW, #301 Washington, DC 20004	Methyl Bromide Working Group	3,000.00	2,000.00
Do	Smokeless Tobacco Council	1,000.00	
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	1,168.96	
Ann Richardson Berkey, One Post Street, SUite 3275 San Francisco, CA 94104	McKesson Corp	175.00	
Peter A. A. Berle, 700 Broadway New York, NY 10003	National Audubon Society	1,000.00	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	2,000.00	
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		405.53
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn	6,749.00	1,998.64
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	13,000.00	1,462.17
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Jacqueline L. Berry, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining and Manufacturing (3M)	1,000.00	
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	270.00
Maria L. Berthoud, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	7,269.00	
John F. Betar, 805 15th Street, NW #600 Washington, DC 20005	Association of Bank Holding Cos	4,342.88	
Ed Bethune, P.O. Box 200 210 East Vine Street Searcy, AR 72143	FBI Agents Assn	4,750.00	466.63
Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	3,100.00	211.26
Do	American Assn of Eye & Ear Hospitals	2,250.00	
Do	AmeriNet	500.00	
Do	Health Industry Group Purchasing Assn	3,500.00	61.95
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	336.34	141.62
Mary P. Bierle, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group, Inc		422.47
Everett E. Bierman, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden		
Do	Arter & Hadden (For:Citicorp)		
Karin Bierstein, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Heidi Biggs, 2001 L Street NW, #304 Washington, DC 20036	Weyerhaeuser Company		420.57
James L. Bikoff, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Leon G. Billings, Inc, 1625 K St., NW, #790 Washington, DC 20006	Main San Gabriel Basin Water Quality Authority	17,200.00	
Do	Manville Corp	17,500.00	
Do	South Coast Air Quality Management District	15,000.00	
Do	Sterling Forest Corporation		
Do	Waste Management, Inc	17,062.50	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	9,299.68	4,559.72
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	10,915.00	
Peggy K. Binzel, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	2,562.00	
William P. Binzel, 1401 Eye Street, NW Washington, DC 20005	MasterCard International, Inc	4,176.00	144.00
Biocraft Laboratories, Inc, 18-01 River Road Fair Lawn, NJ 07410			
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Wetlands Coalition		
Do	Arkansas Electric Energy Consumers		
Do	AEA Industrial Technology		
Do	British Ministry of Defense		
Do	Central Bering Sea Fishermens Assn		
Do	Chugach Alaska Corp	629.76	680.56
Do	E.O.N., Inc		
Do	Euroatlantic, Inc, FL		
Do	Fish Alaska, Inc		
Do	Florida Coastal Landowners' Coalition		
Do	Grand Targhee Ski Resort		
Do	Holland American Lines, Inc		
Do	International MicroSpace, Inc		
Do	New Hope Cancer Foundation		
Do	North Slope Borough		
Do	Point of Rocks Ranch, Inc		
Do	Pribilof Aleut Fisheries Development Assn		
Do	Professional Sportfish Col. for Fairness in Fed. Regulations		
Do	PTI Communications		
Do	Rolls Royce, Inc		
Do	Ryan Air		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Sealaska Corp	4,853.76	4,871.76
Do	Soka University		
Do	State of Alaska	172.80	181.80
Do	Turlock Irrigation District		
Do	Vickers Shipbuilding and Engineering, Ltd		
Do	Wildlife Legislative Fund of America	2,000.00	2,000.00
John H. Birdsall III, Schelford Farm Route 16, Box 25 Charlottesville, VA 22901	NICOR, Inc		
Julie A. Birkofer, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	8,455.54	
McNair Bishop, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		40.00
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	950.00	
Black & Decker Corp, 701 East Joppa Road Towson, MD 21286			5,931.40
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Avenue P.O. Box 5488 Daytona Beach, FL 32018.	Aetna Life & Casualty		
Do	Embry-Riddle Aeronautical University		
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Allied-Signal Corp	22,500.00	
Do	American Airlines, Inc	15,000.00	
Do	American Behavioral Healthcare Assn	22,500.00	
Do	Bethlehem Steel Corp	22,500.00	
Do	Casino Association of New Jersey	7,500.00	
Do	Chrysler Corp	15,000.00	83.50
Do	Clark Construction Group	9,000.00	
Do	Consortium for Passenger Rail	2,500.00	
Do	Cooper Hospital/University Medical Center	4,000.00	
Do	First Hospital Corp	7,500.00	
Do	First National Bank of Chicago		
Do	D. George Harris & Associates	4,500.00	
Do	Johnson & Johnson, Inc	30,000.00	56.00
Do	Kashmiri American Foundation	35,000.00	18.30
Do	MacAndrews & Forbes Holdings, Inc	45,000.00	
Do	Magal Security Systems, Ltd		
Do	Morton International	35,000.00	
Do	MGM Grand, Inc	5,000.00	
Do	NEC USA, Inc	37,500.00	
Do	Occidental Petroleum	22,500.00	
Do	Philip Morris	6,000.00	
Do	Phoenix Home Life Insurance	9,000.00	
Do	Radio Research Instruments Co, Inc	5,000.00	
Do	Roger Williams University	3,500.00	
Do	Textron	15,000.00	
Do	Tobacco Institute	22,500.00	
Do	Tourism Development Properties of Puerto Rico	3,750.00	
Do	Trump Organization	18,000.00	
Do	Union Pacific Corp	15,000.00	
Do	United Parcel Service	5,625.00	
Do	UNITA	3,750.00	
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	62.05
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	OHM Corp		
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Stephen J. Blair, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn, Inc	2,124.00	
Julia M. Blankenship, 2715 M Street NW, #150 Washington, DC 20007	Electric Generation Assn	308.08	31.23
Ernest Blazar, 122 C Street NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	2,400.00	
Samuel A. Bleicher, 1450 G Street, NW, #445 Washington, DC 20005	Miles & Stockbridge (For:Black & Decker Corp)	5,931.40	873.00
Michael E. Bleier, One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Audre Recognition Systems, Inc	961.25	263.44
Do	Consumers Paint Factory, Inc	151.25	37.81
Do	Hunter Industrial Facilities, Inc		
Do	National Paint & Coatings Assn, Inc	1,000.00	103.48
Do	National Spa & Pool Institute	300.00	15.13
Allan Block, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc	847.00	5,307.00
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 270 Park Avenue New York, NY 10017	Chemical Bank	10,000.00	1,225.00
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	17,640.00	5,384.12
Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Anthony Bloome, 2030 M Street, NW Washington, DC 20036	Common Cause	2,753.40	483.82
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,299.11
Blue Cross & Blue Shield of Florida, P.O. Box 1798 Jacksonville, FL 32231			
Patti Blumer, 1350 I Street, NW, #1030 Washington, DC 20005-3305	Principal Financial Group	218.49	
Wayne F. Boan, 9124 E. 87th Place Tulsa, OK 74133	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		112,000.00	112,000.00
Elizabeth A. Bock, 1111 19th Street, NW, Suite 600 Washington, DC 20036	Mitsubishi Motors America, Inc		
Judith Ann Boddie, 701 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Edison Electric Institute	4,868.31	542.75
Denise A. Bode, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		415.00
Robert Spurrier Boege, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Larry A. Boggs, 1299 Pennsylvania Ave., NW Washington, DC 20004-2407	General Electric Co	600.00	
Bogle and Gates, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	2,000.00	
Do	United Sport Fishermen	1,500.00	
S. Alexander Bohler, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee		
John F. Bohm, 526 King Street, #511 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
John K. Boidock, 1455 Pennsylvania Ave., NW, #375 Washington, DC 20004	Texas Instruments, Inc	3,500.00	
Patricia Boinski, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	300.00	
Stephen A. Bokat, 1615 H Street, NW Washington, DC 20062-2000	Chamber of Commerce of the U.S.		
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Ormet Corp)		
M. Joel Bolstein, 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793	Dechert Price & Rhoads (For:Monell Chemical Senses Center)	4,543.50	164.29
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Thomas W. Bonenberger, 1615 M Street, NW #200 Washington, DC 20036	Amoco Corporation	1,200.00	178.50
John E. Bonitt, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	3,875.00	1,402.05
Janee L. Bonner, 1101 Vermont Avenue, NW, Suite 606 Washington, DC 20005	American Soc of Anesthesiologists	2,190.00	
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	4,848.00	
Gaylon B. Booker, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	3,458.00	257.17
Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
Lizbet Boroughs, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy		
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council		
William J. Bosies Jr., 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn	120.00	
Carroll Bostic, 1776 I St., NW, Suite 1050 Washington, DC 20006	Eastman Kodak Company		
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Stephen Bosworth, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	180.00	
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	Evergreen International Aviation, et al.	1,000.00	
John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612	Philip Morris, Inc	1,500.00	842.54
Francis D. Bouchard, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Jennifer O. Boucher, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Deborah L. Boudreau, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	3,570.00	
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	455.00
Monte F. Bourjaily III, 218 South Fairfax Street Alexandria, VA 22314	Management Vision Partners, Inc	1,500.00	600.00
Do	Rotter & Bourjaily, Inc	1,000.00	175.00
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	54.32
Laura L. Bourne, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,435.00	
Joseph Bow, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Melissa L. Bowen, 1090 Vermont Ave., NW, #800 Washington, DC 20005	Equifax, Inc	11,500.00	
Donna Bower, 800 Connecticut Ave., NW, Suite 1100 Washington, DC 20006	Baxter, Gov't Affairs Div		
Diane K. Bowers, P.O. Box 182 Port Jefferson, NY 11777	Council for Marketing & Opinion Research (CMOR)	945.00	2,365.00
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	21,613.50	
Michael Bowers, 1100 17th Strret, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy		
Taylor R. Bowlden, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation	7,000.00	250.00
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	4,000.00	729.56
Larry G. Bowles, 1150 - 18th Street, NW, Suite 200 Washington, DC 20036	Halliburton Co		
Christopher Bowlin, 1331 Pennsylvania Avenue, NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Joan Costain Bowyer, 1420 New York Ave., NW, #210 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	62.00	
Michael D. Boyd, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	130.00	
Richard K. Boyd, 299 Park Avenue New York, NY 10171	Westvaco Corporation		433.15
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co		
Do	Kemper Corp		
Do	Kemper Financial Services, Inc	250.00	61.94
Do	Kemper Investors Life Insurance Company	50.00	5.00
Do	Kemper Corporation (For:Kemper Securities Group, Inc)		
Carolyn A. Boyer, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Philip B. Boyer, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	2,000.00	
Do	AOPA Legislative Action	2,000.00	
Violet A. Boyer, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,538.00	30.00
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Cynthia R. Boynton, 1000 Connecticut Ave., NW, #1106 Washington, DC 20036	Gordley Associates (For:U.S. Canola Assn)		
Bracewell & Patterson, 2000 K Street, NW, #500 Washington, DC 20006	Birdsall, Inc		
Do	Browning-Ferris Industries, Inc		
Do	Centex Corp		
Do	Chemical Manufacturers Assn, Inc	6,600.00	3,960.00
Do	Council of Industrial Boiler Owners		
Do	COMDISCO, Inc		
Do	Edison Electric Institute		
Do	Enron Corp	550.00	330.00
Do	Higman Barge Lines, Inc		
Do	Independent Refiners Coaliton		
Do	Louisiana Land & Exploration Co		
Do	Lyondell Petrochemical Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	5,362.50	3,217.50
Do	Pennsylvania Natural Gas Assn		
Do	Rohm & Hass Co		
Do	Joseph E. Seagram & Sons, Inc		
Do	Securities Industry Association		
Do	Southdown, Inc	2,612.50	1,567.50
Do	Sterling Chemicals, Inc	1,512.50	907.50
Do	Torch Energy Advisors, Inc		
Do	Union Texas Petroleum Energy Corp		
Do	Valero Energy Corporation		
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	Area Metropolitan Ambulance Authority		
Do	Diamond Management	30,000.00	
Do	Edmund Scientific Company	750.00	
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Allied Pilots Association	5,000.00	180.00
Do	American Institute for Foreign Studies	5,000.00	110.00
Do	American Soc for Bone & Mineral Research		
Do	Arkla, Inc		
Do	City of Klamath Falls	7,000.00	110.00
Do	City of Tucson	7,000.00	105.00
Do	Coin Coalition	15,000.00	290.00
Do	County of Winnebago	200.00	40.00
Do	Daylight Saving Time Coalition	500.00	35.00
Do	Energy Absorption Systems, Inc	8,000.00	130.00
Do	Greater Rockford Airport Authority	5,000.00	140.00
Do	Michigan Consolidated Gas Co	10,000.00	280.00
Do	Southern California Edison	12,000.00	210.00
Do	St. Louis Airport Authority	4,000.00	170.00
Do	United Technologies Corp	4,000.00	105.00
George M. Brady III, 1301 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Reinsurance Assn of America		
John J. Brady Jr., 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Inc (For:Allied-Signal Corp)		
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	3,000.00	
Lynn M. Bragg, 701 Pennsylvania Ave., NW Washington, DC 20004	Edison Electric Institute	1,908.48	50.15
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	1,744.77	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,052.93	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Herb A. Caddell		
Do	Gerald Crispino		
Do	Hewlett-Packard Co	430.00	
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc	1,085.00	3,885.36
Do	NCube		
Do	NEMA	768.00	
Do	Oracle Corp	1,105.00	22.00
Do	Seafarers International Union		
Do	Unisys		
Joel Brandenberger, 627 Edmonston Drive Rockville, MD 20851	National Turkey Federation	1,400.00	123.00
David L. Brandon, 1129 20th Street, NW, #305 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Svend A. Brandt-Erichsen, 701 Fifth Avenue, Suite 6100 Seattle, WA 98104	Chugach Electric Assn, Inc		
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Karen L. Braunstein, 1320 19th Street, NW, Suite 200 Washington, DC 20036	Cox Enterprises, Inc		
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	27.00
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	555.38
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	6,618.10	
Thomas M. Bresnahan III, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron Companies	7,500.00	50.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	225.00	
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		582.09
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW 8th Floor, West Tower Washington, DC 20007	American Medical Technologists		
Do	East Texas Electric Cooperative		
Do	Northeast Texas Electric Cooperative		
Do	Sabine River Authority		
Do	Tex-LA Electric Cooperative of Texas, Inc		
Michael Brien, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,200.00	669.44
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	4,800.00	87.00
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	5,437.50	1,066.20
Kitty Brims, 1331 Pennsylvania Ave., NW, Suite 1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
William R. Brittingham, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,645.00	
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Do	Anti-Defamation League of B'nai B'rith		
Do	BASF Corp	175.00	
Do	Telecommunications Industry Assn		
Marcia D. Brody, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	275.00	
Michael J. Brokovich, 8201 Greensboro Drive, #1000 McLean, VA 22102	Unisys Corporation	1,000.00	
Douglas A. Brook, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	8,750.00	150.00
E. R. Brooks, P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	11,206.00	
Robert F. Brothers, 1776 I Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	250.00	10.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn (NDMA)	2,800.00	150.00
Joseph Browder, 418 10th St., SE Washington, DC 20003	Dunlap & Browder, Inc		
Bonnie L. Brown, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Cheryl A. Brown, 1655 North Fort Myer Drive #700 Arlingtonn, VA 22209	American Assn for Respiratory Care	17,070.24	217.85
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	93.94
Doreen L. Brown, 2000 L Street, NW, #200 Washington, DC 20036	Consumers for World Trade		
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	680.76	399.08
Jay Ward Brown, 601 Pennsylvania Ave., NW, No. Bldg. Washington, DC 20004-2688	Ross Dixon & Masback (For:Newsletter Publishers Assn)		
John J. Brown, 50 E Street, SE Washington, DC 20003	Clark S. Herman Associates, Inc	500.00	100.00
Do	Govt Affairs Policy Council of the Reg Bell Operating Co	1,000.00	400.00
Michael A. Brown, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc		
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Regina A. Brown, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	450.00	
Robert Craig Brown, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	7,683.00	121.82
Steven J. Brown, 500 E Street, SW, #920 Washinhton, DC 20024	Aircraft Owners & Pilots Assn	2,000.00	
Do	AOPA Legislative Action	2,000.00	
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	2,000.00	1,128.31
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation	33.60	
William R. Brown Jr., 1630 Duke Street,4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	20,626.00	
John J. Brown & Associates, Inc, 50 E Street, SE Washington, DC 20003	Joint Council of Unions, AFL-CIO	500.00	100.00
Thomas H. Brownell, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	9,930.00	
R. Stephen Browning, P.O. Box 1697 Helena, MT 59624	Burlington Northern Railroad	300.00	
Do	Columbia Falls Aluminum Co	600.00	
Do	Cyprus Minerals Co	2,100.00	
Do	Glass Packaging Institute	1,500.00	
Do	Joint Board of Control for Flathead Irrigation Project	300.00	
Do	Lewis and Clark Interpretive Center	300.00	
Do	Montana Technology Corp.	1,800.00	
Do	Pegasus Gold Corp	1,500.00	
Broydrick Broydrick & Dacey, 600 East Mason Street, #400 Milwaukee, WI 53202	Aurora Health Care, Inc	8,780.00	787.21
Do	Blood Center of Southeastern Wisconsin	2,248.75	134.74
Do	Children's Hospital of Wisconsin	8,805.00	615.11
Do	Electronic Data Systems Corp	10,600.00	5.40
Do	Milwaukee Metropolitan Sewerage District	117.50	
Do	Oneida Nation	39,088.75	4,182.75
Do	Plumbers Local #75		
Do	PrimeCare Health Plan	100.00	
Do	Rust International	1,487.50	113.96
Do	Watertown Hospital		
Thomas P. Bruderle, 7272 Wisconsin Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	14,000.00	
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	675.00	236.04
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	130.01
J. Charles Bruse, 888 16th Street, NW, #500 Washington, DC 20006	Allstate Insurance Cos	1,700.00	505.79
Hayden G. Bryan, 1326 North Lynnbrook Drive Arlington, VA 22201	Advocacy Group		
Bryan Cave, 700 13th Street, NW, #700 Washington, DC 20005	Air Transport Assn		
Do	PHP Healthcare Corp		
Florence Buchanan, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc	156.00	4,259.00
Robert Buckler, 225 East 6th Street, Suite #230 St. Paul, MN 55101	American Professional Pet Distributors, Inc	4,500.00	
Do	National Board of Fur Farm Organizations	9,000.00	
Do	Pheasants Forever	4,000.00	698.00
Roy C. Buckner, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic		
Philip Bujakowski, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	14,400.00	35.00
William M. Bumpers, 1299 Pennsylvania Ave., NW Washington, DC 20004	Environmental Treatment and Technologies Corp	16,958.46	
Darrel D. Bunge, Minnesota Petroleum Council 8 Pine Tree Drive, #260 St. Paul, MN 55112	American Petroleum Institute	2,150.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
William D. Bunnell, 601 Madison Street, #200 Alexandria, VA 22314	Cummins Engine Co, Inc	639.88	22.00
Tonio Burgos, 909 Third Avenue, l7th Floor New York, NY 10028	Pfizer, Inc	15,000.00	
April L. Burke, 400 North Capitol Street, NW, Suite 585 Washington, DC 20001	Lewis-Burke Associates (For:Association of Independent Research Institutes (AIRI)).	600.00	
Do	Lewis-Burke Associates (For:California Institute of Technology)	1,000.00	
Do	Lewis-Burke Associates (For:Edison BioTechnology Center)	300.00	
Do	Lewis-Burke Associates (For:National History Museum of LA County, et al.)	300.00	
Do	Lewis-Burke Associates (For:University of Cincinnati)	300.00	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn	1,847.50	100.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036		25,074.88	2,150.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	381.56	4.50
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	6,000.00	92.00
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	5,500.00	
William Burton, Bower & Gardner 110 East 59th Street New York, NY 10022	Continental Insurance Company	11,310.00	891.78
Mark R. Burtschi, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,793.78	982.52
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp	9,135.72	4,756.60
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Michael R. Bushman, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company	2,298.32	3,030.07
Jeanne A. Butterfield, 1200 Eye Street, NW, Suite 1400 Washington, DC 20005	American Immigration Lawyers Assn	1,955.00	
William Byler Associates, Inc, 6000 34th Place, NW Washington, DC 20015-1607	Ak-Chin Indian Community Council		
Do	San Carlos Apache Tribe		
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	9,133.00	20.00
Robert D. Byrne Jr., 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Edward S. Cabot, 2030 M Street, NW Washington, DC 20036	Common Cause	6,364.80	
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn		
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Tony Calandro, 750 First Street, NW, #900 Washington, DC 20002	Career College Assn, In	3,550.00	
Bonnie Caldwell, 1445 New York Ave., NW Washington, DC 20005	Public Securities Assn	12,500.00	183.07
Amy E. Callahan, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
Era Eugene Callahan, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball	143.23	222.48
Kateri A. Callahan, 701 Pennsylvania Avenue, N.W. Washington, DC 20004	Electric Transportation Coalition	348.00	75.00
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342			
Wayne J. Camara, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	835.00	
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Allison Transmission	1,640.00	
Do	Eastern Technologies, Inc		
Do	General Dynamics Land Systems	2,500.00	
Do	McDonnell Douglas Helicopter Company	1,800.00	
Do	Stewart & Stevenson Services, Inc	2,250.00	
Do	Textron Lycoming	795.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20002	Lukens General Industries, Inc	1,440.00	
Do	Potters Industries, Inc	720.00	
Do	Safetran Systems Corporation	4,200.00	
Do	Stimsonite Corporation	960.00	
Do	3M Company	15,422.00	
Bradley J. Cameron, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	1,733.00	1,733.00
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique		4,003.00
Do	National Council of Maubere Resistance		
Nancy Camm, 1101 17th St., NW, #1002 Washington, DC 20036	BankAmerica Corp	865.00	830.00
Paul A. Cammer, 2000 L Street, NW, #730 Washington, DC 20036	Cammer & Associates (For:Business Council on Indoor Air)	300.00	
Michael C. Camp, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Carolann Campana, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	5,000.00	
C. Thomas Campbell, 1776 Eye Street, Nw, #575 Washington, DC 20006	DowElanco	500.00	6,702.00
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufacturers Assn, Inc		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Chubb Corp		
Do	Electronic Space Systems Corp		
Do	Invest to Compete Alliance		
Do	Kimberly Quality Care		
Do	Merck & Co		
Do	MFJ Task Force		
Do	National Electrical Manufacturers Assn		
Do	Savings and Community Bankers		
Do	Securities Industry Assn		
Do	Shriners Hospital for Crippled Children		
Do	Stone & Webster Engineering Corp		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)	1,000.00	780.00
Do	John G. Campbell, Inc (For:Ebasco)		
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	John G. Campbell, Inc (For:GEO-Centers, Inc)		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	John G. Campbell, Inc (For:Loral Corp)		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For:Sierra Nevada Corp)		
Do	John G. Campbell, Inc (For:Sippican, Inc)	2,000.00	1,560.00
Do	John G. Campbell, Inc (For:TASC)	1,000.00	780.00
Do	John G. Campbell, Inc (For:3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Associates	4,000.00	
W. Donald Campbell, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	4,425.83	636.38
William Canary Jr, 430 First Street, S.E. Washington D.C.	American Trucking Assns, Inc	3,000.00	
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp	8,422.00	15,142.00
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	645.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
Michael F. Canning, 12 Francis Street Annapolis, MD 21401	Manis Canning & Associates (For:National Troopers Coalition)	8,500.00	
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Floral Trade Council)		
Do	Stewart & Stewart (For:Professional Plant Growers Assn)	215.25	
Do	Stewart and Stewart (For:Smith Corona Corp)		
Do	Stewart & Stewart (For:Timken Co)	5,132.31	
Do	Stewart & Stewart (For:Torrington Company)	4,251.18	
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	2,546.00	
Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	LDDS	18,750.00	
Capital Partnerships (VA), Inc, 4350 North Faifax Drive, #530 Arlington, VA 22203	American Guideway Corporation		
Do	American Road & Transportation Builders Assn	3,000.00	450.00
Do	Illinois Public Transit Assn	15,375.00	2,306.00
Do	North Metro Mayors Coalition	5,637.00	845.00
Do	RADAR	22,207.00	3,331.00
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Academic Health Center	2,500.00	
Do	Allergan, Inc	1,000.00	
Do	Alliance for Eye & Vision Research	1,500.00	
Do	American Academy of Physician Assistants	1,000.00	
Do	American Assn of Cancer Research	600.00	
Do	American Health Foundation	500.00	
Do	American Soc of Nephrology	5,000.00	
Do	American Soc of Tropical Medicine and Hygiene	600.00	
Do	Arthritis Foundation	1,000.00	
Do	Association for Practitioners in Infectious Control	500.00	
Do	Autism Society of America	1,000.00	
Do	Balance Pharmaceuticals	500.00	
Do	Bausch & Lomb	500.00	
Do	Carnation Co	3,500.00	
Do	Citizens Comm for Medical Research & Health Education	1,000.00	
Do	City of Camden	1,000.00	
Do	Collagen Corp	500.00	
Do	Cooper Hospital	1,000.00	
Do	Cystic Fibrosis Foundation	1,000.00	
Do	Fred Hutchinson Cancer Research Center	1,500.00	
Do	FDA Council	11,000.00	
Do	G-Tech Corp	1,000.00	
Do	Genzyme Corp	500.00	
Do	Illinois Collaboration on Youth	100.00	
Do	Johns Hopkins University	1,000.00	
Do	Joint Council of Allergy & Immunology	500.00	
Do	Leukemia Society of America	1,000.00	
Do	Lipomatrix	500.00	
Do	Massachusetts General Hospital	3,000.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,500.00	
Do	National Coalition for Cancer Research	1,000.00	
Do	Nestle Foods	3,500.00	
Do	New York University Medical Center	1,500.00	
Do	Northwestern Memorial Hospital	1,500.00	
Do	Parking Authority of Camden	2,000.00	
Do	Partnership for Organ Donation	1,000.00	
Do	Ringling Brothers	1,500.00	
Do	Siemens Corp	1,000.00	
Do	U.S. Healthcare, Inc	1,000.00	
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute		
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	3,500.00	
Andrew H. Card Jr., 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	American Automobile Manufacturers Assn	4,400.00	
Career College Assn, Inc, 750 First Street, NE, #900 Washington, DC 20002			26,300.00
Hugh L. Carey, 919 18th Street, NW, Suite 400 Washington, DC 20006	WR Grace & Co		
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	750.00	
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	18,238.00	1,520.02
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	60.00	
Patricia B. Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	500.00	
Anne E. Carlson, 750 17th Street, NW, Suite 901 Washington, DC 20006	Nissan North America, Inc	4,562.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	100.99	
Paul D. Carlson, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	4,275.00	
Nancy Carlton, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Carmen & Muss, 1730 Pennsylvania Avenue, NW, #1050 Washington, DC 20006	Richard Cohen	295.00	59.40
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	8,600.00	
Terry M. Carr, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	6,870.00	
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	2,324.62	672.26

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	3,000.00	768.75
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	376.41
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	American Bankers Assn	8,400.00	53.10
Do	Bio Gro Systems, Inc		
Do	Council on Education Development and Research	300.00	33.05
Do	Strategic Agricultural Management Corp		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,500.00	
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Counsel	1,200.00	
Penelope C. Cate, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company	762.80	651.00
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		17,764.03	25,947.10
Red Cavaney, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn		
Carol Cayo, 2008 Dayton Street Silver Spring, MD 20902	Information Technology Assn of America	6,000.00	
Center for Reproductive Law & Policy, 120 Wall Street, 18th Floor New York, NY 10005			1,408.04
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	804.71	240.77
Warner Chabot, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	AES Corporation		
Do	ATA Environmental Cleanup Group	2,590.00	56.00
Do	Biomass Energy Partners		
Do	Cogentrix, Inc		
Do	Falcon Seaboard		
Do	P.H. Glatfelter Co		
Do	GWF Power Systems		
Do	Independent Power Tax Group		
Do	Napp Chemicals, Inc		
Do	O'Brien Environmental Energy		
Do	Oxbow Geothermal Corp		
Do	OESI Power Corp		
Do	Purdue Frederick Company		
Do	Ruan Transportation Management Systems		
Do	Ryder System, Inc		
Do	Solid Waste Assn of North America		
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Jerry L. Chambers, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc	5,000.00	
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	16,500.00	500.00
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	66.15
Arthur A. Chapa, 5210 East Williams Circle, Suite 500 Tucson, AZ 85711	Pima County Board of Supervisors	5,407.00	934.62
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Michael D. Chapman, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,632.80
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	18,053.23	2,154.26
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,170.58	57.00
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			651.44
Leslie Cheek III, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	36,894.00	122.90
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			363,134.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			3,367.01
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History	4,000.00	1,100.00
Do	Arena Stage	1,292.00	1,398.75
Do	Art Museum Princeton University		
Do	Bishop Museum	2,000.00	8.00
Do	Capital Childrens Museum	1,151.00	1,257.75
Do	Corcoran Gallery of Art	1,245.00	1,351.75
Do	Directors Guild of America	7,355.00	394.60
Do	Ford's Theater	1,151.00	1,257.75
Do	Henry Ford Museum & Greenfield Village		
Do	Isabella Stewart Gardner Museum	750.00	
Do	John F. Kennedy Center for the Performing Arts	1,292.00	1,398.75
Do	Meridian House International	1,151.00	1,257.75
Do	Metropolitan Museum of Art	3,000.00	1,108.00
Do	National Council for the Traditional Arts		
Do	National Museum of Women in the Arts	1,198.00	1,304.75
Do	National Symphony	1,292.00	1,398.75
Do	Natural History Museum of Los Angeles County	4,000.00	1,100.00
Do	Peabody Museum of Salem		
Do	Phillips Collection	1,151.00	1,257.75
Do	Science Museum of Minnesota	1,000.00	8.00
Do	Shakespeare Theater	1,151.00	1,257.75
Do	Shelburn Museum		
Do	Textile Museum	1,151.00	1,257.75
Do	University of Pennsylvania Museum		
Do	Washington Ballet	1,151.00	1,257.75
Do	Washington Opera	1,292.00	1,398.75
Do	Washington Performing Arts Society	1,198.00	1,304.75
Larry J. Cherry, 1735 Jefferson Davis Highway, #800 Arlington, VA 22202	Vought Aircraft Co	2,500.00	125.00
Stephan E. Chertoff, 1825 Eye Street, NW, #400 Washington, DC 20006	PCS Health Systems (For:McKesson Corp)	2,125.00	555.00
Sidonie Chiapette, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federatoin	30.36	
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
Child Protection Lobby, Inc, 101 E. Holly Avenue, #2 Sterling, VA 22170			
James M. Childress, Koleda Childress & Co, Inc 1110 N. Glebe Rd., #610 Arlington, VA 22201	B.F. Goodrich	1,389.00	80.00
Do	BASF Corp	1,389.00	80.00
Do	Dow Chemical Co	1,389.00	80.00
Do	Eastman Chemical Co	1,389.00	80.00
Do	GE Plastics	1,389.00	80.00
Do	Hoechst Celanese Chemical Group	1,389.00	80.00
Do	Propane Consumers Coalition		
Do	Rexene Corp	1,389.00	80.00
Do	Union Carbide Corp	1,389.00	80.00
Do	Vista Chemical Co	1,389.00	80.00
Arne L. Christenson, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	26,974.98	211.00
Christian Action Network, P.O. Box 606 Forest, VA 24551		459,070.95	215,818.43
James T. Christy, 805 15th Street, NW, #330 Washington, DC 20005	TRW, Inc	20,000.00	
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			60,738.22
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304			
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	12,750.00	2,699.84
Paul N. Cicio, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical Corp		6,690.00
Citizen Action Fund, 1120 - 19th Street, NW, #630 Washington, DC 20036		18,000.00	17,660.00
Citizens for an Alternative Tax System, 100 North Brand Blvd, Suite 502 Glendale, CA 91203		300.00	300.00
Citizens for Reliable and Safe Highways (CRASH), 116 New Montgomery Street, #900 San Francisco, CA 94105		23,089.73	19,780.00
Philip Clapp, 1350 New York Ave., NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	12,262.50	1,850.39
Do	Spiegel & McDiarmid (For:City of Piqua, OH)	1,006.25	18.76
Do	Spiegel & McDiarmid (For:Clean Water Action)		
Do	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workers Int'l Union, AFL-CIO)	25,088.60	4,167.51
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	
Thomas R. Clark, 919 18th Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp		
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For:Coalition for Property Rights)	69,000.00	
Do	Vern Clark & Associates (For:Fox Television Stations, Inc)	22,500.00	
Do	LDDS Metromedia Communications, Inc	30,000.00	
Do	Vern Clark & Associates (For:Metromedia Communications)		
Do	Vern Clark & Associates (For:Metromedia Company)	10,000.00	
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	14,500.00	
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Coalition for Property Rights	69,000.00	
Do	Fox Television Stations, Inc	22,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	LDDS Metromedia Communications, Inc	30,000.00	
Do	Metromedia Communications		
Do	Metromedia Company	10,000.00	
Do	RJR-Nabisco Washington, Inc	14,500.00	
Richard Clarke, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		599.00
Stephen B. Clarkson, 4101 Washington Ave., Dept 016 Newport News, VA 23607	Newport News Shipbuilding & Dry Dock Co	2,000.00	1,500.00
Isabelle M. Claxton, 601 Pennsylvania Avenue, NW Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	6,400.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	14,198.50	502.43
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Crompton & Knowles Corp	1,583.24	80.00
Do	Day-Glo Color Corp	47.50	
Do	Government Representatives Cmte Securities Industry Assn		
Do	Harry Frank Guggenheim Foundation		
Do	Institute of International Bankers		
Do	Salomon Brothers, Inc		
Do	U.S. Bancorp		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	9,107.14	795.86
Kimberly M. Clennan, 14157 Rahill Court Woodbridge, VA 22193			
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			99.00
Climaco Climaco Seminatore Lefkowitz & Garofoli Co, 1228 Euclid Ave., #900 Cleveland, OH 44115	Blue Cross & Blue Shield of Ohio	874.00	10,654.00
Lawrence Clinton, 900 19th Street, NW, Suite 800 Washington, DC 20006	U.S. Telephone Assn	1,500.00	
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	America's Public Television Stations	325.00	
Do	Coalition of Higher Education Assistance Organizations	350.00	
Do	Consumer Bankers Assn	1,400.00	
Do	Diversified Collection Services, Inc	12,689.52	
Do	Student Loan Funding Corp of Ohio	3,300.00	
Do	Very Special Arts	275.00	
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	400.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Anthony T. Cluff, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable	3,125.00	
Coalition for an Undercharge Relief Bill, 1750 Pennsylvania Ave., NW, #1111 Washington, DC 20006		14,500.00	1,450.00
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition of Supporters of the Shipping Act, c/o Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036			
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Richard B. Cobb, Georgia Petroleum Council 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute	700.00	
Drew Patrick Cobbs, 60 West Street, #403 Annapolis, MD 21401	American Petroleum Institute	2,500.00	
George T. Cody, 2213 M Street, NW, 3rd Floor Washington, DC 20037	American Task Force for Lebanon	1,320.00	66.00
W. J. Michael Cody, Burch Porter & Johnson 130 North Court Memphis, TN 38103	Monsanto Company		
PerryAnne Coffey, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	12,000.00	
Coffield Ungaretti & Harris, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	FMC Defense Systems		1,000.00
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	3,325.00	
Arnold D. Cohen, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	2,500.00	201.26
Catherine Grealy Cohen, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	3,200.00	364.00
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
John Cohen, 1331 Penn Ave., NW, #I500-North Washington, DC 20004-1703	National Assn of Manufacturers	250.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	900.00	1,708.36
Philip Q. Cohen, 255 East Kellogg Blvd. St. Paul, MN 55101	Goff/Wilkie & Associates (For:North Metro Mayors Assn)		
Do	Goff/Wilkie & Associates (For:North Metro TH 610/10 Crosstown Council)		
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	22,001.25	475.43
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		405.68
Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,465.00	
Eleanor Cole, 1331 Pennsylvania Avenue, NW 1500 North Tower Washington, DC 20004-1703	UBA, Inc	2,000.00	
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	HFSI	6,000.00	676.95
Cole Corette & Abrutyn, P.C., 805 15th Street, NW, #900 Washington, DC 20005	Matsushita Electric Corp of America, et al.		
Richard Coleman, 529 14th Street, NW, Suite 1055 Washington, DC 20045	Space Express Corp		64.65
Walter S. Coleman, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Association	1,000.00	
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	American Stamps, Inc		
Do	Cambridge International, Inc		
Do	Coalition for Employment Opportunities	3,000.00	
Do	CIT Group		
Do	Diagnostek, Inc	3,000.00	
Do	DRC, Inc	1,000.00	
Do	MMW/Strategic Communications, Inc		
Do	National Rehabilitation Hospital	1,000.00	
Do	Orleans Levee District	2,000.00	
Do	RGDC, Inc	1,000.00	
Do	St. Bernard Port, Harbor & Terminal District	1,000.00	
Do	Winston & Strawn	2,000.00	
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	1,155.00	326.08
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn		
Calvin Evans Collier, 1010 Wisconsin Ave., NW Washington, DC 20007	Grocery Manufacturers of America, Inc	82.00	
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	American Car Rental Assn	687.50	687.50
Do	American International Group, Inc	7,270.00	7,270.00
Do	American Textile Machinery Assn		
Do	Association of Certified Trucking Schools		
Do	Australian Wheat Board	398.75	398.75
Do	Bicycle Manufacturers Assn of America	375.00	375.00
Do	Carfax	500.00	500.00
Do	Cast Iron Soil Pipe Institute	367.50	367.50
Do	Coalition for Improved Environmental Audits	3,071.25	3,071.25
Do	Coalition for Safe Ceramicware	290.00	290.00
Do	Crop Insurance Research Bureau	2,175.00	2,175.00
Do	COMPACT		
Do	CSR Limited - Sugar Division		
Do	Food Marketing Institute		
Do	Footwear Industries of America	3,300.00	3,300.00
Do	Gerry Baby Products Co		
Do	Golden Gate Petroleum International, Ltd		
Do	Hyster	1,480.75	1,480.75
Do	In Re Color Picture Tubes		
Do	Independent Lubricant Manufacturers Assn	1,017.50	1,017.50
Do	Inland Steel Corp	580.00	580.00
Do	International Crystal Federation	250.00	250.00
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council	4,900.00	4,900.00
Do	National Assn of Convenience Stores	13,085.00	13,085.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	National Pork Producers Council	3,001.25	3,001.25
Do	Oneida Ltd		
Do	Outdoor Power Equipment Institute		
Do	Owner-Operator Independent Drivers Assn		
Do	Petroleos de Venezuela, S.A.	6,560.00	6,560.00
Do	PetroJam, Ltd		
Do	Pittsburgh Corning Corporation		
Do	Planar System, Inc	2,578.75	2,578.75
Do	PC Strand Producer Coalition	612.50	612.50
Do	Scotsman Industries, Inc		
Do	Shipbuilders Council of America	215.00	215.00
Do	Society of Independent Gasoline Marketers of America	3,950.00	3,950.00
Do	Specialty Steel Industry of the United States	7,112.50	7,112.50
Do	Steel Manufacturers Assn	4,025.00	4,025.00
Do	STG	2,450.00	2,450.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Tanners Countervailing Duty Coalition	3,332.50	3,332.50
Do	Total Petroleum	3,210.00	3,210.00
Do	Verson Corp	2,082.50	2,082.50
Do	Wickland Oil Co		
John Collins, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	11,000.00	
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	264.71
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	17,359.18	207.03
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	2,050.00	
Dionne A. Colvin, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey W. Combos, c/o Tennessee Petroleum Council 315 Deaderick Street, #1430 Nashville, TN 37238-1430	American Petroleum Institute	1,078.75	
Lori A. Comeau, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	117.45
Commercial Finance Association, 225 W. 34th St. New York, NY 10122			9,685.00
Committee for Humane Legislation, Inc, 2000 P Steet, NW, #415 Washington, DC 20026		1,005.00	2,428.28
Common Cause, 2030 M St., NW Washington, DC 20036		2,796,654.00	468,473.02
Community Antenna Television Assn (CATA), P.O. Box 1005 Fairfax, VA 22030-1005		317,198.00	57,305.04
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			5,193.94
Competitive Enterprise Institute, 233 Pennsylvania Avenue, SE, #200 Washington, DC 20003		558,059.00	381.10
Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102		70,000.00	32,913.00
Bert M. Concklin, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	3,000.00	
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	Association for Commercial Real Estate	3,000.00	
Do	Forest City Ratner Companies	25,000.00	
Do	Kinetic Concepts	3,000.00	
Do	Maglev USA		
Do	Southern Company Services, Inc	3,000.00	
Do	Texas TGV		
William J. Condon Jr., 813 Ridge Lake Blvd Memphis, TN 38120	Conwood Company, LP	18.29	43.75
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			3,012.50
Thomas L. Conlan, One West Fourth Street, Suite 200 Cincinnati, OH 45202	Student Loan Funding Corp	2,227.37	
Gregory A. Conley, 9700 W. Higgins Rd. Rosemont, IL 60018	Galileo International		
Connaught Laboratories, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036		1,155.00	880.49
Michael E. Connealy, 3501 Thurston Avenue Anoka, MN 55303	Rural Community Insurnce Services, Inc	1,200.00	
Peter J. Connell, 1667 K Street, NW, Suite 400 Washington, DC 20006	Aetna Life & Casualty	3,000.00	
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	80.85
Ralph T. Conner, 1250 Eye Street, NW Washington, DC 20005	National Tire Dealers & Retreaders Assn	841.10	182.23
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	Laborers Employers Cooperative & Education Trust	15,000.00	4,750.00
Do	Laborers National Health & Safety Fund	15,000.00	4,750.00
Do	Laborers/AGC Education & Training Fund	15,000.00	4,750.00
Catherine Connor, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinckerhoff Quade & Douglas, Inc		
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	
David Conover, 1250 H Street, NW, #575 Washington, DC 20005	CH2M Hill	451.58	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,780.86	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Consortium for Int'l Earth Science Information Network, 2250 Pierce Road University Center, MI 48710		40,500.00	18,594.80
Consortium of Small School Districts, 1730 Pennsylvania Ave., NW, #1050 Washington, DC 20006		500.00	
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumers for World Trade, 2000 L Street, NW, #200 Washington, DC 20036			18,005.54
Consumers Union of U.S., Inc, 1666 Connecticut Ave., NW, Suite 310 Washington, DC 20009-1039			17,370.00
Convergence Services, Inc, 1101 Vermont Ave., NW, Suite 400 Washington, DC 20005	Educational Broadcasting Corp	175.00	
Do	Greater Washington Educational Telecommunications Assn		
Do	Public Broadcasting Service	225.00	
Do	Twin Cities Public Television	375.00	
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	1,539.91
James F. Conway Jr., 701 Pennsylvania Avenue, NW Washington, DC 20004	Siemens Corp		
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Judith W. Cook, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Marion Merrell Dow, Inc	6,890.00	
Ruth E. Cook, 3309 Ridgecrest Court Raleigh, NC 27607	AT&T		
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			68,331.99
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	6,831.00	5,700.00
Eileen D. Cooke, 500 23rd Street, NW, #B306 Washington, DC 20037	American Library Assn		
Billy R. Cooper, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Company		
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	36,000.00	17.50
Darrell Coover, 1629 K Street, NW, #1000 Washington, DC 20006	National Assn of Independent Insurers	2,000.00	178.00
Greg Copeland, 1776 Eye Street, NW, Suite 275 Washington, DC 20006	Entergy Services, Inc	3,457.74	105.29
Copeland, Hatfield & Lowery, 601 13th Street, NW, #710 North Washington, DC 20005	Bay Area Rapid Transit District	15,983.70	
Do	California League of Savings Institutions	3,500.00	
Do	County of Alameda	12,800.00	
Do	County of Merced	6,750.00	
Do	CALSTART	10,000.00	
Do	Hazardous Waste Action Committee	4,500.00	
Do	International Bottled Water Assn	11,250.00	
Do	ICF International	6,000.00	
Do	Nomura Enterprises, Inc	3,000.00	
Do	Pacific Mutual Life Insurance Company		
Do	Santa Barbara Metropolitan Transit District	7,500.00	
Do	Westlands Water District	7,500.00	
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	1,562.50	
James T. Corcoran, 1667 K Street, NW, #320 Washington, DC 20006	Dial Corp		
George F. Cormeny Jr., 25 South Charles Street/Banc 121 - 013 Baltimore, MD 21203	First Maryland Bancorp		
Do	First National Bank of Maryland		2,456.42
Corn Refiners Assn, Inc, 1701 Pennsylvania Ave., NW Washington, DC 20036			
Christine Corrado, 1420 King Street Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	1,345.50	1,072.00
Richard L. Corrigan, 1250 H Street, NW Washington, DC 20005	CH2M Hill	969.89	
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	913.84	308.00
Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193	National Taxpayers Union	6,133.00	
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	1,100.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	12,774.00	2,892.00
Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Gardner Cosgrove & Gardner (For:Anadarko Petroleum Corp)		
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		3,085.00	3,085.00
Louis A. Costantino Jr., 1850 M Street, NW Washington, DC 20036	Securities Industries Assn	773.08	
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002			144,159.42
Council for Marketing & Opinion Reserach (CMOR), 28 North Country Road, Suite 102 Mt. Sinai, NY 11766	Council for Marketing & Opinion Research (CMOR)	455.00	44.14
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		41,495.00	41,495.00
Council for Rural Housing & Development, 2300 M St., NW Washington, DC 20036		2,000.00	2,000.00
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036			
Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001		20,150.00	
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Brian Cove, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America	200.00	105.13
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	Ad Hoc Coalition on Intermarket Coordination		
Do	American Assn of Oral & Maxillofacial Surgeons	20,763.75	57.00
Do	American PCS, L.P.		
Do	American Watch Assn		
Do	Anchorage Telephone Utility		
Do	Association of America's Public Television Stations	2,607.50	
Do	Association of Maximum Service Television, Inc		
Do	Attorneys' Liability Assurance Society, Inc	8,262.50	
Do	Bankers Roundtable	7,055.00	54.00
Do	Bankers Trust Co	910.00	24.00
Do	Brown Brothers Harriman & Co		8.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	Consolidated Natural Gas Company		
Do	Corporate Governance Task Force of the Business Roundtable		
Do	Council for Marketing & Opinion Research	720.00	20.00
Do	CBS Television Network Affiliates Assn		
Do	Erisa Industry Committee		
Do	International Business Machines Corp		
Do	Investment Company Institute		
Do	John E. Simon Trust	3,500.00	47.93
Do	John Hancock Mutual Life Insurance Co		
Do	Lutheran Brotherhood		
Do	Merck & Co, Inc		
Do	National Football League	120.00	
Do	NationsBank Corp	825.00	
Do	Private Benefits Alliance	1,155.00	
Do	Procter & Gamble Co		
Do	Public Broadcasting Service		
Do	State of California, Dept of Health Services		
Do	State of Idaho, Dept of Health & Welfare		
Do	State of Illinois, Dept of Public Aid (Social Security Act)		
Do	State of Indiana	2,500.00	
Do	State of Louisiana (Medicaid/QC)		
Do	State of Maryland, Dept of Health Services		
Do	State of Missouri, Dept of Social Services		
Do	State of New York Bureau of Deferrals & Disallowances		
Do	State of Oklahoma (Medicaid/QC)		
Do	State of Rhode Island, Dept of Human Services		
Do	State of Washington Office of Analysis & Medical Review		
Do	State of West Virginia, Office of Medical Services		
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause		651.50
Cary L. Cox, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Rebecca G. Cox, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines Holdings, Inc	416.00	145.00
William J. Cox, 1776 K St., Washington, DC 20006	Catholic Health Association of the United States	1,998.00	
Betsy Anne Craib, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,977.00	319.00
W. Bruce Crain, 900 19th Street,NW Suite#400 Washington, DC 20006	Savings and Community Bankers of America	19,571.50	195.97
Sherry Tonubbee Cramer, 801 Pennsylvania AVenue, NW, #352 Washington, DC 20004	Central and South West Corp	826.50	211.27
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufacturers Assn, Incn		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Chubb Corporation		
Do	Electronic Space Systems Corp		
Do	Invest to Compete Alliance		
Do	Kimberly Quality Care		
Do	Merck & Co		
Do	MFJ Task Force		
Do	National Electrical Manufacturers Assn		
Do	Savings and Community Bankers		
Do	Securities Industry Association		
Do	Shriners Hospitals for Crippled Children		
Do	Campbell-Raupe (For:Stone and Webster Engineering Corporation)		
Do	Westinghouse Electric Corporation		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	3,000.00	
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	American Maritime Officers, MTD, AFL-CIO		847.75
Laura Jeanne Cranston, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Coors Brewing Co	10,000.00	179.47
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		30,000.00	75.00
Richard C. Creighton, 1212 New York Avenue, NW, #500 Washington, DC 20005	American Portland Cement Alliance	15,000.00	128.32
Douglas P. Crew, 818 Connecticut Avenue, NW, #600 Washington, DC 20006	Caterpillar, Inc	3,000.00	
Christopher K. Croft, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	3,462.00	
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Jennifer B. Cromwell, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	90.00	52.81
Adrian Cronauer, 1100 Connecticut Avenue, NW, 12th Floor Washington, DC 20036-4101	U.S. Interactive Microwave Television Assn		
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Deborah T. Crouse, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	530.69	
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	Active Acoustical Solutions		
Do	American Forest & Paper Assn	9,262.50	84.10
Do	American Land Conservancy	855.00	16.50
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Canyon Resources Corp		
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Cook Inlet Region, Inc		
Do	Endangered Species Coordinating Council		
Do	Environmental Research Information, Inc		
Do	Helicopter Assn International		
Do	Independence Mining Company, Inc	570.00	9.00
Do	ICF International, Inc & Subsidiaries		
Do	L&F Products Group		
Do	Meridian Minerals Co		
Do	New York Life Insurance Co		
Do	Polyisocyanurate Insulation Mfrs Assn		
Do	Regional Airline Association		
Do	Rocking K Development		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company		
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	220.00	
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		1,259.55
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Dennis P. Culloton, 233 North Michigan Avenue Chicago, IL 60601	Health Care Service Corp	6,250.00	682.16
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)	3,335.00	
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)	3,736.00	
Do	McCutchen Doyle Brown & Enersen (For:Clean Water Act Reauthorization Coalition).	78,806.00	
Do	McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company)	3,822.00	
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)	1,846.00	
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)	1,196.00	
Do	McCutchen Doyle Brown & Enersen (For:Massachusetts Water Resources Authority).	23,244.00	
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)	1,820.00	
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).	3,406.00	
Do	McCutchen Doyle Brown & Enersen (For:3M)	17,004.00	
Jennifer Cummins, 1616 H Street, NW Washington, DC 20006	National Grange	5,500.00	
Law Off of Jonathan W. Cuneo, 317 Massachusetts Avenue, NE, #300 Washington, DC 20002	Committee to Support the Antitrust Laws	2,000.00	21.63
Do	National Assn of Securities & Commercial Law Attorneys		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Service Station Dealers of America		
Do	Songwriters Guild of America	1,250.00	76.29
Do	West Publishing Co		
Cuneo Law Group, 317 Massachusetts Ave., NE, Suite 300 Washington, DC 20002	Committee to Support the Antitrust Laws	2,000.00	21.63
Do	Service Station Dealers of America		
Charles V. Cunningham, 1155 15th Street, NW, Suite 504 Washington, DC 20005	American Textile Manufacturers Institute, Inc	1,500.00	
Do	Dunavant Enterprises, Inc	3,000.00	
Do	Hohenberg Bros. Company	1,500.00	
Kevin M. Cunningham, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike	232.75	
Stacey C. Cunningham, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	
William J. Cunningham, 200 State Street, 10th Floor Boston, MA 02109	American Fed of Labor & Congress of Industrial Organizations	19,481.28	147.31
Do	Household Financial Group, Inc	10,000.00	
Do	Natural Disaster Coalition		
F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814	Treasury Management Assn	1,000.00	210.00
Curriculum Television Corp, 2000 Pennsylvania Avenue, NW, #5500 Washington, DC 20006			
Anne M. Curry, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Debra Curtis, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,500.00	160.00
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	City of Tempe		58.15
Do	General Atomics	7,293.75	62.75
Do	University of Colorado	3,753.75	297.13
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	3,822.00	5,987.23
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Farmland Industries, Inc		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	16,741.00	3,499.47
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)		
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028		21,250.00	30,473.72
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	5,025.00	1,248.06
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
Edward J. Daly III, 1436 U Street, NW Washington, DC 20009	Taxpayer Assets Project	6,500.00	
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Grumman Corp	625.00	1,207.41
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	6,533.78	
Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235			
Bruce A. Davidson, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Linda L. Davidson, 1776 Eye Street, NW, Suite 700 Washington, DC 20006	Phillips Petroleum Co	2,000.00	47.31
Davidson Colling Group, 1101 Pennsylvania Avenue, NW, #810 Washington, DC 20004	American Advertising Federation	217.50	3.70
Do	American Assn of Advertising Agencies	217.50	3.70
Do	Association of National Advertisers, Inc	217.50	3.70
Do	Caraustar Industries	388.50	
Do	Direct Marketing Assn	217.50	3.70
Do	Dun & Bradstreet Corporation	3,300.00	75.22
Do	Field Container Corp	55.50	
Do	Garden State Paper Company	166.50	
Do	Grocery Manufacturers of America, Inc	217.50	3.70
Do	Halltown Paperboard Co	27.75	
Do	Homedco	4,900.00	173.05
Do	Lincare	1,925.00	86.53
Do	Magazine Publishers of America	217.50	3.70
Do	Media General, Inc	300.00	9.00
Do	Miller & Chevalier, Chtd		
Do	National Assn of Broadcasters	217.50	3.70
Do	Newark Group	527.25	
Do	Newman & Company, Inc	27.75	
Do	Newspaper Assn of America	217.50	3.70
Do	Point of Purchase Advertising Institute	217.50	3.70
Do	Rock-Tenn Company	416.25	
Do	Sonoco Products Co	555.00	
Do	Southeast Paper Manufacturing Co	333.00	
Do	Waldorf Corp	249.75	
Do	White Pigeon Paper Company	27.75	
Do	Yellow Pages Publishers Assn	217.50	3.70
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	7,041.00	1,440.48
D. Drew Davis, 3M Center St. Paul, MN 55144-1000	Minnesota Mining and Manufacturing Company (3M)	3,500.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	86.53	18.00
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	4,031.65	
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	12,363.60	
Fred G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,474.80	353.00
Harry Davis, 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Lynda C. Davis, 1825 Eye Street, NW, #400 Washington, DC 20006	Florida Business Associates (For:Valencia Community College)		
Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	1,783.24	
Robert W. Davis, 2361 Jefferson Davis Hwy, Suite 506 Arlington, VA 22202	Frequency Engineering Labortories	2,400.00	150.00
Do	Lafarge Corp		
Do	Marinette Marine Corp	3,000.00	150.00
William M. Davis, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies		
Do	Committee of Annuity Insurers	468.75	25.00
Do	First Penn-Pacific Life Insurance Co	2,474.00	98.49
Do	Hughes & Luce	652.50	
Do	Lincoln National Life Insurance Co	787.50	129.35
Do	Retired Lives Reserve Group	257.00	25.00
Do	Stock Information Group		
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	Brown Brothers Harriman & Co	1,200.00	72.00
Do	Kohlberg Kravis Roberts & Co		
Do	Morgan Guaranty Trust Co	5,600.00	128.00
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	12,600.00	274.00
Davis Wright & Tremaine, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	American Honda Motor Co, Inc		
Do	Association of National Advertisers, Inc		
Do	West Pac Vessel Owners Assn	2,899.45	
Robert W. Davis, Jr., 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,600.00	647.00
Benjamin D. Davol, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,749.00	544.33
Harry F. Day, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	New York Stock Exchange, Inc		
Barbara Daye, 655 Fifteenth Street, NW 300 Metropolitan Square Washington, DC 20005	Blue Cross of California	13,125.00	517.83
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	48,000.00	95.53
Donald K. Dean, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp	104.06	900.00
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Trainum, Snowdon & Deane (For:Coalition of Automotive Assns)	212.50	97.98
Do	Trainum Snowdon & Deane (For:Specialty Equipment Market Assn)	1,700.00	788.99
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Tom K. Decker, Box 3529 Portland, OR 97208	Port of Portland	15,378.00	2,630.63
Michael W. Deegan, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201	Teledyne Industries, Inc	752.00	
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101			
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause	6,333.54	1,143.79
William T. Deitz, 1000 Connecticut Avenue NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)		
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	577.50	27.50
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transportation Authority).	5,002.50	140.55
Do	New Jersey Turnpike Authority	2,977.50	170.83
Do	Palumbo & Cerrell (For:Proctor & Gamble Mfg Co)		
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	National Assn of Independent Insurers	22,500.00	1,361.66
Do	National Council of Business Advisors		
Delchamps/Capitol Link, P.O. Box 9183 Arlington, VA 22219	City of Mobile		
Do	Elevator-Escalator Safety Foundation, Inc	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Madison County Commission		
George H. Denison, 5910 Woodacres Drive Bethesda, MD 20816	Edison Electric Institute		
Do	General Atomics		
Do	Westinghouse Electric Corp		
Denison Scott Associates, 5910 Woodacres Drive Bethesda, MD 20816	Bristol-Myers Squibb Co	1,500.00	
William H. Dennerlein, 329 F Street, #208 Anchorage, AK 99501	National Parks & Conservation Assn	1,200.00	750.00
Paul W. Dennett, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	16,089.00	
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	6,831.00	5,700.00
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	1,530.31	
James M. Desmond, 5234 Duvall Road Bethesda, MD 20816	Martin Marietta Corporation	3,000.00	
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	4,500.00	
Patrick Deville, 5566 Southwyck Boulevard Toledo, OH 43614	Blade Communications, Inc	51.00	804.00
Caroline M. Devine, 1250 H Street NW., #500 Washington, DC 20005	Mobil Corp	1,000.00	88.85
Paul Devlin, 815 16th Street, NW, Suite 308 Washington, DC 20006	Public Employee Department, AFL-CIO		
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Robert L. Dewey, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	836.13	
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	SEMATECH		
David P. Dexter, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036	Wildlife Legislative Fund of America	2,225.74	
H. Edward DeBee III, 6520 North Western ,Suite 101 Oklahoma City, OK 73116	DeBee & Associates	3,735.50	1,361.44
Alecia A. DeCoudreaux, 1101 Pennsylvania Ave., NW, Suite 540 Washington, DC 20004	Eli Lilly & Co	3,000.00	110.92
Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employees	12,500.00	
Debra DeLee, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	722.52
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	943.39
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
David DeSantis, 1301 Pennsylvania Ave., NW, Suite 305 Washington, DC 20004	Natural Disaster Coalition	13,000.00	474.21
Mark DeSantis, 1455 Pennsylvania Ave., NW, Suite 230 Washington, DC 20004	Texas Instruments, Inc	4,500.00	45.00
Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	12,268.00	88.66
Gregory G. Diaz, 3200 Bristol Street, Suite 640 Costa Mesa, CA 92626	City of Bell and Community Redevelopment Agency of Bell	3,429.00	15.20
Chester T. Dickerson Jr., 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		191.50
Ann Sanders Dickey, 2605 Nonconnah Memphis, TN 38132	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	American Greyhound Track Operators Assn	6,825.40	
Do	Apple Computer Corp		
Do	ABD Securities Corp		
Do	Bear Stearns & Co		
Do	Cigar Assn of America, Inc	500.00	
Do	Cordova District Fishermen United, Inc	1,500.00	
Do	CoreSource	3,456.25	
Do	Electric Generation Assn		
Do	Federal National Mortgage Assn	967.65	
Do	Federated Cash Management Systems		
Do	Harbour Group Ltd		
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc		
Do	Magma Copper Company		
Do	Malaysian Palm Oil Promotion Council		
Do	Medtronic, Inc		
Do	National Assn of Chain Drug Stores	1,425.00	
Do	National Fed of Societies for Clinical Social Work	7,816.25	
Do	Newport Group		
Do	North Carolina Dept of Natural Resources & Community Develop		
Do	Ocean State Power	300.00	
Do	Paulucci Enterprises	481.25	
Do	Pipe Tobacco Council, Inc	500.00	
Do	Smokeless Tobacco Council	1,000.00	
Do	State of Alabama (Escheatment), et al.		1,736.20
Do	State of Connecticut		
Do	States of Arkansas, et al.		
Do	U.S. Generating Company		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728	Hyundai Motor America		
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	6,200.00	5,091.00
John Dill, 325 7th Strret,NW #1000 Washington, DC 20004	National Retail Federation	11,500.00	610.05
Robert E. Dillon, Sony Drive Park Ridge, NJ 07656	Sony Electronics, Inc	4,000.00	
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)		
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)	460.01	40.51
Do	Lumbermens Mutual Casualty Company	2,100.00	122.03
Mathew W. Dippell, 4301 N. Fairfax Drive, Suie 330 Arlington, VA 22203	Shipbuilders Council of America	3,000.00	
Direct Selling Association, 1776 K Street, NW Washington, DC 20006		60,900.00	12,052.00
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		135,740.76	135,740.76
Patsy B. Dix, 1130 Conn. Ave., NW Suite 1000 Washington, DC 20036	American Insurance Assn		
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Ann DiDonato, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy	3,685.50	5,332.89
Lucia DiVenere, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	1,016.54	
E. David Doane, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc	4,000.00	389.04
Julie Domenick Doerr, 1401 H Street, NW Washington, DC 20005	Investment Company Institute	244.39	6.00
H. A. Doersam, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	1,563.00	
Do	Household International, Inc		
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co	110.00	20.00
Robin C. Dole, 1155 21st Street, NW, #321 Washington, DC 20036	Century 21 Real Estate Corp		
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Mark A. Dombroff, 1025 Thomas Jefferson St., NW East Lobby #700 Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Marla M. Donahue, 1901 North Moore Street Arlington, VA 22209	Foodservice & Packaging Institute, Inc		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,500.00	
Kevin J. Donnellan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	357.69	
Thomas F. Donnelly, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	11,000.00	
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Nancy J. Donohoe, 1828 L Street, NW, #1010 Washington, DC 20365	Rosapepe and Spanos, Inc (For:H&R Block, Inc)	3,929.42	117.60
Do	Rosapepe & Spanos, Inc (For:Interim Services, Inc)		
Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc		
Thomas J. Donohue, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	11,000.00	
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	96.21
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	105.00	
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)		
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn)		5.00
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transit Authority)		
Do	New Jersey Turnpike Authority		
Do	Proctor & Gamble Mfg Co		
James R. Dorcy, 1666 Connecticut Avenue, NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	465.00	18.00
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	8,680.00	1,807.54
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	198.15
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Association of International Automobile Manufacturers, Inc	7,513.50	
Do	City of St. Paul	2,562.75	
Do	Deluxe Corp	750.50	
Do	Guam Commission on Self Determination		
Do	National Computer Systems		
Do	Solvay Pharmaceuticals, Inc	195.00	
Do	United HealthCare Corp		
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	1,190.00	
Terrie M. Dort, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	National Council of Chain Restaurants		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,500.00	
Robert J. Dotchin, 1350 Eye Street, NW, #680 Washington, DC 20005	U.S. Surgical Corp	1,000.00	
Do	UST Public Affairs, Inc	1,500.00	
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	112.68
Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204	Southland Corp		3,730.53
Clifford E. Douglas, 1726 M Street, NW, Suite 902 Washington, DC 20036-4502	American Cancer Society	4,187.49	274.43
Stephen W. Dove, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference		
Thomas J. Downey, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute		
Do	Center on Law & Social Policy/Center on Budget Policy	200.00	
Do	E.I. duPont de Nemours & Co	500.00	
Do	Joseph E. Seagram & Sons, Inc	600.00	
Do	Medco Containment Services, Inc	333.00	
Do	Metropolitan Life & Affiliated Companies	200.00	
Do	Monitor Aerospace Corp		
Do	Time Warner, Inc	500.00	
Do	U.S. Healthcare	150.00	
Do	United Feather & Down	200.00	
Thomas J. Downey & Associates, Inc, 1401 Eye Street, NW, Suite 1210 Washington, DC 20005	Breakthrough Technologies Institute		
Do	Center on Law & Social Policy/Center on Budget Policy...	333.00	333.00
Do	E. I. du Pont de Nemours & Co	1,250.00	1,250.00
Do	Joseph E. Seagram & Sons, Inc	1,500.00	1,500.00
Do	Medco Containment Services, Inc	833.00	833.00
Do	Metropolitan Life & Affiliated Companies	500.00	500.00
Do	Monitor Aerospace Corp		
Do	Time Warner, Inc	1,250.00	1,250.00
Do	U.S. Healthcare	300.00	300.00
Do	United Feather & Down	500.00	500.00
Mary Theresa Doyle, 801 Pennsylvania Avenue, NW, Suite 250 Washington, DC 20004	Massachusetts Mutual Life Insurance Co	64.91	
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	25,583.12	
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397	Fredrikson & Byron (For:City of New Brighton)		
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	10,817.00	300.00
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	QualMed, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	
Charles T. Drevna, 1110 Vermont Avenue, NW, #400 Washington, DC 20005	Capitol Hill Strategies	1,000.00	50.00
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	105.00	297.58
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	9,840.42	
Do	PHLCORP	18,000.00	123.45
Pamela J. Driver, 1111 19th Street, NW Washington, DC 20036	American Paperboard Packaging Environmental Council		
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life & Casualty	12,000.00	
Do	Anheuser-Busch Companies, Inc		
Do	Consolidated Rail Corporation	800.00	
Do	Dow Corning Corporation	800.00	
Do	Federal National Mortgage Assn		
Do	General Motors Corp	2,400.00	
Do	Goldman Sachs & Co	800.00	
Do	Healthcare Leadership Council	8,000.00	
Do	Juvenile Diabetes Foundation International	7,500.00	
Do	Monsanto Company	4,000.00	
Do	National Cable Television Assn, Inc	10,400.00	
Do	Shell Oil Company	1,600.00	
Do	United Air Lines, Inc	800.00	
Do	Warner Communications, Inc	15,000.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Marcel Dubois, 1301 Connecticut Avenue, NW, #400 Washington, DC 20036	American Trucking Assn, Inc	9,000.00	
G. Stephen Duca, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	1,250.00	
Ducheneaux Taylor & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Campo Bank of Mission Indians		
Do	Chippewa-Ottawa Treaty Fishery Management Authority	375.00	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Crow Creek Sioux Tribe		
Do	Gila River Farms	100.00	
Do	Grand Portage Reservation Tribal Council	450.00	
Do	Grand Traverse Bank of Chippewa and Ottawa Indians	450.00	
Do	Intertribal Agricultural Council	300.00	
Do	Leech Lake Tribal Council	562.50	
Do	Little Six, Inc	300.00	
Do	Minnesota Indian Gaming Assocation	907.50	
Do	Siletz Tribal Council	450.00	
Do	Tohono O'Odham Nation	1,125.00	
Do	Tulalip Tribes	600.00	
Do	White Earth Tribal Council	562.50	
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Theresa Mitchell Dudley, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the US	4,728.87	
Trent D. Duffy, 700 11th Street, NW, Suite 710 Washington, DC 20001	Parsons Brinckerhoff Quade & Douglas, Inc		
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	6,250.00	100.00
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW, #400 Washington, DC 20036	Crown Controls Corporation		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	2,563.00	63.00
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	6,000.00	27.75
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	1,609.26
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Alaska Fed of Natives, Inc		
Do	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers Assn, Inc		
Do	National Assn of Energy Service Companies		
Do	National Assn of State Energy Officials	77.50	
Do	State of Hawaii, Dept of Business & Economic Development		
Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006	Times Mirror Company		
Louise C. Dunlap, 418 10th Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Methanex Corp)	3,200.00	315.46
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003			
Do	Methanex Corp	5,000.00	315.46
Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305	American Council for Capital Formation		
Judy C. Durand, 1156 15th Street, NW, #1015 Washington, DC 20005	JC Penney Co, Inc		
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	6,000.00	
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	712.59	372.72
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	715.00	
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	18,830.00	34.40
Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	885.78
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	216.00	12.00
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress	10.00	
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	742.50	
Do	Graham & James (For:National Assn of Dredging Contractors)		
David Dyer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
James W. Dyer, 1667 K Street, NW, #310 Washington, DC 20006	Arrowsmith Shelburne, Inc		
Do	Kaman Diversified Technologies Corp		
Do	Martin Marietta Corp		
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	American Healthcorp, Inc	21,994.87	4,616.32
Do	American Lithotripsy Society		
Do	Atlantic Richfield Co	10,600.33	105.08
Do	ARCO Transportation Company	2,873.05	2.94

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Bender Shipbuilding & Repair Co, Inc		107.86
Do	BP America, Inc	50,379.74	
Do	Greek Shipping Cooperation Committee	45,000.00	1,597.47
Do	Heritage Surgical Corp		
Do	International Air Transport Assn (IATA)	14,050.87	1,117.78
Do	JM Family Enterprises, Inc	879.43	15.68
Do	Kirby Corp/Dixie Carriers		260.74
Do	Liberty Maritime Corporation	18,334.25	1,918.39
Do	Medical Care International, Inc	6,046.50	1,248.32
Do	MedCath, Inc	654.00	67.00
Do	National Maritime Alliance, Inc	19,503.31	159.95
Do	National Steel & Shipbuilding Co	3,555.50	21.57
Do	Northstar Shipping, Inc		
Do	Panhandle Eastern Corp	115.28	
Do	Praxis Community Healthcare Information		
Do	Psychological Associates	854.48	6.43
Do	Radiation Care, Inc		
Do	Schnitzer Group	6,017.27	32.30
Do	Shell Oil Co		
Do	Surgical Care Affiliates, Inc	3,687.26	1,224.99
Do	T/2 Medical, Inc	4,036.25	209.33
Do	U.S. Naval Institute		
Dykema Gossett, 1752 N Street, NW 6th Floor Washington, DC 20036	Citizen's Committee to Save the Federal Center	393.75	
Do	Comerica	1,840.00	
Do	Committee on U.S. Business Canadian Life & Health Ins. Assn	1,880.00	1,600.00
Do	Detroit Medical Center	681.50	
Do	Ferris State University		
Do	Magic Line, Inc		
Do	Michigan Biotechnology Institute (MBI)	1,250.00	
Do	Military Boot Manufacturers Assn		
Do	Oakwood Health Services	846.00	
Do	Systems Control, Inc		
Do	Total Petroleum, Inc		
Do	University of Michigan Medical Center	1,200.00	
Do	Wayne State University	400.00	
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Kerry P. Early, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	5,610.00	1,525.17
C. Renee Eastman, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc	2,000.00	1,218.57
Mark Eaton, 1100 17th Street, NW, Suite 505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	25,074.88	2,150.00
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan, Inc	1,834.00	34.00
Do	IMC Fertilizer, Inc	917.00	17.00
Gordon Alexander Echols, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries	2,500.00	647.35
Kevin James Echols, P.O. Box 2952, NE Washington, DC 20013			10.00
Bradley Eckart, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,650.00	
Dennis E. Eckart, 1801 K Street, NW Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)	1,320.00	
Do	Arter & Hadden (For:Cellular Telecommunications Industry Assn)		
Do	Arter & Hadden (For:Corning, inc)	2,880.00	
Do	Arter & Hadden (For:ELGARD Corp)		
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)		
Do	Arter & Hadden (For:Hearst Corp)	900.00	
Do	Arter & Hadden (For:Jeffries & Co, Inc)		
Do	Arter & Hadden (For:Merck & Co, Inc)		
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:SPRINT)	6,300.00	
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Timothy J. Eckels, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the U.S.	1,972.29	
Eckert Seamans Cherin & Mellot, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	American Fuel Cell & Coated Fabrics Co	1,852.50	
Do	ADT Automotive, Inc	292.50	
Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004		283,204.43	65,042.94
Education Legislative Services, Inc, 5855 Stadium Street San Diego, CA 92122	Central California Legislative Consortium	3,750.00	3,107.72
Do	Fresno United School District	3,750.00	3,107.72
Do	Long Beach Unified School District	3,750.00	3,107.72
Do	Oakland Unified School District	10,000.00	8,290.34
Do	San Diego Unified School District	5,001.00	4,145.17
Do	San Francisco Unified School District	1,875.00	1,555.02
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter, Discover & Co.		
D. Kendall Edwards, 1350 New York Ave., NW, Suite 900 Washington, DC 20005	International Franchise Assn		
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Societe Nationale d'Etude et de Const de Moteurs d'Aviation		
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,674.90	120.00
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn	500.00	
Tony M. Edwards, 1129 20th Street, NW, Suite 305 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		20.00
Stephen R. Effros, P.O. Box 1005 Fairfax, VA 22030-1005	Cable Telecommunications Assn (CATA)	15,681.84	
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc		2,181.08
Tim Eichenberg, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	1,210.20	
Jill A. Eicher, 1655 North Fort Myer Drive, Suite 700 Arlington, VA 22209	American Assn for Respiratory Care	13,125.00	119.67
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	76.00
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	16,800.00	
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	WMX: Technology and Services, Inc.	16,750.00	
Earl B. Eisenhart, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	Commercial Finance Assn	9,000.00	685.00
Maureen Eldredge, 1725 DeSales Street, NW Washington, DC 20036	Center for Marine Conservation	40.99	
Electric Generation Assn, 2101 L Street, NW, #405 Washington, DC 20037		21,435.00	1,298.37
Law Office of Peter L. Eleey, 304 Victory Road Marina Bay, MA 02171	Dana Farber Cancer Institute		
Elf Atochem North America, Inc, 2000 Market Street Philadelphia, PA 19103			6,366.20
George K. Eliades, 1199 North Fairfax Street, #801 Alexandria, VA 22314	NATSO, Inc		
Jim Elkin, 1615 L Street, NW, Suite 1320 Washington, DC 20036	Sandoz Pharmaceuticals Corp		270.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute		
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc		
Scott A. Ellison, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	698.99	
Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376	City of St. Peters	11,446.50	25.08
Do	St. Charles County	11,250.00	94.42
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corp	173.00	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		40,980.28	55,883.01
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			1,800.09
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Bro of Electrical Workers, AFL-CIO-CLC	20,638.75	253.00
Randy Eminger, 5205 W. 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,563.75	55.57
Susan Emmer, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	8,125.00	1,223.70
Employment Policies Institute, 607 14th Street, NW, #1110 Washington, DC 20005			2,518.83
Energy Consumers & Producers Assn, P.O. Box 1288 Muskogee, OK 74402-1288		8,075.00	1,274.88
Gary D. Engebretson, 1200 G Street, NW, #750 Washington, DC 20005	Contract Services Assn		123.00
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	348.00	31.00
Michael Englehardt, 888 17th St., NW #860 Washington, DC 20006	Intel Corp	15,000.00	3,949.79
English First, 8001 Forbes Place, #102 Springfield, VA 22151		236,276.97	271,696.66
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Clyde F. Ensslin, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Tudor Investment Corp		
Robert F. Ensslin Jr., 1 Massachusetts Avenue, NW Washington, DC 20001	National Guard Assn of the US	3,312.50	92.54
Epstein Becker & Green, P.C., 1227 25th Street, NW, #700 Washington, DC 20037	MFJ Task Force	22,500.00	
Paul A. Equale, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	22,913.00	
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209		1,500.00	
Randall Harvey Erben, 100 Congress Avenue, Suite 1010 Austin, TX 78701	Competitive Long Distance Coalition	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Panhandle 2000	30,000.00	1,593.58
Jack Ericksen, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	750.00	
Markham C. Erickson, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)	618.00	
Thomas J. Erickson, 1300 L Street, NW, #925 Washington, DC 20005	National Grain Trade Council		
Dennis L. Erpelding, 1101 Pennsylvania Avenue, NW, #540 Washington, DC 20004	Eli Lilly & Company	3,000.00	382.31
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Arrowsmith Shelburne, Inc	3,750.00	
Do	Kaman Diversified Technologies Corp	2,250.00	
Do	Lister Bolt & Chain, Ltd	2,250.00	
Do	Martin Marietta Corp	6,250.00	
Do	McDonnell Douglas	3,000.00	
Do	Northrop Corp		
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	18,331.77	
Mark Esherick, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	194.57
Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	11,250.00	
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	6,000.00	
Brock Evans, 666 Pennsylvania Avenue, SE Washington, DC 20002	National Audubon Society	4,400.00	165.00
Catherine Evans, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	9,000.00	
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Eddie D. Evans, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Marion Merrell Dow, Inc		6,890.00
Lynwood J. Evans, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	183.20	
Rae Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Dave Evans Associates, 406 3rd Street, SE Washington, DC 20003	California Thrift Assn	1,500.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	1,000.00	
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	Edison Electric Institute	3,325.00	127.62
Do	Eversole Associates (For:North Dakota Agricultural Products Utilization Commission).	1,450.00	41.22
Do	Zeneca, Inc	10,000.00	754.49
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			1,841.64
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn		
Do	National Cable Television Assn, Inc	1,500.00	210.00
Do	Northrop Corp		
Thomas L. Fagan, Jr., 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	2,200.00	
Darryl H. Fagin, 1625 K Street, NW, #1150 Washington, DC 20005	Americans for Democratic Action	5,495.88	
Randa Fahmy, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Association of Arab Americans	11,875.00	200.00
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Family Research Council, 700 13th Street, NW, Suite 500 Washington, DC 20005		49,723.00	12,387.00
S. Jackson Faris, 600 Maryland Avenue, SE, #700 Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001		1,975.00	
David M. Farmer, 1211 Connecticut Avenue, NW, Suite 400 Washington, DC 20036	Alliance of American Insurers	20,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	4,280.17
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		208,775.00	96,966.33
Dagmar T. Farr, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	300.00	
Meghan Farrell, 444 North Capitol Street, #418 Washington, DC 20001	New England Council		
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	14,374.50
J. Michael Farren, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	3,000.00	
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Capitol Consulting & Management, Inc	9,000.00	
Do	Central Utah Water Conservancy District	21,408.75	601.25
Do	Clark County Nevada	17,597.25	353.97
Do	Clark County Nevada-McCarran International Airport	32,010.00	54.78
Do	Geneva Steel		
Do	Kirton McConkie & Poelman	525.00	
Do	Las Vegas Valley Water District	22,110.00	64.53
Do	Public Service Co of New Mexico	7,500.00	
Do	Sierra Pacific Power Co	36,943.75	591.17
Do	State of Montana Dept of Natural Resources & Conservation	8,850.00	
Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	162.60	
Robert C. Fay, 450 E. Higgins Road, #201-E Elk Grove Vilage, IL 60007-1417	American Amusement Machine Assn		
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	10,062.50	2,058.59
Nessa E. Feddis, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,146.00	487.00
Federal Judges Association, 111 West Washington Street, #1100 Chicago, IL 60602-2768		116,314.88	28,040.85
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			6,763.80
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,646.95	1,646.95
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002		22,452.50	5,630.20
John D. Fedor, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,730.00	123.17
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		156.15
Donald M. Fehr, 12 East 49th Street New York, NY 10017	Major League Baseball Players Assn		3,894.23
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)		
Mary Feldblum, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union	340.00	555.00
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,056.00	
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)		
Richard Feller, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare		
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	60.00	
Brian Ferguson, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co	1,000.00	250.00
Maureen H. Ferguson, 143 W. Market Street, Suite 714 Indianapolis, IN 46204	American Petroleum Institute	898.52	1,238.59
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	3,600.00	1,507.77
Edward Ferrigno, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	3,000.00	489.37
Ferroalloys Association, 900 2nd Street, NE, Suite 306 Washington, DC 20002			
Marvin C. Feuerwerger, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	13,021.86	156.31
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	834.89
Fighting Apartheid Confrontation Transformation Systems, 209 Underwood St., NW Washington, DC 20012			
Amy M. Finan, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	790.00	
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938			
Linda D. Findlay, 1420 New York Ave., NW, #210 Washington, DC 20005	Phelps Dodge Corp	2,500.00	
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade	1,875.00	
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Praxair, Inc		36.92
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	1,394.86	643.67
Maria Fiordellisi, 815 16th Street, NW Washington, DC 20006	American Federation of Labor & Congress of Industrial Orgs	9,238.18	32.00
First National Bank of Boston, 100 Federal St. Boston, MA 02110			4,199.45
Martha Scott Fisackerly, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	5,000.00	983.05
H. David Fish, 5855 Stadium Street San Diego, CA 92122	Education Legislative Services, Inc (For:Central California Legislative Consortium).	672.53	
Do	Education Legislative Services (For:Fresno Unified School District)	672.53	
Do	Education Legislative Services, Inc (For:Long Beach Unified School District)	672.53	
Do	Education Legislative Services, Inc (For:Oakland Unified School District)	1,794.09	
Do	Education Legislative Services, Inc (For:San Diego Unified School District)	897.05	
Do	Education Legislative Services, Inc (For:San Francisco Unified School District)	336.52	
Dan Fishbein, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	1,445.00	1,248.00
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn	2,374.65	
Gary K. Fisher, 1401 Eye St., NW, #1200 Washington, DC 20005	Chevron Companies	4,800.00	
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL-CIO		
John Fitzgerald, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	959.00	
Thomas H. Fitzpatrick, Connecticut Petroleum Council 55 Farmington Avenue, #704 Hartford, CT 06105	American Petroleum Institute		
Donald Fix, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	496.19
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	597.79

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	1,476.92
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	1,500.00	283.00
Robert B. Flagg, 9622 Maury Road Fairfax, VA 22032	Chemical Manufacturers Assn, Inc	750.00	639.70
Meghan R. Flaherty, 700 13th Street, NW, Suite 500 Washington, DC 20500	Family Research Council	2,884.00	
John Flatley, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute	3,000.00	1,295.22
Nancy J. Fletcher, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc	20,000.00	398.51
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Alabama Power Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Federal Express Corp)	650.00	
Do	R.G. Flippo & Associates, Inc (For:Huntsville-Madison County Airport Authority)	1,950.00	
Do	R.G. Flippo & Associates, Inc (For:Massachusetts Mutual Insurance Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Norfolk Southern Corp)	1,575.00	
Do	R.G. Flippo & Associates, Inc (For:RJR Nabiso Washington)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:South Central Bell)	1,800.00	
Do	R.G. Flippo & Associates, Inc (For:State of Alabama, Dept of Economic & Community Affairs).	2,000.00	
Do	R.G. Flippo & Associates, Inc (For:Troy State Universtity)		
Florida Business Associates, 1825 Eye Street, NW, #400 Washington, DC 20006	Constellation Technology Corp.	2,000.00	
Do	Cray Research, Inc	34,387.52	
Do	Florid Atlantic University		
Do	Florida Community College at Jacksonville		
Do	Florida State University	15,000.00	
Do	Lake City Community College		
Do	MEDCO Containment	6,000.00	
Do	University of Alaska	10,000.00	
Do	University of Nevada-Las Vegas	18,676.01	
Do	University of Vermont	15,378.87	
Do	Westinghouse Electric Corp	11,930.45	
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	547.29
M. Todd Foley, 1776 I Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Foley & Lardner, 3000 K Street, NW, #500 Washington, DC 20007-5109	Aurora Health Care, Inc, et al.		
Do	Council of Community Blood Centers		
Do	Global Technology Systems, Inc		557.81
Do	Real Estate Services Providers Council		
R. D. Folsom, 601 13th St., Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates	1,250.00	
Richard T. Foltin, 1156 15th Street, NW, Suite 1201 Washington, DC 20005	American Jewish Committee	6,500.00	650.00
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		17,337.43	17,337.43
Food Marketing Institute, 800 Connecticut Avenue, NW, Washington, DC 20006			4,150.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			
James E. Ford, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	124.00	
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			8,423.43
Paul Forlenza, 1301 K Street, NW Washington, DC 20005	IBM	1,368.90	323.16
Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Association Francaise des Banques		
Do	Bremer Vuikan Verbund AG		
Do	Commerzbank Aktiengesellschaft		
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	14,730.00	874.05
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League		
Tracy Fortson, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	641.00	
Nancy E. Foster, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	1,180.00
Foundation for Environmental & Economic Progress, 1001 Pennsylvania Ave., NW #310 Washington, DC 20004		3,000.00	51,978.97
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	American College of Sports Medicine	6,000.00	787.17
Do	AT&T	12,000.00	5,419.87
Do	Chem-Nuclear Systems, Inc	1,950.00	763.90
Do	Greenwood Development Corp	11,165.00	3,871.31
James D. Fowler Jr., 1600 M Street, NW Washington, DC 20036	ITT Corp	370.00	10.00
Alissa T. Fox, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	16,949.00	964.16
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)		
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Church of Scientology	1,500.00	
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
David C. Frankil, 1875 Eye Street, NW, Suite 540 Washington, DC 20006	Champion International Corp	1,440.00	2,544.97
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,080.00	100.00
Kevin Frankovich, 733 15th Street, NW, #700 Washington, DC 20005	CGR Associates, iNc (For:Association of Air Medical Services)	2,160.00	39.88
Do	CGR Associates, Inc (For:Fringe Insurance Benefits, Inc)	2,160.00	42.83
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	2,662.60	1,469.82
David Frazier, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	425.00	
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	270.98
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
Freedom Technologies, Inc, 1100 New York Ave., NW, Suite 650 East Washington, DC 20005	BroadBand Technologies, Inc	1,515.00	
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Paula D. Freer, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation		
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	500.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	175.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	1,500.00	
Do	Montgomery Ward & Co, Inc	235.00	
Robert H. Frenzel, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	3,000.00	150.00
Fresh Produce Association of the Americas, P.O. Box 848 Nogales, AZ 85621	West Mexico Vegetable Distributors Assn		
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co, (3M)	1,000.00	
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Stacey Fried, 1301 K Street, NW East Tower 715 Washington, DC 20005	Eastman Chemical Co	250.00	
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	690.00	30.40
Do	Lonza, Inc	765.00	65.71
Do	Virgin Islands Rum Industries, Ltd		13.50
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	1,000.00	
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Pagano Wills & Friedman (For:Chem Service, Inc)		
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Summit Energy Storage, Inc		
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	12,000.00	240.00
Friends of NIDCD, Inc, 262 Pennsylvania Avenue Freeport, NY 11520		2,650.00	4,534.39
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	National Coal Assn	9,000.00	8.00
Maureen S. Frisch, 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3045	Simpson Investment Company	1,400.00	1,154.00
Charles H. Fritts, 1515 Wilson Blvd Arlington, VA 22209	American Gas Assn	1,667.00	384.25
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,400.00	
Alan Front, 666 Pennsylvania Ave., SE, #401 Washington, DC 20003	Trust for Public Land	5,250.00	8,067.76
Richard L. Fruchterman III, 1850 M Street, NW Washington, DC 20036	Williams Telecommunications Group	5,000.00	174.18
Gordon H. Fry, 900 19th St., NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Barrett Resources Corp	4,652.00	101.90
Do	Federal Home Loan Bank Board of Dallas	6,000.00	105.00
Do	Generic Pharmaceutical Industry Assn		
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Daniel J. Funsch, P.O. Box 7613 Missoula, MT 59807	Alliance for the Wild Rockies, Inc	350.00	35.00
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	4,187.50	
Furman Group, 1130 Connecticut Ave., NW, #350 Washington, DC 20036	Central Basin Municipal Water District	7,500.00	30.25
Do	Central Utah Water Conservancy District	5,000.00	15.75
Do	Kamm & AssocitES, Ltd		
Do	Las Virgenes Municipal Water District	15,000.00	122.50
Do	Upper San Gabriel Municipal Water District	12,000.00	6.25
Do	West Basin Municipal Water District	37,500.00	37.00
Colleen Furukawa, 1801 K Street, NW, Floor 8 Washington, DC 20006	Coalition for Employment through Exports		
Julie Leigh Gackenbach, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,000.00	200.00
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	3,247.33	
Gage & Tucker, 1200 G Street, NW, #800 Washington, DC 20005	Anchor Glass Container Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pizza Hut, Inc		
Do	Wendy's International, Inc		
Kathryn M. Gagnon, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Gary P. Galanis, 1100 South Washington Streeet, 1st Floor Alexandri, VA 22134-4494	National Beer Wholesalers Assn	657.60	
Christopher Gallagher, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons		
Leslie Lawing Gallagher, 1801 K Street, NW, Suite 900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	134.37	15.80
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
L. Thomas Galloway, 7110 Broxburn Drive Bethesda, MD 20817	Galloway & Associates		
Joan Galvin, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey	500.00	
Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	14,487.00	60.00
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))		
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	3,753.35	517.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	
Richard E. Gardiner, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America		
Margaret Garikes, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Anthony Garrett, 150 Andover San Francisco, CA 94105-1611	Citizens for Reliable and Safe Highways (CRASH)	585.00	
Lee D. Garrigan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,100.00	
Theodore J. Garrish, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	8,000.13	213.32
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assns, Inc	14,355.00	1,028.92
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Canadian Embassy	3,569.80	
Do	Interocean Management Company		
Do	J & B Management Company	23,553.38	
Do	Pacific Coast Federation of Fishermen's Assn, Inc	1,286.75	
Do	Seafood Consumers & Producers Assn, Inc	1,380.75	
Do	Space Industries, Inc		
Do	Totem Ocean Trailer Express, Inc	58,347.38	
Do	USX	2,948.75	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America		
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
A. Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	140.00	42.75
Ethel Z. Geisinger, 113 King Street Armonk, NY 10504-1610	MBIA, Inc	1,000.00	300.00
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Do	Kellen Company (For:Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			7,412.00
General Instrument Corporation, 181 West Madison Street, Suite 4900 Chicago, IL 60602		2,200.00	255.00
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	American Soc for Personnel Administration		
Genzyme Corporation, 1020 19th Street, NW, Suite 550 Washington, DC 20036			5,361.35
Warren S. George, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	2,663.66
Louis Gerber, 501 Third Street, NW Washington, DC 20001	Communications Workers of America	7,857.00	70.00
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,300.00	1,469.87
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	180.00	
Kenneth Gersten, 69 Franklin Street Annapolis, MD 21401	Sierra Club		
Alvin J. Geske, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Renewable Fuels Assn		
Lawrence R. Gess, One Nalco Center Naperville, IL 60563-1198	Nalco Chemical Company	3,000.00	1,768.23
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,309.00	
Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	22,000.00	270.00
Martha A. Gibbons, 655 15th Street, NW, #300 Washington, DC 20005	Laidlaw Transportation Management, Inc	10,000.00	
Gibbons & Company, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Florida Citrus Mutual		
Do	Harris Corp		
Do	Kellogg Company		
Do	Mutual Life Insurance Co of New York		
Do	Natural Disaster Coalition		
Do	Underwriters at Lloyd's of London		
Do	Zeneca, Inc		
Kenneth W. Gideon, Wilmer Cutler & Pickering 2445 M Street, NW Washington, DC 20037-1420	National Structured Settlement Trade Assn	1,504.00	1,627.37
Robert B. Giese, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	Chris-Craft Broadcasting, Inc	730.00	
Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	870.00	65.00
Judy Gifford, 1840 Wilson Blvd., 4th Floor Arlington, VA 22201	National Milk Producers Federation	718.10	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	10,575.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Joseph A. Gillan, 2001 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Exxon Corporation	800.00	47.50
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Alliant Tech Systems)		
Do	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)	1,350.00	
Do	Gadsby & Hannah (For:IPAC)		
Do	Gadsby & Hannah (For:NMP Corp)		
Do	Gadsby & Hannah (For:Veda, Inc)	403.75	
Do	Gadsby & Hannah (For:Westinghouse Distribution & Control)		
Neal P. Gillen, 1725 K Street, NW, #810 Washington, DC 20006	American Cotton Shippers Assn	50,000.00	681.29
Cynthia D. Gillespie, 250 Williams Street Suite 6000 Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games	288.45	2,914.00
Edward A. Gillespie, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	791.29	305.00
Daniel F. Gilligan, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	1,100.00	
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	4,558.00	50.10
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Groundfish Data Bank)	2,060.00	
Do	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	7,100.00	
Do	Robertson Monagle & Eastaugh (For:All Alaska Seafood)	5,250.00	
Do	Robertson Monagle & Eastaugh (For:City of Kodiak)	800.00	
Do	Robertson Monagle & Eastaugh (For:Kodiak Island Borough)	875.00	
Do	Robertson Monagle & Eastaugh (For:Lunds Fisheries, Inc)	3,375.00	
Do	Robertson Monagle & Eastaugh (For:Marco)		
Do	Robertson Monagle & Eastaugh (For:Ocean Shipholdings, Inc)		
Do	Robertson Monagle & Eastaugh (For:Pacific States Marine Fisheries Cons)	3,500.00	
Do	Robertson Monagle & Easthaugh (For:Seafreeze)	3,375.00	
Jim Gilmore, 4039 21st Avenue, #400 Seattle, WA 98199	American Factory Trawler Assn	21,250.00	1,774.49
Ginn Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Allied-Signal Aerospace Co		
Do	Firearms Training Systems, Inc		
Do	Lockheed Corporation	2,000.00	182.16
Do	Oglethorpe Power Corp		
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Mark R. Ginsberg, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy		
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	United Air Lines, Inc		
Caesar A. Giolito, Capital-International Communications P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	250.00	
Carolyn H. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	250.00	
Girl Scouts of the USA, 420 Fifth Avenue New York, NY 10018-2702			1,790.64
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	100.00	
Glass Packaging Institute, 1627 K Street, NW, #800 Washington, DC 20006			5,843.55
John Gleason, 1875 Connecticut Ave., NW, Suite 300 Washington, DC 20009-5728	Center for Science in the Public Interest		
Robert E. Gleason, 17 Battery Place New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Law Offices of Gleason & Mathews, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the U.S.	11,000.04	857.31
Sara B. Glenn, 3225 Gallows Rd Room 3C 004 Fairfax, VA 22037-0001	Mobil Corp	2,000.00	518.38
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Utilities Telecommunication Council)		
JoAnne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company		13.14
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Acculab Medical Testing		
Do	Advocates for Fertility Treatment		
Do	All Nippon Airways Co, Ltd		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	ABC Home Health Care		
Do	Community Learning & Information Network, Inc		
Do	Convex Computer Corp	86.54	
Do	Fanuc, Ltd		
Do	Gold & Leibengood		
Do	Hitachi, Ltd		
Do	Hyundai Motor America		
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Metro-Dade Country		
Do	Murata Machinery, Ltd		
Do	Southwestern Bell Corp		
Joseph Gloyd, 1101 Vermont Avenue, #300 Washington, DC 20005	American Veterinary Medical Assn		
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,600.00	51.52
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	19,050.00	2,000.00
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	1,038.00	
Donald G. Goff, McDonnell Douglas Corporation 1735 Jefferson Davis Highway, Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Afin Casa De Bolsa, SA de CV	2,280.00	2,008.00
Do	Amercan College of Cardiology	3,600.00	2,308.00
Do	American Academy of Dermatology	12,000.00	2,308.00
Do	American Academy of Ophthalmology	5,302.00	2,308.00
Do	American Hospital Assn		2,008.00
Do	Beretta U.S.A. Corp	5,864.00	2,308.00
Do	Bridgeport Regional Business Council	15,000.00	2,308.00
Do	Caremark, Inc	15,000.00	2,308.00
Do	Chemical Manufacturers Assn, Inc		2,018.00
Do	Coca Cola Company	9,600.00	2,308.00
Do	College of American Pathologists	4,000.00	2,308.00
Do	County of Fairfax, Board of Supervisors	12,300.00	2,008.00
Do	Electronic Data Systems Corp	967.00	2,056.00
Do	Eye Bank Assn of America	5,000.00	2,308.00
Do	Federated Investors, Inc	7,500.00	2,308.00
Do	Fiat, U.S.A., Inc	9,600.00	2,308.00
Do	Ford Motor Co		2,008.00
Do	Genentech, Inc	24,800.00	2,308.00
Do	Hopi Tribe		2,008.00
Do	International Council of Shopping Centers	10,000.00	2,008.00
Do	Investment Company Institute	10,762.00	2,275.00
Do	James Capel & Co	14,800.00	2,308.00
Do	Joint Commission on the Accreditation of Health Care Orgs	18,400.00	2,308.00
Do	Kidder Peabody & Co	7,000.00	2,308.00
Do	Medela, Inc		2,109.00
Do	Mutual Of Omaha	6,000.00	2,308.00
Do	MAPCO, Inc	13,500.00	2,008.00
Do	MCI Communications Corp	12,000.00	2,308.00
Do	National Football League	8,020.00	2,308.00
Do	National Restaurant Assn	19,500.00	2,308.00
Do	National School Transportation Assn	9,000.00	2,308.00
Do	Nestle USA, INC	1,800.00	2,162.00
Do	Pacific Enterprises	15,000.00	2,308.00
Do	Pennzoil Co	4,000.00	2,308.00
Do	Philip Morris Co	30,756.00	2,308.00
Do	Regional Transportation District	8,000.00	2,008.00
Do	Salomon Brothers, Inc	1,526.00	2,116.00
Do	Thomson-CSF, Inc	13,883.00	2,308.00
Do	Thunder Child Veterans Administration Hospital	4,500.00	2,032.00
Do	Times Mirror Co	3,960.00	2,308.00
Do	Washington Metropolitan Area Transit Authority	23,961.00	2,008.00
Goldberg Godles Wiener & Wright, 1229 19th St., NW Washington, DC 20036	PanAmSat, L.P.		
Howard Goldblatt, 1511 K Street, NW, Suite 622 Washington, DC 20005	Coalition Against Insurance Fraud	3,000.00	103.46
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator	2,650.00	
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			4,550.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	11,250.00	
Ellen L. Goldstein, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	525.00	75.75
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	2,479.84
Deborah K. Goodell, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	483.87	1,702.31
Amanda L. Goodman, 1401 New York Ave., NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	1,831.00	
Richard A. Goodman, 4925 Manor Lane Ellicott City, MD 21042			
Susannah Goodman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,781.00	
Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,277.50	3,709.41
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	
John Gordley, 1000 Connecticut Avenue, NW, #1106 Washington, DC 20036	American Soybean Assn	11,000.00	6,633.20
Do	Export Processors Industry Coalition (EPIC)	7,500.00	4,258.15
Do	Iowa Pork Producers Assn	2,500.00	1,995.60
Do	National Sunflower Assn	3,000.00	4,256.96
Do	U.S. Canola Association	9,000.00	5,457.59
Anna Pegler Gordon, 2030 M Street, NW, Washington, DC 20036	Common Cause	4,517.81	55.40
John E. Gordon, 1725 Jefferson Davis Highway, Suite 601 Arlington, VA 22202-3585	Litton Industries, Inc	1,000.00	1,195.70
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	591.51
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn	360.00	
John C. Gore, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Gorlin Group, 2300 M Street, NW, Suite 800 Washington, DC 20037	Intellectual Property Committee	20,000.00	186.00
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	21,113.17	54.85
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	24.00
Regina M. Gorman, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,500.00	
Ann M. Gosier, 1920 N Street, NW Washington, DC 20036	American Mining Congress	15.00	8.00
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	3,845.00	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	First Mesa Consolidated Villages		
Do	Lummi Nation	250.00	
Do	Mescalero Apache Housing Authority		
Do	Minnesota Chippewa Tribe		
Do	Pueblo of Laguna Housing Authority		
Do	Pueblo of Pojoaque	2,601.00	
Do	Pueblo of Tesuque	850.00	
Do	Pueblo of Zuni		
Do	Santa Clara Indian Pueblo	175.00	
Do	Shoshone Tribe	12,371.00	
Do	Tonono O'dham Nation		
Do	Wind River Tax Commission		
Do	Yavapai-Apache Indian Community		
Do	Zuni Housing Authority		
Bill Gradison, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc	5,315.16	74.00
James E. Graf II, 601 Pennsylvania Avenue, NW Washington, DC 20004	British Telecommunications, plc	5,000.00	
Dennis A. Graham, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	1,550.00	1,177.30
Michael Graham, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	6,000.00	560.18
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Contact Lens Manufacturers Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		454.34
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Ed Graves & Associates (For:Brickfield Burchette & Ritts)	150.00	
Do	Ed Graves & Associates (For:Correctional Education Consultants, Inc)	525.00	
Do	Edwin C. Graves and Associates (For:CBI Sugar Group)	750.00	
Do	Ed Graves & Associates (For:Emerald Resources, Inc)		
Do	Edwin C. Graves & Associates (For:Furman Group)		
Do	Ed Graves & Associates (For:McGuiness & Williams)		
Do	Ed Graves & Asociates (For:OPEDA)	75.00	
Do	Edwin C. Graves & Associates (For:Republic of Azerbaijan)	300.00	
Do	Edwin C. Graves & Associates (For:South Dade Land Corp)	187.50	
W. Lawrence Graves, 1627 K Street, NW, Suite 400 Washington, DC 20006-1790	National Newspaper Assn		
Adrienne A. Gray, 1301 K Street, NW, #1200 Washington, DC 20005	IBM Corporation	307.44	88.00
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc)	13,730.00	5,820.72
Neil A. Gray, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,700.00	79.00
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	2,498.00	
Carol J. Gray Storrs, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	1,926.92	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		300.00	300.00
Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013			
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	5,000.00	261.30
Deborah Green, 60 Bank Street New York, NY 10014	Ross & Green (For:Americans United with the Congolese People)	300.00	300.00
Do	Ross & Green (For:Democracy Unlimited)	4,900.00	5,009.22
Do	Manute Bol	5,000.00	5,009.19
George R. Green, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	450.00	
James E. Green, 1250 H Street, NW, Suite 500 Washington, DC 20005	Mobil Corp	2,500.00	422.27
Micah S. Green, 1445 New York Ave., 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	1,813.38
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Peggy M. Green, 2220 Valcourt Plano, TX 75023	Housing Roundtable		150.00
Scott H. Green, 3159 N. Quincy Street Arlinton, VA 22207	Boys & Girls Clubs of America	7,500.00	2,047.00
Do	DARE AMERICA	5,000.00	1,491.00
Do	National Center for Missing & Exploited Children	5,000.00	1,491.00
Wayne Green, 70 State Route 202 N Peterborough, NH 03458-1107	73, Inc		
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc	3,000.00	
Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037	Premier Health Alliance, Inc	500.00	500.00
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	Smith Corona Corp		
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	15,000.00	
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	8,330.52	162.00
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
Richard Grefe, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	America's Public Television Stations	2,000.00	
John P. Gregg, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Sarah M. Gregg, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter		
Gregory Company, One Massachusetts Avenue, NW, #880 Washington, DC 20001	Lake Preservation Coalition		
David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Ann Thomas Griffin, 2707 D.S. Walter Reed Drive Arlington, VA 22206	Harris Corp	1,050.00	61.00
Mary Griffin, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union	4,000.00	
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	3,000.00	305.00
W. M. Griffin, 601 fPenfnsylvania Ave., NW, #200 Washington, DC 20004	Texas Utilities Services, Inc	5,602.00	103.85
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	104.03
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	834.89
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		55.00
Olga Grkavac, 1616 North Fort Myer Drive, #1300 Arlington, VA 22209	Information Technology Assn of America, Inc		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #900 Washington, DC 20007			1,396.75
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Amoco Corporation		
Do	Cargill, Inc		
Do	Chevron Corp	150.00	10.00
Do	Eli Lilly & Company	125.00	
Do	Maxus Energy Corp		
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	350.00	20.00
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	750.00	35.00
Do	Prudential Securities		
Do	Puerto Rico, USA Foundation		
Do	Retired Lives Reserve Group		
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
George Gross, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
James E. Grossberg, 505 No. Tustin Ave., Suite 150 Santa Ana, CA 92705	Ross Dixon & Masback (For:Newsletter Publishers Assn)		
Jerome Grossman, 110 Maryland Avenue, NE, #409 Washington, DC 20002	Council for a Livable World		
Christina M. Groszer, 1310 G Stret, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,566.00	1,338.46
Derek Guest, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Co	600.00	40.00
Ana Maria Guevara, 3313 Wyndham Circle Alexandria, VA 22302	United Parcel Service	2,000.00	50.00
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	134.24
Jay F. Guin, P.O. Box 032206 Tuscaloosa, AL 35403	Tanner & Guin (For:Morrow Realty Co, Inc)	1,717.00	
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp		
Do	Marine Shale Processors, Inc	500.00	15.00
Do	McDermott, Inc		
Do	Walk Haydel & Associates, Inc		
Deborah H. Gum, 9859 Flint Rock Road Manassas, VA 22111	Capital Cities/ABC, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		350,592.85	312,275.20
Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402	First Bank System, Inc	15,000.00	1,121.77
Phyllis A. Guss, 1350 Connecticut Avenue, NW, Suite 700 6th Floor Washington, DC 20036	Lockheed Information Management Services Company, Inc	72.00	4.25
Daniel Guttman, 1350 New York Avenue, NW, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:Federal Atomic Trades & Labor Council)	1,720.00	
Do	Oil Chemical & Atomic Workers Int'l Union, AFL-CIO	5,504.00	
Do	Spiegel & McDiarmid (For:Special Delegation of the Govt of Austria)	4,000.00	
GLB, Inc, 1507 West 6th Street Austin, TX 78703	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation		
Rosemary T. Haas, 1710 Rhode Island AVe., NW, #300 Washington, DC 20036	Abbott Laboratories	1,000.00	
George Hacker, 1875 Connecticut Ave., NW, #300 Washington, DC 20009-5728	Center for Science in the Public Interest	5,200.00	
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Anthony L. Hadley, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	9,000.00	
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:Cape Girardeau Regional Commerce & Growth Assn).		
Do	L.E. Haefner Enterprises, Inc (For:Missouri Botanical Garden)	300.00	9.30
Do	L.E. Haefner Enterprises, Inc (For:Surface Systems, Inc)	13,750.00	83.88
Thomas M. Hagan, P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Services, Inc	547.80	1,298.85
Veronica A. Haggart, 1350 I Stret, NW, Suite 400 Washington, DC 20005	Motorola	6,500.00	
James Hailer, 122 C Street, NW, Suite 740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	2,000.00	31.07
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	2,625.00	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	237.07	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		283.10
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	ACX Technologies, Inc	768.75	102.00
Do	Center for Technology Commercialization, Inc	1,567.50	26.20
Do	Genetics Institute		
Do	Harcourt Brace & Co	142.50	
Do	Hybridon, Inc	6,640.50	85.90
Do	Intra-Sonix		
Do	Maxtor Corporation		
Do	Medallion Oil Company		
Do	Metalor USA Refining Corp		
Do	Micron Technology, Inc	7,377.00	112.50
Do	Northeastern University	1,966.50	32.40
Do	Park Electrochemical Corp	57.00	
Do	Psychological Corp	3,847.50	68.75
Do	Thinking Machines Corp		
Haley Bader & Potts, 4350 North Fairfax Drive #900 Arlington, VA 22203-1633	Eagle Engineering & Communications Group, Inc	700.00	164.98
Angelynn Hall, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,762.50	154.61
Debra J. Hall, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,753.60
Janet A. Hall, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers of America	2,000.00	
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	461.50	
Joseph M. Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	2,226.63
Lawrie Platt Hall, 14901 South Orange Blossom Trail Orlando, FL 32801	Dart Industries, Inc	4,981.17	8,511.22
Martin L. Hall, 5990 Richmond Highway, #1114 Alexandria, VA 22303	Concord Resources Group, Inc		
Robert M. Hall, 555 College Road, East Princeton, NJ 08543	American Re-Insurance Co		
Robert P. Hall, 325 7th Street NW #1000 Washington, DC 20004	National Retail Federation	5,000.00	324.13
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		238.00
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	564.94
Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (for Embassy of Mozambique)		
Do	Bruce Cameron (For:National Council of Maubere Resistance)		
Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Halprin Temple & Goodman, 1301 K Street, NW, Suite 1020 East Washington, DC 20005	Bell Atlantic	6,450.00	
Do	NYNEX	7,500.00	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,500.00	25.00
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	250.80	
Matthew W. Hamill, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	8,832.00	
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
William W. Hamilton Jr., 1120 Conneciticut Ave., NW, #461 Washington, DC 20036	Planned Parenthood Fed of America, Inc	779.50	
Susan C. Hammann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	500.00	100.00
Amy R. Hammer, 2001 Pennsylvania Ave., NW #300 Washington, DC 20006	Exxon Corporation	500.00	
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	4,800.00	53.75
Timothy M. Hammonds, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	200.00	
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	Morris, John L.		
Do	Silver Dollar City, Inc	35,000.00	10.00
Timothy A. Hanan, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	
Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701	Kinetic Concepts, Inc	6,000.00	4.90
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	7,656.50	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	General Electric Co	25.00	
Do	Hazardous Waste Action Coalition		
Do	Ingalls Shipbuilding	1,594.17	
Do	Northrop Corp	1,158.33	
Do	Teledyne Industries, Inc	375.03	
Rita H. Hankins, 1300 I Street, NW, Suite 400 Washington, DC 20005	NYNEX Government Affairs	8,172.00	1,399.22
Anneliz Hannan, 150 Glover Avenue Norwalk, CT 06856	United States Surgical Corp	1,000.00	
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Dolly A. Hanrahan, 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
William D. Hansen, 1155 15th Street, NW Washington, DC 20005	Education Finance Council	3,500.00	
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		20.92
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	48.00	
Krysta Harden, 1000 Connecticut Ave., NW, Suite 1106 Washington, DC 20036	American Soybean Assn		
Do	Iowa Pork Producers Assn		
Do	National Sunflower Assn		
Do	U.S. Canola Assn		
Sandra K. Harding, 750 First Street, NE, #700 Washington, DC 20002-4241	National Assn of Social Workers	9,600.00	
Charles A. Harkey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	616.18
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	1,421.18
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads	6,875.00	492.56
Michael C. Harper, 2111 Wilson Blvd, Suite 1100 Arlington, VA 22201	Teledyne Ryan Aeronautical	875.00	25.20
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Wiley C. Harrell, Jr.		
Kathleen M. Harrington, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	1,000.00	350.00
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	670.00	84.47
A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006	CIGNA Corp	7,000.00	252.25
James W. Harris, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America	5,000.00	850.00
Robert E. Harris, 1745 Jefferson Davis Hwy, Suite 1200 Arlington, VA 22202	Rockwell International Corp	1,500.00	
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		17.50
Do	Coalition of Food Importers Assn		
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs	2,400.00	11.50
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	500.00	
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	240.00	4,049.62
Fruzsina M. Harsanyi, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn	811.00	
Jayne A. Hart, 1350 Eye Street, NW, #590 Washington, DC 20005	College of American Pathologists	2,775.00	
Martha A. Hart, 700 North Fairfax Street Alexandria, VA 22314	Railway Progress Institute	715.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			58,540.00
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,011.50	
Robert Hartwell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	15,000.00	998.79
Holly Hassett, 1401 Eye Street, NW, #710 Washington, DC 20005	Hershey Foods Corp		
James C. Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental Chemical Corp	943.25	84.00
Scott D. Hatch, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	952.00	
Edgar Hatcher, 1225 Eye Street, NW, #950 Washington, DC 20005	American Electronics Assn	10,000.00	474.41
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		625.38
Todd J. Hauptli, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	4,700.00	
Charles W. Havens III, 1875 Connecticut Avenue, NW Washington, DC 20009	Leboeuf Lamb Leiby & MacRae		
Jennifer Hawk, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Barclays Bank, PLC	3,000.00	523.80
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,100.00	
Charles E. Hawkins III, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Paula Hawkins, P.O. Box 193 Winter Park, FL 32790	Genentech, Inc	30,000.00	2,267.18
Do	Pharmaceutical Manufacturers Assn	21,000.00	2,267.18
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank		
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Ludwick Hayden Jr., 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	420.00	
Margaret M. Hayden, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute		
Do	E.I. duPont de Nemours & Co	250.00	
Do	Joseph E. Seagram & Sons, Inc	300.00	
Do	Medco Containment Services, Inc	166.00	
Do	Metropolitan Life & Affiliated Companies	100.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Monitor Aerospace Corp		
Do	Time Warner, Inc	250.00	
Do	U.S. Healthcare	50.00	
Do	United Feather & Down	100.00	
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:American Automobile Manufacturers Assn)	11,026.12	39.13
Do	Latham & Watkins (For:American Electronics Assn)	8,758.05	21.18
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	2,534.62	10.71
Patty Longstreet Hayes, 777 North Capitol Street, NE, Suite 803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	48.58
Robert G. Hayes, Bogle and Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	Coastal Conservation Assn	6,000.00	
Do	Pacific Northwest Utility Conference Committee	15,000.00	
Sherry D. Hayes, 227 Massachusetts Ave., NE, Suite 310 A Washington, DC 20002	InterHealth--Protestant Health Alliance	21,875.00	
Steven L. Hayes, 100 N. Brand Blvd., #502 Glendale, CA 91203	Citizens for an Alternative Tax System		
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	42,680.00	1,240.44
Hazelden Foundation, 15245 Pleasant Valley Road Center City, MN 55012-0011		49,550.00	239,092.00
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	3,000.00	
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		6,452.78	6,452.78
Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036			5,356.07
Healthcare Leadership Council, 1500 K Street, NW, Suite 360 Washington, DC 20005			
Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	4,450.00	170.00
Robert L. Healy, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	1,086.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	304.00
Timothy P. Hecht, 499 South Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Digitran Systems, Inc		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America	1,000.00	150.00
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Digitran Systems, Inc		
Do	International Electronic Manufacturers & Consumers of Amer		
Do	Los Angeles Raiders		
Do	Mars, Inc		
Do	Mid-America Waste Systems, Inc	3,000.00	
Do	MCI Telecommmunications	1,000.00	600.00
Do	National Automatic Merchandising Assn		
Do	Charles E. Smith Management		
Do	Taiwanese Reichsbanknote Creditors Assn	1,000.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	15,987.54	526.27
Claire Heffernan, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	8,948.71	
Edward D. Heffernan, One Massachusetts Avenue, NW, #840 Washington, DC 20001	American Cast Iron Pipe Company	1,000.00	
Do	CSX Corporation	5,000.00	243.80
Do	DePaul University	3,000.00	
Do	Renewable Fuel Assn	3,000.00	
Do	Sealaska Corp	1,000.00	
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans		
Heller Ehrman White & McAuliffe, 6100 Columbia Center Seattle, WA 98104	Chugach Electric Assn, Inc	607.50	48.30
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	3,000.00	32.00
Edward A. Helme, 444 N. Capitol Street, #602 Washington, DC 20001	Alliance for Acid Rain Control		
Thomas M. Helscher, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		370.09
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	1,460.00	
Donald E. Henderson, 225 South East Street Indianapolis, IN 46202	Indiana Farm Bureau, Inc	6,000.00	1,345.00
Gail L. Hendrickson, 701 Pennsylvania Ave., NW, Washington, DC 20004	Electric Transportation Coalition	147.00	50.00
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc		
Hennessy Plummer & Griffin, Inc, 12 Sheridan Avenue Albany, NY 12207	American Communications Group, Inc	3,218.10	3,218.10
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	244.80	
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	
H. Kirk Henry, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	2,150.00	
Do	Household International, Inc		
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott, Inc	12,000.00	4,160.13
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,585.00	339.86
Kevin S. Hensley, 1015 15th Street, N.W., #802 Washington, DC 20005	American Consulting Engineers Council	4,800.00	
Charlotte W. Herbert, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Michael D. Herman, 2000 M Street, NW Washington, DC 20036	Graham & James (For:RR Donnelley & Sons Company)		
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	281.53
Wendy Herr, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		12.00
John A. Heslip, 2302 Horse Pen Road Herndon, VA 22071	National Concrete Masonry Assn		6,701.00
David S. Hess, 3900 University Boulevard South Jacksonville, FL 32216	Citizens and Busines for D'Oench Duhme Reform		2,371.16
Cara Hesse, 2030 M Street, NW Washington, DC 20036	Common Cause	450.00	
Hessian McKasy & Soderberg, 4700 IDS Center Minneapolis, MN 55402	CADA Task Force		
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	356.06
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	3,431.97
John Drew Hiatt, 1200 18th Street, NW, #500 Washington, DC 20036	National Business Owners Assn, Inc		6,037.96
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	2,000.00	
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	1,100.00	
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	117.79	15.00
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	2,375.00	2,644.00
Michael R. Hightower, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Lucy A. Higley, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	3,432.00	1,992.45
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc	608.00	854.64
Margaret A. Hill, 1400 L Street, NW Washington, DC 20005	Sonoco Products Co	41,798.75	694.86
Willard I. Hill Jr., 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	500.00	200.00
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Blue Cross Blue Shield of Florida	960.00	
Do	Broward County		
Do	Carpet & Rug Institute		
Do	Fujisawa/Lyphomed		
Do	Louisiana Pacific		
Do	McAndrews & Forbes Holding, Inc		
Do	Monsanto Co		
Do	Motorola, Inc	7,480.00	
Do	Phillips Petroleum Company		
Do	Port Everglades	1,680.00	
Do	Republic of Turkey		
Do	Sallie Mae		
Do	Stelco, Inc		
Do	Tera Computer Company		
Do	Union Pacific		
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Holland & Knight (For:Florida Tomato Exchange)	1,500.00	
Do	J.R. Brooks & Son, Inc	500.00	
Richard T. Hines Consulting, Inc, 733 15th Street, NW, #700 Washington, DC 20005	Health Policy & Strategy (For:Northwestern National LIfe)	2,500.00	767.12
Do	Health Policy & Strategy (For:Pan American Life Insurance Co)	2,500.00	767.12
Do	Pioneer Financial Services, Inc	15,000.00	6,489.87
Do	Health Policy & Strategy (For:Washington National)	3,750.00	1,145.43
Do	Health Policy & Strategy (For:Wausau Insurance Co)	1,250.00	378.31
Anne Hingeley, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	100.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	9,347.00	505.08
Tamara Hirschfeld, 2101 L Street, NW, #401 Washington, DC 20037	American Stock Exchange, Inc		
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	1,000.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Aroostook Band of Micmacs	120.00	
Do	Menominee Indian Tribe	180.00	
Do	Narragansett Indian Tribe		
Do	National Indian Education Assn	224.00	
Do	Northwest Indian Child Welfare Assn	140.00	
Do	Pueblo de Cochiti	120.00	
Do	Seminole Tribe of Florida	180.00	
Julius W. Hobson Jr., 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601	Investment Company Institute	15,000.00	
Mary Jo Hoeksema, 519 C Street, NE Washington, DC 20002	National Assn for Home Care		
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Elise Hoerath, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,121.64	
Kristin Hofeditz, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	1,230.00	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	AIA Universe Insurance	12,000.00	4,056.50
Do	Froedtert Malt Corp	3,000.00	1,014.16
Do	National Barley Growers Assn	15,000.00	5,070.64
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	12,675.00	906.31
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	3,236.27
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	American Radio Assn		
Do	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
Judith L. Hofmann, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co		219.00
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Advanced Tissues Sciences	51,651.25	2,191.39
Do	Alabama Contractors Coalition	2,982.50	126.78
Do	American Academy of Pediatrics	652.50	8.00
Do	American Coke & Coal Chemicals Institute		
Do	American College of Osteopathic Surgeons		
Do	American Frozen Food Institute		
Do	American Insurance Assn		
Do	American Physical Therapy Assn		
Do	American Registry of Pathology	2,333.20	
Do	Amgen, Inc	725.00	19.50
Do	Ansell, Inc	10,620.00	
Do	Arctco, Inc		
Do	Attorneys' Liability Assurance Society, Inc		
Do	Auburn University	10,000.00	340.00
Do	Berg Steel Pipe Corp	2,226.00	
Do	Blount, Inc		
Do	Blue Cross & Blue Shield Assn	14,553.23	962.40
Do	Board of Education of the City of New York		305.00
Do	Brother International Corp	7,000.00	536.70
Do	Burger King Corp	31,451.12	3,178.94
Do	BE&K Construction		
Do	California State Teachers' Retirement System	3,234.25	
Do	Charles E. Smith Companies	95,100.22	12,394.77
Do	Cholestech Corp	402.50	1.62
Do	Coalition of Small Systems Operators		
Do	Computer & Business Equipment Manufacturers Assn		
Do	CC Distributors, Inc		
Do	Direct Selling Association		
Do	Drummond Company, Inc	7,850.00	852.63
Do	Ductile Iron Pipe Research Assn		
Do	Farm Credit Bank of Texas	9,905.00	1,803.73
Do	Flight Products, Inc		
Do	Freightliner Corp		
Do	Genentech, Inc		103.94
Do	General Electric Co	1,906.25	194.77
Do	General Mills, Inc		
Do	Genzyme Corp	652.50	8.00
Do	Glaxo, Inc		
Do	Government of Haiti	165,000.00	14,195.24
Do	Grand Metropolitan	7,500.00	930.62
Do	Grocery Manufacturers of America, Inc		
Do	Group Hospitalization and Medical Services, Inc	15,619.00	1,740.57
Do	Gulf Citrus Growers Assn, Inc	8,333.32	732.91
Do	Harbert Corp	127.50	
Do	Hardie-Tynes Mfg Company	945.75	38.60
Do	Humane Society of the U.S.	600.00	32.00
Do	Infectious Diseases Society of America, Inc		
Do	Intergraph Corp		
Do	International Assn of Amusement Parks & Attractions	22,382.71	72.45
Do	International Hydrolyzed Protein Council	14,252.51	187.31
Do	May Department Stores Co	1,632.00	136.10
Do	Medtronic, Inc		
Do	Mercedes-Benz of North America, Inc		
Do	Michelin Tire Company	7,383.75	411.44
Do	Michigan Consolidated Gas Co	1,956.62	140.08
Do	Milton S. Eisenhower Foundation		10.00
Do	Monsanto Co	7,383.87	63.22
Do	Mortgage Insurance Companies of America	24,000.00	510.77
Do	National Action Council for Minorities in Engineering, Inc		
Do	National Apparel	1,205.00	91.62
Do	National Assn of Community Health Centers		
Do	National Broiler Council		
Do	National Child Care Assn	6,000.00	633.76
Do	National Consumer Bankruptcy Coalition	28,000.00	990.39
Do	National Hospice Organization	342.12	10.00
Do	National Osteoporosis Foundation		648.22
Do	National Structured Settlements Trade Assn		
Do	National Tissue Bank Council	1,087.00	12.00
Do	New England Brown Egg Council	1,000.00	18.25
Do	Nuexco Trading Corp, et al.		
Do	Ontario Ministry of Industry, Trade & Technology		
Do	PepsiCo, Inc	1,500.00	132.22
Do	Pizza Hut, Inc		
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	3,600.00	239.19
Do	Private Child Care Providers	11,788.48	501.47
Do	Product Liability Coordination Committee	31,013.75	2,958.54
Do	Rust Engineering	11,250.00	668.28
Do	Sierra Forest Products	343.75	14.26
Do	Soap & Detergent Assn	27,563.75	1,089.26
Do	Society of Critical Care Medicine		
Do	Southeast Peanut Assn	5,312.50	300.28
Do	Southern Company Services	15,000.00	1,804.17
Do	Storage Technology Corp		
Do	Taco Bell Corp	14,728.75	2,088.05
Do	Tennessee Donor Services	72.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	640.00	140.00
Do	U.S. Sugar Corp	6,000.00	717.28
Do	Vulcan Materials Company	19,336.25	2,274.29
Do	Jim Walter Corp	4,500.00	1,767.22
Do	Williams Telecommunications		
Do	XXSYS Technologies,Inc		
Do	Zeigler Coal Sales Co	14,171.69	322.49
Susan R. Hogg, 1331 Pennsylvania Ave, NW, Suite 1500 N Washington, DC 20004-1703	National Assn of Manufacturers	150.00	
Linda M. Hoggatt, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	1,000.00	
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch Mineral Corporation)		
Do	McGuiness & Holch (For:National Assn of Health Underwriters)		
Do	McGuiness & Holch (For:National Horse Show Commission)		
Do	McGuiness & Holch (For:Oneida Indian Nation)		
Do	McGuiness & Holch (For:RJR Nabisco)		
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	2,500.00	800.00
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	American Plastics Council	1,500.00	
Do	Association of Oil Pipe Lines		
Do	Citgo Petroleum Corp	1,000.00	
Do	CALPINE		
Do	Domestic Priorities Leadership Council	500.00	
Do	FMC Corp	1,000.00	
Do	Precious Metals Producers Group	1,000.00	
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	American Life Resources Corp		
Do	Goldberg Godles Wiener & Wright		
Do	Homestead Community Bank		
Do	International Taxicab & Livery Assn		
Do	Pan American Satellite Corp		
Do	Spaceport Florida Authority		
Do	VITAS HealthCare Corp of Florida		
Jessica J. Holliday, 805 15th Street, NW, #330 Washington, DC 20005	Peabody Holding Co, Inc		
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,648.60	2,175.49
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201	Holly Corp		
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	575.00
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		32,500.00	32,406.70
Rebecca Honeycutt, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Arkla, Inc	2,500.00	
Do	Cap Rock Electric Cooperative, Inc		
Do	Catellus	9,000.00	
Do	City of San Francisco (Water & Power Div)	13,500.00	
Do	Colonial Penn Life	1,800.00	
Do	CSX/Yukon Pacific Corp	1,800.00	
Do	Destec Energy, Inc	750.00	
Do	Ebasco Services	2,700.00	
Do	Entergy Corp	15,000.00	
Do	Ewing Kauffman Foundation		
Do	ENSERCH Corp	4,500.00	
Do	ENSERCH Exploration		
Do	Fluor Corp	11,000.00	
Do	Goldstrike Mine	6,000.00	
Do	Guadalupe Valley Electric Cooperative, Inc		
Do	Hallmark Cards	500.00	
Do	Hubbell, Inc	4,200.00	
Do	Integrated Resources Group, Inc		
Do	International Paper Co	11,250.00	
Do	IFINT, S.A.	1,000.00	
Do	Jena Band of Choctaw		
Do	John Hancock Mutual Life Ins Co	7,500.00	
Do	Kansas City Southern Industries	6,000.00	
Do	Mobil Corp	18,000.00	
Do	National Rural Letter Carriers' Assn	600.00	
Do	Panhandle Eastern Corp	7,400.00	
Do	Pennsylvania Engineering Co		
Do	Phlcorp	3,000.00	
Do	Science Applications Intern Corp	9,000.00	
Do	Trammell Crow Co		
Do	TECO Energy, Inc	3,750.00	
Do	Ultramar, Inc	1,800.00	
Do	United Asset Management		
Do	Utilicorp United, Inc	2,000.00	
Do	Water Island Civic Assn		
Do	WMX Technology & Services		
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		887.39
Edward Hopkins, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,300.00	75.00
Mark D. Hopkins, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	150.00	
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	3,250.00	
Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201	Campbell & Hopkins (For:Wald Manufacturing Company, Inc)		
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Grand Trunk Corp	1,126.25	22.00
Mern Horan, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,700.00	
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	11,566.00	177.60
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	2,700.00	
Blair Horner, P.O. Box 18332 Washington, DC 20036-8332	New York Public Interest Research Group	3,281.35	185.50
Douglass C. Horstman, 1319 Vincent Place McLean, VA 22101	Maytag Co	10.00	10.00
Charles H. Hossack, 50 South First Avenue Coatesville, PA 19320	Lukens, Inc	1,350.00	416.81
Gary E. Hotaling, 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	905.00	
Peggy A. Houlihan, 1100 Connecticut Ave., NW Suite 910 Washington, DC 20036	Coalition for Employment through Exports		
Household Financial Group, Ltd, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc		
John H. F. Hoving, 1762 Church Street, NW Washington, DC 20036	Society of American Value Engineers		
Hoving Group, 1762 Church Street, NW Washington, DC 20036	American Film Marketing Assn	750.00	
Do	Eagle-Picher Industries, Inc	19,500.00	48.65
Do	Western-Southern Life Insurance Co	750.00	150.00
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,710.07	1,745.90
Susan Howe, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Howe Anderson & Steyer, 1747 Penn Ave., NW, #1050 Washington, DC 20006	Association of Bituminous Contractors		
Do	Industrial Diamond Assn		
Do	National Assn of Bankruptcy Trustees	4,549.36	4,549.36
Jackie G. Howell, 2030 M Street, NW Washington, DC 20036	Common Cause	4,798.26	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,967.00	
Jacqueline Howells, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Capitol Consulting & Management, Inc)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County Nevada)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County-McCarran International Airport)	1,406.00	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,406.00	
Do	Marcus G. Faust, P.C.		
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)	1,406.00	
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)	1,406.00	
Do	Marcus G. Faust, PC (For:State of Montana, Dept of Natural Resources & Conservation).	1,406.00	
Thomas H. Howlett, 601 Pennsylvania Ave.,NW, North Bldg Washington, DC 20004-2688	Ross Dixon & Masback (For:Newsletter Publishers Assn)		
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	GE Aircraft Engines		
Do	Hughes Aircraft Co		
Do	Litton Industries, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Rockwell International Corp		
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	10,000.00	
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Portland Cement Alliance	6,250.00	238.46
Henry A. Hubschman, 1 Neumann Way, Mail Drop J104 Cincinnati, OH 45215	General Electric Co	5,000.00	1,374.34
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42702	Brown & Williamson Tobacco Co	36,000.00	
Do	MCI Telecommunications		
Margaret Renken Hudson, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	12,500.00	720.23
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,731.48	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Louisiana State University	400.00	614.85
Do	Molten Metal Technology, Inc		
Do	Philip Morris, USA	600.00	36.40
Do	United Gas Pipe Line Co		
David G. Huey, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc	559.00	5,292.00
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Gerald F. Hughes, 1600 Wilson Blvd, Suite 807 Arlington, VA 22209	Roadway Services, Inc	100.00	250.00
James J. Hughes Jr., 3128 Kinross Circle Herndon, VA 22071	Child Protection Lobby, Inc		1,043.55
John P. Hughes, The West Tower, 8th Floor 1333 H Street, NW Washington, DC 20005	Electricity Consumers Resource Council (ELCON)		
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center	1,890.00	
Patrick J. Hughes, 555 College Road Princeton, NJ 08543	American Re-Insurance Co		
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	998.00	450.00
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Holly Corp		
Do	Sammons Enterprises, Inc	7,410.00	1,929.14
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-7655	National Assn of Federal Veterinarians	27.75	
Hughes Hubbard & Reed, 1300 Eye Street, NW, #900 West Washington, DC 20005	UNR Asbestos Disease Claims Trust	890.00	35.00
B. Jeanine Hull, 12500 Fair Lakes Circle, Suite 260 Fairfax, VA 22033	LG&E Power, Inc	10,000.00	66.59
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	26,302.74	24.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW, 10th Floor Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.)	4,730.00	53.84
John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	2,250.00	1,889.92
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	813.09	
Francis M. Hunt, 11100 Post House Court Potomac, MD 20854-2534	Hunt Consulting, Inc	1,000.00	1,400.00
Harriet Hunt-Burgess, 456 Montgomery Street #1800 San Francisco, CA 94104	American Land Conservancy	692.28	348.79
Angela M. Hunter, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance of America		
Robert Hurley, 601 13th Street, NW, #610 South Washington, DC 20005	Wall & Associates, R. Duffy	1,250.00	
John A. Hurson, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)		
Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	4,400.00	120.00
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	2,300.00	499.89
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,448.50
Suzanne C. Hutchinson, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	7,375.00	190.10
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	12,836.84	
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	569.71
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	621.36
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	
Angelo Iasiello, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	292.50	
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		2,397.62
Torbjorn Ihre, 1634 I Street, NW Suite 600 Washington, DC 20006-4083	Ericsson Corporation	2,000.00	
Scot E. Imus, 1199 North Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Independent Contractor Assn of America, Inc, 1629 K Street, NW, Sutie 1000 Washington, DC 20006		4,500.00	
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044.		2,307.00	2,307.00
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		69,193.00	69,193.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314		1,017.50	1,017.50
Industry Union Glass Container Promotion Program, 1627 K Street, NW, #800 Washington, DC 20006			2,700.00
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Information Technology Assn of America, Inc, 1616 North Ft. Myer Dr., #1300 Arlington, VA 22209		6,000.00	
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	12,070.00	146.80
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	U.S. Windpower, Inc		
Charles W. Ingram, 1615 H Street NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,763.06	
Institute for Responsible Housing Preservation, 2300 M Street, NW, #400 Washington, DC 20037		2,000.00	
Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036			
Institute of International Bankers, 299 Park Avenue New York, NY 10171			39,984.86
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	50,000.00	18,850.98
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		24,764.07	39,928.03
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		19,176.32	19,176.32
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			75,003.40
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			9,000.00
International Taxicab and Livery Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,065.00
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	647.29
InterHealth, Protestant Health Alliance, 227 Massachusetts Ave., NE, Suite 310 A Washington, DC 20002	Protestant Health Alliance	36,095.00	36,095.00
Investment Company Institute, 1401 H Street, NW Washington, DC 20005			44,653.87
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,600.00	1,446.52
Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,737.00	217.79
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-1290 First National Bank Bldg. St. Paul, MN 55101-1361		5,541.72	10,004.27
Edrie Irvine, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	9,240.00	
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	7,125.00	
Mark Isakowitz, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Susan A. Ishmael, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	350.00	
Israel - Norman Communications Inc., 28 Elm Street Huntington, NY 11743	Rosalind & Joseph Gurwin Jewish Geriatric Center of Long Isl	3,000.00	
Do	Touro Law Center	5,250.00	
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	800.00	
Suzanne Iudicello, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	2,373.10	
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Eva Jack, 1825 I Street NW # 400 Washington, DC 20006	Intel Corp	6,000.00	4,093.84
Barbara Jackier, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	55.36	32.00
Dennis J. Jackman, 1700 Pennsylvania Ave., NW, Suite 950 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	7,000.00	162.65
Alvin B. Jackson Jr., 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	4,061.00	
Beverly Roberson Jackson, 3922 Ingomar Street, NW Washigntón, DC 20015	National Center for Clinical Infant Programs	419.00	495.00
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,300.00	284.00
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn		1,246.10
Robert L. Jackson, 1100 Wilson Boulevard Arlington, VA 22209	Hughes Aircraft Co		
P. Bernard Jacob, 1130 Connecticut Avenue, NW Washington, DC 20036	Mississippi Power Company	26,819.51	5,233.16
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	9,700.00	864.24
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		23.50
Jaffe Raitt Heuer & Weiss, P.C., One Woodward Avenue, #2400 Detroit, MI 48226			
Edward L. Jaffee, 655 - 15th Street, NW, Suite 300 Washington, DC 20005	ISP Management Company, Inc	48.07	
Do	Primary Glass Manufacturers Council	108.17	
Daniel M. James, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	6,852.00	165.31
Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Jerry James, 8303 Mopac Expressway, #146-C Austin, TX 78759	LDDSMetromedia		
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas M. James, 1130 Connecticut Ave., NW, #350 Washington, DC 20036	Furman Group	5,375.00	204.70
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	42,449.30	25,315.99
J. Jancin Jr., 1800 M Street, NW Washington, DC 20036-5886	American Bar Assn	300.00	30.00
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,957.00	1,957.00
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Dane B. Jaques, 1025 Thomas Jefferson Street, NW, East Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Richard B. Jarman, 1776 Eye Street, NW, #S-1050 Washington, DC 20007	Eastman Kodak Co		
James R. Jarrad, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,350.00	1,650.00
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Steve Jarvis, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Judy Jaussi, 205 C Street, SE Washington, DC 20003-1910	NovaCare, Inc	500.00	192.94
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp	200.00	
Do	Northrop Corp	260.00	
Do	Rotary Power International, Inc	100.00	
Linda Jenckes, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
David M. Jenkins II, 1125 Basil Rd. McLean, VA 22101-1803	Council for Responsible Nutrition		
Ed Jenkins, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Insurance Assn)	2,250.00	
Do	Winburn & Jenkins (For:BR Services)	750.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	750.00	
Do	Winburn & Jenkins (For:Delta Air Lines)	1,500.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	1,125.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	750.00	
Do	Winburn & Jenkins (For:Hartford Insurance Co)	2,250.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	1,050.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)	1,500.00	
Do	Winburn & Jenkins (For:Michigan Hospital Assn)	100.00	
Do	Winburn & Jenkins (For:Milliken & Co)	2,250.00	
Do	Winburn & Jenkins (For:National Assn of Urban Critical Access Hospitals)	1,500.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	1,500.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	2,250.00	
Do	Winburn & Jenkins (For:Philip Morris)	3,300.00	
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)	1,875.00	
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	Safe Steel Container Coalition	5,615.00	
Jennifer M. Jensen, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	7,580.01	148.59
David C. John, 3138 North 10th Stret Arlington, VA 22201	National Association of Federal Credit Unions	1,250.00	
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,491.16	494.59
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council	70,000.00	32,913.00
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
Joanna L. Johnson, 1920 N Street, NW Washington, DC 20036	American Mining Congress	870.00	81.96
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael S. Johnson, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)	51.00	
Do	Arter & Hadden (For:Citicorp)		
Do	Arter & Hadden (For:Corning, Inc)	246.50	
Do	Arter & Hadden (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)		
Do	Arter & Hadden (For:Hearst Corp)		
Do	Arter & Hadden (For:Merck & Co, Inc)		
Do	Arter & Hadden (For:National Assn of Broadcasters)	85.00	
Do	Arter & Hadden (For:SPRINT)	68.00	
Do	Arter & Hadden (For:Tesoro Petroleum)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)	110.50	
Do	Arter & Hadden (For:United Services Automobile Assn)	17.00	
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	8,700.00	284.00
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	9,000.00	288.00
Do	American Nuclear Energy Council	6,250.00	200.00
Do	American Petroleum Institute	2,250.00	72.00
Do	American Psychological Assn	17,750.00	568.00
Do	American Red Cross	6,250.00	200.00
Do	American Transit Services Council	2,250.00	72.00
Do	Apollo Travel Services	1,500.00	48.00
Do	Appalachian Coalbed Methane Assn	12,500.00	400.00
Do	Arthur Andersen & Co	2,000.00	64.00
Do	Blue Cross & Blue Shield Assn	2,000.00	64.00
Do	Center for Marine Conservation	750.00	24.00
Do	Central and South West Services, Inc	2,500.00	80.00
Do	City of Broomfield, CO		
Do	Coal Industry Health Protection Coalition	500.00	16.00
Do	Coopers & Lybrand, et al.	10,750.00	344.00
Do	Council for Marketing & Opinion Research	1,000.00	32.00
Do	Council of Smaller Enterprises (COSE)	10,500.00	338.00
Do	CBS, Inc	5,000.00	160.00
Do	COMSAT Corp	1,000.00	32.00
Do	Delta Dental Plans Assn	10,750.00	344.00
Do	Eli Lilly & Co	7,000.00	224.00
Do	Fluor Corp	11,250.00	360.00
Do	Galileo International	1,000.00	32.00
Do	General Atomics	2,500.00	80.00
Do	Halliburton NUS Environmental Corporation	2,250.00	72.00
Do	Heartland Health Systems		
Do	Hong Kong Trade Development Council	3,750.00	120.00
Do	Human Rights Campaign Fund	6,250.00	40.00
Do	Independent Telephone & Telecommunications Alliance	22,750.00	728.00
Do	Martin Marietta Corp	2,500.00	80.00
Do	McCaw Cellular Communications, Inc		
Do	Merck & Co, Inc		
Do	Motorcycle Industry Council, Inc		
Do	National Coalition of Burn Center Hospitals		
Do	National Football League		
Do	National Independent Energy Producers	3,000.00	96.00
Do	National Music Publishers Assn, Inc	3,250.00	104.00
Do	Natural Disaster Coalition	9,250.00	296.00
Do	Precision Co	1,000.00	32.00
Do	Software Productivity Consortium	11,250.00	360.00
Do	The Travelers	8,000.00	256.00
Do	Waste Management, Inc	1,250.00	40.00
Do	Yale-New Haven Hospital	1,250.00	40.00
Johnson & Gibbs, P.C., 1301 K Street, NW Suite 800 East Washington, DC 20005	Marine Preservation Assn		
Do	Permanente Medical Group, Inc	32,812.50	
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	4,800.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	14,201.44
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,652.63	75.00
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	2,100.00	
Allan R. Jones, 430 First Street, S. E. Washington, DC 20003	American Trucking Assns, Inc	6,250.00	
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Gerald C. Jones Jr., 739 8th Street, SE Washington, DC 20003	Citizens Consulting, Inc	5,750.00	27.05
Michael Jones, 516-A C Street, NE Washington, DC 20001	Texas Highway Patrol Assn	4,500.00	4,711.00
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,500.00	
Ronald D. Jones, 125 West 55th Street, 19th Floor New York, NY 10019	United Distribution Companies		
Suzanne Jones, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	107.67	
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Affiliated Computer Services, Inc	2,693.00	42.50
Do	Cleveland Cliffs Iron Co		
Do	County of Los Angeles	49,647.00	172.00
Do	Genentech	6,985.00	1,054.00
Do	Massachusetts Mutual Life Insurance Company		
Do	R.J. Reynolds Nabisco, Inc	19,610.00	71.00
Do	Sungard Data Systems, Inc	2,693.00	42.50
Do	U.S. Sprint - United Telecom, Inc		
Do	Upjohn Company	5,453.00	153.04
Do	Zeneca Pharmaceuticals Group	4,009.00	85.00
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	International Shipholding Corp	450.00	
Do	Jefferson Parish Council		
Do	Port of New Orleans		
Do	Turner Broadcasting System, Inc		
Patricia Jordan, 7800 Virginia Lane Falls Church, VA 22043	Jordan & Associates (For:City of Livermore)	9,999.99	249.74
Do	Jordan & Associates, Inc (For:City of Provo)	6,000.00	597.71
Do	Jordan & Associates, Inc (For:Sandy City)	7,999.98	370.84
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Columbia University	3,000.00	3,011.50
Do	Consortium for International Earth Science Info. Network	18,000.00	18,594.80
Do	Polytechnic University	3,000.00	3,435.17
Robert R. Jorgensen, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
John Steven Judge, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	2,826.92	
JM Family Enterprises, Inc, 100 Northwest 12th Avenue Deerfield Beach, FL 33443			9,005.00
Cheryl C. Kagan, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc		
Charles N. Kahn III, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc	202.36	
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Walter Kallaur, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Edward D. Kalman, Behar & Kalman 6 Beacon Street Boston, MA 02108	National Assn of Long Term Hospitals	6,321.83	
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
Susan Kamp, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,300.00	
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Lesley Kane, 666 Pennsylvania Ave., SE, Suite 401 Washington, DC 20003	Trust for Public Land	2,880.00	139.43
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Coalition for PUHCA		
Do	Missouri Basin Municipal Power Agency	1,500.00	
Do	OPCO Wholesale Customer Group	5,000.00	
Do	Public Power Council	2,500.00	
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	2,704.55
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	8,307.72	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	10,915.00	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	1,000.00	42.50
Stuart J. Kaswell, 1401 Eye Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	2,134.50	
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,000.00	93.00
Katten Muchin & Zavis, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Associated Aviation Underwriters		
Paul C. Katz, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America		
Everett E. Kavanaugh, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc		
Edward M. Kavjian, 1660 L. Street, NW Washington, DC 20036	General Motors Corp	3,000.00	467.82
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates	17,500.00	
George R. Kaye, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Benjamin Moore & Co		
Do	Instruments SA, Inc		
Do	Kraft, Inc		
Do	Londontown Corporation		
Do	Pepsico		
Do	Spanish Broadcasting System		
Do	United Television, Inc		
Carolyn Kazdin, 815 16th Street, NW, #507 Washington, DC 20006	Amalgated Clothing & Textile Workers Union	1,000.00	121.33
David Keaney, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Kearney & Gleason, One State Street - 8th Floor Boston, MA 02109	New England Telephone Co	5,625.00	882.25
Do	NYNEX Government Affairs	5,625.00	
Judith A. Kearse, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corp		
David L. Keating, 3415 Shepherd Chevy Chase, MD 20815	National Taxpayers Union	4,038.00	
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	TKC International (For:International Public Relations Co, Ltd)		
Do	Keefe Co (For:Sanders Associates, Inc)		
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn	150.00	
Jeffrey R. Keeler, 1627 K Street, NW, Washington, DC 20006	National Newspaper Assn		
J. Michael Keeling, 1726 M Street, NW, #501 Washington, DC 20036	ESOP Association		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,706.00	61.82
Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	5.00	
David Keepnews, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	542.00	
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	35.00	
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn	500.00	
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	14,250.00	5,447.00
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Promotional Products Association International	4,327.00	475.00
John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
W. Curtis Kelley, 1150 17th Street, NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	3,437.50	
Joseph T. Kelliher, One Massachusetts Ave., NW, #710 Washington, DC 20001	Public Service Electric and Gas Company	10.00	
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Paulette M. Kellogg, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	Metopolitan Life Insurance Companies	200.00	
Cynthia K. Kelly, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Harold V. Kelly, 410 Oberlin Road, SW Massillon, OH 44647	Republic Engineered Steels, Inc		
John F. Kelly, 3000 K Street, NW, #906 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Paul A. Kelly, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	5,625.00	1,944.00
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Susan N. Kelly, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	5,840.90
Todd E. Kemp, 1201 New York Avenue, NW Washington, DC 20005	National Grain & Feed Assn	2,650.00	
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,000.00	
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			504.02
Kemper Securities, Inc, 333 W. Wacker Dr. Chicago, IL 60606			
Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	2,000.00	
Jonathan Kempner, 1850 M Street, NW, Suite 540 Washington, DC 20036-5803	National Multi Housing Council	10,990.79	
Kendall & Associates, Inc, 50 E Street, SE Washington, DC 20003	ALC Communications Corp		
Do	Manville Corporation	3,000.00	
Do	Toyota Motor Sales, USA, Inc	1,500.00	
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	2,544.06
Joseph W. Kennebeck, 955 L'Enfant Plaza, SW, #4000 Washington, DC 20024	Volkswagen of America, Inc	650.00	50.00
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	8,640.25	3,196.86
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	General Atomics	4,768.75	173.55
Do	Pemco Aeroplex	3,851.25	10.00
Do	Stockton East Water District	9,000.00	742.14
Judith Kennedy, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	300.00	127.60
Patricia Cregan Kennedy, 205 N. Liberty Street Arlington, VA 22203	Chrysler Corporation	8,550.00	1,188.00
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033-3822	LG&E Development Corp		
Do	National Wood Energy Assn, Inc		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	18,750.00	847.40
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute	348.00	
J. H. Kent, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Kent & O'Connor, Inc (For:American Soc of Plastic & Reconstructive Surgeons)	6,298.00	3,225.72
Do	Kent & O'Connor, Inc (For:American Supply Association)	1,781.00	1,830.79
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	1,828.50	1,466.64
Do	Kent & O'Connor, Inc (For:International Assn of Airport Duty Free Stores)		
Do	Kent & O'Connor, Inc (For:Liz Claiborne, Inc)	1,511.25	784.64
Do	Kent & O'Connor, Inc (For:MBI, Inc)		
Do	Kent & O'Connor, Inc (For:National Customs Brokers & Forwarders Assn of America).	5,700.00	2,876.99
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)	94.00	8.73
William Kenworthy, 410 First Street SE, Washington, DC 20003	American Nuclear Energy Council	4,200.00	1,124.68
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
Michael C. Kerby, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	1,401.72
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	2,846.03	1,741.29
Eleanor W. Kerr, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,000.00	400.00
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	5,668.80	
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)		
Do	Trainum, Snowdon & Deane (For:Coalition of Automotive Associations)	212.50	97.98
Richard S. Kessler, 709 2nd Street, NE, #200 Washington, DC 20002	Kessler & Associates (For:National Assn of Beverage Importers)	19,000.00	
Do	Kessler & Associates, Inc (For:Sandoz Corp)	10,500.00	337.84
Do	Kessler & Associates (For:Joseph E. Seagram & Sons, Inc)	136,000.00	11,629.79
Do	Kessler & Asso (For:Upjohn Corp)	15,000.00	1,275.67
Todd D. Ketch, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Mary Turner Khim, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA	5,070.00	843.60
Richard F. Kibben, 231 Kiwassa Road Saranac Lake, NY 12983	Business Roundtable		
Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,031.25	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,203.92
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,256.70	
Joanna Kille, 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	41.00	
John J. Killeen, 1101 Pennsylvania Ave. NW #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Richard H. Kimberly, 700 11th Street, NW, #660 Washington, DC 20001	Kimberly-Clark Corp	12,600.00	3,066.20
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			50,638.74
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Alliant Techsystems, Inc	1,000.00	
Do	Mansfield Center	600.00	
Do	Montana Technologies Co, Inc	6,000.00	
Do	Royal Teton Ranch	2,300.00	
Do	Textron Defense Systems	1,300.00	
James Jeffrey Kincheloe, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	32.45	
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,190.00	
D. Lance King, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,063.00	
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	118.39
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran, Inc	16,800.00	120.80
Do	IMC Fertilizer, Inc	8,200.00	60.40
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alamo Cement Co		
Do	Alliance for Small Issue Bonds, Inc	3,220.00	
Do	American Veterinary Medical Assn		
Do	Ash Grove Cement Co, Inc		
Do	Atlanta Committee for the Olympic Games	13,621.50	38.00
Do	Banca Nazionale del Lavoro		
Do	Blue Circle America, Inc		
Do	Charter Medical Corp		
Do	Dragon Products Co		
Do	Estate of Anne Grant Owens		
Do	Estate of Irene W. Michael		
Do	Florida Crushed Stone Co		
Do	Generic Pharmaceutical Industry Assn		
Do	Geowaste, Inc		
Do	Glens Falls Cement Co, inc		
Do	GPIA-Animal Drug Alliance		
Do	LaFarge Corp		
Do	Lehigh Portland Cement Co		
Do	Lone Star Industries, Inc		
Do	Martin-Marietta	176.00	
Do	Medusa Corp		
Do	National Cement Company of California		
Do	North Texas Cement Co		
Do	Phoenix Cement Company		
Do	Riverside Cement Co		
Do	Southdown, Inc		
Do	Tarmac America, Inc		
Do	Texas Industires, Inc		
Do	Texas-Lehigh Cement Co		
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	American Metalcasting Consortium (AMC)		
Do	Ferroalloys Association		
Do	Macalloy Corporation		
Do	Nuclear Metals, Inc		
Do	South Carolina Research Authority		
Kathleen N. Kingscott, 1301 K Street, NW, Suite 1200 Washington, DC 20005-3307	IBM Corp	327.94	10.00
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Steven Kingsley, 845 Ninovan Road, SE Vienna, VA 22180	Citizens Scholarship Foundation of America	3,000.00	
Do	National Computer System	1,500.00	
Kevin J. Kinnaw, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales USA, Inc		
Jan Kinney, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	9,000.00	3,205.60
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Sharon Kirk, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn		
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Glendale Federal Savings Bank		
Do	Independent Grocers Alliance		
Do	Investment Company Institute		
Do	National Court Reporters Assn		
Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277	Banc One Corporation	12,093.75	14,381.53
Kirlin Campbell & Keating, One Farragut Square South, Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	16,380.00	447.73
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Sealaska Corporation)	21,700.00	4,380.80
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)	15,000.00	1,614.00
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,043.70	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,574.00	
Kenneth H. Klein, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,100.00	50.00
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,000.00	525.00
Mary Jane Klocke, 1776 EYE Street, NW, #1000 Washington, DC 20006	BP America, Inc		
William C. Klostermeyer, 1130 Connecticut Avenue, NW, #350 Washington, DC 20036	Bookman-Edmonston Engineering, Inc		
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress	540.00	4.00
Knights of Columbus, 1275 Pennsylvania Ave., NW, #500 Washington, DC 20004-2404			400.00
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress	48.00	13.00
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	2,010.19
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,535.00	16.00
Robert P. Koch, 601 13th Street, NW, #580 South Washington, DC 20005	Wine Institute	5,850.00	216.00
Koch Industries, Inc, P.O. Box 2256 Wichita, KS 67201			
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc	3,145.00	150.00
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Gary J. Kohn, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn	8,000.00	
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	21,005.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	1,443.71
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		30.00
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		87.50
David Kolker, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	29,673.75	4,571.56
Do	Spiegel & McDiarmid (For:Guam Power Authority)		
Do	Spiegel & McDiarmid (For:Oil, Chemical & Atomic Workers Int'l Union, AFL-CIO)	1,188.00	112.14
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	4,500.00	400.11
Dennis R. Koons, 611 Woodward Avenue Detroit, MI 48226	NBD Bank, NA	4,500.00	4,476.39
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)		
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Horace R. Kornegay, P.O. Box 3463 Greensboro, NC 27402	Adams Kleemeier Hagen Hannah & Fouts (For:American Tobacco Company)		
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	8,000.00	705.00
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc		
Gerald J. Kovach, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp		
Jerome J. Kozak, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Andrea S. Kramer, 227 West Monroe Chicago, IL 60606	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Alan M. Kranowitz, 1725 K Street, NW, #300 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Barry Krasner, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	471.84	
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Raymond R. Krause, 200 South Sixth Street, M.S. 18W7 Minneapolis, MN 55402	Grand Metropolitan, Inc	2,000.00	1,641.46
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn	372.00	
Cecile B. Kremer, 1655 North Fort Myer Drive, #700 Arlington, VA 22209	CM Services	500.00	
Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn	1,500.00	45.00
Mary Jo Kripowicz, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Victor Krohn, 100 N. Brand Ave., S-502 Glendale, CA 91203	Citizens for an Alternative Tax System		
Steven Kroll, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Mark Kronenberg, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036	U S West Communications	13,162.50	716.40
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Jake Kuitwaard, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,175.07
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	1,375.00	214.32
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	19,804.98	507.25
John R. Kyte, 1455 Pennsylvania Avenue, NW Suite 1000 Washington, DC 20004	National Assn of Manufacturers	1,500.00	
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		648.75	648.75
Marc E. Lackritz, 1401 I Street, NW, Suite 100 Washington, DC 20005	Securities Industry Assn	7,615.20	
Myron F. Laible, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
David N. Lakin, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	1,918.12	
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, PC (For:Cabot Energy Corp)		
Do	Wright & Talisman, P.C. (For:Columbia Natural Resources)	3,000.00	
Do	Wright & Talisman, PC (For:Equitable Resources Exploration)		
Do	Wright & Talisman, PC (For:Potlatch Corp)		
Do	Wright & Talisman, PC (For:Solite Corp)		
Do	Wright & Talisman (For:Sun Company, Inc)		
Do	Wright & Talisman, PC (For:Tenneco, Inc)		
Do	Wright & Talisman (For:Virginia Oil and Gas Assn)		
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Martha D. Lamkin, 11100 USA Parkway Fishers, IN 46038	USA Group, Inc		
Lester P. Lamm, 1776 Massachusetts Avenue, NW Washington, DC 20036	Highway Users Federation		25.00
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	361.39	
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	8,621.52	218.88
Susan Lamson, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	3,000.00	33.92
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	5,815.00	
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
L. Charles Landgraf, 1875 Connecticut Avenue, NW Washington, DC 20009-5728	Leboeuf Lamb Leiby & MacRae		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	7,500.00	
William C. Lane, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar, Inc	1,000.00	86.19
Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005	Ropak Corp, et al.	34,000.00	
Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036	ITT Corporation		
Robin W. Lanier, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	9,000.00	
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Association of Proprietary Colleges	7,500.00	679.33
Do	New York City Partnership, Inc	6,000.00	549.02
Do	School of Visual Arts	6,000.00	474.88
Peter J. Larkin, 800 Connecticut Avenue, NW, Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	1,000.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Theresa Knieriemen Larson, 1331 Pennsylvania Avenue, NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	1,500.00	
Robert L. Laszewski, 1225 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Health Policy & Strategy Associates, Inc (For:Alliance of American Insurers)	8,125.00	3,978.97
Do	Health Policy & Strategy Associates, Inc (For:Blue Cross & Blue Shield of Massachusetts).	5,312.50	3,815.42
Do	Health Policy & Strategy Associates, Inc (For:Liberty Mutual Insurance Group)		
Do	Health Policy & Strategy Associates, Inc (For:Northwestern National Life Insurance Co).	7,500.00	5,130.84
Do	Health Policy & Strategy Associates, Inc (For:Pan American Life Insurance Co)	8,300.00	5,172.71
Do	Health Policy & Strategy Associates, Inc (For:Washington National Life Insurance Co).	9,375.00	7,598.13
Do	Health Policy & Strategy Associates, Inc (For:Wausau Insurance Companies)	3,750.00	2,565.24
William M. Latimer, 6162 Castletown Way Alexandria, VA 22310	American Group Practice Assn	5,649.81	
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Stir-Melter, Inc		492.15
Sabrina Laudati, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball		
Beth Lavach, 1747 Pennsylvania Ave., NW, Suite 800 Washington, DC 20006	Gadsby & Hannah (For:Colt Manufacturing Co, Inc)	1,882.75	
Do	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)	654.50	
Do	Gadsby & Hannah (For:IPAC)		
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	7,000.00	70.50
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores, Inc		
Elizabeth Kepley Law, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	4,867.00	
Jonathan Lawniczak, 1331 F St. , NW, Washington, DC 20005	National Council of Senior Citizens	6,000.00	
M. S. Lawrence, 40 Franklin Rd, SW P.O. Box 2021 Roanoke, VA 24022	Appalachian Power Company	147.81	34.26
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	8,563.52	24.20
Richard C. Lawson, 1300 I Street, NW, Suite 520 West Washington, DC 20005	Hoffman-La Roche, Inc	2,500.00	54.70
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	Natural Gas Vehicle Coalition		
Do	Sears Roebuck & Co	3,000.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	EG&G, Inc	6,250.00	
Do	Generic Pharmaceutical Industry Assn, et al.	5,000.00	
Do	Home Finance Coalition		
Do	Martin Marietta Corp	2,000.00	
Do	Milliken & Company	2,500.00	
Do	NTS Contractors Assn		
Do	Sears Roebuck & Co	6,250.00	
Do	Transcontinental Properties, Inc	2,000.00	
Randall R. LaBauve, P.O. Box 8082 Little Rock, AR 72203	Entergy Services, Inc	889.50	688.12
Sandra L. LaFevre, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Louis A. LaMarca, 1667 K Street, NW, Suite 1270 Washington, DC 2006	Warner-Lambert Co	3,000.00	
Clifford C. LaPlante, 1299 Pennsylvania Avenue, NW, #1100 Washington, DC 20004	General Electric Co	1,850.00	
Eaton Lynn LaVigne, 1735 North Lynn Street, Suite 950 Arlington, VA 22209	National Staff Leasing Assn	5,000.00	
Barbara Leach, 750 First Street, NE, #900 Washington, DC 20002	Career College Assn	300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Laurie A. Leach, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute		
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		74,761.26	74,761.26
League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150		500.00	952.70
Jeffrey A. Lear, 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants	2,217.00	
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Marvin Leath, One Massachusetts Ave, NW, #330 Washington, DC 20001-1431	American Logistics Assn	6,000.00	
Do	Fabrique Nationale Nouvelle Herstal, S.A.	3,000.00	
Do	FMC Corp	6,000.00	
Do	Lockheed Corp	4,500.00	
Do	Martin Marietta Corp	3,000.00	
Do	National Guard Assn	2,000.00	
Do	National Soft Drink Assn	3,000.00	
Do	Textron, Inc	3,000.00	
Do	Thiokol Corp	3,000.00	
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Gerard Lavery Lederer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	50,000.00	
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Susan J. Lee, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc		
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	2,039.00
Marsha P. Lefkovits, 530 N Street, SW, Apt. S908 Washington, DC 20024	RJR Nabisco, Inc		
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	14.00
J. Mark Leggett, 100 North Tryon Street (NC1-007-11-05) Charlotte, NC 28255	NationsBank Corporation	2,640.00	1,528.27
Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235	University of Pittsburgh	3,000.00	3,745.03
William Lehman, 711 NE 118 Street Biscayne Park, FL 33161	Blockbuster Entertainment Corp		552.14
Mary Nell Lehnhard, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	8,762.00	155.85
Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,253.00	
G. Timothy Leighton, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Leighton & Regnery, 1001 G St., NW. Suite 500 West Washington, DC 20006	American Dairy Products Institute		
Do	Cordage Institute		
Do	US Term Limits		
Do	Visiting Nurse Assn of America		
Lent & Scrivner, 1300 Eye Street, NW, #250-West Washington, DC 20005	Bernard L. Madoff Investment Securities	350.00	186.96
Do	Iroquois Gas Transmission Systems	600.00	711.50
Do	J. Makowski Co	300.00	238.42
Do	Mobil Corp	2,070.00	254.69
Do	Pfizer, Inc	4,500.00	512.24
Do	RBOC-GAPC Task Force	4,500.00	363.72
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,815.00	183.71
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	2,034.00	3,468.16
Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 . Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For:Krueger, Inc)	7,564.50	
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)	15,000.00	
Kathleen A. Leonard, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)	3,465.00	
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)		
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	10,368.50	
Leonard Ralston Stanton & Danks, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Save the Greenback Assn	19,751.68	248.32
Lepon McCarthy Jutkowitz & Holzworth, 1146 19th Street, NW, Third Floor Washington, DC 20036	Chilean Exporters' Assn	2,483.75	104.85
Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360	Procter & Gamble Co	682.91	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
William Gene Lesher, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Frito-Lay, Inc	2,500.00	
Do	Milk Producers Council		
Do	Monsanto Co		
Do	RJR Nabisco		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,458.00	
Melissa Ann Lester, 1718 Connecticut Ave., NW, #700 Washington, DC 20009	Association of American Publishers	1,500.00	74.68
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	1,085.00
Mingyew Leung, 1100 17th Street, NW, 10th Floor Washignton, DC 20036	American Assn for Marriage & Family Therapy	5,843.00	
Ted Levi, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Co	19,500.00	27,461.42
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Persis Corporation	1,000.00	
Levin & Rothstein, 1130 17th Street, NW, Suite 314 Washington, DC 20036	Rural Community Insurance Services, Inc	3,412.00	260.81
Nina Gail Levitt, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	254.33
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Insurance Co	4,000.00	
James E. Lewin, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	14,000.00	711.52
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Stephanie R. Lewis, 1514 17th Street, NW, #B13 Washington, DC 20036	National Burglar & Fire Alarm Assn	6,375.00	33.80
Howard Lewis III, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	5,000.00	300.00
Lewis Rice & Fingersh, 500 N.Broadway St. Louis, MO 63102	John E. Simon Trust		
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	3,557.72	
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,025.67	69.19
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	3,000.00	
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	220.00	1,425.57
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc		
Brett E. Lief, 122 C Street, NW, Suite 750 Washington, DC 20001	National Asssn of Independent Colleges & Universities	10,584.00	152.00
Diane Palmer Lilly, 1200 Peavey Building Minneapolis, MN 55479	Norwest Corporation		
Jennifer S. Lim, 1101 Vermont Avenue NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			3,164.67
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	2,953.14	
Linda A. Lipsen, 1666 Connecticut Ave., NW #310 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Steven S. List, 122 S. Michigan Avenue, Suite 320 Chicago, IL 60603	Peoples Gas Light & Coke Co	2,267.69	1,050.73
Sharon Litch, 1725 DeSales Street, NW Washington, DC 20036	Center for Marine Conservation	15.65	
Nelson Litterst, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Federation of Independent Business (NFIB)	3,189.00	200.00
Charles B. Little, 1331 Pennsylvania Ave., NW #1500 North Tower Washington, DC 20004-1703	UBA, Inc	2,000.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	647.00
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	200.00	
Do	Greater Washington/Maryland Service Station Assn	200.00	
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	3,562.60
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	17,935.00
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp	200.00	50.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	American Methanol Institute		
Do	Biocraft Laboratories, Inc		
Do	Generic Pharmaceutical Industry Assn	17,465.00	28.17
Do	San Francisco Bay Guardian	1,000.00	
Michael A. Lobue, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	55.00	
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Digitran Systems, Inc		
Do	Hecht Spencer & Associates (For:Mid-America Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Debbie E. Locker, P.O. Box 4227 Tampa, FL 33677-4227	St. Joseph's Hospital	8,674.96	55.65
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	1,300.00	
Timothy J. Lockhart, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn		298.11
Thomas G. Loeffler, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central & South West Corp)	1,260.00	
Do	Arter & Hadden (For:Citicorp)		
Do	Arter & Hadden (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Girling Health Care)		
Do	Arter & Hadden (For:National Assn of Broadcasters)	540.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Arter & Hadden (For:SPRINT)	4,920.00	
Do	Arter & Hadden (For:Tesoro Energy)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)	1,860.00	
Do	Arter & Hadden (For:United Services Automobile Assn)		
William E. Loftus, 1120 G Street NW, #520 Washington, DC 20005	American Short Line Railroad Assn		500.00
James E. Lokovic, 4514 Governor Pratt Court Upper Marlboro, MD 20772	Air Force Sergeants Assn, Inc	870.00	81.96
Frank P. Lombardo II, 317 Baronne Street, N-25 New Orleans, LA 70112	Entergy Services, Inc	4,440.00	214.34
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	Jewelers of America	6,000.00	
Do	National Home Furnishings Assn	6,000.00	
Do	Small Business Legislative Council	6,000.00	
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	75.00	
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	580.00	
Robert Michael Long, The Littlefield Building 106 East 6th St., Suite 400 Austin, TX 78701	American Telephone & Telegraph Co	19,000.00	9,850.46
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	9,350.00	841.39
Shelley A. Longmuir, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	1,200.00	
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Ann Looper, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	
Gerald D. Lore, 1300 I St., NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc	5,000.00	875.00
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	1,000.00	150.00
Brien Lorenze, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	6,800.00	
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al.	6,793.00	1,618.00
Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	1,500.00	
Bill Loughrey, One Technology Parkway South Atlanta, GA 30092	Scientific-Atlanta	150.00	
Timothy Lovain, 3719 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Monica M. Lovell, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Mark A. Lowman, 1201 K Street, #800 Sacramento, CA 95814	California Assn of Hospitals and Health Systems	15,000.00	6,933.00
Amy Loy, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	5,000.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	10,000.00	400.00
Joe O. Luby Jr., 225 East John Carpenter Freeway Room 1202 Irving, TX 75062-2298	Exxon Corp		
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	6,980.80	18.00
Mrs. Freddie H. Lucas, 1660 L St., NW, Suite 400 Washington, DC 20036	General Motors Corp	3,000.00	679.16
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	15.00
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	3,000.00	
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Sylvester Lukis, One East Lenox Street Chevy Chase, MD 20815	City of Miami	11,250.00	
Do	City of Miami Beach	9,166.68	
Do	City of Palm Springs	4,000.00	
Do	Houston Independent School District	6,400.00	
Do	Metropolian Dade County	15,000.00	
Do	School Board of Dade County, Florida	8,000.00	
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			6,313.06
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Mines Corporation	125.00	12.00
Do	Pennsylvania Power & Light Co	2,160.00	159.21
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	1,500.00	
Kenneth N. Luongo, 1616 P Street, Suite 310 Washington, DC 20036	Union of Concerned Scientists	744.00	
R. J. Lyerly, 5335 Wisconsin Ave. Nw Suite 500 Washington, DC 20015	Amdahl Corp	1,000.00	
Marshall L. Lynam, 412 First Street, SE, #60 Washington, DC 20003	Dallas/Ft. Worth International Airport	25,000.00	
Do	Medical Matrix, Inc	4,500.00	
Do	Tandy Corp	12,000.00	
Timothy P. Lynch, 430 First Street SE Washington, DC 20003	American Trucking Assns, Inc	15,000.00	
James S. Lyon, 410 North Lincoln Street Arlington, VA 22201	Mineral Policy Center		142.00
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Marcia S. Mabee, 11490 Commerce Park Drive Reston, VA 22091	Coalition for American Trauma Care (CATC)		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology	28,696.00	500.00
Robert A. Macrory, c/o Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute	2,561.00	
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	830.00	
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	15,000.00	
Gordan D. MacKay, 501 Boylston Street Boston, MA 02116	New England Mutual Life Insurance Co, ('The New England')	2,125.00	257.45
Robb S. MacKie II, 1957 E Street NW, Washington D.C.	Associated General Contractors of America	3,000.00	500.00
Jeffrey M. MacKinnon, 555 13th Street, NW, Suite 300 WEst Washington, DC 20004	Interstate Natural Gas Assn of America	6,000.00	
Edward R. Madigan, 1710 Rhode Island Ave., NW, #700 Washington, DC 20036	State Farm Insurance Co	1,800.00	28.00
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	1,850.00	
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	576.25
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Crystal Square 5 Arlington, VA 22202	Bath Iron Works Corp		
Do	Chamberlain Manufacturing Corp		
Do	Diagonstic Retrieval Systems, Inc		
Do	Dynamics Research Corp		
Do	Electronic Warfare Associates, Inc		
Do	Era Aviation Services		
Do	Foundation Health Corp		
Do	Grumman Corporation		
Do	Hughes Aircraft Company		
Do	Laurel Technologies, Inc		
Do	LifeCell Corp		
Do	Medco Containment Services, Inc		
Do	MIC Industries, Inc		
Do	Options Mental Health		
Do	Orange Shipbuilding Co, Inc		
Do	Pacific Consolidated Industries		
Do	Schat-Watercraft		
Do	Schweizer Aircraft Corp		
Do	Short Brothers (USA), Inc		
Do	Sperry Marine, Inc		
Do	Sunquest Information Systems, Inc		
Do	Textron, Inc		
Do	Trinity Marine Group		
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	5,975.00	22.26
Jean Mahan, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare		
Kevin L. Maher, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	978.65	
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #930 North Washington, DC 20004	National Broadcasting Co, Inc	3,250.00	151.14
Christopher J. Mailander, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)		
Major League Baseball Players Assn, 12 East 49th Street New York, NY 10017			914.30
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	224.00	8.00
Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	6,333.54	461.55
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	American Bankers Assn		
Do	Appraisal Institute		
Do	Atlantic Richfield Co		
Do	Barr Laboratories, Inc		
Do	California Chiropractic Assn		
Do	California League of Savings Institutions	450.00	23.29
Do	Chemical Bank	4,162.50	115.85
Do	City of Hope	6,600.00	62.00
Do	ConCorde Career Colleges, Inc		
Do	Dole Food Co, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Money Store	1,950.00	35.00
Do	NEC USA, Inc		
Do	Royal Wine Corp	337.50	
Do	Science Applications International Corp		
Do	Shook, Hardy & Bacon		
Do	Thomas Cook, et al.		
Do	Western Dental Services, Inc	4,556.25	36.00
Do	World Cup USA 1994, Inc	10,031.25	107.75
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	17,037.78	103.00
Jennifer A. Mann, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Television Operators Caucus)		
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	26,256.00	32.66
S.W. Manteria, 233 Broadway New York, NY 10279	Woolworth Corp	1,560.00	749.02
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			24,090.00
Albert Manville, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	126.70	
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 1627 K Street, NW, #700 Washington, DC 20006	Smokeless Tobacco Council, Inc	245.80	70.00
Joseph N. Mariano, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn	900.00	
Marine Preservation Association, 8777 North Gainey Drive, Suite 165 Scottsdale, AZ 85258			
Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005			3,168.12
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			19,372.42
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Alaska Electric Light & Power Co	20,000.00	1,315.91
Do	Alaska Village Electric Cooperative		
Do	Anchorage Municipal Light & Power		
Do	City of Kake		
Do	INN Electric Cooperative	10,000.00	
Do	Kotzebue Electric Association	4,000.00	
Marc L. Marks, 1227 25th Street, NW Washington, DC 20037	Westinghouse Electric Corp		
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	American Public Gas Assn	3,087.50	121.00
Do	Captiva Erosion Prevention District		
Do	City of Venice, Florida	1,808.75	51.00
Do	Coalition to Keep Alaska Oil	9,041.25	191.00
Do	Coalition to Repeal the Wright Amendment		
Do	End Notch Discrimination		
Do	Independent Pilots Assn	887.50	46.00
Do	National Society of Fundraising Executives	925.00	100.00
Do	Town of Longboat Key		
Stephanie Marrone, 1350 New York Avenue, NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	3,480.00	544.23
Marsh & Associates, P.C., 111 Washington Avenue Albany, NY 12210	Smokeless Tobacco Council, Inc		
Edward C. Marshall, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Ellen M. Marshall, 1199 North Fairfax Street, Suite 204 Alexandria, VA 2314	International Council of Shopping Centers	700.00	
Gwen Marshall, 243 Parkway #3 Cincinnati, OH 45216		17.85	805.26
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	7,000.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc	500.00	
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Antonio C. Martinez II, 11128 Church Street Fairfax, VA 22030-4901	Nutritional Health Alliance	13,500.00	297.83
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		
Robert A. Marzocchi, P.O. Box 1615 15 Mountain Veiw Road Warren, NJ 07061-1615	Chubb & Son, Inc		
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	487.50	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,638.00	444.57
Glen David Mason, 1350 I Street, NW, #590 Washington, DC 20005	College of American Pathologists	7,640.00	
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	7,000.00	94.00
Nancy Mason, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US WEST, Inc	3,755.60	
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Jacquelyn Massey, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Camille Bares Massic, 1401 I Street, NW, Suite 1100 Washington, DC 20005	Southwestern Bell Corp, Inc	15,000.00	5,352.17
James D. Massie, 601 13th St., NW, Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates	1,250.00	
Theodore W. Mastroianni, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers		
Do	Atlantic Richfield Co		
Do	Government Employees Hospital Assn		
Do	Procter & Gamble Manufacturing Co		
Sandra Masur, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company		
Mary Cheryl Matheis, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	733.84	53.72
Alexander S. Mathews, 1700 North Moore Street, Suite 1600 Arlington, VA 22209	American Meat Institute	12,750.00	1,954.63
Dawson Mathis, 1667 K Street, NW, Suite 310 Washington, DC 20006	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 1667 K Street, NW, #310 Washington, DC 20006	Massachusetts Mutual Life Insurance Co	3,000.00	
Kim M. Matthews, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	3,755.60	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,479.54	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Harry D. Mattison, P.O.Box 660164 Dallas, TX 75266-0164	Central & South West Corporation		
Michael N. Matton, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas		125.00
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,162.50	1,067.84
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha Cos	2,750.00	
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Olsson Frank & Weeda (For:American Commodity Distribution Program)	1,500.00	
Do	Olsson Frank & Weeda (For:American School Food Service Assn)	9,000.00	
Do	Olsson Frank & Weeda (For:United Fresh Fruit & Vegetable Assn)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	300.00	60.00
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	16,270.80	172.75
John A. Maxwell, New Jersey Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Gerald M. May, 1608 K Street, NW Washington, DC 20006	American Legion	9,651.24	54.00
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	30,000.00	
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	5,141.45
Marion R. Mayer, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	822.11	343.69
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	American Automobile Manufacturers Assn		
Do	Arthur Andersen & Co, et al.	822.40	41.50
Do	Attorneys' Liability Assurance Society, Inc		
Do	Black & Decker Corporation		
Do	Brunswick Corp		
Do	Cabot Partners Limited Partnership		
Do	Chicago Stock Exchange, Inc		
Do	Comdisco, Inc		
Do	Continental Bank, N.A.	600.00	1,449.71
Do	Deutsche Lufthansa A.G.		
Do	Equitable Real Estate Investment Management, Inc		
Do	First Chicago Corp		
Do	FMC Corporation		
Do	General Electric Aircraft Engines		
Do	General Electric Industrial & Power Systems		
Do	Group Health Assn of America		
Do	GATX Corporation		
Do	Household Commercial Financial Services, Inc		
Do	John Buck Co		
Do	JMB Realty Corp		
Do	L & B Real Estate Counsel		
Do	LaSalle Partners, Inc		
Do	Merrill Lynch Capital Markets		
Do	Nalco Chemical Co		
Do	NICOR, Inc		
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co		
Do	Solid Waste Agency of Northern Cook County		
Do	St. Paul Companies		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
Do	Women's Legal Defense Fund		
S. Hubert Mayes Jr., 320 West Capitol Avenue, Suite 1000 Little Rock, AR 72201-3525	Alliance of American Insurers	10,000.00	4,688.58
Lee Ann Mayo, 1100 South Washington Street, 1st Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	10,040.00	127.60
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America		
Rebecca Craford McAuliffe, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn		
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	18,382.02	63.00
Susan P. McCaffrey, 3901 N. Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409	Community Service Council of Central IN, Inc		12.70
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Law Offices of R. C. McCandless, 618 E Street, SE Washington, DC 20003	Transamerica Occidental Life Insurance Co		
Do	United Seniors Assn, Inc		
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	MetPath, Inc	30,000.00	1,000.00
James A. McCarthy, 1711 King Street, Suite One Alexandria, VA 22314	Snack Food Assn		100.00
John B. McCarthy, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P.& P.F.I.	6,000.00	1,575.00
Donald N. McClure Jr., 20 Erford Road #115 Lemoyne, PA 17043	Pennsylvania Assn of Home Health Agencies	10,291.25	713.99
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	American Mining Congress	109.00	
Do	Asarco, Inc	109.00	
Do	Barrick Resources (USA, Inc)	109.00	
Do	Battle Mountain Gold Co	109.00	
Do	Brush Wellman, Inc	109.00	
Do	Coeur d'Alene Mines Corp	234.00	
Do	Cray Research, Inc		
Do	Crown Butte Mines, Inc	109.00	
Do	Cyprus Amax Minerals Company	109.00	
Do	Echo Bay Mines	109.00	
Do	Euro-Nevada Mining Corp, Inc	109.00	
Do	Franco-Nevada Mining Corp, Inc	109.00	
Do	FMC Gold	109.00	
Do	Hecla Mining Co	109.00	
Do	Homestake Mining	109.00	
Do	Idaho Power Company		
Do	Kennecott Corp	109.00	
Do	Magma Copper Company	109.00	
Do	Minorco, USA	109.00	
Do	National Endagered Species Act Reform Coalition		
Do	National Rifle Assn		
Do	Newmont Mining Corp	109.00	
Do	Pacific Gas Transmission Company		
Do	Pegasus Gold Corp	109.00	
Do	Phelps Dodge Corp	109.00	
Do	Placer Dome US, Inc	109.00	
Do	Santa Fe Pacific Gold Corp	109.00	
Do	Stillwater Mining Company	109.00	
Do	World Cup USA 1994, Inc		
McClure Trotter & Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Coca-Cola Company		
Do	Dart Container Corp	2,152.50	87.20
Do	Motion Picture Assn America, Inc		
Do	Paramount Communications, Inc		
Do	Perpetual Corp		
Do	Rank Video Services America		
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,200.00	
Steven A. McCoy, 1300 L Street NW, #900 Washington, DC 20005-4113	North American Export Grain Assn, Inc		
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
John E. McDade, 1700 North Moore Street Arlington, VA 22209	American Meat Institute		
Carol A. McDaid, 601 13th St., NW, Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,812.00	
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Alaska Seafood Marketing Institute	169.00	
Do	American Meat Institute		
Do	American Vintners Assn		62.00
Do	Associated Financial Corp	967.50	
Do	ARA Services, Inc		
Do	Blue Cross & Blue Shield of Missouri	112.50	
Do	California Avocado Commission	2,163.00	
Do	California Canning Peach Assn	764.00	
Do	California Kiwifruit Commission	225.00	
Do	California Raisin Advisory Board	3,011.00	
Do	Campbell Soup Company	300.00	
Do	Chiquita Brands, Inc		
Do	Co-Bank - National Bank for Cooperatives	1,050.00	
Do	Coalition for Employment Opportunities	3,000.00	
Do	Council of Women's & Infant's Specialty Hospitals	6,000.00	
Do	Crop Protection Coalition	8,359.00	32.00
Do	Fargo Clinic	2,500.00	
Do	Fashion Accessories Shippers Association		
Do	Fundesa		
Do	Good Sam Club	456.00	
Do	Harcourt Brace Jovanovich		
Do	Dorothy Holt Estate		
Do	International Hearing Society	5,300.00	
Do	Kmart Corporation		
Do	Marshfield Clinic	2,500.00	
Do	Minor Crop Farmer Alliance	12,079.00	32.00
Do	Muscular Dystrophy Assn	275.00	
Do	MMW/Strategic Communications		
Do	National Assn of Diagnostic Services		
Do	National Potato Council	925.00	32.00
Do	North American Assn of State & Provincial Lotteries	925.00	
Do	Olin Corporation		
Do	Public Employees Retirement Assn of Colorado	300.00	
Do	Rural Health Network Coalition	2,000.00	
Do	Rural Referral Centers Coalition	2,000.00	
Do	Russ Berrie & Company	112.50	
Do	Solo Cup Co	100.00	
Do	Southland Corporation	3,150.00	
Do	Tropicana		
Do	U.S. Mink Export Development Council	1,975.00	
Do	United Development Corp		
Do	Wear Guard Corp	125.00	
Do	Welch Foods, Inc	241.00	
Do	World Airways		
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Outboard Marine Corp	7,500.00	25.00
Tom McDonald, Arter & Hadden 1100 Huntington, 925 Euclid Avenue Cleveland, OH 44115-1475	Mt Carmel Health		930.77
John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772	O'Malley & Miles (For:National Hockey League)	34.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	10,750.00	
Deborah Costolo McElroy, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Assn	1,000.00	
Roland McElroy, 1111 19th Street, NW, Washington, DC 20036	American Forest & Paper Assn	9,500.00	
Robert H. McFadden, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,940.00	
Randall H. McFarlane, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	22,225.00	900.00
Michael Sean McGavick, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn		
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Robert M. McGee, 1747 Pennsylvania Avenue, NW, Suite 375 Washington, DC 20006	Occidental International Corp	200.00	10.00
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	12,877.80	123.00
Lisa McGiffert, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union	344.00	603.00
Patricia McGill, 1700 K Street, NW, Suite 906 Washington, DC 20006	National Council of Community Hospitals	11,316.00	241.00
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	22,769.11	1,103.18
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn		22.39
Do	AT&T Federal Systems		
Do	NYMA, Inc		
Do	System Resources Corp		
Lisa Stoltenberg McGreevy, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	525.00	
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)	2,070.00	
Do	McGuiness & Holch (For:Arch Mineral Corporation)	337.50	
Do	McGuiness & Holch (For:Barr Laboratories, Inc)		
Do	McGuiness & Holch (For:Consolidated Rail Corp)		
Do	McGuiness & Holch (For:Major League Baseball Players Assn)	3,656.25	
Do	McGuiness & HOlch (For:National Assn of Chain Drug Stores)	2,891.25	
Do	McGuiness & Holch (For:National Nutritional Foods Assn)	5,895.00	
Do	McGuiness & Holch (For:PepsiCo, Inc)	112.50	
Do	McGuiness & Holch (For:RJR Nabisco)	337.50	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn	1,188.00	100.45
Do	Farm Labor Alliance		
Do	Workers Compensation Integrity Stability & Equity (WISE)	1,884.00	36.75
Joseph M. McGuire, 4301 N. Fairfax Drive, #425 Arlington, VA 22203	Allied-Signal, Inc		
Mary Lee McGuire, 2300 Clarendon Blvd., #I0I0 Arlington, VA 22201-3367	Cook Inlet Region, Inc	12,000.00	
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	16,019.22	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	356.06
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Fertilizer Institute		
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	2,267.71	469.53
Sandra McKenzie, 2525 Wallingwood, Suite 201 Austin, TX 78746	Texas Committee on Natural Resources		268.52
F.J. McKeown, 1735 Jefferson Davis Highway, #800 Arlington, VA 22202	Vought Aircraft Co	2,500.00	125.00
Kim F. McKernan, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Federation of Independent Business (NFIB)	4,875.00	400.00
William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	4,250.00	217.88
Robert E. McKew, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Robert L. McKinney, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn		
Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036	United Automobile Aerospace & Agricultural Implement Workers	15,321.37	149.65
Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare		
Timothy P. McKone, 1667 K St., NW, Suite 1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	3,982.49
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:American Assn of Blood Banks)	1,062.50	
Do	Rowan & Blewitt, Inc (For:C.R. Bard, Inc)		
Do	Rowan & Blewitt, Inc (For:IVAX Corp)		
Do	Rowan & Blewitt Inc (For:Medtronic, Inc)	437.50	
Do	Rowan & Blewitt (For:Monsanto Company)	1,562.50	
Do	Rowan & Blewitt, Inc (For:National Alliance for Infusion Therapy)	1,687.50	
Do	Rowan & Blewitt, Inc (For:North American Vaccine, Inc)	437.50	
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	1,750.00	
Do	Rowan & Blewitt, Inc (For:Rhone-Poulenc Rorer)		
Do	Rowan & Blewitt, Inc (For:Scripps Research Institute)	2,000.00	
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	1,312.50	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,000.00	
Kathleen Tynan McLaughlin, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute		
Do	E.I. du Pont de Nemours & Co	250.00	
Do	Joseph E. Seagram & Sons, Inc	300.00	
Do	Medco Containment Services, Inc	167.00	
Do	Metropolitan Life & Affiliated Cos	100.00	
Do	Monitor Aerospace Corp		
Do	Time Warner, Inc	250.00	
Do	U.S. Healthcare	50.00	
Do	United Feather and Down	100.00	
Laure C. McLaughlin, 555 13th Street, NW, Suite 430 West Washington, DC 20004	Transco Energy Co	3,000.00	74.50
Thomas J. McLeod, 610 Opperman Drive P.O. Box 64526 St Paul, MN 55164-0526	West Publishing Company		
Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209	TRW, Inc	14,095.00	69.00
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		3,567.89
Roger E. McManus, 4019 18th Street, NW Washington, DC 20011	Center for Marine Conservation	336.54	
William A. McManus, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn		16.00
P. E. McManus Associates, 513 Capitol Court, NE, #300 Washington, DC 20002	AAI Corporation	50.00	
Do	Hydroacoustics, Inc	50.00	
Do	Litton Data Systems	50.00	
James D. McMillan, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation	500.00	
Rachel A. McMillan, 1850 K Street, NW, Suite 950 Washington, DC 20006	McDermott Babcock & Wilcox	4,000.00	3,773.03
Stephen D. McMillan, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute	21,175.00	
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae	2,500.00	
Vanda B. McMurtry, 151 Farmington Avenue,RC6A Hartford, CT 06256	Aetna Life & Casualty	88.00	
McNair & Sanford, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc		
Do	Association of Banks in Insurance (ABI)	787.50	
Do	Coalition for Auto Repair Equality		
Do	Food Lion, Inc		
Do	Georgia-Pacific Corp		
Do	Harnischfeger Industries, Inc	4,775.00	
Do	International Assn for Financial Planning	562.50	17.00
Do	New York State Bankers Assn		
Do	Norfolk Southern Corp		
Do	Phillips Petroleum Co	300.00	
Do	South Carolina Research Authority		
Do	SCANA Corp		
Do	W.R. Grace & Company		
Do	Westinghouse Electric Corp		
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter, Discover & Co	250.00	193.00
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	7,320.00	88.00
Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314	National Assn of Small Business Investment Cos	3,000.00	
Gerald T. McPhee, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental International Corp	1,130.00	32.00
Laura J. McPherson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	5,000.00	
Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	15,862.00	156.00
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	15,628.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company		
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	22,300.00	
Myron Meche, 325 7th Street, NW, #1000 Washington, DC 20004	National Retail Federation	2,000.00	
Bradley V. Mefferd, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc	177.00	3,532.00
Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306	Nevada Resort Assn	25,271.81	1,027.05
Do	Sierra Pacific Power Company		
Mehl & Pickens Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	Bogan Aerotech, Inc	9,375.00	
Do	Cessna Aircraft Company	900.00	
Do	Lockheed	1,500.00	
Do	Lockheed Aircraft Service Company	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Syscon Corp		
Do	TCOM, L.P.		
Michelle Meier, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	American Veterinary Medical Assn	10,500.00	4,632.00
Do	Chicago Mercantile Exchange	11,250.00	4,632.00
Jeff Mell, JGR & Associates 2600 Douglas Road, #500 Coral Gables, FL 33134	Blockbuster Entertainment Corp		412.97
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,697.45	495.00
Mark Menezes, 1801 K Street, NW, #400K Washington, DC 20006-1301	Central & South West Corp	1,200.00	323.00
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	
Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	National Assn of Federal Veterinarians	93.40	
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Amway Corp)		
Do	McClure Trotter & Mentz (For:Citibank)		
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Methanex, Inc)		
Do	McClure Trotter & Mentz (For:Princeton University Investment Co, et al.)		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	6,077.52	
Melinda Mercer, 600 Maryland Ave., SW, 100 West Washington, DC 20024-2571	American Nurses' Assn	10,203.00	235.18
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,250.00	
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	5,000.00	62.53
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			46,565.50
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company	90.00	
Neil T. Messick, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	800.00	95.00
Raymond A. Messina, 633 Pennsylvania Avenue, NW Washington, DC 20004	Dean Witter Discover & Co		
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	625.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	901.25	
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept (FAST)	2,434.00	
Metropolitan Chicago Healthcare Council, 222 S. Riverside Plaza Chicago, IL 60606			
David P. Metzger, 1225 New York Ave.NW, #1200 Washington, DC 20005-3919	Davis Graham & Stubbs	137.50	
Christina A. Metzler, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	5,000.00	239.75
Brian M. Meyer, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,325.00	
Ferd C. Meyer Jr., P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		2,209.26
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	100.00	
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE, #100 Washington, DC 20003	American Beekeeping Federation	3,000.00	466.85
Do	Independent Cattlemen's Assn		
Do	International Assn of Refrigerated Warehouses		
Do	National Peanut Growers Group	16,320.00	715.64
Do	Ricebelt Warehouse, Inc		681.92
Do	Texas A&M Research Foundation	22,920.00	1,346.98
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	American Sheep Industry Assn	19,299.00	2,758.32
Do	Browsville Economic Development Council	15,000.00	266.24
Do	Corpus Christi Bay Area Economic Development Corp	18,000.00	1,278.28
Do	Federal Land Bank Assn	29,212.50	1,062.68
Do	Hudson Tank Storage Co	4,500.00	85.37
Do	International Chiropractors Assn	9,999.00	63.06
Do	New Mexico State University, College of Agriculture	9,000.00	455.07
Do	New Mexico State University, College of Engineering	9,000.00	308.27
Do	Wellman, Inc	9,000.00	448.42
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute		
Van R. Michael, P.O. Box 356 Sweetwater, TN 37874		2,600.00	
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	DePaul University	1,000.00	
Frank G. Michelena, 1918 Kauai Place Costa Mesa, CA 92626	Landsdale Company		
Kathleen Michels, 777 N. Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	81.00
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604		124,037.00	45,966.38
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,279.67	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Edmund Joseph Mihalski, 1101 Pennsylvania Avenue, NW, Suite 540 Washington, DC 20004	Eli Lilly and Co	3,000.00	105.26
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	15,331.80	
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	National Council for Improved Health, et al.	3,500.00	1,939.50
Denny Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
Douglas Miller, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,300.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,500.00	
Grant Miller, 1800 Diagonal Rd. # 600 Alexandria, VA 22314	Grumman Corp	4,000.00	600.00
Do	Northrop Corporation	4,000.00	600.00
John C. Miller, Suite 201, Blohm Building Elko, NV 89801	Newmont Mining Corp	4,500.00	80.00
Joseph A. Miller, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Nuclear Operating Company	38,188.92	18,931.74
Richard G. Miller, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	16,000.00	410.23
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Robert G. Miller, 9124 Hardesty Drive Clinton, MD 20735	Air Force Sergeants Assn, Inc		
Sandra Burgess Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,153.75	
Vincent J. Miller, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	2,400.00	
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque, Cable Television Division		
Do	City of Jamestown		
Do	City of Laredo		
Do	City of St. Louis, Communications Division		
Do	Montgomery County Government, Cable Television Office		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Ace Novelty Company		
Do	Alaska Air Group, Inc	1,500.00	1,230.00
Do	Boeing Company	3,000.00	2,460.00
Do	Gamma-Metrics	1,500.00	1,235.00
Do	Makah Indian Council	300.00	245.00
Do	Momentum 94	1,875.00	1,530.00
Do	Montana Technology Center	300.00	245.00
Do	Muckleshoot Indian Tribe	300.00	245.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.00	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Toy Manufacturers of America	1,500.00	1,230.00
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc		
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the U.A.E.)	1,500.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	2,000.00	
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	National Cable Television Assn, Inc	7,500.00	417.48
Do	Newspaper Assn of America	15,000.00	73.94
Do	Sprint	5,000.00	82.64
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company	5,000.00	500.00
Luka Misetic, 818 18th Street N.W. Suite#950 Washington, DC 20006	Croatian-American Association		
Brian C. Mitchell, 18715 Martins Landing Germantown, MD 20874	Clark Atlanta University	13,529.00	
Do	Worldspace, Inc	134.10	
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Lawrence W. Mitchell, 600 Maryland Ave., NE, #202 W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	12,039.26	84.26
Mark A. Mix, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,437.00	326.45
Albert L. Modiano, 801 Pennsylvania Ave., NW, Suite 840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	8,000.00	525.00
Karen Ann Mogan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	4,000.00	100.00
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,695.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brian R. Moir, 2000 L Street NW #512 Washington, DC 20036-4907	American Petroleum Institute	45.00	
Do	International Communications Assn	3,562.50	
Do	National Assn of Broadcasters	3,412.50	
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp	6,062.50	
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd)		
Do	Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For:Nissan North America, Inc)		
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	232.00
John M. Moloney, 1629 K Street, NW, #501 Washington, DC 20006	Delta Airlines, Inc	200.00	50.00
C. Manly Molpus, 1010 Wisconsin Avenue, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	385.00	
Ark Monroe III, 1420 New York Ave, NW, Suite 750 Washington, DC 20005	Axciom Corp	9,494.00	1,549.00
Do	Metropolitan Life Insurance Co	1,776.25	3,071.55
Do	National Assn of Professional Employer Organizations		2,886.77
Louis Mark Monroe, 1750 New York Avenue Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	2,000.00	50.00
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	1,000.00	45.00
Do	Underground Injection Practices Council	800.00	50.00
Laura Montgomery, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Corning, Inc)	13.86	
Peter Montgomery, 2030 M Street, NW Washington, DC 20036	Common Cause		
Lisa C. Moody, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for the Manufacturing Technology	1,475.00	25.00
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	500.00	49.50
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Agusta Group)		
Do	Capitoline/MS&L (For:Allied-Signal Corp)		
Do	Capitoline/MS&L (For:E.H. Industries, Inc)		
Do	Capitoline/MS&L (For:Equifax Corp)	12,000.00	
Do	Capitoline/MS&L (For:Lockheed Corporation)	600.00	
Do	Capitoline/MS&L (For:McDonald's Corp)	600.00	
Do	Capitoline/MS&L (For:National Association of Broadcasters)	1,200.00	
Do	Capitoline/MS&L (For:U.S. Cane Sugar Refiners Assn)		
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	3,075.50
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	5,407.00	
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	5,664.00	148.50
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	16,222.02	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council	1,500.00	24,143.98
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,000.00	181.47
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Suzanne Morgan, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	868.74	
Morgan Lewis & Bockius, 1800 M St., NW, #800 Washington, DC 20036	Chemical Manufacturers Assn		
Do	City of San Antonio	583.00	
Do	Coalition for an Undercharge Relief Bill	1,450.00	
Do	Coalition of Supporters of the Shipping Act		
Do	Government of Mexico, Finance Ministry		
Do	National Fuel Gas Distribution Co		
Do	United Distribution Companies		
Do	UGI Utilities, Inc		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	275.00	
Sara E. Morningstar, 8714 Ridge Road Bethesda, MD 20817	Montgomery County (Maryland) Government	4,880.00	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	107.41
Robert Kellogg Morris, 1331 Pennsylvania Ave., NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	500.00	50.00
Andrew Morrison, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co		
Gary L. Morrison, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Company, et al.	257.52	1,486.98
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	977.78	
Mark E. Morrison, 1825 Eye Street, NW, #1100 Washington, DC 20006	Lockheed Corp	2,000.00	627.91
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco		
Do	City of Los Angeles, Dept of Airports	5,279.00	14.50
Do	Consolidated Freightways	4,222.50	
Do	Mastercard International, Inc, et al.	5,312.50	30.00
Do	National Electrical Manufacturers Assn		
Do	Valent U.S.A. Corp	250.00	
Morrow Realty Co, Inc, P.O. Box 020887 Tuscaloosa, AL 35402-0887			1,727.00
Valerie T. Morse, 453 New Jersey Avenue, SE Washington, DC 20003	Beneficial Management Corp		
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	679.35	145.50
James C. Morton Jr., P.O. Box 19001 Greenville, SC 29602	Michelin Tire Corp	2,000.00	1,319.00
Robert E. Moss, 1401 H St., NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	6,150.00	250.00
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Bankers Roundtable	540.00	
Kate Moss Company, 1401 EYE Street, NW Washington, DC 20005	AOPO (Assn of Organ Procurement Organizations)		
Do	Committee for Equitable Compensation		
Do	Dean Witter Discover & Co		
Do	National Assn for the Superconducting Super Collider		
Do	Nations Bank Corp	225.00	
Do	Southwestern Bell Corp	675.00	
Do	Trans Union Corp		
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
John J. Motley III, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004		1,525.00	
William S. Mott, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	95.58	
Susan Connolly Moya, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	7,500.00	104.69
Robert J. Mrazek, 301 Constitution Ave., NE Washington, DC 20002	Douglas Elliman Co	3,000.00	342.00
Do	Grumman Aerospace Corp	2,000.00	
Mt. Carmel Health, 793 West State Street Columbus, OH 43222			930.77
Terry L. Muilenburg, 1701 K Street, NW, Suite 400 Washington, DC 20006	USA Group	529.00	30.00
Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	City of Fergus Falls, MN		
Do	Delaware & Hudson Railroad		
Do	Douglas County Hospital		
Do	Florida East Coast Railway Co		
Do	Lake Region Hospital Corp		
Do	North American Equipment Dealers Assn	162.75	
Do	Soo Line Corporation	1,560.00	
Do	Trade Assn Healthcare Coalition	3,144.00	
Do	TACA International Airlines		
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	43.00
William J. Mulligan, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies		
Thomas S. Mullikin, 1315 Monument Square P.O. Box 745 Camden, SC 29020	Mullikin Law Firm (For:Blue Cross Blue Shield)	5,657.00	2,798.00
Do	Laidlaw Environmental Services	22,500.00	4,034.14
Do	Saluda River Electrical Cooperatives, Inc	20,000.00	1,400.00
Tracy Mullin, 325 7th St., NW. #1000 Washington, DC 20004	National Retail Federation	2,500.00	35.00
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,000.00	2,560.55
James Brian Munroe, 1300 Eye Street, NW, #520 Washington, DC 20005	Hoffmann-La Roche, Inc	1,375.00	
Cyril D. Murphy, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	1,600.00	
Edward L. Murphy, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	3,000.00	
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	8,000.00	
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	20,000.00	648.34
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	2,955.00	1,146.20
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,313.00	37.74
James V. Murray, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Union Carbide Corp	7,000.00	
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Academy for Oral Pathology	2,125.00	22.00
Do	American Assn of Dental Schools	2,100.00	16.50
Do	American Assn of Public Health Dentistry		
Do	Atochem, N.A.		
Do	Cleveland Cliffs Iron Co	300.00	11.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Coalition for Oral Health	6,020.00	27.50
Do	Connecticut Mutual Life Insurance Co		
Do	Delaware River Port Authority	840.00	11.00
Do	Dynatech Corporation	600.00	20.00
Do	Independence Blue Cross	700.00	5.50
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	250.00	10.00
Do	International Assn of Environmental Testing Laboratories		
Do	Iron Ore Assn	150.00	5.00
Do	LTV Corporation		
Do	Mutual of New York	200.00	5.00
Do	National Council of Coal Lessors	500.00	15.00
Do	New England Life Insurance Co	200.00	5.00
Do	North American Philips Corp		
Do	Pacific Mutual Life Insurance Co	200.00	5.00
Do	Penn Mutual Life Insurance Co	200.00	5.00
Do	PepsiCo	1,200.00	45.00
Do	Philadelphia Regional Port Authority		
Do	Porsche Cars North America, Inc		
Do	Qualimetrics, Inc	100.00	
Do	Shubert Organization, Inc		
Do	State Mutual Insurance Co	200.00	5.00
Do	Student Loan Interest Deduction Restoration Coalition		
Do	Swaziland Sugar Assn	300.00	10.00
Do	Sweetener Users Assn		
Do	Technology Development & Education Corp		
Do	Temple University	6,875.00	38.50
Do	Wisconsin Central Transportation Corporation		
Richard Murrell, Maritime Building, 3rd Floor 4 East Port Road Riviera Beach, FL 33404	NICOR, Inc	300.00	
Robert J. Muth, 180 Maiden Lane New York, NY 10038	Asarco, Inc	975.00	525.00
Mutual Life Insurance Co Tax Committee, 751 Broad St. Newark, NJ 07102-3777			
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		1,381.00
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	273.30
William G. Myers, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Laurie Naismith, 1150 17th Street, NW, Suite 307 Washington, DC 20036	Chambers Development Co, Inc	21,000.00	1,187.44
Martha Naismith, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson HMI		
Gerald F. Nalepa, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	3,500.00	
Rochelle Nason, 989 Tahoe Keys Blvd, Suite 6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe	422.73	124.00
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036			
National Air Traffic Controllers Assn, 1150 17th Street NW #701 Washington, DC 20036		38,344.93	4,661.08
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		169,000.00	12,232.96
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		2,980.00	12,642.78
National Assn of Air Traffic Specialists, 11303 Amherst Avenue, Suite 4 Wheaton, MD 20902			3,900.00
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		168,920.40	168,920.40
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			31,315.25
National Assn of Federal Veterinarians, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			121.15
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		59,931.22	144,027.75
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001			96,183.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		334,419.97	334,409.97
National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		381.50	159.42
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			46.50
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			67,889.73
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			42,255.00
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,900.00	3,900.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			13,857.92
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		71,338.87	71,338.87
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			5,431.00
National Coalition for Abortion Providers (NCAP), 206 King Street, 2nd Floor Alexandria, VA 22314		81,459.34	73,339.35
National Comm of Cities & States for Air Service, P.O. Box 507 Williston, ND 58802-0507		550.13	
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		1,864,469.00	1,864,469.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		125,643.38	51,833.66
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,500.00	17,956.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		19,769.60	19,769.60
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		14,925.00	22,567.73
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006		18,000.00	3,671.00
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		9,257.14	8,716.48
National Court Reporters Assn, 8224 Old Courthouse Road Vienna, VA 22182-3808			
National Education Assn, 1201 16th St., NW Washington, DC 20036		37,893.87	37,893.87
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037			
National Employee Benefits Institute, 2445 M St., NW, #410 Washington, DC 20037			50.00
National Fed of Independent Business, 53 Century Blvd., #300 Nashville, TN 37214		57,699.00	57,699.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		1,250.00	15,380.20
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917			4,010.00
National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005			
National Grange, 1616 H St., NW Washington, DC 20006		22,000.00	22,000.00
National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314	Coalition for Auto Repair Equality		
Do	Wal-Mart		
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,908.06
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		6,452.50	35,595.44
National Independent Energy Producers, 601 13th Street, NW, #320 South Washington, DC 20005		85,000.00	11,903.24
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		15,118.10	15,118.10
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529			504.84
National Motorsports Council of ACCUS-FIA, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		41,500.00	
National Multi Housing Council, 1850 M Street, NW, Suite 540 Washington, DC 20036			28,293.21
National Newspaper Assn, 1525 Wilson Blvd. #550 Arlington, VA 22209		6,300.00	6,300.00
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Realty Committee, 1420 New York Ave., NW, Suite 1100 Washington, DC 20005		15,888.00	15,888.00
National Retail Federation, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004			47,279.59
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		8,476.25	8,476.25
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			2,040.50
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		24,526.00	29,396.00
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		11,100.00	11,100.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			1,659.57
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	American International Group, Inc	29,620.30	1,059.16
Do	Columbia Communications Corp		
Do	DWG Corporation (Trian Group, L.P.)	118.13	6.43
Do	Ferrell Gas		66.55
Do	Instinet	1,890.63	8.88
Do	Reuters North America, Inc	7,500.00	93.22
National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003		37,535.00	19,120.00
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	2,903.66
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		9,532.83	9,532.83
National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152			2,470.50
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			49,142.15
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		9,000.00	9,000.00
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	
Katherine Beh Neas, 8630 Fenton Street, Suite 410 Silver Spring, MD 20910	American Assn of University Affiliated Programs	11,250.00	150.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mark Nebergall, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,450.00	
Thayne T. Needles, 1129 20th Street, NW, Suite 305 Washington, DC 20037	National Assn of Real Estate Investment Trusts, Inc		26.50
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America	117.19	
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		99,978.00	101,202.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Embassy of the Republic of Korea	37,500.00	2,702.34
Do	General Electric Industrial and Power Systems	125,348.75	1,086.53
Do	Government of Jamaica	55,000.00	15,571.01
Do	Islamic Republic of Pakistan	90,000.00	1,431.63
Do	Kingdom of Morocco	150,000.00	437.86
Do	Queens Borough Public Library	24,000.00	110.01
Do	Republic of Cote d'Ivoire	62,500.00	
Do	State of Bahrain	180,000.00	22,811.71
Lori M. Nelson, P.O. Box 25354 Woodbury, MN 55125-0354	National Parks & Conservation Assn		51.75
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc	5,313.00	1,668.75
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Associated Credit Bureaus, Inc	550.00	335.00
Do	Institute of International Bankers	1,250.00	1,375.00
Do	Investment Company Institute	400.00	415.00
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	40.00
Alexander Netchvolodoff, 1320 19th street, n.w. #200 Washington, DC 20036	Cox Enterprises, Inc		152.24
Tommie E. Netting, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	1,791.00	
Network, 806 Rhode Island Ave., NE Washington, DC 20018		57,318.22	52,759.72
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,783.36	4,510.71
New York Public Interest Research Group, 9 Murray Street, 3rd Floor New York, NY 10007			3,281.35
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017			2,360.00
Peter E. Newbould, 750 First Street, NE Washington, DC 20240-4242	American Psychological Assn	950.50	90.00
Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	13,850.00	21.00
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,077.95	
E. Archie NeSmith Jr., 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal Aerospace Co		
Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	8,250.00	
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank, PLC	6,000.00	355.08
Ronald G. Nickson, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	2,000.00	
Scott H. Nishioki, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,186.00	
Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203	Wisconsin Electric Power Co	16.10	
Noah's Ark Crisis Center, Inc, P.O. Box 29192 Baltimore, MD 21213			
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	700.00	904.65
Allan Noe, 1156 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	234.78	
Non Commissioned Officers Assn, P.O. Box 33610 San Antonio, TX 78265			59,928.31
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			2,950.00
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:US Healthcare)	300.00	
Julia J. Norrell, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	American Insurance Assn	450.00	
Do	Chubb Corp	300.00	
Do	Employers Health Insurance Co	300.00	
Do	Health Insurance Association of America	450.00	
Do	Lincoln National Corp	450.00	
Do	National Assn of Chain Drug Stores		
Do	National Assn of Insurance Brokers	450.00	
Do	Provident Life & Accident Insurance Co	450.00	
Do	UNUM Life Insurance Co	450.00	
Do	Washington National Corp	450.00	
North American Export Grain Assn, Inc, 1300 L Street NW, #900 Washington, DC 20005-4113			277.80
Patrice North-Rudin, 1133 21st Street, NW Two Layfayette Centre Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,648.00	
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			2,038.13
Clifford R. Northup, 50 F Street, NW Washington, DC 20001	Association of American Railroads	5,916.66	213.74
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	Pacific Lumber & Shipping	6,818.75	2,394.39
Do	Waste Management, Inc		3,474.84
Do	Westinghouse Hanford Co	5,812.50	31.60
Edward M. Norton Jr., 1400 16th Street, NW, #300 Washington, DC 20036	Grand Canyon Trust		
Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc		4,486.60
Julie Noufer, 8607 Westwood Center Drive, #204 Vienna, VA 22182	Professional Services Council	2,500.00	
Mary Ann Novak, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinkerhoff Quade & Douglas, Inc		
Victoria S. Nugent, 2000 P Street, NW Washington, DC 20036	Public Citizen	500.00	
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers		
Do	National Football League Players Assn	4,000.00	
J. Michael Nussman, 1299 Pennsylvania Ave NW Suite 875 East Washington, DC 20004	American Fishing Tackle Manufacturers Assn	1,000.00	100.00
Franklin W. Nutter, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	2,825.01	163.40
Lynne M. O'Brien, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	5,000.00	302.25
Rosemary L. O'Brien, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation		
Carolyn O'Connor, 444 North Capitol Street, #418 Washington, DC 20001	New England Council, Inc		
James E. O'Connor, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America		
Kelley E. O'Connor, 666 Pennsylvania Ave; SE, #403 Washington, DC 20003	Florists' Transworld Delivery Assn	2,000.00	
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)		
Do	Albers & Company (For:Profit Recovery Group)		
Patrick C. O'Connor, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:American College of Occupational & Environmental Medicine).	3,018.00	1,626.89
Do	Kent & O'Connor, Inc (For:American Supply Association)	1,781.00	1,897.73
Do	American Warehousemen's Association	956.00	542.30
Do	Kent & O'Connor, Inc (For:National Assn of Fleet Administrators)	896.00	451.90
Do	Kent & O'Connor, Inc (For:Transportation Lawyers Assn)		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Alliance of Marine Parks and Aquariums	2,700.00	
Do	American Clinical Laboratory Assn	1,800.00	
Do	Bobby Berosini, Ltd		
Do	Coalition for Tax Equity	5,000.00	40.00
Do	Golden Nugget, Inc		
Do	Government of the Philippines	15,000.00	
Do	Government of Peru	40,000.00	
Do	Health Images, Inc		
Do	Mirage		
Do	National Assn of Optometrists and Opticians, Inc		
Do	National Assn of Portable X-Ray Providers		
Do	National Multi Housing Council		
Do	New York State Mortgage Loan Corp		
Do	Pacific Seafood Processors Assn		
Do	Solid Waste Agency of Northern Cook County	802.63	
Do	State of Alaska		
Do	Support Systems International, Inc		
Do	Wards Cove Packing Company		
Paul T. O'Day, 1150 17th Street, NW #310 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		400.00
Thomas A. O'Day, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	15,000.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	25,000.00	
John O'Donnell, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	12,383.31	740.60
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,799.26	146.50
Terri O'Grady-Smith, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,489.48	343.00
Barbara E. O'Hara, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company		
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc		
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Mutual of America	14,250.00	4,051.92
Janet O'Keeffe, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	78.85
Ann O'Leary, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	6,339.00	
Patrick G. O'Malley, 1600 Rhode Island Ave, NW Washington, DC 20036	National Rifle Assn of America		
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Transamerica HomeFirst	122.96	24.20

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	2,976.00	
Jim O'Neal, 4404 Fairfax Hill Plano, TX 75024	People for America		6,340.31
William S. O'Neill, 500 E Street, SW, Suite 920 Washington, DC 20024	AOPA Legislative Action	12,125.00	
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Bankers Assn		
Do	American Telephone & Telegraph Co	2,700.00	
Do	Beth Israel Hospital		
Do	Boston University Medical Center Hospital		
Do	Brigham and Women's Hospital, Inc		
Do	Business Roundtable		
Do	Coalition of Boston Teaching Hospitals		
Do	Cruise America Line, Inc		
Do	General Mills, Inc	800.00	
Do	Glass Packaging Institute	1,430.00	
Do	Government of Mexico		
Do	JM Family Enterprises, Inc	9,005.00	
Do	Massachusetts General Hospital		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Northeastern University		
Do	Northwestern Memorial Hospital		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Texas Utilities Co	1,600.00	
Do	USX Corporation	1,100.00	
Do	Viacom International, Inc		
Paul O'Palka Jr., Fifth Avenue Place, Suite 1924 Pittsburgh, PA 15222	Blue Cross of Western Pennsylvania	15,080.00	3,657.62
Charles Robert O'Regan, 1000 Connecticut Ave., NW Washington, DC 20036	American Society of Composers, Authors & Publishers	3,240.00	45.00
Do	New Jersey Turnpike Authority	30.00	
John T. O'Rourke, 1129 20th Street NW, #500 Washington, DC 20036	PNC Mortgage Corp of America		30.29
Do	Securities Industry Assn		25.74
Do	The Limited, Inc		
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Philip Morris Companies, Inc	31.20	32.27
J. Denis O'Toole, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	7,350.00	
Do	Household International, Inc		
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	794.04
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	3,158.91
Mary Oakar & Asssociates, Inc, 2621 Lorain Avenue Cleveland, OH 44113	Great Waters Aquarium	7,500.00	
Do	LTV Steel Company	15,000.00	
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,429.40	143.34
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	5,552.26	
James C. Odom Jr., 701 Pennsylvania Ave., NW Washington, DC 20004-2696	Edison Electric Institute	1,745.35	251.13
Neil H. Offen, 1666 K Street, NW, #1010 Washington, DC 20006	Direct Selling Association	1,312.00	
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	10,912.00	88.55
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	5,000.00	
Ohio Forestry Resource, P.O. Box 696 Mt. Vernon, OH 43050			
Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	1,900.00	
John W. Olcott, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	400.00	
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	Aetna Life & Casualty	2,875.00	143.43
Do	Alleghany Health Education & Research Foundation		
Do	Alliance for Managed Competition	10,500.00	771.28
Do	American Assn of Retired Persons	500.00	
Do	American International Group, Inc	7,500.00	335.69
Do	Anheuser-Busch Companies, Inc	2,000.00	26.08
Do	Ashland Oil, Inc		
Do	Association of American Railroads	12,500.00	475.38
Do	Avis, Inc		
Do	Burlington Resources, Inc		
Do	Commonwealth Edison		
Do	Federal Express	4,500.00	186.98
Do	Ford Motor Co	1,200.00	46.01
Do	General Electric Co		
Do	Hewlett-Packard Co	600.00	14.00
Do	Investment Company Institute	7,500.00	260.12
Do	Jones Intercable, Inc	6,000.00	40.69
Do	MCI Communications Corp		
Do	National Cable Television Assn	12,500.00	159.37
Do	Pfizer, Inc	5,548.00	242.64
Do	Phillip Morris, Inc	6,412.00	116.93
Do	Republic National Bank		
Do	RJR Nabisco, Inc	2,400.00	33.38
John P. Olinger, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute		
Do	Center on Law & Social Policy/Center on Budget Policy	133.00	
Do	E.I. du Pont de Nemours & Co	250.00	
Do	Joseph E. Seagram & Sons, Inc	300.00	
Do	Medco Containment Services, Inc	167.00	
Do	Metropolitan Life & Affiliated Companies	100.00	
Do	Monitor Aerospace Corp		
Do	Time Warner, Inc	250.00	
Do	U.S. Healthcare	50.00	
Do	United Feather & Down	100.00	
Mike Oliva, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp	854.72	30.00
Karen Oliver, 717 Second Street, NE Washington, DC 20002	Beer Drinkers of America		
R. Teel Oliver, 601 Pennsylvania Avenue, NW North Building, Suite 1200 Washington, DC 20004-2601	Merck & Co, Inc	3,000.00	500.00
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Laura L. Olson, 1101 Connecticut Avenue, NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)		
Sydney Olson, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Beef Products, Inc		
Do	ConAgra, Inc	1,000.00	
Do	National American Wholesale Grocers Assn		
Do	National Assn of Margarine Manufacturers		
Do	National Food Processors Assn	1,000.00	
Do	National Frozen Pizza Instutute		
Do	PennField Oil Co	1,000.00	
Do	Pillsbury Company	500.00	
Do	Ross Laboratories	2,000.00	
Do	San Tomo Group		
Do	Schwan's Sales Enterprises, Inc	2,000.00	
Do	Southern Star Shipping Company, Inc		
Do	Vicam		
Do	Western States Meat Assn		
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Sima Osdoby, 110 Maryland Ave., NE, Suite 205 Washington, DC 20002	Women's Action for New Directions, et al.	4,300.00	
David S. Osterhout, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corporation	6,000.00	70.50
Kathleen Galiher Ott, 1001 19th Street North #800 Arlington, VA 22209	TRW, Inc	3,750.00	1,232.53
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries/Baroid Corp	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	7,500.00	
Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	6,500.00	135.00
Clifford M. Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Overseas Education Assn, 1201 16th Street, NW, Room 210 Washington, DC 20036		500.00	1,251.58
Jack C. Overstreet, 1725 Jefferson Davis Highway Suite 300 Arlington, VA 22202	Lockheed Corp	4,000.00	140.74
Sally LaHue Owen, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America	2,500.00	
Stephen F. Owen Jr., 107 Park Washington Court Falls Church, VA 22046	Classroom Publishers Assn		
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	AFL-CIO Dept of Legislation	17,718.50	370.52
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	45,700.00	10,496.60

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Washington State University	2,000.00	2,532.00
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute		
Pacific Northwest Waterways Assn, P.O. Box 61473 Vancouver, WA 98666-1473		62,343.00	298.14
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	157.00
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	184.40
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc		
Denise A. Painter, 4301 N. Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	5,000.00	
Brian Pallasch, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
James A. Palmer, 1776 I Street, NW, Suite 1000 Washington, DC 20006	BP America, Inc		
Michael C. Palmer, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	1,245.00	
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	13,700.00	282.13
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	975.00	28.95
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospitalization Assn)		
Do	New Jersey Turnpike Authority	762.50	
Do	Proctor & Gamble Mfg Co		
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	1,775.00	52.00
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	45,000.00	37,373.95
Do	Atlantic Richfield Co	18,000.00	5,102.82
Do	Government Employees Hospital Assn	18,000.00	936.51
Do	New Jersey Turnpike Authority	7,999.75	6,423.78
Do	Proctor & Gamble Mfg Co	1,462.50	557.41
Do	Southern California Rapid Transit District	20,755.52	10,105.35
PanAmSat, LP, One Pickwick Plaza Greenwich, CT 06830			
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Jonathan R. Paret, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	3,626.41	
Akhandal Parija, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	1,800.00	60.00
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute		
Leslie Parks, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,995.29	534.94
Ann M. Parman, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	490.00	
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	21,134.00	3,599.00
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	13,012.81	1,854.19
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	5,485.88	
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Caren Pasquale, 3000 K Street, NW, Suite 620 Washington, DC 20007	Merrill Lynch & Co	1,000.00	
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903-1429	American Petroleum Institute	141.75	35.38
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Bell & Bell Community Redevelopment Agency	2,706.00	
Do	Burke Williams & Sorensen (For:City of Santa Clarita)		
Laird D. Patterson, 1667 K Street, NW, Suite 600 Washington, DC 20006	Bethlehem Steel Corp	180.00	
Richard M. Patterson, 11038 Wickshire Way Rockville, MD 20852	Intrapol, Inc	4,000.00	385.00
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	9,503.76	
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	Ad Hoc Coalition for Intermarket Coordination		
Do	Air Products & Chemicals, Inc	1,330.00	
Do	Amenco		
Do	American Bankers Assn		
Do	American College of Gastroenterologists	1,440.00	110.00
Do	Armco, Inc	1,330.00	
Do	Association for Manufacturing Technology	1,520.00	
Do	Association of Trial Lawyers of America	3,000.00	110.00
Do	Blair Corporation		
Do	Blue Cross of California	2,790.00	212.00
Do	Bright Beginnings Inc.		
Do	Bristol Myers/Squibb Corp		
Do	BIC Corporation		
Do	Center for Creative Non-Violence		
Do	Center for Molecular Medicine & Immunology		
Do	Center for Strategic Tax Reform (CSTR)	4,940.00	100.00
Do	Cherokee Nation of Oklahoma	3,910.00	152.50
Do	Chicago Board Options Exchange		
Do	Chrysler Corporation		
Do	City of Baltimore		
Do	City of Cincinnati	1,162.50	34.90
Do	Climate Council		
Do	Clorox Company	562.50	17.00
Do	Coalition for Fair Allocation of Interest		
Do	Coalition on State Use Taxes	5,000.00	
Do	College Savings Bank		
Do	Council on Community Blood Centers	90.00	11.00
Do	CUC International		
Do	Dairy Institute of California		
Do	Denver Colorado Planning Department		
Do	Dole Food Co		
Do	Duty Free Shoppers Group, Ltd		
Do	DuPont-Merck		
Do	Edison Electric Institute		
Do	Electric Reliability Coalition		
Do	Federation of American Health	1,585.00	20.00
Do	Federation Against Inequitable & Progressive Taxation		
Do	Flexi-Van Leasing, Inc		
Do	Freedom to Advertise Coalition	1,720.00	25.00
Do	FAG Kugelfischer Georg Schager KGaA		
Do	Genstar Container Corp		
Do	Greensboro-Jamestown Neighborhood Assn		
Do	GE Capitol Services	3,850.00	20.00
Do	Institute of Scrap Recycling Industries		
Do	International Fabricare Institute		
Do	International Swaps Dealers Assn, Inc		
Do	International Union of Police Assns		
Do	Irvin Industries		
Do	J.P. Morgan & Co, Inc		
Do	Jena Band of Choctau	172.50	
Do	Johanna-Dairies, Inc		
Do	Kaiser Aluminum & Chemical Corp	5,400.00	
Do	Landauer, Inc		
Do	Leprino Foods	1,903.75	24.00
Do	Loop, Inc		
Do	Loyola University		
Do	Major League Baseball Players Assn	685.00	98.00
Do	Manhole Adjusting, Inc		
Do	Manor Care	125.00	
Do	Marathon Oil Co		
Do	Mars, Inc	1,890.00	30.00
Do	Mashantucket Peqush Tribe	57.50	27.50
Do	Mass Mutual	2,190.00	19.00
Do	Matson Navigation Co		
Do	Metropolitan Life		
Do	Mitchell Energy & Development Corp		
Do	Mutual Legislative Committee	365.00	
Do	MCI Telecommunications, Inc	4,562.50	
Do	Nansay Hawaii		
Do	National Assn of Health Underwriters	5,400.00	200.00
Do	National Automatic Merchandising Assn	1,040.00	
Do	National Cable Television Assn, Inc	812.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Retail Federation (RITAC)	730.00	
Do	National Soft Drink Assn		
Do	New England Student Loan Marketing Corp	900.00	50.00
Do	New York Life Insurance Company	7,750.00	136.00
Do	Newspaper Assn of America	1,392.50	60.00
Do	Northwestern Mutual Life Insurance Co	2,372.50	19.00
Do	NCNB Texas National Bank		
Do	OSG Bulk Ships, Inc	1,125.00	
Do	Pacific Lumber Co	18,625.00	60.00
Do	PNC Financial Corp		
Do	Reader's Digest Assn, Inc	1,000.00	
Do	Reinsurance Assn of America		
Do	Reliance Group Holdings, Inc		
Do	Republic of Uganda		
Do	Republic National Bank of New York		
Do	Scheidt & Bachman		
Do	Raymond F. Schoenke Jr.		
Do	Sedgwick James, Inc	365.00	
Do	Charles E. Smith Companies		
Do	SmithKline Beecham		
Do	Smokeless Tobacco Council, Inc	6,187.50	170.00
Do	Spat Bay Corp		
Do	State of Louisiana, Office of Conservation		
Do	Sultantate of Oman		
Do	Susan G. Komen Foundation	2,850.00	94.25
Do	Thomson US, Inc	540.00	50.00
Do	Trans Ocean, Ltd		
Do	Travelers	2,700.00	200.00
Do	Triton Container		
Do	TANO Marine Systems		
Do	U.S. Surgical Corp		
Do	U.S. Tobacco Company		
Do	USAir, Inc		
Do	USX Corporation	1,330.00	
Do	Wayne County Michigan		
Do	Westinghouse Electric Corp		
Alma Hale Paty, 1920 N Street, NW Washington, DC 20036	American Mining Congress	40.00	
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	5,000.00	5,075.71
Paul Hastings Janofsky & Walker, 1299 Pennsylvania Ave., NW, 10th Floor Washington, DC 20004	Allegheny Power System Inc, et al.	6,380.00	
Do	Amdahl Corp		
Do	American College of Neuropsychopharmacology		
Do	American Institute of Merchant Shipping	3,547.50	
Do	American Trucking Assns, Inc	585.00	
Do	Business Council on Indoor Air		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	15,495.00	66.84
Do	Grocery Manufacturers of America, Inc	5,696.25	
Do	Kawasaki Motors Corp, USA		
Do	Morehouse College		
Do	Norfolk Southern Corp	1,597.50	
Do	Novo-Nordisk Pharmaceuticals, Inc	975.00	140.07
Do	Siskiyou Co Board of Supervisors & Office of Education		
Do	Student Loan Marketing Assn		
Gwen Gampel Paulson, 711 Second Street, NE, #200 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)		
Do	Center for Medicare Advocacy, Inc	1,500.00	60.00
Do	Dialysis Clinic, Inc		
Do	Kinetic Concepts, Inc	2,000.00	
Do	National Comm to Preserve Social Security & Medicare		
Do	Congressional Consultants (For:National Renal Administrators Assn)	3,000.00	
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	475.15
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,115.00	533.40
Peabody & Brown, 2300 M Street, NW Washington, DC 20037	Affordable Housing Tax Credit Coalition	2,000.00	
Do	Council for Rural Housing & Development	2,000.00	
Do	Institute for Responsible Housing Preservation	2,000.00	
Christopher T. Peace, 500 E. Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	7,869.00	570.04
Peace Political Action Committee, 110 Maryland Avenue, NE, #409 Washington, DC 20002			15,431.96
Norman E. Pearson, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For:National Motorists Assn)		
Do	Pearson & Pipkin (For:Physicians Who Care)		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	National Motorists Assn	1,500.00	
Do	Physicians Who Care	1,500.00	
Robert A. Peck, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	5,000.00	
Elin Peltz, 1156 15th Street, NW, #400 Washington, DC 20005	National Agricultural Chemicals Assn		
Edward F. Pembleton, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
George D. Pence, 9100 Mill Creek Landing Great Falls, VA 22066	Rabanco Co	3,000.00	800.00
Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn	6,500.00	201.00
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,576.58	
Pennsylvania Mines Corp, P.O. Box 367 Ebensburg, PA 15931			137.00
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			3,847.21
Eugene K. Pentimonti, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	15,000.00	
People for America, Inc, 4404 Fairfax Hill Plano, TX 75024			9,504.02
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	American Coke & Coal Chemicals Institute		
Do	Boeing Company		
Do	Burlington Resources		
Do	Cook Inlet Region, Inc		
Do	James River II, Inc		
Do	Puget Sound Power & Light Company		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Karla Perri, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	1,500.00	
Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004	National Assn of Private Psychiatric Health Systems	500.00	
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	1,909.71	65.00
Schley Louie Perry III, 1521 New Hampshire Avenue N.W. Washington, DC 20036	National Cotton Council of America	1,375.00	92.42
Susan Perry, 1100 New York Avenue, NW, #1050 Washington, DC 20005-3934	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	13,785.80	3,510.82
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	865.00	
John W. Pestle, 333 Ridge Street NW Grand Rapids, MI 49504	Michigan Municipal Cooperative Group	1,250.00	2,513.00
Phillips S. Peter, 1299 Pennsylvania Avenue, NW, 11th Floor West Washington, DC 20004	General Electric Co	100.00	
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		
Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Cheryl A. Peterson, 600 Maryland Ave., SE, Suite 100 West Washington, DC 20024-2571	American Nurses' Assn	5,317.00	
Dan A. Peterson, 1507 Lincoln Way, #304 McLean, VA 22102	Martin Marietta Corporation	8,500.00	
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 800 Connecticot Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	1,500.00	40.00
Thomas J. Petrizzo, 325 7th St., NW. #1000 Washington, DC 20004	National Retail Federation	700.00	
Petroleum Marketers Assn of America, 1901 N Ft. Myer Dr. #1200 Arlington, VA 22209		20,000.00	46,130.16
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	46.00	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,790.00
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	American Bankers Assn	21,000.00	304.31
Do	Southwestern Bell Corp-Washington, Inc	33,000.00	585.67
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Steven J. Pfister, 325 7th Street, NW #1000 Washington, DC 20004	National Retail Federation	5,000.00	102.85
Kurt Pfotenhauer, 316 Pennsylvania Avenue, SE, #304 Washington, DC 20003	United Parcel Service	7,500.00	225.54
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		55,997.00	55,997.00
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,550.40	5.59
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	23,750.00	789.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation		
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	7,500.12	2,925.03
James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co		689.39
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	1,400.00	2,799.45
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,539.94	180.05
Lisa Phillips, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	6,200.00	
William H. Phillips, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	11,765.00	197.48
Phillips Nizer Benjamin Krim & Ballon, 31 West 52nd Street New York, NY 10019	Riverbay Corp		
Kristine Phillips-Geddings, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	2,164.00	
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	6,600.00	517.26
Paulette C. Pidcock, 1301 Pennsylvania Ave., NW, #1050d Washington, DC 20004	Baltimore Gas & Electric Co	445.08	1,869.10
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Jennifer M.E. Pierce, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America	3,000.00	
Jeremy Edes Pierotti, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	5,625.00	83.75
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	3,500.00	
Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006	Latin American Management Assn		
Do	Villa Banfi, U.S.A		
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,481.00	175.72
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Edison Electric Institute	877.50	
Lynn A. Pirozzoli, 1130 Connecticut Ave., NW, Suite 350 Washington, DC 20036	Resource Management International, Inc		
Pirtle Morisset Schlosser & Ayer, 1815 H Street, NW, #750 Washington, DC 20006-3604	Central Council of Tlingit & Haida Tribes of Alaska	193.80	
Do	Ketchikan Indian Corp		
Do	Little River Band of Ottawa Indians		
Do	Little Traverse Bay Band of Odawa Indians		
Do	Michigan Inter-Tribal Council		
Do	Mille Lacs Band of Chippewa Indians	822.10	
Do	Organized Village of Kake	21.50	
Do	Prairie Band of Potawatomi Indians	1,014.80	
Do	Red Lake Band of Chippewa Indians	329.14	
Do	Saginaw Chippewa Tribe		
Do	Sitka Tribe of Alaska	13.30	
Do	Yakutat Native Assn	2.70	
Frank M. Pizzoli, 1335 North Front Street Harrisburg, PA 17102	Pennsylvania Chiropractic Society	519.24	1,027.68
Planned Parenthood Fed of America, Inc, 1120 Connecticut Ave., NW, #461 Washington, DC 20036		1,127.67	1,127.67
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	9,400.00	148.82
Jon Plebani, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)	80.00	
Do	Arter & Hadden (For:Citicorp)	240.00	
Do	Arter & Hadden (For:Corning, Inc)	160.00	
Do	Arter & Hadden (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)	120.00	
Do	Arter & Hadden (For:Hearst Corp)		
Do	Arter & Hadden (For:Koyo Corp)	360.00	
Do	Arter & Hadden (For:Merck & Co, Inc)		
Do	Arter & Hadden (For:Mineral Resource Alliance)	80.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)	240.00	
Do	Arter & Hadden (For:SPRINT)		
Do	Arter & Hadden (For:Tesoro Petroleum)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)	80.00	
Do	Arter & Hadden (For:United Services Automobile Assn)	40.00	
Wyll W. Pleger, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root, Inc		
Margaret B. Podlich, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	47.12	
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	1,200.00	1,332.16
Kraege Polan, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)		
Thomas C. Polgar, 1875 Eye Street, NW, Suite 1225 Washington, DC 20006	Paramount Communications, Inc	3,750.00	
Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc		
Pollack & Greene, 206 King Street Alexandria, VA 22314	National Coalition of Abortion Providers		
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	736.44	
Alfred M. Pollard, 805 15th Street, NW, Suite 600 Washington, DC 20005	Savings & Commmunity Bankers of America	9,190.38	96.00
Thomas B. Pollard Jr., P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		3,559.80
Kris D. Polly, 3800 North Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	3,125.00	
Mark D. Polston, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc		
Kathryn Pontzer, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Assn for Marriage & Family Therapy		
Do	American Occupational Therapy Assn, Inc	5,000.00	245.40
Anthony Poole, 1020 19th Street, NW, Suite 800 Washington, DC 20036	Kelly Anderson & Associates (For:James River Corp)		
Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209	Roadway Services, Inc		
J. Craig Potter, 1850 K Street, NW, #500 Washington, DC 20006	Oppenheimer Wolff & Donelly		
Beth Powell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	812.28
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	National Alliance for Infusion Therapy	2,651.00	
Jan Geiselman Power, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,491.16	152.43
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	1,728.48
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Government of Rheinland-Pfalz		358.70
Do	Lead Industries Assn, Inc		
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	850.00	45.00
Andrew J. Prazuch, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	1,800.00	
William B. Prendergast, 4301 North Fairfax Drive, #425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Akitsu Shipping Co, Ltd	3,488.01	
Do	American Fisheries Coalition		
Do	American Forest & Paper Assn		
Do	American President Lines		
Do	ASARCO, Inc		
Do	Bay Ship Management		
Do	Bellingham Cold Storage		
Do	Brown Forman Corp		
Do	Burlington Northern Railroad Co	3,133.50	
Do	Business Software Alliance	4,364.00	
Do	Calista Corp		
Do	Computer Systems Policy Project	225.00	
Do	Delta Queen Steamboat Company	1,875.00	
Do	Dynasty Cruise Line, Inc	16,105.00	
Do	Empire Cruise Line Ltd.	15,416.50	
Do	ENVIROTIRE, Inc		
Do	Hewlett-Packard Co		
Do	Intelsat	240.00	
Do	Intermodal Association of North America		
Do	Marine Resources Company International		
Do	Maruha Corporation	2,223.63	
Do	Microsoft Corp	28,097.00	
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	National Council on Compensation Insurance		
Do	Nichiro Corp	3,488.01	
Do	Nissui Shipping Corp	3,488.01	
Do	OMI Corp	470.00	
Do	Pacific Medical Center		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Printing Industries of America		
Do	Rokuchu Marine Corp		
Do	Royal Seafoods, Inc		
Do	Sunmar Shipping, Inc		
Do	Transportation Institute		
Do	Tri-City Industrial Development Council		
Do	University of Washington		
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	General Electric Co		
Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,200.00	558.33
Curtis A. Prins, 5101 Wisconsin Avenue, NW, Suite 500 Washington, DC 20016	Adams Cohen Securities, Inc	12,674.25	
Do	American Collectors Assn	15,222.25	
Do	Credit Union National Assn	6,250.03	
Do	National Auctioners Assn	9,857.93	
Do	U-Haul International	15,060.25	
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Stuart E. Proctor Jr., 11319 Sunset Hills Road Reston, VA 22090	National Turkey Federation		
Profit Sharing Council of America, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606			
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Jerry Z. Pruzan, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	100.00	
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation		
Alan C. Ptak, 916 Harriman Street Great Falls, VA 22066	Martin Marietta Corp	2,875.00	
Public Affairs Counsel, Inc, 867 Liberty Street, NE Salem, OR 97301	Peter E. Overton		
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		62,001.00	69,301.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		50,315.03	16,306.42
Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101			184.00
Public Strategies, 98 San Jacinto, Suite 900 Austin, TX 78701	Hillwood Development Corp	3,600.00	84.88
Do	Southwest Airlines Co	4,800.00	37.17
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Advanced Micro Devices		
Do	American Forest & Paper Assn		
Do	American Methanol Institute	40,000.00	
Do	American Trucking Assns, Inc	23,000.00	
Do	Anheuser-Busch Companies, Inc	40,000.00	
Do	Beneficial Management Corp	30,000.00	
Do	Blue Cross Blue Shield Assn	36,000.00	
Do	Boston Capital Partners, Inc	4,000.00	
Do	G-Tech Corporation	36,000.00	
Do	Mexican Department of Commerce & Finance		
Do	Nafta-El Paso Business Development Council	30,000.00	
Do	National Assn of Chain Drug Stores	24,999.00	
Do	Southwest Airlines	12,000.00	
Theresa Pugh, 1225 Eye Street, NW, #950 Washington, DC 20005	American Electronics Assn		
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Brenda Pulley, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	8,000.00	358.54
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Susan Putnam, 1301 K Street, NW Washington, DC 20005	IBM		
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	750.00	
Do	Independent Bakers Assn	1,350.00	
Do	Stratcor	750.00	
Do	Welch Foods, Inc	2,136.98	
PFL Life Insurance Company, 9151 Grapevine Highway North Richland Hills, TX 76180-5605		937.50	1,012.50
PHP Healthcare Corp, 4900 Seminary Road, 12th Floor Alexandria, VA 22311			
Quaker Oats Company, 321 North Clark Street Chicago, IL 60610		7,154.74	7,154.74
John E. Quinn, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,500.00	
Patrick H. Quinn, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn	2,095.00	893.01
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Glenn S. Rabin, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Eugene M. Rackley, 1350 New York Ave., NW, Suite 900 Washington, DC 20005	International Franchise Assn		
Alex Radin, 1200 New Hampshire Ave., NW, #311 Washington, DC 20036	Tennessee Valley Public Power Assn	562.50	
Do	Radin & Associates, Inc. (For:Washington Public Utility Districts Assn)	2,406.25	
Raffaelli Spees & Springer, 1341 G Street, NW, #200 Washington, DC 20005	American Psychological Assn	1,000.00	
Do	Association of Progressive Rental Organizations	3,000.00	
Do	Buena Vista Golf & Country Club	200.00	
Do	Chabot Observatory & Science Center	500.00	
Do	City of Chattanooga	750.00	
Do	Cooper Hospital/University Medical Center		
Do	Council of American Overseas Research Centers	200.00	
Do	Creative Discovery Museum	750.00	
Do	Dean Witter Realty, Inc	3,000.00	
Do	Diagnostic Retrieval Systems	1,000.00	
Do	Ft. Worth Transportation Authority	3,000.00	
Do	Golden Hill Paugussett Tribe	2,500.00	
Do	HealthInfusion, Inc		
Do	Imrig, Inc	1,000.00	
Do	ICI Chemical	1,000.00	
Do	Johnson Controls, Inc	1,000.00	
Do	McDonnell Douglas Corp	500.00	
Do	Medi-Vu, Inc		
Do	MASSPORT/Commonwealth of Massachusetts		
Do	National Medical Care	13,000.00	
Do	Nevada Power		
Do	Orlando-Orange County Expressway Authority	1,000.00	
Do	RAILTRAN		
Do	Seafarers International Union	1,000.00	
Do	Tucker Flyer & Lewis	2,000.00	
Do	Universal Vacation Club		
Do	University of Nevada/Las Vegas Research Center	7,500.00	
Do	University of Nevada, Reno	12,500.00	
Do	Viacom International	1,000.00	
Zvi Rafiah, Asia house 4 Weizman Street Tel Aviv, 64239 Israel	Rabintex Industries, Ltd	2,500.00	12.00
Do	Rafael Armament Development Authority	10,162.00	2,257.00
Do	TAAS, Israeli Industries LTD (IMI)	2,140.00	2,771.00
Do	Urdan Industries LTD		
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20817	American Soc of Hematology	500.00	138.75
Do	Association of American Cancer Institutes	2,000.00	348.00
Do	Contrade Agri USA		
Do	Friends of the NIDCD	600.00	118.50
Do	P/C Advisors, Inc		
Robert H. Ragan, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group, Inc		
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Ameritech, et al.)	1,050.00	
Do	Graham & James (For:Federal Judges Association)	140.00	
Do	Graham & James (For:Federal Magistrate Judges' Assn)	150.00	
Do	Graham & James (For:RR Donnelley & Sons Co)		
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Lisa J. Raines, 1020 19th Street, NW Washington, DC 20036	Genzyme Corp	1,625.00	
Meghan B. Rainey, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	4,000.00	190.57
Kristen M. Rand, 1666 Connecticut Ave. NW Suite 310 Washington, DC 20009	Consumers Union	1,000.00	
Howard W. Randolph Jr, 815 16th St., NW Washington, DC 20006	Transportation-Communications Union	1,000.00	
Paul W. Rankin, 8401 Corporate Drive, #425 Landover, MD 20785	Association of Container Reconditioners	2,065.00	200.00
Murray Rapp, 2001 S Street, NW, Suite 530 Washington, DC 20009	Community Nutrition Institute	5,100.00	93.94
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John W. Rauber Jr., 1101 Vermont Avenue, NW Washington, DC 20005	Chadbourne & Parke (For:American Forest & Paper Assn)		
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	Bayley Seton Hospital	14,521.86	
Do	Cumberland Packing Company	10,525.92	
Do	Lutheran Medical Center	8,820.62	
Do	Simply Lite Foods Corp	6,647.00	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	1,000.00	45.00
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	Mutual of Omaha Companies	300.00	
Robert S. Raymar, One Gateway Center Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)		
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	65.00
Recording Industry Assn of America, Inc, 1020 l9th St., NW #200 Washington, DC 20036		19,538.88	19,538.88
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	670.78	
Eric Redman, Heller Ehrman White & McAuliffe 6100 Columbia Center 701 Fifth Avenue Seattle, WA 98104-7098	Chugach Electric Assn, Inc		
Gregory Redmond, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co		
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	822.40	41.50
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	35.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Association of Financial Guarantee Insurors	2,750.00	50.00
Do	High Speed Rail Maglev Assn	1,050.00	
Do	Mid-America Transplant Association	2,700.00	20.00
Do	Radio-Television News Directors Assn	7,740.00	
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	143.75
Martin A. Regalia, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,500.00	200.00
R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	315.47
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	6,718.00	506.68
Regional Airline Association, 1101 Connecticut Ave., NW, #700 Washington, DC 20036		2,392.00	2,150.00
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701		26,910.14	28,704.93
David K. Rehr, 1100 South Washington Street, Ist Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	12,461.04	203.16
Law Offices of Paul S. Reichler, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Democracy & Dignity Foundation		31.40
Do	Embassy of the Republic of Uganda		1,714.03
Do	Interim Government of National Unity of Liberia	18,750.00	
Do	Republic of Guyana	10,000.00	5,189.59
Do	Republic of Nicaragua	45,856.71	3,289.28
Do	Saharawi Arab Democratic Republic		37.84
Do	Supreme Court of Justice of the Republic of Guatemala		2,599.64
Do	United Front for Multiparty Democracy (Malawi)		
Do	United Republic of Tanzania		692.90
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB C-E Nuclear Fuel		
Do	ABB Drives, Inc		
Do	Central & Southwest Corp		
Do	City of Cleveland, Department of Port Control		
Do	City of Philadelphia	24,997.50	1,540.66
Do	Denver Internatinal Airport		
Do	Edison Electric Institute		
Do	Henschel, Inc		
Do	Minnesota Power		
Do	MDU Resources Group, Inc		
Do	Nishika Corp		
Do	Parsons Brinckerhoff Quade & Douglas, Inc		
Do	Robert E. Derecktor of Rhode Island, Inc		
Do	South Jersey Transportation Authority		
Do	SPD Technologies		
Do	Tucson Electric & Power Co	19,308.25	
Do	United Illuminating Company		
Ronald T. Reiling, 111 Powdermill Road Maynard, MA 01754	Digital Equiptment Corp	25,000.00	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,250.00	632.40
Reinhart Boerner Van Deuren Norris & Rieselbach, 2445 M Street, NW, Suite 410 Washington, DC 20037	National Employee Benefits Institute		
Reinsurance Assn of America, 1301 Pennsylvahia Avenue, N.W., #900 Washington, DC 20004			
Dale L. Reistad, P.O. Box 33399 Washington, DC 20033	Interactive Television Assn		
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn	500.00	36.00
Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	11,000.00	281.22
Michael J. Remington, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For:Krueger International, Inc)	8,320.00	
Do	Leonard Ralston Stanton & Danks (For:Labat-Anderson, Inc)		
Do	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)	13,124.18	
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)		
Martin S. Rendon, 110 Maryland Ave., NE Washington, DC 20002	US Committee for UNICEF	10,000.00	7,000.00
Renewable Fuels Assn, One Massachusettes Ave, NW, #820 Washington, DC 20002			431,979.61
Julia Renjilian, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	6,500.00	742.71
Stephen P. Rentner, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Galen J. Reser, 700 Anderson Hill Road Purchase, NY 10577	Pepsico, Inc		
Barclay T. Resler, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Company	150.00	210.87
Resource Management Consultants, Inc, 1212 New York Ave.,NW, Suite 345 Washington, DC 20005		19,501.00	
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		147,019.74	72,662.26
Paul C. Rettig, 50 F Street, NW, #1100 Washington, DC 20001	American Osteopathic Healthcare Assn	4,000.00	
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Co	500.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	21,111.38	451.00
Jimmie V. Reyna, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Radiation Systems, Inc)		
Do	Stewart & Stewart		
David Lyon Reynolds, 444 North Capitol Street, NW Washington, DC 20001	Association of California Water Agencies	1,000.00	
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company	2,064.00	2,452.00
Larry D. Rhea, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,200.00	
Hermione Rhones, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,500.00	
Jeffrey Ricchetti, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	5,626.00	628.02
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	10,100.00	117.38
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Allen Richard, 600 Maryland Avenue, SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	5,817.74	219.82
Alan K. Richards, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	2,000.00	
Donna Rae Richardson, 600 Maryland Ave. SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	6,953.00	1.25
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	500.00	4,281.64
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,419.00	141.42
Max Richtman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	28,495.00	3,264.87
James G. Rickards, 600 Steamboat Road Greenwich, CT 06830-7149	Greenwich Capital Markets, Inc		
Robert G. Rickles, 3350 Peachtree Road, NE Atlanta, GA 30326	Blue Cross and Blue Shield of Georgia	420.00	
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	2,000.00	934.20
E. George Riedel, l000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	50.00
Earl F. Rieger, 13 Halifax Court Rockville, MD 20850	California Independent Mortgage Brokers Assn	12,000.00	95.00
Blair A. Rieth Jr., 1101 Pennsylvania Ave. , NW Suite 540 Washington, DC 20004	Eli Lilly & Co	2,000.00	145.58
Gina J. Rigby-LeDonne, 1901 North Moore Street, Suite 1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn		
Judith Assmus Riggs, 1319 F Street, NW #710 Washington, DC 20004	Alzheimer's Assn	7,265.00	234.00
Karen Rindge, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation		
Russell C. Ring, 1700 Pensylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,175.00	
Joan D. Ringel, 511 16th Street, Suite 210 Denver, CO 80202-4227		250.00	
Durwood W. Ringo, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	GE Company	1,375.00	
Irene Ringwood, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Direct Service Industries, Inc	3,000.00	
Rini & Coran, 1350 Connecticut Ave., NW, Suite 900 Washington, DC 20036			
John S. Rippey, 805 15th Street, NW, #600 Washington, DC 20005	Association of Bank Holding Cos	6,024.15	
Carol A. Risher, 1718 Connecticut Ave., NW, #700 Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Mark R. Riso, 1920 N Street, NW Washington, DC 20036	American Mining Congress		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edward W. Rissing, 701 Pennsylvania Ave, NW Washington, DC 20004	Edison Electric Institute	130.47	
Tom Ritter, 33045 Hamilton Boulevard Farmington Hills, MI 48018	Alexander Hamilton Life Insurance Co		
Do	Household Financial Group, Ltd		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,592.00	
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	929.30	539.81
Michelle Robbins, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation	2,000.00	386.92
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	155.40
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,600.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	1,297.00	4,427.00
Glenn Roberts, 1620 I Street, NW, #925 Washington, DC 20006	American Spice Trade Association		
Do	Flavor and Extract Manufacturers Assn	423.00	
Do	Fragrance Materials Assn	389.00	
Do	International Assn of Color Manufacturers		
Jack L. Roberts, 4513 Duck Lake Point Tallahassee, FL 32303	Southern States Police Benevolent Assn	15,151.17	
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		1,800.09
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	185.49
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	13,812.51	121.80
Robins Kaplan Miller & Ciresi, 1801 K Street, NW, #1200 Washington, DC 20006	Crystal Cruises, Inc		
Do	International Group of P&I Clubs		
Do	National Assn of Wheat Growers	6,916.00	155.50
Do	Polaris Industries, L.P.	600.00	
Do			
Do	Star Shipping A/S	8,811.00	879.06
Do	U.S. Wheat Gluten Assn		
Gail Robinson, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc		
Kenneth L. Robinson, 3138 North l0th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64153-2315	Livestock Marketing Association	16,200.00	460.00
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:National Industrial Transportation League)		
Do	Bailey & Robinson (For:Natural Disaster Coalition)		
Do	Bailey & Robinson (For:Oralco Management Services)		
Do	Bailey & Robinson (For:Unisys Corp)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	American International Group, Inc	2,000.00	
Do	Commission on Self-Determination		
Do	CALCOT, Ltd		
Do	Ingersoll-Rand	5,000.00	
Do	Interactive Entertainment Industry Rating System Committee	10,000.00	
Do	Mesa, Inc		
Do	National Venture Capital Association		
Do	New York Mercantile Exchange (NYMEX)		
Do	Sun Diamond Growers	1,500.00	
Do	United States Banknote Corp		
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc (Government Programs Office)).	750.00	
Do	Robison International, Inc (For:McDonnell Douglas Corp)	750.00	
Robison International, Inc, 1 Massachusetts Ave., NW, #880 Washington, DC 20001	Allied-Signal Aerospace Co	6,105.31	2,749.13
Do	British Aerospace, Inc (Government Programs Office)	9,809.29	3,298.62
Do	FMC Corporation	1,699.09	533.11
Do	General Atomics Technologies	2,400.00	799.65
Do	Mas-Hamilton Group		
Do	McDonnell Douglas Corp	5,181.55	2,290.94
Do	Oshkosh Truck Corp	1,200.00	358.92
Do	Prudential Insurance Co	2,100.00	415.33
Do	Solid Waste Composting Council	5,000.00	1,038.30
Do	SOFEC, Inc		
Do	U.S. Global Positioning Sustem Industry Council		
Peggy Rochette, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	300.00	
James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004	American Resort Development Assn	3,000.00	
David B. Rockland, 1705 DeSales Street, NW 8th Floor Washington, DC 20036	Times Mirror Magazines, Inc		
Quincy Rodgers, 1899 L Street, Suite 500 Washington, DC 20036	General Instrument Corporation	2,200.00	255.00
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Edward M. Rogers Jr., P.O. Box 960 Yazoo City, MS 39194-0960	American Maritme Congress	15,000.00	5.00
Do	American Rice, Inc	5,000.00	
Do	CBS, Inc	22,500.00	5.00
James A. Rogers, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	1,089.86
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,990.00
Susan L. Rogers, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	Major League Baseball Players Assn	2,850.00	360.58
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	11,400.00	420.00
Frank G. Rohrbough, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,272.00	
Ian M. Rolland, 200 East Berry Street Fort Wayne, IN 46802	Lincoln National Corp		
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	299.00	249.87
Dennis G. Romano, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	356.06
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
Fred B. Rooney, 700 13th Street, N.W., #400 Washington, DC 20005	American Iron & Steel Institute	200.00	
Do	Association of American Railroads	200.00	
Do	AT&T	200.00	
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		530.55
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	American Council on Education		
Do	Cabot Corp		
Do	Creative Capital, Inc		
Do	Industrial Development Authority of Ireland		
Do	National Food Brokers Assn		
James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	4,643.86	50.00
Do	Independent Defense Contractor Assn		
Do	Rosapepe & Spanos, Inc (For:Interim Services, Inc)		
Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005	H&R Block, Inc	35,722.50	14,620.47
Do	Independent Defense Contractor Assn		
Do	Interim Services, Inc		
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,500.00	
David Rose, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Government Affairs	17,000.00	3,739.89
Rose Communications, Inc, 1625 K Street, NW, Suite 790 Washington, DC 20006	Fuel Cells for Transportation	6,262.50	6,262.50
Do	Johnson Matthey, Inc	7,100.00	7,100.00
Burt E. Rosen, 655 15th Street , NW, Suite 410 Washington, DC 20005	SmithKline Beecham Corp	2,500.00	500.00
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	3,500.00	
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	2,000.00	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	15,299.83	6,057.42
Ilene Rosenthal, 2000 Pennsylvania Avenue, NW, #5500 Washington, DC 20006	Curriculum Television Corp		
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Joe Ross, 111 Main Street Little Rock, AR 72201			
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute	438.00	1,048.28
Ross & Hardies, 888 16th Street, NW, 3rd Floor Washington, DC 20006	Air Courier Conference of America		
Ross Dixon & Masback, 601 Pennsylvania Ave., NW, No. Bldg. Washington, DC 20004-2688	Newsletter Publishers Assn	10,000.00	
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	International Union of Electronic Electrical Salaried...		
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc, et al.	3,000.00	1,097.04
Do	Ralvin Pacific Properties, Inc, et al.		
Edwin Rothschild, 1120 19th Street, NW SUite 630 Washington, DC 20036	Citizen Action Fund	300.00	15.00
Robert G. Rothstein, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
James H. Rowe III, 1331 Pennsylvania Ave., NW Suite 930 North Washington, DC 20004	National Broadcasting Company	1,500.00	157.00
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	3,282.00	2,597.55
Manik Roy, 1875 Connecticut Ave., NW, #1016 Washington, DC 20009	Environmental Defense Fund	3,312.00	
Natalie Roy, 34 North Highland Street Arlington, VA 22201	Glass Packaging Institute	3,000.00	103.55
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Brunswick Bank & Trust Company		
Do	Citizens Savings Bank		
Do	Eaton Vance Corp		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	McClure Gerard & Neuenschwander, Inc		
Do	Michigan Trade Exchange		
Do	Municipal Finance Industry Assn		
Do	Republic Boston Capital Corp		
Do	Philip J. Scutieri		
Royer & Babyak, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
David R. Rozier Jr., 333 Piedmont Avenue Atlanta, GA 30308	Georgia Power Company	27,674.08	9,242.38
N. Lee Rucker, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	
Eldon Rudd, P.O. Box 873 Scottsdale, AZ 85252	Central Arizona Project Assn		
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	4,500.00	93.38
Paul M. Ruden, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents		
Mladen Rudman, 1912 Sunderland Place, NW Washington, DC 20036-1608	Croation American Assn		
Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,638.00	
Rural Community Insurance Services, Inc, 3501 Thurston Avenue Anoka, MN 55303-1060		1,200.00	
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	22,616.00	
Charlotte Rush, 1401 Eye Street, NW Washington, DC 20005	Mastercard International, Inc		
Tonda F. Rush, 1525 Wilson Blvd., #550 Arlington, VA 22209	National Newspaper Association		
Robert Rusis, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		60.00
Judith L. Russell, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	150.00	
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Shannon M. Russell, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Herman Max Ruth 71990-158, Mail Box 129 3150 Horton Road Fort Worth, TX 76119			
J. T. Rutherford & Associates, Inc, 1001 N. Highland Street, #502 Arlington, VA 22201	American College of Radiology	2,100.00	611.50
Do	American Optometric Assn	1,600.00	622.10
Do	American Soc for Medical Technology	800.00	89.20
Frank Ryan, 9420 Annapolis Road, #307 Lanham, MD 20706	Greater Wash/MD Service Station & Automotive Repair Assn	100.00	
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Paul D. Ryan, 750 17th Street, NW, #900 Washington, DC 20006	Nissan North America, Inc	8,775.00	
RASP, INC, P.O. Box 3674 Arlington, VA 22203-0674	Boeing Computer Services, Inc	2,928.00	871.00
Do	CAE-Link Corp		
Do	Diagnostic/Retrieval Systems, Inc	4,687.00	2,690.00
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			31,369.24
Craig S. Sadick, 1725 K Street, NW Washington, DC 20006	National Assn of Wholesaler-Distributors		
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	603.07
Safe Steel Container Coalition, 601 13th Street, NW, 12th Floor Washington, DC 20005		5,615.00	5,615.00
Kenneth J. Salaets, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	3,000.00	470.32
Frank Max Salinger, 650 Naamans Road Claymont, DE 19703	ADVANTA Corp	3,000.00	2,500.00
Scott R. Salmon, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corp		
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO	15,668.90	754.82
Joel Saltzman, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	1,400.00	167.48
Babette P. Salus, Schwing & Salus, P.C. 600 S. Second Street, #100 Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm		
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201		7,410.00	1,929.14
Wendy B. Samuel, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae		
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	13,249.98	165.28
Lee Sanders, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	1,312.50	40.00
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn		
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	900.00	295.50
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,732.50	343.54
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn		
Patricia Kopf Sanner, 1825 I Street, NW, #400 Washington, DC 20006	Humana, Inc	4,200.00	1,165.00
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn, Inc	3,651.84	
Susan Sarason, 1025 Connecticut Avenue, NW, Suite 1014 Washington, DC 20036	American Gas Assn	3,150.00	28.25
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314			5,075.71
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	52.00
Mary Jane Saunders, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Paul R. Savary, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Association of Truck Stop Operators		
Save the Greenback Assn, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007		20,000.00	34,855.40
Save Our Security, 1331 F Street NW Washington, DC 20004-1171		40,830.00	23,848.49
Savings and Community Bankers of America, 900 19th Street, NW Washington, DC 20006		2,568,303.00	77,230.11
Richard N. Sawaya, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
Keith Scarborough, One Thomas Circle, NW, #950 Washington, DC 20005	Association of National Advertisers, Inc		
Jeanne Schaaf, North Building, Suite 725 601 Pennsylvania Ave., NW Washington, DC 20004	British Telecommunications, plc	2,500.00	45.63
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	4,756.25	4,250.40
Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Company	289.00	
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:Oralco Management Services)		
Do	Bailey & Robinson (For:Unisys Corp)		
G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Robert F. Schiff, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,445.00	
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Jeffrey L. Schlagenhauf, 1627 K Street, NW, #700 Washington, DC 20006	Smokeless Tobacco Council, Inc		
Paul Schlegel, 2001 L Street, NW, Suite 304 Washington, DC 20036	Weyerhaeuser Company		104.54
David S. Schless, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	1,800.00	
Terry Schley, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	6,295.48	
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	1,300.00	233.53
Rodger Schlickeisen, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Lynn L. Schloesser, 1301 K Street, NW East Tower, Suite 715 Washington, DC 20005	Eastman Chemical Co	2,000.00	300.00
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers		
Do	Career College Assn, Inc	1,000.00	
Schnader Harrison Segal & Lewis, 1111 19th Street, NW, #1000 Washington, DC 20036	Lafargo Corp	10,296.70	581.04
Mahlon C. Schneider, 1000 N.W. 14th Austin, MN 55912	Hormel Foods Corporation		305.00
Phillip L. Schneider, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,000.00	
Abraham Schneier, McKevitt Group 1101 16th St. NW, #333 Washington, DC 20036	Kelly Services, Inc	4,250.00	
Do	PepsiCo, Inc	1,050.00	98.00
Paul A. Schosberg, 900 19th Street NW, #400 Washington, DC 20006	Savings & Community Bankers of America		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	9,201.75	517.45
H. B. W. Schroeder, l0l6 l6th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
John G. Schroeder, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Sikorsky Aircraft/United Technologies	2,852.00	1,650.31

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Elizabeth Schueler, Willard Office Building 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Idaho Conservation League		
Do			
Daniel J. Schulder, 1331 F Street, NW 7th Floor Washington, DC 20004	National Council of Senior Citizens	16,401.11	
Leslie Schultz, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	22,245.52	675.09
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
James C. Schwaninger, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
A.R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Mitchell Energy & Development Co		
Do	Southwestern Bell Corporation		
Do	Vulcan Materials		
Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Association	50.00	
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	15,000.00	
Stephen I. Schwartz, 236 Massachusetts Avenue, NE, Suite 500 Washington, DC 20002	Tides Foundation	70.86	1,250.42
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	3,980.00	
Eric M. Schwing, Illinois Department of Nuclear Safety 1035 Outer Park Drive Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm	337.50	3.00
Yael Schy, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Sally Sciacca, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	
Scientific-Atlanta, One Technology Parkway Box 105600 Norcross, GA 30092			150.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	20,000.00	
William L. Scogland, One IBM Plaza Chicago, IL 60611	Jenner & Block (For:Heatherton Staff Leasing, Ltd)		
David A. Scott, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corporation	2,000.00	30.68
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	AmHS Institute	11,125.00	328.47
John H. Scott, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Michael Scott, 1101 Vermont Ave., NW, Suite 606 Washington, DC 20005	American Soc of Anesthesiologists	20,189.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	715.00	
Steven R. Scott, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	California Department of Insurance		
Do	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	6,156.00	3,070.86
Murray S. Scureman, 5335 Wisconsin Avenue, NW, #500 Washington, DC 20015	Amdahl Corp	1,000.00	
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	513.39
Securities Industry Assn, 1401 I Street, NW, Suite 1000 Washington, DC 20005			425,664.00
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA		11,938.00
Ruth L. Segal, 1212 New York Avenue, NW, #1210 Washington, DC 20005	Outdoor Advertising Assn of America	31,250.00	
John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute	887.20	232.34
Elliott M. Seiden, 901 15th Street, NW, #310 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
Mark K. Seifert, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Jane Seigler, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc		
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	180.00	
George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Marlisa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	2,500.00	169.75
W. Edward Senn, 1828 L Street, NW, #1000 Washington, DC 20036	NYNEX	8,250.00	2,394.37
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	16,601.68	
David Senter, 1901 L Street, NW, #300 Washington, DC 20036	David Senter & Associates, Inc		
David Senter & Associates, Inc, 1901 L Street, NW, Suite 300 Washington, DC 20036			
Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,730.00	418.03
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	3,431.97
Andrew L. Sernoritz, P.O. Box 33428 Washington, DC 20033-0428	Interactive Television Assn	30,000.00	2,300.00
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	American Soc of Pension Actuaries		
Do	Unisys Corp	9,615.00	
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	7,955.00	1,505.61
Kevin J. Shannon, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	625.00	
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc	2,665.62	1,618.00
Do	Pipe Tobacco Council	896.87	277.50
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	Toy Manufacturers of America	2,250.00	1,856.00
Emily Young Shaw, 1317 F Street, NW, Suite 400 Washington, DC 20004	R. Duffy Wall & Associates, Inc	1,250.00	
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	PHH Group		
Do	Senior Executives Assn	10,000.00	798.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Atlas Corp		
Do	Aviall, Inc	3,490.80	299.52
Do	Chromalloy Gas & Turbine	7,718.00	870.00
Do	Dallas/Fort Worth International Airport	16,738.50	2,886.70
Do	Edlow International Company	1,000.00	30.00
Do	Embraer Aircraft Corporation		
Do	Emerson Electric Co		
Do	ESCO Electronics Corp		
Do	Institute of International Bankers	14,011.00	
Do	Intermountain Health Care, Inc		
Do	International Small Satellite Organization		
Do	Metropolitan Insurance Co		
Do	National Automobile Dealers Assn		
Do	National Marine Manufacturers Assn	5,315.40	322.08
Do	North Carolina Air Cargo Airport Authority	16,753.91	2,894.31
Do	Nuclear Fuel Services, Inc		
Do	Pratt & Whitney	3,652.65	241.37
Do	RJR Nabisco	7,663.00	35.60
Do	Schnell-Bruter-Kernkraftwerksgesellschaft MbH	840.00	5.00
Do	Spectrum Astro, Inc		
Do	Summit '93 Coalition		
Do	Utility Nuclear Waste and Transportation Program		
Do	Vulcan Materials Co		
Do	Workplace Health and Safety Council		
Matthew R. Shay, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Quinlan J. Shea, 1920 N Steet, NW Washington, DC 20036	American Mining Congress	200.00	80.00
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, 3333 State Bridge Rd. Alpharetta, GA 30202	Siemens Corporation		
Gail E. Shearer, 1666 Connecticut Avenue, NE, #310 Washington, DC 20009	Consumers Union	4,000.00	
Shearman & Sterling, 801 Pennsylvania Avenue, NW, 9th Floor Washington, DC 20004-2604	Secretariat of Commerce & Ind. Development of Mexico(SECOFI)		
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	17,189.18	
Mark Sheehan, 1627 K Street, NW, Suite 400 Washington, DC 20006	National Newspaper Association		
Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006	Tribune Broadcasting Co	3,000.00	2,315.62
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute		
L. Philip Sheldon Jr., 8 West Roseville Road Lancaster, PA 17601	Child Protection Lobby	9,000.00	1,397.03
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	12,500.00	1,040.00
Zack H. Shelley Jr., 1212 Falster Road Alexandria, VA 22308	Martin Marietta Corp	2,625.00	
Julian L. Shepard, 1400 16th Street, NW, Suite 610 Washington, DC 20036	Association for Maximum Service Television, Inc	46.15	
Frances R. Shepardson, 1025 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Neal Sher, 440 First Street, NW Washington, DC 20001	American Israel Public AFfairs Committee	6,687.50	346.33
Dawn M. Shiley, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufacturing Assn	500.00	250.29
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council		
T. V. Shockley III, P.O Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Bard D. Shollenberger, 1350 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Lockheed Information Management Services Co, Inc	2,000.00	
Shook Hardy & Bacon, One Kansas City Place 1200 Main Street Kansas City, MO 64105	Ewing Marion Kauffman Foundation	3,053.95	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Jennifer M. Shriver, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp		
John Shuey, P.O. Box 3151 Houston, TX 77253	Browning-Ferris Industries, Inc		
Diane M. Shust, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,753.35	63.00
William H. Shute, 1401 I Street, NW, #1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	5,000.71
Zelda Shute, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp		
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries, Inc		
Sidley & Austin, 1722 Eye Street,N.W. Washington, DC 20006	W. K. Kellogg Foundation		
Do	Pharmaceutical Manufacturers Assn	3,510.00	50.00
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Stevens Institute of Technology	12,000.00	45.42
Kristin Siemann, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation	161.54	
Jill Sigal, Jill Sigal Associates 412 First Street, SE #100 Washington, DC 20003	ASARCO, Inc	10,750.00	1,177.51
Allan Silber, 365 Main Street Nashua, NH 03060	Recyclers of Copper Alloy Products	10,500.00	3,998.21
Mark Silbergeld, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Pam Silberstein, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Miller Balis & O'Neil (For:American Public Gas Assn)		
Hilary Sills, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For:OHM Corp)	780.00	
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)	2,500.00	
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)		
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	3,500.00	
Do	Robertson Monagle & Eastaugh (For:City of Craig, AK)		
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)		
Do	Robertson Monagle & Eastaugh (For:City of Silverton)		
Do	Robertson Monagle & Eastaugh (For:Echo Bay Mining Company)		
Do	Robertson Monagle & Eastaugh (For:Goldbelt)		
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)	6,000.00	
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	2,500.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		2,419.00	1,608.00
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	47.23
Reuben Silvers, 2030 M Street, NW Washington, DC 20036	Common Cause	7,020.00	
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	International Chiropractors Assn	2,500.00	
Do	Life College	2,500.00	
Do	National Structured Settlements Trade Assn	9,000.00	
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	425.00	300.00
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	10,800.00	3,348.43
Do	East Bay Dischargers Authority		
Do	Elkhart, IN	5,028.84	3,652.27
Do	Gary, Indiana	7,820.82	3,669.25
Do	National Easter Seal Society	7,535.99	3,384.42
Do	Newark, CA	4,921.18	3,764.11
Do	Pierce Transit Authority	2,050.25	5,493.88
Do	Portland, OR	13,025.85	5,624.30
Do	Salt Lake City, UT	10,293.23	3,641.66
Do	San Bernardino, CA	5,419.88	3,767.35
Do	San Leandro, CA	4,720.63	3,765.63
Do	Tacoma Public Utilities	2,126.19	3,974.62
Do	Tacoma, WA	7,088.30	4,811.72
Charles W. Simpson, 555 13th Street, NW, #410-W Washington, DC 20004	Morrison Knudsen Corp		
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	816.41	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	Entergy Services, Inc (Mississippi Power & Light Co)	2,000.00	
Do	Federal Express	3,000.00	
Do	First Mississippi Corp	1,500.00	
Stephen F. Sims, 1120 Connecticut Avenue, 11th Floor Washington, DC 20036	National Nutritional Foods Assn	60,000.00	6,929.21
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America		
Do	Akzo America, Inc		
Do	Allied-Signal, Inc	1,000.00	
Do	American International Group, Inc		
Do	Angelo Brothers Co	3,500.00	
Do	Armco, Inc	5,000.00	
Do	Bethlehem Steel Corp	10,000.00	
Do	County of San Joaquin, CA		
Do	Dun & Bradstreet		
Do	Enron Corporation		
Do	General Mills		
Do	Inland Steel Industries, Inc	10,000.00	
Do	LTV Steel Company, Inc	10,000.00	
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Energy Service Companies	1,860.00	
Do	National Steel Corp	10,000.00	
Do	Prudential Insurance Co of America	5,000.00	
Do	Sara Lee Corporation	500.00	
Do	Transco Energy Corp		
Do	USX Corp	10,000.00	
Kerry A. Walsh Skelly, 850 Dixie Highway Louisville, KY 40210	Brown-Forman Corp	1,646.00	
Barney J. Skladany Jr., 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	39.24
Linda Arey Skladany, 1350 Eye Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress	21,000.00	
Do	Styrene Industry	15,000.00	
Sklar Associates, 100 West Linden Street Alexandria, VA 22301	Institute for International Sport		
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	11,242.50	87.70
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	465.00	
Do	New Jersey Turnpike Authority	22.50	
Do	Proctor & Gamble Mfg Co		
Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Robert G. Slaughter, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	686.33
David Sloan, Corporate Strategies International, Inc 4517 Clark Place, NW Washington, DC 20007-2502	Oriental Rug Importers, Inc	3,000.00	23.75
Do	Pande Cameron & Co of New York	900.00	
Kirsten A. Sloan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	641.73	152.65
Kelly Campbell Slone, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	5,000.00	
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		9,133.13	2,503.52
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	4,000.00	110.05
Lawrence E. Smarr, 1130 Connecticut Ave., NW, Suite 800 Washington, DC 20036	Physician Insurers Assn of America		
James Smiley, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US West, Inc	916.00	
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Elizabeth M. Smith, 490 L'Enfant Plaza East, SW Suite 4200 Washington, DC 20024	Xerox Corp		
James E. Smith, One State Street Boston, MA 02109	Century Council	1,440.00	105.50
Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Fresh Produce Association of the Americas	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	47,184.08	3,781.21
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	650.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	60.00	
Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc		
Marc Smith, 714 Jackson St. Suite 470 Dallas, TX 75202			
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	2,160.00	689.00
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	837.63	355.17
Richard F. Smith, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	8,000.00	3,300.00
Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc		4,049.64
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	200.00	188.00
Tim Smith, 410 1st St., SE Washington, DC 20003	American Nuclear Energy Council	11,104.13	808.91
W. Glenn Smith, 101 West Washington Street Indianapolis, IN 46255	National City Bank, Indiana		
Smith & Sowalsky, One State Street, Suite 950 Boston, MA 02109	New England Telephone Co	11,250.00	3,688.95
Do	NYNEX Government Affairs	11,250.00	3,688.95
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Children's Hospital & Medical Center	10,000.00	
Do	City of Eugene, Oregon	9,000.00	
Do	City of Gillespie, IL	6,000.00	
Do	City of Macon	4,500.00	
Do	City of Ontario, California	5,500.00	
Do	City of Springfield, Oregon	1,500.00	
Do	Composite Technology Transfer Consortium	20.00	
Do	CRASH	18,000.00	50.00
Do	Haarmann & Reimer Corp	6,000.00	
Do	Kansas City Transit Authority	6,666.66	
Do	Lane County, Oregon		
Do	Metropolitan Water Reclamation District of Greater Chicago	7,000.00	
Do	N.Y. Metropolitan Transportation Agency	14,000.00	100.00
Do	National Assn of Foreign Trade Zones	3,500.00	150.00
Do	Port of San Francisco	4,500.00	
Do	San Francisco Public Utilities Commission		
Smith Heenan & Althen, 1110 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Private Benefits Alliance		
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		8,851.30	8,851.30
Robert B. Smythe, 4807 Wellington Drive Chevy Chase, MD 20815		320.00	20.00
William Snape, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	38.46	
Thomas M. Sneeringer, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Association of Trial Lawyers of America	2,500.00	
Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,950.00	1,000.00
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		20.00
John M. Snyder, 2301 South Jefferson Davis Highway, #925 Arlington, VA 22202	Abraham Lincoln Foundation for Public Policy Research	450.00	
Do	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Laura Snyder, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jack Sobel, 404 3rd Street, SE, #B Washington, DC 20003-1930	Center for Marine Conservation	178.50	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		14,440.12	30,728.30
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882		165.00	703.69
Lisa Sockett, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,400.00	
Denise Sofranko, 1101 Vermont Avenue, #710 Washington, DC 20005	American Veterinary Medical Assn		
Software Publishers Assn, 1730 M Street, NW, Suite 700 Washington, DC 20036		124,999.75	153,132.02
Andrea L. Solarz, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	
Patricia F. Soltys, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co	200.00	548.00
Frederick P. Somers, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc		197.15
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	4,000.00	
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,500.00	
Sonnenberg Anderson O'Donnell & Rodriguez, 200 South Wacker Dr. 33rd Floor Chicago, IL 60606	Florsheim Shoe Co	15,332.00	3,246.52
Do	Trek Bicycle Corp	18,653.00	1,969.56
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)	1,337.50	
Mary Sophos, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	185.00	
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Klukwan, Inc		
Do	Shee Atika, Inc		
Do	Western Pioneer, Inc		
Michele A. Sorenson, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Angela Sorrentino, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	1,800.00	
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		25,276.38	25,276.38
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			19,400.00
Space Industries, Inc, 800 connecticut avenue, nw, #1111 washington, DC 20006			
John S. Sparkman, 1301 Pennsylvania Ave., Nw, #1050d Washington, DC 20004	Baltimore Gas & Electric Co	1,095.05	3,503.92
Ian D. Spatz, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004-2613	Merck & Co, Inc	1,000.00	400.00
Jonathan B. Spear, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	250.00
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For:Desert Research Institute)	1,000.00	
Do	North American Interstate Weather Modification Council		
Rachel E. Speltz, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Collins Robert Spencer III, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,387.50	246.51
William B. Spencer, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Aspen-Pitkin County		
Do	City of St. Louis Airport Authority		
Do	Former Residents of Centralia, Pennsylvania		
Do	Minneapolis/St. Paul Metropolitan Airports Commission		
Do	Northern California Power Agency		
Do	Orange County		
Do	Transmission Access Policy Study Group	355.00	
Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	7,500.00	175.00
Joel B. Spoonheim, 110 Maryland Avenue, NE, Suite 409 Washington, DC 20002	Council for a Livable World	3,125.04	
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al.		
Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany, Rossmarkt		
Do	American Soc of Anesthesiologists		
Do	Independent Data Communications Manufacturers Assn	1,100.00	40.00
Do	Information Technology Association of America	3,981.25	15.00
Do	National Collegiate Athletic Assn	1,970.00	
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Janet G. St. Amand, 1000 Connecticut Ave., NW, #507 Washington, DC 20036	Household Financial Group, Ltd	2,220.00	
Do	Household International, Inc		
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)	1,359.31	
Do	Stewart & Stewart (For:Novus International, Inc)		
Do	Stewart & Stewart (For:SCM Chemicals)	841.75	
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,200.00	91.07
Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc		
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	1,000.00	1,100.00
Michael J. Stanton, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	3,475.00	
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Gateway Economic Development Corp of Greater Cleveland		
Do	National Assn of Bankruptcy Trustees		
Do	Philip Morris		
Do	University Hospitals of Cleveland		
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	3,000.00	5,975.00
State/Federal Correctional Vendors Assn, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007			125.00
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Robert E. Staton, P.O. Box 1365 Columbia, SC 29202	Colonial Life & Accident Insurance Co		
John E. Stauffer, 13307 Vanessa Lane Bowie, MD 20720			
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	3,000.00	
Rozann M. Stayden, 1800 M Stret, NW Washington, DC 20036-5886	American Bar Assn	400.00	50.00
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Indiana Glass Company)	2,156.00	
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)		
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	900.00	
Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696	Edison Electric Institute	2,599.05	325.37
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	25,533.75	3,918.46
Do	Spiegel & McDiarmid (For:Guam Power Authority)	692.50	417.88
Anna-Maria Stephens, 1250 Eye Street, NW, Suite 300 Washington, DC 20005	Mitsubishi Motors America, Inc	180.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jackson T. Stephens, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Stephen O. Stephens, P.O. Box 3507 111 Center Street Little Rock, AR 72203	Stephens Group, Inc		
Stephens Group, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Stephens Overseas Services, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Bear Stearns & Co, Inc	3,956.04	
Do	Canyon Forest Village Corp	78.00	
Do	Citizens Savings & Financial Corp		
Do	Co-Operative Central Bank		
Do	Coalition to Promote America's Trade		
Do	CSO Company	1,381.26	
Do	Del Webb Corp		
Do	Mutual Life Insurance Company Tax Committee		
Do	Western Financial		
Do	Yavapai-Prescott Indian Tribe		
Michael Stern, 1317 F Street, NW, #400 Washington, DC 20004	Investment Company Institute	3,989.01	1,327.78
Seymour Sternberg, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	2,600.00	780.00
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	7,050.00	
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council	113.79	206.74
Do	Georgetown Railroad Co, et al.	3,376.52	330.22
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Libbey Glass)	4,318.74	1,539.28
Do	Monsanto Co		
Do	Novus International, Inc		
Do	Professional Plant Growers Assn	1,148.27	435.70
Do	PPG Industries, Inc	6,068.75	2,075.93
Do	Radiation Systems, Inc		
Do	Smith Corona Corp		
Do	Stewart and Stewart		
Do	SCM Chemicals	2,500.00	1,291.26
Do	Timken Co	7,048.20	18,090.83
Do	Torrington Company	29,224.01	14,075.07
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	1,930.41	15.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association	2,962.00	
Caroline Stinebower, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Kaye L Stinson, 1575 I Street, NW, #200 Washington, DC 20005	American Cyanamid Co	2,904.00	144.57
John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	2,029.37
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	7,500.00	
Carlton a. Stockton, 1801 Pennsylvania Ave.,NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Alex Stoddard, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
Elizabeth A. Stolpe, 1401 Eye Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc	4,500.00	438.61
Robin E. Stombler, 1001 Pennsylvania Avenue, NW, #725 Washington, DC 20007	American College of Surgeons		110.61
Geoff Stone, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	10,750.00	233.45
Sam E. Story Jr., 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	12,750.00	1,376.05
Todd A. Stottlemyer, 1501 BDM Way McLean, VA 22102	BDM International, Inc		
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	7,900.00	45.13
Susan M. Stout, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	58.00	
William P. Stout, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	PSI Energy	19,490.00	10,957.68
Luther J. Strange III, 801 Pennsylvania Ave, NW, #230 Washington, DC 20004	Sonat, Inc	5,000.00	
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	Arthur Andersen & Co	9,125.00	5.80
Do	Coopers & Lybrand	9,125.00	5.80
Do	Deloitte & Touche	9,125.00	5.80
Do	Ernst & Young	9,125.00	5.80
Do	Healthcare Leadership Council	4,100.00	502.35
Do	KPMG Peat Marwick	9,125.00	5.80
Do	Price Waterhouse	9,125.00	5.80
Do	U.S. Healthcare	16,102.16	159.21
Terrence D. Straub, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation	250.00	14.95
W. Martin Strauss, 700 14th Street, NW, Suite 1100 Washington, DC 20005	Monsanto Co		28.77
Ronald J. Streck, P.O. Box 2219 Reston, VA 22090-0219	National Wholesale Druggists' Assn		
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation		
Steven P. Strobridge, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	3,087.00	
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	6,923.07	13.00
Jack B. Strong, 400 West 15th Street, Suite 804 Austin, TX 78701	LDDSMetromedia, Inc	21,700.00	500.00
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Commission on Self-Determination, Govt of Guam	9,593.00	45.00
Do	Dreyfus Corporation	425.00	
Do	Rongelap Community	1,994.00	
Jerry S. Stroope, Route 3, Box 258 Alvin, TX 77511	American Honey Producers Assn		
Heather P. Stroup, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	803.25	90.00
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,500.00
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc	2,931.64	476.89
William Mark Stuart, 1331 Pennsylvania Ave., NW, Suite 1500N Washington, DC 20041-703	National Assn of Manufacturers		
Michael M. Stump, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,820.49	
Charles S. Sullivan, P.O. Box 2310 Washington, DC 20013	Citizens United for Rehabilitation of Errants	8,422.00	2,200.00
Gael M. Sullivan, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	2,344.00	572.50
Harold R. Sullivan, 800 Connecticut Avenue, NW, Washington, DC 20006-2701	Food Marketing Institute	600.00	
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	300.00	
Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	700.00	
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Marion Merrell Dow, Inc	7,500.00	
Gavin J. Sutcliffe, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	737.04	
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	New York Mercantile Exchange (NYMEX)		
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	675.30
Douglass W. Svendson Jr., 6443 Lily Dhu Lane Falls Church, VA 22044	Hollywood Marine, Inc		
Elliot Swan, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Government Affairs	15,000.00	3,689.89
Thomas L. Swartz, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	1,442.00	
Elizabeth J. Swasey, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike		
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co		
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,564.25	400.92
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	National Council of Community Hospitals	2,887.50	
Byron Swift, 1400 16th Street, NW Washington, DC 20036	(For:IUCN-US)		235.00
Philip E. Swink, 1 Pepsi Way Somers, NY 10589-2201	Pepsi-Cola Company		
Chris Ray Swonger, 1825 I Stret, NW, Suite 400 Washington, DC 20006	UST Public Affairs, Inc	4,500.00	
Ronald G. Sykes, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	10,395.32
David A. Sykuta, Illinois Petroleum Council 400 W. Monroe, #205 Springfield, IL 62704	American Petroleum Institute		
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	AIA, Agriculture Insurance Administrators	17,000.00	9,956.02
Do	China External Trade Develpment Council, CETRA	15,000.00	9,956.02
Do	Marcos D. Katz		
Do	Par Pharmaceutical	30,000.00	26,550.72
Do	Rabbi Milton Balkany	22,500.00	19,912.04
Do	Stewart E. Erickson Construction, Inc		
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Association of American Railroads		
Do	M&M/Mars, Inc		
Do	Marion Merrell Dow, Inc		
Do	National Agricultural Chemicals Assn		
Do	TDS Telecom		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bruce B. Talley, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	8,500.00	
Robin M. Tallon, 1875 Eye Street, NW, Suite 800 Washington, DC 20006	Tobacco Institute	1,000.00	80.66
Jill L. Tanis, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	7,771.50	68.50
Tanner & Guin, P.C., P.O. Box 032206 Tuscaloosa, AL 35403	Morrow Realty Co, Inc	1,717.00	1,767.00
Augustine D. Tantillo, 900 2nd Street, Suite 306 Washington, DC 20002	SRG & Associates		
Tapestry Consultants, Inc, 10507-A Braddock Road Fairfax, VA 22032-2236			
Jeffrey A. Tassey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,653.00	
Victor Tawil, 1776 Massachusetts Avenue, NW, Suite 310 Washington, DC 20036	Association for Maximum Service Television, Inc		
Taxpayers Education Lobby, Inc, 14155-F Sullyfield Circle Chantilly, VA 22021			21,340.87
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Larry D. Taylor, P.O. Box 70 Boise, ID 83707	Idaho Power Company		
Lonnie P. Taylor, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	11,250.00	138.37
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	20,583.81	659.65
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Personnel Test Publishers		
Do	CTB MacMillan/McGraw-Hill	656.25	
Do	Midwest Motor Express, Inc		
Do	Multiemployer Pension Plan Solvency Coalition		
Do	National Assn of Convenience Stores		
Randy Teach, 1156 15th Street, NW, #1100 Washington, DC 20005	Medical Group Management Association		
Peter B. Teeley, 502 Summers Court Alexandria, VA 22301	AMGEN, Inc		2,837.49
Richard Telthorst, Missouri Oil Council 428 East Capitol, Suite 203 Jefferson City, MO 65101	American Petroleum Institute	1,475.00	1,455.88
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	9,735.00	484.16
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	365.81
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	2,869.00	1,843.02
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	352.95	17.00
James G. Tetirick, 807 Brazos, #601 Austin, TX 78701	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5952 Royal Lane, #168 Dallas, TX 75230		951.08	951.08
Laura I. Thevenot, 1350 Eye Street, NW, #1030 Washington, DC 20005-3305	Health Insurance Assn of America, Inc	145.31	63.00
Janelle C.M. Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	1,500.00	
Terry V. Thiele, AP2-225 Appliance Park Louisville, KY 40225	General Electric Co	240.00	
Gregory A. Thies, 14111 Scottslawn Road Marysville, OH 43041	O.M. Scott & Sons Company		
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	675.00	25.00
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	1,890.00	500.00
Cindy Thomas, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)		
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	1,828.50	1,275.95
Do	Kent & O'Connor, Inc (For:U.S. Shoe)	1,323.00	697.45
Gordon M. Thomas, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Liberty Media Corp		
Do	Visual Information Technologies, Inc		
Rich Thomas, 2030 M Street, NW Washington, DC 20036	Common Cause	5,647.26	
Bill Thompson, 1517 Southlake Parkway Morrow, GA 30260	Law Enforcement Alliance of America	15,151.17	
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	7,500.00	
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Kenneth W. Thompson, 1899 L Street, NW, #500 Washington, DC 20036	Association of School Business Officials International	1,500.00	10.00
Do	BellSouth Corp	6,000.00	10.00
Do	Council for Superfund Fairness, Inc		10.00
Do	Duke Power Co	6,000.00	10.00
Do	Greenwich Pharmaceuticals, Inc	8,333.33	10.00
Do	International Assn of Convention & Visitor Bureaus	2,665.00	10.00
Do	Itron and AMRplus Partners		10.00
Do	National Bareboat Charter Assn	200.00	10.00
Do	Polaris Industries, L.P.		10.00
Do	Potomac Capital Investment Corp	15,000.00	10.00
Do	Thermo Electron Corp	2,500.00	10.00
Do	United Companies Financial Corp	10,000.00	10.00
Nick Thompson, 1420 New York Ave., NW, Suite 750 Washington, DC 20005	Acxiom Corp		
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
Timothy C. Thompson, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	City of Tacoma	2,812.50	198.67
Do	CH2M Hill Hanford, Inc	4,400.00	980.64
Do	Lornty Investment Company	3,690.00	710.52
Thompson & Company, One Massachusetts Ave., NW, Suite 330 Washington, DC 20001	Golden Rule Insurance Company	18,000.00	7,975.02
Do	Mitsubishi Electronics America, Inc	10,125.00	3,868.43
Thompson & Mitchell, 700 14th street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute	988.00	
Robert B. Thomson III, 453 New Jersey Avenue Washington, DC 20003	Beneficial Management Corp		
Judith Thorman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
John Thornton, 1150 17th Street NW #701 Washington, DC 20036	National Air Traffic Controllers Assn	1,661.60	
Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,300.00	189.13
Walter L. Threadgill, 1001 Connecticut Avenue, NW, #622 Washington, DC 20036	Millicom, Inc		
Patti A. Tilson, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Toyota Motor Sales, USA, Inc	500.00	
Maria Tilves-Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Barbara Timmer, 1600 M Street, NW Washington, DC 20036	ITT Corp	2,697.50	526.08
John W. Timmons, 1133 Connecticut Ave, NW, #1000 Washington, DC 20036	America West Airlines, Inc	10,000.00	5,205.00
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Petroleum Institute	1,425.00	
Do	Ameritech	3,600.00	
Do	Amoco Corporation		
Do	Anheuser-Busch Companies, Inc	2,475.00	
Do	Association of Trial Lawyers of America	2,681.25	
Do	Capital Cities/ABC, Inc	2,925.00	
Do	Chrysler Corporation	1,725.00	
Do	General American Life Insurance Co	2,406.25	
Do	General Instrument Corp	3,900.00	
Do	H.J. Heinz Co	1,725.00	
Do	Major League Baseball	4,050.00	
Do	National Rifle Assn	2,175.00	
Do	Northern Telecom, Inc	1,575.00	
Do	Northrop Corp	1,875.00	
Do	NutraSweet Co		
Do	G. D. Searle & Co	3,300.00	
Do	SCEcorp and Subsidiaries	1,575.00	
Do	Union Pacific Corp	2,025.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.50	
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		6.04
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	3,500.00	
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			
James S. Todd, 515 North State Street Chicago, IL 60610	American Medical Assn	5,875.00	
Tony Poole, 1020 19th Street, NW, #800 Washington, DC 20036	Kelly Anderson & Associates, Inc (For:U.S. Banknote Corp)		
Frank Toohey, 1401 Eye Street, NW, #1000 Washington, DC 20005-2225	Securities Industry Assn	3,468.46	
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Greg R. Toomey, 430 First Street, SE Washington, DC 20003	American Trucking Assn, Inc	9,000.00	
Do	Blue Cross and Blue Shield Assn	358.67	
Jeff Topfer, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies	1,033.33	516.86
Jonathan M. Topodas, 151 Farmington Avenue Hartford, CT 06156	Aetna Life & Casualty Co	840.00	
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Virginia Torsch, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,443.50	
Bronwyn B. Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	3,375.00	94.73
Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Clifford Traisman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	190.00	
Transportation - Communications International Union, 815 16th St., NW, #511 Washington, DC 20006		4,000.00	4,184.40
Mark Traphagen, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,175.00	
Thomas C. Trauger, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Travel & Tourism Government Affairs Council, 1133 21st Street, NW Washington, DC 20036		4,741.00	4,868.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			9,589.00
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Bernard R. Tresnowski, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Association		
Olivia Trible, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	2,287.48	
Michael G. Troop, 900 19th Street NW Washington, DC 20006	Savings and Community Bankers of America	14,000.00	
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	PSI Energy, Inc	5,000.00	
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	6.11
Francine L. Trull, 818 Connecticut Ave., NW, Suite 303 Washington, DC 20006	National Assn for Biomedical Research	3,000.00	
Patrick A. Tucker, 701 Pennsylvania Ave., NW, Suite 610 Washington, DC 20004	Tenneco, Inc	1,687.50	137.07
Tucker Arensberg, PC, 116 Pine Street Harrisburg, PA 17101	Smokeless Tobacco Council	48.00	130.00
Tucker Flyer & Lewis, 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee	2,871.00	
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company	174.00	
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	City of Rialto	6,400.00	2,050.00
Do	Inland Valley Development Agency	2,400.00	2,050.00
Do	Recovery Engineering		
Do	San Bernardino Associated Governments	2,400.00	2,050.00
Do	San Bernardino International Airport Authority	4,000.00	2,050.00
J. Terry Turner, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Jane L. Turner, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
Pamela J. Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,438.00	238.58
Terry Turner, 1641 Besley Rd., NE Vienna, VA 22182	Seafarers International Union of North America	5,000.00	
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		15,712.00	15,712.00
James S. Turpin, 3444 S. Wakefield St. Arlington, VA 22206	American NuKem		
Tuttle Taylor & Heron, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Sunkist Growers, Inc	31,861.25	1,380.94
M. Ann Tutwiler, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Central Soya Co, Inc	2,000.00	40.00
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc	18,000.00	
Steven J. Twist, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,000.00	
Joseph D. Tydings, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:Population Crisis Committee)		
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	47.50	
G. John Tysse, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	8,684.00	8,684.00
U.S. Border Control, 8180 Greensboro Drive #1070 McLean, VA 22102		15,747.12	12,033.44
U.S. Interactive & Microwave Television Assn, 2300 M Street, NW, Suite 800 Washington, DC 20037			
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		79,201.78	89,912.49
U.S. Recreational Ski Association, 1315 Gene Autry Way Anaheim, CA 92805			
U.S. Telephone Assn, 900 19th Street, NW, #800 Washington, DC 20036			
U.S.-China Business Council, 1818 N Street, NW Washington, DC 20036		6,280.20	6,280.20
Matthew Ubben, 1401 Eye Street, NW, #600 Washington, DC 20005	United Technologies Corp	1,300.00	
Stephen J. Ubl, 606 C Street, NE Washington, DC 20002	American Physical Therapy Assn/Private Practice Section	10,000.00	330.88
Laura Uhl, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	450.00	65.00
John R. Ulrich, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company		6,690.00
John R. Undeland, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			25,525.98
United Distribution Companies, 125 West 55th Street, 19th Floor New York, NY 10019			
United Seniors Assn, Inc, 12500 Fair Lakes Circle, #125 Fairfax, VA 22033		1,218,142.91	301,845.64
United Way/Community Service Council of Central IN, Inc, 3901 North Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409.			
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Council of Life Insurance, Inc	2,000.00	
Do	American Insurance Assn	15,000.00	37.50
Do	Valanzano & Associates (For:American International Group, Inc)		
Do	Chubb Corporation	4,000.00	202.50
Do	Colonial Life & Accident Insurance Co	22,400.00	896.91
Do	Valanzano & Assocs. (For:Natural Disaster Coalition National Comm. on Property Insur.).	12,000.00	124.25
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Kelly Anderson & Associates (For:America's Health Plan)	1,087.50	412.20
Do	Kelly Anderson & Associates (For:James River Corp)	750.00	100.00
Do	National Assn of Veterans Affairs Physicians & Dentists		
Ellen Valentino-Benitez, Manis Canning & Associates 12 Francis Street Annapolis, MD 21404	National Troopers Coalition (NTC)	500.00	
Read Carson Van de Water, 901 15th Street, NW, #310 Washington, DC 20005	Northwest Airlines, Inc	8,343.00	175.00
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Pharmaceutical Manufacturing Assn	350.00	
Do	SPACEHAB	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Nancy Van Duyne, 1300 Eye Street, NW, #950E Washington, DC 20005	Continental Airlines, Inc	8,500.00	5,725.00
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, Suite 700 Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	Arctic Slope Regional Corp	100.00	
Do	Barron Collier Co		
Do	Bio Resources, Ltd		
Do	Blackfeet Tribe		
Do	Business Roundtable		
Do	City of Tacoma, WA, Dept of Public Utilities		15.00
Do	City Public Service of San Antonio		
Do	Clean Coal Technology Coalition	135.00	
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Doyon, Ltd		11.00
Do	Electric Transportation Coalition	728.50	
Do	Geothermal Resources Assn	432.00	69.41
Do	GE Industrial & Power Systems	2,782.00	104.94
Do	Intertribal Agricultural Council		
Do	Kenai Natives Assn		11.00
Do	Koncor Forest Products Company		
Do	Mack Trucks, Inc		
Do	McClure Gerard... (for Mineral Resources Alliance)		
Do	McKesson Corp	754.50	32.00
Do	National Endangered Species Act Reform Coalition	480.00	21.00
Do	National Wetlands Coalition	5,832.50	56.00
Do	Navajo Nation		
Do	Newport News Shipbuilding		
Do	North Slope Borough	2,400.00	69.00
Do	Ormat		
Do	Price Waterhouse		
Do	Royal Thai Government, Ministry of Commerce	75.00	
Do	Sacramento Municipal Utility District		
Do	Simpson Paper Co		
Do	Toyota Motor Corporate Services of North America, Inc		
Do	Uranium Producers of America		
Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	12,613.00	741.65
Norman C. VanderNoot, New Hampshire Petroleum Council 11 Depot Street Concord, NH 03301	American Petroleum Institute	688.50	123.18
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	290.15	69.75
Robert Neil Vannoy, 3350 Peachtree Road, NE Atlanta, GA 30326	Blue Cross and Blue Shield of Georgia	1,250.00	
Glenn Vanselow, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	7,611.00	
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company	957.94	1,877.74
L. Todd VanHoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005	Syntex (U.S.A.), Inc	1,200.00	1,343.23
Lisa F. Vaughn, 422 South Church Street, PB05D Charlotte, NC 28242-0001	Duke Power Co	2,226.42	2,210.68

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Vectre Corporation, 411 East Franklin Street, #602 Richmond, VA 23219	Alliance to Keep Americans Working	4,000.00	529.43
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, 10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,500.00	
Sara Vickerman, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc	10,500.00	701.02
Do	National Ag Underwriters	22,500.00	1,078.30
Do	National Assn of Crop Insurance Agents	7,000.00	6,417.00
Mary Vihstadt, 1667 K Street, NW, Suite 320 Washington, DC 20006	Dial Corp	1,500.00	
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	36.60
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Attorneys' Liability Assurance Society, Inc		
Do	Bank Tax Group	2,075.00	
Do	Citicorp Washington, Inc		
Do	Cook Inlet Region, Inc		
Do	Federal Express Corp		
Do	Goldman Sachs & Co	8,187.50	
Do	Large Public Power Council		
Do	Merrill Lynch & Co, Inc		
Do	Panhandle Eastern Corp		
Do	Texas Veterans Land Board		
Joseph A. Violante, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	16,639.88	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207		1.36	0.58
Melodie A. Virtue, 4350 North Fairfax Drive, Suite 900 Arlington, VA 22203-1633	Haley Bader & Potts (For:Eagle Engineering & Communications Group, Inc)	135.48	28.50
Dina Vizzaccaro, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	7,416.00	
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
John R. Vogt, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	10,000.00	371.37
David K. Voight, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	20,217.48	
Ian D. Volner, 1201 New York Ave., NW, #1000 Washington, DC 20005	Venable Baetjer Howard & Civiletti (For:Career College Assn)		
Do	Venable Baetjer Howard & Civiletti (For:Direct Marketing Assn)		
Do	Cohn & Marks (For:Maclean Hunter Cable TV)		
Do	Venable Baetjer Howard & Civiletti (For:USA Networks)		
John M. Volpe, 1825 Eye Street, NW, Suite 400 Washington, DC 20006	Heublein, Inc	6,562.50	225.00
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	Equipment Leasing Assn of America		
Sarah C. Von der Lippe, 80 Trowbridge St. Cambridge, MA 02138	Kids Project	725.00	
Ingrid A. Voorhees, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)	151.50	
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	American Environmental Company		
Do	Clinton Gas Systems, Inc		
Do	Committee of Publicly Owned Companies	925.00	10.47
Do	Community Mutual Insurance Company	4,825.25	119.14
Do	CVI, Inc		
Do	Fraternal Order of Police - National Headquarters	1,789.25	365.86
Do	Grocery Manufacturers of America, Inc		
Do	Honda North America, Inc	4,324.89	106.24
Do	Ohio Advanced Technology Center, Inc	138.75	
Do	Ohio Assn of Broadcasters		
Do	Ohio Cable Television Assn	115.65	54.84
Do	Ohio Forestry Assn		
Do	Ohio Manufacturers Assn		
Do	Ohio Soft Drink Assn		
Do	Snow Aviation International, Inc		
Carmen Delgado Votaw, 1025 Connecticut Ave., NW, #309 Washington, DC 20036	Girl Scouts of the U.S.A.	900.32	23.60
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	24,764.07	3,808.58
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	454.46
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	27.37
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert Waffle, 4214 King Street, West Alexandria, VA 22302	International Hardwood Products Assn (IHPA)		
Joan Wages, 913 East Taylor Run Parkway Alexandria, VA 22302	Cash Smith & Wages (For:Association of Professional Flight Attendants)	4,500.00	435.00
Do	Cash Smith & Wages (For:Independent Federation of Flight Attendants)	2,250.00	467.00
Pamela Hyde Wagner, 4301 North Fairfax Srive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	2,050.00	50.98
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Ackerson & Bishop, Chtd. (For:American Wire Producers Assn)		
Do	Ackerson & Bishop (For:Chiquita Brands International, Inc)		
Herbert R. Waite, 1036 South Collier Blvd., #105 Marco Island, FL 33937	Bankers Roundtable	19,500.00	12,408.15
Do	J.P. Morgan/Morgan Guaranty Bank	6,500.00	5,038.83
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Association of Chiropractic Colleges	7,500.00	
Do	Institute of Scrap Recycling Industies, Inc	12,000.00	
Do	Merck & Company	15,000.00	
Do	University of Pittsburgh Medical Center	15,000.00	
Gerald M. Walker, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	700.00	
Kelley Walker, 3050 K Street, NW, Suite 330 Washington, DC 20007	National Club Assn	2,500.00	
Richard P. Walker, 801 Pennsylvania Avenue, NW, #352 Washington, DC 20004	Central and South West Services, Inc		
Robert J. Walker, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	11,192.00	
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Nuclear Energy Council	1,125.00	
Do	American Telephone & Telegraph Co		
Do	Anheuser-Busch Companies, Inc	4,687.00	
Do	Broadcast Music, Inc	6,563.00	
Do	Coalition on Superfund	1,722.00	
Do	CSX Corporation	1,875.00	
Do	Federal Home Loan Mortgage Corp	1,200.00	
Do	Kennecott Corp		
Do	Mexican Department of Commerce & Industrial Development		
Do	Mid Continent Oil and Gas Assn		
Do	MBNA America Bank NA		
Do	Northville Industries Corp	1,500.00	
Do	Northwestern Mutual Life Insurance Co	1,875.00	
Do	NEDA/RCRA Project	1,500.00	
Do	Pacific Lumber Co	2,250.00	
Do	Sony Music Entertainment, Inc	20,000.00	
Do	Sony Pictures Entertainment, Inc	2,500.00	
Do	Southern Company Services, Inc	1,875.00	
Do	United HealthCare, Inc	1,875.00	
Do	USA Group, Inc	600.00	
Do	Wheelabrator Envrionmental Systems, Inc, et al.	3,750.00	
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Ad Hoc Comm on Coal Taxation	1,000.00	
Do	Allied-Signal, Inc	1,000.00	
Do	American Forest & Paper Assn	1,000.00	
Do	Bell Atlantic Corp	1,500.00	
Do	Committee on Radioisotopes & Radionucleide Industries II	500.00	
Do	Committee on Radioisotopes and Radiopharmaceuticals I	1,000.00	
Do	CIBA-GEIGY Corp	500.00	
Do	EcoScience Corp	500.00	
Do	Environmental Transportation Assn, et al.	1,000.00	
Do	Ernst & Young	3,000.00	
Do	ENERCO & Affiliates	1,000.00	
Do	Footwear Distributors and Retailers of America	1,500.00	
Do	Hazelden Foundation	1,000.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	Horsham Corp	200.00	
Do	Jackson National Life Insurance Co	1,500.00	
Do	Kimberly-Clark	500.00	
Do	Medical Associates of America	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Agricultural Chemicals Assn	1,000.00	
Do	National Coal Assn		
Do	Peabody Holding Co, Inc	500.00	
Do	Pharmaceutical Manufacturers Assn	1,000.00	
Do	Pittston Group	1,000.00	
Do	PPG Industries, Inc	500.00	
Do	Sandoz Corporation Protection Corp.	1,000.00	
Do	State of California	500.00	
Do	Sumitomo Chemical Co		
Do	Tandy Corp	1,000.00	
Do	Torchmark Corporation	1,000.00	
Do	United Company	500.00	
Do	US Generating Co	1,000.00	
Mary L. Wallace, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	8,412.00	
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	3,500.00	
Do	Alabama Power Co	25,000.00	
Do	American Soc of Farm Managers & Rural Appraisers	10,000.00	
Do	American Sugar Cane League	22,500.00	
Do	Calgene, Inc	10,000.00	
Do	Cash America International	3,750.00	
Do	Cotton Warehouse Assn of America	22,500.00	
Do	Domino Sugar Corp	7,500.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	5,000.00	
Do	Kingdom of Saudi Arabia	30,000.00	
Do	Service Corporation International	7,500.00	
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,500.00	
Michael D. Walsh, P.O. Box 591 Parishville, NY 13672			
Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330	General Mills Restaurants, Inc	1,250.00	249.03
James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	1,875.00	975.00
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	6,000.00	
Do	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	21,249.99	520.29
Do	National Assn of Dredging Contractors	13,750.00	
Do	National Rifle Assn of America	35,000.00	
Do	Textron, Inc	15,000.00	521.78
Do	Thiokol Corp	10,500.00	136.75
Do	TRW, Inc	30,000.00	
Bonnie B. Wan, 700 11th Street, NW, Suite 660 Washington, DC 20001	Kimberly-Clark Corp		
Thomas E. Wanley, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator	3,425.00	63.22
Russell Wapensky, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)	2,800.00	
Clarence D. Ward, 1727 Hoban Road, NW Washington, DC 20007	Martin Marietta Corporation	4,170.00	
Gregg Ward, 1150 Connecticut Ave, NW, #717 Washington, DC 20036-4186	Southern California Gas Co		
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute	25.00	
Stephen E. Ward, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Company	1,500.00	
Barbara F. Warden, 1757 N Street ,NW, Washington, DC 20036	International Union United Auto Aerospace & Ag. W of A(UAW)	16,228.00	193.41
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado	450.00	8.00
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,200.00	313.14
Ann D. Warner, 1220 - 19th Street, NW, Suite 200 Washington, DC 20036	Airports Council International - North America	8,550.00	
James H. Warner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company	1,000.00	
David L. Warren, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,998.00	
Richard F. Warren, 918 16th Street, NW, Suite 402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	628.47
Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	6,700.00	637.82
Kenneth Wasch, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn		
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	2,744.18
Gregory J. Washington, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Sheryl Washington, 316 Pennsylvania Avenue, SE Washington, DC 20003	United Parcel Service	2,000.00	50.00
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	City of Cleveland	6,297.25	4,492.22
Do	City of Denver		
Do	City of Miami	3,750.00	3,247.62
Do	City of Oakland	11,280.68	10,161.24
Do	Coca-Cola Company	3,000.00	1,028.00
Do	Electronic Data Systems, Inc		
Do	Foundation Health Federal Services, Inc		
Do	Greater Cleveland Regional Transit Authority	2,230.73	1,211.95
Do	San Francisco Public Utilities Commission	5,416.66	2,622.37
Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005	Government of the Federal Republic of Nigeria		1,141.66
Do	Government of the Republic of Haiti	25,000.00	6,452.88
Robert A. Waspe, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores	500.00	
Watchdog Publications, Inc, 8182 Maryland Avenue, Suite 313 St. Louis, MO 63105			150.00
Robbi-Lynn Watnik, 1050 17th Street, NW, Suite 700 Washington, DC 20036	Healthcare Financial Management Assn		138.67
Leroy Watson, 1616 H Street, NW 11th Floor Washington, DC 20006	National Grange	5,500.00	
James B. Watt, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors		
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	27.00	
Douglas R. Watts, 1320 19th Street, NW, #201 Washington, DC 20036	Tele-Communications, Inc	3,750.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,850.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	10,875.00	368.51
Nancy Watzman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen		
Philip A. Waxman, 2800 Quebec St., NW, #536 Washington, DC 20008	Boehringer Ingelheim Pharmaceuticals, Inc	23,950.00	2,008.34
William H. Weatherspoon, North Carolina Petroleum Council 150 Fayetteville St. Mall Raleigh, NC 27601-2919	American Petroleum Institute	1,000.00	
A. Vernon Weaver, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Barbara G. Webb, 600 Maryland Avenue, SW, Suite 202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	7,906.09	310.46
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Halliburton Co		
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Margaret L. Webber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Jack Weber, 1301 pennsylvania ave., n.w. #900 Washington, DC 20004	Natural Disaster Coalition	37,500.00	3,727.64
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	2,500.00	
William R. Weber, 50 F Street, NW, Suite 900 Washington, DC 20001	Farm Credit Council		
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	International Taxicab and Livery Assn	2,500.00	
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Battery Council International		
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Do	Portable Rechargeable Battery Association		
Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006	Unilever U.S., Inc	1,000.00	620.39
Stanley P. Weiner, One Kansas City Place 1200 Main Street, #3000 Kansas City, MO 64105	Shook Hardy & Bacon, P.C.	3,053.95	
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Steven B. Weingarten, One Commerce Plaza, Suite 2005 Albany, NY 12210	Weingarten Reid Associates		
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company	1,150.00	1,100.00
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036	American Foreign Service Assn	5,400.00	
Do	U.S. Defense Systems, Inc	1,700.00	
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
William J. Welch, 701 Pennsylvania Ave., NW, SUite 610 Washington, DC 20004	Tenneco, Inc	2,400.00	1,240.00
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	6,650.00	1,968.77
Jane V. Wellman, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	14,436.00	
Kent M. Wells, 1401 I Street, NW, Suite 1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	613.57
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	993.75	
Margaret A. Welsh, 2715 M Street, NW, #150 Washington, DC 20007	Electric Generation Assn	86.56	
Michael L. Welsh, Executive Mews, Suite D-20 Cherry Hill, NJ 08003	Welsh Consulting Corporation		
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	1,206.26	2,358.93
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
David Wentworth, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance		
Heidi L. Werling, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	19,097.04	587.00
James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	8.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	97.25
William Preston West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,550.00	1,190.79
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		5,000.00	5,000.00
Westland Development Co., Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121			
Michelle Westover, 412 1st Street, Suite 300 Washington, DC 20003	Independent Insurance Agents of America, Inc	4,211.00	
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	2,003.26	682.10
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Advanced Navigation & Positioning Corp	7,558.14	50.60
Do	Air Conditioning & Refrigeration Institute	1,987.63	45.00
Do	American Airlines, Inc	3,596.11	143.66
Do	American Dental Assn	1,392.86	26.28
Do	American Dietetic Assn	4,758.92	67.28
Do	American Public Transit Assn	3,554.88	214.86
Do	Anheuser-Busch Companies, Inc	4,902.08	40.66
Do	AIDS Action Council	1,991.15	
Do	ARCO	1,846.15	
Do	Catholic Health Assn of the U.S.		
Do	Century Council	3,656.38	
Do	Comcast Corporation	3,487.37	388.63
Do	Connie Lee Insurance Company		
Do	Crow Tribal Council	6,943.89	275.30
Do	Defense Rations Manufacturers Assn	3,450.00	
Do	Eastman Kodak Co	1,146.50	
Do	EG&G, Inc	1,420.61	
Do	Foothills Pipe Line (Yukon) Ltd		
Do	Fortis, Inc		
Do	FHP	554.31	13.87
Do	Grand Trunk Western Railroad, Inc		
Do	Guardian Industries Corp	3,435.58	109.20
Do	Hughes Aircraft Co Space & Communications Group		
Do	J.P. Morgan & Co, Inc	750.00	
Do	Johnson & Johnson	7,954.55	47.28
Do	Joslin Diabetes Center	1,384.62	74.75
Do	Lamont-Doherty Geological Observatory	471.70	84.00
Do	Lederle Laboratories	391.50	
Do	Massachusetts Foundation for Excellence in Marine & Polymer	2,379.31	22.75
Do	MetPath, Inc	2,780.90	13.87
Do	Motion Picture Assn of America, Inc	266.67	5.00
Do	New England Aquarium	530.97	
Do	Oceanic Institute	317.46	56.50
Do	OIS Optical Imaging Systems, Inc	769.23	
Do	Science Applications International Corp	7,500.00	79.40
Do	SEGA of America	7,627.63	101.50
Do	USA NAFTA		9.75
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	6,250.00	22.37
Curtis E. Whalen, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc	13,000.00	5,927.38
Whalen Company, Inc, 1717 K Street, NW, #700 Washington, DC 20006	Toyota Motor Sales, USA, Inc		
David W. Wheeler, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Alabama Power Co	28,006.65	620.48
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	110.00	
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,127.00	
June M. Whelan, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn		
John C. Whitaker, 1730 Rhode Island Ave., #206 Washington, DC 20036	Union Camp Corporation	2,923.00	132.00
Geogianna White, 526 King Street, #511 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	24,000.00	5,396.32
Jerrildine Reed White, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company		
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN, Inc	10,000.00	
Do	Coastal Corporation	20,000.00	
Do	Goldman Sachs & Co	5,000.00	
Do	Maxxam	5,000.00	
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	688.15	
Leland J. White, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	359.55
Margita E. White, 1776 Massachusetts Avenue, NW, Suite 310 Washington, DC 20036	Association for Maximum Service Television, Inc	84.13	
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	66.40
Sam White, 1156 15th Street, NW, #400 Washington, DC 20005	National Agricultural Chemicals Assn		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	1,039.00	187.50
Ward H. White, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	400.00	
David W. Whitehead, 6200 Oak Tree Boulevard Independence, OH 44131	Centerior Energy Corp		
K. Elizabeth Whitehead, 1420 New York Avenue, NW, #750 Washington, DC 20005-2122	Acxiom Corp		405.00
Do	Metropolitan Life Insurance Co		190.00
Do	National Assn of Professional Employer Organizations		720.00
Richard M. Whiting, 805 15th Street, NW——#600 Washington, DC 20005	Association of Bank Holding Cos	3,620.50	
Elizabeth D. Whitley, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,684.00	311.17
Ronald P. Whitmire, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	2,187.00	
William F. Whitsitt, 13155 Noel Road Dallas, TX 75240-5067	Oryx Energy Company	418.00	334.00
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc		4,019.73
Pamela J. Whitted, 1225 Eye Street, NW, #500 Washington, DC 20005	BHP Petroleum Americas	500.00	
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	3,000.00	
Do	Natural Gas Vehicle Coalition	4,000.00	
James K. Wholey, 1301 K Street, NW, Suite 900E Washington, DC 20004	Gardner Carton & Douglas (For:Association of Progressive Retail org)	1,210.00	95.95
Do	Gardner Carton & Douglas (For:BCF Telecom International, Inc)	37,675.00	2,132.77
Do	Gardner Carton & Douglas (For:Jones Intercable)	30,000.00	4,164.58
Do	Gardner Carton & Douglas (For:Rhone-Poulenc Rorer Pharmaceuticals)	5,005.00	279.77
Do	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)		
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	250.00	
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	4,525.00	3,070.72
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.		
Robert Wigington, 1220 19th Street, NW, #200 Washington, DC 20036	Airports Council International - North America	17,760.00	
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Robert H. Wilbur, 1101 Connecticut Ave., NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)		
Do	Smith Bucklin & Associates, Inc (For:Society of Thoracic Surgeons)	600.00	
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities		
Brian Wilcox, 750 First Street, ME Washington, DC 20002-4242	American Psychological Assn	4,000.00	30.50
Wildlife Legislative Fund of America, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036			4,470.28
Harry G. Wiles II, 1023 15th St., NW, # 400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		905.28
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	Environmental Research Institute of Michigan		
Do	Industrial Technology Institute		
Do	MERRA		
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Aeronautical Radio, Inc		
Do	Association of Telemessaging Services, International	4,868.00	30.88
Do	Blade Communications, Inc	13,196.10	262.41
Do	CBS, Inc		
Do	David S. Hess	232.00	21.76
Do	Marine Mammal Coalition	3,180.00	20.00
Do	McGaw, Inc		
Do	Merchants National Bank		
Do	Newspaper Assn of America (NAA)	7,305.00	159.13
Do	Olan Mills, Inc		
Do	Prodigy Services Company	2,910.00	34.00
Do	U.S. Banknote Corp	2,035.00	74.52
Do	United Parcel Service	780.00	16.00
Do	Washington Citizens for World Trade	15,839.50	494.95
Do	W.F. Young, Inc		
Guenther O. Wilhelm, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006-1813	Exxon Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Laurie L. Wilkerson, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Central South West Corp)		
Do	Arter & Hadden (For:Girling Health Care)		
Do	Arter & Hadden (For:Hearst Corp)	102.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:SPRINT)	680.00	
Do	Arter & Hadden (For:Tesoro Petroleum)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)	586.50	
Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	2,500.00	1,038.00
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Acxiom Corp	11,625.00	219.38
Do	Aetna Life Insurance	6,999.93	1,163.21
Do	American Airlines, Inc	7,001.75	156.84
Do	Bank of America		
Do	Bank of Boston		
Do	Barnett Banks, Inc		
Do	First Interstate Bank		
Do	Fleet Financial Group, Inc	16,048.19	1,411.61
Do	Northwest Hydroelectric Assn	3,900.00	453.50
Do	RECOLL Management Corp		
Do	RMJ Options Trading Corp		
Do	Solano Water Authority		
Do	Suntrust Banks, Inc		
Do	Turlock Irrigation District	2,203.00	350.00
Do	VISA USA, Inc		
Do	Wachovia Bank and Trust		
Do	Wells Fargo & Company		
Faith Williams, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	544.59	17.00
Do	New York Life Insurance Company	90.00	
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Ark-Best Co	1,100.00	175.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,150.00	300.00
Do	Electro Com Automation, Inc	1,250.00	250.00
Do	Mid America Dairymen, Inc	1,300.00	300.00
Do	National Marine Manufacturers Assn	1,200.00	250.00
Do	Pacific Telesis Group	1,300.00	150.00
Do	Riceland Foods, Inc	1,200.00	150.00
Do	Tyson Foods, Inc	1,275.00	200.00
Joel C. Williams Jr., P.O. Box 339 Savannah, GA 31402-0339	Savannah Foods & Industries, Inc		
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	50.00	458.94
Marshall Williams, Box 1000, Building A3 Leavenworth, KS 66048	Lobby Quorum International		
Michael E. Williams, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,500.00	431.75
Patricia Williams, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	4,896.02	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,000.00	
Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	500.00	
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	American Home Products	8,580.00	
Do	Association for the Cure of Cancer of the Prostate	78.00	
Do	Robert M. Bass Group	450.00	
Do	British Petroleum	2,625.00	
Do	California Recycling Co		
Do	Century 21 Real Estate Corp		
Do	College Board		
Do	Colonial Pipeline Company		
Do	Continental Airlines Holding, Inc.	8,000.00	
Do	Credit Suisse Financial Products USA	78.00	
Do	CIGNA Corp	9,235.00	
Do	CS First Boston (First Boston Corp)	550.00	
Do	Dreyfus Corp	528.00	
Do	Estee Lauder, Inc	1,710.00	
Do	Greenwich Capital Markets, Inc		
Do	GAMMA Corp		
Do	Kelly Appleman Hart & Hallman	800.00	
Do	Keystone Provident Life Insurance Co		
Do	National Assn of Rehabilitation Agencies	145.00	
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn	150.00	
Do	Norfolk Southern Corp	650.00	
Do	Normandy Foundation		
Do	Oklahoma Gas & Electric Co	1,760.00	
Do	Owens-Illinois, Inc		
Do	Pharmaceutical Manufacturers Assn	8,830.00	
Do	Physician Corp of America	2,000.00	
Do	Pittston Co	4,000.00	
Do	Recording Industry Assn of America, Inc	4,000.00	
Do	Sega of America, Inc	8,000.00	
Do	Southern Pacific Transportation Co	7,135.00	
Do	Southwest Airlines	2,400.00	
Do	Student Loan Marketing Assn (Sallie Mae)	300.00	
Do	Texaco, Inc	3,210.00	
Do	Turner Broadcasting System, Inc	4,000.00	
Do	TTX Company		
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc	290.00	
Do	USAA Financial Service Co		
Fred H. Williamson, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Company	300.00	11.00
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	12,403.00	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		100.00
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,138.15	116.97
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	Association of Directory Publishers	3,822.50	
Do	Browning-Ferris Industries, Inc	30.00	
Do	Chemical Leaman Corp	4,997.50	
Do	Council of Appraisal & Property Professional Societies		
Do	Hispanic Information & Telecommunications Network		
Do	Morgan Guaranty Trust Co	3,052.50	18.12
Do	National Assn of Independent Fee Appraisers	4,590.00	24.81
Do	Standard Commercial Tobacco Co, Ltd	360.00	
Do	Telecommunications Industry Assn	4,336.50	
Do	Time Warner	960.00	
Do	Westinghouse Electric Corp	727.50	
Do	William M. Mercer, Inc		
Do	Yamaha Motor Co, Ltd, et al.		
Do	Yamaha Motor Manufacturing Corp of America		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Business Roundtable		
Do	Capital Cities/ABC, Inc	390.00	
Do	Citibank, N.A.		
Do	Computer Systems Policy Project		
Do	Cook Inlet Communications, L.P.		
Do	Council for Responsible Nutrition	5,264.50	
Do	Federal Home Loan Bank of San Francisco		
Do	G-IV Family Coalition, Inc		
Do	Handgun Control, Inc		
Do	Intellectual Property Committee		
Do	International Metals Reclamation Company, Inc		
Do	Pepsico, Inc		31.35
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	3,500.00	
Charles D. Wilson, P.O. Box 19130 1919 South Broadway Green Bay, WI 54307-9130	Fort Howard Corp	3,846.00	6,210.30

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David I. Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	2,262.50	15.00
Gary Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc	5,900.00	
Patricia M. Wilson, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corporation		
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For:Cadmium Council)		
Do	Wilson & Wilson (For:Hecla Mining Company)		
Robert Gary Wilson, One PPG Place Pittsburgh, PA 15272	PPG Industries, Inc	25.00	8.00
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	Brown & Williamson Tobacco Corp	731.25	62.43
Do	Monk-Austin, Inc	1,659.38	26.75
Tyler J. Wilson, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	110.00
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Insurance Assn)	2,250.00	
Do	Winburn & Jenkins (For:Bell Atlantic Capital Corp)		
Do	Winburn & Jenkins (For:BR Services)	750.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	750.00	
Do	Winburn & Jenkins (For:Delta Air Lines)	1,500.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	1,125.00	
Do	Winburn & Jenkins (For:Ewing Kauffman Foundation)		
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	750.00	
Do	Winburn & Jenkins (For:Fluor Corp)		
Do	Winburn & Jenkins (For:Hartford Insurance Group)	2,250.00	
Do	Winburn & Jenkins (For:Health Insurance Assn of America)		
Do	Winburn & Jenkins (For:Leggett & Platt)	1,050.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)	1,500.00	
Do	Winburn & Jenkins (For:Mational Asn of Urban Critical Access Hospitals)	1,500.00	
Do	Winburn & Jenkins (For:Michigan Hospital Assn)	100.00	
Do	Winburn & Jenkins (For:Milliken & Co)	2,250.00	
Do	Winburn & Jenkins (For:National Assn of County Office Employees)	150.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	1,500.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	2,250.00	
Do	Winburn & Jenkins (For:Philip Morris)	3,300.00	
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)	1,875.00	
Judith A. Winchester, 1627 I Street NW, #1100 Washington D.C.	Lehman Brothers, Inc	500.00	40.00
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	5,734.70	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	439.04
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20006	Wilkes Artis Hedrick & Lane (For:Aldrich Eastman & Waltch, Inc)	9,180.00	
Do	Wilkes Artis Hedrick & Lane (For:Davis & Camalier Families)	270.00	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	987.50	62.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Alltel Corporation	12,724.00	
Do	American Airlines, Inc	1,758.00	
Do	Barr Laboratories, Inc	2,092.50	122.50
Do	Carus Chemical Company	2,645.00	
Do	Compaq Computer Corporation		
Do	Digital Equipment Corp	122.50	
Do	ELGARD Corp	453.75	8.00
Do	Federal Intermediate Credit Bank of Jackson		
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Airpt		
Do	Hearst Corp	350.00	
Do	Hong Kong Trade Development Council		
Do	Illinios State Medical Society	2,441.25	87.50
Do	Interbank Anonim Sirketi		7.75
Do	Lockheed Air Terminal, Inc	1,295.00	23.42
Do	McClure Gerard & Neuenschwander, Inc	290.00	
Do	National Assn of Political Action Committees	1,755.00	
Do	National Marine Manufacturers Assn		
Do	Newport News Shipbuilding	15,153.75	94.20
Do	Phillips Colleges, Inc	2,417.50	31.45
Do	Port of Pascagoula (Jackson County, MS)	11,452.50	199.30
Do	Public Securities Assn		
Do	Regional Transit Authority	3,615.00	143.50
Do	Southwestern Bell Corp		
Do	SPR Task Force for Southeast Mississippi		
Do	U.S. Transit Council	105.00	
Do	Walt Disney Co		
Do	Westinghouse Electric Corp	720.00	21.00
Do	Yellow Corp	5,787.50	64.41
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	American Automobile Manufacturers Assn		
Do	Amoco Performance Products, Inc		
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Coalition for Responsible Waste Incineration (CRWI)		
Do	Corporate Health Care Coalition	24,555.00	914.00
Do	Fiberite Corp		
Do	Goldman Sachs		
Do	Hercules Aerospace Co		
Do	Lower Elwha Klallam Tribe		
Do	Macrovision, Inc		
Do	Monsanto Co		
Do	MTN Coalition		
Do	Navajo Nation		
Do	North American Chemical Company		
Do	North American Chemical Corp		
Do	Organization for International Investment (OFII)		
Do	Refractory Ceramics Fiber Coalition		
Do	RAT Coalition		
Do	Sabreliner Corp		
Do	Schering-Plough Corp	4,730.00	20.00
Do	Smith Corona		
Do	Snappy Car Rental		
Do	Thrifty Rent-A-Car System, Inc		
Do	World Wildlife Fund		
Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Cynthia D. Witkin, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	9,375.00	312.09
Anne Wixom, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Company Services, Inc	47.50	4,180.64
Henry C. Wolf, Norfolk Southern Corp. Three Commercial Place Norfolk, VA 23510	Norfolk Southern Corp		
J. Thomas Wolfe, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries	5,750.00	94.14
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	392.60	20.00
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	500.00	
Jeffry R. Wollitz, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation		
Richard Marvin Womack, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	703.72	
Diane Wood, P.O. Box 2847 Corrales, NM 87048	Consumers Union	850.00	115.00
Lloyd Wood, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	1,550.00	139.65
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,841.00	
S. Roy Woodall Jr., 1001 Pennsylvania Ave., NW, Washington, DC 20004-2599	American Council of Life Insurance, Inc		
Terry R. Woodard, One Suffolk Square, Suite 500 Islandia, NY 11722-1543	Council for Marketing & Opinion Research (CMOR)	500.00	
James H.B. Woodroffe III, P.O. Box 111 Tampa, FL 33601	Teco Energy, Inc	20,700.00	10,250.73
Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Corp	1,400.00	
Robert W. Woody, 1875 Connecticut Avenue, NW, #1200 Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae		
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	140.00	40.00
Woolworth Corp, 233 Broadway New York, NY 10279			3,016.17

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Laura Dallman Wooster, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy		
Workers Compensation Integrity Stability & Equity (WISE), P.O. Box 18300 Washington, DC 20036-8300		16,300.00	18,082.00
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037			
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, 925 Euclid Avenue, #1700 Cleveland, OH 44115-1405	Blue Cross of Ohio & West Virginia	1,500.00	5,181.10
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	497.50	80.00
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		2,482.20
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW, #230 Washington, DC 20004	Texas Instruments	1,525.00	52.00
Writers & Research, Inc, 4810 Saint Paul Boulevard Rochester, NY 14617			665.00
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Bus Assn	7,500.00	246.36
Do	American Orthotic & Prosthetic Assn	9,966.88	295.06
Do	American President Companies	2,000.00	
Do	American Soc of Assn Executives	2,500.00	70.35
Do	American Soc of Consultant Pharmacists	3,000.00	159.38
Do	Ares-Serono, Inc		
Do	BellSouth Corp	7,680.00	5.84
Do	Bituminous Coal Operators Assn	8,000.00	6.77
Do	Circuit City Stores, Inc		
Do	Committee Against Revising Staggers		
Do	Connaught Laboratories, Inc	7,500.00	345.44
Do	Cosmetic Toiletry & Fragrance Assn, Inc		
Do	Crescent Cities Jaycees Foundation, Inc	1,931.25	61.75
Do	CSX Corporation	4,000.00	
Do	Electronic Industries Assn	184.00	40.66
Do	Grand Metropolitan/Pillsbury	3,750.00	103.06
Do	Guam Tax Code Commission		
Do	HDTV 1125/60 Group		
Do	Karsten Manufacturing Co	8,323.13	389.33
Do	Lonesome Dove Petroleum Company	165.18	11.46
Do	Manville Corporation	1,246.50	15.79
Do	Maxxam		
Do	McDonnell Douglas	1,875.00	42.99
Do	Metropolitan Life Insurance Co	9,920.01	938.40
Do	Montana Department of Transportation	340.00	
Do	Mutual Life Insurance Co Tax Committee		
Do	National Assn of Beverage Retailers	1,666.66	99.39
Do	National Funeral Directors Assn	11,211.25	485.77
Do	National Retail Hardware Assn	2,889.00	109.78
Do	Neurology Center	2,625.00	10.87
Do	North American Phillips Corp	111.56	23.12
Do	Northwestern Mutual Life Insurance Co	6,666.40	82.83
Do	NYNEX Corp		
Do	Process Gas Consumers Group		
Do	Refiners' Coalition for Competitive Markets	1,093.00	
Do	SmithKline Beecham	6,000.00	362.20
Do	Sony Corp of America		
Do	South Dakota Dept of Transportation	340.00	
Do	Squibb Corporation		
Do	Tobacco Industry Labor Management Committee	13,843.55	196.60
Do	U.S. Telephone Assn	24,000.00	2.38
Do	Westinghouse Electric Corp		
James Wyerman, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
John R. Wylie, 90 South Cascade Avenue, #1300 Colorado Springs, CO 80903	Holme Roberts & Owen (For:Navigators Overseas Missionary Fellowship)		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	250.00
Marc D. Yacker, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Association	650.00	
Jill Yacone, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies	1,800.00	2,028.02
Daniel V. Yager, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	3,319.00	3,319.00
T. Albert Yamada, 1000 Connecticut Avenue, NW, Suite 304 Washington, DC 20036	Fresh Produce Association of the Americans	500.00	
Do	Toyota Motor Sales, USA, Inc	500.00	
Nancy Foster Yanish, 800 Connectitut Avenue, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, Attn: Mr. Steve Piascik 599 Research Parkway P.O. Box 1030 Meriden, CT 06450-1030			2,835.68
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,838.00	
Bruce Yarwood, Helmsin & Yarwood Associates 2637 Noth Marcey Road Arlington, VA 22207	American Health Care Assn	25,000.00	1,688.15
Do	FMS Corp	30,000.00	
Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475	Edison Electric Institute	1,349.13	234.38
Shirley Ybarra, ABRH Consulting, Inc 529 14th Street, NW, #200 Washington, DC 20045	Small Business Alliance on Communications, Inc		
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	13,837.39	107.20
Jack Yelverton, 15 Falcon Court Stafford, VA 22554-5316	United Armed Forces Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	27,500.00	152.78
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	110.30
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Nina M. Young, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	1,326.64	
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,447.88	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	151.15
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Michael J. Zabko, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Paulette Zakrzeski, 1521 New Hampshire Ave., NW Washington, DC 20036	National Cotton Council of America	1,820.00	63.67
Janice Zarro, 1726 M Street, NW, Suite 701 Washington, DC 20036	Mallinckrodt Medical, Inc		220.00
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Richard A. Zavadowski, 1725 DeSales Street, NW, Suite 902 Washington, DC 20036	Nuclear Fuel Services, Inc	4,775.00	33.00
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,945.21
Leo C. Zeferetti, 49 Graham Place Breezy Point, NY 11697	Building & Construction Trades Dept, AFL-CIO		
Do	Cumberland Packing		
Do	New York Telephone		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	3,475.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	5,000.00	357.76
Steven L. Zeller, Box 3005 Columbus, IN 47202-3005	Cummins Engine Company, Inc		
Alan P. Zepp, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	7,000.00	189.62
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Kelly Ziglar-Clay, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	6,474.97	317.43
Stephen A. Ziller Jr., 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	205.00	
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	622.03
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Mille Lacs Band of Chippewa Indians		
Do	Northern Arapaho Indian Tribe		
Do	Northern Cheyenne Tribe		
Nancy Zirkin, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	154.06
Gary M. Zizka, 1100 South Washington Street, Ist floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	12,553.20	600.05
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00
965, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	General Electric Co	100.00	
Do	Kaman Diversified Technologies	125.00	
Do	Tenneco, Inc	100.00	
Do	Woods Hole Oceanographic Institution	100.00	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1993 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?

IDENTIFICATION NUMBER________________ ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) description, (b) quantity distributed, (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through............................, 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	City of South Lake Tahoe		
Do	DDP*Delta	41,925.00	37,305.32
Do	Golden Gate Bridge Highway Transportation District	6,300.00	5,086.32
Do	Reclamation District 1000		
Do	Tahoe Basin Assn of Governments	3,000.00	2,415.66
Robert J. Aagre, 1835 12th Street, NW Washington, DC 20009-4421			
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002			12,745.98
Stephen Ahnen, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	9,509.84	481.54
Air Transport Assn of America, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707		94,071.48	94,071.48
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	26,500.00	
Aker Narsavage Partners, Inc, 727 15th Street, NW, 9th Floor Washington, DC 20005	Association of Progressive Rental Organizations, et al.	10,000.00	10,000.00
James J. Albertine, 1899 L Street, NW, #500 Washington, DC 20036	Albertine Enterprises, Inc (For:AST Research, Inc)		
Albertine Enterprises, Inc, 1899 L Street, NW, #500 Washington, DC 20036	Beckman Instruments, Inc		
Gary Aldridge, P.O. Box 3087 Shepherdstown, WV 25443	In Defense of Animals	3,600.00	975.00
Fay S, Alexander, 4155 F Sullyfield Circle Chantilly, VA 22021	Taxpayers Education Lobby, Inc	21,000.00	
Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	300.00	45.04
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,241.98	739.38
Alliance for Acid Rain Control, 444 N. Capitol Street, #602 Washington, DC 20001		21,000.00	204.00
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	13,800.00	151.00
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		51,017.00	51,017.00
American Assn of Blood Banks, 8101 Glenbrook Road Bethesda, MD 20814-2749		5,000.00	5,000.00
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			123,625.60
American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036		2,000.00	400.83
American Forest & Paper Assn, 1111 19th Street, NW Washington, DC 20036			24,175.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		29,217.00	29,217.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006		3,415.05	4,435.00
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		185,390.00	169,014.00
American Medical Peer Review Assn, 810 First Street, NE, #410 Washington, DC 20002			
American Methanol Institute, 800 Connecticut Ave., NW, #620 Washington, DC 20006		16,000.00	16,215.00
American Orthotic and Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314-1885	American Orthotic & Prosthetic Assn	250,000.00	76,229.00
American Shooting Sports Council, 9 Perimeter Way, Suite C-950 Atlanta, GA 30339		5,500.00	4,709.84
American Soc of Clinical Oncology, 750 17th Street, NW, #1100 Washington, DC 20006			
Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206		12,665.30	31,927.37
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		2,673.00	2,673.00
Sarah Jane Amundson, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	288.00	
Kenneth William Anderson, 1629 K Street, NW, #301 Washington, DC 20006	Evergreen International Aviation, Inc		175.75
Philmore B. Anderson, 412 1st Street, SE, Suite 300 Washington, DC 20003	Independent Insurance Agents of America	6,529.00	
Jill C. Andrews, 4527 North 16th Street, #200 Phoenix, AZ 85016	Small Business Alliance on Communications, Inc		
Michael Andrews, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	377.49
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	SO-PAK-CO, Inc	6,336.00	214.50
Armenian Assembly of America, 122 C Street, NW #350 Washington, DC 20001		9,867.53	18,268.56
Nan Aron, 1601 Connecticut Avenue, NW, #601 Washington, DC 20009	Alliance for Justice		
Karen McGill Arrington, 1629 K Street, NW, #1010 Washington, DC 20006	Leadership Conference on Civil Rights	3,939.63	5.00
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association of Financial Services Companies, 888 17th Street, NW, #312 Washington, DC 20006			4,500.00
Association of Private Pension & Welfare Plans, Inc, 1212 New York Avenue, NW, #1250 Washington, DC 20005		23,391.25	1,634.10
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			2,290.00
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,000.00	48.00
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Susan M. Auther, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	7,850.00	1,659.98
John S. Autry, 1825 Eye Street, NW, S-400 Washington, DC 20006	JSA-1, Inc	12,000.00	2,585.90
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie, Inc		
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	AEC Forest Products	1,108.50	
Do	Center for Excellence in Education	2,800.00	
Do	City Utilities of Springfield	1,800.00	
Do	Clark Public Utilities		
Do	Colorado River Energy Distributors		
Do	Englehard Corp	150.00	
Do	Gerber Products Company	826.25	
Do	Heart of America Northwest	3,300.00	
Do	Hoffmann-La Roche, Inc		
Do	Northeast Public Power Assn		
Do	Pennsylvania Power & Light		
Do	Source Northwest, Inc		
Do	Southern California Public Power Authority	200.00	4.00
Do	State Farm Mutual Automobile Insurance Co		
Do	Tennessee Valley Public Power Assn	800.00	6.86
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	587.50	
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Allied-Signal, Inc		
Do	AFG Industries, Inc	1,423.25	
Do	AT&T	2,970.00	
Do	Burger King Corp	137.50	
Do	Dallas/Fort Worth International Airport Board	1,764.00	175.63
Do	Day & Zimmerman, Inc	1,265.00	71.53
Do	Dinamo		
Do	Fairchild Aircraft		
Do	Federal Express Corp		
Do	Grand Metropolitan, Inc		73.00
Do	Hashemite Kingdom of Jordan	773.00	
Do	International Business Machines Corp (IBM)		
Do	Los Angeles County Transportation Commission	7,133.50	
Do	Martin Marietta Corp	4,372.50	
Do	Morrison Knudsen Corp		
Do	National Soft Drink Assn		
Do	North Carolina Air Cargo Airport Authority	594.00	52.60
Do	Occidental Petroleum Corp		
Do	Pennzoil Co		
Do	Pillsbury Company	725.00	
Do	Salomon Brothers, Inc	2,112.00	
Do	Schering-Plough Corp	8,717.50	156.52
Do	Southern Star Shipping Co	2,195.00	125.10
Do	U.S. Tobacco, Inc	2,640.00	
Do	United Technologies Corp	4,445.00	60.05
Do	Ventura Port District	1,045.00	170.73
Do	Waste Management, Inc		
Stanley W. Balis, 1140 19th Street, NW, #700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	Encore Media Corp	1,050.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	5,444.54	1,313.58
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Gary C. Barbour, 214 Massachusetts Avenue, NE, #300 Washington, DC 20002	Portland General Electric		
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	215.04
Leslie A. Barhyte, 529 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	5,000.00	23.20
Robert H. Barker, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc	500.00	150.83
Barnes Richardson & Colburn, 1225 Eye Street, NW, #1150 Washington, DC 20005	American Tartaric Products, Inc		5.25
Do	American Xyrofin, Inc	628.50	47.73
Do	Cummins Engine Company, Inc	120.00	1.82
Do	Department 56, Inc	4,006.58	15.03
Do	J.G. Durand International	13,432.12	14.52
Do	Florida Citrus Mutual	49,196.38	1,852.62
Do	Industrial Fastener Equity Committee		
Do	Marion Merrell Dow, Inc	2,647.67	82.11

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Miles, Inc	1,219.75	32.78
Do	Omni USA, Inc		
Do	Polaroid Corp	14,309.09	1,086.77
Do	Schering-Plough Products, Inc	12,608.88	70.93
Do	Sundstrand Corp		1.77
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Timothy Barnicle, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator Barnicle & Associates, Inc (For:Aldrich Eastman & Waltch, Inc)	1,150.00	1,150.00
Do	Neece Cator Barnicle & Assoc,Inc (For:Education Management Corp)	500.00	500.00
Do	Neece Cator Barnicle & Associates, Inc (For:Local Initiatives Support Copr)	1,150.00	1,150.00
Do	Neece Cator Barnicle & Associates, Inc (For:Massachusetts Water Resources Authority).	1,000.00	1,000.00
Do	Neece Cator Barnicle & Associates, Inc (For:National Center on Education and the Economy).	500.00	500.00
Do	Neece Cator Barnicle & Associates, Inc (For:Riley Consolidated, Inc)	1,150.00	1,150.00
Do	Neece Cator Barnicle & Associates, Inc (For:RG Associtès, Inc)	500.00	500.00
Do	Neece Cator Barnicle & Associates, Inc (For:Sallie Mae)	1,000.00	1,000.00
David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037	Fleetwood Enterprises, Inc		
Do	Southeastern Pennsylvania Transportation Authority	875.00	1,345.00
Robert W. Barrie, 1299 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	800.00	
Albert P. Barry, 2011 Crystal Drive, #107 Arlington, VA 22202	AAI Corporation	5,837.50	
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp		
Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005	Georgia Institute of Technology		
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	10,949.75
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition	5,000.00	395.59
Do	Family Violence Prevention Fund	365.00	180.27
Sandy Bass-Cors, 119 Oronoco Street, Suite 300 Alexandria, VA 22314	National Grass Roots & Communications, Inc		
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,100.00	798.00
Charles E. Baxter, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas	2,500.00	1,461.22
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Joseph E. Seagram & Sons		
Do	National Basketball Assn	1,250.00	450.00
Do	PIE Mutual Insurance Co	1,500.00	7.00
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	Big Brothers/Big Sisters of America		174.16
Do	Cummins-Allison Corp	775.00	8.96
Do	Museum of Science & Industry	2,500.00	247.98
Do	Mystic Seaport Museum	9,000.00	245.11
Do	National Coalition for Volunteer Protection		
Do	National Crime Prevention Council	14,000.00	499.62
Do	National Museum of Health & Medicine Foundation	15,000.00	548.59
Do	New England Conservatory of Music	9,000.00	928.13
Do	Orton Dyslexia Society		
Do	Rubber Pavements Assn	18,000.00	4,469.72
Do	TDS Healthcare Systems Corp	11,685.60	3,353.84
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For:Association of American Railroads)	1,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Design Professionals Coalition)	3,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation).	3,000.00	
Kenneth E. Becker, 760 Alexander Road, CN-1 Princeton, NJ 08543	American Hospital Assn		15,850.00
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
Teresa G. Beeman, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
William A. Behan, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronics Systems Corp	4,000.00	752.02
David Beier, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genentech, Inc	3,000.00	106.29
Mark Belanger, 12 East 49th Street New York, NY 10017	Major League Baseball Players Assn		
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	377.50
Lisa Bellucci, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Catherine A. Belter, 8616 Etta Drive Springfield, VA 22152	National Congress of Parents & Teachers		311.20
Catherine Bennett, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004	Pfizer, Inc	3,000.00	1,233.58
Rebecca J. Berg, 901 31st Street, NW Washington, DC 20007	Bostrom Corp (For:Passenger Vessel Assn)	1,950.00	
Peter A. A. Berle, 700 Broadway New York, NY 10003	National Audubon Society	1,000.00	380.00
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	1,500.00	
Willard M. Berry, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce in Wash, DC, Inc	25,000.00	88.30
Michael J. Bertelsen, 1401 H Street, NW, #1200 Washington, DC 20005	Investment Company Institute	464.29	40.00
Maria L. Berthoud, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	935.00	
Margot Bester, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Corporation)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
John F. Betar, 805 15th Street, NW #600 Washington, DC 20005	Association of Bank Holding Cos	3,475.00	
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	264.47	198.82
Robert Bingaman Jr., l8l7 Bay Street, SE Washington, DC 20005	Sierra Club	4,355.00	
William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors		
Mark E. Bitterman, 21700 Atlantic Boulevard Dulles, VA 22166-6801	Orbital Sciences Corp	37.00	
Cathleen Black, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	6,000.00	52.25
Roger Blacklow, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO	15,000.00	174.90
Helen Blank, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	2,148.90	
Julia M. Blankenship, 2715 M Street NW, #150 Washington, DC 20007	Electric Generation Assn	652.37	187.36
Michael K. Block, 2550 Calle Los Altos Tuscon, AZ 85718	National Rifle Assn		
Shawn M. Bloom, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Louis Blumberg, 900 - 17th Street NW Washington, DC 20006	Wilderness Society	20.94	7.50
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	9,375.00	
Robert Spurrier Boege, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Stacy A. Bohlen, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
John F. Bohm, 526 King Street, #511 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
Patricia Boinski, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	200.00	
Stephen A. Bokat, 1615 H Street, NW Washington, DC 20062-2000	Chamber of Commerce of the U.S.		
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	5,000.00	564.44
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Ormet Corp)		
Lizbet Boroughs, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	6,018.00	
Patricia A. Borowski, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Michael Bowers, 1100 17th Strret, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	2,545.00	
Taylor R. Bowlden, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation	4,000.00	175.00
Larry G. Bowles, 1150 - 18th Street, NW, Suite 200 Washington, DC 20036	Halliburton Co		
Celeste D. Boykin, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Paul Boyle, 529 14th Street, NW, #400 Washington, DC 20045	Newspaper Association of America	7,000.00	308.29
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,597.52	449.45
Karen L. Braunstein, 1320 19th Street, NW, Suite 200 Washington, DC 20036	Cox Enterprises, Inc		20.00
George W. Breece, P.O. Box 2801 Fayetteville, NC 28302	American State of the Art Prosthetic Assn	5,000.00	2,402.20
Thomas R. Bretz, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Tenneco, Inc)		
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	4,800.00	
Robert J. Brinkmann, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	4,000.00	
John J. Brittle, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn	15,593.00	
B. Jeannie Brocato, 2301 Main Street Kansas City, MO 64113	Blue Cross & Blue Shield of Kansas City		2,763.00
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	8,642.22	443.82
Brother International Corp, 200 Cottontail Lane Somerset, NJ 08875			
Joseph Browder, 418 10th St., SE Washington, DC 20003	Dunlap & Browder, Inc		
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
E. Cooper Brown, 6935 Laurel Ave., #204 Takoma Park, MD 20912			
John J. Brown, 50 E Street, SE Washington, DC 20003	Clark S. Herman Associates, Inc	500.00	100.00
Do	Govt Affairs Policy Council of the Reg Bell Operating Co	1,000.00	400.00
Do	John J. Brown & Associates (For:Labor Management Committee of the Tobacco Institute).	1,000.00	400.00
Paul S. Brown, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	7,683.00	537.36
William R. Brown Jr., 1630 Duke Street,4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	17,069.00	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	1,675.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	American Salvage Pool Assn	3,920.00	968.32
Do	Asset Investors	6,891.56	4,752.22
Do	Crystal Creek Homeowners Assn		
Do	La Petite	3,065.80	
Do	Lake Catamount Joint Venture		
Do	Liberty Media Corp	7,714.85	8,637.98
Do	New Valley Corporation	19,401.00	6,237.66
Do	ORNDA	10,110.30	
Do	Pfizer, Inc	4,113.35	575.68
Do	Rose Medical Center	2,447.64	638.42
Do	US West	3,114.00	28.54
Do	Vail Associates, Inc	1,061.96	41.98
Do	Western Union Corp	620.00	
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
Kenley W. Brunsdale, 6071 Aries Drive Salt Lake City, UT 84118	Fabian & Clendenin (For:Wasatch County)		
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc		
Bryant Miller & Olive, P.A., 201 South Monroe Street, Suite 500 Tallahassee, FL 32301	Fernandina Cruise Lines, Inc		
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	18,327.00	
John Buchanan, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund	15,000.00	
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)	5,702.98	
John G. Buckley, 901 15th Street, NW, #700 Washington, DC 20005-2301	New England Fuel Institute	500.00	
Betsy Buffington, 23 North Scott, #23 Sheridan, WY 82801	Sierra Club	1,449.80	32.34
Thomas J. Bulger, 1050 17th Street, NW., #510 Washington, DC 20036	Association for Commuter Transportation, Inc	6,000.00	321.30
Do	Metropolitan Transportation Commission	30,762.48	907.28
Do	Military Audits of Market Information, Inc	300.00	10.29
Do	Oakland County, Michigan	9,113.75	181.72
Tonio Burgos, 909 Third Avenue, l7th Floor New York, NY 10028	Pfizer, Inc	60,000.00	651.00
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	16,048.50	564.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036		80,031.25	1,137.50
Mary Bushman, 2505 S. Finley Road Lombard, IL 60148	AFSA Data Corp	500.00	
Russell D. Butcher, 4380 North Cambell AVe., #204-C Tucson, AZ 85718	National Parks & Conservation Assn		
James J. Butera, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federal Home Loan Bank of Boston	1,000.00	
Do	Savings Bank of the Finger Lakes	1,000.00	
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	Anchor Savings Bank	2,000.00	
Do	ADVANTA Corporation	2,500.00	
Do	Community Bankers Assn of New York State	1,500.00	
Do	Community Preservation Corp	500.00	
Do	CRISIS	5,000.00	
Do	Del Webb Corp	5,000.00	
Do	Dime Savings Bank of New York	1,500.00	
Do	Edison Electric Institute		
Do	Federation for American Immigration Reform	4,000.00	
Do	Household International	5,000.00	
Do	Peoples Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Life Insurance Fund	1,000.00	
Do	Superior Bank, FSB	1,500.00	
Do	Texas Savings & Loan League	1,500.00	
Do	Towers Perrin	4,000.00	
William Byler Associates, Inc, 6000 34th Place, NW Washington, DC 20015-1607	Ak-Chin Indian Community Council		
Do	San Carlos Apache Tribe		
Robert D. Byrne Jr., 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Elizabeth B. Cady, 815 Connecticut Avenue, NW, #710 Washington, DC 20006	Steel Service Center Institute		
Barbara J. Calkins, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,625.00	29.90
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	20,355.00	105.94
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Floral Trade Council)	184.89	
Do	Stewart and Stewart (For:Smith Corona Corp)		
Do	Stewart & Stewart (For:Timken Co)		
Do	Stewart & Stewart (For:Torrington Company)		
Capital Partnerships (VA), Inc, 4350 North Faifax Drive, #530 Arlington, VA 22203	American Guideway Corporation	23,000.00	3,450.00
Do	American Road & Transportation Builders Assn	8,000.00	1,200.00
Do	ATC Management Corporation		
Do	Hansen Engine Corp		
Do	Illinois Public Transit Assn	15,000.00	2,250.00
Do	North Metro Mayors Coalition	5,000.00	750.00
Do	RADAR	10,000.00	1,850.00
Hugh L. Carey, 919 18th Street, NW, Suite 400 Washington, DC 20006	WR Grace & Co		
George U. Carneal III, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
William Carney, 523 7th Street, SE Washington, DC 20003	Edison Electric Institute	15,000.00	
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights		
Paul E. Carothers, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	3,000.00	127.96
Kenneth A. Carpi, Carpi & Clay Government Relations 427 C Street, #306 San Diego, CA 92101	San Diego County Water Authority	9,000.00	4,694.88
David Carroll, 1212 New York Avenue N.W. #500 Washington, DC 20005	Lafarge Corp (For:Cement Kiln Recycling Coalition)		
Mary Carroll, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	1,386.00	
Jennifer Casey, 701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Association of Home Appliance Manufacturers		
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Albion College	750.00	13.50
Do	American Assn of Homes for the Aging	15,600.00	37.50
Do	American Dredging Co		
Do	American Hospital in Shanghai Foundation		
Do	ARCO Chemical Americas Co	900.00	
Do	AT&T	3,000.00	
Do	Babson College	225.00	
Do	Bentley College	225.00	
Do	Bishop Museum	225.00	
Do	Boston College	1,500.00	
Do	Boston University	750.00	7.50
Do	Bryant College	75.00	
Do	Buena Vista College	375.00	15.45
Do	California Community Colleges	1,725.00	126.65
Do	California Pacific Medical Center	325.00	60.00
Do	Capitol American Life Insurance Co		
Do	Center for Health Technologies, Inc	1,200.00	12.00
Do	CertainTeed Corp		
Do	Charlotte-Mecklenberg Hospital Authority Foundation	525.00	
Do	Chicago Board of Trade	300.00	
Do	Chicago Mercantile Exchange		
Do	Children's Hospital and Health Center of San Diego	225.00	25.00
Do	Children's Hospital in Michigan		
Do	Children's Hospital of Pittsburgh	550.00	12.00
Do	Children's National Medical Center	850.00	
Do	City of Charlotte		
Do	City of Fairfield, CA	450.00	7.50
Do	City of Vallejo	1,350.00	15.00
Do	Clark Atlanta University	125.00	
Do	Columbia University	450.00	7.50
Do	Community College Assn for Technology Transfer		
Do	Connecticut Health System, Inc	4,800.00	29.50
Do	Coriell Institute for Medical Research		
Do	Cray Research, Inc	450.00	
Do	Critical Languages & Area Studies Consortium, Inc	1,200.00	18.85
Do	CSO Partnerships		
Do	Delta Airlines		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Dowling College	1,225.00	87.90
Do	Elliott Homes		
Do	Energy Partners	1,950.00	90.60
Do	Evergreen Airventure Museum	200.00	7.50
Do	Fairleigh Dickinson University	450.00	
Do	Federal Express	300.00	
Do	Florida Institute of Technology	150.00	12.00
Do	Florida Power Corp		
Do	Florida Regional Emergency Services, Inc		
Do	Franklin Institute	1,625.00	19.50
Do	Fudan Foundation		
Do	Geisinger Foundation		
Do	General Dynamics Corp	1,875.00	12.00
Do	General Nutrition, Inc	2,850.00	13.50
Do	Genetic Design	2,250.00	
Do	Glaxo, Inc	3,000.00	
Do	Gonzaga University	375.00	27.00
Do	Great Lakes Dredge & Dock Company		
Do	Hahnemann University Hospital	675.00	
Do	Illinois Eastern Community Colleges		
Do	Illinois Institute of Technology	750.00	30.25
Do	Insituform of North America, Inc	4,200.00	
Do	Intercontinental Energy Group	1,800.00	206.95
Do	Jones Intercable, Inc		
Do	Just Say No International	900.00	110.00
Do	Lahey Clinic	150.00	7.50
Do	LaSalle University	350.00	4.75
Do	Lehigh University		
Do	Lewis and Clark College		
Do	Loma Linda University Medical Center - Teaching		
Do	Loma Linda University Medical Center, Inc - Research		
Do	Loyola Marymount University	125.00	
Do	Mac Andrews and Forbes		
Do	Maersk, Inc		16.00
Do	Mary Washington Hospital Foundation		
Do	McDonnell Douglas Corp	7,712.40	78.70
Do	Medical Center of Central Massachusetts	625.00	6.00
Do	Medical College of Pennsylvania	1,200.00	49.50
Do	Medicon		
Do	Miami-Dade Community College	1,575.00	
Do	Monterey Institute of International Studies		6.00
Do	Motion Picture Assn of America	300.00	
Do	Mt. Sinai Medical Center of Greater Miami	1,950.00	
Do	Multinational Business Development Coalition		
Do	MCSI Technologies	300.00	6.00
Do	MOOG, Inc	700.00	
Do	National Assn of Dredging Contractors		
Do	National Assn of Realtors		
Do	National Cable Television Assn, Inc		
Do	National Jewish Center for Immunology & Respiratory Medicine	1,725.00	
Do	New England Deaconess Hospital Corporation	375.00	14.10
Do	New Jersey Instutute of Technology	350.00	
Do	New York Medical College		127.20
Do	North Natomas Landowners Assn		
Do	Northwestern University	150.00	
Do	Ocean Spray Cranberries, Inc	4,725.00	140.00
Do	Our Lady of Lourdes		
Do	Paramax Systems II	750.00	6.00
Do	Pennsylvania Educational Telecommunications Exchange Network		
Do	Petresa Canada, Inc	3,000.00	
Do	Polaroid Corp	600.00	
Do	Polytechnic University	225.00	7.50
Do	Providence & Worcester Railroad Company	5,550.00	
Do	PGA Tour		
Do	Rhode Island Hospital		
Do	Rhone-Poulenc, Inc	2,025.00	15.00
Do	Rochester Institute of Technology	450.00	
Do	Sacred Heart Hospital		
Do	Saint Joseph's University	600.00	
Do	Savings Bank and Life Insurance Company of MA	3,000.00	
Do	Scott County Highway Department		
Do	Smokeless Tobacco Council	30,000.00	
Do	Southeastern PA Consortium for Info. Tech. & Training	450.00	24.50
Do	St. Francis Healthcare Foundation of Hawaii	225.00	
Do	St. Norberts College	300.00	
Do	St. Xavier College	4,500.00	
Do	State of Indiana, Office of the Governor	150.00	
Do	Sutter Bay Associates		
Do	Sylvan Learning Systems, Inc		
Do	Tufts University	300.00	24.50
Do	Unified Industries, Inc		
Do	Union Memorial Hospital	1,550.00	27.60
Do	Union Switch & Signal	600.00	
Do	University of Dayton	300.00	37.50
Do	University of Detroit Mercy		
Do	University of Hawaii	750.00	
Do	University of Limerick Foundation		
Do	University of San Francisco	300.00	15.00
Do	University of Southern Mississippi	150.00	
Do	University of St. Thomas		
Do	Watsonville Community Hospital	1,800.00	7.50
Do	World Learning	600.00	
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc		
G. Thomas Cator, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator Barnicle & Associates (For:American Industrial Hygiene Assn)	2,200.00	2,200.00
Do	Neece Cator Barnicle & Associates (For:Design Professional Coalition)		
Do	Neece Cator Barnicle & Associates (For:GMIS)		
Do	Neece Cator Barnicle & Associates (For:Hazardous Waste Action Coalition)		
Do	Neece Cator Barnicle & Associates (For:National Assn of Development Companies).		
Do	Neece Cator Barnicle & Associates (For:National Assn of Government Guaranteed Lenders, Inc).		
Do	Neece Cator Barnicle & Associates (For:Southeastern Lumber Manufacturers Assn).	1,150.00	1,150.00
Harvey E. Cauthen Jr., Cauthen & Associates P.O. Box 250266 Montgomery, AL 36125	Alabama Power Co	25,833.00	4,243.67
Do	American Nuclear Energy Council	12,000.00	346.97
Do	Lockheed Corp	15,000.00	
Philip T. Cavanaugh, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	4,200.00	
Red Cavaney, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	6,600.00	
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	2,448.00	
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO		
Do	Belk Stores Services, Inc		
Do	Coalition of Publicly Traded Limited Partnerships	900.00	
Do	Council of Infrastructure Financing Authorities		
Do	Edison Electric Institute	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Manville Corporation	600.00	
Do	National Comm to Preserve Social Security & Medicare		
Do	Newhall Land and Farming Company		
Do	Rite Aid Corp	495.00	
Do	U S West, Inc		
Do	USX Corp		
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz	4,500.00	3,843.73
Christians' Israel Public Action Campaign, Inc, 2013 Q Street, NW Washington, DC 20009		7,029.00	6,031.22
Citizens for an Alternative Tax System, 100 North Brand Blvd, Suite 502 Glendale, CA 91203			
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		714,652.00	153,271.00
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Philip Clapp, 1350 New York Ave., NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	975.00	114.00
Do	Spiegel & McDiarmid (For:City of Piqua, OH)	6,387.50	162.53
Do	Spiegel & McDiarmid (For:Clean Water Action)		
Do	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workers Int'l Union, AFL-CIO)		
James F. Clark, P.O. Box 21211 Juneau, AK 99802-1211	Alaska Forest Assn		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	16,120.02	
Stephen B. Clarkson, 4101 Washington Ave., Dept 016 Newport News, VA 23607	Newport News Shipbuilding & Dry Dock Co	800.00	75.00
Lee Pendergast Claro, 1455 F Street, NW, #450 Washington, DC 20005	Upjohn Company	17,400.00	
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard	10,686.48	
Guy Clough, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	14,765.12	
Anthony T. Cluff, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable	5,125.00	
Coalition for Vehicle Choice, 1440 New York Ave., NW, #310 Washington, DC 20005		1,86,667.00	16,823.49
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
George T. Cody, 2213 M Street, NW, 3rd Floor Washington, DC 20037	American Task Force for Lebanon	1,374.99	121.69
Philip Q. Cohen, 255 East Kellogg Blvd. St. Paul, MN 55101	Goff/Wilkie & Associates (For:North Metro Mayors Assn)		
Do	Goff/Wilkie & Associates (For:North Metro TH 610/10 Crosstown Council)		
Sharon Cohen, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,500.00	1,256.71
Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,214.64
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp, et al.	900.00	40.00
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	11,594.08	
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320			
Community Service Society, 105 East 22nd Street New York, NY 10010			19,426.70
Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102		50,000.00	50,000.00
Concerned Women for America, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024		49,058.23	49,058.23
Ralph T. Conner, 1250 Eye Street, NW Washington, DC 20005	National Tire Dealers & Retreaders Assn	525.00	46.00
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	5,865.96	
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		29,127.00	49,255.00
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	264.00	1,008.22
Edward Cooney, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research & Action Center	869.70	
Edward R. Cooper, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Josephine S. Cooper, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	2,500.00	
Coordinadora de Organizaciones Empresariales de Comercio Ext, 1025 Thomas Jefferson Street, NW Washington, DC 20007.		72,097.72	14,898.23
James T. Corcoran, 1667 K Street, NW, #320 Washington, DC 20006	Dial Corp		
Mary Marcotte Corrigan, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America		
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		385.90
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	10,800.15	
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		174,721.00	174,582.00
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Allnet Communications Services, Inc		
Do	Coursen Group (For:Cable Telecommunications Assn)	500.00	
Do	Church & Tower		
Do	White Pine Renaissance		
John F. Cove, 1114 Fallsmead Way Rockville, MD 20854	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)	5,000.00	1,000.00
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		
Claiborn Crain H., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	337.50	
Creative Coalition, 1100 Avenue of the Americas, 15th Floor New York, NY 10036			45.00
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Sarah Crompton, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	MTS Systems Corp		
Sonia Messirian Crow, 122 C Street, NW, Suite 350 Washington, DC 20001	Armenian Assembly of America	3,847.66	
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	Asarco, Inc		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Government of Indonesia, Ministry of Trade		
Do	Singapore Trade Development Board		
Brien F. Culhane, 900 17th Street, NW Washington, DC 20006	Wilderness Society	491.96	62.00
Barry Cullen, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn		
William E. Cumberland, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	18,934.00	
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:Clean Water Act Reauthorization Coalition).	48,178.00	
Law Off of Jonathan W. Cuneo, 317 Massachusetts Avenue, NE, #300 Washington, DC 20002	Committee to Support the Antitrust Laws	6,000.00	105.47
Do	National Assn of Securities & Commercial Law Attorneys	20,000.00	484.77
Do	Service Station Dealers of America	750.00	
Do	West Publishing Co	2,500.00	125.94
John T. Curran, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	23,750.01	572.20
Do	National Coordinating Comm for Multiemployer Plans		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,944.00	812.01
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	General Atomics		
Do	University of Colorado	7,361.25	319.17
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Andersons Management Corp	7,500.00	2,317.14
Do	British Petroleum, America	6,000.00	504.89
Do	Farmland Industries, Inc	6,000.00	566.72
Do	Lebanon Chemical Corp and Lebanon Turf	6,000.00	779.54
Do	National Bank & Soil Producers Assn	3,150.00	605.47
Do	Responsible Industry for a Sound Environment	6,000.00	665.54
Do	Scotts Companies & Subsidiaries	15,000.00	1,952.13
Do	ZENECA Ag Products	12,000.00	2,447.47
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028		21,000.00	20,232.10
Patricia A. Daley, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Company)		
Do	Murphy & Demory, Ltd (For:US Telephone Assn)		
Do	Murphy & Demory, Ltd (For:Village of Palatine, IL)		
Lynnea Bylund Dalton, 2300 M Street, NW, Suite 800 Washington, DC 20037	U.S. Independent Microwave Television Assn (USIMTA)		
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies	1,108.00	
Do	Aircraft Owners & Pilots Assn		
Do	Alcoma Packing Company, Inc	200.00	
Do	American Automotive Leasing Assn	7,200.00	36.44
Do	American General Life Insurance Co	990.00	68.70
Do	American Home Life Insurance Co	922.50	45.55
Do	American Horse Council	2,160.00	
Do	American Integrity Insurance Co		
Do	American Investors Life Insurance	1,200.00	36.55
Do	Armco Steel Co	2,700.00	165.00
Do	Bethlehem Steel Corp	2,700.00	165.00
Do	Chicago Board of Trade	8,500.20	1,144.27
Do	Columbia Gas Development Corp	3,000.00	128.98
Do	Committee of Annuity Insurers	437.50	
Do	Dresser Industries, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	First Penn-Pacific Life Insurance Co		
Do	Florida Power & Light	600.00	133.45
Do	Florida Sugar Cane League, Inc	1,200.00	
Do	General Aviation Manufacturers Association	4,500.00	
Do	Hughes & Luce	854.50	
Do	James Graham Brown Foundation		
Do	Lincoln National Life Insurance Co	21,865.00	375.48
Do	National Business Aircraft Assn	1,500.00	36.44
Do	National Cattlemen's Assn	900.00	68.70
Do	Retired Lives Reserve Group	490.00	
Do	Stock Information Group		
Do	U.S. Sugar Corp	1,200.00	68.70
Do	Underwriters of Lloyd's London		
Do	William H. Williams	3,000.00	60.42
Do	Worldspan	700.00	36.44
Harry F. Day, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	New York Stock Exchange, Inc		
Michael P. Day, 230 South Phillips Avenue P.O. Box 5118 Sioux Falls, SD 57117	Crop Hail Management (NORWEST)		
Barbara Daye, 655 Fifteenth Street, NW 300 Metropolitan Square Washington, DC 20005	Blue Cross of California	13,125.00	14,514.31
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
James A. Delaney, 1755 Massachusetts Ave., NW, #418 Washington, DC 20036	American Soc for the Prevention of Cruelty to Animals	1,264.00	1,400.00
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	National Assn of Independent Insurers	22,500.00	3,787.41
Do	National Council of Business Advisors		
Dan C. Delurey, 601 Pennsylvania Avenue, NW Suite 620 North Bldg. Washington, DC 20004	New England Power Service Company	24,000.00	4,679.50
Gaelynn Demartino, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	3,474.67	57.87
Willard L. Demory, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:Constellation Communications, Inc)		
Do	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Do	Murphy & Demory Ltd (For:U.S. Telephone Assn)		
Lane Denton, 610 Brazos, Suite 410 Austin, TX 78701	Texas Highway Patrol Assn		
Edward M. Desmond, 1250 H Street, NW, #880 Washington, DC 20005	Sterling Winthrop, Inc	23,375.00	
Caroline M. Devine, 1250 H Street NW., #500 Washington, DC 20005	Mobil Corp	1,000.00	30.00
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Boeing Company	4,000.00	
Do	Catholic Health Assn of the U.S.	2,050.00	
Do	Federation of American Health Systems	4,100.00	
Do	General Electric Co		
Do	General Electric Pension Trust		
Do	Georgia-Pacific Corp		
Do	PacifiCorp Financial Services		
Do	SEMATECH	192.50	
Do	Thompson Publishing Group	6,150.00	
Do	U.S. Golf Association	10,250.00	
Do	Union Pacific Corp	6,150.00	
Do	West Indies Rum & Spirits Producers Assn		
Do	Xerox Corp		
Mary Dewhirst, 2104 North Scott Street, #30 Arlington, VA 22209	America's Public Television Stations	3,500.00	8.00
Jennifer S. DeAnna, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Company	480.00	15.00
H. Edward DeBee III, 6520 North Western ,Suite 101 Oklahoma City, OK 73116	DeBee & Associates		
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco, Inc	938.00	267.91
Sandra Yartin DePoy, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	10,200.00	
Judith Martin DeSarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	162.00	7.00
Thomas C. Diederich, 2170 Piedmont Road, NE Atlanta, GA 30324	Orkin Exterminating Co, Inc		
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,290.00	106.23
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	1,480.00	20.00
Gary Dodd, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
J. Jon Doggett, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,754.00	676.09
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Mark A. Dombroff, 1025 Thomas Jefferson St., NW East Lobby #700 Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Paul Donnellan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn	13,200.00	
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	2,196.50	
Doris Day Animal League, 227 Massachusetts Avenue, NE, Suite 100 Washington, DC 20002		173,844.00	89,666.00
Michael C. Dotten, 3400 First Interstate Bank Tower Portland, OR 97201	Heller Ehrman White & McAuliffe (For:Chugach Electric Assn, Inc)	420.00	4.50
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Directors Guild of America		
Do	Home Shopping Network, Inc	121.50	
Do	Profit Sharing Council of America		
Do	Stelco, Inc	1,050.00	18.25
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	115.39
Michael Draper, c/o Dickstein, Shapiro & Morin 2101 L Street, NW Washington, DC 20037	Forest Products Industry National Labor-Management Committee		19,637.81
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	10,584.00	
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	112.50	
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Pamela J. Driver, 1111 19th Street, NW Washington, DC 20036	American Paperboard Packaging Environmental Council		
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003			
Robert J. DuComb Jr., 2929 North Central Avenue, 14th Floor Phoenix, AZ 85012-2742	Sakcs Tierney & Kasen (For:USA Group, Inc)		
David Dyer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
James W. Dyer, 1667 K Street, NW, #310 Washington, DC 20006	Hand Arendall Bedsole Greaves & Johnston (For:Northrop Corp)		
Pam Eaton, 900 17th St., NW Washington, DC 20006	Wilderness Society	3,605.88	
Edelman Public Relations, 1420 K Street, NW 10th Floor Washington, DC 20005	Safety-Kleen	23,874.50	1,310.70
Norman R. Eder, P.O. Box 91000 Portland, OR 97291-1000	Oregon Graduate Institute of Science & Technology	12,105.19	809.95
Edwards Associates, 214 Mass.Ave. N.E. #300 Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Thomas A. Ehrgood Jr., 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp	25,000.00	
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
Dina E. Elani, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes for the Aging		
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc	875.00	2,167.96
Electric Generation Assn, 2101 L Street, NW, #405 Washington, DC 20037		5,340.00	3,750.79
Law Office of Peter L. Eleey, 304 Victory Road Marina Bay, MA 02171	Dana Farber Cancer Institute		
Rodney G. Ellis, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico Ministry of Commerce & Trade)		
Dorothy A. Ellsworth, 9000 Machinists Place Upper Marlboro,, MD 20772	International Assn of Machinists & Aerospace Workers	17,928.15	514.26
Edward M. Emmett, 1700 North Moore Street, S-1900 Arlington, VA 22209-1904	National Industrial Transportation League	27,500.00	50.00
Clyde F. Ensslin, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Tudor Investment Corp		
Paul A. Equale, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	17,874.50	
Erisa Industry Committee, 1400 L Street, NW, #350 Washington, DC 20005		900.00	40,951.06
Pamela K. Ernest, 1100 Connecticut Ave., NW, #710 Washington, DC 20036	Honeywell, Inc	5,000.00	6,400.00
Dennis L. Erpelding, 1101 Pennsylvania Avenue, NW, #540 Washington, DC 20004	Eli Lilly & Company	3,000.00	644.25
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Great Western Financial Corp)		
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Sarah Evans, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Science		
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Armour Pharmaceutical Co	12,000.00	10,000.00
Do	Matlack Systems, Inc		
Do	National Independent Automobile Dealers Assn	7,000.00	
Do	Republic of Cyprus	21,000.00	
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	1,900.00	
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001		1,799,000.00	
Elizabeth Fayad, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	2,292.00	63.40
Federal Kemper Life Assurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,631.60	1,631.60
Federation of Behavioral Psychological & Cognitive Sciences, 750 First Street, NE Room 5004 Washington, DC 20002-4242.			320.80
Tara Federici, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	119.00	609.21
Donald M. Fehr, 12 East 49th Street New York, NY 10017	Major League Baseball Players Assn		787.46
Richard J. Feldman, 9 Perimeter Way, Suite C-950 Atlanta, GA 30339	American Shooting Sports Coalition, Inc	1,062.50	250.00
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Karen S. Fennell, 1522 K St., NW, #1000 Washington, DC 20005	American College of Nurse-Midwives		
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	American Ski Federation		
Do	Dillingham Construction Corp, Inc	5,625.00	655.20

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Friant Water Authority		
Do	Global Marine, Inc	3,750.00	598.87
Do	Haida Corporation		
Do	Klukwan, Inc	7,500.00	659.05
Do	Mountaineer Gas Co	7,500.00	609.35
Do	Northern Air Cargo	3,750.00	605.98
Do	U.S. Borax, Inc	7,500.00	585.51
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	32,734.00	1,033.29
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center	186.00	
Joseph D. Fincher, 4100 Bank of Oklahoma Tower Tulsa, OK 74172	Wichita Tribe	1,527.50	74.44
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade	1,875.00	
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	2,179.00	30.00
Dan Fishbein, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	595.00	948.00
Gary K. Fisher, 1401 Eye St., NW, #1200 Washington, DC 20005	Chevron Companies	4,800.00	110.88
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Martha Fisher, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn	7,956.75	
Donald Fix, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	487.98
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	578.84
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	954.91
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	American Ambulance Assn	30,000.00	5,696.47
Do	American Optometric Assn	15,000.00	
Do	Anheuser-Busch Companies, Inc		
Do	Association of American Railroads	24,999.99	
Do	Baxter Healthcare Corp	45,000.00	493.22
Do	Children's Hospital Medical Center of Northern California	30,000.00	147.87
Do	Douglas Clark	27,000.00	579.15
Do	Clark Oil and Refinery Corporation		
Do	Global Communications Consultants	18,000.00	
Do	Hispanic Business		263.11
Do	Levi Strauss & Company	11,000.00	
Do	Litton Computer Services	25,000.00	162.45
Do	Marazul Charters	45,000.00	499.65
Do	MasterCard International	24,000.00	27.31
Do	McDonnell Douglas		
Do	Merco Consultants	12,750.00	
Do	Minot Area Development Corp	13,500.00	
Do	National Auctioneers Assn	15,000.00	123.87
Do	National Collegiate Athletic Assn (NCAA)	4,062.50	
Do	National Spiritual Assembly of the Baha'is of the U.S.	24,000.00	5,497.00
Do	Nintendo of America, Inc	61,365.00	2,121.39
Do	Pharmaceutical Coalition (Sandoz)	12,305.00	204.91
Do	Public Broadcasting Service		
Do	Safe Tire Disposal Corporation	24,000.00	165.70
Do	Sony Corp of America	30,000.00	
Do	St. Louis NFL Partnership		
Do	Syva Company	24,000.00	
Do	Wackenhut Educational Services	13,500.00	265.73
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	8,814.00	137.00
Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310	Brunswick Marine Group	2,425.00	471.00
Joseph P. Foley, P.O. Box 61303 Potomac, MD 20859	Foley & Co, Inc (For:Media, Inc)		
Do	National Youth Sports Coaches Assn		
Do	Niron Distributors, Inc		
Do	PolyPhaser Corp		
Do	Pyrocap International Corp, Inc		
Do	Unified Industries, Inc		
Foley & Company, Inc, P.O. Box 61303 Potomac, MD 20859	City of Ontario		
Do	Storage Concepts, Inc		
Footwear Distributors & Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,500.00
James E. Ford, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	1,240.00	
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Foreman & Heidepriem, 1155 21st Street NW, #750 Washington, DC 20036	Aetna Life & Casualty	1,312.50	272.50
Do	EMILY's List		
Forest Products Industry National Labor-Management Comm, c/o PeterJ. Kadzik Dickstein Shapiro & Morin 2101 L Street, NW Washington, DC 20037.		59,637.81	59,637.81
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	1,250.00	
Patrick Forte, 888 17th Street, NW, #312 Washington, DC 20006	Association of Financial Services Companies	3,750.00	
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	2,873.00	10.00
Richard C. Fortuna, 915 15th Street, NW, 5th Floor Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty		
David V. Foster, 555 13th Street, NW Washington, DC 20016	National Leadership Coalition for Health Care Reform	5,000.00	157.15
Nancy E. Foster, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	426.50
Foundation for Environmental & Economic Progress, 1001 Pennsylvania Ave., NW #310 Washington, DC 20004		41,250.00	38,578.61
W. Frank Fountain Jr., 1100 Connecticut Ave., NW, Suite 900 Washington, DC 20036	Chrysler Corp	5,860.00	439.00
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Do	Bristol-Myers Squibb Co		
Do	Fisons Corp		
Do	Healthcare Management Alternatives, Inc		
Do	Hoffmann-La Roche, Inc		
Do	Johnson & Johnson	205.00	
Do	Lederle-Praxis Biologicals	712.50	58.75
Do	Memorial Sloan-Kettering Cancer Center		
Do	National Coalition for Cancer Survivorship		
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	4,500.00	150.00
Freedom Technologies, Inc, 1100 New York Ave., NW, Suite 650 East Washington, DC 20005	Nynex	890.00	
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,060.00	900.71
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Robert Freimark, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	22.05	
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Anheuser-Busch Companies, Inc	18,000.00	524.53
Do	Gulf Coast Waste Disposal Authority	3,028.50	1,250.96
Do	Los Angeles County Sanitation District	14,417.00	400.64
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002		274,981.00	215,423.00
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	1,310.94
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	5,000.00	
Jocelyn C. Frye, 1875 Connecticut Ave., NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund		
Gerald Davis Fuller, 150-973 Revells Neck Road Westover, MD 21871-3368		150.00	575.00
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Composite Fabrication Assn		
Do	Mobile Industrial Caterers Assn		
Do	National Assn of Theatre Owners		
Do	Textile Rental Services Assn of America		
Kathleene E. Gallegos, 1925 N. Lynn Street., #502 Arlington, VA 22209	Global Environmental Solutions	1,600.00	30.00
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Joan Galvin, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey	1,000.00	
Thomas Gann, 1300 I Street, NW, #40 East Washington, DC 20005-3306	Sun Microsystems, Inc		3,125.00
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	50,000.00	
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	37.50	
Reginald R. Garcia, 216 South Monroe Street, #300 Tallahassee, FL 32301	Taylor Brion Buker & Greene (For:PRIDE of Florida)	8,138.98	2,569.15
Gardner Carton & Douglas, 1301 K Street, NW #900 East Tower Washington, DC 20005	Adventist Health System/Sunbelt Hospital System		
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209		3,536.13	1,842.09
Craig Gehrke, 900 17th Street, NW Washington, DC 20006	Wilderness Society	20.62	
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nancy Whorton George, 601 13th Street, NW, #850 S Washington, DC 20005	El Paso Natural Gas Company	1,000.00	
Katherine Doddridge Gerlach, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	3,450.00	597.38
Alvin J. Geske, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Renewable Fuels Assn		
Lawrence R. Gess, One Nalco Center Naperville, IL 60563-1198	Nalco Chemical Company	9,000.00	6,356.98
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Jacqueline Gillan, 777 North Capitol Street, NE, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	2,408.00	
Michael B. Gillett, 4612 Meridian Avenue North Seattle, WA 98103-6936	Atlantic Richfield Company	12,455.00	
Do	Pacific Lumber & Shipping Co	28,300.00	
Glass Packaging Institute, 1627 K Street, NW, #800 Washington, DC 20006			7,975.80
John Gleason, 1875 Connecticut Ave., NW, Suite 300 Washington, DC 20009-5728	Center for Science in the Public Interest		
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Advocates for Fertility Treatment		
Do	All Nippon Airways Co, Ltd		
Do	Fanuc, Ltd		
Do	Hitachi, Ltd		
Horace D. Godfrey, 15 Golf Course Road Littleton, NC 27850	Godfrey Associates, Inc		
Godfrey Associates, Inc, 15 Golf Course Road Littleton, NC 27850			
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	167.00	
Franklin B. Gold, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	1,500.00	118.47
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Salomon Brothers, Inc	3,000.00	2,440.00
Ronald L. Goldfarb, Ronald Goldbarb & Associates 918 16th Street, NW, #400 Washington, DC 20006	Washington Independent Writers, Inc		
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	15,016.06	213.68
Marva Goldsmith, 601 13th Street, NW, #650-North Washington, DC 20005	Detroit Edison Company	750.00	30.00
Benson S. Goldstein, 11800 Tfton Drive Potomac, MD 20854	National Assn for the Self-Employed	7,200.00	
Do	Seniors Coalition, Inc	1,200.00	
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	92.53
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	11,000.00	1,500.00
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	15,191.25	392.71
Paul E. Goulding, 1140 23rd Street, NW, Suite 505 Washington, DC 20037	Warren & Co (for Council of the Americas)	3,000.00	
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Contact Lens Manufacturers Assn		
Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	12,362.07	
Clifford S. Graul, 1800 M Street, NW, #325 South Washington, DC 20036	Creative Strategies Group		
Ruth P. Graves, 600 Maryland Ave., SW, #600 Washington, DC 20560	Reading Is Fundamental, Inc	105.00	27.00
Geoffrey P. Gray, 888 17th Street, NW, Suite 312 Washington, DC 20006	Association of Financial Services Holding Companies	750.00	
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)	900.00	
Greater Ecosystem Alliance, P.O. Box 2813 Bellingham, WA 98227		44,878.90	473.66
Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019		738,384.00	64,021.00
James E. Green, 1250 H Street, NW, Suite 500 Washington, DC 20005	Mobil Corp	2,500.00	173.20
Nancy Green, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,961.44	80.95
Robert H. Green, 1625 K Street, NW, Suite 1090 Washington, DC 20006	National Foreign Trade Council	5,000.00	400.00
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	American Health Care Assn	6,000.00	232.43
Do	Apogee Outpatient Mental Health		
Do	Central American & Caribbean Textile & Apparel Council	27,000.00	3,741.77
Do	Chase Bank	2,500.00	
Do	Dade County	37,500.00	
Do	Humana, Inc	10,500.00	202.42
Do	John Alden Life Insurance Co	17,450.25	836.37
Do	Mount Sinai Medical Center	18,000.00	484.03
Do	National Assn for the Support of Long-Term Care (NASL)	18,892.50	780.02
Do	National Assn of Mortgage Brokers	9,000.00	
Do	National Health Laboratories	3,000.00	319.72
Do	Smith Corona Corp	33,750.00	349.53
Do	Torrington Co	36,000.00	727.20
Do	Viacom International, Inc	15,000.00	1,422.79
Do	Xoma		
Laurence T. Greene, 100 North Diamond-Star Parkway Normal, IL 61761	Diamond-Star Motors		1,620.00
Rod Greenough, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn	75.00	
Richard Grefe, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	America's Public Television Stations		8.00
John P. Gregg, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Janice M. Gregory, 1400 L St., NW, #350 Washington, DC 20005	Erisa Industry Committee	2,660.00	
Edward F. Greissing Jr., 1455 F St., NW, #405 Washington, DC 20005	Upjohn Company	52,850.00	
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	217.00
Jerome Grossman, 110 Maryland Avenue, NE, #409 Washington, DC 20002	Council for a Livable World		
Guillermo Guemez Garcia, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio		
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	56,250.00	
Gabriel Guerra-Mondragon, 444 North Capitol Street, #711 Washington, DC 20001	Guerra & Associates, Inc (For:Mexican Dept of Commerce & Industrial Development).	92,230.69	12,445.24
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Lewis Gulick, 1911 Ft. Myer Drive, #703 Arlington, VA 22209	International Interests, Inc	5,000.00	100.00
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
Daniel Guttman, 1350 New York Avenue, NW, #1100 Washington, DC 20005	Oil Chemical & Atomic Workers Int'l Union, AFL-CIO	516.00	
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	American Health Information Management Assn	5,000.00	
Do	Manor Healthcare, Inc	15,000.00	
Do	Midwest Organ Bank, Inc	7,000.00	
Do	National Assn of Medical Directors of Respiratory Care	5,000.00	
Do	Puritan Group-Puritan Bennett Corp	100.00	
Do	Transtracheal Systems	100.00	
Hager Sharp, Inc, 1090 Vermont Ave., NW, 3rd Floor Washington, DC 20005	APTUS, Inc, et al.	75,000.00	
Veronica A. Haggart, 1350 I Stret, NW, Suite 400 Washington, DC 20005	Motorola	6,500.00	
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	American Institute of Certified Public Accountants	15,000.00	600.00
Do	Boston Area Mutual Fund Group	24,000.00	600.00
Heide Halik, 408 C Street, NE Washington, DC 20002	Sierra Club	2,944.54	14.00
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	497.00	
Jim Halpert, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund	8,392.37	
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Chase Manhattan Bank	33,335.00	22,145.55
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	4,600.00	325.20
Timothy M. Hammonds, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	200.00	
Timothy A. Hanan, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	
Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701	Kinetic Concepts, Inc	9,000.00	7.80
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		1,997,014.00	1,14,703.00
Christopher W. Hansen, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	7,315.00	878.75
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
W. Brendan Harrington, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Leslie Harris, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund	8,912.41	
Fruzsina M. Harsanyi, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
William J. Harte Ltd, 111 West Washington Street, Suite 1000 Chicago, IL 60602	AMGEN, Inc	6,860.00	141.79
Do	Gamma of Illinois, Inc	7,700.00	60.00
Arthur A. Hartman, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	General Atomics	100.00	
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Roy A. Hastick Sr., Brooklyn Navy Yard, Building 5 Mezzanine A. Brooklyn, NY 11205	Caribbean American Chamber of Commerce & Industry, Inc		
Scott D. Hatch, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	4,125.00	
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Christina M. Hauptli, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Steven L. Hayes, 100 N. Brand Blvd., #502 Glendale, CA 91203	Citizens for an Alternative Tax System		
Holly Elisabeth Hazard, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	288.00	
Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
Hazelden Foundation, 15245 Pleasant Valley Road Center City, MN 55012-0011		49,550.00	239,092.00
HealthPlus, Inc, 7601 Ora Glen Drive, Suite 200 Greenbelt, MD 20770			
Robert L. Healy, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	250.00	
Nikki Heidepriem, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	EMILY's List		
Do	Foreman & Heidepriem, Inc (For:National Abortion Rights Action League)	262.50	20.00
Barbara Alison Helfrich, 3510 Thornapple Street Chevy Chase, MD 20815			
Don Hellmann, 900 17th Street, NW Washington, DC 20006	Wilderness Society	4,338.46	57.40
Edward A. Helme, 444 N. Capitol Street, #602 Washington, DC 20001	Alliance for Acid Rain Control	126.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc	4,372.00	
Kevin S. Hensley, 1015 15th Street, N.W., #802 Washington, DC 20005	American Consulting Engineers Council	4,800.00	
Hercules, Inc, Hercules Plaza Wilmington, DE 19894			26,592.58
Owen E. Herrnstadt, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	17,928.15	619.62
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc	1,000.00	
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Blue Cross Blue Shield of Florida		
Do	Broward County	2,160.00	
Do	Carpet & Rug Institute		
Do	Fujisawa/Lyphomed		
Do	Healthcare Leadership Council		
Do	Louisiana Pacific		
Do	McAndrews & Forbes Holding, Inc		
Do	Monsanto Co		
Do	Phillips Petroleum Company		
Do	Port Everglades	3,600.00	
Do	Republic of Turkey		
Do	Sallie Mae		
Do	Stelco, Inc		
Do	Tera Computer Company		
Arthur William Hillman, 4301 N. Fairfax Drive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	5,000.00	13.95
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #635 Washington, DC 20004	Digital Equipment Corp	25,000.00	
Richard T. Hines Consulting, Inc, 733 15th Street, NW, #700 Washington, DC 20005	Health Policy & Strategy (For:Northwestern National LIfe)	2,500.00	862.67
Do	Health Policy & Strategy (For:Pan American Life Insurance Co)	2,500.00	862.67
Do	Health Policy & Strategy (For:Washington National)	3,750.00	1,300.08
Do	Health Policy & Strategy (For:Wausau Insurance Co)	1,250.00	437.42
Tamara Hirschfeld, 2101 L Street, NW, #401 Washington, DC 20037	American Stock Exchange, Inc		
Nancy Hirshbein, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth		
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board	11.00	
Do	Association of Navajo Community-Controlled School Boards	1,074.10	
Do	Black Mesa Community School Board		
Do	Bristol Bay Area Health Corp	40.00	
Do	Maniilaq Assn	20.00	
Do	Metlakatla Indian Community	750.00	20.80
Do	Mississippi Band Choctaw Indians	370.00	
Do	Narragansett Indian Tribe		
Do	Norton Sound Health Corp	30.00	
Do	Oglala Sioux Tribal Public Safety Commission	850.00	5.45
Do	Pinon Community School Board		
Do	Ramah Navajo School Board		
Do	Rock Point Community School Board		
Do	Rough Rock Community School Board		
Do	Shiprock Alternative Schools, Inc		
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Academy of Pediatrics		
Do	American College of Osteopathic Surgeons		
Do	Attorneys' Liability Assurance Society, Inc		
Do	Flight Products, Inc		
Do	Freightliner Corp		
Do	Government of Haiti	165,787.60	10,116.06
Do	Infectious Diseases Society of America, Inc		
Do	Mercedes-Benz of North America, Inc		
Do	Milton S. Eisenhower Foundation	4,025.00	166.62
Do	National Tissue Bank Council		
Do	New York Assn of Homes & Services for the Aging		
Do	New York State Health Facilities Assn, Inc		
Do	Payload Systems, Inc		
Do	Society of Critical Care Medicine		
Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Timothy J. Holeman, 1625 Broadway, Suite 1800 Denver, CO 80206	City of Broomfield	19,200.00	
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	American Plastics Council	1,000.00	
Do	Association of Oil Pipe Lines		
Do	Citgo Petroleum Corp	1,000.00	
Do	CALPINE	500.00	
Do	Domestic Priorities Leadership Council	1,000.00	
Do	FMC Corp	2,000.00	
Do	Precious Metals Producers Group	1,000.00	
Michael J. Hoogendyk, 706 E. Bell Road, #101 Phoenix, AZ 85022	National Assn of Mortgage Brokers	1,875.00	
Helen D. Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	2,292.95	
Hopkins & Sutter (Chicago), Three First National Plaza, #4200 Chicago, IL 60602	Chicago Mercantile Exchange, Commodities Exchange	4,560.00	1,834.25
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Tandy Corporation	5,694.00	
Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc		
Robert Jack Horn, 601 13th Street, NW. #650 N Washington, DC 20005-3808	Detroit Edison Company	1,320.00	30.00
Gary E. Hotaling, 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	905.00	
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	Evans Group, Ltd	10,000.00	
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Jacqueline Howells, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Clark County Nevada)	1,406.00	
Lorraine Howerton, 1301 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004-1707	Air Transport Assn	16,227.60	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	10,000.00	
Henry A. Hubschman, 1 Neumann Way, Mail Drop J104 Cincinnati, OH 45215	General Electric Co	3,000.00	1,385.62
Walter E. Huizenga, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	13,950.00	
Brenda Gore Hull, 1001 - 19th Street, North, Suite 800 Arlington, VA 22209	TRW, Inc	400.00	309.87
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	3,069.00	389.12
Deidre D. Humphrey, 444 North Capitol Street, #711 Washington, DC 20001	Keefe & Co (For:American Rocket Co)		95.00
Do	TKC International, Inc (For:Government of Aruba)		
Do	Keefe Company (For:Lockheed Sanders, Inc)		100.00
Harriet Hunt-Burgess, 456 Montgomery Street #1800 San Francisco, CA 94104	American Land Conservancy	201.97	2,914.35
Jessica Hunter, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	60.00	65.27
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,793.39
Joanne L. Hustead, 1875 Connecticut Avenue, NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund	3,546.00	621.00
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	600.00	497.91
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	1,800.00	669.29
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	American Council on International Personnel (ACIP)	3,750.00	
Do	Fragomen Del Rey & Bernsen, PC (for National Hockey League)		
Do	Fragomen Del Rey & Bersen, P.C. (for IBM)		
Do	Information Technology Assn of America (ITAA)		
Do	Irish Immigration Reform Movement (IIRM)	135.00	4.64
Do	McDonald's Corp		
Do	Professionals for Spouse Reunification	1,619.50	18.00
Do	SYDA Foundation		
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044.		440.00	440.00
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		60,683.00	60,683.00
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		19,735.00	19,735.00
Industry Union Glass Container Promotion Program, 1627 K Street, NW, #800 Washington, DC 20006			2,500.00
Information Technology Assn of America, Inc, 1616 North Ft. Myer Dr., #1300 Arlington, VA 22209		6,000.00	188.38
Int'l Union, United Auto Aerospace & Agric Implement Workers, of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214.		136,345.30	136,345.30
International Assn of Machinists & Aerospace Workers, 9000 Machinists Place Upper Marlboro, MD 20772			43,356.30
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Brandy Export Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Fashion Accessories Shippers Assn	7,845.00	40.00
Do	Hercules, Inc	2,625.00	16.35
Do	Procter & Gamble	862.50	
Do	Uniroyal Chemical Company, Inc	6,787.50	40.00
Do	Wine Institute	3,612.37	242.07
Do	Xerox Corp	2,887.50	89.19
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		21,416.60	21,416.60
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			9,000.00
Richard M. Irby III, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco, Inc	342.00	83.00
Michele Isele, 1250 H Street, NW, #700 Washington, DC 20005	Citizens for a Sound Economy	4,078.38	
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Alliance of Nonprofit Mailers	500.00	
Do	Coal Industry Health Protection Coalition	18,000.00	
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Dennis J. Jackman, 1700 Pennsylvania Ave., NW, Suite 950 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	7,000.00	279.66
Beverly Roberson Jackson, 3922 Ingomar Street, NW Washigton, DC 20015	National Center for Clinical Infant Programs		
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn		
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	3,750.00	3,066.01
Erik S. Jaffe, 725 12th Street, NW Washington, DC 20005	Williams & Connolly (For:Sentara Norfolk General Hospital)	8,715.00	171.50
Pierre R. Jambon, 1001 19th Street, North #800 Arlington, VA 22209	TRW, Inc	2,997.00	
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94115		9,530.17	12,917.24
Dane B. Jaques, 1025 Thomas Jefferson Street, NW, East Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Jar-Mon Consultants, Inc, 208 N. Patrick St. Alexandria, VA 22314	American Business Council, Inc	4,000.00	
Do	American Freedom Coalition		
Do	Christian Voice, Inc	8,900.00	
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,686.14	635.95
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Farm Credit Bank of Wichita		
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp	150.00	
Do	Rotary Power International, Inc	100.00	
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,000.00	300.00
Jewish Peace Lobby, 8604 Second Ave., #317 Silver Spring, MD 20910		22,155.82	910.68
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council		
David H. Johnson, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences	283.00	
Susan E. Johnson, 2000 Pennsylvania Avenue, NW, #5500 Washington, DC 20006	PNC Mortgage Corp	6,000.00	
Do	Real Estate Services Providers Council (RESPRO)	3,000.00	
Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	American Transit Services Council	500.00	16.00
Gerald C. Jones Jr., 739 8th Street, SE Washington, DC 20003	Association of Community Organizations for Reform Now	5,750.00	510.44
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Amoco Corporation	3,926.00	28.00
Do	Barnes & Tucker Co	220.00	
Do	Coalition for the Fair Treatment of Environmental Cleanup	9,098.00	80.00
Do	County of Los Angeles	15,861.00	109.00
Do	Genentech	3,969.00	
Do	Internationale Nederlanden Group, NV	3,780.00	12.00
Do	Marathon Oil Co	1,152.00	4.00
Do	Mountain Laurel Resources, Inc	1,270.00	
Do	NACCO Industries, Inc	48,789.00	385.00
Do	Pfizer, Inc	325.00	
Do	R.J. Reynolds Nabisco, Inc	9,657.00	12.00
Do	Upjohn Company	8,278.00	51.00
Do	Zeneca Pharmaceuticals Group	4,573.00	27.00
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	Space Dynamics Laboratory	285.00	
Robert G. Josephs, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	15,300.00	
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union	43,125.00	605.05
Do	International Speedway Corp	9,000.00	
Do	Stock Information Group		
JM Family Enterprises, Inc, 100 Northwest 12th Avenue Deerfield Beach, FL 33443			10,690.00
Cheryl C. Kagan, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	7,678.00	
Karen Kalla, 408 C Street, NE Washington, DC 20002	Sierra Club		
Kamber Group, 1920 L Street, NW, Suite 700 Washington, DC 20036	TDS Health Systems Corp	83,351.25	2,579.47
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	19,500.00	367.40
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Do	East Coast Tuna Assn		
Do	Humane Society of the U.S., et al.		1,236.85
Do	Millicom, Inc		2,800.00
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Coalition for PUHCA		
Do	Missouri Basin Municipal Power Agency	1,500.00	
Do	OPCO Wholesale Customer Group	3,000.00	
Do	Public Power Council	2,500.00	
Karen Kapen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,750.00	484.65
S. Steven Karalekas, 1211 Connecticut Avenue, NW, #302 Washington, DC 20036	Karalekas & McCahill (For:American Retirees Assn)	4,000.00	
Do	Karalekas & Noone (For:Digital System Resources, Inc)		
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)		
George Kassouf, 1601 Connecticut Avenue, NW, #600 Washington, DC 20009	Alliance for Justice	125.00	
Patricia L. Katson, P.O. Box 6802 Falls Church, VA 22003	Liberty Lobby, Inc	6,000.00	523.58
Katten Muchin & Zavis, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Associated Aviation Underwriters		
Ronald C. Kaufman, 6610 Kensal Court Springfield, VA 22152	USA NAFTA	10,000.00	
Kaulius & Associates, 1942 Broadway, Suite 400 Boulder, CO 80302	Colorado State University	9,000.00	
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Benjamin Moore & Co		
Do	Kraft, Inc		
Do	Londontown Corporation		
Do	Pepsico		
Do	United Television, Inc		
Kearney & Gleason, One State Street - 8th Floor Boston, MA 02109	New England Telephone Co	5,625.00	
Do	NYNEX Government Affairs	5,625.00	
David L. Keating, 3415 Shepherd Chevy Chase, MD 20815	National Taxpayers Union	5,565.00	
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy	20,000.00	
Do	General Instrument Corporation		
Do	Group Health, Inc	65,320.75	
Do	Monsanto Co	40,538.47	
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	TKC International (For:International Public Relations Co, Ltd)		
Do	Keefe Co (For:Sanders Associates, Inc)		
David A. Keene & Associates, 919 Prince Street Alexandria, VA 22314	United Seniors Assn	12,000.00	40.00
Danea M. Kehoe, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	267.00
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	11,250.00	6,362.00
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	7,500.00	
Thomas J. Kelley, One Central Park Plaza Suite 1400 Omaha, NE 68102	McGrath North Mullin & Kratz (For:Nebraska Catholic Conference)	1,053.00	
Do	McGrath North Mullin & Kratz (For:Septemberfest Salute to Labor, Inc)	351.00	
Cynthia K. Kelly, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Susan N. Kelly, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			
Kemper Investors Life Insurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			9.94
Nancy Mohr Kennedy, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	24,500.00	
Kathy Lee Kent, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the US	4,676.10	769.30
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	2,132.00	80.00
Richard S. Kessler, 709 2nd Street, NE, #200 Washington, DC 20002	Kessler & Associates (For:National Assn of Beverage Importers)	8,446.82	
Do	Kessler & Associates, Inc (For:Sandoz Corp)	10,000.00	525.89
Do	Kessler & Associates (For:Joseph E. Seagram & Sons, Inc)	9,000.00	435.06
Do	Kessler & Asso (For:Upjohn Corp)	15,000.00	742.28
Keystone International, Inc, 1650 University Blvd. NE #408 Albuquerque, NM 87102	International Disarmament Corp		
Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,031.25	
William P. Killmer, 1201 - 15th Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Daryl G. Kimball, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	2,381.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Roy Caldwell Kime, 515 North Washington Street, #400 Alexandria, VA 22314	International Assn of Chiefs of Police	15,534.40	2,106.80
K. Kimball King, 2001 Pennsylvania Ave., NW Washington, DC 20006-1813	Electronic Industries Assn	750.00	145.90
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	American Metalcasting Consortium (AMC)	7,125.00	
Do	Ferroalloys Association		
Do	Macalloy Corporation		
Do	Nuclear Metals, Inc		
Do	South Carolina Research Authority	1,800.00	
Janie A. Kinney, 1500 K Street., N.W #650 Washington, DC 20005	Glaxo, Inc	4,500.00	200.00
Peter C. Kirby, 1447 Peachtree St., #812 Atlanta, GA 30309	Wilderness Society		
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Eaton Vance Corp	6,065.00	
Do	Glendale Federal Savings Bank		
Donald R. Kirtley, Hercules Plaza Wilmington, DE 19894	Hercules, Inc		
Frank D. Kittredge, 1625 K Street, NW Washington, DC 20006	National Foreign Trade Council	6,000.00	1,100.00
Theodore Knappen, 1001 G Street, NW, #400 East Washington, DC 20001	Greyhound Lines, Inc	20,000.00	
Do	Mid-Atlantic Medical Services, Inc	16,000.00	
James E. Kneale, 1724 Jefferson Davis Highway, #300 Arlington, VA 22024-4127	Lockheed Corporation	4,000.00	338.49
Sharon H. Kneiss, 1800 K Street, NW Washington, DC 20006	Hercules Corp	2,610.00	1,847.59
Anthony J. Knettel, 1400 L Street, NW, #350 Washington, DC 20005	Erisa Industry Committee	2,251.60	
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress	2.40	
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906	Firearms Coalition	10,000.00	1,100.00
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	544.75	
Kogovsek & Associates, Inc, 700 Broadway, #929 Denver, CO 80203-3443	Central Arizona Water Conservation District	7,500.00	
Do	Dolores Water Conservancy District	4,000.00	418.32
Do	National Assn of Counties	3,125.00	
Do	Rio Grande Water Conservation District	3,000.00	943.83
Do	Rocky Mountain Health Care Corp	8,825.00	3,203.35
Do	San Juan Water Commission	1,530.00	852.17
Do	Southern Ute Indian Tribe		4,640.72
Do	Southwestern Water Conservation District, Durango County		5,703.45
Do	Upper Yampa Water Conservancy	5,375.00	2,491.34
Do	Ute Mountain Ute Tribe		
Do	Water Protection Assn of Central Kansas		
Do	Wolf Springs Ranches, Inc	9,000.00	1,880.13
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		332.13
David Kolker, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	28,721.25	3,990.24
Do	Spiegel & McDiarmid (For:Guam Power Authority)	80.00	19.39
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			94,523.56
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	7,500.00	8,390.00
Jerome J. Kozak, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Victor Krohn, 100 N. Brand Ave., S-502 Glendale, CA 91203	Citizens for an Alternative Tax System		
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			83,114.50
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, PC (For:Cabot Energy Corp)		
Do	Wright & Talisman, P.C. (For:Columbia Natural Resources)	3,000.00	
Do	Wright & Talisman, PC (For:Equitable Resources Exploration)	5,000.00	
Do	Wright & Talisman, PC (For:National Stripper Well Assn)		
Do	Wright & Talisman, PC (For:Potlatch Corp)		
Do	Wright & Talisman, PC (For:Solite Corp)	5,000.00	
Do	Wright & Talisman (For:Sun Company, Inc)		
Do	Wright & Talisman, PC (For:Tenneco, Inc)		
Do	Wright & Talisman (For:Virginia Oil and Gas Assn)	5,000.00	
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Lester P. Lamm, 1776 Massachusetts Avenue, NW Washington, DC 20036	Highway Users Federation		40.00
Susan Lamson, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	3,000.00	42.08
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	6,935.00	
Robert D. Landis, 2201 Cooperative Way Herndon, VA 22071	NAIOP, Assn for Commercial Real Estate	14,250.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Adrienne C. Lang, 1101 Vermont Ave, NW, #606 Washington, DC 20005	American Soc of Anesthesiologists		
Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	5,808.00	487.92
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Ahlstrom Development Corp	1,000.00	
Do	Alexander & Alexander Services, Inc		
Do	Digital Equipment Corp		
Do	Manville Corp		
Do	National Independent Energy Producers	2,000.00	
Do	Sithe Energies USA, Inc		
Do	Wireless Cable Assn International	1,000.00	
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	277.27
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	7,164.54	78.85
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
Joan W. LaRock, 801 Pennsylvania Ave., NW, Suite 1213 Washington, DC 20004	LaRock Associates, Inc		
Leadership Conference on Civil Rights, 1629 K Street, N.W., Suite 1010 Washington, DC 20006		36,049.40	55,039.62
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		63,335.56	63,335.56
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Chicago Board Options Exchange)		
Bruce Lear, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Marvin Leath, One Massachusetts Ave, NW, #330 Washington, DC 20001-1431	American Logistics Assn	6,000.00	
Do	FMC Corp	6,000.00	
Do	Lockheed Corp	4,500.00	
Do	Martin Marietta Corp	3,000.00	
Do	National Guard Assn	2,000.00	
Do	National Rifle Assn of America	3,000.00	
Do	National Soft Drink Assn	3,000.00	
Do	Textron, Inc	3,000.00	
Do	Thiokol Corp	3,000.00	
Marque I. Ledoux, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Gary A. Lee Group, Inc, P.O. Box 271 Sanibel Island, FL 33957	AutoZone, Inc		
Do	Harnischfeger Industries		
Do	Midas International		
Do	Pet, Inc		
Carroll H. Leggett, 660 Maryland Avenue, NE Washington, DC 20002	Royal Embassy of Saudi Arabia	10,000.00	500.00
Arnold H. Leibowitz, 888 Sixteenth Street, NW # 507 Washington, DC 20006	Cameron & Hornbostel (For:Hebrew Immigrant Aid Society (HIAS))	19,200.00	4,538.48
Donna Lenhoff, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund		
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	8,778.20	
Mingyew Leung, 1100 17th Street, NW, 10th Floor Washignton, DC 20036	American Assn for Marriage & Family Therapy	8,750.00	
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	2,500.00	
Robert Levi, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	12,315.23	
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Jack W. Lewis, 1101 Vermont Ave., NW Washington, DC 20005	Paperboard Packaging Council	17,000.00	120.00
Joseph Christopher Lewis, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	8,077.00	138.00
Raymond A. Lewis, 3423 Silver Maple Place Falls Church, VA 22041	American Methanol Institute	3,000.00	845.00
Steffanie J. Lewis, 3511 13th Street N Arlington, VA 22201-4907	International Business Firm, Inc		
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	800.00	
Lawson LeGate, 2273 S. Highland Dr., #2D Salt Lake City, UT 84106-2832	Sierra Club	1,893.94	322.23
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	6,252.00	342.00
Liberty Council, c/o Eligio Castro P.O. Box 21544 University Station San Juan, PR 00931-1544		400.00	400.00
Bill Libro, 601 Pennsylvania Ave., NW, Suite 600N Washington, DC 20004	Northern States Power Company	4,400.00	260.00
Judith Lichtman, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	18.00	2.00
Eric N. Lieberman, 725 12th Street, NW Washington, DC 20005	Williams & Connolly (For:Sentara Norfolk General Hospital)	8,120.00	
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	556.87
Sharon Lindan, 1875 Connecticut Avenue, NW, Suite 300 Washington, DC 20009-5728	Center for Science in the Public Interest	4,400.00	250.00
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	6,000.00	170.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036	Kennecott Corporation	600.00	478.00
Michael A. Lobue, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
Frank P. Lombardo II, 317 Baronne Street, N-25 New Orleans, LA 70112	Entergy Services, Inc	1,110.00	58.16
G. Thomas Long, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn		
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	8,800.00	1,071.73
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	1,000.00	
David Loveland, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	24,130.82	1,288.45
James Lovell, 20361 Middlebelt Livonia, MI 48152	National Hearing Aid Society		
Mark A. Lowman, 1201 K Street, #800 Sacramento, CA 95814	California Assn of Hospitals and Health Systems	13,000.00	7,585.00
Amy J. Lucas, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Mary Riddle Ludke, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron USA, Inc	280.00	
Carla Luggiero, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	11,836.11	276.06
Thomas A. Luken, 800 S. St. Asaph Street, #301 Alexandria, VA 22314	CASRI	5,000.00	
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		170.50
Kenneth N. Luongo, 1616 P Street, Suite 310 Washington, DC 20036	Union of Concerned Scientists	4,462.00	164.00
Marshall L. Lynam, 412 First Street, SE, #60 Washington, DC 20003	Dallas/Ft. Worth International Airport	21,487.00	
Do	Medical Matrix, Inc	4,500.00	
Do	Tandy Corp	10,500.00	
James S. Lyon, 410 North Lincoln Street Arlington, VA 22201	Mineral Policy Center		55.00
M & R Strategic Services, Inc, 1725 K Street, NW, Suite 1209 Washington, DC 20006	Issue Dynamics, Inc		
Samuel A. Mabry, 1800 K St., NW Washington, DC 20006	Hercules, Inc	4,938.00	12,224.07
Sheila MacDonald, 3231 Beech Street, NW Washington, DC 20015	MacDonald Associates (For:Nonprofits' Insurance Alliance of California)	5,000.00	225.00
Uday Madiman, P.O. Box 282 Indianapolis, IN 46206-0282	Indy Unlocks, Inc		
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Crystal Square 5 Arlington, VA 22202	American Ship Building Co		
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	6,149.00
Walter B. Maher, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	1,998.00	535.00
Michael C. Maibach, 888 17th St., NW #860 Washington, DC 20006	Intel Corporation	23,800.00	3,892.89
David C. Main Jr., 1301 K Street, NW, Suite 900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For:Rocky Mountain Health Maintenance Organization).		
Do	Gardner Carton & Douglas (For:Voluntary Hospitals of America, Inc)		
Major League Baseball Players Assn, 12 East 49th Street New York, NY 10017			214,734.54
Todd M. Malan, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce	8,400.00	274.50
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	206.00	15.00
Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Co		
Katherine W. Maness, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	9,375.00	925.60
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Distributors & Retailers of America		
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Motorola)		
Do	Hill & Knowlton, Inc (For:Television Operators Caucus)		
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American College of Foot & Ankle Surgeons	2,500.00	
Do	American Soc for Gastrointestinal Endoscopy	2,500.00	
Do	American Soc of Anesthesiologists	16,500.00	
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	5,500.00	
Do	California Public Employees Retirement System (CALPERS)	4,250.00	
Do	City of Alhambra	4,000.00	
Do	Federation of State Medical Boards of the US	6,000.00	
Do	Health Industry Manufacturers Assn (HME)	20,000.00	
Do	Helen Keller National Center	250.00	
Do	International Soc for Cardiovascular Surg/Soc for Vascular..	4,500.00	
Do	Los Angeles County Office of Education	6,000.00	
Do	Los Angeles County Transportation Commission	3,000.00	
Do	Merck Sharp and Dohme	1,000.00	
Do	National Assn of Epilipsy Centers	2,000.00	
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	3,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Stephanie Marrone, 1350 New York Avenue, NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	6,825.00	912.07
Teresa Martin, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn		
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
James T. Massey, P.O. Box 1689 317 East Cascade Sisters, OR 97759	Farmers Legal Action Group, Inc		
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,056.00
William A. Maxwell, 727 15th Street, NW, #900 Washington, DC 20005-2169	Convex Computer Corp	5,000.00	249.10
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	13,750.00	1,292.90
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	Diagnostic Retrieval Systems, Inc	3,750.00	
Do	National Assn for the Superconducting Super Collider	4,500.00	371.29
Do	Turlock Irrigation District	1,550.00	133.60
Do	Yukon Pacific Corp	2,400.00	205.41
Law Offices of R. C. McCandless, 618 E Street, SE Washington, DC 20003	Transamerica Occidental Life Insurance Co		
Do	United Seniors Assn, Inc		
Brian McClay, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association		
Stephen McConnell, 1334 G Street, NW, #500 Washington, DC 20005	Alzheimer's Assn	2,000.00	50.00
Steven A. McCoy, 1300 L Street NW, #900 Washington, DC 20005-4113	North American Export Grain Assn, Inc		138.00
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology & Services, Inc	12,250.00	82.56
Marianne McDermott, 1200 G Street, NW, #760 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Associated Financial Corp	229.35	
Do	ARA Services, Inc		
Do	Blue Cross & Blue Shield of Missouri	104.25	
Do	Campbell Soup Company		
Do	Coalition for Employment Opportunities	667.20	
Do	Fashion Accessories Shippers Association		
Do	Harcourt Brace Jovanovich		
Do	Dorothy Holt Estate	41.70	
Do	Kmart Corporation		
Do	Muscular Dystrophy Assn		
Do	MMW/Strategic Communications		
Do	National Assn of Diagnostic Services		
Do	Olin Corporation		
Do	Russ Berrie & Company		
Do	Solo Cup Co		
Do	Southland Corporation	667.20	
Do	United Development Corp		
Do	World Airways		
Douglas J. McDonald, 5735 Walcott Avenue Fairfax, VA 22030	VPSI, Inc	543.00	101.00
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Outboard Marine Corp	7,500.00	85.00
Jennifer B. McDonald, 1200 18th Street, NW Suite 200 Washington, DC 20036	National Business Aircraft Assn		
Tom McDonald, Arter & Hadden 1100 Huntington, 925 Euclid Avenue Cleveland, OH 44115-1475	Mt Carmel Health		1,649.08
John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772	O'Malley & Miles (For:National Hockey League)	542.00	
Roland McElroy, 1111 19th Street, NW, Washington, DC 20036	American Forest & Paper Assn	9,500.00	
Christine W. McEntee, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
James Calvert McGee, 30420 Revells Neck Road Westover, MD 21871-3368			
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	18,019.22	
Harrison D. McIver III, 1625 K Street, NW, #725 Washington, DC 20006	Project Advisory Group		
Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036	United Automobile Aerospace & Agricultural Implement Workers	20,168.71	59.70
Lindsay McLaughlin, 1133 15th Street, NW Washington, DC 20005	ILWU	10,000.00	673.62
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	1,550.00	
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	3,308.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	McLeod Watkinson & Miller (For:Chicago Board of Trade)	3,850.00	
Do	McLeod Watkinson & Miller (For:PromoFlor)	8,670.00	
Do	McLeod Watkinson & Miller (For:Right Choice Task Force)	3,900.00	
Do	McLeod Watkinson & Miller (For:State of Florida Department of Citrus)	262.50	
Do	McLeod Watkinson & Miller (For:United Egg Producers)	825.00	
Nancy L. McLernon, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment (OFII)	1,436.43	
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	7,750.00	1,025.97
Allegra P. McManus, 815 16th Street, NW, Suite 301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	7,864.00	
P. E. McManus Associates, 513 Capitol Court, NE, #300 Washington, DC 20002	AAI Corporation	50.00	
Do	Hydroacoustics, Inc	50.00	
Do	Litton Data Systems	50.00	
Do	McDonnell Douglas Corp	100.00	
John P. McNicholas, 8008 Westpark Drive McLean, VA 22102	Unisys Corp	2,500.00	1,001.41
Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873	American Assn of Homes & Services for the Aging		
James Meadows, 600 Congress Ave., #1360 Austin, TX 78701	Capital Network System, Inc	1,200.00	
James Gregory Means, 1317 F Street, NW, Suite 400 Washington, DC 20004	Alliance of Nonprofit Mailers	3,000.00	
Do	BP America, Inc	5,250.00	
Do	Centerior Energy Corp	5,000.00	
Do	Eltech Systems Corp	6,000.00	
Do	Systech Environmental Corporation	2,600.00	
Medtronic, Inc, 7000 Central Avenue, NE Minneapolis, MN 55432			37.10
Mehl & Pickens Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	Lockheed	1,000.00	
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	1,890.00	206.30
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	American Veterinary Medical Assn	10,500.00	5,846.00
Do	Chicago Mercantile Exchange	11,250.00	5,846.00
Do	National Rural Cooperative Business Center	3,000.00	382.00
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Hall Estill et al (For:Cherokee Nation)	3,237.00	170.96
Do	Society Asset Management, Inc	6,522.75	182.24
Edward A. Merlis, 1301 Pennsylvania Avenue. NW, #1100 Washington, DC 20004-1707	Air Transport Assn	3,007.04	
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	Van Fleet Associates	13,749.00	
Alden M. Meyer, I6I6 P Street, NW Washington, DC 20036	Union of Concerned Scientists	2,925.00	202.86
Nicholas Meyers, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,675.00	934.22
Gretchen B. Michael, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		
Richard P. Michalski, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	7,500.00	
Mid-Atlantic Medical Services, Inc, 4 Taft Court Rockville, MD 20850			16,000.00
Michael C. Middleton, 100 South Charles Street P.O. Box 987 Baltimore, MD 21203	MNC Financial, Inc		
Claude W. Miller Jr., 410 Middle Street New Bern, NC 28560			
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Grant Miller, 1800 Diagonal Rd. # 600 Alexandria, VA 22314	Grumman Corp	3,000.00	400.00
Do	Northrop Corporation	3,000.00	400.00
Linda B. Miller, 818 18th Street, NW, #900 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Pamela A. Miller, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	34.97	
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Craft Council		
Do	American Nuclear Energy Council		
Do	Arizona Health Care Contract Management Services, Inc		
Do	Association of Financial Services Holding Companies	1,500.00	
Do	Blue Cross of California	860.00	
Do	Chevy Chase Savings Bank, FSB		
Do	CHAPS Health Services, Inc		
Do	Electronic Industries Assn		
Do	Export Source Rule Coalition		
Do	Federal Savings Bank of Rogers, AR		
Do	FMC Corporation	4,200.00	
Do	General Chemical	3,560.00	
Do	Great Northern Insured Annuity Corp		
Do	Hewlett-Packard Co		
Do	Humane Society of the U.S.		
Do	Land Rover of North America, Inc	180.00	
Do	Leighton Parks Roper		
Do	Nuclear Fuel Services, Inc		
Do	O'Connor & Associates		
Do	Organization for International Investment	4,500.00	
Do	Pulte Home Corp	23,292.50	
Do	Southwest Marine	14,200.00	
Do	SABIC Marketing Americas, Inc		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Troutlodge, Inc		
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 34990	American Telephone & Telegraph Co		403.53
Stephen Mills, 408 C Street, NE Washington, DC 20002	Sierra Club	805.00	
Elliot Mincberg, 2000 M Street, NW, Suite 400 Washington, DC 20036	People for the American Way Action Fund	2,483.16	
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc		
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company		
Michael Monroney, 1250 H Street, NW, #700 Washington, DC 20005-3908	Citizens for a Sound Economy		
Kevin P. Montgomery, 1629 K Street, NW, #503 Washington, DC 20006	Evergreen International Aviation, Inc		88.00
Cynthia L. Moore, 5908 North 35th Street Arlington, VA 22207	National Council on Teacher Retirement	225.00	
Frank B. Moore, 1155 Connecticut Ave. NW, #800 Washington, D.C.	Waste Management, Inc	5,750.00	
Michael D. Moore, 601 13th Street, NW, Suite 850 Washington, DC 20005	El Paso Natural Gas Co	1,000.00	
Walter K. Moore, 1901 L Street, NW, #705 Washington, DC 20036	Genentech, Inc	3,000.00	2,305.78
Laura Moorhead, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	NCR Corp		
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	432.00	50.50
John Morgan, 501 3rd Street, NW Washington, DC 20001	Communications Workers of America		24.60
Kristen Morris, 1200 G Street, NW< Suite 400 Washington, DC 20005	Health Industry Manufacturers Assn	525.00	
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002			
James C. Morton Jr., P.O. Box 19001 Greenville, SC 29602	Michelin Tire Corp	2,000.00	642.00
Michael L. Morton, 1301 Pennsylvania Ave, NW, S401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		18,052.88	18,052.88
Susan Connolly Moya, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	7,500.00	812.19
Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	Center for Civic Education	6,881.99	62.24
Do	Constitutional Rights Foundation	2,331.99	55.95
Do	Equifax	1,329.90	59.81
Do	National Institude for Citizens Education in the Law	2,331.99	55.95
Do	Search Group Inc.	10,500.00	216.08
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Murphy & Demory, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Village of Schaumburg		
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Robert Musil, 1101 14th Street, Nw, #700 Washington, DC 20005	Physicians for Social Responsibility	4,528.00	
Robert J. Muth, 180 Maiden Lane New York, NY 10038	Asarco, Inc		
Deborah B. Myers, 1747 Pennsylvania Ave., NW, Suite 700 Washington, DC 20006	Ciba	5,500.00	
Christopher Alton Myrick, 1575 I Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc	6,461.53	123.34
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		50.00	333.00
National Assn for the Self-Employed (NASE), 1101 15th Street N.W., #400 Washington, DC 20005		47,689.99	28,953.72
National Assn of Criminal Defense Lawyers, 1627 K Street, NW, 12th Floor Washington, DC 20006		14,925.00	150.00
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		73,916.28	163,638.66
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		6,111,658.12	154,036.60
National Assn of Mortgage Brokers (NAMB), 706 E. Bell Road, #101 Phoenix, AZ 85022		37,802.44	68,756.12
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			43,803.91
National Beer Wholesalers Assn, 1100 South Washington Street Alexandria, VA 22314-4494		2,448,779.85	17,746.49
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,756,041.49	18,571.56
National Coalition for Cancer Survivorship, 1010 Wayne Avenue, Suite 300 Silver Spring, MD 20910			
National Coalition for Marine Conservation, Inc, 5105 Paulsen Street, #243 Savannah, GA 31405		40,319.42	41,742.43
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		111,144.14	51,834.34
National Council on Alcoholism & Drug Dependence, Inc, 1511 K Street, NW, #443 Washington, DC 20005			5,795.80

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Education Assn, 1201 16th St., NW Washington, DC 20036		25,966.88	25,966.88
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		106,371.00	556.00
National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314	Coalition for Auto Repair Equality	710.00	739.94
Do	Wal-Mart	2,500.00	2,500.00
National Hearing Aid Society, 20361 Middlebelt Livonia, MI 48152			
National Independent Automobile Dealers Assn, 2521 Brown Blvd., Suite 100 Arlington, TX 76006-5299			9,200.00
National Industrial Transportation League, 1700 N. Moore St. S-1900 Arlington, VA 22209-1904		26,000.00	34,300.00
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016		14,025.00	16,637.18
National League of Postmasters, 1023 North Royal Street Alexandria, VA 22314			46,749.00
National Motorsports Council of ACCUS-FIA, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		47,500.00	
National Pork Producers Council, 501 School Street, SW, #400 Washington, DC 20074		264,217.83	147,326.58
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		450,328.21	709,345.60
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		34,203.00	34,785.00
National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003		20,210.00	22,989.00
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		6,305.00	6,305.00
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		55,539.00	55,539.00
Natural Gas Supply Assn, 1129 20th St., NW, #300 Washington, DC 20036			185,461.73
Katherine Beh Neas, 8630 Fenton Street, Suite 410 Silver Spring, MD 20910	American Assn of University Affiliated Programs	45,000.00	150.00
Ralph G. Neas, 1629 K Street, N.W., Suite 1010 Washington, DC 20006	Leadership Conference on Civil Rights	24,881.14	348.00
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	2,200.00	2,200.00
Do	Neece Cator & Associates, Inc (For:National Small Business United)	2,200.00	2,200.00
Do	Neece Cator & Associates, Inc (For:National Venture Capital Association)	1,300.00	1,300.00
Terry Neese, 4527 North 16th Street, Suite 200 Phoenix, AZ 85016	Small Business Alliance on Communications, Inc		
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:PromoFlor)	3,080.00	25.20
Do	McLeod Watkinson & Miller (For:Right Choice Task Force)	3,430.00	68.11
Do	McLeod Watkinson & Miller (For:United Egg Assn)	866.00	127.42
Do	McLeod Watkinson & Miller (For:United Egg Producers)	1,114.00	68.92
Gaylord Nelson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Lisanne Nelson, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,312.50	
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Scott E. Nemanich, 150 N. Michigan Ave., #2800 Chicago, IL 60601	Brydges Riseborough Morris Franke & Miller	440.00	
Alexander Netchvolodoff, 1320 19th street, n.w. #200 Washington, DC 20036	Cox Enterprises, Inc		427.48
Tommie E. Netting, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	2,088.00	
Louis H. Nevins, Thacher, Proffitt and Wood 1500 K Street, NW, Suite 200 Washington, DC, DC 20005	California League of Savings Institutions	5,536.00	
Barry New, 11911 Freedom Drive, 6th Floor Reston, VA 22090-5602	Rolls-Royce, Inc	540.00	31.50
Peter E. Newbould, 750 First Street, NE Washington, DC 20240-4242	American Psychological Assn	950.00	95.00
Newspaper Association of America, 11600 Sunrise Valley Drive Reston, VA 22091		99,729.40	99,729.40
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,375.00	106.81
Anne L. Nicoll, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	12,841.58	92.93
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	220.00	
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Noah's Ark Crisis Center, Inc, P.O. Box 29192 Baltimore, MD 21213			
Allan Noe, 1156 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
James A. Noone, 1211 Connecticut Avenue, NW, #302 Washington, DC 20036	Karalekas & Noone (For:American Retirees Assn)	3,000.00	12.00
Do	Karalekas & Noone (For:Digital System Resources, Inc)		
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)		
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,529.00	129.00
North American Export Grain Assn, Inc, 1300 L Street NW, #900 Washington, DC 20005-4113			138.00
J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	1,000.00	45.04
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	Royal Seafoods, Inc	1,400.00	87.65
Helen L. Norton, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	1,034.00	143.00
Mary Ann Novak, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinkerhoff Quade & Douglas, Inc		
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
Nancy Nye, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	7,066.00	
Lynne M. O'Brien, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	5,000.00	1,302.60
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Allied-Signal, Inc	1,666.67	
Do	Anheuser-Busch Companies, Inc	39.06	
Do	Federal National Mortgage Assn	23.44	
Do	General Electric Co		
Do	Global Technology Systems	833.33	
Do	Health Insurance Assn of America	375.00	
Do	Morgan Stanley & Co, Inc		
Do	Sears Roebuck & Co	291.66	
Do	Storage Technology Corp		
Do	Tax Reform Action Coalition		
Do	Westinghouse Electric Corp		
Do	3M Corp	625.00	
David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015	American Assn of Limited Partners	100.00	
Maribeth O'Connor, 521 Wall Street Seattle, WA 98121	Group Health Cooperative	15,438.92	2,873.32
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Institute of International Bankers	20,000.00	2,904.15
Paul T. O'Day, 1150 17th Street, NW #310 Washington, DC 20036	American Fiber Manufacturers Assn, Inc	1,500.00	250.00
Terri O'Grady-Smith, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,489.48	784.74
Sean B. O'Hollaren, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,000.00	2,061.57
Ann O'Leary, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	4,940.00	
Kathleen O'Leary, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Transmission Corp	5,000.00	
Jim O'Neal, 4404 Fairfax Hill Plano, TX 75024	People for America		
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Boston University Medical Center Hospital		
Do	National Football League		
Do	New England Medical Center		
Do	Northeastern University		
Do	Pyrotechnic Signal Manufacturers Assn		
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,429.40	259.51
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	3,329.32
Orbital Sciences Corporation, 21700 Atlantic Boulevard Dulles, VA 20166			
Organization for International Investment, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006-4604		30,000.00	9,162.93
Raul Ortega, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio Ext		
Jose A. Ortiz-Daliot, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group, Inc (For:Municipality of Barceloneta)		
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries/Baroid Corp	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	1,500.00	
Jack C. Overstreet, 1725 Jefferson Davis Highway Suite 300 Arlington, VA 22202	Lockheed Corp	4,000.00	238.20
Joseph F. Page III, 201 W. Big Beaver Troy, MI 48084	Cox & Hodgman (For:Aetna Health Plans)		
Pagonis & Donnelly Group, Inc, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Government of the Republic of Transkei		
Do	Peoples Republic of the Sudan		
Alejandro J. Palacios, 110 Maryland Avenue, NE Washington, DC 20002	U.S. Committee for UNICEF		
Brian Pallasch, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	2,692.65	
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	20,639.00	1,897.00
Jack C. Parnell, 1919 South Eads Street, Suite #103 Arlington, VA 22202-3028	Kahn Soares & Conway (For:Central Soya/Novamont)	15,000.00	195.49
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Chiropractic Assn	450.00	
Do	Columbia Laboratories, Inc	900.00	
Do	D & F Industries, Inc	600.00	
Do	Eggland's Best		
Do	Federal Judges Association		
Do	Genentech	2,100.00	
Do	Generic Pharmaceutical Industry Assn	1,500.00	
Do	Glaxo, Inc	1,500.00	
Do	Herbalife International of America, Inc	750.00	
Do	International Assn of Broadcast Monitors	1,000.00	
Do	Lockheed Aeronautical Systems Co	550.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Motion Picture Assn of America, Inc	3,400.00	
Do	Murdock Healthcare	1,000.00	
Do	Nonprescription Drug Manufacturers Assn	1,500.00	
Do	Office of the Immigration Judges		
Do	Pfizer, Inc	1,800.00	
Do	Recording Industry Assn of America	1,200.00	
Do	Research Corp Technology, Inc	3,600.00	
Do	Schering-Plough Corp		
Do	Syntex USA, Inc	1,200.00	
Do	Systech Environmental Corp	13,200.00	
Do	Unilever U.S., Inc	1,500.00	
Do	Upjohn Company	2,100.00	
Do	Utah Natural Products Alliance	1,500.00	
Do	Won-Door Corporation	750.00	
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,023.00	
Kevin Patrick, 515 Noth Washington Street Alexandria, VA 22314-2357	International Assn of Chiefs of Police	11,043.20	549.69
M. Stephanie Patrick, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	International Union of Police Assns		
Alma Hale Paty, 1920 N Street, NW Washington, DC 20036	American Mining Congress	20.00	
Paul Hastings Janofsky & Walker, 1299 Pennsylvania Ave., NW, 10th Floor Washington, DC 20004	Embassy of the Government of the Republic of Hungary		
J. Leon Peace Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Lee Peckarsky, South Lobby - 9th Floor 1800 M Street, NW Washington, DC 20036	Kirkpatrick & Lockhart (For:Glendale Federal Bank, FSB)	10,620.00	
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	9,500.00	
Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853	National Rehabilitation Counseling Assn		
Karla Perri, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	500.00	
Anne Powers Perry, 1212 New York Avenue, NW, #1200 Washington, DC 20005-3987	Oryx Energy Co	14,400.00	356.53
Robert Perschel, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	523.00	
Gayle Petersen, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Southwestern Bell Corp-Washington, Inc	30,000.00	750.02
Peyser Associates, Inc, 1001 G Street, NW, Suite 400 East Washington, DC 20001	City of Philadelphia	7,500.00	
Do	MacAndrews & Forbes Holdings, Inc		
Do	Medical College of Ohio	9,750.00	
Do	Metro	21,666.65	
Do	Mothers Against Drunk Driving (MADD)		
Do	National Assn for Sport & Physical Education	9,000.00	
Do	New York State Thruway Authority	6,000.00	
Do	Southeastern Pennsylvania Transit Authority	22,500.00	
Do	Toledo-Lucas Port Authority	7,500.00	
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	2,380.00	218.87
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)	2,903.00	
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	2,975.00	115.83
Physicians for Social Responsibility, 1101 14th Street, NW, #700 Washington, DC 20005		19,477.00	15,972.00
Joann Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Lino J. Piedra, 1100 Connecticut Avenue, NW, Suite 900 Washington, DC 20036	Chrysler Corporation	6,250.00	1,262.00
Paul E. Pike, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn	14,626.25	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Biotechnology Software Manufacturers Assn		
Do	Direct Marketing Assn	39,815.50	135.45
Do	Information Industry Assn		
Do	Journal of Commerce, Inc		
Do	Mead Data Central, Inc	10,103.87	164.85
Do	PCS Action, Inc	1,400.00	57.00
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	19.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	19.00	
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Reuben C. Plantico, 500 N.E. Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc		
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20001	Allied-Signal, Inc		
Do	Association of Directory Publishers	10,052.25	257.90
Do	Committee for America's Copyright Community	10,000.00	46.43
Do	Computer & Business Equipment Manufacturers Assn	2,250.00	62.30
Do	Digital Equipment Corp	820.00	134.64
Do	Electronic Frontier Foundation	6,765.50	2,879.86
Do	Genentech, Inc	8,000.00	3,798.62
Do	International Brotherhood of Teamsters	1,350.00	1,449.71
Do	National Assn of Broadcasters	5,000.00	317.63
Do	National Conference of Bankruptcy Judges	10,566.00	989.68
Do	Newspaper Assn of America	4,500.00	320.28
Do	Nutritional Health Alliance	30,000.00	3,175.43
Do	Pacifica Foundation	8,000.00	218.30
Do	PCS Action Committee	8,464.00	1,378.37
Do	Times Mirror	4,000.00	231.89
Anne L. Polansky, 777 North Capitol St., NE, Suite 805 Washington, DC 20002	Solar Energy Industries Assn	1,968.75	
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn	5,437.38	88.01
Harry L. Ponder, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees AFL-CIO	8,197.50	
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Executive Interventions		
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			2,284.75
John Pottridge, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	National Alliance for Infusion Therapy	2,651.00	
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Lead Industries Assn, Inc	2,040.00	10.00
Premark International, Inc, 1717 Deerfield Road Deerfield, IL 60015		4,000.00	4,000.00
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560-South Washington, DC 20004	CSX Corporation	6,000.00	279.20
Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	1,050.00	218.26
Curtis A. Prins, 5101 Wisconsin Avenue, NW, Suite 500 Washington, DC 20016	Adams Cohen Securities, Inc	12,498.00	
Do	American Collectors Assn	15,000.00	
Do	Credit Union National Assn	6,818.19	
Do	U-Haul International	15,000.00	
Gwenyth Pritchard, 144 Mason Terrace Brookline, MA 02146	Foster-Miller, Inc	1,200.00	
Project Advisory Group, 1625 K Street, NW, #725 Washington, DC 20006			1,081.37
Jerry Z. Pruzan, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	100.00	
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Johnson & Johnson	30,000.00	
Do	Metallgesellschaft Corp		
Do	Viacom International, Inc		
PCS Action, Inc, 1200 19th Street, NW, 7th Floor Washington, DC 20036		55,000.00	11,299.37
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	9,700.00	
George Gregory Raab, 1200 G Street, NW, Suite 400 Washington, DC 20005-0000	Health Industry Manufacturers Assn	900.00	232.85
Radio-Television News Directors Assn, 1000 Connecticut Avenue, NW, #615 Washington, DC 20036		2,500.00	
W. A. Radziewicz, 400 N. Capitol Street, NW, #860 Washington, DC 20001	Brotherhood of Railroad Signalmen	1,567.36	
Kelly Rahach, 799 Sunset View Blvd. Tallmadge, OH 44278			
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Milk Specialties Co)		
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Business Computer Training Institute)	11,250.00	4,153.41
Do	Lindsay Hart Neil & Weigler (For:MOEX Corp)		3,329.60
James D. Range, 11240 Waples Mill Road, #101 Fairfax, VA 22030	Waste Management, Inc	10,000.00	
Robert A. Rapoza Associates, Inc, 601 Pennsylvania Avenue, NW, #850 Washington, DC 20004	Association for Enterprise Opportunity		
Do	Association for Health Services Research		
Do	Bedford Stuyvesant Restoration Corp	101.33	
Do	Bethel New Life	101.33	
Do	Center for Community Self Help	25.91	
Do	Chicanos Por la Causa	101.33	
Do	Coastal Enterprises, Inc	127.24	
Do	Community Development Corp of Kansas City	101.33	
Do	Community Enterprise Development Corp of Alaska	101.33	
Do	Community Resource Group		
Do	Community Transportation Assn of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Delta Foundation	101.33	
Do	Eastside Community Investments, Inc	101.33	
Do	Great Lakes Rural Network/WSOS		
Do	Impact Seven, Inc	25.91	
Do	Kentucky Highlands Investment Corp	101.33	
Do	Local Initiatives Support Corp		
Do	Midwest Assistance Program		
Do	National Congress for Community Economic Development	1,440.00	
Do	National Cooperative Bank	101.33	
Do	National Council of La Raza	25.91	
Do	National Rural Housing Coalition	385.00	
Do	New Community Corp	101.33	
Do	Northern Community Investment Corp	127.24	
Do	Ridgecrest Enterprises	127.24	
Do	Rural Community Assistance Corp		
Do	Rural Housing Improvement		
Do	Rural Opportunities, Inc	25.91	
Do	Southern Development Bancorporation	25.91	
Do	TELACU	101.33	
Do	Virginia Water Project/SE RCAP		
Do	YouthBuild, USA		
Kenneth E. Raske, 555 West 57th Street, 15th Floor New York, NY 10019	Greater New York Hospital Assn	6,234.00	1,471.00
John W. Rauber Jr., 1101 Vermont Avenue, NW Washington, DC 20005	Chadbourne & Parke (For:American Forest & Paper Assn)		
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #600 Washington, DC 20560			132.00
Edgar L. Ready, 1800 Concord Pike Wilmington, DE 19897	Zeneca, Inc	2,900.00	636.04
Real Estate Services Providers Council (RESPRO), 2000 Pennsylvania Ave., NW, Suite 5500 Washington, DC 20006			
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		33,530.00	33,530.00
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,000.00	332.93
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	4,000.00	2,562.91
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701		16,868.10	15,251.65
Law Offices of Paul S. Reichler, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Interim Government of National Unity of Liberia		
John W. Reilly, 815 Connecticut Ave., NW, Suite 1000 Washington, DC 20006	Canadian Forest Industries Council	62,183.58	3,210.94
William K. Reilly, c/o World Wildlife Fund 1250 24th Street, NW, 6th Floor Washington, DC 20037-1175	Golden Gate National Park Assn	12,300.00	89.95
Renewable Fuels Assn, One Massachusettes Ave, NW, #820 Washington, DC 20002		104,500.00	325,074.58
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		3,467.00	24,437.00
Mark E. Rey, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,500.00	
Jimmie V. Reyna, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Radiation Systems, Inc)	324.51	
Do	Stewart & Stewart		
David C. Rich, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	808.00	233.00
Bonnie Richardson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc		
John C. Richardson, 101 Park Avenue New York, NY 10178	Morgan Lewis & Bockius (For:Underwriters at Lloyd's London)		
Timothy L. Richardson, 4104 Denfeld Avenue Kensington, MD 20895	Akhiok-Kaguyak, Inc, Alaska Native Corp	6,000.00	
Do	Old Harbor Native Corp	6,000.00	
Norbert J. Riedy Jr., 900 17th Street, NW Washington, DC 20006	Wilderness Society	2,493.32	14.21
Francis J. Rienzo, 1455 F Street, NW, Suite 450 Washington, DC 20005	Upjohn Company	10,000.00	
Gina J. Rigby-LeDonne, 1901 North Moore Street, Suite 1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn	369.00	363.09
Dawn Riley R., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	800.00	
John S. Rippey, 805 15th Street, NW, #600 Washington, DC 20005	Association of Bank Holding Cos	4,220.00	
Mark R. Riso, 1920 N Street, NW Washington, DC 20036	American Mining Congress	20.00	
Michelle Robbins, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation	2,000.00	595.34
George Roberts, 1727 Kilbourne Place, NW Washington, DC 20010		7,800.00	313.60
Jack L. Roberts, 4513 Duck Lake Point Tallahassee, FL 32303	Southern States Police Benevolent Assn	15,887.49	
Richard R. Roberts, P.O. Box 809 North Beach, MD 20714	American Council of Highway Advertisers	17,500.00	2,280.01
Lara E. Robillard, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	44.00	
H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc (Government Programs Office)).	1,000.00	
Do	Robison International, Inc (For:McDonnell Douglas Corp)	1,000.00	
Robison International, Inc, 1 Massachusetts Ave., NW, #880 Washington, DC 20001	Allied-Signal Aerospace Co	2,400.00	1,160.49
Do	British Aerospace, Inc (Government Programs Office)	10,958.67	3,898.89
Do	FMC Corporation	1,501.90	540.58
Do	General Atomics Technologies	1,260.00	463.36
Do	Mas-Hamilton Group		
Do	McDonnell Douglas Corp	4,500.00	2,109.97
Do	Oshkosh Truck Corp	1,869.36	617.81
Do	Prudential Insurance Co	2,100.00	1,054.99
Do	Solid Waste Composting Council	2,000.00	392.39
Do	SOFEC, Inc	3,600.00	692.52
Do	U.S. Global Positioning Sustem Industry Council	3,000.00	1,098.28
Michael A. Rock, 555 13th Stret, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,500.00	986.43
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	14,850.13	928.70
Lewis A. Rockman, P.O. Box 8000 Bradford, PA 16701-0980			
Richard F. Rodgers, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Randall B. Roe, 1400 K Street, NW, #910 Washington, DC 20005	Burns & Roe Enterprises, Inc		
William P. Roesing, 1401 Eye Street, NW, Suite 1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	6,375.00	
Kevin Rogers, 1635 Sunset Avenue, SW Seattle, WA 98116	Washington Citizens for World Trade		
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	Canadian Pulp & Paper Assn		
Do	Canadian Steel Industry Council	4,737.50	218.56
Do	Dofasco, Inc		
Do	Italian Trade Commission		
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	4,755.00	2,555.01
Fred B. Rooney, 700 13th Street, N.W., #400 Washington, DC 20005	American Iron & Steel Institute	200.00	
Do	Association of American Railroads	200.00	
Do	AT&T		
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	American Council on Education		
Do	Cabot Corp		
Do	Creative Capital, Inc		
Do	Industrial Development Authority of Ireland		
Do	National Food Brokers Assn		
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Roth VanAmberg Gross Rogers & Ortiz, P.O. Box 1447 Santa Fe, NM 87504-1447	Nambe Pueblo		512.80
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Manik Roy, 1875 Connecticut Ave., NW, #1016 Washington, DC 20009	Environmental Defense Fund	1,325.00	
Lois J. Rude, 700 13th Street, NW, #525 Washington, DC 20005	BR Services, Inc	500.00	40.95
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	22,941.00	
Cathleen Russell, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,250.00	812.82
Judith L. Russell, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	500.00	
Rust Environment & Infrastructure, 11240 Waples Hill Road, #100 Fairfax, VA 22030		937.50	
Ryan-McGinn, Inc, 2300 Clarendon Blvd., #610 Arlington, VA 22201	Bishop Clarkson Hospital	700.00	
Do	Cathedral Healthcare System	900.00	
Do	Leech Lake Tribal Council	600.00	
Do	West Virginia Hospital Assn	600.00	
Do	Wheeling Hospital	2,250.00	
RBC Associates, 122 C Street, NW, #850 Washington, DC 20001	Chicago & Northwestern Railroad	32,399.98	1,891.82
Do	Delaware Otsego System	16,000.00	1,891.82
Do	Illinois Central Railroad	16,000.00	1,891.82
Do	Investment Counsel Assn of America, Inc	3,250.00	1,891.83
Do	Regional Railroads of America	27,000.00	1,891.82
Do	Turbomeca Engine Corp	39,000.00	1,891.82
Sacks Tierney & Kasen, 2929 North Central Avenue, 14th Floor Phoenix, AZ 85012-2742	USA Group, Inc		
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	City of North Las Vegas		
Do	Ebasco Services Inc	1,800.00	18.78
Do	Erie County Industrial Development Agency		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Flash Technology Corporation of America	2,080.00	43.78
Do	Goodwill Games, Inc		
Do	Indiana Electric Assn	10,980.00	350.25
Do	MSE Corp		
Do	Rose Acre Farms	1,339.88	17.84
Do	United Student Aid Funds	4,145.00	135.85
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	300.00	39.00
Charles A. Samuels, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky and Popeo, P.C. (For:Association of Home Appliance Manufacturers).		
Sheldon W. Samuels, P.O. Box 1570 Solomons, MD 20688			25.00
Felix R. Sanchez, 3625 R Street, NW Washington, DC 20007	American Methanol Institute	2,000.00	564.00
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
Arthur R. Sando, 6560 Rock Spring Drive Bethesda, MD 20817	Communications Satellite Corp (COMSAT)	2,500.00	
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	National Parks Hospitality Association	7,500.00	2,173.98
Do	National Tour Assn, Inc	27,225.00	6,526.66
Susan Sarason, 1025 Connecticut Avenue, NW, Suite 1014 Washington, DC 20036	American Gas Assn		
Laura Saul-Edwards, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians	12,672.76	
Save the Greenback Assn, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007		15,000.00	4,763.50
Save Our Children National Alliance, Inc, Collin Creek Crossing P.O. Box 535 Livingston, TX 77351			907.97
Richard N. Sawaya, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
Paulasue Sawyers, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc		
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks of Washington (For:International Racquet & Sports Club Assn)	9,000.00	601.36
Marc Steven Scarduffa, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Mark S. Schacht, 2000 O Street, #240 Sacramento, CA 95814	California Rural Legal Assistance, Inc	2,047.50	1,461.91
Schagrin Associates, 1140 - 19th Street, NW, Suite 600 Washington, DC 20036	Committee on Pipe & Tube Imports	6,514.25	122.50
Do	Tyco-Grinnell Laboratories, Inc	348.00	
Do	Weirton Steel Corporation	5,661.86	25.00
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	22,490.46	
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	3,000.00	28.00
Michael T. Schilling, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	16,250.00	788.69
Ken Schlossberg Consultaots, 147 North Carolina Avenue SE Washington, DC 20003-1846	Bowman Gray School of Medicine	23,250.00	2,250.00
Do	Marine Biological Laboratory	9,000.00	400.00
Leonard Schneidman, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Jan Stenbeck		1,250.00
Leslie Schultz, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037	Grant County PUD, Chelan County PUD, Douglas County PUD	155.40	20.23
Do	Nichols Institute	3,487.25	54.53
Do	Public Generating Pool	1,852.81	76.23
Do	Solid Waste Assn of Morth America	903.00	18.79
Do	Tri-Met	7,073.36	401.06
A.R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Mitchell Energy & Development Co		641.57
Do	Southwestern Bell Corporation		641.57
Do	Vulcan Materials		641.57
David A. Scott, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corporation	2,000.00	425.64
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	9,771.58	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,387.50	352.99
Michael Scott, 1101 Vermont Ave., NW, Suite 606 Washington, DC 20005	Wilderness Society	2,486.08	64.58
Steven R. Scott, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	Philip Morris Management Corp		
Securities Industry Assn, 1401 I Street, NW, Suite 1000 Washington, DC 20005			443,288.00
Jerome M. Segal, 8604 Second Avenue, #317 Silver Spring, MD 20910	Jewish Peace Lobby	783.36	21.47
John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
M. Mark Seklecki, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		15.40
Richard D. Sellers, 2916 Biltmore Ave. Montgomery, AL 36109	National Rifle Assn		
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	23,058.60	4,092.33
Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	45.04
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Airship International, Ltd	262.50	1.32
Do	Austrian Airline		
Do	Aviall, Inc	1,772.55	74.65
Do	Bechtel Aviation Services		
Do	Bismarck Municipal Airport	144.85	18.06
Do	Chromalloy Gas & Turbine	1,639.60	56.94
Do	Dallas/Fort Worth International Airport	31,968.40	5,863.44
Do	Fokker Aircraft, BV	576.00	24.47
Do	National Business Aircraft Assn	5,595.50	793.98
Do	North Carolina Air Cargo Airport Authority	10,411.60	636.78
Do	Pratt & Whitney	46,721.78	2,335.39
Do	Schnell-Bruter-Kernkraftwerksgesellschaft MbH	24,871.00	344.92
John E. Sheeley, 1 Massachusetts Ave., NW, Suite 800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	1,530.00	
Karin P. Sheldon, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Sher & Blackwell, 1255 23rd Street, NW, #500 Washington, DC 20037	A.P. Moller-Maersk		
Do	Equipment Interchange Discussion Agreement		
Do	International Brotherhood of Teamsters Chauffers ...	5,536.00	110.00
Do	Royal Boskalis Westminster NV		
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council		
Grant Scott Shotwell, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	2,475.00	
Julie Shroyer, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,100.00	1,218.11
Sierra Club, 730 Polk Street San Francisco, CA 94109		304,209.34	304,209.34
William A. Signer, 1625 K Street, NW, Suite 200 Washington, DC 20006	Chambers Associates, Inc (For:Advocates for Flexible Employment)	2,407.41	
Do	Chambers Associates, Inc (For:Alarm Industry Communications Committee)	1,358.28	429.00
Do	Chambers Associates, Inc (For:Committee for Employment Opportunities)	1,350.00	228.91
Do	Chambers Associates, Inc (For:Greater New York Hospital Assn)	1,063.00	245.00
Do	Chambers Associates, Inc (For:Management Insights)	1,200.00	106.00
Do	Chambers Associates, Inc (For:National Council of Chain Restaurants (NCCR))		
Do	Chambers Associates, Inc (For:New York Hospital)	1,162.00	204.00
Do	Chambers Associates, Inc (For:PepsiCo, Inc)	459.00	285.00
Do	Chambers Associates, Inc (For:Targeted Management Consultants)		
Pam Silberstein, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Miller Balis & O'Neil (For:American Public Gas Assn)		
Bruce A. Silverglade, 1875 Connecticut Avenue, NW, #300 Washington, DC 20009	Center for Science in the Public Interest	12,500.00	306.75
Susan Silveus, 110 Maryland Ave., NE, Box 36 Washington, DC 20002	U.S. Committee for UNICEF		
David J. Simon, 823 Gold Ave., SW Albuquerque, NM 87102	National Parks & Conservation Association	465.00	77.00
Bonnie J. Singer, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Company)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
Christopher A. Singer, 1500 K. St., NW. #650 Washington, DC 20005	Glaxo, Inc	1,466.00	
Do	Pfizer, Inc	1,500.00	100.00
Richard L. Sinnott & Co, 7744 Yeomalt Point Dr., NE Bainbridge Island, WA 98110	Atchison, Topeka & Santa Fe Railway Co	6,500.00	990.47
Do	Port of Oakland	34,680.00	11,401.47
Do	Transcontinental Corp	11,243.75	2,712.47
Tracy Sivitz, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way	8,917.38	
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	2,125.00	
Barney J. Skladany Jr., 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	73.27
Linda Arey Skladany, 1350 Eye Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress	21,000.00	
Do	Styrene Industry	15,000.00	15,000.00
Scott Sklar, 122 C Street, NW. Washington, DC 20001	Solar Energy Industries Assn	6,600.00	7,055.67
Glen J. Skovholt, P.O. Box 524 Minneapolis, MN 55440-0524	Honeywell, Inc		
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Allen Smith, 900 17th St., NW Washington, DC 20006	Wilderness Society		
Edward Del Smith, 1130 Connecticut Ave., NW #650 Washington, DC 20036	E. Del Smith and Company (For:Bright & Associates)	600.00	
Do	E. Del Smith & Company (For:BEMS)	1,500.00	
Do	E. Del Smith and Company (For:California Independent Producers Assn)	6,750.00	
Do	E. Del Smith & Company (For:Calleguas Creek Flood Prevention)		
Do	E. Del Smith and Company (For:Cement Importers Group)	9,000.00	
Do	E. Del Smith and Company (For:City of Anaheim Civic Center)	10,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	E. Del Smith & Co (For:City of Anaheim Public Utilities)	6,000.00	
Do	E. Del Smith & Co (For:City of Chino Hills)	3,000.00	
Do	E. Del Smith and Company (For:City of Laguna Beach, CA)	3,450.00	
Do	E. Del Smith and Company (For:City of Long Beach, CA, Intergovernmental Relations).	22,866.00	
Do	E. Del Smith & Co (For:City of Lynwood)		
Do	E. Del Smith & Co (For:City of Morro Bay)	2,100.00	
Do	E. Del Smith & Co (For:City of Newport Beach)	2,250.00	
Do	E. Del Smith & Co (For:City of Santa Barbara)	2,400.00	
Do	E. Del Smith and Company (For:City of Santa Monica)	3,000.00	
Do	E. Del Smith & Co (For:City of SouthGate)	4,500.00	
Do	E. Del Smith & Co (For:City of Victorville, CA)	4,500.00	
Do	E. Del Smith and Company (For:County of Los Angeles)	12,705.00	
Do	E. Del Smith & Co (For:Deskin Research Group)	4,500.00	
Do	E. Del Smith & Co (For:Disproportionate Share Hopsitals of L.A. County)		
Do	E. Del Smith and Company (For:Hidden Valley Resources, Inc)	1,500.00	
Do	E. Del Smith and Company (For:Long Beach Naval Shipyard Employees Assn)	4,500.00	
Do	E. Del Smith & Company (For:National Independent Schools Assn)	3,450.00	
Do	E. Del Smith & Company (For:Nevada Resort Association)	5,000.00	
Do	E. Del Smith and Company (For:Northern California Power Agency)	13,876.00	
Do	E. Del Smith and Company (For:Port of Hueneme, CA, Oxnard Harbor District)	4,500.00	
Do	E. Del Smith and Company (For:Port of Long Beach, CA)	30,906.00	
Do	E. Del Smith and Company (For:Port of Santa Cruz, CA)	1,950.00	
Do	E. Del Smith and Company (For:Rancho Palos Verdes)	2,250.00	
Do	E. Del Smith and Company (For:Signal Landmark, Inc)	4,200.00	
Do	E. Del Smith & Co (For:St. Francis Medical Center)	2,400.00	
Do	E. Del Smith & Company (For:Teague-McKevett Company)	3,600.00	
Do	E. Del Smith & Co (For:Wickland Oil Co)	10,000.00	
Peter N. Smith, 700 13th Street, NW, Suite 950 Washington, DC 20005	Raychem Corp	16,000.00	27,500.00
Rob Smith, 516 E. Portland Street Phoenix, AZ 85004	Sierra Club	2,788.00	1,499.01
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	200.00	
W. Lamar Smith, 1600 M Street, NW, Suite 700 Washington, DC 20036	VISA USA, Inc	78,575.42	797.11
J. Michael Solar, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico Ministry of Commerce & Trade)		
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	6,800.00	
Space Industries, Inc, 800 connecticut avenue, nw, #1111 washington, DC 20006			
Collins Robert Spencer III, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,387.50	5.64
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Aspen-Pitkin County		
Do	City & County of Denver, Director of Aviation		
Do	City of St. Louis Airport Authority		
Do	Former Residents of Centralia, Pennsylvania		
Do	Minneapolis/St. Paul Metropolitan Airports Commission		
Do	Northern California Power Agency		
Do	Orange County		
Do	Transmission Access Policy Study Group		
David E. Springer, 1301 K Street, NW, #900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For:American Telephone & Telegraph Co)		
Do	Gardner Carton & Douglas (For:Jones Intercable)		
Do	Gardner Carton & Douglas (For:National Cable Television Assn, Inc)		
Do	Gardner Carton & Douglas (For:Perrigo Company)		
Do	Gardner Carton & Douglas (For:Rocky Mountain Health Maintenance Organization).		
Do	Gardner Carton & Douglas (For:Telecommunications Industry Assn)		
Do	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)		
Do	Gardner Carton & Douglas (For:Voluntary Hospitals of America, Inc)		
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)	10,229.91	
Do	Stewart & Stewart (For:Novus International, Inc)		
Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates		
David P. Stang, P.C., 2019 Park Rd., NW Washington, DC 20010	McDermott, Inc		
Arlan Stangeland, 305 C Street, NE Washington, DC 20002	American International Group, Inc	10,000.00	
Kent D. Starwalt, 501 School Street, SW, 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	500.00	
State/Federal Correctional Vendors Assn, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007		1,430.88	2,401.88
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	1,000.00	426.50
Steel Tank Institute, 570 Oakwood Road Lake Zurich, IL 60047			2,693.00
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	46,653.75	6,384.40
Do	Spiegel & McDiarmid (For:Guam Power Authority)	4,162.50	950.03
Steptoe & Johnson, Two Renaissance Square 40 North Central, 24th Floor Phoenix, AZ 85004	Canyon Forest Village Corp		
Do	Coalition to Promote America's Trade		
Do	Del Webb Corp		
Do	Hillman Properties, Inc	1,667.00	19.88
Do	Star Enterprise		
Do	Yavapai-Prescott Indian Tribe	4,816.00	1,507.00
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council	2,399.66	3,892.92
Do	Georgetown Railroad Co, et al.		
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Libbey Glass)	35,740.57	11,704.54
Do	Monsanto Co		
Do	Novus International, Inc		
Do	PPG Industries, Inc	7,672.67	2,698.68
Do	Radiation Systems, Inc	1,188.25	331.51
Do	Smith Corona Corp		
Do	Stewart and Stewart		1,350.00
Do	Timken Co	9,226.48	794.40
Do	Torrington Company	9,226.48	794.40
Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	7,212.00	56.00
Alex Stoddard, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	1,440.25	
Andrea Strader, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	16,480.50	
Michael L. Strang, P.O. Box 71215 Washington, DC 20024-1215	ATR Defense Group	3,601.81	1,178.42
Strasburger & Price, 901 Main Street, Suite 4300 Dallas, TX 75202	Dallas/Ft. Worth Regional Airport Board	5,016.50	1,253.75
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	Arthur Andersen & Co	1,875.00	25.92
Do	Coopers & Lybrand	1,875.00	25.92
Do	Deloitte & Touche	1,875.00	25.92
Do	Ernst & Young	1,875.00	25.92
Do	KPMG Peat Marwick	1,875.00	25.92
Do	Price Waterhouse	1,875.00	25.92
Do	U.S. Healthcare	15,028.85	371.24
Heather P. Stroup, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	803.25	100.00
Michael M. Stump, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
John F. Sturm, NAA 529 - 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	15,000.00	105.00
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For:Ingalls Shipbuilding)	97.00	
Do	Frank Sullivan Associates (For:ITT Corporation)	63.00	
Do	Frank Sullivan Associates (For:Textron, Inc)	71.00	
Do	Frank Sullivan Associates (For:Waste Management Inc)	114.00	
Gael M. Sullivan, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	2,344.00	572.50
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	3,000.00	
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)	7,430.00	
Do	Richard Sullivan Associates, Inc (For:Design Professionals Coalition)	3,000.00	
Do	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation)	3,000.00	
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Association of American Railroads	12,499.98	9,684.87
Do	Design Professionals Coalition	6,000.00	7,254.87
Do	Water Environment Research Foundation	6,000.00	7,254.87
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington)	74,918.00	
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federation for American Immigration Reform		
Do	New York Mercantile Exchange (NYMEX)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Douglass W. Svendson Jr., 6443 Lily Dhu Lane Falls Church, VA 22044	Hollywood Marine, Inc		
Elliot Swan, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Government Affairs	15,000.00	3,614.89
Rosemarie Sweeney, 2021 Massachusetts Avenue, NW Washington, DC 20036	American Academy of Family Physicians	7,437.50	3,316.02
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Chrysler Corp		
Do	Conservation Trust of Puerto Rico		
Do	Motor Vehicle Manufacturers Assn	2,037.50	
Do	New England Power		
Do	Pharmaceutical Manufacturers Assn	668.75	
Chris Ray Swonger, 1825 I Stret, NW, Suite 400 Washington, DC 20006	UST Public Affairs, Inc	4,500.00	750.00
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Bruce B. Talley, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	8,500.00	27.20
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	19,896.43	187.00
Taxpayers Education Lobby, Inc, 14155-F Sullyfield Circle Chantilly, VA 22021			21,384.74
Lonnie P. Taylor, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	11,250.00	729.12
Margaret J. Taylor, 700 13th Street, NW, #525 Washington, DC 20005	BR Services, Inc	1,750.00	297.52
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Sandra E. Taylor, 1600 M St,. NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	108.29
Randy Teach, 1156 15th Street, NW, #1100 Washington, DC 20005	Medical Group Management Association		
Technical Group, Inc, 1300 I Street, Nw, Suite 100 West Washington, DC 20005		500.00	
Saramae Teich, 4527 North 16th Street, Suite 200 Phoenix, AZ 85016	Small Business Alliance on Communications, Inc		
Ellen S. Teller, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research and Action Center	972.13	
James M. Temenak, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	4,740.45	287.09
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	35,000.00	
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Texas Committee on Natural Resources, 5952 Royal Lane, #168 Dallas, TX 75230		837.04	837.04
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Chicago Board Options Exchange		
Do	Citicorp Washington	74,918.00	798.00
Do	Massachusetts Bankers Assn		798.00
Gregory A. Thies, 14111 Scottslawn Road Marysville, OH 43041	O.M. Scott & Sons Company		
Bill Thompson, 1517 Southlake Parkway Morrow, GA 30260	Law Enforcement Alliance of America	15,887.49	10,963.64
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Kirstin D. Thompson, 1819 L Street, NW, Suite 200 Washington, DC 20036	Matsushita Electric Corp of America	100.00	45.04
Timothy C. Thompson, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	City of Tacoma		
Do	CH2M Hill Hanford, Inc	10,272.00	
Do	Lornty Investment Company	1,290.00	
John W. Timmons, 1133 Connecticut Ave, NW, #1000 Washington, DC 20036	America West Airlines, Inc	10,000.00	5,205.00
Michael L. Tiner, 1824 S Street, NW #402 Washington, DC 20009	International Brotherhood of Teamsters	500.00	
Do	McDonald's Corp	500.00	
Do	Systech Environmental Corp	500.00	
Michael L. Tiner and Associates, 1824 S Street, NW, #402 Washington, DC 20009	Genentech, Inc	500.00	
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		427.13
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		224.03
Thomas C. Trauger, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	United Mine Workers of America		
Jack F. Trope, 32 Division Street P.O. Box 609 Somerville, NJ 08876	Sant'Angelo & Trope, P.C. (For:Association on American Indian Affairs, Inc)	8,415.00	6,089.40
Genevieve W. Tuchow, 200 Civic Center Dr. Columbus, OH 43215	Columbia Gas Distribution Companies	4,500.00	
Shannon B. Tuel, c/o Burger King Corporation P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp		
Jane L. Turner, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
Terry Turner, 1641 Besley Rd., NE Vienna, VA 22182	Seafarers International Union of North America	5,000.00	
Max Turnipseed, 451 Florida Blvd., #948 Baton Rogue, LA 70801	Ethyl Corporation	850.00	31.50
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc	15,000.00	
Steven J. Twist, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	250.00	
Peter Tyler, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	2,151.00	
Stephen J. Ubl, 606 C Street, NE Washington, DC 20002	American Physical Therapy Assn/Private Practice Section	10,000.00	56.16
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under the Radiation Exposure Compensation Act	35,000.00	
Philip J. Ufholz, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	600.00	
Mark J. Ugoretz, 1400 L St., NW Ste. 350 Washington, DC 20005	Erisa Industry Committee	2,062.00	
Upjohn Co, 1455 F Street, NW, Suite 450 Washington, DC 20005			504,664.00
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	3,080.00	
Juliane H. Van Egmond, Miles Inc. 1101 PA. Ave. Suite 515 Washington, DC 20004	Miles, Inc	2,850.00	240.00
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Textron	6,000.00	58.69
Do	Harsco Corporation	27,000.00	9,795.84
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn	31,248.00	1,204.75
Do	American Gas Cooling Center	13,500.00	
Do	Bulova Technologies, Inc	2,500.00	
Do	DGA International		
Do	Electrospace Corporation	10,500.00	
Do	Engelhard/ICC	13,500.00	56.92
Do	Fischer Imaging corp	5,400.00	403.30
Do	E. Bruce Harrison		
Do	Litton Applied Technologies	22,500.00	2,941.68
Do	Magnavox Government & Industrial Relations Co	22,350.00	
Do	Martin Marietta Corp	18,750.00	451.86
Do	Miltope Corp	7,500.00	210.89
Do	New York Gas Group	12,600.00	164.01
Do	NCube	7,500.00	1,577.06
Do	OMNI-TECH Medical	3,000.00	
Do	Sea Beam Instruments, Inc	9,000.00	3,695.65
Do	Southern California Gas Co	24,999.99	3,375.34
Do	Southern Maryland Naval Alliance	7,500.00	110.93
Do	SNECMA	24,000.00	94.42
Do	Thermo Trex	7,500.00	148.12
Do	Vanguard Research, Inc	6,000.00	357.03
Bronson Van Wyck & Co, 2141 Highway 224 East Tuckerman, AR 72473		21,868.63	21,445.36
L. Todd VanHoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Robert C. Varah, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Dofasco, Inc		
Ross P. Vartian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	1,282.55	
Patricia C. Vaughan, 205 E. 42nd Street, #1504 New York, NY 10017	Risk & Insurance Management Society, Inc		
Vedder Price Kaufman Kammhoz & Day, 919 18th Street, NW Washington, DC 20006	Coalition to Preserve Self-Insurance		1,713.00
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, 10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Joseph B. Verna, 1800 K Street, NW Washington, DC 20006	Hercules, Inc	2,125.00	50.00
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Advanced Television Research Consortium (AR1C)	570.00	
Do	American Museum of Natural History		
Do	Ameritech		
Do	Association of American Railroads	900.00	
Do	Brown & Root, Inc	280.00	
Do	Burlington Northern, Inc		
Do	Central Gulf		
Do	CliniCorp, Inc		
Do	Commonwealth of Puerto Rico	4,707.50	
Do	David Sarnoff Research Center	1,890.00	
Do	General Dynamics Corp	1,150.00	
Do	GenCorp	4,085.00	
Do	George Washington University	1,500.00	
Do	Guardian Industries	8,809.50	
Do	Hughes Communications, Inc	2,162.50	
Do	Hughes Network Systems, Inc		
Do	Insurance Solvency Coalition	2,800.00	
Do	Investment Company Institute	3,852.50	
Do	K Mart Corp		
Do	Kellogg		
Do	Large Public Power Cos		
Do	Manville Corp	2,467.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mars, Inc	2,517.50	
Do	McDonnell Douglas Corp	1,150.00	
Do	Merrill Lynch & Co, Inc	3,379.50	
Do	Michelin North America		
Do	Motion Picture Assn of America	335.00	
Do	Northwest Airlines	2,950.00	
Do	NBC	6,499.50	
Do	Puget Sound Power & Light Company		
Do	Rubber Manufacturers Assn		
Do	Tenneco	20,020.00	
Do	Travelers Companies	19,315.00	
Do	TRW, Inc		
Do	Uniroyal Chemical Company, Inc		
Do	Upjohn Co		
Do	Western Michigan University	1,777.50	
Verrill & Dana, 45 Memorial Circle P.O. Box 957 Augusta, ME 04332-0957	Major League Baseball Players Assn	47,943.00	8,345.55
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees	814.00	
Do	California Franchise Tax Board	11,471.00	
Do	California Public Employees' Retirement System	6,787.50	
Do	California State Senate	481.25	
Do	Pacific Stock Exchange, Inc		
Do	Regional Stock Exchanges Coalition	22,910.00	
Do	State Board of Equalization (Calif)	87.50	
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	5,181.50	519.95
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	National Fraternal Congress of America	500.00	
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	8,939.00	38.00
Marina Volkov, 750 1st Street, NE, Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological and Cognitive Scienc	37.80	
Volunteer Trustees of Not-For-Profit Hospitals, 818 18th Street, NW, #900 Washington, DC 20006		15,900.00	11,401.00
Sarah C. Von der Lippe, 80 Trowbridge St. Cambridge, MA 02138	Kids Project	400.00	
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	50.00	283.00
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	312.50	
James C. Waldo, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	City of Tacoma		
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Broadcast Music, Inc		
Do	Federal Home Loan Mortgage Corp		
Do	Mid Continent Oil and Gas Assn		
Do	MBNA America Bank NA		
Do	Pacific Lumber Co		
Do	Sony Music Entertainment, Inc		
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	National Coal Assn	1,000.00	
Michael D. Walsh, P.O. Box 591 Parishville, NY 13672			
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	City of Cleveland	17,100.00	514.90
Do	City of Miami	11,250.00	120.54
Do	City of Oakland	4,500.00	193.80
Do	Coca-Cola Company	9,000.00	43.65
Do	Electronic Data Systems, Inc		
Do	Gabonese Republic	8,500.00	765.00
Do	Government of the Republic of Haiti	79,035.00	1,411.70
Do	Government of Antigua	2,835.00	254.45
Do	Government of Sao Tome e Principe		
Do	Greater Cleveland Regional Transit Authority	6,600.00	169.38
Do	National Fertilizer Co of Nigeria		
Do	Republic of Cameroon	11,540.00	135.40
Do	San Francisco Public Utilities Commission	16,249.98	56.50
Washington Independent Writers, Inc, 733 15th Street, NW, #220 Washington, DC 20005			
Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005	Government of the Federal Republic of Nigeria	3,720.00	334.80
Ronald D. Waterman, 900 2nd Street, NE, #109 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	14,619.24	112.55
Do	Wisconsin Counties Assn	12,816.57	100.05
Waterman & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	All Industry Television Committee	6,000.00	88.00
Do	American Foundrymen's Society, Inc	75,000.00	2,405.26
Do	American Metalcasting Consortium (AMC)	11,500.00	645.29
Do	Cast Metals Coalition	7,500.00	314.46
Do	North American Die Casting Assn (NADCA)	18,249.99	458.00
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	10,000.00	45,622.00
James D. Webb, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
R. Clifton Webb, 1701 Pennsylvania Ave, NW Washington, DC 20006	El duPont de Nemours & Co, Inc		
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc		
William R. Weber, 50 F Street, NW, Suite 900 Washington, DC 20001	Farm Credit Council		
Lee J. Weddig, 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	4,000.00	120.00
Daniel Weiss, 408 C Street, NE Washington, DC 20002	Sierra Club	3,206.50	
Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2037	American Assn of Homes for the Aging		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute	1,875.00	
Stuart P. Wells, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Margaret A. Welsh, 2715 M Street, NW, #150 Washington, DC 20007	Electric Generation Assn		
William B. Welsh, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,000.00	3,258.65
Betsy R. Werronen, 2001 Pennsylvania Avenue, NW, #600 Washington, DC 20006	Council of the Americas	7,050.00	
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	21,000.00	
Do	Oklahoma Natural Gas	15,000.00	
Michelle Westover, 412 1st Street, Suite 300 Washington, DC 20003	Independent Insurance Agents of America, Inc	3,574.00	
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	777.60	
Richard M. Whiting, 805 15th Street, NW——#600 Washington, DC 20005	Association of Bank Holding Cos	3,620.00	
Elizabeth D. Whitley, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,527.00	268.00
John H. Whitmire, P.O. Box 7271 Houston, TX 77008	Houston Firefighters Relief & Retirement Fund	15,000.00	
Steven C. Whitney, 900 17th Street, NW Washington, DC 20006	Wilderness Society		125.62
Robert Whittaker, c/o Fleishman Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036	J. I. Gray & Associates		
Do	Arnold J. Lande MD.		
Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Chambers Development Co, Inc		
Do	City of Philadelphia	7,500.00	408.00
Do	Health Trust, Inc	1,500.00	1,200.00
Do	McDonald's Corp	3,000.00	
Do	National Rural Letter Carriers Assn	1,000.00	26.00
Do	Pioneer Seed Co, Inc	3,000.00	28.00
Do	Ringling Bros. Barnum & Bailey Circus		
Andrew F. Wiessner, 415 S. Olive Way Denver, CO 80224	Kogovsek & Associates, Inc (For:Pitken & Eagle Counties, Colorado)	975.00	204.40
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Washington Citizens for World Trade	5,758.00	2,077.20
Edward Rockne Wilkinson, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO	23,749.99	
Lawrence F. Williams, 408 C Street, NE Washington, DC 20002	Sierra Club	3,519.97	11.19
Michael E. Williams, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,500.00	551.41
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	American Home Products	2,580.00	
Do	Amos Tuck of the School of Business Administration		
Do	Association of Family Farmers		
Do	BancFirst, et al.	4,350.00	
Do	Robert M. Bass Group	600.00	
Do	British Petroleum	375.00	
Do	California independent Mortgage Brokers Assn	580.00	
Do	California Recycling Co		
Do	Century 21 Real Estate Corp		
Do	College Board		
Do	Colonial Pipeline Company	500.00	
Do	Continental Airlines Holding, Inc.	4,950.00	
Do	Credit Suisse Financial Products USA	1,500.00	
Do	CIGNA Corp	300.00	
Do	CS First Boston (First Boston Corp)	445.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Dreyfus Corp		
Do	Estee Lauder, Inc		
Do	Greenwich Capital Markets, Inc		
Do	GAMMA Corp		
Do	Kelly Appleman Hart & Hallman		
Do	Keystone Provident Life Insurance Co		
Do	Marks Murase & White		
Do	National Assn of Rehabilitation Agencies		
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn	900.00	
Do	Norfolk Southern Corp	300.00	
Do	Normandy Foundation		
Do	Oklahoma Gas & Electric Co	290.00	
Do	Owens-Illinois, Inc		
Do	Pharmaceutical Manufacturers Assn	1,990.00	
Do	Physician Corp of America	2,400.00	
Do	Pittston Co	1,200.00	
Do	Recording Industry Assn of America, Inc	1,180.00	
Do	Southern Pacific Transportation Co		
Do	Southwest Airlines	790.00	
Do	Student Loan Marketing Assn (Sallie Mae)	505.00	
Do	Texaco, Inc		
Do	Turner Broadcasting System, Inc	3,200.00	
Do	TTX Company		
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc		
Do	USAA Financial Service Co		
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	Council of Appraisal & Property Professional Societies		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Council for Responsible Nutrition	2,790.00	
Christopher J. Wilmot, 1400 16th Street, NW, Suite 320 Washington, DC 20036	Zero Population Growth		
David W. Wilmot, 1029 Vermont Avenue, NW Washington, DC 20005	Anheuser-Busch Companies, Inc		
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	478.00	35.00
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc	5,900.00	5.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Data Transformation Corp	2,500.00	175.00
Do	GNA Corp	30,000.00	275.00
Do	Morongo Band of Mission Indians	2,500.00	680.00
Do	National Bulk Vendors Assn	3,500.00	280.00
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	American Automobile Manufacturers Assn		
Do	Amoco Performance Products, Inc		
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Coalition for Responsible Waste Incineration (CRWI)		
Do	Corporate Health Care Coalition	5,861.00	50.00
Do	Fiberite Corp		
Do	Goldman Sachs	3,002.50	
Do	Hercules Aerospace Co		
Do	Lower Elwha Klallam Tribe		
Do	Macrovision, Inc		
Do	Monsanto Co	1,631.25	
Do	MTN Coalition		
Do	Navajo Nation		
Do	North American Chemical Company		
Do	North American Chemical Corp	20,540.00	
Do	Organization for International Investment (OFII)	1,787.50	
Do	Refractory Ceramics Fiber Coalition		
Do	RAT Coalition		
Do	Sabreliner Corp		
Do	Schering-Plough Corp	8,360.00	
Do	Securities Industry Assn		
Do	Smith Corona		
Do	Snappy Car Rental		
Do	St. Thomas & St. John Chamber of Commerce		
Do	Thrifty Rent-A-Car System, Inc		
Do	World Wildlife Fund	18,337.64	
WinCapitol, Inc, 1207 Potomac Street NW Washington, DC 20007	California Energy Company, Inc		
Do	Calpine Corp		
Do	Geothermal Resources Assn		
Do	MAGMA Power Co	400.00	
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Virginia Commonwealth University		
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	15,000.00	
G. Kent Woodman, 2100 Pennsylvania Ave., NW Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)		
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171-0521	National Assn of Air Traffic Specialists	7,800.00	498.30
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	700.00	120.00
World University Games (for 1993), 1701 K Street, NW #400 Washington, DC 20006	Greater Buffalo Athletic Corp	5,000.00	72.17
W. Robert Worley, 190 St. Clair Drive St. Simons Island, GA 31522	Southern Company Services, Inc		
Kyra Wostoupal, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Bus Assn	5,625.00	216.81
Do	American International Group, Inc	3,800.00	222.60
Do	American Orthotic & Prosthetic Assn	6,932.37	1,087.22
Do	American President Companies	3,999.96	21.29
Do	American Soc of Assn Executives	5,000.00	485.10
Do	Bermuda, Government of	3,626.25	134.05
Do	Bituminous Coal Operators Assn	16,000.00	27.30
Do	Circuit City Stores, Inc	1,000.00	3.07
Do	Committee Against Revising Staggers		
Do	Computing Technology Industry Assn	511.50	169.36
Do	Connaught Laboratories, Inc	5,201.25	112.91
Do	Cosmetic Toiletry & Fragrance Assn, Inc		
Do	Crescent Cities Jaycees Foundation, Inc	2,025.00	15.96
Do	Electronic Industries Assn	4,473.80	81.99
Do	Grand Metropolitan/Pillsbury	5,000.00	109.10
Do	Karsten Manufacturing Co	4,775.63	490.35
Do	Kohlberg Kravis Roberts & Co	4,753.00	55.53
Do	Lonesome Dove Petroleum Company	11,500.00	178.86
Do	Manville Corporation	2,727.00	6.15
Do	McDonnell Douglas	1,875.00	38.47
Do	National Assn of Beverage Retailers	2,500.00	151.50
Do	National Assn of Small Business Investment Companies	1,500.00	15.40
Do	National Funeral Directors Assn	5,334.97	244.88
Do	National Retail Hardware Assn	3,098.88	428.93
Do	Neurology Center	3,000.00	198.90
Do	North American Phillips Corp	1,817.81	125.81
Do	NYNEX Corp	6,000.00	428.99
Do	Refiners' Coalition for Competitive Markets	2,600.14	
Do	RJR Nabisco	3,000.00	10.50
Do	SmithKline Beecham	4,500.00	243.36
Do	Squibb Corporation		
Do	Tobacco Industry Labor Management Committee	12,190.00	802.00
Do	Westinghouse Airship Industries	7,940.00	1,494.85
Do	Westinghouse Electric Corp	1,000.00	64.52
Sandi Wurtz, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Community Mental Healthcare Council		
Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001	Transportation Trades Department, AFL-CIO	3,500.00	
Marc D. Yacker, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Association	600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dalton Yancey, 1301 Pennsylvania Ave., NW, #401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,465.50	232.41
Robert A. Young, 12248 Turkey Creek Maryland Heights, MO 63043	James Brown & Associates	4,500.00	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	209.15
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Paul J. Zanowski, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Sharon G. Zedd, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator & Associates (For:American Wood Preservers Institute)	2,000.00	2,000.00
Zero Population Growth, Inc, 1400 16th St., NW, #320 Washington, DC 20036		1,407.00	1,416.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	3,530.00	106.33
Elaine Ziemba, 601 Pennsylvania Avenue N.W. #600 North Building Washington, DC 20004	Northern States Power Company	6,000.00	734.65
965, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	General Electric Co	50.00	
Do	Kaman Diversified Technologies	75.00	
Do	Tenneco, Inc	50.00	
Do	Woods Hole Oceanographic Institution	50.00	

SENATE—*Thursday, May 12, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Reverend Richard C. Halverson, Jr.

Mr. Halverson, please.

PRAYER

The Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

"God is our refuge and strength, a very present help in trouble. Therefore will not we fear, though the earth be removed, and though the mountains be carried into the midst of the sea * * * The Lord of hosts is with us; the God of Jacob is our refuge * * * Come behold the works of the Lord * * * He maketh wars to cease unto the end of the earth; he breaketh the bow and cutteth the spear in sunder * * * Be still and know that I am God: I will be exalted in the earth".—Selected verses, Ps. 46.

Almighty God, help us discern the wisdom once editorialized by David Lawrence when he wrote, "All our alliances are temporary * * * there is only one permanence we can all accept. It is the permanence of a God-governed world. For the power of God alone is permanent. Obedience to His laws is the only road to lasting solutions of man's problems." (David Lawrence, U.S. News & World Report, May 5, 1956).

Lord, others may come to Thee by the process of elimination when nothing else works. Help us depend upon Thee by the process of illumination to Thy eternal word. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, the Senate will immediately begin consideration of the conference report on S. 366, the Freedom of Access to Clinic Entrances Act. There will be 90 minutes of debate on that measure, with the time equally divided and controlled in the usual form.

At 11 a.m., the Senate will resume consideration of S. 2042, the Bosnia arms embargo legislation. There will be 1 hour for debate on the two pending amendments, equally divided.

At noon, there will be three rollcall votes. The first will be on the amendment which I have offered with respect to Bosnia, the second will be on the amendment which Senator DOLE has offered with respect to Bosnia, and the third will be on the conference report on the Access to Clinic Entrances Act.

The first vote will be for 15 minutes. The subsequent two rollcall votes will be 10 minutes each in duration. The Senate will then recess to accommodate the respective party conferences.

At 2:30 p.m., the Senate will resume consideration of the conference report accompanying House Concurrent Resolution 218, the concurrent resolution on the budget. There will be 30 minutes for debate on that measure and then a vote will occur at 3 p.m. on the budget resolution conference report.

Following that vote, the Senate will resume consideration of the Safe Drinking Water Act. I expect that there will be votes on amendments to that measure during the day thereafter.

Mr. President, am I correct in my understanding that the leaders' time has been reserved?

The PRESIDENT pro tempore. It has been reserved.

And, without objection, the time used by the majority leader will not be charged against his time.

Mr. MITCHELL. I thank the Presiding Officer, and I yield the floor.

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1994—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the conference report on S. 636, which the clerk will report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 2, 1994.)

The PRESIDENT pro tempore. Under the order previously entered, there will be 90 minutes of debate on the conference report, equally divided and controlled in the usual form.

Mr. KENNEDY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, the Senate now has before it the conference report on the Freedom of Access to Clinic Entrances Act of 1994. This legislation will protect women, doctors, nurses, and other health providers from the tactics of violence and intimidation that have closed clinics, forced doctors to wear bulletproof vests, and blocked access to reproductive health care across the country.

The Senate passed this legislation by a vote of 69 to 30 last November, and the need for it continues to be strong. So far this year, dozens of new blockades, acts of vandalism, death threats, assaults against abortion providers, attempted bombings, and bomb threats have been carried out against clinics, their patients, and their personnel.

More than 1,000 acts of violence against abortion providers, over 100 cases of arson and bombings, and hundreds of blockades, invasions and acts of vandalism against clinics have been documented throughout the country over the past 15 years.

Clinics continue to be under siege. The health care providers who work there continue to be in fear for their lives.

This legislation is designed to prevent this reprehensible conduct and ensure that it will be punished when it occurs.

It establishes a new Federal criminal offense prohibiting force, threat of force, physical obstruction or destruction of property intended to interfere with access to reproductive health services. It establishes a right to bring Federal civil suits to enjoin such conduct and to obtain damages to compensate the victims.

The bills passed by the Senate and the House last November were very similar. There were only three substantive differences. On each of these, the House receded to the Senate position.

First, the conference report contains the language added by Senator HATCH's amendment prohibiting violence and obstruction at places of religious worship. This language creates Federal criminal penalties and civil remedies for the use or threat of force or phys-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ical obstruction to interfere with religious freedom at a place of worship. The House bill contained no such provision.

When Senator HATCH offered this amendment on the Senate floor in November, I accepted it. This provision adds appropriate new Federal protection for religious freedom at places of worship. The House conferees agreed, and accepted Senator HATCH's provision.

The second difference between the Senate and House versions is that the Senate bill provided lower maximum penalties for nonviolent offenses. Here too, the conference report contains the Senate provisions.

The House bill provided for maximum jail terms of 1 year for the first offense and 3 years for subsequent offenses, regardless of the nature of the offense. The Senate bill contained the same maximum penalties for violent, threatening or destructive conduct. But for nonviolent offenses the maximums were cut in half—6 months for the first offense, and 18 months for subsequent offenses.

The Senate bill also contained far lower maximum criminal fines for nonviolent offenses. The House bill provided maximum fines of $100,000 for the first offense and $250,000 for subsequent offenses, regardless of the nature of the offense. Under the Senate bill, the maximum fines for nonviolent offenses were only one-tenth of the House amounts—$10,000 for the first offense and $25,000 for subsequent offenses.

The lower maximum penalties in the Senate bill for nonviolent offenses are appropriate, and the conference adopted them. Nonviolent obstructions of clinics do not warrant the same maximum penalties as violence, death threats, or destruction of property.

At the same time, the penalties remain substantial enough to help deter the blockaders—especially those who are inclined to repeat the offense. If the maximums were set even lower, the penalties would not create the necessary deterrence—as the experience under more lenient State and local laws has shown.

The third difference between the two bills is that the House bill allowed any person injured by a violation to bring a civil suit for injunctive relief and damages. The Senate bill limited such suits to persons seeking to obtain or provide services from the facility. This limitation, which was included in the Senate bill following discussions with Senators DURENBERGER and KASSEBAUM, means that demonstrators at a facility would not obtain new civil remedies. The conference report adopts the Senate position.

In short, the bill now before the Senate is essentially the same bill that the Senate passed last November.

It is carefully drafted so that it does not restrict activities protected by the first amendment. Those who are picketing peacefully outside clinics, praying or singing, or engaging in sidewalk counseling and similar activities that do not block the entrances have nothing to fear from the law. Those activities are protected by the first amendment, and this legislation does not restrict them.

Nor does this legislation discriminate against any particular viewpoint. It does not penalize the expression of a point of view in nonviolent, nonobstructive ways. The only conduct it prohibits is violent or obstructive conduct that is far outside any constitutional protection.

The case of Madsen versus Women's Health Center, recently argued before the Supreme Court, will not affect the constitutionality of this legislation. In that case the Court is considering the constitutionality of a State court injunction creating buffer zones around a clinic and the homes of clinic staff members. The injunction prohibits demonstrators from congregating within a specified area—even if they are not blocking the entrances and even if they are on public sidewalks.

The legislation before us does not contain any such restrictions. It prohibits activities around a clinic only when they physically obstruct the entrances. And the demonstrators challenging the injunction in the case have expressly conceded the constitutionality of the portions of the Court's order that prohibit physical obstruction of the entrances. In other words, that issue is not before the Supreme Court.

So even if the Supreme Court were to strike down or cut back the buffer zones at issue in the case, the narrower prohibitions in this legislation will be unaffected.

The case is relevant to this legislation in one respect, however. The Supreme Court's decision will give important guidance to Federal courts that will be asked to issue injunctions under this measure. After the case is decided, the courts will know with greater certainty how far they may go in restraining unlawful activities around the clinics.

Existing laws are clearly inadequate to address the serious problems of clinic violence. The current patchwork of State and local laws can not effectively address the interstate, nationwide pattern of clinic violence. Often, the penalties assessed are so weak that they serve as no deterrent. If they did, the woman who shot and wounded a doctor at a clinic in Wichita last summer would have been prevented from doing so, because she would have been serving serious prison terms for dozens of violations of local laws that she had previously committed throughout the country.

The Federal racketeering laws are also not an adequate substitute for this legislation.

The Supreme Court ruled last January that abortion clinics targeted by blockades and violence may sue under RICO. But it did not hold that anti-abortion activities necessarily violate RICO. In fact, much of the conduct covered by this legislation would not be a violation of RICO. Activities commonly occurring at abortion clinics—assault, destruction of property, acid attacks, physical obstruction—would not constitute predicate acts under RICO and therefore could not form the basis for finding a criminal enterprise under RICO.

RICO is no substitute for this legislation, which is carefully tailored to address the pattern of disruptive and intimidating conduct that has plagued abortion providers and patients across the country.

This legislation has broad support. Organizations concerned with women's rights and women's reproductive health have made its enactment a top priority. Law enforcement authorities at the Federal, State, and local level have endorsed it. Health care providers have urged us to enact it without delay. And civil liberties groups have concluded that it passes constitutional muster.

It is long past time to end the massive wave of violence, intimidation, and harassment directed at clinic patients and personnel across the country. The right answer to a national campaign of violence and obstruction is national legislation to end it. I urge my colleagues to vote for adoption of the conference report on the Clinic Violence Act.

The PRESIDENT pro tempore. The Senator from Kansas [Mrs. KASSEBAUM] is recognized for such time as she may consume.

Mrs. KASSEBAUM. Mr. President, I agree with the need to enact Federal legislation which will enable the Department of Justice and the Federal judiciary to intervene when protests escalate to the level of violence and destruction that have been directed against abortion clinics in our country. The freedom of speech guaranteed by the Constitution does not include bombings, vandalism, assault, arson, destruction of property, and physically preventing people from entering medical clinics. Unfortunately, it took the murder of Dr. David Gunn in Pensacola, FL, for many people to recognize the danger in the escalating pattern of violence that has been directed against abortion providers in this country.

Wichita, KA, was the site of one of the longest, most widely publicized clinic blockade actions. Operation Rescue's "Summer of Mercy" in 1991 tore my own city of Wichita apart—and deepened the divisions between those who support the legality of abortion and those who oppose. The protest created a climate of intolerance and anger which permeated Wichita. In the almost 3 years since the protest began, the effects can still be felt—tempers still flare, blockade actions are still attempted, wanted posters are distributed. The animosity between the two sides of this very divisive debate continues to deepen.

The Federal Government has a legitimate role to play in protests that are characterized by an esclating pattern of violence, an inability of local law enforcement officials to control the violence, and actions designed to prevent people from accessing or providing services protected by the Constitution. This could be extended to other areas, but the one issue before us is this one. The Freedom of Access to Clinic Entrances Act of 1993 identifies an appropriate role for Federal intervention into violent protests against abortion clinics.

Mr. President, I support the conference report on the Freedom of Access to Clinic Entrances Act and will vote for its passage. The House accepted the Senate language on the decreased punishments for nonviolent protesters, the language which limited the civil right of action to those seeking to obtain or provide pregnancy-related services, and the provisions extending protections to churches and other religious institutions.

However, there is a provision related to the award of attorney fees in the conference report that I find troubling, and I think all Members should be aware of it. It reads as follows:

> (T)he court may award appropriate relief, including temporary, preliminary or premanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses.

Mr. President, the forms of relief mentioned in this provision—injunctive, compensatory, and punitive—are those awarded to plaintiffs, not to defendants. Therefore, it would be reasonable for a judge reading this language to conclude that, on its face, the provision allows attorney fees to be awarded to plaintiffs but, under no circumstances, may they be awarded to defendants. The bill manager claims that is not what is intended. But Mr. President, that is what this provision says, and I am afraid that is the way courts will apply it.

The authors of the provision claim that report language makes it clear that defendants can be awarded attorney fees if the plaintiff's action is frivolous, unreasonable, or without foundation. However, the trend in the courts has been to disregard legislative history and simply interpret the actual language of statutes. Again, the actual language of this bill does not provide attorney fees for defendants under any circumstances. I would argue that, if the intent of the bill is to allow defendants to be awarded attorney fees under certain circumstances, that should be clearly stated in the bill itself.

The authors claim this provision of the final bill is modeled on current civil rights laws. I think that is the intent, but their use of the term "modeled" is somewhat misleading. The civil rights statute says that attorney fees are available to the prevailing party," and that is the way I believe it should be. Granted, the courts have interpreted prevailing party to mean that only the plaintiff can receive attorney fees unless the suit they file is clearly frivolous. If the suit is clearly frivolous, the defendant can recover attorney fees.

It seems to me that, if the freedom of access to clinic entrances bill were truly modeled on our civil rights laws, it would incorporate the prevailing party language that is in the civil rights law. It does not. Instead, it is—at most—a weak attempt to incorporate the outcome of civil rights lawsuits.

Mr. President, the Senate should strive to write laws that are clear in their intent and positive in their effect. This specific provision of the Freedom of Access to Clinic Entrances Act is, I suggest, poorly drafted. I think it will be misinterpreted, and I think it will increase the number of lawsuits that are filed as a result of this bill. I am disappointed this provision survived the conference with the House.

Nevertheless, Mr. President, I believe this bill is an important means of clarifying what has become a dramatic, emotional, escalating series of violence against our clinics which are operating under their constitutional rights.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. I yield such time as the Senator from Rhode Island might desire.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, I am pleased to speak today on behalf of the Freedom of Access to Clinic Entrances Act. I was an original cosponsor of the bill, I strongly support this conference report, and I am pleased that it has been approved by the House. This bill provides critical relief to the many health clinics around the country which have been targeted by violent extremists.

No matter what one's views are on the issue of abortion rights, one cannot help but be shocked and outraged by the violence that has occurred outside health clinics that offer abortion-related services. Perhaps the most notorious crime committed against clinic employees was the murder of Dr. David Gunn, the Florida physician who was shot to death last year.

Thankfully, we have had no such murders in Rhode Island. But the Planned Parenthood Clinic in Providence is no stranger to threats and intimidation. In the past 2 years:

The medical director's face appeared on a wanted poster that was sent to his office and home; the clinic was blockaded twice by activists, and the director's driveway was mined with nails which blew out four tires and injured his wife; the clinic was splashed with red exerox toner and had to be repainted—only to be splashed again with fluorescent green paint; the clinic was repeatedly picketed and staff were identified by name and told their home would also be picketed; a restraining order was granted to one of the clinic's employees to stop two individuals from following her, and the order was later violated.

Mr. President, I am all for free speech, and I respect the views of those who are opposed to abortion. But the issues before us today are not free speech or abortion rights—the issues before us are violence, intimidation and destruction of property. Clinics around the country have been bombed, set on fire and blocked—all in the name of free speech. This is not passive resistance. This is illegal and destructive behavior, and it is time for us to put a stop to it.

The legislation before us today does put a stop to this. It makes it a Federal offense to block access to health clinics that offer reproductive health services and makes the damage or destruction of property at such facilities a Federal crime. Victims of clinic violence will now be able to seek injunctive relief and civil damages against the perpetrators, and the Attorney General and State attorneys general will have new enforcement roles through the courts.

Mr. President, I urge my colleagues to join me in supporting this important legislation.

Mr. President, I congratulate those who have had a leading hand in the formation of the drafting and enactment of this legislation.

I urge my colleagues to join with me in supporting this conference report.

I thank the Chair and I thank the managers.

Ms. MOSELEY-BRAUN. Mr. President, I am very pleased that we are ready to vote for the conference report of the Freedom of Access to Clinic Entrances Act. This legislation is desperately needed to stop the violence and intimidation at the entrances of women's health care clinics across America that provide constitutionally protected abortion services.

In the first 4 months of this year, there have been 182 reports of hate mail or harassing phone calls toward doctors and medical providers who work at these clinics, toward clinic staff, and toward clinic patients. There have been 24 cases of vandalism against clinics, 12 death threats to clinic personnel, and four cases of stalking of a staff member or patient away from a clinic. Last fall, a clinic in Peoria, IL, which has been providing women's health care services for 19 years, was firebombed. This legislation makes the intent of Congress crystal clear: The violence must stop.

This legislation targets any act of force, threat of force, or physical obstruction involving reproductive health centers only if there is intentional injury, intimidation, or interference with a person trying to obtain or provide pregnancy or abortion-related services.

This legislation has been narrowly crafted. It does not punish anyone for their views. It protects the rights of peaceful protests to demonstrate. It is modeled after Federal civil rights laws that prohibit unlawful interference with an individual's attempt to exercise the right to vote. It does not cover peaceful picketing, praying, singing, leafleting, or sidewalk counseling. And the conference committee has maintained the Senate-approved differentiation of penalties for violent versus nonviolent offenders who obstruct access to these clinics.

The passage of the Freedom of Access to Clinic Entrances Act will help local and State law enforcement, who, despite their best intentions, have been unable to adequately safeguard medical providers, patients, and clinics against this dangerous activity. Attorneys general throughout the United States are looking forward to this legislation going into effect in order to protect women and medical providers who are currently under assault by violent demonstrators.

Mr. President, I join with my colleagues in the Senate to strongly support this legislation. I believe it will make a real difference.

Mr. HATCH addressed the Chair.

The PRESIDENT pro tempore. Who yields time?

Mrs. KASSEBAUM. Mr. President, I yield to the Senator from Utah such time as may be necessary.

Mr. HATCH. Mr. President, I thank my colleague and ranking member of the committee. I appreciate her leadership in the committee.

Mr. KENNEDY. Will the Senator hold just a second? On the allocation of time, is the time divided between myself and Senator KASSEBAUM?

The PRESIDENT pro tempore. The time is divided in the usual form, which means that half the time is controlled by the manager of the conference report and the other half controlled by the Senator who opposes the conference report.

Mr. KENNEDY. So as I understand that, then the time in opposition would be under the control of the Senator from Utah.

The PRESIDENT pro tempore. If the Chair may continue, if the ranking manager is not opposed to the conference report, then the time is controlled by the minority leader in opposition to the conference report, or to his designee.

Mr. KENNEDY. I ask unanimous consent that the opposition time be allocated to the Senator from Utah.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I would like to state my reasons for opposing S. 636 in its final form.

S. 636 TARGETS PEACEFUL CIVIL DISOBEDIENCE, NOT VIOLENCE

Like millions and millions of other Americans opposed to abortion, I categorically and unequivocally condemn acts of violence against abortion clinics and their personnel. Such desperate acts of violence are no answer to the violence of abortion itself.

Unfortunately, S. 636—the so-called FACE bill—is not really about stopping violence outside abortion clinics. It is about punishing purely peaceful civil disobedience on behalf of a cause that is not politically correct.

My proof for these two propositions is simple and irrefutable. On the Senate floor, I offered a substitute amendment to S. 636 that contained the same harsh penalties for violence as S. 636 contains, but that would have subjected purely peaceful pro-life civil disobedience to penalties comparable to civil disobedience on behalf of other causes. Senator SMITH offered an amendment to the same effect. Both amendments were defeated.

Moreover, if stopping violence were really the aim of S. 636, it is worth noting that States already have and impose even more severe penalties for violent activity than S. 636 would impose. For example, the man who killed David Gunn in Florida faced a possible death sentence and received life imprisonment. Nothing in S. 636 is going to provide any additional deterrence against such violence.

The real impact that S. 636 will have reveals a far more disturbing agenda—an agenda that, not surprisingly, has been disguised under the camouflage of anti-violence rhetoric.

S. 636, by design and in its practical operation, will serve as a powerful weapon against those persons who engage in entirely peaceful civil disobedience against abortion. S. 636 is, simply put, an oppressively one-sided, viewpoint-based attack on politically incorrect men and women who peacefully demonstrate their opposition to the taking of unborn human life.

Peaceful protesters who violate S. 636—a grandmother, for example, sitting silently with a group of others on a sidewalk outside an abortion clinic—will face a criminal penalty of six months in jail and a $10,000 fine for a first violation, and 1½ years in jail and a $25,000 fine for any subsequent violation.

In addition, S. 636 will also authorize private parties, the Attorney General, and state attorneys general to seek large civil penalties against these peaceful demonstrators. For example, private parties could obtain $5,000 per violation plus unlimited punitive damages, and both the U.S. Attorney General and state attorneys general could obtain civil penalties of $15,000 per violation.

S. 636 also contains a remarkably biased attorney's fees provision under which prevailing plaintiffs will be able to receive attorney's fees from the defendants, but prevailing defendants will rarely, if ever, be able to do so. Such a one-sided attorney's fee provision may well make sense in civil rights and other litigation, where the plaintiff is typically an individual and the defendant is a corporate entity. This alignment, however, will rarely be the case in civil litigation under S. 636. Instead, we will have the bizarre spectacle of individual defendants fending off litigation brought by a well-funded business, with these individuals liable to pay the attorney's fees of the business if they lose, but unable to collect attorney's fees themselves if they prevail. S. 636 thereby invites—indeed, assures—abusive litigation intended to bankrupt those who engage in peaceful pro-life demonstrations.

I respectfully submit that this blatant, viewpoint-based attack on peaceful civil disobedience betrays core principles that we all should cherish. Our American tradition recognizes the fundamental distinction between acts of violent lawlessness and acts of peaceful civil disobedience. Acts of violent lawlessness appropriately invite severe penalties. But acts of peaceful civil disobedience—mass sit-ins, for example, that draw on the tradition of Gandhi and Martin Luther King, Jr.—should not be subjected to steep penalties.

Such acts are, of course, not privileged. Civil disobedience is, by definition, unlawful. Acts of peaceful civil disobedience should, however, be punished roughly in the same manner and to the same extent as like conduct engaged in by anyone else. For example, if protesters commit unlawful trespass, they should be subjected to roughly the same penalties that other trespassers face. To impose a substantially more severe penalty presents the threat of viewpoint discrimination, no matter how cleverly disguised.

Had states during the 1950's and 1960's been able to impose and uphold such severe penalties on peaceful civil disobedience, the civil rights movement might well have been snuffed out in its infancy. A broad range of peaceful anti-abortion activity may well be disruptive and may interfere with the lawful rights of others. The same, it must be noted, was true of civil rights protests: they were, and were intended to be, disruptive, and they interfered with the then-lawful rights of others.

It is not my point here to debate the relative moral standing of the anti-abortion and civil rights movements. Nor do I suggest that peaceful civil disobedience should not be punished. I would simply like to emphasize the viewpoint discrimination inherent in selectively imposing such severe penalties on peaceful civil disobedience by antiabortion protesters. I would also like to emphasize that such illegitimate penalties, far from reducing violence, effectively give protesters little reason not to resort to violence.

It has repeatedly been contended that S. 636 is modeled on Federal civil rights laws. I must again point out, however, that the Federal civil rights laws that have been cited do not contain the term physical obstruction, and have been construed to apply only to acts of violence or threats of violence. In extending its severe penalties to peaceful civil disobedience, S. 636 thus departs from the models on which it purports to rely.

S. 636 ELEVATES THE RIGHT TO ABORTION ABOVE EVEN FIRST AMENDMENT RIGHTS

In the clash between abortion and free speech, S. 636 will provide special protection to abortion that it will not provide to the constitutional guarantee of free speech.

As the testimony at a Labor Committee hearing last spring amply demonstrated, violence and abuse at abortion clinics come from both sides. If this problem is to be dealt with, it must be dealt with evenhandedly. Unfortunately, while S. 636 contains some token gestures of neutrality, it is decidedly one-sided on this score.

If S. 636 becomes law, abortion clinic personnel would suddenly have a virtual license to harass and provoke pro-life demonstrators, since they would know that the slightest bit of retaliation would subject the pro-life demonstrators to the severe penalties under the bill. The clear lesson of history is that peace is not achieved by disarming only one of the contestants. The way to achieve peace is to treat both sides equally and to make clear that conduct that is unacceptable by one side will be unacceptable by the other.

Consistent with these principles, it is imperative that those exercising their lawful first amendment rights to speak out against abortion have the same protections from violence and abuse as those seeking abortion. Unless the right to abortion is to be elevated above even the first amendment, the penalties under the bill should have been extended to those who, by force or threat of force or by physical obstruction, injure, intimidate or interfere with persons lawfully exercising their first amendment rights at abortion-related facilities. Regrettably, an amendment that would have provided this protection was defeated.

I will note that the conference report on S. 636, in evident response to some of the concerns raised about the scope of proposed new sections 248(a)(1) and (2), contains one improvement over the previous Senate-passed version. Specifically, the second rule of construction—proposed new section 248(d)(2)—makes clear that nothing in S. 636 shall be construed "to create new remedies for interference with activities protected by the free speech or free exercise clauses of the first amendment to the Constitution, occurring outside a facility." Under the plain language of this rule of construction, pro-life protesters who would otherwise be in violation of section 248(a)(1) but whose actions interfere with the free speech activities of persons at abortion clinics are exempt from criminal or civil liability under S. 636. Accordingly, in any trials for violation of section 248(a)(1), it will be necessary for the plaintiff to establish that the defendant did not interfere with activities protected by the free speech clause of the First Amendment.

S. 636 WILL CHILL THE EXERCISE OF FIRST AMENDMENT RIGHTS

In practice, of course, those who would have to take account of the prospect of the Draconian penalties under the amendment would be not simply those who would actually engage in the activities prohibited by it, but also those who might even possibly be alleged—rightly or wrongly—to have engaged in those activities. Because S. 636 delegates an astonishing amount of what is in essence prosecutorial authority to State attorneys general and to private parties—including abortion clinics—and because it offers them the bonanza of substantial monetary penalties, it is a virtual certainty that innocent persons who have done nothing more than engage in the lawful exercise of their first amendment rights will be targeted and pursued. The chilling effect on legitimate First Amendment speech is therefore likely to be intense.

S. 636 IS VIEWPOINT DISCRIMINATORY

S. 636 discriminates against the pro-life viewpoint. Granted, this discrimination is cleverly disguised. But, as the Supreme Court reemphasized last year in *Church of Lukumi* v. *Hialeah*, 113 S. Ct. 2217 (1993), "[f]acial neutrality is not determinative" of a statute's compliance with the First Amendment. Id., at 2227. While the Church of Lukumi case concerned the Free Exercise Clause of the First Amendment, there is every reason to believe that its analysis applies equally to the First Amendment's Free Speech Clause. Among the lessons of the Church of Lukumi case are that the First Amendment "protects against government hostility which is masked, as well as overt," id., and that "the effect of a law in its real operation is strong evidence of its object," id. at 2228.

S. 636 clearly masks a hostility to the pro-life viewpoint. While facially neutral as between abortion facilities and pro-life facilities, the amendment fails to provide pro-life speakers the same needed protection from violence and abuse as those seeking and providing abortion. It also singles out abortion-related activity for harsh penalties that do not apply to the broad range of other causes engaged in similar conduct. For example, the incredible record of labor union violence at strike sites—killings, shootings, beatings, countless threats, and millions of dollars in property damage—presents an even more compelling case for Congressional intervention.

Let me emphasize that while I appreciate the fact that the supporters of S. 636 did not remove my religious liberty amendment from the bill, inclusion of that amendment does not make the bill truly general in its treatment of unlawful conduct in connection with protest activities. Rather, it simply singles out a second category of especially unpopular protests and protesters. This does not cure the constitutional problem of selectivity. It means only that two types of protest are selected for discriminatorily harsh treatment. Moreover, only time will tell whether the religious liberty provisions of S. 636 in fact receive the same vigorous enforcement from State and Federal law enforcement authorities as the abortion provisions. If they do not, that will be yet further evidence of viewpoint discrimination in practice.

The clearly intended effect of S. 636 in its real operation will be to disadvantage pro-life speech significantly.

Mr. President, the assault on politically incorrect pro-life speech—the effort to bankrupt those who espouse an unpopular viewpoint—is well under way. Earlier this week, a State jury in Houston ordered anti-abortion protesters to pay more than one million dollars in punitive damages to a Houston abortion clinic. Even the abortion clinic's attorney conceded that the case involved nothing more than garden-variety wrongful interference with business relations, yet the jury imposed a massive penalty. In Florida, a court issued an injunction that creates a 300-foot buffer zone around abortion clinics. Remarkably, the Florida Supreme Court upheld this injunction. The injunction is now under review by the U.S. Supreme Court, but can anyone imagine a speech-free buffer zone being imposed or upheld in any other context? In Oregon, a jury awarded $8.2 million in punitive damages against pro-life demonstrators, even though the compensatory damages award against these demonstrators was only one dollar.

S. 636 is yet another major assault on the free speech rights of those who abhor abortion. It is not warranted. It is not constitutional. It is not fair; and it is not right.

I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. I yield such time as I might use, Mr. President.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I want to take a few moments of the Senate's time to explain in detail what the position of the conference is and what we reported back in terms of the attorney's fees issue, since this has been raised by two Members of the Senate this morning.

Mr. President, the conference report adopts the same language that was in the bill passed by the Senate last year. This body has already approved it once. This language makes it clear that prevailing plaintiffs can recover their attorney's fees and costs from the defendant. And the statement of managers that accompanies the conference report makes clear that defendants, too, may recover attorney's fees and costs from the plaintiffs in certain circumstances, the same circumstances in which defendants can recover the fees and costs in civil rights cases.

It states the following on page 10:

> The conferees intend this provision to be interpreted in the same way that the attorney's fee provision in title VII of the Civil Rights Act of 1964 has been interpreted. . . . Specifically, the conferees intend that under this provision, as under [title VII], attorney's fees and costs may be awarded to a defendant upon a finding that the plaintiff's action was "frivolous, unreasonable, or without foundation even though not brought in subjective bad faith. *Christiansburg Garment Co.* v. *E.E.O.C.*, 434 U.S. 410, 421 (1978)."

So, if a court finds that the plaintiff brought a frivolous suit under this law, or a suit intended to harass the defendant, it could order the plaintiff to pay the defendant's fees and costs. This has happened under the civil rights laws, and the courts have required that the plaintiff pay the defendants fees and costs in numerous civil rights cases where the court found the plaintiff's suit frivolous or without foundation. There is a good reason to allow prevailing plaintiffs to recover attorney's fees in the ordinary case, and the prevailing defendants to recover them only in extraordinary cases. As the Supreme Court said in the Christianburg Garment case, the plaintiffs in civil rights cases are the chosen instrument of Congress to "vindicate a policy that Congress considered of the highest priority." The Court noted that the same policy considerations are not present with respect to a prevailing defendant.

In other words, the individuals who are bringing these cases are actually acting as private attorneys general. The enforcement mechanism is the private individuals that are bringing these cases, and by bringing these cases they are protecting the rights of our fellow citizens. Therefore, there is a special consideration that ought to be given to their interests. And that has been recognized by the courts in the past, and that is the basis for the way that this legislation, and the managers' report, have constructed that particular section.

A plaintiff that brings suit to challenge a clinic blockade or the use of force against a health provider is vindicating the important public interest and keeping access to the clinics unrestricted. And the conference report and statement of managers clarified it and strikes the right balance.

We have effectively duplicated what had been done in other legislation and followed this precedent. That is what we have done with regard to this particular provision.

I think it is wise public policy, and I think it is important that it remain in that particular form.

Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. Who yields time?

Mr. NICKLES addressed the Chair.

Mrs. KASSEBAUM. Mr. President, I yield the Senator from Oklahoma 10 minutes, speaking in the opposition.

Mr. KENNEDY. On the opposition time.

The PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 10 minutes.

Mr. NICKLES. Mr. President, I thank my colleague from Kansas.

Mr. President, I rise in opposition to S. 636, the Freedom of Access to Clinic Entrances Act. It has a nice title. I am opposed to it because it does not do what its supporters claim it will do. Its effect will be a very profound chilling effect against pro-life demonstrators, leafletters, and sidewalk counselors, and persons engaging in prayer outside abortion clinics. However, it portrays itself as a means to eliminate violence at abortion clinics—even though applicable State criminal statutes are already more than adequate to deal with such occurrences.

Everyone has heard about the tragedy in Florida. There are already applicable State laws that apply to that incident. State law covers murder. State law covers violence. State law covers vandalism.

What this bill does is aim the full force of the Federal criminal system against a class of Americans who feel passionately about one of the key moral questions of our time.

To engage even in peaceful and constitutionally protected activities will expose pro-life Americans to a very real risk of Federal criminal penalties and punitive civil suits. Many of these people, faced with the loss of their liberty, their livelihoods, their homes, will decide not to take the risk. They will forgo their first amendment rights.

Amendments to make this bill evenhanded, to protect the pro-life side as well as the pro-abortion side, to reduce penalties for nonviolent offenses—these have been opposed by the bill's sponsors. Why? Because the purpose of this bill, pure and simple, is to restrict the pro-life side of the debate and allow the abortion industry to continue its business without any expression of public opposition.

Mr. President, this Nation has a history of tolerance for nonviolent civil disobedience. We have always recognized the close association between peaceful civil disobedience and political speech, which is clearly one of the most highly protected rights within our Constitution.

I am not suggesting that civil disobedience should be overlooked, or that laws against trespass or obstruction should not be enforced. On the contrary, they should be enforced, and they are enforced. People who engage in this type of activity usually are well aware of the consequences of their actions. We are a Government of laws and I believe that these laws need to be enforced to maintain order and justice in our society.

However, I am very concerned about treating some people engaged in nonviolent civil disobedience differently than others doing exactly the same thing, especially when the basis for treating them differently is based on the motivation or political beliefs of those people. For example, under this bill, a grandmother sitting on the sidewalk of an abortion clinic, singing and praying, is subject to the same penalties as a person brandishing a gun. If we do this, we have gone beyond punishing criminal acts. We would be saying that one cause or political belief is better than another cause or belief. Indeed, despite all the pretense on the other side, the legislative history of this bill and the motives of the outside pressure groups behind it make that all too clear.

To inflict a harsher punishment on one group over another results in discrimination against one particular viewpoint. All groups that engage in peaceful sit-ins and similar activity should be treated in an evenhanded manner, regardless of the motivation of those engaged in this conduct. But this bill does not do that. In fact, it is made clear on page 24 of the committee report that the identical conduct outside an abortion facility will be punished solely on its speech content. The example cited by the committee itself is that a blockade over environmental issues would not be covered by this bill but a blockade over abortion would be—even if the conduct was identical. The committee's own example shows that the real target is thought, not behavior. This is a constitutional infirmity with first amendment ramifications. Protecting civil rights was never the purpose of this bill. The purpose is to protect abortion proponents and silence abortion opponents.

The pro-life men, women, and children who have participated in nonviolent, pro-life sit-ins have one motivation: to prevent the violence of abortion, the violence to the unborn children, and the violence to the women who have abortions. They want to ensure that all people, born and unborn, enjoy full democracy.

Those who picket, hand out leaflets, and counsel the women entering abortion clinics have every right to do so, without having the Federal Government stack the deck against them.

Senator KASSEBAUM mentioned the inequity of the remedies in courts, the civil liabilities, the fact that they would even have to be subjected to enormous fees. These liabilities and fees only apply to one side, the abortion opponents. They are not equally applied to abortion proponents.

This bill only allows injunctive, compensatory, and punitive relief to be awarded to plaintiffs, not to defendants. Neither the criminal penalties nor the civil remedies established by S. 636 apply to any offenses committed against such persons by, for example, clinic personnel or pro-clinic activists. Moreover, reimbursement of attorney and expert witness fees is available only for the plaintiff but not for the defendant, even if the latter prevails in court. Such an outcome is indefensible.

Americans should be able to speak their mind on any topic without threat of Federal penalties hanging over them. Keep in mind, substantial State and local fines and penalties already exist. This bill gags one class of Americans from expressing their views. And that is just not right.

We all condemn violence—the behavior of some on both sides of this issue has been deplorable. But the issue in this bill is not violence—it is the elevation of one right supposedly granted by the Constitution above all other rights.

In the 1993 Clinic Violence Survey Report by the Feminist Majority Foundation, the vast majority of incidents reported were nonviolent. It is clear that this bill is designed to address these matters—not the "violence" denounced over and over again by proponents of this bill.

Not too long ago, we debated the so-called gag rule with respect to abortion referrals at family planning clinics. At the time, the proabortion supporters derided this rule as an abridgement of first amendment rights. However, that gag rule was nothing next to the effect of this bill on free speech. This bill is a club hanging over prolife speech and expression by ordinary citizens.

I am not a constitutional lawyer, and I do not serve on the Judiciary Committee, and I no longer serve on the Labor Committee; but I am trying to protect ordinary Americans' rights, protect their right of expression, their right to be able to speak out on issues that are important to them. This bill, in my opinion, does not do that. It does not protect rights; it limits them. It is unfair, it is one sided, it is discriminatory and unjust. I believe, if this bill is enacted, that the courts may very well find all or portions of it unconstitutional.

I urge my colleagues to vote against this bill.

I yield the floor.

Mrs. KASSEBAUM. Mr. President, I yield 10 minutes to the Senator from New Hampshire.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. SMITH] is recognized for 10 minutes.

Mr. SMITH. Mr. President, I rise in very strong opposition to the conference report to the so-called Freedom of Access to Clinic Entrances Act of 1994.

I am pleased that the conference committee saw fit to adopt the Senate-passed language that recognizes the fundamental distinction between violent and nonviolent abortion protest activities. In recognition of that distinction, the conference adopted the provisions of the Senate bill that provide significantly reduced penalties for nonviolent protesters.

But, Mr. President, those penalties for nonviolent protesters remain far too harsh. Let me offer a hypothetical example—one that I used when the Senate debated this measure last fall—to illustrate a point.

Let us suppose that a nun is sitting peacefully with others on a sidewalk outside an abortion clinic. Perhaps she is praying or singing religious songs, or whatever. Let us suppose that this peaceful activity is interfering with the ability of the clinic personnel and patients to enter the clinic. Under S. 636, that nonviolent person, that Catholic nun, would be in violation of the law because she is using physical obstruction to interfere with the provision of abortions.

Let us look at the penalties that this Catholic nun—a deeply religious person—faces under this bill. She is subject to a fine of up to $10,000 and a 6-month jail term for the first offense.

I might ask my colleague from Massachusetts, who is leading this: If a Catholic nun is jailed for 6 months, will she be allowed to retain wearing her habit, or will she have to be dressed in prison garb? Maybe we can clarify that for the RECORD.

For subsequent offenses, this same nun faces fines of $25,000 per offense and jail terms of up to 18 months per offense. And if "bodily injury" results from her "physical obstruction"—I suppose if somebody trips over her and hurts himself—she can be sentenced up to 10 more years.

I urge my colleagues to stop and think about what we are doing here. This is a nun engaged in peaceful sit-in, reminiscent of Gandhi and the civil rights movement of Martin Luther King. What is the difference? She is completely nonviolent, and is acting on the basis of her deeply held religious views. For her, the cause of the unalienable right to life of the very youngest of human beings is a fundamental matter of conscience.

Suppose that some of our States in the 1950's and 1960's had enacted laws to impose the same kind of severe penalties on the civil disobedience of Martin Luther King. These same people would have been on the floor of this Senate in opposition to that. Such laws surely would have slowed the great progress toward equal rights for black Americans for which Dr. King lived and died. Where are those people today? Maybe they are not silent, which might be better, but they are speaking in opposition to peaceful protest for another matter, which is not on their social agenda.

This Senator recognizes, of course, that acts of civil disobedience are, by definition, sometimes unlawful. But I firmly believe that acts of politically motivated, peaceful civil disobedience should only be punished in generally the same manner as would the same underlying unlawful conduct when it is engaged in by anybody else.

If, for example, prolife political protesters commit an unlawful trespass, then they should be subjected to the same kind of penalties faced by other trespassers who have no political motivation. But to impose a substantially more severe—this is the issue—penalty on the politically motivated trespasser than is imposed on the ordinary trespasser for the same misconduct is viewpoint discrimination, pure and simple. There is no other definition. Moreover, it is viewpoint discrimination that is fundamentally inconsistent with the first amendment to the Constitution of the United States, which these same people opposing us on this proposal, this resolution, say they support.

Mr. President, the Senate Labor Committee's report contends that S. 636 is modeled on Federal civil rights laws. I note, however, that the Federal civil rights laws cited by the committee report do not include the term "physical obstruction." They do not include that term that we find in S. 636. Moreover, they have been construed to apply only to acts of violence, or threats of violence. In extending its severe penalties to peaceful civil disobedience, S. 636 thus is inconsistent—in a very important way—with the models on which it purports to rely.

In addition to S. 636's unconstitutional viewpoint discrimination, Mr. President, there is another way in which this bill violates the first amendment. Let me explain why.

Once this bill becomes law, those prolife demonstrators who will face the draconian penalties outlined in this bill will be forced to take account of that great risk as they undertake their antiabortion activities. Especially for

SEC. 309. REPORTS AND INFORMATION.

In an annual report to the President and the Congress, the Commission shall report on its activities in carrying out the provisions of this title. The Commission shall undertake whatever efforts it may determine to be necessary or appropriate to inform and educate the public of data protection, privacy, and fair information rights and responsibilities.

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $1,500,000 in fiscal year 1995;

(2) $2,000,000 in fiscal year 1996;

(3) $2,500,000 in fiscal year 1997; and

(4) such sums as may be necessary in each succeeding fiscal year thereafter.

Amend the table of contents accordingly.

Mr. SIMON. Madam President, I have discussed this with Senator BRYAN. This is a fairly simple measure in concept. I think we can dispose of it rather quickly. I regret it is being resisted for reasons that I understand have nothing to do with the amendment itself.

I ask unanimous consent that we have a time limit of 20 minutes, 10 minutes on each side.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, we would like to have the short time limit. We have a problem of availability of some of our leadership with respect to the vote. I might need to ask that the unanimous consent request be amended to put the vote back until about 1 o'clock. We would have no objection to a 20-minute time limit. I will discuss with my colleagues the appropriate time for the vote.

Mr. SIMON. I think we can work that out. Frankly, the White House has a bill-signing ceremony on a bill of which I happen to be the chief sponsor. That will take place around 1 o'clock.

So, if we cannot vote, say, by 12:30, then I would prefer, subject to approval of my colleagues, that we put off the vote until 2 or 2:30.

The PRESIDING OFFICER. Is there objection to the revised request?

Mr. BOND. May I inquire, is the unanimous consent request that we have 10 minutes equally divided? I would have no objection to that.

The PRESIDING OFFICER. The Chair understands 20 minutes equally divided with the vote to be held at 2:30.

Mr. SIMON. I ask that no second-degree amendments be in order.

Mr. BRYAN. Madam President, I think what we could do—and I am certainly willing to try to accommodate the distinguished Senator from Illinois because I recognize his time request. I have been asked by the leadership not to agree to a vote at a time certain. I have absolutely no problem with 10 minutes either side.

Let me assure my colleague that we will work to accommodate his schedule on the vote. We recognize that he is not available at 1 o'clock. I think we can work that out. So if we can just have the unanimous consent agreement of 10 minutes either side and that there be no second degree—I am advised by the floor staff that apparently someone has called in and has raised some concerns about the proposed unanimous consent request. I apologize to my colleague. He has been trying to be helpful, as have I. Perhaps if he can proceed with the amendment, then maybe we can work out a time agreement shortly after that.

The PRESIDING OFFICER. Objection is heard. The amendment is before the Senate. The Senator from Illinois is recognized.

Mr. SIMON. Madam President, what this amendment proposes is very simple: That we appoint a three-member privacy commission with no more than 25 employees, $1.5 million authorization the first year that would take a look at the whole question of privacy in our country.

It is very interesting, as you look at the countries that have privacy commissions, 35 countries have privacy commissions right now: Australia, Austria, Belgium, Canada, Czech Republic. You go down the list. Thirty-five countries. We are the biggest user of this kind of information, and we have no privacy commission.

This simply sets up a commission to advise us on where we are going in this field. It is very interesting that the European Community apparently is going to make an advisory to corporations in Europe that they should be careful in providing computer information to the United States because we have no privacy commission and there is no certainty that information can be protected.

The group of people who have endorsed this include the American Association of Retired Persons, the Consumer Federation of America, National Consumers League, Public Citizen, Consumer Research Institute, the American Civil Liberties Union, and the American Library Association.

Very shortly, Madam President, you and I hope we are going to be moving to health care reform. That is going to add a great many more privacy questions in this country.

I think it is essential that we have some protection.

I would add, this is not just PAUL SIMON'S idea. I have a statement of November 18 of last year from Sally Katzen, the Administrator of the Office of Information and Regulatory Affairs at OMB. Let me just read a couple of statements.

As she says:

> Senator Simon's bill responds to an issue of critical importance, protecting the privacy of individuals in an electronic age. The need to protect individual privacy has become increasingly important as we move forward on two major initiatives: Health care reform and national information infrastructure. The success of these initiatives will depend in large part on the extent to which Americans trust the underlying information systems. Recognizing this concern, the National Performance Review has called for a commission to perform a function similar to that envisioned in Senator Simon's proposal.

Mr. BRYAN. Will the distinguished Senator from Illinois yield for a moment?

Mr. SIMON. I would be pleased to yield to the Senator from Nevada.

Mr. BRYAN. I appreciate the Senator's indulgence.

The Senator's effort which he undertook in good faith I believe we are ready to consummate on both sides of the aisle, to agree to a 20-minute debate, 10 minutes equally divided, with no second-degree amendment to follow, and that after the 20 minutes a vote on or with respect to the amendment could occur immediately.

Mr. SIMON. That would put the vote at about 12:10.

Mr. BRYAN. It would do that.

Mr. SIMON. I certainly have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BOND. No objection.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered. The Senator from Illinois.

Mr. BRYAN. I thank the Chair and I thank the Senator from Illinois.

Mr. SIMON. Basically, that is it, Madam President. It is not a complicated issue. We simply have to provide some privacy protection for people. We are not doing that adequately. We are behind other nations, even though we are ahead in the field, in the use of electronics and computers and that sort of thing. I think this makes sense. I hope my colleagues will agree. I recognize the jurisdictional problem we face in this, but I would ask for the yeas and nays, Madam President, at 12:10.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered at 12:10.

Mr. SIMON. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

It is always very difficult for me to resist an amendment offered by my able friend and colleague for whom I had such great respect before I came to the Chamber and even an enhanced respect for him having had the privilege of serving with him and even traveling a bit with him and having a chance to get to know him.

President. The Senator from Utah says this measure hides behind the rhetoric surrounding the word "violence." And he basically says that S. 636 is not really about violence. He says it is—and I am paraphrasing—really about silencing people who are antichoice.

Mr. President, I want to say quite unequivocally that I disagree with those characterizations. As a matter of fact, many of my colleagues who disagree with my pro-choice views, support this legislation. All of us believe in America, we believe in democracy, and we believe in free expression. But what this bill is very clearly about is the fact that we cannot tolerate violence.

According to the National Abortion Federation since 1977 there have been 3,000 incidents of bombings, arson, vandalism and harassment against reproductive health care clinics, against the health professionals who work there and, Mr. President, against those who go to the clinics.

I want to point out that many women who go to these clinics are using them as their first line of health care.

Mr. President, I have met women who have been harassed at these clinics, who were going there for physical exams, not for abortions, and they were terrorized and had to turn around and go home. That is wrong.

Since January of this year alone, the National Abortion Federation reports one attempted bombing, two clinic invasions causing property damage and the disruption of services to women, 24 acts of vandalism, three incidents of assault, 12 death threats, 182 cases of hate mail and harassing phone calls, and four incidents of stalking, which the Federation defines as "the persistent following, threatening, and harassing of an abortion provider, staff member, family member or patient away from the clinic."

Mr. President, this is not rhetoric. This is fact. This is real.

I myself went to a health care clinic in San Diego. The staff was very frightened. Acid had been sprayed through the locks of the front door, and the staff was frightened. They were injured and they had to leave. This is not about rhetoric. This is about fact.

We cannot forget the tragic death of Dr. David Gunn, who was brutally shot by an antiabortion protester, or the attempted murder of Dr. George Tiller.

I say to my friend from Utah, if you think this is rhetoric, you ought to meet with the son of Dr. David Gunn, as I did. He lost his father. His father was practicing medicine within the law.

And what is even worse, Mr. President, some radical opponents of choice—and these are few—called these murderous acts "justifiable homicide." I think that those extreme views shock us all. If it had come from the other side of the debate, it would shock us as much. We are reacting to violence, not to words, and we are doing the right thing in this bill.

We all support the right of people to express their views on the most controversial of issues—and certainly this is one that touches us deeply—but we cannot tolerate violence.

The conference report before us this morning is very carefully crafted to protect women and health care providers in clinics from violent attacks and blockades, whose purpose is to intentionally interfere with a woman's right to choose. And it is evenhanded—despite what we have heard—by applying the same standard to violence which may be directed at facilities providing alternatives to abortion.

Let me repeat that. This bill is evenhanded. The message will go out today to all Americans that Senators on both sides of this issue are saying to all sides of this issue, "No violence. We protect your right to express yourselves peacefully, but not violently."

Mr. President, we must pass this conference report today and stop the escalating violence at health care clinics. The health of American women hangs in the balance.

Our doctor's offices have been transformed from safe havens to war zones. One survey found that 90 percent of our abortion providers have been victims of antiabortion harassment or violence.

When doctors and nurses at health clinics receive threatening phone calls or hate mail, when they or their family members are stalked or picketed at home, or when doctor's faces appear on wanted posters they become frightened and intimidated. Fear of attack has forced some doctors to take extraordinary safety measures, such as hiring security guards, purchasing bullet proof vests or installing bullet proof glass. Others decide to leave the clinic or the area. Some even give up the practice of medicine.

The fact is that the vast majority of the medical facilities which have been targeted provide a range of vital health care services to women, including contraceptive services and counseling, prenatal care, pap smears, and other preventive health services.

When health care clinics are burned down, or bombed or sprayed with butyric acid—a foul smelling chemical which can cause burns and nausea—women are prevented from getting the health care services that they need. It can take days for clinics to re-open after an acid attack. In some cases, where the clinic has sustained extensive damage or been completely destroyed, the clinic is closed.

If doctors are driven away from providing the full range of reproductive health services to women, including abortion, and health care clinics are closed, a woman's constitutional right to have an abortion if she so chooses will become meaningless and we will go back to the days of unsafe, back alley abortions. That would be the greatest danger of all to women's health.

Mr. President, I commend the chairman of the Senate Labor and Human Resources Committee for his commitment and leadership on this bill. It protects American women and their doctors from violence and harassment, and in no way interferes with or penalizes the legitimate first amendment rights of anti-abortion demonstrators. I hope my colleagues will once again set aside whatever strong personal views they have on the issue of abortion, and vote to end the violence and the fear.

I yield back my time to the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I yield now 3 minutes to the Senator from Vermont, speaking as a proponent.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. JEFFORDS] is recognized for 3 minutes.

Mr. JEFFORDS. Mr. President, I rise in support of the free access to clinic entrances conference report, which I had the privilege of signing. When we passed this bill, we had a very strong bipartisan vote against the escalating violence which has come to surround some of our health clinics. I understand there are some differences. I have reviewed those differences, and I still am in favor of the conference report and the bill as it appears before us. I hope that we will reaffirm that commitment against violence today.

Like the majority of Americans, I am pro-choice. Thus, I oppose unreasonable restrictions on the exercise of reproductive choice.

Clinics in my home State of Vermont have been invaded, blockaded and shut down for hours at a time by protesters. In one instance, patients who had been able, with the attending physician, to enter the health clinic through a window, were blocked in and unable to exit until nightfall. In the words of one of my constituents, these incidents are "terrifying, threatening, very scary."

I support the provisions of this bill to try to restore safety to our doctors and their patients. Doctors should not live in fear, with bulletproof vests and unlisted telephone numbers. Patients should be able to visit the health clinic of their choice without fear of threats, violence or intimidation.

It is my hope that the free access to clinic entrances bill will help stem the tide of violence which has been sweeping across the Nation. One fatal shooting is far too many. Let us not allow the violence and intimidation to escalate to that point again.

Please join me in voting for the conference report of the free access to clinic entrances bill.

Mr. President, I yield back the remainder of my time and yield the floor.

Mrs. KASSEBAUM. Mr. President, I yield 3 minutes to the Senator from California to speak as a proponent of the conference report.

The PRESIDENT pro tempore. The Senator from California [Mrs. FEINSTEIN] is recognized for 3 minutes.

Mrs. FEINSTEIN. Thank you very much, Mr. President, and I thank Senator KASSEBAUM.

Mr. President, I rise in support of the freedom of access to clinic entrances bill and this particular conference report, as submitted by Senator KENNEDY and the Labor and Human Resources Committee.

I strongly hope that every Member of this body would vote for this bill. It is a bill whose time has come and whose need has clearly been substantiated.

In the last few years, and especially this past year, there has been a disturbing trend of increasing violence at family planning clinics across the country—threatening letters sent to doctors, patients blocked from safe access to clinics, clinics invaded or sprayed with toxic chemicals, clinics even burned to the ground and doctors shot and killed. This cannot continue.

These are no longer peaceful protests. These are examples of vigilante extremism that mirror the spread of hate crimes and random violence in our society.

This past year alone, there have been more than 1,400 acts of violence against abortion providers and patients. Cases of arson and vandalism directed at clinics have more than tripled over the last 3 years.

Another report found that in 1993 more than 53 percent of the clinics surveyed have experienced some form of violence—death threats, stalking, arson, bomb threats or blockades.

The economic impact of clinic violence is enormous. Just through September of last year, there was over $3.7 million worth of damage to clinics across this country.

What this does to women who have an absolute and legal right to family planning services cannot be underestimated.

I personally have gone to these clinics. I have seen what happens. Having worked in the public sector for over 20 years now, I know the difference between a peaceful picket and one that is not. These are not peaceful pickets.

These are efforts that are aimed at making a woman feel so terrible by the time she runs the gauntlet that she is beside herself with anxiety over a decision that is difficult enough to make without having swirling violence around her as she walks into a clinic.

I must point out to you, Mr. President, as you well know, that this conference report is actually a more conservative version than the House bill. The conference report largely resembles the more carefully drawn Senate bill that originally passed this body. The report distinguishes between nonviolent physical obstruction and violent acts.

Again, I urge my colleagues to adopt the conference report to the Freedom of Access to Clinic Entrances Act in order to protect those who work at clinics throughout the country and those who choose to use these constitutionally protected services.

Thank you, Mr. President.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. Does the Senator request that the time be charged against both sides? The Senator has only 8 minutes and 17 seconds on her side.

Mrs. KASSEBAUM. Eight minutes, Mr. President? There are some other speakers who asked to speak who are not on the floor yet.

I suggest, for the moment, the absence of a quorum, the time of which would be allocated against both sides.

The PRESIDENT pro tempore. Against both sides. Without objection, it is so ordered.

The absence of a quorum has been suggested and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we are very appreciative of our colleagues for addressing this issue over the period of the last hour and a half. We had addressed most of the concerns that had been expressed, both during the debate on the legislation and also on the conference report. We feel we have addressed those issues and have made the case in terms of the support for this legislation.

I will yield myself the remaining time.

The PRESIDENT pro tempore. The Senator is recognized for the remaining time.

Mr. KENNEDY. I will include at this point in the RECORD the statistics from November 17—which was the date of Senate passage —up to May 4. The National Abortion Federation has reported for that period: some 19 blockades, 5 invasions into the various clinics, 24 incidents of vandalism, 5 bomb threats, 12 death threats, 4 assault and batteries, an attempted arson and bombing, and also a case of arson. I will also include the newspaper article that as recently as the last 3 or 4 days there have been instances again where there has been an invasion of a clinic, this time in Bloomington, IN. The problem remains. The legislation is necessary. I am grateful to all those who have been a part of this effort to date and I look forward to a strong bipartisan vote on this issue.

I ask unanimous consent to have the material printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bloomington, IN Herald-Times, May 11, 1994]

PROTESTORS STORM CLINIC—ACTIVIST CHAIN SELVES TOGETHER: 11 ARRESTED

(By Steven Higgs)

Eleven anti-abortion protesters were arrested Monday morning after they stormed the Bloomington Planned Parenthood clinic and shackled themselves together with bicycle locks and homemade ankle locks.

All remain in the Monroe County Jail this morning after identifying themselves only as John Doe or Baby Doe. The eight men and three women face preliminary misdemeanor charges of criminal trespass and resisting law enforcement.

A jail spokeswoman said the protesters cannot be released until they are identified. They could be prosecuted as John Does.

Included in the group was Joshua Miller and Michael Suhy, both from the Madison, Wis., group Collegians Activated to Liberate Life, and Donovan Harshbarger from the Bloomington Alliance for Life.

Another woman, Tonya Agnew, 23, Greenville, Mich., was arrested for shoving a Planned Parenthood volunteer in the clinic's parking lot while trying to give anti-abortion literature to women being escorted into the clinic for abortions. She faces preliminary charges of criminal recklessness and resisting law enforcement.

Agnew will be transported to Lake County, where she is on probation for an anti-abortion protest last year.

The protesters brought clinic activities to a halt for a little more than 2½ hours while police, firefighters and locksmiths cut them free.

And spokeswoman Bob Rust from Greensburg claimed the protest was a success because at least one woman scheduled to have abortions Monday did not.

"That's one baby that was saved," he said.

Planned Parenthood executive director Sandy Andersen acknowledged that not all of the women who were scheduled showed up. But she said the occupation served to only delay abortion services for a brief time.

"As long as one person remains who wants an abortion, we're staying open," she said. "It's business as usual for us."

The occupation began at about 8:20 a.m. when a young woman carrying a specimen bottle entered the clinic, said Kate Braun, one of two Planned Parenthood workers in the clinic at the time.

When Braun asked if the woman had an appointment, she demanded to know where the restroom was. The woman then ran down the hallway toward the back door.

Braun shouted at fellow worker Andrea Byers to chase the woman.

Byers followed her down the short hallway, where the woman threw open the back door. Ten other protesters then poured out of a white van and rushed the clinic.

"All these people bombarded the clinic," Braun said.

"It was the scariest moment of my life," said Byers, a 24-year-old Indiana University nursing student. "I thought they were going to kill me."

Monday was Byers' first day back on the job at Planned Parenthood. She had taken the last semester off to devote to her studies.

Byers then blocked a door to keep the protestors from making their way into the rest of the clinic. But the protesters weren't interested in getting any deeper into the clinic. They were chaining themselves together in the short hallway.

They secured each other together around the necks with steel bicycle locks. They shackled their ankles together with home-manufactured ankle locks.

Then they prayed and sang hymns.

At 9:05, Bloomington police gave the protesters one minute to leave or face arrest. When asked if any would leave on their own accord, all remained passive. One slowly shook his head no.

At 9:07 they were placed under arrest and the long process of freeing the protesters began.

Police and Bloomington firefighters chipped and pounded and scraped on the locks, to no avail. Locksmiths were called in.

All the while, the protesters prayed and sang quietly. Planned Parenthood workers exchanged disbelieving glances when the protesters recited the Lord's Prayer and came to the words, "forgive us our trespasses as we forgive those who trespass against us."

When Andersen asked rhetorically how much the protest was costing the city, a protester wearing an Indianapolis Colts cap and a T-shirt that read "Lord's Gym" and pictured Jesus carrying the cross responded, "How many lives is it costing to run this clinic, ma'am?"

Outside the clinic, the crowds of both anti-abortion protesters and Planned Parenthood volunteer escorts grew.

About 50 protesters, carrying signs and singing hymns, lined the clinic's perimeter. At one point, about 25 gathered around a police car parked in front of the Planned Parenthood administrative office building and sang to those inside.

The patients who had come for abortions Monday morning had been escorted into the office building.

Using heavy-duty drills and hammers and punches, the locksmiths broke the first ankle lock at 10:15.

Ten minutes later, the first protester, her body limp, was carried by four police officers out of the clinic on a blaze orange plastic carrier. As she was loaded into a waiting police van, protesters shouted, "Love you guys," and other words of support.

Local singer/protester Candy Pinkston-Gardner led the protesters in gospel songs and hymns.

Inside, occasional shouts of pain from protesters were heard while police and locksmiths continued cutting through the shackles.

Finally, at 11 a.m., the last protester was carried out. Protesters cheered their own. Planned Parenthood supporters cheered the police.

Locksmith Keith Brough said the shackles posed problems.

"Whoever built them knew what they were doing," he said. "All of them were different."

Andersen had said earlier that the protest would only slow things down. Both the doctor and Monday's patients were waiting until the protest ended.

"We'll still do things," she said. "We'll just be doing it a little bit later."

Once the protesters were out of the clinic, Andersen said it would be business as usual.

But the drama wasn't over. The patients had to be escorted across the parking lot to the clinic. And the protesters were determined to make their views known to them.

Both sides literally formed huddles on opposite sides of the Planned Parenthood parking lot to develop strategies.

A group of escorts gathered in front of the office door and then walked toward the clinic. Protesters carrying signs and photos and literature charged toward them, shouting at the women inside the phalanx of escorts.

But another smaller group, with the actual patients wrapped tightly in white towels around their heads and upper bodies to muffle the noise, moved across the back of the lot to the clinic.

A handful of protesters rushed that group, with Agnew allegedly shoving escort Wendy Bethel.

"She shoved me very forcefully trying to get by," Bethel said. "She fell and got up and shoved me again."

Valerie McCarty, from the IU Students for Life, and Rust said the occupation and protest were not organized by any single group.

"Some pro-life Christians decided to take risks with their bodies," Rust said. "They were all acting as individuals."

Protester Isidora de Place said protesters had come from as far as Missouri to participate in Monday's action.

"We were told that today could be a life-saving day," she said.

Rust wouldn't say anything definitive when asked if Monday's activities were the beginning or the end of anti-abortion activities in Bloomington.

"We'll just see what God has in mind," he said. "Personally, I'd like to see more rescues."

Mr. LAUTENBERG. Mr. President, I rise in support of the conference report to the Freedom of Access to Clinic Entrances Act [FACE]. As an original cosponsor of this legislation, I have long supported efforts to stop violence and harassment at our Nation's reproductive health clinics.

Mr. President, the Supreme Court has upheld a woman's constitutional right to choose in numerous court cases beginning with Roe versus Wade. Despite these legal assurances, the right to choose has been greatly eroded recently.

States have enacted waiting periods, so-called informed consent laws, and other impediments to reproductive health services that do not apply to people seeking other health services. On top of all of this, clinic violence, harassment and obstruction have increased dramatically. This was dramatized by the cold-blooded murder of Dr. David Gunn earlier last year outside of a Pensacola, FL health clinic. His murder took place after years of harassment and posting of wanted signs with his picture on it. But this was no isolated incident.

Since 1977, opponents of choice are responsible for more than 1,000 acts of violence against abortion providers, including bombings, arson, death threats, kidnappings, assaults, shootings, and clinic invasions.

Also during this time period, antichoice protesters have committed over 5,000 acts of disruption, including clinic blockades, bomb threats, hate mail, harassing phone calls, and demonstrations.

Mr. President, this legislation will make it a Federal crime to prohibit someone from obtaining abortion services or assisting someone who desires these services by force, threat of force or physical obstruction.

This legislation does not make it illegal for people to protest civilly. It does not restrict freedom of speech. It simply prevents violence, obstruction, and harassment of women and health care professionals.

Mr. President, the women of this country must have a real right to choose, not an abstract one. If we allow violence, vandalism and harassment to continue at reproductive health clinics, women will not be able to exercise this constitutional right.

I urge my colleagues to support this legislation and look forward to President Clinton signing this legislation into law.

Mr. CAMPBELL. Mr. President, I rise today in support of the conference report for S. 636, the Free Access to Clinic Entrances Act of 1993 [FACE]. I was an original cosponsor of this legislation and am gratified that final passage is imminent.

The bill will protect women, health care providers and clinics from violent attacks and blockades intended to interfere with a woman's right to seek clinic assistance. It has been carefully crafted so as not to interfere with the first amendment protection of freedom of speech. The FACE bill addresses attempted murder and murder, bombings, arson, vandalism and other violent acts. Nobody can convince me that any of these acts is a justifiable form of freedom of expression. There is no justification for physically injuring people or their property over a differing view on a controversial issue.

We are facing so many challenges in our society, enforcing our laws and punishing criminals for illegal behavior is one of the most important. It amazes me that any of my colleagues could be opposed to this bill. The issue is about enforcing laws against violent perpetrators. The fact that this bill is aimed towards antiabortion activists is important. Many of these people have gotten away with their violent actions because local law enforcement shares their views and is unwilling to protect women who are exercising their constitutionally protected right to choose. This is wrong and should not be tolerated. That is why this bill is necessary. We must establish a nationwide standard because this is an interstate problem. Groups plan out attacks in one State and then cross the border into the next State to carry out the attacks, leaving local law enforcement unable to pursue the suspects. We must approach this issue as it should be, a deterrent to violent behavior.

It is time to stop the violence against women, their health care providers and clinic workers. The issue is one of freedom, freedom to go to your doctor, freedom to choose to terminate your pregnancy, freedom to make a private decision and not be physically prevented from exercising your right to choose. I applaud the House for swift and bipartisan passage of this bill, and I look forward to Senate passage and the President's signature on this very important piece of legislation.

Mr. DOLE. Mr. President, 3 years ago, the city of Wichita was the site of one of the largest abortion clinic protests ever. The protest tore the city apart, disrupting lives, interfering with businesses, and transforming much of Wichita into a media circus of protestors, police, and camera crews.

Last year, I voted for the Senate version of the clinic access bill because of the Wichita experience. While I have consistently voted in support of the pro-life position, I also share the concerns of most Americans who do not condone violence either, regardless of the activities or persons at which the violence is directed.

At the same time, it is critical to distinguish between violent activities, which deserve serious punishment, and those activities that are truly nonviolent. Our country has a rich tradition of peaceful civil disobedience, and this is one tradition that should be preserved.

During last year's floor debate, I was able to prevail upon my colleague from Massachusetts, Senator KENNEDY, to reduce by 90 percent the maximum penalties for nonviolent protests.

I have subsequently tried to persuade my colleagues to reduce these penalties even further, since the bill, as passed by the Senate, continues to treat peaceful civil disobedience as a felony subject to steep civil and criminal fines.

Earlier this year, I wrote to Senator KENNEDY, suggesting that the conference report reduce the maximum fine for acts constituting nonviolent physical obstruction from $10,000 to $1,000, and the maximum term of imprisonment from 6 months to 2 months. I also suggested that, for each subsequent violation, the maximum fine should be reduced from $25,000 to $2,500, and the maximum term of imprisonment reduced form 18 months to 6 months.

Despite my efforts, these recommendations were unfortunately rejected. Since there has been no improvement—since the penalties for nonviolent protests remain identical to the stiff penalties included in the bill passed by the Senate last year—I intend to vote against the conference report.

The bottom line is the conference report continues to treat nonviolent protest in an excessively punitive manner.

No doubt about it, violence serves only to promote more violence, more mutual distrust, more anger, and less understanding. As America heads into the 21st century, our only hope for ultimately resolving the abortion issue lies in the power of persuasion—peaceful, nonviolent persuasion. This debate, no matter what its outcome, should serve to remind us of this truth.

Mr. President, I ask unanimous consent that my correspondence with Senator KENNEDY be inserted in the RECORD immediately after my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 26, 1994.
Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR TED: We are writing to express our concerns about S. 636, the Freedom of Access to Clinic Entrances Act.

We continue to believe that S. 636, as currently drafted, imposes unduly severe penalties on activities involving peaceful civil disobedience. Although we have no quarrel with the penalties proposed in the bill for those who engage in activities involving force or the threat of force, it is inappropriate to treat peaceful civil disobedience as a felony subject to the prison terms and steep civil and criminal penalties proposed in the bill.

To alleviate these concerns, we would suggest that the conference report on S. 636 reduce the maximum fine for acts constituting "non-violent physical obstruction" from $10,000 to $1,000, and the maximum term of imprisonment from 6 months to 2 months. For each subsequent violation, the maximum fine should be reduced from $25,000 to $2,500, and the maximum term of imprisonment reduced from 18 months to 6 months.

With respect to non-violent activities, we would also suggest that the civil penalties available to the Attorney General of the United States and the State Attorneys General be reduced from $10,000 to $5,000 for first-time violations and from $15,000 to $10,000 for each subsequent violation.

It is our hope that you will be able to make these changes in conference, so that we and others who share the same concerns can support the conference report.

Ted, thank you for your consideration of this request.

Sincerely,
BOB DOLE,
MITCH MCCONNELL.

U.S. SENATE,
Washington, DC, November 17, 1993.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR TED: We are writing to express two sets of concerns with respect to S. 636, the Freedom of Access to Clinic Entrances Act, which the Senate passed yesterday.

First, while we appreciate your recognition of the principle that acts of peaceful civil disobedience should be punished differently from acts of violence, we are very concerned that the penalties under S. 636 for peaceful civil disobedience remain grossly disproportionate to the acts they are designed to punish. Your willingness to reduce the criminal penalties to $10,000 for first-time violations and $25,000 for subsequent violations is a step in the right direction. Nevertheless, we continue to believe that it is inappropriate for the federal government to treat peaceful civil disobedience as a felony subject to the prison terms and steep civil and criminal penalties proposed in the bill.

Second, we strongly urge that any conference report on S. 636 contain the religious liberty amendment that was offered by Senator HATCH and passed by voice vote. We understand that a roll call vote was dispensed with based upon your representation that you would insist that the conference report contain this religious liberty provision. We would like to restate our interest in ensuring that the provision remains part of any conference report.

Final passage of the conference report would be expedited if these two matters are adequately addressed. If these matters are not adequately addressed, it would be difficult for us and others to support final passage of the conference report.

Ted, thank you for your consideration of this request.

Sincerely,
BOB DOLE,
WILLIAM V. ROTH, Jr.,
CHRISTOPHER S. BOND,
MITCH MCCONNELL.

Mr. KENNEDY. Mr. President, there being no one here to address this issue, and the time having come that has been allocated to us, I yield the remainder of the time and suggest the absence of a quorum.

The PRESIDENT pro tempore. The opposition has 5 minutes and 50 seconds remaining. The opposition would have to yield back the time also.

Mr. KENNEDY. I ask consent all the remaining time, both of the proponents and opposition, be yielded back.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. EXON. On or about the noon hour today we are going to be voting on the Bosnia resolution. I would like to say a few words on what I think is the proper course of action in this regard. I had made a previous statement on the floor on this a week or so ago. I will try not to be repetitious.

The PRESIDENT pro tempore. Would the Senator allow the Chair? Does the Senator wish to speak as in morning business?

Mr. EXON. I ask unanimous consent I might proceed as in morning business for not to exceed 5 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for not to exceed 5 minutes.

THE BOSNIA RESOLUTION

Mr. EXON. Mr. President, I have spoken before on the subject of the Bosnia resolution we are going to be voting on, as I understand it, about noon today. I will try not to be repetitious.

I think this is a very important vote that I hope the Members of the Senate will reflect on very carefully, because we may be setting a precedent, if the vote goes the way I think it should not go, to find the Senate trying to dictate on foreign policy. I have always thought the U.S. Senate and the Congress as a whole have grave responsibilities in the area of international relations, obviously, but it seems to me on this particular occasion we are bordering on taking a step beyond what I think would be due bounds and due consideration, given the situation that we face today. I therefore hope the Senate will be wise enough to support the amendment that will be offered by the majority leader. That amendment, as I understand it, exactly represents what this Senator's point of view has always been.

As a member of the Armed Services Committee, we are very much involved in all of these things. I believe there is plenty of room for discussion and argument, a venting of frustrations on a situation that I think has been very troubling and very much a concern of most of us in the Senate as a whole.

I would simply like to point out, Mr. President, I agree basically with the Mitchell amendment, which basically says what I have always felt: That I wish we could lift the embargo that I think has not been fair to the side we have generally supported in the Bosnian war. And yet we should recognize and realize, Mr. President, that the realities of the situation are that we are not in Bosnia with ground troops; we are part of a United Nations effort. Therefore, for us to take the unilateral action that is suggested by the amendment being offered in opposition to the majority leader's amendment is a step in the wrong direction.

We need only to look at the testimony that we are hearing right now in the Armed Services Committee with regard to the situation which caused a great deal of hardship and heartache in Somalia. Here, again, we were involved as part of a United Nations effort.

The distinguished President pro tempore of the Senate, who is sitting in the chair, and I have talked previously about how far we should be going, whether or not the United Nations should always be "automatically"—I put that in quotes for obvious reasons—the police force of the United Nations. I think not. But once we have made a decision, as we did in Somalia, once we have made a decision, as we have in the difficult situation in Bosnia, then I do not believe, in the middle of that kind of an action, we can simply say, "Oh, well, we're not going to do it that way; we're going to do a unilateral action."

The amendment offered as an alternative to the Mitchell amendment is a very mischievous one that could set, I fear, a great deal of bad precedent in the future. Simply stated, the President of the United States and his administration must set foreign policy.

I wish we could lift the embargo, but I think we can only do that as one member, an important member, of the United Nations. Therefore, it seems to me if we take the action that is suggested by some, if we take unilateral action for the lifting of the embargo, we would set ourselves apart from the United Nations and, therefore, weaken the effort that the United Nations has been putting forth in Somalia, in Bosnia, and elsewhere.

So I simply hope that we will have the wisdom, Mr. President, to recognize that discretion being the better part of valor in this particular situation, in the opinion of this Senator, would be simply to support the amendment offered by the majority leader.

I thank the Chair and I yield the floor.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2042, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2042) to remove the United States arms embargo of the Government of Bosnia and Herzegovina.

The Senate resumed consideration of the bill.

Pending:

(1) Dole amendment No. 1695, to provide for the termination of the U.S. arms embargo of the Government of Bosnia and Herzegovina.

(2) Mitchell amendment No. 1696, to approve and authorize the use of United States airpower to implement the North Atlantic Treaty Organization [NATO] exclusion zones around the U.N. designated safe areas in Bosnia and Herzegovina, to protect UNPROFOR forces, and to seek the removal of the arms embargo of the Government of Bosnia and Herzegovina.

Mr. MITCHELL addressed the Chair.

The PRESIDENT pro tempore. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for debate on the two Bosnia amendments be controlled as follows: That Senator MITCHELL control the last 5 minutes of his time before the vote; Senator DOLE the last 5 minutes of his time just prior to Senator MITCHELL; and that Senator NUNN control 7 minutes of Senator MITCHELL's time just prior to Senator DOLE's time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There will now be 1 hour for debate on amendments No. 1695 and No. 1696, offered by the Senator from Kansas [Mr. DOLE] and the Senator from Maine [Mr. MITCHELL], respectively.

Mr. MITCHELL. I yield 3 minutes to the distinguished Senator from Kansas.

The PRESIDENT pro tempore. The Senator from Kansas [Mrs. KASSEBAUM] is recognized for 3 minutes.

Mrs. KASSEBAUM. Mr. President, today I rise in opposition to both amendments that have been offered by the distinguished leadership of the U.S. Senate, both Senator DOLE and Senator MITCHELL. I do so reluctantly because I support elements of both amendments, but as the Congress speaks on this important and difficult issue, we must do so with great care and deliberation.

I first want to express my deep dissatisfaction with the administration's Bosnia policy. For the past 2 years, America and its NATO allies have dithered on the doorstep of Bosnia. We have been unwilling to force our way in and unable to walk away. Instead, we have sent in food for the hostages, muttered angry threats, and lobbed an occasional bomb at Serb tanks.

Mr. President, despite my serious concerns about the status quo, I do not believe that either the Dole or Mitchell resolutions offer an improved course of action. Both amendments urge a policy which is unwise at best—and dangerous at worst.

The Dole amendment mandates that the United States immediately and unilaterally left the arms embargo. While I strongly support lifting the embargo multilaterally, unilateral action is, I believe, a serious mistake. A number of other Senators, particularly my colleague from Virginia, Senator WARNER, have set forth some compelling arguments against the Dole amendment. I would like to take just a moment to detail my worst fears about lifting the embargo unilaterally.

First, I strongly believe that unilateral action on the embargo would set a very dangerous precedent. The United States—which has a veto in the Security Council—voted in favor of the embargo against what was then Yugoslavia. The Council subsequently reaffirmed the arms embargo.

The supporters of the Dole amendment argue that the right to self-defense under article 51 of the U.N. Charter takes precedence over a Security Council resolution. Others, including the State Department, take a contrary view. Whatever the legalities of this issue, I am concerned about the practical consequences of unilaterally lifting the embargo.

I have little doubt that the U.S. abrogation of a U.N. Security Council resolution would undermine other U.N. embargoes around the world. The most obvious example is Iraq, where a number of U.N. members support lifting the embargo. But in that case, the United States has argued forcefully, and correctly, that the U.N. embargo must stay in place.

A strong and muscular United Nations Security Council regime clearly serves United States interests—from Iraq to North Korea to Serbia. If we take unilateral action, I fear that we will regret that decision for years to come.

Second, unilaterally lifting the arms embargo would lead to a serious rift with our NATO allies. I recently met with a number of parliamentarians from Great Britain who raised a number of concerns about United States action. They believe, for example, that lifting the embargo would undermine the prospects for a political settlement.

Many of our NATO allies have troops on the ground as part of the United Nations peacekeeping force. To take unilateral action—in direct opposition to the wishes of our allies who have troops on the ground—is terribly irresponsible. It could, for example, endanger the lives of their forces.

With the end of the cold war, NATO is undergoing a fundamental reevaluation of its role in this new era. Questions such as how to deal with the nations of Eastern Europe have already strained the alliance. At this delicate moment, unilateral United States action would damage the cohesion and strength of the NATO alliance.

I make no apologies for the Europeans on the Bosnia question. Their leadership has been abysmal. But I continue to believe that we must work in concert with our allies. I agree with Senator DOLE that we must lead—but responsible leadership, not thoughtless, hasty and counterproductive unilateral action.

Finally, lifting the embargo unilaterally means that we take on the responsibility for arming and supporting the Bosnian Government. To think otherwise is naive.

This leads to a whole series of practical questions: How will the Bosnians get the arms? What type of arms will we send? If we are serious, do we need to send trainers? These are just a few of the many complicated questions that have not been answered. Before we head down this course of lifting the embargo alone, we must understand the full consequences.

The Mitchell amendment takes a much more responsible approach to the arms embargo issue—calling for the President to seek the multilateral lifting of the embargo at the United Nations. But, that is not all: The Mitchell amendment explicitly endorses air strikes in Bosnia.

It embraces the status quo policy—muddling along, issuing threats, launching occasional air strikes, and hoping somehow that the Serbs will tire of their handiwork and come to the negotiating table.

I, for one, believe this is a dangerous course. It allows us to be drawn deeper into commitments we have not made to a goal we have not set. In foreign policy, hoping for the best often guarantees the worst.

Mr. President, we are all searching for a more effective and just Bosnia policy. I share the frustrations of those supporting the Dole amendment who want to help even the playing field. I also sympathize with the cosponsors of the Mitchell amendment who believe that air strikes will help protect the United Nations safe havens, where thousands of civilians are trapped.

But we must judge the advantages and disadvantages of each proposal. I do not believe that either amendment offers an effective and wise policy at this stage, and I will oppose both.

Mr. President, I suggest it is a very serious consideration and one of the reasons I will strongly oppose the amendment by Senator DOLE.

Mr. MITCHELL. Mr. President, I yield 5 minutes to the Senator from Rhode Island, the distinguished chairman of the Foreign Relations Committee.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL] is recognized for 5 minutes.

Mr. PELL. Mr. President, earlier this week I spoke in depth about my opposition to the Dole-Lieberman legislation that would direct the President to lift the arms embargo unilaterally. As I said, lifting the arms embargo may seem like an easy, cost-free solution. Lifting the arms embargo may make us feel better, but I believe it is bad policy that could yield disastrous results.

I would like to review briefly some of the reasons I believe it would be costly to lift the embargo unilaterally. The United States would be abrogating a U.N. Security Council resolution, setting a dangerous precedent which others could follow in breaking international embargoes such as those on Iraq and Libya. We would undermine our credibility as a trustworthy and responsible international partner and damage our relations in NATO, with Russia, and with other countries with troops on the ground in Bosnia. If we go it alone in lifting the arms embargo, we would take on a greater responsibility for the outcome of war. We could start down the slippery slope of greater U.S. engagement in the crisis. Lifting the arms embargo could have a terrible impact on the Bosnian people—leaving them vulnerable to further Siberian obstruction of humanitarian assistance and to brutal attack. Finally, lifting the arms embargo could upset the delicate peace process now underway.

There is a groundswell of support for taking some congressional action on Bosnia, but I do not believe that legislation mandating a lifting on the arms embargo, the Dole-Lieberman approach, need be the only outlet for congressional action. Accordingly, the majority leader has put forth legislation, of which I am a cosponsor, as an alternative to the Dole-Lieberman legislation.

Senator MITCHELL's amendment instructs the President to seek NATO and U.N. agreement to lift the arms embargo. I, for one, am not completely comfortable with the United States seizing the lead in lifting the embargo multilaterally. However, I am steadfast in my opposition to a unilateral lifting of the embargo, and accordingly, I view the majority leader's amendment as a helpful alternative to the Dole-Lieberman legislation.

I agreed to cosponsor this legislation for these main reasons: it offers an alternative to the Dole-Lieberman legislation; it endorses a multilateral approach to ending the conflict in Bosnia; and it signals that Congress intends and expects to be involved in authorizing further United States military activity in Bosnia. I would urge my colleagues to join me in voting for this legislation.

Mr. MITCHELL. Mr. President, I yield 10 minutes to the Senator from Delaware.

The PRESIDENT pro tempore. The Senator from Delaware [Mr. BIDEN] is recognized for 10 minutes.

Mr. BIDEN. Mr. President, it has been over 2 years, since the spring of 1992, during which the outside world has stood largely idle as the Republic of Bosnia—a nation of Europe recognized by the United Nations—has been attacked, raped, and dismembered by forces under the control and direction of a neighboring government.

Decades from now, historians will reflect on the Bosnian tragedy and wonder what compelled Western leaders to stand inert in the face of a challenge that so clearly threatened Western interests and Western values.

Equally mysterious will be the language utilized to obfuscate Western inaction:

We are told that the Bosnian crisis is a "difficult diplomatic problem"—as if any foreign policy challenge were simple.

We are told that we are doing all we can "consistent with our national interest"—an articulation meant to imply that some larger strategic rationale requires us to be morally comatose.

We are told that the genocide in Bosnia is a civil war, when it was obvious to all that the government in Belgrade was culpable in instigating the conflict.

We have heard the Bosnian Government labeled "the Moslems"—a choice of words designed to conjure up the frightful image of an Islamic tide sweeping across Europe—when it was well understood that the Sarajevo government was multiethnic in character.

We have designated safe areas, which have, until recently, been safe only for Serb gunners.

We have deployed a United Nations protection force that, although equipped with ample supplies of courage, has barely been empowered to protect itself.

We have delivered ultimatums that, when implemented by U.N. bureaucrats, became not firm dictates, but negotiable instruments of diplomacy.

We have purported to be neutral, while imposing an economic embargo against the aggressor and an arms embargo against the victim.

And to demonstrate their evenhandedness—some U.N. commanders and

European diplomats have gone so far as to accuse Bosnian forces of perpetuating the fighting—a perverse form of moral relativism that equates Bosnian efforts in self-defense with illegal Serb aggression.

The most recent display of neutrality by United Nations officials in Bosnia demonstrates that in fact they are not neutral at all—but are willing to provide aid and comfort to the Serbs.

Last week, the United Nations special envoy, Mr. Akashi, made an astonishing concession to the Bosnian Serbs: He granted them permission to transport tanks across Sarajevo.

This, despite a NATO ultimatum, issued last February, barring the presence of any such weapons inside a zone extending 20 kilometers around Sarajevo.

It would be comical if it were not so tragic.

Tomorrow, foreign ministers from the leading powers will gather in Geneva in hope of forging a joint approach to bring a negotiated settlement to the Bosnian war.

As before, we will witness the sorry spectacle of our European allies pressing for an imposed settlement on the parties.

I do not disagree that a negotiated settlement is the only way to end the Bosnia crisis. But an honorable—and more importantly—enduring settlement can only result with a shift in the balance of power on the ground.

An imposed peace might bring a temporary cessation of hostilities, but I fear that it would result in disastrous long-term consequences—an unjust partition policed by United States and European soldiers who would quickly be transformed from peacekeepers to apartheid cops.

It is said that a termination of the arms embargo would come too late for Bosnia. I do not agree.

The war is now at a critical stage. Although the guns have fallen silent in Sarajevo and around the other safe areas, Bosnian Serb troops are on the march elsewhere in the countryside.

Having achieved most of their territorial aims, Serbia and the Bosnian Serbs seek to consolidate their conquests by expanding corridors which will assure the viability of a greater Serbia.

Thus, after the siege of Gorazde assured the vitality of a route to the Adriatic, Serb forces are now converging in the northeast of Bosnia, poised to widen the corridor near Brcko that links Serbia with Serb-held areas in Croatia.

Further to the south, Bosnian Serb forces are also massing near the town of Olovo, and are poised to squeeze government-held territory, centered on Tuzla, from two directions.

Horrible atrocities and ethnic cleansing continue elsewhere in the country, outside the eye of U.N. observers and international media.

In this context, lifting the arms embargo is the only feasible option that will permit the Bosnian Government the opportunity to defend itself against the Serb irregulars, who are well armed with the legacy of Tito's legions.

I have been urging this course since the summer of 1992, and I have no illusions that it will be simple or without risk.

In August of that year, the Senate approved a resolution that urged the use of all necessary means to ensure delivery of humanitarian relief in Bosnia.

The following month, I added an amendment to the Foreign Operations Appropriations Act that urged the termination of the embargo as it applied to Bosnia, and authorized the transfer of $50 million in United States military equipment—off the shelf—to the Government of Bosnia.

Last spring, I traveled to the region and met with the leaders of Bosnia, Croatia, and Serbia. Upon my return, I pressed for the so-called lift and strike option that was later embraced by the Clinton administration.

Many of those who have opposed my position in the past are now supporting of the Dole resolution. I welcome their change of heart.

But let us all understand—as I know the minority leader does—that it will not be enough merely to lift the embargo.

Lifting the embargo, whether unilaterally or in the United Nations, also requires the following steps:

The provision of air power to prevent the Serbs from overrunning Bosnian forces before military supplies can be provided.

The provision of weaponry and ammunition, including the $50 million in supplies authorized in the Biden amendment.

It is also possible that UNPROFOR forces will have to be withdrawn, and in the short term, the humanitarian consequences will be grave.

We should also understand that any pretense of neutrality will be dissolved—we will have taken sides with the Bosnian Government.

My only disagreement with the Republican leader today is about the means, not about the ends.

Given the opposition of our European allies to ending the embargo, I admit that the concept of unilateral termination has great appeal. Moreover, I am persuaded that there are legitimate legal and moral reasons to unilaterally lift the embargo.

Legally, the right of self-defense—an inherent right codified in article 51 of the United Nations Charter—may only be circumscribed if the U.N. Security Council has taken "measures necessary to maintain international peace and security."

Who would dispute that the Security Council has not taken the measures necessary to maintain international peace and security in Bosnia?

Morally, it cannot be denied that the people of Bosnia have a right—as stated so profoundly by Bosnian Prime Minister Haris Silajdzic—to choose how they wish to die.

If the people of Bosnia choose weapons over food, it would be the height of arrogance for the international community to second-guess them.

My position is simple and straightforward: We should lift the arms embargo, but we should first make one more attempt, in good faith, to end it where it began—in the U.N. Security Council.

It is said that the allies will never agree to lifting the arms embargo because their forces constitute the bulk of UNPROFOR forces on the ground. Or that Russia will not agree.

But the proposition has never been fully tested.

To be sure, the Secretary of State consulted with the allies during his ill-fated mission a year ago. They gave him the cold shoulder. But when in the history of the alliance have our European friends agreed to anything unless we showed them the way?

Whether or not the allies agree with us, I believe that we should proceed to the Security Council, and table a resolution to lift the embargo.

On this occasion, we should bring the full weight of American diplomacy to bear.

My agreement to go with this amendment and not to go with the minority leader's amendment today is conditioned upon the commitment of the administration to make a genuine effort at the United Nations to in fact lift the embargo, and to table, if this amendment passes, a resolution in the U.N. Security Council seeking the lifting of the embargo.

It is not enough to suggest in my view that if this Mitchell amendment becomes law that they just vote with such an effort to lift the embargo.

Once the resolution is tabled, then let the member states stand up and be counted. At the end of the day, I do not believe that the permanent members will have the courage to veto such a resolution. But we will never know until we try.

If the Council fails to pass a resolution, then, and only then, should we consider unilateral action. This is exactly the course set forth in the Mitchell amendment.

Under the Mitchell amendment, the President must take the following steps:

The President must consult with the allies about lifting the embargo;

He must then promptly propose or support a resolution in the U.N. Security Council to terminate the arms embargo; if that fails, the President must promptly consult with Congress regarding unilateral termination of the embargo.

In my judgment, this is the only realistic course available to us.

When the arms embargo was imposed by the Security Council in September 1991, it was passed with the full participation and support of the United States.

The other members of the Council will surely question our commitment to future U.N. actions if we walk away from this resolution without attempting to do it by the rules first, going to the United Nations and seeking it being lifted.

If we are unsuccessful in the Council, it is my hope and expectation that the President will come to us with a strategy for unilaterally lifting the embargo.

Madam President, we signed on to this embargo—an ill-fated decision by President Bush. We did it under the rules. We should now go back under the rules. The President should commit to us, as he does in this amendment if it passes, that he will push for lifting that embargo, and table a resolution.

Therefore, I will vote for the Mitchell amendment and against the Dole amendment, notwithstanding the fact that I think I was the first one on this floor to call for the lifting of this embargo.

Mr. SMITH addressed the Chair.

Mr. MITCHELL. Madam President, I understand that Senator SMITH is about to take time from Senator DOLE's time.

Mr. SMITH. That is correct.

Madam President, I yield myself 3 minutes under the time controlled by the Republican leader, not under the leader's time, but under the time controlled by the leader.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. SMITH. Madam President, I rise today in strong support of the Dole-Lieberman legislation to lift the arms embargo against the Bosnian Moslems. I want to commend Senator LIEBERMAN and Senator DOLE for their leadership in this debate.

This is the kind of thing we are going to look back on several years from now, depending on how the outcome is, and either regret very much what we did or be very glad that we did what we did, depending on the outcome.

I believe that the administration's foreign policy is in a shambles. And in Bosnia the President is now leading us across a Rubicon from which there is no return. We are on a course for catastrophe. We have no strategic interests at stake. We have no military objective. We have no established rules of engagement. We have no effective command structure, no definition of, or timetable, to achieve success, and no consensus for support among the American people.

Under these circumstances, it is unconscionable to risk the lives of the American military men and women merely to advance the cause of multilateralism and some grand vision of the United Nations. It is unconscionable to do that. When are we going to learn?

The only reasonable strategy is for America to terminate further escalation of military involvement and to immediately lift the arms embargo against the Bosnian Moslems, and, yes, unilaterally if the President does not exercise leadership to get the other members of the United Nations or NATO to join us.

Let those who are being persecuted meet destiny on their own terms from behind their own weapons, not cowering in the ruins of some unsafe haven. We have neither the legal nor the moral authority to play policeman in this centuries-old civil war. Let us step back and allow the Bosnian Moslems the dignity and the capability to defend themselves. This is exactly what the Dole-Lieberman resolution does. It terminates the American arms embargo against the Government of Bosnia and allows them to exercise their right of self-defense under article 51 of the U.N. Charter.

Madam President, the only route to legitimate, lasting peace in the former Yugoslavia is through meaningful negotiation and compromise. The inhabitants of the former Yugoslavia alone hold the key to their future. The United States and the international community at large can and should encourage and support the peace process. But reconciliation cannot be imposed. It must be negotiated and accepted. This is something that the citizens of the former Yugoslavia and they alone must determine. At present, the military equation in Bosnia is completely one-sided. The Dole amendment will enable the Moslem forces to better defend themselves and level the playing field until a mutually acceptable peace settlement can be reached.

I support this amendment and urge its adoption.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. SMITH. If no one wishes to speak on the other side, Madam President, I yield 3 minutes to the Senator from Wisconsin from the time controlled by Senator DOLE.

The PRESIDING OFFICER. The Senator is recognized for three minutes.

Mr. FEINGOLD. Madam President, I once again rise in support of the bill to lift the U.N. arms embargo that continues to tie the hands of the sovereign Republic of Bosnia and Herzegovina. As my colleagues know, I have been steadfast in my call for this critical action since I came to this body 18 months ago. In March 1993, I introduced Senate Resolution 79 and joined a few other colleagues in warning that this arms embargo, imposed in 1991 upon a now defunct Yugoslavia, would legitimize a disparity in the military balance among the warring factions. Moreover, it would deny the most fundamental assistance to the Bosnian people who were, then as now, under a brutal siege by those calling for "ethnic cleansing" in the name of a Greater Serbia.

I urged then that the embargo be lifted in collaboration with our allies, but I have found the arguments to lift the embargo unilaterally are growing more and more compelling. I also believe that now that Bosnia and Croatia have agreed to join in a confederation that we should be debating lifting the embargo against the Republic of Croatia as well.

Opponents of this bill say this is not the time to act unilaterally and risk the loss of allied support in future multilateral actions of interest to the United States. Well, I say this is the time to stop squandering our energies on the vagaries of hypothetical future actions. The issue before us today is a concrete reality, the reality of an obsolete measure of questionable contemporary legality that is doing unquestionable harm to those whom we claim are already victims. Of course, we must consider the collateral consequences of our decisions, but let's put it in perspective.

Do we really think that a unilateral United States action to lift this arms embargo will determine the positions of Security Council members such as China or Russia on future questions like North Korea or even Libya? Conversely, do we really think that if we vote down this measure that Ambassador Albright will somehow be better able to carry some future U.N. debate by reminding the Security Council members how we toed their line on this perverse embargo?

Let us not flatter ourselves by thinking that our actions will so easily eclipse the self-interests of other nations; let us also not insult the intelligence of our allies by suggesting that all embargoes are equivalent and that their votes are somehow fungible commodities to be traded at the U.N. marketplace. U.N. members vote and act according to their national values and self-interests; we must do the same and this arms embargo is neither consistent with our values nor in our self-interest.

While the situation in Bosnia has changed considerably, the essential rationale for lifting the embargo has remained unchanged since early 1992. When the United Nations admitted Bosnia as a member state, it afforded it all of the rights of membership, including the right to self-defense, recognized around the world and—yes—codified in article 51 of the U.N. Charter. That article clearly states that nothing in the Charter shall impair the inherent right of self-defense in the face of an armed attack until the Security Council has restored peace and security. Last month it was suggested that the second part of article 51 limits our ability to lift the embargo unilaterally. I respectfully disagree. The rest of article 51 simply stipulates that self-defense measures taken by member-states shall not affect the authority and the responsibility of the Security Council to take other actions to restore peace and security. This stipulation pertains to the member nation who is defending itself, in this case Bosnia, not to other members who persist in their embargo of Bosnia.

Madam President, some very distinguished Senators have suggested that our unilateral action will risk putting a "Made in the U.S.A." stamp on solutions to the Bosnia problem. Last month we pondered the possibility that, to quote the Senator from Virginia [Mr. WARNER]:

> The U.S.A. becomes responsible from this moment on and our allies step back and say, "You took an action. We did not agree to it. It is your conflict. You supply the arms. You manage it. You take sides."

I find it curious that we do not hear this argument when we approve arms transfers to any other conflicted region of the world. But I, too, am very concerned about that prospect; we cannot be the world's policeman. By imposing the embargo we have already taken sides—the side of the Serbs. Lifting this arms embargo will put this conflict more in the hands of the Bosnians while giving the international community an opportunity to regroup on a more level playing field. Lifting the embargo will diminish the notion that Bosnia is an American problem to solve—not increase it. After all, the future of Bosnia is an interest first and foremost to Bosnians, then to the countries in the region, and finally to the United States as an ally and a world leader. Nothing we do or fail to do will change that geopolitical reality.

The question for us and for everyone in the world community is how to respond within that reality. Mr. President, as to the notion that our actions will be seen as taking sides, I do not advocate taking sides in this conflict. I do not believe this bill is about the United States siding with the Bosnian Moslems.

On the contrary, I also believe that we should lift the same embargo in place on the Republic of Croatia as well. To Serbia I would say that the evidence is overwhelming that you have engaged in cross-border aggression and atrocities in Bosnia; until you stop, we should use every possible measure to tighten the arms embargo on your republic. If that is taken sides, it is on the side of humanity and the rule of law.

Madam President, we have all watched the diplomatic events of recent weeks with continued hope that the world community will finally respond in a coherent manner. I am convinced that our leadership in lifting the embargo can provide a solid foundation for future diplomatic progress, for no diplomatic solution built upon this flawed arms embargo can withstand the test of time. Suppose, for instance, that a fragile peace emerges in Bosnia. Will that be the time to lift the arms embargo on Bosnia and Croatia? Would that not disrupt the balance? And if it is not lifted, are these nations supposed to be unarmed, without a military? If so, then do they become wards of the U.N. Security Council, a U.N. protectorate or trusteeship? What does that imply for future levels of U.N. operations and U.S. support in the Balkans and elsewhere?

My colleague from Virginia again has spoken eloquently on this matter with the command of the details for which he has become known in such debates. He pondered a wide range of very serious technical considerations which need to be addressed before the United States actually provides arms to Bosnia. I share his concerns but I do not believe that they are the proper domain for Senate debate here today.

Let us permit the President to be President and leave to his administration those details which could be best described as the execution of policy. All our vote today will do is give the President the unfettered authority to provide arms support to Bosnia and strengthen his hand to do what he wants to do: lift the embargo. As in the case of most other authorizations, the President has considerable latitude to determine exactly how and when to act.

In any case, it seems to me that this authorization places the administration in a stronger position to bring positive and fresh leadership to the diplomatic table in the weeks ahead.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. LIEBERMAN. I yield 2 minutes from the time controlled by Senator DOLE to the Senator from Texas [Mrs. HUTCHISON].

Mrs. HUTCHISON. Madam President, I rise to speak in favor of the Dole-McCain bill.

Like Somalia before it, United States policy with respect to Bosnia is "a riddle wrapped in a mystery inside an enigma." When Winston Churchill used that phrase, he was referring to Russia, and he went on to say that the key to the riddle was Russian national interest. We must find the key to our predicament with regard to the administration's foreign policy. The question that we must answer for ourselves is, "What U.S. national security interests are at stake in Bosnia, and if no vital national security interests are at stake, do we then have a moral obligation to support the Bosnians?"

It is clear that the United States has no strategic interests in Bosnia. Therefore, I feel it is not in our interest to place U.S. ground troops in harms way.

We do, however, have a moral obligation to follow declared U.S. doctrine, as enunciated by U.S. Presidents from John F. Kennedy to George Bush in that we will lend our support to oppressed people who are willing to fight for the freedom.

It is not always our responsibility to fight for them, but we must be willing to support them. The issue is American leadership and resolve. There are despots in the world who may mistakenly be tempted into challenging our vital interests if we are perceived as weak.

Three years ago, the United States formed and led a coalition of diverse nations to a stunning victory in operation Desert Storm. At that time, the United States was the unquestioned leader of the world. Are we now perceived as simply a member of the community of nations rather than its leader? The danger lies in the false sense of security that leadership in some way will evolve from consensus.

Nothing could be further from the truth. Consensus follows leadership—leadership does not, nor will it ever, evolve from consensus. It is up to us to provide that leadership.

There is an old adage that it is preferable to die fighting on your feet than to live begging on your knees. It is clear that the Bosnians have made their choice, and it is to fight on their feet.

We must allow them to do that. I urge support of the Dole-McCain amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Madam President, I yield 2 minutes to the Senator from Illinois.

Mr. SIMON. Madam President, I just heard our colleague from Texas say—and I have heard it two or three times today—that we have no strategic interest.

We do have strategic interests. The interest is in maintaining stability. Frankly, our policy has been anemic in Bosnia. On the 700th day of the artillery shelling of Sarajevo, we said, "If you do not stop it, we are going to have airstrikes," and then the airstrikes stop. It should not have been the 700th day; it should have been the 2d or 7th day.

Right now, we face a choice of the Mitchell amendment or the Dole amendment. I am going to vote for the Mitchell amendment and against the Dole amendment today. But I have to say time is running out. If we do not get action in 15 or 20 days—and I do not want to set an absolute deadline, but very, very shortly—I am going to be voting for a Dole-type of amendment. I do not like to see us do that unilaterally. We should not be a "Lone Ranger" in the world. You have to work with the community of nations. But the administration has to understand that we feel their policy has been anemic; it has not been strong, and we have to do better. If we adopt the Mitchell amendment and should defeat the Dole amendment, that does not mean that this issue is settled. The administration has to lead, or I am ready to vote for a Dole-type of amendment.

Mr. MITCHELL. Madam President, the distinguished chairman of the Appropriations Committee has a question, and I am prepared to yield him time for his question and for my response.

Mr. BYRD. I thank the distinguished majority leader.

Madam President, may I say to my leader that it is not my intention to vote for the amendment by Mr. DOLE. I hope that I can vote for the amendment by the majority leader. I have a question regarding the language, however, that is in paragraph 2. This is the language:

> Upon termination of the international embargo, the President shall ensure that appropriate military assistance be provided expeditiously to Bosnia and Herzegovina upon receipt from that government of such a request in exercising its right of self-defense.

My question goes to the definition of the words "appropriate military assistance." Are these words to be interpreted to mean manpower, training capability, or to weaponry only? If so, if it only applies to weapons, what is there to ensure that this will not be seen as an open-ended authorization, which the President can interpret to mean that, regardless of the appropriations and costs, or whatever, he is being authorized by the Congress to proceed in such a manner as he deems fit—in other words, in an open ended way?

Mr. MITCHELL. Madam President, it does not include anything other than equipment. Stated another way, it is not intended to cover personnel in any form.

Second, to respond to the second part of the chairman's question, it is my intention to seek to add to the language the words "subject to the regular notification procedures," which would directly involve the Congress in those decisions.

Mr. BYRD. Does the majority leader intend to refer to the appropriate congressional committees in that language?

Mr. MITCHELL. That is correct.

Mr. BYRD. The courts are increasingly looking to the four corners of the law, rather than to legislative history as expressed on the Senate floor. I know the majority leader's intentions are what he said they were, namely, that this term "appropriate military assistance" would mean only equipment, weapons, supplies as I understood him.

Mr. MITCHELL. That is correct. I will seek to gain consent to modify it as I have stated. And if it is not approved by the Senate, I will offer an amendment at a later time in the deliberations of another measure.

Mr. BYRD. I thank the distinguished majority leader for his consideration. I hope that in conference every effort will be made to tie this language down to mean weapons or equipment only, and to exclude manpower in any way.

Mr. MITCHELL. I am prepared to give the Senator my full assurance in that regard.

Mr. BYRD. I thank the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, from the time allocated to Senator DOLE, I yield 2 minutes to the Senator from Utah [Mr. HATCH].

The PRESIDING OFFICER. The Senator from Utah is recognized for 2 minutes.

Mr. HATCH. I thank the colleague from Connecticut.

Madam President, I rise as a cosponsor of S. 2042. More than 2 years ago, I called for the lifting of the arms embargo for the victims of Serbian aggression. The need for this action was clear then, and it is even more clear now: Only by creating a balance of power on the ground will Serbia accept a just, negotiated settlement.

American policy in the former Yugoslavia has been morally and politically bankrupt. We have been an active partner in a policy of deference to the aggressor and indifference to the victims of aggression.

The decision to impose an arms embargo was motivated by the understandable intent to try to restrain the conflict by cutting off the supply of weapons to the combatants. However, that concept was tragically flawed. Serbia and its allies in Croatia and Bosnia controlled the vast majority of the weapons from the arsenals of the former Yugolsavia and the bulk of the former Yugoslavia's arms and munitions factories.

In theory, the arms embargo appeared even-handed. In reality, it fundamentally favored Serbia and enabled Serbia to launch its war of aggression at minimal cost and risk.

Madam President, the Croatian and Bosnian people do not need our pity, they need our weapons. The world disarmed these peoples. The world told these peoples to put their faith in the international community. The result has been ethnic cleansing and unspeakable violence and atrocities.

This bizzare policy has been supported by the United States. In consonance with our European allies and Russia, we have kept the victims of Serbian aggression grossly handicapped in defending themselves.

Those who claim that lifting the embargo means the United States will take sides in the conflict are misguided. We have already been intervening in the conflict through the arms embargo, but we have been intervening on the wrong side. This policy has aided and abetted Serbian aggression. It is time to end it.

If the Security Council will not repeal the embargo, the United States should do so unilaterally. If the other members of the Security Council are willing to stand by while genocide takes place, the United States should not join them.

Article 51 of the United Nations Charter states that nothing in the charter overrules the inherent right of a state for individual and collective self-defense. No Security Council resolution—including the one establishing this arms embargo—can negate the right of self-defense.

The opponents of this bill will argue that article 51 only operates until the United Nations has acted to establish peace and stability. But the fact is that the United Nations has yet to do anything to establish peace and stability.

It has imposed the arms embargo, but that has only assisted the aggressors.

It has sent so-called peacekeepers. But they have not kept the peace and have hardly been able to defend themselves. They have watched the Serbs perpetrate war crimes—the same crimes we have watched on television night after night.

The United Nations has sent negotiators. But they have failed time after time. The Serbs are no closer to accepting a just settlement than they were 2 years ago.

Let us face facts. The United Nations has no intention of taking strong military action to restore peace and stability. Consequently, there are no grounds to restrict Bosnia's article 51 right of individual and collective self-defense.

Given the present balance of power, the Serbs will only accept an agreement that ratifies the gains of their aggression. Only if we change the balance of power will the Serbs accept a just peace that involves the return of territories seized by force and ethnically cleansed. We will only end the war if the Serbs understand that further aggression will be too costly.

What needs to be done is simple: Remove U.N. peacekeepers from the region, lift the arms embargo, and use NATO to conduct selected air strikes against strategic Serbian targets, such as supply lines, depots, and command and control centers.

Current administrations policy depends totally on the use of air strikes. But air strikes alone will not work. Even President Clinton admitted on April 20 that "NATO's air power alone cannot prevent further Serb aggressions or advances or silence every gun." It makes no sense to adopt a policy that you know in advance will not work.

We are committed to defending the safe haven around six Bosnian towns. In this respect, I want to pose several questions for the supporters of the administration's policy:

Will NATO air forces respond to all future Serbian attacks on these six cities, including low-level infantry and mortar attacks? If not, we have no policy to deal with those kind of attacks, which have been continuing around Gorazde and other cities.

Will NATO air forces respond to Serbian attacks along fronts other than the six cities? If not, we have no policy to stop Serbian aggression in general.

Will NATO air forces be used to give Serbia a real incentive to pull out of territory already acquired by force? If not, we have no policy to compel Serbia to accept and to implement a just settlement.

The fact is that we have no policy on any of these points. Token gestures and occasional threats of air strikes will not solve the problem.

Madam President, the Senate has an opportunity to begin to rectify the failure of United States policy in the former Yugoslavia. We have a moral responsibility to do so.

There is a wider moral issue at stake in this vote. The arms embargo deprives Bosnia of the ability to defend itself. If the United States continues to uphold the embargo—if the Senate fails to vote to repeal the embargo—than the United States takes upon itself the moral responsibility for what happens to Bosnia.

Let me restate that point. If we allow Bosnia to defend itself by repealing the embargo, the Bosnian Government is morally responsible for its survival and future. If we deprive Bosnia of its right of self-defense, the United States becomes morally responsible for Bosnia's survival.

The United States has been in a similar position before. It was in 1963 in a place called South Vietnam. When the Kennedy administration backed the coup against President Diem, it destabilized the country and triggered a chain reaction of events that led to the deployment of 500,000 U.S. troops.

By arrogating to itself the right to determine who ruled in Saigon, the Kennedy administration made the United States morally responsible for South Vietnam's fate.

We must not make a similar mistake in Bosnia. We must let the Bosnian people carry the responsibility for their own future. We should not arrogate to ourselves the right to determine whether or not they will survive.

If we keep the embargo in place, make no mistake about it: We are also accepting the moral burden for what happens in Bosnia. And, if we do so, we could well be forced to carry out our moral responsibility at the price of American blood.

Supporters of the administration policy argue that negotiations can still work. I ask them to look down the road on which they urge us to travel.

That road will lead to the deployment of tens of thousands of U.S. troops as peacekeepers to enforce whatever settlement is reached. The Clinton administration makes no bones about the fact that if a settlement is negotiated, the United States will deploy 20,000 or more troops to Bosnia.

I do not want to see American ground troops sent to enforce a settlement in Bosnia. I want the Bosnians to be strong enough to enforce their side of the settlement on their own. That can only happen if we lift the embargo.

I will predict today that if we send peacekeepers to enforce a settlement in Bosnia, there will be significant casualties. It will lead to another Somalia or another Lebanon as surely as night follows day. We need not take that road if we create a military offset against the Serbs by arming the Croatians and the Bosnians.

Madam President, our focus must, above all, be the interests of the United States. That is our first responsibility. It is not in our interest to play eternal referee in the conflicts within the former Yugoslavia. We should not expend the lives of our sons and daughters by putting them in the line of fire of Serbian forces who have studied the lessons of our experience in Somalia and Lebanon.

History shows that until a balance of power exists among belligerents, conflict will continue. There is no such balance of power in the former Yugoslavia. The Serbs have the big stick. They have overwhelming superiority in arms and materiel. Until equilibrium in armaments is attained between the Croats and Bosnians on the one hand and the Serbs on the other, the war will continue.

I hope all Members will reflect on the course this administration is taking. No settlement can endure without military equilibrium. Any settlement we broker that requires the Serbs to give up land will cause the Serbs to view us as an adversary or enemy. In that context, the United States must not make the mistake of embroiling its ground forces in the role of referee in terrain favoring guerrilla warfare and against Serbian forces who have no intention of forgiving or forgetting.

Madam President, the sine qua non of successful resolution of the conflict in the former Yugoslavia is the repeal of the arms embargo. I urge support for S. 2042.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. Madam President, I yield 3 minutes to the Senator from Michigan [Mr. LEVIN].

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. LEVIN. Madam President, I support the resolution of Senators DOLE, LIEBERMAN, and others.

To those who say it makes no sense to allow Bosnians to defend themselves because that will result in more arms flowing into the region, I agree that is not the world's first choice. We and the nations of the world, acting through the United Nations, are unwilling to take actions necessary to protect the civilians in Bosnia against ethnic cleansing and aggression. So the fire continues to burn, primarily in one direction, against the Bosnian Government.

If we are not willing to defend them, we must surely allow the primary victims of aggression to defend themselves, a guarantee that is in the U.N. Charter.

Some have argued that our allies and other nations have personnel on the ground in Bosnia assisting in humanitarian relief efforts, and these forces would be endangered if more arms flowed into the region. They might then decide to withdraw forces and humanitarian relief might be interrupted.

But the Bosnian Government has consistently appealed for the end of the embargo and said many times that if it is a choice between being allowed to defend themselves without one of their hands tied behind their back, or receiving humanitarian relief from UNPROFOR on the ground, they would prefer to defend themselves and not become casualties and victims for humanitarian relief workers to care for.

The arms embargo is preserving a disparity that allows the Bosnian Serbs a continuing advantage in weaponry and has proven to be a counter-incentive toward a fair settlement.

Of course, we should seek allied support for exempting Bosnia from the arms embargo. Of course, we should seek Security Council agreement on lifting that embargo. But those efforts have failed. We know they are going to fail again.

There is not a shred of evidence that an effort at the U.N. Security Council to lift the arms embargo multilaterally is going to succeed. It is immoral for the world—particularly for Europe, but the world as a whole—to not have taken the risk sooner to defend Bosnia against ethnic cleansing. It is incredible not to let the Bosnians defend themselves. It is unconscionable to keep the embargo on arms going to Bosnia when the other side has them in quantity.

Even though the allies are not persuaded, and will not be persuaded, to lift the embargo, we should act. The alternative is either no settlement, or a settlement so one sided in its imposed terms, that it will spawn continuous war in retribution. A settlement will come only after the parties want it, and that will happen only if the parties have some parity in the military equation.

I thank my friend from Connecticut, and I yield the floor.

Mr. LIEBERMAN. Madam President, I yield 5 minutes to the Senator from Arizona [Mr. MCCAIN].

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. MCCAIN. Madam President, in a little while the Senate will make a very important determination: whether we should defend the sovereignty of a nation where our vital national interests are not at stake or whether we should allow that nation the opportunity to provide for its own defense. That is, in essence, what this choice between the legislation offered by Senators DOLE and LIEBERMAN and the amendment offered by Senator MITCHELL will resolve.

I believe Senators DOLE and LIEBERMAN and all those Senators supporting this bill have adequately refuted the many arguments posed against it. The unlawfulness of the embargo has been well established. Those who fear that other embargoes will be undermined should we act unilaterally should remember that as the sole superpower left in the world, as the leading nation in NATO, and as the greatest force for good on earth, the United States should have sufficient influence left to discourage our closest allies from breaking international law and acting against our and their best interests. All the logistic questions raised against lifting the embargo were raised against our support for the Afghan resistance. Those problems were overcome then, and they can be overcome in this situation.

In the end, the Dole-Lieberman legislation is a matter of simple justice. I do not know if it will shorten or lengthen the war. I do not know if the Bosnian Government can prevail in this conflict. I do not know if they can win back sufficient territory to make a settlement more equitable. But they have the inalienable right to defend themselves, and no nation, certainly not the leader of the free world, should deny them that right unless we are prepared to defend Bosnia ourselves.

The distinguished majority leader's amendment, in effect, asks us to authorize the U.S. assumption of the responsibility to defend Bosnia. As I made clear in my statement the other day, I believe that is a profound mistake.

Further, Senator MITCHELL's amendment does not require the President to lift the embargo—multilaterally if possible, unilaterally, if necessary. It does instruct the President to immediately seek NATO agreement to end the embargo, and upon such agreement to propose that the Security Council terminate this unjust interference with Bosnia's inherent right to self defense.

That would be an improvement over current circumstances, Mr. President. That the President needs to be instructed to take such action is a rather sad commentary on the administration. For as often as the President has declared his support for ending the embargo, we have no evidence that his administration has taken the first step in the United Nations or in NATO to achieve that laudable goal. It is the administration's failure to act that made it necessary for the distinguished minority leader and Senator LIEBERMAN to offer their legislation.

Unfortunately, given the intensity of the administration's opposition to the Dole-Lieberman legislation, and their record of nonsupport in the past, I have no confidence that if the administration encounters the least opposition from NATO or the Security Council that it will seriously try to overcome that opposition or to act unilaterally if necessary.

By actively opposing this legislation to lift the unlawful arms embargo against Bosnia, the administration has revealed once again the abject poverty of its foreign policy commitments. With their typical resort to obfuscation, the administration has yet again sought to climb down from another frequently expressed promise to act.

Time and again, the President has voiced his support for lifting the embargo. What has the administration done to give force to his support? Absolutely nothing. And it will do nothing tomorrow or the next day or the day after that. Instead, the administration will once again attempt to fill the great yawning abyss between its rhetoric and its action with cynical and specious arguments that are intended, as is so much of their diplomacy, to transfer the responsibilities and the authority of the world's only superpower to any other nation or nations willing to relieve them of the burden.

We are rapidly approaching the point, Madam President, when the word of the United States, purchased over the years with so much blood and treasure, is no longer worth the television time the administration uses to make their faithless promises. It is time, Madam President, for the Congress to step in and restore some credibility to American foreign policy. It is time for Congress to assume the responsibilities which the administration has abrogated, and make the word of the United States stand for something greater than the clatter of broken promises.

I urge all of my colleagues to vote against delaying simple justice for Bosnians any longer, to vote against authorizing the use of American force in a conflict which we are not prepared to win, and where our own vital national interests are not threatened. I urge all of my colleagues to support the just and necessary legislation offered by Senator DOLE and Senator LIEBERMAN, and lift the arms embargo against Bosnia now.

Mr. LIEBERMAN. Madam President, I yield 3 minutes to the Senator from Virginia [Mr. WARNER].

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. WARNER. Madam President, at this very moment, the Senate Armed Services Committee is conducting a hearing on Somalia. One of the witnesses is a father who lost a son.

I read from that father's testimony:

> We should also let everyone, especially the policymakers, know the consequences of foreign policy that is developed haphazardly and implemented by amateurs. Too frequently, policymakers are insulated from the misery they create. If they could be with the chaplain who rings a doorbell at 6:20 in the morning to tell a 22-year-old woman she is now a widow, they would develop their policies more carefully.

Madam President, I most respectfully say to both of my leaders, I do not think we have conducted this debate in a manner that is adequate to the gravity of the decision about to be made.

I spoke on Monday and laid out a series of questions in opposition to both Leader DOLE's amendment and Leader MITCHELL's amendment. I stand today in opposition to both, and I offer these questions: Has the Senate considered this resolution in committee? No; neither one. Has it conducted briefings directed specifically at the issues in the resolution? No. Yet, we are about to make a decision which could result in a subsequent hearing of the Armed Services Committee or other committees which would require that we look squarely into the eyes of parents and families who have lost sons and daughters in this region of the world.

I say to the Mitchell resolution—and forgive me for rushing, because I have but a minute left—technically, I would say this resolution can be interpreted as much like the Dole resolution. It is a unilateral lifting.

Yes, we go to the United Nations, but it does not speak to whether the United Nations supports or rejects. It implies that once that action is taken, then we begin, as the distinguished Senator from West Virginia put it, to send in supplies. Are we sending in supplies without personnel to explain or train how to use them, to maintain them? I say that much is left to be answered.

Second, the Mitchell resolution says "to protect the UNPROFOR." UNPROFOR would have to pull out, in my judgment, and the judgment of many in the administration, if the embargo is lifted.

The resolution does not speak to what use of air power is then made if UNPROFOR is pulled out, and the Bosnian Government is rearmed. It speaks to only isolated areas in that region of tragic conflict as to what air power can do.

Is there any limitation on the Bosnian Government to utilize this new military equipment to regain what they have lost? It is silent as to that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Madam President, the Mitchell resolution speaks to the fact that we should come back if there is a further question of ground troops.

Why is there silence to other Americans who are flying, who are at sea? Are they entitled to less protection than those that may be involved on ground?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Yes, regrettably the time of 3 minutes on this tragic thing has expired. I regret that. The opposition has not been given, in my judgment, a fair opportunity to reply.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Madam President, I just wanted to say that this matter was before the Senate 2 days ago. Any Senator who wanted to speak had the opportunity to speak for as long as he or she wanted to. We stayed in session for as long as any Senator wanted to speak.

The Senator from Virginia availed himself of that opportunity. He spoke at length. Others chose not to do so. I can make it possible for any Senator who wants to speak to do so, but I cannot force a Senator to speak on the subject if he or she chooses not to do so.

Mr. WARNER. I thank the distinguished leader. I did speak for the better part of an hour on Monday, and indicated my desire to speak for 10 minutes as part of any time agreement in opposition to both resolutions. I have to accept the responsibility that that request went astray.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Madam President, I yield 7 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 7 minutes.

Mr. NUNN. Madam President, my bottom line is, I support the Mitchell resolution and oppose the Dole resolution. But I do have a lot of caveats about it. The largest caveat about the whole debate is that we are in real danger in this country, not simply in the Senate. We are in real danger of concentrating so much on interests that are humanitarian and important that we do not focus on what is truly vital.

What we do here today may very well have a bearing on one of our vital interests where tens of thousands of Americans are at risk, and that is Korea. I think everyone ought to keep that in mind.

It is hard for me to conceive of a unilateral lifting of an embargo that has gone through the Security Council at the same time we are on the verge of having to request that same Security Council to put an embargo on Korea.

We move against one that we voted for and say we are going to take this action unilaterally and, at the same time, we go to China and Russia and others on the Security Council and say, "Now, go along with us on Korea, because we believe that is vital."

We are in real danger of losing sight of the difference between important and humanitarian, and vital.

America has a tremendous stake in Korea. If that one goes wrong, we will lose an awful lot of people. And I do agree with that part of what Senator WARNER said a few minutes ago.

The second thing that I think is important to keep in perspective is whether we go into a lifting of the embargo or whether we go into a massive bombing campaign, which we have already threatened at some point we may have to carry out. And, in my view, there should be sanctuaries if we begin that process. Either of those steps is incompatible, with tens of thousands of U.N. relief workers and humanitarian workers and military forces who are lightly armed still being under the gun of the Bosnian Serbs.

Whatever we do here has to be done in concert with our allies, because they have people on the ground. In spite of our disagreements—and I have profound disagreements with our allies on this one—I believe the embargo should have been lifted a long time ago. I still believe it ought to be lifted.

But, in spite of that, to do it unilaterally when they have the forces at risk is to ask for the beginning of, I think, a disintegration of the alliance itself, and I mean by that the NATO alliance.

I am not saying this would be the fatal blow, but this would be the beginning of the unraveling of the kind of collective security we have had since World War II.

I understand where the proponents of the Dole resolution are coming from. I identify with those instincts to the bottom of my heart. But I do not believe this is the way to do it.

I would have to add that I think the embargo is counterproductive. I think the embargo is, in many aspects, immoral. And I think we are in grave danger—"we" being the entire United Nations and the NATO alliance—of reversing what some people have probably forgotten, but it was a pretty good doctrine, called the Nixon Doctrine, which says the first thing we do is help other people by arming them, letting them fight for themselves when they are willing, and the last thing we do is use our own military forces. That came out of Vietnam.

Collectively, NATO and the United Nations are reversing that doctrine.

Madam President, I believe it is enormously important that we coordinate whatever we do, as frustrating as it may be. It will require very strong American leadership. It will require the President of the United States being personally involved. It will require, if we are going to have a lifting of the embargo or any other kind of decisive collective action by our allies, more leadership than has thus far been exerted on behalf of our own country, as well as on behalf of other countries. But we should not do it unilaterally.

Madam President, I want to throw out just one example of something that I believe should be considered, but it could not be considered unless we do it collectively. It would be impossible. The debate on lifting the embargo is all involved in either lifting it or not lifting it. There is a way to calibrate a lifting of the embargo that has not really been explored with our allies. But it would require exploring with our allies—and not only our allies, it would require the Croatians to be involved—and that is, first of all, for the Security Council to authorize the lifting of the embargo on Bosnia to permit the controlled entry of selected defensive weapons to meet the needs of Bosnian defenders if further Serbian attacks take place on the safe havens.

No. 2, that an international screening body be set up by the United Nations to ensure that the weapons to be provided are the type and the quality and the quantity suitable for defensive action and calibrated to enable a defense rather than a sustained offensive action. That is why our allies are opposed to lifting the embargo. They fear a sustained kind of Bosnian Moslem or Bosnian Government offensive action which would just spread the war and have tremendous bloodshed. We cannot dismiss that as simply a frivolous fear.

The third thing that I would suggest is that we seek to involve—with our NATO allies—the Russians as well as the East Europeans, where they have stockpiled defensive weapons, where those in former Yugoslavia have already known how to operate those weapons because some of them were in the Yugoslavian Army; that we have some of those weapons be included and that we involve the Russians, here, in helping to select the kind of weapons that would be provided. I have in mind, certainly, antitank missiles. There is absolutely no excuse anyone can offer for denying antitank weapons for people who are being victimized and run over by tanks. But we cannot do it unilaterally.

The fourth step is that such weapons and equipment be earmarked for the safe areas and other populated areas and that we tell the Bosnian Serbs in advance, "We are going to release this equipment if you continue your attack." This would give us, in my opinion, a bigger lever than the threat of bombing, because this lever could be done with somewhat less risk to the collateral damage that we would have from bombing.

The fifth step, the Bosnian Moslem forces located in and around these safe areas, that some of them be provided training now; that we begin to train them on these weapons now so that would let the Bosnian Serbs and others know that this kind of defensive package is coming if they resume their attacks.

The sixth step, the sixth part of this, would be to have Croatia agree to let the arms flow across Croatia, which is necessary.

Seventh, that the United States and our allies be prepared to air drop these kinds of weapons in after appropriate training. And I am not one of those who think training is going to take 6 or 8 months. I think it could be done much sooner than that.

Last but of tremendous importance to our allies—and I repeat what I said earlier, that we have to understand that although we would like to have it in every direction, we would like to be able to lift the embargo, continue the humanitarian aid, or start a big bombing campaign in response to an attack and then still continue humanitarian aid, at some point we have to understand these missions are incompatible. We have heard over in the Armed Services Committee this morning about incompatible missions. In Somalia we saw what that led to. If we continue to have this kind of lack of dialog and lack of understanding with our allies, at some point if aggression is resumed we are going to have a humanitarian disaster to the U.N. personnel or to the lightly armed forces in that country. And everybody is going to say why did it happen? Why did it happen? We will have a postmortem investigation. But it is predictable now. If we continue to have debate with our allies and no agreement with our allies and continue to debate this in a vacuum not considering the effect of our action on those people who already are in harm's way on the ground in Bosnia, we are going to have some kind of real tragedy.

So, I regret that I have to oppose the Dole-Lieberman amendment, but doing this unilaterally is not the way to do it. It will haunt us all over the world. It will begin to haunt us in areas where we have truly vital interests and where a huge number of Americans are in harm's way. And I talked specifically about Korea.

Without the cooperation of China and Russia and Japan and of course South Korea and others including Britain and France, we will not solve the Korean problem and that problem is of tremendous and vital interest to the United States. So we have to consider this in a broader context than our natural instincts on both humanitarian concerns, on the tragedy, on the atrocities that have been committed, and on our concern for that area. We have to begin to look at American foreign policy in a broader context. We cannot debate every single element of American foreign policy as if there is nothing else in the world that exists. That is what we are doing here on the floor today.

The PRESIDING OFFICER (Mr. KOHL). The time of the Senator has expired.

Mr. NUNN. I yield the floor.

Mr. MITCHELL. Mr. President, I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mrs. BOXER. I thank the Chair.

Mr. President, if I might ask the majority leader to comment, on the completion of my thoughts? I have been very tortured about how I was going to vote on this. I feel that Senator DOLE and Senator LIEBERMAN and others have made an extremely important point through this debate, and that they have moved in fact the resolution that the majority leader is offering. I want to make sure I understand it completely.

My own view is that, as I believe most have said today, that the embargo should be lifted. My further view is that the best thing is if it is lifted by all the nations and done through the United Nations. That would be my preference. And if that does not happen, I believe we need to then move expeditiously in a unilateral way.

Mr. President, it is my understanding that is exactly what the majority leader has said here. On page 2, on No. 2 where the majority leader says, "The Congress favors the termination of the arms embargo against the Government of Bosnia." And further down "If the Security Council fails to pass such a resolution the President shall"—and you have added "within 5 days"—"consult with Congress regarding unilateral termination of the arms embargo."

It is my understanding that at that time either the majority leader, or Senator LIEBERMAN or Senator DOLE could in fact offer this unilateral lifting—at that time. Am I correct in that assumption?

Mr. MITCHELL. The Senator is correct. And of course we should know that that could happen at any time in any event.

Mrs. BOXER. Exactly. So nothing in the majority leader's resolution precludes such a unilateral resolution?

Mr. MITCHELL. That is right.

Mrs. BOXER. I thank the leader for clarifying that.

Mr. CHAFEE. Could I just ask the leader a question on that in 30 seconds?

Mr. MITCHELL. Mr. President—yes.

Mr. CHAFEE. OK. Can the administration lift the embargo without any resolution of Congress anytime it wants?

Mr. MITCHELL. That is a matter of some dispute. Some contend the administration does have the power to do so, and so that event could occur.

Mr. CHAFEE. What does the majority leader contend?

Mr. MITCHELL. I am not making that contention in that argument.

Mr. CHAFEE. Thanks for the guidance.

Mr. CRAIG. Mr. President, the violence that has pervaded the former Yugoslavian Republic has resulted in the loss of thousands of lives and more than 1 million refugees. The Balkan conflict has not only seized those involved; people around the world have watched in horror as this conflict has progressed.

Here in the United States emotions and reactions to the conflict have ranged from frustration to devastation. The concerns of my fellow Idahoans, as well as my own concerns, have also run that course of feelings.

The situation in Bosnia at present is quiet and somewhat stable. But this conflict has taught us one thing; peace agreements are difficult to obtain and when they are secured they are short lived. Therefore, this conflict is far from over and, unfortunately, few policy options remain.

The proposal being debated today would lift the United States arms embargo on the former Yugoslavia, as it applies to Bosnian Moslems. This policy option is not without some flaws, which concerns me. For example, I am concerned about the safety of U.N. peacekeeping troops that are presently on the ground in the region. Their safety needs to be kept in mind in carrying out this or any other policy option.

In addition, I am concerned about the potential escalation of the conflict. After all, we are not alone in our involvement in this situation. The conflict is in Europe, and that is where the repercussions of an escalation in the fighting will be felt. And, containment of this policy suits the interests of the United States, as well as Europe.

However, having said that, the positive aspects of lifting the arms embargo on Bosnia outweigh my concerns.

As a firm supporter of second amendment rights in the United States, I also believe that the Bosnian Moslems have the right to protect themselves from Serbian aggression. We have seen these people brutally slaughtered as this conflict has progressed, and all without the ability to protect themselves.

Lifting the arms embargo and allowing the Bosnian Moslems to protect themselves is far more acceptable than an alternative such as the introduction of U.S. ground troops. I am concerned about the potential direction that other policy options may take, which would lead toward the involvement of U.S. ground forces. I do not support the use of U.S. forces in this conflict at this time.

In addition, lifting the arms embargo provides an opportunity to bring some balance to this conflict that will force the involved parties to the negotiating table. That is an important point, Mr. President, because the roots of this conflict run deep and the desire to be the winner is very strong. Therefore, both sides to the conflict need to see that getting to the negotiating table is in their best interest. Then a lasting cease-fire or peace agreement can be achieved.

Therefore, Mr. President, I will be supporting Senator DOLE's bill, S. 2042.

Mr. COATS. Mr. President, with the indulgence of the Senator from Kansas I am going to just make a brief statement relative to the issue that will be before us upon the vote on the current issue, and that is the lifting of the arms embargo on Bosnia and Herzegovina.

A wise man once said, "The success of a policy is measured by the catastrophes that do not ensue."

Mr. President, the catastrophe that we call Bosnia is worse than the result of a policy that has failed. It is the result of no policy at all.

In Bosnia, as in Haiti, Somalia, North Korea, and elsewhere, this administration's action has not been characterized by the insightful analysis, decisive action, or strategic vision that is required and necessary in the conduct of foreign policy.

Rather than a plan to guide international relationships and to protect America's vital interests abroad, this administration's foreign policy goals seem to be the abrogation of America's right to act as a sovereign nation, and the subrogation of its treasure, resources, and the lives of its young men and women in uniform to the whims and aspirations of the United Nations.

In his own statements, the President has declared that "economic progress is at the center of our policy abroad." And he says his primary goals are to "foster new democracies or restore them where overthrown."

Mr. President, while those are noble motives, they do not constitute a foreign policy.

As President Kennedy once so aptly observed, "The purpose of foreign policy is not to provide an outlet for our own sentiments of hope or indignation; it is to shape real events in a real world."

Mr. President, we are operating in a vacuum of Presidential leadership, and we now find ourselves in a situation in Bosnia with few, if any, viable options.

Yet something must be done to break the stalemate. Something must be done to prevent a deepening of our commitment to the conflict. And something must be done to provide the Bosnians with a measure of defense against an intractable enemy that now strikes with impunity.

Therefore, Mr. President, with considerable reservation, I will support a lifting of the arms embargo against Bosnia and Herzegovina.

What I do not support is further U.S. involvement in this war.

I harbor no illusions that lifting the embargo will somehow effect the result, but if lifting the embargo will allow the United States to exit this conflict with some sense that it has not left the Moslems in a defenseless status caused by our own misguided policy decisions, then such a decision is probably worth supporting. The fact of the matter is it is highly unlikely that we have any intention of providing more effective assistance to the Moslems. To pretend otherwise is to hold up the mistaken hope that the United States will intervene in this conflict in such a manner as to advance the Moslem interest.

But our intervention will not be in a manner that can effectively achieve the desired Moslem goal of recapturing lost territory, nor will it effect a meaningful settlement of the conflict. Such a result cannot be achieved by threat, as the administration has learned or, hopefully, has learned.

It cannot be achieved by a so-called and entirely misnamed U.N. peacekeeping operation. It cannot be achieved by air strikes as any military commander will tell you, and as we have already learned. It can only be achieved by massive infusion of United States ground forces, which we should not, and hopefully will not, support. After listening to Member after Member of this body come here and say we will not commit U.S. ground forces on the ground in this area of the world, I doubt that Congress will authorize that.

We will not authorize U.S. forces because this administration has not defined what vital strategic U.S. interest lies at the heart of this policy. We have not defined a strategy. We have not defined a mission. We have not defined how once having inserted U.S. troops we can safely ensure they can accomplish their mission and we can bring them back out. And we have not, obviously, secured the support of this Congress or the American people.

Mr. President, the burgeoning economic conflicts erupting throughout the world make it more likely that, in the future, we will be facing challenges that look a lot more like Bosnia than Desert Storm.

But until we have a President who understands that foreign policy is more than just another item to be successfully navigated in daily press briefings, or avoided by holding a summit, or abdicated by passing it off to the United Nations, many more such catastrophes will ensue.

While Bosnia is a terrible problem, it is just one small part of a much larger problem that must be addressed—our lack of any coherent, consistent foreign policy. I intend to address that issue at length at a later time.

Mr. President, as we look to the vote which will be occurring shortly on lifting the arms embargo, I trust that it can be a means of expressing a way out of this conflict, not a further step into this conflict. We can then say with, I think, ample justification that we are providing an opportunity for the Bosnian people to defend their territory, but that the United States simply will not be engaged in standing by their side in this conflict and achieving some very dubious ends.

Mr. President, with that I yield back whatever time I have remaining and again thank the Senator from Kansas for her patience in allowing me to address both of these subjects.

Mr. HELMS. Mr. President, Senator DOLE is right on target. We are witnessing wholesale slaughter of the Bosnian people, yet the United Nations will not allow them to defend themselves. So, what Senator DOLE and I, and many others, have said many times before, we are saying again: Lift the arms embargo on the people of Bosnia.

Reminders of Vietnam are inevitable: No strategy, no commitment, no leadership. Timidity and vacillation are unbecoming to the United States of America. Let's disassociate the United States from the embargo. Above all, let us not kow-tow to our allies or to the United Nations. Let them do as they wish. Let us do what is right.

The time is long past due for President Clinton to make a decision and stick by it. He must not again talk about air strikes and then declare that he doesn't know what he means by airstrikes. He must let the American people know what he's considering: Missile attacks? Pinprick bombing raids? Will U.S. fliers be exposed to antiaircraft fire? Will U.S. forward observation units be on the ground?

Who can answer those questions? Who's calling the shots? Will the United Nations order U.S. pilots to make air strikes? Will the United States support handing off authority over NATO aircraft to the United Nations?

The State Department and the White House can't answer those questions. It is clear that they don't have a policy.

I don't support airstrikes—for the time being, at least—but I do support, in the name of decency, the United States lifting the arms embargo on Bosnia and letting those pitiful people proceed with defending themselves.

One last point, Mr. President: It is heartbreaking to note the murder in Bosnia, but in the long term, the price the world will pay will be higher still. With empty threats, hollow ultimatums, and embarrassing flip-flops, the credibility of the United States has been whittled away.

It is not only the Serbs who are thumbing their noses at the United States; North Korea, Haiti, and other tin-pot dictatorships are ridiculing America. If this does not stop, the debate one day will not be about who lost Bosnia. It will be about who lost America.

Mr. BURNS. Mr. President, I rise today to state my intention to vote against Senate bill 2042. This bill would lift the arms embargo against the Bosnian Government.

I think we can all agree that the bloodshed in the former Yugoslavia has got to stop. We cannot afford to let this situation drag on. It is destroying this once fine country and its people. And the longer it continues, the more of a threat it is to its neighbors, U.N. peacekeepers, NATO troops, and all of the world.

As we look at this tragic situation, we have to keep this in perspective, pick through all the conflicting messages and come to a reasoned decision. And I mean reasoned—not one based on flip-flop policies or on media coverage. We have to keep in mind that this is just one outburst out of many, many outbursts in this area of the world. This region has bickered over its borders for hundreds of centuries.

This region is a powder keg ready to explode. Throwing more weapons into the arena is like throwing gasoline on a burning fire. I do not see how arming the Bosnians is going to do anything but fan the flames. We have to put this fire out and get all sides to the negotiating table.

Too many times when all sides are at the table, the Bosnians see a sign from the West and grab onto it like a last straw. I am concerned that lifting the arms embargo will only give the Bosnians a signal, encouraging them to launch offensive actions. The last thing we want to do is to send a signal that we may just possibly get deeper involved in this situation than we already are.

NATO is already carrying out air strikes under the authorization of the United Nations. There are lightly armed U.N. peackeeping troops and NATO warplanes and troops in the area. They are in the middle of the violence. We have to be mindful of their position when we seek to change direction in our policy. The United Nations decided to put an arms embargo on the country. I am not arguing whether that should have happened under the United Nations Charter, I am just saying that there are now other players in the area that will be affected by our decision.

We have to take all sides of this issue into consideration. Great Britain and France are considering removing their troops from Bosnia and Herzegovina. The United Nations will have lost its position in the area and all of our humanitarian efforts will be lost. This vote is a vote on our role in this region.

There is more at stake than whether to lift the arms embargo. It will stake our new course, setting the wheels in motion for our future role, and that of our allies.

We are in this as a multilateral effort. This effort tends to weave and bob, but it is a concerted effort nonetheless. The United States is losing credibility in foreign affairs. We need to either take the lead or get in line with our NATO and U.N. partners. Lifting the arms embargo is only one step. What is the next step? Without a distinct plan, I am afraid that this little step will only be one more twist in this tangled web of a policy in this region.

In short, I cannot support this bill. There are too many questions left dangling. We need a coherent policy, not a garbled message. And after looking at it from every side, I just do not see that it makes sense.

Mr. CHAFEE. Mr. President, I would like to make several comments about the pending legislation on Bosnia, which has been offered by Senator DOLE.

First of all, I share the outrage of all Americans about the terrible situation in the former Yugoslavia. I have received hundreds of letters and phone calls from Rhode Islanders who are absolutely sickened by the conflict in Bosnia.

For nearly 2 years, reports from the war have been broadcast around the world: about ethnic cleansing, about the siege of Sarajevo, and most recently about the bombardment of innocent civilians in the so-called safe city of Gorazde. The war has revealed the Serbian combatants to be ruthless aggressors in this conflict.

Americans want the slaughter stopped. Clearly, lifting the arms embargo would send a strong signal to the Serbian government, and possibly help force the Serbians to the peace table. Senator DOLE has proposed that the arms embargo be lifted, and further that the United States should lift it unilaterally. The question presented by the Dole legislation is as follows: "What approach is in the best interests of the United States of America: unilaterally lifting the arms embargo or a multinational initiative?"

I am convinced that multilateral action—in connection with our allies and the United Nations—is the Nation's best course of action in Bosnia. Accordingly, I plan to oppose the pending Dole legislation.

Throughout nearly 24 months of conflict in Bosnia, two principles have guided our policy toward Bosnia. First, the United States should not inject ground troops into the conflict, and second, efforts to secure a lasting peace in Bosnia must be led by a multinational coalition. I see no good reason to depart from these principles at this time.

Let us now examine the specific problems of the pending legislation:

First, the senior Senator from Virginia [Mr. WARNER] has made the persuasive argument that unilateral action would send a clear signal to our allies, and the world, that the United States is prepared to go it alone in Bosnia. In short, it would Americanize the conflict.

The implications of an Americanized war are extremely troubling. Would the United States deliver weapons throughout the country? Would we train the Bosnians? Would that training be done in Bosnia by our forces?

These questions all point toward a major escalation of United States involvement in Bosnia. I don't think that the American people would support such military involvement, involvement that could lead the United States into a military and political quagmire.

Second, I am troubled by the precedent of unilateral action to violate a U.N. resolution, a resolution that reflects the will of the Security Council and binds all member nations. The United Nations currently has sanctions on a number of nations around the world, including Iraq, Libya, and Haiti. If the United States ignores the United Nations on Bosnia, it would send a dangerous signal to other nations that it is free to violate U.N. decisions as well.

For instance, the U.N. embargo on Iraq is of critical importance to the United States. Other nations, notably the French, have been unenthusiastic about abiding by the embargo. Unilateral United States action in Bosnia could lead to a total breakdown of the United Nations ability to enforce sanctions on Iraq. Furthermore, it could completely undermine the United Nation's ability to affect international behavior through binding resolutions.

Third, it is important to remember that our allies—in particular, the British and the French—have troops on the ground in Bosnia. These nations do not want the United States to take unilateral action in that country; it could imperil the lives of their troops. Moreover, lifting the ban unilaterally would almost certainly disrupt the important United Nations humanitarian relief efforts that the peacekeeping troops are coordinating in Bosnia.

Finally, I fear that unilateral action would undermine the fragile peace negotiations that are underway between the United States, the United Nations, and the Russians. We must all remember that the ultimate goal in the former Yugoslavia is peace. Unilateral action could well prolong the conflict and delay a peaceful settlement in Bosnia.

Mr. President, I believe that the United States needs to work with the United Nations—especially our allies in Europe—to stop Serbian aggression. American leadership can best be demonstrated by leading a multinational effort to end the conflict.

Unilateral action is the wrong approach.

Mr. LAUTENBERG. Mr. President, I intend to vote for both amendments.

This is not a debate about whether to lift the arms embargo. It is a debate about how we can best do it.

I believe the arms embargo against the Bosnian Moslem's should be lifted. Thousands of innocent Bosnian Moslems have been slaughtered before our eyes as the world has debated the proper way to provide them with the means to defend themselves. The international community has left the Bosnian Moslems defenseless, forced them to fight their Serbian aggressors with both hands tied behind their backs, contributed to their slaughter. I am a cosponsor of the Dole-Lieberman amendment because I believe the arms embargo should be lifted. I will vote for that amendment.

However, I also intend to vote for the Mitchell amendment. I prefer international consensus through the United Nations. The President has asked for more time to seek the agreement of our allies. I want to empower the President in his efforts to prevail up on the allies to lift the arms embargo. But I am not willing to give him forever.

Lifting the arms embargo to ensure that the Bosnian Moslems will be able to defend themselves is the right thing to do. The United States should lift it, and so should the international community.

Mr. MOYNIHAN. Mr. President, as I stated on the floor yesterday, this is an extremely difficult issue. Unilateral lifting of the Bosnian arms embargo gives me no pleasure. No doubt it is preferable for the United Nations Security Council to agree to fulfill its responsibilities and to lift the arms embargo. Better for Bosnia. Better for the Security Council.

I find it significant that Senator BIDEN—an early supporter of lifting the embargo—is supporting the Mitchell amendment because he received a commitment from the administration that the United States will table a resolution in the Security Council to lift the embargo. In addition, the majority leader makes a powerful argument concerning the safety of the gallant U.N. peacekeepers and aid workers in Bosnia.

I find elements of both proposals compelling. This is particularly true because I disagree with some of the proponents of the Dole amendment when they say that the United States has no stake in this contest, and when they oppose Senator MITCHELL's endorsement of NATO involvement. Some who support Senator DOLE's amendment say we should lift the embargo and then wash our hands of Bosnia. I disagree. In fact, if we are to lift the embargo we should be prepared to support the implementation of that policy with air power.

Taken together, the two amendments constitute the strongest position. A unilateral lifting of the arms embargo, combined with multilateral air strikes. I hope that it will be understood by the administration that there were those in the Senate who supported both. And that it will be understood that many who voted only for the Mitchell amendment did so as the very last step short of unilateral action.

Mr. President, the credibility of the United Nations guarantee of a collective response to aggression is at stake in Bosnia. If the United Nations Security Council fails in its responsibility to provide a collective response to aggression and at the same time purport to forbid other countries from assisting Bosnia, then the credibility of the Charter itself will be at stake in Bosnia.

Mr. MCCONNELL. Mr. President, there are remarkably circular arguments at work in this debate.

With very few exceptions, even opponents of the Dole bill claim they want the embargo lifted, but it should be done in concert with our allies.

The President joins this chorus. He says he wants the embargo lifted, but he is powerless to make that decision, or affect that change.

Unfortunately, if we don't demonstrate American resolve, the United Nations and Europe will not move—the fact that the international community is paralyzed, in turn, has become the excuse the administration uses for not acting.

American policy is caught in an endless circle of accusation, blame and counter-accusation.

Frankly, what's missing is American leadership. I had hoped that in the weeks since this measure was first brought to the floor that the State Department and Ambassador Albright, at a minimum would have tried to establish in the Security Council that the embargo did not apply to Bosnia.

Obviously, many of us hoped that the President would go further and take advantage of the time since the legislation was introduced to press the case with our allies to lift the embargo entirely.

Instead, no effort has been made. The President keeps saying he thinks it ought to be lifted, yet there is no evidence that he is matching words with diplomatic action.

So, the Senate is left with the obligation to take the initiative.

The fact of the matter is the vote today is much a message of support to the Bosnian Moslems as it is a last gasp attempt to motivate the administration to do what needed to be done a long time ago—define and defend American interests.

The vote today will not end the embargo. In all likelihood this bill will never see the light of day in the House—House rules and the administration will make sure of it.

We should accept that what we are doing is largely symbolic, and, as such, represents the enormous collective frustration we share as we watch America's credibility erode and our interests subcontracted out to the United Nations.

Earlier in the week, I defined this as a debate about American leadership.

I am convinced the United Nations and our allies in Europe will continue to stand on the sidelines and wring their hands unless they are presented with decisions and firm direction from the leader of our great Nation.

Sadly, the United States of America has joined the ranks of hand wringers.

A year ago, I was uncomfortable telling a new administration how to conduct the foreign policy business of this Nation.

But, after a year of administration missteps, misquotes and missed opportunities, it is time for the Senate to act to fill the foreign policy vacuum.

We cannot schedule the President's day. We cannot force the men on the President's national security team to make decisions.

In fact, I am not persuaded they ever will make the tough choices—I am not confident the administration wants to define our goals and be forced to bear responsibility for a sustained commitment to a strategy.

It seems the best the Administration can do is plead with the Majority Leader for more time. The alternative to Senator DOLE's measure declares our support for the status quo urging the President to promptly seek the support of our allies and the United Nations in lifting the embargo.

I suppose the proponents of this strategy set some stock in telling the President to act promptly.

But, let's remember, this legislation was the pending business of the Senate April 21. The administration has had three weeks to act promptly and they have done absolutely nothing.

I don't think this debate should be about 2 more days or 22 more days. What the Senate needs to address is the pattern of indecision which jeopardizes American credibility and only guarantees more pain, more losses and prospects for peace in Bosnia.

As days lapse into months, the Serbs have come to understand that our tough talk is not followed by decisive action. They have and will continue to take advantage of the administration's wobbling and inconsistency.

The Bosnian Moslems should not have to continue to pay a price for the failure of American leadership. The embargo should be lifted. Let us not compound our failure with half hearted attempts to buy time. I urge my colleagues to support the Dole-Lieberman legislation.

Mr. DODD. Mr. President, I rise in support of the pending amendment by the distinguished majority leader, Senator MITCHELL. I want to commend him for his work in putting together this important piece of legislation and for bringing this crucial matter to the attention of the Senate.

I also want to commend the distinguished chairman of the Foreign Relations Committee, Senator PELL, and the distinguished chairman of the Armed Services Committee, Senator NUNN, for their contribution to this amendment.

Let me take this opportunity as well to commend the distinguished minority leader, Senator DOLE, along with my colleague from Connecticut, Senator LIEBERMAN. Senator DOLE and Senator LIEBERMAN have played an instrumental role in the debate and the dialog over this issue for the better part of a year. Their efforts have helped to keep the issue of Bosnia and the plight of the Bosnian people firmly in the center of the American foreign policy agenda.

Mr. President, the amendment that has been proposed by Senator DOLE and Senator LIEBERMAN raises important and complex questions that deserve very careful consideration by every Member of this body. In all candor, I must say that I find myself in sympathy with much of what this legislation seeks to do.

Like the sponsors of the Dole amendment, I too am deeply troubled by the arms embargo against the people of Bosnia and Herzegovina, an embargo that in my view has needlessly contributed to the suffering of the Bosnian Moslem population. And I must admit that there is a certain emotional appeal to the solution this legislation proposes, which is to lift the embargo now and to provide arms to the Bosnian Moslem faction.

But however much I may be in sympathy with the Dole-Lieberman language, and however strong the appeal of this legislation may be, I cannot lend my support to the solution this amendment would propose. This legislation would require the administration to take an action that flies directly in the face of our commitments to our allies and to the rest of the international community. As much as I would like to see an end to the embargo against Bosnia, that is a course of action I cannot support at the present juncture.

Mr. President, I would remind my colleagues that the U.N. arms embargo was imposed by a binding resolution in the Security Council. I would remind my colleagues that the United States voted for this resolution and pledged to abide by its terms. Just as we would insist that our allies adhere to Security Council resolutions, even those they might later find inconvenient or distasteful, so must we apply that standard to ourselves.

It has been argued by the proponents of the Dole amendment that the U.N. arms embargo is politically and morally wrong, and that the embargo may in fact be contrary to law. It has been argued that the embargo is a violation of article 51 of the U.N. Charter, which guarantees every nation the right to self defense. This is an important question, and one on which I think it is safe to say the international legal community has been greatly divided.

Unfortunately, while the Dole amendment raises this and other important questions, it also attempts to answer these questions, and to do so in a manner that in my view may be premature. In truth, this legislation asks us to simply declare that our view is the right view, and that since we are right and the Security Council is wrong we should no longer consider ourselves bound by the Security Council's judgments.

Make no mistake, Mr. President: What this legislation would ask us to do is to serve as judge and jury over the actions of the United Nations. I am not certain that this is the kind of international order our allies and partners around the world have in mind, nor do I believe this is the kind of international order that will serve our own interests in the long run.

Just imagine for a second, Mr. President, the kind of pandora's box such an action would open. What if Great Britain, or Greece, or Turkey, were to decide that the U.N. arms embargo against Iraq was no longer in their interest? Perhaps they might even come up with some provision of the U.N. charter that in their view nullified it or rendered it illegal. Would that give them the unilateral right to ignore the arms embargo?

What if Canada, or Venezuela, were to decide that they no longer felt themselves bound by the United Nations trade embargo against Haiti? Would it be acceptable for them to ignore that embargo as well? These are questions we need to ask ourselves before proceeding with this legislation today.

Moreover, Mr. President, it is unclear whether a unilateral lifting of the arms embargo would ultimately even benefit the people of Bosnia and Herzegovina. One can argue, of course, that the provision of U.S. arms and supplies to the Moslem faction in Bosnia might help them gain an equal footing in the conflict, and perhaps even hasten the war's end.

But there would be a cost to such unilateral action as well, Mr. President, and the cost might be very steep indeed. Over the 3 years that this conflict has been fought, the international community has taken a number of steps to limit the spread of the fighting and to limit the impact on innocent civilians. If the United States were to decide to lift the embargo unilaterally, these important efforts could be put at risk.

In Croatia, some 14,000 U.N. peacekeepers have been in place since the early part of 1992, helping to enforce a truce between Serbian and Croatian forces. In the former Republic of Macedonia, U.N. peacekeepers have been deployed in order to keep the war from spreading. And in Bosnia, U.N. peacekeepers have secured the Sarajevo airport and have been using that airport to carry out airlifts of humanitarian assistance. That effort has now been under way for nearly 2 years, longer even than the famed Berlin airlift of 1948–49.

The international community has also had some success, I might add, in deterring certain instances of aggression by Serbian forces. This past February, after a mortar attack against an open-air market in Sarajevo, the United Nations and NATO issued an ultimatum banning any Serb heavy artillery from within 20 kilometers of the city. Last month, this ultimatum was extended to cover the Bosnian city of Gorazde as well. While there have been violations of these ultimatums, Serbian forces have for the most part adhered to the NATO mandates.

Mr. President, I do not mean to imply that the international community has done everything it can in the former Yugoslavia. Clearly there is more that the United Nations and other international organizations can and should be doing to bring a halt to the aggression by Serbian forces. But if we lift the embargo now, if we blatantly ignore our obligations under the U.N. Security Council, then we run the risk of undoing all of the cooperation that has been enjoyed to this date.

Do that, Mr. President, and we inject the United States into this conflict in a way that we have never been before. Do not think that we will continue to gain the cooperation of the British, or the French, far less the Russians. No, what we will have is an American conflict, with an American agenda and an American role. That is not in the interest of America. That is not in the interest of the international community. And ultimately, Mr. President, that is not in the interest of the people of Bosnia.

Mr. President, fortunately there is an alternative to a unilateral lifting of the embargo and that is contained in the amendment by the distinguished majority leader, Senator MITCHELL. The proposal he has put forth is a carefully crafted measure that would strengthen the hand of the United Nations and NATO in dealing with the Serbian aggression, while at the same time preserving our obligations to the international community.

This amendment would lend specific congressional approval to the use of NATO air strikes in order to enforce the exclusion zones around Sarajevo, Gorazde, and other U.N.-designated safe havens. This will give the President a free hand to back up these important NATO mandates with all necessary military force.

At the same time, Mr. President, this legislation also makes very clear that before any United States troops can be sent to Bosnia in order to enforce an overall peace agreement, the President shall be required to seek prior congressional approval. This approach represents a careful and judicious balance between the rights of the executive and the legitimate interests and responsibilities of the Congress.

But the most important part of the Mitchell substitute, in my view, is the section pertaining to the United Nations arms embargo. Mr. President, no matter what one thinks of the issue of multilateral or unilateral action, it is quite clear that as a matter of policy, the U.N. arms embargo has been a failure. In fact, in the 2½ years since the U.N. arms embargo was imposed, Serbian forces have been able to victimize the Bosnian population with almost complete and total impunity.

With thousands of innocent people killed and countless wounded in aggression that continues to the present day, I believe it is time for us to see the arms embargo for what it is: An anachronism, a failure, and one that should be relegated to the ash heap of history as quickly as possible.

That is very clearly the view that is represented in the majority leader's amendment. The amendment says, and I quote, "The Senate favors the termination of the arms embargo against the Government of Bosnia and Herzegovina." The amendment goes on to insist that the President seek immediately the agreement of NATO allies to terminate the embargo, and that it promptly lend its support to a resolution in the U.N. Security Council to achieve this very objective.

Mr. President, the importance of this last provision cannot be overstated. One year ago, in May 1993, the Clinton administration attempted to gain the consent of our European allies to lift the arms embargo against Bosnia. Those efforts were unsuccessful, and there were some observers at the time who believed the administration could have done a more forceful job of pressing its case.

Mr. President, I do not presume to judge what the administration can and cannot achieve in the course of negotiations with our allies. But I do know this: Now is the time for the administration to make every effort—and to spend the political capital needed—to bring our allies in line with our own policy objectives. Those objectives include, and should continue to include, a lifting of the arms embargo on the Bosnian people.

Mr. President, in the former Yugoslavia today, the people of Bosnia are crying out for our help. The least we can do is to give them the means to defend themselves. But if by doing so we shatter the fragile international coalition that we have worked so hard to build, then we will have done the Bosnian people, not to mention ourselves, more harm then good.

Yes, Mr. President, we should lift the arms embargo. If we are a humanitarian society, we must lift the arms embargo. But if we value the rule of law among nations, and if we value the future of multilateral cooperation, then we should not—and must not—do so on our own.

For these reasons, Mr. President, I will vote for the Mitchell amendment, and I urge its adoption by my colleagues.

Mrs. BOXER. Mr. President, I have listened with great interest to this debate, and I have decided, after much deliberation to vote in favor of the amendment offered by the majority leader, Senator MITCHELL, and against the amendment offered by Senator DOLE.

I believe that the Bosnian people have a fundamental right to defend themselves and that the current arms embargo deprives them of the right. I voted earlier this year with 86 of my colleagues to urge the President to lift the Bosnian arms embargo.

The arms embargo is a failed policy, with terrible consequences for both Bosnia and the United States. For the Bosnians, the embargo means that their army remains outgunned, their land overrun, and their people murdered. For the United States and its allies, continuation of the embargo makes us tacit collaborators in maintaining the Serbian military advantage, which if left unchallenged, will lead to additional deaths, and the eventual destruction of the Government of Bosnia and Herzegovina. If at all possible, the arms embargo should be terminated where it originated—in the U.N. Security Council. The amendment by the majority leader requires the administration to propose or support a resolution in the Security Council to repeal the embargo. When faced with such a resolution, I hope that our allies will see the wisdom of our position and will not exercise their veto authority.

However, I want to be perfectly clear on this point: Should the United Nations fail to repeal the arms embargo, I will support lifting it unilaterally. The Mitchell amendment requires that within 5 days of the Security Council failing to approve such a repeal, the President must consult with Congress about acting alone. This means that in a worst-case scenario—if our NATO allies the United Nations flatly reject our efforts to lift the embargo—we will be back on the Senate floor debating another amendment to lift the arms embargo. And if we are forced to debate a similar amendment in the future, I believe that it will pass by a wide margin.

Mr. President, innocent people are being slaughtered in Bosnia and we are not doing enough to stop it. I believe that our Nation has a moral obligation to help the Bosnian people defend themselves and stop this horrifying genocide. However, the best way to accomplish this goal is to work with our allies through the United Nation. If absolutely necessary, I will support unilateral action. However, before taking such drastic action, I believe that the administration should resolve this issue through the United Nations.

Mr. KEMPTHORNE. Mr. President, today, I will vote in favor of the Dole amendment. I do so because I do not believe that we can continue to impose against the people of Bosnia an arms embargo that denies them the right to self-defense.

I have long supported, and often spoken in favor of, efforts to lift the arms embargo on Bosnia because I believe the current arms embargo does not achieve its objective. Since it is primarily the Serbians who now have arms we have created an imbalance which favors the Serbs over other combatants.

At the same time, I want to take this opportunity to stress my support for efforts to lift the arms embargo in concert with our allies. I hope the United States will not have to go it alone in this action because it is undeniable that cooperative action with our allies is preferable. But, the United States has often been called upon to lead in world affairs, and one of the burdens of leadership is sometimes loneliness. The bottom line is that the embargo must be lifted and by our act we now can and must encourage our allies to join us.

Thank you Mr. President, I yield the floor.

Mr. BRADLEY. Mr. President, I would like to clarify that my vote against the amendment offered by the distinguished majority leader does not imply any lack of support for NATO airstrikes as described in the amendment. I fully support the use of air power, provided it is part of a comprehensive strategy toward ending the fighting in Bosnia. Indeed, I believe the use of airpower has, to date, been too little and too late.

I will vote against the majority leader's amendment because I believe it is time to send a clear signal to the administration that the arms embargo against Bosnia must be lifted. The Bosnian Government must be allowed the means to defend itself. In the absence of countervailing force, or the prospect of countervailing force, the Bosnian Serbs have no incentive to end their land grabs and ethnic cleansing. It is clear that the United Nations and NATO will not provide that countervailing force. We owe it to the Bosnian Government to permit it to try.

The Senate has voted before in support of lifting the embargo. However, given the nonbinding nature of previous Senate action, the administration has been free to ignore Senate sentiment.

The Dole-Lieberman amendment will at least force the administration to come clean. It will set the clock ticking for administration action, either to negotiate a lifting of the arms embargo by the time the bill passes both Houses and reaches the President's desk, or openly to oppose lifting the embargo and, if necessary, veto the legislation. Only an unambiguous signal from the Senate—approval of Dole-Lieberman and rejection of Mitchell—can end the ambiguity and force the administration to decide its policy.

The PRESIDING OFFICER. The Republican leader has 7 minutes.

The Chair recognizes the Republican leader.

Mr. DOLE. I yield the 7 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Senator from Kansas.

Mr. President, we come once again to a crossroads. In the two votes that we will cast in a short while, we will make a fateful decision for the war-torn people of Bosnia and also for our own people, as we consider what part we shall play in the post-cold-war world. How shall we protect our security and uphold our principles?

The decision we have is not to express whether we care about the slaughter and suffering in Bosnia. I know that all Members of the Senate care. The question is, what are we going to do about it? Will we lead or will we follow? Will the trumpet we sound be strong and certain, or will it be muted? That to me is the fundamental choice between these two amendments and that is why I will vote no on the first amendment and yes on the second, which I am proud to cosponsor with the Senator from Kansas, and which will unilaterally lift the illegal and immoral arms embargo against the people of Bosnia.

This amendment is genuinely a bipartisan effort. It was never intended to be antiadministration, although I know the administration opposes it. It was in fact conceived as a unifying expression of support for the lift and strike policy that was adopted by the Clinton administration more than a year ago, but never fully implemented—primarily because of the opposition of our allies.

The strike part of the policy came into effect after the President reacted to the slaughter in Sarajevo in February of this year. This amendment gives us now the opportunity to strengthen the President's hand in implementing the lift part of his policy.

Mr. President, this amendment is premised on two large lessons that emerge from the sad story of diplomacy in the Bosnian war.

First, the Serbs have only responded when the world community acted forcefully and they have had something to fear.

Second, the world will not act forcefully unless the United States takes the leadership by being forceful ourselves.

This embargo is immoral because it denies an independent country and its people the arms with which to defend themselves against aggression, invasion by Serbia for the purpose of conquest, and genocidal acts.

The comparisons that have been made in this debate between this embargo and the embargoes against Serbia and Iraq, for instance, totally miss the point and fail to distinguish between embargoes that are imposed by the world community on aggressor nations and an embargo, this one, against the Bosnian people that prevents the victim of aggression from defending itself.

Make no mistake about it, this embargo is not just a piece of paper or a resolution adopted at the U.N. or implemented by Executive order of the President, as this one was. This is an embargo that American military personnel on ships in the Adriatic are enforcing today. We are party to denying, by our actions, the Bosnian people the weapons with which to defend themselves.

The embargo is illegal because it violates article 51 of the Charter of the United Nations which gives every country the right to defend itself. It is illegal because, in a technical sense, this embargo was imposed on the former Yugoslavia which no longer exists. And it is illegal because it was imposed before Bosnia came into being.

The Senate knows all this. As my colleagues have said, one after the other, most Members of the Senate are against the embargo and want to lift it. In fact, the Senate voted 87 strong on January 27, 1993 to urge—not demand, not unilaterally lift—but to urge the lifting of the embargo. What happened? Nothing. Neither our allies nor our enemies took that action seriously, and that is why we have to act forcefully today and take a leadership role by lifting the embargo unilaterally.

Mr. President, we have debated and debated for more than 2 years in this Chamber. Meanwhile, the people of Bosnia have continued to be shelled by artillery, attacked by tanks, forcibly removed from their homes simply because of their religion—in this case Moslem—and have seen their communities destroyed, their lands stolen, and their loved ones raped and killed. There are 200,000 dead and 2 million refugees.

The time for talk is over. The time for action is here. How many more Bosnians are we going to allow to die before we stand together with the victims of this brutal aggression and shout, "Enough"?

Will this amendment give the Bosnians hope? Absolutely. Not the false hope of the American cavalry riding over the hill to save them. They are not asking for that. They have soldiers —their own—and what they want is the arms with which to fight their battles.

In debate here, some have said that lifting the arms embargo unilaterally would lead the United Nations' peacekeepers to leave Bosnia, putting the Bosnians in harm's way; or that sending the arms in would actually lead to the death of more Bosnians. Mr. President, it seems to me that we ought to listen to the words of the democratically elected leaders of Bosnia as to what is best for the Bosnian people and not from this place make the judgments about their well-being as they suffer and struggle through a war.

We have heard from those leaders. Prime Minister Silajdzic wrote yesterday to Senator DOLE and me and to all Members of the Senate through us, pleading with us to adopt the amendment to unilaterally lift the arms embargo. He quoted Edmund Burke saying: "The only thing necessary for the triumph of evil is for good men to do nothing."

Mr. President, we have done nothing for too long, and we have seen the triumph of evil. Lifting the arms embargo is the least we can do.

So we have to listen to the pleas of the Bosnian people, the victims of this aggression. We have to listen to the words of Edmund Burke and to our own conscience which tells us to do what is right; to our intellect which knows that this embargo is illegal; and to the echoes of history which tell us that those who invade neighbors, as the Serbs have, for the purpose of conquest and to carry out genocidal acts will cease their brutality, not when they hear the language of diplomats, but only when they face the weapons of soldiers.

Mr. President, the question before us in these two votes is how we will answer the pleas of the Bosnian people for help. Will we say, yes, we will help, or will we say maybe? I hope and pray that we will say yes.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. Yes, it has been and the Senator can use his 10 minutes at this time.

Mr. DOLE. Mr. President, first I want to thank my colleague from Connecticut for underscoring right up front that this is bipartisan. This is not an effort to undermine the President of the United States. In fact, we thought when we started it was an effort to help the President of the United States because he had talked so often about lifting the arms embargo. In fact, many of us have visited with the President at the White House, and he talked not only about that but about air strikes. Some of us were prepared to support him in both cases, including the Senator from Kansas.

If we go back to the Revolutionary War, the Americans were engaged in self-defense, and we were helped by other countries. The right of self-defense is inherent. It does not have to be in the U.N. Charter. It is a basic inherent right: The right of self-defense.

If you read the letter we received yesterday from the Prime Minister of Bosnia, Haris Silajdzic, I think the one statement that stands out—and there are a number that stand out—first of all, he says:

> Tomorrow the hopes of the Bosnian people are turned to the United States Senate.

They are looking to us for leadership. They are looking to America for leadership. This is what this is all about: Leadership. Bipartisan leadership.

He also makes the statement, which I have been trying to make the last several times I have spoken on this issue:

> If the rest of the world is making a mistake, should America also make the same mistake? Isn't it high time to correct this mistake?

To me that says it all. I am surprised some here would say, "Well, I'm going to vote for the other amendment because we are going to let the United Nations authorize the United States air power under U.N. direction and require us to abide by U.N. interpretation of what Bosnia's rights are." That is in my colleague's amendment, the distinguished majority leader.

We have had all this debate about the United Nations having too much authority now and about the U.N. directing this and the United Nations directing that, and some are about to vote for an amendment that would authorize the United Nations to direct air power and to authorize air power. We have already had problems with Mr. Akashi who had our pilots flying around up there for hours while he is trying to talk somebody out of having air strikes, while he is having conversations with the Serbs. It is outrageous.

So I hope that people read both resolutions before they vote.

We also address the specific question raised by the distinguished Senator from West Virginia [Mr. BYRD.] We make it very clear we are not talking about personnel. Let me repeat, we are not talking about ground forces. In our amendment, in the Lieberman-Dole amendment, the bipartisan amendment, with 30-some cosponsors, Democrats and Republicans, all we suggest is to give these people a right to self-defense. Remove the British forces, remove the French forces, remove all the U.N. protection forces so nobody is going to be in harm's way, and that is all that Mr. Silajdzic asked for in his letter delivered yesterday. And we hope that every Senator has had a chance to look at it.

In my view, he should know better what is best for the people of Bosnia than anybody on this floor, any of us.

So he just says:

> Please let your colleagues know that we fully support this measure and that we hope and pray

—we hope and pray—

> for its passage. And as Edmund Burke said: "The only thing necessary for the triumph of evil is for good men to do nothing."

He closed his letter by saying:

> It is never too late for justice.

Now, he has seen it all. He has seen 200,000 Bosnians slaughtered in the past 25 months. He has seen shelling of hospitals, shelling of the Red Cross, children shot before their parents' eyes. And all we are saying is let us send a statement—we are not France. We are not Great Britain. We are the United States of America, and we have had moral authority in this world for a long time and moral leadership in this world for a long time, and the people of the world look to us for leadership. We do not send any armed forces. We do not send any ground forces. We do not have air strikes. All we do is lift the embargo so they can defend themselves.

This vote ought to be unanimous. It was 87 to 9 in January, almost the same amendment, a sense of the Senate amendment, and now we have made it a little tougher. The vote was 87 to 9, and some of the nine voted against it because they were concerned that we might authorize personnel, so we made that very clear in this amendment. We made it very specific. We are not authorizing the use of personnel, American personnel. All they want are defensive weapons.

We were told, Senator LIEBERMAN and I, by the Prime Minister and by the Vice President, Mr. Ganic, about 2½ weeks ago, they have one rifle for every four men. They have 8 tanks to 300 tanks the Serbs have.

Now, how do we empower ourselves to sit in judgment on a people who only want the right to fight for survival? And we are saying, "No, you can't have that right. We are not going to give you that right. Oh, we are for you, but we are not going to give you that right unless the United Nations says OK."

Again, we are the United States of America. We are not risking one American life. We are not risking one American pilot, one American airplane, one American anything. What is so wrong with the Dole-Lieberman resolution?

There is nothing wrong with it. And I note that Mr. Lake this morning said on a morning talk show, "The option is still on the table. If our current efforts to work out a diplomatic settlement don't succeed, then we think we should go back to that option."

Well, this option has been on the table for months, and now we have the French Foreign Minister over here saying we ought to impose a settlement on the Bosnians. Sure; why not? Why not take all their country and give it to the Serbs? They control about 70-some percent of it now. And we are saying, well, maybe we can get it down to 51 percent. Then they ought to be happy. Then we will send U.S. ground forces there to impose a settlement on the Bosnians.

It does not make any sense to this Senator. I am not a diplomat, but I am a Senator. And we will have, in about 20 minutes, an opportunity to say something very simple, that we believe in the right of self-defense. If 87 Senators said that in January and only 47 say it today, I am going to wonder what happened, what have we done wrong? What has Bosnia done wrong except witness more slaughter of innocent men, women and children? The Serbs are the aggressors, and they have been the aggressors. They have the arms. They have the tanks. And they thumb their nose at us at every opportunity.

I do not understand. I listened to the arguments on the other side, and if I were suggesting we send one American, or risk one American life, I would agree with the Senator from Virginia and others. But we are not. We are not.

So it seems to me that we can dither along here and wait another 3 weeks and if the United Nations does not act—they are not going to act. They are not going to take up any resolution even though the President might table the resolution, so they turn it back and we come back in 5 or 6 weeks and then, some people say, well, then I will vote for it. But first we have to kill about 10,000 more Bosnians before I have this moral outrage that permits me to speak up and to vote correctly. That is what this is all about.

We do not need any hearings on this resolution. We do not need anything on this resolution but for somebody to read it. If every Senator reads the DOLE-LIEBERMAN resolution—and it is all on one page—in my view they will vote for it, unless they want to go contrary to what the Prime Minister says. He says they are praying for us today to do the right thing—us, Republicans and Democrats.

It seems to me that now is the time. We have made all the arguments. They do not want anything. They do not want American forces. They do not want air strikes. They would like air strikes, but they would be willing to settle for just lifting the arms embargo.

In my view, if we take this action today, you will see the British and the French follow suit. That is what American leadership is all about. If we do not provide the leadership in the world, nothing happens. In this case, only bad things have happened. So I hope my colleagues who are undecided and maybe some who may be on the wrong side will read the resolution and then read the letter from the Prime Minister. And if you can vote no after reading those two documents, then you should vote no.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I have read both documents, and I will vote "no." I urge all of my colleagues to do so.

First, there is no disagreement on our objective. It is a peaceful and fair resolution of the conflict raging in that region.

Second, it is to obtain a lifting of the arms embargo. But the appropriate way to do it is not in the manner prescribed in the amendment offered by my colleague, Senator DOLE.

Over the past year, I have been present at several meetings with President Clinton on the subject of Bosnia. Members of the House and Senate, Republicans and Democrats, have been asked to give the President their views. They did so, and the views ranged over a wide range of options, many contradictory. But on one point there was no disagreement. Every Senator or House Member who spoke to the President said, "You cannot do it alone. You must involve our allies."

No one expressed a contrary view, not one, in those meetings, because they recognized that we cannot now simply unilaterally discontinue this embargo without regard to the views of our allies or the safety of the citizens and troops of our allies.

It is all well and good for U.S. Senators, not one of whom would now vote to send a single American soldier to Bosnia, to talk about morality and authority when there are several thousand British and French troops on the scene in danger, under fire, and have been for years. Who are we to scorn the British and French? Who are we to demean the British and French? Who are we to suggest that the British and French have not played a part when they have been willing to and have sent thousands and thousands of their young men into Bosnia where they have been exposed to danger all of these years as we have talked.

Mr. President, it is easy to make speeches. It is tough to take action. Let us consider also the effect of this vote on other multilateral actions imposing sanctions or other collective actions in other parts of the world.

Right now there are sanctions against Iraq which have been in place since the time of the Gulf war. There are sanctions against Haiti; just voted. And we all know, as Senator NUNN so rightly pointed out, that we are going to soon face the possibility of seeking collective action against North Korea.

Every Senator here should understand that if we now vote to unilaterally lift these collective actions by the United States, then others will do the same in those areas. Just a few months ago, in my office a few feet from here, I met with the Prime Minister of Turkey. She made a powerful and impassioned statement of the adverse effects on her country of the sanctions against Iraq. Of course, they do not hurt our economy. So we are all for it.

There can be no doubt that if the Senate now votes that the United States unilaterally lift the arms embargo in Bosnia, the Turkish Government will unilaterally lift the sanctions against Iraq and cite the U.S. Senate as the justification for their action. Is that what the Members of the Senate want?

Just 2 weeks ago, Senator DOLE and I met in my office with the Prime Minister and the Foreign Minister of Greece. The Foreign Minister devoted a good part of the meeting to describing to us the extreme adverse economic effects upon his country of the economic sanctions against Serbia. He told us how the front line States, Greece, Romania, Bulgaria, and Hungary, are suffering from those sanctions.

There is no doubt that if we now vote to unilaterally lift the arms embargo on Bosnia, those States will unilaterally terminate the economic sanctions against Serbia. Will that help the Bosnians? One of the most effective actions that has been taken has been the economic sanctions on Serbia. And that is directly related to this incident.

Mr. President, we know we cannot take the position that others must participate in multilateral actions, but the United States alone can pick and choose those in which it will participate. We know we cannot have it both ways. But that is exactly what those who vote for the Dole amendment will be saying—"We want it both ways. We want to pick and choose when we can drop out of multilateral actions, but others don't have that same right."

Obviously, that is not a standard which other countries are going to accept, especially those countries who have placed thousands of men and women into the area of conflict, in danger, as we have refused to do so and as we have then preached at them. They are not going to accept that standard, nor would we.

It is also very important for everybody here to recognize that the lifting of the embargo does not mean the immediate delivery of arms to the Bosnian forces. Any heavy equipment will have to be delivered through Croatia. If we are willing to violate the United Nations action, we do not know that the Croats will be willing to do so. So this could be an empty gesture, unless others drop out as we have done.

And even if Croatia decides it wants to violate the U.N. action as we would be doing, it would take a good bit of time for heavy arms to reach Bosnia. Then there would be training, and who is going to conduct the training? Is the next step going to be an immediate action by our colleagues to have American trainers involved?

Finally, Mr. President, let us ask ourselves this question. Every time we get into one of these situations, someone gets up and criticizes the President and says, "Well, we have a lot of what-if questions. What if this happens? What if that happens? What if the other happens? And we want answers to those before we will decide."

We have not heard one of those questions or answers on this resolution. Well, I would like to pose one. What if the arms embargo was lifted? What if, as many credible observers believe, it leads to a much wider war involving several competing armies and forces in the region, causing the deaths of hundreds of thousands of others, and ranges out of control? And then they come back to us, and, say, "Well, look here, you Americans. We need you to send some people over here to end this conflict." What if? Is there one Senator who is going to vote for the Dole amendment who will vote to send an American into that region then? Is there one?

The answer is obvious. The silence is deafening. The answer is clearly no. Think about the consequences of our actions.

Let me make one other point before I conclude. What we do hear today has consequences beyond Bosnia and beyond 1994. The United States is a Nation unique in history at a time that is unique in history. We are the dominant military, economic, and cultural power in the world. There have been other dominant powers in history. But never before has a dominant military power possessed a moral authority that the United States now possesses. Every previous dominant power was ringed by hostile forces, and had to fight their way onto other countries' soil. The United States does not.

Our problem is the opposite. Because we seek no military ambition, because we do not seek to dominate others, we not only do not have to fight to get our forces onto other soils, we have to fight to bring our forces back from other countries. Our political problem is that people want our Armed Forces on there territory.

In the past 2 years, I have met with the leader of every European government, and I have asked each of them this question: Now that the Soviet Union no longer exists, and they are withdrawing their forces to Russia, should the United States withdraw our military forces back to the Continental United States?

In every single case, the answer was no; not even a maybe. And those countries which do not have American military forces on their soil want us to send them there. You combine that fact, the United States' unique position in history, with the unleashing of ethnic, tribal, religious, and nationalist violence that is rising in the world, and this country, this Government, and this Senate is going to be confronted over the next several decades with the number of requests for American intervention that is without precedent in our history, or in human history.

We are going to be asked to solve everything. The Senators from Connecticut and Kansas spoke eloquently of the thousands of people killed in Bosnia. Well, there have been 250,000 killed in Rwanda, according to most press reports. Do those lives not matter? Or should we now say, well, we are going to have an American solution to that problem? And what about the Sudan, what about Jordan, and what about Azerbaijan? What about events everywhere in the world?

The United States is the world leader, and will be the world leader for centuries to come. But there is no nation with the capacity, financial or military, that can solve every problem in the world by itself. We require collective action. We need the involvement of others, and the involvement of others means more than saying to them, or criticizing them and saying, we and only we have the solution. We have to involve them in the process. We have to lead, but as part of a community of nations. That is the sensible, that is the prudent, approach, and that is the one that is most consistent with our national interest.

I say to my colleagues, we cannot disdain or demean our allies. They are our allies. We have a long history of cooperation and friendship with them. We do sometimes disagree. We have to lead aggressively and actively. But we cannot solve every problem in the world by ourselves. Every problem in the world is not and will not be an exclusively American problem requiring an exclusively American solution. Increasingly, it will require collective actions.

If we now undermine the concept of collective action, for however worthy a cause, a cause with which I, frankly, agree, I think we have done our Nation a longstanding harm and made it much more difficult to deal with the situations of the future.

Mr. President, we have heard the debate on this issue. There is clearly no disagreement on the goal we want to achieve. We want to see an end to the fighting in Bosnia and a peaceful resolution to the conflicts which have existed in the former Yugoslavia for centuries, a tangle of ethnic, religious, and other differences.

What we have come down to is a difference over the best way to achieve our common goal. The approach proposed by Senator DOLE and his colleagues would direct the President to simply lift the arms embargo on Bosnia unilaterally. The alternative presented by myself, Senators PELL, NUNN, and BUMPERS would instead have the United States aggressively seek the support and concurrence of our allies in NATO and the United Nations to end the arms embargo on Bosnia.

Our alternative goes beyond addressing the issue of the arms embargo. It also expresses support for the decisions made by the President and NATO to support and protect the United Nations forces in and around the U.N. designated safe areas, to use NATO's air power in the Sarajevo region, and to authorize air strikes against Bosnian Serb heavy weapons and other military targets in the exclusion zones around the safe areas. No mention of that is made in the alternative.

While we are encouraged by the results achieved so far by resolute action on the part of the NATO allies, we cannot be lulled into a false sense of success.

The threat of deeper involvement by NATO forces is real. The attack on Danish peacekeepers in Tuzla less than 2 weeks ago was proof of the continuing peril that Bosnian Serb promises, as others before them, will not be kept.

This is the moment, however, for the consolidation of gains already made to find an end to this bloody war and support the renewed diplomatic initiative of the "'Contact Group,'' made up of representatives of the United States, Russia, the European Union, and the United Nations.

Those who believe that the United States and the United Nations should be more aggressive in dealing with this situation should support the alternative we are presenting because the other alternative is silent on those matters.

I was in the region 2 years ago. Later, I expressed support for an end to the arms embargo on Bosnia. I reached that conclusion reluctantly, because I recognized that it could trigger a much more widespread and more destructive conflict than has occurred. But I believe then, and believe now, that on balance it is the right thing to do.

But I believe that it would not be right for anyone now to simply unilaterally discontinue this embargo without regard to the views of our allies or the safety of citizens and troops of our allies.

At this time there are several multilateral actions imposing sanctions or other collective actions in other parts of the world and in this part of the world. Right now there are sanctions against Iraq which have been in place since the time of the Persian Gulf war. The United Nations has just voted to impose tighter sanctions against Haiti. And, as all of us know, there is a possibility that there will be collective action to impose sanctions on North Korea if that country persists in its refusal to permit inspection of its atomic facilities.

My colleagues should consider the consequences of a vote to force the President to lift the arms embargo unilaterally and how other countries will view this move. Unilaterally lifting the arms embargo against Bosnia and Herzegovina will open the door for other nations to pick and choose which U.N. actions they wish to ignore.

A few months ago, I met with the Prime Minister of Turkey. She made a powerful, impassioned statement of the adverse economic effects on her country resulting from the sanctions against Iraq. They have a negligible impact on the American economy but they are crippling the Turkish economy because Turkey borders on Iraq and they had substantial trade.

In my view, it is a near certainty that if the United States now unilaterally drops out of the arms embargo on Bosnia, the Turkish Government will unilaterally drop out of the economic sanctions on Iraq. Is that something that we in the Senate want?

Just 2 weeks ago, Senator DOLE and I met with the Prime Minister and Foreign Minister of Greece. In the course of the discussion, the Foreign Minister described at some length the adverse effects that the economic sanctions on Serbia are having on Greece's economy.

The economic sanctions on Serbia are directly related to the matter upon which we are about to vote, the conflict in Bosnia. Because of the Serbian actions with respect to Bosnia, economic sanctions were imposed on Serbia. They are a collective action. And, as always, the pain of these is not equally felt. We are not feeling much pain in this country from the sanctions against Serbia, but the front-line states are—Greece, Hungary, Romania, Bulgaria.

Those countries have been asked to bear the burden. They are not going to continue to do that if they see that the United States picks and chooses which collective action it will participate in.

We cannot take the position that others must participate in multilateral actions but we can pick and choose when we want to participate. We cannot have it both ways. But that is what the Dole amendment tries to do. It says, in effect, that the U.S. can opt out of collective efforts when it chooses, but others do not have the same right. Obviously, no other country is going to accept that standard.

It is also important to consider that lifting the embargo does not mean immediate delivery of arms to the Bosnian forces. Rapid delivery of substantial amounts of military equipment by air would be perilous if not impossible, given the strategically located Bosnian Serb artillery and antiaircraft artillery positions around Bosnia's airports. In any case, heavy weapons would have to be delivered through Croatia's Adriatic ports. if Croatia cooperated, and that is not certain, in violating the United Nations arms embargo, needed heavy weapons from any source could not begin reaching Bosnia for weeks or months.

If the heavy weapons made it into the hands of the Bosnian Government forces, those soldiers would require training in their use and maintenance. Training in the operation of sophisticated weaponry has been estimated at anywhere from 1 to 6 months. And who would conduct this training of the Bosnian soldiers? Would American military trainers have to go to Bosnia?

Furthermore, the consequences for the Bosnian Government forces and UNPROFOR and Bosnia's civilian population of a likely all-out preemptive Serbian offensive and interdiction of humanitarian resupply efforts could be catastrophic. This is something that every Senator must keep in mind.

The United States is in a position relative to other nations that I believe is unique in history. The United States is the dominant military and economic power in the world.

There have been other dominant powers in history. But there has been no other which possessed the moral authority and the trust which the United State now possesses. Prior empires have all had to fight their way on to the soil of other countries. They were constantly at war with hostile nations who resisted their drive for domination.

The United States has no territorial ambitions. As a result, not only do we not have to fight to get on to other people's soil, other people are constantly asking us to send our military forces on to their soil.

In the last 2 years, I have spoken with the leaders of almost every government in Europe. I have asked each of them this question: Now that the Soviet Union no longer exists and its forces are being withdrawn to Russia, should the United States withdraw its forces from Europe?

Without exception, the answer was no. The Russians, the Germans, the French, the Italians, and all the others; they want American military forces in Europe.

In fact, in several of the countries which I visited where American forces are not presently located, the governments requested that we send them there. This is a situation without parallel in history. People know that the United States does not have territorial ambitions. They know we are not trying to conquer other countries. So they trust us.

The demise of communism and the rise of ethnic conflict and nationalism will create uncertainty turmoil around the world. We are going to be asked over and over again to send American forces to every part of the world.

The question we must ask ourselves as we prepare to vote on this bill is: Are we now to say that every problem in the world is going to be an American problem that requires an American solution? Or are we going to say, as I believe we should, that the United States is the world leader, but it cannot by itself solve every problem in the world and we are going to have to ask others to join with us in dealing with problems, especially those distant from our shores.

I think that common sense, prudence, and our national interest all combine to lead us to include that, in the face of a rising chorus of requests for Americans to intervene everywhere in the world, we must involve other countries in dealing with there problems in the future.

For years to come, Members of this Senate are going to be confronted over and over again with requests for Americans to intervene in every part of the world. We cannot do it all by ourselves now or at any time in the foreseeable future. We can lead and we must lead. But we must have the help and support of other countries. We are not going to get that help or support from them in other instances if we say that we do not care about their views in this instance.

We agree that the arms embargo on Bosnia should be lifted. We should take that step, but we should not take it alone. That is my point. We should be doing it in concert with our allies.

The amendment which I proposed sets forth a process for doing so. It states that the Congress favors the termination of the arms embargo. It directs the President to seek immediately the agreement of NATO allies to terminate the embargo. It then directs the President to propose and support a resolution in the U.N. Security Council to terminate the embargo. Finally, should the Security Council fail to pass such a resolution, the President shall within 5 days consult with the Congress regarding unilateral termination of the arms embargo.

If we are going to take this step let us do it in a sensible way that is consistent with our national interests, by involving our allies: First, by seeking immediately the agreement of our NATO allies; second, by presenting the matter at the U.N. Security Council and seeking its approval; and then, if that fails to come back and consider unilateral termination at that time.

For the reasons I have outlined I ask my colleagues now to cast their vote for my amendment which I believe is most consistent with the best interests of the United States.

The PRESIDING OFFICER. All time has expired.

Mr. DOLE. Mr. President, I ask unanimous consent that I have 1 additional minute.

Mr. MITCHELL. Certainly. I am pleased to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I point out that Iraq is an enemy, and Korea is a potentially enemy. Bosnia is our friend. Whatever the Greeks and Turks may say, they get hundreds of millions of dollars in United States foreign aid. I do not think they would be too happy to give that up if they wanted to have a unilateral lifting of some embargo. I am not concerned about that.

I am not so concerned about that. But again I just say, in the 20 seconds I have left, that I think the majority leader agrees—we are in agreement, basically. We are not talking about committing troops or getting involved. We can talk about that "what if" questions. But what if another 100,000 Bosnians are slaughtered while we talk about this and think about it, when all they want us to do is to lift the arms embargo—no American troops, no air strikes—nothing, nothing, nothing, but lifting the arms embargo.

Mr. WELLSTONE. Mr. President, today we consider legislation to end the United States arms embargo on Bosnia. As many of my colleagues know, I have for over 2 years operated within a very interventionist framework on Bosnia. I have persistently argued that brutal Serb aggression has been intolerable, and that we must do what we can to stop it in a much more forceful way than we have so far.

When the Senate voted in January on this issue, I supported the view that the U.N.-sponsored international arms embargo against the Bosnian Moslems should be lifted. I continue to believe that. Today we must choose between two alternative men of reaching that goal.

My trip to the former Yugoslavia a few months ago underscored for me the proportions of the crisis, and the need for more forceful intervention by United States and our NATO allies. It confirmed what I had believed for many months with respect to the role of the U.N. forces there: that they have been struggling under a mandate that is much too limited. I know they have been subjected to much criticism, some of it justified. They have been in a very difficult position for a very long time.

During my trip, I talked with United Nations troops throughout the region, who have been doing a tough job with relatively few resources and too little political support for their difficult mission. If we are to expect the U.N. forces there to do its job better, they need a tougher, broader mandate to enable them to respond more quickly and more forcefully to Serb aggression and harassment.

I saw the results of the war, talked with refugees about the devastating impact of the war on their families, their homes, their lives, and their futures. And I returned to the United States more convinced than ever that the United States must take a firmer stance toward Serbian aggression.

And we have in recent months begun to take a firmer stand, shamed into it by the marketplace bombing of Sarajevo and the continued bombardment of innocent civilian populations in and around Gorazde. The continued threat of NATO air strikes to protect the Moslem enclaves, which are authorized by Congress in the Mitchell amendment, must be real and immediate.

The senseless slaughter of innocent noncombatants, and the persistent ethnic cleansing campaigns, must be stopped by forceful NATO and U.N. action. We cannot continue to allow the U.N. and Bosnian Moslem forces to bear the brunt of persistent Serb harassment and attack.

To do this, I believe we must lift the embargo now. If possible, we should do it with the assent of the international community, in full recognition of the implications of that action.

That has not always been my position. For many months, I opposed lifting the arms embargo. But I returned from my sobering trip last December convinced that the embargo policy is no longer sustainable. We must send a strong signal of our willingness to at least allow the Bosnian Moslems to defend themselves.

The Mitchell amendment does that. It is the one of the two alternative approaches that I believe makes the most strategic sense, and that poses the greater likelihood of success in our efforts to protect civilian populations there.

For months, the administration has pressed our Western allies unsuccessfully to lift the arms embargo against the Bosnian Moslems. Today we read in the papers that the dispute over how to handle Bosnia between the United States and France is rising to new heights. Those tensions will continue to grow, and frankly do not look like as though they can be resolved very easily at the Security Council.

But if our high-minded commitment to a new world order in which the United Nations helps to act as a guarantor of rights and freedoms around the world is to mean anything at all, we must give the Security Council another, final chance to reconsider its opposition to lifting the arms embargo.

The Mitchell amendment requires the President to seek immediately the agreement of our allies to terminate the embargo. I urge him to do that with all the diplomatic and political force that can be mustered, as soon as possible.

If the Security Council vetoes such an effort, or if the President refuses to pursue it vigorously at the United Nations, then I think we must pursue the immediate lifting of the embargo if circumstances continue to deteriorate there, and allow the Bosnian Moslems to defend themselves against Serb aggression. That is why I requested that a firm deadline be included in the amendment, to guarantee that the administration's consultations with Congress to lift the embargo proceed as quickly as possible if the United Nations refuses to go along.

I must say honestly, while I intend to vote for the Mitchell amendment today, I am at the end of my rope on this question. If the international community is unwilling to act to lift the embargo, and is unwilling to intervene more forcefully by military and other means to protect humanitarian aid delivery and noncombatant populations in the enclaves, then we must act to lift the embargo, and provide certain limited and defense military materiel, in the form of the heavy artillery and mortars which they lack, to the Bosnian Moslems. It is unjust and immoral to allow them to continue to be pounded by Serb attacks without adequate means of protecting themselves.

This military assistance is limited to the provision of appropriate arms that would allow the Bosnian Moslems to defend themselves. It does not urge, nor would it authorize, the dispatch of U.S. military advisors or other troops to the region. Even in the face of the continuing horrible tragedy there, that would be a serious mistake.

The Mitchell amendment does require that any intervention by U.S. ground troops be explicitly authorized by Congress; that is a key provision. It also requires the President to clearly define in law the goals and purposes of any such military action, the rules of engagement, the respective roles of U.S. and U.N. forces, and the plan for disengagement of Western forces there.

I will vote to approve the Mitchell amendment, and against the Dole amendment, for the reasons I've described. I know that colleagues on both sides of this debate all share the same goal: To stop the killing and stabilize the situation in Bosnia so that a more just peace can be sought under the auspices of the international community. I believe the Mitchell amendment best meets that goal, and does so in a way that satisfies our international commitments. I urge my colleagues to join me in supporting the Mitchell amendment.

Mr. MITCHELL. I ask unanimous consent to permit the Senator from Virginia to ask a question.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I seek clarification of the language in paragraph 2. It says:

> The President shall seek immediately the agreement of NATO allies to terminate the international arms embargo * * *

My question to you is: If the President fails to get such an agreement, does this resolution then say we stop?

The next sentence raises the inference that we proceed, with or without such an agreement:

> In accordance with administration policy, following such consultations, the President shall promptly propose or support a resolution * * *

My question is: If you do not get agreement, does this resolution stop there? Because I wholeheartedly support your thesis that this Nation must act in concert with its allies today and, equally important, tomorrow.

Mr. MITCHELL. Mr. President, if I might respond, the amendment sets forth a series of steps that will occur. It does not contemplate stopping at any particular one point because, in fact, were we successful to get collective action to lift the arms embargo, the further actions would be rendered unnecessary. So it is a sequence of events. If the first one does not succeed, we first get our allies and then we go to the United Nations.

Mr. WARNER. But if you do not get the agreement, what then?

Mr. MITCHELL. We go to the U.N. and try there.

Mr. WARNER. Irrespective of the absence of the agreement?

Mr. MITCHELL. That is right.

Mr. WARNER. Does that not contradict your thesis that we should not act without the partnership of our allies?

Mr. MITCHELL. No, because it says we go to the U.N. and try to get their agreement.

Mr. WARNER. Mr. President, I thank the majority leader and I yield the floor.

AMENDMENT NO. 1696, AS MODIFIED

Mr. MITCHELL. Mr. President, I ask unanimous consent that my amendment be modified, and I believe it has been cleared on both sides.

I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1696), as modified, is as follows:

At the appropriate place insert the following:

(a) PURPOSE.—To approve and authorize the use of the United States airpower to implement the North Atlantic Treaty Organization (NATO) exclusion zones around United Nations designated safe areas in Bosnia and Herzegovina and to protect United Nations forces.

(b) FINDINGS.—The Congress makes the following findings:

(1) the war in the Republic of Bosnia and Herzegovina has claimed tens of thousands of lives and displaced more than two million citizens;

(2) the Senate supports as a policy objective a peace settlement that provides for an economically, politically and militarily viable Bosnian state, capable of exercising its rights under the United Nations Charter;

(3) United Nations Security Council Resolutions 836 and 844 call on member states, acting nationally or through regional organizations, to take all necessary measures to deter attacks against safe areas identified in Security Council resolution 824.

(4) On February 9, 1994 the North Atlantic Council authorized the use of air strikes to end the siege of Sarajevo and on April 22, 1994 to end the siege of Gorazde and to respond to attacks on the safe areas of Bihac, Srebrenica, Tuzla or Zepa or to the threatening presence of heavy weapons within a radius of 20 kilometers of those areas (within Bosnia and Herzegovina);

(5) The Congress in the FY 1994 State Department Authorization bill expressed its sense that the President should terminate the United States arms embargo on the Government of Bosnia and Herzegovina.

(c) POLICY.—(1) The Senate authorizes and approves the decision by the President to join with our NATO allies in implementing the North Atlantic Council decisions:

(A) of June 10, 1993 to support and protect UNPROFOR forces in and around U.N. designated safe areas and,

(B) of February 9, 1994 to use NATO's airpower in the Sarajevo region of Bosnia and Herzegovina and,

(C) of April 22, 1994 to authorize CINCSOUTH to conduct air strikes against Bosnian Serb heavy weapons and other military targets within a 20 kilometers radius of the center of Gorazde, and Bihac, Srebrenica, Tuzla or Zepa (within the territory of Bosnia and Herzegovina) if these safe areas are attacked or threatened by Bosnian Serb heavy weapons.

(2) The Congress favors the termination of the arms embargo against the Government of Bosnia and Herzegovina. The President shall seek immediately the agreement of NATO allies to terminate the international arms embargo on the Government of Bosnia and Herzegovina. In accordance with Administration policy following such consultations the President or his representative shall promptly propose or support a resolution in the United Nations Security Council to terminate the international arms embargo on Bosnia and Herzegovina. If the Security Council fails to pass such a resolution the President shall within 5 days consult with Congress regarding unilateral termination of the arms embargo on the Government of Bosnia and Herzegovina. Upon termination of the international embargo the President shall ensure that subject to the regular notification procedures, of the appropriate Congressional Committees appropriate military assistance be provided expeditiously to Bosnia and Herzegovina upon receipt from that government of such a request in exercising its right of self-defense.

(3) Unless previously authorized by the Congress no United States ground combat forces should be developed in Bosnia and Herzegovina. Any request by the President for such authorization should include:

(A) an explanation of the United States interests involved in such commitments or actions;

(B) the specific objectives of the commitments or actions;

(C) the likely duration of the operation;

(D) the size, composition, command and control arrangements, rules of engagement, contributions of allied nations, and other details of the force needed to meet the objectives;

(E) specific measurements of success, particularly the end point of the U.S. involvement, and what follow-on security arrangement would be needed; and

(F) an estimate of financial costs, including burdensharing arrangements, and non-financial costs as can be determined.

(4) Nothing in this legislation restricts the prerogative of Congress to review the arms embargo on Bosnia and Herzegovina.

Mr. MITCHELL. Mr. President, by a prior order, the second and third votes will be 10-minute votes. There will be three. The first will be on my amendment; the second will be on Senator DOLE's amendment; and the third will be on the conference report, on the access to clinics conference report.

ORDER TO EXTEND RECESS UNTIL 3 P.M.

Mr. MITCHELL. Mr. President, under a prior order, we were going to recess to accommodate our caucus until 2:30. But we had expected that to begin some time ago.

I, therefore, ask unanimous consent that the recess extend until 3 p.m. So the previous order relating to the budget conference report, which was to begin at 2:30, will be moved to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on all three votes.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1696, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1696, offered by the majority leader.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER (Mr. LEAHY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—50

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—49

Bennett
Bond
Bradley
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Feingold
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Kohl
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Shelby

So the amendment (No. 1696), as modified, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1695

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Republican leader, Mr. DOLE.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—50

Bennett
Bond
Bradley
Brown
Bryan
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeConcini
Dole
Domenici
Durenberger
Faircloth
Feingold
Gorton
Gramm
Grassley
Hatch
Helms
Hutchison
Jeffords
Kempthorne
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Nickles
Packwood
Pressler
Reid
Robb
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop

NAYS—49

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bumpers
Burns
Byrd
Chafee
Conrad
Danforth
Daschle
Dodd
Dorgan
Exon
Feinstein
Ford
Glenn
Graham
Gregg
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Leahy
Mathews
Metzenbaum
Mikulski
Mitchell
Murray
Nunn
Pell
Pryor
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Warner
Wellstone
Wofford

NOT VOTING—1

Shelby

So the amendment (No. 1695) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1994—CONFERENCE REPORT

VOTE ON CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the question is on the adoption of the conference report accompanying S. 636.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—69

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Heflin
Hollings
Hutchison
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Specter
Stevens
Wellstone
Wofford

NAYS—30

Bennett
Breaux
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Exon
Faircloth
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Johnston
Kempthorne
Lott
Lugar
Mack
McCain
Murkowski
Nickles
Pressler
Smith
Thurmond
Wallop
Warner

NOT VOTING—1

Shelby

So the conference report was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I want to express my appreciation to the staff who worked so long and hard on this legislation, in particular Judy Appelbaum and Jeff Blattner of my staff. They were ably assisted by Ron Weich, and by our women's law and public policy fellow, Lucy Koh. In addition, staff for a number of other Senators deserve a share of the credit, including Kimberly Barnes-O'Connor of Senator KASSEBAUM's staff and Rebecca Rozen of Senator BOXER's staff.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I ask unanimous consent that upon the disposition of the budget resolution conference report, Senator LOTT be recognized to speak for up to 10 minutes in morning business, after which the Senate resume consideration of S. 2042, the Bosnia arms embargo legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 3 p.m.

Thereupon, at 1:39 p.m., the Senate recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. MURRAY].

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the hour of 3 o'clock having arrived, the Senate will now resume consideration of the conference report on House Concurrent Resolution 218 which the clerk will report.

The assistant legislative clerk read as follows:

> Conference report to accompany H. Con. Res. 218, setting forth the congressional budget for the United States Government for fiscal years 1995, 1996, 1997, 1998, and 1999.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes for debate on the conference report, equally divided.

If no one wishes to speak, the time will be equally divided.

In my capacity as a Senator from the State of Washington, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Madam President, under the previous order, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM], is recognized.

Mr. GRAMM. Madam President, there is not a whole lot to say about the budget that is before us. It has been debated at some length in both Houses of Congress.

I want to focus my comments today on an opportunity lost. We in Congress often justify our unwillingness to take tough action on the budget by claiming that the economy is not doing well, or unemployment is up, or there is something wrong somewhere that interferes with our ability to control spending and to reduce the deficit. And so we face a situation today where 50 cents out of every dollar borrowed in the American economy is borrowed by the Government, preventing us from building new homes, farms, and factories. Interest rates, in fact, are starting to edge back up, in part, because we are doing nothing about the deficit.

Basically, today, the economy is strong. We have a recovery that started to take off in the third quarter of 1992. It was in full swing by the fourth quarter of 1992. And while it has gone up and down, we have had a fairly strong economy since.

Yet, when you look at the budget before us, the 1995 deficit projected under our best-case scenario—if everything we hope happens—the deficit is $175 billion.

In 5 years, the projection of the deficit is $197.6 billion, if the President's health care plan is defeated. But if the President's health care plan is adopted, the deficit would be $230.7 billion. That is, the deficit would rise by almost $55 billion over a 5-year period.

Finally, under the budget as written and projected for the next 10 years, the deficit would grow to $365 billion.

So, basically, my concern is that given a golden opportunity to deal with the deficit, we are not getting the job done.

I think this budget tells you two things: No. 1, the administration may be committed to many things, but it is not committed to deficit reduction. No. 2, neither is this Congress.

We had a big debate over the Grassley amendment, and many will remember that Senator GRASSLEY proposed cutting discretionary spending by $26 billion over a 5-year period. I wanted to try to find a way to explain what that meant, and my trusty staff member came up with this chart.

What Senator GRASSLEY proposed was that of every $3 we spend over the next 5 years, we ought to cut those programs by one penny, one penny out of every $3. As we all know, the Senate adopted the Grassley amendment, but the House had not. We went to conference, and our conferees decided that it would be an outrage to cut one penny out of every $3 the Federal Government spent over the next 5 years. And so now we are cutting one penny out of every $6, only we are doing it by the way the Government keeps books. We are cutting one penny out of every $6 from what we "would have" spent, not what "we are" spending today.

In fact, under this budget, spending next year goes up by $39 billion. I think it is important to note that while the deficit is projected to go down for 2 years, it then goes up like a rocket. One of the reasons for the decline is that we are cutting defense so dramatically. The last time we balanced the Federal budget—1969—defense as a percentage of the economy, was taking 8.9 percent. Under this budget, by the time it is completed in 1999, defense will be taking 2.9 percent; yet, the deficit will be $200 billion.

Why is that important? Well, it is important because we are going to be spending less on defense as a percentage of the economy than we were in 1940; yet, the deficit is going to be $200 billion. We have spent every penny of defense savings. This budget spends every penny of income tax increases, every penny of the Social Security tax increases; yet, it does not bring the deficit down over the 5-year period. In fact, it goes up.

What are we to do if, in fact, we need to rebuild defense? Having spent the money we saved when we slashed defense, where are we going to get the money if we have to rebuild our defenses? That money has now been spent on domestic programs. Under this budget plan we will have to either raise taxes or raise the deficit.

So, Madam President, I believe this is a poor budget. I believe this budget ought to be rejected. We ought to go back and try again. I believe that we can do better. I believe we need to dramatically reduce the growth of Government spending.

We also need to reduce the ever-growing tax burden. From 1950 to 1980, the tax burden grew every year, and then under Ronald Reagan, the tax burden actually declined. Now it is growing again. Tax freedom day, the last day you work for the Government and the first day you work for yourself, has grown by an average of 2 days since Bill Clinton became President. Yet we are still looking at deficits that, after a modest 2-year decline, are then going up like a rocket. What does this say? It says to me we need to gain control of spending. We have not done it.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Madam President, let me yield myself 2 additional minutes since we will just run off the clock. Then I will put us in a quorum call. My dear colleague from New Mexico was in a banking hearing with me and should be on the way.

Let me just sum up by saying that this is not a terrible budget. This is not a budget that starts a whole bunch of new programs, but it is a budget that continues to transfer from defense spending to domestic programs. It is a budget that, despite the President's stated priorities to fight crime, cuts prison construction by 40 percent, reduces the number of people at the FBI and the DEA and in the Justice Department, and yet ends up spending $39 billion more than this year.

The fact is with the economy in pretty good shape, we have a golden opportunity to deal with this deficit and deal with it dramatically.

I just want to predict that when the full impact of the retroactive tax that went into effect on April 15 on small businesses is felt, when the Social Security tax taxing 85 percent of the Social Security benefits of our senior citizens who earn over $30,000 a year goes into effect this coming April 15, we are going to begin to feel some impact on this economy, and the opportunity to deal with this deficit will have passed.

My frustration, Madam President, is that we had a chance to do something about the deficit—I think we could have built a bipartisan constituency to do it—by controlling spending. We did not get the job done, and I think it is a tragedy we did not.

I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. If there is no objection, the time will be equally divided.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, could I inquire with reference to the time? How much time do we have?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. DOMENICI. How much does the other side have?

The PRESIDING OFFICER. Thirteen minutes.

Mr. DOMENICI. I think I will reserve my time, since Senator DOLE wants 3 minutes, and see what the chairman wants to do.

Madam President, the chairman has 13 minutes and we have 4. Is he prepared to use some of his time?

Mr. SASSER. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SASSER. Madam President, did I understand my friend correctly that we have 14 minutes?

The PRESIDING OFFICER. The Senator from Tennessee controls 13 minutes; the Senator from New Mexico controls 4 minutes.

Mr. SASSER. Madam President, I would like to make just a few observations here this afternoon prior to voting on this budget resolution conference report.

I think we have become all too accustomed, in the debates dealing with the budget in recent years, to hearing claims that are exaggerated, partial statements of the facts, and on occasion outright misstatements of facts.

Yesterday's debate, though thankfully it was not acrimonious—many of these budgetary debates are in that category—was liberally seasoned, I might say, with budgetary hyperbole, would be the charitable way to describe some of the observations that I heard yesterday.

Let me take just a moment to set the record straight on a few of the assertions that struck me as being somewhat most egregious and then on a couple of lesser statements that I shall call imprecisions.

First, the charge was made that the Congressional Budget Office has revised its deficit baseline upward by $100 billion and, so this claim goes, the pending budget resolution is unduly optimistic by that amount.

Both portions of this charge are simply inaccurate and untrue. The Congressional Budget Office's April reestimate of the President's budget contains an upward deficit revision of roughly $30 billion for 1995 through 1999—$30 billion over a 4-year period instead of the $100 billion that was claimed here.

Now, that is clear on page 6 of the CBO report. But, more importantly, it is the simple fact that the budget resolution before us incorporates the Congressional Budget Office's April reestimate. There is no attempt to disguise anything nor has there been.

Moreover, the positive effects of what we did last year are barely nicked by that revision. We still reduced the 5-year deficit. We have a 5-year deficit projection that reduces the deficit by some $650 billion. Let me repeat that for my colleagues—a 5-year deficit projection that reduces the deficit by $650 billion over the next 5 years, the largest deficit reduction package in the history of this country, indeed, I suppose, in the history of any country, probably in history, period.

Let us move on to a second and related distortion. The bizarre claim was made that this budget represents a horrible departure from the past in that it projects outyear deficit problems.

Now, this claim was made with a straight face, that the problem was that this budget continues to project outyear deficit problems and, therefore, it was no good and was not like the Reagan-Bush budgets of the past that always projected a balanced budget by the fifth year.

I would have to say, Madam President, that it has become a melancholy pass in this Chamber when a fiscal document is damned for failing to live up to past standards of duplicity, manipulation, and delusion. And that is precisely what those Reagan-Bush budget projections were in the outyears.

We all know about the magic asterisks. We know about the rosy scenarios. We know about the accounting miracles that were used for 12 years to wish the deficit problem away.

Finally, we have a President who refuses to misrepresent the task before us to the American people and he is taken to task for refusing to delude us. What have we come to?

Now, Madam President, on lesser charges that were made yesterday: The contention was made that this budget contains a massive number of entitlement expansions. Well, I will be charitable and class that claim simply as an exaggeration.

We have one entitlement expansion of any consequence whatsoever and, by most informed estimates, it is a needed reform. It is a reform of the Crop Insurance Program, which has never worked properly. As a consequence, on an annual basis, we provide disaster assistance to farmers that we do not pay for in our budget. The argument is made by the proponents of this reform that we need to fix the system.

This is indeed an expansion. But I am told by people far more knowledgeable than I about farming programs that it is an absolutely necessary reform. And it is a reform, I might say, that has support from both sides of the aisle.

The argument was also made yesterday that the only area of discretionary spending that has been cut in recent years is military spending.

Yes, it is true. Military spending has been cut. But a look at the 1994 appropriations bills will disabuse anyone of the notion that other programs have gotten off scot-free. By my count, those bills cut 342 separate accounts below the 1993 level—51 of them were in defense and 291 of them were in domestic or international accounts. That does not sound to me as if defense has been the only sufferer here.

Finally, the charge was made about reserve funds in this budget.

May I inquire, Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Tennessee controls 4 minutes and 50 seconds.

Mr. SASSER. Madam President, I will just move on quickly and say that the budget before us is a solid work product. It is a necessary continuation of last year's very successful and, I would say, historic deficit-reduction plan. It contains $13 billion in cuts below the preexisting discretionary caps. It assumes the President's 300 program reductions and terminations as well as his investment priorities in education, child nutrition, health and crime prevention.

It contains the strongest statement yet on record by the Senate in favor of overall entitlement restraint. More important, it reaffirms the best deficit path that we have seen in a decade—in over a decade.

As a percent of gross domestic product, the 1995 deficit is lower than any time since 1979. The 1998 deficit will be $200 billion less than before we passed last year's plan, and projections for the 1999 deficit have been cut in half.

So, Madam President, the progress is real. The American people can feel it. They can feel it in an improved domestic economy. They can feel it in an improved international standing. There is no creditable policy reason for voting against this resolution, and there are profound reasons for voting for it.

Madam President, I want to reserve the remainder of my time here because I think perhaps the majority leader is requesting some time to speak on this resolution. So I shall reserve the remainder of my time.

I inquire of the Chair, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Tennessee controls 2 minutes and 30 seconds, and the Senator from New Mexico controls 4 minutes.

Who yields time?

Mr. DOMENICI. Madam President, speaking of hyperbole, I would just like to cite some of the wonderful prose that the chairman used yesterday to see if it fits his definition of hyperbole or some kind of rhetoric. I really thought that it was wonderful.

> It is retreating before the relentless assaults that we have launched upon it over the past year and a half.

Mr. SASSER. Yes, I said that, I say to my friend from New Mexico. And that is not quite Churchillian.

Mr. DOMENICI. I thought maybe we were celebrating the end of a war or something.

In any event, I want to put a table in the Record, because yesterday I spoke of the fact that, since 1991 to this point, there have been no cuts on the discretionary programs that are domestic, and all the cuts have come out of defense. In fact, it is a little worse than that. All the cuts come out of defense, and domestic programs have gone up.

I ask unanimous consent that that table be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

DISCRETIONARY BUDGET OUTLAYS (NOMINAL)

[Fiscal years; dollar amounts in billions]

	1991	1992	1993	1994	1995	Percent change 1991–95	Average annual growth rate 1991–95
Defense	$319.7	$302.6	$292.5	$279.8	$271.7	−15.0	−4.0
Nondefense	215.1	233.4	251.0	267.0	273.5	27.2	6.2
Total	534.8	536.0	543.5	546.8	545.2	1.9	0.5

DISCRETIONARY BUDGET OUTLAYS (REAL)

[Fiscal years; dollar amounts in billions]

	1991	1992	1993	1994	1995	Percent change 1991–95	Average annual growth rate 1991–95
Defense	$273.9	$251.6	$236.8	$220.8	$208.7	−23.8	−6.6
Nondefense	184.3	194.1	203.2	210.8	210.0	13.9	3.3
Total	458.2	445.7	440.0	431.6	418.7	−8.6	−2.2

Mr. DOMENICI. Madam President, fellow Senators, let me just say, I believe once again this budget sends the wrong signals and is moving in the wrong direction.

The problem with the fiscal policy of the United States is not that we are undertaxed. It is not that we must cut more domestic programs like highways and education and the like, or that we must cut defense more.

The truth of the matter is, we are going to drown in the red ink of mandatory and entitlement programs that are growing at an incredible rate. That means that between the pension programs of our Nation, the health care programs of our Nation—which are most typical of entitlements—a statute is written that says people are entitled to something. Most of the time it is dollars or payment of their bills. And if they can go to court and sue for it and win, that is a definition of entitlement. That is currently 55 percent of the budget.

To put this in perspective, when John Kennedy was President, I believe it was somewhere around 20 to 22 percent. It is growing at way beyond inflation and yet this budget resolution changes none of that.

As a matter of fact, although not a lot, it increases an entitlement program, a mandatory one, for crop insurance $5 billion, and it has 12 new allowables where new entitlement or mandatory programs in health insurance, health reform, welfare reform, and many other programs can be created. They will just add to the spending side, albeit under this process they must be neutral in terms of deficit reduction.

So from everything I can tell, we have once again missed the opportunity to send a real signal to do something of a permanent nature about fixing the deficit. Instead, we have done the exact opposite.

I want to have this table printed in the RECORD. I just want the Senate to see a recapitulation of how the deficit reduction occurs over the next 5 years. It will be most interesting when people find out that the Congressional Budget Office says that all we have cut in this $671 billion claim is $56 billion in defense and $69 billion in discretionary over the 5 years. All the rest are taxes or adjustments due to the economy.

I ask unanimous consent to have that table printed in the RECORD so everybody understands.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CBO POLICY DEFICIT ESTIMATES—CHANGE FROM 1993 TO 1994

[Prepared by SBC Minority Staff, May 11, 1994; in billions of dollars]

	1993	1994	1995	1996	1997	1998	Total
January 1993 estimate	310	291	284	287	319	357	1,848
Technical reestimates	−59	−30	−41	−17	3	−4	−148
Economic assumptions	−(*)	−13	−15	−12	−14	−25	−79
Policy changes:							
1993 Reconciliation:							
Taxes and user fees		−28	−46	−56	−66	−66	−262
Mandatory spending		−4	−6	−12	−16	−18	−56
Discretionary caps				−8	−23	−38	−69
Subtotal		−33	−55	−83	−118	−143	−432
Other (incl. emergencies)	4	12	5	3	(*)	0	25
Subtotal policy changes	4	−21	−50	−80	−117	−143	−407
Total change from 1993	−55	−64	−106	−109	−128	−172	−634
March 1994 deficit	255	228	179	180	192	188	1,222

Details may not add to totals due to rounding.

(*) Less than $50 million.

Mr. DOMENICI. I wish to offer my congratulations to the chairman, if he gets the votes today. I sense the majority leader is going to come down and do his share to see to it the chairman has the votes, Madam President.

Mr. DOLE. Mr. President, plain and simple, this conference report fails to make the tough decisions to reduce the deficit. Even though it calls for more spending and higher deficits than the plan the Senate passed earlier this year, it still lacks funding for the President's biggest new spending initiatives and makes no recommendations about where the remaining portion of the Exon-Grassley spending cuts should occur.

Senator DOMENICI and the Republicans on the Senate Budget Committee deserve a lot of credit. With their leadership, Senate Republicans developed an alternative budget—a budget that cut the deficit by more than $300 billion over the next 5 years, a budget that cut President Clinton's 1999 deficit in half, a budget that made the tough choices without raising taxes and without cutting Social Security.

Our alternative budget offered a balanced approach to deficit reduction. All of it comes from spending cuts—60 percent from Federal entitlement programs, and the rest from nondefense appropriated accounts.

With this conference report, the President and the Democrat leadership are sending American taxpayers a clear message—Democrats want taxpayers to invest in the future by boosting big government. Republicans offer a different vision for America.

Republicans want to invest in the future by providing tax relief to working families and children. We want to unleash new investments and help protect the value of homes, small businesses, family farms, investments, and other assets from the corrosive effects of inflation by indexing capital gains.

Republicans want to maintain a strong National Defense. The administration's defense experts calculate a shortfall of at least $20 billion in the Clinton defense plan. The President's budget plan forces our military to eat that $20 billion shortfall. This hidden cut comes on top of the $127 billion cut the President has already applied. During this year's budget debate, Republicans offered the only comprehensive budget plan that provides what the President's own defense experts say they need.

Mr. President, the conference report displays defense spending at the President's requested level and lists $30 billion in unspecified unallocated discretionary budget authority cuts under the allowances account. Republicans will oppose efforts to allocate any of these cuts—totaling $6.6 billion in budget authority and $5.8 billion in outlays in 1995—to defense. In his State of the Union Address, President Clinton stated that he would oppose additional defense cuts. Republicans support the President on this important national security issue. In an effort to help the President make good on this promise, we will oppose efforts to cut defense below the President's request.

Republicans want to hire more cops, make our schools safer for our children, put away violent criminals, and slam shut the revolving prison door. Our alternative budget would provide $22 billion in funding over 5 years for the Violent Crime Trust Fund.

Republicans are willing to make the tough choices needed to get the deficit under control. Our alternative budget cut spending first to reduce the deficit, and it cut spending to fund our priorities like tax relief for working families, a strong defense and a tough crime-fighting package.

This conference report fails to make the tough choices. It essentially calls for $200 billion deficits as far as the eye can see. Republicans know that we can do better, that we must do better. Our alternative budget plan would cut the deficit to $99 billion by 1999.

Mr. President, Republicans offered a responsible alternative to the status quo—one that set new priorities, cut the deficit without raising taxes, held the line on defense, and funded our priority initiatives with spending cuts. Unfortunately, 55 Senate Democrats voted to defeat our budget alternative.

I urge my colleagues to vote against final passage of the conference report. The American people want us to do better. The Republican alternative budget is proof that we can.

Mr. SASSER. I say to my friend from New Mexico, all help from any quarter will be appreciated, including from the majority leader. I would even solicit the aid of my distinguished friend from New Mexico if he could find it in his heart to do it when this matter comes to a vote.

But I want to say this, Madam President.

We have had the same reserve funds in budget resolutions for the last 4 years. They have not been misused to my knowledge. Moreover, several of the reserves allow outlay cuts to be used to offset tax cuts. In short, if we were to try to pass the Nickles health bill or the Gramm health bill—I think a highly unlikely event, but in the event we should try to do that—or perhaps some versions of welfare reform, we could very well need to use our reserve funds.

I draw attention to these distortions—large and small—not because they are particularly damaging in themselves. As I said before, we have grown sadly accustomed to them.

The problem is that they are used as a foundation for outrageous claims by some Senators—that this resolution codifies our debt crisis or that it contains vast amounts of new spending or that it is a blueprint for disaster.

This resolution is a continuation of the only truly serious and effective assault on the deficit we have seen since the red ink began flowing freely in 1981. Last year, we reduced the outyear deficit problem by roughly half—and that extends into the distant outyears that my friends on the other side are so concerned about.

In January 1993, we had CBO projections that showed a deficit in the year 2003 of $655 billion. Subsequent to the passage of last year's budget, the parent of this one, that projection is down to $343 billion in the most recent estimate.

The people who make the loudest the outyears almost never refer to what it would have been absent last years actions. Paradoxically, they are almost always the very same people who, when the time came to belly up and cast the tough vote last year, were nowhere to be found.

The budget before us is a solid work product. It is a necessary continuation of last year's very successful, I would say historic, deficit reduction plan.

It contains $13 billion in cuts below the pre-existing discretionary caps. It assumes the President's 300 Program reductions and terminations, as well as his investment priorities in education, child nutrition, health, and crime prevention. It contains the strongest statement yet on record by the Senate in favor of overall entitlement restraint.

Most important, it reaffirms the best deficit path we have been on in a decade. As a percent of GDP, the 1995 deficit is lower than any year since 1979. The 1998 deficit will be $200 billion less than before last year's plan, and projections for the 1999 deficit have been cut in half.

The progress is real and the American people can feel it, both in our improved domestic economy and in our improved international standing.

There is no credible policy reason for voting against this resolution. And there are profound reasons for voting for it. I have offered the positive reasons for an aye vote, but consider where we are without a budget resolution.

It must be understood by Senators that, without the discipline of a budget resolution, we will have a spending-free-for-all during the appropriations process. There will be no supermajority points of order to constrain floor amendments that might propose spending on the first 12 bills.

Let us suppose the Health and Human Services bill is coming through here and someone wants to increase the allocation for a particular program out at NIH, by a substantial margin. They could do that with simply 51 votes. And all of these excesses in all of the appropriations bills pile up as they move here. But it reduces the allocation of the final appropriations bill that is coming through, and usually that is the defense appropriations bill.

Pity the poor last appropriations bill—usually the defense bill—because it will be required to absorb all the debit piled up by the first 12 or it will have a 60-vote point of order against it. For those Senators who are worried about our national defense, this should be cause for alarm. Some Senators have said that they would like to see a wall reestablished between defense and the other discretionary programs.

Well, if you are worried about poaching on defense as things are right now, you should surely want a budget resolution. Because without one, it is open season.

We do not need chaos on the floor of the Senate. We do need a reaffirmation of the tough deficit reduction measures we implemented last year.

We should pass this conference report. The claims made against it are weak or disingenuous or both. Its virtues are clear and unimpeachable. It sustains a significantly improved deficit reduction path. It sustains an overall design that has helped advance our economic recovery. It provides spending discipline for the remainder of the year, and it allows us to do our jobs as legislators.

I urge passage of this conference report.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SASSER. I thank the Chair.

Mr. FEINGOLD. Madam President, I rise to commend our budget conferees and especially the chair of the Budget Committee, Mr. SASSER, for bringing back at least a partial victory for the Senate and for deficit reduction.

Of course, each of us would have written the conference report differently, to reflect our own priorities. As a supporter of the Exon-Grassley provision in the Senate's version of the budget resolution, I would have preferred a level of deficit reduction greater than is specified in the resolution.

However, given the need to produce a budget resolution in a timely manner, and the mixed and changing views of our own conferees, the Senator from Tennessee deserves enormous credit.

Madam President, as I noted, the conference report is less than what passed the Senate. But, it is also much, much more than what passed the House.

That we will be forced to continue to reduce the deficit—improving on the beginning made last year—is as important as the level of additional savings itself.

The House position, essentially to rest on what was achieved last year, is, for some, a tempting one. It has been difficult to cut programs, some of them worthwhile in a different context, and we would need to make additional cuts just to comply with the deficit reduction mandates of our actions of last year.

With the considerable improvement in our economy and the obvious progress we have made in reducing the deficit, it would be an attractive course to declare victory in our war on the deficit, and proceed to focus on other concerns.

The conference report, though, keeps us off that easier path and on the course of deficit reduction.

Madam President, thanks to the bipartisan efforts of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Nebraska [Mr. EXON], we will be forced not only to continue our efforts, but to build on them to further reduce the deficit.

As was revealed by the concern it produced during the Senate's earlier deliberations, the significance of the Exon-Grassley proposal goes beyond the actual level of deficit reduction it achieved. As I have noted before, in striving to reduce the deficit, in most instances, the only time you are really achieving something is when people complain.

The remarks made during the debate over the Exon-Grassley amendment revealed that the additional cuts—a tiny fraction of the total Federal budget—will pinch.

Madam President, this budget pinches. If it didn't, we wouldn't be doing our job.

I was also pleased that the arguments against Exon-Grassley because of potential cuts to the defense budget did not prevail.

First, no single area of Federal spending should be held harmless in our efforts to reduce the Federal budget deficit. We have asked veterans, farmers, senior citizens, and small business to shoulder a share of the burden as we reduce the deficit. To immunize defense spending not only exempts a huge portion of the budget from the kind of thorough justification we ask of every other area, it will shift that much more burden on those who already have been asked to sacrifice.

Second, Madam President, the total level of defense spending continues to reflect assumptions that may not be relevant to our country's security needs. Though it is true that there have been cuts made to the defense budget since the spending peak of the mid-1980s, there is still room for additional savings.

A recent column in the Washington Post by Robert Borosage, director of Campaign for New Priorities, noted that, in inflation-adjusted dollars, the proposed Clinton defense budget is actually larger than those under either Eisenhower or Ford, and a scant $2 billion less than the Nixon administration budget, all at the height of the cold war.

Madam President, let me conclude by noting that the spending cuts outlined in this conference report are only a minimum. Nothing in this agreement will prevent us from going beyond the required spending cuts to further reduce the deficit, and I look forward to working to find additional savings.

This was the pattern last year. Under the leadership of people like the Senator from Arkansas [Mr. BUMPERS], we were able to find significant additional spending cuts in the appropriations bills.

Beyond those individual efforts, I was particularly pleased with the work done by the Senator from Nebraska [Mr. KERREY] and the Senator from Massachusetts [Mr. KERRY] in pulling together several Senators to produce packages of spending cuts.

I was privileged to participate in both groups, and though the proposals that stemmed from these two groups have not been adopted yet, I am convinced that those efforts advanced the cause of deficit reduction, and helped maintain momentum for a conference report that goes beyond last year's deficit reduction package.

Thank you Madam President, I yield the floor.

Mr. THURMOND. Madam President, last year, the Congress passed, by the narrowest of margins, a comprehensive budget plan proposed by President Clinton. That plan was put forth as a blueprint for economic growth, deficit reduction, and realignment of Government spending. In reality what was enacted was the largest tax increase in history and substantial reductions in defense spending.

That measure included an increase in the individual and corporate tax rates; a fuel tax; a higher tax on Social Security benefits; new limits on the deductions for certain business expenses; and a change in withholding rates for bonuses and commission pay.

The budget resolution for fiscal year 1995 is more of the same. While this budget resolution does not contain new tax proposals, the administration frequently floats proposals for new taxes. In the past few months we have heard suggestions for tax increases on tobacco products, a gambling tax, taxes on annuities, and an ammunition tax. What we do not hear is the President's campaign proposal for tax relief.

The 1995 budget resolution is not a blueprint for reducing the national debt. Under the budget plan, deficits continue to increase, from $175 billion in 1995 to $197 billion in 1999. During this same period the national debt, now nearly $4.5 trillion, grows to over $6 trillion.

With regard to Government spending, the trend is the same, increasing over 20 percent during the 5-year budget period. There are some categories of spending reductions, most notably in national defense. At a time when the world is growing more dangerous, and demands on the military are increasing, spending for defense has steadily declined. This has resulted in substantial reductions in force levels, a decline in readiness indicators, reduced funding for research and development, cuts in procurements, and base closings. Furthermore, according to Defense Department officials, the President's defense budget proposal does not contain adequate resources to support requirements. A significant shortfall of $20 billion was identified in the administration's Bottom-Up Review. Additional reductions in discretionary spending, $30.8 billion over 5 years, will have further negative impacts on defense funding. Yet, while defense spending is being reduced, entitlement spending is expected to increase over the 5-year period by $5 billion.

The Senate was offered an alternative, which it unfortunately rejected. The Republican alternative budget provided for tax relief, deficit reduction, and responsible Government spending.

This body must get serious about cutting Federal spending by reducing or eliminating funding of ineffective programs. If we are to have sustained economic growth, Government spending must be significantly reduced. A balanced budget amendment and line-item veto authority would do much to bring about fiscal responsibility. I remind my colleagues that earlier this year the Senate failed to pass the balanced budget amendment.

Madam President, I cannot support the Clinton budget proposal because it does not meet the needs of our national defense, it fails to control entitlement spending, and increases the national debt.

Mr. MACK. Not enough. That is the message I am here to give today. There simply are not enough spending cuts in this budget. No one should be surprised by this. This congressional process is incapable of making real substantive cuts.

While this bill contains minor reductions, I hardly believe it is worth bragging about. The Senate passed a budget with reductions of $26 billion over 5 years. The conferees felt they would not be able to retain any of this, but after being convinced the budget might not pass without any reductions, reconsidered, and agreed to cut half the amount.

My colleagues on the Appropriations Committee may feel hardpressed to deal with this proposed reduction. Indeed, there are many worthwhile competing programs. But the simple fact remains that no matter how tough the decisions are, it is our responsibility to make them.

I know there will be a lot of back slapping over some $13 billion in cuts over 5 years. But only $500 million of this reduction occurs in fiscal year 1995. And remember, this is a mere $500 million out of a $1.5 trillion budget. Simply put, this meager cut over 5 years disappears in significance when we realize our deficit will grow by $923 billion over the same 5-year period. Let me repeat, that is a $923 billion deficit versus the best effort of the Congress in achieving cuts of only $13 billion.

I say again, there are not enough spending cuts. That is why I cannot support this budget resolution.

It is painfully obvious that achieving a balanced budget is a job the Congress cannot accomplish by itself. During the debate on the Senate budget resolution, 56 of my colleagues voted with me in favor of enacting a Spending Reduction Commission similar to the Base Closure Commission. The legislation creating the Spending Reduction Commission has been introduced as S. 1191.

Those who oppose this idea usually argue that Congress doesn't need to form another commission to do what is a constitutional responsibility of Congress. And that by pushing this responsibility off on some commission, Congress is abdicating its constitutional charge to make appropriations. But that just is not the case.

The Spending Reduction Commission would only be needed if Congress fails to attain the spending cuts necessary to get to a balanced budget. The most recent Congressional Budget Office analysis says we need to get to cut $34 billion each year for the next 5 years to achieve a balanced budget. If Congress makes those cuts through their own budget process, the Commission never comes into play.

Moreover, during those years when the Congress only does part of the job, the Commission only has to make up the difference. And again, it is the responsibility of the Congress to either vote in favor or against their recommendations. At no point does Congress abdicate its power.

I ask my colleagues to join me in cosponsoring S. 1191, a summary of which follows:

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE SPENDING REDUCTION COMMISSION

The Spending Reduction Commission take the best features of the Gramm-Rudman deficit reduction plan, the Grace Commission, and the Base Closure and Realignment Commission to force Congress into making spending cuts to balance the budget.

Gramm-Rudman was criticized primarily because the sequester was a meat ax instrument that made across the board cuts without discerning priorities. Critics said Gramm-Rudman involved no rational thought, no choices. This Commission is a 7 member body that will make choices and establish priorities.

The Grace Commission failed because there was no mechanism to enforce recommendations. The Spending Reduction Commission has a specific enforcement mechanism that has been tested and proven effective through the example of the Base Closure Commission.

The Spending Reduction Commission, modeled after the Base Closure Commission, therefore fuses the best features of Gramm-Rudman and the Grace Commission. We simply extend the model to governmentwide spending and add a mandated minimum target of spending reductions the package must achieve.

CBO has affirmed that under current deficit projections $34 billion in spending cuts per year beginning in 1995 will produce a balanced budget by the year 2000.

Despite numerous deficit reduction initiatives, Congress has been unable to cut spending first. Remember the 1990 budget agreement? It was hailed as serious deficit reduction. Since then, the deficit has soared, taxes have increased and spending has continued to grow out of control.

It's a tragedy Congress can't cut spending, but it's a reality. The Spending Reduction Commission will force Congress into making the necessary spending cuts that has long avoided.

The Spending Reduction Commission will work to achieve a minimum of $34 billion in spending cuts each fiscal year until a balanced budget is reached by targeting wasteful spending based on criteria submitted by OMB. The Commission's recommendations for savings will come before the Congress in the form of nonamendable legislation for an up or down vote. The timetable for the Commission will be as follows:

January 1.—The Director of OMB will publish the criteria to be used in making recommendations for spending cuts.

January 15.—The President submits to the Congress seven nominees for appointment, four jointly agreed to by the majority and three jointly agreed to by the minority.

February 1.—OMB's criteria shall be used unless disapproved by Congress on or before this date. Any amendments to criteria must be transmitted in final form by no later than February 1. Congress has until February 15 to disapprove.

April 1.—The Director shall transmit to the Appropriations and Budget Committees and to the Commission its recommendations for spending cuts.

June 1.—The Director of the Congressional Budget Office submits to the Congress and the Commission an analysis of the Directors recommendations and selection process.

August 1.—Congress must have passed their reconciliation bill. CBO will verify to the Commission whether Congress has reached the prescribed level of real cuts. If so, the Commission would not be obligated to send forward further spending cut recommendations for that year. If the spending reductions were substantial, yet still short of the prescribed level, the Commission's minimum responsibility would be to propose a package making up the difference. The Commission's recommendations are not to include cuts in social security.

August 15.—The Commission shall submit to the President the Commission's recommendations.

REVIEW BY THE PRESIDENT

September 1.—The President submits his approval or disapproval to the Congress and the Commission.

(A) If approved, the President shall submit to the Congress a certification of approval and legislative language implementing such recommendations, including the corresponding reduction in spending caps.

(B) If disapproved, the President shall submit to the Congress and the Commission the reasons for that disapproval. The Commission shall then transmit revised recommendations by no later than September 5. The President has until September 10 to approve or the process is terminated.

CONGRESSIONAL CONSIDERATION

Such recommendations will be considered in the form of a joint resolution. It will be a nonamendable privileged motion. If not acted upon by September 30, then on that day or the next day of session thereafter, the Presiding Officer will call up the resolution for a rollcall vote.

The PRESIDING OFFICER. Under the previous order, all time has expired for debate on the conference report. The question is on agreeing to the conference report.

Mr. SASSER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—53

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kohl
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—46

Bennett
Bond
Bradley
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kassebaum
Kempthorne
Kerry
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Shelby

So, the conference report on House Concurrent Resolution 218 was agreed to.

Mr. SASSER. Madam President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 2019, the bill to reauthorize the Safe Drinking Water Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 2019) to reauthorize and amend XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

The Senate resumed consideration of the bill.

Mr. MITCHELL. Mr. President, I understand that the managers are on their way to the floor. Therefore, until they arrive, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, on behalf of Senator KERREY, the present occupant of the chair, I ask unanimous consent that Theresa Manley, a Presidential management intern assigned to Senator KERREY, be afforded floor privileges during the pending of S. 2019.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that John Reeder, an assistant to the committee on this issue, be afforded the privilege of the floor during the consideration of S. 2019.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1698

(Purpose: To amend the bill)

Mr. BAUCUS. Mr. President, I send an amendment to the desk on behalf of myself, Senator CHAFEE, and others, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. CHAFEE, Mr. HATFIELD, and Mr. KERREY, proposes an amendment numbered 1698.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BAUCUS. Mr. President, the amendment I am offering on behalf of myself and Senator CHAFEE is essentially a managers' amendment to the Safe Drinking Water Act legislation. This is an amendment that includes various provisions that Senator CHAFEE and I and many other Senators, including the Senator from Nebraska, have worked out. We think it is a big improvement to the bill. It addresses several concerns expressed by State and local governments, by environmental organizations, and by water companies. I will briefly explain some of the major changes it makes in the committee-reported bill.

In the selection of new contaminants to be regulated, the amendment makes two additions to the new process that is established in the bill. It requires the EPA to consult with the Director of the Centers for Disease Control and Prevention, and it also requires the administrator to use appropriate peer-reviewed science in setting drinking water standards.

Third, the amendment clarifies that a new contaminant must meet the criteria specified in the bill on occurrence and risk to public health before it can be regulated.

To help customers better know whether their drinking water meets the standards, the amendment requires community water systems to notify their customers by mail, at least once a year, if they have violated a standard.

It also requires noncommunity systems to notify their users if there is a serious threat to health from drinking the water.

These changes stem from some GAO findings that have pointed out the need for a better means of alerting people to problems with their water. These changes are in addition to the bill's requirement for immediate notice in the case of serious problems.

The amendment also allows customers of a water system to petition the EPA Administrator to object to the granting of a small system variance. This will allow for more effective participation by those persons directly affected by a system's decision to seek a variance.

Along that same line, the amendment establishes a new system for the certification of home water treatment devices. The certification, run by independent parties, will help assure the material safety and effectiveness of these devices.

A recent GAO report also highlighted certification as an important safeguard for consumers against false or misleading claims about product performance.

In addition, the amendment makes two changes to the operator certification program in the bill. First, it requires that EPA guidelines for State programs must be developed in consultation with the States.

Second, if a State program lacks major elements of the guidance, EPA may withhold a portion of the State's SRF grant according to a sliding scale. Both these changes will encourage more States to assure that trained and qualified individuals are running water systems.

Several States recommended changes to the revolving loan fund authorization. The amendment delays the 20-percent State match for fiscal years 1994 and 1995 until 1998. This will help States get their programs moving quicker, while preserving the matching requirement.

The amendment also allows land acquisition to facilitate a consolidation project. And it gives Governors the authority to transfer up to 50 percent of the dollar amount in the drinking water SRF to the clean water SRF, and to transfer a similar amount from the clean water to the drinking water SRF.

Furthermore, the amendment specifies that two of the five members from State and local agencies on EPA's Drinking Water Advisory Council must represent small water systems.

Finally, the amendment modifies the provision in the bill authorizing the Administrator to set alternative drinking water standards. Under this amendment, the Administrator could set an alternative standard for carcinogens if it would achieve substantial cost savings and would not result in a significant increase in the individual lifetime risk of cancer.

For noncarcinogens, a greatly more complicated area, the alternative standard would be allowed if it achieved substantial cost savings and would ensure a reasonable certainty of no harm. The National Academy of Sciences would have to validate that the scientific information and methodology exists before this authority could be used for noncarcinogens.

These provisions will allow the Administrator to consider less costly treatment requirements provided that public health protection is maintained.

This amendment also requires that EPA publish information on risk reduction benefits and costs prior to setting a standard. And it requires EPA to conduct a continuing research program to identify whether there are groups, such as infants, pregnant women, or the elderly, that may be at greater risk of adverse effects from contaminants in drinking water. The results of this research must be reported to Congress every 3 years.

Mr. President, this amendment makes several needed changes. It will result in a more effective drinking water program at the Federal, State, and local levels.

It also represents a compromise, a good compromise, on many issues. And like all compromises, I doubt that it is written exactly as any one Senator might wish to write it.

But one thing it does not compromise is the protection of public health. Neither Senators CHAFEE, HATFIELD, or KERREY of Nebraska, with whom I worked very closely in developing this amendment, would allow that to happen.

Mr. President, I will ask that the amendment at the appropriate time be agreed to.

Now I would like to turn to my very good friend, the ranking member of the committee, Senator CHAFEE.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, first of all, I am delighted to join with Senator BAUCUS as a cosponsor of this amendment. He, as you of course know, is the chairman of our full committee and really has taken the leadership role in the whole clean water, safe drinking water bill that we have before us today and especially this amendment that we are considering now.

As Senator BAUCUS has said, this amendment includes a series of changes to the bill that we have worked out, and we worked out these changes with you, Mr. President, and Senator HATFIELD. Those Senators, you and others, as I understand it, will offer an additional amendment that includes the remainder of our agreed upon changes.

The most difficult legislative issue addressed by these amendments is the administrator's authority to set standards. We are going to be entering into a colloquy on this issue with our colleagues that is to be the exclusive legislative history on the standard-setting provisions.

But there are several other important issues addressed in this managers' amendment. One item that I have been particularly concerned about is the flexibility which the bill gives to Governors to shift from funding between this new State revolving fund for drinking water, the so-called SRF, and the existing State revolving fund that is under the Clean Water Act. In other words, we have now two State revolving funds, one for safe drinking water and one for the Clean Water Act, which is money used for the construction of waste treatment plants, and so forth.

The bill reported by the committee allows a Governor to take 50 percent of the State's drinking water grant and place it in the State's clean water State revolving fund. And it also allows a State to shift 50 percent of its clean water grant into the new drinking water SRF. In other words, you can shift 50 percent back and forth between the two funds. Note that is a percentage amount rather than a dollar amount.

I personally support the flexibility and the authority of States to shift funds between the programs. In fact, I think I probably was the first to recommend it to the chairman. But I did not support the committee bill as reported on this particular point. There was too great a disparity, in my judgment, between the two programs. In other words, the drinking water fund was $700 million total, and the clean water fund was $1.6 billion, more than twice as much.

So to let 50 percent of the $1.6 billion, $800 million, go over to one fund and only $400 million coming back the other way did not seem like a fair deal.

I do not think a shift of dollars out of the Clean Water Act's pollution control program of that magnitude is justified, especially when one considers the relative needs throughout the Nation for the two areas. EPA estimates that the safe drinking water investment required for the whole country is in the neighborhood of $8.6 billion, a little over $8½ billion. On the other hand, the Clean Water Act, which deals with cleaning up the waters of our Nation, is not $8.6 billion. It is a $100 billion demand.

So, as you can see, the demands are far greater remaining to be taken care of under the Clean Water Act.

As a result, I urged the chairman to limit the transfer from one fund to the other to a dollar amount rather than a percentage amount, and I am grateful to Chairman BAUCUS for agreeing to that change in the legislation.

That is the way it is in the amendment we have here. Fifty percent of the safe drinking water grant can be shifted to clean water, and vice versa. Let me correct that if I might. Fifty percent of the State's safe drinking water grant can be shifted to clean water or the States have authority to shift an equal number of dollars from the clean water into the drinking water SRF. In other words, the limit back and forth is half of the smaller fund in each State.

Now, I would like to add one other comment to clarify a provision relating to the identification of so-called qualified independent laboratories to certify whether the residential drinking water treatment devices are satisfactory. The intent of this section is to identify and list a substantial number of these qualified certifiers, not just one or two. And we believe that will benefit the consumers and promote competition by making readily available a wide range of certified products which can reduce the concentration of drinking water contaminants.

So there it is, Mr. President. I think it is a good amendment, and I am delighted to join with the chairman in cosponsoring it.

Mr. HATFIELD. Mr. President, this amendment authorizes the Administrator to set maximum contaminant levels under the Safe Drinking Water Act as levels less stringent than the law currently requires, if the alternative level would not result in a significant increase in risks and if it costs substantially less. But there are limits on the amount of flexibility provided. In the case of cancer-causing substances, the less stringent standard must not result in a significant increase in individual lifetime cancer risk. I would ask the Senator from Montana about the use of the term significant in this context.

Mr. BAUCUS. EPA policy has been based on the premise that there is no safe level of exposure to a cancer-causing substance. So the health goal under the Safe Drinking Water Act has been set at zero, reflecting treatment and analytical technology. The amendment permits some increase in the cancer risk at the regulatory level, but not a significant increase.

Mr. KERREY. Let us suppose that the current maximum contaminant level set at the feasible level for a particular contaminant reflects a lifetime cancer risk of 1 in 1,000,000 for a person drinking the water, would the Administrator be authorized by this amendment to consider a less stringent standard that would increase that person's lifetime cancer risk to 1 to 100,000, if substantial costs would be saved?

Mr. BAUCUS. No, that would be a significant increase in risk and would not be permitted by this amendment. Increases in cancer risk of a lesser amount would be authorized. No matter what the feasible level is, an increase in cancer risk of the same degree as an increase from 1 to a million to 1 in 100,000 would be significant and prohibited, but lesser increases would be permissible under this amendment.

Mr. HATFIELD. Does the chairman intend the term "significant increase in risk" as used in the amendments to carry a rigid, mechanic, or statistical meaning?

Mr. BAUCUS. No. We intend significant to be used in the everyday meaning of the term and not in the statistical sense. During the development of these amendments, we heard very loudly two important points: First, that one standard setting process will not work for all contaminants; and two, There are circumstances where the Environmental Protection Agency needs discretion when selecting a standard for a particular drinking water contaminant. In order to address what we have found to be legitimate concerns, the manager's amendment includes additional authority for standard setting that provides EPA with some discretion when establishing standards.

Mr. KERREY. Only some of the contaminants regulated under the Safe Drinking Water Act are carcinogens. Is the Administrator permitted flexibility to set less stringent standards where other health effects are the basis for regulation?

Mr. BAUCUS. For most other health effects addressed the act, the Administrator has been able to identify a threshold for the health effect below which no adverse health effect is expected to occur form the presence of the contaminant in drinking water. These thresholds also reflect margins of safety and have been used as the health goal under the Safe Drinking Water Act.

But the science underlying these decisions is not so precise as to define the exact point that separates safe drinking water from unsafe water. There is an area of uncertainly around any one of these estimates. The Administrator may be able to pick some other less stringent level that is also at a level where there is reasonable certainty of no harm. For the contaminants that are regulated for a health effect other than cancer, this amendment allows some flexibility to recognize this situation.

Mr. CHAFEE. Would there be an increased risk to public health, if the Administrator uses this authority to select a less stringent maximum contaminant level?

Mr. BAUCUS. No. The amendment requires that a less stringent standard ensure a reasonable certainty of no harm to human health. Unlike the standards for cancer-causing substances, there is no risk of adverse effects with the current standards that address health effects for which a safety threshold can be identified.

Mr. KERREY. The health goals also reflect margins of safety for variability in the human population, extrapolation from animal test data to human health effects, and for the use of data that is not fully reflective of lifetime exposures. These margins of safety reflect recommendations made by the National Academy of Sciences. Does the amendment reduce or eliminate any margin of safety consideration that EPA now includes in the standard setting process?

Mr. BAUCUS. No, it does not. The Senator mentioned that many of the procedures now used by EPA in selecting goals and standards under the Safe Drinking Water Act have been recommended by the National Academy of Sciences in its series of reports entitled "Drinking Water and Health." This amendment requires an additional report by NAS before the Administrator uses the authority created by the amendment to set standards at other than the feasible level for noncarcinogens. As with previous reports, we would expect the National Academy of Sciences to prescribe scientifically sound criteria for selecting contaminant levels under this new authority. The amendment authorized $1 million to fund the study, which should be completed within 3 years of enactment.

Mr. CHAFEE. One final question on cost considerations. In considering the cost savings that may be realized from selecting less stringent standards, what size systems is the Administrator to consider?

Mr. BAUCUS. The Administrator would consider costs for the systems of the same types and sizes as are currently considered to set maximum contaminant levels.

The PRESIDING OFFICER. If there is no further debate, the question now is on agreeing to the amendment.

The amendment (No. 1698) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. CHAFEE. Mr. President, I ask unanimous consent that Martha Bennett of Senator HATFIELD's staff be granted floor privileges for the duration of the debate on S. 2019.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAUCUS. Mr. President, the Senator from Virginia [Mr. WARNER] is about to seek recognition to speak on another matter, that is, on Bosnia. When he finishes his statement, we will then return to the Safe Drinking Water Act.

In the meantime, I urge Senators who have amendments to the Safe Drinking Water Act to please bring them over. We are ready to accept amendments.

I will just remind all of us that the more amendments we can dispose of today, the more quickly we are going to dispose of this bill altogether. I strongly urge Senators who have amendments to come over. Now is a good time to bring up amendments to the Safe Drinking Water Act.

Mr. President, in the absence of the Senator from Virginia seeking recognition at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the bill.

Mr. WARNER. Mr. President, I am endeavoring to work with the distinguished leadership of the Senate—with the majority leader and the Republican leader—in resolving the dilemma that the Senate now has with respect to a most unusual development. The Senate has acted earlier today on two amendments, and by a margin of one vote passed both amendments. As we well understand, the amendments are quite different, resulting in a confused signal being sent at the moment from this Chamber not only to the House of Representatives, but to the President, the administration and, most significantly to the people in Bosnia. Indeed, this signal is being carried across the ocean to the people throughout the former Yugoslavia who have suffered enough, and listened to by our allies as well.

I think it is incumbent upon this body to reconcile this situation, and I know that our leadership is endeavoring to do so.

Earlier, the leadership indicated to me an option that was being studied. I interposed an objection to that option being brought to the floor. I now lift my objection to that option, subject to no other Senator imposing his or her objection. If that occurs, then I wish to have my rights reinstated.

I think the Senate has the time to make a better informed decision. Press reports indicate that our allies are pursuing several options diplomatically, wherein the United States, Great Britain, France, Russia, and perhaps others will sit down and devise a course of action.

I urge that adequate time be taken to let that process run its course. There is no need to rush to judgment, certainly in terms of days on this issue.

I recognize that for at least 2 years we have watched the negotiators, primarily from Great Britain, France, and others wrestle with this problem. Indeed, our own distinguished former Secretary of State Cyrus Vance, Lord Owen, and others have struggled and have withdrawn from that struggle. Others have remained.

We have had several distinguished U.N. commanders. I have met with two of those—Generals McKenzie and Moreau—in my visits to that region.

So I think if we can allow a short time in which to deliberate this matter further, it would be my hope that the leadership could devise a plan whereby those committees designated with responsibilities for issues such as this—primarily, Foreign Affairs, the Armed Services, and Intelligence Committees—could avail ourselves of a reservoir of knowledge that exists not just with the policymakers but among the senior civil servants in CIA, State, and Defense.

I have had the privilege of spending long hours with the senior staffs of these three agencies and have listened with great interest to their analyses of this complex problem.

I would think our committees would learn a lot and quickly prepare reports to bring to the floor of the Senate permitting Senators to be better informed. I was concerned today in the latter part of the vote. All of us who have been here a few years understand the complex procedures. Therefore, I am not pointing fingers at any Senator. But towards the end of the vote, it was interesting to see how the votes were being cast. Votes were withheld, then later cast. It reflected a certain measure of indecision—indecision springing from a clear question in the conscience of Senators as to which way they should go.

We should not have a matter of this importance and magnitude decided in those brief, closing minutes of a vote. Many Senators were cloistered in the well, trying to make their final decision without much time to do so.

Nevertheless, I urge that reasonable time be given to the Senate to listen and learn. I feel I would like to learn more about this issue. I opposed both Leader MITCHELL and Leader DOLE's amendments. I stated earlier in brevity, and I will momentarily state with greater detail, my concern about both amendments. I do not feel comfortable with the amount of time given to this institution to make a decision regarding Bosnia. I seek time within which my colleagues and I can become better informed.

It was suggested that we as a body should package both amendments and send them to the House. That disturbs me greatly. The constitutional framers delegated specific constitutional powers to the U.S. Senate, primarily to advise and consent. These specific powers and responsibilities were delegated as they relate to the foreign relations and Armed Forces of this country. We should not abdicate that responsibility and send to the other body a package reflecting the indecision reached today.

I urge the leadership to look for other options whereby this body can further consider the matter. If the two leaders cannot have a meeting of the minds on a single instrument, let us again address both amendments. The allies are trying to put together some coalitions to work on this problem. Let us not send this mixed signal in this very fragile period of current negotiations.

Last, the Senate Armed Services Committee today conducted its second hearing on Somalia, in the context: We are there to learn. Were there mistakes made by the policymakers? By the on-scene commanders? We suffered tragic losses in that situation—loss of life, loss of limb. We also suffered another loss, in my judgment. That is with our allies. We all remember the debate in this body in November and December. Men and women of clear conscience asking us to bring our troops home from Somalia by Christmas. Others, including myself said no. That decision should be left to the President of the United States, the Commander in Chief of the Armed Forces, the chief architect of our foreign policy. Eventually a compromise was structured and the troops were brought home at the end of March.

I point that out because the world saw the United States not sticking with its commitment. The United States committed to a situation, invited our allies to go in as partners, put at risk their military units, and then somewhat abruptly said: We are departing. The problem remains yours.

I would not like to see that repeated. I would not like to see that repeated again in Bosnia or the former Yugoslavia. We are there today as partners in air operations. We are there today as partners in sea operations. So we can hold our head high. We may not have the measure of ground troops serving either with UNPROFOR or in other capacities, but we, the United States, are there, assuming our fair measure of that responsibility.

I visited those troops, as have other Members of this body. We are very proud of what they have done, what they are doing today, and what they are willing to do in the future.

I refer again to Somalia. We do not want to have another situation where the United States might go into Bosnia, as either of these amendments might entail, and then pull out again. Given the measure of indecision reflected today by these votes; given the brevity of this debate, I am not certain that this country fully understands these amendments, and the potential further commitment by the United States.

I recognize the leadership gave us an opportunity on Monday and Tuesday to debate this issue. I availed myself of that opportunity on Monday.

I do not detect, as I travel through my State, that level of understanding and commitment that would justify a further military involvement in Bosnia. And that military involvement could come about as a result of lifting the embargo. Several scenarios indicate the possibility of further military involvement.

The distinguished majority leader, in commenting on his concern, which I share, about the unilateral features of the distinguished Republican leader's amendment, asked a hypothetical question, "Is there a Senator here who would vote for the commitment of ground troops if the unilateral lifting of the embargo and a certain amount of rearming led to a greater conflagration, fighting, by more and more people? There was silence in the Chamber. So I think this matter bears further study.

But I come back to Somalia for a reason. We had before us today at an Armed Services Committee hearing two fathers, both veterans of previous military operations; both veterans of Vietnam. One had lost a leg. Both fathers lost their sons in Somalia in the Ranger raid of October 3. They gave some of the most poignant, compassionate, yet important testimony that I have heard in the many years that I have been here.

Earlier, I read a portion from Colonel Joyce's testimony. I would like to reread that now that we have time and are not rushed. Colonel Joyce said today—as a matter of fact, he said it about an hour and 20 minutes ago—to the Senate Armed Services Committee:

> We should also let everyone, especially the policymakers, know the consequences of foreign policy that is developed haphazardly and implemented by amateurs. Too frequently, policymakers are insulated from the misery they create. If they could be with the chaplain who rings a doorbell at 6:20 in the morning to tell a 22-year-old woman she is now a widow, they would develop their policies more carefully.

I could not state it more clearly. This is really all I have to say in urging the leadership to guide this distinguished body to further contemplated, thorough study of the issues before us today, followed by such deliberation as is necessary. Then a decision, a decision I would hope that would speak for the majority view in this body and not send out a misleading signal, as the matter now stands.

A second father, James H. Smith, Captain U.S. Army concluded:

> It is probable that America's military will be called to battle in the future. However, our men and women in uniform must never again be placed in a "Somalia" situation. A quarter of a century ago my generation was ground up in the rice paddies and jungles of Vietnam. We must not allow the next generation to suffer the same fate. If additional hearings are not held——

That is on Somalia.

> I fear that more Americans will suffer the fate of Vietnam and Somalia.

That is an American citizen whose wife was there, and the widow of this soldier was there in our hearing room today addressing this body of decisionmakers. Her message was: Take your time, think this through carefully, and do not develop haphazard foreign policy.

Mr. President, I ask unanimous consent that the statements of Lieutent Colonel Joyce and Captain Smith be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. President, I opposed both amendments today because there is a certain ambiguity in each that could result in a much deeper involvement of our country in Bosnia. This is a conflict in Bosnia, or the former Yugoslavia, that is rooted in hundreds of years of history. It is religious; it is ethnic; it relates to borders. There is an instability among the peoples in that region that is almost without parallel.

I was not present, but I am sure there are those here who witnessed the Olympics in Sarajevo several years ago. The same people who in the past 2 years have hacked each other to bits, danced in the streets, dined in the restaurants and enjoyed the good life. I have no explanation for why they have fallen upon each other in such a savage way.

Historically, in World War II, Hitler's divisions occupied this part of the world. During the course of that occupation, the German forces had a very precarious hold on that geographic area. During the very period that they had a dozen or more divisions there, there was a civil war between the Croatian people, the Moslem people, and the Serbian people, which raged on for more than a year. Over 1 million casualties and deaths resulted from that civil war, at the very time that Europe was aflame in the battles of World War II. That is why we have to take our time and be very, very cautious as we make further commitments.

I urge that committees look at the two amendments considered today. They have not been looked at by any committee; we have only looked at bits and pieces. I attended almost every briefing relating to the former Yugoslavia in the past 2 years. I am sure other Senators have done likewise. I have yet to sit down, except when I personally went out to the three agencies, in a committee or briefing structure and discuss and go through and discuss the consequences of lifting the embargo. Whether we lift it unilaterally or in the context of an agreement with our allies.

What are the consequences? I spelled out on Monday, where would the weapons come from that go to the Moslems? How do they get there? What period of time is involved? Who will train the Moslems in the use of these weapons? Who will supply the spare parts?

Look at the roads, the means of conveying weapons to various areas of that country. They are quite precarious, narrow, unpaved roads, with weak bridges. Can they carry the heavy equipment? It is highly vulnerable to insurgents who could blow out a bridge or destroy a piece of a road. Would this damage cut off the logistic influx of these weapons? It can be done in a moment. We would have to put in, or someone would have to put in, security along almost the entire route. Repairs would require a heavy commitment of forces, both combat and combat engineers. I have not yet seen the document put forth by the distinguished Republican leader; it is about how Croatia favors lifting the embargo. I have not had time to read it; maybe others have. It was produced just this morning.

What is the quid pro quo to Croatia for allowing the transport of these weapons across their territory?

As I was walking in the hall, I met a member of my own committee, a very seasoned and knowledgeable member. He said, "Oh, John, you could airdrop."

I said, "Just a minute, just a minute. Let's talk about airdropping."

There are some heavy artillery pieces that cannot be airdropped. You cannot airdrop a tank. These are the things that at this moment create the strong imbalance between the Bosnian Serb forces and the Bosnian Moslem forces. Airdropping those is not easy.

Then he said, "Oh, but we can airdrop a number of other small weapons." I said, "That is true, but you can't drop them accurately into those small enclaves." And there are three of them right there on the border of Serbia proper, a diameter of not more than 25, 30 miles, in some cases, and less than that. Airdropping is difficult. Try and drop in one of those zones.

An expert army officer in airdropping took a map, showed me those isolated areas designated as NATO safe areas and said, "The closer you bring the airplane dropping it to the ground, the greater the danger to that aircraft from shoulder-fired air defense weapons."

And he said further, "Your climatic conditions are critical. Even if they were perfect, you'd have a hard time hitting that small piece of geography in that isolated area with a successful airdrop."

And what happens if your airdrop is inaccurate? The supplies fall into the hands of the Serbian forces, and we would then, in fact, be arming them.

These are the types of questions that I hope we will spend some time on so that each Senator fully understands these issues.

We had a good debate earlier today about the unilateral feature of Senator DOLE's amendment. I have spoken to that. I am firmly of the opinion that the security arrangements that face this country today, as they have in the past from World War I to World War II, are predicated on credible relationships with our allies. Security relationships in the future will continue to be dependent on the maintenance of those credible relationships. We know the problem if we were to unilaterally lift the embargo: It would jeopardize our future partnership with our allies. That was covered very carefully today.

We entered this partnership in the Bosnian conflict with our allies. I say we should continue that partnership and, under no circumstances, in my judgment, should we break that partnership.

Because I was concerned that the majority leader's amendment states that it is to protect the UNPROFOR, I asked him the following questions: How much time have any of us spent in individual briefings or in groups or in committee studying the consequences of removing the UNPROFOR? Can they safely be withdrawn from their advance positions where they are commingled now with factions on all sides? How much time would be required? Suppose they are trapped in their retrograde or withdrawal movement, supposing they are taken as hostages, what happens to the members of UNPROFOR—not just in Bosnia and Herzegovina but throughout the region, indeed, in the remote parts of Croatia and elsewhere? What happens to the victims of the former Yugoslavia who are dependent on the food and medicine that is now getting through? What happens when the UNPROFOR pulls out? What happens to those people?

The Mitchell amendment restricts the use of NATO air strikes to only the safe zones. Those safe zones, six in number, are but a fraction of the area of conflict. What happens if war breaks out in those zones? Are we restricted from using air power as a deterrent? It is inexplicit. We should not have any of these measures passed in a manner that is inexplicit.

Of course, the Mitchell amendment calls for lifting the embargo and "assistance be provided expeditiously," implying that weaponry is going to come from the United States. I think the cautionary marker was laid down; no one would go with the equipment to explain how it operates; no one would be there to help repair it or to provide the spare parts. You cannot arm a military force without equipment and logistics training—another question that should be answered carefully.

What happens after a measure of armament reaches the Bosnian Government? Is there any condition put on it: You will use it only for defense of the current geography as it exists? What happens if they utilize this military equipment to begin reclaiming some of the areas that were wrongfully taken from them by the Serbian forces? Do we say "stop"? Do we use air power to block their aggression?

I asked the distinguished majority leader, reading through his amendment, if we fail to get concurrence among the allies, does that bring our efforts to an end? I think he forthrightly said, "No, if they don't get that concurrence, we go to the U.N." I was not given the time to ask him: Well, suppose the United Nations does not concur. Then what do we do? Then it reads we go to Congress. And you can walk through a chain of events under the amendment of the distinguished majority leader which, in my judgment, brings you back again to the unilateral question.

So I do not look at his solution as one that precludes eventual unilateral action. But I would like to have that spelled out.

The last paragraph of the amendment of the distinguished majority leader relates only to the use of air power, and I hope that if future iterations are brought before the Senate they would apply the same degree of protection to our Air Force and naval personnel that are currently being employed as afforded by the last paragraph of the amendment of the distinguished majority leader, as that provision would accord future ground forces.

Mr. President, I thank the distinguished managers of the current pending legislation for the opportunity to speak to this issue. As I said, if there is no other Senator who has an objection when the leadership brings forth a proposed course of action, I withdraw my objection. I shall not interpose one. But if another Senator objects, then I wish to have my objection reinstated and reserve the right to evaluate that Senator's objection.

I yield the floor.

EXHIBIT 1

TESTIMONY OF LARRY E. JOYCE, MAY 12, 1994

Mr. Chairman, on behalf of my wife, Gail, and my daughter-in-law, DeAnna, both of whom are here with me today—as well as the rest of our family who are anxiously following the actions of this committee—thank you, first of all, for calling this hearing.

I firmly believe my son, Casey, and his 17 brave comrades who gave their lives in Mogadishu last October are looking down on us right now and saying, "well done."

Secondly, I'm sure I'm speaking for all the families of those 18 courageous young men when I say "thank you" for ordering the thorough and conscientious investigation that your staff has recently completed.

We only hope that the Committee's inquiry into the policies and decisions that led to the tragedy that robbed our families and the nation of these incredibly dedicated young men will not end today.

We hope you will agree with us that the implications of those ill-fated policies and decisions also pose ominous threats for this country.

Only a thorough review and corrective action can prevent future Somalias.

I served two combat tours in Vietnam.

I survived the 1968 Tet Offensive.

And I want to tell the President and his administration: Now it's MY turn to protest.

Because my Ranger son and I, both, served the same bogus policy—a generation apart.

I want them to know that I am pointing at that beautiful but sad memorial at the other end of the Mall—the one that carries the names of 58,191 of my comrades—and I'm asking, "When will we ever learn that committing troops to enforce an invalid foreign policy leads to disaster."

I wrote President Clinton on October 22 and asked to meet with him so I could implore him to get the foreign policy side of his administration in order.

I told him I didn't seek retribution, but only wanted to see future military disasters are avoided.

I wanted him to see for himself the grim parallel between the ill-fated policies of Presidents Kennedy and Johnson that I survived, and his Somalia policy that Casey did not survive.

The President called me on November 10 and told me he wanted to meet and discuss what I had learned during my informal investigation.

I followed up several times, only to be told he was too busy to meet with me.

He still hasn't fulfilled his promise.

So, Mr. Chairman, I'm doubly glad you fulfilled yours.

Our purpose here should be to tell every American who and what contributed to this tragic episode—no matter how much the President and his advisers would like us to forget it along with the heroes who gave their lives in Mogadishu last October.

We should also let everyone—especially the policy makers—know the consequences of foreign policy that is developed haphazardly and implemented by amateurs.

Too frequently, policy makers are insulated from the misery they create.

If they could be with the chaplain who rings a doorbell at 6:20 in the morning to tell a 22-year-old woman she's now a widow, they'd develop their policies more carefully.

This is why this hearing and, hopefully, future hearings on Somalia are so important. This is why you must not stop here.

Call in the National Security Adviser. Ask him to explain his role.

Call in the Secretary of State and his key staff. Call in the Ambassador to the U.N. Call former and current DOD officials—military and civilian.

Find out what role the President played.

In other words, don't just examine the actions of military field commanders. They had the unenviable task of having to implement a flawed mission.

They cannot answer the questions the White House has left unresolved;

And these are questions I would want asked:

Who changed our mission in Somalia from one of humanitarian relief to one of direct combat?

Why did they do it?

Why did we reduce our forces in Somalia from 30,000 to less than 5,000, and then launch offensive operations?

As you know, the vast majority of those remaining troops were in support units—not combat units.

Who decided capturing Mohammed Farah Aidid was in our national interest?

Was it President Clinton, or did the Secretary General of the United Nations manipulate that decision?

If Bourtos Boutros-Ghali extracted that decision from the administration—if he put out a contract on Aidid and President Clinton took it—then I contend that the President abdicated his constitutional and moral responsibility as commander-in-chief.

Why was only one company of Rangers sent to capture Aidid

How would they be reinforced?

Why was Specter gunship not available to them?

Why were they denied armor?

In short, this was an inadequate force structure from Day One. Why?

Did field commanders and staff officers advise against the frivolous mission the Ranger task force was eventually given?

I have enough faith in my old comrades-in-arms to say, "Yes they did." I hope I'm not wrong.

Surely, they said it would be virtually impossible to track down an expert in urban guerrilla warfare in the alleys of Mogadishu—where he was once the police chief.

Surely, they said the intelligence apparatus in Somalia was inadequate to support such a mission.

And surely, they advised the administration that light infantry should never be committed into a situation where they are likely to become decisively engaged, with no way to reinforce or extract them.

Was this advice given? If not, why not? If it was, why was it ignored?

In late September, I wrote Casey and predicted that he and his fellow Rangers would be coming home in October because it was clear to me that the President had decided on a diplomatic rather than a military solution.

It was much later that I learned former President Carter had been in contact with Aidid and had reported back to President Clinton in September that a diplomatic solution was the only solution for Somalia.

I felt it was obvious that any political settlement would have to involve Aidid because he was the most stabilizing, if not the only stabilizing, influence in Somalia.

So, my question is a simple one; If the President had already decided, in September, to seek a diplomatic solution with Aidid, why were Rangers ordered on October 3 to conduct a raid that, by its very nature, would be the most dangerous mission yet?

If we were going to negotiate with Aidid, why did we continue to put our soldiers at risk by trying to capture him and his henchmen?

And did we negotiate and collaborate with Aidid? We sure did. We didn't just negotiate, we catered to him.

Senators, I can't tell you how angry I was when I learned, two months after my son was killed, that the American mission in Somalia ordered American soldiers to provide Aidid an armed escort from his headquarters to the Mogadishu airport so he could be flown to Addis Ababa aboard a U.S. Army airplane.

It was Amateur Hour all over again!

And it's going to be hard to convince me that amateurs are not the cause of my son's death—and the deaths of every soldier who was killed in Somalia last October.

Now, if he's listening, and I hope he is, I have a question for President Clinton.

Mr. President, if capturing Aidid was so important on August 22 when you ordered the Rangers task force to Somalia, why was capturing him suddenly so unimportant on October 4?

How do I explain to my family that Casey didn't die in vain?

Mr. President, he did die in vain because the mission you sent him on was seriously flawed and you were not even committed to it.

He and his fellow Rangers, and the soldiers who fought to rescue them, were betrayed by an administration that gave them a no-win mission and didn't provide them the resources and moral support they desperately needed.

Mr. Chairman, if we learn nothing else from this foreign policy debacle it should be this: Before we send American troops into combat, three questions must be asked?

1. Is the mission attainable?

2. Are American national interests at stake? And perhaps most critical—

3. Are we willing to stay the course?

Now, apply those questions to Desert Storm and then to Somalia.

Desert Storm gets three thumbs up.

Somalia gets three thumbs down.

Maybe some of you remember where you were and what you were doing last October 3. I certainly do—as do all those who were closely associated with the events in Somalia that day.

My life was as close to being perfect as it had ever been—or will ever be again. I had a 7:30 tee time at a public course that runs along Lake Michigan.

It was a cool and beautiful Sunday morning in Chicago.

But—half way around the world—it was a hot and dusty Sunday afternoon in Mogadishu where Casey and his Ranger and Delta Force comrades were taking off in helicopters.

While I was putting on the third green, Casey was dodging AK-47 rounds as he was rescuing PFC Todd Blackburn.

As I was trying to get out of the rough and on to the fifth fairway, Casey was fighting his way to the crash site where Warrant Officer Briley and Warrant Officer Wolcott were pinned in the wreckage.

As I was walking off the ninth green, some of Casey's buddies were fighting their way back to the Mogadishu airport in a Humvee with Casey's lifeless body on board.

In the time it takes to play nine holes of golf, a tragedy of enormous proportions had unfolded. Lives—including my son's—had been taken.

Other lives—including my wife's, my daughter-in-law's, and my own life—had been destroyed.

And yet, we are more fortunate than some. My heart aches for those mothers and fathers who know the bodies of their sons fell into Somali hands.

I emphasize with Jim and Carol Smith who live every waking moment wondering if Jamie would be alive today if he could have been evacuated before he bled to death.

I want to help Carmen Houston of Mobile, Alabama who can't get a straight answer on how her husband, SGT Cornell Houston, died.

He was assigned to C Company, 41st Engineer Battalion from Ft. Drum.

She can't even get an autopsy report.

If any member of this committee wants to help Carmen, please let me know.

The Rangers and the wives of the 3rd Battalion, 75th Ranger Regiment have been a great source of comfort and support to Gail, DeAnna and me.

They have my undying gratitude.

I'm grateful to you, Mr. Chairman, for your kindness when you met with Gail, the Smiths, and me last month at Ft. Benning.

Thank you, also, for inviting us to testify here today.

I'm also indebted to Rick DeBobes of this committee's staff for his candor and his responsiveness to my questions.

To certain members of this committee, especially Senator Hutchinson, and the other members of Congress, like Senator Gramm and Congressman Dornan, who reached out to us in those first few terrible weeks—thank you for your compassion and your support.

But, to those who wish the nation would just forget what happened on October 3—forget those "unfortunate losses" President Clinton referred to last October when he was trying to get Somalia behind him—let me close by reading the eulogy I gave my son so you, like I ask President Clinton, to do, can put a face on at least one of those "unfortunate losses."

I might add that our pack is stronger now. It's been strengthened by the thousands of Americans who have expressed their support for us over the past seven months.

To each of them, thank you.

Mr. Chairman, members of the Committee, please take an important step so that Casey, Jamie Smith, Dominick Pilla, Cornell Houston and all the other brave young men who died and were wounded in Somalia did not do so in vain. Don't let this be your last hearing. You can make sure the mistakes of Somalia don't happen again.

TESTIMONY OF JAMES H. SMITH, MAY 12, 1994

Mr. Chairman and Committee Members, I wish to express my appreciation for the opportunity to testify at this committee hearing. I would also like to take this opportunity to express my gratitude for the committee's diligent work in investigating the events preceding, during and after the Mogadishu battle of October 3, 1993.

My name is James H. Smith. I am joined today by my wife Caroline. Immediately after graduating from high school in 1965, I enlisted in the Army. I was only 17 years old, but I wanted to be a Paratrooper. I responded to the challenge of military life and was fortunate to attend Officers Candidate School. I was commissioned a Second Lieutenant in the Infantry and served in Vietnam with the 4th Infantry Division and the 25th Infantry Division. In July 1967, as member of the 3rd Brigade Task Force (Tropic Lightning), I was severely wounded in a firefight. I spent the next two years in an Army Hospital recovering. I survived, but my left leg was amputated just below the knee.

In the early evening of October 4, 1993, my wife Carol arrived home from work to be met by two Army officers. The officers performed their obligation with professionalism and compassion. Our son Jamie had been killed in action. Carol called me at work and I immediately left a business meeting to be with my family. That evening I met with the press. After the expected questions of: "How would you describe your son?", and, "What were his hobbies?" I was asked two very pointed questions: "Did my son's death serve a purpose?"—and—"Am I angry or do I blame anyone? My answer was also direct: "If my son's death can keep Somali children from starving, my son's death had a purpose", "No, I am not angry. My son was a Ranger. He knew the risks and so did I. I do not blame anyone!"

On October 12, 1993 Jamie was buried at Fort Benning. Immediately after the services I met with some of the veterans of the Mogadishu battle. They had bandaged arms, casts on their legs, walked with crutches and were in wheelchairs. We talked for several hours. I left that meeting with three firm beliefs:

First: My son's death served no purpose. His courage and sacrifice had been wasted.

Second: The Rangers had been betrayed. Denied proper combat support and unreliable U.N. allies, disaster was preordained. There must be accountability.

Third: I was angry. As a disabled Vietnam Veteran I had the responsibility, the obligation, to insure that my son's generation did not suffer the fate of his father's generation.

My meeting, on October 12th, with the veterans of the Mogadishu battle was to be the first of many meetings and conversations. These contacts would be in the barracks, hospital, headquarters, on the telephone and in our home. I have spoken with virtually every veteran of that battle and the entire command structure—from the squad leader to commanding general. Unknown to me at that time, Larry Joyce was proceeding on a parallel inquiry. When Larry and I met at the 3rd Ranger Battalion memorial service in November 1993, we compared our findings. We had independently come to the same conclusions.

I am in complete agreement with Larry's comments. However, I would add that beyond the failures of the White House leadership to supply proper combat support and mismanaging the Somalia policy; the unacceptable conditions that existed in Somalia with the United Nations officials and peacekeeping forces, as they negatively affected our troops, must be investigated.

Although the concept of a U.N. multinational peacekeeping force appears the appropriate direction for U.S. involvement in such conflict situations, the conditions in Somalia resulted in the Rangers being placed in a situation without reliable allies and, in certain cases, U.N. peacekeeping forces actually supporting the enemy. Specifically:

U.N. peacekeeping forces were fragmented by geographic areas of responsibility. Forces from one country routinely refused to come to the aid of another nation's military unit that was under attack if the battle was outside their geographic area of responsibility. For example: the Italians did not come to the aid of the Nigerians. Therefore, when the Americans required assistance the Malaysians had no desire to support the Americans—since the battle was not their concern.

Aidid's informers or sympathizers had completely infiltrated the U.N. bureaucracy, the peacekeeping forces and charitable organizations. Additionally there were numerous examples of U.N. officials and peacekeeping forces actively or tacitly supporting Aidid. Therefore, secrecy in military operations was impossible. For example: there were numerous reports of Aidid's forces using U.N. or charitable organization's radios and telephone as his military communications network.

Other than the U.S. forces, there was no effort on the part of other U.N. peacekeeping units to disarm the militia and maintain order. For example: Egyptian peacekeeping forces, rather than disarm the militia, would give receipts for weapons so that when the militia left their area the weapon could be returned.

Except for U.S. forces, the multinational peacekeeping units ignored their responsibilities to secure their areas and eliminate the flow of weapons into Mogadishu. Trucks would enter the Italian sector from outside the city and the Italian peacekeepers would only direct traffic and not inspect the trucks. The result was a buildup of weapons by Aidid's militia and the ability of this force to attack the Rangers with superior numbers and firepower.

These conditions could not be resolved by our military field commanders. These problems are strictly political in nature. Their resolution could only come from our political leaders demanding that the U.N. leadership correct the situation. This was never done, and to the best of my knowledge, correcting these conditions was never attempted. The result was my son's Commander-in-Chief allowed American troops into a combat situation that at best had unreliable allies, or at worse, allies that actively supported the man who had already killed American soldiers.

This condition is unacceptable. It is imperative that these issues be investigated and resolved. This resolution can only be satisfied by holding those in elected and appointed positions of authority accountable for their inaction or dereliction. This requires that additional hearings be held by the Armed Services Committee for these issues can only be answered by the White House staff members involved in the decision making process.

Specifically we must learn: What was the decision making process in the White House? Who was involved? When were they involved? To what extent was the President, Vice President, National Security Advisor, Secretary of Defense, Secretary of State and the Ambassador to the United Nations involved? Additionally, what input did U.N. Envoy Jonathan Howe and U.N. Secretary-General Boutros Boutros Ghali have on the deployment, combat support and rules of engagement decisions. To determine the cause of the Somalia fiasco these concerns must be clarified.

Our men and women in uniform deserve better than the "disaster waiting to happen conditions" that existed in Somalia. As a disabled Vietnam veteran, I do not want any young man or woman to experience my pain when wounded; nor as a parent of a soldier killed in action, do I want other loved ones to experience my grief—because of a flawed foreign policy or a failure to support our troops in battle.

Additional hearings must be held. Not as a witch hunt to blame field commanders. The officers made no tactical errors and the troops performed magnificently. Nor as revenge or retribution for past mistakes by elected or appointed officials. But as a quest for the truth so that future Vietnams and Somalias are avoided.

Last weekend my wife and I visited Arlington National Cemetery, not as tourists, but to honor the grave of Sergeant James C. Joyce. I had prepared myself emotionally for this pilgrimage, but I was not prepared for the reality. As I stood saying a silent prayer at Casey's grave, I noticed that to the left of Casey's grave was the grave of MSG Timothy Martin, and to the left of his grave was the grave of PFC Richard Kowalewski. With tears streaming down my face I remembered my first visit to the Vietnam Memorial. Over 58,000 names carved in stone. Now I was gazing upon three more names carved in stone—soldiers who gave the last full measure. Sadly, like the generation before them, the sacrifice of these three brave soldiers had been wasted.

It is probably that America's military will be called to battle in the near future. However, our men and women in uniform must never again be placed in a "Somalia" situation. A quarter of a century ago my generation was ground up in the rice paddies and jungles of Vietnam. We must not allow the next generation to suffer the same fate. If additional hearings are not held, I fear that more Americans will suffer the fate of Vietnam and Somalia.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Nebraska is recognized.

DEATH OF LEWIS PULLER

Mr. KERREY. Mr. President, I would ask unanimous consent if the manager of the bill would allow me to speak for a few moments about an individual whom I know the distinguished senior Senator from Virginia knows well, and that is the son of former Marine Gen. Chester Puller. Chester Puller himself was a great American hero.

I met General Puller myself in 1969. I was, at the time, a patient at the Philadelphia Naval Hospital. Chester Puller was coming to the hospital to visit his son, and I frankly did not know who the general was. I was in the world's largest and most powerful Navy at the time, a lieutenant junior grade in that great naval force, and I was then a member of Seal Team 1, and we prided ourselves in knowing as little as possible about the Marine Corps, I must say.

General Puller, nonetheless, struck all of us in that ward as a remarkable individual. And before I left the hospital, I was given the opportunity, if not coerced, to read his biography entitled simply "Marine." He received five Navy crosses, and from one who knows—I read the actions in each case, and it is remarkable to me that each one of them were deserving of his having received the Congressional Medal of Honor, remarkable actions, a career that spanned 40 years and four wars, a real soldier's general, and I have subsequently, having met him in 1969, become a very significant fan of Chester Puller.

Chester Puller was there in the hospital to visit his son, who in the fall of 1968, in the war in Vietnam, apropos very much of what the senior Senator from Virginia was discussing earlier, was badly injured. He tripped a wire that was attached to a howitzer round, and the explosion, in Lewis's words resulted in essentially vaporizing his legs. He was badly injured—beyond that, not expected to survive. The other members of his company were in fact urging him to pray as quickly as possible.

But Lewis Puller survived. He lived. And I met him in 1969 when I arrived in the hospital, also a patient undergoing treatment.

Lewis Puller yesterday took his own life. His death, I am quite certain, is grieved not just by those of us who knew him well and called him friend—his death is grieved, I know, with great passion by his wife Toddy, his daughter Maggie, and his son Lewis, and by thousands of others who read his biography called "Fortunate Son," an account of his growing up with Chesty Puller, an account of his terrible and tragic accident in Vietnam, and his recovery, remarkable recovery, Mr. President.

Lew Puller, in his book "Fortunate Son," which was recognized by the award of the Pulitzer Prize, inspired thousands of people who saw an individual who overcame enormous adversity and said "the human spirit can do almost anything." I know that many will see his death and say here is a victim of the Vietnam war. Indeed, that I believe is accurate to say. But my hope is that in viewing this death, we as a country do not merely say, well, there is another Vietnam veteran who could not deal with his problems.

Indeed, there are many Vietnam veterans who have committed suicide, far more than veterans from any other war. More Vietnam veterans are struggling. But my hope is that this life can be seen for the heroism of Lewis Puller.

Mr. President, not long ago I was given a statement by George Bernard Shaw that said:

> This is the true joy of life, being used for a purpose recognized by yourself as a mighty one, being a force of nature instead of a feverish little clod of ailments and grievances complaining that the world will not make you happy. I am of the opinion that my life belongs to the whole community.

That is George Bernard Shaw.

I believe Lewis Puller believed the same thing, that his life belonged to the whole community. He made an effort to live on behalf of his wife, on behalf of his children, and he raised two strong, good children.

I was with him when he was attending William and Mary Law School. He had to wheel his wheelchair up to the doors of buildings and wait for someone to carry his body to class. But he did that with great dignity, Mr. President, and as a consequence of that dignity, he inspired me and he inspired many others who came into contact with him.

Mr. President, Lewis Puller, in the end, was less a victim of Vietnam than he was a victim of alcohol, a disease over which Lewis Puller also had to fight. And he conquered that disease. Unfortunately, there was a relapse occurring as a consequence of pain that he was feeling and treatment that he received for that pain, producing a cycle of depression and despair and moving Lewis B. Puller into a trough of depression. He could not fight his way out of it, Mr. President. He was unable to struggle and fight his way out of the final valley of the shadow of death, and he took his own life late yesterday morning.

But, Mr. President, Lewis Puller led a life that left a legacy. It left a legacy of hope, a legacy of inspiration, a legacy of creativity, and a legacy of accomplishment. And I pray that Lewis Puller has found the peace that alluded him here on Earth. And I pray that those who knew him, those who admired him, those who have read his works, will find inspiration, inspiration to believe that the human spirit can overcome anything, anything that a human being wants to do.

Mr. President, I know the senior Senator from Virginia knew Chester Puller and Lewis Puller well, and I would be glad to yield the floor to him.

Mr. WARNER. Mr. President, I thank my distinguished colleague. I ask the managers for a brief few minutes.

It is with a great sense of humility that I join my distinguished colleague. I know of no Senator—indeed, I know few Americans—who could have spoken more eloquently about Lew Puller than our colleague from Nebraska. He bears the same scars in many respects as did Lew Puller. And through the hands of providence he is here today. And our friend, Lew Puller, is no longer with us.

I commend the Senator for also going to the side of the widow and the family immediately following the news of this loss.

Mr. President, I did have the privilege of knowing his father in my brief service in the Marine Corps during the Korean war period and during the course of a number of years thereafter in the Reserves. But two words really describe the father, oddly enough. He was awesome, but he was a man with noted humility. He was one of the highest decorated Marines in recent times. I often hoped that did not urge his son to try to live up to that father's standard. But who knows?

I read his book, the "Fortunate Son." It is a very moving revelation of a son's love for his father. Time and time again, even when he was in the Marines as a young lieutenant and in the presence of his father, there was this great love between these two men. And it sustained the young Puller during his arduous days in Vietnam, as did his wife who was by his side during that critical period. It is a beautiful love story, a beautiful American love story, and one of service and dedication.

I got to know young Puller when he sought to become a U.S. Congressman from the Commowealth of Virginia. And I watched him campaign in his wheelchair, holding his chin high, with his wife and his family by his side. That is the way I will remember him. He fought a good battle. I wished that he would have thought of fighting that battle for a seat in the Senate. But he chose another career—already an attorney, he became a noted author as well.

I hope that some of his recent work products as a writer will come to the forefront now and we can share them as we did the book "Fortunate Son," for which he won a Pulitzer Prize.

Senator, it is my hope and expectation that both of us will have the privilege of being present as the last rites are accorded this brave American this coming Monday.

I thank again my good friend and colleague from Nebraska.

Mr. KERREY. I thank the Senator from Virginia.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1699

(Purpose: To amend the bill)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself and Mr. HATFIELD, proposes an amendment numbered 1699.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Viability

On page 12, line 10, strike "50 percent" and insert "the percentage prescribed in the following sentence".

On page 12, line 13, after the period, insert the following: "The percentage withheld shall be 10 percent for fiscal year 1998, 30 percent for fiscal year 1999, and 30 percent for each subsequent fiscal year.".

On page 13, strike lines 16 through 20, and insert the following:

"(2) ASSISTANCE TO NONVIABLE SYSTEMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no assistance under this part shall be provided to a public water system that—

"(i) does not have the technical, managerial, and financial capability to ensure compliance with the requirements of this title; and

"(ii) has a history of past violations of any maximum contaminant level, treatment technique, monitoring requirement, or other requirement of a national primary drinking water regulation or variance.

"(B) RESTRUCTURING.—A nonviable public water system may receive assistance under this part if the owner or operator of the system agrees to undertake changes in operations (including ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures) to ensure that the system has the technical, managerial, and financial capability to comply with the requirements of this title over the long-term.

"(C) PROHIBITION.—No assistance under this part shall be provided to a public water system for a project for which the State determines that consolidation is appropriate other than assistance for consolidation.

Beginning on page 62, strike line 25 and all that follows through page 64, line 22, and insert the following:

(b) VIABILITY OF PUBLIC WATER SYSTEMS.—Part B (42 U.S.C. 300g et seq.) is amended by adding at the end the following new section:

"STATE VIABILITY PROGRAMS

"SEC. 1418. (a) IN GENERAL.—Each State shall adopt a State Drinking Water System Viability Program (referred to in this section as the 'State Viability Program') to ensure the capability of public water systems in the State to comply with the requirements of this title.

"(b) PROGRAM ELEMENTS.—A State Viability Program complies with this section if it includes—

"(1) the legal authority to ensure that all new public water systems commencing operation after October 1, 1997, have the managerial, technical, and financial capability to comply with national primary drinking water regulations and other requirements of this title; and

"(2) a program to secure the voluntary restructuring (including physical consolidation) of existing systems that are in violation of a national primary drinking water regulation or other requirement of this title and that lack the managerial, technical, or financial capability to comply with the regulation or requirement.

"(c) SUBMISSION AND APPROVAL OF PROGRAMS.—

"(1) SUBMISSION.—Not later than 36 months after the date of enactment of this section, each State shall submit to the Administrator a proposal for a State Viability Program that meets the requirements of this section.

On page 66, line 2, strike the quotation marks and the following period.

On page 66, between lines 2 and 3, insert the following new subsections:

"(f) EPA GUIDANCE.—Not later than 2 years after the date of enactment of this section, the Administrator shall, after consultation with officials of State and local governments, publish guidance for use by the States—

(1) identifying the factors contributing to nonviability of public water systems; and

(2) identifying technical, managerial, financial, and other options to address the factors, including options that have been successfully employed by States.

"(g) EPA SURVEY.—Not later than 2 years after the date of enactment of this section, the Administrator shall conduct a survey of public water systems to identify public water systems that are likely to be nonviable based on the requirements of law and factors contributing to nonviability, including the economic circumstances of the community. The results of the survey shall be published with the guidance prepared by the Administrator pursuant to subsection (f).".

Monitoring

On page 48, line 10, strike "2 years" and insert "1 year".

On page 48, line 11, insert "after consultation with public health experts, representatives of the general public, and officials of State and local governments," after "subparagraph,".

On page 48, line 16, strike "propose" and insert "promulgate".

Beginning on page 48, strike line 18 and all that follows through page 51, line 2, and insert the following new subparagraph:

"(D) STATE-ESTABLISHED REQUIREMENTS.—

"(i) IN GENERAL.—Each State with primary enforcement responsibility may submit an application to the Administrator to establish for any national drinking water regulation, other than a regulation applicable to a microbial contaminant (or indicator of a microbial contaminant), monitoring requirements applicable to public water systems identified by the State, in lieu of the monitoring requirements contained in the regulation, if the monitoring requirements established by the State are based on—

"(I) occurrence data and other relevant characteristics of the contaminant or the systems subject to the requirements; and

"(II) the monitoring frequencies are no less frequent than the requirements of the national primary drinking water regulations for a contaminant that has been detected at a quantifiable level during the 5-year period ending on the date of the monitoring.

"(ii) COMPLIANCE AND ENFORCEMENT.—The monitoring requirement established by the State shall be adequate to ensure compliance with, and enforcement of, each national primary drinking water regulation.

"(iii) APPROVAL.—The Administrator shall review an application submitted by a State pursuant to this subparagraph and approve the application, in whole or in part, if the application meets the requirements of this subparagraph. If the Administrator has not acted pursuant to this clause within 180 days after submission of the application, the application shall be deemed to be approved. If the Administrator disapproves an application, or a part of an application, the Administrator shall provide to the State a description of the changes needed for the program to be approved. A monitoring program approved pursuant to this clause shall be approved for a period of 3 years and each subsequent approval shall be for a period of 5 years.".

Mr. KERREY. Mr. President, let me begin by thanking the managers of this bill, the chairman of the Environment and Public Works Committee, Senator BAUCUS, and the ranking member of the committee, Senator CHAFEE, as well as Senator HATFIELD and many others, for their hard work on this legislation.

Coming to agreement on this bill, and more importantly, the managers' amendment, Mr. President, has not been an easy task. It is the product of many different points of view, and it carries the best possible public health protection while providing reasonable regulatory relief to small communities.

I, as well, would like to thank Carol Browner of the Environmental Protection Agency. She was extremely helpful in providing assistance and making sure that we were able to produce this piece of legislation.

I want to thank as well the senior Senator from Nebraska, Senator EXON, who was extremely important in developing this amendment. And, most importantly to me, Mr. President, literally hundreds of Nebraskans—I must say I have been extremely surprised and pleased, and I will reference later the amount of enthusiasm there is at home in the State of Nebraska for this piece of legislation.

There is an urgency at home to enact it for the purpose of maintaining the quality and the safety of our drinking water and continuing to make progress in the quality of that water. There is a willingness at home to exercise authority. On behalf of the people of Nebraska, Mr. President, I thank Senator BAUCUS, I thank Senator CHAFEE, and I thank the Administrator of the Environmental Protection Agency, Administrator Browner.

Mr. President, I believe it would be useful for some of our colleagues, who may wonder about this legislation—and, certainly, I, myself, did. It became clear to me that it was important when many in Nebraska were contacting the office and talking about their needs and their concerns. So I looked at some of the history.

Briefly, Mr. President, the regulation of safe drinking water quality in the United States dates clear back to the turn of the century, when the U.S. Public Health Service established the first standards for controlling bacteria in the water.

However, Mr. President, it was not until Congress enacted the Safe Drinking Water Act in 1974—after 4 years of rather contentious debate—that the United States, by law, established the current framework under which we provide for safe drinking water to our citizens.

The legislation in 1974 said:

> Its purpose is to assure that water supply systems serving the public meet minimum national standards for the protection of public health.

Mr. President, the act meant public concern over findings of harmful chemicals in drinking water supplies. This act, 20 years ago, for the first time gave EPA discretionary authority to set drinking water standards. Further, it provided for national primary drinking water regulations that specified maximum containment levels or treatment techniques. It established regulations to protect underground sources of drinking water, and established groundwater protection grants for State wellhead projectionary programs.

In 1986, the act was amended because the EPA had been slack in setting standards. Congress required them to set 25 standards every 3 years. Congress also strengthened and expanded the act's monitoring compliance and enforcement requirements.

Mr. President, for my colleagues' reference, it is these provisions that State and local governments are most concerned about. These are the provisions that the State and local governments are bringing to our attention, where they are suggesting changes that need to occur because the monitoring costs at the local level have escalated rapidly, and, in many cases, the regulations are being promulgated with limited science just to get them done.

Mr. President, a lot of attention has been paid to this act since 1986, including an amendment in the 100th Congress intended to reduce exposure to lead. Many are skeptical that we are going to be able to reauthorize this legislation. Some, in fact, are saying: Well, maybe nothing is better than something. Maybe we are better off not enacting legislation.

Well, Mr. President, we have appropriated a revolving fund for the States and the local communities to make the investments necessary to create a safer supply of water for our citizens. The existing law is inadequate, and I, once again, assert my high praise for the chairman of this committee and the ranking member of this committee in their diligence and urgency to make certain that we reauthorize this act in 1994.

Mr. President, throughout the history of the national drinking water problem, there has been substantial State and local involvement. But since 1994 the State and local governments have relied on the Federal Government to set priorities and establish environmental goals. States have taken an active role in administering Federal programs or gaining primacy, and understand the need for public health protection. I emphasize that. There really is a changed enthusiasm for accepting the primacy that 49 of 50 States currently have. They understand that the citizens want safe drinking water.

Mr. President, I ask unanimous consent that a resolution—a unanimous resolution, I might add—that was passed by the Nebraska unicameral legislature be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATIVE RESOLUTION 349

Whereas, the protection of the public health and welfare is the primary concern of public water supply systems; and

Whereas, the ability of public water supply systems to protect the health and welfare of its citizenry has been greatly reduced by unfunded federal mandates contained in the Safe Drinking Water Act; and

Whereas, public water supply systems cannot afford to commit limited resources on federal mandates which provide little or no benefit to public health, but must rather be permitted to focus their resources on protections which ensure the highest safety for public health; and

Whereas, several proposals currently before Congress would amend the Safe Drinking Water Act to allow public water supply systems greater ability to effectively protect the public health and welfare by ensuring that limited public resources can be sensibly focused on the most serious risks presented by contaminants in drinking water.

Now, therefore, be it resolved by the Members of the ninety-third Legislature of Nebraska, second session:

1. That the Legislature urges Congress to amend the Safe Drinking Water Act in such a manner as will permit public water supply systems to focus their resources on issues which threaten public health and which will provide flexibility in meeting the real health needs of its citizenry.

2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, all members of the congressional delegation from the State of Nebraska, the Administrator of the United States Environmental Protection Agency, and the Regional Administrator, Region VII of the United States Environmental Protection Agency.

Mr. KERREY. Mr. President, this resolution, once again, underscores the willingness of the people of the States to take charge of this program. They are not asking for regulatory relief without a willingness to assume the responsibility for setting priorities. In this resolution, the operative phrase says, we "urge Congress to amend the Safe Drinking Water Act in such a manner as will permit public water supply systems to focus their resources on issues which threaten public health and which will provide flexibility in meeting the real health needs of its citizenry."

I emphasize, Mr. President, the unicameral of the State of Nebraska—elected officials of the State of Nebraska—are saying that they want to be able to carry out the objective of improving the public water supply systems and the quality and safety of those water supply systems.

Mr. President, the managers' amendment, which was approved earlier, did a number of things, some of which I will reference. But I would now like to reference the changes that are made in the Kerrey-Hatfield amendment, which is now before this body.

One of the biggest issues with safe drinking water is the monitoring requirements that were put into effect in 1986. One of the largest costs of compliance with the Safe Drinking Water Act is this monitoring. Every Nebraska community that has contacted me has asked that the current system be revised to let them test for contaminants that exist in Nebraska—not an unreasonable request—rather than testing for contaminants that do not exist in Nebraska.

Mr. President, we have been contacted by the Governor of the State—an elected official, obviously—by mayors in every single community, and city council people, who are saying,

> We want to set our priorities. We are committed to the public health of the people of the State of Nebraska, but we want to monitor those contaminants that are in our drinking water, or potentially in our drinking water.

Under current law, States can go through a waiver process to get some monitoring requirements changed. However, the process is expensive and time-consuming, and the benefits accrue to the local systems, while costs are incurred by the States. The States that have waivers have seen huge decreases in monitoring costs. These potential savings should be spread to all States.

The original bill reported out of the Environment and Public Works Committee creates a more flexible program in the bill, but the problems remain.

What our amendment does: First, Mr. President, it simplifies the criteria that States must use to evaluate alternative monitoring regulations. States would instead look at how often a contaminant has occurred, and other factors, such as whether it is used for crops manufactured in the State, and various factors.

Second, the amendment creates an automatic approval process to prevent State programs from being caught in an open-ended EPA approval process. The EPA would have 180 days to respond to a State's plan. If the EPA did not respond, the State's plan would be considered approved.

Third, the amendment eliminates the EPA's ability to revoke approval of a monitoring plan at any time. Instead, the State would have to reapply to the EPA for an extension of that waiver every 5 years.

The second big issue that this amendment addresses is the issue of viability. A March 1994 GAO study on small drinking water systems found that nonviable systems are one of the major problems many States face in guaranteeing safe drinking water to all citizens.

The nonviable systems are those systems that lack the capacity, for financial reasons, technical reasons, or managerial reasons, to fully comply with the Safe Drinking Water Act over the long run. These systems, Mr. President, are a major problem, because they cannot deliver reliably safe drinking water.

As reported, S. 2019 takes a first step in dealing with the national viability problem and calls for the States to develop a viability program to prevent nonviable systems from being created.

The Kerrey-Hatfield amendment first eliminates the requirement that States have viability programs for a State to keep primacy. This is extremely controversial, but I urge my colleagues who may think that we are getting lax with this requirement to consider this: Only one State currently has relinquished primacy, and that is Wyoming.

I asked Administrator Browner when she was before the Appropriations Committee, is the EPA prepared to take over the safe drinking water program in all the States? And the answer unequivocally is no. The taxpayers of the United States are not prepared for that to occur. And thus it is Senator HATFIELD's and my judgment that eliminating this requirement makes sense for the goals of safe drinking water and unquestionably makes sense for the administration of the program, and it replaces the requirement that States adopt legal authority to force nonviable systems to restructure with the requirements for States to develop a program to encourage voluntary reconstructing and consolidation.

Third, for those who fear that this voluntary compliance is not enough, it does replace the 50-percent penalty against the States revolving loan fund grants for States that fail to implement viability programs and the 3-year phase-in penalties beginning in 1998. States without viability programs will lose 10 percent of the revolving loan fund grant in fiscal year 1998, 30 percent in 1999, and 50 percent in the year 2000.

Fourth, it requires EPA to develop guidelines to viability and to conduct a survey of systems to determine the number and characteristics of our national viability program.

Mr. President, I would like to comment on some changes that were made in the original bill included in the managers' amendment about which I was an advocate and for which I am grateful the managers included in the amendment.

The first is the good science risk assessment issue, also very controversial. This bill and in the managers' amendment addresses the concerns of Nebraskans who have raised this issue with me. There has been a loud cry coming from the community, again from the community level. This is not coming from some ogre out there. This is coming at the grassroot levels—the mayors, city councils, legislators, the Governor's office—people who have been elected to be concerned about safe drinking water.

In 1982 when we first authorized the act, the policy was set into the act, as I said earlier, to require EPA to regulate 25 new contaminants every 3 years whether they were needed or not. This strict method of establishing standards caused some contaminants to be regulated without a sound, scientific basis.

The bill, as originally reported, eliminated the 25 new contaminants every 3 years and replaced the requirement the EPA study 7 contaminants every 5 years and make an independent decision about regulation.

This change will provide tremendous regulatory relief to EPA, States, and water systems without jeopardizing public health.

The managers' amendment, in my judgment, has made the report language even better by saying that the Centers for Disease Control will be brought in in a consultative basis. The EPA is required under this legislation to consult with the CDC in selecting contaminants to be considered for regulation.

The people of the United States of America look to the CDC as experts in health issues. This will enable us without the typical disagreements as to whether or not the EPA is selecting an item that is a health hazard, and this will allow the citizens who are concerned about the safety of their drinking water to have not only a scientific evaluation but a scientific evaluation that is done by a health agency that has very high credibility in the community.

The managers' amendment also requires EPA to, with good science, assess the rest of the contaminants before proceeding with the regulation. This will help EPA pursue regulation of substances in drinking water that pose the greatest risk to human health.

Mr. President, the next thing that the managers' amendment includes is a cost-benefit analysis in the standards setting. This was the most contentious and difficult of the issues to come to agreement on.

The issue, Mr. President, is best expressed by looking at the Nebraska League of Cities. They sent a petition with 60 signatures. Again, I said this many times. These are signatures of elected officials at the local level, specifically asking the Senate to include provisions that change the current process for setting standards to include public health benefits and cost as factors in determining new requirements, and the managers' amendment requires EPA to assess the amount of health risk reduction and compliance cost of the proposed regulation.

After this analysis, EPA may set the standard at a less stringent level if, and these definitions are spelled out in the colloquy that was entered into earlier, may set the standards at a less stringent level if the cost can be substantially reduced and the health risk is not increased significantly, a critical level of reauthorization because it creates a tighter and more explicit relationship between regulations, health protection, and the cost of compliance.

The next item, Mr. President, is that S. 2019 includes a multimedia approach to a health risk that has been given a great deal of attention, and that is radon. The idea here is that you want to put your money where it does the most good, and essentially what the reauthorized bill would say that approximately 80 percent of the risk of radon comes from the air, about 20 percent comes from the water, and essentially say that those States that have indoor air programs would be able to be given some regulatory relief.

The managers' amendment includes language and essentially sets a 1,500 picocurie liter floor on standards for radon with no exception for States that have indoor air programs. Essentially all States are allowed to use the alternative level.

Mr. President, earlier the distinguished Senator from Montana and the distinguished Senator from Rhode Island talked about the importance of funding and the changes made in the revolving fund. I will merely endorse what it was that they said and applaud them for making changes in the funding. That was earlier provided.

I will conclude, Mr. President, by thanking once again the chairman of the committee, Senator BAUCUS of Montana, Senator CHAFEE of Rhode Island, Senator HATFIELD especially with whom I worked, Senator EXON, the senior Senator from Nebraska, who was extremely helpful in participating, Senators DORGAN, CONRAD, WARNER, DECONCINI, BOREN, KEMPTHORNE, NICKLES, SMITH, SIMPSON, DASCHLE, GORTON, and BROWN.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

PRIVILEGE OF THE FLOOR

Mr. HATFIELD. Mr. President, first, I ask unanimous consent that Maureen Koetz of Senator DOMENICI's staff be given the privileges of the floor during the debate and discussions of this particular bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that Senator GORTON of Washington State and Senator BOREN of Oklahoma be added as cosponsors to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. If the Senator will yield, I ask unanimous consent to add Senator EXON of Nebraska as a cosponsor of this amendment also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that I be listed as a cosponsor of the underlying bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I would like to thank my colleagues from Montana and Rhode Island for their willingness to work with me on this bill. I believe we have come up with a bill that will result in a high level of health protection for our citizens because it will help local systems devote attention and resources to the most threatening drinking water problems.

I would also like to express my thanks for the commitment, support and hard work of my friend from Nebraska, Senator BOB KERREY.

I began my involvement in the safe drinking water debate almost 2 years ago during the Domenici-Chafee debate on the VA-HUD appropriations bill. After this debate, I made a concerted effort to learn about how the Safe Drinking Water Act was working in Oregon. I toured water treatment works in Salem and Aurora. I asked water system operators in Oregon to write me, and I received over 300 letters about the strengths and weaknesses of the current law. Last July, I convened a meeting of over 150 State and local officials who implement the Safe Drinking Water Act. People in my State were a wealth of information about this law and program, and I believe the officials of Oregon have done national service in raising and analyzing the strengths and weaknesses of the Safe Drinking Water Act.

Mr. President, the problems raised by Oregon operators have been the foundation of my involvement in this debate. I want to sincerely thank Senator BAUCUS and Senator CHAFEE because they not only took the concerns of Oregon seriously, but they worked with me to help address them.

The bill before us, with the inclusion of the manager's amendment and the Kerrey-Hatfield amendment, addresses the major concerns raised by my State. I would like to take a moment to outline the concerns raised by Oregon and discuss how the bill before the Senate addresses them.

SELECTION OF NEW CONTAMINANTS

One of the most frequently cited problems with the current law is that in the 1986 reauthorization, Congress required EPA to regulate 25 new contaminants every 3 years, whether they need to or not. I received hundreds of comments on this provision, and I believe the problem was best described in a letter from Edward Olson, manager of the Medford water system which serves more than 80,000 people:

> By mandating quotas, the ability to set meaningful water quality standards is compromised. It forces EPA to set a specific number of standards within the 3 year period without a sound scientific basis * * * All this does is add to the cost of water without any health benefits.

The bill before us eliminates this requirement and replaces it with a requirement that EPA study seven contaminants every 5 years, then make an independent decision about regulation. This change will provide tremendous relief to EPA, States and water systems.

RISK ASSESSMENT

Citizens of Oregon want to know that the contaminants EPA decides to regulate actually pose a health risk. They feel that the process of regulation is too often divorced from sound scientific evidence of risk from a contaminant.

The manager's amendment requires EPA to use good science and assess the risk of contaminants before proceeding with regulation. This will help EPA pursue regulations of the substances in drinking water that pose the greatest threat to human health.

COST-BENEFIT ANALYSIS (STANDARD SETTING)

Nearly everyone I have spoken to in Oregon is concerned that EPA sets standards for contaminants at a level that is unrelated to the level of health protection secured for the cost.

Jim Adamson, the Public Works Director from Baker City, which serves almost 10,000 people puts it this way:

> More consideration should be given to the cost/benefit ratio to abate some of the risks that are very slight or maybe only have the potential of a very slight risk.

Small systems need consideration of risk even more than larger ones. Or, as Frank and Nell Kuonen of the tiny, 40-connection, Tingley Lake Estates system put it:

> Everyone wants safe drinking water, but the EPA has completely lost sight of a reasonable cost/benefit ratio. The projection of Phase II regulator costs of $10,000 per well is a staggering $30,000 for us; or $750 per household per year.

The bill, as amended by the Manager's amendment, requires EPA to assess the amount of health risk reduction and the compliance cost of a proposed regulation. After this analysis, EPA may set the standard at a less stringent level if the costs can be substantially reduced and the health risk is not increased significantly.

This is a critical element of reauthorization because it will create a tighter and more explicit relationship between regulations, health protection of the costs of compliance. I strongly commend Senators BAUCUS and CHAFEE for helping solve this thorny issue.

MONITORING BURDEN

Oregonians have complained that they monitor for contaminants that have never been in their water. By ignoring differences among areas, we force local systems to devote resources to contaminants they do not have. This takes vital resources from real problems. Joanne Dalziel of the city of Garibaldi which serves around 200 households stated it simply:

> We do not share the same problems with Florida and Idaho and should not be subjected to the same regulations.

Daniel Bradley of the city of Salem, with a water system serving nearly 100,000 people, was even more specific:

> A vast amount of information has been submitted since the inception of the SDWA * * *. The Environmental Protection Agency should use this information to determine the areas that need monitoring of contaminants specific to those areas, and exclude areas that are not susceptible to contamination.

The amendment that Senator KERREY and I offered—and that was graciously accepted by the Managers—is designed to fix this problem. State drinking water programs will be permitted to design monitoring programs that are appropriate to conditions faced by their State.

SMALL SYSTEM FLEXIBILITY

In Oregon, I learned that small systems are particularly hard hit by many of the current Safe Drinking Water Act regulations because they do not have the economies of scale of a large city.

As the board of directors of the Country View Estates system, which serves 39 households explains:

> Due to the inability of small systems to spread the massive costs of the testing requirements to a large number of consumers, the operation of such systems will be economically unfeasible. It is our view that this will defeat the very purpose of the act.

The bill as amended addresses this problem in several ways. First, there is specific monitoring relief for small systems. Moreover, systems serving less than 10,000 people are eligible for a streamlined variance process and a small system technology program. A number of other flexibility provisions are included in the bill for small systems, including money for a circuit rider assistance program.

SUFFICIENT RESOURCES

Oregonians have told me that the regulations governing drinking water are technical and expensive. In addition, GAO reported last year that State programs are underfunded.

To begin to solve this problem, the bill authorizes a $599 million State revolving loan fund. The money for this loan fund has already been appropriated, subject to this authorization. In addition, S. 2019 more than doubles the public water system supervision grants to States for administration of drinking water programs. The bill also provides for technical assistance, and the monitoring relief and slow down of regulations should help States and local systems gain headway on their resource needs.

CONCLUSION

I strongly urge the Senate to support this bill as amended by the manager's amendment and the Kerrey-Hatfield amendment. These provisions strengthen the Safe Drinking Water Act, not because they make the act more rigid and stringent but because they will help us—in Congress, at EPA, in the States and in every local water system—focus drinking water resources on the most pressing problems and on the biggest threats to health.

Mr. President, I would be remiss if I ended my remarks without noting the commitment of several other Senators. In addition to the work of Senators KERREY, CHAFEE, and BAUCUS, I do not think we could have come this far without the work of Senators DOMENICI. He and his staff have done a tremendous job of delineating and advocating for these issues. I also appreciate the contributions of Senators WARNER, KEMPTHORNE, CONRAD, DASCHLE, GORTON, DECONCINI, BOREN, EXON, NICKLES, DORGAN, SIMPSON, SMITH, and BROWN. They and their staffs have participated in innumerable discussions of these issues and have helped resolve many of the crucial questions.

Mr. President, I want to indicate that this amendment that Senator KERREY of Nebraska and I have sponsored is done on the simple, fundamental basis that we want to make this bill, the underlying bill, the most workable, the most practical, and the most enforceable bill possible. In no way do we seek to weaken the current bill as reported by the committee.

In fact, we are indebted to the leadership of the committee for their long cooperation in working out some of the problems that have emerged since 1974 when I was privileged to have voted for the original bill. Here we are 20 years later, to update that statute on the basis of our experience over the last 20 years. We are here to strengthen the statute and to make certain that we achieve the goal of safe drinking water for all of the citizens of this country.

Mr. President, Senator KERREY has outlined the details of the amendment, which has two parts: one dealing with viability and the other with monitoring. He has outlined the amendment in very accurate detail, and there is no requirement for me at this particular hour to go over the same data and the same explanations. I will have that presented in my written statement.

But I would like to briefly outline a part of this bill that relates to philosophy, and I use the term philosophy rather broadly. In 1974, like many times when we in this body blaze new trails with legislation, when we create a new legislative role for the Congress of the United States, we often seek uniform coverage for all 50 States. During these efforts, we look at standards, we look at criteria, and we look at regulations that would apply to all 50 States, of course, in a uniform manner.

But, at the same time, we have learned that many States are not similar. Although each has a similar expectation of safe drinking water, the geography, the terrain, the climate—all factors to be considered—do vary widely among our States. In this amendment, we hope to adopt a little more flexibility to recognize that those distinctions exist.

Why should a local water district in the State of Oregon repeatedly monitor for a contaminant that only exists in Florida? And yet, because of the standardization of these national listings, all States have to do this particular monitoring under current law.

In this effort to create flexibility, recognizing the diversity of the States, the committee bill has taken a major forward step toward recognizing that flexibility is required to effectively administer such a program in an efficient, effective, reasonable, and practical way.

Our amendment seeks to expand on the flexibility factor that the committee has already adopted.

I recall that 2 years ago, as we considered the VA-HUD appropriations bill, an informative debate on this floor between Senator DOMENICI of New Mexico and Senator CHAFEE of Rhode Island brought this issue into sharp focus. That debate very obviously raised the question as to the effectiveness and wisdom of the current Safe Drinking Water Act structure. That debate triggered the interest of all Senators.

Soon afterward, I went home to my State and proceeded to develop a plan by which I was going to become better informed on the details of the problems with this statute that I knew confronted all States, not just mine. I convened an ad hoc conference of about 150 State and local officials responsible for drinking water. They provided a great deal of data and insight. They were very good tutors on this subject as it relates to my State.

I also took the time to visit various types of water districts—small and large cities and viable and non-viable systems.

I received hundreds of thoughtful letters from citizens all over my State indicating their ideas and concerns. First of all, they indicated they wanted safe drinking water, but they also expressed concerns about problems that prevented them from achieving this goal.

I want to say that over the last 3 months, because we have a large conference room, the Lincoln Room, which has a large conference table, we have hosted meetings of staff in relation to this legislation. And so 20 Senators here in this body and their staffs, from time to time would gather over this 3-month period to compare notes and to consider what we could do to resolve the lingering issues.

I want to say that the managers of the bill, Senator BAUCUS and Senator CHAFEE, and their staffs, were fully involved, fully supportive of this effort to try to build up a consensus. My objective has been to be helpful in resolving the problems and at the same time not in any way diminish our commitment to safe water. I think that that has been accomplished.

But, you see, that also demonstrates a point of philosophy which I want to raise: How much more we can achieve through collaboration, consensus building, rather than when we take the other alternative of ramming something through because we have the votes.

I think this bill establishes that same kind of philosophy. We must work with, collaborate with and cooperate with the State and local entities throughout this country, rather than saying to them, "This is the mandate and we have the power of law to require it."

I think this bill incorporates the philosophy that we can achieve far more by sitting down with State and local water officials and saying, "We have a common goal. How can we best relate our individual roles and responsibilities to achieve that goal through collaboration?"

I think you will find that in the two-part amendment which Senator KERREY and I are offering at this time, we have achieved a further step toward the flexibility factors and toward the philosophy of collaborating and not commanding.

In no way does it diminish our goal. In no way does it diminish our commitment. In every way, it increases the possibility of achieving the goal. And that is the approach that Senator KERREY and I have taken on this.

Again, I want to say that it has been a great privilege to work with my colleagues and their staffs who have been concerned about the same issue, and to work with the committee and the committee staff in addressing these concerns. Because the committee members had these same problems in their respective States, the committee was very open and very anxious to resolve these differences and to bring about a stronger bill for the achievement of our common goal.

I thank the committee and I thank the leadership of the committee. And I thank my colleagues, Senator BAUCUS and Senator CHAFEE, for their superb leadership in bringing this bill to the floor.

It was a great pleasure to work in tandem with Senator KERREY of Nebraska on this. It is a pleasure to work with him on any issue. It has been a pleasure working with him and his staff on this issue.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. HATFIELD. Yes.

Mr. WARNER. Mr. President, I wish to be added as a cosponsor.

I want to say, I watched this bill come forward. I think the Senator deserves, together with his colleagues, Senator KERREY and the Senator from Louisiana, great credit, because their amendment, I think, made it possible for this bill to become law.

Had this not been solved through the work of our distinguished managers, the Senator from Montana and the Senator from Rhode Island, and the Senator from Oregon, it would not have happened.

Mr. HATFIELD. Mr. President, I welcome the SENATOR'S cosponsorship of our amendment. I ask unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the amendment offered by the Senator from Nebraska and the Senator from Oregon is a very good amendment. As has been indicated, the Senators from Oregon and Nebraska have worked diligently with other Senators and with the committee to work out some wrinkles that did occur as a consequence of the committee bill.

I must say, Mr. President, the committee bill was approved out of the committee with a very, very large vote. I think it was unanimous. Every member of the committee voted for this bill. I see Senator SMITH from New Hampshire on the floor, who also helped very much to come up with a consensus, a good approach.

The amendment that the Senators are offering addresses two very important concepts of the bill. One is monitoring requirements and the second is the viability of small systems.

We, Mr. President, have heard from small systems, in particular. The small water systems in our country are many. Most of the systems in this country are very small. I think about 87 percent of the water systems in this country serve fewer than 3,300 people. They are small systems.

On the other hand, most Americans get drinking water from large systems; that is, most Americans live in cities which have large systems.

As a consequence, and because of the laws of the economies of scale, small systems—that is, smaller communities—pay much more to meet the monitoring costs and the treatment costs to provide good, clean, safe water for their communities, compared with the cost per household to provide the same clean, safe water in larger cities.

Therein lies a major problem and therein lies a major impetus for this bill. And therein lies the reason for this amendment.

The committee bill directly addresses the problems of small systems in many ways, including monitoring.

I will not go into great detail, but I do want to make it very clear that, No. 1, small systems have very great problems. I might say, Mr. President, that, on average, a household served by a large system will have to pay about $12 per year to meet the requirements of the Safe Drinking Water Act. On the other hand, people who live in very small communities, to meet the same requirements, would have to pay about $145 per year. That is about a 14-fold increase for small systems compared with large systems. So it is not fair to people who live in rural areas. They cannot come up with the money. They cannot afford the monitoring requirements, the technology requirements, and other requirements.

So we are dramatically changing the standards that apply to smaller communities. First of all, we are dramatically reducing the monitoring requirements. Monitoring is the biggest cost facing small communities. It is very, very expensive.

Currently, all communities must monitor for all the contaminants, regardless of whether the monitoring detects a violation or detects the contaminant. And the monitoring basically occurs on a quarterly basis in 1 year of every 3.

I do not think it makes much sense to continue to monitor if there is no contaminant. So we say in the bill: OK, after you have monitored once and if there is no showing of the contaminant, you need not go back and monitor again for another 3 years. It only makes sense. In addition to that, however, the Senator from Nebraska and the Senator from Oregon are further refining the State waiver program for monitoring. A number of States have applied to the EPA to enact waiver programs. That is a program where they put their own monitoring requirements in depending upon the various different conditions in their States.

States are not homogeneous. States are different. I might say, the results for those States is dramatic. That is, for those States who have taken advantage of the waiver program, they have found dramatic monitoring savings. Let me just state, for example, Wisconsin has a $16 million saving over 3 years, Massachusetts a $15 million saving over 3 years, Michigan a $36 million—90 percent saving in Michigan. That is, if Michigan had not applied for a waiver under the monitoring program—that is Michigan set up its own monitoring program depending upon different conditions in Michigan, set fees in Michigan—it would be paying 90 percent more than it now is.

The amendment before us is one where we are trying to add even greater flexibility and reasonableness to the State waiver program so States can more easily apply to EPA and get approval from EPA on enacting their State waiver programs. That is the only point of this.

There are other parts of this amendment, but we are trying to help States, if you will, do their own thing, provide a good, solid monitoring program that is tailored to and fits conditions in their own States. That is why I think this is a good amendment.

The second major point is viability. Some systems are just not viable. That is, they are so small or because of certain conditions they really cannot do a very good job in coming up with, not only monitoring, but the treatment they need. We are suggesting, therefore, that those nonviable systems be encouraged to consolidate. Where there is greater consolidation, then there is a greater ability for systems to meet the provisions of the act. If they cannot consolidate, maybe they can share some resources. Again, we are trying to address that very fundamental, iron law of the economies of scale by encouraging more consolidation. By encouraging more cooperation, we are going to help systems better meet the provisions of the act.

Essentially, the amendment encourages States to develop viability programs. That is a good idea. In the earlier versions, we required States to develop powers to require systems to consolidate. That was a bit strong, a bit draconian. We, here, are saying you do not have to require communities to consolidate or become more viable. Rather, you as a State should have a program in place that encourages more nonviable systems to become viable.

I very much commend the Senator from Nebraska and the Senator from Oregon for their offering this amendment. It is a major improvement upon the bill.

If there is no further discussion, Mr. President, I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1699) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I would like to take a moment to share my concerns over this proposed legislation. First, I'd like to say that when compared to other countries around the world, the United States has some of the safest drinking water in the world. A survey of our Nation's 200,000 public water systems indicate that few systems are contaminated—even by our own strict standards.

Kentucky is made up of 120 agriculturally diverse counties, and within those counties are hundreds of small communities, most of which rely heavily on agriculture as their main source of income. There are more than 91,000 farm families in Kentucky. These people seek out the best ways to grow corn and soybeans, raise the healthiest livestock, and provide our Nation with healthy, nutritious food. And it is through the hard work and determination of these people that others are fed.

I am supportive of protecting that quality of our drinking water. Unfortunately, many provisions in this bill will be detrimental to those people who work hard every day to feed the rest of us, yet provide little, if any, workable formulas to protect the water. I am most concerned about the bill's source water protection provisions. Source water protection has traditionally been a function of the Clean Water Act, which provides the framework for protection of surface waters. I am concerned about the manner in which this bill addresses source water protection. The Safe Drinking Water Act should not be used as the vehicle to disrupt or interfere with ongoing progress in the watershed area.

This proposed source water protection program in S. 2019 would have serious implications for farm operations upstream of municipalities. Individual municipalities nationwide could issue mandates to landowners in source water protection areas for the control of both regulated and unregulated contaminants. Not only would this lead to the overlap of numerous governmental authorities and programs, but it would create a confusion of water regulations across the country. Municipalities should not be able to supersede State authority and expertise. Yet they are encouraged by S. 2019 to do this.

Under S. 2019, local water systems would be eligible for important cost saving reductions in required monitoring if they develop a source water protection plan that: Defines the boundaries of their source water areas, even if that goes beyond the system's territory and for many miles upstream; identifies sources of pollution, both point and nonpoint, regardless of their expertise to carry out such a task; and implements control measures over the identified sources of pollution.

Finger pointing and restrictive control measures could likely be the unintended result, since failure of an individual plan to include any one of these requirements may result in its disapproval by the EPA. Without an approved plan, water systems would not be eligible for cost-saving reductions in the frequency of required monitoring. This is the trap in S. 2019's source water protection provisions. There are more:

If a system's source water protection area is beyond its service territory, a plan may mandate controls without the consultation of neighboring local governments or adjacent landowners. Confusions among source water protection plans could impose costly restrictions on the use of surface waters or limitations on traditional land use activities.

Under the bill, States must review and approve these source water protection plans or face stiff financial penalties. States have no authority to require modifications to a plan that may have unwarranted economic impacts. Without specific authority, a State will be reluctant to seek revisions or disapprove a plan for fear of penalties from EPA.

In addition to these principal concerns, I have other problems with the bill as written. Unfunded mandates were imposed by the 1986 amendments, because of the funding shortfalls States and municipalities faced. This issue has not been resolved. The EPA defines small systems as those serving fewer than 3,300 individuals. Eighty-seven percent of water systems in Kentucky meet this definition. Kentucky has 616 small water systems that service a population of 467,680. We have 6 counties with more than 20 different small water systems. These rural systems have had the most difficulty meeting Federal drinking water requirements. These systems do not have adequate financial and technical resources to devote to treatment and monitoring. According to EPA, for systems serving 25 to 100 persons, the average annual incremental household cost of compliance is $145 per year.

On the issue of standard setting, the EPA Administrator may have even less flexibility to consider public health risk reduction benefits, costs, and scientific information than under current law. I am also concerned that the definition of public water systems could be interpreted to cover crop irrigation delivery systems.

Overall, I am worried that the bill authorizes EPA to initiate enforcement actions in States without providing the State with an opportunity to initiate its own action. Kentucky has recently enacted its own legislation to improve and monitor its water resources.

Kentucky's recently approved water quality legislation sets up a strategy for agricultural producers to protect Kentucky's water resources and establish a process to work with farmers on water pollution issues. Appropriate agencies will assist farmers in developing plans to protect water, and guarantees fair treatment of agricultural producers by enforcement personnel. The bill moves Kentucky's water quality programs away from a punitive approach toward a technology-driven program that enables farmers to do what they do best—produce food and fiber—without doing harm to the environment.

Key responsibilities under Kentucky's plan include:

Evaluating and modifying the best management practices to promote water protection.

Developing statewide agriculture water quality plans within two years.

Reviewing water quality data to help identify priority areas.

Plans will consist of practical, economical management practices designed to prevent pollution from animal waste, pesticides, sediment, and other sources such as fuel tanks. The statewide plan would also recognize the regional differences in Kentucky and account for the varying agriculture and sensitive groundwater areas. The time for implementing the plan is 5 years.

I commend those Kentuckians involved in taking the initiative to develop the agriculture water quality program. They have set forth a strategy for agriculture producers to protect Kentucky's water resources and work out water pollution issues. Now we need to let that same strategy work in the Clean Water Act at the national level.

In conclusion, although I support the goals of the safe drinking water bill, it is important we work to build consensus on standards. In carrying out these solutions we must provide realistic funding levels so as not to cause undue hardship on States and municipalities.

I am very concerned about the potential adverse impact that this bill will have on my crop production and livestock producers. I am also disturbed about the potential overlap of numerous governmental authorities and programs, creating confusion of water regulations all over Kentucky and the country.

Most of these problems can be addressed by reworking section 9 of the bill, and I support the amendment of Senators WARNER and CONRAD to accomplish that. I urge my colleagues to take a hard look at the unintended consequences this bill will have, and let us work together to pass a safe drinking water bill that is also safe for rural America.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I see two other Senators seeking recognition. It is my intention at this time to lay down an amendment sponsored by myself and the distinguished Senator from North Dakota [Mr. CONRAD], unless some Senator desires—fine.

AMENDMENT NO. 1700

(Purpose: To authorize States to establish a source water quality protection petition procedure to assist community water systems and municipal and local governments to address drinking water contaminants of public health concern)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. CONRAD, proposes an amendment numbered 1700.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 94, strike line 10 and all that follows through page 103, line 2, and insert the following:

SEC. 9. WATER QUALITY PROTECTION PARTNERSHIP.

(a) SOURCE WATER QUALITY PROTECTION.—Part B (42 U.S.C. 300g et seq.) (as amended by section 8) is further amended by adding at the end the following new section:

"SOURCE WATER QUALITY PROTECTION

"SEC. 1420. (a) SOURCE WATER QUALITY PROTECTION PETITION PROGRAM.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—A State may establish a program under which an owner or operator of a community water system of the State, or a municipal or local government or political subdivision of the government in the State, may submit a water quality protection petition to the State requesting that the State assist in addressing—

"(i) the origins of drinking water contaminants of public health concern, including to the extent practicable the specific activities that affect the drinking water supply of a community; and

"(ii) the financial or technical limitations that impair the ability of a community water system to provide drinking water that complies with a national primary drinking water regulation for—

"(I) a contaminant listed under this title; or

"(II) an unregulated contaminant for which the Administrator has determined that there is an urgent threat to public health pursuant to section 1412(b)(3)(G).

"(B) FUNDING.—The State may provide assistance in response to the petition using funds referred to in subsections (b)(2)(C) and (c).

"(2) GOAL.—The objective of a petition submitted under this subsection shall be to seek assistance from the State in directing or redirecting resources under Federal or State water quality programs to establish voluntary, incentive-based partnerships in order to address the origins of drinking water contaminants of public health concern, including to the extent practicable the specific activities that affect the drinking water supply of a community.

"(3) CONTENTS OF PETITION.—A petition submitted under this subsection shall, at a minimum—

"(A) include a delineation of the source water area in the State that is the subject of the petition;

"(B) identify the origins of the drinking water contaminants of public health concern, including to the extent practicable the specific activities in the source water area delineated under subparagraph (A);

"(C) identify any deficiencies in information that will inhibit the identification of significant origins of drinking water contaminants of public health concern; and

"(D) identify any public participation solicited from affected persons in the source water area delineated under subparagraph (A), including—

"(i) voluntary efforts to address the origins of the drinking water contaminants of public health concern, including specific activities; and

"(ii) the assistance that may be needed to facilitate the efforts.

"(b) APPROVAL OR DISAPPROVAL OF PETITIONS.—

"(1) IN GENERAL.—After providing notice and an opportunity for public comment on a petition submitted under subsection (a), the State shall approve or disapprove in whole or in part the petition in an expeditious manner.

"(2) APPROVAL.—The State may approve a petition if the petition meets the requirements established under subsection (a). The notice of approval shall, at a minimum, include—

"(A) a determination that the drinking water contaminants referred to in the petition pose a public health concern;

"(B) a description of the options available, including voluntary measures and practices for the protection of source waters to address the problems described in the petition;

"(C) an identification of technical or financial assistance that the State will provide to assist in addressing the drinking water contaminants of public health concern based on—

"(i) the relative priority of the public health concern identified in the petition as compared to the other water quality needs identified by the State;

"(ii) any appropriate studies or assessments that are available to identify significant origins of drinking water contaminants of public health concern;

"(iii) any necessary coordination that the State will perform of the program established under this section with programs implemented or planned by other States under this section; and

"(iv) funds available (including funds available from a State revolving loan fund established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or part G) and the appropriate distribution of the funds to assist in addressing the problems described in the petition;

"(D) a description of Federal and State programs available to assist in addressing the problems described in the petition, including—

"(i) any program established under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(ii) the program established under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b);

"(iii) the agricultural water quality protection program established under chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

"(iv) the sole source aquifer protection program established under section 1427;

"(v) the community wellhead protection program established under section 1428;

"(vi) any pesticide or ground water management plan; and

"(vii) any abandoned well closure program;

"(E) a description of activities that will be undertaken to coordinate Federal and State programs to respond to the petition; and

"(F) a description of alternative management measures or treatment techniques and other strategies, including an evaluation of the costs associated with each alternative, and a description of sources of funding available to implement the alternative.

"(3) DISAPPROVAL.—If the State disapproves a petition submitted under subsection (a), the State shall notify the entity submitting the petition in writing of the reasons for disapproval. A petition may be resubmitted at any time if new information becomes available or conditions affecting the source water that is the subject of the petition change.

"(c) ELIGIBILITY FOR WATER QUALITY PROTECTION ASSISTANCE.—A sole source aquifer plan developed pursuant to section 1427, a wellhead protection plan developed pursuant to section 1428, and a source water quality protection measure assisted in response to a petition submitted under subsection (a) shall be eligible for assistance under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including assistance provided under section 319 and title VI of such Act (33 U.S.C. 1329 and 1381 et seq.), in the same manner as a project, measure, or practice identified in a State plan under such section 319 is eligible for assistance under such Act. In the case of funds made available under such section 319 to assist a source water quality protection measure in response to a petition submitted under subsection (a), the funds may be used only for a measure that addresses nonpoint source pollution.

"(d) GRANTS TO SUPPORT STATE PROGRAMS.—

"(1) IN GENERAL.—The Administrator is authorized to make grants to each State that establishes a program under this section that is approved under paragraph (2). The amount of each grant shall not exceed 50 percent of the cost of administering the petition program for the year in which the grant is available.

"(2) APPROVAL.—As a condition of receiving grant assistance under this subsection, a State shall submit to the Administrator for approval a source water protection petition program that is consistent with the guidance published under paragraph (3).

"(3) GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Administrator shall publish guidance to assist States in the development of a source water protection petition program. The guidance shall, at a minimum—

"(A) recommend procedures for the approval by a State of a source water protection petition submitted under subsection (a);

"(B) recommend procedures by which a community water system may submit a source water protection petition developed under subsection (a);

"(C) recommend criteria for the delineation of source water protection areas within a State; and

"(D) describe sources of funding that are available to develop and respond to source water protection petitions.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 1995 through 2000. Each State with a program approved under paragraph (2) shall receive an equitable portion of the funds available for any fiscal year.".

Mr. WARNER. Mr. President, I rise to offer an amendment which is a substitute for section 9 of the committee bill relating to source water protection plans.

I also ask unanimous consent that a letter from various organizations who have endorsed this amendment be included in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. These organizations include the American Farm Bureau Federation, the National Agricultural Chemicals Association, the National Water Resources Association, the Clean Water Industry Coalition, the National Council of Farmer Cooperatives, and many others.

This is one of the most remarkable, grassroots collection of organizations that I have seen. This shows that those individuals and organizations which support their individual trade associations—these associations can deliver. And this is a clear product of the consolidated efforts of this broad, grass roots American coalition of organizations. I commend each of them.

Mr. President, during the Environment Committee's markup of this legislation, several concerns were raised regarding the proposed new source water protection program and its reach into the management of land use practices.

In the interest of enacting reform legislation this year to provide the relief so desperately needed by our local governments, I voted to report the bill from the Environment Committee.

Since that time, I have explored with my friend from North Dakota, Mr. CONRAD,] possible alternatives to provide for the protection of waters that are used to supply drinking water.

While recognizing the potential benefits from an approach to reduce contaminants that enter our surface waters, we believed that a partnership could be formed among water agencies, agricultural interests, and others without mandating a new Federal requirement of imposing penalties on our States.

I am pleased that the amendment we offer establishes a cooperative, voluntary process involving States, local governments, and landowners that will, for the first time, focus needed attention and resources on specific problems associated with waters that affect a community's drinking water supply.

With Chairman BAUCUS' and Senator CHAFEE's cooperation and constructive contributions to accomplish the goals we all share in this effort, our amendment will achieve results in protecting our source waters by facilitating a dialog among interested parties in a watershed and building upon voluntary programs to address sources of point and nonpoint pollution.

I want to make it very clear to my colleagues that this amendment encourages the voluntary participation by States and local governments in identifying measures and financial resources that may be utilized to provide for the protection of drinking water supplies.

The petition process established in the amendment is a solution based approach for our local governments. In developing a petition, a community water system will bring together various persons who depend on source waters and those whose activities may affect source waters in an effort to gain a better understanding of the specific needs within a watershed.

I firmly believe this collaborative effort at the local level, with resources from a State, will produce results to reduce the burden on localities to install expensive treatment technologies.

Specifically, a local government or community water system can submit a petition to a State which identifies contaminants of public health concern in source waters and the voluntary efforts that are being employed to reduce the ability of these contaminants to enter our rivers and streams.

In response to a petition, a State may provide technical and financial resources which will help address problems identified in the petition. It is important to mention that the redirection of existing funding sources is critical to the success of this program.

I am pleased that provisions are included in this amendment to provide funding from the Clean Water State Revolving Loan Fund because I believe that responses to problems identified in petitions will be less costly than the installation of expensive treatment technologies.

Mr. President, the availability of funding to respond to these local petitions is an essential element of this petition program. It is my hope that the provisions relating to funding will be preserved when the Senate goes to conference with the House.

The last point I would like to mention, Mr. President, is the grant authority this amendment provides to the Environmental Protection Agency. In an effort to provide an incentive for States to respond to petitions in a timely manner, EPA is authorized to make grants to States pending the approval of a State's petition program.

Mr. President, before concluding, I must recognize and commend Chairman BAUCUS and Senator CHAFEE for their diligent efforts to resolve the differences of opinion on this issue and to develop a compromise that fosters a cooperative relationship among various parties to become allies in the fight for drinking water protection.

In Virginia, we have been firsthand the benefits of this partnership approach through the 13 years of the Chesapeake Bay Program—a regional partnership between the Federal Government, Virginia, Maryland, Pennsylvania, and the District of Columbia, and the varied interests who depend on the bay for their livelihood and recreation. In the bay watershed, more than 300,000 acres of agricultural land are now farmed under the Chesapeake Bay Program nutrient reduction initiatives, erosion control, and runoff measures.

Mr. President, I would also like to commend the chairman and ranking member, and their staffs, and the enormous contributions made by Senator HATFIELD and Senator KERREY, for bringing to the Senate a bill that responds to the legitimate problems brought to our attention by our States and local governments.

This legislation restores the balance in our obligation to provide water that is safe for citizens to drink with the financial and technical limitations on local governments to install technologies to treat drinking water, and I am pleased to lend my support to this legislation.

When the committee began discussions on developing a bill for markup, there were many forceful discussions about the direction the committee should take. Through a very cooperative and inclusive process, Chairman BAUCUS listened to our concerns and demonstrated his significant skill and leadership to develop a bill that responded to those issues.

Prior to bringing this important legislation to the floor, the chairman and ranking member continued to listen to other points of view and responded in a manner that allows us to be here today. I am grateful for their willingness to accommodate our concerns and commend them for their continued leadership on the committee.

EXHIBIT 1

May 12, 1994.

Hon. JOHN W. WARNER,
U.S. Senate, Russell Senate Building, Washington, DC.

DEAR SENATOR WARNER, this week the Senate will consider S. 2019, the Safe Drinking Water Act Amendments of 1994, introduced last year as S. 1547 by Environment and Public Works Committee Chairman Max Baucus. We would like to offer our support for the compromise amendment that you have cosponsored with Senator Kent Conrad as a substitute for Section 9 of S. 2019.

This is an important amendment, broadly supported by coalitions and organizations representing municipal, water suppliers, agriculture, agribusiness, food processors, livestock production, municipal groups, industry and other stakeholders. The amendment allows a state to establish a source water quality petition program which:

Encourage a drinking water authority or local government entity to submit a petition requesting that the state assist in addressing financial or technical limitations that reduce the petitioner's capability to provide drinking water that complies with national drinking water standards or to address unregulated contaminants that pose an urgent threat to public health;

Provides for state response in the form of financial and technical assistance as may be appropriate under existing water quality programs, such as those in place under the Clean Water Act and other state, regional or federal water quality programs;

Authorizes federal grants as an incentive for states to initiate a petition program; and

Relies on voluntary, incentive-based partnerships among all affected parties.

We thank you for your constructive and effective leadership in working with the Environment and Public Works Committee leadership on this important issue. We believe the compromise amendment provides a workable mechanism, to help accomplish the end goal of improving our nation's drinking water, while addressing many serious concerns about provisions of Section 9 in S. 2019.

Sincerely,

Agricultural Retailers Association; AK Steel Incorporation; American Bakers Association; American Cyanamid; American Farm Bureau Federation; American Feed Industry Association; American Forest and Paper Association; American Frozen Food Institute; American Soybean Association; Association of California Water Agencies; Automotive Recyclers Association; Bethlehem Steel; Biscuit and Cracker Manufacturers Association; Callispell Chamber of Commerce; Central Valley Project Water Association; CF Industries Inc.; Chocolate Manufacturers Association; Clean Water Industry Coalition; Dairymen, Inc.; Egg Association of America; Greater Cleveland Growth Association; Independent Bakers Association; International Dairy Foods Association; Maine Sardine Council; MDU Resources Group, Inc.; Metropolitan Water District of Southern California; National Agricultural Chemicals Association; National Association of Conservation Districts; National Association of State Departments of Agriculture; National Association of Wheat Growers; National Broiler Council; National Cattlemen's Association; National Confectioners Association; National Corn Growers Association; National Cotton Council of America; National Council of Farmer Cooperatives; National Electrical Manufacturers Association; National Farmers Union; National Food Processes Association; National Grange; National Milk Producers Federation; National Pork Producers Council; National Potato Council; National Turkey Federation; National Water Resources Association; Rio Grande Valley Sugar Growers, Inc.; Snack Food Association; The Uniform and Textile Service Association; Unilever United States; United Egg Producers; U.S. Rice Producers' Group; Western Growers Association.

Mr. WARNER. Mr. President, their legislation restores a balance in our obligation to provide safe water for citizens to drink with the financial and technical limitations on local governments to install technologies to treat drinking water.

I am pleased to lend my support to their legislation; that is, to Senator HATFIELD.

I thank the Chair, and I yield the floor.

Mr. President, I momentarily will ask the amendment to be laid aside.

I yield the floor.

The PRESIDING OFFICER. Is there objection to laying the amendment aside?

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

MR. BREAUX. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for up to 10 minutes.

Mr. WARNER. Mr. President, I wonder if the distinguished Senator will allow me to send up another amendment and very quickly act on that.

MR. BREAUX. I will be happy to yield to my colleague.

Mr. WARNER. I shall not take but a few minutes, I say to my colleague.

AMENDMENT NO. 1701

(Purpose: To provide for the funding of capital improvements at the Washington Aqueduct)

Mr. WARNER. Mr. President, I send up an amendment on behalf of myself and the distinguished Senator, Mr. ROBB, from the Commonwealth of Virginia.

The PRESIDING OFFICER. Without objection, the Senator's previous amendment will be laid aside.

The clerk will now report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. ROBB, proposes an amendment numbered 1701.

In section 16 of the bill, strike subsection (f) and insert the following new subsection:

(f) CAPITAL IMPROVEMENTS FOR THE WASHINGTON AQUEDUCT.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), and notwithstanding any other provision of law, at the request of the public water supply customers of the Washington Aqueduct—

(A) the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall borrow from the Federal Financing Bank such funds as the Secretary of the Army determines are required to finance capital improvements for the Washington Aqueduct; and

(B) the Board of Directors of the Federal Financing Bank shall loan the funds to the Secretary of the Army on such terms as may be established by the Secretary of the Army and the Board of Directors.

(2) INTEREST.—The rate of interest to be charged in connection with a loan made under paragraph (1) shall be not less than a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(3) CONTRACT.—The Secretary of the Army shall borrow funds under paragraph (1) after the public water supply customers enter into a written contract with the Secretary of the Army to repay the funds and to pay the costs associated with borrowing the funds.

(4) NET PRESENT VALUE OF LOAN.—The Secretary of the Army may borrow funds under paragraph (1) if amounts sufficient to pay for the cost, as defined in section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), of the loan involved are provided in advance in appropriation Acts.

(5) DEFINITION.—As used in this subsection, the term "public water supply customers" means the District of Columbia, the county of Arlington, Virginia, and the city of Falls Church, Virginia.

Mr. WARNER. Mr. President, how many of us remember this headline in our local paper, the Washington Post? What a dramatic headline: "D.C., Part of Northern Virginia Under Drinking Water Alert."

> By sundown, all the water fountains at National Airport had been shut off. The Environmental Protection Agency yesterday advised people who live and work in the District of Columbia——

The Nation's Capital.

> and parts of the Commonwealth of Virginia to boil all drinking water.

The alert was put out on the afternoon of December 8. This is the paper on the morning of December 9. This prompted me to consult the Corps of Engineers and, as a consequence, I ask the Senate to consider the amendment that is now pending.

Mr. President, I rise to offer this amendment which is to allow the U.S. Army Corps of Engineers access to the Federal Financing Bank for the purpose of financing capital improvements in the Washington aqueduct. The Washington aqueduct is a generic title for that infrastructure that provides water for the Nation's Capital and certain parts of the Commonwealth of Virginia.

I would like to also advise my colleagues that I requested the General Accounting Office to conduct a study of this entire system, given the relationship between this particular water system in the United States and the Nation's Capital as it relates to national security.

Mr. President, for 3 days beginning on December 8 of last year, this region was nearly crippled when the Environmental Protection Agency—and I commend the agency for acting—ordered us to cease using the water that came through the pipes; to boil water. The paper describes the run on all shops that sell bottled water. We take for granted our water supply. That is the purpose of this amendment. Let us check it out. Some parts of this system date back 100 years, and it is time we check it out.

But this was December 8, and the region was crippled as a consequence of this EPA order. Area residents were fearful that their water supply was contaminated. They did not know. It was an enormous undertaking for local governments to notify everyone in this life-threatening situation, and it was described as life-threatening. In no way do I fault the alert that came out from the EPA and from other responsible civic persons in this area. Imagine the difficulty they had in conveying this message to a lot of people in this region who are not familiar with the English language. Simple things like that—maybe not so simple—of having to convey to a lot of people the problem.

During this crisis period, and in subsequent news reports, the Washington Post—and I credit the Washington Post for a very careful, detailed analysis of this problem—the paper educated us on the broader problems of the system's financing limitations, the lack of operator training, the lack of monitoring systems which provide an early warning of potential problems, and lack of coordination among Federal agencies responsible.

The corps since addressed some of these problems, but the question of financing major capital improvements, which, in the judgment of the Corps of Engineers are needed, remains a problem which I hope will be solved by this legislation.

In reports conducted by the EPA and independent authorities, it has been concluded that equipment failure, followed by human error in responding to the situation of December 8 affected the results of water quality testing. While we are thankful that the water was not contaminated in that period by the suspected parasite, cryptosporidium, it was a loud wake-up call for the region.

The modified amendment I offer today addresses issues relating to the Congressional Budget Office views concerning the Corps of Engineers' borrowing authority for the Washington aqueduct and this provision's impact on direct spending.

I believe those concerns have been resolved in this revised amendment by subjecting the amount of the loan discount to appropriations. While the essence of the amendment simply provides borrowing authority, the cost of making the loans to the Corps of Engineers will be paid for in advance by the system's customers.

So there is a financing arrangement set forth in this amendment which will enable this system, which serves the Nation's Capital, to be corrected and hopefully to be fixed in a manner that will make it less vulnerable to many problems to which it could be subjected under the usual circumstances.

We have letters, which I ask unanimous consent be printed in the RECORD, from the chairman of the Arlington County Board who supports it; the Mayor of the city of Falls Church; and the Mayor of Washington, the Honorable Sharon Pratt Kelly, all expressing the desperate need to have an amendment adopted and the appreciation hopefully to this body for accepting the amendment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ARLINGTON COUNTY, VIRGINIA,
OFFICE OF THE COUNTY BOARD,
Arlington, VA, May 6, 1994.

Hon. JOHN W. WARNER,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WARNER: Thank you for supporting the inclusion of Dalecarlia Water Treatment Plant, or the Washington Aqueduct, language in S. 2019, Safe Drinking Water Act Amendments of 1994. As you know, the language will allow the Army authority to borrow funds in order to finance necessary capital improvements. Consequently, all users of the Washington Aqueduct, including Arlington County, will benefit from the adoption of the legislation.

Without the financing language, Arlington County, in addition to the City of Falls Church and Fairfax County, would continue to fund its portion of capital improvements on a pay-as-you-go basis. A pay-as-you-go mandate is impractical and would financially burden Aqueduct users.

Again, thank you for your hard work on this important issue; we are grateful for your continued leadership.

Sincerely,
MARY MARGARET WHIPPLE,
Chairman.

CITY OF FALLS CHURCH,
Falls Church, VA, April 21, 1994.

Hon. JOHN W. WARNER,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WARNER: Thank you for your letter of April 19 and the accompanying copy of your amendment to the Safe Drinking Water Act which will enable the Corps of Engineers to obtain funds from the Federal Financing Bank. Improvements proposed at the Washington Aqueduct over the next decade are necessary. The local jurisdictions dependent on the Washington Aqueduct for safe water much appreciate your assistance in sponsoring this legislation.

If there is any information concerning the necessity for, or the benefits of, this financing mechanism which we can provide, please call.

With best regards, I am
Respectfully yours,
BRIAN M. O'CONNOR,
Mayor.

THE DISTRICT OF COLUMBIA,
Washington, DC, April 20, 1994.

Hon. JOHN WARNER,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WARNER: I am writing to commend and thank you for your efforts in introducing legislation to give the Army Corps of Engineers the authority to borrow from the Federal Financing Bank in order to finance capital improvements to the Washington Aqueduct.

We in the District of Columbia government are 100% in agreement with your assessment of the Corps' unusual predicament of not being able to borrow money to finance infrastructure improvements. We agree wholeheartedly that in the wake of recent concern over the cleanliness of local drinking water, needed improvements must be made and should be paid for by customers over the life of the new or upgraded facilities.

I applaud your efforts on behalf of metropolitan area residents. It is my hope that the final version of the legislation will provide, with specificity, that area ratepayers will be protected from short term spikes in rates, and FFB loans will be repaid over the long term useful life of the project, as you stated in your March 24 statement.

If you or your staff should have any questions of the District, please contact Ms. Mimi Mager, my Director of Congressional and Federal Relations (727-9111). Again, thank you for your leadership on this important issue.

Sincerely,
SHARON PRATT KELLY.

Mr. WARNER. Mr. President, I again thank the distinguished chairman, Mr. BAUCUS, and the ranking member, Mr. CHAFEE, for devoting the committee's time and attention to this very serious issue.

I urge the adoption of the amendment.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Montana.

Mr. BAUCUS. Madam President, we have reviewed the amendment of the Senator from Virginia and accept it. I might say, this general subject must be addressed. The water system in the District of Columbia and northern Virginia was built by the corps—the first water system—in 1853. It is the only water system under the jurisdiction of the Army Corps of Engineers—the only one in the whole Nation—in the District of Columbia.

It also happens to be about the only water system that is unable to get any financing from the Federal Financing Bank. Other systems can, but the system in the District of Columbia cannot because we, regrettably, in the past have not given the authority to the corps to seek funding from that financing authority.

We addressed it in the committee, and the Senator from Virginia, a very able member of the committee, in fact it was his amendment, his idea, helped to get this in the bill. We found there were technical glitches with the Budget Committee, and the Senator from Virginia has now come up with a better version that addresses those wrinkles that we had with the Budget Committee.

I thank the Senator and commend him.

Mr. WARNER. Madam President, I thank the distinguished chairman and I wish to thank the staff of the committee and particularly my staff, Mrs. Loomis, who worked tirelessly on the formula, a formula that will assist financing and not overburden financially the users of this system; that is, the actual user, particularly at home and the offices so dependent on this water.

I thank the Chair. I urge, again, adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment No. 1701.

The amendment (No. 1701) was agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Madam President, I thank my distinguished colleague from Louisiana.

Mr. BREAUX. Madam President, I ask unanimous consent that I may proceed as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. I thank the Chair.

(The remarks of Mr. BREAUX, pertaining to the introduction of S. 2111 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The senator from New Mexico.

Mr. BINGAMAN. Madam President, I rise to discuss an important issue which relates to helping meet the needs of certain small, semirural communities. These are communities that are slightly too large to quality for existing Federal rural water grants for construction of wastewater facilities, but are too small, too poor, and unable to finance these projects through loans or other alternative financing mechanisms.

I am particularly concerned about unincorporated communities near urban centers which face a unique combination of environmental, financial, and governmental problems. Households in these areas traditionally have relied on septic systems to meet sewage needs. With urban growth these communities have expanded. Septic systems which once were adequate can no longer accommodate the increasing density. Yet these communities lack the tax base and governmental structure needed to fund needed infrastructure improvements. They face high system costs per household due to their relatively low density, a high percentage of residents with lower incomes, and lack of access to grant programs intended for very small, rural communities.

The South Valley, an unincorporated area in Bernalillo County adjacent to Albuquerque, NM, is an example of a community I am concerned about. It is a semirural community of 4,100 households experiencing recent growth. Original homes were constructed with on-site water wells and septic tanks. However, increasing density, a combination of soil characteristics, and a very shallow water table now make the area susceptible to groundwater contamination.

State and local governments are already contributing to finding solutions to problems such as in the South Valley. But these funds alone cannot meet all needs. Moreover, homeowners in the area have already borne the costs of constructing and operating the existing septic systems.

Madam President, I believe—and I have informed the chairman that I believe—the Safe Drinking Water Act Amendments of 1994, which is presently pending on the floor, is an appropriate vehicle, or might be an appropriate vehicle, for us to include this legislation that I have proposed to deal with this problem, to grant authority for grants to be made to these small, unincorporated communities.

Madam President, the Congress appropriated $500 million to assist hardship communities. But this funding is to become available only following enactment of authorizing legislation.

In response to the problem, I have had this amendment drafted and have discussed it with the chairman of the committee. I introduced the amendment as a stand-alone bill last October as Senate bill 1542. And the amendment is essentially the same as that legislation.

I ask the chairman to comment, if he would, on the prospects of moving ahead with this amendment and for any thoughts he has as to the appropriateness of our going forward. I have not offered the amendment to the legislation at this time, but I wanted to explore with him whether that was a proper course of action.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, the Senator from New Mexico has repeatedly talked to me about this amendment. We have had discussions about it. I must say I am very impressed with the intensity with which he has pressed this issue many, many times. I think he has a valid point. It is a problem that is particularly deep to New Mexico. It is one that must be addressed. I say to the Senator that the committee has every intention of addressing it.

The difficulty in facing this, however, is that this is a Safe Drinking Water Act. It is not a Clean Water Act. I thank the Senator for not pressing his amendment on this bill. There are many other Senators who have come to the committee with similar requests; that is, requests for provisions for their own States that much more appropriately lie with the Clean Water Act, not with this bill, the Safe Drinking Water Act.

The Clean Water Act, the bill that will be addressing clean water problems including the one raised by the Senator, is a bill that was taken up by the committee and was reported out of the committee. In fact, the bill is now pending. It is on the Senate Calendar. I have every intention of bringing up the Clean Water Act in the next couple of weeks. I have spoken with the majority leader. It is also his intention to bring up the Clean Water Act in the next couple of weeks.

When that bill comes before the Senate, I expect that the Senator from New Mexico will then urge the Senate to accept his amendment. I say to the Senator that we will very carefully consider the amendment at that time. I know how much this means to the Senator. I understand the merits of the program.

I say to the Senator that we will make every effort to try to find accommodation. I cannot guarantee, as no Senator can guarantee, what the Senate will or will not do. We both have learned that over the years in this body. But I do say to the Senator that when the Clean Water Act comes up for consideration, we will very carefully consider the Senator's request.

Mr. BINGAMAN. I thank the chairman very much for those words.

I look forward to working diligently with the chairman on trying to legislate this amendment. If this is not the proper vehicle, I am willing to accept that. But I do think we need to move ahead with it. It is an issue that has been longstanding. Senator DOMENICI, who is my colleague, of course, has worked hard on it as well. And we have all tried to get some level of Federal assistance for dealing with the problems of the South Valley in New Mexico. I hope very much we can authorize the expenditure of Federal funds for this purpose as part of the Clean Water Act.

I see my colleague. He may wish to make a statement related to this. If so, I certainly would defer to him.

Mr. DOMENICI. Madam President, first, I thank Senator BINGAMAN for recognizing my participation in the past on this issue. Obviously, believe it or not, about 26 years ago, when I was essentially the mayor of the city of Albuquerque, this problem was already there. We spent a lot of money on Federal assistance around the edges, but we still have a very seriously heavily-populated area. There is no way to get water-sewer type systems in. We found that this would be one of New Mexico's most serious environmental problems. I think the Senator would agree that it is growing into that. We have water pollution beginning to show up in very serious proportions.

So if the country is going to be helping communities like this—and I understand there is an intention to do some of this on the part of the National Government—clearly, this urbanized part of an unincorporated community attendant to Albuquerque deserves every consideration. We will be working with the Senator, the same as he has worked with us, to see if we can bring this to a finalized state where, after that, we can look for the money from one source or another—perhaps the $500 million already appropriated for projects like this, which are defined but awaiting specificity.

In any event, I am very grateful that Senator BAUCUS has given words of encouragement here on the floor, because that will resonate well with our people, who have been waiting for a long, long time.

Mr. BINGAMAN. Let me express appreciation to my colleague, Senator DOMENICI, for all the hard work he has done on this. I look forward to working with him and Chairman BAUCUS in trying to get this done as part of the Clean Water Act later this year.

I yield the floor.

Mr. DOMENICI. Madam President, parliamentary inquiry. Is an amendment in order now, or do we have to set something aside?

The PRESIDING OFFICER. Amendment No. 1700 is pending. It would require being set aside.

Mr. DOMENICI. I ask unanimous consent—since I believe the amendment which I am going to send to the desk will be accepted—that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1702

(Purpose: To ensure that determinations made under the Safe Drinking Water Act are based on best available peer-reviewed science and that information is made available to the public on health effects and risk)

Mr. DOMENICI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. GORTON, proposes an amendment numbered 1702.

Mr. DOMENICI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 106, line 13, strike "and" at the end and all that follows through line 15 and insert the following:

(B) by striking paragraph (3) and inserting the following new paragraph:

"(3) SCIENTIFIC BASIS FOR DECISIONS.—

"(A) IN GENERAL.—In carrying out this title, the Administrator shall use the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices.

"(B) PUBLIC INFORMATION.—In carrying out this title, the Administrator shall ensure that the presentation of information on public health effects is complete and informative. The Administrator shall, in a document made available to the public in support of a regulation issued under this title, specify, to the extent feasible—

"(i) each population addressed by any estimate of public health effects;

"(ii) the expected risk or central estimate of risk for the specific population;

"(iii) each appropriate upper-bound or lower-bound estimate of risk;

"(iv) each uncertainty identified in the process of the assessment of public health effects and future research that is necessary to address the uncertainty; and

(v) any study known to the Administrator that supports or fails to support any estimate of public health effects, including the methodology used to reconcile varying scientific data."; and

"(C) by adding at the end the following new paragraph:

Mr. DOMENICI. Madam President, before I speak to this amendment, let me take just a few moments to congratulate the chairman of the committee, Senator BAUCUS, and the ranking member, Senator CHAFEE of Rhode Island, and myriad Senators and their staffs that worked in an effort to put together a compromise bill, which I understand is now known as the managers' substitute; is that correct?

Mr. BAUCUS. Yes.

Mr. DOMENICI. My office participated for many weeks in that. Let me give a bit of history.

While the Safe Drinking Water Act—not the modifications that the chairman introduced on behalf of a number of Senators, but rather the previous bill—was being debated in the committee, I introduced a bill on behalf of myself, Senator BOREN, and Senator HATFIELD. And I believe it is fair to say it was supported by a very broad coalition, made up of the Governors through their association; both the Conference of Mayors, and the National League of Cities; the counties of the United States; the National Rural Water Association; and the small water users. It was a very good, powerful, solid group, all concerned about safe drinking water.

I think it is fair to say that because that bill was there, we began negotiating off the base bill, with it in mind and with other provisions that Senators had in mind. After much, much discussion and many, many days of hard work, the bill that is pending before the U.S. Senate was finally negotiated out. I thank two Senators who stepped in and did yeoman's work through their staffs—Senator KERREY of Nebraska and Senator HATFIELD of Oregon. I think their names are found alongside of the manager and ranking member now as part of the major bill that is before us.

It is indeed a solid compromise, in my opinion. It does a lot of things differently than we have done them in the past, but it does one thing consistent with the past; that is, it assures safe drinking water. We are all concerned about that.

The bill has some provisions in it that are different than we have done before. Obviously, in this Senator's opinion, the somewhat arbitrary nature of previous bills is taken out; other provisions in the previous law are taken out or changed. There is a lot more consciousness in this bill. Rural communities with small systems could hardly comply with the rules and regulations of the past, and many were going to die on the vine and there would be no water. Many were being put to enormous costs, and much of that cost was found—hindsight and otherwise—to be not needed in the interest of safe drinking water for the people they serve.

Many changes have been made, such that the coalition that sought to make the law more responsive to costs, more responsive to risk assessment, at the same time we continued to make sure that we were providing safe drinking water and getting rid of the known contaminants, both carcinogenic and noncarcinogenic. All of that bodes well.

Nobody can stand on the floor of the Senate and say that we know precisely what this is going to cost every resident in our cities as we improve the systems to meet the requirements of this bill. But I think it is fair to say that this bill is now more aware of the costs to the citizens and residents of our cities, large and small, and, at the same time, it is saying we are going to have safe drinking water, from a health standpoint, second to none anywhere in the world. In fact, it will be the very best. So I am pleased with it.

As I mentioned, because of some very serious issues raised by the existing law, I introduced, along with my colleagues Senators BOREN and HATFIELD, legislation that would take an alternative approach to the regulation of drinking water in this country. After introducing our legislation, we continued to work closely in negotiations conducted by Senators BAUCUS and CHAFEE, which included staff of many Senators interested in these important issues. As a result of those negotiations, I am pleased to note several of the major points from the Domenici-Boren bill that have been addressed in the legislation currently before the Senate, and that the Safe Drinking Water Act Coalition is supporting this bill.

First, States may now develop more flexible monitoring programs that are based on the actual occurrence of regulated contaminants in a water system, and have those programs approved by EPA within 180 days. This will allow States to save enormous monitoring costs and was an important issue in the Domenici-Boren bill that we are pleased to see incorporated in S. 2019.

Second, the requirement that 25 new contaminants be regulated every three years has been eliminated. This was a major goal of the Domenici-Boren bill and I am pleased to see this automatic regulating removed from the law.

Third, risk reduction benefits and costs are now taken into consideration when standards for drinking water are set, and the Administrator of EPA is permitted to set an alternative maximum contaminant level for regulated substances when public health can be protected at the same time that substantial cost can be avoided. Before now, treatment standards under this law were based only on the level of technology available to carry out treatment, irrespective of whether such stringent treatment was actually needed. This legislation would permit alternative treatment standards to be established for contaminants in drinking water when the risk of harm remains within an acceptable range, and substantial costs could be saved by States and local communities. Again, this was a major goal of our legislation, and it has been appropriately included in the current bill after a lot of hard work and productive negotiating.

I am very hopeful that alternative standards can be achieved amicably between all of those who have different views, including some in the environmental community who do not want to move off the basic standard-setting approach of the past.

Finally, provisions relating to State Viability Programs have been modified in several helpful ways. State programs will now ensure that new water supply systems have the technical and financial capability to comply with drinking water regulations. State programs will also have the authority to secure voluntary restructuring of existing water supply systems when there is evidence of a lack of technical, managerial, or financial capability to comply with regulations. This will give States the opportunity to work cooperatively with existing water systems to correct compliance problems, including providing assistance for restructuring where appropriate. I am pleased to see all of these provisions included in the bill before us today.

As to the amendment that I sent to the desk, I really do thank the chairman and ranking member who have indicated to me heretofore that they will accept this. This amendment is called the good-science amendment. Essentially, it establishes a requirement that the best available peer reviewed science and supporting studies be conducted in accordance with sound and objective science practices when the Administrator of EPA carries out the requirements of the Safe Drinking Water Act. It also requires the Administrator to ensure that the presentation of information on public health effects is complete and informative, and that in a document made available to the public in support of a regulation issued under this title, specify to the extent feasible information on health effects and risk.

But, essentially it builds into the system the requirement that good, sound, peer-reviewed science, as defined in this amendment, will be used. It is a good requirement. We should use good science. We will use good science as the basis for determining safe drinking water regulations in the country in the future. I think that is pretty good.

I think many people have been saying put more science into the environmental cleanup, and this amendment now will put good, sound, science, as defined here—worked out with scientists, with health people—good science as the basis for the determinations under the Safe Drinking Water Act.

I believe it is a good amendment. I believe if it stays in this law from beginning to end and gets signed into law, we will see a very, very salutary effect. I think what we will see is that more and more good, solid science, more and more good, solid research will be done so that we will have within this environmental agenda a way of providing a bit more assurance that what we are doing is directed at making the water safer, and done so in an objective manner.

This country takes great pride in having the best scientists of all types. It is included in everything we base our lifestyles on, and our growth and prosperity is more and more being built on technology and science and our being the front-runner in that regard.

I think it is time to put some of that science in a mandatory manner in environmental laws of the land, saying let us use it so long as we have a system that assures that we are not going to harm anybody and we are going to take advantage of this great scientific potential of this country.

It has been suggested that Senator KEMPTHORNE wants to be added as a cosponsor, and I ask unanimous consent that he be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana, the manager of the bill.

Mr. BAUCUS. Madam President, I thank the Senator from New Mexico.

Madam President, this legislation is another step in the evolution of safe drinking water regulation. Every bill that comes before the Congress is essentially another step in an evolving process one way or another.

I might say that the first Drinking Water Act was enacted by the Congress 20 years ago. This is the 20th anniversary. It was passed basically because the States up to that point had authority for protecting their water sources and had various different approaches. Some States were quite protective and did a good job in assuring safe water for their people in their States. Others did not do a very good job. There are a lot of instances of illnesses, death and disease as a result of unsafe drinking water.

The Congress, in 1974, passed a safe drinking water measure. It had a different name, but it essentially was the first Safe Drinking Water Act.

Not much happened for the next 12 years, and the Environmental Protection Agency basically charged with developing regulations and standards had a halting—if that—record in attempting to deal with the problem.

So in 1986, the U.S. Congress put more teeth in the Safe Drinking Water Act and basically said that the standards had to be written for 86 contaminants. It said that every 3 years, EPA had to write standards for 25 new contaminants, regardless of whether the contaminants were needed. In effect, there were still 25 every 3 years, and very significant monitoring requirements telling water systems, big and large cities, to undertake these very rigorous monitoring schedules in order to detect whether or not contaminants were present.

I might say, Madam President, with the benefit of hindsight, we now realize we went too far in 1986. That year, 1986, was the year that the Republican Party was the majority party in the U.S. Senate. Ronald Reagan was President. The 1986 amendments passed virtually unanimously out of committee in the full Senate. That was a time and that was an era when we thought we needed to dramatically improve upon the Safe Drinking Water Act, and we did. And with the benefit of hindsight we find we did it with a vengeance.

This legislation before us is another step in the evolution of this Nation's effort to provide for safe drinking water. We are now, with the benefit of hindsight and with the benefit of new technologies and the benefit of greater scientific advances, making our best effort here to make this act more workable, make it more user friendly, make it more efficient, and make it more reasonable.

In so doing, we have in the bill and in the managers' amendment various provisions that require the EPA and the appropriate agencies to use science. For example, in the contaminant selection process, we require peer review—scientific peer review. In the standards-setting process, we require consultation with the Centers for Disease Control. And in the radon provision of the bill we require consultation of the National Academy of Sciences.

Nevertheless, everything can be improved upon, and the Senator from New Mexico has a further improving amendment. That is, it adds good science to other provisions of the act. I think the Senator should be commended for this improvement.

I am about to consult with the ranking member of the committee. We accept it on our side.

Mr. CHAFEE. Madam President, likewise, we think it is an excellent amendment.

I know no one who has worked harder on this whole safe drinking water business than the senior Senator from New Mexico. Indeed it was he who got me interested in this subject.

I cannot speak that he was the catalyst for everybody on the committee. But I do remember about 2 years ago when Senator DOMENICI brought the problems, particularly of the small water authorities, to our attention. So this is a continuation of his interest and able input into this.

We are prepared to accept the amendment, and thank the distinguished Senator.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 1702.

The amendment (No. 1702) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 2019, the Safe Drinking Water Act Amendments of 1994. S. 2019 reaffirms Congress' intent to ensure that the water people drink will be safe. I want to commend Senator BAUCUS for taking the lead role in bringing this bill to the Senate floor.

Protection of public health must remain our top priority as we consider revisions to the Safe Drinking Water Act. EPA's Science Advisory Board has ranked drinking water contamination as one of the highest risks to human health. According to the Centers for Disease Control, between 1986 and 1992 35 States reported 102 drinking water disease outbreaks linked to microscopic bacteria, viruses, and parasites, affecting over 34,000 people. CDC also estimates that nearly 1 million people get sick and 900 may die each year in the United States from drinking contaminated water. Indeed, according to a survey by the National Resources Defense Council, in 1991-92, over 28 million Americans drank water that was more contaminated than EPA health protection standards allow.

We do not often realize how much we depend on safe drinking water until it is not there. When the water supply was threatened last year in Washington, DC, people who had to bathe in and drink bottled or boiled water were miserable. But safe water is not just a matter of convenience. It is a matter of public health. Last spring, contaminated water in Milwaukee sickened 400,000 residents and killed 50 people.

Americans understand the importance of safe drinking water and are willing to pay for it. Six percent of our citizens pay a premium and buy bottled water, in part because of their concern about the safety of drinking water. And a 1993 survey by the American Water Works Association Research Foundation found that 74 percent of water system customers were willing to pay additional costs in order to raise drinking water quality above Federal standards.

At the same time, it is clear that the existing drinking water program is not working as well as it should because of inadequate funding and a lack of flexibility in the existing Safe Drinking Water Act.

S. 2019 addresses these two elements.

The first thing it takes to protect our water is money. EPA estimates that the needed capital expenditures to comply with existing regulations could exceed $8.6 billion. Unlike other infrastructure facilities, drinking water hasn't received the level of Federal support historically available for other programs through the highway trust fund or the Clean Water Act. Our ability to construct and renovate these facilities will determine the future quality of our water.

I have been a strong advocate of providing money to States to set up the drinking water State revolving fund to help pay for these capital costs. Last year, the Senate Appropriations Committee on which I serve approved funding for the State drinking water revolving loan program subject to the program's authorization by this committee. I am pleased that the bill before us provides the necessary authorization. S. 2019 also allows States to use a portion of this funding to address the existing shortfall States now face in implementing the Safe Drinking Water Act.

But money alone is insufficient. We also need regulatory reform. We need to spend limited funds in the most efficient way possible to best protect our water supply. This is particularly true for systems serving few people. While cost of compliance with the Safe Drinking Water Act for 80 percent of our households range from $3 to $13 per year, the cost for systems serving a few thousand people or less can be significantly higher. We also need States to use existing flexibility more efficiently. The existing act gives States flexibility to obtain waivers of EPA established monitoring requirements which can reduce the costs of monitoring by 50 percent or more.

Two years ago, Senator CHAFEE and I offered a successful amendment to the fiscal year 1993 EPA spending bill which started the process for providing this necessary relief. We delayed implementation of the radon regulation to give more time to consider EPA's proposal and to assess the risk from radon in drinking water compared to the risk posed by radon in indoor air. We eliminated unnecessary monitoring requirements at small water systems serving less than 3,300 people. This resulted in considerable savings in monitoring costs. And we required EPA to provide us with a report which would give us the information necessary to determine how existing requirements could be made more efficient.

Last year, the Administration proposed a number of reforms to the act to improve its implementation. S. 2019 contains most of these reforms.

In addition, S. 2019 and the managers' amendment to it include an improvement in existing law concerning our citizens' right to know about the quality of the water they drink. Existing law specifies notice requirements. But according to a GAO report, "Drinking Water: Consumers Not Well-Informed of Potentially Serious Violations," prepared for me when I chaired the subcommittee with jurisdiction over the Safe Drinking Water Act, there has been a high level of noncompliance with the public notification requirement. The GAO found that a major cause of noncompliance is that the notification requirements are difficult to implement. GAO recommended that the provisions be revised to focus notification more on serious violations.

S. 2019 addresses this concern. It requires that in cases of violations with potential to cause serious adverse effects on human health, notice must be distributed within 24 hours of the violation and describe the adverse effects and remedial actions which are being taken and whether people should resort to alternative water supplies. The managers' amendment improves this provision by requiring that all water systems provide notice to its customers of any violation of a maximum contaminant level. Together, these provisions respond to the GAO report and improve the ability of citizens to know about the quality of water they drink.

S. 2019 also addresses the regulation of contaminants. It eliminates the requirement that EPA regulate 25 new contaminants every three years. Instead, it requires EPA to consider regulating a specified number of chemicals but gives EPA the discretion to consider a number of factors in determining whether or not to regulate a contaminant. This provision makes sense. We should regulate contaminants which need to be regulated. We shouldn't regulate an arbitrary number of contaminants.

S. 2019 and the managers' amendment also addresses the standard for regulating contaminants. Under current law, EPA sets the regulatory standard as close to the level necessary to protect public health as can be achieved using feasible technology taking costs into account. Mr. President, it seems to me that the existing standard already considers the factors it should: public health, feasible technology and costs. The only concern with this standard is that it doesn't consider the costs of compliance by small water systems. S. 2019 addresses this problem by requiring EPA to establish a small system technology and allowing small systems to obtain variances to install this less costly technology under specified circumstances. So my preference would be to see no change in the existing standard except to allow small systems to use the small system technology standard in certain circumstances.

The Managers' amendment to S. 2019 would allow the Administrator to choose a different standard than the one which would result from existing law only if the Administrator can make two determinations. First, the Administrator must determine that the new standard will achieve a substantial cost reduction when compared to the feasible level. Second, the Administrator must make a determination regarding the health effects of the alternative standard. For a carcinogen, the alternative standard must not result in a significant increase in individual lifetime cancer risks from concentrations of the contaminant in drinking water relative to the feasible level. For noncarcinogens, the Administrator must ensure a reasonable certainty of no harm. So the Administrator cannot choose an alternative standard unless the Administrator can ensure that the public health will continue to be protected. While my preference would be to see no change in the standard, I understand that this provision continues to require the Administrator to protect public health from contaminants in drinking water.

I do strongly oppose the proposed regulatory standard in S. 2019 which would relax existing health standards with a vague, politically manipulable standard driven by less effective technology available to small communities. It would weaken health protection in big cities like those found in my state and replace it with a less protective standard based on what very small water systems and trailer parks could afford. This is not the standard which our people want or which will protect their health.

Mr. President, the Safe Drinking Water Act needs to be amended this year. I fear that any effort to weaken S. 2019 will doom the bill this year. I urge my colleagues to avoid the prospect and support S. 2019 as the best bill available to protect our drinking water while significantly reducing regulatory burdens.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1700

Mr. CONRAD. Madam President, I rise to support an amendment to section 9, the Source Water Quality Protection Program. I am pleased to cosponsor this amendment with Senator WARNER, of Virginia. We have worked closely together to develop a program that will help communities and water systems protect their drinking water sources from harmful pollutants. Moreover, we have tried to take a cooperative and voluntary approach to sourcewater protection by offering incentives to States and communities that want to pursue a sourcewater protection program.

What we are trying to accomplish by reauthorizing the Safe Drinking Water Act is a more rational approach to ensuring clean, safe drinking water for the country. We need to make sure that the scarce resources that we direct toward this goal are expended in the most effective manner possible. I believe the bill before the Senate does this. It makes the law more workable and more rational. It provides financial assistance and greater flexibility to meet the requirements of the act. And, it provides additional consideration of risk in the regulation of contaminants.

We should also work to provide positive incentives, rather than prescriptive mandates, to achieve our goals. That is what the Warner-Conrad amendment is designed to do with respect to sourcewater protection.

Our amendment encourages States to assist communities that are seeking to reduce contaminants in their drinking water sources. The States would work together with local governments, water systems, and others in a cooperative effort to prevent pollution. Communities would initiate the process by submitting a petition for assistance to the State. The petition would identify specific contaminants that threaten the water supply and the kind of actions that could be taken to reduce those contaminants. After reviewing the merits of the petition, the State may provide such assistance as is needed and available.

Resources available to the State would include section 319 nonpoint source pollution grants and access to the State revolving loan fund under the Clean Water Act, as well as technical assistance from a variety of programs.

This amendment gives communities an alternative to costly treatment requirements. However, it requires communities to work together with the State and parties in the sourcewater area in order to achieve their goal.

I emphasize this point because I was concerned that the language originally included in S. 2019 would give communities the authority to unilaterally impose land-use restrictions, costly management measures, and other regulatory requirements on the area around their sourcewater. This could lead to hundreds of new separate and unnecessary regulatory bureaucracies, because each community would develop its own plan. More important, giving communities such broad regulatory authority would impose unfair costs and burdens on area farmers, ranchers, and other land-users, who would have to foot the bill for the communities' expensive management plans. In fact, as written now, S. 2019 does not even require communities to consider cost, feasibility, or effectiveness in developing their sourcewater protection plans. They could simply pass on massive costs to others in the area, even if the benefit is negligible.

Madam President, that is not the way to effectively prevent pollution. Our amendment says that if pollution prevention or reduction is cost effective, then it should be a joint effort—not a unilateral one. We want to provide the incentives, and let the communities and others can provide the cooperation and initiative to make pollution prevention work.

Finally, our amendment does not impose a new requirement on the States. As my colleagues know, S. 2019 currently requires States to set up a sourcewater protection program. We would make this program voluntary, and we authorize EPA grant money as an incentive to help States establish a program. States are hard-pressed to meet the current requirements of the Safe Drinking Water Act, and we must do all we can to provide positive incentives, instead of direct mandates, to encourage further action.

Madam President, pollution prevention can be an effective and prudent way to protect drinking water quality. I believe our amendment will take advantage of this and give communities a valuable new tool to use in the fight to ensure a safe drinking water supply.

We have worked closely with Chairman BAUCUS and Senator CHAFEE, as well as water groups and the regulated community, to develop this amendment. I want to thank the chairman and ranking member for their hard work and willingness to address our concerns. I am especially pleased to have their support.

I should also note that this amendment has been endorsed by a broad range of agricultural, industrial, and water groups. I hope my colleagues will also support it and urge its approval.

I thank the Chair and yield the floor.

Mr. BAUCUS. Madam President, we spoke on this amendment earlier; particularly Senator WARNER spoke on it. The managers accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 1700) was agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 1703

Mr. KEMPTHORNE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 1703.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 68, after line 18, insert the following:

(d) Section 1412(b)(6) (42 U.S.C. 300g–1(b)(6)) is amended by adding at the end thereof the following: "The Administrator shall include in the list any technology, treatment technique or other means that is feasible for small public water systems and that achieves compliance with the maximum contaminant level, including (A) packaged or modular systems; and (B) point of entry treatment units that are controlled by the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level and equipped with mechanical warnings to ensure that customers are automatically notified of operational problems.".

Mr. KEMPTHORNE. Madam President, one of the most difficult issues that we have grappled with in the Environment and Public Works Committee during reauthorization of the Safe Drinking Water Act has been how to best help small systems. My amendment would build on the other provisions of this bill by providing an additional option to help small systems.

When EPA develops its primary drinking water regulations, it chooses a standard that is both protective of public health and is technologically feasible, taking the cost of achieving the standard into consideration. The baseline system size for EPA's selection of a drinking water standard is, more often than not, a public water system that serves 100,000 or more customers. Thus, most Americans who receive their drinking water from large systems get the maximum protection affordable.

Unfortunately, most of the public water systems in the United States are small. They serve a population of under 3,300 and, in fact, a good many serve populations of less than 400. Needless to say, the expensive treatment systems required by most EPA standards are out of reach for most small public water systems.

We grappled with this problem in committee, providing State revolving fund funding, extending loan forgiveness to disadvantaged communities, and providing a streamlined method for States to give variances to small systems. We also required the EPA Administrator to identify alternative technologies that are appropriate for small systems when she publishes a maximum contaminant level.

My amendment fills in another piece of the framework for helping small systems. Technological advances over the past several years has led to the development of nontraditional, cost-effective treatment solutions. Some of these are pre-engineered, skid-mounted treatment plants, sometimes referred to as packaged plants, or point-of-entry and point-of-use water treatment units. Their virtue is that for some contaminants, these nontraditional treatment systems can achieve the treatment standard set by EPA and a much lower cost to small systems.

For example, in Cayuga, NY, a package filtration system is serving 750 people. It has continuously met Federal drinking water standards since 1982, and produced a 60-percent cost savings for the community over the usual custom-designed slow sand filter.

In Freestone, CA, the 40 residents used a package filtration system to meet the requirements under the Surface Water Treatment Rule. The community estimated a $100,000 savings in equipment and related costs.

Anothr virtue is that these nontraditional treatment systems are compatible with other treatment technologies, particularly central treatment. They are also not limited by local topography, climate, or soil conditions.

My amendment requires the EPA Administrator to include on the list of alternative technologies for small systems, those nontraditional treatment systems that meet the specified maximum contaminant level. The amendment also includes appropriate language to ensure that, when these treatment systems are used, procedures are in place to allow for proper operation, maintenance, and compliance with the maximum contaminant level.

Madam President, because the problems experienced by small systems depend on their unique circumstances, including their water source, the mixture of contaminants present, and their size and economic status, there is no single answer we can design in law to address their problems. I believe that the availability of these nontraditional treatment systems may make the difference for some small communities. I hope my colleagues will support my amendment.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I commend the Senator from Idaho for the amendment he has presented. He is truly representing the folks of his State where they do have many, many small water systems. Let me just give you a statistic, if I might.

There are 36,000 community water systems in the United States serving populations of less than 500 people. It seems impossible, but that is the point that the Senator from Idaho was making. In his State—and in mine, too, but to a lesser degree, but certainly in his State—he has, I can only believe, a whole series of these very small systems that, if we require the traditional type of preventive—well, I guess the word is "preventive"—or curative solutions be adopted, the costs would just be out of sight.

So the point the Senator from Idaho has made in his amendment is an excellent one. There are innovative techniques that can be developed. The only way we will do them is if we try them. So I commend the Senator from Idaho for his amendment and, certainly on this side, we accept it enthusiastically.

The PRESIDING OFFICER (Mr. MATHEWS). Is there further debate on the amendment? The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from Idaho has a very important amendment to the bill. It is a very important addition. Essentially it asks EPA to identify the technologies that allow communities to meet the normal standard-setting process. I think it is a very good amendment.

Currently in the bill we ask EPA to identify small system technologies, particularly for those communities that are unable to meet normal standard-setting requirements. This adds a new requirement to list those technologies where communities would be able to meet the normal standard-setting requirements. There are some other provisions of the amendment, too, which are very good. I thank the Senator for offering the amendment, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate? The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the chairman and ranking member for their comments and the support on this amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1703) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

Mr. BYRD. Mr. President, we should take a minute to examine exactly what the Senate has done today in passing both the amendments offered by the distinguished majority and minority leaders. The amendments offer a rather different approach to the question of lifting the arms embargo on the Moslems of Bosnia. They also offer rather different approaches to the question of the United States providing military aid itself in the case that the arms embargo were lifted. Section (b) of the Dole amendment instructs the President to unilaterally terminate an internationally supported arms embargo. The amendment offered by the majority leader suggests that we attempt to enlist the support of our allies, who have vulnerable forces on the ground in Bosnia, before we take unilateral action. My colleagues have enumerated the many drawbacks of a go-it-alone approach.

Section (a) of the amendment by Mr. DOLE is particularly troubling. The language purports to bar the President from enforcing the Bosnian embargo, but in fact it also prohibits the President from carrying out his legal responsibilities to regulate the export of weapons under the Arms Export Control Act and possibly other statutes as well. This blanket language says "Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of conventional arms appropriate to the self defense needs of the Government of Bosnia and Herzegovina." If enacted, and I hope it is not, this prohibition would prevent the State Department, the Defense Department and Customs Service from regulating what weapons, as long as they are conventional, would go to Bosnia.

Do we really want defense contractors, who are suffering from declining United States purchases, turned loose to sell anything and everything to the Bosnians? Some may argue that this is a far-fetched scenario given the lack of resources available to the Bosnian Government. But I do not think it is unrealistic to assume that the Bosnians could find a deep pocket benefactor among the oil-rich Moslem states of the Middle East, eager to fund such purchases and possibly gain access to weapons and technology that would otherwise be off-limits.

And what do we do if the Bosnians seek to purchase the most sophisticated weapons in our arsenal, weapons that the United States may not sell to any other nation, and those items clearly qualify as conventional and defensive. Section (a) leaves the President no options. The same would apply to third country transfers. The Israelis or the Koreans may decide to sell the Bosnians advance United States fighter aircraft for "self-defense." Such a transfer would normally require U.S. Government approval. But under the amendment by Mr. DOLE, the executive branch could not take any action to stop this sale.

The intelligence community has advised us in briefings that a lifting of the arms embargo would widen the war, and embolden the Serbs to increase the level of activity against the Bosnians. More deaths would result. The role of the United Nations in providing humanitarian relief would probably become untenable. The Bosnian Moslems would most likely interpret our action as a reason to stall their efforts to reach a negotiated settlement at the peace table, hoping that they can, with fresh weapons, now win on the ground what they could not win at the table. So it is a formula for more war, more deaths, and diminished prospects for a negotiated settlement.

Our allies would probably leave the scene. The French are openly pushing for a stronger effort by the United States and the Russians to move the parties to a negotiated settlement.

Lifting the embargo and providing new weapons in the region will change the scenario dramatically. Are Senators who vote to lift the embargo unilaterally prepared to begin the process of voting for weapons aid? Is that where it will stop if the Serbs begin major advances against the Bosnian enclaves, promising levels of carnage unpalatable to us? Is that where we start talking about U.S. trainers, and ground combat forces?

I do not believe that we in the Senate have really thought through the consequences of our votes on this matter. We have, by slim majorities, supported policies and outcomes dramatically different. It is confusing and each side in the conflict can interpret it differently. It is not clear policy, it is a muddled message. We need to do better than we have today in fashioning our views on the Bosnian conflict.

Mr. President, when the bill is up for final passage this evening, I understand there will not be a rollcall vote on it. I want the RECORD to show that I would vote against the bill on final passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I yield the floor.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise to offer an amendment on behalf of Senator LAUTENBERG.

AMENDMENT NO. 1704

(Purpose: To modify the bottled water drinking water provisions under the Federal Food, Drug, and Cosmetic Act)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. LAUTENBERG, proposes an amendment numbered 1704.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . BOTTLED DRINKING WATER STANDARDS.

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended—

(1) by striking "Whenever" and inserting "(a) Except as provided in subsection (b), whenever"; and

(2) by adding at the end following new subsection:

"(b)(1) After the Administrator of the Enviromental Protection Agency publishes a proposed maximum contaminant level, but not later than 180 days after the Administrator of the Environmental Protection Agency publishes a final maximum contaminant level, for a contaminant under section 1412 of the Public Health Service Act (42 U.S.C. 300g-1), the Secretary, after public notice and comment, shall issue a regulation that establishes a quality level for the contaminant in bottled water or make a finding that regulation is not necessary to protect the public health because the contaminant is contained in water in the public water systems (as defined under section 1401(4) of such Act (42 U.S.C. 300f(4)) and not in water used for bottled drinking water.

"(2) The regulation shall include any monitoring requirements that the Secretary determines appropriate for bottled water.

"(3) The regulation—

"(A) shall require that the quality level for the contaminant in bottled water be as stringent as the maximum contaminant level for the contaminant published by the Administrator of the Environmental Protection Agency; and

"(B) may require that the quality level be more stringent than the maximum contaminant level if necessary to provide ample public health protection under this Act.

(4)(A) If the Secretary fails to establish a regulation within the 180-day period described in paragraph (1), the regulation with respect to the final maximum contaminant level published by the Administrator of the Environmental Protection Agency (as described in such paragraph) shall be considered, as of the date on which the Secretary is required to establish a regulation under paragraph (1), as the final regulation for the establishment of the quality level for a contaminant required under paragraph (1) for the purpose of establishing or amending a bottled water quality level standard with respect to the contaminant.

"(B) Not later than 30 days after the end of the 180-day period described in paragraph (1), the Secretary shall, with respect to a maximum contaminant level that is considered as a quality level under subparagraph (A), publish a notice in the Federal Register that sets forth the quality level and apropriate monitoring requirements required under paragraphs (1) and (2) and that provides that the quality level standard and requirements shall take effect on the date on which the final regulation of the maximum contaminant level takes effect.".

Mr. BAUCUS. Mr. President, this amendment regulates bottled water. Basically it provides that if the Food and Drug Administration fails to regulate the contaminant in bottled water within 6 months after EPA regulates a contaminant found in municipal water systems, then the EPA standard will apply to bottled water. The FDA standards under the amendment must be at least as stringent as EPA's and may be more stringent if the FDA determines that a standard for bottled water needs to be more stringent in order to protect public health.

This amendment, as I said, is offered—I am offering it on behalf of Senator LAUTENBERG. It is an amendment that Senator LAUTENBERG from New Jersey would offer if he were here at this moment. I reviewed it and I urge the Senate to agree to it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BAUCUS. I understand this amendment has been cleared.

The PRESIDING OFFICER. Is there objection to the amendment?

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, that is correct. We also agree with it on this side.

Mr. LAUTENBERG. Mr. President, I am offering an amendment which will strengthen the Federal Government's authority to ensure that the bottled water Americans drink is healthy and safe.

My amendment provides that if the Food and Drug Administration fails to regulate a contaminant in bottled water in a timely manner after EPA regulates a contaminant found in municipal water systems, the EPA standard will apply to bottled water. My amendment also provides that FDA quality standards for bottled water must be at least as stringent as EPA drinking water standards. And in those cases where the FDA believes it is appropriate for public health protection, bottled water quality standards can be even tougher than EPA standards.

Mr. President, bottled water is becoming more popular every year. Currently, 44 percent of the public consumes bottled water, and 6 percent use only bottled water for their drinking water. On average, we consumed 9.5 gallons of bottled water last year, 64 ounces more than each individual consumed in 1992. It is a product which is used by millions of Americans. And 35 percent of those that consume it say that they do so out of a concern for health and safety. More than anything else, Americans want water that is of good quality.

While the FDA has had authority for many years to set standards for the quality of bottled water, it has been slow to do so. Until very recently, the FDS had almost no quality standards for bottled water and the industry was largely self-regulated or subject to various state regulations. This year, the FDA proposed quality standards for 38 contaminants in bottled water that had been established by EPA for tap water. While this is good news, this action happened only after much congressional and public concern. We need to ensure that future standards for bottled water are established in a more timely manner and consistent with public health protection.

Mr. President, let me summarize briefly the main provisions of my amendment. First, it requires that FDA, no later than 180 days after EPA promulgates a Maximum Contaminant Level (MCL) for municipal water systems, establish a standard for that contaminant for bottled water. The standard must be at least as stringent as the MCL for municipal water and may be stricter if necessary to provide ample health protection. The FDA may make a finding that a standard for that contaminant is not needed for bottled water because it is unique to public drinking water supplies.

Second, my amendment establishes that the standard for bottled water will be the EPA MCL standard if the FDA fails to take action within 180 days after EPA establishes a standard. If this occurs, the FDA must publish, within 30 days, appropriate monitoring requirements that will apply to bottled water for the contaminant.

My amendment will foster cooperation between the EPA and FDA and eliminate unnecessary duplication of efforts.

Mr. President, let me make clear that this amendment in no way changes the current authority the FDA has over regulation of bottled water. All enforcement authorities under the Food, Drug, and Cosmetic Act will continue to apply to the regulation of bottled water by the FDA. It does, however, provide for a more timely process for the protection of the public.

Mr. President, I have worked closely with the International Bottled Water Association (IBWA) and the Natural Resources Defense Council to craft language which will protect the public from harmful contaminants in their bottled water. The IBWA represents about 85 percent of the Nation's bottled water industry, and their product generated sales last year of $3 billion—an all time high. The bottled water producers deserve credit for their willingness to work with us to establish a more aggressive national program to protect public health. I want to thank both the IBWA and the NRDC for their efforts. I also want to thank Senator KENNEDY and the staff of the Senate Labor Committee for their efforts to work out an acceptable provision. Finally, I appreciate the willingness of Senators BAUCUS and CHAFEE for accepting this amendment.

Mr. President, I urge my colleagues to support the bottled water amendment. I ask unanimous consent that a letter in support of the amendment from the International Bottled Water Association be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL BOTTLED
WATER ASSOCIATION,
Alexandria, VA, May 9, 1994.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: The International Bottled Water Association, which represents over 85 percent of all bottled water produced in the United States, is pleased to support your amendment to the Safe Drinking Water Act regarding bottled water. Requiring the Food and Drug Administration to adopt a quality standard no later than when the Environmental Protection Agency finalizes a standard for the public water systems, is a position the industry has supported for quite some time.

One in six households relies on bottled water as their source of drinking water. In 1993, bottled water sales reached an all-time high of nearly $3 billion, making bottled water one of the fastest growing segments of the beverage industry. Bottled water is regulated by FDA, the states and through IBWA's own model code. Your provision will ensure that quality standards will be set in a timely manner at the federal level.

IBWA believes this proposal is reasonable for the industry and in the best interest of the ever-growing numbers of bottled water consumers. IBWA applauds this commonsense proposal, and on behalf of the industry, I would like to thank you for your efforts in moving it forward.

Sincerely,

SYLVIA E. SWANSON,
Executive Vice President.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1704) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I see no Senators who wish to offer amendments. I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I will make some brief remarks about the safe drinking water legislation while we await the majority leader's entrance. When that takes place, I will conclude my remarks and place the remainder of my remarks in the RECORD.

I want to commend the chairman of the Environment and Public Works Committee, Senator BAUCUS. He has listened carefully to our complaints and suggestions and ideas, and he and Senator CHAFEE work closely together and do splendid cooperative work.

Now we are going to proceed with this legislation. It is important to every community in this country, large or small, rich or poor. The public health statute ensures that our citizens have clean water to drink when they turn on the tap. But this law is important for another reason, too, because this can be very costly business for small rural communities that just do not have the financial resources necessary to comply with very stringent and previously very inflexible standards and monitoring requirements. All of us, I think, in this Congress have been sensitized—would be the word—to the issue of unfunded Federal mandates—that is coming from both sides of the aisle, a completely bipartisan approach—as to the horror of the unfunded Federal mandate. Regulatory excesses, brought about by the last reauthorization of the Safe Drinking Water Act, have helped to bring that about.

The environmental groups may think that unfunded mandates are part of what they call an unholy trinity, but I can tell you that to a Member of Congress this issue is a very real concern.

When we travel around our States, and my State, a small State, a land of high altitude and low multitude, 460,000 people in 98,000 square miles—and I stop in small towns—I always hear complaints about the Clean Water Act and the Safe Drinking Water Act and unfunded mandates. I am sure my colleagues hear the same laments as well.

The last time we reauthorized the Safe Drinking Water Act, we nearly caused a crisis in small town America. Thousands of small towns are financially unable to meet Federal drinking water requirements, and they need help finding less expensive ways to ensure that the water they provide to the public—their public—is safe to drink.

A recent GAO report stated that meeting Federal drinking water standards is an acute problem for around 50,000 small communities. They account for 90 percent of the drinking water violations. We need to force EPA to develop new cost-effective standards based on sound scientific evidence so that small communities can provide safe drinking water without suffering economic hardship or we are going to be discredited in the eyes of the American public. The bill we are considering today will help us do that.

The EPA estimates it will cost small communities $3 billion to comply with current Federal drinking water regulations and another $20 billion to repair and replace and expand their current drinking water infrastructure and to meet future needs.

It has been estimated that 70 percent of the costs will be incurred by small communities that account for 10 percent of the population. These communities cannot afford this kind of expense, and I do not think a simple revolving loan program is the only answer. Regulatory reform is just as important as providing funding.

In the past, neither the Federal Government nor the States have developed policies that reduce compliance costs through the development of more effective, cost-effective technology or the development of better financing and funding mechanisms. We are now allowing the States to make direct grants to disadvantaged small communities in conjunction with a revolving loan fund program and, more important, we revise monitoring requirements and change the way standards are being set in order to reduce compliance costs.

The bill we are considering is a great improvement in this regard, but I do not think it goes far enough. Environmental groups have taken a paternalistic approach to this issue, and they just do not believe the poor, dull-witted boobs in the States should be given flexibility in carrying out the act.

This is not the classic case where it is industry versus the greenies. This is Governors and mayors and State legislators and water administrators saying, "Congress must do something radical to fix this problem or we are going to go broke."

They have endorsed the Slattery bill on the House side and the Boren-Domenici bill in the Senate. The bill the committee has reported has taken some of the concepts of the Slattery bill, and I think this is constructive. I appreciate the willingness of our chairman, MAX BAUCUS, and Senator JOHN CHAFEE to consider changes in the original legislation. I think this bill has been improved significantly.

There have been negotiations between members of the committee and other Senators, since the bill was reported, in an effort to resolve the standard-setting issue to ensure that the monitoring requirements truly do grant relief to small rural communities. The committee amendment reflects the outcome of these negotiations. I do not think the committee amendment goes as far as I would have liked in directing EPA to consider cost-benefit ratios and good science, but I think the final version represents a genuine effort to improve current law, and it will cause EPA to take a more realistic approach to standard setting in the future.

I want to commend Senator DOMENICI for his efforts in bringing common sense to the process. He has always been a leader in getting Safe Drinking Water Act reform.

Senator BAUCUS and Senator CHAFEE have also listened patiently to the concerns expressed by those of us on the committee who supported the Domenici-Boren bill, and they have incorporated many of our concerns into the committee amendment.

I am concerned about how future action may affect the legislation. We may still have conference committee consideration with the House this year, and I want to say now that if this bill is changed to the point where it reduces flexibility, to the point where it does that for the States and the local communities, and if it does not require EPA to use sound science and risk assessment and to take into account costs in setting standards, then after we conclude conference consideration, I will have a very difficult time supporting it.

We have made all the compromises here. There is little or no room for further compromise. It has been a good-faith effort, and I trust my Senate colleagues will recognize this; and if we do go to conference with the House, that we will resist the temptation to give up some of the very meaningful changes in law that this Senate bill now embodies.

I thank the Chair.

Mr. BYRD. Mr. President, the bill before the Senate, S. 2019, the Safe Drinking Water Act Amendments of 1994, provides for the establishment of a grant program, to be administered by the Environmental Protection Agency [EPA], that would fund not fewer than five Small Public Water Systems Technology Assistance Centers across the United States. I commend the Committee on Environmental and Public Works for the action it has taken in this regard. I would, however, ask the senior Senator from Montana, the Chairman of the Committee, for some clarification of the criteria listed in the new subsection (h). The criteria listed in the bill reference technical assistance support activities that would be provided by regional centers. My question to the manager of the bill is:

Would a national center engaged in the following activities meet the criteria listed for the proposed Small Public Water Systems Technology Centers?

A clearinghouse service engaged in the both collection and distribution, at no or low cost, of technical literature and other educational resource materials, including government documents, research papers, video tapes, brochures, and diagrams;

A toll-free telephone assistance and referral service providing access to engineers and other specialists;

A quarterly newsletter service, published at no cost to subscribers, that addresses such topics as the health effects of contaminated waters, small community assistance providers, small water system regulatory issues, and water system operation and maintenance; and

A toll-free electronic bulletin board service that enables users to post questions and have those questions answered, as well as to read and comment on water-related topics.

In reading the bill and the committee's report, I would presume that a national center that provides such services would be eligible to receive funding under the grant program established in the bill. I would simply ask the manager of the bill if this is correct.

Mr. BAUCUS. The Senator is correct. Let me add that the concept of providing grants to regional centers that the Senator refers to is primarily intended to ensure that such centers are distributed throughout our Nation. It is not intended to limit the scope of assistance these centers can provide.

The regional technology assistance centers are intended to be sited in areas that are representative of their region in regards to the water supply needs of small rural communities. In this respect, these centers are supposed to have expertise in the particular water supply problems associated with that region.

The Senator is correct, however, in pointing out that the information these centers provide can also be national in scope. The access to this information, therefore, should not be limited to any particular State or region. In providing assistance on a national basis, these centers should coordinate their activities to minimize any duplication of effort and to maximize the utility of the information provided.

Mr. BYRD. I thank the Senator.

I thank the Chair.

Mr. PELL addressed the chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I ask that I may be recognized as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON FINAL PASSAGE OF S. 2042

Mr. PELL. Mr. President, today the Senate adopted two amendments to the bill concerning the arms embargo that render the underlying legislation confusing and contradictory. I refer to the Senate votes on the Mitchell amendment and the Dole amendment regarding the lifting of the arms embargo on Bosnia. One amendment directs the President to lift the arms embargo unilaterally. The other amendment instructs the President to take a multilateral approach.

Earlier this week, the Senate agreed by unanimous consent to consider both amendments, with the presumption that one would be adopted and the other rejected. I, for one, voted for Senator MITCHELL's amendment and opposed Senator DOLE's amendment. However, other Members opposed both amendments and some others supported both amendments, and the resulting legislation directs the President to pursue two different courses of action.

I am extremely troubled by the result, not only by the inclusion of the Dole language that instructs the President to lift the embargo unilaterally, but also by the embarrassing situation in which the Senate finds itself in crafting legislation that sends a mixed message.

There will be no rollcall vote on the underlying legislation. Had there been such a vote, however, I would have cast my vote against the bill.

I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I ask if I may proceed as if in morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOLE pertaining to the introduction of S. 2113 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous consent that I be permitted to address the Senate for up to 5 minutes as if in morning business, and that my remarks be placed at the appropriate point in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBB. I thank the Chair.

DEATH OF LEWIS PULLER

Mr. ROBB. Mr. President, the motto of the Marine Corps is "Semper Fidelis"—always faithful. The story of Lew Puller's life is a story of fidelity of a son to the memory of his father, of a young marine to his country, and of a disabled veteran to a quest for peace.

I knew Lew Puller well. He was frank, tough, and brutally honest. He emerged from the shadow of a famous father only to be challenged by war, crippling injury, and alcoholism. He took them all on with dogged determination.

Most of us came back from Vietnam. But none of us came back unchanged. Lew left more behind than most. He lost both legs and parts of both arms to a mine. But what he kept—his intellect, his resolve and his mental toughness—was a match for even the very difficult obstacles he faced. It says volumes about his abilities and his story that the first time he set pen to paper, the result was a Pulitzer Prize.

He is survived by an equally extraordinary woman.

Lew touched so many lives and inspired so many who never knew him personally, that it may be hard to understand the man's essential paradox. He overcame repeated challenges and made better countless lives, from his two glorious children and his wife Toddy, to the thousands who found inspiration in the pages of his book, to the students that he taught at George Mason University.

But no matter how many people he raised up, Lewis Puller could never quite meet his own standard. In the end, the only thing he could not beat was himself, and his own expectations.

I will remember Lew for his passion and for his precision, for the good counsel he offered, and the insight with which he approached every problem or question.

I will remember him not as a son or as a writer, but as a marine, strong and true. Even in a wheelchair, he stood taller than most of us. We lost one of the good guys yesterday, Mr. President. And like our colleagues, Senator KERREY and Senator WARNER, and many others in this Chamber who knew him, I will miss him.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH PENALTY CASES

Mr. SPECTER. Mr. President, I have sought recognition to discuss briefly the action by the Senate yesterday to instruct its conferees to reject the statistical challenge to death penalty cases, and to discuss, in connection with that, a news report on an order entered by a Federal judge in Pennsylvania directing the Justice Department to disclose certain factors where the death penalty is requested, and those two items in conjunction with the overall utilization of the death penalty in our society.

I believe, Mr. President, that the Senate was correct in its vote yesterday—58 to 41—to instruct the conferees on the House-Senate conference on the crime bill to reject the House provision to permit a statistical analysis to determine whether the death penalty should be imposed. Use of a statistical analysis to determine the legality of a sentence is inappropriate under our American judicial system. I say that because of my view that the application of the death penalty ought to turn on the individual circumstances of an individual case; that is, the nature and quality of the murder, the background of the defendant, whether the defendant has a prior criminal record and the extent of such a record; the defendant's educational background, his mental competency, which are all factors in the defendant's background, in accordance with exacting standards that have been established by the Supreme Court of the United States for juries to determine what are aggravating circumstances, which support imposition of the death penalty, and what are the mitigating circumstances, which work against or militate against the imposition of the death penalty. And that is the appropriate way to deal with the death penalty in our society.

My experience as district attorney of Philadelphia for some 8 years, and as an assistant district attorney for that city for some 4 years, has convinced me that the death penalty is a deterrent. I have seen many cases where burglars and robbers will not carry weapons in the course of a robbery or burglary because of the fear that a death may result, and the individual defendant would then be charged with first-degree murder, which could carry the death penalty.

When I was an assistant district attorney many years ago in Philadelphia, when the death penalty was being imposed and carried out, my conclusion was that it was an effective deterrent. In order for a deterrent to be effective, however, it has to be certain and it has to be swift. The reality is that we have lost the effectiveness of the death penalty in our society today because of the enormous delays between the murder and the imposition of the death penalty.

At the present time, there are approximately 2,800 inmates on death row. Last year, there were 38 cases where the death sentence was carried out. The average delay is approximately 9 years, and in some cases it lasts as long as 17 years. What has to be done, Mr. President, is to have a change in the appeals process, so that the habeas corpus review—which is the Latin name for producing the body, which gives a defendant a chance to test whether his conviction and sentence were constitutional—that appeals process has been vastly overdone.

The great writ of habeas corpus is very important in our society. Under this writ, defendants have the right to challenge the legality of their conviction and sentence to make sure that constitutional standards were complied with. But it does not have to take a decade or 17 years to provide such assurances.

I have introduced legislation which would provide that that appeals process be completed fully within a 2- or 3-year period, granting review for the defendant's constitutional rights and providing adequate counsel, but stopping the complex issues of when the Federal court has jurisdiction, giving the Federal court immediate jurisdiction over all the issues once the direct appeal is concluded—that is, when the State supreme court has upheld the death penalty—and then establishing reasonable time limits, so that those cases are handled on a priority basis.

It is unfair to victims' families to have these cases drawn out indefinitely. It is unfair to the defendants themselves, according to a decision by an international court of justice, where in a case the court ruled that they would not return someone from the United Kingdom to Virginia unless Virginia gave up the death penalty in the case, saying that it was unfair and cruel and barbarous treatment to the defendant to be kept on death row for more than 8 or 9 years.

So you have a situation where these enormous delays are unfair to society, which is being deprived of a legitimate law-enforcement tool. It is unfair to the victims' families when the matter is never resolved and hangs over them as a constant reminder of a murder of a loved one, and it is unfair to the defendants themselves, according to the international tribunal.

At the same time that the death penalty can be an effective deterrent, I believe that it has to be applied very carefully, or we are going to lose the death penalty. Even though some 70 percent of the American people favor the death penalty, there are many people who oppose it on grounds of conscientious scruples, and I respect that.

But there are 37 States in the United States, including my home State of Pennsylvania, which have the death penalty, although in my State it has not been carried out for some 30 years—since 1962. The execution of a man in Illinois earlier this week was a celebrated matter, which drew a lot of public attention, and that was the first capital sentence carried out in Illinois in approximately some 30 years.

When I was district attorney, on the some 500 homicides committed in Philadelphia every year I personally reviewed all the cases where the death penalty was going to be requested because I thought there has to be a very, very careful examination to reserve the use of the death penalty in only the most heinous and outrageous cases.

The decision by the U.S. District Court for the Middle District of Pennsylvania, which was reported yesterday in the New York Times, I think is an important decision in pointing up the way the prosecuting attorney and the Department of Justice ought to be required to say why the Department of Justice is asking for the death penalty in a specific case.

In this context, I think it is a very solid line of protection against a request for the death penalty and the imposition of the death penalty where the underlying facts do not warrant it from the prosecutor's point of view so that there will be certification that, to the extent we can make that certification realistic and practical, people are not being singled out for the death penalty because they are African-American or Hispanic or for some other reasons unrelated to the facts of the case.

The New York Times reports the matter in this way:

> A Federal judge in Pennsylvania has ordered the Justice Department to explain why it is seeking the death penalty against a black defendant in a murder case.
>
> The order, issued on May 3, is believed to represent the first time a Federal judge has tried to pry open one of the agency's most closely guarded secrets: why the Justice Department believes some murderers must die while others may live.

Some might say that is an intrusion into the discretion of the prosecuting attorney. It does limit the prosecuting attorney's discretion, but, I submit, in an appropriate way, especially in the context where there is considerable public concern that the death penalty is being imposed unfairly because of a racial factor.

The district attorney has very broad discretion as a so-called quasi-judicial official, which means the DA is part prosecutor and part judge, and has the obligation not to prosecute, not to approach the decision to prosecute from an advocate's point of view or adversary's point of view, but from a judicial point of view that the prosecution is warranted and typified by the motto over the Department of Justice that the Government wins its case whenever justice is done.

Notwithstanding the very broad discretion that prosecuting attorneys traditionally have, it is my view that it is appropriate for the prosecuting attorney to state the reasons why the prosecuting attorney is asking for the death penalty

I do believe that the order of the judge is somewhat broad—although I would not want to comment with finality on that in the course of the press account without studying the case in greater detail—where the order of the court calls for a list of all homicide cases since the passage of the 1988 law in which the defendant could be considered eligible for the death penalty and all requests and supporting documents submitted to the Justice Department by the U.S. attorneys who have sought permission to ask for the death penalty even if permission was granted.

That looks to a statistical determination which I think does not really focus on the individual facts of a given case, but where the court's order calls for "documents explaining the Justice Department's standards, policies, practices, or criteria governing the approval or disapproval of the death penalty prosecutions," that appears to me to be a reasonable standard.

I think it is not inappropriate to ask the district attorney, the U.S. attorney, why he or she is asking for the death penalty in this case, to analyze the facts of the murder and the background of the defendant. That analysis would work to clarify the thinking, hone the thinking, of the prosecutors who are asking for the death penalty. There is nothing like having the standards written out, the standards carefully considered, the standards applied to the facts of an individual case, and the standards applied to the background of the defendant to make sure that justice is done.

I believe that this sort of a procedure would undercut a good bit of the thought that there is unfairness in the imposition of the death penalty today on racial grounds. It is intolerable in our society to have the death penalty imposed for any reason other than the defendant in that case deserves it based on the facts of the case and the background of the defendant.

Now, we have a conflict between the Senate and the House of Representatives where the House has voted narrowly 217 to 212 that the statistical standard should be applied; whereas, the Senate yesterday voted 58 to 41 that the statistical standard should not be applied and, interestingly, as a broader margin than the Senate vote in 1991, voting 55 to 41 that the statistical standards should not be applied.

So it is my recommendation when the conferees get together that this statistical approach will not be adopted as part of the crime bill, because I think it would, in effect, undercut, really gut the effectiveness of capital punishment. I do believe that there is validity to the argument and the conclusion that those who were favoring this statistical application really do so because they do not like the death penalty at all and that this is a way of defeating the death penalty.

But if we are to retain the death penalty, then I think it has to be very carefully applied, and I think the standards proposed or the object imposed by the order from the Federal judge, Judge Sylvia H. Rambo, in Harrisburg, PA, calling for a statement of reasons by the Department of Justice is preeminently fair. It is a line of protection to ensure that there will not be any racial factors entering into consideration on whether to seek the death penalty. It still leaves the prosecuting attorney latitude to ask for the death penalty, and it will militate against the imposition of some statistical standard which would do away with individualized justice.

Mr. President, I ask unanimous consent that the full text of the New York Times article explaining this decision be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 11, 1994]

U.S. ORDERED TO TELL HOW IT DECIDES TO SEEK EXECUTIONS

(By Steven A. Holmes)

WASHINGTON, May 10.—A Federal judge in Pennsylvania has ordered the Justice Department to explain why it is seeking the death penalty against a black defendant in a murder case.

The order, issued on May 3, is believed to represent the first time a Federal judge has tried to pry open one of the agency's most closely guarded secrets; why the Justice Department believes that some murderers must die while others may live.

The timing is particularly critical, since the order comes as Congress makes its final push on a crime bill, the House version of which would allow defendants to appeal their death sentences by showing that judges and juries are racially biased in calling for capital punishment. Four years ago, the Senate defeated a similar measure.

"The timeliness of this ruling is important," said Richard Dieter, director of the Death Penalty Information Center, a nonprofit advocacy group that opposes capital punishment. "If this information comes out fairly soon, it might influence a major piece of legislation."

Marty Carlson, an Assistant United States Attorney in Harrisburg, Pa., said the Justice Department had not decided whether to appeal the judge's order. The department has to respond by Friday, and the judge wants the information before trial starts on June 6.

DRUGS AND DEATH

The order was issued by Sylvia H. Rambo, chief Federal judge for the Middle District of Pennsylvania in a case involving a New Yorker, Michael Murray, who is accused of killing a minor drug dealer, Juan Carlos-Bacallo of Harrisburg. Prosecutors said both men were part of a ring that supplied crack in the Harrisburg area.

Although almost all of the approximately 20,000 people arrested in homicide cases every year are tried in state courts, the number of Federal defendants who may be subject to the death penalty will probably expand after the Federal crime bill is approved. A House-Senate conference is to begin work in the next few weeks on reconciling the versions of the crime bill each chamber has passed.

In March, a Congressional report found that of the 37 defendants the Justice Department has sought to execute for drug-related murders since 1988, 33 are black or Hispanic. During the Clinton Administration, all 10 of the defendants whom Federal prosecutors have sought to put to death have been black.

In all of these cases, the defendants were prosecuted under a 1988 law that allows the execution of drug kingpins who have committed or ordered a murder.

DISLIKE OF SCRUTINY

Justice Department officials deny that racial bias is a factor in decisions to seek the death penalty. But officials have refused to discuss the process or criteria used despite repeated requests from Congress.

"That's the kind of information that they would like to think of as internal," said Representative Melvin Watt, a North Carolina Democrat who has been prodding the Justice Department to provide data on capital punishment decisions. "Most people who deal in areas like this don't want to see their decision scrutinized or second guessed."

Under Justice Department procedures, the United States Attorneys around the country must obtain the approval of senior Justice Department officials, including Attorney General Janet Reno, to seek the death penalty.

The far-reaching order by Judge Rambo, who was appointed by President Jimmy Carter, came in response to a request by Mr. Murray's lawyer, David Ruhnke. It requires that Justice Department to turn over documents that cover virtually all aspects of the decision to seek death, including:

A list of all homicide cases since the passage of the 1988 law in which the defendant could be considered eligible for a Federal death penalty prosecution.

All requests and supporting documents submitted to the Justice Department by United States Attorneys who have sought permission to ask for the death penalty, even if permission was denied.

Documents explaining the Justice Department's "standards, policies, practices or criteria governing the approval or disapproval" of death penalty prosecutions.

In some ways, Mr. Murray's case is emblematic of the confusion surrounding the use by prosecutors of the drug kingpin law.

Even through Federal prosecutors are seeking the death penalty against Mr. Murray under the 1988 law, Mr. Ruhnke says his client has not been charged with controlling the crack ring in Harrisburg. Federal prosecutors contend that another man in the case, Jonathan Ray Bradley, was the ringleader and that it was Mr. Bradley who ordered Mr. Murray to kill Mr. Carlso-Bacallo.

Yet, Federal prosecutors in Harrisburg prosecutors are not seeking the death penalty against Mr. Bradley, who is also black.

Mr. SPECTER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. FEINGOLD). Without objection it is so ordered.

MORNING BUSINESS

THE END OF APARTHEID IN SOUTH AFRICA

Mr. BRADLEY. Mr. President, on May 10, the world witnessed an event that was little short of a miracle. Nelson Mandela was inaugurated President of South Africa, marking the peaceful end of white rule in South Africa. As President Mandela stated, this day marks "a victory for all the people of South Africa."

The cold war taught us to expect vicious United States-Soviet proxy wars in far flung corners of the world, including southern Africa. Our experience since the dissolution of the Soviet Union has shown us that ancient enmities die hard. Even the Israeli-Palestinian peace process, relaunched with such hope last September, has been slowed by violence and terror.

Given this sorry litany of the obstacles to democratization and reconciliation, I must admit I was not certain that the journey begun by F.W. de Klerk and Nelson Mandela in February 1990, when the latter stepped from prison a free man, would end in success. The obstacles they faced were daunting: extremists who did not accept reconciliation in thought or deed; the legacy of white oppression of South Africa's black, coloured, and Indian population; and the cycle of poverty and violence that has wracked so much of Africa.

The road has been long and difficult, costing thousands of lives. Indeed, even as the elections began, rejectionists continued to spread terror and spill innocent blood. But the people of South Africa, individually and through their leaders, have chosen peace over violence, reconciliation over hatred, and hope over despair. The leaders—Mandela, de Klerk, finally Buthelezi, and others—took the courageous path of compromise and negotiation. Then the people of South Africa set aside centuries of tragic history and voted for their new South Africa.

As I mentioned, a number of leaders made this peaceful transition to majority rule possible. However, among these leaders one man stands out—Nelson Mandela. Mr. President, I believe history will record Nelson Mandela as one of the great figures of the 20th century. After 27 years in prison—10,000 days—Nelson Mandela had every reason to emerge angry, bitter, and vengeful. Instead, upon his release from prison he transformed himself from symbol to statesman. Preaching peace and reconciliation, he held the ANC and most of its supporters to the path of political negotiation. He condemned black-on-black violence with the same vigor as he did white-on-black. He turned the ANC from the outdated statist economic policies advocated in the 1955 Freedom Charter to the New Deal for South Africa contained in the ANC's 5-year economic plan. Working up to the eve of the elections, along with President de Klerk, Mandela succeeded in bringing Chief Buthelezi and the Inkatha Freedom Party into the electoral process.

Given the chance, the people of South Africa have spoken. By doing so, they have sent a signal of hope and issued a challenge for the future. By their courageous example, they have shown that the end of the cold war does not necessarily mean more Bosnias and Rwandas. They have rekindled the hope of the peace-loving people of all continents that reasonable people can look forward rather than backward and choose peace over violence.

At the same time, the people of South Africa have issued a challenge. For elections were only the first step. If the journey to reconciliation and prosperity is to continue, the international community must welcome South Africa with more than kind words, it must welcome South Africa with aid, investment, and open markets. And the people of South Africa must persevere through the inevitable setbacks and disappointments ahead.

This challenge extends to us in the United States as we continue our efforts here at home to heal our racial divisions and social problems.

The people of South Africa and their leaders have proved that they accept the challenge. We must now do the same.

LEWIS B. PULLER, JR.

Mr. NUNN. Mr. President, yesterday the Nation lost a true hero, Lewis B. Puller, Jr.—a combat veteran of Vietnam.

The dramatic story of Lew's life is movingly told in his Pulitzer Prize winning book, "Fortunate Son." The story of his experiences in Vietnam, his crippling wounds, and his long and painful recovery graphically reminded us the courage and sacrifices of our men and women in uniform. His story brought home to the Nation the heavy burden placed on those who served and suffered "in Vietnam and then returned to a nation where many did not fully honor their service. His description of the strength and dedication of his wife Toddy—who now serves as a member of the Virginia House of Delegates—is an inspiration to us all.

Lew will be missed by his friends in the Senate, including his fellow marine and Virginian, Senator CHUCK ROBB, and his fellow patient during the long recovery from his wounds, Medal of Honor winner Senator BOB KERREY. On the Armed Services Committee, we will miss the opportunity to benefit from the assistance he gave us during his long service in DOD's Office of General Counsel. On behalf of the Armed Services Committee, I would like to extend condolence—and our appreciation for his services—to his wife Toddy, and his children, Lewis and Maggie.

I ask unanimous consent that the obituary that appeared in today's New York Times be printed in the RECORD following my remarks.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 12, 1994]

LEWIS PULLER, JR., 48, WAR HERO AND PRIZE-WINNING BIOGRAPHER

RICHMOND, May 11.—Lewis B. Puller Jr., who won the Pulitzer Prize, for chronicling his fight against despair and alcoholism after he lost both legs while serving in Vietnam, died this afternoon. He was 48 years old.

A spokesman for the police in Fairfax County, Va., said Mr. Puller died of a self-inflicted gunshot wound at his home in Mount Vernon, Va., just outside Washington.

Friends said that Mr. Puller had recently confided in them his fear that he was losing his battle with depression.

Mr. Puller's book, "Fortunate Son: The Healing of a Vietnam Vet" (Grove Weidenfeld, 1991), was written as a tribute to his father, the late Gen. Lewis B. (Chesty) Puller, the most decorated marine in the history of the corps. The book won the Pulitzer Prize for biography in 1992.

On winning the Pulitzer, Mr. Puller told interviewers that he had planned to write a second book about the life of United States Senator Bob Kerrey, Democrat of Nebraska, who met Mr. Puller while both men recuperated from their war wounds at the Philadelphia Naval Hospital in 1968.

Mr. Kerrey said tonight: "He was cut in half. He should have died in the hospital. He had to will himself back to life. Tragically, in the end he was not able to give himself the lift he gave to all those who read his book."

In the book, he told of how he had stepped on an enemy land mine while he was a Marine combat platoon leader in Vietnam. "I felt as if I had been airborne forever," Mr. Puller wrote. "I had no idea that the pink mist that engulfed me had been caused by the vaporization of most of my right and left legs."

Mr. Puller was awarded the Silver Star and two Purple Hearts. He said, he had kept a whiskey bottle in his Da Nang hospital room to fortify officers who visited him.

His wife, Linda T. Puller, a member of the Virginia House of Delegates, had come to Richmond today for a one-day session of the Legislature. She was escorted from the Capitol by a police officer.

Mr. Puller also is survived by a son, Lewis 3d, and a daughter, Margaret. Tonight, a family friend said funeral plans had not been made.

HEAVEN JUST GOT LIVELIER

Mr. MOYNIHAN. Mr. President, I rise today to recognize the passing of a most decent and beloved Washingtonian, Elizabeth Cleland Acosta.

In the May 10, 1994 edition of the Washington Post, my friend Mary McGrory wrote a kind memorial to this uncommon woman. Mr. President, at this time I ask that the following article be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Washington Post, May 10, 1994]

HEAVEN JUST GOT LIVELIER

My best friend, Elizabeth Cleland Acosta, who died on Saturday, was probably the worst enemy ennui ever had.

She did not know how to be boring. She fought boredom wherever she found it. She was party insurance. When she arrived at your house, you could put her in the parlor and go off on other business, knowing your guests would be entirely diverted. She did monologues about life as a suburban housewife and made hilarity from such unpromising subjects as beach vacations or the hopelessness of finding happiness on New Year's Eve: "I've gone to other people's parties, too, including parties . . . where the host and hostess decided to get a divorce; parties where someone's secretary threw a Christmas tree through the window." Sometimes she told stories about her father, a labor man from Chicago with a robust sense of humor.

And she sang. Oh, how she sang in her forty-fathoms deep contralto. Sometimes she and her pal Gertrude Cleary did a killing duet of "Sonny Boy." She soloed most memorably in "Lucky Charlie Lindbergh." Another showstopper was "Aunt Clara," whose picture was turned to the wall.

Liz was not only my friend—the kind who came right away when there was a death in the family and set out with your cousin for the supermarket to get supplies for the funeral lunch. She was my helper for almost 20 years. We got on well from the moment we met decades ago. We shared much: bad hair and bad feet and a love of poetry. We were uncertain if we could work together. I'm absent-minded and she could be touchy, and, like many great comedians, subject to gloom. But she came to the dear, departed Washington Star and never looked back. My forgetfulness was no problem: The mother used to keeping tabs on clothes, toys and books for five, had me in hand in no time.

She was a treat on the telephone. With irate subscribers, distraught readers or pushy flaks, she was masterly. She would listen awhile, then slash through the fog and the nattering and bring them to heel with a crisp "And you wish me to . . ."

The atmosphere at the Star suited her. The air was full of encouragement and laughter.

Liz flowered. She became a kind of den mother to the young bloods in the back of the newsroom and gave them copious counsel. She was surrounded by jesters and gabbers and others who, like herself, felt they had to make people laugh. And like everyone else around, she took a hand at writing. She wrote book reviews. An addicted reader, she found books "absolutely essential." Her reviews were like herself, blunt, fair and witty. She also wrote familiar essays, calling herself "a professional housewife and an amateur writer."

She was wrong; she was a natural writer. She sat down at the typewriter, rolled the paper in, typed without hesitation, stopping only when the page was filled or she was done. I was jealous, being slow myself, and of the product. She used to preach about the necessity of hard-shell realism. But she had a romantic nature, and an eye out for true love and rainbows. She had a total reverence for the English language and those who used it well. Of E.B. White's letters, she wrote, "Your average reviewer—and I am averager than most—must fight the urge to take the typewriter out to the garden and bury it and take up another line of work."

On a blowzy novel called "The Pretenders," she rendered a succinct verdict: "I am going to pretend I never read it," Her greatest literary adventure came in 1958 when she wrote a love letter to James Thurber, which, she liked to say, changed her life. She told him: "I am getting old and fat, my last permanent didn't take, my five children have been throwing up for days, singly and in pairs, my husband is at a convention at some posh hotel, and I'M SORRY FOR MYSELF, SEE?" She told him that she loved him because his latest book had made her laugh. He wrote back! It turned out that as a child he had lived in the house next door to hers in Falls Church. They corresponded. Publication of their letters in the Saturday Evening Post was a triumph for her. When Maple Avenue was transformed into a double row of town houses, the new street was called James Thurber Court.

Like many parents in the '60s, Liz and her husband, Frank, a paragon of patience and kindness, found bringing up children rather taxing. But if she didn't like the process, she loved the children—and they loved her. When she was diagnosed with a brain tumor, they flocked to her. Her three sons fetched and carried, made her laugh. She who had been so morbid did not talk of death, only remarked to daughter Elizabeth that "Heaven is a place with air-conditioning where my feet will never hurt again."

She was touched as never before. She told daughter Jo, "I'm a lucky old lady." We were lucky, too.

REMARKS OF JEFFREY E. GARTEN, UNDERSECRETARY OF COMMERCE FOR INTERNATIONAL TRADE

Mr. DOLE. Mr. President, I ask unanimous consent to place in the RECORD a recent speech by Jeffrey Garten, Undersecretary of Commerce for International Trade.

Mr. Garten points out the fundamental importance to many U.S. industries of an effective antidumping law. United States companies must have a remedy against unfair price competition. Also, as Mr. Garten's speech makes clear, the Uruguay round agreement creates a system for holding other countries to the same standards of transparency and due process that apply in our system. The speech is good reading for any member as we move forward on drafting implementing legislation for the Uruguay round.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

NEW CHALLENGES IN THE WORLD ECONOMY: THE ANTIDUMPING LAW AND U.S. TRADE POLICY

(By Jeffrey E. Garten)

SUMMARY

Few areas of American trade policy have become more contentious than the antidumping law. Those firms which have used it have found it essential for their survival, and those who think they may need it are comforted by its existence. Others see the antidumping statute as protectionist and arbitrarily administered; many of them worry, also, that other countries will adopt U.S.-type laws and use them against American exporters abroad. The debate was evident in the recently completed Uruguay Round. It will no doubt be continued in Congress as the legislation implementing the Uruguay Round results is considered.

The proponents and opponents of the antidumping laws often argue in highly legalistic terms which make the stakes appear to be at the fringes of trade policy. This is especially true in a world in which international commerce has grown so fast, and so complex, and become so central to both domestic and foreign policy. Yet the underlying debate is not marginal; in many ways the fundamental issues are central to the maintenance of a liberal trading system.

This speech attempts to describe some of the major issues, and to put them in the broader context of the Administration's trade strategy and the competitive environment for U.S. firms. It begins with a brief history of the antidumping laws, explains their current purpose, and describes how dumping occurs. It raises criticisms of the law and provides responses. It recounts what was achieved during the Uruguay Round in Geneva. And finally, it discusses a series of issues such as: the special problems of Japan and China; the needs of U.S. exporters facing antidumping actions abroad; the need to address the unique circumstances of "economies in transition" such as Russia; the implications of the new World Trade organization; and the importance of fair administration of the law.

The most important conclusion is that a strong antidumping law is more important than ever to American interests. It is an essential cornerstone of U.S. support for the kind of liberal and open trading system to which President Clinton is dedicated. The Administration will administer and enforce this law as vigorously and as fairly as possible.

It is a pleasure to be here today to discuss one of the most crucial issues in international trade policy these days—our international trade laws, particularly the antidumping law. In the short time that I have been in Washington, I know of no other aspect of trade policy that has generated more controversy. To a large number of companies, Congressmen and Senators, the laws and the way they are administered play a critical and essential role in trade. On the other hand, we find many who are opposed to the law, feeling it is protectionist, arbitrarily implemented, and copied by foreign governments who use them against American exporters. Since it is the Department of Commerce that has statutory responsibility for administering the antidumping law, it falls to the Secretary of Commerce, myself, and the Assistant Secretary for Import Administration to deal with competing interests and to execute the law as fairly and efficiently as possible. As someone who is constantly at the intersection of competing claims and interests, I wanted to explain what I believe the antidumping law is all about, and some of the fundamental challenges we face in the future.

I arrived in Washington last Fall with very little technical background concerning international trade law. During my government tenure in the Nixon, Ford and Carter administrations, I was involved in a broad array of international economic issues, but never trade law per se. In the subsequent twelve years as an investment banker on Wall Street, I was more concerned with pushing money around the world than with the intricacies of trade law. Still, as a result of having spent a good portion of my professional life working abroad, I know that while capital flows and trade have been mushrooming, contributing to quantum leaps in global economic integration, the differences among countries in the way they deal with trade are still enormous. Having lived in Japan and worked throughout East Asia, for example, I know first hand the meaning of industrial policies that rely on subsidies, de facto cartels, and other trade distorting measures. Having worked in several Latin American countries, I know for a fact that none of the countries south of the Rio Grande are as open to trade as the United States, though many are taking encouraging steps in that direction. And so I have always had a visceral appreciation for why the United States, the most open of all major industrial economies, needed to have laws against unfair trade practices of foreign countries.

It was one thing to harbor these feelings, another to be jettisoned into the fray as Under Secretary of Commerce. It happened about two hours after I was confirmed on November 8, 1994. No sooner did I hear the good news than phone messages started to pile up on my desk. One trade lawyer after another HAD to see me immediately on antidumping. The subject was the Uruguay Round, and the alleged disaster that was about to engulf the United States if it did not take a very tough line against the rest of the world, which I was told was out to destroy our laws. I met with many of these lawyers for a solid two weeks. I heard their views. I heard opposing views, too, especially those who were worried that our laws, however they emerged from the Uruguay Round, would be emulated by other countries and used against our exporters. The arguments were clear enough, and I proceeded to Geneva to help Ambassador Mickey Kantor and Ambassador Rufus Yerxa negotiate the new antidumping code. And it was in Geneva that I saw the strong international emotion that our laws elicit.

In a minute I will review what happened in Geneva. Suffice it to say, we achieved most of our objectives there—we were in fact, quite pleased with the results—and now the spotlight is turning to implementing legislation. This, too, promises to raise a host of issues on all sides.

What I want to do today is to try and put our laws and the controversy surrounding them in some perspective. I'd like to review the history of the antidumping statute and the reasons why it is so important to us today. I will then focus on several crucial issues for the future, including the importance of pursuing the interest of those companies applying for the protection of the law without neglecting those American exporters who are concerned that the spread of antidumping actions in other nations could block their sales; the importance of protecting the interests of American industry at the same time that we recognize the need for Russia and other "non-market" economies in transition to have access to western markets; the need to work assiduously to make the new World Trade Organization ("WTO") a success from our point of view; and the importance of fair and objective administration of the law itself.

In the end I will conclude that a strong antidumping statute, vigorously enforced, is more important than ever to America's interest. The Clinton administration is intensely committed to opening foreign markets, and to keeping our own economy open to fairly priced foreign products. The existence and implementation of our laws against unfair trade are absolutely essential to creating public confidence that we can counteract unfair practices and create a level playing field. Without this concept of fairness, popular support for an open world economy, let alone American leadership towards that goal, would be badly weakened.

But I will also conclude that it would be unrealistic and very bad policy to believe that the laws against unfair trade practices can take all the burden of helping U.S. industry to compete in the world economy. The international trade laws, including antidumping, are a critical component, to be sure. The fact is, however, that most of the essential ingredients of U.S. competitiveness are found in other areas of the Administration's programs. These include better fiscal balance, a climate conducive to long term investment, an emphasis on rejuvenating our technological base, a focus on education and training of the workforce, and attention to such human resource issues such as health care—to take the most obvious examples. It most certainly includes our efforts to open foreign markets in Asia, Latin America, and Europe via multilateral regional and bilateral negotiations. In all these areas the Administration is pulling out all the stops to make sure U.S. firms have the best environment to succeed at home and abroad. In my view, the importance of what President Clinton has done to help U.S. firms compete cannot be emphasized enough.

History of the antidumping statute

Let's begin with a little history.

With the advent of the industrial revolution, the possibility for dumping in earnest began. As the first nation to industrialize, England was the first nation accused of dumping. English manufacturers, it was repeatedly alleged, were dumping goods in the United States with the intent of preventing the development of industry here. Alexander Hamilton, in his Report on Manufacturers, declared that the greatest obstacle encountered by new industries in a young country was the system of export bounties which foreign countries maintained in order to "enable their own workers to undersell and supplant all competitors in countries to which these commodities are sent." While there appears to be little empirical evidence to support these general claims (though there does appear to be some evidence of sporadic dumping from England after the War of 1812), the result of the debate was the Tariff Act of 1816, the first distinctly protectionist tariff enacted by the United States. In the words of Jacob Viner, the famous economist, and the first to write a comprehensive work on the history and theory of dumping:

"There is no doubt that the fear of English dumping, actual or pretended, played a part, although probably a very minor one, in the development of American protectionist sentiment.'

The United States did become progressively more protectionist during the 19th century. Henry Clay, in a speech to Congress in 1824, urged protection of American industries:

"* * * the unprotected manufacturers of a country are exposed to the danger of being crushed in their infancy either by design or from the necessities of foreign manufacturers."

But with the establishment of free trade in England and the development of large scale manufacturing industries in other countries, complaints of England dumping diminished and charges of dumping began to be directed against producers of other countries.

In fact, dumping became a real problem in international trade around 1880, when the manufacturing enterprises of two newly industrializing powers, Germany and the United States, began mounting a challenge to British commercial hegemony using dumping as a systematic export tactic. The German-American commercial onslaught shook British confidence and touched off a national debate on the value of free trade.

At the time, Britain believed in open markets while its trading partners, in particular Germany and the United States, believed in protected home markets. One area where dumping was particularly pronounced at the time was steel. Dumping by American and German industrialists lowered their unit costs compared to competing steel producers in Britain. Because of high tariffs, these German and American manufacturers could maintain high prices at home by restricting supply at home and disposing of surplus in Britain's open market. German and American Companies that were dumping engaged in the practice known then as "continuous running" or "rapid driving"—that is, running their mills at high operating rates, which resulted in progressively lower per-unit production costs for each additional unit of output. British producers generally could not do this; foreign markets were increasingly closed to their exports, and continuous running, on their part, tended to further depress prices in the home market. The British Government, after much debate, took no action. The British steel manufacturers chose not to invest in the latest steel making technologies. The result was the British found themselves, by 1914, hard pressed to fight a protracted war of attrition against a stronger industrial power in World War I.

Much of the dumping which was occurring in Great Britain during the turn of the century was coming from the United States. At the time, there were significant differences between the United States and Great Britain in attitudes toward the economy in general and in particular toward competition and trade. The United States believed in closed markets and tolerated monopolization. The two factors which allowed American manufacturers to dump were high U.S. tariffs and U.S. monopolies, or what at the time was known as "The Trust."

As we moved into the 20th century a cultural shift in the United States began to occur. Tolerance of monopolization faded, the antitrust laws were enacted and enforced, and tariffs began to come down. As historian Alfred Chandler observes, the U.S. enactment of antitrust legislation and institutionalization of the values it reflected:

"* * * probably marked the most important non-economic cultural difference between the United States and Germany, Britain and indeed the rest of the world insofar as it affected the evolution of the modern industrial enterprise."

As the rest of the world remained or became more protectionist, the United States developed a culture which highly valued competition—a value this country still holds today both nationally and internationally.

Dumping becomes a problem in America

One result of this cultural shift in the early part of the 20th century was that the United States began to experience dumping in its own market. As U.S. industries began to suffer the same adverse effects as British industries had several decades earlier, pressure built to deal with injurious dumping. Unlike Britain, the United States took action by enacting its first antidumping law. Under Title VIII of the Revenue Act of 1916, the concept of dumping in international trade was formally addressed under U.S. law for the first time. The Act's antidumping provisions were rooted more in the concepts of unfair trade under U.S. antitrust law than in tariff law. The intent of the exporter would be a factor, for dumping was illegal if:

"* * * such act or acts [importation and sale of articles "sold at a price substantially less than market value or the wholesale price of such articles"] be done with the intent of destroying or injuring an industry in the United States, or of preventing the establishment of an industry in the United States, or of restraining or monopolizing any part of trade and commerce in such articles in the United States. [Revenue Act of 1916 at §801]."

Violation of the 1916 Act was punishable by serious criminal and civil penalties. However, as a criminal statute, the Act was subject to strict interpretation. The level of proof required, and the need to show intent to injure a domestic industry, severely curtailed its effectiveness. The failure to assign the task of enforcement to a specific government agency also contributed to the Act's ineffectiveness.

The first effective U.S. antidumping law

As the problem of dumping became more severe, the United States saw a need for an effective antidumping remedy. The concerns of Congress were stated in the House Ways and Means Committee report on antidumping provisions in 1919:

"In 1903 there were in the United States five manufacturers of salicylic acid. By 1913 three of these had failed . . . During the latter part of the decade referred to, salicylic acid was selling in Germany at from 26 to 30 cents. During this same period, the German houses were selling in this country, after paying a duty of 5 cents at 25 cents or a [net] price of 6 to 10 cents below what they were getting at home.

"In 1901 where there was no American manufacture [of oxalic acid] it was sold by the Germans at 6 cents. In 1903, when the works of the American Acid and Alkali Co. was started, the price was immediately dropped to 4.7 cents, at about which figure it remained until 1907 when the American factory was shut down for a number of months. During this shut down the price was instantly raised to 9 cents. When the factory reopened the price was again dropped until 1908, when the company failed. . .

"The same process was carried on in regard to bicarbonate of potash. In 1900 there was no manufacture and imports ran about 160,000 pounds. In 1901 American manufacture began. This succeeded so well that in 1906 imports had dropped to 45,000 pounds. At this time the American manufacture's price was 6.5 cents, while the import value was given at 4.9 cents. In the following year, the Germans made a determined and successful onslaught. Their import value was lowered to 2.2 cents with the result that instead of 45,000, 310,000 were imported. Accordingly in 1908 the American manufacture failed. The price was immediately raised to 7.5 cents and remained thereabout until the war." *Antidumping Legislation*, H. Rept. 479, 60 Cong. 2 session.

In light of the ineffectiveness of the 1916 Act and the perceived need to prevent the stifling of domestic industries due to dumped merchandise, the Antidumping Act of 1921 was passed. This Act, while not completely addressing all of the problems of dumping, provided the first effective means to counteract injurious dumping in the United States.

Advent of dumping problems in the 1970's

For many years the U.S. antidumping law was used relatively little, except for a spurt of activity against German exports in the years immediately preceding World War II. Continuing into the later part of the 1960's, few petitions were filed. This was not because dumping did not occur, but because U.S. industries, for a long period after the war, enjoyed a preeminent competitive position in world markets such that dumped imports seldom caused injury. However, the strong growth of the European and Japanese post-war economies radically changed this picture. Beginning in the early 1970's, many U.S. industries found themselves facing intense, and sometimes unfair, competition at home and abroad. Their response, when facing unfair price competition in the United States, was to seek relief under the antidumping law.

Important changes of 1979

An important change in U.S. antidumping law occurred in 1979 when the law was significantly transformed as a result of the new GATT code negotiated under the Tokyo Round. Shortly afterwards, the administration of the law was moved from the Department of Treasury to the Department of Commerce. There were important, substantive changes in the administration of the law, as well.

First, many of the statutory deadlines which we have today were added. Prior to 1980, there were few time limits for cases and therefore, a case could and often did drag on for years. Often when a case was politically sensitive it was simply not finished, thereby denying the U.S. producer a remedy under the law.

Secondly, a system of administrative protective orders ("APO's") was implemented. An APO enables opposing counsel to gain access to business proprietary information. This allows attorneys to effectively represent their clients and actively participate in the process, which in turn helps ensure that the system is open and transparent. It became a major goal of the Department of Commerce to make certain that all parties, whether they agree with a decision or not, know on what basis the decision was made.

Finally, a more detailed judicial review was allowed, allowing parties the right to appeal a determination of either the Department or the ITC.

A combination of increased international competition and a greater probability of receiving relief drastically increased the number of dumping orders issued. From 1970 to 1979, 79 orders were issued. From 1980 to 1989, 175 orders were issued. Sixty four orders were issued in just the three years from 1990 to 1993. With this increase in cases has come an obvious increase in the size of the Department of Commerce's Import Administration. In the late 1960's, for example, there were fewer than ten professionals working part time on dumping and countervailing cases; today Import Administration has nearly 300 employees.

History in international law

The antidumping law likewise has a long history in international law. One of the results of the Genoa conference, held in May 1922, was a request that the League of Nations undertake a study of dumping and differential pricing. Reporting on the conference, the League's Secretary General explained that:

"* * * questions regarding dumping and differential prices being among those which concern most closely the equitable treatment of commerce, it is desirable that the League of Nations should undertake at an early date an inquiry on the subject."— *The Genoa Conference and the League of Nations: Memorandum of the Secretary General*, League of Nations Off. J. Aug. 1992, at 1003.

The league undertook the inquiry and the most tangible result was Jacob Viner's second major work on the topic of dumping called "A Memorandum on Dumping." The League failed, however, to produce any sort of general agreement on further international action.

In the negotiations to write the original General Agreement on Tariffs and Trade ("GATT"), one area that was covered, largely at the insistence of the United States, was unfair trade in the form of dumping and subsidized exports. Since the formation of the GATT in 1947, signatory countries have recognized the pernicious effects of dumping. Indeed, Article VI of the GATT specifically says:

"The contracting parties recognize that dumping, by which products of one country are introduced into the commerce of another country at less than normal value of the products, is to be *condemned* if it causes or threatens material injury * * *." [emphasis added]

The first four rounds of trade negotiations which occurred after the GATT's inception in 1947 were largely limited in focus to tariff reductions among the contracting parties. In 1967, however, as a result of the Kennedy Round of negotiations, a GATT Antidumping Code was adopted which expanded upon the limited rules set out in Article VI. The code was amended in 1979 in the Tokyo Round of negotiations. In the recently completed Uruguay Round GATT negotiations, the code was further amended. A major goal of the United States in the Uruguay Round was to maintain the effectiveness of its antidumping law—a goal I am happy to say we achieved.

The purpose of the antidumping law

Let me discuss in more detail what the antidumping law is designed to do. Broadly speaking, dumping refers to price discrimination between national markets, such as the sale in the United States of a product at a price less than is charged for the product in the producer's home market. In these circumstances, U.S. producers may be at a disadvantage because their prices are unfairly undercut. The U.S. law seeks to end such injurious pricing practices that commonly result when the free market is prevented from operating properly because of trade barriers or other reasons. The antidumping law provides for the imposition of duties on imported products that are sold in the United States at "less than fair value" (i.e. dumped) and cause "material injury" to a U.S. industry. Fair value usually is determined by the foreign producer's home-market price of a comparable product of its price in a third country market. Alternatively, the constructed value (which is the sum of the cost of materials, an amount for general expenses, an amount for profits, and the cost shipping containers) of the foreign producer's merchandise may be used to determine fair value. Constructed value is generally used as the basis for foreign market value when one of two conditions exist. Either there is no home market or third country sales; or, alternatively, the manufacturers home market or third country sales are below this cost of production.

In its simplest form, if a manufacturer in country "X" sells a widget in the United States for a price which is lower than the price charged in the manufacturer's home market, then the manufacturer is dumping. This is rarely a simple determination, for both international agreements and U.S. law mandate a complex series of adjustments to ensure that price comparisons are fair. Thus, if there are physical differences in the products sold in the two markets or differences in selling expenses that logically and directly affect price, adjustments for these differences are mandated to ensure that only actual price discrimination is detected. If imports are dumped and cause or threaten material injury to the competing U.S. industry in the sense that the industry loses sales, suffers profit losses, or is forced to lay off workers, the United States has the right, under international agreements, and the obligation under U.S. law, to impose a duty on those goods equal to the amount of the dumping. That duty is designed to correct the competitive imbalance created by the dumped imports.

While one form of dumping may arise from price discrimination, dumping may also occur when the U.S. producers are unfairly undercut by foreign producers selling below their costs of production. In this case, where the manufacturer is selling below cost in both markets, the U.S. price is compared to the constructed value. However, this alone is not enough to justify the assessment of antidumping duties. Such below cost sales must be shown to be injuring the competing U.S. industry. In other words, during a recession where producers in other countries are selling below cost, that fact alone would not be sufficient to sustain a dumping finding and impose a duty. It must be shown that such sales are adversely affecting the U.S. industry—i.e., that U.S. producers are bearing a disproportionate share of the burden of the recession because of the selling practices of the foreign industry.

The international economist Jagdish Bhagwatii described, in his essay Protectionism, the basic purpose behind free trade and by extension the laws against unfair trade:

"If one applies the logic of efficiency to the allocation of activity among all trading nations, and not merely within one's own nation state, it is easy enough to see that it yields the prescription of free trade everywhere—that alone would ensure that goods and services would be produced where it could be done most cheaply. The notion that prices reflect true social costs is crucial to this conclusion, just as it is to the case for free trade for one nation alone. If any nation uses tariffs or subsidies (protection or promotion) to drive a wedge between market prices and social costs rather than to close a gap arising from market failure, then surely that is not consonant with an efficient world allocation of activity. The rule then emerges that free trade must apply to all.

"Therefore, where the nationalist theory of free trade glosses over the use of tariffs, quotas, and subsidies by other countries, urging free trade for a nation regardless of what others do, the cosmopolitan theory requires adherence to free trade everywhere. The trade regime that one constructs must then rule out artificial comparative advantage arising from interventions such as subsidies and protection. *It must equally frown upon dumping, insofar as it is a technique used successfully to secure an otherwise untenable foothold in world markets.* [emphasis added]

Dumping sends false signals to the market. While free trade increases world wealth, dumping causes resources to be misallocated, ultimately resulting in reduced wealth for the nation in which it occurs. This raises the most basic issue presented by dumping: "Where will investment occur—in this country, or somewhere else?" The ability to dump acts as a disincentive to investment in the country where dumping is occurring and fosters excessive investments in the market of the dumper. This is because certain market distortions such as closed market, anticompetitive practices and government subsidization shield investors in the dumping country from normal market risk in the open market where dumping occurs. Accordingly, capital will flow to those industries and markets where investors believe that they are most likely to make money on their investments; and will flow away from industries where this is less likely. Dumping has a dramatic effect on investors decisions.

Other mechanisms, such as Section 301 of the Trade Act of 1974, do not address the problem of dumping and furthermore, do not work fast enough or surely enough to deal with the underlying causes of dumping. The antidumping law deals relatively promptly with the adverse effects of dumping and that is particularly important today, given how quickly the manufacturing processes are changing and how fast import penetration can surge, and how much damage can be done to domestic industry in so short a time. This is especially true in the high technology area, where product life cycles are so short that failure to achieve economies of scale in one product jeopardizes the next generation of products.

The antidumping law seeks to foster a strong, fair, and competitive U.S. market. It seeks no special advantage for U.S. producers, but simply seeks to preserve any natural comparative advantage they have. If a foreign producer sells to the United States at a price no lower than his home market price, and also no lower than his full cost of production, then it is not dumping. However, if the foreign producer dumps, and in so doing injures a U.S. industry, the antidumping law steps in to rectify the imbalance.

How dumping occurs

The circumstances which give rise to dumping are varied and widely debated among economists. It has been argued by some analysts that dumping is a result of closed home markets, anticompetitive practices or predatory intentions. Others point to dumping investigations where nothing like this is present but dumping is still found to be occurring. It is important to note that neither U.S. law nor our international obligations require a finding of any particular market condition—like anticompetitive practices—in order to impose a dumping duty. However, I believe that there are certain market distortions which do give rise to dumping. Moreover, I believe that there is an implicit presumption underlying the law that dumping is a result of these distortions.

The Administration is committed to resolving, through bilateral or multilateral negotiations with our trading partners, any policies or conditions which I believe give rise to dumping. However, dumping is a real problem today, and the only immediate solution to these problems is the antidumping law.

Here are some of the conditions that give rise to dumping:

Closed markets

Let's start with the phenomenon of closed foreign markets in which the foreign manufacturer has a degree of market power. In this case, the exporter is able to sell in the home market for a high price, run his factory at full capacity and thereby lower his per unit cost of production. The excess capacity is then sold in international markets. As long as the exporter is able to sell overseas at a price above his marginal cost, the export sales will increase the exporter's profitability. Some Japanese producers have successfully used this strategy for a number of years.

Anti-competitive practices which permit sales below cost

Another, and often related, phenomenon occurs when companies engage in anti-competitive practices which provide the resources to sustain losses (i.e. sell below costs) in order to gain market share and drive competitors out of the market. In this case, comparing prices in the United States with the producer's home market price may not indicate price discrimination. This might be because the producer has such leverage that it is able to undercut competitors at home as well as in the United States. For this reason, the law prohibits the use, as the basis for fair value, of home market prices which are below the cost of production.

When anti-competitive practices, such as collusive behavior, or closed markets, or both, provide foreign producers with significant economic leverage, dumping is an expected result. For example, when foreign producers account for a broad range of different but related products, and have significant market power for such products, they can afford to "cross-subsidize" one or more products from the profits derived from the sales of other products, permitting below cost sales of targeted products.

The most insidious results of such dumping is in the high technology area where, in order to remain competitive, a producer must finance the research and development for future products with either the profits from the current generation's production or new investment capital. If that producer is undercut by exports even for a short while, he will have difficulty raising capital and will have to cut back on research and development and may ultimately be forced out of the market.

Government subsidization

Another example of marketplace distortion that gives rise to dumping occurs when foreign industries are supported by government actions including subsidies and price controls. Such actions distort both the home and international markets by funding production that would not make economic sense under free trade principles. Often, the result is excess world production of a product and falling prices because supply exceeds demand. To the extent that the government actions are in the form of subsidies, we can and do use the countervailing duty law to counteract them. However, often the effect of subsidized increases in production capacity is that the goods are also dumped in the United States. The subsidy to the producer at home enables it to sell at low prices in the United States and to undercut U.S. competitors in the U.S. market. In the recent steel cases where there was both an antidumping and a countervailing duty case, in each case, dumping margins were found far in excess of the countervailing duty margins.

Governments often believe that they have valid reasons for supporting their industries; their subsidies are not necessarily given with the intent of distorting markets or injuring competition, but for social and political reasons, typically to avoid the need to close or downsize important industries. They understandably wish to avoid the problems created by significant decreases in productive activity and increases in unemployment. However, by funding continued or increased production that is uneconomic, foreign governments inescapably create worldwide over production and lower prices that, more often than not, are dumped prices. Furthermore, these governments create inexorable pressures to export greater quantities of goods and, in doing so, export unemployment. U.S. industries and U.S. workers should not be forced to bear this burden.

Non-market conditions

Dumping also occurs where the normal market forces of supply and demand simply do not operate, as in the case of non-market economies ("NMEs"). The most prominent current NME exporter is the People's Republic of China—a special problem which I will discuss later—but Russia and the other former Soviet republics—including Ukraine, Kazakhstan etc. as well as Romania, Hungary, and the Czech and Slovak Republics—are also still considered to be non-market economies. The NMEs pose special problems and challenges in the implementation of the antidumping law. Indeed, the antidumping law mandates special calculation methods to determine fair value of products in NME countries, because of the absence of normal market forces. Internal prices and costs are disregarded since they are essentially meaningless in market economy terms. Instead, fair value is determined by constructing the cost on the basis of the NME's actual factors of production (e.g., quantities of raw materials, labor, energy, etc.) using surrogate prices from a market economy of comparable economic development.

Industry specific examples

Examples from several cases may help explain how these conditions can cause dumping and their effect on U.S. industries.

Bearings

The 1988 antidumping investigations of antifriction bearings from Japan and multiple European countries are excellent examples of closed foreign markets. Because of market barriers in Japan and Europe, manufacturers there were able to sell at high prices in their home markets; in other words they had insulated themselves from foreign competition. As a result, they could afford to dump their excess production at low prices in the United States rather than disrupt the artificially high prices in their own markets. In fact, the U.S. market became a battleground as the Europeans and Japanese engaged in a price war here, crippling the U.S. market and the competitiveness of U.S. companies. Almost without exception, the dumping margins were significant, vividly reflective of the distortion created by closed markets.

Semiconductors

The experience of the U.S. semiconductor industry in the 1980's shows the pernicious effects of anti-competitive practices which can allow selling below the manufacturer's cost of production. A combination of a protected home market, a cartelized home market, substantial financial resources, and aggressive dumping, including selling below the cost of production, allowed Japanese companies to nearly decimate the U.S. semiconductor industry. In the case of commodity memory products, the displacement of U.S. producers by Japan occurred in two bursts of intense price undercutting during the 1981–82 and 1984–85 periods. The first episode (1981–82) culminated in Japanese domination of the then current 64K generation DRAM and leadership in the race to commercialize the 256K DRAM; the second episode (1984–85) saw Japan achieve a virtual monopoly over the 256K DRAM as most U.S. producers exited the market altogether. Each episode began with an extraordinarily rapid, massive buildup of DRAM capacity by Japanese producers, establishing far more than the world market could absorb. In each case, a precipitous price collapse followed, led by extreme discounting by Japanese firms. In each episode, tremendous losses were experienced by American firms, and from all accounts, by Japanese firms as well. The net result was a virtually complete withdrawal by U.S. firms from the production of DRAMs by the end of 1985. Whereas 11 U.S. firms had been producing DRAMs at the 16K level in 1980, by 1986, only two U.S. firms remained in the market at the 256K level and these accounted for less than 10 percent of world sales.

Some might say that this was just good old fashioned competition and the United States lost. But was this fair competition? Japanese semiconductor manufacturers had a number of advantages not shared by their U.S. counterparts and these were not "comparative" advantages arising from the operation of genuinely free markets.

First, they were able to enter into arrangements such as joint producer groups which were used to regulate competition in the home market and which represented a degree of market manipulation and control that would be illegal in the United States.

Secondly, the Japanese keiretsu-based firms enjoyed enormous resources, among other things, from their consumer electronics divisions which, operating from a protected home market export base, could finance or cross subsidize, a push into the contested, strategic microelectronics sector. All of the Japanese producers were able to underwrite losses in their semiconductor divisions with profits from other electronics product divisions, many of which were also protected from foreign competitive pressure.

Both of these factors—control over home market prices and access to significant amounts of capital—relate to investment risk. These factors lower the risk associated with investing in new products. The threat of dumping increases the risk of investing. As risk increases in a sector, investment will decrease, and the industrial competitiveness of that sector will decline. To the extent that the risk is not equal between two countries, the competition will not be equal and governments have a legitimate role to play in correcting the distortion. Ideally, the correction will come from opening markets. However, until markets are truly integrated there will be a need for the antidumping law to assure that industries are not lost to unfair competition.

In the case of semiconductors, dumping cases, which led to a negotiated semiconductor agreement with the Japanese, worked to bring back an industry. Albeit, the industry is much different today than it would have been without the unfair trade actions and has still not regained its former strength in the products where the dumping was most concentrated. Although some questioned the use of the antidumping law and the resulting agreement, there is not question that they operated to prevent the demise of a substantial portion of the U.S. industry, a demise which would have been caused by practices that, by any definition, were unfair. Nevertheless, dumping remains a real concern for potential investors in the U.S. semiconductor industry despite the fact that Japanese dumping on a massive scale has not occurred since 1987. The pernicious effects of dumping often remain long after the dumping itself has been eliminated.

Steel

The classic example of sustained government intervention that led to excess production and dumping is steel. For years, European steel industries have benefited from substantial subsidies and other structural support from their governments. During the late 70's European governments tried to maintain an artificial price floor in Europe; excess capacity was dumped in the United States. Only when U.S. industry filed antidumping and countervailing duty cases did the onslaught of unfairly priced steel into the United States subside. Subsequent to the filing of these cases, the United States entered into a series of voluntary restraint agreements ("VRAs") with European, Japanese and other major steel producing nations to regulate the flow of steel imports. The VRAs expired in 1992, and the U.S. industry again filed antidumping and countervailing duty petitions in June of 1992. The Department of Commerce found dumping, typically with large dumping margins, in every case. Although injury was not found in a number of the cases, often because of the greater health enjoyed by the U.S. industry as a result of its own efforts to modernize and become more efficient, dumping orders were issued in roughly half the cases and remain in place today. Although many countries have made significant efforts to reduce subsidies, substantial subsidies persist, and their effects will be felt for many years. The principal effect, of course, is a persistent world overcapacity for steel, which alone makes dumping virtually inevitable. Further, these cases make it clear that the United States is still the principal dumping ground for the world's excess steel capacity, and will remain so as long as the policies in Europe and elsewhere which give rise to dumping persist.

When you think about these cases, it is evident to me that the antidumping law is not an aggressive tool for protecting U.S. industries from unwanted competition, but a defensive instrument needed as an effective response to market distortions abroad which create or foster unfairly priced and injurious exports to the United States.

Attacks on the antidumping law

While the U.S. antidumping law has a long history of enforcement and has been administered in a manner consistent with our GATT obligations, the use of the law has, for some time, been attacked by foreign countries who want to protect their industries' ability to dump in the United States at the expense of U.S. industries. We had to fight hard to obtain acceptable antidumping provisions in the Uruguay Round Agreement.

Authorization to take antidumping actions remains firmly embedded in the multilateral trading system. Further, the U.S. antidumping law will remain an effective remedy against dumped imports. Nevertheless, there are those who argue that while it may be consistent with international law, the antidumping law is not in the best interest of the United States.

Here are some of the assertions that are made, and how I would reply to them.

The argument that the antidumping law harms consumers

There are those who argue that the antidumping law serves to keep domestic prices higher, thereby depriving the domestic consumer of the benefits of competitively produced goods from whatever source and placing domestic users of dumped merchandise at a competitive disadvantage in relation to foreign producers.

Such critics tend to focus on the short-term benefits of low-priced imports to consumers and consuming industries, conveniently ignoring the effects of such imports on directly competing U.S. industries.

History has shown that the idea that we should simply accept all low-priced foreign goods would be a disaster for the manufacturing sector. The antidumping law has saved numerous U.S. industries, not from more efficient production or better products, but from competitors who are able to sell in the United States at artificially low prices, supported by government subsidies or profits earned in protected home markets.

When dumping results from price discrimination between the home market of a foreign producer and the U.S. market, the U.S. manufacturer who purchases the dumped inputs is not put at a disadvantage globally by an antidumping order. That manufacturer is simply required to pay a price comparable to that of its foreign competition.

In the case where dumping exists not because of price discrimination, but because the foreign producer is selling below cost in both the home market and the United States, a different result occurs. An antidumping order only affects prices in the U.S. market. As a result, customers of dumped products may find themselves competing with firms that have purchased the input at a lower price abroad. However, the answer is not to sacrifice one domestic industry for another, a producer for a consumer. In these cases, the trade laws cannot bear all the burden. We must have a broad range of policy devices to create a competitive environment. DRAMS are a good example of this. We not only took trade actions to provide short-term relief to the industry, but we also created SEMATECH, which is a government-industry partnership, to improve development and production processes for use by American producers. This will help to assure the long term competitiveness not only of the DRAMS producers but of the users of DRAMS as well.

In the short run, the consumer may have to pay higher prices for individual goods. Let's acknowledge the painful truth. However, without antidumping enforcement, in the long run the consumer will ultimately be the one to pay as reduced competition enables foreign producers to raise prices. Moreover, the consumers as citizens will also pay in terms of high unemployment as well. In the long run, the consumer will ultimately benefit as increased supply by domestic producers ensures a stable and competitive market place, in which industrial users are not forced to rely only on off-shore sources for components which may very well be controlled by their direct competitors. Finally, we need to bring some perspective to this short term picture. Antidumping orders affect very limited amounts of U.S. imports. In 1993, less than one percent, by value, of total merchandise imports were covered by an antidumping duty order. Antidumping orders have only a limited impact on consumers in the short run and provide a long term benefit to the economy.

The argument that if the problem is with markets that are not open we should use the multilateral process to open markets as opposed to a unilateral dumping mechanism

There are those that would argue that if closed or anti-competitive foreign markets are the problem, the United States should use bilateral and multilateral negotiations to open up markets.

As I mentioned, it is among the highest priorities of the Clinton Administration to press foreign governments to reduce their barriers to trade. However, in the short run we cannot afford to forgo immediate action where the effect of closed markets is to cause immediate injury in our own market through dumping. Critics fail to appreciate how quickly an industry can be lost to dumping. Often there is simply not time to negotiate, and our trading partners have often proven less than willing to open their markets or have entered into agreements that, in retrospect, actually changed nothing. Furthermore, when the closed market is due to private practices the task is even made more difficult.

The more open an economy is, of course, the more vulnerable its industries are to dumping, and the United States unquestionably has the most open market of any country in the world. The developing countries in particular typically maintain relatively high tariff rates today, even though many such countries are world-class competitors in some product categories. Even developed countries maintain high tariffs on some products. For example, Japan still has high tariffs on petrochemical and related products, and paper.

Less transparent than high tariff rates, and harder to combat, are the other means that countries use to restrict trade. Non-tariff barriers to trade and lack of internal competition still foster the conditions under which dumping can occur. The most important country where this is prevalent is Japan.

Although many of the overt trade barriers in Japan, such as tariffs and quotas, have been eliminated or significantly reduced, Japan remains an essentially closed market which will not be as open as ours for many years to come at least. The Japanese economy is characterized by numerous barriers which stem from a variety of factors. Structural barriers include an overall lack of transparent rules, statutes or regulations which are not published or made available to importers, exclusionary business practices, and close government-business relations. Foreign firms must also overcome excessive government regulations, burdensome standard and certification requirements, and a multilayered, antiquated distribution system that is extraordinarily costly and difficult to enter. All these barriers work to limit the ability of foreign firms across a wide range of sectors to compete fairly in the Japanese marketplace.

Japan is by no means the only country that maintains barriers to trade. No country, including the United States, is absolutely pure, and most countries maintain or tolerate conditions, at least in some product sectors, which create the distortions I discussed earlier. While the Administration strongly supports free trade, and will continue to do so in the future, the conditions which allow dumping to occur still exist and will continue to exist in the foreseeable future. This Administration is committed to addressing dumping effectively when it is encountered, as well as to the aggressive opening of markets.

Ultimately opening markets will reduce the need for and use of the antidumping law. This phenomenon can already be observed in our trade with Canada. Although that country is our largest single trading partner, there are very few dumping cases involving Canadian goods. Not so coincidentally, Canada, also an active user of its antidumping law, has relatively few cases against U.S. exports. We expect to see the same result with Mexico in the near future.

However, the opening of markets in the long run is no solution for the manufacturer—or the manufacturer's workers—to the problems created by unfair imports today. If we remain passive and simply put our faith in the belief that someday the global market will be truly open, we will have lost significant portions of our industrial base in the meantime. Dumping can have deleterious effects in a very short period of time. Perhaps the semiconductor case presents the most striking example of how quickly an industry can be lost, or nearly so, to unfair trade practices and of the need to respond rapidly and effectively when such practices occur. The antidumping law, and no other U.S. trade law, provides such an effective and relatively rapid remedy, and it does so consistent with our international obligations.

The economy is changing rapidly, in large part because of increased globalization and rapid changes in technology, and with it comes ever increasing competition. If we allow ourselves to be the dumping ground for the world's excess production and unemployment, investment dollars will flow out of the United States, for investors are by no means limited to investing here. Money will flow to any country that offers the prospect of a high rate of return with low risk. If U.S. industries are willing to put capital at risk here at home to manufacture a product as efficiently and cost effectively as it can be produced anywhere in the world, they should not be denied the right to prosper because the trade laws are not properly enforced.

The argument that if lack of competition is the problem, then we should be using our competition laws to solve it

Much of what I have been talking about today, the conditions which may allow dumping to occur, involve a lack of competition in the exporter's market. There are those who argue that if the problem is lack of competition, then the solution should be found in the competition or antitrust laws and not the antidumping law.

The argument that we could rely exclusively on our antitrust laws is based on a fundamental misunderstanding of the scope of the problems addressed by the antidumping law. The Administration supports increased global standards in the area of competition law and believes that, with success in this effort, the need to invoke the antidumping law will be reduced. Competition laws can and do work effectively alongside the antidumping law, but are not a substitute for it. The need for vigorous enforcement of the U.S. antidumping law will continue for the foreseeable future.

The proponents of sole reliance on antitrust measures have a basic disagreement with us as to what is needed to promote and protect competition internationally and therefore of the purpose behind the two bodies of law. Both laws seek to protect and foster competition. The antidumping law, however, focuses on insuring that distortions in markets abroad do not restrict the ability of U.S. producers to compete in their own market. From the standpoint of some competition law advocates, if there seems to be a large number of competitors in the market, if prices are low, and if the consumer benefits—all is as it should be. Where the products are produced is irrelevant. However it would be a mistake to assume that low prices to consumers always reflect a genuine competitive market, and that this situation and low prices will continue. If the low prices are the result of dumping and the exporter succeeds in driving its U.S. competition out of business, prices could still rise, likely to higher levels than if there had never been dumping. Further, I would argue, that where goods are produced does matter. If U.S. producers leave markets because other countries have a comparative advantage and U.S. producers enter other markets where they have a competitive advantage, so be it. That, after all, is what free trade is about. However, if they are forced out of the market because they could not compete against dumped imports, from producers which enjoy no real comparative advantage, the country will be worse off, in my view.

Remember what dumping does—it distorts the market signals and thus the markets themselves. The low prices resulting from dumping may temporarily please consumers, but they send a signal that chills investment, with potential fatal consequences for the industry and long run harm to the consumer. In the case of semiconductors, for example, when manufacturers should have been investing in technology for future generations of DRAMS, they were leaving the market. Proponents of the application of competition law might say "yes plants are closing but the consumer is getting low prices." I believe this is a shortsighted view that does not reflect genuine free competition. Moreover, unemployed workers make very bad consumers.

Economic theory says that when everyone produces the goods for which they have a comparative advantage, and trade is free, the welfare of a nation is maximized. That is what we have done in the United States. We have created a free market among all the states and goods can move freely from state to state. Competition laws are necessary and work well to preserve the freedom of the U.S. market. It doesn't matter if a good is produced in New York or Arizona so long as there is sufficient competition to assure low prices.

We are working on expanding free markets globally, but it is highly questionable whether the competition laws of other countries will ever mirror our own in both substance and zeal of enforcement, and even more questionable how effective our own competition laws can be in addressing and resolving problems that arise outside the United States. At best, they work much too slowly to be of meaningful benefit to U.S. industries in urgent need of protection from unfairly traded imports. Thus, the day when, for example, the U.S. and Japanese markets are truly integrated is far off, if it ever arrives. Even in the case of the U.S. and Canadian markets there remain distortions, such as investment restrictions, differences in technical standards, and sectors of the economy are excluded not only from investment liberalization but also from liberalization of the trade rules—the so called "cultural" industries being perhaps the best example. This is not to say that as the U.S. and Canadian markets become more integrated there won't be a need for greater harmonization in competition laws, but it will be a while before they can be a substitute for the antidumping law.

I am hopeful that our goal of free trade and fully integrated markets will someday be achieved. When this occurs, either in North America or globally, then our critical manufacturing industries will no longer be forced to rely upon the antidumping law to have a fair chance to compete.

The argument that dumping margins will always be found due to either freight charges or tariffs

Some would argue that the antidumping law is inherently unfair because a manufacturer in some other country could sell the identical product for the identical price in the United States and the home market and still be found to be dumping. Dumping may be found in this instance because the law mandates a deduction of freight from both the U.S. and home market price and import duties from the U.S. price. Therefore, to the extent that there are import duties or the transportation cost to the United States is higher than the home market freight costs, there is dumping, and I would argue that this result is accurate.

Location is a comparative advantage. The steel manufacturer who is located next to the automobile manufacturer has a comparative advantage over the steel producer located a thousand miles away. In a competitive market, the price charged by the two producers should reflect differing transportation costs, and to the extent that a manufacturer can absorb the costs of transportation, this reflects market inefficiency. The foreign producer should sell at the factory gate at the same price for similar kinds of sales both to domestic and foreign customers. If it absorbs the freight to U.S. customers, it is engaging in price discrimination in order to gain market share abroad unfairly at the expense of its customers at home and of its U.S. competition. This also results in an inefficient allocation of resources.

A tariff is an "artificial" advantage. A major achievement in the Uruguay Round was lowering tariff levels worldwide. However, where they still exist the price should include the import duties.

What was achieved in Geneva

Let's turn to the latest round of global trade negotiations—the Uruguay Round. I'd like to explain what happened. In the area of antidumping, the United States faced stiff opposition from a host of countries whose goal was to weaken the U.S. antidumping law. Our goal in the negotiations was to ensure the effectiveness of U.S. law was preserved while at the same time hold over governments administering antidumping laws accountable to the same standards of transparency and due process that we apply under our system. Put another way, we had to take into account both the protection of our firms operating in the United States, and those operating abroad.

In attempting to achieve these goals we faced an uphill battle in early November of last year. The GATT Secretariat had produced a text—the so-called Dunkel Draft—which served as a basis for the final phase of the negotiations. This draft would have severely restricted effective antidumping enforcement. It would have allowed arbitration panels of the new World Trade Organization ("WTO") to second-guess national administering authorities, limited U.S. ability to counteract circumvention of antidumping orders, and made continuance of dumping orders after five years almost impossible, among other things.

I am happy to say that we achieved our goal, and the worst aspects of the Dunkel Draft were changed. Among the achievements were:

Dispute Settlement and Standard of Review: The dispute settlement system will be binding and efficient, allowing the United States to use it to ensure other countries follow the negotiated rules. The special standard of review for settling antidumping and countervailing duty disputes will ensure that well founded application of the U.S. trade laws will not be summarily overturned.

Sunset Reviews: While there will be reviews of antidumping and countervailing duty orders every five years to determine if they are still serving their purpose, these so called "sunset reviews" will not prohibit us from continuing duties if their removal would likely lead to renewed or continued dumping and injury. This is in stark contrast to the Dunkel Draft, which would have made continuance of duties beyond five years nearly impossible.

Anti-circumvention: Since 1988, the United States has had legislative authority to take action to prevent the circumvention of antidumping and countervailing duty orders through the establishment of screwdriver assembly operations in the United States or in third countries. The Dunkel Draft would have placed fatal restrictions on our ability to exercise this anti-circumvention authority. The final agreements totally eliminated these restrictions.

Initiation of Investigations: The Dunkel Draft would not have recognized the right of U.S. workers to file antidumping and countervailing petitions to protect their livelihoods from injurious dumping and subsidization. This right has been completely restored with this agreement.

Under the new agreement U.S. industry will continue to have a remedy against injuriously dumped imports. Given where we began at the beginning of November last year, this Administration did very well in protecting U.S. interests.

Antidumping law: selected issues

While the law allows very limited discretion in the administration of antidumping law, administration of the law is not conducted in a policy vacuum. While I am an ardent supporter of vigorous enforcement of the antidumping law, I recognize that other interests must be considered as well.

The need to pursue both the interests of American firms which use the law for protection and the interest of U.S. exporters worried about other nation's emulating our laws and using it against U.S. firms

As I said in my introduction, when I first became Under Secretary I heard both from those who said that the antidumping law had to be protected and from those who were concerned that antidumping laws were being unfairly applied against U.S. exporters. Not only do I have a dual role of promoting exports and administering the antidumping law, but the Administration accords the very highest priority to each. Put another way, we recognize both the need for protection which must be provided to domestic industries from dumped imports and the protection that must be provided to exporters from arbitrary administration of foreign antidumping laws. However, these two objectives are not in conflict and have been an overriding theme in all of our recent negotiations.

We cannot and should not stop countries from using their antidumping law to counteract injurious dumping. At the same time, the Administration supports the reasonable concerns of our exporters. In both the NAFTA and Uruguay Round agreements, we insisted that provisions be included to ensure transparency in the administration of the laws and that judicial review be provided. The Administration will continue to fight to see that U.S. exporters are treated in a fair and consistent manner, that they have a real opportunity to defend themselves, and that dumping margins are not calculated in a way which is not open to public scrutiny.

We will also continue to give these same benefits to foreign firms selling in the United States.

Furthermore, as a result of the Uruguay Round, we will have an increased opportunity to assist U.S. exporters. Specifically, we will closely review the antidumping and countervailing duty laws of other countries to ensure that they are in compliance with the Uruguay Round agreement. If we find that they are not, we will use the new dispute settlement system to elicit compliance. We will also more closely monitor subsidies provided by other countries. To the extent that U.S. exporters lose sales overseas to subsidized goods, action can now be taken in the World Trade Organization to provide a remedy to those exporters.

The need to address both the interest of U.S. industry and our interest in economies in transition

"Economies in Transition" are countries moving from one economic system to another. Many of these economies, such as Russia, Hungary, the Czech and Slovak Republics, are suffering from 50 years of central planning under Communist systems and the United States supports their efforts to become market-oriented. This transformation cannot happen overnight, and they have yet to fully achieve their goal. At present, most of the economies in transition are still considered non-market economies under the antidumping law.

The United States strongly believes that increased international trade is their best opportunity for development. Because we are the most open large economy in the world, however, there is a temptation on the part of many nations to think that we will be the dumping ground of last resort—much as we have been in the past. The Clinton administration will not allow this to happen. Just as the United States can no longer be the primary source of foreign aid, we also cannot absorb all of the world's excess production. We want to encourage trade with these countries but we cannot allow domestic industries to be injured by unfair pricing.

To this end, we will continue to work with the economies in transition so that they understand how the antidumping law works and how to avoid having unnecessary problems under it. As happened with Poland in 1993, moreover, as the economies of these countries develop, the Department of Commerce will change their designation from a non-market to a market economy.

However, the statute gives the Department limited discretion in the administration of the law. If a case is filed providing sufficient evidence that injurious dumping is occurring, the Department must initiate the investigation. Furthermore, the law specifies the methodology to be used in NME cases. The existence of antidumping investigations should not be interpreted as a policy decision to discourage trade with economies in transition, but a realization of our responsibility under the law not to become the dumping ground for the world's excess production.

Russia and the other "economies in transition" are going to need help in making the transition to market economy status, and they are going to have to make major adjustments themselves. In dealing with these complicated issues we will need to keep certain factors in mind:

First, the integration of economies in transition into the world economy is a challenge on the order of importance and difficulty as the challenge of reintegrating Japan, Germany, and many former colonies into the global economy after the second World War. It won't happen overnight, and it will require a herculean effort.

Second, the burden of adjustment must be spread. The effort must be multilateral and include both the economies in transition and the market economies.

Finally, we need policies that really are appropriate to "transition." This means having policies with enough flexibility to reward economies in transition which are taking tough adjustment measures, and the procedures to differentiate those nations from others which are not making those efforts.

Thus far the global framework for helping them is barely developed. We will need to think through the balance between macro adjustments and industry-by-industry adjustments. We will need to look again at barriers to market access that these countries face, barriers which could keep them out of world markets. We will have to think about sensible ways to work with our own industries as they feel the brunt of new production from economies in transition, and we must work closely with the European Union, Japan and other industrial market economies so that none of us is forced to accept disproportionately the twin burdens of increased imports and escalating foreign aid.

The People's Republic of China

The People's Republic of China ("China") is a special case in terms of the antidumping law. It is first a non-market economy ("NME"), which separates it from our other major trading partners. However, unlike other NME's, it is a major trading partner. In 1993, the U.S. trade deficit with China was $22.8 billion, or $4.5 billion more than in 1992. U.S. merchandise exports to China were $8.8 billion, up $1.3 billion or 17 percent, from 1992. U.S. imports from China totaled $31.5 billion in 1993, or 23 percent higher than those in 1992. However, along with this increase in imports dumping has become a significant problem. In *all* the 1980's, the Department of Commerce had 11 antidumping investigations against the PRC which resulted in dumping orders. We have already imposed 14 antidumping orders against Chinese products in the 1990's and 8 China investigations are currently ongoing.

Trade with China poses two particular problems. The first is that the pricing of their exports has little relationship to market prices, and second is that their markets are significantly closed to U.S. products.

Because the cost of production of goods in China, as in all NME's, is not governed by market driven prices, the import price charged to the Untied States also need not be driven by the normal market forces of supply and demand. When Chinese prices are compared to the cost of production using market determined factor prices, the dumping margins are often in excess of 50 percent. If China decides for whatever reason—either to earn hard currency or to maintain employment—to increase production in a given industry even if the excess will be dumped on the world market, the United States must have some recourse to assure that the price charged is a fair price.

Moreover, China significantly impedes foreign goods from its internal markets. This further shields Chinese producers from market forces. China uses prohibitively high tariffs—in combination with import restrictions and foreign exchange controls—to protect its domestic industry and restrict imports. The Chinese government maintains a system of licensing requirements which encompasses 53 large product categories of consumer goods, raw materials, and some production equipment. Covering approximately 50 percent of total imports by value, China's import licensing system acts as an effective import barrier.

These are systemic problems with the Chinese economy which will not be resolved by use of the antidumping law, and we will continue to use other tools to achieve a more global solution. The Administration is continuing to negotiate market access opportunities for U.S. exporters in the Chinese market. Furthermore, in the GATT accession process, the Administration has made clear that we will only support Chinese accession if it is on a sound commercial basis.

The antidumping law is not the long term solution to either of these problems. The antidumping law is, however, the only effective remedy available to U.S. industries which are today being injured by dumped Chinese goods.

The new multilateralism

Since the end of World War II the United States has been at the forefront of international economic cooperation. In the area of trade, these efforts occurred primarily through the GATT and have resulted in increased economic integration of the global economy. Several events over the last year will increase the level of global integration and expand multilateral trade cooperation. The two most important events are the completion of the Uruguay Round and the implementation of the NAFTA. These two events will help to protect exporters from arbitrary and capricious use of trade laws as protectionist tools, while at the same time respecting a country's sovereign rights to administer its laws.

World Trade Organization: As I've said, we worked hard during the Uruguay Round negotiations to maintain the effectiveness of the antidumping laws. One of the most important achievements under the new agreement was in the area of dispute settlement. The new World Trade Organization ("WTO") dispute settlement process will be much more effective than that of the old GATT system. Whereas in the past parties could interminably delay the resolution of disputes, dispute settlement procedures will now be subject to strict deadlines and the adoption of panel findings will be binding and all but automatic. Through binding dispute settlement, we can ensure that other countries are administering their trade laws in a manner consistent with their international obligations.

We, too, will adhere to our international obligations. But we are taking several steps to ensure that the new process is a success and does not infringe upon our sovereign rights.

During the negotiations, we foresaw the need for special rules for antidumping and countervailing duty cases. Some other governments wanted the WTO panels to be able to substitute their judgments for that of the Department of Commerce and the International Trade Commission. In order to avoid this problem, we insisted that a specific "standard of review" be followed in panels involving antidumping and countervailing duty orders.

The standard of review sets the rules by which a panel evaluates the challenged actions of a government in a particular dispute. In terms of considering questions of fact, a panel's job is to determine whether the establishment of facts was proper and the evaluation of those facts was unbiased and objective. If the findings of fact meets these criteria even if the panel might have reached a different conclusion, the panel cannot overturn a determination. For questions of law, the panel must determine if the interpretation of the agreement given by the national authority is a "permissible" interpretation of the relevant provisions of the agreement. In other words, even if there is more than one way to interpret the wording of the agreement, as long as the U.S. interpretation is an acceptable interpretation, the U.S. action or law will not be overturned. This is a critical concept, since the actual language of international agreements is often artfully crafted to allow parties with opposing views to accept it. Without the ability to "agree to disagree," negotiations might never be concluded.

The standard of review is designed to prevent the World Trade Organization panel from overturning a U.S. antidumping and countervailing duty decision unless our findings are clearly inconsistent with the GATT Code. Also, if other countries use their laws against our exporters in a biased manner or their laws are inconsistent with their obligations, we have a dispute settlement procedure with teeth to defend the interests of U.S. exporters.

The panel system was carefully crafted to provide a means to ensure compliance with the agreement on one hand while respecting a nation's sovereignty and right to implement its own national laws on the other. The United States want to be at forefront, working to ensure that the panel system is a success. In order to do this, we will be intensely reviewing the actions of WTO dispute settlement panels, and we will be vocal in our criticisms in cases where a panel decision is either not soundly reasoned or exceeds the scope of its authority. This criticism will not be an attempt to undermine the panel system but to ensure its longevity.

WTO panels will not become substitutes for domestic courts. As in the past, we will only implement panel decisions on a prospective basis. If a foreign government believes a U.S. action is contrary to our obligations, that government may seek relief through a panel. If a panel rules against the United States, we will either discontinue the practice or face economic retaliation. The proper forum for a private party to seek relief against an incorrectly calculated margin will remain the U.S. court system (or, for NAFTA members, a bi-national panel). In other words, the WTO panels will not be a replacement for the domestic judicial system.

Furthermore, we hope to minimize the need for panels at all. As much as we may support the system, we would rather not be litigants in it. In order to lessen the need for dispute settlement panels, we (and we hope all of our trading partners are doing the same) are drafting implementing language in such a way as to guarantee that our laws are consistent with the letter and the spirit of the GATT Uruguay Round agreement. The agreement is only as good as the implementing legislation both here and abroad. As vigilant as we will be with our own legislation, we will be reviewing other countries' laws for consistency with the agreement.

Since the end of the war, the United States has been at the forefront of liberalizing international trade. We have seen the increased international trade and economic wealth which have occurred with each subsequent GATT round. We are hopeful that the World Trade Organization, as the successor organization to the GATT, will be equally successful not only in the area of dispute settlement, but in the many other areas such as trade and the environment and worker's rights which it will be called upon to tackle in the coming years.

NAFTA: The North American Free Trade Agreement ("NAFTA") will also affect some disputes arising from antidumping actions. The bi-national panel system which existed in the Canadian Free Trade Agreement has been incorporated in NAFTA. Furthermore, the agreement requires the Mexican government to increase the level of transparency and provides access to judicial or bi-national panel review. NAFTA will also bring down trade barriers. As we have seen with Canada, as the economies become more integrated we expect the use of the antidumping law among NAFTA members will decline.

Multilateralism: Both the WTO and the NAFTA agreements point to the increasing importance of multilateralism in the area of trade law. The United States must become an active participant in this multilateral process. We will use the tools available to protect U.S. interests and ensure that the standard of review is respected so as to not undermine U.S. sovereignty. We will also seek additional resources to review the actions of other nations to ensure their conformity with the Agreements.

The importance of fair administration of the law

Just as American producers can expect vigorous enforcement of our laws, foreign exporters can expect fair and reasonable treatment in our investigations. Effective enforcement does not mean harassment. Relief from trade distortions can be obtained without creating new barriers through unduly complex or unreasonably demanding procedures.

In conducting antidumping investigations we will adhere to the following principles:

Openness and transparency will be a hallmark of our system. We will make every attempt to let people know our thinking before it is final, so that their views can be fully considered. Of course, while some may inevitably be disappointed with particular decisions, they will know how and why such decisions were reached.

In this terribly complex area, even when there is cooperation, simple mistakes and omissions can occur. In this situation we will not mechanically reject information and will apply reasoned judgement to the situation.

Simplification will be pursued wherever possible. Procedures should not provide an unnecessary burden to either domestic or foreign producers.

Respect will be given to all parties. The root causes of dumping may be various, and the exporter concerned may not be acting with the intent to injure anyone. While this is no reason to ignore dumping, neither does it justify regarding exporters as less than honorable persons.

The need not to place all the burden of trade policy on unfair trade laws

The antidumping law, and the trade laws in general, cannot bear all of the burden of supporting U.S. industry. As I have said, the antidumping law is one, but only one, element of sound environment for trade and investment.

In the trade area, for example, the Administration is aggressively pursuing market opening around the world. In Latin America, President Clinton began with the conclusion of NAFTA and is now embarked on an effort to extend free trade throughout the hemisphere. In Asia, the Administration brought together the heads-of-state of the nations in the Pacific Basin last November, and we continue to pursue freer trade in the region. In Japan, in particular, we have pressed for more open markets with considerable intensity. The United States took the lead in the Uruguay Round to conclude seven years of negotiations and we will not let up in our efforts to make the multilateral system more open and effective.

The Administration is making other efforts to create a climate in which U.S. firms can better compete in the world marketplace. In 1993, the President's leadership brought about major deficit reduction. This helped to create the lowest interest rates in 20 years. This year the President submitted a tough new budget, and the prospect is for three consecutive years of declining deficits for the first time since the Truman Administration. With low interest rates and reduced deficits freeing up resources for the private sector, business investment is growing at seven times the rate of the previous four years and leading the economy's expansion.

Along with cutting spending, the Administration has pushed to reorient spending toward productive public uses such as infrastructure, technology, and education. We are committed to the information superhighway, increased spending for research and development. We are committed to a comprehensive agenda of education and training, starting before kindergarten and extending into the workplace. This includes an expanded Head Start, higher performance standards for teachers and students known as Goals 2000, a new School-to-Work program to provide work-related training for students still in high school, the recently passed National Service Program to provide opportunities for community service and help send more Americans to college, and a new program for dislocated workers including retraining.

All of these efforts are intended to increase the competitiveness of the nation. They are already paying off.

Conclusion

Being in charge of the International Trade Administration, I believe I have one of the most interesting portfolios in the American government. One of our divisons—the U.S. and Foreign Commercial Service—is composed of over a thousand men and women whose job it is to promote American exports. Two divisions focus on the development of trade policy and the promotion of U.S. exports—one does it by industry, the other by geographical region. And then there is the Import Administration, which administers the antidumping and countervailing duty laws.

I am often asked whether I need to be schizophrenic to focus on both export promotion and import administration. My answer— a resounding "no." Everything I do is geared to promoting a more open trading system in which U.S. companies have the best shot at competing. Given a fair chance, I am convinced that U.S. firms are poised to increase their presence all over the world. Our economy is now strong, many of our firms have gone through painful restructuring, and our policies are moving in the right direction. The Japanese are still reeling from the 1980's, the Germans are mired in domestic problems, the big Emerging Markets—from China to Mexico, and from India to Brazil—are growing fast and becoming new frontiers for our products. I truly believe that the rest of the 1990's is America's moment. A strong and balanced approach to trade policy will help us seize it—for all our firms.

[NOTE.—This speech is one in a series on "America in A Changing World Economy." The others have dealt with Asia, Europe, Latin America, the Big Emerging Markets, the U.S. and India, the U.S. and Brazil, the National Export Strategy, Trade and Technology. Upcoming presentations will include "The United States and China," "The Future of American Trade Law: New Rules, New Institutions," and "Trade, Foreign Policy, and National Security." These are available from the Office of Public Affairs, International Trade Administration, Department of Commerce, tel (202) 482-3809, fax (202) 482-5819.

TRIBUTE TO RICHARD CORTEZ

Mr. KEMPTHORNE. Mr. President, I rise today to honor and pay tribute to Richard Cortez, a distinguished businessman from Boise, ID, who has been named Minority Business Advocate of 1994 for the Small Business Administration's northwest region.

I am pleased to join my voice with many others to recognize Rich's significant accomplishments and to honor all he's done to improve the economic opportunities for Hispanic youth throughout the Treasure Valley. He is a role model in the community and his focus has been on building character and the self-esteem of Hispanic youth.

Rich is dedicated to promoting economic development within the Hispanic community. This is accomplished through youth training, apprenticeships, and placement programs. Mr. Cortez employs five College Assistance Migrant Program [CAMP] students at Metalcraft, Inc., and over 50 percent of Metalcraft's work force is considered disadvantaged.

When the folks at West One Bank of Idaho nominated Rich Cortez for this prestigious award, they wrote: "In a world consumed by competition and the power of a dollar, it is refreshing to find an outstanding individual who is willing and driven to sacrifice time for those who will succeed him. Mr. Cortez is such an individual."

I echo those feelings, Mr. President. In addition to building a business from the ground up, Rich cofounded an organization for Hispanic Business Professionals. He is also a member of the Hispanic Chamber of Commerce, Treasure Valley Council on Hispanic Employment, and the Boise Area Chamber of Commerce. He is also an appointed board member of the Southwest Private Industry Council.

Rich Cortez is the son of migrant workers, who began his business career at the young age of 11 working in the fields alongside his father. He overcame poverty, stereotypes, and lack of a college education to become a successful businessman. Now, as the owner and president of Metalcraft, Inc. of Boise, he is giving back to the community by helping young minorities gain experience in a highly skilled field like precision metal crafting.

Rich Cortez is truly an asset to the community and is absolutely deserving of our recognition and appreciation.

IN TRIBUTE TO ROLAND DILLE

Mr. DURENBERGER. Mr. President, on June 30, 1994 the longest serving president in the history of Moorhead State University, Roland Dille, will retire after 26 years of unprecedented guidance and leadership to the academic community. His loss will not only be felt by those students who currently attend MSU, but by all of us who value his commitment to education.

Mr. President, to fully appreciate the challenges Roland Dille has faced during his presidency, we must first remember the tenor of the Nation when he assumed leadership at MSU. No American who lived through it can forget the year 1968, which brought a divided nation the assassinations of both Senator Robert Kennedy and Martin Luther King, Jr., the Tet Offensive, and mounting tensions on college campuses across the country, including Moorhead State.

As the symbol of authority, President Dille was not immune to rising hostility. Professors were advising students on draft dodging; William Kunstler spoke and urged the students to burn the campus down; the student newspaper bitterly opposed the Vietnam war; a student fired a gun on campus, intensifying racial tensions.

Dille, meanwhile, received death threats on the lives of his children and black paint was splattered on his car. He had to shut down the student newspaper. During a moratorium on campus following the Kent State shooting, he told State police—poised to stop an expected demonstration—to stay off campus. Mr. President, the first few years of his tenure probably would have been enough to drive the best of us into early retirement.

But from this tumultuous beginning, Roland Dille has been, and remains, a friend of the student. He is what I would term "a visionary" when assessing the overall educational needs of the university and the community. During his tenure, Moorhead State's enrollment has more than doubled, five new buildings have been added, the Livingston Lord Library has been expanded and improved, and land has been acquired for future expansion. Most importantly, opportunities for the mind have been nurtured and enhanced. When asked what he'd like to be remembered for, Dille said: "Getting students to accept and seriously support the liberal arts as an essential background for working, voting, living people. We're entering a period when the Nation is looking at our education system for answers. It wants a more rigorous education where students are made to challenge their potential. The understanding is that if we're going through life as half people, it's probably because we're half educated."

It is no secret that Roland Dille grew up in Dassel, MN, an experience that he has used in many of his speeches and writings. Dille has said that in Dassel, one can find a microcosm of the history of civilization. Indeed, the friends and relatives and neighbors he grew up with have provided a wealth of portraits used by this man of humanities.

Roland's work in behalf of the humanities have taken him across the country and around the globe. He completed a 6-year term on the National Council for the Humanities. He is past chairman of the American Association of State Colleges and Universities. In 1989, he was named 1 of 100 of the most effective college presidents in the United States. Because of who he is, and his dedication to the humanities, the Minnesota Humanities Commission established the Roland Dille Aware for Distinguished Service. And in his honor, Moorhead State University has named the Roland Dille Center for the Arts.

Mr. President, Roland Dille may be retiring next month, but his influence and the innumerable lives he has touched will continue to be felt.

I hope my colleagues will join me in wishing Roland Dille all the best by saying thank you for all he has given over the past 26 years to Moorhead State University, to Dassel, MN, and to all who value the illumination of the human spirit through education.

For the RECORD, Mr. President, I would like to insert a speech Roland Dille delivered to a joint meeting of the Minnesota House and Senate Committees on Education.

Mr. President, I yield the floor.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TO MINNESOTA EDUCATION COMMITTEE, 1994

What this farewell will have to do is to call to mind the long years of a fruitful alliance between the legislature and education.

It is worth recalling that fruitfulness in a time that is, more than most, conducive to skepticism about the capacity and will of education to serve the public weal.

To that, let me say in a career that began in 1949 when I went from the University of Minnesota to teach at Dassel High School, that I have worked more or less closely with a thousand teachers and that I would be hard-pressed to name a dozen who were not totally committed to furthering the learning of their students.

If it is important not to lose faith in teachers, it is even more important not to lose faith in young people. And that means accepting the endless complexities of human beings.

It is not surprising that in a time of real economic stress we turn to our universities to ask what they are doing to send people out into an economy that badly needs skills and intelligence.

But, unless with the collapse of Communism, America is to be the chief advocate for meanly defining human beings as counters in an economic system, we must ask of our colleges that they provide not just advanced training but education, an education that addresses the fullness of possibilities, that does not deny to its students intellectual, spiritual, and imaginative challenges and growth.

And let us not forget that there are very practical reasons for such emphasis. While reasoning skills are developed in courses in accounting, marketing and business administration, creative thinking, the stricter demands of logic, the habit of decision making, and the gathering and analysis of information are more likely to develop in several of the disciplines traditionally associated with the liberal arts. As will, indeed, the ability of communicate precisely and clearly, to understand a diverse society, to deal with the complexities of international transactions.

In short, even a college narrowly conceived as an instrument of economic development will fail in its purposes if it provides an education narrowly conceived. We may survive in the hands of technicians; we will not flourish.

However much we depend upon colleges to ensure our national prosperity, their further purpose is to ensure our national health. We are, I do not need to remind you, a democracy, and it is never out of place to refer to Thomas Jefferson, who saw, better than anyone else, what a democracy could be and who placed his hopes for the future in the existence of an educated citizenry. It is not too harsh to say that as a citizenry we seem to lack the capacity and clearly lack the will to confront our major problems. No one in Washington believes, I hope, that if we do not talk about our problems they will go away, but most of our leaders seem to believe that if we do not talk about them they will not affect the next election. Such talk as there is consists of the reiteration of tired formulas and ancient myths. And where is the citizenry, unangered and unconcerned, the half, or fewer, who are willing to participate in an election, ready to make their fateful decisions on the basis of slogans and soundbites?

Can education provide a countervailing force to the thoughtlessness and self indulgence of mass culture? Well, a college is, or should be, committed to a counter-culture, a minority culture, if you will, in opposition to mass culture, a mass culture not developed out of human experience and human hopes, as folk culture once developed, but artificially created to titillate, it sometimes seems, our meanest desires, and to assure the triumph, for it is sponsored, after all, by people selling things, of an over-riding materialism.

The culture of our colleges, in its history books, in its novels taught, in its political science classes, traces, indeed celebrates, the struggle to find order in chaos, the affirmation of human dignity, the sacrifices of heroes, the creation and change of institutions devoted to the public good. It celebrates the great ideas that have moved us, however slowly, forward, and the great works that have inspired us, moved us, given us serenity. It testifies to the good that follows the choice of reason over impulse, of the long view to the short view. It makes us skeptics and gives us faith. It helps us to recognize our common humanity even as it teaches us to take joy in our diversity. Perhaps it makes us, finally, by awakening in us a sense of possibilities, good citizens.

This is what a college can do. It is what teachers have done.

Education is to be valued because it redeems the young. Those who pass our laws, who establish our institutions and support and direct them, have a special responsibility to the young. That responsibility goes back beyond memory, beyond records. Not to accept that responsibility is to condemn the young to early death, to wasted lives, to bleak existence. No matter how hard we try, we can never assure that all young people can be all that they can be. But we can try.

Let me read a poem. It is by W. H. Auden, an English poet who lived long in America. It is entitled "The Unknown Citizen" (to JB/07/M/378 This Marble Monument Is Erected by the State).Unknown, because unnoticed. The Average Joe, if you will. The JB/07/M/378 suggest impersonality. He is only a number. Think of him as a productive contributor to economic development.

He was found by the Bureau of Statistics to be
One against whom there was no official complaint,
And all the reports on his conduct agree
That, in the modern sense of an old-fashioned word, he was a saint,
For in everything he did he served the Greater Community.
Except for the War till the day he retired
He worked in a factory and never got fired
But satisfied his employers, Fudge Motors, Inc.
Yet he wasn't a scab or odd in his views,
For his Union reports that he paid his dues,
(our report on his Union shows it was sound)
And our Social Psychology workers found
That he was popular with his mates and liked a drink
The Press are convinced that he bought a paper every day
And that his reactions to advertisements were normal in every way.
Policies taken out in his name prove that he was fully insured,
And his Health-card shows he was once in hospital but left it cured.
Both Producers Research and High-Grade Living declare
He was fully sensible to the advantages of the Installment plan
And had everything necessary to the Modern Man,
A phonograph, a radio, a car and a frigidaire.
Our researchers into Public Opinion are content
That he held the proper opinions for the time of year;
When there was peace, he was for peace, when there was war, he went.
He was married and added five children to the population.
Which our Eugenist says was the right number for a parent of his generation.
And our teachers report that he never interfered with their education.
Was he free? Was he happy? The question is absurd:
Had anything been wrong, we should certainly have heard.

Is the question absurd? Perhaps in the context of our society. Nothing seems to be wrong because this is a man who had neither expectations nor definitions of real freedom or true happiness. He lives a half life.

A college would be foolish to promise happiness, but it can teach a student to seek fulfillment. As for freedom, that is what a college is all about. To be free of unexamined and second-hand ideas, to have the capacity to make decisions, to be delivered from the tyranny of impulse, to have some power over one's future, to be able to shape a thought and to put it into words, to know who you are—in all of this reside freedom.

And how about fulfillment, so much more worthy a goal than success? To have a mind well-furnished with knowledge, and to have the discipline to reflect on that knowledge and the will to act on your conclusions; to know the pleasures of the imagination and the joys of the spirit—these are not the fruits of mass culture, with its mindless engagement with sex, its snickering embrace of violence, its enthronement of triviality. They are the fruits of study of broad reading, of the serious conversation of the classroom.

Poetry and glittering generalities, you will say. But every worthwhile generality glitters a bit. I would, however, insist that somewhere in all of this, truth lies. For human beings are creatures of infinite capacity, That capacity shrinks under the impact of a mass culture, and a society uncertain of its values and natural inclinations. That is surely unarguable. There are those who regard that shrunken capacity as no great loss. Those who care, who are troubled by the prospect of the young being lost in a twilight world of ignorance, have nothing to offer except education.

This legislature has always believed in education. I have deeply valued my opportunities to discuss education with you, in all those sessions, going back to 1967.

I leave you now, tearful, as you can see, with gratitude, and filled with hope.

And, of course, with a few more lines of poetry, the last lines of a poem by Tennyson, an old man's poem, and thus appropriate.

Tho' much is taken, much abides; and though
We are not now that strength which in old days
Moved earth and heaven, that which we are, we are;
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.

IRRESPONSIBLE CONGRESS? TAKE A LOOK AT THIS

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Wednesday, May 11 at the close of business, the Federal debt stood—down to the penny—at exactly $4,575,658,788,945.38. This debt, mind you, was run up by the Congress of the United States, because the big spenders in the U.S. Government cannot spend a dime that has not first been authorized and appropriated by Congress. The U.S. Constitution is quite specific about that.

And pay no attention to the nonsense from politicians that the Federal debt was run up by Ronald Reagan or George Bush. The Congress is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban Missile Crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

THE GIFTS BAN BILL

Mr. DORGAN. Mr. President, I rise to discuss why I voted for S. 1935, the gifts ban bill.

The debate on this bill was long and somewhat contentious. It is difficult for an institution of 100 people to put its own ethics under a microscope. However, it seems to me that we face the challenge of convincing a doubting public that the Senate is worthy of its respect and trust—no matter what the talk show hosts say.

I believe that the gifts ban bill rises to this challenge. Let me briefly discuss the essence of the bill that the Senate passed.

S. 1935 would ban virtually all gifts of any value to Senators and their staffers. This is an improvement even over the version that I supported in the Governmental Affairs Committee, which would have permitted gifts of less than $20 in value from non-lobbyists.

I supported this change because I think we are better off just deciding that there should be no gifts allowed. That's why I voted for the amendment by Senator BUMPERS, which would ban even these gifts of minimal value. With even small gifts banned, Senators and staffers would not have to worry about whether a gift is worth $19.95 or $20.05, and whether the gift can be accepted. We simply would look the gift horse—whether a lobbyist, a constituent, or a foreign dignitary—in the mouth and explain that Senate rules prohibit gifts.

There are some necessary exceptions. I still would be able to receive presents from my family and friends for my birthday, for instance. But this bill embodies the principle that Senators should not take advantage of their position to receive gifts. Members of the public note, understandably, that nobody offers them free opera tickets, baskets of fruit, box seats at football games, or free weekends at golf and tennis resorts. Senators should not be different from the public in this respect.

I am not certain that this gift ban will reduce the public's cynicism toward Congress very much. I sometimes think that the public never will approve of Congress as an institution. But I know that we must try to improve our ethical standards. The gifts ban bill is a step forward, and I am pleased to have voted for it.

COMMITTEE SUBSTITUTE TO S. 2087, EXTENSION OF THE DEADLINE FOR APPLICATION OF NUTRITION AND NUTRIENT CONTENT LABELING REQUIREMENTS TO FOOD PRODUCTS

Mr. HATCH. Mr. President, I rise in support of the committee substitute, and I want to take this opportunity to express my wholehearted support for the fine efforts of our colleague, Senator BUMPERS, to bring a measure of rationality to Food and Drug Administration regulation under the Nutrition Labeling and Education Act.

There is no disagreement in this body that the new food labels mandated by the NLEA should be applied. However, the May 8 deadline for the new labeling has caused an extraordinary hardship for many manufacturers and distributors, and it is entirely appropriate that the Congress rectify that problem tonight.

This problem with the NLEA was first brought to my attention by officials of Continental Baking Co. in Utah, including Mr. Darrell Ogden, the plant manager. Continental Baking estimates that they have $2 million in old-stock labels, including almost $100,000 worth of stock in Utah.

As Mr. Ogden told me, circumstances beyond the control of many manufacturers and packagers have caused them to have substantial leftover stocks of old format packaging. The winter weather, which caused slower-than-expected delays in sales, combined with printing delays in many areas, have contributed to this problem.

It does not make any sense for that packaging to be discarded. This is not an attempt on anyone's part to skirt the law, but rather a recognition that it is ridiculous for substantial stocks of old packaging to be discarded simply because of any arbitrary deadline.

The committee substitute grants a 3-month extension of the deadline so that manufacturers and distributors will have the opportunity to use up this old stock. I think it is important we grant this extension, although I do wish it could be for a longer period of time.

It has been extremely disappointing to me that the Food and Drug Administration could not handle this technical detail administratively. Yet again, they have shown their intransigence on an issue which I believe could have been rectified relatively easily. I am very pleased that the Congress is taking this necessary action tonight, and again, I thank our colleague, Senator BUMPERS, for his tireless efforts on behalf of American business.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, I rise once again in my continuing effort to put faces on the health care crisis in our country. Today, I want to share the story of Darwin and Helen House from Greenville, MI. Mr. and Mrs. House are early retirees who are not yet eligible for Medicare and are currently facing a 250-percent increase in their health insurance premiums.

Darwin, age 63, and Helen, 58, both worked for the Frigidare Co. for many years. Darwin retired in January 1991 after working 40 years with the company's service department. Helen retired 2 years later, in April 1993, after 20 years as a clerk in the Accounting Department. Upon retirement, both Mr. and Mrs. House were younger than 65 years old and consequently they were not yet eligible for Medicare health benefits. Therefore, they kept their employer-based private health insurance policy after their retirement.

Under their retiree insurance policy, the Houses pay half of the total cost of the monthly premium and their former employer pays the other half of the premium cost. Their policy covers 80 percent of their health care costs after a yearly deductible of $150 per person. In 1993, the Houses' premium share was $96 per month, or one-half of the full premium of $192 per month.

In January 1994, the Houses received a letter from their former employer stating:

> As expected, health care costs have continued to increase dramatically. Effective January 1, 1994 the premium for your medical coverage was increased to $481.01 per month of which you are responsible for 50 percent or $240.50.

This represents a 250-percent increase over the previous year's premium cost. The Houses were given no advance notice of this increase—the change was effective immediately.

The Houses live on a fixed income of $2,000 per month from pension benefits. The health insurance premium cost absorbs 75 percent of Helen's pension check each month. There is no guarantee that next year the premiums will not increase again. In fact, the company put a disclaimer at the bottom of the most recent premium increase notice, giving it the right to terminate, suspend, amend, or modify the group health benefits at any time. The Houses have no guarantee that their benefits will not be taken away.

The Houses cannot afford to be without health insurance at a time in their lives when they may need it the most. Fortunately, both Darwin and Helen are relatively healthy. Darwin must take medication to control his cholesterol levels and Helen requires ulcer medication to treat a stomach problem. Their policy covers 80 percent of the $180 total cost per month for the two prescriptions.

Mr. President, it is important that early retirees, like Helen and Darwin House, have access to affordable health insurance that can never be taken away. The President's health reform plan contains provisions that guarantee that all early retirees would have affordable health care coverage. It would also end the outrageous increases in premiums that threaten early retirees living on fixed incomes. I will continue to work with the administration and my fellow members of Congress to make sure that comprehensive health care reform that includes relief for early retirees is enacted this year.

BOSNIA

Mr. DORGAN. Mr. President, I rise today to support the proposal offered by Senator MITCHELL regarding the crisis in Bosnia.

As we all know, the war in Bosnia has become our most perplexing foreign policy challenge. What we first saw as a civil war, we now clearly see as essentially international aggression by one independent nation against another. This aggression has claimed tens of thousands of lives and has displaced more than 2 million people.

It became clear to me over a year ago that the United States must allow Bosnia to defend itself against this aggression. And I have several times urged the administration to work to lift the embargo. I believed then and I believe now that the United Nations must abandon its pretense of neutrality between the two sides in this conflict. One nation is the aggressor; another nation is on the defensive. One side is killing the other. Our moral duty to lift the embargo is clear.

The question then becomes, how best to lift the embargo?

When Senator DOLE began this debate several weeks ago, by offering his Bosnia proposal as an amendment to an unrelated bill, I cosponsored that amendment. I thought it was vital that the Senate debate whether to lift the arms embargo, and I was willing to support the Dole proposal in order to achieve that goal.

After several weeks of discussion among Senators, we now are choosing between Senator DOLE's approach and the alternative offered by Senator MITCHELL. In its final form, Senator MITCHELL's alternative more closely matches my own views on the Bosnia crisis.

Both amendments would force the international community to revisit the embargo issue. If possible, we should work with our allies to lift the embargo through the United Nations. Senator MITCHELL's proposal would require President Clinton to seek our allies' support for a resolution we would introduce at the United Nations to lift the embargo. If the United Nations does not approve that resolution, the Mitchell proposal would require President Clinton to consult with the Congress on lifting the embargo unilaterally.

This multilateral process is preferable to requiring President Clinton to violate the U.N. arms embargo that President Bush worked to impose. I say this for very practical reasons. We need only look to Haiti to know the importance of an effective embargo. The Senate does not need to be reminded that we cannot ask other countries to observe an embargo against Iraq when we violate an embargo against Bosnia.

I would also say that I prefer Senator MITCHELL's approach because it provides for supplying arms to Bosnia. We must not only lift the embargo, but also quickly provide Bosnia with the weapons it needs for self-defense.

Senator MITCHELL's amendment would also specifically authorize the air strikes that are necessary to defend the "safe areas" declared by the United Nations. We have seen that these areas are only truly safe when the international community threatens to bomb attacking Serb forces. Congress should specifically approve these air strikes so that no one will doubt our resolve to safeguard the Bosnian population. Senator DOLE's amendment is confined to the embargo issue.

Lastly, the Mitchell proposal would prohibit the use of American ground troops in Bosnia. I have opposed the use of American ground troops since the beginning of this conflict. So it will come as no surprise that I view this provision as long overdue. Senator DOLE's amendment is silent on this point, so the Mitchell proposal better fits my views.

To sum up, Senator DOLE's amendment has served the purpose of bringing the embargo issue before the Senate. But Senator MITCHELL's current proposal, on balance, states more accurately and completely the kind of Bosnia policy I think we need.

I would close by urging the administration to heed the strong Senate support for lifting the embargo so that the people of Bosnia can defend themselves.

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 842, William Crowe, Jr., to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of William J. Crowe, Jr., to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

Mr. WARNER. Mr. President, it is really a privilege for me to be here on behalf of not only this distinguished gentleman but also his lovely wife. We are sending a team together to take on this most important of our diplomatic posts, and I was thinking coming down the hall, Mr. President, how the Department of State will score this. Is this a political appointee, or career?

I opt to say it is a career appointment; Admiral and Mrs. Crowe have given the better part of their lives to the United States as careerists in public service, and this is but another chapter of a long, very distinguished pair of careers.

The Admiral and his first lady have been selected by not one, not two, but many Presidents, Democrat and Republican, to take on important assignments. I first knew them when I was privileged to serve in the Department of the Navy, 1969–1974. The Admiral has often said that he very wisely steered his ship, his course, around me so as to make certain that he stayed on a steady course, but nevertheless he succeeded was recognized, went to the very top—Chairman of the Joint Chiefs of Staff.

I have just left a room with Gen. Colin Powell, who incidentally sends his very warmest regards to you, but I think it is important that you think of this as a team effort. I hope Great Britain recognizes that we have selected from many the two that we think are the very, very finest.

Admiral Crowe will bring with him an understanding not only of diplomacy—a number of his assignments in the Navy were involved with diplomacy—but he will bring an understanding of the strategic military situation worldwide. I could think of no better adviser for our President to have in Great Britain today.

So, it is an honor for me to join Senator NICKLES in recommending to the Senate Admiral Crowe.

I have but one concluding remark. We are here today simply because of a famous battle that took place in Virginia, the Admiral's State, for it was at Yorktown the British were defeated.

At the Battle of Yorktown, the French Navy, the dominant naval force, linked with the U.S. Navy to blockade relief to the British.

That defeat enabled this country to come into being, and my research thus far indicates this is the first time the United States ever sent an admiral of the U.S. Navy to be Ambassador to the Court of St. James.

Mr. NICKLES. Mr. President, I am delighted to join my colleague, Senator WARNER, in addition to Senator BOREN and others, in expressing my strong appreciation to Admiral Crowe for his service to our country. We have also had the pleasure of getting to know his wife, Shirley, over the last several years, and they are an outstanding team, as Senator WARNER alluded to.

I think the President could not have done better. He has made an outstanding recommendation, one that I am more than confident will be readily confirmed by the Senate, and there is no need to tell this committee of the importance of the United States Ambassador to Great Britain.

The next Ambassador to Great Britain must be a person possessing the command of foreign policy and the impact that policy toward one nation or region has on other nations. Admiral Crowe clearly has a sound understanding of foreign relations.

He is the current chairman of the Washington Institute of Foreign Affairs and serves as a counselor on the Center for Strategic and International Studies. He is on the advisory board of the Eisenhower World Institute, and, foremost in my opinion, he is professor of geopolitics at the University of Oklahoma.

In addition to his roles of chairman, adviser, counselor, professor to foreign policy think tanks, Admiral Crowe also has published numerous articles on foreign and military policy.

Admiral Crowe has a very distinguished 47-year naval career. Among the many rewards he has received during these years of service are the Legion of Merit and the Distinguished Service Medal. While in the service, Admiral Crowe has served as Commander-in-Chief of U.S. Forces in the Pacific, Commander-in-Chief of the U.S. Naval Forces in Europe, and Commander-in-Chief in Southern Europe, NATO Command. He finished his very distinguished career in the Navy by serving 4 years as Chairman of the Joint Chiefs of Staff.

Admiral Crowe has attended some of the Nation's finest institutions of higher learning. He attended the University of Oklahoma for 2 years before graduating from the Naval Academy, where he was president of his class. He also has advanced degrees from Stanford and Princeton.

In addition to his distinguished military career and active participation in foreign policy think tanks, and achieving a high level of education, Admiral Crowe is very active in a number of civil organizations that round out his life of service to his country and community.

I believe the nomination of Admiral Crowe, a man with extensive military and foreign policy experience, is an excellent selection. I also believe that the respect and regard that Admiral Crowe enjoys beyond our borders will certainly enhance our relations abroad, and I think it is desperately needed.

So I am delighted that the President has made this recommendation. I am delighted that Admiral Crowe and his wife, Shirley, are willing to take this very prestigious ambassadorship, and I think it is going to be of real benefit to this country; and his experience is needed, and we look forward to him serving in this capacity.

Mr. MCCAIN. Mr. President, I feel it necessary to bring to the Senate's attention my concern regarding the nomination of retired Navy Adm. William J. Crowe, Jr., to be the U.S. Ambassador to the Court of St. James.

In no way do I intend to demean the exemplary Navy career of Admiral Crowe, spanning more than 40 years in service to his Nation. He demonstrated firm leadership of our military forces as Chairman of the Joint Chiefs of Staff during the tense years preceding the fall of the Berlin Wall, and he led the Pentagon in the difficult reorganization mandated under the Goldwater-Nichols Act.

Rather, my concern with Admiral Crowe's nomination to this very important position stems from his statements and judgments in the years following his retirement from the Navy. It seems that his views and attitudes changed significantly when he became a private citizen.

Specifically, I am concerned about Admiral Crowe's statements in opposition to military intervention in the Persian Gulf in the early days of Operation Desert Shield. In a hearing before the Senate Armed Services Committee in November 1990, Admiral Crowe repeatedly urged that the world community rely on economic sanctions against Iraq for a lengthy period of time to compel Iraq's withdrawal from Kuwait. His judgment was at odds with the judgment of senior U.S. military personnel and policymakers at that time.

At the time of the hearing, the United States was well along in the process of deploying several hundred thousand military personnel to the Persian Gulf area. Certainly, Admiral Crowe should have realized, as a former military commander, the impact of his dissenting comments on the morale of the troops who were preparing to go into harm's way to defend their Nation's interests in the Middle East. Fortunately, the forces of the multinational coalition were well-led and well-prepared when the air war of Operation Desert Storm began less than 2 months after that hearing. Our forces were successful, with a minimal loss of American and allied lives, in quickly forcing Saddam Hussein to leave Kuwait. The judgments of wiser heads prevailed in achieving the swift liberation of Kuwait from Iraqi occupation.

On another matter, Admiral Crowe has consistently stated his strong personal belief that Soviet Marshal Sergei Akhromeyev was not involved in the 1991 attempt to depose then-Soviet President Mikhail Gorbachev. Marshal Akhromeyev committed suicide after the coup attempt failed, an act which some attribute to remorse over his participation in plotting and implementing the coup attempt. I recognize that these two men had developed a personal friendship as a result of their professional affiliation over a number of years, and I understand Admiral Crowe's sadness at the death of his friend. However, I fear that Admiral Crowe has let his personal views of Marshal Akhromeyev color his professional judgment on this matter.

Finally, Admiral Crowe seems undisturbed about the deep cuts in the defense budget proposed by President Clinton. I and others have stated many times the belief that the defense budget is being cut too deep and too fast. I fear that the United States could soon find itself with "hollow" military forces when faced with a crisis somewhere on the globe. Admiral Crowe served as a senior military officer during the decade of the 1970's, when America's military forces were neglected and not ready to defend our national interests. He then served in a pivotal role as the United States expended billions of dollars during the early 1980's to regain our military posture. That experience should make it clear to Admiral Crowe that the Clinton administration is driving the military back to the decade of the 1970's in terms of military capability and readiness.

Mr. President, I urge my colleagues to consider carefully their vote on Admiral Crowe's nomination.

Mr. BAUCUS. Mr. President, I further ask unanimous consent that the Senate consider the following nominations:

Calendar 888. Fred W. Garcia, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy;

Calendar 889. Marca Bristo, to be a member of the National Council on Disability;

Calendar 890. Kate Pew Wolters, to be a member of the National Council on Disability;

Calendar 891. Leo J. O'Donovan, to be a member of the National Council on the Arts;

Calendar 892. Patricia Ann Brown, to be a member of the National Council on the Arts;

Calendar 893. Ira Ronald Feldman, to be a member of the National Council on the Arts;

Calendar 894. Barbara Wallace Grossman, to be a member of the National Council on the Arts.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Fred W. Garcia, of Colorado, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

NATIONAL COUNCIL ON DISABILITY

Marca Bristo of Illinois, to be a member of the National Council on Disability for a term expiring September 17, 1995.

Kate Pew Wolters, of Michigan, to be a member of the National Council on Disability for a term expiring September 17, 1995.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Leo J. O'Donovan, of the District of Columbia, to be a member of the National Council on the Arts for a term expiring September 3, 1998.

Patricia Ann Brown, of New York, to be a member of the National Council on the Arts for a term expiring September 3, 1996.

Ira Ronald Feldman, of New York, to be a member of the National Council on the Arts for a term expiring September 3, 1998.

Barbara Wallace Grossman, of Massachusetts, to be a member of the National Council on the Arts for a term expiring September 3, 1998.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees and a treaty.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 168. Joint Resolution designating May 11, 1994, as "Vietnam Human Rights Day."

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 302. Joint Resolution designating 1994 as the "Year of the Girl Child."

At 6:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2000) to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start and the Community Services Block Grant Act, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3841) to amend the Bank Holding Company Act of 1956, the revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Banking, Finance and Urban Affairs, for consideration of the House bill, and the Senate amendment, and modification committed to conference: Mr. GONZALEZ, Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. VENTO, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. KENNEDY, Mr. LEACH, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. BEREUTER, and Mr. RIDGE.

As additional conferees from the Committee on Agriculture, for consideration of section 109 of the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. STENHOLM, Mr. VOLKMER, Mr. PENNY, Mr. JOHNSON of South Dakota, Mr. ROBERTS, Mr. COMBEST, Mr. ALLARD.

As additional conferees from the Committee on Foreign Affairs, for consideration of section 402 of the Senate amendment, and modifications committed to conference: Mr. HAMILTON, Mr. GEJDENSON, and Mr. GILMAN.

As additional conferees from the Committee on the Judiciary, for consideration of sections 101–103 of the House bill, and title II and sections 102–103 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. HUGHES, Mr. GLICKMAN, Mr. BOUCHER, Mr. BRYANT, Mr. FISH, Mr. CANADY, and Mr. GOODLATTE.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 7:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following bills and joint resolution:

H.R. 1134. An Act to provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

H.R. 2868. An Act to designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the "John Minor Wisdom United States Court of Appeals Building," and for other purposes.

H.J. Res. 303. Joint Resolution to designate June 6, 1994, as "D-Day National Remembrance Day."

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 302. Joint Resolution designating 1994 as the "Year of the Girl Child"; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 12, 1994, she had presented to the President of the United States, the following enrolled bill:

S. 341. An Act to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-457. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Banking, Housing, and Urban Affairs.

"LEGISLATIVE RESOLVE NO. 24

"Whereas 50 U.S.C.S. Appx. 2406(d) (sec. 7(d), Export Administration Act of 1979) prohibits, with tightly restrictive exceptions, the export of domestically produced crude oil transported by pipeline over the right-of-way granted by 43 U.S.C. 1652 (sec. 203 of the Trans-Alaska Pipeline Authorization Act); and

"Whereas the limitation on export of Alaska North Slope crude oil effectively limits its sale to the domestic American market; and

"Whereas the higher transportation cost associated with shipping Alaska North Slope crude oil through the Panama Canal to the Gulf Coast states reduces the wellhead price of the oil; and

"Whereas lower wellhead prices raise the economic threshold for exploring for and producing all North Slope oil and, as a result, production from certain existing and newly discovered oil fields is currently uneconomic; and

"Whereas the export ban singles out Alaska to pay its costs, penalizing the state and the North Slope producers, which pay 85 percent of the taxes collected by the state; and

"Whereas the current export ban reduces the value of crude oil production in the state by an estimated $1,000,000,000 per year, or about $1.10 per barrel; and

"Whereas Alaska North Slope crude oil required to be transported and delivered for sale in the domestic market incurs approximately $2.70 per barrel in higher transportation charges than if the oil could be exported in international tankers to Pacific Rim countries; and

"Whereas domestic exploration and development of newly discovered oil reserves will enhance the nation's energy and economic security; and

"Whereas the foreign export of Alaska North Slope crude oil will provide an incentive for further domestic oil exploration and development; and

"Whereas new discoveries and production resulting from increased domestic exploration will facilitate the development of infrastructure and production facilities needed to produce currently uneconomic Alaska North Slope reserves and, thus, lower the average development costs of all Alaska North Slope production; and

"Whereas exporting oil to Pacific Rim nations will decrease the substantial trade deficit with nations that have expressed a strong interest in purchasing Alaska produced oil, as evidenced by the sale under a United States Department of Commerce export license of Alaska Cook Inlet oil to a Taiwanese company; and

"Whereas Canada, Mexico, and Venezuela, among other neighboring countries in this hemisphere, may provide stable, secure exports of crude oil to the United States at more competitive prices than Alaska North Slope crude oil because of the transportation savings; and

"Whereas the additional cost of shipping Alaska North Slope crude oil to the Gulf Coast and eastern states imposes an unnecessary burden on those states, reduces federal and state tax revenue, reduces state royalties, and discourages exploration and development of North Slope reserves; and

"Whereas U.S. Secretary of Energy Hazel O'Leary is reviewing the pros and cons of lifting the ban on the export of Alaska North Slope oil as part of her Domestic Energy Initiative; and

"Whereas during his term as president, President George Bush had lifted the ban on the export of oil produced in the State of California; and

"Whereas the amended Export Administration Act authorizes the President of the United States to recommend, and the Congress to approve by adoption of a joint resolution, export of Alaska North Slope crude oil;

"*Be it resolved*, That the Alaska State Legislature opposes the continuing ban on export of Alaska North Slope crude oil because the ban results in inefficiencies and economic waste and because it reduces the overall level of national economic activity; and be it

"*Further resolved*, That the Alaska State Legislature endorses HR 543, legislation removing the restraints on the export of Alaska North Slope crude oil; and be it

"*Further resolved*, That the Alaska Congressional delegation and the Governor are urged to continue using their best efforts to obtain passage of HR 543 or comparable legislation permitting the export of Alaska North

Slope crude oil, regardless of the oil's point of production within the state; and be it

"*Further resolved*, That the Alaska State Legislature respectfully requests the President of the United States to exercise power given him under the amended Export Administration Act to recommend approval of the export of that oil.

"Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable George Mitchell, Majority Leader of the U.S. Senate; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-458. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on the Budget.

"SENATE JOINT MEMORIAL 8027

"Whereas, numerous challenges face the nation as the labor force and opportunities in the workplace change. Among states, differing circumstances reflect changing economic bases, unique demographic trends, and limitations on resources availability. States must have the flexibility and authority to design and implement economic development programs that address state-specific situations. Employment security must figure prominently in these efforts; and

"Whereas, changes in the current system of financing the operational costs of the employment security system are necessary to provide an effective national employment security system that will be able to address the ongoing challenge to remain competitive. Employment security agencies and personnel must not only provide economic assistance to those who find themselves unemployed through no fault of their own, but also have the financial and human resources to put these unemployed Americans back to work; and

"Whereas, under the framework of the system outlined in the Federal Unemployment Tax Act (FUTA), state revenues finance unemployment benefits while the federal government collects a payroll tax, levied upon employers, which provides funds dedicated solely to the administration of both the federal and the state systems. The amount now being collected is more than adequate to fund the various state systems, but the amount returned to the states has been shrinking because these funds are included in the federal unified budget and therefore are subject to the domestic discretionary spending caps as required by the Balanced Budget and Emergency Deficit Control Act of 1985; and

"Whereas, for the past eight years, state employment security administrators have watched the decline in funding for employment security services that resulted from federal budget deficit considerations while balances in the Unemployment Trust Fund's Employment Security Administration Account grew by leaps and bounds, only serving to mask the size of the federal deficit; and

"Whereas, in the last five years the average yearly balance of the Employment Security Administration Account was $1.68 billion, in 1993 the projected balance is $1.93 billion, and in 1994 the projection is for $1.96 billion; and

"Whereas, in the recent recession, state employment security agencies could have moved more quickly to put unemployed Americans back to work if the agencies were being adequately funded from the Employment Security Administration Account;

"*Now, therefore*, Your Memorialists respectfully pray that Congress:

"(1) Remove the dedicated FUTA trust fund money from the federal unified budget;

"(2) Exclude from the calculation of the federal budget deficit balances in the Unemployment Trust Fund financed from dedicated revenues;

"(3) Make decisions about spending for extended unemployment benefits and administration of employment and unemployment programs on their merits and not federal budget deficit reduction rules; and

"(4) Provide states with the flexibility to meet the needs of unemployed Americans, particularly through better coordination between the various employment and training programs and by having the ability to respond early to situations that may be unique to their state. "*Be it resolved*, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the United States Department of Labor, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-459. A concurrent resolution adopted by the Legislature of the State of Mississippi; to the Committee on Commerce, Science, and Transportation.

"HOUSE CONCURRENT RESOLUTION NO. 174

"Whereas, Southwest Mississippi has been the sight of numerous tornados since installation of the Doppler Radar; and

"Whereas, tornados have touched down in Southwest Mississippi on April 20, 1992, November 16, 1993, December 4, 1993, February 10, 1994, and March 9 1994, all without advanced warnings from the National Weather Bureau; and

"Whereas, the citizens of Southwest Mississippi are all deeply concerned about the constant threat of tornados; and

"Whereas, the new Doppler Radar is considered to be the state of the art equipment and is capable of identifying most tornados before the tornados have touched the earth; and

"Whereas, the current coverage afforded by Doppler Radar in Southwest Mississippi is not completely effective perhaps because of the geography of the area; and

"Whereas, additional radars and equipment, along with increased technical training of weather service personnel, may provide the answer for the giving of sufficient notice to citizens of Southwest Mississippi of approaching storms and serious weather conditions:

"*Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein*,

"That we urge Congress to take speedy and appropriate action to install additional Doppler Radar equipment specially suited for use in Southwest Mississippi and to educate the members of the National Weather Bureau in the proper techniques for its use.

"*Be it further resolved*, That copies of this resolution be furnished to the National Weather Bureau, the Speaker of the United States House of Representatives, the President of the United States Senate and members of the Mississippi Congressional Delegation."

POM-460. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Commerce, Science, and Transportation.

"ASSEMBLY RESOLUTION NO. 32

"Whereas, it is the duty of government in a democratic society to implement policies which facilitate a participation in the electoral process by the greatest possible number of voters; and

"Whereas, the general election in New Jersey and elsewhere is held annually on the first Tuesday after the first Monday in November; and

"Whereas, pursuant to federal law, daylight saving time currently ends on the last Sunday of October in each year; and

"Whereas, this practice means that darkness falls one hour earlier on election day than would otherwise be the case; and

"Whereas, extending daylight saving time through election day would have the beneficial effect of providing voters with an additional hour of daylight in the evening during which to go to the polls; and

"Whereas, this additional hour of daylight would reassure voters who may be concerned about their safety or are otherwise reluctant to leave their homes after dark; and

"Whereas, this change would most likely increase the number of voters who cast ballots on election day; now, therefore.

"*Be it resolved by the General Assembly of the State of New Jersey*,

"1. The Congress and President of the United States are respectfully memorialized to amend the federal "Uniform Time Act of 1966," 15 *U.S.C.* 260 et seq., to provide for the extension of daylight saving time until after the annual general election day.

"2. Copies of this resolution, signed by Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted by to the President and Vice President of the United States, the Speaker of the House of Representatives and every member of Congress elected from this State.

"This resolution urges Congress and the President to amend federal law to extend daylight saving time until after the annual general election day. This change would provide voters with an additional hour of daylight in the evening during which to go to the polls and would most likely result in increased voter turnout on election day."

POM-461. A resolution adopted by the Council of the City of New London, Connecticut relative to commercial whale harvesting; to the Committee on Commerce, Science, and Transportation.

POM-462. a joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

"LEGISLATIVE RESOLVE NO. 28

"Whereas the Magnuson Fishery Conservation and Management Act established a fishery conservation zone, now known as the exclusive economic zone (EEZ), out to 200 miles off the coast of Alaska and the other coastal states to protect, conserve, and manage the extensive fishery resources of the continental shelf; and

"Whereas the Magnuson Fishery Conservation and Management Act has fostered rational management of formerly unregulated fisheries off Alaska; and

"Whereas the Magnuson Fishery Conservation and Management Act has successfully promoted the development of an American fishing industry within the EEZ off Alaska; and

"Whereas the Magnuson Fishery Conservation and Management Act has eliminated foreign fishing within the EEZ off Alaska; and

"Whereas the Magnuson Fishery Conservation and Management Act established the North Pacific Fishery Management Council as the fishery management council for the EEZ fisheries off Alaska; and

"Whereas the Magnuson Fishery Conservation and Management Act since its enactment in 1976 has provided that a majority of the membership of the North Pacific Fishery Management Council be from Alaska; and

"Whereas it is reasonable and just that a majority of the membership of the fishery management council responsible for the EEZ fisheries off Alaska be Alaskans;

"*Be it resolved*, That the Alaska State Legislature supports the reauthorization of the Magnuson Fishery Conservation and Management Act and respectfully requests the Congress to act expeditiously in reauthorizing the Act; and be it

"*Further Resolved*, That the Alaska State Legislature respectfully requests that the current geographic composition of the North Pacific Fishery management Council be retained.

"Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Ron Brown , Secretary of the U.S. Department of Commerce; the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable Gerry E. Studds, Chair, Committee on Merchant Marine and Fisheries of the U.S. House of Representatives; the Honorable Thomas J. Manton, Chair, Fisheries Management Subcommittee of the Committee on Merchant Marine and Fisheries of the U.S. House of Representatives; the Honorable Ernest F. Hollings, Chair, Committee on Commerce, Science, and Transportation of the U.S. Senate; the Honorable John C. Danforth, Ranking Minority Member, Committee on Commerce, Science, and Transportation of the U.S. Senate; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-463. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources.

"SENATE JOINT MEMORIAL NO. 116

"Whereas, the Legislature finds that all waters of the state are declared to be the property of the state of Idaho, Section 42-101, Idaho Code; and

"Whereas, the United States Congress also intends to follow the well-established precedent in national legislation of recognizing local and state water laws relative to the appropriation and distribution of water; and

"Whereas, in the western states, the Supreme Court of the United States had recognized that ". . . the water above and beneath the surface of the ground belongs to the public, and the right to the use thereof is to be acquired from the State in which it is found, which State is vested with the primary control thereof." (California v. United States, 438 U.S. 679 (1978)); and

"Whereas, ". . . it is clear that the States have the control of water within their boundaries, it is essential that each and every owner along a given water course, including the United States, must be amenable to the law of the State, if there is to be a proper administration of the water law as it has developed over the years." (California v. United States, 438 U.S. 645, 679-680 (1978)).

"*Now, therefore, be it resolved by the members of the Second Regular Session of the Fifty-second Idaho Legislature, the Senate and the House of Representatives concurring therein,*

"That the State of Idaho intends to exercise its right to control its water policy and requests that the United States government and Secretary of the Interior Bruce Babbitt recognize the beneficial nature of artificial recharge of Idaho aquifers and to reflect such benefits of state programs and policies in the reorganization and management policies of federal agencies, especially the U.S. Bureau of Reclamation.

"*Be it further resolved* that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, Bill Clinton, the President of the Senate and the Speaker of the House of Representatives of Congress, the Secretary of the Interior Bruce Babbitt and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-464. A concurrent resolution adopted by the Legislature of the State of Louisiana to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT RESOLUTION NO. 1

"Whereas, the Seventh United States Infantry was organized in 1798, reorganized on May 3, 1908, and has fought in every war in which the United States has participated; and

"Whereas, the regiment's first battle with a foreign foe occurred on December 3, 1814, at Villere Plantation in Louisiana during the War of 1812; and

"Whereas, the regiment's defense of Louisiana culminated in the virtual annihilation of British forces mounting an attack on the City of New Orleans in the historic Battle of New Orleans on January 8-9, 1815; and

"Whereas, the regiment's ingenious use of cotton bales to strengthen the defensive ramparts in this battle led to its nickname, the "Cotton Baler" Regiment; and

"Whereas, the regiment further memorialized its fight in this battle by incorporating a bale of cotton in the design of its coat of arms and regimental colors; and

"Whereas, the Cottonbalers have been authorized to place a memorial at a national battlefield site to commemorate the regiment's valiant service to our country; and

"Whereas, the Cottonbalers have asked to place their memorial at the Chalmette Battlefield, commemorative site of the Battle of New Orleans and part of the Jean Lafitte National Historic Park and Preserve; and

"Whereas, memorials will not be placed in any national park unless authorized by statute or supported by approval by the National Park Service; and

"Whereas, the National Park Service has not authorized the placement of a memorial at the Chalmette Battlefield, citing a preference for "protecting the natural and cultural components of battlefields from nonhistoric features that compromise the integrity of the historical and natural setting"; and

"Whereas, the Legislature of Louisiana finds that a memorial to a regiment that earned its initial fame in the Battle of New Orleans and has continued to play an integral role in the development and preservation of the United States further delineates the historical role of the Battle of New Orleans in our nation's development.

"*Therefore, be it resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States, and in particular the members of the Louisiana congressional delegation, to direct the National Park Service, by statute or resolution, to authorize the placement of the Seventh Infantry Regiment's memorial at the Chalmette Battlefield located in the Chalmette Unit of the Jean Lafitte National Historic Park and Preserve.

"*Be it further resolved*, That such action be taken with expedience to allow the memorial to be dedicated when the Cottonbalers hold their annual reunion in New Orleans in May of 1995.

"*Be it further resolved*, That copies of this Resolution be transmitted to the clerk of the House of Representatives and secretary of the Senate of the United States Congress, to each member of the Louisiana congressional delegation, and to the director of the National Park Service."

POM-465. A resolution adopted by the Chamber of Commerce of Portland, Tennessee relative to the I-840 North Project; to the Committee on Environment and Public Works.

POM-466. A resolution adopted by the Council of the City of Gallatin, Tennessee relative to the I-840 North Project; to the Committee on Environment and Public Works.

POM-467. A resolution adopted by the Civic Club of the City of Stumpy Point, North Carolina relative to the Pamlico-Albermarle Penninsular; to the Committee on Environment and Public Works.

POM-468. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works.

"SENATE JOINT MEMORIAL NO. 112

"Whereas, safe drinking water is of paramount importance to the health and wellbeing of the people of the United States; and

"Whereas, increasingly limited federal, state and local resources require that moneys be expended in the most cost-effective and efficient manner possible; and

"Whereas, the federal Safe Drinking Water Act, as currently configured, requires drinking water monitoring, testing and capital expenditure beyond what is necessary to adequately protect the public health and welfare; and

"Whereas, the excessive expenditure of such moneys reduces the ability of federal, state and local governments to most effectively and efficiently protect citizens from harmful water-borne chemicals and pathogens; and

"Whereas, affecting the necessary changes to the federal Safe Drinking Water Act is a responsibility of Congress of the United States; and

"Whereas, there is currently, before the Congress of the United States, legislation, specifically House of Representatives Bill No. 3392, which would help ameliorate many of the difficulties and inefficiencies caused by the federal Safe Drinking Water Act; and

"Whereas, it is fitting for the states to offer guidance to the Congress of the United States and voice a call for remediation of conditions imposed by federal law which, in the opinion and judgment of the states, are found to be unnecessarily burdensome.

"Now, Therefore, be it Resolved by the members of the Second Regular Session of the Fifty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support House of Representatives Bill No. 3392, the Slatterly/Bliley Safe Drinking Water Act Amendments: Be it further

'*Resolved*, That the Fifty-second Idaho Legislature respectfully calls on and requests the legislatures of the several states to likewise express to the Congress their concerns and recommendations for correcting inefficiencies and unnecessary burdens imposed by the Safe Drinking Water Act: be it further

"*Resolved*, That the Fifty-second Idaho Legislature respectfully calls and on and requests the legislatures of the several states to likewise express to the Congress their concerns and recommendations for correcting inefficiencies and unnecessary burdens imposed by the Safe Drinking Water Act: be it further

"*Resolved*, That the Secretary of the Senate be, and she is hereby authorizes and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States and to the legislatures of the several states of the United States."

POM-469. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works.

"Whereas, the Intermodel Surface Transportation Efficiency Act (ISTEA) of 1991 mandated in Title 23 United States Code Section 153 that all states shall have enacted a universal motorcycle helmet law by October 1, 1993, or face fund transfers from certain federal-aid highway programs to the highway safety program found in Title 23 United States Code Section 402; and

"Whereas, United States Secretary of Transportation Federico Pena notified Idaho Governor Cecil D. Andrus on September 30, 1993, that Idaho was not in compliance with Title 23 United States Code Section 153, because the state does not have in effect a motorcycle helmet law for all riders; and

"Whereas, Governor Cecil D. Andrus responded to Secretary Pena on November 30, 1993, advising that Idaho takes issue with the federal mandate, and that the mandate puts the federal government in the position of deciding on Idaho's behalf that a motorcycle helmet law is more important than congestive mitigation, air quality and highway construction projects; and

"Whereas, Section 153 provides that a state which fails to put into effect motorcycle helmet and safety belt use laws by October 1, 1993, is subject to a transfer in fiscal year 1995 of 1.5% of funds apportioned under certain federal-aid highway programs to its apportionment for the highway safety program authorized by title 23 United States Code Section 402; and

"Whereas, on October 1, 1993, no law was in place in Idaho that mandates motorcycle helmet usage by all riders regardless of age; and

"Whereas, based on Idaho's fiscal year 1993 apportionment, 1.5% estimated at 1.1 million dollars, will be transferred to highway safety programs on October 1, 1994, unless the requirements are repealed or delayed by Congress; and

"Whereas, for noncompliance in fiscal year 1995 and beyond, the transfer will increase to 3%, estimated at 2.2 million dollars, occurring for fiscal year 1996 and thereafter; and

"Whereas, the members of the Second Regular Session of the Fifty-second Idaho Legislature are considering a driver's license enforcement and motorcycle rider education proposal which is supported by the motorcycle riding community throughout Idaho; and

"Whereas, the members of the Second Regular Session of the Fifty-second Idaho Legislature will not enact a mandatory motorcycle helmet law for all ages of riders based on public opposition regarding said legislation: Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request that the Congress repeal the noncompliance sanctions of Title 23 United States Code Section 153: Be it further:

Resolved That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-470. A joint resolution adopted by the Legislature of the Senate of Maine; to the Committee on Environment and Public Works.

"Whereas, several proposals are pending in Congress regarding revisions to the Safe Drinking Water Act; and

"Whereas, community water systems in the State have identified several areas of difficulty associated with the Safe Drinking Water Act Amendments of 1986, including the following:

"1. Community water systems in the State have been required to spend in excess of $400,000,000 to comply with the federal regulations resulting from the Safe Drinking Water Act of 1986;

"2. The Safe Drinking Water Act Amendments of 1986 require the arbitrary establishment of 25 new drinking water standards every 3 years, resulting in increased monitoring costs;

"3. Regulations under the Safe Drinking Water Act Amendments of 1986 will require the removal of contaminants to levels well below that required to protect human health, resulting in millions of dollars being spent unnecessarily on new physical plants and their operation; and

"4. The Safe Drinking Water Act Amendments of 1976 do not provide sufficient flexibility in monitoring requirements based on community location, resulting in monitoring for contaminants that are not now and never were in this State; and

"Whereas, community water systems in the State support several revisions to the Safe Drinking Water Act to resolve the problems identified in this resolution, including the following:

"1. Elimination of the mandatory triennial list of 25 new regulated contaminants in favor of a process in which future contaminants for regulation would be based on national health risk data as determined through an occurrence data base;

"2. Establishment of maximum contaminant level standards for drinking water that would include the best technology, public health risk reduction benefits and costs;

"3. Allowing state programs sufficient flexibility to establish contaminant monitoring programs based on community occurrence data; and

"4. Allowing states the ability to set flexible compliance schedules based on the individual circumstances of the regulation, the state and the water purveyor; now, therefore, be it

"*Resolved*, That We, your Memorialists, respectfully recommend and urge the Honorable Members of the Maine Congressional Delegation to ensure that these issues are considered in any proposed revisions to the Safe Drinking Water Act; and be it further

"*Resolved*, That We, your Memorialists, respectfully recommend and urge the Honorable Members of the Maine Congressional Delegation to ensure that further mandates are not included in any proposed revisions to the Safe Drinking Water Act without the provision of adequate federal funding to offset increased state costs; and be it further

"*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each member of the Maine Congressional Delegation."

POM-471. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Environment and Public Works.

"Whereas, A modern, well-maintained, efficient and interconnected transportation system is vital to the economic growth, health global competitiveness of our State and the entire nation; and

"Whereas, the highway network is the backbone of a transportation system that provides for intermodal connectivity and the * * * ment of people and goods; and

"Whereas, it is critical to effectively address highway transportation needs through appropriate transportation plans and program * * * tments; and

"Whereas, the federal Intermodal Surface Transportation Efficiency Act of 1991 established the concept of a 155,000-mile National Highway System, which includes the Interstate System; and

"Whereas, on December 9, 1993, the United States Department of Transportation transmitted to Congress a proposal for a * * * 000-mile National Highway System, which identified 104 port facilities, 143 airports, 191 railroad-truck terminals, 321 Amtrak stations * * * 19 transit terminals; and

"Whereas, the Intermodal Surface Transportation Efficiency Act of 1991 requires that National Highway System and Interstate * * * maintenance funds may not be released to the states if the National Highway System is not approved by September 30, 1995; and

"Whereas, the uncertainty associated with the future of the National Highway System precludes the possibility of the State to actively undertake and properly develop the necessary planning and programming activities; now, therefore, be it

"*Resolved*, That We, your Memorialists, respectfully urge and request that the Congress of the United States enact legislation designate and approve the National Highway System no later than September 30, 1994; and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Maine Congressional Delegation."

POM-472. A concurrent resolution adopted by the Legislature of the State of Mississippi; to the Committee on Environment and Public Works.

"HOUSE CONCURRENT RESOLUTION NO. 177

"Whereas, Congress passed the Resource Conservation and Recovery Act of 1976 (RCRA) and amended that act in 1984 through the Hazardous and Solid Waste

Amendments (HSWA) (42 USC 6901 et seq.); and

"Whereas, the Resource Conservation and Recovery Act, as amended, requires the Administrator of the United States Environmental Protection Agency to promulgate regulations containing guidelines to assist in the development and implementation of state solid waste management plans (42 USC 6942(b)); and

"Whereas, the provisions of the Resource Conservation and Recovery Act, as amended, also require each state plan to prohibit the establishment of new open dumps and mandate that all solid waste be utilized for resource recovery, disposed of in sanitary landfills or otherwise disposed of in an environmentally sound manner (42 USC 6943(a)); and

"Whereas, the United States Environmental Protection Agency completed revisions to the solid waste disposal criteria in October 1991 (56 CFR 50978); and

"Whereas, the provisions of this rule will finally become effective for all facilities on April 9, 1994; and

"Whereas, the effect of these regulations will be to substantially reduce the availability of disposal capacity; and

"Whereas, although the Administrator of the United States Environmental Protection Agency is authorized to provide financial assistance to states, counties and municipalities for implementation of programs to provide solid waste management, the Resource Conservation and Recovery Act, as amended, excludes from such assistance any acquisition of land or interest in land (42 USC 6948(a) (Z) (A)); and

"Whereas, it is also the policy of the Bureau of Land Management of the United States Department of the Interior to terminate all recreation and public purposes landfill operations on federal lands; and

"Whereas, the mandates imposed upon the state and local governments by the Resource Conservation and Recovery Act, as amended, including the requirement that solid waste be disposed of in sanitary landfills meeting federal criteria, create an additional burden on the taxpayers of this state; and

"Whereas, the costs of providing solid waste management services which are being borne by the state taxpayers would be substantially decreased if the federal government provided lands for the location of the mandated sanitary landfills; and

"Whereas, with 1,200,000 acres of forest lands owned by the federal government in the State of Mississippi, the construction of sanitary landfills upon such lands would not have an adverse environmental impact upon the natural resources of the state:

Now, therefore, be it Resolved by the House of Representatives of the State of Mississippi, The Senate Concurring Therein, That we do hereby memorialize the United States Congress to authorize the construction of sanitary landfills that are a part of state waste management plans required under the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984, on lands owned by the United States in the State of Mississippi.

Be it further Resolved, That copies of this resolution be furnished to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of the United States Environmental Protection Agency, the Director of the Bureau of Land Management, United States Department of the Interior and to the members of the Mississippi Congressional Delegation."

POM–473. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Environment and Public Works.

"LEGISLATIVE RESOLUTION 349

"Whereas, the protection of the public health and welfare is the primary concern of public water supply systems; and

"Whereas, the ability of public water supply systems to protect the health and welfare of its citizenry has been greatly reduced by unfunded federal mandates contained in the Safe Drinking Water Act; and

"Whereas, public water supply systems cannot afford to commit limited resources on federal mandates which provide little or no benefit to public health, but must rather be permitted to focus their resources on protections which ensure the highest safety for public health; and

"Whereas, several proposals currently before Congress would amend the Safe Drinking Water Act to allow public water supply systems greater ability to effectively protect the public health and welfare by ensuring that limited public resources can be sensibly focused on the most serious risks presented by contaminants in drinking water.

"Now, therefore, be it Resolved by the members of the ninety-third Legislature of Nebraska, second session:

"1. That the Legislature urges Congress to amend the Safe Drinking Water Act in such a manner as will permit public water supply systems to focus their resources on issues which threaten public health and which will provide flexibility in meeting the real health needs of its citizenry.

"2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, all members of the congressional delegation from the State of Nebraska, the Administrator of the United States Environmental Protection Agency, and the Regional Administrator, Region VII of the United States Environmental Protection Agency."

POM–474. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Environment and Public Works.

"HOUSE JOINT RESOLUTION NO. 529

"Whereas, a modern, well-maintained, efficient, and interconnected transportation system is vital to the economic growth and health, and the global competitiveness of our state, and the entire nation; and

"Whereas, the highway network is the backbone of a transportation system for the movement of people, goods, and intermodal connectivity; and

"Whereas, it is critical to effectively address highway transportation needs through appropriate transportation plans and program investments; and

"Whereas, the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) established the concept of a 155,000-mile National Highway System which would include the Interstate System; and

"Whereas, on December 9, 1993, the United States Department of Transportation transmitted to Congress a 159,000-mile Proposed National Highway System which identified 104 port facilities, 143 airports, 191 rail-truck terminals, 321 Amtrak stations and 319 transit terminals; and

"Whereas, ISTEA requires that the NHS and Interstate Maintenance funds not be released to the states if the system is not approved by September 30, 1995; and

"Whereas, the uncertainty associated with the future of the National Highway System precludes the possibility of the state effectively undertaking the necessary and properly developed planning and programming activities; now, therefore,

"Be it Resolved by the House of Representatives of the Ninety-Eighth General Assembly of the State of Tennessee, the Senate concurring, That this General Assembly urges the Congress of the Untied States to accelerate the process of developing and approving the National Highway System and that the Congress of the United States is hereby memorialized to enact legislation which designates and approves the National Highway System no later than September 30, 1994.

"Be it further Resolved, That copies of this resolution be forwarded to President Bill Clinton, Vice-President Al Gore, each member of the Tennessee Congressional Delegation, the Clerk of the United States House of Representatives and the Secretary of the United States Senate."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 1587. A bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes (Rept. No. 103–259).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Manuel Trinidad Pacheco, of Arizona, to be Member of the National Security Education Board for a term of 4 years;

Eamon M. Kelly, of Louisiana, to be a Member of the National Security Education Board for a term of 4 years;

Joshua Gotbaum, of New York, to be an Assistant Secretary of Defense; and

Jeffrey K. Harris, of New Jersey, to be an Assistant Secretary of the Air Force.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself, Mrs. MURRAY, Mr. BOREN, Mr. COCHRAN, Ms. MIKULSKI, Mr. INOUYE, Mr. HATCH, and Ms. MOSELEY-BRAUN):

S. 2109. A bill to amend the Public Health Service Act and the Social Security Act to provide improved and expanded access to comprehensive primary health care and related services for medically underserved and vulnerable populations through the provision of financial support for the development of community-based health networks and plans, to permit federally assisted health centers to expand their capacity and develop and operate new sites to serve underserved and vulnerable populations, to provide certain financial and other protections for such networks, plans, and health centers, and to facilitate the involvement of, and payment to, entities serving underserved and vulnerable populations in the training and education of primary care health professionals, and for other purposes; read the first time.

By Mr. GORTON:

S. 2110. A bill to establish a Federal matching grant program for State and local law enforcement agencies to assist in upgrading firearms, providing training, and purchasing ammunition; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. PACKWOOD):

S. 2111. A bill to foster further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Mr. LOTT, Mr. INOUYE, and Mrs. BOXER):

S. 2112. A bill to amend the Defense Base Closure and Realignment Act of 1990 to postpone until 1997 the base closure process otherwise scheduled to commence in 1995; to the Committee on Armed Services.

By Mr. DOLE (for himself and Mr. LIEBERMAN):

S. 2113. A bill to remove the embargo on Bosnia-Herzegovina; to the Committee on Foreign Relations.

By Mr. BIDEN:

S. 2114. A bill to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States; to the Committee on Veterans' Affairs.

By Ms. MOSELEY-BRAUN (for herself, Ms. MIKULSKI, Mrs. BOXER, Mr. PELL, Mr. ROBB, Mr. WELLSTONE, Mr. HARKIN, Mr. AKAKA, Mr. SIMON, Mr. KOHL, Mr. GRAHAM, Mr. MACK, Mr. BUMPERS, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. RIEGLE, Mr. LEVIN, Mr. DASCHLE, Mr. DURENBERGER, Mr. WOFFORD, Mr. KENNEDY, Mr. KERRY, Mr. SIMPSON, Mr. LEAHY, Mr. SARBANES, Mr. SPECTER, Mr. METZENBAUM, Mr. CHAFEE, Mr. JEFFORDS, Mr. MITCHELL, Mr. REID, Mr. MOYNIHAN, Mr. GREGG, Mr. FEINGOLD, Mr. BRADLEY, Mr. LIEBERMAN, Mr. BREAUX, Mr. STEVENS, Mr. INOUYE, Mr. GLENN, Mr. DECONCINI, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. JOHNSTON, Mr. PRYOR, Mr. BRYAN, Mr. BURNS, Mrs. FEINSTEIN, Mr. BOND, Mr. DODD, Mr. BOREN, Mr. MATHEWS, Mr. DORGAN, and Mr. MURKOWSKI):

S.J. Res. 188. A joint resolution to designate 1995 the "Year of the Girl Child"; to the Committee on the Judiciary.

By Mr. ROTH:

S.J. Res. 189. A joint resolution designating October 1994 as "National Decorative Painting Month"; to the Committee on the Judiciary.

By Mr. WARNER (for Mr. KEMPTHORNE (for himself, Mr. AKAKA, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BURNS, Mr. BIDEN, Mr. BROWN, Mr. BRYAN, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DECONCINI, Mr. DOLE, Mr. DORGAN, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GLENN, Mr. GORTON, Mr. GRAMM, Mr. GREGG, Mr. HATCH, Mr. HEFLIN, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. JOHNSTON, Mr. LEVIN, Mr. LOTT, Mr. MATHEWS, Mr. MCCAIN, Mr. MCCONNELL, Mr. MITCHELL, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SIMPSON, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WOFFORD, and Mr. SMITH)):

S.J. Res. 190. A joint resolution to designate May 15, 1994, National Peace Officers Memorial Day; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mrs. MURRAY, Mr. BOREN, Mr. COCHRAN, Ms. MIKULSKI, Mr. INOUYE, Mr. HATCH, and Ms. MOSELEY-BRAUN):

S. 2109. A bill to amend the Public Health Service Act and the Social Security Act to provide improved and expanded access to comprehensive primary health care and related services for medically underserved and vulnerable populations through the provision of financial support for the development of community-based health networks and plans, to permit federally-assisted health centers to expand their capacity and develop and operate new sites to serve underserved and vulnerable populations, to provide certain financial and other protections for such networks, plans, and health centers, and to facilitate the involvement of, and payment to, entities serving underserved and vulnerable populations in the training and education of primary care health professionals, and for other purposes; read the first time.

Mr. HOLLINGS. Mr. President, today I join with five colleagues from both sides of the aisle to introduce the Access to Community Health Care Act of 1994.

This legislation will build a comprehensive, community-controlled, primary health care service infrastructure throughout this country—an infrastructure that will expand on the Community and Migrant Health Center approach that has a 30-year track record of success in diverse communities nationwide. Every major reform bill, from Representative MICHEL's legislation to Senator WELLSTONE's, recognizes this success by providing major increases for the C/MCH program, so I am more than willing to share credit for this idea. However, we go one step further in this bill to preserve and expand the proven health center concept in the developing health market. Also, I must caution that this does not pretend to be a comprehensive health reform bill, because it does not address the question of universal insurance coverage. However, any true health reform bill should incorporate this legislation to meet the needs of our urban, rural, and poor areas.

As my colleagues know, Community and Migrant Health Centers exist in every State. Each center is a private, nonprofit corporation run by a community board, at least half of whom are center patients. The center agrees to accept patients without regard to their ability to pay, and to provide or arrange for comprehensive primary care. Care is provided on a sliding fee scale, and centers meet an array of quality and performance standards. In exchange, shortfalls in revenue from insurance and out-of-pocket charges—between 30 percent and 40 percent—are made up by a Federal grant.

This proven formula of payment-blind admissions, Federal support, and community empowerment has been a 25-year success story. Health centers have cut infant mortality by up to 40 percent, Medicaid costs for their patients by 33 percent, lengths of stay in the hospital by one-half to two-thirds, while reducing hospital admissions up to 67 percent. And in probably the most stunning statistic, total costs per patient, including Federal grant funds, insurance reimbursements, and out-of-pocket patient costs, run less than $300 per year. In short, Community and Migrant Health Centers have been a cost-efficient model for the delivery of community-controlled health care in exactly the areas that need them most.

Mr. President, our bill builds on this successful model in three ways. First, our bill guarantees expanded funding adequate to establish accessible primary health care in all underserved areas. This is critical because a health insurance card alone will not provide adequate service for people in underserved areas; without expanded access, the more than 40 million Americans in underserved areas will be shortchanged by health reform. They will seek emergency care at the hospital, and our national effort at cost control will fail.

Also, our bill adds flexibility to the current law to establish community owned and operated networks and plans consisting of essential community providers. These networks would agree to live by health center rules: providing care without regard to ability to pay, charging on a sliding-fee scale, agreeing to provide a comprehensive list of services, and accepting community control. In short, in areas that will not support several competing health plans, we provide the resources and structure for a community-controlled primary care system built on a model that has proven quality and cost-effectiveness for decades.

The second thrust is to ensure adequate numbers of highly trained people to staff these facilities. As in the President's legislation and that of Senator CHAFEE, we would increase funding for the National Health Service Corps to provide scholarships and loan repayment for primary health professionals who agree to serve in shortage areas. Also, we would encourage health training in the geographic areas that most need health professionals by providing direct payment to cover the cost of their training. Current Medicare graduate medical education law only assures funds to institutions that operate accredited training programs, effectively locking in the available funding to existing medical schools and teaching hospitals. This bill would allow direct payment for the costs incurred at a center or network which is part of a hospital or medical school training program.

The third thrust is to preserve the safety net of dedicated health providers in underserved areas so that they are not run out of business by market trends or by health care reform. The Government has invested in medical care for the good of all Americans—through research, training, tax breaks, and direct insurance. In areas that the market traditionally has not served and that will continue to be underserved without special efforts, we need to promote stable access and quality, and not lose our investment or jeopardize the health of citizens in those areas. To ensure continuing access, this legislation strengthens current Medicaid safeguards by ensuring inclusion of health centers under section 1115 or 1915 waivers. These provisions are modeled after methods used in Maryland, Wisconsin, and Minnesota to make sure that these providers are not put at undue risk. It also ensures continuation of a reasonable payment rate to these providers.

Mr. President, this legislation meets the front-line health care needs of today's America. In my hometown of Charleston, SC, there is currently no pediatrician accepting new children on Medicaid. Similarly, a pediatrician in Spartanburg—population 43,000—writes to me that this is "the only pediatric private practice that accepts Medicaid in the city of Spartanburg." Ninety-five percent of his practice is Medicaid. One wonders about the children who do not live near his office. The children can have insurance, but service is a struggle. Increasingly, I hear the same thing from senior citizens who move or whose doctors retire—no one wants their insurance. This legislation ensures a medical home for these people that is stable, highquality, responsive, and costeffective.

Mr. President, we do not need to reinvent the wheel in primary care. We have a proven, effective model. Our challenge is to provide that proven model where it is most needed. There is bipartisan agreement on this point, and serious cost savings to be made. I urge our colleagues to join us, and parallel with our debate on the complexities of insurance reform, let us come to final agreement now that basic services will be available throughout this country.

Mrs. MURRAY. Mr. President, today I am pleased to join in cosponsoring the Access to Community Health Care Act of 1994. This legislation is essential for rural and urban medically underserved communities and should be integrated into the broader context of national health reform.

The legislation builds on the highly successful Community Health Center and Federally Qualified Health Center Programs. Today, these centers provide primary and preventive health services to over 7 million of America's poor, uninsured, and medically underserved. Their programs have produced a stellar track record, demonstrating that the special needs of high-risk populations can be served with quality and cost-effective care.

America's network of community, migrant, and homeless health centers are responsibile for bringing doctors, services, and facilities to people in great need. For over 30 years, they have served in some of the most neglected, devastated, and economically distressed areas of the country. Their mission is to break the barriers to health care, to make health care accessible, and to keep people healthier and more productive, and out of hospitals and costly emergency rooms.

Community Health Centers, like the 45th Street Clinic and Country Doctor in Seattle and Yakima Neighborhood and Columbia Valley in Central Washington, have succeeded where others have failed because they are part of the life of the communities they serve. They are partnerships of people, governments, and communities working together to meet health care needs. Their innovative outreach programs focusing on prevention, health education, and patient-centered needs, have merited widespread recognition and strong bipartisan support in the Congress.

This bill not only provides for expansion of services, but assures a meaningful role for health centers as essential providers in the new health care environment. It also provides critical support for health center involvement in the training of primary health care professionals.

This legislation is a realistic, commonsense approach. It builds on a program that has worked well in our neediest communities; that has demonstrated cost effectiveness; and that has yielded a substantial return to the American taxpayer.

Mr. COCHRAN. Mr. President, I support the access to community health care bill, which will preserve the Community, Migrant and Homeless Health Centers [CHC's] and allow them to compete in the changing health care marketplace. I commend my colleague from South Carolina, Senator HOLLINGS, for this bill. It has broad support among those who are interested in rural health issues and problems.

I believe that this legislation will make health reform work for underserved communities by significantly expanding America's health centers, developing strong, community-based networks, and involving essential providers in primary care training.

It is important to continue building an infrastructure to facilitate coordinated approaches to solving rural health care problems. I believe this legislation is a step in the right direction.

Mr. President, I urge my colleagues to join me in supporting this legislation.

Mr. HATCH. Mr. President, I am pleased to be an original cosponsor of the Access to Community Health Care Act of 1994.

This is a critical part of health reform if we are going to make sure that many citizens are not left out and if we are really going to lower costs and improve health.

Mr. President, it is no secret that many areas lack adequate basic health services. And if we do not provide access to the basics—to routine and preventive care—we will pay more for hospital care.

For three decades the Community and Migrant Health Center Programs have demonstrated an effective model for solving the diverse health care problems of underserved communities. They have brought community-controlled, cost-effective preventive and primary care to the areas that need them most at a current per-person annual cost of well under $300. They have lowered infant mortality up to 40 percent. They have lowered Medicaid costs for their patients by 33 percent. They have reduced hospital admissions and lengths of stay. Clearly, this approach is a bargain and an effective solution we should expand.

This legislation would amend the health centers programs to allow funding for networks of community providers. This will promote more efficient and comprehensive services in underserved areas. Also, these networks would operate according to proven health center principals—comprehensive primary care services, community and patient control, enrollment without regard to ability to pay, and payment on a sliding fee scale.

Also, this legislation would promote primary health professional training in rural and inner-city areas. Currently, Medicare GME funds flow only to hospitals and medical schools for training. This legislation would also reimburse health centers and networks for the costs they incur for training. This provision should expand opportunities for health professions students and improve recruitment in underserved areas.

Mr. President, quality, trained personnel and quality, accessible facilities are the heart of health access. Insurance alone will not meet the health care gaps that face many of our citizens, but health centers have proven to fill these gaps. I urge my colleagues to support an expansion of this successful approach to primary health care delivery by supporting this legislation as part of health reform.

The Access to Community Health Care Act of 1994 recognizes that community-based health care reform initiatives are the appropriate foundation for enhancing our health care delivery system in the United States. While I do have reservations over its total cost and the provisions relating to school-based clinics, overall I think it is a balanced measure which indicates our commitment to improve health services at the community level.

Migrant and Community Health Care Centers are delivering critical health care services in Utah, in the most cost effective, compassionate, and professional quality imaginable. I am proud of the excellent job CMHC's are doing in Utah, and I am hopeful the Congress will provide them with the tools they need to do an even better job.

I want to take this opportunity to recognize the outstanding efforts of Bette Vierra, executive director of the Association for Utah Community Health, and all those who work with her to help citizens in the underserved areas of Utah receive the vital health care services they need. Their tireless advocacy for community health is an inspiration to us all.

Finally, I also want to commend Senator HOLLINGS for his leadership in drafting this legislation, and for his foresight in recognizing that expansion of the Community and Migrant Health Centers Program must be an essential part of our health care reform effort.

By Mr. GORTON:

S. 2110. A bill to establish a Federal matching grant program for State and local law enforcement agencies to assist in upgrading firearms, providing training, and purchasing ammunition; to the Committee on the Judiciary.

THE LAW ENFORCEMENT OFFICER PROTECTION ACT

• Mr. GORTON. Mr. President, this Senator will soon join law enforcement officials in Washington State and across the country in a candlelight vigil recognizing those officers who have fallen in the line of duty. As we debate the challenges our society faces from crime and violence, let us never forget those on the front line who protect us and our families. Let us remember those brave men and women who have made the ultimate sacrifice while trying to keep the peace that we so often take for granted.

Since the onset of law enforcement in Washington State, 222 peace officers have been killed in the line of duty. For the Nation as a whole, the Department of Justice has estimated that one officer dies in the line of duty every 57 hours. This cannot be tolerated. Whatever we achieve in our deliberations on criminal justice in this body, we must provide law enforcement officers the protection and resources the need to do the job to which they are sworn.

Recently a Seattle police officer nearly lost his life in a shootout with an armed bankrobber simply because he was outgunned. Officer Gene McClanahan carried a standard-issue six-shooter revolver which he managed to fire eight times, twice after reloading. At the same time, the suspect who carried a semiautomatic firearm was able to shoot at Officer McClanahan 16 times, hitting him twice. Thankfully, the officer's life was spared. Others who have found themselves outgunned and underequipped have not been so lucky.

After hearing of this near-tragedy I was stunned to hear that police officers in the city of Seattle were not provided the firepower that they meet on the streets. Officers who wished to carry semiautomatic nine-millimeter sidearms had to purchase the weapon themselves at a cost of more than $300. Only recently had they even been given permission to carry this equipment on a voluntary basis and reimbursed for ammunition used in practice shooting. These officers who would sacrifice their lives were at an unbelievable disadvantage because the city would not finance a weapons upgrade. It is inconceivable to me why those who are willing to sacrifice their lives to keep our streets safe must use their own money to adequately protect themselves and the public. Those who protect and serve must not have to plead for training ammunition and adequate firepower.

After receiving input from the Seattle Police Department, I drafted legislation which I will introduce today. This bill provides a modest level of Federal assistance to those law enforcement agencies in communities that have not financed a weapons upgrade and where cops are at an unacceptable risk of being outgunned. The legislation is entitled the Law Enforcement Officer Protection Act and establishes a matching grant for the purchase of equipment, ammunition, and training for an upgrade.

News of this legislation already has had a positive result. Several weeks ago, under pressure from an anxious public, the city agreed to finance a weapons upgrade for the Seattle Police Department by the end of this year.

Although Seattle police officers will eventually have the firepower they need and deserve to do their jobs, law enforcement officials in other communities still lack support from their elected officials to finance a weapons upgrade. This modest assistance is also limited in the time in which Federal funds would be available.

Mr. President, this fiscally conservative Senator knows full well that this legislation should never be necessary. I am compelled, however, to urge acceptance of this measure if it encourages even one town to upgrade the standard issue firearms for its police officers.

While we seek ways to get guns out of the hands of criminals and end gun violence, we can't give our men and women of law enforcement second-rate protection. Far too many brave men and women have died in the face of superior firepower. It is in their memory that I dedicate this legislation and ask for its immediate adoption.

Mr. President, I ask unanimous consent that a letter of support from the Seattle Police Officers Guild be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEATTLE POLICE OFFICERS' GUILD,
Seattle, WA, April 20, 1994.

Senator SLADE GORTON,
U.S. Senator, State of Washington.

DEAR SENATOR GORTON: On behalf of the entire Board of Directors, members of the Seattle Police Officers' Guild and myself, we want to express our deepest appreciation and thanks for your proposed legislation providing monies for upgrading Police Officers' firearms.

We unanimously support the passage of this bill.

Sincerely,

KENNETH R. JAKOBSEN,
President, Seattle Police Officers' Guild.•

By Mr. BREAUX (for himself and Mr. PACKWOOD):

S. 2111. A bill to foster further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE TELECOMMUNICATIONS SERVICES ENHANCEMENT ACT OF 1994

Mr. BREAUX. Madam President, I think it is clear to all of us in Congress that the world is changing. It changes every day. The way we communicate in this world is also changing. We communicate differently with the people across the street or across this country or, indeed, across the world.

What, however, is not changing is Congress. Congress has not over the past many years changed the way we have looked at communications law in this country. Communications technology has changed dramatically since the last time Congress addressed the question of communications policy. As a matter of fact, the last major communications act in Congress was adopted back in 1934—60 years ago. Over the past 60 years, it is clear that communication technology has made dramatic and serious advances in the way we communicate with our neighbors around the world.

Unfortunately, because Congress has not kept up with the changes in technology, we find that the policy in communications has been made over the past several years not by those of us in Congress in response to our constituents but, rather, those policy decisions on what constitutes good communications policy have been made by a district judge in the District of Columbia and not based on a communications statute passed by the Congress but, rather, based on communications policy that has really been driven by antitrust legislation.

Madam President, that is not the way Congress should legislate in this area. I am today introducing, along with Senator PACKWOOD of Oregon, an amendment in the form of a bill to the currently pending legislation by our distinguished chairman of the full Senate Commerce Committee, Senator HOLLINGS, which is known as S. 1822.

I wish to say right here that Senator HOLLINGS is to be commended in the strongest way possible for his recognizing that it is, indeed, time for Congress to act in this very important area. Senator HOLLINGS has had a long series of hearings in developing his legislation, S. 1822, which is now before the Senate Commerce Committee. I think his approach to this is the proper approach and hopefully the amendment which Senator PACKWOOD and I are offering today in the form of a bill will become part of that bill S. 1822 and, indeed, provide the real incentives which I think are so important if we are going to have a modern communications policy for the United States of America.

Simply put, the legislation by Senator PACKWOOD and myself will open up competition, both in the long distance market as well as the local service market, in a fashion that is easy to understand and easy to follow and is not complicated by what I fear under the current S. 1822 would be up to 10 years or more of complicated litigation in the courts, again allowing the courts to make the communications policy as opposed to Congress.

My legislation will remove barriers to injury in what are likely some of the most hotly contested areas of communication. One year after the date of enactment, most State or local statutes or regulations would prohibit the inability of any company to provide interstate or intrastate telecommunication services.

Madam President, studies that have been done by independent organizations, which have looked at what I am suggesting is a way to develop competition, have come up with figures that I think very strongly support what I am attempting to accomplish.

Studies have indicated that our legislation would create 3.6 million new jobs over the next 10 years, 977,000 of which would be in the manufacturing sector, manufacturing communications equipment. Our legislation would add $247 billion to the Nation's total real gross domestic product by the year 2003, a total gain of 3.6 percent over the 10-year interval. It would lower the annual inflation rate by nearly a full percentage point on average over the coming decade, pushing long-term interest rates more than a full point lower.

In addition, the studies indicated that there would be an increase in total investment of $72 billion as lower interest rates would help boost productive capital formation. It would improve the Federal budget deficit by an additional $150 billion by the year 2003 and also would save consumers an average of $63 billion a year by lowering both telecommunication rates and cable TV rates and freeing a comparable amount of disposable income for other purchases.

The study estimates, for instance, that of these 3.6 million new jobs created by removing these barriers to entry into communication businesses, 54,000 of those jobs would be situated in my own State of Louisiana, and about 14,000 of those new 54,000 jobs would be in the manufacturing area.

One of the concerns that I have attempted to address in this legislation, Madam President, is the test that the current bill before the Commerce Committee would require before a local service company would be able to enter into long-distance service. I think most of the companies that have been testifying before our committee would agree that if the so-called original OHC test were to be applied they would be able to accept that as a measure that they would have to meet before they could provide long distance service. The problem with the bill that is pending before the Commerce Committee is that it goes beyond the traditional OHC test by providing additional requirements which would require a local operating company to show there is actual and demonstrable competition in each relevant area before they would be able to move into the long-distance service area. This, indeed, is the crux of the problem, Madam President, because the terms of what would be actual and demonstrable competition are undefined. There is no history of communications decisions by courts which really tell us clearly what is in fact actual and demonstrable competition.

I am very concerned that the new standards encompassed in the existing S. 1822 would further complicate an already overly complicated situation and result in decades of litigation while local companies would argue that, yes, actual and demonstrable competition has been shown. Long-distance companies, on the other hand, would come in and by their studies show that no, it has not. And then we are off to the courthouse to litigate once again and have courts make communications policy as opposed to having communications policy made by Congress, which I think is the best place for it to be made.

So our test is very simple. It simply says that after 1 year companies would be allowed to compete in other areas. The real problem that I think all of us are coming to realize in our committee and I think in other parts of Congress is that these giants that are in the communications business have pretty much said we want in yours but stay out of ours. They want in the other company's business but they do not want the other company to be able to come into their traditional line of business services.

That I think is something which is just not acceptable. We have to have ground rules which everybody can understand. The legislation by Senator PACKWOOD and myself would clearly spell out a definite period of time after which companies would be allowed to compete. We do not remove any of the protections that would be provided by the Federal Communications Commission and Department of Justice. In fact, we do not take any authority away from the Federal Communications Commission or the Department of Justice.

Our legislation utilizes and relies on them to implement this congressional policy and to enforce congressional laws that would be adopted. The FCC will continue its authority to impose safeguards including separate subsidiary obligations as appropriate to foster competition, to define and require equal access in interconnection for interLATA services, information services, and local carriers, and to take such other steps as are necessary to promote a competitive market.

I think that the FCC has demonstrated ample skill in the past in these areas, in some cases requiring even more than the old, modified, final judgment requires.

So they would not be restricted in their ability to protect consumers' interests by our legislation at all.

I point to one feature of the Hollings legislation which I think is very important. Many of the long-distance companies have said that we cannot get into local service because local companies would not allow us in. The Hollings bill is very clear in this area by requiring that telecommunications carriers shall be deemed common carriers under this act and that the FCC would prescribe regulations to require these telecommunications carriers, upon bona fide requests, to provide to any telecommunications equipment manufacturer or any entity seeking to provide telecommunications services or information services interconnection, ability to interconnect to a local carrier's switches and the interconnecting of their services. It requires nondiscriminatory access. So they would be completely protected as a way of getting into the local service area.

I think that our effort is to provide a better bill, a better way of accomplishing goals that we all share.

I commend it favorably to our colleagues for inclusion as ultimately an amendment to the Hollings bill.

• Mr. PACKWOOD. Madam President, I join Senator BREAUX in introducing the Telecommunications Services Enhancement Act of 1994. This bill is a simple bill. It lifts the barriers to competitive entry into the local telephone market within 1 year of enactment. It lifts the long-distance restriction on the Bell operating companies at the same time. It repeals the cable-telephone company crossownership ban, allowing telephone companies to offer cable in their telephone service areas upon date of enactment. It requires the FCC to ensure that providers of competitive services are subject to equivalent regulation. And it provides the Federal Communications Commission with the authority to conform its regulations to the realities of a competitive market.

Madam President, back in 1978, the Commerce Committee began work to deregulate a number of industries. Airline deregulation came first, in 1978. That was followed by truck and railroad deregulation in 1980, bus and partial broadcast deregulation in 1982, maritime and cable in 1984, and freight forwarders in 1986.

By and large, all of these deregulation bills have worked well. They were all opposed by those inside the industry. They were opposed by the regulators. The pressure to act came from outside.

When we deregulated the airlines, people feared some airlines would go bankrupt. Alfred Kahn, the father of airline deregulation, said at the time "that's what we expect will happen." The market is not going to support weak carriers.

People feared that soon there would be only three airlines—United, Delta, and American. In fact, soon there will be 30 airlines as the bigs spin-off to meet the competition of the smalls.

Oregon has infinitely better service now than we had under regulation and we're at the end of the airline chain. We have 1,200 Delta employees who weren't in Oregon before deregulation.

We deregulated trucks in 1980. The American Trucking Association and the Teamsters opposed the effort. But, ask any shipper today if the service is better than when they were regulated. Removing Federal economic controls on trucking has resulted in an estimated $30 to $50 billion in savings.

We also deregulated railroads in 1980. It has been an overwhelming success.

We deregulated buses in 1982. We have seen new carriers enter this market and the industry is healthier today because of deregulation.

We partially deregulated radio and television in 1982. And civilization continues.

In 1984, we passed the Shipping Act and deregulated the maritime industry as much as we could considering international shipping conventions we must comply with.

We deregulated cable in 1984. We got what we asked for from the cable industry in terms of more programs, better reception, more channels. We should not have reregulated the industry.

In 1986, we deregulated freight forwarders, and this has worked out well.

By and large our experience with deregulation is not that when it occurs the deregulated industry is dominated by a few giants. It is rather spurred and challenged by smart pygmies who frequently run circles around the giants. Sometimes they find a niche market and then expand gradually until they too become, if not a giant, why certainly a major player which may one day be a giant.

The electronics industry generally has not been regulated. We lead the world in this area, although with some frequency we have to battle unfair competition from Japan and similar countries.

If we were to totally deregulate the communications industry in this country, what would happen. I think we should pick a date a year or two or even three ahead of time and tell everybody the barriers are coming down on that date and say, "Gentlemen, start your engines." I don't fear that US West would drive AT&T, Sprint, and MCI out of business. They would all become more challenged and innovative.

When the modified final judgment was entered and AT&T was split from the Bell operating companies, it was argued that AT&T would dominate the long-distance market. They are still the biggest carrier, but domination is the wrong word. Not only is AT&T having to suffer the slings and arrows of the MCI's and the Sprints, but scores of smaller companies that are doing well—companies that did not exist a decade ago under regulation.

I have concluded the same thing will happen in the communications industry generally if we deregulate it. That is why I support the bill being introduced by Senator BREAUX. It says "Gentlemen, start your engines." There will be no scarcity of competitors. Competition will thrive. The country will be better off for it.•

By Mrs. FEINSTEIN (for herself, Mr. LOTT, Mr. INOUYE, and Mrs. BOXER):

S. 2112. A bill to amend the Defense Base Closure and Realignment Act of 1990 to postpone until 1997 the base closure process otherwise scheduled to commence in 1995; to the Committee on Armed Services.

DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990 AMENDMENT ACT OF 1994

• Mrs. FEINSTEIN. Mr. President, today, on behalf of myself, Senators LOTT, INOUYE, BOXER, and hopefully others, I am introducing a bill to delay the 1995 base closure until 1997. This is similar to an amendment we offered to last year's Defense Authorization Act that failed, but we are introducing this legislation once again because of the tremendous impact on our States and implications to U.S. national security.

In just the last 5 years almost 250 military bases have been slated for closure in the United States and the Base Closure Commission has examined an additional 400-plus bases. Though our Nation needs to downsize our military in the aftermath of the cold war, I believe that base closures are proceeding too rapidly. We need to slow down and catch our breath, and we must be sure that we are not cutting bases today which we may need tomorrow. We must also ensure that we are prepared to meet our current financial obligations to those communities currently suffering from base closures, before we take on any new obligations.

In addition, these actions have generated tremendous economic turmoil, regional recession, and dislocation for hundreds of thousands of people who depend on military bases for their economic livelihood—all at a time when the Nation is just pulling out of an economic recession.

The first major base closure round occurred in 1988. Since then, there has been a round in 1991 and again in 1993. All told, the Nation has lost over 300,000 direct and indirect jobs as a result of base closures, the majority in my home State of California.

And, like clockwork, another base closure round is already in the works. The 1995 base closure round was established way back in 1990, when Congress adopted the Base Closure and Realignment Act. Whether additional bases need to be closed or not, this next base closure round must occur under current law and it must occur in 1995. In fact, the Army, Navy, Air Force, and Marine Corps already have sent out questionnaires to all of their bases around the country.

Though the cold war is over and some reductions in defense spending are appropriate, I believe that base closures are moving too quickly. We need to slow down and examine whether further base closures are appropriate. And if so, how many bases should be closed? Can we close more overseas bases? What should be the timetable for closing bases? Are base closures cost effective? Do we have the financial resources to close so many bases in such a short period of time? And, what is the price to the Federal Government, to the working men and women of America, and to the Nation's economy overall?

The Congress and administration should answer these questions before proceeding with another base closure round. Communities across the country are still feeling the affects of the 1988, 1991, and 1993 base closure rounds as those bases continue to close their gates.

By delaying the next round for 2 years, the Federal government will be able to examine the affects of previous base closures. We will be able to review our force structure and assess the need for additional base closures. And, we will give the economy time to fully recovery before throwing hundreds of thousands of working men and women out of work.

Though the Soviet Union is no more, the world is still an unsafe place. There are currently more than 30 conflicts raging throughout the world, from Yugoslavia to Somalia, and from Republics in the former Soviet Union to the Middle East. Additionally, outlaw nations with dangerous dictatorship secretly strive to produce nuclear weapons. And, so far, Russia has taken only the most tentative first steps on the fragile journey to democracy.

In downsizing our military, the United States can reduce troop strength and the stockpile of certain weapons, but still quickly build-up again in time of national emergency. But, it is much more difficult to rebuild infrastructure. Once a military base has been closed, it is gone. Is our Nation closing bases today that will be needed tomorrow?

I am also not convinced that base closures actually save money. I understand the need to shrink the deficit and reduce government spending. But are base closures truly cost effective?

The 1988 base closure round will have cost an estimated $2 billion to implement. The total savings from those base closures will be less than $2.5 billion. Therefore, the total net savings from the entire 1988 base closure round is only $500 million by fiscal year 1995. Only $500 million will have been recouped from the 1988 base closure round after 6 years, and at a cost of over tens of thousands of jobs and billions of dollars in economic activity nationally.

In reality, these savings from the 1988 base closures may not be recovered for many more years to come. The Pentagon's estimates for environmental cleanup nationwide in the first base closure rounds is nearly $800 million. If this expense is considered, it will actually cost hundreds-of-millions of dollars to cleanup and shut down the bases slated for closure in just 1988 alone.

Though environmental cleanup costs are not considered when calculating base closure costs, these monumental costs are a reality nevertheless. They must be paid for so that the communities suffering from base closure can begin the process of reuse and economic redevelopment. Otherwise, the bases remain shut and useless.

As a rule, cleanup costs are grossly underestimated. For example, the cleanup costs for Mather Air Force Base have been revised upward by 360 percent in just 3 years. The Sacramento Army Depot's costs have grown by 350 percent. Castle Air Force Base's costs have grown by over 300 percent. And the story is similar for George and Norton Air Force Bases.

If we abide by what history taught us, environmental cleanup costs will skyrocket.

And, if other cost factors to the Federal Government are considered, such as unemployment compensation and defense conversion assistance, base closures become less and less cost effective.

This Nation must first live up to its commitment to help the communities suffering from the first three rounds of base closures. It seems increasingly apparent that the BRAC accounts may be seriously short of funds. For example, in view of the cost increases that I just listed, the $4 billion planned for environmental restoration on the bases being closed from the first three rounds may be woefully inadequate. What then?

Does the cleanup process just stop and the bases sit desolate and empty? That would devastate communities—communities that patriotically helped lead the way during the cold war—and would counter the administration's five-point base reuse proposal passed by Congress last year. These bases must be cleaned up in such a way that reuse and economic redevelopment can take place. This is the Federal Government's responsibility, no matter what that cost may be. I suggest we ensure that we can live up to our current responsibilities before we consider taking on new ones from a new round of base closures.

And to those counting on the savings from base closures to fund force modernization and readiness, I must warn you that we may have to look elsewhere. The savings will come eventually, but probably not for decades. Counting on using these savings for other purposes could prove to be a serious mistake. We should not allow this estimated base closure savings dictate whether we decide to pursue an additional round of closures in 1995.

A headlong rush toward closing more bases is dangerous and unwarranted—dangerous in an increasingly unstable world where the United States must stand ever more vigilant; unwarranted in an economy still trying to pull itself from recession. Let's give the administration and Congress time to examine the need for additional base closures. Let's assess the impact of the 1988, 1991, and 1993 base closure rounds. Let's determine what the true costs are. Let's examine, in terms of today's global unrest, the impact of further closures on the state of our national defense. And, let us give the economy time to recover before displacing hundreds of thousands of more workers and throwing the future of communities across the country into jeopardy.

Let us delay the 1995 base closure round until 1997. I urge my colleagues to support this bill.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECION 1. POSTPONEMENT OF COMMENCEMENT OF 1995 ROUND OF BASE CLOSURE PROCESS.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in section 2902—

(A) by striking out clause (iii) of subsection (c)(1)(B) and inserting in lieu thereof the following:

"(iii) by no later than January 3, 1997, in the case of members of the Commission whose terms will expire at the end of the first session of the 105th Congress.";

(B) by striking out "1995" in subsection (c)(1)(C) and inserting in lieu thereof ""1997";

(C) by striking out "1995" in subsection (e)(1) and inserting in lieu thereof "1997"; and

(D) by striking out "December 31, 1995" in subsection (*l*) and inserting in lieu thereof "December 31, 1997";

(2) in section 2903—

(A) by striking out "1996" in subsection (a)(1) and inserting in lieu thereof "1998"; and

(B) by striking out "March 1, 1995," in subsection (c)(1) and inserting in lieu thereof "March 1, 1997,"; and

(3) in section 2909(a), by striking out "December 31, 1995," and inserting in lieu thereof "December 31, 1997,".•

• Mr. LOTT. Mr. President, last August, Senator FEINSTEIN and I offered an amendment to the fiscal year 1994 national defense authorization bill which proposed delaying the 1995 round of base closures to 1997. Today, we are jointly introducing the same legislation in order to delay the next round of closures until 1997. Last year I was convinced that delaying the 1995 round of base closures was a good idea. Today, I am even more convinced that we need to delay the next and last round of closures by 2 years.

What we must understand is that this Nation's defense not only won the cold war, but has paid a substantial price for that victory. Since 1985, defense spending has been reduced 42 percent. Since 1990, spending for America's defense has been cut 35 percent. This year alone, active duty military personnel will be reduced by 85,000 people. Another 45,800 Guard and Reserve personnel positions will be eliminated. These personnel savings will result in $3.1 billion in savings to the Department of Defense.

That sounds like a lot of money, but look at what we are doing. The fiscal year 1995 budget request also includes $5.7 billion for environmental cleanup and compliance, and that number continues to grow in the future. It is also important to understand that this $5.7 billion does not include all the environmental money required to pay our base closure bill. In fact, the fiscal year 1995 budget request includes a $2.8 billion bill for base closure.

The Senate needs to understand that the base closure process is broken; it does not work. We were told closing bases will save us money, scarce money badly needed to pay for training and readiness of our fighting forces. But that is not what is happening. In fact, last year, the Army was forced to reduce their tank training—Operational Tempo—by 180 tank miles because projected revenues from base closures never occurred. That is a nice way of saying, "The money we thought we would receive for getting rid of bases never happened." No clearer example can be found which shows the impact base closures are having on our military readiness and training.

Since 1988, 249 domestic bases have closed in the United States. In addition, 147 bases have had major realignments. Some of these 147 bases have increased employment, but most have reduced employment. All the while, we were told that money would be saved, that if we did not close nonessential bases, in 5 years, we could not afford to buy airplanes, ships, or even tanks. Based on the results of tank training for 1994, however, the opposite is true. The base closure process reduced available money to support tank training.

I ask my colleagues to look at the numbers. Where are the savings? How does this make sense?

THE BASE CLOSURE PROCESS

In 1990 Congress passed the Base Closure and Realignment Act which established a formal process to make it easier for the Secretary, the President, and the Congress to close bases. The secret was to create an independent Commission, nominated by the President and confirmed by the Senate, to review recommendations from the Secretary and issue their judgments on the Secretary's list to the President. The President then could either approve the list and send it to the Congress, or send it back to the Commission. The act was replete with schedules, deadlines and requirements.

As a process, the Base Closure Commission has worked very well. After two rounds, together the Department of Defense, the President and the Congress, have sentenced 249 bases for closure. But the process is not without problems.

In my own State of Mississippi, over $500,000 has been spent by the State and communities to defend three bases for the past 2 years. Mississippi has not been alone in contributing to the incomes of Washington consultants. This past year, the people of Charleston and the State of South Carolina spent over $1.5 million to defend their bases before the Commission this year. Estimates are that California spent over $4 million to defend their bases, yet they lost over 50,000 jobs from closures in 1993.

Not only has Mississippi spent exorbitant amounts to defend our bases from the Base Closure Commission's knife, we have faced double and triple jeopardy. In a court of law, the Constitution protects presumed innocents from the threat of double jeopardy. But the presumption of innocence and the threat of double jeopardy are unknown and unheeded protection for communities facing axe-like attacks of the Base Closure Commission. Mississippi has learned a hard lesson: once you get added to a list—even when you win—you stay on that list.

These are communities which have supported our country in good times and bad. These communities have both suffered and benefited from the vagaries of defense spending. Never in the history of this country have these communities been under the constant threat of the budget knife the way they are under the base closure process. States like California, Florida, New York, Indiana, and South Carolina are only the first to fall victim to the defense budget contraction. The next State could be Georgia, Alabama, Arizona, Mississippi, or even your State.

The time has come to stop and catch our breath. We need to delay the 1995 base closure round and reassess where we are. Are we so confident that we will not need the very defense basing structure we are now cutting with abandon? Can we clearly predict what will happen in Bosnia, Haiti, North Korea, or the People's Republic of China? I do not believe we can, and if we cannot, then prudence requires that we stop and wait to see where we are going.

This bill does not terminate the base closure process. The bill only does two things: First, it acknowledges that we have cut a lot already and that we need to wait 2 years to see what we really need to keep.

Second, this bill suggests that we need to have a better understanding of this new post-cold war world before we close additional bases in the United States. In no way does this legislation terminate the base closure process. It only says, "Let's wait for 2 years before we proceed further."

Now is the time to reassess where we are going in our defense spending. Now is the time for us to stop and consider what capabilities we will need in the future. Now is the time to stop closing bases and start counting the costs. So far, we have spent a lot of money. Let's make sure that we don't close more bases only because we have a schedule to keep. Prudence requires us to be careful that we are not cutting something we will wish we had kept open. Buying it back 10 years from now will cost much more, possibly both in terms of money and American lives on the battlefield.

I urge my colleagues to examine the myth of base closure. We are not saving money. We need to wait, catch our breath and figure out where the world is going. If there is a remote chance that in 10 years we will be forced to recreate a military presence which we closed in haste, we will have to pay a premium price for that presence. We need to wait, catch our breath and figure out where the world is going.●

By Mr. DOLE (for himself and Mr. LIEBERMAN):

S. 2113. A bill to remove the embargo on Bosnia and Herzegovina; to the Committee on Foreign Relations.

BOSNIA ARMS EMBARGO ACT OF 1994

Mr. DOLE. Mr. President, Senator LIEBERMAN and I are introducing this bill to lift the United States arms embargo on Bosnia which is identical to the amendment the Senate passed earlier today by a vote of 50 to 49.

The passage of the Dole-Lieberman amendment sends a strong message to the administration and our allies to get moving. The vote on the Dole-Lieberman amendment was close—but, the fact is there were a number of Senators who told me that while they were not ready to vote in favor today, they would be in a couple of weeks, if no action is taken by the administration and the United Nations to lift the arms embargo on Bosnia.

This bill starts the clock ticking and lets the administration know that we are serious and determined. If final action is not taken on S. 2042, if the House fails to act, or if no action is taken by the administration to lift the arms embargo, we will offer this as an amendment to other bills.

The bottom line is that this issue is not going away. We can't sweep justice under the carpet, we can't forfeit America's leadership role. If nothing happens during the next few weeks, we will press forward once again.

The United States must lift the arms embargo on Bosnia and let the Bosnians defend themselves. Let's allow the Bosnians to decide what they want to do, and stop making decisions for them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. . UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of conventional arms appropriate to the self-defense needs of the Government of Bosnia and Herzegovina.

(b) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(c) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

(d) Nothing in this section shall be interpreted as authorization for deployment of U.S. forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment.

By Mr. BIDEN:

S. 2114. A bill to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States; to the Committee on Veterans Affairs.

VETERANS PLOT ALLOWANCE ACT OF 1994

• Mr. BIDEN. Mr. President, over a decade ago, Congress established the state cemetery grant program. This program, under which the Federal Government provides grants to states for establishing and maintaining state veterans cemeteries, was enacted in lieu of building additional national veterans cemeteries.

As part of the program, the Federal Government not only provides grants to states, it also pays the states a $150 plot allowance for each eligible veteran that is buried free of charge in a State-owned veterans cemetery. This Federal-State partnership has worked well.

However, when it comes to the plot allowance, there is a catch: States do not always receive it. A State is eligible for the plot allowance payment only if the veteran meets certain criteria. The State receives the plot allowance only for veterans who: First, were receiving veterans disability compensation or a veterans pension; second, died in a VA hospital; third, were indigent, and the body was unclaimed; or fourth, were, or could have been, discharged from the military due to a disability. At the same time, eligibility for burial in a national veterans cemetery is generally open to all honorably discharged veterans, space permitting.

In other words, State-owned veterans cemeteries exist to relieve the federal government of the responsibility of building additional national veterans cemeteries. Yet, States do not receive the $150 plot allowance for burying all national cemetery eligible veterans. I believe this disparate treatment is in conflict with the very purpose for which state veterans cemeteries were established.

That is why I am introducing legislation today to correct this disparity. The purpose of my bill is simple: to pay a state the $150 plot allowance for burying without charge any veteran eligible for burial in a national veterans cemetery.

With this proposal, states would receive plot allowance payments for about 5,000 additional veterans each year. Preliminary estimates from the Congressional Budget Office indicate the annual cost of the legislation would be $1 million.

Mr. President, this is not an arcane and trivial matter. Several states have already threatened to stop burying veterans without charge unless the state is reimbursed for the cost of the plot. And, as more and more national cemeteries are closed to additional burials because of space limitations—in fact, by the end of the decade, more than half of all national veterans cemeteries will be closed—the state veterans cemetery system takes on increased responsibility and increased importance.

If we are to ensure that America's veterans—the men and women who so bravely fought for our country—are given the opportunity for a decent and dignified national burial, we must ensure that there is a place to bury them. To do that, we must pass the legislation I am introducing today, and I urge my colleagues to cosponsor this measure.

Mr. President, I ask unanimous consent that a copy of the bill and letters of endorsement from the American Legion and AMVETS be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT OF PLOT OR INTERMENT ALLOWANCE.

Section 2303 of title 38, United States Code, is amended by adding at the end the following new subsection;

"(c)(1) Subject to paragraph (3) of this subsection, the Secretary shall pay to any State, or agency or political subdivision of such State, a plot or interment allowance of $150 for the burial of any veteran who—

"(A) is eligible for burial in a national cemetery under section 2402 of this title; and

"(B) is buried (without charge for the cost of a plot or interment) in a cemetery, or a section of a cemetery, that—

"(i) is used solely for the interment of persons eligible for burial in a national cemetery; and

"(ii) is owned by such State, or agency or political subdivision.

"(2) The payment of a plot or interment allowance under this subsection shall be in addition to any benefits provided under section 2303 or 2307 of this title, or subsection (a) of this section.

"(3) The Secretary may not pay a plot or interment allowance under this subsection for the burial of any veteran for which the Secretary pays a plot or interment allowance under subsection (b)(1) of this section.".

THE AMERICAN LEGION,
Washington, DC., April 28, 1994.
Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senate, Washington, DC.

The American Legion appreciates the opportunity to comment on the draft legislation for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States.

The draft legislation to be introduced is similar to H.R. 949, legislation passed by the House which will provide a $150 plot allowance to all veterans buried in State veterans' cemeteries who are eligible for burial in a national cemetery. The American Legion supported this proposal in testimony on March 4, 1993, before the Subcommittee on Veterans Affairs, U.S. House of Representatives. Unlike the House legislation, the Senate bill clarifies that the plot allowance is to be paid to states even in cases of veterans who die of service-connected disabilities, if they are buried without charge.

The State Cemetery Grants Program was designed to aid states in establishing, expanding or improving state-owned cemeteries for veterans. As further federal funding for the expansion of national cemeteries is uncertain in the current budgetary climate, more incentive has to be provided to the states for continued participation in the State Cemetery Grants Program. Contained within The American Legion position on veterans' burial benefits is for a plot allowance to be paid to the States for any honorably discharged veteran. We strongly support the continuation and expansion of the State Cemetery Grants Program, and believe the draft legislation will enhance this goal.

Attached is The American Legion's testimony concerning H.R. 949. If we can be of further assistance, please do not hesitate to call.

Sincerely,

JOHN VITIKACS,
Assistant Director, National Veterans Affairs and Rehabilitation Commission.

AMVETS,
Lanham, MD, April 29, 1994.
Hon. JOSEPH R. BIDEN,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: Thank you for requesting AMVETS' views on draft legislation that would allow VA to pay states a burial plot allowance for all veterans buried in state owned veterans cemeteries.

While AMVETS firmly believes that it is the responsibility of the federal government to provide the opportunity for burial in a nearby national cemetery, we appreciate the willingness of some states to assume that role. It is incumbent upon the federal government to provide some assistance to ensure state cemeteries are maintained in an appropriate manner and AMVETS therefore supports your draft legislation.

As always Senator, AMVETS appreciates your support for veterans issues and we look forward to working with you in the future.

Sincerely,

JAMES J. KENNEY,
National Executive Director.•

By Ms. MOSELEY-BRAUN (for herself, Ms. MIKULSKI, Mrs. BOXER, Mr. PELL, Mr. ROBB, Mr.

WELLSTONE, Mr. HARKIN, Mr. AKAKA, Mr. SIMON, Mr. KOHL, Mr. GRAHAM, Mr. MACK, Mr. BUMPERS, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. RIEGLE, Mr. LEVIN, Mr. DASCHLE, Mr. DURENBERGER, Mr. WOFFORD, Mr. KENNEDY, Mr. KERRY, Mr. SIMPSON, Mr. LEAHY, Mr. SARBANES, Mr. SPECTER, Mr. METZENBAUM, Mr. CHAFEE, Mr. JEFFORDS, Mr. MITCHELL, Mr. REID, Mr. MOYNIHAN, Mr. GREGG, Mr. FEINGOLD, Mr. BRADLEY, Mr. LIEBERMAN, Mr. BREAUX, Mr. STEVENS, Mr. INOUYE, Mr. GLENN, Mr. DECONCINI, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. JOHNSTON, Mr. PRYOR, Mr. BRYAN, Mr. BURNS, Mrs. FEINSTEIN, Mr. BOND, Mr. DODD, Mr. BOREN, Mr. MATHEWS, Mr. DORGAN, and Mr. MURKOWSKI):

S.J. Res. 188. A joint resolution to designate 1995 the "Year of the Girl Child"; to the Committee on the Judiciary.

YEAR OF THE GIRL CHILD, 1995 JOINT RESOLUTION

• Ms. MOSELEY-BRAUN. Mr. President, girls are the most neglected and undervalued resource worldwide. Gender inequality exists in the United States and around the world.

In many cultures, young girls are routinely denied family resources so that there is more for the boys. In China, many family planning decisions are made based on gender; in India, girls are sold and denied a place in the family; in Africa, girls are subjected to genital mutilation. In many parts of the world, girls receive less by virtue of the power dynamic in the society.

Recognition of the value of girls must begin within individual families and communities. Opening opportunities for the education and employment of girls and women is vital to achieving success in economic and social development.

Mr. President, I am introducing this joint resolution to call attention to this situation. Women in the United States have a common challenge with women throughout the world. We must change things here, in our culture, and make things better for girls and women all over the world. We must work together to change the dynamic of the equation between powerlessness and gender, between poverty and gender, between exclusion from decisionmaking and gender. We need to turn that around, so that our entire community worldwide will have the benefit of the participation and the energy and intelligence that women have to bring to the table.

This joint resolution will create greater awareness of the conditions under which girls live around the globe. But it is more than a symbolic gesture. This measure authorizes and requests the President of the United States to call upon all U.S. missions in foreign countries, as well as all United States diplomatic personnel, the Secretary of Education, and the Secretary of Health and Human Services to encourage gender equality in education, health care, and all phases of family and community life.

I am pleased that more than fifty Senators have signed on as original cosponsors of this joint resolution. Passing this joint resolution demonstrates that the United States Congress recognizes the plight of the girl child in the world today. Elevating the status of girls is a first step toward raising the status of women, which is, in turn, fundamental to balancing the world's population, environment and resources, and enhancing the quality of life for women and men.•

By Mr. ROTH:

S.J. Res. 189. A joint resolution designating October 1994 as "National Decorative Painting Month"; to the Committee on the Judiciary.

NATIONAL DECORATIVE PAINTING MONTH

• Mr. ROTH. Mr. President, today I am introducing a joint resolution to designate October, 1994 as "National Decorative Painting Month." Companion legislation was introduced in the House by Congressman GEREN in March.

The Society of Decorative Painters has 33,000 members who are located in every State. The membership encompasses a variety of people who contribute their talents to this field, including teachers, designers, and people who promote our history and culture through decorative painting. American crafts contribute to our economy. The market in crafts has reached $90 million a year.

The Society of Decorative Painters have given unselfishly of their time. The society has decorated the Christmas trees at Blair House since 1983, have decorated Christmas trees for the Smithsonian, and have donated ornaments at the request of vice-president Gore to be presented as our national gift to Helmut Kohl.

Mr. President, I am pleased to introduce this joint resolution to pay tribute to the Society of Decorative Painters today. I urge my colleagues to join me in designating October, 1994 as "National Decorative Painting Month". I ask unanimous consent that the text of the joint resolution be printed.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 189

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas, the painting of decorative items on various surfaces requires great skill, intensive training, and hours of dedicated practice, and produces works of beauty, and

Whereas, throughout history, decorative painting has provided a medium for the preservation of history and culture, and future, has been recognized as a fine art by all of the world's great civilizations; and,

Whereas, growing thousands of American decorative artists have studied, explored, and enhanced the historic skills of decorative painting, adding immeasurably to the cultural enrichment of our Nation; and

Whereas, the efforts of these artists bring rich beauty and expanded dimensions to our national culture for the benefit and enrichment of the lives of all citizens; and

Whereas, the Society of Decorative Painters has created a collection whose purpose it is to obtain and preserve works of uniquely American decorative painting; and,

Whereas, decorative artists in every state utilize their talents to raise money to benefit art institutions, hospitals, schools, and countless other philanthropic organizations; and,

Whereas, members of the Society of Decorative Painters have enriched the Smithsonian Institution by decorating Christmas trees therein, and have displayed the American spirit of decorative painting by provided ornaments for the Christmas Tree and wreaths at Blair House, and at the request of Vice-President Al Gore, donated ornaments which were presented as our national gift to the German Chancellor; and,

Whereas, decorative painters stand ever ready to donate their services to make our nation a richer and more beautiful place: Now, therefore, be it

Resolved By The Senate And The House of Representatives of the United States of American in Congress assembled, That October, 1994 is designated "National Decorative Painting Month" and the President is authorized and requested to issue a proclamation calling upon the People of the United States to observe such month with appropriate ceremonies and activities.•

ADDITIONAL COSPONSORS

S. 1669

At the request of Mrs. HUTCHISON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 1819

At the request of Mrs. KASSEBAUM, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1819, a bill to prohibit any Federal department or agency from requiring any State, or political subdivision thereof, to convert highway signs to metric units.

S. 1917

At the request of Mr. FEINGOLD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1917, a bill to provide for public access to information regarding the availability of insurance, and for other purposes.

S. 1972

At the request of Mr. BINGAMAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1972, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize inclusion in a community policing grant of funds to pay 25 percent of the cost of providing bulletproof vests for 100,000 police officers.

S. 1973

At the request of Mr. BINGAMAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1973, a bill to authorize funds to pay a portion of the startup costs of local handgun exchange programs.

S. 1983

At the request of Mr. HEFLIN, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1983, a bill to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmaster.

S. 2006

At the request of Mr. DOLE, the names of the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Texas [Mr. GRAMM], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 2006, a bill to require Federal agencies to prepare private property taking impact analyses, and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 168

At the request of Mr. ROBB, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Rhode Island [Mr. PELL], the Senator from Maine [Mr. MITCHELL], the Senator from Virginia [Mr. WARNER], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 168, a joint resolution designating May 11, 1994, as "Vietnam Human Rights Day."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

AMENDMENTS SUBMITTED

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

BAUCUS (AND OTHERS) AMENDMENT NO. 1698

Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. HATFIELD, Mr. KERREY, and Mr. EXON) proposed an amendment to the bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes; as follows:

State Revolving Loan Funds

On page 5, line 7, insert ", except as provided in subsection (c)(4)" after "the State".

On page 5, lines 22 through 24, strike "and carry out oversight and related activities (other than financial administration) with respect to" and insert "for".

On page 6, line 11, insert "or other State revolving funds providing financing for similar purposes" after "(33 U.S.C. 1381 et seq.)".

On page 6, line 16, insert "of and in compliance with the requirements" after "purposes".

On page 7, lines 3 and 4, strike "up to 50 percent of a capitalization grant" and insert "in any year a dollar amount up to the dollar amount that may be reserved under clause (i) for that year from capitalization grants".

On page 7, between lines 13 and 14, insert the following new paragraph:

"(4) STATE MATCH.—Notwithstanding subsection (b)(5), a State shall not be required to deposit a State matching amount in the fund prior to the date on which each payment is made for payments from funds appropriated for fiscal years 1994 and 1995, if the matching amounts for the payments are deposited in the State fund prior to September 30, 1998.

On page 8, line 3, insert "the minimum proportionate share established in the formula shall be 1 percent of available funds and" after "except that".

On page 10, line 5, strike "protection plan" and insert "quality protection petition program".

On page 11, line 13, insert "before a date that is 180 days prior to the date of the obligation of a new allotment" after "accumulated".

On page 11, after line 25, insert the following new paragraph:

"(3) ALLOTMENT OF WITHHELD FUNDS.—All funds withheld by the Administrator pursuant to subsection (g) and section 1442(e)(4) shall be allotted by the Administrator on the basis of the same ratio as is applicable to funds allotted under subsection (b). None of the funds allotted by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has viability authority pursuant to section 1418 and has an adequate certification program pursuant to section 1442(e).

On page 12, line 26, insert "or for a consolidation project" after "treatment facility".

On page 16, line 18, strike "such".

On page 16, lines 20 through 22, strike "for projects for the community as necessary to ensure conformity with affordability criteria established by the State".

On page 17, line 18, insert "and source water quality protection petition program" after "program".

On page 20, line 22, strike "1 year" and insert "2 years".

On page 20, line 23, strike "annually" and insert "biennially".

On page 21, line 11, insert "owned or controlled by community water systems" after "facilities".

Drinking Water Standards

On page 23, line 23, after "Sec. 1479.", insert the following: "(a) GENERAL AUTHORIZATION.—".

On page 24, line 2, strike the quotation marks and the following period.

On page 24, between lines 2 and 3, insert the following new subsection:

"(b) NATIONAL ACADEMY OF SCIENCES.—The Administrator is authorized to reserve from funds appropriated pursuant to this section for fiscal year 1995 an amount not to exceed $1,000,000 to support a study by the National Academy of Sciences of scientific practices related to the development of drinking water standards for contaminants that are regulated on the basis of a health effect other than a carcinogenic effect.".

Selection of Contaminants for Regulation

On page 31, line 10, insert "(after consultation with the Secretary of the Department of Health and Human Services acting through the Director of the Centers for Disease Control and Prevention)" after "Administrator".

On page 32, line 23, strike "unless" and insert "if".

On page 32, after line 24, insert the following new clause:

"(i) appropriate, peer-reviewed, scientific information and an assessment of health risks, conducted in accordance with sound scientific practices (considering applicable guidance from the National Academy of Sciences), have been considered;".

On page 33, line 1, strike "(i)" and insert "(ii)".

On page 33, line 1, strike "not".

On page 33, line 2, strike "or" and insert "and".

On page 33, line 3, strike "(ii)" and insert "(iii)".

On page 33, line 3, strike "does not meet" and insert "meets".

On page 33, lines 6 through 8, strike "that adequate data are not available, or that the contaminant does not meet the criteria for regulation," and insert "under this subparagraph".

On page 33, line 16, strike "(C)(i)" and insert "(C)(ii)".

Drinking Water Standards

Beginning on page 38, strike line 17 and all that follows through page 39, line 25, and insert the following new subparagraphs:

"(B) HEALTH RISK REDUCTION AND COST.—At the time a maximum contaminant level is proposed, the Administrator shall publish and seek public comment on, and consider for the purposes of subparagraph (C), an analysis of—

"(i) the health risk reduction benefits that are likely to occur as the result of treatment to comply with the maximum contaminant level;

"(ii) the costs that will be experienced as a result of compliance with the maximum contaminant level, including monitoring, treatment, and other costs; and

"(iii) any potential increased health risk that may occur as a result of compliance with the maximum contaminant level.

"(C) ADDITIONAL AUTHORITY.—

"(i) Notwithstanding subparagraph (A), the Administrator may establish a maximum contaminant level that is less stringent than is feasible (as determined under paragraph (5)), if the Administrator determines that the less stringent level will result in compliance costs that are substantially less than costs that would be experienced by public water systems to comply with the level that is feasible and that the less stringent level will—

"(I) for any contaminant that is regulated on the basis of the carcinogenic effects of the contaminant, not result in a significant increase in individual lifetime cancer risks from concentrations of the contaminant in drinking water relative to the feasible level; or

"(II) for any contaminant that is regulated on the basis of a health effect other than a carcinogenic effect, ensure a reasonable certainty of no harm.

"(ii) For contaminants that are regulated on the basis of health effects other than carcinogenic effects, the Administrator shall use the authority provided in this subparagraph only after the Administrator publishes in the Federal Register guidelines establishing sound scientific practices for the implementation of the authority with respect to the contaminant. The Administrator may publish guidelines pursuant to this clause only after the National Academy of Sciences has completed a study and made recommendations concerning the scientific information, methods, and practices that would be necessary to support the implementation of clause (i)(II) and ensure that decisions by the Administrator pursuant to clause (i)(II) are based on appropriate, peer-reviewed, scientific information and sound scientific practices. The study by the National Academy of Sciences shall be completed as expeditiously as practicable.

On page 40, line 1, strike "(C)" and insert "(D)".

Disinfection Byproducts

On page 40, line 7, insert "technology, treatment techniques, and other means used to determine the" after "is feasible if the".

On page 41, line 3, after the period, insert closing quotation marks and a period.

On page 41, strike lines 4 through 7.

Variances

On page 53, lines 1 through 3, strike ", in the judgment of the Administrator or, if the State has primary enforcement responsibility under section 1413, the State,".

On page 53, line 4, insert ", in accordance with affordability criteria established by the State (or the Administrator for State that does not have primary enforcement responsibility under section 1413)," after "afford to comply".

On page 55, line 11, strike "3" and insert "4".

On page 55, strike lines 12 through 18 and insert "the national primary drinking water regulation was promulgated.".

On page 59, strike line 11 and insert the following:

"(B) Objections to Variances.—

"(i) By the Administrator.—If any

On page 60, between lines 2 and 3, insert the following new clause:

"(ii) Petition by Consumers.—If the Administrator does not object to the granting of a variance, any person served by the system may petition the Administrator to object to the granting of a variance. The Administrator shall respond to the petition not later than 90 days after the receipt of the petition. The State shall not grant the variance during the 90-day period. The petition shall be based on comments made by the petitioner during public review of the variance by the State."

Small System Technology

On page 61, line 1, strike "3,300" and insert "10,000".

On page 61, line 2, after the period, insert the following new sentence: "The Administrator may classify systems by the size of the population served and describe a technology or technologies that are appropriate for systems in each class."

Enforcement

On page 69, line 1, insert "and the State with primary enforcement responsibility for the requirement has not commenced or is not diligently prosecuting an enforcement action to require compliance with the requirement" after "requirement".

On page 76, line 23, insert "1419," after "1417,".

On page 76, line 23, insert "1442," after "1441,".

On page 76, line 23, insert "1466," after "1464,".

Notification of Violations

On page 80, line 5, insert "by a community water system" after "violation".

On page 80, line 14, insert "prominently" after "be".

On page 81, between lines 10 and 11, insert the following new subparagraph:

"(C) Notice by Mail.—Regulations promulgated under this subsection shall specify that community water systems shall provide notice by mail to each customer of the system of any violation of a maximum contaminant level or treatment technique, in the first billing, if any, that occurs after the violation, but not later than 1 year after the violation. The Administrator shall prescribe the form and manner of the notice to ensure a clear and readily understandable explanation of the violation, any potential adverse health effects, the steps that the system is taking to correct the violation, and the necessity to seek alternative water supplies, if any, until the violation is corrected."

On page 81, line 11, strike "(C)" and insert "(D)".

On page 81, line 12, insert "by a community water system" after "violations".

On page 81, line 15, insert "prominently" after "and".

On page 81, between lines 20 and 21, insert the following new subparagraph:

"(E) Violations by Noncommunity Systems.—The Administrator shall establish appropriate procedures for notifying the users or potential users of a noncommunity water system of violations by the system, including posting wherever access to the water of the system is available to the public, if the violation may present a serious threat to human health."

On page 81, line 21, strike "(D)" and insert "(F)".

On page 82, line 3, strike "(E)" and insert "(G)".

On page 82, line 8, strike "(D)" and insert "(F)".

On page 83, strike lines 4 through 10 and insert the following:

"(b) State Authority for Administrative Penalties.—Section 1413(a) (42 U.S.C. 300g–2(a)) is amended—"

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(6) has adopted authority for administrative penalties comparable to the authority in section 1414(c).".

Radon

On page 88, strike lines 4 through 13 and insert the following:

"level that—

"(i) results in a radon concentration level in indoor air from drinking water that is equivalent to the national average concentration in outdoor air; or

"(ii) is not less than 50 percent of the national level specified in clause (i), reflecting consideration of risks other than risks from radon in ambient air, including risks from ingestion of radon in drinking water and episodic uses of drinking water, if the National Academy of Sciences considers it appropriate to include the risk referred to in this clause;"

Operator Certification

On page 105, line 11, strike "(a) In General.—".

On page 108, line 9, strike "public water system" and insert "each community and noncommunity water systems serving nontransient populations".

On page 108, line 19, strike "Regulations" and insert "Guidelines".

On page 108, lines 22 and 23, strike "regulations specifying" and insert "guidelines developed in consultation with the States describing".

On page 108, line 25, strike the quotation marks and the semicolon.

On page 108, after line 25, insert the following new paragraph:

"(4) Noncompliance.—Effective beginning October 1, 1999, if the Administrator determines that the certification program implemented by a State lacks a major element identified in the guidance published pursuant to paragraph (3) or an element of the program is substantially inconsistent with the guidelines established in paragraph (3), the Administrator shall withhold a percentage (prescribed in the second sentence) of the capitalization grant made to the State pursuant to part G. The percentage withheld shall be 10 percent for fiscal year 1999, 30 percent for fiscal year 2000, and 50 percent for each subsequent fiscal year.";

On page 109, line 9, strike "subsection" and insert "subsections".

Drinking Water Standards

On page 115, line 18, strike the quotation marks and the following period.

On page 115, between lines 18 and 19, insert the following new subsection:

"(j) Subpopulations at Greater Risk.—The Administrator shall conduct a continuing program of research to identify groups within the general population that may be at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population. The Administrator shall report to Congress on the results of this research not later than 3 years after the date of enactment of this subsection, and every 3 years thereafter, and indicate in the reports whether there is any evidence that infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that can be identified and characterized are likely to experience elevated health risks, including risks of cancer, from contaminants in drinking water.".

Operator Certification

Beginning on page 115, strike line 19 and all that follows through page 116, line 2.

Federal Facilities

On page 121, between lines 21 and 22, insert the following new subsection:

"(c) Underground Injection Control Grant.—Section 1443(b)(5) (42 U.S.C. 300j–2(b)(5)) is amended by adding at the end the following:

"1992	$20,850,000
1993	$20,850,000
1994	$20,850,000
1995	$20,850,000
1996	$20,850,000
1997	$20,850,000
1998	$20,850,000
1999	$20,850,000
2000	$20,850,000.".

On page 125, line 13, insert "or underground injection" after "water".

On page 127, line 2, insert "or underground injection" after "water".

Residential Treatment Systems and Drinking Water Advisory Council

On page 141, between lines 2 and 3, insert the following new subsections:

"(g) Certification of Residential Water Treatment Devices.—Part F (42 U.S.C. 300j–21 et seq.) is amended by adding at the end the following new section:

"RESIDENTIAL WATER TREATMENT DEVICES

"Sec. 1466. (a) Certification.—For the purpose of certifying residential water treatment devices for material safety and effectiveness in reducing the concentration of drinking water contaminants of health concern, the Administrator shall—

"(1) not later than 1 year after the date of enactment of this section, develop, by rule, criteria to identify qualified independent certifiers; and

"(2) identify certifiers meeting the criteria developed pursuant to paragraph (1).

The Administrator shall provide technical assistance and information to independent certifiers for the purposes of this section. Any person may submit to the Administrator an application to be identified as a qualified independent certifier. The Administrator shall promptly approve the application if the person meets the criteria developed by the Administrator.

"(b) List of Certified Devices.—Not later than 2 years after the date of enactment of this section and annually thereafter, the Administrator shall publish a list of residential water treatment devices that are certified by qualified independent certifiers. A list published under this subsection shall identify, for each listed device, consumer information on the effectiveness of the device for removing drinking water contaminants of health concern, the period of effectiveness, and recommended operational procedures.

"(c) Product Claims.—No person shall claim or imply product certification under this section for a water treatment device unless the device has been certified by a qualified independent certifier and the claim is consistent with the certification.

"(d) Prohibition.—It shall be a violation of this title to distribute, sell, or promote the sale of any residential water treatment device on the basis of false or misleading claims concerning the effectiveness of the device in removing drinking water contaminants, the protection of health, or the safety of product materials.".

(h) Drinking Water Advisory Council.—The second sentence of section 1446(a) (42 U.S.C. 300j–6(a)) is amended by inserting before the period at the end the following: ", of which two such members shall be associated with small, rural public water systems".

On page 141, line 3, strike "(g)" and insert "(i)".

On page 141, line 13, strike "(h)" and insert "(j)".

KERREY (AND OTHERS) AMENDMENT NO. 1699

Mr. KERREY (for himself, Mr. Hatfield, Mr. Boren, Mr. Gorton, Mr. Exon, Mr. DeConcini, Mr. Levin, and Mr. Warner) proposed an amendment to the bill S. 2019, supra; as follows:

Viability

On page 12, line 10, strike "50 percent" and insert "the percentage prescribed in the following sentence".

On page 12, line 13, after the period, insert the following: "The percentage withheld shall be 10 percent for fiscal year 1998, 30 percent for fiscal year 1999, and 30 percent for each subsequent fiscal year.".

On page 13, strike lines 16 through 20, and insert the following:

"(2) Assistance to nonviable systems.—

"(A) In general.—Except as provided in subparagraph (B), no assistance under this part shall be provided to a public water system that—

"(i) does not have the technical, managerial, and financial capability to ensure compliance with the requirements of this title; and

"(ii) has a history of past violations of any maximum contaminant level, treatment technique, monitoring requirement, or other requirement of a national primary drinking water regulation or variance.

"(B) Restructuring.—A nonviable public water system may receive assistance under this part if the owner or operator of the system agrees to undertake changes in operations (including ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures) to ensure that the system has the technical, managerial, and financial capability to comply with the requirements of this title over the long-term.

"(C) Prohibition.—No assistance under this part shall be provided to a public water system for a project for which the State determines that consolidation is appropriate other than assistance for consolidation.".

Beginning on page 62, strike line 25 and all that follows through page 64, line 22, and insert the following:

"(b) Viability of Public Water Systems.—Part B (42 U.S.C. 300g et seq.) is amended by adding at the end the following new section:

"STATE VIABILITY PROGRAMS

"Sec. 1418. (a) In General.—Each State shall adopt a State Drinking Water System Viability Program (referred to in this section as the 'State Viability Program') to ensure the capability of public water systems in the State to comply with the requirements of this title.

"(b) Program Elements.—A State Viability Program complies with this section if it includes—

"(1) the legal authority to ensure that all new public water systems commencing operation after October 1, 1997, have the managerial, technical, and financial capability to comply with national primary drinking water regulations and other requirements of this title; and

"(2) a program to secure the voluntary restructuring (including physical consolidation) of existing systems that are in violation of a national primary drinking water regulation or other requirement of this title and that lack the managerial, technical, or financial capability to comply with the regulation or requirement.

"(c) Submission and Approval of Programs.—

"(1) Submission.—Not later than 36 months after the date of enactment of this section, each State shall submit to the Administrator a proposal for a State Viability Program that meets the requirements of this section."

On page 66, line 2, strike the quotation marks and the following period.

On page 66, between lines 2 and 3, insert the following new subsections:

"(f) EPA Guidance.—Not later than 2 years after the date of enactment of this section, the Administrator shall, after consultation with officials of State and local governments, publish guidance for use by the States—

"(1) identifying the factors contributing to nonviability of public water systems; and

"(2) identifying technical, managerial, financial, and other options to address the factors, including options that have been successfully employed by States.

"(g) EPA Survey.—Not later than 2 years after the date of enactment of this section, the Administrator shall conduct a survey of public water systems to identify public water systems that are likely to be nonviable based on the requirements of law and factors contributing to nonviability, including the economic circumstances of the community. The results of the survey shall be published with the guidance prepared by the Administrator pursuant to subsection (f).".

Monitoring

On page 48, line 10, strike "2 years" and insert "1 year".

On page 48, line 11, insert "after consultation with public health experts, representatives of the general public, and officials of State and local governments," after "subparagraph,".

On page 48, line 16, strike "propose" and insert "promulgate".

Beginning on page 48, strike line 18 and all that follows through page 51, line 2, and insert the following new subparagraph:

"(D) State-established requirements.—

"(i) In general.—Each State with primary enforcement responsibility may submit an application to the Administrator to establish for any national drinking water regulation, other than a regulation applicable to a microbial contaminant (or indicator of a microbial contaminant), monitoring requirements applicable to public water systems identified by the State, in lieu of the monitoring requirements contained in the regulation, if the monitoring requirements established by the State are based on—

"(I) occurrence data and other relevant characteristics of the contaminant or the systems subject to the requirements; and

"(II) the monitoring frequencies are no less frequent than the requirements of the national primary drinking water regulations for a contaminant that has been detected at a quantifiable level during the 5-year period ending on the date of the monitoring.

"(ii) Compliance and enforcement.—The monitoring requirement established by the State shall be adequate to ensure compliance with, and enforcement of, each national primary drinking water regulation.

"(iii) Approval.—The Administrator shall review an application submitted by a State pursuant to this subparagraph and approve the application, in whole or in part, if the application meets the requirements of this subparagraph. If the Administrator has not acted pursuant to this clause within 180 days after submission of the application, the application shall be deemed to be approved. If the Administrator disapproves an application, or a part of an application, the Administrator shall provide to the State a description of the changes needed for the program to be approved. A monitoring program approved pursuant to this clause shall be approved for a period of 3 years and each subsequent approval shall be for a period of 5 years.".

WARNER (AND CONRAD) AMENDMENT NO. 1700

Mr. WARNER (for himself and Mr. CONRAD) proposed an amendment to the bill S. 2019, supra; as follows:

Beginning on page 94, strike line 10 and all that follows through page 103, line 2, and insert the following:

"SEC. 9. WATER QUALITY PROTECTION PARTNERSHIP.

"(a) SOURCE WATER QUALITY PROTECTION.—Part B (42 U.S.C. 300g et seq.) (as amended by section 8) is further amended by adding at the end the following new section:

"SOURCE WATER QUALITY PROTECTION

"SEC. 1420. (a) SOURCE WATER QUALITY PROTECTION PETITION PROGRAM.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—A State may establish a program under which an owner or operator of a community water system of the State, or a municipal or local government or political subdivision of the government in the State, may submit a water quality protection petition to the State requesting that the State assist in addressing—

"(i) the origins of drinking water contaminants of public health concern, including to the extent practicable the specific activities, that affect the drinking water supply of a community; and

"(ii) the financial or technical limitations that impair the ability of a community water system to provide drinking water that complies with a national primary drinking water regulation for—

"(I) a contaminant listed under this title; or

"(II) an unregulated contaminant for which the Administrator has determined that there is an urgent threat to public health pursuant to section 1412(b)(3)(G).

"(B) FUNDING.—The State may provide assistance in response to the petition using funds referred to in subsections (b)(2)(C) and (c).

"(2) GOAL.—The objective of a petition submitted under this subsection shall be to seek assistance from the State in directing or redirecting resources under Federal or State water quality programs to establish voluntary, incentive-based partnerships in order to address the origins of drinking water contaminants of public health concern, including to the extent practicable the specific activities, that affect the drinking water supply of a community.

"(3) CONTENTS OF PETITION.—A petition submitted under this subsection shall, at a minimum—

"(A) include a delineation of the source water area in the State that is the subject of the petition;

"(B) identify the origins of the drinking water contaminants of public health concern, including to the extent practicable the specific activities, in the source water area delineated under subparagraph (A);

"(C) identify any deficiencies in information that will inhibit the identification of significant origins of drinking water contaminants of public health concern; and

"(D) identify any public participation solicited from affected persons in the source water area delineated under subparagraph (A), including—

"(i) voluntary efforts to address the origins of the drinking water contaminants of public health concern, including specific activities; and

"(ii) the assistance that may be needed to facilitate the efforts.

"(b) APPROVAL OR DISAPPROVAL OF PETITIONS.—

"(1) IN GENERAL.—After providing notice and an opportunity for public comment on a petition submitted under subsection (a), the State shall approve or disapprove in whole or in part the petition in an expeditious manner.

"(2) APPROVAL.—The State may approve a petition if the petition meets the requirements established under subsection (a). The notice of approval shall, at a minimum, include—

"(A) a determination that the drinking water contaminants referred to in the petition pose a public health concern;

"(B) a description of the options available, including voluntary measures and practices, for the protection of source waters to address the problems described in the petition;

"(C) an identification of technical or financial assistance that the State will provide to assist in addressing the drinking water contaminants of public health concern based on—

"(i) the relative priority of the public health concern identified in the petition as compared to the other water quality needs identified by the State;

"(ii) any appropriate studies or assessments that are available to identify significant origins of drinking water contaminants of public health concern;

"(iii) any necessary coordination that the State will perform of the program established under this section with programs implemented or planned by other States under this section; and

"(iv) funds available (including funds available from a State revolving loan fund established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or part G) and the appropriate distribution of the funds to assist in addressing the problems described in the petition;

"(D) a description of Federal and State programs available to assist in addressing the problems described in the petition, including—

"(i) any program established under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(ii) the program established under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b);

"(iii) the agricultural water quality protection program established under chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

"(iv) the sole source aquifer protection program established under section 1427;

"(v) the community wellhead protection program established under section 1428;

"(vi) any pesticide or ground water management plan; and

"(vii) any abandoned well closure program;

"(E) a description of activities that will be undertaken to coordinate Federal and State programs to respond to the petition; and

"(F) a description of alternative management measures or treatment techniques and other strategies, including an evaluation of the costs associated with each alternative, and a description of sources of funding available to implement the alternative.

"(3) DISAPPROVAL.—If the State disapproves a petition submitted under subsection (a), the State shall notify the entity submitting the petition in writing of the reasons for disapproval. A petition may be resubmitted at any time if new information becomes available or conditions affecting the source water that is the subject of the petition change.

"(c) ELIGIBILITY FOR WATER QUALITY PROTECTION ASSISTANCE.—A sole source aquifer plan developed pursuant to section 1427, a wellhead protection plan developed pursuant to section 1428, and a source water quality protection measure assisted in response to a petition submitted under subsection (a) shall be eligible for assistance under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including assistance provided under section 319 and title VI of such Act (33 U.S.C. 1329 and 1381 et seq.), in the same manner as a project, measure, or practice identified in a State plan under such section 319 is eligible for assistance under such Act. In the case of funds made available under such section 319 to assist a source water quality protection measure in response to a petition submitted under subsection (a), the funds may be used only for a measure that addresses nonpoint source pollution.

"(d) GRANTS TO SUPPORT STATE PROGRAMS.—

"(1) IN GENERAL.—The Administrator is authorized to make grants to each State that establishes a program under this section that is approved under paragraph (2). The amount of each grant shall not exceed 50 percent of the cost of administering the petition program for the year in which the grant is available.

"(2) APPROVAL.—As a condition of receiving grant assistance under this subsection, a State shall submit to the Administrator for approval a source water protection petition program that is consistent with the guidance published under paragraph (3).

"(3) GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Administrator shall publish guidance to assist States in the development of a source water protection petition program. The guidance shall, at a minimum—

"(A) recommend procedures for the approval by a State of a source water protection petition submitted under subsection (a);

"(B) recommend procedures by which a community water system may submit a source water protection petition developed under subsection (a);

"(C) recommend criteria for the delineation of source water protection areas within a State; and

"(D) describe sources of funding that are available to develop and respond to source water protection petitions.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 1995 through 2000. Each State with a program approved under paragraph (2) shall receive an equitable portion of the funds available for any fiscal year.".

WARNER (AND ROBB) AMENDMENT NO. 1701

Mr. WARNER (for himself and Mr. ROBB) proposed an amendment to the bill S. 2019, supra; as follows:

In section 16 of the bill, strike subsection (f) and insert the following new subsection:

"(f) CAPITAL IMPROVEMENTS FOR THE WASHINGTON AQUEDUCT.—

"(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), and notwithstanding any other provision of law, at the request of the public water supply customers of the Washington Aqueduct—

"(A) the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall borrow from the Federal Financing Bank such funds as the

Secretary of the Army determines are required to finance capital improvements for the Washington Aqueduct; and

"(B) the Board of Directors of the Federal Financing Bank shall loan the funds to the Secretary of the Army on such terms as may be established by the Secretary of the Army and the Board of Directors.

"(2) INTEREST.—The rate of interest to be charged in connection with a loan made under paragraph (1) shall be not less than a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

"(3) CONTRACT.—The Secretary of the Army shall borrow funds under paragraph (1) after the public water supply customers enter into a written contract with the Secretary of the Army to repay the funds and to pay the costs associated with borrowing the funds.

"(4) NET PRESENT VALUE OF LOAN.—The Secretary of the Army may borrow funds under paragraph (1) if amounts sufficient to pay for the cost, as defined in section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), of the loan involved are provided in advance in appropriation Acts.

"(5) DEFINITION.—As used in this subsection, the term "public water supply customers" means the District of Columbia, the county of Arlington, Virginia, and the city of Falls Church, Virginia.".

DOMENICI (AND GORTON) AMENDMENT NO. 1702

Mr. DOMENICI (for himself and Mr. GORTON) proposed an amendment to the bill S. 2019, supra; as follows:

On page 106, line 13, strike "and" at the end and all that follows through line 15 and insert the following:

(B) by striking paragraph (3) and inserting the following new paragraph:

"(3) SCIENTIFIC BASIS FOR DECISIONS.—

"(A) IN GENERAL.—In carrying out this title, the Administrator shall use the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices.

"(B) PUBLIC INFORMATION.—In carrying out this title, the Administrator shall ensure that the presentation of information on public health effects is complete and informative. The Administrator shall, in a document made available to the public in support of a regulation issued under this title, specify, to the extent feasible—

"(i) each population addressed by any estimate of public health effects:

"(ii) the expected risk or central estimate of risk for the specific population;

"(iii) each appropriate upper-bound or lower-bound estimate of risk;

"(iv) each uncertainty identified in the process of the assessment of public health effects and future research that is necessary to address the uncertainty; and

"(v) any study known to the Administrator that supports or fails to support any estimate of public health effects, including the methodology used to reconcile varying scientific data."; and

(C) by adding at the end the following new paragraph:

KEMPTHORNE AMENDMENT NO. 1703

Mr. KEMPTHORNE proposed an amendment to the bill S. 2019, supra; as follows:

Amendment for Small System Treatment Meeting MCLs. On page 68, after line 18, insert the following:

(d) Section 1412(b)(6) (42 U.S.C. 300g–1(b)(6)) is amended by adding at the end thereof the following: "The Administrator shall include in the list any technology, treatment technique or other means that is feasible for small public water systems and that achieves compliance with the maximum contaminant level, including (A) packaged or modular systems; and (B) point of entry treatment units that are controlled by the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level and equipped with mechanical warnings to ensure that customers are automatically notified of operational problems.".

LAUTENBERG AMENDMENT NO. 1704

Mr. BAUCUS (for Mr. LAUTENBERG) proposed an amendment to the bill S. 2019, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . BOTTLED DRINKING WATER STANDARDS.

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended—

(1) by striking "Whenever" and inserting "(a) Except as provided in subsection (b), whenever"; and

(2) by adding at the end following new subsection:

"(b)(1) After the Administrator of the Environmental Protection Agency publishes a proposed maximum contaminant level, but not later than 180 days after the Administrator of the Environmental Protection Agency publishes a final maximum contaminant level, for a contaminant under section 1412 of the Public Health Service Act (42 U.S.C. 300g–1), the Secretary, after public notice and comment, shall issue a regulation that establishes a quality level for the contaminant in bottled water or make a finding that a regulation is not necessary to protect the public health because the contaminant is contained in water in the public water systems (as defined under section 1401(4) of such Act (42 U.S.C. 300f(4)) and not in water used for bottled drinking water.

"(2) The regulation shall include any monitoring requirements that the Secretary determines appropriate for bottled water.

"(3) The regulation—

"(A) shall require that the quality level for the contaminant in bottled water be as stringent as the maximum contaminant level for the contaminant published by the Administrator of the Environmental Protection Agency; and

"(B) may require that the quality level be more stringent than the maximum contaminant level if necessary to provide ample public health protection under this Act.

"(4)(A) If the Secretary fails to establish a regulation within the 180-day period described in paragraph (1), the regulation with respect to the final maximum contaminant level published by the Administrator of the Environmental Protection Agency (as described in such paragraph) shall be considered, as of the date on which the Secretary is required to establish a regulation under paragraph (1), as the final regulation for the establishment of the quality level for a contaminant required under paragraph (1) for the purpose of establishing or amending a bottled water quality level standard with respect to the contaminant.

"(B) Not later than 30 days after the end of the 180-day period described in paragraph (1), the Secretary shall, with respect to a maximum contaminant level that is considered as a quality level under subparagraph (A), publish a notice in the Federal Register that sets forth the quality level and appropriate monitoring requirements required under paragraphs (1) and (2) and that provides that the quality level standard and requirements shall take effect on the date on which the final regulation of the maximum contaminant level takes effect.".

AIRPORT IMPROVEMENT PROGRAM TEMPORARY EXTENSION ACT OF 1994

FORD AMENDMENT NO. 1705

Mr. BAUCUS (for Mr. FORD) proposed an amendment to the bill (S. 2024) to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Improvement Program Temporary Extension Act of 1994".

TITLE I—AIRPORT IMPROVEMENT PROGRAM

SEC. 101. AIRPORT IMPROVEMENT PROGRAM AUTHORIZATION.

(a) AUTHORIZATION.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is amended—

(1) by striking "and" after "1992,"; and

(2) by inserting ", and $15,413,157,000 for fiscal years ending before October 1, 1994" before the period at the end.

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is amended by striking "September 30, 1993" and inserting "June 30, 1994".

SEC. 102. APPORTIONMENT OF FUNDS.

Section 507(b)(3)(A) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(b)(3)(A)) is amended—

(1) by striking "or reducing the amount authorized or" and inserting "the amount";

(2) by inserting "to less than $1,900,000,000" after "to be obligated"; and

(3) by striking "limited or reduced".

SEC. 103. MINIMUM AMOUNT FOR PRIMARY AIRPORTS.

Section 507(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(b)(1)) is amended by striking "$400,000" and inserting "$500,000".

SEC. 104. DISCRETIONARY FUND.

(a) MINIMUM AMOUNT TO BE CREDITED.—Section 507(c) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(c)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE.—(A) In any fiscal year not less than $325,000,000 of the amount made available under section 505(a) shall be credited to the discretionary fund established by paragraph (1), and such $325,000,000 shall be exclusive of amounts that have been apportioned in a prior year under this section and which remain available for obligation.

"(B) In any fiscal year in which the amount credited to the discretionary fund pursuant to paragraph (1) is less than $325,000,000, the total amount calculated under subparagraph (C) of this paragraph shall be reduced by an amount which, when credited to the discretionary fund, will, together with the amount credited pursuant to paragraph (1), equal $325,000,000.

"(C) The total amount, for any fiscal year, that is subject to reduction pursuant to subparagraph (B) shall be the sum of—

"(i) the amount determined under subsection (a)(1);

"(ii) the amount determined under subsection (a)(2);

"(iii) the amount determined under subsection (a)(3);

"(iv) the amount determined under section 508(d)(1);

"(v) the amount determined under section 508(d)(2);

"(vi) the amount determined under section 508(d)(3);

"(vii) the amount determined under section 508(d)(4); and

"(viii) the amount determined under section 508(d)(5).

"(D) To accomplish a reduction pursuant to subparagraph (B), each of the amounts described in subparagraphs (C)(i) through (C)(viii), respectively, shall be reduced by an equal percentage.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on July 1, 1994.

SEC. 105. USE OF APPORTIONED AND DISCRETIONARY FUNDS.

Section 508(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)) is amended—

(1) in paragraph (1), by striking "10" and inserting "5";

(2) in paragraph (3), by striking "2.5" wherever it appears and inserting "1.5"; and

(3) in paragraph (4), by striking "½" and inserting "¾".

SEC. 106. REIMBURSEMENT FOR PAST EXPENDITURES.

Section 513(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(a)(2)) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" after the semicolon at the end of subparagraph (B); and

(3) by inserting after subparagraph (B) the following;

"(C)(i) it was incurred—

"(I) during fiscal year 1994;

"(II) before execution of a grant agreement with respect to the project but in accordance with an airport layout plan approved by the Secretary and in accordance with all applicable statutory and administrative requirements that would have been applicable to the project if the grant agreement had been executed; and

"(III) for work related to a project for which a grant agreement was previously executed during fiscal year 1994; and

"(ii) its Federal share is only paid with sums apportioned under sections 507(a)(1) and 507(a)(2).".

SEC. 107. TERMINAL DEVELOPMENT.

Section 513(b)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(b)(2)) is amended—

(1) in the second sentence—

(A) by inserting after "may be used" the following: ", subject to the approval of the Secretary, (A)"; and

(B) by striking the period at the end and inserting the following: ", and (B) by the sponsor of a reliever airport for the types of project costs allowable under paragraph (1) of this subsection, including project costs allowable for a commercial service airport which annually has .05 percent or less of the total enplanements in the United States."; and

(2) by adding at the end the following: "All or any portion of the sums to be distributed at the discretion of the Secretary under sections 507(c) and 507(d) for any fiscal year may be distributed for use by primary airports each of which annually has .05 percent or less of the total enplanements in the United States for project costs allowable under paragraph (1) of this subsection.".

SEC. 108. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9402(d)(1)(A) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended by striking "(as such Acts were in effect on the date of the enactment of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992)" and inserting "or the Airport Improvement Program Temporary Extension Act of 1994 (as such Acts were in effect on the date of the enactment of the Airport Improvement Program Temporary Extension Act of 1994)".

SEC. 109. UPWARD ADJUSTMENTS.

(a) In General.—The second sentence of section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is further amended by—

(1) inserting "(A)" before "Apportioned"; and

(2) inserting before the period at the end "; and (B) funds which have been recovered by the United States from grants made under this title if such funds are obligated only for increases under sections 512(b)(2) and 512(b)(3) of this title in the maximum obligation of the United States for any other grant made under this title".

(b) Retroactive Effective Date.—The amendment made by subsection (a) shall take effect October 1, 1993.

TITLE II—AIRPORT-AIR CARRIER DISPUTES REGARDING AIRPORT FEES

SEC. 201. EMERGENCY AUTHORITY TO FREEZE CERTAIN AIRPORT FEES.

(a) Complaint By Air Carrier.—

(1) Filing.—An air carrier may file prior to June 30, 1994, with the Secretary a written complaint alleging that any increased fee imposed upon such air carrier by the owner or operator of an airport is not reasonable. The air carrier shall simultaneously file with the Secretary proof that a copy of the complaint has been served on the owner or operator of the airport.

(2) Opportunity to respond.—Before issuing an order under subsection (b), the Secretary shall provide the owner or operator of the airport an opportunity to respond to the filed complaint.

(3) Frivolous complaint.—If the Secretary determines that a complaint is frivolous, the Secretary may refuse to accept the complaint for filing.

(b) Order By The Secretary.—

(1) In general.—Except as provided by paragraph (2), the Secretary shall issue, within 7 days after the filing of a complaint in accordance with subsection (a), an order prohibiting the owner or operator of the airport from collecting the increased portion of the fee that is the subject of the complaint, unless the Secretary makes a preliminary determination that the increased fee is reasonable. Subject to subsection (d), the order shall cease to be effective on June 30, 1994.

(2) Limination.—The Secretary shall not issue an order under this subsection prohibiting the collection of any portion of a fee for which the Secretary's informal mediation assistance was requested on March 21, 1994.

(c) Opportunity To Comment And Furnish Related Material.—Within a period prescribed by the Secretary, the owner or operator of the airport and any affected air carrier may submit comments to the Secretary on a complaint filed under subsection (a) and furnish to the Secretary any related documents or other material.

(d) Action on Complaint.—Based on comments and material provided under subsection (c), the Secretary may take appropriate action on the complaint, including termination or other modification of any order issued under subsection (b).

(e) Applicability.—This section does not apply to a fee imposed pursuant to a written agreement binding on air carriers using the facilities of an airport.

(f) Effect on Existing Agreements.—Nothing in this section shall adversely affect any existing written agreement between an air carrier and the owner or operator of an airport.

SEC. 202. DEFINITIONS.

For purposes of this title—

(1) the term "fee" means any rate, rental charge, landing fee, or other service charge for the use of airport facilities; and

(2) the term "Secretary" means the Secretary of Transportation.

TITLE III—REFORM OF AIR TRAFFIC CONTROL SYSTEM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM.

(a) Study.—The Secretary of Transportation shall undertake a study of management, regulatory, and legislative reforms which would enable the air traffic control system of the Federal Aviation Administration to provide better services to users and reduce the costs of providing services, without reducing the safety of the system or the availability of the system to all categories of users and without changing the basic organizational structure under which the system is part of the Federal Aviation Administration.

(b) Components.—The study to be conducted under subsection (a) shall include the following:

(1) Evaluation of reforms which would streamline procurement, enhance the ability to attract and retain adequate staff at hard-to-staff facilities, simply the personnel process, provide funding stability, ensure continuity of leadership, and reduce the incidence of unnecessarily detailed management oversight.

(2) Identification of any existing laws or regulations governing procurement or personnel which are having an adverse effect on the operation or modernization of the air traffic control system.

(3) Evaluation of a range of possible reforms and the advantages and disadvantages of each possible reform.

(4) Comparison of the advantages and disadvantages of each possible reform with the comparable advantages and disadvantages to be achieved under any proposal of the Secretary of Transportation to create a separate Federal corporate entity to operate the air traffic control system.

(c) Deadline.—The results of the study to be conducted under subsection (a) shall be contained in a report which shall be completed by the Secretary of Transportation on or before the date which is 180 days after the date of the enactment of this Act, or the date on which the Secretary submits to Congress proposed legislation to create a separate corporate entity to operate the air traffic control system, whichever date occurs first.

(d) TRANSMITTAL.—On the date of completion of the report under subsection (c), the Secretary of Transportation shall transmit copies of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. GRANDFATHER PROVISION FOR FAA DEMONSTRATION PROJECT.

(a) IN GENERAL.—Notwithstanding the termination of the personnel demonstration project for certain Federal Aviation Administration employees on June 17, 1994, pursuant to section 4703 of title 5, United States Code, the Federal Aviation Administration, subject to subsection (d), shall continue to pay quarterly retention allowance payments in accordance with subsection (b) to those employees who are entitled to quarterly retention allowance payments under the demonstration project as of June 16, 1994.

(b) COMPUTATION RULES.—

(1) IN GENERAL.—The amount of each quarterly retention allowance payment to which an employee is entitled under subsection (a) shall be the amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994, reduced by that portion of the amount of any increase in the employee's annual rate of basic pay subsequent to June 17, 1994, from any source, which is allocable to the quarter for which the allowance is to be paid (or, if applicable, to that portion of the quarter for which the allowance is to be paid). For purposes of the preceding sentence, the increase in an employee's annual rate of basic pay includes—

(A) any increase under section 5303 of title 5, United States Code;

(B) any increase in locality-based comparability payments under section 5304 of such title 5 (except if, or to the extent that, such increase is offset by a reduction of an interim geographic adjustment under section 302 of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5304 note));

(C) any establishment or increase in a special rate of pay under section 5305 of such title 5;

(D) any increase in basic pay pursuant to a promotion under section 5334 of such title 5;

(E) any periodic step-increase under section 5335 of such title 5;

(F) any additional step-increase under section 5336 of such title 5; and

(G) any other increase in annual rate of basic pay under any other provision of law.

(2) SECTION RULE.—In the case of an employee on leave without pay or other similar status for any part of the quarter prior to June 17, 1994, based on which the amount of the allowance payments for such employee under subsection (a) are computed, the "amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994" shall, for purposes of paragraph (1), be deemed to be the amount of the allowance which would have been payable to such employee for such quarter under such project had such employee been in pay status throughout such quarter.

(c) TERMINATION.—An employee's entitlement to quarterly retention allowance payments under this section shall cease when—

(1) the amount of such allowance is reduced to zero under subsection (b), or

(2) the employee separates or moves to a position in which the employee would not, prior to June 17, 1994, have been entitled to receive an allowance under the demonstration project, whichever is earlier.

(d) SPECIAL PAYMENT RULE.—The Administrator of the Federal Aviation Administration may make payment for the costs incurred under the program established by subsection (a) for the period between June 18, 1994, and September 30, 1994, following the end of the first full pay period that begins on or after October 1, 1994, subject to appropriations made available in fiscal year 1995.

(e) STUDY OF RECRUITMENT AND RETENTION INCENTIVES.—The Administrator of the Federal Aviation Administration shall conduct a study of impediments that may exist to achieving appropriate air traffic controller staffing levels at hard-to-staff facilities. In conducting such study, the Administrator shall identify and evaluate the extent to which special incentives, of a financial or non-financial nature, could be useful in recruiting or retaining air traffic controllers at such facilities. The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 180 days after the date of enactment of this Act a report on (1) the results of such study, (2) planned administrative actions, and (3) any recommended legislation.

INDEPENDENT SAFETY BOARD AMENDMENT ACT OF 1994

FORD AMENDMENT NO. 1706

Mr. BAUCUS (for Mr. FORD) proposed an amendment to the bill (S. 1588) to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Safety Board Act Amendments of 1994".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Sec. 309(a) of the Independent Safety Board Act of 1974 (49 App. U.S.C. 1907(a)) is amended to read as follows:

"(a) There are authorized to be appropriated for the purposes of this Act not to exceed $37,580,000 for the fiscal year ending September 30, 1994, $44,000,000 for the fiscal year ending September 30, 1995, and $45,100,000 for the fiscal year ending September 30, 1996. Such sums shall remain available until expended.".

SEC. 3. APPLICABILITY OF CERTAIN REGULATIONS AND REQUIREMENTS TO THE OPERATION OF PUBLIC AIRCRAFT.

(a) DEFINITION OF PUBLIC AIRCRAFT.—Section 101(36) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(36)) is amended—

(1) by striking "persons or" and inserting in lieu thereof "persons, or engaged in carrying";

(2) by inserting "(A)" immediately after "For purposes of this paragraph,"; and

(3) by striking the period at the end of the second sentence and inserting in lieu thereof ", and (B) 'engaged in carrying persons' includes the provision of passenger transportation but does not include (i) the carriage of crewmembers or of other persons abroad an aircraft whose presence is required to perform, or is associated with the performance of, a governmental function such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management, or (ii) the carriage of persons (for other than commercial purposes) aboard aircraft operated by the Armed Forces or an intelligence agency of the United States.".

(b) EXEMPTIONS.—Notwithstanding the provisions of section 610(a) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1430(a)), the Administrator of the Federal Aviation Administration may grant exemptions pursuant to section 601(c) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1421(c)) to a governmental entity with respect to an aircraft which, before the date of enactment of this Act and while owned or operated by such governmental entity, was engaged in carrying persons. For purposes of this subsection, the term "engaged in carrying persons" has the meaning given that term under section 101(36) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(36)), as amended by this Act.

(c) INVESTIGATIVE AUTHORITY OF BOARD.—

(1) Section 304(a)(1)(A) of the Independent Safety Board Act of 1974 (49 App. U.S.C. 1903(a)(1)(A)) is amended by inserting ", or any aircraft accident involving a public aircraft as defined under section 101(36) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(36)) other than an aircraft operated by the Armed Forces or by an Intelligence Agency" immediately before the semicolon at the end.

(2) Section 304(b) of the Independent Safety Board Act of 1974 (49 App. U.S.C. 1903(b)) is amended by redesignating paragraph (12) as paragraph (13) and by inserting immediately after paragraph (11) the following new paragraph:

"(12) The Board, in furtherance of its investigative duties with respect to public aircraft accidents under subsection (a)(1)(A), shall have the same duties and powers as are specified for civil aircraft accidents under sections 701(a)(1), 701(c), and 701(d) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1411(a)(1), (c), and (d)).".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 4. ADVANCED LANDING SYSTEM.

Notwithstanding any other provision of law or regulation, the Administrator of the Federal Aviation Administration shall consider for approval under subpart C of part 171 of title 14, Code of Federal Regulations, the new generation, low cost, advanced landing system being developed by the Department of Defense. The charter for approval of such system shall be considered and acted upon expeditiously by the Regional Administrator of the Federal Aviation Administration in the region where such system is being developed.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 24, 1994, beginning at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the reauthorizing of the Energy Policy and Conservation Act and on S. 2032, the Emergency Petroleum Supply Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information regarding the hearing, please contact Shirley Neff at (202) 224-7865 or Dionne Thompson at (202) 224-5925.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., in SR-301, Russell Senate Office Building, on Thursday, June 16, 1994, to hold a hearing on Senate Resolutions 69, 157, and 158. These resolutions would amend the Standing Rules of the Senate with respect to unfunded Federal mandates. S. Res. 69 requires that an evaluation of the financial impact that any Federal mandates would have on State and local governments be included in the committee report accompanying each bill or resolution containing such mandates. S. Res. 157 requires a supermajority for committee approval of bills containing unfunded Federal mandates. S. Res. 158 requires a supermajority for Senate approval of bills or amendments containing unfunded Federal mandates.

Individuals and organizations wishing to submit a statement for the hearing record are requested to contact Carole Blessington of the Rules Committee staff on 202-224-0278. For further information regarding this hearing, please contact Ms. Blessington.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, May 12, 1994, at 9 a.m., in closed/open session to receive testimony relating to U.S. military operations in Somalia during United Nations operations in Somalia II (UNOSOM II).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 12, 1994, at 10 a.m. on S. 1822 and the regional Bell operating companies' entry into long distance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 12, 1994, to receive testimony on the Environmental Protection Agency's proposed renewable oxygenate standard.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, May 12, 1994 at 10 a.m., to hear testimony on various subjects related to health care reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 12, 1994, to hold a hearing on the nominations of Theodore McKee, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit, Billy Michael Burrage, of Oklahoma, to be U.S. District Judge for the northern, eastern and western districts of Oklahoma, Vanessa Gilmore, of Texas, to be U.S. District Judge for the southern district of Texas, Terry C. Kern, of Oklahoma to be U.S. District Judge for the northern district of Oklahoma, Gladys Kessler of the District of Columbia to be U.S. District Judge for the District of Columbia and Emmet Sullivan, of the District of Columbia to be U.S. District Judges for the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an hearing on the Reemployment and Retraining Act of 1994, during the session of the Senate on May 12, 1994, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, May 12, 1994, at 9:30 a.m., to hold a hearing to receive testimony from officials from the Federal Election Commission on the agency's budget authorization request for fiscal year 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 12, 1994, at 3 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services be authorized to meet on Thursday, May 12, 1994, at 1:30 p.m., in open session to receive testimony on United Nations peace operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ART AND HUMANITIES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Education, Art and the Humanities by authorized to meet for an executive session on S. 1513, Improving America's Schools Act, during the session of the Senate on May 12, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EXPORT EXPANSION AND AGRICULTURAL DEVELOPMENT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Small Business Subcommittee on Export Expansion and Agricultural Development be authorized to meet during the session of the Senate on Thursday, May 12, 1994, at 2:30 p.m. The subcommittee will hold a hearing on export assistance efforts for small business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., May 12, 1994, to receive testimony on S. 1549, to amend the act establishing Golden Gate National Recreation Area to provide for the management of the Presidio by the Secretary of the Interior, and for other purposes; and S. 1639, to provide for the management of the portions of the Presidio under the jurisdiction of the Secretary of the Interior, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 12, beginning at 2:30 p.m. to conduct a hearing on the impact of the U.S. Supreme Court decision: Central Bank of Denver versus First Interstate Bank of Denver.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CONGRESSIONAL ACCOUNTABILITY ACT

• Mr. CAMPBELL. Mr. President, I rise today to offer my support for the Congressional Accountability Act as introduced last Wednesday by Senators LIEBERMAN and GRASSLEY.

I am an original cosponsor of this legislation because I believe it is unacceptable for Congress to exempt itself from those laws covering the executive branch and the private sector. I have received many letters from irate constituents who believe that we are applying a double standard, by passing laws and then exempting ourselves from them. I understand that we face many obstacles regarding the oversight and enforcement of such laws, but I believe this bill will allow congressional employees to be covered by the same labor and employment laws without sacrificing the independence of Congress.

We all know there is a major Congress-bashing movement sweeping the country—I would not be surprised if someone came down here and offered an amendment to eliminate our chairs and desks because the American people feel that it is an unnecessary perk.

However, I have no intention of wasting the time of the Senate, pandering to the American people with frivolous legislation that states that its intention is to "renew the faith the American people have in Congress." If we do a good job, work hard, and pass important legislation that is fair and practical—that levels the playing field for all Americans—we will have the support of the American people.

The recent outrage with Congress is in some cases warranted. The accountability gap for Congress is a real problem that the American people have a right to be mad at, and that we can address with this legislation. This legislation erases the two-tier legal system we now have—one set of laws for Congress and one for the rest of the country. We should pass the Congressional Accountability Act, not because the Citizens Against Government Waste are telling us to do so, but because it is the right thing to do.

The Congressional Accountability Act makes Congress subject to laws regarding employment discrimination, working conditions, health and safety issues, and provisions in the Freedom of Information Act and the Privacy Act. As many of my colleagues who have supported this legislation have stated, this is long overdue. It is only fair that our employees are covered under the same laws that govern the rest of the country. And further, I believe that Members of Congress will be better able to understand the effects of the laws it passes if they are forced to live under those same laws.

This is one of those opportunities to do the right thing and to do right by the American people, and I am pleased to be an original cosponsor of this important legislation.•

CONGRATULATING BINGHAMTON HOUSING AUTHORITY

• Mr. D'AMATO. Mr. President, I rise today to offer my congratulations to Binghamton Housing Authority in Binghamton, NY, for the chartering of the BHA Residents Community Development Federal Credit Union.

This credit union, chartered by the National Credit Union Administration, will be designated a low-income credit union. Eligible members of the credit union include the residents of three low-income housing communities operated by the Binghamton Housing Authority in the Carlisle, North Shore, and Saratoga apartments. BHA employees who work in Binghamton will also be eligible for membership.

The issuance of this charter is a result of the dedication and perseverance of those who worked so hard to make the BHA Residents Community Development Federal Credit Union a reality. This new credit union will provide vital financial services to residents of these three housing communities and will contribute to the economic development of the city of Binghamton and the entire area.

At a ceremony today, NCUA chairman Norman D'Amours presented the charter to representatives of BHA Residents Community Development Federal Credit Union. Present at the ceremony to receive the charter were David Tanenhaus, board member; LuAnn Woodard, treasurer; Bette Mercia, president; Tommie Denson, board member; and Erica Dooley, credit committee member.

The presentation was held in Washington, DC, in conjunction with the National Credit Union Administration's board meeting and the annual meeting of the National Federation of Community Development Credit Unions. The Federation was instrumental in the formation of the credit union.

Mr. President, I once again would like to say congratulations to BHA Residents Community Development Federal Credit Union. I wish them much success in the future.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of Rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Patrick Lawler, a member of the staff of Senator RIEGLE, to participate in a program in Russia sponsored by the American Foreign Policy Council and the Russian Government, from May 28 through June 4, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Lawler in this program.

The select committee received notification under rule 35 for Erik Autor, a member of the staff of Senator PACKWOOD, to participate in a program in China and Hong Kong sponsored by the Chinese People's Institute of Foreign Affairs from May 27 through June 7, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Autor in this program.

The select committee received notification under rule 35 for Bryan McCleary, a member of the staff of Senator GLENN, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from May 27 through June 7, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. McCleary in this program.

The select committee received notification under rule 35 for Joe Hart, a member of the Whip Office staff of Senator FORD, to participate in a program in China sponsored by the Chinese People's Institute for Foreign Affairs from May 27 through June 7, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Hart in this program.

The select committee received notification under rule 35 for Dave Gribbin, a member of the staff of Senator COATS, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from May 27 through June 7, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Gribbin in this program.

The select committee received notification under rule 35 for Christin

Givhan, a member of the staff of Senator SHELBY, to participate in a program in China and Hong Kong sponsored by the Chinese People's Institute of Foreign Affairs from May 27 through June 7, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Givhan in this program.

The select committee received notification under rule 35 for Barry Dill, a member of the staff of Senator DECONCINI, to participate in a program in Germany sponsored by the Congress-Bundestag Staff Exchange from April 23 through May 7, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Dill in this program.

The select committee received notification under rule 35 for David Hartman a member of the staff of Senator GRAMM, to participate in a program in Taiwan sponsored by Soochow University from April 2–9, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Hartman in this program.•

OFFICER JACK BALLARD: 20 YEARS OF DEDICATED SERVICE WITH THE CAPITOL POLICE

• Mr. HOLLINGS. Mr. President, by the time of his retirement last month after 20 years of service with the U.S. Capitol Police, Officer Jack Ballard was well known to most Members of this body. He was an especially good friend to those of us with offices in the Russell Building, his daily beat for most of those two decades.

The fact is, within the institution of the Senate, Officer Ballard was something of an institution himself. At his familiar post on Delaware Avenue, he was a respected and reliable presence. Like other Washington institutions, he was also a popular tourist destination; I would guess that hundreds of tourists a week used to head for Officer Ballard to ask directions or assistance.

As Jack Ballard was proud of pointing out, he was a second-generation Capitol Police officer. His father was a 38-year veteran of the force, and passed on to Jack a deep commitment to the mission of the Capitol Police. That commitment and dedication were apparent to all of us who relied daily on Jack's services. In addition to his police duties, we also counted on Jack for his unfailing courtesy and good humor. He never let us down.

Mr. President, to honor this distinguished Capitol Police officer, it is tempting to offer a resolution changing the name of Jack's beat to Ballard Boulevard. I will refrain out of deference to my distinguished colleagues from the State of Delaware. However, I do want to publicly thank Officer Ballard for a job well done. I wish Jack Ballard and his wife Isabel many happy years of retirement.•

THE RACIAL JUSTICE ACT

• Mr. DANFORTH. Mr. President, yesterday this body passed a resolution expressing the sense of the Senate that the conferees to the crime bill should strike the Racial Justice Act from the crime bill. I rise to explain my decision to vote for the resolution and against the Racial Justice Act. Most of the arguments made against this act assert that it is a devious attempt to do away with the death penalty. Well, I think we should do away with the death penalty. As a matter of personal conscience, I have always opposed the death penalty.

But I do not believe in legislative evasion of this sort. We have had up or down votes on capital punishment. I always vote against it. But my disagreement with capital punishment does not dictate a vote for a mechanism designed to impede capital punishment by indirection. I agree that racial bias must be rooted out of the process by which Government metes out justice. Nowhere is this need more urgent than in capital cases, where the punishment is ultimate and final. So, I believed and still think that racial prejudice is anathema to justice.

But I have looked at the latest legislative language of the Racial Justice Act. Its methods do not, in my opinion, accomplish its goals. Under this act, prejudice is inferred from statistics. It is inferred from a manipulation of numbers completely irrelevant to the case at hand, irrelevant to the murderer and irrelevant to the victim. There is no requirement that there be any evidence of bias in a particular sentence for the act to wipe it out.

I am not persuaded that a statistical analysis like this will lead to more justice in sentencing. Are mass murders or serial killers to be let off the hook because their victims were white or because they were black? It is the supreme example of two wrongs trying to make a right.

The act gives no guidance as to the relevant statistics for a successful claim. The only clue in the legislation and the committee report is that statistics would be drawn from proportions of minorities in the general population to proportions in which the death penalty is sought. I cannot imagine how that relates to the merits of seeking the ultimate punishment in any particular case. What statistics could be used? Do we look at the arrest rate in a jurisdiction? Do we look at the rate in a part of that jurisdiction? Do we look at a police precinct's record? Do we review the statistics of the prosecutor, or perhaps of the whole prosecutor's office? Perhaps we confine ourselves to the judge's sentencing history or the track record of local juries. Maybe we should come up with numbers depending on all the possible racial variables possible for a 6- or 8- or 12-person jury. Of course, if we do that, why not include educational variables, sex, religion, age, whatever? Maybe we have to consider the personal status of the witnesses. I don't know. This legislation offers no guidance on this issue.

It is not just that the variables are literally infinite, which they are. It is also that they are not particularly helpful, in my mind, to determine whether there has been prejudice at work in a particular case. That is why we have human judges and juries and why we cannot simply load the facts of a case onto a computer and have it print out a sentence.

There are situations in which we rely on statistics to suggest discrimination, such as title VII employment disputes and jury venire selections. They are different. The test for discrimination in title VII cases, with which I am very familiar, is very clear about the relevant statistics. It is particularized in order to disclose discrimination in each case. In *McCleskey* v *Kemp*, 481 U.S. 279 (1987), the Supreme Court drew a sharp distinction between the use of statistics to infer prejudice in those contexts and in criminal sentencing. I am persuaded by the Court's reasoning.

As Justice Powell explained:

> The nature of the capital sentencing decision, and the relationship of the statistics to that decision, are fundamentally different from the corresponding elements in the venire selection of Title VII cases. * * * Each jury is unique in its composition, and the Constitution requires that its decision rest on consideration of innumerable factors that vary according to the characteristics of the individual defendant and the facts of that particular capital offense. Thus the application of an inference drawn from the general statistics to a specific decision in a trial and sentencing simply is not comparable to a specific venire-selection of Title VI case. In those case, the statistics relate to fewer entities and fewer variables are relevant to the challenged decisions.

The Court noted other important distinctions which also render statistics irrelevant and inappropriate to determine bias in sentencing.

I am sure that there are defendants who are treated unfairly because of their race, or for other irrelevant and unfair reasons. I agree with the supporters of the Racial Justice Act that Congress should try to craft protections to weed out prejudice. But, by looking beyond the facts and merits of the individual cases, the approach taken by this act seems to me ill-suited to the problem we should be trying to solve.•

MARGARET ANN KERR: A CAREER OF COMMITMENT, EXCELLENCE, AND HUMANITARIAN SERVICE

• Mr. HOLLINGS. Mr. President, as we continue to focus on the urgency of health care reform, let us not lose sight of the fact that Americans today receive the finest medical care in the world—care that is delivered by enormously capable and dedicated health care professionals.

To my mind, this dedication is epitomized by Margaret Ann Kerr, who this spring concludes a career as an expert clinician and outstanding teacher that has spanned more than four decades. Professor Kerr's career has been most closely associated with St. Francis Xavier Hospital and School of Nursing, and with the Medical University of South Carolina Hospital and College of Nursing.

Mr. President, as a nurse clinician and a teacher of Medical-Surgical Nursing, Professor Kerr has had a profound influence on at least two generations of nurses in South Carolina, not to mention the thousands of patients who have benefited either directly or indirectly from this remarkable professional.

Nurse colleagues and former students speak of her with a respect bordering on reverence. They speak of her life of dedicated, loyal and unfailing service. At a recent retirement dinner, a colleague said of Professor Kerr: "Her's has been a life of service with humility as a hallmark. She acted not for the receipt of recognition, but because of her strong moral belief system and sense of accountability. I don't know of a time when she ever said no to helping out."

Mr. President, Margaret Ann Kerr's profession is that of nurse, but her larger commitment is as a humanitarian. For more than four decades, she has given generously of her intellect, her talent and her heart. The people of South Carolina owe her a debt of gratitude. On their behalf, I thank Professor Kerr and salute her for a job superbly done.•

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 2042, the Bosnia arms embargo legislation; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I would like to announce for the RECORD, on behalf of Senator BYRD, that if a rollcall vote had been taken on passage of S. 2042, the Bosnia arms embargo legislation, that Senator BYRD would have voted "no."

Mr. WARNER. Mr. President, I ask that the Senator from Virginia be recorded in the negative.

The PRESIDING OFFICER. Is there objection to the foregoing request? If not, it is ordered.

So the bill (S. 2042), as amended, was read the third time and passed, as follows:

(The text of S. 2042 will appear in a future edition of the RECORD.)

Mr. CHAFEE. Mr. President, I also would like to be recorded in the negative on the Bosnia bill.

The PRESIDING OFFICER. The RECORD will so note.

INDIAN LANDS OPEN DUMP CLEANUP ACT OF 1994

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 417, S. 720, a bill to clean up open dumps on Indian lands; that the committee substitute be agreed to, the bill read a third time and passed, and the motion to reconsider laid upon the table; further, that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 720) was deemed read the third time and passed, as follows:

S. 720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Lands Open Dump Cleanup Act of 1994".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there are at least 600 open dumps on Indian lands;

(2) these dumps threaten the health and safety of residents of Indian lands and contiguous areas;

(3) many of these dumps were established or are used by Federal agencies such as the Bureau of Indian Affairs and the Indian Health Service;

(4) these dumps threaten the environment;

(5) the United States holds most Indian lands in trust for the benefit of Indian tribes and individuals; and

(6) most Indian tribal governments lack the financial and technical resources necessary to close and maintain these dumps in compliance with applicable Federal laws.

(b) PURPOSES.—The purposes of this Act are to—

(1) identify the location of open dumps on Indian lands;

(2) assess the relative health and environmental hazards of such dumps; and

(3) provide financial and technical assistance to Indian tribal governments, either directly or by contract, to close such dumps in compliance with applicable Federal standards and regulations, or standards promulgated by an Indian tribal government, if such standards are more stringent than the Federal standards.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) CLOSURE OR CLOSE.—The term "closure or close" means the termination of operations at open dumps on Indian land and bringing such dumps into compliance with applicable Federal standards and regulations, or standards promulgated by an Indian tribal government, if such standards are more stringent than the Federal standards and regulations.

(2) DIRECTOR.—The term "Director" means the Director of the Indian Health Service.

(3) INDIAN LAND.—The term "Indian land" means—

(A) land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(B) dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and

(C) Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

(4) INDIAN TRIBAL GOVERNMENT.—The term "Indian tribal government" means the governing body of any Indian tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(5) INVENTORY.—The term "inventory" means a listing of the geographic location of all open dumps, an evaluation of the contents of each dump, and an assessment of the relative impact of each dump on the environment and public health.

(6) OPEN DUMP.—The term "open dump" means any facility or site where solid waste is being or has been routinely and regularly disposed of that has not been closed or covered or that does not meet the criteria for a new municipal solid waste landfill unit promulgated pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(7) POSTCLOSURE MAINTENANCE.—The term "postclosure maintenance" means any activity undertaken at a closed solid waste facility on Indian land to maintain the integrity of containment features, monitor compliance with applicable performance standards, or remedy any situation or occurrence that violates regulations promulgated pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(8) SOLID WASTE.—The term "solid waste" means any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), or source material, special nuclear material, or by-product material as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

SEC. 4. AUTHORITY OF THE DIRECTOR OF THE INDIAN HEALTH SERVICE.

(a) INVENTORY.—Upon request by an Indian tribal government, the Director shall—

(1) conduct an inventory of open dumps on the Indian lands which are subject to the authority of the Indian tribal government;

(2) determine the relative severity of the threat to public health and the environment posed by each dump based on information available to the Director and the Indian tribal government, unless the Director, in consultation with the Indian tribal government, determines that actions such as soil testing or water monitoring would be appropriate in the circumstances; and

(3) develop cost estimates for the closure and postclosure maintenance of such dumps.

(b) ASSISTANCE.—Upon completion of the activities required to be performed pursuant to subsection (a), the Director shall, subject to subsection (c), provide financial and technical assistance to the Indian tribal government to carry out the activities necessary to—

(1) close such dumps; and

(2) provide for postclosure maintenance of such dumps.

(c) CONDITIONS.—All assistance provided pursuant to subsection (b) shall be made available on a site-specific basis in accordance with priorities developed by the Director. Priorities on a specific reservation shall be developed in consultation with the Indian tribal government. The priorities shall take into account the relative severity of the threat to public health and the environment posed by each open dump and the availability of funds necessary for closure and postclosure maintenance.

SEC. 5. CONTRACT AUTHORITY.

(a) AUTHORITY OF DIRECTOR.—To the maximum extent feasible, the Director shall carry out duties under this Act through contracts, compacts, or memoranda of agreement with Indian tribal governments pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), or section 302 of the Indian Health Care Improvement Act (25 U.S.C. 1632).

(b) DEMONSTRATION PROJECTS.—(1) The Director may establish and carry out a program providing for demonstration projects involving open dumps on Indian land. It shall be the purpose of such projects to determine if there are unique cost factors involved in the cleanup and maintenance of open dumps on such land, and the extent to which advance closure planning is necessary. Under the program, the Director is authorized to select three Indian tribal governments to participate in such demonstration projects.

(2) Criteria established by the Director for the selection and participation of an Indian tribal government in the demonstration project shall provide that—

(A) in order to be eligible to participate, an Indian tribal government must have one or more existing open dumps on the Indian lands that are under its authority, and have a plan for the closure of each such dump;

(B) at least one of the Indian tribal governments selected by the Director shall proceed under a contract entered into pursuant to the Indian Self-Determination and Education Assistance Act; and

(C) at least one of the Indian tribal governments selected by the Director shall permit the Indian Health Service to directly provide for the cleanup and maintenance.

(3) No demonstration project shall be funded for more than 3 fiscal years.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) FUNDING SOURCE.—The activities required to be performed by the Director under this Act shall only be funded from appropriations made pursuant to this Act and such activities shall be coordinated with activities related to solid waste and sanitation facilities funded pursuant to other authorizations.

SEC. 7. DISCLAIMERS.

(a) AUTHORITY OF DIRECTOR.—Nothing in this Act shall be construed to alter, diminish, repeal, or supersede any authority conferred on the Director pursuant to section 302 of the Indian Health Care Improvement Act (25 U.S.C. 1632), and section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

(b) EXEMPTED LANDS AND FACILITIES.—This Act shall not apply to open dump sites on Indian lands—

(1) that comprise an area of one-half acre or less, and that are used by individual families on lands to which they hold legal or beneficial title;

(2) of any size, that have been or are being operated for a profit; or

(3) where solid waste from an industrial process is being or has been routinely disposed of at a privately owned facility in compliance with applicable Federal laws.

MEASURES INDEFINITELY POSTPONED—CALENDAR NOS. 34 AND 390

Mr. BAUCUS. Mr. President, I ask unanimous consent that Calendar Nos. 34 and 390 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. WARNER. Mr. President, I send a joint resolution to the desk and ask for its immediate consideration. It is entitled "National Peace Officers Memorial Day." I do so on behalf of the Senator from Idaho [Mr. KEMPTHORNE].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 190) to designate May 15, 1994, National Peace Officers Memorial Day.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time and passed.

The preamble was agreed to.

The joint resolution (S.J. 190) with its preamble, is as follows:

S.J. RES. 190

Whereas, the well being of all citizens of this country are preserved and enhanced as a direct result of the vigilane and dedication of law enforcement personnel;

Whereas, the more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime free environment that is all to often threatened by the insidious fear caused by violence in schools;

Whereas, 151 peace officers lost their lives in the performance of their duty in 1993, and a total of 13,256 men and women have now made that supreme sacrifice; and

Whereas, on May 15, 1994 more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 15, 1994, is hereby designated as "National Peace Officers Memorial-Day" for the purpose of recognizing all peace officers slain in the line duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AIRPORT IMPROVEMENT PROGRAM TEMPORARY EXTENSION ACT OF 1994

Mr. BAUCUS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 2024), a bill to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2024) entitled "An Act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Improvement Program Temporary Extension Act of 1994".

TITLE I—AIRPORT IMPROVEMENT PROGRAM

SEC. 101. AIRPORT IMPROVEMENT PROGRAM AUTHORIZATION.

(a) AUTHORIZATION.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(a)) is amended—

(1) by striking "and" following "1992,"; and

(2) by inserting ", and $15,763,890,000 for fiscal years ending before October 1, 1994" before the period at the end.

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of such Act (49 U.S.C. App. 2204(b)(1)) is amended by striking "September 30, 1993" and inserting "June 30, 1994".

SEC. 102. APPORTIONMENT OF FUNDS.

Section 507(b)(3)(A) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(b)(3)(A)) is amended—

(1) by striking "or reducing the amount authorized or" and inserting "the amount";

(2) by inserting "to less than $1,900,000,000" after "to be obligated"; and

(3) by striking "limited or reduced".

SEC. 103. MINIMUM AMOUNT FOR PRIMARY AIRPORTS.

Section 507(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(b)(1)) is amended by striking "$400,000" and inserting "$500,000".

SEC. 104. INTEGRATED AIRPORT SYSTEM PLANNING SET-ASIDE.

Section 508(d)(4) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(4)) is amended by striking "½" and inserting "¾".

SEC. 105. REIMBURSEMENT FOR PAST EXPENDITURES.

Section 513(a)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(a)(2)) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" after the semicolon at the end of subparagraph (B); and

(3) by inserting after subparagraph (B) the following:

"(C)(i) it was incurred—

"(I) during fiscal year 1994;

"(II) before execution of a grant agreement with respect to the project but in accordance with an airport layout plan approved by the Secretary and in accordance with all applicable statutory and administrative requirements that would have been applicable to the project if the grant agreement had been executed; and

"(III) for work related to a project for which a grant agreement was executed during fiscal year 1994; and

"(ii) its Federal share is only paid with sums apportioned under subsections 507(a)(1) and 507(a)(2) of this title;".

SEC. 106. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended by striking "(as such Acts were in effect on the date of the enactment of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992)" and inserting "or the Airport Improvement Program Temporary Extension Act of 1994 (as such Acts were in effect on the date of the enactment of the Airport Improvement Program Temporary Extension Act of 1994)".

SEC. 107. UPWARD ADJUSTMENTS.

(a) In general.—The second sentence of section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(b)(1)) is further amended by—

(1) inserting "(A)" before apportioned"; and

(2) inserting before the period at the end "; and (B) funds which have been recovered by the United States from grants made under this title if such funds are obligated only for increases under sections 512(b)(2) and 512(b)(3) of this title in the maximum obligation of the United States for any other grant made under this title".

(b) Retroactive Effective Date.—The amendment made by subsection (a) shall take effect October 1, 1993.

TITLE II—AIRPORT-AIR CARRIER DISPUTES REGARDING AIRPORT FEES

SEC. 201. EMERGENCY AUTHORITY TO FREEZE CERTAIN AIRPORT FEES.

(a) Complaint by Air Carrier.—

(1) Filing.—An air carrier may file prior to June 30, 1994, with the Secretary a written complaint alleging that any increased fee imposed upon such air carrier by the owner or operator of an airport is not reasonable. The air carrier shall simultaneously file with the Secretary proof that a copy of the complaint has been served on the owner or operator of the airport.

(2) Opportunity to respond.—Before issuing an order under subsection (b), the Secretary shall provide the owner or operator of the airport an opportunity to respond to the filed complaint.

(3) Frivolous complaint.—If the Secretary determines that a complaint is frivolous, the Secretary may refuse to accept the complaint for filing.

(b) Order by the Secretary.—

(1) In general.—Except as provided by paragraph (2), the Secretary shall issue, within 7 days after the filing of a complaint in accordance with subsection (a), an order prohibiting the owner or operator of the airport from collecting the increased portion of the fee that is the subject of the complaint, unless the Secretary makes a preliminary determination that the increased fee is reasonable. Subject to subsection (d), the order shall cease to be effective on June 30, 1994.

(2) Limitation.—The Secretary shall not issue an order under this subsection prohibiting the collection of any portion of a fee for which the Secretary's informal mediation assistance was requested on March 21, 1994.

(c) Opportunity To Comment and Furnish Related Material.—Within a period prescribed by the Secretary, the owner or operator of the airport and any affected air carrier may submit comments to the Secretary on a complaint filed under subsection (a) and furnish to the Secretary any related documents or other material.

(d) Action on Complaint.—Based on comments and material provided under subsection (c), the Secretary may take appropriate action on the complaint, including termination or other modification of any order issued under subsection (b).

(e) Applicability.—This section does not apply to a fee imposed pursuant to a written agreement binding on air carriers using the facilities of an airport.

(f) Effect on Existing Agreements.—Nothing in this section shall adversely affect any existing written agreement between an air carrier and the owner or operator of an airport.

SEC. 202. DEFINITIONS.

For purposes of this title—

(1) the term "fee" means any rate, rental charge, landing fee, or other service charge for the use of airport facilities; and

(2) the term "Secretary" means the Secretary of Transportation.

TITLE III—REFORM OF AIR TRAFFIC CONTROL SYSTEM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM.

(a) Study.—The Secretary of Transportation shall undertake a study of management, regulatory, and legislative reforms which would enable the air traffic control system of the federal Aviation Administration to provide better services to users and reduce the costs of providing services, without reducing the safety of the system or the availability of the system to all categories of users and without changing the basic organizational structure under which the system is part of the Federal Aviation Administration.

(b) Components.—The study to be conducted under subsection (a) shall include the following:

(1) Evaluation of reforms which would streamline procurement, enhance the ability to attract and retain adequate staff at hard-to-staff facilities, simplify the personnel process, provide funding stability, ensure continuity of leadership, and reduce the incidence of unnecessarily detailed management oversight.

(2) Identification of any existing laws or regulations governing procurement or personnel which are having an adverse effect on the operation or modernization of the air traffic control system.

(3) Evaluation of a range of possible reforms and the advantages and disadvantages of each possible reform.

(4) Comparison of the advantages and disadvantages of each possible reform with the comparable advantages and disadvantages to be achieved under any proposal of the Secretary of Transportation to create a separate Federal corporate entity to operate the air traffic control system.

(c) Deadline.—The results of the study to be conducted under subsection (a) shall be contained in a report which shall be completed by the Secretary of Transportation on or before the date which is 180 days after the date of the enactment of this Act, or the date on which the Secretary submits to Congress proposed legislation to create a separate corporate entity to operate the air traffic control system, whichever date occurs first.

(d) Transmittal.—On the date of completion of the report under subsection (c), the Secretary of Transportation shall transmit copies of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. GRANDFATHER PROVISION FOR FAA DEMONSTRATION PROJECT.

(a) In General.—Notwithstanding the termination of the personnel demonstration project for certain Federal Aviation Administration employees on June 17, 1994, pursuant to section 4703 of title 5, United States Code, the Federal Aviation Administration shall continue to pay quarterly retention allowance payments in accordance with subsection (b) to those employees who are entitled to quarterly retention allowance payments under the demonstration project as of June 16, 1994.

(b) Computation Rules.—

(1) In general.—The amount of each quarterly retention allowance payment to which an employee is entitled under subsection (a) shall be the amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994, reduced by that portion of the amount of any increase in the employee's annual rate of basic pay subsequent to June 17, 1994, from any source, which is allocable to the quarter for which the allowance is to be paid (or, if applicable, to that portion of the quarter for which the allowance is to be paid). For purposes of the preceding sentence, the increase in an employee's annual rate of basic pay includes—

(A) any increase under section 5303 of title 5, United States Code;

(B) any increase in locality-based comparability payments under section 5304 of such title 5 (except if, or to the extent that, such increase is offset by a reduction of an interim geographic adjustment under section 302 of the Federal Employees Pay Comparability Act of 1990);

(C) any establishment or increase in a special rate of pay under section 5305 of such title 5;

(D) any increase in basic pay pursuant to a promotion under section 5334 of such title 5;

(E) any periodic step-increase under section 5335 of such title 5;

(F) any additional step-increase under section 5336 of such title 5; and

(G) any other increase in annual rate of basic pay under any other provision of law.

(2) Special rule.—In the case of an employee on leave without pay or other similar status for any part of the quarter prior to June 17, 1994, based on which the amount of the allowance payments for such employee under subsection (a) are computed, the "amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994" shall, for purposes of paragraph (1), be deemed to be the amount of the allowance which would have been payable to such employee for such quarter under such project had such employee been in pay status throughout such quarter.

(c) Termination.—An employee's entitlement to quarterly retention allowance payments under this section shall cease when—

(1) the amount of such allowance is reduced to zero under subsection (b), or

(2) the employee separates or moves to a position in which the employee would not, prior to June 17, 1994, have been entitled to receive an allowance under the demonstration project, whichever is earlier.

Mr. BAUCUS. Mr. President, I move that the Senate concur in the amendment of the House with a further amendment, which I now send to the desk on behalf of Senator FORD, and that the motion to reconsider be laid upon the table.

The amendment (No. 1705) is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Improvement Program Temporary Extension Act of 1994".

TITLE I—AIRPORT IMPROVEMENT PROGRAM

SEC. 101. AIRPORT IMPROVEMENT PROGRAM AUTHORIZATION.

(a) Authorization.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is amended—

(1) by striking "and" after "1992,"; and

(2) by inserting ", and $15,413,157,000 for fiscal years ending before October 1, 1994" before the period at the end.

(b) Obligational Authority.—Section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is amended by striking "September 30, 1993" and inserting "June 30, 1994".

SEC. 102. APPORTIONMENT OF FUNDS.

Section 507(b)(3)(A) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(b)(3)(A)) is amended—

(1) by striking "or reducing the amount authorized or" and inserting "the amount";

(2) by inserting "to less than $1,900,000,000" after "to be obligated"; and

(3) by striking "limited or reduced".

SEC. 103. MINIMUM AMOUNT FOR PRIMARY AIRPORTS.

Section 507(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(b)(1)) is amended by striking "$400,000" and inserting "$500,000".

SEC. 104. DISCRETIONARY FUND.

(a) Minimum Amount To Be Credited.—Section 507(c) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(c)) is amended by adding at the end the following new paragraph:

"(5) Special rule.—(A) In any fiscal year not less than $325,000,000 of the amount made available under section 505(a) shall be credited to the discretionary fund established by paragraph (1), and such $325,000,000 shall be exclusive of amounts that have been apportioned in a prior year under this section and which remain available for obligation.

"(B) In any fiscal year in which the amount credited to the discretionary fund pursuant to paragraph (1) is less than $325,000,000, the total amount calculated under subparagraph (C) of this paragraph shall be reduced by an amount which, when credited to the discretionary fund, will, together with the amount credited pursuant to paragraph (1), equal $325,000,000.

"(C) The total amount, for any fiscal year, that is subject to reduction pursuant to subparagraph (B) shall be the sum of—

"(i) the amount determined under subsection (a)(1);

"(ii) the amount determined under subsection (a)(2);

"(iii) the amount determined under subsection (a)(3);

"(iv) the amount determined under section 508(d)(1);

"(v) the amount determined under section 508(d)(2);

"(vi) the amount determined under section 508(d)(3);

"(vii) the amount determined under section 508(d)(4); and

"(viii) the amount determined under section 508(d)(5).

"(D) To accomplish a reduction pursuant to subparagraph (B), each of the amounts described in subparagraphs (C)(i) through (C)(viii), respectively, shall be reduced by an equal percentage.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on July 1, 1994.

SEC. 105. USE OF APPORTIONED AND DISCRETIONARY FUNDS.

Section 508(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)) is amended—

(1) in paragraph (1), by striking "10" and inserting "5";

(2) in paragraph (3), by striking "2.5' wherever it appears and inserting "1.5"; and

(3) in paragraph (4), by striking "½" and inserting "¾".

SEC. 106. REIMBURSEMENT FOR PAST EXPENDITURES.

Section 513(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(a)(2)) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" after the semicolon at the end of subparagraph (B); and

(3) by inserting after subparagraph (B) the following;

"(C)(i) it was incurred—

"(I) during fiscal year 1994;

"(II) before execution of a grant agreement with respect to the project but in accordance with an airport layout plan approved by the Secretary and in accordance with all applicable statutory and administrative requirements that would have been applicable to the project if the grant agreement had been executed; and

"(III) for work related to a project for which a grant agreement was previously executed during fiscal year 1994; and

"(ii) its Federal share is only paid with sums apportioned under sections 507(a)(1) and 507(a)(2).".

SEC. 107. TERMINAL DEVELOPMENT.

Section 513(b)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(b)(2)) is amended—

(1) in the second sentence—

(A) by inserting after "may be used" the following: ", subject to the approval of the Secretary, (A) "; and

(B) by striking the period at the end and inserting the following: ", and (B) by the sponsor of a reliever airport for the types of project costs allowable under paragraph (1) of this subsection, including project costs allowable for a commercial service airport which annually has .05 percent or less of the total enplanements in the United States."; and

(2) by adding at the end the following: "All or any portion of the sums to be distributed at the discretion of the Secretary under sections 507(c) and 507(d) for any fiscal year may be distributed for use by primary airports each of which annually has .05 percent or less of the total enplanements in the United States for project costs allowable under paragraph (1) of this subsection.".

SEC. 108. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended by striking "(as such Acts were in effect on the date of the enactment of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992)" and inserting "or the Airport Improvement Program Temporary Extension Act of 1994 (as such Acts were in effect on the date of the enactment of the Airport Improvement Program Temporary Extension Act of 1994)".

SEC. 109. UPWARD ADJUSTMENTS.

(a) In General.—The second sentence of section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is further amended by—

(1) inserting "(A)" before "apportioned"; and

(2) inserting before the period at the end "; and (B) funds which have been recovered by the United States from grants made under this title if such funds are obligated only for increases under sections 512(b)(2) and 512(b)(3) of this title in the maximum obligation of the United States for any other grant made under this title".

(b) Retroactive Effective Date.—The amendment made by subsection (a) shall take effect October 1, 1993.

TITLE II—AIRPORT-AIR CARRIER DISPUTES REGARDING AIRPORT FEES

SEC. 201. EMERGENCY AUTHORITY TO FREEZE CERTAIN AIRPORT FEES.

(a) Complaint by Air Carrier.—

(1) Filing.—An air carrier may file prior to June 30, 1994, with the Secretary a written complaint alleging that any increased fee imposed upon such air carrier by the owner or operator of an airport is not reasonable. The air carrier shall simultaneously file with the Secretary proof that a copy of the complaint has been served on the owner or operator of the airport.

(2) Opportunity to respond.—Before issuing an order under subsection (b), the Secretary shall provide the owner or operator of the airport an opportunity to respond to the filed complaint.

(3) Frivolous complaint.—If the Secretary determines that a complaint is frivolous, the Secretary may refuse to accept the complaint for filing.

(a) Order by the Secretary.—

(1) In general.—Except as provided by paragraph (2), the Secretary shall issue, within 7 days after the filing of a complaint in accordance with subsection (a), an order prohibiting the owner or operator of the airport from collecting the increased portion of the fee that is the subject of the complaint, unless the Secretary makes a preliminary determination that the increased fee is reasonable. Subject to subsection (d), the order shall cease to be effective on June 30, 1994.

(2) Limitation.—The Secretary shall not issue an order under this subsection prohibiting the collection of any portion of a fee for which the Secretary's informal mediation assistance was requested on March 21, 1994.

(c) Opportunity To Comment and Furnish Related Material.—Within a period prescribed by the Secretary, the owner or operator of the airport and any affected air carrier may submit comments to the Secretary on a complaint filed under subsection (a) and furnish to the Secretary any related documents or other material.

(d) Action on Complaint.—Based on comments and material provided under subsection (c), the Secretary may take appropriate action on the complaint, including termination or other modification of any order issued under subsection (b).

(e) APPLICABILITY.—This section does not apply to a fee imposed pursuant to a written agreement binding on air carriers using the facilities of an airport.

(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect any existing written agreement between an air carrier and the owner or operator of an airport.

SEC. 202. DEFINITIONS.

For purposes of this title—

(1) the term "fee" means any rate, rental charge, landing fee, or other service charge for the use of airport facilities; and

(2) the term "Secretary" means the fiscal year of Transportation.

TITLE III—REFORM OF AIR TRAFFIC CONTROL SYSTEM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM.

(a) STUDY.—The Secretary of Transportation shall undertake a study of management, regulatory, and legislative reforms which would enable the air traffic control system of the Federal Aviation Administration to provide better services to users and reduce the costs of providing services, without reducing the safety of the system or the availability of the system to all categories of users and without changing the basic organizational structure under which the system is part of the Federal Aviation Administration.

(b) COMPONENTS.—The study to be conducted under subsection (a) shall include the following:

(1) Evaluation of reforms which would streamline procurement, enhance the ability to attract and retain adequate staff at hard-to-staff facilities, simplify the personnel process, provide funding stability, ensure continuity of leadership, and reduce the incidence of unnecessarily detailed management oversight.

(2) Identification of any existing laws or regulations governing procurement personnel which are having an adverse effect on the operation or modernization of the air traffic control system.

(3) Evaluation of a range of possible reforms and the advantages and disadvantages of each possible reform.

(4) Comparison of the advantages and disadvantages of each possible reform with the comparable advantages and disadvantages to be achieved under any proposal of the Secretary of Transportation to create a separate Federal corporate entity to operate the air traffic control system.

(c) DEADLINE.—The results of the study to be conducted under subsection (a) shall be contained in a report which shall be completed by the Secretary of Transportation on or before the date which is 180 days after the date of the enactment of this Act, or the date on which the Secretary submits to Congress proposed legislation to create a separate corporate entity to operate the air traffic control system, whichever date occurs first.

(d) TRANSMITTAL.—On the date of completion of the report under subsection (c), the Secretary of Transportation shall transmit copies of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Public Works and Transportation of the House of Representatives.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. GRANDFATHER PROVISION FOR FAA DEMONSTRATION PROJECT.

(a) IN GENERAL.—Notwithstanding the termination of the personnel demonstration project for certain Federal Aviation Administration employees on June 17, 1994, pursuant to section 4703 of title 5, United States Code, the Federal Aviation Administration, subject to subsection (d), shall continue to pay quarterly retention allowance payments in accordance with subsection (b) to those employees who are entitled to quarterly retention allowance payments under the demonstration project as of June 16, 1994.

(b) COMPUTATION RULES.—

(1) IN GENERAL.—The amount of each quarterly retention allowance payment to which an employee is entitled under subsection (a) shall be the amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994, reduced by that portion of the amount of any increase in the employee's annual rate of basic pay subsequent to June 17, 1994, from any source, which is allocable to the quarter for which the allowance is to be paid (or, if applicable, to that portion of the quarter for which the allowance is to be paid). For purposes of the preceding sentence, the increase in an employee's annual rate of basic pay includes—

(A) any increase under section 5303 of title 5, United States Code;

(B) any increase in locality-based comparability payments under section 5304 of such title 5 (except if, or to the extent that, such increase is offset by a reduction of an interim geographic adjustment under section 302 of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5304 note));

(C) any establishment or increase in a special rate of pay under section 5305 of such title 5;

(D) any increase in basic pay pursuant to a promotion under section 5334 of such title 5;

(E) any periodic step-increase under section 5335 of such title 5;

(F) any additional step-increase under section 5336 of such title 5; and

(G) any other increase in annual rate of basic pay under any other provision of law.

(2) SPECIAL RULE.—In the case of an employee on leave without pay or other similar status for any part of the quarter prior to June 17, 1994, based on which the amount of the allowance payments for such employee under subsection (a) are computed, the "amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994" shall, for purposes of paragraph (1), be deemed to be the amount of the allowance which would have been payable to such employee for such quarter under such project had such employee been in pay status throughout such quarter.

(c) TERMINATION.—An employee's entitlement to quarterly retention allowance payments under this section shall cease when—

(1) the amount of such allowance is reduced to zero under subsection (b), or

(2) the employee separates or moves to a position in which the employee would not, prior to June 17, 1994, have been entitled to receive an allowance under the demonstration project, whichever is earlier.

(d) SPECIAL PAYMENT RULE.—The Administrator of the Federal Aviation Administration may make payment for the costs incurred under the program established by subsection (a) for the period between June 18, 1994, and September 30, 1994, following the end of the first full pay period that begins on or after October 1, 1994, subject to appropriations made available in fiscal year 1995.

(e) STUDY OF RECRUITMENT AND RETENTION INCENTIVES.—The Administrator of the Federal Aviation Administrator shall conduct a study of impediments that may exist to achieving appropriate air traffic controller staffing levels at hard-to-staff facilities. In conducting such study, the Administrator shall identify and evaluate the extent to which special incentives, of a financial or non-financial nature, could be useful in recruiting or retaining air traffic controllers at such facilities. The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 180 days after the date of enactment of this Act a report on (1) the results of such study, (2) planned administrative actions, and (3) any recommended legislation.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. FORD. Mr. President, I want to explain to my colleagues a little history concerning S. 2024, the Airport Improvement Program Temporary Extension Act of 1994, which we are considering. The Senate last considered and passed this bill by unanimous consent on April 19. Our House colleagues took up and passed the bill, with a series of changes, on May 3, 1994, by voice vote.

The bill before the Senate today is a compromise worked out between the bodies. It will provide $800 million in new funds for the airport improvement program, as well as authorize the use of $89 million in "old" money. The remaining funds that have been appropriated for 1994 will be available for this program when this body takes up and passes S. 1491, the FAA Authorization Act. S. 1491 has been pending on the Senate calendar since last year.

The bill also freezes certain airport fees that are in dispute. This provision is unchanged from the version that passed the Senate on April 19. I also want my colleagues to know that I am continuing in my efforts to work out the airport-airline fee dispute issue, which forced us to authorize a short term extension of the AIP program.

Other provisions in the bill authorize the use of discretionary AIP funds for terminal development work at small airports, increase the amount of entitlement funds for small airports from $400,000 to $500,000, extend the air traffic controller pay demo program and mandate two studies.

The first study requires the Secretary to provide a detailed evaluation of reforms that are needed within the current structure of the FAA. There has been a lot or recent publicity associated with the Secretary's announcement of a study to corporatize the FAA. The study requested here seeks to begin the process of working to revamp the FAA, short of the need to turn the entire air traffic control system management and modernization, and all of the related safety needs, over to a corporation. I want my colleagues to know that the FAA does need some degree of reform, and those problems should be addressed, but not by a corporation.

The second study requires the FAA to review and evaluate a wide range of potential ways to provide staffing flexibility. There have been a number of indications that some facilities are hard to staff. The current incentive program—the pay demo program—provides a quarterly 20-percent bonus for air traffic controllers and technicians at certain facilities. Knowing that the Government should look to incentives in the private sector, the study requested should serve as a means to replace the pay demo program. No one incentive should be focused on, but rather a range of choices should be developed. The Administrator is required to evaluate those options, implement those that he can, and provide us with legislation to authorize any other alternatives. I also want to let my colleagues know, particularly those that were interested in the pay demo program, that the program will be extended.

Mr. STEVENS. Mr. President, I support the immediate passage of the Airport Improvement Program Temporary Extension Act. The authorization for funding capital needs of the Nation's commercial airports and general aviation facilities expired on October 1, 1993. This 8 month period without Airport Improvement authorization has put pressure on airports waiting for the funds to begin construction during this construction season, especially in my State. In Alaska, because of the limited modes of transportation and the long winters, there is a very short time period for the construction of these airport projects.

Alaska has less than 12,000 miles of public roads in a State that is one-fifth the size of the United States. Most of our passenger transportation between communities is by aircraft, and the transportation of construction materials to the bush communities is almost strictly by barges that can only run in the summer. This makes this extension of authorization of funds for airport projects extremely important.

Airport improvements are necessary in many Alaska communities to keep aircraft transportation in my State running smoothly. Some of the villages are in desperate need of upgrades to the facilities which maintain their airports and the airplanes that are the only transportation link to other communities. Air travel is the lifeblood of their economy.

But to get these airport projects started this year, orders must be made immediately to get construction materials to the communities, oftentimes by barge from Anchorage or Seattle, so the projects can be completed this year. Otherwise they will have to wait until next summer to transport the materials.

We are already late in getting started for this construction season. Communities contacted me earlier this year and expressed concern that they would not be able to complete their airport projects unless the Airport Improvement Program [AIP] was authorized immediately. Unfortunately, we were not able to pass the full authorization of AIP because we could not come to agreement on some controversial provisions that are unrelated to the airport capital construction projects.

To address the needs of the airports that are desperately waiting for funds to proceed with their projects, S. 2024, the Airport Improvement Program Extension Act of 1994, will authorize up to $800 million of the total $1.69 billion AIP appropriation for fiscal year 1994. This will allow the projects to go forward almost immediately.

The Federal Aviation Administration [FAA] must work to get these funds to the airports as soon as possible. As I stated before, it is critical in a State like mine that projects begin immediately if they are to be completed by the time winter approaches in September or October. Construction materials need to be ordered and transported to cities like Anchorage and Fairbanks and then on to villages like Savoonga and Toksook Bay to allow for the projects to begin.

The FAA has assured me that they will work overtime to get their funding to the airports. When distributing this funding they must also take into account those communities that have short construction seasons. Those communities should have priority in the funding distribution

This is just a short term reauthorization. Another authorization will be considered within the next 60 days to reauthorize AIP for the remainder of Fiscal Year 1994 and for 2 additional years. That will allow the projects that were started under the extension to be completed and will allow projects in States that do not have a limited construction season to receive their funding. In the meantime, priority must be given to the projects that will flounder if funding is not provided immediately.

INDEPENDENT SAFETY BOARD ACT AMENDMENTS OF 1994

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 294, S. 1588, the Independent Safety Board Act Amendments of 1994.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1588) to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995 and 1996.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1706

(Purpose: To make an amendment in the nature of a substitute)

Mr. BAUCUS. Mr. President, on behalf of Senator FORD, I send to the desk a substitute amendment and ask for its immediate consideration; that the amendment be agreed to, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1706) was agreed to, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Safety Board Act Amendments of 1994".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Sec. 309(a) of the Independent Safety Board Act of 1974 (49 App. U.S.C. 1907(a)) is amended to read as follows:

"(a) There are authorized to be appropriated for the purposes of this Act not to exceed $37,580,000 for the fiscal year ending September 30, 1994, $44,000,000 for the fiscal year ending September 30, 1995, $45,100,000 for the fiscal year ending September 30, 1996. Such sums shall remain available until expended.".

SEC. 3. APPLICABILITY OF CERTAIN REGULATIONS AND REQUIREMENTS TO THE OPERATION OF PUBLIC AIRCRAFT.

(a) DEFINITION OF PUBLIC AIRCRAFT.—Section 101(36) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(36)) is amended—

(1) by striking "persons or" and inserting in lieu thereof "persons, or engaged in carrying";

(2) by inserting "(A)" immediately after "For purposes of this paragraph,"; and

(3) by striking the period at the end of the second sentence and inserting in lieu thereof", and (B) 'engaged in carrying persons' includes the provision of passenger transportation but does not include (i) the carriage of crewmembers or of other persons aboard an aircraft whose presence is required to perform, or is associated with the performance of, a governmental function such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management, or (ii) the carriage of persons (for other than commercial purposes) aboard aircraft operated by the Armed Forces or an intelligence agency of the United States.".

(b) EXEMPTIONS.—Notwithstanding the provisions of section 610(a) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1430(a)), the Administrator of the Federal Aviation Administration may grant exemptions pursuant to section 601(c) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1421(c)) to a governmental entity with respect to an aircraft which, before the date of enactment of this Act and while owned or operated by such governmental entity, was engaged in carrying persons. For purposes of this subsection, the term "engaged in carrying persons" has the meaning given that term under section 101(36) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(36)), as amended by this Act.

(c) INVESTIGATIVE AUTHORITY OF BOARD.—(1) Section 304(a)(1)(A) of the Independent Safety Board Act of 1974 (49 App. U.S.C. 1903(a)(1)(A) is amended by inserting ", or any aircraft accident involving a public aircraft as defined under section 101(36) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(36)) other than an aircraft operated by the Armed Forces or by an Intelligence Agency'' immediately before the semicolon at the end.

(2) Section 304(b) of the Independent Safety Board Act of 1974 (49 App. U.S.C. 1903(b)) is amended by redesignating paragraph (12) as paragraph (13) and by inserting immediately after paragraph (11) the following new paragraph:

''(12) The Board, in furtherance of its investigative duties with respect to public aircraft accidents under subsection (a)(1)(A), shall have the same duties and powers as are specified for civil aircraft accidents under sections 701(a)(1), 701(c), and 701(d) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1441 (a)(1), (c), and (d)).''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 4. ADVANCED LANDING SYSTEM.

Notwithstanding any other provision of law or regulation, the Administrator of the Federal Aviation Administration shall consider for approval under subpart C of part 171 of title 14, Code of Federal Regulations, the new generation, low cost, advanced landing system being developed by the Department of Defense. The charter for approval of such system shall be considered and acted upon expeditiously by the Regional Administrator of the Federal Aviation Administration in the region where such system is being developed.

Mr. FORD. Mr. President, today, we are considering a 3-year authorization of the National Transportation Safety Board. The amendment in the nature of a substitute to S. 1588, the Independent Safety Board Act Amendments of 1994, will provide sufficient funds for the NTSB to continue its work protecting the traveling public. As we attempt to address safety problems, Congress and the executive branch could not begin to adequately review all of the issues without the painstaking work of the NTSB.

This year I anticipate a large turnover in the members of the NTSB. Earlier this year, a good friend, Jim Hall, joined the Board and I welcomed him to the agency. Susan Coughlin, after serving as the vice chair, recently left. Her efforts and dedication will be missed. Carl Vogt has provided steady and thoughtful leadership as Chairman, and his term as Chairman expires later this year. Finally, to my good friend John Lauber, who is recognized as a world leader in human factors, his humor, dedication, and thoroughness will be greatly missed. Together those folks leaving the board have left a tough act to follow. The 3 year authorization should provide the next set of board members ample time to focus their energies in making transportation even safer.

It is interesting to note that the last 3 years have been the safest on record. I know the NTSB played a significant role in the record and those efforts are greatly appreciated.

Mr. HOLLINGS. Mr. President, today we are considering S. 1588, a reauthorization bill for the National Transportation Safety Board [NTSB] for a three-year period.

The NTSB serves as our Nation's primary safety investigative agency, mobilizing teams of investigators wherever and whenever there is a major transportation accident in the United States. NTSB experts thoroughly examine every conceivable aspect of an accident scene to discover the causes of these tragedies. Although it is a time-consuming and often frustrating process, accident investigation is critical to the safety of our transportation system. The work of the NTSB helps to ensure that safety hazards which may have caused one tragedy will not cause another.

In this year of deficit reduction and fiscal restraint, each Federal agency is feeling the squeeze of a tighter budgetary belt. The NTSB is no exception. In the early 1980's, staff levels were as high as 401; today, there are fewer than 360 full-time equivalent [FTE] employees. The NTSB's budget follows President Clinton's order for a slimmer federal workforce, with a significant reduction in staff size schedule for fiscal year 1994.

Our transportation system is the safest in the world, thanks largely to the tireless efforts of the NTSB. The bill ensures that the NTSB will continue its unparalleled work in the area of transportation safety.

PUBLIC AIRCRAFT SAFETY

Mr. PRESSLER. Mr. President, the Senate is considering S. 1588, the Independent Safety Board Act Amendments of 1994. I strongly support passage of this bill to reauthorize the National Transportation Safety Board [NTSB]. S. 1588 includes a provision I authored that is designed to advance the safety of travel on government owned or leased aircraft. I had intended to offer my provision as an amendment to the Airport Improvement Program temporary extension bill. That bill had particular importance for me because it was passed by the Senate on April 19, 1994, a sad date in South Dakota history.

One year ago on that day, a tragic plane crash claimed the lives of South Dakota's Governor, George Mickelson, and seven other South Dakotans: Roland Dolly, Ron Reed, Angus Anson, Dave Birkeland, Roger Hainje, Ron Becker and David Hansen. These men were killed in a Mitsubishi MU-2B-60 aircraft while returning to South Dakota from a meeting to help advance economic development in our State. In part, I have pushed my public aircraft safety provision as a tribute to those eight outstanding citizens.

I am pleased the chairman of the Aviation Subcommittee has agreed instead to include my provision, which is derived from a bill I introduced during the first session of the 103d Congress, in the committee substitute to S. 1588. I thank the subcommittee chairman, Senator FORD, for his assistance with this important aviation safety matter.

Mr. President, the purpose of my provision is to advance the safety of travel on public aircraft; that is, aircraft used exclusively in the service of Federal, State, and local governments. Under current law, public aircraft are not subject to Federal Aviation Act [FAA] safety regulations to the extent imposed on civil aircraft. In my view, this inconsistency could jeopardize the safety of persons traveling on air carriers currently defined as public aircraft.

I first became aware of the regulatory exemptions for public aircraft soon after last year's tragic plane crash. Reports surfaced of a 1991 incident involving circumstances similar to those in the Governor's crash that resulted in the National Transportation Safety Board [NTSB] issuing safety recommendations to the FAA. As disturbed as I was that the FAA had not acted on the NTSB's recommendations, I was even more concerned to learn that even if the FAA had acted, the State of South Dakota would have been under no obligation to enforce the FAA requirements. I find this very troubling.

Let me be perfectly clear. I am confident the State transportation officials responsible for maintaining South Dakota's planes do their utmost to ensure its planes are properly maintained. In fact, the NTSB determined the probable cause of the South Dakota MU-2 plane crash to be generally related to manufacturing, completely exonerating the State government and its pilots. Nevertheless, as ranking member of the Senate Aviation Subcommittee, I think Congress is obligated to do its utmost to advance air travel safety wherever a problem exists. Narrowing greatly the areas in which public aircraft are exempted from FAA compliance is one way we can advance this goal.

Mr. President, my provision would amend the definition of public aircraft to mandate that FAA safety regulations, directives and orders issued for civil aircraft be made applicable to all government-owned, nonmilitary aircraft engaged in passenger transport. The Administrator would, however, be allowed to waive FAA requirements for public aircraft provided an equivalent level of safety has been established by the governmental entity responsible for the aircraft. Finally, my provision would grant the NTSB authority to investigate accidents involving all public, nonmilitary aircraft. I consider this last point to be extremely important because it will allow for an accurate data base to be established, which should enable us to more conclusively assess public aircraft safety.

Originally, I introduced legislation to mandate that all FAA regulations issued for civil aircraft relating to airworthiness, and other safety related orders, be made applicable to all public, nonmilitary aircraft. I agreed to alter my original provision only after the FAA and several other Federal agencies raised concerns that merited consideration.

For example, according to U.S. Forest Service officials, aircraft owned by that agency are used to perform special governmental functions, such as fire fighting missions. These missions require unique equipment that would not meet FAA certification standards. That is not to say that this agency is not flying safe aircraft. Rather, its operations require specialized equipment that deviates from FAA certified civil aircraft.

Because it is not my intent to obstruct necessary governmental operations—such as fire fighting, law enforcement and search and rescue missions that require specialized equipment or perform functions that would require exemptions from Federal Aviation regulations—I agreed to revise my original legislation in order to prevent the grounding of such government aircraft. At the same time, however, my provision would require all government-owned, nonmilitary aircraft engaged in transporting persons to meet FAA safety regulations.

Again, I had hoped to apply FAA safety regulations to all public aircraft. However, I have agreed to an alternative approach in light of the agencies' operational concerns and the pressing need for action. This need for action was clearly illustrated in the April 13, 1994 Washington Post article regarding the cause of last year's fatal crash of an FAA agency plane near Front Royal, VA. The first paragraph reads as follows:

> The federal agency that polices commercial airlines for safety is not nearly as careful with its own operations, and that laxness helped cause a recent plane crash that killed three of its employees, the National Transportation Safety Board said.

In short, the NTSB faulted FAA management. The NTSB's director of aviation safety, Tim Forte, is quoted: "What we're [NTSB] really saying is, 'Apply the same standards to yourself as you do to the industry.'" That quote accurately describes the purpose of my provision. I ask unanimous consent that a copy of the Washington Post article be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1).

Mr. PRESSLER. Mr. President, my colleagues also may be interested to learn the General Accounting Office [GAO] conducted a study of the Federal regulation of public aircraft. This was not an easy task because the current regulatory exemptions for public aircraft mean there is no historical data base on which to conclusively assess public aircraft safety. For example, The FAA does not know how well public aircraft are maintained or operated because it has no responsibility for inspecting or otherwise overseeing them. However, the GAO was able to make some very important determinations.

According to the GAO, owners and operators usually adhere voluntarily to most FAA safety regulations for aircraft operations. That is certainly the policy of transportation officials in the State of South Dakota. However, the GAO also cited exceptions to voluntary compliance. In my view, these exceptions could jeopardize the safety of persons traveling in Government-owned aircraft.

The GAO study went on to say the following:

> Subjecting public aircraft to additional FAA safety regulations is appropriate because:
>
> 1. This will enhance the likelihood of [safety regulation] compliance;
>
> 2. Aircraft owned or used exclusively by the government should set an example and follow the same basic safety rules expected of private sector aircraft; and
>
> 3. A public aircraft that crashes can cause as much bodily injury and property damage as a similar civil aircraft.

Further, the GAO found no reason why public aircraft accidents should not be reported to and investigated by the NTSB. Given these and other considerations, I am spurred to push my provision to expand FAA safety regulations to government-owned aircraft engaged in the transport of passengers.

Mr. President, I continue to advocate that all aircraft, whether civil or public, be maintained to the highest level of aviation safety. In that regard, proper governmental oversight is critical to promoting a national aviation safety enforcement agenda. I am confident that upon enactment of S. 1588, with the provisions I have pushed, we will advance one step closer to achieving this goal.

EXHIBIT 1

[From the Washington Post, April 13, 1994]

FAA MANAGEMENT FAULTED IN CRASH OF AGENCY PLANE

(By Debbi Wilgoren)

The federal agency that polices commercial airlines for safety is not nearly as careful with its own operations, and that laxness helped cause a recent plane crash that killed three of its employees, the National Transportation Safety Board said yesterday.

Federal Aviation Administration officials failed to address repeated complaints from employees that the pilot of the FAA plane, Donald J. Robbins, had shown poor judgment and taken unnecessary risks on earlier flights, the safety board said.

Robbins also was not punished when he failed to notify the FAA immediately after being convicted of drunken driving several years ago, the board said, and the agency did little to monitor his conduct or that of other pilots while they were on the job.

"I think we're all a bit astounded that [the crash] happened inside the FAA," said board Chairman Carl W. Vogt. "The same professionalism [the agency requires of private aircraft] has to apply."

The board met yesterday to discuss the Oct. 26 crash of the twin-engine Beech King Air on a fog-shrouded peak in the Blue Ridge Mountains near Front Royal, Va., about 75 miles west of Washington. Robbins and his two crew members, all based at an FAA flight inspection office in Atlantic City, died in the flaming fuselage.

The board attributed the crash to Robbins's attempt to navigate in poor weather without flight instruments, but added that the FAA also was responsible because it had failed to monitor pilots and remove the ones whose work was substandard.

Board members called on the FAA to strengthen oversight of its own flight operations; "retrain, reassign or dismiss" employees who perform poorly; and furnish its 55 small aircraft with recording equipment and a warning system that lets pilots know when they are too close to the ground. The planes are used by FAA inspectors who test airport equipment across the country.

"What we're really saying is, 'Apply the same standards to yourself as you do to the industry,'" said Tim Forte, the board's director of aviation safety.

An FAA spokesman said the agency agrees with the board's recommendations and already has taken several steps to improve safety. After the accident, we took a very hard look at our operations," spokesman Pat Carasio said. "We are basically making some real major changes so that this doesn't happen again."

Those include a new organizational structure, in which pilots and co-pilots report to the same supervisor; beefed-up inspection programs; and the creation of a high-level office charged with overseeing aircraft operations.

"They're going to start treating their own fleet as if it was an airline . . . to receive the same type of scrutiny a private airline would receive," said David Traynham, a staff member on the House subcommittee that oversees the FAA.

The crew aboard the Beech King Air had successfully tested a radio beacon at the Winchester, Va., airport and was headed for an overnight stop at Newport News, Va., when it crashed.

After the crash, safety board investigators interviewed dozens of personnel at the Atlantic City office. Several said Robbins had sometimes communicated through cryptic hand signals and refused to tell fellow crew members where flights were headed or whether he had checked weather conditions. Supervisors said that some co-pilots had refused to fly with Robbins and that the schedule had been adjusted accordingly.

Many of those interviewed by the safety board said they had complained to management about Robbins in vain, or had kept quiet because they were afraid of retribution.

Although the Atlantic City office seemed particularly troubled, the safety board found similar problems at other flight inspection offices, its staff said yesterday.

"There are organizational deficiencies . . . starting in the cockpit and going all the way up the chain of command," board member John K. Lauber said.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2440, the House companion, and that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1588, as amended, be inserted in lieu thereof; that the bill be advanced to third reading, passed, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2440), as amended, was passed.

Mr. BAUCUS. Mr. President, I now ask unanimous consent that S. 1588 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT OF S. 2054

Mr. BAUCUS. Mr. President, I ask unanimous consent that a star print be made of S. 2054, a bill to remove the maximum interest rate limitation on FFB loan refinancing, to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 2109

Mr. BAUCUS. Mr. President, I understand that S. 2109, Access to Community Health Care, introduced earlier today by Senator HOLLINGS and others is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2109) to amend the Public Health Service Act and the Social Security Act, and for other purposes.

Mr. BAUCUS. I now ask for its second reading.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, on behalf of the Republican leader, I object.

The PRESIDING OFFICER. The bill will have its second reading on the next legislative day.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103-25

Mr. BAUCUS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (Treaty Document No. 103-25), transmitted to the Senate by the President today; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects (the Convention), and two accompanying Protocols on Non-Detectable Fragments (Protocol I) and on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II). Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention and its Protocols.

The Convention was concluded at Geneva on October 10, 1980, was signed by the United States on April 8, 1982, and entered into force on December 2, 1983. More than 30 countries have become Party to the Convention. It constitutes a modest but significant humanitarian effort to protect the victims of armed conflict from the effects of particular weapons. It will supplement prohibitions or restrictions on the use of weapons contained in existing treaties and customary international law, including the prohibition on the use in war of chemical and bacteriological weapons in the Geneva Protocol of June 17, 1925. It will provide a basis for effective controls on the widespread and indiscriminate use of landmines, which have caused widespread civilian casualties in recent conflicts.

The Convention and its Protocols restrict, for humanitarian reasons, the use in armed conflicts of three specific types of conventional weapons. Protocol I prohibits the use of weapons that rely on fragments not detectable by X-rays. Protocol II regulates the use of landmines and similar devices for the purpose of reducing the danger to the civilian population caused by the indiscriminate use of such weapons, and prohibits certain types of booby-traps. Protocol III restricts the use of incendiary weapons in populated areas.

The United States signed the Convention on April 8, 1982. Since then, it has been subject to detailed interagency reviews. Based on these reviews, I have concluded that the United States should become a Party to the Convention and to its Protocols I and II. As described in the report of the Secretary of State, there are concerns about the acceptability of Protocol III from a military point of view that require further examination. I therefore recommend that in the meantime the United States exercise its right under Article 4 of the Convention to accept only Protocols I and II.

I believe that United States ratification of the Convention and its Protocols I and II will underscore our commitment to the principle that belligerents must refrain from weapons or methods of warfare that are inhumane or unnecessary from a military standpoint. I am also mindful of the strong sense of the Congress that the Convention should be submitted to the Senate for advice and consent to ratification, as evidenced in section 1365 of the National Defense Authorization Act for Fiscal Year 1993 (October 23, 1992, Public Law 102-484) and section 1423 of the National Defense Authorization Act for Fiscal Year 1994 (November 30, 1993, Public Law 103-160).

More specifically, by becoming Party, we will encourage the observance by other countries of restrictions on landmines and other weapons that U.S. Armed Forces and those of our allies already observe as a matter of humanity, common sense, and sound military doctrine. The United States will be able to take the lead in negotiating improvements to the Mines Protocol so as to deal more effectively with the immense threat to the civilian population caused by the indiscriminate use of those weapons. It will strengthen our efforts to encourage adoption of a moratorium on export of all anti-personnel landmines.

I therefore recommend that the Senate give early and favorable consideration to the Convention and its Protocols I and II and give its advice and consent to ratification subject to the conditions contained in the report of the Department of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 12, 1994*.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following amendments be the only first-degree floor amendments remaining in order to S. 2019, the Safe Drinking Water Act, and that they be subject to second-degree amendments, provided they are relevant to the first degree amendments to which they are offered; that the listed amendments must be offered by close of business, Wednesday, May 18; that no motion to recommit be in order during the pendency of this agreement; further, that no rollcall votes occur prior to Tuesday, May 17.

Mr. President, I withhold the request and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I send the list of amendments to the desk and ask that it be printed with the agreement.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

DEMOCRATIC AMENDMENTS TO S. 2019

Baucus—(1) Relevant, (2) Relevant, (3) Technical, (4) Relevant.
Bingaman—Environmental financing (w/ Smith).
Boren—Davis-Bacon.
Boxer——(1) Submersible ground water pumps, (2) Sensitive sub-populations.
Bumpers—Relevant.
DeConcini—(1) Wastewater treatment, (2) Relevant, (3) Relevant.
Glenn—(1) Relevant, (2) Relevant.
Graham—(1) State revolving fund needs assessment, (2) Relevant, (3) 2-year needs study.
Harkin—Vegetable oils/toxics (w/Lugar).
Johnston—(1) Risk assessment, (2) Deep water royalties, (3) Oil pollution liability, (4) Lake Pontchartrain.
Kennedy—(1) Relevant, (2) Relevant, (3) Davis-Bacon.
Kerrey—Coliform study.
Kerry—Source water.
Kohl—(1) Relevant, (2) Relevant, (3) Research (w/Jeffords).
Lautenberg—(1) Voluntary cleanup, (2) Relevant, (3) Relevant.
Mitchell—(1) Relevant, (2) Relevant.
Metzenbaum—(1) Relevant, (2) Relevant, (3) Labeling bottled water.
Levin—(1) Relevant, (2) Relevant.
Moynihan—Chemical screening.
Reid—(1) Indian Affairs, (2) Lead Reduction.
Robb—(1) Relevant, (2) Mtn. Empire Demo.
Wofford—State revolving fund.
Rockefeller—Relevant.

REPUBLICAN AMENDMENTS TO SAFE DRINKING WATER

Chafee—Relevant.
Chafee—Research.
Chafee—Relevant.
Brown—Definition of public water system.
Brown—Relevant.
D'Amato—Breast Cancer/EPA testing program.
Warner—Relevant.
Dole—Takings.
Dole—Relevant.
Faircloth—Repeal Davis-Bacon.
Gorton—Technical Assistance.
Gramm—Relevant.
Gregg—Unfunded Mandates.
Gregg—Davis-Bacon.
Gregg—Relevant.
Wallop—DW standards advisory.
Wallop—Congressional disapproval of EPA regs.
Simpson—Davis—Bacon.
Simpson—Relevant.
Simpson—Relevant.
Simpson—Relevant.
Lugar—Vegetable oils.
Hatch—30 day notice for inspection.
Hatch—State validation of database.
Hatch—Indian water system.
Hatch—Relevant.
Hatch—Relevant.
Kempthorne—Unfunded mandates.
Kempthorne—Resource model.
McCain—Border waste.
McCain—Relevant.
Murkowski—Relevant.
Murkowski—Relevant.
Murkowski—Science/risk.
Murkowski—Science/risk.
Murkowski—Science/risk.
Stevens—8 relevant amdts.
Hutchison—Relevant.
Hutchison—Monitoring.
Nickles—Relevant.
Jeffords—Research.
Smith—Davis—Bacon.
McCain—Water infrastructure.
Grassley—Water infrastructure.
Coverdell—Water infrastructure.
Hatfield—Water infrastructure.
Domenici—Water infrastructure.
Stevens/Murkowski—Water infrastructure.
Pressler—Water infrastructure.
Bennett/Hatch—Water infrastructure.
Chafee—Water infrastructure.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, May 13; that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that immediately thereafter the Senate resume consideration of S. 2019, the safe drinking water bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, I thank my colleagues for their cooperation in this matter, especially the managers, the distinguished chairman of the committee, Senator BAUCUS, and the distinguished ranking member, Senator CHAFEE.

Let me state now for all Senators what I anticipate will occur with respect to this bill.

We now have a specific list of amendments. It is a very long list. In order to accommodate any Senator who wants to offer an amendment, the Senate will be in session tomorrow at 10 a.m. considering this measure. The managers will be here to receive and debate any amendment. The Senate will be in session on Monday. The managers will be here to receive and debate amendments. Under the order, any amendment to be in order must be offered by the close of business on Wednesday.

So, the managers now are going to be here for the next 4 legislative days. That will represent at least in calendar days a total of 6 days on which this measure has been considered. So every Senator will have had the opportunity to present an amendment and to have it debated.

Any amendments debated tomorrow or Monday on which votes are required with respect to such amendments, the votes will be set over until Tuesday. There will be no recorded votes until Tuesday, and the time and number of those votes will, of course, depend on what occurs during the session tomorrow and on Monday.

Senators should expect a lengthy session on Tuesday as we attempt to make substantial progress on this bill. It is my intention that we will finish the bill on Wednesday. That is to say all of the amendments will be offered. Of course, under the order, no amendment will be permitted after Wednesday. But my hope is that we can so handle the procedure on this bill as to permit us to complete action on the bill on Wednesday. That is our intention.

This order accommodates a large number of Senators who had advised me that it would be difficult for them to make recorded votes tomorrow and Monday.

Therefore, I thank especially, as I said, the managers and all concerned for permitting us to go forward on this bill.

Mr. President, there is no way now to state what time votes will occur on Tuesday because we do not know, first, if any votes will be required Tuesday morning by virtue of amendments having been offered tomorrow and Monday. We will make an announcement in that regard on Monday.

But Senators should expect a lengthy day on Tuesday and on Wednesday as we attempt to complete action on this bill.

I repeat so there can be no misunderstanding. The Senate will be in session tomorrow and Monday to receive and debate amendments to this bill.

What I do not want to have happen is to have it come Wednesday and have Senators come in and say, "Well, I did not have a chance to offer my amendment." I cannot prevent anyone from saying that, but the statement will be incorrect. There is plenty of opportunity tomorrow, Monday, Tuesday, and Wednesday to offer amendments on the bill, and we are going to finish this bill on Wednesday.

Mr. President, I thank my colleague, and I inquire whether my friend and colleague has any comments he wishes to make before we go into recess.

Mr. CHAFEE. Mr. President, I would say to the majority leader I think he is absolutely right. We are going to be here open for business tomorrow and on Monday. We want to finish this bill, and there is a host of amendments on a bill that is relatively, I would have thought, noncontroversial. We have page after page. Someone has told me there are 100 amendments here. I do not know whether that is true or not. Many of them are duplicative.

I hope we can move on. There is no point in us being here late Wednesday night to complete this bill. I hope we can get down to business and finish up at a reasonable hour Wednesday.

Mr. MITCHELL. Mr. President, I thank my colleague.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 9:06 p.m., recessed until Friday, May 13, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 12, 1994:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JEFFREY RUSH, JR., OF MISSOURI, TO BE INSPECTOR GENERAL, AGENCY FOR INTERNATIONAL DEVELOPMENT. (NEW POSITION)

DEPARTMENT OF EDUCATION

FREDERIC K. SCHROEDER, OF NEW MEXICO, TO BE COMMISSIONER OF THE REHABILITATION SERVICES ADMINISTRATION, DEPARTMENT OF EDUCATION, VICE NELL CARNEY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. PATRICK P. CARUANA, [redacted] U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. STEVEN L. ARNOLD [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 3039(B):

To be assistant surgeon general/chief of dental corps

To be major general

BRIG. GEN. JOHN J. CUDDY [redacted] U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. WALTER E. BOOMER, [redacted], USMC.
GEN. JOSEPH P. HOAR [redacted], USMC.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5044, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be general

LT. GEN. RICHARD D. HEARNEY [redacted], USMC.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. NORMAN E. EHLERT [redacted], USMC.
LT. GEN. WILLIAM M. KEYS [redacted], USMC.
LT. GEN. HENRY C. STACKPOLE III [redacted], USMC.
LT. GEN. ROBERT A. TIEBOUT [redacted], USMC.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR REASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

LT. GEN. GEORGE R. CHRISTMAS [redacted], USMC.
LT. GEN. ROBERT B. JOHNSTON [redacted], USMC.
LT. GEN. CHARLES C. KRULAK [redacted], USMC.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STRATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESOPNSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. ARTHUR C. BLADES [redacted], USMC.
MAJ. GEN. HARRY W. BLOT [redacted], USMC.
MAJ. GEN. JAMES A. BRABHAM, JR. [redacted], USMC.
MAJ. GEN. CHARLES E. WILHELM [redacted], USMC.

IN THE AIR FORCE

THE FOLLOWING OFFICERS, U.S. AIR FORCE OFFICER TRAINING SQUADRON, FOR APPOINTMENT AS SECOND LIEUTENANT IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

DAVID C. ALLRED, JR. [redacted].
BRENT V. ARMAND, [redacted]
DEVON A BRYAN, [redacted]
BRIAN G. BUNCE, [redacted]
DOUGLAS S. COPPINGER, [redacted]
JUAN Z. CRAWFORD, [redacted]
MICHAEL E. GIMBRONE, [redacted]
WALTER D. GRAVES, [redacted]
MATTHEW S. HOOSE, [redacted]
MARTIN F. LINDSAY, [redacted]
STEVEN A. OLIVER, [redacted]
MICHAEL R. ORLOWSKI, [redacted]
RAYMOND M. POWELL, [redacted]
TIMMY A. RAGSDALE, [redacted]
JEFFREY B. SALTER, [redacted]
MICHELLE L. SMITH, [redacted]
STEVEN J. STANGL [redacted]
ELBERT E. STOCKTON, [redacted]
RONALD D. TENHAKEN, [redacted]
DAVID S. WERLING, [redacted]
JAMES C. WIGGINS, [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate May 12, 1994:

DEPARTMENT OF STATE

WILLIAM J. CROWE, JR., OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

EXECUTIVE OFFICE OF THE PRESIDENT

FRED W. GARCIA, OF COLORADO, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY.

NATIONAL COUNCIL ON DISABILITY

MARCA BRISTO, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995.

KATE PEW WOLTERS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LEO J. O'DONOVAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998.

PATRICIA ANN BROWN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1996.

IRA RONALD FELDMAN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998.

BARBARA WALLACE GROSSMAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

THE CONGRESSIONAL CAREER OF MICKEY LELAND OF TEXAS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. STOKES. Mr. Speaker, as we approach the anniversary of the death of our late colleague Mickey Leland, we are reminded of a life marked by many extraordinary achievements and triumphs. We are also reminded of a man, so impassioned with the cause of eliminating hunger, that he traveled to Ethiopia in August of 1989 and sacrificed his life in the humane effort of investigating the Ethiopian hunger crisis.

Recently, a professor at Pace University in New York, Philip A. Grant, shared with me an essay which he delivered at the Southern Conference on African-American Studies in Dallas, TX. The essay entitled, "The Congressional Career of Mickey Leland of Texas" highlights the career of a national hero whose loss was, and continues to be, felt not only by us on Capitol Hill, but in international arenas as well. Mr. Grant's essay evokes memories of one of our Nation's leaders who died while fighting for a battle to which he was eternally dedicated, the plight of the disadvantaged.

Mr. Speaker, I believe that it is important to submit Professor Grant's article to the CONGRESSIONAL RECORD. This will ensure that we do not forget the conviction with which Mickey Leland carried out his commitment, and the passion with which we should strive to continue this tradition.

THE CONGRESSIONAL CAREER OF MICKEY LELAND OF TEXAS

On November 7, 1978 Democrat Mickey Leland of Houston was elected without opposition to the House of Representatives from the Eighteenth Congressional District of Texas. Leland was chosen by the citizens of the Eighteenth District to fill the seat being vacated by three term Congresswoman Barbara Jordan.

Leland, thirty-three years of age, was a graduate of Texas Southern University. Prior to launching his congressional campaign, he had served six years in the Texas House of Representatives. As the time of his election Leland was one of only two Blacks within the ranks of the one hundred and thirty members of Congress from the states of the South.

Leland officially took his oath of office in the House chamber on January 13, 1979. Several days later he was assigned to the Committee on Energy and Commerce, The Energy And Commerce panel exercised jurisdiction over transportation, communications, the stock exchanges, public health, and oil and gas deregulation.

During his first term on Capital Hill Leland was aligned with the vast majority of his Democratic colleagues on all issues of consequence. Leland voted for the Welfare Reform Bill, the Hospital Cost Containment Bill, and the creation of a Cabinet-level Department of Education and was recorded against selective service (draft) registration and a proposed constitutional amendment to prohibit busing to promote desegregation of elementary and secondary schools.

In November 1980 Leland was overwhelmingly re-elected to a second term in the House, outpolling his Republican challenger by a 71,985–16,128 tabulation (81.7%). While Leland was obviously successful in his quest for re-election, the Democratic Party experienced political disaster in 1980. Conservative Republican Ronald Reagan was elected to the presidency, carrying forty-four of the fifty states and attracting four hundred and eighty-nine of the five hundred and thirty-eight electoral votes (90.9%). Reagan, cultivating the southern white vote, prevailed in Texas and nine of the ten other states of the South.

From the outset of the Reagan presidency Leland was unalterably opposed to all of the G.O.P. Chief Executive's domestic and foreign policy initiatives. In 1981 Leland favored reauthorization of the Legal Services Corporation and extension of the Voting Rights Act and opposed the Reagan Administration's tax cut and budget reconciliation (Gramm-Latta) bills. In the following year he supported the Medicare Funding Bill and cast a negative vote on a constitutionally mandated balanced budget.

Re-elected to a third term in November 1982, Leland triumphed by a 68,014–12,102 margin (84.9%). Leland was genuinely encouraged by the 1982 election results, largely because the Democrats won an additional twenty-six congressional seats and registered a net gain of seven governorships. Moreover, in the new Congress Leland would be joined by two other Black Democrats, Alan D. Wheat of Missouri and Katie B. Hall of Indiana.

In 1983 and 1984 the Democrats in the House were involved in a substantial number and wide variety of confrontations with the Reagan Administration. Sharply disagreeing with the Administration's Central American and Middle East policies, Leland opposed aid to the Nicaraguan Contras and American participation in a multinational force in Lebanon. Concurring with his fellow Democrats, he supported the Nuclear Freeze Resolution, the expansion of the Superfund to eliminate toxic waste, the designation of the Martin Luther King holiday, and an effort to revive the Equal Rights Amendment to the Constitution (ERA).

Profoundly concerned with the plight of the nation's millions of disadvantaged citizens, Leland in January 1984 introduced a resolution to create a Select House Committee on Hunger. Leland's resolution was adopted on February 25, 1984, and, based on longstanding tradition, Leland was promptly chosen as the select committee's chairman.

In 1984 Leland won his fourth term, accumulating more than one hundred thousand votes for the first time in his political career. While Leland was elected 109,626–26,400 (80.6%), President Reagan was also victorious in his bid for another term in the White House. Indeed in 1984 Reagan carried all eleven southern states and recorded a winning margin of 1,484,152 (63.7 percent) in Texas.

The Second Reagan Administration was dominated by frequent clashes between a rigidly conservative Republican President and a solidly Democratic Congress. The animosity between Reagan and Capitol Hill steadily escalated after the Democrats gained fourteen congressional seats in the off-year elections of 1986. Complicating the precarious relationship between the White House and Congress was the sensational controversy surrounding the Iran-Contragate scandal.

Among the victorious Democrats in 1986 were Leland, re-elected to a fifth term without Republican opposition, and two other blacks, John Lewis of Georgia and Mike Espy of Mississippi. Leland's successful quest for re-election occurred as he was completing his two year term as Chairman of the Congressional Black Caucus.

During the final two years of the Reagan Era Leland and the President were constantly at odds. Leland voted for the imposition of economic sanctions against South Africa, the Plant Closing Notification Bill, the Catastrophic Health Insurance Bill, the Independent Counsel (Special Prosecutor) Bill, the Fair Housing Bill, and legislation requiring a seven day waiting period prior to the purchase of a handdgun. Most importantly Leland was recorded in favor of overriding Reagan's vetoes of the Clean Water Funding Bill, the Highway and Mass Transit Authorization Bill, and the Civil Rights (Grove City) Bill.

In 1988 Leland was re-elected without opposition to his sixth term. Also triumphant in 1988 was Republican Vice President George Bush, who was chosen to succeed Ronald Reagan as President, Like Reagan in 1980 and 1984, Bush Swept the South and easily won Texas.

In the winter and spring of 1989 it was apparent that Bush was committed to persevere in behalf of the Reagan agenda. Leland devoted the bulk of his attention to two issues, the minimum wage and Medicaid. Leland strongly supported increasing the prevailing federal minimum wage from $3.35 to $4.55 perhour and voted to override the President's veto of the minimum wage bill ultimately approved by the House and Senate. As a member of the Subcommittee on Health and the Environment, Leland sponsored legislation to extend Medicaid coverage to an additional 160,000 pregnant women, 170,000 infants, and 1,100,000 children over the age of one.

Leland's comparatively brief, but unusually eventful, congressional career came to a tragic end on August 7, 1989. On that date Leland and three congressional staff members were killed in a plane crash, while travelling to a refugee camp in Ethiopia to investigate the lingering hunger crisis in Africa. Leading the tributes to Leland were the Most Reverend Joseph A. Fiorenza, Bishop of Houston, and the Honorable Thomas S. Foley, Speaker of the House of Representatives. Bishop Fiorenza, the celebrant of Leland's funeral Mass at Saint Anne's Church, asserted: "To my knowledge, no one, but no one, in the history of the city of Houston, and perhaps in all of Texas, has been mourned to the extent of Mickey. Every Houstonian, especially the poor, has lost a good friend."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Speaker Foley, convinced that there were "perhaps, millions who will live longer, live better and have hope because of this good man," concluded: "Mickey is gone, but his values and his work will live after him in our memory and our commitments."

Two major American publications, the New York Times and the Washington Post, editorialized on the death of Leland. Impressed that Leland "with humor and disarming sincerity" had "negotiated the uneasy passage from the politics of confrontation to that of example and persuasion," the Times in hailing the late congressman's determination to alleviate the Third World hunger crisis concluded: "Because of Mr. Leland, American aid reached parched corners, saving tens of thousands of lives. They are a precious memorial to Mickey Leland and his colleagues, distilling some sense from a senseless calamity."

The Post, stressing that Leland was "always known for identifying with his roots, even as he rose in position and power in the Texas Legislature and then in the U.S. Congress," acclaimed his genuine concern for the distressed inhabitants of Africa as follows: "* * * Mr. Leland was one of the few people from anywhere, and certainly one of the few Americans, who was prepared to invest his time and energy in inspecting the conditions of these unfortunate refugees and to do what he could to focus American resources on bringing help and care to them. He will be mourned on several continents."

DAVID TOPLON, FIFTH DISTRICT RESPECTEEN WINNER

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. CLEMENT. Mr. Speaker, I want to extend my warmest congratulations to David Toplon, the Fifth District's RespecTeen "Speak for Yourself" winner.

David, an eighth-grade student at Nashville's Martin Luther King, Jr., Magnet High School for Science and Engineering, wrote to me earlier this year on protecting the environment and the nonhuman organisms with which we share the Earth. This letter won in national competition and David will receive a U.S. savings bond to honor his achievement.

The RespecTeen Program encourages seventh- and eighth-grade students to write to their U.S. Representatives and express their views and offer solutions to matters that affect them. I received quite a few letters from students in the Fifth District who participated in this valuable civic program. All of them are to be congratulated for raising important issues and offering solutions to them.

I also want to commend David's teacher, Nancy Schwarz, and his parents, Jim and Ellen Toplon, who I know are an important source of encouragement and support. They, too, are proud of David's achievement.

Mr. Speaker, I would like to share with my colleagues the text of David's award-winning letter.

NASHVILLE, TN, *January 24, 1994.*

Hon. BOB CLEMENT,
Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE CLEMENT: I am concerned about the way this country goes about things. It puts money to be made ahead of life. This doesn't make sense to me. If there is no life, what good is money? Our attitude is self-destructive. If we don't put Earth first in our priorities, all life will end.

We need laws to protect the inalienable rights of non-human organisms. We need to predict how our plans will affect our neighbors on the food chain before we carry them out. Just because some organisms have little or no brain doesn't mean we should use them as slaves, experiment on them, or kill them. If we don't treat nature with more respect, everything will die.

We have polluted and killed too much, too long. Too many plants and animals are, or will soon be, extinct because of our race. The balance is being taken out of nature. Too many herbivores go uneaten because of missing predators. The air is unbreathable, the water undrinkable, and solar radiation threatens more and more as our atmospheric shield disappears. We have a chance to avoid the end of the world. The least we can possibly afford to do is make laws that support a future, rather than hinder the continuation of terran life.

Sincerely,

DAVID TOPLON.

IN SUPPORT OF NATIONAL HIGHWAY SYSTEM DESIGNATION BILL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. TRAFICANT. Mr. Speaker, earlier today the House Public Works and Transportation Subcommittee marked up and approved H.R. 4385, legislation to designate the National Highway System. I want to thank and commend Chairman RAHALL for the excellent job he and his staff have done in crafting this bill.

Designating the National Highway System will allow Congress and DOT—for the first time—to set priorities on where to spend Federal dollars on highway projects. Designation of the National Highway System will also ensure that necessary infrastructure improvements are made on key commercial arteries.

It's no secret that our ability to compete and win the global economy will depend on our willingness to invest in our infrastructure. This bill is an important step in the right direction, and I applaud Chairman RAHALL for his vision and persistence.

I'd also like to point out that the bill includes an important provision I authored that was included in the ISTEA Technical Corrections bill. The provision, which is of extreme importance to the State of Ohio, directs the Secretary of Transportation to review the Federal and State commercial motor vehicle weight limitations applicable to Federal-air highways in the State of Ohio.

If the Secretary determines, on the basis of his review, that it is in the public interest, the Secretary shall waive application of the vehicle weight limitations established under ISTEA in the State of Ohio for such period as the Secretary determines may be necessary to permit a reasonable period of depreciation for short-wheel-base vehicles purchased before October 1, 1991.

The measure would also provide a moratorium on the withholding of any Federal highway money to the State of Ohio until the Secretary makes a determination on whether or not to grant Ohio a waiver.

Following the enactment of ISTEA in October 1, 1991, Ohio was required to adopt the motor vehicle weight limitations of the Federal Bridge Formula by October 1, 1992, or face losing its apportionment of Federal highway funds. The Ohio Department of Transportation and the Ohio Legislature has issued temporary permits to those trucking companies with equipment not in compliance with the new weight limitations.

According to the Ohio Trucking Association, 10,000 trucks in Ohio are affected by the new weight limitations. Under the Federal Bridge Formula, many Ohio trucking companies will have to underload their vehicles—damaging their profits in an industry that already has a narrow profit margin of about 2 percent. The trucking companies affected made decisions—prior to enactment of ISTEA—to purchase equipment based on what Ohio law was at the time of the purchase.

Since Ohio has been forced to adopt the Federal Bridge Formula, companies that purchased legal equipment now find that much of their equipment no longer meets State standards. It is only fair that these companies be allowed a reasonable period of time to depreciate this equipment, before being forced to purchase new equipment or make alterations on their existing vehicle fleet.

A number of Ohio trucking companies not only ordered equipment prior to the implementation of the law, they also signed contracts to move a specific amount of freight at a given price. If a waiver is not granted, these companies will no longer be able to move that freight for the contracted price. The bottom line is, if a reasonable phase-in period is not granted, numerous trucking companies in Ohio will be driven out of business.

Approval of this measure will save jobs and ensure that trucking companies are not unfairly penalized, and I commend Chairman RAHALL for including it in H.R. 4385.

I certainly hope and expect that next week the full committee will approve the bill, and within a few weeks the bill will be approved by the House and sent to the other body.

In addition to Chairman RAHALL, I'd also like to thank and commend the distinguished Chair of the full committee, Mr. MINETA, as well as the hard-working ranking member of the subcommittee, my esteemed colleague from Wisconsin, Mr. PETRI. Finally, I'd like to thank and commend the ranking member of the full committee, Mr. SHUSTER. This bill was crafted with bipartisan cooperation, and I am pleased that, as usual, the committee has been able to work together to craft a bill that will truly help every region of the country.

TRIBUTE TO NORFOLK CHRISTIAN HIGH SCHOOL FOR PARTICIPATION IN WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. PICKETT. Mr. Speaker, on April 30, 1994, more than 1,200 students from 47 States and the District of Columbia came to our Nation's Capital to compete in the national finals of the "We the People . . . The Citizen and the Constitution" program. I am very proud of the class from Norfolk Christian High School in Norfolk, VA, that represented Virginia in this competition. These young scholars worked diligently to reach the national finals and deserve high praise and recognition for their achievement.

The members of the team that represented Virginia were: Jon Boling, Matt Comstock, Stephen Doyle, Matt Duffey, David Fish, Janel Hardison, Nathan Hatcher, Sarah Huston, Jessica Johnson, Stephanie Johnson, Jeff Lankford, Rachel Mulder, Michael Mulford, Jaime Muller, Johnny Pearson, Chris Ryan, Patrick Scheiermann, and Joel Uecker.

Special recognition should also go to their teacher and district coordinator, James H. Hinshaw, who deserves much of the credit for the success of the team. The State coordinator, Helen Coalter, also contributed a significant amount of time and effort to help the team reach the national finals.

The "We the People . . . The Citizen and the Constitution" program is supported and funded by Congress. It is perhaps the most successful educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the program, now in its 7th year, has reached more than 20,100,000 elementary, middle, and high school students nationwide. Members of Congress enhance the program by discussing constitutional issues with both students and teachers. This year, the Thomas Jefferson Commemoration Commission joined the Center for Civic Education in making special presentations to the students in honor of Mr. Jefferson's legacy.

The "We the People" program provides an excellent opportunity for students to better understand and appreciate the role of the U.S. Constitution in our daily lives and how it has helped shape the history of our Nation.

I know the citizens in the Second District and from throughout Virginia join me in congratulating the team from Norfolk Christian High School for their achievement and in wishing each member continued success in their future endeavors.

TRIBUTE TO THE UNIVERSITY OF CHICAGO HOSPITALS AND WYLER CHILDREN'S HOSPITAL

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. RUSH. Mr. Speaker, I rise today in special tribute to the University of Chicago Hospitals and Wyler Children's Hospital for their outstanding commitment to improving the health and well-being of babies and mothers. Recently, the University of Chicago Hospitals and Wyler Children's Hospital have committed themselves to implementing the World Health Organization [WHO] and United Nations Children's Fund [UNICEF] Baby Friendly Hospital Initiative. Under this program, these two hospitals have indicated their dedication to promoting breastfeeding, by following the UNICEF–WHO Ten Steps to Successful Breastfeeding. In their effort to promote healthier babies, these two hospitals will work to inform pregnant women and new mothers of the benefits of breastfeeding, and encourage mothers to breastfeed.

In a time when so many children in America are plagued by hunger, malnutrition, illiness, and high infant mortality rates, breastfeeding is a key way to help both mothers and infants. Breastfeeding decreases the risk of numerous health problems, including diarrhea, respiratory and ear infections, and allergic skin disorders. This translates into millions of dollars saved in health care for young children.

I am pleased to see that the University of Chicago Hospitals and Wyler Children's Hospital are instituting this important program. The Baby Friendly Hospital Initiative is a small step, but one of immeasurable importance and utility.

ISRAEL'S 46TH BIRTHDAY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mrs. COLLINS of Illinois. Mr. Speaker, I rise to recognize the State of Israel on the 46th anniversary of its birth. This birthday is celebrated by Jews everywhere and today I join in their celebration.

During the past 46 years, Israel has been a close friend of America's and a strong democracy in a region that has little support for democracies. The future health and success of Israel continues to be of importance to our country, particularly during this time when critical efforts are being made towards establishing peace and stability among Israel and its neighbors.

We are all aware of the hardships that Israel has endured but I am confident that through everything, the Israeli people will continue to uphold the democratic principles in which Theodore Hertzel, who promoted the idea of a Jewish homeland, and Chaim Weizmann and Golda Meir, who were early leaders of the Jewish State, believed so strongly.

Congratulations Israel on your 46th birthday. May you continue to flourish and may your democracy remain ever strong.

IN RECOGNITION OF THE RETIREMENT OF RICHARD A. PRESSER, DIRECTOR, REGION 10, INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. KLECZKA. Mr. Speaker, today I rise to pay tribute to a friend and supporter of mine, and more importantly, a friend and supporter of working men and women, Richard A. Presser, the retiring Director of District 10, International Association of Machinists and Aerospace Workers, AFL–CIO, Milwaukee.

For 46 years, since was hired at the Ladish Company in Milwaukee, Dick has been active in labor and community affairs. After serving in the Army for 6 years, Dick returned to Milwaukee and Ladish, where he became a union steward, and the rest, as they say, is history.

Dick's career with the International Association of Machinists includes starting out as a steward, then being elected as the Chairman of the Steward Body and eventually being chosen as President of Lodge 1862. The union's members and leadership knew a good thing when they saw it, and named Dick a Business Representative for District 10 in 1967. In 1978 he became the Assistant Director of District 10 and in 1981 he was named Director, a position he has held proudly for 14 years.

Serving locally, regionally and nationally on numerous committees and boards, Dick's guidance has been felt not only by labor, but also by business, government and community groups, groups as diverse as the Guide Dogs of America and the International Guiding Eyes Program to the Wisconsin Unemployment Compensation Advisory Committee.

Mr. Speaker, it is truly a pleasure to recognize Dick Presser upon his retirement. In this day and age, Dick is truly a one-of-a-kind "good samaritan." May he and his entire family enjoy this well-deserved retirement.

TRIBUTE TO IRWIN WOLKSTEIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. WAXMAN. Mr. Speaker, it is with sadness that I have learned of the recent death of Mr. Irwin Wolkstein on May 9, 1994. In a time when many are quick to heap criticism and scorn on civil servants, all too often we overlook the exemplary service of those who quietly and effectively work on behalf of us all. Irwin Wolkstein represented the very highest ideals of public service—intelligence, integrity, and commitment.

Mr. Speaker, very few Americans would know that Mr. Wolkstein directly touched the lives of literally millions of older Americans who today enjoy economic security in their retirement years because of the Medicare program. Today, nearly 30 years after the passage of Medicare, many do not remember the days before Medicare, when even the most basic health care needs of the aged often quickly wiped out their meager savings and Social Security incomes on which they depended for survival.

Now Medicare is an everyday part of the American landscape, but such was not always the case. As a senior civil servant in the 1960s, Irwin Wolkstein played a critical role in making Medicare a reality—not just an idea.

Irv had become one of the government's leading experts on the health security problems of the elderly in America. Much of his early career had been spent at the headquarters of the Social Security Administration in Baltimore, where he served as head of the Agency's Coverage and Disability Branch. Irv was involved in studies of the increasingly burdensome health care needs of the elderly, and he became an expert on the effects of illness on the limited financial resources of most older Americans.

In 1961, President Kennedy called on Congress to enact a program of hospital insurance, financed through a program of social insurance, to help meet the most significant health care costs faced by the elderly—namely, a lengthy hospital stay. The Social Security Administration was called on to begin developing the details of such a program. Irv Wolkstein provided many of the answers about how to design such a program and make it work.

Between 1961 and 1965, when Medicare was enacted, the key policy advisor to whom the Commissioner of Social Security, the Secretary of HEW, and the Congress turned on questions about the Medicare proposal was Irwin Wolkstein. When issues arose about the benefit design, about the standards that would ensure quality, or about how to administer the program, Irv and his staff of bright thinkers in Baltimore would get down to business—working nights and weekends between ongoing meetings of Congressional committees. Back they would come, armed with a range of options and a set of preferred recommendations—recommendations always based on approaches that could be counted on to work in the real world. Insiders, who saw firsthand Irv's boundless capacity to generate new ideas and put them to the test of political acceptability and practicality, often referred to him in later years as one of the true "fathers of the Medicare program."

Mr. Speaker, Irv Wolkstein was an unabashed believer that government could make a positive difference in the lives of people. In 1983, at a Congressional conference on the Future of Medicare, he said that, in the 1960s,

> [T]he wealth of the country was believed to be sufficient to permit a share to be made available to protect the aged from insecurity arising from the costs of health services. Medicare's primary goal was to prevent major illness from spelling financial disaster for the older people of the country. The point has been made that the aged cannot be protected from dependency without health insurance that responds to the costs of illness as they occur * * *.

We would all be advised to keep these words in mind as we now consider the needs of all Americans for the health security that most of our older citizens now enjoy—in no small part because of the tireless efforts of Irwin Wolkstein.

Mr. Speaker, I am sure that Members will join with me in expressing our sympathies to Irv's wife, Sylvia, his daughter and son-in-law, Barbara and Perry Kagen, and his grandsons, Brian Neal Kagen and David Ira Kagen.

A TRIBUTE TO THE AMARILLO HIGH SCHOOL LADY SANDIES

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. COMBEST. Mr. Speaker, I am proud to rise today to salute the Amarillo High School women's basketball team, the Lady Sandies, of Amarillo, TX.

On Saturday, March 5, 1994, the Lady Sandies accomplished what very few sports teams have been able to do. They won their second State championship back-to-back by defeating Conroe High School by a score of 62 to 46 in front of 7,392 fans.

The last two seasons the Amarillo High School Sandies have won 71 of their 73 games. Coach Dale Blunt's leadership and dedication is evident in the Sandies' highly successful record. Also instrumental to the success of the Sandies was the high level of teamwork, dedication, and persistence this team possessed. The Amarillo High Sandies became only the second Texas class 5A team to win back-to-back basketball titles since the University Interscholastic League began playing five-on-five in 1979. The Sandies have enjoyed the constant support of the Amarillo High School student body, their parents, and the community of fans that have turned out to watch them play throughout the season.

Mr. Speaker, it is an honor for me to recognize Amarillo High School's Lady Sandies, a group of athletes that have turned their teamwork into a winning combination 2 years in a row.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENT

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. SANGMEISTER. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the U.S.A. Gold Award by Trailways Girl Scout Council, in Joliet, IL. She is Carrie Villringer of Girl Scout Troop 230.

She is being honored on May 19, 1994 for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls age 14–17 or in grades 9–12.

Girl Scouts of the U.S.A., an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: Earn four interest project patches, earn the Career Exploration pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold Award project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Trailways Girl Scout Council, Carrie began working toward the Girl Scout Gold Award in November, 1993. She completed her project in the areas of the out-of-doors and the environment. She first attended a detailed training hosted by Girl Scouts of the U.S.A. and then returned home to develop a reforestation project/manual to be used at a 230-acre site owned by her council. Her project includes all aspects of tree planting; selection, actual planting, and maintenance.

The earning of the Girl Scout Gold Award is a major accomplishment for Carrie, and I believe she should receive the public recognition due her for this significant service to her community and her country.

REPEAL THE SOCIAL SECURITY EARNINGS TEST

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. GALLO. Mr. Speaker, although I strongly believe that Congress should fully repeal the Social Security earnings test, I rise today in support of Mr. DENNY HASTERT'S compromise of a partial repeal that would raise the earnings test to $30,000.

In the 102d Congress, the House of Representatives approved similar legislation, but the Senate did not approve it. This fight has gone on for far too long, and I commend Mr. HASTERT for having the tenacity to follow this through. Mr. Speaker, I urge the Congress to discharge a rule and consider the bill on the floor of the House.

You know all the arguments for why this should be done. Seniors have a wealth of work experience and are very productive in our communities. Their contribution to the workforce will spur billions of dollars in our economy.

We should be outraged at the fact that for a senior working above the earnings limit, he or she faces an additional effective tax rate of 33 percent. That is $1 for every $3 over the limit earned goes straight to the Treasury. This just isn't right.

Furthermore, the repeal does not favor only the rich. Two-thirds of those who would benefit from the repeal have an earned income of less than $40,000.

Current seniors have been taking it on the chin during their entire retirement years. Last year the administration raised their taxes, cut Medicare, and slashed senior citizen housing. Something has gone seriously awry as seniors' standards of living have increasingly eroded, while Congress continues to tax more and spend more.

Mr. Speaker, I urge my colleagues to take action today. We owe this to the seniors. They deserve the repeal.

CONFERENCE REPORT ON S. 636, FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1994

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. CUNNINGHAM. Mr. Speaker, I have continually voted against Federal funding of abortion, and continue to oppose inclusion of abortion coverage in health care reform. I have supported the Hyde amendment and have worked to draw attention to the abortion policies of the Peoples Republic of China and the UNFPA. However, I view this legislation as one addressing violence, not abortion.

After much deliberation, I plan to support this conference report. I am doing so because I believe we must respond to the increasing violence in this country. Although I do not agree with current law regarding abortion, I believe this issue is separate. I will not elaborate on the instances of violence which have taken place outside abortion clinics. Thankfully, those instances have been rare. I wish to state for the record that the overwhelming majority of pro-life Americans are not violent and do not condone violence. All the reputable pro-life groups have separated themselves from violent protest.

I do not believe this bill restricts the right of peaceable assembly. I also believe it is consistent with the first amendment. This bill will continue to allow protest and free speech, but it will crack down on violence.

I also believe this bill is much improved over the version the House considered last year. This conference report exempts parents and legal guardians from the law, thus ensuring that a parent could physically stop an underage daughter from entering an abortion clinic, as I would do. Also, I am pleased that the conference report extends this protection against violent protest to churches and places of worship. Most Americans have been outraged by the increasing numbers of protests at or near churches, most notably the desecration of St. Patrick's Cathedral in New York, when a Mass was interrupted by gay rights activists.

The question today is not on abortion, that is a separate debate. Today, the issue is one of fear of physical violence. Regardless of our views on the question of abortion, every citizen should have this protection. Violence is not the answer, and violence on any issue must be stopped. For that reason, I intend to support the conference report.

SALMAN RUSHDIE AND IRAN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. GINGRICH. Mr. Speaker, Congressman TOM LANTOS and I have introduced a House concurrent resolution condemning the death sentence issued against British author Salman Rushdie by the Ayatollah Ruhollah Khomeini in Iran and calling for its immediate repudiation.

For over 5 years, Iran has consistently called for the death of Mr. Rushdie and forced him into a life of hiding. On February 14, 1994, the Iranian Government controlled news agency stated that "the sentence—against Salman Rushdie—must be carried out," and just last year, an organization called the Fifteenth Khordad Foundation raised the bounty on Mr. Rushdie to $2 million plus expenses.

Mr. Speaker, this kind of active threat against human rights, tolerance of differing religious views, and the freedom of expression is unconscionable, and I believe that Congress should be on record as opposing the death sentence condemning Salman Rushdie, opposing raising the bounty for assassinating Mr. Rushdie, and supporting efforts to protect each person's basic human rights and right of free speech.

I urge all of my colleagues to join us in passing this resolution.

CHIAN FEDERATION HONORED FOR SERVICE TO COUNTRY, COMMUNITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues a special organization which has done so much to promote the values, culture, and ideals common to the United States and Greece and to strengthen Greek-American relations. I speak, of course, of the Chian Federation which represents 23 different societies and 50,000 individuals with origins from the small island of Chios in the Aegean Sea.

The Chian Federation was formed in 1974, in response to the Turkish invasion of Cyprus. Prompted by the feelings of kinship which so many Chiotes had for their Cypriot brothers and sisters, the many Chiotes who were living primarily in New York organized to bring to the attention of the rest of the United States the atrocities that the Turkish Government was committing on that beleaguered island.

And so the Chian Federation was formed, to lift up a voice against oppression, to speak out against injustice, and to demand that the United States Government stand on the side of freedom for Cyprus. Over the past 20 years, the Chian Federation has been extremely successful in raising public consciousness on this issue in America and beyond.

While the tyrannical occupation of Cyprus still continues, the Chian Federation deserves a great deal of credit for advocating a just policy for the United States with regard to Cyprus. Indeed, this Congress has recognized that Turkey's actions were illegal in using United States arms during the invasion of Cyprus and that the United States has a duty to promote human rights and self-determination for the Cypriot people.

During its 20-year existence, the Chian Federation has grown in stature and size. Its involvement in issues of importance to the entire Greek-American community has been even greater. Its contribution to strengthening relations between the United States and Greece are well-known to all. In addition, the Federation today sponsors many educational scholarships, cultural activities, educational workshops, and, of course, the Homeric Award.

Mr. Speaker, the many thousand members of the Chian Federation are united by one common bond, an equal love for this great nation, their adopted country, and Greece, their ancestral and cultural homeland. The Chian Federation thus serves as a means for its members to realize the true meaning of the American way, to involve themselves fully in the direction of their government while remembering, revering, and preserving their cultural ancestry. That's why I hope that my colleagues will join me in honoring this group for its service to community and country over the past 20 years and wishing it another 120 of success and growth.

NATIONAL ENVIRONMENTAL TRAINING AND EMPLOYMENT ACT

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. KLINK. Mr. Speaker, today I am introducing the National Environmental Training and Employment Act, along with my colleagues on the Education and Labor Committee, Mr. CLAY and Mr. KILDEE. Our intent is to ensure and enhance quality training, health and safety and employment opportunities for environmental response workers in hazardous waste remediation and abatement of toxic substances.

Hazardous waste cleanup and abatement of toxic substances, by nature, is dangerous work with serious health and safety consequences for workers, the community and the environment. Workers are routinely exposed to highly toxic chemical and other environmental wastes such as asbestos and lead.

To adequately protect themselves, the community, and the environment, these workers require the highest possible levels of both skills and health and safety training. I believe that we must ensure that these workers have this training. That is why I am introducing the National Environmental Training and Employment Act.

One of the few growth industries in the United States today is the field of toxic cleanup. As we have sadly learned in recent years, the contamination of the environment is vast and pervasive. In both the private and public sectors, the country is confronted with toxic waste dump sites, aged and decaying nuclear weapons facilities, contaminated military bases, abandoned industrial complexes and public and private buildings and dwellings polluted by asbestos and lead.

In addition, we are now told that large tracts of public land under the control of the Department of the Interior are polluted with chemical wastes and many of our bridges and much of the public housing stock are contaminated with lead-based paint. The resulting pollution of our air, water and soil has created a serious threat to the public health and environment.

Much of the responsibility for this environmental degradation lies with the Federal Government itself. A substantial amount of the waste and pollution is located on property under the control of the Departments of Defense, Energy, Interior and Housing and Urban Development. Other agencies that share regulatory responsibility include the Environmental Protection Agency and the Departments of Transportation, Labor and Health and Human Services.

Every year, Congress appropriates tens of billions of dollars just for the environmental remediation and cleanup of contaminated Federal property. The hazardous waste cleanup and management of the Department of Energy;s nuclear weapons facilities alone consumes several billion dollars annually and won't be finished for decades. It's clear that Federal environmental remediation expenditures will drive and shape the environmental response and cleanup industry.

We are also confronted with large-scale toxic contamination of private, State and local property that must be restored to commercially viable uses. Much of it is located in and around large urban areas.

In my home area, western Pennsylvania, there are hundreds if not thousands of closed and abandoned industrial sites, many of which are polluted. These sites are the legacy of what was once America's industrial heartland. State and local governments are now confronted with large cleanup costs if the property is to be economically restored and redeveloped.

Congress has enacted a number of laws to deal with the environmental degradation of our country. These include the Clean Air and Water Acts, Superfund, the Resource Conservation and Recovery Act [RCRA], the Toxic Substances and Control Act, title X of the 1992 Housing Act—governing lead paint abatement—the Occupational Safety and Health Act [OSHA], and others.

However, while a great deal of time and money has been expended on these programs, perhaps and least defined area is the "blue collar" or workforce dimension of the hazardous waste problem.

My legislation seeks to provide some definition in this area. It would require the Secretary of Labor to establish and administer a National Environmental Response Training Program.

The Training Program would certify environmental response employers and contractors, set standards for the training of environmental response workers, accredit environmental training providers and establish a supplementary environmental response safety and health program.

My bill would also create a National Environmental Response Employment Program, which would provide the necessary training for job opportunities to unemployed and underemployed environmental response workers, emergency response personnel, minorities, women, and displaced military veterans.

Finally, my legislation will provide an interagency focus on environmental problems, a focus that is now missing. The bill will establish a Federal Environmental Coordination Committee, charged with ensuring the cooperation necessary to carry out the objective of the legislation, including collaborative arrangements with the States.

I hope this legislation will further define the scope, nature, and resolution of the workforce problems and opportunities that face us as we attempt to improve our country's environmental cleanup and abatement programs.

DIFFERENTIATING BETWEEN AGRICULTURAL OILS AND TOXIC OILS

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Ms. LONG. Mr. Speaker, today, Mr. EWING, Mr. BOEHNER, Mr. ROWLAND, Mr. SKELTON, Mr. HOLDEN, and Mr. MONTGOMERY are introducing legislation regarding the issue of Federal agencies differentiating between agricultural oils and toxic oils.

For a year, House and Senate Members have been working on this issue. It should have been taken care of with thoughtful regulations.

Mr. Speaker, in March of this year, more than 50 Members cosigned letters to top administration officials urging them to not regulate animal fats and vegetable oils [AF/VO] in the same manner as toxic oils such as petroleum oil. The reaction from the administration has been mixed. This leads us to believe that we could have a hodgepodge of unharmonized regulations regarding this issue. Therefore, today we are introducing this bill to address the issue legislatively.

Mr. Speaker, currently agencies, including those at Interior, Commerce, Transportation, and at the Environmental Protection Agency [EPA], are developing rules which could regulate all oils alike (including animal fats/vegetable oils and petroleum oils).

The Oil Pollution Act of 1990 [OPA 90] is a complex statute enacted in the aftermath of several disastrous petroleum spills (e.g., the *Exxon Valdez* spill) to provide for oilspill prevention and, in the event of such spills, cleanup and compensation. However, due to an overly broad definition of "oil" in the law, oils subject to the law include not only toxic petroleum oils but also nontoxic animal fats and vegetable oils. In spite of this overly broad definition, however, regulatory agencies have the discretion to differentiate among different types of oils based on their environmental impact and toxicity.

Despite continued support in the House and Senate for the administration to differentiate between oils, some regulators continue to seek rules that treat AF/VO and toxic oils in the same manner.

It just doesn't make sense. And it appears that rather than rely solely on regulations, a legislative change, such as our bill, is needed.

Specifically, the bill would require any Federal agency to differentiate between fats, oils and greases or animal, marine, or vegetable origin, and other oils greases, in issuing certain regulations.

I am hopeful that the legislation will help bring some reason to this issue.

Finally, I note that the Members supporting this bill certainly have no objection to thoughtful regulations of animal fats and vegetable oils. However, ill-conceived regulations could impose burdensome and counterproductive spill response plan requirements. Such requirements, if implemented, could be costly for producers, processors, transporters, and ultimately consumers.

I urge my colleagues to cosponsor this bill. Similar efforts in this regard have been supported by a number of House Members, including: Mr. EWING, Mr. DURBIN, Mr. OBEY, Mr. EMERSON, Mr. BAESLER, Mr. CLYBURN, Mr. SARPALIUS, Mr. LIGHTFOOT, Mr. VISCLOSKY, Mr. CANADY, Mr. SKELTON, Mr. BEREUTER, Mr. NUSSLE, Mr. MONTGOMERY, Mr. HAYES, Mr. BATEMAN, Mr. WALSH, Mr. BONILLA, Mr. BUYER, Mr. KINGSTON, Mr. BOEHNER, Mr. JOHNSON (SD), Mr. COMBEST, Mr. KLUG, Mr. LIPINSKI, Mr. PENNY, Ms. KAPTUR, Mr. GOODLATTE, Mr. MINGE, Mr. GEREN, Mr. DELAY, Mr. CLINGER, Mr. TOWNS, Mr. HALL (TX), Mr. SLATTERY, Mrs. ROUKEMA, Mr. MANTON, Mr. WYNN, Mr. HOLDEN, Mr. PASTOR, Mr. OXLEY, Mr. PETERSON (MN), Mr. FAWELL, Ms. MYERS, Mr. GILLMOR, Ms. DANNER, Mr. BAKER, Mr. GRANDY, Mr. GEKAS, Mr. TAUZIN, and Mr. MCCLOSKEY.

In addition, the bill is supported by a large number of organizations, including: the American Bakers Association, the American Fats and Oils Association, American Feed Industry Association, American Frozen Food Institute, American Meat Institute, American Soybean Association, the Beer Institute, the Biscuit and Cracker Manufacturers' Association, Chocolate Manufacturers Association, Corn Refiners Association, Food Industry Environmental Forum, Food Industry Environmental Network, Food Marketing Institute, Grocery Manufacturers of America, Independent Bakers Association, Institute of Shortening and Edible Oils, International Dairy Foods Association, National Agricultural Chemicals Association, National American Wholesale Grocers' Association, National Association of Margarine Manufacturers, National Broiler Council, National Cattlemen's Association, National Confectioners Association, National Corn Growers Association, National Cotton Council of America, National Cottonseed Products Association, National Council of Farmer Cooperatives, National Environmental Strategies, National Fisheries Institute, National Food Processors Association, National Oilseed Processors Association, National Pasta Association, National Pork Producers Council, National Renderers Association, National Soft Drink Association, National Turkey Federation, Snack Food Association, and the U.S. Canola Association.

Again, I urge my colleagues to support this measure.

TRIBUTE TO JAMES J. TARTAL AND JOSEPH H. SCHEFF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. RAHALL. Mr. Speaker, I rise today in appreciation of the exceptional dedication of Mr. James J. Tartal and Mr. Joseph H. Scheff, who retired from the Federal Aviation Administration on April 30, 1994.

Mr. Tartal has served the Federal Government for over 30 years. For the past 20 years, he has served as a project manager in the FAA's Beckley, WV, airports field office, which services airports in the State of West Virginia and the western part of Pennsylvania. Mr. Tartal is a registered professional engineer in West Virginia and Ohio. He has also received various awards for his contributions, and one of his innovative ideas has been patented.

During Mr. Scheff's 24-year tenure as manager of the Beckley airports field office, he has received various awards including the FAA Regional Administrator's Award for Public Awareness and the DOT/FAA Certificate of Achievement for being nominated by his staff as first line supervisor of the year in 1985. Mr. Scheff is a professional engineer in three States and a member of the American Society of Civil Engineers.

The FAA has also recognized Mr. Scheff for his contributions to his community with the FAA Eastern Region Community Service Recognition Award. Mr. Scheff has served his community for many years as a patron member in the Boy Scouts, receiving the Boy Scouts of America Silver Beaver Award for Distinguished Service to Youth in 1981. He was also the president of the Southern West Virginia Soccer Referee Association. Furthermore, in 1992, Mr. Scheff was ordained as an Episcopal priest, and he currently serves the parish of a church in Daniels, WV.

Mr. Tartal and Mr. Scheff, in their capacities, have helped promote and foster the development of airports and aviation throughout the region. I know I speak for my friends in the Beckley area when I thank Mr. Tartal and Mr. Scheff for their contributions to the industry and their communities. I urge all my colleagues to wish them and their families the very best.

TRIBUTE TO FRED GENTILE

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Ms. MOLINARI. Mr. Speaker, I would like to take this time to honor one of Brooklyn's most outstanding and respected citizens, Mr. Fred Gentile. Mr. Gentile has been enhancing the Brooklyn community since he was born there in 1929.

A recent retiree, Mr. Gentile worked for the Brooklyn Union Gas Company for 34 years. In addition to serving as the company's senior vice president, Mr. Gentile actively served the American Gas Association, both on the Accounting Advisory Council and the taxation committee. He also belonged to the Society of Gas Lighting, and the New York chapter of the Financial Executive Institute.

With those credentials, it is hard to believe that Mr. Gentile found so much time and energy for nonbusiness-related community service projects, like the Boys and Girls Clubs which he has worked with since 1979. He is currently serving on the board of managers for the Brooklyn chapter which oversees 3 clubhouses. Mr. Gentile also worked as a trustee, and audit committee chairman for the Brooklyn Methodist Hospital. In addition to this Mr. Gentile has served as parish council president at the Our Lady of Grace Church in Brooklyn.

I would like to join his wife Jane, and his two sons, Stephen and Matthew, in honoring this wonderful community participant, Mr. Fred Gentile.

Mr. Speaker, thank you for granting me the opportunity to thank Mr. Gentile for everything he has added to the Brooklyn community.

TRIBUTE TO JAKE J. McCULLOUGH, JR.

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a fellow police officer, Mr. Jake J. McCullough, Jr., of Hannahville, MI. As a former police officer for the city of Escanaba and a Michigan State Trooper, I fully understand the dedication and daily commitment of law enforcement officials. Many times, the work these Americans do is taken for granted. Many times, we forget that these people are human beings with no better chance of immortality than the rest of us—even though their jobs keep them constantly in the way of danger. When communities, wives, and children lose a valued professional and a loved one, we are reminded of the frailty of life and the inherent threat in the law enforcement profession.

Jake was doing what he did best when he was killed on December 5, 1981, serving the people of Hannahville and Menominee County. After assisting a child who had been hit by a car, Jake decided to follow the ambulance to the hospital. It was enroute to the hospital that his squad car was hit by another vehicle and Jake was killed. We will never forget that Jake died on duty while helping a member of his community.

Jake was born in Whitney, a small town in Michigan's Upper Peninsula. After serving in the Army and graduating from the U.S. Indian Police Academy, he returned to begin a career serving his hometown. His distinguished career in law enforcement ended that fateful night in December of 1981. Jake is survived by his wife, Mary Lou; his son, Lloyd; and his daughters, Isabelle, Betty, and Lisa.

On Sunday, May 15, 1994, Jake's family will be in Washington to help bestow upon Officer McCullough a long-deserved honor—a permanent place on the Police Officers Memorial in Washington, DC. On this memorial, his engraved name will serve as a timeless reminder to all Americans of the dedication and selflessness of American law enforcement.

Jake's family, and all of us, should be very proud. Those that knew Jake know how worthy he is of such an honor. From this Sunday forth, all visitors to this hallowed memorial will know of Officer Jake J. McCullough, Jr.

SERVING NOTICE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. FORD of Michigan. Mr. Speaker, pursuant to the rules of the Democratic Caucus, I wish to serve notice on my colleagues that I may seek less than an open rule for the consideration by the House of Representatives of the bill H.R. 2108, Black Lung Restoration Act of 1993.

MOUNT OLIVE COLLEGE HONORS JAMES BAXTER HUNT

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. LANCASTER. Mr. Speaker, Mount Olive College, an Original Free Will Baptist college in the North Carolina Third Congressional District, will honor James Baxter Hunt, the father of North Carolina Governor James B. Hunt, Jr., for 30 years service as a member and chairman of the Board of Trustees during commencement exercises on Saturday, May 14.

Mr. Hunt, an active church and community leader, will receive one of the highest honors given by the college during a luncheon in the Lois K. Murphy Regional Center in recognition of his work for the college and its students, the Center's student lounge will be dedicated as the "James Baxter Hunt Student Lounge" and a commemorative plaque will be affixed to the room.

Friends and colleagues of Mr. Hunt, as well as Mount Olive college President W. Burkette Raper and Governor Hunt, will participate in the ceremonies.

A Guilford County native, James Baxter Hunt earned a bachelor of science degree at North Carolina University in preparation for a career in forestry and soil conservation and pioneered work in those fields for 32 years, primarily in Wilson County, where he planted more than 100,000 trees on his own properties.

Mr. Hunt served his home church, Marsh Swamp Original Free Will Baptist Church, as Sunday School superintendent from 1948 to 1972. It was at Marsh Swamp that the Convention of Original Free Will Baptists voted in 1953 to purchase property in Mount Olive as a home for Mount Olive College.

Mr. Hunt was elected to the Mount Olive College Board of Trustees in 1964, a membership he still holds, and he was elected its chairman in 1974. When he retired from chairmanship in 1989, Mr. Hunt was presented an honorary lifetime membership on the board's executive committee.

During Mr. Hunt's tenure on the board, he provided leadership for the construction of every building on the main campus and for the growth of enrollment from 250 to nearly 1,000 students including the program at Seymour Johnson Air Force Base in Goldsboro, NC. As chairman, he encouraged and supported the college's development from a 2-year to a 4-year institution.

Mr. Hunt and his wife, the late Mrs. Elsie Brame Hunt of Rock Ridge, NC, were recognized during 1989 commencement exercises as "Distinguished Friends of Mount Olive College." The Hunts have two sons, Robert Brame Hunt of Clayton and Governor James Baxter Hunt Jr. of Lucama, NC. Mr. Hunt is now married to the former Pearl Reardon Johnson. Mr. Hunt was also honored with an original poem, "A Man to Remember", by Lee Davenport Witte of the Lake Phelps region of North Carolina:

A MAN TO REMEMBER

A little boy
age of eight
lived on a farm
in the low rolling hills—
the Piedmont area—
of our cherished Old North State.
Taught by his parents
the age-old wisdom
of the Bible,
to follow God's counsel
the ten commandments
and the very important
Golden Rule,
in the family home
and in Sunday School.

A soft spoken
gentle boy
plowed the fields
tilled the soil
planted the crops
of corn, tobacco,
soybeans
and cotton.
Working alongside his brothers
he learned lessons of life
he has never forgotten.

A shy little boy
who
way before dawn
hurried
to milk the cows
to supply the milk
the neighbors depended on.
Then off to school
he would go.
For he had been taught
that Education
is mankind's
most valuable tool.
Another thing he learned
as he plowed the furrows
of the farm's rich earth—
the soil of the land
was fragile, precious
and must be renewed
and nurtured
or
like the farm tools uncared for
and
left in the rain to rust,
would become nothing
but wind-driven
scattered
useless dust.

When into manhood
he grew
as small boys do
he met a school teacher
named 'Elsie'.
He married this beautiful lady
who worked and walked
Life's road with him.
She gave to him
her gifts of joy—
two really fine sons
two very good boys
one named 'Robert'
and one named 'Jim'.

Oh yes,
You know they did
farm the land
hoe the corn
chop the cotton
milk the cows
and brand the cattle.
These two fine boys
grew into outstanding men
following in the footsteps
of their father
and emulating him.
Elsie,
The beloved wife and mother
passed on from view
And later on
he married their longtime
family friend, Miss Pearl
who loves him
and loves his children, too.

See the beautiful character
of this loving spiritual man
Listen to his teachings
Number his qualities
one by one
Look at the grand work
this man has done. . . .!
Where once
acres of barren
tortured
eroded farmland
lay in neglect abuse
and ruin
Stands
a glorious fertile forest
of lofty whispering pine trees
where the wild animals roam free.
The dogwoods blossom
pink and white.

The pungent fragrance
of the honeysuckle
pervades the night
The cardinals can flash
their bright red wings
The owls can hoot
and the wild birds sing
Frogs croak their freedom song
in the moss covered banks
of the gurgling brook
The wildflowers colorful
as a patchwork quilt
attest to the rebirth
of the once forsaken
forlorn and
ragged earth.

There even stands a serene lake
with pristine water beside
a big red barn and
the white house in which he lives.
And, Oh Yes,
another house of brown
to match the soil of
his beloved farm's ground.

All of this beauty
we now see
is due to the unselfish
long hard years of work
this man has done
And which now
is enjoyed by everyone.
James Baxter Hunt
is this man's name
who with Burkette Raper
his longtime friend
shared from the beginning
the vision
the dream
to build Mount Olive College
Because these two men knew
that Education
for the young
is a most valued and
important thing.

Mr. James B. Hunt, Sr. . . .
All who "carry" the Tar Heel Pride
will always remember
Who You were
And
We will all Remember
"Who You Are"!

WORKING IN THE SCHOOLS [WITS] PROGRAM

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to recognize the Working in the Schools (WITS) program in my District in Illinois. It is a pleasure to be able to address the House about this program because it is successful and is having a positive impact on young people living in Chicago Housing Authority developments in my District. By recognizing the work of WITS, I hope to increase awareness and interest in this program and to increase support for programs like it.

Founded in 1991, WITS began when Ms. Joanne Alter, Ms. Marion Stone, and Ms. Bonnie Nims volunteered as tutors at Richard Byrd Academy, a public elementary school that serves residents of the Cabrini Green housing development. The program now serves four schools with 70 volunteers providing more than 13,000 hours of tutoring last year. Plans to expand the program to serve children from the Chicago Housing Authority's Henry Horner Homes and Robert Taylor Homes are currently being planned.

The children who are tutored each Tuesday and Thursday by WITS volunteers are benefitted by personal attention that is often difficult to receive in Chicago's public school's overcrowded classrooms. This critically important personal attention provides not only help for children struggling to grasp a new concept or subject but it is also a significant boost to the children's self-esteem. As the principal of Sojourner Truth Elementary School, Ms. Pernecie Pugh, said, "The children in my school are placed in a predicament they have no control of. Very few things in their lives are consistent: the consistency of the WITs volunteers makes them a "Special Somebody". The children look forward to Tuesdays and Thursdays. The WITS volunteers not only bring their time and energies, but bring a multitude of other talents the children need."

I commend the WITS program for its success to date and I hope that it will continue to assist and enrich my young constiituents in the months and years ahead.

JOHN McKEAN SQUARE NAMED IN HONOR OF DISTINGUISHED CIVIC LEADER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place in my district on Wednesday, May 25th. On that day, the City of New York will officially rename the corner of Tudor City Place and East 43rd Street as John McKean Square in honor of the civic leader and community activist who passed away last year.

John Ferguson McKean was an inspiration to the many people who had the opportunity to work with him. As anyone who even briefly met him quickly found out, John certainly had a powerful impact upon many lives. At his funeral last year, a good friend described John as the "mayor or benevolent lord of Tudor City," and that's why I know he would be pleased that a site so close to his heart will forever stand as testimony to his commitment to the community and our City.

John's commitment to community service was remarkable. He spent a lifetime working on behalf of New York and his neighbors. His energy was infectious; once John lent his hand and heart to a cause, he would not rest until the job was done. He never entertained the thought of failure; John always had the will, and he always showed the rest of us the way.

John served on so many committees and community organizations that it would be impossible to talk about each of them here. After extraordinary service in the U.S. Navy during World War II which resulted in his being awarded the Legion of Merit, John spent the rest of his adult life applying his persistence and drive for the benefit of others.

John was, of course, a nationally renowned tenant leader. As co-chair of the Committee Against Rent Increase Passalongs, as a member of the East Side Rezoning Alliance, as President of the New Democratic Club, and as a committee member of the New York State Council of Environmental Advisors, Community Board 6, the 17th Precinct Community Council, and Concerned Citizens for a Fair and Effective Justice, John worked tirelessly on behalf of those less fortunate than he. And his visionary leadership of the Tudor City Association, of which he was the founder and president for 20 years, and the Tudor City Greens, of which he was Chairman for Life, will never be forgotten. In fact, as one of New York City's most important tenant advocates, his lobbying in Albany led to the passage of new legislation which protected the rights of tenants across the state.

But if one was forced to choose one crowning achievement which characterized John's remarkable tenacity, intelligence, and determination, one would have to recall his leadership with regards to the quixotic, yet ultimately successful, effort to halt attempts to bulldoze two parks in Tudor City into oblivion. John simply refused to allow these beautiful oases to be replaced by some gigantic monstrosity of a 52-story building. And when the going got tough, John rallied residents with a bullhorn to form a human chain around the park, mounting a successful challenge to the destruction.

Mr. Speaker, I like to think of that morning as a more civilized version of Tiananmen Square, with the difference being that the good guys won. That morning, John crystallized the very essence of community activism. I believe that today's young people can take a page from this great man's book. If you really care about your community, you must believe that you can make a difference. Ask any of the residents of Tudor City of John McKean made a difference. Today, mothers still play in the park with their children because of him; midtown has at least one green sanctuary, rather than another monolith of brick and mortar.

There are so many other stories of John's civic leadership. This was a man who spent the night with his wife in sleeping bags on the slate floor of their building lobby, guarding the door during a walk-out of building employees. As Kevin McKean, his nephew, once put it, "he was always a warrior at heart, always happiest when fighting the good fight."

And John's support did not end with his civic contributions. Those of us who were lucky enough to call him friend, and they were so many, will always remember his support and guidance in times of need. He had a wonderful sense of humor and he could reinvigorate one's enthusiasm and commitment just by his laugh.

Mr. Speaker, John McKean may have left us in a physical sense. But he will live on, through the dedication of John McKean Square, through the positive impact he has had on his community, and certainly in the hearts and minds of the many people whose lives he has touched.

HAPPY ANNIVERSARY, REV. THOMAS LONDON

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. BARCIA of Michigan. Mr. Speaker, it is with great pleasure that I, among his many friends and admirers, this Sunday celebrate the Reverend Dr. Thomas London's fifth anniversary of service to the Tabernacle Missionary Baptist Church and our Saginaw community.

One of 10 children in a loving, tight-knit family, Reverend London has been an example of faith and love throughout his life. Introduced to the word of God at an early age, Reverend London grew up in Memphis, TN, singing gospel music and developing his awesome preaching abilities through text and, more importantly, soulful intuition.

In 1975, Reverend London began serving his community as an ordained minister of the Gospel, attending to the Joshua Missionary Baptist Church and, migrating to Detroit, he attained his first pastorate with the Fenkel Avenue Baptist Church. Subsequent to his work at Fenkel Avenue, Reverend London took the word of God to heart as he founded the Trinity Bible Institute, and actively rallied the community to pioneer the Faith Missionary Baptist Church, where he served as full-time pastor for 11 years.

In August of 1993, Reverend London was awarded an Honorary Doctorate of Divinity degree from Central East School of Religion of the Dallas Baptist Christian College, and as pastor of Tabernacle Baptist Church in Saginaw, his words of faith and inspiration captured the love of Jesus Christ in our youth, ensuring the viability of this generation and those to come.

I urge all my colleagues to wish Reverend London, his lovely wife Lucinda, and son Kevin our very best.

INTRODUCTION OF FIVE CONGRESSIONAL REFORM BILLS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. GOODLATTE. Mr. Speaker, today I am introducing a package of five congressional reform bills which I believe are vital to getting Congress back on the right track. For too long, control of this body has been in the hands of powerful, out-of-touch committee chairmen and entrenched leadership. These five bills put the power where it belongs—the people.

I believe an excellent place to start is to abolish proxy voting on committees and subcommittees. Proxy voting allows Congressmen who do not show up for committee hearings to simply give chairmen the authority to cast their votes. At best proxy votes discourage discourse on important issues and encourage poorly informed Members to base their votes on the opinions of others rather than on their own knowledge of a subject since they vote on legislation without hearing debate. At worst, it feeds the power of already overly-controlling committee chairmen to kill bills.

A second much-needed reform is requiring recorded votes on all appropriations and revenue raising bills. This body routinely spends millions of dollars without ever having to record a vote. Subsequently, Americans have no way to check their Representative's vote. My second bill would force recorded votes on every single bill that spends a dime of money.

My third bill attacks the expensive and frequently abused franking budget. I've already cut my own franking budget by 50 percent. It can be done easily and in no way harms the ability of Representatives to keep in touch with their district. Rather it prevents Members from barraging their constitutents with mass mailings that are nothing short of campaign literature drops and vote solicitations.

My fourth bill cuts funding of the legislative branch for fiscal year 1995 by 25 percent. I have reduced my own staff by 25 percent. We have been able to get the job done with fewer staffers which is why I certainly think Congress could weather a 25 percent cut. Before Congress asks Americans to cough up any more of their hard earned money, they should apply some of their "cut-spending" rhetoric to their own pocketbooks.

My fifth bill allows a mechanism by which any Member can call for an up or down vote on provisions included in appropriations bills. Let's face it, Congress is in the habit of bowing to special interest groups, spending mountains of taxpayer money on frivolous pork barrel projects. One reason the spending free-for-all continues is that liberal congressional leadership presents rank and file Members with an up or down vote on multi-billion dollar spending packages ladened with pork.

The result: fiscally responsible Members of Congress are forced to vote for pork in order to get through a few truly important and much-needed items. This is nothing short of budgetary blackmail. My bill would put an end to this outrageous practice by allowing a Member of Congress to force a line-item vote, provided 49 other Congressmen sign a line-item discharge.

While I know these bills face an uphill battle in the Congress, I believe they represent good ideas that will save taxpayers hundreds of millions of dollars, bringing about real reform to a Congress that's truly out-of-reach and unaccountable to the American families and businesses it's supposed to be representing.

TRIBUTE TO OFFICER JAMES D. WILFERD

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. GEPHARDT. Mr. Speaker, I would like to recognize Officer James D. Wilferd of the St. Louis Metropolitan Police Department. For 32 years, Officer Wilferd has worked to fight crime on the streets and in the neighborhoods of St. Louis. On behalf of the people of St. Louis, I extend my congratulations and best wishes for a well-earned retirement.

In his distinguished career, Officer Wilferd has served in the Fourth Police District, the Seventh Police District (where he also served as a District Detective), Second Police District, and the Mounted Patrol. During his tireless service to our community, Officer Wilferd earned an associate of science degree in administration of justice, a bachelor of science degree in legal justice, and a master of arts degree in administration of justice.

Officer Wilferd and his wife, Marcella, have three children and four grandchildren. His sons, David and Todd Wilferd, are both members of the St. Louis Metropolitan Police Department. Officer Wilferd's other son, Terry is presently serving in the U.S. Air Force.

I commend Officer Wilferd's service. Officer Wilferd will retire from the St. Louis Metropolitan Police Department May 15, 1994.

A TRIBUTE TO DR. BERNIE GOLER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Dr. Bernie Goler of San Bernardino, CA. Dr. Goler will be honored for his leadership, on May 21, as he is presented with the Rabbi Norman F. Feldheym Award at a gala dinner dance commemorating the 103d anniversary of Congregation Emanu El.

Bernie Goler was born in Memphis, TN, and received his undergraduate degree from Tulane University and Southwestern College. He received his M.D. degree from the University of Tennessee College of Medicine in 1965. After a medical internship and Radiology residency in St. Louis, he was activated into the active duty Naval Reserve and served as a medical officer during Vietnam. He was honorably discharged with the rank of lieutenant commander in 1969. After completing his residency in Radiology at Wadsworth Veterans Hospital, Dr. Goler was certified by the American Board of Radiology in 1971 and the American Board of Nuclear Medicine the following year.

Dr. Goler came to San Bernardino in 1971 and joined the Radiology Department of St. Bernardine Medical Center. Since that time, he has led the development of the department from a two-room facility to the premiere facility of its kind in the Inland Empire. During this time, he has served in a variety of instrumental capacities including medical director of the Radiology Department from 1983–93.

Over the years, Dr. Goler has been an active member of a number of civic and community-based organizations. He has served on the board of the Lung Association and is currently on the board of the Inland Empire Symphony. As a valued member of Congregation Emanu El, he has served in numerous leadership capacities including president from 1988–90. A supporter of Hadassah, he has also served as president and campaign chairman of the San Bernardino United Jewish Welfare Fund.

Mr. Speaker, I ask that you join me and our colleagues in paying tribute to this most deserving and outstanding man. Throughout his life, Dr. Goler has demonstrated a tremendous commitment to the betterment of our community and has touched the lives of many people. It is only fitting that the House recognize him today.

WELCOME TO JESSAMINE COUNTY MIDDLE SCHOOL

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. BAESLER. Mr. Speaker, I rise today to welcome students from Jessamine County Middle School in Nicholasville, KY, who have arrived in our Nation's Capital. I am delighted to see these young students come to visit and witness first hand an inside look at Washington, DC.

Their trip will include educational visits to the Lincoln Memorial, Jefferson Memorial, the Washington Monument, the Capitol Building, the Smithsonian Institution, Ford's Theatre and the Vietnam Memorial. Also, as a demonstration of honor and respect for all Americans who have served this country so bravely, these students will participate in a wreath laying ceremony at Arlington National Cemetery.

Again, I welcome these fine young Kentuckians to Washington, DC, I hope they enjoy their trip, and I am confident that their experiences here will give them a greater insight and appreciation for our democracy.

TRIBUTE TO OUR NATION'S NURSES

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. GALLO. Mr. Speaker, I rise today to congratulate our Nation's nurses for their outstanding work and dedication in providing care to the sick.

As a result of being on the front lines of treating medical conditions, while also performing most of the required administrative duties in providing that care, nurses are in a unique position to understanding the system. In fact, I don't think there is any other health care profession that is as exposed to the intricacies of providing health care as nurses are.

The nursing profession faces imminent change as Congress moves forward with reform, and they are facing many new challenges in today's ever-changing medical technology. More than ever before, nurses are playing an important role in expanding quality care while our expectations of them rise.

Even under the strain of health care reform, austere budgets, rapid change in technology, inadequate pay, and a shortage of nurses, they continue to carry out their responsibilities of protecting their clients and maintaining public trust like no other group of professionals. Few people truly understand the important service nurses provides in keeping our communities together.

I urge my colleagues to listen closely to what they have to say. These are the care givers who are on the front lines of the system, and they are keenly aware of what needs to be done to improve the quality of care in this country.

In my health care advisory group I have two nurses—Ms. Golden Bethune and Ms. Muriel Shore. They have been indispensable to me in keeping me informed of concerns of their colleagues and their patients, and I hear them. I appreciate having the honor of working with them, and I am proud that they are active members of New Jersey's District 11.

Mr. Speaker, I salute our Nation's nurses. They deserve our support, our gratitude, and our respect.

ANDREW A. ATHENS HONORED FOR LIFETIME OF SERVICE TO COMMUNITY AND COUNTRY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place in my district this Saturday, May 14. That evening, the Pancyprian Association will honor Mr. Andrew A. Athens for his lifetime of service to community and country.

Mr. Speaker, no tribute could be more deserved. Andrew's leadership and drive have benefited every cause to which he has lent his hand. All those whom he has touched have profited by his example and his generosity.

Andrew is a decorated United States veteran, who served with distinction as an Army Captain in World War II and as a liaison officer with the Belgian Government. He was awarded a Bronze Star Medal for his extraordinary and meritorious service during the Egypt-Libya campaign and an Army Commendation Ribbon for the European campaign.

After the war, Andrew embarked on a highly successful business career. As a cofounder of Metron Steel Corp., Andrew served as its President and CEO from 1950 to 1991. Under his four decades of leadership, Metron Steel prospered greatly.

Andrew has spent his adult life working on behalf of those less fortunate than he. And what makes him such a great American is the fact that despite his considerable success, he has never forgotten his roots; he has never tired in his efforts to preserve the distinct values and heritage of his ancestors.

In particular, Andrew has given so much to the cause of a free Cyprus. He is a trustee for Cyprus Relief Fund of America, the Cyprus Children's Fund, and the Makarios Scholarship Fund. And in 1974, Andrew founded the United Hellenic American Congress, for which he continues to serve as national chairman.

Andrew's considerable achievements are well known to all. He has been honored both by President Spyros Kyprianou and President George Vasiliou of the Republican of Cyprus in 1986 and 1988 respectively. He has been decorated by the governments of Greece and Belgium, honored by his Beatitude Archbishop Chrysostomos of Cyprus, and received many other awards, too numerous to mention here.

Andrew has also always supported the Greek Orthodox Church with his whole heart. His service as Chairman of Leadership 100 is yet another example of his total devotion to the Church. No one who knows Andrew has any doubt that this group will reach its stated goal of raising $50 million for an endowment fund for the perpetuation of Orthodoxy in America. In addition, Andrew served as National Chairman of the National Tribute to Greek Orthodoxy commemorating the 25th Anniversary of the Enthronement and honoring his Eminence Archbishop Iakovos as Primate of the Greek Orthodox Church in the Americas. In recognition of his efforts, Andrew has been awarded the Athenagoran Human Rights Award by the Order of St. Andrew and the Bronze Medal, order of St. Innocent, Apostle of America by the Holy Synod of Bishops of the Orthodox Church in America.

Andrew was also a co-founder of the Hellenic American Chamber of Commerce, U.S.A. Inc. in 1991. With Andrew as Chairman of the Board since its creation, this effective organization has promoted trade and investment opportunities between the United States and Greece. Indeed, the American Hellenic Chamber of Commerce is the only American organization recognized by the Greek Government as an official liaison between the United States and Greece.

Andrew's work as a statesman promoting warm relations between the United States and Greece was recognized when he was named as a member of the Presidential Delegation in October of 1991 at the funeral service for Patriarch Dimitrios I in Constantinople.

And just over a year ago, Andrew received the great honor of being awarded the National Ethnic Coalition Organizations for representing the essence of the American way of life.

Mr. Speaker, Andrew Athens should stand as an example to us all. His dedication and leadership have enriched our country and the world immeasurably. That's why I am proud to count him as a personal friend, and why I would like my colleagues to join me and the Pancyprian Association in honoring Andrew Athens for his lifetime of service.

TRIBUTE TO KENNETH BISHOP

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Ms. KAPTUR. Mr. Speaker, it is my privilege to stand today in recognition of an outstanding educator and administrator from Ohio's ninth district. On August 1, 1994, Mr. Kenneth E. Bishop, superintendent of the Washington Local School System will retire. I am honored to focus national attention today on his career and commitment to young people in my community.

Mr. Bishop's outstanding leadership has provided one of the largest school districts of Northwest Ohio a reputation for top-rate education and efficient management. For example, he is credited with operating the district on the second-lowest school tax rate in Lucas County.

The Superintendent entered the public education system as a teacher in Middletown, OH in 1958. He joined the staff of Washington Local as treasurer in 1969 and earned a reputation as an outstanding leader which brought about his unanimous appointment as superintendent in 1978. Since that time, Mr. Bishop has reorganized the administrative staff of Washington Local without adding personnel, placing greater emphasis on curriculum development and monitoring. One recently developed program is the Proficiency Summit which convened last year to increase ninth grade proficiency test scores. The results are incredible! Test scores have risen by 51 percent, an achievement everyone should applaud.

After receiving his Bachelor's degree in 1958 from Wilmington College, Mr. Bishop continued his education by receiving a Master of Education degree from Xavier University in 1964 and his specialist degree in 1980 from the University of Toledo. He has participated in numerous professional organizations and community activities, including the Board of Community Relations, the American Association of School Administrators, Christ Presbyterian Church and the Old Newsboys. He has also held leadership positions in the Ohio Association of School Business Officials and the Trilby Rotary Club of West Toledo. He and his wife have raised two children and are the proud grandparents of four grandchildren.

Mr. Bishop plans to explore other exciting professional opportunities after a lifetime of dedication to the public education. He has set an example by which we should all learn. I ask my colleagues to join me in showing the gratitude and respect this man deserves.

IN HONOR OF GIGI STENGARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. STARK. Mr. Speaker, today I would like to take a few minutes to recognize Gigi Stengard's distinguished career of service to the people of the tri-cities of Union City, Fremont, and Newark, CA.

Gigi, a native of Sweden, came to the United States with her husband 22 years ago. She is a graduate of Upsala University in Sweden, Cambridge University in Great Britain, and the University of Chicago. She began serving the people of our community 7 years ago when she moved to the East Bay with her husband and five children.

She quickly became active in local affairs, assisting in the projects of the Fremont Symphony, the Olive Hyde art guild, LOV Newark, and the Union City chamber of commerce among others. A year later, she founded Tri-City Tidings, a community magazine highlighting local events. She established and organized the first Tri-Cities Treats, an annual community food fair which raises considerable funds for local charities.

Gigi is the founding member of the Tri-Cities Scandinavian club, which holds free concerts performed by groups of Swedish musicians. Over 10,000 school children have been enriched by these events over the last few years.

This month, much to our remorse, The Stengards will be moving from the Bay area to their retirement home in Florida. On May 15, 1994, Gigi will be honored at a Tri-Cities Treats event. Mr. Speaker, Gigi Stengard will be sorely missed by all of her colleagues in community service and the countless East Bay citizens who have benefited from her dedication and friendship. I wish her much happiness and success in all her future endeavors.

GOOD SAMARITAN

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. NEAL of Massachusetts. Mr. Speaker, today I would like to honor a woman who has dedicated her life to public service and toward the betterment of her community. That woman is Mary Douglas of Springfield, MA and her story is one that exemplifies the American values of perseverance and dedication. She overcame great adversity in order to become a civic leader and to stand up for the issues she held dear. Her faith in her religion and her dedication to the ideals in which she believed are characteristics that exemplify the American spirit.

Mrs. Douglas was born on October 28, 1919 in Saint Albans, VT to Charles and Claira Brace. Mr. Brace, an elevator operator, had five children, all girls, of which Mary was the oldest. At the age of 19 Mary married Harry Douglas and together they had one son, Charles Harry Douglas. Today she has two grandchildren, Douggie and Debbie, and two great-grandsons. Her true labor of love was to be a nurse, but unfortunately she was never able to achieve this goal. In order to support her family she took a job at the Bosch Factory in Springfield, but an on-the-job injury forced her to leave the factory after 2 years. Not willing to leave the work force, Mrs. Douglas persevered and was a waitress for many years at numerous Springfield area establishments.

There have always been two constants in Mary Douglas' life, politics and religion. Quite frankly, she is a leader, and she used her leadership skills to influence the political world around her. She worked on numerous city, State, and national political campaigns, and pioneered local senior politics by founding the Tri-Towers council and serving as a dedicated representative of the Silver Hair Legislature. A faithful parishioner of Sacred Heart Parish in Springfield, religion is never far from Mrs. Douglas' mind. Her deep piety is displayed in the fact that she has a self-made shrine in her bedroom.

Mary Douglas defied the odds. Her perseverance and dedication allowed her to rise up from meager beginnings to become a local leader. She overcame injury and hardship to become a spokesperson for seniors' rights, someone who stood up for her beliefs and for the beliefs of her friends. One can often hear her say, "If you need me call me," and "The phone doesn't stop ringing." She is a pillar of her community, and her story should be an inspiration to all.

NATIONAL LABORATORY EMPLOYEES INCENTIVE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. RICHARDSON. Mr. Speaker, I rise today to introduce legislation to provide a retirement incentive to national laboratory employees who are members of the Public Employees Retirement System [PERS] of California.

These 450 men and women have each given over 30 years of service to the Department of Energy [DOE] and yet they were not offered a retirement incentive when DOE began downsizing staff at national laboratories administrated by the University of California.

The DOE funds three national laboratories through the University of California. From 1940 until October 1, 1961, national laboratory employees enrolled in the PERS of California. In 1961, the University of California established its own retirement system. As a result, employees hired at the national laboratories after October 1, 1961, were enrolled in the University of California Retirement Program (UCRP). When the University of California established the new retirement system, national laboratory employees were given the option to transfer to the UCRP or remain with the PERS. Most chose to stay with the PERS because they had already accrued benefits in that system.

In 1993 when DOE began downsizing, national laboratory employees with UCRP were offered a retirement incentive package that added three years to retirement age, three years service credit, and three months pay. National laboratory employees with the PERS were not offered any incentive. The result of the University of California's decision to offer retirement incentive only to employees with UCRP was discriminatory against the most senior employees at the labs who were with the PERS of California.

As with any retirement incentive, this bill would have initial costs, but would generate millions of dollars in salary savings each year thereafter. For an initial investment of $14 million we could achieve $32 million in national laboratory salaries in the first year alone.

I urge my colleagues to join me in supporting this legislation which brings both equality and savings to the scientists and employees of our national laboratories.

RECOGNIZING THE PASSING OF LEONARD CERCONE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. KNOLLENBERG. Mr. Speaker, on Saturday, April 23, the teachers and students of Covington Middle School lost a teacher, a colleague, and a friend.

Leonard Cercone gave 33 years of his life to the teaching of students, but to truly quantify his gifts, by any measure, is impossible. This is clear listening to the words of devotion from his past and present students.

Surely, this was a teacher who knew that the only limits for young minds are their own boundless imaginations.

He realized that teaching is more than a profession. He knew that he and his colleagues were helping sow the seeds for our future—our children.

Here are some quotes from his students:

> He had high expectations for us and we tried not to disappoint him.
>
> He had a presence that inspired you to do anything.

Mr. Speaker, I believe that Mr. Leonard Cercone made a real difference. And I am sure that his hopes and dreams will not only live on with his family, but blossom in his students.

TRIBUTE TO EMPLOYEES AT AUDIE L. MURPHY MEMORIAL VETERANS HOSPITAL IN SAN ANTONIO, TX

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. TEJEDA. Mr. Speaker, I received a letter from a Vietnam veteran, Gary F. Thomas, who was recently a patient for three months at Audie L. Murphy Memorial Veterans Hospital in San Antonio, TX. Mr. Thomas wanted to thank the wonderful staff of Audie Murphy Hospital for the excellent care he received and for their concern for the welfare of veterans. Mr. Thomas' letter is the exact message we need to spread regarding the quality and nature of care veterans receive at VA medical facilities. We should remember to praise more often the dedicated VA employees who provide high quality care to our Nation's veterans.

Mr. Speaker, I am inserting into the RECORD Mr. Thomas' letter to Mr. Jose Coronado, Director of Audie L. Murphy Memorial Veterans Hospital:

BROTHERHOOD OF
VIETNAM VETERANS, INC.,
Houston, TX, April 12, 1994.

Mr. JOSE CORONADO,
Director, Audie Murphy Hospital, San Antonio, TX.

DEAR MR. CORONADO: I am sorry that I was not able to see and Thank You personally for the care that I received as a patient from your kind and caring staff and the hundreds of other veterans who are being treated at Audie Murphy Hospital.

Sir, as the former president and one of the founders of the Brotherhood of Vietnam Veterans and now the President Emeritus, I believe that you are one of the top hospital administrators in the country. I base this statement on the fact that along with being a Veteran Leader and advocate for Veterans care, I am a retired 1st Sgt, and a combat veteran, who has spent many months in the military, VA and private hospitals across the country, checking on the treatment Veterans are receiving.

Mr. Coronado, I would hope you would pass on my Thanks to your staff and all the hospital employees for a job well done. Special Thanks goes to Mr. Frank Hopper, Asst. Chief of MAS for his care of his fellow veterans and in seeing that their administrative needs were handled in a professional manner. Also, to Nurse Supervisor Jackie Reeves, one of the top nurses in the country, to Dr. Gregory Powell, who never gave up on me and now I can get up on a walker and stand after a year in a wheelchair. To my caring Therapists Clyde Newman and Peggy Guiberteau. These are the most caring and professional people a veteran could ever pray for.

Special Thanks also to Dr. Plunkett and Dr. Negavon who supervised my care along with Dr. Goldstein.

Again, Audie Murphy is one of the cleanest hospitals and best run in the country from top to bottom basement, to the 7th floor your staffs dedication is a reflection of your leadership.

I wish during my 3 month stay, I could have recorded the statements from the patients who were recovering and telling me of their excellent care.

I want you all to know that your efforts have not gone unnoticed and that a copy of this letter is being sent to President Clinton and members of Congress so they can see the fine job that is being done by the employees of the Audie Murphy Hospital.

May God Bless you all and watch over you in your every day caring for America's Veterans.

GARY F THOMAS,
President Emeritus.

SALUTE TO PHILADELPHIA MAGAZINE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to salute Philadelphia magazine, winner of the 1994 National Magazine Award in the "public interest" category. The National Magazine Awards are the most prestigious awards in the magazine business, and to succeed in such a competitive field is true testimony to their tremendous accomplishments. Philadelphia has now won one 2 years in a row.

The public interest award is given "for articles that are outstanding examples of analytical or expository journalism that bring exceptional clarity, interpretation, and insight to their subject." The winning article, entitled "Less Than One Percent," was written by Stephen Fried and chronicled the long-term neurological damage suffered by his wife after taking a single dosage of the antibiotic Floxin. To quote the judges of the competition:

> Fried eloquently described their personal struggle, but he didn't stop there. In this model of public interest reporting, he uncovered the flawed system by which drugs are approved, marketed, and dispensed. This well-documented piece is a clarion call for greater responsibility by drug manufacturers, Government regulators, and physicians. Readers of this article will never again take prescription drugs with the same nonchalance as before.

Mr. Speaker, I join with the Philadelphia community in congratulating Stephen Fried and the rest of Philadelphia magazine on this, their most recent of many National Magazine Awards.

TRIBUTE TO ANDREW N. DESLAURIER

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Andrew N. Deslaurier of Troop 15 in Charlestown, RI and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Andrew worked with the Charlestown Naval Airfield Memorial Committee in erecting a monument at Ninigret Park honoring the 59 Naval airmen who died in the service of their country whole training for the first Night Fighting Squadrons during World War II.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Andrew N. Deslaurier. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, 24 of whom now serve in the House.

It is my sincere belief that Andrew N. Deslaurier will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

HONORING THE COURAGE OF SURI FELDMAN

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. NADLER. Mr. Speaker, I rise today to honor a very courageous young woman from Boro Park and the many dedicated people who carried out a massive and ultimately successful search for her.

On a recent school trip Suri Feldman and her classmates stopped to tour a park in Connecticut near the Massachusetts border. Suri became separated from her classmates and was missing in the park for the better part of two days while a search for her ensued.

During this period of time Suri showed great courage and resourcefulness. She rationed the food and juice that she had, found protective shelter at night and attempted to signal helicopters with the flash from her camera. Happily Suri was found Friday morning May 6 in remarkably good shape. I want the other members of this House to understand just how remarkable Suri's resourcefulness and success in surviving this ordeal really were. Suri is from Brooklyn and a stranger to the art of surviving in the forests.

The devout community Suri comes from, and pious life she has been raised to live, were, no doubt, important elements in her ability to meet this great test. I know that she was in the thoughts and prayers of every member of our community the entire time she was missing and that she drew on her own faith during the ordeal.

I would also like to commend the efforts of the countless people involved in the search to find Suri, and thank Rabbi Morris Shmidman and Rabbi Bernard Freilich of the Council of Jewish Organizations of Boro Park for their tireless efforts to bring Suri home safely. I am proud to represent these fine people and this wonderful community.

RUSSIAN RIVER FISHERIES AND RIVERBED RESTORATION ACT

HON. DAN HAMBURG

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. HAMBURG. Mr. Speaker, the Russian River Fisheries and Riverbed Restoration Act which I am introducing today along with Congresswoman WOOLSEY, is a necessary step in the process of restoring this once famous river to a healthy condition.

The Russian River flows from its headwaters in Mendocino County through Sonoma County to the ocean. Its once abundant runs of steelhead and salmon are severely depleted due to the actions of humans. Its main channel has downcut and degraded in a fashion that threatens bridges and other manmade structures, as well as the health of the river system.

A primary cause of this degradation was the building of dams by the Federal Government. A dam was built at Coyote Valley on one fork of the river with no thought for the fish populations which spawned upstream. A second dam was constructed at Warm Springs without sufficient mitigation for loss of habitat.

Timber harvesting, gravel mining, agricultural uses, road building, and urban encroachment have contributed significantly to problems in the river but a new awareness among the citizens of the Russian River Basin makes an improvement in the health of the river possible at this time.

The Russian River Fisheries and Riverbed Restoration Act will authorize funds to begin badly needed restoration efforts in the tributaries where experts agree the critical need exists. This restoration will essentially create natural steelhead nurseries in the streams, according to a plan being develop by the California Department of Fish and Game. In an example of intergovernmental cooperation, the bill will provide funds if necessary to help complete the plan currently being prepared by the State of California. The Soil Conservation Service will administer the funds, working with willing landowners, and the Department of Fish and Game.

The health of the main channel of the river is also important to fish and other wildlife, as well as the people who live along its banks. As a result of human intervention, the river has downcut into one deep channel as opposed to its former more meandering course. The California State Coastal Conservancy has appointed task forces to study this problem and is producing a resource enhancement and restoration plan for the main stem of the Russian River. Funds will be provided by this act of construct a pilot project to carry out the recommendations developed by the Coastal Conservancy task forces in Mendocino and Sonoma Counties.

We will never restore this river to its natural condition. But with thoughtful effort and cooperation between those who share the vision of a healthy river, we can reinvigorate it and return its once plentiful populations of salmon and steelhead.

CONGRESS INSIDE OUT

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. OXLEY. Mr. Speaker, I recommend to the attention of Members the following column by respected Congress watcher, Norm Ornstein, concerning the futility of efforts to appease Congress-bashers with lobbying reform legislation:

[From Roll Call, May 12, 1994]

CONGRESS INSIDE OUT

(By Norman J. Ornstein)

LOBBYING REFORM: GIFT HORSE LOOKS BACK AT MEMBERS

It is hard to look at Congress's long struggle with lobbying and gift reform without relief being tempered by a mixture of uneasiness and frustration.

There is at this point no doubt that sweeping reform will in fact sail through Congress (although it may not be sweeping enough for some). There should be some satisfaction in that accomplishment. There is a lot that's good in this bill. Lobbying disclosure and registration reform is long overdue, and the hard and constructive work done by lawmakers like Sen. Carl Levin (D-Mich) is finally paying off on this issue. Levin deserves particular kudos for persevering despite vicious and outrageously unfair criticism last year from Common Cause and the New York Times.

But gift "reform" is no cause for rejoicing. No question, Members are responding to the clamor for drastic change pushed by Common Cause, the Times, and the Washington Post. But there is also no doubt that passage of this new ethics law will barely—if at all—mute the drumbeat of criticism from public interest groups and editorial pages about the influence of special interests on Congress.

The direct mail appeals for funds from the public interest groups and the fiery newspaper editorials and snide television investigative reports will be back next year, all harshly decrying the corruptness of lawmakers and their ties to various and sundry lobbyists, companies, and moneyed interests.

That prediction was easy to make the last time we moved for sweeping change—when the goal was elimination of all honoraria paid to Members and staff for speeches—and it is just as easy to make now.

The recognition that Congress will be damned no matter what it does should be no deterrent to action if reform would genuinely clean up a corrupt system.

But I do not believe that will happen—and neither, deep down, do most Members. Chances are, if gift reform were considered by a secret ballot vote, it would fail by a wide margin—and not because most Members revel in their outrageous perks, are addicted to gifts and trips, are themselves corrupt, or are willfully casting a blind eye to corruption.

Instead, most lawmakers would truthfully answer the following questions the same way I do.

Are lawmakers bought by lunches and dinners paid for by lobbyists? The answer is no. Do their votes change because of gifts proffered by lobbyists, or golf and tennis junkets underwritten by them? No again.

Will the lobbyists' access, or the friendly relationships they have with Members, change materially with the elimination of gifts, trips, and other gratuities? No, yet again.

Members have not developed friendships with lobbyists so that they can cadge free meals, receive lavish gifts, or take trips to nice places. Friendships develop because of like-minded interests and workplace contacts, as they do in most professions and areas of life. With few exceptions, that won't change. Professional relationships develop because of mutual needs; Members need lobbyists for information, political intelligence, support, and muscle on issues they care about, or coalition-building glue, as lobbyists need Members for all of the above and for votes.

There are, to be sure, cases of backscratching—or powerful lawmakers doing favors for their lobbyist friends, through a word here or an amendment there in a piece of legislation. It has ever been so. Some of it is the inevitable byproduct of the kind of logrolling often necessary to build coalitions. Some of it is more insidious and invidious. But only the most naive of reformers truly believe that either kind of backscratching will be stopped or even slowed by eliminating gifts and junkets.

So if the problem is not real impropriety, what is it? It is the appearance of impropriety and conflict. That appearance has been dramatized in recent years by the hit-and-run journalism of "Hard Copy," "Inside Edition," and especially "Prime Time Live," with its hidden cameras showing solons cavorting in the ocean or on the fairway, and by the inflammatory rhetoric of outside reformist interest groups.

In a climate of widespread vilification of Congress, with "PrimeTime Live" thriving on its junket-a-week lineup, there is probably no way to counter the charge or the impression, or to keep it from damaging still further the reputation of the institution.

The case for passing tough gift reform, then, is this: Even if Members are doing nothing wrong, the image of them cavorting in luxurious surroundings with those paid to influence legislation is the wrong one to send to the nation.

If only reform would erase that image . . . but it will not. Does anybody really believe that Common Cause will rejoice in the bill's passage—and then turn around and change its direct mail to praise Congress and its Members? Or that "PrimeTime Live" will turn its focus from its winning formula of government-bashing and Congressional excess to something less pseudo-populist?

If this appearance of conflict is removed, these creative people will find another one. Of course, what I am saying is heresy. No Member in his or her right mind will make this case. And in fact, it is just as easy to concede on this issue. After all, the loss of meals, trinkets, and trips is not some deep disaster. Members can afford to pick up their own checks, buy their own presents, and take their own vacations.

So what's the big deal—why not just give in, and declare victory?

That is just what most lawmakers will do. But as they do, some things need to be said and considered in the aftermath of the votes. First, this act will be another in a long series of steps that demean, rather than ennoble, public service. Ironically, the very act of reform says, "We're guilty." Outlaw gifts, meals, and trips, and you say, "We have been bought by gifts, meals, and trips."

Beyond that, gift reform is simply another step in the process of chipping away every positive element of Congressional life, including every perquisite that is commonplace among mid-level professionals in the private sector. Of course, public service is different, and requires different standards. But when do we realize that we have passed the point where we are actually improving ethics, and are simply creating more and more reasons for accomplished individuals who have led interesting and variegated lives to avoid public services, especially service in Congress?

It also needs to be said that the overwhelming bulk of the charges made about Congress in the junket and speech business is hypocritical and unfair. Lawmakers do go to charity events and to association or corporation meetings, which are often, indeed usually, in nice places at beautiful resorts. They can receive no honoraria for their speeches, but they do often get a few days in the sun in return for their appearances and talks.

Big deal. So do I, and so do most of the journalists and public interest representatives who condemn the practice. We get something in return for giving up precious time taken away from other important responsibilities. In fact, we get a whole lot more than Members do. Having some incentive for a busy person to spend time with a group giving a speech is perfectly reasonable—for us and for them. If there is an appearance of conflict for a Member of Congress, why is there no appearance of conflict for others who make their living writing about or interpreting policy or legislation?

Members of Congress are in demand to speak to groups. They should be—they know a lot about the key issues shaping everyone's future, they are articulate, and their perspectives are valuable to groups of all sorts. Spend a day with a Member and you will learn what busy and overcommitted means.

But most commentators start automatically with the assumption that the only reason any group would ask a Member to speak to it would be to buy influence, and the only reason a Member would speak to a group would be to sell his or her influence. Honoraria were banned to avoid such corruption (or the appearance of it); now, the charge is that Members are eager to sell their influence not for some pieces of silver, but for a little golf, sun, and leisure.

They don't do so any more than the rest of us out on the lecture circuit, including not just Diane Sawyer and Sam Donaldson, but also Ralph Nader and Rush Limbaugh. After reform, the appearances of lawmakers, and with them appearance of conflict, will be gone—but so will the enlightenment and exchange of views that come with it.

INTRODUCTION OF THE CONSOLIDATED AND REFORMED EDUCATION, EMPLOYMENT, AND RETRAINING SYSTEMS CAREERS ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. GOODLING. Mr. Speaker, at a time when the skills levels of the American workforce are more important than ever before to U.S. competitiveness, this country's programs designed to prepare its workers are seriously fragmented and duplicative. Because education and training programs have been developed independently over many years, there is no national strategy for a coherent workforce preparation and development system. As everyone knows by now, the U.S. General Accounting Office [GAO] recently identified 154 different Federal programs, totaling $24 billion administered by 14 different agencies, which offer some form of job training and/or employment assistance to high school and out-of-school youth, and to adults in the United States. A major focus of any reform effort undertaken by the Congress in this area must be to eliminate unnecessary duplication and fragmentation in these systems, and at the same time, provide States and localities with the flexibility needed to build on successful existing programs and initiate change where appropriate.

Today a number of my colleagues and I are introducing the Consolidated and Reformed Education, Employment, and Retraining Systems [CAREERS] Act, a multi-tiered job training reform effort. This legislation achieves reform in four ways: It streamlines workforce preparation programs at the Federal level through consolidation of similar programs; provides flexibility needed by States and local areas to further reform State and local systems—building on existing successful programs, and encouraging change where such change is needed; requires the National Commission for Employment Policy to study and make recommendations for further reforms and consolidation, where appropriate, in U.S. workforce preparation programs within 1 year of the date of enactment; and through elimination of programs that have been found to be ineffective, or having outlived their usefulness or original intent, potentially achieves savings of $1.4 billion per year—or $7 billion over 5 years.

The CAREERS Act builds very closely on legislation that Rep. Gunderson and I, along with other Education and Labor Committee Republicans introduced last year, H.R. 2943, the "National Workforce Preparation and Development Act." However, the legislation we are introducing today contains a significant addition—a new title devoted solely to the consolidation of Federal job training programs.

Specifically, the CAREERS Act consolidates 86 Federal education and training programs, as listed by the GAO, into 7 blocked systems to States—while preserving basic services to individuals currently served. Consolidated programs under this proposal include the following block grant systems: an Adult Education and Literacy Block Grant; a Vocational Education Block Grant; a Vocational Rehabilitation Block Grant; an Adult Employment and Training System which includes blocked programs for Disadvantaged Adults, Dislocated Workers, Veterans, and the JOBS program, with encouragement to States and local providers to combine funds, planning and reporting activities, and to establish service delivery at the local level through one-stop centers; a Youth Employment and Training Block Grant program; a migrant and seasonal farmworkers employment and training block grant program; and a Native American Employment and Training Block Grant program.

While we significantly alter the way Federal programs are driven to States and local areas—we were very careful to create consolidated block grants that continue to target populations in need of education, training and employment services. In fact, while we repeal numerous provisions of law that make up the current maze of Federal training programs, in nearly all cases, we anticipate that States will continue to provide these services to eligible individuals. For example, while providing States and localities with additional flexibility in determining priorities through the elimination of specific set asides, we require States or local areas to continue providing services for displaced homemakers, veterans, and older workers, to name a few. By consolidating 86 various programs of education, training and employment services, we reduce confusion for individuals on what programs and services are available to them—and reduce administrative costs and burdens thus allowing more money to be spent on actual service delivery.

The CAREERS Act does not stop with Federal consolidation however. Through encouraging States and local areas to develop workforce preparation systems built on the concept of "one-stop-shopping", we create a system that is much more "user friendly." States and local areas wishing to participate in reform efforts under this legislation would be provided waiver authority, simplified reporting and planning requirements, and funding for the establishment of one-stop delivery systems based on strategic development of State and local workforce preparation strategies which at a minimum incorporate programs under Vocational Education; Adult Education; the Job Training Partnership Act; the JOBS Program under Welfare; and the Employment Service.

Local areas electing to participate in this reform effort would form local Workforce Development Boards, similar to Private Industry Councils under JTPA, that would be responsible for development of a comprehensive and integrated local workforce preparation system—built upon service delivery through the one-stop centers. We continue to provide an integral role for local employers in the development of these systems by requiring that a majority of the members of local boards be representatives of business and industry. We also require that the board chair come from business. Under the proposal, one-stop job centers would be established in each participating community that would serve as single points of entry into the local workforce system, where anyone in the community could go to receive assessment, counseling, job information, and referral to appropriate education or training programs in the community. Targeted populations would continue to be eligible for more intensive services.

As a result of this legislation, over $7 billion would potentially be redirected toward deficit reduction over 5 years; paperwork required of States and localities would be dramatically reduced; and administrative savings would be achieved, resulting in higher quality and more efficient services provided to an increased number of individuals.

We feel that this legislation represents a comprehensive and realistic approach to reform of our nation's programs designed to prepare American workers. It goes much further than the Administration's Reemployment Act legislation in the area of consolidation, which: Limits Federal program consolidation to only 6 programs, 8 programs as listed by the GAO, serving dislocated workers; and limits its one-stop—or bottom-up reform effort to only programs under the jurisdiction of the Department of Labor.

The CAREERS Act is real reform of this Nation's vast array of job training programs.

NORTHERN IRELAND AN AMERICAN CONCERN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. GILMAN. Mr. Speaker, as co-chairman of the ad hoc congressional committee for Irish affairs, I am always pleased whenever the issue of Northern Ireland is raised in the United States. Northern Ireland today is of great concern to so many of our countrymen.

I was, therefore, particularly pleased when the Association of the Bar of the City of New York, a very prestigious body, hosted a recent forum on civil rights in Northern Ireland on Monday, April 25, 1994.

There were four distinguished speakers: Lois Whitman, deputy director, Human Rights Watch, Helsinki; Martin S. Flaherty, professor, Fordham University School of Law; John J. Gibbons, Richard J. Hughes professor of constitutional law, Seton Hall University Law School; and Fr. Seán McManus, president, Irish National Caucus.

Mr. Speaker, I ask that the text of Fr. McManus speech be included in the RECORD at this point. It serves as a useful reminder of the important and difficult issues in Northern Ireland, and the role the United States can play in helping to resolve some of these difficult questions.

SPEECH BY FATHER SEÁN MCMANUS PRESIDENT, IRISH NATIONAL CAUCUS

I want to begin by congratulating the Association of the Bar for holding this program on Northern Ireland.

U.S. HOLDS KEY TO PEACE

I believe that the key to peace in Ireland is right here in the United States. Left to the triangle of Belfast, Dublin and London, peace will not come. An outside catalyst is needed—and it is only appropriate that it be the United States.

AN AMERICAN ISSUE

Human rights for Northern Ireland is an American issue because: (1) international human rights is an integral part of American foreign policy; (2) because the U.S. has given to date 190 million dollars of tax-payer money to the International Fund for Ireland; and (3) because the U.S. is the single largest foreign investor in Northern Ireland.

There are over 70 U.S. companies doing business in Northern Ireland and many of them have been automatically caught up in the systematic pattern of anti-Catholic discrimination—and there are billions of U.S. dollars invested in those companies. So U.S. dollars are subsidizing anti-Catholic discrimination.

That is why in 1984 the Irish National Caucus initiated and launched the MacBride Principles—a corporate code of conduct for U.S. companies doing business in Northern Ireland. (See copies of the Principles.)

Historically, the U.S. has turned a blind eye to human rights violation in Northern

Ireland (because the oppressor is England and because there are no big oil fields in Northern Ireland). Bill Clinton promised to change all that. He has taken a few baby steps in the right direction, but he has not met his promises.

AN UNDEMOCRATIC STATE

Since Northern Ireland was created in 1920 by an Act of the English government, we've never had peace in Northern Ireland.

Northern Ireland was artificially carved out from the rest of Ireland for a two-fold reason; (1) to ensure a continuation of English Government rule on the island of Ireland; and (2) to put supporters of the English government in a permanent position of supremacy. The Six County area was selected on the basis of a sectarian head-count—two unionists (Protestants) to one nationalist (Catholics). (Unionists are those who want union between Northern Ireland and Britain. Unionists in general are Protestants; Catholics in general are nationalists.)

The Protestants were told in effect by the British government: "We don't care how you rule this part of Ireland, as long as you keep it loyal to the English crown."

Please understand that had the Catholics been Jewish or Black they woulld have been treated in exactly the same way. But because they were Catholics the oppresstion took the form of anti-Catholicism. Had they been Jewish or Black the form of oppression would have been anit-semitism or anti-Black racism. That is why it is a complete misunderstanding to see the problem in Northern Ireland as being about religion.

The English government set up a local parliament in Northern Ireland, called Stormont, subordinate in London. From 1921 to 1972, there was one party rule; Catholics couldn't even join the Unionist Party even had they wanted.

The three pillars of this undemocratic setup were: (1) a sectarian (all Protestant) police force; (2) repressive legislation; and (3) anti-Catholic discrimination. The first Prime Minister of Northern Ireland described it accurately when he said it was: "A Protestant state for a Protestant people."

But here it is important to realize that since Stormont was abolished in 1972, the plight of Catholics has not improved. For example in 1978 Catholics were two times more likely to be unemployed than Protestants. Today Catholics are 2½ times more likely to be unemployed.

Northern Ireland is a profoundly divided society and that division cannot be healed by violence. Violence—state or civilian—injustice, discrimination, repressive legislation, only make the division deeper. As the great Martin Luther King said, "The philosophy of an eye for an eye eventually makes all blind."

SIEGE MENTALITY

In the past 25 years, there has been serious self re-examination among nationalists on the island of Ireland—and considerable development in their thinking. For example, most nationalists agree that despite the wrongness of partition, the Protestants must not now be forced into a united Ireland. Even the IRA accepts that. But while there has been a lot of development in the thinking of nationalists, there has been no development—not even discussion, among unionists/Protestants. The siege mentality among them is all powerful. In the last 25 years, any of their leaders who even suggested that Catholics should be given a break have been forced out or politically ruined.

The English government historically gave blanked support to the Unionists—propping up that apartheid-type system with money, tanks, guns, and repressive legislation. But in recent years London has been forced to change its position. It now realizes that in international terms it is simply not in England's interest to be seen to be propping up a sectarian, anti-Catholic entity that is no longer of any strategic interest. And it has started making changes. But the Unionists either don't see or don't want to see the writing on the wall. They are still shouting "No" and "No surrender"—the favorite words in their vocabulary.

In an article in the New Yorker magazine, April 25, 1994, David Remnick describes the mindset of the Unionists this way:

"In public-relations terms, the Protestants are hopeless. Paisley and Molyneaux feel no compulsion to soften their language. They feel under assault not only from militant republicans but from all sides: from the S.D.L.P., from Dublin, from London, from the Pope of Rome. They have no de Klerk, no politician who seems capable of breaking the old mold. What makes the unionist stand even fiercer is the growing sense that the British departure from Northern Ireland is coming, and soon. Their illusion of permanence is all but gone."

I urge the Unionists to start "breaking the old mold" and recognize that the days of Protestant supremacy are over—that the way forward is not through dominance and discrimination, but through equality and justice. As an Ulsterman, I can empathize with the Protestants' fears. In fact—on one level—I feel sorry for them. It is important to understand that one of the motives for discrimination is fear. That, of course, does not justify it—but we must be aware of it. The Protestants fear that because they ran a discriminatory state, they will in turn be discriminated against if they lose their position of supremacy.

I urge the Protestants to join with the rest of the island of Ireland in the march towards equality and democracy; to build a non-sectarian, pluralist society on the island of Ireland—with liberty and justice for all.

Unionists are only 18% of the population of Ireland and less than 2% that of Britain and Ireland. It simply does not make sense that they should be able to thwart the wishes and progress of so many people. Churchill himself once said (1912), "Half a province cannot obstruct forever the reconciliation between the British and Irish peoples."

Nationalists for their part must pursue their objectives through nonviolence.

The Irish government must strongly continue its search for a solution. It must strike a difficult balance. On one hand it must make clear that it is not trying to "take over the Protestants of Northern Ireland," and on the other hand it must make clear that it is not selling out the Catholics—because, after all, it is the Catholics who have historically been the main victims of the injustices in Northern Ireland.

And finally we in America must keep up the pressure on the English government regarding discrimination and human rights violations. Because without that pressure, nothing will happen * * * and because human rights for Northern Ireland is an American issue—and is your business.

REPEAL PARK TAX CALLED ARMY CORPS USER FEE

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. EMERSON. Mr. Speaker, I rise to make my colleagues aware of a situation that will be affecting nearly every boater, camper, and swimmer beginning this summer at many recreational facilities across the country operated by the U.S. Army Corps of Engineers. Today, I introduced legislation in this Chamber to repeal all recreational user fees created last year by the President's tax/budget plan. I urge my colleagues to join me in this fight.

The way I see it, this is a wolf in sheep's clothing. Budget bureaucrats in the Clinton administration again are using semantics to mask their real intentions. Quite clearly, the user fee is another onerous tax that's unfair to people who have already been taxed once for the upkeep and maintenance of our corp's facilities; we shouldn't be charged again.

These are not user fees; they're simply new park taxes—$1 per person or $3 per carload at the main gate, $25 for a yearly pass, half that for senior citizens, and another $2 to use a boat ramp. Some might say that a couple of bucks here and there isn't much to pay for our great outdoors. I must reiterate; we've already paid for and we're currently paying for these facilities and their day-to-day management.

Furthermore, I simply do not believe it is fair to try and balance the budget or reduce the deficit on the backs of one segment of our population, and that's exactly what is happening with these new park taxes. Moreover, I believe with these user fees going into general revenue—not into the Army Corps budget—people who want to enjoy the outdoors actually will end up footing the bill for new Federal spending.

In closing, I'd like to say that I have heard from thousands of people inside and outside the Eighth District of Missouri urging the repeal of the user fee provision. Folks have had enough of this White House's big government digging deeper into their pockets. They need tax relief, not added tax burdens. And in a state like Missouri where tourism is so important to the economy, the Federal Government should not be an obstacle and jeopardize jobs.

TRIBUTE TO COL. MICHAEL L. WARNER

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. SAXTON. Mr. Speaker, it is a great honor and privilege for me to congratulate Col. Michael L. Warner as he retires from the U.S. Army following 27 years of outstanding military service.

Since September 1992, Colonel Warner has been the Commander of Fort Dix, NJ. Prior to taking command of this sprawling, multi-faceted post, Mike served as the installation's Chief-of-Staff. During this tenure, Colonel Warner has been instrumental in transforming Fort Dix from the Army's primary entry-level training center to a regional Reserve training center. By all accounts, he has achieved unqualified success in the realignment of this historic post, demonstrating intellect, innovation, and a keen sensitivity to the concerns of both the community and military.

It was during this time of enormous change and heightened community stress that I came to know Colonel Warner personally. Our working relationship quickly developed into a friendship which I truly value. Colonel Warner has always sought what is right for both the Army and the local community. For this, Mike, his lovely wife June, and their three beautiful daughters have become a welcome part of our community. We are very pleased that he and his family will continue to call our area "home."

A veteran of the Vietnam war, Colonel Warner volunteered to serve his country at a time when many of his contemporaries shunned military life. Later, he served overseas in Korea and Germany during the height of the cold war.

Colonel Warner's devotion to country and the Army is evidenced by the awards he has so richly earned. These awards include the Legion of Merit, two Bronze Stars, the Purple Heart, and the Army Commendation Medal.

Col. Michael L. Warner represents what is so very good about our country and our military—an honorable man, a family man, a man who is willing to fight for what is right. I offer my personal thanks and the thanks of an appreciative nation as he begins a new chapter in his life.

RECOGNIZING THE ACHIEVEMENTS OF THE JERSEY CITY MERCHANTS COUNCIL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the accomplishments and contributions of the Jersey City Merchants Council, on the occasion of their awards luncheon, and the installation of their newly elected officers. The council was organized in 1950, as a coalition of merchants' associations representing all major shopping districts in the city, to prevent the destruction and deterioration of the retail businesses. It has been an effective voice for the small business owners of the city for decades.

These merchants are the backbone of the community, and reflect the tremendous ethnic diversity of Jersey City. The council's new officers are Ms. Pat Sebron of the Greater Bergen-Lafayette Business and Professional Association, Mr. Michael Y. Yun of the Central Avenue Special Improvement District Management Corporation, Mr. Arnold Friedman of the Downtown Merchants Association, Mr. Thomas J. Moloney of the Five Corner's Business Association, Mr. Paul E. Baker of the Hudson Mall Merchants Association, Mr. Elliot Braha of the Journal Square Merchants Council, Mr. Kenneth Musico of the McGinley Square Merchants Association, Mr. Ken Volk of the Newport Centre Mall, and Ms. Jean Burns of the Westside Avenue Merchants Association.

The importance of the council's work, however, goes beyond its advocacy for local merchants. Preserving Jersey City's retail shopping district assures a quality of life and a community suitable for area residents and their families.

The council represents more than 3,000 retail stores and establishments in Jersey City, and regularly conducts meetings, seminars, and workshops for area merchants in order to keep a finger on the pulse of the community, and to share their insights with local elected officials responsible for regulation and legislation.

In 1967, local merchants found themselves facing a wide range of difficulties, including a lack of municipal parking, zoning problems, sales tax issues, a lack of adequate police presence, and the issue of Sunday sales. Their commitment to the community inspired them to work through these obstacles, and although progress was sometimes slow, the same strength and dedication that have helped them succeed as business owners has helped them find creative solutions to their problems.

Twenty years later, the council members voted to support the extension of Jersey City's Urban Enterprise Zone to include the retail streets of Bergen and Monticello Avenue. Through their efforts, they were able to secure funding through the city sales tax to be used on projects to enhance the shopping districts, including public safety programs, improved lighting, and storefront facade repairs.

The efforts of the members of the Merchants Council have been pivotal to the defeat of a proposed city license tax to be imposed on retailers, the repeal of a city payroll tax, and the exemption on clothing and other necessities from State sales taxes. In addition, the merchants have been active working to preserve Sunday as a day for family activities by promoting prohibitions on Sunday sales.

Mr. Speaker, the Jersey City Merchants Council is a wonderful example of how urban communities can come together to preserve their neighborhoods through cooperation between retailers, residents, and local government. I commend them to the retail communities of other American cities as an excellent model for local initiative, and ask my colleagues to join me in recognizing their accomplishments.

H.R. 4315, THE NATIONAL MUSEUM OF HEALTH AND MEDICINE SITE DESIGNATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Ms. NORTON. Mr. Speaker, there is a health communication crisis in this country. Too many Americans are not being reached and motivated with informative messages about how to stay healthy and avoid disease. Many lack the most basic understanding of how the human body works and how to take care of it.

On April 28, 1994, I offered legislation which will ensure our national commitment to effective health education. The National Museum of Health and Medicine Site Designation Act, H.R. 4315, designates a site adjacent to the Hubert Humphrey Building, located just off the National Mall, for construction of a new public facility for the National Museum of Health and Medicine. This public facility will be dedicated to: First, communicating information about how to stay healthy and avoid disease, and second, showing the advances and lessons which make up America's impressive history in health and medicine.

I would like to make clear what this legislation does and does not do. While H.R. 4315 sets aside a site for construction of a new public facility for the museum, it does not authorize or fund construction. The bill will also not infringe upon the authority of either the National Capital Planning Commission or the Commission of Fine Arts, both of which will still be responsible for approving the type of structure to be built. The legislation simply acknowledges the importance of serious, committed health education and establishes that Congress agrees with the need for a central resource for this purpose.

As many of my colleagues know, this museum was on the Mall, from 1888 to 1968, during which time it was known as the Army Medical Museum. When located on the Mall, alongside the Smithsonian Castle, it was one of the most popular museums in the country. Then in 1968, the building in which the Museum was housed, the Old Red Brick, a National Historic Landmark, was torn down to make way for the Hirshorn Museum of Modern Art. The Museum's collections were moved to a new facility at the Walter Reed Army Medical Center where visitorship fell off dramatically to less than 25,000 a year.

In 1986, with the museum in serious decline, a new director was appointed who created an ad-hoc, blue-ribbon panel to consider the future of the facility. The panel found that there was a great need for a revitalized and relocated National Museum of Health and Medicine. A private organization, the National Museum of Health and Medicine Foundation, chaired by the former U.S. Surgeon General Dr. C. Everett Koop, was formed to develop the necessary support for the Museum's return to the Mall.

We need the museum back on the Mall, Mr. Speaker. This country needs it and my constituents—particularly children—in the District of Columbia need it. They need the exposure to useful information about their bodies and how they work, which will allow them to make good decisions about how to stay healthy and avoid disease. Earlier this week, a report was issued entitled "Every Kid Counts in the District of Columbia: A Starting Point." This report provides some extraordinary statistics regarding the state of well-being of children in the District. And one of the areas the report addresses—health—is among the most disturbing. According to the report: "One D.C. child in 55 dies before his or her first birthday, a rate which is twice the national average. Even among those who survive one year, a higher percentage will die before the age of 15 than in any of the 50 states."

Many things contribute to these alarming statistics—poverty, inadequate housing, violence—but we cannot overlook the impact that the lack of accurate information plays in the lives of unhealthy people. Informed, wise decisionmaking is virtually impossible without education. Health education alone will not improve the health of Americans or eradicate such devastating, pervasive problems as infant mortality. But a commitment to education is an intelligent, realistic place to start. Twenty-five million people visit the Mall every year. They come to the Mall to learn. When the museum is back by the Mall, it will be available and interesting to these people, but it will actually reach even more than their numbers. The National Museum of Health and Medicine will continue to serve as the centerpiece of a national outreach effort, bringing together science museums and schools in every State, to share health-related exhibits and programs providing innovative, effective health education.

When the museum is back by the Mall, it will be seen as the best example of a public-private partnership. For many years, the museum has had a relationship with the Department of Defense, which supported the facility from its earliest days and continues to do so today through the Armed Forces Institute of Pathology. The museum looks forward to continuing and expanding upon this relationship when it is back near the Mall.

The museum also looks forward to the development of a relationship with the Department of Health and Human Services, a future neighbor which shares missions similar to that of the museum. Dr. Koop has met with Secretary Shalala about the project and, while many details remain to be worked out, she is enthusiastic about a revitalized and relocated National Museum of Health and Medicine. The museum has already received Public Health Service support for planning for the new facility and programs.

The museum does not expect, however, the Federal Government to serve as the sole, or even major, source of support for its move back to the Mall. Dr. Koop's Foundation is waging a major campaign to develop private support for exhibits and programs in the new facility. They have secured a pledge of $1 million from the Kellogg Company for a state of the art exhibit and related educational programs on diet and nutrition. They are working diligently to find additional private founders for both construction of the new facility and its exhibits.

H.R. 4315 deserves support because there is nothing more valuable than our commitment to the health and education of the American people. A revitalized and relocated National Museum of Health and Medicine will be a significant step toward ensuring commitment stands and grows.

H.R. 4315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the United States faces critical health care problems, solutions for which will arise from an attentive and educated citizenry;

(2) there is a great need for an increased emphasis to be placed on public health education and the development of scientific literacy concerning health care issues;

(3) when the National Museum of Health and Medicine, formerly the Army Medical Museum, was located on the Mall in Washington, District of Columbia, from 1888 to 1968, it was one of the most popular and well-visited museums in the Nation's capital;

(4) with the removal of the Museum from the Mall to the grounds of the Walter Reed Army Medical Center in 1968, there was no longer a national education facility devoted to this purpose located within the District of Columbia within easy access to the up to 25,000,000 individuals who visit the Mall each year; and

(5) the American taxpayer, through the United States Government, pays approximately 30 percent of the costs of all health care services, costs which could be dramatically reduced with the advent of better educated, informed Americans.

(b) PURPOSE.—It is the purpose of this Act to designate a site for the relocation of the public facility of the National Museum of Health and Medicine so that it may serve as a central resource of instruction about, and be involved in, the critical health issues which confront all American citizens.

SEC. 2. SITE OF FACILITY.

The public facility of the National Museum of Health and Medicine shall be located on the following adjacent areas of land owned by the Federal Government in the District of Columbia:

(1) The east plaza of the Hubert Humphrey Building, presently occupied by the Department of Health and Human Services.

(2) The entire portion of 2nd Street, Southwest, that is located between C Street and Washington Avenue, Southwest.

(3) A triangular park, known as "Square N—580", which lies immediately to the east of 2nd Street, Southwest.

SEC. 3. GENERAL SERVICES ADMINISTRATION AUTHORIZATION.

In accordance with procedures of the District of Columbia, the Administrator of General Services is authorized to apply for the closing and transfer of jurisdiction over the entire portion of 2nd Street, Southwest, located between C Street and Washington Avenue, Southwest, and the transfer of jurisdiction over Square N-580, from the District of Columbia to the General Services Administration for the purpose of locating the National Museum of Health and Medicine.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as limiting the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

SEC. 5. DEFINITION.

As used in this Act, the term "Mall" means—

(1) the land designated as "Union Square", District of Columbia Reservation 6A;

(2) the land designated as the "Mall", District of Columbia Reservations 3, 4, 5, and 6;

(3) the land designated as the "Monument Grounds", District of Columbia Reservation 2; and

(4) the land designated as "West Potomac Park", District of Columbia Reservations 3, 3, and 2.

INFLATED UNION COSTS HURT TAXPAYERS

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. COX. Mr. Speaker, the Davis-Bacon Act wastes billions of taxpayer dollars. It's time to repeal it. Even worse, however, is Davis-Bacon's perverse intersection with state laws governing apprenticeship and prevailing wages. When added to inefficient union work rules, the whole mess is costing taxpayers dearly.

The following analysis from one of my neighbors in Southern California, a former construction worker turned CPA, is especially illuminating. I commend it to my colleagues.

DAVIS-BACON WAGES BOOST REBUILDING COSTS

(By W. Snow Hume, Fullerton, CA)

In building construction, there is a sharp distinction in technologies between commercial standard construction and residential standard construction. In residential construction that is not multistoried and built, really, to commercial standards, the union workforce accounts for only about 4%. In commercial standard construction, the union workforce typically accounts for 40%. That is why an average of 20% of the construction workforce is unionized.

Union scale construction tradesmen are paid, on average, two to three times their nonunion counterparts. Although of late the building trades unions have devised special market-oriented scales for residential work, these are still noncompetitive in the residential arena.

At face value, union commercial construction tradesmen may seem competitive, with 40% marketshare. But 50% to 70% of the commercial standard union work is public works. Because of the intersection of federal and state apprenticeship law and state "prevailing wage" law, union contractors enjoys a virtual monopoly on public works contracting; nonunion contractors can only rarely obtain apprentices, since unions typically have state-sanctioned monopolies over sponsorships of apprenticeship programs. The nonunion contractor must perform public works with journeymen only, unlike his union counterparts who may dilute the labor cost with an apprentice component. Stated differently, in Southern California the unions have only a minority of even the private sector commercial work.

What does all this mean? It means that, even if the federal government suspended the Davis-Bacon rules on federal projects, in order to divert money to nonfederal reconstruction aid, nonetheless a colossal amount of the diverted amount would be squandered on union wage rates for nonfederal public works in California.

Secondly, the Congressional Budget Office and the private economists perform their studies on a national scope. But the disparity between union and nonunion rates, and the resulting escalation of construction costs, varies from locale to locale. As noted above, union rates are double and triple the market rates. So in fact, in California, "prevailing wage" rules typically escalate public works construction—at all levels—by 50% to 100%. This is because union wage rates affect most subcontracted work, and usually affect the costs of prefabricated materials that are installed at the jobsite. Cost of materials runs typically 30% on union jobs, and 50% on nonunion jobs. A little arithmetic work will prove the truth of my assertions.

Further, all of these studies are predicated on parity of labor performance for union and nonunion jobs. But in fact, unions often impose workrules that are not imposed upon the nonunion contractor. This affects productivity and thus the final labor costs. The effect is most dramatic when one examines the types of work that are reserved for journeymen that could be delegated to apprentices/helpers, but are not because of the union way of doing things. For instance, the labor-contractual "mix" of journeymen to apprentices is a labor standard that is enforceable on public works jobs, even on those nonunion contractors that can obtain apprentices.

California "Prevailing wage" law and current combined federal and California apprenticeship law really do often double the cost of public works.

I would like to add that minorities are still effectively kept out of the skilled construction trades on public works—despite consent decrees forced by the State of California forced upon certain union apprenticeship programs. The discriminatory "design" of "prevailing wage" may have changed, but combination federal and California apprenticeship law perpetuates the discriminatory effect. Why, for instance, should the lack of a high school degree keep a person-of-color out of a state-sanctioned plumbing or electrical apprenticeship, and thereby out of union-dominated public works?

I have considerable first-hand knowledge about these matters. I was in union-sponsored apprenticeships from May, 1989 through November, 1990. I have also worked in the nonunion construction sector prior to entering those apprenticeships. I went to two different construction trade schools in 1988 that were overwhelmingly minority. Only a microscopic fraction of the students got into apprenticeship programs, even though they know how to do the work, and are now doing that work in the nonunion sector.

TRIBUTE TO THE 1994 OHIO STATE CHAMPION URSULINE HIGH SCHOOL BASKETBALL TEAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to the Ursuline High School basketball team, the 1994 Ohio State Champions. The Ursuline Fighting Irish were a respectful 10-10 during the regular season. They went on to win the next seven games culminating with a resounding victory on March 26th in the Ohio State tournament Championship game against Lima Central Catholic High School. Lima was undefeated and ranked number 1 in the State. With 54 seconds remaining in the game the Fighting Irish were down by 5 points. Due to the determination, hard work, and skill of the players, they came back to win by two points; 55-53.

Although that game was the climax of the tournament, one game really stuck out in my mind. It was the game against my alma mater, Cardinal Mooney. My wife Tish coincidentally, is a graduate of Ursuline. Needless to say I now know the Fighting Irish Fight Song in its entirety. Ursuline beat Mooney 69–52. After that victory I knew they would go all the way.

Today I would like to congratulate Head Coach Mitch Cerny, Assistant Coaches Dave Petty, Scott Grover, and Scott Nemergut, and the players of the 1993/1994 Ursuline High School basketball team for an excellent season and a job well done. I am extremely proud of these young men and their coaches. I join with the citizens of the 17th Congressional District in Ohio to salute the 1993/1994 State champs on this momentous occasion. May God bless them with health, happiness, and continued success in their future endeavors.

REPRESENTATIVE SENSENBRENNER'S FINANCIAL STATEMENT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1994, a matter of public record. I have filed similar statements for each of the 15 preceding years I have served in the Congress.

Assets

Real property	
Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at 638,400). Ratio of assessed to market value: 100% (Encumbered)	$638,400.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	88,800.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $436,500	248,011.36
Total real property	975,211.36

1994 DISCLOSURE

Common and preferred stock	No. of shares	$ per share	Value
Firstar Corp	676	33.00	$22,308.00
American Telephone & Telegraph	508.645	51.25	26,068.06
Ameritech	341.9	38.13	13,034.94
Bell Atlantic Corp	224.92	51.75	11,639.61
Bell South Corp	255.7088	57.88	14,799.15
NYNEX, Inc	238.227	34.75	8,278.39
Pacific Telesis, Inc	148	52.65	7,792.50
Southwest Bell, Inc	345.1	40.38	13,933.41
U.S. West, Inc	236.245	40.75	9,626.98
Tenneco Corp	742.033	52.75	39,142.24
Newell Corp	838	39.25	32,891.50
General Mills, Inc	1440	55.63	80,100.00
Kellogg Corp	1600	50.88	81,400.00
Dunn & Bradstreet, Inc	2500	58.75	146,875.00
Halliburton Company	1000	29.25	29,250.00
Kimberly-Clark Corp	32244	52.88	1,704,901.50
Minnesota Mining & Manufacturing	500	99.00	49,500.00
Exxon Corp	2432	62.88	152,912.00
Amoco Corp	1362	53.00	72,186.00
Eastman Kodak	1080	44.38	47,925.00
General Electric Co	1300	100.00	130,000.00
General Motors Corp	304	53.88	16,378.00
Merck & Co., Inc	15639	35.38	553,229.63
Warner Lambert Co	1134	61.88	70,166.25
Sears Roebuck & Co	200	43.13	8,625.00
Ogden Corp	910	22.25	20,247.50
Sandusky Voting Trust	26	105.00	2,730.00
Monsanto Corporation	1672	77.45	129,496.40
E.I. DuPont de Nemours Corp	600	53.00	31,800.00
Wisconsin Energy Corp	1022	25.25	25,805.50
Abbott Laboratories, Inc	6100	26.63	162,412.50
Bank One Corp	2843	33.00	93,819.00
Unisys, Inc. Preferred	100	42.25	4,225.00
Benton County Mining Company	333	0.00	0.00
Houston Industries	150	35.50	5,325.00
Pacific Gas & Electric	175	29.00	5,075.00
Eastman Chemical Co	270	40.75	11,002.50
Dean Whitter Discover	78	32.38	2,525.25
U.S. Treasury Notes Face Amount $25,000 @8.623% due 1/15/95			25,828.25
Total common and preferred stocks and bonds			$3,863,255.05

1994 DISCLOSURE

Life insurance policies	Face	Surrender
Northwestern Mutual #4378000	$12,000.00	$26,880.58
Northwestern Mutual #4574061	30,000.00	64,248.15
Massachusetts Mutual #4116575	10,000.00	5,468.72
Massachusetts Mutual #4228344	100,000.00	113,266.20
Old Line Life Ins. #5–1607059L	175,000.00	20,769.09
Total life insurance policies		230,632.74

1994 DISCLOSURE

Bank and savings and loan accounts	Account No.	Balance
Bank One, Milwaukee, N.A., checking account	0046–2366	$9,723.28
Bank One, Milwaukee, N.A., preferred savings	4158–8070	13,855.06
Bank One, Milwaukee, N.A., regular savings	497–525	692.69
Valley Bank, N.A., Hartland, WI, checking account	03056664–06	1,091.69
Valley Bank, N.A., Hartland, WI, savings	03056544–11	591.44
Burke & Herbert Bank, Alexandria, VA, checking account	601–301–5	1,711.26
Firstar, FSB, Butler, WI, IRA accounts		45,390.79
Total bank and savings and loan accounts		73,056.21

1994 DISCLOSURE

Miscellaneous	Value
1985 Pontiac 6000 automobile—blue book retail value	$2,200.00
1991 Buck Century automobile—blue book retail value	8,875.00
Office furniture and equipment (estimated)	1,000.00
Furniture, clothing and personal property (estimated)	130,000.00
Stamp collection (estimated)	37,000.00
Interest in Wisconsin retirement fund	52,357.17
Deposits in Congressional Retirement Fund	83,257.62
Deposits in Federal Thrift Savings Plan	49,511.28
Traveller's checks	6,650.00
20 ft. Manitou pontoon boat and 35 hp Force outboard motor (estimated)	5,000.00
17 ft. Boston Whaler boat and 70 hp Johnson outboard motor (estimated)	7,000.00
Total miscellaneous	382,851.07
Total assets	5,525,005.93

1994 DISCLOSURE

Liabilities	Value
National Bank Mortgage Company, Louisville, KY on Alexandria, VA residence, Loan # 39758–7	$167,104.94
Miscellaneous charge accounts (estimated)	2,000.00
Total liabilities	169,104.94
Net worth	5,355,900.99

1994 DISCLOSURE

Statement of 1993 taxes paid	Value
Federal income tax	$95,461.00
Wisconsin income tax	20,882.00
Menomonee Falls, WI property tax	2,335.89
Chenequa, WI property tax	12,437.68
Alexandria, VA property tax	6,876.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son under the Uniform Gifts to Minors Act. Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

IRAN: RELIGIOUS PERSECUTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. SMITH of New Jersey. Mr. Speaker, the Iranian government remains one of the most resistant nations to cooperating with the international community in regard to human rights. Although a signatory to all of the United Nations conventions on human rights, the Iranian Government continues to regularly abuse the rights of its citizens, especially women and minorities, refuses to allow international organizations access to monitor human rights or to investigate reports of abuse, and seeks exemption from international standards because of differences in culture and religion.

Human rights organizations report that Iran's compliance with international standards on human rights is, at best, poor. And while conditions are bad within Iran, its influence is being felt beyond the borders of that nation. Freedom House, in the annual "Survey of Freedom" reports that "the growing economic resources of a growing number of the most repressive states—Iran among them—also permit these tyrannies to exert greater influence in the global vacuum." With Shi'a Muslim clerics and laymen closely aligned with them in complete control of the government, Shari'a law is imposed on all people, with little, if any, concessions made for minorities. The prescription of every facet of life—public and private—is mandated by the government.

The Baha'i minority has been a target of discrimination in Iran due to government policies that prevent them gaining access to government positions, employment and even education. A 1991 document denies education and employment to people who identify themselves as Baha'i. A bill which bars people from government employment from members of "deviant groups whose constitution is based on the denial of divine religions" is used against the Baha'is who are considered apostates. This law is also used against other dissident and minority groups.

In a reprehensible action last year, the Iranian government allowed the desecration of a Baha'i cemetery in order to build a cultural center. Although the international community expressed outrage over this action, the government did nothing to stop the desecration.

To show the complete disregard of human life, especially when it is the life of a Baha'i, a Shari'a court fined a Muslim driver who killed Baha'i and injured another 10,000 humans for "neglecting driving rules and regulations." Charges of manslaughter were dismissed when it was ruled that the Baha'is were "unprotected infidels" and not worthy of legal protections.

The Christian minority, although recognized constitutionally, are targeted for discrimination and persecution as well. This is true especially when conversion from Islam to Christianity is concerned. In a well documented and highly publicized case, Mehdi Dibaj, a convert to Christianity already sentenced to life in prison, was scheduled for execution earlier this year because of his conversion. He had already spent 10 years in prison, 2 of them in solitary confinement, "living in an unlighted cell measuring 3 feet by 3 feet." It was also reported that he had been systematically tortured since 1983. Bravely, Bishop Haik Mehr, alerted the international community about this case and urged them to speak out. Many members of the House joined me in petitioning the Iranian government on behalf of Mehdi Dibaj. Dibaj was released on January 16, but was forced to sign a statement that he would report to the local officials when they required it. His release is not unconditional, his sentence has not been waived, and there are still charges of spying pending against him. Shortly after Dibaj's release Bishop Haik disappeared and only after international pressure did the Iranian government release the details of his death. Haik died because he opposed policies of the Iranian government, and focused international attention on Iran's deplorable human rights conditions.

Since learning of the death of Bishop Haik, there has been more information concerning the persecution of Christian minorities, and especially the harsh treatment which converts from Islam receive. It has been reported that eight converts from Islam in the city of Gorgan were beaten for several hours until they denied their faith in Christ. Many churches report that their pastors have been interrogated and threatened. Non-Muslim shopkeepers are required to post notices about their religious affiliation.

In January President Hashemi-Rafsanjani said that this year there would be an "escalation of the Islamist's Holy War against the Christian community" and that "this year might be the last Christmas celebrated in Teheran."

Women and children, especially those who are members of religious minorities enjoy even less protection. Women's rights are regularly violated. Laws regarding dress, based on Shari'a laws, are enforced on women of all religious and ethnic backgrounds. Domestic violence against women is known, but it is considered a private family matter and women have no recourse in this matter.

The Iranian Government remains resistant to pressures to protect the rights of minorities, women and children. It violates international standards of human rights across the board—standards to which it has agreed, but which it does little to support or encourage within its borders. It is particularly frightening that these attitudes are now being exported to other parts of the world. Intolerance toward minorities, toward those whose beliefs differ from our own must not be allowed to spread. When this intolerance leads to violence against people, we must not only speak out, we must take action to protect the rights of people who are defenseless against fanatical organizations bent on the destruction of those whose beliefs differ from their own.

TAXPAYERS, NATIONAL PARKS TAKEN FOR A RIDE BY STEAMTOWN

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. ANDREWS of Texas. Mr. Speaker, on May 12, 1994, the House Committee on Natural Resources' Subcommittee on National Parks, Forests and Public Lands conducted a hearing on H.R. 3708, which would reauthorize Steamtown National Historic Site in Scranton, Pennsylvania. The hearing focused on the legislation that would cap this project's authorization at its current level, require several changes in the project's operation, and limit the Park Service's liability pertaining to acquisition of lands containing hazardous waste. I believe this legislation is a step in the right direction because it finally addresses many of the concerns I have raised about Steamtown specifically, and about the issue of funding our national parks in general.

Mr. Speaker, I offered an amendment last year, during debate on the Interior Appropriations bill, which would have eliminated funding for Steamtown. I felt then that Steamtown was unworthy of receiving federal funds, especially considering the shortfalls that the gems of our National Park Service are currently experiencing. Both Yosemite and Yellowstone National Parks have had to cut back on public services due to decreases in appropriations. This, in my mind, is the tragedy of funding projects like Steamtown.

The reforms contained in H.R. 3708 merit our strong consideration. Of course, I would rather see funding for this project simply eliminated from the budget, and I will be considering this when this year's Interior funding bill comes to the House floor.

Mr. Speaker, Congress has the important duty to preserve our history and protect and adequately maintain our national parks. And in these times of increasingly scarce federal resources, Congress must act responsibly.

That is why I offered my amendment last year to eliminate funding for Steamtown. This project is not a unique historical landmark: our country already boasts of more than 200 railroad museums. Nor is it a pure display of our nation's rail history: more than 25 percent of the steam engines at Steamtown are Canadian in origin, not American. In fact, Steamtown has been described as a second-rate collection of trains on a third-rate site.

Interestingly, proponents have envisioned this project as a national rail museum, in the same vein as the National Air and Space Museum, which would bring back the glory days of our nation's steam railroads. Historians have noted, however, that Scranton is of only modest historical significance, asserting that Chicago, recognized as the greatest rail center in the nation since 1870, St. Louis, historically the second largest rail hub and already home to a magnificent rail collection, or nearby Baltimore, home of the Mount Clair shops, were much more important to the growth of the railroads and would be more appropriate sites for a national rail museum. With this in mind, I simply fail to see why the Federal Government should be funding such a project.

Actually, Mr. Speaker, Steamtown began as a private venture. Only after Scranton lured the project from Vermont did private funding dry up and proponents turn to Congress for financial help. So, Congress carefully studied the proposal, received comments from the Park Service, and made a responsible addition to the National Park System, right? Wrong. Steamtown was first authorized in an appropriations bill in 1986, thus bypassing the normal authorizing process and the usual review by the National Park Service. The project has received more than $80 million through fiscal year 1994, although it was originally authorized for only $20 million. This $80 million is enough to operate Grand Canyon for 7 years, and Steamtown's operation costs are ten times per visitor that of Grand Canyon's.

For fiscal year 1995, the Park Service has requested an appropriation of more than $4.3 million for Steamtown, a 39 percent increase from fiscal year 1994. Upon completion, the park will need in excess of $5 million per year for operations. This is simply too much to spend on a project that has been dubbed, "an abuse of the public trust" by the National Parks and Conservation Association.

Mr. Speaker, I am as interested and active in historical preservation as anyone in the Congress. And, that is why I speak out on this issue. Funding for projects like Steamtown divert the National Park Service from its historic mission of preserving and maintaining great national parks like Yosemite and Yellowstone. Both of these parks have been forced to scale back services to the public in recent years. Such cutbacks include reduced patrols, longer response time to requests, and fewer interpretive services. The New York Times editorialized on this situation: "It's galling to let a boondoggle siphon even another penny from the Park Service's worthier, maintenance-starved projects." It is a travesty that we neglect these two true gems of our Park System so that we can fund Steamtown. Something here is wrong, and we must work to change that.

CONCERNS OVER CENTER FOR DISEASE CONTROL REPORTS

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. FRANKS of Connecticut. Mr. Speaker, I would like to applaud the efforts of those who have played a role over the past 30 years in educating the American public about the issues relating to tobacco and health. That effort is particularly important as it relates to our young people who should be discouraged from the beginning to use tobacco at an early age.

However, I am concerned that this laudable campaign can severely be undermined should the American public come to believe that the research cited by the Federal Government to discourage tobacco use is shown to be faulty or, even worse, deliberately misleading.

Specifically, it was recently brought to my attention that the Center for Diseases Control [CDC] report entitled "Oral Cancer: Deadly to Ignore" asserts that "approximately 75 percent of oral and pharyngeal cancers are attributed to use of smoked and smokeless tobacco." The CDC report also was cited in a report issued by the Health and Human Services [HHS] Office of the Inspector General entitled "Spit Tobacco and Youth" which made the same assertion; other materials recently circulated have made the further claim that, obviously relying on the CDC report, 75 percent of all deaths dur to oral cancers, a number equal to 22,500, are attributed specifically to "smokeless tobacco."

In light of the current debate regarding increasing the Federal excise tax on tobacco products as proposed in the President's Health Security Act, I directed my staff to investigate these claims further by directly contacting those individuals responsible for preparing the CDC report. While I am no particular advocate of tobacco products, I was dismayed by the results.

Both CDC officials acknowledged authorship of the CDC reports and the 75-percent claim asserted therein. Indeed, the primary author cited a specific research paper as the basis for implicating tobacco, both smoking and smokeless tobacco. Yet, even a cursory review of that paper, entitled: "Smoking and Drinking in Relation to Oral and Pharyngeal Cancer: published by Dr. Blott in 1988, reveals that the researchers estimated that 75 percent of all oral and pharyngeal cancers were caused by "tobacco smoking and alcohol drinking"—no such calculation was ever made for smokeless tobacco.

In short, it appears that the CDC personnel "created" the 75-percent claim attributable to smokeless tobacco by grossly misinterpreting the Blot study, removing "alcohol drinking" from the equation all together, reinterpreting "tobacco smoking" to "tobacco" generally and improperly extending the study to implicate smokeless tobacco.

I would like to have given CDC benefit of the doubt, as having perhaps inadvertently mischaracterized the results of the Blot Study. That was until one CDC official theorized that the statistic was deliberately skewed because "they want people to stop." Regardless of whether you may applaud this objective, I strongly believe that, as the old saying goes, the end doesn't justify the means, even in the case of tobacco.

For those who are opposed to tobacco, you may say, "what's the harm?" The "harm" is that such misuse of scientific research to achievement a "politically correct" objective can only undermine the public's confidence in Government pronouncement on serious health issues—not limited only to tobacco but other serious concerns such as AIDS—and bring into question the credibility of Federal agencies such as CDC which are given millions of taxpayer dollars by Congress each year.

We, the Congress, have the responsibility to hold these agencies accountable for their pronouncements; the American public expects nothing less.

LOUIS AND ELKE CHAPMAN

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to Elke and Louis Chapman who are being awarded by Tifereth Israel in Passaic, NJ, on May 22 for their services to the synagogue and the community.

As chronicled in the May 4, 1994 edition of The Jewish Community News, Elke Braunstein Chapman is a graduate of the Stern College of Women in New York. She met Louis when working in Manhattan, and moved to Texas with him while he attended South Texas College of Law. Elke is active with the Sisterhood of Tifereth Israel, and she will soon become its president. She is also a lifetime member of the Hadassah and a member of the Yavneh Academy PTA.

Louis B. Chapman is originally from Texas and moved to Passaic in 1983. He has been quite active in Jewish affairs since moving to New Jersey. He quickly became president of Tifereth Israel, and has been credited with its many improvements in recent years. Louis has also given much time to the Jewish Federation of Greater Clifton-Passaic. He is its vice president, a member of the board of directors and allocations committee, and received its Young Leadership Award, as well.

Louis is active in other organizations such as Yeshiva Gedola of Passaic, the Etz Chaim NCSY, the Hillel Academy of Passaic, the Yavneh Academy in Paramus. Other activities include membership on the board of governors of the Association of Trial Lawyers of America and the American, New Jersey, and Passaic County Bar Associations.

It is with great pleasure that I ask my colleagues to join with me in honoring the Chapmans on this distinguished occasion.

SENATE—*Friday, May 13, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois.

The PRESIDING OFFICER. Our Chaplain today is Rev. Richard C. Halverson, Jr.

PRAYER

The guest Chaplain, the Reverend Richard C. Halverson, Jr., offered the following prayer:

Let us pray.

In the words of Amos, the prophet of Israel: "* * * behold, the Lord stood upon a wall made by a plumbline, with a plumbline in his hand. And the Lord said unto me, Amos, what seest thou? And I said, a plumbline. Then said the Lord, Behold, I will set a plumbline in the midst of my people * * *"—Amos 7:7–8.

Father in Heaven, we petition Thee for Thy plumbline of truth and love, that we may rightly align our relationships in Thee. For truth without love is as sounding brass, and love without truth is a lukewarm embrace. Though we must attend to temporal laws which sometimes divide us, draw our attention above the politics to Thy eternal laws which compel us to remain united.

Set Thy Golden Rule in the midst of our working relationships, that we may strengthen our ties, from the least to the greatest, doing unto others as we would have them do unto us. For Thou hast taught that, no matter how great the distance between us, we need not fear compromising the truth, by embracing everyone in love. Nor need we fear forsaking whom we love by telling them the truth.

In the name of Jesus Christ, the Cornerstone of our eternal habitation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 13, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. MOSELEY-BRAUN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2019, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act), and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, we are now on the Safe Drinking Water Act. I urge Senators who have amendments to come to the floor to offer them.

Under the agreement reached last night, there is a certain list of amendments. They must be brought up by the close of business, I guess a time certain, on Wednesday, which means, obviously, that those Senators who want to have full time for the Senate to consider their amendments should bring them up earlier rather than later. Otherwise, we will be facing a time crunch come Tuesday or Wednesday.

I would also note that sometimes other matters come before the Senate which are unanticipated which also take time, therefore taking time away from the Safe Drinking Water Act on Monday or Tuesday or Wednesday.

So I strongly urge Senators who have amendments to come over to the floor now so we can dispose of those amendments. Senators will have time today to deal with them. There may be less time to deal with them at a later date. I yield the floor.

Mr. KERRY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Madam President, if I could inquire, are we under an order, or is it just open on the bill?

The ACTING PRESIDENT pro tempore. Pursuant to the order agreed upon last evening, there are a limited number of amendments which may be considered.

Mr. KERRY. Madam President, it is not my intention to offer an amendment at this time, but I would like to speak. I just had a conversation with the distinguished Senator from Montana. I would like to say a few words about an amendment that passed last night by voice vote at a time when I was unable to come to the floor to express my opposition to it. And now, given the state of play, I think I do have fully reserved a place among the amendments, but I am not convinced yet whether or not I am going to bring an amendment to the floor to counter the impact of what happened last night.

Last night, Senators WARNER and CONRAD offered an amendment that was approved by voice vote. I believe, regrettably, that amendment is going to weaken the fairly modest source water protection provisions that are in the unanimously passed Environment Committee safe drinking water reauthorization.

I know the distinguished chairman and manager cares about this. I know that he is laboring under great difficulties in the U.S. Senate in getting a consensus on this legislation, and the interests that are brought to bear on these issues are not small.

But I want to talk now about source water protection because people ought to have an understanding of what we have lost in the effort to get a consensus to pass this bill. We always lose something in these efforts and I am not suggesting that it is not difficult. But I do think the issue ought to be talked about because it is an important component of legitimate efforts to have an environmental policy that is truly meaningful.

Source water protection, also called pollution prevention, and is the smartest way to address environmental problems. We are now struggling over the spending of billions of dollars—literally billions of dollars—to clean up the contaminated waste sites that we made.

For the better part of the industrial revolution in this country, from the development of this Nation in the late 1800's to its largest industrial sense through the 1900's, we did not know better at certain times, or if we knew better, it was at the very incipient stages of awareness—recognizing that Rachel Carson wrote "Silent Spring" only in the last half of this century and the environmental movement really only grew at that time.

But now we have learned. Now we know. We know that we have American

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

citizens who die as a consequence of our carelessness. Whether it is Love Canal or whether it is Woburn, MA, or the recent case in Milwaukee, there are people who are exposed to carcinogens, to toxics, to chemicals, to wastes—many cases of waste we do not know or understand the implication of, but it seeps down into the water systems, it seeps into our estuaries and our bays.

You can travel to nearby Chesapeake Bay, where they are suffering from nitrate overloading, or you can come to our bays in Massachusetts and see what happens when we had to close some 66,000 acres of clambeds to the loss of millions of dollars of income to fishermen, not to mention what it does to your tourist industry because of spillage.

Is it spillage from boats? No. Often it is spillage that comes from the careless use of oil and gasoline and dumping and pesticides and agricultural runoff in the uplands and it just flows down to settle somewhere.

Well, it is the same problem in our aquifers and in our watersheds of this country. You know, when we dump stuff on the ground, it does not just stay there. It goes somewhere. It seeps down, flows elsewhere, and it collects and we spoil whole aquifers and we destroy water resources and wildlife. And then we turn around and we have a big debate on the floor of the U.S. Senate and the House, "Oh, my God, look what we have done. How are we going to pay for it? How are we going to clean this up?"

We have thousands of Superfund sites or potential Superfund sites across this country. I think the number is now close to 4,000 or so. There are 1,200 designated Superfund sites alone and thousands of other hazardous waste sites that we have not yet in America fully cleaned up. That is incredible.

So, here we are in this bill, trying to put in place the notion that the smartest way to avoid asking taxpayers to spend billions of dollars to clean up our mess is obviously not to make the mess in the first place. In Boston, now, we have the Boston Harbor cleanup effort, one of the most expensive cleanups in the country because of the mess that people have made in prior years. We try to teach our children the basics of conservation and recycling, the basics of cleanliness and the standards of maintenance of the communities in order to avoid these messes.

This bill, by unanimous consent, by unanimous agreement within the committee, came to the floor with a modest source water protection effort, understanding that people are disturbed about unfunded national mandates. So we somehow have to find the most cost-effective solutions to problem solving and to seek out approaches that solve problems with the least bureaucracy and the least possible waste.

In his highly acclaimed book "Reinventing Government," David Osborne stressed the value of what he called anticipatory Government, a Government that is focused on preventing problems before they are created and before they become crises. The advantage of preventive Government over reactive Government ought to be obvious. It heads off crises and it saves money. Osborne demonstrates that prevention has made the greatest strides in the environmental arena through its focus on pollution prevention. This is one arena where we have proven our capacity to implement the concept of preventive governmental action.

While Congress and the executive branch are often in conflict, they share one thing. Both tend to react to crises rather than anticipate and manage for the future. We are, obviously, never going to be able to avoid all crises. I do not pretend that. But we ought to take every opportunity we can to promote preventive measures to limit the necessity of reactive response later on. So I think it would be wise to review every environmental statute and make a judgment as to what opportunities does this statute provide us for pollution prevention provisions.

A recent example is what we have undertaken in the Federal Government, finally, at the directives of the President of the United States, to prevent pollution and promote recycling. Look at all the paper. Every single day we throw away inordinate amounts of paper that we print up, far too often not always used. We have an incredible lack of recycling in our own efforts, even though we mandate it for other people.

There are all kinds of wastes of energy, raw materials, natural resources, steam release and so forth that are opportunities for conservation. Now the President has undertaken a major overhaul of Federal Government pollution prevention policies.

This bill, wisely, came out of committee with that kind of prevention effort: A source water protection effort. That is one form of pollution prevention that has proven over and over to be cost effective. As the costs escalate for treatment, for remediation, for replacing contaminated drinking water supplies, local governments and taxpayers are overwhelmed.

We ought to happily grab at a program that creates an incentive for local communities and States to think about source water pollution prevention efforts. They turn to the Federal Government for assistance when they do not think about it. And we turn around and wrestle here with whether or not we are going to cut education, whether we are going to cut child immunization programs, whether we are going to cut a whole host of programs, which suffer because we are looking for money and we do not have the money to do the things we need to do. But we continue to create the crises that we know are going to feed this frenzy.

Here in this bill we had an opportunity to have that kind of effort to give an incentive to communities. We were trying to come up with the best, most economical and feasible way to assist communities in protecting local drinking water supplies before they could become contaminated, rather than paying to clean up afterwards.

The Safe Drinking Water Act has included programs to protect the quality of sole source aquifers and wellhead areas. These programs have proven to be effective. Section 9 of S. 2019, the source water protection provisions, as reported by the committee, provides a new initiative to encourage States and the water systems to implement programs voluntarily to protect the quality of existing sources of drinking water and to prevent contamination before it occurs.

The bill, as it came out of committee, would have required the States—and I emphasize this—it would have required the States to have a process, just a process, to review and to approve any source water protection plan by a local entity. It prescribed that the EPA should support those efforts with technical and financial assistance and by issuing guidance for the preparation of plans for those communities that chose to participate.

I want to emphasize, the bill that came out of the committee unanimously offered an incentive to local communities, requiring the States to set up a plan, but it did not require the communities to participate. It simply said we are going to have a plan and we want to have a review. They would provide technical assistance for those who chose to participate.

The source water protection provision that came out of the committee was voluntary and it would have allowed all local communities to participate if they chose. Let me quote directly from the Environment Committee report:

> Water systems are not required to develop source water protection plans, but incentives are provided to encourage development of plans. If a source water protection plan is approved, a community is eligible for grant and loan funds under the Clean Water Act to implement the plan. The community may also propose reduced monitoring requirements based on elements of the approved plan. In addition, Federal agency actions are required to be consistent with the plan to the maximum extent practical.

Regrettably, Senator WARNER and Senator CONRAD offered an amendment that will almost certainly preclude some local communities that want to participate, from participating. So this whole effort to try to create an incentive has now been watered down, diminished, and even blocked in some cases. This is a classic example of the great tug of war between interests, special interests—in this case mostly agriculture interests that are just petrified that they may be held accountable, or required to start to think about the impact of some of the things that they put on the Earth and allow to run off into people's drinking water that we then have to pay for, and generally, to clean up.

We adopted long ago the concept of polluter pays. That has been at the heart of environmental policy in this country for some time. What we have seen happen in the last hours is one of those rather interesting things, where we come in here and diminish the capacity of people to be held accountable, and we cave in to the interests that do not want to be held accountable.

Under this amendment, States would have no responsibility for promoting source water protection. Under this amendment, States are not required to set up procedures for reviewing and approving source water protection plans. Under this amendment, we are obviating preventive Government. We are obviating—turning away from responsibility in favor of ducking the hard choices and suggesting that we can go on asking citizens from all over the country to belly up and pay their tax money for known bad health and environmental and economic policies.

If a State chooses, under this amendment, not to set up a source water protection program, then the local community in that State cannot participate—out, finished, gone—rather than what the committee originally, by unanimous decision, felt was important, which was to have the States required to come up with a review policy. Rather than providing incentives to promote preventive measures, the amendment, in effect, becomes an impediment to local communities trying to take innovative, proactive environmental measures; important efforts to try to stem the crisis before it is, in fact, a crisis.

Source water protection gains support from many Government entities, as well as from environmental and public health groups because of the enormous benefits to all. It is far more evident than all the reasons for having moved away from this. I have heard from all levels of Government, Madam President. The EPA wants this—Carol Browner has written us a letter stating it is important. And many State governments as well. But because some now have opted to pull out the rug from under them, there is no mandate. And many local communities were supporting the committee-passed source water protection provision.

Carol Browner just sent a letter, and I ask unanimous consent to print this letter in the RECORD at the end of my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KERRY. Madam President, I have letters of support from numerous organizations: the National Roundtable of State Pollution Prevention Programs; the Massachusetts Department of Environmental Protection; the Massachusetts Water Resources Authority; the National Water Funding Council; the Physicians for Social Responsibility; the Natural Resources Defense Council; Friends of the Earth; the American Oceans Campaign, and many others.

I ask unanimous consent that several of those letters be printed in the RECORD at the end of my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KERRY. Madam President, S. 2019, as originally reported by the Environment Committee, was a reasonable, nonregulatory approach that provided an incentive; it did not mandate a community to participate. It did require a State to have a review process. And in 1994, given all the money we are spending and all that we have learned about source point pollution control and nonpoint source pollution, we ought to know better, and we ought to be able to do better.

I think that we should not want to take away intelligent prevention measures from local communities, and we ought to require the States to have some kind of plan to do that.

I had originally intended to come to the floor to offer my praise to the committee for moving in this direction and to compliment them for doing so. I regret that I find myself now having to come to the floor to express my disappointment that the committee was not able to continue in that direction. And I understand the pressures the chair faces. It is not the chair's fault. It is just the way the Senate sometimes works and it is the way we get sidetracked around here.

But I want to say that I think the Warner-Conrad amendment undermines environmental protection. I think it undermines the effort to be preventive rather than reactive. I am very hopeful that this action can be reversed in conference, if not conceivably in the next hours on this bill.

Should that not be the case, in either case, I certainly sound notice today that I, and others in the Senate, intend to work to amend this provision over the course of the next months or year so that it produces at least the beneficial outcome originally sought and agreed to by the committee itself.

In closing, Madam President, I do want to compliment the Senator from Montana and I want to compliment the Senator from Rhode Island, because the fact is that this is an important bill, notwithstanding those criticisms that I have just expressed. They have worked hard to bring this bill to the floor, and we do want it passed. There are a number of important features in it.

In establishing a new State revolving loan program to fund very much needed infrastructure improvements, they have made a very significant step forward. By providing small systems with low-cost technology and flexibility to meet requirements, and by eliminating the current mandates for regulating a fixed number of contaminants per year, regardless of the public health benefits, they have made an important move to get communities in a worthwhile relationship with the Federal Government in order to produce a valuable outcome. I congratulate them for that, and it will prove to be helpful to communities.

This bill improves the likelihood that our citizens will have healthy, high-quality drinking water, while taking into account the varying circumstances of those communities and States around the Nation.

I must say, though, we do not have much time on some of these issues. We have some communities that have sole source aquifers, and they are in very fragile condition. The aquifer under the central part of this country, which runs under the State of the presiding Senator and across the central part of this Nation, is in delicate condition, is in diminished quantity, and has increasing stresses on it.

We should be thinking more not in terms of how we are going to build pipes to divert the Colorado River and create a whole set of problems similar to those we created in the Columbia River, where we now do not have the salmon we used to have because of what dams have done, but we need to consider the potential outcomes ahead of time.

That was the effort the committee was trying to make, and I regret enormously that there is an amendment that diminishes the pollution prevention components of this bill.

I thank the Chair.

EXHIBIT 1

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, May 12, 1994.

Hon. MAX BAUCUS
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I deeply appreciate your leadership and dedicated efforts to guide S. 2019, the Safe Drinking Water Act reauthorization bill, through the many and conflicting demands on its reform.

On April 28, I wrote to reiterate the Administration's support for S. 2019 as approved by the Environment and Public Works Committee. In my letter, I indicated that the bill's approach toward safeguards for public health and new reforms is especially critical, and that I would let you know of any concerns should later amendments threaten that balance in key areas. I believe S. 2019, as revised by the Managers' Amendment you have assembled, reflects your commitment to achieve such a balance.

I am, however, concerned about two issues. Among the Administration's highest reauthorization priorities is source water protection, which simply means pollution prevention—shielding rivers, lakes, streams and wells from which the public draws its drinking water from becoming contaminated in the first place. In many instances, source protection can be far less costly than is the filtration that would be required if the water gets polluted. The Administration proposes that States develop source water assessment programs, with the flexibility for local governments voluntarily to develop protection plans to implement protection of their source water.

We are concerned that some amendments under discussion would effectively deny local governments this opportunity and flexibility. As a former state official, I believe that the approval process proposed in these amendments is so burdensome that it may be more of a deterrent than an inducement to undertake voluntary pollution prevention through source protection. Many states may, accordingly, decline to adopt an approval process, which would then thwart voluntary source protection plans in those states.

With regard to the state viability program in another amendment, we think the program contains a workable structure to protect federal taxpayers' new investments in water infrastructure. However, we continue to believe that there are many additional techniques that should be used—such as employing circuit riders for operations and maintenance, sharing fiscal personnel, and cooperative procurement—by which water systems can improve their capabilities to safeguard drinking water, and save money.

I look forward to continuing to work with you on this vital public health legislation.

Sincerely,

CAROL M. BROWNER.

EXHIBIT 2

NATIONAL ROUNDTABLE OF STATE
POLLUTION PREVENTION PROGRAMS,
Washington, DC, May 12, 1994.

DEAR SENATOR: The National Roundtable of State Pollution Prevention Programs (the Roundtable), supports the pollution prevention provisions of the 1994 Amendments to the Safe Drinking Water Act (S. 2019). The Roundtable, the largest national membership organization in the country devoted solely to the improvement of environmental quality through pollution prevention, also supports the bill's finding that states need increased funding to implement safe drinking water programs.

The Roundtable urges the Senate to more clearly establish pollution prevention, in particular source reduction, as the fundamental approach to protecting our drinking water supply. S. 2019 should be strengthened by including more pollution prevention measures that stress source reduction rather than control.

S. 2019 would require each state to establish a process for reviewing and approving pollution prevention plans initiated by localities and public water systems. It encourages efforts to create these plans by making a small amount of federal state revolving loan funds available for this purpose. Although the bill provides for a constructive partnerships between local, state and federal agencies, it should go further by establishing a process to involve localities and citizens in the development of policies and programs from the beginning of the process.

While the bill would require states to act, it does not require the creation of source water protection plans. Under S. 2019 source water plans are voluntary on the part of local water systems, local agencies or state governments.

The Roundtable strongly urges that the Source Water Protection Program section promoting pollution prevention not be weakened. It is critical to the protection of the nation's drinking water supplies that efforts to prevent contamination in the first place remain intact in this legislation. We urge the Senate to strengthen the source reduction focus of this bill and to reject any attempts to weaken the pollution prevention provisions in S. 2019.

Sincerely,

KEVIN DICK,
Vice Chairman.

COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS, DEPARTMENT OF ENVIRONMENTAL PROTECTION,
Boston, MA, May 11, 1994.

Hon. JOHN KERRY,
U.S. Senate,
Washington, DC.

Attention Ms. Kate English.

DEAR SENATOR KERRY: Massachusetts is committed to source water protection as the best means of ensuring safe and pure drinking water to the public, while preventing very costly treatment measures. We believe that the "Baucus Bill", S. 2019 ("Safe Drinking Water Act Amendments of 1994") will go a long way toward affording such protection.

It has come to our attention that Senators Warner and Conrad have proposed further amendments which will seriously weaken the Baucus Bill. I write to strongly urge you to oppose the amendments to this bill proposed by Senators Warner and Conrad. Thank you for your attention to this matter, and to the Safe Drinking Water Act reauthorization.

Sincerely,

DAVID Y. TERRY,
Director,
Division of Water Supply.

NATIONAL WATER FUNDING COUNCIL,
Washington, DC, May 11, 1994.

Senator MAX BAUCUS,
Chairman, Senate Environment and Public Works Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The National Water Funding Council understands that your proposal for the Safe Drinking Water Act, S. 2019, will go to the Senate floor for consideration within the next week.

We ask that you retain the State Source Water Protection (SWP) Program that is in S. 2019, and not substitute Senator Warner's amendment—the "Water Quality Protection Partnership" instead. We view your original SWP program as voluntary, cost-effective way of implementing pollution prevention measures into the SDWA, a step that really must occur in the next generation of clean water work that the country undertakes.

Your SWP Program is sufficiently advantageous to what Senator Warner has proposed that we recommend that you not modify its substantive provisions. You might, however, consider making projects approved under SWP plans eligible for financial assistance under Title I of the S. 2019 as well as Section 319 and Title VI of the CWA, so as to provide states with as much flexibility as possible in determining how best to assist financially with these projects.

Sincerely,

JONATHAN C. KALEDIN,
Executive Director.

AMERICAN OCEANS CAMPAIGN,
Washington, DC, May 11, 1994.

Hon. JOHN KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: The American Oceans Campaign would like to express our support for the source water protection provisions in S. 2019, the Safe Drinking Water Act, and our opposition to the Warner/Conrad amendment, which strikes this protection.

We believe that pollution prevention is perhaps the most cost effective method of protecting consumers from the pathogens and contaminants that can affect their drinking water.

By requiring states to establish a process for reviewing and approving pollution prevention plans initiated by localities and public water systems, the costs of cleanup and treatment could be reduced significantly, in addition to improving the quality of water provided to consumers.

American Oceans Campaign believes that a strong source water protection plan is essential to a sound drinking water program. We applaud your leadership on this important issue, and we encourage you to urge your colleagues to vote against the Warner/Conrad amendment.

Sincerely,

DAWN HAMILTON,
Issues Director.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Montana.

Mr. BAUCUS. Madam President, I want to compliment the Senator from Massachusetts. I agree with the Senator from Massachusetts that an ounce of prevention is worth a pound of cure.

Essentially, what we are trying to do is help provide for more safe drinking water in our country and to not only be sure that we have the technology in place to clean up the water that is dirty, but also to prevent dirty water from coming to communities in the first place.

The source water protection program in the bill is a concept which is needed, whether it is proposed by States or by the Federal Government. It is a concept that makes good sense. The more we can address the source in the first place by making sure that the water is clean and safe before it comes into the community drinking water system, the more likely it is that people are going to have safer, cleaner water. It is just that simple.

In current law, we have a sole source aquifer program; we have the wellhead protection program. They are a start. They are what their names imply. The sole source aquifer program is in place to help communities assure that the source is clean. The same is true with the wellhead protection program.

Unfortunately, those programs are essentially voluntary. A State or community can have its own program, either under sole source aquifer or under the wellhead protection program.

In the bill, we wanted to advance the concept of source water protection. In the bill we did provide, as the Senator from Massachusetts says, that the

States are required to set up a process under which communities can develop a plan for technical assistance and for other kinds of measures that help assure that the source water is protected.

The bill did not give States any new authority. It did not say that States can mandate or require communities to undertake any action. There was no provision in the bill which gave States new authority to do anything like that. Rather, the bill required States to set up a process under which communities would develop a source water protection plan.

Unfortunately, there are many people in the country who are very nervous about that program. They are concerned that it would give too much authority to States and impinge upon upstream users, or source users. The concern was that the program would give cities, towns, and communities too much authority within the city limits and/or it would give States too much authority in restricting what farmers, ranchers or anybody upstream, or in the source area, could or could not do.

Madam President, we have to move the concept of source water protection a step at a time. I do believe that the amendment offered by the Senator from Virginia [Mr. WARNER] and the Senator from North Dakota [Mr. CONRAD] is a way to move the concept of source water protection forward. That is what we want to do here, take a step at a time. Otherwise, we run the risk of having no source water protection improvement over current law. We have to improve upon the present concept, and the amendment offered by the Senators from Virginia and North Dakota help assure that we have a significantly better source water protection program now than under current law.

I must say, Madam President, that a lot of this really is joined with other legislation, such as the Clean Water Act, which will be before the Senate in the next 2 or 3 weeks.

I say that because the changes to the Clean Water Act will address nonpoint source pollution. Nonpoint source pollution is pollution caused by runoff from agriculture, timber harvests, mining tailings, and urban runoff. That is, runoff, as opposed to what is referred to in technical jargon as point source pollution, which is pipes discharging into the rivers. That is point source.

In the new Clean Water Act, we are going to be addressing nonpoint source runoff—a very needed program. Half of the water pollution in our country today is caused by nonpoint source runoff. In the Clean Water Act that will be coming before the Senate shortly, we have a very valid program which will tell States that they have to have a nonpoint source pollution program to address the problem that exists in each of our States.

That program will help address the source water protection problem because a large portion of the pollution that may affect drinking water systems is nonpoint source pollution, which will be addressed in another bill.

To sum up, Madam President, I agree with the Senator from Massachusetts. We have to have a very good, strong source water protection program, but like a lot of matters, if we go too far, if we give too much authority to States which is not thought through as much as we would like it to be, we could jeopardize the whole source water protection program.

I strongly believe that the provisions of the bill, as modified by the Senators from North Dakota and Virginia, help solidify and consolidate support for a stronger source water protection program. That is why I think the amendment is an improvement. And secondly, most of the source water protection problem really is nonpoint pollution, which will be addressed very definitely very significantly in the Clean Water Act, as opposed to the Safe Drinking Water Act, which will be before the Senate in the next 2 or 3 weeks.

Mr. KERRY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. I appreciate the comments of the Senator from Montana. As I have said, I understand the pressures on him and what he needs to do to get an important bill passed. I still want to say to him and the Senator from Rhode Island, maybe we can work out something in the next day or two. I have not had a chance yet to engage with Senator WARNER and Senator CONRAD.

But I must say, respectfully, I have been around the environmental movement long enough and I have been involved in these issues and been in the Senate now long enough to have learned what happens if the fox is guarding the chicken coop. We all know what happens. The permissive language allowing the very community that is an offender community, where all of the economic interests of that community are weighted against their making this decision, which is why they want the watered-down language in the first place, if they are left to their own devices, to just spontaneously come in with a petition, as the Warner-Conrad amendment suggests, it is not going to happen. We all know that. That is why we have a fight over the Superfund. That is why we had a fight over the Clean Water Act originally. That is why we had to press for the Clean Air Act over the vociferous objections of automobile manufacturers. We all know how tough a struggle it is.

If the language remains that it is just—which is how the language reads now—that a State may establish a program under which a local community may submit a petition, it is not going to happen, because the State that is predominantly configured around that particular industry, and a local community which is even more so, has no interest whatsoever to tackle this program. This is why we have always had a struggle between the Federal Government and local entities about things we ought to do versus things we kind of do not want to do.

Everybody knows how human nature works. That is the process of politics. It is what the debates are about—things we know we ought to do as human beings versus the immediate interests that temper our willingness to do that until X, Y or Z becomes such a crisis that we finally mobilize and do it, as in South Africa, where they finally mobilized and said, yes, indeed, people have to be free.

By the same token, that is what the environmental movement is. People said, yes, we have to breathe clean air; yes, we have to drink safe water; no, we do not want lead in our water; no, we do not want to pollute all our bays and estuaries; and so we dragged the contravening interests reluctantly to the table, and the language that has been put forward here offers no incentive whatsoever to come to the table.

So I hear the Senator. I know what he wants to do, but I also know what this language leaves us. It leaves us no requirement that people try to think ahead and remediate.

Now, in the original bill—I did not write the original bill language, the committee did—in the original bill language, the committee had the good sense to balance between the local communities' rights and prerogatives and interests and this tension with the larger entities of our government, either State or Federal. And it did not mandate any local community to come in and do this. It did, however, require a State to have a process available so that the local communities that want to participate have something fixed in concrete which will enable them to do so.

Now what happens in the Warner-Conrad amendment is that the State is not required to participate, so that the one local community that might want to be proactive cannot do so if it so chooses because the other entities that do not want protective measures will prevent the State from even setting up the process. And so it will deny those local communities that do want to use good common sense from even exercising their good common sense.

So, Madam President, it is simply not good legislation. It is not good public policy.

I try to be as reasonable as anybody around here about excessive mandates and burdensome regulations and endless government red tape.

I hate them just like everybody else. But that is not what we have here. Actually, it is just the opposite. The bill here makes good sense by, frankly, reducing some of those things. It makes no sense to require communities to get rid of particulates in water that have nothing to do with health or that go way beyond the health standards. That is what prior legislation did. We have often done that in Congress. And if we have some unreasonable regulations, we ought to bend over backwards to get rid of them where we can.

But we also must strive to create a relationship between the Federal, State and local communities that can work to promote proactive, preventive measures. We cannot continue to erode the resources of this Nation and then tell the next generation we are sorry, but you are going to have to pay billions of dollars to clean up the mess we know we should not have made.

That is generationally irresponsible. It is currently irresponsible. And we just should not do that.

So I respectfully hope we can work a balance. I am not trying to ask anybody to establish some terrible, bureaucratic process where the vicissitudes of public officials wreak havoc on people's good efforts. But by the same token, we must strive for the innovative Federal-State-community partnerships that can prevent crisis management.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I do not wish to prolong the discussion. I again compliment the Senator from Massachusetts. He is right in concept. We should have a strong source water protection program. I just remind all of us that the bill never required communities to have a source water protection program. States were required to have a process to facilitate and approve system source water plans. Even under the bill, as amended, communities can still apply for money from the Clean Water Act revolving loan fund for technical assistance for source water protection programs.

Basically, we are in a situation where we have to find a balance between State control and Federal control. We are not 50 nations. We are not one nation. We are one country of 50 States. No other country in the world shares exactly our form of government. We also have divided powers. We are a nonparliamentary form of government.

It is interesting that drinking water traditionally is under the rubric of State control because States generally have control over their own public health and safety. It is like crime. Crime enforcement is essentially a State matter, the same with health enforcement, including drinking water enforcement.

Drinking water is more of a real matter than, say, air which tends to cross State boundaries more than drinking water. Of course, we Americans travel a lot. That makes drinking water quality more of a Federal matter.

Under the bill as amended by Senators WARNER and CONRAD, a State could have a stronger source water protection program if it wanted it on its own. I am sure Massachusetts has good strong environmental leanings. So Massachusetts could set up its own strong source water protection projects, as could Wisconsin, Montana, or any other State.

I think when a community in any State applies for assistance under the clean water revolving loan fund, States are going to realize that they ought to support source water protection projects because an ounce of prevention is worth a pound of cure. It makes sense. We are really splitting hairs here. We are on the way toward a good program.

I really do not want to prolong this debate. I therefore will stop because I see Senators on the floor who have amendments.

Mr. KERRY. Madam President, I do not want to prolong the debate. I ask my colleague a simple question: was there not a requirement in the original committee print that the States do something; a requirement?

Mr. BAUCUS. Madam President, there was a requirement that they "do something" but the "something" was not that they have to have a source water protection program. There was nothing in the bill that required States to set up a source water protection program. Rather, the provision in the bill required States to have a process under which a system would develop a source water protection plan. If a system wanted to have their own source water protection program, then there would be a process through which the State could approve it. But, there was no requirement that the State have a program.

Mr. KERRY. What the Senator from Montana is saying is, there was a requirement. He just said, yes. There was a requirement that the States have a review process so that the communities could apply. Now with the WARNER-CONRAD amendment there is no requirement that States have that review process. So as I said, the States had been required to participate and the local communities had been able to apply, and now the States are not required to have a review process and local community are not guaranteed they can apply. We do not need to prolong this.

Mr. BAUCUS. As I said, Madam President, if a State wants to, there is nothing to prevent a State from having it. Massachusetts, any State that wants to, Illinois, can set up its own process, whatever it wants. We are not prohibiting States from doing what States think they should do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KOHL. Thank you, Madam President.

AMENDMENT NO. 1707

(Purpose: To require the Administrator to develop and carry out a research plan to support the development and implementation of certain rules concerning harmful substances in drinking water)

Mr. KOHL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. JEFFORDS, and Mr. FEINGOLD, proposes an amendment numbered 1707.

Mr. KOHL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.

Section 1412 (42 U.S.C. 300g–1) is amended by adding at the end the following new subsection:

"(f) RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.—

"(1) DEVELOPMENT OF PLAN.—The Administrator shall—

"(A) not later than September 30, 1994, develop a research plan to support the development and implementation of the most current version of the—

"(i) enhanced surface water treatment rule (announced at 59 Fed. Reg. 6332 (February 10, 1994));

"(ii) disinfectant and disinfection byproduct rule (Stage 2) (announced at 59 Fed. Reg. 6332 (February 10, 1994)); and

"(iii) ground water disinfection rule (availability of draft summary announced at 57 Fed. Reg. 33960 (July 31, 1992)); and

"(B) carry out the research plan.

"(2) CONTENTS OF PLAN.—

"(A) IN GENERAL.—The research plan shall include, at a minimum—

"(i) an identification and characterization of new disinfection byproducts associated with the use of different disinfectants;

"(ii) toxicological and epidemiological studies to determine what levels of exposure from disinfectants and disinfection byproducts, if any, may be associated with developmental and birth defects and other potential toxic end points;

"(iii) toxicological and epidemiological studies to quantify the carcinogenic potential from exposure to disinfection byproducts resulting from different disinfectants;

"(iv) the development of practical analytical methods for enumerating microbial contaminants, including giardia, cryptosporidium, and viruses;

"(v) the development of dose-response curves for pathogens, including cryptosporidium and the Norwalk virus;

"(vi) the development of indicators that define treatment effectiveness for pathogens and disinfection byproducts; and

"(vii) bench, pilot, and full-scale studies and demonstration projects to evaluate optimized conventional treatment, ozone, granular activated carbon, and membrane technology for controlling pathogens (including cryptosporidium) and disinfection byproducts.

"(B) RISK DEFINITION STRATEGY.—The research plan shall include a strategy for determining the risks and estimated extent of disease resulting from pathogens, disinfectants, and disinfection byproducts in drinking water, and how the risks can most effectively be controlled, taking into consideration the costs of various control methods and the sizes of various systems.

"(3) IMPLEMENTATION OF PLAN.—In carrying out the research plan, the Administrator shall use the most cost-effective mechanisms available, including coordination of research with, and use of matching funds from institutions and utilities.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $12,500,000 for each of fiscal years 1995 through 1998.".

Mr. KOHL. Madam President, last April, the city of Milwaukee experienced a disastrous outbreak of a parasite called cryptosporidium in the drinking water supply. By the time that all the particles in the water had settled, 104 people were dead, and over 400,000 others had become severely ill.

This amendment is about that incident. It is about the 104 people who died in Milwaukee. It is about the 400,000 Milwaukee residents who battled weeks of debilitating illness, and I am sorry to say, it is about those people who, 1 year later, still fight a daily battle to rid their bodies of the intestinal disease called cryptosporidiosis.

The bill that we are considering today recognizes the need to move forward in setting standards for communities to use in protecting their citizens from contamination. EPA has negotiated, with all interested parties, several regulations to require testing and treatment for cryptosporidium and other parasites to assure that an outbreak like Mikwaukee's never happens again. And this negotiated rulemaking will also set standards to assure that the disinfectants that our communities use to ward off parasite threats do not themselves create health risks. The Safe Drinking Water Act bill reported out of Committee includes a time line for EPA to implement protections from cryptosporidium and other parasites, and I thank the Senator from Montana for his efforts on this matter.

But what this bill does not do is require EPA to improve the state of science in order to support these necessary regulations. Our communities do not only need to know when to test and treat for cryptosporidium, they also need to know how to do so, and they need to know that there is an ongoing research program to perfect the testing and treatment methods. That is the purpose for this amendment.

Madam President, for decades we in this country have prided ourselves on the quality of our drinking water. We hear warnings about drinking the water while traveling abroad in nations less developed than ours, where waterborne diseases are commonplace. But we have become complacent about our own drinking water—perhaps too complacent.

The implications of the Milwaukee outbreak are far-reaching. Despite the devastation experienced by Milwaukee and other communities, our understanding of the threat and appropriate treatment for parasite contamination in drinking water is very limited.

I want my colleagues to understand that the threat is not only in Milwaukee. Over the past 10 years, incidents of cryptosporidiosis have been reported in many communities across the country, including San Antonio, TX; Carrollton, GA; and Jackson County, OR, to name a few. And unfortunately cryptosporidium is just one in a long list of parasites that cause widespread disease in this Nation every year.

Yet despite the warning signs of these outbreaks, EPA funding for research on parasite contamination in drinking water is next to nothing, leaving our communities with little scientific guidance on how best to protect their citizens. EPA, and Congress, have been too occupied with other concerns to respond to what's been staring us in the face. I offer this amendment to reverse that negligence.

My amendment will require EPA to institute a broad research plan, in partnership with the private sector and research institutions, to improve the state of science regarding parasite contamination in drinking water. The amendment will also require EPA to conduct research to allow us to better understand how disinfectants we use to ward off parasite threats affect our health. On-site pilot studies will be conducted in various locations around the country to determine how different treatment methods react in different environments. In this context, I believe that Milwaukee should be one of several EPA study sites.

The amendment is supported by a broad list of utility, research, and environmental groups. It is supported by the American Society of Microbiologists, Natural Resources Defense Council, American Metropolitan Waterworks Association, Friends of the Earth, the City of Milwaukee, Sierra Club, National Association of Water Companies, and American Waterworks Association.

And I thank Senators JEFFORDS and FEINGOLD for cosponsoring the amendment.

I believe that this amendment has been cleared on both sides of the aisle. I would like to offer my thanks for the support and cooperation that I received from the comanagers of this bill, the Senator from Montana and the Senator from Rhode Island.

Mr. BAUCUS. Madam President, the amendment offered by the Senator from Wisconsin [Mr. KOHL] I think, is a good amendment because it is needed. It is needed because we have a very complex difficult problem facing a lot of communities—the cryptosporidium problem in Milwaukee, and a similar problem here in Washington, DC.

The problem, very generally, is that when communities attempt to control microbial contaminants in their system, they add disinfectants like chlorine, for example, to clean the water and address the microbial contaminants.

When you add disinfectants, however, you may solve one problem but sometimes cause another. There are byproducts from these disinfectants which themselves can be cancer causing. We are facing Hobson's choice; we are in a dilemma. This amendment is needed to address this dilemma.

We need the research to find out how to resolve this dilemma and to perhaps find new, better disinfectants which do not create the byproduct problem that we otherwise face. It is a very complex matter, and I commend the Senator from Wisconsin for offering the amendment to require research for the disinfectant byproduct problem, including the cryptosporidium. I compliment the Senator.

Mr. CHAFEE. Madam President, this amendment is agreeable to this side. I know that the situation in Milwaukee was an extremely serious one. I have here an article from the Milwaukee Journal of last September, which describes the seriousness that occurred when the water purification system or the elements used in the purification got out of context or out of balance and very serious illnesses developed. I think it is accurate to say that there are some deaths traceable to this. How many could be exactly traceable to the problems within the water is not easy to discern, but certainly I get the impression that there may be as many as 12 or 13. Is that correct, Senator?

Mr. KOHL. Well, there were over 100 deaths traceable to the problem.

Mr. CHAFEE. Over 100. This amendment has been discussed with the EPA, and they are agreeable to it. So I think it is a fine amendment, and I join in support of it.

Mr. KOHL. I thank the Senator very much and, of course, Senator BAUCUS for their support and cooperation for what I think is a real problem that needs to be addressed.

As I pointed out in my statement, it is not just in Milwaukee, but all across our country. I think all 50 States will benefit from this research. I thank you very much.

I yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 1707) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I would like to take just a few moments of the Senate's time to discuss with my colleague, Senator SMITH from New Hampshire, an important issue that the two of us have raised in legislation that was introduced earlier this year. It is an issue that I raised on Monday and an issue addressed by an amendment that is on file at the desk.

The issue is: How can we provide States with the needed flexibility to more efficiently manage their environmental programs?

Madam President, our society has become increasingly complex. We all live in this complex society and, at the same time, want to see a safe environment, to breathe clean air, to drink healthy water, to see solid waste disposal accomplished in a responsible manner. Because we want to achieve these goals, the Federal legislation and regulatory requirements have become extremely extensive. These requirements have imposed burdens on States, forcing them to utilize their very scarce resources to implement Federal environmental programs. In many instances, States are being asked to implement programs addressing Federal priorities which, in fact, are of lesser concern and potential risk in those individual States than other priorities that they have identified.

In short, many national requirements fail to recognize that our States differ between and within themselves. What might be of most concern to one State due to its particular circumstances may be relatively unimportant in another.

Our Federal funding assistance that we generally make available is restricted to the priorities we determine at the national level. In many cases, this prevents more effective use of funds for what the State identifies as its own needs.

In my home State of New Mexico, we are, of course, committed to protecting the environment. At times, we have found ourselves strapped for funds with which to carry out the Federal laws. Federal funds that are available are limited to problems that we consider to be of lower priority. So, in my view, the time has come for the Nation to recognize that States are full partners in protecting the environment. They are knowledgeable about the problems within their jurisdictions. States want to use their resources as effectively as possible, and I believe we need to give them the flexibility to allocate resources to the highest environmental priorities.

These are the reasons that, last November, I introduced a bill, Senate bill 1687, with Senator SMITH as a cosponsor, to provide States with this needed flexibility to integrate the various existing State grant programs that the EPA administers.

The bill does provide flexibility, but it also continues to protect the environment. There is widespread support from State environmental commissioners for our legislation. There is good support from other colleagues in the Senate and, in fact, the EPA has indicated support for this concept. However, they have not been able to go forward with implementation, since there is not the statutory authority that is necessary. Our intent was to offer this legislation on the Safe Drinking Water Act. At this point, I will yield to my cosponsor, Senator SMITH, for his statement and any summary he wants to make on the legislation.

Mr. SMITH. Madam President, I thank the Senator from New Mexico for yielding. I wish to compliment him on a piece of legislation which I think is very important to the States and very helpful in environmental cleanup. As my colleague has mentioned, States need flexibility in managing their environmental grants. They do not have that flexibility now.

New Hampshire, for example, my home State, would like to use the grant funds they receive for their highest environmental priorities, the priorities they believe in their own State and communities are the highest priorities, not what somebody in Washington determines to be the highest priority.

In addition, the development of flexibility was one of the key findings of a State capacity task force report developed by the States and EPA. So, in essence, the thrust of this amendment is to support what the States want to do, as well as the EPA.

Specifically, the Bingaman-Smith amendment would, one, enable States to consolidate their funds—the funds that are awarded by the EPA under separate grant authorities—into one of a limited number of environmental grants.

Second, it would allow the States to transfer up to 20 percent of the grant funds from one environmental program to another if the State identifies the greater need in another one of those programs.

Third, it would follow a common set of administrative requirements rather than have this complex network of different administrative requirements for all the various environmental programs.

I want to also point out that this amendment does not seek additional funding authority. Instead, it will enable States to better use the Federal funds being made available for environmental purposes. And, more importantly, this amendment would significantly enhance a State's ability to direct scarce resources to the most serious environmental problems.

Madam President, I say to the chairman I would hope we could seriously consider this amendment. State and local governments are required to comply with a host of different environmental regulations. As you well know, we have regulations pertaining to clean air, clean water, safe drinking water, solid waste disposal, and Superfund.

For some States, clean water may be a higher priority, not because it is less important but because the need might be greater to direct the resources there, or in another case it might be hazardous waste.

But right now the States cannot prioritize these environmental objectives and we are not asking them to walk away from the problems or ignore their problems under this legislation. We are simply allowing them to shift some funding—only 20 percent—which could very well make a difference.

So I hope, I say to the chairman, that we could see some movement on this amendment. I compliment my colleague. It is an excellent idea, one long overdue, and I am very pleased to join with him in cosponsoring the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I sympathize with the amendment of the Senators from New Mexico and New Hampshire.

It is true, that States want a lot more flexibility. I have never talked to a Governor, mayor or State official who did not want more flexibility with respect to Federal funds. You hear it all the time. That is definitely true.

It is also true that more is needed than currently is provided. We do not, however, want to give total discretion to the States if the Federal taxpayers are providing the revenue and Congress provides the programs and dollars to States. We want to make sure those dollars are spent in the way intended. The question is what is the best way to deal with the issue.

In this legislation, Madam President, we are going a long, long way to address the need for flexibility, that States need.

How are we doing it?

No. 1, this legislation provides a new revolving loan fund for States to address the needs of drinking water systems.

We provide that up to 50 percent of the total amount in the safe drinking water State revolving loan fund, at the discretion of the Governor, may be transferred to Clean Water Act needs, namely, waste water and sewage treatment needs.

We also provide for reverse flexibility. A Governor can transfer what amounts to 50 percent of the State safe drinking water fund from the clean water fund over to the safe drinking water fund. Flexibility is provided both ways at the discretion of the Governor. It is a start. It gives States a lot more flexibility than they now have.

The amendment offered by the Senators from New Mexico and New Hampshire is very interesting. It is a concept that we should take very seriously. We should look at it thoroughly to see how much flexibility States should have with respect to 20 percent of the environmental dollars that the U.S. Government provides them.

It is far-reaching. It is provocative. It is interesting. It has a lot of merit.

The question is, have we thought this through enough so that it is the right thing to do here today?

Madam President, we are different States. That argues for more flexibility. Illinois is not Rhode Island; it is not New Hampshire; it is not New Mexico; it is not Montana. We are all different.

But that cuts two ways. As States would like carte blanche in spending their Federal dollars the way they want to, a neighboring State may not be quite so happy about that. For example, a downwind State may not be happy if an upwind State decides it is not going to spend dollars under the Clean Air Act but rather spend those dollars somewhere else. A down-river State may not be too happy the way an upriver State addresses its water pollution problem.

We need to be sure of the interrelationships, to try to get the right balance between the total control the States want and the assurance that these dollars are spent wisely as they affect other States.

Madam President, I think the Senators have an excellent idea. It is an idea that should be examined thoroughly and worked through.

I tell the Senators that the Environment and Public Works Committee will have hearings on this legislation. We will bring it up and give it full airing to see how far we should go down this road in giving States flexibility.

Accordingly, I would urge the Senators not to push their amendment. I do think it is a very good idea, an idea that deserves to be examined to be sure that whatever we do on this subject we do in the right way.

Mr. SMITH. Madam President, if the Senator will yield for a response, I think it is fair to say that we have thought it through. But I also understand the committee process. We certainly would look forward to working with the chairman through that committee process to see that the issue is addressed.

I think I would have to defer to Senator BINGAMAN, as the original author of the bill, as to whether or not we would go that route.

But speaking for myself, I would not object to that because I respect the commitment that the chairman has made.

Mr. BINGAMAN. Madam President, let me just indicate I appreciate the chairman's statement. I look forward to participating in the hearing that he has referred to in the Environment and Public Works Committee. I think it is appropriate that he suggests we go ahead with a hearing on this before we try to enact it.

I do think it is a good idea. I think it is meritorious legislation. But given his agreement to have a hearing, we will defer offering it to this particular legislation.

Thank you, Madam President. I yield the floor.

Mr. CHAFEE. Madam President, I do want to reinforce the point that the chairman of the committee made about the flexibility in this act in a very, very big section, and that is the capability of transferring a significant portion of funds back and forth between the safe drinking water revolving fund and the clean water fund.

This is a major change. I must say it was a change I greeted with some trepidation, and indeed prevailed on the chairman to scale it back a bit. Nonetheless, having been a Governor, I am conscious of the flexibility that Governors like, but we are certainly giving it to them in this particular area.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent if I may proceed as if in morning business at the conclusion of which we return to the consideration of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, may I ask the Senator roughly how long he wishes to speak?

Mr. WARNER. I say 6 to 7 minutes.

Mr. BAUCUS. I thank the Senator.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. I thank the managers, the Senator from Montana and the Senator from Rhode Island.

THE 50TH ANNIVERSARY OF THE U.S.S. ROBINSON'S SINKING OF THE JAPANESE SUBMARINE RO-501

Mr. WARNER. Madam President, today the United States Senate is privileged and indeed honored to recognize the officers and men, together with a number of their wives and family, of the destroyer escort U.S.S. *Francis M. Robinson*, DE 220, on the 50th anniversary of that ship sinking the Japanese submarine Ro-501 in the Atlantic Ocean. We hereby recognize and thank the heroic crew members who took part in that action which hastened the end of World War II.

The Japanese submarine Ro-501 was the only Japanese submarine sunk in the Atlantic Ocean by a surface ship.

I shall discuss shortly a second sinking that took place with aircraft off the U.S. carrier U.S.S. *Bogue*.

The action occurred at 1908 hours at latitude 18.08 north, longitude 33.13 west, west of the Cape Verde islands.

The U.S.S. *Francis M. Robinson*, under the command of Lt. Comdr. J.E. Johansen, U.S.N.R., was part of the screening unit for task force 22.2. At the time of the engagement, the U.S.S. *Robinson* was escorting the aircraft carrier U.S.S. *Bogue* [CVE 9]. The action commenced when the U.S.S. *Francis Robinson* made sound contact with the Ro-501 at 825 yards. Within seconds of identifying the Japanese submarine, the crew of the U.S.S. *Robinson* engaged the Ro-501 and minutes later the Japanese vessel went to the bottom of the ocean—Davey Jones' locker.

Following the engagement, the U.S.S. *Francis M. Robinson* was awarded the Presidential Unit Citation as part of the antisubmarine task group 22.2.

Madam President, at this time I would like to cite a few excerpts from the Presidential Unit Citation. The citation states that the U.S.S. *Robinson* was reognized for "extraordinary heroism in action against enemy submarines," for "carrying out powerful and substantial offensive action during a period of heavy German undersea concentrations threatening our uninterrupted flow of supplies to the European theater of operations," and for "gallantry and superb teamwork of the officers and men who fought."

The citation further states that the U.S.S. *Francis M. Robinson* and the other vessels in the task force were "largely instrumental in forcing the complete withdrawal of enemy submarines from supply routes essential to the maintenance of our established military supremacy."

Madam President, I would like to add that on June 24, 1944, aircraft from the U.S.S. *Bogue*, which the U.S.S. *Robinson* was escorting on the same mission, sank another Japanese submarine, the I-52. These were the only two recorded sinkings of Japanese submarines in the Atlantic during World War II.

Madam President, the U.S. Senate and the Nation recognize and commend the crew of the U.S.S. *Francis Robinson* for their service to our Nation during the course of World War II. Their contribution will never be forgotten.

And I am grateful to a member of that crew, Howard Kaye, a valued friend of mine, for arranging this commemoration by the U.S. Senate.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Madam President, I do not see other Senators seeking recognition. I urge them to come over and offer amendments. The managers are ready to deal with other amendments. Staff is here on the floor ready to work through and review amendments.

I remind Senators that under the agreement the Senate entered into last night, there are over 100 amendments to the Safe Drinking Water Act that we must work through, one way or another, between now and the close of business Wednesday.

Mr. CHAFEE. Madam President, I join in that plea by the floor manager of the bill, the chairman of the committee.

Here we are, ready to do business—the store is open— and we have all these amendments. If people do not intend to present them, then at least it would be helpful if they could tell us that, and then we could cross them off.

But, as the chairman mentioned, there are, I guess, close to 100 amendments. That is not a world's record, but it is getting close to it. I think most of them probably are not going to be pursued, but we do not know that.

As the majority leader has pointed out, we are going to finish this bill Wednesday night. The question is whether it is going to be at 3 a.m. Thursday morning, or whether we can move along in an orderly process here and get the work done.

We are going to be here today; we are going to be here Monday.

So, as the children say, "Olly, olly in free"—bring over the amendments and let us deal with them one way or another. The store is open, as I say, for business.

Otherwise, if nobody comes, we will close shop. So if anybody has something, I wish they would come over or let us know.

Mr. BAUCUS. Madam President, I must say, my good friend, the Senator from Rhode Island, makes a good point.

If Senators do not come over, we are going to close up shop. So Senators should not think, "Well, gee; we are going to wait for another hour to come over."

If no Senators come over and offer amendments very shortly, we are going to close up shop and Senators will be precluded from offering amendments today.

I urge Senators to come over now.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I ask unanimous consent that there be printed in the RECORD an editorial in today's Washington Post entitled "Good Sense on Drinking Water."

I think it is a good editorial, Madam President. I guess I say that, in part, because I agree with it. That, in part, makes it good. But it is good because it essentially says that this legislation before us strikes a good balance. It is a good balance to help protect public health.

There are a lot of different points of view on how we should modify the Safe Drinking Water Act. There are some in the environmental community who would like much higher standards. There are other groups—developers, agriculture groups—that would like us not to go very far. This bill is a balance, and we all know the legislative process. If we want to accomplish our objective by advancing the ball, improving upon the status quo, there has to be some compromise. There has to be some agreement on all sides to back off a little bit from their position in order to advance the common good. That is what this bill does.

I would like to read a couple of paragraphs which I think get at the heart of what we are trying to do. The last two paragraphs of this morning's editorial in the Washington Post:

> What you basically have here is a deal between the environmentalists and the regulated community. Neither side is completely happy with it, but both have basically agreed to the terms. So have the leading members of both parties on the Environment and Public Works Committee, and so has the administration. Major amendments are threatened even so. Why?
>
> One of the subjects is unfunded mandates. The unfunded mandate argument has been threatened or used to stall a number of environmental bills in this Congress. But in this case the State and local people have now pretty much declared themselves content.

That is, content with this legislation.

> There is also a threatened amendment with regard to the "takings" issue: When do Federal or other regulatory actions constitute takings of private property? That issue, too, has been raised and used to stall environmental bills in this Congress, but it has little to do with safe drinking water.

I might add, Madam President, that is true. The so-called takings issue has virtually nothing to do with safe drinking water legislation.

> The sponsors of these amendments complain about regulatory excess, but this is a balanced bill that seeks to curb such excess while at the same time, adhering to basic goals. The objectors should let it pass.

I might add, Madam President, I think there is more than a kernel of truth in that statement, that is, some of the concerns some people have about unfunded mandates, about takings, about risk assessment are legitimate. Those are very legitimate issues. But it is difficult, and probably unwise, to pass sweeping legislation that deals with all the unfunded mandate questions, or all of the takings questions, or all of the risk assessment questions.

Rather, it makes more sense to deal with those questions as each major bill comes up, particularly as each environmental bill comes up. And here we are; with the safe drinking water we addressed the issue of the unfunded mandate by providing a new State revolving fund, new dollars, $600 million authorized the first year, $1 billion for the next several years up to the year 2000, and we are dramatically reforming the mandates. The mandates are not nearly as onerous and burdensome as they might be.

With respect to risk assessment, we have major provisions on contaminant selection and standards setting that begin to deal with risk assessment. Risk assessment is just one of the several tools, Madam President, in our environmental toolbox as we deal with environmental issues. We have technology standards. We have performance standards. We have health base standards. Risk assessment is another appropriate mechanism.

An analogy could be with our trade laws. We have lots of arrows in our international trade quiver. We have section 301 to address countries' barriers to American trade as we attempt to sell products in foreign countries.

We have special 301. Special 301 says to countries that are violating American intellectual property rights or intellectual property provisions, copyright, and so forth, that we will begin to take action with respect to those violations.

We have another arrow in our trade quiver, and that is countervailing duty measures. When a country dumps its products in America, we can take action countervailing duty assessment on those products.

Well, the same is true in environmental areas. Risk assessment is another tool we can use in the proper circumstances and we should tailor it to various bills because the Safe Drinking Water Act is different from the Clean Air Act, and so forth. They are all different. It makes sense to deal with risks appropriately as we deal with different environmental problems.

The same is true with takings. The Safe Drinking Water Act is not a takings matter. It has nothing to do with takings. I think it is wise when we deal with the takings question—and we will—that it more appropriately lies in the context of maybe the Clean Water Act, or maybe in the context of the Endangered Species Act; a little less so in the context of Superfund because that is really not a takings issue, either.

I urge us all to work together in a balanced way to deal appropriately with these issues. The editorial in this morning's Washington Post urges us to take that course.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 13, 1994]

GOOD SENSE ON DRINKING WATER

In the Reagan years, Congress would often overwrite a bill in an effort to force the administration to do something it didn't want to do. The safe drinking water legislation passed in 1986 is an example. Though the act did a lot of good, in retrospect many people also think it was overly prescriptive; neither the federal regulators nor the regulated state and local governments were given much discretion.

The Senate is now trying to revise that legislation in a way that will both perpetuate its virtues and correct its flaws. The carefully written measure on the floor deserves to pass—and should not be weighted down with threatened amendments that have nothing to do with its basic purposes.

The complaint of state and local officials has been that the drinking water act requires them to do too much—often more than was necessary to make water safe—while giving them too little aid. In fact the feds have been giving state and local governments large amounts of money over the years to help build drinking water treatment plants. The funds have come through rural development and community development block grants. The bill would add to these a system of state drinking water revolving funds. It would also slightly ease the drinking water standards in ways that please the governors and mayors but that the environmentalists can apparently also live with. One change, for example, would be from a standard of no adverse effects to a "reasonable certainty of no harm;" that hardly sounds like the opening to an epidemic. The bill as drawn would also require states to set up so-called "source protection" programs, the sensible theory being that it's often cheaper to protect drinking water at its source than to let it get dirty and then have to pay to clean it up.

What you basically have here is a deal between the environmentalists and the regulated community. Neither side is completely happy with it, but both have basically agreed to the terms. So have the leading members of both parties on the Environment and Public Works Committee, and so has the administration. Major amendments are threatened even so. Why?

One of the subjects is unfunded mandates. The unfunded mandate argument has been threatened or used to stall a number of environmental bills in this Congress. But in this case the state and local people have now pretty much declared themselves content. There is also a threatened amendment with regard to the "takings" issue: When do federal or other regulatory actions constitute takings of private property? That issue, too, has been raised and used to stall environmental bills in this Congress, but it has little to do with safe drinking water. The sponsors of these amendments complain about regulatory excess, but this is a balanced bill that seeks to curb such excess while at the same time adhering to basic goals. The objectors should let it pass.

Mr. BAUCUS. Madam President, I also remind Senators that we have time here now to take amendments. The floor is clear. There is no Senator here wishing to offer an amendment. There could not be a better time for a Senator to bring up an amendment that he or she would like to see considered than now, because the way is clear, no impediments, nobody standing on the floor seeking recognition for any other purpose.

Again, I urge Senators to come to the floor. I know at some times it is a futile plea, but I would love to be surprised and have a Senator show up so that I am reassured that in some cases this plea is not futile.

Hope springs eternal, Madam President. I am very hopeful that some Senator will, in his or her wisdom, offer an amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, we are going to close up shop on the bill. No Senators have come to the floor to offer amendments.

I urge Senators, though, to send their staff over to the committee so that the staff can work out some of the amendments that Senators might have.

I further urge Senators to be prepared to bring amendments to the floor when we resume consideration of this bill on Monday. We will be on the bill Monday afternoon. There will be no votes on Monday. That means there is a great opportunity for Senators to bring up amendments that otherwise might be more difficult to bring up as we get closer to the deadline; namely, Wednesday.

I again urge Senators to work with our committee staff to work out solutions to the potential amendments.

MORNING BUSINESS

Mr. BAUCUS. Madam President, I now ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO RAUL A. OSORIO, M.D.

Mr. DECONCINI. Mr. President, it is my pleasure to recognize the achievements of my constituent, Dr. Raul A. Osorio, of Mesa, AZ. Dr. Osorio is a naturalized citizen of the United States, who returns to his country of origin, Peru, each year to volunteer his medical skills to serve the poor in his native country.

Although Dr. Osorio maintains an active medical practice in Arizona, since 1984 he has devoted part of each summer organizing medical missions to take supplies, equipment, and technical expertise to the city of Caraz, Peru, his family's hometown. He has established the only hospital in Caraz and continues to supply it annually with donations he collects in the United States.

During his medical mission each year, Dr. Osorio conducts hundreds of examinations of the poor, performs surgery, and instructs local doctors how to better serve the mountain villages of the area.

In addition to his medical endeavors, Dr. Osorio has helped the small town of Tocash, Peru, produce safe drinking water and continues to provide assistance to the local school in Caraz by donating moneys, classroom supplies, computers, and calculators. To foster better cultural understanding between Peru and the United States, Dr. Osorio began a student exchange program which, over the years, has benefited the youth of both countries.

Dr. Raul A. Osorio has positively affected the lives of countless numbers of Peruvians through his tireless efforts over the past 10 years to provide them with better medical care and educational opportunities. Dr. Osorio deserves to be recognized for his many outstanding contributions and deep commitment to improving the lives and health of the less fortunate. I am proud to represent Dr. Osorio and I hope my colleagues will join me in saluting him and thanking him for his dedication to helping the poorest of the poor.

DONALD J. ATWOOD

Mr. NUNN. Mr. President, it was with great sadness that I learned last week of the untimely death of Donald J. Atwood, Jr., who served as Deputy Secretary of Defense from 1989–1992 during the Bush administration. I want to express my condolences to his wife Sue and his children Susan and Jesse.

Don Atwood served with distinction as deputy to Secretary of Defense Dick Cheney during a challenging period of our Nation's history. The deputy traditionally is the manager of the Department of Defense, and Don Atwood devoted himself to mastering the complex operations of that huge organization. Don initiated many of the management reforms associated with Secretary Cheney's Defense management review, and then took charge of a vigorous followup effort to ensure that the reforms were actually implemented. During the Persian Gulf war, he worked long hours to ensure the proper flow of equipment and supplies to our troops in uniform in the field.

Don was born in Haverhill, MA, and was a graduate of the Massachusetts Institute of Technology. He served with the Army during World War II, an experience that he frequently referred to and which gave him a keen appreciation of the needs of our men and women in uniform. He served for many years as a senior executive with the General Motors Corp. In addition, he was active in many civic, charitable, and cultural organizations.

As chairman of the Senate Armed Services Committee, I had the opportunity to work with Don on a wide variety of issues, ranging from acquisition policy to oversight of the military promotion selection process. He was always forthcoming, candid, and devoted to the best interests of the national defense. We will miss the opportunity to benefit from his wise counsel and experience as we proceed through the challenges of the Defense build-down.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let us have a little pop quiz: How many million would you say are in a trillion? And when you figure that out, just consider that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business on Thursday, May 12, the Federal debt stood—down to the penny—at $4,577,406,243,429.53. This means that every man, woman, and child in America owes $17,577.40, computed on a per capita basis.

Mr. President, to answer the question how many million in a trillion, there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress owes more than $4½ trillion.

THE BUDGET RESOLUTION

Mr. NUNN. Mr. President, I voted against the conference report on the fiscal year 1995 budget resolution for two primary reasons.

First, under this budget resolution, our defense capabilities will face significant—and in my view—very harmful reductions. I cannot support these additional defense cuts, on top of the real reductions that have been occurring for the past 9 years.

Second, this budget resolution does not seriously address the real culprit in our deficit picture—the runaway growth in spending on mandatory, or entitlement, programs.

The budget resolution before the Senate yesterday reduced the cap on total discretionary spending by $31 billion in budget authority and $13 billion in outlays over the next 5 years. The Senator from New Mexico and I offered an amendment to make these savings in the area of the budget where we need to make savings, the mandatory side, rather than the discretionary side. Our amendment got only 35 votes and was defeated.

So these cuts will come out of the discretionary budget, which is the third of the budget that Congress acts on each year through the appropriations process. The discretionary accounts fund such programs as defense, Federal law enforcement, highways, and Federal aid to education. Defense spending is half the discretionary request for 1995—5 years ago it was 60 percent of the discretionary budget—but if past history is a guide, a large majority of this reduction—not just half of it—will come from the Defense budget. Coming on top of a future years defense program that is already underfunded, and a backdrop of 9 years of reductions in real defense budget authority, these cuts would be very damaging to our defense effort.

I do not blame this budget resolution for all the problems in the Defense budget. I want to briefly recount the cuts that have already been made and the cuts that are looming on the horizon.

First, the administration's proposed defense program, the so-called Bottom-Up-Review force, cuts forces below the so-called Base Force levels proposed by the Bush administration. While one can argue about whether the base force or the bottom up review force represents the better post-cold war strategy, the fact remains that the base force the administration is cutting from was not a cold war force. The base force was already a 25-percent reduction in force structure from the level we had in 1990. The Bottom Up Review takes the force structure from a one-quarter reduction to a one-third reduction below the 1990 level.

Second, the administration's own budget does not fully fund the force structure the administration is proposing. The Secretary of Defense testified before our committee that there is a $20 billion mismatch between the force structure and the budget. This shortfall results from underestimating inflation, among other things.

Third, although the Secretary of Defense testified that he opposed making any cuts in defense in anticipation of procurement reform savings before we have a plan in place to implement procurement reform, the administration budget went ahead and assumed procurement reform savings of $12 billion over 5 years. A budget amendment allocated about half those savings to the Defense budget.

Fourth, I am also concerned that the pay raises for military and civilian personnel assumed in the budget are unrealistically low and that the quality of our forces will suffer if we do not keep pay rates competitive. The budget assumes that military and civilian pay raises will fall 1.5 percent below private sector raises each year for the next 5 years. The cumulative effect would be to widen the gap between Government and private sector pay by an additional 7.5 percent over the next 5 years.

According to the Congressional Budget Office, military pay in the Department of Defense is $8 billion below the amounts required to keep pace with current law—current law calls for raises one-half percent a year below private sector raises—over the next 5 years. There is an additional shortfall of $18 billion in DOD civilian pay. Civilians are also supposed to be getting a raise of one-half percent a year below private sector raises. In addition, current law provides for locality pay increases for Federal civilian employees to close the existing pay gap with the private sector.

The list could go on and on, Mr. President. The recent buyout bill made buyouts of civilian employees at the Defense Department—where most of the buyouts are occurring—more expensive. Every base closure round is more expensive than DOD says it will be. Some people have suggested that we delay the base closure round scheduled for 1995. I hope we do not do that because it will only make the Defense budget crunch worse in the years ahead.

Finally, there is a scorekeeping disagreement of $3 billion between the Congressional Budget Office and the Office of Management and Budget over what the discretionary outlays would be in 1995 if Congress enacts the President's discretionary proposals. Although only about 10 percent of this scorekeeping dispute involves Defense, Defense could be liable for much more than its fair share of this $3 billion outlay cut when the Appropriations Committee allocate the reduction they will have to make to the President's discretionary budget.

So, Mr. President, I do not lay all these problems at the Budget Committee's door. I know the chairman of the Budget Committee opposed the Exon-Grassley cut. There were several attempts to eliminate the cut, to exempt Defense from the cut, to substitute other cuts, and so on. But those attempts failed, and as a result we have a budget resolution that makes additional deficit reduction in only one area, Mr. President, and that is the Defense budget—the only area of the budget that has been cutting spending. And at some point we have to draw the line and say we are cutting too much. I believe we have reached that point.

I know proponents of the Exon-Grassley amendment have said the cuts do not come out of Defense, they come out of discretionary spending. Some of it may come out of Defense, they say, but it is not a Defense cut. Mr. President, I have been around here long enough to hope for the best but prepare for the worst. I do not believe we should make additional reductions in the Defense budget. But the lower discretionary caps in this budget resolution will also certainly force us to do just that.

People may say that $13 billion over 5 years is not that much money and that surely we can save $13 billion without harming out defense. Viewed by itself, this so-called Exon-Grassley cut of $13 billion in outlays does not sound that big, but the point is this cut cannot be viewed in isolation. This cut will be piled on top of all the other cuts I have already described.

Mr. President, I agree with the goal of achieving more deficit reduction.

But there is a right way and a wrong way to do it, and this is the wrong way. By trying to make modest cuts in discretionary spending and not including any meaningful reductions in entitlement growth, this resolution leaves the back door wide open for continued uncontrolled mandatory spending.

We all know what has to be done to reduce the deficit. You have to hold down spending and raise revenues. Last year's reconciliation bill raised revenues significantly. But are we doing our part in holding down spending? The answer is "no." Sure, this budget resolution takes the discretionary caps that were already essentially flat for the next 5 years and takes out another $13 billion. But at the same time, the so-called uncontrollable side of the budget—that is, the 50 percent of the budget composed of entitlement programs that send out checks each month without any action by the Congress or the President—continues to grow without restraint.

Mr. President, this approach is like trying to save the patient by amputating the right leg when we all know the cancer is in the left leg. It just is not going to work. We are raising revenues. We are holding down discretionary spending—and this is because we are cutting Defense spending, not just holding it level but cutting it. But the one thing we have to do to bring the budget into balance, we are not doing, and that is to bring entitlements under control.

Over the next 5 years, Defense spending will be $190 billion less than it was over the past 5 years, even if Defense gets the full amount the President requested. Spending for domestic discretionary programs like education and law enforcement will be $250 billion higher than it was over the past 5 years. Health care spending, which is the major cause of the rise in entitlement spending, will increase by nearly $800 billion over the amounts we spent over the past 5 years.

The reason we keep taking another chunk out of discretionary spending when discretionary spending is not the problem is it is the only part of the budget we can take a cut in and make it stick. If we make a cut in discretionary spending, we know the chairman of the Appropriations Committee is going to carry it out. That is why I have been calling for comparable discipline on the entitlement side of the budget. But, as I understand it, this resolution not only does not reduce the growth of entitlement spending, it actually allows for the expansion of an existing entitlement program without the required pay-as-you-go offsets.

This conference report does contain a modification of the Domenici-Nunn sense of the Senate language that the Senate adopted, calling for an enforceable cap on mandatory spending programs, excluding Social Security. I am disappointed that the language was weakened from the version the Senate adopted by removing any reference to sequestration or any other credible means of enforcing an entitlement cap. Clearly, Mr. President, sense-of-the-Senate language is not enough. We will have to address this issue on the health care reform bill.

Everyone acknowledges that health care cost are the main culprit driving the deficit. It follows that we cannot balance the budget, or even significantly reduce the deficit, if health care reform does not reduce the deficit. Yet what this budget resolution requires is merely deficit-neutral health care reform.

Mr. President, it is almost as if we are oblivious to the obvious. If the only way to balance the budget is to control health care costs, yet we are not prepared to require health care reform to reduce the deficit, then we are giving up on balancing the budget in this decade, and perhaps for good.

We are prepared to deal with the fact that our health care system needs an overhaul, but we have not prepared ourselves to face the fiscal reality that health care reform has to save money.

We need to do better Mr. President. When the economy is recovering and the deficit is falling like it is now, nobody sees the need to make the hard choices. And when the deficit starts rising again people will say the problem is too big to handle and now is not the time. But eventually the baby boom generation will start retiring, and we will be out of time.

C–17—WHAT IF NOT APPROVED?

Mr. D'AMATO. Mr. President, in a recent briefing on the C–17, the Air Force offered a dire warning for the future if Congress failed to accept the proposed bailout. According to a briefing slide titled "Settlement," and I quote:

> WHAT IF NOT APPROVED?
>
> Return to highly contentious and nonproductive atmosphere;
>
> Return to focus on claims development and litigation;
>
> Program denied benefits of cost and quality improvement elements;
>
> Continuation of flight test program in question;
>
> Progress over last four months reversed; and
>
> Program outlook—Dismal.

Well, Mr. President, get ready for "dismal," because the House Armed Services Committee forcefully rejected the proposed C–17 bailout. This begs the question: Why not terminate outright, if our only prospect is dismal?

No one can deny the elegance of Under Secretary Deutch's political solution. Everyone could claim victory; no one felt the sting of defeat. Unfortunately for C–17 apologists, our House colleagues have chosen a different path. I, for one, do not look forward to squandering additional taxpayer dollars on a program with a prognosis like the one described by the Air Force for the C–17. I urge my colleagues to carefully consider their options when the Defense authorization bill comes on the floor next month.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

Mr. LIEBERMAN. Mr. President, I rise to express my support for passage of S. 2019, the Safe Drinking Water Act amendments of 1994, and I particularly commend the chairman of the Environment Committee on which I am privileged to serve, Senator BAUCUS, and the ranking member, Senator CHAFEE, for the extraordinary diligence and patience with which they have brought this bill to the floor.

The mood surrounding the reauthorization of this very important law—think about it, safe drinking water—has been one of frustration. We have heard a lot in the last year or so about how the 1986 reauthorization of the Safe Drinking Water Act, which passed almost unanimously and was signed into law by President Reagan, imposed overly burdensome requirements on small drinking water systems. We were told as well that some larger systems felt they should not have to invest significant sums of money to achieve what they believed to be the minimal gains in the prevention of deaths by cancer.

At the same time, Mr. President, we have seen real cases like those that occurred in Milwaukee where people died because they drank the water from their kitchen tap. The culprit, a contaminant called cryptosperidium, was not even regulated. Unfortunately, Milwaukee is but the most tragic and dramatic example of a nationwide public health threat. EPA tells us that one-third of the 200,000 drinking water systems in the United States exceeded their allowable limits of contamination last year. The Natural Resources Defense Council identified more than 250,000 violations of the Safe Drinking Water Act in 1991 and 1992, "affecting 43 percent of the Nation's public drinking water systems serving an estimated 120 million people."

This is real problem that affects real people.

The NRDC report that this statistic comes from "Danger on Tap," I found very instructive. According to the report, the Centers for Disease Control in Atlanta estimates that waterborne organisms cause nearly 1 million cases of intestinal illnesses and 900 deaths annually in the United States. Again, I quote from the report: "Between 1989 and 1990, 16 States reported 26 major waterborne disease outbreaks affecting more than 4,000 people. By 1991 and 1992, 17 States had reported 34 major waterborne outbreaks affecting more than 17,000 people."

But these statistics only account for impacts on Americans who get their water from public water systems. According to Health magazine in their July/August, 1993 issue, "an estimated 8 percent of Americans—more than 20 million people—still rely on unfiltered water from mostly groundwater sources; this is not part of any public water system and hence excluded from official statistics," that I have just cited. The NRDC report further tells us that "one study group assembled by the EPA and the American Water Works Association concluded, 'by the time microbes are detected, the water has been consumed.' Thus many experts believe that the true extent of waterborne illness in the United States remains largely unknown."

That is the statistical reality as we understand it. The perception is even worse. One of the most telling statistics of all is this; bottled water is a $2.7 billion industry. Americans are paying that much money to affectively avoid having to drink from their own kitchen taps. Comparatively, they are paying a fair amount. A recent survey concluded that only 4 percent of Americans believe that drinking water standards are too stringent. Nearly 84 percent believe they ought to be tougher. This is underscored by a 1993 American Water Works Association-Research Foundation study which found that 74 percent of water system customers were willing to pay additional costs in order to raise drinking water quality above Federal standards.

That is not hard to understand when you think about how much we rely on drinking water from the tap.

All of the recent studies on the efficacy of the Safe Drinking Water Act program—whether done by EPA, GAO, the American Works Association, the Natural Resources Defense Council, all agree that there are certain elements critical to running a program for drinking water that will protect the public health: Strong State-run program; the prevention of new nonviable systems and the authority to consolidate existing ones or force them to find alternate sources of water; stronger research funds and technology development particularly for treatment technologies suitable for use by small systems; training for operators of those new technologies; more directed monitoring programs. There is basic agreement on those factors.

They also all appear to agree that until now there have not been the financial resources to help make these changes happen. States have the authority under current law, for example, to relieve small systems of certain monitoring requirements, if the State can demonstrate that the contaminant to be monitored for has not been used in that particular watershed. But States do not, as a rule, have strong enough State programs to be able to make that assessment. With most drinking water programs being run by State Departments of Health, perhaps it is because their resources have been drained by other health-protection or awareness programs, such as those dealing with AIDS, or load poison for example.

This is a problem, particularly as now is the time that the requirements of the Safe Drinking Water Act are increasing. The 83 contaminants that the 1986 law instructed EPA to set standards for are coming due. This in itself was apparently enough to panic a lot of States and particularly those with a lot of small systems. How in the world were those systems going to be able to comply with additional monitoring and perhaps treatment requirements when they were struggling to meet those already required?

Clearly, we needed to find a way to address real compliance problems while not compromising public health protection. We needed to make sure that we were using the best available science upon which to base contaminant monitoring choices and frequency. We needed to find a way to help States mount strong State-run programs as that they could help their own small systems protect the health of their customers. We needed to recognize that the cheapest way to control drinking water contamination was not to treat it, but to prevent it, to prevent its contamination at its source.

S. 2019, reported unanimously from the Environment and Pubic Works Committee did all of this. It established a new State revolving loan fund of nearly $6 billion to assist States with compliance with Federal law. It set us a system by which small systems could meet safe drinking water standards without going broke, a process by which they could achieve a variance if there were no way to either combine with another system or seek an alternate source of drinking water. States would be able to substitute their own monitoring programs for EPA regulations.

S. 2019 would also require some things from States, namely that they have the legal authority to prevent new nonviable systems from forming, and that they establish a strong State program to encourage the restructuring of existing nonviable systems. In addition, S. 2019 required States to develop a process by which the State could review a source-water protection plan should one be developed and presented to the State.

I think this is a very, very important and constructive piece of legislation.

Mr. President, I know the debate on this matter will continue next week. There are other areas that I look forward to participating in the debate on, but there are two areas I just want to touch on briefly today and which I hope to return to next week.

One is the importance of retaining language in the bill to encourage and assist States and localities to craft drinking water source protection plans. Protecting drinking water at its source really is the most pragmatic, cost-effective and public-health-conscious way to assure a safe drinking water supply.

The other area of concern to me is how to best account for so-called sensitive subpopulations when we determine what level of exposure to a contaminant in the water is, in fact, a safe level. In other words, how do we make sure that we are protecting those at most risk in our population—children, the elderly, or those with a biological, a physical predisposition to suffer more acutely than most of us as a result of exposure to a particular contaminant in drinking water.

I have been working closely with Senator BOXER on this issue and I appreciate very much the ongoing interest in this problem that has been shown by Chairman BAUCUS and by Senators CHAFEE, HATFIELD, and KERREY. I am certain that all of us will have more to say about this more specifically later on in debate on this bill and I am confident that we will find an appropriate response to this very serious human problem.

The bottom line is, Mr. President, the bill represents real progress and I hope we can see it through to successful passage next week here in the Senate

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. LIEBERMAN. Mr. President, on behalf of the majority leader, I ask unanimous consent that the RECORD remain open today until 2 p.m. for the introduction of legislation and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOSNIA

Mr. SPECTER. Mr. President, I have sought recognition to comment about the two votes in the United States Senate yesterday on the issue of lifting the arms embargo as to Bosnia, each 50 to 49. These two resolutions are inconsistent on their face—rather unusual for any body, for any legislative forum, and especially for the United States Senate. In my 14 years in the Senate I have not seen such inconsistent resolutions passed. I inquired as to the historical knowledge of those who have been in the Senate longer to see when or if such inconsistent actions had been taken. I believe that the inconsistency of these actions is significant in and of itself in terms of the strong feeling of the Senate and the emotionalism of, not only the debate, but the votes on the underlying desire for the United States to be more active in Bosnia and to find some way to remove the arms embargo as an underlying unifying theme. The area of disagreement being whether it ought to be done unilaterally, by the United States alone, or whether it should be done in collaboration with our allies, especially the French and the British.

The problems in Bosnia have been soul wrenching and gut wrenching for the American people, and it is reflected in the sentiments of the Senators in this body. We have watched tens of thousands of people killed in the civil war in the former Yugoslavia, and we have seen some 2 million people displaced from their homes. As we have watched from a distance, we have struggled with what action would be appropriate by the United States because of our concern for the desolation and bloodshed and suffering which is being inflicted in the civil war there.

The decision was made long ago, and I think wisely, that the United States could not be involved in ground action there because of our bitter experience in Vietnam and because of the quagmire which would necessarily be involved were we to undertake any ground operation.

We have debated and considered the issue of air strikes and have finally authorized them. It was unique, precedent-breaking action by the NATO allies to undertake the air strikes. The airstrikes have been helpful, to an extent, but have not been really determinative of any real solution.

Therefore we have come back to the question of the arms embargo. We are not allowing the Bosnian Moslems to buy arms, stopping their shipment in, and we have asked the very basic question: Why not?

The right of self-defense is a very basic human right. It is a very basic human instinct. Self-preservation is probably number one among human instincts, and the right of self-defense is well-recognized since time immemorial.

The United Nations Charter, article 51, provides specifically for the right of self-defense. Yet, the Bosnian Moslems have been denied that right. Why? Because the United Nations imposed an arms embargo against the nation of Yugoslavia long before Bosnia was formed.

It is my judgment, as a matter of international law, that the United Nations arms embargo really is not binding on Bosnia. Why? Because there was not even a nation of Bosnia when the arms embargo was imposed, and there is the supervening principle embodied in article 51 that there is a right of self-defense.

But it has been a torturous matter for the United States, including the Senate, to consider what to do, since the arms embargo was opposed by the United Nations and our allies. Especially the British and the French, who do not want to lift the embargo. They have troops on the ground there. The support of the United Nations, the British, the French, the Russians, and the Japanese are vital for the United States in carrying out other embargoes, other sanctions, for example, on Iraq and on North Korea where there are vital United States interests.

Scheduling is always hard and it is hard to find very many Senators on the floor at any time to engage in the kind of exchange which is desirable. We have had it in the past. We had it when we considered the resolution for the use of force with respect to Iraq, and that historic debate which occurred on this floor in January 1991. It seems at the very end there is a time limitation.

I saw my colleague from Virginia, Senator WARNER, speaking. He was allotted 3 minutes. He had some very important things to say. It was totally insufficient, as he was wrestling with the problem of overwhelming importance, and we did not have the kind of airing which we should have had in the U.S. Senate, which is reputed to be the world's greatest deliberative body.

There was important discussion about the difference in a "vital interest" contrasted with what may be termed an "important interest." To lend support to a nation which is struggling for survival and is defending itself, in terms of a moral value, on what we have considered to be an important national interest to help a nation defend itself, like Bosnia, contrasted with what might be termed a vital interest which may be impacted upon if the United States acts unilaterally to lift the arms embargo, without the collaboration of the French and the British, without the acquiescence of the Russians. What will happen in North Korea where there are more important interests, arguably? I think it is accurate that the interests of the United States have to be established on a matter of priority: What could happen with the North Koreans acquiring nuclear bombs; what could happen with South Korea; with the United States forces there; or the vital interests of the United States in Iraq? So those were all matters of really great concern.

I think it is important that this matter has been debated in the Senate, and I congratulate my colleague, Senator DOLE, for offering an amendment which was considered by the Senate back in April where there was a vote of 87 to 9 in favor of assisting Bosnia. I know that it has caught the attention of the executive branch.

These measures are unlikely to have the force of law because even Senator DOLE's amendment yesterday, which does have the force of law, or purports to have the force of law—it is not a sense-of-the-Senate resolution. We frequently have sense-of-the-Senate resolutions which express our preference but are not binding.

What Senator DOLE had in his resolution yesterday, which said that "Neither the President nor any other member of the executive branch of the United States Government shall interfere with the transfer of arms to the Government of Bosnia and Herzegovina," would have the force of law if it were passed. It is more than a sense-of-the-Senate resolution.

As we debated this provision, this amendment, it was apparent that its enactment was unlikely because it was opposed by the President, so that it would have to be passed, ultimately, by an override of a Presidential veto by two-thirds. That was highly unlikely.

As I viewed the measure, I was concerned about the multinational effects and the impact we would have on the alliance and the importance of Russia, Britain, and France and our other paramount interests in Iraq and North Korea, and that it would not become the law. I noted the measure attracted a great deal of attention from the executive branch.

I received three calls from ranking members—not the President, not the Vice President either, or the Secretary of State—but three ranking members in the executive branch. I get calls with some frequency—we all do—but more than usual. There was real concern in the executive branch.

I think it is more than a wake-up call. It is more than the alarm going off, and it is more than a fire alarm. There is real unrest in this body, there is real unrest in the country, and there is real dissatisfaction with the President's policy in Bosnia, and it has to be changed.

If you take a look at Senator MITCHELL's resolution, there is agreement in Senator MITCHELL's resolution that the arms embargo ought to be lifted. The Dole resolution and the Mitchell resolution are unified on lifting the arms embargo. Almost all the Senators favor—only a few Senators, perhaps as few as 6 voted against both resolutions.

The PRESIDING OFFICER. The Senator has spoken for 10 minutes. You may ask consent for more time.

Mr. SPECTER. I was not aware there was a limitation, but I see my colleague on the floor, Senator BRADLEY, giving me the go ahead signal, so I ask unanimous consent to proceed for not more than 5 additional minutes, and I will try to conclude in less time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, as I was saying, the resolutions of both Senator DOLE and Senator MITCHELL called for a release of the arms embargo. I think that the administration and the President are on firm notice of that policy, which I think reflects the attitude of the American public, and that expeditious action ought to be taken to get the United Nations' agreement. As Senator DOLE has said, he is going to be back here in a short while, and he is going to be renewing this application. It is a very important one.

I want to comment on a provision of the Mitchell resolution which concerns me, and it reads as follows:

> Upon termination of the international embargo, the President shall ensure that appropriate military assistance be provided expeditiously to Bosnia and Herzegovina upon receipt from that government of such a request in exercising its right of self-defense.

There follows a provision that there shall not be ground combat forces. It may be that was added afterward, after a colloquy and a questioning of that provision by Senator BYRD.

There was a similar provision in the resolution offered by Senator DOLE last April, which I voted against because the Dole resolution from April provided "The President, upon appropriate military assistance of the Government of Bosnia and Herzegovina, upon receipt from that Government a request for assistance in exercising its right of self-defense"—the gravamen is the President shall provide "appropriate military assistance."

I voted against the Dole resolution, one of the seven to vote against it in an 89-to-7 vote, because I am not prepared to give the President a blank check, which I think the Dole resolution could have been interpreted to mean. I think that in Senator MITCHELL's resolution from yesterday, which provides again for "appropriate military assistance," even though there is a later statement about not having combat forces, those provisions are too broad. There should be a grave concern and grave reservations by the Senate, by the House—by the Congress—on giving the President a blank check to provide what the President may consider to be appropriate military assistance, even if there is a disclaimer as to ground forces.

I believe that the United States has engaged in wars which were not constitutionally authorized. Korea was a war with no constitutional authorization, because only the Congress can declare war. Vietnam was a war, and again it could not have the appropriate congressional authorization, in my legal judgment, although there was a Gulf of Tonkin resolution. When it came to the use of force in Iraq, the Congress took up the issue and appropriately considered it and passed it, albeit by a narrow margin, 59 to 43, in this body.

I think Congress has to be zealous in assuring the American people that this country does not go to war unless the Congress declares war, and that we have had a bitter experience that we cannot sustain a war unless there is public support. The place to find out whether there is that public support is in the Congress of the United States.

I am concerned now about all the talk of military intervention in Haiti, and that is another subject which I am not going to get into at any length today except to say that I do not believe there ought to be military intervention in Haiti without congressional authorization. There is no emergency in Haiti. There has been a long time to consider it. There is no reason for the President to act unilaterally. What is or what is not a war is subject to some dispute. But if United States forces are deployed in a situation where there is time for deliberation and congressional action, it is my firm view that, as a matter of public policy, it is only the Congress which ought to act and the President ought not to act, and that in many of these situations and perhaps Haiti as well, it is a constitutional requirement for the Congress to act.

So that in considering the Bosnia matter, or any of these issues for international action, I think Congress has to be very zealous not to give any overly broad authorization and certainly no blank checks to the President. But especially in this Presidency there is a need for the corporate wisdom of the Congress to speak out on international matters, as we did in Somalia, where a Member of the President's party would have had us precipitously leave. It was really again a leadership effort by Senator DOLE, but Democrats as well as Republicans, which had a timetable for an orderly withdrawal.

The Senate has spoken very forcefully on this issue. It is my hope, Mr. President, that the administration will pay close attention to it, and that we will find a way to lift the arms embargo and a way to help the embattled Bosnian Moslems to defend themselves. We must try to bring a solution to the problems in Bosnia, hopefully diplomatically, but if not, at least to accord Bosnia its rightful opportunity to defend itself.

I thank my colleague for waiting. I thank the Chair and I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. I thank the distinguished Senator from Pennsylvania for being generous with his remarks and addressing an important subject, a subject with which we dealt yesterday in the Senate.

VIOLENCE

Mr. BRADLEY. Mr. President, let me begin my remarks today with a poem that I got from a 16-year-old in Camden, NJ. The title of the poem is: "RIOT at East Camden Middle."

> The riot start after the basketball game—hallway outside the East Camden Middle School gym. Unknowns fightin the Two-Eight Youngsters.
>
> An Unknown get up in a Two-Eight face. And then it's knives. Razor blades. Black eyes. Busted noses. Blood all over the halls. Girls screamin, cryin. People steppin on each other to get outside.
>
> Fifty to a hundred people fightin.
>
> Crazy!
>
> War inside the school.
>
> An even fists an knives is not enough.
>
> Guns. Someone duck out to get the guns. Bullets sprayin the crowd out on the parkin lot.
>
> Three girls, two dudes get shot that night.
>
> I carry my gun every day.

Mr. President, the young African-American male who wrote me this poem is more likely to die in the violence he describes than in any other way. Murder is still the number one cause of death for young African males in America today.

In thinking about violence in America, our goal has to be to keep these young people alive by reducing the level of gunfire and terror among the young in schools and in our cities.

Mr. President, that has to be clear. But it would be a mistake to stop there, to think that it was confined there, for violence is not confined to street crime nor to urban America. Violence burns in many places. It is a blaze fed by many fires. Ask any corporate executive who never drives home the same way 2 days in a row. Ask any head of security at a suburban mall or a college campus. Ask anyone who uses an ATM machine at night. Ask any Japanese tourist if he would ever, under any circumstances, knock on a stranger's door in Louisiana. Ask any German tourist about getting off the highway in Miami. Ask Michael Jordan.

Mr. President, violence, while present throughout our Nation's history, has of late taken some inexplicable turns. Somehow our times are different. Nancy Kerrigan and the Bobbitts are not a singing group of the 1960's, and the Menendez family is a far cry from Ozzie and Harriet. Gone are the TV days of Matt Dillon rounding up the outlaws in the Old West, or Elliott Ness and the boys always prevailing against organized crime. A Charles

Starkweather or a Charles Manson used to come along once in a decade. Now it seems a Jeffrey Dahmer turns up someplace in America every year. And the more bizarre the incident, the bigger the news coverage.

People seem to flock to TV competing to tell the most lurid story. There are days when, through "the tube," it seems as if the country has taken the form of one big dysfunctional family. More and more people seem to be living on the outer edges, unsure how they are going to get back. We seem to be daring each other as if we were teenagers and taking risks that in another time and place would have been unthinkable, not realizing that unless we get things under control, the country will be the loser.

And the remarkable thing is that too many people do not really do anything about it; they just take all this. Child abuse and muggings and murder all pass in a blur of recognition. Street taunts raise awareness of danger that triple-locked doors cannot lessen. Slowly, violence burns and eats away at our social fabric as if it were an acid, so that even when statistics show some improvement, we do not feel more secure.

Mr. President, violence goes deeper and comes closer to many families in America than we would admit. Domestic violence, for example, is America's dark little secret.

A few weeks ago, a woman told me the following story. She said that her husband used to beat her up regularly. She wanted to leave, but she could never imagine actually doing it. She feared the consequences for herself and for her children. Then one day, her 2-year-old daughter witnessed her husband strangling her. Finally, that incident was enough; it was the catalyst. She decided to seek refuge with her 2-year-old and 4-year-old in a shelter for battered women.

A few days later when she was in the shelter, the 2-year-old got mad at the 4-year-old. The mother turned see what was the matter and witnessed the 2-year-old going for the throat of the 4-year-old.

Mr. President, I thought about that image of violence a lot, the image of that violence being passed on from one generation to another.

"The most dangerous place to be", a policeman recently said, "is in one's home between Saturday night at 6 o'clock and Sunday night at 6 o'clock. He forgot to add, "Especially if you are a woman."

One-half of all women who are murdered in America are murdered by their male partners; one-half. Three-quarters of all assaults happen in the family. Thirty percent of all women admitted to emergency rooms at hospitals are there due to family violence. Violence against women in the home causes more total injuries in America than rape, muggings, and car accidents combined. Sudden, stark, incomprehensible, family violence does not just happen. It builds into the cycle of aggression and forgiveness and blame until it explodes. And the battered spouse is almost never a man.

When J. Robert Oppenheimer witnessed the first nuclear explosion, he said that the nuclear bomb was "a destroyer of worlds." In the homes of battered women and abused children, violence is a destroyer of the world of love.

Few have observed this better than one of America's greatest novelists, Russell Banks, who, in his great novel, Affliction, wrote the following:

> Pop held Wade with one hand by the front of his shirt, like Matt Dillon drawing a puny terrified punk up to his broad chest, and he took his left fist, and swung it out to the side, opened it, and brought it swiftly back, slapping the boy's face hard, as if it were a board. Then he brought it back the other way, slapping him again and again, harder each time, although each time the boy felt it less, felt only the lava-like flow of heat that each blow left behind, until he thought he would explode from the heat, would blow up like a bomb, from the face outward.
>
> At last, the man stopped slapping him. He tossed the boy aside, onto the couch, like a bag of rags. . . .

This kind of violence turns boys like Wade into men like Wade, who later in the novel becomes a cold, soul-less killer.

Mr. President, violence not only destroys the world of love, it also destroys the world of trust—the world of trust that is essential to a humane public life. Ask any urban dweller who is afraid to go to a PTA meeting or to a church meeting at night, and they will tell you that the fear of violence strikes at the core of their individual liberty.

Mr. President, liberty is the right to choose. It is often expressed as "freedom from"—freedom from coercion or control. But it is also "freedom to"—freedom to make the best of our capacity and opportunities. One way you exercise liberty is through freedom of association. You must be able to associate with other people in order to learn and bend, communicate, organize, pass on values, practice democracy. Through association with other people, we pursue happiness. Security protects liberty, and this thus lets us readily create associations with other people through which we build community, which in turn will guarantee liberty.

Mr. President, the genius of all of this is the interdependence of these ideas. They are meant to chase each other in a virtuous circle. None of them is ever fully realized, fully achieved—liberty, happiness or security. And the vitality of our democratic society is the incessant effort to achieve them, even though they are not ever fully achieved. We chase each other in a virtuous circle, providing more liberty, more security than we would have otherwise, and more happiness.

Mr. President, in communities where violence prevails these ideals are lost. Violence clogs the arteries of a free society. It stops us from reaching out our hands to a neighbor. Violence robs us of liberty. It destroys the world of trust by turning a citizen into either a frightened, isolated victim, or a predator living off of other's pain. In America today, the blaze of violence is fed by many fires.

Mr. President, I ask unanimous consent to be able to continue.

The PRESIDING OFFICER (Mr. PELL). Without objection, it is so ordered.

Mr. BRADLEY. In America today, the blaze of violence is fed by many fires. Television, CD's, and video games bring it into the open windows of our homes. By the time a kid reaches 18 they have witnessed as many as 26,000 murders on TV. But not all those murders are the same. Some can make a child pause at the consequences of violence, while other murders pile up in an empty litany of bashing and stabbing and shooting that creates a numbness that, in turn, requires ever crueler and gorier violence to induce just the flutter of shock. Murder pays, for the sponsors. Rap anthems that glorify gang violence and brutal abuse of women, sell.

Often the corporate search for violent product gives us violence of such intensity that it has almost no context at all, either moral or biographical. There is a difference between, on the one hand, the fiction of Russell Banks and the news footage of the Bosnian war—both of which portray violence—and, on the other hand, a corporate product such as Mortal Kombat II that consists of nothing but violence, that in a sense is violence.

George Gerbner, a communications professor at the University of Pennsylvania, draws a distinction between the symbolic and often tragic violence of Shakespeare and fairy tales, and happy violence which shows no pain or tragic consequences.

Every year in New Jersey I do a high school seminar where kids participate from 500 high schools. We break up, and discuss things. This year we discussed violence in one of the seminars. In one of the seminars I spontaneously asked the following question: "Anybody in here ever see anybody killed?" Two hands went up. I said, "Tell us about it." They could not tell us about it. They were too traumatized.

At another seminar, I said, "Anybody here see ever see anyone killed?" One hand went up. "Tell us about it." Then he described what it was like to see a person standing on the street corner, and somebody else come along with an automatic rifle and shoot him in the head. He described in vivid detail what happened to the victims head, how it looked as the person fell in a pool of blood. Mr. President, he then said, "That is not the way it looked on TV."

The blaze of violence is fed by many fires.

There are more gun dealers in America than there are gas stations or grocery stores. In 1991, 14,373 Americans were murdered with a gun, over 12,000 with a handgun. Every 14 seconds, somebody dies of a gunshot wound. Every gun injury that leaves the person hospitalized costs $30,000, 80 percent of which is paid by the taxpayer. There are 71 million handguns in America. In 1992, 34,000 people applied to be gun dealers, and only 37 were denied. With only 240 inspectors to police 245,000 gun dealers, why is that a surprise to anybody?

In a nationwide poll of teenagers, Lou Harris found that 15 percent of suburban teenagers and 17 percent of urban teenagers report having carried a gun in the last 30 days. Forty percent of all teenagers say they can get a handgun within 24 hours, "if I wanted one." The same percentage—40 percent—say that the threat of violence has made me change where I go, where I stop on the street, where I go at night, what neighborhoods I walk in, and who I make friends with.

Police officers point out that the change in violence over the last decade is that murderers are younger, the guns more high-powered, and the acts themselves are more and more random.

The blaze of violence is fed by many fires.

Native American reservations in South Dakota have a murder rate of more than double that of Los Angeles. The rate of poor rural counties in Mississippi equals that of Newark. The common denominator in all of these places is: Poverty, loss of hope, and vast segments of urban America are in economic depression. Lives are being wasted, shortened, demeaned, without a job, which can give dignity to each of them. At a time when our common economic future needs every able-bodied person, we see poorer, sicker, less well-educated, Third World enclaves emerging in our midst.

Mr. President, I have spoken on native American reservations and at urban recreation school programs for over 25 years. A decade or so ago, there was always a distinct difference between the kids in the two places. On a native American reservation, the kids sat quietly, almost impassively, instead of asking questions or offering opinions. The toll of 200 years of neglect has settled so deeply that it had squelched hope. As I looked out into the audience, I stared into dead eyes—dead eyes. There was no response, no hope.

In an urban community, the kids, a decade or so ago, seemed wired with energy, could not stop bobbing left, right, up and down. They asked questions, talked incessantly with each other, and did not often listen, but their eyes were alive with expectation. Today, I go speak in urban America and something has changed. Too often, I see dead eyes. Once hope is gone, everything is gone.

The blaze of violence is fed by many fires.

In Detroit, nearly 80 percent of the kids are born to single parents. In 1991, 30 percent of all children born in America were born to a single parent. Among black children, it was two-thirds. Many single mothers do a heroic job transmitting values, raising their children well against great odds. Many others are too young, too poor, too unloved, and their children, at birth, become 15-year time bombs waiting to explode in adolescence.

If you think violence among the young is bad now, wait until this army of neglected, often abused, sometimes abandoned, street-trained, gang-tested, friendless young people reach age 15. Their capacity to have any kind of meaningful attachment will be gone.

One recent study that surprised me was that the number of urban teenage boys volunteered that they had no best friend and no one person that they trusted. Mr. President, when only the gang gives meaning to life, death cannot be far behind.

In America, the blaze of violence is fed by many fires.

The emerging Federal crime bill is an attempt to counter rising violence. The architects of the bill have worked hard on it, and it does many good things. But its effect is uncertain. It appears to some as if it were a huge heap of ideas and proposals cobbled together by representatives of a Nation which is increasingly desperate about violence. In a way, it reminds me of what a group of anxious citizens would do as they threw furniture and household goods on a barricade to stop the invading hordes. Many of the provisions appear to have the following rationale: Maybe that will work, maybe that would help, so let us add it to the barricade. My fear is that the remedies come from so many different sources, and expand over such a wide area, it will have a limited impact, notwithstanding all of our good intentions.

Mr. President, to some ears, this might sound like a criticism of the bill. It is not intended to be. It has more to do with how people hear the words, and with the complexity of violence generally. I personally think Chairman BIDEN has worked long and hard to confront violence and has spent more time thinking about it than virtually any person in this body, and he has had an outstanding staff researching it, more than anybody in this body. The Judiciary Committee crafted an excellent bill that took aim at violence, particularly among the young. It had my strong support because it reflected a good balance between prevention and punishment.

Yet, some unfortunate amendments were added here on the floor. Not all of them, obviously, were unfortunate; some were good. But some of them were unfortunate. Many of them Chairman BIDEN opposed, some he accepted, knowing they were necessary to get a bill through this body and to conference. I doubt that they are going to emerge from conference.

What is missing, Mr. President, is an overall national goal, and an admission that much of what must be done is beyond the reach of the Federal Government. What we need is a national rebellion against violence that sets a specific target for reducing violence over a 10-year period.

For example, I suggest a 75-percent reduction in our homicide rate which, if achieved, would place us about where England's homicide rate is today. A national rebellion against violence would be rooted in the knowledge that violence strikes at the core of our democratic freedom, the freedom to associate with each other as liberty-loving, free individuals. A national goal would also give us some way to measure progress. So often Americans, on the one hand, seem catatonic, frozen, paralyzed in the face of intense violence and, on the other hand, we seem ready to entertain the most radical solutions. Unless we have a way to tell whether what we are doing is working, people will always assume the worst and will believe the latest and worst anecdote they heard that will define what the threat is to them, notwithstanding declining violation rates, and we will be potentially caught in a spiral of extreme measures that could even endanger our rights permanently. We cannot simply replace a violent society with a repressive society. That would be a pyrrhic victory. The rebellion against violence must enhance our national example, not diminish it. We must always remember that the world is watching us and now more than ever before.

Mr. President, like so many other issues in public life, in the debate about violation, people do not listen to each other. That side does not listen to this side. This Senator does not listen to that Senator. This outside group does not listen to that outside group. They are frozen, frozen in the old dichotomy of conservative or liberal; tough or coddling; causes or punishment. Those who believe the answer is gun control do not listen to those who believe the answer is the death penalty. Those who believe in severe punishment cannot see the necessity of controlling and limiting guns. And often neither gun control advocates nor tough sentencers see the connection between societal violence, on the one hand, and poverty, family disintegration, and exploitative media violation, on the other. Instead of confronting reality, more and more people look for the magic bullet that will stop violence dead in its tracks, do the one that will be there, will stop it and there will be no more violence.

Mr. President, the truth is much harder.

Truth No. 1: There is no miracle cure, and the answer lies closer to home than it does to Washington, DC.

Truth No. 2: Violation will not be stopped by soft words. Every person who uses violence must pay the price in lost freedom, and doing time, essentially for the young, must be a memory that one does not ever want to repeat.

Truth No. 3: We will never counter violence unless we restrict the handguns used by 80 percent of the people in America who commit gun murders. What is common sense to people of virtually every other country in the world becomes a constitutional crisis to us.

Truth No. 4: There is no substitute for a job. If we can move those on the bottom rung of the economic ladder up just a few rungs, the efforts against violation will have acquired a powerful ally.

Truth No. 5: Violation is a phenomenon caused by twisted values and the loss of self-control. The formation of values and self-discipline begins in childhood, and teaching them is the job of parents. Unless we instill them in all of our children, we have only ourselves to blame.

Truth No. 6: We need to make it as unfashionable to sell violation in America as it is to smoke cigarettes. We do not need censorship; we need enhanced citizenship, particularly in the board rooms.

Truth No. 7: Drugs and violation go together like gunpowder and a match. To ignore addiction as a national problem is to sentence many more Americans to death.

Mr. President, those are the truths that we have to confront.

A national rebellion against violence requires individuals, communities, and all levels of government working together. People do not live in isolation. Only the hermit out in the mountains lives in isolation. The rest of us live in communities where we go to church, play sports, pick up groceries, and raise our kids. And often we live in fear. What people do not realize is the power they possess if they work together. In the 1960's an aroused citizenry that focused on an evil—legally sanctioned racism—ended racial discrimination under the law and furthered the cause of justice. Today an aroused citizenry focused on an evil—violation—can bring order to our streets and further the cause of liberty. A street thug can intimidate an individual, but he cannot intimidate a unified, energized community.

Mr. President, politicians—well, where do we fit in all this? We have to stop treating security like it is a product that government delivers to your home. We create security for ourselves in the same context where violation occurs—in our community and in our family. At the national level, we can set standards, set limits, spread innovative ideas, create uniform rules, gather data, and make sure those who commit federally prohibited violence pay for it by a swift loss of freedom and in some cases such as drug kingpins who murder by the loss of their lives. But the real battle against violate crime committed by the young and within the family will not be waged at the Federal level. Like education, where we have only 6 percent of the national resources, in crime the Feds have about 13 percent—that is all—13 percent of the Nation's crime fighting resources. The crime bill will be a false promise if we forget, each one of us forget our individual obligations as police officers, local officials, teachers, parents, spouses, and citizens. The Federal Government is not going to do it. It can help. But we each have an individual obligation and responsibility as well.

Yet, Mr. President, there are some commonsense actions that the Federal Government can encourage that would I think, prevent youthful gun violence, challenge young people with the possibility of a future without violence, and raise awareness of domestic violence while providing women a way out.

First, I know it is controversial, but I think it is the logical next step. I believe that everyone who buys a handgun should have a national identity card with a picture on it, just like a driver's license. Every transfer of a gun must be registered, with tough penalties for those who refuse. No one should be allowed to purchase more than one handgun per month, and gun dealers ought to pay $1,000 per year for a license. These changes, I think, will hasten the day when law-abiding citizens and only law-abiding citizens will have guns. Technology can help us, frankly, particularly in the policing process. If we can develop heat-seeking missiles, certainly we can invent remote metal-sensing devices that will allow the police forces, augmented by the police corps, by the 100,000 police this crime bill provides, to seize more illegal guns and to disrupt the commerce of armed street criminals. Certainly, we can do that.

Second, communities should have greater access to their public schools. Schools close at 3 in the afternoon in a lot of places in urban America, close on weekends, and are closed all summer long. With Federal support, schools should remain open in the evenings, on weekends, and during the summer for the community to use. The schools are the most underutilized assets in urban America. Churches, synagogues, mosques, and community development corporations should be allowed to provide the mentoring, safe haven, and guidance, the absence of which all too often contributes to delinquency. The availability of the school will also give the community a place to focus public and private resources to win back the minds and hearts that the streets have captured.

Third, Mr. President, to counter domestic violence, we need to get the facts out of the closet and then help women find a way out of a brutal environment. Domestic violation is a problem at all income levels. It is more than a serious health care problem. It is a social sickness, a tragedy that is destroying families and an experience that spreads violence from one generation to another.

Mr. President, every man's home may be his castle, but it is not his torture chamber, in which he can beat someone less physically strong time and time again without consequences. Many men will deny the impulse and the existence of the behavior. Like drunks that have not quite reformed, they promise their partners and the world that the latest episode of violence will be the last episode of violence. Too often they go back on their word, and the cycle of aggression, seeking forgiveness, blaming the victim, and committing aggression starts over again. The cycle goes on and on. We can wait no longer for universal personal reform.

When a woman is the victim of domestic violence, she has to have a place to go. There should be a counseling hot line so that experienced professionals can guide her to an appropriate place. Above all, there must be enough battered spouse shelters with enough resources for relocation to give women some idea of where they can escape the fear of a threatening phone call or the knock on the door in the middle of the night.

But we have to do more than give women a place after they are beaten. We have to prevent the violation in the first place.

I suggest that every health professional—doctors, nurses, physician assistants, social workers, and others—be trained to recognize domestic violence and to ask female patients about it. Asking questions, hopefully, will free women from considering beatings as a family matter that they are not sanctioned to discuss, even with their doctor.

Mr. President, domestic violence should not be treated as a preexisting condition to deny women health insurance in this country. And yet that happens every day, almost every day. I have seen the letters from the insurance companies.

But it is not just up to health professionals. If we are going to stop domestic violence, each of us, in our own spheres of influence—home, work, PTA, Little League—have an obligation to acknowledge it occurs, recognize it when we see it, and say something about it. It is so much easier to overlook it, turn the other way, regard it exclusively as a family matter, pretend we do not have any responsibility. But if we are going to prevent it, we all do.

These three proposals will not end violence in America, but combined with the crime bill and, more importantly, with an energized national community prepared to cooperate with the police and with each other, they will take us further along the path toward greater security.

Mr. President, a member of the Japanese Diet told me recently that as his two young girls were growing up, he looked forward to them coming to the United States as exchange students and he looked forward to visiting them and vacationing here with his wife. Now he says he is sending his kids to England, and he and his wife are vacationing in Europe. "Why?" I asked him. He replied, "The guns, the drugs, the violence—unless you get control of them, you'll lose a lot more than a few tourists; you'll no longer be the model democracy for the world."

The only way to achieve our aim of a 75-percent homicide reduction within a decade and in a way consistent with our democracy is to assume individual responsibility, to enlist all who love their communities and Nation in a rebellion that is waged locally, neighbor by neighbor, building by building, and at the same time to build bonds of community that render violence moot.

The world of violence and the world of trust must be provided with enough resources to fight the fires of violence. All who believe in the world of trust and the world of love must join that rebellion against violence. If we do not —if we do not join that rebellion, if we do not work to protect the world of trust and the world of love, if we turn away—Mr. President, the riot in Camden middle school will spread to more schools and the story of the 2-year-old going for the 4-year-old brother's throat will be just one of many chapters of future pain.

The fires that feed the blaze of violence can only be extinguished when all of us act as citizens to achieve what everyone in a democracy deserves—the right to live a life without fear of unexpected, random violence, whether on the street, at school, or in the home.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

The Senator may proceed.

SOCIAL SECURITY ADMINISTRATION'S $32 MILLION IN BONUSES

Mr. LOTT. Mr. President, I want to express my strong disapproval and, in fact, outrage over the recent bonuses given by the Social Security Administration to employees of that office at a time when Social Security is pressing Congress for millions of dollars to deal with serious problems in its disability programs.

I have several newspaper articles on the matter. I would just note, Mr. President, a couple of the headlines. One of them in one of my home State newspapers in Jackson, MS, says, "Ailing Social Security pays $32 million in Bonuses."

Another headline, "Agency Shells Out Cash." And it notes in the first paragraph, "The largest single award—$9,258—actually went to an executive who had been on the job for less than three months."

I have been personally working with high-level Social Security Administration directors to resolve backlogs and other serious problems they have in their Offices of Hearings and Appeals. Some disability cases have been pending for more than 1 year and are at critical stages; some of them as long as almost 2 years.

In my own State of Mississippi, to assist claimants who desperately need help—some of whom are losing their homes and cannot pay their bills—I have asked Social Security officials to expedite these cases. And, I must say, to their credit, they have sent in a team to evaluate the situation, and they have acknowledged that some of them are actually emergencies. Those cases are being dealt with, and some of them are being sent to other offices so that they can be adjudicated. But I have received a pledge that these claims will be processed quickly.

The problem is not just one office or just in my State, it is all over the country where there is a tremendous backlog.

Now, as I am trying to help disabled claimants, here come these bonuses. Quite frankly, I could not believe it when I heard of the awards and the amounts of them. My constituents are furious. I have been receiving letters and phone calls. They are outraged that, at a time when they cannot get basic courtesies and basic considerations of claims that are long overdue, they see that these types of awards are being doled out.

It is my understanding that the Clinton administration, to its credit, has urged Federal agencies across the board to reexamine how these cash bonuses are awarded.

I do think there are times when that type of incentive—where you are given some recognition for extraordinary work, dedication, or some real innovative idea that saves a lot of money or helps a lot of people—should be awarded.

But I think this whole area of cash bonuses has gotten out of control. And I am not talking just about this administration. It has gone on in previous administrations. It is time we get a grip on it.

Our taxpayers' dollars should be used more wisely, and I will be pressing for better accountability in the future.

I also note that Senator PRYOR of Arkansas, who is the chairman of a subcommittee in this area, has indicated that he is going to ask questions and look into it. So I hope he will certainly do that.

I have written to the Commissioner of Social Security and requested a full explanation of these particular performance awards. As a strong advocate for Social Security disability claimants and all beneficiaries, I am going to continue to work here in the Senate to ensure that Social Security is run more responsibly and efficiently.

It really bothers me when I see the chairman of the House Ways and Means Committee, in the last few days, suggesting that Social Security may, in the future, be running short of money. He seems to suggest that we need to cut benefits and raise Social Security taxes. But right on the heels of that type of announcement, we see $32 million given in bonuses to some of the employees of that Administration.

Things are out of kilter, Mr. President. We need to make sure that they get back in order.

I yield the floor at this time.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. We are in morning business. The Senator may proceed.

THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, there was a comedian named George Gobel, who has departed us, who used to talk about tuxedos. He said, "Did you ever feel as if the world was a tuxedo and you were a pair of brown shoes?"

I suppose all of us have felt that way at one time or another, sort of out of step, not quite in sync.

Let me talk about the brown shoes of the American economy at the moment, the Federal Reserve Board.

I come here to talk about the Federal Reserve Board this afternoon because I am upset at what the Federal Reserve Board is doing to this country.

The American society is the most open society in this world. We make democratic decisions. The American people together in this process we call a democratic government. We make democratic decisions: about the future, about taxing and spending, where we invest, how we invest, and in whom we invest. Sometimes those decisions are agonizing and wrenching and awful.

Last year, we worked through the decision about reducing the budget deficit. We debated for weeks about where to cut spending, and how to raise taxes. It passed by one vote. A reduction of $500 billion in the Federal deficit over 5 years passed by one vote in this Chamber.

That was the democratic process. In fact, the American people were involved in that, ringing our phones off the hooks, coming to our town meetings, imploring us to vote this way, that way, or the other way. The construction of fiscal policy by this Congress about how to get our economy in order and how to get it moving again by creating jobs and opportunity and growth. That was the democratic process at work.

Contrast that with what is going on with monetary policy. Monetary policy, the decisions about money and interest rates, is made downtown in a building by the Federal Reserve Board. That is not a part of an open society, not a part of a democratic process. It is closed, secretive, unresponsive and unaccountable to the American people.

In recent months, the Federal Reserve Board has taken action on three occasions to raise interest rates, and we were told yesterday and we are told again today—at least it is rumored—that the Federal Reserve Board will probably again act to raise interest rates next week.

I want to cite some news events of this week to describe why I am upset with the Federal Reserve Board. Today the Wall Street Journal, "Economy Seems to Soften a Bit in Latest Data. Wholesale Prices Fall One-Tenth of One Percent. Retail Sales Drop Eight-Tenths of One Percent. Jobless Claims Rise."

This morning from the Associated Press, "Consumer Prices Edge Up Modest One-Tenth Of One Percent In April." That is today's news. This is going to be bad for Wall Street because when there is good news for the economy on inflation, Wall Street goes into apoplectic seizure. We have this thing all turned around. Bad news means stocks increase, good news means stocks decrease. That is the way it has been the last few weeks. In fact, Hobart Rowen wrote about that the other day in the Washington Post. In Rowen's column he says,

> Wall Street is out of sync with Main Street. Although some Americans have not been able to find employment, many have. Inflation is low, job creation is strong, and consumer confidence is healthy, yet Wall Street is reacting negatively.

As Rowen says,

> Wall Street won't wait until inflation is a fact or even a serious threat. Perversely, the best of good news after a long recession, people are again finding jobs, becomes bad news for the markets—meaning Wall Street.

The Federal Reserve Board now seems prepared to take action once again to increase interest rates. Today's news tells us that what they have done so far has begun to put the brakes on the American economy just at a time when we needed to move this economy along and get it up to cruising speed. It is operating nowhere near capacity. Just when we need to get it to cruising speed to employ people and to give people opportunity, the Federal Reserve Board puts the brakes on this economy by raising interest rates and is now prepared to raise interest rates again. Who are they accountable to? No one. Why are they doing this? Inflation, they say. Show me the evidence of inflation.

Yesterday, "Wholesale Prices Fall One-Tenth of 1 Percent." Today, "Consumer Price Index, Only One-Tenth of 1 Percent Increase."

I say to the Federal Reserve Board: Where do you see evidence of a new wave of inflation? Share it with the American people. Why do you not tell us what you are doing and why, instead of just asking us to pay the higher interest rates that you demand down at the Federal Reserve Board.

I brought to the floor again today a picture of the Federal Reserve Board Board of Governors and the regional Fed Presidents. I have done that because at least with respect to the regional Fed Presidents, they are not confirmed, and not appointed. But they sit in a room with a closed door, and make decisions in secret with the Board of Governors about money policy and interest rates. They make decisions that affect the lives of every constituent I represent in the State of North Dakota. The lives of all Americans are affected by the decisions these people make and they are accountable to no one. They go in the room, and shut the door; Lord knows what information they look at, and they make decisions.

What decision are they making these days? That inflation is just around the corner and what we must do is increase interest rates and put the brakes on the American economy? What a bunch of nonsense. Are they willing to risk their jobs on those decisions? No, not hardly; not these folks. In fact, let us talk about their jobs.

Mr. Parry from San Francisco. Mr. Parry is, I am sure, a wonderful man. I have never met him. I would not know Mr. Parry from a cord of wood. He says this morning in the paper—he is a voting member of the Federal Reserve Board's open market committee. He was in Tucson, AZ, yesterday. I guess they have a big territory over there at the San Francisco regional Fed. He says he remains cautious about inflation. Slack in labor and product markets has all but evaporated, and although we have advanced in the progress in taming inflation, he said in written remarks, "We still have a long way to go."

I guess what Mr. Parry says to us today is he still sees inflation around the corner and inflation is just down the track. He makes $230,000. He is a Ph.D. economist, part of that Fed system. He has been in the system since 1965, for those who are interested in term limits these days in the political system. He and his friends will sit around a table and vote in secret about whether or not somebody in my State gets a job. That is a plain fact. They control one-half of the economic policy. They conduct it in secret, and they are pursuing a wrong-headed approach that is slowing down this economy at exactly the time when we need more investment, more jobs and more growth.

So what do we do about all this? What we do is we decide to take this out of the secret room of the Fed and give some semblance of monetary policy decisions back to the American people. A century ago we used to debate the interest rate questions in the bars and barber shops all across this country. It used to be important. People had a role in deciding what interest rates were going to be. Not anymore. It is these folks who have the role, and they are not accountable to the American people.

I am not suggesting that the folks whose pictures I brought to the floor to at least give the American people the first opportunity to see who they are, who is casting these votes, who is making these decisions, are bad people. They represent the banks. That is their constituency. When they close the door and make their decisions, they are making their decisions based on their constituents. And I guarantee you their constituencies are the boards of directors, the majority of which are bankers, that put them on these regional Fed bank presidencies. That is a plain fact.

For two centuries we have had a conflict between those who produce and those who finance production, and at times those who produce do just fine and at times those who finance get the upper hand. What we have today with the Federal Reserve Board and a strong, unaccountable central bank is people in charge of monetary policy and interest rate policy who represent the vestiges of established wealth. They have a hair trigger on inflation. Why? Because inflation erodes the value of those who now hold wealth. I understand that. I would like zero inflation as well. But we need a balance of fighting for stable prices and fighting for full employment. And I do not want people in charge of monetary policy who always decide on the side of those who hold wealth. What about deciding for a change on the side of those who need jobs, those who hold jobs, and those who want jobs?

Second, let me make another, I think, important point that has not been made, at least very often. The Fed claims that they see inflation just around the corner. That is the basis of what I think is their irrational behavior, they see inflation just around the corner. But is there another motive? Can you see inflation in these data that are published today and yesterday and this week? "Consumer Prices Up One-Tenth Of 1 Percent." Can you see inflation around the corner? "Producer Prices Down One-Tenth Of 1 Percent?" Or is there another motive? Might the other motive be that we are all paying, all of us in America, for the excesses in the financial system?

Let me read for the Senate another headline of this week. This is not unusual. I could have brought a ream of headlines just like this.

> Pennsylvania Company Links Losses to Derivatives.
>
> Another company in the industrial heartland has suffered a large loss on financial derivatives sold by Bankers Trust New York Corp. Air Products and Chemical Inc., an Allentown, PA, makers of industrial gases, said today it lost $96.4 million before taxes on five derivative contracts that were "unacceptable and inconsistent" with the company's policies. Its after-tax loss was $60 million.

Bankers Trust, Air Products, billions of dollars on derivatives, some of them on proprietary trading in the banks—they might just as well open up a desk in the lobby and put in some sort of a roulette wheel. That is what this derivatives trading is about. Much of it is pure gambling inside America's banks.

That, too, is an outrage. But I think there is another motive with respect to what the Fed is doing. I think the Fed is taking a look at the stock market. I think the Fed is taking a look at the enormous growth of derivatives, and I think the Fed is deciding to increase interest rates—not related necessarily to what they see as inflation—although that is the excuse they give. I think the Fed is deciding they also want to try to dampen the speculation in the financial sector in this country. Meanwhile, those in the productive sector will pay the cost. All Americans will pay the cost of an interest rate policy that slows down the economy if, in fact, the motive is to try to send a message to those who are involved in speculation in the finance industry.

What do we do about all this? What I hope we will do about all this is we will start to put enough pressure on these people, the only people who will make those decisions in secret, behind closed doors, just down the road. I hope we will put enough pressure on these people to alter their decision next week, a decision that many predict will, once again, increase interest rates a quarter to a half of 1 percent. I hope that is the first step. All of us ought to be outraged by a Federal Reserve Board system that is out of step and out of touch.

I have brought with me some comments by a member of the Board of Governors, Lawrence Lindsey, Ph.D., economist, Harvard University, Board of Governors. Here is what he said:

> Legislators typically tend to favor higher economic growth at the expense of inflation as an election approaches and are more willing to accept tighter monetary reins just after they've been reelected,

Lindsey said in an April 22 speech at the University of Chicago.

For Mr. Lindsey's benefit, I might say to him, I am not up for election until 1998. This is not about election politics for me. The question for me is, what about the economic health of this country? For whose benefit are we managing this country's economic growth; the big money center banks or the folks out there looking for a job? That is the question for Mr. Lindsey and his friends, and the Board of Governors and the presidents of the regional Federal banks. Mr. Lindsey also says, as he speaks about Members of Congress:

> We are ordinary human beings with our own individual interests. The desire to be reelected is quite a normal part of their individual preference functions. When about to face the voters, legislators can't easily tolerate the pain accompanying policies aimed at producing long-term benefits.

Referring to the need to keep price pressure under control.

It is really helpful to have Mr. Lindsey's advice coming from the temple of money downtown, but I am unimpressed by someone as cloistered as those who sit behind the walls of the Federal Reserve making interest rate policy in a vacuum, so out of step and so out of touch, telling us that we want to see some economic growth and some opportunity in this country because we want to be reelected.

I do not understand what they are thinking down at the Fed, but I want economic growth not for me; I want economic growth for my State and this country. I want people to go into a job market that is expanding. I want kids to come out of college and look for a job that they can find because our companies are expanding and producing jobs and producing opportunities.

But what is happening, as we see from the newspaper headlines this morning, is exactly what most of us expect to happen, and I would guess exactly what the Fed wants to happen, and that is the economy is beginning to slow down: "Economy Seems to Soften a Bit in Latest Data." It will meet the fondest hopes of the folks down at the Fed. That is precisely what they want.

They see inflation around the corner, despite the fact that there is no evidence of it, and they have produced no evidence to us or the American people to justify it. The result is they increase interest rates, hoping to slow down the economy, and the result is an economy that is slowing down and a whole lot of folks will be put out of work and a lot of other folks cannot find work.

I guess these folks sitting down at the Fed are not worried about their jobs. I say to Mr. Lindsey, you do not have to worry about the next election; you are not elected. You do not have to worry about your job because no matter how soft this economy gets, you are not going to lose your job. But there are a lot of folks out there dependent on what you do, on what we do, and on what others do to promote opportunity in this country. You do them a disservice by pursuing wrongheaded monetary policy that is cutting economic growth in this country.

I am hoping that in the coming few days, we will have more people in Congress and more people around the country decide to speak up about the Federal Reserve Board. I have introduced now for 4 years—and there exists before this Congress and this Senate—Federal Reserve Board reform legislation. We ought to change the Fed; we ought to open it up. The best way to blind these folks is with sunlight. Open the door, send some light into the Fed. Let us see what they do. We have had people putting voice stress analyzers on the pronouncements of the Fed Chairman in order to find out what they did in a closed room. That is how bizarre it has become in recent years. I say open the door; shine the light on this process.

Second, do not let any of the regional Federal bank presidents ever vote on monetary policy. Only the Board of Governors should vote. They are the only ones appointed and confirmed in the democratic process.

Let us audit the Federal Reserve Board. They have spent over $1 billion. Let us have an audit of the Federal Reserve Board.

There are a series of reform steps we could and should take to bring this kind of dinosaur into this century in terms of Government that responds to people. No, let us not give interest rate policy to the folks down at the corner bar. I am not suggesting that is the way interest-rate policy ought to be managed, but let us at least provide some basic accountability so we have a Federal Reserve Board that is in step and in turn with what the needs of this country are, not just the needs of the money center banks.

Mr. President, that concludes my statement. I will have more to say about the Federal Reserve Board next week. I say that just to alert them.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The text of the bill (S. 2042) to remove the United States arms embargo of the Government of Bosnia and Herzegovina, as passed by the Senate on May 12, 1994, is as follows:

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) Prohibition.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of arms to the Government of Bosnia and Herzegovina.

(b) Termination.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(c) Definition.—As used in this section, the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322), under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

(d) Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment.

SEC. 2. UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) Prohibition.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of conventional arms appropriate to the self-defense needs of the Government of Bosnia and Herzegovina.

(b) Termination.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(c) Definition.—As used in this section, the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading "Suspension of Munitions Export Licenses to the former Yugoslavia"; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

(d) Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment.

SEC. 3. APPROVE AND AUTHORIZE USE OF UNITED STATES AIRPOWER TO IMPLEMENT NATO EXCLUSION ZONES.

(a) Purpose.—To approve and authorize the use of United States airpower to implement the North Atlantic Treaty Organization (NATO) exclusion zones around United Nations designated safe areas in Bosnia and Herzegovina and to protect United Nations forces.

(b) Findings.—The Congress makes the following findings:

(1) the war in the Republic of Bosnia and Herzegovina has claimed tens of thousands of lives and displaced more than two million citizens;

(2) the Senate supports as a policy objective a peace settlement that provides for an economically, politically and militarily viable Bosnian state, capable of exercising its rights under the United Nations Charter;

(3) United Nations Security Council Resolutions 836 and 844 call on member states, acting nationally or through regional organizations, to take all necessary measures to deter attacks against safe areas identified in Security Council resolution 824.

(4) On February 9, 1994 the North Atlantic Council authorized the use of air strikes to end the siege of Sarajevo and on April 22, 1994 to end the siege of Gorazde and to respond to attacks on the safe areas of Bihac, Srebrenica, Tuzla or Zepa or to the threatening presence of heavy weapons within a radius of 20 kilometers of those areas (within Bosnia and Herzegovina);

(5) The Congress in the fiscal year 1994 State Department authorization bill expressed its sense that the President should terminate the United States arms embargo on the Government of Bosnia and Herzegovina.

(c) Policy.—

(1) The Senate authorizes and approves the decision by the President to join with our NATO allies in implementing the North Atlantic Council decisions—

(A) of June 10, 1993 to support and protect UNPROFOR forces in and around United Nations designated safe areas, and

(B) of February 9, 1994 to use NATO's airpower in the Sarajevo region of Bosnia and Herzegovina, and

(C) of April 22, 1994 to authorize CINCSOUTH to conduct air strikes against Bosnian Serb heavy weapons and other military targets within a 20 kilometers radius of the center of Gorazde, and Bihac, Srebrenica, Tuzla or Zepa (within the territory of Bosnia and Herzegovina) if these safe areas are attacked or threatened by Bosnian Serb heavy weapons.

(2) The Congress favors the termination of the arms embargo against the Government of Bosnia and Herzegovina. The President shall seek immediately the agreement of NATO allies to terminate the international arms embargo on the Government of Bosnia and Herzegovina. In accordance with Administration policy following such consultations the President or his representative shall promptly propose or support a resolution in the United Nations Security Council to terminate the international arms embargo on Bosnia and Herzegovina. If the Security Council fails to pass such a resolution the President shall within 5 days consult with Congress regarding unilateral termination of the arms embargo on the Government of Bosnia and Herzegovina. Upon termination of the international embargo the President shall ensure that, subject to the regular notification procedures of the appropriate congressional committees, appropriate military assistance be provided expeditiously to Bosnia and Herzegovina upon receipt from the government of such a request in exercising its right of self-defense.

(3) Unless previously authorized by the Congress no United States ground combat forces should be deployed in Bosnia and Herzegovina. Any request by the President for such authorization should include:

(A) an explanation of the United States interests involved in such commitments or actions;

(B) the specific objectives of the commitments or actions;

(C) the likely duration of the operation;

(D) the size, composition, command and control arrangements, rules of engagement, contributions of allied nations, and other details of the force needed to meet the objectives;

(E) specific measurements of success, particularly the end point of the United States involvement, and what follow-on security arrangements would be needed; and

(F) an estimate of financial costs, including burdensharing arrangements, and non-financial costs as can be determined.

(4) Nothing in this legislation restricts the prerogative of Congress to review the arms embargo on Bosnia and Herzegovina.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 2115. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 2116. A bill to authorize appropriations for fiscal year 1995 to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2115. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Energy and Natural Resources.

FEDERAL ENERGY REGULATORY COMMISSION JURISDICTION ACT OF 1994

• Mr. AKAKA. Mr. President, today I am introducing legislation to terminate the Federal Energy Regulatory Commission's [FERC] jurisdiction to license hydropower projects on the fresh waters of the State of Hawaii.

Hawaii's geographic isolation makes it unique. The Hawaiian islands are over 2,000 miles from the nearest land mass, making them the world's most isolated island chain.

Hawaii's waterways are unique as well. In stark contrast to the long and mighty interstate rivers of the continental United States, Hawaii's streams are confined to individual islands. They are also short, narrow, and steep, running quickly off highly permeable volcanic slopes. For comparison purposes, the mean discharge of the Mississippi River at Vicksburg, MI is 19,633 times the mean annual flow of

Hawaii's largest river, the Wailuku on the island of Hawaii. Hawaii has no interstate rivers, no navigable rivers that cross Federal lands, and no Federal dams. Hawaii's streams offer so little potential for generating hydropower that only one project has been constructed in the last 50 years. This project was not subject to FERC licensing.

Hawaii's streams are generally not navigable except for a few which have brief, navigable stretches near their mouths as they open to the sea. Where Hawaii's streams are navigable they are slow and meandering, and therefore not suitable for hydropower; in their upper reaches, where hydropower is feasible, the streams are non-navigable. Thus, there is no rational basis for FERC jurisdiction over the licensing of hydropower projects in Hawaii.

Hawaii's surface water system is based upon riparianism, traditional Hawaiian taro cultivation called appurtenant rights, and traditional and customary gathering rights. It is dramatically different from that of other U.S. jurisdictions. Hawaii's streams are regulated by a stringent State Water Code which protects the environment, fish, and wildlife. Hawaii's permitting process takes environmental protection matters into full consideration, as is illustrated by the fact that such organizations as the Hawaii Audubon Society have gone on record in support of exempting Hawaii from FERC jurisdiction.

This legislation would not be necessary but for a bizarre ruling in which the FERC, despite a finding that it had no jurisdiction under section 23(b) of the Federal Power Act, nonetheless granted a hydroelectric permit to a Hawaii applicant who voluntarily submitted to FERC jurisdiction. This logic-defying decision by the FERC, clearly inconsistent with its earlier ruling, astonished officials of the State of Hawaii, who view it as a wholly inappropriate and unwarranted interference with the State's thorough and carefully managed permitting process.

My bill will prevent recurrences of this counterproductive clash between the FERC and the State by removing the jurisdiction of the FERC to license hydropower projects on the fresh waters of the State of Hawaii.•

By Mr. ROCKEFELLER:

S. 2116. A bill to authorize appropriations for fiscal year 1995 to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, FISCAL YEAR 1995

• Mr. ROCKEFELLER. Mr. President, as chairman of the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science, and Transportation, I am pleased to introduce the National Aeronautics and Space Administration [NASA] Authorization Act, fiscal year 1995. This legislation authorizes NASA Programs at the President's request of $14.3 billion and supports NASA's funding priorities. As I indicated previously, this legislation incorporates the direction established in the fiscal year 1994 NASA authorization bill which I introduced last year.

The fiscal year 1995 budget request for NASA is a reduction from its current level of funding. The President's 5-year plan for NASA also keeps funding levels relatively flat. While this illustrates the budget realities required to lower the Federal deficit, the budget forecast may be especially problematic for NASA. This is because many projects were begun in the 1980's with the assumption that the NASA budget would rise 10 percent per year. Today, these projects are growing while being shoe-horned into a tighter budget.

Despite the reduction, the NASA fiscal year 1995 budget is an honest proposal to fund a good mix of programs. In prior years, the NASA budget request at times exceeded the actual appropriations by over $1 billion. I am encouraged to see Congress and the administration working more recently in tandem to meet fiscal obligations and commit to fund quality programs. NASA's 5-year plan submitted this year also is more meaningful because it shows a flat budget and not the traditional trend upward. This means that even though NASA's budget proposed is reduced, a consistent funding scenario for the next few years will provide much needed stability in NASA Programs.

Tight fiscal constraints matched with the end of the cold war are the catalysts which help to focus our civilian aeronautics and space programs. As NASA Administrator Goldin testified in our subcommittee hearings, the administration's top priorities for the agency are the international space station, space shuttle safety, mission to planet Earth, aeronautics, and space science. Within each of the priorities, we must work together to ensure that ongoing and planned programs will yield the greatest returns for the American people.

Since the historic *Apollo 11* mission to the Moon in 1969, NASA has searched for a new focus which would again capture the imagination of the world. From my perspective, the space station has become a symbol of America's willingness to reach out across vast differences and find common hopes and dreams with other nations. If we can peer beyond the fiscal limitations of today and into our future as part of the global community, we can see an international laboratory orbiting above the Earth, developed for the peaceful uses of outer space. Meshed integrally with Russia as well as the spacefaring nations of Japan, Europe, and Canada, the space station is our best example of international cooperation in the post-cold-war era.

Another administration priority for NASA focuses on the monitoring of the Earth and its environment. Within the Mission to Planet Earth Program, the Earth observing system and related data information system play a major role in the U.S. global change research program which is part of a larger international effort to monitor the interactive forces of oceans, land, and atmosphere. This ambitious endeavor will enhance our understanding of the Earth's complex systems and provide important information on how humans affect the environment.

As we heard from witnesses at our subcommittee hearings, aeronautics research and technology have contributed to the success of domestic airframe and engine manufacturers. With the end of the cold war, new international markets have increased the drive toward economic competitiveness. To maintain aircraft sales in the international marketplace, NASA must focus on developing new aeronautics technologies in concert with our domestic industry. Although only about 6 percent of the total NASA budget, aeronautics programs, such as advanced subsonic and high-speed research, are highly leveraged to help make industry more competitive.

Finally, NASA's long history of planetary exploration has yielded important information about our solar system and our unique planet Earth. Likewise, NASA programs in physics and astronomy, such as the Hubble space telescope, have brought us closer to understanding the forces of the universe. Late last year, the American people were engrossed with the repair mission of the Hubble space telescope. Because of the human risks involved, the world was centered on the activities of the space shuttle and its crew. As Freeman Dyson writes in his book, "Infinite in All Directions," "The American space program is at its most creative when it is a human adventure."

Since the President submitted his NASA budget for fiscal year 1995 this past February, a great deal of attention has been focused on the space station and other NASA Programs. Much of the discussion has been over which programs should be cut and what direction the agency should take. In preparing this legislation, I have discussed funding issues with NASA, the administration, and consulted with outside parties. In doing so, I remain convinced that NASA's priorities support the most important and valuable programs to the Nation. I encourage my colleagues to join me in supporting the National Aeronautics and Space Administration Authorization Act, fiscal year 1995 in the coming months.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, Fiscal Year 1995".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) Improved understanding of the Earth and space, strengthened national competitiveness in aerospace activities, and international scientific cooperation are all national priorities.

(2) Continued support, within budgetary constraints, of key programs of the National Aeronautics and Space Administration can further advance these national priorities.

(3) The end of the Cold War enables Federal agencies to coordinate resources to pursue civilian research and development in the most effective and efficient manner.

(4) the twenty-fifth anniversary of the first human landing on the Moon reminds all humanity of the wondrous accomplishments of the past and the opportunities that still beckon.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(2) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. HUMAN SPACE FLIGHT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight the following amounts, to become available October 1, 1994:

(1) Space Station, $1,889,600,000, of which $20,000,000 are authorized for the construction of a Neutral Buoyancy Laboratory, Johnson Space Center.

(2) Russian Cooperation, $150,100,000, of which—

(A) $100,000,000 are authorized for Russian space agency contract support; and

(B) $50,100,000 are authorized for Space Shuttle/MIR activities.

(3) Space Shuttle, $3,324,000,000, of which—

(A) $4,800,000 are authorized for modernization of the Firex System, Pads A and B, Kennedy Space Center; and

(B) $7,500,000 are authorized for replacement of the Components Refurbishment Laboratory, Kennedy space Center.

(4) Payload and Utilization Operations, $356,200,000.

SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology the following amounts, to become available October 1, 1994:

(1) Space Science, $1,766,000,000 of which—

(A) $1,058,700,000 are authorized for Physics and Astronomy; and

(B) $707,300,000 are authorized for Planetary Exploration.

(2) Life and Microgravity Sciences and Applications, $470,900,000.

(3) Mission to Planet Earth, $1,238,100,000, of which $17,000,000 are authorized for the construction of the Earth Systems Science Building, Goddard Space Flight Center.

(4) Aeronautical Research and Technology, $898,500,000, of which—

(A) $342,800,000 are authorized for Research and Technology Base activities;

(B) $533,700,000 are authorized for Systems Technology Programs, including—

(i) High Speed Research, $221,300,000;

(ii) Advanced Subsonics, $125,800,000;

(iii) High Performance Computing and Communications, $76,100,000; and

(C) $22,000,000 are authorized for the modernization of the Unitary Plan Wind Tunnel Complex, Ames Research Center.

(5) Advanced Concepts and Technology, $608,400,000.

(6) Launch Services, $340,900,000.

(7) Mission Communication Services, $481,200,000.

(8) Academic Programs, $97,200,000.

SEC. 103. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support the following amounts, to become available October 1, 1994:

(1) Safety, Reliability, and Quality Assurance, $38,700,000.

(2) Space Communication Services, $268,900,000.

(3) Research and Program Management, including personnel and related costs, travel, and research operations support, $2,220,300,000.

(4) Construction of Facilities, including land acquisition, $135,000,000, of which—

(A) $8,000,000 are authorized to perform seismic upgrade of the Research, Development, and Test Building, Dryden Flight Research Center;

(B) $5,000,000 are authorized to restore the Exterior/Interior Systems, Buildings 3, 13, and 14, Goddard Space Flight Center;

(C) $4,300,000 are authorized to modernize the Condenser Water Systems, Southern Sector, Jet Propulsion Laboratory;

(D) $4,300,000 are authorized to rehabilitate the Utility Tunnel Structure and Systems, Johnson Space Center;

(E) $1,500,000 are authorized to modernize the Payloads Hazardous Servicing Facility HVAC System, Kennedy Space Center;

(F) $4,900,000 are authorized to modernize the Metrology and Calibration Facility, Marshall Space Flight Center;

(G) $30,000,000 are authorized to repair facilities at various locations, not in excess of $1,000,000 per project;

(H) $30,000,000 are authorized to rehabilitate and modify facilities at various locations, not in excess of $1,000,000 per project;

(I) $2,000,000 are authorized for minor construction of new facilities and additions to existing facilities at various locations, not in excess of $750,000,000 per project;

(J) $10,000,000 are authorized for facility planning and design; and

(K) $35,000,000 are authorized for environmental compliance and restoration.

SEC. 104. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General $16,000,000, to become available October 1, 1994.

Subtitle B—Limitations and Special Authority

SEC. 151. SPACE STATION LIMITATION.

The aggregate amount authorized to be appropriated for Space Station and related activities under sections 101, 102, and 103 shall not exceed $2,100,000,000.

SEC. 152. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Of the amounts appropriated under sections 101 and 102, $10,000,000 are authorized for the Experimental Program to Stimulate Competitive Research in accordance with title III of the National Aeronautics and Space Administration Act, Fiscal Year 1993 (Public Law 102-588; 106 Stat. 5119).

SEC. 153. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—Funds appropriated under sections 101, 102, and 103 (excluding appropriations for construction of facilities under sections 101(1), 102(3), 102(4)(C), and 103(4), and for personnel and related costs and travel) may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities at any location in support of the purposes of which such funds are authorized.

(b) LIMITATION.—None of the funds used pursuant to subsection (a) may be expended for a project the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $500,000, until 30 days have passed after the Administrator has notified the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) TITLE TO FACILITIES.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

SEC. 154. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Act, appropriations authorized under subtitle A may remain available without fiscal year limitation.

SEC. 155. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

Appropriations authorized for construction of facilities under section 101(1), 102(3), 120(4)(C), or 103(4)—

(1) may be varied upward by 10 percent at the discretion of the Administrator; or

(2) may be varied upward by 25 percent to meet unusual cost variations after the expiration of 30 days following a report on the circumstances of such action by the Administrator to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

The aggregate amount authorized to be appropriated for construction of facilities under sections 101(1), 102(3), 102(4)(C), and 103(4) shall not be increased as a result of actions authorized under this section.

SEC. 156. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this Act, no amount appropriated to the National Aeronautics and Space Administration may be used for any program—

(1) for which the President's annual budget request included a request for funding, but for which the Congress denied or did not provide funding;

(2) in excess of the amount actually authorized for the particular program by subtitle A; and

(3) which has not been presented to the Congress in the President's annual budget request,

unless a period of 30 days has passed after the receipt by the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 157. NEW PROJECTS.

The Administrator shall certify to Congress that each new project proposed to be funded, with life cycle costs estimated at $150,000,000 or more, has as part of its development and implementation a technology plan to work with United States industry to identify and pursue technologies of value to both the National Aeronautics and Space Administration and industry.

SEC. 158. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

Not later than 30 days after the later of the date of enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1995 or the date of enactment of this Act, the Administrator shall submit a report of Congress and to the Comptroller General which specifies—

(1) the portion of such appropriations which are for programs, projects, or activities not specifically authorized under this Act, or which are in excess of amounts authorized for the relevant program, project, or activity under this Act; and

(2) the portion of such appropriations which are specifically authorized under this Act.

SEC. 159. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Funds appropriated under sections 101, 102, and 103 may be used, but not to exceed $35,000 for scientific consultations or extraordinary expenses upon the authority of the Administrator.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. USE OF NASA LIFE SCIENCES FACILITIES.

The Administrator shall issue regulations to provide use of life sciences facilities by extramural investigators pursuant to title VI to the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (P.L. 102-588; 106 Stat. 5130) and enter into reciprocal agreements with the National Institutes of Health to provide access to the ground-based research facilities of the National Aeronautics and Space Administration in life sciences.

SEC. 202. ORBITAL RESEARCH PLAN.

Not later than 30 days after the later of the date of enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1995 or the date of enactment of this Act, the Administrator shall submit to Congress a detailed Orbital Research Plan that establishes the science research priorities for the next 5 years for all orbital life sciences, materials research, and biotechnology research. The plan shall include budgets, with the associated support costs, for the Spacelab, Spacehab, Comet, Mir, and Space Station programs.

SEC. 203. UNIVERSITY INNOVATIVE RESEARCH PROGRAM STUDY.

The Administrator shall undertake a study of the feasibility and potential implementation of a University Innovative Research Program which—

(1) promotes technological innovation in the United States by using the Nation's institutions of higher education to help meet the National Aeronautics and Space Administration's research and development needs, by developing technologies of use to both the National Aeronautics and Space Administration and industry, by stimulating technology transfer between institutions of higher education and industry, and by encouraging participation by minority and disadvantaged persons in technological innovation;

(2) is modeled on the Small Business and Innovation and Research Program;

(3) identifies opportunities for 4-year colleges which demonstrate commitment to science and technology;

(4) avoids duplication of existing National Aeronautics and Space Administration programs with the institutions of higher education;

(5) identifies funding from the research and analysis activities, advanced concepts and technology program, and other activities which traditionally award grants and cooperative agreements to institutions of higher education; and

(6) is linked closely with other technology investment activities of the National Aeronautics and Space Administration.

(b) COMPLETION.—The study required by subsection (a) shall be completed and its results submitted within one year after the date of enactment of this Act.

(c) ADVICE.—In carrying out the study required by subsection (a), the Administrator shall seek the advice of the National Aeronautics and Space Administration Advisory Council, the National Research Council's Aeronautics and Space Engineering Board and Space Studies Board, and other organizations as appropriate.

SEC. 204. INDEPENDENT INVESTIGATIONS FOLLOW-UP.

The Administrator shall report annually, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives at the time of the submission of the President's budget request, on—

(1) all actions taken by the National Aeronautics and Space Administration to remedy problems and adopt recommendations identified by each panel convened to investigate vehicle or systems failures and losses; and

(2) where such recommendations have not been adopted, the reasons for not pursuing such recommendations.

SEC. 205. FACILITIES REVIEW.

(a) REVIEW.—The Administrator shall conduct a review of the costs of maintaining all facilities owned by the National Aeronautics and Space Administration. The review shall address—

(1) the function of each facility, its contributions to National Aeronautics and Space Administration missions, and its value to the Nation's technical base;

(2) the current estimated value of each facility and associated land, including details on assets and liabilities; and

(3) annual operating costs of each facility, including but not limited to power, equipment, maintenance, operations, and personnel costs.

(b) REPORT.—The Administrator shall report on the results of the facilities review required by subsection (a), to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives not later than January 1, 1995.

SEC. 206. DIVERSITY FACTORS IN PROCUREMENT.

(a) IN GENERAL.—The Administrator shall ensure to the fullest extent possible that at least 8 percent of the funding made available to the National Aeronautics and Space Administration for each fiscal year is made available for prime contracts and subcontracts in support of authorized programs with—

(1) small business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals;

(2) historically Black Colleges and Universities; and

(3) colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans, and other minority educational institutions.

(b) WAIVER OF COMPETITIVE PROCEDURES.—To the extent necessary to carry out subsection (a), the Administrator may enter into contracts using less than full and open competitive procedures, but shall pay a price not exceeding fair market cost by more than 10 percent in payment per contract to contractors or subcontractors described in subsection (a). This section shall not alter the procurement process under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) REGULATIONS.—The Administrator shall issue such regulations as are necessary to carry out this section.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "Historically Black Colleges and Universities" has the meaning given the term "part B institution" in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2));

(2) the term "other minority educational institution" has the meaning given the term "eligible institution" in section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)); and

(3) the term "socially and economically disadvantaged individuals" has the meaning given such term in section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6)), and includes women.

SEC. 207. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

Section 206(a) of the National Aeronautics and Space Act of 1958 is amended—

(1) by striking "January" and inserting in lieu thereof "May"; and

(2) by striking "calendar" and inserting in lieu thereof "fiscal".

SEC. 208. COMMERCIAL SPACE LAUNCH ACT AMENDMENTS.

(a) AMENDMENTS TO AUTHORIZE AUTHORITY FOR COMMERCIAL REENTRY VEHICLES.—The

Commercial Space Launch Act (49 App. U.S.C. 2601 et seq.) is amended—

(1) in section 4—

(A) by inserting "from Earth" after "if any," in paragraph (2);

(B) by redesignating paragraphs (9) through (12) as paragraphs (11), (13), (14), and (15), respectively; and

(C) by inserting after paragraph (8) the following new paragraphs:

"(9) 'reenter' and 'reentry' mean to return purposefully or attempt to return a reentry vehicle and payload, if any, from Earth orbit or outer space to Earth;

"(10) 'reentry vehicle' means any vehicle designed to return from Earth orbit or outer space to Earth substantially intact;";

(2) in section 6(a), by inserting ", or reenter a reentry vehicle," after "operate a launch site" each place it appears;

(3) in section 6(a) (2) and (3), by striking "section 4(11)" each place it appears and inserting in lieu thereof "section 4(14)";

(4) in section 6(a)(3)(A), by inserting "or reentry" after "such launch or operation";

(5) in section 6(a)(3), by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" each place it appears;

(6) in section 6(b)(1)—

(A) by striking "launch license" and inserting in lieu thereof "licensee";

(B) by inserting "or reenter" after "shall not launch";

(C) by inserting "or reentry" after "relate to the launch"; and

(D) by inserting "or reentry" after "to be launched";

(7) in section 6(b)(2)—

(A) by inserting "or reentry" after "prevent the launch";

(B) by inserting "holder of a launch license" and inserting in lieu thereof "licensee"; and

(C) by inserting "or reentry" after "determines that the launch";

(8) in section 6(c)(1), by inserting "or reentry of a reentry vehicle" after "operation of a launch site";

(9) in section 7, by striking "both" and inserting in lieu thereof "for reentering one or more reentry vehicles";

(10) in section 8(a)(1), by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" the first time it appears and by inserting ", or reentry of a reentry vehicle" after "operation of a launch site" the second time it appears;

(11) in sections 8(a)(2), 9(b), 11(a), 11(b), 12(a)(2)(B), and 12(b), by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" each place it appears;

(12) in section 8(b), by inserting "and the reentry of reentry vehicles," after "operation of launch sites,";

(13) in section 11(a), by inserting "or reentry" after "launch or operation";

(14) in section 12(a)(1), by inserting "or reentry" after "prevent the launch";

(15) in section 12(b), by inserting "or reentry" after "prevent the launch";

(16) in section 14(a)(1)—

(A) by inserting "or reentry site" after "observers at any launch site"; and

(B) by inserting "or reentry vehicle" after "assembly of a launch vehicle";

(17) in section 15(B)(4)(A)—

(A) by inserting "and reentries" after "ensure that the launches";

(B) by inserting "or reentry date commitment" after "launch date commitment";

(C) by inserting "or reentry" after "obtained for a launch";

(D) by inserting ", reentry sites," after "United States launch sites";

(E) by inserting "or reentry site" after "access to a launch site";

(F) by inserting ", or services related to a reentry," after "amount for launch services"; and

(G) by inserting "or reentry" after "the scheduled launch";

(18) in section 15(b)(4)(B), by inserting "or reentry" after "prompt launching";

(19) in section 15(c), by inserting "or reentry " after "launch site";

(20) in section 16(a)(1) (A) and (B), by inserting "or reentry" after "any particular launch" each place it appears;

(21) in section 16(a)(1) (C) and (D), by inserting "or a reentry" after "launch service" each place it appears;

(22) in section 16(a)(2), by inserting "or reentry" after "launch services";

(23) in section 16(b)(1) and (4) (A) and (B), by inserting "or reentry" after "particular launch" each place it appears;

(24) in section 17(b)(2)(A)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "site of a launch vehicle";

(25) in section 21(a), by inserting "and reentry" after "approval of space launch";

(26) in section 21(b)—

(A) by inserting ", reentry vehicle," after "A launch vehicle"; and

(B) by inserting "or reentry" after "the launching";

(27) in section 21(c)(1)—

(A) by inserting "or" at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) reentry of a reentry vehicle, or ";

(28) in section 21(c)(2), by inserting "reentry," after "launch";

(29) in section 22(a)—

(A) by striking "ending after the date of enactment of this act and before October 1, 1989"; and

(B) by striking "and reentries" after "further commercial launches"; and

(30) in section 24, by inserting "There are authorized to be appropriated to the Secretary $6,541,000 to carry out this Act for fiscal year 1995." after "$4,900,00 to carry out this Act.".

(b) REGULATIONS.—The Secretary of Transportation shall issue regulations under the Commercial Space Launch Act (49 App. U.S.C. 2601 et seq.) that include—

(1) guidelines for industry to obtain sufficient insurance coverage for potential damages to third parties;

(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle and reentry vehicle;

(3) procedures for requesting and obtaining operator licenses for launch and reentry; and

(4) procedures for the application of government indemnification.

(c) PROHIBITION OF SPACE ADVERTISING.—(1) Section 4 of the Commercial Space Launch Act (49 App. U.S.C. 2603) is amended by inserting after paragraph (11), as redesignated by subsection (a)(1)(B) of this section, the following new paragraph:

"(12) 'space advertising' means advertising in outer space that is capable of being seen by a human being on the surface of the earth without the aid of a telescope or other technological device;".

(2) The Commercial Space Launch Act (49 App. U.S.C. 2601 et seq.) is amended by inserting after section 10 the following new section:

"SEC. 10A. PROHIBITION OF SPACE ADVERTISING.

"(a) PROHIBITION.—Notwithstanding the provisions of this Act or any other provision of law—

"(1) the Secretary shall not—

"(A) issue or transfer a license under this Act; or

"(B) waive the license requirements of this Act; for the launch of a payload containing any material to be used for the purposes of space advertising; and

"(2) no holder of a license under this Act, on or after the date of enactment of this section, shall launch a payload containing any material to be used for purposes of space advertising.

"(b) CIVIL PENALTIES.—Any person who violates the provisions of subsection (a)(2) shall—

"(1) be subject to a civil penalty, not to exceed $30,000,000, which shall be assessed by the Secretary; and

"(2) not be issued a license under this Act for a period of 2 years from the date of such violation, or, in the case of multiple violations, from the date of the most recent violation.".

(3)(A) The President is requested to negotiate with foreign launching nations for the purpose of reaching an agreement or agreements that prohibit the use of outer space for advertising purposes.

(B) The United States Trade Representative may authorize the imposition of appropriate sanctions on any foreign nation that launches a payload in violation of an agreement, to which the United States and such nation are parties, that prohibits the use of outer space for advertising purposes.

(C) In this paragraph, the term "foreign launching nation" means a nation—

(i) which launches, or procures the launching of, a payload into outer space; or

(ii) from whose territory or facility a payload is launched into outer space.

NASA AUTHORIZATION ACT, FISCAL YEAR 1995

BILL SUMMARY

The bill authorizes appropriations in Fiscal Year (FY) 1995 to the National Aeronautics and Space Administration for Human Space Flight, Science, Aeronautics, and Technology, Mission Support, and Inspector General and for other purposes.

The bill authorizes appropriations at the President's request, a total of $14.3 billion to NASA for FY 1995. This is a $200 million reduction from FY 1994 appropriations.

Section 101 authorizes 40% of the total NASA budget for Human Space Flight activities, providing $1,889.6 million for the Space Station, $150.1 million for Russian Cooperation, and $3,324.0 million for the Space Shuttle.

Section 102 authorizes 41% of the total NASA budget for Science, Aeronautics, and Technology activities, providing $1,766.0 million for Space Science, $470.9 million for Life and Microgravity Sciences and Applications, $1,238.1 million for Mission to Planet Earth, and $898.5 million for Aeronautics Research and Technology.

Section 103 authorizes 19% of the total NASA budget for Mission Support. This section provides authorizations for Safety, Reliability, and Quality Assurance, Space Communication Services, Research and Program Management, and Construction of Facilities.

Section 151 limits the aggregate amount authorized for Space Station and related activities to $2.1 billion.

Section 152 provides $10 million of amounts appropriated in Human Space Flight and Science, Aeronautics, and Technology, for the Experimental Program to Stimulate Competition Research (EPSCOR).

Section 157 requires the Administrator to provide a technology plan to pursue technologies with domestic industries for all new projects estimated to cost $150 million or more.

Section 201 requires NASA to enter into reciprocal agreements with the National Institutes of Health to use unique ground-based life sciences facilities.

Section 202 requires NASA to submit an orbital research plan that establishes the science research priorities for all orbital life sciences, materials research, and biotechnology research for the Space Station, Mir, and other space platforms.

Section 203 requires a study of the feasibility and potential implementation of a university innovative research program.

Section 204 requires annual reporting of recommendations made by panels convened to investigate vehicle or systems failures or losses.

Section 205 requires the Administrator to conduct a facilities review and report on operating cost and value of NASA-owned facilities.

Section 206 provides at least 8% of funding for NASA prime contracts and subcontracts be made available for small disadvantaged businesses.

Section 208 amends the Commercial Space Launch Act of 1984 to authorize the Secretary of the Department of Transportation to regulate and license commercial reentry vehicles and issue regulations. This section also prohibits advertising in outer space.●

ADDITIONAL COSPONSORS

S. 1924

At the request of Mr. HATCH, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1924, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 1951

At the request of Mr. MOYNIHAN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1951, a bill to establish a comprehensive system of reemployment services, training and income support for permanently laid off workers, to facilitate the establishment of one-stop career centers to serve as a common point of access to employment, education and training information and services, to develop an effective national labor market information system, and for other purposes.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the names of the Senator from North Dakota [Mr. DORGAN], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

AMENDMENTS SUBMITTED

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

KOHL (AND OTHERS) AMENDMENT NO. 1707

Mr. KOHL (for himself, Mr. JEFFORDS, and Mr. FEINGOLD) proposed an amendment to the bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.

Section 1412 (42 U.S.C. 300g–1) is amended by adding at the end the following new subsection:

"(f) RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.—

"(1) DEVELOPMENT OF PLAN.—The Administrator shall—

"(A) not later than September 30, 1994, develop a research plan to support the development and implementation of the most current version of the—

"(i) enhanced surface water treatment rule (announced at 59 Fed. Reg. 6332 (February 10, 1994));

"(ii) disinfectant and disinfection by-products rule (Stage 2) (announced at 59 Fed. Reg. 6332 (February 10, 1994)); and

"(iii) ground water disinfection rule (availability of draft summary announced at 57 Fed. Reg. 33960 (July 31, 1992)); and

"(B) carry out the research plan.

"(2) CONTENTS OF PLAN.—

"(A) IN GENERAL.—The research plan shall include, at a minimum—

"(i) an identification and characterization of new disinfection byproducts associated with the use of different disinfectants;

"(ii) toxicological and epidemiological studies to determine what levels of exposure from disinfectants and disinfection byproducts, if any, may be associated with developmental and birth defects and other potential toxic end points;

"(iii) toxicological and epidemiological studies to quantify the carcinogenic potential from exposure to disinfection byproducts resulting from different disinfectants;

"(iv) the development of practical analytical methods for enumerating microbial contaminants, including giardia, cryptosporidium, and viruses;

"(v) the development of dose-response curves for pathogens, including cryptosporidium and the Norwalk virus;

"(vi) the development of indicators that define treatment effectiveness for pathogens and disinfection byproducts; and

"(vii) bench, pilot, and full-scale studies and demonstration projects to evaluate optimized conventional treatment, ozone, granular activated carbon, and membrane technology for controlling pathogens (including cryptosporidium) and disinfection byproducts.

"(B) RISK DEFINITION STRATEGY.—The research plan shall include a strategy for determining the risks and estimated extent of disease resulting from pathogens, disinfectants, and disinfection byproducts in drinking water, and how the risks can most effectively be controlled, taking into consideration the costs of various control methods and the sizes of various systems.

"(3) IMPLEMENTATION OF PLAN.—In carrying out the research plan, the Administrator shall use the most cost-effective mechanisms available, including coordination of research with, and use of matching funds from institutions and utilities.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $12,500,000 for each of fiscal years 1995 through 1998.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Friday, May 13, at 10:30 a.m. to hold a hearing on the Chemical Weapons Convention—Treaty Document 103–21.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TO AMEND THE SMALL BUSINESS INVESTMENT ACT OF 1958—S. 2061

● Mr. GORTON. Mr. President, I speak today on behalf of the many small businessowners in Washington State, who, through their hard work and determination, provide jobs and economic opportunity to thousands of Washingtonians. One such small businessowner, Doris Johnson of Vancouver Bolt and Supply, Inc., has led a grassroots effort to right a wrong imposed by the Government on small businesses throughout the Nation. Ms. Johnson's efforts have attracted thousands of supporters and her movement continues to gain strength and momentum across the country.

Ms. Johnson brought to my attention, and to the attention of many in the Federal Government, the problem thousands of small businessowners face today because of their ambition to start or expand their businesses in the 1980's. The problem I am addressing today is that of the enormous prepayment penalties associated with Small Business Administration 503 loans. In the 1980's, when interest rates were much higher, SBA 503 loans provided long-term fixed rate financing to small businesses that needed industrial or commercial buildings, machinery, and equipment. Today, over 3,000 such loans remain in existence. Many of these loans have interest rates as high as 15.7 percent. However, businessowners are prevented from prepaying these loans because of their devastating prepayment penalties—some as high as 40 percent.

The prepayment penalties are discouraging many small businessowners from expanding their businesses and taking out additional loans. In effect, the 503 loan prepayment penalties are damaging our economy. It is for this reason that I have decided to join my colleagues in cosponsoring S. 2061, a bill to amend the Small Business Investment Act of 1958. This legislation, introduced last week by Senator BUMPERS at the request of the administration, would replace the 503 loan prepayment penalty with a much more reasonable penalty, that currently associated with SBA 504 loans.

I have cosponsored similar legislation in the past, and will continue to give my full support to a revision of the 503 prepayment penalty until this situation is rectified. I would like to commend the administration for its efforts to work with the small business community and its supporters in Congress. It is my hope that this legislation will be successful in its attempt to find a long-awaited solution to a problem which has prohibited small business from creating jobs and economic opportunity long enough.

Many small business men and women in Washington State and across the country need this legislation to expand or sell their businesses. The elimination of the excessive prepayment penalty for 503 loans will undoubtedly lead to economic growth and provide jobs and opportunities for families and communities cross Washington State and the Nation. For this reason alone, Mr. President, I urge the Senate to act quickly on this legislation.•

ORDERS FOR MONDAY, MAY 16, 1994

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands adjourned until 2 p.m. on Monday, May 16; and that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date; the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that immediately thereafter, the Senate resume consideration of S. 2019, the Safe Drinking Water Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO ADJOURN UNTIL MONDAY, MAY 16, 1994, AT 2 P.M.

Mr. DORGAN. Mr. President, I ask unanimous consent that upon the completion of Senator DOLE's remarks, if any, the Senate stand adjourned, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

UNITED STATES POLICY TOWARD HAITI

Mr. DOLE. Mr. President, it is high time for cooler heads to prevail on U.S. policy toward Haiti. We seem to be heading for another foreign policy mistake. The administration appears to be lurching toward the use of U.S. military force in Haiti, without clearly considering the consequences of such action and the history of United States involvement in Haiti.

Moreover, the administration is not taking into account the views of the majority of Members of Congress who believe that any deployment of forces in Haiti should be authorized by the Congress. Today, there are reports, too, of opposition among a number of our friends in Latin America.

United States policy in Haiti needs to be reviewed, and the first step toward rational consideration of United States' options in Haiti should be the establishment of a bipartisan factfinding commission, an idea I have proposed to the President. The findings of such a commission could form the foundation for a new policy.

Everyone wants to see democracy return to Haiti. However, it is not in the United States interest for Haiti to become a de facto United States colony. It is not in the U.S. interest to send American troops to put President Aristide back in power. I would certainly urge the President to support an independent commission as a critical first step toward a policy that does reflect U.S. interests.

ADJOURNMENT UNTIL MONDAY, MAY 16, 1994, AT 2 P.M.

The PRESIDING OFFICER. There being no further business, under the previous order, the Senate stands adjourned until 2 p.m. on Monday.

Thereupon, at 2:06 p.m., the Senate adjourned until Monday, May 16, 1994, at 2 p.m.

HOUSE OF REPRESENTATIVES—*Monday, May 16, 1994*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 16, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS J. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, we remember with great praise those who have dedicated their lives by alleviating the pain of the neediest among us. For those who feed the hungry, provide shelter to homeless, protect those who are most vulnerable, heal those who are ill, and who encourage those who are weak, we express our appreciation. With thanksgiving we recall the many volunteers who use their abilities and time in a ministry of service so that hope will be reborn and shattered lives given solace and cheer. Bless all those good women and men who see in needy people Your divine image and Your eternal mark. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2440. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2024) "An Act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes" with an amendment.

The message also announced that the Senate agrees to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H. Con. Res. 218) "Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1995, 1996, 1997, 1998, and 1999.".

The message also announced that the Senate agrees to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 636) "An Act to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.".

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 720. An act to clean up open dumps on Indian lands, and for other purposes.

S. 1935. An act to limit the acceptance of gifts, meals, and travel by Members of Congress and congressional staff, and for other purposes.

S.J. Res. 190. Joint resolution to designate May 15, 1994, National Peace Officers Memorial Day.

MEDICAL CENSORSHIP HAS BEEN LIFTED IN AMERICA

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, this is indeed a great day. Medical censorship has really been lifted in America. As Americans, we anticipate and accept our birthright of always being able to have access to the best scientific knowledge for treatment of our health issues. Yet, anything that had any impact on reproductive areas of women, no matter what kind of impact it had in other areas, had been forbidden to come into this country for a very long time.

Today, Mr. Speaker, the agreement was finalized and RU 486 will be brought into this country for the Food and Drug Administration trials. I will include in the RECORD a letter from a family I helped get RU 486 2 years ago. This was a man who had many surgeries for brain tumors and they told him he would be dead in several months if he could not get RU 486. That was his last hope of stopping the growth of the tumor.

The letter said that he had just had his MRI and the tumors are all gone. Thank goodness we will no longer have the kind of restrictions that were on when I was trying to get it and had to have congressional intervention to get it. Progress is beginning again for American women and everyone else.

The letter referred to follows:

ANDERSON ADVISORY, INC.
Atlanta, GA, May 6, 1994.

Representative PAT SCHROEDER,
U.S. Congress, Rayburn House Office Building, Washington, DC.

DEAR PAT: David and I wanted you to know that RU-486 has erased any sign of the four brain tumors David had when we met you in July, 1992.

David had an MRI yesterday after which we met with the doctor and received this wonderful news. The side-effects are minimal (certainly less than those of his three surgeries). Our family is living a normal, productive (and grateful) life.

We continue to thank you, Representative Wyden and your staffs for making this lifesaving medicine available.

Sincerely,

DIXIE ANDERSON GROW.

THE FEDERAL RESERVE AND THE FEDERAL OPEN MARKET COMMITTEE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and because there is no designee of the minority leader, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes as the designee of the majority leader.

Mr. GONZALEZ. Mr. Speaker, as I have said repeatedly, the central decisionmaking committee of the Federal Reserve is the Federal Open Market Committee. It is here, since about 1923, the Federal Reserve Act of 1913 certainly did not provide for that, but a lot of things have happened since the enactment of that law and the creation of the Federal Reserve Board.

Today, Mr. Speaker, we would think that the Federal Reserve Board was sent from heaven, with no responsibility to anybody, but one thing for sure,

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

not to be accountable, either to Congress or the President. The Federal Open Market Committee, "open market" does not mean it is an open committee. It is closed doors, absolutely, strict secrecy. Of course, it has the all-powerful determination of what your standard of living is or is going to be or is currently being determined, and has been for some couple of decades, and that is certainly, too, the advantage of the traditional American standard of living that we have always boasted of. It is the one that determines the fate of an administration.

Members may think, as some citizens have written, very learned and experienced corporate heads who themselves have been involved in very, very effective and long-reaching financial transactions, both nationally and internationally, and they keep calling and writing and saying, "But we always assumed that the Congress would be there and would not have relinquished its total oversight jurisdiction, and vested this so-called board with such powers."

For many, many years past, and more recently on several repeated occasions, I have given my colleagues the intricacies of what is the Federal Reserve Board. It is not a government body, it is a creature of the private commercial banking system. I have gone into that before, so I will not repeat it. It simply amazes me how many of my colleagues and how many citizens of great position seem to be surprised that actually there is no accountability. It can determine the fate of an administration simply by such things as interest rates.

It is very interesting to me, I have been on the Committee on Banking, Finance and Urban Affairs, which used to be known as the Committee on Banking and Currency, and since 1975 has been known as the Committee on Banking, Finance and Urban Affairs, since I came to the Congress 32½ years ago.

Up until just relatively recently, no more than 8 years, every Federal Reserve Board Chairman that would appear before the committee would say that they had nothing to do with controlling interest rates, that those things were the result of, and they consistently repeated it, the profligacy of Congress and the market, so-called. Now they not only admit it, they brag about it.

The truth of the matter is, as I have pointed out, in a brief hearing before the committee, to the immediate predecessor Chairman of the Federal Reserve Board, Paul Volkmer, I asked him, "Isn't it a fact that today we no longer can control those forces that are now external to our shore that actually, no matter what we do domestically, will determine such things as interest rates?"

□ 1210

And he acceded to the point.

So, Mr. Speaker, even though they boast today openly, all those years they refused to accept that responsibility. But they can determine the fate of an administration by simply determining what it is they will pay, that is, the bankers, because the Federal Reserve Board is private. It is a corporation. The Congress does not have any stock in it. The President does not have any stock in it. The stock is owned by the commercial banks and the members of the Federal Reserve Board System. They can determine the price of treasuries and thereby in effect have such rippling effects as interest rates and determine the fate of an administration.

Mr. Speaker, actually this has happened. It happened in 1972, it happened again in 1980 when the prime interest rate went to the incredible rate of 21 percent.

Mr. Speaker, all history, as I have said repeatedly, shows that there is not one society that has survived usury. And if 21 percent prime interest rate is not usury or an extortionate interest rate, then I do not know what the definition of usury is.

Mr. Speaker, this forceful buy mysterious body known as the Federal Open Market Committee recently established a formal trilateral facility with two foreign governments that involves granting foreign loans and lines of credit. The Constitution says that only the Congress can do that, not even the President, only the Congress. That is what is wrong with this so-called trilateral setup. And what is wrong is the funds have never been appropriated, nor authorized, by the U.S. Congress. This is where so many of these corporate heads just in the last 10 days have communicated their shock. They were not award of that.

How many of my colleagues think that there are interest rate controls or usury laws? On the national level, we have not had any since the National Currency Act of 1865, which incidentally was foremost in Abraham Lincoln's mind when he was shot. He knew what was coming. But can my colleagues imagine any of my predecessors, at the beginning of my career, the chairman then thinking that interest rates would even reach, prime interest rates over 7 percent, much less 20 percent and 21 percent? Why, they would have and I am sure they have turned over in their grave 50 times. But not today.

The truth of the matter is, my colleagues, as optimistic as I am inherently, I think the time is long gone where through the ordinary course of events the Congress is going to regain power. Power, as Frederick Douglass said, never yields except on demand. It never has and it never will. Do we think these vast financial and banking and corporate oligarchs and plutocrats are going to yield this tremendous power of determining the fate of the financial and economic well-being of a whole country? Why, of course not. We can forget about it. Not willingly. Is the Congress going to rise? I hope, I always pray.

Mr. Speaker, five of the members of this Federal Open Market Committee who discussed and voted to authorize these lines of credit and permanent loan facilities to foreign countries have never been confirmed by the Senate and, therefore, are not constitutional officers, even if by strict legal definition such were the case. They were selected by the directors of the Federal Reserve banks, two-thirds of whom are elected by private commercial bankers, and there is and always has been serious doubt about the Fed's unilateral claim to the power to make these deals.

Mr. Speaker, I have voiced that since we first heard of such things as swaps. On April 26, the Federal Reserve joined with the Treasury Department to establish a permanent trilateral foreign exchange, what they will call swap facility with the Governments of Mexico and Canada. This international loan facility should be of the utmost importance to U.S. taxpayers whose taxes have been and continue to be placed at risk by these foreign exchange interventions, foreign loans and lines of credit to foreign countries.

Mr. Speaker, who determines what country? These gentlemen who account to nobody except their own interest.

It is important to understand just what this recent $6 billion swap facility for Mexico entails for which the Fed pledges of that amount, the Fed's part, even through they announced their $6 billion guarantee several weeks ago, they have actually under this agreement pledged $3 billion to benefit Mexico. However, if the Mexican Government wanted $6 billion in United States currency tomorrow and went into the market to buy United States dollars with pesos, the price of pesos would fall and it is unlikely they could make the trade at current exchange rates. A guarantee of the transfer at any time at current exchange rates is a guarantee of a substantial subsidy to the Mexican Government. When activated, the $6 billion swap formally transfers this subsidy to Mexico.

A week ago, I brought on my colleagues, "Now, here it is." This use, I say illegal and unconstitutional, of taxpayers' money could be so easily found in the range of billions. Yet just 3 years ago that great historic State of Rhode Island was facing bankruptcy and the banks were closed and the credit unions were closed and the savings and loans were closed and we had a hearing in May of 1991 and we had a thousand of these Rhode Islanders, elderly, there had been an increase of almost 50 percent in the relief rolls because most of the elderly had their pension resources, which is what was keeping them tied up. The great sovereign State of Rhode Island only needed a line of credit so that it could issue bonds.

Mr. Speaker, I tried to get the Fed, and they have the power, to do it. Did they do it? Why, they would not even discuss it.

I tried to get the other entities, the FDIC and the like, and not a word. So we had to come back. And on June 28 in the Committee on Banking, Finance and Urban Affairs, to the glory of each Member, we passed out a line of credit guarantee program so that Rhode Island could pledge its revenues from the sales tax to guarantee the issuance of the bonds and pay back, or never have to use that guarantee from the government. But we had to do it when it did not require legislation. It could have been done by these same powerful oligarchic entitles that find it easy to provide billions for foreign governments but not for one of our own sovereign States.

My colleagues, I think that is not only shameful, I think it is criminal and it is a direct challenge to use who have been elected by the people to represent their interest, not the bankers, but their interest for us not to rise as one and protest and correct and reform and handle it in the way the Constitution says it should be done.

□ 1220

In truth, the so-called guarantee is a loan of United States dollars to Mexico, collateralized by pesos. There is no denying that giving U.S. dollars to a foreign government with conditions for repayment is simply a loan for U.S. dollars.

In a May 9, 1994, letter I received from the Federal Reserve Chairman, Alan Greenspan, he asserted there is no exchange-rate risk since the loan is scheduled to be repaid at the initial exchange rate and interest can be earned on foreign currencies held. However, default risk, the probability of failure to repay, is not eliminated.

A guarantee of a line of credit, such as the $3 billion rate now available to Mexico, places United States taxpayers' funds at risk in the event of default. That is why I am asking the Federal Reserve to provide full details of all its foreign-currency operations including completed Federal Open Market Committee transcripts where these important international currency arrangements are discussed. These transcripts have not been available. In fact, when we had that historic meeting last October and had all the Presidents and Governors, they attempted to deceive the committee and thereby the Congress, and we discovered that they had been keeping these transcripts.

But do they want to make them available to the representatives of the people? Absolutely not. And that is something that I have discussed at great length before, so I will not extend it.

Now, one of the most important objectives of the legislation I have introduced known as H.R. 28, the Federal Reserve System Accountability Act of 1993, is to increase the Federal Reserve's accountability to the public. Knowing how individual members of the FOMC decide on different issues serves to improve the public trust and enhances the ability of the Federal Reserve to carry out appropriate monetary policy.

I congratulate Chairman Greenspan and his colleagues on the Federal Open Market Committee for taking the important step of properly releasing recent monetary policy decisions, just recently and again under pressure.

Now, if the Fed would only take the next step of making complete transcripts of its eighth annual FOMC meetings promptly available to the public, people can know when and why the Federal Reserve is using taxpayers' money for foreign-exchange intervention, foreign loans, and lines of credit to foreign countries, at least that much; we will be able to hear the discussion why, what were the reasons, what were the Members who had different ideas, and how many of them spoke up. I think that is important for us to know, not that it changes the basic responsibility of this power to lend falling within the constitutional mandated authorization and appropriation processes.

Now my colleagues, you may not realize this, but the Congress never gave the Federal Reserve approval to establish what has today become a $30 billion swap fund. This amount that the Fed has amounts to $30.1 billion. Why, that amount of money would take care of all of our housing programs that we have not been able to fund and appropriate for, just that amount.

But this is their reserve for foreign countries. Which ones? Depends. We do not know expect now and then, like when they released the $6 billion arrangement with Mexico, or at least the line of credit.

Chairman Greenspan's response to my letter on May 9 raises even further doubts about the legality of the Federal Reserve's use of these appropriated funds that are used to make loans to foreign governments and to extend to them lines of credit. The Federal Reserve's periodic forays into foreign policy by way of its swap fund is certainly an issue that should be of immense concern to the Congress.

The Federal Reserve began its foreign-currency operations in 1962, and ever since then; now 1962 was President Kennedy, and I was abroad here, and I raised my voice then. Of course, I was relatively a freshman, and you certainly were supposed to be seen and not heard even at that time, but I always have spoken out.

This was done without congressional authorization.

William McChesney Martin, who was the Chairman of the Federal Reserve at that time, did not want to formally ask the Congress for authorization, because he said the Federal Reserve did not know what it needed, and I am going to quote. The Congress probably would not want to put itself in the position of approving something if the Federal Reserve was not clear about its wishes in the matter. That is reflected in the minutes of the FOMC, the Federal Open Market Committee, of February 13, 1992. Chairman Martin notified the Congress of the Federal Reserve's intention to establish the swap fund, but he did this not openly but by burying it in a nine-page speech he gave January 30, 1962, to the Joint Economic Committee. He mentioned in his testimony that the Federal Reserve Bank of New York, acting as an agent for the Treasury, had used the Treasury's exchange stabilization fund, the fund on which the Federal Reserve's swap fund is based, for operations not previously undertaken since World War II with the aim of "defending the dollar from speculative forays."

I think I was the only one in the Congress that mentioned that there was such a thing as speculation, but in 1962, in the 1960's in fact, who much thought that that big tide after the war period of well-being would ever end? And that America was the richest country in the world, and the only one, even then, we were unaffected with that virus, and nobody paid much attention. It was certainly no concern.

But there were two things that happened that were clear signals. Right after 1960, the trade account for the first time showed a deficit of $10 billion. I spoke out and said the reason for that was simple. There were tremendous watershed periods of change since 1950, and I gave some statistics. Then I said in 1950, the late 1940's and 1950, the United States truly was producing almost 80 percent of the world's needs, but by 1960, it was not even 40 percent, and today it is not even 19 percent.

So naturally sooner or later, I said then, things are going to have to happen for us to foresee, plan ahead, and see how we can anticipate these forces that will eventually turn us around.

Also, the emergence in the 1960's of the megacorporate, international, or translational institutions; I spoke out on the RECORD. It is not what I am saying now. Of course, at that time nobody used special orders on the floor. You could write them out, submit them for the RECORD, and they would be printed as if you had uttered them. I never thought that was the intent of what got to be called specials orders, but which is not the technical word for it.

□ 1230

I came to the floor, made the speech, and it is in the RECORD. I pointed out that the United States, by necessity, since there were nations arising in Europe and Asia that would soon supplant and compete with the United States—but that is history, but I am giving you this part of the history as to the genesis or the beginning of this so-called SWAP. Now, it is interesting, but at that time the chairman of the Federal Reserve Board realized what the law says. Why? That first chapter of the first section of the Federal Reserve Act of 1913 says the Federal Reserve shall be the fiscal agent of the U.S. Treasury. Now, at that time and until, again, the 1960's, in fact President Kennedy, during his brief but inspiring period, restored and therefore you could in 1961, 1962, 1963, you could dig into your pockets and if you took out five $1 notes, the chances are at least two of those were U.S. Treasury notes. Today you look at your $1 bill, $5, $10, $20, and it says "Federal Reserve" notes, meaning the Federal Reserve is the one that is printing our money. That is the commercial bankers, not the U.S. Government.

So, lo and behold, as the law says, the Federal Reserve shall be the fiscal agent of the Treasury, and it is now the Treasury's fiscal agent or just agent or the handmaiden of the Federal Reserve Board.

But it is interesting that in 1962 Chairman Martin said, "Well, we are going to act as the agent for Treasury," which has the so-called stabilization of SWAP fund. At that time, then-Congressman Richard Bolling of Missouri asked Chairman Martin to explain. What? Because Congressman Bolling was on the Joint Economic Committee. Chairman Martin replied this way, and I quote:

> I want to make clear, Mr. Bolling, that the Federal Reserve is not anxious to engage in this type of activity. The Treasury stabilization fund has experimented with this kind of operation since March of this year in a very small way, and we have come to the view that however we should require these currencies.

And it is not possible to spell out here, "what we are aiming at is to keep the speculators from unseating us." That was the Joint Economic hearing of 1962, pages 181 and 182.

Chairman Greenspan has attached to his May 9, 1994, letters, a document prepared by the Federal Reserve general counsel, who at that time was Howard Hackley. This document, dated November 2, 1962, is entitled "Legal Aspects of Proposed Plan for Federal Reserve Operations and Federal Currencies." It states with respect to the Federal Reserve's proposed SWAP fund, and I am going to quote, "This matter is admittedly subject to a question, and while it is unlikely that the plan would be challenged in court, there can be no assurance, in the absence of legislation." and I repeat, "in the absence of legislation, that it would not be criticized from some sources on legal grounds."

The general counsel goes on to say:

> Consultation with banking and currency committees admittedly the question is debatable, particularly in view of the 1933–1934 position of the board. Moreover, it may be noted that in 1932, Senator Carter Glass had criticized certain foreign operations of the Federal Reserve Bank of New York which might be considered similar to those now contemplated as being contrary to law. Senator Glass suggested that such operations were inconsistent with the Federal Reserve Act.

And I say certainly with respect to the Constitution. The general counsel of the Federal Reserve said:

> In view of the uncertainties as to the construction of the law and the history of this matter, it might be desirable, before instituting the plan now proposed, to inform the Banking and Currency Committees of the Congress.

So the Fed notified Congress, well, in a speech, as I said earlier. As I have noted, Chairman Martin tried his best to play down the Fed's plan to establish a SWAP fund when he testified before the Congress. The extent of the Fed's obfuscation is illustrated by the fact that the Fed never asked the Congress for enabling legislation. Why not? The idea was to go ahead with as little fuss as possible, which is always the argument given to us; act quick, fast.

I have always said that fast Government can be dangerous Government. If Congress did not pick up on the importance of the deal, so much the better, for in the Fed's eyes silence would amount to consent, and the idea was not to wake any sleeping watchdogs.

There was not unanimity, though, at the Federal Reserve for that decision to establish a SWAP fund. During the 1962 Federal Reserve meetings, one of the Federal Reserve Board governors, J.L. Robertson, expressed concern about the proposed establishment of this fund. Chairman Greenspan has been trying to play down the extent of Governor Robertson's concerns. In his May 9th letter to me, Chairman Greenspan depicts the dissent at the February 13, 1962, FOMC meetings as the expression of mere reservation. I disagree with that interpretation.

During that meeting, Governor Robertson asked if there were any advantages aside from the Federal Reserve's unlimited pocketbook—and by the way, that reminds me, at the time in 1984 that the Continental/Illinois Bank went under, and incidentally the Congress and our committee, unfortunately, never did go into that to establish the underlying cause. It was a harbinger of the crisis that still continues to confront us in the financial and, with reference to my concern, the insured depository institutions. Why? Because those are the ones that the taxpayers' guarantee stands behind.

But in 1984 the Continental/Illinois went under, and it took, as I found out later, $6 billion of the Fed—and that is taxpayers' money—to shore things up. Now, the reasons why that crisis were first underlying causes and then immediate causes—the immediate cause was that the Continental/Illinois had changed from its old conservative, I would not use the word conservative, but frugal and prudent methods and went into competition with the New York international banks, thinking that they were going to be No. 1. In effect, the year before it went under, it was rated the No. 1 bank. And when it did so, it exposed itself, as our whole country is exposed today. The Treasury, which just until recently the Japanese owned two-thirds of our Treasury, of our debt, and in direct acquisition of assets and indirect acquisition of assets, we hear a lot about the Japanese, but Great Britain has 2½ times more than the Japanese and that is inclusive of banking.

In fact, in California, the Japanese banking interests own over 25 percent. This is the reason why I had the only hearings any committee really had on pertinent sections of the so-called NAFTA Agreement, the ones that we held, three, three hearings.

□ 1240

We were totally blanked out by the press. They did not report it, did not cover it and did not want to go into it. But it was very disturbing, and in those hearings we brought out more than several things, and that was that the so-called Free Trade Agreement had very little to do with trade. Over 90 percent of it is the power that the big banks in our country—that was the locomotive. It was chapter 14 information which we had the hearings entitled, "Banking and Finance to the Port of NAFTA."

The big banks, where Mexico has an exposure of over $80 billion, it has not even been able to pay the interest. It has had to roll over the interest. These banks thought, boy, we get NAFTA pushed through, and, when it is in place, Mexico will be able to pay us $10 billion a year.

Well, it is illusory. Why? Because in opening it up for the American banks, and it will be a few, it also, for the first time, is now apparent that in the United States we have subsidiaries of foreign banks, as we brought out, that still needs a Congress to act. Our committee is still acting on BNL, BCCI, because it shows a vulnerability to these foreign monies and activities of our system, and, believe it or not, NAFTA is supposed to be a regional—maybe Western Hemisphere, so we will have after GATT, which will be known as a world trade organization after a while—will give the Asia, Japanese, et cetera, block the European Community block and, of course, the United States

Western Hemisphere. But Japan has been coming in, as well as France, and other countries in Latin America, like they did before World War II.

So, NAFTA is supposed to ensure the hegemony of banking and financial activity, but, lo and behold, I have news for my colleagues: Since you did it in secrecy, the Congress for the first time conceded and delegated what I consider to be nondelegable constitutional power. Wait and see. Time will tell. But in the meanwhile the Japanese banks, through their subsidiaries in the United States, have found a way to get into Mexico. That, my friends, is what we were trying to bring out in order to have a full evaluation of this agreement that was reached in total secrecy.

Who wrote that agreement? NAFTA? Can any of my colleagues mention the participants? I say, "No, you can't." We brought that out in one of those three hearings.

But also going back to 1984, this is the hubris, this is the spirit of power, total, incontrovertible and unquestioning power, that these folks demand and get from the Fed, and have gotten.

After that we had a brief hearing, after Continental went under. It went under because immediately a little shopping mall bank in Oklahoma had a get up and go 28-year-old, and he came to Continental and was able to evade the time-honored limitation in banking where no one bank can lend more than 15 percent with resources to any one borrower. Well, this old smart boy, whiz kid, he was able to come to different layers of the Continental Illinois and far exceed that. Then when the oil depression hit, he could not pay. Continental began to suffer some questions. The word went out into the foreign press, and soon the Japanese and the German investors pulled out $8.3 billion in 3 days. Boom went the bank. Fed came in with $6 billion.

So, when Mr. Chairman Volcker came before us I asked him one question: Well, you say that the reason you did that is because you're not going to suffer. Because of the ripple effect any large bank could go under. Now suppose you have two or three more of these?

He said: "I don't care. I will use every resource of this country to save them."

I say: "Now isn't that wonderful, to have that tremendous, unheard of, unprecedented in the annals of human history, power, to have these private banketeers through bad judgment, bad banking, be able to be shored up by the taxpayer and saved from their folly?

And then there was born this so-called too-big-to-fail doctrine. I could not persuade the chairman at that time to have followup hearings and challenge that power. Absolutely not.

So I must say, by way of parenthesis, that, when Governor Robertson asked if there were any advantages, aside from the Federal Reserve's unlimited pocketbook, and this is what Paul Volcker had in mind: I will use every resource this country owns, every resource. For what? To save the privileged bankers from their folly?

Mr. Speaker, I ask, "Wouldn't it be nice if other businessmen who lost out because of something they couldn't control in the market could have the same provision? Keep them in business even though they failed?

Governor Robertson opposed the Federal Reserve's entry into the operation partly on legal grounds. His objections were very strong, as revealed in the minutes, not like Chairman Greenspan is trying to pawn them over now. At the February 13, 1962, board of governors meeting he voted against amending regulation and to authorize the Federal Reserve to conduct a planned foreign exchange operation. Only after that authority was passed, giving away the boys' authority to the FOMC, did he join with the majority later in the day at the FOMC meeting. His opposition was indeed much more telling than having mere reservations and should be reviewed by present FOMC members and others interested in the way the original swap facility came into existence.

Chairman Greenspan sent the Committee on Banking, Finance and Urban Affairs a list of 60 institutions which the Federal Reserve Bank of New York transacted foreign exchange business for U.S. monetary authorities since 1989. I would like to know how these institutions are selected and what safeguards are in place to prevent the release of exploitable inside information about foreign currency operations, which incidentally is one of the biggest worldwide gambling casinos in operation on the so-called futures on international currency, worth and transactions, and I have spoken out on that before so I will not repeat it today.

But I want to know how these institutions are selected, at 60 since 1989. Is this information insiders could learn about and then make a profit from, as happened in the other section where the Federal Reserve has this privileged select group in the case of these security bankers buying Treasury bills and where we had the big steel buy the big firm out of New York less than 2 years ago. What happened after that? Did they ever pay that money, about $2 billion, the Treasury lost on that gambling? No, they did not.

□ 1250

They were fined about $200 million. With this a distinct possibility, can we be confident that the Fed is really minding the store? After all, we have already seen how bond traders could and did abuse their privileged position in what I just referred to, the Treasury bond market.

The legislation I have introduced, the Federal Reserve System Accountability Act of 1993, significantly increases congressional oversight of the Fed without tampering with any of its independence in such things as determined monetary policy, not at all.

In fact, even a distinguished member of the committee, the ranking minority member, says, whether he agrees or not, that my position is relatively mild, that there is nothing radical about it. Of course it is not, unless we are willing now to say that if you stand up to have accountability to the people who elected us, I say to my colleagues, is being radical, unless we are ready to say that we will unconstitutionally delegate the nondelegable power mandated only by the Constitution as the power to declare war, the power to coin our money, and the power to determine the value thereof. That is vested only in the Congress, and there were good reasons for that.

But until we address this question, the Congress has abdicated its power. Anyone who believes in an open accountable government should and, I hope, will join me in finding these Fed-imposed restrictions an outrage. I have asked and I have pleaded with my colleagues to join me in this effort. The American people have every right to complete accountability.

Of course, there have always been two schools of thought throughout mankind's experience with government—those who believe that unless there was a select group chosen because of superior ability to tell the people what was good for them, why, no good would come of it and you would not have law and order.

Then you have the other school of thought that says, no, that maybe in the short run people will make mistakes but in the long run the people are the better judges as to what is good or best for them. And that has been at the core of the American idea of government.

But we are now insuring ourselves to the European continental concept of accepting their idea with contentment in the midst of poverty and abdicating our ability to govern ourselves to some of these exclusively selected higher beings, the bankers, to tell us how they are going to struggle in our behalf, and in secret. They are so proud of this that they do it all in secret.

No, I say the time is upon us. It is later than we think, I say to my colleagues, and I ask them to join me in this legislation. There are these powerful banking lobbyists who have written it off for this Congress, but I am going to try and will keep on trying as long as I am discharging this responsibility. Even as I have had the responsibility before, I still have this responsibility.

The bill also requires the General Accounting Office, the only arm we have in Congress, to oversee the executive branch, to scrutinize certain Federal Reserve operations, including those of the Swap Fund. The Fed lobbied Congress in 1978 so that the GAO would not be allowed to investigate a swap. We came very close in 1978, but not quite, and the Federal Reserve, through its bank members and lobbyists, really worked it over.

Anyone who believes in an open and accountable government will join me, I repeat, in protesting and correcting these injustices. I hope that I can elicit the support necessary on H.R. 28. I have a fairly good number of members of the committee, but we are going to have to have a definite majority to get it out of committee.

This so-called central bank known as the Fed should no longer have the ability to arrogate to itself new powers and keep all of us in the dark about its policies and processes. All we seek is just plain simple, honest accountability.

Mr. Speaker, I include with my remarks the following items: First, May 16, 1994 letter from Chairman GONZALEZ to Federal Reserve Chairman Alan Greenspan; second, May 9, 1994 letter from Chairman Greenspan to Chairman GONZALEZ; and third, attachment to Chairman Greenspan's letter, "List of Institutions with which the Federal Reserve Bank of New York Transacted Foreign Exhange Business for the U.S. Monetary Authorities Since 1989."

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
Washington, DC, May 16, 1994.

Hon. ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.

DEAR CHAIRMAN GREENSPAN: One of the most important objectives of my legislation, H.R. 28, the "Federal Reserve System Accountability Act of 1993," is to increase the Federal Reserve's accountability to the public. Knowing how individual members of the Federal Open Market Committee (FOMC) decide on different issues serves to improve the public's trust and enhance the ability of the Federal Reserve to carry out appropriate monetary policy. Thus I congratulate you and your colleagues for taking the important step of promptly releasing your recent monetary policy decisions.

I urge the Federal Reserve to further apply its experiment in openness to foreign exchange interventions, foreign loans, and lines of credit to foreign countries. The Federal Reserve essentially uses its $30 billion swap fund to make loans to foreign countries without any Congressional approval or oversight and American taxpayers are left to wonder whether their moneys—now in the hands of a foreign government—are indeed safe.

Your May 9, 1994, reply to Banking Committee requests for information about these aspects of Federal Reserve operations is far short of a full response and is in certain respects, misleading. Now that the Federal Reserve has joined with the Treasury Department (on April 26, 1994) in entering a permanent trilateral foreign exchange swap facility with the governments of Mexico and Canada, it has become crucial that you provide direct answers to Banking Committee requests for information. This is of utmost importance to the U.S. taxpayers whose taxes have been and continue to be placed at risk by these foreign exchange interventions, foreign loans, and lines of credit to foreign countries.

It is important to understand what this recent $6 billion swap facility for Mexico entails. If the Mexican government wanted $6 billion in U.S. currency tomorrow and went into the market to buy U.S. dollars with pesos, the price of pesos would fall and it is unlikely they could make the trade at current exchange rates. A guarantee of the transfer at any time at current exchange rates is a guarantee of a substantial subsidy to the Mexican government. When activated, the $6 billion swap formally transfers this subsidy to Mexico. It is a loan of U.S. dollars to Mexico collateralized by Mexican pesos. There is no denying that giving U.S. dollars to a foreign government with conditions for repayment is a loan of U.S. dollars. It is true as you note in your letter, that there is no *exchange rate risk* since the loan is scheduled to be repaid at the initial exchange rate and interest is earned on the foreign currencies held. However, this is not the only problem for U.S. taxpayers. The problem is *default risk*, the probability of failure to repay. A guarantee of a line of credit puts U.S. taxpayers' funds at risk.

The Committee must have complete records of the decisions of Federal Reserve policymakers with regard to these foreign loans, lines of credit, and swap actions. You did not comply with this request in your May 9, 1994 reply. It was during some of their meetings that the FOMC members, five of whom have never even been confirmed by Congress and are not Constitutional officers, discussed setting up a formal trilateral facility with two foreign governments that involves granting foreign loans and lines of credit. The Federal Reserve records should include a description of the goals and objectives of their foreign exchange policies.

The Banking Committee seeks copies of the complete record of the FOMC subcommittee assigned to direct foreign exchange operations as described in the November 22, 1961 document that you sent to me from former Federal Reserve General Counsel, Howard H. Hackney. The proposed subcommittee consisted of the Chairman and Vice Chairman of the FOMC, Vice Chairman of the Board of Governors, and an officer of the New York Federal Reserve Bank. Please explain its history and provide the Banking Committee with copies and an inventory of any records of the activities and meetings of this subcommittee.

The document you sent to me entitled "Legal aspects of proposed plan for Federal Reserve operations in foreign currencies," written by the Federal Reserve General Counsel on November 2, 1961 states:

"This matter is admittedly subject to question; and while it is unlikely that the plan would be challenged in court, there can be no assurance, in the absence of legislation, that it would not be criticized from some sources on legal grounds."

The General Counsel goes on to say:

"Consultation with Banking and Currency Committees.—Admittedly, the question is debatable, particularly in view of the 1933–1934 position of the Board. Moreover, it may be noted that in 1932, Senator [Carter] Glass had criticized certain foreign operations of the Federal Reserve Bank of New York, which might be considered as similar to those now contemplated, as being contrary to the law. [Senator Glass] suggested that such operations were inconsistent with the Federal Reserve Act."

The Federal Reserve General Counsel said: "In view of the uncertainties as to the construction of the law and the history of this matter, it might be desirable, before instituting the plan [to start a Federal Reserve swap fund] now proposed, to inform the Banking and Currency Committees of Congress."

Federal Reserve Chairman William McChesney Martin did not want to formally ask the Congress for authorization because the Federal Reserve did not know what it needed and "the Congress probably would not want to put itself in the position of approving something if the Federal Reserve was not clear about its wishes in the matter" (paraphrased FOMC minutes, February 13, 1962, p. 79). Chairman Martin notified the Congress of the Federal Reserve's intention to establish the swap fund by burying the information in a nine-page speech he gave on January 30, 1962 to the Joint Economic Committee. He mentioned that the New York Federal Reserve Bank, acting as an agent for the Treasury, had used the Treasury's Exchange Stabilization Fund (the fund on which the Federal Reserve's swap fund is based) for operations not previously undertaken since World War II with the "aim of defending the Dollar from speculative forays." (JEC Hearings, 1962, p. 174). Then-Congressman Richard Bolling asked Chairman Martin to explain. Chairman Martin replied: "* * * I want to make clear, Mr. Bolling, that the Federal Reserve is not anxious to engage in this type of activity. * * * The Treasury stabilization fund has experimented with this kind of operation since March of this year, in a very small way, and we have come to the view that however we should acquire these currencies—and it is not possible to spell out here—what we are aiming at is to keep the speculators from unseating us, * * *." (JEC Hearings, 1962, p. 181–2.)

In short, this was an improper way to notify the Congress of a new facility that would use funds that were not Congressionally authorized. Thus, the suggestion by the former General Counsel of the Federal Reserve to provide notification to the Congress in an attempt to buttress the flimsy legal justification for the Federal Reserve's internally authorized swap fund was not followed.

In your May 9, 1994 letter to me you indicate that although Federal Reserve Governor J.L. Robertson expressed "reservations," he voted with the majority in favor of the swap facility at the February 13, 1962 FOMC meeting. This description is misleading. At the February 13, 1962 meeting Governor Robertson asked if there were any advantages aside from the Federal Reserve's "unlimited pocketbook" of having two government agencies operating in foreign exchange and he was told there were none.

He opposed the Federal Reserve's entry into this operation partly on legal grounds. His objections were very strong as revealed in the minutes. At the February 13, 1962 Board of Governors meeting he voted against amending Regulation N to authorize the Federal Reserve to conduct the planned foreign exchange operations. Only after that authority was passed, giving away the Board's authority to the FOMC, did he join with the majority later in the day at the FOMC meeting. His opposition was indeed much more telling than having mere "reservations" and should be reviewed by present FOMC members and others interested in the way the original swap facility came into existence.

Please send the minutes of the January 23, 1962 FOMC meeting where there were two dissenting votes on approving in principle a program of System foreign currency operations. (A number of pages appear to be missing from the copy of the minutes of the February 13, 1962 FOMC meeting you sent to me. Please send a full copy.)

I am concerned about the inconsistencies between the records you sent to me containing Federal Reserve monthly holdings of foreign currencies, delineated by country, and the quarterly reports that indicate interventions. You now inform me that the monthly holdings data (one set of which uses historical exchange rates) include interest payments and "valuation effects." Please send a consistent accounting record that specifies the amount of interventions and the effect on accumulated inventories of currencies of each country. Interest payments should be included in this accounting record as well as a full description of any valuation effects. The record should contain a complete and itemized account of why the inventories of each countries' currencies held by the Federal Reserve changed at the end of each month. A consistent accounting record that contains consistent times series data is extremely important in performing econometric tests on the effects of foreign exchange operations by the Federal Reserve.

This is an essential part of maintaining accountability for Federal Reserve actions. The Banking Committee's obligation to fulfill its oversight role requires a consistent record of Federal Reserve foreign exchange activities that correctly ties in the extensive holdings of foreign currencies, amounting to $22.3 billion at the end of 1993. This is a substantial investment for U.S. taxpayers that must be continually evaluated for cost and effectiveness.

Attached to your May 9 letter was a list of 60 institutions with which the Federal Reserve Bank of New York transacted foreign exchange business for U.S. monetary authorities since 1989. Please describe exactly how these institutions were chosen. Describe the original and any ongoing examination of the operations of these institutions made by the Federal Reserve. Did there institutions receive any information about interventions before this knowledge was generally available? Describe in detail the precautions taken during an intervention for guarding against the use of exploitable inside information about the interventions. Also include a step-by-step description of how interventions are conducted.

In addition, please provide the job descriptions and number of individuals who receive exploitable inside information about foreign exchange interventions. Explain how the Federal Reserve monitors trading activity to determine if there are signs of insider trading. The Committee has received reports that information about the trilateral agreement of April 26, 1994 was known to sources outside the government in the days preceding the announcement. This may explain why the Mexican peso began to rise almost a day and a half before the announcement.

Finally, I wish to draw your attention to some new research conducted by Professors Kathryn M. Dominguez and Jeffrey Al Frankel in their September 1993 book, "Does Foreign Exchange Intervention Work?", [published by the Institute for International Economics, Washington, DC]. Their results show:

"that the effect of U.S. intervention is much greater when the New York Federal Reserve Bank lets the market know it is intervening. Second, the results reported . . . suggest that official announcements regarding exchange rate policy have far more impact than intervention that is quietly disseminated." (page 136.)

With information networks providing instant communication and markets operating in many time zones around the world, there seems little reason to pretend that massive interventions of the type conducted by U.S. monetary authorities can be kept secret for very long. The list you sent to the Banking Committee of the 60 institutions which transacted foreign exchange business for U.S. monetary authorities has caused me concern about the use of inside information for a favored few when there is not full and prompt accounting for intervention activities. Certainly there must be fuller accounting to the Congress and the public. Please indicate what changes will be made in Federal Reserve policy to ensure full and timely information to all market participants about currency interventions, lines of credit to foreign entities, and foreign loans.

Please respond to this request for information as promptly as possible and no later than June 1, 1994.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, May 9, 1994.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter responds to the issues and questions concerning the Federal Reserve's swap arrangements and related matters raised in your letter of April 20.

The Federal Reserve takes very seriously its responsibilities to the Congress and to the public to account for its policies, actions, and operations, including its foreign exchange operations. The Federal Reserve and U.S. Treasury are unique among the monetary authorities of major industrial countries in the frequency and detail in our public reports on foreign exchange operations, including the operations of the Federal Reserve's swap network. Nevertheless, we are open to suggestions for providing additional information as long as sensitive information would be appropriately protected.

The Federal Reserve has responded in full to your requests regarding the operations of the Federal Reserve's reciprocal currency (swap) arrangements. In early 1993, we provided substantial detail on these arrangements, supplemented by data and documentation related to the Federal Reserve's reciprocal currency arrangements in general and swap arrangements with the Bank of Mexico in particular.

As a matter of normal procedure and public accountability, any activation of a swap arrangement with the Federal Reserve or the establishment of a special swap arrangement is included in the regular quarterly reports on U.S. foreign currency operations sent to Congress and published subsequently in the Federal Reserve Bulletin. In addition, positive decisions to change the size of swap arrangements are normally announced immediately.

Swap drawings are not loans but are the simultaneous spot purchase and forward sale of foreign currency against dollars. This type of transaction is used in some form by most central banks, in some cases as a standard instrument of monetary policy. In the case of a swap drawing on the Federal Reserve by a foreign central bank, there is no exchange risk to the Federal Reserve associated with such a drawing. Moreover, in agreeing to allow such a swap drawing, the Federal Reserve always seeks to assure that there are reasonable prospects of prompt repayment, for example, out of the drawing country's international reserves or through its drawings on the International Monetary Fund or prospective proceeds from World Bank loans. Since the swap network was established in 1962, all drawings on this network have been repaid in full.

The Federal Reserve's authority to establish and operate the swap network is derived from section 14(e) of the Federal Reserve Act which provides that any Federal Reserve Bank may, with the consent or upon the order and direction of the Board of Governors, "open and maintain accounts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange." (12 U.S.C. 358.) The Board has implemented this provision in Regulation N. (12 C.F.R. 214.5.) A detailed discussion of the Federal Reserve's authority in this area is set forth in a 1961 memorandum to the FOMC from its General Counsel; a copy was twice previously provided to Congress, and a copy is enclosed with this letter for your convenience. The conclusions of the memorandum were endorsed contemporaneously by the General Counsel of the Treasury and the Attorney General of the United States. The FOMC's decision at its meeting on February 13, 1962, and Federal Reserve Board's revised Regulation N implemented the position set forth in the FOMC General Counsel's memorandum.

You asked about former Vice Chairman Robertson's views in 1962 concerning the appropriateness of the Federal Reserve's involvement in foreign currency operations. His was a minority opinion at the time. In fact, while he voiced reservations about the Federal Reserve's involvement in these activities at the Committee's meeting on February 13, 1962, he joined the rest of the FOMC in a unanimous vote approving the authorization regarding open market transactions in foreign currencies at that meeting.

On the substance of former Vice Chairman Robertson's remarks, I would note that, in the opinion of the legal authorities on these issues, the statues of the United States provide legal authority to the Federal Reserve to engage in foreign currency operations as outlined above. Moreover, it is quite understandable that the U.S. central bank would be granted such authority. While the precise legal arrangements differ country by country, all major central banks play a role in foreign currency operations. Since many of these operations involve dealings with other central banks, it is both efficient and appropriate for the Federal Reserve to participate in such operations. Over the past 32 years, the Federal Reserve has consulted closely with the U.S. Treasury on all its foreign currency operations, including instances where a swap partner country has requested to draw on its swap line with the Federal Reserve. To my knowledge, there never has been a serious dispute about any of these operations, and all the operations of the Federal Reserve's swap network have been viewed as consistent with U.S. policy toward the country requesting a drawing.

As requested, I enclose the complete minutes of the February 13, 1962, meeting of the

FOMC and the documents cited at that meeting and relating to the issues that you raised.

As I noted in my letter of February 10, 1993, Congress has never found any of the foreign currency operations of the Federal Reserve to be an inappropriate use of the powers granted to the Federal Reserve in the Federal Reserve Act. The Swap network and the legal basis for Federal Reserve foreign currency operations were reviewed extensively by the Congress in 1962 and again in 1973. A 1980 amendment of the Federal Reserve Act permits the Federal Reserve to invest its foreign exchange holdings in obligations of foreign governments.

It has been our practice that each request for a drawing on the Federal Reserve's swap network, each proposal to increase the size of a swap arrangement, and each proposal for a special temporary swap arrangement is reviewed by the FOMC. There always has been a strong positive consensus within the FOMC regarding the appropriateness of the Federal Reserve's reciprocal currency arrangements; however, at times there have been voices questioning certain operations or the continued existence of the swap arrangements. President Hoskins posed such a question in the discussion on November 1, 1988.

In your April 20 letter you request a copy of "the telegram that President Hoskins referred to" in the transcript of the November 1, 1988 meeting. As I stated in my letter of April 5, 1994, the circumstances that brought about the discussion of the proposed swap facility that was under consideration in October–November 1988 subsequently changed favorably, and there was no need to complete the proposed arrangement. Thus, there was no need to poll the FOMC via telegram for its formal vote on the matter, and no telegram was sent.

In previous requests for information concerning Federal Reserve foreign currency holdings, we provided you with data on Federal Reserve foreign currency holdings, by currency, as of the end of each month from 1962 to January 1993 (the time of your request). In a response to a follow-up request, we provided you data on Federal Reserve foreign currency balances restated in current market value terms. In your April 20 letter you note that your staff has had difficulty in matching these data on Federal Reserve foreign currency holdings with data on foreign currency operations that appear in the quarterly reports on U.S. foreign currency operations. As noted in my earlier responses and in discussions with your staff, changes in these data on balances may incorporate interest earnings and valuation effects as well as actual foreign exchange transactions during a particular period. Federal Reserve staff is prepared to sit down with your staff to review further any questions they may have about these data.

Turning to your questions about the Federal Reserve Bank of New York's operational practices in carrying out foreign exchange intervention operations at the direction of the Department of Treasury and the Federal Open Market Committee, the Federal Reserve Bank of New York executes foreign exchange transactions with banks in the United States in the same manner as briefly described in the article by R.M. Kubaryh, referred to in your letter. In rare circumstances, when markets in the United States are closed but the Treasury and the Federal Reserve deem it necessary for operations to be conducted, the Federal Reserve Bank of New York may deal with overseas bank offices—in the sense of agreeing to the price and other terms of trades—but such transactions are booked and settled with the banks' U.S. offices.

At the time the Kubarych article was written in 1977, the Federal Reserve Bank of New York limited its foreign exchange dealing relations to federally supervised banking institutions (commercial banks, Edge Act Corporations, and U.S. branches of foreign banks). However, in February 1992, the Federal Reserve Bank of New York announced its willingness to deal with S.E.C.-registered broker-dealers in addition to federally supervised banking institutions. Attached is a list of all institutions with which the Federal Reserve Bank of New York has transacted foreign exchange business for the accounts of the Exchange Stabilization Fund and the Federal Reserve System Open Market Account since 1989.

The Kubarych article focuses on the impact of foreign exchange transactions financed by drawings on swap lines. You should understand that the foreign exchange intervention activities of the Treasury and the Federal Reserve have not been financed in this way since 1980.

In the past 10 years, there is no instance in which a drawing has been made on the Federal Reserve's swap network without a parallel drawing on a swap line with the U.S. Treasury's Exchange Stabilization Fund, including the August 1988 drawing by the Bank of Mexico. (The facts of the 1988 drawings were reported in the December 1988 quarterly report on U.S. foreign currency operations.) The FOMC cleared the 1988 drawing consistent with its normal procedures.

The penultimate paragraph of your letter raises questions about the motivation of and benefits from Federal Reserve swap arrangements with the Bank of Mexico in recent years. The Federal Reserve swap arrangements with the Bank of Mexico, as with agreements with other central banks, are intended to contribute to financial stability which benefits all citizens of Mexico and the United States. They are not motivated by political considerations.

As I stated in my letter of April 5, the joint Federal Reserve-Treasury $3.5 billion special swap facility that was considered in October-November 1988 was never formally established. Thus, its contribution to the stability of financial markets was limited to the psychological effects of the announcement on October 17, 1988 that the Treasury and Federal Reserve were prepared to develop such a facility. The special temporary $12 multilateral facility that was developed on a contingency basis in November 1993 was neither established nor announced. Therefore, the benefit was only that coming from a carefully considered contingency plan. Finally, the special temporary $6 billion facility announced on March 24, was not intended to favor any particular segment or sector of Mexico's society or economy. The objective of that special arrangement, which as it turns out was not drawn upon, was to promote the stability of financial markets in Mexico and, thereby, to contribute to the economic well being of the people of Mexico and the United States.

Sincerely,

ALAN GREENSPAN,
Chairman.

Enclosures.

XIII. List of Institutions with which the Federal Bank of New York Transacted Foreign Exchange Business for the U.S. Monetary Authorities since 1989

ABN Amro Bank
Australia and New Zealand Banking Group
Banca Commerciale Italiana
Bank of America
Bank of Boston
Bank of New York
Bank of Nova Scotia
Bank of Tokyo
Bankers Trust Company
Banque Paribas
Barclays Bank PLC
BHF-Bank
Boatmen's National Bank
Canadian Imperial Bank of Commerce
Chase Manhattan Bank
Chemical Bank
Creditanstalt Bankverein
Credit Commerciale de France
Citibank
Commonwealth Bank of Australia
Credit Industriel Et Commercial
Credit Lyonnais
Credit Suisse
Dai-Ichi Kangyo Bank
Dean Witter Reynolds Inc.
Deutsche Bank AG
Dresdner Bank AG
First Interstate Banks[5]
First National Bank of Chicago
First Union Natl Bk of North Carolina
Fuji Bank
Goldman Sachs
Harris Trust & Savings Bank
Hong Kong and Shanghai Banking Corp[4]
Industrial Bank of Japan
Irving Trust[1]
Lloyds Bank PLC
Long Term Credit Bank of Japan
Manufacturers Hanover Trust Company[2]
Mellon Bank
Merrill Lynch International Bank
Midland Bank PLC
Mitsubishi Bank
Morgan Guaranty Trust Company of New York
Morgan Stanley
National Westminster Bank PLC
Nationsbank of North Carolina
Nippon Credit Bank
Northern Trust Company
Republic National Bank of New York
Royal Bank of Canada
Sakura Bank
Sanwa Bank
Security Pacific Bank[3]
Shawmut Bank
Societe Generale
Standard Chartered Bank
Sumitomo Bank
Swiss Bank Corporation
Union Bank of Switzerland

[1] Merged under the name of Bank of New York in October 1989.

[2] Merged under the name of Chemical Bank in June 1991.

[3] Merged under the name of Bank of America in May 1992.

[4] Hong Kong & Shanghai Banking Corp. began trading under the name of Midland on November 2, 1992.

[5] In June 1992 Standard Chartered Bank acquired certain lines of business from First Interstate and on January 1, 1993 began trading under the name of Standard Chartered Bank, Los Angeles.

THE 1872 MINING LAW MAY AUTHORIZE BIG GIVEAWAY TO CANADIAN MINING COMPANY

The SPEAKER pro tempore (Mr. PETERSON of Florida). Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, later today, unfortunately, the Secretary of the Interior, Bruce Babbitt, is going to have to participate in the biggest giveaway of American resources in the history of this country. Because of the 1872 mining law that this Congress has refused to reform since that time, over the last 120 years, the Secretary of the Interior is going to have to comply with that law and transfer to the American Barrick Mining Co, a Canadian-owned mining company, 10 billion dollars' worth of gold to be mined in the coming years, and the Secretary will receive on behalf of the taxpayers and the citizens of this country $9,000, and that will be it. There will be no royalties, there will be no benefits to the American citizens or to the American taxpayers who own those public lands under which this gold resides, because of the 1872 Mining Act.

This has been a long legacy of resource development in the United States, a long legacy of where those who were powerful and those who were privileged have been able to take water and gain water subsidies, those who have gotten below-cost sales of our timber and decimated our forests and clearcut our forests and exported logs overseas while paying very little to the taxpayers for the privilege of being able to use those lands to realize a profit and in many instances so decimating those lands that they have yet to return to productivity and leaving the taxpayer stuck with the cost.

It is true of those who built the huge water projects and the dams out West where they were able to use taxpayer dollars to build these projects and yet receive subsidized water and not pay their fair share of those projects and sticking the taxpayers with the bill. It is true today of our grazing lands, where people are continuing to be able to graze cattle at below the cost of maintaining those lands, ruining those lands and causing great problems with the environment and those lands and still using the Federal taxpayers to underwrite the grazing of their cattle.

It is true in the sale of gold and silver and other mineral leases on land where we do not receive a decent rate of return for the American taxpayer. It is true with the onshore and offshore oil and gas program, where we continue to let leases go to individuals and not receive a royalty on behalf of the taxpayer.

But what is happening today in the transfer of this mineral lease to the American Barrick Mining Co. is unconscionable. That they would receive the right to mine 10 billion dollars' worth of gold for $9,000 and not have to pay any royalty to the American taxpayer should never be allowed to continue, but unless the House of Representatives has already passed mining reform law and the Senate has passed it out, unless that conference committee can come together and agree upon the reforms of this land, this can happen again, because unfortunately, under the law, those who go out and stake out those kinds of claims are entitled to have the Secretary pass those claims to them.

□ 1300

We do not know that there are not other American Barrick-type claims, that there are not millions and billions of dollars worth of silver, platinum, gold, and other valuable minerals that are there under the lands owned by the public, that some future Secretary or this Secretary would be required to transfer to these corporations and receive nothing back for the owners of those lands, the American public.

It is time to bring this sad, sad chapter in our history of mineral leasing and the stewardship of the public lands to a close. It is time for the Congress to agree on the reform of the act.

President Clinton has made it very, very clear that he will sign the reform of the 1872 mining law if the Congress will send it to his desk. The Secretary of the Interior has made it very clear on behalf of the President and others in the administration that he strongly supports the reform of this act.

Mr. Speaker, the time is now for the Congress to act and to send that bill to the President of the United States so never again, never again, are the taxpayers or citizens of this country to be treated as they are about to be treated this afternoon with the transfer of this land from the American taxpayer to American Barrick Mining, to the terrible, terrible disadvantage of the taxpayers and of the citizens of this country.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Ms. ESHOO.
Mr. KREIDLER.
Mr. PENNY.
Mr. HOYER.
Mr. BATEMAN.

(The following Members (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. BECERRA in two instances.
Mr. DE LUGO.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 190. Joint resolution to designate May 15, 1994, National Peace Officers Memorial Day; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Tuesday, May 17, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3180. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of May 1, 1994, pursuant to 2 U.S.C. 685(e) (H.Doc. No. 103–255); to the Committee on Appropriations and ordered to be printed.

3181. A letter from the Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the Secretary of Defense to determine the control of authorized strengths for certain active duty commissioned officers; to the Committee on Armed Services.

3182. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to establish a Department of Defense Laboratory Revitalization Demonstration Program for the purpose of improving management, efficiency, and overall effectiveness of DOD laboratories and centers; to the Committee on Armed Services.

3183. A letter from the Secretary of Education, transmitting a copy of Final Regulations—Direct Grant Programs; National Early Intervention scholarship and Partnership Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3184. A letter from the Secretary of Energy, transmitting notice that the Department will not be able to issue a final rule regarding residential energy efficient rating guidelines until November 1995; to the Committee on Energy and Commerce.

3185. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 94-27), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3186. A letter from the Secretary of Defense, transmitting notice that the President proposes to obligate up to $2.26 million to assist the Russian Federation in the area of export controls for the purpose of preventing the proliferation of weapons of mass destruction; jointly, to the Committees on Appropriations and Foreign Affairs.

3187. A letter from the Secretary, Department of the Interior, transmitting the annual report entitled "Outer Continental Shelf Lease Sales" for fiscal years 1991 and 1992, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Natural Resources.

3188. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting notice of designation for the Olympic Coast National Marine sanctuary, together with final regulations implementing the designation, pursuant to 16 U.S.C. 1434(a)(1)(C); to the Committee on Merchant Marine and Fisheries.

3189. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting the Commission's "Annual report on the Employment of Minorities, Women and People with Disabilities in the Federal Government for fiscal year 1991"; to the Committee on Post Office and Civil Service.

3190. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to increase, effective as of December 1, 1994, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; to the Committee on Veterans' Affairs.

3191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that Trinidad and Tobago has adopted a regulatory program governing the incidental taking of certain sea turtles, pursuant to Public Law 101–162, section 609(b)(2) (103 Sat. 1038); jointly, to the Committees on Appropriations and Merchant Marine and Fisheries.

3192. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on abnormal occurrences at licensed nuclear facilities for the fourth quarter of calendar year 1993, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Natural Resources.

3193. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Federal Administration Act to provide for increased penalties and fines, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROWLAND (for himself and Mr. SMITH of New Jersey):

H.R. 4425. A bill to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1995, to revise and improve veterans' health program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OBEY:

H.R. 4426. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995; to the Committee on Appropriations.

By Mr. KREIDLER (for himself, Mr. ROWLAND, Mrs. UNSOELD, and Mr. SWIFT):

H.R. 4427. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey:

H.R. 4428. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to maintain the existing capacity of the Department of Veterans Affairs to provide specialized services to disabled veterans; to the Committee on Veterans' Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred sponsors were added to public bills and resolutions as follows:

384. By the SPEAKER: Memorial of the Legislature of the State of Maine, relative to defense finance and accounting service centers; to the Committee on Armed Services.

385. Also, memorial of the Legislature of the State of Maine, relative to military facilities in the United States; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 141: Mr. STUDDS, Mr. LIPINSKI, Mr. SWIFT, Mr. KASICH, Mr. CLAY, Ms. NORTON, and Mr. WATT.

H.R. 346: Mr. PAXON.

H.R. 790: Mr. WYNN and Mr. GUNDERSON.

H.R. 794: Mr. FRANK of Massachusetts.

H.R. 1843: Mr. LEWIS of California and Ms. DUNN.

H.R. 2929: Mr. KING.

H.R. 3182: Mr. MINETA.

H.R. 3227: Mr. BOEHLERT, Mr. ORTON, Mr. ACKERMAN, and Mr. HOUGHTON.

H.R. 3322: Mr. JOHNSTON of Florida and Mr. HASTINGS.

H.R. 3791: Mr. BLILEY, Mr. LEACH, and Mr. FRANK of Massachusetts.

H.R. 3903: Mr. HUGHES, Mr. HINCHEY, and Mr. LIVINGSTON.

H.R. 3904: Mr. DORNAN.

H.R. 3906: Mr. RAHALL, Mr. BARRETT of Wisconsin, Mr. JACOBS, Mr. BREWSTER, Mr. DEFAZIO, Mr. HILLIARD, Mr. CRAPO, Mr. COPPERSMITH, Ms. PRYCE of Ohio, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4142: Mr. TRAFICANT and Mr. FINGERHUT.

H.R. 4251: Mr. TEJEDA, Mr. PRICE of North Carolina, Mr. SCOTT, and Mr. DEFAZIO.

H.R. 4291: Ms. COLLINS of Michigan, Mr. TOWNS, and Mr. SMITH of New Jersey.

H.R. 4412: Mr. COMBEST, Mr. JOHNSON of South Dakota, and Mr. PENNY.

H.R. 4423: Mr. MARTINEZ, and Mr. FAZIO.

H.J. Res. 15: Ms. BROWN of Florida, and Mr. ANDREWS of New Jersey.

H.J. Res. 209: Mr. BROWN of California, Mr. GOODLING, Mr. PORTER, Ms. DELAURO, and Mr. CRAMER.

H.J. Res. 356: Ms. DELAURO and Mr. EDWARDS of California.

H. Con. Res. 233: Mr. LEVIN, Mr. GUTIERREZ, and Mr. BILBRAY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 518

By Mr. QUILLEN:

—Page 46, line 5, strike "Subject" and insert "Subject to section 408(a) and subject".

—Page 46, line 12, strike "STUDY AS TO VALIDITY OF".

—Page 46, after line 12, insert the following:

SEC. 408. (a) Unpatented mining claims, mill sites, and tunnel sites within the boundaries of the park for which an application for a patent was filed on or before December 31, 1993, shall be subject to all mining laws of the United States except for the Act of September 28, 1976 (16 U.S.C. 1901–1912; commonly referred to as the "Mining in the Parks Act").

—Page 46, strike line 13 and insert the following:

(b) Subject to subsection (a), the Secretary shall not approve any plan

—Page 46, line 5, strike "Subject" and insert "Subject to section 408(b) and subject".

—Page 46, line 12, strike "STUDY AS TO VALIDITY OF".

—Page 46, strike line 13 and all that follows through line 16 and insert the following:

SEC. 408. (a) The Secretary shall submit to".

—Page 46, after line 21, insert the following:

(b) Unpatented mining claims, mill sites, and tunnel sites within the boundaries of the park that were located before the date of enactment of this Act shall be subject to all mining laws of the United States except for the Act of September 28, 1976 (16 U.S.C. 1901–1912; commonly referred to as the "Mining in the Parks Act").

By Mr. POMBO:

—Page 34, after line 25, add the following:

ACCESS ROADS

SEC. 112. Notwithstanding any other provision of this Act, there are hereby designated access routes on existing roads, trails, and ways, as mapped by the United States Geological Survey, Bureau of Land Management, and the Automobile Club of Southern California, as follows:

Argus Range, WSA 132B, Attached Map #7, Desert Map #3–5 & D12 (now Argus Range and Death Valley National Park Proposed—12):

Bendire Canyon Road, 18 Acres, Cherrystem 3 Miles;

Bruce Canyon Road, 12 Acres, Cherrystem 2 Miles;

Knight Canyon road, 18 Acres, Cherrystem 3 Miles;

Kopper King Springs Road, 12 Acres, Cherrystem 2 Miles;

Stone Canyon Road, 24 Acres, Corridor 4 Miles;

Water Canyon Road, 24 Acres, Cherrystem 4 Miles;

WSA Acreage (74,890) 82,400 – 105=82,395—18 Miles.

Bighorn Mountains, WSA 217, Attached Map #8, Desert Map #8:

Rattlesnake Canyon Road, 36 Acres, Corridor 6 Miles;

WSA Acreage (39,200) 39,200 – 36=39,164—6 Miles.

Big Maria Mountains, WSA 321, Attached Map #9, Desert Map #9:

Move north boundary to Quien Safe Road, Loss of appx. 4,480 acres):

Maria Mountain Road, 12 Acres, Corridor 2 Miles;

Quien Sabe Road, 30 Acres, Corridor 5 Miles;

WSA Acreage (47,570) 49,700 – 42=49,658—7 Miles; Or 49,700 – 4,480=45,220 – 12=45,676—2 Miles.

Bright Star, WSA 160B, Attached Map #11, Desert Map #12:

Cortez Springs Road, 30 Acres, Corridor 5 Miles;

WSA Acreage (9,520 10,800 – 30=10,770—5 Miles.

Cady Mountains, WSA 251, Attached Map #12, Desert Map #14:

Afton/Basin Loop, 54 Acres, Boundary 9 Miles;

Canyon Crest Road, 66 Acres, Cherrystem 11 Miles;

Hector Road, 36 Acres, Boundary 6 Miles;

North Canyon Road, 30 Acres, Cherrystone 5 Miles;

South Canyon Road, 36 Acres, Cherrystem 6 Miles;

Valley Center Road, 102 Acres, Corridor 17 Miles;

WSA Acreage (85,970) 122,000 – 324=121,676—54 Miles.

Chemehuevi Mountains, WSA 310, Attached Map #14, Desert Map #16:

Blue Boy Mine Road, 24 Acres, Cherrystem 4 Miles;

Picture Rock Road, 12 Acres, Cherrystem 2 Miles;

Red Rock Falls Road, 30 Acres, Cherrystem 5 Miles;

Studio Spring Road, 30 Acres, Cherrystem 5 Miles;

Trampas Canyon Road, 66 Acres, Cherrystem 11 Miles;

WSA Acreage (64,640) 95,820 – 162=95,668—27 Miles.

Chuckwalla Mountains, WSA 348, Attached Map #16, Desert Map #19–21:

Lost Pony Mine Road, 12 Acres, Corridor 2 Miles;

WSA Acreage (80,770) 86,400 – 12=86,399—2 Miles.

Cleghorn Lakes, WSA 304, Attached Map #19, Desert Map #22:

Bullion Mountains Road, 24 Acres, Boundary 4 Miles;

Copper World Mine Road, 12 Acres, Cherrystem 2 Miles;

WSA Acreage (34,380) 42,020 – 36=41,984—6 Miles.

Coso Range, WSA 131, Attached Map #20, Desert Map #24:

Joshua Flats Road, 54 Acres, Cherrystem 9 Miles;

WSA Acreage (50,520) 53,940 – 54=53,886—9 Miles.

Dead Mountains, WSA 276, Attached Map #21, Desert Map #27:

Ibis Road, 30 Acres, Cherrystem 5 Miles;

Picture Canyon Road, 24 Acres, Boundary 4 Miles;

WSA Acreage (48,850) 57,200 – 54=57,146—9 Miles.

Funeral Mountains, WSA 143, Attached Map #25, Desert Map #33 & D18 (now Funeral Mountains & Death Valley National Park Proposed—18):

Funeral Mountain Pass, 30 Acres, Corridor 5 Miles;

WSA Acreage (28,110) 28,100 – 30=28,070—5 Miles; Originally 65,000, 36,890 went to DVNP.

Golden Valley, WSA 170, Attached Map #26, Desert Map #34:

Golden Valley Pass, 54 Acres, Corridor 9 Miles;

Steam Well Road, 30 Acres, Corridor 5 Miles;

WSA Acreage (37,700) 37,700 – 84=37,616—14 Miles.

Granite Mountains, WSA 256, Attached Map #27, Desert Map #35, 36 & M7 (now Bristol Mountains & Mojave National Park Proposed—7):

Heritage Trail, 60 Acres, Corridor 10 Miles;

Onyx Mine Road, 18 Acres, Cherrystem 3 Miles;

WSA Acreage (na) 84,980 – 78=84,902—13 Miles; Originally 134,900, 49,920 went to MNP.

Grass Valley, WSA 173A, Attached Map #28, Desert Map #37:

Bird Spring Road, 54 Acres, Corridor 9 Miles;

Grass Valley Road, 24 Acres, Corridor 4 Miles;

WSA Acreage (31,720) 33,000 – 78=32,922 13 Miles.

Ibex, WSA 149, Attached Map #31, Desert Map #40 & D21 (now Death Valley National Park Proposed—21):

American Mine Road, 18 Acres, Cherrystem 3 Miles;

Confidence Road, 18 Acres, Boundary 3 Miles;

Gladstone Mine Road, 48 Acres, Cherrystem 8 Miles;

Rusty Pick Road, 12 Acres, Cherrystem 2 Miles;

Sheephead Pass Road, 60 Acres, Corridor 10 Miles;

WSA Acreage (26,460) 26,460 – 156=26,304—26 Miles; Originally 53,500 27,040 went to DVNP.

Indian Pass, WSA 355, Attached Map #32, Desert Map #41:

Julian Wash Road, 60 Acres, Corridor 10 Miles;

WSA Acreage (35,015) 40,400 – 60=40,340—10 Miles.

Inyo Mountains, WSA 120/122, Attached Map #33, Desert Map #42–44, D6 & 7 (now Inyo Mountains and Death Valley National Park Proposed—6 & 7):

Blackrock Well Road, 48 Acres, Cherrystem 8 Miles;

Blue Monster Mine Road, 66 Acres, Cherrystem 11 Miles;

Bunker Hill Mine Road, 18 Acres, Cherrystem 3 Miles;

Burgess Well Road, 42 Acres, Cherrystem 7 Miles;

Pat Keyes Canyon Road, 24 Acres, Cherrystem 4 Miles;

Seep Hole Spring Road, 30 Acres, Corridor 5 Miles;

Side Hill Spring Road, 48 Acres, Corridor 8 Miles;

Squaw Spring Road, 18 Acres, Corridor 3 Miles;

WSA Acreage (205,020) 205,020 – 294=204,726—49 Miles; Originally 266,300 61,290 went to DVNP.

Jacumba Mountains, WSA 368, Attached Map #34, Desert Map #45:

Easy Pickins Mine Loop Road, 78 Acres, Corridor 13 Miles;

WSA Acreage (34,550) 37,000 – 78=36,922—13 Miles.

Kelso Dunes, WSA 250, Attached Map #35, Desert Map #46–48 & MB (now Kelso Dunes and Mojave National Park Proposed—7):

Bristol Mine Road, 42 Acres, Cherrystem 7 Miles;

Hytem Spring Pass Road, 96 Acres, Corridor 16 Miles;

Hytem Spring Road, 18 Acres, Cherrystem 3 Miles;

Natural Arch Road, 48 Acres, Cherrystem 8 Miles;

WSA Acreage (129,580) 129,580 – 204=129,376—34 Miles; Originally 215,100 85,520 went to DVNP.

Kiavah, WSA 159, Attached Map #37, Desert Map #49 & 50:

McIvers Spring Road, 36 Acres, Cherrystem 6 Miles;

Cholla Canyon Road, 42 Acres, Corridor 7 Miles;

WSA Acreage (88,290) 90,200 – 78=90,122—13 Miles.

Kingston Mountains, WSA 222, Attached Map #38, Desert Map #51–54:

Eastern Star Mine Road, 42 Acres, Cherrystem 7 Miles;

Kingston Wash Road, 60 Acres, Corridor 10 Miles;

Old Salt Lake Trail Road, 84 Acres, Corridor 14 Miles;

Shadow Valley Road, 60 Acres, Corridor 10 Miles;

WSA Acreage (249,368) 269,500 – 246=269,254—41 Miles.

Little Chuckwalla Mountains, WSA 350, Attached Map #40, Desert Map #55:

Little Chuckwalla Pass Road, 18 Acres, Corridor 3 Miles;

Teague Well Road, 48 Acres, Corridor 8 Miles;

WSA Acreage (46,460) 53,000 – 66=52,934—11 Miles.

Little Pichacho, WSA 356, Attached Map #41, Desert Map #56:

Copper Basin Road, 6 Acres, Corridor 1 Mile;

Hess Mine Road, 12 Acres, Cherrystem 2 Miles;

Marcus Wash Road, 24 Acres, Corridor 4 Miles;

Senator Pass Road, 48 Acres, Corridor 8 Miles;

WSA Acreage (36,440) 41,940 – 90=41,850—13 Miles.

Mecca Hills, WSA 343, Attached Map #43, Desert Map #59:

Hidden Spring Road, 24 Acres, Cherrystem 4 Miles;

WSA Acreage (24,280) 25,360 – 24=25,336—4 Miles; Originally 35,280 9,920 was deleted on map.

Mesquite, WSA 225, Attached May #44, Desert Map #60:

Mesquite Pass Road, 42 Acres, Corridor 7 Miles;

WSA Acreage (47,330) 57,800 – 42=57,758—7 Miles.

Nopah Range, WSA 150, Attached Map #46, Desert Map #63:

Chicago Valley Road, 48 Acres, Boundary 8 Miles;

Old Traction Road, 90 Acres, Boundary 15 Miles;

Pahrump Peak Road, 24 Acres, Cherrystem 4 Miles;

Shaw Mine Road, 12 Acres, Cherrystem 2 Miles;

WSA Acreage (110,880). 116,000 – 174=115.826—27 Miles

North Mesquite Mountains, WSA 223, Attached Map #48, Desert Map #66:

Cub Lee Road, 6 Acres, Corridor 1 Mile;

Old Salt Lake Trail Road, 12 Acres, Boundary 2 miles;

WSA Acreage (25,540) 27,800 – 18=27,782—3 Miles.

Old Women Mountains, WSA 299, Attached Mad #50, Desert Map #67 & 68:

Delete from Wilderness Consideration – 146,070=0 (entire area); or

Black Metal Mine Pass Road, 60 Acres, Corridor 10 Miles.

Enterprise Mine Road, 24 Acres, Cherrystem 4 Miles.

Heritage Trail Road, 36 Acres, Corridor 6 miles.

Mercury Mountain Road, 18 Acres, Boundary 3 Miles.

Old Woman Loop Road, 66 Acres, Corridor 11 Miles.

Painted Rock Loop Road, 18 Acres, Corridor 3 Miles.

Sweetwater/Paramount Road, 36 Acres, Corridor 6 Miles.

Willow Spring Road, 12 Acres, Cherrystem 2 Miles.

WSA Acreage (146,070) 191,000 – 270=190,830—45 Miles.

Orocopia Mountains, WSA 344, Attached Map #51, Desert Map #69:

Orocopia Pass, 54 Acres, Corridor 9 Miles;

Red Canyon, 42 Acres, Boundary 7 Miles;

WSA Acreage (40,770) 56,140 – 96=56,044—16 Miles; originally 77,900 21,760 deleted on map.

Owens Peak, WSA 158, Attached Map #52, Desert Map #70–72:

Cow Canyon Road, 18 Acres, Cherrystem 3 Miles;

Sand Canyon Road, 24 Acres, Cherrystem 4 Miles;

Three Pines Canyon Road, 18 Acres, Cherrystem 3 Miles;

Walker Well Road, 24 Acres, Cherrystem 4 Miles;

WSA Acreage (74,640) 78,200 – 84=78,116—14 Miles.

Pahrump Valley, WSA 154, Attached Map #54, Desert Map #73;

Blackwater Well Pass, 72 Acres, Corridor 12 Miles;

Old Traction Road, 78 Acres, Boundary 13 Miles;

Pahrump Valley Road, 54 Acres, Boundary 9 Miles;

WSA Acreage (74,800) 79,000 − 204=78,796—34 Miles.

Palen/McCoy, WSA 325, Attached Map #55, Desert Map #74 & 75:

Sand Draw Road, 24 Acres, Corridor 4 Miles;

Tank Spring Road, 36 Acres, Corridor 6 Miles;

WSA Acreage (214,149) 225,300 − 60=225,240—10 Miles.

Palo Verde Mountains, WSA 352, Attached Map #56, Desert Map #76:

Clapp Spring Loop Road, 18 Acres, Boundary 3 Miles;

Flat Top Road, 18 Acres, Cherrystem 3 Miles;

WSA Acreage (32,320) 32,320 − 36=32,284—6 Miles.

Picacho Peak, WSA 355a, Attached Map #57, Desert Map #77:

Bear Canyon Road, 18 Acres, Corridor 3 Miles;

Carrizo Falls Road, 18 Acres, Boundary 3 Miles;

WSA Acreage (7,700) 10,499 − 36=10,364—6 Miles.

Piper Mountain, WSA 155, Attached Map #58, Desert Map #79:

Horse Thief Canyon Road, 48 Acres, Boundary 8 Miles;

Lime Hill Pass Road, 48 Acres, Boundary 8 Miles;

Mount Nunn Road, 36 Acres, Cherrystem 6 Miles;

Piper Pass, 42 Acres, Corridor 7 Miles;

Soldier Pass Road, 30 Acres, Corridor 5 Miles;

WSA Acreage (72,600) 86,200 − 204=85,996—34 Miles.

Piute Mountain, WSA 288, Attached Map #59, Desert Map #80;

Fenner Pass Road, 48 Acres, Corridor 8 Miles;

Piute Mine Loop Road, 36 Acres, Cherrystem 6 Miles;

WSA Acreage (37,800) 52,800 − 84=52,716—14 Miles.

Resting Spring Range, WSA 145, Attached Map #61, Desert Map #81:

Old Traction Road, 36 Acres, Boundary 6 Miles;

WSA Acreage (78,868) 84,000 − 36=83,964—6 Miles.

Rice Valley, WSA 322, Attached Map #62, Desert Map #82:

Eagle Nest Mine Loop, 60 Acres, Corridor 10 Miles.

Riverside Mountains, WSA 321A, Attached Map #63, Desert Map #83:

Gold Rice Mine Road, 36 Acres, Corridor 6 miles;

Old Blythe/Vidal Road (Big Wash), 24 Acres, Corridor 4 Miles;

WSA Acreage (22,380) 25,300 − 60=25,240—10 Miles.

Sacatar, WSA 157, Attached Map #64.5, Desert Map #85 & 86:

Sacatar Trail, 42 Acres, Corridor 7 Miles;

WSA Acreage (51,900) 52,600 − 42=52,558—7 Miles.

Santa Rosa Wilderness, WSA 341, Attached Map #66, Desert Map #89:

Pinyon Alta Flat Road, 42 Acres, Cherrystem 7 Miles;

WSA Acreage (53,240) 78,200 − 42=78,158—7 Miles.

Sawtooth Mountains, WSA 060, Attached Map #67, Desert Map #90:

Canebrake Road, 18 Acres, Corridor 3 Miles;

Potrero Road, 24 Acres, Cherrystem 4 Miles;

WSA Acreage (35,400) 35,610 − 42=35,568—7 Miles.

Sheep Hole Valley, WSA 305, Attached Map #69, Desert Map #91 & 92:

Delete from Wilderness Consideration − 174,800=0 (Entire Area); or

Make Sheep Hole Valley Road northeast Boundary =51,200; or

Sheep Hole Valley Road, 86 Acres, Corridor 16 Miles;

WSA Acreage (174,800) 208,900 − 96=208,804—16 Miles.

Stepladder Mountains, WSA 294, Attached Map #75, Desert Map #100:

Chemehuevi Valley Road, 60 Acres, Corridor 10 Miles;

East Stepladder Mountain Road, 60 Acres, Corridor 10 Miles;

North Pass Road, 36 Acres, Corridor 5 Miles;

WSA Acreage (81,600) 85,300 − 156=85,144—26 Miles.

Turtle Mountains, WSA 307, Attached Map #78, Desert Map #104 & 105:

Castle Rock Road, 36 Acres, Cherrystem 6 Miles;

Heritage Trail Road, 90 Acres, Corridor 15 Miles;

Virginia May Mine Road, 18 Acres, Cherrystem 3 Miles;

Horn Peak Well Road, 36 Acres, Cherrystem 6 Miles;

WSA Acreage (144,500) 189,300 − 180=189,120—30 Miles.

Whipple Mountains, WSA 312, Attached Map #79, Desert Map #106:

Whipple Well Road, 30 Acres, Cherrystem 5 Miles.

—Page 39, after line 4, add the following:

ACCESS ROADS

SEC. 208. Notwithstanding any other provision of this Act, there are hereby designated access routes on existing roads, trails, and ways, as mapped by the United States Geological Survey, Bureau of Land Management, and the Automobile Club of Southern California, as follows:

Greenwater Range, WSA 147, Attached Map #29, Desert Map #D19 & D20 (now Death Valley National Park Proposed—19 & 20):

Greenwater Pass Road, 48 Acres, Corridor, 8 Miles;

WSA Acreage (na), 163,900 − 48=163,852, 8 Miles.

Greenwater Valley, WSA 148, Attached Map #30, Desert Map #D24 (now Death Valley National Park Proposed—1):

Virgin Spring Road, 48 Acres, Cherrystem, 8 Miles;

WSA Acreage (na), 54,600 − 48=54,552, 8 Miles.

Hunter Mountain, WSA 123, Attached Map #30.5, Desert Map #D25 (now Death Valley National Park Proposed—2):

Dodd Springs Road, 48 Acres, Corridor, 8 Miles;

WSA Acreage (na), 26,400 − 48=26,352, 8 Miles.

Ibex, WSA 149, Attached Map #31, Desert Map #40 & D21 (now Death Valley National Park Proposed—21):

American Mine Road, 18 Acres, Cherrystem, 3 Miles;

Confidence Road, 18 Acres, Boundary, 3 Miles;

Rusty Pick Road, 12 Acres, Cherrystem, 2 Miles;

Sheephead Pass Road, 60 Acres, Corridor, 10 Miles.

Inyo Mountains, WSA 120/122, Attached Map #33, Desert Map #42–44, D6 & 7 (now Inyo Mountains and Death Valley National Park Proposed—6 & 7):

Blue Monster Mine Road, 66 Acres, Cherrystem 11 Miles;

Pat Keyes Canyon road, 24 Acres, Cherrystem 4 Miles.

Last Chance Range, WSA 112, Attached Map #39, Desert Map #D4:

Cottonwood Creek Road, 24 Acres, Boundary, 4 Miles;

Last Chance Road, 42 Acres, Boundary, 7 Miles;

WSA Acreage (na), 44,900 − 66=4,834, 11.

Manly Peak, WSA 124, Attached Map #42, Desert Map #D16, (now Death Valley National Park Proposed—16):

Redlands Canyon Road, 24 Acres, Cherrystem, 3 Miles;

WSA Acreage (16,105), 20700 − 24=20,676, 3 Miles;, Originally 27,100, 4,595 went to DVNP and 6,400 deleted on map.

North Death Valley, WSA 118/119, Attached Map #47, Desert Map #D5 (now Death Valley National Park Proposed—5):

Oriental Road, 24 Acres, Boundary, 4 Miles;

WSA Acreage (na), 50,200 − 24=50,176, 4 Miles.

Owlshead Mountains, WSA 156, Attached Map #53, Desert Map #D17 (now Death Valley National Park Proposed—17):

Lost Lake Road, 48 Acres, Cherrystem, 8 Miles;

Owl Lake Road, 30 Acres, Cherrystem, 5 Miles;

Owlshead Mountain Road, 78 Acres, Corridor, 13 Miles;

Quail Spring Road, 36 Acres, Cherrystem, 6 Miles;

WSA Acreage (na), 136,100 − 192=135,908, 32 Miles.

Saline Valley, WSA 117/117A, Attached Map #65, Desert Map #D8–10 (now Death Valley National Park Proposed—8):

Eureka Dunes to Saline Valley via Marble Bath, 180 Acres, Corridor, 30 Miles;

WSA Acreage (na), 486,300 − 180=486,120, 30 Miles.

Surprise Canyon, WSA 136, Attached Map #76, Desert Map #101 & D15 (now Surprise Canyon and Death Valley National Park Proposed—15):

Hall/Jail Canyon High Road, 36 Acres, Cherrystem 6 Miles;

Tuber Canyon Road, 30 Acres, Cherrystem 5 Miles;

WSA Acreage (29,180), 29,180 − 66=29,114, 11 Miles; Originally 66,200, 37,020 now in DVNP.

Slate Range/So. Panamint, WSA 137/142, Attached Map #71, Desert Map #D16 (now Death Valley National Park Proposed—16):

North Windgate Pass Road, 48 Acres, Corridor, 8 Miles;

WSA Acreage (na), 86,420 − 48=86,372, 8 Miles; Originally 106,900, 20,480 deleted on map.

—Page 43, after line 12, add the following:

ACCESS ROADS

SEC. 308. Notwithstanding any other provision of this Act, there are hereby designated access routes on existing roads, trails, and ways, as mapped by the United States Geological Survey, Bureau of Land Management, and the Automobile Club of Southern California, as follows:

Eagle Mountain, WSA 334, Attached Map #22, Desert Map #J3, (now Joshua Tree National Park Proposed—2):

Big Wash Road, 72 Acres, Corridor, 12 Miles;

Storm Jade Mine Road, 48 Acres, Corridor, 8 Miles;

WSA Acreage (na) 67,500 − 120=67,380—20 Miles.

—Page 54, after line 4, add the following:

ACCESS ROADS

SEC. 416. Notwithstanding any other provision of this Act, there are hereby designated access routes on existing roads, trails, and ways, as mapped by the United States Geological Survey, Bureau of Land Management, and the Automobile Club of Southern California, as follows:

Castle Peaks, WSA 266, Attached Map #13, Desert Map #M2, (now Mojave National Park Proposed—1):

Coats Spring Road, 12 Acres, Cherrystem, 2 Miles;

Crescent Peak Road, 36 Acres, Boundary, 6 Miles;

Dove Spring Road, 90 Acres, Corridor, 15 Miles;

Indian Spring Road, 12 Acres, Cherrystem, 2 Miles;

Juniper Spring Loop, 48 Acres, Cherrystem, 8 Miles;

WSA Acreage (na) 49,700 – 186=49,514—31 Miles.

Cima Dome, WSA 237/238, Attached Map #17, Desert Map #M3, (now Mojave National Park Proposed—2):

Deer Spring Loop, 48, Corridor, 8;

WSA Acreage (na) 28,600 – 48=28,552—8 Miles.

Cinder Cones, WSA 239, Attached Map #18, Desert Map #M4, now MNP—3):

Cane Spring Road, 24 Acres, Corridor, 4 Miles;

Club Peak Road, 48 Acres, Corridor, 8 Miles;

Granite Spring Road, 78 Acres, Corridor, 13 Miles;

Indian Spring Road, 12 Acres, Cherrystem, 2 Miles;

WSA Acreage (na) 63,300 – 162=63,138—27 Miles.

Fort Piute, WSA 267, Attached Map #23, Desert Map #M6, (now Mojave National Park proposed—5):

Piute Mountains Road, 36 Acres, Boundary, 6 Miles, (Use road as Boundary, loss of 2,480 acres):

WSA Acreage (na) 72,400 – 36=72,364—6 Miles, Or 72,400 – 2,480=69,920 – 0=69,920—0 Miles.

Kelso Mountains, WSA 249, Attached Map #36, Desert Map #M9, (now Mojave National Park Proposed—8):

Kelso Mine Road, 24 Acres, Cherrystem, 4 Miles;

Old Baker to Kelso, Road, 72 Acres, Corridor, 12 Miles;

WSA Acreage (na) 80,500 – 96=80,404—16 Miles.

Granite Mountains, WSA 256, Attached Map #27, Desert Map #35, 36 & M7, (now Bristol Mountains & Mojave National Park Proposed—7):

Heritage Trail, 60 Acres, Corridor—10 Miles;

Midhills, WSA 264, Attached Map #45, Desert Map #M13, (now Mojave National Park Proposed—2):

Wildcat Springs Road, 36 Acres, Corridor—6 Miles;

WSA Acreage (na) 22,900 – 36=22,864—6 Miles.

Old Dad Mountains, WSA 243, Attached Map #49, Desert Map #M10, (now Mojave National Park Proposed—9):

Mojave Road Wet Weather Loop Road, 54 Acres, Corridor—9 Miles;

WSA Acreage (na) 100,560 – 54=100,506—9 Miles.

Providence Mountains: WSA 263, Attached Map #60, Desert Map #M15:

Barber Well Road, 12 Acres, Cherrystem, 2 Miles;

Beecher Canyon Road, 12 Acres, Cherrystem, 2 Miles;

Summit Spring Road, 12 Acres, Cherrystem, 2 Miles;

Tough Nut Spring Road, 36 Acres, Corridor, 6 Miles;

Whiskey Spring Road, 12 Acres, Cherrystem, 2 Miles;

WSA Acreage (na) 64,400 – 84=64,316, 14 Miles.

South Providence:

Mountains, WSA 262, Attached Map #74, Desert Map #M8, (now Mojave National Park Proposed—7)

Quail Spring Road, 36 Acres, Corridor, 6 Miles;

WSA Acreage (na) 25,700 – 36=25,664—6 Miles.

Table Mountain, WSA 270, Attached Map #77, Desert Map #M17, (now Mojave National Park Proposed—6):

Woods Wash Road, 24 Acres, Corridor 4 Miles;

WSA Acreage (na) 10,000 – 24=9,976, 4 Miles.

Woods Mountain, WSA 271, Attached Map #81, Desert Map #M18, (now Mojave National Park proposed—7):

Black Canyon Connection Road, 18 Acres, Corridor, 3 Miles;

Hackberry Mountain Loop Road, 48 Acres, Corridor, 8 Miles;

Watson Wash Road, 24 Acres, Corridor, 4 Miles;

Woods Wash Road, 36 Acres, Corridor, 6 Miles;

WSA Acreage (na) 79,400 – 126=79,274—21 Miles.

By Mr. YOUNG of Alaska:

—Insert in 609(b) following "to the Committees a"

"report on the fulfillment of the obligations of the Secretary pursuant to Section 12 of Public Law 94-024, as amended and those Native American property accounts to be fulfilled through that act by assignment and the proposed methods of fulfilling such obligations, and a"

—In 609(c)(1) change the first "an" to "a" and insert the word "proposed" after "if an" in the first line and after "report of each such" in the last line.

—Insert in 609(c)(2) following "exchange agreements"

"with Catellus"

—Insert in 609(e) following "completed" at the end of the first sentence

"and a list of the Native American property accounts that have not been fully utilized"

—Insert in 609(f) at the beginning

"Upon 60-day written notice by the Secretary to the holders of the Native American property accounts that have not been fully utilized."

—Add to the end of Section 202 the following:

"Notwithstanding the foregoing, map No. D-19 of the Death Valley National Park Boundary and Wilderness proposed, shall conform to map No. D-19 dated, July 1993—referred to in S. 21 as passed by the Senate on April 13, 1994."

By Mr. DUNCAN:

—Strike Section 702 in its entirety and insert the following:

"Sec. 702.

Authorization of Appropriations. There are hereby authorized to be appropriated to carry out the purposes of the Act an amount not to exceed $36 million for all additional construction and operational costs over the next 5 years and $300 million for all land acquisition costs. No funds in excess of these amounts may be used for any purpose authorized under this Act without additional, specific authorization of an Act of Congress. Provided further, that operational funding and staffing to support new National Park Service responsibilities established pursuant to this Act may not be reallocated from any National Park Service area outside the State of California."

Explanation: This amendment ensures that actual costs for this legislation (as projected by CBO) do not exceed the amount authorized by Congress.

By Mr. LAROCCO:

—Page 43, line 13, strike "PARK" and insert "PRESERVE".

—Page 44, line 3, strike "park" and insert "preserve".

—Page 44, line 15, strike "PARK" and insert "preserve".

—Page 44, line 17, strike "Park" and insert "Preserve".

—Page 45, line 9, strike "park" and insert "preserve".

—Page 45, line 24, insert "(a)" after "SEC. 406.".

Page 45, line 24, strike "park" and insert "preserve".

—Page 46, after line 3, insert the following:

"(b) The Secretary shall permit hunting, fishing, and trapping on lands and waters within the preserve designated by this Act in accordance with the applicable Federal and State laws except that the Secretary may designate areas where, and establish periods when, no hunting, fishing, or trapping will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law. Except in emergencies, regulations closing areas to hunting, fishing, or trapping pursuant to this subsection shall be put into effect only after consultation with the appropriate State agency having responsibility for fish and wildlife. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the States with respect to fish and wildlife on Federal lands and waters covered by this title nor shall anything in this Act be construed as authorizing the Secretary concerned to require a Federal permit to hunt, fish, or trap on Federal lands and waters covered by this title.".

—Page 46, line 6, strike "park" and insert "preserve".

—Page 46, line 16, strike "park" and insert "preserve".

—Page 46, line 24, strike "park" and insert "preserve".

—Page 47, line 7, strike "park" and insert "preserve."

Page 47, line 10, strike "park" and insert "preserve".

—Page 47, line 20, strike "Park" and insert "Preserve".

—Page 47, line 23, strike "park" and insert "preserve".

—Page 49, line 6, strike "park" and insert "preserve".

—Page 49, line 11, strike "park" and insert "preserve".

—Page 49, line 14, strike "park" and insert "preserve".

—Page 50, line 4, strike "Park" and insert "Preserve".

—Page 50, line 7, strike "park" and insert "preserve".

—Page 50, line 18, strike "Park" and insert "Preserve".

—Page 50, line 21, strike "park" and insert "preserve".

—Page 51, line 5, strike "Park" and insert "Preserve".

—Page 51, line 8, strike "park" and insert "preserve".

—Page 51, line 15, strike "park" and insert "preserve".

—Page 51, line 17, strike "park" and insert "preserve".

—Page 51, line 20, strike "park" and insert "preserve".

—Page 51, line 22, strike "park" and insert "preserve".

—Page 51, line 25, strike "park-related" and insert "preserve-related".

—Page 51, line 26, strike "park" and insert "preserve".

—Page 52, line 4, strike "park" and insert "preserve".

—Page 52, line 13, strike "park" and insert "preserve".

—Page 53, line 3, strike "park" and insert "preserve".

—Page 53, line 6, strike "park" and insert "preserve".

—Page 53, line 9, strike "park" and insert "preserve".

—Page 53, line 12, strike "park" and insert "preserve".

—Page 53, line 18, strike "park" and insert "preserve".

—Page 53, line 25, strike "park" and insert "preserve".

—Page 54, line 2, strike "PARK" and insert "PRESERVE".

—Page 54, line 4, strike "Park" and insert "Preserve".

—Page 55, line 8, strike "Park" and insert "Preserve".

—Page 59, line 5, strike "wilderness or parks" and insert "wilderness, parks, or preserve".

—Page 59, line 8, strike "wilderness or parks" and insert "wilderness, parks, or preserve".

—Page 59, beginning on line 22, strike "parks and wilderness" and insert "parks, wilderness, and preserve".

—Page 59, line 25, strike "parks and wilderness" and insert "parks, wilderness, and preserve".

—Page 60, beginning on line 4, strike "park or wilderness" and insert "park, wilderness, or preserve".

By Mr. RICHARDSON:

—Page 59, line 22, insert "(a)" after "606.".

—Page 60, after line 11, insert the following:

(b)(1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area.

(2) Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

—Page 62, after line 25, insert the following:

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

—Page 66, after line 2, insert the following:

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

By Mr. THOMAS of Wyoming and Mr. ALLARD:

—On page 61, after line 13, insert the following:

(e) Nothing in this Act shall be construed to affect the operation of federally owned dams located on the Colorado River in the Lower Basin.

(f) Nothing in this Act shall be construed to amend, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.

(g) With respect to the Havasu and Imperial wilderness areas designated by section 111 of Title I of this Act, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.

BRIEF EXPLANATION OF ALLARD-THOMAS AMENDMENT

This amendment ensures that there would be no undesirable impact on the Colorado River and its operations as a consequence of this Act. It provides protections for the Upper Colorado River Basin water entitlements. It is identical to the provision that was included in S. 21 passed by the Senate and was modeled after the language included in the Arizona Desert Wilderness Act which passed in 1990. It clarifies the intent of Congress and ensures consistency in the treatment of the Colorado River with respect to management and water rights.

By Mr. THOMAS of California:

—On page 6, delete lines 13 through 22 and insert the following in lieu thereof:

"(1) Certain lands in the California Desert Conservation Area, the Bureau of Land Management which comprise approximately seventy-four thousand two hundred and fifty acres, as generally depicted on a map entitled 'Argus Range Wilderness—Proposed 1', dated May 1991, and two maps entitled "Argus Range Wilderness—Proposed 2', dated January 1989, and 'Argus Range Wilderness—Proposed 3', dated May 1994, and which shall be known as the Argus Range Wilderness."

By Mr. DELAY:

—Page 69, after line 23, add the following:

TITLE VIII—REQUIREMENT FOR LAND DISPOSAL UPON LAND ACQUISITION

LAND DISPOSAL UPON LAND ACQUISITION

SEC. 801. Within one year of acquiring any non-Federal land or interest therein for any purpose of this Act, the Secretary shall dispose of all right, title, and interest in and to a quantity of Federal lands equal in value to the non-Federal land or interest acquired, as determined by the Secretary.

By Mr. LEWIS of California:

—Page 64, beginning of line 23, strike "the Catellus" and all that follows through " 'Catellus')" and insert "holder of private lands (hereafter in this section referred to as the 'landowner')".

—Page 65, line 3, strike "Catellus" and insert "the landowner".

—Page 65, line 7, strike "Catellus" and insert "the landowner".

—Page 65, line 9, strike "Catellus" and insert "the landowner".

—Page 67, line 8, strike "Catellus" and insert "the landowner".

—Page 67, line 12, strike "Catellus" and insert "private".

—Page 67, line 17, strike "Catellus" and insert "each landowner".

—Page 67, line 19, strike "Catellus" and insert "the landowner".

—Page 67, line 23, strike "Catellus" and insert "The landowner".

—Page 68, line 6, strike "Catellus" and insert the "landowner's".

—Page 68, line 8, strike "Catellus" and insert the "landowner".

—Page 68, line 9, strike "Catellus" and insert "the landowner".

—Page [53], after line—[24], add the following:

MOJAVE NATIONAL PARK ADVISORY COMMISSION

SEC. 416. (a) The Secretary shall establish a Mojave National Park Advisory Commission, which shall have oversight and advisory responsibilities regarding the existing and expansion areas of the park and which shall advise on the deployment and implementation of the management plan required by section 411.

(b) The advisory commission shall—

(1) be operated under the procedures of the Federal Advisory Committee Act;

(2) be composed of representatives from major disciplines and uses within the Mojave National Park;

(3) include an elected official of local government for the jurisdiction within which the park lies; and

(4) have membership from the ranching, mining, and inholders groups.

(c) The advisory commission shall cease to exist ten years after the date of its establishment.

—Page 64, strike line 22 and all that follows through line 9 on page 69 (all of section 609).

—Page—[43], after line—[2], add the following:

JOSHUA TREE NATIONAL PARK ADVISORY COMMISSION

SEC. 308 (a) The Secretary shall establish a Joshua Tree National Park Advisory Commission, which shall have oversight and advisory responsibilities regarding the existing and expansion areas of the park and which shall advise on the development and implementation of the management plan required by section 309.

(b) The advisory commission shall—

(1) be operated under the procedures of the Federal Advisory Committee Act;

(2) be composed of representatives from major disciplines and uses within the Joshua Tree National Park;

(3) include an elected official of local government for the jurisdiction within which the park lies; and

(4) have membership from the ranching, mining, and inholds groups.

(c) The advisory commission shall cease to exist ten years after the date of its establishment.

GENERAL MANAGEMENT PLAN

SEC. 309. Within three years of the date of enactment of this title, the Secretary shall submit to the Committee on Energy and National Resources of the Senate and the Committee on Natural Resources of the House of Representatives, a detailed and comprehensive management plan for the park.

—Page, after line—[21], add the following:

DEATH VALLEY NATIONAL PARK ADVISORY COMMISSION

SEC. 208. (a) The Secretary shall establish a Death Valley National Park Advisory Commission, which shall have oversight and advisory responsibilities regarding the existing and expansion areas of the park and which shall advise on the development and implementation of the management plan required by section 209.

(b) The advisory commission shall—

(1) be operated under the procedures of the Federal Advisory Committee Act.

(2) be composed of representatives from major disciplines and uses within the Death Valley, National Park;

(3) include an elected official of local government for the jurisdiction within which the park lies; and

(4) have membership from the ranching, mining, and inholders groups.

(c) The advisory commission shall cease to exist ten years after the date of its establishment.

GENERAL MANAGEMENT PLAN

SEC. 209. Within three years of the date of enactment of this title, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, a detailed and comprehensive management plan for the park.

—Strike all after the enacting clause and insert the following: That this Act may be cited as the "California Desert and Employment Preservation Act of 1994".

SEC. 2. The Congress finds that—

(a) many areas of undeveloped public land in California and one parcel in Washoe County, Nevada, administered by the Bureau of Land Management have outstanding natural characteristics that give them high value as wilderness and that can, if properly managed, serve as an enduring resource of wilderness for the benefit of the American people;

(b) it is in the national interest that these areas be promptly designated as components of the National Wilderness Preservation System in order to preserve and maintain them as an enduring resource of wilderness to be managed to promote and perpetuate their wilderness character and their specific multiple values for natural systems biodiversity, watershed preservation, wildlife habitat protection, scenic and historic preservation, scientific research and education use, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of present and future generations of the American people; and

(c) certain areas of public lands located in Inyo and Riverside Counties, California are appropriate for transfer from the Bureau of Land Management to the National Park Service as additions to the Death Valley and Joshua Tree National Monuments.

SEC. 3. (a) As used in this Act, the term "public lands" shall have the same meaning as defined in section 103(e) of the Federal Land Policy and Management Act of 1976.

(b) As used in this Act the term "Secretary" means the Secretary of the Interior.

SEC. 4. (a) In furtherance of the purposes of the Wilderness Act, the following public lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately fifteen thousand eight hundred and ninety-seven acres, as generally depicted on a map entitled "Owens Peak Proposal", dated June 1988 (CA-1-026).

(2) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately ten thousand seven hundred and twenty-one acres, as generally depicted on a map entitled "Sacatar Meadows Proposal", dated June 1988 (CA-010-027).

(3) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately twenty-eight thousand two hundred and ninety-one acres, as generally depicted on a map entitled "Southern Inyo Proposal", dated June 1988 (CA-010-056).

(4) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately one thousand nine hundred and eighty-three acres, as generally depicted on a map entitled "Pinnacles Proposal", dated June 1988 (CA-040-303).

(5) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately seven thousand four hundred and forty-three acres, as generally depicted on a map entitled "Pit River Canyon Proposal", dated June 1988 (CA-020-103).

(6) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately seven thousand eight hundred and eighty-nine acres, as generally depicted on a map entitled "Tunnison Mountain Proposal", dated June 1988 (CA-020-311).

(7) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately thirty-seven thousand and fifty-five acres located in Lassen County, California, and five hundred and eighty-nine acres located in Washoe County, Nevada, as generally depicted on a map entitled "Skedaddle Proposal", dated June 1988 (CA-020-612). However, the designation of the Skedaddle Wilderness Area will in no way be construed or used to restrain current or future activities associated with the adjacent Sierra Army Depot.

(8) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately one thousand one hundred and sixty-one acres, as generally depicted on a map entitled "South Warner Proposal", dated June 1988 (CA-020-708).

(9) Certain public lands in the Ukiah District of the Bureau of Land Management, California, which comprise approximately four thousand one hundred and forty-three acres, as generally depicted on a map entitled "Chemise Mountain Proposal", dated June 1988 (CA-050-111).

(10) Certain public lands in the Ukiah District of the Bureau of Land Management, California, which comprise approximately twenty thousand two hundred and forty-eight acres, as generally depicted on a map entitled "King Range Proposal", dated June 1988 (CA-050-112).

(11) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately three hundred and forty-four acres, as generally depicted on a map entitled "Agua Tibia Proposal" dated June 1988 (CA-060-002).

(12) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-two thousand eight hundred and seventy-five acres, as generally depicted on a map entitled "Sawtooth Mountains Proposal", dated June 1988 (CA-060-024B).

(13) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifteen thousand four hundred and eight acres, as generally depicted on a map entitled "Carrizo George Proposal", dated June 1988 (CA-060-025A).

(14) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately four thousand three hundred and twenty-three acres, as generally depicted on a map entitled "Western Otay Mountain Proposal", dated June 1988 (CA-060-028).

(15) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately six thousand seven hundred and eighty-three acres, as generally depicted on a map entitled "Southern Otay Mountain Proposal", dated June 1988 (CA-060-029).

(16) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately three hundred ninety-two thousand six hundred forty-three acres, as generally depicted on a map entitled "Saline Valley Proposal", dated June 1988 (CDCA-117). Of this acreage approximately thirty thousand two hundred and ninety-five acres are added to the National Park System pursuant to section 4(a)(1) of this Act.

(17) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately two thousand one hundred and fifty-four acres, as generally depicted on a map entitled "Lower Saline Valley Proposal", dated June 1988 (CDCA-117A).

(18) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty five thousand seven hundred and ninety-two acres, as generally depicted on a map entitled "Little Sand Spring Proposal", dated June 1988 (CDCA-119A). All of this acreage is hereby added to the National Park System pursuant to section 4(a)(1) of this Act.

(19) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-eight thousand three hundred and ninety-two acres, as generally depicted on a map entitled "Inyo Mountains Proposal", dated June 1988 (CDCA-122).

(20) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty thousand and thirty acres, as generally depicted on a map entitled "Hunter Mountain Proposal", dated June 1988 (CDCA-123).

(21) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately ninety thousand six hundred and twenty-six acres, as generally depicted on a map entitled "Panamint Dunes Proposal", dated June 1988 (CDCA-127).

(22) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fourteen thousand and seventy-nine acres, as generally depicted on a map entitled "Wild Rose Canyon Proposal", dated June 1988 (CDCA-134).

(23) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty four thousand five hundred and thirty-six acres, as generally depicted on a map entitled "Slate Range Proposal", dated June 1988 (CDCA-142).

(24) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty three thousand four acres, as generally depicted on a map entitled "Funeral Mountains Proposal", dated June 1988 (CDCA-143). Of this acreage approximately fifteen thousand seven hundred

and seventy-eight acres are added to the National Park System pursuant to section 4(a)(1) of this Act.

(25) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty two thousand eight hundred and eleven acres, as generally depicted on a map entitled "Greenwater Valley Proposal", dated June 1988 (CDCA–148).

(26) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately seventy-nine thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Nopah Range Proposal", dated June 1988 (CDCA–150).

(27) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately one hundred twenty-one thousand nine hundred and twelve acres, as generally depicted on a map entitled "Owlshead Mountains Proposal", dated June 1988 (CDCA–156).

(28) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-two thousand one hundred and twenty-five acres, as generally depicted on a map entitled "Little Lake Canyon Proposal", dated June 1988 (CDCA–157).

(29) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-six thousand one hundred and thirteen acres, as generally depicted on a map entitled "Owens Peak Proposal", dated June 1988 (CDCA–158).

(30) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirteen thousand nine hundred and eighty-six acres, as generally depicted on a map entitled "El Paso Mountains Proposal", dated June 1988 (CDCA–164).

(31) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-nine thousand one hundred and thirteen acres, as generally depicted on a map entitled "Golden Valley Proposal", dated June 1988 (CDCA–170).

(32) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty thousand two hundred and ninety-one acres, as generally depicted on a map entitled "Newberry Mountains Proposal", dated June 1988 (CDCA–206).

(33) Certain public lands in the California Desert District of the Bureau of Land Management California, which comprise approximately seventeen thousand six hundred and thirty acres, as generally depicted on a map entitled "Rodman Mountains Proposal", dated June 1988 (CDCA–207);.

(34) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately eleven thousand sixty-eight acres, as generally depicted on a map entitled "Bighorn Mountains Proposal", dated June 1988 (CDCA–217);.

(35) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately six thousand four hundred and ten acres, as generally depicted on a map entitled "Morongo Proposal", dated June 1988 (CDCA–218).

(36) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately eleven thousand one hundred and sixty-nine acres, as generally depicted on a map entitled "Whitewater Proposal", dated June 1988 (CDCA–218A).

(37) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-four thousand three hundred and sixty-nine acres, as generally depicted on a map entitled "Kinston Range Proposal", dated June 1988 (CDCA–222).

(38) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-one thousand seven hundred and one acres, as generally depicted on a map entitled "Cinder Cones Proposal", dated June 1988 (CDCA–239).

(39) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-six thousand four hundred and five acres, as generally depicted on a map entitled "Kelso Dunes Proposal", dated June 1988 (CDCA–250).

(40) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-three thousand two hundred and thirty-two acres, as generally depicted on a map entitled "Bristol/Granite Mountains Proposal", dated June 1988 (CDCA–256).

(41) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-four thousand two hundred and thirty-eight acres, as generally depicted on a map entitled "South Providence Mountains Proposal", dated June 1988 (CDCA–262).

(42) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-nine thousand six hundred and eighty-one acres, as generally depicted on a map entitled "Providence Mountains Proposal", dated June 1988 (CDCA–263).

(43) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-three thousand five hundred and nineteen acres, as generally depicted on a map entitled "Castle Peaks Proposal", dated June 1988 (CDCA–266).

(44) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-four thousand eight hundred and fifty-four acres, as generally depicted on a map entitled "Fort Piute Proposal", dated June 1988 (CDCA–267).

(45) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately one hundred sixteen thousand four hundred and eighty acres, as generally depicted on a map entitled "Turtle Mountains Proposal", dated June 1988 (CDCA–307).

(46) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately sixty-one thousand eight hundred and fifty-three acres, as generally depicted on a map entitled "Chemehuevi Mountains Proposal", dated June 1988 (CDCA–310).

(47) Certain public lands in the Yuma, Arizona District of the Bureau of Land Management, located in California, which comprise approximately nine hundred and thirty-eight acres, as generally depicted on a map entitled "Chemehuevi/Needles Addition Proposal", dated June 1988 (AZ–050–004).

(48) Certain public lands in the California Desert District of the Bureau of Land Management, located in California, which comprise approximately seventy two thousand sixty-three acres, as generally depicted on a map entitled "Whipple Mountains Proposal", dated June 1988 (CDCA–312).

(49) Certain public lands in the Yuma, Arizona, District of the Bureau of Land Management, located in California, which comprise approximately one thousand three hundred and forty-three acres, as generally depicted on a map entitled "Whipple Mountains Addition Proposal", dated June 1988 (AZ–050–010).

(50) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately seventy-five thousand six hundred and sixty-five acres, as generally depicted on a map entitled "Palen/McCoy Proposal", dated June 1988 (CDCA–325).

(51) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-two thousand seven hundred and eighty-two acres, as generally depicted on a map entitled "Coxcomb Mountains Proposal", dated June 1988 (CDCA–328).

(52) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-one thousand four hundred and thirty-four acres, as generally depicted on a map entitled "Eagle Mountains Proposal", dated June 1988 (CDCA–334).

(53) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-seven thousand one hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Mountains Proposal", dated June 1988 (CDCA–341).

(54) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately seven thousand one hundred and ninety-nine acres, as generally depicted on a map entitled "Mecca Hills Proposal", dated June 1988 (CDCA–343).

(55) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-eight thousand two hundred and seven acres, as generally depicted on a map entitled "Orocopia Mountains Proposal", dated June 1988 (CDCA–344).

(56) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-seven thousand thirty acres, as generally depicted on a map entitled "Chuckwalla Mountains Proposal", dated June 1988 (CDCA)–348).

(57) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-one thousand four hundred and ninety-three acres, including eight hundred and ninety-one acres adjacent to the Wilderness Study Area, as generally depicted on a map entitled "Julian Wash (formerly Indian Pass) Proposal", dated June 1988 (CDCA–355).

(58) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately five thousand four hundred and fifty-five acres, as generally depicted on a map entitled "Gavilan (formerly Picacho Peak) Proposal", dated June 1988 (CDCA–355A).

(59) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise ap-

proximately twenty-five thousand seven hundred and sixteen acres, as generally depicted on a map entitled "North Algodones Dunes Proposal", dated June 1988 (CDCA-360).

(60) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-six thousand one hundred and twenty-eight acres, as generally depicted on a map entitled "Jacumba Proposal", dated June 1988 (CDCA-368).

(61) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifteen thousand three hundred and fifty-nine acres, as generally depicted on a map entitled "Fish Creek Mountains Proposal", dated June 1988 (CDCA-372).

(62) Certain public lands in the Carson City, Nevada, District of the Bureau of Land Management, located in California, which comprise approximately five hundred and fifty acres, as generally depicted on a map entitled "Carson Iceberg Proposal", dated June 1988 (NV-030-532).

(b) The acreages cited in this Act are approximate. In the event of discrepancies between acreages cited in this Act and the acreages depicted on the referenced maps, the maps shall control.

SEC. 5. As soon as practicable after enactment of this Act, a map and a legal description for each designated wilderness area and area added to the National Park System shall be filed by the Secretary with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical, and cartographic errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Offices of the Director and California State Director, Bureau of Land Management, Department of the Interior.

SEC. 6. (a) Subject to valid existing rights, each wilderness area designated by section 4(a) of this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.) and pursuant to the rules and regulations promulgated in implementation thereof.

(b) The following lands are hereby added to the National Park System:

(1) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately one hundred and three thousand eight hundred acres, as described in the Bureau of Land Management's Monument Environmental Impact Statement, 1989, and generally depicted on maps entitled Proposed Additions to National Park System Death Valley National Monument, 1989, are hereby incorporated in, and shall be deemed to be a part of Death Valley National Monument.

(2) Certain public lands which comprise approximately four thousand eight hundred acres, as described in the Bureau of Land Management's Monument Environmental Impact Statement, 1989, and generally depicted on a map entitled: Proposed Addition to National Park System Joshua Tree National Monument, 1989, are hereby incorporated in, and shall be deemed to be a part of Joshua Tree National Monument.

(c) Upon enactment of this title, the lands described in subsection (a) of this section, are, by operation of law and without consideration, transferred to the administrative jurisdiction of the National Park Service. The boundaries of the California Desert District; Death Valley National Monument and Joshua Tree National Monument are adjusted accordingly. The areas added to the National Park System by this section shall be administered in accordance with the provisions of law generally applicable to units of the National Park System.

(d) The Secretary shall, within a reasonable period of time, prepare plans to manage each designated wilderness area.

(e) For purposes of this Act, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the effective date of this Act.

SEC. 7. Any lands within the boundaries of a wilderness area established by this Act that are acquired by the United States after the date of enactment of this Act shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

SEC. 8. Except as otherwise provided in this Act, and subject to valid existing rights, all Federal lands established as wilderness by this Act and all lands within wilderness areas designated by this Act which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public lands laws, including the mining, mineral leasing, geothermal leasing, and material sales laws.

SEC. 9. (a) Nothing in this Act designating lands as wilderness shall constitute or be construed to constitute either an express or implied reservation of water or water rights for wilderness purposes. The United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness pursuant to the substantive and procedural requirements of the laws of the States of California and Nevada as appropriate.

(b) Nothing in this Act shall be construed to limit the exercise of water rights as provided under California and Nevada State laws as appropriate.

SEC. 10. (a) Military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system.

(b) Nothing in this Act shall be construed to restrict, forbid, or interfere with demilitarization activities and the overflight of military aircraft over areas designated in this Act as the components of the National Wilderness Preservation System.

(c) The designation by this Act of wilderness areas in the State of California shall not restrict military overflights of wilderness areas for the purposes of military testing and training.

(d) The fact that military overflights can be seen or heard shall not preclude such activities over the wilderness areas designated by this Act.

(e) Nothing in this Act shall be construed to restrict, forbid, or interfere with demilitarization activities at Sierra Army Depot which is located adjacent to areas designated in this Act as components of the National Wilderness Preservation System and the fact that such demilitarization activities can be detected from within the adjacent wilderness areas shall not preclude such activities.

SEC. 11. In recognition of the past use of portions of the wilderness areas designated by this Act by Indian people for traditional cultural and religious purposes, the Secretary shall assure access to the wilderness areas by Indian people for traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an appropriate Indian tribe or Indian religious community, may from time to time temporarily close to general public use one or more specific portions of wilderness areas in order to protect the privacy of religious cultural activities in such areas by Indian people. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes.

SEC. 12. The Congress finds and directs that all public lands in the State of California administered by the Bureau of Land Management have been adequately studied for wilderness designation pursuant to sections 202 and 603 of the Federal Land Policy and Management Act of 1976 and those lands not designated as wilderness by this Act are no longer subject to the requirements contained in section 603 of the Federal Land Policy and Management Act of 1976 for management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness and shall be managed for their other resource values in accordance with land management plans developed pursuant to the Federal Land Policy and Management Act; or as part of the National Park System pursuant to section 6 of this Act.

SEC. 13. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

—Page 69, after line 23, add the following:

TITLE VIII—MILITARY LANDS AND OVERFLIGHTS

SEC. 801. SHORT TITLE AND FINDINGS

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

(2) the National Parks and wilderness areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its alllies;

(3) there is a lack of alternative sites available for these military training, testing, and research activities;

(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. MILITARY OVERFLIGHTS.

(a) OVERFLIGHTS.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

(b) SPECIAL AIRSPACE.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park or wilderness units.

(c) NO EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

SEC. 803. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support;

(D) geothermal leasing and development and related power production activities; and

(E) subject to the requirements of section 805(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands located within the boundaries of the China Lake Naval Weapons Center, comprising approximately one million one hundred thousand acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 805(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately two hundred twenty-six thousand seven hundred and eleven acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993.

SEC. 804. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the appropriate offices of the Bureau of Land Management; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary for the cost of implementing this section.

SEC. 805. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary shall manage the lands withdrawn under section 803 of this title pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this title.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 803 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders were permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 803(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 803(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the use described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 803 of this title during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 803 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary and the Secretary of the Navy shall (with respect to each land withdrawal under section 803 of this title) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 803 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 803.

(f) ADDITIONAL MILITARY USES.—Lands withdrawn under section 803 of this title may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 803. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary may assign the management responsibility for the lands withdrawn under section 803(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary and the Secretary of the Navy: *Provided*, That nothing in this subsection shall affect geothermal leases issued by the Secretary prior to the date of enactment of this title, or the responsibility of the Secretary to administer and manage such leases, consistent with the provisions of this section. In the case that the Secretary assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary) shall develop such management plan.

(2) The Secretary shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 803(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 803(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 803(a). The Secretary shall transmit such report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 803(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary and the Secretary of the Navy.

(5) Neither this title nor any other provision of law shall be construed to prohibit the Secretary from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 803(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary before taking action under that section with respect to the lands withdrawn under section 803(a).

(7) Upon the expiration of the withdrawal or relinquished or China Lake, Navy contracts for the development of geothermal resources at China Lake then in effect (as amended or renewed by the Navy after the date of enactment of this title) shall remain in effect: *Provided*, That the Secretary, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

SEC. 806. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawals and reservations established by this title shall terminate twenty-five years after the date of enactment of this title.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than twenty-two years after the date of enactment of this titles, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this section. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution of Congress.

SEC. 807. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extend funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this title and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the United States Senate and to the Committee on Appropriations, Armed Services, and Natural Resources of the United States House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including—

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full contamination of such lands and the estimate of the time to complete such decontamination.

SEC. 808. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 803 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary of the Navy shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary of the Navy shall file a notice of intention to relinquish with the Secretary.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of the Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands law, including the mining laws.

SEC. 809. DELEGABILITY.

(a) DEPARTMENT OF DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) DEPARTMENT OF THE INTERIOR.—The functions of the Secretary under this title may be delegated, except that an order described in section 808(f) may be approved and signed only by the Secretary, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 810. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 811. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 803 of this title.

SEC. 812. EL CENTRO RANGES.

The Secretary is authorized to permit the Secretary of the Navy to use until January 1, 1997, the approximately forty-four thousand eight hundred and seventy acres of public lands in Imperial County, California, known as the East Mesa and West Mesa ranges, in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy. All military uses of such lands shall cease on January 1, 1997, unless authorized by a subsequent Act of Congress.

—At the end of the bill, add the following new section:

"SEC. 703. JOB CREATION.

"The Secretary may, in consultation with the Secretary of Labor, waive any provision of this Act, in whole or in part, which causes substantial unemployment."

Explanation: This amendment allows the Secretary to waive any provision of this act which causes substantial unemployment.

—At the end of the bill, insert the following new section:

"SEC. 703. EFFECTIVE DATE.

This Act shall take effect in the fiscal year following the first fiscal year after date of enactment of this Act in which Federal revenues are equal to or greater than Federal expenditures."

Explanation: This amendment delays the bill's effective date until the federal budget is balanced.

—At the end of the bill, add the following new section:

"SEC. 703. REQUIREMENT OF LAND DISPOSAL UPON LAND ACQUISITION.

Within one year of acquiring any non-federal lands or interests therein for any purpose of this Act, the Secretary shall dispose of all right, title and interest in and to a quantity of federal lands equal in value to the non-federal lands or interest acquired, as determined by the Secretary. The Secretary shall not dispose of any wilderness areas, wilderness study areas or lands owned by the National Park Service for the purposes of this section."

—At the end of the bill, add the following new section:

"SECTION 703. LAND APPRAISAL.

Lands and interests in lands acquired pursuant to this act shall be appraised for their highest and best use without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)"

Explanation: This amendment would prevent appraisals on inholdings from taking into account the presence of a threatened or endangered species.

—On page 46, delete lines 23-26, and replace with the following:

"SEC. 409. (a) Grazing of domestic livestock on lands within the park shall continue in perpetuity pursuant to the same laws and regulations applicable on the date of enactment. The Bureau of Land Management shall continue to administer this activity."

Explanation: This amendment continues existing grazing allotments in the Mojave National Park in perpetuity and continues BLM adminsitration the grazing program.

—At the end of the bill, add the following new section:

"SECTION 703. FOREIGN MINERAL DEPENDENCE.

The Secretary shall waive any provision of this Act, in whole or in part, if such provision is determined to require importation of any mineral from any foreign nation in excess of 90 percent of 1992 domestic consumption. Such determination shall be made within one year of enactment of this Act by the Director of the Bureau of Mines, Department of the Interior, who shall consider all alternatives for these minerals."

—At the end of the bill, add the following new section:

"SECTION 703. FOREIGN MINERAL DEPENDENCE.

The Secretary shall waive any provision of this Act, in whole or in part, if such provision is determined to require importation of any mineral from any foreign nation in excess of 80 percent of 1992 domestic consumption. Such determination shall be made within one year of enactment of this Act by the Director of the Bureau of Mines, Department of the Interior, who shall consider all alternatives for these minerals."

—At the end of the bill, add the following new section:

"SECTION 703. FOREIGN MINERAL DEPENDENCE.

The Secretary shall waive any provision of this Act, in whole or in part, if such provision is determined to require importation of any mineral from any foreign nation in excess of 70 percent of 1992 domestic consumption. Such determination shall be made within one year of enactment of this Act by the Director of the Bureau of Mines, Department of the Interior, who shall consider all alternatives for these minerals."

—"On page 53, insert a period after the word "thereof" on line 20 and delete lines 21–16."

Explanation: This amendment would prohibit the Secretary from using condemnation to acquire lands within the Mojave National Park.

—At the end of the bill, add the following new section:

"SEC. 703. REGULATORY RELIEF.

The Secretary shall, upon petition from an entity impacted adversely by any regulations promulgated by this Act, notify the agencies and bureaus involved with promulgating and administering those regulations and suggest to those agencies and bureaus that regulations be waived which interfere with reasonable economic uses of the lands involved. Nothing in this section shall affect the ability of the Secretary to carry out his duties otherwise provided by law."

Explanation: This amendment creates within the Office of the Secretary a place where parties adversely impacted by this Act can seek regulatory relief.

—At the end of the bill, add the following new section:

"SECTION 703. EFFECTIVE DATE.

This Act shall take effect when the National Park Service has reduced the nationwide backlog of land acquisition by 50 percent. The scope of the backlog shall be determined as of the date of enactment of this Act, by the Director of the Office of Management and Budget, and shall certify when the backlog has been reduced by the requirements of this section."

—On page 53, after line 24, insert the following:

SEC. 416. NO ADVERSE EFFECT ON LAND UNTIL ACQUIRED.

With the exception of lands owned by the California State Lands Commission and the Catellus Development Corporation, the owners of all lands acquired pursuant to this Act and the Wilderness Act or their designees shall be entitled to full use and enjoyment of such lands and nothing in the Act shall be—

(1) construed to impose any limitation upon any otherwise lawful use of these lands by the owners thereof or their designees.

(2) construed as authority to defer the submission, review, approval or implementation of any land use permit or similar plan with respect to any portion of such lands, or

(3) construed to grant a cause of action against the owner thereof or their designee, except to the extent that the owners thereof or their designees may, of their own accord, agree to defer some or all lawful enjoyment and use of any such lands for a certain period of time.

—On page 69, line 10, after Section 609 insert the following new section:

"ECONOMIC IMPACT STATEMENT

SEC. 610. (a) Notwithstanding any other provision of this Act, lands in the State of California designated in sections 102, 402, and 501 of this Act shall not be designated as wilderness or established as a national park or monument unless—

(1) the Secretary has prepared an economic impact analysis with respect to each land designation;

(2) the Secretary determines, based on that analysis, that the environmental benefits of each land designation outweigh the economic costs of each land designation; and

(3) the Secretary publishes an economic impact statement describing the findings of that analysis.

(b)(1) The Secretary shall perform an economic impact analysis in accordance with this paragraph with respect to each land designation in sections 102, 402, and 501.

(2) An economic impact analysis under this paragraph shall include the following:

(A) The economic consequences of each land designation, including aggregate statistical data which indicates—

(i) identifiable and potential job losses or diminishments resulting from a designation.

(ii) identifiable losses or diminishments in the value of real property resulting from a designation; and

(iii) losses or diminishments in the value of business enterprises resulting from a designation.

(B) The effect that a designation will have on revenues received by the Federal Government or by State and local governments, including any revenue losses attributable to losses or diminishments in value described in clause (i).

(C) The effects that a designation will have on outlays by Federal, State, and local governments, including—

(i) effects on payments made pursuant to paragraph (1).

(ii) effects on expenditures required for Federal unemployment compensation, aid to families with dependent children, Medicaid, and other Federal, State, and local programs,

(iii) the effect that a designation will have on the competitive position of any individual business or aggregate industry affected by a designation, determined jointly with the Secretary of Commerce, and

(iv) any other potential economic, budgetary, or ecological effects that the Secretary considers appropriate.

(c) Not later than one year after the date of enactment, the Secretary shall determine, based on the analysis performed under paragraph (2), whether the economic costs of each designation outweigh the environmental benefits of each designation.

(d) In implementing this Act with respect to each land designation in subsections 102, 402, and 501, the Secretary shall limit losses incurred by persons as a result of each land designation.

(e) The Secretary shall pay to any person who incurs an economic loss as a result of a land designation the amount of that loss, including—

(1) any diminishment in the value of tangible or intangible property, and

(2) any loss resulting from the loss or diminishment of a job.

(f) The Secretary shall issue regulations establishing procedures for obtaining payments under this subsection.

(g) A person may not recover any amount under this subsection for any de minimis or wholly speculative loss.

(h) Any denial by the Secretary of an application for payment under this subsection may be appealed in the appropriate Federal district court of the United States, including any determination by the Secretary that a person is ineligible for payment by reason of paragraph (3).

(i) Any person (including any State or local governmental entity) may intervene in any proceeding under this subsection for the purpose of assisting the Secretary in issuing payments under this subsection to individuals or businesses who suffer demonstrable loss as a result of a land designation.

By Mr. LEHMAN:

—Page 47, line 19, Section 410(a)(1), after "Southern California Edison Company," add "its successors or assigns,"

—Amend Section 402 (relating to Establishment of the Mojave National Park) of bill to read as follows:

"Sec. 402. There is hereby established the Mojave National Park, comprising approximately one million four hundred nineteen thousand eight hundred acres, as generally depicted on a map entitled "Mojave National Park Boundary—Proposed" dated May 17, 1994, which shall be on file and available for inspection in the appropriate offices of the Director of the National Park Service, Department of the Interior."

—In Section 103, insert (a) before section and create a new subsection (b) to read as follows:

(b) Wildlife Management.—In furtherance of the purposes of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title, where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines, as set forth in section 101(h) of Public Law 101-628.

(c) Law Enforcement Border Activities.—(1) Nothing in this title, including the designation as wilderness of lands within the Jacumba Wilderness, Coyote Mountains Wilderness, and Fish Creek Mountains Wilderness designated in section 102 of this Act, shall be construed as—

(A) precluding or otherwise affecting continued border operations by the Immigration and Naturalization Service, the Drug Enforcement Administration, or the United States Customs Service within such wilderness areas, in accordance with any applicable interagency agreements in effect on the date of enactment of this Act; or

(B) precluding the Attorney General of the United States or the Secretary of the Treasury from entering into new or renewed agreements with the Secretary concerning Immigration and Naturalization Service, Drug Enforcement Administration, or United States Custom Service border operations within such wilderness areas, consistent with management of the wilderness areas for the purpose for which such wilderness areas were established, and in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2)(A) Within six months after the date of enactment of this title, the Secretary, in consultation with the Secretary of the Treasury and the Attorney General of the United States, shall review all regulations and policies relating to law enforcement activities within the wilderness areas referred to in paragraph (1) to ensure that such regulations provide Federal law enforcement agencies with adequate authority to engage in law enforcement activities within such wilderness areas.

(B) Upon completion of the review referred to in subparagraph (A), the Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives on the adequacy of existing authority for Federal law enforcement agencies to engage in law enforcement activities within such wilderness areas.

—In Subsection 103, insert (a) before section and create a new subsection (b) to read as follows:

(b) Wildlife Management.—In furtherance of the purposes of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title, where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines, as set forth in section 101(h) of Public Law 101-628.

(c) Law Enforcement Border Activities.—(1) Nothing in this title, including the designation as wilderness of lands within the Jacumba Wilderness, Coyote Mountains Wilderness, and Fish Creek Mountains Wilderness designated in section 102 of this Act, shall be construed as—

(A) precluding or otherwise affecting continued border operations by the Immigration and Naturalization Service, the Drug Enforcement Administration, or the United States Customs Service within such wilderness areas, in accordance with any applicable interagency agreements in effect on the date of enactment of this Act; or

(B) precluding the Attorney General of the United States or the Secretary of the Treasury from entering into new or renewed agreements with the Secretary concerning Immigration and Naturalization Service, Drug Enforcement Administration, or United States Custom Service border operations within such wilderness areas, consistent with management of the wilderness areas for the purpose of which such wilderness areas were established, and in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(C) precluding or otherwise affecting aerial or motor vehicle access utilized by state and local law enforcement agencies required for hot pursuit, search and rescue operations, or other emergency response in accordance with provisions of the Wilderness Act.

(2)(A) Within six months after the date of enactment of this title, the Secretary, in consultation with the Secretary of the Treasury and the Attorney General of the United States, shall review all regulations and policies relating to law enforcement activities within the wilderness areas referred to in paragraph (1) to ensure that such regulations provide Federal law enforcement agencies with adequate authority to engage in law enforcement activities within such wilderness areas.

(B) Upon completion of the review referred to in subparagraph (A), the Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives on the adequacy of existing authority for Federal law enforcement agencies to engage in law enforcement activities within such wilderness areas.

—In section 103, make a new subsection (a) for existing text and insert new subsections (b) and (c):

(b) Wildlife Management.—In furtherance of the purposes of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title, where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines, as set forth in section 101(h) of Public Law 101-628.

(c) Law Enforcement Border Activities.—Nothing in this Act, including the designation as wilderness of lands within the Coyote, Fish Creek Mountains, and Jacumba wilderness areas designated in section 102 of this Act, the Wilderness Act, or other land management laws generally applicable to such areas, shall restrict or preclude continued law enforcement and border operations within such areas, including the use of motor vehicles and aircraft by the Immigration and Naturalization Service, the Drug Enforcement Administration, the United States Customs Service, or State and local law enforcement agencies in such manner and subject to such restrictions as may be determined by the Attorney General of the United States or Secretary of the Treasury, as appropriate, in consultation with the Secretary.

—Page 69, after line 23, add the following:

TITLE VIII—PROTECTION OF BODIE BOWL

SEC. 801. SHORT TITLE.

This title may be cited as the "Bodie Protection Act of 1994".

SEC. 802. FINDINGS.

The Congress finds that—

(1) the historic Bodie gold mining district in the State of California is the site of the largest and best preserved authentic ghost town in the Western United States;

(2) the Bodie Bowl area contains important natural, historical, and aesthetic resources;

(3) Bodie was designated a National Historical Landmark in 1961 and a California State Historic Park in 1962, is listed on the Na-

tional Register of Historic Places, and is included in the Federal Historic American Buildings Survey;

(4) nearly 200,000 persons visit Bodie each year, providing the local economy with important annual tourism revenues;

(5) the town of Bodie is threatened by proposals to explore and extract minerals; mining in the Bodie Bowl area may have adverse physical and aesthetic impacts on Bodie's historical integrity, cultural values, and ghosttown character as well as on its recreational values and the area's flora and fauna;

(6) the California State Legislature, on September 4, 1990, requested the President and the Congress to direct the Secretary of the Interior to protect the ghosttown character, ambience, historic building, and scenic attributes of the town of Bodie and nearby areas;

(7) the California State Legislature also requested the Secretary, if necessary to protect the Bodie Bowl area, to withdraw the Federal lands within the area from all forms of mineral entry and patent;

(8) the National Park Service listed Bodie as priority one endangered National Historic Landmark in its fiscal year 1990 and 1991 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and recommended protection of the Bodie area; and

(9) it is necessary and appropriate to provide that all Federal lands within the Bodie Bowl area are not subject to location, entry, and patent under the mining laws of the United States, subject to valid existing rights, and to direct the Secretary to consult with the Governor of the State of California before approving any mining activity plan within the Bodie Bowl.

SEC. 803. DEFINITIONS.

For purposes of this title:

(1) The term "Bodie Bowl" means the Federal lands and interests in lands within the area generally depicted on the map referred to in section 804(a).

(2) The term "mineral activities" means any activity involving mineral prospecting, exploration, extraction, wiling, beneficiation, processing, and reclamation.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 804. APPLICABILITY OF MINERAL MINING, LEASING AND DISPOSAL LAWS.

(a) RESTRICTION.—Subject to valid existing rights, after the date of enactment of this title Federal lands and interests in lands within the area generally depicted on the map entitled "Bodie Bowl" and dated June 12, 1992, shall not be—

(1) open to the entry or location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following), for lands within the Bodie Bowl; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

Such map shall be on file and available for public inspection in the Office of the Secretary, and appropriate offices of the Bureau of Land Management and the National Park Service. As soon as practicable after the date of enactment of this title the Secretary shall publish a legal description of the Bodie Bowl area in the Federal Register.

(b) VALID EXISTING RIGHTS.—As used in this subsection, the term "valid existing rights" in reference to the general mining laws means that a mining claim located on lands within the Bodie Bowl was properly located and maintained under the general mining laws prior to the date of enactment of this title, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this title, and that such claim continues to be valid.

(c) VALIDITY REVIEW.—The Secretary shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Bodie Bowl. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void, except that the Secretary shall not challenge the validity of any claim located within the Bodie Bowl for the failure to do assessment work for any period after the date of enactment of this title. The Secretary shall make a determination within respect to the validity of each claim referred to under this subsection within 2 years after the date of enactment of this title.

(d) LIMITATION ON PATENT ISSUANCE.—

(1) MINING CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mining claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before such date; and

(ii) all requirements established under section 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, 37) for placer claims were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) MILL SITE CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mill site claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before January 11, 1993; and

(ii) all requirements applicable to such patent application were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 805. MINERAL ACTIVITIES.

(a) IN GENERAL.—Notwithstanding the last sentence of section 302(b) of the Federal Land Policy and Management Act of 1976, and in accordance with this title and other applicable law, the Secretary shall require that mineral activities be conducted in the Bodie Bowl so as to—

(1) avoid adverse effects on the historic, cultural, recreational and natural resource values of the Bodie Bowl; and

(2) minimize other adverse impacts to the environment.

(b) RESTORATION OF EFFECTS OF MINING EXPLORATION.—As soon as possible after the date of enactment of this title, visible evidence or other effects of mining exploration activity within the Bodie Bowl conducted on or after September 1, 1988, shall be reclaimed by the operator in accordance with regulations prescribed pursuant to subsection (d).

(c) ANNUAL EXPENDITURES; FILING.—The requirements for annual expenditures on unpatented mining claims imposed by Revised Statute 2324 (30 U.S.C. 28) shall not apply to any such claim located within the Bodie Bowl. In lieu of filing the affidavit of assessment work referred to under section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)(1)), the holder of any unpatented mining or mill site claim located within the Bodie Bowl shall only be required to file the notice of intention to hold the mining claim referred to in such section 314(a)(1).

(d) REGULATIONS.—The Secretary shall promulgate rules to implement this section, in consultation with the Governor of the State of California, within 180 days after the date of enactment of this title. Such rules shall be no less stringent than the rules promulgated pursuant to the Act of September 28, 1976 entitled "An Act to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System, and for other purposes" (Public Law 94-429; 16 U.S.C. 1901-1912).

SEC. 806. STUDY.

Beginning as soon as possible after the date of enactment of this title, the Secretary of the Interior shall review possible actions to preserve the scenic character, historical integrity, cultural and recreational values, flora and fauna, and ghost town characteristics of lands and structures within the Bodie Bowl. No later than 3 years after the date of such enactment, the Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report that discusses the results of such review and makes recommendations as to which steps (including but not limited to acquisition of lands or valid mining claims) should be undertaken in order to achieve these objectives.

—Page 34, after line 25, insert the following:

LAW ENFORCEMENT ACCESS

SEC. 112. Nothing in this Act, including the wilderness designations made by this Act, may be construed to preclude Federal, State, and local law enforcement agencies from conducting law enforcement and border operations as permitted before the enactment of this Act, including the use of motor vehicles and aircraft, on any lands designated as wilderness by this Act.

—Page—[34], after line—[18], insert the following:

SEC. 112. FISH AND WILDLIFE MANAGEMENT.

As provided in section 4(d)(7) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to fish and wildlife on the public lands located in that State. Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies, particularly where such agencies deem vehicular access is necessary to maintain water sources constructed to preserve desert bighorn sheep and other wildlife.

By Mr. MILLER of California:

—1. p. 10, line 12, after "a road" insert "and utilities"

Explanation: Adds reference to utilities to provision authorizing a right-of-way for military corridor to connect Twenty-Nine Palms training area and Fort Irwin.

—2. p. 16, lines 18 and 19, strike "two hundred forty-nine thousand three hundred and sixty-eight acres" and in lieu thereof insert "two hundred nine thousand six hundred and eight acres"

Explanation: Reduces wilderness acreage in Kingston Range to correspond to that in S. 21 as passed by Senate, to avoid prejudice to future decisions about possible expansion of Fort Irwin National Training Center.

—3. p. 17, line 4, strike "May 1991" and in lieu thereof insert "July 1993"

Explanation: Conforms map date for Little Chuckwalla area to that in S. 21 (acreages are already the same)

—4. p. 32, after line 2 insert a new paragraph, as follows:

—"(5) Certain lands which comprise approximately thirty-nine thousand seven hundred and sixty acres, as generally depicted on a map entitled "Kingston Range Potential Future Wilderness," dated May 1994.

Explanation: Retains in current management (wilderness study status) those Kingston Range lands adjacent to Fort Irwin deleted from wilderness by amendment number 2.

—5. p. 54, lines 13 and 14, strike "one hundred seventy-nine thousand four hundred and eighteen acres" and in lieu thereof insert "one hundred sixty-two thousand one hundred and thirty-eight acres".

Explanation: Reduces acreage of wilderness designation in southern part of additions to Death Valley National Park by 17,280 acres, to leave a non-wilderness zone within the park, adjoining northern boundary of Fort Irwin National Training Center.

—1. p. 38, line 13, strike Section 207 in its entirety, and renumber subsequent sections accordingly.

Explanation: Deletes section on grazing in Death Valley National Park.

—2. p. 46, line 22, strike section 409 in its entirety, and renumber subsequent sections accordingly.

Explanation: Deletes section on grazing in Mojave National Park.

—3. p. 38, strike lines 14 through 17 and in lieu thereof insert the following:

"SEC. 207 (a) The Secretary shall permit continuation of the privilege of grazing domestic livestock on lands within the park, at no more than the current level, pursuant to grazing permits or leases in effect as of the date of enactment of this Act and subject to all applicable laws and National Park Service regulations, but shall not renew any such permit or lease after its expiration, and shall not approve any transfer of any such permit or lease to any party other than the party entitled to exercise such privilege as of such date of enactment."

Explanation: This would allow current grazing permittees to continue to graze livestock within Death Valley National Park until expiration of current grazing permits or leases.

—4. p. 46, strike lines 23 through 26 and in lieu there of insert the following:

"SEC. 409 (a) The Secretary shall permit continuation of the privilege of grazing domestic livestock on lands within the park, at no more than the current level, pursuant to grazing permits or leases in effect as of the date of enactment of this Act and subject to all applicable laws and National Park Service regulations, but shall not renew any such permit or lease after its expiration, and shall not approve any transfer of any such permit or lease to any party other than the party entitled to exercise such privilege as of such date of enactment."

Explanation: This would allow current grazing permittees to graze livestock in Mojave National Park until expiration of current grazing permits or leases.

—5. p. 69, after line 9 insert a new section, as follows:

"PHASE-OUT OF GRAZING IN DEATH VALLEY AND MOJAVE NATIONAL PARKS

"SEC. 610.—Notwithstanding any other provision of this Act or other law, on Federal lands within the boundaries of Death Valley National Park and Mojave National Park as established by this Act, the privilege of grazing domestic livestock may continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations, by those parties who were entitled to exercise such privilege on such lands on May 16, 1994. Upon the expiration of the grazing permits or leases held by such parties on such date, the Secretary, acting through the Director of the National Park Service, may issue to such parties new permits for such grazing on such lands, subject to all applicable laws and to National Park Service regulations, but all grazing of domestic livestock on such lands shall cease on June 1, 2019. For purposes of section 207(b) or 409(b), as applicable, a party covered by this section shall be deemed to be a person holding a grazing permit referred to in section 207(a) or 409(a) as applicable."

Explanation: As in House-passed California Desert bill of 1991, this would allow current permittees to continue grazing in Death Valley and Mojave National Parks for up to 25 years.

—Page 69, after line 23, add the following:

TITLE VIII—CALIFORNIA MILITARY LANDS WITHDRAWAL

SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the Federal lands within the desert regions of California have provided essential opportunities for military training, research, and development for the Armed Forces of the United States and allied nations;

(2) alternative sites for military training and other military activities carried out on Federal lands in the California desert area are not readily available;

(3) while changing world conditions have lessened to some extent the immediacy of military threats to the national security of the United States and its allies, there remains a need for military training, research, and development activities of the types that have been carried out of Federal lands in the California desert area; and

(4) continuation of existing military training, research, and development activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support; and

(D) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 803.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 226,711 acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993 and filed in accordance with section 803.

(c) EL CENTRO RANGES.—(1) Subject to valid existing rights, and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundaries of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) but not the mineral or geothermal leasing laws. Such lands are reserved for use by the Secretary of the Navy for—

(A) defense-related purposes in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 46,600 acres in Imperial County, California, as generally depicted on a map entitled "Exhibit A, Naval Air Facility, El Centro, California, Land Acquisition Map, Range 2510 (West Mesa) dated March 1993 and a map entitled "Exhibit B, Naval Air Facility, El Centro, California, Land Acquisition Map Range 2512 (East Mesa)" dated March 1993.

SEC. 803. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the Office of the Director of the Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento, California; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.

SEC. 804. MANAGEMENT OF WITHDRAWN LANDS.

(A) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 802 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the secretary of the Navy shall (with respect to each land withdrawal under section 802) enter into a memorandum of understanding to implement the management plan developed under subsection (c) Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) ADDITIONAL MILITARY USES.—(1) Lands withdrawn by section 802 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use of uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan.

(2) The Secretary of the interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior and annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary of the Interior shall transmit such report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary of the Interior and the Secretary of the Navy.

(5) Neither this Act nor any other provision of law shall be construed to prohibit the Secretary of the Interior from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal made by subsection 802(a) or relinquishment of the lands withdrawn by that subsection,

Navy contracts for the development of geothermal resources at China Lake then in effect (including amendments or renewals by the Navy after the date of enactment of this Act shall remain in effect: *Provided*, that the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

(h) MANAGEMENT OF EL CENTRO RANGES.—To the extent consistent with this title, the lands and minerals within the areas described in section 802(c) shall be managed in accordance with the Cooperative Agreement entered into between the Bureau of Land Management, Bureau of Reclamation, and the Department of the Navy, dated June 29, 1987.

SEC. 805. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawal and reservation established by this title shall terminate 15 years after the date of enactment of this Act.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than 12 years after the date of enactment of this Act, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this subsection. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution.

SEC. 806. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this Act and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

SEC. 807 REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated sate, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary of the Interior determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to remove the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

SEC. 808. DELEGABILITY.

(a) DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 809. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this Act shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 810. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

SEC. 811. MILITARY OVERFLIGHTS.

(a) EFFECT OF ACT.—(1) Nothing in this Act shall be construed to—

(A) restrict or preclude continuation of low-level military overflights, including those on existing flight training routes; or

(B) preclude the designation of new units of special airspace or the establishment of new flight training routes over the lands designated by this Act for inclusion within new or expanded units of the National Park System or National Wilderness Preservation System.

(2) Nothing in this Act shall be construed as requiring revision of existing policies or procedures applicable to the designation of units of special airspace or the establishment of flight training routes over any Federal lands affected by this Act.

(b) MONITORING.—The Secretary of the Interior and the Secretary of Defense shall monitor the effects of military overflights on the resources and values of the units of the National Park System and National Wilderness Preservation System designated or expanded by this Act, and shall attempt, consistent with national security needs, to resolve concerns related to such overflights and to avoid or minimize adverse impacts on resources and values and visitor safety associated with overflight activities.

SEC. 812. TERMINATION OF PRIOR RECLAMATION WITHDRAWALS.

Except to the extent that existing Bureau of Reclamation withdrawals of public lands were identified for continuation in Federal Register Notice Document 92-4838 (57 Federal Register 7599, March 3, 1992), as amended by Federal Register Correction Notices (57 Federal Register 19135, May 4, 1992; 57 Federal Register 19163, May 4, 1992; and 58 Federal Register 30181, May 26, 1993), all existing Bureau of Reclamation withdrawals made by Secretarial Orders and Public Land Orders affecting public lands and Indian lands located within the California Desert Conservation Area established pursuant to section 601 of the Federal Land Policy and Management Act of 1976 are hereby terminated.

SENATE—*Monday, May 16, 1994*

The Senate met at 2 p.m., and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

As we begin our prayer today, let us pray in silence for Sherry Jenkins and all of her family in the tragic death of her sister, that all who grieve may find comfort and consolation in the loving care of God the Father.

Eternal God, the words of the first President of the United States remind us of the faith which conceived and constructed our great Nation. In his first inaugural address in 1789, George Washington said: "It would be peculiarly improper to omit, in this first official act, my fervent supplication to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States * * *."

Desperately, our Lord, we need a resurgence of our founders' faith. As we struggle with a disintegrating culture, awaken us to our need. Restore to us the faith which gave birth to our remarkable Nation.

In His name who is the Way, the Truth, and the Life. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2019, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2019) to reauthorize and amend Title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAUCUS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, as the clerk has announced, we are now on the Safe Drinking Water Act. This would be a good time for Senators to bring over amendments. We all know that very often in life the early bird gets the worm.

Under the Senate agreement, all amendments must be brought up by the close of business on Wednesday, and we all know that sometimes there is intervening business that pushes the ordinary agreed-upon business of the Senate aside, which is another way of saying that if Senators plan to bring up their amendments Tuesday or Wednesday, there may be less time to bring them up and dispose of them on a very solid basis, with full discussion on both sides. I say that in part because I believe there are close to 100 amendments in the consent agreement. That is a lot of amendments. I also say it because many of those amendments are not described with any specificity. We do not know the contents of those amendments. It would be helpful if they were brought up earlier rather than later.

In addition, Mr. President, I might note that it is just after 2 o'clock. As manager of the bill, I have no intention of sitting here, staying here in a quorum call for a long, extended period of time. If amendments are not brought up by Senators or statements given by Senators, or any other business with respect to this bill in the next hour or so, it would be my disposition not to stay on this bill. Senators would have had more than ample opportunity to bring their amendments over here and have them dealt with on whatever basis the Senate might find appropriate.

It is a good time for staffs to get together, to come over to the floor and work with the committee staff to work out accommodations or resolutions of some of those amendments. Mr. President, you have managed bills and worked with the Senate and Senate schedules and know that now is a good time to come over and offer amendments.

I strongly urge Senators to do so.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nevada [Mr. REID] is recognized.

AMENDMENT NO. 1708

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. INOUYE, proposes an amendment numbered 1708.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 8, after the word "Affairs" insert the following: "and Indian Tribes."

On page 9, line 11, after the word "Affairs" insert the following: "and Indian Tribes."

Mr. REID. Mr. President, Congress in its daily routine of deliberating and passing legislation, especially environmental legislation such as the Safe Drinking Water Act, being dealt with on the floor today, makes decisions that affect hundreds of thousands of members of Indian tribes across the country, and certainly thousands of people in the State of Nevada.

We have, in the past, often failed to give adequate recognition to this fact and to provide the tribes in Nevada and other places with a basis for direct involvement in these major decisions that affect their economic and social well-being.

In doing so, we have deprived the Indian tribes of this country of their sovereignty, their basic right to be involved in the decisionmaking process.

The amendment before the Senate today invokes protection of tribal sovereignty and affords a tribal consultation role in the decisions that may affect public health concerns associated with public water systems.

Mr. President, on April 29, 1994, just a matter of a few days ago, the President of the United States signed a memorandum that affirms the executive branch department heads and agencies that allow Government and Government relationships between the Indian tribes and the United States. The memorandum, among other things, states:

> As executive departments and agencies undertake activities affecting native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty.

Mr. President, this memorandum outlines principles that the executive branch departments and agencies, including every component bureau and office, are to follow on their interactions with native American tribal governments. The memorandum provides that "each executive department and agency shall consult. * * * with the tribal government prior to taking actions that affect federally recognized tribal governments."

Mr. President, I ask unanimous consent that a copy of the memorandum to the heads of executive departments and agencies, as I indicated, signed April 29 by the President, William Clinton, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
April 29, 1994.

Memorandum for the Heads of Executive Departments and Agencies.

Subject: Government-to-Government relations with Native American Tribal Governments.

The United States Government has a unique legal relationship with Native American tribal governments as set forth in the Constitution of the United States, treaties, statutes, and court decisions. As executive departments and agencies undertake activities affecting Native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty. Today, as part of an historic meeting, I am outlining principles that executive departments and agencies, including every component bureau and office, are to follow in their interactions with Native American tribal governments. The purpose of these principles is to clarify our responsibility to ensure that the Federal Government operates within a government-to-government relationship with federally recognized Native American tribes. I am strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments.

In order to ensure that the rights of sovereign tribal governments are fully respected, executive branch activities shall be guided by the following:

(a) The head of each executive department and agency shall be responsible for ensuring that the department or agency operates within a government-to-government relationship with federally recognized tribal governments.

(b) Each executive department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.

(c) Each executive department and agency shall assess the impact of Federal Government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities.

(d) Each executive department and agency shall take appropriate steps to remove any procedural impediments to working directly and effectively with tribal governments on activities that effect the trust property and/or government rights of the tribes.

(e) Each executive department and agency shall work cooperatively with other Federal departments and agencies to enlist their interest and support in cooperative efforts, where appropriate, to accomplish the goals of this memorandum.

(f) Each executive department and agency shall apply the requirements of Executive Orders Nos. 12875 ("Enhancing the Intergovernmental Partnership") and 12866 ("Regulatory Planning and Review") to design solutions and tailor Federal programs, in appropriate circumstances, to address specific or unique needs of tribal communities.

The head of each executive department and agency shall ensure that the department or agency's bureaus and components are fully aware of this memorandum, through publication or other means, and that they are in compliance with its requirements.

This memorandum is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

The Director of the Office of Management and budget is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

Mr. REID. Mr. President, in short, this amendment seeks to ensure that the rights of sovereign tribal governments are fully respected, as the memorandum outlines. This amendment ensures that Indian tribes are consulted in determining the use of funds to address the most significant threats to the public health associated with public water systems, and the amendment also enables Indian tribes to assist in the preparation of needs assessment of a public water system.

Mr. President, it is my understanding this amendment has been cleared on both sides of the aisle. I hope that my colleagues will join in giving the Indian tribes a definite consultative role in this most important matter.

If the managers will accept the amendment, I have nothing further. If they will not, then I ask for a vote on Wednesday night.

The PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think we could work this amendment out. It is my understanding it is just a word that is in question. I think it is "or their representatives."

Mr. REID. Senator INOUYE and I would not accept that suggested change. We do not need to debate it here now, Mr. President. Right now that is the whole problem the Indian nation has, that someone else is doing the work for them. We want this work to be done directly with the Indian tribes.

So we will be happy to let the amendment stand, and if we can work something out prior to Wednesday, fine; otherwise, we will work on it.

Mr. BAUCUS. I do not see the ranking member of the committee on the floor now. I am uncertain. As I say to my good friend from Nevada, I do not see the ranking member of the committee here. I cannot at this point represent it has been cleared on the Republican side.

Mr. REID. We followed the suggestion of the chairman and offered our amendment. We will be happy to await his arrival.

Mr. BAUCUS. I very much appreciate it. Perhaps the Senator could wait briefly until we can check to see whether it has been cleared on the Republican side.

Mr. REID. I have to do something outside in the reception area, and then I have a statement, if there is no other business on the floor, that I wish to give anyway. So I will be right back.

Mr. BAUCUS. Does the Senator then wish to go into a quorum call pending the resolution of his amendment?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business.

The PRESIDENT pro tempore. For how long would the Senator request?

Mr. REID. I would ask for 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nevada [Mr. REID] is recognized for not to exceed 15 minutes as in morning business.

IMMIGRATION

Mr. REID. Mr. President, last Monday the Washington Post newspaper ran an insightful editorial that was entitled "On Not Blaming Immigrants First."

The editorial rightly admonished those involved in the immigration debate to avoid the pitfalls made earlier when there were great waves of immigration to the United States.

The Post editorial, I think, hit the nail on the head when they said:

> Off and on since the great waves of immigration in the 1840s and 1850s, politicians have been tempted to explain whatever happened to be ailing the country at the time by blaming newcomers for causing all kinds of problems for which the native-born could not possibly have responsibility.

Mr. President, the Post editorial concluded by showing that there are legitimate issues to be raised about immigration, both legal and illegal immigration. And also, under current law, many loopholes exist which allow people to cheat the system.

The point is, Mr. President, we need to engage in the politics of constructive reform and avoid the politics of immigrant scapegoating. But we do have to do something about immigration.

Mr. President, I ask unanimous consent that the editorial to which I referred be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ON NOT BLAMING IMMIGRANTS FIRST

Off and on since the great waves of immigration in the 1840s and 1850s, politicians have been tempted to explain whatever happened to be ailing the country at the time by blaming newcomers for causing all kinds of problems for which the native-born could not possibly have responsibility. Native-born voters often like to hear that sort of thing, which further encourages some politicians.

The issue of immigration is surging again, and the battlegrounds are as varied as the California governor's race and the meeting rooms of the House Ways and Means Committee. Take first Ways and Means. Last Wednesday, the committee rightly voted down an amendment offered by Rep. Rick Santorum (R-Pa.) to deny Supplemental Security Income benefits to most legal immigrants who are not yet citizens. The amendment was even more important than it sounded because the effect of denying. SSI benefits was also to deny Medicaid benefits. This, in turn, raises the question of who would pay when a poor, legal immigrant walked into an emergency room with a severe illness.

The vote went the right way, but the margin was close, 20-to-16, with Rep. Harold Ford (D-Tenn.) abstaining. Three Democrats voted with the Republicans, but the most disturbing vote was Mr. Ford's. A liberal on many issues and the chairman of the welfare subcommittee, Mr. Ford threatened to join the anti-immigrant bloc. He was finally persuaded to abstain instead on the grounds that the issue of benefits to immigrants should be considered in the context of President Clinton's welfare reform plan. Mr. Ford's position is a portent of how deep the anti-immigrant feeling runs.

In California, meanwhile, Gov. Pete Wilson, a Republican, has partially resurrected his once sagging political fortunes with strong attacks on the federal government's failure to stem illegal immigration. Mr. Wilson has gone to court to demand that the feds reimburse states (such as his) bearing a disproportionate share of the social service and health costs of illegal immigration that is the federal government's responsibility.

What Mr. Santorum is trying to do in Washington and what Mr. Wilson is saying in California would seem consistent. Exactly the opposite is the case. As the National Conference of State Legislators and the National Governors' Association pointed out, the effect of Mr. Santorum's amendment would be to increase the burdens on states with large immigrant populations. The amendment, said Raymond Scheppach, executive director of the governors' group, "would shift to states and localities millions of dollars in income assistance and health care costs now borne by the federal government."

There are legitimate issues to be raised about immigration, legal and illegal, and also about abuses of social programs by immigrants and non-immigrants alike. But wholesale assaults on immigrants are not only wrong, they also lead to bad policy.

Mr. REID. Mr. President, scapegoating immigrants have no place in a just and moral society. And, it certainly should not find shelter and life in a country that prides itself on being a nation of immigrants. The ugly anti-immigrant sentiments, which are often targeted at today's immigrants are no different, and no less repugnant, than the bigoted Irish bashing that occurred during the 19th century Irish Potato famine migration.

However, what we all have to remember is that just as those who are considered immigration's proponents are not all in favor of open unrestricted immigration, similarly, those who seek tightening and enforcement of our immigration laws are not all in favor of eliminating immigration and placing blame for society's ailments on immigrants. All parties must recognize this principle if meaningful immigration reform is ever going to be carried out.

Mr. President, I believe that our current immigration laws must be reformed in order to adequately deal with the many problems our country is currently facing—education, welfare, crime. Day after day we see news stories detailing new troubles associated with immigration. Whether it is undermanned law enforcement on our borders, threats to our obligation of ensuring a healthier environment for the future because of escalating immigration, or the dramatic failure of our asylum laws to efficiently process asylum claims, there is something fundamentally wrong with the current policies.

The mail that I have received on immigration is significant. It has especially been heavy because I have been in favor publicly of changing immigration law as it applies to illegal and legal immigration.

It is easy, Mr. President, to stand and talk about illegal immigration. And I am going to talk about it today; we need significant changes in that. It is more difficult to talk abut legal immigration, but we also need to do that.

Mr. President, some in this body and in the White House during the last two administrations felt, because we had come up with the theory of employer mandates, that it would take care of illegal immigration because it switched the burden from the Government to the employers. As a result of that, Congress and the President changed legal immigration to where it is now approaching 1 million a year. We simply cannot handle that and we have to cut back to a more reasonable number.

But as I said, the volume of mail I get on immigration is enormous. What I have come to appreciate in reading this correspondence is that most people are deeply upset and frustrated—not at immigrants—but at the combined lack of equity, certainty, and protection that our laws are supposed to provide. To allow these laws to remain unchanged is a recipe for disaster.

In March, I introduced S. 1923, the Immigration Stabilization Act of 1994. I believe this comprehensive immigration reform legislation will do much to remedy the current problems. Today, I am addressing the Senate on a specific immigration related problem addressed by my bill: abuse of the asylum laws. Those seeking smoking gun proof of the failure of our immigration policies need look no further than the current asylum laws.

The United States was founded on a belief that people fleeing persecution because of their race, religion, or political views deserve refuge.

I have been reading, Mr. President, Durant's "History of Civilization," and it is interesting to get the overall perspective of why we had so many people come to United States from Europe. It was because of the persecution that was taking place there, principally on the basis of religion, that we had the huge wave of population emigrate to the United States.

So this element of compassion be preserved. That was part of the reason for founding of this great country.

But in recent years, American policies offering generous asylum and unlimited judicial review of rejected claims have been grossly abused.

Now, asylum is one of the easiest routes to gain admission to this country. Virtually anyone—underscore and underline anyone—arriving at a U.S. port of entry—including terrorists, criminals, and drug dealers—can today gain immediate admission into our country if they merely claim that magic words political asylum and claim they will be killed or persecuted if they are returned home. The magic words are "political asylum." And the abuse does not stop there. Individuals who entered this country illegally will often raise meritless asylum claims at their deportation proceedings to avoid prompt deportation. Likewise, individuals who entered the country legally but thereafter overstayed their visas also avail themselves this seemingly perfect defense. Claiming asylum has become the proverbial dog-ate-my-homework excuse. This excuse is used by many but believed by few.

How do we know this to be the case? Well let us examine the numbers. In 1973—while South Africa's apartheid politics kept Nelson Mandela in prison for 27 years, and Soviet-imposed dictatorships continued to spring up around the world—there were less than 5,000 claims for political asylum in the United States. In 1973, when Mandela was jailed and the Soviet Empire was at the height of its strength, we had less than 5,000 claims for political asylum in the United States. In 1994, with Nelson Mandela out of prison and assuming the Presidency of South Africa, and the Soviet empire in complete disarray and being dismantled, there could be as many as 200,000 claims for asylum in our country. According to the Immigration and Naturalization Service, the total number of claims in 1993 were in excess of 150,000. Keep in mind that these numbers merely represent the number of applications filed. Claiming asylum has become a de facto method of gaining permanent admission to our country. The backlog to hear these claims is growing at an alarming rate and some estimates say there may be as many as 500,000 claims in need of adjudication for political asylum in the United States by the end of this year.

Before fashioning an appropriate remedy to this problem we must first understand the reasons for the abuse and the consequences of the abuse. The reasons are simple: Lax laws without any standards or certainty of enforcement will always be abused. One only has to look at the incredibly tough provisions included in the House and Senate crime bills to realize the validity of this axiom.

The consequences are as clear as they are frightening. Last year's murder of a CIA employee at the entrance of the CIA, which is located not far from my home here in the Washington, DC, area, and the home of the President pro tempore and other Members of this body; the bombing of the World Trade Center, and the uncovering of a terrorist conspiracy targeting New York City are all examples of what can happen when we fail to properly screen individuals seeking entrance to our country.

Who is injured as a result of this policy? Society is injured through the perpetration of heinous acts by individuals who otherwise would not be in this country. Immigrants, as a whole, are unfairly blamed for the misdeeds of a few. Of course, that is true. And, lastly, those people who are genuinely fleeing persecution or are otherwise attempting to play by the rules in gaining admission are losing out to dishonest cornercutters who realize there are no consequences for their misbehavior.

I believe that the best response to this growing problem is the following threefold approach embodied in my proposed legislation: First, strengthen the review procedure at ports of entry; second, clarify the conditions for the granting of asylum; and, third, streamline the decisionmaking process for the granting of asylum.

Let us talk about my first proposal, strengthen the review procedures at ports of entry.

Current law provides insufficient screening at our ports of entry. Undocumented individuals who enter the United States and declare asylum are rarely detained pending a determination of their claim. In fact, so long as their claim is nonfrivolous they are entitled to immediate entry and employment authorization. I respectfully suggest that the 22 percent asylum application approval rate in 1993 is compelling evidence of the frivolity of many of these claims. Why not simply detain these individuals? Well, according to the GAO, this would be "impracticable and cost prohibitive."

It is imperative that we increase the screening of individuals at our ports of entry to prevent people from merely boarding an international flight, flying to the United States, and declaring asylum.

Mr. President, there are millions and millions of people throughout the world, maybe billions, who want to come to this country. We cannot accept everybody who wants to come to this country.

The provisions of my bill operate to deter individuals from entering the United States to illegally pursue asylum claims after they have failed to gain lawful admission through the other avenues of immigration.

It provides for trained INS officers to interview individuals who seek entry into the United States; if the individual has the required documentation, fine, go ahead and enter.

If he does not or she does not, she or he will be excluded unless either indicates a fear of persecution or an intent to claim asylum.

An individual who comes here without documentation, but tells the INS officer that he fears persecution or intends to claim asylum, will be referred immediately to an asylum officer who will interview that person to determine whether he or she has a credible fear of persecution or whether the asylum individual is coming here for convenience or economic reasons, that officer's decision is subject to review by another asylum officer. Thereafter, judicial review is limited to habeas corpus petitions.

This enhanced screening at the initial points of entry will afford applicants the necessary due process to ensure a fair hearing and will prevent the entry of those filing frivolous claims.

Second, we must clarify the conditions for the granting of asylum.

The granting of asylum is premised on the notion that we are obligated to take in those who are legitimately fleeing persecution because of their race, religion, nationality, membership in a particular social group, or political opinion. It does not include—nor was it ever intended to include—fear of economic deprivation.

Those who fear economic deprivation have other avenues they can and should pursue. My bill simply clarifies the existing law by providing that individuals seeking asylum demonstrate that it is more probable than not that if they are returned to the country of their nationality, they would be arrested or incarcerated, or their life would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion. It does not deny those who seek to come to the United States seeking a better economic opportunity, it simply ensures that they pursue the appropriate avenues for gaining admission.

This clarification allows genuine claims of persecution to be acted on favorably. But just as important, it puts the world on notice that the loophole has been closed.

Third, we must streamline the decisionmaking process for the granting of asylum.

Under current law, an individual can file for asylum at almost any time. Thus, you have situations where an individual may come to the United States legally, decide to stay beyond the lawfully allotted period of time, and if caught by immigration officials, claim asylum. They typically will then disappear before any hearing is ever held.

My bill streamlines the application process by providing that instead of being able to file at any time, an individual would have to submit a notice of intention to file for asylum within 30 days of his arrival. Within 45 days of his arrival he would have to file a formal application for asylum. There is a safety value built into my legislation in cases where the circumstances have changed in the individuals country of nationality such that he would face persecution if he were to return. In those cases the individual would still be allowed to file outside of the time limit—but only in that narrow instance.

This time restriction will do much to end the abuse by people who are in this country unlawfully, are caught by law enforcement, and then use our asylum laws as a weapon to thwart their deportation and permanently prolong their stay.

The asylum decisionmaking process also involves issues of due process. Our current laws seem to be weighted too heavily on the side of people who enter the country unlawfully. How much due process an individual is entitled to depends on whether that individual has gained entry to the United States. Thus, if someone is stopped at our borders and is detained by immigration officials, he will not be entitled to the same amount of due process as someone who has entered the country but later faces a deportation hearing. Unfortunately, some administrative and judicial interpretations have granted constitutional safeguards of due process to people who entered the country unlawfully by evading inspection. The inequity is obvious. Those who follow the rules and go through inspection at the border are given less due process than those who surreptitiously sneak into our country. This is outrageous. My bill remedies this injustice by providing that if you enter this country unlawfully, and you are caught within 1 year after doing this, you will be given the same amount of due process as you should have received, but for the fact that you entered the country unlawfully.

My legislation also reduces the layers of duplicative review that allow claims to continue in perpetuity and provides for more timely hearings.

Rather than having claims heard by an asylum officer in the INS and an Immigration judge in the Executive Office of Immigration Review—which allows for successive determinations of the same claims—my bill streamlines the review so that claims are heard by specialized officers within the INS. It also directs that hearings be held within 45 days of the filing of an application and that decisions be rendered 30 days thereafter.

Last, those applicants filing frivolous claims or who fail to appear for their asylum hearings, will be ineligible for any benefits under immigration law.

I believe the staggering numbers of individuals applying for asylum is prima facie evidence of the failure of our current policies. It is morally wrong to blame all the individuals using this system but it is an abdication of our congressional responsibility to allow these failed laws to stand unreformed.

The current situation reminds me of a busy intersection without a stop sign, a traffic light or a cop. Of course people will continue to go through the intersection at any speed without stopping. With no clear authority to stop, yield, go or follow the speed limit, drivers set their own rules and approach the intersection in whatever manner they want. That is what is happening with our immigration laws. Certainly, there are many who will act responsibly and in the best interests of society, but the reason we have stop signs, traffic lights, speed limits, and cops is so that all will act responsibly, with the knowledge that to act otherwise, would simply not be tolerated. Absent a traffic cop, there will always be accidents. Absent asylum reform we risk repeating the World Trade Center tragedy.

Again, asylum is just one aspect of a much larger problem. The time to act is now, and I invite others to cosponsor my legislation on this pressing matter.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Mr. President, I wonder if the distinguished Republican leader would yield for a further moment? The pending business is Senator REID's amendment, which we are ready to accept. Since the Senator is on the floor, I wonder if it might just be better to dispose of that prior to the Senator giving his statement.

Mr. DOLE. We have no objection.

Mr. BAUCUS. Nor do we, Mr. President.

The PRESIDENT pro tempore. The question is on the amendment by Mr. REID.

The amendment (No. 1708) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I remind Senators that we are open to take amendments. We are on the Safe Drinking Water Act now. In effect, this has somewhat become morning business. That is fine. But I hope Senators who have amendments on the Safe Drinking Water Act would bring their amendments to the floor. I highly compliment the Senator from Nevada [Mr. REID], who heard our call and came immediately to the floor to offer his amendment. I urge other Senators to do the same to avoid a crunch at midnight on Wednesday. One way to avoid being in late Wednesday night is to dispose of these amendments now in the daylight.

MFN FOR CHINA

Mr. DOLE. Mr. President, it is now clear that the United States must do the right thing with respect to MFN for China: unconditional extension and abandonment of the failed linkage to human rights. The time is past for bluster and threats and feel-good pronouncements.

With only days remaining before he must decide, the President should simply make the announcement, immediately if possible, that he will unconditionally extend China's most-favored-nation trade status. He should candidly say what most of us have known for a long time: Tying trade to human rights does not work. The policy has failed, the President should admit it and move on.

Too many other issues, important issues including Chinese cooperation with regard to North Korea's nuclear program, are at stake for this charade to continue any longer. Unconditional extension of MFN is the right thing to do. No purpose is served by waiting.

Let me say, Mr. President, the Chinese record on human rights is indeed appalling. We all agree that it should improve. But the answer is not to deprive Americans of jobs, and American companies of opportunity in the fastest growing emerging economy in the world by cutting off trade. Even partial extension of MFN—trying to target only the so-called state-run enterprises—will have the same result—China will surely retaliate against United States exports and companies.

The policy of tying human rights to trade in China has failed. We have other methods of influencing China's behavior on human rights. Look at establishing a human rights commission charged with investigating and reporting on human rights abuses in China. Look at lending by multilateral banks to China. Look at restrictions on high-level visits.

I do not support destroying our trade relationship only to discover that we have alienated China, that China's behavior has not changed, and that other countries and other companies have taken our place in China.

Last Thursday's Washington Post calls for the President to change his mind and de-link human rights from trade. I agree—it is time to stop making excuses and do the right thing.

I ask unanimous consent that the Washington Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. CLINTON'S CHOICE ON CHINA

As President Clinton approaches his decision on trading with China, it's important to state the choice clearly. It's not whether to support human rights in China but how best to do it. A year ago Mr. Clinton said that if China did not improve its performance he would withdraw the trading privilege known as most-favored-nation treatment, in effect shutting its exports out of the United States. China's progress in human rights since then has been disappointingly modest. But ending trade with China is too sweeping and disruptive a remedy for the president's purpose. That purpose is right, and the United States has a moral obligation to pursue it. The most effective means are the same diplomatic strategies that this country uses in dealing with other countries.

A compromise, much discussed in past weeks, might be to try partial sanctions that ban, for example, only goods produced by state-owned enterprises, or by factories run by the Chinese army. Administering that sort of a partial cutoff would be, as a practical matter, difficult to the point of impossibility. Many of the Chinese products coming into the United States arrive by way of Hong Kong or other transshipment points and have often passed through many hands before getting here. Tracing these exports back to their origins in China would not be simple, and attempting it would merely be an invitation to complicated games of deception.

Few people have ever considered trade sanctions to be the ideal lever to move China's Communist rulers toward a greater regard for their people's rights. The attempt to use sanctions originated after the government's bloody suppression of the democracy movement five years ago. Democrats in Congress, outraged by President Bush's limp acceptance of that exercise in despotism, tried to legislate trade retaliation because it was the only weapon legally available to them. This newspaper had much sympathy for their effort. But with a president in office who takes human rights seriously, the case for resorting to trade sanctions is greatly diminished. That's why there has been little inclination in Congress this year to push for them.

The greatest threat to a centralized Communist regime in China is not a human

> rights campaign run from Washington but the profound social change within China generated by extremely rapid economic growth. It would be incautious to assume that it will necessarily lead to democracy. But in most countries rising incomes, better education and good communications tend over time to create a climate hospitable to human rights. That's not a bad reason to keep the trade flowing. Rather than going through the contortions of trying to bend present policy to meet past statements, Mr. Clinton would be wise simply to say that while his intention to keep pressing the principle of human rights remains strong, he has changed his mind regarding tactics.

Mr. DOLE. Mr. President, I reserve the remainder of my time.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to speak for no more than 10 minutes on the subject just addressed by the distinguished Republican leader, Mr. DOLE.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Utah is recognized for up to 10 minutes.

Mr. BENNETT. Mr. President, in January, under the leadership of BENNETT JOHNSTON, the chairman of the Senate Energy Committee, I and a number of other Senators went to China to meet with Chinese leaders and discuss with them the various problems and challenges that they have with respect to their energy needs.

In the course of that visit, I became acquainted with the challenges facing the two countries as we near the time of having to decide whether or not the United States will renew the most-favored-nation status for China.

As I was in my office and listening to the distinguished Republican leader, Mr. DOLE, talk on this subject, I felt it would be well for me to come to the floor and add a few comments based on that firsthand experience with the Chinese leaders. Perhaps more importantly, Mr. President, in terms of this issue, I had firsthand experience with American leaders who are currently doing business in China.

I know there are a number of people talking about the financial impact of most-favored-nation status. I will leave that debate to those who can expand more accurately than I on the specifics.

The thing that struck me about my visit to China was that we have made substantial human rights advances in China because of the presence of American business interests there.

Let me give you some examples. Again, Mr. President, I am not talking about the business aspect of this. I am talking about the human rights aspect of this.

Because we have American companies in China, we have American companies recruiting Chinese students as they graduate from Chinese universities. This is a tremendous departure from past Chinese practice. Prior to the arrival of American companies there, a young Chinese student, male or female, would be told where to go to school, what to study, and what company he or she would have to work for upon graduation. Comes the American company which says, "We want to interview your top graduates." The Chinese university says, "Nobody ever does that. People go where they are told."

"No," says the American company, "We are in the process of interviewing and hiring here in China and we want to interview your top graduates."

As a result of that simple change, Chinese students are now able to go to work wherever they want to go to work and, more importantly, live wherever they want to live in China. Under the old regime, they had to have a job card that was issued by the Government, and therefore the Government could control them.

Now, they can go to work for an American company and move wherever they want, and the Government loses track of them because they do not control their employment. The right to work where you wish and live where you wish is a very basic human right, and China has made gigantic human rights strides in this area.

Why? Because we have granted them most-favored-nation status, and we have American companies there. If we revoke most favored nation for the Chinese and upset that pattern, we will be doing serious damage to the cause of human rights in China.

There are many other aspects of this. If we have American companies in China, you have to have contracts. If you have contracts, you have lawyers, and a legal system, and a judicial system. The Chinese did not have that in terms we would recognize before. If we cause American companies to be forced out of China in retaliation to our withdrawing the MFN status, we will seriously undermine the status of the legal system within China.

It comes as no surprise to the distinguished President pro tempore of this body to remember that if you have legal rights for contracts, you also have legal rights for individuals. And by establishing a legal system in China to respond to our needs, the Chinese have opened the door for individual rights to be enforced through the courts. It is a major human rights stride to have had this happen. For us to consider canceling MFN status would reverse that stride and bring greater hardship to the average Chinese.

I wish to end, Mr. President, by quoting from the final work of Richard Nixon in his book "Beyond Peace." Mr. Nixon has been properly commemorated at the time of his death. Some have said we have gone over far in our praise of Mr. Nixon, but even his strongest enemies would grant that of all things to be given favorable to Richard Nixon, his actions with respect to China give him the right to be quoted as one of our strongest leaders and statesmen in this area.

If I may quote from his final book that was published just days before he fell, talking about China. I believe this is the appropriate summary to this debate. Mr. Nixon says:

> While most Americans give China high marks for its free market economics, they rightly criticize the Government's continuing denial of political freedom to the Chinese people. However, cutting back our trade with China by revoking China's most-favored-nation status would be a tragic mistake. We cannot improve the political situation in China through a scorched earth economic policy. Revoking China's most-favored-nation status would hurt the free market reformers and entrepreneurs who hold the key to China's future. Not only would it devastate the mainland's economy, it would lay waste to the surrounding region as well. No other nation in Asia supports our linking MFN status to human rights.
>
> Today China's economic power makes United States lectures about human rights imprudent. Within a decade, it will make them irrelevant. Within two decades, it will make them laughable. By then the Chinese may threaten to withhold MFN status from the United States unless we do more to improve living conditions in Detroit, Harlem, and South Central Los Angeles.

So, Mr. President, I wish to rise and echo the sentiments offered by the distinguished Republican leader, Mr. DOLE, and urge the President to recognize the larger picture of human rights and realize that the strongest and best thing we can do to advance human rights in China would be to continue the MFN status between our two countries.

I thank the Chair.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska [Mr. STEVENS].

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1709

(Purpose: To provide for reserve fund allocation to Indian tribes and Alaska Native villages for improvement of dire water system conditions on Indian reservations and in Alaska Native villages, and for other purposes)

Mr. STEVENS. Mr. President, I have an amendment at the desk I would like to present at this time.

The PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. INOUYE, Mr. MCCAIN, and Mr. MURKOWSKI, proposes an amendment numbered 1709.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 18, after "graph (1)" insert the following: "may, at the election of the Governor of such state, be reallocated in the form of additional grants pursuant to subsection (f)(1) for eligible projects. Otherwise such amount".

On page 11, line 20, after "subsection (b)" and before the period insert the following: ", except that the Administrator shall reserve and allocate 10 percent of such remaining amount for financial assistance to Indian tribes in addition to the amount allotted under section 1472(c)".

Mr. STEVENS. Mr. President, I am indebted to the managers of this bill and their staffs for having worked with my staff and that of Senator INOUYE, Senator MCCAIN, and Senator MURKOWSKI. We present this amendment jointly.

This is to prepare for a situation where some States may not use the allocation that is available to them on a mandatory basis under these amendments. What this will do is say, from the amount of money that comes back to the Administrator's control based upon the failure of any State to use the full allocation that is available to that State, the Administrator shall set aside 10 percent of that money for use by Indian tribes and that that would be in addition to the minimum allocation that is available to the Indian tribes in the Nation.

I do not think anyone will quarrel with my statement if I say that the major needs of this country, in terms of water facilities, still remain to be on the reservations and the villages of our American Indians and Alaska Natives. Their demands for funds to meet these needs are almost insatiable.

There is, however, at times, available a residue of funds that are not used by other States. And it was the desire of the Senators who offer this amendment that a greater amount of that be set aside in order to start the process for the subsequent year as far as the Indian reservations and the Alaska Native villages.

It will not be much money, I do not think, but it will be more money than would be available to the Natives and the Indians on a mandatory basis under the terms of the bill.

I am hopeful that both the managers of the bill and the Administrator will accept the concept that, of the financial assistance available after the first run-through for all the States, an increased amount should be made available to those who are most in need as far as this kind of Federal assistance.

So I offer this amendment on my own behalf, and for the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. MCCAIN], and my colleague, the Senator from Alaska [Mr. MURKOWSKI].

Mr. BAUCUS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, this amendment is a good amendment. Essentially, there was an earlier request by the Senator from Alaska that perhaps we should increase the present 1½ percent of the State revolving loan funds for safe drinking water up to 3 percent. Although a laudable goal, it seemed to be unworkable in the whole context of the act.

The Senator, therefore, has come back with another suggestion which I think is a good suggestion; namely, that the funds that are allocated under the State revolving loan funds to States that are not used by States for the drinking water revolving loan fund, up to 10 percent of that unused portion can be delegated to tribes for the purposes enunciated by the Senator from Alaska.

I think it is a good amendment. It is a good way to address a part of the country that is in desperate need.

Mr. DURENBERGER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, on behalf of the minority members of the committee, I rise to compliment our colleagues from Alaska, Senator STEVENS and Senator MURKOWSKI; our colleague from Hawaii, Senator INOUYE; and our colleague from Arizona, Senator MCCAIN, for their sensitivity to the special needs of Indian tribes and Alaska Native villages.

Obviously, this is not going to meet all the demands, as the Senator from Alaska has pointed out. But it is a very logical way in which to contribute some of the remaining reserve funds.

On behalf of the minority members, we recommend the adoption of the amendment.

Mr. STEVENS. Mr. President, if I may be recognized for one further comment.

The PRESIDENT pro tempore. The Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, I am grateful to the managers of the bill for their statements.

This is a use it or lose it allocation concept under this bill. I know of no instance in which the allocations to Alaska Natives and American Indians have ever gone unused. But there are circumstances under which some States do not use their allocations. This will give a greater allowance to Indians and Alaska Natives whose areas need these facilities more than anyone else in the country.

It is true, our original endeavor was to get a higher basic allocation to start with. But, as a compromise, I congratulate the staffs of both the committee and the four of us, working together. I think our staffs have found a solution that will increase the money to the American Indians and Alaska Natives from time to time.

I am grateful to the chairman and ranking member for their assistance in this regard.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by Mr. STEVENS, the Senator from Alaska.

The amendment (No. 1709) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1710

(Purpose: To require the Administrator of the Environmental Protection Agency to submit to Congress the drinking water needs survey and assessment every 2 years)

Mr. BAUCUS. Mr. President, I send an amendment to the desk on behalf of Senator GRAHAM, of Florida, and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. GRAHAM, proposes an amendment numbered 1710.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 21, lines 5 through 8, strike "4 years" and all that follows through "part." and insert the following: "2 years thereafter, the Administrator shall submit to Congress a survey and assessment of the needs for facilities in each State eligible for assistance under this part. The survey shall be submitted in even-numbered years so as to alternate annually with the estimate and comprehensive study of costs required to be submitted to Congress in each odd-numbered year under section 516(b) of the Federal Water Pollution Control Act (33 U.S.C. 1381(b))."

Mr. BAUCUS. Mr. President, this is a very simple amendment, a very important one. Essentially, under the bill, we set up a safe drinking water revolving loan fund. Currently, the Clean Water Act has a State revolving loan fund. Under that State revolving loan fund, the U.S. Government makes certain contributions to State revolving loan funds. Then States use those dollars, which are matched by State contributions. The States then make loans to cities and towns for waste water treatment plants.

Currently, there is no similar revolving loan fund under the Safe Drinking Water Act. Those communities which need to upgrade their drinking water systems do not have the benefit of a revolving loan fund similar to the one that now exists under the Clean Water Act for municipal waste water and sewage treatment plants.

Having said that, Mr. President, a question arises. Under what formula should amounts be distributed under the new Safe Drinking Water Act revolving loan fund provided in this legislation?

In the bill, we provide that the allocation be based on the public water supply supervision program money. The current provision allows the U.S. Government to make grants to the States to develop their safe drinking water programs. These are not capitalization grants through the State revolving loan fund. Rather, they are grants to States to develop their safe drinking water program. The money goes to technical assistance, funding personnel, and so forth.

As you might guess, Mr. President, those dollars are distributed according to an allocation formula. In this legislation, we provide that under the new safe drinking water revolving loan fund the allocation to States for the revolving loan fund be based on the same proportion as the dollars that are currently allocated under the State public water supply supervision program grant formula.

Fewer dollars are available under that second program. I think $60 million was appropriated for the current fiscal year; whereas, the safe drinking water revolving loan fund includes $600 million in the first year, and then $1 billion to be authorized in subsequent years.

(Mrs. BOXER assumed the chair.)

Mr. BAUCUS. This is a long way of saying, Madam President, that we have to find the right allocation to distribute the dollars, and in addition, that allocation has to be brought up-to-date in a reasonable period of time.

The Senator from Florida suggests that we update the allocation among the various States every 2 years. In the legislation before us, Madam President, we provide for an updated assessment and allocation every 4 years after 1998. It is the allocation according to the State program grant formula up to 1998, and after 1998, every 4 years the EPA will ask the States what their needs are under their safe drinking water programs. Then dollars will be distributed according to needs as determined by the various States and also under the program as administered by the EPA.

Senator GRAHAM has suggested that the 4-year period be shortened to 2 years. Instead of the needs formula being brought up-to-date every 4 years, it will be brought up-to-date, under the Graham amendment, every 2 years. I think that is a very good idea, to change from 4 years to 2 years. After all, we are quite a mobile country. People move to different States. Some States grow at rapid rates. Some States lose population at a slow rate, others at a rapid rate.

In any event, the amendment offered by the Senator from Florida is a good one, and I urge the Senate to adopt it.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Madam President, I understand that the amendment by our colleague from Florida is acceptable to Members on the minority side.

I will just make a realistic comment, which I hate to do. But we were just talking a little bit ago about, are there any States that do not take the money. And we found out that, yes, some do not. In fact, one of our States does not take it at all. The States find that, given the way some things work, they are better off meeting their own needs in their own ways, and assessing their own needs, and determining the best way to do it.

The Federal needs assessment system is set up, and has been set up, on an every-4-year basis, so that in meeting the needs of the Nation, we can find ways to balance specific interests. The reality is, however, that the lag time between the time a need is determined and decisions are made, and when the money actually gets invested, can be as long as 15 to 20 years. I think 2 percent of the money goes out the first year, and 6 percent goes out the second year.

So I guess, by our support of this amendment, I would not want anybody to think we are going to meet the needs of Florida, California, Minnesota, or Montana twice as fast, because we will not. We are going to spend more money to do this every 2 years rather than every 4 years. But I am not sure that anybody should interpret the impact of this amendment as a more effective use of the moneys which have been allocated.

Having said that, and knowing that EPA has a base on which it can build, perhaps we will find an appropriate way, or maybe a more appropriate way, in which to do the needs assessment. Members on this side recommend the adoption of the amendment by the Senator from Florida, as well.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. I have a minor technical correction for the RECORD.

Earlier, I said that the allocation would be on a 2-year basis after 1998. I misspoke. I meant the needs assessment would be on a 2-year basis after 1996, not 1998.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1710) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CRITICAL AQUIFER PROTECTION PROGRAM

Mr. WARNER. I would like to ask the chairman to clarify the relationship between section 1427, the Critical Aquifer Protection Program and the new section 1420, Source Water Quality Protection Petition Program.

If a critical source protection area is designated pursuant to section 1427 and assistance is sought through the source water protection petition process, then my understanding is that the requirements of the petition process apply when a local government or community water system seeks resources to address problems identified in a petition.

Is the situation I have described also the chairman's understanding of how these two sections would compliment each other?

Mr. BAUCUS. Mr. President, I would agree with the Senator from Virginia. The petition process will identify problems with contaminants entering waters that serve as drinking water supplies and provide a means of directing resources to tackle these problems.

However, some States may find that the most cost-effective approach is to pursue prevention-oriented approaches. Nothing in the amendment offered by the Senators from Virginia and North Dakota or other provisions of the bill is intended to dissuade States from pursuing such approaches.

ORIGINS OF CONTAMINANTS

Mr. BAUCUS. Mr. President, I would like to clarify in plain English our intent in using the phase "the origins of drinking water contaminants of public health concern, including to the extent practicable the specific activities that affect the drinking water supply."

It is my understanding that this means that through the petition process every reasonable effort will be made to identify what the problem is and if there is a problem with a contaminant entering a source water, to identify, as precisely as possible, where it is coming from.

Would the Senator from Virginia confirm if my understanding is correct?

Mr. WARNER. Mr. President, the chairman's understanding of the intent of the phrase in our amendment is correct. It is essential that the contaminant which may be causing a violation of a maximum contaminant level or a public health threat be identified and that every reasonable effort be made to determine where it is coming from. This is necessary if we are to achieve effective source protection response through voluntary, incentive-based partnerships. Scarce resources must be targeted to where problems exist.

PRIORITIES IN SOURCEWATER PROTECTION EFFORTS

Mr. BAUCUS. Mr. President, yesterday the Senate approved the Warner-Conrad amendment regarding sourcewater protection. The amendment encourages communities to work cooperatively with the State and parties in the sourcewater area to pursue cost-effective pollution prevention actions.

Because all parties involved have limited resources, it only seems logical that those resources be directed first at the areas with the greatest potential for source protection. In the case of nonpoint source pollution, I believe that farmers and other land users who have already implemented management measures should not be asked to implement additional measures unless it is clear that such action would actually help address the specific drinking water problem. In addition, I would expect those involved to seek first to work in partnership with land users who may not already have taken steps to reduce pollution. Would Senator CONRAD agree?

Mr. CONRAD. I strongly agree with the chairman's interpretation. Every effort should be made to first in partnership with parties that may not already have taken steps to reduce pollution. We need to concentrate our efforts on areas that will provide the most pollution prevention benefits.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as Members of the Senate delegation to the North Atlantic Assembly spring meeting during the second session of the 103d Congress, to be held in Oslo, Norway, May 26–31, 1994:

The Senator from Pennsylvania [Mr. SPECTER]; the Senator from New Hampshire [Mr. GREGG]; and the Senator from Utah [Mr. BENNETT].

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I ask unanimous consent that I be permitted to proceed as in morning business for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator is recognized for 15 minutes as in morning business.

MINING PATENTS

Mr. BUMPERS. Madam President, if anybody heard that giant sucking sound this afternoon at 1 p.m., it was the sound of $11 billion worth of gold and 1,800 acres of land being transferred from all the people of America—the taxpayers of America—to a Canadian gold mining company for the princely sum of $9,000.

Secretary Babbitt, at 1 o'clock this afternoon, issued seven certificates of patent—which is the same thing as a deed—to a gold mining company called Barrick Gold Strike Mines, Inc., a subsidiary of American Barrick Resources Corp, a Canadian Corporation.

Madam President, the Secretary hated to do that as much as I hated for him to do it, but he had no choice, because under the existing law, which is now 122 years old, signed by Ulysses S. Grant, the Secretary was required to issue the patents. Barrick Gold Strike Mines applied for these patents, for the deeds and under the law proved that it had commercial quantities of gold under it, and the Secretary refused, to his eternal credit, to cough up $11 billion in gold that belongs to every person in America because this is Federal land that belong to all of them.

The Secretary refused to do anything so gargantuan, so monumentally preposterous, but a U.S. district court made him because the law required it.

For 5 long, suffering, interminable years, I have stood behind this desk and talked about the enormity of the crime of continuing to give away tens of billions of dollars in minerals that belong to the people of this country to major companies.

In 1990, I tried to impose a moratorium on the issuance of patents. I lost by two votes.

In 1991, I tried again and lost by one vote. Less than 1 year after that vote, Barrick Gold Strike Mines applied for the patents.

Today is, indeed, a sad day for the American people. Congress stands indicted for its refusal, time after time, to address this problem.

When the Secretary handed these seven patent certificates to this gold mining company today, the land was taken out of ownership from all the taxpayers of America forever. And even if we impose a royalty on gold this year as part of mining law reform legislation, we will never receive a dime of this $11 billion worth of gold because it no longer will be located on Federal land. It is in private hands, and the legislation which will emerge from a conference with the House will not apply to private land.

That means, for example, if the conference committee, sometime before the end of this year, adopted an 8 percent royalty on hard rock minerals mined off Federal lands, we will have just given up $900 million today.

Would Barrick not want this land if they had to pay a royalty? Would a royalty force them to go broke?

They pay, in fact, a 4 percent gross royalty and a 5 percent net profits royalty to another mining company that has an interest in the Gold Strike mine.

They say they just cannot afford to pay Uncle Sam a royalty. All mining companies say that. And yet they pay the States a royalty if they mine State lands.

They say, "We will go offshore if you treat us so shabbily." Virtually every nation on Earth charges a royalty. Newmont Mining Co., in Nevada, is a gold mining company. Do you know what they pay to the private owner of the lands of one of their mines? Eighteen percent. If you were to suggest to them that maybe they ought to pay the United States a 4, 5, or 8 percent royalty, the howls go up in the West and in this Chamber about how many jobs are going to be lost, and how everybody is going to go broke.

According to the Denver Post, Peter Munk, CEO of Barrick, in 1991 cashed in $32 million worth of stock options. That was on top of his $700,000 annual salary.

Madam President, if American Barrick mined $400 million worth of gold next year and had to pay the United States an 8 percent royalty, which they say would cause them to go broke, it would amount to precisely the amount of money they paid their CEO in 1991.

Do you know what Barrick's net income for the first quarter of this year was? Sixty million dollars, a 31-percent increase over the first quarter of 1993. Gold is somewhere between $50 and $60 higher than it was a year ago, and yet they purport to still be going broke operating the same mines they were making a profit on a year ago.

The Minerals Policy Center, Madam President, says that there are now patent applications pending over at the Department of Interior on lands containing $85 billion worth of minerals. In all probability, Bruce Babbitt will have to do this over and over again—giving away the public domain and all the minerals thereunder for $2.50 to $5 an acre. I cannot believe that this goes on in this day and time.

"Prime Time Live" and "20/20" and other news shows will occasionally do a little segment on this subject and everybody gets all upset, and we come back here year after year and the same thing continues to go on.

After I appealed, with all of the strength of my body, to this group in 1990 to stop this insanity, to put a moratorium on the issuance of these patents, I lost by two votes. Madam President, 4 days later—4 days after I lost by two votes—Stillwater Mining Co. of Montana applied for several patents on about 2,000 acres of land, and what do you think Stillwater Mining Co. will get for $10,000? Thirty-eight billion dollars' worth of palladium and platinum—those are their figures, not mine. It is such a mammoth tragedy, I cannot help getting emotional about it. I have been emotional about it for 5 years now. I am absolutely heartsick.

Recently, we debated a gift ban in the U.S. Senate. We passed it overwhelmingly because nobody wants to be seen as protecting some kind of graft around here. We pat ourselves on the back, give ourselves the "good government award" and go home and tell our voters what purists we are.

I thought the Senator from Texas spoke pretty well the other night during the debate. He said, "People are not concerned about what we are doing to each other." He said, "What they are concerned about is what we are doing to them." Here is a classic case in point. We are worried about whether somebody is going to get a gift around here that exceeds $20 in value, and this very day, we have sat idle while the Secretary of the Interior was required to give away 11 billion dollars' worth of gold that belonged to the people of this country.

(Mr. DECONCINI assumed the chair.)

Mr. BUMPERS. Mr. President, I do not know whether we will be able to stop this insanity this year or not. We have a bill that has passed this Senate, and the House has passed a bill. We are hopefully going to go to conference and work something out. If we do not, that 85 billion dollars' worth of minerals, for which patent applications are now pending, will also be given away, to go with the $11 billion we gave away today.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I do not want to engage in a long debate on the merits of mining law reform, but I feel it incumbent upon me to make a statement in response to the distinguished Senator from Arkansas regarding mining law reform.

Mr. President, there were a number of statements made by my friend from Arkansas that he, for 5 years, has attempted to change the law. The fact of the matter is that that is true and we have had extended debates on this floor. And in each of those years, my friend from Arkansas failed to get enough votes to carry his position.

Now, Mr. President, last year a number of reforms were offered by the Senator from Nevada and others, and they were passed by this body. For example, the law regarding patents would have been changed significantly had the Senate's position been upheld. But there are those who feel that they want all or nothing, and as a result of that, last year they got nothing.

Mr. President, we all know, and we have debated on the Senate floor here over a period of years, that there should be changes in the law as it relates to mining. We, in good faith, have agreed to make significant changes, and we still stand ready to do that.

There is a bill that has now passed the Senate, and a bill that has passed the House, and there is a conference committee going to meet. The honest broker in that matter is BENNETT JOHNSTON, the chairman of the Energy and Natural Resources Committee. They are going to come up, hopefully, with something that is fair and that will change the way that mining companies do business in America. The mining companies are willing to accept reasonable change.

But for the Interior Department and others to say that the patent that was issued, according to law, is the greatest bank robbery since Butch Cassidy left the country, is absurd, ridiculous, and without foundation.

We, in Nevada, know something about Butch Cassidy's bank robberies, because the last bank robbery Butch Cassidy performed in the United States was in Nevada—Winnemucca, NV. We know about bankruptcies and we know about robberies.

What has taken place in mining in recent years has been good for the economy and has been good for the American people.

Now, it is very clear that the mining industry produces tens of thousands of jobs in America. In the State of Arizona, as an example, Mr. President, the copper industry there is just barely making it. We know that just a few years ago the copper industry moved away from the United States. Why? Because the costs were so high, they could not make it. A gross royalty on copper would cause the copper industry to go offshore. There is no question about that.

The mining industry, gold mining in Nevada, has had some claims that have been worked satisfactorily, and they have made money. There are other claims that have not been worked satisfactorily. There are mines that have opened, and they have closed in recent years.

The mining industry is a very capital-intensive industry. Large investments are required to find, extract, refine, and ship minerals to markets.

According to the U.S. Bureau of Census, the highest average profit margin in the past 6 years in the mining industry was 5.76 percent. Last year—that is the year 1993—Mr. President, it was 1.58 percent. That is, as indicated by my friend from Arkansas, the price of gold was real low last year, and as a result of that the profit margin was less than 2 percent.

The price of gold at one time was $446 an ounce. Last year at this time, it was around $325 an ounce. Today, it has increased where it is around $370 an ounce. So it is a figure that is not always stable. In fact it rarely is stable.

Mr. President, the mining company that had the patent issued to it could have mined the gold without the patent. The fact is, the patents will give Barrick a more secure title to its claim.

One of the things we suggested, and passed the Senate last year, is if a company uses the land for anything other than mining, it would revert back to the Federal Government. So, it is not as if we can use, with any degree of certainty anymore, the claims that have been used by my friend from Arkansas, so much that we are all kind of used to them. For example, is it fair to issue a patent and then establish a ski resort on it? Of course not. Anyone who thinks a patent should be issued carte blanche for any purpose really does not understand what has happened in recent years. The mining industry does not want that.

When Barrick bought these claims, the ore was yet to be discovered. When the company did identify the ore through extensive exploration, it had little value. And the exploration, when I say extensive, was literally extensive, hundreds of millions of dollars worth. It was microscopic refractory ore that was not suitable for conventional treatment to extract the gold at a profit.

Mr. President, Barrick was one of the companies that pioneered the large-scale use of autoclaving, the technology that changes the chemical composition of the ore, allowing the gold to be profitably extracted from the rock. Barrick then invested hundreds of millions of dollars in design and construction in the one-of-a-kind plant to extract the gold from the rock at mines from these claims.

This processing is expensive, but Barrick does make a profit on the gold it extracts. I do not think that is asking too much, that a company makes money. If they did not make money, they would not do it, and they would not be employing the thousands of people they do.

Although the ore in the claims is clearly valuable today, it is impossible to predict profitability over the next decade. Profitability in the gold mining industry is subject to a number of factors, including the price of gold, the company's ability to control the cost of mining, and processing the Government's positions in the form of royalty fees and taxes.

Mr. President, the claims that there are hundreds of billions of dollars or tens of billions of dollars of gold in the land where this mining was located is without foundation.

Mr. President, there could be value in that ground. And certainly Barrick would not be wanting to go forward with this mine if there were not provable assets in that ground. But to indicate how much and whether it can be taken out of that land, is another question.

Now, Mr. President, I refer back to last year. Those of us who were present during that debate recognized that the senior Senator from Arkansas had a beautiful picture on the wall back here. The picture showed a beautiful, mountainous area with an abandoned mine, and showed the dirty water running out of that mine.

The fact of the matter is, as we learned last year, that was a mine that was developed during the 1880's, last century. In the mining industry, because of the reclamation laws that they have in many States—and none are stronger than those of Nevada—that does not happen anymore. There is a tremendous amount of reclaiming, reclamation that must take place similar to what goes on in modern-day coal mining operations that are above ground.

So, Mr. President, before we get lost in hyperbole, the fact of the matter is that mining is a good industry. The profits are marginal. And the fact of the matter is that in places like Nevada and Arizona and Utah, there is some mining that takes place on public lands. Why? Because that is all we have. The State of Nevada is 87 percent Federal lands. So a lot of mining has taken place over the years on public lands.

There is a much smaller amount that takes place on Federal lands anymore because the Federal controls have been burdensome in some instances. So let me close by saying that this matter should be handled in the conference committee where there was an agreement made that is where it should be handled. If somehow the negotiations fall apart at that time we can come back here and have another debate as we have in years gone by. But what I see happening at the Department of the Interior is the failings of the Department of the Interior, in grazing and logging and water that have taken place in the West, they are going to try to make up for that in mining. That would be a tremendous disaster and it would be significantly unfair to the mining industry and the Western United States.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the distinguished Senator from Nevada, Mr. REID, and I, are very good friends. We have fought many battles over this issue on the floor of the Senate. I have the utmost respect for him. But the Senator from Nevada started off talking about how he had tried to reform this law and had in fact gotten an amendment passed here that said the mining companies in the future would have to pay for the surface value of this land.

The people in this body who know nothing about the issue all applauded: "Isn't that wonderful? We are going to make them pay for the surface value of the land." The surface value of the land in most instances is probably $100 an acre. We are not talking about the surface value. We are talking about highly valuable minerals. In Nevada, Barrick is getting, for the princely sum of $10,000, 11 billion dollars' worth of gold, and they are pretending that they are doing us a great favor by taking it off our hands.

It is a tragedy by any measurement. They act as though because they invested hundreds of millions of dollars in finding and setting up the mine that they should be able to do anything they want with the taxpayers land. Why have they made the investment? They did it for the best American traditional reason: To make money.

The other day somebody said: "Well, the mining companies at least should be able to recover their capital costs before paying any royalties." Or, "They at least ought to be offered this, that, and the other thing." It seems to me a gift of $11 billion, for which the taxpayers get nothing, should be enough.

A little personal note. My son is a lawyer. When I was Governor he got hooked on the chocolate chip cookies the chef at the mansion made, the tollhouse cookies. Later on, he decided he wanted to make the perfect chocolate chip cookie. He, and a friend he graduated high school with spent 2 or 3 years developing what they think is the perfect chocolate chip cookie. They rent a restaurant that closes at 9 o'clock, and bake cookies until midnight, take them out and sell them. For the first 5 years they lost money every year.

And, the U.S. Government has never come in and thanked them for all the jobs they have created. Nobody has come in and said: We are going to give you the money back that you have invested in this operation. Rather, they paid their fair share of the rent and continued to operate.

The arguments made by the mining industry have to be the most palpable and gallish I have ever heard in my life. Whatever happened to the good old American free enterprise spirit that applies to everybody except mining companies? And it applies to them when they mine on private lands. Newmont Mining Co., in the home State of the distinguished Senator, has no problem whatever paying an 18-percent royalty to the private owner of the land. But right next door, several miles away, Barrick mines on Federal lands and they say if you put a royalty on us we will have to shut down and all these people will be out of work.

The Senator from Nevada says: By giving Barrick those seven certificates of patent today, for $9,000, we have given them more security. It sure will. They will never have to pay a royalty to the Federal Government. I do not know why in the world somebody did not offer me those seven patents. I promise you, I could go out and raise the money to mine that gold, and I would be tickled to death to pay the Federal Government a 10-percent royalty. It is a travesty. Of course they spent a lot of money looking for it. Do you know why they did? To make money. There is nothing wrong with that. But there is something wrong with not compensating the American taxpayer.

You think, of all 100 Senators in the U.S. Senate, how many speeches have we made to the local chamber of commerce saying: "If you just elect me I will handle your money as though it were my own."

I want everybody in the U.S. Senate who, if they had $11 billion of gold, would be willing to give it away for $10,000 to stand up. And go home and tell the chamber of commerce that if it were your land you would certainly be glad to give it away. That just puts it in perspective, Mr. President, how idiotic this whole thing is. And yet it goes on and on and on.

Mr. REID. Will the Senator from Arkansas yield?

Mr. BUMPERS. I will be happy to yield.

Mr. REID. As I told the Senator, I have a Cabinet officer in my office. May I have a couple of minutes and then I will leave and you can say whatever you care to?

Mr. BUMPERS. I will be happy to yield.

Mr. REID. I will be very quick.

Mr. President, it is easy to get on this floor and talk about travesty and ridiculousness and all those kinds of things. The fact of the matter is that my good friend from Arkansas could not go out and get a bunch of people together to raise money and go in and do this. We are talking about investments of hundreds of millions of dollars.

For example, near my hometown of Searchlight, NV, people tried to develop the Viceroy Gold property for almost 20 years. They went all over, trying to find an investor. They finally found somebody in Vancouver who was willing to come in and before there was a single ounce of gold taken out of that property, that man spent $100 million.

Now, there was no guarantee that they would have an ability to pay back the $100 million. The fact of the matter is, it is true there is no industry in the world more than the American mining industry that represents the free enterprise system. That is all we want to be able to go forward on, with a fixed set of rules that are meaningful and something that the mining industry can still proceed on.

I would close by saying—I repeat—I hope the Interior Department does not try to make up for its shortcomings in grazing, in logging, and in water problems with what they are trying to do on mining. Because the fact of the matter is that mining is extremely important and the profit margins are very slim no matter how many times the distinguished Senator from Arkansas talks about ripoffs and travesties. The fact of the matter is that the profits are very marginal and what will happen, as has happened, is these companies will be forced to go offshore.

There is gold in other places. It is easier to mine it here in the United States because there is a market for it. But, remember, this is one of the few industries that helps us with a favorable balance of trade.

I again appreciate very much my friend from Arkansas allowing me to leave the floor——

Mr. BUMPERS. Will the Senator stay and answer one question before he leaves? This land we are talking about, Barrick did not even file a claim for that land. Somebody else did.

You know, people go out there and they put up stakes and they just lay claim to it.

Do you know what Barrick did? They found this site. The claimant said, "Yeah, go explore, see what you can find." They came back. And they said, "You have a lot of gold here." They paid him $62 million for his claim. What do the American people get out of that? How many jobs do they get out of that $62 million they paid a guy who did nothing but put up four stakes?

Mr. REID. I will be happy to respond. We have done something about that. We have solved that problem so people cannot go out and file miles and miles of claims anymore. In fact, prior to our changing the law with the holding fee, we had in Nevada over a million mining claims. That now, at last report, is down to about 300,000—something like that. So it is not as if we have not done anything here.

The Senator has not responded—and I am sure he will when I leave—but the reversionary interest we had in the legislation last year, I think it is important that we recognize the patent issue. I hope, again, in the reform we have that if a patent is issued, there will be a reversionary issue.

If the Senator has a problem, as he indicated he has, that having a fair market value is improper for a land, that there should be some way of determining what the subsurface rights are, that is really hard to do. I am not sure we can do it. I would be happy to meet with the Senator. I am not in the conference. The Senator is in the conference. I am sure that he will do his best to make sure that this is fair.

In responding to the Senator's question, I ask the Senator this: I hope that you being—you are one person from being chairman of that full committee. I hope that with your experience being chairman of the Small Business Committee and someone who has a tremendous amount of integrity and respect in this body and around the country, that during the time that conference is held, I hope you will call upon your experience and come up with something that is fair and reasonable to the people of this country and, of course, the people of the Western United States.

Mr. BUMPERS. I appreciate the Senator's statement. My arguments are not punitive. I am not trying to punish the mining companies, and I am not trying to punish the people who work for the mining companies. Certainly the Senators who stand on the floor year after year and defend these practices are good friends of mine. I understand exactly what is going on. Maybe we will be able to come up with something to reform the law this year.

Mr. REID. Let me close by saying, I said this publicly in the last 5 years, and I say it this year. If the conference committee comes up with a reasonable reform, the companies that do business in Nevada have asked me if I will support reasonable reforms.

So I look forward to the conference committee coming back with something that is fair and reasonable and is a real compromise. Hopefully, we do not have to have this battle year after year.

Mr. BUMPERS. I know the Senator from Nevada does not take instruction, and I hope that the Senator—and I know he would—hopes that we come out with something that is good for the American people and not just the mining companies.

Mr. REID. Absolutely.

Mr. BUMPERS. Mr. President, the Senator mentioned reclamation a while ago, and I do not want to prolong this. Do my colleagues realize that of the 1,200 sites on the Superfund list that 59 of the sites on the Superfund list are directly related to hardrock mining? We are spending millions of dollars a year right now of the taxpayers' money to clean up site after site after site where they walked off and left an unmitigated environmental disaster, after paying no royalty. The American taxpayers are left to pick up the tab.

Mr. REID. I will respond to the Senator from Arkansas that I hope one of the things the conference comes back with is a means of taking care of that.

Mr. BUMPERS. We are going to. I promise the Senator we are going to.

Mr. REID. I also will say, if you look at those 59 claims, 56 or 57 of them—leaving 1 or 2 of modern mines—all the rest of mines that are very, very old. That does not mean the mining industry should not be involved in cleaning those up. I think they should be, and I think they want to be. I think that is appropriate.

Mr. BUMPERS. The Mineral Policy Center says there are 557,000 abandoned hardrock mining sites to be cleaned up in this country, and it is going to cost somewhere between $30 and $70 billion. Think about that. And today we just gave away an additional 11 billion dollars' worth of gold while the taxpayers are being asked to pick up the tab for $30 to $70 billion just to clean up the mine sites of the past.

I yield the floor, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUMPERS). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may proceed for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

SUPREME COURT NOMINATIONS

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the nomination, by President Clinton, of Judge Stephen Breyer to the Supreme Court of the United States.

At first appearance, Judge Breyer looks to be qualified for appointment to the Court. But I have been somewhat concerned as I have seen so many of our colleagues state at this early stage that they intend to vote for him, in advance of the nomination hearings and deliberation by the Senate and ultimately the vote of the Senate.

Judge Breyer's nomination was submitted, announced by President Clinton at a news conference Friday at 6 o'clock, some 72 hours ago. There is a great deal yet to be done concerning the nomination. The Senate will consider him carefully under our advice and consent function, put him under a microscope and make a determination as to his fitness for the Supreme Court.

The position of Justice of the Supreme Court is enormously important in our society, with so many decisions being handed down by a 5 to 4 vote which have impact on the lives of virtually every American and sometimes worldwide. With a 5 to 4 decision, that fifth vote by a Supreme Court Justice has greater power than most acts of the President of the United States. And, unlike the President, who is elected for 4 years or perhaps 8 years, a Justice on the Supreme Court may sit for two or three decades, and has enormous power over a very long period of time.

A concern which I have is that when there is virtually a coronation in advance, the nominees are apt to answer relatively few questions. Since I was elected to the Senate in 1980, I have had occasion to serve on the Judiciary Committee for eight confirmation proceedings, and have noted a very definite pattern that nominees to the Supreme Court answer only as many questions as they really have to answer. And when there is general approval given in advance, and the nominee runs only risks by answering questions, there is an inclination not to answer very many questions.

I am not suggesting, Mr. President, that in the confirmation hearings we ought to ask a nominee how he or she will decide a cutting edge question which is likely to come before the Court, but really to get an idea of judicial philosophy and approach to problems. I submit, Mr. President, that this is especially important in an era where the Court has become in many ways a super legislature, and really passes on questions of public policy, and frequently in apparent disagreement with congressional enactments, although the Judges would disagree with that statement.

But I would refer to just a couple of cases. One is the interpretation of the Civil Rights Act where the Supreme Court of the United States, in 1971, in the Griggs case, handed down a unanimous opinion. This case was in effect reversed by the Supreme Court of the United States, in a 5-to-4 decision, in 1989 in Wards Cove as to the definition of employment under the Civil Rights Act.

The Congress then had to go to work and pass an amendment to reinstate the rule of Griggs which the Supreme Court of the United States had, in effect, overruled in Wards Cove, where you had an interpretation by the Court which had been in effect for 18 years, untouched by the Congress, really a conclusive presumption that the Griggs interpretation coincided with congressional intent. Then the Supreme Court overrules that, not on constitutional grounds but on grounds of statutory interpretation. And that Supreme Court decision was changed, as I say, by the congressional enactment of the Civil Rights Act of 1991.

Similarly, there had been a rule in effect for some 18 years—from, again, 1971 until 1989—on counseling of women under provisions of planned parenthood. There a regulation with obvious congressional approval, unchanged in some 18 years, was reversed in a Supreme Court decision in Rust versus Sullivan.

So there are those strong indicators—and many, many others could be cited—where the Court acts as a super legislature, which is not quite the same as someone running for the Senate or House of Representatives or President to answer questions about public policy.

But it seems to me that there is a substantial appropriate leeway for Senators on the Judiciary Committee to ask questions on a variety of important subjects. We have the question of the death penalty, where more than 70 percent of the American people favor the death penalty, where more than 70 Senators in this body—again more than 70 percent—have supported the death penalty. Yet there are restrictive decisions coming from the Supreme Court, and sometimes a change of heart as to whether the death penalty is barred by the cruel and unusual punishment provision of the Constitution.

There are important questions on freedom of religion, freedom of speech, and on Executive powers. I have tried, and will try again, to get an answer to the question delineating the President's power to deploy U.S. military forces, a subject of tremendous importance, especially considering what is now occurring in Haiti and what has occurred in Somalia.

I have asked the question as to whether the Korean war was a war. And I prejudged the question in a sense by calling it a war. But that is not a question which is going to come up in the precise context of Korea, but as yet I have been unable to get an answer to that question because nominees are virtually assured confirmation by declaration of Senators in advance, and the nature and tenor of the nomination proceedings that they are virtually certain to be confirmed.

Mr. President, there is also a concern that I would like to express briefly, and that relates to what appears to be a limited rule of prospective nominees to the Supreme Court with the same names which we heard about last year, hearing about again this year. I do not say that in any criticism or in derogation of the names which we heard, but it seems to me that there must be many of the best of the brightest in America who would qualify for the Supreme Court.

This year we heard the name Judge Breyer, who was nominated, and came very close to being submitted last year; Judge Arnold of the 8th circuit, again this year; we heard very much about him last year; Bruce Babbitt, Secretary of the Interior. This brings the question to my mind as to why there are not more prospective nominees that we hear about.

The Senate, as it is well known, has both the obligation and responsibility to consent to nominations, but also under the advice and consent function we have a rule to advise. And I have been giving thought, in discussion with some of my colleagues, to the possibility of the Senate creating a pool of possible nominees for consideration by the President.

Obviously, it is the President's decision, and he can take them or leave them. But one possible scenario—and I have not fixed on any precise course—would be to canvas the bar associations of the 50 States, write to the chief justices of the 50 State supreme courts, the chief judges of the circuit courts of appeal, the chief judges of the U.S. district courts, and perhaps to law schools to find a list of those who might be uniquely well qualified to be on the Supreme Court by virtue of judicial experience, but not necessarily exclusively judicial experience.

We have on the Supreme Court at the present time, of the nine Justices, eight of them came from other courts. Justice O'Connor came from the Arizona Superior Court, Chief Justice Rehnquist came from the Justice Department. The other seven Justices all came from Federal courts of appeals.

And there is a sense that we might well have some greater diversity. Such a pool might lead to inquiries about scholarly writing, trial practice, appellate practice of the kind of consideration which were given greater breadth to the possibility of Presidential nominations.

In considering this matter, the situation of Learned Hand comes to mind, a great jurist who was never considered for the Supreme Court. A historical event that was widely reported comes to mind about Senator Borah, the chairman of the Judiciary Committee, conferring with President Hoover in 1930 and President Hoover showing Senator Borah a list of 10 prospects and him saying, "I like number 10," who turned out to be Justice Cardoza, who had an extraordinary record on the appellate court of the State of New York, New York Court of Appeals. Also, the career of Justice Oliver Wendell Holmes, having had 20 years of experience on the Supreme Judicial Council of Massachusetts. I think such a pool might be really very advisable, providing some very substantial diversity.

I personally was disappointed that the President did not move forward with the suggested name of Bruce Babbitt, the Secretary of the Interior. Bruce Babbitt would have brought diversity, as he had experience as a Governor, a State attorney general, a Cabinet officer, and a Presidential candidate. When the President had publicly disclosed his interest in having our distinguished majority leader, Senator MITCHELL, that would have been a line of diversity, as was the suggestion of New York Gov. Mario Cuomo at some time in the past. It seems to me that that kind of diversity would strengthen the Court.

I believe, Mr. President, that the actions of the U.S. Senate in examining Supreme Court nominees is one of our highest callings, and perhaps our highest calling. It is certainly true that the Supreme Court of the United States is the guardian of the U.S. Constitution and, in a sense, the Senate has a constitutional guardianship of the Supreme Court, because it is we who pass on their qualifications.

I urge my colleagues not to commit in advance to Judge Breyer, or to anyone, in order to leave the full range of questioning available so that we may make an appropriate inquiry into Judge Breyer, as we have made inquiries into other nominees, to do the best job, and see to it that we have the very strongest Supreme Court that we can have and, hopefully, perhaps rethink some of our procedures to have as much guarantee as possible that the Supreme Court of the United States will be occupied by the best and the brightest.

I yield the floor.

MORNING BUSINESS

Mr. PELL. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ART LAKE: HALF A CENTURY OF RHODE ISLAND BROADCAST HISTORY

Mr. PELL. Mr. President, I would like to share with my colleagues the news of a remarkable anniversary. Art Lake this year celebrates 50 years of news and weather reporting in the broadcast industry, including about 45 years in television.

There is one more fact that makes this remarkable anniversary even more extraordinary. In an industry noted for the temporary nature of its jobs and the transience of its newscasters, Art Lake has remained with the same station for all his years in broadcasting. That station is Rhode Island's WJAR.

In an institution noted for the long service of some Members, we stand in awe of anyone who has put in so many decades at one of the few jobs that draws more daily criticism than politics. You see, Art Lake has worked 30 of those 50 years as weatherman.

The fact that he has not only survived but has become such a constant and reliable figure in our lives, is proof of both his skills and his character. I speak for many Rhode Islanders when I express our appreciation, and wish both Art Lake and WJAR continued success.

Mr. President, I ask unanimous consent that an article from a recent edition of the Woonsocket, RI, Call entitled "Art Lake: 50 Years of TV History," be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ART LAKE: 50 YEARS OF TV HISTORY

(By Kristen Lans)

SMITHFIELD.—Spring will not be overly warm this year.

Art Lake said so, with the confidence of someone who has forecasted weather the past 30 years every winter, spring, summer and fall for Rhode Island audiences.

But Lake's career with WJAR-Channel 10 stretches further back in time than that, with 1994 marking the 50th year he has worked for the same station, first as a radio, then television, news announcer.

"I am not overly happy to be this old, but I loved being a part of the early days of television," said Lake, who requested his age not be printed.

As a teenager from Braintree, Mass., Lake began at WJAR as a radio announcer when it operated out of the Outlet Department store in downtown Providence.

The department store went into the business to increase the sale of records, said Lake, and the men's clothing department was the only department which brought in more revenue each year than the broadcasting department.

In 1949, when the station expanded and began broadcasting over television, Lake stayed as one of 10 television news announcers.

"Art is like the station historian," said Doug White, newscaster for WJAR-Channel 10. "He can talk just as comfortably about 1954 as he can about 1994."

White has worked with Lake at the same station for 16 years, although recently they cross paths infrequently because of conflicting schedules.

White said when he first began at WJAR he was assigned to the noon newscast with Lake and found the weather forecaster prepared for the "curve balls" live television can entail.

Lake got his start on television when it was introduced to the households of America.

In those days, he said, there were "weather girls" who sang the weather forecast in rhymes or drew the weather on a chart as they described it.

Lake's career in weather grew from a hobby and not a college degree, because his degree from Emerson College in Boston was in radio broadcasting.

The week after Lake moved to Smithfield in 1954, Hurricane Carol followed and its effects peaked his interest in weather.

"I found out there was a lot more to know about weather than reading a box in the upper right corner of the newspaper," said Lake. "I like to show people the movement of the weather so people understand why it is happening."

Lake would go to T.F. Green Airport in Warwick and study the weather charts for hours with National Weather Service workers.

He learned weather from meteorologist John Ghiorse, when Ghiorse was hired by WJAR-10 to replace a "weather girl," in the early 1960s.

In the old days, maps of the United States were painted on the wall and the weather forecaster had to memorize the forecast or refer to material written on cards.

Now, Lake uses a computer to develop the weather maps, and refers to a teleprompter for the weather forecast.

The maps are not painted on walls, but only broadcast on television screens for viewers, while Lake points to a blank wall behind him.

"When I first started, weather people would greet you on the street with "why don't you get it right?," said Lake.

Now they call and say their daughter is getting married tomorrow and ask if she'll need a tent outside," he said.

The veteran media figure remembers falling asleep at a beach in South County one summer, and opening his eyes to a circle of people surrounding him. They knew he was a television figure, but not what he did and wanted Lake to identify himself.

Lake begins his workday at 3:45 a.m. and leaves the WJAR-Channel 10 studio in Cranston at 12:30 p.m.

The best days are those when you were "right" with your weather forecast the day before and it continues, said Lake.

"It's awful when you come in and a massive storm is breathing down your back," he said.

Although Lake received offers in the past to relocate to a different station, doing so would not be feasible, he said, because it would have entailed starting at the bottom salary and working up again and again.

In the early days, experience did not rate salary, according to Lake, and his wife and three boys remained in Smithfield.

Everything in the broadcasting industry has changed, he said, except the call letters of the station WJAR, where he has worked half-a-century.

Lake said he has not made any decisions on retirement.

Although WJAR asked Lake to do a piece on his 50th anniversary with the station, the forecaster has not accepted the offer yet, according to White.

White said television audiences received one impression of television news programs from "The Mary Tyler Moore Show," whose character Ted Knight displayed an arrogant attitude.

"Art Lake couldn't be any further from that character," said White. "I suspect when he decides to retire he will slip out the back door after politely saying goodbye to everyone."

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 5 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,579,501,883,465.93 as of the close of business, Friday, May 13. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,565.43.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States, transmitting a nomination; referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT TO CONGRESS RELATIVE TO THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 113

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report on November 10, 1993, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report covers events through March 31, 1994. My last report, dated November 10, 1993, covered events through September 30, 1993.

1. There have been no amendments to the Iranian Transactions Regulations, 31 CFR Part 560, or to the Iranian Assets Control Regulations, 31 CFR Part 535, since the last report.

2. The Office of Foreign Assets Control (FAC) of the Department of the Treasury continues to process applications for import licenses under the Iranian Transactions Regulations. However, a substantial majority of such applications are determined to be ineligible for licensing and, consequently, are denied.

During the reporting period, the U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the Iranian Transactions Regulations. The FAC and Customs Service investigations of these violations have resulted in forfeiture actions and the imposition of civil monetary penalties. Additional forfeiture and civil penalty actions are under review.

3. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since my last report, the Tribunal has rendered 4 awards, bringing the total number to 551. Of this total, 371 have been awards in favor of American claimants. Two hundred twenty-three of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 148 were decisions adjudicated on the merits. The Tribunal has issued 37 decisions dismissing claims on the merits and 84 decisions dismissing claims for jurisdictional reasons. Of the 59 remaining awards, 3 approved the withdrawal of cases and 56 were in favor of Iranian claimants. As of March 31, 1994, the Federal Reserve Bank of New York reported the value of awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at $2,344,330,685.87.

The Security Account has fallen below the required balance of $500 million almost 50 times. Until October 1992, Iran periodically replenished the account, as required by the Algiers Accords. This was accomplished, first, by transfers from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. The aggregate amount transferred from the Interest Account to the Security Account was $874,472,986.47. Iran then replenished the account with the proceeds from the sale of Iranian-origin oil imported into the United States, pursuant to transactions licensed on a case-by-case basis by FAC. Iran has not, however, replenished the account since the last oil sale deposit on October 8, 1992, although the balance fell below $500 million on November 5, 1992. As of March 31, 1994, the total amount in the Security Account was $212,049,484.05 and the total amount in the Interest Account was $15,548,176.62.

The United States continues to pursue Case A/28, filed last year, to require Iran to meet its financial obligations under the Algiers Accords.

4. The Department of State continues to present other United States Government claims against Iran, in coordination with concerned government agencies, and to respond to claims brought against the United States by Iran. In November 1993, the United States filed its Consolidated Final Response in A/15(IV) and A/24, a claim brought by Iran for the alleged failure of the United States to terminate all litigation against Iran as required by the Algiers Accord. In December, the United States also filed its Statement of Defense in A/27, a claim brought by Iran for the alleged failure of the United States to enforce a Tribunal award in Iran's favor against a U.S. national. Because of this alleged failure, Iran requested that the United States Government be required to pay Iran for all the outstanding awards against U.S. nationals in favor of Iran.

5. As reported in November 1992, José Marìa Ruda, President of the Tribunal, tendered his resignation on October 2, 1992. On December 4, 1993, Professor Krysztof Skubiszewski was appointed Chairman of Chamber Two of the Tribunal, filling the vacancy left by Judge Ruda's departure. On February 16, 1994, Professor Skubiszewski also was appointed the President of the Tribunal. Before joining the Tribunal Professor Skubiszewski served as Minister of Foreign Affairs in Poland from 1989 to 1993. He joined the "Solidarity" movement there in 1980, and served on several councils before becoming Minister of Foreign Affairs. In addition to his political experience, Professor Skubiszewski has had a long and distinguished academic career in the field of international law. He is currently on leave from the Institute of Law, Polish Academy of Sciences in Warsaw, and has lectured at universities throughout Europe. He is also the author of a number of international law publications. In announcing the appointment, the Tribunal's Appointing Authority, Charles M.J.A. Moons, emphasized Professor Skubiszewski's "extensive experience in the management of state affairs and the conduct of international relations," in addition to his "scholarly renown."

6. As anticipated by the May 13, 1990, agreement settling the claims of U.S. nationals for less than $250,000.00, the Foreign Claims Settlement Commission (FCSC) has continued its review of 3,112 claims. As of March 31, 1994, the FCSC has issued decisions in 2,538 claims, for total awards of more than $40 million. The FCSC expects to complete its adjudication of the remaining claims this year.

7. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. Similarly, the Iranian Transactions Regula-

tions issued pursuant to Executive Order No. 12613 continue to advance important objectives in combating international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 14, 1994*.

REPORT TO CONGRESS RELATIVE TO THE PREVENTION OF NUCLEAR PROLIFERATION—MESSAGE FROM THE PRESIDENT—PM 114

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

As required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95–242; 22 U.S.C. 3281(a)), I am transmitting a report on the activities of United States Government departments and agencies relating to the prevention of nuclear proliferation. It covers activities between January 1, 1993, and December 31, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 16, 1994*.

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2442. An act to reauthorize economic development programs under the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 for fiscal years 1994 through 1996, and for other purposes.

H.R. 4278. An act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

MEASURES REFERRED

The following bill was read the first and second times, by unanimous consent, and referred as indicated:

H.R. 2442. An act to reauthorize economic development programs under the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 for fiscal years 1994 through 1996, and for other purposes; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following measures were read the second time by unanimous consent, and placed on the calendar:

H.R. 4296. An act to make unlawful the transfer or possession of assault weapons.

S. 2096. A bill to improve private health insurance, to provide equitable tax treatment of health insurance, to reform Federal health care programs, to provide health care cost reduction measures, and for other purposes.

S. 2109. A bill to amend the Public Health Service Act and the Social Security Act to provide improved and expanded access to comprehensive primary health care and related services for medically underserved and vulnerable populations through the provision of financial support for the development of community-based health networks and plans, to permit federally-assisted health centers to expand their capacity and develop and operate new sites to serve underserved and vulnerable populations, to provide certain financial and other protections for such networks, plans and health centers, and to facilitate the involvement of, and payment to, entities serving underserved and vulnerable populations in the training and education of primary care health professionals, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2631. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 1994 salary range structures; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2632. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to watershed restoration contracts; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2633. A communication from the Acting Chairman of the Commodity Futures Trading Commission, transmitting, a draft of proposed legislation to reauthorize the Commodity Futures Trading Commission; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2634. A communication from the Secretary of Agriculture, the Administrator of the United States Environmental Protection Agency, and the Secretary of Health and Human Services, transmitting, a draft of proposed legislation to amend the Federal Insecticide, Fungiside, and Rodenticide Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2635. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Act of March 4, 1913 (16 U.S.C. 502), and the Act of June 20, 1958 (16 U.S.C. 556c), to increase maximum amounts for which Forest Service employees may be reimbursed for the loss of, or damage to, personal property; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2636. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 91–07; to the Committee on Appropriations.

EC–2637. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92–01; to the Committee on Appropriations.

EC–2638. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92–86; to the Committee on Appropriations.

EC–2639. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 90–01; to the Committee on Appropriations.

EC–2640. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 91–06; to the Committee on Appropriations.

EC–2641. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92–05; to the Committee on Appropriations.

EC–2642. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to balances available from previous appropriations in the Clean Coal Technology program; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–475. A resolution adopted by the Board of Supervisors of the County of Charlotte, Virginia relative to tobacco; to the Committee on Finance.

POM–476. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Finance.

"SENATE CONCURRENT MEMORIAL 1004

"Whereas, Americans are facing ever-increasing costs for health care coverage; and

"Whereas, most existing forms of health insurance coverage limit the policyholders' role as a consumer and decision maker, thus displacing the normal discipline of the marketplace; and

"Whereas, a major reason for high and rising health costs is consumers' lack of direct financial responsibility for their health related decisions; and

"Whereas, allowing Americans to have more direct involvement in paying for routine health care will motivate a greater level of consumer awareness and responsibility; and

"Whereas, an excellent vehicle for inserting consumer responsibility into health care decisions is the medical care savings account; and

"Whereas, Congress can set tax policy to make medical care savings accounts a viable option for individuals and employers that provide employee health benefits.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the United States Congress amend federal tax law to allow: (a) Individuals and businesses on behalf of employees to fully deduct contributions, up to a determined maximum dollar amount, to an individual medical care savings account. (b) Individual medical care savings account holders an exemption from income taxes on either contributions to the account or on interest earned on account balances as long as account withdrawals are for eligible medical expenses.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States

House of Representatives and to each Member of the Arizona Congressional Delegation."

POM—477. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Finance.

SENATE JOINT MEMORIAL 8029

"Whereas, Owners of real property may not be aware of a United States Internal Revenue Service lien against the owner's property; and

"Whereas, Without proper notice of such liens, property owners may be unduly or erroneously burdened when they attempt to sell property against which there is a federal tax lien;

"Now, therefore, Your Memorialists respectfully pray that the United States Congress enact a law allowing states that impose notice requirement on state tax liens to impose a similar notice requirement on Federal tax liens.

"*Be it resolved*, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-478. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance.

"SENATE JOINT MEMORIAL NO. 109

"Whereas, the goal of all public assistance programs ideally is to move individuals toward self-sufficiency; and

"Whereas, individuals struggling to stay out of the system and off public assistance are already exercising self-sufficiency; and

"Whereas, Aid to Families with Dependent Children was established to provide a minimal, basic level of support for our nation's children, not to punish individuals who choose not to accept public assistance; and

"Whereas, a case such as that of June Reid of Post Falls, Idaho, a woman who chose not to accept AFDC and therefore was pursued for child support payments, highlights a narrow, inappropriate interpretation of the true purpose of AFDC and a bureaucratic fascination with rules for the sake of rules; and

"Whereas, the hands of the states are bound by federal regulations so that we lose vital funding if we act humanely and appropriately in a case like June Reid's; and

"Whereas, the full effects of the current public assistance system must be comprehended and injustices redressed in any federal proposal for welfare reform.

"Now, therefore, Be it resolved by the members of the Second Regular Session of the Fifty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, That we petition Congress, the President, the Secretary of Health and Human Services, Donna Shalala, to amend 42 U.S.C. Section 654 to allow states the latitude to determine that child support need not be collected from a parent eligible to receive AFDC who has chosen not to accept public assistance where such support collection efforts would not be in the best interests of the children for whom support is owed.

"*Be it further resolved* That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, Bill Clinton, the Secretary of Health and Human Services, Donna Shalala, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-479. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance.

"SENATE JOINT MEMORIAL NO. 110

"Whereas, the grain producers in the state of Idaho are suffering from a deluge of Canadian barley and wheat into our traditional markets; and

"Whereas, Canadian barley imports are projected to reach a record 35 million bushels and Canadian wheat imports are projected to reach a record 90 million bushels in marketing year 1993/94; and

"Whereas, these Canadian imports are having a negative effect on Idaho grain producers' income and the rural economy, as well as interfering with U.S. farm policy and making farm programs more costly to the American taxpayer; and

"Whereas, Idaho grain producers face unfair Canadian trading practices, such as monopolistic grain board and transportation subsidies.

"Now, therefore, *be it resolved by the members of the Second Regular Session of the Fifty-second Idaho Legislature, the Senate and the House of Representatives concurring therein*, That we do hereby urge the administration to exercise the Section 22 emergency action clause, which would impose immediate tariffs on Canadian barley and wheat shipments into the United States.

"*Be it further resolved* That we do hereby encourage the administration to maintain these Section 22 emergency tariffs on barley and wheat until the unfair trading practices of our Canadian trading partners are corrected.

"*Be it further resolved* That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the U.S. Department of Agriculture, President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-480. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Finance.

"SENATE JOINT RESOLUTION NO. 165

"Whereas, for the purpose of Medicare reimbursement, the Commonwealth of Virginia is divided into five geographical zones which are not based on the actual cost of medical care delivery; and

"Whereas, there is an uneven distribution of physicians in Virginia, due in part to inadequate reimbursement levels by third-party payers such as Medicare; and

"Whereas, many commercial insurance carriers follow the same practice as Medicare; and

"Whereas, the reduced reimbursement for rural physicians' services presents a disincentive to practice in rural areas; and

"Whereas, there is a shortage of over 270 physicians in rural areas of Virginia and the shortage is increasing; and

"Whereas, the basis for reimbursement for many areas is more than 13 years old and does not account for inflation and actual overhead costs; and

"Whereas, the Virginia Academy of Family Physicians and the Medical Society of Virginia support converting the Commonwealth of Virginia into one geographical zone for more equitable Medicare reimbursement for rural areas; now, therefore,

"*Be it Resolved by the Senate, the House of Delegates concurring*, That the President of the United States, the United States Congress, and the United States Secretary of Health and Human Services be urged to (i) update the Geographical Practice Cost Index (GPCI) for the Resource Based Relative Value Scale (RBRVS) for Medicare reimbursement for rural areas of Virginia, (ii) request the Health Care Financing Administration (HCFA) to correctly estimate the costs of rural and urban practice in Virginia, and (iii) convert the Commonwealth of Virginia into one geographical area for Medicare reimbursement; and,

"*Be it Resolved further*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the United States House of Representatives, the United States Secretary of Health and Human Services, and the members of the Virginia Delegation to the United States Congress so that they may be apprised of the sense of the General Assembly on this matter."

POM-481. A resolution adopted by the Town of Orangetown, New York relative to Northern Ireland; to the Committee on Foreign Relations.

POM-482. A resolution adopted by the Thirty-Sixth Infantry Division Association relative to commemoration of World War II; to the Committee on Foreign Relations.

POM-483. A resolution adopted by the House of Legislature of the Commonwealth of Kentucky; to the Committee on Foreign Relations.

"HOUSE RESOLUTION NO. 107

"Whereas, the noble people of Ethiopia have developed and nourished a proud and distinguished culture that has endured for three millennia; and

"Whereas, Ethiopia has had a long and productive friendship with the United States of America; and

"Whereas, over the past two decades, the brave and gentle people of Ethiopia have been devastated by famine and civil war; and

"Whereas, the people of the United States have responded generously and magnificently to the plight of Ethiopian famine victims through the provision of humanitarian aid; and

"Whereas, a glimmer of hope and peace sparked recently due to the lessening of military conflict in that beautiful country; and

"Whereas, Ethiopia is poised at a crucial juncture in its history since it is making a transition from military rule to democracy; and

"Whereas, the winds of democratic change have blown dramatically and ferociously across the former Soviet Union, Eastern Europe, Latin America, many parts of Africa, and now to Ethiopia; and

"Whereas, the people of Ethiopia are aspiring to resolve their complicated problems through the formation and utilization of democratic institutions and maximum citizen input; and

"Whereas, the basic underpinning of democratic institutions in the new Ethiopia should be the supremacy of the will of the people and the guarantee of the rule of law; and

"Whereas, the Ethiopian Transitional Government should adhere to the United Nations Universal Declaration of Human Rights which encourages freedom of speech, assembly, religion, and press, as well as guarantees all basic human rights and discourages ethnocentric politics and ethnic reservations; and

"Whereas, it is crucial that the diverse voices, opinions, and philosophies of the people be expressed in promoting political, economic, and social progress and justice in Ethiopia; and

"Whereas, a multiparty government may be the most egalitarian, feasible, and productive political arrangement in providing universal suffrage and in overcoming monumental obstacles; and

"Whereas, the President and the United States Congress will play a crucial role in promoting the peaceful resolution of the immense problems of war ravaged Ethiopia; and

"Whereas, the implementation of a democratic, multiparty government in Ethiopia should be a long-range foreign policy goal of the United States government; now, therefore,

"Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

"Section 1. That this Honorable House of Representatives continue to encourage the formation of democratic institutions, multiparty participation, progressive social change, and a respect for human rights in Ethiopia.

"Section 2. That the President and the United States Congress be encouraged to reexamine the foreign policy towards Ethiopia and to promote an active foreign policy which serves to help achieve these laudable goals.

"Section 3. That a copy of this Resolution be forwarded to President Bill Clinton, the leadership of the United States Congress, the Kentucky Congressional Delegation, Secretary of State Warren Christopher, and His Excellency Ethiopian Ambassador Berhane Gebre-Christos."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S. 1357. A bill to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes (Rept. No. 103–260).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 2117. A bill to amend the Internal Revenue Code of 1986 to exclude from the application of the luxury automobile excise tax the value of components required for a vehicle to be powered by clean-burning fuel, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 2117. A bill to amend the Internal Revenue Code of 1986 to exclude from the application of the luxury automobile excise tax the value of components required for a vehicle to be powered by clean-burning fuel, and for other purposes; to the Committee on Finance.

LUXURY TAX REPEAL ON CLEAN FUEL VEHICLES

Mrs. BOXER. Mr. President, almost 45 million people still live in counties exceeding the smog standard. More than 90 percent of my fellow Californians live in areas which do not meet Federal healthy air standards and over two-thirds of this pollution comes from mobile sources, primarily cars and trucks. In fact, according to the South Coast Air Quality and Management District, children in the Los Angeles air basin suffer a 15-percent reduction in lung function by age 12 because of exposure to smog.

Transportation accounts for 70 percent of carbon monoxide [CO] emissions, and highway vehicles are the largest single source. The U.S. transportation sector emits per capital more carbon dioxide, carbon monoxide, and nitrogen oxides than any other country.

We must do all that we can to promote clean-burning fuels, such as natural gas, electricity, and hydrogen. That is why today I am introducing legislation to provide a further incentive to market clean-fuel vehicles and provide a better environment for our citizens. This legislation will provide relief from the automobile excise tax for clean-fuel vehicles to encourage more Americans to purchase clean cars.

Specifically, the legislation will exclude the value of components required for a vehicle to be powered by clean-burning fuel—the incremental cost of the vehicle—from the luxury tax imposed by section 4001 of the Internal Revenue Code. Clean-burning fuel means, as defined under the National Energy Policy Act of 1992; natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel at least 85 percent of which is one or more of the following: methanol, ethanol, any other alcohol, or ether.

Section 4001 of the Internal Revenue Code imposes a tax on the first retail sale of any passenger vehicle equal to 10 percent of the amount by which the vehicle's sales price exceeds $30,000, the current tax threshold.

The assessment of this tax against early clean-fuel vehicles, which only exceed the luxury tax threshold because of the significant additional costs involved in the use of electricity or other alternative sources as a vehicle fuel, is inconsistent with our national policy to support and encourage alternative fuel transportation. The tax on clean fuel vehicles is also inconsistent with the favorable tax treatment afforded electric and other clean fuel vehicles under the provisions of the Energy Policy Act of 1992. For example, a 10-percent tax credit up to $4,000 is available on the purchase of an electric vehicle, but that same vehicle can then be subject to the luxury tax.

The code does not provide a basis for distinguishing between an automobile that exceeds the luxury tax cost threshold because of special equipment or performance characteristics and an automobile that exceeds the threshold solely because it operates on a nonconventional fuel source, such as electricity. Because of the new technologies involved and the lack of economies of scale in low-volume production, initially the price of some clean-fuel vehicles will exceed the luxury tax threshold. For example, Chrysler recently announced that it would offer an electric minivan for about $40,000. The vehicle would be subject to a luxury tax of about $1,000.

This tax falls most heavily on the electric vehicle [EV], which is the only practical form of transportation that has zero emissions. Efforts to assure a successful commercial launch for new electric vehicle technologies require that market demand for EV's be created. Demonstration programs, including programs funded by industry and industry-government cost shared programs as authorized in the Energy Policy Act of 1992, are an important part of the EV commercialization effort, designed to increase user familiarity with electric vehicles to stimulate market demand. With respect to early EV demonstration programs that are in the process of being implemented today, the high costs already being borne by vehicle users would be further exacerbated by the imposition of the luxury tax.

Early electric vehicles which have none of the features typically associated with luxury automobiles. Until the technology evolves, EVs are unlikely to be equipped with many of the optional features characteristic of luxury vehicles. Rather than being high-performance vehicles, the range and performance characteristics of early EV's are likely to be more limited than even those of conventional, nonluxury vehicles. Adding a luxury tax thus imposes an added economic burden on a customer who has already made sacrifices in choosing an electric vehicle. Because in some cases this cost burden will be significant, the luxury tax threatens to penalize consumers of initial EV's, and to delay or deter EV market development efforts.

In the longer term, for the market to accept EV's, the ultimate costs of electric vehicles will have to be competitive with comparable conventionally fueled vehicles, which are unlikely to exceed the luxury tax threshold. Therefore, the consumer-ready EV will likely not continue to trigger luxury tax concerns. But prices will continue to be high while market demand is small, and if the imposition of a luxury tax dampens demand or delays or limits the effectiveness of early commercial demonstration programs, the pace at which EV prices will decline is likely to be slowed.

Due to the relatively small production of electric vehicles anticipated in the early demonstration phase of EV commercialization, the proposed exclusion of EV incremental costs from the luxury tax is unlikely to result in a significant decrease in revenue collections.

Meanwhile, the advancement of electric transportation technologies presents opportunities for U.S. technological innovation and worldwide leadership. In particular, the development and advancement of electric vehicles offers significant opportunities for the defense and aerospace industries heavily impacted by reductions in defense spending. The electric vehicle industry could top $10 billion annually by 2005, creating hundreds of thousands of jobs in the United States, according to the California Council on Science and Technology.

The Clean Air Act and the Energy Policy Act of 1992 mandate the greater use of alternative transportation fuels. The promotion of electric vehicles is an integral part of the effort to improve air quality and enhance national energy and economic security by increasing energy diversity in the transportation sector.

With consumer familiarity and acceptance of electric vehicles, and continued technological advancements and economies of scale, the incremental costs of electric vehicles will decrease. Imposing a tax on top of any incremental cost that early purchasers are forced to bear by subjecting early electric vehicles to a luxury tax will send a strong negative signal to the marketplace that could delay or deter the introduction of these vehicles and the development of a self-sustaining market.

Consumers will buy electric cars if we provide the right incentives. GM's own survey last year of 1,000 potential new car buyers in San Francisco and Los Angeles found that the number of people who would definitely or probably purchase an electric vehicle increased from 17 to 68 percent if provided a mix of price and ownership incentives.

This legislation repealing the luxury tax will expire on January 1, 2005, conforming with the sunset of other tax incentives provided under the Energy Act. By early next century, we should be well on our way to a clean air future. I ask unanimous consent that the full text of the bill be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF CLEAN-FUEL VEHICLE COMPONENTS FROM APPLICATION OF LUXURY AUTOMOBILE EXCISE TAX.

(a) IN GENERAL.—Subparagraph (B) of section 4002(d)(1) of the Internal Revenue Code of 1986 (relating to determination of price) is amended by striking "and" at the end of clause (ii), and by inserting after clause (iii) the following new clause:

"(iv) the value of—

"(I) any qualified clean-fuel vehicle property (within the meaning of section 179A(c)) to the extent of the basis described in paragraph (1)(B) of such section, or

"(II) any component of such passenger vehicle to the extent such component enables such vehicle to qualify as a qualified electric vehicle (as defined in section 30(c)(1)(A)), and".

(b) SEPARATE PURCHASE OF PARTS AND ACCESSORIES.—Paragraph (3) of section 4003(a) of the Internal Revenue Code of 1986 (relating to separate purchase of vehicle and parts and accessories therefor) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) the part or accessory installed—

"(i) is described in paragraph (1)(A) of section 179A(c) with respect to a qualified clean-fuel vehicle property (within the meaning of section 179A(c)), or

"(ii) enables the vehicle to qualify as a qualified electric vehicle (as defined in section 30(c)(1)(A)), or".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and installations occurring—

(1) on or after the date of the enactment of this Act, and

(2) before the earlier of—

(A) the date the tax imposed under section 4001 of the Internal Revenue Code of 1986 no longer applies, or

(B) January 1, 2005.

ADDITIONAL COSPONSORS

S. 1063

At the request of Mr. HATCH, the names of the Senator from Georgia [Mr. NUNN] and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1208

At the request of Mr. WOFFORD, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1472

At the request of Mr. SIMON, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 1472, a bill to provide financial assistance to rural eligible local educational agencies to improve rural education, and for other purposes.

S. 1587

At the request of Mr. ROTH, his name, and the name of the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 1587, a bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

S. 1677

At the request of Mr. HATFIELD, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1677, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

S. 1690

At the request of Mr. DANFORTH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1691

At the request of Mr. CONRAD, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1691, a bill to amend the Internal Revenue Code of 1986 to provide taxpayers engaged in certain agriculture-related activities a credit against income tax for property used to control environmental pollution and for soil and water conservation expenditures.

S. 1836

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

S. 1986

At the request of Mr. BREAUX, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1986, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing.

S. 2006

At the request of Mr. DOLE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2006, a bill to require Federal agencies to prepare private property taking impact analyses, and for other purposes.

S. 2007

At the request of Mr. WOFFORD, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2007, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and General George C. Marshall's service therein.

S. 2029

At the request of Mr. BREAUX, the name of the Senator from Virginia [Mr.

ROBB] was added as a cosponsor of S. 2029, a bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters.

SENATE JOINT RESOLUTION 158

At the request of Mr. WOFFORD, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of Senate Joint Resolution 158, a joint resolution to designate both the month of August 1994 and the month of August 1995 as "National Slovak American Heritage Month."

SENATE JOINT RESOLUTION 181

At the request of Mr. SIMON, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 181 a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Illinois [Mr. SIMON], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], the Senator from Michigan [Mr. RIEGLE], the Senator from Arizona [Mr. MCCAIN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE RESOLUTION 148

At the request of Mr. SIMON, the names of the Senator from Maine [Mr. COHEN], the Senator from Wyoming [Mr. WALLOP], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Colorado [Mr. CAMPBELL], the Senator from Delaware [Mr. ROTH], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Resolution 148, a resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

AMENDMENTS SUBMITTED

SAFE DRINKING WATER ACT

REID (AND INOUYE) AMENDMENT NO. 1708

Mr. REID (for himself and Mr. INOUYE) proposed an amendment to the bill (S. 2019) to reauthorized and amend title XIV of the Public Health Service Act (commonly known as the Public Health Service Act), and for other purposes; as follows:

On page 9, line 8, after the word "Affairs" insert the following: "and Indian Tribes."

On page 9, line 11, after the word "Affairs" insert the following: "and Indian Tribes."

STEVENS (AND OTHERS) AMENDMENT NO. 1709

Mr. STEVENS (for himself, Mr. INOUYE, Mr. MCCAIN, and Mr. MURKOWSKI) proposed an amendment to the bill S. 2019; as follows:

On page 11, line 18, after "graph (1)" insert the following: "may, at the election of the Governor of such State, be reallocated in the form of additional grants pursuant to subsection (f)(1) for eligible projects. Otherwise such amount".

On page 11, line 20, after "subsection (b)" and before the period insert the following: ", except that the Administrator shall reserve and allocate 10 percent of such remaining amount for financial assistance to Indian tribes in addition to the amount allotted under section 1472(c)".

GRAHAM AMENDMENT NO. 1710

Mr. BAUCUS (for Mr. GRAHAM) proposed an amendment to the bill S. 2019, supra; as follows:

On page 21, lines 5 through 8, strike "4 years" and all that follows through "part." and insert the following: "2 years thereafter, the Administrator shall submit to Congress a survey and assessment of the needs for facilities in each State eligible for assistance under this part. The survey shall be submitted in even-numbered years so as to alternate annually with the estimate and comprehensive study of costs required to be submitted to Congress in each odd-numbered year under section 516(b) of the Federal Water Pollution Control Act (33 U.S.C. 1381(b)).".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Monday, May 16, 1994, at 2 p.m., in SD-628, on S. 1614, Better Nutrition and Health for Children Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Monday, May 16, at 4:30 p.m. to hold an ambassadorial nomination hearing on Joseph R. Paolino, Jr., to be Ambassador to the Republic of Malta.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

"WHY ARE BLACKS THE MEDIA'S MOST INFAMOUS BIGOTS?"

• Mr. SIMON. Mr. President, I have never heard of a radio talk show host by the name of Bob Grant, and I guess I'm not missing anything.

I have read a column by Jeff Cohen and Norman Solomon distributed by Creators Syndicate, which talks about the bigotry being spouted by Bob Grant.

This is precisely the kind of thing this Nation does not need.

I did check with one source to find out whether the column is accurate, and I was told that it is, that Bob Grant is a problem.

In the 1930's there was a Catholic priest named Father Coughlin. He attracted more listeners than he should have as he spouted his anti-Semitism and antiblack rhetoric.

I hesitate to even mention this in the CONGRESSIONAL RECORD because the publicity may just add to Bob Grant's audience, but some of us have to speak out.

I made clear my opposition to Khalid Muhammad, who spouted his anti-Jewish, antiwhite hatred. But it is equally distasteful and harmful to our society to have antiblack spoutings from a Bob Grant.

I am sure that a radio station would never tolerate a talk show host who advocated that people drink arsenic, but they are tolerating someone who advocates swallowing another kind of poison.

It is not the business of the U.S. Senate or Congress to censor what goes on the airwaves of our country. I have spoken out against television violence, but I have never advocated Federal censorship.

I believe it is important to speak out against television violence, and I also believe it is important to speak out against the poisoning of our airwaves.

At this point, I ask to insert into the RECORD the column by Jeff Cohen and Norman Solomon.

[From Creators Syndicate "Media Beat"]

WHY ARE BLACKS THE MEDIA'S MOST INFAMOUS BIGOTS?

(By Jeff Cohen and Norman Solomon)

You can't see the news these days without encountering lengthy reports on the hateful pronouncements coming from a few black extremists.

The anti-white, anti-Jewish demagoguery of Nation of Islam leaders was recently examined, for example, in a 12-page Time magazine cover spread and in two ABC "Nightline" episodes—one titled "Confronting Black Racism."

A central question running through such reports is whether black politicians and civic leaders have sufficiently denounced the mean-spirited rhetoric.

Given all the news coverage, you might think black prejudice against Jews and whites has become the dominant bigotry in our country.

Think again. Old-fashioned white racism is alive and kicking. But somehow, it doesn't arouse the same outrage in the national media.

By now, almost everyone has heard of Khalid Abdul Muhammad, the Nation of Islam speaker who spouted anti-white hate to a college audience of hundreds—and was denounced for weeks in the media and in a resolution that passed the U.S. Senate 97 votes to zero.

But how many have heard of Bob Grant? Week after week, he spouts anti-black hate to much larger audiences—hundreds of thousands. He hosts the biggest show on the biggest talk radio station in the country, New York's WABC.

If you aren't familiar with Grant, that's not your fault—it's the national media's.

New York is the media capital of the country. But few journalists have voiced outrage over a talk show host who routinely referred to former Mayor David Dinkins, an African-American, as "the washroom attendant," and who habitually affects an Amos 'n' Andy dialect to stereotype blacks as criminals and drug addicts—people he calls "animals" and "mutants."

Here is a flavor of Grant's oratory, as recorded by Newsday columnist Paul Vitello.

"The only hope we have is something that we're not brave enough to do. But if there is a brave new world of tomorrow, they will enact the Bob Grant Mandatory Sterilization Plan. (Begins mock African-American accent) I don't have no job, how'm I gonna feed my family? (Ends accent) I wonder if they've ever figured out how they multiply like that. It's like maggots on a hot day. You look one minute and there are so many there, and you look again and, wow, they've tripled!"

On the Martin Luther King holiday:

"If they didn't observe Martin King Day, there would be trouble from the savages."

On refugees fleeing from Haiti:

"You know what the ideal situation would be—if they drowned! Then they would stop coming in."

After the L.A. riots began:

"We have in our nation not hundreds of thousands but millions of sub-humanoids, savages who really would feel more at home careening along . . . the dry deserts of eastern Kenya—people who, for whatever reason, have not become civilized."

Has an aroused press demanded that white politicians denounce Bob Grant's racism and distance themselves from him? Far from it.

Ted Koppel and Bob Grant are co-workers for the same boss, ABC/Cap Cities. Yet Koppel hasn't turned a critical spotlight on Grant.

New Jersey Gov. Christine Todd Whitman got great publicity for confronting Khalid Muhammad over his anti-Semitism. Has she similarly confronted Grant? No, she appears as a guest on his show, and once thanked Grant for helping her win the election.

What about New York Sen. Alfonse D'Amato—who co-sponsored the Senate resolution denouncing Khalid Muhammad? He's a regular, friendly guest on the Bob Grant program. On one show, the senator encouraged Mayor Dinkins to visit Africa "and stay there."

New York's new mayor, Rudolph Giuliani, has also guested on the show. During one appearance, Grant referred to a black congressman as a "pygmy."

Bob Grant is hardly alone in his amplified bigotry against racial minorities or gays or feminists. But such hate is unlikely to get you denounced by the U.S. media and U.S. Senate. More likely, you get your own talk show.

Patrick Buchanan—an admirer of Grant who once called him the "dean of us all"—has long expressed flat-out bigotry against blacks and other groups. That hasn't stopped him from becoming a fixture on TV and radio. Ditto for Rush Limbaugh, who praises Grant in his book.

And on local talk shows throughout the country, Grant-like shouters spew bigotry against racial minorities.

You almost have to pity Khalid Muhammad. If he'd been born white . . . instead of being denounced by the U.S. Senate, he might have his own major talk show.•

ESTABLISHMENT OF A BASELINE DESIGN

• Mr. D'AMATO. Mr. President, the early establishment of a baseline design is an essential element of any successful aircraft production program. Without a baseline design, workers are building to anomaly. No two aircraft are alike.

The Air Force establishes a baseline design by putting one of the first aircraft off a new production line through physical and function configuration audits [PCA/FCA]. A PCA compares engineering drawings to parts to check whether the parts conform with design specifications. An FCA certifies that parts function as specified. After passing the audits, the design is fixed and alterations require engineering change proposals. This enables the Air Force to maintain configuration control.

With the C–17 program, P–5, the fifth production aircraft, was to have gone through the PCA/FCA. No longer. Instead, the Air Force is conducting the physical and functional configuration audits on a piecemeal basis. P–11, incorporating the wing, flap, slat, landing gear, and fuel system fixes required by test failures, is being characterized as a production representative aircraft. That sounds good, but the fact remains that we are custom building C–17's, that we are, in effect, buying a collection of Faberge eggs for Air Mobility Command. This will remain true at least through P–29 when the last major fix required by failures in test—the redesigned wing—will be chopped into the production line.

I am deeply disturbed by the apparent lack of a baseline design for the C–17, and have posed a number of questions to Under Secretary Deutch about it:

Is P–29 the baseline design aircraft? Will the Air Force rework P–1 through P–28 to bring up the first 29 C–17's to a standard configuration? If so, what will this cost? If not, how will the lack of configuration control through P–29 influence C–17 performance, life cycle costs, and reliability, maintainability, and availability? Has the Air Force considered a pause in production to allow engineering to catch up with production? What are the costs and benefits of such a pause?

Upon receipt of answers to these questions, I will be happy to share them with my colleagues.•

CONGRESSIONAL STAFF DELEGATION TO TIBET AND NEPAL

• Mr. MOYNIHAN. Mr. President, last month a member of my staff participated in a delegation—along with staff members from the offices of Representatives JOHN EDWARD PORTER and JOLENE UNSOELD—to Tibet and Nepal to observe conditions in Tibet and to investigate the situation of Tibetans who have recently fled to Nepal. I ask that the text of the report on this trip be entered into the RECORD.

The text follows:

REPORT OF CONGRESSIONAL STAFF DELEGATION TO TIBET AND NEPAL

EXECUTIVE SUMMARY

In April, 1994 a congressional staff delegation spent three days in Nepal and one week in Tibet assessing China's treatment of the Tibetan people. In Tibet the delegation found evidence of a significant Chinese civilian population in urban areas, a large Chinese military presence in both rural and urban areas, severe restrictions on the Tibetan people's religious and cultural expression, and discriminatory practices against the Tibetan people. This difficult situation inside Tibet leads thousands of Tibetans to flee to Nepal and India each year, where they are free to pursue their religion and able to get an education in Tibetan schools.

The delegation urges the United States and the international community to call on China to reverse these policies and take steps to protect Tibet's unique religion and culture. Furthermore the United States should continue to support the efforts of the Dalai Lama to peacefully resolve the situation in Tibet through negotiations and to continue to provide refugee assistance and other programs to Tibetans who flee repression in their native land.

BACKGROUND

From March 28 to April 10, 1994 a delegation of congressional staff traveled to Tibet and Nepal to investigate conditions in Tibet and to study the situation for Tibetan refugees in Nepal. Tibet has received increased attention in the United States as a result of President Clinton's Executive Order conditioning renewal of China's Most-Favored-Nation trade status on human rights improvements in China and Tibet.

Participants on the delegation included Robert Gustafson, Administrative Assistant to Congressman John Edward Porter (R–IL), Michael Lostumbo, Legislative Research Assistant to Senator Daniel Patrick Moynihan (D–NY) and Lawrence Holland, Legislative Assistant to Jolene Unsoeld (D–WA). The Nepal trip was sponsored by the Tibet Fund and the Tibet trip was sponsored by the International Campaign for Tibet. Both are U.S. based non-profit organizations. The delegation was accompanied by Rachel Lostumbo, Legislative Director of the International Campaign for Tibet, who also assisted in translating.

The delegation first traveled to Kathmandu, Nepal. During the three day stay in Kathmandu, participants met with Tashi Namgyal, Representative of His Holiness the Dalai Lama; Mark Koehler, Second Secretary at the U.S. Embassy; and Tahir Ali and Andrea Solkner, Representative to Nepal and Associate Protection Officer for the United Nations High Commissioner for Refugees. Participants also spent one afternoon and one morning interviewing newly arrived Tibetan refugees at the Tibetan Reception Center.

The delegation then spent one week in Tibet traveling to Lhasa, Gyantse and Shigatse, and visiting numerous villages and monasteries. In the past, Tibetans who have attempted to contact government or human rights delegations visiting Tibet have been harassed and often arrested by Chinese authorities. As a result, the delegation's contact with Tibetans in Tibet was limited to private, secure conversations and sources in this report will not be identified.

Congressional support for Tibet

The Congress has established several very important programs for the Tibetan people, including a Voice of America-Tibetan language service. Tibetans inside Tibet spoke very highly of the Tibetan language Voice of America, but expressed frustration over Chinese government efforts to jam the broadcast. Other congressionally mandated programs include a one-time allocation of 1,000 immigrant visas for Tibetan refugees, humanitarian assistance for refugees in India and Nepal, and grants for Fulbright scholarships.

The Congress has also passed numerous resolutions condemning China's practices in Tibet and supporting the Dalai Lama's efforts to peacefully resolve the situation through negotiations.

Since the delegation's return, the Congress passed and President Clinton signed into law the 1994–1995 Foreign Relations Authorization Act. This bill contains several historic provisions which call for extended relations with the Tibetan Government in exile and establish more programs designed to benefit Tibetans inside Tibet. It also builds upon the legislation passed in 1991 declaring Tibet to be an occupied country whose true representatives are the Dalai Lama and the Tibetan Government in exile.

Most-favored-nation trade status

Since the first efforts by the Congress to condition renewal of China's Most-Favored-Nation trading status (MFN) in 1989, Tibet has played an integral part of the debate. President Bush vetoed all attempts by the Congress to condition MFN during his tenure.

On May 28, 1993 President Clinton issued an Executive Order which called on the Chinese Government to make significant overall progress in human rights in order to be granted MFN status in June 1994. One condition specifically called for significant progress in "protecting Tibet's distinctive religious and cultural heritage." The Administration has been calling on the Chinese to agree to begin substantive negotiations with the Dalai Lama or his representatives as a benchmark towards meeting this condition. This approach to the Tibet condition has been widely supported in the Congress.

While the issue of negotiations was not one that the delegation was able to investigate while in Tibet, participants were able to observe general conditions for the Tibetans, including the overwhelming presence of Chinese in Tibet, and the restrictions placed on the religious and cultural expression of the Tibetan people. The report will first discuss the Nepal trip, for it was in Kathmandu that the delegation was most free to talk with Tibetans about their personal experiences and about conditions in Tibet. Following the summary of some of these interviews will be a discussion of observations regarding conditions inside Tibet.

TIBETAN REFUGEES IN NEPAL

According to the United Nations High Commission for Refugees (UNHCR) in Kathmandu, approximately 4,000 new Tibetan refugees made the harrowing trip over the Himalayas into Nepal in 1993. Comparable numbers are expected in 1994.

Over the past three years the U.S. Congress has appropriated humanitarian assistance for Tibetan refugees in Nepal and India. Each year a portion of this funding has gone to the UNHCR operation in Kathmandu. The UNHCR provides the primary financial support for the Tibetan refugees when they arrive in Kathmandu, interviews the new arrivals to determine whether they are eligible to receive assistance from the High Commissioner as political refugees, and then offers protection and acts as a formal liaison between the Tibetans and the Nepali Government. The Tibetan Refugee Welfare Office carries out the day-to-day operations of the Reception Center.

New arrivals from Tibet reach the Reception Center on their own, arrive accompanied by a hired guide, or are arrested by Nepali police who take them to the immigration office in Kathmandu. Here they are detained until a UNHCR official interviews them, determines if they are eligible, and sends them to the Reception Center. About 97% of the new arrivals entering Nepal from Tibet are deemed eligible for assistance. At present Nepal does not allow the Tibetans to settle there, although there is a significant Tibetan refugee population from earlier migrations. All eligible refugees are given an allowance by the UNHCR and sent on to India.

Some Tibetans are turned back to Tibet before they reach Kathmandu because they are stopped by Chinese or Nepali border guards. The delegation heard accounts of Nepali border guards robbing and assaulting refugees, or turning them over to Chinese border guards. Such actions are contrary to the publicly stated policy of the Nepali government, which claims that these actions are undertaken without their authority. While in Nepal the delegation learned that the UNHCR was hoping to provide instruction sessions for border guards to help put an end to such incidents.

While in Kathmandu, the delegation had the opportunity to interview several newly arrived refugees. This was an important component of the trip as it was known that contact with Tibetans inside Tibet would be extremely limited because of security concerns. The case histories of several of those interviews are highlighted below:

Tenzin: aged 10: Tenzin arrived in Kathmandu minutes before the delegation arrived at the Reception Center. Traveling with three other young boys including his twelve year old brother, Tenzin was the only one to make it to the Reception Center. His brother and another ten year old had been arrested by Nepali border guards. The other, an eleven year old boy, had been taken off a bus by Nepali police in Kathmandu as he and Tenzin made their way to the center. The fate of his companions was unknown.

It is not uncommon for Tibetan parents to send their children out of Tibet alone. They do this to allow their children an opportunity to obtain a genuine Tibetan education, which is not possible inside Tibet. UNHCR statistics show that 20% of those arriving from Tibet are children traveling on their own.

Jigme: monk, aged 25: Jigme had arrived in Kathmandu one week prior to the delegation's visit. He had fled from Labrang monastery in Amdo after his second arrest for political activities. The trip from Amdo to Kathmandu took him one month and five days. Today, many new refugees come from Kham and Amdo where Chinese control is particularly well ensconced.

Jigme was first arrested for making a poster calling for human rights in Tibet, an act for which he was imprisoned for 15 days and fined 5,000 Chinese yuan. His second arrest came after he was caught printing a political poster. He was beaten and then released with a warning against participating in any further political activity. It was then that he chose to make the long trip into exile.

Approximately 40% of all new arrivals are monks and nuns. Unable to practice their religion freely, monks and nuns often face persecution as a result of their faith.

Tsering and Drolma: nuns, aged 18: These two nuns came from Garu nunnery in the Lhasa area. They said that at least 20 nuns from Garu are currently imprisoned in Tibet, including 12 who were arrested in August 1993 for participating in demonstrations and who had been given sentences of between 3 and 6 years.

The nuns spoke at length about how since 1989 the younger nuns have been brought together and "instructed" by Chinese authorities on "the proper view" of the history of Tibet. They were told that those Tibetans in exile would never return to Tibet and that the Dalai Lama's "gang" has no international support, so that there is no hope for freedom. Nuns were also forced to sign statements promising not to take part in political demonstrations and were threatened with long prison terms if they refused to sign.

They also described the heavy tax burden that is imposed on the nuns and the requirement that their nunnery sell half of its farm produce to the government at a deflated rate.

Kelsang: monk aged 17: Kelsang came from Nalenda Monastery in Penpo, an area two hours north of Lhasa. He discussed the government-imposed cap on the numbers of monks allowed to live and study at the monastery, and the increased activity of the "ledun druka", a committee formed within the monastery by authorities to "educate" monks on proper behavior and political views. Monks are quizzed once or twice a month on the content of these "educational" sessions and on materials they are required to read. If they answer incorrectly they are fined.

Lobsang: farmer, aged 22: Lobsang, who also came from Penpo, discussed some of the restrictions placed on farmers. He said that one-third of all produce is taken by the government without compensation and that another portion must be sold to the government at a reduced rate. Farmers are told what to plant, even though they hold leases on the land. Asked about the ability of farmers to move to Lhasa, he said that they must first receive permission from several government authorities. He said he knew of Tibetan farmers who had requested permission to go to Lhasa, but knew of none who had been given permission to do so.

TIBET

The delegation spent three days in the capitol city Lhasa, and three days in the countryside visiting smaller towns and villages, including Gyantse and Shigatse. The delegation visited monasteries, schools, markets and Tibetan and Chinese neighborhoods. The delegation also spent an afternoon at Yamdrok Tso, a large and controversial hydroelectric project located on a lake considered sacred by Tibetans. The delegation notes that Tibet is an extremely poor country and that sanitary conditions, particularly in the Tibetan neighborhoods, are abysmal.

Chinese presence

The first and most striking observation upon arrival in Tibet is the number of Chinese, both military and civilian. Distinctive language, neighborhood architecture and style of clothes made it possible to determine which parts of the cities were dominated by Chinese and which by Tibetans. The delegation notes that the Chinese neighborhoods consist of large compounds which have more open space than the Tibetan neighborhoods. Therefore, the Chinese sections of town are likely to contain fewer Chinese per square kilometer than the Tibetan neighborhoods.

There was a pervasive military presence in the cities and along roads. Chinese army bases and other government compounds were relatively easy to spot. They often had Chinese flags displayed, red stars over the entrance gates, or the distinctive red and white logo that denotes a government facility. Some also had tall transmitting antennae, military vehicles parked in plain sight, or soldiers within the compound walls.

On the road into Lhasa from the airport the delegation passed large military facilities, potentially housing thousands of troops. At regular intervals around the Barkhor, the pilgrim circuit surrounding the Jokhang temple, Chinese police monitored the Tibetans passing by. The delegation heard reports of dozens of plainclothes security personnel also circulating the Barkhor and located two surveillance cameras in the area. Outside of Lhasa the delegation passed numerous government and military compounds, as well as several large convoys of military trucks.

The delegation was informed that Chinese civilians are largely concentrated in the larger cities and towns, although there are now reports of Chinese moving into rural areas in Tibet, particularly in the eastern regions of Kham and Amdo. It is important to note that the delegation was only able to travel where there were roads and most villages between the larger cities appeared to be predominately Tibetan.

Most modern shops and restaurants in the cities the delegation observed were operated by Chinese and the Chinese sections of town were expansive. Lhasa appeared to have two distinctly Tibetan neighborhoods, at the foot of the Potala and near the Jokhang temple. Even in these areas there is new Chinese construction. From the top of the Potala it is clear that only a small fraction of the buildings in Lhasa are in the traditional Tibetan style and most of the extensive new construction in Lhasa appears to have taken place in the Chinese sections. Tibetan landmarks, like the Tibetan medical college, have been destroyed and replaced by Chinese structures.

In Shigatse the delegation observed only a small Tibetan neighborhood surrounded by a large Chinese section of town. While there the delegation was awakened by loudspeakers blaring in Chinese. The delegation was warned by Tibetans not to speak in Tibetan, as previous Tibetan speaking tourists had been harassed by Chinese authorities for speaking in Tibetan. There was a tangible tension in the streets in Shigatse between Tibetans and Chinese.

Gyantse appeared to have the largest Tibetan to Chinese ratio of the three larger towns the delegation visited. In preparation for the trip the delegation was told that Gyantse was a good example of a real Tibetan city. From the top of the fort which towers over the town, it became clear, however, that the Chinese and Tibetan areas were roughly comparable in size. This indicates a new trend of Chinese settlers migrating into smaller and smaller cities and towns in Tibet.

It appeared to the delegation that the Chinese civilians in Tibet are no longer simply providing goods and services to the Tibetan people but are to a large extent serving other Chinese. It also seemed that Tibetans are becoming marginal to the economic and social processes in Tibet. Reports of discriminatory practices against Tibetans in obtaining permits to open businesses and restrictions against Tibetan villagers moving into the cities when there are no such restrictions for the Chinese further this process of marginalization.

Numerous greenhouses were observed throughout the Lhasa valley and along the major roads. The delegation had an opportunity to visit a large compound of government-owned greenhouses where the delegation was told that the produce from the greenhouses was provided to government workers, and not to nearby Tibetan villages.

Freedom of religious and cultural expression

The delegation was particularly interested in exploring the degree of religious and cultural freedom in Tibet. The delegation visited numerous monasteries and temples and learned of religious restrictions inside Tibet from monks, nuns and layman; both in Tibet and in Nepal.

As the centers for Tibetan culture and religious belief, the monasteries and nunneries are often the focal point for political activity for the Tibetan people. Human rights organizations have documented over 350 monks and nuns imprisoned in Lhasa alone for their political beliefs. Torture and mistreatment of detained monks and nuns is reportedly common.

It has been documented that religious policies for Tibet are developed by central authorities in Beijing and are carried out in each monastery through Democratic Management Committees (DMC). The DMC has the power to intervene in all activities of the monastery and often works directly with security forces. Restrictions on religion are enforced by the Religious Affairs Bureau (RAB). The RAB oversees the restoration and reconstruction of monasteries, administers funds, and screens applicants for entrance into the monasteries.

The delegation was able to visit several of the over 6,000 monasteries destroyed since the Chinese occupation. The delegation observed evidence of new construction in several of the monasteries visited, though none had been restored to its former size. In one monastery half of the building was still used as a government office, while in another only two of the monastery's sixteen buildings had been rebuilt. Tibetans displayed a vigorous interest in rebuilding and using the monasteries. However, while the Tibetans have been allowed in some cases to begin rebuilding, credible witnesses told the delegation of numerous restrictions and regulations over the building process and the actual management of the monasteries. Special permission for any such project must be obtained from Chinese authorities. According to numerous individuals interviewed by the delegation, monks do not completely control monastery finances, even though the vast majority of funds in the large monasteries and all of the funds in the smaller monasteries come from individual donations from Tibetans. The large monasteries and temples which are visited by tourists have received limited government funds for reconstruction. The delegation was told that the government, however, reaps the benefit of the tourist entrance fees which are required in these monasteries.

Monks interviewed by the delegation discussed at length the significant restrictions placed on the number of monks or nuns that each monastery is allowed to admit. Most monasteries are allowed only a tiny fraction of the historic levels of monks who taught, studied and lived in them prior to 1949; few are allowed more than 100 monks. Thus many who want to enter the monasteries are unable to do so. This is particularly significant in light of the fact that the monasteries were the traditional centers of learning and cultural expression in Tibet.

According to the monks the delegation met, those who are admitted to the monasteries are not permitted enough time for studying. Instead authorities have given them other duties to perform which restrict their ability to get a full religious education. Chinese informants are also reportedly prevalent in the monasteries. They monitor the activities of the occupants, and in some cases constitute a significant percentage of the monastic population.

The Panchen Lama was a controversial, high-level religious figure who stayed in Tibet after the Chinese invasion in 1949 and cooperated with Chinese authorities. However, he did make efforts during his lifetime to stem Chinese repressive policies in Tibet. He died in Tibet in 1989. Many Tibetans discussed their concerns regarding the selection of the new Panchen Lama. Tibetans fear that when a child is selected as the next Panchen Lama, that the Chinese authorities will attempt to manipulate his education so that he will work against the Tibetan people.

The atmosphere in the Panchen Lama's monastery in Shigatse, Tashi Lhunpo, was instructive. Because of the Panchen Lama's relationship with the Chinese Government, it was the only monastery that the delegation visited that had been spared extensive destruction. It even had some new temples that were elaborately and lavishly decorated. However, many Tibetans described this monastery as being filled with "Chinese agents." Members of the delegation were told that in the recent past, if a tourist were to give a picture of the Dalai Lama to a monk in this monastery, a common practice for tourists visiting Tibet, he or she would likely be turned into the authorities and charged with instigating unrest. Tashi Lhunpo, as well as the Potala in Lhasa, had numerous Chinese tourists.

Yamdrok Tso

Yamdrok Tso is a large freshwater lake southwest of Lhasa, considered to be a sacred "life-water" lake by the Tibetan people. Yamdrok Tso is currently being exploited by the Chinese authorities for hydroelectric power and mineral deposits. The Tibetan people have strongly protested this project because of environmental and religious concerns. This is one project that the Panchen Lama vocally opposed shortly before his death. One Tibetan told us that "there is no reason for the Chinese to destroy Yamdrok Tso. They don't need it. If they need electricity they could use the rivers in the next valley."

As the delegation drove past the lake it passed a town called "Lhok Khang" the hydroelectric station; an extensive mining operation; and scores of military personnel.

Education

While in Tibet members of the delegation visited a middle school and Tibet University to determine educational opportunities for Tibetan students.

The secondary school system in Tibet contains a Chinese and a Tibetan tract. However, in order to progress to high school, students must pass English and Chinese language exams, subjects which can only be sufficiently studied on the Chinese tract. At the middle school the delegation visited there are 300 students, 100 of whom are Chinese. The school has both Chinese and Tibetan teachers. However, the Chinese teachers receive six months home leave every two years to return to China, while the Tibetan teachers do not receive comparable vacation time.

One Tibetan told the delegation that she had gone to school in China to receive a "good education." Others also expressed similar sentiments that schools in Tibet are inferior and if a student is ambitious, he or she must travel to China. Older Tibetans expressed the concern that Tibetan children studying in China will forget their culture.

According to an administrator at Tibet University, the only university in Tibet, only 19 percent of the 1,300 students are Tibetan, and the language of instruction in Chinese. The delegation was told that many Tibet University graduates go to China to work after they have graduated.

CONCLUSION

The delegation spent ten days investigating current conditions in Tibet through discussions with those in the Tibetan exile community in Nepal and through first-hand observations inside Tibet.

Based on its observations, the delegation concludes that China's policies in Tibet pose a grave threat to the survival of the Tibetan religion and culture and are effectively turning Tibet into another province of China.

The pervasive presence of Chinese military personnel and Chinese civilians, as well as the ongoing human rights violations against the Tibetan people, have created an atmosphere of fear in Tibet. Upon arrival in Lhasa, the delegation was told that two days earlier several monks staged a small demonstration outside the Jokhang temple. They were reportedly arrested by the police who rounded up other suspected sympathizers, in the Tibetan section of town the following night. At various points during the delegation's visit, Tibetans referred to other demonstrators currently in prison for peacefully demonstrating against the Chinese occupation.

Growing support in the international community for the Dalai Lama's efforts, including the awarding of the 1989 Nobel Peace Prize, seen to provide hope to the Tibetan people. Many people asked delegation members about the Dalai Lama; for photos of him, and for news of his activities. Many of them volunteered the hope that he would be able to return to Tibet and that the Chinese would leave.

It has been the Dalai Lama's policy to advocate a peaceful resolution to the situation in Tibet through negotiations. He has also expressed his willingness to not raise the issue of independence at negotiations, as long as all other issues threatening the Tibetan culture are on the table. It is the delegation's belief that until the Tibetans regain some control over policies affecting their daily lives, the very survival of their culture will remain at risk.

Policy recommendations

The delegation believes that the U.S. and the international community should use all policy tools to call on the Chinese to immediately:

Enter into substantive negotiations with the Dalai Lama or his representatives;

End government incentives for Chinese settlers to move to Tibet;

Respect the basic human rights of the Tibetan people, including the fundamental rights to freedom of speech and assembly;

Permit the Tibetans to freely practice their religion and pursue their unique way of life;

Provide more opportunities for educational advancement of Tibetans studying in their own language; and

Cease all discriminatory practices towards Tibetans.

In addition, the United States should work in close cooperation with the Tibetan Government in exile to provide concrete and moral assistance to the Tibetan people as the Congress recently suggested in adopting the Foreign Relations Act.•

THE GLOBAL FIGHT AGAINST DRUGS

• Mr. SIMON. Mr. President, as Congress debates the merits of the crime bill pending in the House and Senate, it is worth reminding ourselves that drug trafficking is more than simply a domestic issue. It has an international dimension as well.

The vast majority of illicit drugs in this country comes from abroad. Indeed, according to some estimates, the Cali Cartel in Colombia alone controls over 70 percent of the world's cocaine business. The effectiveness of our domestic crime control efforts will be undermined if drugs flow unabated from these source nations.

Moreover, international drug control efforts serve significant foreign policy concerns. As former Senator Tim Wirth sagely observes in his recent article in the St. Louis Post-Dispatch, drug trafficking gangs spread their poisonous influence throughout the international arena, threatening the stability of countries in Asia, Latin America, Africa, and elsewhere.

Senator Wirth rightly states that combatting the international drug cartels requires increased international awareness, as well as the cooperation of multilateral and ad hoc organizations, such as the United Nations and the Organization of American States. It will also require American assistance—both technical and monetary—to encourage an effective international response to drugs trafficking. In addition to interdiction efforts, America must help vulnerable nations in structural ways, by encouraging judicial reform, strengthening democratic institutions, and working to stabilize economies previously dependent on narco-dollars.

Tim Wirth's article is a welcome reminder that the drug scourge has international, as well as domestic, ramifications. I commend him for his timely observations, and I ask that his article be reprinted following my remarks.

The article follows:

U.S. Must Lead Global Fight Against Drugs

(By Timothy E. Wirth)

In a recent column on the crime scare [published Jan. 31 in the *Post-Dispatch*], David Broder wrote that Congress and the president should quit grandstanding about crime and take more productive if less headline-grabbing steps against it. Citing the link between crime and drugs, he said Congress and this administration should get serious about making drug treatment available to everyone who needs it.

Although he makes a good point, Broder, like many others, overlooks a critical aspect of the link between drugs and the crimes committed on the streets of American cities: the international dimension. Since all of the heroin and cocaine fueling drug-related crime and violence in the United States comes from other countries, we cannot expect to make progress in our domestic efforts against crime or drugs if we turn our backs on international drug control programs.

In reaction to shrinking budgets, debate on drug control policies increasingly is couched in zero-sum terms: Either the money should be spent overseas or it should be concentrated here at home. The domestic problems of drugs and crime cannot be addressed by ignoring what happens overseas. Long-term commitment to U.S. leadership in international drug control may be a more subtle case to argue, but that is precisely what is needed.

Criminals narco-trafficking mafias operate with all the advantages and efficiency of the largest multinational corporations, but they rely on primitive violence in pursuit of profit and power. Nigerian heroin gangs have extended their reach from Lagos, across Africa, to Europe, the Far East and the United States. Their wealth and influence could complicate Nigeria's return to democracy.

In Latin America, traffickers challenge basic legal institutions, suborn or attack law enforcement agents and buy off or threaten judges, politicians, officials, military officers and the media. In Russia, criminal gangs grow in size, power and reach, establishing ties to narco-trafficking organizations. Recently, a ton of South American cocaine was seized in a Russian port.

Only vigorous U.S. international leadership can help stop nations newly freed from the chains of communism from becoming newly enslaved to the influences of powerful narcotics and crime syndicates that threaten democracy.

Past policies have been long on "war" metaphors and short on realistic goals for turning back the tide of drug trafficking and abuse. That kind of thinking has fed much of the current frustration about programs that don't work.

The administration has reviewed previous programs, and fashioned its own approach to the drug problem. On Feb. 9, President Bill Clinton announced a new drug control strategy. The goals of this strategy are to build international awareness of the global threat from drug and crime syndicates, create momentum for international cooperation, strengthen democratic institutions and help stabilize economies previously dependent on narco-dollars. The program would disrupt the drug trade by pressuring kingpin organizations, confiscating their drugs, seizing their assets and eradicating drug crops.

To accomplish these objectives, the president is asking Congress for $237 million for international drug control and criminal justice programs next fiscal year. These programs represent a long-term commitment to reducing international drug trafficking and providing aid and technical expertise to nations committed to controlling their own drug problems.

International drug control is not just a law enforcement endeavor. It also involves building healthy economies and democratic institutions like honest judiciaries, professional police and elected governments responsive to the will of the people. This will be money well spent.

The administration's new strategy will enlist support from a variety of multilateral organizations. This effort will cost the U.S. taxpayer little but pay big dividends. Public support overseas will add urgency and momentum to cooperation by foreign governments. Multilateral institutions can complement U.S. efforts and gain access to areas of the world where our influence is limited.

We will expand efforts to get the United Nations—particularly the U.N. Drug Control Program—the Organization of American States and other regional and ad hoc groups more actively involved. For the first time, we are engaging the international financial institutions in drug control efforts. We will ask that they support sustainable development programs in key drug countries to create permanent economic alternatives to drug production and trafficking.

Like most global issues, drugs are not a matter of partisan ideology but of shared interest. The issue straddles the domestic and foreign policy communities and thus must be addressed by both.

Although American public and congressional sentiment about crime is running high, Congress last year cut funding for programs to control the flow of drugs entering the United States. Many of those programs needed to be overhauled and some frankly needed to be cut. We cannot, however, carry out our new policies without a well-focused U.S. commitment and adequately funded programs.

International drug trafficking is growing, and foreign narcotics syndicates look first to the U.S. market. Survey data announced Jan. 30 showing a resurgence of drug use among American teen-agers should signal a warning. If drug production and trafficking are left unchallenged at their international sources, they will overwhelm our ability to defend against drug abuse and crime here at home.•

THE MISSING LINKS IN AN UNHEALTHY SOCIETY

• Mr. LUGAR. Mr. President, I rise today to share with my colleagues in the Senate a recent speech delivered by Clarence E. Hodges entitled "The Missing Links in an Unhealthy Society." Mr. Hodges is currently president of Christian Record Services Inc., in Lincoln, NE. He also serves as chairman of the Human Rights Commission in Lincoln, and is a former Deputy Assistant Secretary of State. I ask that this speech be printed in the RECORD.

The United States of America, the great super power of the world, is the most desired country of residence in the world. At the same time, it has some of the most disturbing anti-social statistics. Why do citizens of every country look forward to visiting, studying, and living in America? Why is this country of prosperity and freedom plagued with problems of crime, violence, low self-esteem, and under class?

In 1964, President Lyndon B. Johnson announced his plans for developing "The Great Society". The goals included the elimination of poverty, illiteracy, illegal discrimination, and the advancement of provisions for health, success, and wealth for all Americans. Johnson's dream met a premature death even before his premature retirement from the Presidency.

Today, the great society may well be called the sick society. Our self-esteem is sick. Babies are giving birth to babies. In some cities, more babies are born out of wedlock than to married couples. Little boys are shooting little boys with assault rifles. Gangs get their excitement from drive-by shootings of innocent men, women, and children. One hundred thousand children think it necessary to carry guns to school each day. Parents are brutalizing their small children with ten to twelve being killed each day at the hands of those expected to protect them. In some cities, half of the students entering the ninth grade each year drop out before graduating from high school. Illegal drugs are as easy to acquire as potato chips and candy. Automobiles are stolen at the rate of one every twenty seconds. Three hundred fifty thousand children are put out of their homes each year, often at the insistence of step-parent or mothers' boy friends. Some as young as eight years of age live on the streets as prostitutes earning enough for a couple of hamburgers and a Coke each day. Yes, this is a sick society where the great society is no longer a dream.

The anti-family welfare system created more problems than it solved. Reform may be too little too late.

Where did we go wrong? What is the solution to these problems? What is the prescription for this disease?

Having served as Commissioner for the U.S. Administration for Children, Youth and Families with responsibilities for children and family programs and issues, I have seen the extensive research. I have visited the children's hospitals and seen the victims of abuse, neglect, substance abuse, and preventable diseases. I have lectured at the great schools of social work, listened to the philosophers and experts; visited the prisons, community centers, pool halls, and churches.

The complete family must be returned to the home and religion must be returned to the complete family.

To deny children such equates to human rights violations. It is more reasonable for a child to expect the protections provided by an in-tact functioning family than for adult drug addicts to be entitled to government housing and social security payments. Children are also denied religious freedom by ridicule. Religion, which gives stability and purpose to society, has been ridiculed right out of important segments of society. This is especially true in schools and other activities involving children. Children are thus denied religious freedom as guaranteed by Article 18 of the Universal Declaration of Human Rights which was adopted by the United Nations in 1948. To ignore religion is bad enough because religion is a historical part of the American and world fabric. To ridicule religion through pseudo science and uniformed logic and to detract from an intact functioning family at tax payer expense is tantamount to a death-threatening assault on society and spitting in the collective faces of those who value relationships with God, family, and country.

When compared to the rest of the world, America is still the greatest. But how does America compare to her potential? And if the current negative trends continue, how will she compare to the rest of the world in the distant future?

The challenge for America is to build on our greatness and stop destroying the foundation stones that made us great! "The American Way" does not allow for the imposition of family and or religion on anyone. Neither does it allow for the denial of same to anyone. Yet, denial by ridicule, where children are involved, is as much denial as denial by military might. The First Amendment of the Constitution not only keeps government from participating in the establishment of religion but keeps government from prohibiting the free exercise thereof. Tax supported activities which ridicule God, interfere with the free exercise of religion, especially where children are involved.

The impact of religion on the U.S. economy has never been fully measured. Religion and religious institutions provide millions of jobs. Church-operated social service agencies save government agencies billions of tax dollars annually. Let's revive the twin geese that laid the golden eggs. The golden eggs they laid include the enhancement of self-esteem. This enhanced self-esteem has a positive impact on our individual and collective successes and on our individual and national images. Let's encourage these twin institutions in their efforts to save our society by saving our children by saving our families. This will save America's place in the world for the world.•

NAPERVILLE'S CULTURAL AWARENESS AND TRAINING PROGRAM

• Mr. SIMON. Mr. President, I recently had the pleasure of visiting Naperville North High School in Naperville, IL and participate in its cultural awareness and training program.

In response to growing intolerance and prejudice, Naperville North students were challenged to make a commitment to speak out against acts of religious, gender, ethnic, racial or age discrimination. Students were also asked to help a friend that has a drug or alcohol problem.

I am pleased that over 300 students declared their commitment to recognizing and eliminating prejudice and discrimination, and I applaud the exemplary action of these students. I commend the efforts of Naperville North teachers Robert Walsh and Chris Langeneckert and Assistant Principal Catherine Finger for organizing this program. I would like to enter the names of the students in today's CONGRESSIONAL RECORD to acknowledge their willingness to speak out against injustice and intolerance. I also urge other schools and students to promote and participate in similar programs.

The list of names follows:

PARTICIPANTS IN THE CULTURAL AWARENESS AND TRAINING PROGRAM

Afshari, Saman.
Alaks, Nykki.
Allen, Kim.
Amundsen, Carrie.
Anderson, Eric.
Andrews, Alysia.
Aragones, Arthur.
Ashman, Melody.
Ashman, Heidi.
Babic, Cari.
Baker, Laura.
Barrington, Jenny.
Barry, Conor.

Basta, Bridget.
Baumgart, Phillipe.
Bessey, Bryan.
Bhatia, Deena.
Black, Antwian.
Blumthal, Bill.
Boehlen, Beth.
Borerio, Francesca.
Broad, Jennie.
Brooks, Marcus.
Brown, Anita.
Brown, Bridgette.
Brown, Levelle.
Brozovich, Amy.
Buchanan, Jack.
Buckley, Ossie.
Budinsky, Katia.
Buehring, Christine.
Bush, Vanessa.
Byrne, Raeghan.
Campbell, Kristie.
Cappa, Chris.
Carn, Charles A.
Carpenter, Amy.
Cato, Sibyl.
Chang, Tom.
Chang, Brian.
Chavez, Maria.
Childs, Rich.
Christein, Mandy.
Chung, Cathy.
Cohrs, Susan.
Cohrs, Cathy.
Collett, Jessica.
Collura, Missy.
Condie, Lisa.
Cook, Megan.
Craine, Roger.
Crannell, Sam.
Crawford, Amy.
Croco, Sarah.
DeBarba, Kirsten.
Decker, Ryan.
Dertz. Amy.
Desai, Meghana.
Dessy, Melanie.
Diaz, Gina.
Dixon, Antonio.
Doctor, Alaethia.
Dorn, Katie.
Drake, Chiqueta.
Dreisilker, Kurt.
Duncombe, Nate.
Dybas, Stefanie.
Eagleson, Theresa.
Eiserman, Karen.
Engstrom, Karin.
Ewald, Joy.
Fedofsky, Pete.
Filipek, Kristen.
Fink, Kalli.
Fjell, Erik.
Flores, Kim.
Forde, Genevieve.
Forsyth, Amie.
Fraser, Sean.
Fries, Michael.
Friz, Greg.
Ganjbaksh, Ali.
Giere, Brian.
Gill, Pam.
Ginsburg, Alex.
Glerguis, Sherene.
Gonzalez, Lety.
Griest, Neil.
Grigsby, Laura.
Grover, Erin.
Guill, Carra.
Gulley, Don.
Gupta, Vipul.
Guzman, Rick.
Hairston, Justin.
Hamm, Jessica.
Haraldsell, Tim.
Harris, Alan, Teach.
Hartman, Jen.
Hatch, Erin.
Hatch, Rachel.
Heeley, Steve.
Heinz, Tabatha.
Hichew, Evan.
Higgins, Katy.
Highland, Leslie.
Hilsenbeck, Jeff.
Housiten, Takakiea.
Hsu, Dave.
Hsu, Joanne.
Huang, Tina.
Hudson, Lisa.
Hume, Heather.
Hungness, Mary.
Ihlenfeld, Matt.
Ilyas, Fatima.
Irby, Kelli.
Iyer, Vijay.
Jackson, Marlon.
Jackson, Wendy.
Jech, Patty, Secre.
Jenkins, Danielle.
Jensen, Tracy.
Johnson, Jenn.
Johnston, Chris.
Jones, Valerie.
Jones, Jesse.
Katyal, Navin.
Kesman, Mark.
Keveloh, Trevor.
Kim, Mina.
Kim, Susan.
Kim, Jin.
Kirkpatrick, Aaron.
Knapik, Cyndi.
Kociolek, Eva.
Kolodziej, Dagmara.
Konrad, Sarah.
Kornbrot, Jeff.
Krishna, Malini.
Krock, Alison.
Krzysztonek, Ursula.
Kuntzman, Heidi.
Kwan, Vince.
Langeneckert, Chris, Teach.
Lee, Gloria.
Leonard, Melanie.
Lewis, Mark.
Lin, Cathy.
Lippoldt, Brad.
Liu, Jennifer.
Livanos, Vivian.
Lock, Spencer.
Lohr, Matt.
Lottich, Scott.
Lu, Emily.
Luckmann, Nikki.
Malek, Dave.
Malm, Kirsten.
Mambu, Robert.
Margosian, Charley.
Maughan.
Maxis, Mary.
McGowan-Klock, Mary, Teach.
McKahin, Megan.
Mehta, Mikhil.
Merriam, Karen.
Mertes, Beth.
Mickleson, Tim.
Miller, Candy.
Millsap, Lindsay.
Miner, Carmen.
Mitchell, Kerry.
Moore, Danielle.
Moravcik, Amy.
Moy, Godwin.
Moylan, Katie.
Mygind, Scott.
Naegelin, Clint.
Navarro, Christine.
Neal, Kristy.
Negus, Cheryn.
Neuendorf, Tim.
Newberry, Jeanne.
Nguyen, Bao.
Oliver, Clinton.
Ortiz, Frank.
Owens, Ashley.
Palangattil, Michelle.
Pan, Jeff.
Pan, Deby.
Park, Chris.
Parker, Bev.
Parnell, Alex.
Parsons, Nancy.
Patel, Anil.
Patel, Ashish.
Pederson, Bob.
Penn, Tasha.
Phelps, Matt.
Philipchuck, Kristen.
Pierce, Sarah.
Pitts, McKinley.
Pitula, Michael.
Plackett, Jesse.
Price, Amber.
Puglisi, Rachel.
Puniani, Sarika.
Quagliana, Dave.
Quayle, Chris.
Raheemullah, Noor.
Raju, Modhavi.
Ramsbottom, Todd.
Reed, Ellen.
Reese, Quintona.
Reilley, Kelly.
Reinert, Kristina.
Rest, Josh.
Rhee, Jenny.
Riddle, Jennie.
Rose, Melissa.
Rotramel, Alizah.
Rutledge, Tonie.
Sachdeva, Shalini.
Schild, Dave.
Schmidgal, Joel.
Schoen, Greg.
Schreiner, Lora.
Schwander, Nikki.
Schwartz, Jenn.
Senneke, Amanda.
Seok, Jore.
Sharks, Niah.
Sheen, Phil.
Silder, Scott.
Singh, Poonam.
Smith, Cheryl.
Smith, Brian.
Southworth, Lisa.
Stachowiak, David.
Stevens, Julie.
Stewert, Kim.
Stiff, Beth.
Stone, Melissa.
Straka, Katie.
Strougal, Becki.

STUDENTS ATTENDING THE ''I'LL SPEAK UP''
ATT LEADERSHIP

Suen, Inez.
Sula, Lisa.
Sun, Stephanie.
Suzzi, Frankie.
Swanson, Kayra.
Swardstrom, Lilly.
Synnott, Carol.
Synnott, James.
Tallon, Karen.
Tang, Samantha.
Terry, Leslie.
Thadani, Param.
Tittsworth, Robyn.
Tolia, Vaishal.

TRAINING—MONDAY, APRIL 25, 1994

Tsai, Sherry.

Udani, Suneel.
Ulie, Jenn.
Ulrey, Joe.
Utterback, Katie.
Vazquez, Tom.
Vintar, Karen.
Vogelpohl, Tracey.
Vojtik, Anne.
Wald, Karen.
Wall, Marin.
Wang, Alice.
Warren, Joe.
Wendorf, Matthew.
Werner, Megan.
Whisler, Eric.
Williams, TJ.
Willman, Luke.
Witegreutzer, Dan.
Wolcott, Andy.
Wood, Jennifer.
Woolman, Matt.
Wright, Marvin.
Wurl, Stacy.
Xiau, Feng.
Yaylor, Tricia.
Yi, Tang.
Ying, Jason.
Yoo, Anne.
Young, Richard.
Zech, Jennifer.●

ON LIFTING U.N. SANCTIONS ON IRAQ

● Mr. D'AMATO. Mr. President, I rise today to voice my strong concern over a proposal by Turkey to partially lift the U.N. sanctions against Iraq to allow Turkey to flush out some 12 billion barrels of oil from the pipeline which passes through Turkey. Turkey claims that the oil will be used for domestic purposes and will not be let out into the world market. It is my understanding that the administration will not object to such a move, should it come before the United Nations.

If this is in fact true, this could set a terrible precedent and provide Iraq a foot in the door to accomplishing its goal since its invasion of Kuwait: an end to the total U.N. embargo placed against it.

Mr. President, let there be no ambiguity about this, in no way, shape, or form can the U.N. sanctions be lifted on Iraq until it fully complies with all the U.N. resolutions. Now is the time for resolve, not appeasement.

Mr. President, I ask that the following article from Time be included in the RECORD following my remarks.

The article follows:

NO LONGER FENCED IN

(By Thomas Sanction)

PARIS.—On March 3, 1991, under a hastily pitched tent at Safwan air base in southern Iraq, General Norman Schwarzkopf gazed across the table at two grim-faced Iraqi generals and calmly dictated cease-fire terms that put an end to the six-week Gulf War. Stunned to learn that the U.S.-led forces had captured more than 60,000 of his soldiers, Iraqi Lieut. General Sultan Hashim Ahmad al-Jabbari acceded to each and every condition. "His face went completely pale," Schwarzkopf later recounted. "He had had no concept of the magnitude of their defeat."

Nor has the regime of Saddam Hussein fully accepted its defeat to this day. Although the West expected his warmaking capacity to be blunted once and for all, Saddam has gone back to business as usual. In defiance of U.N. sanctions that ban nonhumanitarian trade and clamp an embargo on arms sales to Baghdad, he is working to rebuild his military and industrial might. Helping him are middlemen, front companies, compliant neighbors and Western businessmen eager to reforge commercial contacts with a big potential customer and the possessor of the world's second-largest oil reserves.

Saddam doesn't always have to defy the U.N. to achieve his goals. Although Security Council resolutions forbid Iraq to possess or develop weapons of mass destruction, they place no such ban on his conventional-arms industry. Using a clandestine technology-procurement network never fully dismantled, Saddam continues to buy spare parts for T-72 tanks in China and Russia, antitank and air-defense missiles from Bulgaria, and may now be turning to West European firms for critical electronics for his air force. At the same time, he has pressed forward with Iraq's ballistic-missile research at newly built laboratories. With a leaner and meaner fighting machine of about 400,000 troops, Iraq still has the largest army in the region.

Anticipating the end of sanctions, Iraq has negotiated a batch of trade agreements with France, Turkey and Russia, and has even been discussing new contracts with U.S. companies. A loophole in the sanctions allows foreign companies to set up deals with Iraq that will take effect once the U.N. embargo is lifted. The French, Italians, Russians and Turks have interpreted this to mean they can enter contractual relationships; the U.S. has not. "It would be stupid for us to be the last ones in, when everyone else is lining up to sign contracts for Iraq's reconstruction," says General Jeannou Lacaze, retired chief of staff of the French armed forces.

Saddam is already on the verge of winning an important U.N. concession: a partial reopening of Iraq's oil pipeline through Turkey. Periodically Baghdad will be allowed to "flush" the pipeline of old oil—which the Turks claim is corroding the pipe—and fill it with fresh oil. Each flush will yield about 12 million bbl. of marketable oil, which would net Iraq some $50 million, and there could be several such operations every year.

Turkish officials, who say they are sacrificing $250 million annually in lost pipeline fees, insist that Iraq will get only humanitarian aid—not cash—in exchange for its oil. They promise to refine and use the oil domestically, so it will not upset the world petroleum market. The very idea of limited oil sales for Iraq is anathema to the U.S. But Washington will reluctantly go along with the Security Council plan because the U.S. does not want to offend Turkey, an important friend that allows American jets based on its soil to patrol Iraqi airspace. "Turkey is a good ally," says an American diplomat at the U.N. "We are sympathetic to Turkey's needs."

This week, as he does every 60 days, Iraq's Deputy Prime Minister Tariq Aziz will meet with the U.N. sanctions committee in New York City to argue for an end to the embargo. His previous entreaties were flatly rejected, but this time he will find growing support. Three of the five permanent members—France, Russia and China—want the trade bans eased. All three stand to win lucrative contracts to repair Iraq's infrastructure. France and Russia, among Saddam's major prewar trading partners, hope Baghdad could begin paying off its massive debts.

The U.S. and Britain insist that Iraq must first comply with every condition in the U.N. resolutions that ended the Gulf War. Baghdad argues that its recent cooperation with U.N. arms inspections is compliance enough. But U.S. officials doubt Saddam has renounced his dreams of regional dominance. Moreover, he is violating the U.N. resolutions on two key points by refusing to acknowledge Kuwait's independence and by committing human-rights violations against Iraq's Kurds and Shi'ites. Says Secretary of State Warren Christopher: "The stakes are too high to give Iraq the benefit of the doubt or to let our policy be dictated by commercial interests or simple fatigue."

No one doubts that the sanctions are biting. Inflation in Iraq has soared to 250% of prewar levels, while living standards have plunged by half. Both as a money-saving move and a hedge against defections of senior diplomats, Baghdad has recently had to close 15 embassies. The question facing Western policymakers is whether Saddam's intensified lobbying to end the embargo shows last-ditch desperation which would argue for keeping up the pressure in hopes of toppling the regime, or whether Saddam has successfully ridden out the storm. In any event, his strategy is clever and multipronged:

TACTICAL TWO-STEP

The pipeline deal is the first tangible gain from a tactical about-face by Saddam. After resisting efforts to monitor his capabilities for nuclear, biological and chemical warfare, he suddenly announced last November that his regime would comply fully with U.N. inspectors. Since then, Iraq appears to have done so.

Hans Blix, director general of the International Atomic Energy Agency, reported last October that "in all essential aspects, the nuclear-weapons program is mapped and has been destroyed through the war or neutralized thereafter." Rolf Ekeus, chairman of the U.N. monitoring team, believes Baghdad's chemical programs have been dismantled. Ekeus is also confident that his men have accounted for all 890 Scud-B missiles Iraq bought from the Soviet Union during the 1970s and '80s. But he still has doubts that Iraq has destroyed its biological-weapons program.

Saddam's aim is plainly to fulfill the letter of U.N. law by coming clean about Iraq's unconventional-weapons programs in order to get the sanctions lifted. But monitors like Ekeus suspect he has no intention of obeying the spirit of the ban. Iraq may already be secretly reviving its long-range missile program. Scientists continue to pursue ballistic-missile research, not only at sites destroyed during the war and rebuilt, such as the Saad 16 research and development center near Mosul, but in new facilities such as Ibn al-Haytham lab, constructed near Baghdad. While U.N. resolutions allow Iraq to build short-range rockets with a range under 93 miles, a U.N. expert notes "the same technology used to make a missile that flies 93 miles can be used on one that flies 400 or 1,200 miles."

U.N. inspectors insist on long-term monitoring to make sure Iraq does not resume development of mass-destruction weapons once sanctions are eased. "The Security Council does not trust Iraq's intentions," says Ekeus, "and for as long as that suspicion continues, we will continue our monitoring efforts."

SHOPPING NETWORK

There are clear indications that Saddam has reopened his high-tech procurement network. In June 1993 the Egyptian navy intercepted a freighter carrying hydrochloric acid from India outside the Gulf of Aqaba. Experts said Iraq could use the chemical for uranium enrichment.

Six months later, German and Saudi officials detained a German-registered ship, the *Asian Senator*, as it steamed past a Saudi port en route to Beirut. On board, they seized two containers of Chinese-produced ammonium perchlorate, an essential ingredient for solid-fuel rockets and ballistic missiles. Though the ostensible destination was Lebanon, U.N. monitors and U.S. officials confirmed that the real end user was Iraq's long-range missile program.

U.S. customs officials are investigating half a dozen cases in which Iraq allegedly broke sanctions. However, "for every case we see," says one of the agents, "there's probably a hundred potential violators out there." According to congressional investigators, many front companies established in the late 1980s to purchase parts and technology for Saddam's weapons programs continue to operate in France, Switzerland, Germany, Britain and the U.S. Last month American customs agents arrested a pair of Jordanian nationals, Al. M. Harb and his wife Rula Saba Harb, on charges of using a home-based front company in Midlothian, Virginia, to circumvent the Iraqi embargo. Court documents show that the couple made more than 100 shipments to Iraq over the past three years, including equipment that could be used for ballistic missiles and nuclear weapons. "These aren't the Rosenbergs," says a customs agent. "But we have established that they shipped equipment and spare parts of potential use to a revived Iraqi bomb program." The couple have been indicted for violating the Iraq embargo and will go on trial in mid-June.

To finance its arms programs, Baghdad is constantly trying to persuade the U.N. to release its billions of dollars of frozen assets on the pretext of buying "humanitarian" supplies. So far, with the agreement of the sanctions committee, the Iraqis have managed to get back more than $250 million for humanitarian purchases, most of it from British and Swiss banks.

OLD FRIENDS

France, which enjoyed cozy commercial ties with Iraq before the war, is particularly eager to loosen trade strictures. So far, the war and the embargo have cost taxpayers an estimated $8.7 billion in unpaid government-guaranteed loans, and Paris wants to get the money back.

At the same time, French companies that did big business with Baghdad want to resume a lucrative connection. State-owned oil giants Elf Aquitaine and Total were the first Western firms to make contact with Baghdad after the war. Iraqi authorities proposed to give the two French companies a rich production monopoly developing the Majnoun Islands and Nahr Umar oilfields, which could produce 1 million bbl. a day. In exchange, the Iraqis wanted the French to lobby for lifting U.N. sanctions. Since then, according to the weekly Canard Enchaîné, representatives of the two companies have made more than 40 trips to Baghdad and preliminary contracts have been drawn up. The French government has frozen the deal until sanctions are lifted, though a Foreign Ministry spokesman insists that "we have nothing against such contacts."

Baghdad is trying to attract Russia by offering major contracts for oil exploration and rebuilding refineries. In February the Italian gas company Italgaz sent a high-level delegation to Iraq, followed last month by representatives of 30 leading Italian companies, including Fiat autos and International Scientifica, a medical-equipment maker. British, German and Japanese firms have also been poking around the bazaar.

Nor have Americans been wholly absent. According to Western diplomats and business travelers, agents of Occidental Petroleum, Chevron, Boeing, General Motors and others have been spotted in the first-class hotels of Baghdad and Amman, Jordan, where many of the meetings with Iraqi trade officials take place. State Department officials say they have investigated these claims and found no sign of wrongdoing by U.S. companies, who are "officially discouraged" from making such contacts. Says a State Department official: "The Iraqis are engaged in a constant effort to get companies to deal with them quickly. They want them to believe the train is leaving the station and that they will be left behind if they don't jump on board."

Considering the potentially dire consequences—economic, military and diplomatic—of a hasty return to doing business with Iraq, the U.S. wants to err on the side of caution. That is also the position of the U.N. inspectors, who bear primary responsibility for making sure that Saddam's infernal death machine does not spring back to life. If the sanctions are lifted and the Iraqis renege on their promises, putting the restrictions back again may prove to be too little, too late.•

LECTURE BY FCC CHAIRMAN REED HUNDT: CHILDREN AND THE MEDIA

• **Mr. SIMON.** Mr. President, on February 28, 1994, Reed Hundt, Chairman of the Federal Communications Commission [FCC], gave a lecture to the Harvard Graduate School of Education on media and children. Chairman Hundt offered insight into a variety of issues concerning education, children and the media. I was particularly impressed with his remarks about television violence because of my long-time interest in this subject. He has provided great leadership on this issue, and his suggestion that the television industry take the challenge of reforming their relationship with their audience by creating prochildren and profamily programming is another important contribution.

I ask that Chairman Hundt's February 28 lecture "First Annual Action for Children's Television: Lecture on Media and Children" be entered at this point in the RECORD.

FIRST ANNUAL ACTION FOR CHILDREN'S TELEVISION LECTURE ON MEDIA AND CHILDREN, FEBRUARY 28, 1994

I have been at the Federal Communications Commission as its chairman and chief executive officer for just three months. Last Tuesday, we at the Commission gained a measure of public notice for our unanimous vote to lower the prices of certain regulated cable television services by an additional 7 percent, pursuant to the Cable TV Consumer Protection and Competition Act of 1992. That law was sponsored by, among others, the able and visionary Congressman from Massachusetts, Ed Markey.

Later last week I read in the newspapers that our cable rate decision allegedly broke up the Bell Atlantic-TCI merger, making me and my fellow Commissioner the biggest trustbusters since Teddy Roosevelt.

I appreciate the compliment, but I think it may have been underserved.

However, it is true that we at the FCC have a fair amount of responsibility for developments relating to the greatest story in history of communications since the invention of the printing press: the National Information Highway. For the record, that term was coined in the late 1970s by a graduate of the Harvard Class of 1969: a first-term Congressman named Albert Gore Jr.

(Incidentally, I hope someone's counting my references to Cantabridgians: I'm going for a record here. After 30 years of trying to get into Harvard, I can't count on returning.)

Tonight, I want to talk to you about three topics: First, I want to discuss how we approach all decisions at the FCC. Second, I want to explain how that approach relates to the three most important issues in our jurisdiction that bear on children. Finally, I want to call, and indeed beg for, your attention to a little-recognized fact. At this very moment, the Administration, certain key members of Congress and the FCC are discussing—almost as if in an otherwise empty room—a momentous shift in the power and method of educating children in America today.

As to the first issue—how we at the FCC approach our decisions; we at the Commission are doing our job in the light of two guiding principles.

First, in our decisions we aim to increase economic growth and create jobs, particularly by encouraging competition wherever and whenever possible, or by regulating rates so as to replicate the competitive model when that is necessary. That is what we tried to do with respect to our recent cable ruling, and I firmly believe that when our regulations are officially published and studied, they will greatly promote investment and economic growth.

Second, we will take actions that enhance access to markets for consumers, producers, and new entrants.

Decisions to promote economic growth and access have increasing significance because we increasingly live in an electronic age and work in an information economy. Already American business is largely transacted over what the Economist magazine recently called one of the seven wonders of the modern world: a telephone network that provides active service to 95% of all households and businesses.

We have 55 phone lines for every 100 Americans. In Brazil, there are 7 lines per 100 people in Africa, the number is 0.7.

These statistics do not just measure our economic development; they are a major cause of it.

For our economy depends on the networks. Approximately 60% of the workforce consists of "knowledge workers"—people who use the networks to communicate and learn in order to do their job. This number will go up. And the communications and information sector will also grow; depending in part of the FCC's decisions, it could reach one trillion dollars, one-sixth of current GDP, by 1997.

The influence of the networks is not just in our livelihoods; it is woven in the fabric of our lives.

Daniel Boorstin wrote that "America grew in the search for community," our ubiquitous cable and telephone networks, as well as over the air broadcast networks, are crucial to our ongoing search for community.

Without attention to issues affecting access; however, our already divided communities may shatter. If these networks do not reach into every community and bring us together, they could end up dividing us further—leaving whole segments of our country without the skills and information necessary to prosper in our post-industrial economy.

The principles of economic growth and access have particular application, I submit, to the three most important children's issue in our jurisdiction. These are the following:

(1) The Children's TV Act regulations.

(2) Violence on Television.

(3) The extension of our interactive networks into the classroom.

I want to focus tonight primarily on the third of these, not because the others are in any respect unimportant but because of the critical timing of actions you can take to influence what we do in Washington. However, let me discuss initially the other two issues.

First, in response to the Children's Television Act of 1990, the FCC promulgated regulations in April 1991 requiring TV stations to broadcast programming responsive to the educational and information needs of children 16 and under. No quantitative guidelines were set.

About a year ago, the FCC began an inquiry as to whether the rules should be modified. It is about time to bring that inquiry to a close and we intend to do so in the near future. The issues include the definition of "educational and information" programming and the wisdom of quantitative standards. In addition, I am particularly interested in the question of the economies of children's programming. What is likely to encourage marketplace economics to generate high quality children's programming?

This leads to a second children's issue: the impact of TV violence on children. At a convention of independent TV station owners and managers and programmers last month, I cited Dr. Leonard Eron, Professor of Psychology at the University of Michigan, who said that when it comes to determining whether violence on TV contributes to making children more violent "the scientific debate is over." Numerous studies over more then thirty years have proved a causal connection between TV violence and real-life violence.

I suggested to the broadcasters that the violence issue challenges television in much the same way that the concerns about auto safety challenged the car companies in the 1960s. These was then for the car companies and there is now for television a fork in the road: one way is the path of denial and confrontation. The other way is the route to opportunity and renewal.

Yogi Berra explained what to do in this situation: "When you come to a fork in the road, take it." And I suppose that there inevitably will be in a diverse industry some who want to go one way, and some who want to go the other.

But, as I said, I think the better way is clear. Non-violent programming can be for broadcasters what safety now is for the car companies: an opportunity to win again the trust of the public. It can be a chance to redefine the product so that it embodies the values of our country. Just as Chrysler invented a whole new family car, broadcasters can invent a new kind of family programming.

If programmers, cable operators, and broadcast TV licensees were to eschew violence in TV programming, they could invent a whole new kind of pro-children television. This new product would reforge their relationship with their audience. And it would further the implementation of the Children's TV Act. For although it is not inevitable that nonviolent programming would be educational and informative, certainly the new product that I called upon the industry to create will include programs that meet the words and the spirit of the Act.

Creating this new product, industry will provide children across this country with access to information and learning that too often today is unavailable. At the same time they will gain access to new business opportunities that will generate further economic growth.

My third, and time urgent, children's topic, concerns the country's classrooms. In Los Angeles, on January 11 of this year, the Vice President challenged every telecommunications company, school board, teacher, librarian, and citizen of this country to "connect and provide access to the National Information Infrastructure for every classroom, every library, and every hospital and clinic" in the country by the year 2000.

In his State of the Union speech two weeks later, the President said: "The Vice President is right—we must also work with the private sector to connect every classroom, every clinic, every library, every hospital in America into a national information superhighway by the year 2000." He went on: "Think of it—instant access to information will increase productivity, will help to educate our children."

That was the first time telecommunications was mentioned in a State of the Union speech. It was mentioned as the path to a new kind of education. This national information infrastructure of which the President and the Vice President have spoken will rely heavily upon our telephone and cable networks, as they exist and as they will become. Already telephone lines easily have sufficient capacity for some video applications and many voice, data, and computer linkup.

Meanwhile, cable operators are replacing coaxial cable with fiber optics cable, so as greatly to expand channel capacity at low cost. They are motivated to add channels to increase subscription revenue. (And, I might add, our recent regulations will make this incentive stronger than had been the case.) With the increase in fiber deployment, cable operators will be able to transmit all imaginable quantities of data and full motion video. In short, when the networks are built, any child can have access through a computer, TV set or telecomputer to any teacher and any group of children with access to the new network. Any child can at all times be in the virtual classroom that is right for his or her development or interest.

Whether cable combines with the switched telephone network, or whether cable companies install their own switches while telephone companies expand their bandwidth, are questions that private industry, academics, the FCC, and others in government will address in coming months and years. However, it is inevitable that switched, broadband, interactive networks will be built across the country. The President, the Vice President, and I hope all of you believe that these networks should reach all of the classrooms of all of our schools as soon as possible.

Already Bell Atlantic, PacBell and Ameritech have said, with some modest reservations that I think can be overcome, that they will connect all the schools in their regions to the developing broadband networks. A major cable company, TCI, made the same commitment. These commitments will extend the networks to more than ⅓ of American schools.

If—or dare I say when?—the Administration's challenge is met by everyone, education in this country will be reinvented, forever and for better.

Because of the extension of the networks to the classrooms, education is about to experience an evolution and transformation that accords with the theory that Stephen Jay Gould in his book of essays "The Panda's Thumb" called "punctuated equilibrium." According to this doctrine, a static ecosystem does not so much evolve gradually, but rather occasionally experiences jolts of change that cause entirely new species to emerge suddenly from the great pool of genes and to become dominant.

The current equilibrium in education has long consisted of a closed environment with a single teacher facing the churning inattention of the classroom of kids, with chiefly the voice and the book as the modalities of communication.

Like everyone my age, I learned in this environment. My perennial classrooms at the Walnut Hill Elementary School in Falls Church, Virginia, each with the single female teacher and three dozen dazed children, constituted an environment not much different from that in which education was meted out to my father and his father before him in Milwaukee, Wisconsin.

I can't report on educational conditions farther back than that, since Horace Mann's dream of public education never reached my nineteenth century potato farming forebears in Schleswig-Holstein.

I discovered the teacher's side of this static environment in 1969 when, with a Yale diploma in one hand and a copy of Jonathan Kozol's "Death at An Early Age" in the other, I took my first job: teaching seventh grade social studies in an inner-city school.

I had five classes of 35 kids each. Before the first class on the first day I was issued 35 textbooks. I distributed the books to the class. We covered a few pages. The bone-shattering bell rang. The kids raced to squeeze through the door en masse simultaneously. After more than half had escaped, I remembered that I had no other books, but 140 more kids to teach. I desperately shouted for everyone to return their books. I retrieved approximately 11. These did not survive past lunch. The rest of the year I taught with purple stained fingers and distributed for "material" sheaves of wrinkled mimeograph paper. I made up each lesson from whole cloth. Our "social studies" was supposed to be about global climate. I hope our environmental Vice President will forgive me—it turned into African History and, by spring, five parallel performances of Macbeth.

Fortunately for the curriculum committee, after one more year in teaching I elected to go to law school.

I tell this story as a prelude to suggesting that 23 years after I left teaching, the ecosystem (if you will) of the classroom is not nearly as changed from that of the junior high school I so inadequately served as it should be or could be.

Of course it is true that in the better schools there are many more than 35 books for 175 children, and most of our 2.5 million teachers are far more skilled now than I was then.

Indeed, it is the case that slightly more than half of all classrooms have computers, whereas when I was teaching the PC hadn't even been invented. And about one third of classrooms have cable television, thanks in very significant part to the admirable Cable in the Classroom program that programmers and cable system operators have initiated.

We need 100% penetration to classrooms in those respects, and it is hardly good news that there are almost no classrooms with more than one or two computers. Indeed, it is distressing that out of an average $6,400 spent per pupil per day, only $35 goes to technology. This is a sad misallocation of scant resources in light of studies showing that using interactive computer-based instruction is the most cost-effective way to increase educational achievement.

However, the special concern I want to share with you tonight is that our classrooms still in large part are enclosures in which a single teacher trying to communicate with a large group. And studies have repeatedly demonstrated that the larger the group, the worse the learning. But the fundamental problem is not the size of the classes, but the limitations of relying on one to many communication as the core of teaching.

I do not want us to tear down the walls around our classrooms. I want us to pierce them by connection of what we all now copy the Vice President by calling the information highway. Teachers are ready: a recent NEA study showed that most teachers appreciate the benefits of these advanced technologies and feel that, when given the tools, they have been more effective teachers because of technology. School districts, in places like Issaquah, WA, have already leveraged the investment of money by using students and parents to set up and run their interactive networks.

There are in this country only about 100,000 schools and 20,000 libraries. Within each school there are on average about 20 classrooms. (No one seems to know precisely how many.) It is readily possible for us to connect the interactive networks to the two million classrooms in the country's schools.

But today, we are far from that goal.

Only about one-eighth of all classrooms have a telephone line. Only 4% have a modem to connect a computer to other computers, to the great electronic storehouses of knowledge that are proliferating everywhere, to President Clinton and Vice President Gore on Internet, to—most importantly—other kids and other teachers in other classrooms.

The extension of the networks to the classrooms—first the current phone networks and eventually the great broadband networks of the near future—is the great event that in Gould's phrase, will punctuate, the static equilibrium of learning and cause profound change in education.

There are two reasons. First, an interactive network will create an explosion of learning by two-way communication. The one teacher addressing the single group of students is one to many discourse. Yet over the network, communication will be from many to many. When all the students participate, the teacher knows learning is happening and a community of knowledge is being built. Just as the great books, whether Newberry Award or Booker Prize winners, create a community of readers, so the great network will build communities of knowledge and learning among all teachers and all kids.

Second, the networks will allow students and teachers to escape the confines of the classroom and to join new learning groups over the networks. In the current definition of schooling children leave the classroom by occasionally moving to a different classroom, or by making the much-maligned field trip. Alternatively, they can escape by reading or, if they are lucky, looking at a computer.

When connected over networks, students can discover and participate in collective learning experiences that transcend the traditional classroom environment. These experiences will be diverse and rich. Over networks students may learn languages not spoken by any teacher in the student's school. Over networks, students may communicate not just to the pen pals of my youth, but through E-Mail, in real time to explorers in the Antarctic, as Vice President Gore did for a school in Silicon Valley in January. Over networks students may visit the vast electronic libraries that populate our new cyberspace. In the event of the networks, we can be assured that the illimitable soul of our teachers, as Emerson put it, will find boundless solutions over networks to the problems of education students with physical or learning disabilities.

Many in this country and, I am sure, in this room, share this vision. Indeed, Business Week focused on this last week with a cover story on "The Learning Revolution." As the story pointed out, education experts see interactive multimedia software as a key technology in revamping American education. Whether measured by numerous increases in test scores, or the anecdotal stories of kids' increased enthusiasm for learning, the power of interactivity to enhance education is extraordinary.

The article left no doubt that if the networks connect to the classroom, we will see an explosion of outstanding educational materials to serve our children. Savvy investors are investing millions in software to excite and to educate our children.

And on the non-profit side, Walter Annenberg recently made an astounding gift of over $500 million for the support of education. That gift came with a challenge to reform education and increase electronic access. Without such access, this gift would be too much like giving a child a book in a darkened room—linking the network to the classroom can be the light.

As Peggy Charren has always emphasized in her work on children's television, it is far better to focus on getting quality children's programming on the air than to focus only on getting bad programming off. Is there any doubt, then, that the best way to promote quality educational software is to create a market not from just the children rich enough to have personal computers at home, but for tens of millions who attend our schools everyday?

Perhaps the most visionary is George Lucas, of Star Wars fame. His Lucas Educational Foundation is leading the way into the interactive educational age. He has dedicated his Academy Award winning talents creating products which have been used by thousands of schools. When I talked to him this afternoon he described to me numerous ways in which his foundation is using technology to communicate the great ideas of our time.

Now, with the help of everyone from George Lucas to Business Week to this entire audience and beyond, I assume that like Captain Picard on Star Trek: The Next Generation, you are willing to simply "make it so." In that event, how are we going to get these networks into the classroom?

Congressman Markey has already surveyed the 20 largest telephone and cable companies to determine their views on linking America's classrooms to the information superhighway. A majority do not oppose linking the classrooms essentially for free, but they are concerned with details.

There are many questions. Should cable companies and telephone companies race each other into the classrooms?

Who does the internal wiring? Would asbestos be disturbed in some schools, electric conduits disrupted in others?

Should we set the standards for carrying capacity and interoperability?

Who will pay for transmission costs after the networks are installed? If a student calls long distance, who pays?

There are questions relating to how this will work in the classroom: What applications will be created? Who will control the content? How will students and teachers be trained? What will change in the relationship between student and teachers?

These are good questions, but when I hear them, I inwardly smile. For these are not questions about the grand unified theory of physics, or the balancing of the budget. These questions are the kind that can be readily solved and reasonably quickly. They are, in fact, questions that can be solved by you in this audience.

There is already a vehicle designed for you to help address these questions. It is S. 1822, a bill entitled the Communications Act of 1994, introduced by Senator Hollings, along with more than a dozen other Senators. When I testified about this bill last week, I told the Senators the most important part of the bill might be the language that directs the FCC to promulgate rules that will "enhance the availability of advanced telecommunications services to all public elementary and secondary school classrooms * * * and libraries."

Congressman Markey is the author of another telecommunications reform bill, H.R. 3636. This noble bill should be amended also to grant the FCC the authority to monitor and, where necessary, to compel the construction of the information highway into every classroom. I believe Congressman Markey agrees that is in the public interest to make this change.

We have a glorious opportunity in this Congress to do a very right thing, but I have not heard from a single educator or academic in support of the goal that the President outlined, that Senator Hollings aims to achieve and that Congressman Markey may well support. Certain telephone companies and cable companies have been helpful, but isn't the vision of the interactive educational enterprise compelling to Harvard? Harvard itself is going to be wired for interactivity within a few years, according to an announcement a couple of weeks ago. But all the schools and classrooms in the country should be included.

So how do we make this happen? It is most likely to happen if the people in this room join together, by forging public-private partnership to address the many issues raised by this opportunity.

We in government can help write rules but we need the wisdom of you here, a combination of not just of educators, broadcaster, and cable operators—but of utilities companies, regulators, software providers and most importantly, parents, to make it work right. This is my challenge to you—to form such a coalition and make it an effective voice for the children of America. Just as Peggy Charren fought, and is still fighting, to create quality children's programming on television, so you must together expand that fight by leading an effort for quality education technology in the classroom.

We cannot let it be the case that if you don't get into Harvard you're not on the network; if you don't go to a very fine school, you're destined to be electronically illiterate: no one here would accept that policy. So won't everyone here let me know, and let others know, just how they will help pass the legislation I have talked about, and just how they want the vision of interactive education to come to pass.

Back in the 1920's, E.M. Forster offered the famous dictum "only connect." By this he advised those of the lost generation awash with the cynicism created by the horror of the First World War, to focus not on the tragedies of life but on the joy of connecting with individual human beings.

When one looks at a number of statistics about the state of our schools, and the children in them, one could easily choose the path of despair. And there are many problems that linking the classroom won't solve.

But while Forster couldn't have foreseen it, his advice to "only connect" is an appropriate and utterly liberal paradigm for the generation coming up in the 1990s.

You in this group, at any rate, can make it so, if you wish.

Thank you very much for inviting me.●

SOUTH AFRICA'S MIRACLE

● Mr. SIMON. Mr. President, seldom is world-shaking news good.

But when Nelson Mandela stood to take the oath of office as President of South Africa, that electrified much of the world, for the good.

Almost 10 years ago I made my first trip to South Africa and came away convinced that that nation was headed toward one of the bloodiest civil wars in history, in which millions of people would die. Few then would have disagreed with that analysis.

Significantly, there were voices of reason within South Africa and outside of it, urging a change in policy, but they appeared to be muffled by the much louder voices of the extremists on both sides.

Some religious leaders spoke out; university campuses had a few voices of reason in their midst; the United States and other nations had an economic boycott. But the chance for a real change in policy seemed remote.

Two key people—one white and one black—played a decisive role in the miracle. F.W. de Klerk became President, someone whom many regarded as a caretaker leader until a more dynamic one emerged. But he startled South Africa and the world by freeing Nelson Mandela after 27 years in prison and by calling for the end of the stifling system of segregation in that country called apartheid.

And Nelson Rolihlahla Mandela, after 27 years in prison, emerged as a dignified man with one amazing, almost unbelievable trait: not a touch of bitterness.

The rest you know.

I had the privilege of being at the inauguration a few days ago, at the request of President Clinton, in a delegation headed by Vice President AL GORE and First Lady Hillary Rodham Clinton. The other Senator present was my colleague from Illinois, CAROL MOSELEY-BRAUN.

Those who predicted violence even at the inauguration saw a dignified ceremony with whites and blacks working together. Among others present for the event were three of the guards who kept Nelson Mandela in prison. He invited them. Nelson Mandela reached out to everyone, including his predecessor, F.W. de Klerk, asking him to serve as a Vice President, which he now does.

The chasm between blacks and whites in South Africa has been greater than in the United States or in any nation. Yet that chasm is now being bridged.

What a great tribute, not only to President Mandela and Vice President de Klerk, but to the people of South Africa.

If in South Africa people can reach across huge barriers to establish a better society, can't it also happen in Bosnia, in Northern Ireland, in Rwanda, in the Middle East—and even in Chicago, Washington, DC, and New York City?

We should not view the scene in South Africa as something that simply happens in a distant nation, but as the inspiration to all of us to do better, wherever we live.●

MEASURES READ THE SECOND TIME AND PLACED ON CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that it be in order for those items currently listed under bills and joint resolutions read the third time to be considered to have received their second reading, en bloc, and objection having been heard to further proceedings, the measures be placed on the calendar as provided for under rule XIV, paragraph 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. Tuesday, May 17; that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senators WELLSTONE and DORGAN recognized for up to 15 minutes each; that at 10 a.m., the Senate resume consideration of S. 2019, the safe drinking water bill; further, that on Tuesday, the Senate stand in recess from 12 noon to 2:30 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TUESDAY, MAY 17, 1994, AT 9:30 A.M.

Mr. BAUCUS. Mr. President, If there is no further business to come before the Senate—and I see no other Senator seeking recognition—I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:06 p.m., recessed until Tuesday, May 17, 1994, at 9:30 a.m.

NOMINATION

Executive nomination received by the Senate May 16, 1994:

DEPARTMENT OF STATE

MARY ANN CASEY, OF COLORADO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

EXTENSIONS OF REMARKS

TRIBUTE TO AMERICA'S FIGHTING FORCES

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1994

Mr. BATEMAN. Mr. Speaker, I would like to bring to the attention of my colleagues in the House of Representatives an article recently published in the Newport News Daily Press by Gen. Frederick M. Franks, Jr., commander in chief, U.S. Army training and doctrine command. General Franks has written what I believe to be a truly moving testament to the quality of our men and women who serve in the Armed Forces and the way in which they unfailingly attain new heights in courage and dedication at times of greatest adversity. From the forests of the Ardennes to the mountains of Korea, from the jungles of Vietnam to the deserts of Iraq and Somalia, America's fighting men have continuously proven their willingness to sacrifice themselves for their fellow soldiers and for their country. Perhaps nowhere is this spirit of sacrifice and dedication more prevalent than among those who return from the battlefield permanently disabled, and Frederick Franks belongs in the group, having lost a leg in Vietnam. It is that category of veteran and military retiree that is the focus of General Franks' article and I highly recommend my colleagues read it.

HEROES ON THE BATTLEFIELD OR THE SKI SLOPES

(By Frederick M. Franks Jr.)

We do not have to look up heroes in history books. They are all around us every day. American heroes. They are Americans from all across America who look like America. They are soldiers and their families. They are volunteers—reaching out to serve when needed with a hand to help and a heart to care.

I recently went to Fort Bragg, N.C., to visit with fellow soldiers injured in the tragic accident March 23 at Pope Air Force Base. President Clinton, Secretary of the Army Togo West and Chief of Staff of the Army, Gen. Gordon Sullivan had all previously visited our soldiers.

Lt. Gen. Hugh Shelton, XVIII Airborne Corps commander, took me for a brief visit to the accident site before going to the hospital. It was a battlefield scene. And as I listened to accounts of the accident I visualized all the battlefield behavior I have seen of American soldiers in combat: soldiers helping each other—medics, volunteers and leaders moving swiftly to the scene.

I have seen combat and I have been among heroism on the battlefield in two wars in Vietnam and Iraq. I also have seen brave soldier-heroes in hospitals from Vietnam to Valley Forge and Saudi Arabia to Walter Reed. Now there, listening, I saw it all again—American soldiers rising to a moment that they did not choose.

Later visiting with injured soldiers in the hospital, I was struck with their courage and selflessness. They asked about their fellow soldiers. They talked about getting back to duty. They talked about those who had died or others hurt worse than they. They talked about anything but themselves.

They were hurt and down but already on the way back. They were inspiring to be with. They are your soldiers—America's Army. They are sons and daughters, husbands and wives, brothers and sisters. American soldiers.

That same day I went to Crested Butte, Colo., for the opening ceremonies of the National Disabled Veterans Winter Sports Clinic. This is a week sponsored by the Department of Veterans Affairs and the Disabled American Veterans (DAV) with significant corporate assistance.

It was started by Sandy Trombetta, clinic organizer and director, eight years ago when he reached out to a disabled veteran and began a dream. This year his dream included more than 240 veterans who were amputees, visually impaired or had spinal cord injuries. They assembled at Crested Butte to receive rehabilitation through skiing, snowmobiling, swimming and other vigorous sports. Two veterans were from our VA Hospital in Hampton and two soldier-amputees were from actions last fall in Somalia.

But there was more there than athletics. There were Americans reaching out to each other: veterans, volunteers from Crested Butte and across America, craftsmen configuring prosthetic ski devices on-the-spot out of the back of a truck, doctors, prosthetists, Sandy Trombetta, and Bruce Nitsche and Art Wilson from the National Headquarters of the DAV pulling it all together. Americans from our wars and other operations were there: World War II, Korea, Vietnam, Desert Storm and Somalia. These are American veterans who get a reminder every day as they get in their wheelchair, strap on their prosthesis, or reach for their cane—it never goes away.

Who are they? They are the same Americans I saw at Fort Bragg and other places in the past who did what their country asked. And they are supported by other Americans who did not go away and who did not forget, Americans who long after the battles remain, remember and then continue their commitment of reaching out to help veterans help themselves. Communication without words. All of it—selfless service.

After speaking by phone to Maj. Gen. Mike Steele, 82d Airborne Division commander, who had just finished visiting his soldiers at Brooke Army Hospital in San Antonio, Texas, I went to Brooke Army Hospital on my way back from Colorado and was permitted to visit the wards with most of the very seriously burned soldiers from Fort Bragg. I was escorted by Col. (Dr.) Basil A. Pruitt, commander and director of the U.S. Army Institute of Surgical Research (U.S. Army Burn Center), and Brig. Gen. Mike Canavan, assistant division commander of the 82d Airborne Division. I was met there by Col. Elizabeth Greenfield, chief nurse.

I also was able to talk with some soldier-families in a splendid family assistance center staffed mostly with volunteers and set up at Fort Sam Houston. I have seen heroic actions on the battlefield and I have personally felt the pain of combat as well as the physical and emotional battles on the long road back. But I was not ready for the heroism I saw again in Texas.

Every soldier I visited who could talk said to me either "hooah," "airborne" or "all the way." Now that is soldier talk for a lot of things, but mainly it is about soldiers fighting through enormous pain and grabbing onto the verbal symbols of the toughness and commitment to each other that bind them together and make them so great in service to America. They are the best of America. They are the best we have. Selfless and courageous.

I spoke to each soldier, but more communication passed between us than words. They said more to me about courage, selfless service and trust than I could ever describe.

They are American soldiers, being cared for by other soldiers and airmen and soldier-doctors—the best caring for the best. Reaching out to each other, they are the strength of America. They trust each other. There is something noble, good and right about such American soldiers. I was honored to be in their presence.

"Don't worry, general, we trust you," a soldier in VII Corps' 3d Armored Division said to me before we attacked into Iraq in 1991. U.S. Army Rangers in Mogadishu on Oct. 3, 1993, reached back for their fellow soldiers and fought all night protecting each other. And in each of these visits I heard it again, "I'll be OK. How's so and so? I'm not as bad as. . . . I'll be back jumping in no time. Hooah; airborne." And earlier, "I'd do it again even though I lost an arm and a leg if none of my soldiers were hurt."

Heroes. All around us. They are not from some other planet or strangers from a history book.

Where do they come from? How do we get such people?

They come from America and they are us. They reach out to each other and reach out to serve a cause greater than themselves. They were hurt badly but were thinking of what they had—not what they did not have—and what to make of that.

I count myself lucky to be among such Americans, to walk in their ranks, to both serve them and be entrusted to lead them. Look around you and find the best in America. It's all around us every day. We notice it during tough times. It was especially all around me on these three powerful days.

Please include a prayer for these heroic Americans still in hospitals or recovering, and for their families and the families of those who died.

THE ROLE OF WOMEN IN SCIENCE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1994

Ms. ESHOO. Mr. Speaker, I rise to inform Members about an important hearing today in the House Energy Subcommittee which I co-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

chaired with Chairwoman MARILYN LLOYD. The hearing focused on the role of women in science.

The hearing was unprecedented because it was the first time a subcommittee under Science, Space, and Technology received testimony from an all-female panel. I commend Chairwoman LLOYD's leadership to include more women at these hearings.

Also participating in the hearing were eight young women who sat in Members' seats and listened to testimony. These young women asked insightful, probing questions of the witnesses and voiced their apprehensions and aspirations about careers in science. I encourage these young women to follow through with their dreams to pursue careers in the sciences.

The questions asked at today's hearing were important because they provided substance to the criticism that women are underrepresented in scientific fields.

While women in general are underrepresented in the sciences, their representation on our country's most prestigious scientific bodies is even worse. In the 1990's the National Academy of Science inducted an average of 6 women in each new class of 60. This rate must improve if young women are to be provided with model scientists to emulate.

The same message came through loud and clear from the eight women scientists who testified before the subcommittee today. They offered words of encouragement to the young women to overcome obstacles to careers in these fields.

I thank them for their efforts and thank Chairwoman LLOYD for her 20 years of leadership in this area. Our young women need to hear again and again that they can and should aspire to successful careers in science and we in the Congress will help make their dreams come true.

THE ARMENIAN GENOCIDE

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1994

Mr. PENNY. Mr. Speaker, April 24, 1994, marked the 79th anniversary of the Armenian genocide. From 1915 to 1923, 1.5 million Armenian men, women, and children were either deported or exterminated by the Ottoman Empire. By the end of 1923, the Armenian population of Turkey ceased to exist.

Even today, Mr. Speaker, there are those who deny that genocide against the Armenians ever happened. The Government of Turkey has not acknowledged the truth, claiming instead that the Armenians were victims of World War I. However, the truth about the genocide was evident to Henry Morganthau, U.S. Ambassador to the Ottoman Empire between 1913 and 1916. After visiting the Armenian territories, Morganthau reported back to Washington:

> I am confident the whole history of the human race contains no such horrible incident as this. The great massacres and persecutions of the past seem insignificant when compared to the sufferings of the Armenian race in 1915.

Sadly, the Armenian genocide was not an isolated incident in the world. We must never forget the Jewish Holocaust or the Cambodian genocide. I fear that the same thing may be occurring in Rwanda today. A world that forgets or turns its back on such tragedies is a world that will see them repeated. We cannot afford to send the message that genocide is an acceptable form of behavior in the world community.

As we commemorate the tragedy of the Armenians earlier this century, let us focus our attention on the current situation in Armenia and Azerbaijan, and the disputed region of Nagorno-Karabakh. Mr. Speaker, it would be easy to blame the Azerbaijanis for all of the current problems in the Caucasus. Azerbaijan has enacted a crippling economic blockage on Armenia, causing untold hardship on the Armenian people. It has denied a 75-percent majority of ethnic Armenians in Nagorno-Karabakh the right to self-determination. However, this is only part of the story. Armenians in Nagorno-Karabakh over the last year have attacked and taken control over Azerbaijani territory outside of Karabakh.

We must show displeasure with both Armenians and Azerbaijanis for aggression and disregard for basic human rights. The humanitarian standards for civilians on both sides of the conflict have continued to deteriorate over the past year.

Mr. Speaker, I do have some concerns about U.S. humanitarian assistance to the region. The Freedom Support Act has specifically excluded Azerbaijan from receiving assistance. Under section 907, the Government of Azerbaijan is prohibited from receiving any humanitarian assistance "until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh."

The Freedom Support Act specifies that all recipients of U.S. aid must respect human rights. Yet Armenia has violated some of the same specific points required by Azerbaijan. It has prevented trade from reaching Nakhichevan, a part of Azerbaijan that lacks any direct land link to the rest of Azerbaijan. Yet only Azerbaijan is held responsible for failing to trade with Armenia. Armenia has not respected the rights of ethnic Azerbaijans living in Armenia. According to the United States Committee for Refugees, a neutral third-party observer, Azerbaijanis living in Armenia have fled as a result of persecution.

Section 907 also prohibits "offensive uses of force." During the past year, we have witnessed ethnic Armenians increasingly resort to offensive uses of force in Azerbaijan. The U.N. Security Council in 1993 condemned the continued aggression by ethnic Armenian forces outside of Nagorno-Karabakh through Resolutions 822, 853, 874, and 884. Azerbaijani forces have been in retreat during the past year, yet we continue to penalize them for using offensive uses of force.

Mr. Speaker, both sides of this conflict must be held accountable for their actions. I am convinced that the prohibition of assistance to Azerbaijan as dictated under section 907 runs counter to our strategic and humanitarian interests in the Caucasus. Our current strategy has not contributed to a peaceful solution to this conflict and has most certainly caused enormous suffering to innocent civilians. If we ever hope to play the role of an honest broker in the region, we must treat both parties in an even-handed manner and encourage them to move forward toward a lasting solution.

Therefore, I propose that we rescind section 907 of the Freedom Support Act. If we cannot summon the courage to repeal section 907, which prohibits humanitarian aid to the people of Azerbaijan, we must then encourage the nongovernmental bodies such as the American Red Cross and the Adventist Development Relief Agency to continue delivering humanitarian assistance to all victims in the region.

So today, Mr. Speaker, let us commemorate past atrocities by calling attention to the continued killing of Armenians and Azerbaijanis. Ethnic hatred continues to cause the needless deaths of innocent civilians in this region. We must reexamine our policy and increase our efforts to help both sides find an enduring and just peace.

COMMENDING THE ST. CROIX ENVIRONMENTAL ASSOCIATION

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1994

Mr. DE LUGO. Mr. Speaker, I rise to commend the St. Croix Environmental Association for being chosen to receive U.S. Environmental Protection Agency's 1994 Environmental Quality Award, one of just 25 given out nationwide.

The EPA cited the St. Croix Environmental Association, known as SEA, for its education and preservation programs, its ocean and water monitoring, litter cleanups, and "Releaf Teams" to replace trees lost during Hurricane Hugo in 1989.

SEA also played a key role in supporting my legislation that established the Salt River Historical Park and Ecological Preserve on St. Croix, one of the Virgin Islands' and our Nation's richest and most important places.

An organization is only as effective as its leadership and its members. Over the past decade, SEA has grown from just a few members to one of the largest and most influential public interest groups in the Virgin Islands.

SEA is proof positive of how much individuals can do when they get together, organize, set goals, and invest a lot of hard work.

Congratulations, members of SEA. You have made a real difference in the quality of life on St. Croix.

HONORING CARMEN ZAPATA

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1994

Mr. BECERRA. Mr. Speaker, I rise today and address this House to recognize Ms. Carmen Zapata, a grand American, for her commitment to the arts and to the community of Los Angeles.

Since 1973, Carmen Zapata has been the president, producing director, and cofounder of the Bilingual Foundation of the Arts [BFA], a performing arts organization dedicated to presenting the Latino experience and culture, through the medium of bilingual theater productions, to both English- and Spanish-speaking audiences.

Ms. Zapata has been quoted as saying, 'Hispanic drama is recognized throughout the world, and deservedly so. But because of the language barrier, it's not well-known to this country." Bringing Hispanic drama to Los Angeles has taken hard work and determination, two qualities inscribed with Carmen Zapata's name.

Ms. Zapata has devoted more than two decades to the Bilingual Foundation of the Arts, which is celebrating its 21st anniversary on May 20, 1994. The foundation stages three plays a year, ranging from classical to contemporary, by playwrights from the United States, Mexico, Central and South America, the Caribbean, and Spain. Ms. Zapata has rightfully received much acclaim for these productions.

She works closely with the Los Angeles Unified School District to bring the works of great Latino authors to students. Since 1985, the bilingual Foundation of the Arts has dispatched two touring bilingual youth productions each year throughout southern California—one to grade schools and another to middle and high schools.

The youngest of three children of a Mexican-born father and an Argentine-born mother, Ms. Zapata grew up in New York's Spanish Harlem. In 1945, fresh out of high school, she landed her first role in the Broadway musical "Oklahoma!" After several years on Broadway, she took to the road and appeared throughout the country as a stand-up comedienne. Since moving to Los Angeles in 1965, Ms. Zapata has appeared in numerous television and film productions. Her numerous credits include the television series "Viva Valdez," "The Bold Ones," "Hunter," "Santa Barbara," and the recent and successful film "Sister Act."

During more than 40 years in the performing arts, Ms. Zapata has enjoyed a highly diversified career as an actress, producer, translator, and lecturer/narrator. Ms. Zapata has received many awards in appreciation of her contributions in the areas of education, community service, and performing arts.

"Art is expression," Ms. Zapata once said, "and if you know what people feel and think, then you know what people are. And once you begin to understand that, we can begin to live together peacefully * * *"

The arts are, above all, about human communication and interaction. I am one who believes that Ms. Carmen Zapata has achieved the fullest definition of a role model, not only as a woman, a Latina, and an artist, but as an ambassador of creativity and goodwill. She has shared the beauty of the Spanish language and the written word with our multicultural community that is Los Angeles.

Mr. Speaker, on May 20, 1994, friends and supporters will gather at a special dinner to celebrate the Bilingual Foundation of the Arts' 21st anniversary. On this same evening, I would like to ask my colleagues to join me in saluting an exceptional woman, Carmen Zapata, for her outstanding service and many contributions to the arts, to Los Angeles, and to all who love the magic and vitality of art.

BETTER PHARMACEUTICALS FOR CHILDREN

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1994

Mr. KREIDLER. Mr. Speaker, pharmaceutical research and development has brought us thousands of life-saving medicines. Most of these drugs have been developed and tested in clinical trials for adults, with much less research on their uses and effects for children.

One reason is that the Food and Drug Administration typically approves new drugs on the basis of studies conducted with adults. Drug manufacturers have little incentive to undertake costly additional research on drug and dosage effects on children, who are usually a small segment of the market for a new drug.

That means fewer than a third of prescription drugs are labeled for pediatric use. Physicians can still prescribe them for children, but they have to estimate the appropriate doses. Estimates can be uncertain, especially because young children often metabolize drugs differently from adults. Some drugs can be less safe in children than in adults, even when appropriate doses are used, and side effects can sometimes be different.

There is increasing concern among pediatricians and other health professionals about the lack of child-centered pharmaceutical research, and the need to encourage more. That's why I am introducing the Better Pharmaceuticals for Children Act with my colleagues Congresswoman JOLENE UNSOELD and Congressman ROY ROWLAND. Similar legislation has been introduced in the Senate.

This bill would establish a 6-month period of market exclusivity for new drugs whose manufacturers conduct pediatric studies at the request of the Secretary of Health and Human Services. Such studies would lead to appropriate labeling of drugs for treating children and take the guesswork out of an important part of medical practice.

The bill does not allow a manufacturer to avoid competition simply because it wants to. The studies must be requested, and the protocols approved, by the Secretary of Health and Human Services. And the period of market exclusivity is limited to 6 months, regardless of how long pediatric studies may take.

Mr. Speaker, the Better Pharmaceuticals for Children Act is a valuable step toward better medical care for all America's children. I urge my colleagues to support it.

The text of the bill follows:

H.R. ——

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Better Pharmaceuticals for Children Act".

SEC. 2. PEDIATRIC STUDIES MARKETING EXCLUSIVITY.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 501 et seq.) is amended by inserting after section 505 the following new section:

"PEDIATRIC STUDIES FOR NEW DRUG APPLICATIONS

"SEC. 505A. (a) If an application submitted under section 505(b)(1) is approved on or after the date of enactment of this section, and such application includes reports of pediatric studies described and requested in subsection (c), and such studies are completed and the reports thereof submitted in accordance with subsection (c)(2) or completed and the reports thereof accepted in accordance with subsection (c)(3), the Secretary may not make the approval of an application submitted under section 505(b)(2) or section 505(j) which refers to the drug for which the section 505(b)(1) approval is granted effective prior to the expiration of 6 months from the earliest date on which the approval of such application for the drug under section 505(b)(2) or section 505(j), respectively, could otherwise be made effective under the applicable provisions of this chapter.

"(b) If the Secretary makes a written request for pediatric studies described in subsection (c) to the holder of an approval under section 505(b)(1) for a drug, and such studies are completed and the reports thereof submitted in accordance with subsection (c)(2) or completed and the reports thereof accepted in accordance with subsection (c)(3), the Secretary may not make the approval of an application submitted under section 505(b)(2) or section 505(j) which refers to the drug subject to the section 505(b)(1) approval effective prior to the expiration of 6 months from the earliest date on which an approval of such application under section 505(b)(2) or section 505(j), respectively, could otherwise be made effective under the applicable provisions of this chapter. Nothing in this subsection shall affect the ability of the Secretary to make effective a section 505(b)(2) or section 505(j) approval for a subject drug if such approval is proper under such subsection and is made effective prior to the submission of the reports of pediatric studies described in subsection (c).

"(c)(1) The Secretary may, pursuant to a written request for studies after consultation with the sponsor of an application or holder of an approval for a drug under section 505(b)(1), agree with the sponsor or holder for the conduct of pediatric studies for such drug.

"(2) If the sponsor or holder and the Secretary agree upon written protocols for such studies, the studies requirement of subsection (a) or (b) is satisfied upon the completion of the studies in accordance with the protocols and the submission of the reports thereof to the Secretary. Within 60 days after the submission of the report of the studies, the Secretary shall determine if such studies were or were not conducted in accordance with the written protocols and reported in accordance with the Secretary's requirements for filing and so notify the sponsor or holder.

"(3) If the sponsor or holder and the Secretary have not agreed in writing on the protocols for the studies, the studies requirement of subsection (a) or (b) is satisfied when such studies have been completed and the reports accepted by the Secretary. Within 90 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within 90 days, that the studies fairly respond to the written request, that such studies have been conducted in accordance with commonly accepted scientific principles and protocols, and that such studies have been reported in accordance with the Secretary's requirements for filing.

"(4) As used in this section, 'pediatric studies' or 'studies' means at least 1 human clinical investigation in a population of adolescent age or younger. At the Secretary's discretion, pharmacokinetic studies may be considered as clinical investigations.

"(d) If the Secretary determines that an approval of an application under section 505(b)(2) or section 505(j) for a drug may be made effective after submission of reports of pediatric studies under this section but before the Secretary has determined whether the requirements of subsection (c) have been satisfied, the Secretary may delay the effective date of any approval under section 505(b)(2) or section 505(j), respectively, until the determination under subsection (c) is made, but such delay shall not exceed 90 days. In the event that the requirements of this section are satisfied, the 6-month period referred to in subsection (a) or (b) shall be deemed to have begun on the date an approval of an application under section 505(b)(2) or section 505(j), respectively, would have been permitted absent action under this subsection.

"(e) The Secretary shall publish notice of any determination that the requirements of subsection (c)(2) or (c)(3) have been met and that approvals for the drug will be subject to deferred effective dates under this section.".

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 17, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 18

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To resume hearings on the childhood immunization program.
SD-192

Commerce, Science, and Transportation
To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on Titles I-III relating to competition for local telephone service and universal service.
SR-253

Foreign Relations
To hold hearings on the nominations of Jan Piercy, of Illinois, to be United States Executive Director of the International Bank for Reconstruction and Development, and Sally A. Shelton, of Texas, to be an Assistant Administrator of the Agency for International Development.
SD-419

2:00 p.m.
Environment and Public Works
To hold hearings on the U.S. Army Corps of Engineer Civil Works program and its policies on recreation and environmental protection.
SD-406

Foreign Relations
To hold hearings on the nomination of Timothy A. Chorba, of the District of Columbia, to be Ambassador to the Republic of Singapore.
SD-419

MAY 19

8:00 a.m.
Labor and Human Resources
Business meeting, to consider proposed legislation to provide for health care security.
SD-430

9:30 a.m.
Armed Services
Business meeting, to discuss pending military nominations.
SR-222

Governmental Affairs
To hold hearings on regulatory review of the Paperwork Reduction Act.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on S. 2095, to reform the Federal crop insurance program.
SR-332

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.
SD-106

2:00 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine risks and regulation of financial derivatives.
SD-538

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 3252, to provide for the conservation, management, or study of certain rivers, parks, trail and historic sites, H.R. 4034, to revise the Urban Park and Recreation Recovery Act of 1978 to authorize grants for the expansion of recreation opportunities for at risk youth in urban areas with a high prevalence of crime, S. 523, to expand the Fort Necessity National Battlefield, S. 2089, to authorize the establishment of the Steamtown National Historic Site, and other pending bills and resolutions.
SD-366

Labor and Human Resources
Business meeting, to continue mark up of proposed legislation to provide for health care security.
SD-430

3:00 p.m.
Environment and Public Works
Superfund, Recycling, and Solid Waste Management Subcommittee
Business meeting, to discuss markup procedures for proposed Superfund reauthorization legislation.
SD-628

MAY 20

8:00 a.m.
Labor and Human Resources
To continue mark up of proposed legislation to provide for health care security.
SD-430

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veteran Affairs and Housing and Urban Development, and independent agencies.
SD-138

9:30 a.m.
Governmental Affairs
Regulation and Government Information Subcommittee
To hold hearings to examine whether certain medical device materials are a threat to public health.
SD-342

MAY 24

9:30 a.m.
Armed Services
Business meeting, to discuss issues relating to markup of the proposed National Defense Authorization Act for Fiscal Year 1995.
SR-222

Energy and Natural Resources
To hold hearings on the science concerning global climate change.
SD-366

Indian Affairs
To hold hearings on S. 2075, to reauthorize and improve programs of the Indian Child Protection and Family Violence Prevention Act, and provisions of S. 2074, to increase the special assessment for felonies and improve the enforcement sentences imposing criminal fines.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on strategic programs.
SD-192

Commerce, Science, and Transportation
To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on local competition and universal service.
SR-253

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on export promotion.
SD-138

Energy and Natural Resources
To hold hearings on proposed legislation authorizing funds for programs of the Energy Policy and Conservation Act, and S. 2032, to revise the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States.
SD-366

MAY 25

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on organized crime and its impact on the United States.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.
S-128, Capitol

10:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on education and telecommunications infrastructure.
SR-253

MAY 26

9:00 a.m.
Armed Services
Business meeting, to discuss procedures for markup of the proposed National Defense Authorization Act for Fiscal Year 1995.
SR-222

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1350, to revise the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.
SR-253

Energy and Natural Resources
To hold hearings to examine policy options for the disposition of excess weapons plutonium.
SD-366

Rules and Administration
Business meeting, to mark up S. 1824, Legislative Reorganization Act, H.R. 877, Smithsonian National African American Museum, an original bill authorizing appropriations for fiscal year 1995 for the Federal Election Commission, S. Res. 196, printing resolution for Aging Committee, an original resolution authorizing the purchase of 1995 wall calendars, H. Con. Res. 222, authorizing acceptance and placement of a bust in the Capitol, and other legislative business.
SR-301

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.
SD-106

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on S. 1989, to prohibit the transfer and novation of an insurance policy without the prior informed written consent of the policyholder.
SR-253

JUNE 8

9:30 a.m.
Indian Affairs
To hold hearings on S. 1936, to provide for the integrated management of Indian resources, and S. 2067, to establish an Assistant Secretary for Indian Health, and to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services.
SR-485

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.
S-128, Capitol

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

JUNE 9

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To continue hearings on water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

JUNE 15

9:30 a.m.
Indian Affairs
To hold hearings on S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act.
SR-485

JUNE 16

9:30 a.m.
Rules and Administration
To hold hearings on S.Res. 69, to require that an evaluation of the financial impact that any Federal mandates would have on State and local governments be included in the committee report accompanying each bill or resolution containing such mandates, S.Res. 157, to require a supermajority for committee approval of bills containing unfunded Federal mandates, and S.Res. 158, to require a supermajority for Senate approval of bills or amendments containing unfunded Federal mandates.
SR-301

CANCELLATIONS

MAY 19

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.
SR-253

POSTPONEMENTS

MAY 17

10:30 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 825, to revise title 28, United States Code, to permit a foreign state to be subject to the jurisdiction of Federal or State courts in any case involving an act of international terrorism.
SD-226

MAY 19

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.
SD-192